

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

2023 Regular Session  
Convened January 9, 2023  
Adjourned Sine Die April 24, 2023  
2023 Special Session  
Convened May 16, 2023  
Adjourned Sine Die May 16, 2023

VOLUME 1



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

Compiled and edited by Gary Holt, House Journal Clerk

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## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIRST DAY

House Chamber, Olympia, Monday, January 9, 2023

The House was called to order at 12:00 p.m. by Chief Clerk Bernard Dean for the 2023 Regular Session of the 68th Legislature.

The flags were escorted to the rostrum by the Washington State Patrol Honor Guard, Commanded by Sergeant James Maguire, and comprised of Sergeant William Rutherford, Trooper Brian Chase, Trooper Jeffery Eifert, and Trooper Michael Sessions. Chief Clerk Dean led the Chamber in the Pledge of Allegiance.

The National Anthem was sung by Representative Paul Harris, 17th Legislative District.

The prayer was offered by Pastor Gregory Christopher, Shiloh Baptist Church, Tacoma.

The Chief Clerk called upon Representative-elect Julio Cortes and Representative-elect Greg Cheney to escort Justice Raquel Montoya-Lewis of the Supreme Court of the State of Washington to the rostrum.

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

## MESSAGES FROM THE SECRETARY OF STATE

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

Madam Speaker:

I, Steve Hobbs, Secretary of State of the state of Washington, do hereby certify that the following is a full, true, and correct list of persons elected to the Office of State Representative at the state General Election held in the state of Washington on the 8th day of November 2022, as shown by the official returns of said election now on file in the Office of the Secretary of State:

## Representatives Elected November 8, 2022

District	Name	Party	Counties Represented
1	Davina Duerr Shelley Kloba	Prefers Democratic Party Prefers Democratic Party	King, Snohomish
2	Andrew Barkis JT Wilcox	Prefers Republican Party Prefers Republican Party	Pierce, Thurston
3	Marcus Riccelli Timm Ormsby	Prefers Democratic Party Prefers Democratic Party	Spokane
4	Suzanne Schmidt Leonard Christian	Prefers Republican Party Prefers Republican Party	Spokane
5	Bill Ramos Lisa Callan	Prefers Democratic Party Prefers Democratic Party	King
6	Mike Volz Jenny Graham	Prefers Republican Party Prefers Republican Party	Spokane
7	Jacquelin Maycumber Joel Kretz	Prefers Republican Party Prefers Republican Party	Douglas, Ferry, Grant, Okanogan, Pen Oreille, Spokane, Stevens
8	Stephanie Barnard April Connors	Prefers Republican Party Prefers Republican Party	Benton, Franklin
9	Mary Dye Joe Schmick	Prefers Republican Party Prefers GOP Party	Adams, Asotin, Columbia, Franklin, Garfield, Lincoln, Spokane, Whitman
10	Clyde Shavers Dave Paul	Prefers Democratic Party Prefers Democratic Party	Island, Skagit, Snohomish
11	David Hackney Steve Bergquist	Prefers Democratic Party Prefers Democratic Party	King
12	Keith W. Goehner Mike Steele	Prefers Republican Party Prefers Republican Party	Chelan, Douglas, King, Snohomish

13	Tom Dent Alex Ybarra	Prefers Republican Party Prefers Republican Party	Grant, Kittitas, Yakima
14	Chris Corry Gina Mosbrucker	Prefers Republican Party Prefers Republican Party	Klickitat, Yakima
15	Bruce Chandler Bryan Sandlin	Prefers Republican Party Prefers Republican Party	Adams, Benton, Franklin, Grant, Yakima
16	Mark Klicker Skyler Rude	Prefers Republican Party Prefers Republican Party	Denton, Franklin, Walla Walla
17	Kevin Waters Paul Harris	Prefers Republican Party Prefers Republican Party	Clark, Skamania
18	Stephanie McClintock Greg Cheney	Prefers Republican Party Prefers Republican Party	Clark
19	Jim Walsh Joel McEntire	Prefers Republican Party Prefers Republican Party	Cowlitz, Grays Harbor, Lewis, Pacific, Thurston, Wahkiakum
20	Peter Abbarno Ed Orcutt	Prefers Republican Party Prefers Republican Party	Clark, Cowlitz, Lewis, Thurston
21	Strom Peterson Lillian Ortiz-Self	Prefers Democratic Party Prefers Democratic Party	Snohomish
22	Beth Doglio Jessica Bateman	Prefers Democratic Party Prefers Democratic Party	Thurson
23	Tarra Simmons Drew Hansen	Prefers Democratic Party Prefers Democratic Party	Kitsap
24	Mike Chapman Steve Tharinger	Prefers Democratic Party Prefers Democratic Party	Clallam, Grays Harbor, Jefferson
25	Kelly Chambers Cyndy Jacobsen	Prefers Republican Party Prefers Republican Party	Pierce
26	Spencer Hutchins Michelle Caldier	Prefers Republican Party Prefers Republican Party	Kitsap, Pierce
27	Laurie Jinkins Jake Fey	Prefers Democratic Party Prefers Democratic Party	Pierce
28	Mari Leavitt Dan Bronoske	Prefers Democratic Party Prefers Democratic Party	Pierce
29	Melanie Morgan Sharlett Mena	Prefers Democratic Party Prefers Democratic Party	Pierce
30	Jamila E. Taylor Kristine Reeves	Prefers Democratic Party Prefers Democratic Party	King
31	Drew Stokesbary Eric E. Robertson	Prefers Republican Party Prefers Republican Party	King, Pierce
32	Cindy Ryu Lauren Davis	Prefers Democratic Party Prefers Democratic Party	King, Snohomish
33	Tina L. Orwall Mia Su-Ling Gregerson	Prefers Democratic Party Prefers Democratic Party	King
34	Emily Alvarado Joe Fitzgibbon	Prefers Democratic Party Prefers Democratic Party	King
35	Dan Griffey Travis Couture	Prefers Republican Party Prefers Republican Party	Kitsap, Mason, Thurston
36	Julia G. Reed Liz Berry	Prefers Democratic Party Prefers Democratic Party	King
37	Sharon Tomiko Santos Chipalo Street	Prefers Democratic Party Prefers Democratic Party	King

38	Julio Cortes Mary Fosse	Prefers Democratic Party Prefers Democratic Party	Snohomish
39	Sam Low Carolyn Eslick	Prefers Republican Party Prefers Republican Party	Skagit, Snohomish
40	Debra Lekanoff Alex Ramel	Prefers Democratic Party Prefers Democratic Party	San Juan, Skagit, Whatcom
41	Tana Senn My-Linh T. Thai	Prefers Democratic Party Prefers Democratic Party	King
42	Alicia Rule Joe Timmons	Prefers Democratic Party Prefers Democratic Party	Whatcom
43	Nicole Macri Frank Chopp	Prefers Democratic Party Prefers Democratic Party	King
44	Brandy Donaghy April Berg	Prefers Democratic Party Prefers Democratic Party	Snohomish
45	Roger Goodman Larry Springer	Prefers Democratic Party Prefers Democratic Party	King
46	Gerry Pollet Darya Farivar	Prefers Democratic Party Prefers Democratic Party	King
47	Debra Jean Entenman Chris Stearns	Prefers Democratic Party Prefers Democratic Party	King
48	Vandana Slatter Amy Walen	Prefers Democratic Party Prefers Democratic Party	King
49	Sharon Wylie Monica Jurado Stonier	Prefers Democratic Party Prefers Democratic Party	Clark

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the seal of the state of Washington on this 8th day of December 2022.

#### Canvass of the Returns of the General Election Held on November 8, 2022

I, Steve Hobbs, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.250, I have canvassed the returns of the 3,067,686 votes cast in the November 8, 2022 General Election by the registered voters of the state for all statewide measures, statewide offices, those legislative and judicial offices whose jurisdiction encompasses more than one county, as received from the County Auditors. The votes cast for these measures and these candidates are as follows:

##### Advisory Vote No. 39

Engrossed Substitute Senate Bill 5974

The legislature increased, without a vote of the people, the tax on aircraft fuel from 11 cents to 18 cents per gallon, costing \$14 million in its first ten years, for government spending.

Repealed: 1,704,666  
Maintained: 1,189,673

##### Advisory Vote No. 40

Engrossed Substitute House Bill 2076

The legislature imposed, without a vote of the people, premiums on "transportation network companies" to provide workers compensation to their drivers, costing an indeterminate amount in its first ten years, for government spending.

Repealed: 1,494,471  
Maintained: 1,378,471

##### U.S. Senator

Candidate	Party Preference	Votes
Patty Murray	(Prefers Democratic Party)	1,741,827
Tiffany Smiley	(Prefers Republican Party)	1,299,322
WRITE-IN		6,751

##### Congressional District 1 - U.S. Representative

Candidate	Party Preference	Votes
Suzan DelBene	(Prefers Democratic Party)	181,992
Vincent J Cavaleri	(Prefers Republican Party)	104,329

WRITE-IN		363
Congressional District 2 - U.S. Representative		
Candidate	Party Preference	Votes
Rick Larsen	(Prefers Democratic Party)	202,980
Dan Matthews	(Prefers Republican Party)	134,335
WRITE-IN		608
Congressional District 3 - U.S. Representative		
Candidate	Party Preference	Votes
Marie Gluesenkamp Perez	(Prefers Democratic Party)	160,314
Joe Kent	(Prefers Republican Party)	157,685
WRITE-IN		1,760
Congressional District 4 - U.S. Representative		
Candidate	Party Preference	Votes
Dan Newhouse	(Prefers Republican Party)	150,619
Doug White	(Prefers Democratic Party)	70,710
WRITE-IN		5,318
Congressional District 5 - U.S. Representative		
Candidate	Party Preference	Votes
Cathy McMorris Rodgers	(Prefers Republican Party)	188,648
Natasha Hill	(Prefers Democratic Party)	127,585
WRITE-IN		773
Congressional District 6 - U.S. Representative		
Candidate	Party Preference	Votes
Derek Kilmer	(Prefers Democratic Party)	208,710
Elizabeth Kreiselmaier	(Prefers Republican Party)	138,754
WRITE-IN		409
Congressional District 7 - U.S. Representative		
Candidate	Party Preference	Votes
Pramila Jayapal	(Prefers Democratic Party)	295,998
Cliff Moon	(Prefers Republican Party)	49,207
WRITE-IN		1,442
Congressional District 8 - U.S. Representative		
Candidate	Party Preference	Votes
Kim Schrier	(Prefers Democratic Party)	179,003
Matt Larkin	(Prefers Republican Party)	155,976
WRITE-IN		1,059
Congressional District 9 - U.S. Representative		
Candidate	Party Preference	Votes
Adam Smith	(Prefers Democratic Party)	171,746
Doug Basler	(Prefers Republican Party)	67,631
WRITE-IN		471
Congressional District 10 - U.S. Representative		
Candidate	Party Preference	Votes



Marilyn Strickland	(Prefers Democratic Party)	152,544
Keith R Swank	(Prefers Republican Party)	114,777
WRITE-IN		427
Secretary of State		
Candidate	Party Preference	Votes
Steve Hobbs	(Prefers Democratic Party)	1,468,521
Julie Anderson	(Prefers Nonpartisan Party)	1,351,926
WRITE-IN		129,933
Legislative District 1 - State Representative Position 1		
Candidate	Party Preference	Votes
Davina Duerr	(Prefers Democratic Party)	48,043
John Peeples	(Prefers Republican Party)	19,740
WRITE-IN		58
Legislative District 1 - State Representative Position 2		
Candidate	Party Preference	Votes
Shelley Kloba	(Prefers Democratic Party)	48,198
Jerry Buccola	(Prefers Republican Party)	19,443
WRITE-IN		67
Legislative District 2 - State Representative Position 1		
Candidate	Party Preference	Votes
Andrew Barkis	(Prefers Republican Party)	41,291
WRITE-IN		3,009
Legislative District 2 - State Representative Position 2		
Candidate	Party Preference	Votes
JT Wilcox	(Prefers Republican Party)	38,535
Edward Meer	(States No Party Preference)	13,634
WRITE-IN		1,022
Legislative District 7 - State Senator		
Candidate	Party Preference	Votes
Shelly Short	(Prefers Republican Party)	51,661
WRITE-IN		1,638
Legislative District 7 - State Representative Position 1		
Candidate	Party Preference	Votes
Jacquelin Maycumber	(Prefers Republican Party)	42,611
Lonny Ray Williams	(Prefers Republican Party)	14,771
WRITE-IN		1,180
Legislative District 7 - State Representative Position 2		
Candidate	Party Preference	Votes
Joel Kretz	(Prefers Republican Party)	51,074
WRITE-IN		1,534
Legislative District 8 - State Senator		
Candidate	Party Preference	Votes
Matt Boehnke	(Prefers Republican Party)	40,808

Ronni Batchelor	(Prefers Independent Party)	15,960
WRITE-IN		143
Legislative District 8 - State Representative Position 1		
Candidate	Party Preference	Votes
Stephanie Barnard	(Prefers Republican Party)	37,729
Patrick Guettner	(Prefers Republican Party)	13,015
WRITE-IN		995
Legislative District 8 - State Representative Position 2		
Candidate	Party Preference	Votes
April Connors	(Prefers Republican Party)	29,176
Joe Cotta	(Prefers Republican Party)	22,880
WRITE-IN		993
Legislative District 9 - State Representative Position 1		
Candidate	Party Preference	Votes
Mary Dye	(Prefers Republican Party)	46,711
WRITE-IN		2,124
Legislative District 9 - State Representative Position 2		
Candidate	Party Preference	Votes
Joe Schmick	(Prefers GOP Party)	45,320
WRITE-IN		2,133
Legislative District 10 - State Representative Position 1		
Candidate	Party Preference	Votes
Clyde Shavers	(Prefers Democratic Party)	37,375
Greg Gilday	(Prefers Republican Party)	37,164
WRITE-IN		104
Legislative District 10 - State Representative Position 2		
Candidate	Party Preference	Votes
Dave Paul	(Prefers Democratic Party)	38,911
Karen Lesetmoe	(Prefers Republican Party)	35,711
WRITE-IN		74
Legislative District 12 - State Representative Position 1		
Candidate	Party Preference	Votes
Keith W. Goehner	(Prefers Republican Party)	45,819
WRITE-IN		2,764
Legislative District 12 - State Representative Position 2		
Candidate	Party Preference	Votes
Mike Steele	(Prefers Republican Party)	42,812
Robert K Amenn	(Prefers Republican Party)	9,655
WRITE-IN		2,111
Legislative District 13 - State Senator		
Candidate	Party Preference	Votes
Judy Warnick	(Prefers Republican Party)	41,785
WRITE-IN		1,242

## Legislative District 13 - State Representative Position 1

Candidate	Party Preference	Votes
Tom Dent	(Prefers Republican Party)	41,617
WRITE-IN		1,235

## Legislative District 13 - State Representative Position 2

Candidate	Party Preference	Votes
Alex Ybarra	(Prefers Republican Party)	41,425
WRITE-IN		1,086

## Legislative District 14 - State Representative Position 1

Candidate	Party Preference	Votes
Chris Corry	(Prefers Republican Party)	30,367
Laurene Contreras	(States No Party Preference)	15,592
WRITE-IN		135

## Legislative District 14 - State Representative Position 2

Candidate	Party Preference	Votes
Gina Mosbrucker	(Prefers Republican Party)	30,940
Liz Hallock	(States No Party Preference)	15,208
WRITE-IN		148

## Legislative District 15 - State Senator

Candidate	Party Preference	Votes
Nikki Torres	(Prefers Republican Party)	15,686
Lindsey Keesling	(Prefers Democratic Party)	7,437
WRITE-IN		55

## Legislative District 15 - State Representative Position 1

Candidate	Party Preference	Votes
Bruce Chandler	(Prefers Republican Party)	17,856
WRITE-IN		802

## Legislative District 15 - State Representative Position 2

Candidate	Party Preference	Votes
Bryan Sandlin	(Prefers Republican Party)	17,384
WRITE-IN		774

## Legislative District 16 - State Representative Position 1

Candidate	Party Preference	Votes
Mark Klicker	(Prefers Republican Party)	37,792
Jeff Strickler	(Prefers Democratic Party)	17,128
WRITE-IN		63

## Legislative District 16 - State Representative Position 2

Candidate	Party Preference	Votes
Skyler Rude	(Prefers Republican Party)	38,916
Jan Corn	(Prefers Democratic Party)	15,816
WRITE-IN		65

## Legislative District 17 - State Representative Position 1

Candidate	Party Preference	Votes
Terri Niles	(Prefers Democratic Party)	32,423
Kevin Waters	(Prefers Republican Party)	36,901
WRITE-IN		110

## Legislative District 17 - State Representative Position 2

Candidate	Party Preference	Votes
Joe Kear	(Prefers Democratic Party)	31,407
Paul Harris	(Prefers Republican Party)	37,860
WRITE-IN		125

## Legislative District 19 - State Representative Position 1

Candidate	Party Preference	Votes
Jim Walsh	(Prefers Republican Party)	39,940
Kelli Hughes-Ham	(Prefers Democratic Party)	24,232
WRITE-IN		71

## Legislative District 19 - State Representative Position 2

Candidate	Party Preference	Votes
Joel McEntire	(Prefers Republican Party)	39,357
Cara Cusack	(Prefers Democratic Party)	24,643
WRITE-IN		81

## Legislative District 20 - State Representative Position 1

Candidate	Party Preference	Votes
Peter Abbarno	(Prefers Republican Party)	50,693
WRITE-IN		2,059

## Legislative District 20 - State Representative Position 2

Candidate	Party Preference	Votes
Ed Orcutt	(Prefers Republican Party)	50,764
WRITE-IN		1,973

## Legislative District 24 - State Representative Position 1

Candidate	Party Preference	Votes
Mike Chapman	(Prefers Democratic Party)	46,050
Sue Forde	(Prefers Republican Party)	35,354
WRITE-IN		73

## Legislative District 24 - State Representative Position 2

Candidate	Party Preference	Votes
Steve Tharinger	(Prefers Democratic Party)	44,910
Brian Pruiett	(Prefers Republican Party)	36,202
WRITE-IN		53

## Legislative District 26 - State Senator

Candidate	Party Preference	Votes
Emily Randall	(Prefers Democratic Party)	38,222
Jesse L. Young	(Prefers Republican Party)	36,946
WRITE-IN		93

## Legislative District 26 - State Representative Position 1

Candidate	Party Preference	Votes
Adison Richards	(Prefers Democratic Party)	37,081
Spencer Hutchins	(Prefers Republican Party)	37,816
WRITE-IN		45

## Legislative District 26 - State Representative Position 2

Candidate	Party Preference	Votes
Michelle Caldier	(Prefers Republican Party)	42,087
Matt Macklin	(Prefers Democratic Party)	32,741
WRITE-IN		65

## Legislative District 31 - State Senator

Candidate	Party Preference	Votes
Phil Fortunato	(Prefers Republican Party)	35,764
Chris Vance	(States No Party Preference)	28,053
WRITE-IN		263

## Legislative District 31 - State Representative Position 1

Candidate	Party Preference	Votes
Holly Stanton	(Prefers Democratic Party)	25,929
Drew Stokesbary	(Prefers Republican Party)	39,051
WRITE-IN		69

## Legislative District 31 - State Representative Position 2

Candidate	Party Preference	Votes
Eric E. Robertson	(Prefers Republican Party)	40,206
Carrie Wilbur	(Prefers Democratic Party)	24,489
WRITE-IN		86

## Legislative District 32 - State Senator

Candidate	Party Preference	Votes
Jesse Soloman	(Prefers Democratic Party)	43,240
Patricia Weber	(Prefers Democratic Party)	13,159
WRITE-IN		1,396

## Legislative District 32 - State Representative Position 1

Candidate	Party Preference	Votes
Cindy Ryu	(Prefers Democratic Party)	51,038
Lori Theis	(Prefers Election Integrity Party)	11,155
WRITE-IN		298

## Legislative District 32 - State Representative Position 2

Candidate	Party Preference	Votes
Lauren Davis	(Prefers Democratic Party)	50,403
Anthony Hubbard	(Prefers Republican Party)	13,001
WRITE-IN		140

## Legislative District 35 - State Senator

Candidate	Party Preference	Votes
Drew C MacEwen	(Prefers Republican Party)	41,828
Julianne Gale	(Prefers Democratic Party)	32,705
WRITE-IN		74

## Legislative District 35 - State Representative Position 1

Candidate	Party Preference	Votes
Daniel Griffey	(Prefers Republican Party)	43,938
James DeHart	(Prefers Democratic Party)	30,459
WRITE-IN		96

## Legislative District 35 - State Representative Position 2

Candidate	Party Preference	Votes
Sandy Kaiser	(Prefers Democratic Party)	34,762
Travis Couture	(Prefers Republican Party)	39,445
WRITE-IN		57

## Legislative District 39 - State Representative Position 1

Candidate	Party Preference	Votes
Robert J. Sutherland	(Prefers Republican Party)	24,976
Sam Low	(Prefers Republican Party)	31,997
WRITE-IN		1,856

## Legislative District 39 - State Representative Position 2

Candidate	Party Preference	Votes
Carolyn Eslick	(Prefers Republican Party)	38,519
Jessica Wadhams	(Prefers Democratic Party)	26,082
WRITE-IN		123

## Legislative District 40 - State Representative Position 1

Candidate	Party Preference	Votes
Debra Lekanoff	(Prefers Democratic Party)	52,488
Shannon Perkes	(Prefers Republican Party)	23,208
WRITE-IN		142

## Legislative District 40 - State Representative Position 2

Candidate	Party Preference	Votes
Alex Ramel	(Prefers Democratic Party)	47,326
Trevor Smith	(Prefers Democratic Party)	14,978
WRITE-IN		1,872

## Supreme Court - Justice Position 1

Candidate	Votes
Mary I. Yu	1,961,152
WRITE-IN	52,447

## Supreme Court - Justice Position 5

Candidate	Votes
Barbra Madsen	1,937,634
WRITE-IN	43,453

## Supreme Court - Justice Position 6

Candidate	Votes
G. Helen Whitener	1,918,080
WRITE-IN	42,740

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

Candidate	Votes
Erik D. Price	229,277
WRITE-IN	4,963

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

Candidate	Votes
Anne Cruser	184,274
WRITE-IN	3,252

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

Candidate	Votes
George Fearing	120,000
WRITE-IN	1,513

## Benton, Franklin Superior Court - Judge Position 4

Candidate	Votes
George F. Cicotte	39,419
Norma Rodriguez	48,898
WRITE-IN	218

## Benton, Franklin Superior Court - Judge Position 6

Candidate	Votes
Jacqueline I. Stam	64,910
WRITE-IN	704

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington on this 7th day of December 2022, at Olympia, the State Capital.

Steve R. Hobbs  
Secretary of State

### OATH OF OFFICE

Justice Montoya-Lewis administered the Oath of Office to the Members of the House of Representatives. The Certificates of Election were distributed to the members.

### RESOLUTION

**HOUSE RESOLUTION NO. 2023-4601**, by Representatives Fitzgibbon and Kretz

NOW, THEREFORE, BE IT RESOLVED, That ~~((permanent))~~temporary House Rules for the ~~((Sixty-Seventh))~~Sixty-Eighth Legislature be adopted as follows:

TEMPORARY RULES OF THE HOUSE OF REPRESENTATIVES  
((SIXTY-SEVENTH))SIXTY-EIGHTH LEGISLATURE ((2021-2022))2023-2024

### HOUSE RULE NO.

- |                |  |
|----------------|--|
| <b>Rule 1</b>  | Definitions                                      |
| <b>Rule 2</b>  | Chief Clerk to Call to Order                     |
| <b>Rule 3</b>  | Election of Officers                             |
| <b>Rule 4</b>  | Powers and Duties of the Speaker                 |
| <b>Rule 5</b>  | Chief Clerk                                      |
| <b>Rule 6</b>  | Executive Rules Committee                        |
| <b>Rule 7</b>  | Duties of Employees                              |
| <b>Rule 8</b>  | Admission to the House                           |
| <b>Rule 9</b>  | Absentees and Courtesy                           |
| <b>Rule 10</b> | Bills, Memorials and Resolutions - Introductions |

<b>Rule 11</b>	Reading of Bills
<b>Rule 12</b>	Amendments
<b>Rule 13</b>	Final Passage
<b>Rule 14</b>	Hour of Meeting, Roll Call and Quorum
<b>Rule 15</b>	Daily Calendar and Order of Business
<b>Rule 16</b>	Motions
<b>Rule 17</b>	<u>Remote Participation and Voting Permitted Upon Authorization</u>
<b>Rule 18</b>	Members' Right to Debate
<b>Rule <del>((18))19</del></b>	Rules of Debate
<b>Rule <del>((19))20</del></b>	Ending of Debate - Previous Question
<b>Rule <del>((20))21</del></b>	Voting
<b>Rule <del>((21))22</del></b>	Reconsideration
<b>Rule <del>((22))23</del></b>	Call of the House
<b>Rule <del>((23))24</del></b>	Appeal from Decision of Chair
<b>Rule <del>((24))25</del></b>	Standing Committees
<b>Rule <del>((25))26</del></b>	Duties of Committees
<b>Rule <del>((26))27</del></b>	Standing Committees - Expenses - Subpoena Power
<b>Rule <del>((27))28</del></b>	Vetoed Bills
<b>Rule <del>((28))29</del></b>	Suspension of Compensation
<b>Rule <del>((29))30</del></b>	Smoking
<b>Rule <del>((30))31</del></b>	Liquor
<b>Rule <del>((31))32</del></b>	Parliamentary Rules
<b>Rule <del>((32))33</del></b>	Standing Rules Amendment
<b>Rule <del>((33))34</del></b>	Rules to Apply for Assembly
<b>Rule <del>((34))35</del></b>	Legislative <del>((Mailings))</del> <u>Publications</u>
<b>Rule 36</b>	<u>Emergency Resolution Authorized</u>

#### Definitions

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

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

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

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

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

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

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

(E) "Sergeant at arms" means the director of house security.

(F) "Session" means a constitutional gathering of the house in accordance with Article II, section 12 of the state Constitution.

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

#### Chief Clerk to Call to Order

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

#### Election of Officers

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

#### Powers and Duties of the Speaker

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



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

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

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

(D) The speaker shall sign all bills in open session. ~~((Art. H §))~~ Article II, section 32

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

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

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

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

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

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

#### Chief Clerk

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

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

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

#### Executive Rules Committee

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

#### Duties of Employees

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

#### Admission to the House

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

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

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

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

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

#### Absentees and Courtesy

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

#### Bills, Memorials and Resolutions - Introductions

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

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

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

Any bill introduced at any session during the term shall be eligible for action at all subsequent sessions during the term. No house bill may be introduced that is identical to any other pending house bill.

### Reading of Bills

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

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

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

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

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

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

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

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

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

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

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

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

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

### Amendments

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

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

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

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

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

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

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

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

(H) **DATE AND TIME FOR AMENDMENT SUBMISSION.** To facilitate the orderly consideration of proposed legislation, the speaker, after consultation with the minority leader, may establish a date and time for submission of amendments.

### Final Passage

**Rule 13.** Rules relating to bills on final passage are as follows:

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

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

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

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

### Hour of Meeting, Roll Call and Quorum

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

(B) ROLL CALL AND QUORUM. Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule ~~((22))~~ 23(B). Any member participating remotely in house proceedings as provided in Rule 17 shall be considered present for purposes of a quorum. For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. ~~((Art. II §))~~ Article II, section 8

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

### Daily Calendar and Order of Business

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

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

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

Second: Introduction of visiting dignitaries.

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

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

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

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

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

Eleventh: Announcements.

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

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

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

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

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

### Motions

**Rule 16.** Rules relating to motions are as follows:

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

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

(1) Privileged motions:

Adjourn

Adjourn to a time certain

Recess to a time certain

Reconsider

Demand for division

Question of privilege

Orders of the day

- (2) Subsidiary motions:
- |              |                              |
|--------------|------------------------------|
| First rank:  | Question of consideration    |
| Second rank: | To lay on the table          |
| Third rank:  | For the previous question    |
| Fourth rank: | To postpone to a day certain |
|              | To commit or recommit        |
|              | To postpone indefinitely     |
| Fifth rank:  | To amend                     |
- (3) Incidental motions:
- Points of order and appeal
  - Method of consideration
  - Suspension of the rules
  - Reading papers
  - Withdraw a motion
  - Division of a question

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

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

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule ((23))24.

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

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

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

#### **Remote Participation and Voting Permitted Upon Authorization**

**Rule 17.** The majority leader and minority leader or their designees may authorize members of their respective caucuses to participate remotely in official house proceedings, including committee meetings and floor sessions, upon the request of a member who is experiencing a medical condition or illness that prevents in-person participation. Once authorized, any member participating remotely shall be considered present for purposes of a quorum and voting. Members participating remotely shall use the computer and virtual background provided by the house during all committee meetings and floor proceedings. The majority leader and minority leader or their designees shall determine when the member's authorization to participate remotely ends.

#### **Members' Right to Debate**

**Rule ((17))18.** The methods by which a member may exercise (~~his or her~~)their right to debate are as follows:

(A) RECOGNITION OF MEMBER. When any member desires to speak in debate or deliver any matter to the house, the member shall rise and respectfully address the speaker and pause until recognized. Any member participating remotely in house proceedings as provided in Rule 17 who desires to speak may request to be recognized by use of the request to speak button in the remote floor activity system.

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

(C) LIMITATION OF DEBATE. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution or concurrent resolution, or on and after the (~~third~~)fifth day prior to the day any bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house. No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule ((19))20 (Previous Question).

#### **Rules of Debate**

**Rule ((18))19.** The rules for debate in the house are as follows:

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

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

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

(D) DISTRIBUTION OF MATERIALS. Any materials of any nature distributed to the members' desks on the floor shall be subject to approval by the speaker and shall bear the name of at least one member (~~(granting)~~) granted permission for the distribution. Any member participating remotely as provided in Rule 17 who wishes to distribute materials subject to the speaker's approval may do so electronically. All materials approved for distribution shall be provided electronically to members participating remotely to the extent practicable. This shall not apply to materials normally distributed by the chief clerk.

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

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

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

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

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

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

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

#### Ending of Debate - Previous Question

**Rule ~~((19))~~20.** The previous question may be ordered by a two-thirds (2/3) vote of the members present on all recognized motions or amendments which are debatable.

The previous question is not debatable and cannot be amended.

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

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

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

#### Voting

**Rule ~~((20))~~21.** (A) PUTTING OF QUESTION. The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

(B) ALL MEMBERS TO VOTE. ~~((Every))~~ Except as provided in subsection (G), every member who was in the house or participating remotely in house proceedings as provided in Rule 17 when the question was put shall vote unless, for special reasons, excused by the house.

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

(C) COUNT OF THE HOUSE. Upon a division and count of the house on the question, only members at their desks within the bar of the house or participating remotely in house proceedings as provided in Rule 17 shall be counted.

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

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

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

~~((F))~~(G) MOTIONS NOT REQUIRING A RECORDED ROLL CALL VOTE. Members in the house and members participating remotely in house proceedings as provided in Rule 17 may vote on any motion not requiring a recorded roll call vote, including when the house divides. Members participating remotely may vote using the remote floor activity system.

(H) INABILITY TO VOTE USING REMOTE VOTING FUNCTION. A member participating remotely in house proceedings as provided in Rule 17 who is unable to vote using the remote voting function on any motion requiring a recorded roll call vote may vote

orally. If a member is unable to vote using the remote voting function or orally, the rostrum staff shall contact the member by telephone and the member's vote may be taken by telephone to rostrum staff after the member answers security questions to verify the identity of the member. The rostrum staff will announce the vote of the member, which shall be recorded.

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

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

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

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

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

((H))L) STATEMENT FOR JOURNAL. A member whose recorded vote does not accurately reflect ((his or her))their intent may submit a written statement for the journal clarifying their intent to vote aye or nay. The statement must be submitted to the chief clerk on the same day the vote is taken. A member who is excused for one or more days of recorded votes may submit a written statement for the journal explaining the reason for ((his or her))their absence. The statement may not exceed ((fifty))50 words and must be submitted to the chief clerk on the same day the member returns. A member participating remotely in house proceedings as provided in Rule 17 who was unable to vote using the remote voting function, orally, or by telephone may submit a statement for the journal within 48 hours indicating their intent to vote yea or nay.

**Reconsideration**

Rule ((21))22. Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

Reconsideration of the votes on the final passage of bills must be taken on the next working day after such vote was taken: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, then reconsideration of votes on the final passage of bills must be taken on the same day as the original vote was taken; AND PROVIDED FURTHER, That any member participating remotely in house proceedings as provided in Rule 17 who was unable to vote using the remote voting function, orally, or by telephone may require reconsideration of the vote on the final passage of bills the same day the vote is taken.

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

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

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

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

**Call of the House**

Rule ((22))23. One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

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

(B) SERGEANT AT ARMS TO BRING IN THE ABSENTEES. The clerk shall immediately call a roll of the members and note the absentees, whose names shall be read and entered upon the journal in such manner as to show who are excused and who are absent without leave. A member authorized to participate remotely in house proceedings as provided in Rule 17 who is visible at the time of the roll call through the remote floor activity system shall not be considered absent or absent without leave.

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

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

**Appeal from Decision of Chair**

Rule ((23))24. The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

**Standing Committees**

Rule ((24))25. The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

1. Appropriations.....	33
2. Capital Budget.....	23
3. Children, Youth & Families.....	13
4. Civil Rights & Judiciary.....	17
5. College & Workforce Development.....	13
6. Commerce & Gaming.....	9
7. Community & Economic Development.....	13
8. Consumer Protection & Business.....	7
9. Education.....	13

10. Environment & Energy.....	13
11. Finance.....	17
12. Health Care & Wellness.....	15
13. Housing, Human Services & Veterans.....	9
14. Labor & Workplace Standards.....	7
15. Local Government.....	7
16. Public Safety.....	13
17. Rules.....	27
18. Rural Development, Agriculture & Natural Resources.....	15
19. State Government & Tribal Relations.....	7
20. Transportation.....	29))
1. Agriculture & Natural Resources.....	11
2. Appropriations.....	31
3. Capital Budget.....	29
4. Civil Rights & Judiciary.....	11
5. Community Safety, Justice & Reentry.....	9
6. Consumer Protection & Business.....	13
7. Education.....	15
8. Environment & Energy.....	15
9. Finance.....	13
10. Health Care & Wellness.....	17
11. Housing.....	13
12. Human Services, Youth & Early Learning.....	11
13. Innovation, Community Economic Development & Veterans.....	15
14. Labor & Workplace Standards.....	9
15. Local Government.....	7
16. Postsecondary Education & Workforce.....	15
17. Regulated Substances & Gaming.....	11
18. Rules.....	24
19. State Government & Tribal Relations.....	7
20. Transportation.....	29

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

**Duties of Committees**

**Rule ((25))26.** House committees shall operate as follows:

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

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

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

(D) DUTIES OF STANDING COMMITTEES.

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

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

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

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

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

(5) All committee reports shall be spread upon the journal. The journal of the house shall contain an exact copy of all committee reports, together with the names of the members ~~((signing))~~joining in the majority and minority recommendations contained in such reports.

~~((5))~~(6) Every vote to report a bill out of committee shall be taken by the yeas and nays, with the nays specifying "do not pass" or "without recommendation" and the names of the members voting for and against, as well as the names of members absent, shall be recorded on the committee report. Any member may call for a recorded vote, which shall include the names of absent members, on any substantive question before the committee. A copy of all recorded committee votes shall be kept by the chief clerk and shall be available for public inspection.

~~((6))~~(7) A member participating remotely in house proceedings as provided in Rule 17 who is unable to vote on a bill in committee for technical reasons may submit a statement for the bill file indicating their intent to have voted yea, nay-do not pass, or nay-without recommendation. The statement must be submitted to the chief clerk on the same day the vote is taken.

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

~~((7))~~(9) No standing committee shall vote by secret written ballot on any issue.

~~((8))~~(10) During its consideration of or vote on any bill, resolution, or memorial, the deliberations of any standing committee of the House of Representatives shall be open to the public.

~~((9))~~(11) A standing committee to which a bill was originally referred shall, prior to voting the bill out of committee, consider whether the bill authorizes rule-making powers or requires the exercise of rule-making powers and, if so, consider:

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

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

~~((10))~~(12) Insofar as practicable, testimony in public hearings should be balanced between those in support of and in opposition to proposed legislation, with consideration given to providing an opportunity for members of the public to testify within available time.

#### Standing Committees - Expenses - Subpoena Power

**Rule ((26))27.** Regardless of whether the legislature is in session, members of the house may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses, and payments in lieu of subsistence and lodging for conducting official business of the house.

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

#### Vetoed Bills

**Rule ((27))28.** Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

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

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

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

#### Suspension of Compensation

**Rule ((28))29.** (1) Any member of the House of Representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities, and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities, and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

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

#### Smoking and Vaping

~~Rule ((29))30. Smoking of cigarettes, pipes, or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within House facilities.~~

~~"No smoking" signs shall be posted so as to give notice of this rule~~)**30.** To provide a safe and healthy environment for all members, employees, and the public, smoking and vaping shall not be permitted at any public meeting of the House of Representatives or within house facilities. Smoking includes the lighting of cigarettes, pipes, or cigars. Vaping includes the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, or e-cigars.

#### Liquor

**Rule ((30))31.** The House of Representatives shall strictly adhere to the liquor laws of the state of Washington, including provisions relating to banquet and special occasion permits. The proper permits must always be obtained before consumption of liquor in any house facility.

#### Parliamentary Rules

**Rule ((31))32.** The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

#### Standing Rules Amendment

**Rule ((32))33.** Any standing rule may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof. Any standing rule may be suspended temporarily by a two-thirds (2/3) vote of the members present except as provided in Rule 11.

#### Rules to Apply for Assembly

**Rule ((33))34.** The permanent house rules adopted at the beginning of the term are to govern all acts of the house during the course of the term unless amended or repealed.

#### Legislative Publications

**Rule ((34))35.** The House of Representatives directs the house executive rules committee to adopt procedures and guidelines to ensure that all legislative publications at public expense are for legitimate legislative purposes.

#### ~~((Appendix to House Rules~~

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

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



### **Application of Rules**

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

#### **Remote Participation and Voting Authorized**

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

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

Reasonable accommodations provided to a member due to a disability must include provisions necessary to facilitate participation in remote proceedings.

#### **Admittance to House Facilities**

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

(1) The speaker, the speaker pro tempore, the deputy speaker pro tempore, the minority leader, the majority floor leader, the minority floor leader, and staff essential to floor operations are permitted in the chamber during floor proceedings.

(2) The executive rules committee may authorize additional members to be admitted to the chamber during floor proceedings.

(3) Including the above referenced members, each caucus may designate 15 members to participate remotely from their assigned legislative offices. Each caucus must prioritize members with technological problems that preclude remote participation.

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

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

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

(7) The chief clerk shall continue to review public health data and guidance and periodically update the executive rules committee. The executive rules committee may modify provisions relating to admittance to house facilities as conditions warrant.

#### **House Resolutions**

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

#### **Members Right to Debate**

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

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

#### **Amendments**

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

#### **Voting**

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

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

Any member who was unable to vote using the remote voting function, orally, or by telephone may require reconsideration of the vote on the same day the vote is taken or submit a statement for the journal within 48 hours indicating their intent to vote yea or nay.

#### **Distribution of Materials**

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

#### **Duties of Committees**

Rule A-9. Every notice of a committee meeting shall include a web address for information about viewing and providing public testimony at committee meetings in lieu of a physical location.

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

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

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

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

A member who is unable to vote on a bill in committee for technical reasons may submit a statement for the bill file indicating their intent to have voted aye, nay do not pass, or nay without recommendation. The statement must be submitted to the chief clerk on the same day the vote is taken.

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

#### **Term of Appendix Rules**

Rule A-10. The rules in this appendix expire on the termination of the COVID-19 state of emergency, or when rescinded by the executive rules committee, whichever occurs first.)

#### **Emergency Resolution Authorized**

**Rule 36.** If the executive rules committee determines through a majority vote that physically convening all members and staff in a single location presents a danger to the health or safety of members, staff, and the public or is impractical because of an emergency, disaster, or catastrophic incident under RCW 42.14.010, the house shall adopt a resolution establishing the rules and procedures governing any special or regular legislative session. For purposes of adopting the house resolution required by this rule, some or all members may vote using the remote voting function or other process established by the chief clerk. Members are considered in attendance within the bar of the house when using the remote floor activity system or following the established process, including for purposes of establishing quorum. To the extent practicable, a member participating remotely or otherwise under this rule has the same privileges, rights, and responsibilities under the house rules as if the member were physically present.

Representative Fitzgibbon moved adoption of HOUSE RESOLUTION NO. 4601.

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

HOUSE RESOLUTION NO. 4601 was adopted.

#### **ELECTION OF THE SPEAKER**

Representative Fitzgibbon: "Thank you, Mr. Chief Clerk. I want to echo the words of the gentleman from the 7th district. I think we're all very happy to be back in person. I don't know if there is a member who is happier to have us back in person than the good lady from the 27th district, Representative Jinkins. Who's led us through this very unusual previous biennium where we convened mostly remotely.

But thanks to that, our ability to adapt during those difficult times, we managed to avoid any outbreaks of COVID-19 as some legislatures around the country did see. And that's really a testament, I think, to her leadership. And I want to thank her for that.

You know, different institutions, Mr. Chief Clerk, require different kinds of leadership. And I don't know that I would nominate Representative Jinkins to be a ship captain or an army general or a hospital CEO, but I do think that her leadership qualities are uniquely suited to the body that we serve in here.

She genuinely cares about the priorities and the experiences and the expertise of every member of this body. I know that she's made the time to meet with all ninety-eight elected members of the House of Representative. And also with every, with broader members of the legislative community. Particularly the staff of this institution.

She takes in information, takes in arguments from people who disagree with her, and she may not change her mind right away. But she takes that into account and it helps her set her priorities. How can she best lead a very diverse body of members from all different parts of the state. With all different life, all different priorities, all different sets of life experiences.

And I can tell you from experience, you don't always change her mind on the first go, but she really does care about the points of view that are being presented to her. And it informs her approach, it informs her outlook, it informs her priorities.

That's the kind of leadership that I want to see from the leader of this Chamber. Somebody who really collaborates and who really listens and who is able to adapt to new information and to changing circumstances. I think that she's done an incredible job of demonstrating that leadership during the three years in which she has presided over this chamber.

And I urge your support for her."

#### **MOTIONS**

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

Representative Fitzgibbon moved that Representative Laurie Jinkins be elected to the Office of Speaker of the House of Representatives. The motion was carried.

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

Representative Fitzgibbon escorted Speaker Jinkins to the rostrum.

#### **OATH OF OFFICE**

Justice Montoya-Lewis administered the Oath of Office to Speaker Jinkins.

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

#### **SPEAKER'S PRIVILEGE**

The Speaker introduced Nisqually Tribal Chair Willie Frank III; Vice Chair Antonette Squally; Councilwoman Chay Squally and the Nisqually Council and Canoe family.

#### **SPEAKER'S REMARKS**

Speaker Jinkins: "Thank you Chair Frank for welcoming us all to the ancestral homeland of the sovereign tribes. Starting what I hope will be a new tradition here in the House of Representatives. We acknowledge tribal nations as the original stewards of this land. And the history of dispossession that enabled the eventual construction of this very building we convene in today. We're honored to have you and Chair Peters of the Squaxin Tribe here today. Along with other tribal members from the Nisqually and Squaxin Tribes. I'm wondering if you can all stand so we can acknowledge you today. I look forward to our continued government to government partnership here in the people's house.

Representative Fitzgibbon, thank you very much for nominating me. And thank you to the members of the House for placing your confidence in me again. I promise I will do my very best to meet that confidence with listening, hard work, and good policy. And Justice Montoya-Lewis, thank you for keeping me on track with that oath of office. And thank you for being here. I do think that when we have supreme court justices, swear us in, it helps to build our relationships between the judicial and the legislative branch. And I think that continuing to strengthen those is always something to work for.

Representative Harris, where are you in the very back there? Thank you for lifting us up with that wonderful rendition of the National Anthem. And Pastor Christopher, your motivating and inspirational words really set the tone for the work we're going to undertake here over the next several months. I'm so grateful you were able to be here today, my friend. And I wish you the best as you plan your retirement later this year.

Today, I'm going to talk a lot about family. Both our own family and our legislative one. Both, my own family. And how this also about how this Chamber and this institution are growing and transforming. Just like our state is. About why I know we can deliver results for the people of the state of Washington. And

about the challenges that confront us. And about how every single one of us in this Chamber, from every corner of the state can work together to do those things.

You know, the last time I delivered remarks to a packed House with actual visitors in the galleries was on the opening day of the 2020 session. My first, as Speaker of the House. At that time, none of us knew within weeks, in fact, I researched it, within seven days of us kicking off our legislative session, would we be faced with a global pandemic that completely changed how we work, how we socialize and how we live our lives. Many of my family members travelled from out of state to see me sworn in back in 2020, which was very special to me. And this year many of them have returned and they're up in the gallery. I'm going to ask them to stand, as I call them out. My sister Julie, my sister-in-law Toby, my niece Sasha, my sister-in-law Glenda and her husband, my backpacking buddy, Jim. My brother Todd is also here from Boise. Some of you may recall that Todd worked as a smoke jumper. And in January of 2020 he was fighting catastrophic wildfires in Australia and couldn't be here. I am forever in awe of his courage. And I'm so happy he's retired. And that he can, he can enjoy being a grandpa to Rory. So thank you for being here today.

One person who isn't here and is incredibly missed, is my dad Jack Jinkins. Dad passed away in 2020, really unexpectedly. But I'm incredibly grateful he was able to be here for the opening ceremonies in 2020 because he got to meet so many of you. And he loved being able to tell people stories about it back in Wisconsin where I grew up. I am however, really happy that my mom Donna is joining me today on the dyess.

My parents role modeling of what it means to live in a really small town and rely on each other to get things done even when you didn't always agree with each other, has been an integral part of the way that I operate in the legislature. I also want to acknowledge another loss. Not one in my immediate family, but our legislative one. This past fall, Jamie Walsh, the wife of Representative Jim Walsh, tragically lost her life in a car accident. Jim, we may not always agree on policy, but every single member of this Chamber is deeply saddened by your loss. We are keeping you and your family in our thoughts and in our hearts during these very difficult times.

Family is so important. And I obviously couldn't do this without the incredible loving support, advice, and sometimes a stern talking to from my partner of thirty-four years and wife of nearly ten years, Laura. And our son, who's soon to be graduating from Western Washington University, Wolf. Thank you both for letting me model the ability to love your family and love your job. Both at the same time.

You know, in my time as Speaker, we have held not one, but two mostly remote legislative sessions. A historic first and hopefully last in our state. I recognize that for some legislators, this may not be your first term. But it's your first ever opening day ceremony in person. You've never experienced this before. And I am so glad that you finally get to do that. I also want to welcome the twenty-three, yes, twenty-three new legislators. Now officially members of this body. I am excited to work with every single one of you. Welcome.

I mean, look, look around the makeup of this Chamber is more diverse than ever. That's something to celebrate. Because the people's house should reflect the diversity of this great state. Washingtonians sent more women and people of color from every corner of the state here to work together on issues that are most pressing to us. Their trust has once again been placed in US to get the job done over the next one hundred and five days. And we will deliver. Yes. Yes. Yes.

And we know we can because this legislature delivered during some of the most challenging, unprecedented times this state has ever experienced. We delivered with a Washington recovery budget to help working families, communities in small businesses, particularly those hit hardest by the pandemic, and who faced the greatest barriers to recovery. We delivered with billions of dollars in rent assistance, mortgage assistance, and utility assistance to keep folks housed and warm through the pandemic. We delivered with a transformational sixteen-year transportation package, Move Ahead Washington, that creates a sustainable and achievable future for our state. Thank you, seatmate Jake Fey for that.

We delivered with the Fair Start For Kids Act supporting our youngest learners. Their working parents and our economy that relies on the success of both to run smoothly. We delivered with support for our K-12 schools. Funding more school counselors and psychologists and school nurses and social workers to help our students. And we delivered with Apple Health and Homes to bring stable housing and community support services to our neighbors suffering from chronic homelessness. Thank you, Speaker Ameritas Chopp for that. We delivered with the Climate Commitment Act to limit greenhouse gas emissions, reduce pollution in overburdened communities, and invest in clean jobs and climate resilience.

And we delivered with the Working Families Tax Credit. Putting money back in the pockets of hundreds of thousands of working families in this state. Thank you, Representative Thai, and Representative Stokesbary for leading on that in this body. We did all of this and more, so much more, through two mostly remote sessions. Keeping the health of our staff and the public and each other at the forefront at all times. We can be proud of what we did. And that our legislature didn't have to shut down at all and stop work like so many other state legislatures had to. And we can be proud that Washington has weathered the last two years with our economy ranked best in the nation by Wallet Hub. And second-best state for doing business, according to CNBC.

But we know that those rankings don't tell the whole story, right? Even with our strong economy, there are families across Washington who are struggling. And there is still more work that we need to do to fully deliver on these successes we've achieved over the last couple of years. One of the things that people really need our help with is housing. Washington state needs about 1.1 million new homes built within the next couple of decades. Almost half of those homes are needed for people with very low or extremely low incomes. A market the private sector has never been able to serve and that will not be served without public funding. We have a big need for more housing of all kinds in every part of this state. And there is no single solution to doing that. There are many different ways to get there. And it's going to take creative, innovative, and bipartisan approaches to address the complexity of this problem.

But I'm confident that we can do this because the last few years have been all about finding creative and innovative solutions, right? If the pandemic has taught us anything, it's that a microscopic virus can completely upend the global economy and force us to rethink everything we do. Largely because of baby boomers launched into early retirements by COVID, we're confronting a changing workforce landscape. Which has exposed some really dire needs in many sectors. If not all sectors of our economy. There is no sector that hasn't been affected by these workforce challenges.

The last couple of years we've focused our energy, trying to help folks come out of the pandemic better than they went in. And even though we did better than almost any other state in the nation, there's still so much more to be done. So much of this comes back to workforce as an omnipresent presence over everything else we do this session. Because look, we can build the best behavioral health treatment centers in communities all over this state. But if we don't have enough staff to staff those beds, they will remain empty. And people will not get the care that they need. We can't provide critical health care to communities if hospitals are struggling with staffing issues and staff are weary to the bone because of shortages. We can't help parents access childcare and give businesses more certainty without enough childcare workers. And we can't give our kids the education they deserve without fixing the statewide shortage of teachers, and counselors and school nurses. We can't care for our aging population and support families caring for loved ones if we don't have enough people in the long-term care workforce. And we cannot adequately address public safety in our communities if our law enforcement agencies from the State Patrol to local police departments are struggling to fill positions.

This long list is all to say, this session is going to be a bit about Washington's workforce. Because it affects every sector. Every district. In every corner of this state. Rural and urban. East and west. Agricultural workers to high tech workers. This is an all-hands-on deck issue. Bipartisan. Bicameral. We all need to be aggressive and creative. Working together to solve workforce

challenges. And I'm really confident that we can do this because over the last few weeks I've met with nearly every freshman lawmaker from both sides of the aisle. What I've heard about is a desire for bipartisanship and working together. We may not always agree on everything, but these new legislators are incredibly ready to roll up their sleeves and to get to work on finding common, get working on finding common ground. That's refreshing and promising for this 105 day session.

You know, we've heard a lot from, for some time, about our nation being deeply divided. Mired in gridlock and partisan bickering. Heck, we just witnessed partisan bickering like none of us have ever seen in our lifetimes in the other Washington. I don't want to minimize the divisions that are out there. Immigrant communities, transgender youth and the right to bodily autonomy for every single one of us are all being attacked in an effort to stoke the fires of fear and partisanship.

But in this Washington, even if we disagree on these topics, our conversations will recognize the humanity of every person. They will be respectful and civil. And we will find the ways to protect the rights of every single Washingtonian in every corner of this state. No matter their race, their faith, their gender, their orientation or their identity.

In this Washington, nearly ninety five percent of the legislation passed every year is bipartisan. People are often surprised when I tell them that. But that's how it really is. Last biennium, more than a third of the bills passed, passed this chamber unanimously. That is a lot of common ground. But it's not easy. It's not easy. The bipartisan successes only happen when we're creative and we listen to our constituents into each other. They happen when we are patient with each other. And impatient about the problems we have to solve.

So, as we kick off the 2023 legislative session, I invite all of us to focus on our common ground. I believe the historic diversity in this chamber strengthens our ability to serve all Washingtonians. And it also brings us closer together by inviting us to stretch ourselves as we continue to adapt and advance. This is the people's house. And we are sent here by our constituents to do the people's work. So, let's get to it."

#### POINT OF PERSONAL PRIVILEGE

Representative Wilcox: "Thank you, Madame Speaker. Congratulations on your election to be Speaker. And congratulations on maybe the best speaker's first speech I've ever heard. Very impressive. I also want to congratulate you on your choice of guests here. It means a lot to me. To see Willie up there. And to know that so many other of the Nisqually Tribe and the Squaxins are here. I'm sure Pagan is looking on. She should have been up there. Really. It was good to see Hanford behind me. Chairman Peters, who's uncles I went to high school with.

This is a building of a lot of division, at times. We would like to overcome that as much as possible. We got a little taste over the last couple of years. What division feels like when you don't have human contact. And it wasn't good. Sometimes it's hard to come back into the building when you've been on the losing side of important debates. But when I see Willie up there, and I remember meeting him for the first time on a sand bank on our farm, in the Nisqually, with his dad, forty years ago, probably. And to realize that although my family had been there for five generations, his had walked the same ground for more than we can count. He is not bitter.

We know that we're capable of noble things in this building. But some people come to the Capital and remember in their history that in the 1850's, one of Willie's predecessors, as a leader in the Nisqually Tribe had surrendered. Was locked up for the night in the Governor's Office. And was assassinated overnight. Folks, I wasn't going to say any of this, but I'm moved. If Willie can be here, if Chairman Peters can be here, if Hanford and Pagan can be here, and work together to solve differences, we sure as heck, we better be able to do that. We couldn't have a better example than that.

I had a very unusual experience, a few weeks ago. An older man named Bob, he happens to be my daughter's new grandfather-in-law, mentioned that his grandfather had served in this building. And he didn't know what years, but he of course, knew his name. He had an unusual name, U.S. Ford. Representative U.S. Ford was

my daughter's grandfather-in-law's grandfather. And I found out a little bit more because I invited Bob to come to the Capital and find his grandfather in the portraits that are spread throughout the Capital. Bob's father was a carrier pilot in World War two. Was shot down and killed before he ever got to meet his son. U.S. Ford. Representative U.S. Ford helped raise Bob. And he died fairly young too so Bob didn't really have a lot of family. But he certainly raised a fine family. And when I think about the pride that Bob had for a man that served here eighty years ago, it gives me hope that eighty years from now, some of us are going to have children and grandchildren that are proud of our service here.

I hope everybody feels the same way I do when you drive up. And it works better early in the morning. And I'm kind of a morning guy. When you drive up here and the sun's just rising and you see that dome, it makes me feel like our forefathers and foremothers were not extravagant when they built one of the largest domes in the world. And made it look so inspiring because you can't walk here, you can't walk in this building without feeling inspired. And I don't think very many people, especially when you come in here the first time, feel like, I'm here, I'm a big deal. What you feel like is, this is a big deal. Our job is a big deal. The people that depend on us are a big deal.

We're going to come and go. Maybe our great grandchildren are going to come and look at our picture and remember a little bit about us. But the work is important. The inspiration is important. We aren't. I think the most inspiring thing that happens to me besides walking into this building, especially when it's empty, is to look at the faces of the people that even after, Laurie and I've been here for twelve years now, so maybe sometimes we get a little used to this position, but you go and talk to people that haven't been around government. And you can tell from their faces that they believe that you're capable of huge things. They believe that you're capable of way more than you know that you're capable of. That's our job to, to live up, to all those people.

Now I know that almost half of the members that are in this chamber now, Madame Speaker, have never been here for a regular session. I don't think there's any enterprise in life that is more about being human than politics. And a legislature is the place where human contact is the most important. We've seen conflict here. We've seen sometimes triumph. Sometimes we've lived up to the grandeur of the building. But the other thing that we've seen over time, I think, is less of a sense of reverence for our institution.

And so I would like to ask everyone, and I've talked to the newer legislators in my caucus about this too. We've had a time that's hard on all of us. Almost every institution in our communities and our country has been torn down to some extent. Let's be part of building one up. Let's honor this institution. Not by ever giving up. Not by forgetting our principles. But by persuading in the most effective way. Making an impact in the moment in that debate. But doing it in such a way that your opponents will have more respect for you, instead of less.

I sat down with Willie's dad when I was thinking about running for the very first time. And I've heard his dad talk about being the 'being arrested guy.' And no one had more reasons to be bitter than Billy Frank Jr., who was arrested fifty times. And I bet you that not a single one of those arrests were any fun. In fact, probably they were way worse than we can imagine. And what Billy said was JT, we've won in court, in fact, I think he said they're something like 14-0 in court. When we need legislation, we can often get the legislature to pass it. And we can get the governor to sign it. But it's all transitory. It all goes away unless you convince the people that are on the other side. That's how you accomplish things that are lasting. And that's what we should strive to do. Again, that doesn't mean giving up anything. But means remembering that there's going to be a debate tomorrow. And winning people's hearts is way more important than just scoring points.

We do have a lot of work to do. And there's going to be a bunch of stuff that we don't agree on, I'm sure. But as I've thought about our work this year, especially as I've done the press events that are necessary to this job, it occurs to me that there's really two kinds of jobs. In the majority, your job is to pass things. I'm a little jealous. For everybody else, House Republicans, the press, our constituents, it's our job to aggressively help you not make mistakes. And that should be your first goal too. I'm sure it is. There's a lot of brains in this building. There's a lot of brains

among the people that we represent and among the press. They're not all on one side of the aisle. Our job is to let you know when you might be wrong. Your job is to be open to that possibility and get better.

We have many of the same issues: affordability and inflation. I totally agree with you about workforce, and by the way, Madame Speaker, you've been using names so I'm going to feel free to use names too today. I'm so glad that Representative Ybarra came and asked me if he could switch committees, is working on education & workforce. I can't imagine a more qualified person than a man who grew up working hard in a working family. And is the best spokesperson that you could imagine to reach out to the one part of our workforce that is growing now. And is so often forgotten, so many people think that our Hispanic workforce is central Washington. It's not, it's all over the state.

And one of our major goals is going to be making sure that we don't allow any person in our state to be wasted. Not just as a workforce. But in terms of any kind of talent where we need those. We know that we still have problems in public safety. And Madame Speaker, it was good to fix some of those bills that were hastily passed a couple of years ago. And I went and shook the hands of one of your members who gave a remarkable speech where he started out with, 'I was wrong.' How many of us ever say that in public? We've got farther to go. And I think that we can help you with those.

We know that we still have problems in drug addiction. And it seems like it should be broadly agreeable that although the police and the criminal justice system are defective as the only or the first alternative for people struggling with addiction, they certainly can be part of the toolbox for that. And we have to restore our ability to include the criminal justice system in helping solve our addiction crisis.

And Madame Speaker, we certainly recognize that we've got lots of talent when it comes to housing. We've got my seatmate, Representative Andrew Barkis who has singlehandedly, housed thousands of people during his career. He tells me that we've got great opportunities or further progress in cooperation in that arena.

Madame Speaker, since we both agree that we've got big opportunities for solutions. And since I don't see a name plate here that says Adam Smith or Karl Marx, or anyone else who's famous for their ideology, let's work on the things we have in common first. Let's rush those bills through. So that we're not worried about the most important bills on the last day. Let's accomplish a lot in January and February. We know that we're going to have our fights, and I don't mean to disrespect anybody's ideology. We all have that. But let's make as much of our effort as possible, around accomplishing the best things for people. And save our fights for later.

Thanks, Madame Speaker."

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

Representative Farivar: "Thank you, Madame Speaker. It is truly an honor to present this nomination today for my friend and mentor, Representative Orwall. Having been sworn in only moments ago, it is incredibly fitting that my first floor speech is also a floor speech and nomination for the first legislator I ever had the pleasure of working with. This is truly special for me.

The good member and I got to know each other through collaboration on the first version of her language access legislation. It is an incredibly ambitious and desperately needed piece of legislation which required patience, determination, and a strong co-governance leadership style.

Now I could talk on and on about how wonderful the good representative is. However, I want to focus in on co-governance and what that means and the incredible work she has done in this leadership style.

Madame Speaker, it means working hand in hand with impacted communities. In this case, it was immigrants and refugees who had loved ones with developmental disabilities. It means making ourselves and resources available for communities that seldom have their voices heard. It means making room at the table. Creating the opportunity for these experts to lead the conversation. And it means doing so while honoring accessibility, cross cultural communication for meaningful participation in true power sharing.

The role of Speaker Pro Tempore is incredibly important and it helps shape the culture of this body. It makes it possible for all of us to effectively work together to serve Washington State.

Madame Speaker, the good representative is exactly who we need. She's proven time and time again that she works hard to meet the needs of her constituents and peers. And takes extra care to support those who have been underrepresented much like myself and my community.

The good member has an incredible heart. Clear and focused mind to lead us. The experience we need to succeed. And a strong grasp of what equity looks like in practice. She makes everyone feel welcomed, empowered, and valued. And has already been doing this work in this very Chamber.

Madame Speaker, I know she will continue to do this great work if elected today.

Thank you for the opportunity."

#### **MOTIONS**

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

Representative Fitzgibbon moved that Representative Tina Orwall be elected Speaker Pro Tempore of the House of Representatives. The motion was carried.

Representative Tina Orwall was elected Speaker Pro Tempore of the House of Representatives.

Representative Farivar escorted Speaker Pro Tempore Orwall to the rostrum.

#### **OATH OF OFFICE**

Justice Montoya-Lewis administered the Oath of Office to Speaker Pro Tempore Orwall.

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

Representative Donaghy: "Thank you, Madame Speaker. Deputy Bronoski is a firefighter. And as such, it's important that he do his job with a non-biased view. And be very responsive.

Being responsive and non-biased is also a very good skill to have when presiding over this chamber. He's already demonstrated that he has those abilities. And it's important that we give him the opportunity to continue to do so.

Thank you."

#### **MOTIONS**

Representative Fitzgibbon moved that the nominations for Deputy Speaker Pro Tempore of the House of Representatives be closed. The motion was carried.

Representative Fitzgibbon moved that Representative Dan Bronoske be elected Deputy Speaker Pro Tempore of the House of Representatives. The motion was carried.

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

Representative Donaghy escorted Deputy Speaker Pro Tempore Bronoske to the rostrum.

#### **OATH OF OFFICE**

Justice Montoya-Lewis administered the Oath of Office to Deputy Speaker Pro Tempore Bronoske.

#### **ELECTION OF THE CHIEF CLERK**

Representative Reeves: "Thank you, Madame Speaker. Today I rise in support of the nomination for Bernard Dean as Chief Clerk of our institution. Many people, when they hear that term, think of some guy pushing up his glasses in the back room,

shuffling around a lot of papers. And while that's absolutely a core function of the job of the Chief Clerk's office, when I think of this place as a political institution and a place of work, I think of the Chief Clerk as our Chief Operations Officer.

I can tell you, I think most of us would agree. I hope we would agree that there are kind of three key things that we are looking for in a Chief Clerk, as our Chief Operations officer. We're looking for somebody who respects the magnitude of this institution. And the importance of the work that we do here. We're looking for somebody who's willing to adapt to change. And to help us manage through that change. And most importantly, we are looking for somebody who understands how important the processes and the systems that we use in this place need to be to work for everyone.

It's why I think it's so important that Mr. Dean, who has managed us through two remote sessions and making sure that the institution and the processes that we bring here worked for all of us. I think it's important, my colleague here tells me, that we're in the works of trying to welcome dogs into the House of Representatives under Mr. Dean's leadership. But ultimately that Mr. Dean has done the work to demonstrate both his commitment to this institution. To the processes that work for us all. And to making sure that he's open to adapting to change as necessary.

Under his leadership, we've made sure that remote sessions work. We've seen the development of an HR office here. And we've enacted a code of conduct. These are all important systems and tools that ensure that this is a respectful workplace.

So for those reasons and many more and my own personal, my own personal preference is that he is a WSU Cougar – Go! Cougs!

I'd like to, I ask respectfully for your vote for Mr. Bernard Dean as Chief Clerk of this institution."

Representative Maycumber: "Thank you, Madame Speaker. I second the nomination for Bernard Dean for Chief Clerk for the House of Representatives for the 2023 legislative session. In true 7th district fashion, I was gonna make a bunch of jokes and make it lighthearted, but I do see that Mr. and Mrs. Dean are here today. So I do want to say a few kind words about Bernard. And all the things he's done for us. And it's nice to see you.

In the last two years, I will say that Bernard had to pretty much put together all of our rules that we had set for him. And then he had to come out and make sure it all worked with a team, of course, but it was very difficult. I will mention, he said not to talk about his extensive resume. But I, one of my key points was he is a WSU grad, which is very important to us, Eastern Washington folks.

And in addition, he served as Deputy Chief Clerk from 2007 to 2016, which is really important. He understands the job. He understands the policy. And he really cares about bringing everyone together and making sure all our voices are heard.

For those new members, I want to make sure that you go in there and speak to him and get to know him. It's very important. But also, at midnight, he also has a bunch of snacks in his office that are open and free game and very important. And a lot of you, now that I've told the secret, are staring at me at the rostrum.

But I want to take a moment, when this politics world seems very divided, he is someone who brings people's faith in the institution back. Bernard takes very strong responsibility for this role. And he makes sure that we hold it to the highest standard possible. And I thank him for that. As each one of us try to serve our constituents to the best of our ability, he's encouraging us and leading this institution with a calm demeanor. Although some of us have seen the other side. But yes, a calm demeanor. He's insightful because he does understand the institution and the job. And he has a desire for collaboration and inclusion. And I thank him for that.

In short, Madame Speaker, he is the right person for the right time and the right job. And as we move forward with everyone here, it is nice to see all the faces. And I know he appreciated it. As he is one of the few people that were here full-time while many of us, many of you weren't, I was here full-time too. But it's nice to have everyone back and it's nice to have Bernard Dean, as our Chief Clerk.

And I recommend an 'aye' vote."

## MOTIONS

Representative Fitzgibbon moved that the nominations for the office of Chief Clerk of the House of Representatives be closed. The motion was carried.

Representative Fitzgibbon moved that Bernard Dean be elected Chief Clerk of the House of Representatives. The motion was carried.

Bernard Dean was elected Chief Clerk of the House of Representatives.

Representative Reeves and Representative Maycumber escorted Chief Clerk Dean to the rostrum.

## OATH OF OFFICE

Justice Montoya-Lewis administered the Oath of Office to Chief Clerk Dean.

Chief Clerk Dean: "Thank you, Justice Montoya-Lewis and Speaker Jinkins. Representatives Reeves and Maycumber, I appreciate your kind remarks.

Thank you for the opportunity to continue to serve as Chief Clerk. I also want to thank my family who have been a constant source of support and encouragement.

It is an honor and a privilege to have been part of this institution for over 22 years. I started out as a staffer on the Appropriations Committee, putting in the long hours, crunching numbers and doing the research to provide members with the information they need to make informed budget and policy decisions.

I've been here through economic prosperity, through recessions, through the tie, and even through an earthquake!

As Chief Clerk, I leaned in, as we challenged ourselves to look inward as an institution and decide that we want the House to be a place that prioritizes and promotes a respectful workplace, a safe workplace—a place where harassment of any sort is not excused or tolerated.

The constant throughout my time here has been the dedication of the people—both elected and employed. That dedication shone bright during the unprecedented crisis of a global pandemic.

For the last three years I worked alongside our team to navigate the challenges of COVID. This crisis required us to think outside the box and act quickly to keep members and staff safe, maintain House operations, and support remote legislative work.

New innovations like remote testimony allowed greater public participation in committee hearings and made it easier for residents throughout the state to participate in the process.

We owe a debt of gratitude to all our staff who once again rose to challenge. Their smarts, creativity, and unwavering commitment to public service enabled us to conduct two legislative sessions safely and successfully without any major disruption.

A special thank you to the Legislative Service Center for developing the technology that made it all possible. You are exceptional!

Many thanks to Deputy Chief Clerk Melissa Palmer and our office staff. This place would not run smoothly without you.

To the new members, take stock in this moment and in the incredible opportunity to serve in the people's house. And know that you have the best and the brightest to support you.

Condoleezza Rice put it well when she said, "There is no greater challenge and there is no greater honor than to be in public service."

Thank you, I look forward to a productive session."

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4600**, by Representatives Fitzgibbon and Kretz

BE IT RESOLVED, That a committee consisting of four members of the House of Representatives be appointed by the

Speaker of the House to notify the Governor that the House is organized and ready to conduct business.

Representative Fitzgibbon moved adoption of HOUSE RESOLUTION NO. 4600.

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

HOUSE RESOLUTION NO. 4600 was adopted.

The Speaker appoints Representatives Connors, Couture, Mena and Timmons to notify the Governor that the House is organized and ready to do business.

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

### INTRODUCTION & FIRST READING

HB 1000 by Representatives Stokesbary, Corry, Barkis, Graham, Griffey, Robertson and Caldier

AN ACT Relating to providing sales tax relief by expanding the working families' tax credit; reenacting and amending RCW 82.08.0206; and providing an effective date.

Referred to Committee on Finance.

HB 1001 by Representatives Leavitt, Rude, Ryu, Simmons, Goodman, Pollet, Doglio, Orwall, Macri, Caldier, Reeves, Bronoske, Kloba and Riccelli

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

Referred to Committee on Postsecondary Education & Workforce.

HB 1002 by Representatives Leavitt, Thai, Ryu, Berry, Reed, Lekanoff, Senn, Doglio, Reeves, Bronoske, Kloba and Riccelli

AN ACT Relating to increasing the penalty for hazing; amending RCW 28B.10.901, 9.94A.411, 9.94A.515, and 9A.46.060; creating a new section; and prescribing penalties.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1003 by Representatives Stokesbary, Jacobsen, Graham, Rude and Griffey

AN ACT Relating to expanding access to dual credit programs; amending RCW 28A.600.287 and 28B.92.030; reenacting and amending RCW 28A.600.310; adding new sections to chapter 28A.600 RCW; adding a new section to chapter 28B.77 RCW; adding a new section to chapter 28B.92 RCW; creating a new section; and repealing RCW 28A.320.196, 28A.600.290, 28B.76.730, 43.131.427, and 43.131.428.

Referred to Committee on Education.

HB 1004 by Representatives Abbarno, Orcutt, Berry, Simmons, Graham, Schmidt, Christian, Lekanoff, Griffey, Dye, Klicker, Wylie, Cheney, Davis and Riccelli

AN ACT Relating to installing signs on or near bridges to provide information to deter jumping; amending RCW 36.86.040, 47.36.030, and 81.36.100; adding a new section to chapter 35.21 RCW; adding a new section to chapter 47.04 RCW; adding a new section to chapter 47.36 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 77.12 RCW; adding a new section to chapter 79.10

RCW; adding a new section to chapter 79A.05 RCW; and creating new sections.

Referred to Committee on Transportation.

HB 1005 by Representatives Abbarno, Graham, Leavitt, Christian, Griffey, Robertson, Orwall, Dye, Caldier, Klicker, Orcutt and Cheney

AN ACT Relating to employer tax incentives for the support of veterans and military families; amending RCW 82.04.4498 and 82.16.0499; creating new sections; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Finance.

HB 1006 by Representatives Orwall, Mosbrucker, Goodman, Davis, Hackney, Simmons, Griffey, Peterson, Leavitt, Ryu, Bateman, Reed, Graham, Ramel, Pollet, Doglio, Rude, Macri, Caldier, Reeves, Wylie, Gregerson, Kloba, Riccelli, Farivar and Fosse

AN ACT Relating to expanding access to drug testing equipment to promote community safety; and amending RCW 69.50.102 and 69.50.4121.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1007 by Representatives Paul, Stokesbary, Bergquist, Leavitt, Simmons, Griffey, Callan, Doglio, Timmons, Reeves, Bronoske, Shavers, Riccelli and Ormsby

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

Referred to Committee on Appropriations.

HB 1008 by Representatives Bronoske, Simmons, Goodman, Leavitt, Bateman, Lekanoff, Callan, Kloba, Santos, Ormsby and Fosse

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

Referred to Committee on Appropriations.

HB 1009 by Representatives Leavitt, Barkis, Ryu, Paul, Donaghy, Slatter, Simmons, Low, Volz, Schmidt, Christian, Lekanoff, Griffey, Doglio, Robertson, Orwall, Caldier, Reeves, Bronoske, Bergquist, Shavers, Riccelli and Ormsby

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

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1010 by Representatives Chapman, McEntire, Dent, Reed, Griffey, Reeves and Kloba

AN ACT Relating to the sanitary control of shellfish; adding a new section to chapter 69.30 RCW; and declaring an emergency.

Referred to Committee on Agriculture and Natural Resources.

HB 1011 by Representatives Abbarno, Corry, Dent, Barkis, Griffey, Ybarra, Walsh, Schmidt, Robertson, Couture,

Stokesbary, Chambers, Hutchins, Eslick, Volz, Sandlin, Jacobsen, Klicker, Graham, Steele, McClintock, Connors, Christian, Rude, Dye, Caldier, Schmick, Orcutt, Springer, Barnard and Cheney

AN ACT Relating to repealing the long-term services and supports trust program; creating a new section; repealing RCW 50B.04.010, 50B.04.020, 50B.04.030, 50B.04.040, 50B.04.050, 50B.04.055, 50B.04.060, 50B.04.070, 50B.04.080, 50B.04.085, 50B.04.088, 50B.04.090, 50B.04.095, 50B.04.100, 50B.04.110, 50B.04.120, 50B.04.130, 50B.04.140, 50B.04.150, 50B.04.160, 50B.04.170, and 50B.04.900; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1012 by Representatives Leavitt, Robertson, Ryu, Simmons, Reed, Ramel, Lekanoff, Pollet, Callan, Doglio, Orwall, Macri, Timmons, Donaghy, Reeves, Wylie, Bronoske, Paul, Springer and Thai

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

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1013 by Representatives Maycumber, Santos, Ybarra, Stonier, Dent, Goodman, Tharinger, Riccelli, Lekanoff, Rude, Walen, Robertson, Mosbrucker, Berry, Stokesbary, Fey, Harris, McClintock, Bronoske, Waters, Duerr, Hackney, Klicker, Kretz, Couture, Barnard, Walsh, Chapman, Griffey, Chopp, Leavitt, Ryu, Low, Barkis, Simmons, Schmidt, Sandlin, Bateman, Reed, Graham, Christian, Timmons, Pollet, Street, Rule, Connors, Cortes, Callan, Doglio, Orwall, Caldier, Reeves, Wylie, Bergquist, Thai, Kloba, Cheney and Ormsby

AN ACT Relating to establishing regional apprenticeship programs through educational service districts; adding a new section to chapter 28A.310 RCW; and creating a new section.

Referred to Committee on Education.

HB 1014 by Representatives Abbarno, Bronoske, Ryu, Simmons, Bateman, Graham, Ramel, Griffey, Dye, Klicker, Orcutt and Cheney

AN ACT Relating to capital projects for the provision of fire protection services; and adding a new chapter to Title 43 RCW.

Referred to Committee on Capital Budget.

HB 1015 by Representatives Santos, Ybarra, Bergquist, Stonier, Leavitt, Rude, Jacobsen, Simmons, Reed, Lekanoff, Goodman, Pollet, Ortiz-Self, Callan, Doglio, Reeves, Tharinger, Wylie, Paul, Thai, Springer and Ormsby

AN ACT Relating to minimum employment requirements for paraeducators; amending RCW 28A.413.040; and declaring an emergency.

Referred to Committee on Education.

HB 1016 by Representatives Chapman, Volz, Goodman and Griffey

AN ACT Relating to creating a wine retailer shipper's permit; amending RCW 66.20.365; and adding a new section to chapter 66.20 RCW.

Referred to Committee on Regulated Substances & Gaming.

HB 1017 by Representatives Ryu, Leavitt, Chambers, Simmons, Jacobsen, Reed, Graham, Lekanoff, Caldier, Timmons, Reeves, Tharinger, Springer, Thai, Santos and Riccelli

AN ACT Relating to expediting licensure for cosmetologists, hair designers, barbers, manicurists, and estheticians; and amending RCW 18.16.090.

Referred to Committee on Consumer Protection & Business.

HB 1018 by Representatives Tharinger, Chapman, Orcutt, Abbarno, Fey, Ryu and Wylie

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

Referred to Committee on Finance.

HB 1019 by Representatives Dent, Chapman, Ryu, Corry, Sandlin, Reeves, Springer, Schmick and Davis

AN ACT Relating to creating the pesticide advisory board; adding a new section to chapter 17.21 RCW; and creating a new section.

Referred to Committee on Agriculture and Natural Resources.

HB 1020 by Representatives Morgan, Callan, Ryu, Simmons, Reed, Gregerson, Thai and Ormsby

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

Referred to Committee on State Government & Tribal Relations.

HB 1021 by Representatives Thai, Orwall, Leavitt, Ryu, Simmons, Reed, Lekanoff, Callan, Macri, Reeves, Wylie, Kloba and Ormsby

AN ACT Relating to aligning social worker licensing requirements with national standards and requirements for other mental health professionals; amending RCW 18.225.090; and creating a new section.

Referred to Committee on Postsecondary Education & Workforce.

HB 1022 by Representatives Chapman, Reed, Lekanoff, Reeves, Chopp, Wylie, Kloba and Riccelli

AN ACT Relating to providing additional support and services for veterans' assistance and for persons with developmental disabilities or mental health needs; amending RCW 71.20.110, 73.08.080, 84.52.043, 84.52.043, 84.52.010, 84.52.010, and 84.55.005; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Local Government.

HB 1023 by Representatives Walen, Goodman, Reeves, Thai and Ormsby

AN ACT Relating to the elimination of wire tap authorization reporting to the administrative office of the courts; and repealing RCW 9.73.120.

Referred to Committee on Civil Rights & Judiciary.



HB 1024 by Representatives Simmons, Reed, Berry, Ryu, Goodman, Bateman, Ramel, Peterson, Street, Doglio, Macri, Reeves, Wylie, Alvarado, Thai, Santos, Ormsby and Fosse

AN ACT Relating to labor and income of incarcerated persons; amending RCW 10.01.160, 72.09.015, 72.09.100, 72.09.110, 72.09.111, 72.09.130, 72.09.460, and 72.09.480; reenacting and amending RCW 9.94A.760; adding a new section to chapter 72.09 RCW; creating new sections; repealing RCW 72.09.400 and 72.09.410; and providing an effective date.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1025 by Representatives Thai, Reed, Berry, Ryu, Simmons, Bateman, Fitzgibbon, Farivar, Peterson, Alvarado, Pollet, Street, Cortes, Doglio, Macri, Gregerson, Stonier, Kloba and Santos

AN ACT Relating to creating a private right of action for harm from violations of the state Constitution or state law by peace officers; adding a new chapter to Title 7 RCW; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 1026 by Representatives Walen, Duerr, Bateman, Reed, Fitzgibbon, Ramel, Peterson, Macri, Tharinger, Wylie and Santos

AN ACT Relating to local government design review; and amending RCW 36.70B.020 and 36.70B.120.

Referred to Committee on Housing.

HB 1027 by Representatives Riccelli, Schmick, Ryu, Simmons, Duerr, Reed, Lekanoff, Pollet, Doglio, Macri, Timmons, Reeves, Tharinger, Wylie, Thai, Stonier, Ormsby, Farivar and Fosse

AN ACT Relating to extending the time frame in which real-time telemedicine using both audio and video technology may be used to establish a relationship for the purpose of providing audio-only telemedicine for certain health care services; and amending RCW 41.05.700, 48.43.735, and 74.09.325.

Referred to Committee on Health Care & Wellness.

HB 1028 by Representatives Orwall, Mosbrucker, Ryu, Simmons, Goodman, Reed, Lekanoff, Pollet, Callan, Doglio, Macri, Caldier, Reeves, Wylie, Gregerson, Davis, Ormsby and Fosse

AN ACT Relating to supporting crime victims and witnesses by promoting victim-centered, trauma-informed responses in the legal system; amending RCW 5.70.040, 5.70.050, 5.70.060, 9A.04.080, 43.101.272, 43.101.276, 43.101.278, 7.68.170, 43.43.545, 7.68.380, 43.185C.260, and 7.69.030; adding a new section to chapter 43.10 RCW; adding new sections to chapter 43.101 RCW; adding a new section to chapter 43.280 RCW; adding a new section to chapter 70.02 RCW; adding a new section to chapter 7.68 RCW; creating a new section; repealing RCW 43.101.270; providing an effective date; and providing expiration dates.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1029 by Representatives Jacobsen, Walsh, Graham, Christian, Griffey, Rude and Caldier

AN ACT Relating to reemployment of state workers dismissed from employment due to vaccine mandates; adding a new section to chapter 43.01 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1030 by Representatives Leavitt, Jacobsen, Pollet, Reeves and Bronoske

AN ACT Relating to applied doctorate degree-granting authority; adding a new section to chapter 28B.35 RCW; and repealing RCW 28B.35.215, 28B.35.216, and 28B.35.218.

Referred to Committee on Postsecondary Education & Workforce.

HB 1031 by Representatives Low, Ryu, Schmidt, Christian, Reeves and Ramos

AN ACT Relating to the medal of valor award presentation; and amending RCW 1.60.030.

Referred to Committee on State Government & Tribal Relations.

HB 1032 by Representatives Dent, Chapman, Ryu, Reed, Graham, Ramel, Pollet, Griffey, Reeves, Tharinger, Wylie, Springer, Kloba and Donaghy

AN ACT Relating to mitigating the risk of wildfires through electric utility planning and identification of best management practices appropriate to each electric utility's circumstances; amending RCW 76.04.780; adding a new section to chapter 43.21F RCW; adding a new section to chapter 80.28 RCW; adding a new section to chapter 19.29A RCW; and creating a new section.

Referred to Committee on Agriculture and Natural Resources.

HB 1033 by Representatives Walen, Ryu, Reed, Fitzgibbon, Pollet, Callan, Doglio, Macri, Gregerson, Davis, Santos, Ormsby and Fosse

AN ACT Relating to evaluating compostable product usage in Washington; adding a new section to chapter 70A.205 RCW; and providing an expiration date.

Referred to Committee on Environment & Energy.

HB 1034 by Representatives Walen, Leavitt, Goodman, Bateman, Slatter, Fitzgibbon, Ramel, Peterson, Orwall, Macri, Wylie, Gregerson, Thai, Springer, Bergquist, Pollet, Stonier, Santos, Donaghy, Ormsby and Fosse

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

Referred to Committee on Agriculture and Natural Resources.

HB 1035 by Representatives Walen, Ryu, Simmons, Goodman, Bateman, Reed, Ramel, Duerr, Street, Callan, Doglio, Macri, Tharinger, Wylie, Gregerson, Bergquist, Thai, Kloba, Santos, Ormsby and Fosse

AN ACT Relating to prohibiting health care entities from restricting the provision of certain health care services by health care providers; and amending RCW 70.400.010, 70.400.020, and 70.245.190.

Referred to Committee on Health Care & Wellness.

HB 1036 by Representatives Walen, Duerr, Graham, Ramel, Peterson, Doglio, Caldier, Donaghy, Wylie, Ormsby and Fosse

AN ACT Relating to duty of clergy to report child abuse or neglect; amending RCW 26.44.030 and 9A.04.080; and reenacting and amending RCW 26.44.020.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1037 by Representative Walsh

AN ACT Relating to family burial grounds on privately owned property; amending RCW 68.05.400, 68.20.010, 68.20.140, and 68.50.130; adding a new section to chapter 68.04 RCW; and adding a new chapter to Title 68 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1038 by Representatives Taylor, Harris, Reed, Walen, Schmidt and Stonier

AN ACT Relating to licensure of anesthesiologist assistants; amending RCW 18.130.040, 18.130.040, and 18.120.020; adding a new chapter to Title 18 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1039 by Representatives Macri, Harris, Corry, Duerr, Riccelli, Chambers, Goodman, Reed, Fitzgibbon, Pollet, Ryu, Paul, Thai, Springer, Stonier, Kloba, Santos and Ormsby

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

Referred to Committee on Health Care & Wellness.

HB 1040 by Representatives Dent, Orwall, Corry, Ryu, Schmidt, Christian, Sandlin and Davis

AN ACT Relating to establishing an aviation and aerospace advisory committee; adding a new section to chapter 43.330 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1041 by Representatives Bateman, Macri, Ryu, Simmons, Goodman, Reed, Taylor, Callan, Doglio, Reeves, Wylie, Gregerson, Stonier, Kloba and Ormsby

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

Referred to Committee on Health Care & Wellness.

HB 1042 by Representatives Walen, Ryu, Barkis, Simmons, Duerr, Goodman, Bateman, Reed, Ramel, Peterson, Pollet, Doglio, Macri, Reeves, Mena, Tharinger, Wylie, Gregerson, Springer, Bergquist, Thai, Kloba, Santos and Ormsby

AN ACT Relating to the creation of additional housing units in existing buildings; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Housing.

HB 1043 by Representatives McEntire, Leavitt and Walsh

AN ACT Relating to association records in common interest communities; and amending RCW 64.32.170, 64.34.372, and 64.38.045.

Referred to Committee on Housing.

HB 1044 by Representatives McEntire, Graham, Couture, Sandlin, Walsh, Rude, Caldier and Santos

AN ACT Relating to capital financial assistance to small school districts with demonstrated funding challenges; amending RCW 28A.525.159; adding a new section to chapter 28A.525 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1045 by Representatives Berry, Peterson, Ryu, Simmons, Goodman, Bateman, Reed, Ramel, Pollet, Street, Senn, Doglio, Macri, Mena, Wylie, Gregerson and Ormsby

AN ACT Relating to creating the evergreen basic income pilot program; amending RCW 74.04.005, 43.216.1368, 43.185C.220, and 26.19.071; reenacting and amending RCW 10.101.010; adding a new section to chapter 43.216 RCW; adding a new chapter to Title 74 RCW; and creating a new section.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1046 by Representatives Walen, Leavitt, Ryu, Bateman, Peterson, Doglio, Reeves, Wylie, Bergquist, Springer, Kloba, Santos and Ormsby

AN ACT Relating to expanding housing supply by supporting the ability of public housing authorities to finance affordable housing developments by rebenchmarking area median income limits; and amending RCW 35.82.070.

Referred to Committee on Housing.

HB 1047 by Representatives Mena, Ryu, Berry, Simmons, Duerr, Goodman, Bateman, Reed, Fitzgibbon, Ramel, Doglio, Orwall, Macri, Gregerson, Thai, Stonier, Santos, Riccelli and Ormsby

AN ACT Relating to the use of toxic chemicals in cosmetic products; amending RCW 43.21B.110 and 43.21B.300; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 1048 by Representatives Mena, Simmons, Goodman, Berry, Ramel, Peterson, Pollet, Doglio, Macri, Morgan, Wylie, Gregerson, Bergquist, Street, Cortes, Santos, Ormsby and Farivar

AN ACT Relating to enhancing the Washington voting rights act; amending RCW 29A.92.010, 29A.92.030, 29A.92.040, 29A.92.060, 29A.92.090, 29A.92.110, 29A.92.070, 29A.92.080, 29A.92.130, and 36.32.020; adding new sections to chapter 29A.92 RCW; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1049 by Representatives Doglio, Bateman, Riccelli and Ormsby

AN ACT Relating to updating timelines for adopting county commissioner district boundaries following expansion from three to five commissioners; and amending RCW 36.32.0552.

Referred to Committee on State Government & Tribal Relations.

HB 1050 by Representatives Riccelli, Berry, Simmons, Ryu, Goodman, Reed, Ramel, Lekanoff, Pollet, Street, Doglio, Donaghy, Wylie, Santos, Ormsby and Fosse

AN ACT Relating to expanding apprenticeship utilization requirements; amending RCW 39.04.320; and providing an effective date.

Referred to Committee on Capital Budget.

HB 1051 by Representatives Leavitt, Walen, Simmons, Ryu, Goodman, Fitzgibbon, Pollet, Doglio, Orwall, Macri, Timmons, Wylie, Bronoske, Ramos, Thai and Kloba

AN ACT Relating to robocalling and telephone scams; amending RCW 80.36.400, 80.36.390, and 19.158.020; creating a new section; and prescribing penalties.

Referred to Committee on Consumer Protection & Business.

HB 1052 by Representatives Ramel, Lekanoff, Bateman, Reed, Pollet, Walen, Doglio and Kloba

AN ACT Relating to providing a property tax exemption for qualified real and personal property owned or used by a nonprofit entity in providing qualified housing funded in whole or part through a local real estate excise tax; amending RCW 84.36.560; and creating a new section.

Referred to Committee on Finance.

HB 1053 by Representatives Robertson, Mosbrucker, Corry, Barkis, Griffey, Walsh, Low, Abbarno, Couture, Stokesbary, Chambers, Hutchins, Ybarra, Schmidt, Dent, Jacobsen, Sandlin, Graham, Steele, Christian, McClintock, Goehner, Connors, Rude, Caldier, Barnard, Cheney and Maycumber

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

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1054 by Representatives Walen, Simmons, Ryu, Bateman, Ramel, Doglio, Macri, Gregerson, Springer, Thai, Kloba and Donaghy

AN ACT Relating to the authority of owners' associations in common interest communities to regulate or limit occupancy by unrelated persons; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.38 RCW; and adding a new section to chapter 64.90 RCW.

Referred to Committee on Housing.

HB 1055 by Representatives Stokesbary, Ormsby, Leavitt, Simmons, Goodman, Lekanoff, Rule, Robertson, Bronoske, Bergquist and Davis

AN ACT Relating to public safety employees' retirement plan membership for public safety telecommunicators; amending RCW 41.37.005 and 41.37.010; adding a new section to chapter 41.37 RCW; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 1056 by Representatives Stokesbary, Fitzgibbon, Leavitt, Simmons, Lekanoff, Rule, Griffey, Macri, Bergquist, Wylie and Ormsby

AN ACT Relating to repealing some postretirement employment restrictions; amending RCW 41.32.765, 41.32.802, 41.32.862, 41.32.875, 41.35.060, 41.35.420, 41.35.680, 41.40.630, and 41.40.820; and providing an effective date.

Referred to Committee on Appropriations.

HB 1057 by Representatives Stokesbary, Fitzgibbon, Leavitt, Simmons, Rude, Bateman, Pollet, Street, Goodman, Robertson, Macri, Donaghy, Bronoske, Paul, Bergquist, Wylie, Kloba and Ormsby

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

Referred to Committee on Appropriations.

HB 1058 by Representatives Paul, Orcutt, Simmons, Ryu, Reed, Ramel, Lekanoff, Sandlin, Macri, Timmons, Wylie, Shavers, Kloba and Ormsby

AN ACT Relating to streamlining the licensing process for a commercial driver's license by allowing the department to waive requirements for applicants that previously surrendered the license, allowing the license to be renewed online, and modifying the license test fees; amending RCW 46.25.088 and 46.25.060; and providing an effective date.

Referred to Committee on Transportation.

HB 1059 by Representatives Walen, Duerr, Rule, Doglio, Timmons, Reeves, Wylie, Thai, Kloba and Ormsby

AN ACT Relating to protecting minors from sexual exploitation; and amending RCW 9.68A.040 and 9.68A.053.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1060 by Representatives Corry, Berry, Walen and Reeves

AN ACT Relating to reorganization of domestic mutual insurers; and adding new sections to chapter 48.09 RCW.

Referred to Committee on Consumer Protection & Business.

HB 1061 by Representatives Ryu, Corry and Reeves

AN ACT Relating to the elimination of prelicensing education requirements for licensed insurance producers; and amending RCW 48.17.090.

Referred to Committee on Consumer Protection & Business.

HB 1062 by Representatives Peterson, Simmons, Bateman, Reed, Doglio, Orwall, Macri, Gregerson, Thai, Stonier, Santos and Farivar

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

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1063 by Representative Corry

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

Referred to Committee on Transportation.

HB 1064 by Representatives Jacobsen, Rude and Walsh

AN ACT Relating to school safety capital grants; and adding a new section to chapter 28A.525 RCW.

Referred to Committee on Capital Budget.

HB 1065 by Representatives Ryu, Reed, Callan, Wylie, Kloba and Ormsby

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

Referred to Committee on Consumer Protection & Business.

HB 1066 by Representatives Goodman, Abbarno, Simmons and Kloba

AN ACT Relating to making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025; amending RCW 10.99.033, 7.68.360, 18.85.285, 19.27.190, 24.46.010, 28A.160.090, 28A.515.320, 28B.30.537, 28B.30.900, 28B.50.281, 28C.18.130, 28C.18.140, 31.24.030, 34.05.330, 35.02.260, 35.13.171, 35.21.300, 36.01.120, 36.70A.085, 36.70A.131, 36.70B.040, 36.70B.080, 36.93.080, 36.110.030, 39.04.156, 39.19.240, 39.34.230, 39.35D.080, 39.44.210, 39.44.230, 39.84.090, 40.10.020, 41.06.072, 43.20A.037, 43.20A.790, 43.21A.510, 43.21A.515, 43.21A.612, 43.21G.010, 43.22.495, 43.22A.020, 43.23.035, 43.30.835, 43.31.205, 43.31.504, 43.31.970, 43.63A.115, 43.63A.135, 43.63A.155, 43.63A.230, 43.63A.275, 43.63A.400, 43.63A.410, 43.63A.720, 43.63A.735, 43.63A.764, 43.70.540, 43.132.030, 43.132.810, 43.133.030, 43.133.050, 43.150.040, 43.163.020, 43.163.120, 43.168.010, 43.176.030, 43.176.901, 43.180.040, 43.180.200, 43.180.220, 43.185A.100, 43.185C.200, 43.210.030, 43.210.060, 43.270.020, 43.270.070, 43.270.080, 43.310.020, 43.325.100, 43.325.110, 43.330.065, 43.330.904, 43.332.010, 47.01.440, 47.12.064, 47.39.040, 47.39.069, 47.39.090, 47.50.090, 47.76.230, 49.04.200, 50.38.030, 50.72.030, 53.36.030, 54.16.285, 54.52.020, 57.46.010, 57.46.020, 59.18.440, 59.24.020, 59.24.050, 59.24.060, 59.28.030, 59.28.040, 59.28.050, 59.28.060, 59.28.120, 64.34.442, 66.08.195, 66.08.198, 67.28.8001, 67.38.070, 70.62.290, 70.114A.070, 70.136.030, 70A.50.020, 70A.205.210, 70A.205.710, 71.09.255, 72.09.055, 72.65.210, 76.56.020, 79.105.600, 79A.30.050, 79A.50.100, 79A.60.480, 80.36.440, 80.80.050, 80.80.080, 90.56.280, 9.41.280, 9.41.284, 9.41.305, 9A.44.050, 9A.44.100, 9.94A.838, 9A.44.128, 9A.72.160, 10.31.115, 43.20A.715, 82.04.758, 43.41.425, 64.38.110, 72.01.412, and 88.02.620; reenacting and amending RCW 10.99.080, 28A.300.145, 43.03.305, 43.185B.020, 46.04.670, 46.68.340, 53.08.370, 54.16.330, 70A.15.3150, 79.64.100, 43.21J.030, and 9A.44.010; reenacting RCW 10.99.030, 46.25.010, 66.24.210, 66.24.495, 69.50.530, 69.50.540, 70.47.020, 74.09.053, 82.38.060, and 82.42.040; creating a new section; decodifying RCW 28A.300.2851, 28A.300.807, 43.10.300, 43.280.091, and 44.82.010; repealing 2011 1st sp. sess. c 35 s 3 (uncodified); providing a contingent effective date; and providing expiration dates.

Referred to Committee on Civil Rights & Judiciary.

HB 1067 by Representatives Bronoske, Simmons, Berry, Bateman, Lekanoff, Doglio, Gregerson, Wylie, Ortiz-Self, Pollet, Davis, Riccelli, Ormsby and Fosse

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

Referred to Committee on Labor & Workplace Standards.

HB 1068 by Representatives Bronoske, Simmons, Ryu, Goodman, Berry, Bateman, Peterson, Taylor, Doglio, Gregerson, Wylie, Pollet, Davis, Santos, Ormsby and Fosse

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

Referred to Committee on Labor & Workplace Standards.

HB 1069 by Representatives Leavitt, Harris, Riccelli, Simmons, Barkis, Slatter, Ryu, Bateman, Rude, Schmidt, Rule, Goodman, Ybarra, Callan, Doglio, Orwall, Macri, Caldier, Senn, Tharinger, Bronoske, Gregerson, Paul, Wylie, Stonier, Kloba, Ormsby and Farivar

AN ACT Relating to the mental health counselor compact; and adding a new chapter to Title 18 RCW.

Referred to Committee on Postsecondary Education & Workforce.

HB 1070 by Representatives Connors, Reeves, Hutchins, Schmidt, Peterson, Christian, Rude, Klicker, Barkis and Walsh

AN ACT Relating to exempting the sale and leaseback of property by a seller from the residential landlord-tenant act when the seller agrees to a written lease at closing; and amending RCW 59.18.040.

Referred to Committee on Housing.

HB 1071 by Representatives Walsh, Jacobsen, Graham and Griffey

AN ACT Relating to securing schools by authorizing funding for a school resource officer in every school; amending RCW 28A.710.280 and 28A.715.040; adding a new section to chapter 28A.150 RCW; creating a new section; and providing an effective date.

Referred to Committee on Education.

HB 1072 by Representatives Klicker, Sandlin and Rude

AN ACT Relating to motor vehicle length limitations; and amending RCW 46.44.030.

Referred to Committee on Transportation.

HB 1073 by Representatives Harris, Tharinger, Ryu, Leavitt, Macri, Caldier, Santos and Ormsby

AN ACT Relating to medical assistants; and amending RCW 18.360.040 and 18.360.050.

Referred to Committee on Postsecondary Education & Workforce.

HB 1074 by Representatives Thai, Macri, Simmons, Ryu, Ramel, Peterson, Lekanoff, Alvarado, Pollet, Cortes, Gregerson, Kloba, Davis and Ormsby

AN ACT Relating to documentation and processes governing landlords' claims for damage to residential premises; amending RCW 59.18.260, 59.18.280, 59.18.060, 59.18.130, and 59.18.595; reenacting and amending RCW 59.18.030; and creating a new section.

Referred to Committee on Housing.

HB 1075 by Representatives Thai, Walen, Simmons, Berry, Ramel, Peterson, Pollet, Callan, Macri, Gregerson, Bergquist, Wylie, Kloba, Santos, Riccelli, Fosse and Ormsby

AN ACT Relating to expanding eligibility for the working families' tax credit to everyone age 18 and older; amending 2021 c 195 s 4 (uncodified); reenacting and amending RCW 82.08.0206; creating a new section; providing an effective date; and providing a contingent expiration date.

Referred to Committee on Finance.

HB 1076 by Representatives Klicker, Sandlin and Barnard

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

Referred to Committee on Environment & Energy.

HB 1077 by Representatives Thai, Walen, Simmons, Leavitt, Senn, Goodman and Santos

AN ACT Relating to courthouse facility dogs; amending RCW 10.52.110; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 1078 by Representatives Duerr, Doglio, Simmons, Reed, Ryu, Walen, Ramel, Macri, Reeves and Kloba

AN ACT Relating to urban forest management ordinances; amending RCW 76.15.110; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1079 by Representatives Thai, Slatter and Ryu

AN ACT Relating to rapid whole genome sequencing; amending RCW 74.09.520 and 28B.20.830; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1080 by Representatives Taylor, Peterson, Simmons, Walen, Reed, Stearns, Berry, Pollet, Goodman, Orwall, Bergquist, Gregerson and Thai

AN ACT Relating to body worn cameras; and amending RCW 42.56.240.

Referred to Committee on Civil Rights & Judiciary.

HB 1081 by Representatives Simmons, Hutchins, Ryu and Bronoske

AN ACT Relating to authorizing administrative law judges to substitute for pollution control hearings board members in deciding derelict vessel appeals; and amending RCW 79.100.120.

Referred to Committee on Agriculture and Natural Resources.

HB 1082 by Representatives Simmons, Jacobsen, Goodman, Springer, Santos and Ormsby

AN ACT Relating to expanding opportunities for physical therapy and occupational therapy professionals to form professional service corporations; and amending RCW 18.100.050.

Referred to Committee on Consumer Protection & Business.

HB 1083 by Representatives Robertson, Rule and Ryu

AN ACT Relating to ensuring reasonable terms of payment are available to cannabis retailers when contracting with cannabis processors for the purchase of cannabis products; and amending RCW 69.50.395.

Referred to Committee on Regulated Substances & Gaming.

HB 1084 by Representatives Fey, Ramos, Ryu, Ramel, Leavitt, Timmons and Wylie

AN ACT Relating to freight mobility prioritization; amending RCW 47.06A.010, 47.06A.001, 47.06A.020, 47.06A.030, 47.06.045, 47.06.070, 46.68.300, and 46.68.310; adding a new section to chapter 53.20 RCW; adding a new section to chapter 47.04 RCW; creating a new section; recodifying RCW 47.06A.080 and 47.06A.090; and repealing RCW 47.06A.045, 47.06A.050, and 47.06A.060.

Referred to Committee on Transportation.

HB 1085 by Representatives Mena, Bateman, Reed, Fitzgibbon, Ramel, Peterson, Pollet, Berry, Walen, Doglio, Macri, Simmons, Thai, Cortes, Kloba and Ormsby

AN ACT Relating to reducing plastic pollution; amending RCW 70A.245.010, 43.21B.110, and 43.21B.300; adding a new section to chapter 19.27 RCW; adding new sections to chapter 70A.245 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment & Energy.

EHB 1086 by Representatives Shavers, Ryu, Ramel, Lekanoff, Callan, Simmons, Timmons, Thai, Paul, Santos, Ormsby and Tharinger

AN ACT Relating to increasing local governments' ability to contract with community service organizations; amending RCW 35.21.278; and creating a new section.

Referred to Committee on Local Government.

HB 1087 by Representatives Peterson, Simmons, Berry, Bateman, Reed, Ramel, Pollet, Street, Senn, Macri, Thai, Santos, Ormsby and Farivar

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

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1088 by Representatives Walen and Reeves

AN ACT Relating to the uniform family law arbitration act; adding a new chapter to Title 26 RCW; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 1089 by Representatives Orwall, Ortiz-Self, Leavitt, Reed, Berry, Peterson, Lekanoff, Goodman, Taylor, Doglio, Simmons, Timmons, Reeves, Wylie, Pollet, Davis, Santos and Ormsby

AN ACT Relating to supporting adults with lived experience of sex trafficking; adding a new section to chapter 43.280 RCW; and creating a new section.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1090 by Representatives Orwall, Hackney, Goodman, Ramel, Simmons, Reeves, Wylie and Ormsby

AN ACT Relating to removing language from the Revised Code of Washington that has been identified by the justices of the supreme court or judges of the superior courts as defects and omissions in the laws pursuant to Article IV, section 25 of the Washington state Constitution; amending RCW 2.43.040, 2.48.190, 4.16.190, 48.140.010, 6.25.030, 10.105.900, 7.80.120, 9.94A.530, 9A.46.020, 10.05.030, 10.95.030, 10.95.035, 10.95.030, 41.56.0251, 35A.66.020, 43.135.034, and 9A.72.160; and repealing RCW 2.48.210, 4.56.250, 7.48.050, 7.48.052, 7.48.054, 7.48.056, 7.48.058, 7.48.060, 7.48.062, 7.48.064, 7.48.066, 7.48.068, 7.48.070, 7.48.072, 7.48.074, 7.48.076, 7.48.078, 7.48.080, 7.48.085, 7.48.090, 7.48.100, 9.81.010, 9.81.020, 9.81.030, 9.81.040, 9.81.050, 9.81.060, 9.81.070, 9.81.080, 9.81.082, 9.81.083, 9.81.090, 9.81.110, 9.81.120, 9.91.180, 9.92.100, 10.52.100, 10.58.090, 10.95.040, 10.95.050, 10.95.060, 10.95.070, 10.95.080, 10.95.090, 10.95.100, 10.95.110, 10.95.120, 10.95.130, 10.95.140, 10.95.150, 10.95.160, 10.95.170, 10.95.180, 10.95.185, 10.95.190, 10.95.200, 10.95.901, 18.108.190, 35.13.165, 36.105.010, 36.105.020, 36.105.030, 36.105.040, 36.105.050, 36.105.060, 36.105.070, 36.105.080, 36.105.090, 36.105.100, 39.88.010, 39.88.020, 39.88.030, 39.88.040, 39.88.050, 39.88.060, 39.88.070, 39.88.080, 39.88.090, 39.88.100, 39.88.110, 39.88.120, 39.88.130, 39.88.900, 39.88.905, 39.88.910, 41.20.110, 47.44.030, 49.32.072, 49.32.073, 49.32.074, 66.24.480, 66.28.080, 73.04.050, 73.04.060, and 85.05.130.

Referred to Committee on Civil Rights & Judiciary.

HB 1091 by Representatives Walsh, McEntire, Jacobsen, Graham and Christian

AN ACT Relating to requiring voter approval of tax increases; amending RCW 43.135.034 and 43.135.041; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1092 by Representatives Walsh and Graham

AN ACT Relating to the valuation of property for purposes of state property tax levies; and amending RCW 84.40.030.

Referred to Committee on Finance.

HB 1093 by Representatives Walsh, McEntire, Jacobsen and Graham

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

Referred to Committee on Education.

HB 1094 by Representatives Stonier, Harris, Goodman, Reed, Ryu, Leavitt, Ramel, Peterson, Pollet, Street, Senn, Cortes, Callan, Doglio, Simmons, Reeves, Lekanoff, Waters, Gregerson, Wylie, Ramos, Kloba, Davis, Chandler, Riccelli, Orwall, Entenman and Fosse

AN ACT Relating to the creation of the Washington future fund program; amending RCW 43.88C.010; reenacting and amending RCW 43.79A.040; adding a new section to chapter 74.09 RCW; adding a new chapter to Title 43 RCW; and providing an expiration date.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1095 by Representatives Walen, Ortiz-Self, Berry, Reed, Ramel, Pollet, Doglio, Macri, Simmons, Reeves, Wylie, Alvarado, Santos and Ormsby

AN ACT Relating to creating a wage replacement program for certain Washington workers excluded from unemployment insurance; reenacting and amending RCW 42.56.410; adding new chapters to Title 50C RCW; adding a new title to the Revised Code of Washington to be codified as Title 50C RCW; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

HB 1096 by Representatives Low, Riccelli, Schmidt, Corry, Peterson, Christian, Street, Rule, Senn, Cortes, Doglio, Robertson, Timmons, Springer, Kloba and Ormsby

AN ACT Relating to assaults committed against amateur sports officials; and amending RCW 9A.36.031.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1097 by Representatives Walen, Goodman, Leavitt, Ramel, Peterson, Fitzgibbon, Macri, Simmons, Reeves, Thai, Gregerson, Stonier, Pollet, Kloba, Santos and Ormsby

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

Referred to Committee on Consumer Protection & Business.

HB 1098 by Representatives Walen, Ramel, Peterson, Senn, Callan, Doglio, Macri, Reeves, Wylie, Pollet, Santos and Ormsby

AN ACT Relating to the duty of clergy to report child abuse or neglect; amending RCW 26.44.030; and reenacting and amending RCW 26.44.020.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1099 by Representatives Berry, Ormsby, Goodman, Bateman, Reed, Pollet, Doglio, Simmons, Bronoske, Gregerson, Kloba, Santos, Riccelli and Fosse

AN ACT Relating to requiring wages for laborers, workers, and mechanics in public works contracts to be at least the prevailing rate of wage in effect at the time the work is performed; amending RCW 39.12.030; creating a new section; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 1100 by Representatives Schmick and Leavitt

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

Referred to Committee on Local Government.

HB 1101 by Representatives Taylor, Bergquist, Ramel and Gregerson

AN ACT Relating to tenant screening in common interest communities; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.38 RCW; and adding a new section to chapter 64.90 RCW.

Referred to Committee on Housing.

HB 1102 by Representatives Taylor and Timmons

AN ACT Relating to judge pro tempore compensation; and amending RCW 2.08.180.

Referred to Committee on Civil Rights & Judiciary.

HB 1103 by Representatives Fey, Barkis and Wylie

AN ACT Relating to avoiding interest arbitrage charges on bond proceeds in the capital vessel replacement account; amending 2022 c 186 s 406 (uncodified); and creating a new section.

Referred to Committee on Transportation.

HB 1104 by Representatives Goodman, Wylie, Davis and Ormsby

AN ACT Relating to eligibility and requirements for deferred prosecutions; amending RCW 10.05.010, 10.05.015, 10.05.020, 10.05.030, 10.05.040, 10.05.050, 10.05.060, 10.05.090, 10.05.100, 10.05.120, 10.05.140, 10.05.150, 10.05.155, 10.05.170, and 9.94A.525; adding a new section to chapter 10.05 RCW; and providing an effective date.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1105 by Representatives Kloba, Abbarno and Thai

AN ACT Relating to requiring public agencies to provide notice for public comment that includes the last date by which such public comment must be submitted; and adding a new section to chapter 42.30 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1106 by Representatives Fosse, Reeves, Reed, Berry, Doglio, Wylie, Kloba, Santos and Ormsby

AN ACT Relating to qualifications for unemployment insurance when an individual voluntarily leaves work; amending RCW 50.20.050 and 50.29.021; adding a new section to chapter 50.04 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1107 by Representatives Fosse, Reed, Berry, Ramel, Doglio, Simmons, Reeves, Kloba, Riccelli and Ormsby

AN ACT Relating to removing the terms "master" and "servant" from Titles 50 and 50A RCW; amending RCW 50.04.100 and 50A.05.010; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1108 by Representatives Hackney, Walen, Fitzgibbon, Simmons and Kloba

AN ACT Relating to resentencing of individuals sentenced as a persistent offender, or sentenced to an exceptional sentence pursuant to a plea agreement intended to avoid a persistent offender sentence, due to a robbery in the second degree conviction; and amending RCW 9.94A.647.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1109 by Representatives Senn, Stonier, Rude, Taylor, Slatter, Callan, Doglio, Orwall, Caldier, Simmons, Timmons, Reeves, Couture, Thai, Bergquist, Ortiz-Self, Pollet, Santos, Kloba and Davis

AN ACT Relating to providing funding for school districts to conduct extraordinary numbers of special education eligibility determinations and to subsequently develop individualized education programs for the eligible students; amending RCW 28A.150.392; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Education.

HB 1110 by Representatives Bateman, Barkis, Reed, Taylor, Riccelli, Berry, Fitzgibbon, Peterson, Duerr, Lekanoff, Alvarado, Street, Ryu, Ramel, Cortes, Doglio, Macri, Mena, Gregerson, Thai, Bergquist, Farivar, Wylie, Stonier, Pollet, Santos, Fosse and Ormsby

AN ACT Relating to creating more homes for Washington by increasing middle housing in areas traditionally dedicated to single-family detached housing; amending RCW 36.70A.030, 36.70A.280, and 43.21C.495; adding new sections to chapter 36.70A RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.90 RCW; and creating a new section.

Referred to Committee on Housing.

HB 1111 by Representatives Ryu, Walen, Peterson, Lekanoff, Street, Bateman, Ramel, Fitzgibbon, Leavitt, Wylie, Pollet, Davis and Santos

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

Referred to Committee on Housing.

HB 1112 by Representatives Harris, Santos, Ramel, Fitzgibbon, Kloba and Donaghy

AN ACT Relating to imposing criminal penalties for negligent driving involving the death of a vulnerable user victim; amending RCW 46.61.526, 46.20.342, 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, 46.61.205, and 46.63.020; adding a new section to chapter 46.61 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1113 by Representatives Harris, Santos and Stonier

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

Referred to Committee on Education.

HB 1114 by Representatives Mosbrucker, Simmons, Reed and Goodman

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

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1115 by Representatives Bateman, Stonier, Reed, Fitzgibbon, Berry, Ramel, Doglio, Macri, Simmons, Duerr, Thai, Bergquist, Wylie, Pollet, Santos, Riccelli, Fosse and Ormsby

AN ACT Relating to prohibiting cost sharing for abortion; amending RCW 48.43.073; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Health Care & Wellness.

HB 1116 by Representative Mosbrucker

AN ACT Relating to providing a behavioral health response to juveniles consuming controlled substances; and amending RCW 43.185C.260.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1117 by Representatives Mosbrucker, Dye, Leavitt, Schmidt, Christian and Walsh

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

Referred to Committee on Environment & Energy.

HB 1118 by Representatives Mosbrucker, Orwall, Jacobsen and Wylie

AN ACT Relating to school bus safety; amending RCW 28A.160.010, 28A.160.205, 46.37.510, 46.63.180, and 43.84.092; adding a new section to chapter 46.37 RCW; adding a new section to chapter 46.68 RCW; and providing an effective date.

Referred to Committee on Education.

HB 1119 by Representatives Riccelli, Bateman, Macri and Kloba

AN ACT Relating to extending the expiration date of the joint select committee on health care oversight; reenacting and amending RCW 44.82.010; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1120 by Representatives Reeves, Corry and Ryu

AN ACT Relating to the best interest standard for annuities in Washington; amending RCW 48.23.015; adding a new section to chapter 48.23 RCW; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

HB 1121 by Representatives Goodman, Leavitt, Reeves, Lekanoff and Wylie

AN ACT Relating to the uniform child abduction prevention act; and adding a new chapter to Title 26 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1122 by Representatives Doglio, Berry, Reed, Ramel, Simmons, Reeves, Lekanoff, Bergquist, Kloba, Pollet, Donaghy, Fosse and Ormsby

AN ACT Relating to granting Washington management service employees the right to collectively bargain; and amending RCW 41.06.022 and 41.80.005.

Referred to Committee on Labor & Workplace Standards.

HB 1123 by Representatives Dye, Klicker, Walsh and Schmick

AN ACT Relating to supporting local and tribal control of clean energy facility siting by altering the authority of the energy facility site evaluation council; amending RCW 80.50.060 and 80.50.100; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1124 by Representatives Peterson, Fitzgibbon, Taylor, Street, Berry, Bateman, Ramel, Doglio, Macri, Simmons, Chopp, Lekanoff, Thai, Bergquist, Stonier, Pollet, Riccelli and Ormsby

AN ACT Relating to protecting tenants from excessive rent and related fees by providing at least six months' notice for rent increases over a certain amount, allowing tenants the right to terminate a tenancy without penalty, and limiting late fees; amending RCW 59.18.140, 59.18.650, 59.18.170, 59.18.230, and 59.20.090; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Housing.

HB 1125 by Representatives Fey, Lekanoff, Timmons, Paul, Wylie and Donaghy

AN ACT Relating to transportation funding and appropriations; amending RCW 43.19.642, 46.20.745, 82.21.030, 47.66.120, 46.68.060, 46.68.290, 47.60.322, 46.68.395, 70A.65.240, 46.68.520, and 46.68.280; creating new sections; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

HB 1126 by Representatives Fey, Lekanoff, Timmons, Wylie, Paul and Donaghy

AN ACT Relating to transportation funding and appropriations; amending 2022 c 186 ss 206, 207, 208, 209, 210, 211, 212, 213, 214, 216, 217, 218, 219, 221, 222, 223, 224, 301, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 405, 406, 601, and 602 (uncodified); 2022 c 187 ss 205 and 308 (uncodified); adding a new section to 2022 c 186 (uncodified); repealing 2022 c 187 ss 203, 304, 305, and 307 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

HB 1127 by Representatives Bateman, Reed, Macri, Simmons and Riccelli

AN ACT Relating to adult protective services; amending RCW 74.39A.056, 74.34.020, 74.34.063, 74.34.095, and 68.50.105; adding a new section to chapter 74.34 RCW; and providing an effective date.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1128 by Representatives Bateman, Reed, Taylor, Doglio, Macri, Caldier, Simmons, Thai, Bergquist, Wylie, Kloba, Ormsby and Tharinger

AN ACT Relating to raising the residential personal needs allowance; and amending RCW 74.09.340.

Referred to Committee on Appropriations.

HB 1129 by Representatives Gregerson, Duerr, Reed, Peterson, Bateman, Ramel, Leavitt, Doglio, Macri, Simmons, Reeves, Chopp, Lekanoff, Wylie, Santos, Ormsby, Kloba and Tharinger

AN ACT Relating to the sale or lease of manufactured/mobile home communities and the property on which they sit; amending RCW 59.20.060, 59.20.073, 59.20.080, 59.20.300, 59.20.305, and 59.21.030; reenacting and amending RCW 59.20.030; adding new sections to chapter 59.20 RCW; creating a new section; and prescribing penalties.



Referred to Committee on Housing.

HB 1130 by Representatives Hackney, Walen, Reed, Peterson, Berry, Bateman, Ramel, Callan, Macri, Simmons, Reeves, Alvarado, Lekanoff, Wylie, Pollet, Davis, Kloba, Ormsby and Tharinger

AN ACT Relating to protecting public safety by establishing duties of firearm industry members engaged in the sale, manufacturing, distribution, importing, or marketing of firearms, ammunition, component parts, or accessories, to adopt and implement reasonable controls to prevent the diversion of firearms and related products to straw purchasers, firearm traffickers, unauthorized individuals, and individuals who pose a risk to themselves or others, to prohibit such firearm industry members from creating or maintaining a public nuisance, providing for investigation and enforcement by the attorney general, and creating a private right of action; adding a new section to chapter 7.48 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1131 by Representatives Berry, Doglio, Reed, Fitzgibbon, Taylor, Pollet, Ryu, Ortiz-Self, Ramel, Callan, Macri, Simmons, Chopp, Lekanoff, Duerr, Wylie, Stonier and Kloba

AN ACT Relating to improving Washington's solid waste management outcomes; amending RCW 70A.245.010, 70A.245.020, 70A.245.030, 70A.245.040, 70A.245.090, 70A.245.100, 70A.245.120, 70A.245.060, 70A.205.005, 70A.205.010, 70A.205.045, 81.77.030, 81.77.040, 81.77.160, 81.77.185, 43.21B.110, 43.21B.300, 69.50.342, 69.50.345, and 69.50.345; adding new sections to chapter 70A.245 RCW; adding a new section to chapter to 81.04 RCW; adding a new section to chapter 70A.222 RCW; adding a new section to chapter 70A.350 RCW; adding a new section to chapter 70A.230 RCW; adding a new section to chapter 70A.340 RCW; adding a new section to chapter 70A.455 RCW; adding new chapters to Title 70A RCW; creating new sections; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Environment & Energy.

HB 1132 by Representatives Goodman, Rude, Lekanoff, Wylie and Kloba

AN ACT Relating to oversight and training requirements for limited authority Washington peace officers and agencies; amending RCW 43.101.095, 43.101.276, and 43.101.278; and reenacting and amending RCW 43.101.010 and 43.101.200.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1133 by Representatives Chapman, Low, Peterson, Wylie and Tharinger

AN ACT Relating to establishing limitations on detached accessory dwelling units outside urban growth areas; amending RCW 36.70A.696; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Housing.

HB 1134 by Representatives Orwall, Bronoske, Peterson, Berry, Ramel, Leavitt, Callan, Doglio, Macri, Caldier, Simmons, Timmons, Reeves, Chopp, Lekanoff, Gregerson, Thai, Paul, Wylie, Stonier, Davis, Kloba, Riccelli, Fosse and Farivar

AN ACT Relating to implementing the 988 behavioral health crisis response and suicide prevention system; amending RCW 71.24.890, 71.24.892, 71.24.896, and 82.86.050; reenacting and amending RCW 71.24.025, 71.24.037, and

43.70.442; adding new sections to chapter 71.24 RCW; adding a new section to chapter 28B.20 RCW; and adding a new section to chapter 38.60 RCW.

Referred to Committee on Health Care & Wellness.

HB 1135 by Representatives Slatter, Walen, Reed, Berry, Ramel, Fitzgibbon, Doglio, Wylie, Pollet, Kloba and Tharinger

AN ACT Relating to authorizing impact fee revenue to fund improvements to bicycle and pedestrian facilities; amending RCW 82.02.090; and creating a new section.

Referred to Committee on Local Government.

HB 1136 by Representatives Reeves, Reed, Berry, Walen, Ramel and Pollet

AN ACT Relating to requiring employers to reimburse employees for necessary expenditures and losses; and adding a new section to chapter 49.12 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 1137 by Representatives Mosbrucker, Berry, Reed, Lekanoff, Bergquist, Wylie, Pollet and Ormsby

AN ACT Relating to establishing equitable access to the workers compensation stay-at-work program by allowing employers to offer off-site light duty return to work opportunities to injured workers; amending RCW 51.32.090; creating a new section; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 1138 by Representatives Chapman, Dent, Ramel, Leavitt, Doglio, Lekanoff, Donaghy and Ormsby

AN ACT Relating to drought preparedness; amending RCW 43.83B.415 and 90.86.030; reenacting and amending RCW 43.83B.430; and adding new sections to chapter 43.83B RCW.

Referred to Committee on Agriculture and Natural Resources.

HB 1139 by Representatives Leavitt, Reed, Bateman, Ramel, Orwall, Reeves, Bronoske, Ramos, Gregerson, Wylie, Thai, Pollet, Kloba and Ormsby

AN ACT Relating to harassment of election officials; amending RCW 9A.46.020, 9A.90.120, and 40.24.030; and prescribing penalties.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1140 by Representatives Ormsby, Gregerson, Macri, Lekanoff and Bergquist

AN ACT Relating to fiscal matters; amending RCW 19.02.210, 28B.92.205, 43.09.475, 43.43.837, 43.79.555, 43.320.110, 70A.65.100, 70A.65.250, 70A.65.260, 74.46.561, and 79A.25.210; reenacting and amending RCW 43.101.200 and 70A.65.030; adding a new section to chapter 43.79 RCW; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1141 by Representatives Ormsby, Gregerson, Macri, Lekanoff and Bergquist

AN ACT Relating to fiscal matters; amending RCW 28B.76.526; amending 2022 c 297 ss 101, 102, 103, 113, 114, 116, 117, 120, 121, 122, 126, 128, 129, 130, 133, 134, 135, 136, 137, 141, 142, 143, 146, 147, 148, 150, 201, 202, 203,

204, 205, 206, 207, 208, 209, 210, 211, 214, 215, 216, 218, 220, 221, 222, 223, 225, 226, 227, 228, 229, 230, 301, 303, 304, 305, 306, 307, 308, 310, 311, 312, 402, 501, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 515, 516, 517, 518, 520, 522, 602, 603, 604, 605, 606, 607, 608, 609, 610, 612, 613, 614, 615, 702, 703, 704, 713, 714, 716, 723, 731, 801, 802, 803, and 804 and 2021 c 334 ss 109 and 110 (uncodified); reenacting and amending RCW 70A.65.030; repealing 2021 c 334 s 747 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

**HB 1142** by Representatives Hansen, Timmons, Reed, Simmons, Reeves, Lekanoff and Pollet

AN ACT Relating to increasing tenure-track faculty at the public baccalaureate institutions; adding a new section to chapter 28B.10 RCW; and providing an expiration date.

Referred to Committee on Postsecondary Education & Workforce.

**HB 1143** by Representatives Berry, Walen, Reed, Peterson, Street, Bateman, Ramel, Senn, Callan, Doglio, Macri, Lekanoff, Duerr, Pollet, Davis, Kloba, Fosse and Ormsby

AN ACT Relating to enhancing requirements for the purchase or transfer of firearms by requiring a permit to purchase firearms, firearms safety training, and a 10-day waiting period, prohibiting firearms transfers prior to completion of a background check, and updating and creating consistency in firearms transfer and background check procedures; amending RCW 9.41.090, 43.43.590, 9.41.047, 9.41.049, 9.41.092, 9.41.094, 9.41.097, 9.41.0975, 9.41.110, 9.41.1135, 9.41.345, 9.41.270, 9.41.280, 9.41.282, 9.41.284, 9.41.800, 9.41.801, 9.41.802, 9.41.804, 9.41.815, 7.105.305, 7.105.330, 7.105.335, 7.105.340, 7.105.350, 7.105.570, 10.31.100, 10.99.033, 10.99.040, 11.130.257, 26.09.060, 71.05.182, and 72.23.080; reenacting and amending RCW 7.105.310 and 10.99.030; adding new sections to chapter 9.41 RCW; adding a new section to chapter 43.43 RCW; repealing 2019 c 244 s 1; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

**HB 1144** by Representatives Berry, Walen, Reed, Peterson, Street, Bateman, Ramel, Senn, Callan, Doglio, Orwall, Macri, Lekanoff, Pollet, Santos, Kloba and Ormsby

AN ACT Relating to enhancing requirements for the purchase or transfer of firearms by establishing a 10-day waiting period, requiring firearms safety training, prohibiting firearms transfers prior to completion of a background check, and updating and creating consistency in firearms transfer and background check procedures; amending RCW 9.41.090, 9.41.092, 9.41.110, 9.41.090, 9.41.110, and 9.41.1135; adding a new section to chapter 43.43 RCW; repealing 2019 c 244 s 1; providing an effective date; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

**HB 1145** by Representatives Berry, Timmons, Reed, Peterson, Fitzgibbon, Bateman, Ramel, Senn, Ryu, Leavitt, Doglio, Macri, Simmons, Duerr, Springer, Stonier, Pollet, Kloba, Donaghy and Ormsby

AN ACT Relating to protecting southern resident orcas from vessels; amending RCW 77.15.740, 77.65.615, and 77.15.815; and prescribing penalties.

Referred to Committee on Agriculture and Natural Resources.

**HB 1146** by Representatives Paul, Steele, Ramel, Taylor, Callan, Rude, Timmons, Chopp, Lekanoff, Duerr, Ramos, Shavers, Stonier, Pollet, Santos, Riccelli and Ormsby

AN ACT Relating to notifying high school students and their families about available dual credit programs and any available financial assistance; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

**HB 1147** by Representatives Tharinger, Leavitt, Callan and Wylie

AN ACT Relating to the capital budget; amending RCW 28B.20.725, 28B.30.750, 43.88D.010, 39.35D.030, and 43.99N.060; amending 2022 c 296 ss 1018, 1046, 2004, 3003, 3010, 5004, and 7002, and 2021 c 332 ss 1065, 1098, 2067, 3010, 3012, 3019, 3021, 3022, 3024, 3026, 3027, 3028, 3031, 3037, 3038, 3039, 3048, 3069, 3072, 3078, 3094, 3097, and 3295 (uncodified); reenacting and amending RCW 43.185.050, 43.83B.430, and 43.155.050; adding new sections to 2022 c 296 (uncodified); creating new sections; providing a contingent effective date; and declaring an emergency.

Referred to Committee on Capital Budget.

**HB 1148** by Representatives Tharinger, Callan and Wylie

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 43.99U.010, 28A.527.010, 28A.527.020, and 43.99V.010; adding new sections to chapter 43.100A RCW; repealing RCW 43.100A.306; and declaring an emergency.

Referred to Committee on Capital Budget.

**HB 1149** by Representatives Tharinger, Reed, Berry, Bateman, Ramel, Taylor, Macri, Reeves, Thai, Wylie, Pollet and Ormsby

AN ACT Relating to reducing homelessness in Washington state through capital expenditures for programs that address housing insecurity; adding new sections to chapter 43.100A RCW; adding new sections to chapter 43.330 RCW; creating new sections; providing a contingent effective date; and providing for the submission of certain sections of this act to a vote of the people.

Referred to Committee on Capital Budget.

**HB 1150** by Representatives Mosbrucker, Rule and Reeves

AN ACT Relating to creating the offense of unlawful branding of another person; amending RCW 9.94A.515 and 9A.04.080; adding a new section to chapter 9A.40 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Community Safety, Justice, & Reentry.

**HB 1151** by Representatives Stonier, Macri, Reed, Peterson, Berry, Ramel, Fitzgibbon, Cortes, Callan, Simmons, Reeves, Lekanoff, Bergquist, Fosse and Ormsby

AN ACT Relating to mandating health plans to provide coverage for the diagnosis of infertility, treatment for infertility, and standard fertility preservation services; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

**HB 1152** by Representatives Mena, Reed, Berry, Ramel, Macri, Simmons, Reeves, Fosse, Farivar and Ormsby

AN ACT Relating to consumer gender discrimination; amending RCW 19.86.140; adding a new section to chapter 19.86 RCW; and prescribing penalties.

Referred to Committee on Consumer Protection & Business.

HB 1153 by Representatives Peterson, Fitzgibbon, Berry, Walen, Bateman, Goodman, Leavitt, Macri, Gregerson, Stonier, Pollet and Fosse

AN ACT Relating to prohibiting octopus farming; and amending RCW 15.85.020.

Referred to Committee on Agriculture and Natural Resources.

HB 1154 by Representatives Walsh and Jacobsen

AN ACT Relating to religious institutions and gubernatorial proclamations; and amending RCW 43.06.220.

Referred to Committee on State Government & Tribal Relations.

HB 1155 by Representatives Slatter, Street, Reed, Ryu, Berg, Alvarado, Taylor, Bateman, Ramel, Senn, Goodman, Fitzgibbon, Macri, Simmons, Reeves, Lekanoff, Orwall, Duerr, Thai, Gregerson, Wylie, Ortiz-Self, Stonier, Pollet, Riccelli, Donaghy, Fosse and Ormsby

AN ACT Relating to the collection, sharing, and selling of consumer health data; and adding a new chapter to Title 19 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1156 by Representatives Slatter, Reed, Callan, Simmons, Timmons, Reeves, Chopp, Lekanoff, Thai, Paul, Bergquist, Wylie, Pollet, Ormsby and Tharinger

AN ACT Relating to extending the terms of eligibility for the Washington college grant program; amending RCW 28B.92.200; creating a new section; and declaring an emergency.

Referred to Committee on Postsecondary Education & Workforce.

HB 1157 by Representatives Leavitt, Walen, Fitzgibbon, Bateman, Ramel, Goodman, Orwall, Macri, Duerr, Bronoske, Springer, Gregerson, Wylie, Stonier and Pollet

AN ACT Relating to prohibiting the display of wild or exotic animals for public entertainment or amusement; adding a new chapter to Title 16 RCW; and prescribing penalties.

Referred to Committee on Agriculture and Natural Resources.

HB 1158 by Representatives Walen, Reed, Peterson, Fitzgibbon, Taylor, Berry, Bateman, Ramel, Slatter, Macri, Simmons, Reeves, Duerr, Gregerson, Thai, Wylie, Stonier, Pollet, Santos, Fosse, Ormsby and Tharinger

AN ACT Relating to encouraging electoral participation and making ballots more meaningful by abolishing advisory votes; amending RCW 29A.32.070, 29A.64.090, 29A.72.040, 29A.72.250, 29A.72.290, and 29A.32.031; adding a new section to chapter 29A.32 RCW; creating a new section; and repealing RCW 29A.72.283, 29A.72.285, and 43.135.041.

Referred to Committee on State Government & Tribal Relations.

HB 1159 by Representatives Wylie and Stonier

AN ACT Relating to interstate cannabis agreements; adding a new section to chapter 43.06 RCW; and providing a contingent effective date.

Referred to Committee on Regulated Substances & Gaming.

HB 1160 by Representatives Graham, Jacobsen, Walsh and Schmidt

AN ACT Relating to establishing an aggravating circumstance for the mutilation or dismemberment of a human body; and amending RCW 9.94A.535.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1161 by Representatives Graham, Sandlin, Christian, Jacobsen, Walsh and Schmidt

AN ACT Relating to prohibiting persons convicted of violent offenses with firearm enhancements from receiving earned early release credits; and amending RCW 9.94A.729.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1162 by Representatives Graham, Sandlin, Dye, Christian and Tharinger

AN ACT Relating to expanding offenses and penalties for manufacture, sale, distribution, and other conduct involving controlled substances and counterfeit substances; amending RCW 9A.42.100, 9.94A.518, 69.50.406, 69.50.4011, 69.50.410, and 69.50.4015; and prescribing penalties.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1163 by Representative Fey

AN ACT Relating to exempting certain leasehold interests in arenas with a seating capacity of more than 2,000 from the leasehold excise tax; amending RCW 82.29A.130 and 82.29A.130; creating a new section; providing effective dates; and providing an expiration date.

Referred to Committee on Finance.

HB 1164 by Representatives Doglio, Fitzgibbon, Reed, Berry, Ramel, Macri, Lekanoff, Duerr, Pollet and Kloba

AN ACT Relating to providing for the responsible management of appliances containing harmful gases and other materials; amending RCW 43.21B.110, 43.21B.300, and 70A.65.260; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 1165 by Representatives Orwall, Reeves, Wylie and Davis

AN ACT Relating to civil remedies for unauthorized disclosure of intimate images; adding a new chapter to Title 7 RCW; creating a new section; repealing RCW 4.24.795; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1166 by Representatives Dye and Walsh

AN ACT Relating to improving climate resiliency through the development of a water quality trading program for recipients of national pollutant discharge elimination system general permits; and amending RCW 90.48.260.

Referred to Committee on Environment & Energy.

HB 1167 by Representatives Duerr, Low, Walen, Reed, Bateman, Ramel, Fitzgibbon, Taylor, Macri, Gregerson, Wylie, Pollet, Kloba and Tharinger

AN ACT Relating to residential housing regulations; amending RCW 43.21C.229; adding new sections to chapter 36.70A RCW; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Housing.

HB 1168 by Representatives Simmons, Ramel, Callan, Wylie, Davis and Ormsby

AN ACT Relating to providing prevention services, diagnoses, treatment, and support for prenatal substance exposure; amending RCW 71.24.610; adding a new section to chapter 43.216 RCW; adding new sections to chapter 71.24 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1169 by Representatives Simmons, Taylor, Berry, Bateman, Goodman, Wylie, Santos and Ormsby

AN ACT Relating to legal financial obligations; amending RCW 7.68.035, 43.43.7532, 43.43.7541, 7.68.240, 9.92.060, 9.94A.6333, 9.94B.040, 9.95.210, 10.01.180, 10.82.090, 13.40.192, and 13.40.200; reenacting and amending RCW 9.94A.760; adding a new section to chapter 7.68 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

HB 1170 by Representatives Street, Couture, Berry, Ramel, Fitzgibbon, Lekanoff, Duerr, Thai and Pollet

AN ACT Relating to improving climate resilience through updates to the state's integrated climate response strategy; amending RCW 70A.05.010, 70A.05.020, 70A.05.030, and 70A.05.040; adding a new section to chapter 70A.05 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1171 by Representatives Mosbrucker and Graham

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

Referred to Committee on Transportation.

HB 1172 by Representatives McEntire, Jacobsen and Walsh

AN ACT Relating to incorporating working families fiscal impacts in fiscal notes; amending RCW 43.88A.010; and adding a new section to chapter 43.88A RCW.

Referred to Committee on Appropriations.

HB 1173 by Representatives Connors, Klicker and Rude

AN ACT Relating to reducing light pollution associated with certain energy infrastructure; adding a new section to chapter 80.50 RCW; adding a new section to chapter 43.21A RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Environment & Energy.

HB 1174 by Representatives Simmons, Farivar, Reed, Street, Bateman, Ramel, Macri, Reeves, Lekanoff, Davis and Ormsby

AN ACT Relating to improving access and removing barriers to jail-based voting; adding a new section to chapter 29A.04 RCW; and adding a new chapter to Title 29A RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1175 by Representatives Doglio, Dye and Leavitt

AN ACT Relating to creating a state financial assurance program for petroleum underground storage tanks; amending RCW 82.23A.020; reenacting and amending RCW 70A.325.020 and 43.79A.040; adding a new chapter to Title 70A RCW; prescribing penalties; and providing expiration dates.

Referred to Committee on Environment & Energy.

HB 1176 by Representatives Slatter, Fitzgibbon, Berry, Walen, Ramel, Leavitt, Taylor, Callan, Macri, Ryu, Reeves, Reed, Mena, Chopp, Duerr, Thai, Wylie, Ortiz-Self, Stonier, Pollet and Tharinger

AN ACT Relating to developing opportunities for service and workforce programs to support climate-ready communities; adding new sections to chapter 43.41 RCW; adding new sections to chapter 28C.18 RCW; creating a new section; and repealing RCW 43.330.310, 50.12.320, and 28C.18.170.

Referred to Committee on Postsecondary Education & Workforce.

HB 1177 by Representatives Lekanoff, Orwall, Reed, Berry, Ramel, Callan, Doglio, Timmons, Walsh, Reeves, Chopp, Duerr, Gregerson, Taylor, Wylie, Stonier, Pollet, Davis, Kloba and Ormsby

AN ACT Relating to a missing and murdered indigenous women and people cold case investigations unit; adding a new section to chapter 43.10 RCW; and creating a new section.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1178 by Representatives Hackney, Leavitt, Reed, Berry, Walen, Bateman, Ramel, Callan, Doglio, Macri, Duerr, Bergquist, Pollet, Santos and Ormsby

AN ACT Relating to the restoration of local government authority to regulate firearms by adopting ordinances or regulations relating to firearms that are in addition to or more restrictive than the requirements of state law; reenacting and amending RCW 9.41.300; adding a new section to chapter 9.41 RCW; creating a new section; and repealing RCW 9.41.290.

Referred to Committee on Civil Rights & Judiciary.

HB 1179 by Representatives Ramos, Goodman, Leavitt, Ryu, Ortiz-Self, Bateman, Taylor, Callan and Macri

AN ACT Relating to authorizing the state auditor to receive nonconviction data; and amending RCW 10.97.050 and 43.101.460.

Referred to Committee on State Government & Tribal Relations.

HB 1180 by Representatives Peterson, Senn, Alvarado, Reed, Walen, Street, Berry, Bateman, Ramel, Fitzgibbon, Doglio,

Macri, Callan, Simmons, Lekanoff, Duerr, Gregerson, Bergquist, Pollet, Davis, Fosse, Ormsby and Tharinger

AN ACT Relating to establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, importation, distribution, selling, and offering for sale of assault weapons, and by providing limited exemptions applicable to licensed firearm manufacturers and dealers for purposes of sale to armed forces branches and law enforcement agencies for purposes of sale or transfer outside the state; reenacting and amending RCW 9.41.010; adding new sections to chapter 9.41 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

HB 1181 by Representatives Duerr, Fitzgibbon, Berry, Peterson, Ryu, Alvarado, Taylor, Reed, Walen, Bateman, Ramel, Goodman, Doglio, Macri, Callan, Simmons, Lekanoff, Gregerson, Bergquist, Stonier, Pollet, Davis, Kloba, Riccelli, Mena and Tharinger

AN ACT Relating to improving the state's climate response through updates to the state's planning framework; amending RCW 36.70A.020, 36.70A.480, 36.70A.320, 36.70A.190, 86.12.200, and 36.70A.030; reenacting and amending RCW 36.70A.070 and 36.70A.130; adding new sections to chapter 36.70A RCW; adding a new section to chapter 70A.45 RCW; adding a new section to chapter 47.80 RCW; adding a new section to chapter 90.58 RCW; adding a new section to chapter 43.21C RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1182 by Representative Wylie

AN ACT Relating to providing a tax exemption for the first 20,000 gallons of wine sold by a winery in Washington; adding a new section to chapter 66.24 RCW; and creating a new section.

Referred to Committee on Regulated Substances & Gaming.

HB 1183 by Representatives Dye, Sandlin, Christian, Jacobsen, Barkis, Walsh, Barnard and Schmick

AN ACT Relating to prohibiting Washington from adopting California vehicle emissions standards; adding a new section to chapter 70A.15 RCW; creating a new section; repealing RCW 70A.30.010 and 70A.30.030; and providing an effective date.

Referred to Committee on Environment & Energy.

HB 1184 by Representatives Hackney, Duerr and Pollet

AN ACT Relating to enacting the used motor vehicles express warranties act; and adding a new chapter to Title 46 RCW.

Referred to Committee on Consumer Protection & Business.

HB 1185 by Representatives Hackney, Duerr, Berry, Ramel, Fitzgibbon, Doglio and Pollet

AN ACT Relating to reducing environmental impacts associated with lighting products; amending RCW 70A.230.020, 70A.505.010, 70A.505.020, 70A.505.030, 70A.505.040, 70A.505.050, 70A.505.060, 70A.505.070, 70A.505.100, 70A.505.110, 70A.505.120, 70A.505.130, 70A.505.160, 82.04.660, 43.21B.110, and 70A.230.080; adding a new section to chapter 70A.505 RCW; creating a new section; repealing RCW 70A.505.090, 43.131.421, 43.131.422, and 70A.230.150; prescribing penalties; and providing effective dates.

Referred to Committee on Environment & Energy.

HB 1186 by Representatives Rule, Ramel, Callan, Doglio, Macri, Simmons, Timmons, Reeves, Thai, Wylie, Stonier, Davis and Ormsby

AN ACT Relating to making permanent and expanding the child welfare housing assistance program; amending RCW 74.13.802; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1187 by Representatives Hackney, Berry, Bateman, Ramel, Doglio, Simmons, Lekanoff, Bronoske, Wylie, Stonier, Pollet and Ormsby

AN ACT Relating to privileged communication between employees and the unions that represent them; reenacting and amending RCW 5.60.060; adding a new section to chapter 28B.52 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 41.76 RCW; adding a new section to chapter 41.80 RCW; adding a new section to chapter 47.64 RCW; adding a new section to chapter 49.36 RCW; adding a new section to chapter 53.18 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1188 by Representatives Senn, Taylor, Reed, Leavitt, Callan, Macri, Simmons, Timmons, Chopp, Lekanoff, Couture, Gregerson, Thai, Wylie, Stonier, Schmick, Santos, Pollet, Kloba, Eslick and Ormsby

AN ACT Relating to individuals with developmental disabilities that have also received child welfare services; and amending RCW 43.88C.010, 43.88.058, 71A.24.005, 71A.24.010, and 71A.12.370.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1189 by Representatives Hackney, Reed, Simmons, Wylie, Santos and Ormsby

AN ACT Relating to the release of incarcerated individuals from total confinement prior to the expiration of a sentence; amending RCW 9.94A.501, 9.94A.565, 9.94A.633, and 9.94A.880; reenacting and amending RCW 9.94A.728 and 9.94A.885; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1190 by Representatives Dye, Sandlin, Abbarno, Goehner and Barnard

AN ACT Relating to environmental leadership through outdoor recreation and climate adaptation investments; amending RCW 70A.65.250 and 70A.65.305; reenacting and amending RCW 70A.65.030, 70A.65.040, and 70A.65.230; adding a new section to chapter 70A.65 RCW; creating a new section; and repealing RCW 70A.65.260 and 70A.65.270.

Referred to Committee on Environment & Energy.

HB 1191 by Representatives Springer, Kretz, Dent, Santos, Walsh, Ramel, McEntire, Goodman, Barnard, Leavitt, Doglio, Lekanoff and Duerr

AN ACT Relating to reauthorizing the business and occupation tax deduction for cooperative finance organizations; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 1192 by Representatives Duerr, Doglio, Berry, Ramel, Fitzgibbon, Lekanoff and Pollet

AN ACT Relating to electric power system transmission planning; amending RCW 19.280.030, 80.50.060, and 80.50.045; adding a new section to chapter 19.280 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HJR 4200 by Representative Walsh

Setting the taxable value of owner-occupied property.

Referred to Committee on Finance.

HCR 4400 by Representatives Fitzgibbon and Kretz

Calling a Joint Session of the Legislature for the purposes of receiving the State of the State address.

HCR 4401 by Representatives Fitzgibbon and Kretz

Adopting joint rules.

#### MOTION

With the consent of the House, the rules were suspended and HOUSE CONCURRENT RESOLUTION NO. 4400 and HOUSE CONCURRENT RESOLUTION NO. 4401 were placed on the second reading calendar.

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

#### SECOND READING

**HOUSE CONCURRENT RESOLUTION NO. 4401, by Representatives Fitzgibbon and Kretz**

**Adopting joint rules.**

The concurrent resolution was read the second time.

Representative Fitzgibbon moved adoption of HOUSE CONCURRENT RESOLUTION NO. 4401.

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

The Speaker stated the question before the House to be the adoption of House Concurrent Resolution No. 4401.

HOUSE CONCURRENT RESOLUTION NO. 4401 was adopted.

**HOUSE CONCURRENT RESOLUTION NO. 4400, by Representatives Fitzgibbon and Kretz**

**Calling a Joint Session of the Legislature for the purposes of receiving the State of the State address.**

The concurrent resolution was read the second time.

Representative Fitzgibbon moved adoption of HOUSE CONCURRENT RESOLUTION NO. 4400.

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

The Speaker stated the question before the House to be the adoption of House Concurrent Resolution No. 4400.

HOUSE CONCURRENT RESOLUTION NO. 4400 was adopted.

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

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

#### MOTION

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 1049 which was referred to the Committee on Local Government and HOUSE BILL NO. 1187 which was referred to the Committee on Civil Rights & Judiciary.

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

#### COMMITTEE APPOINTMENT(S)

**Agriculture and Natural Resources (11) -- Chapman, Chair (D); Morgan, Vice Chair (D); Reeves, Vice Chair (D); \*Dent; \*\*Chandler; Kloba; Kretz; Lekanoff; Orcutt; Schmick; Springer**

**Appropriations (31) -- Ormsby, Chair (D); Bergquist, Vice Chair (D); Gregerson, Vice Chair (D); Macri, Vice Chair (D); \*Stokesbary; \*\*Chambers; \*\*Corry; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier; Tharinger**

**Capital Budget (29) -- Tharinger, Chair (D); Callan, Vice Chair (D); Hackney, Vice Chair (D); \*Steele; \*\*Abbarno; \*\*Sandlin; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Eslick; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; McEntire; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns; Waters**

**Civil Rights & Judiciary (11) -- Hansen, Chair (D); Farivar, Vice Chair (D); \*Walsh; \*\*Graham; Cheney; Entenman; Goodman; Peterson; Rude; Thai; Walen**

**Community Safety, Justice, & Reentry (9) -- Goodman, Chair (D); Simmons, Vice Chair (D); \*Mosbrucker; \*\*Griffey; Davis; Farivar; Fosse; Graham; Ramos**

**Consumer Protection & Business (13) -- Walen, Chair (D); Reeves, Vice Chair (D); \*Corry; \*\*McClintock; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos; Volz**

**Education (15) -- Santos, Chair (D); Shavers, Vice Chair (D); \*Rude; \*\*McEntire; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier; Timmons**

**Environment & Energy (15) -- Doglio, Chair (D); Mena, Vice Chair (D); \*Dye; \*\*Ybarra; Abbarno; Barnard; Berry; Couture; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter; Street**

**Finance (13) -- Berg, Chair (D); Street, Vice Chair (D); \*Orcutt; \*\*Jacobsen; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen; Wylie**

**Health Care & Wellness (17) -- Riccelli, Chair (D); Bateman, Vice Chair (D); \*Schmick; \*\*Hutchins; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai; Tharinger**

**Housing (13) -- Peterson, Chair (D); Alvarado, Vice Chair (D); Leavitt, Vice Chair (D); \*Klicker; \*\*Connors; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed; Taylor**

**Human Services, Youth, & Early Learning (10) -- Senn, Chair (D); Cortes, Vice Chair (D); Taylor, Vice Chair (D); \*Eslick; \*\*Couture; Callan; Dent; Goodman; Ortiz-Self; Rule**

**Innovation, Community & Economic Development, & Veterans (15) -- Ryu, Chair (D); Donaghy, Vice Chair (D);**

**Rule, Vice Chair (D);** \*Volz; \*\*Barnard; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters; Ybarra

**Labor & Workplace Standards (9) -- Berry, Chair (D); Fosse, Vice Chair (D);** \*Robertson; \*\*Schmidt; Bronoske; Connors; Doglio; Ormsby; Ortiz-Self

**Local Government (7) -- Duerr, Chair (D); Alvarado, Vice Chair (D);** \*Goehner; \*\*Jacobsen; Berg; Griffey; Riccelli

**Postsecondary Education & Workforce (15) -- Slatter, Chair (D); Entenman, Vice Chair (D); Reed, Vice Chair (D);** \*Ybarra; \*\*Waters; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt; Timmons

**Regulated Substances & Gaming (11) -- Kloba, Co-Chair (D); Wylie, Co-Chair (D);** \*Chambers; \*\*Robertson; Cheney; Morgan; Orwall; Reeves; Stearns; Walsh; Waters

**Rules (24) -- Jenkins, Chair (D);** Bergquist; Davis; Fitzgibbon; Goehner; Gregerson; Harris; Jacobsen; Kretz; Leavitt; Lekanoff; Low; Maycumber; Morgan; Ortiz-Self; Orwall; Pollet; Ramel; Schmidt; Simmons; Springer; Stonier; Walsh; Wilcox

**State Government & Tribal Relations (7) -- Ramos, Chair (D); Stearns, Vice Chair (D);** \*Abbarno; \*\*Christian; Gregerson; Low; Mena

**Transportation (29) -- Fey, Chair (D); Donaghy, Vice Chair (D); Paul, Vice Chair (D); Timmons, Vice Chair (D);** \*Barkis; \*\*Hutchins; \*\*Low; \*\*Robertson; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh; Wylie

\* Ranking Minority Member

\*\* Asst. Ranking Minority Member

The Sergeant at Arms announced that the House delegation to the Governor had returned. The delegation was escorted to the rostrum and Representatives Mena and Couture reported to the body.

On the motion of Representative Fitzgibbon, the House adjourned until 11:30 a.m., January 10th, 2023, the 2nd Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SECOND DAY

House Chamber, Olympia, Tuesday, January 10, 2023

The House was called to order at 11:30 a.m. by the Speaker.

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

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

**MESSAGES FROM THE SENATE**

Monday, January 9, 2023

Mme. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8400  
SENATE CONCURRENT RESOLUTION NO. 8401

and the same are herewith transmitted.

Sarah Bannister, Secretary

Monday, January 9, 2023

Mme. Speaker:

The Senate has adopted:

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

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

**INTRODUCTION & FIRST READING**HB 1193 by Representatives Dye, Goehner and Corry

AN ACT Relating to affirming that the legislature has not provided authority for the state building code council to use greenhouse gas emissions as a consideration in residential building codes or energy codes; amending RCW 19.27.020, 19.27A.020, and 19.27A.160; reenacting and amending RCW 70A.45.020; adding a new section to chapter 19.27A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Environment & Energy.

HB 1194 by Representative Klicker

AN ACT Relating to training, educating, and inspiring the next generation of the clean and renewable energy workforce; amending RCW 43.52.391; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 82.08.962 and 82.12.962; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1195 by Representatives Senn, Riccelli, Fitzgibbon, Walen, Fey, Ryu, Berry, Bateman, Simmons, Santos, Gregerson, Berg, Bergquist, Tharinger, Ramel, Doglio, Ormsby, Macri, Callan, Fosse, Thai and Pollet

AN ACT Relating to prohibiting the open carry of certain weapons in public parks and public hospitals; reenacting and amending RCW 9.41.300; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

HB 1196 by Representatives Mosbrucker and Davis

AN ACT Relating to public transparency in the criminal plea negotiation process; creating a new section; and providing an expiration date.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1197 by Representatives Bronoske, Berry, Bateman, Simmons, Fosse, Davis and Pollet

AN ACT Relating to defining attending provider and clarifying other provider functions for workers' compensation claims, and adding psychologists as attending providers for mental health only claims; amending RCW 51.04.050, 51.28.010, 51.28.020, 51.28.030, 51.32.055, 51.32.090, 51.32.095, 51.36.010, 51.36.022, 51.36.060, and 51.36.070; adding a new section to chapter 51.08 RCW; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 1198 by Representatives Bronoske, Fey, Leavitt and Jacobsen

AN ACT Relating to authorizing public transportation benefit areas to become limited authority Washington law enforcement agencies; amending RCW 36.57A.080; reenacting and amending RCW 10.93.020; and adding a new section to chapter 36.57A RCW.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1199 by Representatives Senn, Eslick, Leavitt, Berry, Bateman, Kloba, Reed, Simmons, Tharinger, Ramel, Doglio, Goodman, Macri, Callan, Fosse and Pollet

AN ACT Relating to licensed child care in common interest communities; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.90 RCW; and prescribing penalties.

Referred to Committee on Housing.

HB 1200 by Representatives Alvarado, Bronoske, Fitzgibbon, Berry, Bateman, Reed, Simmons, Bergquist, Ramel, Doglio, Ormsby, Ortiz-Self, Fosse, Pollet and Chopp

AN ACT Relating to requiring public employers to provide employee information to exclusive bargaining representatives; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; and adding a new section to



chapter 28B.52 RCW; and adding a new section to chapter 41.80 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 1201 by Representatives Ormsby, Macri and Morgan

AN ACT Relating to actuarial funding of state retirement systems; amending RCW 41.45.060 and 41.45.150; repealing 2021 c 334 s 747 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1202 by Representatives Ormsby and Macri

AN ACT Relating to eliminating accounts; amending RCW 43.84.092 and 43.84.092; decodifying RCW 43.99N.040; repealing RCW 13.40.466, 43.72.902, 43.83.300, 43.83.310, 43.83.320, 43.83.370, and 70A.135.100; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1203 by Representatives Ormsby and Macri

AN ACT Relating to improving the fiscal process by updating accounts administered by the office of financial management, creating new accounts including one for the opioid litigation settlement and one for the receipt of federal funds, and reenacting accounts created in the supplemental budget bill; amending RCW 43.41.450, 41.06.280, 41.06.285, 43.84.092, and 43.84.092; reenacting RCW 43.79.567 and 43.330.365; adding new sections to chapter 43.79 RCW; adding a new section to chapter 38.52 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1204 by Representatives Callan, Eslick, Leavitt, Bateman, Kloba, Reed, Simmons, Doglio, Goodman, Ortiz-Self, McEntire, Davis and Pollet

AN ACT Relating to implementing the family connections program; amending RCW 74.13.715; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1205 by Representatives Taylor, Reed and Senn

AN ACT Relating to responsibility for providing service by publication of a summons or notice in dependency and termination of parental rights cases; and amending RCW 13.34.080.

Referred to Committee on Civil Rights & Judiciary.

HB 1206 by Representatives Pollet, Walen, Leavitt, Orwall, Chapman, Rule, Ryu, Berry, Bateman, Berg, Ramel, Ormsby, Callan, Senn, Ortiz-Self, Fosse, Paul and Thai

AN ACT Relating to tax relief for newspaper publishers; amending RCW 82.04.260, 35.102.150, 82.04.460, and 82.08.806; adding a new section to chapter 82.04 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 1207 by Representatives Senn, Rude, Fey, Reed, Bergquist, Ramel, Doglio, Callan, Thai and Pollet

AN ACT Relating to preventing and responding to harassment, intimidation, bullying, and discrimination in schools by requiring distribution of related policies and complaint procedures, designation of a primary contact for compliance with nondiscrimination laws, and changing a prejudicial student discipline term; amending RCW 28A.300.042 and 28A.600.015; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.642 RCW; and creating a new section.

Referred to Committee on Education.

HB 1208 by Representatives Walen and Corry

AN ACT Relating to pet insurance; adding a new chapter to Title 48 RCW; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

EHB 1209 by Representatives Leavitt, Griffey, Fey, Bronoske and Davis

AN ACT Relating to restricting the possession, purchase, delivery, and sale of certain equipment used to illegally process controlled substances; amending RCW 9.94A.518; adding a new section to chapter 69.50 RCW; and prescribing penalties.

Referred to Committee on Community Safety, Justice, & Reentry.

EHB 1210 by Representatives Rude, Callan, Fey and Bergquist

AN ACT Relating to the recording of school board meetings; amending RCW 42.56.080 and 42.30.035; adding a new section to chapter 42.56 RCW; adding a new section to chapter 28A.320 RCW; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1211 by Representatives Bergquist, Rude, Caldier, Kloba, Doglio and Senn

AN ACT Relating to special education funding formula; and amending RCW 28A.150.390.

Referred to Committee on Appropriations.

HB 1212 by Representatives Dye and Pollet

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

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1213 by Representatives Ybarra, Fitzgibbon, Ramel, Doglio and Macri

AN ACT Relating to compliance with labeling requirements for wipes; amending RCW 70A.525.901 and 70A.525.020; and declaring an emergency.

Referred to Committee on Environment & Energy.

HB 1214 by Representative Walsh

AN ACT Relating to enacting the protecting children's bodies act; amending RCW 48.43.0128 and 74.09.675; adding a new

section to chapter 43.70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1215 by Representatives Chapman, Lekanoff, Berry, Kloba, Reed, Simmons, Tharinger, Ramel, Doglio, Macri, Senn and Pollet

AN ACT Relating to the protection and restoration of riparian areas; adding a new section to chapter 89.08 RCW; adding new sections to chapter 77.85 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture and Natural Resources.

HB 1216 by Representatives Fitzgibbon, Doglio, Berry, Reed, Simmons, Macri, Fosse and Pollet

AN ACT Relating to clean energy siting; adding new sections to chapter 43.21C RCW; adding a new section to chapter 36.70B RCW; adding new chapters to Title 43 RCW; and creating new sections.

Referred to Committee on Environment & Energy.

HB 1217 by Representatives Ortiz-Self, Fosse, Berry, Reed, Simmons, Gregerson, Ramel, Macri and Pollet

AN ACT Relating to improving worker recovery in wage complaints by authorizing the collection of interest and studying other options; amending RCW 49.48.083; creating a new section; and providing an expiration date.

Referred to Committee on Labor & Workplace Standards.

HB 1218 by Representatives Bergquist, Stokesbary, Tharinger, Doglio and Macri

AN ACT Relating to adding a new caseload for the official caseload forecast for the number of people eligible for the working families' tax credit under RCW 82.08.0206; and amending RCW 43.88C.010.

Referred to Committee on Appropriations.

HB 1219 by Representatives Pollet, Bronoske, Ramel, Berry and Riccelli

AN ACT Relating to public transportation benefit area governing bodies; amending RCW 36.57A.050; and creating a new section.

Referred to Committee on Local Government.

HB 1220 by Representatives Mena, Reed, Simmons and Morgan

AN ACT Relating to establishing universal civic duty voting; amending RCW 29A.40.010, 29A.08.330, 29A.08.355, and 46.20.155; reenacting and amending RCW 29A.08.320 and 29A.36.161; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 29A.84 RCW; adding a new section to chapter 29A.04 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

HB 1221 by Representatives Stearns, Kloba, Ramel, Goodman and Morgan

AN ACT Relating to the privacy of lottery players; and amending RCW 42.56.230.

Referred to Committee on State Government & Tribal Relations.

SCR 8400 by Senators Pedersen and Short

Convening a joint session for the purpose of receiving the State of the Judiciary message.

SCR 8401 by Senators Pedersen and Short

Establishing cutoff dates for the consideration of legislation during the 2023 regular session of the sixty-eighth legislature.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 1194 which was referred to the Committee on Postsecondary Education & Workforce Development.

There being no objection, the rules were suspended and SENATE CONCURRENT RESOLUTION NO. 8400 and SENATE CONCURRENT RESOLUTION NO. 8401 were placed on the second reading calendar.

#### **SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

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

#### **JOINT SESSION**

Pursuant to House Concurrent Resolution No. 4400, the Senate appeared at the doors of the House of Representatives and requested admission to the Chamber. The Sergeant at Arms of the House, Mr. Johnny Alexander, and the Sergeant at Arms of the Senate, Mr. Andy Staubitz, escorted the President of the Senate, Lieutenant Governor Denny Heck, Senator Karen Keiser, Senator Judy Warnick and Senator T'wina Nobles to seats at the Rostrum. The senators were invited to seats within the Chamber.

The Speaker of the House called upon the President of the Senate, Lt. Governor Denny Heck, to preside over the Joint Session.

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

President Heck: "This Joint Session has been convened to receive the state of the state message from His Excellency, Governor Jay Inslee."

#### **APPOINTMENT OF SPECIAL COMMITTEE**

The President of the Senate appointed a special committee to escort the State Supreme Court Justices to the House Chamber: Representatives McClintock and Farivar and Senators Shewmake and MacEwen.

#### **APPOINTMENT OF SPECIAL COMMITTEE**

The President of the Senate appointed a special committee to escort the statewide elected officials to the House Chamber: Representatives Street and Low and Senators Kauffman and Hawkins.

#### **APPOINTMENT OF SPECIAL COMMITTEE**

The President of the Senate appointed a special committee to advise His Excellency, Governor Jay Inslee, that the Joint Session had assembled and to escort the Governor to the House Chamber:

Representatives Stearns and Hutchins and Senators Hasegawa and Fortunato.

Sergeant at Arms Alexander announced the arrival of the Justices of the State Supreme Court at the Chamber door. The special committee consisting of Representatives McClintock and Farivar and Senators Shewmake and MacEwen escorted the Chief Justice and Justices to seats at the front of the House Chamber. The members of the Supreme Court were introduced by the President: Chief Justice Steven Gonzalez, Associate Chief Justice Charles Johnson, Justice Barbara Madsen, Justice Susan Owens, Justice Debra Stephens, Justice Sheryl Gordon-McCloud, Justice Mary Yu and Justice Raquel Montoya-Lewis.

Sergeant at Arms Alexander announced the arrival of the statewide elected officials at the Chamber door. The special committee consisting of Representatives Street and Low and Senators Kauffman and Hawkins escorted the statewide elected officials to seats at the front of the House Chamber. The statewide elected officials were introduced by the President: Secretary of State Steve Hobbs, State Treasurer Mike Pellicciotti, State Auditor Pat McCarthy, Attorney General Bob Ferguson, Superintendent of Public Instruction Chris Reykdal and Commissioner of Public Lands Hilary Franz.

The President introduced officers and members of the Consular Association of Washington: Vanessa Padgurny, Acting Consul General of Canada; Floribert Mubalama, Honorary Consul of the Democratic Republic of Congo; Mark Gantar, Honorary Consul of the Federal Democratic Republic of Ethiopia; Uli Fischer, Honorary Consul of the Federal Republic of Germany; Katalin Pearman, Honorary Consul of Hungary; Micheal Smith, Consul General of the Republic of Ireland; Hisao Inagaki, Consul General of the State of Japan; Daravuth Huoth, Consul of the Kingdom of Cambodia; Viggo Forde, Honorary Consul of the Kingdom of Norway; Eva Kammel, Honorary Consul of the Republic of Austria; Anders Barria Roman, Honorary Consul of the Republic of Chile; Matti Suokko, Honorary Consul of the Republic of Finland; Eunji Seo, Honorary Consul of the Republic of Korea; Imants F. Holmquist, Honorary Consul of the Republic of Latvia; Miguel A. Velasquez, Honorary Consul General of the Republic of Peru; Iulian Calinov, Honorary Consul of Romania; Philippe Gowetschel, Honorary Consul of the Swiss Confederation; Elisabetta Valentini, Honorary Consul of the Italian Republic; Valeriy Goloborodko, Honorary Consul of Ukraine; Daniel Chen, Director General of Taipei Economic and Cultural Office; Joe White, Consul of the United Kingdom of Great Britain and Northern Ireland; and Gerardo Guiza, Deputy Consul of the United Mexican States.

The President introduced former Lieutenant Governor Brad Owen who was present in the Chamber.

The President recognized tribal chairs, leaders, and representatives of the Native tribes within Washington who were present in the gallery.

Sergeant at Arms Alexander announced the arrival of His Excellency, Governor Jay Inslee at the Chamber door. The special committee consisting of Representatives Stearns and Hutchins and Senators Hasegawa and Fortunato escorted Governor Inslee to the Rostrum where he was introduced by the President.

The Washington State Patrol Honor Guard, commanded by Lieutenant Matt Fehler, presented the Colors. The Honor Guard was comprised of Trooper Kyle Flaig, Trooper Dean Gallanger, Sergeant James Maguire and Sergeant William Rutherford.

The National Anthem was performed by the Tacoma Refugee Choir directed by Ms. Erin Guinup.

The President led the Joint Session in the Pledge of Allegiance.

The prayer was offered by Father Andriy Matlak, Holy Trinity Ukrainian Orthodox Church, Seattle.

The President welcomed and introduced Ms. Rena Priest, Washington State Poet Laureate, who was seated at the rostrum.

Ms. Rena Priest, speaking in her Lummi language, expressed her pleasure in joining the Joint Session to share her poem written to the theme "A Vision for a More Equitable 2023."

The President introduced the Honorable Jay Inslee, Governor of the State of Washington.

## STATE OF THE STATE

Governor Inslee: "Thank you. Thank you very much for that greeting. Good afternoon on a beautiful day in the state of Washington. And it is a beautiful day and it's been made more beautiful by our guest Father Andriy Matlak, Poet Laureate Rena Priest and the Tacoma Refugee Choir. Thank you very much for enlightening us and inspiring us. We appreciate that.

And a very warm welcome and congratulations to our twenty-nine newly-elected senators and representatives. I'm excited to be in service with you.

And as Speaker Jinkins remarked yesterday, our government should be reflective and representative of the people we serve. This year we are welcoming the most diverse legislature in our state's history.

And I want to give, if you will allow me, I would like to express my deep appreciation for my family, particularly my grandchildren, who always inspire me to take the long view. And particularly, of course, to Trudi Inslee, who is such a great partner, and I mean great.

Mr. President, Madame Speaker, Mr. Chief Justice, distinguished justices of the court, members of the Legislature, tribal leaders, state and local officials, and members of the Consular Corps, particularly the Ukrainian Honorary Consul Valeriy Goloborodko, We stand with Ukraine in the state of Washington.

My fellow Washingtonians, after two years of delivering the State of the State virtually, it is great to be back here together again. And I want to tell you, you all look great. You haven't aged a day in two years. So, there's good news here.

Look, I know we have big challenges this session. As leaders, we will be called upon these next few months to act with decisiveness, with ambition, with audacity.

And the good news is that here in Washington state, ambition and audacity are both embedded in our state's DNA.

And as I was giving thought about the challenges we face this session, I realized we aren't facing anything we aren't ready for.

I was thinking about my comments today, it was just something that we're ready to do. When you think about the things we've passed in the recent years that are now becoming real, and they need them to become real. People are eager to see bold and inclusive leadership and action.

Think about this, five years ago we launched a transformation of our centuries-old behavioral health system. Today, that effort is resulting in dozens of new facilities opening throughout our state that offer more kinds of care in more places for more people.

Two years ago, we funded a new type of rapid acquisition housing. It's speeding up our ability to create supportive housing in a matter of weeks and months, instead of years and decades.

The climate policies we passed in recent sessions are now going into effect. And not only are these policies driving down polluting emissions, they are also creating thousands of clean energy jobs across our state.

Two years ago, we passed a Working Families Tax Credit that starts next month. This credit will put as much as \$1,200 into the hands of more than 400,000 Washington families.

And the list goes on: paid family leave; broadband access; career connected learning; and the best financial program, financial aid program for students in the nation.

Here in our state, we invest in our people, and we invest in our communities.

It's a reason we have been rated the best state in America, the best economy in America, the second-best state for business, the third best state for workers — we can't be number one in everything, but we sure come close every year.

And this is not an accident. It is because of the work we do in these chambers.

And because of that work and because of the work of millions of Washingtonians, I can proudly report to you this: the state of our state is strong. And I am happy.

If we continue building on the investments and policies we've started, we can continue building a Washington: Where everyone is housed. Where schools are safe from gun violence, and students receive the mental and educational support they need. Where the existential crisis of climate change is met by unmatched innovation. Where communities are welcoming and safe for all. Where all people have a constitutional right to reproductive freedom. And, where people struggling with mental health or substance abuse no longer fall unseen and unheard through the cracks.

Building a Washington that fits this vision is entirely within our grasp this session. We can set the bar this high because we know we're able to achieve it. Let's take housing and homelessness as an example.

We know states across the country are seeing an increase in homelessness, and Washington unfortunately is one of them. Why? Well, we know there are multiple reasons. Though some people face behavioral health challenges or chemical addiction issues, the fundamental, underlying challenge is that we do not have enough housing in our state for our people.

And it is a difficult irony of having such a strong economy. Well-paid workers flock here for jobs, forcing lower-paid workers to compete for housing. And when there's not enough housing for all, rents and prices skyrocket beyond what we can afford.

And until we fix our housing crisis, thousands of people will remain homeless. Today, we're short 81,000 housing units and worsening by the thousands each year.

Our population grew nearly 1 million people in the past decade. But housing stock only grew about 315,000 units. We're going to need another million units in the next 17 years. Again, until we fix our housing crisis, thousands of people will remain homeless. And we need a fix that provides a level of speed and scale beyond anything we've done in the past.

Now when it comes to building affordable housing, our Housing Trust Fund has been our primary tool for decades. But unfortunately, we can only adjust that dial a little bit here and there. We have been adjusting it up every biennium since 2013 — \$30-\$50 million at a time. But it simply isn't enough. And if there was ever a time to go big, it's now. And I understand the frustration of those who wonder why this problem hasn't been solved yet. And I understand the allure of easy answers to homelessness. But we all know there are no easy answers. Simply moving a person experiencing homelessness from one street corner or city to another is not a real solution.

Now, what is working are efforts such as the rapid acquisition program that we launched, and you launched two years ago. That program is allowing us now to create thousands of new supportive housing units at a pace that was never possible before. This is a pace we have to sustain and accelerate at scale.

I've seen the success of these programs in several housing projects that I've visited, including a few months ago when I met a young man named John Tori Mackey. He was at a pallet shelter village in Vancouver called The Outpost. Tori told me that having a private space all of his own, that was secure and access to services was the difference he needed to get effective treatment and get back on his feet. He told me it literally saved his life.

I also met a woman named Millicent, and her daughter, McKenna, last year. They lost their home right before COVID and couldn't find another place they could afford. But they found stability at the Willow Crossing in Seattle. I'd like all of you to meet Millicent and McKenna here. Thanks Millicent and McKenna. Where are you? I'm looking for you there. Thanks for being here today.

Their stories, and stories like Tori's, are not unlike most of the other 25,000 individuals experiencing homelessness in our state. When you're only one paycheck or one car repair away from a missed rent payment, it can feel impossible to find another option in a housing market like ours. So, I will say it again: Until we fix our housing crisis, thousands of people, like these folks, are going to remain homeless.

This is why I'm proposing a \$4 billion referendum that will significantly speed up the construction of thousands of new units that will include shelters, supportive housing and affordable housing. This will be combined with additional behavioral health support, and substance use treatment, and employment services and more. Why? Well, it's because we know that substance use treatment and mental health support can work when you combine it with secure, stable housing.

This is not a one-time effort to buy a one-time fix where the money just sort of disappears. This investment will turn into true assets, once built, will provide a pipeline of affordable housing for tens of thousands of more people every year. And most importantly, a bonding referendum allows us to act now, not bit by bit over the next 30 years.

So, this referendum will forward our ability to build, importantly, it offers us the scale and speed we need. Scale and speed are necessary for market-rate development, as well. We know that residential zoning restrictions block developers from building denser, more affordable options. And we simply have to finish the job we started last session to address middle housing and increase housing density within our communities. There is a way to do this that respects the unique character of our towns and cities, while also responding to the reality that look, we are a growing, changing state.

Again, until we fix our housing crisis, thousands of people will remain homeless. I believe the people in the state of Washington are with us on this. Let's go big. Let's get this done this session.

Now another issue confronting families and communities across Washington is behavioral health. And I've mentioned that we launched an effort in 2018 to transform our behavioral health system. We had a century-old model of care that wasn't working. And since then, we've been building a new, community-based systems that helps people get the specific type of care they need closer to their homes and loved ones. And we've made thousands of new beds available to patients across Washington for care that ranges from crisis stabilization to substance abuse disorder.

We're still building, and my budgets contain funding to keep every part of our plan on track, including the new 350-bed forensic hospital at Western. We've got work to do. But much like our housing crisis, this is not enough, particularly when it comes to forensic services. We are seeing an unprecedented increase in demand for competency evaluation and restoration services — a 60% increase in court orders just since 2018, and a 145% increase in inpatient referrals since 2013. This is not sustainable.

This state has been and will continue doing its part to shore up capacity. We've added hundreds of forensic beds since the Trueblood trial in 2015, and we plan on adding hundreds more.

But even with all these investments, this unprecedented growth in court orders and referrals is not manageable or sustainable. Nor is our criminal justice system really an effective way to connect people to the treatment they really need to restore their lives.

So, we should be prioritizing diversion and community-based treatment options rather than using the criminal justice system as an avenue to mental health care, particularly because competency services only treat people to be well enough to be prosecuted. Now, this has been a frustrating point of contention for families, lawyers, judges, patients, advocates, providers and for me. We have to find a better way. Lawsuits and lawyers are not going to fix this problem. So, I will be asking local leaders to join me in crafting a better plan, both for defendants' mental health and for public safety.

Now, while we do these things, we're also continuing our efforts in education. And we know that meeting the social and emotional needs of our students is an extremely important effort, and I commend this Legislature and you for making historic investments last year to increase funding for schools so that they can hire more nurses, counselors, psychologists, and social workers which is always important but particularly as we are coming through COVID. And my budget continues these additional investments.

I'm also hopeful this year that we can increase funding for special education. I've proposed more than \$120 million to better support school districts as they meet the needs of every student, no matter how complex their needs.

All told, my budget proposal increases K-12 spending by \$3 billion. We know that circumstances have been difficult for students, educators, paraeducators, school bus drivers and all the others who work in our schools. So, I hope you can join me in a moment of recognition for these people who have been so instrumental in helping students navigate the challenges of COVID and beyond. Thank you to these educators. I appreciate your work.

On another positive note, one effort we've made tremendous progress on is climate. And when we see the tremendous damage that climate change is causing in our state, it's understandable to feel some despair at times. But I think we're also entitled to feel deep pride in what we have accomplished together. The tremendous pace of innovation, together with the policies we've adopted, because of your leadership, ought to give us significant doses of hope when we need it.

When I travel and meet with other government leaders from around the world, they know about the work we're doing in Washington. They know we are leading America on this noble effort. We've passed several landmark policies that are transitioning us to clean transportation, clean electricity and clean buildings. Just last week, our clean fuel standard and our cap-and-invest programs went into effect. And we're doing this in a way that ensures overburdened communities will experience the economic and health benefits of this transition.

Now, our focus shifts to implementation and investment. Now when we do this, we need more capacity to permit clean energy projects in a timely manner, and we need to bolster our transmission infrastructure to reliably deliver clean energy throughout the state.

We also need to expand our research and development capacity. It was just fantastic to go over to the Tri-Cities with Senators Nguyen and Boehnke last month to talk about the potential for a new Institute for Northwest Energy Futures at Washington State University. This Institute will put the region to be a global leader and in the global forefront of clean tech innovation. Go Cougs! And I hope you can help on this. I am not above pandering to Sam Hunt; I will tell you that. I admit to that.

Look, on the investment side this is a really big deal too, obviously now that this program is live. Our state's new cap-and-invest program will allow us, this year, to transform how we invest in transportation and our communities. Heat pumps for low-income families, charging stations across the state, hydroelectric ferries, free transit for youth, grants to clean up air pollution. The list goes on. Again, because of the work you have done. The CCA [Climate Commitment Act] will provide an estimated \$1.7 billion that will be used for projects to drive down emissions, create jobs and give people cleaner air and make communities healthier. This act is also helping us invest in the strongest suite of salmon recovery actions in the state's history. We know salmon are iconic to our state, to all Washingtonians, and certainly to the tribes' culture and way of life.

This will also fund a new voluntary riparian grant program that offers landowners assistance to protect and recover these habitats statewide. Now here's a sad truth, unfortunately, climate change will continue increasing the temperatures of our waters and killing salmon for years to come regardless of some of our best efforts. We need to minimize that. But we have to face this reality. So, providing shade that helps cool rivers and streams is even more critical in the years to come.

And I believe this, as legislators, when future generations look back at you and your efforts forty to fifty years from now, I know they will be proud you took action that gave their generation a chance. So, let's do just that. Let's boldly continue our fight against climate change and salmon extinction this session.

I know the list of things we intend to accomplish is long, but there are a couple more things I want to touch on. The first is public safety. That phrase – public safety – evokes different meanings and ideas amongst people. And I think we need to escape the trap that public safety is about any one thing – mental health or gun safety or drug treatment or law enforcement. The clear fact is, we need them all. One thing we know is that gun violence is a significant driver of increased crime. This isn't a surprise considering that the gun lobby has worked for decades against common sense gun safety measures.

Fortunately, in Washington state, voters and legislators have been willing to take on the gun lobby. We've enacted several measures to strengthen background checks and put limits on the kinds of weaponry used in mass shootings.

This year, we need to continue that work in three ways. First, one of the most meaningful measures, and effective measures that we can take is requiring that people have safety training, basic safety training, before they purchase a gun. Look, we expect that people have, we ought to expect that people have some basic training. We accept training in multiple parts of our lives. So, we should expect that people have basic training when they buy a gun. This has worked in other states. It is time to put it to work in Washington.

Second, we must increase accountability among manufacturers and dealers, and give families and victims access to justice when those entities fail to do their duty. And third, the time has come for the Legislature to ban the sale of military style assault weapons. These weapons are designed for the sole purpose of destroying lives; the lives of school children, law enforcement officers, concertgoers, nightclub patrons, and people gathered in houses of worship. We owe our children the assurance we're doing all we can to keep them safe. Let's pass all three bills and prove to them that the gun lobby doesn't make the rules in Washington state. We do.

Now, of course, gun safety laws are not the only thing we need. We want to help local law enforcement agencies hire and train more officers. They need more officers on our streets and in our neighborhoods. Last summer, Sen. John Lovick and I were joined by dozens of chiefs and sheriffs to propose new regional training centers. These new facilities will allow us to train hundreds of more recruits and help law enforcement agencies recruit people from within their diverse communities.

And also, sometimes the right response isn't necessarily from a law enforcement officer. I applaud the incredible work underway to implement our new 9-8-8 system. Unlike most states, this Legislature had the foresight to see this as much more than a crisis hotline. We're using this opportunity to create a true behavioral health crisis response system. And your continued support puts us on a path to ensure people facing a mental health, substance abuse, or suicidal crisis can be connected to mobile responders or culturally competent behavioral health providers. Thank you for making this work possible. I appreciate your leadership.

There is one other very important priority we have to address. And that's the rights of Washingtonians seeking reproductive care. We know, the Dobbs decision last year on the national level upended decades of precedent that assured people across the country had at least some measure of constitutional protection, constitutional protection for abortion care and contraception. That protection is gone for more than half the people in our nation. And the new Republican majority in Congress this weekend made further abortion restrictions one of their top priorities. So, in Washington state, we are fighting to make sure that this right remains protected.

We must protect patient data and privacy. We must protect access from the threat of health care consolidation and cost barriers. We must protect patients and providers from persecution by vigilantes and activist politicians in anti-choice states. And finally, and most importantly, we must pass a constitutional amendment that expressly establishes a fundamental right to reproductive freedom in the great state of Washington.

Before I close, I want to make a bit of a personal comment to you all. I want to express my personal thanks to you and to your families, for your service this session. You have each left your hearth and home to come here to serve your constituents and further the progress and success of our state. And when you do so, I know you will all strive and toil to enact the policies you believe in, and yet may never know many of the actual people you've really helped due to your work.

You may never know the single mom you've helped out of homelessness, but she'll be there. You may never know the teenager in a mental health crisis that you helped, but they'll be there. You may never know the person who was not a victim of gun violence because of your actions, but they'll be there. They'll all be there by the hundreds and thousands. Taken care of because of your efforts. And at the end of this session, I am confident you

will feel the deep satisfaction of those who know they have made a difference.

We have emerged recently through two great threats — one to our personal health and our family’s health, and one to our body politic. Because of the combination of scientific genius and sound decision-making in our state, we are no longer dominated by a virus. Because we stood up to those who dared to dismantle democracy, it is a joy to say with assurance and confidence that democracy is today intact in Washington state. So, now, it is our blessed opportunity to fully exercise the power of democracy, not with half measures, empty gestures, or platitudes. But with the boldness and the ambition that is fitting to the unlimited capacity of the Evergreen State.

We have a special state. We have a special moment. Let’s realize both. Let’s get to work. Thank you.”

The President thanked the Governor for his remarks.

The President called upon the special committee consisting of Representatives Stearns and Hutchins and Senators Hasegawa and Fortunato to escort His Excellency, Governor Inslee from the Chamber and the Governor retired from the House Chamber.

The President called upon the special committee consisting of Representatives Street and Low and Senators Kauffman and Hawkins to escort the statewide elected officials from the Chamber and the statewide elected officials retired from the House Chamber.

The President called upon the special committee consisting of Representatives McClintock and Farivar and Senators Shewmake and MacEwen to escort the Justices of the Supreme Court from the Chamber and the Justices of the Supreme Court retired from the House Chamber.

On the motion of Representative Fitzgibbon, the Joint Session was dissolved. The President of the Senate thanked the Speaker and the House for their hospitality and returned the gavel to the Speaker. The Speaker assumed the chair.

The Speaker called upon the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort Lt. Governor Denny Heck, President of the Senate; Senator Karen Keiser, President Pro Tempore; Senator Judy Warnick and Senator T’wina Nobles and members of the Washington State Senate from the Chamber and the Senate retired from the House Chamber.

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

## SECOND READING

**SENATE CONCURRENT RESOLUTION NO. 8400, by Senators Pedersen and Short**

**Convening a joint session for the purpose of receiving the State of the Judiciary message.**

The concurrent resolution was read the second time.

Representative Fitzgibbon moved adoption of SENATE CONCURRENT RESOLUTION NO. 8400.

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

The Speaker stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8400.

SENATE CONCURRENT RESOLUTION NO. 8400 was adopted.

**SENATE CONCURRENT RESOLUTION NO. 8401, by Senators Pedersen and Short**

**Establishing cutoff dates for the consideration of legislation during the 2023 regular session of the sixty-eighth legislature.**

The concurrent resolution was read the second time.

Representative Fitzgibbon moved adoption of SENATE CONCURRENT RESOLUTION NO. 8401.

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

The Speaker stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8401.

SENATE CONCURRENT RESOLUTION NO. 8401 was adopted.

With the consent of the House, the bills previously acted upon were immediately transmitted to the Senate.

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

## MOTION

There being no objection, the Committee on Postsecondary Education & Workforce was relieved of HOUSE BILL NO. 1073, and the bill was referred to the Committee on Health Care & Wellness.

On motion of Representative Fitzgibbon, the House adjourned until 10:00 a.m., January 11th, 2023, the 3rd Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## THIRD DAY

House Chamber, Olympia, Wednesday, January 11, 2023

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding).

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

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

**MESSAGES FROM THE SENATE**

Tuesday, January 10, 2023

Mme. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8400  
SENATE CONCURRENT RESOLUTION NO. 8401

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Tuesday, January 10, 2023

Mme. Speaker:

The President has signed:

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

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

**INTRODUCTION & FIRST READING**

HB 1222 by Representatives Orwall, Simmons, Reeves, Reed, Leavitt, Kloba, Farivar, Doglio, Morgan, Slatter, Ramel, Goodman, Callan, Fosse, Pollet, Lekanoff and Macri

AN ACT Relating to requiring coverage for hearing instruments; amending RCW 48.43.715; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care &amp; Wellness.

HB 1223 by Representatives McEntire, Dye and Eslick

AN ACT Relating to clarifying that the statutory statewide emissions limits are not to be used for evaluation and government decision making with respect to individual projects or government decisions except where such use is explicitly statutorily authorized; reenacting and amending RCW 70A.45.020; and creating a new section.

Referred to Committee on Environment &amp; Energy.

HB 1224 by Representatives McEntire, Graham, Dye and Eslick

AN ACT Relating to expediting environmental permitting for job-creating investment in Washington; adding a new section to chapter 43.21C RCW; adding a new section to chapter 90.58 RCW; and creating a new section.

Referred to Committee on Environment &amp; Energy.

HB 1225 by Representatives Chapman, Tharinger and Lekanoff

AN ACT Relating to permitting for certain department of fish and wildlife hatchery maintenance activities; amending RCW 90.58.355; adding a new section to chapter 90.58 RCW; and creating a new section.

Referred to Committee on Environment &amp; Energy.

HB 1226 by Representatives Chapman and Fitzgibbon

AN ACT Relating to providing for recreational licensing of smelt, crawfish, and carp; amending RCW 77.32.010; and creating a new section.

Referred to Committee on Agriculture and Natural Resources.

HB 1227 by Representatives Reeves, Morgan, Ramel and Fosse

AN ACT Relating to assessing employers for their employees' health care costs paid by the state; reenacting and amending RCW 74.09.053; adding a new section to chapter 49.60 RCW; adding a new chapter to Title 74 RCW; and prescribing penalties.

Referred to Committee on Labor &amp; Workplace Standards.

HB 1228 by Representatives Ortiz-Self, Ybarra, Thai, Simmons, Reeves, Reed, Orwall, Ormsby, Taylor, Leavitt, Kloba, Doglio, Berry, Fey, Davis, Ramel, Callan, Bergquist, Fosse, Pollet, Lekanoff, Slatter, Macri, Alvarado, Stonier, Gregerson and Santos

AN ACT Relating to building a multilingual, multiliterate Washington through dual and tribal language education; amending RCW 28A.300.575 and 28A.180.080; reenacting and amending RCW 28A.180.030; adding new sections to chapter 28A.300 RCW; creating new sections; repealing RCW 28A.300.574; and providing expiration dates.

Referred to Committee on Education.

HB 1229 by Representatives Simmons, Gregerson, Macri, Hackney, Goodman, Ryu, Senn, Mena, Fey, Peterson, Ramel, Street, Alvarado, Thai, Reeves, Reed, Ortiz-Self, Ormsby, Duerr, Doglio, Berry, Bateman, Morgan, Callan, Bergquist, Fosse, Pollet, Lekanoff, Slatter, Stonier and Santos

AN ACT Relating to updating processes related to voter registration; amending RCW 29A.08.010, 29A.08.030, 29A.08.110, 29A.08.125, 29A.08.210, 29A.08.220, 29A.08.260, 29A.08.270, 29A.08.330, 29A.08.340, 29A.08.350, 29A.08.355, 29A.08.357, 29A.08.359, 29A.08.362, 29A.08.365, 29A.08.370, 29A.08.615, 46.20.153, 46.20.155, 46.20.156, 46.20.205, 29A.08.625, 29A.08.630, 29A.08.635, 29A.08.710, 29A.08.810, 29A.08.820, 29A.08.835, 29A.08.840, 29A.04.611, 29A.84.110, 29A.04.058, and 29A.08.115; reenacting and

amending RCW 29A.08.320; adding a new section to chapter 29A.08 RCW; repealing RCW 29A.08.375; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

**HB 1230** by Representatives Callan, Harris, Thai, Reeves, Senn, Ortiz-Self, Ormsby, Kloba, Duerr, Doglio, Berry, Riccelli, Morgan, Davis, Ramel, Bergquist, Pollet, Tharinger, Peterson, Stonier and Santos

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

Referred to Committee on Education.

**HB 1231** by Representatives Berg, Chapman, Wylie, Waters, Reed, Volz, Peterson, Taylor, Leavitt, Doglio, Riccelli, Paul, Fey, McEntire, Ramel, Tharinger, Lekanoff, Slatter, Barkis and Stonier

AN ACT Relating to accelerating rural job growth and promoting economic recovery across Washington through site readiness grants; amending RCW 43.160.060; and creating a new section.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

**HB 1232** by Representatives Bergquist, Chambers, Entenman, Slatter, Paul, Ramos, Mena, Street, Riccelli, Pollet, Callan, Hackney, Thai, Reeves, Reed, Ortiz-Self, Kloba, Duerr, Doglio, Morgan, Ramel, Goodman, Tharinger, Lekanoff, Gregerson and Santos

AN ACT Relating to enhancing the college bound scholarship program by increasing opportunities for students to attend community and technical colleges; amending RCW 28B.118.010 and 28B.118.090; and creating a new section.

Referred to Committee on Postsecondary Education & Workforce.

**HB 1233** by Representatives Jacobsen, Volz, McEntire, Walsh and Graham

AN ACT Relating to the housing of inmates in state correctional facilities; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Community Safety, Justice, & Reentry.

**HB 1234** by Representatives Goodman, Eslick, Peterson, Leavitt, Fitzgibbon, Bateman, Walen, Stearns and Pollet

AN ACT Relating to the civil forfeiture of animals seized for abuse or neglect; amending RCW 16.52.085; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

**HB 1235** by Representatives Chapman, Kretz, Tharinger and Lekanoff

AN ACT Relating to modifying miscellaneous provisions impacting department of fish and wildlife licensing

requirements; amending RCW 77.08.010, 77.08.075, 77.32.155, 77.32.470, 77.32.480, 77.32.520, and 79A.80.040; and adding a new section to chapter 77.32 RCW.

Referred to Committee on Agriculture and Natural Resources.

**HB 1236** by Representatives Hackney, Abbarno, Senn, Reed, Doglio, Ramel and Lekanoff

AN ACT Relating to enhancing access to clean fuel for agencies providing public transportation; and adding a new section to chapter 36.57A RCW.

Referred to Committee on Environment & Energy.

**HB 1237** by Representatives Robertson and Fey

AN ACT Relating to distribution of the vehicle identification number inspection fee; amending RCW 46.17.130 and 46.68.410; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

**HB 1238** by Representatives Riccelli, Harris, Alvarado, Thai, Simmons, Senn, Rude, Reeves, Reed, Walen, Peterson, Ortiz-Self, Ormsby, Taylor, Leavitt, Fitzgibbon, Duerr, Doglio, Berry, Bateman, Morgan, Fey, Ramel, Goodman, Fosse, Pollet, Lekanoff, Macri, Chopp, Stonier, Gregerson and Santos

AN ACT Relating to providing free school meals for all; amending RCW 28A.150.200, 28A.235.250, 28A.235.270, 28A.235.285, 28A.600.290, 28A.150.260, 28A.150.260, and 28A.405.415; reenacting and amending RCW 28A.235.160 and 28A.600.310; adding new sections to chapter 28A.235 RCW; creating a new section; repealing RCW 28A.235.140 and 28A.235.260; providing an effective date; and providing expiration dates.

Referred to Committee on Education.

**HB 1239** by Representatives Santos, Kloba, Morgan, Ramel and Pollet

AN ACT Relating to establishing a simple and uniform system for complaints related to, and instituting a code of educator ethics for, conduct within or involving public elementary and secondary schools; amending RCW 9A.16.100; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 43.06B RCW; adding a new section to chapter 28A.400 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Education.

**HB 1240** by Representatives Peterson, Senn, Alvarado, Walen, Street, Springer, Simmons, Reeves, Reed, Ormsby, Kloba, Fitzgibbon, Duerr, Doglio, Berry, Bateman, Fey, Davis, Ramel, Bergquist, Fosse, Pollet, Lekanoff, Macri, Gregerson and Santos

AN ACT Relating to establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, importation, distribution, selling, and offering for sale of assault weapons, and by providing limited exemptions applicable to licensed firearm manufacturers and dealers for purposes of sale to armed forces branches and law enforcement agencies and for purposes of sale or transfer outside the state, and to inheritors; reenacting and amending RCW 9.41.010; adding new sections to chapter 9.41 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.



HB 1241 by Representatives Leavitt, Reeves, Reed, Morgan and Bronoske

AN ACT Relating to harassment; amending RCW 9A.46.020, 9A.90.120, and 40.24.030; and prescribing penalties.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1242 by Representatives Dent, Davis, Ortiz-Self, Doglio, Eslick and Lekanoff

AN ACT Relating to creating a behavioral health work group to study the root causes of rising behavioral health issues in Washington communities; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1243 by Representatives Dent, Riccelli, Christian and Eslick

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

Referred to Committee on Local Government.

HB 1244 by Representatives Ramel, Bergquist, Peterson, Ortiz-Self, Stonier, Lekanoff, Slatter, Hackney, Entenman, Simmons, Senn, Reeves, Reed, Duerr, Doglio, Pollet, Alvarado and Gregerson

AN ACT Relating to increasing the maximum per pupil limit for enrichment levy authority; amending RCW 84.52.0531; and providing an effective date.

Referred to Committee on Appropriations.

HJR 4201 by Representatives Gregerson, Farivar, Senn, Reeves, Walen, Peterson, Ortiz-Self, Ormsby, Kloba, Berry, Bateman, Riccelli, Fitzgibbon, Lekanoff, Chapman, Slatter, Reed, Alvarado, Pollet, Taylor, Springer, Morgan, Fey, Street, Ramel, Goodman, Bergquist, Bronoske, Fosse, Tharinger, Macri, Chopp, Stonier, Santos and Simmons

Amending the Constitution to address reproductive freedom.

Referred to Committee on Health Care & Wellness.

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

The Speaker assumed the chair.

#### **SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

SENATE CONCURRENT RESOLUTION NO. 8400  
SENATE CONCURRENT RESOLUTION NO. 8401

The Speaker called upon Representative Orwall to preside.

#### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Orwall presiding) acknowledged Representative Dent's birthday and asked the Chamber to wish him a happy birthday.

#### **JOINT SESSION**

The Sergeant at Arms, Mr. Andy Staubitz, announced the presence of the House of Representatives at the Chamber door.

The President called upon the Sergeant at Arms of the Senate and the Sergeant at Arms of the House to escort Speaker of the House, Laurie Jinkins, Speaker Pro Tempore Tina Orwall, Majority Caucus Chair Lillian Ortiz-Self, and Minority Caucus Vice Chair Kelly Chambers to the rostrum and members of the House of Representatives to seats within the Chamber.

Pursuant to Senate Concurrent Resolution No. 8400, the President called the Joint Session to order. The Secretary called the roll of the members of the House of Representatives. The Secretary called the roll of the members of the Senate. The President declared that a quorum of the Legislature was present.

#### **APPOINTMENT OF SPECIAL COMMITTEE**

The President of the Senate appointed a special committee consisting of Senators Hasegawa and Boehnke and Representatives Donaghy and Schmidt to escort the Justices of the Supreme Court to the Chamber.

#### **APPOINTMENT OF SPECIAL COMMITTEE**

The President of the Senate appointed a special committee consisting of Senators Randall and Torres and Representatives Rule and Waters to escort the statewide elected officials to the Chamber.

#### **APPOINTMENT OF SPECIAL COMMITTEE**

The President of the Senate appointed a special committee consisting of Senators Dhingra and Padden and Representatives Taylor and Sandlin to escort the Chief Justice, Steven González, to the Chamber.

Sergeant at Arms Andy Staubitz announced the arrival of the Justices of the Supreme Court. The special committee escorted the Justices to seats at the front of the Chamber and they were introduced: Associate Chief Justice Charles Johnson, Justice Barbara Madsen, Justice Susan Owens, Justice Debra Stephens, Justice Sheryl Gordon McCloud, Justice Mary Yu, and Justice Raquel Montoya-Lewis.

Sergeant at Arms Andy Staubitz announced the arrival of the statewide elected officials. The special committee escorted the statewide elected officials to seats at the front of the Chamber and were introduced: Secretary of State Steve Hobbs, Insurance Commissioner Mike Kreidler, State Treasurer Mike Pellicciotti and Commissioner of Public Lands Hilary Franz.

Sergeant at Arms Andy Staubitz announced the arrival of the Honorable Steven González, Chief Justice of the State Supreme Court. The special committee escorted Chief Justice González to the rostrum and was introduced.

The Sergeant at Arms Color Guard consisting of Pages Miss Lucy Clinton and Miss Jessie Dahl, presented the Colors.

The President led the Chamber in the Pledge of Allegiance.

The National Anthem was performed by José Iñiguez of Encanto Arts in Mattawa. Mr. Iñiguez was a guest of Senator Torres.

The prayer was offered by Reverend Amy Johnson, Minister for Sexuality Education & Justice, United Church of Christ National Ministries Church. Federal Way.

The President welcomed and introduced Chief Justice González.

#### **STATE OF THE JUDICIARY**

Chief Justice Steven González: "Thank you for the introduction. Thank you to all the members of the Legislature gathered here from both houses. Thank you, President Heck,

Speaker Jinkins, our statewide electeds; Hilary Franz, Mike Pellicciotti, Steve Hobbs. I wanted to also thank our former Chief Justice Gerry Alexander who has joined us and is in the upper gallery. Thank you, sir, for your service. I also want to pause for a moment and thank my wife Michelle, who is here and has been a source of support and what has been what allows me to do this work. Michelle, thank you I love you. Outside of my prepared remarks, we have two sons both college students so the house is much quieter, and I was told that my speech should be bipartisan, and I said, ‘Well no, it’s actually nonpartisan.’ But since they are both at a school here in the state, I’ve worn a necktie that shows my support. I apologize for those who support.

Having two children in college at once I think maybe there is a way that the Treasurer can help me, that our check goes straight to the University of Washington so it’s less painful somehow. Thank you again for being here for the first in-person State of the Judiciary since 2019 when Justice Fairhurst gave those remarks. We miss her very much.

The pandemic has been a challenge for all of us. It challenged the judicial branch to provide equitable access to justice throughout the entire crisis. People in courthouses around the state rose to that challenge, and I thank them from the bottom of my heart. Actually, as I think about it wasn’t from courthouses, sometimes it was from garages and living rooms dressed well at least from the waist up.

The pandemic made clearer than ever the inequities within our justice system. But by making those issues more visible, the pandemic also made them more addressable. Courts and judicial branch partners across the state worked tirelessly at no small risk to themselves, to deliver access to justice to the people of Washington. We have identified and confronted many of the barriers to fair and open system. We need to continue that work, and to do that, we need the legislature’s continued partnership.

Time will not permit me to catalog all the good work that has happened in the last years since we were here. But I want to highlight a few things. The Washington Indian Child Welfare Act passed by this legislature recognizes the painful and unjust history of indigenous children being taken from their families and from their communities. The Act imposes a heightened standard in cases where the state seeks to remove Indian children. Recently, we have expanded court calendars to make sure these cases are heard and decided promptly.

In addition, the pandemic left thousands without jobs, and many have faced eviction as a result of that and health issues. You passed legislation to provide counsel in eviction cases that we have helped to implement. Thank you for doing that work. In addition, the Dispute Resolution Centers and other community partners continue to help resolve through mediation, disputes between landlords and tenants, this lightens our court calendars and helps many people who will remain safe and housed.

I want to recognize some of those who have done the work: Clallam County’s Superior Court Commissioner Brandon Mack who established specialized family court calendars focused on native families and families with infants or toddlers. Pierce County’s Superior Court Commissioner Clint Johnson who worked with local attorneys to craft a highly successful eviction-prevention program with Right to Counsel. The Clark County Volunteer Lawyers Program. They expanded the scope of their work to yet more vulnerable people during the COVID pandemic.

I also want to recognize members of the organization Civil Survival together with Kitsap, Pierce, and Thurston County courts they relieve the burden of unpayable court fines and fees for thousands of people. It was gratifying to see prosecutors and defenders working side-by-side with clerks to accomplish this work, together.

We have adopted new technologies during the pandemic and found ways to keep court doors open, sometimes just virtually. Remote access has made our courts available to more people in the same way that the legislature has become more available for remote public participation. I think it is all to the good. Remote access has relieved the burden of travel from those unable to afford childcare or to take time off from work. It has allowed disabled people better, more inclusive access to justice. We’ve expanded electronic filings and the use of electronic signatures; we launched remote and hybrid trials; we gave remote hearing technology to litigants who didn’t have it, giving them both the option and the

means to appear remotely. Some of these pandemic necessities have been so effective we will adopt rules to make them permanent.

But our work is not done. Deep disparities remain. The Board for Judicial Administration’s Reimagining Our Courts Task Force expanded its work in response to the tragic and avoidable killing of George Floyd in May 2020. Racial justice must be central in how we think about improving access to justice.

For example, powerful research from the Minority and Justice Commission’s Race and Justice Task Force shows what too many already know from lived experience: Court fines and fees criminalize poverty. They have a disparate, inequitable effect on communities of color without improving public safety, and they have for decades.

Our Gender and Justice Commission looked at gender, race, and poverty to show how bias infiltrates courtrooms. It found evidence of many gender-based inequities in the justice system, inequities that intensify when layered with race. Black women, Indigenous women, women of color, transgender women, and gender nonconforming folks all face increased gender bias in our justice system. This hard data reinforces what many already know from lived experience. But these reports give us tangible, actionable data we can point to as we push for change.

Our Interpreter Commission has made great improvements in language access beyond just licensing and regulating interpreters. We are grateful to the legislature for its recent investment in interpreter reimbursements. Thank you.

Therapeutic courts are an increasingly important part of our work. I was pleased to hear the Governor yesterday speak about improving mental health diversion and treatment programs. I also want to thank the Legislature for funding new programs in district and municipal courts. Generally, though, success for all of us is keeping people with mental illness, people without housing, people with drug dependency, and families and children out of court all together. We must do our best to keep kids in school and away from courts. Courts are neither the best nor most efficient place to remedy all of society’s ills, yet we must be there when issues can’t otherwise be resolved. We must have culturally competent courts, able to direct appropriate services. This is essential to protect both those who come to court and the public at large.

There are things we can do. Therapeutic courts decrease recidivism, improve community safety, and help people make life-altering, positive changes. We know this is true. For example, eighty-one percent of King County Drug Court participants — not just graduates — have no new felonies thirty-six months after treatment.

On racial justice, we still have work to do. In June 2020, following the George Floyd uprisings and under the leadership of then Chief Justice Stephens, we issued an open letter drafted initially by Justice Yu that recognized the justice system’s role in perpetuating systemic racism. Judicial branch leaders, from every level of court, rose to the challenge of addressing systemic racism. Many of these leaders are here today, as are members of the Racial Justice Consortium that has moved this work forward.

That Consortium brought together judicial branch partners to develop a plan to address systemic racism in the courts. That group included judges from every court level as well as court clerks, court administrators, attorneys, and community members who have lived the trauma of a racialized justice system, and so have an essential perspective on how to change it.

In addition, we became the first court in the nation to adopt a statewide rule targeting both implicit and explicit racial bias in jury selection. This rule, General Rule 37, strengthens the prohibition against the use of race based peremptory challenges in jury selection, making our juries more diverse and representative of Washington’s diverse communities. The rule also bars both intentional race discrimination and “implicit” race discrimination or bias in jury selection. Our rule has become a national model for change.

The pandemic forced us to engage with each other in new ways. In 2021, our annual Judicial Summit included not just judges and court partners but also leaders from the Legislative and Executive branches. Out of the pandemic, we have forged stronger bonds, and those bonds are necessary to address what lies ahead.

Our state is growing fast. This presents challenges and opportunities for Washington courts. We hope, with your

continued support, Washington's courts can continue to address the complex demands of justice. We appreciate the investments of the Legislature in our branch.

Court funding has always been a challenge in Washington. In territorial times, traveling judges were paid from the fines and fees they themselves collected from litigants. While that is no longer the case, all too much of the funding for our judicial branch IT system still comes from district and municipal court fines and fees. Court fines and fees are disparately imposed on the poorest and most marginalized communities. This needs to change.

Our courts face many challenges. Court security is an increasing concern. People come to court because they are commanded to or because they are there asking for justice and protection of their individual rights. Our democracy depends on people having a safe and fair place to adjudicate their disputes. Courthouses must be safe. As recent events demonstrate, not all of them are.

We have traveled far along the road to justice, but we still have far to go. We need your help to continue our progress.

Thank you to the Legislature for hosting us here today, thank you to the Administrative Office of the Courts, to my colleagues on the Supreme Court, the judges of the Court of Appeals, Superior Courts, and District and Municipal Courts for their work. We have accomplished much, and I look forward to working with all of you to fulfill the promise of equal justice under the law.

Earlier this week, Justice Montoya-Lewis was able to swear in newly-elected members across the way, and I was here swearing in new members of the Senate.

It is the most diverse group we have ever seen. Our Court is now more diverse than it has ever been.

But studies that we have done on group decision making, including deliberations by juries, how that diverse groups make better decisions than homogenous groups do. On every objective measure, except for one.

It takes more time. I expect you might find that too.

But I also expect you might find yourself making good decisions and strong legislation that we'll get to review in due course.

I want to thank you all again for inviting us here, and I hope you can join us if you can for a reception downstairs in the Columbia Room starting immediately after we leave here."

The President thanked Chief Justice González for his remarks.

The President called upon the special committee to escort Chief Justice González from the rostrum and the Chief Justice retired from the Chamber.

The President called upon the special committee to escort the statewide elected officials from the Chamber.

The President called upon the special committee to escort the Justices of the Supreme Court from the Chamber.

### **MOTION**

On the motion of Senator Pedersen, the Joint Session was dissolved.

The Sergeant at Arms of the Senate and the Sergeant at Arms of the House escorted Speaker of the House, Laurie Jinkins, Speaker Pro Tempore Tina Orwall, Majority Caucus Chair Lillian Ortiz-Self, and Minority Caucus Vice Chair Kelly Chambers and members of the House of Representatives from the Senate Chamber.

With the consent of the House, SENATE CONCURRENT RESOLUTION NO. 8400 and SENATE CONCURRENT RESOLUTION NO. 8401 were immediately transmitted to the Senate.

There being no objection, the House adjourned until 10:30 a.m., Thursday, January 12, 2023, the 4th Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FOURTH DAY

House Chamber, Olympia, Thursday, January 12, 2023

The House was called to order at 10:30 a.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Reid Shepard and Liam Ürie. The Speaker led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Sean Hollen, Harbor Calvery Chapel, Aberdeen.

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4602**, by Representatives Jinkins, Wilcox, Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, and Ybarra

WHEREAS, The Washington House of Representatives, on behalf of the people of the state of Washington, recognize and honor the life and accomplishments of Jamie MacKinnon Walsh, wife of Representative Jim Walsh, mother, architect, and dynamic community member; and

WHEREAS, Jamie was born on March 5, 1964, the daughter of Thomas (deceased) and Jeannine MacKinnon; and

WHEREAS, Jamie graduated from Smith College with a Bachelors of Arts in Economics in 1986, later earning her Master of Arts in Architecture from University of California Los Angeles in 1998; and

WHEREAS, Jamie, at 18 years of age, met her future husband, Jim, when she asked him to dance at a college party, a question the clever young man promptly said yes to; and

WHEREAS, Jamie and Jim married in 1989, traveled extensively, lived for a few years in her native California, and eventually settled in Grays Harbor to raise their family in the great state of Washington; and

WHEREAS, Jamie, embracing the need to preserve the past, along with Jim, purchased a historical home in Aberdeen built in the 1890s, determined to restore the home and return it to its former glory days; and

WHEREAS, Along with being committed to her family and home, Jamie served her community, volunteering countless hours as a catechist at St. Mary Catholic Church; and

WHEREAS, As a former Aberdeen Public School board member, Jamie worked tirelessly to improve student achievements in the Aberdeen Public Schools; and

WHEREAS, Jamie, through various activities, sought to preserve and protect the coastal Washington way of life; and

WHEREAS, Jamie, a talented architect, left her mark on communities of Washington state by designing and renovating several buildings, businesses, and homes; and

WHEREAS, Jamie's most significant contributions to future generations reside not only in her volunteer activities, service to

her community, and professional achievements, but in the five children she loved, raised, and nurtured; and

WHEREAS, Jamie, at 58 years of age, was taken from this life far too early, tragically killed in a head-on collision on Monday, October 24, 2022; and

WHEREAS, Jamie leaves behind her husband, Jim, and five children — MacKinnon, James M., Lillian, Margaret, and Patrick, who all adored her; and

WHEREAS, Jamie lived the kind of life most people only dream of, filled with family, pursuit, and purpose, without regrets;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, on behalf of the people of the state of Washington, recognize and honor the life, family, and work of Jamie MacKinnon Walsh; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Jamie's husband, Representative Jim Walsh, and his family.

Representative McEntire moved adoption of HOUSE RESOLUTION NO. 4602.

Representatives McEntire, Hansen, Corry and Stonier spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4602 was adopted.

## SPEAKER'S PRIVILEGE

The Speaker offered condolences to Representative Walsh and his family. The Speaker introduced his children who were in the wings and asked the body to acknowledge them

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

## INTRODUCTION &amp; FIRST READING

HB 1245 by Representatives Barkis, Robertson, Wylie, Fitzgibbon, Peterson, Walsh, Chambers, Kloba, Gregerson, Graham, Waters, Reed, Walen, Christian, Riccelli, Macri, Bateman and Doglio

AN ACT Relating to increasing housing options through lot splitting; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Housing.

HB 1246 by Representatives Ortiz-Self, Berry, Reeves, Bronoske, Reed, Bergquist, Macri, Fosse, Santos and Pollet

AN ACT Relating to eligibility for health benefits from the school employees' benefits board for school employees; amending RCW 41.05.740 and 28A.400.275; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1247 by Representatives Reed, Harris, Mena, Berry, Simmons, Morgan, Slatter, Ryu, Goodman, Donaghy, Reeves, Sandlin, Stearns and Fosse

AN ACT Relating to licensure for music therapists; amending RCW 18.120.020, 18.130.040, and 18.130.040; adding a new

chapter to Title 18 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1248 by Representatives Stonier, Harris, Senn, Simmons, Ryu, Reeves, Bergquist, Eslick, Pollet and Reed

AN ACT Relating to pupil transportation; amending RCW 28A.160.170, 28A.160.180, 28A.160.193, and 28A.160.140; adding new sections to chapter 28A.160 RCW; adding a new section to chapter 28A.320 RCW; repealing RCW 28A.160.192; and providing effective dates.

Referred to Committee on Education.

HB 1249 by Representatives Corry and Reeves

AN ACT Relating to limits on the sale and possession of retail cannabis products; and amending RCW 69.50.360 and 69.50.4013.

Referred to Committee on Regulated Substances & Gaming.

HB 1250 by Representatives Steele and Eslick

AN ACT Relating to modifying the low-income home rehabilitation program; amending RCW 43.330.480, 43.330.482, and 43.330.488; adding new sections to chapter 43.330 RCW; repealing RCW 43.330.482 and 43.330.486; providing an effective date; providing a contingent effective date; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1251 by Representatives Stonier, Bateman, Reed, Riccelli and Pollet

AN ACT Relating to water systems' notice to customers of public health considerations; adding a new section to chapter 70A.125 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1252 by Representatives Bateman, Hutchins, Barkis, Fitzgibbon, Robertson, Tharinger, Reed, Christian, Schmidt and Pollet

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

Referred to Committee on Housing.

HB 1253 by Representatives Stonier, Schmick, Kretz, Macri and Pollet

AN ACT Relating to pharmacy benefit managers; amending RCW 48.200.020, 48.200.210, and 48.200.280; adding a new chapter to Title 48 RCW; recodifying RCW 48.200.210, 48.200.220, 48.200.230, 48.200.240, 48.200.250, 48.200.260, 48.200.270, 48.200.280, and 48.200.290; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1254 by Representatives Street, Reed and Ramel

AN ACT Relating to clarifying ambiguities in statutory provisions administered by the department of revenue relating to periodic adjustments; and amending RCW 53.08.090, 82.12.0203, and 82.21.030.

Referred to Committee on Finance.

HB 1255 by Representatives Simmons, Harris, Peterson, Reed, Riccelli, Macri, Bateman and Doglio

AN ACT Relating to reducing stigma and incentivizing health care professionals licensed by the Washington state nursing care quality assurance commission to participate in a substance use disorder monitoring and treatment program; and adding a new section to chapter 18.79 RCW.

Referred to Committee on Health Care & Wellness.

HB 1256 by Representatives Steele, Simmons, Eslick and Santos

AN ACT Relating to capital budget matching grants to independent higher education institutions; and adding a new section to chapter 28B.07 RCW.

Referred to Committee on Capital Budget.

HB 1257 by Representatives Hackney, Abbarno and Reed

AN ACT Relating to the authority of cargo and passenger ports; adding a new section to chapter 53.08 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1258 by Representatives Ryu, Volz, Steele, Walen, Reeves, Waters, Chambers, Reed, Christian, Cortes, Callan, Schmidt, Barkis and Fosse

AN ACT Relating to increasing tourism to Washington state through enhancement of the statewide tourism marketing account and changing necessary match requirements; and amending RCW 43.384.040 and 82.08.225.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1259 by Representatives Abbarno, Stearns and Reeves

AN ACT Relating to updating the executive team of the office of the secretary of state by adding signing authority to the chief of staff position; amending RCW 43.07.020; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1260 by Representatives Alvarado, Leavitt, Taylor, Senn, Farivar, Simmons, Davis, Fitzgibbon, Callan, Reeves, Reed, Fey, Gregerson, Cortes, Macri, Fosse, Doglio and Pollet

AN ACT Relating to accelerating stability for people with a work-limiting disability or incapacity; and amending RCW 74.04.655, 74.04.805, 74.62.005, and 74.62.030.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1261 by Representatives Walen, Ryu, Reeves, Reed, Simmons, Davis, Ormsby, Fosse, Doglio, Santos and Pollet

AN ACT Relating to cost sharing for diagnostic and supplemental breast examinations; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 1262 by Representatives Walen, Reed and Davis

AN ACT Relating to establishing a lump sum reporting system; amending RCW 26.23.020, 26.23.060, and 26.23.070; adding a new section to chapter 26.23 RCW; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 1263 by Representatives Simmons, Stonier, Macri and Pollet

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

Referred to Committee on Civil Rights & Judiciary.

HB 1264 by Representatives Walen and Reed

AN ACT Relating to encouraging equitable treatment for different categories of solid waste utility customer under local solid waste collection rates; adding a new section to chapter 36.58 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 81.77 RCW.

Referred to Committee on Environment & Energy.

HB 1265 by Representatives Ramos, Goehner, Chapman, Robertson, Kloba, Chambers, Slatter, Callan, Donaghy, Ryu, Reeves, Chopp, Senn, Reed, Couture, Simmons, Fey, Jacobsen, Macri, Peterson, Ramel and Pollet

AN ACT Relating to establishing a property tax exemption for adult family homes that serve people with intellectual or developmental disabilities and are owned by a nonprofit; amending RCW 84.36.042 and 84.36.805; reenacting and amending RCW 84.36.805; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 1266 by Representatives Santos, Corry and Reeves

AN ACT Relating to the use of email by the office of the insurance commissioner when communicating with licensees; amending RCW 48.17.170, 48.17.450, 48.17.475, and 48.15.103; adding a new section to chapter 48.02 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Consumer Protection & Business.

HB 1267 by Representatives Tharinger, Steele and Ramel

AN ACT Relating to rural public facilities sales and use tax; and amending RCW 82.14.370.

Referred to Committee on Local Government.

HB 1268 by Representatives Goodman, Simmons, Walen and Eslick

AN ACT Relating to sentencing enhancements; amending RCW 9.94A.030, 9.94A.599, 9.94A.729, 10.01.210, and 72.01.410; reenacting and amending RCW 9.94A.533; and repealing RCW 9.94A.833 and 69.50.435.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1269 by Representatives Riccelli, Stonier and Macri

AN ACT Relating to amending the prescription drug affordability board; and amending RCW 70.405.010, 70.405.020, 70.405.030, 70.405.040, 70.405.050, 70.405.060, 70.405.070, and 70.405.090.

Referred to Committee on Health Care & Wellness.

HB 1270 by Representatives Dye, Walen, McEntire, Stearns, Graham, Reed and Schmidt

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

Referred to Committee on State Government & Tribal Relations.

HB 1271 by Representatives Low, Eslick, Bronoske, Hackney, Goehner, Hutchins, Berry, Reed, Christian and Schmidt

AN ACT Relating to organ transport vehicles; amending RCW 68.64.010, 46.37.190, 46.37.380, 46.37.670, 46.61.210, 46.61.165, 47.52.025, 18.73.140, 18.73.081, and 18.73.030; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 18.73 RCW.

Referred to Committee on Transportation.

HB 1272 by Representatives Bergquist, Volz, Reeves, Gregerson, Christian, Riccelli and Schmidt

AN ACT Relating to publishing, formatting, and distribution of the state and local voters' pamphlets; amending RCW 29A.32.010, 29A.32.020, 29A.32.031, 29A.32.060, 29A.32.070, 29A.32.090, 29A.32.110, 29A.32.121, 29A.32.210, 29A.32.220, 29A.32.230, 29A.32.241, 29A.32.250, 29A.32.260, and 29A.32.280; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1273 by Representatives Berg, Reed and Pollet

AN ACT Relating to high school and beyond planning; amending RCW 28A.230.090, 28A.230.215, 28A.230.091, 28A.230.310, 28A.230.320, 28A.300.900, and 28A.655.250; adding a new section to chapter 28A.230 RCW; and repealing RCW 28A.655.270.

Referred to Committee on Education.

HB 1274 by Representatives Couture, Lekanoff, Eslick, Waters, Walsh, Griffey, Low, Hutchins, Dent, Taylor, Barnard, Connors, Rude, Sandlin, Slatter, Stonier, Harris, Reeves, Abbarno, Robertson, Senn, Davis, Gregerson, Christian, Schmidt, Orwall, Ramel and Pollet

AN ACT Relating to creating a child malnutrition field guide for the department of children, youth, and families; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1275 by Representatives Thai, Harris and Riccelli

AN ACT Relating to athletic trainers; and amending RCW 18.250.010 and 18.250.110.

Referred to Committee on Health Care & Wellness.

HB 1276 by Representatives Pollet, Cortes, Fitzgibbon, Wylie, Ryu, Tharinger, Walen, Peterson, Macri, Fosse and Senn

AN ACT Relating to accessory dwelling units; amending RCW 36.70A.696, 36.70A.697, and 36.70A.698; reenacting and amending RCW 36.70A.070; adding new sections to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Housing.

HB 1277 by Representatives Donaghy, Harris, Slatter, Kloba, Reeves, Reed, Ormsby and Pollet

AN ACT Relating to improving the consistency and quality of the implementation of the fundamental course of study for paraeducators; amending RCW 28A.413.060; and creating a new section.

Referred to Committee on Education.

HB 1278 by Representatives Ortiz-Self, Senn, Callan, Simmons, Davis, Reeves, Reed, Fey, Cortes and Ormsby

AN ACT Relating to supporting guardianships and voluntary placement with nonrelative kin; and amending RCW 13.36.090, 74.13.062, and 74.13.031.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1279 by Representatives Griffey, Bronoske, Leavitt, Donaghy, Street, Cortes, Ormsby, Berry, Fosse, Robertson, Volz, Simmons, Tharinger, Davis, Reeves, Graham, Reed, Riccelli, Orwall, Bateman, Doglio and Ramel

AN ACT Relating to ensuring that firefighters who accept promotional firefighter positions within a fire department remain members of the law enforcement officers' and firefighters' retirement system; and amending RCW 41.26.030.

Referred to Committee on Appropriations.

HB 1280 by Representative Wylie

AN ACT Relating to open motor vehicle safety recalls; adding a new section to chapter 46.32 RCW; adding a new section to chapter 46.16A RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

HB 1281 by Representatives Rude, Peterson, Harris, Macri, Riccelli, Stonier, Fitzgibbon, Senn, Simmons, Tharinger, Kloba, Reeves, Reed, Walen, Gregerson, Ormsby, Bateman, Doglio, Alvarado, Ramel, Santos and Pollet

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

Referred to Committee on Health Care & Wellness.

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

There being no objection, the House adjourned until 9:55 a.m., Friday, January 13, 2023, the 5th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIFTH DAY

House Chamber, Olympia, Friday, January 13, 2023

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

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

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

**INTRODUCTION & FIRST READING**

HB 1282 by Representatives Duerr, Hackney, Berry, Ramel, Doglio, Reed and Pollet

AN ACT Relating to environmental and labor reporting for public building construction and renovation material; amending RCW 43.88.0301; adding a new chapter to Title 39 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Capital Budget.

HB 1283 by Representatives Duerr, Berry, Ramel, Macri, Doglio, Reed and Pollet

AN ACT Relating to environmental, social, and governance reporting and self-directed investment options at the Washington state investment board; reenacting and amending RCW 43.33A.190; adding a new section to chapter 43.33A RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1284 by Representatives Corry, Walen, Connors, Hutchins, Rude, Cheney and Barkis

AN ACT Relating to reforming the real estate agency law to require written brokerage services agreements, improve consumer disclosures, and provide that certain legal duties of brokers apply to all parties in the transaction; amending RCW 18.86.010, 18.86.020, 18.86.030, 18.86.040, 18.86.050, 18.86.060, 18.86.070, 18.86.080, 18.86.090, 18.86.100, and 18.86.120.

Referred to Committee on Consumer Protection & Business.

HB 1285 by Representatives Goehner and Chandler

AN ACT Relating to modifying the scope of locations to which a water right established as a family farm permit may be transferred; and amending RCW 90.66.065 and 36.70A.360.

Referred to Committee on Agriculture and Natural Resources.

HB 1286 by Representatives Berry, Bateman, Mena, Alvarado, Street, Ortiz-Self, Tharinger, Lekanoff, Ramel, Macri, Reeves, Doglio, Gregerson, Santos, Reed, Goodman, Pollet, Fosse and Ormsby

AN ACT Relating to protecting and assisting Washington employers that provide access to, or benefits for, reproductive health care services; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a

new chapter to Title 49 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Labor & Workplace Standards.

HB 1287 by Representatives Thai, Caldier, Graham, Riccelli, Macri, Reed, Pollet and Leavitt

AN ACT Relating to dental hygienists; and amending RCW 18.29.190.

Referred to Committee on Postsecondary Education & Workforce.

HB 1288 by Representatives Reeves, Ryu, Morgan and Graham

AN ACT Relating to the department of veterans affairs regarding exempt staff and exempt staff appointments, removing reference to one-time use of funds, and exempting veteran discharge papers from public disclosure; amending RCW 41.06.077, 43.60A.140, 72.36.020, and 42.56.440; adding a new section to chapter 43.60A RCW; and repealing RCW 72.36.040, 72.36.050, 72.36.055, and 72.36.077.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1289 by Representatives Reed, Ybarra, Berry, Ortiz-Self, Riccelli, Paul, Reeves, Leavitt and Timmons

AN ACT Relating to program administration for the Washington state opportunity scholarship program; and amending RCW 28B.145.010, 28B.145.020, and 28B.145.040.

Referred to Committee on Postsecondary Education & Workforce.

HB 1290 by Representatives Lekanoff, Goodman, Ortiz-Self, Ramel, Leavitt and Ormsby

AN ACT Relating to training for tribal police officers and employees; and amending RCW 43.101.230.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1291 by Representatives Fosse, Donaghy, Berry, Street, Ortiz-Self, Ramel, Riccelli, Bergquist, Bateman, Taylor, Macri, Reeves, Doglio, Gregerson, Santos, Reed, Goodman, Kloba and Pollet

AN ACT Relating to collective bargaining for employees who are enrolled in academic programs at public institutions of higher education; adding a new section to chapter 41.56 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1292 by Representatives Goodman and Senn

AN ACT Relating to modifications necessary to comply with federal regulations regarding dissemination of federal bureau of investigation criminal history record information; and amending RCW 18.88B.080, 43.43.832, 43.43.837, and 74.39A.056.



Referred to Committee on Human Services, Youth, & Early Learning.

HB 1293 by Representatives Klicker, Leavitt, Barkis, Jacobsen, Waters, Chapman, Reed and Graham

AN ACT Relating to streamlining development regulations; amending RCW 43.21C.229 and 36.70B.160; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Housing.

HB 1294 by Representatives Steele, Robertson, Ortiz-Self, Volz, Jacobsen, Riccelli, Santos and Pollet

AN ACT Relating to cost-of-living adjustments for plan 1 retirees of the teachers' retirement system and public employees' retirement system; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1295 by Representatives Ortiz-Self, Eslick, Lekanoff, Reeves and Reed

AN ACT Relating to providing legal counsel for parents before the filing of a dependency petition, including when the department of children, youth, and families proposes a voluntary placement agreement; amending RCW 2.70.020; reenacting and amending RCW 13.34.030 and 13.34.090; and providing an effective date.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1296 by Representatives Peterson, Tharinger, Senn, Bateman, Lekanoff, Ramel, Reed, Pollet and Leavitt

AN ACT Relating to consolidating local permit review processes; amending RCW 36.70B.140; and adding new sections to chapter 36.70B RCW.

Referred to Committee on Local Government.

HB 1297 by Representatives Reeves, Lekanoff, Reed and Chapman

AN ACT Relating to establishing a task force of the geoduck comanagers to identify harvest opportunities to promote tribal treaty rights to geoduck and enhance state geoduck harvest opportunities; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture and Natural Resources.

HB 1298 by Representatives Hutchins, Walen, Barkis, Klicker, Cheney, Bateman, Doglio, Gregerson and Leavitt

AN ACT Relating to increasing the supply and affordability of condominium units and townhouses as an option for homeownership; amending RCW 64.35.105, 64.50.010, 64.50.020, 64.50.040, 64.50.050, 64.90.250, 64.90.605, 64.90.645, 64.90.665, 64.90.670, 64.90.675, 82.45.010, 82.45.010, 82.02.060, and 58.17.060; reenacting and amending RCW 64.38.010; adding a new section to chapter 19.27 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

HB 1299 by Representatives Chambers, Wylie, Robertson, Cheney and Reed

AN ACT Relating to workforce development in the beverage alcohol industry; and amending RCW 66.44.318.

Referred to Committee on Regulated Substances & Gaming.

HB 1300 by Representatives Orwall, Mosbrucker, Graham, Jacobsen, Lekanoff, Macri and Reed

AN ACT Relating to fraud in assisted reproduction; amending RCW 9A.36.031 and 18.130.180; creating new sections; prescribing penalties; and providing an expiration date.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1301 by Representatives McClintock and Cheney

AN ACT Relating to creating a review process for professional licensing regulations and requiring a report to the legislature; and adding a new chapter to Title 18 RCW.

Referred to Committee on Consumer Protection & Business.

HB 1302 by Representatives Timmons, Hutchins, Barkis, Orcutt and Ramel

AN ACT Relating to the vehicle report of sale; and amending RCW 46.12.650.

Referred to Committee on Transportation.

HB 1303 by Representatives Street, Ramel and Reed

AN ACT Relating to the administration of property taxes; amending RCW 82.03.140, 84.40.370, 84.52.010, 84.52.010, 84.52.043, 84.52.043, 84.52.085, 84.55.015, and 84.55.020; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 1304 by Representatives Hackney and Walen

AN ACT Relating to electric security alarm systems; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1305 by Representatives Pollet, Stonier, Ortiz-Self, Alvarado, Orwall, Leavitt, Senn, Bergquist, Bateman, Taylor, Reeves, Davis, Doglio, Santos, Reed, Kloba and Fosse

AN ACT Relating to improving access to and provision of a free appropriate public education for students with disabilities; amending RCW 28A.225.330, 28A.155.010, 28A.155.020, 28A.155.040, 28A.155.050, 28A.155.060, 28A.155.090, 28A.155.100, and 28A.155.140; adding new sections to chapter 28A.155 RCW; and providing an expiration date.

Referred to Committee on Education.

HB 1306 by Representatives Tharinger, Steele, Reed, Pollet and Leavitt

AN ACT Relating to equity and efficiencies in public works procurement including modifying small works roster requirements; amending RCW 39.04.010, 39.19.030, 39.10.200, 39.10.210, 39.10.220, 39.10.230, 39.10.240, 39.10.330, 39.10.360, 39.10.380, 39.10.385, 39.10.908, 28A.335.190, 28B.10.350, 28B.50.330, 35.22.620, 35.23.352, 35.61.135, 35.82.076, 36.32.235, 36.32.250, 36.77.075, 39.04.200, 39.04.380, 39.12.040, 52.14.110, 53.08.120,

54.04.070, 57.08.050, 70.44.140, 87.03.436, and 43.131.408; adding new sections to chapter 39.04 RCW; creating a new section; repealing RCW 39.04.155 and 39.04.156; providing effective dates; and declaring an emergency.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1307 by Representatives Fosse, Berry, Ortiz-Self, Bergquist, Lekanoff, Taylor, Ramel, Macri, Doglio, Gregerson, Reed, Pollet, Ormsby and Santos

AN ACT Relating to collective bargaining for resident and fellow physicians employed by certain institutions of higher education; amending RCW 41.56.513; adding new sections to chapter 41.56 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1308 by Representatives Stonier, Dye, Ortiz-Self, Tharinger, Riccelli, Reed and Pollet

AN ACT Relating to high school graduation pathway options; amending RCW 28A.655.250 and 28A.655.260; and creating a new section.

Referred to Committee on Education.

HB 1309 by Representatives Fosse, Cheney, Berry, Lekanoff, Waters, Ramel, Senn, Reed, Kloba and Hutchins

AN ACT Relating to adding references to contractor registration and licensing laws in workers' compensation, public works, and prevailing wage statutes; and amending RCW 39.04.350, 39.06.020, 39.12.050, 39.12.055, 39.12.065, 39.12.100, 51.08.070, 51.08.180, 51.08.181, 51.12.070, 51.12.120, 51.16.070, and 51.48.022.

Referred to Committee on Labor & Workplace Standards.

HB 1310 by Representatives Riccelli, Simmons, Thai, Morgan, Bateman, Macri, Reed, Stonier, Leavitt and Ormsby

AN ACT Relating to physician assistant collaborative practice; amending RCW 18.71A.020, 18.71A.025, 18.71A.030, 18.71A.050, 18.71A.090, 18.71A.120, 18.71A.130, 18.71A.150, 10.77.175, 18.71.030, 7.68.030, 51.04.030, 51.28.100, 71.05.020, 71.05.215, 71.05.217, 71.05.585, 71.32.110, 71.32.140, 71.32.250, 71.34.020, 71.34.755, and 74.09.497; reenacting and amending RCW 18.71A.010, 69.50.101, 71.05.760, 71.34.750, and 71.34.750; adding new sections to chapter 18.71A RCW; creating a new section; providing effective dates; providing expiration dates; and providing contingent expiration dates.

Referred to Committee on Health Care & Wellness.

HB 1311 by Representatives Reeves, Corry, Chapman, Reed and Cheney

AN ACT Relating to credit repair services performed by a credit services organization; amending RCW 19.134.010, 19.134.020, 19.134.040, 19.134.050, 19.134.060, 19.134.070, and 19.134.080; and creating new sections.

Referred to Committee on Consumer Protection & Business.

HB 1312 by Representatives Rude, Entenman, Goodman, Ortiz-Self and Ormsby

AN ACT Relating to allowing persons who are 70 years of age or older to opt out of juror service; and amending RCW 2.36.100.

Referred to Committee on Civil Rights & Judiciary.

HB 1313 by Representatives Farivar, Macri, Tharinger, Harris, Alvarado, Mena, Thai, Berry, Ryu, Orwall, Callan, Waters, Wylie, Ortiz-Self, Stonier, Cheney, Chopp, Riccelli, Bergquist, Bateman, Morgan, Lekanoff, Reeves, Davis, Senn, Doglio, Santos, Reed, Goodman, Kloba, Pollet, Fosse, Ormsby and Chapman

AN ACT Relating to improving health care affordability for older adults and people with disabilities on medicare; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1314 by Representatives Ormsby, Maycumber, Riccelli, Schmidt, Ramel, Chapman, Harris, Thai, Stonier, Berry, Volz, Bergquist, Bateman, Lekanoff, Macri, Doglio, Gregerson, Reed, Kloba and Leavitt

AN ACT Relating to reassessing standards for polychlorinated biphenyls in consumer products; adding new sections to chapter 70A.350 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1315 by Representatives Schmick and Maycumber

AN ACT Relating to legal newspapers; and amending RCW 65.16.020.

Referred to Committee on Civil Rights & Judiciary.

HB 1316 by Representatives Paul, Ortiz-Self, Stonier, Bergquist, Lekanoff, Ramel, Santos, Reed, Pollet, Leavitt, Timmons, Chapman and Ormsby

AN ACT Relating to expanding access to dual credit programs; amending RCW 28A.600.287, 28A.600.390, and 28A.600.400; reenacting and amending RCW 28A.600.310; adding new sections to chapter 28A.600 RCW; adding a new section to chapter 28B.77 RCW; and repealing RCW 28A.320.196, 28A.600.290, 28B.76.730, 43.131.427, and 43.131.428.

Referred to Committee on Education.

HB 1317 by Representatives Pollet and Gregerson

AN ACT Relating to improving transparency in grassroots lobbying disclosure; and amending RCW 42.17A.640.

Referred to Committee on State Government & Tribal Relations.

HB 1318 by Representatives Ormsby, Springer, Volz, Graham, Riccelli, Reeves and Leavitt

AN ACT Relating to retail sales tax exemptions for certain aircraft maintenance and repair; amending RCW 82.08.025661; and creating a new section.

Referred to Committee on Finance.

HB 1319 by Representatives Reed, Cortes, Berry, Ramel, Cheney, Waters and Kloba

AN ACT Relating to collision reporting criteria triggering driver's license reexamination; and amending RCW 46.52.070.

Referred to Committee on Transportation.

HB 1320 by Representatives Reed, Berry, Ortiz-Self, Ramel, Pollet and Fosse

AN ACT Relating to access to personnel records; amending RCW 49.12.250; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1321 by Representatives Donaghy, Bronoske, Stonier, Riccelli, Fosse and Ormsby

AN ACT Relating to extending the expiration date of the ambulance transport fund; amending RCW 74.70.901; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1322 by Representatives Rude, Chapman, Klicker, Lekanoff and Reeves

AN ACT Relating to the Walla Walla water 2050 plan; amending RCW 90.90.020; and adding a new section to chapter 90.90 RCW.

Referred to Committee on Agriculture and Natural Resources.

HJR 4202 by Representatives Volz, Walsh, Griffey, Graham, Maycumber, Cheney, Couture and Schmidt

Proposing an amendment to the Constitution to provide for an automatic referendum on tax acts.

Referred to Committee on State Government & Tribal Relations.

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

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

#### **MOTIONS**

There being no objection, the Committee on Education was relieved of HOUSE BILL NO. 1248, and the bill was referred to the Committee on Appropriations.

There being no objection, the Committee on Local Government was relieved of HOUSE BILL NO. 1219, and the bill was referred to the Committee on Transportation.

There being no objection, the House adjourned until 10:30 a.m., Monday, January 16, 2023, the 8th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## EIGHTH DAY

House Chamber, Olympia, Monday, January 16, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Dawson Lobdell and Rohana Joshi. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Terrance Proctor, The Church by the Side of the Road, Tukwila.

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

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

**INTRODUCTION & FIRST READING**

HB 1323 by Representatives Bronoske, Berry, Leavitt, Morgan, Taylor, Senn, Bateman, Reed, Lekanoff and Doglio

AN ACT Relating to requiring a training and certification program for individuals who apply fire-resistant materials; adding new sections to chapter 49.17 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

HB 1324 by Representatives Hackney, Senn, Simmons, Reed, Lekanoff, Doglio, Pollet and Macri

AN ACT Relating to the scoring of prior juvenile offenses in sentencing range calculations; amending RCW 9.94A.525; adding a new section to chapter 9.94A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1325 by Representatives Hackney, Fitzgibbon, Simmons, Walen, Lekanoff, Doglio, Pollet and Macri

AN ACT Relating to allowing qualifying persons serving long sentences committed prior to reaching 25 years of age to seek review for possible release from incarceration; amending RCW 9.94A.510, 9.94A.540, 9.94A.570, 9.94A.730, and 10.95.030; reenacting and amending RCW 9.94A.728; adding a new section to chapter 10.95 RCW; and creating new sections.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1326 by Representatives Cortes, Chopp, Berry, Duerr, Farivar, Morgan, Peterson, Ramel, Ryu, Senn, Simmons, Walen, Mena, Reed, Doglio, Pollet, Springer and Macri

AN ACT Relating to waiving municipal utility connection charges for certain properties; amending RCW 35.92.380; and adding a new section to chapter 35.92 RCW.

Referred to Committee on Local Government.

HB 1327 by Representatives Caldier and Leavitt

AN ACT Relating to faculty in dental schools; and amending RCW 18.32.195.

Referred to Committee on Postsecondary Education & Workforce.

HB 1328 by Representatives Stokesbary and Rude

AN ACT Relating to increasing funding to schools and families for students not meeting academic standards; amending RCW 28A.165.100; adding a new section to chapter 28A.165 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1329 by Representatives Mena, Alvarado, Berry, Duerr, Leavitt, Morgan, Ramel, Ryu, Senn, Simmons, Timmons, Kloba, Bateman, Slatter, Orwall, Reed, Lekanoff, Gregerson, Doglio, Tharinger, Cortes, Donaghy, Pollet, Callan, Fosse, Macri, Davis and Stonier

AN ACT Relating to preventing utility shutoffs for nonpayment during extreme heat; amending RCW 54.16.285, 57.08.081, 80.28.010, 87.03.015, 59.18.060, and 59.20.070; adding a new section to chapter 23.86 RCW; adding a new section to chapter 24.06 RCW; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 70A.125 RCW.

Referred to Committee on Environment & Energy.

HB 1330 by Representatives Christian, Pollet, Schmidt, Couture, Low and Doglio

AN ACT Relating to adjusting the threshold for requiring candidate contribution certifications relating to foreign nationals; and amending RCW 42.17A.418, 42.17A.240, 42.17A.250, and 42.17A.265.

Referred to Committee on State Government & Tribal Relations.

HB 1331 by Representatives Christian, Dent, Low, Graham and Barkis

AN ACT Relating to providing tax incentives for development at public use airports; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.29A RCW; creating new sections; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Finance.

HB 1332 by Representatives Lekanoff, Berry, Ramel, Rude, Reed, Donaghy, Pollet and Macri

AN ACT Relating to supporting public school instruction in tribal sovereignty and federally recognized Indian tribes; and amending RCW 28A.300.105 and 28A.320.170.

Referred to Committee on Education.

HB 1333 by Representatives Ramos, Berg, Berry, Duerr, Leavitt, Taylor, Mena, Peterson, Ramel, Ryu, Senn, Simmons, Street, Reed, Lekanoff, Doglio, Cortes, Pollet, Callan, Fosse, Macri and Stonier

AN ACT Relating to establishing the domestic violent extremism commission; adding a new section to chapter 43.10 RCW; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

HB 1334 by Representatives Hutchins, Simmons, Couture and Ramel

AN ACT Relating to accessing certain aquatic lands by a public transportation benefit area; and adding a new section to chapter 36.57A RCW.

Referred to Committee on Transportation.

HB 1335 by Representatives Hansen, Berry, Farivar, Taylor, Ramel, Simmons, Kloba, Bateman, Reed and Lekanoff

AN ACT Relating to the unauthorized publication of personal identifying information; adding a new section to chapter 4.24 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1336 by Representatives Stokesbary, Springer, Reeves, Graham and Lekanoff

AN ACT Relating to splitting the volunteer firefighters' and reserve officers' relief and pension principal fund into two accounts; amending RCW 41.24.030, 41.24.030, 41.24.035, 43.84.092, and 43.84.092; reenacting and amending RCW 41.24.010; adding new sections to chapter 41.24 RCW; creating new sections; providing an effective date; providing contingent effective dates; providing an expiration date; and providing a contingent expiration date.

Referred to Committee on Appropriations.

HB 1337 by Representatives Gregerson, Barkis, Berry, Christian, Duerr, Fitzgibbon, Taylor, Ramel, Reeves, Simmons, Walen, Graham, Bateman, Reed, Lekanoff, Doglio, Tharinger, Cortes, Macri and Stonier

AN ACT Relating to expanding housing options by easing barriers to the construction and use of accessory dwelling units; amending RCW 36.70A.696, 43.21C.495, and 36.70A.280; adding new sections to chapter 36.70A RCW; creating a new section; and repealing RCW 35.63.210, 35A.63.230, 36.70A.400, 36.70.677, and 43.63A.215.

Referred to Committee on Housing.

HB 1338 by Representatives Reeves, Waters, Walen, Senn, Simmons, Kloba, Reed, Lekanoff, Gregerson, Doglio, Tharinger, Springer, Fosse, Davis and Orwall

AN ACT Relating to education and vocational programs in state correctional institutions; amending RCW 72.09.080, 72.09.460, and 72.09.465; and creating a new section.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1339 by Representatives Schmick, Dent and Graham

AN ACT Relating to adjusting the insurance premium tax rate; and amending RCW 48.14.020.

Referred to Committee on Consumer Protection & Business.

HB 1340 by Representatives Riccelli, Thai, Berry, Ormsby, Chopp, Macri, Bergquist, Bateman, Simmons, Stonier, Berg, Duerr, Wylie, Senn, Taylor, Fitzgibbon, Cortes, Goodman, Reed, Lekanoff, Alvarado, Ramel, Kloba, Tharinger and Pollet

AN ACT Relating to actions by health professions disciplining authorities against license applicants and license holders for providing reproductive health care services or gender affirming treatment; amending RCW 18.130.180; reenacting and amending RCW 18.130.055; and adding a new section to chapter 18.130 RCW.

Referred to Committee on Health Care & Wellness.

HB 1341 by Representative Wylie

AN ACT Relating to cannabis license ownership; amending RCW 69.50.325, 69.50.331, and 69.50.331; providing effective dates; and declaring an emergency.

Referred to Committee on Regulated Substances & Gaming.

HB 1342 by Representatives Steele, Leavitt, Lekanoff, Chapman and Stokesbary

AN ACT Relating to the modeling, measurement, and reporting of embodied carbon emission reductions from structural building products in state-funded projects; and adding a new chapter to Title 19 RCW.

Referred to Committee on Capital Budget.

HB 1343 by Representatives Kloba, Walen, Berg, Duerr, Taylor, Ramel, Simmons, Bateman, Reed, Gregerson, Doglio, Pollet and Macri

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

Referred to Committee on Housing.

HB 1344 by Representatives Chapman, Robertson and Caldier

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

Referred to Committee on Regulated Substances & Gaming.

HB 1345 by Representatives Farivar, Senn, Simmons, Bateman, Lekanoff, Pollet, Fosse and Davis

AN ACT Relating to contribution to costs of privileges by incarcerated individuals; and amending RCW 72.09.470.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1346 by Representatives Shavers, Berry, Couture, Leavitt, Morgan, Simmons, Timmons, Lekanoff, Paul and Donaghy

AN ACT Relating to creating the purple star award; adding a new section to chapter 28A.625 RCW; and creating a new section.

Referred to Committee on Education.

HB 1347 by Representatives Pollet, Lekanoff, Berry, Ramel, Kloba, Slatter, Ryu, Taylor and Doglio

AN ACT Relating to integrating community-based health assessments into foundational environmental policies to

improve environmental justice; amending RCW 70A.65.260; reenacting and amending RCW 70A.65.230; adding a new section to chapter 70A.02 RCW; adding a new section to chapter 43.21C RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1348 by Representatives Callan, Macri, Berry, Leavitt, Morgan, Taylor, Ramel, Senn, Kloba, Chopp, Bateman, Reed, Lekanoff, Gregerson, Doglio, Tharinger, Paul, Eslick, Pollet and Stonier

AN ACT Relating to establishing behavioral health support specialists; amending RCW 18.130.040 and 18.130.040; adding a new section to chapter 48.43 RCW; adding a new chapter to Title 18 RCW; providing an effective date; and providing expiration dates.

Referred to Committee on Health Care & Wellness.

HB 1349 by Representatives Orwall, Leavitt, Ramel, Kloba, Reed, Lekanoff, Pollet and Fosse

AN ACT Relating to foreclosure protections; amending RCW 61.24.008, 61.24.030, 61.24.040, 61.24.160, 61.24.163, 61.24.165, 61.24.166, and 61.24.190; adding a new section to chapter 61.24 RCW; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Housing.

HB 1350 by Representatives Walen, Hutchins, Christian, Duerr, Leavitt, Senn, Stokesbary, Barkis, Gregerson and Pollet

AN ACT Relating to expanding the multifamily tax exemption program to include converting existing multifamily units; amending RCW 84.14.010 and 84.14.020; adding new sections to chapter 84.14 RCW; and providing an expiration date.

Referred to Committee on Housing.

HB 1351 by Representatives Reed, Berry, Duerr, Fitzgibbon, Peterson, Ramel, Simmons, Bateman, Doglio, Tharinger, Alvarado, Macri and Berg

AN ACT Relating to encouraging transit-oriented development through a prohibition on the imposition of minimum parking requirements except under certain circumstances; amending RCW 36.70A.620; adding a new section to chapter 47.80 RCW; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Local Government.

HB 1352 by Representatives Stearns, Low, Cortes, Entenman, Couture, Ramel, Lekanoff, Pollet and Fosse

AN ACT Relating to authorizing tribal investment in county investment pools; and amending RCW 36.29.020, 36.29.022, and 36.29.024.

Referred to Committee on Local Government.

HB 1353 by Representatives Stonier, Berg, Bergquist, Ramel, Senn, Reed, Lekanoff, Gregerson, Pollet, Callan and Macri

AN ACT Relating to school district elections; amending RCW 28A.535.020, 28A.535.050, 84.52.056, 39.36.020, and 28A.530.020; and providing a contingent effective date.

Referred to Committee on Education.

HB 1354 by Representatives Stonier, Simmons, Senn, Berry, Fitzgibbon, Goodman, Reed, Doglio, Macri and Davis

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

Referred to Committee on Education.

HB 1355 by Representatives Wylie, Slatter, Orcutt, Harris, Leavitt, Orwall, Walen, Christian, Couture, Rule, Senn, Stokesbary, Graham, Kloba, Reed, Paul, Donaghy, Pollet and Callan

AN ACT Relating to updating property tax exemptions for service-connected disabled veterans and senior citizens; and amending RCW 84.36.383, 84.36.385, and 84.38.020.

Referred to Committee on Finance.

HB 1356 by Representatives Reeves, Reed, Lekanoff, Doglio, Donaghy and Springer

AN ACT Relating to reducing prescription drug costs by eliminating barriers impeding access to biosimilar medicines; amending RCW 48.43.420 and 41.05.410; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1357 by Representatives Simmons, Schmick, Stonier, Cortes, Reed, Bateman, Harris, Alvarado, Pollet and Caldier

AN ACT Relating to modernizing the prior authorization process; amending RCW 48.43.0161 and 48.43.545; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care & Wellness.

HB 1358 by Representatives Cheney, Walen, McClintock, Corry, Volz and Couture

AN ACT Relating to review standards for professional licensing regulation; adding a new chapter to Title 18 RCW; and creating a new section.

Referred to Committee on Consumer Protection & Business.

HB 1359 by Representatives Cheney, Walen, McClintock, Corry, Volz, Duerr, Barkis, Graham and Caldier

AN ACT Relating to expediting professional licenses for new Washington residents; adding a new section to chapter 43.24 RCW; adding a new chapter to Title 18 RCW; and creating a new section.

Referred to Committee on Consumer Protection & Business.

HB 1360 by Representatives McClintock, Walen, Corry, Cheney, Waters, Barnard, Ybarra and Couture

AN ACT Relating to alternative licensing standards of professional licenses; adding a new section to chapter 43.24 RCW; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

HB 1361 by Representatives Abbarno, Rule, Reeves and Gregerson

AN ACT Relating to updating statutes related to state employment by removing obsolete language, eliminating unnecessary reports, conforming a reporting period to fiscal year, and modernizing employee pay procedures; amending

RCW 42.16.010, 41.06.070, and 43.41.275; and reenacting and amending RCW 41.06.133.

Referred to Committee on Appropriations.

**HB 1362** by Representatives Stearns, Reeves, Abbarno, Gregerson, Lekanoff and Tharinger

AN ACT Relating to improving government efficiency related to reports by state agencies by eliminating reports, changing the frequency of reports, and providing an alternative method for having information publicly available in place of reports; amending RCW 43.43.545, 43.63A.510, 43.280.100, 61.24.163, 70A.420.050, 72.09.620, 77.135.090, 28B.77.220, 35.90.020, 43.21A.150, 43.60A.240, 43.61.040, 43.63A.068, 43.105.369, 47.01.330, 54.16.425, 72.09.765, 77.32.555, 82.14.470, and 82.32.765; creating a new section; and repealing RCW 13.32A.045, 19.02.055, 19.280.060, 43.31.980, 43.60A.101, and 62A.9A-527.

Referred to Committee on State Government & Tribal Relations.

**HB 1363** by Representatives Rule, Robertson, Shavers, Mosbrucker, Reeves, Leavitt, Paul, Griffey, Timmons, Bronoske, Klicker, Walen, Hackney, Couture, Maycumber, Corry, Cortes, McClintock, Davis, Bergquist, Christian, Connors, Dent, Jacobsen, Sandlin, Rude, Stokesbary, Barkis, Graham, Chapman, Ryu, Lekanoff, Wylie, Springer, Callan, Cheney, Orcutt, Stonier, Calder and Berg

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

Referred to Committee on Community Safety, Justice, & Reentry.

**HB 1364** by Representatives Paul, Shavers and Reed

AN ACT Relating to creating the nautical Northwest special license plate; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

**HJR 4203** by Representatives Stonier, Berg, Alvarado, Bergquist, Berry, Duerr, Fitzgibbon, Ortiz-Self, Ramel, Reeves, Senn, Simmons, Walen, Kloba, Goodman, Reed, Lekanoff, Gregerson, Doglio, Pollet, Callan, Fosse and Davis

Amending the Constitution to allow a simple majority of voters voting to authorize school district bonds.

Referred to Committee on Education.

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4603**, by Representatives Jinkins, Wilcox, Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele,

Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, and Ybarra

WHEREAS, Today, we join with people in every corner of the great state of Washington and throughout the United States of America to honor the life and legacy of the Reverend Dr. Martin Luther King, Jr.; and

WHEREAS, Dr. King was born on January 15, 1929, in Atlanta, Georgia, and on June 18, 1953, he and Coretta Scott were married in Marion, Alabama; and

WHEREAS, He dedicated his life's work to gain civil and economic rights for all; and

WHEREAS, We remember his Letter to Birmingham, which includes the words, "Nonviolent direct action seeks to create such a crisis and establish such creative tension that a community that has consistently refused to negotiate is forced to confront the issue"; and

WHEREAS, People around the world still use his nonviolent philosophy as a guide to make lasting changes, following the words of Dr. King, "Injustice anywhere is a threat to justice everywhere"; and

WHEREAS, His belief in equality and opportunity for all was not restricted to the cessation of racial injustice, it also extended to the necessity of economic justice for all people, so that all may live free of the afflictions of poverty; and

WHEREAS, Dr. King propelled the truths of segregation and racial injustice to the forefront of American conversation at dinner tables across the country, helping to bring an end to unjust laws, and fulfilling the promise of a democracy for every American; and

WHEREAS, The Civil Rights Act of 1964 and the Voting Rights Act of 1965 became law thanks to the blood, sweat, and tears shed by Dr. King and his supporters from every community in the United States; and

WHEREAS, We remember Dr. King's steadfast commitment to the ideals of impartiality and opportunity for all in the face of tyranny, cruelty, and mistreatment by those in power; and

WHEREAS, He received the Nobel Peace Prize in 1964, the youngest man to ever be selected for this extraordinary honor; and

WHEREAS, Despite Dr. King's assassination on April 4, 1968, his legacy of compassion and nonviolence lived on through his followers and his wife, Coretta Scott King; and

WHEREAS, It is fitting to honor Dr. King's historic advocacy for equal treatment of all people during a time of tremendous racial tension;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the importance of the life of Dr. King and exalt his dedicated work and embrace the ideals of equality and equity for all people.

Representative Hackney moved adoption of HOUSE RESOLUTION NO. 4603.

Representatives Hackney, Connors, Reed and Abbarno spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4603 was adopted.

Lift Every Voice and Sing was performed by Alynn Harris-Cobbinah.

There being no objection, the House adjourned until 9:55 a.m., Tuesday, January 17, 2023, the 9th Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## NINTH DAY

House Chamber, Olympia, Tuesday, January 17, 2023

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

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

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

**INTRODUCTION & FIRST READING**

HB 1365 by Representatives Dye and Barkis

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

Referred to Committee on Environment & Energy.

HB 1366 by Representatives Donaghy, Reed, Santos, Doglio, Ramel, Pollet, Schmidt and Macri

AN ACT Relating to changing the definition of first-time home buyer; and amending RCW 43.185A.010.

Referred to Committee on Capital Budget.

HB 1367 by Representatives Donaghy, Reed, Doglio, Ramel, Pollet and Macri

AN ACT Relating to eliminating unnecessary homeless funding budget and auditing requirements; amending RCW 36.22.179; and reenacting and amending RCW 43.185C.060.

Referred to Committee on Housing.

HB 1368 by Representatives Senn, Fey, Berry, Doglio, Peterson, Chapman, Fosse, Slatter, Gregerson, Callan, Lekanoff, Ramel, Stonier, Street, Santos, Fitzgibbon, Berg, Reed, Simmons, Bergquist, Goodman, Pollet, Cortes, Macri and Leavitt

AN ACT Relating to requiring and funding the purchase of zero emission school buses; amending RCW 28A.160.130, 28A.160.195, and 28A.160.205; adding new sections to chapter 28A.160 RCW; adding a new section to chapter 28A.710 RCW; adding a new section to chapter 28A.715 RCW; and creating a new section.

Referred to Committee on Education.

HB 1369 by Representatives Griffey, Bronoske, Riccelli, Maycumber, Couture, Abbarno, Volz, Barkis, Christian and Leavitt

AN ACT Relating to off-duty employment of fish and wildlife officers; adding a new section to chapter 77.15 RCW; and adding a new section to chapter 4.92 RCW.

Referred to Committee on Agriculture and Natural Resources.

HB 1370 by Representatives Reeves, Corry, Reed, Morgan, Ramel, Pollet and Leavitt

AN ACT Relating to the payment of awards to whistleblowers who report violations of state or federal

securities laws and providing protection to whistleblowers and internal reporters; amending RCW 42.56.400 and 43.320.115; and adding a new chapter to Title 21 RCW.

Referred to Committee on Consumer Protection & Business.

HB 1371 by Representatives Barkis, Leavitt, Orcutt, Fey, Barnard, Chapman, Low, Connors, Goehner, Chambers, Chandler, Couture, Griffey, Hutchins, Robertson, Volz, Walsh, Christian, Doglio, Schmick and Gregerson

AN ACT Relating to government incentives for improving freight railroad infrastructure; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding new sections to chapter 82.16 RCW; creating new sections; providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

HB 1372 by Representatives Dye, Ybarra, Chambers, Sandlin, Christian, Schmidt and Volz

AN ACT Relating to improving understanding of greenhouse gas emission tradeoffs associated with the electrification of state vehicles; reenacting and amending RCW 70A.45.050; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1373 by Representatives Stokesbary, Corry, Couture, Jacobsen, Eslick, Caldier, Schmidt and Volz

AN ACT Relating to funding the removal of illegal encampments near schools, child care centers, parks, and courthouses; amending RCW 36.70A.190; adding a new section to chapter 36.01 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 43.185C RCW; and declaring an emergency.

Referred to Committee on Housing.

HB 1374 by Representatives Slatter, Ybarra, Berry, Reed, Simmons, Ramel, Pollet, Schmidt and Ortiz-Self

AN ACT Relating to establishing the office of career connect Washington; amending RCW 28C.30.020, 28C.30.030, 28C.30.040, 28C.30.050, 28C.30.060, 28C.30.070, and 28B.77.005; adding a new chapter to Title 28B RCW; and recodifying RCW 28C.30.020, 28C.30.030, 28C.30.040, 28C.30.050, 28C.30.060, and 28C.30.070.

Referred to Committee on Postsecondary Education & Workforce.

HB 1375 by Representatives Reeves, Chambers and Reed

AN ACT Relating to liquor licensee privileges for the delivery of alcohol; amending RCW 66.20.320, 82.08.150, and 66.24.660; amending 2021 c 48 s 2 (uncodified); reenacting and amending RCW 66.04.010 and 66.20.310; adding new sections to chapter 66.24 RCW; creating a new section; and declaring an emergency.



Referred to Committee on Regulated Substances & Gaming.

HB 1376 by Representatives Santos and Reed

AN ACT Relating to aligning policies to reflect the updated standards of practice for preparation, continuing education, and other training of school district staff developed by the Washington professional educator standards board under RCW 28A.410.260; amending RCW 28A.190.080, 28A.310.515, 28A.405.106, 28A.410.277, and 28B.50.891; reenacting and amending RCW 28A.410.270; and creating a new section.

Referred to Committee on Education.

HB 1377 by Representatives Santos, Reed and Ortiz-Self

AN ACT Relating to posting of approved courses and providers of continuing education on equity-based school practices, the national professional standards for education leaders, and government-to-government relationships, which is currently required for administrators and teachers; and amending RCW 28A.410.277.

Referred to Committee on Education.

HB 1378 by Representatives Reeves, Dent, Berry, Ramel, Gregerson and Leavitt

AN ACT Relating to derelict aquatic structures; amending RCW 43.21B.110 and 43.21B.305; and adding a new chapter to Title 79 RCW.

Referred to Committee on Agriculture and Natural Resources.

HB 1379 by Representatives Macri, Riccelli, Reed, Simmons, Doglio, Pollet and Fosse

AN ACT Relating to addressing affordability through health care provider contracting; reenacting and amending RCW 41.05.017; adding new sections to chapter 48.43 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1380 by Representatives Stokesbary, Robertson, Barnard, Couture, Hutchins, Jacobsen, Eslick, Christian, Barkis, Schmidt and Volz

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

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1381 by Representatives Dye, Lekanoff and Pollet

AN ACT Relating to salmon-safe communities; adding a new section to chapter 90.48 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1382 by Representatives Hackney and Fitzgibbon

AN ACT Relating to modifying eligibility for the community transition services program operated by the department of children, youth, and families; amending RCW 13.40.205 and 72.01.412; and providing a contingent effective date.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1383 by Representatives Hackney, Fitzgibbon, Walen, Reed, Pollet and Macri

AN ACT Relating to people convicted of one or more crimes committed before the person's 18th birthday petitioning the indeterminate sentence review board for early release; amending RCW 9.94A.730; and creating a new section.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1384 by Representatives Shavers, Eslick, Doglio, Ramel, Gregerson and Leavitt

AN ACT Relating to providing access to parks to all Washington veterans; and amending RCW 79A.05.065.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1385 by Representatives Hackney, Goodman, Fitzgibbon and Simmons

AN ACT Relating to seizure and forfeiture procedures and reporting; amending RCW 9.68A.120, 9A.88.150, 9A.83.030, 10.105.010, 19.290.230, 46.61.5058, 70.74.400, 77.15.070, and 38.42.020; reenacting and amending 69.50.505; adding a new chapter to Title 7 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 1386 by Representatives Rule, Taylor, Davis, Santos, Doglio, Ramel, Ortiz-Self and Leavitt

AN ACT Relating to establishing a youth development grant program; and adding a new section to chapter 43.330 RCW.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1387 by Representatives Ramos, Goodman, Callan, Ryu, Ramel and Pollet

AN ACT Relating to requiring the criminal justice training commission to establish a program to recruit and train a pool of applicants who may be employed by certain law enforcement agencies in the state; amending RCW 43.101.095; reenacting and amending RCW 43.101.010; adding new sections to chapter 43.101 RCW; and creating a new section.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1388 by Representatives Macri, Ramel, Peterson, Thai, Gregerson, Hackney, Ormsby, Alvarado, Doglio, Cortes, Riccelli, Mena, Kloba, Bateman, Fitzgibbon, Street, Taylor, Lekanoff, Simmons, Farivar, Pollet, Stonier, Berry, Reed, Bergquist, Morgan, Davis, Santos, Chopp, Stearns and Fosse

AN ACT Relating to protecting tenants by prohibiting predatory residential rent practices and by applying the consumer protection act to the residential landlord-tenant act and the manufactured/mobile home landlord-tenant act; adding new sections to chapter 59.18 RCW; adding new sections to chapter 59.20 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Housing.

HB 1389 by Representatives Ramel, Macri, Peterson, Duerr, Gregerson, Alvarado, Ormsby, Doglio, Riccelli, Cortes, Mena, Thai, Kloba, Bateman, Street, Taylor, Lekanoff,

Simmons, Farivar, Pollet, Stonier, Berry, Reed, Bergquist, Davis, Santos, Senn, Stearns and Fosse

AN ACT Relating to residential rent increases under the residential landlord-tenant act and the manufactured/mobile home landlord-tenant act; adding new sections to chapter 59.18 RCW; adding new sections to chapter 59.20 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Housing.

HB 1390 by Representatives Ramel, Berry, Duerr, Doglio, Pollet and Reed

AN ACT Relating to district energy systems; amending RCW 19.27A.210; adding a new section to chapter 19.27A RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1391 by Representatives Ramel, Doglio, Duerr, Berry, Pollet and Reed

AN ACT Relating to energy in buildings; amending RCW 70A.50.010; adding new sections to chapter 70A.50 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1392 by Representatives Gregerson, Kretz, Ryu, Dent, Berry, Fitzgibbon, Reed, Ramel, Pollet and Macri

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

Referred to Committee on Consumer Protection & Business.

HB 1393 by Representatives Schmidt, Chapman, Reeves, Robertson, Rule, Connors, Reed, Eslick, Christian, Pollet and Volz

AN ACT Relating to the requirements to obtain a journey level electrician certificate of competency; amending RCW 19.28.195; amending 2018 c 249 s 5 and 2020 c 153 ss 30 and 31 (uncodified); creating new sections; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 1369 which was referred to the Committee on Community Safety, Justice & Reentry.

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

#### REPORTS OF STANDING COMMITTEES

January 13, 2023

HB 1009 Prime Sponsor, Representative Leavitt: Concerning military spouse employment. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

January 13, 2023

HB 1012 Prime Sponsor, Representative Leavitt: Addressing the response to extreme weather events. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Cortes; Paul; Senn; Shavers and Street.

MINORITY recommendation: Without recommendation. Signed by Representatives Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Waters; and Ybarra.

Referred to Committee on Appropriations

January 13, 2023

HB 1023 Prime Sponsor, Representative Walen: Eliminating wire tap authorization reporting to the administrative office of the courts. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Cheney; Entenman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

January 13, 2023

HB 1027 Prime Sponsor, Representative Riccelli: Concerning telemedicine. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

January 13, 2023

HB 1049 Prime Sponsor, Representative Doglio: Updating timelines for adopting county commissioner district boundaries following expansion from three to five commissioners. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Rules for second reading

January 13, 2023

HB 1066 Prime Sponsor, Representative Goodman:  
Making technical corrections and removing  
obsolete language from the Revised Code of  
Washington pursuant to RCW 1.08.025.  
Reported by Committee on Civil Rights &  
Judiciary

There being no objection, the House adjourned until 10:30  
a.m., Wednesday, January 18, 2023, the 10th Day of the 2023  
Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

MAJORITY recommendation: Do pass. Signed by  
Representatives Hansen, Chair; Farivar, Vice Chair; Cheney;  
Entenman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation.  
Signed by Representatives Walsh, Ranking Minority Member;  
Graham, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

January 13, 2023

HB 1077 Prime Sponsor, Representative Thai:  
Concerning courthouse facility dogs.  
Reported by Committee on Civil Rights &  
Judiciary

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass. Signed by  
Representatives Hansen, Chair; Farivar, Vice Chair; Walsh,  
Ranking Minority Member; Graham, Assistant Ranking  
Minority Member; Cheney; Entenman; Peterson; Rude; Thai  
and Walen.

Referred to Committee on Rules for second reading

January 13, 2023

HB 1102 Prime Sponsor, Representative Taylor:  
Concerning judge pro tempore  
compensation. Reported by Committee on  
Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by  
Representatives Hansen, Chair; Farivar, Vice Chair; Walsh,  
Ranking Minority Member; Graham, Assistant Ranking  
Minority Member; Cheney; Entenman; Peterson; Rude; Thai  
and Walen.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's  
committee reports under the fifth order of business were referred to  
the committees so designated.

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

### **MOTION**

There being no objection, the Committee on Community  
Safety, Justice, & Reentry was relieved of HOUSE BILL NO.  
1338, and the bill was referred to the Committee on Postsecondary  
Education & Workforce.

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

### **ANNOUNCEMENT**

#### **COMMITTEE APPOINTMENT(S)**

With the consent of the House, The Speaker (Representative  
Orwall presiding) appointed Representative Walsh to the  
committee on Human Services, Youth and Early Learning,  
replacing Representative Rude.

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## TENTH DAY

House Chamber, Olympia, Wednesday, January 18, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Justin Fisher and Messina Occhino. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Wes Wimberly, Church of Living Water, Olympia.

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

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

**INTRODUCTION & FIRST READING**

HB 1394 by Representatives Senn, Goodman, Simmons, Lekanoff and Doglio

AN ACT Relating to creating a developmentally appropriate response to youth who commit sexual offenses; amending RCW 18.155.020, 9A.44.128, 9A.44.130, 9A.44.132, 9A.44.140, 13.40.162, and 9A.44.145; adding a new section to chapter 13.40 RCW; adding a new section to chapter 9A.44 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1395 by Representatives Dent, Barkis, Robertson, Jacobsen, Christian and Eslick

AN ACT Relating to the distribution of aircraft fuel tax revenue; amending RCW 82.42.090; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1396 by Representatives Goodman and Bateman

AN ACT Relating to persons sentenced for aggravated first degree murder committed prior to reaching 21 years of age; amending RCW 9.94A.510, 9.94A.540, 9.94A.6332, 9.94A.729, and 10.95.030; adding new sections to chapter 10.95 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1397 by Representatives Walsh, Robertson, Dent and Eslick

AN ACT Relating to maintaining the safety of children who have been removed from a parent based on abuse, neglect, or abandonment; amending RCW 13.34.145; reenacting and amending RCW 13.34.138; adding a new section to chapter 13.34 RCW; and creating new sections.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1398 by Representatives Chapman, Tharinger and Reed

AN ACT Relating to requiring state agencies to share information to encourage rural economic development; amending RCW 39.12.015; adding a new section to chapter 43.330 RCW; and adding a new section to chapter 49.04 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 1399 by Representatives Lekanoff, Slatter, Taylor, Simmons, Berry, Ramel, Fosse, Macri, Pollet, Reed, Doglio, Davis and Santos

AN ACT Relating to establishing a Native American scholarship program; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28B.10 RCW; adding a new chapter to Title 28B RCW; creating a new section; and providing an expiration date.

Referred to Committee on Postsecondary Education & Workforce.

HB 1400 by Representatives Peterson, Simmons, Farivar, Senn, Lekanoff, Berg and Macri

AN ACT Relating to property exempt from execution; amending RCW 6.15.010, 6.15.010, and 51.32.040; providing an effective date; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

HB 1401 by Representatives Jacobsen, Griffey, Bronoske, Goehner, Chapman, Volz, Couture, Abbarno, Chambers, Klicker, Tharinger, Barkis, Christian, Stokesbary, Eslick, Walen and Cheney

AN ACT Relating to cities and counties creating a simple, standardized housing permit process for affordable housing units in areas designated for housing; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Housing.

HB 1402 by Representatives Jacobsen, Griffey, Chapman, Goehner, Volz, Couture, Abbarno, Chambers, Klicker, Barkis, Christian and Stokesbary

AN ACT Relating to adjusting urban growth boundaries to account for situations where property owners have not developed property as expected in comprehensive plans and development regulations; amending RCW 36.70A.110 and 36.70A.280; reenacting and amending RCW 36.70A.130; and creating a new section.

Referred to Committee on Local Government.

HB 1403 by Representatives Goehner, Chapman, Griffey, Corry, Rude, Couture, Christian, Cheney, Barkis and Stokesbary

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

Referred to Committee on Local Government.

HB 1404 by Representatives Goehner, Chapman, Corry, Jacobsen, Griffey, Rude, Couture, Christian, Cheney, Barkis, Stokesbary and Barnard

AN ACT Relating to reforming the state building code council, its operations and procedures, and its statutory authority; amending RCW 19.27.031, 19.27.070, 19.27.074, and 19.27A.025; adding new sections to chapter 19.27 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1405 by Representatives Alvarado, Farivar, Taylor, Reeves, Senn, Mena, Berg, Cortes, Simmons, Berry, Ortiz-Self, Goodman, Lekanoff, Gregerson, Ramel, Macri, Reed, Ormsby, Doglio, Chopp and Santos

AN ACT Relating to preserving public benefit payments to people in the care of the department of children, youth, and families; adding a new section to chapter 43.216 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1406 by Representatives Cortes, Senn, Berry, Ortiz-Self, Goodman, Thai, Alvarado, Simmons, Orwall, Taylor, Bateman, Lekanoff, Peterson, Ramel, Macri, Bergquist, Pollet, Reed, Ormsby, Doglio and Davis

AN ACT Relating to youth seeking housing assistance and other related services; amending RCW 13.32A.040, 13.32A.082, and 43.185C.010; and adding a new section to chapter 43.330 RCW.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1407 by Representatives Taylor, Senn, Simmons, Stonier, Jacobsen, Bateman, Lekanoff, Peterson, Ramel, Macri, Pollet, Reed and Doglio

AN ACT Relating to maintaining eligibility for developmental disability services; and amending RCW 71A.16.040.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1408 by Representatives Doglio, Riccelli, Lekanoff, Macri and Reed

AN ACT Relating to creating an account for the pharmaceutical rebate revenue generated by the purchase of medications for people living with HIV who are enrolled in the early intervention program; reenacting and amending RCW 43.79A.040; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Appropriations.

HB 1409 by Representatives Abbarno, Macri and Christian

AN ACT Relating to compelling the state building code council to expand residential building code classifications; adding a new section to chapter 19.27 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Local Government.

HB 1410 by Representatives Hansen, Stonier, Taylor, Simmons, Stearns, Berry, Senn, Thai, Lekanoff, Ramel, Macri, Pollet, Reed, Doglio and Santos

AN ACT Relating to supporting people who have been targeted or affected by hate crimes and bias incidents by establishing a reporting hotline, tracking hate crimes and bias incidents, and creating a compensation program and assistance fund; amending RCW 42.56.240; adding new sections to chapter 43.10 RCW; creating new sections; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 1411 by Representatives Ortiz-Self, Santos, Berry, Lekanoff, Pollet and Doglio

AN ACT Relating to supporting student success through cross-sector professional development informed by a study of measures of and mitigators for community risk and protective factors; adding a new section to chapter 28A.415 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Education.

HB 1412 by Representatives Shavers and Lekanoff

AN ACT Relating to foreign ownership of agricultural lands; amending RCW 64.16.005; creating new sections; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1413 by Representatives Shavers, Lekanoff, Ramel and Davis

AN ACT Relating to flexible work for general and limited authority Washington peace officers; amending RCW 41.26.030; reenacting and amending RCW 10.93.020; and adding a new section to chapter 49.28 RCW.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1414 by Representatives Mena, Fitzgibbon, Bronoske, Riccelli, Barkis and Reed

AN ACT Relating to the removal of vehicles by a regional transit authority when obstructing the operation of high capacity transportation vehicles or jeopardizing public safety; amending RCW 46.55.010; and reenacting RCW 46.55.080.

Referred to Committee on Transportation.

HB 1415 by Representatives Maycumber, Chapman, Robertson, Reeves, Cheney, Abbarno, Christian, Barnard and Eslick

AN ACT Relating to making the knowing possession of a controlled substance a gross misdemeanor offense under criminal violations of Title 69 RCW; amending RCW 69.50.4013; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1416 by Representatives Doglio, Ramel, Berry, Lekanoff and Reed

AN ACT Relating to applying the affected market customer provisions of the Washington clean energy transformation act to nonresidential customers of consumer-owned utilities; and amending RCW 19.405.020.

Referred to Committee on Environment & Energy.

HB 1417 by Representatives Volz, Chapman, Graham, Ryu, Schmick, Dye, Walsh, McEntire, Maycumber, Caldier, Dent, Christian, Barnard and Eslick

AN ACT Relating to the multistate nurse licensure compact; amending RCW 18.79.030, 18.130.040, and 18.130.040; adding new sections to chapter 18.79 RCW; adding a new chapter to Title 18 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Postsecondary Education & Workforce.

HB 1418 by Representatives Springer, Lekanoff, Entenman, Rude, Rule, Stokesbary, Walen, Chapman, Senn, Reeves, Corry, Bateman, Harris, Griffey, Steele, Hackney, Duerr, Doglio, Couture, Caldier and Barnard

AN ACT Relating to enrichment funding for charter public schools; amending RCW 28A.710.280; and creating a new section.

Referred to Committee on Appropriations.

HB 1419 by Representatives Chapman and Goehner

AN ACT Relating to county treasurers' duties concerning registered warrants; amending RCW 36.29.010; and repealing RCW 36.29.040, 36.29.050, and 36.29.060.

Referred to Committee on Local Government.

HB 1420 by Representatives Hackney, Corry, Walen and Ormsby

AN ACT Relating to lien priority of mortgages and deeds of trust; adding a new section to chapter 61.12 RCW; and creating new sections.

Referred to Committee on Civil Rights & Judiciary.

HB 1421 by Representatives Chambers, Rule, Jacobsen, Dent, Taylor, Barkis, Christian, Springer, Lekanoff, Berg, Schmick, Klicker, Goehner, Eslick and Robertson

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

Referred to Committee on Local Government.

HB 1422 by Representatives Springer, Corry and Lekanoff

AN ACT Relating to clarifying that certain reusable packing materials are exempt from sales and use tax; reenacting and amending RCW 82.04.050; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 1423 by Representatives Hackney, Waters, Simmons, Christian, Kloba, Lekanoff and Pollet

AN ACT Relating to authorizing the department of natural resources to create and manage a trust land transfer program; amending RCW 79.17.020, 79.17.210, 79.22.060, 43.30.385, 79.19.020, 79.19.030, and 79.11.340; reenacting and amending RCW 79.64.110; adding new sections to chapter 79.17 RCW; and creating a new section.

Referred to Committee on Capital Budget.

HB 1424 by Representatives Berg, Walen, Simmons, Kloba, Street, Taylor, Alvarado, Bateman, Stonier, Paul, Fosse, Macri, Reed, Berry, Senn, Duerr, Riccelli, Doglio, Callan, Peterson, Fitzgibbon, Stearns, Ortiz-Self, Goodman, Thai, Springer, Gregerson, Ramel, Bergquist and Pollet

AN ACT Relating to consumer protection with respect to the sale and adoption of dogs and cats; amending RCW

16.52.360; adding a new section to chapter 63.10 RCW; adding a new section to chapter 63.14 RCW; adding a new section to chapter 31.04 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Consumer Protection & Business.

HB 1425 by Representatives Berg, Low, Eslick, Ryu, Stonier, Duerr, Ortiz-Self, Cortes, Peterson, Fosse, Donaghy and Pollet

AN ACT Relating to facilitating municipal annexations; amending RCW 35.13.470 and 82.14.415; and providing an expiration date.

Referred to Committee on Local Government.

HB 1426 by Representatives Mena, Reed, Fosse, Street, Simmons, Bateman, Ramel, Pollet and Ormsby

AN ACT Relating to campaign contributions by controlled entities; amending RCW 42.17A.455; and adding a new section to chapter 42.17A RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1427 by Representatives Mena, Doglio, Ramel, Street, Berry, Duerr, Hackney, Reed, Fosse, Cortes, Lekanoff and Peterson

AN ACT Relating to on-premises energy generation; amending RCW 80.60.020 and 80.60.030; reenacting and amending RCW 80.60.010; adding a new section to chapter 19.86 RCW; adding new sections to chapter 80.60 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1428 by Representatives Alvarado, Street, Reed, Fitzgibbon, Simmons, Berry, Bateman, Mena, Ramel and Macri

AN ACT Relating to pedestrians crossing and moving along roadways; amending RCW 46.61.050, 46.61.055, 46.61.060, 46.61.235, 46.61.240, and 46.61.250; adding a new section to chapter 46.61 RCW; and repealing RCW 46.61.230.

Referred to Committee on Transportation.

HB 1429 by Representatives Stokesbary and Corry

AN ACT Relating to prohibiting strikes by employees covered by the educational employment relations act and authorizing interest arbitration; amending RCW 41.59.020 and 41.59.120; adding a new section to chapter 41.59 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

HB 1430 by Representatives Eslick and Caldier

AN ACT Relating to improving communication between the department of children, youth, and families and caregivers; adding a new section to chapter 74.13 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1431 by Representatives Timmons, Stokesbary, Springer, Corry, Stonier, Abbarno, Rule, Schmick, Street, Fitzgibbon, Jacobsen, Harris, Hutchins, Riccelli, McEntire, Maycumber, Bronoske, Ramel, Robertson, Taylor, Simmons, Tharinger, Berry, Caldier, Reeves, Ortiz-Self, Thai, Christian, Kloba, Bateman, Gregerson, Barnard, Pollet, Reed, Ormsby, Doglio and Cheney

AN ACT Relating to clarifying that meals furnished to tenants of senior living communities as part of their rental agreement are not subject to sales and use tax; amending RCW 82.04.040 and 82.04.040; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 1432 by Representatives Farivar, Cortes, Senn, Simmons, Goodman, Reed, Callan, Ortiz-Self, Fosse, Berry, Alvarado, Thai, Stonier, Lekanoff, Peterson, Gregerson, Ramel, Macri, Pollet and Ormsby

AN ACT Relating to decreasing barriers to successful community participation for individuals involved in the juvenile justice system; amending RCW 6.17.020, 7.68.035, 7.68.120, 10.01.160, 13.40.020, 13.40.060, 13.40.077, 13.40.080, 13.40.127, 13.40.150, 13.40.162, 13.40.165, 13.40.180, 13.40.190, 13.40.200, 13.40.205, 13.40.205, 13.40.210, 13.40.250, 13.40.308, 13.40.510, 13.50.260, 13.50.270, and 43.43.7541; reenacting and amending RCW 13.40.020; adding new sections to chapter 13.40 RCW; creating new sections; repealing RCW 13.40.056, 13.40.085, 13.40.192, 13.40.198, 13.40.610, and 13.40.640; providing contingent effective dates; and providing contingent expiration dates.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1433 by Representatives Duerr, Ramel, Fitzgibbon, Berry, Reed and Doglio

AN ACT Relating to energy labeling of residential buildings; adding a new section to chapter 19.27A RCW; adding a new chapter to Title 18 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 1434 by Representatives Thai, Riccelli, Stonier and Lekanoff

AN ACT Relating to protecting patients in facilities regulated by the department of health by establishing uniform enforcement tools; amending RCW 18.46.010, 18.46.050, 18.46.130, 70.42.010, 70.42.130, 70.42.180, 70.127.010, 70.127.170, 70.127.213, 70.230.010, 70.230.070, 71.12.710, 71.12.500, 70.38.025, 70.38.111, 70.38.260, 70.170.020, 18.64.005, 18.64.011, 18.64.047, 18.64.165, 18.64A.020, 18.64A.060, 69.45.080, 69.43.100, 69.43.140, 69.50.302, 69.50.303, 69.50.304, 69.50.310, 69.50.320, and 69.41.080; reenacting and amending RCW 71.12.455, 71.24.025, and 71.24.037; adding a new section to chapter 18.46 RCW; adding new sections to chapter 70.42 RCW; adding new sections to chapter 70.127 RCW; adding a new section to chapter 70.230 RCW; adding a new section to chapter 71.12 RCW; adding a new section to chapter 71.24 RCW; adding new sections to chapter 18.64 RCW; adding a new section to chapter 69.38 RCW; adding a new section to chapter 69.45 RCW; repealing RCW 18.64.200, 18.64.390, and 69.50.305; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1435 by Representatives Bronoske, Taylor, Bateman, Ryu, Riccelli, Gregerson, Callan, Pollet, Simmons, Reeves and Doglio

AN ACT Relating to the development of a home care safety net assessment; adding a new section to chapter 70.127 RCW; adding a new section to chapter 74.39A RCW; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1436 by Representatives Pollet, Berry, Simmons, Farivar, Orwall, Street, Caldier, Alvarado, Ryu, Reeves, Ortiz-Self, Christian, Kloba, Duerr, Stonier, Bateman, Lekanoff, Berg, Riccelli, Fosse, Macri, Bergquist, Reed, Doglio and Chopp

AN ACT Relating to special education funding; amending RCW 28A.150.390 and 28A.150.392; adding new sections to chapter 28A.155 RCW; and creating a new section.

Referred to Committee on Education.

HB 1437 by Representatives Kloba, Ybarra, Leavitt, McEntire, Reeves, Jacobsen, Ryu, Caldier, Macri and Reed

AN ACT Relating to the interstate massage compact; and adding a new chapter to Title 18 RCW.

Referred to Committee on Postsecondary Education & Workforce.

HJM 4000 by Representatives Lekanoff, Robertson, Ramel, Pollet, Reed and Doglio

Recognizing the international year of the salmon.

Referred to Committee on Agriculture and Natural Resources.

HJR 4204 by Representatives Volz, Ormsby, Chandler, Ybarra, Fosse, Harris, Steele, Waters, Robertson, Griffey, Bateman, Macri, Thai, Riccelli, Barnard, Pollet and Reed

Authorizing investment of funds held for the purpose of reducing persistent poverty.

Referred to Committee on Appropriations.

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

#### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Orwall presiding) recognized and welcomed the following individuals from the Pacific Northwest Economic Region - also known as PNWER who were seated in the South Gallery. Bryce Campbell, Foreign Policy and Diplomacy Services Officer, Consulate General of Canada - Seattle; Andrew Fisher, Director of the U.S. West Coast, Government of Alberta; and Matt Morrison, Chief Executive Officer.

There being no objection, the House adjourned until 10:30 a.m., Thursday, January 19, 2023, the 11th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## ELEVENTH DAY

House Chamber, Olympia, Thursday, January 19, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ryan Macquarrie and Sarah Haycox. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Fawn Cobler, Church of Living Water, Olympia

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

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

**INTRODUCTION & FIRST READING**

HB 1438 by Representatives Eslick, Dent and Chapman

AN ACT Relating to authorizing bona fide charitable or nonprofit organizations to conduct Calcutta auctions on shooting sports contests; reenacting and amending RCW 82.04.050; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Regulated Substances & Gaming.

HB 1439 by Representatives Goodman, Eslick, Simmons, Walen, Fey, Reed, Doglio, Davis and Leavitt

AN ACT Relating to child exposure to violence; reenacting and amending RCW 26.44.020; adding a new section to chapter 26.44 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1440 by Representatives Thai, Taylor, Simmons, Reed and Pollet

AN ACT Relating to the jurisdiction of juvenile court; amending RCW 9A.04.050, 13.40.590, and 13.40.600; adding a new section to chapter 43.216 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1441 by Representatives Chambers, Walen and Springer

AN ACT Relating to the use of automatic renewal provisions in business equipment and business services contracts; and adding a new chapter to Title 19 RCW.

Referred to Committee on Consumer Protection & Business.

HB 1442 by Representatives Low, Christian, Abbarno, Chapman, Eslick and Pollet

AN ACT Relating to defining synthetic media in campaigns for elective office, and providing relief for candidates and campaigns; and adding a new chapter to Title 42 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1443 by Representatives Low, Christian, Abbarno, Chapman, Ormsby, Eslick, Gregerson and Pollet

AN ACT Relating to updating the process for online voter registration by allowing voter applicants to provide the last four digits of social security number for authentication; amending RCW 29A.08.123; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1444 by Representatives McEntire, Santos, Chapman, Couture, Doglio and Leavitt

AN ACT Relating to providing common school trust revenue to small school districts; and adding a new section to chapter 28A.515 RCW.

Referred to Committee on Capital Budget.

HB 1445 by Representatives Hansen, Simmons, Reed, Thai, Pollet and Macri

AN ACT Relating to strengthening and clarifying the authority of the attorney general to address law enforcement and local corrections agency misconduct through investigations and legal actions; adding new sections to chapter 43.10 RCW; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 1446 by Representatives Stokesbary, Chapman, Robertson, Volz and Davis

AN ACT Relating to incentivizing cities and counties to increase employment of commissioned law enforcement officers; reenacting and amending RCW 43.101.200; adding a new section to chapter 82.14 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1447 by Representatives Peterson, Gregerson, Berry, Taylor, Simmons, Ortiz-Self, Ryu, Reed, Kloba, Doglio, Ormsby, Thai, Fosse, Pollet, Macri, Alvarado and Leavitt

AN ACT Relating to strengthening the ability of assistance programs to meet foundational needs of children, adults, and families; amending RCW 74.04.005, 74.04.770, 74.08A.010, 74.08A.015, 74.08A.230, 74.08A.250, and 74.08A.270; reenacting and amending RCW 74.08A.010; providing effective dates; and providing an expiration date.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1448 by Representatives Hackney and Eslick

AN ACT Relating to compliance with federal motor carrier safety administration requirements for the drug and alcohol clearinghouse; amending RCW 46.25.052, 46.25.060, 46.25.088, 46.25.100, 46.25.090, 46.25.120, and 46.20.324;



reenacting and amending RCW 46.25.010; adding a new section to chapter 46.25 RCW; repealing RCW 46.25.123 and 46.25.125; and providing an effective date.

Referred to Committee on Transportation.

HB 1449 by Representatives Alvarado, Hutchins, Fitzgibbon, Simmons, Christian, Low, Reed, Gregerson, Macri and Bateman

AN ACT Relating to amending reporting requirements for the project permit application processing timeline; and amending RCW 36.70B.020, 36.70B.080, and 36.70A.500.

Referred to Committee on Local Government.

HB 1450 by Representatives Stonier, Harris, Simmons, Reed and Macri

AN ACT Relating to coverage for biomarker testing; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care & Wellness.

HB 1451 by Representatives Senn, Harris, Fitzgibbon, Santos, Berry, Callan, Ortiz-Self, Chapman, Springer, Schmidt, Bergquist, Ryu, Abbarno, Reeves, Reed, Doglio, Fosse, Eslick, Pollet, Davis, Macri, Goodman, Leavitt, Cortes and Simmons

AN ACT Relating to expanding the child care workforce; adding a new section to chapter 28A.630 RCW; adding new sections to chapter 43.216 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1452 by Representatives Timmons, Harris, Simmons, Rude, Doglio, Pollet, Bateman and Leavitt

AN ACT Relating to establishing a state medical reserve corps; adding a new chapter to Title 70 RCW; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1453 by Representatives Wylie, Chapman and Kloba

AN ACT Relating to providing a tax exemption for medical cannabis patients; and amending RCW 69.50.535.

Referred to Committee on Regulated Substances & Gaming.

HB 1454 by Representatives Ryu and Volz

AN ACT Relating to classification as a competitive telecommunications company for an incumbent local exchange carrier currently operating under an alternative form of regulation authorized by RCW 80.36.135; and amending RCW 80.36.320.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1455 by Representatives Stonier, Berry, Farivar, Rude, Fey, Reed, Morgan, Thai, Fosse, Pollet, Macri and Bateman

AN ACT Relating to eliminating child marriage; amending RCW 26.04.010, 26.04.130, and 26.04.210; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 1456 by Representatives Griffey, Volz, Abbarno, Couture, Mosbrucker, Graham, Chapman, Christian, Schmidt, Caldier and Jacobsen

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

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1457 by Representatives Robertson, Berry, Santos, Reed and Fosse

AN ACT Relating to a motor carrier's ability to access restroom facilities required by rules authorized under chapter 49.17 RCW; adding a new section to chapter 70.54 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1458 by Representatives Shavers, Fosse, Santos, Berry, Simmons, Alvarado, Doglio, Ormsby, Gregerson and Pollet

AN ACT Relating to unemployment insurance benefits for individuals participating in an apprenticeship program; amending RCW 50.20.010; creating new sections; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 1459 by Representatives Stokesbary, Ormsby, Santos, Robertson, Bergquist, Steele, Volz, Maycumber, Graham, Kloba, Chambers, Jacobsen, Eslick, Gregerson, Macri and Bateman

AN ACT Relating to providing an annual adjustment in the public employees' retirement system and teachers' retirement system plan 1 benefits capped at \$110 per month by adjusting the long-term investment rate of return assumption; amending RCW 41.45.035; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1460 by Representatives Hackney, Waters, Simmons, Kloba, Pollet, Davis and Macri

AN ACT Relating to the department of natural resources trust land management; amending RCW 79.17.020, 79.17.210, 79.22.060, 43.30.385, 79.19.020, 79.19.030, 79.11.340, and 79.22.140; reenacting and amending RCW 79.64.110; adding new sections to chapter 79.17 RCW; and creating a new section.

Referred to Committee on Capital Budget.

HB 1461 by Representatives Maycumber, Riccelli, Volz, Ormsby, Corry, Christian, Rude, Schmidt, Graham, Caldier, Eslick, Davis and Leavitt

AN ACT Relating to a pilot project for providing basic law enforcement training in eastern Washington; adding a new section to chapter 43.101 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1462 by Representatives Doglio, Bronoske, Fosse, Reed, Chopp, Stonier, Street, Berry, Cortes, Ramel, Simmons, Ormsby, Gregerson, Pollet and Macri

AN ACT Relating to journey level electrician certifications of competency; amending RCW 19.28.191; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1463 by Representatives Caldier, Farivar, Rude, Walen, Chapman, Chandler, Doglio, Jacobsen and Thai

AN ACT Relating to requiring the state to provide transportation to state employees with disabilities when certain conditions are met; and adding a new section to chapter 43.03 RCW.

Referred to Committee on State Government & Tribal Relations.

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

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

### REPORTS OF STANDING COMMITTEES

January 17, 2023

HB 1010 Prime Sponsor, Representative Chapman:  
Concerning the sanitary control of shellfish.  
Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Appropriations

January 17, 2023

HB 1017 Prime Sponsor, Representative Ryu:  
Expediting licensure for cosmetologists, hair designers, barbers, manicurists, and estheticians. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Rules for second reading

January 17, 2023

HB 1020 Prime Sponsor, Representative Morgan:  
Designating the Suciiasaurus rex as the official dinosaur of the state of Washington.  
Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

January 17, 2023

HB 1030

Prime Sponsor, Representative Leavitt:  
Concerning applied doctorate degree-granting authority. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Pollet; Schmidt and Timmons.

Referred to Committee on Rules for second reading

January 16, 2023

HB 1043

Prime Sponsor, Representative McEntire:  
Concerning association records in common interest communities. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

January 16, 2023

HB 1046

Prime Sponsor, Representative Walen:  
Expanding housing supply by supporting the ability of public housing authorities to finance affordable housing developments by rebenchmarking area median income limits.  
Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

January 16, 2023

HB 1054

Prime Sponsor, Representative Walen:  
Addressing the authority of owners' associations in common interest communities to regulate or limit occupancy by unrelated persons. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Low; Reed and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Connors, Assistant Ranking Minority Member; and Hutchins.

Referred to Committee on Rules for second reading

January 17, 2023

HB 1060

Prime Sponsor, Representative Corry:  
Concerning reorganization of domestic mutual insurers. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Rules for second reading

January 17, 2023

HB 1138 Prime Sponsor, Representative Chapman: Concerning drought preparedness. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Appropriations

January 17, 2023

HB 1179 Prime Sponsor, Representative Ramos: Authorizing the state auditor to receive nonconviction data. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Without recommendation. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; and Low.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

#### **MOTION**

There being no objection, the Committee on Education was relieved of HOUSE BILL NO. 1436, and the bill was referred to the Committee on Appropriations.

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

#### **ANNOUNCEMENT**

#### **COMMITTEE APPOINTMENT(S)**

The Speaker (Representative Bronoske presiding) announced that Representative Stearns was appointed Vice Chair of the Committee on Regulated Substances & Gaming

There being no objection, the House adjourned until 9:55 a.m., Friday, January 20, 2023, the 12th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## TWELFTH DAY

House Chamber, Olympia, Friday, January 20, 2023

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

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4604**, by Representatives Thai, Orwall, Sandlin, Mena, Davis, Taylor, Leavitt, Berry, Macri, Santos, Cortes, Robertson, Callan, and Duerr

WHEREAS, On this twenty-second day of January 2023 the people of the great state of Washington unite to celebrate the Lunar New Year, joining to distinguish Asian American joy, cultures, and beautiful diversity; and

WHEREAS, The Lunar New Year begins on the first new moon of the lunisolar calendar; and

WHEREAS, This year is designated as the Year of the Rabbit or the Cat, both animals in the zodiac are characterized by their grace, adaptability, and thoughtfulness; their gentle nature bringing symbols of longevity, tranquility, and prosperity to the year; and

WHEREAS, Washington acknowledges both the wonderful heritage and collective trauma of our Asian American ancestors; and

WHEREAS, We deeply appreciate the Asian American community that has made Washington a vibrant place for us all to call home, through building and supporting their communities despite the uncertainty they have faced at times; and

WHEREAS, We highlight the solidarity and strength of the Asian American community in the face of violent racism, during the past few years – well before – and ongoing; and

WHEREAS, The Lunar New Year is a time to embrace reflections and understanding as we look towards renewal; and

WHEREAS, We step into the Year of the Rabbit or the Cat not just as an individual, but as a family united in compassion and community stewardship;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives stands with the Asian American community in times of crisis and in times of celebration, we come together now with memories of fond endings and visions for new beginnings in acknowledgment of the Lunar New Year.

HOUSE RESOLUTION NO. 4604 was adopted.

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

## INTRODUCTION &amp; FIRST READING

HB 1464 by Representatives Hackney, Barnard, Walen, Jacobsen, Ormsby, Gregerson, Leavitt, Ryu and Bergquist

AN ACT Relating to the protection of critical constituent and state operational data against the financial and personal harm caused by ransomware and other malicious cyber activities; amending RCW 43.105.220 and 43.105.342; reenacting and amending RCW 43.105.020; adding a new section to chapter 43.105 RCW; adding a new section to chapter 42.56 RCW; and creating new sections.

Referred to Committee on State Government & Tribal Relations.

HB 1465 by Representatives Riccelli, Corry, Simmons, Tharinger, Leavitt, Bateman and Pollet

AN ACT Relating to cost-sharing fairness; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.200 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1466 by Representatives Riccelli, Leavitt and Morgan

AN ACT Relating to currently credentialed dental auxiliaries; amending RCW 18.29.005, 18.29.050, and 18.29.190; adding new sections to chapter 18.29 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1467 by Representatives Barkis, Goehner and Christian

AN ACT Relating to infill for properties uniquely situated between boundaries and existing development; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1468 by Representatives Goehner, Duerr, Jacobsen, Griffey, Barkis, Robertson, Hutchins, Chapman, Riccelli, Berg, Bateman and Pollet

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

Referred to Committee on Local Government.

HB 1469 by Representatives Hansen, Thai, Chopp, Fitzgibbon, Simmons, Berry, Slatter, Santos, Ryu, Street, Gregerson, Goodman, Peterson, Tharinger, Ramel, Macri, Ormsby, Reeves, Senn, Doglio, Riccelli, Alvarado, Bateman, Morgan, Callan, Bergquist and Pollet

AN ACT Relating to protecting access to reproductive health care services and gender-affirming treatment in Washington state; amending RCW 5.51.020, 5.56.010, 9.73.040, 9.73.260, 10.55.020, 10.88.250, 10.88.320, 10.88.330, 10.96.020, 10.96.040, and 40.24.030; adding a new chapter to Title 7 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

HB 1470 by Representatives Ortiz-Self, Chopp, Simmons, Santos, Ryu, Orwall, Chapman, Gregerson, Doglio, Peterson, Ramel, Macri, Ormsby, Berg, Leavitt, Bateman, Morgan and Fey

AN ACT Relating to private detention facilities; amending RCW 42.56.475, 70.395.010, 70.395.020, and 70.395.030; adding new sections to chapter 70.395 RCW; creating a new section; prescribing penalties; and providing effective dates.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1471 by Representatives Stearns, Ramos, Gregerson and Ryu

AN ACT Relating to modifying state procurement procedures for competitive, sole source, convenience, and emergency goods and services contracts; amending RCW 39.26.010, 39.26.070, 39.26.130, 39.26.140, and 39.26.200; and repealing RCW 39.26.260, 39.26.270, and 39.26.271.

Referred to Committee on State Government & Tribal Relations.

HB 1472 by Representatives Barkis, Robertson, Hutchins, Walsh, Orcutt, Griffey, Goehner, Schmidt, Klicker, Dent, Low, Jacobsen, Christian, Eslick and McClintock

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

Referred to Committee on Appropriations.

HB 1473 by Representatives Thai, Berg, Ryu, Peterson, Farivar, Street, Chopp, Hackney, Taylor, Reed, Berry, Ramel, Ortiz-Self, Reeves, Entenman, Goodman, Walen, Wylie, Ormsby, Duerr, Alvarado, Pollet, Riccelli, Gregerson, Macri, Fosse, Mena, Bateman, Santos, Stearns, Senn, Callan, Kloba, Simmons, Tharinger, Chapman, Fey, Cortes, Davis, Doglio, Slatter, Morgan and Bergquist

AN ACT Relating to investing in Washington families and creating a more fair tax system by enacting a narrowly tailored property tax on extreme wealth derived from the ownership of stocks, bonds, and other financial intangible property; amending RCW 82.32.160, 43.135.034, and 82.32.655; adding a new title to the Revised Code of Washington to be codified as Title 84A RCW; creating new sections; and prescribing penalties.

Referred to Committee on Finance.

HB 1474 by Representatives Taylor, Chopp, Berg, Peterson, Reed, Stonier, Gregerson, Bronoske, Cortes, Mena, Street, Ramel, Fosse, Fey, Goodman, Duerr, Bateman, Morgan, Alvarado, Macri, Senn, Berry, Kloba, Hackney, Springer, Slatter, Callan, Orwall, Farivar, Simmons, Ortiz-Self, Thai, Ryu, Stearns, Wylie, Ramos, Doglio, Riccelli, Chapman, Santos, Davis, Ormsby, Bergquist and Pollet

AN ACT Relating to creating the covenant homeownership account and program to address the history of housing discrimination due to racially restrictive real estate covenants in Washington state; amending RCW 36.18.010, 43.84.092, and 43.84.092; adding a new section to chapter 36.22 RCW; adding a new chapter to Title 43 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Housing.

HB 1475 by Representatives Farivar, Mena, Fosse, Taylor, Reed, Gregerson, Simmons, Chapman, Ryu, Peterson, Ramel, Macri, Morgan, Bergquist and Pollet

AN ACT Relating to increasing access to elections by allowing certain populations to return ballots using an online ballot portal; amending RCW 29A.40.091, 29A.60.235, and 29A.04.611; reenacting and amending RCW 29A.40.110; adding a new section to chapter 29A.40 RCW; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1476 by Representatives Shavers, Chapman, Ryu, Springer and Leavitt

AN ACT Relating to allowing the use of impact fees for law enforcement; and amending RCW 82.02.090.

Referred to Committee on Local Government.

HB 1477 by Representatives Thai, Street, Doglio, Berry, Chapman, Santos, Ryu, Alvarado, Ramel, Macri, Ormsby, Leavitt, Pollet and Fey

AN ACT Relating to making changes to the working families' tax credit that clarify program qualification requirements, allow applications to be submitted for up to three years, and require a biennial program report from the department of revenue; amending RCW 82.08.02061; reenacting and amending RCW 82.08.0206; and providing an effective date.

Referred to Committee on Finance.

HB 1478 by Representatives Timmons, Sandlin, Santos, Ryu, Ramel and Pollet

AN ACT Relating to a statement of student rights that reaffirms and promotes the constitutional and statutory rights of public school students; adding a new section to chapter 28A.230 RCW; and creating new sections.

Referred to Committee on Education.

HB 1479 by Representatives Callan, Santos, Goodman, Ramel, Ormsby and Pollet

AN ACT Relating to restraint or isolation of students in public schools and educational programs; amending RCW 28A.600.485; and creating a new section.

Referred to Committee on Education.

HB 1480 by Representatives Donaghy, Doglio, Ryu, Gregerson and Ramel

AN ACT Relating to all-hazard emergency management in energy contingency plans; and amending RCW 43.21F.045.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1481 by Representatives Cortes, Stearns, Chopp, Chapman, Peterson, Jacobsen, Ramel, Orwall, Ormsby, Reeves, Senn, Leavitt, Ortiz-Self, Taylor, Bergquist and Pollet

AN ACT Relating to permitting general authority peace officers certificated by the criminal justice training commission and employed on a full-time basis by the government of a federally recognized tribe to participate in the law enforcement officers' and firefighters' retirement system plan 2; amending RCW 41.26.030 and 41.26.450; adding new sections to chapter 41.26 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 1482 by Representatives Orcutt, Chapman, Jacobsen, Leavitt, McClintock and Senn

AN ACT Relating to protecting senior citizens' and disabled veterans' property tax exemption eligibility; amending RCW 84.36.381; and creating new sections.

Referred to Committee on Finance.

HB 1483 by Representatives Orcutt and Jacobsen

AN ACT Relating to providing property tax relief by reducing both parts of the state school levies based on an amount that approximates the fiscal impact of extraordinary growth in

property values that exceeded the valuation growth assumptions of budget writers when part two of the state school levy was enacted; amending RCW 84.52.065 and 84.55.010; and creating new sections.

Referred to Committee on Finance.

HB 1484 by Representatives Orcutt and Jacobsen

AN ACT Relating to updating the estate tax exclusion amount; reenacting and amending RCW 83.100.020; and providing an effective date.

Referred to Committee on Finance.

HB 1485 by Representatives Orcutt, Wylie, Donaghy, Ryu and Leavitt

AN ACT Relating to roadside safety measures; amending RCW 46.37.196 and 46.61.212; and creating a new section.

Referred to Committee on Transportation.

HB 1486 by Representatives Orcutt, Leavitt, Chapman, Shavers and Christian

AN ACT Relating to authorizing military surplus vehicles to operate on public highways; amending RCW 46.04.123, 46.04.126, 46.18.220, and 46.37.010; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.12 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 1487 by Representatives Orcutt and Chapman

AN ACT Relating to improving motorcycle safety by authorizing the use of the right shoulder of limited access roadways; and amending RCW 46.61.608.

Referred to Committee on Transportation.

HB 1488 by Representatives Orcutt, Chapman, Dent, Griffey, Couture and Reeves

AN ACT Relating to creating special license plates that support working forests; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1489 by Representatives Orcutt and Ryu

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

Referred to Committee on Transportation.

HB 1490 by Representatives Orcutt, Chapman and Jacobsen

AN ACT Relating to direct sales of milk; and adding a new section to chapter 15.36 RCW.

Referred to Committee on Agriculture and Natural Resources.

HB 1491 by Representatives Orcutt, Chapman, Berry, Bronoske, Tharinger and Pollet

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

Referred to Committee on Labor & Workplace Standards.

HJM 4001 by Representatives Orcutt, Walsh, McEntire, Abbarno, Christian and McClintock

Requesting the transportation commission to designate a section of Interstate 5 the Cowlitz County Deputy Sheriff Justin DeRosier memorial highway.

Referred to Committee on Transportation.

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

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

## REPORTS OF STANDING COMMITTEES

January 19, 2023

HB 1024

Prime Sponsor, Representative Simmons: Concerning labor and income of incarcerated persons. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; and Graham.

Referred to Committee on Appropriations

January 18, 2023

HB 1031

Prime Sponsor, Representative Low: Modifying medal of valor award presentation requirements. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

January 19, 2023

HB 1104

Prime Sponsor, Representative Goodman: Concerning eligibility and requirements for deferred prosecutions. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; and Graham.

Referred to Committee on Transportation

January 18, 2023

HB 1156 Prime Sponsor, Representative Slatter:  
Extending the terms of eligibility for the  
Washington college grant program. Reported  
by Committee on Postsecondary Education  
& Workforce

MAJORITY recommendation: Do pass. Signed by  
Representatives Slatter, Chair; Entenman, Vice Chair; Reed,  
Vice Chair; Ybarra, Ranking Minority Member; Waters,  
Assistant Ranking Minority Member; Hansen; Jacobsen;  
Klicker; Leavitt; Pollet; Schmidt and Timmons.

MINORITY recommendation: Do not pass. Signed by  
Representative Chandler.

MINORITY recommendation: Without recommendation.  
Signed by Representative McEntire.

Referred to Committee on Appropriations

There being no objection, the bills listed on the day's  
committee reports under the fifth order of business were referred to  
the committees so designated.

There being no objection, the House adjourned until 10:30  
a.m., Monday, January 23, 2023, the 15th Day of the 2023 Regular  
Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIFTEENTH DAY

House Chamber, Olympia, Monday, January 23, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ulrich Poehlmann and Jillian Yahne. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Dave Brown, retired pastor of Immanuel Presbyterian Church, Tacoma and creator and host of Blues Vespers.

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

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

## INTRODUCTION &amp; FIRST READING

HB 1492 by Representatives Simmons, Peterson, Santos, Doglio, Pollet, Macri and Reed

AN ACT Relating to providing relief for persons affected by State v. Blake; amending RCW 9.94A.640, 9.96.060, and 72.09.480; adding a new section to chapter 42.56 RCW; and adding a new chapter to Title 9 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1493 by Representative Goodman

AN ACT Relating to impaired driving; amending RCW 9.94A.030, 10.05.060, 46.20.355, 46.20.385, 46.20.720, 46.20.740, 46.52.130, and 46.61.5055; and prescribing penalties.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1494 by Representatives Dent, Peterson, Lekanoff, Reeves and Ybarra

AN ACT Relating to collection of assessments for irrigation and rehabilitation districts; amending RCW 87.84.070; and creating a new section.

Referred to Committee on Local Government.

HB 1495 by Representatives Simmons, Pollet, Macri, Riccelli, Ramel, Wylie, Stonier, Goodman, Gregerson, Bateman, Ormsby, Reed and Fosse

AN ACT Relating to requiring health carriers to reimburse advanced registered nurse practitioners and physician assistants at the same rate as physicians for the same services; reenacting and amending RCW 41.05.017; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1496 by Representatives Walsh, Chapman, Jacobsen, Santos, Graham and Doglio

AN ACT Relating to transferring ownership of the Naselle Youth Camp property to the Chinook Indian Nation;

amending RCW 28A.190.005 and 72.05.010; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1497 by Representatives Harris, Bateman, Ramel, Leavitt, Senn, Duerr, Doglio, Pollet, Macri, Reed, Riccelli, Stonier and Bergquist

AN ACT Relating to preventing use of vapor, vapor products, tobacco, and tobacco products by minors by increasing penalties against those who sell to minors and removing civil liability and the ability to detain a minor for suspected possession of products; amending RCW 70.155.100, 70.155.110, and 70.345.160; reenacting and amending RCW 70.155.120; creating new sections; and repealing RCW 70.155.080 and 70.345.140.

Referred to Committee on Regulated Substances & Gaming.

HB 1498 by Representatives Dye, Dent, Christian, Schmidt, Eslick, Graham and Volz

AN ACT Relating to aviation assurance funding in response to wildland fires; amending RCW 76.04.511; and adding a new chapter to Title 89 RCW.

Referred to Committee on Agriculture and Natural Resources.

HB 1499 by Representatives Shavers, Ramel, Santos, Leavitt, Gregerson, Bateman, Ormsby, Doglio, Pollet, Reed, Ortiz-Self, Stonier and Fosse

AN ACT Relating to food assistance funding; and amending RCW 43.23.290.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1500 by Representatives Eslick, Chapman, Jacobsen, Ramel, Leavitt, Walen, Peterson, Couture, Paul, Doglio and Macri

AN ACT Relating to increasing the cap on gross sales for cottage food operations; amending RCW 69.22.050; and adding a new section to chapter 69.22 RCW.

Referred to Committee on Agriculture and Natural Resources.

HB 1501 by Representatives Steele, Caldier, Santos, Leavitt, Schmidt, Eslick, Orwall, Reeves and Graham

AN ACT Relating to authorizing additional counseling services for immediate family members of homicide victims; and amending RCW 7.68.080.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1502 by Representatives Berry, Gregerson, Simmons, Walen, Reeves, Doglio, Macri, Reed, Ortiz-Self, Riccelli and Fosse

AN ACT Relating to studying the impacts of job protection on the utilization of paid family medical leave benefits; and creating a new section.



Referred to Committee on Labor & Workplace Standards.

HB 1503 by Representatives Riccelli, Santos, Reeves, Macri and Reed

AN ACT Relating to the collection of health care professionals' information at the time of license application and license renewal; and adding a new section to chapter 18.130 RCW.

Referred to Committee on Postsecondary Education & Workforce.

HB 1504 by Representatives Low, Alvarado, Eslick, Fosse, Donaghy, Cortes, Harris, Leavitt, Taylor, Duerr, Schmidt, Goodman, Graham, Volz, Doglio, Pollet, Macri, Reed, Riccelli and Callan

AN ACT Relating to ensuring elementary school students receive sufficient daily recess for mental and physical health; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.210 RCW; and creating a new section.

Referred to Committee on Education.

HB 1505 by Representatives Slatter, Barnard, Doglio, Dye, Hackney, Jacobsen, Lekanoff, Riccelli, Low, Berry, Ramel, Fitzgibbon, Ybarra, Stokesbary, Corry, Orwall, Abbarno, Chapman, Christian, Dent, Peterson, Ormsby, Reeves, Paul, Macri, Reed, Fosse and Tharinger

AN ACT Relating to promoting the alternative jet fuel industry in Washington; amending RCW 70A.535.010, 43.330.565, and 43.330.570; adding a new section to chapter 70A.65 RCW; adding a new section to chapter 70A.535 RCW; adding a new section to chapter 28B.30 RCW; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating new sections; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Environment & Energy.

HB 1506 by Representatives Ryu, Santos, Ramel, Duerr, Chopp, Doglio, Pollet and Reed

AN ACT Relating to leases on land managed or occupied by the department of social and health services; and amending RCW 43.82.010.

Referred to Committee on Capital Budget.

HB 1507 by Representatives Entenman, Ramel, Alvarado, Orwall, Reeves, Doglio, Pollet, Macri, Morgan and Bergquist

AN ACT Relating to fair housing training for officers or board members in common interest communities; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.38 RCW; and adding a new section to chapter 64.90 RCW.

Referred to Committee on Housing.

HB 1508 by Representatives Macri, Riccelli, Simmons, Fitzgibbon, Berry, Alvarado, Bateman, Ormsby, Doglio, Reed, Callan, Stonier, Tharinger and Bergquist

AN ACT Relating to improving consumer affordability through the health care cost transparency board; amending RCW 70.390.020, 70.390.040, 70.390.050, 70.390.070, 43.71C.030, and 70.405.030; adding new sections to chapter 70.390 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1509 by Representatives Hackney, Doglio, Fitzgibbon, Berry, Ramel, Duerr, Bateman, Paul, Pollet, Macri, Reed and Bergquist

AN ACT Relating to fair access to community solar; amending RCW 80.28.370, 80.28.375, 82.16.182, and 82.16.183; adding a new section to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1510 by Representatives Santos, Chopp, Fitzgibbon and Pollet

AN ACT Relating to establishing permanent funding for community preservation and development authorities approved through RCW 43.167.060; adding a new section to chapter 82.14 RCW; adding a new section to chapter 43.167 RCW; and providing an effective date.

Referred to Committee on Local Government.

HB 1511 by Representatives Reeves, Simmons, Ramel, Leavitt, Rule, Senn, Reed and Fosse

AN ACT Relating to calculation of income for certain early learning and child care programs; amending RCW 43.216.1368, 43.216.505, 43.216.578, and 43.216.578; reenacting and amending RCW 43.216.505; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1512 by Representatives Mosbrucker, Orwall, Simmons, Jacobsen, Leavitt, Rule, Gregerson, Eslick, Graham, Doglio, Reed and Morgan

AN ACT Relating to providing tools and resources for the location and recovery of missing persons; adding a new section to chapter 43.10 RCW; and creating a new section.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1513 by Representatives Street, Simmons, Doglio, Pollet, Berry, Gregerson, Ryu, Farivar, Alvarado, Reed, Bateman, Thai, Chopp, Macri, Fitzgibbon, Morgan, Peterson, Santos, Mena, Duerr, Orwall, Ormsby and Fosse

AN ACT Relating to improving traffic safety by addressing compliance, enforcement, and data collection; amending RCW 46.20.349, 46.37.005, 46.37.320, 46.37.365, 46.37.470, 46.64.030, and 46.64.070; adding a new section to chapter 46.64 RCW; adding a new section to chapter 10.118 RCW; and creating new sections.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1514 by Representatives Robertson, Berry, Schmidt, Ormsby, Doglio, Reed and Fosse

AN ACT Relating to the purchase and distribution of insignia to manufacturers of recreational vehicles and/or park trailers; and amending RCW 43.22.350.

Referred to Committee on Labor & Workplace Standards.

HB 1515 by Representatives Macri, Davis, Simmons, Orwall, Taylor, Leavitt, Riccelli, Callan, Farivar, Alvarado, Reed, Fosse, Doglio, Berg, Ryu, Peterson, Fitzgibbon, Bateman, Eslick, Ormsby, Stonier and Tharinger

AN ACT Relating to contracting and procurement requirements for behavioral health services in medical

assistance programs; amending RCW 74.09.871; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1516 by Representatives Thai, Caldier, Entenman, Harris, Farivar, Ryu, Goodman, Reed, Fey, Steele, Ormsby, Ortiz-Self, Hansen, Springer, Bronoske, Slatter, Walen, Wylie, Fitzgibbon, Sandlin, Lekanoff, Senn, Fosse, Doglio, Taylor, Kloba, Peterson, Cortes, Street, Simmons, Ramel, Duerr, Gregerson, Schmidt, Reeves, Pollet, Macri, Riccelli, Morgan and Bergquist

AN ACT Relating to lunar new year; and amending RCW 1.16.050.

Referred to Committee on State Government & Tribal Relations.

HB 1517 by Representatives Reed, Taylor, Ramel, Berg, Peterson, Stonier, Walen, Wylie, Simmons, Fitzgibbon, Chapman, Berry, Slatter, Mena, Barkis, Rule, Duerr, Gregerson, Chambers, Bateman, Cortes, Doglio, Pollet, Low, Fosse and Tharinger

AN ACT Relating to promoting transit-oriented development; amending RCW 36.70A.030, 36.70A.500, 36.70A.620, and 43.21C.229; adding new sections to chapter 47.01 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.90 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.32 RCW; and creating a new section.

Referred to Committee on Housing.

HB 1518 by Representatives Barkis, Leavitt, Schmidt, Eslick, Volz and Graham

AN ACT Relating to parking at rest areas; and amending RCW 47.38.020 and 46.55.010.

Referred to Committee on Transportation.

HB 1519 by Representatives Barkis, Bateman, Fitzgibbon, Chapman, Gregerson, Graham, Macri, Reed and Tharinger

AN ACT Relating to local project review; amending RCW 36.70B.020, 36.70B.070, 36.70B.080, 36.70B.140, and 36.70B.160; reenacting and amending RCW 36.70B.110; adding a new section to chapter 36.70B RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1520 by Representatives Mosbrucker, Graham, Caldier, Jacobsen, Schmidt, Eslick and Volz

AN ACT Relating to fentanyl; amending RCW 69.50.4013 and 9.94A.518; reenacting and amending RCW 13.40.0357; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1521 by Representatives Bronoske, Stonier, Wylie, Berry and Pollet

AN ACT Relating to industrial insurance self-insured employer and third-party administrator penalties and duties; amending RCW 51.48.080 and 51.48.017; adding a new section to chapter 51.14 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

HB 1522 by Representatives Pollet, Leavitt, Berry and Macri

AN ACT Relating to addressing sexual misconduct at scholarly or professional associations; amending RCW 28B.112.040 and 28B.112.080; and creating a new section.

Referred to Committee on Postsecondary Education & Workforce.

HB 1523 by Representatives Goehner, Chapman, Dent, Klicker, Volz, Walsh, Schmidt, Ybarra, Couture, Barnard, Connors, Sandlin, Low, Chandler, Corry, Rude, Mosbrucker, Kretz, Steele, Rule, Christian, Jacobsen, McClintock, Eslick and Graham

AN ACT Relating to authorizing an agricultural employer to select any 12 weeks in a calendar year as special circumstance weeks for labor demand, during which in each of the selected 12 weeks, the agricultural employer may employ agricultural employees for up to 50 hours before the requirement to pay overtime applies under RCW 49.46.130; amending RCW 49.46.130; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1524 by Representatives Bronoske, Berry and Pollet

AN ACT Relating to the retainage percentage withheld by prime contractors from subcontractors; and adding new sections to chapter 60.28 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 1525 by Representatives Fosse, Lekanoff, Farivar, Shavers, Thai, Taylor, Hansen, Alvarado, Senn, Hackney, Wylie, Duerr, Leavitt, Berg, Stearns, Peterson, Macri, Berry, Cortes, Low, Schmidt, Stonier, Kloba, Robertson, Gregerson, Riccelli, Doglio, Waters, Cheney, Orwall, Connors, Ybarra, Bronoske, Dent, Morgan, Ramel, Donaghy, Goodman, Ryu, Fey, Reed, Davis, Timmons, Street, Simmons, Fitzgibbon, Christian, Santos, Rule, Abbarno, Sandlin, Chopp, Bateman, Rude, Eslick, Ormsby, Reeves, Barkis, Graham, Pollet, Ortiz-Self, Callan and Bergquist

AN ACT Relating to eligibility for working connections child care benefits for persons participating in state registered apprenticeships; and amending RCW 43.216.136.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1526 by Representatives Fosse, Maycumber, Ramel, Berry, Cortes, Bronoske, Peterson, Slatter, Ormsby, Doglio, Macri, Reed and Riccelli

AN ACT Relating to state electrical inspectors' salaries; and amending RCW 19.28.321.

Referred to Committee on Labor & Workplace Standards.

HB 1527 by Representatives Wylie, Sandlin, Duerr, Barnard, Connors, Chapman, Waters, Springer, Harris and Gregerson

AN ACT Relating to making technical corrections to the local tax increment financing program under chapter 39.114 RCW by applying the definition of real property to ensure private investments made on state and local government-owned land are included in the increment value, ensuring that the relocation and construction of a government-owned facility is included as an eligible project, ensuring that acquisition costs include appurtenant rights, providing clarification to definitions of increment value and tax allocation base value for consistency with current law, clarifying notice requirements for the creation of a tax increment area, and

creating consistency with current law for add-on levies codified in RCW 84.55.010; amending RCW 39.114.010, 39.114.020, 39.114.040, 39.114.050, 84.55.015, 84.55.020, and 84.55.030; and declaring an emergency.

Referred to Committee on Finance.

HJM 4002 by Representatives Harris, Walsh, Waters, Chambers, Caldier, Hutchins, Griffey, Chandler, Volz, Couture, Barkis, Stokesbary, Corry, Jacobsen, Klicker, McClintock, Christian, Barnard, Robertson, Graham, Abbarno, Low, Sandlin and Eslick

Applying for a convention to propose amendments to the United States Constitution relating to fiscal restraints on the federal government, the power and jurisdiction of the federal government, and limit terms of office for federal officials and for members of congress.

Referred to Committee on State Government & Tribal Relations.

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

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

#### REPORTS OF STANDING COMMITTEES

January 19, 2023

HB 1006 Prime Sponsor, Representative Orwall: Expanding access to drug testing equipment. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

January 19, 2023

HB 1018 Prime Sponsor, Representative Tharinger: Changing the expiration date for the sales and use tax exemption of hog fuel to comply with the 2045 deadline for fossil fuel-free electrical generation in Washington state and to protect jobs with health care and retirement benefits in economically distressed communities. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

January 19, 2023

HB 1026 Prime Sponsor, Representative Walen: Concerning local government design review. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member;

Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

January 19, 2023

HB 1028 Prime Sponsor, Representative Orwall: Supporting crime victims and witnesses by promoting victim-centered, trauma-informed responses in the legal system. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Appropriations

January 19, 2023

HB 1042 Prime Sponsor, Representative Walen: Concerning the use of existing buildings for residential purposes. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

January 19, 2023

HB 1059 Prime Sponsor, Representative Walen: Protecting minors from sexual exploitation. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

January 19, 2023

HB 1070 Prime Sponsor, Representative Connors: Exempting the sale and leaseback of property by a seller from the residential landlord-tenant act when the seller agrees to a written lease at closing. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1082

Prime Sponsor, Representative Simmons: Expanding opportunities for physical therapy and occupational therapy professionals to form professional service corporations. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin and Santos.

Referred to Committee on Rules for second reading

January 19, 2023

HB 1087

Prime Sponsor, Representative Peterson: Concerning solitary confinement. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representative Graham.

MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member.

Referred to Committee on Appropriations

January 19, 2023

HB 1101

Prime Sponsor, Representative Taylor: Providing for tenant screening in common interest communities. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1120

Prime Sponsor, Representative Reeves: Concerning the best interest standard for annuity transactions. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu and Sandlin.

MINORITY recommendation: Without recommendation. Signed by Representative Santos.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1142

Prime Sponsor, Representative Hansen: Increasing tenure-track faculty at the public baccalaureate institutions. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Hansen; Klicker; Leavitt; McEntire; Pollet; Schmidt and Timmons.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

MINORITY recommendation: Without recommendation. Signed by Representative Jacobsen.

Referred to Committee on Appropriations

January 19, 2023

HB 1199

Prime Sponsor, Representative Senn: Addressing licensed child care in common interest communities. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1261

Prime Sponsor, Representative Walen: Concerning cost sharing for diagnostic and supplemental breast examinations. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Schmick, Ranking Minority Member.

Referred to Committee on Appropriations

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., Tuesday, January 24, 2023, the 16th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SIXTEENTH DAY

House Chamber, Olympia, Tuesday, January 24, 2023

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

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

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

**INTRODUCTION & FIRST READING**

HB 1528 by Representatives Bateman, Simmons, Morgan, Riccelli, Pollet and Macri

AN ACT Relating to adult protective services; and amending RCW 74.34.020, 74.34.063, 74.34.095, and 68.50.105.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1529 by Representatives Stearns, Schmick, Robertson, Stokesbary, Peterson, Riccelli, Bergquist and Kloba

AN ACT Relating to providing supplementary funding to support horse racing and the recreational use of horses in Washington; amending RCW 67.16.050 and 67.16.280; adding a new section to chapter 82.08 RCW; adding a new section to chapter 67.16 RCW; repealing RCW 67.16.105; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1530 by Representatives Cortes, Mena, Simmons, Ryu, Davis and Fosse

AN ACT Relating to expanding eligibility for employment to lawful permanent residents for positions with general authority Washington law enforcement agencies, limited authority Washington law enforcement agencies, and prosecuting attorney offices; amending RCW 36.27.040; and adding a new section to chapter 10.93 RCW.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1531 by Representatives Dent, Orwall, Christian, Volz and Eslick

AN ACT Relating to promoting economic development of the aerospace industry through a committee empowered to advise on industry issues other than the siting of commercial airports; adding a new section to chapter 43.330 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1532 by Representatives Doglio and Duerr

AN ACT Relating to requiring the use of a turn signal to indicate that a vehicle is about to exit a circular intersection; and amending RCW 46.61.305.

Referred to Committee on Transportation.

HB 1533 by Representatives Mena, Davis, Reed, Doglio, Fosse, Berg, Taylor, Ryu, Peterson, Berry, Walen, Alvarado, Ramel, Simmons, Griffey, Morgan, Gregerson, Shavers, Ormsby, Pollet, Fey, Kloba, Bateman and Macri

AN ACT Relating to exempting the disclosure of certain information of agency employees or their dependents who are survivors of domestic violence, sexual assault, harassment, or stalking; amending RCW 42.56.250; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1534 by Representatives Orwall, Berry and Fosse

AN ACT Relating to strengthening protections for consumers in the construction industry; amending RCW 18.27.010, 18.27.030, 18.27.040, 18.27.340, 18.27.400, and 51.44.190; reenacting and amending RCW 43.79A.040; adding new sections to chapter 18.27 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1535 by Representatives Corry, Abbarno, Stokesbary, Robertson, McClintock, Couture, Goehner, Connors, Griffey, Schmick, Christian, Jacobsen, Schmidt, Volz, Chambers, Eslick, Cheney, Hutchins, Barkis, Graham, Rude, Klicker and Walsh

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

Referred to Committee on State Government & Tribal Relations.

HB 1536 by Representatives Timmons, Harris, Bergquist, Ortiz-Self, Walen, Ramel, Morgan, Stonier, Gregerson, Ormsby and Paul

AN ACT Relating to requirements governing the withholding of high school diplomas; and amending RCW 28A.635.060.

Referred to Committee on Education.

HB 1537 by Representatives Couture, Griffey, Abbarno, Christian, Schmidt, Volz, Chambers, Eslick and Walsh

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

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1538 by Representatives Griffey, Couture, Walsh, Goehner and Jacobsen

AN ACT Relating to special purpose district malfeasance; amending RCW 36.27.020; adding a new section to chapter 36.96 RCW; and creating a new section.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1539 by Representatives Senn, Hutchins, Tharinger, Simmons, Kloba, Doglio, Bateman and Leavitt

AN ACT Relating to expediting private vocational licenses for entities offering training for workers to contribute to adding affordable housing to the state; amending RCW 28C.10.060; and creating a new section.

Referred to Committee on Postsecondary Education & Workforce.

HB 1540 by Representatives Hutchins, Timmons, Low, Cheney, Cortes, Bronoske, Couture, Griffey, Donaghy, Robertson, Barkis, Simmons, Reed, Klicker, Riccelli, Doglio, Berry, Ramel, Paul, Graham and Rule

AN ACT Relating to requiring driver training curriculum to include instruction on sharing the road with large vehicles, including commercial motor vehicles and buses; amending RCW 46.82.420; and providing an effective date.

Referred to Committee on Transportation.

HB 1541 by Representatives Farivar, Couture, Mena, Pollet, Taylor, Ortiz-Self, Street, Thai, Reed, Waters, Fosse, Caldier, Simmons, Davis, Alvarado, Schmidt, Ryu, Griffey, Ramel, Barnard, Orwall, Hackney, Bergquist, Walen, Berry, Tharinger, Peterson, Goodman, Volz, Eslick, Stonier, Gregerson, Riccelli, Ormsby, Kloba, Doglio, Bateman, Macri and Duerr

AN ACT Relating to increasing access and representation in policy-making processes for people with direct lived experience; adding a new section to chapter 43.06D RCW; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1542 by Representatives Bronoske, Fosse, Berry, Hackney, Abbarno, Griffey, Walsh, Ortiz-Self, Taylor, Ramel, Simmons, Jacobsen, Schmidt, Graham, Ormsby, Pollet, Kloba, Doglio, Bateman, Macri, Leavitt and Timmons

AN ACT Relating to requiring automated external defibrillators to be available and accessible when work is being performed on high voltage lines and equipment; adding a new section to chapter 49.17 RCW; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 1543 by Representatives Dye, Kretz, Springer, Graham, Eslick, Mosbrucker, Chapman, Ryu, Wylie, Klicker, Couture and Davis

AN ACT Relating to establishing a wild horse holding and training program at Coyote Ridge corrections center; and creating new sections.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1544 by Representatives Alvarado, Tharinger, Pollet and Duerr

AN ACT Relating to shoreline master program review schedules; amending RCW 90.58.080 and 90.58.080; providing an effective date; and providing an expiration date.

Referred to Committee on Environment & Energy.

HB 1545 by Representatives Caldier, Hutchins, Christian, Jacobsen, Volz, Eslick and Graham

AN ACT Relating to prohibiting institutions of higher education from imposing vaccine or immunization mandates on online-only students; adding a new section to chapter 70.54 RCW; and declaring an emergency.

Referred to Committee on Postsecondary Education & Workforce.

HB 1546 by Representatives Caldier, Jacobsen and Hutchins

AN ACT Relating to enacting the good faith pain act; adding a new section to chapter 18.22 RCW; adding a new section to chapter 18.32 RCW; adding a new section to chapter 18.57 RCW; adding a new section to chapter 18.64 RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.71A RCW; adding a new section to chapter 18.79 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1547 by Representatives Caldier, Christian, Volz, Eslick, Hutchins and Graham

AN ACT Relating to increasing the health care workforce by authorizing out-of-state providers to practice immediately; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health Care & Wellness.

HB 1548 by Representatives Ormsby, Walsh, Berry, Robertson, Ryu, Chambers, Chandler, Waters, Bronoske, Cheney, Chopp, Low, Stonier, Eslick, Gregerson, Griffey, Fosse, Volz, Peterson, Couture, Leavitt, Rude, Ramel, Christian, Mena, Harris, Street, Graham, Goodman, Fey, Cortes, Pollet, Taylor, Berg, Lekanoff, Riccelli, Ortiz-Self, Simmons, Paul, Shavers, Rule, Bergquist, Davis, Kloba, Doglio, Schmidt, Macri, Santos, Timmons and Duerr

AN ACT Relating to safeguarding the public safety by protecting railroad workers; adding a new chapter to Title 49 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1549 by Representatives Stonier, Taylor, Pollet and Duerr

AN ACT Relating to increasing the AP course options that public school students may select from to meet graduation pathway requirements; and amending RCW 28A.655.250.

Referred to Committee on Education.

HB 1550 by Representatives Santos, Senn, Ortiz-Self, Berry, Goodman, Ramel, Simmons, Stonier, Bergquist, Pollet, Fosse and Doglio

AN ACT Relating to assisting eligible children in need of additional preparation to be successful in kindergarten by replacing transitional kindergarten with a legislatively established and authorized transition to kindergarten program; amending RCW 28A.225.160, 43.216.085, and 43.216.655; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 43.216 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Education.

HB 1551 by Representatives Pollet, Doglio, Fitzgibbon, Berry, Gregerson, Fosse and Bateman

AN ACT Relating to reducing lead in cookware; amending RCW 43.21B.110 and 43.21B.300; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 1552 by Representatives Reeves, Ramel, Springer, Gregerson, Fosse and Doglio

AN ACT Relating to directing the state conservation commission to conduct a study of urban agricultural opportunities and barriers in the state; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture and Natural Resources.

HB 1553 by Representatives Street, Slatter, Fitzgibbon, Ortiz-Self, Berry, Walen, Thai, Taylor, Ramel, Ormsby, Pollet, Doglio and Macri

AN ACT Relating to providing for responsible environmental management of batteries; amending RCW 43.21B.110 and 43.21B.300; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 1554 by Representatives Doglio, Pollet, Fitzgibbon, Berry, Ramel, Orwall, Ryu, Fosse, Kloba, Macri and Duerr

AN ACT Relating to reducing public health and environmental impacts from lead; amending RCW 43.21B.110 and 43.21B.300; adding a new section to chapter 43.70 RCW; adding a new section to chapter 70A.15 RCW; adding a new chapter to Title 70A RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Environment & Energy.

HB 1555 by Representatives Lekanoff, Goodman, Pollet, Davis and Doglio

AN ACT Relating to extradition of persons to and from Indian jurisdiction; and adding a new section to chapter 10.31 RCW.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1556 by Representatives Berg, Thai, Ramel, Reed, Farivar, Berry, Doglio, Senn, Taylor, Fosse, Cortes, Lekanoff, Peterson, Simmons, Gregerson, Pollet, Bateman and Santos

AN ACT Relating to property tax rebates for homeowners and renters; amending RCW 82.03.190; adding a new title to the Revised Code of Washington to be codified as Title 84A RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Finance.

HB 1557 by Representatives Santos, Corry, Walen, Orcutt, Chapman, Springer, Connors, Ryu, Reeves, McClintock, Cheney and Stokesbary

AN ACT Relating to classification of digital processing services; amending RCW 82.08.0208 and 82.12.0208; and creating new sections.

Referred to Committee on Finance.

HB 1558 by Representatives Cheney, Fosse, Berry and Schmidt

AN ACT Relating to creating a separate fund for the purposes of self-insured pensions and assessments; amending RCW 43.84.092, 43.84.092, 51.16.120, 51.32.242, 51.44.070, 51.44.073, 51.44.080, 51.44.100, 51.44.115, 51.44.140, 51.44.142, and 51.44.160; adding a new section to chapter 51.44 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1559 by Representatives Entenman, Fitzgibbon, Stonier, Paul, Riccelli, Bergquist, Pollet and Leavitt

AN ACT Relating to the student basic needs at public postsecondary institutions act; adding a new section to chapter 28B.10 RCW; adding new sections to chapter 28B.50 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Postsecondary Education & Workforce.

HB 1560 by Representatives Shavers, Leavitt, Senn, Ramel, Springer, Paul, Stonier, Pollet and Timmons

AN ACT Relating to providing property tax relief by expanding eligibility for the senior citizen and disabled veterans' property tax exemption program; amending RCW 84.36.383, 84.36.385, and 84.38.020; adding a new section to chapter 84.36 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Finance.

HB 1561 by Representatives Jacobsen, Griffey, Schmidt, Riccelli, Eslick and Ryu

AN ACT Relating to increasing the public utility tax exemption threshold and annually adjusting the threshold for inflation; amending RCW 82.16.040; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1562 by Representatives Thai, Lekanoff, Taylor, Berry, Ryu, Reed, Kloba, Entenman, Walen, Doglio, Davis, Wylie, Ramel, Ormsby, Pollet and Duerr

AN ACT Relating to reducing the risks of lethality and other harm associated with gun violence, gender-based violence, and other types of violence by clarifying and updating laws relating to the unlawful possession of firearms and restoration of firearm rights; amending RCW 9.41.040, 9.41.047, 9.41.042, 13.40.160, 13.40.193, 13.40.265, 70.02.230, and 70.02.240; reenacting and amending RCW 9.41.010 and 13.40.0357; adding a new section to chapter 9.41 RCW; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 1563 by Representatives Kloba, Simmons, Cheney, Peterson, Ramel, Ormsby, Reeves, Reed, Macri, Fitzgibbon, Gregerson, Rude and Wylie

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

Referred to Committee on Regulated Substances & Gaming.

HB 1564 by Representatives Mosbrucker, Orwall, Chambers, Graham, Rude and Rule

AN ACT Relating to prohibiting the sale of over-the-counter sexual assault kits; adding a new section to chapter 5.70 RCW; and creating a new section.

Referred to Committee on Community Safety, Justice, & Reentry.

HJR 4205 by Representatives Berg, Thai, Ramel, Reed, Farivar, Fosse, Lekanoff, Cortes, Pollet and Santos

Concerning property tax rebates.

Referred to Committee on Finance.

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

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

#### REPORTS OF STANDING COMMITTEES

January 20, 2023

HB 1001 Prime Sponsor, Representative Leavitt: Concerning the audiology and speech-language pathology interstate compact. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Pollet; Schmidt and Timmons.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1021 Prime Sponsor, Representative Thai: Aligning social worker licensing requirements. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Pollet; Schmidt and Timmons.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1022 Prime Sponsor, Representative Chapman: Providing additional support and services for veterans' assistance and for persons with developmental disabilities or mental health needs. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Berg; Griffey and Riccelli.

MINORITY recommendation: Do not pass. Signed by Representative Jacobsen, Assistant Ranking Minority Member.

Referred to Committee on Finance

January 20, 2023

HB 1037 Prime Sponsor, Representative Walsh: Concerning family burial grounds. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1039 Prime Sponsor, Representative Macri: Concerning physical therapists performing intramuscular needling. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations

January 20, 2023

HB 1048 Prime Sponsor, Representative Mena: Enhancing the Washington voting rights act. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; and Low.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1086 Prime Sponsor, Representative Shavers: Increasing local governments' ability to contract with community service organizations. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg and Riccelli.

MINORITY recommendation: Without recommendation. Signed by Representative Griffey.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1098 Prime Sponsor, Representative Walen: Concerning the duty of clergy to report child abuse or neglect. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by



Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Callan; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Do not pass. Signed by Representatives Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Dent; and Walsh.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1099 Prime Sponsor, Representative Berry: Requiring certain wages in public works contracts to be at least the prevailing wage in effect when the work is performed. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Capital Budget

January 20, 2023

HB 1100 Prime Sponsor, Representative Schmick: Concerning the disposition of the remains of a county resident who dies indigent in an adjacent county outside of Washington. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Rules for second reading

January 19, 2023

HB 1103 Prime Sponsor, Representative Fey: Avoiding interest arbitrage charges on bond proceeds in the capital vessel replacement account. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Walsh and Wylie.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1106 Prime Sponsor, Representative Fosse: Concerning qualifications for unemployment insurance when an individual voluntarily leaves work. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1107 Prime Sponsor, Representative Fosse: Concerning removing the terms "master" and "servant" from Titles 50 and 50A. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1122 Prime Sponsor, Representative Doglio: Granting Washington management service employees the right to collectively bargain. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Appropriations

January 20, 2023

HB 1135 Prime Sponsor, Representative Slatter: Authorizing impact fee revenue to fund improvements to bicycle and pedestrian facilities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Berg and Riccelli.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; and Griffey.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1165 Prime Sponsor, Representative Orwall: Concerning civil remedies for unauthorized disclosure of intimate images. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1168 Prime Sponsor, Representative Simmons: Providing prevention services, diagnoses, treatment, and support for prenatal substance exposure. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Schmick, Ranking Minority Member.

Referred to Committee on Appropriations

January 20, 2023

HB 1231 Prime Sponsor, Representative Berg: Accelerating rural job growth and promoting economic recovery across Washington through site readiness grants. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Barnard, Assistant Ranking Minority Member; Chambers; Corry; Cortes; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Capital Budget

January 20, 2023

HB 1243 Prime Sponsor, Representative Dent: Concerning municipal airport commissions. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg and Riccelli.

MINORITY recommendation: Without recommendation. Signed by Representative Griffey.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1258 Prime Sponsor, Representative Ryu: Increasing tourism to Washington state through enhancement of the statewide tourism marketing account and changing necessary match requirements. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Barnard, Assistant Ranking Minority Member; Chambers; Corry; Cortes; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

### MOTIONS

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1026  
HOUSE BILL NO. 1027  
HOUSE BILL NO. 1046  
HOUSE BILL NO. 1070  
HOUSE BILL NO. 1082  
HOUSE BILL NO. 1101  
HOUSE BILL NO. 1179  
HOUSE BILL NO. 1199

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the suspension calendar:

HOUSE BILL NO. 1017  
HOUSE BILL NO. 1030  
HOUSE BILL NO. 1031  
HOUSE BILL NO. 1102

There being no objection, the House adjourned until 10:30 a.m., Wednesday, January 25, 2023, the 17th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SEVENTEENTH DAY

House Chamber, Olympia, Wednesday, January 25, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kellyanna Brooking and Charles Winkler. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Genjo Yorke from the Olympia Zen Center.

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4606**, by Representatives Leavitt, Orwall, Ryu, Mena, Rule, Simmons, Cortes, Bronoske, Callan, Gregerson, Slatter, Paul, Chambers, Doglio, Reeves, Macri, Ortiz-Self, and Davis

WHEREAS, Director Lourdes E. Alvarado-Ramos served for 22 years defending our nation and achieving the rank of Command Sergeant Major at Madigan Army Medical Center and Troop Command at Joint Base Lewis-McChord; and

WHEREAS, Command Sergeant Major Alvarado-Ramos served with distinction, being awarded the Legion of Merit, Order of Military Medical Merit, Expert Field Medical Badge, and Meritorious Service Medals; and

WHEREAS, Director Alvarado-Ramos sought knowledge and skill with education from Harvard University's John F. Kennedy School of Government Executive Program, the University of Washington's Executive Management Program, and holds a Master's Degree in Health Care Administration; and

WHEREAS, Director Alvarado-Ramos continued to serve her community and her state on Governor Jay Inslee's Executive Cabinet and as the Chair of the Washington Military Transition Council; and

WHEREAS, Director Alvarado-Ramos continued to serve her country as the President of the National Association of State Directors of Veterans Affairs and on the board of directors for the National Association of State Veterans Homes; and

WHEREAS, Director Alvarado-Ramos served our state in the Washington Department of Veteran's Affairs since 1993 and was appointed to the governor's cabinet in 2013; and

WHEREAS, In her time as Director, she has tirelessly worked to help servicemembers struggling with mental health concerns and to support suicide prevention; and

WHEREAS, In 2014, she spearheaded the Washington Goes to the Dogs Summit to connect veterans and providers to healing and service opportunities; and

WHEREAS, Director Alvarado-Ramos established the position of Traumatic Brain Injury Coordinator in partnership with the TBI Council to educate the community, provide peer-to-peer mentorship, and connect veterans with TBI to VA and community resources; and

WHEREAS, Under Director Alvarado-Ramos' leadership, new programs and services were established to meet the needs of Washington's veterans and their families, including opening the new State Veterans Home in Walla Walla in 2017 and creating new programs to serve military spouses and LGBTQ+ veterans. She was also heavily involved with the Veteran Employee Resource Group or VERG; and

WHEREAS, Director Alvarado-Ramos is a multiyear recipient of the VA Pillar of Excellence Award, winning for her work on Homelessness in 2014, Military Transition Council in

2015, Incarcerated Veterans Program in 2016, Community Partnership in 2017, and the Veterans Corps Program in 2018; and

WHEREAS, Director Alvarado-Ramos' compassion, dedication, and mentorship have prepared a generation of leaders and public servants to carry on her legacy; and

WHEREAS, Director Alvarado-Ramos, known to her community as Alfie, has not once allowed her commitment to servicemembers past and present to falter in all those years of service;

NOW, THEREFORE, BE IT RESOLVED, That on behalf of the people of the state, and more specifically the more than 520,000 veterans who call Washington home, the House of Representatives express its deep gratitude to Director Alvarado-Ramos, and is honored by the awesome legacy of service and dedication she leaves behind.

HOUSE RESOLUTION NO. 4606 was adopted.

## SPEAKER'S PRIVILEGE

The Speaker (Representative Orwall presiding) recognized Director Alvarado-Ramos and asked the chamber to acknowledge her.

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

## INTRODUCTION &amp; FIRST READING

HB 1565 by Representatives Ortiz-Self, Santos, Berry, Simmons, Reeves, Fey, Ryu, Alvarado, Bronoske, Goodman, Gregerson, Doglio, Paul, Peterson, Lekanoff, Ramel, Bergquist, Reed, Pollet, Timmons and Macri

AN ACT Relating to supporting and strengthening the professional education workforce through recruitment, residency, research, and retention strategies; amending RCW 28A.415.265, 28A.655.210, 28A.300.507, 28A.410.300, and 28A.410.210; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28B.102 RCW; adding a new section to chapter 28A.655 RCW; adding a new chapter to Title 28A RCW; creating new sections; and providing expiration dates.

Referred to Committee on Education.

HB 1566 by Representatives Bateman, Doglio, Reeves, Leavitt, Peterson, Lekanoff, Reed and Pollet

AN ACT Relating to vacation leave accrual for state employees; amending RCW 43.01.044, 41.40.010, 43.43.120, and 43.01.041; and reenacting and amending RCW 43.01.040.

Referred to Committee on Labor & Workplace Standards.

HB 1567 by Representatives Gregerson, Lekanoff, Jacobsen, Doglio and Reed

AN ACT Relating to commissioning a study on conservation district election costs under Title 29A RCW; creating a new section; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

HB 1568 by Representatives Chambers, Tharinger, Schmick, Leavitt, Harris, Klicker, Schmidt, Caldier, Bateman, Christian, Doglio, Lekanoff, Pollet and Macri

AN ACT Relating to the credentialing of certified health care professionals providing long-term care services; amending RCW 18.88B.021, 18.88B.031, 18.88B.041, 18.88A.130, 18.88B.035, 74.39A.074, and 74.39A.056; adding a new section to chapter 18.88B RCW; creating new sections; and providing expiration dates.

Referred to Committee on Postsecondary Education & Workforce.

HB 1569 by Representatives Leavitt and McEntire

AN ACT Relating to protecting unit owners in common interest communities; amending RCW 64.90.080, 64.90.495, 64.32.170, 64.34.372, 64.38.045, 64.90.405, 64.32.090, 64.34.304, and 64.38.020; adding a new section to chapter 64.90 RCW; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; and creating a new section.

Referred to Committee on Housing.

HB 1570 by Representatives Berry, Ryu, Alvarado, Bateman, Fitzgibbon, Ramel, Doglio, Lekanoff, Reed, Pollet, Macri and Fosse

AN ACT Relating to social insurance programs managed by the employment security department applicable to transportation network companies, transportation network company drivers, and part-time work; amending RCW 50.29.021 and 50A.25.040; adding a new section to chapter 50.04 RCW; adding a new section to chapter 46.72B RCW; and providing an expiration date.

Referred to Committee on Labor & Workplace Standards.

HB 1571 by Representatives Tharinger, Harris, Schmick, Leavitt, Caldier, Bateman, Taylor, Stokesbary, Lekanoff, Chapman, Pollet and Macri

AN ACT Relating to nursing facility rates; amending RCW 74.46.501 and 74.46.561; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1572 by Representatives Springer and Orcutt

AN ACT Relating to venue for actions for the recovery of taxes; amending RCW 84.68.050; and creating new sections.

Referred to Committee on Civil Rights & Judiciary.

HB 1573 by Representatives Rule, Corry, Timmons, Leavitt, Walen, Shavers, Lekanoff, Chapman, Dye, Springer, Reeves, Barnard, Eslick and Sandlin

AN ACT Relating to extending tax preferences for dairy, fruit and vegetable, and seafood processors; amending RCW 82.04.4268, 82.04.4266, 82.04.4269, and 82.04.260; creating a new section; and providing expiration dates.

Referred to Committee on Finance.

HB 1574 by Representatives Rule, Duerr, Dye, Doglio, Walsh, Lekanoff, Chapman, Berry, Springer, Reeves, Schmidt, Barnard, Eslick, Ramel, Peterson, Sandlin and Reed

AN ACT Relating to supporting Washington agriculture by capturing methane and reducing greenhouse gas emissions;

amending RCW 89.08.610 and 89.08.615; and creating a new section.

Referred to Committee on Agriculture and Natural Resources.

HB 1575 by Representatives Reed, Berry, Berg, Taylor, Farivar, Stonier, Peterson, Senn, Doglio, Cortes, Ryu, Fosse, Springer, Bateman, Goodman, Ramel, Bergquist and Pollet

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

Referred to Committee on Local Government.

HB 1576 by Representatives Caldier, Schmidt, Leavitt and Volz

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

Referred to Committee on Postsecondary Education & Workforce.

HB 1577 by Representative Schmick

AN ACT Relating to municipal officers' beneficial interest in contracts; and amending RCW 42.23.030.

Referred to Committee on Local Government.

HB 1578 by Representatives Springer, Kretz, Reeves, Leavitt, Ramel, Lekanoff, Reed, Pollet and Kloba

AN ACT Relating to improving community preparedness, response, recovery, and resilience to wildland fire health and safety impacts in areas of increasing population density, including in the wildland urban interface; adding a new section to chapter 76.04 RCW; and creating new sections.

Referred to Committee on Agriculture and Natural Resources.

HB 1579 by Representatives Stonier, Bateman, Lekanoff, Reed, Pollet and Macri

AN ACT Relating to establishing a mechanism for independent prosecutions within the office of the attorney general of criminal conduct arising from police use of force; amending RCW 43.10.232, 43.10.234, 36.27.030, 36.27.040, and 43.102.080; adding a new section to chapter 43.10 RCW; adding a new section to chapter 36.27 RCW; and creating a new section.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1580 by Representatives Callan, Harris, Senn, Eslick, Dent, Ortiz-Self, Simmons, Leavitt, Ryu, Berry, Taylor, Walen, Bateman, Bronoske, Goodman, Ormsby, Schmidt, Orwall, Gregerson, Thai, Doglio, Lekanoff, Ramel, Rule, Reed, Pollet, Timmons and Macri

AN ACT Relating to creating a system to support children in crisis; adding a new section to chapter 43.216 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1581 by Representatives Wylie, Kloba, Reeves and Ramel

AN ACT Relating to establishing a Washington state cannabis commission; amending RCW 41.06.070; adding a new

section to chapter 69.50 RCW; and adding a new chapter to Title 15 RCW.

Referred to Committee on Regulated Substances & Gaming.

HB 1582 by Representatives Ryu, Fey, Fitzgibbon, Doglio, Reed, Berry, Alvarado, Ramel, Macri and Kloba

AN ACT Relating to prohibiting drivers from making a right turn within proximity of certain facilities; adding a new section to chapter 46.61 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

HB 1583 by Representatives Eslick, Davis, Dye, Callan, Barkis, Macri, Graham, Orwall, Volz, Riccelli, Low, Couture, Dent, Senn, Thai, Schmidt, Leavitt, Walen, Bateman, Christian, Ormsby, Ramel, Doglio, Paul, Reed, Pollet and Kloba

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

Referred to Committee on Health Care & Wellness.

HB 1584 by Representatives Barnard, Fitzgibbon, Dye, Donaghy, Lekanoff, Slatter, Ybarra, Couture, Fey, Ryu, Riccelli, Berry, Schmidt, Sandlin and Timmons

AN ACT Relating to planning for advanced nuclear reactor technology in Washington; amending RCW 43.21F.088; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1585 by Representatives Cortes, Springer, Ryu, Rule, Senn, Taylor, Doglio, Lekanoff and Macri

AN ACT Relating to local infrastructure project areas; and amending RCW 39.108.120, 84.55.010, 84.55.015, 84.55.020, 84.55.030, 84.55.120, and 39.108.010.

Referred to Committee on Local Government.

HB 1586 by Representatives Goodman, Doglio, Lekanoff and Pollet

AN ACT Relating to requiring the criminal justice training commission to establish a work group and grant program related to vehicular pursuits; adding new sections to chapter 43.101 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1587 by Representatives Shavers and Lekanoff

AN ACT Relating to a spirits tax exemption on spirits purchased on military bases for use as fund-raising prizes by veterans' service organizations; adding a new section to chapter 82.08 RCW; and creating a new section.

Referred to Committee on Regulated Substances & Gaming.

HB 1588 by Representatives Bronoske and Reed

AN ACT Relating to ambulance personnel requirements; and amending RCW 18.73.150.

Referred to Committee on Health Care & Wellness.

HB 1589 by Representatives Doglio, Fitzgibbon, Berry, Alvarado, Bateman, Ramel, Peterson, Lekanoff, Hackney, Macri and Kloba

AN ACT Relating to supporting Washington's clean energy economy and transitioning to a clean, affordable, and reliable energy future; amending RCW 80.28.010; adding a new chapter to Title 80 RCW; and declaring an emergency.

Referred to Committee on Environment & Energy.

HB 1590 by Representatives Dent, Eslick and Caldier

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

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1591 by Representatives Orwall, Taylor, Goodman, Stearns and Lekanoff

AN ACT Relating to open adoption agreements; amending RCW 13.34.136, 13.34.200, 26.33.160, 26.33.390, and 74.14B.010; reenacting and amending RCW 13.34.030; adding new sections to chapter 13.34 RCW; adding a new section to chapter 74.13 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1592 by Representatives Mena, Gregerson, Ramel, Fitzgibbon, Simmons, Walen, Bateman, Ormsby, Thai, Slatter, Ortiz-Self, Chapman, Doglio, Goodman, Cortes, Paul, Peterson, Lekanoff, Reed, Pollet and Macri

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

Referred to Committee on State Government & Tribal Relations.

HB 1593 by Representatives Macri, Bronoske, Berry, Simmons, Reeves, Bateman, Ramel, Doglio, Lekanoff, Reed, Callan and Fosse

AN ACT Relating to industrial insurance coverage for posttraumatic stress disorders affecting registered nurses; amending RCW 51.08.142; adding a new section to chapter 51.32 RCW; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 1594 by Representatives Goehner and Springer

AN ACT Relating to allowing certain types of maintenance experience to substitute for work experience required to be eligible to take the examination for the residential maintenance specialty electrician certificate; and amending RCW 19.28.191.

Referred to Committee on Labor & Workplace Standards.

HB 1595 by Representatives Chambers and Robertson

AN ACT Relating to modifying the cannabis excise tax; and amending RCW 69.50.535.

Referred to Committee on Regulated Substances & Gaming.

HB 1596 by Representatives Kloba, Bateman, Goodman, Springer, Reed, Ryu, Reeves, Ramel, Doglio, Pollet and Hackney

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

Referred to Committee on Local Government.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, except for House Bill 1579 and House Bill 1586 which were referred to Community Safety, Justice & Reentry.

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

#### REPORTS OF STANDING COMMITTEES

January 23, 2023

HB 1175 Prime Sponsor, Representative Doglio: Creating a state financial assurance program for petroleum underground storage tanks. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Without recommendation. Signed by Representative Couture.

Referred to Committee on Appropriations

January 23, 2023

HB 1213 Prime Sponsor, Representative Ybarra: Concerning compliance with labeling requirements for wipes. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

#### SECOND READING

**HOUSE BILL NO. 1046, by Representatives Walen, Leavitt, Ryu, Bateman, Peterson, Doglio, Reeves, Wylie, Bergquist, Springer, Kloba, Santos and Ormsby**

**Expanding housing supply by supporting the ability of public housing authorities to finance affordable housing developments by rebenchmarking area median income limits.**

The bill was read the second time.

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

Representatives Walen and Klicker spoke in favor of the passage of the bill.

#### MOTIONS

On motion of Representative Robertson, Representative Waters was excused.

On motion of Representative Ramel, Representative Thai was excused.

Representative Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1046.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1046, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Thai and Waters

HOUSE BILL NO. 1046, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1199, by Representatives Senn, Eslick, Leavitt, Berry, Bateman, Kloba, Reed, Simmons, Tharinger, Ramel, Doglio, Goodman, Macri, Callan, Fosse and Pollet**

**Addressing licensed child care in common interest communities.**

The bill was read the second time.

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

Representatives Senn and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1199.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1199, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy,

Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Thai and Waters

HOUSE BILL NO. 1199, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1070, by Representatives Connors, Reeves, Hutchins, Schmidt, Peterson, Christian, Rude, Klicker, Barkis and Walsh**

**Exempting the sale and leaseback of property by a seller from the residential landlord-tenant act when the seller agrees to a written lease at closing.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1070 was substituted for House Bill No. 1070 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1070 was read the second time.

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

Representatives Connors and Peterson spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1070.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1070, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Thai and Waters

SUBSTITUTE HOUSE BILL NO. 1070, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Barnard congratulated Representative Connors on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

**SECOND READING**

**HOUSE BILL NO. 1082, by Representatives Simmons, Jacobsen, Goodman, Springer, Santos and Ormsby**

**Expanding opportunities for physical therapy and occupational therapy professionals to form professional service corporations.**

The bill was read the second time.

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

Representatives Simmons and Jacobsen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1082.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1082, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Thai and Waters

HOUSE BILL NO. 1082, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1102, by Representatives Taylor and Timmons**

**Concerning judge pro tempore compensation.**

The bill was read the second time.

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

Representatives Taylor and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1102.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1102, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena,

Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Thai and Waters

HOUSE BILL NO. 1102, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1017, by Representatives Ryu, Leavitt, Chambers, Simmons, Jacobsen, Reed, Graham, Lekanoff, Caldier, Timmons, Reeves, Tharinger, Springer, Thai, Santos and Riccelli**

**Expediting licensure for cosmetologists, hair designers, barbers, manicurists, and estheticians.**

The bill was read the second time.

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

Representatives Ryu and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1017.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1017, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Thai and Waters

HOUSE BILL NO. 1017, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:30 a.m., Thursday, January 26, 2023, the 18th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk



## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## EIGHTEENTH DAY

House Chamber, Olympia, Thursday, January 26, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Page Steven Benson and Lilian Farr. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Rabbi Seth Goldstein, Temple Beth Hatfiloh, Olympia.

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

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

**MESSAGE FROM THE SENATE**

Thursday, January 26, 2023

Mme. Speaker:

The Senate has passed:

SENATE BILL NO. 5003  
SENATE BILL NO. 5004  
SENATE BILL NO. 5089  
SUBSTITUTE SENATE BILL NO. 5156

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

**INTRODUCTION & FIRST READING**HB 1597 by Representatives Springer, Walen and Tharinger

AN ACT Relating to limiting frivolous claims by modifying administrative and judicial review processes for public records request responses; and amending RCW 42.56.520 and 42.56.550.

Referred to Committee on State Government & Tribal Relations.

HB 1598 by Representatives Hackney, Bergquist, Simmons, Mena, Walen, Gregerson, Alvarado, Macri, Pollet, Doglio and Reed

AN ACT Relating to jury diversity; amending RCW 2.36.150, 2.36.095, and 2.36.054; adding a new section to chapter 2.36 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

HB 1599 by Representatives Goodman, Berry, Ramel and Pollet

AN ACT Relating to court files and records exemptions for firearm background checks; and amending RCW 71.05.620.

Referred to Committee on Civil Rights & Judiciary.

HB 1600 by Representatives Goodman, Berry, Ramel and Pollet

AN ACT Relating to providing access to sealed juvenile records for firearm purposes; and amending RCW 13.50.260.

Referred to Committee on Civil Rights & Judiciary.

HB 1601 by Representatives Graham, Corry, Sandlin, McEntire, Schmidt, Mosbrucker, Volz, Christian, Eslick and McClintock

AN ACT Relating to parental rights; amending RCW 18.130.180; adding new sections to chapter 28A.150 RCW; adding a new chapter to Title 26 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1602 by Representatives Graham, Sandlin, McEntire, Schmidt, Mosbrucker, Volz, Christian and Eslick

AN ACT Relating to intercepting, recording, or disclosing communications or conversations involving certain criminal conduct; and amending RCW 9.73.090.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1603 by Representatives Morgan, Dent, Reeves, Chapman, Orcutt, Springer, Kretz, Kloba, Lekanoff, Paul, Gregerson, Eslick, Tharinger, Doglio and Reed

AN ACT Relating to creating a location-based promotion program for Washington food and agricultural products; adding a new chapter to Title 15 RCW; and repealing RCW 15.105.005, 15.105.010, 15.105.020, 15.105.030, 15.105.040, 15.105.050, 15.105.060, and 15.105.901.

Referred to Committee on Agriculture and Natural Resources.

HB 1604 by Representatives Corry, Springer, Volz, Leavitt and Chapman

AN ACT Relating to providing a retroactive business and occupation tax exemption for custom farming; and amending RCW 82.04.758.

Referred to Committee on Finance.

HB 1605 by Representatives Rule, Rude, Ramel, Eslick and Timmons

AN ACT Relating to small districts with less than 2,750 students and significant participation in skill centers; and amending RCW 28A.245.020.

Referred to Committee on Education.

HB 1606 by Representatives Ryu, Ramel, Gregerson, Kloba and Reed

AN ACT Relating to increasing accountability for products sold on electronic commerce platforms; and amending RCW 7.72.010, 7.72.040, and 7.72.060.

Referred to Committee on Consumer Protection & Business.

HB 1607 by Representatives Hackney and Pollet

AN ACT Relating to admissibility of juvenile statements and physical evidence; and amending RCW 13.40.740.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1608 by Representatives Bronoske, Simmons, Duerr, Ramel, Wylie, Paul, Jacobsen, Macri, Kloba, Leavitt and Reed

AN ACT Relating to expanding access to anaphylaxis medications in schools; amending RCW 28A.210.383; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Education.

HB 1609 by Representatives Eslick, Jacobsen, Dent, Pollet, Graham and Leavitt

AN ACT Relating to school library information and technology programs; amending RCW 28A.320.240; adding new sections to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Education.

HB 1610 by Representatives Walsh, Walen, Graham, Jacobsen, McClintock and Volz

AN ACT Relating to restoring trust in public health through consumer protection; amending RCW 19.86.010, 9.04.010, 9.04.050, 9.04.060, 9.04.070, 9.04.080, 69.04.004, 69.04.007, and 69.04.019; adding new sections to chapter 19.86 RCW; adding a new section to chapter 9.04 RCW; adding new sections to chapter 69.04 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1611 by Representatives Reed, Hutchins, Fosse and Macri

AN ACT Relating to local government permitting; amending RCW 36.70B.060, 36.70B.070, and 36.70B.080; adding a new section to chapter 36.70B RCW; and creating a new section.

Referred to Committee on Housing.

HB 1612 by Representatives Kloba, Callan, Orwall, Ramel, Wylie and Pollet

AN ACT Relating to the regulation of products containing THC; amending RCW 15.140.020, 69.50.326, and 69.50.346; reenacting and amending RCW 69.50.101; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Regulated Substances & Gaming.

HB 1613 by Representatives Rule, Mosbrucker, Shavers, Leavitt, Hackney, Bronoske, Paul, Timmons, Stokesbary, Chambers, Graham, Eslick, Abbarno, Robertson, Walen, Reeves, Wylie, Jacobsen, Pollet and Caldier

AN ACT Relating to encouraging treatment for possession of certain counterfeit drugs or controlled substances; amending RCW 69.50.4011, 69.50.4013, 69.50.4014, 69.41.030, 9.96.060, and 10.31.110; amending 2021 c 311 s 29 (uncodified); adding a new section to chapter 69.50 RCW; adding a new section to chapter 43.43 RCW; repealing RCW 10.31.115; prescribing penalties; providing an expiration date; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1614 by Representatives Kloba, Ormsby, Doglio, Goodman, Wylie, Fosse, Gregerson, Morgan and Reed

AN ACT Relating to the home cultivation of cannabis; amending RCW 69.50.4013 and 7.80.120; reenacting and amending RCW 69.50.505 and 69.50.101; and prescribing penalties.

Referred to Committee on Regulated Substances & Gaming.

HB 1615 by Representatives Eslick, Corry, Graham, Barkis, Volz, Dent, Couture, Low, Steele, Christian and McEntire

AN ACT Relating to creating the students first program which establishes education savings accounts for students in need of support; adding a new section to chapter 28B.77 RCW; adding a new chapter to Title 28A RCW; and creating a new section.

Referred to Committee on Education.

HB 1616 by Representatives Kloba, Eslick, Fosse and Pollet

AN ACT Relating to creating a charter of people's personal data rights; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 19 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 1617 by Representatives Ryu, Volz, Springer, Maycumber, Walen, Ybarra, Street, Pollet, Chapman, Doglio, Corry, Hackney, Abbarno and Reed

AN ACT Relating to removing the expiration date for the state universal services program; amending RCW 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.36.680, and 80.36.690; and repealing RCW 80.36.700.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1618 by Representatives Farivar, Simmons, Wylie, Berry, Walen, Fosse, Morgan, Macri, Pollet, Doglio, Reed, Caldier and Orwall

AN ACT Relating to providing access to justice for survivors of childhood sexual abuse; amending RCW 4.16.340; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 1619 by Representatives Fey, Duerr and Wylie

AN ACT Relating to incentivizing development and acquisition of renewable energy resources; amending RCW 80.28.385; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 80.28 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Environment & Energy.

HB 1620 by Representatives Fey and Morgan

AN ACT Relating to the number of inhabitants required for incorporation as a city or town; and amending RCW 35.02.010.

Referred to Committee on Local Government.

HB 1621 by Representatives Ryu, Duerr, Pollet, Kloba and Senn

AN ACT Relating to standardizing local government procurement rules among special purpose districts, first-class and second-class cities, and public utility districts; and amending RCW 54.04.070, 35.23.352, 35.22.620, 57.08.050, and 52.14.110.

Referred to Committee on Local Government.

HB 1622 by Representatives Fey, Rude, Simmons, Schmidt, Cortes, Senn, Slatter, Alvarado, Ryu, Wylie, Bergquist, Paul, Gregerson, Morgan, Macri, Pollet, Doglio, Timmons and Leavitt

AN ACT Relating to supporting the needs of students experiencing homelessness; amending RCW 28A.300.542; and reenacting and amending RCW 43.185C.340.

Referred to Committee on Education.

HB 1623 by Representatives Volz, Chapman, Walsh, Maycumber, Paul, Graham, Ryu, Chambers, Ybarra, Barnard, Christian, Walen, Tharinger and Shavers

AN ACT Relating to regional economic development visions and action plans; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1624 by Representatives Ybarra and Waters

AN ACT Relating to administering educational service district elections; and amending RCW 28A.310.090 and 28A.310.100.

Referred to Committee on Education.

HB 1625 by Representatives Pollet, Farivar, Chopp, Alvarado, Macri, Doglio, Ramel, Reed, Fosse and Street

AN ACT Relating to enabling local governments to plan and adopt programs to stabilize and control rents; creating a new section; and repealing RCW 35.21.830 and 36.01.130.

Referred to Committee on Housing.

HB 1626 by Representatives Bronoske, Rude, Ryu, Griffey, Callan, Fosse, Senn, Macri, Pollet, Graham, Leavitt and Reed

AN ACT Relating to coverage for colorectal screening tests under medical assistance programs; and amending RCW 74.09.520.

Referred to Committee on Health Care & Wellness.

HB 1627 by Representatives Reeves, Senn, Berry, Walen, Wylie and Kloba

AN ACT Relating to protecting the interests of minor children featured on for-profit family vlogs; amending RCW 63.60.020 and 63.60.040; adding new sections to chapter 63.60 RCW; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 1628 by Representatives Chopp, Macri, Peterson, Alvarado, Taylor, Reed, Pollet, Lekanoff, Fitzgibbon, Berg, Riccelli, Davis, Street, Ramel, Duerr, Senn, Doglio, Cortes, Stonier, Gregerson, Mena, Berry, Fosse, Goodman, Bergquist, Slatter, Ormsby, Thai, Farivar, Simmons and Wylie

AN ACT Relating to increasing the supply of affordable housing by modifying the state and local real estate excise tax; amending RCW 82.45.060, 82.45.230, 82.46.035,

82.45.010, and 82.45.010; adding a new section to chapter 82.45 RCW; adding a new section to chapter 82.46 RCW; creating new sections; providing effective dates; and providing an expiration date.

Referred to Committee on Local Government.

HB 1629 by Representatives Wylie, Senn and Orcutt

AN ACT Relating to transfers of firearms to museums and historical societies; and amending RCW 9.41.113.

Referred to Committee on Civil Rights & Judiciary.

HB 1630 by Representatives Walen and Springer

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

Referred to Committee on Regulated Substances & Gaming.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 1606 which was referred to the Committee on the Committee on Consumer Protection & Business.

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

## REPORTS OF STANDING COMMITTEES

January 24, 2023

HB 1045 Prime Sponsor, Representative Berry: Creating the evergreen basic income pilot program. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Callan; Goodman and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Rule; and Walsh.

Referred to Committee on Appropriations

January 24, 2023

HB 1061 Prime Sponsor, Representative Ryu: Eliminating preclicensing education requirements for licensed insurance producers. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Rules for second reading

January 24, 2023

**HB 1068** Prime Sponsor, Representative Bronoske: Concerning injured workers' rights during compelled medical examinations. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

January 24, 2023

**HB 1208** Prime Sponsor, Representative Walen: Concerning pet insurance. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

## SECOND READING

**HOUSE BILL NO. 1101, by Representatives Taylor, Bergquist, Ramel and Gregerson**

**Providing for tenant screening in common interest communities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1101 was substituted for House Bill No. 1101 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1101 was read the second time.

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

Representatives Taylor and Klicker spoke in favor of the passage of the bill.

## MOTIONS

On motion of Representative Robertson, Representative Waters was excused.

On motion of Representative Ramel, Representatives Simmons and Thai were excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1101.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1101, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Simmons, Thai and Waters

SUBSTITUTE HOUSE BILL NO. 1101, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1179, by Representatives Ramos, Goodman, Leavitt, Ryu, Ortiz-Self, Bateman, Taylor, Callan and Macri**

**Authorizing the state auditor to receive nonconviction data.**

The bill was read the second time.

Representative Abbarno moved the adoption of amendment (002):

On page 2, line 37, after "43.101.460." insert "Such dissemination is specifically limited to information necessary to ensure compliance with RCW 10.114.011 and rules adopted pursuant to RCW 10.114.011. The state auditor may not access nonconviction data that is not specifically required to ensure compliance with RCW 10.114.011 and rules adopted pursuant to RCW 10.114.011."

On page 3, line 37, after "section." insert "Access to records of arrest, charges, or allegations of criminal misconduct or other nonconviction data by the state auditor pursuant to this section is specifically limited to records of arrest, charges, or allegations of criminal misconduct or other nonconviction data necessary to ensure compliance with RCW 10.114.011 and rules adopted pursuant to RCW 10.114.011. The state auditor may not access nonconviction data that is not specifically required to ensure compliance with RCW 10.114.011 and rules adopted pursuant to RCW 10.114.011."

Representative Abbarno spoke in favor of the adoption of the amendment.

Representative Ramos spoke against the adoption of the amendment.

Amendment (002) was not adopted.

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

Representative Ramos spoke in favor of the passage of the bill.

Representative Abbarno spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1179.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1179, and the bill passed the House by the following vote: Yeas, 55; Nays, 40; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Slatter, Springer, Stearns, Stonier, Street, Taylor, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Calder, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Simmons, Thai and Waters

HOUSE BILL NO. 1179, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1031, by Representatives Low, Ryu, Schmidt, Christian, Reeves and Ramos**

**Modifying medal of valor award presentation requirements.**

The bill was read the second time.

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

Representatives Low and Ramos spoke in favor of the passage of the bill.

### MOTION

On motion of Representative Ramel, Representatives Fey and Mena were excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1031.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1031, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Slatter, Springer, Stearns, Steele, Stokesbary,

Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Fey, Mena, Simmons, Thai and Waters

HOUSE BILL NO. 1031, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

Representative Eslick congratulated Representative Low on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

### SECOND READING

**HOUSE BILL NO. 1030, by Representatives Leavitt, Jacobsen, Pollet, Reeves and Bronoske**

**Concerning applied doctorate degree-granting authority.**

The bill was read the second time.

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

Representatives Leavitt and Jacobsen spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1030.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1030, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Fey, Mena, Simmons, Thai and Waters

HOUSE BILL NO. 1030, having received the necessary constitutional majority, was declared passed.

### SPEAKER'S PRIVILEGE

The Speaker (Representative Bronoske presiding) recognized former Representative and Senator Kirk Pearson from the 39th legislative district and his guest, Mr. Smith in the Gallery and asked the Chamber to acknowledge them.

There being no objection, the House adjourned until 9:55 a.m., Friday, January 27, 2023, the 19th Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## NINETEENTH DAY

House Chamber, Olympia, Friday, January 27, 2023

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

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4607**, by Representatives Kloba and Slatter

WHEREAS, On the 28th of January, Washingtonians join the nation and over 50 countries in commemorating a day to promote awareness of data privacy and data protection practices; and

WHEREAS, Today, nearly everything in our modern world is accessed online; and

WHEREAS, Not only do we use the internet to inform and entertain, we rely on the internet to access education, the marketplace, government services, our jobs, and telemedicine; and

WHEREAS, Preserved in the Washington State Constitution in Article I section 7, privacy is stated to be a foundational right of individuals; and

WHEREAS, Many people do not understand the ways in which their private activities on their computers, phones, and connected devices generate data that is being used and stored digitally, with or without their knowledge; and

WHEREAS, Vast amounts of data about consumers are harvested daily around the globe, and with the collection and processing of this data comes great responsibility; and

WHEREAS, Public agencies in Washington state are accountable for the responsible care and protection of private personal information that they collect and process; and implementing principles such as lawful use, purpose limitation and data minimization to best protect the privacy of Washingtonians; and

WHEREAS, Washington, along with many other states have passed, and continue to work on private sector protections for consumers personal information; and

WHEREAS, There remains a need for meaningful protections in law that can be enforced; and

WHEREAS, The protection of personal data is a responsibility shared by individuals, governments, industry, and civil society; and

WHEREAS, Governor Jay Inslee has proclaimed January 28th as Data Privacy Day in Washington state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize that the digital privacy of the people of Washington needs to be preserved and protected; and

BE IT FURTHER RESOLVED, That the House of Representatives join in commemorating a day to promote data privacy that will encourage Washingtonians to be aware of and take steps to protect their privacy interests and personal information.

HOUSE RESOLUTION NO. 4607 was adopted.

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

## INTRODUCTION &amp; FIRST READING

HB 1631 by Representatives Hackney, Orwall, Fey, Duerr, Bronoske, Bergquist and Cheney

AN ACT Relating to deterring illegal racing; amending RCW 46.61.530, 46.55.360, and 46.55.370; reenacting and amending RCW 46.55.113; adding new sections to chapter 46.04 RCW; adding new sections to chapter 46.61 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 1632 by Representatives Reeves, Duerr and Springer

AN ACT Relating to evaluating retirement options for Washington consumers; creating a new section; and providing an expiration date.

Referred to Committee on Consumer Protection & Business.

HB 1633 by Representatives Connors, Hutchins, Chapman, Taylor, Bateman, Low, Reeves, Cheney, Klicker, Barnard, Schmidt, Barkis, Peterson, Reed, Rude, Bronoske, Robertson, Christian, Duerr, Rule, Timmons, Eslick, Doglio and Fosse

AN ACT Relating to creating a homes for heroes program; adding a new section to chapter 43.330 RCW; and creating new sections.

Referred to Committee on Housing.

HB 1634 by Representatives Reeves and Morgan

AN ACT Relating to residential insurance policies; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Consumer Protection & Business.

HB 1635 by Representatives Mosbrucker, Walsh and Eslick

AN ACT Relating to limiting liability arising from the use of trained police dogs; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1636 by Representatives Orwall, Walsh and Timmons

AN ACT Relating to foreclosure protections for homeowners in common interest communities; amending RCW 64.32.200, 64.32.200, 64.34.364, 64.34.364, 64.38.100, 64.38.100, 64.90.485, and 64.90.485; amending 2021 c 222 ss 9 and 10 (uncodified); providing an effective date; and providing an expiration date.

Referred to Committee on Housing.

HB 1637 by Representatives Orwall, Pollet and Fitzgibbon

AN ACT Relating to prohibiting excessive fees or other charges for locating or recovering foreclosure surplus funds and other unclaimed property; amending RCW 61.24.135; adding a new section to chapter 61.12 RCW; adding a new section to chapter 63.30 RCW; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

**HB 1638** by Representatives Fey, Barkis, Robertson, Lekanoff, Schmidt, Ramel, Duerr, Timmons, Eslick and Jacobsen

AN ACT Relating to the creation of a state trooper expedited recruitment incentive program; adding a new section to chapter 43.43 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

**HB 1639** by Representatives Lekanoff, Ramel, Gregerson and Santos

AN ACT Relating to the Billy Frank Jr. national statutory hall selection committee; amending RCW 1.16.050; amending 2021 c 20 s 3 (uncodified); reenacting and amending RCW 43.79A.040; and adding a new section to chapter 42.52 RCW.

Referred to Committee on State Government & Tribal Relations.

**HB 1640** by Representatives Street, Santos, Mena, Doglio, Senn, Reed, Berry, Farivar, Simmons, Cortes, Ryu, Lekanoff, Ramel, Gregerson, Bateman, Pollet, Morgan, Macri, Fosse and Kloba

AN ACT Relating to the governor's authority to grant pardons and commutations; amending RCW 9.94A.565 and 10.01.120; and reenacting and amending RCW 9.94A.728.

Referred to Committee on Community Safety, Justice, & Reentry.

**HB 1641** by Representatives Davis, Dent, Leavitt, Harris, Callan, Eslick, Walen, Ortiz-Self, Ramel, Rule, Gregerson and Pollet

AN ACT Relating to enacting policy solutions to address public health challenges of high-potency cannabis products; amending RCW 69.50.535, 69.50.369, 69.50.357, and 69.50.346; and reenacting and amending RCW 69.50.540.

Referred to Committee on Regulated Substances & Gaming.

**HB 1642** by Representatives Davis, Dent, Leavitt, Harris, Callan, Eslick, Walen, Senn, Ramel, Duerr, Gregerson and Pollet

AN ACT Relating to addressing serious physical and behavioral health consequences of high-potency cannabis products by regulating the sale of cannabis concentrates; amending RCW 69.50.357, 69.50.375, and 69.50.325; and creating a new section.

Referred to Committee on Regulated Substances & Gaming.

**HB 1643** by Representatives Riccelli, Slatter, Berry, Lekanoff, Senn, Simmons, Ramel, Timmons, Stonier, Pollet and Doglio

AN ACT Relating to creating the hospital-based nurse student loan repayment assistance program under the Washington health corps; amending RCW 28B.115.010, 28B.115.020, 28B.115.030, 28B.115.080, 28B.115.090, and 28B.115.110; adding a new section to chapter 28B.115 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Postsecondary Education & Workforce.

**HB 1644** by Representatives Walen, Ramel, Duerr, Pollet and Macri

AN ACT Relating to the margin tax; amending RCW 34.05.328, 82.04.020, 82.04.066, 82.04.067, 82.04.080, 82.04.2403, 82.04.310, 82.04.311, 82.04.320, 82.04.322, 82.04.323, 82.04.340, 82.04.350, 82.04.360, 82.04.380, 82.04.390, 82.04.405, 82.04.408, 82.04.4282, 82.04.4283,

82.04.4284, 82.04.4285, 82.04.4286, 82.04.4293, 82.04.4339, 82.04.440, 82.04.4497, 82.04.4499, 82.04.615, 82.04.767, 82.04.261, 82.04.285, 82.04.286, 82.04.29004, 82.04.290, 82.04.510, 82.32.045, 82.32.057, 82.32.090, 9.41.100, 9.46.071, 9.91.180, 28C.18.200, 35.87A.010, 35.102.160, 43.06.400, 43.365.020, 48.14.080, 48.62.151, 48.64.110, 48.180.055, 48.190.100, 49.04.220, 81.112.330, 82.02.250, 82.04.010, 82.04.051, 82.04.062, 82.04.2404, 82.04.280, 82.04.294, 82.04.297, 82.04.324, 82.04.385, 82.04.4265, 82.04.540, 82.04.293, 82.04.4328, 82.04.431, 82.08.0209, 82.08.02807, 82.08.0531, 82.08.052, 82.08.0291, 82.08.0311, 82.08.207, 82.08.806, 82.08.820, 82.08.830, 82.08.965, 82.08.9651, 82.08.970, 82.08.990, 82.12.02749, 82.12.0311, 82.12.970, 82.14B.061, 82.16.0496, 82.16.100, 82.16.325, 82.19.050, 82.29A.137, 82.32.030, 82.32.450, 82.32.534, 82.32.537, 82.32.670, 82.32.710, 82.32.790, 82.45.195, 84.36.645, 84.36.655, 88.46.010, and 90.56.010; reenacting and amending RCW 82.04.299, 43.79.195, 82.04.050, 82.04.170, 82.04.190, and 88.40.011; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; creating new sections; repealing RCW 43.365.050, 82.04.212, 82.04.220, 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.257, 82.04.258, 82.04.260, 82.04.2602, 82.04.263, 82.04.270, 82.04.272, 82.04.29001, 82.04.29002, 82.04.29005, 82.04.2905, 82.04.2906, 82.04.2907, 82.04.2908, 82.04.2909, 82.04.298, 82.04.301, 82.04.315, 82.04.317, 82.04.321, 82.04.326, 82.04.327, 82.04.330, 82.04.331, 82.04.332, 82.04.333, 82.04.334, 82.04.335, 82.04.337, 82.04.338, 82.04.339, 82.04.3395, 82.04.355, 82.04.363, 82.04.367, 82.04.368, 82.04.370, 82.04.392, 82.04.399, 82.04.410, 82.04.415, 82.04.418, 82.04.4201, 82.04.421, 82.04.422, 82.04.423, 82.04.425, 82.04.4251, 82.04.426, 82.04.4261, 82.04.4262, 82.04.4263, 82.04.4264, 82.04.4266, 82.04.4267, 82.04.4268, 82.04.4269, 82.04.427, 82.04.4271, 82.04.4272, 82.04.4274, 82.04.4275, 82.04.4281, 82.04.4287, 82.04.4289, 82.04.4290, 82.04.4291, 82.04.4292, 82.04.4294, 82.04.4295, 82.04.4296, 82.04.4297, 82.04.4298, 82.04.4311, 82.04.432, 82.04.4327, 82.04.433, 82.04.4331, 82.04.4332, 82.04.4337, 82.04.43391, 82.04.43392, 82.04.43393, 82.04.43395, 82.04.43396, 82.04.434, 82.04.4451, 82.04.44525, 82.04.4461, 82.04.4463, 82.04.447, 82.04.448, 82.04.4481, 82.04.4482, 82.04.4486, 82.04.4489, 82.04.449, 82.04.4496, 82.04.4498, 82.04.460, 82.04.462, 82.04.520, 82.04.545, 82.04.600, 82.04.601, 82.04.610, 82.04.620, 82.04.627, 82.04.628, 82.04.635, 82.04.640, 82.04.645, 82.04.650, 82.04.660, 82.04.750, 82.04.755, 82.04.756, 82.04.758, 82.04.765, 82.04.770, 82.04.775, 82.04.900, and 82.32.533; providing an effective date; providing a contingent effective date; providing an expiration date; and providing contingent expiration dates.

Referred to Committee on Finance.

**HB 1645** by Representatives Barnard, Duerr, Connors, Riccelli, Cheney, Hutchins, McClintock, Chambers, McEntire, Sandlin, Eslick, Low, Street, Maycumber, Fitzgibbon, Macri, Reed, Rude, Lekanoff and Ramel

AN ACT Relating to meetings of county legislative authorities; and amending RCW 36.32.080.

Referred to Committee on Local Government.

**HB 1646** by Representatives Schmick and Eslick

AN ACT Relating to promoting lower insurance premiums by creating a variable insurance premiums tax rate that does not exceed two percent; and amending RCW 48.14.020.

Referred to Committee on Consumer Protection & Business.

**HB 1647** by Representatives Chapman and Lekanoff

AN ACT Relating to creating keep Washington evergreen special license plates; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.425; adding a new section to

chapter 46.04 RCW; adding a new section to chapter 46.18 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

HB 1648 by Representatives Reeves, Ryu, Berry, Walen, Simmons, Ramel, Orwall, Duerr, Gregerson, Doglio, Stonier, Pollet and Morgan

AN ACT Relating to ticket sales; amending RCW 19.345.010 and 19.345.020; adding new sections to chapter 19.345 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

HB 1649 by Representatives Hackney, Berry, Taylor, Stonier, Pollet, Macri and Fosse

AN ACT Relating to prejudgment interest; amending RCW 4.56.110; and repealing RCW 4.56.111.

Referred to Committee on Civil Rights & Judiciary.

HB 1650 by Representatives Wylie and Kloba

AN ACT Relating to requiring voter approval for local government prohibitions on the operation and siting of cannabis retail businesses; reenacting and amending RCW 69.50.540; adding new sections to chapter 69.50 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 35A.21 RCW.

Referred to Committee on Regulated Substances & Gaming.

HCR 4402 by Representatives Doglio, Santos, Ryu, Pollet, Bateman, Goodman and Senn

Renaming the Natural Resources Building as the Jennifer Belcher Building.

Referred to Committee on State Government & Tribal Relations.

SB 5003 by Senators Lovick, Robinson, Dhingra, Liias, Nobles, Stanford and Torres

AN ACT Relating to increasing the number of district court judges in Snohomish county; and amending RCW 3.34.010.

Referred to Committee on Civil Rights & Judiciary.

SB 5004 by Senators Pedersen, Padden, Dhingra, Mullet, Nobles and Wilson, J.

AN ACT Relating to making updates to the Washington business corporation act; amending RCW 23B.01.400, 23B.06.210, 23B.10.020, and 23B.11.030; adding a new section to chapter 23B.06 RCW; and adding a new section to chapter 23B.11 RCW.

Referred to Committee on Civil Rights & Judiciary.

SB 5089 by Senators King, Rolfes and Wilson, J.

AN ACT Relating to making changes to factory assembled structures, manufactured or mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and park trailers requirements, including adding board members to the factory assembled structures advisory committee; amending RCW 43.22.420, 43.22A.010, 43.22A.020, 43.22A.080, 43.22A.110, 43.22A.120, 43.22A.140, and 43.22.495; and reenacting and amending RCW 43.22A.005.

Referred to Committee on Labor & Workplace Standards.

SSB 5156 by Senate Committee on Labor & Commerce (originally sponsored by Torres, Dhingra, Hasegawa, Hunt, Muzzall, Nobles, Randall, Rolfes, Schoesler, Shewmake, Wagoner, Warnick, Wellman and Wilson, L.)

AN ACT Relating to expanding the farm internship program; amending RCW 49.12.471, 49.46.010, 50.04.152, and 51.16.243; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

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

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

## REPORTS OF STANDING COMMITTEES

January 26, 2023

HB 1002 Prime Sponsor, Representative Leavitt: Increasing the penalty for hazing. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

January 23, 2023

HB 1007 Prime Sponsor, Representative Paul: Concerning interruptive military service credit for members of the state retirement systems. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

Referred to Committee on Rules for second reading

January 23, 2023

HB 1008 Prime Sponsor, Representative Bronoske: Concerning participating in insurance plans and contracts by separated plan 2 members of certain retirement systems. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.



Referred to Committee on Rules for second reading

January 26, 2023

HB 1047 Prime Sponsor, Representative Mena: Concerning the use of toxic chemicals in cosmetic products. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Without recommendation. Signed by Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Couture; and Goehner.

Referred to Committee on Appropriations

January 23, 2023

HB 1056 Prime Sponsor, Representative Stokesbary: Repealing some postretirement employment restrictions. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1112 Prime Sponsor, Representative Harris: Imposing criminal penalties for negligent driving involving the death of a vulnerable user victim. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Transportation

January 26, 2023

HB 1114 Prime Sponsor, Representative Mosbrucker: Concerning the membership of the sentencing guidelines commission. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1150 Prime Sponsor, Representative Mosbrucker: Creating the offense of unlawful branding of

another person. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1160 Prime Sponsor, Representative Graham: Concerning an aggravating circumstance for the mutilation or dismemberment of a human body. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

January 24, 2023

HB 1176 Prime Sponsor, Representative Slatter: Developing opportunities for service and workforce programs to support climate-ready communities. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Hansen; Klicker; Leavitt; Paul; Pollet and Timmons.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Jacobsen; McEntire; and Schmidt.

Referred to Committee on Appropriations

January 26, 2023

HB 1177 Prime Sponsor, Representative Lekanoff: Creating a missing and murdered indigenous women and people cold case investigations unit. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Appropriations

January 25, 2023

HB 1181 Prime Sponsor, Representative Duerr: Improving the state's response to climate change by updating the state's planning framework. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Berg and Riccelli.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; and Griffey.

Referred to Committee on Appropriations

January 26, 2023

HB 1182 Prime Sponsor, Representative Wylie: Providing a tax exemption for the first 20,000 gallons of wine sold by a winery in Washington. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Morgan; Orwall; Reeves and Walsh.

Referred to Committee on Finance

January 26, 2023

HB 1209 Prime Sponsor, Representative Leavitt: Restricting the possession, purchase, delivery, and sale of certain equipment used to illegally process controlled substances. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

January 25, 2023

HB 1210 Prime Sponsor, Representative Rude: Concerning the recording of school board meetings. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

January 25, 2023

HB 1218 Prime Sponsor, Representative Bergquist: Adding a new caseload for the official caseload forecast for the number of people eligible for the working families' tax credit under RCW 82.08.0206. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1241

Prime Sponsor, Representative Leavitt: Addressing harassment. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Without recommendation. Signed by Representative Graham.

Referred to Committee on Rules for second reading

January 25, 2023

HB 1259

Prime Sponsor, Representative Abbarno: Updating the executive team of the office of the secretary of state by adding signing authority to the chief of staff position. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1299

Prime Sponsor, Representative Chambers: Concerning workforce development in the beverage alcohol industry. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Morgan; Orwall; Reeves and Walsh.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

### MOTION

There being no objection, the Committee on Education was relieved of HOUSE BILL NO. 1368, and the bill was referred to the Committee on Environment & Energy.

There being no objection, the House adjourned until 9:55 a.m., Monday, January 30, 2023, the 22nd Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## TWENTY SECOND DAY

House Chamber, Olympia, Monday, January 30, 2023

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

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

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

**INTRODUCTION & FIRST READING**

HB 1651 by Representatives Reeves and Pollet

AN ACT Relating to debts arising from infractions for standing, stopping, and parking violations, and violations captured by safety cameras; amending RCW 46.16A.120; adding a new section to chapter 19.16 RCW; adding a new section to chapter 46.63 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1652 by Representatives Taylor, Couture and Rule

AN ACT Relating to child support pass through; amending RCW 26.23.035; adding a new section to chapter 74.08A RCW; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 1653 by Representatives Caldier, Walen and Duerr

AN ACT Relating to providing a business and occupation tax exemption for amounts derived from animal adoption fees collected by a nonprofit; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1654 by Representatives Harris, Taylor, Leavitt, Santos, Ramel, Eslick and Macri

AN ACT Relating to enhanced behavior support homes; amending RCW 43.185.020; adding new sections to chapter 43.185 RCW; and creating a new section.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1655 by Representatives Harris and Stonier

AN ACT Relating to provider contract compensation; adding a new section to chapter 48.43 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 1656 by Representatives Schmidt, Fosse, Berry, Robertson, Christian, Ormsby and Riccelli

AN ACT Relating to unemployment insurance benefits appeal procedures; amending RCW 50.32.040; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1657 by Representatives Street, Cheney, Simmons, Taylor, Ormsby and Hutchins

AN ACT Relating to the authority of justices, judges, and judicial officers of federal courts to solemnize marriages; and amending RCW 26.04.050.

Referred to Committee on Civil Rights & Judiciary.

HB 1658 by Representatives Shavers, Santos, Morgan, Ramel, Taylor and Ormsby

AN ACT Relating to authorizing public high school students to earn elective credit for paid work experience; adding a new section to chapter 28A.600 RCW; and creating a new section.

Referred to Committee on Education.

HB 1659 by Representatives Dye and Klicker

AN ACT Relating to preventing carbon market price manipulation; amending RCW 70A.65.290 and 70A.65.100; adding a new section to chapter 43.09 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Environment & Energy.

HB 1660 by Representatives Christian, Riccelli, Hutchins, Schmidt, Couture, Connors, Sandlin, Bergquist, Eslick and Chambers

AN ACT Relating to setting a minimum bid for abandoned recreational vehicles sold at auction; and amending RCW 46.55.130.

Referred to Committee on Transportation.

HB 1661 by Representatives Maycumber, Springer, Robertson, Chapman, Mosbrucker, Rule, Eslick, Taylor and Paul

AN ACT Relating to establishing a pilot project for mobile mental health crisis intervention; creating new sections; and providing an expiration date.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1662 by Representatives Tharinger and Chapman

AN ACT Relating to payments for certain sole community hospitals under medical assistance programs; amending RCW 74.09.5225; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1663 by Representatives Goehner and Steele

AN ACT Relating to allowing port districts that have been functionally consolidated to adopt a unified levy; and adding a new section to chapter 53.08 RCW.

Referred to Committee on Local Government.

HB 1664 by Representatives Goehner, Barnard, Corry, Couture, Dye, Schmidt, Eslick, McClintock, Schmick, Klicker and Dent

AN ACT Relating to ensuring rural representation on the environmental justice council; amending RCW 70A.02.110; adding a new section to chapter 70A.02 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Environment & Energy.

HB 1665 by Representatives Stonier, Santos and Pollet

AN ACT Relating to allowing pharmacists to treat certain conditions; amending RCW 18.64.011; adding a new section to chapter 18.64 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1666 by Representative Reeves

AN ACT Relating to making changes to certain fee and debt collection practices; amending RCW 19.16.100 and 19.16.500; reenacting and amending RCW 19.16.250; adding a new section to chapter 19.200 RCW; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

HB 1667 by Representatives Schmidt, Chapman and Christian

AN ACT Relating to determining the prevailing wage for public works; and amending RCW 39.12.015.

Referred to Committee on Labor & Workplace Standards.

HB 1668 by Representatives Donaghy, Low, Reeves, Ramel, Chambers, Bronoske, Eslick, Chapman, Macri, Schmidt, Kloba, Robertson, Hutchins, Davis and Ryu

AN ACT Relating to restitution for surviving minor children of deceased victims of vehicular homicide; and amending RCW 9.94A.753.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1669 by Representatives Chambers, Riccelli, Robertson, Leavitt, Jacobsen, Graham, Stonier, Reeves, Christian, Chapman, Schmidt, Rule, Eslick, Taylor and Paul

AN ACT Relating to the Washington auto theft prevention authority account; amending RCW 48.14.020, 46.66.080, and 46.63.110; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1670 by Representatives Ormsby, Fitzgibbon, Walen, Macri, Senn, Bergquist, Gregerson, Springer, Goodman, Chopp, Bateman, Wylie, Fey, Ryu, Stonier, Riccelli, Reeves, Duerr, Ramel, Alvarado and Pollet

AN ACT Relating to raising the limit factor for property taxes; amending RCW 84.55.005 and 84.55.100; creating a new section; and repealing RCW 84.55.0101.

Referred to Committee on Finance.

HB 1671 by Representatives Couture, Volz, Sandlin, McEntire, Waters, Klicker, McClintock, Christian, Orcutt, Corry, Walsh, Jacobsen, Mosbrucker, Chambers, Schmidt, Stokesbary and Low

AN ACT Relating to securing honesty and valor of elected representatives and senators; adding a new section to chapter 9A.60 RCW; adding a new section to chapter 29A.32 RCW; and prescribing penalties.

Referred to Committee on State Government & Tribal Relations.

HB 1672 by Representatives Couture, Mosbrucker, Corry, Volz, Christian, McEntire, Walsh and Eslick

AN ACT Relating to a spirits tax exemption on spirits purchased for use as fund-raising prizes by veterans' service organizations; amending RCW 82.08.150; adding a new section to chapter 82.08 RCW; and creating a new section.

Referred to Committee on Regulated Substances & Gaming.

HB 1673 by Representatives McEntire, Leavitt, Rule and Pollet

AN ACT Relating to supporting child welfare workers; amending RCW 74.14B.010; reenacting and amending RCW 74.14B.005; and adding a new section to chapter 74.14B RCW.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1674 by Representatives Ramel, Fey, Peterson, Reed, Berry, Duerr and Kloba

AN ACT Relating to improving protections for pedestrians and other vulnerable roadway users from dangers posed by certain pickup trucks and sport utility vehicles; amending RCW 46.70.180, 46.61.190, 46.61.235, 46.61.245, 46.61.400, 46.61.440, 46.61.145, 2.68.040, and 46.63.110; reenacting and amending RCW 3.62.090; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.01 RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 43.59 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 1675 by Representatives McEntire and Eslick

AN ACT Relating to establishing a school safety dashboard; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Education.

HB 1676 by Representatives Senn, Couture, Taylor, Stonier, Pollet, Callan, Rule, Goodman and Kloba

AN ACT Relating to special education early support for infants and toddlers; and amending RCW 43.216.580.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1677 by Representatives Walsh, Gregerson and Pollet

AN ACT Relating to improving transparency in campaign finance disclosure; and amending RCW 42.17A.205, 42.17A.207, 42.17A.235, 42.17A.255, 42.17A.260, 42.17A.265, 42.17A.345, and 42.17A.785.

Referred to Committee on State Government & Tribal Relations.

HB 1678 by Representatives Riccelli, Lekanoff, Stonier, Morgan, Bateman, Macri, Ormsby, Slatter, Entenman, Ramos, Peterson, Tharinger, Chopp, Ryu, Pollet, Davis, Harris, Taylor, Simmons, Kloba and Gregerson

AN ACT Relating to establishing and authorizing the profession of dental therapy to practice in federally qualified health centers and look-alikes; amending RCW 18.32.030, 18.32.0351, 18.120.020, 18.130.040, 18.260.010, 18.260.040, 18.260.070, 18.260.080, 69.41.010, and 69.41.030; reenacting and amending RCW 43.70.442; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1679 by Representatives Rule, Eslick, Reeves, Gregerson and Pollet

AN ACT Relating to modifying and extending requirements of a work group convened to address the needs of students in foster care, experiencing homelessness, or both, by adding reporting and other requirements related to students in or exiting institutional education facilities; amending RCW 28A.300.544; and providing an expiration date.

Referred to Committee on Human Services, Youth, & Early Learning.

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

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

**REPORTS OF STANDING COMMITTEES**

January 26, 2023

HB 1013 Prime Sponsor, Representative Maycumber: Establishing regional apprenticeship programs. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

January 26, 2023

HB 1015 Prime Sponsor, Representative Santos: Concerning minimum employment requirements for paraeducators. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1033 Prime Sponsor, Representative Walen: Evaluating compostable product usage in Washington. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Ybarra, Assistant Ranking Minority Member; Berry; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Without recommendation. Signed by Representatives Dye, Ranking Minority Member; Abbarno; Barnard; and Couture.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1074 Prime Sponsor, Representative Thai: Addressing documentation and processes governing landlords' claims for damage to residential premises. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Bateman; Chopp; Entenman; Reed and Taylor.

MINORITY recommendation: Do not pass. Signed by Representatives Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; and Low.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis; and Hutchins.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1085 Prime Sponsor, Representative Mena: Reducing plastic pollution. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Barnard; Berry; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Assistant Ranking Minority Member; Abbarno; and Couture.

Referred to Committee on Appropriations

January 26, 2023

HB 1109 Prime Sponsor, Representative Senn: Providing funding for school districts for special education. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

January 26, 2023

HB 1113 Prime Sponsor, Representative Harris: Reviewing reprimands for professional educators. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1121 Prime Sponsor, Representative Goodman: Concerning the uniform child abduction prevention act. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude and Walen.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1124 Prime Sponsor, Representative Peterson: Protecting tenants from excessive rent and related fees by providing at least six months' notice for rent increases over a certain amount, allowing tenants the right to terminate a tenancy without penalty, and limiting late fees. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Bateman; Chopp; Entenman; Reed and Taylor.

MINORITY recommendation: Do not pass. Signed by Representatives Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Hutchins; and Low.

Referred to Committee on Rules for second reading

January 25, 2023

HB 1128 Prime Sponsor, Representative Bateman: Raising the residential personal needs allowance. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1133 Prime Sponsor, Representative Chapman: Establishing limitations on detached accessory dwelling units outside urban

growth areas. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Alvarado, Vice Chair; and Bateman.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1163 Prime Sponsor, Representative Fey: Exempting certain leasehold interests in arenas with a seating capacity of more than 2,000 from the leasehold excise tax. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Walen and Wylie.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1170 Prime Sponsor, Representative Street: Improving climate resilience through updates to the state's integrated climate response strategy. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Without recommendation. Signed by Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Couture; and Goehner.

Referred to Committee on Appropriations

January 26, 2023

HB 1171 Prime Sponsor, Representative Mosbrucker: Modifying the motorcycle safety education advisory board. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1191

Prime Sponsor, Representative Springer: Reauthorizing the business and occupation tax deduction for cooperative finance organizations. Reported by Committee on Finance

Referred to Committee on Rules for second reading

January 26, 2023

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Walen and Wylie.

HB 1237

Prime Sponsor, Representative Robertson: Redistributing the vehicle identification number inspection fee. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1207

Prime Sponsor, Representative Senn: Preventing and responding to harassment, intimidation, bullying, and discrimination in schools. Reported by Committee on Education

Referred to Committee on Rules for second reading

January 27, 2023

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Stonier and Timmons.

HB 1262

Prime Sponsor, Representative Walen: Establishing a lump sum reporting system. Reported by Committee on Civil Rights & Judiciary

MINORITY recommendation: Do not pass. Signed by Representatives McEntire, Assistant Ranking Minority Member; and Steele.

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude and Walen.

MINORITY recommendation: Without recommendation. Signed by Representative Sandlin.

Referred to Committee on Rules for second reading

January 26, 2023

Referred to Committee on Rules for second reading

January 27, 2023

HB 1222

Prime Sponsor, Representative Orwall: Requiring coverage for hearing instruments. Reported by Committee on Health Care & Wellness

HB 1277

Prime Sponsor, Representative Donaghy: Establishing rules to improve the consistency and quality of the implementation of the fundamental courses of study for paraeducators. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier and Tharinger.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; and Harris.

Referred to Committee on Rules for second reading

January 27, 2023

MINORITY recommendation: Without recommendation. Signed by Representative Graham.

Referred to Committee on Appropriations

January 27, 2023

HB 1284

Prime Sponsor, Representative Corry: Reforming the real estate agency law. Reported by Committee on Consumer Protection & Business

HB 1234

Prime Sponsor, Representative Goodman: Concerning the civil forfeiture of animals seized for abuse or neglect. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude and Walen.

Referred to Committee on Rules for second reading

January 27, 2023

MINORITY recommendation: Without recommendation. Signed by Representative Walsh, Ranking Minority Member.

HB 1312

Prime Sponsor, Representative Rude: Concerning jury service. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude and Walen.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., Tuesday, January 31, 2023, the 23rd Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk



## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## TWENTY THIRD DAY

House Chamber, Olympia, Tuesday, January 31, 2023

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

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

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

**INTRODUCTION & FIRST READING**

HB 1680 by Representative Kretz

AN ACT Relating to protecting intercounty rural library districts' ability to fund public library services through exclusion from tax increment financing apportionment; and amending RCW 39.114.010 and 39.114.050.

Referred to Committee on Finance.

HB 1681 by Representatives Stearns, Lekanoff, Davis, Leavitt, Reeves, Pollet and Orwall

AN ACT Relating to problem gambling; amending RCW 41.05.750, 67.70.340, 82.04.285, 82.04.286, and 9.46.071; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Regulated Substances & Gaming.

HB 1682 by Representatives Maycumber, Chapman, Barnard, Reeves, Riccelli, Bateman, Springer, Volz, Chambers, Mosbrucker, Robertson, Leavitt, Jacobsen, Christian and Rule

AN ACT Relating to the Washington auto theft prevention authority account; and amending RCW 46.66.080.

Referred to Committee on Appropriations.

HB 1683 by Representatives Barnard, Macri, Harris, Walen, Caldier, Gregerson, Christian and Riccelli

AN ACT Relating to health carriers offering dental only coverage; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 1684 by Representatives Slatter and Lekanoff

AN ACT Relating to clarifying procedures for federally recognized tribes to report standard occupational classifications or job titles of workers under the employment security act; and amending RCW 50.12.070.

Referred to Committee on Labor & Workplace Standards.

HB 1685 by Representatives Rule, Dent, Eslick and Pollet

AN ACT Relating to resource and assessment centers; and amending RCW 74.15.311.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1686 by Representatives Lekanoff, Kretz, Chapman, Dent, Doglio, Barkis, Springer, Hutchins, Peterson, Reed, Stokesbary, Fey, Timmons, Robertson, Leavitt, Reeves, Ortiz-Self, Ramel and Pollet

AN ACT Relating to salmon recovery reform; reenacting and amending RCW 44.04.260; adding new sections to chapter 44.04 RCW; and creating a new section.

Referred to Committee on Agriculture and Natural Resources.

HB 1687 by Representatives Eslick, Goodman, Low, Robertson, Leavitt, Bronoske, Barkis and Dent

AN ACT Relating to vehicle service fees; amending RCW 46.17.040; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1688 by Representatives Hackney and Barkis

AN ACT Relating to payments to tow truck operators for the release of vehicles to indigent citizens; amending RCW 46.55.115 and 46.55.120; and adding a new section to chapter 46.55 RCW.

Referred to Committee on Transportation.

HB 1689 by Representatives Doglio, Bateman and Pollet

AN ACT Relating to forest practices in cities; amending RCW 76.09.240; and creating a new section.

Referred to Committee on Agriculture and Natural Resources.

HB 1690 by Representatives Reeves, Leavitt and Jacobsen

AN ACT Relating to creating exemptions from certificate of need requirements for kidney disease centers due to temporary emergency situations; and adding a new section to chapter 70.38 RCW.

Referred to Committee on Health Care & Wellness.

HB 1691 by Representatives Connors, Chapman, Maycumber, Robertson, Rude, Couture, Sandlin, Volz, McClintock, Graham, Cheney, McEntire, Corry, Schmidt, Hutchins, Low, Klicker, Jacobsen, Barnard, Eslick, Christian and Barkis

AN ACT Relating to expanding penalties for the crime of attempting to elude a pursuing police vehicle; amending RCW 46.61.024, 9.94A.515, and 9.94A.834; reenacting and amending RCW 9.94A.533; and prescribing penalties.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1692 by Representatives Bergquist, Christian, Gregerson, Santos, Pollet, Macri and Simmons

AN ACT Relating to increasing youth engagement in the legislative process by creating student advisory groups to examine issues important to youth; amending RCW 43.15.095; adding a new section to chapter 28A.345 RCW;

adding a new chapter to Title 44 RCW; and creating a new section.

Referred to Committee on Education.

HB 1693 by Representatives Lekanoff, Chopp, Reed, Leavitt, Reeves, Eslick, Ortiz-Self, Ramel, Pollet, Macri and Timmons

AN ACT Relating to expanding the students experiencing homelessness and foster youth pilot program; and amending RCW 28B.50.916 and 28B.77.850.

Referred to Committee on Appropriations.

HB 1694 by Representatives Alvarado, Tharinger, Berry, Lekanoff, Reed, Leavitt, Fitzgibbon, Callan, Santos, Chopp, Ortiz-Self, Senn, Taylor, Pollet, Macri, Riccelli and Simmons

AN ACT Relating to addressing home care workforce shortages; amending RCW 18.88B.021, 18.88B.031, 18.88B.041, and 74.39A.076; reenacting and amending RCW 18.88B.010; adding a new section to chapter 74.39A RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 1695 by Representatives Alvarado, Lekanoff, Reed, Santos, Senn, Ramel, Pollet, Macri and Simmons

AN ACT Relating to defining affordable housing for purposes of using surplus public property for public benefit; and amending RCW 39.33.015.

Referred to Committee on Housing.

HB 1696 by Representatives Davis, Mosbrucker, Orwall, Griffey, Duerr, Reed, Leavitt, Barnard, Walen, Eslick, Ramel and Pollet

AN ACT Relating to stalking-related offenses; amending RCW 9A.46.110; and repealing RCW 9A.90.130.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1697 by Representatives Walsh, Corry, Eslick, Schmick, Jacobsen and Schmidt

AN ACT Relating to making the early achievers quality rating and improvement system voluntary; amending RCW 26.44.272, 43.216.085, 43.216.087, 43.216.089, 43.216.090, 43.216.110, 43.216.255, 43.216.515, 43.216.555, 43.216.578, 43.216.578, 43.216.742, and 43.31.575; reenacting and amending RCW 43.216.135; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services, Youth, & Early Learning.

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

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

## REPORTS OF STANDING COMMITTEES

January 27, 2023

HB 1019 Prime Sponsor, Representative Dent: Creating the pesticide advisory board. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1051 Prime Sponsor, Representative Leavitt: Concerning robocalling and telephone scams. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Chapman; Donaghy; Hackney; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives Cheney; Connors; and Sandlin.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1058 Prime Sponsor, Representative Paul: Streamlining the licensing process for a commercial driver's license by allowing the department to waive requirements for applicants that previously surrendered the license, allowing the license to be renewed online, and modifying the license test fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1069 Prime Sponsor, Representative Leavitt: Adopting the mental health counselor compact. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1073 Prime Sponsor, Representative Harris: Concerning medical assistants. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick, Ranking Minority Member; and Graham.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1080 Prime Sponsor, Representative Taylor: Concerning body worn cameras. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Cheney; Entenman; Goodman; Peterson; Rude and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1088 Prime Sponsor, Representative Walen: Concerning the uniform family law arbitration act. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude and Walen.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1089 Prime Sponsor, Representative Orwall: Supporting adults with lived experience of sex trafficking. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Appropriations

January 27, 2023

HB 1094 Prime Sponsor, Representative Stonier: Creating the Washington future fund program. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Callan; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Do not pass. Signed by Representatives Eslick, Ranking Minority Member; and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Couture, Assistant Ranking Minority Member; and Dent.

Referred to Committee on Appropriations

January 27, 2023

HB 1143 Prime Sponsor, Representative Berry: Concerning requirements for the purchase or transfer of firearms. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; and Rude.

Referred to Committee on Appropriations

January 27, 2023

HB 1169 Prime Sponsor, Representative Simmons: Concerning legal financial obligations. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; and Rude.

Referred to Committee on Appropriations

January 27, 2023

HB 1197 Prime Sponsor, Representative Bronoske: Defining attending provider and clarifying other provider functions for workers' compensation claims, and adding psychologists as attending providers for mental health only claims. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Appropriations

January 27, 2023

HB 1200 Prime Sponsor, Representative Alvarado: Requiring public employers to provide employee information to exclusive bargaining representatives. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

January 25, 2023

HB 1202 Prime Sponsor, Representative Ormsby: Eliminating accounts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1204 Prime Sponsor, Representative Callan: Implementing the family connections program. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Appropriations

January 27, 2023

HB 1221 Prime Sponsor, Representative Stearns: Concerning the privacy of lottery players. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson and Mena.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1226 Prime Sponsor, Representative Chapman: Providing for recreational licensing of smelt, crawfish, and carp. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Kloba; Lekanoff and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Kretz; Orcutt; and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1232 Prime Sponsor, Representative Bergquist: Enhancing the college bound scholarship program. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Waters, Assistant Ranking Minority Member; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Ranking Minority Member; and Chandler.

Referred to Committee on Appropriations

January 27, 2023

HB 1235 Prime Sponsor, Representative Chapman: Modifying miscellaneous provisions impacting department of fish and wildlife licensing requirements. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kloba; Lekanoff; Orcutt and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Chandler, Assistant Ranking Minority Member; Kretz; and Schmick.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1240 Prime Sponsor, Representative Peterson: Establishing firearms-related safety measures to increase public safety. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; and Rude.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1251 Prime Sponsor, Representative Stonier: Concerning water systems' notice to customers of public health considerations. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner,

Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1267 Prime Sponsor, Representative Tharinger: Concerning rural public facilities sales and use tax. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Finance

January 27, 2023

HB 1287 Prime Sponsor, Representative Thai: Concerning dental hygienists. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1288 Prime Sponsor, Representative Reeves: Concerning the department of veterans affairs. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

January 27, 2023

HB 1296 Prime Sponsor, Representative Peterson: Concerning consolidating local permit review processes. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Appropriations

January 26, 2023

HB 1302 Prime Sponsor, Representative Timmons: Concerning the vehicle report of sale. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority

Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1306 Prime Sponsor, Representative Tharinger: Addressing equity and efficiencies in public works procurement including modifying small works roster requirements. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

January 27, 2023

HB 1326 Prime Sponsor, Representative Cortes: Waiving municipal utility connection charges for certain properties. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

MINORITY recommendation: Without recommendation. Signed by Representative Goehner, Ranking Minority Member.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1327 Prime Sponsor, Representative Caldier: Concerning faculty in dental schools. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1340 Prime Sponsor, Representative Riccelli: Concerning actions by health professions disciplining authorities against license applicants and license holders. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Hutchins, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Orwall; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Barnard; Graham; and Mosbrucker.

There being no objection, the House adjourned until 10:30 a.m., Wednesday, February 1, 2023, the 24th Day of the 2023 Regular Session.

MINORITY recommendation: Without recommendation. Signed by Representative Maycumber.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

Referred to Committee on Rules for second reading

January 27, 2023

HB 1352 Prime Sponsor, Representative Stearns: Authorizing tribal investment in county investment pools. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goechner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1469 Prime Sponsor, Representative Hansen: Concerning access to reproductive health care services and gender-affirming treatment in Washington state. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; and Rude.

MINORITY recommendation: Without recommendation. Signed by Representative Cheney.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

### MOTIONS

There being no objection, the Committee on Community Safety, Justice, & Reentry was relieved of HOUSE BILL NO. 1380, and the bill was referred to the Committee on Appropriations.

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1103  
HOUSE BILL NO. 1128  
HOUSE BILL NO. 1210

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the suspension calendar:

HOUSE BILL NO. 1007  
HOUSE BILL NO. 1049  
HOUSE BILL NO. 1107

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## TWENTY FOURTH DAY

House Chamber, Olympia, Wednesday, February 1, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Washington National Guard Color Guard. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Chaplain Jeff Owen, Washington National Guard.

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

The National Anthem was performed by Master Sergeant Tracy Thurston, Washington Air National Guard.

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4610**, by Representatives Jinkins, Wilcox, Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gochner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, and Ybarra

WHEREAS, The Washington National Guard, with more than eight thousand serving members, continues to showcase their loyalty in service to their state and the country as guardians of American interests at home and abroad; and

WHEREAS, These steadfast leaders imbue their historic duty by volunteering their time and putting aside their personal lives to support their country, their state, and those in need; and

WHEREAS, The Guard, through its diligent counsel, continues to respect the principles of diversity, equity, and inclusion as Washington state seeks to move beyond the global Coronavirus pandemic without forgetting the most vulnerable; and

WHEREAS, The Guard displays the value of selfless service by being ready to respond to floods, wildfires, and other natural disasters, as the Washington National Guard showcased in their relief efforts in Lewis County and Leavenworth, helping communities deal with rising water levels and record snow fall; and

WHEREAS, The Guard continues to honor the sanctity of our democracy by providing additional security to guard against cyber threats to elections; and

WHEREAS, Integrity continues to float atop the Washington National Guard's principle concerns as evidenced by the wide range of educational services and youth and community activities the Guard has long committed to providing to enrich the quality and prosperity of life in the evergreen state; and

WHEREAS, Washington National Guard soldiers continue to personify the value of personal courage by providing critical support to missions both foreign and domestic and bravely putting their lives on the line to protect our freedoms, safeguard our lives, and ensure the continued prosperity of our democracy; and

WHEREAS, These citizen soldiers in the Washington National Guard, who reside in every legislative district, provide the leadership and value-driven service that protects Washington state and allows the economy to thrive, distributing much needed resources to the citizens and communities that inhabit this most prosperous and environmentally conscious state – a beacon for the nation;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state House of Representatives extend its sincerest appreciation to our soldiers in the Washington National Guard and to the passionate devotion of their families and dedicated employers, whose assistance ensures the Guard's missions are always completed with direct leadership and unremitting personal courage; and

BE IT FURTHER RESOLVED, That the House of Representatives duly recognize the value of a strong Washington National Guard to the strength, stability, and economic vitality of this state, not only through its vital state emergency and disaster relief mission, but also through its value-driven community services that continue to benefit local communities, providing access to education, productive employment, and helping individuals live healthy, meaningful lives; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Adjutant General of the Washington National Guard, the Governor of the state of Washington, and the Secretaries of the United States Army and Air Force.

Representative Bronoske moved adoption of HOUSE RESOLUTION NO. 4610.

Representatives Bronoske, Couture, Donaghy and Graham spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4610 was adopted.

## SPEAKER'S PRIVILEGE

The Speaker (Representative Orwall presiding) is pleased to recognize and thank Major General Bret Daugherty, the Adjutant General; Colonel Lita Rakhra, Deputy Chief of Staff Washington National Guard; Colonel Chris Blanco, Director of Personnel, Washington Army National Guard and members of the Washington National Guard.

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

## INTRODUCTION &amp; FIRST READING

HB 1698 by Representatives Kretz, Chapman, Lekanoff, Dent, Maycumber, Springer, Morgan and Eslick

AN ACT Relating to providing flexibility for the department of fish and wildlife to collaborate with local governments to manage gray wolves; amending RCW 77.12.020; adding a new section to chapter 36.01 RCW; and creating a new section.

Referred to Committee on Agriculture and Natural Resources.

HB 1699 by Representatives Kretz, Chapman, Lekanoff, Schmick, Springer, Dent and Morgan

AN ACT Relating to establishing salaries for the Washington fish and wildlife commission; amending RCW 77.04.060 and 43.03.310; and creating a new section.

Referred to Committee on Agriculture and Natural Resources.

HB 1700 by Representatives Kretz, Chapman, Dent, Barnard, Ormsby and Timmons

AN ACT Relating to establishing a memorial on the capitol campus to commemorate eastern Washington; and adding new sections to chapter 43.34 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1701 by Representatives Callan, Stonier, Simmons, Senn, Reed, Kloba, Pollet, Santos, Ortiz-Self, Ormsby, Macri and Bergquist

AN ACT Relating to assigning the superintendent of public instruction the responsibility for the delivery and oversight of basic education services to justice-involved youth served through institutional education programs in facilities that are not under the jurisdiction of the department of social and health services; amending RCW 28A.300.040; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.190 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Education.

HB 1702 by Representatives Orcutt, Abbarno, Volz and Jacobsen

AN ACT Relating to imposing a local sales tax wholly credited against the state sales tax to support programs for senior citizens; adding a new section to chapter 82.14 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Local Government.

HB 1703 by Representatives Orcutt, Abbarno, Volz, Jacobsen and Eslick

AN ACT Relating to imposing local property tax levies wholly credited against the state property tax to provide support and services for veterans' assistance and for persons with developmental disabilities or mental health needs; amending RCW 71.20.110 and 73.08.080; providing an effective date; and declaring an emergency.

Referred to Committee on Local Government.

HB 1704 by Representatives Orcutt, Barnard, Volz, Jacobsen and Eslick

AN ACT Relating to reducing the state sales and use tax rate; amending RCW 82.08.020; and providing an effective date.

Referred to Committee on Finance.

HB 1705 by Representatives Griffey, Couture and Wylie

AN ACT Relating to stormwater control facilities and county jurisdiction; and amending RCW 36.89.050 and 36.89.080.

Referred to Committee on Local Government.

HB 1706 by Representatives Entenman, Chapman, Ramel, Jacobsen, Reed, Doglio, Thai, Ryu, Fitzgibbon, Bateman, Fey, Berry, Orwall, Callan, Robertson, Ormsby, Eslick, Duerr, Slatter and Macri

AN ACT Relating to the operation, authorization, and permitting of microenterprise home kitchens; adding a new

section to chapter 69.07 RCW; adding a new section to chapter 70.54 RCW; adding a new chapter to Title 69 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Local Government.

HB 1707 by Representatives Kloba, Reed and Eslick

AN ACT Relating to bingo conducted by bona fide charitable or nonprofit organizations; and amending RCW 9.46.0205.

Referred to Committee on Regulated Substances & Gaming.

HB 1708 by Representatives Volz, Abbarno, Walsh, Schmidt, Schmick, Corry, Couture, Hutchins, Harris, Dent, Low, Klicker, Cheney, McClintock, Chambers, Robertson, Barnard, Sandlin, Jacobsen and Eslick

AN ACT Relating to requiring each ballot to have a unique serial number that permits a voter to view their voted ballot through an online portal; amending RCW 29A.40.091, 29A.40.130, and 42.56.420; and adding a new section to chapter 29A.40 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1709 by Representatives Tharinger, Macri, Alvarado, Ramel and Reed

AN ACT Relating to housing programs administered by the department of commerce; amending RCW 43.185.010, 43.185.030, 43.185.070, 43.185.074, 43.185.080, 43.185A.010, 43.185A.020, 43.185A.060, 43.185A.070, 18.85.311, 31.04.025, 39.35D.080, 43.63A.680, 43.79.201, 43.185C.200, 43.185C.210, 47.12.063, 59.24.060, 82.14.400, and 82.45.100; reenacting and amending RCW 43.185.050; adding new sections to chapter 43.185A RCW; adding a new section to chapter 42.56 RCW; adding a new section to chapter 43.185B RCW; recodifying RCW 43.185.010, 43.185.030, 43.185.050, 43.185.070, 43.185.074, 43.185.080, and 43.185.110; and repealing RCW 43.185.015, 43.185.020, 43.185.060, 43.185.076, 43.185.090, 43.185.100, 43.185.120, 43.185.130, 43.185.140, 43.185.910, 43.185A.030, 43.185A.050, 43.185A.080, 43.185A.090, 43.185A.100, 43.185A.110, 43.185A.120, and 43.185A.900.

Referred to Committee on Capital Budget.

HB 1710 by Representatives Rude, Stokesbary, Sandlin, Jacobsen and Eslick

AN ACT Relating to using COVID-19 relief funding on high quality tutoring and rigorous extended learning programs; creating new sections; making an appropriation; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1711 by Representatives Chapman, Tharinger, Lekanoff, Ryu, Callan, Reed, Volz, Kloba, Stearns, Stokesbary and Santos

AN ACT Relating to providing a sales and use tax exemption related to internet and telecommunications infrastructure projects involving a federally recognized Indian tribe; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Finance.

HB 1712 by Representatives Schmick and Chapman

AN ACT Relating to protecting workers displaced as a result of finfish aquaculture facility closures; and amending RCW 50.04.075.



Referred to Committee on Labor & Workplace Standards.

HB 1713 by Representatives Maycumber, Chapman, Mosbrucker, Walsh, Ybarra, Tharinger, McEntire, Graham, Sandlin, Volz, Griffey, Couture, Kretz, Dent, Schmick, Barnard, Eslick and Timmons

AN ACT Relating to increasing access to health care services in rural and underserved areas of the state; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care & Wellness.

HB 1714 by Representatives Stonier, Senn, Callan, Kloba, Santos, Bergquist and Timmons

AN ACT Relating to allowing school districts to apply for financial literacy education professional development grants for three or fewer school years; and amending RCW 28A.300.466.

Referred to Committee on Appropriations.

HB 1715 by Representatives Davis, Mosbrucker, Duerr, Griffey, Walen, Lekanoff, Morgan, Callan, Ramel, Thai, Rule, Ryu, Kloba, Chopp, Pollet, Chapman, Mena, Cortes, Eslick, Bergquist and Fey

AN ACT Relating to enacting comprehensive protections for victims of domestic violence and other violence involving family members or intimate partners; amending RCW 10.97.050, 10.21.050, 7.105.155, 7.105.255, 7.105.450, 7.105.500, 10.99.020, 10.99.033, 10.99.040, 10.99.045, 10.99.100, 9.41.340, 9.41.345, 9.41.800, 9.41.801, 9.41.804, 7.105.340, 40.24.030, 42.17A.710, and 10.31.100; reenacting and amending RCW 7.105.310 and 10.99.030; adding a new section to chapter 10.99 RCW; adding new sections to chapter 2.56 RCW; adding new sections to chapter 43.101 RCW; adding new sections to chapter 2.53 RCW; adding a new section to chapter 7.105 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 43.20A RCW; and adding a new section to chapter 28B.20 RCW.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1716 by Representatives Rule, Corry, Stokesbary, Reeves, Chapman, Jacobsen and Eslick

AN ACT Relating to supporting employers providing child care assistance to employees by establishing a business and occupation tax credit for businesses and requiring the department of revenue to provide a report to the legislature; adding a new section to chapter 82.04 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Finance.

HB 1717 by Representatives Rule, Corry, Paul, Stonier, Chapman, Duerr and Timmons

AN ACT Relating to supporting innovation at associate development organizations; adding new sections to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1718 by Representatives Rule, Mena, Leavitt, Paul, Bronoske, Lekanoff, Reed, Pollet and Timmons

AN ACT Relating to creating the "parks Rx" health and wellness pilot programs; creating new sections; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1719 by Representatives Walsh and Jacobsen

AN ACT Relating to modifying the hours of operation for the Interstate 405 express toll lanes and high occupancy vehicle lanes; amending RCW 47.52.025 and 47.56.880; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

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

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

## REPORTS OF STANDING COMMITTEES

January 27, 2023

HB 1186 Prime Sponsor, Representative Rule: Making permanent and expanding the child welfare housing assistance program. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent; and Walsh.

Referred to Committee on Appropriations

January 27, 2023

HB 1188 Prime Sponsor, Representative Senn: Concerning individuals with developmental disabilities that have also received child welfare services. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Appropriations

January 31, 2023

HB 1297 Prime Sponsor, Representative Reeves: Establishing a task force of the geoduck comanagers to identify harvest opportunities to promote tribal treaty rights to geoduck and enhance state geoduck harvest opportunities. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Appropriations

January 31, 2023

**HB 1322**

Prime Sponsor, Representative Rude:  
Concerning the Walla Walla water 2050 plan.  
Reported by Committee on Agriculture and  
Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Capital Budget

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

**SECOND READING**

**HOUSE BILL NO. 1103, by Representatives Fey, Barkis and Wylie**

**Avoiding interest arbitrage charges on bond proceeds in the capital vessel replacement account.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1103 was substituted for House Bill No. 1103 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1103 was read the second time.

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

Representatives Fey and Barkis spoke in favor of the passage of the bill.

**MOTION**

On motion of Representative Ramel, Representative Taylor was excused.

Representative Leavitt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1103.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1103, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt,

Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Taylor

SUBSTITUTE HOUSE BILL NO. 1103, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1128, by Representatives Bateman, Reed, Taylor, Doglio, Macri, Caldier, Simmons, Thai, Bergquist, Wylie, Kloba, Ormsby and Tharinger**

**Raising the residential personal needs allowance.**

The bill was read the second time.

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

Representatives Bateman and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1128.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1128, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Taylor

HOUSE BILL NO. 1128, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1210, by Representatives Rude, Callan, Fey and Bergquist**

**Concerning the recording of school board meetings.**

The bill was read the second time.

Representative Rude moved the adoption of amendment (004):

On page 3, beginning on line 11, after "for" strike all material through "years" on line 12 and insert "at least one year"

Representatives Rude and Ramos spoke in favor of the adoption of the amendment.

Amendment (004) was adopted.

The bill was ordered engrossed.

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

Representatives Rude and Ramos spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1210.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1210, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Schmick  
Excused: Representative Taylor

ENGROSSED HOUSE BILL NO. 1210, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1007, by Representatives Paul, Stokesbary, Bergquist, Leavitt, Simmons, Griffey, Callan, Doglio, Timmons, Reeves, Bronoske, Shavers, Riccelli and Ormsby**

**Concerning interruptive military service credit for members of the state retirement systems.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1007 was substituted for House Bill No. 1007 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1007 was read the second time.

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

Representatives Paul and Couture spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1007.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1007, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli,

Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Taylor

SUBSTITUTE HOUSE BILL NO. 1007, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1049, by Representatives Doglio, Bateman, Riccelli and Ormsby**

**Updating timelines for adopting county commissioner district boundaries following expansion from three to five commissioners.**

The bill was read the second time.

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

Representatives Doglio and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1049.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1049, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Taylor

HOUSE BILL NO. 1049, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Bateman congratulated Representative Doglio on the passage of her first bill through the House since returning to the body, and asked the Chamber to acknowledge her accomplishment.

#### SECOND READING

**HOUSE BILL NO. 1107, by Representatives Fosse, Reed, Berry, Ramel, Doglio, Simmons, Reeves, Kloba, Riccelli and Ormsby**

**Concerning removing the terms "master" and "servant" from Titles 50 and 50A.**

The bill was read the second time.

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

Representatives Fosse and Connors spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1107.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1107, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Taylor

HOUSE BILL NO. 1107, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Cortes congratulated Representative Fosse on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

#### SECOND READING

**HOUSE BILL NO. 1218, by Representatives Bergquist, Stokesbary, Tharinger, Doglio and Macri**

**Adding a new caseload for the official caseload forecast for the number of people eligible for the working families' tax credit under RCW 82.08.0206.**

The bill was read the second time.

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

Representatives Bergquist and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1218.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1218, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt,

Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Taylor

HOUSE BILL NO. 1218, having received the necessary constitutional majority, was declared passed.

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

#### MOTIONS

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1015  
HOUSE BILL NO. 1120  
HOUSE BILL NO. 1326

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the suspension calendar:

HOUSE BILL NO. 1165  
HOUSE BILL NO. 1237  
HOUSE BILL NO. 1287  
HOUSE BILL NO. 1302

There being no objection, the House adjourned until 10:30 a.m., Wednesday, February 1, 2023, the 24th Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

TWENTY FIFTH DAY

House Chamber, Olympia, Thursday, February 2, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Karsten Stuyt and Sommer Zurinkas. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Chaplain Dave Wright, University of Puget Sound.

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

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

MESSAGES FROM THE SENATE

Wednesday, February 1, 2023

Mme. Speaker:

The Senate has passed:

- SENATE BILL NO. 5000
- SUBSTITUTE SENATE BILL NO. 5028
- SENATE BILL NO. 5036
- SENATE BILL NO. 5065
- SUBSTITUTE SENATE BILL NO. 5081
- SUBSTITUTE SENATE BILL NO. 5087
- SUBSTITUTE SENATE BILL NO. 5121
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5173
- SUBSTITUTE SENATE BILL NO. 5208
- SUBSTITUTE SENATE BILL NO. 5210
- SUBSTITUTE SENATE BILL NO. 5286
- ENGROSSED SENATE BILL NO. 5336

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Wednesday, February 1, 2023

Mme. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8403

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

Wednesday, February 1, 2023

Mme. Speaker:

The Senate reconsidered the following measures and, pursuant to Article 3, Section 12 of the State Constitution, passed the measures over the Governor's objections:

- ENGROSSED SENATE BILL NO. 5017 (2021)
- SUBSTITUTE SENATE BILL NO. 5810 (2022)

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

INTRODUCTION & FIRST READING

HB 1720 by Representatives Chapman, Dent, Lekanoff, Kretz, Volz, Klicker, Schmidt, Schmick, Couture, Goehner, Chambers, Ybarra, Stokesbary, Robertson, Sandlin, Christian, Reeves, Morgan, Orcutt, Corry, Barkis, Graham, Dye, Hutchins and Cheney

AN ACT Relating to the protection and restoration of riparian areas through the establishment of a fully voluntary, regionally focused riparian grant program designed to improve the ecological functions of critical riparian management zones; adding a new section to chapter 89.08 RCW; adding a new section to chapter 77.85 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture and Natural Resources.

HB 1721 by Representatives Paul, Stokesbary, Leavitt, Graham, Reed, Santos, Pollet, Shavers and Bergquist

AN ACT Relating to skill center class size; amending RCW 28A.150.260 and 28A.150.260; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1722 by Representatives Doglio, Chapman, Leavitt, Christian and Reed

AN ACT Relating to compensation for tow truck operators for keeping the public roadways clear; and amending RCW 46.44.110.

Referred to Committee on Transportation.

HB 1723 by Representatives Duerr, Taylor, Morgan, Gregerson, Ramel, Reed, Santos, Pollet and Macri

AN ACT Relating to equity and environmental justice in the growth management act; amending RCW 36.70A.020, 36.70A.030, and 36.70A.140; and reenacting and amending RCW 36.70A.070 and 36.70A.130.

Referred to Committee on Local Government.

HB 1724 by Representatives Bateman, Macri, Taylor, Berry, Tharinger, Slatter, Callan, Leavitt, Reed and Shavers

AN ACT Relating to increasing the trained behavioral health workforce; amending RCW 18.83.170, 18.205.140, 18.225.090, and 18.225.140; adding a new section to chapter 28C.18 RCW; adding a new section to chapter 18.130 RCW; adding a new section to chapter 18.225 RCW; and declaring an emergency.

Referred to Committee on Postsecondary Education & Workforce.

HB 1725 by Representatives Maycumber, Riccelli, Fosse, Doglio, Tharinger, Stonier, Barnard, Hutchins, Graham, Mosbrucker, Christian, Reeves, Walen, Gregerson, Ormsby, Reed, Schmidt, Pollet, Cheney, Shavers, Macri and Leavitt

AN ACT Relating to increased access to insulin for individuals under the age of 21; reenacting and amending RCW 39.26.125; adding new sections to chapter 70.14 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 74.09 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1726 by Representatives Bronoske, Robertson, Griffey, Rule, Leavitt, Schmidt, Chapman, Ryu, Reeves, Graham, Ormsby, Paul and Reed

AN ACT Relating to the director of fire protection's administration and reimbursement of fire service-related training programs; and amending RCW 43.43.934.

Referred to Committee on State Government & Tribal Relations.

HB 1727 by Representatives Chapman, Cheney and Walen

AN ACT Relating to ensuring fairness and consistency for Washington state businesses by leveling the playing field on transaction fees for regulated entities in Washington who process electronic payments; adding a new section to chapter 19.200 RCW; and creating a new section.

Referred to Committee on Consumer Protection & Business.

HB 1728 by Representatives Donaghy, Rule, Reeves, Morgan, Ramel, Reed and Leavitt

AN ACT Relating to creating a statewide resiliency program; adding a new section to chapter 38.52 RCW; and creating a new section.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1729 by Representatives Abbarno, Klicker, Volz, Orcutt, Schmidt and Cheney

AN ACT Relating to creating and expanding tax incentives for the research, development, production, and sale of hydrogen fuel products in Washington state; adding new sections to chapter 82.04 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Finance.

HB 1730 by Representatives Waters, Stonier, Klicker, Low, Couture, Chambers, Ybarra, Barnard, Schmidt, Street, McClintock, Walen, Hutchins, Caldier and Cheney

AN ACT Relating to allowing youth ages 18 and older to work in establishments traditionally classified as off-limits to persons under the age of 21 in certain specific and limited circumstances; amending RCW 66.44.316; creating a new section; and declaring an emergency.

Referred to Committee on Regulated Substances & Gaming.

HB 1731 by Representatives Waters, Stonier, Klicker, Low, Couture, Chambers, Ybarra, Barnard, Schmidt, McClintock, Santos and Hutchins

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

Referred to Committee on Regulated Substances & Gaming.

HB 1732 by Representatives Bergquist, Stonier, Ormsby and Macri

AN ACT Relating to changing the inflation adjustment index for state salary allocations to schools; and amending RCW 28A.400.205.

Referred to Committee on Appropriations.

HB 1733 by Representatives Paul, Klicker, Leavitt, Schmidt, Reed, Pollet and Shavers

AN ACT Relating to degrees in nursing; amending RCW 28B.50.140 and 28B.15.069; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Postsecondary Education & Workforce.

HB 1734 by Representatives Couture, Chapman, Griffey, Robertson, Walsh, Sandlin, Orcutt, Abbarno, McEntire, Maycumber, Stokesbary and Graham

AN ACT Relating to ensuring adequate notice is provided to local communities when the department of social and health services contracts with a housing provider for individuals qualifying for a less restrictive alternative placement; and amending RCW 71.09.097.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1735 by Representatives Lekanoff, Fitzgibbon, Ramel, Pollet and Macri

AN ACT Relating to adding net ecological gain as a voluntary element of comprehensive plans adopted under the growth management act; amending RCW 36.70A.080, 36.70A.030, and 43.88.090; adding new sections to chapter 36.70A RCW; adding new sections to chapter 77.04 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1736 by Representatives Cortes, Fey, Senn, Ryu, Wylie, Slatter, Reed and Pollet

AN ACT Relating to requiring the department of licensing to collect vehicle odometer readings at the time of original vehicle registration and registration renewal; amending RCW 46.16A.040 and 46.16A.110; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

HB 1737 by Representatives Morgan, Street, Kretz, Waters, Reeves, Reed, Entenman, Donaghy, Cheney, Walsh, Wylie, Stearns, Orwall, Taylor, Chapman, Berg, Graham, Gregerson, Ormsby, Ramel, Santos, Caldier, Pollet, Macri and Fosse

AN ACT Relating to enacting the reconciliation act; amending RCW 43.79.567; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 1738 by Representatives Ryu and Pollet

AN ACT Relating to the state universal communication services program; amending RCW 80.36.630, 80.36.650,

80.36.660, 80.36.670, 80.36.680, 80.36.690, and 80.36.700; and providing expiration dates.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1739 by Representatives Dent, Eslick and Schmidt

AN ACT Relating to instruction for child care providers; and adding a new section to chapter 43.216 RCW.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1740 by Representatives Orcutt, Chapman, Dent, Reeves, Morgan, Chandler, Kretz, Klicker, Tharinger, Graham and Cheney

AN ACT Relating to eligibility, enrollment, and compensation of small forestland owners volunteering for participation in the forestry riparian easement program; and amending RCW 76.13.120, 76.13.130, and 76.13.140.

Referred to Committee on Agriculture and Natural Resources.

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

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

**REPORTS OF STANDING COMMITTEES**

January 31, 2023

HB 1097 Prime Sponsor, Representative Walen: Concerning the sale of cosmetics tested on animals. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Rules for second reading

January 31, 2023

HB 1105 Prime Sponsor, Representative Kloba: Requiring public agencies to provide notice for public comment that includes the last date by which such public comment must be submitted. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

January 31, 2023

HB 1174 Prime Sponsor, Representative Simmons: Improving access and removing barriers to jail-based voting. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson; Low and Mena.

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member.

Referred to Committee on Appropriations

January 31, 2023

HB 1272 Prime Sponsor, Representative Bergquist: Concerning publishing, formatting, and distribution of the state and local voters' pamphlets. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Christian, Assistant Ranking Minority Member; Gregerson and Mena.

MINORITY recommendation: Without recommendation. Signed by Representatives Abbarno, Ranking Minority Member; and Low.

Referred to Committee on Appropriations

January 31, 2023

HB 1289 Prime Sponsor, Representative Reed: Concerning program administration for the Washington state opportunity scholarship program. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Rules for second reading

January 31, 2023

HB 1317 Prime Sponsor, Representative Pollet: Concerning grassroots lobbying disclosure. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Without recommendation. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; and Low.

Referred to Committee on Rules for second reading

January 31, 2023

HB 1330 Prime Sponsor, Representative Christian: Adjusting the threshold for requiring candidate contribution certifications relating to foreign nationals. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

### SECOND READING

**HOUSE BILL NO. 1015, by Representatives Santos, Ybarra, Bergquist, Stonier, Leavitt, Rude, Jacobsen, Simmons, Reed, Lekanoff, Goodman, Pollet, Ortiz-Self, Callan, Doglio, Reeves, Tharinger, Wylie, Paul, Thai, Springer and Ormsby**

**Concerning minimum employment requirements for paraeducators.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1015 was substituted for House Bill No. 1015 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1015 was read the second time.

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

Representatives Santos and Rude spoke in favor of the passage of the bill.

### MOTION

On motion of Representative Ramel, Representative Ryu was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1015.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1015, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ryu

SUBSTITUTE HOUSE BILL NO. 1015, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1120, by Representatives Reeves, Corry and Ryu**

**Concerning the best interest standard for annuity transactions.**

The bill was read the second time.

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

Representatives Reeves and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1120.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1120, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ryu

HOUSE BILL NO. 1120, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

Representative Taylor congratulated Representative Reeves on the passage of her first bill through the House since returning to the body, and asked the Chamber to acknowledge her accomplishment.

### SECOND READING

**HOUSE BILL NO. 1326, by Representatives Cortes, Chopp, Berry, Duerr, Farivar, Morgan, Peterson, Ramel, Ryu, Senn, Simmons, Walen, Mena, Reed, Doglio, Pollet, Springer and Macri**

**Waiving municipal utility connection charges for certain properties.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1326 was substituted for House Bill No. 1326 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1326 was read the second time.

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

Representative Cortes spoke in favor of the passage of the bill.

Representative Goehner spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1326.

### ROLL CALL



The Clerk called the roll on the final passage of Substitute House Bill No. 1326, and the bill passed the House by the following vote: Yeas, 83; Nays, 15; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chandler, Christian, Corry, Dent, Dye, Goehner, Graham, Klicker, Kretz, McEntire, Schmick, Schmidt, Steele, Volz and Walsh

SUBSTITUTE HOUSE BILL NO. 1326, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Fosse congratulated Representative Cortes on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

**SECOND READING**

**HOUSE BILL NO. 1165, by Representatives Orwall, Reeves, Wylie and Davis**

**Concerning civil remedies for unauthorized disclosure of intimate images.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1165 was substituted for House Bill No. 1165 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1165 was read the second time.

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

Representatives Orwall and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1165.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1165, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons,

Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE HOUSE BILL NO. 1165, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1237, by Representatives Robertson and Fey**

**Redistributing the vehicle identification number inspection fee.**

The bill was read the second time.

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

Representatives Robertson and Fey spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1237.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1237, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

HOUSE BILL NO. 1237, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Stokesbary congratulated Representative Robertson on the passage of his first bill through the House since returning to the body, and asked the Chamber to acknowledge his accomplishment.

**SECOND READING**

**HOUSE BILL NO. 1287, by Representatives Thai, Caldier, Graham, Riccelli, Macri, Reed, Pollet and Leavitt**

**Concerning dental hygienists.**

The bill was read the second time.

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

Representatives Thai and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1287.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1287, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

HOUSE BILL NO. 1287, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1302, by Representatives Timmons, Hutchins, Barkis, Orcutt and Ramel****Concerning the vehicle report of sale.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1302 was substituted for House Bill No. 1302 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1302 was read the second time.

Representatives Timmons and Hutchins spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1302.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1302, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE HOUSE BILL NO. 1302, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Rule congratulated Representative Timmons on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

There being no objection, the House adjourned until 9:55 a.m., Friday, February 3, 2023, the 26th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

TWENTY SIXTH DAY

House Chamber, Olympia, Friday, February 3, 2023

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

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

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4608**, by Representatives Pollet, Orcutt, Goehner, Berg, and Stokesbary

WHEREAS, It has been the tradition of the Washington State House of Representatives to honor significant and important contributions made by employees; and

WHEREAS, Keenan Konopaski retired as Washington's Legislative Auditor on January 4, 2023, following a thirty-one year career in public service, with eighteen of those years serving the Legislature through his work at the Joint Legislative Audit and Review Committee (JLARC); and

WHEREAS, While serving under the direction of eight different JLARC chairs, Keenan consistently displayed a commitment to rigorous, nonpartisan, objective analysis that has benefited the Legislature, state agencies, and the people of Washington; and

WHEREAS, Keenan oversaw performance audits that together addressed nearly every facet of state government, including competency to stand trial, highway maintenance and preservation, K-12 health benefits, low-income housing, worker's compensation, unemployment benefits, Medicaid, wildfire suppression, and more; and

WHEREAS, Keenan led JLARC and the Citizens Commission for the Performance Measurement of Tax Preferences in developing one of the nation's first state-level systematic reviews of tax preferences, through which he oversaw two hundred and seventy-seven reviews of preferences pertaining to agriculture, aerospace, manufacturing, education, and more; and

WHEREAS, Keenan ensured that the Legislature had relevant and timely information on demand by shifting reports from print to online, adding interactive tools and different formats; and

WHEREAS, To improve visibility of reports and foster implementation of recommendations, Keenan created a policy of notifying committee chairs and ranking members of audit reports on subjects within their committees' jurisdiction; and

WHEREAS, Keenan's insight and dedication to leading-edge approaches brought national recognition for JLARC's work, earning three awards for excellence in research methods, twelve certificates of impact, and four notable document awards from the National Conference of State Legislatures, as well as invitations for JLARC staff members to share their work at national conferences; and

WHEREAS, Keenan has improved the efficiency and effectiveness of state government for all Washingtonians, as agencies implemented over ninety percent of the one hundred seventy-five recommendations issued to agencies under his leadership as Legislative Auditor; and

WHEREAS, Keenan led the effort to incorporate racial-equity analyses into all JLARC performance audits; and

WHEREAS, Keenan's commitment to professional development has benefited the sixty-nine current and former JLARC staff and interns that served under him, and instilled a dedication to producing well-researched, easily understandable, and relevant work for the Legislature; and

WHEREAS, Keenan's willingness to carry on the long-standing office tradition of having a pink flamingo mascot has resulted in numerous purchases of pink flamingo mugs, pens,

stuffed animals, statues, cake toppers, trivets, towels, and flashing lights; and

WHEREAS, Keenan's retirement as Legislative Auditor does not end his state service, as he will continue to serve the citizens of Washington as an adjunct professor at The Evergreen State College and help develop the next generation of public servants, which hopefully will include future JLARC research analysts; and

WHEREAS, Keenan will be missed, but his retirement is well-deserved and we wish him all the best and many camping trips and travels with his family;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives express its sincerest gratitude to Keenan Konopaski for a long career serving the state of Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted to Keenan Konopaski.

HOUSE RESOLUTION NO. 4608 was adopted.

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4609**, by Representative McClintock

WHEREAS, It is the policy of the Washington State House of Representatives to recognize excellence in every field of endeavor; and

WHEREAS, Clark-Cowlitz Fire Rescue Division Chief Michael Jackson has been awarded the Fire Marshal of the Year Award for 2022 by the Washington State Association of Fire Marshals; and

WHEREAS, Division Chief Jackson has demonstrated leadership and innovation in the field of fire prevention and community risk reduction by creating and expanding programs that increase the safety of both first responders and citizens; and

WHEREAS, The cities in the Clark-Cowlitz Fire Rescue area have adopted the same fire code amendments, and work together as one agency for development, building, plan review, and inspection services. This cooperation was facilitated by Division Chief Jackson; and

WHEREAS, Division Chief Jackson expanded the Community Assistance Referral and Educational Services (CARES) Program into Southwestern Washington allowing for better delivery of health care services to medically fragile members of the community; and

WHEREAS, Division Chief Michael Jackson started a behavioral co-response unit to work in tandem with paramedics by addressing behavioral health and nonlife-threatening emergencies; and

WHEREAS, Division Chief Jackson instituted a fall reduction program to prevent a significant source of injury in his community by educating those most at risk of injury and installing grab bars and other safety devices;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and congratulate Division Chief Jackson on being awarded Fire Marshal of the Year for 2022 as declared by the Washington State Association of Fire Marshals, and for success in community risk prevention; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Division Chief Michael Jackson of Clark-Cowlitz Fire Rescue.

HOUSE RESOLUTION NO. 4609 was adopted.

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4611**, by Representative McClintock

WHEREAS, It is the policy of the Washington State House of Representatives to recognize excellence in every field of endeavor; and

WHEREAS, Cindy Arnold, director of career and technical education of the Battleground School District has earned the Region V Administrator of the Year award from the Association for Career and Technical Education; and

WHEREAS, Director Arnold demonstrated creativity and initiative in her duties by pushing Battleground School District toward a stronger career and technical education program; and

WHEREAS, Arnold expanded the knowledge base of Battleground's students by exposing them to a wide range of career options and technical skills and designing Battleground School District's science, technology, engineering, and mathematics (STEM) strategic plan; and

WHEREAS, Arnold started a middle school design modeling and robotics program to introduce younger students to STEM activities at a younger age; and

WHEREAS, Arnold's programs taught heating, ventilation, air conditioning (HVAC), plumbing and electrical, computer programming, and math; and

WHEREAS, When Arnold was the principal of Captain Strong Primary School, she oversaw a program to help students develop skills and serve as greeters, assembly leaders, and recess monitors. Students also participated in interviews with their teachers;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives thank Director Cindy Arnold for her hard work in developing the young minds of the future; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Cindy Arnold, director of career and technical education for Battleground School District.

HOUSE RESOLUTION NO. 4611 was adopted.

### RESOLUTION

**HOUSE RESOLUTION NO. 2023-4612**, by Representative Couture

WHEREAS, Washington state boasts the most dedicated and honorable members of law enforcement that protect and serve our communities selflessly; and

WHEREAS, Within the state of Washington, former Mason County Sheriff Casey Salisbury oversaw the just and accurate dispensation of law enforcement duties for both the Thurston County Sheriff's Office, and the Mason County Sheriff's Office; and

WHEREAS, Sheriff Salisbury received his college diploma in 1985 having earned a degree in education, credentials as a public school administrator, and teaching certificate; and

WHEREAS, Sheriff Salisbury served the people of Mason County as a substitute teacher in the Hood Canal and McCleary school districts subsequent to graduation; and

WHEREAS, Sheriff Salisbury began in law enforcement as a reserve deputy with the Mason County Sheriff's Office while substitute teaching; and

WHEREAS, He transitioned careers to full-time law enforcement beginning at the Thurston County Sheriff's Office where he would attain the rank of Lieutenant; and

WHEREAS, Sheriff Salisbury was elected as Mason County Sheriff in 2006 where he would serve the people of Mason County for 16 years, graduate from the FBI Academy, and spearhead a campaign of reinvigorating equipment, policies, and procedures, and hiring the first female deputy in Mason County Sheriff's Office history; and

WHEREAS, Sheriff Salisbury always brought his love of people and zeal for teaching to every position he held, dedicating himself to service, reflecting credit upon himself, the Mason County Sheriff's Office, and all of law enforcement. His efforts

ensured that children, adults, residents, and visitors to Mason County were cared for with excellence;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express its thanks and appreciation to the devoted care shown by Sheriff Salisbury during his career in public service as both teacher and eventually chief law enforcement officer of Mason County; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the value and dedication of Sheriff Salisbury to the viability, safety, security, and well-being of this state, both through his outstanding performance at the Mason County Sheriff's Office and through the continued benefit to local communities by the presence of well-equipped and trained law enforcement professionals; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Sheriff Casey Salisbury and the Mason County Sheriff's Office.

HOUSE RESOLUTION NO. 4612 was adopted.

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

### INTRODUCTION & FIRST READING

HB 1741 by Representatives Rule, Leavitt, Reed, Callan, Davis, Berry, Paul, Ramel, Kloba, Reeves, Doglio and Pollet

AN ACT Relating to increased prototypical school formulas to support student health, well-being, and educational outcomes; amending RCW 28A.150.260; creating new sections; and providing an effective date.

Referred to Committee on Appropriations.

HB 1742 by Representative Wylie

AN ACT Relating to nontax statutes administered by the department of revenue by modifying provisions of the unclaimed property and business licensing service programs concerning penalty waivers, the department of revenue's express settlement authority, and making technical corrections; amending RCW 19.02.085, 19.150.060, 19.150.080, 19.240.080, 19.240.900, 59.18.312, 59.18.595, 63.30.040, 63.30.690, and 88.26.020; adding a new section to chapter 63.30 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1743 by Representatives Doglio, Volz, Schmidt, Reed, Walen, Ormsby and Pollet

AN ACT Relating to expanding employee ownership; adding new sections to chapter 43.330 RCW; adding a new section to chapter 82.04 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1744 by Representatives Rude, Santos, Schmidt and Pollet

AN ACT Relating to clarifying the responsibilities and accountability for the effective delivery and oversight of public education services to charter school students; amending RCW 28A.710.030, 28A.710.040, 28A.710.070, 28A.710.100, 28A.710.120, 28A.710.140, 28A.710.180, and 28A.710.190; and creating a new section.

Referred to Committee on Education.

HB 1745 by Representatives Thai, Duerr, Doglio, Ormsby and Macri

AN ACT Relating to improving diversity in clinical trials; amending RCW 43.348.040; reenacting and amending RCW 43.348.010; adding a new section to chapter 28B.20 RCW; adding a new section to chapter 28B.30 RCW; adding a new section to chapter 70.41 RCW; and adding a new chapter to Title 69 RCW.

Referred to Committee on Health Care & Wellness.

HB 1746 by Representatives Ryu, Berry, Couture, Griffey, Thai, Reed, Gregerson, Sandlin, Tharinger, Walen, Paul, Kloba, Volz, Reeves, Rule and Ormsby

AN ACT Relating to a state broadband map; amending RCW 43.155.160, 43.330.534, and 43.155.165; reenacting and amending RCW 42.56.270; adding a new section to chapter 43.330 RCW; and repealing RCW 43.330.400, 43.330.403, 43.330.406, and 43.330.409.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1747 by Representatives Chapman, Orwall, Duerr, Berry, Leavitt, Jacobsen, Walen, Paul, Kloba and Reeves

AN ACT Relating to seismic safety in Washington public schools; amending RCW 28A.525.159 and 28A.525.320; adding a new section to chapter 28A.630 RCW; and providing an expiration date.

Referred to Committee on Capital Budget.

HB 1748 by Representatives Mosbrucker, Graham, Corry and Caldier

AN ACT Relating to providing enhanced payment to low volume, small rural hospitals; amending RCW 74.09.5225; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1749 by Representatives Chandler and Chopp

AN ACT Relating to promoting instruction in public schools about the historical and cultural contributions of Filipino Americans; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

HB 1750 by Representatives Berg, Reed, Taylor, Cortes, Street, Ramel, Leavitt, Kloba, Tharinger, Fosse, Gregerson, Stonier, Entenman, Reeves, Slatter, Donaghy, Santos, Hackney, Morgan, Timmons, Ormsby, Orwall, Callan, Duerr, Berry, Davis, Chapman, Abbarno, Thai, Senn, Alvarado, Walen, Rule, Doglio, Ryu and Pollet

AN ACT Relating to establishing Yori's law to promote education around water safety and drowning prevention; amending RCW 1.16.050; adding a new section to chapter 1.20 RCW; and creating new sections.

Referred to Committee on State Government & Tribal Relations.

HB 1751 by Representatives Couture, Walsh, Robertson, Stokesbary, Caldier, Griffey, Jacobsen, Volz, Abbarno, Graham, Schmidt, Orcutt and Chambers

AN ACT Relating to siting of sex offender and sexually violent predator facilities; and amending RCW 71.09.099, 71.09.250, and 72.09.290.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1752 by Representatives Dye, Dent, Graham and Eslick

AN ACT Relating to modifying the application of the annual consumptive quantity calculation to change applications related to certain water rights held by the United States bureau of reclamation; and amending RCW 90.03.380.

Referred to Committee on Agriculture and Natural Resources.

HB 1753 by Representatives Bronoske, Leavitt and Reed

AN ACT Relating to changing certain notice provisions in the derelict vessel removal program; and amending RCW 79.100.040 and 79.100.120.

Referred to Committee on Agriculture and Natural Resources.

HB 1754 by Representatives Dent, Dye, Graham, Schmidt and Eslick

AN ACT Relating to evaluating the performance of the department of children, youth, and families in delivering child welfare services; adding a new section to chapter 43.09 RCW; and creating a new section.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1755 by Representatives Farivar, Duerr, Berry, Alvarado, Reed, Ramel, Reeves, Pollet and Macri

AN ACT Relating to establishing the democracy voucher program for contributions to state legislative candidates; amending RCW 42.17A.430, 42.17A.470, and 42.17A.785; adding new sections to chapter 42.17A RCW; and prescribing penalties.

Referred to Committee on State Government & Tribal Relations.

HB 1756 by Representatives Ramel, Klicker, Duerr, Rude, Schmidt, Reed, Kloba, Doglio, Senn, Ryu and Macri

AN ACT Relating to supporting clean energy through tax changes that increase revenue to local governments, schools, and impacted communities; adding a new section to chapter 84.36 RCW; adding a new chapter to Title 82 RCW; and creating new sections.

Referred to Committee on Finance.

SB 5000 by Senators Wagoner, Boehnke, Braun, Conway, Dozier, Frame, Gildon, Hasegawa, Holy, King, Kuderer, MacEwen, Mullet, Muzzall, Pedersen, Rivers, Rolfes, Schoesler, Short, Torres, Warnick, Wellman, Wilson, J. and Wilson, L.

AN ACT Relating to recognizing contributions of Americans of Chinese descent; and adding a new section to chapter 43.117 RCW.

Referred to Committee on State Government & Tribal Relations.

SSB 5028 by Senate Committee on Law & Justice (originally sponsored by Pedersen, Wagoner, Dhingra, Frame, Hunt, Keiser, Kuderer, Liias, Nobles, Randall, Saldaña, Shewmake, Stanford, Wellman and Wilson, C.)

AN ACT Relating to revising the process for individuals to request name changes; and amending RCW 4.24.130.

Referred to Committee on Civil Rights & Judiciary.

SB 5036 by Senators Muzzall, Holy, Van De Wege and Warnick

AN ACT Relating to extending the time frame in which real-time telemedicine using both audio and video technology may be used to establish a relationship for the purpose of providing audio-only telemedicine for certain health care services; and amending RCW 41.05.700, 48.43.735, and 74.09.325.

Referred to Committee on Health Care & Wellness.

SB 5065 by Senators Short, Wellman, Lovick and Valdez

AN ACT Relating to public school instruction in awareness of bone marrow donation; adding a new section to chapter 28A.210 RCW; and creating a new section.

Referred to Committee on Education.

SSB 5081 by Senate Committee on Human Services (originally sponsored by Nobles, Trudeau, Dhingra, Frame, Hasegawa, Keiser, Lovick, Nguyen, Saldaña, Salomon, Shewmake, Stanford, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, J.)

AN ACT Relating to victim notification; amending RCW 72.09.712, 72.09.710, and 72.09.714; and adding a new section to chapter 42.56 RCW.

Referred to Committee on Community Safety, Justice, & Reentry.

SSB 5087 by Senate Committee on Law & Justice (originally sponsored by Pedersen, Mullet, Billig, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Kuderer, Lias, Lovelett, Nobles, Saldaña, Stanford and Wellman)

AN ACT Relating to removing language from the Revised Code of Washington that has been identified by the justices of the supreme court or judges of the superior courts as defects and omissions in the laws pursuant to Article IV, section 25 of the Washington state Constitution; amending RCW 2.43.040, 2.48.190, 4.16.190, 48.140.010, 6.25.030, 10.105.900, 7.80.120, 9.94A.530, 9A.46.020, 10.05.030, 10.95.030, 10.95.035, 10.95.030, 41.56.0251, 43.135.034, 35A.66.020, and 9A.72.160; and repealing RCW 2.48.210, 4.56.250, 7.48.050, 7.48.052, 7.48.054, 7.48.056, 7.48.058, 7.48.060, 7.48.062, 7.48.064, 7.48.066, 7.48.068, 7.48.070, 7.48.072, 7.48.074, 7.48.076, 7.48.078, 7.48.080, 7.48.085, 7.48.090, 7.48.100, 7.70.150, 9.81.010, 9.81.020, 9.81.030, 9.81.040, 9.81.050, 9.81.060, 9.81.070, 9.81.080, 9.81.082, 9.81.083, 9.81.090, 9.81.110, 9.81.120, 9.91.180, 9.92.100, 10.52.100, 10.58.090, 10.95.040, 10.95.050, 10.95.060, 10.95.070, 10.95.080, 10.95.090, 10.95.100, 10.95.110, 10.95.120, 10.95.130, 10.95.140, 10.95.150, 10.95.160, 10.95.170, 10.95.180, 10.95.185, 10.95.190, 10.95.200, 10.95.901, 18.108.190, 35.13.165, 36.105.010, 36.105.020, 36.105.030, 36.105.040, 36.105.050, 36.105.060, 36.105.070, 36.105.080, 36.105.090, 36.105.100, 39.88.010, 39.88.020, 39.88.030, 39.88.040, 39.88.050, 39.88.060, 39.88.070, 39.88.080, 39.88.090, 39.88.100, 39.88.110, 39.88.120, 39.88.130, 39.88.900, 39.88.905, 39.88.910, 41.20.110, 47.44.030, 49.32.072, 49.32.073, 49.32.074, 66.24.480, 66.28.080, 73.04.050, 73.04.060, and 85.05.130.

Referred to Committee on Civil Rights & Judiciary.

SSB 5121 by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland)

AN ACT Relating to the joint select committee on health care and behavioral health oversight; reenacting and amending RCW 44.82.010; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SSB 5173 by Senate Committee on Law & Justice (originally sponsored by Stanford, Hasegawa, Kuderer, Pedersen, Saldaña and Trudeau)

AN ACT Relating to property exempt from execution; amending RCW 6.15.010, 6.15.010, and 51.32.040; providing an effective date; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

SSB 5208 by Senate Committee on State Government & Elections (originally sponsored by Trudeau, King, Hunt, Nobles, Randall, Keiser, Kuderer, Lovick, Saldaña, Hasegawa, Lias, Conway, Frame, Nguyen, Pedersen, Stanford, Valdez, Wellman and Wilson, C.)

AN ACT Relating to updating the process for online voter registration by allowing voter applicants to provide the last four digits of social security number for authentication; amending RCW 29A.08.123; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

SSB 5210 by Senate Committee on Business, Financial Services, Gaming & Trade (originally sponsored by Stanford, Gildon and Hasegawa)

AN ACT Relating to the best interest standard for annuities in Washington; amending RCW 48.23.015; adding a new section to chapter 48.23 RCW; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

SSB 5286 by Senate Committee on Labor & Commerce (originally sponsored by Robinson, King, Keiser, Lias, Stanford, Wellman and Wilson, C.)

AN ACT Relating to enacting the unanimous recommendations of the paid family and medical leave task force; and amending RCW 50A.10.030.

Referred to Committee on Labor & Workplace Standards.

SB 5336 by Senators Cleveland, Wilson, L., Frame and Mullet

AN ACT Relating to population criteria for the main street trust fund tax credit; and amending RCW 82.73.030.

Referred to Committee on Local Government.

SCR 8403 by Senators Pedersen, Short, Hunt, Lovelett, Nguyen, Nobles and Wilson, C.

Honoring former members of the Senate and House of Representatives of the State of Washington who have passed from this life.

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

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

**REPORTS OF STANDING COMMITTEES**

February 1, 2023

HB 1079

Prime Sponsor, Representative Thai:  
Concerning rapid whole genome sequencing.  
Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1108 Prime Sponsor, Representative Hackney: Resentencing of individuals sentenced as a persistent offender. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; and Graham.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1146 Prime Sponsor, Representative Paul: Notifying high school students and their families about available dual credit programs and any available financial assistance. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1173 Prime Sponsor, Representative Connors: Reducing light pollution associated with certain energy infrastructure. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1189 Prime Sponsor, Representative Hackney: Concerning the release of incarcerated individuals from total confinement prior to the expiration of a sentence. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; and Graham.

Referred to Committee on Appropriations

February 2, 2023

HB 1230 Prime Sponsor, Representative Callan: Requiring school districts and other public education entities to make information from the department of health available. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Bergquist; Callan; Eslick; Harris; Ortiz-Self; Pollet; Stonier and Timmons.

MINORITY recommendation: Do not pass. Signed by Representatives McEntire, Assistant Ranking Minority Member; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Rude, Ranking Minority Member; McClintock; and Sandlin.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1236 Prime Sponsor, Representative Hackney: Enhancing access to clean fuel for agencies providing public transportation. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

Referred to Committee on Rules for second reading

February 1, 2023

HB 1266 Prime Sponsor, Representative Santos: Concerning email communication by the office of the insurance commissioner. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1268 Prime Sponsor, Representative Goodman: Concerning sentencing enhancements. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; and Graham.

Referred to Committee on Rules for second reading

February 1, 2023

HB 1275 Prime Sponsor, Representative Thai: Concerning athletic trainers. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1300 Prime Sponsor, Representative Orwall: Concerning fraud in assisted reproduction. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Appropriations

February 1, 2023

HB 1301 Prime Sponsor, Representative McClintock: Creating license review and reporting requirements. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Rules for second reading

January 31, 2023

HB 1333 Prime Sponsor, Representative Ramos: Establishing the domestic violent extremism commission. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; and Low.

Referred to Committee on Appropriations

February 2, 2023

HB 1346 Prime Sponsor, Representative Shavers: Creating the purple star award. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Bergquist; Callan; Eslick; Ortiz-Self; Pollet; Stonier and Timmons.

MINORITY recommendation: Do not pass. Signed by Representatives McEntire, Assistant Ranking Minority Member; Harris; McClintock; Sandlin; and Steele.

Referred to Committee on Rules for second reading

February 1, 2023

HB 1360 Prime Sponsor, Representative McClintock: Concerning alternative professional licensing standards. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Appropriations

February 1, 2023

HB 1362 Prime Sponsor, Representative Stearns: Improving government efficiency related to reports by state agencies by eliminating reports, changing the frequency of reports, and providing an alternative method for having information publicly available in place of reports. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1367 Prime Sponsor, Representative Donaghy: Eliminating unnecessary homeless funding budget and auditing requirements. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1416 Prime Sponsor, Representative Doglio: Applying the affected market customer provisions of the Washington clean energy transformation act to nonresidential customers of consumer-owned utilities. Reported by Committee on Environment & Energy



MAJORITY recommendation: Do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

Vice Chair; Chambers, Ranking Minority Member; Cheney; Morgan; Orwall; Reeves; Walsh and Waters.

Referred to Committee on Finance

MINORITY recommendation: Without recommendation. Signed by Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Couture; and Goehner.

February 1, 2023

Referred to Committee on Rules for second reading

February 1, 2023

HB 1426 Prime Sponsor, Representative Mena: Concerning campaign contributions by controlled entities. Reported by Committee on State Government & Tribal Relations

HB 1471 Prime Sponsor, Representative Stearns: Modifying state procurement procedures for competitive, sole source, convenience, and emergency goods and services contracts. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

February 2, 2023

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; and Low.

HB 1544 Prime Sponsor, Representative Alvarado: Concerning shoreline master program review schedules. Reported by Committee on Environment & Energy

Referred to Committee on Rules for second reading

February 2, 2023

HB 1433 Prime Sponsor, Representative Duerr: Concerning energy labeling of residential buildings. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

Referred to Committee on Rules for second reading

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

**MOTIONS**

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Couture; and Goehner.

There being no objection, the Committee on Rules placed the following bills on the second reading calendar:

Referred to Committee on Appropriations

February 1, 2023

HB 1442 Prime Sponsor, Representative Low: Defining synthetic media in campaigns for elective office, and providing relief for candidates and campaigns. Reported by Committee on State Government & Tribal Relations

- HOUSE BILL NO. 1001
- HOUSE BILL NO. 1006
- HOUSE BILL NO. 1008
- HOUSE BILL NO. 1020
- HOUSE BILL NO. 1042
- HOUSE BILL NO. 1054
- HOUSE BILL NO. 1056
- HOUSE BILL NO. 1066
- HOUSE BILL NO. 1068
- HOUSE BILL NO. 1069
- HOUSE BILL NO. 1086
- HOUSE BILL NO. 1113
- HOUSE BILL NO. 1114
- HOUSE BILL NO. 1121
- HOUSE BILL NO. 1213
- HOUSE BILL NO. 1226
- HOUSE BILL NO. 1234
- HOUSE BILL NO. 1251
- HOUSE BILL NO. 1259
- HOUSE BILL NO. 1277
- HOUSE BILL NO. 1312
- HOUSE BILL NO. 1352

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1453 Prime Sponsor, Representative Wylie: Providing a tax exemption for medical cannabis patients. Reported by Committee on Regulated Substances & Gaming

There being no objection, the Committee on Rules placed the following bills on the suspension calendar:

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns,

- HOUSE BILL NO. 1037
- HOUSE BILL NO. 1058

HOUSE BILL NO. 1100  
HOUSE BILL NO. 1171

There being no objection, the House adjourned until 10:30 a.m., Monday, February 6, 2023, the 29th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## TWENTY NINTH DAY

House Chamber, Olympia, Monday, February 6, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jordan Anderson and Samantha Garcia-Hernandez. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Mike Ford, Life Community Center, Kirkland.

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

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

**INTRODUCTION & FIRST READING**

HB 1757 by Representatives Corry, Springer, Chapman, Dent and Schmidt

AN ACT Relating to providing a sales and use tax remittance to qualified farmers; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 1758 by Representatives Mena, Fitzgibbon, Chapman, Morgan and Reed

AN ACT Relating to permitting for certain hatchery maintenance activities; amending RCW 90.58.355; adding a new section to chapter 90.58 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1759 by Representatives Santos, Barnard, Robertson, Senn, Callan, Reed, Ormsby, Doglio, Duerr, Peterson and Pollet

AN ACT Relating to establishing January of each year as Chinese American month; adding a new section to chapter 43.117 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1760 by Representatives Barnard, Chapman, Graham, Walen, Sandlin, Eslick, Goodman, McClintock, Ybarra, Volz, Senn, Santos, Doglio and Christian

AN ACT Relating to civil actions alleging violation of the right to be free from discrimination because of the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability; amending RCW 49.60.030; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1761 by Representatives Christian, Leavitt, Couture, Low, Rule, Hutchins, Orwall, Dent, Springer, Schmidt, Duerr, Barnard, Shavers, Walen, Timmons, Ryu, Bronoske, Robertson, Senn, Chapman, Santos, Volz and Cheney

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

Referred to Committee on Finance.

HB 1762 by Representatives Doglio, Berry, Ramel, Fosse, Reed, Alvarado, Peterson and Pollet

AN ACT Relating to protecting employees of warehouses; adding a new chapter to Title 49 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 1763 by Representatives Eslick, Leavitt, Senn, Callan, Schmidt and Pollet

AN ACT Relating to ensuring completion of conditional scholarship obligations and reducing penalties for excusable incomplete obligations; and amending RCW 28B.115.120.

Referred to Committee on Postsecondary Education & Workforce.

HB 1764 by Representatives Wylie and Orcutt

AN ACT Relating to establishing a method of valuing asphalt and aggregate used in public road construction for purposes of taxation; amending RCW 82.12.010; and creating a new section.

Referred to Committee on Finance.

HB 1765 by Representatives Steele, Chapman and Volz

AN ACT Relating to special occasion liquor licenses for not-for-profit societies or organizations; and amending RCW 66.24.010 and 66.24.380.

Referred to Committee on Regulated Substances & Gaming.

HB 1766 by Representatives Griffey, Davis, Senn, Dent, Callan and Cheney

AN ACT Relating to the creation of a hope card program; adding a new section to chapter 7.105 RCW; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 1767 by Representatives Barnard, Stearns, Chapman and Volz

AN ACT Relating to promoting economic development by strengthening the role of the department of commerce in monitoring and providing technical assistance related to federal funding opportunities; amending RCW 43.330.040; and creating a new section.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1768 by Representatives Shavers, Barnard, Chapman and Ramel

AN ACT Relating to exempting certain sales of electricity to qualifying green businesses from the public utilities tax; adding a new section to chapter 82.16 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 1769 by Representatives Cortes, Farivar, Fosse, Reed, Ormsby, Reeves, Senn, Alvarado, Ryu and Peterson

AN ACT Relating to juvenile records; amending RCW 13.50.050 and 13.50.260; and adding new sections to chapter 13.50 RCW.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1770 by Representatives Cheney, Chapman, Hutchins, Walsh, Waters, Sandlin, Volz, McClintock, Connors, Corry, Low, Dent, Goehner, Christian and Schmidt

AN ACT Relating to increasing the seriousness level of the crime of unlawful possession of a firearm; and amending RCW 9.94A.515.

Referred to Committee on Civil Rights & Judiciary.

HB 1771 by Representatives Donaghy, Gregerson, Ramel, Morgan, Fosse, Reed, Ormsby, Doglio, Peterson and Pollet

AN ACT Relating to relocation assistance for tenants of closed or converted manufactured/mobile home parks; and amending RCW 59.21.010, 59.21.021, and 59.21.040.

Referred to Committee on Housing.

HB 1772 by Representatives Waters, Orwall, Christian, Sandlin, Cheney, McClintock, Farivar, Timmons, Leavitt, Senn, Rule, Schmidt and Pollet

AN ACT Relating to prohibiting the manufacture, importation, and sale of products that combine alcohol and tetrahydrocannabinol; adding a new section to chapter 69.50 RCW; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Regulated Substances & Gaming.

HB 1773 by Representatives Schmidt, Eslick, Chandler, Klicker, Volz and Christian

AN ACT Relating to the prohibition of competitor objections to new apprenticeship program applications and approvals; reenacting and amending RCW 49.04.010; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1774 by Representatives Gregerson, Doglio, Berry, Bronoske, Santos, Fosse, Reed, Ormsby and Pollet

AN ACT Relating to public employee salary surveys; amending RCW 41.06.152, 41.06.157, and 41.80.020; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1775 by Representatives Lekanoff, Chapman, Ramel and Reed

AN ACT Relating to limiting liability for salmon recovery projects performed by regional fisheries enhancement groups; and amending RCW 77.85.050.

Referred to Committee on Agriculture and Natural Resources.

HJR 4206 by Representatives Leavitt, Christian, Couture, Rule, Low, Orwall, Hutchins, Springer, Dent, Duerr, Schmidt, Shavers, Barnard, Walen, Timmons, Ryu, Bronoske, Chapman, Santos and Cheney

Concerning the taxation of personal property.

Referred to Committee on Finance.

SCR 8403 by Senators Pedersen, Short, Hunt, Lovelett, Nguyen, Nobles and Wilson, C.

Honoring former members of the Senate and House of Representatives of the State of Washington who have passed from this life.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of SENATE CONCURRENT RESOLUTION NO. 8403, which was read the first time, and under suspension of the rules, was placed on the third reading calendar.

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

## REPORTS OF STANDING COMMITTEES

February 2, 2023

HB 1009

Prime Sponsor, Representative Leavitt:  
Concerning military spouse employment.  
Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Innovation, Community & Economic Development, & Veterans. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1245

Prime Sponsor, Representative Barkis:  
Increasing housing options through lot splitting. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1318

Prime Sponsor, Representative Ormsby:  
Concerning retail sales tax exemptions for certain aircraft maintenance and repair.  
Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

February 1, 2023

HB 1321 Prime Sponsor, Representative Donaghy: Extending the expiration date of the ambulance transport fund. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1324 Prime Sponsor, Representative Hackney: Concerning the scoring of prior juvenile offenses in sentencing range calculations. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; and Graham.

MINORITY recommendation: Without recommendation. Signed by Representative Griffey, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

February 1, 2023

HB 1336 Prime Sponsor, Representative Stokesbary: Splitting the volunteer firefighters' and reserve officers' relief and pension principal fund into two accounts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1337 Prime Sponsor, Representative Gregerson: Expanding housing options by easing barriers to the construction and use of accessory dwelling units. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Low; Reed and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Connors, Assistant Ranking Minority Member; and Hutchins.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1345 Prime Sponsor, Representative Farivar: Concerning the contribution to costs of privileges by incarcerated individuals. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; and Graham.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1349 Prime Sponsor, Representative Orwall: Concerning foreclosure protections. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

February 1, 2023

HB 1361 Prime Sponsor, Representative Abbarno: Updating statutes related to state employment by removing obsolete language, eliminating unnecessary reports, conforming a reporting period to fiscal year, and modernizing employee pay procedures. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1399 Prime Sponsor, Representative Lekanoff: Establishing a Native American scholarship program. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Hansen; Leavitt; Paul; Pollet and Timmons.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Klicker; and Schmidt.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1401 Prime Sponsor, Representative Jacobsen: Allowing cities and counties to create a simple, standardized housing permit process for affordable housing units in areas designated for housing. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1481 Prime Sponsor, Representative Cortes: Permitting general authority peace officers certificated by the criminal justice training commission and employed on a full-time basis by the government of a federally recognized tribe to participate in the law enforcement officers' and firefighters' retirement system plan 2. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1503 Prime Sponsor, Representative Riccelli: Collecting health care professionals' information at the time of license application and license renewal. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Klicker; Leavitt; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1563

Prime Sponsor, Representative Kloba: Concerning arrest protections for the medical use of cannabis. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Cheney; Morgan; Orwall and Reeves.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Ranking Minority Member; Walsh; and Waters.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

**SECOND READING**

**HOUSE BILL NO. 1066, by Representatives Goodman, Abbarno, Simmons and Kloba**

**Making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025.**

The bill was read the second time.

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

Representative Goodman spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

**MOTIONS**

On motion of Representative Ramel, Representatives Entenman and Hackney were excused.

On motion of Representative Griffey, Representatives Chandler, Corry and Wilcox were excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1066.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1066, and the bill passed the House by the following vote: Yeas, 86; Nays, 7; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie, Ybarra and Yme. Speaker

Voting Nay: Representatives Dent, Graham, McEntire, Robertson, Stokesbary, Volz and Walsh

Excused: Representatives Chandler, Corry, Entenman, Hackney and Wilcox

HOUSE BILL NO. 1066, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1086, by Representatives Shavers, Ryu, Ramel, Lekanoff, Callan, Simmons, Timmons, Thai, Paul, Santos, Ormsby and Tharinger**

**Increasing local governments' ability to contract with community service organizations.**

The bill was read the second time.

Representative Shavers moved the adoption of amendment (001):

On page 2, line 25, after "living." insert "The legislature therefore intends to increase the dollar limit from \$25,000 to \$75,000 for smaller agencies. It is the intent of the legislature that this limit apply annually to all contracts entered into by an agency under RCW 35.21.278 in any one year, and that this limit not be interpreted to apply on a per contract basis so as to allow any number of individual contracts of up to \$75,000.

It is the intent of the legislature that this authority be used to provide additional opportunities for public service organizations to meaningfully participate in the betterment of their community, rather than as a way for local agencies to advantage non-profits over other businesses in public contracting."

Representatives Shavers and Goehner spoke in favor of the adoption of the amendment.

Amendment (001) was adopted.

The bill was ordered engrossed.

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

Representatives Shavers and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1086.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1086, and the bill passed the House by the following vote: Yeas, 84; Nays, 9; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Leavitt, Lekanoff, Macri, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Christian, Dent, Graham, Kretz, Low, Maycumber, McEntire, Volz and Walsh

Excused: Representatives Chandler, Corry, Entenman, Hackney and Wilcox

ENGROSSED HOUSE BILL NO. 1086, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Paul congratulated Representative Shavers on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

**SECOND READING**

**HOUSE BILL NO. 1056, by Representatives Stokesbary, Fitzgibbon, Leavitt, Simmons, Lekanoff, Rule, Griffey, Macri, Bergquist, Wylie and Ormsby**

**Repealing some postretirement employment restrictions.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1056 was substituted for House Bill No. 1056 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1056 was read the second time.

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

Representatives Stokesbary and Macri spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1056.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1056, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Corry, Entenman, Hackney and Wilcox

SUBSTITUTE HOUSE BILL NO. 1056, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1054, by Representatives Walen, Simmons, Ryu, Bateman, Ramel, Doglio, Macri, Gregerson, Springer, Thai, Kloba and Donaghy**

**Addressing the authority of owners' associations in common interest communities to regulate or limit occupancy by unrelated persons.**

The bill was read the second time.

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

Representative Walen spoke in favor of the passage of the bill.

Representative Klicker spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1054.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1054, and the bill passed the House by the following vote: Yeas, 67; Nays, 26; Absent, 0; Excused, 5

Voting Yea: Representatives Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Christian, Cortes, Davis, Doglio, Donaghy, Duerr, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hansen, Hutchins, Jacobsen, Kloba, Leavitt, Lekanoff, Low, Macri, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barnard, Cheney, Connors, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Klicker, Kretz, Maycumber, McEntire, Orcutt, Robertson, Rude, Sandlin, Schmick, Steele, Stokesbary, Volz, Walsh and Ybarra

Excused: Representatives Chandler, Corry, Entenman, Hackney and Wilcox

HOUSE BILL NO. 1054, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1008, by Representatives Bronoske, Simmons, Goodman, Leavitt, Bateman, Lekanoff, Callan, Kloba, Santos, Ormsby and Fosse**

**Concerning participating in insurance plans and contracts by separated plan 2 members of certain retirement systems.**

The bill was read the second time.

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

Representatives Bronoske and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1008.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1008, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai,

Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Corry, Entenman, Hackney and Wilcox

HOUSE BILL NO. 1008, having received the necessary constitutional majority, was declared passed.

#### SPEAKER'S PRIVILEGE

The Speaker (Representative Orwall presiding) recognized the 31st District legislators and their guests from Buena Vista Seventh Day Adventist school in Auburn

#### SECOND READING

**HOUSE BILL NO. 1113, by Representatives Harris, Santos and Stonier**

**Reviewing reprimands for professional educators.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1113 was substituted for House Bill No. 1113 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1113 was read the second time.

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

Representatives Harris and Santos spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1113.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1113, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Corry, Entenman, Hackney and Wilcox

SUBSTITUTE HOUSE BILL NO. 1113, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1069, by Representatives Leavitt, Harris, Riccelli, Simmons, Barkis, Slatter, Ryu, Bateman, Rude, Schmidt, Rule, Goodman, Ybarra, Callan, Doglio, Orwall, Macri, Caldier, Senn, Tharinger, Bronoske, Gregerson, Paul, Wylie, Stonier, Kloba, Ormsby and Farivar**

**Adopting the mental health counselor compact.**

The bill was read the second time.



There being no objection, Substitute House Bill No. 1069 was substituted for House Bill No. 1069 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1069 was read the second time.

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

Representatives Leavitt and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1069.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1069, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Corry, Entenman, Hackney and Wilcox

SUBSTITUTE HOUSE BILL NO. 1069, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1213, by Representatives Ybarra, Fitzgibbon, Ramel, Doglio and Macri**

**Concerning compliance with labeling requirements for wipes.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1213 was substituted for House Bill No. 1213 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1213 was read the second time.

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

Representatives Ybarra and Doglio spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1213.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1213, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Corry, Entenman, Hackney and Wilcox

SUBSTITUTE HOUSE BILL NO. 1213, having received the necessary constitutional majority, was declared passed.

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

### THIRD READING

**SENATE CONCURRENT RESOLUTION NO. 8403, by Senators Pedersen, Short, Hunt, Lovelett, Nguyen, Nobles and Wilson, C.**

**Honoring former members of the Senate and House of Representatives of the State of Washington who have passed from this life.**

The concurrent resolution was read the third time.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Concurrent Resolution No. 8403.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Concurrent Resolution No. 8403, and the concurrent resolution passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Corry, Entenman, Hackney and Wilcox

SENATE CONCURRENT RESOLUTION NO. 8403, having received the necessary constitutional majority, was adopted.

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

### MOTION

There being no objection, the Committee on Education was relieved of HOUSE BILL NO. 1692, and the bill was referred to the Committee on State Government & Tribal Relations.

There being no objection, the House adjourned until 9:55 a.m., Tuesday, February 7, 2023, the 30th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## THIRTIETH DAY

House Chamber, Olympia, Tuesday, February 7, 2023

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

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

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

**INTRODUCTION & FIRST READING**

HB 1776 by Representatives Senn, Callan, Macri, Taylor, Gregerson and Pollet

AN ACT Relating to requiring coverage for applied behavior analysis; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 1777 by Representatives Doglio, Fitzgibbon, Duerr, Lekanoff, Stearns, McEntire, Ramel and Pollet

AN ACT Relating to authorizing the use of performance-based contracting for energy services and equipment; and amending RCW 39.35A.020, 39.35C.010, 39.35C.050, and 39.35C.060.

Referred to Committee on Capital Budget.

HB 1778 by Representatives Volz and Ryu

AN ACT Relating to economic resilience planning; amending RCW 43.330.060; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1779 by Representatives Mosbrucker, Dye and Pollet

AN ACT Relating to reducing toxic air pollution that threatens human health; adding a new section to chapter 70A.15 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Environment & Energy.

HB 1780 by Representatives Schmick, Dye, Couture, Schmidt, Corry, Dent, Connors, Klicker, Sandlin, Christian, Chambers and McClintock

AN ACT Relating to addressing unintended consequences of the climate commitment act; adding a new section to chapter 70A.65 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Environment & Energy.

HB 1781 by Representatives Donaghy, Ryu and Ormsby

AN ACT Relating to modifying boater safety and education requirements; amending RCW 79A.60.010, 79A.60.630, and 79A.60.640; adding a new section to chapter 79A.60 RCW; and creating a new section.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1782 by Representatives McEntire and Fey

AN ACT Relating to the operating and maintenance deficit of the Wahkiakum county ferry; and amending RCW 47.56.720.

Referred to Committee on Transportation.

HB 1783 by Representatives Sandlin, Maycumber, Couture, Chapman, Dent, Eslick and Volz

AN ACT Relating to supporting economic development in distressed areas through hiring of grant writers; adding new sections to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1784 by Representatives Gregerson, Ormsby, Duerr, Alvarado, Berry, Ryu, Bergquist, Peterson, Berg, Chapman, Mena, Lekanoff, Senn, Thai, Leavitt, Santos, Callan, Macri, Fosse, Riccelli, Doglio, Kloba, Timmons, Ramel, Bateman and Pollet

AN ACT Relating to addressing hunger relief; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1785 by Representatives Berry, Lekanoff, Santos, Ormsby and Pollet

AN ACT Relating to establishing COVID-19 as an occupational disease; amending RCW 51.32.181; creating new sections; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1786 by Representatives Rule, Corry, Walen, Chapman, Reeves and Barkis

AN ACT Relating to special use permits for milk product haulers; and amending RCW 46.44.0941.

Referred to Committee on Transportation.

HB 1787 by Representatives Sandlin, Chapman, Barkis, Robertson, Graham, Corry, Dent, Steele, Goehner, Couture and Volz

AN ACT Relating to the planning and implementation of infrastructure to facilitate the transport and delivery of goods; reenacting and amending RCW 36.70A.070; adding a new section to chapter 47.04 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 36.70A RCW; and creating new sections.

Referred to Committee on Local Government.

HB 1788 by Representatives Walsh and Eslick

AN ACT Relating to greater consistency in the provision of health care services for minors under the age of 17; amending RCW 70.24.110, 71.34.500, 71.34.510, 71.34.520, and 71.34.530; adding a new section to chapter 9.02 RCW; and adding a new section to chapter 26.28 RCW.

Referred to Committee on Health Care & Wellness.

HB 1789 by Representatives Reeves, Fitzgibbon, Chapman, Kloba, Ramel, Pollet and Fosse

AN ACT Relating to expanding revenue generation and economic opportunities from natural climate solutions and ecosystem services; amending RCW 79.02.010 and 79.105.150; reenacting and amending RCW 79.64.110 and 79.22.050; and adding a new chapter to Title 79 RCW.

Referred to Committee on Agriculture and Natural Resources.

HB 1790 by Representatives Entenman, Wylie, Reeves, Macri, Stearns, Kloba, Ormsby and Pollet

AN ACT Relating to expanding and improving the social equity in cannabis program; amending RCW 69.50.331, 69.50.335, 69.50.345, and 69.50.345; providing an effective date; and providing an expiration date.

Referred to Committee on Regulated Substances & Gaming.

HB 1791 by Representatives Fey, Dent, Morgan, Barkis, Mena, Couture, Griffey, Bronoske, Ybarra, Christian, Timmons, Donaghy, Berg and Doglio

AN ACT Relating to studying the need for increased commercial aviation services; amending 2022 c 186 s 213 (uncodified); adding a new chapter to Title 14 RCW; repealing 2022 c 186 s 707 (uncodified); and declaring an emergency.

Referred to Committee on Transportation.

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

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

## REPORTS OF STANDING COMMITTEES

February 2, 2023

HB 1004 Prime Sponsor, Representative Abbarno: Installing signs on or near bridges to provide information to deter jumping. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1010 Prime Sponsor, Representative Chapman: Concerning the sanitary control of shellfish. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture and Natural Resources. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1032 Prime Sponsor, Representative Dent: Mitigating the risk of wildfires through electric utility planning and identification of best management practices appropriate to each electric utility's circumstances. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Appropriations

February 3, 2023

HB 1067 Prime Sponsor, Representative Bronoske: Concerning wages for journeypersons in high-hazard facilities. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1078 Prime Sponsor, Representative Duerr: Concerning urban forest management ordinances. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Berg; Griffey and Riccelli.

MINORITY recommendation: Without recommendation. Signed by Representative Goehner, Ranking Minority Member.

Referred to Committee on Appropriations

February 2, 2023

HB 1131 Prime Sponsor, Representative Berry:  
Improving Washington's solid waste  
management outcomes. Reported by  
Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Couture; and Goehner.

MINORITY recommendation: Without recommendation. Signed by Representative Fey.

Referred to Committee on Appropriations

February 3, 2023

HB 1136 Prime Sponsor, Representative Reeves:  
Requiring employers to reimburse employees  
for necessary expenditures and losses.  
Reported by Committee on Labor &  
Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1155 Prime Sponsor, Representative Slatter:  
Addressing the collection, sharing, and  
selling of consumer health data. Reported by  
Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson; Thai and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Cheney; and Rude.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1167 Prime Sponsor, Representative Duerr:  
Concerning residential housing regulations.  
Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Appropriations

February 3, 2023

HB 1205 Prime Sponsor, Representative Taylor:  
Responsibility for providing service by  
publication of a summons or notice in  
dependency and termination of parental  
rights cases. Reported by Committee on  
Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Appropriations

February 2, 2023

HB 1244 Prime Sponsor, Representative Ramel:  
Increasing the maximum per pupil limit for  
enrichment levy authority. Reported by  
Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1255 Prime Sponsor, Representative Simmons:  
Reducing stigma and incentivizing health  
care professionals to participate in a  
substance use disorder monitoring and  
treatment program. Reported by Committee  
on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Bronoske; Davis; Harris; Macri; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Hutchins, Assistant Ranking Minority Member; Barnard; Graham; and Maycumber.

Referred to Committee on Appropriations

February 3, 2023

HB 1260 Prime Sponsor, Representative Alvarado:  
Accelerating stability for people with a  
work-limiting disability or incapacity.  
Reported by Committee on Human Services,  
Youth, & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Callan; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Without recommendation. Signed by Representatives Eslick, Ranking Minority Member;

Couture, Assistant Ranking Minority Member; Dent; and Walsh.

Referred to Committee on Appropriations

February 2, 2023

HB 1265 Prime Sponsor, Representative Ramos: Establishing a property tax exemption for adult family homes that serve people with intellectual or developmental disabilities and are owned by a nonprofit. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1271 Prime Sponsor, Representative Low: Concerning organ transport vehicles. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1278 Prime Sponsor, Representative Ortiz-Self: Supporting guardianships and voluntary placement with nonrelative kin. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Callan; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Do not pass. Signed by Representative Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Couture, Assistant Ranking Minority Member; and Dent.

Referred to Committee on Appropriations

February 3, 2023

HB 1281 Prime Sponsor, Representative Rude: Increasing access to the provisions of the Washington death with dignity act. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske; Davis; Harris; Macri; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Graham; Maycumber; and Mosbrucker.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1291 Prime Sponsor, Representative Fosse: Expanding collective bargaining for employees who are enrolled in academic programs at public institutions of higher education. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Appropriations

February 3, 2023

HB 1292 Prime Sponsor, Representative Goodman: Making modifications necessary to comply with federal regulations regarding dissemination of federal bureau of investigation criminal history record information. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1295 Prime Sponsor, Representative Ortiz-Self: Concerning voluntary placement agreements with the department of children, youth, and families. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Appropriations

February 3, 2023

HB 1307 Prime Sponsor, Representative Fosse: Concerning collective bargaining for resident and fellow physicians employed by certain institutions of higher education. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Appropriations

February 3, 2023

HB 1313

Prime Sponsor, Representative Farivar: Improving health care affordability for older adults and people with disabilities on medicare. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; and Graham.

MINORITY recommendation: Without recommendation. Signed by Representatives Barnard; Harris; Maycumber; and Mosbrucker.

Referred to Committee on Appropriations

February 2, 2023

HB 1334

Prime Sponsor, Representative Hutchins: Addressing the access of certain aquatic lands by a public transportation benefit area. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1335

Prime Sponsor, Representative Hansen: Concerning the unauthorized publication of personal identifying information. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1364

Prime Sponsor, Representative Paul: Creating the nautical Northwest special license plate. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner;

Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1394

Prime Sponsor, Representative Senn: Creating a developmentally appropriate response to youth who commit sexual offenses. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Callan; Goodman and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Dent; and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representative Rule.

Referred to Committee on Appropriations

February 3, 2023

HB 1405

Prime Sponsor, Representative Alvarado: Preserving public benefit payments to people in the care of the department of children, youth, and families. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh.

Referred to Committee on Appropriations

February 3, 2023

HB 1406

Prime Sponsor, Representative Cortes: Concerning youth seeking housing assistance and other related services. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Appropriations

February 3, 2023

HB 1407

Prime Sponsor, Representative Taylor: Maintaining eligibility for developmental disability services. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Appropriations

February 2, 2023

HB 1408 Prime Sponsor, Representative Doglio: Creating an account for the pharmaceutical rebate revenue generated by the purchase of medications for people living with HIV who are enrolled in the early intervention program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1414 Prime Sponsor, Representative Mena: Concerning the removal of vehicles by a regional transit authority when obstructing the operation of high capacity transportation vehicles or jeopardizing public safety. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1419 Prime Sponsor, Representative Chapman: Concerning county treasurers' duties. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1421 Prime Sponsor, Representative Chambers: Adding counties to the voluntary stewardship program. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Appropriations

February 3, 2023

HB 1425 Prime Sponsor, Representative Berg: Facilitating municipal annexations. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Finance

February 3, 2023

HB 1435 Prime Sponsor, Representative Bronoske: Developing a home care safety net assessment. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations

February 3, 2023

HB 1445 Prime Sponsor, Representative Hansen: Concerning law enforcement and local corrections agency misconduct through investigations and legal actions. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson; Thai and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Cheney; and Rude.

Referred to Committee on Appropriations

February 3, 2023

HB 1449 Prime Sponsor, Representative Alvarado: Amending reporting requirements for the project permit application processing timeline. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Berg and Riccelli.

MINORITY recommendation: Without recommendation. Signed by Representatives Goehner, Ranking Minority Member; and Griffey.



Referred to Committee on Rules for second reading

February 2, 2023

HB 1457 Prime Sponsor, Representative Robertson: Concerning a motor carrier's ability to access restroom facilities required by rules authorized under chapter 49.17 RCW. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Appropriations

February 3, 2023

HB 1468 Prime Sponsor, Representative Goehner: Concerning impact fee deferrals. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1480 Prime Sponsor, Representative Donaghy: Concerning energy resilience, cybersecurity, and all-hazard emergency management. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Cortes; Paul; Senn; Shavers and Street.

MINORITY recommendation: Without recommendation. Signed by Representatives Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Waters; and Ybarra.

Referred to Committee on Appropriations

February 2, 2023

HB 1489 Prime Sponsor, Representative Orcutt: Creating Mount St. Helens special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1500 Prime Sponsor, Representative Eslick: Increasing the cap on gross sales for cottage food operations. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1552 Prime Sponsor, Representative Reeves: Directing the state conservation commission to conduct a study of urban agricultural opportunities and barriers in the state. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1618 Prime Sponsor, Representative Farivar: Concerning the statute of limitations for childhood sexual abuse. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

Referred to Committee on Appropriations

February 3, 2023

HB 1620 Prime Sponsor, Representative Fey: Concerning the number of inhabitants required for incorporation as a city or town. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1623 Prime Sponsor, Representative Volz: Concerning regional economic development visions and action plans. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

February 3, 2023

HB 1657 Prime Sponsor, Representative Street: Authorizing justices, judges, and judicial officers of federal courts to solemnize marriages. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Rules for second reading

February 3, 2023

HJM 4000 Prime Sponsor, Representative Lekanoff: Recognizing the international year of the salmon. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Rules for second reading

There being no objection, the bills and memorial listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

### MOTIONS

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 1399, and the bill was referred to the Committee on Appropriations.

There being no objection, the Committee on Education was relieved of HOUSE BILL NO. 1605, and the bill was referred to the Committee on Appropriations.

There being no objection, the House adjourned until 10:30 a.m., Wednesday, February 8, 2023, the 31st Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## THIRTY FIRST DAY

House Chamber, Olympia, Wednesday, February 8, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Camille Nowak and Aaron Kilbury. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Rabbi Keren Gorban, Temple Beth El, Tacoma.

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

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

**INTRODUCTION & FIRST READING**

HB 1792 by Representatives Timmons, Dent, Lekanoff, Fitzgibbon, Rule, Ramel, Springer and Eslick

AN ACT Relating to modifying timelines and other initial procedural actions in a water rights adjudication; and amending RCW 90.03.120, 90.03.130, 90.03.140, 90.03.625, 90.03.635, and 90.03.645.

Referred to Committee on Agriculture and Natural Resources.

HB 1793 by Representatives Gregerson, Berg, Street, Reed, Ramel and Ormsby

AN ACT Relating to funding digital equity by imposing a tax on certain wireless devices; amending RCW 82.32.145; adding a new section to chapter 28A.650 RCW; adding a new chapter to Title 82 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Finance.

HB 1794 by Representatives Waters, Reed, Schmidt, Volz, Chapman and Cheney

AN ACT Relating to research and development incentives and growing Washington's economy for the long-term; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 1795 by Representatives Street, Ramel, Reed, Ryu, Senn, Lekanoff, Fitzgibbon, Bateman, Ormsby, Pollet, Walen, Gregerson and Simmons

AN ACT Relating to making the estate tax more progressive; amending RCW 83.100.040, 83.100.047, 83.100.048, 83.100.050, and 83.100.220; reenacting and amending RCW 83.100.020; adding a new section to chapter 83.100 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

HB 1796 by Representatives Ybarra, Volz, Graham, Eslick, Chapman and Schmidt

AN ACT Relating to property tax exemptions for certain mobile homes and manufactured homes; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1797 by Representatives Cheney, Goodman, Hutchins and Graham

AN ACT Relating to residential real estate appraisers being allowed to complete real property evaluations; amending RCW 18.140.030; and adding a new section to chapter 18.140 RCW.

Referred to Committee on Consumer Protection & Business.

HB 1798 by Representatives Doglio, Simmons, Reed, Ormsby and Gregerson

AN ACT Relating to allowed earned release time for certain offenses and enhancements; amending RCW 9.94A.729; and creating new sections.

Referred to Committee on Community Safety, Justice, & Reentry.

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

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

**REPORTS OF STANDING COMMITTEES**

February 2, 2023

HB 1203

Prime Sponsor, Representative Ormsby: Improving the fiscal process by updating accounts administered by the office of financial management, creating new accounts including one for the opioid litigation settlement and one for the receipt of federal funds, and reenacting accounts created in the supplemental budget bill. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 6, 2023

HB 1249

Prime Sponsor, Representative Corry: Regarding limits on the sale and possession of retail cannabis products. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Morgan; Orwall; Reeves; Walsh and Waters.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

**SECOND READING**

**HOUSE BILL NO. 1006, by Representatives Orwall, Mosbrucker, Goodman, Davis, Hackney, Simmons, Griffey, Peterson, Leavitt, Ryu, Bateman, Reed, Graham, Ramel, Pollet, Doglio, Rude, Macri, Caldier, Reeves, Wylie, Gregerson, Kloba, Riccelli, Farivar and Fosse**

**Expanding access to drug testing equipment.**

The bill was read the second time.

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

Representatives Orwall, Mosbrucker and Griffey spoke in favor of the passage of the bill.

**MOTION**

On motion of Representative Ramel, Representatives Entenman and Thai were excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1006.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1006, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Entenman and Thai

HOUSE BILL NO. 1006, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1121, by Representatives Goodman, Leavitt, Reeves, Lekanoff and Wylie**

**Concerning the uniform child abduction prevention act.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1121 was substituted for House Bill No. 1121 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1121 was read the second time.

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

Representatives Goodman and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1121.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1121, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Entenman and Thai

SUBSTITUTE HOUSE BILL NO. 1121, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1114, by Representatives Mosbrucker, Simmons, Reed and Goodman**

**Concerning the membership of the sentencing guidelines commission.**

The bill was read the second time.

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

Representatives Mosbrucker and Simmons spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1114.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1114, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner,

Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Entenman and Thai

HOUSE BILL NO. 1114, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1352, by Representatives Stearns, Low, Cortes, Entenman, Couture, Ramel, Lekanoff, Pollet and Fosse**

**Authorizing tribal investment in county investment pools.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1352 was substituted for House Bill No. 1352 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1352 was read the second time.

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

Representatives Stearns and Low spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1352.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1352, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Entenman and Thai

SUBSTITUTE HOUSE BILL NO. 1352, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Stonier congratulated Representative Stearns on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

#### SECOND READING

**HOUSE BILL NO. 1001, by Representatives Leavitt, Rude, Ryu, Simmons, Goodman, Pollet, Doglio, Orwall, Macri, Caldier, Reeves, Bronoske, Kloba and Riccelli**

**Concerning the audiology and speech-language pathology interstate compact.**

The bill was read the second time.

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

Representatives Leavitt and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1001.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1001, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Entenman and Thai

HOUSE BILL NO. 1001, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1312, by Representatives Rude, Entenman, Goodman, Ortiz-Self and Ormsby**

**Concerning jury service.**

The bill was read the second time.

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

Representatives Rude and Hansen spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1312.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1312, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier,

Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Entenman and Thai

HOUSE BILL NO. 1312, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1042, by Representatives Walen, Ryu, Barkis, Simmons, Duerr, Goodman, Bateman, Reed, Ramel, Peterson, Pollet, Doglio, Macri, Reeves, Mena, Tharinger, Wylie, Gregerson, Springer, Bergquist, Thai, Kloba, Santos and Ormsby**

**Concerning the use of existing buildings for residential purposes.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1042 was substituted for House Bill No. 1042 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1042 was read the second time.

Representative Walen moved the adoption of amendment (010):

On page 4, after line 27, insert the following:

"NEW SECTION. **Sec. 3.** A new section is added to chapter 19.27A RCW to read as follows:

By January 1, 2024, the state building code council shall adopt by rule an amendment to the current energy code that waives the requirement for an existing building used for residential purposes to meet the current energy code solely because of the addition of new dwelling units within the building."

Correct the title.

Representatives Walen and Klicker spoke in favor of the adoption of the amendment.

Amendment (010) was adopted.

The bill was ordered engrossed.

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

Representatives Walen and Klicker spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1042.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1042, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson,

Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Entenman and Thai

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1042, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1234, by Representatives Goodman, Eslick, Peterson, Leavitt, Fitzgibbon, Bateman, Walen, Stearns and Pollet**

**Concerning the civil forfeiture of animals seized for abuse or neglect.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1234 was substituted for House Bill No. 1234 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1234 was read the second time.

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

Representatives Goodman and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1234.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1234, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Entenman and Thai

SUBSTITUTE HOUSE BILL NO. 1234, having received the necessary constitutional majority, was declared passed.

#### SPEAKER'S PRIVILEGE

The Speaker (Representative Bronoske presiding) recognized Bonnie Lake students from Emerald Hills Elementary School from the 31st legislative district.

#### SECOND READING

**HOUSE BILL NO. 1259, by Representatives Abbarno, Stearns and Reeves**

**Updating the executive team of the office of the secretary of state by adding signing authority to the chief of staff position.**

The bill was read the second time.

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

Representatives Abbarno and Ramos spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1259.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1259, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Entenman and Thai

HOUSE BILL NO. 1259, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:30 a.m., Thursday, February 9, 2023, the 32nd Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## THIRTY SECOND DAY

House Chamber, Olympia, Thursday, February 9, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Leo Carlin and Aleeza Umboh. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Carol Jensen, University Lutheran Church, Seattle.

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

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

**MESSAGES FROM THE SENATE**

Wednesday, February 8, 2023

Mme. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5005  
 SUBSTITUTE SENATE BILL NO. 5106  
                                   SENATE BILL NO. 5155  
 SUBSTITUTE SENATE BILL NO. 5261  
                                   SENATE BILL NO. 5282

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Wednesday, February 8, 2023

Mme. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8403

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

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

**INTRODUCTION & FIRST READING**HB 1799 by Representatives Kloba and Berry

AN ACT Relating to the registration of business entities that qualify as data brokers; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

HB 1800 by Representatives Barkis, Donaghy, Eslick, Fey, Barnard, Robertson, Stokesbary, Chambers, Abbarno, Christian and McClintock

AN ACT Relating to criminal penalties and restitution for graffiti; amending RCW 9.94A.680 and 9A.20.030;

reenacting and amending RCW 9A.04.110; creating a new section; and prescribing penalties.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1801 by Representatives Jacobsen, McEntire, Christian, Goehner, Corry, Schmidt, Chandler, Klicker, Robertson, Sandlin, Graham, Chambers and McClintock

AN ACT Relating to eliminating COVID-19 vaccine requirements for new or prospective employees of state agencies; adding a new section to chapter 43.01 RCW; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1802 by Representatives Cheney, Graham, Rude, Walsh, Waters and McClintock

AN ACT Relating to minors in possession of alcohol, cannabis, or controlled substances; amending RCW 66.44.270, 69.50.4013, and 69.50.4013; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1803 by Representative Steele

AN ACT Relating to creating an endorsement to the beer and/or wine specialty shop license; and amending RCW 66.24.371.

Referred to Committee on Regulated Substances & Gaming.

HB 1804 by Representative Steele

AN ACT Relating to eligibility for participation in the public employees' benefits board for retired or disabled employees of counties, municipalities, and other political subdivisions; amending RCW 41.05.080; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1805 by Representatives Graham, Volz, Klicker, McEntire, Chambers, Christian and McClintock

AN ACT Relating to making robbery in the second degree a most serious offense under certain circumstances; and amending RCW 9A.56.210 and 9.94A.030.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1806 by Representatives Rule, Chapman and Timmons

AN ACT Relating to an exclave community small business relief program; and adding a new section to chapter 43.330 RCW.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.



SSB 5005 by Senate Committee on Law & Justice (originally sponsored by Pedersen, Padden, Dhingra and Nobles)

AN ACT Relating to real property; adding a new chapter to Title 7 RCW; and adding a new chapter to Title 64 RCW.

Referred to Committee on Civil Rights & Judiciary.

SSB 5106 by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Hunt)

AN ACT Relating to updating timelines for adopting county commissioner district boundaries following expansion from three to five commissioners; and amending RCW 36.32.0552.

Referred to Committee on Local Government.

SB 5155 by Senators Wagoner and Dhingra

AN ACT Relating to the court of appeals; and amending RCW 2.06.040.

Referred to Committee on Civil Rights & Judiciary.

SSB 5261 by Senate Committee on Labor & Commerce (originally sponsored by Braun)

AN ACT Relating to deadlines concerning permits, licenses, or endorsements of cemetery authorities; amending RCW 68.05.215, 68.05.225, 68.05.245, and 18.39.020; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

SB 5282 by Senators Valdez, MacEwen, Gildon, Lias and Nguyen

AN ACT Relating to authorizing vehicle dealers to file a report of sale; and amending RCW 46.12.650.

Referred to Committee on Transportation.

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

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

## REPORTS OF STANDING COMMITTEES

February 7, 2023

HB 1228 Prime Sponsor, Representative Ortiz-Self: Building a multilingual, multiliterate Washington through dual and tribal language education. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Bergquist; Callan; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

MINORITY recommendation: Without recommendation. Signed by Representatives McEntire, Assistant Ranking Minority Member; and Eslick.

Referred to Committee on Appropriations

February 7, 2023

HB 1239 Prime Sponsor, Representative Santos: Establishing a simple and uniform system for

complaints related to, and instituting a code of educator ethics for, conduct within or involving public elementary and secondary schools. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Bergquist; Callan; Ortiz-Self; Pollet; Stonier and Timmons.

MINORITY recommendation: Do not pass. Signed by Representative Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Eslick; Harris; McClintock; and Sandlin.

Referred to Committee on Appropriations

February 7, 2023

HB 1293 Prime Sponsor, Representative Klicker: Streamlining development regulations. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

February 7, 2023

HB 1370 Prime Sponsor, Representative Reeves: Providing the payment of awards to whistleblowers who report violations of state or federal securities laws and providing protection to whistleblowers and internal reporters. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Appropriations

February 7, 2023

HB 1443 Prime Sponsor, Representative Low: Updating the process for online voter registration by allowing voter applicants to provide the last four digits of social security number for authentication. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

MINORITY recommendation: Without recommendation. Signed by Representative Abbarno, Ranking Minority Member.

Referred to Committee on Rules for second reading

February 7, 2023

HB 1447

Prime Sponsor, Representative Peterson: Strengthening the ability of assistance programs to meet foundational needs of children, adults, and families. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Callan; Dent; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Without recommendation. Signed by Representatives Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; and Walsh.

Referred to Committee on Appropriations

February 7, 2023

HB 1451

Prime Sponsor, Representative Senn: Expanding the child care workforce. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Callan; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Without recommendation. Signed by Representatives Couture, Assistant Ranking Minority Member; Dent; and Walsh.

Referred to Committee on Appropriations

February 7, 2023

HB 1525

Prime Sponsor, Representative Fosse: Concerning eligibility for working connections child care benefits for persons participating in state registered apprenticeships. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Appropriations

February 7, 2023

HB 1611

Prime Sponsor, Representative Reed: Concerning local government permitting. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Barkis; Bateman; Chopp; Hutchins; Low; Reed and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member.

Referred to Committee on Finance

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

## SECOND READING

**HOUSE BILL NO. 1251, by Representatives Stonier, Bateman, Reed, Riccelli and Pollet**

**Concerning water systems' notice to customers of public health considerations.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1251 was substituted for House Bill No. 1251 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1251 was read the second time.

With the consent of the House, amendment (008) was withdrawn.

Representative Stonier moved the adoption of amendment (013):

On page 1, line 7, after "considers" insert "commencing or"

On page 1, line 8, after "customers" insert "and the department"

On page 1, at the beginning of line 12, strike "combination of notification methods which most effectively notifies" and insert "notification methods which effectively notify"

On page 1, line 16, after "previous" strike "optimal"

Representatives Stonier and Jacobsen spoke in favor of the adoption of the amendment.

Amendment (013) was adopted.

The bill was ordered engrossed.

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

Representatives Stonier and Jacobsen spoke in favor of the passage of the bill.

## MOTION

On motion of Representative Ramel, Representative Jinkins was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1251.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1251, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier,

Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Mme. Speaker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1251, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1416, by Representatives Doglio, Ramel, Berry, Lekanoff and Reed**

**Applying the affected market customer provisions of the Washington clean energy transformation act to nonresidential customers of consumer-owned utilities.**

The bill was read the second time.

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

Representative Doglio spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1416.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1416, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen and Wylie

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Mme. Speaker

HOUSE BILL NO. 1416, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1544, by Representatives Alvarado, Tharinger, Pollet and Duerr**

**Concerning shoreline master program review schedules.**

The bill was read the second time.

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

Representatives Alvarado and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1544.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1544, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Mme. Speaker

HOUSE BILL NO. 1544, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Fitzgibbon congratulated Representative Alvarado on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

#### SECOND READING

**HOUSE BILL NO. 1080, by Representatives Taylor, Peterson, Simmons, Walen, Reed, Stearns, Berry, Pollet, Goodman, Orwall, Bergquist, Gregerson and Thai**

**Concerning body worn cameras.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1080 was substituted for House Bill No. 1080 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1080 was read the second time.

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

Representatives Taylor and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1080.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1080, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse,

Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Voting Nay: Representative Pollet  
Excused: Mme. Speaker

SUBSTITUTE HOUSE BILL NO. 1080, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1262, by Representatives Walen, Reed and Davis**

**Establishing a lump sum reporting system.**

The bill was read the second time.

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

Representatives Walen and Graham spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1262.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1262, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Mme. Speaker

HOUSE BILL NO. 1262, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1367, by Representatives Donaghy, Reed, Doglio, Ramel, Pollet and Macri**

**Eliminating unnecessary homeless funding budget and auditing requirements.**

The bill was read the second time.

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

Representatives Donaghy and Klicker spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1367.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1367, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Mme. Speaker

HOUSE BILL NO. 1367, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1058, by Representatives Paul, Orcutt, Simmons, Ryu, Reed, Ramel, Lekanoff, Sandlin, Macri, Timmons, Wylie, Shavers, Kloba and Ormsby**

**Streamlining the licensing process for a commercial driver's license by allowing the department to waive requirements for applicants that previously surrendered the license, allowing the license to be renewed online, and modifying the license test fees.**

The bill was read the second time.

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

Representatives Paul and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1058.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1058, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Mme. Speaker

HOUSE BILL NO. 1058, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1620, by Representatives Fey and Morgan**

**Concerning the number of inhabitants required for incorporation as a city or town.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1620 was substituted for House Bill No. 1620 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1620 was read the second time.

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

Representatives Fey and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1620.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1620, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Mme. Speaker

SUBSTITUTE HOUSE BILL NO. 1620, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1100, by Representatives Schmick and Leavitt**

**Concerning the disposition of the remains of a county resident who dies indigent in an adjacent county outside of Washington.**

The bill was read the second time.

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

Representatives Schmick and Duerr spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1100.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1100, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian,

Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Mme. Speaker

HOUSE BILL NO. 1100, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., Friday, February 10, 2023, the 33rd Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

THIRTY THIRD DAY

House Chamber, Olympia, Friday, February 10, 2023

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

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

RESOLUTION

HOUSE RESOLUTION NO. 2023-4613, by Representatives Steele and Goehner

WHEREAS, The Washington State House of Representatives recognize excellence in all fields and endeavors; and

WHEREAS, The Chelan High School Volleyball Team has won the 2022 WIAA 1A volleyball championship, they are 3 time back-to-back 1A volleyball champions; and

WHEREAS, The team had an exceptional season going undefeated with a 20-0 overall record, and 8-0 record in conference play; and

WHEREAS, They were the number 1 seed headed into the tournament and went on to win the finals; and

WHEREAS, A great team must have a great staff around it, Head Coach Abby Lewellen, the Assistant Coaching Staff, Principal Jamie Pancho, and all the other staff at Chelan High School that help these girls are pivotal to their successes; and

WHEREAS, After winning the championship, five seniors were selected to the 1A All State Team, with senior Olivia Strandberg winning 1A Player of the Year and Head Coach Abby Lewellen winning 1A Coach of the Year;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the tremendous achievement of the Chelan High School Volleyball Team going undefeated and winning the WIAA 1A volleyball championship; and

BE IT FURTHER RESOLVED, That copies of this resolution be distributed by the Chief Clerk of the House of Representatives to the Superintendent of the Lake Chelan School District, Principal of Chelan High School, and the Chelan Volleyball Coaching Staff.

HOUSE RESOLUTION NO. 4613 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2023-4614, by Representatives Goehner and Steele

WHEREAS, The House of Representatives recognize excellence in all endeavors; and

WHEREAS, The Wenatchee High School Football Team has won the 2022 4A Washington Interscholastic Athletic Associations academic championship, which honors the team with the highest GPA in the state; and

WHEREAS, The Wenatchee High School Football Team achieved an impressive cumulative GPA of 3.597, or a A- average for all athletes in their courses; and

WHEREAS, This award is a testament to the hard work, dedication, and determination these athletes put towards their academic studies; and

WHEREAS, No team can be successful without a great staff behind them: Head Coach Scott Devereaux, the Assistant Coaching Staff, Principal Eric Anderson, and all the teachers and administrators at Wenatchee High School who played a pivotal role in their athletes' success;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the tremendous achievement by Wenatchee

High School of winning the 4A WIAA academic championship; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Superintendent of Wenatchee Public Schools, Principal of Wenatchee High School, and the Football Coaching Staff.

HOUSE RESOLUTION NO. 4614 was adopted.

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

MESSAGES FROM THE SENATE

Wednesday, February 8, 2023

Mme. Speaker:

The Senate has passed:

- SENATE BILL NO. 5067
- SUBSTITUTE SENATE BILL NO. 5072
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5082
- SUBSTITUTE SENATE BILL NO. 5101
- SUBSTITUTE SENATE BILL NO. 5176
- SUBSTITUTE SENATE BILL NO. 5191
- SUBSTITUTE SENATE BILL NO. 5338
- SENATE JOINT MEMORIAL NO. 8001

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Wednesday, February 8, 2023

Mme. Speaker:

The Senate has passed:

- SUBSTITUTE HOUSE BILL NO. 1103

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

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

INTRODUCTION & FIRST READING

HB 1807 by Representatives Fey, Robertson, Fitzgibbon, Schmidt and Ramel

AN ACT Relating to speed safety camera systems on state highways; amending RCW 46.63.030 and 46.63.075; adding a new section to chapter 46.63 RCW; and providing expiration dates.

Referred to Committee on Transportation.

HB 1808 by Representatives Doglio, Griffey, Couture, Volz, Duerr and Graham

AN ACT Relating to proceedings to preclude establishment of parentage when a parent alleges that a person committed a

sexual assault that resulted in the parent becoming pregnant and subsequently giving birth to a child; amending RCW 26.26A.465, 13.34.136, and 13.34.155; reenacting and amending RCW 13.34.030 and 13.34.065; adding a new section to chapter 2.53 RCW; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1809 by Representative Wylie

AN ACT Relating to modifying the definition of food and food ingredients to include food required to be cooked by the consumer prior to consumption; amending RCW 82.08.0293; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 1810 by Representatives Orcutt, Jacobsen, Chapman, Duerr and Schmidt

AN ACT Relating to providing rental assistance to manufactured/mobile home park tenants; amending RCW 59.21.010 and 59.22.050; adding new sections to chapter 59.21 RCW; creating a new section; and making an appropriation.

Referred to Committee on Housing.

HB 1811 by Representatives Hackney, Corry, Chapman and Walen

AN ACT Relating to reasonable exceptions to insurance rates for consumers whose credit information is influenced by extraordinary life circumstances; and amending RCW 48.18.545 and 48.19.035.

Referred to Committee on Consumer Protection & Business.

HB 1812 by Representatives Springer, Stokesbary, Chopp and Chapman

AN ACT Relating to continuing the business and occupation tax deduction for federal funds received from a medicaid transformation or demonstration project or medicaid quality improvement program or standard; and amending RCW 82.04.43395.

Referred to Committee on Finance.

HB 1813 by Representatives Griffey, Doglio, Robertson, Couture, Stokesbary, Volz, Chambers, Sandlin, Mosbrucker, Christian, Jacobsen, McClintock, Graham, Connors and Barkis

AN ACT Relating to establishing a moratorium on the siting and use of secure community transition facilities pending recommendations of a joint legislative work group; creating new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1814 by Representatives Corry, Chapman, Volz, Robertson, Jacobsen, Griffey, Couture, Graham, McClintock and Schmidt

AN ACT Relating to the reemployment and pension service credit of public employees separated from service due to a vaccination mandate; amending RCW 41.26.520, 41.32.810, 41.32.865, 41.35.470, 41.35.650, 41.37.260, 41.40.710, 41.40.805, and 43.43.260; adding a new section to chapter 41.04 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1815 by Representatives Berg, Stokesbary, Fitzgibbon and Ormsby

AN ACT Relating to creating a business and occupation tax deduction and increasing the tax rate for persons conducting payment card processing activities; amending RCW 82.04.290 and 82.04.29004; reenacting and amending RCW 82.04.299; adding a new section to chapter 82.04 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

HB 1816 by Representatives Cheney, McClintock, Robertson, Schmidt, Waters, Klicker, Graham and Connors

AN ACT Relating to prohibiting the forwarding of election ballots; and adding a new section to chapter 29A.40 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1817 by Representatives Rule, Connors, Robertson, Chapman, Klicker, Morgan, Walen and Barkis

AN ACT Relating to establishing a housing gap voucher pilot program; adding new sections to chapter 43.185B RCW; creating a new section; providing expiration dates; providing an effective date; and declaring an emergency.

Referred to Committee on Housing.

HB 1818 by Representatives Tharinger and Chapman

AN ACT Relating to exclusion of compensating tax when land is sold to a governmental entity intending to manage the land similarly to designated forestland or timberland; amending RCW 84.33.140 and 84.34.108; and creating a new section.

Referred to Committee on Finance.

SB 5067 by Senators Dozier, Boehnke, Fortunato, Hunt, King, Padden, Short, Stanford, Torres, Warnick and Wilson, J.

AN ACT Relating to meetings of county legislative authorities; and amending RCW 36.32.080.

Referred to Committee on Local Government.

SSB 5072 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Nobles, Wellman, Hunt, Keiser, Kuderer, Lias, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Trudeau, Valdez and Wilson, C.)

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

Referred to Committee on Education.

ESSB 5082 by Senate Committee on State Government & Elections (originally sponsored by Kuderer, Hunt, Conway, Dhingra, Frame, Hasegawa, Nguyen, Nobles, Pedersen, Rolfes, Valdez, Van De Wege, Wellman and Wilson, C.)

AN ACT Relating to encouraging electoral participation and making ballots more meaningful by abolishing advisory votes; amending RCW 29A.32.070, 29A.64.090, 29A.72.040, 29A.72.250, 29A.72.290, and 29A.32.031; adding a new section to chapter 43.41 RCW; adding a new section to chapter 29A.32 RCW; creating a new section; and repealing RCW 29A.72.283, 29A.72.285, and 43.135.041.

Referred to Committee on State Government & Tribal Relations.

SSB 5101 by Senate Committee on Human Services (originally sponsored by Saldaña, Warnick, Dhingra, Kuderer, Nguyen, Nobles, Shewmake and Wilson, C.)

AN ACT Relating to extraordinary medical placement for incarcerated individuals at the department of corrections; and reenacting and amending RCW 9.94A.728.

Referred to Committee on Community Safety, Justice, & Reentry.

SSB 5176 by Senate Committee on Labor & Commerce (originally sponsored by Stanford, Billig, Keiser and Van De Wege)

AN ACT Relating to unemployment insurance benefits for officers of employee-owned cooperatives; amending RCW 50.04.310; creating a new section; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

SSB 5191 by Senate Committee on Law & Justice (originally sponsored by Stanford, Dozier and Gildon)

AN ACT Relating to reforming the real estate agency law to require written brokerage services agreements, improve consumer disclosures, and provide that certain legal duties of brokers apply to all parties in the transaction; amending RCW 18.86.010, 18.86.020, 18.86.030, 18.86.040, 18.86.050, 18.86.060, 18.86.070, 18.86.080, 18.86.090, 18.86.100, and 18.86.120; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

SSB 5338 by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Muzzall, Conway and Randall)

AN ACT Relating to a review of the state's essential health benefits; amending RCW 48.43.715; and creating a new section.

Referred to Committee on Health Care & Wellness.

SJM 8001 by Senators Hasegawa, Kuderer, Wellman, Nguyen, Keiser, Conway, Dhingra, Frame, Hunt, Lias, Lovelett, Nobles, Saldaña, Stanford, Trudeau and Wilson, C.

Concerning a national infrastructure bank.

Referred to Committee on Consumer Protection & Business.

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

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

#### REPORTS OF STANDING COMMITTEES

February 7, 2023

HB 1003 Prime Sponsor, Representative Stokesbary:  
Expanding access to dual credit programs.  
Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris;

McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

February 7, 2023

HB 1111 Prime Sponsor, Representative Ryu:  
Concerning housing benefit districts.  
Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Bateman; Chopp; Reed and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Hutchins; and Low.

Referred to Committee on Capital Budget

February 8, 2023

HB 1151 Prime Sponsor, Representative Stonier:  
Mandating coverage for fertility services.  
Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Harris; and Maycumber.

MINORITY recommendation: Without recommendation. Signed by Representatives Graham; and Mosbrucker.

Referred to Committee on Appropriations

February 7, 2023

HB 1238 Prime Sponsor, Representative Riccelli:  
Providing free school meals for all. Reported  
by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Bergquist; Callan; Eslick; Harris; Ortiz-Self; Pollet; Steele; Stonier and Timmons.

MINORITY recommendation: Do not pass. Signed by Representative Sandlin.

MINORITY recommendation: Without recommendation. Signed by Representatives McEntire, Assistant Ranking Minority Member; and McClintock.

Referred to Committee on Appropriations

February 7, 2023

HB 1252 Prime Sponsor, Representative Bateman:  
Concerning impact fee deferrals. Reported  
by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member;



Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Hutchins; Low; Reed and Taylor.

February 8, 2023

Referred to Committee on Rules for second reading

February 7, 2023

HB 1316 Prime Sponsor, Representative Paul: Expanding access to dual credit programs. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

February 7, 2023

HB 1332 Prime Sponsor, Representative Lekanoff: Supporting public school instruction in tribal sovereignty and federally recognized Indian tribes. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

February 8, 2023

HB 1351 Prime Sponsor, Representative Reed: Prohibiting the imposition of minimum parking requirements except under certain circumstances. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Berg and Riccelli.

MINORITY recommendation: Do not pass. Signed by Representative Goehner, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Jacobsen, Assistant Ranking Minority Member; and Griffey.

Referred to Committee on Rules for second reading

February 7, 2023

HB 1386 Prime Sponsor, Representative Rule: Establishing a youth development grant program. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Appropriations

HB 1392

Prime Sponsor, Representative Gregerson: Promoting the fair servicing and repair of digital electronic equipment. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Chapman; Donaghy; Hackney; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Corry, Ranking Minority Member; Connors; and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives McClintock, Assistant Ranking Minority Member; Cheney; and Sandlin.

Referred to Committee on Appropriations

February 9, 2023

HB 1411 Prime Sponsor, Representative Ortiz-Self: Supporting student success through cross-sector professional development. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

February 8, 2023

HB 1450 Prime Sponsor, Representative Stonier: Concerning coverage for biomarker testing. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Schmick, Ranking Minority Member.

Referred to Committee on Appropriations

February 9, 2023

HB 1507 Prime Sponsor, Representative Entenman: Concerning fair housing training for officers or board members in common interest communities. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

February 7, 2023

HB 1580 Prime Sponsor, Representative Callan:  
Creating a system to support children in  
crisis. Reported by Committee on Human  
Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh.

Referred to Committee on Appropriations

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

#### **MOTION**

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 1255, and the bill was referred to the Committee on Rules.

There being no objection, the House adjourned until 10:30 a.m., Monday, February 13, 2023, the 36th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

THIRTY SIXTH DAY

House Chamber, Olympia, Monday, February 13, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Layla Laufmann and Colin Stark. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Molly Fraser, Gig Harbor United Methodist Church.

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

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

**INTRODUCTION & FIRST READING**

HB 1819 by Representatives Reed, Berry, Chapman, Timmons and Pollet

AN ACT Relating to music instruction in public schools; amending RCW 28A.230.305; adding a new section to chapter 28A.345 RCW; and creating a new section.

Referred to Committee on Education.

HB 1820 by Representatives Walsh and Volz

AN ACT Relating to increasing permissible uses of existing local sales tax authority; and amending RCW 82.14.450.

Referred to Committee on Local Government.

HB 1821 by Representatives Slatter, Timmons and Pollet

AN ACT Relating to creating a postsecondary credential transparency work group; and adding new sections to chapter 28C.18 RCW.

Referred to Committee on Postsecondary Education & Workforce.

HB 1822 by Representatives Morgan and Chapman

AN ACT Relating to complimentary products provided by short-term rental operators to guests; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Regulated Substances & Gaming.

HB 1823 by Representatives Timmons, Slatter and Ramel

AN ACT Relating to the Washington student loan program; and amending RCW 28B.93.005, 28B.93.010, 28B.93.020, 28B.93.030, 28B.93.040, and 28B.93.050.

Referred to Committee on Postsecondary Education & Workforce.

HB 1824 by Representatives Eslick, Chapman and Volz

AN ACT Relating to authorizing bona fide charitable or nonprofit organizations to conduct shooting sports and

activities sweepstakes; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Regulated Substances & Gaming.

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

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

**REPORTS OF STANDING COMMITTEES**

February 8, 2023

HB 1039

Prime Sponsor, Representative Macri: Concerning physical therapists performing intramuscular needling. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Rude.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1075

Prime Sponsor, Representative Thai: Expanding eligibility for the working families' tax credit to everyone age 18 and older. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Thai; Walen and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary.

Referred to Committee on Appropriations

February 7, 2023

HB 1110

Prime Sponsor, Representative Bateman: Increasing middle housing in areas traditionally dedicated to single-family detached housing. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Barkis; Bateman; Chopp; Low; Reed and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; and Hutchins.

Referred to Committee on Appropriations

February 9, 2023

HB 1118 Prime Sponsor, Representative Mosbrucker: Addressing school bus safety. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Eslick; McClintock; Ortiz-Self; Pollet; Sandlin; Steele and Timmons.

MINORITY recommendation: Without recommendation. Signed by Representatives Bergquist; Callan; Harris; and Stonier.

Referred to Committee on Appropriations

February 9, 2023

HB 1132 Prime Sponsor, Representative Goodman: Concerning oversight and training requirements for limited authority Washington peace officers and agencies. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Appropriations

February 8, 2023

HB 1134 Prime Sponsor, Representative Orwall: Implementing the 988 behavioral health crisis response and suicide prevention system. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Appropriations

February 8, 2023

HB 1175 Prime Sponsor, Representative Doglio: Creating a state financial assurance program

for petroleum underground storage tanks.  
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1216 Prime Sponsor, Representative Fitzgibbon: Concerning clean energy siting. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Abbarno; Berry; Couture; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Do not pass. Signed by Representatives Ybarra, Assistant Ranking Minority Member; and Barnard.

MINORITY recommendation: Without recommendation. Signed by Representative Goehner.

Referred to Committee on Appropriations

February 8, 2023

HB 1222 Prime Sponsor, Representative Orwall: Requiring coverage for hearing instruments. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; and Schmick.

Referred to Committee on Rules for second reading

February 8, 2023

HB 1258 Prime Sponsor, Representative Ryu: Increasing tourism to Washington state through enhancement of the statewide tourism marketing account and changing necessary match requirements. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis;

Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1267 Prime Sponsor, Representative Tharinger: Concerning rural public facilities sales and use tax. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by Committee on Local Government be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1273 Prime Sponsor, Representative Berg: Concerning high school and beyond planning. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

February 9, 2023

HB 1290 Prime Sponsor, Representative Lekanoff: Concerning training for tribal police officers and employees. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1303 Prime Sponsor, Representative Street: Concerning the administration of property taxes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1305 Prime Sponsor, Representative Pollet: Improving access to and provision of a free appropriate public education for students with disabilities. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

MINORITY recommendation: Without recommendation. Signed by Representatives Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member.

Referred to Committee on Appropriations

February 9, 2023

HB 1329 Prime Sponsor, Representative Mena: Preventing utility shutoffs for nonpayment during extreme heat. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Without recommendation. Signed by Representatives Couture; and Goehner.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1369 Prime Sponsor, Representative Griffey: Concerning off-duty employment of fish and wildlife officers. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1390 Prime Sponsor, Representative Ramel: Concerning district energy systems. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Abbarno; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Without recommendation. Signed by Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Barnard; Couture; and Goehner.

Referred to Committee on Capital Budget

February 9, 2023

HB 1413 Prime Sponsor, Representative Shavers: Concerning flexible work for general and limited authority Washington peace officers. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Appropriations

February 10, 2023

HB 1455 Prime Sponsor, Representative Stonier: Eliminating child marriage. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1477 Prime Sponsor, Representative Thai: Making changes to the working families' tax credit. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Appropriations

February 9, 2023

HB 1478 Prime Sponsor, Representative Timmons: Establishing a statement of student rights. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Bergquist; Callan; Ortiz-Self; Pollet; Sandlin; Stonier and Timmons.

MINORITY recommendation: Do not pass. Signed by Representatives Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Eslick; McClintock; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1508 Prime Sponsor, Representative Macri: Improving consumer affordability through the health care cost transparency board. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member;

Hutchins, Assistant Ranking Minority Member; Barnard; Graham; Harris; Maycumber; and Mosbrucker.

Referred to Committee on Appropriations

February 9, 2023

HB 1527 Prime Sponsor, Representative Wylie: Making technical corrections to the local tax increment financing program. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Barnard; Chopp; Ramel; Springer; Stokesbary; Thai; Walen and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Jacobsen, Assistant Ranking Minority Member; and Santos.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1569 Prime Sponsor, Representative Leavitt: Protecting unit owners in common interest communities. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Bateman; Chopp; Entenman; Reed and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Connors, Assistant Ranking Minority Member; Barkis; Hutchins; and Low.

Referred to Committee on Appropriations

February 10, 2023

HB 1626 Prime Sponsor, Representative Bronoske: Concerning coverage for colorectal screening tests under medical assistance programs. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

## SECOND READING

**HOUSE BILL NO. 1481, by Representatives Cortes, Stearns, Chopp, Chapman, Peterson, Jacobsen, Ramel, Orwall, Ormsby, Reeves, Senn, Leavitt, Ortiz-Self, Taylor, Bergquist and Pollet**

**Permitting general authority peace officers certificated by the criminal justice training commission and employed on a**

**full-time basis by the government of a federally recognized tribe to participate in the law enforcement officers' and firefighters' retirement system plan 2.**

The bill was read the second time.

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

Representatives Cortes and Corry spoke in favor of the passage of the bill.

**MOTIONS**

On motion of Representative Ramel, Representative Jinkins was excused.

On motion of Representative Griffey, Representative Chandler was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1481.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1481, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Representatives Chandler and Mme. Speaker

HOUSE BILL NO. 1481, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1146, by Representatives Paul, Steele, Ramel, Taylor, Callan, Rude, Timmons, Chopp, Lekanoff, Duerr, Ramos, Shavers, Stonier, Pollet, Santos, Riccelli and Ormsby**

**Notifying high school students and their families about available dual credit programs and any available financial assistance.**

The bill was read the second time.

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

Representatives Paul and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1146.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1146, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Representatives Chandler and Mme. Speaker

HOUSE BILL NO. 1146, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1345, by Representatives Farivar, Senn, Simmons, Bateman, Lekanoff, Pollet, Fosse and Davis**

**Concerning the contribution to costs of privileges by incarcerated individuals.**

The bill was read the second time.

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

Representative Farivar spoke in favor of the passage of the bill.

Representative Mosbrucker spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1345.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1345, and the bill passed the House by the following vote: Yeas, 64; Nays, 32; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Hutchins, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters and Wylie

Voting Nay: Representatives Abbarno, Barkis, Barnard, Chambers, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Jacobsen, Klicker, Kretz, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Chandler and Mme. Speaker

HOUSE BILL NO. 1345, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Pollet congratulated Representative Farivar on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

**SECOND READING**

**HOUSE BILL NO. 1043, by Representatives McEntire, Leavitt and Walsh**

**Concerning association records in common interest communities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1043 was substituted for House Bill No. 1043 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1043 was read the second time.

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

Representatives McEntire and Peterson spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1043.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1043, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Representatives Chandler and Mme. Speaker

SUBSTITUTE HOUSE BILL NO. 1043, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Walsh congratulated Representative McEntire on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

**SECOND READING**

**HOUSE BILL NO. 1657, by Representatives Street, Cheney, Simmons, Taylor, Ormsby and Hutchins**

**Authorizing justices, judges, and judicial officers of federal courts to solemnize marriages.**

The bill was read the second time.

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

Representatives Street and Cheney spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1657.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1657, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Representatives Chandler and Mme. Speaker

HOUSE BILL NO. 1657, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Santos congratulated Representative Street on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

**SECOND READING**

**HOUSE BILL NO. 1471, by Representatives Stearns, Ramos, Gregerson and Ryu**

**Modifying state procurement procedures for competitive, sole source, convenience, and emergency goods and services contracts.**

The bill was read the second time.

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

Representatives Stearns and Abbarno spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1471.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1471, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Representatives Chandler and Mme. Speaker

HOUSE BILL NO. 1471, having received the necessary constitutional majority, was declared passed.



**HOUSE BILL NO. 1060, by Representatives Corry, Berry, Walen and Reeves**

**Concerning reorganization of domestic mutual insurers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1060 was substituted for House Bill No. 1060 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1060 was read the second time.

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

Representatives Corry and Walen spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1060.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1060, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Representatives Chandler and Mme. Speaker

SUBSTITUTE HOUSE BILL NO. 1060, having received the necessary constitutional majority, was declared passed.

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Bronoske presiding) introduced the San Juan Island Eco Club from the 40th District and asked the Chamber to acknowledge them.

There being no objection, the House adjourned until 9:55 a.m., Tuesday, February 14, 2023, the 37th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## THIRTY SEVENTH DAY

House Chamber, Olympia, Tuesday, February 14, 2023

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

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

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

**INTRODUCTION & FIRST READING**

HB 1825 by Representatives Harris, Stonier and Macri

AN ACT Relating to certificated teacher compensation at the Washington state center for deaf and hard of hearing youth and the state school for the blind; amending RCW 72.40.028; and creating a new section.

Referred to Committee on Appropriations.

HB 1826 by Representative Rude

AN ACT Relating to removing party preferences from the ballot and voters' pamphlet; and amending RCW 29A.52.112, 29A.04.110, 29A.32.032, 29A.24.031, and 42.17A.320.

Referred to Committee on State Government & Tribal Relations.

HB 1827 by Representatives Walsh and Eslick

AN ACT Relating to preventing discrimination based on vaccination status and creating the medical freedom act; amending RCW 43.70.010, 49.60.010, 49.60.020, 49.60.030, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.222, 49.60.223, 49.60.224, 49.60.225, 49.60.405, and 28A.210.080; reenacting and amending RCW 49.60.040; adding new sections to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

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

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

**REPORTS OF STANDING COMMITTEES**

February 10, 2023

HB 1025 Prime Sponsor, Representative Thai: Creating a private right of action for harm from violations of the state Constitution or state law by peace officers. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson and Thai.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham,

Assistant Ranking Minority Member; Cheney; Rude; and Walen.

Referred to Committee on Appropriations

February 9, 2023

HB 1047 Prime Sponsor, Representative Mena: Concerning the use of toxic chemicals in cosmetic products. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Environment & Energy be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1084 Prime Sponsor, Representative Fey: Concerning freight mobility prioritization. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1085 Prime Sponsor, Representative Mena: Reducing plastic pollution. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Environment & Energy be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1138 Prime Sponsor, Representative Chapman:  
Concerning drought preparedness. Reported  
by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Couture; Davis; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Connors; Dye; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Corry, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1170 Prime Sponsor, Representative Street:  
Improving climate resilience through updates  
to the state's integrated climate response  
strategy. Reported by Committee on  
Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Couture; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Dye; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris; Rude; and Sandlin.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1177 Prime Sponsor, Representative Lekanoff:  
Creating a missing and murdered indigenous  
women and people cold case investigations  
unit. Reported by Committee on  
Appropriations

MAJORITY recommendation: The substitute bill by Committee on Community Safety, Justice, & Reentry be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Chandler.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1181 Prime Sponsor, Representative Duerr:  
Improving the state's response to climate  
change by updating the state's planning  
framework. Reported by Committee on  
Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1187 Prime Sponsor, Representative Hackney:  
Concerning privileged communication  
between employees and the unions that  
represent them. Reported by Committee on  
Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representative Cheney.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1217 Prime Sponsor, Representative Ortiz-Self:  
Concerning wage complaints. Reported by  
Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1257 Prime Sponsor, Representative Hackney:  
Concerning the authority of cargo and  
passenger ports. Reported by Committee on  
Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority

Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 8, 2023

HB 1261 Prime Sponsor, Representative Walen: Concerning cost sharing for diagnostic and supplemental breast examinations. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chandler; Couture; and Schmick.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1269 Prime Sponsor, Representative Riccelli: Amending the prescription drug affordability board. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Orwall; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Graham; and Harris.

MINORITY recommendation: Without recommendation. Signed by Representatives Barnard; Maycumber; Mosbrucker; and Thai.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1304 Prime Sponsor, Representative Hackney: Regulating electric security alarm systems. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

MINORITY recommendation: Without recommendation. Signed by Representative Alvarado, Vice Chair.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1309 Prime Sponsor, Representative Fosse: Adding references to contractor registration

and licensing laws in workers' compensation, public works, and prevailing wage statutes. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1319 Prime Sponsor, Representative Reed: Addressing collision reporting criteria triggering driver's license reexamination. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1384 Prime Sponsor, Representative Shavers: Providing access to parks to all Washington veterans. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

February 10, 2023

HB 1385 Prime Sponsor, Representative Hackney: Concerning seizure and forfeiture procedures and reporting. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

Referred to Committee on Appropriations

February 9, 2023

HB 1388 Prime Sponsor, Representative Macri: Protecting tenants by prohibiting predatory residential rent practices and by applying the consumer protection act to the residential landlord-tenant act and the manufactured/mobile home landlord-tenant act. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Bateman; Chopp; Entenman; Reed and Taylor.

MINORITY recommendation: Do not pass. Signed by Representatives Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Hutchins; and Low.

Referred to Committee on Appropriations

February 9, 2023

HB 1389 Prime Sponsor, Representative Ramel: Concerning residential rent increases under the residential landlord-tenant act and the manufactured/mobile home landlord-tenant act. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Bateman; Chopp; Entenman; Reed and Taylor.

MINORITY recommendation: Do not pass. Signed by Representatives Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Hutchins; and Low.

Referred to Committee on Appropriations

February 9, 2023

HB 1391 Prime Sponsor, Representative Ramel: Concerning energy in buildings. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Couture; and Goehner.

Referred to Committee on Appropriations

February 10, 2023

HB 1420 Prime Sponsor, Representative Hackney: Concerning lien priority of mortgages and deeds of trust. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1427 Prime Sponsor, Representative Mena: Concerning on-premises energy generation. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye,

Ranking Minority Member; Abbarno; Barnard; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Do not pass. Signed by Representatives Ybarra, Assistant Ranking Minority Member; and Goehner.

MINORITY recommendation: Without recommendation. Signed by Representative Couture.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1448 Prime Sponsor, Representative Hackney: Concerning compliance with federal motor carrier safety administration requirements for the drug and alcohol clearinghouse. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1458 Prime Sponsor, Representative Shavers: Concerning unemployment insurance benefits for apprenticeship program participants. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1474 Prime Sponsor, Representative Taylor: Creating the covenant homeownership account and program to address the history of housing discrimination due to racially restrictive real estate covenants in Washington state. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Bateman; Chopp; Entenman; Reed and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Hutchins; and Low.

Referred to Committee on Appropriations

February 9, 2023

HB 1485 Prime Sponsor, Representative Orcutt:  
Concerning roadside safety measures.  
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1488 Prime Sponsor, Representative Orcutt:  
Creating special license plates that support  
working forests. Reported by Committee on  
Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz and Wylie.

MINORITY recommendation: Without recommendation.  
Signed by Representative Walsh.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1499 Prime Sponsor, Representative Shavers:  
Concerning food assistance funding.  
Reported by Committee on Human Services,  
Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Without recommendation.  
Signed by Representatives Dent; and Walsh.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1510 Prime Sponsor, Representative Santos:  
Establishing permanent funding for  
community preservation and development  
authorities approved through RCW  
43.167.060. Reported by Committee on  
Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Berg and Riccelli.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; and Griffey.

Referred to Committee on Finance

February 10, 2023

HB 1511 Prime Sponsor, Representative Reeves:  
Concerning calculation of income for certain  
early learning and child care programs.  
Reported by Committee on Human Services,  
Youth, & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Appropriations

February 10, 2023

HB 1514 Prime Sponsor, Representative Robertson:  
Addressing the purchase and distribution of  
insignia to manufacturers of recreational  
vehicles and/or park trailers. Reported by  
Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1519 Prime Sponsor, Representative Barkis:  
Concerning local project review. Reported by  
Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1531 Prime Sponsor, Representative Dent:  
Promoting economic development of the  
aerospace industry through a committee  
empowered to advise on industry issues other  
than the siting of commercial airports.  
Reported by Committee on Innovation,  
Community & Economic Development, &  
Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Street; Waters and Ybarra.

MINORITY recommendation: Without recommendation.  
Signed by Representatives Senn; and Shavers.

Referred to Committee on Appropriations

February 10, 2023

HB 1533 Prime Sponsor, Representative Mena: Exempting the disclosure of certain information of agency employees or their dependents who are survivors of domestic violence, sexual assault, harassment, or stalking. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1540 Prime Sponsor, Representative Hutchins: Requiring driver training curriculum to include instruction on sharing the road with large vehicles, including commercial motor vehicles and buses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1541 Prime Sponsor, Representative Farivar: Establishing the nothing about us without us act. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Do not pass. Signed by Representative Christian, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Abbarno, Ranking Minority Member; and Low.

Referred to Committee on Appropriations

February 10, 2023

HB 1542 Prime Sponsor, Representative Bronoske: Requiring automated external defibrillators to be available and accessible when work is being performed on high voltage lines and equipment. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

HB 1547 Prime Sponsor, Representative Caldier: Increasing the health care workforce by authorizing out-of-state providers to practice immediately. Reported by Committee on Health Care & Wellness

February 10, 2023

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Harris.

MINORITY recommendation: Without recommendation. Signed by Representative Schmick, Ranking Minority Member.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1567 Prime Sponsor, Representative Gregerson: Commissioning a study on conservation district election costs under Title 29A RCW. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; and Low.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1570 Prime Sponsor, Representative Berry: Concerning social insurance programs applicable to transportation network companies and drivers. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Appropriations

February 10, 2023

HB 1572 Prime Sponsor, Representative Springer: Concerning venue for actions for the recovery of taxes. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1575

Prime Sponsor, Representative Reed: Modifying the sales and use tax for cultural access programs by allowing the tax to be imposed by a councilmanic or commission authority and defining timelines and priorities for action. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Berg and Riccelli.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; and Griffey.

Referred to Committee on Finance

February 10, 2023

HB 1576

Prime Sponsor, Representative Caldier: Concerning the dentist and dental hygienist compact. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1579

Prime Sponsor, Representative Stonier: Establishing a mechanism for independent prosecutions within the office of the attorney general of criminal conduct arising from police use of force. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; and Graham.

Referred to Committee on Appropriations

February 10, 2023

HB 1585

Prime Sponsor, Representative Cortes: Addressing local infrastructure project areas. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Berg and Riccelli.

MINORITY recommendation: Do not pass. Signed by Representative Jacobsen, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Goehner, Ranking Minority Member; and Griffey.

Referred to Committee on Finance

February 10, 2023

HB 1599

Prime Sponsor, Representative Goodman: Concerning court files and records exemptions for firearm background checks. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1600

Prime Sponsor, Representative Goodman: Providing access to sealed juvenile records for firearm purposes. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh, Ranking Minority Member.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1621

Prime Sponsor, Representative Ryu: Concerning standardizing local government procurement rules among special purpose districts, first-class and second-class cities, and public utility districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1628

Prime Sponsor, Representative Chopp: Increasing the supply of affordable housing by modifying the state and local real estate excise tax. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Berg and Riccelli.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; and Griffey.

Referred to Committee on Finance

February 10, 2023



HB 1637 Prime Sponsor, Representative Orwall: Prohibiting excessive fees or other charges for locating or recovering foreclosure surplus funds and other unclaimed property. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Graham, Assistant Ranking Minority Member; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; and Cheney.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1639 Prime Sponsor, Representative Lekanoff: Concerning the Billy Frank Jr. national statutory hall selection committee. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Appropriations

February 9, 2023

HB 1647 Prime Sponsor, Representative Chapman: Creating keep Washington evergreen special license plates. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1652 Prime Sponsor, Representative Taylor: Concerning child support pass through. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

Referred to Committee on Appropriations

February 10, 2023

HB 1661 Prime Sponsor, Representative Maycumber: Establishing a pilot project for mobile mental health crisis intervention. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

February 10, 2023

HB 1683 Prime Sponsor, Representative Barnard: Concerning health carriers offering dental only coverage. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1717 Prime Sponsor, Representative Rule: Supporting innovation at associate development organizations. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

February 10, 2023

HB 1738 Prime Sponsor, Representative Ryu: Concerning the state universal communication services program. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1103  
SENATE CONCURRENT RESOLUTION NO. 8403

With the consent of the House, SUBSTITUTE HOUSE BILL NO. 1103 was immediately transmitted to the Senate.

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

**MOTIONS**

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1061  
HOUSE BILL NO. 1079  
HOUSE BILL NO. 1088  
HOUSE BILL NO. 1106  
HOUSE BILL NO. 1207  
HOUSE BILL NO. 1230  
HOUSE BILL NO. 1236  
HOUSE BILL NO. 1281  
HOUSE BILL NO. 1293  
HOUSE BILL NO. 1321  
HOUSE BILL NO. 1335  
HOUSE BILL NO. 1408  
HOUSE BILL NO. 1443

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the suspension calendar:

HOUSE BILL NO. 1202  
HOUSE BILL NO. 1221  
HOUSE BILL NO. 1266  
HOUSE BILL NO. 1271  
HOUSE BILL NO. 1289  
HOUSE BILL NO. 1334  
HOUSE BILL NO. 1336  
HOUSE BILL NO. 1349

There being no objection, the House adjourned until 10:30 a.m., Wednesday, February 15, 2023, the 38th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## THIRTY EIGHTH DAY

House Chamber, Olympia, Wednesday, February 15, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brie Riggs and Remy Craig. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Gordy Hutchins, Grace Baptist Church, Tacoma.

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

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Orwall presiding) recognized recently retired Mason County Sheriff Casey Salisbury seated in the North Gallery with Mason County Sheriff Ryan Spurling and deputies from the Mason County Sheriff's Office and asked the Chamber to acknowledge them.

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

**MESSAGE FROM THE SENATE**

Tuesday, February 14, 2023

Mme. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1103

and the same is herewith transmitted.

Sarah Bannister, Secretary

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

**INTRODUCTION & FIRST READING**HB 1828 by Representatives Bronoske and Leavitt

AN ACT Relating to discretionary decline hearings; and amending RCW 13.40.110.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1829 by Representatives Fey and Barkis

AN ACT Relating to creating the LeMay-America's Car Museum special license plate; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1830 by Representative Klicker

AN ACT Relating to modifying the definition of nonhighway vehicle for the purposes of chapter 46.09 RCW; and reenacting and amending RCW 46.09.310.

Referred to Committee on Transportation.

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

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

**REPORTS OF STANDING COMMITTEES**

February 13, 2023

HB 1188

Prime Sponsor, Representative Senn: Concerning individuals with developmental disabilities that have also received child welfare services. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services, Youth, & Early Learning. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1192

Prime Sponsor, Representative Duerr: Concerning electric power system transmission planning. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Without recommendation. Signed by Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Couture; and Goehner.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1512

Prime Sponsor, Representative Mosbrucker: Providing tools and resources for the location and recovery of missing persons. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Appropriations

February 9, 2023

HB 1513 Prime Sponsor, Representative Street: Improving traffic safety. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar and Fosse.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; and Graham.

MINORITY recommendation: Without recommendation. Signed by Representative Ramos.

Referred to Committee on Transportation

February 13, 2023

HB 1536 Prime Sponsor, Representative Timmons: Clarifying requirements governing the withholding of high school diplomas. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Harris; Ortiz-Self; Pollet; Stonier and Timmons.

MINORITY recommendation: Do not pass. Signed by Representatives Rude, Ranking Minority Member; Eslick; McClintock; Sandlin; and Steele.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1551 Prime Sponsor, Representative Pollet: Reducing lead in cookware. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

Referred to Committee on Appropriations

February 13, 2023

HB 1635 Prime Sponsor, Representative Mosbrucker: Limiting liability arising from the use of trained police dogs. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1731 Prime Sponsor, Representative Waters: Concerning complimentary liquor by short-term rental operators. Reported by

Committee on Regulated Substances & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Morgan; Orwall; Reeves; Walsh and Waters.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1758 Prime Sponsor, Representative Mena: Concerning permitting for certain hatchery maintenance activities. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

## SECOND READING

**HOUSE BILL NO. 1068, by Representatives Bronoske, Simmons, Ryu, Goodman, Berry, Bateman, Peterson, Taylor, Doglio, Gregerson, Wylie, Pollet, Davis, Santos, Ormsby and Fosse**

**Concerning injured workers' rights during compelled medical examinations.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1068 was substituted for House Bill No. 1068 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1068 was read the second time.

Representative Robertson moved the adoption of amendment (015):

On page 2, beginning on line 15, after "(a)" strike all material through "appeals" on line 36 and insert "When agreed to by the parties and the examination provider, any examination, except for psychiatric examinations and neuropsychological evaluations, ordered under this section, RCW 51.32.110, or by order of the department or board of industrial insurance appeals, may be recorded using video or audio recording equipment if: (i) the recording is done in an unobtrusive manner; (ii) the recording does not interfere with the examination; and (iii) the worker does not hold the recording equipment during the examination. Intent to record and agreements to record must be made in writing and communicated to all parties

within 14 days prior to the examination date to avoid scheduling delays.

(b) Recordings made under this subsection are deemed confidential pursuant to RCW 51.28.070. An unedited recording of an examination must be kept in a secure location, and access to the recording is restricted to authorized individuals, including the worker or worker's representative, employer or employer's representative, the examiner or examiners, the department, and the board of industrial insurance appeals.

(c) The recording shall not be tampered with in any way, and any benefits received as a result of any material alteration of the recording by the worker or done on the worker's behalf may be subject to repayment pursuant to RCW 51.32.240.

(d) A record of who has viewed the recording and when the recording was viewed must be kept by the entity securing the recording and must be provided to all parties within 14 days of the viewing.

(e) The party requesting audio or video recording is responsible for the reasonable cost of the recording, unless otherwise ordered by the department or board of industrial insurance appeals.

(f) Prior to making a recording of an examination, the party recording shall attest in writing, on a form provided by the examination provider, that: (i) the party making the recording is making a recording to document the examination; (ii) the parties consent to the recording or were ordered to record the examination; (iii) there may be privacy and confidentiality concerns associated with the recording, including the potential for sensitive information about the worker's health and medical history to be disclosed; and (iv) the examiner or examiners conducting the examination are not responsible for any privacy or confidentiality issues that may arise from the worker's recording.

(g) The worker has the right to have one person, who is at least the age of majority and who is of the worker's choosing, to be present to observe all examinations, except for psychiatric examinations and neuropsychology evaluations, ordered under this section, RCW 51.32.110, or by the board of industrial insurance appeals"

Representative Robertson spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (015) was not adopted.

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

Representative Bronoske spoke in favor of the passage of the bill.

Representative Robertson spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1068.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1068, and the bill passed the House by the following vote: Yeas, 65; Nays, 33; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Barkis, Barnard, Chambers, Chandler, Chapman, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Jacobsen, Klicker, McClintock, McEntire, Mosbrucker, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Springer, Steele, Stokesbary, Volz, Walen, Walsh, Wilcox and Ybarra

SUBSTITUTE HOUSE BILL NO. 1068, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1009, by Representatives Leavitt, Barkis, Ryu, Paul, Donaghy, Slatter, Simmons, Low, Volz, Schmidt, Christian, Lekanoff, Griffey, Doglio, Robertson, Orwall, Caldier, Reeves, Bronoske, Bergquist, Shavers, Riccelli and Ormsby**

### Concerning military spouse employment.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1009 was substituted for House Bill No. 1009 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1009 was read the second time.

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

Representatives Leavitt and Volz spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1009.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1009, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SECOND SUBSTITUTE HOUSE BILL NO. 1009, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1073, by Representatives Harris, Tharinger, Ryu, Leavitt, Macri, Caldier, Santos and Ormsby**

**Concerning medical assistants.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1073 was substituted for House Bill No. 1073 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1073 was read the second time.

Representative Riccelli moved the adoption of the striking amendment (012):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.360.010 and 2021 c 44 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administer" means the retrieval of medication, and its application to a patient, as authorized in RCW 18.360.050.

(2) "Delegation" means direct authorization granted by a licensed health care practitioner to a medical assistant to perform the functions authorized in this chapter which fall within the scope of practice of the health care provider and the training and experience of the medical assistant.

(3) "Department" means the department of health.

(4) "Forensic phlebotomist" means a police officer, law enforcement officer, or employee of a correctional facility or detention facility, who is certified under this chapter and meets any additional training and proficiency standards of his or her employer to collect a venous blood sample for forensic testing pursuant to a search warrant, a waiver of the warrant requirement, or exigent circumstances.

(5) "Health care practitioner" means:

(a) A physician licensed under chapter 18.71 RCW;

(b) An osteopathic physician and surgeon licensed under chapter 18.57 RCW; or

(c) Acting within the scope of their respective licensure, a podiatric physician and surgeon licensed under chapter 18.22 RCW, a registered nurse or advanced registered nurse practitioner licensed under chapter 18.79 RCW, a naturopath licensed under chapter 18.36A RCW, a physician assistant licensed under chapter 18.71A RCW, or an optometrist licensed under chapter 18.53 RCW.

(6) "Medical assistant-certified" means a person certified under RCW 18.360.040 who assists a health care practitioner with patient care, executes administrative and clinical procedures, and performs functions as provided in RCW 18.360.050 under the supervision of the health care practitioner.

(7) "Medical assistant-hemodialysis technician" means a person certified under RCW 18.360.040 who performs hemodialysis and other functions pursuant to RCW 18.360.050 under the supervision of a health care practitioner.

(8) "Medical assistant-phlebotomist" means a person certified under RCW 18.360.040 who performs capillary, venous, and arterial invasive procedures for blood withdrawal and other functions pursuant to RCW 18.360.050 under the supervision of a health care practitioner.

(9) "Medical assistant-registered" means a person registered under RCW 18.360.040 who, pursuant to an endorsement by a health care practitioner, clinic, or group practice, assists a health care practitioner with patient care, executes administrative and clinical procedures, and performs functions as provided in RCW 18.360.050 under the supervision of the health care practitioner.

(10) "Secretary" means the secretary of the department of health.

(11)(a) "Supervision" means supervision of procedures permitted pursuant to this chapter by a health care practitioner who is physically present and is immediately available in the facility, except as provided in (b) and (c) of this subsection.

(b) The health care practitioner does not need to be present during procedures to withdraw blood, administer vaccines, or obtain specimens for or perform diagnostic testing, but must be immediately available.

(c) During a telemedicine visit, supervision over a medical assistant assisting a health care practitioner with the telemedicine visit may be provided through interactive audio and video telemedicine technology.

Sec. 2. RCW 18.360.040 and 2017 c 336 s 17 are each amended to read as follows:

(1)(a) The secretary shall issue a certification as a medical assistant-certified to any person who has satisfactorily completed a medical assistant training program approved by the secretary, passed an examination approved by the secretary, and met any additional qualifications established under RCW 18.360.030.

(b) The secretary shall issue an interim certification to any person who has met all of the qualifications in (a) of this subsection, except for the passage of the examination. A person holding an interim permit possesses the full scope of practice of a medical assistant-certified. The interim permit expires upon passage of the examination and issuance of a certification, or after one year, whichever occurs first, and may not be renewed.

(2)(a) The secretary shall issue a certification as a medical assistant-hemodialysis technician to any person who meets the qualifications for a medical assistant-hemodialysis technician established under RCW 18.360.030.

(b) In order to allow sufficient time for the processing of a medical assistant-hemodialysis technician certification, applicants for that credential who have completed their training program are allowed

to continue to work at dialysis facilities, under the level of supervision required for the training program, for a period of up to 180 days after filing their application, to facilitate patient continuity of care.

(3)(a) The secretary shall issue a certification as a medical assistant-phlebotomist to any person who meets the qualifications for a medical assistant-phlebotomist established under RCW 18.360.030.

(b) In order to allow sufficient time for the processing of a medical assistant-phlebotomist certification, applicants for that credential who have completed their training program are allowed to work, under the level of supervision required for the training program, for a period of up to 180 days after filing their application, to facilitate access to services.

(4) The secretary shall issue a certification as a forensic phlebotomist to any person who meets the qualifications for a forensic phlebotomist established under RCW 18.360.030.

(5)(a) The secretary shall issue a registration as a medical assistant-registered to any person who has a current endorsement from a health care practitioner, clinic, or group practice.

(b) In order to be endorsed under this subsection (5), a person must:

(i) Be endorsed by a health care practitioner, clinic, or group practice that meets the qualifications established under RCW 18.360.030; and

(ii) Have a current attestation of his or her endorsement to perform specific medical tasks signed by a supervising health care practitioner filed with the department. A medical assistant-registered may only perform the medical tasks listed in his or her current attestation of endorsement.

(c) A registration based on an endorsement by a health care practitioner, clinic, or group practice is not transferable to another health care practitioner, clinic, or group practice.

(d) An applicant for registration as a medical assistant-registered who applies to the department within seven days of employment by the endorsing health care practitioner, clinic, or group practice may work as a medical assistant-registered for up to sixty days while the application is processed. The applicant must stop working on the sixtieth day of employment if the registration has not been granted for any reason.

(6) A certification issued under subsections (1) through (3) of this section is transferable between different practice settings. A certification under subsection (4) of this section is transferable between law enforcement agencies.

**Sec. 3.** RCW 18.360.050 and 2014 c 138 s 1 are each amended to read as follows:

(1) A medical assistant-certified may perform the following duties delegated by, and under the supervision of, a health care practitioner:

(a) Fundamental procedures:

(i) Wrapping items for autoclaving;

(ii) Procedures for sterilizing equipment and instruments;

(iii) Disposing of biohazardous materials; and

(iv) Practicing standard precautions.

(b) Clinical procedures:

(i) Performing aseptic procedures in a setting other than a hospital licensed under chapter 70.41 RCW;

(ii) Preparing of and assisting in sterile procedures in a setting other than a hospital under chapter 70.41 RCW;

(iii) Taking vital signs;

(iv) Preparing patients for examination;

(v) Capillary blood withdrawal, venipuncture, and intradermal, subcutaneous, and intramuscular injections; and

(vi) Observing and reporting patients' signs or symptoms.

(c) Specimen collection:

(i) Capillary puncture and venipuncture;

(ii) Obtaining specimens for microbiological testing; and

(iii) Instructing patients in proper technique to collect urine and fecal specimens.

(d) Diagnostic testing:

(i) Electrocardiography;

(ii) Respiratory testing; and

(iii)(A) Tests waived under the federal clinical laboratory improvement amendments program on July 1, 2013. The department shall periodically update the tests authorized under this subsection (1)(d) based on changes made by the federal clinical laboratory improvement amendments program; and

(B) Moderate complexity tests if the medical assistant-certified meets standards for personnel qualifications and responsibilities in compliance with federal regulation for nonwaived testing.

(e) Patient care:

(i) Telephone and in-person screening limited to intake and gathering of information without requiring the exercise of judgment based on clinical knowledge;

(ii) Obtaining vital signs;

(iii) Obtaining and recording patient history;

(iv) Preparing and maintaining examination and treatment areas;

(v) Preparing patients for, and assisting with, routine and specialty examinations, procedures, treatments, and minor office surgeries;

(vi) Maintaining medication and immunization records; and

(vii) Screening and following up on test results as directed by a health care practitioner.

(f)(i) Administering medications. A medical assistant-certified may only administer medications if the drugs are:

(A) Administered only by unit or single dosage, or by a dosage calculated and verified by a health care practitioner. For purposes of this section, a combination or multidose vaccine shall be considered a unit dose;

(B) Limited to legend drugs, vaccines, and Schedule III-V controlled substances as authorized by a health care practitioner under the scope of his or her license and consistent with rules adopted by the secretary under (f)(ii) of this subsection; and

(C) Administered pursuant to a written order from a health care practitioner.

(ii) A medical assistant-certified may not administer experimental drugs or chemotherapy agents. The secretary may, by rule, further limit the drugs that may be administered under this subsection (1)(f). The rules adopted under this subsection must limit the drugs based on risk, class, or route.

(g) Intravenous injections. A medical assistant-certified may establish intravenous lines for diagnostic or therapeutic purposes, without administering medications, under the supervision of a health care practitioner, and administer intravenous injections for diagnostic or therapeutic agents under the direct visual supervision of a health care practitioner if the medical assistant-certified meets minimum standards established by the secretary in rule. The minimum standards must be substantially similar to the qualifications for category D and F health care assistants as they exist on July 1, 2013.

(h) Urethral catheterization when appropriately trained.

(2) A medical assistant-hemodialysis technician may perform hemodialysis when delegated and supervised by a health care practitioner. A medical assistant-hemodialysis technician may also administer drugs and oxygen to a patient when delegated and supervised by a health care practitioner and pursuant to rules adopted by the secretary.

(3) A medical assistant-phlebotomist may perform:

(a) Capillary, venous, or arterial invasive procedures for blood withdrawal when delegated and supervised by a health care practitioner and pursuant to rules adopted by the secretary;

(b) Tests waived under the federal clinical laboratory improvement amendments program on July 1, 2013. The department shall periodically update the tests authorized under this section based on changes made by the federal clinical laboratory improvement amendments program;

(c) Moderate and high complexity tests if the medical assistant-phlebotomist meets standards for personnel qualifications and responsibilities in compliance with federal regulation for nonwaived testing; and

(d) Electrocardiograms.

(4) A medical assistant-registered may perform the following duties delegated by, and under the supervision of, a health care practitioner:

(a) Fundamental procedures:

(i) Wrapping items for autoclaving;

(ii) Procedures for sterilizing equipment and instruments;

(iii) Disposing of biohazardous materials; and

(iv) Practicing standard precautions.

(b) Clinical procedures:

(i) Preparing for sterile procedures;

(ii) Taking vital signs;

(iii) Preparing patients for examination; and

(iv) Observing and reporting patients' signs or symptoms.

(c) Specimen collection:

(i) Obtaining specimens for microbiological testing; and

(ii) Instructing patients in proper technique to collect urine and fecal specimens.

(d) Patient care:

(i) Telephone and in-person screening limited to intake and gathering of information without requiring the exercise of judgment based on clinical knowledge;

(ii) Obtaining vital signs;

(iii) Obtaining and recording patient history;

(iv) Preparing and maintaining examination and treatment areas;

(v) Preparing patients for, and assisting with, routine and specialty examinations, procedures, treatments, and minor office surgeries (~~utilizing no more than local anesthetic~~), including those with minimal sedation. The department may, by rule, prohibit duties authorized under this subsection (4)(d)(v) if performance of those duties by a medical assistant-registered would pose an unreasonable risk to patient safety;

(vi) Maintaining medication and immunization records; and

(vii) Screening and following up on test results as directed by a health care practitioner.

(e) Diagnostic testing and electrocardiography.

(f)(i) Tests waived under the federal clinical laboratory improvement amendments program on July 1, 2013. The department shall periodically update the tests authorized under subsection (1)(d) of this section based on changes made by the federal clinical laboratory improvement amendments program.

(ii) Moderate complexity tests if the medical assistant-registered meets standards for personnel qualifications and responsibilities in compliance with federal regulation for nonwaived testing.

~~((f))~~ (g) Administering eye drops, topical ointments, and vaccines, including combination or multidose vaccines.

~~((g))~~ (h) Urethral catheterization when appropriately trained.

(i) Administering medications:

(i) A medical assistant-registered may only administer medications if the drugs are:

(A) Administered only by unit or single dosage, or by a dosage calculated and verified by a health care practitioner. For purposes of this section, a combination or multidose vaccine shall be considered a unit dose;

(B) Limited to legend drugs, vaccines, and Schedule III through V controlled substances as authorized by a health care practitioner under the scope of his or her license and consistent with rules adopted by the secretary under (i)(ii) of this subsection; and

(C) Administered pursuant to a written order from a health care practitioner.

(ii) A medical assistant-registered may only administer medication for intramuscular injections. A medical assistant-registered may not administer experimental drugs or chemotherapy agents. The secretary may, by rule, further limit the drugs that may be



administered under this subsection (4)(i). The rules adopted under this subsection must limit the drugs based on risk, class, or route.

(j) Intramuscular injections. A medical assistant-registered may administer intramuscular injections for diagnostic or therapeutic agents under the immediate supervision of a health care practitioner if the medical assistant-registered meets minimum standards established by the secretary in rule.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Riccelli and Harris spoke in favor of the adoption of the striking amendment.

The striking amendment (012) was adopted.

The bill was ordered engrossed.

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

Representatives Harris and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1073.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1073, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1073, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:30 a.m., Thursday, February 16, 2023, the 39th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## THIRTY NINTH DAY

House Chamber, Olympia, Thursday, February 16, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Nisei Veterans Committee Color Guard led by combat veteran Colonel Kay Wakatake, U.S. Army (Retired), and comprised of Mr. Dale Kaku, Past Commander, Nisei Veterans Committee; Mr. Dale Watanabe, Past Commander, Nisei Veterans Committee; and Lieutenant Colonel Michael Yaguchi, U.S. Air Force (Retired). The Pledge of Allegiance was led by Alexander Bertelsen, Troop 252, Seattle Betsuin Buddhist Church. The prayer was offered by Assistant Minister Johnny Valdez, Seattle Nichiren Buddhist Church.

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4615**, by Representatives Jinkins, Wilcox, Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, and Ybarra

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the United States military to forcibly remove and incarcerate more than 120,000 persons of Japanese ancestry from the West Coast, including 12,000 Japanese American residents of Washington State; and

WHEREAS, The first civilian evacuation order gave Japanese Americans from Bainbridge Island, Washington less than one week to leave behind homes, personal belongings, farms, businesses, friends, and family and report to detention centers like Camp Harmony on the grounds of the Washington State Fair in Puyallup, where hastily converted horse stables housed the evacuated families; and

WHEREAS, These detention centers were temporary quarters for the evacuees while the United States military department constructed 10 mass incarceration sites for Japanese Americans located in remote inland areas of the United States; and

WHEREAS, This drastic policy of removal and relocation allegedly aimed to prevent acts of espionage and sabotage by Japanese Americans who were deemed untrustworthy and disloyal to the United States; and

WHEREAS, On March 23, 1943, the War Department organized a segregated unit of Japanese Americans, many of whom reported for military duty from the concentration camps surrounded by barbed wire in which they and their families were detained; and

WHEREAS, More than 12,000 volunteers responded to questions about their loyalty and patriotism by amassing a battle record unparalleled in United States military history with a casualty rate of 314% and earning a collective 7 Presidential Unit

Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 1 Distinguished Service Medal, 588 Silver Stars, more than 4,000 Bronze Stars, 22 Legion of Merit Medals, 145 Soldier's Medals, 9,486 Purple Hearts, 16 decorations from France and Italy, and, in 2010, the Congressional Gold Medal; and

WHEREAS, Equally loyal and patriotic Japanese Americans fought to protect our constitutional rights and liberties through dissent, like University of Washington student and Auburn native Gordon Hirabayashi who was arrested, convicted, and imprisoned for defying the military curfew on select civilians and refusing to evacuate when ordered; and

WHEREAS, In 1982, the Congressional commission on wartime relocation and internment of civilians found "no military or security reason for the internment" of persons of Japanese ancestry, but determined the cause of the incarceration as "racial prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, Through this travesty of justice, Japanese Americans suffered immense economic loss of property and assets; experienced immeasurable physical and psychological harm as individuals and collectively as a community; and were deprived of their constitutional liberties without due process of law; and

WHEREAS, In 1979, Washington State Congressman Mike Lowry introduced H.R. 5977 to provide reparations and an apology to the Japanese American incarcerated, thus initiating a 10-year legislative quest that ended when President Ronald Reagan signed the Civil Liberties Act of 1988; and

WHEREAS, Throughout Washington State, the last remaining survivors of the European and Asian Pacific battlefields of World War II and of American incarceration camps live their golden years in quiet contrast to their extraordinary acts of conscience and valor while all of America continues to benefit from their heroic patriotism;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives pause to acknowledge the 81st anniversary of the signing of Executive Order 9066; to recognize and remember Japanese American veterans, incarcerated, and civil rights activists from the State of Washington; and to reflect on, and honor, the lessons, blessings, and responsibilities of the phrase "...with liberty and justice for all"; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Nisei Veterans Committee, Densho, the Japanese American Citizens League, the Japanese Cultural and Community Center of Washington State, and the Wing Luke Museum of the Asian Pacific American Experience.

Representative Shavers moved adoption of HOUSE RESOLUTION NO. 4615.

Representatives Shavers, Stokesbary, Stonier, McClintock and Santos spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4615 was adopted.

## SPEAKER'S PRIVILEGE

The Speaker (Representative Bronoske presiding) welcomed and recognized the following guest in attendance to observe Day of Remembrance: Consul General of Japan, Hsiao and Mrs. Inagaki; Bainbridge Island City Councilman Clarence Moriwaki; Port of Seattle Commissioner and Executive Director of the State Commission on Asian Pacific American Affairs, Toshiko Hasegawa; Survivors of American concentration camps: Frank and Penny Fukui, Eugene Tagawa, and Sam Owada; Representatives of the Seattle, Puyallup Valley and Olympia chapters of the Japanese American Citizens League; The Nisei Veterans Committee; the

Japan America Society of the state of Washington; the Mukai farm amp; garden; and the Wing Luke Asian Museum.

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

#### MESSAGE FROM THE SENATE

Wednesday, February 15, 2023

Mme. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5006  
 SENATE BILL NO. 5041  
 SENATE BILL NO. 5058  
 SENATE BILL NO. 5079  
 SUBSTITUTE SENATE BILL NO. 5110  
 SENATE BILL NO. 5122  
 SENATE BILL NO. 5192  
 SENATE BILL NO. 5295  
 SUBSTITUTE SENATE BILL NO. 5317  
 SENATE BILL NO. 5323  
 SENATE BILL NO. 5331  
 SENATE BILL NO. 5342  
 SUBSTITUTE SENATE BILL NO. 5381  
 SENATE BILL NO. 5421

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

#### INTRODUCTION & FIRST READING

HB 1831 by Representatives Ramos, Entenman and Simmons

AN ACT Relating to addressing the Washington state ferries' workforce shortages; adding a new section to chapter 47.60 RCW; adding a new section to chapter 28B.50 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1832 by Representatives Fey, Mena, Doglio and Ramel

AN ACT Relating to implementing a per mile charge on vehicle usage of public roadways; amending RCW 46.17.323, 46.17.324, 46.01.030, 46.01.040, and 42.56.330; adding a new section to chapter 46.17 RCW; adding a new section to chapter 46.08 RCW; adding a new section to chapter 46.68 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1833 by Representatives Paul, Hutchins and Ramel

AN ACT Relating to setting ferry fuel surcharges; amending RCW 47.60.315; and declaring an emergency.

Referred to Committee on Transportation.

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

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

#### REPORTS OF STANDING COMMITTEES

February 13, 2023

HB 1024

Prime Sponsor, Representative Simmons: Concerning labor and income of incarcerated persons. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Transportation

February 13, 2023

HB 1055

Prime Sponsor, Representative Stokesbary: Concerning public safety employees' retirement plan membership for public safety telecommunicators. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1095

Prime Sponsor, Representative Walen: Creating a wage replacement program for certain Washington workers excluded from unemployment insurance. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Appropriations

February 14, 2023

HB 1117

Prime Sponsor, Representative Mosbrucker: Addressing the extent to which Washington residents are at risk of rolling blackouts and power supply inadequacy events. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1129

Prime Sponsor, Representative Gregerson: Concerning the sale or lease of manufactured/mobile home communities and the property on which they sit. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Barkis; Bateman; Chopp; Entenman; Low; Reed and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; and Hutchins.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1159

Prime Sponsor, Representative Wylie: Allowing interstate cannabis agreements. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Morgan; Orwall and Reeves.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Walsh; and Waters.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1168

Prime Sponsor, Representative Simmons: Providing prevention services, diagnoses, treatment, and support for prenatal substance exposure. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1186

Prime Sponsor, Representative Rule: Making permanent and expanding the child welfare housing assistance program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services, Youth, & Early Learning. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary,

Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1204

Prime Sponsor, Representative Callan: Implementing the family connections program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services, Youth, & Early Learning. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1232

Prime Sponsor, Representative Bergquist: Enhancing the college bound scholarship program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Dye; Rude; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1247

Prime Sponsor, Representative Reed: Licensing music therapists. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick, Ranking Minority Member; and Graham.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1248

Prime Sponsor, Representative Stonier: Concerning pupil transportation. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Dye; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Connors; Couture; Harris; Rude; and Sandlin.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1308 Prime Sponsor, Representative Stonier: Concerning high school graduation pathway options. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Harris; Ortiz-Self; Pollet; Stonier and Timmons.

MINORITY recommendation: Do not pass. Signed by Representatives Rude, Ranking Minority Member; Eslick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives McClintock; and Sandlin.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1311 Prime Sponsor, Representative Reeves: Addressing credit repair services performed by a credit services organization. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Santos and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Ranking Minority Member; and Sandlin.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1368 Prime Sponsor, Representative Senn: Requiring and funding the purchase of zero emission school buses. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Abbarno; Couture; and Goehner.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Assistant Ranking Minority Member; and Barnard.

Referred to Committee on Appropriations

February 14, 2023

HB 1375 Prime Sponsor, Representative Reeves: Concerning liquor licensee privileges for the delivery of alcohol. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Cheney; Morgan; Reeves and Waters.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Assistant Ranking Minority Member; Orwall; and Walsh.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1377 Prime Sponsor, Representative Santos: Posting of approved courses and providers of continuing education. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1424 Prime Sponsor, Representative Berg: Concerning consumer protection with respect to the sale and adoption of dogs and cats. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; Chapman; Connors; Donaghy; Hackney; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representative Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives McClintock, Assistant Ranking Minority Member; Cheney; and Sandlin.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1498 Prime Sponsor, Representative Dye: Concerning aviation assurance funding in response to wildland fires. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Appropriations

February 13, 2023

HB 1501 Prime Sponsor, Representative Steele: Authorizing additional counseling services for immediate family members of homicide victims. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1504 Prime Sponsor, Representative Low: Ensuring elementary school students receive sufficient daily recess. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1515 Prime Sponsor, Representative Macri: Concerning contracting and procurement requirements for behavioral health services in medical assistance programs. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Harris.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick, Ranking Minority Member; and Graham.

Referred to Committee on Appropriations

February 14, 2023

HB 1521 Prime Sponsor, Representative Bronoske: Concerning the duties of industrial insurance self-insured employers and third-party administrators. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1522 Prime Sponsor, Representative Pollet: Addressing sexual misconduct at scholarly or professional associations. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Waters, Assistant Ranking Minority Member; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Ranking Minority Member; and Chandler.

Referred to Committee on Appropriations

February 14, 2023

HB 1526 Prime Sponsor, Representative Fosse: Concerning state electrical inspectors' salaries. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Appropriations

February 13, 2023

HB 1530 Prime Sponsor, Representative Cortes: Expanding eligibility for employment of certain law enforcement and prosecutor office positions. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1534 Prime Sponsor, Representative Orwall: Strengthening protections for consumers in the construction industry. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Appropriations

February 14, 2023

HB 1543 Prime Sponsor, Representative Dye: Establishing a wild horse holding and training program at Coyote Ridge corrections center. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1554 Prime Sponsor, Representative Doglio: Reducing public health and environmental impacts from lead. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Abbarno; Barnard; Couture; and Goehner.

MINORITY recommendation: Without recommendation. Signed by Representative Ybarra, Assistant Ranking Minority Member.

Referred to Committee on Transportation

February 14, 2023

HB 1558 Prime Sponsor, Representative Cheney: Creating a separate fund for the purposes of self-insured pensions and assessments. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Appropriations

February 13, 2023

HB 1565 Prime Sponsor, Representative Ortiz-Self: Supporting and strengthening the professional education workforce. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Bergquist; Callan; Eslick; Ortiz-Self; Pollet; Stonier and Timmons.

MINORITY recommendation: Do not pass. Signed by Representative Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives McEntire, Assistant Ranking Minority Member; Harris; McClintock; and Sandlin.

Referred to Committee on Appropriations

February 14, 2023

HB 1566 Prime Sponsor, Representative Bateman: Concerning vacation leave accrual for state employees. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1578 Prime Sponsor, Representative Springer: Improving community preparedness, response, recovery, and resilience to wildland fire health and safety impacts in areas of increasing population density, including in the wildland urban interface. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Appropriations

February 13, 2023

HB 1589 Prime Sponsor, Representative Doglio: Supporting Washington's clean energy economy and transitioning to a clean, affordable, and reliable energy future. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Couture; and Goehner.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1596 Prime Sponsor, Representative Kloba: Providing local governments with options to increase affordable housing in their communities. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Berg and Riccelli.

MINORITY recommendation: Without recommendation. Signed by Representatives Jacobsen, Assistant Ranking Minority Member; and Griffey.

Referred to Committee on Finance

February 14, 2023

HB 1609 Prime Sponsor, Representative Eslick: Concerning school library information and technology programs. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Eslick; Harris; McClintock; Pollet; Sandlin; Steele and Timmons.

MINORITY recommendation: Without recommendation. Signed by Representatives Callan; Ortiz-Self; and Stonier.

Referred to Committee on Appropriations

February 14, 2023

HB 1622 Prime Sponsor, Representative Fey: Supporting the needs of students experiencing homelessness. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1624 Prime Sponsor, Representative Ybarra: Administering educational service district elections. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

MINORITY recommendation: Without recommendation. Signed by Representative McEntire, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1633 Prime Sponsor, Representative Connors: Creating a homes for heroes program. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Capital Budget

February 14, 2023

HB 1636 Prime Sponsor, Representative Orwall: Concerning foreclosure protections for

homeowners in common interest communities. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1640 Prime Sponsor, Representative Street: Concerning the governor's authority to grant pardons and commutations. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; and Graham.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1656 Prime Sponsor, Representative Schmidt: Concerning unemployment insurance benefits appeal procedures. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1658 Prime Sponsor, Representative Shavers: Authorizing public high school students to earn elective credit for paid work experience. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1676 Prime Sponsor, Representative Senn: Concerning special education early support for infants and toddlers. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant



Ranking Minority Member; Callan; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent; and Walsh.

Referred to Committee on Appropriations

February 14, 2023

HB 1681 Prime Sponsor, Representative Stearns: Concerning problem gambling. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Morgan; Orwall; Reeves; Walsh and Waters.

Referred to Committee on Finance

February 14, 2023

HB 1684 Prime Sponsor, Representative Slatter: Clarifying procedures for federally recognized tribes to report standard occupational classifications or job titles of workers under the employment security act. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1686 Prime Sponsor, Representative Lekanoff: Concerning salmon recovery reform. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Assistant Ranking Minority Member; and Schmick.

Referred to Committee on Appropriations

February 14, 2023

HB 1694 Prime Sponsor, Representative Alvarado: Addressing home care workforce shortages. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations

February 14, 2023

HB 1695 Prime Sponsor, Representative Alvarado: Defining affordable housing for purposes of using surplus public property for public benefit. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1699 Prime Sponsor, Representative Kretz: Concerning establishing salaries for the Washington fish and wildlife commission. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

MINORITY recommendation: Without recommendation. Signed by Representative Chandler, Assistant Ranking Minority Member.

Referred to Committee on Appropriations

February 14, 2023

HB 1707 Prime Sponsor, Representative Kloba: Concerning bingo conducted by bona fide charitable or nonprofit organizations. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Robertson, Assistant Ranking Minority Member; Morgan; Orwall; Reeves and Waters.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Ranking Minority Member; Cheney; and Walsh.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1728 Prime Sponsor, Representative Donaghy: Creating a statewide resiliency program. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Rule, Vice Chair; Barnard, Assistant Ranking Minority Member; Christian; Corry; Cortes; Paul; Senn; Shavers; Street and Waters.

MINORITY recommendation: Without recommendation. Signed by Representatives Volz, Ranking Minority Member; Chambers; and Ybarra.

Referred to Committee on Appropriations

February 14, 2023

HB 1730 Prime Sponsor, Representative Waters: Allowing people 18 years of age or older to work in certain 21 year and older establishments. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Reeves; Walsh and Waters.

MINORITY recommendation: Do not pass. Signed by Representatives Morgan; and Orwall.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1735 Prime Sponsor, Representative Lekanoff: Adding net ecological gain as a voluntary element of comprehensive plans under the growth management act. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Without recommendation. Signed by Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Couture; and Goehner.

Referred to Committee on Appropriations

February 14, 2023

HB 1746 Prime Sponsor, Representative Ryu: Concerning a state broadband map. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Capital Budget

February 14, 2023

HB 1771 Prime Sponsor, Representative Donaghy: Concerning relocation assistance for tenants of closed or converted manufactured/mobile home parks. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1772

Prime Sponsor, Representative Waters: Prohibiting products that combine alcohol and tetrahydrocannabinol. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Orwall; Reeves; Walsh and Waters.

MINORITY recommendation: Do not pass. Signed by Representative Morgan.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1775

Prime Sponsor, Representative Lekanoff: Limiting liability for salmon recovery projects performed by regional fisheries enhancement groups. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Assistant Ranking Minority Member; and Schmick.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1783

Prime Sponsor, Representative Sandlin: Supporting economic development in distressed areas through hiring of grant writers. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

February 15, 2023

HB 1806

Prime Sponsor, Representative Rule: Creating an exclave community small business relief program. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

## SECOND READING

**HOUSE BILL NO. 1236, by Representatives Hackney, Abbarno, Senn, Reed, Doglio, Ramel and Lekanoff**

**Enhancing access to clean fuel for agencies providing public transportation.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1236 was substituted for House Bill No. 1236 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1236 was read the second time.

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

Representatives Hackney and Abbarno spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1236.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1236, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE HOUSE BILL NO. 1236, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1500, by Representatives Eslick, Chapman, Jacobsen, Ramel, Leavitt, Walen, Peterson, Couture, Paul, Doglio and Macri**

**Increasing the cap on gross sales for cottage food operations.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1500 was substituted for House Bill No. 1500 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1500 was read the second time.

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

Representatives Eslick and Reeves spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1500.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1500, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE HOUSE BILL NO. 1500, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1346, by Representatives Shavers, Berry, Couture, Leavitt, Morgan, Simmons, Timmons, Lekanoff, Paul and Donaghy**

**Creating the purple star award.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1346 was substituted for House Bill No. 1346 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1346 was read the second time.

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

Representatives Shavers and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1346.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1346, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier,

Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives McEntire and Walsh

SUBSTITUTE HOUSE BILL NO. 1346, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1361, by Representatives Abbarno, Rule, Reeves and Gregerson**

**Updating statutes related to state employment by removing obsolete language, eliminating unnecessary reports, conforming a reporting period to fiscal year, and modernizing employee pay procedures.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1361 was substituted for House Bill No. 1361 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1361 was read the second time.

Representative Stokesbary moved the adoption of amendment (023):

On page 6, beginning on line 30, strike "Four-year institutions of higher education are not subject to the requirements of subsection (3) of this section" and insert "The university of Washington is not subject to the requirements of subsection (3) of this section until July 1, 2025"

Representatives Stokesbary and Bergquist spoke in favor of the adoption of the amendment.

Amendment (023) was adopted.

The bill was ordered engrossed.

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

Representative Abbarno spoke in favor of the passage of the bill.

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

Representative Gregerson spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1361.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1361, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt,

Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1361, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., Friday, February 17, 2023, the 40th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

FORTIETH DAY

House Chamber, Olympia, Friday, February 17, 2023

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

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

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

**MESSAGE FROM THE SENATE**

Wednesday, February 15, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5112  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5152  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5207  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5231  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5284

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

**INTRODUCTION & FIRST READING**

HB 1834 by Representatives Walen, Springer, Orcutt, Stokesbary, Wylie and Barnard

AN ACT Relating to reconciliation returns for apportionable income; amending RCW 82.04.462, 82.32.090, 82.32.105, and 82.45.100; reenacting and amending RCW 82.45.150; and creating a new section.

Referred to Committee on Finance.

HB 1835 by Representatives Kretz, Chapman, Maycumber, Tharinger, Harris and Dent

AN ACT Relating to defining frontier counties; and amending RCW 43.160.020, 43.330.010, and 82.02.010.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1836 by Representative Hackney

AN ACT Relating to the treatment of waste heat under the clean energy transformation act; and amending RCW 19.405.020.

Referred to Committee on Environment & Energy.

HB 1837 by Representatives Pollet, Farivar, Fitzgibbon, Berry, Macri and Slatter

AN ACT Relating to contraception vending machines at institutions of higher education; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Postsecondary Education & Workforce.

SSB 5006 by Senate Committee on Law & Justice (originally sponsored by Pedersen, Rivers, Dhingra, Frame, Hasegawa, Hunt, Kuderer, Mullet, Nobles, Stanford and Valdez)

AN ACT Relating to clarifying waiver of firearm rights; amending RCW 9.41.040, 9.41.350, and 9.41.352; reenacting RCW 9.41.010; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

SB 5041 by Senators Lovick, King and Liias

AN ACT Relating to compliance with federal motor carrier safety administration requirements for the drug and alcohol clearinghouse; amending RCW 46.25.052, 46.25.060, 46.25.088, 46.25.100, 46.25.090, 46.25.120, and 46.20.324; reenacting and amending RCW 46.25.010; adding a new section to chapter 46.25 RCW; repealing RCW 46.25.123 and 46.25.125; and providing an effective date.

Referred to Committee on Transportation.

SB 5058 by Senators Padden, Pedersen, Billig, Fortunato, Holy, Short and Wilson, L.

AN ACT Relating to exempting buildings with 12 or fewer units that are no more than two stories from the definition of multiunit residential building; and amending RCW 64.55.010.

Referred to Committee on Housing.

SB 5079 by Senators Braun, Liias, Boehnke, Dozier, Holy, King, Mullet, Muzzall, Saldaña, Schoesler, Wagoner and Wellman

AN ACT Relating to the date by which tuition operating fees are established; and amending RCW 28B.15.067.

Referred to Committee on Postsecondary Education & Workforce.

SSB 5110 by Senate Committee on Labor & Commerce (originally sponsored by Keiser and Kuderer)

AN ACT Relating to adding penalties for certain prohibited practices in chapter 49.44 RCW; adding a new section to chapter 49.44 RCW; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

E2SSB 5112 by Senate Committee on Transportation (originally sponsored by Hunt, Hasegawa, Kuderer, Valdez, Wilson, C. and Wilson, J.)

AN ACT Relating to updating processes related to voter registration; amending RCW 29A.08.010, 29A.08.030, 29A.08.110, 29A.08.125, 29A.08.210, 29A.08.220, 29A.08.260, 29A.08.270, 29A.08.330, 29A.08.340, 29A.08.350, 29A.08.355, 29A.08.357, 29A.08.359, 29A.08.362, 29A.08.365, 29A.08.370, 46.20.153, 46.20.155, 46.20.156, 46.20.205, 29A.08.625, 29A.08.630, 29A.08.635, 29A.08.710, 29A.08.810, 29A.08.820, 29A.08.835,

29A.08.840, 29A.04.611, 29A.84.110, 29A.04.058, and 29A.08.115; reenacting and amending RCW 29A.08.320; adding a new section to chapter 29A.08 RCW; repealing RCW 29A.08.375; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

SB 5122 by Senators Cleveland, Muzzall, Van De Wege and Wellman

AN ACT Relating to extending the expiration date of the ambulance transport fund; amending RCW 74.70.901; and providing an expiration date.

Referred to Committee on Appropriations.

ESSB 5152 by Senate Committee on State Government & Elections (originally sponsored by Valdez, Hunt, Kuderer, Liias, Nguyen and Wilson, C.)

AN ACT Relating to defining synthetic media in campaigns for elective office, and providing relief for candidates and campaigns; and adding a new chapter to Title 42 RCW.

Referred to Committee on State Government & Tribal Relations.

SB 5192 by Senators Shewmake, Hunt, Nguyen and Wellman

AN ACT Relating to authorizing administrative law judges to substitute for pollution control hearings board members in deciding derelict vessel appeals; and amending RCW 79.100.120.

Referred to Committee on Agriculture and Natural Resources.

ESSB 5207 by Senate Committee on State Government & Elections (originally sponsored by Billig, Valdez, Hunt, Kuderer and Nguyen)

AN ACT Relating to campaign contributions by controlled entities; amending RCW 42.17A.455; and adding a new section to chapter 42.17A RCW.

Referred to Committee on State Government & Tribal Relations.

ESSB 5231 by Senate Committee on Law & Justice (originally sponsored by Salomon, Dhingra, Hasegawa, Hunt, Nobles, Pedersen, Valdez and Wilson, C.)

AN ACT Relating to the issuance of emergency domestic violence no-contact orders; and amending RCW 10.99.040.

Referred to Committee on Civil Rights & Judiciary.

ESSB 5284 by Senate Committee on State Government & Elections (originally sponsored by Nguyen, Billig, Frame, Hunt, Keiser, Kuderer, Shewmake and Wilson, C.)

AN ACT Relating to improving transparency in campaign finance disclosure; amending RCW 42.17A.005, 42.17A.205, 42.17A.207, 42.17A.235, 42.17A.240, 42.17A.250, 42.17A.255, 42.17A.260, 42.17A.265, 42.17A.305, and 42.17A.345; adding a new section to chapter 42.17A RCW; and repealing RCW 42.17A.418.

Referred to Committee on State Government & Tribal Relations.

SB 5295 by Senators Wilson, L., Rolfes and Gildon

AN ACT Relating to eliminating accounts; amending RCW 43.84.092 and 43.84.092; decodifying RCW 43.99N.040; repealing RCW 13.40.466, 43.72.902, 43.83.300, 43.83.310,

43.83.320, 43.83.370, and 70A.135.100; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

SSB 5317 by Senate Committee on Transportation (originally sponsored by Nobles, Wilson, J., Frame, Liias, Lovick, Saldaña, Salomon, Shewmake, Wellman and Wilson, C.)

AN ACT Relating to the removal of vehicles by a regional transit authority when obstructing the operation of high capacity transportation vehicles or jeopardizing public safety; amending RCW 46.55.010; and reenacting RCW 46.55.080.

Referred to Committee on Transportation.

SB 5323 by Senators MacEwen, Conway, Lovick, Mullet and Randall

AN ACT Relating to the department of veterans affairs regarding exempt staff and exempt staff appointments, removing reference to one-time use of funds, and exempting veteran discharge papers from public disclosure; amending RCW 41.06.077, 43.60A.140, 72.36.020, and 42.56.440; adding a new section to chapter 43.60A RCW; and repealing RCW 72.36.040, 72.36.050, 72.36.055, and 72.36.077.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

SB 5331 by Senators Conway, Saldaña, Keiser, Lovelett and Wilson, C.

AN ACT Relating to job search requirements for unemployment insurance benefits; amending RCW 50.20.240; and creating new sections.

Referred to Committee on Labor & Workplace Standards.

SB 5342 by Senators Kauffman, King, Liias, Kuderer, Nobles and Wilson, C.

AN ACT Relating to transit agencies' ability to enter into interlocal agreements for procurement; and amending RCW 39.34.030.

Referred to Committee on Transportation.

SSB 5381 by Senate Committee on State Government & Elections (originally sponsored by Braun, Pedersen, Boehnke, Conway, Dhingra, Hunt, Keiser, King, Kuderer, Nguyen, Randall, Saldaña, Warnick, Wilson, C. and Wilson, J.)

AN ACT Relating to letters of recommendation or congratulations sent by legislators; and adding a new section to chapter 42.52 RCW.

Referred to Committee on State Government & Tribal Relations.

SB 5421 by Senators Conway and Van De Wege

AN ACT Relating to exempting benefit enrollment information collected and maintained by the health care authority from public inspection and copying under the public records act; and amending RCW 42.56.250.

Referred to Committee on State Government & Tribal Relations.

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

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

**REPORTS OF STANDING COMMITTEES**

February 16, 2023

HB 1185 Prime Sponsor, Representative Hackney: Reducing environmental impacts associated with lighting products. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Couture; and Goehner.

MINORITY recommendation: Without recommendation. Signed by Representatives Barnard; and Fey.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1229 Prime Sponsor, Representative Simmons: Updating processes related to voter registration. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Transportation

February 15, 2023

HB 1274 Prime Sponsor, Representative Couture: Creating a child malnutrition field guide for the department of children, youth, and families. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1320 Prime Sponsor, Representative Reed: Concerning access to personnel records. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Appropriations

February 15, 2023

HB 1323 Prime Sponsor, Representative Bronoske: Requiring a training and certification program for individuals who apply fire-resistant materials. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1357 Prime Sponsor, Representative Simmons: Modernizing the prior authorization process. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Bronoske; Davis; Macri; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Barnard; Graham; Harris; Maycumber; and Mosbrucker.

Referred to Committee on Appropriations

February 16, 2023

HB 1365 Prime Sponsor, Representative Dye: Improving Puget Sound water quality. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Goehner; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Without recommendation. Signed by Representatives Mena, Vice Chair; and Fey.

Referred to Committee on Capital Budget

February 15, 2023

HB 1378 Prime Sponsor, Representative Reeves: Concerning the removal of derelict aquatic structures and restoration of aquatic lands. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Capital Budget

February 15, 2023

HB 1430

Prime Sponsor, Representative Eslick: Improving communication between the department of children, youth, and families and caregivers. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Appropriations

February 14, 2023

HB 1470

Prime Sponsor, Representative Ortiz-Self: Concerning private detention facilities. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; and Graham.

Referred to Committee on Appropriations

February 15, 2023

HB 1491

Prime Sponsor, Representative Orcutt: Prohibiting unjustified employer searches of employee personal vehicles. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Appropriations

February 14, 2023

HB 1493

Prime Sponsor, Representative Goodman: Concerning impaired driving. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1516

Prime Sponsor, Representative Thai: Making lunar new year a state legal holiday. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Appropriations

February 15, 2023

HB 1548

Prime Sponsor, Representative Ormsby: Safeguarding the public safety by protecting railroad workers. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1559

Prime Sponsor, Representative Entenman: Establishing the student basic needs at public postsecondary institutions act. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Hansen; Leavitt; Paul; Pollet and Timmons.

MINORITY recommendation: Do not pass. Signed by Representatives Ybarra, Ranking Minority Member; Chandler; Jacobsen; Klicker; and McEntire.

MINORITY recommendation: Without recommendation. Signed by Representatives Waters, Assistant Ranking Minority Member; and Schmidt.

Referred to Committee on Appropriations

February 15, 2023

HB 1590

Prime Sponsor, Representative Dent: Concerning the membership and subcommittees of the oversight board for children, youth, and families. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1593

Prime Sponsor, Representative Macri: Concerning industrial insurance coverage for posttraumatic stress disorders affecting registered nurses. Reported by Committee on Labor & Workplace Standards



MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Appropriations

February 16, 2023

HB 1614 Prime Sponsor, Representative Kloba: Concerning the home cultivation of cannabis. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Morgan; Orwall; Reeves and Waters.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Cheney; and Walsh.

Referred to Committee on Appropriations

February 15, 2023

HB 1648 Prime Sponsor, Representative Reeves: Concerning ticket sales. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Chapman; Donaghy; Hackney; Ryu and Santos.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Cheney; Connors; Sandlin; and Volz.

Referred to Committee on Appropriations

February 15, 2023

HB 1692 Prime Sponsor, Representative Bergquist: Creating student advisory groups. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

MINORITY recommendation: Without recommendation. Signed by Representative Abbarno, Ranking Minority Member.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1696 Prime Sponsor, Representative Davis: Concerning stalking-related offenses. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1700 Prime Sponsor, Representative Kretz: Establishing a memorial on the capitol campus to commemorate eastern Washington. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1701 Prime Sponsor, Representative Callan: Concerning basic education services to youth who are served through institutional education programs. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1725 Prime Sponsor, Representative Maycumber: Increasing access to insulin for individuals under the age of 21. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Schmick, Ranking Minority Member.

Referred to Committee on Appropriations

February 15, 2023

HB 1743 Prime Sponsor, Representative Doglio: Concerning employee ownership. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

February 15, 2023

HB 1750 Prime Sponsor, Representative Berg: Promoting water safety education. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1763 Prime Sponsor, Representative Eslick: Ensuring completion of conditional scholarship obligations and reducing penalties for excusable incomplete obligations. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1779 Prime Sponsor, Representative Mosbrucker: Reducing toxic air pollution that threatens human health. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Goehner; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Without recommendation. Signed by Representative Fey.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1797 Prime Sponsor, Representative Cheney: Concerning residential real estate appraisers being allowed to complete real property evaluations. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1811 Prime Sponsor, Representative Hackney: Concerning reasonable exceptions to

insurance rates for consumers whose credit information is influenced by extraordinary life circumstances. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Rules for second reading

February 15, 2023

HCR 4402 Prime Sponsor, Representative Doglio: Renaming the Natural Resources Building as the Jennifer Belcher Building. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

There being no objection, the bills and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

#### MOTION

There being no objection, HOUSE BILL NO. 1037 was moved from the House Suspension Calendar to the House Second Reading Calendar.

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

#### FIRST SUPPLEMENTAL REPORT OF STANDING COMMITTEES

February 16, 2023

HB 1052 Prime Sponsor, Representative Ramel: Providing a property tax exemption for qualified real and personal property owned or used by a nonprofit entity in providing qualified housing funded in whole or part through a local real estate excise tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1363 Prime Sponsor, Representative Rule: Concerning vehicular pursuits. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair;

Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Fosse; Graham and Ramos.

MINORITY recommendation: Do not pass. Signed by Representative Farivar.

Referred to Committee on Transportation

February 16, 2023

HB 1381 Prime Sponsor, Representative Dye: Concerning salmon-safe communities. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

Referred to Committee on Appropriations

February 16, 2023

HB 1387 Prime Sponsor, Representative Ramos: Requiring the criminal justice training commission to establish a program to recruit and train a pool of applicants who may be employed by certain law enforcement agencies in the state. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1439 Prime Sponsor, Representative Goodman: Addressing child exposure to violence. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent; and Walsh.

Referred to Committee on Appropriations

February 14, 2023

HB 1550 Prime Sponsor, Representative Santos: Assisting eligible children in need of additional preparation to be successful in kindergarten by establishing the transition to kindergarten program. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Bergquist; Callan; Eslick;

McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

MINORITY recommendation: Without recommendation. Signed by Representatives McEntire, Assistant Ranking Minority Member; and Harris.

Referred to Committee on Appropriations

February 16, 2023

HB 1555 Prime Sponsor, Representative Lekanoff: Concerning extradition of persons to and from Indian jurisdiction. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1564 Prime Sponsor, Representative Mosbrucker: Prohibiting the sale of over-the-counter sexual assault kits. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1568 Prime Sponsor, Representative Chambers: Concerning the credentialing of certified health care professionals providing long-term care services. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1584 Prime Sponsor, Representative Barnard: Planning for advanced nuclear reactor technology in Washington. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1591 Prime Sponsor, Representative Orwall:  
Concerning open adoption agreements.  
Reported by Committee on Human Services,  
Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Callan; Goodman; Ortiz-Self and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Couture, Assistant Ranking Minority Member; Dent; and Rule.

Referred to Committee on Appropriations

February 16, 2023

HB 1650 Prime Sponsor, Representative Wylie:  
Requiring voter approval for local  
government prohibitions on cannabis  
businesses. Reported by Committee on  
Regulated Substances & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Morgan; Orwall and Reeves.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Walsh; and Waters.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1668 Prime Sponsor, Representative Donaghy:  
Concerning restitution for surviving minor  
children of deceased victims of vehicular  
homicide. Reported by Committee on  
Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1679 Prime Sponsor, Representative Rule:  
Modifying and extending requirements of a  
work group convened to address the needs of  
students in foster care, experiencing  
homelessness, or both. Reported by  
Committee on Human Services, Youth, &  
Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1685 Prime Sponsor, Representative Rule:  
Concerning resource and assessment centers.  
Reported by Committee on Human Services,  
Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Without recommendation. Signed by Representatives Couture, Assistant Ranking Minority Member; and Walsh.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1715 Prime Sponsor, Representative Davis:  
Enacting comprehensive protections for  
victims of domestic violence and other  
violence involving family members or  
intimate partners. Reported by Committee on  
Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representative Graham.

Referred to Committee on Appropriations

February 15, 2023

HB 1724 Prime Sponsor, Representative Bateman:  
Increasing the trained behavioral health  
workforce. Reported by Committee on  
Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

Referred to Committee on Appropriations

February 17, 2023

HB 1726 Prime Sponsor, Representative Bronoske:  
Concerning the director of fire protection's  
administration and reimbursement of fire  
service-related training programs. Reported  
by Committee on State Government & Tribal  
Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1744 Prime Sponsor, Representative Rude: Clarifying the responsibilities and accountability for the effective delivery and oversight of public education services to charter school students. Reported by Committee on Education

activities sweepstakes. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Morgan; Orwall; Reeves; Walsh and Waters.

Referred to Committee on Rules for second reading

Referred to Committee on Rules for second reading

**SECOND SUPPLEMENTAL REPORT OF STANDING COMMITTEES**

February 16, 2023

HB 1762 Prime Sponsor, Representative Doglio: Protecting warehouse employees. Reported by Committee on Labor & Workplace Standards

HB 1005 Prime Sponsor, Representative Abbarno: Concerning employer tax incentives for the support of veterans and military families. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

Referred to Committee on Appropriations

February 16, 2023

HB 1765 Prime Sponsor, Representative Steele: Concerning special occasion liquor licenses. Reported by Committee on Regulated Substances & Gaming

HB 1012 Prime Sponsor, Representative Leavitt: Addressing the response to extreme weather events. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Morgan; Orwall; Reeves; Walsh and Waters.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

Referred to Committee on Appropriations

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Couture; Dye; Rude; Schmick; and Steele.

February 16, 2023

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; Connors; Harris; and Sandlin.

HB 1822 Prime Sponsor, Representative Morgan: Concerning complimentary products provided by short-term rental operators to guests. Reported by Committee on Regulated Substances & Gaming

Referred to Committee on Rules for second reading

February 16, 2023

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Morgan; Orwall; Reeves; Walsh and Waters.

HB 1022 Prime Sponsor, Representative Chapman: Providing additional support and services for veterans' assistance and for persons with developmental disabilities or mental health needs. Reported by Committee on Finance

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; and Cheney.

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Chopp; Ramel; Santos; Springer; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; and Stokesbary.

February 16, 2023

HB 1824 Prime Sponsor, Representative Eslick: Authorizing bona fide charitable or nonprofit organizations to conduct shooting sports and

Referred to Committee on Rules for second reading

February 17, 2023

HB 1153

Prime Sponsor, Representative Peterson: Prohibiting octopus farming. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Assistant Ranking Minority Member; and Schmick.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1231

Prime Sponsor, Representative Berg: Accelerating rural job growth and promoting economic recovery across Washington through site readiness grants. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Eslick; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; McEntire; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1242

Prime Sponsor, Representative Dent: Creating a behavioral health work group to study the root causes of rising behavioral health issues in Washington communities. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Barnard; Bronoske; Davis; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; and Graham.

Referred to Committee on Appropriations

February 16, 2023

HB 1250

Prime Sponsor, Representative Steele: Modifying the low-income home rehabilitation program. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Eslick; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; McEntire; Morgan;

Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1282

Prime Sponsor, Representative Duerr: Requiring environmental and labor reporting for public building construction and renovation material. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Alvarado; Bateman; Farivar; Fosse; Kloba; Leavitt; Morgan; Orwall; Peterson; Reed; Rule; Shavers and Stearns.

MINORITY recommendation: Do not pass. Signed by Representatives Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Cheney; Christian; Couture; Dye; Eslick; McClintock; McEntire; Mosbrucker; and Waters.

MINORITY recommendation: Without recommendation. Signed by Representative Maycumber.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1285

Prime Sponsor, Representative Goehner: Modifying the scope of locations to which a water right established as a family farm permit may be transferred. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

MINORITY recommendation: Without recommendation. Signed by Representative Morgan, Vice Chair.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1288

Prime Sponsor, Representative Reeves: Concerning the department of veterans affairs. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1338 Prime Sponsor, Representative Reeves:  
Concerning education and vocational  
programs in state correctional institutions.  
Reported by Committee on Postsecondary  
Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Pollet; Schmidt and Timmons.

Referred to Committee on Appropriations

February 17, 2023

HB 1417 Prime Sponsor, Representative Volz:  
Concerning the multistate nurse licensure  
compact. Reported by Committee on  
Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Jacobsen; Klicker; Leavitt; McEntire; Schmidt and Timmons.

MINORITY recommendation: Do not pass. Signed by Representatives Hansen; and Pollet.

MINORITY recommendation: Without recommendation. Signed by Representative Reed, Vice Chair.

Referred to Committee on Appropriations

February 16, 2023

HB 1431 Prime Sponsor, Representative Timmons:  
Clarifying that meals furnished to tenants of  
senior living communities as part of their  
rental agreement are not subject to sales and  
use tax. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1460 Prime Sponsor, Representative Hackney:  
Concerning the department of natural  
resources land transactions, revenue  
distributions, and creation and management  
of a trust land transfer program. Reported by  
Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Dye; Farivar; Fosse; Kloba; Leavitt; McClintock; McEntire; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

MINORITY recommendation: Without recommendation. Signed by Representatives Abbarno, Assistant Ranking Minority Member; Couture; Eslick; and Maycumber.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1466 Prime Sponsor, Representative Riccelli:  
Concerning currently credentialed dental  
auxiliaries. Reported by Committee on  
Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1479 Prime Sponsor, Representative Callan:  
Concerning restraint or isolation of students  
in public schools and educational programs.  
Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Bergquist; Callan; Ortiz-Self; Pollet; Stonier and Timmons.

MINORITY recommendation: Do not pass. Signed by Representatives Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Eslick; Harris; McClintock; Sandlin; and Steele.

Referred to Committee on Appropriations

February 17, 2023

HB 1492 Prime Sponsor, Representative Simmons:  
Providing relief for persons affected by State  
v. Blake. Reported by Committee on Civil  
Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; and Rude.

Referred to Committee on Appropriations

February 17, 2023

HB 1494 Prime Sponsor, Representative Dent:  
Concerning collection of assessments for  
irrigation and rehabilitation districts.  
Reported by Committee on Local  
Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg and Riccelli.

Referred to Committee on Finance

February 17, 2023

HB 1562 Prime Sponsor, Representative Thai: Reducing the risks of lethality and other harm associated with gun violence, gender-based violence, and other types of violence. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson; Thai and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Cheney; and Rude.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1577 Prime Sponsor, Representative Schmick: Concerning municipal officers' beneficial interest in contracts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg and Riccelli.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1586 Prime Sponsor, Representative Goodman: Requiring the criminal justice training commission to establish a work group and grant program related to vehicular pursuits. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Without recommendation. Signed by Representatives Griffey, Assistant Ranking Minority Member; and Graham.

Referred to Committee on Appropriations

February 17, 2023

HB 1588 Prime Sponsor, Representative Bronoske: Addressing ambulance personnel requirements. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Macri; Maycumber; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris; and Mosbrucker.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1638 Prime Sponsor, Representative Fey: Creating a state trooper expedited recruitment incentive program. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1645 Prime Sponsor, Representative Barnard: Concerning meetings of county legislative authorities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg and Riccelli.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1660 Prime Sponsor, Representative Christian: Setting a minimum bid for abandoned recreational vehicles sold at auction. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1663 Prime Sponsor, Representative Goehner: Allowing functionally consolidated port districts to adopt a unified levy. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg and Riccelli.

Referred to Committee on Finance

February 17, 2023

HB 1677 Prime Sponsor, Representative Walsh: Concerning campaign finance disclosure. Reported by Committee on State Government & Tribal Relations



MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Appropriations

February 17, 2023

HB 1678 Prime Sponsor, Representative Riccelli: Establishing and authorizing the profession of dental therapy. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; and Graham.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris; Maycumber; and Mosbrucker.

Referred to Committee on Appropriations

February 17, 2023

HB 1698 Prime Sponsor, Representative Kretz: Providing flexibility for the department of fish and wildlife to collaborate with local governments to manage gray wolves. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Appropriations

February 17, 2023

HB 1705 Prime Sponsor, Representative Griffey: Concerning stormwater control facilities and county jurisdiction. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg and Riccelli.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1706 Prime Sponsor, Representative Entenman: Concerning the operation, authorization, and permitting of microenterprise home kitchens. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg and Riccelli.

Referred to Committee on Appropriations

February 17, 2023

HB 1712 Prime Sponsor, Representative Schmick: Protecting workers displaced due to finfish aquaculture facility closure. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio and Ormsby.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1714 Prime Sponsor, Representative Stonier: Allowing school districts to apply for financial literacy education professional development grants. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1720 Prime Sponsor, Representative Chapman: Concerning the protection and restoration of riparian areas through the establishment of a fully voluntary, regionally focused riparian grant program designed to improve the ecological functions of critical riparian management zones. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Capital Budget

February 16, 2023

HB 1737 Prime Sponsor, Representative Morgan: Enacting the reconciliation act. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Berg; Chopp; Couture; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member;

Corry, Assistant Ranking Minority Member; Connors; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1740 Prime Sponsor, Representative Orcutt: Concerning eligibility, enrollment, and compensation of small forestland owners volunteering for participation in the forestry riparian easement program. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Capital Budget

February 17, 2023

HB 1745 Prime Sponsor, Representative Thai: Improving diversity in clinical trials. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations

February 17, 2023

HB 1753 Prime Sponsor, Representative Bronoske: Changing certain notice provisions in the derelict vessel removal program. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1766 Prime Sponsor, Representative Griffey: Creation of a hope card program. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Appropriations

February 17, 2023

HB 1767 Prime Sponsor, Representative Barnard: Concerning the role of the department of commerce in monitoring and providing

technical assistance related to federal funding opportunities. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Cortes; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

February 17, 2023

HB 1776 Prime Sponsor, Representative Senn: Requiring coverage for applied behavior analysis. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1778 Prime Sponsor, Representative Volz: Concerning economic resilience planning. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Cortes; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

February 16, 2023

HB 1784 Prime Sponsor, Representative Gregerson: Concerning hunger relief. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1789 Prime Sponsor, Representative Reeves: Expanding revenue generation and economic opportunities from natural climate solutions and ecosystem services. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kretz; Lekanoff and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Chandler, Assistant Ranking Minority Member; Kloba; Orcutt; and Schmick.

Referred to Committee on Capital Budget

February 17, 2023

HB 1792 Prime Sponsor, Representative Timmons: Modifying timelines and other initial procedural actions in a water rights adjudication. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1821 Prime Sponsor, Representative Slatter: Creating a postsecondary credential transparency work group. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Hansen; Jacobsen; Leavitt; Pollet; Schmidt and Timmons.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

MINORITY recommendation: Without recommendation. Signed by Representatives Klicker; and McEntire.

Referred to Committee on Appropriations

February 17, 2023

HB 1823 Prime Sponsor, Representative Timmons: Modifying the Washington student loan program. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Hansen; Jacobsen; Leavitt; Pollet; Schmidt and Timmons.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; and McEntire.

MINORITY recommendation: Without recommendation. Signed by Representative Klicker.

Referred to Committee on Appropriations

February 16, 2023

HJM 4001 Prime Sponsor, Representative Orcutt: Requesting the transportation commission to

designate a section of Interstate 5 the Cowlitz County Deputy Sheriff Justin DeRosier memorial highway. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's first and second supplemental committee reports under the fifth order of business were referred to the committees so designated.

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

**MOTION**

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 1375, and the bill was referred to the Committee on Appropriations.

There being no objection, the House adjourned until 10:30 a.m., Monday, February 20, 2023, the 43rd Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FORTY THIRD DAY

House Chamber, Olympia, Monday, February 20, 2023

The House was called to order at 10:30 a.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Clarkston High School Junior ROTC. The Speaker led the Chamber in the Pledge of Allegiance. The National Anthem was performed by Savanna Woods of Stanwood. The prayer was offered by Rabbi Seth Goldstein, Temple Beth Hatfiloh, Olympia.

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

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

**INTRODUCTION & FIRST READING**

HB 1838 by Representatives Fey, Barkis, Berg and Ortiz-Self

AN ACT Relating to transferring the responsibilities for the transportation revenue forecast for the transportation budget to the economic and revenue forecast council; amending RCW 82.33.010 and 82.33.040; reenacting and amending RCW 82.33.020; and repealing RCW 43.88.125.

Referred to Committee on Transportation.

HB 1839 by Representatives Santos, Chandler, Peterson, Low, Stonier, Pollet, Walsh, Paul and Wylie

AN ACT Relating to the length of trains on railroads; adding a new chapter to Title 81 RCW; and prescribing penalties.

Referred to Committee on Transportation.

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

**MOTIONS**

On motion of Representative Ramel, Representatives Goodman, Hansen, Ortiz-Self and Walen were excused.

On motion of Representative Griffey, Representatives Chandler and Steele were excused.

**SPEAKER'S PRIVILEGE**

The Speaker welcomed all of the families and children who came to the chamber to celebrate Children's Day and asked the Chamber to acknowledge them.

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4616**, by Representatives Jinkins, Wilcox, Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul,

Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, and Ybarra

WHEREAS, We welcome to the House of Representatives the children here today, including middle and high school students serving as pages, and we hope their experience here inspires them to stay informed and involved in their democracy; and

WHEREAS, In the State of Washington, children are cherished, as they are the future of our great state; and

WHEREAS, All the children in the state should have access to quality education, recreation, and a safe community; and

WHEREAS, The children of the State of Washington can serve as an example for us, as they are exposed from birth to various languages, people, and places, embracing those new experiences with a smile and open arms; and

WHEREAS, Adults can learn from children to be full of aspirational dreams and hopeful thinking as we legislate; and

WHEREAS, It is our solemn obligation to instill in children the values, convictions, goodwill, and fortitude they need to continue the legacy of freedom, peace, and prosperity we have inherited from those who came before us;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives encourage all citizens of Washington to celebrate Children's Day and to inspire youth to chart their own hopes and dreams while they create the future of Washington state.

Representative Alvarado moved adoption of HOUSE RESOLUTION NO. 4616.

Representatives Alvarado and Hutchins spoke in favor of the adoption of the resolution.

Division was demanded and the demand was sustained. The Speaker divided the House. The result was 92 - YEAS; 0 - NAYS.

HOUSE RESOLUTION NO. 4616 was adopted.

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

**SECOND READING**

**HOUSE BILL NO. 1020**, by Representatives Morgan, Callan, Ryu, Simmons, Reed, Gregerson, Thai and Ormsby

**Designating the *Suciasaurus rex* as the official dinosaur of the state of Washington.**

The bill was read the second time.

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

Representatives Morgan, Abbarno and Orcutt spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1020.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1020, and the bill passed the House by the following vote: Yeas, 88; Nays, 5; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walsh, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Chambers, Dent, Graham, Volz and Ybarra

Excused: Representatives Chandler, Goodman, Hansen, Ortiz-Self and Walen

HOUSE BILL NO. 1020, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Orwall to preside.

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Orwall presiding) welcomed back Savanna Wood, singer and songwriter who performed on season 20 of The Voice, to sing "Rise Up."

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4605**, by Representatives Jinkins, Wilcox, Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, and Ybarra

WHEREAS, This day, February 20, 2023, the third Monday of February, we join states across the Union in celebrating Presidents' Day; and

WHEREAS, Presidents' Day was created in honor of two of our nation's greatest presidents' birthdays, George Washington and Abraham Lincoln; and

WHEREAS, George Washington, the namesake of our state, born February 22, 1732, led the Continental Army through the Revolutionary War, was one of the leaders of the Founding Fathers, and became the first president of our great nation in the only unanimous presidential election in our history; and

WHEREAS, Abraham Lincoln, born February 12, 1809, invented the first device to help ships cross sand bars, led the country through the turbulent times of the Civil War, wrote and delivered the historic Gettysburg Address, and was the architect of the Emancipation Proclamation; and

WHEREAS, Today we look back on all Presidents in their efforts to overcome the obstacles they faced, thereby protecting the freedoms ensured to us in the Constitution, lifting the nation up, and leading us towards a more perfect Union; and

WHEREAS, The House of Representatives acknowledge Congress' passage of the Uniform Monday Holiday Act of 1968, which recognizes the third Monday in February as Presidents' Day, a day to remember all those who have served as president and the effect those leaders had on us as a nation;

NOW, THEREFORE, BE IT RESOLVED, That on this 20th day of February 2023, the House of Representatives honor the first and sixteenth presidents for leaving a legacy of renowned leadership in turbulent times and their immeasurable contributions to the furtherment of liberty, equality, and justice in this country.

Representative Reeves moved adoption of HOUSE RESOLUTION NO. 4605.

Representatives Reeves and Schmidt spoke in favor of the adoption of the resolution.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 93 - YEAS; 0 - NAYS.

HOUSE RESOLUTION NO. 4605 was adopted.

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Orwall presiding) asked the chamber to join her in sending thoughts and prayers to former President Jimmy Carter.

The Speaker (Representative Orwall presiding) also thanked the Clarkston High School Junior ROTC, Savanna Woods and Rabbi Goldstein for their participation, and again thanked the members' families who were in attendance for joining in the ceremonies.

There being no objection, the House adjourned until 9:55 a.m., Tuesday, February 21, 2023, the 44th Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

**FORTY FOURTH DAY**

House Chamber, Olympia, Tuesday, February 21, 2023

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

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

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

**MESSAGES FROM THE SENATE**

Monday, February 20, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5257

and the same is herewith transmitted.

Sarah Bannister, Secretary

Monday, February 20, 2023

Mme. Speaker:

The Senate has passed:

SENATE BILL NO. 5595

and the same is herewith transmitted.

Sarah Bannister, Secretary

Monday, February 20, 2023

Mme. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8404

and the same is herewith transmitted.

Sarah Bannister, Secretary

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

**INTRODUCTION & FIRST READING**

HB 1840 by Representatives Cheney, Walen, Graham, Rude, Walsh, Robertson, Hutchins, Schmidt, Chapman, Barnard, Eslick and McClintock

AN ACT Relating to addressing catalytic converter theft; amending RCW 19.290.020, 19.290.030, 9A.56.410, 9.94A.515, 36.28A.240, and 43.43.885; reenacting and amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW; making an appropriation; and prescribing penalties.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1841 by Representatives Ramos, Entenman, Chapman and Simmons

AN ACT Relating to addressing the Washington state ferries' workforce shortages; adding a new section to chapter 47.60 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

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

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

**MOTION**

There being no objection, the Committee on Transportation was relieved of HOUSE BILL NO. 1024, and the bill was referred to the Committee on Rules.

There being no objection, the House adjourned until 9:55 a.m., Wednesday, February 22, 2023, the 45th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

FORTY FIFTH DAY

House Chamber, Olympia, Wednesday, February 22, 2023

February 20, 2023

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

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

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

**INTRODUCTION & FIRST READING**

HB 1842 by Representatives Fey, Simmons and Leavitt

AN ACT Relating to salary comparisons for ferry system collective bargaining units; and amending RCW 47.64.006, 47.64.170, and 47.64.320.

Referred to Committee on Labor & Workplace Standards.

ESSB 5257 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Nobles, Wilson, C., Billig, Cleveland, Dozier, Frame, Hasegawa, Hunt, Liias, Lovelett, Lovick, Nguyen, Saldaña, Valdez and Wellman)

AN ACT Relating to ensuring elementary school students receive sufficient daily recess for mental and physical health; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.210 RCW; and creating a new section.

Referred to Committee on Education.

SB 5595 by Senators Wilson, J., Rolfes, Holy, Wilson, L., Lovick, Nguyen, Randall, Wilson, C., Valdez, Kuderer, Torres, Pedersen, Dhingra, Lovelett, Padden, Keiser, Muzzall, Short, Robinson, Schoesler, Dozier, Wagoner, Billig, Van De Wege, Warnick, Fortunato, Rivers, Braun, King, Gildon, Boehnke, McCune, Shewmake, Saldaña, Cleveland, Trudeau, Frame, Conway, Hasegawa and Hunt

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

Referred to Committee on State Government & Tribal Relations.

SCR 8404 by Senators Pedersen, Short and Liias

Convening a joint session for the purpose of receiving the address of H.E. Sauli Niinistö, President of the Republic of Finland.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of SENATE CONCURRENT RESOLUTION NO. 8404, which was read the first time, and under suspension of the rules, was placed on the third reading calendar.

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

**REPORTS OF STANDING COMMITTEES**

HB 1044

Prime Sponsor, Representative McEntire: Providing capital financial assistance to small school districts with demonstrated funding challenges. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Eslick; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; McEntire; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

February 20, 2023

HB 1050

Prime Sponsor, Representative Riccelli: Expanding apprenticeship utilization requirements. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Dye; Farivar; Fosse; Kloba; Leavitt; Morgan; Orwall; Peterson; Reed; Rule; Shavers and Stearns.

MINORITY recommendation: Without recommendation. Signed by Representatives Cheney; Christian; Couture; Eslick; Maycumber; McClintock; McEntire; Mosbrucker; and Waters.

Referred to Committee on Rules for second reading

February 20, 2023

HB 1322

Prime Sponsor, Representative Rude: Concerning the Walla Walla water 2050 plan. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Eslick; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; McEntire; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

February 20, 2023

HB 1682 Prime Sponsor, Representative Maycumber:  
Concerning the Washington auto theft  
prevention authority account. Reported by  
Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Harris.

Referred to Committee on Rules for second reading

February 20, 2023

HB 1732 Prime Sponsor, Representative Bergquist:  
Changing the inflation adjustment index for  
state salary allocations to schools. Reported  
by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; and Dye.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., Thursday, February 23, 2023, the 46th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk



SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

FORTY SIXTH DAY

House Chamber, Olympia, Thursday, February 23, 2023

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

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

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4617**, by Representatives Fitzgibbon and Kretz

NOW, THEREFORE, BE IT RESOLVED, That ~~((temporary))~~permanent House Rules for the Sixty-Eighth Legislature be adopted as follows:

~~((TEMPORARY))~~PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES  
SIXTY-EIGHTH LEGISLATURE 2023-2024

**HOUSE RULE NO.**

- Rule 1** Definitions
- Rule 2** Chief Clerk to Call to Order
- Rule 3** Election of Officers
- Rule 4** Powers and Duties of the Speaker
- Rule 5** Chief Clerk
- Rule 6** Executive Rules Committee
- Rule 7** Duties of Employees
- Rule 8** Admission to the House
- Rule 9** Absentees and Courtesy
- Rule 10** Bills, Memorials and Resolutions - Introductions
- Rule 11** Reading of Bills
- Rule 12** Amendments
- Rule 13** Final Passage
- Rule 14** Hour of Meeting, Roll Call and Quorum
- Rule 15** Daily Calendar and Order of Business
- Rule 16** Motions
- Rule 17** Remote Participation and Voting Permitted Upon Authorization
- Rule 18** Members' Right to Debate
- Rule 19** Rules of Debate
- Rule 20** Ending of Debate - Previous Question
- Rule 21** Voting
- Rule 22** Reconsideration
- Rule 23** Call of the House
- Rule 24** Appeal from Decision of Chair
- Rule 25** Standing Committees
- Rule 26** Duties of Committees
- Rule 27** Standing Committees - Expenses - Subpoena Power
- Rule 28** Vetoed Bills
- Rule 29** Suspension of Compensation
- Rule 30** Smoking
- Rule 31** Liquor
- Rule 32** Parliamentary Rules

<b>Rule 33</b>	Standing Rules Amendment
<b>Rule 34</b>	Rules to Apply for Assembly
<b>Rule 35</b>	Legislative Publications
<b>Rule 36</b>	Emergency Resolution Authorized

#### **Definitions**

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

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

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

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

(E) "Sergeant at arms" means the director of house security.

(F) "Session" means a constitutional gathering of the house in accordance with Article II, section 12 of the state Constitution.

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

#### **Chief Clerk to Call to Order**

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

#### **Election of Officers**

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

#### **Powers and Duties of the Speaker**

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

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

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

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

(D) The speaker shall sign all bills in open session. (Article II, section 32)

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

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

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

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

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

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

#### **Chief Clerk**

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

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

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

#### **Executive Rules Committee**

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

### **Duties of Employees**

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

### **Admission to the House**

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

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

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

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

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

### **Absentees and Courtesy**

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

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

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

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

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

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

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

### **Reading of Bills**

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

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

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

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

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

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

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

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

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

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

(E) **SUSPENSION CALENDAR.** Bills may be placed on the second reading suspension calendar by the rules committee if at least two minority party members of the rules committee join in such motion. Bills on the second reading suspension calendar shall not be subject to amendment or substitution except as recommended in the committee report. When a bill is before the house on the suspension

calendar, the question shall be to adopt the committee recommendations and advance the bill to third reading. If the question fails to receive a two-thirds vote of the members present, the bill shall be referred to the rules committee for second reading.

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

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

#### **Amendments**

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

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

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

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

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

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

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

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

(H) DATE AND TIME FOR AMENDMENT SUBMISSION. To facilitate the orderly consideration of proposed legislation, the speaker, after consultation with the minority leader, may establish a date and time for submission of amendments.

#### **Final Passage**

**Rule 13.** Rules relating to bills on final passage are as follows:

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

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

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

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

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

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

(B) ROLL CALL AND QUORUM. Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule 23(B). Any member participating remotely in house proceedings as provided in Rule 17 shall be considered present for purposes of a quorum. For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Article II, section 8)

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

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

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

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

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

Second: Introduction of visiting dignitaries.

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

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

- Fifth: Committee reports.
- Sixth: Second reading of bills.
- Seventh: Third reading of bills.
- Eighth: Floor resolutions and motions.
- Ninth: Presentation of petitions, memorials, and remonstrances addressed to the Legislature.
- Tenth: Introduction of visitors and other business to be considered.
- Eleventh: Announcements.

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

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

- (1) The order of business may be changed by a majority vote of those present.
- (2) By motion under the eighth order of business, a bill in the rules committee may be placed on the calendar by the affirmative vote of a majority of all members of the house.
- (3) House resolutions and messages from the senate, governor, or other state officials may be read at any time.

**Motions**

**Rule 16.** Rules relating to motions are as follows:

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

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

- (1) Privileged motions:
  - Adjourn
  - Adjourn to a time certain
  - Recess to a time certain
  - Reconsider
  - Demand for division
  - Question of privilege
  - Orders of the day
  
- (2) Subsidiary motions:
 

First rank:	Question of consideration
Second rank:	To lay on the table
Third rank:	For the previous question
Fourth rank:	To postpone to a day certain
	To commit or recommit
	To postpone indefinitely
Fifth rank:	To amend
  
- (3) Incidental motions:
  - Points of order and appeal
  - Method of consideration
  - Suspension of the rules
  - Reading papers
  - Withdraw a motion
  - Division of a question

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

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

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule 24.

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

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

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

#### **Remote Participation and Voting Permitted Upon Authorization**

**Rule 17.** The majority leader and minority leader or their designees may authorize members of their respective caucuses to participate remotely in official house proceedings, including committee meetings and floor sessions, upon the request of a member who is experiencing a medical condition or illness that prevents in-person participation. Once authorized, any member participating remotely shall be considered present for purposes of a quorum and voting. Members participating remotely shall use the computer and virtual background provided by the house during all committee meetings and floor proceedings. The majority leader and minority leader or their designees shall determine when the member's authorization to participate remotely ends.

#### **Members' Right to Debate**

**Rule 18.** The methods by which a member may exercise their right to debate are as follows:

(A) RECOGNITION OF MEMBER. When any member desires to speak in debate or deliver any matter to the house, the member shall rise and respectfully address the speaker and pause until recognized. Any member participating remotely in house proceedings as provided in Rule 17 who desires to speak may request to be recognized by use of the request to speak button in the remote floor activity system.

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

(C) LIMITATION OF DEBATE. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution or concurrent resolution, or on and after the fifth day prior to the day any bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house. No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule 20 (Previous Question).

#### **Rules of Debate**

**Rule 19.** The rules for debate in the house are as follows:

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

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

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

(D) DISTRIBUTION OF MATERIALS. Any materials of any nature distributed to the members' desks on the floor shall be subject to approval by the speaker and shall bear the name of at least one member granted permission for the distribution. Any member participating remotely as provided in Rule 17 who wishes to distribute materials subject to the speaker's approval may do so electronically. All materials approved for distribution shall be provided electronically to members participating remotely to the extent practicable. This shall not apply to materials normally distributed by the chief clerk.

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

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

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

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

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

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

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

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

**Rule 20.** The previous question may be ordered by a two-thirds (2/3) vote of the members present on all recognized motions or amendments which are debatable.

The previous question is not debatable and cannot be amended.

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

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

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

### Voting

**Rule 21. (A) PUTTING OF QUESTION.** The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

(B) ALL MEMBERS TO VOTE. Except as provided in subsection (G), every member who was in the house or participating remotely in house proceedings as provided in Rule 17 when the question was put shall vote unless, for special reasons, excused by the house.

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

(C) COUNT OF THE HOUSE. Upon a division and count of the house on the question, only members at their desks within the bar of the house or participating remotely in house proceedings as provided in Rule 17 shall be counted.

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

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

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

(G) MOTIONS NOT REQUIRING A RECORDED ROLL CALL VOTE. Members in the house and members participating remotely in house proceedings as provided in Rule 17 may vote on any motion not requiring a recorded roll call vote, including when the house divides. Members participating remotely may vote using the remote floor activity system.

(H) INABILITY TO VOTE USING REMOTE VOTING FUNCTION. A member participating remotely in house proceedings as provided in Rule 17 who is unable to vote using the remote voting function on any motion requiring a recorded roll call vote may vote orally. If a member is unable to vote using the remote voting function or orally, the rostrum staff shall contact the member by telephone and the member's vote may be taken by telephone to rostrum staff after the member answers security questions to verify the identity of the member. The rostrum staff will announce the vote of the member, which shall be recorded.

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

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

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

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

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

(L) STATEMENT FOR JOURNAL. A member whose recorded vote does not accurately reflect their intent may submit a written statement for the journal clarifying their intent to vote aye or nay. The statement must be submitted to the chief clerk on the same day the vote is taken. A member who is excused for one or more days of recorded votes may submit a written statement for the journal explaining the reason for their absence. The statement may not exceed 50 words and must be submitted to the chief clerk on the same day the member returns. A member participating remotely in house proceedings as provided in Rule 17 who was unable to vote using the remote voting function, orally, or by telephone may submit a statement for the journal within 48 hours indicating their intent to vote yea or nay.

### Reconsideration

**Rule 22.** Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

Reconsideration of the votes on the final passage of bills must be taken on the next working day after such vote was taken: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, then reconsideration of votes on the final passage of bills must be taken on the same day as the original vote was taken: AND PROVIDED FURTHER, That any member participating remotely in house proceedings as provided in Rule 17 who was unable to vote using the remote voting function, orally, or by telephone may require reconsideration of the vote on the final passage of bills the same day the vote is taken.

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

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

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

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

### Call of the House

**Rule 23.** One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

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

(B) SERGEANT AT ARMS TO BRING IN THE ABSENTEES. The clerk shall immediately call a roll of the members and note the absentees, whose names shall be read and entered upon the journal in such manner as to show who are excused and who are absent without leave. A member authorized to participate remotely in house proceedings as provided in Rule 17 who is visible at the time of the roll call through the remote floor activity system shall not be considered absent or absent without leave.

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

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

**Appeal from Decision of Chair**

**Rule 24.** The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

**Standing Committees**

**Rule 25.** The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

1. Agriculture & Natural Resources. . . . .	11
2. Appropriations. . . . .	31
3. Capital Budget. . . . .	29
4. Civil Rights & Judiciary. . . . .	11
5. Community Safety, Justice, & Reentry. . . . .	9
6. Consumer Protection & Business. . . . .	13
7. Education. . . . .	15
8. Environment & Energy. . . . .	15
9. Finance. . . . .	13
10. Health Care & Wellness. . . . .	17
11. Housing. . . . .	13
12. Human Services, Youth, & Early Learning. . . . .	11
13. Innovation, Community & Economic Development, & Veterans. . . . .	15
14. Labor & Workplace Standards. . . . .	9
15. Local Government. . . . .	7
16. Postsecondary Education & Workforce. . . . .	15
17. Regulated Substances & Gaming. . . . .	11
18. Rules. . . . .	24
19. State Government & Tribal Relations. . . . .	7
20. Transportation. . . . .	29

Committee members shall be selected by each party's caucus. The majority party caucus shall select all committee chairs. "Committee chair" includes committee cochair(s).

**Duties of Committees**

**Rule 26.** House committees shall operate as follows:

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

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

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

(D) DUTIES OF STANDING COMMITTEES.

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

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

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

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

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

(5) All committee reports shall be spread upon the journal. The journal of the house shall contain an exact copy of all committee reports, together with the names of the members joining in the majority and minority recommendations contained in such reports.



(6) Every vote to report a bill out of committee shall be taken by the yeas and nays, with the nays specifying "do not pass" or "without recommendation," and the names of the members voting for and against, as well as the names of members absent, shall be recorded on the committee report. Any member may call for a recorded vote, which shall include the names of absent members, on any substantive question before the committee. A copy of all recorded committee votes shall be kept by the chief clerk and shall be available for public inspection.

(7) A member participating remotely in house proceedings as provided in Rule 17 who is unable to vote on a bill in committee for technical reasons may submit a statement for the bill file indicating their intent to have voted yea, nay-do not pass, or nay-without recommendation. The statement must be submitted to the chief clerk on the same day the vote is taken.

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

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

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

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

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

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

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

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

**Rule 27.** Regardless of whether the legislature is in session, members of the house may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses, and payments in lieu of subsistence and lodging for conducting official business of the house.

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

#### **Vetoed Bills**

**Rule 28.** Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

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

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

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

#### **Suspension of Compensation**

**Rule 29.** (1) Any member of the House of Representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities, and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities, and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

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

#### **Smoking and Vaping**

**Rule 30.** To provide a safe and healthy environment for all members, employees, and the public, smoking and vaping shall not be permitted at any public meeting of the House of Representatives or within house facilities. Smoking includes the lighting of cigarettes, pipes, or cigars. Vaping includes the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, or e-cigars.

#### **Liquor**

**Rule 31.** The House of Representatives shall strictly adhere to the liquor laws of the state of Washington, including provisions relating to banquet and special occasion permits. The proper permits must always be obtained before consumption of liquor in any house facility.

#### **Parliamentary Rules**

**Rule 32.** The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

#### **Standing Rules Amendment**

**Rule 33.** Any standing rule may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof. Any standing rule may be suspended temporarily by a two-thirds (2/3) vote of the members present except as provided in Rule 11.

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

**Rule 34.** The permanent house rules adopted at the beginning of the term are to govern all acts of the house during the course of the term unless amended or repealed.

#### **Legislative Publications**

**Rule 35.** The House of Representatives directs the house executive rules committee to adopt procedures and guidelines to ensure that all legislative publications at public expense are for legitimate legislative purposes.

**Emergency Resolution Authorized**

**Rule 36.** If the executive rules committee determines through a majority vote that physically convening all members and staff in a single location presents a danger to the health or safety of members, staff, and the public or is impractical because of an emergency, disaster, or catastrophic incident under RCW 42.14.010, the house shall adopt a resolution establishing the rules and procedures governing any special or regular legislative session. For purposes of adopting the house resolution required by this rule, some or all members may vote using the remote voting function or other process established by the chief clerk. Members are considered in attendance within the bar of the house when using the remote floor activity system or following the established process, including for purposes of establishing quorum. To the extent practicable, a member participating remotely or otherwise under this rule has the same privileges, rights, and responsibilities under the house rules as if the member were physically present.

HOUSE RESOLUTION NO. 4617 was adopted.

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

**MESSAGE FROM THE SENATE**

Wednesday, February 22, 2023

Mme. Speaker:

The Senate has passed:

- SENATE BILL NO. 5019
- SENATE BILL NO. 5023
- SUBSTITUTE SENATE BILL NO. 5077
- SENATE BILL NO. 5088
- SENATE BILL NO. 5113
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5123
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5142
- SUBSTITUTE SENATE BILL NO. 5170
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5272
- SENATE BILL NO. 5292
- SENATE BILL NO. 5296
- SUBSTITUTE SENATE BILL NO. 5306
- SENATE BILL NO. 5347
- SENATE BILL NO. 5392
- ENGROSSED SENATE BILL NO. 5623
- SENATE BILL NO. 5705

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

**INTRODUCTION & FIRST READING**

HB 1843 by Representatives Harris, Stonier, Leavitt, Santos, Gregerson, Ryu, Tharinger, Senn and Bergquist

AN ACT Relating to school district elections; amending RCW 28A.535.020, 28A.535.050, 84.52.056, 39.36.020, and 28A.530.020; and providing a contingent effective date.

Referred to Committee on Education.

HJR 4207 by Representatives Harris, Stonier, Leavitt, Santos, Gregerson, Ryu, Tharinger, Senn, Bergquist and Walen

Amending the Constitution to allow 55 percent of voters voting to authorize school district bonds.

Referred to Committee on Education.

There being no objection, the bill and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

**REPORTS OF STANDING COMMITTEES**

February 20, 2023

HB 1109

Prime Sponsor, Representative Senn: Providing funding for school districts for special education. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 20, 2023

HB 1122

Prime Sponsor, Representative Doglio: Granting Washington management service employees the right to collectively bargain. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Labor & Workplace Standards. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Rude; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 20, 2023

HB 1169

Prime Sponsor, Representative Simmons: Concerning legal financial obligations. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1176 Prime Sponsor, Representative Slatter: Developing opportunities for service and workforce programs to support climate-ready communities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Postsecondary Education & Workforce. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Rude; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; and Harris.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1254 Prime Sponsor, Representative Street: Clarifying ambiguities in statutory provisions administered by the department of revenue relating to periodic adjustments. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Walen and Wylie.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1355 Prime Sponsor, Representative Wylie: Updating property tax exemptions for service-connected disabled veterans and senior citizens. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Walen and Wylie.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1406 Prime Sponsor, Representative Cortes: Concerning youth seeking housing assistance

and other related services. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services, Youth, & Early Learning be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1407 Prime Sponsor, Representative Taylor: Maintaining eligibility for developmental disability services. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1421 Prime Sponsor, Representative Chambers: Adding counties to the voluntary stewardship program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1422 Prime Sponsor, Representative Springer: Clarifying that certain reusable packing materials are exempt from sales and use tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Walen and Wylie.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1425 Prime Sponsor, Representative Berg: Facilitating municipal annexations. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Walen and Wylie.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1435 Prime Sponsor, Representative Bronoske: Developing a home care safety net assessment. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1453 Prime Sponsor, Representative Wylie: Providing a tax exemption for medical cannabis patients. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Walen and Wylie.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1457 Prime Sponsor, Representative Robertson: Concerning a motor carrier's ability to access restroom facilities required by rules authorized under chapter 49.17 RCW. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Transportation be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1561 Prime Sponsor, Representative Jacobsen: Increasing the public utility tax exemption threshold and annually adjusting the

threshold for inflation. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Walen and Wylie.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1573 Prime Sponsor, Representative Rule: Extending tax preferences for dairy, fruit and vegetable, and seafood processors. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Walen and Wylie.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1670 Prime Sponsor, Representative Ormsby: Raising the limit factor for property taxes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Chopp; Ramel; Santos; Springer; Walen and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; and Stokesbary.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., Friday, February 24, 2023, the 47th Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

FORTY SEVENTH DAY

House Chamber, Olympia, Friday, February 24, 2023

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

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

RESOLUTION

**HOUSE RESOLUTION NO. 2023-4618**, by Representatives Low, Graham, Chambers, Mosbrucker, and Eslick

WHEREAS, Turner Syndrome is a genetic chromosomal condition that affects females in which one of the X chromosomes is missing or contains structural defects; and

WHEREAS, Turner Syndrome affects 1 out of every 2,500 live female births, and is the second most common genetic disorder; and

WHEREAS, There are an estimated 85,337 females who live with Turner Syndrome in the United States; and

WHEREAS, Females with Turner Syndrome can experience ovarian failure, infertility, congenital heart disease, osteoporosis, type 2 diabetes, obesity, and nonverbal disabilities; and

WHEREAS, There is no known cause or cure for Turner Syndrome; and

WHEREAS, Early diagnosis and intervention of Turner Syndrome with medical specialists has proven to have long-term, positive health outcomes; and

WHEREAS, Families, caregivers, and organizations are striving to support and bring about positive changes for females living with this condition and promote awareness of Turner Syndrome during each year in the month of February; and

WHEREAS, Through research, training, public services, support groups and organizations, and increased awareness, we will be more understanding, inclusive, and better equipped to support the infants, children, girls, and women with Turner Syndrome and their families; and

WHEREAS, With family and social support systems, a female with Turner Syndrome can live a happy, healthy life;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and support individuals with Turner Syndrome and acknowledge the tremendous courage that they and their families put forth every day.

HOUSE RESOLUTION NO. 4618 was adopted.

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

INTRODUCTION & FIRST READING

SB 5019 by Senators Wellman, Braun, Dhingra, Hunt, Keiser, Randall, Saldaña, Trudeau, Valdez and Wilson, C.

AN ACT Relating to classified staff providing student and staff safety; amending RCW 28A.150.260 and 28A.150.260; providing an effective date; and providing an expiration date.

Referred to Committee on Education.

SB 5023 by Senators Wilson, J., Lovick, Kuderer, Liias and Wellman

AN ACT Relating to roadside safety measures; amending RCW 46.37.196 and 46.61.212; and creating a new section.

Referred to Committee on Transportation.

SB 5088 by Senators Keiser and King

AN ACT Relating to adding references to contractor registration and licensing laws in workers' compensation, public works, and prevailing wage statutes; and amending RCW 39.04.350, 39.06.020, 39.12.050, 39.12.055, 39.12.065, 39.12.100, 51.08.070, 51.08.180, 51.08.181, 51.12.070, 51.12.120, 51.16.070, and 51.48.022.

Referred to Committee on Labor & Workplace Standards.

SB 5113 by Senators Warnick, Randall, Holy and Nguyen

AN ACT Relating to faculty in dental schools; and amending RCW 18.32.195.

Referred to Committee on Postsecondary Education & Workforce.

ESSB 5123 by Senate Committee on Labor & Commerce (originally sponsored by Keiser, Frame, Hunt, Kuderer, Mullet, Nguyen, Randall, Stanford, Van De Wege and Wellman)

AN ACT Relating to the employment of individuals who lawfully consume cannabis; adding new sections to chapter 49.44 RCW; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

ESSB 5142 by Senate Committee on Ways & Means (originally sponsored by Liias, Rivers, Dhingra, Kauffman, Nobles, Trudeau, Valdez, Wilson, C. and Wilson, J.)

AN ACT Relating to creating an account for the pharmaceutical rebate revenue generated by the purchase of medications for people living with HIV who are enrolled in the early intervention program; reenacting and amending RCW 43.79A.040; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Appropriations.

SSB 5170 by Senate Committee on State Government & Elections (originally sponsored by Hunt, Kuderer, Wilson, J., Hasegawa and Wilson, C.)

AN ACT Relating to funding and expenditures for legislative organizations by legislators who serve as elected leaders of those organizations; amending RCW 42.56.160; reenacting and amending RCW 42.52.150; and adding a new section to chapter 42.52 RCW.

Referred to Committee on State Government & Tribal Relations.

ESSB 5272 by Senate Committee on Transportation (originally sponsored by Liias, King, Kuderer, Nguyen, Nobles, Saldaña and Wilson, C.)

AN ACT Relating to speed safety camera systems on state highways; amending RCW 46.63.030 and 46.63.075; adding a

new section to chapter 46.63 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

SB 5292 by Senators Randall, Rolfes, MacEwen, Liias, Lovick, Nguyen and Nobles

AN ACT Relating to accessing certain aquatic lands by a public transportation benefit area; and adding a new section to chapter 36.57A RCW.

Referred to Committee on Transportation.

SB 5296 by Senators Nobles, Van De Wege, Billig, Boehnke, Braun, Cleveland, Conway, Fortunato, Holy, Hunt, Lovick, Rivers, Robinson, Stanford, Wagoner, Wellman and Wilson, C.

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

Referred to Committee on Appropriations.

SSB 5306 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Short, Van De Wege, Nobles and Stanford)

AN ACT Relating to authorizing the department of fish and wildlife to establish disease interdiction and control check stations; and adding a new chapter to Title 77 RCW.

Referred to Committee on Agriculture and Natural Resources.

SB 5347 by Senators Wagoner, Pedersen, Dhingra, Kuderer and Wilson, C.

AN ACT Relating to access to abstract driving records; and amending RCW 46.52.130.

Referred to Committee on Transportation.

SB 5392 by Senators Schoesler and Pedersen

AN ACT Relating to overpayments for certain matters; and amending RCW 63.30.270.

Referred to Committee on Civil Rights & Judiciary.

ESB 5623 by Senators Dhingra, Conway, Hasegawa, Kuderer, Liias, Lovelett, Nobles, Pedersen, Stanford and Wilson, C.

AN ACT Relating to modifying an element of the offense of hate crime and classifying a hate crime as crimes against persons; and amending RCW 9A.36.080 and 9.94A.411.

Referred to Committee on Community Safety, Justice, & Reentry.

SB 5705 by Senators Stanford, Dozier and Hasegawa

AN ACT Relating to the administration of the legislative committee on economic development and international relations; amending RCW 43.15.050, 43.15.060, and 43.15.090; and repealing RCW 43.15.085.

Referred to Committee on State Government & Tribal Relations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of SENATE BILL NO. 5392 which was referred to the Committee on Civil Rights & Judiciary.

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

## REPORTS OF STANDING COMMITTEES

February 21, 2023

HB 1032

Prime Sponsor, Representative Dent: Mitigating the risk of wildfires through electric utility planning and identification of best management practices appropriate to each electric utility's circumstances. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture and Natural Resources. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1182

Prime Sponsor, Representative Wylie: Providing a tax exemption for the first 20,000 gallons of wine sold by a winery in Washington. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by Committee on Regulated Substances & Gaming be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

February 20, 2023

HB 1197

Prime Sponsor, Representative Bronoske: Defining attending provider and clarifying other provider functions for workers' compensation claims, and adding psychologists as attending providers for mental health only claims. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Couture; Dye; Rude; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; Chandler; Connors; Harris; and Sandlin.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1260 Prime Sponsor, Representative Alvarado: Accelerating stability for people with a work-limiting disability or incapacity. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; and Steele.

Referred to Committee on Rules for second reading

February 20, 2023

HB 1306 Prime Sponsor, Representative Tharinger: Addressing equity and efficiencies in public works procurement including modifying small works roster requirements. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1365 Prime Sponsor, Representative Dye: Improving Puget Sound water quality. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill by Committee on Environment & Energy be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; McEntire; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1371 Prime Sponsor, Representative Barkis: Providing incentives to improve freight railroad infrastructure. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Chopp.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1378 Prime Sponsor, Representative Reeves: Concerning the removal of derelict aquatic structures and restoration of aquatic lands. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill by Committee on Agriculture and Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; McEntire; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1390 Prime Sponsor, Representative Ramel: Concerning district energy systems. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; Morgan; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

MINORITY recommendation: Without recommendation. Signed by Representatives Christian; Couture; Dye; McEntire; and Mosbrucker.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1405 Prime Sponsor, Representative Alvarado: Preserving public benefit payments to people in the care of the department of children, youth, and families. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services, Youth, & Early Learning. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chandler; and Schmick.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1433 Prime Sponsor, Representative Duerr: Concerning energy labeling of residential buildings. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 20, 2023

HB 1436 Prime Sponsor, Representative Pollet: Funding special education. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1445 Prime Sponsor, Representative Hansen: Concerning law enforcement and local corrections agency misconduct through investigations and legal actions. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; and Steele.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1494 Prime Sponsor, Representative Dent: Concerning collection of assessments for irrigation and rehabilitation districts. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by Committee on Local Government be substituted therefor and the substitute bill do pass. Signed by Representatives Berg,

Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1506 Prime Sponsor, Representative Ryu: Concerning leases on land managed or occupied by the department of social and health services. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Dye; Fosse; Leavitt; Maycumber; McClintock; McEntire; Morgan; Peterson; Reed; Rule; Shavers; Stearns and Waters.

MINORITY recommendation: Do not pass. Signed by Representatives Farivar; and Kloba.

MINORITY recommendation: Without recommendation. Signed by Representatives Couture; Mosbrucker; and Orwall.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1510 Prime Sponsor, Representative Santos: Establishing permanent funding for community preservation and development authorities approved through RCW 43.167.060. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Chopp; Ramel; Santos; Thai; Walen and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Jacobsen, Assistant Ranking Minority Member; and Stokesbary.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Barnard; and Springer.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1575 Prime Sponsor, Representative Reed: Modifying the sales and use tax for cultural access programs by allowing the tax to be imposed by a councilmanic or commission authority and defining timelines and priorities for action. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Ramel; Santos; Springer; Thai; Walen and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; and Barnard.



MINORITY recommendation: Without recommendation. Signed by Representatives Chopp; and Stokesbary.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1596 Prime Sponsor, Representative Kloba: Providing local governments with options to increase affordable housing in their communities. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by Committee on Local Government be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Ramel; Santos; Springer; Thai; Walen and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; and Barnard.

MINORITY recommendation: Without recommendation. Signed by Representatives Jacobsen, Assistant Ranking Minority Member; Chopp; and Stokesbary.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1618 Prime Sponsor, Representative Farivar: Concerning the statute of limitations for childhood sexual abuse. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Stokesbary, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; and Connors.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1663 Prime Sponsor, Representative Goehner: Allowing functionally consolidated port districts to adopt a unified levy. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1681 Prime Sponsor, Representative Stearns: Concerning problem gambling. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Regulated Substances & Gaming. Signed by Representatives Berg, Chair; Street, Vice Chair; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1693 Prime Sponsor, Representative Lekanoff: Expanding the students experiencing homelessness and foster youth pilot program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Harris; Rude; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; and Sandlin.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1709 Prime Sponsor, Representative Tharinger: Concerning housing programs administered by the department of commerce. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; McEntire; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1742 Prime Sponsor, Representative Wylie: Concerning nontax statutes administered by the department of revenue. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1746 Prime Sponsor, Representative Ryu:  
Concerning a state broadband map. Reported  
by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Innovation, Community & Economic Development, & Veterans. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; McEntire; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1761 Prime Sponsor, Representative Christian:  
Increasing the personal property tax  
exemption. Reported by Committee on  
Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

MINORITY recommendation: Without recommendation.  
Signed by Representative Orcutt, Ranking Minority Member.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1764 Prime Sponsor, Representative Wylie:  
Establishing a method of valuing asphalt and  
aggregate used in public road construction  
for purposes of taxation. Reported by  
Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1777 Prime Sponsor, Representative Doglio:  
Authorizing the use of performance-based  
contracting for energy services and  
equipment. Reported by Committee on  
Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; McEntire; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1789 Prime Sponsor, Representative Reeves:  
Expanding revenue generation and economic  
opportunities from natural climate solutions  
and ecosystem services. Reported by  
Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Alvarado; Bateman; Farivar; Fosse; Kloba; Leavitt; Morgan; Orwall; Peterson; Reed; Rule; Shavers and Stearns.

MINORITY recommendation: Do not pass. Signed by Representatives Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Cheney; Christian; Couture; Dye; McClintock; McEntire; Mosbrucker; and Waters.

MINORITY recommendation: Without recommendation.  
Signed by Representative Maycumber.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1812 Prime Sponsor, Representative Springer:  
Continuing the business and occupation tax  
deduction for federal funds received from a  
medicaid transformation or demonstration  
project or medicaid quality improvement  
program or standard. Reported by Committee  
on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

February 22, 2023

HJR 4206 Prime Sponsor, Representative Leavitt:  
Concerning the taxation of personal property.  
Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

MINORITY recommendation: Without recommendation.  
Signed by Representative Orcutt, Ranking Minority Member.

Referred to Committee on Rules for second reading

There being no objection, the bills and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

#### FIRST SUPPLEMENTAL REPORT OF STANDING COMMITTEES

February 23, 2023

HB 1025 Prime Sponsor, Representative Thai:  
Creating a private right of action for harm  
from violations of the state Constitution or  
state law by peace officers. Reported by  
Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1028 Prime Sponsor, Representative Orwall: Supporting crime victims and witnesses by promoting victim-centered, trauma-informed responses in the legal system. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community Safety, Justice, & Reentry. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; and Steele.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1132 Prime Sponsor, Representative Goodman: Concerning oversight and training requirements for limited authority Washington peace officers and agencies. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Community Safety, Justice, & Reentry be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1167 Prime Sponsor, Representative Duerr: Concerning residential housing regulations. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Housing. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg;

Chopp; Connors; Couture; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Dye; and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Harris; and Steele.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1189 Prime Sponsor, Representative Hackney: Concerning the release of incarcerated individuals from total confinement prior to the expiration of a sentence. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community Safety, Justice, & Reentry. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1216 Prime Sponsor, Representative Fitzgibbon: Concerning clean energy siting. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; Rude; and Schmick.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1239 Prime Sponsor, Representative Santos: Establishing a simple and uniform system for complaints related to, and instituting a code of educator ethics for, conduct within or involving public elementary and secondary schools. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Rude; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Couture; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Connors; Dye; Harris; and Sandlin.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1278 Prime Sponsor, Representative Ortiz-Self: Supporting guardianships and voluntary placement with nonrelative kin. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services, Youth, & Early Learning. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Couture.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1333 Prime Sponsor, Representative Ramos: Establishing the domestic violent extremism commission. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government & Tribal Relations be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1392 Prime Sponsor, Representative Gregerson: Promoting the fair servicing and repair of digital electronic equipment. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Consumer Protection & Business. Signed by Representatives Ormsby,

Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Sandlin; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Dye; Harris; Rude; and Schmick.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1452 Prime Sponsor, Representative Timmons: Establishing a state medical reserve corps. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1512 Prime Sponsor, Representative Mosbrucker: Providing tools and resources for the location and recovery of missing persons. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1518 Prime Sponsor, Representative Barkis: Concerning parking at rest areas. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Bronoske; Chapman; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Orcutt; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Berry; Cortes; Mena; and Ramel.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1678 Prime Sponsor, Representative Riccelli: Establishing and authorizing the profession of dental therapy. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Bergquist, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Rude; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1694 Prime Sponsor, Representative Alvarado: Addressing home care workforce shortages. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1804 Prime Sponsor, Representative Steele: Concerning eligibility for participation in the public employees' benefits board for retired or disabled employees of counties, municipalities, and other political subdivisions. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1829 Prime Sponsor, Representative Fey: Creating the LeMay-America's Car Museum special license plate. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1839 Prime Sponsor, Representative Santos: Concerning train length on railroads. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Berry; Bronoske; Cortes; Doglio; Duerr; Entenman; Hackney; Mena; Ramel; Ramos; Taylor and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chapman; Dent; Goehner; Klicker; Schmidt; and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives Low, Assistant Ranking Minority Member; Griffey; Orcutt; and Walsh.

Referred to Committee on Rules for second reading

**SECOND SUPPLEMENTAL REPORT OF STANDING COMMITTEES**

February 23, 2023

HB 1013 Prime Sponsor, Representative Maycumber: Establishing regional apprenticeship programs. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1057 Prime Sponsor, Representative Stokesbary: Providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1104 Prime Sponsor, Representative Goodman: Concerning eligibility and requirements for deferred prosecutions. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt.

MINORITY recommendation: Without recommendation. Signed by Representative Timmons, Vice Chair.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1110 Prime Sponsor, Representative Bateman: Increasing middle housing in areas traditionally dedicated to single-family detached housing. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Housing. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Couture; Davis; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Dye; Rude; and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representative Connors.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1112 Prime Sponsor, Representative Harris: Imposing criminal penalties for negligent driving involving the death of a vulnerable user victim. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member;

Bronoske; Chapman; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Orcutt; Ramel; Ramos; Schmidt; Volz and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Timmons, Vice Chair; Berry; Cortes; Mena; Taylor; and Walsh.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1131 Prime Sponsor, Representative Berry: Improving Washington's solid waste management outcomes. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; and Chandler.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1134 Prime Sponsor, Representative Orwall: Implementing the 988 behavioral health crisis response and suicide prevention system. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1143 Prime Sponsor, Representative Berry: Concerning requirements for the purchase or transfer of firearms. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; Steele; and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1151 Prime Sponsor, Representative Stonier: Mandating coverage for fertility services. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; Berg; Chopp; Davis; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; and Steele.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1201 Prime Sponsor, Representative Ormsby: Concerning actuarial funding of state retirement systems. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Berg; Chopp; Couture; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Schmick; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Rude.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Dye; Harris; Sandlin; and Steele.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1205 Prime Sponsor, Representative Taylor: Responsibility for providing service by publication of a summons or notice in dependency and termination of parental rights cases. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers,

Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1229 Prime Sponsor, Representative Simmons: Updating processes related to voter registration. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Relations. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Berry; Bronoske; Chapman; Cortes; Doglio; Duerr; Entenman; Hackney; Mena; Ramel; Ramos; Taylor and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Dent; Goehner; Griffey; Klicker; Orcutt; Schmidt; Volz; and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representative Low, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1238 Prime Sponsor, Representative Riccelli: Providing free school meals for all. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chandler; Dye; and Schmick.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1272 Prime Sponsor, Representative Bergquist: Concerning publishing, formatting, and distribution of the state and local voters' pamphlets. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Relations. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Corry, Assistant Ranking Minority Member; Rude; and Steele.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1291 Prime Sponsor, Representative Fosse: Expanding collective bargaining for employees who are enrolled in academic programs at public institutions of higher education. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Connors; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Couture; Dye; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Connors; Harris; and Rude.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1300 Prime Sponsor, Representative Orwall: Concerning fraud in assisted reproduction. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1305 Prime Sponsor, Representative Pollet: Improving access to and provision of a free appropriate public education for students with disabilities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chandler; Dye; and Schmick.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1316 Prime Sponsor, Representative Paul: Expanding access to dual credit programs. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chandler; and Couture.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1320 Prime Sponsor, Representative Reed: Concerning access to personnel records. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Labor & Workplace Standards. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris; and Rude.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1332 Prime Sponsor, Representative Lekanoff: Supporting public school instruction in tribal sovereignty and federally recognized Indian tribes. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading



February 24, 2023

reporters. Reported by Committee on Appropriations

HB 1338 Prime Sponsor, Representative Reeves: Concerning education and vocational programs in state correctional institutions. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Postsecondary Education & Workforce. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Lekanoﬀ; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; and Schmick.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1357 Prime Sponsor, Representative Simmons: Modernizing the prior authorization process. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoﬀ; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1363 Prime Sponsor, Representative Rule: Concerning vehicular pursuits. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill by Committee on Community Safety, Justice, & Reentry be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Bronoske; Chapman; Cortes; Dent; Duerr; Goehner; Griffey; Hackney; Klicker; Orcutt; Ramel; Schmidt; Volz; Walsh and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Berry; Doglio; Entenman; Mena; and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Ramos.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1370 Prime Sponsor, Representative Reeves: Providing the payment of awards to whistleblowers who report violations of state or federal securities laws and providing protection to whistleblowers and internal

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoﬀ; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1381 Prime Sponsor, Representative Dye: Concerning salmon-safe communities. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Environment & Energy be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoﬀ; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1389 Prime Sponsor, Representative Ramel: Concerning residential rent increases under the residential landlord-tenant act and the manufactured/mobile home landlord-tenant act. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Housing. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoﬀ; Pollet; Riccelli; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Ryu.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1391 Prime Sponsor, Representative Ramel: Concerning energy in buildings. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoﬀ; Pollet;

Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1394 Prime Sponsor, Representative Senn: Creating a developmentally appropriate response to youth who commit sexual offenses. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services, Youth, & Early Learning be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Rude; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1439 Prime Sponsor, Representative Goodman: Addressing child exposure to violence. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services, Youth, & Early Learning be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1447 Prime Sponsor, Representative Peterson: Strengthening the ability of assistance programs to meet foundational needs of children, adults, and families. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services, Youth, & Early Learning. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1470 Prime Sponsor, Representative Ortiz-Self: Concerning private detention facilities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community Safety, Justice, & Reentry. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Rude; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; Connors; Couture; Dye; Harris; and Sandlin.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1474 Prime Sponsor, Representative Taylor: Creating the covenant homeownership account and program to address the history of housing discrimination due to racially restrictive real estate covenants in Washington state. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Housing. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Rude; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1477 Prime Sponsor, Representative Thai: Making changes to the working families' tax credit. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Finance. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking

Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Rude.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1479 Prime Sponsor, Representative Callan: Concerning restraint or isolation of students in public schools and educational programs. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Couture; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Dye; Rude; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1491 Prime Sponsor, Representative Orcutt: Prohibiting unjustified employer searches of employee personal vehicles. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Labor & Workplace Standards. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1492 Prime Sponsor, Representative Simmons: Providing relief for persons affected by State v. Blake. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Rude.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1498 Prime Sponsor, Representative Dye: Concerning aviation assurance funding in response to wildland fires. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture and Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1508 Prime Sponsor, Representative Macri: Improving consumer affordability through the health care cost transparency board. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1513 Prime Sponsor, Representative Street: Improving traffic safety. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill by Committee on Community Safety, Justice, & Reentry be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Berry; Bronoske; Chapman; Cortes; Doglio; Duerr; Entenman; Hackney; Mena; Ramel; Ramos; Taylor and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority

Member; Goehner; Griffey; Klicker; Orcutt; Schmidt; Volz; and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Timmons, Vice Chair; and Dent.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1515 Prime Sponsor, Representative Macri: Concerning contracting and procurement requirements for behavioral health services in medical assistance programs. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; and Harris.

MINORITY recommendation: Without recommendation. Signed by Representatives Connors; Couture; Dye; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1522 Prime Sponsor, Representative Pollet: Addressing sexual misconduct at scholarly or professional associations. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Postsecondary Education & Workforce. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1525 Prime Sponsor, Representative Fosse: Concerning eligibility for working connections child care benefits for persons participating in state registered apprenticeships. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services, Youth, & Early Learning. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude;

Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1534 Prime Sponsor, Representative Orwall: Strengthening protections for consumers in the construction industry. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Labor & Workplace Standards. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1541 Prime Sponsor, Representative Farivar: Establishing the nothing about us without us act. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Relations. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; and Rude.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1550 Prime Sponsor, Representative Santos: Assisting eligible children in need of additional preparation to be successful in kindergarten by establishing the transition to kindergarten program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Davis; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Dye; and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Couture; and Sandlin.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1554 Prime Sponsor, Representative Doglio: Reducing public health and environmental impacts from lead. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill by Committee on Environment & Energy be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Berry; Bronoske; Cortes; Doglio; Duerr; Entenman; Hackney; Mena; Ramel; Ramos; Taylor and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Orcutt; Schmidt; Volz; and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Chapman; Dent; Goehner; Griffey; and Klicker.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1559 Prime Sponsor, Representative Entenman: Establishing the student basic needs at public postsecondary institutions act. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Postsecondary Education & Workforce. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1565 Prime Sponsor, Representative Ortiz-Self: Supporting and strengthening the professional education workforce. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Rude; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Corry, Assistant Ranking Minority Member; Couture; Dye; and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority

Member; Chambers, Assistant Ranking Minority Member; Chandler; Connors; Harris; Sandlin; and Steele.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1570 Prime Sponsor, Representative Berry: Concerning social insurance programs applicable to transportation network companies and drivers. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Labor & Workplace Standards be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Dye.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1578 Prime Sponsor, Representative Springer: Improving community preparedness, response, recovery, and resilience to wildland fire health and safety impacts in areas of increasing population density, including in the wildland urban interface. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture and Natural Resources. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1579 Prime Sponsor, Representative Stonier: Establishing a mechanism for independent prosecutions within the office of the attorney general of criminal conduct arising from police use of force. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community Safety, Justice, & Reentry. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chandler; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry,

Assistant Ranking Minority Member; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1580 Prime Sponsor, Representative Callan: Creating a system to support children in crisis. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services, Youth, & Early Learning. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1586 Prime Sponsor, Representative Goodman: Requiring the criminal justice training commission to establish a work group and grant program related to vehicular pursuits. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community Safety, Justice, & Reentry. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1593 Prime Sponsor, Representative Macri: Concerning industrial insurance coverage for posttraumatic stress disorders affecting registered nurses. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chandler; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Dye; and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Connors; Couture; Harris; Rude; Sandlin; and Steele.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1626 Prime Sponsor, Representative Bronoske: Concerning coverage for colorectal screening tests under medical assistance programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1639 Prime Sponsor, Representative Lekanoff: Concerning the Billy Frank Jr. national statutory hall selection committee. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Relations. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1648 Prime Sponsor, Representative Reeves: Concerning ticket sales. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Consumer Protection & Business. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Springer.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1652 Prime Sponsor, Representative Taylor: Concerning child support pass through. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1686 Prime Sponsor, Representative Lekanoff: Concerning salmon recovery reform. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; and Schmick.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1688 Prime Sponsor, Representative Hackney: Concerning payments to tow truck operators for the release of vehicles to indigent citizens. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1715 Prime Sponsor, Representative Davis: Enacting comprehensive protections for victims of domestic violence and other violence involving family members or intimate partners. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community Safety, Justice, & Reentry. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chandler; Chopp; Davis; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; and Dye.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; Connors; Couture; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1717 Prime Sponsor, Representative Rule: Supporting innovation at associate development organizations. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Schmick.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1724 Prime Sponsor, Representative Bateman: Increasing the trained behavioral health workforce. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Postsecondary Education & Workforce. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1728 Prime Sponsor, Representative Donaghy: Creating a statewide resiliency program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Innovation, Community & Economic Development, & Veterans. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; and Schmick.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1736

Prime Sponsor, Representative Cortes: Requiring the department of licensing to collect vehicle odometer readings at the time of original vehicle registration and registration renewal. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Berry; Bronoske; Chapman; Cortes; Doglio; Duerr; Entenman; Hackney; Mena; Ramel; Ramos; Taylor and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Goehner; Griffey; Klicker; Orcutt; and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis, Ranking Minority Member; Dent; Schmidt; and Walsh.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1745

Prime Sponsor, Representative Thai: Improving diversity in clinical trials. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1762

Prime Sponsor, Representative Doglio: Protecting warehouse employees. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Labor & Workplace Standards. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Springer.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1766

Prime Sponsor, Representative Griffey: Creation of a hope card program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Civil Rights & Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1782

Prime Sponsor, Representative McEntire: Addressing the operating and maintenance deficit of the Wahiakum county ferry. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1783

Prime Sponsor, Representative Sandlin: Supporting economic development in distressed areas through hiring of grant writers. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1791

Prime Sponsor, Representative Fey: Studying the need for increased commercial aviation services. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Hackney; Klicker; Mena; Ramel; Ramos; Schmidt; Taylor; Volz and Wylie.



MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Assistant Ranking Minority Member; and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Griffey; and Orcutt.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1807 Prime Sponsor, Representative Fey: Concerning speed safety camera systems on state highways. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1823 Prime Sponsor, Representative Timmons: Modifying the Washington student loan program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chandler; Chopp; Connors; Davis; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Couture; Dye; and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; and Sandlin.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1833 Prime Sponsor, Representative Paul: Setting ferry fuel surcharges. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1838 Prime Sponsor, Representative Fey: Transferring the responsibilities for the transportation revenue forecast for the transportation budget to the economic and revenue forecast council. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 24, 2023

HJR 4204 Prime Sponsor, Representative Volz: Authorizing investment of funds held for the purpose of reducing persistent poverty. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; and Chandler.

MINORITY recommendation: Without recommendation. Signed by Representative Connors.

Referred to Committee on Rules for second reading

There being no objection, the bills and resolution listed on the day's first and second supplemental committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:00 a.m., Monday, February 27, 2023, the 50th Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIFTIETH DAY

House Chamber, Olympia, Monday, February 27, 2023

The House was called to order at 9:00 a.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Sophie Oakes and Sarah Stalcup. The Speaker led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Gary Hebden from the Intersection Open Bible Church, Spokane Valley.

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4619**, by Representatives Hackney, Orwall, Taylor, Bergquist, Macri, Thai, Alvarado, Ryu, Pollet, Mosbrucker, Rule, Schmidt, Stonier, Cortes, Entenman, Senn, Riccelli, Davis, Farivar, Low, Stearns, Wylie, Bronoske, Callan, Slatter, Chopp, Timmons, Goodman, Berry, Simmons, Tharinger, Leavitt, Mena, Ramel, Street, Duerr, Klicker, Berg, Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Kretz, Maycumber, McClintock, McEntire, Orcutt, Robertson, Rude, Sandlin, Schmick, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox, and Ybarra

WHEREAS, During the month of February each year, the great state of Washington comes together to celebrate Black Americans' contributions to our history, culture, and nation; and

WHEREAS, Black history is American history. Black culture is American culture; and

WHEREAS, We come together as a state to acknowledge the resilience of Black communities, and honor those who have endured racial discrimination and injustice; and

WHEREAS, Much of the history of Black Americans can be viewed through the lens of the long, hard struggle to reconcile the reality of slavery, Jim Crow, and segregation with the words and ideals written in the Declaration of Independence and the Bill of Rights; and

WHEREAS, In the face of persistent and entrenched injustice and inequality, countless men and women of good will came together to fight to improve our imperfect union and bring it closer to the ideals of equality and opportunity for all; and

WHEREAS, Black Americans' desire to succeed and contribute, and the love for their country, has left a positive impact on American culture and society in areas of education, medicine, industry, the military, religion, social sciences, philosophy, agriculture, engineering, and the arts; and

WHEREAS, This Black History Month, and every month, is a time to learn about those who came before us, and keep moving towards a better, more just future;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives celebrate Black History Month and recognize the legacy and innumerable contributions of Black Americans to our communities, the state of Washington, and the United States of America, not only in February but throughout the whole year; and

BE IT FURTHER RESOLVED, That the House of Representatives encourage the celebration of Black History Month in our schools and universities, and in our communities and neighborhoods, to foster a better understanding of that history and its significance here in Washington and throughout this nation.

HOUSE RESOLUTION NO. 4619 was adopted.

## SPEAKER'S PRIVILEGE

The Speaker recognized Kent City Councilmember Brenda Fincher in the South Gallery who was here in observation of Black History Month and asked the Chamber to acknowledge her.

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

## INTRODUCTION &amp; FIRST READING

SSB 5077 by Senate Committee on Law & Justice (originally sponsored by Pedersen and Wagoner)

AN ACT Relating to the uniform commercial code; amending RCW 62A.1-201, 62A.1-204, 62A.1-301, 62A.1-306, 62A.2-102, 62A.2-106, 62A.2-201, 62A.2-202, 62A.2-203, 62A.2-205, 62A.2-209, 62A.2A-102, 62A.2A-103, 62A.2A-107, 62A.2A-201, 62A.2A-202, 62A.2A-203, 62A.2A-205, 62A.2A-208, 62A.3-104, 62A.3-105, 62A.3-401, 62A.3-604, 62A.4A-103, 62A.4A-201, 62A.4A-202, 62A.4A-203, 62A.4A-207, 62A.4A-208, 62A.4A-210, 62A.4A-211, 62A.4A-305, 62A.5-104, 62A.5-116, 62A.7-102, 62A.7-106, 62A.8-102, 62A.8-103, 62A.8-106, 62A.8-110, 62A.8-303, 62A.9A-102, 62A.9A-104, 62A.9A-105, 62A.9A-203, 62A.9A-204, 62A.9A-207, 62A.9A-208, 62A.9A-209, 62A.9A-210, 62A.9A-301, 62A.9A-304, 62A.9A-305, 62A.9A-310, 62A.9A-312, 62A.9A-313, 62A.9A-314, 62A.9A-316, 62A.9A-317, 62A.9A-323, 62A.9A-324, 62A.9A-330, 62A.9A-331, 62A.9A-332, 62A.9A-334, 62A.9A-341, 62A.9A-404, 62A.9A-406, 62A.9A-408, 62A.9A-509, 62A.9A-513, 62A.9A-601, 62A.9A-605, 62A.9A-608, 62A.9A-611, 62A.9A-613, 62A.9A-614, 62A.9A-615, 62A.9A-616, 62A.9A-619, 62A.9A-620, 62A.9A-621, 62A.9A-624, and 62A.9A-628; adding new sections to Article 9A of Title 62A RCW; adding new articles to Title 62A RCW; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committees so designated.

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

## SECOND READING

**HOUSE BILL NO. 1330**, by Representatives Christian, Pollet, Schmidt, Couture, Low and Doglio

**Adjusting the threshold for requiring candidate contribution certifications relating to foreign nationals.**

The bill was read the second time.

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

Representatives Christian and Ramos spoke in favor of the passage of the bill.

### MOTIONS

On motion of Representative Leavitt, Representative Paul was excused.

On motion of Representative Griffey, Representatives Klicker and Chandler were excused.

The Speaker stated the question before the House to be the final passage of House Bill No. 1330.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1330, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Klicker and Paul

HOUSE BILL NO. 1330, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1079, by Representatives Thai, Slatter and Ryu**

**Concerning rapid whole genome sequencing.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1079 was substituted for House Bill No. 1079 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1079 was read the second time.

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

Representatives Thai and Schmick spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1079.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1079, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker,

Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1079, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1335, by Representatives Hansen, Berry, Farivar, Taylor, Ramel, Simmons, Kloba, Bateman, Reed and Lekanoff**

**Concerning the unauthorized publication of personal identifying information.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1335 was substituted for House Bill No. 1335 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1335 was read the second time.

Representative Walsh moved the adoption of amendment (030):

On page 1, beginning on line 18, after "injury;" strike all material through "disruption" on line 20 and insert "or (iii) fear of serious bodily injury or death for themselves or a close relation to themselves"

On page 4, beginning on line 6, strike all of subsection (g)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 4, beginning on line 37, strike all of subsection (l)

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (030) was not adopted.

Representative Hansen moved the adoption of amendment (027):

On page 2, beginning on line 13, beginning with "a lawful" strike all material through "; or" on line 14 and insert "an exercise of the right of freedom of speech or of the press, the right to assemble or petition, or the right of association, guaranteed by the United States Constitution or Washington state Constitution;

(c) Providing personal identifying information to, or in the course of acting as or on behalf of, "news media" as defined in RCW 5.68.010(5);"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Hansen and Walsh spoke in favor of the adoption of the amendment.

Amendment (027) was adopted.

Representative Cheney moved the adoption of amendment (034):

On page 2, line 14, after "petition;" strike "or"

On page 2, line 27, after "liens;" strike "or"

On page 2, line 31, after "regulation" insert "; or

(g) Providing personal identifying information in compliance with the fair credit reporting act (84 Stat. 1127; 15 U.S.C. Sec. 1681 et seq.) or fair debt collection practices act (91 Stat. 874; 15 U.S.C. Sec. 1692 et seq.)"

Representatives Cheney and Hansen spoke in favor of the adoption of the amendment.

Amendment (034) was adopted.

The bill was ordered engrossed.

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

Representative Hansen spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1335.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1335, and the bill passed the House by the following vote: Yeas, 79; Nays, 16; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Connors, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Kloba, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Chambers, Christian, Corry, Dent, Dye, Graham, Jacobsen, Kretz, McClintock, McEntire, Schmick, Schmidt, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Chandler, Klicker and Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1335, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1037, by Representative Walsh

##### Concerning family burial grounds.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1037 was substituted for House Bill No. 1037 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1037 was read the second time.

Representative Hansen moved the adoption of amendment (028):

On page 2, beginning on line 14, after "Sec. 4." strike all material through "record" on line 17 and insert "Within 30 days of each burial in a family burial ground, the owner of the property on which the family burial ground is located shall report the burial to the Washington state department of archaeology and historic preservation and record the burial with the county auditor of the county in which the property is situated. The owner shall report to the department and record with the county auditor"

Representatives Hansen and Walsh spoke in favor of the adoption of the amendment.

Amendment (028) was adopted.

Representative Hansen moved the adoption of amendment (025):

On page 4, after line 18, insert the following:

"Sec. 12. RCW 84.36.020 and 2022 c 84 s 1 are each amended to read as follows:

The following real and personal property shall be exempt from taxation:

(1)(a) All lands, buildings, and personal property required for necessary administration and maintenance, used, or to the extent used, exclusively for public burying grounds or cemeteries without discrimination as to race, color, national origin or ancestry;

(b) The exemption provided by this subsection (1) does not apply to family burial grounds established pursuant to chapter 68.--- RCW (the new chapter created in section 13 of this act);

(2)(a) All churches, personal property, and the ground, not exceeding five acres in area, upon which a church of any nonprofit recognized religious denomination is or must be built, together with a parsonage, convent, and buildings and improvements required for the maintenance and safeguarding of such property. The area exempted must in any case include all ground covered by the church, parsonage, convent, and buildings and improvements required for the maintenance and safeguarding of such property and the structures and ground necessary for street access, parking, light, and ventilation, but the area of unoccupied ground exempted in such cases, in connection with church, parsonage, convent, and buildings and improvements required for the maintenance and safeguarding of such property, shall not exceed the equivalent of one hundred twenty by one hundred twenty feet except where additional unoccupied land may be required to conform with state or

local codes, zoning, or licensing requirements. The parsonage and convent need not be on land contiguous to the church property. Except as otherwise provided in this subsection, to be exempt the property must be wholly used for church purposes.

(b) If the rental income or donations, if applicable, are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented, the exemption provided by this subsection (2) is not nullified by:

(i) The loan or rental of property otherwise exempt under this subsection (2) to a nonprofit organization, association, or corporation, or school to conduct an eleemosynary activity;

(ii) The rental or use of the property by any individual, group, or entity, where such rental or use is not otherwise authorized by this subsection (2), for not more than fifty days in each calendar year, and the property is not used for pecuniary gain or to promote business activities for more than fifteen of the fifty days in each calendar year. The fifty and fifteen-day limitations provided in this subsection (2)(b)(ii) do not include days during which setup and takedown activities take place immediately preceding or following a meeting or other event by an individual, group, or entity using the property as provided in this subsection (2)(b)(ii). The 15-day and 50-day limitations provided in this subsection (2)(b)(ii) do not apply to the use of the property for pecuniary gain or for business activities if the property is used for activities related to a qualifying farmers market, as defined in RCW 66.24.170, and all income received from rental or use of the exempt property is used for capital improvements to the exempt property, maintenance and operation of the exempt property, or exempt purposes. The exempt property may be used for up to 53 days for the purposes of a qualifying farmers market; or

(iii) An inadvertent use of the property in a manner inconsistent with the purpose for which exemption is granted, if the inadvertent use is not part of a pattern of use. A pattern of use is presumed when an inadvertent use is repeated in the same assessment year or in two or more successive assessment years."

Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title.

Representatives Hansen and Walsh spoke in favor of the adoption of the amendment.

Amendment (025) was adopted.

The bill was ordered engrossed.

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

Representatives Walsh and Hansen spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1037.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1037, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Klicker and Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1037, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1232, by Representatives Bergquist, Chambers, Entenman, Slatter, Paul, Ramos, Mena, Street, Riccelli, Pollet, Callan, Hackney, Thai, Reeves, Reed, Ortiz-Self, Kloba, Duerr, Doglio, Morgan, Ramel, Goodman, Tharinger, Lekanoff, Gregerson and Santos**

**Enhancing the college bound scholarship program.**

The bill was read the second time.

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

Representatives Bergquist and Ybarra spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1232.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1232, and the bill passed the House by the following vote: Yeas, 92; Nays, 3; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Caldier, Goehner and Rude

Excused: Representatives Chandler, Klicker and Paul

HOUSE BILL NO. 1232, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1247, by Representatives Reed, Harris, Mena, Berry, Simmons, Morgan, Slatter, Ryu, Goodman, Donaghy, Reeves, Sandlin, Stearns and Fosse**

**Licensing music therapists.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1247 was substituted for House Bill No. 1247 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1247 was read the second time.

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

Representative Reed spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1247.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1247, and the bill passed the House by the following vote: Yeas, 82; Nays, 13; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Connors, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chambers, Christian, Corry, Dent, Dye, Goehner, Graham, Jacobsen, Orcutt, Schmick, Stokesbary, Volz and Walsh

Excused: Representatives Chandler, Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1247, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

Representative Berry congratulated Representative Reed on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

### SECOND READING

**HOUSE BILL NO. 1638, by Representatives Fey, Barkis, Robertson, Lekanoff, Schmidt, Ramel, Duerr, Timmons, Eslick and Jacobsen**

**Creating a state trooper expedited recruitment incentive program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1638 was substituted for House Bill No. 1638 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1638 was read the second time.

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

Representatives Fey and Barkis spoke in favor of the passage of the bill.

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

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1638.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1638, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Morgan

Excused: Representatives Chandler, Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1638, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1088, by Representatives Walen and Reeves**

**Concerning the uniform family law arbitration act.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1088 was substituted for House Bill No. 1088 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1088 was read the second time.

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

Representatives Walen and Walsh spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1088.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1088, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons,

Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1088, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1543, by Representatives Dye, Kretz, Springer, Graham, Eslick, Mosbrucker, Chapman, Ryu, Wylie, Klicker, Couture and Davis**

**Establishing a wild horse holding and training program at Coyote Ridge corrections center.**

The bill was read the second time.

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

Representatives Dye and Simmons spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1543.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1543, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Klicker and Paul

HOUSE BILL NO. 1543, having received the necessary constitutional majority, was declared passed.

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

### THIRD READING

**SENATE CONCURRENT RESOLUTION NO. 8404, by Senators Pedersen, Short and Liias**

**Convening a joint session for the purpose of receiving the address of H.E. Sauli Niinistö, President of the Republic of Finland.**

The concurrent resolution was read the third time.

Representatives Fitzgibbon and Corry spoke in favor of the adoption of the concurrent resolution.

The Speaker stated the question before the House to be the final passage of Senate Concurrent Resolution No. 8404.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Concurrent Resolution No. 8404, and the concurrent

resolution passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Klicker and Paul

SENATE CONCURRENT RESOLUTION NO. 8404, having received the necessary constitutional majority, was adopted.

The Speaker called upon Representative Orwall to preside.

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

### SECOND READING

**HOUSE BILL NO. 1039, by Representatives Macri, Harris, Corry, Duerr, Riccelli, Chambers, Goodman, Reed, Fitzgibbon, Pollet, Ryu, Paul, Thai, Springer, Stonier, Kloba, Santos and Ormsby**

**Concerning physical therapists performing intramuscular needling.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1039 was substituted for House Bill No. 1039 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1039 was read the second time.

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

Representatives Macri and Chambers spoke in favor of the passage of the bill.

### MOTION

On motion of Representative Ramel, Representative Wylie was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1039.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1039, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Robertson, Rude,

Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Voting Nay: Representative Ramos

Excused: Representatives Klicker, Paul and Wylie

SECOND SUBSTITUTE HOUSE BILL NO. 1039, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1600, by Representatives Goodman, Berry, Ramel and Pollet**

**Providing access to sealed juvenile records for firearm purposes.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1600 was substituted for House Bill No. 1600 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1600 was read the second time.

Representative Goodman moved the adoption of amendment (052):

On page 6, beginning on line 22, after "records" strike all material through "year" on line 23

On page 7, line 10, after "parties" insert "  "

On page 7, line 11, after "agencies" insert "  "

Representatives Goodman and Walsh spoke in favor of the adoption of the amendment.

Amendment (052) was adopted.

The bill was ordered engrossed.

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

Representatives Goodman and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1600.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1600, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Excused: Representatives Klicker, Paul and Wylie

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1600, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1277, by Representatives Donaghy, Harris, Slatter, Kloba, Reeves, Reed, Ormsby and Pollet**

**Establishing rules to improve the consistency and quality of the implementation of the fundamental courses of study for paraeducators.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1277 was substituted for House Bill No. 1277 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1277 was read the second time.

Representative Bergquist moved the adoption of the striking amendment (051):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature acknowledges that it created the paraeducator board to adopt standards of practice and required school districts to provide to paraeducators a four-day fundamental course of study on the standards to paraeducators. The legislature finds that it required that at least one day of the fundamental course of study be provided in person due to the benefits of in-person instruction, including that instructors can confirm the participant's application of learning objectives.

(2) The legislature recognizes that paraeducators benefit from in-person training that is part of the hiring and onboarding process. The legislature intends to expand this benefit by generally requiring two days of the fundamental course of study be provided to paraeducators in person. The legislature recognizes that an exemption from this in-person requirement is necessary for some small school districts that experience barriers to providing the fundamental course of study in person due to long commute times for paraeducators, irregular hiring dates in small school districts, and other extenuating circumstances.

(3) However, it is the intent of the legislature to ensure that all paraeducators in Washington receive high quality and consistent professional development through the fundamental course of study, with a significant majority of paraeducators being trained in person.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.413 RCW to read as follows:

(1) By July 1, 2024, the board must update rules on the implementation of the fundamental course of study under RCW 28A.413.060 to require that a significant majority of paraeducators are provided with the course in person. Under the rules, the board may grant an exemption from the in-



person requirement of RCW 28A.413.060 for second-class school districts hiring paraeducators after the beginning of the school year.

(2) By July 1, 2024, the board must publish guidance for school districts on how to provide the fundamental course of study under RCW 28A.413.060 to improve the consistency and quality of staff development.

**Sec. 3.** RCW 28A.413.060 and 2019 c 268 s 3 are each amended to read as follows:

(1) School districts must implement this section only in school years for which state funding is appropriated specifically for the purposes of this section and only for the number of days that are funded by the appropriation.

(2) (a) School districts must provide a four-day fundamental course of study on the state standards of practice, as defined by the board, to paraeducators who have not completed the course, either in the district or in another district within the state. ~~((At least one day of the fundamental course of study must be provided in person.))~~

(b) School districts must use best efforts to provide the fundamental course of study before the paraeducator begins to work with students and their families, and at a minimum by the following deadlines ~~((provided in subsection (3) of this section.))~~

~~(3) Except as provided in (b) of this subsection, school districts must provide the fundamental course of study required in subsection (2) of this section by the deadlines provided in (a) of this subsection):~~

~~((a)) (i) For paraeducators hired ~~((on or~~) before ~~((September 1st))~~ the beginning of the school year, the first two days of the fundamental course of study must be provided ~~((by September 30th of that year))~~ in person before the beginning of the school year and the second two days of the fundamental course of study must be provided within six months of the date of hire ~~((regardless of the size of the district)); and~~~~

~~((ii) For paraeducators hired after ~~((September 1st))~~ the beginning of the school year:~~

~~(A) For paraeducators hired by first-class districts ~~((with ten thousand or more students)), the first two days of the fundamental course of study must be provided in person within four months of the date of hire and the second two days of the fundamental course of study must be provided within six months of the date of hire or by September 1st of the following year, whichever is sooner; and~~~~

~~(B) For paraeducators hired by second-class districts ~~((with fewer than ten thousand students)), the four-day fundamental course of study must be provided no later than September 1st of the following year, with two of the days provided in person unless the district has applied for and received an exemption under section 2 of this act.~~~~

~~((b) (i) For paraeducators hired for the 2018-19 school year, by September 1, 2020; and~~

~~(ii) For paraeducators not hired for the 2018-19 school year, but hired for the 2019-20 school year, by September 1, 2021.~~

~~(4)) (3) School districts may collaborate with other school districts or educational service districts to meet the requirements of this section."~~

Correct the title.

Representatives Bergquist and Rude spoke in favor of the adoption of the striking amendment.

The striking amendment (051) was adopted.

The bill was ordered engrossed.

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

Representatives Donaghy and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1277.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1277, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Excused: Representatives Klicker, Paul and Wylie

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1277, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1204, by Representatives Callan, Eslick, Leavitt, Bateman, Kloba, Reed, Simmons, Doglio, Goodman, Ortiz-Self, McEntire, Davis and Pollet**

**Implementing the family connections program.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1204 was substituted for House Bill No. 1204 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1204 was read the second time.

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

Representatives Callan and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1204.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1204, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Excused: Representatives Klicker, Paul and Wylie

SECOND SUBSTITUTE HOUSE BILL NO. 1204, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1267, by Representatives Tharinger, Steele and Ramel

##### Concerning rural public facilities sales and use tax.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1267 was substituted for House Bill No. 1267 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1267 was read the second time.

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

Representatives Tharinger and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1267.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1267, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele,

Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker  
Excused: Representatives Klicker, Paul and Wylie

SUBSTITUTE HOUSE BILL NO. 1267, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1797, by Representatives Cheney, Goodman, Hutchins and Graham

##### Concerning residential real estate appraisers being allowed to complete real property evaluations.

The bill was read the second time.

Representative Reeves moved the adoption of amendment (036):

On page 3, after line 37, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 18.140 RCW to read as follows:

(1) The department shall adopt rules to:

(a) Require, beginning on January 1, 2024, all initial applicants for the state-registered appraiser trainee, state-licensed real estate appraiser, state-certified residential real estate appraiser, or state-certified general real estate appraiser certification to complete a seven-hour qualifying course with an examination on the topics of valuation bias and fair housing laws and regulations as part of the core modules required for registration, licensure, or certification pursuant to rules adopted by the director;

(b) Require, prior to January 1, 2025, all holders of an active or inactive certification, licensure, or registration to complete a seven-hour continuing education course on the topics of valuation bias and fair housing laws and regulations as part of the continuing education requirement pursuant to rules adopted by the director; and

(c) Requiring, beginning January 1, 2026, all holders of an active or inactive certification, licensure, or registration to complete a four-hour continuing education course of the topics of valuation bias and fair housing laws and regulations as part of the continuing education requirement pursuant to rules adopted by the director.

##### NEW SECTION. Sec. 4.

(1) This act takes effect upon the adoption of the administrative rules required in section 3 of this act.

(2) The department must provide written notice of the effective date of this section to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department."

Correct the title.

Representatives Reeves and Cheney spoke in favor of the adoption of the amendment.

Amendment (036) was adopted.

The bill was ordered engrossed.

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

Representatives Cheney and Walen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1797.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1797, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Excused: Representatives Klicker, Paul and Wylie

ENGROSSED HOUSE BILL NO. 1797, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

Representative McClintock congratulated Representative Cheney on the passage of his first bill through the House and asked the Chamber to acknowledge his accomplishment.

### SECOND READING

**HOUSE BILL NO. 1329, by Representatives Mena, Alvarado, Berry, Duerr, Leavitt, Morgan, Ramel, Ryu, Senn, Simmons, Timmons, Kloba, Bateman, Slatter, Orwall, Reed, Lekanoff, Gregerson, Doglio, Tharinger, Cortes, Donaghy, Pollet, Callan, Fosse, Macri, Davis and Stonier**

**Preventing utility shutoffs for nonpayment during extreme heat.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1329 was substituted for House Bill No. 1329 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1329 was read the second time.

With the consent of the House, amendment (035) was withdrawn.

Representative Mena moved the adoption of the striking amendment (050):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 23.86 RCW to read as follows:

(1) As used in this section, any locally regulated utility as defined in RCW 23.86.400 may not effect, due to lack of payment, an involuntary termination of electric utility service to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located.

(2)(a) A residential user at whose dwelling electric utility service has been disconnected for lack of payment may request that the locally regulated utility reconnect service on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located. The locally regulated utility shall inform all customers in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the utility.

(b) Upon receipt of a request made pursuant to (a) of this subsection, the locally regulated utility shall promptly make a reasonable attempt to reconnect service to the dwelling. The locally regulated utility, in connection with a request made pursuant to (a) of this subsection, may require the residential user to enter into a payment plan prior to reconnecting service to the dwelling. If the locally regulated utility requires the residential user to enter into a repayment plan, the repayment plan must comply with subsection (3) of this section.

(3) A repayment plan required by a locally regulated utility pursuant to subsection (2)(b) of this section will be designed both to pay the past due bill by the following May 15th, or as soon as possible after May 15th if needed to maintain monthly payments that are no greater than six percent of the customer's monthly income, and to pay for continued utility service. The plan may not require monthly payments in excess of six percent of the customer's monthly income. A customer may agree to pay a higher percentage during this period, but will not be in default unless payment during this period is less than six percent of the customer's monthly income. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the locally regulated utility to reformulate the plan.

(4) On an annual basis, each locally regulated utility with more than 25,000 retail electric customers in Washington must submit a report to the department of commerce that includes the total number of disconnections that occurred on each day for which the national weather service issued, or announced that it intended to issue, a heat-related alert. Locally regulated utilities with fewer than 25,000 retail

electric customers in Washington must provide similar information upon request by the department.

(a) Subject to availability, each locally regulated utility must provide any other information related to utility disconnections that is requested by the department.

(b) The information required in this subsection must be submitted in a form, timeline, and manner as prescribed by the department.

NEW SECTION. **Sec. 2.** A new section is added to chapter 24.06 RCW to read as follows:

(1) As used in this section, any locally regulated utility as defined in RCW 24.06.600 may not effect, due to lack of payment, an involuntary termination of electric utility service to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located.

(2)(a) A residential user at whose dwelling electric utility service has been disconnected for lack of payment may request that the locally regulated utility reconnect service on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located. The locally regulated utility shall inform all customers in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the utility.

(b) Upon receipt of a request made pursuant to (a) of this subsection, the locally regulated utility shall promptly make a reasonable attempt to reconnect service to the dwelling. The locally regulated utility, in connection with a request made pursuant to (a) of this subsection, may require the residential user to enter into a payment plan prior to reconnecting service to the dwelling. If the locally regulated utility requires the residential user to enter into a repayment plan, the repayment plan must comply with subsection (3) of this section.

(3) A repayment plan required by a locally regulated utility pursuant to subsection (2)(b) of this section will be designed both to pay the past due bill by the following May 15th, or as soon as possible after May 15th if needed to maintain monthly payments that are no greater than six percent of the customer's monthly income, and to pay for continued utility service. The plan must not require monthly payments in excess of six percent of the customer's monthly income. A customer may agree to pay a higher percentage during this period, but will not be in default

unless payment during this period is less than six percent of the customer's monthly income. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the locally regulated utility to reformulate the plan.

(4) On an annual basis, each locally regulated utility with more than 25,000 retail electric customers in Washington must submit a report to the department of commerce that includes the total number of disconnections that occurred on each day for which the national weather service issued, or announced that it intended to issue, a heat-related alert. Locally regulated utilities with fewer than 25,000 retail electric customers in Washington must provide similar information upon request by the department.

(a) Subject to availability, each locally regulated utility must provide any other information related to utility disconnections that is requested by the department.

(b) The information required in this subsection must be submitted in a form, timeline, and manner as prescribed by the department.

NEW SECTION. **Sec. 3.** A new section is added to chapter 35.21 RCW to read as follows:

(1) A city or town, including a code city, that owns or operates an electric or water utility may not effect, due to lack of payment, an involuntary termination of utility service to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located.

(2)(a) A residential user at whose dwelling utility service has been disconnected for lack of payment may request that the utility reconnect service on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located. The utility shall inform all customers in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the utility.

(b) Upon receipt of a request made pursuant to (a) of this subsection, the utility shall promptly make a reasonable attempt to reconnect service to the dwelling. The utility, in connection with a request made pursuant to (a) of this subsection, may require the residential user to enter into a payment plan prior to reconnecting service to the dwelling. If the utility requires the residential user to enter into a repayment plan, the repayment

plan must comply with subsection (3) of this section.

(3) A repayment plan required by a utility pursuant to subsection (2)(b) of this section will be designed both to pay the past due bill by the following May 15th, or as soon as possible after May 15th if needed to maintain monthly payments that are no greater than six percent of the customer's monthly income, and to pay for continued utility service. The plan may not require monthly payments in excess of six percent of the customer's monthly income. A customer may agree to pay a higher percentage during this period, but will not be in default unless payment during this period is less than six percent of the customer's monthly income. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan.

(4) On an annual basis, each city or town, including a code city, that owns or operates an electric or water utility with more than 25,000 retail electric customers or 2,500 water customers in Washington must submit a report to the department of commerce that includes the total number of disconnections that occurred on each day for which the national weather service issued, or announced that it intended to issue, a heat-related alert. Utilities with fewer than 25,000 retail electric customers or 2,500 water customers in Washington must provide similar information upon request by the department.

(a) Subject to availability, each utility must provide any other information related to utility disconnections that is requested by the department.

(b) The information required in this subsection must be submitted in a form, timeline, and manner as prescribed by the department.

**Sec. 4.** RCW 54.16.285 and 1995 c 399 s 144 are each amended to read as follows:

(1) A district providing utility service for residential space heating shall not terminate such utility service between November 15 through March 15 if the customer:

(a) Notifies the utility of the inability to pay the bill (~~(, including a security deposit)~~). This notice should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by ~~((paying reconnection charges, if any, and))~~ fulfilling the requirements of this section, receive the protections of this chapter;

(b) Provides self-certification of household income for the prior ~~((twelve))~~ 12 months to a grantee of the department of ~~((community, trade, and economic development))~~ commerce which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under

42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(c) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(d) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(e) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(f) Agrees to pay the moneys owed even if ~~((he or she moves-~~

~~(2))~~ the customer moves.

(2) The utility shall:

(a) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(b) Assist the customer in fulfilling the requirements under this section;

(c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;

(d) Be permitted to disconnect service if the customer fails to honor the payment program except on the days indicated in subsection (5) of this section. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this section. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying ~~((reconnection charges, if any, and by paying))~~ all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected; and

(e) Advise the customer in writing at the time it disconnects service that it will restore service if the customer contacts the

utility and fulfills the other requirements of this section.

(3) All districts providing utility service for residential space heating shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(4) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

(5) A district providing electric or water utility service to residential customers may not effect, due to lack of payment, an involuntary termination of utility service to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located.

(6)(a) A residential user at whose dwelling utility service has been disconnected for lack of payment may request that the district reconnect service on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located. The district shall inform all customers in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the district.

(b) Upon receipt of a request made pursuant to (a) of this subsection, the district shall promptly make a reasonable attempt to reconnect service to the dwelling. The district, in connection with a request made pursuant to (a) of this subsection, may require the residential user to enter into a payment plan prior to reconnecting service to the dwelling. If the district requires the residential user to enter into a repayment plan, the repayment plan must comply with subsection (7) of this section.

(7) A repayment plan required by a district pursuant to subsection (6)(b) of this section will be designed both to pay the past due bill by the following May 15th, or as soon as possible after May 15th if needed to maintain monthly payments that are no greater than six percent of the customer's monthly income, and to pay for continued utility service. The plan may not require monthly payments in excess of six percent of the customer's monthly income. A customer may agree to pay a higher

percentage during this period, but will not be in default unless payment during this period is less than six percent of the customer's monthly income. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the district to reformulate the plan.

(8) On an annual basis, each district with more than 25,000 retail electric customers or 2,500 water customers in Washington must submit a report to the department of commerce that includes the total number of disconnections that occurred on each day for which the national weather service issued, or announced that it intended to issue, a heat-related alert. Districts with fewer than 25,000 retail electric customers or 2,500 water customers in Washington must provide similar information upon request by the department.

(a) Subject to availability, each district must provide any other information related to utility disconnections that is requested by the department.

(b) The information required in this subsection must be submitted in a form, timeline, and manner as prescribed by the department.

**Sec. 5.** RCW 57.08.081 and 2003 c 394 s 6 are each amended to read as follows:

(1) Subject to RCW 57.08.005((+6)) (7), the commissioners of any district shall provide for revenues by fixing rates and charges for furnishing sewer and drainage service and facilities to those to whom service is available or for providing water, such rates and charges to be fixed as deemed necessary by the commissioners, so that uniform charges will be made for the same class of customer or service and facility. Rates and charges may be combined for the furnishing of more than one type of sewer or drainage service and facilities.

(2) In classifying customers of such water, sewer, or drainage system, the board of commissioners may in its discretion consider any or all of the following factors: The difference in cost to various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the service and facility furnished; the time of its use; the achievement of water conservation goals and the discouragement of wasteful practices; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Rates shall be established as deemed proper by the commissioners and as fixed by resolution and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for efficient and proper operation of the system. Prior to furnishing services, a district may require a deposit to guarantee payment for services. However,

failure to require a deposit does not affect the validity of any lien authorized by this section.

(3) The commissioners shall enforce collection of connection charges, and rates and charges for water supplied against property owners connecting with the system or receiving such water, and for sewer and drainage services charged against property to which and its owners to whom the service is available, such charges being deemed charges against the property served, by addition of penalties of not more than ten percent thereof in case of failure to pay the charges at times fixed by resolution. The commissioners may provide by resolution that where either connection charges or rates and charges for services supplied are delinquent for any specified period of time, the district shall certify the delinquencies to the auditor of the county in which the real property is located, and the charges and any penalties added thereto and interest thereon at the rate of not more than the prime lending rate of the district's bank plus four percentage points per year shall be a lien against the property upon which the service was received, subject only to the lien for general taxes.

(4) The district may, at any time after the connection charges or rates and charges for services supplied or available and penalties are delinquent for a period of ~~((sixty))~~ 60 days, bring suit in foreclosure by civil action in the superior court of the county in which the real property is located. The court may allow, in addition to the costs and disbursements provided by statute, attorneys' fees, title search and report costs, and expenses as it adjudges reasonable. The action shall be in rem, and may be brought in the name of the district against an individual or against all of those who are delinquent in one action. The laws and rules of the court shall control as in other civil actions.

(5) In addition to the right to foreclose provided in this section, the district may also cut off all or part of the service after charges for water or sewer service supplied or available are delinquent for a period of ~~((thirty))~~ 30 days, except on the days indicated in subsection (8) of this section.

(6) A district may determine how to apply partial payments on past due accounts.

(7) A district may provide a real property owner or the owner's designee with duplicate bills for service to tenants, or may notify an owner or the owner's designee that a tenant's service account is delinquent. However, if an owner or the owner's designee notifies the district in writing that a property served by the district is a rental property, asks to be notified of a tenant's delinquency, and has provided, in writing, a complete and accurate mailing address, the district shall notify the owner or the owner's designee of a tenant's delinquency at the same time and in the same manner the district notifies the tenant of the tenant's delinquency or by mail. When a district provides a real property owner or the owner's designee with duplicates of tenant utility service bills or notice that a tenant's utility account is

delinquent, the district shall notify the tenant that it is providing the duplicate bills or delinquency notice to the owner or the owner's designee. After January 1, 1999, if a district fails to notify the owner of a tenant's delinquency after receiving a written request to do so and after receiving the other information required by this subsection (7), the district shall have no lien against the premises for the tenant's delinquent and unpaid charges.

(8) A district providing water utility service to residential customers may not effect, due to lack of payment, an involuntary termination of utility service to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located.

(9) (a) A residential user at whose dwelling utility service has been disconnected for lack of payment may request that the district reconnect service on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located. The district shall inform all customers in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the district.

(b) Upon receipt of a request made pursuant to (a) of this subsection, the district shall promptly make a reasonable attempt to reconnect service to the dwelling. The district, in connection with a request made pursuant to (a) of this subsection, may require the residential user to enter into a payment plan prior to reconnecting service to the dwelling. If the district requires the residential user to enter into a repayment plan, the repayment plan must comply with subsection (10) of this section.

(10) A repayment plan required by a district pursuant to subsection (9)(b) of this section will be designed both to pay the past due bill by the following May 15th, or as soon as possible after May 15th if needed to maintain monthly payments that are no greater than six percent of the customer's monthly income, and to pay for continued utility service. The plan may not require monthly payments in excess of six percent of the customer's monthly income. A customer may agree to pay a higher percentage during this period, but will not be in default unless payment during this period is less than six percent of the customer's monthly income. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the district to reformulate the plan.

(11) On an annual basis, each district with more than 2,500 water customers in

Washington must submit a report to the department of commerce that includes the total number of disconnections that occurred on each day for which the national weather service issued, or announced that it intended to issue, a heat-related alert. Districts with fewer than 2,500 water customers in Washington must provide similar information upon request by the department.

(a) Subject to availability, each district must provide any other information related to utility disconnections that is requested by the department.

(b) The information required in this subsection must be submitted in a form, timeline, and manner as prescribed by the department.

**Sec. 6.** RCW 80.28.010 and 2011 c 214 s 11 are each amended to read as follows:

(1) All charges made, demanded or received by any gas company, electrical company, wastewater company, or water company for gas, electricity or water, or for any service rendered or to be rendered in connection therewith, shall be just, fair, reasonable and sufficient. Reasonable charges necessary to cover the cost of administering the collection of voluntary donations for the purposes of supporting the development and implementation of evergreen community management plans and ordinances under RCW 80.28.300 must be deemed as prudent and necessary for the operation of a utility.

(2) Every gas company, electrical company, wastewater company, and water company shall furnish and supply such service, instrumentalities and facilities as shall be safe, adequate and efficient, and in all respects just and reasonable.

(3) All rules and regulations issued by any gas company, electrical company, wastewater company, or water company, affecting or pertaining to the sale or distribution of its product or service, must be just and reasonable.

(4) Utility service for residential space heating shall not be terminated between November 15 through March 15 if the customer:

(a) Notifies the utility of the inability to pay the bill (~~(, including a security deposit)~~). This notice should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by ~~((paying reconnection charges, if any, and))~~ fulfilling the requirements of this section, receive the protections of this chapter;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the department of commerce, which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may

verify information provided in the self-certification;

(c) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(d) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(e) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15th and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer is not eligible for protections under this chapter until the past due bill is paid. The plan may not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(f) Agrees to pay the moneys owed even if ~~((he or she moves.~~

~~(5))~~ the customer moves.

(5) The utility shall:

(a) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(b) Assist the customer in fulfilling the requirements under this section;

(c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;

(d) Be permitted to disconnect service if the customer fails to honor the payment program except on the days indicated in subsection (8) of this section. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this subsection. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying ~~((reconnection charges, if any, and by paying))~~ all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected; and

(e) Advise the customer in writing at the time it disconnects service that it will restore service if the customer contacts the utility and fulfills the other requirements of this section.



(6) A payment plan implemented under this section is consistent with RCW 80.28.080.

(7) Every gas company and electrical company shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(8)(a) Every electrical company and water company must have and must abide by the terms of a tariff approved by the commission that prohibits the electrical company or water company from effecting, due to lack of payment, an involuntary termination of electric or water utility service to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located.

(b) Nothing in this subsection (8) limits the authority of the commission to prohibit an electrical company or water company from terminating electric or water utility service in accordance with an approved tariff, rule, or order, in circumstances independent of the weather.

(9)(a) A residential user at whose dwelling electric or water utility service has been disconnected for lack of payment may request that the utility reconnect service on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located. The utility shall, through a process approved by the commission, inform all customers in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the utility.

(b) Upon receipt of a request made pursuant to (a) of this subsection, the utility shall promptly make a reasonable attempt to reconnect service to the dwelling. The utility, in connection with a request made pursuant to (a) of this subsection, may require the residential user to enter into a payment plan prior to reconnecting service to the dwelling. If the utility requires the residential user to enter into a repayment plan, the repayment plan must comply with subsection (10) of this section.

(10) A repayment plan required by a utility pursuant to subsection (9)(b) of this section will be designed both to pay the past due bill by the following May 15th, or as soon as possible after May 15th if

needed to maintain monthly payments that are no greater than six percent of the customer's monthly income, and to pay for continued utility service. The plan may not require monthly payments in excess of six percent of the customer's monthly income. A customer may agree to pay a higher percentage during this period, but will not be in default unless payment during this period is less than six percent of the customer's monthly income. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan.

(11) Every gas company, electrical company, wastewater company, and water company shall construct and maintain such facilities in connection with the manufacture and distribution of its product, or provision of its services, as will be efficient and safe to its employees and the public.

((9)) (12) An agreement between the customer and the utility, whether oral or written, does not waive the protections afforded under this chapter.

((10)) (13) In establishing rates or charges for water service, water companies as defined in RCW 80.04.010 may consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

(14) On an annual basis, each utility must submit a report to the commission that includes the total number of electric or water disconnections that occurred on each day for which the national weather service issued, or announced that it intended to issue, a heat-related alert.

**Sec. 7.** RCW 87.03.015 and 2017 c 63 s 1 are each amended to read as follows:

(1) Any irrigation district, operating and maintaining an irrigation system, in addition to other powers conferred by law, shall have authority:

((4)) (a) To purchase and sell electric power to the inhabitants of the irrigation district for the purposes of irrigation and domestic use; to finance, acquire, construct, own, and lease dams, canals, plants, transmission lines, and other power equipment and the necessary property and rights therefor and to operate, improve, repair, and maintain the same, for the generation and transmission of electrical energy for use in the operation of pumping plants and irrigation systems of the district and for sale to the inhabitants of the irrigation district for the purposes of irrigation and domestic use; and, as a further and separate grant of authority and in furtherance of a state purpose and policy of developing hydroelectric capability in connection with irrigation facilities, to construct, finance, acquire, own, lease, operate, improve, repair, and maintain, alone or jointly with other irrigation districts, boards of control, municipal or quasi-municipal corporations or cooperatives authorized to engage in the business of distributing electricity, electrical companies subject to the jurisdiction of the utilities and transportation commission,

private commercial or industrial entities that construct or operate electric power generation or transmission facilities, or private commercial or industrial entities that acquire electric power for their own use or resale, hydroelectric facilities including but not limited to dams, canals, plants, transmission lines, other power equipment, and the necessary property and rights therefor, located within or outside the district, for the purpose of utilizing for the generation of electricity, water power made available by and as a part of the irrigation water storage, conveyance, and distribution facilities, waste ways, and drainage water facilities which serve irrigation districts, and to sell any and all the electric energy generated at any such hydroelectric facilities or the irrigation district's share of such energy, to municipal or quasi-municipal corporations or cooperatives authorized to engage in the business of distributing electricity, electrical companies subject to the jurisdiction of the utilities and transportation commission, private commercial or industrial entities that acquire electric power for their own use or resale, or other irrigation districts, and on such terms and conditions as the board of directors shall determine. No contract entered into under this subsection (1)(a) by the board of directors of any irrigation district for the sale of electrical energy from such hydroelectric facility for a period longer than forty years from the date of commercial operation of such hydroelectric facility shall be binding on the district until ratified by a majority vote of the electors of the district at an election therein, called, held, and canvassed for that purpose in the same manner as that provided by law for district bond elections.

((2)) (b) To construct, repair, purchase, maintain, or lease a system for the sale or lease of water to the owners of irrigated lands within the district for domestic purposes.

((3)) (c) To construct, repair, purchase, lease, acquire, operate and maintain a system of drains, sanitary sewers, and sewage disposal or treatment plants as herein provided.

((4)) (d) To assume, as principal or guarantor, any indebtedness to the United States under the federal reclamation laws, on account of district lands.

((5)) (e) To maintain, repair, construct, and reconstruct ditches, laterals, pipe lines, and other water conduits used or to be used in carrying water for irrigation of lands located within the boundaries of a city or town, or for the domestic use of the residents of a city or town where the owners of land within such city or town shall use such works to carry water to the boundaries of such city or town for irrigation, domestic, or other purposes within such city or town, and to charge to such city or town the pro rata proportion of the cost of such maintenance, repair, construction, and reconstruction work in proportion to the benefits received by the lands served and located within the boundaries of such city or town, and if such

cost is not paid, then and in that event said irrigation district shall have the right to prevent further water deliveries through such works to the lands located within the boundaries of such city or town until such charges have been paid.

((6)) (f) To acquire, install, and maintain as a part of the irrigation district's water system the necessary water mains and fire hydrants to make water available for firefighting purposes; and in addition any such irrigation district shall have the authority to repair, operate, and maintain such hydrants and mains.

((7)) (g) To enter into contracts with other irrigation districts, boards of control, municipal or quasi-municipal corporations or cooperatives authorized to engage in the business of distributing electricity, electrical companies subject to the jurisdiction of the utilities and transportation commission, private commercial or industrial entities that construct or operate electric power generation or transmission facilities, or private commercial or industrial entities that acquire electric power for their own use or resale, to jointly finance, acquire, lease, construct, own, operate, improve, repair, and maintain irrigation water, domestic water, drainage and sewerage works, and electrical power works to the same extent as authorized by (a) of this subsection (~~((1) of this section)~~), or portions of such works. If an irrigation district enters into a contract or agreement under this subsection (1)(g) to create a legal entity or undertaking with an investor-owned utility or a private commercial or industrial entity, that contract or agreement must provide that the irrigation district be severally liable only for its own acts and not jointly or severally liable for the acts, omissions, or obligations of an investor-owned utility or a private commercial or industrial entity. No money or property supplied by any irrigation district for the planning, financing, acquisition, construction, operation, or maintenance of any common facility may be credited or otherwise applied to the account of any investor-owned utility or private commercial or industrial entity therein, nor may the undivided share of any irrigation district in any common facility be charged, directly or indirectly, with any debt or obligation of any investor-owned utility or private commercial or industrial entity or be subject to any lien as a result thereof. No action in connection with a common facility may be binding upon any irrigation district unless authorized or approved by resolution of its board.

((8)) (h) To acquire from a water-sewer district wholly within the irrigation district's boundaries, by a conveyance without cost, the water-sewer district's water system and to operate the same to provide water for the domestic use of the irrigation district residents. As a part of its acceptance of the conveyance the irrigation district must agree to relieve the water-sewer district of responsibility for maintenance and repair of the system. Any such water-sewer district is authorized to make such a conveyance if all

indebtedness of the water-sewer district, except local improvement district bonds, has been paid and the conveyance has been approved by a majority of the water-sewer district's voters voting at a general or special election.

~~((9))~~(i) To approve and condition placement of hydroelectric generation facilities by entities other than the district on water conveyance facilities operated or maintained by the district.

(2) An irrigation district providing electric or water utility service to residential customers may not effect, due to lack of payment, an involuntary termination of utility service to any residential users, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located.

(a)(i) A residential user at whose dwelling electric or water utility service has been disconnected for lack of payment may request that the irrigation district reconnect service on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located. The irrigation district shall inform all customers in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the irrigation district.

(ii) Upon receipt of a request made pursuant to (a)(i) of this subsection, the irrigation district shall promptly make a reasonable attempt to reconnect service to the dwelling. The irrigation district, in connection with a request made pursuant to (a)(i) of this subsection, may require the residential user to enter into a payment plan prior to reconnecting service to the dwelling. If the irrigation district requires the residential user to enter into a repayment plan, the repayment plan must comply with (b) of this subsection.

(b) A repayment plan required by an irrigation district pursuant to (a)(ii) of this subsection will be designed both to pay the past due bill by the following May 15th, or as soon as possible after May 15th if needed to maintain monthly payments that are no greater than six percent of the customer's monthly income, and to pay for continued utility service. The plan may not require monthly payments in excess of six percent of the customer's monthly income. A customer may agree to pay a higher percentage during this period, but will not be in default unless payment during this period is less than six percent of the customer's monthly income. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the irrigation district to reformulate the plan.

(c) On an annual basis, each irrigation district with more than 25,000 retail electric customers or 2,500 water customers in Washington must submit a report to the department of commerce that includes the total number of disconnections that occurred on each day for which the national weather service issued, or announced that it intended to issue, a heat-related alert. Irrigation districts with fewer than 25,000 retail electric customers or 2,500 water customers in Washington must provide similar information upon request by the department.

(i) Subject to availability, each irrigation district must provide any other information related to utility disconnections that is requested by the department.

(ii) The information required in this subsection (2)(c) must be submitted in a form, timeline, and manner as prescribed by the department.

(3) This section shall not be construed as in any manner abridging any other powers of an irrigation district conferred by law.

**Sec. 8.** RCW 59.18.060 and 2013 c 35 s 1 are each amended to read as follows:

The landlord will at all times during the tenancy keep the premises fit for human habitation, and shall in particular:

(1) Maintain the premises to substantially comply with any applicable code, statute, ordinance, or regulation governing their maintenance or operation, which the legislative body enacting the applicable code, statute, ordinance or regulation could enforce as to the premises rented if such condition endangers or impairs the health or safety of the tenant;

(2) Maintain the structural components including, but not limited to, the roofs, floors, walls, chimneys, fireplaces, foundations, and all other structural components, in reasonably good repair so as to be usable;

(3) Keep any shared or common areas reasonably clean, sanitary, and safe from defects increasing the hazards of fire or accident;

(4) Provide a reasonable program for the control of infestation by insects, rodents, and other pests at the initiation of the tenancy and, except in the case of a single-family residence, control infestation during tenancy except where such infestation is caused by the tenant;

(5) Except where the condition is attributable to normal wear and tear, make repairs and arrangements necessary to put and keep the premises in as good condition as it by law or rental agreement should have been, at the commencement of the tenancy;

(6) Provide reasonably adequate locks and furnish keys to the tenant;

(7) Maintain and safeguard with reasonable care any master key or duplicate keys to the dwelling unit;

(8) Maintain all electrical, plumbing, heating, and other facilities and appliances supplied by him or her in reasonably good working order;

(9) Maintain the dwelling unit in reasonably weathertight condition;

(10) Except in the case of a single-family residence, provide and maintain appropriate receptacles in common areas for the removal of ashes, rubbish, and garbage, incidental to the occupancy and arrange for the reasonable and regular removal of such waste;

(11) Provide facilities adequate to supply heat and water and hot water as reasonably required by the tenant;

(a) The landlord may not effect an involuntary termination of electric utility or water service due to lack of payment to any tenant on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the tenant's address is located.

(b)(i) A tenant at whose dwelling electric or water utility service has been disconnected for lack of payment may request that the landlord reconnect service on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the tenant's address is located. The landlord shall inform all tenants in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the landlord.

(ii) Upon receipt of a request made pursuant to (b)(i) of this subsection, the landlord shall promptly make a reasonable attempt to reconnect service to the dwelling. The landlord, in connection with a request made pursuant to (b)(i) of this subsection, may require the tenant to enter into a payment plan prior to reconnecting service to the dwelling. If the landlord requires the tenant to enter into a repayment plan, the repayment plan must comply with (c) of this subsection.

(c) A repayment plan required by a landlord pursuant to (b)(i) of this subsection will be designed both to pay the past due bill by the following May 15th, or as soon as possible after May 15th if needed to maintain monthly payments that are no greater than six percent of the tenant's monthly income, and to pay for continued utility service. The plan may not require monthly payments in excess of six percent of the tenant's monthly income. A tenant may agree to pay a higher percentage during this period, but will not be in default unless payment during this period is less than six percent of the tenant's monthly income. If assistance payments are received by the tenant subsequent to implementation of the plan, the tenant shall contact the landlord to reformulate the plan.

(12)(a) Provide a written notice to all tenants disclosing fire safety and protection information. The landlord or his or her authorized agent must provide a written notice to the tenant that the dwelling unit is equipped with a smoke detection device as required in RCW 43.44.110. The notice shall inform the tenant of the tenant's responsibility to

maintain the smoke detection device in proper operating condition and of penalties for failure to comply with the provisions of RCW 43.44.110(3). The notice must be signed by the landlord or the landlord's authorized agent and tenant with copies provided to both parties. Further, except with respect to a single-family residence, the written notice must also disclose the following:

(i) Whether the smoke detection device is hard-wired or battery operated;

(ii) Whether the building has a fire sprinkler system;

(iii) Whether the building has a fire alarm system;

(iv) Whether the building has a smoking policy, and what that policy is;

(v) Whether the building has an emergency notification plan for the occupants and, if so, provide a copy to the occupants;

(vi) Whether the building has an emergency relocation plan for the occupants and, if so, provide a copy to the occupants; and

(vii) Whether the building has an emergency evacuation plan for the occupants and, if so, provide a copy to the occupants.

(b) The information required under this subsection may be provided to a tenant in a multifamily residential building either as a written notice or as a checklist that discloses whether the building has fire safety and protection devices and systems. The checklist shall include a diagram showing the emergency evacuation routes for the occupants.

(c) The written notice or checklist must be provided to new tenants at the time the lease or rental agreement is signed;

(13) Provide tenants with information provided or approved by the department of health about the health hazards associated with exposure to indoor mold. Information may be provided in written format individually to each tenant, or may be posted in a visible, public location at the dwelling unit property. The information must detail how tenants can control mold growth in their dwelling units to minimize the health risks associated with indoor mold. Landlords may obtain the information from the department's website or, if requested by the landlord, the department must mail the information to the landlord in a printed format. When developing or changing the information, the department of health must include representatives of landlords in the development process. The information must be provided by the landlord to new tenants at the time the lease or rental agreement is signed;

(14) The landlord and his or her agents and employees are immune from civil liability for failure to comply with subsection (13) of this section except where the landlord and his or her agents and employees knowingly and intentionally do not comply with subsection (13) of this section; and

(15) Designate to the tenant the name and address of the person who is the landlord by a statement on the rental agreement or by a notice conspicuously posted on the premises. The tenant shall be notified immediately of any changes in writing, which must be either (a) delivered personally to the tenant or

(b) mailed to the tenant and conspicuously posted on the premises. If the person designated in this section does not reside in the state where the premises are located, there shall also be designated a person who resides in the county who is authorized to act as an agent for the purposes of service of notices and process, and if no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered such agent. Regardless of such designation, any owner who resides outside the state and who violates a provision of this chapter is deemed to have submitted himself or herself to the jurisdiction of the courts of this state and personal service of any process may be made on the owner outside the state with the same force and effect as personal service within the state. Any summons or process served out-of-state must contain the same information and be served in the same manner as personal service of summons or process served within the state, except the summons or process must require the party to appear and answer within ~~((sixty))~~ 60 days after such personal service out of the state. In an action for a violation of this chapter that is filed under chapter 12.40 RCW, service of the notice of claim outside the state must contain the same information and be served in the same manner as required under chapter 12.40 RCW, except the date on which the party is required to appear must not be less than ~~((sixty))~~ 60 days from the date of service of the notice of claim.

No duty shall devolve upon the landlord to repair a defective condition under this section, nor shall any defense or remedy be available to the tenant under this chapter, where the defective condition complained of was caused by the conduct of such tenant, his or her family, invitee, or other person acting under his or her control, or where a tenant unreasonably fails to allow the landlord access to the property for purposes of repair. When the duty imposed by subsection (1) of this section is incompatible with and greater than the duty imposed by any other provisions of this section, the landlord's duty shall be determined pursuant to subsection (1) of this section.

**Sec. 9.** RCW 59.20.070 and 2019 c 342 s 4 are each amended to read as follows:

A landlord shall not:

(1) Deny any tenant the right to sell such tenant's mobile home, manufactured home, or park model within a park, or prohibit, in any manner, any tenant from posting on the tenant's manufactured/mobile home or park model, or on the rented mobile home lot, a commercially reasonable "for sale" sign or any similar sign designed to advertise the sale of the manufactured/mobile home or park model. In addition, a landlord shall not require the removal of the mobile home, manufactured home, or park model from the park because of the sale thereof. Requirements for the transfer of the rental agreement are in RCW 59.20.073. Nothing in this subsection prohibits a landlord from enforcing reasonable rules or restrictions regarding the placement of "for

sale" signs on the tenant's manufactured/mobile home or park model, or on the rented mobile home lot, if (a) the main purpose of the rules or restrictions is to protect the safety of park tenants or residents and (b) the rules or restrictions comply with RCW 59.20.045. The landlord may restrict the number of "for sale" signs on the lot to two and may restrict the size of the signs to conform to those in common use by home sale businesses;

(2) Restrict the tenant's freedom of choice in purchasing goods or services but may reserve the right to approve or disapprove any exterior structural improvements on a mobile home space: PROVIDED, That door-to-door solicitation in the mobile home park may be restricted in the rental agreement. Door-to-door solicitation does not include public officials, housing and low-income assistance organizations, or candidates for public office meeting or distributing information to tenants in accordance with subsection (3) or (4) of this section;

(3) Prohibit the distribution of information or meetings by tenants of the mobile home park to discuss mobile home living and affairs, including political caucuses or forums for or speeches of public officials or candidates for public office, meetings with housing and low-income assistance organizations, or meetings of organizations that represent the interest of tenants in the park, held in a tenant's home or any of the park community or recreation halls if these halls are open for the use of the tenants, conducted at reasonable times and in an orderly manner on the premises, nor penalize any tenant for participation in such activities;

(4) Prohibit a public official, housing and low-income assistance organization, or candidate for public office from meeting with or distributing information to tenants in their individual mobile homes, manufactured homes, or park models, nor penalize any tenant for participating in these meetings or receiving this information;

(5) Evict a tenant, terminate a rental agreement, decline to renew a rental agreement, increase rental or other tenant obligations, decrease services, or modify park rules in retaliation for any of the following actions on the part of a tenant taken in good faith:

(a) Filing a complaint with any federal, state, county, or municipal governmental authority relating to any alleged violation by the landlord of an applicable statute, regulation, or ordinance;

(b) Requesting the landlord to comply with the provision of this chapter or other applicable statute, regulation, or ordinance of the state, county, or municipality;

(c) Filing suit against the landlord for any reason;

(d) Participation or membership in any homeowners association or group;

(6) Charge to any tenant a utility fee in excess of actual utility costs or intentionally cause termination or interruption of any tenant's utility services, including water, heat, electricity, or gas, except when an

interruption of a reasonable duration is required to make necessary repairs;

(7)(a) Effect an involuntary termination of electric utility or water service due to lack of payment to any tenant on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the tenant's address is located.

(b)(i) A tenant at whose dwelling electric or water utility service has been disconnected for lack of payment may request that the landlord reconnect service on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the tenant's address is located. The landlord shall inform all tenants in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the landlord.

(ii) Upon receipt of a request made pursuant to (b)(i) of this subsection, the landlord shall promptly make a reasonable attempt to reconnect service to the dwelling. The landlord, in connection with a request made pursuant to (b)(i) of this subsection, may require the tenant to enter into a payment plan prior to reconnecting service to the dwelling. If the landlord requires the tenant to enter into a repayment plan, the repayment plan must comply with (c) of this subsection.

(c) A repayment plan required by a landlord pursuant to (b)(ii) of this subsection will be designed both to pay the past due bill by the following May 15th, or as soon as possible after May 15th if needed to maintain monthly payments that are no greater than six percent of the tenant's monthly income, and to pay for continued utility service. The plan may not require monthly payments in excess of six percent of the tenant's monthly income. A tenant may agree to pay a higher percentage during this period, but will not be in default unless payment during this period is less than six percent of the tenant's monthly income. If assistance payments are received by the tenant subsequent to implementation of the plan, the tenant shall contact the landlord to reformulate the plan.

(8) Remove or exclude a tenant from the premises unless this chapter is complied with or the exclusion or removal is under an appropriate court order; or

((+8))(9) Prevent the entry or require the removal of a mobile home, manufactured home, or park model for the sole reason that the mobile home has reached a certain age. Nothing in this subsection shall limit a landlord's right to exclude or expel a mobile home, manufactured home, or park model for any other reason, including but not limited to, failure to comply with fire, safety, and other provisions of local ordinances and state laws relating to mobile homes, manufactured homes, and park models, as long as the action conforms to this

chapter or any other relevant statutory provision."

Correct the title.

Representatives Mena and Dye spoke in favor of the adoption of the striking amendment.

The striking amendment (050) was adopted.

The bill was ordered engrossed.

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

Representatives Mena and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1329.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1329, and the bill passed the House by the following vote: Yeas, 64; Nays, 31; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Hutchins, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Eslick, Goehner, Graham, Griffey, Jacobsen, Kretz, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh and Wilcox

Excused: Representatives Klicker, Paul and Wylie

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

Representative Morgan congratulated Representative Mena on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

### SECOND READING

**HOUSE BILL NO. 1460, by Representatives Hackney, Waters, Simmons, Kloba, Pollet, Davis and Macri**

**Concerning the department of natural resources land transactions, revenue distributions, and creation and management of a trust land transfer program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1460 was substituted for House Bill No. 1460 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1460 was read the second time.

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

Representatives Hackney and Waters spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1460.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1460, and the bill passed the House by the following vote: Yeas, 82; Nays, 13; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Hutchins, Kloba, Kretz, Leavitt, Lekanoff, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox and Mme. Speaker

Voting Nay: Representatives Abbarno, Chambers, Chandler, Corry, Couture, Eslick, Griffey, Jacobsen, Low, McEntire, Orcutt, Walsh and Ybarra

Excused: Representatives Klicker, Paul and Wylie

SUBSTITUTE HOUSE BILL NO. 1460, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1536, by Representatives Timmons, Harris, Bergquist, Ortiz-Self, Walen, Ramel, Morgan, Stonier, Gregerson, Ormsby and Paul**

**Clarifying requirements governing the withholding of high school diplomas.**

The bill was read the second time.

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

Representatives Timmons and McEntire spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1536.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1536, and the bill passed the House by the following vote: Yeas, 74; Nays, 21; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Connors, Cortes, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox and Mme. Speaker

Voting Nay: Representatives Abbarno, Caldier, Christian, Corry, Couture, Dent, Eslick, Graham, Griffey, McClintock, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz and Ybarra

Excused: Representatives Klicker, Paul and Wylie

HOUSE BILL NO. 1536, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1696, by Representatives Davis, Mosbrucker, Orwall, Griffey, Duerr, Reed, Leavitt, Barnard, Walen, Eslick, Ramel and Pollet**

#### Concerning stalking-related offenses.

The bill was read the second time.

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

Representatives Davis, Mosbrucker and Griffey spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1696.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1696, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Excused: Representatives Klicker, Paul and Wylie

HOUSE BILL NO. 1696, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1173, by Representatives Connors, Klicker and Rude**

**Reducing light pollution associated with certain energy infrastructure.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1173 was substituted for House Bill No. 1173 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1173 was read the second time.

Representative Connors moved the adoption of the striking amendment (014):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this

chapter unless the context clearly requires otherwise.

(1) "Aircraft detection lighting system" means a sensor-based system that:

(a) Is designed to detect approaching aircraft;

(b) Automatically activates appropriate obstruction lights until the lights are no longer needed by the aircraft; and

(c) The federal aviation administration has approved as meeting the requirements set forth in chapter 10 of the federal aviation administration's 2020 advisory circular AC 70/7460-1M, "Obstruction marking and lighting."

(2) "Department" means the department of ecology.

(3) "Hub height" means the distance from the ground to the middle of a wind turbine's rotor.

(4) "Utility-scale wind energy facility" means a facility used in the generation of electricity by means of turbines or other devices that capture and employ the kinetic energy of the wind and:

(a) Is required under federal aviation administration regulations, guidelines, circulars, or standards, as they existed as of January 1, 2023, to have obstruction lights; or

(b) Has at least one obstruction light and at least one wind turbine with a hub height of at least 75 feet above ground level.

**NEW SECTION. Sec. 2.** (1) Except as provided in subsection (2) of this section, an owner or operator of a utility-scale wind energy facility must operate with an aircraft detection lighting system to mitigate light pollution from the facility.

(2) The owner or operator of a utility-scale wind energy facility that is precluded from using an aircraft detection lighting system as a consequence of any requirement of federal law must mitigate light pollution from the facility through alternative means demonstrated to the department to be the best practicable light mitigation option for the facility.

(3)(a) The requirements of this section apply beginning January 1, 2027, to utility-scale wind energy facilities that have received site certification under chapter 80.50 RCW or all applicable land use, environmental, and building permits from state agencies and local governments prior to the effective date of this section.

(b) The requirements of this section apply, beginning on the effective date of this section, upon the completion of construction of a facility to all utility-scale wind energy facilities not specified in (a) of this subsection.

(4) Nothing in this section requires mitigation of light pollution to be carried out in a manner that conflicts with federal requirements, including requirements of the federal aviation administration.

**NEW SECTION. Sec. 3.** (1) A violation of the requirements of this chapter is punishable by a civil penalty of up to \$5,000 per day per violation. Penalties are

appealable to the pollution control hearings board.

(2)(a) The department may enforce the requirements of this chapter.

(b) Enforcement of this chapter by the department must rely on notification and information exchange between the department and utility-scale wind energy facility owners or operators. The department must prepare and distribute information regarding this chapter to utility-scale wind energy facility owners and operators to help facility owners and operators in their advance planning to meet the deadlines.

(c)(i) If the department obtains information that a facility is not in compliance with the requirements of this chapter, the department may issue a notification letter by certified mail to the facility owner or operator and offer information or other appropriate assistance regarding compliance with this chapter. If compliance is not achieved within 60 days of the issuance of a notification letter under this subsection, the department may assess penalties under this section.

(ii) The department may delay any combination of the issuance of a notification letter under this subsection (2)(c), the 60-day period in which compliance with the requirements of this chapter must be achieved, or the imposition of penalties for good cause shown due to:

(A) Supply chain constraints, including lack of aircraft detection lighting system availability;

(B) Lack of contractor availability;

(C) Lighting system permitting delays; or

(D) Technological feasibility considerations.

(d) A utility-scale wind energy facility owner or operator specified in section 2(3)(a) of this act that applies for the approval of an aircraft detection lighting system to the federal aviation administration prior to January 1, 2026, but that has not received a determination to approve the aircraft detection lighting system by the federal aviation administration as of July 1, 2026, may not be assessed a penalty under this chapter until at least six months after the federal aviation administration issues its determination on the application of the utility-scale wind energy facility's proposed aircraft detection lighting system.

(3) The department may adopt by rule a light mitigation standard that references a more recent version of any federal aviation regulation, guideline, circular, or standard referenced in section 1 of this act in order to maintain consistency between this chapter and federal aviation administration requirements.

**Sec. 4.** RCW 43.21B.110 and 2022 c 180 s 812 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural



resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 3 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.21C RCW to read as follows:

(1) Actions to mitigate light pollution at a utility-scale wind energy facility that has received site certification under chapter 80.50 RCW or all applicable land use, environmental, and building permits from state agencies and local governments prior to the effective date of this section, as required under section 2 of this act, are categorically exempt from the requirements of this chapter.

(2) For the purposes of this section, "utility-scale wind energy facility" has the same meaning as defined in section 1 of this act.

**NEW SECTION. Sec. 6.** Sections 1 through 3 of this act constitute a new chapter in Title 70A RCW.

**NEW SECTION. Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Connors and Doglio spoke in favor of the adoption of the striking amendment.

The striking amendment (014) was adopted.

The bill was ordered engrossed.

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

Representatives Connors, Doglio and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1173.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1173, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Voting Nay: Representative Kloba

Excused: Representatives Klicker, Paul and Wylie

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1173, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1753, by Representatives Bronoske, Leavitt and Reed**

**Changing certain notice provisions in the derelict vessel removal program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1753 was substituted for House Bill No. 1753 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1753 was read the second time.

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

Representatives Bronoske and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1753.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1753, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Excused: Representatives Klicker, Paul and Wylie

SUBSTITUTE HOUSE BILL NO. 1753, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1784, by Representatives Gregerson, Ormsby, Duerr, Alvarado, Berry, Ryu, Bergquist, Peterson, Berg, Chapman, Mena, Lekanoff, Senn, Thai, Leavitt, Santos, Callan, Macri, Fosse, Riccelli, Doglio, Kloba, Timmons, Ramel, Bateman and Pollet**

**Concerning hunger relief.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1784 was substituted for House Bill No. 1784 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1784 was read the second time.

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

Representatives Gregerson, Stokesbary, Eslick and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1784.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1784, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Excused: Representatives Klicker, Paul and Wylie

SUBSTITUTE HOUSE BILL NO. 1784, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1051, by Representatives Leavitt, Walen, Simmons, Ryu, Goodman, Fitzgibbon, Pollet, Doglio, Orwall, Macri, Timmons, Wylie, Bronoske, Ramos, Thai and Kloba**

**Concerning robocalling and telephone scams.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1051 was substituted for House Bill No. 1051 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1051 was read the second time.

Representative Leavitt moved the adoption of the striking amendment (029):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that robocalls are increasingly used by entities to mislead and deceive Washington residents and induce them into providing personal information to wrongfully obtain something of value. It is the intent of the legislature to expand the scope of existing provisions in RCW 80.36.390, 80.36.400, and 19.158.020 regulating robocalls and telephone solicitations to prohibit abusive telephone communications that mislead or harm Washington residents.

(2) The legislature further finds that the most effective way to prevent illegal robocalling is to ensure that those calls never originate or enter the telephone network. Therefore, it is further the intent of the legislature to extend liability to those persons who provide substantial assistance or support in the origination and transmission of robocalls that violate RCW 80.36.400.

(3) It is also the intent of the legislature to:

(a) Include a provision in RCW 80.36.390 to prohibit the initiation of unwanted telephone calls to Washington telephone numbers on the do not call registry maintained by the federal government pursuant to the telemarketing sales rule, 16 C.F.R. Part 310, and related regulations; and

(b) Combat fraudulent or misleading caller identification.

**Sec. 2.** RCW 80.36.400 and 1986 c 281 s 2 are each amended to read as follows:

(1) ~~((As used in this section:))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) ~~((An automatic))~~ "Automatic dialing and announcing device" is a ((device)) system which automatically dials telephone numbers and ((plays)) transmits a recorded or artificial voice message once a connection is made. A recorded or artificial message is transmitted even if the recorded or artificial message goes directly to a recipient's voicemail.

(b) "Commercial solicitation" means the unsolicited initiation of a telephone ((conversation)) communication made for the purpose of encouraging a person to purchase property, goods, or services, or wrongfully obtaining anything of value.

(c) (i) "Assist in the transmission" means actions taken to provide substantial assistance or support, which enables any person to formulate, originate, initiate, or transmit a commercial solicitation when the person providing the assistance knows or consciously avoids knowing that the initiator of the commercial solicitation is engaged, or intends to engage, in any practice that violates chapter 19.86 RCW, the consumer protection act.

(ii) "Assist in the transmission" does not include any of the following:

(A) Activities of an entity relating to the design, manufacture, or distribution of any technology, product, or component that has a commercially significant use other than to violate or circumvent this section;

(B) Activities of a telecommunications provider or other entity that are limited to providing access to the internet for purposes excluding initiation of a telephone communication; or

(C) Activities of a terminating provider relating to the transmission of a telephone communication.

(d) "Terminating provider" means a telecommunications provider that provides voice services to an end user customer.

(2) No person may use an automatic dialing and announcing device for purposes of commercial solicitation. This section applies to all commercial solicitation intended to be received by telephone customers within the state.

~~(3) ((A violation of this section is a violation of chapter 19.86 RCW. It shall be presumed that damages to the recipient of commercial solicitations made using an automatic dialing and announcing device are five hundred dollars.~~

~~(4))~~ No person may assist in the transmission of a commercial solicitation described in subsection (2) of this section. In any action arising out of a violation of this subsection, it shall be an affirmative defense that a telecommunications provider both:

(a) Acted in compliance with 47 U.S.C. Sec. 227, 16 C.F.R. Part 310, and related regulations; and

(b) Implemented a reasonably effective plan to mitigate origination, initiation, or transmission of a commercial solicitation described in subsection (2) of this section.

(4) The legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW. In addition to all remedies available in chapter 19.86 RCW, a person who is injured under this section may bring a civil action in the superior court

to enjoin further violations and shall recover actual damages or \$1,000 per violation of this section, whichever is greater.

(5) Nothing in this section shall be construed to prevent the Washington utilities and transportation commission from adopting additional rules regulating automatic dialing and announcing devices.

**Sec. 3.** RCW 80.36.390 and 2022 c 195 s 1 are each amended to read as follows:

(1)(a) As used in this section, "telephone solicitation" means the unsolicited initiation of a telephone call by a commercial or nonprofit company or organization to a person ~~(and conversation)~~ for the purpose of encouraging the person to purchase property, goods, or services, wrongfully obtaining anything of value, or soliciting donations of money, property, goods, or services.

(b) "Telephone solicitation" does not include:

~~((a))~~(i) Calls made in response to a request or inquiry by the called party. This includes calls regarding an item that has been purchased by the called party from the company or organization during a period not longer than ~~((twelve))~~ 12 months prior to the telephone contact;

~~((b))~~(ii) Calls made by a not-for-profit organization, as defined by 26 U.S.C. Sec. 501 of the federal internal revenue code, to its own list of bona fide or active members of the organization;

~~((e))~~(iii) Calls made by a membership or labor organization to its own list of bona fide or active members of the organization;

(iv) Calls limited to polling or soliciting the expression of ideas, opinions, or votes; or

~~((d))~~(v) Business-to-business contacts.

(c) "Telephone call" means any communication made through a telephone that uses a live person, artificial voice, or recorded message.

(2)(a) For purposes of this section, each individual real estate agent or insurance agent who maintains a separate list from other individual real estate or insurance agents shall be treated as a company or organization.

(b) For purposes of this section, an organization as defined in RCW 29A.04.086 or 29A.04.097 and organized pursuant to chapter 29A.80 RCW shall not be considered a commercial or nonprofit company or organization.

~~((2))~~(3) A person making a telephone solicitation must identify him or herself and the company or organization on whose behalf the solicitation is being made and the purpose of the call within the first 30 seconds of the telephone call.

~~((3))~~(4) As used in this section, "telephone solicitor" means a commercial or nonprofit company or organization engaged in telephone solicitation.

~~((4))~~(5) If the telephone solicitor is requesting a donation or gift of money, the telephone solicitor must ask the called party whether they want to continue the

call, end the call, or be removed from the solicitor's telephone lists.

~~((5))~~(6) If, at any time during the telephone contact, the called party states or indicates they want to end the call, the telephone solicitor must end the call within 10 seconds.

~~((6))~~(7) If, at any time during the telephone contact, the called party states or indicates that he or she does not want to be called again by the telephone solicitor or wants to have his or her name, individual telephone number, or other contact information removed from the telephone lists used by the telephone solicitor:

(a) The telephone solicitor shall inform the called party that his or her contact information will be removed from the telephone solicitor's telephone lists for at least one year;

(b) The telephone solicitor shall end the call within 10 seconds;

(c) The telephone solicitor shall not make any additional telephone solicitation of the called party at any telephone number ~~((associated with that party within))~~ that the called party has requested be removed from the solicitor's telephone lists for a period of at least one year; and

(d) The telephone solicitor shall not sell or give the called party's name, telephone number, and other contact information to another company or organization: PROVIDED, That the telephone solicitor may return the list, including the called party's name, telephone number, and other contact information to the company or organization from which it received the list.

~~((7))~~(8) A telephone solicitor shall not place calls to any person which will be received before 8:00 a.m. or after 8:00 p.m. at the call recipient's local time.

~~((8))~~(9) No person may initiate, or cause to be initiated, a telephone solicitation to a telephone number registered on the do not call registry maintained by the federal government pursuant to telephone consumer protection act, 47 U.S.C. Sec. 227 and related regulations, as currently enacted or subsequently amended. This subsection applies to all telephone solicitation intended to be received by telephone customers within the state.

(10) It is unlawful for a person to initiate, or cause to be initiated, a telephone solicitation that violates 47 U.S.C. Sec. 227(e)(1), as currently written or as subsequently amended or interpreted by the federal government. This subsection applies to all telephone solicitation intended to be received by telephone customers within the state.

(11) A violation of subsection ~~((2))~~(3), (4), (5), (6), ~~((e))~~(7), (8), (9), or (10) of this section is punishable by a fine of up to ~~((one thousand dollars))~~ \$1,000 for each violation.

~~((9))~~(12) The attorney general may bring actions to enforce compliance with this section. ~~((For the first violation by any telephone solicitor of this section, the attorney general shall notify the telephone solicitor with a letter of warning that the section has been violated.))~~ The legislature

finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

~~((10))~~ (13) A person aggrieved by repeated violations of this section may bring a civil action in superior court to enjoin future violations, to recover damages, or both. The court shall award damages of at least ~~((one hundred dollars))~~ \$1,000 for each individual violation of this section. If the aggrieved person prevails in a civil action under this subsection, the court shall award the aggrieved person reasonable attorneys' fees and cost of the suit.

~~((11))~~ (14) The utilities and transportation commission shall by rule ensure that telecommunications companies inform their residential customers of the provisions of this section. The notification may be made by (a) annual ~~((inserts))~~ notice in the billing statements ~~((mailed))~~ sent to residential customers, or (b) conspicuous publication of the notice in the consumer information pages of local telephone directories.

**Sec. 4.** RCW 19.158.020 and 2003 c 39 s 12 are each amended to read as follows:

~~((Unless the context requires otherwise, the))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) A "commercial telephone solicitor" is any person who engages in commercial telephone solicitation, including service bureaus.

(2) "Commercial telephone solicitation" means:

(a) An unsolicited telephone call ~~((to a person initiated by a salesperson and conversation for the purpose of inducing the person to purchase or invest in property, goods, or services)),~~ initiated by one other than a person described under subsection (3) (a) through (k) of this section, for the purpose of encouraging a person to purchase or invest in property, goods, or services, or wrongfully obtaining anything of value;

(b) Other communication with a person where:

(i) A free gift, award, or prize is offered to a purchaser who has not previously purchased from the person initiating the communication; and

(ii) A telephone call response is invited; and

(iii) The ~~((salesperson))~~ caller intends to complete a sale or enter into an agreement to purchase during the course of the telephone call;

(c) Other communication with a person which misrepresents the price, quality, or availability of property, goods, or services and which invites a response by telephone or which is followed by a call to the person ~~((by a salesperson))~~;

(d) For purposes of this section, "other communication" means a written or oral notification or advertisement transmitted through any means.

(3) A "commercial telephone solicitor" does not include any of the following:

(a) A person engaging in commercial telephone solicitation where ~~((-~~

~~(i) The))~~ the solicitation is an isolated transaction and not done in the course of a pattern of repeated transactions of like nature; ~~((or~~

~~(ii) Less than sixty percent of such person's prior year's sales were made as a result of a commercial telephone solicitation as defined in this chapter. Where more than sixty percent of a seller's prior year's sales were made as a result of commercial telephone solicitations, the service bureau contracting to provide commercial telephone solicitation services to the seller shall be deemed a commercial telephone solicitor;))~~

(b) A person making calls for religious, charitable, political, or other noncommercial purposes;

(c) A person soliciting business solely from purchasers who have previously purchased from the business enterprise for which the person is calling;

(d) A person soliciting:

(i) Without the intent to complete or obtain provisional acceptance of a sale during the telephone solicitation; and

(ii) Who does not make the major sales presentation during the telephone solicitation; and

(iii) Who only makes the major sales presentation or arranges for the major sales presentation to be made at a later face-to-face meeting between the salesperson and the purchaser;

(e) A person selling a security which is exempt from registration under RCW 21.20.310;

(f) A person licensed under RCW ~~((18.85.090))~~ 18.85.101 when the solicited transaction is governed by that law;

(g) A person registered under RCW 18.27.060 when the solicited transaction is governed by that law;

(h) A person licensed under chapter 48.17 RCW ~~((48.17-150))~~ when the solicited transaction is governed by that law;

(i) Any person soliciting the sale of a franchise who is registered under RCW 19.100.140;

(j) A person primarily soliciting the sale of a newspaper of general circulation, a magazine or periodical, or contractual plans, including book or record clubs: (i) Under which the seller provides the consumer with a form which the consumer may use to instruct the seller not to ship the offered merchandise; and (ii) which is regulated by the federal trade commission trade regulation concerning "use of negative option plans by sellers in commerce";

(k) Any supervised financial institution or parent, subsidiary, or affiliate thereof. As used in this section, "supervised financial institution" means any commercial bank, trust company, savings and loan association, mutual savings banks, credit union, industrial loan company, personal property broker, consumer finance lender,

commercial finance lender, or insurer, provided that the institution is subject to supervision by an official or agency of this state or the United States;

(l) A person soliciting the sale of a prearrangement funeral service contract registered under RCW 18.39.240 and 18.39.260;

(m) A person licensed to enter into prearrangement contracts under RCW 68.05.155 when acting subject to that license;

(n) A person soliciting the sale of services provided by a cable television system operating under authority of a franchise or permit;

(o) A person or affiliate of a person whose business is regulated by the utilities and transportation commission or the federal communications commission;

(p) A person soliciting the sale of agricultural products, as defined in RCW 20.01.010 where the purchaser is a business;

(q) An issuer or subsidiary of an issuer that has a class of securities that is subject to section 12 of the securities exchange act of 1934 (15 U.S.C. Sec. ~~(781)~~ 781) and that is either registered or exempt from registration under paragraph (A), (B), (C), (E), (F), (G), or (H) of subsection (g) of that section;

(r) A commodity broker-dealer as defined in RCW 21.30.010 and registered with the commodity futures trading commission;

(s) A business-to-business sale where:

(i) The purchaser business intends to resell the property or goods purchased, or

(ii) The purchaser business intends to use the property or goods purchased in a recycling, reuse, remanufacturing or manufacturing process;

(t) A person licensed under RCW 19.16.110 when the solicited transaction is governed by that law;

(u) A person soliciting the sale of food intended for immediate delivery to and immediate consumption by the purchaser;

(v) A person soliciting the sale of food fish or shellfish when that person is licensed pursuant to the provisions of Title 77 RCW.

(4) "Purchaser" means a person who is solicited to become or does become obligated to a commercial telephone solicitor.

(5) "Salesperson" means any individual employed, appointed, or authorized by a commercial telephone solicitor, whether referred to by the commercial telephone solicitor as an agent, representative, or independent contractor, who attempts to solicit or solicits a sale on behalf of the commercial telephone solicitor.

(6) "Service bureau" means a commercial telephone solicitor who contracts with any person to provide commercial telephone solicitation services.

(7) "Seller" means any person who contracts with any service bureau to purchase commercial telephone solicitation services.

(8) "Person" includes any individual, firm, association, corporation, partnership, joint venture, sole proprietorship, or any other business entity.

(9) "Free gift, award, or prize" means a gratuity which the purchaser believes of a value equal to or greater than the value of

the specific product, good, or service sought to be sold to the purchaser by the seller.

(10) ("~~Solicit~~") "Telephone call" includes any communication made through a telephone that uses a live person, artificial voice, or recorded message.

(11) "Unsolicited" means to initiate contact (~~(with a purchaser)~~) for the purpose of attempting to sell a person property, goods, or services, where such (~~(purchaser has expressed)~~) person provided no previous express interest in purchasing, investing in, or obtaining information regarding the property, goods, or services attempted to be sold.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representatives Leavitt and Corry spoke in favor of the adoption of the striking amendment.

The striking amendment (029) was adopted.

The bill was ordered engrossed.

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

Representatives Leavitt and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1051.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1051, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1051, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1170, by Representatives Street, Couture, Berry, Ramel, Fitzgibbon, Lekanoff, Duerr, Thai and Pollet**

**Improving climate resilience through updates to the state's integrated climate response strategy.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1170 was substituted for House Bill No. 1170 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1170 was read the second time.

Representative Dye moved the adoption of amendment (054):

On page 3, after line 27, insert the following:

"(c) The University of Washington climate impacts group must examine existing best practices and new methods that could be used to measure and evaluate climate change resilience for the purpose of better understanding and tracking how investments made in climate change resilience translate into outcomes. The results of this examination must be provided to the legislature by June 1, 2024."

On page 5, line 2, after "impacts" insert ". Specifically, prioritized actions must include those related to drought resilience, flood risk mitigation, forest health, urban heat islands and the impacts of the built environment on the natural environment, Puget Sound health, and mitigating expected impacts on outdoor recreation opportunities"

On page 5, line 5, after "relevant" insert "; and

(vi) Address the risks in each geographic region of the state with appropriate scope, scale, and urgency"

Representatives Dye and Doglio spoke in favor of the adoption of the amendment.

Amendment (054) was adopted.

The bill was ordered engrossed.

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

Representatives Street and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1170.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1170, and the bill passed the House by the following vote: Yeas, 82; Nays, 14; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Connors, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Kloba, Leavitt, Lekanoff, Low, Macri, McClintock, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick,

Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Christian, Corry, Dent, Graham, Jacobsen, Kretz, Maycumber, McEntire, Mosbrucker, Orcutt, Schmidt, Volz and Walsh

Excused: Representatives Klicker and Paul

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1170, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1319, by Representatives Reed, Cortes, Berry, Ramel, Cheney, Waters and Kloba**

**Addressing collision reporting criteria triggering driver's license reexamination.**

The bill was read the second time.

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

Representatives Reed and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1319.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1319, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

HOUSE BILL NO. 1319, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1701, by Representatives Callan, Stonier, Simmons, Senn, Reed, Kloba, Pollet, Santos, Ortiz-Self, Ormsby, Macri and Bergquist**

**Concerning basic education services to youth who are served through institutional education programs.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1701 was substituted for House Bill No. 1701 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1701 was read the second time.

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

Representatives Callan and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1701.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1701, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1701, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1061, by Representatives Ryu, Corry and Reeves

##### Eliminating preclicensing education requirements for licensed insurance producers.

The bill was read the second time.

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

Representatives Ryu and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1061.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1061, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

HOUSE BILL NO. 1061, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1207, by Representatives Senn, Rude, Fey, Reed, Bergquist, Ramel, Doglio, Callan, Thai and Pollet

##### Preventing and responding to harassment, intimidation, bullying, and discrimination in schools.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1207 was substituted for House Bill No. 1207 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1207 was read the second time.

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

Representatives Senn and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1207.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1207, and the bill passed the House by the following vote: Yeas, 60; Nays, 36; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, McClintock, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Kretz, Low, Maycumber, McEntire, Mosbrucker, Orcutt, Robertson, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1207, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1564, by Representatives Mosbrucker, Orwall, Chambers, Graham, Rude and Rule

##### Prohibiting the sale of over-the-counter sexual assault kits.

The bill was read the second time.

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

Representatives Mosbrucker and Farivar spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1564.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1564, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2



Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

HOUSE BILL NO. 1564, having received the necessary constitutional majority, was declared passed.

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

### MOTIONS

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1044  
 HOUSE BILL NO. 1050  
 HOUSE BILL NO. 1169  
 HOUSE BILL NO. 1188  
 HOUSE BILL NO. 1250  
 HOUSE BILL NO. 1288  
 HOUSE BILL NO. 1290  
 HOUSE BILL NO. 1323  
 HOUSE BILL NO. 1420  
 HOUSE BILL NO. 1478  
 HOUSE BILL NO. 1499  
 HOUSE BILL NO. 1507  
 HOUSE BILL NO. 1682  
 HOUSE BILL NO. 1737

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the suspension calendar:

HOUSE BILL NO. 1407  
 HOUSE BILL NO. 1421

There being no objection, the House adjourned until 9:00 a.m., Tuesday, February 28, 2023, the 51st Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIFTY FIRST DAY

House Chamber, Olympia, Tuesday, February 28, 2023

The House was called to order at 9:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Atticus Finegood and Lili Lorentzen. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Chaplain Tami Stampfli, Providence Saint Peter Hospital, Olympia.

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

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

**MESSAGE FROM THE SENATE**

Monday, February 27, 2023

Mme. Speaker:

The Senate has passed:

SENATE BILL NO. 5031  
 SUBSTITUTE SENATE BILL NO. 5033  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5045  
 SENATE BILL NO. 5070  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5111  
 SENATE BILL NO. 5163  
 SENATE BILL NO. 5166  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5179  
 SUBSTITUTE SENATE BILL NO. 5229  
 SUBSTITUTE SENATE BILL NO. 5235  
 SENATE BILL NO. 5252  
 SUBSTITUTE SENATE BILL NO. 5275  
 SENATE BILL NO. 5287  
 SENATE BILL NO. 5319  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5320  
 SENATE BILL NO. 5350  
 SENATE BILL NO. 5385  
 SUBSTITUTE SENATE BILL NO. 5542  
 SENATE BILL NO. 5553  
 SENATE JOINT MEMORIAL NO. 8005

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Monday, February 27, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5294  
 ENGROSSED SENATE BILL NO. 5341

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

**INTRODUCTION & FIRST READING**

HB 1844 by Representatives Graham, Walsh, Sandlin, Klicker and Schmidt

AN ACT Relating to creating a private right of action for harm from violations of the state Constitution or state law by elected and appointed officials; adding a new chapter to Title 7 RCW; and providing an effective date.

Referred to Committee on Civil Rights &amp; Judiciary.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

**SECOND READING**

**HOUSE BILL NO. 1077, by Representatives Thai, Walen, Simmons, Leavitt, Senn, Goodman and Santos**

**Concerning courthouse facility dogs.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1077 was substituted for House Bill No. 1077 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1077 was read the second time.

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

Representatives Thai and Walsh spoke in favor of the passage of the bill.

**MOTION**

On motion of Representative Ramel, Representative Paul was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1077.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1077, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall,

Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1077, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1257, by Representatives Hackney, Abbarno and Reed**

**Concerning the authority of cargo and passenger ports.**

The bill was read the second time.

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

Representatives Hackney and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1257.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1257, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1257, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1552, by Representatives Reeves, Ramel, Springer, Gregerson, Fosse and Doglio**

**Directing the state conservation commission to conduct a study of urban agricultural opportunities and barriers in the state.**

The bill was read the second time.

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

Representatives Reeves, Dent and Sandlin spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1552.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1552, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1552, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1540, by Representatives Hutchins, Timmons, Low, Cheney, Cortes, Bronoske, Couture, Griffey, Donaghy, Robertson, Barkis, Simmons, Reed, Klicker, Riccelli, Doglio, Berry, Ramel, Paul, Graham and Rule**

**Requiring driver training curriculum to include instruction on sharing the road with large vehicles, including commercial motor vehicles and buses.**

The bill was read the second time.

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

Representatives Hutchins and Timmons spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1540.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1540, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1540, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Caldier congratulated Representative Hutchins on the passage of his first bill and asked the Chamber to acknowledge his accomplishment.

**SECOND READING**

**HOUSE BILL NO. 1407, by Representatives Taylor, Senn, Simmons, Stonier, Jacobsen, Bateman, Lekanoff, Peterson, Ramel, Macri, Pollet, Reed and Doglio**

**Maintaining eligibility for developmental disability services.**

The bill was read the second time.

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

Representatives Taylor and Couture spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1407.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1407, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1407, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**HOUSE BILL NO. 1737, by Representatives Morgan, Street, Kretz, Waters, Reeves, Reed, Entenman, Donaghy, Cheney, Walsh, Wylie, Stearns, Orwall, Taylor, Chapman, Berg, Graham, Gregerson, Ormsby, Ramel, Santos, Caldier, Pollet, Macri and Fosse**

**Enacting the reconciliation act.**

The bill was read the second time.

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

Representative Morgan spoke in favor of the passage of the bill.

Representative Stokesbary spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1737.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1737, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Corry, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Hutchins, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Orcutt, Robertson, Rude, Sandlin, Schmick, Steele, Stokesbary, Volz, Walsh and Ybarra

Excused: Representative Paul

HOUSE BILL NO. 1737, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1469, by Representatives Hansen, Thai, Chopp, Fitzgibbon, Simmons, Berry, Slatter, Santos, Ryu, Street, Gregerson, Goodman, Peterson, Tharinger, Ramel, Macri, Ormsby, Reeves, Senn, Doglio, Riccelli, Alvarado, Bateman, Morgan, Callan, Bergquist and Pollet**

**Concerning access to reproductive health care services and gender-affirming treatment in Washington state.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1469 was substituted for House Bill No. 1469 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1469 was read the second time.

Representative Walsh moved the adoption of amendment (061):

On page 1, after line 7, insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds and declares that this act is not intended to undermine the relationship between a child and his or her parent or guardian. The policy adopted in this act shall be construed narrowly in such context."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 28, line 16, after "2," strike and 13 through 16" and insert "3, and 14 through 17"

Correct the title.

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (061) was not adopted.

Representative Cheney moved the adoption of amendment (058):

On page 2, beginning on line 7, after "all" strike all material through "terminations" on line 14 and insert "services relating to an elective termination of a pregnancy"

Representatives Cheney, Walsh and Corry spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (058) was not adopted.

Representative Walsh moved the adoption of amendment (064):

On page 3, line 25, after "subpoena" strike "seeks" and insert ":(a) Seeks"

On page 3, at the beginning of line 26, strike "(a)" and insert "(i)"

On page 3, line 30, after "person;" strike "or"

On page 3, at the beginning of line 31, strike "(b)" and insert "(ii)"

On page 3, on line 34, after "subpoena" insert "; or  
(b) Is made in good order"

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (064) was not adopted.

Representative Walsh moved the adoption of amendment (063):

On page 25, after line 7, insert the following:

"NEW SECTION. Sec. 17. The courts of this state shall give full faith and credit as provided for in the United States Constitution to the public acts, records, and judicial proceedings of another state and nothing in this act shall be construed to undermine the primacy of that clause."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 28, line 16, after "through" strike "16" and insert "17"

Correct the title.

Representatives Walsh and Hansen spoke in favor of the adoption of the amendment.

Amendment (063) was adopted.

Representative Walsh moved the adoption of amendment (062):

On page 2, line 15, after "a" strike "civil, criminal," and insert "criminal"

On page 2, beginning on line 19, strike all of sections 3 and 4

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 19, at the beginning of line 34, strike "civil or"

On page 20, line 19, after "criminal" strike "or civil"

On page 20, at the beginning of line 26, strike "civil or"

On page 20, line 39, after "criminal" strike "or civil"

On page 21, beginning on line 3, after "other" strike "civil or"

On page 21, line 7, after "other" strike "civil or"

On page 21, line 9, after "other" strike "civil or"

On page 21, line 12, after "criminal" strike "or civil"

On page 21, beginning on line 22, after "other" strike "civil or"

On page 21, line 26, after "other" strike "civil or"

On page 21, line 28, after "criminal" strike or "or civil"

On page 22, line 2, after "criminal" strike "or civil"

On page 24, line 4, after "receives a" insert "criminal"

On page 24, line 15, after "on" strike "a cause of action or"

Correct the title.

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Farivar spoke against the adoption of the amendment.

Amendment (062) was not adopted.

Representative Cheney moved the adoption of amendment (065):

On page 15, at the beginning of line 15, strike "(1)"

On page 16, beginning on line 1, beginning with "(2)" strike all material through "Washington" on line 28

Representatives Cheney, Jacobsen and Walsh spoke in favor of the adoption of the amendment.

Representative Farivar spoke against the adoption of the amendment.

Amendment (065) was not adopted.

Representative Hansen moved the adoption of amendment (031):

On page 24, beginning on line 27, after "Washington" strike all material through "The" on line 28 and insert ", the"

On page 24, beginning on line 34, after "patrol" strike all material through "Washington" on page 25, line 7

Representatives Hansen and Walsh spoke in favor of the adoption of the amendment.

Amendment (031) was adopted.

The bill was ordered engrossed.

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

Representative Hansen spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1469.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1469, and the bill passed the House by the following vote: Yeas, 59; Nays, 38; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Hutchins, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1469, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1507, by Representatives Entenman, Ramel, Alvarado, Orwall, Reeves, Doglio, Pollet, Macri, Morgan and Bergquist**

**Concerning fair housing training for officers or board members in common interest communities.**

The bill was read the second time.

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

Representatives Entenman and Connors spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1507.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1507, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Rule, Gregerson, Griffey, Hackney, Hansen, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Macri, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Chambers, Chandler, Christian, Eslick, Harris, Jacobsen, Low, Maycumber and McClintock

Excused: Representative Paul

HOUSE BILL NO. 1507, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Bronoske to preside.

**HOUSE BILL NO. 1033, by Representatives Walen, Ryu, Reed, Fitzgibbon, Pollet, Callan, Doglio, Macri, Gregerson, Davis, Santos, Ormsby and Fosse**

**Evaluating compostable product usage in Washington.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1033 was substituted for House Bill No. 1033 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1033 was read the second time.

Representative Walen moved the adoption of amendment (026):

On page 2, at the beginning of line 40, strike "March 1" and insert "September 15"

Representatives Walen and Dye spoke in favor of the adoption of the amendment.

Amendment (026) was adopted.

The bill was ordered engrossed.

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

Representatives Walen and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1033.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1033, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chandler, Couture, Eslick, Jacobsen, McEntire and Walsh

Excused: Representative Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1230, by Representatives Callan, Harris, Thai, Reeves, Senn, Ortiz-Self, Ormsby, Kloba, Duerr, Doglio, Berry, Riccelli, Morgan, Davis, Ramel, Bergquist, Pollet, Tharinger, Peterson, Stonier and Santos**

**Requiring school districts and other public education entities to make information from the department of health available.**

The bill was read the second time.

Representative Rude moved the adoption of amendment (059):

On page 3, beginning on line 33, after "through" strike all material through "year" on line 37 and insert "digital and nondigital communications of the school district, excluding social media platforms. Communications made in accordance with this subsection are not required to include the full text of the information from the department of health and may include a link to that information"

On page 4, beginning on line 15, after "through" strike all material through "quarterly" on line 20 and insert "digital and nondigital communications of the educational service district, excluding social media platforms. Communications made in accordance with this subsection are not required to include the full text of the information from the department of health and may include a link to that information"

Representative Rude spoke in favor of the adoption of the amendment.

Representative Santos spoke against the adoption of the amendment.

Amendment (059) was not adopted.

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

Representatives Callan and Ortiz-Self spoke in favor of the passage of the bill.

Representatives Rude and McEntire spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1230.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1230, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Calder, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters and Wilcox

Excused: Representative Paul

HOUSE BILL NO. 1230, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1420, by Representatives Hackney, Corry, Walen and Ormsby**

**Concerning lien priority of mortgages and deeds of trust.**

The bill was read the second time.

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

Representatives Hackney and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1420.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1420, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1420, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1138, by Representatives Chapman, Dent, Ramel, Leavitt, Doglio, Lekanoff, Donaghy and Ormsby**

**Concerning drought preparedness.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1138 was substituted for House Bill No. 1138 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1138 was read the second time.

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

Representatives Chapman and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1138.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1138, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Chandler

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1138, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote YEA on Substitute House Bill No. 1138.

Representative Chandler, 15th District

**SECOND READING**

**HOUSE BILL NO. 1458, by Representatives Shavers, Fosse, Santos, Berry, Simmons, Alvarado, Doglio, Ormsby, Gregerson and Pollet**

**Concerning unemployment insurance benefits for apprenticeship program participants.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1458 was substituted for House Bill No. 1458 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1458 was read the second time.

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

Representatives Shavers and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1458.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1458, and the bill passed the House by the following vote: Yeas, 86; Nays, 11; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Chambers, Chandler, Couture, Dent, Jacobsen, McEntire, Mosbrucker, Stokesbary, Volz, Walsh and Ybarra

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1458, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1250, by Representatives Steele and Eslick**

**Modifying the low-income home rehabilitation program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1250 was substituted for House Bill No. 1250 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1250 was read the second time.

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

Representatives Steele and Tharinger spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1250.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1250, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena,



Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1250, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1222, by Representatives Orwall, Simmons, Reeves, Reed, Leavitt, Kloba, Farivar, Doglio, Morgan, Slatter, Ramel, Goodman, Callan, Fosse, Pollet, Lekanoff and Macri**

**Requiring coverage for hearing instruments.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1222 was substituted for House Bill No. 1222 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1222 was read the second time.

Representative Riccelli moved the adoption of the striking amendment (019):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) For nongrandfathered group health plans other than small group health plans issued or renewed on or after January 1, 2024, a health carrier shall include coverage for hearing instruments, including bone conduction hearing devices. This section does not include coverage of over-the-counter hearing instruments.

(2) Coverage shall also include the initial assessment, fitting, adjustment, auditory training, and ear molds as necessary to maintain optimal fit. Coverage of the services in this subsection shall include services for enrollees who intend to obtain or have already obtained any hearing instrument, including an over-the-counter hearing instrument.

(3) A health carrier shall provide coverage for hearing instruments as provided in subsection (1) of this section at no less than \$3,000 per ear with hearing loss every 36 months.

(4) The services and hearing instruments covered under this section are not subject to the enrollee's deductible unless the health plan is offered as a qualifying health plan for a health savings account. For such a qualifying health plan, the carrier may apply a deductible to coverage of the services covered under this section only at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions and withdrawals from the enrollee's health savings account under internal revenue service laws and regulations.

(5) Coverage for a minor under 18 years of age shall be available under this section

only after the minor has received medical clearance within the preceding six months from:

(a) An otolaryngologist for an initial evaluation of hearing loss; or

(b) A licensed physician, which indicates there has not been a substantial change in clinical status since the initial evaluation by an otolaryngologist.

(6) For the purposes of this section:

(a) "Hearing instrument" has the same meaning as defined in RCW 18.35.010.

(b) "Over-the-counter hearing instrument" has the same meaning as "over-the-counter hearing aid" in 21 C.F.R. Sec. 800.30 as of December 28, 2022.

**Sec. 2.** RCW 48.43.715 and 2022 c 236 s 2 are each amended to read as follows:

(1) The commissioner, in consultation with the board and the health care authority, shall, by rule, select the largest small group plan in the state by enrollment as the benchmark plan for the individual and small group market for purposes of establishing the essential health benefits in Washington state.

(2) If the essential health benefits benchmark plan for the individual and small group market does not include all of the ten essential health benefits categories, the commissioner, in consultation with the board and the health care authority, shall, by rule, supplement the benchmark plan benefits as needed.

(3) All individual and small group health plans must cover the ten essential health benefits categories, other than a health plan offered through the federal basic health program, a grandfathered health plan, or medicaid. Such a health plan may not be offered in the state unless the commissioner finds that it is substantially equal to the benchmark plan. When making this determination, the commissioner:

(a) Must ensure that the plan covers the ten essential health benefits categories;

(b) May consider whether the health plan has a benefit design that would create a risk of biased selection based on health status and whether the health plan contains meaningful scope and level of benefits in each of the ten essential health benefits categories;

(c) Notwithstanding (a) and (b) of this subsection, for benefit years beginning January 1, 2015, must establish by rule the review and approval requirements and procedures for pediatric oral services when offered in stand-alone dental plans in the nongrandfathered individual and small group markets outside of the exchange; and

(d) Must allow health carriers to also offer pediatric oral services within the health benefit plan in the nongrandfathered individual and small group markets outside of the exchange.

(4) Beginning December 15, 2012, and every year thereafter, the commissioner shall submit to the legislature a list of state-mandated health benefits, the enforcement of which will result in federally imposed costs to the state related to the plans sold through the exchange because the benefits are not included in the

essential health benefits designated under federal law. The list must include the anticipated costs to the state of each state-mandated health benefit on the list and any statutory changes needed if funds are not appropriated to defray the state costs for the listed mandate. The commissioner may enforce a mandate on the list for the entire market only if funds are appropriated in an omnibus appropriations act specifically to pay the state portion of the identified costs.

(5) Upon authorization by the legislature to modify the state's essential health benefits benchmark plan under 45 C.F.R. Sec. 156.111, the commissioner shall include coverage for donor human milk under RCW 48.43.815 and hearing instruments and services required under section 1 of this act in the updated plan.

**Sec. 3.** RCW 41.05.830 and 2018 c 159 s 1 are each amended to read as follows:

(1) Subject to appropriation, a health plan offered to employees and their covered dependents under this chapter issued or renewed on or after January 1, 2019, must include coverage for hearing instruments. Coverage must include a new hearing instrument every five years and services and supplies such as the initial assessment, fitting, adjustment, and auditory training.

(2) The hearing instrument must be recommended by a licensed audiologist, hearing aid specialist, or a licensed physician or osteopathic physician who specializes in otolaryngology and dispensed by a licensed audiologist, hearing aid specialist, or a licensed physician or osteopathic physician who specializes in otolaryngology.

(3) For the purposes of this section, "hearing instrument" and "hearing aid specialist" have the same meaning as defined in RCW 18.35.010.

(4) This section expires December 31, 2023.

**NEW SECTION. Sec. 4.** A new section is added to chapter 41.05 RCW to read as follows:

A health plan offered to employees and their covered dependents under this chapter issued or renewed on or after January 1, 2024, is subject to section 1 of this act."

Correct the title.

Representative Riccelli moved the adoption of amendment (080) to the striking amendment (019):

On page 4, line 3 of the striking amendment, after "to" insert "public"

Representatives Riccelli and Schmick spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (080) to the striking amendment (019) was adopted.

Representatives Riccelli and Schmick spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (019), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Orwall and Stokesbary spoke in favor of the passage of the bill.

Representatives Schmick and Jacobsen spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1222.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1222, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Christian, Dent, Jacobsen, McClintock, McEntire, Orcutt, Schmick and Walsh

Excused: Representative Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1222, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1085, by Representatives Mena, Bateman, Reed, Fitzgibbon, Ramel, Peterson, Pollet, Berry, Walen, Doglio, Macri, Simmons, Thai, Cortes, Kloba and Ormsby**

### Reducing plastic pollution.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1085 was substituted for House Bill No. 1085 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1085 was read the second time.

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

Representatives Mena, Goehner and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1085.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1085, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1085, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1012, by Representatives Leavitt, Robertson, Ryu, Simmons, Reed, Ramel, Lekanoff, Pollet, Callan, Doglio, Orwall, Macri, Timmons, Donaghy, Reeves, Wylie, Bronoske, Paul, Springer and Thai**

**Addressing the response to extreme weather events.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1012 was substituted for House Bill No. 1012 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1012 was read the second time.

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

Representatives Leavitt and Sandlin spoke in favor of the passage of the bill.

Representative Volz spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1012.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1012, and the bill passed the House by the following vote: Yeas, 68; Nays, 29; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Caldier, Chambers, Chandler, Christian, Connors, Corry, Couture, Dent, Dye, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Maycumber, McClintock, McEntire, Orcutt, Rude, Schmick, Schmidt, Volz, Walsh, Waters and Wilcox

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1012, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1340, by Representatives Riccelli, Thai, Berry, Ormsby, Chopp, Macri, Bergquist, Bateman,**

**Simmons, Stonier, Berg, Duerr, Wylie, Senn, Taylor, Fitzgibbon, Cortes, Goodman, Reed, Lekanoff, Alvarado, Ramel, Kloba, Tharinger and Pollet**

**Concerning actions by health professions disciplining authorities against license applicants and license holders.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1340 was substituted for House Bill No. 1340 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1340 was read the second time.

Representative Riccelli moved the adoption of amendment (039):

On page 6, line 17, after "based" strike "solely"

On page 6, line 35, after "based" strike "solely"

On page 7, line 3, after "(3)" insert "Nothing in this section prohibits the disciplining authority from taking action on separate charges that are unrelated to the provision of, authorization of, recommendation of, aiding in, assistance in, referral for, or other participation in any reproductive health care services or gender affirming treatment that would have been lawful and consistent with standards of care if it occurred entirely in Washington.

(4)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Riccelli and Schmick spoke in favor of the adoption of the amendment.

Amendment (039) was adopted.

The bill was ordered engrossed.

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

Representative Riccelli spoke in favor of the passage of the bill.

Representatives Schmick and Caldier spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1340.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1340, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer,

Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1340, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1177, by Representatives Lekanoff, Orwall, Reed, Berry, Ramel, Callan, Doglio, Timmons, Walsh, Reeves, Chopp, Duerr, Gregerson, Taylor, Wylie, Stonier, Pollet, Davis, Kloba and Ormsby**

**Creating a missing and murdered indigenous women and people cold case investigations unit.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1177 was substituted for House Bill No. 1177 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1177 was read the second time.

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

Representatives Lekanoff and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1177.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1177, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1177, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1792, by Representatives Timmons, Dent, Lekanoff, Fitzgibbon, Rule, Ramel, Springer and Eslick**

**Modifying timelines and other initial procedural actions in a water rights adjudication.**

The bill was read the second time.

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

Representatives Timmons and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1792.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1792, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1792, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1771, by Representatives Donaghy, Gregerson, Ramel, Morgan, Fosse, Reed, Ormsby, Doglio, Peterson and Pollet**

**Concerning relocation assistance for tenants of closed or converted manufactured/mobile home parks.**

The bill was read the second time.

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

Representatives Donaghy and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1771.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1771, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons,

Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1771, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1695, by Representatives Alvarado, Lekanoff, Reed, Santos, Senn, Ramel, Pollet, Macri and Simmons**

**Defining affordable housing for purposes of using surplus public property for public benefit.**

The bill was read the second time.

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

Representatives Alvarado and Connors spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1695.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1695, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1695, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1624, by Representatives Ybarra and Waters**

**Administering educational service district elections.**

The bill was read the second time.

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

Representatives Ybarra and Santos spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1624.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1624, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1624, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1266, by Representatives Santos, Corry and Reeves**

**Concerning email communication by the office of the insurance commissioner.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1266 was substituted for House Bill No. 1266 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1266 was read the second time.

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

Representatives Santos and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1266.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1266, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1266, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1221, by Representatives Stearns, Kloba, Ramel, Goodman and Morgan**

**Concerning the privacy of lottery players.**

The bill was read the second time.

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

Representatives Stearns and Abbarno spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1221.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1221, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1221, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1349, by Representatives Orwall, Leavitt, Ramel, Kloba, Reed, Lekanoff, Pollet and Fosse**

**Concerning foreclosure protections.**

The bill was read the second time.

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

Representatives Orwall and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1349.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1349, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons,

Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1349, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1419, by Representatives Chapman and Goehner**

**Concerning county treasurers' duties.**

The bill was read the second time.

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

Representatives Chapman and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1419.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1419, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1419, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1334, by Representatives Hutchins, Simmons, Couture and Ramel**

**Addressing the access of certain aquatic lands by a public transportation benefit area.**

The bill was read the second time.

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

Representatives Hutchins and Fey spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1334.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1334, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier,

Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1334, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1289, by Representatives Reed, Ybarra, Berry, Ortiz-Self, Riccelli, Paul, Reeves, Leavitt and Timmons**

**Concerning program administration for the Washington state opportunity scholarship program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1289 was substituted for House Bill No. 1289 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1289 was read the second time.

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

Representatives Reed and Ybarra spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Ramel, Representative Chopp was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1289.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1289, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chopp and Paul

SUBSTITUTE HOUSE BILL NO. 1289, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

**HOUSE BILL NO. 1050, by Representatives Riccelli, Berry, Simmons, Ryu, Goodman, Reed, Ramel, Lekanoff, Pollet, Street, Doglio, Donaghy, Wylie, Santos, Ormsby and Fosse**

**Expanding apprenticeship utilization requirements.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1050 was substituted for House Bill No. 1050 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1050 was read the second time.

Representative Riccelli moved the adoption of amendment (084):

On page 1, beginning on line 17, strike all of subsection (iii)

On page 2, line 23, after "apprentices." strike all material through "apprentices." on line 27

On page 3, line 7, after "apprentices." strike all material through "apprentices." on line 12

On page 3, line 27, after "apprentices." strike all material through "apprentices." on line 32

On page 5, line 1, after "of" strike "enterprise services" and insert "~~(enterprise services)~~ labor and industries"

On page 6, beginning on line 13, strike all of subsection (10)

Representatives Riccelli and Abbarno spoke in favor of the adoption of the amendment.

Amendment (084) was adopted.

The bill was ordered engrossed.

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

Representative Riccelli spoke in favor of the passage of the bill.

Representatives Steele and Schmidt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1050.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1050, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba,

Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1050, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1188, by Representatives Senn, Taylor, Reed, Leavitt, Callan, Macri, Simmons, Timmons, Chopp, Lekanoff, Couture, Gregerson, Thai, Wylie, Stonier, Schmick, Santos, Pollet, Kloba, Eslick and Ormsby**

**Concerning individuals with developmental disabilities that have also received child welfare services.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1188 was substituted for House Bill No. 1188 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1188 was read the second time.

Representative Senn moved the adoption of the striking amendment (081):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 43.88C.010 and 2022 c 219 s 2 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload

forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(c) The number of students who are eligible for the Washington college grant program under RCW 28B.92.200 and 28B.92.205 and are expected to attend an institution of higher education as defined in RCW 28B.92.030; and

(d) The number of children who are eligible, as defined in RCW 43.216.505, to participate in, and the number of children actually served by, the early childhood education and assistance program.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) By January 1, 2023, the caseload forecast council shall present the number of individuals who are assessed as eligible for and have requested a service through the individual and family services waiver and the basic plus waiver administered by the developmental disabilities administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(10) Beginning with the official forecast submitted in November 2022 and subject to the availability of amounts appropriated for this specific purpose, the caseload forecast council shall forecast the number of individuals who are assessed as eligible for and have requested supported living services, a service through the core waiver, an individual and family services waiver, and the basic plus waiver administered by the developmental disabilities



administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(11) As a courtesy, beginning with the official forecast submitted in November 2022, the caseload forecast council shall forecast the number of individuals who are expected to reside in state-operated living alternatives administered by the developmental disabilities administration.

(12) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

(13) The caseload forecast council shall forecast the number of youth expected to receive behavioral rehabilitation services while involved in the foster care system and the number of screened in reports of child abuse or neglect.

(14) The caseload forecast council shall forecast the number of individuals who are functionally and financially eligible for medicaid waiver services administered by the developmental disabilities administration who also meet the criteria outlined in RCW 71A.12.370, as well as the number of individuals who qualify for the waiver for dependent children and youth under section 5 of this act.

(15) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

~~((15))~~ (16) During the 2021-2023 fiscal biennium, and beginning with the November 2021 forecast, the caseload forecast council shall produce an unofficial forecast of the long-term caseload for juvenile rehabilitation as a courtesy.

**Sec. 2.** RCW 43.88.058 and 2021 c 334 s 1904 are each amended to read as follows:

For the purposes of this chapter, expenditures for the following (~~foster care, adoption support and related services, and child protective~~) services must be forecasted and budgeted as maintenance level costs:

(1) Behavioral rehabilitation services placements;

(2) Social worker and related staff to receive, refer, and respond to screened-in reports of child abuse or neglect (~~except in fiscal year 2021~~);

(3) Court-ordered parent-child and sibling visitations delivered by contractors; ~~(and)~~

(4) Those activities currently being treated as maintenance level costs for budgeting or forecasting purposes on June 7, 2018, including, but not limited to: (a) Adoption support and other adoption-related expenses; (b) foster care maintenance payments; (c) child-placing agency management fees; (d) support goods such as clothing vouchers; (e) child aides; and (f) child care for children in foster or relative placements when the caregiver is at work or in school; and

(5) Developmental disability waiver slots as required under RCW 71A.12.370.

**Sec. 3.** RCW 71A.24.005 and 2009 c 194 s 1 are each amended to read as follows:

(1) The legislature recognizes that the number of children who have developmental disabilities along with intense behaviors is increasing, and more families are seeking out-of-home placement for their children.

(2) The legislature intends to create services and to develop supports for these children, family members, and others involved in the children's lives to avoid disruption to families (~~and eliminate~~), help prevent the need for out-of-home placement, and supplement the child welfare services a child may be receiving from the department of children, youth, and families.

(3) The legislature directs the department to maintain a federal waiver through which services may be provided to allow children with developmental disabilities and intense behaviors to maintain permanent and stable familial relationships. The legislature intends for these services to be locally based and offered as early as possible to avoid family disruption and out-of-home placement, but also offered to children in out-of-home placement when necessary.

**Sec. 4.** RCW 71A.24.010 and 2009 c 194 s 2 are each amended to read as follows:

(1) To the extent funding is appropriated for this purpose, intensive behavior support services may be provided by the department, directly or by contract, to children who have developmental disabilities and intense behaviors and to their families.

(2) The department shall be the lead administrative agency for children's intensive behavior support services and shall:

(a) Collaborate with appropriate parties to develop and implement the intensive in-home support services program within the division of developmental disabilities;

(b) Use best practices and evidence-based practices;

(c) Provide coordination and planning for the implementation and expansion of intensive in-home services;

(d) Contract for the provision of intensive in-home and planned out-of-home services;

(e) Monitor and evaluate services to determine whether the program meets standards identified in the service contracts;

(f) Collect data regarding the number of families served, and costs and outcomes of the program;

(g) Adopt appropriate rules to implement the program;

(h) License out-of-home respite placements on a timely basis; and

(i) Maintain an appropriate staff-to-client ratio.

(3) A child may receive intensive behavior support services when the department has determined that:

(a) The child is under the age of twenty-one;

(b) The child has a developmental disability and has been determined eligible for these services;

(c) The child/family acuity scores are high enough in the assessment conducted by the division of developmental disabilities to indicate the child's behavior puts the child or family at significant risk or is very likely to require an out-of-home placement;

(d) The child meets eligibility for the home and community-based care waiver;

(e) The child resides in his or her family home or is ~~((temporarily))~~ in an out-of-home placement ~~((with a plan to return home)); and~~

(f) The family agrees to participate in the program and complete the care and support steps outlined in the completed individual support plan ~~((and~~

~~((g) The family is not subject to an unresolved child protective services referral)).~~

**NEW SECTION. Sec. 5.** A new section is added to chapter 71A.12 RCW to read as follows:

(1) The legislature recognizes that children and youth with developmental disabilities who are subject to a dependency have unique support needs. To this end, the legislature intends to establish a new medicaid waiver for this population.

(2) By December 1, 2024, the department shall apply for federal approval to establish a new medicaid waiver tailored to meet the needs of dependent children and youth with developmental disabilities. The services provided in this waiver shall supplement, and not supplant, the child welfare services and supports a child or youth is entitled to or receives under Title IV-E of the social security act from the department of children, youth, and families, and may not duplicate services or supports available through other funding sources.

(3) The department shall be the lead administrative agency for the waiver for dependent children and youth and shall collaborate with the department of children, youth, and families and other relevant stakeholders to identify the services and supports currently provided to dependent children and youth and identify services and supports that will supplement supports already provided. The department of children, youth, and families shall provide to the department all information and data that is necessary for the department to determine eligibility for services, to provide appropriate and timely services and supports to qualifying children and youth, and to implement and maintain compliance with federal funding requirements.

(4) Children and youth eligible to receive services under the waiver for dependent children and youth are those meeting the criteria identified in RCW 71A.12.370(1) who are age 20 or younger.

**Sec. 6.** RCW 71A.12.370 and 2021 c 56 s 4 are each amended to read as follows:

~~((When there is funded capacity for services))~~ (1) Services provided through a medicaid waiver administered by the department, ~~((and))~~ to the extent consistent with federal law and federal funding requirements, ~~((priority for that waiver))~~

shall be provided to eligible individuals who ~~((exited))~~ meet the following criteria on or after the effective date of this section:

(a) (i) Are subject to a dependency;

(ii) Are receiving extended foster care services as defined in RCW 74.13.020; or

(iii) Exited a dependency ~~((proceeding under chapter 13.34 RCW within the last two years))~~ or discontinued extended foster care services as defined in RCW 74.13.020; and

(b) Will begin receiving waiver services prior to the individual's 25th birthday.

(2) Persons meeting the criteria in subsection (1) of this section who are receiving services under the waiver for dependent children and youth established in section 5 of this act or the children's intensive behavioral support services waiver under RCW 71A.24.010 must be immediately transferred to a different waiver without a break in services when, based on their age, they no longer qualify for the waiver under which they have been receiving services.

(3) For purposes of this section, a "dependency" includes both a dependency under chapter 13.34 RCW and circumstances in which an Indian child is in the custody of a federally recognized Indian tribe as defined in RCW 43.376.010 or the tribe's placing agency.

**NEW SECTION. Sec. 7.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Senn and Eslick spoke in favor of the adoption of the striking amendment.

The striking amendment (081) was adopted.

The bill was ordered engrossed.

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

Representatives Senn, Eslick and Couture spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1188.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1188, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt,

Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1188, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1377, by Representatives Santos, Reed and Ortiz-Self**

**Posting of approved courses and providers of continuing education.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1377 was substituted for House Bill No. 1377 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1377 was read the second time.

Representative Santos moved the adoption of amendment (071):

On page 2, line 18, after "(b)" insert "(i)"

On page 2, beginning on line 21, after "leaders." strike all material through "board" on line 27 and insert the following:

(ii) Except as provided in (b)(iii) of this subsection (4), the rules must require providers to apply to the board for approval to offer continuing education on the topics listed in (b)(i) of this subsection. The rules may also require the providers to periodically apply for reapproval.

(iii) Board approval is not necessary for the following providers to offer continuing education on the topics listed in (b)(i) of this subsection through June 30, 2028, or a date established by the board, whichever is later: the office of the superintendent of public instruction; school districts, educational service districts; board-approved administrator and teacher preparation programs; and the Washington education association. However, after this date, these providers must receive board approval under (b)(ii) of this subsection to continue offering continuing education on the topics listed in (b)(i) of this subsection"

On page 2, beginning on line 29, after "maintain" strike all material through "website" on line 30 and insert "on its website a list of continuing education providers, courses, or both, approved or otherwise permitted under (b) of this subsection (4)."

Representatives Santos and Rude spoke in favor of the adoption of the amendment.

Amendment (071) was adopted.

The bill was ordered engrossed.

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

Representatives Santos and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1377.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1377, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1377, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1772, by Representatives Waters, Orwall, Christian, Sandlin, Cheney, McClintock, Farivar, Timmons, Leavitt, Senn, Rule, Schmidt and Pollet**

**Prohibiting products that combine alcohol and tetrahydrocannabinol.**

The bill was read the second time.

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

Representatives Waters and Wylie spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1772.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1772, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Caldier, Morgan and Rude

Excused: Representative Paul

HOUSE BILL NO. 1772, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Harris congratulated Representative Waters on the passage of his first bill and asked the Chamber to acknowledge his accomplishment.

#### SECOND READING

**HOUSE BILL NO. 1758, by Representatives Mena, Fitzgibbon, Chapman, Morgan and Reed**

**Concerning permitting for certain hatchery maintenance activities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1758 was substituted for House Bill No. 1758 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1758 was read the second time.

Representative Ybarra moved the adoption of amendment (055):

On page 2, line 12, after "activities" insert "undertaken by the department of fish and wildlife, a federally recognized Indian tribe, or a public utility district"

On page 2, line 26, after "activities" insert "undertaken by the department of fish and wildlife, a federally recognized Indian tribe, or a public utility district"

Representatives Ybarra and Doglio spoke in favor of the adoption of the amendment.

Amendment (055) was adopted.

The bill was ordered engrossed.

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

Representatives Mena, Ybarra and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1758.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1758, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons,

Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1758, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1775, by Representatives Lekanoff, Chapman, Ramel and Reed**

**Limiting liability for salmon recovery projects performed by regional fisheries enhancement groups.**

The bill was read the second time.

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

Representatives Lekanoff, Dent and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1775.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1775, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Jacobsen and Schmick

Excused: Representative Paul

HOUSE BILL NO. 1775, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1501, by Representatives Steele, Caldier, Santos, Leavitt, Schmidt, Eslick, Orwall, Reeves and Graham**

**Authorizing additional counseling services for immediate family members of homicide victims.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1501 was substituted for House Bill No. 1501 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1501 was read the second time.

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

Representatives Steele and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1501.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1501, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1501, having received the necessary constitutional majority, was declared passed.

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

**MOTIONS**

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

- HOUSE BILL NO. 1002
- HOUSE BILL NO. 1013
- HOUSE BILL NO. 1032
- HOUSE BILL NO. 1047
- HOUSE BILL NO. 1057
- HOUSE BILL NO. 1109
- HOUSE BILL NO. 1110
- HOUSE BILL NO. 1112
- HOUSE BILL NO. 1132
- HOUSE BILL NO. 1176
- HOUSE BILL NO. 1238
- HOUSE BILL NO. 1254
- HOUSE BILL NO. 1260
- HOUSE BILL NO. 1304
- HOUSE BILL NO. 1316
- HOUSE BILL NO. 1320
- HOUSE BILL NO. 1333
- HOUSE BILL NO. 1357
- HOUSE BILL NO. 1365
- HOUSE BILL NO. 1381
- HOUSE BILL NO. 1433
- HOUSE BILL NO. 1436
- HOUSE BILL NO. 1470
- HOUSE BILL NO. 1491
- HOUSE BILL NO. 1512
- HOUSE BILL NO. 1521
- HOUSE BILL NO. 1525
- HOUSE BILL NO. 1542
- HOUSE BILL NO. 1562
- HOUSE BILL NO. 1565
- HOUSE BILL NO. 1572
- HOUSE BILL NO. 1590
- HOUSE BILL NO. 1618
- HOUSE BILL NO. 1679
- HOUSE BILL NO. 1681
- HOUSE BILL NO. 1683
- HOUSE BILL NO. 1712

- HOUSE BILL NO. 1731
- HOUSE BILL NO. 1732
- HOUSE BILL NO. 1750
- HOUSE BILL NO. 1766
- HOUSE BILL NO. 1783
- HOUSE BILL NO. 1804
- HOUSE BILL NO. 1824

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the suspension calendar:

- HOUSE BILL NO. 1457
- HOUSE BILL NO. 1782

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

- HOUSE BILL NO. 1025
- HOUSE BILL NO. 1074
- HOUSE BILL NO. 1258
- HOUSE BILL NO. 1387
- HOUSE BILL NO. 1391
- HOUSE BILL NO. 1435
- HOUSE BILL NO. 1452
- HOUSE BILL NO. 1477
- HOUSE BILL NO. 1494
- HOUSE BILL NO. 1508
- HOUSE BILL NO. 1515
- HOUSE BILL NO. 1554
- HOUSE BILL NO. 1596
- HOUSE BILL NO. 1599
- HOUSE BILL NO. 1694
- HOUSE BILL NO. 1777
- HOUSE BILL NO. 1779

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

**MESSAGES FROM THE SENATE**

Tuesday, February 28, 2023

Mme. Speaker:

The Senate has passed:

- SUBSTITUTE SENATE BILL NO. 5054
- SENATE BILL NO. 5066
- SUBSTITUTE SENATE BILL NO. 5126
- SUBSTITUTE SENATE BILL NO. 5182
- SENATE BILL NO. 5240
- SENATE BILL NO. 5242
- SUBSTITUTE SENATE BILL NO. 5256
- SENATE BILL NO. 5280
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5365
- SENATE BILL NO. 5370
- SENATE BILL NO. 5394
- SUBSTITUTE SENATE BILL NO. 5396
- SUBSTITUTE SENATE BILL NO. 5405
- SENATE BILL NO. 5452
- SENATE BILL NO. 5459
- ENGROSSED SENATE BILL NO. 5462
- SUBSTITUTE SENATE BILL NO. 5565
- SUBSTITUTE SENATE BILL NO. 5581
- SENATE BILL NO. 5606
- SUBSTITUTE SENATE BILL NO. 5617
- SUBSTITUTE SENATE BILL NO. 5627
- SUBSTITUTE SENATE BILL NO. 5648
- SUBSTITUTE SENATE BILL NO. 5709
- SUBSTITUTE SENATE BILL NO. 5720
- SUBSTITUTE SENATE BILL NO. 5729

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Tuesday, February 28, 2023

Mme. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8404

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

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

## SECOND READING

**HOUSE BILL NO. 1391, by Representatives Ramel, Doglio, Duerr, Berry, Pollet and Reed**

**Concerning energy in buildings.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1391 was substituted for House Bill No. 1391 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1391 was read the second time.

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

Representative Ramel spoke in favor of the passage of the bill.

Representatives Dye, Ybarra and Christian spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1391.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1391, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Entenman, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Morgan, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1391, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1169, by Representatives Simmons, Taylor, Berry, Bateman, Goodman, Wylie, Santos and Ormsby**

**Concerning legal financial obligations.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1169 was substituted for House Bill No. 1169 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1169 was read the second time.

Representative Cheney moved the adoption of amendment (079):

On page 1, beginning on line 9, strike all of section 1 and insert the following:

**"Sec. 1.** RCW 7.68.035 and 2018 c 269 s 19 are each amended to read as follows:

(1) ~~((a) When)~~ Except as provided in subsection (4) of this section, when any adult person is found guilty in any superior court of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be five hundred dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and two hundred fifty dollars for any case or cause of action that includes convictions of only one or more misdemeanors.

~~((b) When any juvenile is adjudicated of an offense that is a most serious offense as defined in RCW 9.94A.030, or a sex offense under chapter 9A.44 RCW, there shall be imposed upon the juvenile offender a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be one hundred dollars for each case or cause of action.~~

~~((c) When any juvenile is adjudicated of an offense which has a victim, and which is not a most serious offense as defined in RCW 9.94A.030 or a sex offense under chapter 9A.44 RCW, the court shall order up to seven hours of community restitution, unless the court finds that such an order is not practicable for the offender. This community restitution must be imposed consecutively to any other community restitution the court imposes for the offense.)~~

(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61.520, 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.490(2), and 46.09.470(2).

(3) ~~((When))~~ Except as provided in subsection (4) of this section, when any adult person accused of having committed a crime posts bail in superior court pursuant to the provisions of chapter 10.19 RCW and such bail is forfeited, there shall be deducted from the proceeds of such forfeited

bail a penalty assessment, in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the crime.

(4) The court shall not impose the penalty assessment under this section if the court finds that the defendant, at the time of sentencing, is indigent as defined in RCW 10.01.160(3).

(5) Upon motion by a defendant, the court shall waive any crime victim penalty assessment imposed prior to the effective date of this section if:

(a) The person was a juvenile at the time the penalty assessment was imposed; or

(b) The person does not have the ability to pay the penalty assessment. A person does not have the ability to pay if the person is indigent as defined in RCW 10.01.160(3).

(6) Such penalty assessments shall be paid by the clerk of the superior court to the county treasurer. Each county shall deposit one hundred percent of the money it receives per case or cause of action under subsection (1) of this section, not less than one and seventy-five one-hundredths percent of the remaining money it retains under RCW 10.82.070 and the money it retains under chapter 3.62 RCW, and all money it receives under subsection ~~((7))~~ (9) of this section into a fund maintained exclusively for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes. A program shall be considered "comprehensive" only after approval of the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

(b) Are administered by the county prosecuting attorney either directly through the prosecuting attorney's office or by contract between the county and agencies providing services to victims of crime;

(c) Make a reasonable effort to inform the known victim or his or her surviving dependents of the existence of this chapter and the procedure for making application for benefits;

(d) Assist victims in the restitution and adjudication process; and

(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under this chapter.

Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the county with a population of more than one hundred fifty thousand. The department will consider if the county's

proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county.

~~((4))~~ (7) Upon submission to the department of a letter of intent to adopt a comprehensive program, the prosecuting attorney shall retain the money deposited by the county under subsection ~~((4))~~ (6) of this section until such time as the county prosecuting attorney has obtained approval of a program from the department. Approval of the comprehensive plan by the department must be obtained within one year of the date of the letter of intent to adopt a comprehensive program. The county prosecuting attorney shall not make any expenditures from the money deposited under subsection ~~((4))~~ (6) of this section until approval of a comprehensive plan by the department. If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection ~~((4))~~ (6) of this section or failed to obtain approval of a comprehensive program within one year after submission of a letter of intent under this section, the county treasurer shall monthly transmit one hundred percent of the money deposited by the county under subsection ~~((4))~~ (6) of this section to the state treasurer for deposit in the state general fund.

~~((6))~~ (8) County prosecuting attorneys are responsible to make every reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.

~~((7))~~ (9) Every city and town shall transmit monthly one and seventy-five one-hundredths percent of all money, other than money received for parking infractions, retained under RCW 3.50.100 and 35.20.220 to the county treasurer for deposit as provided in subsection ~~((4))~~ (6) of this section."

On page 6, line 11, after "~~((4))~~" strike "(1)" and insert "(6)"

On page 10, beginning on line 29, after "assessments" strike all material through "section" on line 30

Representatives Cheney and Simmons spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (079) and the amendment was adopted by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons,

Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

Amendment (079) was adopted.

The bill was ordered engrossed.

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

Representative Simmons spoke in favor of the passage of the bill.

Representatives Abbarno, Christian, Graham and Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1169.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1169, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1169, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1323, by Representatives Bronoske, Berry, Leavitt, Morgan, Taylor, Senn, Bateman, Reed, Lekanoff and Doglio**

**Requiring a training and certification program for individuals who apply fire-resistant materials.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1323 was substituted for House Bill No. 1323 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1323 was read the second time.

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

Representatives Bronoske, Robertson and Christian spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1323.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1323, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1323, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1290, by Representatives Lekanoff, Goodman, Ortiz-Self, Ramel, Leavitt and Ormsby**

**Concerning training for tribal police officers and employees.**

The bill was read the second time.

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

Representatives Lekanoff and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1290.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1290, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1290, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1499, by Representatives Shavers, Ramel, Santos, Leavitt, Gregerson, Bateman, Ormsby, Doglio, Pollet, Reed, Ortiz-Self, Stonier and Fosse**

**Concerning food assistance funding.**



The bill was read the second time.

There being no objection, Substitute House Bill No. 1499 was substituted for House Bill No. 1499 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1499 was read the second time.

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

Representatives Shavers and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1499.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1499, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives McEntire and Walsh  
Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1499, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1288, by Representatives Reeves, Ryu, Morgan and Graham**

**Concerning the department of veterans affairs.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1288 was substituted for House Bill No. 1288 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1288 was read the second time.

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

Representatives Reeves and Volz spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1288.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1288, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1288, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**HOUSE BILL NO. 1293, by Representatives Klicker, Leavitt, Barkis, Jacobsen, Waters, Chapman, Reed and Graham**

**Streamlining development regulations.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1293 was substituted for House Bill No. 1293 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1293 was read the second time.

Representative Peterson moved the adoption of the striking amendment (053):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.21C.229 and 2020 c 87 s 1 are each amended to read as follows:

(1) ~~((In order))~~ The purpose of this section is to accommodate infill and housing development and thereby realize the goals and policies of comprehensive plans adopted according to chapter 36.70A RCW((g-a)).

(2) A city or county planning under RCW 36.70A.040 is authorized by this section to establish categorical exemptions from the requirements of this chapter. ((An exemption adopted under this section applies even if it differs from the categorical exemptions adopted by rule of the department under RCW 43.21C.110(1)(a)-)) An exemption may be adopted by a city or county under this ~~((section))~~ subsection if it meets the following criteria:

(a) It categorically exempts government action related to development proposed to fill in an urban growth area, designated according to RCW 36.70A.110, where current density and intensity of use in the area is roughly equal to or lower than called for in the goals and policies of the applicable comprehensive plan and the development is either:

(i) Residential development;  
(ii) Mixed-use development; or  
(iii) Commercial development up to ~~((sixty-five thousand))~~ 65,000 square feet, excluding retail development;

(b) It does not exempt government action related to development that is inconsistent with the applicable comprehensive plan or would clearly exceed the density or intensity of use called for in the goals and policies of the applicable comprehensive plan;

(c) The local government considers the specific probable adverse environmental impacts of the proposed action and determines that these specific impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, planned action ordinance, or other local, state, or federal rules or laws; and

(d)(i) The city or county's applicable comprehensive plan was previously subjected to environmental analysis through an environmental impact statement under the requirements of this chapter prior to adoption; or

(ii) The city or county has prepared an environmental impact statement that considers the proposed use or density and intensity of use in the area proposed for an exemption under this section.

~~((2) Any))~~ (3) All project actions that propose to develop one or more residential housing units within an urban growth area designated pursuant to RCW 36.70A.110 shall be categorically exempt from the requirements of this chapter. This categorical exemption only applies to areas that do not have existing or anticipated transportation system safety or operational deficiencies. A city or county must consult with the Washington state department of transportation to determine if such deficiencies exist. A project action shall be eligible for categorical exemption under this subsection only if it meets the following criteria:

(a) The proposed development is consistent with all development regulations implementing an applicable comprehensive plan adopted according to chapter 36.70A RCW by the jurisdiction in which the development is proposed, with the exception of any development regulation that is inconsistent with applicable provisions of chapter 36.70A RCW; and

(b)(i) The city or county's applicable comprehensive plan was previously subjected to environmental analysis through an environmental impact statement under the requirements of this chapter prior to adoption; or

(ii) The city or county has prepared an environmental impact statement that considers the proposed use or density and intensity of use in the area proposed for an exemption under this section and fully addresses the transportation impacts.

(4) Any categorical exemption under this section applies even if it differs from the categorical exemptions adopted by rule of the department under RCW 43.21C.110(1)(a). However, any categorical exemption ((adopted by a city or county)) under this section shall be subject to the rules of the department adopted according to RCW 43.21C.110(1)(a) that provide exceptions to the use of categorical exemptions adopted by the department.

NEW SECTION. Sec. 2. A new section is added to chapter 36.70A RCW to read as follows:

(1) For purposes of this section, "design review" means a formally adopted local government process by which projects are reviewed for compliance with design standards for the type of use adopted through local ordinance.

(2) Except as provided in subsection (3) of this section, counties and cities planning under RCW 36.70A.040 may apply in any design review process only clear and objective development regulations governing the exterior design of new development. For purposes of this section, a clear and objective development regulation:

(a) Must include one or more ascertainable guideline, standard, or criterion by which an applicant can determine whether a given building design is permissible under that development regulation; and

(b) May not result in a reduction in density, height, bulk, or scale below the generally applicable development regulations for a development proposal in the applicable zone.

(3) The provisions of subsection (2) of this section do not apply to development regulations that apply only to structures listed in the Washington heritage register as described in RCW 27.34.220 or the national register of historic places as defined in the national historic preservation act of 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

(4) Any design review process must be conducted concurrently, or otherwise logically integrated, with the consolidated review and decision process for project permits set forth in RCW 36.70B.120(3), and no design review process may include more than one public meeting within the meaning of RCW 36.70B.020.

Sec. 3. RCW 36.70B.160 and 1995 c 347 s 420 are each amended to read as follows:

(1) Each local government is encouraged to adopt further project review provisions to provide prompt, coordinated, and objective review and ensure accountability to applicants and the public, including expedited review for project permit applications for projects that are consistent with adopted development regulations or that include dwelling units that are affordable to low-income or moderate-income households and within the capacity of systemwide infrastructure improvements.

(2) Nothing in this chapter is intended or shall be construed to prevent a local government from requiring a preapplication conference or a public meeting by rule, ordinance, or resolution, where otherwise required by applicable state law.

(3) Each local government shall adopt procedures to monitor and enforce permit decisions and conditions.

(4) Nothing in this chapter modifies any independent statutory authority for a government agency to appeal a project permit issued by a local government.

(5) For the purposes of this section:

(a) A dwelling unit is affordable if it requires payment of monthly housing costs, including utilities other than telephone, of no more than 30 percent of the family's income.

(b) "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation, and that is sold or rented separately from other dwelling units.

(c) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than 80 percent of the median family income, adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development, or less than 80 percent of the city's median income if the project is located in the city, the city has median income of more than 20 percent above the county median income, and the city has adopted an alternative local median income.

(d) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income, adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development, or less than 120 percent of the city's median income if the project is located in the city, the city has median income of more than 20 percent above the county median income, and the city has adopted an alternative local median income."

Correct the title.

Representative Peterson moved the adoption of amendment (074) to the striking amendment (053):

On page 1, line 10 of the striking amendment, after "this" strike "section" and insert "~~((section))~~ subsection"

On page 3, after line 2 of the striking amendment, insert the following:

"(5) The categorical exemption in subsection (3) of this section applies in a city or county beginning six months after its next periodic comprehensive plan update required under RCW 36.70A.130."

On page 3, line 12 of the striking amendment, after "development" insert "that does not include any residential units"

On page 3, beginning on line 22 of the striking amendment, after "only to" strike all material through "amended" on line 27 and insert "designated landmarks or historic districts established under a local preservation ordinance"

On page 3, after line 32 of the striking amendment, insert the following:

"(5) A county or city must comply with the requirements of this section beginning six months after its next periodic comprehensive plan update required under RCW 36.70A.130."

Representatives Peterson and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (074) to the striking amendment (053) was adopted.

Representatives Peterson and Barkis spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (053), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Klicker, Peterson and Barkis spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1293.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1293, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Ramel, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Doglio, Pollet and Ramos

Excused: Representative Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1293, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1584, by Representatives Barnard, Fitzgibbon, Dye, Donaghy, Lekanoff, Slatter, Ybarra, Couture, Fey, Ryu, Riccelli, Berry, Schmidt, Sandlin and Timmons**

**Planning for advanced nuclear reactor technology in Washington.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1584 was substituted for House Bill No. 1584 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1584 was read the second time.

With the consent of the House, amendment (044) was withdrawn.

Representative Barnard moved the adoption of amendment (056):

On page 2, beginning on line 30, after "of" strike "~~((cleaner energy sources, such as))~~" and insert "cleaner energy sources, such as"

On page 2, line 31, after "sources," insert "renewable natural gas, green electrolytic hydrogen,"

Representative Barnard spoke in favor of the adoption of the amendment.

Amendment (056) was adopted.

The bill was ordered engrossed.

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

Representatives Barnard, Doglio, Christian and Connors spoke in favor of the passage of the bill.

Representative Pollet spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1584.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1584, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Peterson, Ramel, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chopp, Entenman, Orwall, Pollet, Ramos and Street

Excused: Representative Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1584, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Connors congratulated Representative Barnard on the passage of her first bill and asked the Chamber to acknowledge her accomplishment.

#### SECOND READING

**HOUSE BILL NO. 1470, by Representatives Ortiz-Self, Chopp, Simmons, Santos, Ryu, Orwall, Chapman, Gregerson, Doglio, Peterson, Ramel, Macri, Ormsby, Berg, Leavitt, Bateman, Morgan and Fey**

**Concerning private detention facilities.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1470 was substituted for House Bill No. 1470 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1470 was read the second time.

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

Representatives Ortiz-Self and Mosbrucker spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1470.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1470, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1470, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1504, by Representatives Low, Alvarado, Eslick, Fosse, Donaghy, Cortes, Harris, Leavitt, Taylor, Duerr, Schmidt, Goodman, Graham, Volz, Doglio, Pollet, Macri, Reed, Riccelli and Callan**

**Ensuring elementary school students receive sufficient daily recess.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1504 was substituted for House Bill No. 1504 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1504 was read the second time.

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

Representatives Low, Alvarado and Maycumber spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1504.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1504, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney,

Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1504, having received the necessary constitutional majority, was declared passed.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bill:

SENATE CONCURRENT RESOLUTION NO. 8404

There being no objection, the House adjourned until 10:30 a.m., Wednesday, March 1, 2023, the 52nd Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIFTY SECOND DAY

House Chamber, Olympia, Wednesday, March 1, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ella Sakay and Airah Sitjar. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Paul Harris, 17th Legislative District.

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

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

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

**MESSAGE FROM THE SENATE**

Wednesday, March 1, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5050  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5080  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5371  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5576

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

**INTRODUCTION & FIRST READING**

SB 5031 by Senators Wellman, Braun, Dhingra, Hunt, Kuderer, Nguyen, Nobles and Wilson, C.

AN ACT Relating to safety net award distributions for students receiving special education services outside of the state of Washington; and amending RCW 28A.150.392.

Referred to Committee on Education.

SSB 5033 by Senate Committee on Law & Justice (originally sponsored by Padden, Van De Wege, Dhingra, Hasegawa, Kuderer and Wellman)

AN ACT Relating to reclassifying the sentence for the crime of custodial sexual misconduct; amending RCW 9A.44.160, 9A.44.170, and 9.94A.515; creating a new section; and prescribing penalties.

Referred to Committee on Community Safety, Justice, & Reentry.

E2SSB 5045 by Senate Committee on Ways & Means (originally sponsored by Kuderer, Dhingra, Holy, Hunt, Lias, Nguyen,

Nobles, Randall, Rolfes, Shewmake, Wellman and Wilson, C.)

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

Referred to Committee on Housing.

SB 5070 by Senators Nobles, Dhingra, Frame, Hasegawa, Nguyen and Wilson, C.

AN ACT Relating to victims of nonfatal strangulation; amending RCW 7.68.803; providing an effective date; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

ESSB 5111 by Senate Committee on Labor & Commerce (originally sponsored by Keiser, Conway, Kuderer, Randall and Robinson)

AN ACT Relating to requiring payment for accrued and unused sick leave for certain construction workers; amending RCW 49.46.210 and 49.46.180; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

SB 5163 by Senators Rivers, Dhingra, Hasegawa, Keiser, Kuderer, Mullet and Muzzall

AN ACT Relating to the medicaid fraud false claims act; repealing RCW 43.131.419 and 43.131.420; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

SB 5166 by Senators Boehnke, Mullet, Conway, Short and Warnick

AN ACT Relating to reauthorizing the business and occupation tax deduction for cooperative finance organizations; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

ESSB 5179 by Senate Committee on Health & Long Term Care (originally sponsored by Pedersen, King, Cleveland, Dhingra, Frame, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nobles, Robinson, Saldaña, Stanford, Valdez, Van De Wege, Wellman and Wilson, C.)

AN ACT Relating to increasing access to the provisions of the Washington death with dignity act; amending RCW 70.245.010, 70.245.020, 70.245.030, 70.245.040, 70.245.050, 70.245.060, 70.245.070, 70.245.080, 70.245.090, 70.245.100, 70.245.110, 70.245.120, 70.245.150, 70.245.180, 70.245.190, 70.245.220, and 70.41.520; adding a new section to chapter 70.245 RCW; and adding a new section to chapter 70.127 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5229 by Senate Committee on Ways & Means (originally sponsored by Frame, Warnick, Kuderer, Lovelett, Nobles, Randall, Salomon, Shewmake and Torres)

AN ACT Relating to accelerating rural job growth and promoting economic recovery across Washington through site readiness grants; amending RCW 43.160.060 and 43.160.900; and creating a new section.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

SSB 5235 by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Shewmake, Frame, Lovelett, Nguyen, Pedersen and Salomon)

AN ACT Relating to accessory dwelling units; amending RCW 36.70A.696, 36.70A.697, and 36.70A.698; reenacting and amending RCW 36.70A.070; adding new sections to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Housing.

SB 5252 by Senators Valdez, Padden, Kuderer, Nobles and Wilson, C.

AN ACT Relating to modifications necessary to comply with federal regulations regarding dissemination of federal bureau of investigation criminal history record information; and amending RCW 18.88B.080, 43.43.832, 43.43.837, and 74.39A.056.

Referred to Committee on Human Services, Youth, & Early Learning.

SSB 5275 by Senate Committee on Ways & Means (originally sponsored by Robinson, Hunt, Keiser, Lovick, Nobles, Randall, Wellman and Wilson, C.)

AN ACT Relating to expanding access to benefits provided by the school employees' benefits board; amending RCW 41.05.011, 41.05.050, 41.05.080, 41.05.195, and 41.05.740; reenacting and amending RCW 41.05.021; adding a new section to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Appropriations.

SB 5287 by Senators Wilson, J., Nguyen, Hasegawa, Lovelett, Lovick, Nobles, Schoesler and Wellman

AN ACT Relating to a study on the recycling of wind turbine blades; creating a new section; and providing an expiration date.

Referred to Committee on Environment & Energy.

ESSB 5294 by Senate Committee on Ways & Means (originally sponsored by Rolfes and Van De Wege)

AN ACT Relating to actuarial funding of state retirement systems; amending RCW 41.45.150; amending 2021 c 334 s 747 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

SB 5319 by Senators Stanford, Dozier, Mullet and Wilson, C.

AN ACT Relating to pet insurance; adding a new chapter to Title 48 RCW; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

ESSB 5320 by Senate Committee on Labor & Commerce (originally sponsored by Saldaña, Keiser, King, Randall and Wilson, C.)

AN ACT Relating to journey level electrician certifications of competency; amending RCW 19.28.191; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

ESB 5341 by Senators Muzzall, Shewmake, Van De Wege, Torres, Warnick, Kuderer, Liias, Stanford and Wilson, C.

AN ACT Relating to creating a location-based branding and promotion program for Washington food and agricultural products; adding a new chapter to Title 15 RCW; and repealing RCW 15.105.005, 15.105.010, 15.105.020, 15.105.030, 15.105.040, 15.105.050, 15.105.060, and 15.105.901.

Referred to Committee on Agriculture and Natural Resources.

SB 5350 by Senators Conway, Hasegawa, Lovick, Robinson, Wagoner, Pedersen, Keiser, Randall, Van De Wege, Liias, Cleveland, Frame, Hawkins, Holy, Hunt, Kuderer, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Saldaña, Shewmake, Stanford, Trudeau, Valdez, Warnick, Wilson, C. and Wilson, L.

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

Referred to Committee on Appropriations.

SB 5385 by Senators Liias, Holy, Saldaña, Shewmake and Wilson, C.

AN ACT Relating to work performed by institutions of higher education; and amending RCW 28B.10.350 and 28B.50.330.

Referred to Committee on Postsecondary Education & Workforce.

SSB 5542 by Senate Committee on Law & Justice (originally sponsored by Wilson, J., Rolfes, Fortunato, Shewmake, Hunt, Wilson, C., Cleveland, Lovick, Valdez, Padden, Gildon, Braun, Lovelett, Nguyen, Salomon and Wilson, L.)

AN ACT Relating to preventing the destruction of electric vehicle supply equipment; reenacting and amending RCW 19.290.010; and creating a new section.

Referred to Committee on Consumer Protection & Business.

SB 5553 by Senators Lovelett, Robinson, Conway, Nguyen, Nobles, Wellman and Wilson, C.

AN ACT Relating to authorizing standards for temporary emergency shelters for local adoption; and amending RCW 19.27.042.

Referred to Committee on Local Government.

SJM 8005 by Senators Hasegawa and Wilson, C.

Addressing "de-risking" by financial institutions.

Referred to Committee on Consumer Protection & Business.

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

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

### SECOND READING

**HOUSE BILL NO. 1176, by Representatives Slatter, Fitzgibbon, Berry, Walen, Ramel, Leavitt, Taylor, Callan, Macri, Ryu, Reeves, Reed, Mena, Chopp, Duerr, Thai, Wylie, Ortiz-Self, Stonier, Pollet and Tharinger**

**Developing opportunities for service and workforce programs to support climate-ready communities.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1176 was substituted for House Bill No. 1176 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1176 was read the second time.

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

Representatives Slatter and Ybarra spoke in favor of the passage of the bill.

### MOTIONS

On motion of Representative Ramel, Representative Paul was excused.

On motion of Representative Griffey, Representative Klicker was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1176.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1176, and the bill passed the House by the following vote: Yeas, 59; Nays, 37; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters and Wilcox

Excused: Representatives Klicker and Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1176, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1681, by Representatives Stearns, Lekanoff, Davis, Leavitt, Reeves, Pollet and Orwall**

**Concerning problem gambling.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1681 was substituted for House Bill No. 1681 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1681 was read the second time.

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

Representatives Stearns and Chambers spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1681.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1681, and the bill passed the House by the following vote: Yeas, 80; Nays, 16; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, Hutchins, Kloba, Kretz, Leavitt, Lekanoff, Macri, Maycumber, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Ryu, Sandlin, Santos, Schmick, Senn, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chandler, Christian, Couture, Graham, Griffey, Jacobsen, Low, McClintock, McEntire, Orcutt, Rule, Schmidt, Shavers, Timmons, Volz and Walsh

Excused: Representatives Klicker and Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1681, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1452, by Representatives Timmons, Harris, Simmons, Rude, Doglio, Pollet, Bateman and Leavitt**

**Establishing a state medical reserve corps.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1452 was substituted for House Bill No. 1452 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1452 was read the second time.

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

Representatives Timmons and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1452.

### ROLL CALL



The Clerk called the roll on the final passage of Second Substitute House Bill No. 1452, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1452, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1109, by Representatives Senn, Stonier, Rude, Taylor, Slatter, Callan, Doglio, Orwall, Caldier, Simmons, Timmons, Reeves, Couture, Thai, Bergquist, Ortiz-Self, Pollet, Santos, Kloba and Davis**

**Providing funding for school districts for special education.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1109 was substituted for House Bill No. 1109 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1109 was read the second time.

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

Representatives Senn and Couture spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1109.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1109, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representative Ybarra

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1109, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1783, by Representatives Sandlin, Maycumber, Couture, Chapman, Dent, Eslick and Volz**

**Supporting economic development in distressed areas through hiring of grant writers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1783 was substituted for House Bill No. 1783 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1783 was read the second time.

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

Representatives Sandlin and Ryu spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1783.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1783, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1783, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Chandler congratulated Representative Sandlin on the passage of his first bill through the House and asked the Chamber to acknowledge his accomplishment.

#### SECOND READING

**HOUSE BILL NO. 1435, by Representatives Bronoske, Taylor, Bateman, Ryu, Riccelli, Gregerson, Callan, Pollet, Simmons, Reeves and Doglio**

**Developing a home care safety net assessment.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1435 was substituted for House Bill No. 1435 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1435 was read the second time.

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

Representatives Bronoske and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1435.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1435, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives McEntire, Orcutt and Walsh

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1435, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

**HOUSE BILL NO. 1258, by Representatives Ryu, Volz, Steele, Walen, Reeves, Waters, Chambers, Reed, Christian, Cortes, Callan, Schmidt, Barkis and Fosse**

**Increasing tourism to Washington state through enhancement of the statewide tourism marketing account and changing necessary match requirements.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1258 was substituted for House Bill No. 1258 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1258 was read the second time.

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

Representatives Ryu, Volz, Steele, Rule and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1258.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1258, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1258, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1002, by Representatives Leavitt, Thai, Ryu, Berry, Reed, Lekanoff, Senn, Doglio, Reeves, Bronoske, Kloba and Riccelli**

**Increasing the penalty for hazing.**

The bill was read the second time.

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

Representatives Leavitt and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1002.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1002, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

HOUSE BILL NO. 1002, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1512, by Representatives Mosbrucker, Orwall, Simmons, Jacobsen, Leavitt, Rule, Gregerson, Eslick, Graham, Doglio, Reed and Morgan**

**Providing tools and resources for the location and recovery of missing persons.**

The bill was read the second time.

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

Representatives Mosbrucker and Lekanoff spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1512.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1512, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

HOUSE BILL NO. 1512, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1679, by Representatives Rule, Eslick, Reeves, Gregerson and Pollet**

**Modifying and extending requirements of a work group convened to address the needs of students in foster care, experiencing homelessness, or both.**

The bill was read the second time.

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

Representatives Rule and Eslick spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1679.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1679, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives McEntire and Walsh

Excused: Representatives Klicker and Paul

HOUSE BILL NO. 1679, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1057, by Representatives Stokesbary, Fitzgibbon, Leavitt, Simmons, Rude, Bateman, Pollet, Street, Goodman, Robertson, Macri, Donaghy, Bronoske, Paul, Bergquist, Wylie, Kloba and Ormsby**

**Providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1057 was substituted for House Bill No. 1057 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1057 was read the second time.

Representative Bergquist moved the adoption of amendment (101):

On page 4, line 38, after "41.45.105." insert "The rate for benefit improvements that became effective after June 30, 2009, shall not include a rate for the improvements in this act until July 1, 2027."

Representatives Bergquist and Stokesbary spoke in favor of the adoption of the amendment.

Amendment (101) was adopted.

The bill was ordered engrossed.

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

Representatives Stokesbary and Bergquist spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1057.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1057, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1057, having received the necessary constitutional majority, was declared passed.

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

**MESSAGE FROM THE SENATE**

Wednesday, March 1, 2023

Mme. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5114  
 ENGROSSED SENATE BILL NO. 5355  
 SENATE BILL NO. 5419  
 SUBSTITUTE SENATE BILL NO. 5453  
 SENATE BILL NO. 5457  
 SUBSTITUTE SENATE BILL NO. 5490  
 SENATE BILL NO. 5531  
 SENATE BILL NO. 5550  
 SUBSTITUTE SENATE BILL NO. 5743

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

**SECOND READING**

**HOUSE BILL NO. 1732, by Representatives Bergquist, Stonier, Ormsby and Macri**

**Changing the inflation adjustment index for state salary allocations to schools.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1732 was substituted for House Bill No. 1732 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1732 was read the second time.

Representative Bergquist moved the adoption of amendment (113):

On page 2, line 31, after "year," strike "3.8" and insert "3.7"

Representatives Bergquist and Schmick spoke in favor of the adoption of the amendment.

Amendment (113) was adopted.

The bill was ordered engrossed.

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

Representative Bergquist spoke in favor of the passage of the bill.

Representative Stokesbary spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1732.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1732, and the bill passed the House by the following vote: Yeas, 66; Nays, 30; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dye, Eslick, Goehner, Graham, Griffey, Hutchins, Jacobsen, Kretz, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Klicker and Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1732, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1525, by Representatives Fosse, Lekanoff, Farivar, Shavers, Thai, Taylor, Hansen, Alvarado, Senn, Hackney, Wylie, Duerr, Leavitt, Berg, Stearns, Peterson, Macri, Berry, Cortes, Low, Schmidt, Stonier, Kloba, Robertson, Gregerson, Riccelli, Doglio, Waters, Cheney, Orwall, Connors, Ybarra, Bronoske, Dent, Morgan, Ramel, Donaghy, Goodman, Ryu, Fey, Reed, Davis, Timmons, Street, Simmons, Fitzgibbon, Christian, Santos, Rule, Abbarno, Sandlin, Chopp, Bateman, Rude, Eslick, Ormsby, Reeves, Barkis, Graham, Pollet, Ortiz-Self, Callan and Bergquist**

**Concerning eligibility for working connections child care benefits for persons participating in state registered apprenticeships.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1525 was substituted for House Bill No. 1525 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1525 was read the second time.

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

Representatives Fosse and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1525.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1525, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt,

Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1525, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1572, by Representatives Springer and Orcutt**

**Concerning venue for actions for the recovery of taxes.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1572 was substituted for House Bill No. 1572 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1572 was read the second time.

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

Representatives Springer and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1572.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1572, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1572, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1433, by Representatives Duerr, Ramel, Fitzgibbon, Berry, Reed and Doglio**

**Concerning energy labeling of residential buildings.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1433 was substituted for House Bill No. 1433 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1433 was read the second time.

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

Representatives Duerr and Doglio spoke in favor of the passage of the bill.

Representatives Connors, Couture, Christian and Maycumber spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1433.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1433, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Klicker and Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1433, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1254, by Representatives Street, Reed and Ramel**

**Clarifying ambiguities in statutory provisions administered by the department of revenue relating to periodic adjustments.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1254 was substituted for House Bill No. 1254 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1254 was read the second time.

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

Representatives Berg and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1254.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1254, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier,

Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1254, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1132, by Representatives Goodman, Rude, Lekanoff, Wylie and Kloba**

**Concerning oversight and training requirements for limited authority Washington peace officers and agencies.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1132 was substituted for House Bill No. 1132 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1132 was read the second time.

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

Representatives Goodman and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1132.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1132, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1132, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1777, by Representatives Doglio, Fitzgibbon, Duerr, Lekanoff, Stearns, McEntire, Ramel and Pollet**

**Authorizing the use of performance-based contracting for energy services and equipment.**

The bill was read the second time.

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

Representatives Doglio and McEntire spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1777.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1777, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

HOUSE BILL NO. 1777, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1245, by Representatives Barkis, Robertson, Wylie, Fitzgibbon, Peterson, Walsh, Chambers, Kloba, Gregerson, Graham, Waters, Reed, Walen, Christian, Riccelli, Macri, Bateman and Doglio**

**Increasing housing options through lot splitting.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1245 was substituted for House Bill No. 1245 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1245 was read the second time.

Representative Barkis moved the adoption of amendment (067):

On page 2, line 4, after "section" strike "by July 1, 2024" and insert ", to take effect six months after the jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130"

On page 2, beginning on line 6, after "(b)" strike all material through "in" on line 7 and insert "In"

On page 2, line 9, after "section" strike "and" and insert ", the requirements of this section"

On page 2, line 18, after "least" strike "1,500" and insert "2,000"

On page 2, line 33, after "than" strike "four" and insert "five"

Representatives Barkis and Peterson spoke in favor of the adoption of the amendment.

Amendment (067) was adopted.

The bill was ordered engrossed.

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

Representatives Barkis, Peterson, Hutchins, Senn and Pollet spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1245.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1245, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Fey and Goehner  
Excused: Representatives Klicker and Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1245, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

**HOUSE BILL NO. 1521, by Representatives Bronoske, Stonier, Wylie, Berry and Pollet**

**Concerning the duties of industrial insurance self-insured employers and third-party administrators.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1521 was substituted for House Bill No. 1521 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1521 was read the second time.

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

Representatives Bronoske and Ortiz-Self spoke in favor of the passage of the bill.

Representative Robertson spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1521.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1521, and the bill passed the House by the following vote: Yeas, 69; Nays, 27; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Corry, Dent, Dye, Eslick, Goehner, Graham, Hutchins, Jacobsen, McEntire, Mosbrucker, Robertson, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1521, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1047, by Representatives Mena, Ryu, Berry, Simmons, Duerr, Goodman, Bateman, Reed, Fitzgibbon, Ramel, Doglio, Orwall, Macri, Gregerson, Thai, Stonier, Santos, Riccelli and Ormsby**

**Concerning the use of toxic chemicals in cosmetic products.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1047 was substituted for House Bill No. 1047 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1047 was read the second time.

Representative Barnard moved the adoption of amendment (127):

On page 3, line 22, after "administration" insert "or hydrofluoroolefins approved by the United States environmental protection agency and used as propellants in cosmetics"

Representative Barnard spoke in favor of the adoption of the amendment.

Representative Doglio spoke against the adoption of the amendment.

Amendment (127) was not adopted.

Representative McClintock moved the adoption of amendment (114):

On page 2, beginning on line 21, after "50-00-0)" strike all material through "formaldehyde" on line 22

On page 3, line 1, after (4) insert "(a)"

On page 3, after line 7, insert the following:

"(b) The department, in consultation with the department of health, must carry out a literature review of studies assessing the human health impacts of formaldehyde-releasing agents or chemicals suspected or known to release formaldehyde. The department must complete its review and submit a report to the appropriate committees of the house of representatives and the senate by December 31, 2023, that describes whether the literature review has found any scientific evidence to support the contention that formaldehyde-releasing agents pose a risk to human health."

Representatives McClintock and Corry spoke in favor of the adoption of the amendment.

Representative Mena spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 43 - YEAS; 53 - NAYS.

Amendment (114) was not adopted.

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

Representative Mena spoke in favor of the passage of the bill.

Representatives Dye and Jacobsen spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1047.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1047, and the bill passed the House by the following vote: Yeas, 55; Nays, 41; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Entenman, Eslick, Goehner, Graham, Griffey, Hutchins, Jacobsen, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Santos, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1047, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1555, by Representatives Lekanoff, Goodman, Pollet, Davis and Doglio**

**Concerning extradition of persons to and from Indian jurisdiction.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1555 was substituted for House Bill No. 1555 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1555 was read the second time.

Representative Goodman moved the adoption of amendment (073):

On page 1, line 6, after "(1)" strike "Any time that this state" and insert "When the state or a political subdivision thereof"

On page 1, line 8, after "in this state," strike "this state" and insert "the state or a political subdivision thereof"

On page 1, beginning on line 10, after "extradition" strike "by this state of persons from within the tribe's jurisdiction" and insert "of persons from within the tribe's jurisdiction by the state or a political subdivision thereof"

Representatives Goodman and Mosbrucker spoke in favor of the adoption of the amendment.

Amendment (073) was adopted.

The bill was ordered engrossed.

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

Representatives Lekanoff and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1555.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1555, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1555, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1260, by Representatives Alvarado, Leavitt, Taylor, Senn, Farivar, Simmons, Davis, Fitzgibbon, Callan, Reeves, Reed, Fey, Gregerson, Cortes, Macri, Fosse, Doglio and Pollet**

**Accelerating stability for people with a work-limiting disability or incapacity.**

The bill was read the second time.



There being no objection, Substitute House Bill No. 1260 was substituted for House Bill No. 1260 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1260 was read the second time.

Representative Couture moved the adoption of amendment (117):

On page 1, beginning on line 5, strike all of section 1

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 2, beginning on line 37, after "(d)" strike all material through "department" on page 3, line 5 and insert "(i) Have countable income as described in RCW 74.04.005 (~~at or below four hundred twenty-eight dollars for a married couple or at or below three hundred thirty-nine dollars for a single individual~~) that meets the standard established by the department, which shall not exceed 100 percent of the federal poverty level; or

(ii) Have income that meets the standard established by the department, who are eligible for the pregnant women assistance program"

On page 3, line 27, after "exist" strike "but is not limited to,"

On page 3, line 31, after "residence" strike "or" and insert "\_((\$))"

On page 3, line 33, after "person" insert ", or when the person is a parent or other relative personally providing care for a minor child or an incapacitated individual living in the same home as the person, and child care or day care would be necessary for the person to participate in substance use disorder treatment, and such care is not available"

On page 7, line 26, after "exist" strike ", but is not limited to,"

On page 7, line 30, after "residence\_" strike "or" and insert "(((\$))"

On page 7, line 32, after "person" insert ", or when the person is a parent or other relative personally providing care for a minor child or an incapacitated individual living in the same home as the person, and child care or day care would be necessary for the person to participate in substance use disorder treatment, and such care is not available"

Correct the title.

Representatives Couture and Senn spoke in favor of the adoption of the amendment.

Amendment (117) was adopted.

The bill was ordered engrossed.

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

Representatives Alvarado, Eslick and Couture spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1260.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1260, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Graham, McEntire, Volz and Walsh

Excused: Representatives Klicker and Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1260, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1590, by Representatives Dent, Eslick and Caldier

**Concerning the membership and subcommittees of the oversight board for children, youth, and families.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1590 was substituted for House Bill No. 1590 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1590 was read the second time.

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

Representatives Dent and Senn spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1590.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1590, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy,

Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1590, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1320, by Representatives Reed, Berry, Ortiz-Self, Ramel, Pollet and Fosse**

**Concerning access to personnel records.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1320 was substituted for House Bill No. 1320 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1320 was read the second time.

Representative Robertson moved the adoption of amendment (106):

On page 4, after line 6, insert the following:

"(d) All employers, whether or not subject to subsections (a) through (c) of this section, may redact personal identifying information of individuals, including but not limited to other employees, customers, and patients, contained in the employee's personnel file."

Representative Robertson spoke in favor of the adoption of the amendment.

Representative Reed spoke against the adoption of the amendment.

Amendment (106) was not adopted.

Representative Reed moved the adoption of amendment (120):

On page 1, line 20, after "complete" strike ", unredacted"

On page 2, line 3, after "former employee" insert ". The personnel file must be unredacted unless redaction is required under this section"

On page 3, line 6, after "actually" insert "included and"

On page 3, line 7, after "however" insert "the file is"

On page 3, line 13, after "created" insert "and included in a personnel file"

On page 3, line 37, after "RCW." insert "The public employer bears the burden of proving that it redacted only such information as required and is subject to

liability under this section for bad faith redaction."

Representatives Reed and Robertson spoke in favor of the adoption of the amendment.

Amendment (120) was adopted.

Representative Robertson moved the adoption of amendment (105):

On page 2, beginning on line 23, after "may" strike all material through "damages" on line 27 and insert "file a complaint with the department. If, after an investigation, the department finds that an employer failed to comply with the requirements of this section, the department may issue a citation and notice of assessment for civil penalties. Civil penalties"

On page 2, line 33, after "The" strike "statutory damages" and insert "civil penalty"

On page 2, line 34, after "\$500." insert "Civil penalties collected under this section shall be deposited into the supplemental pension fund."

Representatives Robertson, Cheney and Corry spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (105) was not adopted.

Representative Connors moved the adoption of amendment (099):

On page 1, line 16, after "Within" strike "14" and insert "30"

On page 2, line 18, after "within" strike "14" and insert "30"

Representative Connors spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (099) was not adopted.

Representative Schmidt moved the adoption of amendment (100):

On page 3, line 4, after "records;" insert "and"

On page 3, beginning on line 5, after "agreements" strike all material through "designated" on line 7

Representative Schmidt spoke in favor of the adoption of the amendment.

Representative Fosse spoke against the adoption of the amendment.

Amendment (100) was not adopted.

The bill was ordered engrossed.

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

Representative Reed spoke in favor of the passage of the bill.

Representative Robertson spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1320.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1320, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Klicker and Paul

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1320, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1457, by Representatives Robertson, Berry, Santos, Reed and Fosse**

**Concerning a motor carrier's ability to access restroom facilities required by rules authorized under chapter 49.17 RCW.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1457 was substituted for House Bill No. 1457 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1457 was read the second time.

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

Representatives Robertson and Rule spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1457.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1457, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier,

Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1457, having received the necessary constitutional majority, was declared passed.

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

**MOTIONS**

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

- HOUSE BILL NO. 1010
- HOUSE BILL NO. 1167
- HOUSE BILL NO. 1181
- HOUSE BILL NO. 1189
- HOUSE BILL NO. 1200
- HOUSE BILL NO. 1216
- HOUSE BILL NO. 1217
- HOUSE BILL NO. 1274
- HOUSE BILL NO. 1284
- HOUSE BILL NO. 1291
- HOUSE BILL NO. 1306
- HOUSE BILL NO. 1322
- HOUSE BILL NO. 1355
- HOUSE BILL NO. 1369
- HOUSE BILL NO. 1390
- HOUSE BILL NO. 1392
- HOUSE BILL NO. 1394
- HOUSE BILL NO. 1401
- HOUSE BILL NO. 1405
- HOUSE BILL NO. 1406
- HOUSE BILL NO. 1425
- HOUSE BILL NO. 1424
- HOUSE BILL NO. 1447
- HOUSE BILL NO. 1474
- HOUSE BILL NO. 1479
- HOUSE BILL NO. 1570
- HOUSE BILL NO. 1580
- HOUSE BILL NO. 1678
- HOUSE BILL NO. 1707
- HOUSE BILL NO. 1823

There being no objection, HOUSE BILL NO. 1782 was moved from the House Suspension Calendar to the House Second Reading Calendar.

There being no objection, the House adjourned until 9:00 a.m., Thursday, March 2, 2023, the 53rd Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIFTY THIRD DAY

House Chamber, Olympia, Thursday, March 2, 2023

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Clete Hastings and Maddison Flohr. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Deacon Carla Spaccarotelli, Gloria Dei Lutheran Church, Olympia.

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

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

**MESSAGE FROM THE SENATE**

Wednesday, March 1, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5010  
 SENATE BILL NO. 5069  
 SECOND SUBSTITUTE SENATE BILL NO. 5120  
 SUBSTITUTE SENATE BILL NO. 5127  
 SUBSTITUTE SENATE BILL NO. 5189  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5217  
 SUBSTITUTE SENATE BILL NO. 5300  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5326  
 SUBSTITUTE SENATE BILL NO. 5374  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5447  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5466  
 SECOND SUBSTITUTE SENATE BILL NO. 5555  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5583  
 SUBSTITUTE SENATE BILL NO. 5586  
 SUBSTITUTE SENATE BILL NO. 5604  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5614

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

**INTRODUCTION & FIRST READING**

ESSB 5050 by Senate Committee on Health & Long Term Care (originally sponsored by Wellman, Hunt, Keiser, Kuderer, McCune, Nobles, Rolfes, Wagoner and Wilson, C.)

AN ACT Relating to informed consent for breast implant surgery; adding a new section to chapter 18.130 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 5054 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wellman, Dhingra, Nobles, Saldaña, Valdez and Wilson, C.)

AN ACT Relating to promoting and facilitating the use of professional learning communities; amending RCW 28A.150.205, 28A.415.430, and 28A.415.434; and creating a new section.

Referred to Committee on Education.

SB 5066 by Senators Short, Rolfes, Cleveland and Conway

AN ACT Relating to clarifying that health care benefit managers must file contracts with health carriers with the office of the insurance commissioner; amending RCW 48.200.040; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

E2SSB 5080 by Senate Committee on Ways & Means (originally sponsored by Saldaña, Conway, Frame, Hasegawa, Kuderer, Lovelett, Nguyen, Nobles and Stanford)

AN ACT Relating to expanding and improving the social equity in cannabis program; amending RCW 43.330.540, 69.50.331, 69.50.335, 69.50.345, and 69.50.345; providing an effective date; and providing an expiration date.

Referred to Committee on Regulated Substances & Gaming.

SSB 5114 by Senate Committee on Human Services (originally sponsored by Wilson, C., Trudeau, Frame, Hasegawa, Kuderer, Liias, Lovelett, Nguyen, Nobles, Pedersen, Randall, Saldaña, Stanford, Valdez, Warnick and Wellman)

AN ACT Relating to supporting adults with lived experience of sex trafficking; adding a new section to chapter 43.280 RCW; and creating a new section.

Referred to Committee on Human Services, Youth, & Early Learning.

SSB 5126 by Senate Committee on Ways & Means (originally sponsored by Pedersen, Hawkins, Wellman and Wilson, C.)

AN ACT Relating to providing common school trust revenue to small school districts; and amending RCW 28A.515.320.

Referred to Committee on Capital Budget.

SSB 5182 by Senate Committee on State Government & Elections (originally sponsored by Nguyen, Hunt, Boehnke, Keiser, MacEwen, Nobles, Shewmake, Trudeau, Wilson, C. and Wilson, J.)

AN ACT Relating to procedures and deadlines for candidate filing; amending RCW 29A.24.050, 29A.24.040, 29A.24.070, 29A.24.081, 29A.24.091, 29A.24.131, and 29A.32.230; reenacting and amending RCW 29A.16.040; adding a new section to chapter 29A.24 RCW; and adding a new section to chapter 29A.32 RCW.

Referred to Committee on State Government & Tribal Relations.

SB 5240 by Senators Braun, Keiser and Mullet

AN ACT Relating to unemployment insurance benefits appeal procedures; amending RCW 50.32.040; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

SB 5242 by Senators Cleveland, Robinson, Dhingra, Frame, Hasegawa, Hunt, Keiser, Lovelett, Nobles, Pedersen, Randall, Saldaña, Salomon, Stanford, Valdez, Wellman and Wilson, C.

AN ACT Relating to prohibiting cost sharing for abortion; amending RCW 48.43.073; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5256 by Senate Committee on Human Services (originally sponsored by Saldaña, Wilson, C., Frame, Hasegawa, Hunt, Kuderer, Lovelett, Lovick, Nguyen, Nobles, Robinson, Valdez and Wellman)

AN ACT Relating to making permanent and expanding the child welfare housing assistance program; amending RCW 74.13.802; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services, Youth, & Early Learning.

SB 5280 by Senators Frame, Boehnke, Hunt, Kuderer, Lovelett, Lovick, Nguyen, Nobles, Saldaña, Wellman and Wilson, C.

AN ACT Relating to the duty of clergy to report child abuse or neglect; amending RCW 26.44.030; and reenacting and amending RCW 26.44.020.

Referred to Committee on Human Services, Youth, & Early Learning.

ESB 5355 by Senators Wilson, C., Kuderer, Lovelett, Nguyen, Randall, Valdez and Wellman

AN ACT Relating to mandating instruction on sex trafficking prevention and identification for students in grades seven through 12; adding a new section to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Education.

ESSB 5365 by Senate Committee on Labor & Commerce (originally sponsored by Saldaña, Lias, Billig, Dhingra, Hunt, Lovelett, Nguyen, Pedersen, Randall, Robinson, Stanford, Valdez, Wellman and Wilson, C.)

AN ACT Relating to the purchase, use, and possession of vapor and tobacco products by minors; amending RCW 70.155.100, 70.155.110, and 70.345.160; reenacting and amending RCW 70.155.120; creating new sections; and repealing RCW 70.155.080 and 70.345.140.

Referred to Committee on Regulated Substances & Gaming.

SB 5370 by Senators Wagoner, Dhingra, Van De Wege and Wilson, C.

AN ACT Relating to adult protective services; and amending RCW 74.34.020, 74.34.063, 74.34.095, and 68.50.105.

Referred to Committee on Human Services, Youth, & Early Learning.

ESSB 5371 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Lovelett, Shewmake, Hasegawa, Hunt, Keiser, Kuderer, Nguyen,

Pedersen, Randall, Robinson, Rolfes, Saldaña, Valdez, Wellman and Wilson, C.)

AN ACT Relating to protecting southern resident orcas from vessels; amending RCW 77.15.740, 77.65.615, and 77.15.815; prescribing penalties; and providing an effective date.

Referred to Committee on Agriculture and Natural Resources.

SB 5394 by Senators Randall, Dhingra, Keiser, Nguyen, Stanford, Valdez and Wilson, C.

AN ACT Relating to malpractice insurance for international medical graduate supervisors; and amending RCW 18.71.095.

Referred to Committee on Health Care & Wellness.

SSB 5396 by Senate Committee on Health & Long Term Care (originally sponsored by Wilson, L., Boehnke, Frame, Hunt, Kauffman, Kuderer, Rivers, Rolfes, Shewmake, Valdez and Warnick)

AN ACT Relating to cost sharing for diagnostic and supplemental breast examinations; amending RCW 48.20.393, 48.21.225, 48.44.325, and 48.46.275; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 5405 by Senate Committee on Labor & Commerce (originally sponsored by King, Keiser and Wilson, C.)

AN ACT Relating to modifying the liquor and cannabis board's subpoena authority relating to cannabis investigations; and amending RCW 66.08.145.

Referred to Committee on Regulated Substances & Gaming.

SB 5419 by Senators Gildon, Billig, Lias, Mullet and Wilson, C.

AN ACT Relating to removing the requirement that the Washington state institute of public policy conduct an outcome evaluation of case aides who provide short-term relief for certain foster families; and amending RCW 74.13.270.

Referred to Committee on Human Services, Youth, & Early Learning.

SB 5452 by Senators Shewmake, Billig, Hasegawa, Kuderer, Lias, Nguyen, Pedersen, Saldaña and Valdez

AN ACT Relating to authorizing impact fee revenue to fund improvements to bicycle and pedestrian facilities; amending RCW 82.02.090; and creating a new section.

Referred to Committee on Local Government.

SSB 5453 by Senate Committee on Law & Justice (originally sponsored by Keiser, Dhingra, Cleveland, Nguyen, Saldaña and Valdez)

AN ACT Relating to female genital mutilation; amending RCW 18.130.180 and 9A.04.080; reenacting and amending RCW 26.44.020; adding new sections to chapter 9A.36 RCW; adding a new section to chapter 18.130 RCW; adding a new section to chapter 43.70 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

SB 5457 by Senators Short, Lovelett, Kuderer and Shewmake

AN ACT Relating to implementing growth management task force legislative recommendations regarding small cities; and reenacting and amending RCW 36.70A.130.

Referred to Committee on Local Government.

SB 5459 by Senators Hunt, Kuderer, Valdez and Wilson, C.

AN ACT Relating to requests for records containing election information; amending RCW 29A.08.105 and 42.56.420; adding a new section to chapter 42.56 RCW; creating a new section; and repealing RCW 29A.60.290.

Referred to Committee on State Government & Tribal Relations.

ESB 5462 by Senators Liias, Wilson, C., Kuderer, Lovelett, Nguyen, Pedersen, Randall, Saldaña and Valdez

AN ACT Relating to promoting inclusive learning standards and instructional materials in public schools; amending RCW 28A.150.230, 28A.320.230, 28A.655.070, 28A.710.040, and 28A.715.020; adding a new section to chapter 28A.345 RCW; and creating a new section.

Referred to Committee on Education.

SSB 5490 by Senate Committee on Ways & Means (originally sponsored by Rolfes, Conway, Hunt, Lovick, Saldaña and Wilson, C.)

AN ACT Relating to health care coverage for retired or disabled employees denied coverage for failure to timely notify the authority of their intent to defer coverage; adding a new section to chapter 41.05 RCW; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

SB 5531 by Senators King, Shewmake and Nobles

AN ACT Relating to special use permits for milk product haulers; and amending RCW 46.44.0941.

Referred to Committee on Transportation.

SB 5550 by Senators Liias, Randall, Valdez, Lovick, Wilson, C., Lovelett, Kauffman, Shewmake, Hasegawa, Hunt, Keiser, Nguyen, Nobles, Robinson and Van De Wege

AN ACT Relating to addressing workforce development issues, including cultural issues, at the Washington state ferries; reenacting and amending RCW 47.60.005; and adding a new section to chapter 47.60 RCW.

Referred to Committee on Transportation.

SSB 5565 by Senate Committee on Ways & Means (originally sponsored by Schoesler, Rolfes, Dozier, Nobles and Wellman)

AN ACT Relating to modifying tax and revenue laws by making technical corrections, clarifying ambiguities, easing compliance burdens for taxpayers, and providing administrative efficiencies; amending RCW 19.150.060, 19.150.080, 19.240.080, 19.240.900, 35.90.020, 59.18.312, 59.18.595, 63.30.040, 82.04.4489, 82.14.070, 82.32.045, 82.32.105, 82.60.020, 82.60.049, 82.60.060, 82.60.070, 82.70.900, 82.73.030, 82.90.080, 84.52.120, 84.52.816, 88.02.620, and 88.26.020; reenacting and amending RCW 82.08.0206; creating a new section; repealing RCW 82.12.02088, 82.27.060, and 82.70.050; and providing an expiration date.

Referred to Committee on Finance.

ESSB 5576 by Senate Committee on Law & Justice (originally sponsored by Dhingra, Kuderer, Lovelett, Nobles, Saldaña, Trudeau, Valdez and Wilson, C.)

AN ACT Relating to sexual assault procedures; and amending RCW 43.43.754 and 9A.44.020.

Referred to Committee on Community Safety, Justice, & Reentry.

SSB 5581 by Senate Committee on Health & Long Term Care (originally sponsored by Muzzall, Robinson, Braun, Rivers, Warnick, Cleveland, Hasegawa, Kuderer, Lovelett, Shewmake, Wilson, C., Wilson, J. and Wilson, L.)

AN ACT Relating to developing strategies to reduce or eliminate cost sharing for maternity care services and postpartum care; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SB 5606 by Senators Lovick, Conway, Keiser, Valdez and Wilson, C.

AN ACT Relating to deterring illegal racing; amending RCW 46.61.530, 46.55.360, and 46.55.370; reenacting and amending RCW 46.55.113; adding new sections to chapter 46.04 RCW; adding new sections to chapter 46.61 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

SSB 5617 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wellman, Nguyen, Hasegawa, Liias, Lovelett, Nobles and Wilson, C.)

AN ACT Relating to career and technical education course equivalencies; amending RCW 28A.230.097 and 28A.300.236; reenacting and amending RCW 28A.700.070; and adding a new section to chapter 28A.245 RCW.

Referred to Committee on Education.

SSB 5627 by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Hunt)

AN ACT Relating to salaries for county commissioners and councilmembers; and amending RCW 36.17.024.

Referred to Committee on Local Government.

SSB 5648 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wellman, Randall, Nguyen, Nobles and Wilson, C.)

AN ACT Relating to including state-tribal education compact schools and charter schools as entities able to receive waivers from the state board of education and the office of the superintendent of public instruction under the authority of RCW 28A.300.750; and amending RCW 28A.300.750.

Referred to Committee on Education.

SSB 5709 by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Torres, Hunt, Schoesler and Dozier)

AN ACT Relating to irrigation district elections; amending RCW 87.03.031, 87.03.032, 87.03.033, 87.03.045, 87.03.051, 87.03.071, 87.03.075, 87.03.085, and 87.03.105; adding new sections to chapter 87.03 RCW; and prescribing penalties.

Referred to Committee on State Government & Tribal Relations.

SSB 5720 by Senate Committee on Business, Financial Services, Gaming & Trade (originally sponsored by Stanford)

AN ACT Relating to risk mitigation in property insurance; and amending RCW 48.18.558 and 48.19.530.

Referred to Committee on Consumer Protection & Business.

SSB 5729 by Senate Committee on Health & Long Term Care (originally sponsored by Keiser, Cleveland, Hasegawa, Hunt, Kuderer, Nguyen, Shewmake, Stanford, Valdez and Wilson, C.)

AN ACT Relating to removing the expiration date on the cost-sharing cap for insulin; and amending RCW 48.43.780.

Referred to Committee on Health Care & Wellness.

SSB 5743 by Senate Committee on Transportation (originally sponsored by Lias and Billig)

AN ACT Relating to making certain nonsubstantive, corrective changes resulting from enactment of chapter 182, Laws of 2022 (transportation resources); amending RCW 81.104.170, 81.104.175, 47.04.380, 47.04.390, 46.68.480, 43.84.092, 43.84.092, 47.66.140, and 43.392.040; reenacting and amending RCW 47.04.010; adding a new section to chapter 47.04 RCW; creating new sections; recodifying RCW 47.24.060; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

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

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

## SECOND READING

**HOUSE BILL NO. 1424, by Representatives Berg, Walen, Simmons, Kloba, Street, Taylor, Alvarado, Bateman, Stonier, Paul, Fosse, Macri, Reed, Berry, Senn, Duerr, Riccelli, Doglio, Callan, Peterson, Fitzgibbon, Stearns, Ortiz-Self, Goodman, Thai, Springer, Gregerson, Ramel, Bergquist and Pollet**

**Concerning consumer protection with respect to the sale and adoption of dogs and cats.**

The bill was read the second time.

Representative Connors moved the adoption of the striking amendment (088):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 16.52.360 and 2021 c 76 s 1 are each amended to read as follows:

(1) Except as provided in this section, a retail pet store may not sell or offer for sale any dog or cat.

(2) A retail pet store that sold or offered for sale any dog or cat prior to July 25, 2021, may sell or offer for sale a dog or cat only if the retail pet store meets the following requirements:

(a) Any dog or cat sold or offered for sale must be sold or offered for sale only at the address identified on the retail pet store's business license, as defined in RCW 19.02.020;

(b) Any dog sold or offered for sale must be obtained either:

(i) Directly from a breeder, including an out-of-state breeder, who satisfies the requirements of RCW 16.52.310; or

(ii) From a United States department of agriculture licensed broker pursuant to the federal animal welfare act, Title 7 U.S.C. Sec. 2131 et seq. as amended, that obtains dogs from a breeder in compliance with this section. A licensed broker shall provide all breeder documentation required by a breeder under this section as well as any applicable federal and state license numbers for the breeder or the broker;

(c) Any dog sold or offered for sale must possess documentation obtained from its breeder, either directly or through a United States department of agriculture licensed broker, demonstrating:

(i) The dog was not separated from its mother prior to the age of eight weeks; and

(ii) The breeder's compliance with RCW 16.52.310 on the date the dog was obtained from the breeder;

(d) A retail pet store shall, prior to obtaining a dog from a breeder or a broker, obtain all inspection reports for the breeder created by the United States department of agriculture within the previous three years, if applicable. A retail pet store shall maintain and, upon request, produce the records for a period of five years following the sale of a dog obtained from a breeder or broker;

(e) Any advertisement, including website postings, offering to sell a dog or cat must include:

(i) A range of prices at which a dog or cat, breed of dog or cat, or dogs or cats having other distinguishing traits are offered for sale;

(ii) The age of the dog or cat; and

(iii) Supporting documentation providing the applicable federal or state license numbers for the breeder of the dog or cat, if applicable;

(f) The retail pet store shall post in a location visible from the entrance of the retail pet store on a kiosk or other form of bulletin board the purchase price, age, and the following information on the dog's breeder or cat's breeder:

(i) Full name;

(ii) Kennel name, if applicable;

(iii) City and state; and

(iv) Any applicable state or federal license numbers; and

(g) The retail pet store shall disclose to a prospective consumer in writing, prior to the sale of a dog or cat, the following information about the dog or cat:

(i) The purchase price of the dog or cat; and

(ii) Any applicable federal or state license numbers and an unredacted list of all violations of any federal or state law the dog breeder or cat breeder received in the previous two years on a federal or state inspection report.

(3) A retail pet store may provide space and appropriate care for animals, including dogs and cats, owned by an animal care and control agency or animal rescue group for the purpose of adopting those animals to the public. Each retail pet store shall display

on each cage or pen containing a dog or cat a label stating the certificate of source, including the name and address of the animal care and control agency or animal rescue group.

(4) (a) A retail pet store that violates this section is subject to a civil penalty of \$250.

(i) Civil penalties for violations of this section must be paid to the county where the violation occurred.

(ii) Civil penalties issued under this section are appealable to the office of administrative hearings.

(b) Any retail pet store that violates this section three or more times over a one-year period is prohibited from selling or offering to sell any dog or cat.

**Sec. 2.** RCW 16.52.015 and 2011 c 172 s 2 are each amended to read as follows:

(1) Law enforcement agencies and animal care and control agencies may enforce the provisions of this chapter. Animal care and control agencies may enforce the provisions of this chapter in a county or city only if the county or city legislative authority has entered into a contract with the agency to enforce the provisions of this chapter.

(2) Animal control officers enforcing this chapter shall comply with the same constitutional and statutory restrictions concerning the execution of police powers imposed on law enforcement officers who enforce this chapter and other criminal laws of the state of Washington.

(3) Animal control officers have the following enforcement powers when enforcing this chapter:

(a) The power to issue civil penalties based on violations under section 1 of this act;

(b) The power to issue citations based on probable cause to offenders for civil infractions and misdemeanor and gross misdemeanor violations of this chapter or RCW 9.08.070 through 9.08.078 or 81.48.070;

~~((b))~~ (c) The power to cause a law enforcement officer to arrest and take into custody any person the animal control officer has probable cause to believe has committed or is committing a violation of this chapter or RCW 9.08.070 or 81.48.070. Animal control officers may make an oral complaint to a prosecuting attorney or a law enforcement officer to initiate arrest. The animal control officer causing the arrest shall file with the arresting agency a written complaint within ~~((twenty-four))~~ 24 hours of the arrest, excluding Sundays and legal holidays, stating the alleged act or acts constituting a violation;

~~((e))~~ (d) The power to carry nonfirearm protective devices for personal protection;

~~((d))~~ (e) The power to prepare affidavits in support of search warrants and to execute search warrants when accompanied by law enforcement officers to investigate violations of this chapter or RCW 9.08.070 or 81.48.070, and to seize evidence of those violations.

(4) Upon request of an animal control officer who has probable cause to believe that a person has violated this chapter or RCW 9.08.070 or 81.48.070, a law enforcement

agency officer may arrest the alleged offender.

**Sec. 3.** RCW 16.52.310 and 2009 c 286 s 2 are each amended to read as follows:

(1) A person may not own, possess, control, or otherwise have charge or custody of more than ~~((fifty))~~ 50 dogs with intact sexual organs over the age of six months at any time.

(2) Any person who owns, possesses, controls, or otherwise has charge or custody of more than ~~((ten))~~ 10 dogs with intact sexual organs over the age of six months and keeps the dogs in an enclosure for the majority of the day must at a minimum:

(a) Provide space to allow each dog to turn about freely, to stand, sit, and lie down. The dog must be able to lie down while fully extended without the dog's head, tail, legs, face, or feet touching any side of an enclosure and without touching any other dog in the enclosure when all dogs are lying down simultaneously. The interior height of the enclosure must be at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position. Each enclosure must be at least three times the length and width of the longest dog in the enclosure, from tip of nose to base of tail and shoulder blade to shoulder blade.

(b) Provide each dog that is over the age of four months with a minimum of one exercise period during each day for a total of not less than one hour of exercise during such day. Such exercise must include either leash walking or giving the dog access to an enclosure at least four times the size of the minimum allowable enclosure specified in (a) of this subsection allowing the dog free mobility for the entire exercise period, but may not include use of a cat mill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of veterinary medicine. The exercise requirements in this subsection do not apply to a dog certified by a doctor of veterinary medicine as being medically precluded from exercise.

(c) Maintain adequate housing facilities and primary enclosures that meet the following requirements at a minimum:

(i) Housing facilities and primary enclosures must be kept in a sanitary condition. Housing facilities where dogs are kept must be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels, and to prevent moisture condensation. Housing facilities must have a means of fire suppression, such as functioning fire extinguishers, on the premises and must have sufficient lighting to allow for observation of the dogs at any time of day or night;

(ii) Housing facilities must enable all dogs to remain dry and clean;

(iii) Housing facilities must provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs;

(iv) Housing facilities must provide sufficient shade to shelter all the dogs housed in the primary enclosure at one time;

(v) A primary enclosure must have floors that are constructed in a manner that



protects the dogs' feet and legs from injury;

(vi) Primary enclosures must be placed no higher than forty-two inches above the floor and may not be placed over or stacked on top of another cage or primary enclosure;

(vii) Feces, hair, dirt, debris, and food waste must be removed from primary enclosures at least daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests, and odors; and

(viii) All dogs in the same enclosure at the same time must be compatible, as determined by observation. Animals with a vicious or aggressive disposition must never be placed in an enclosure with another animal, except for breeding purposes. Breeding females in heat may not be in the same enclosure at the same time with sexually mature males, except for breeding purposes. Breeding females and their litters may not be in the same enclosure at the same time with other adult dogs. Puppies under twelve weeks may not be in the same enclosure at the same time with other adult dogs, other than the dam or foster dam unless under immediate supervision.

(d) Provide dogs with easy and convenient access to adequate amounts of clean food and water. Food and water receptacles must be regularly cleaned and sanitized. All enclosures must contain potable water that is not frozen, is substantially free from debris, and is readily accessible to all dogs in the enclosure at all times.

(e) Provide veterinary care without delay when necessary. A dog may not be bred if a veterinarian determines that the animal is unfit for breeding purposes. Only dogs between the ages of twelve months and eight years of age may be used for breeding. Animals requiring euthanasia must be euthanized only by a licensed veterinarian.

(3) A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor.

(4) This section does not apply to the following:

(a) A publicly operated animal control facility or animal shelter;

(b) A private, charitable not-for-profit humane society or animal adoption organization;

(c) A veterinary facility;

(d) A retail pet store;

(e) A research institution;

(f) A boarding facility; or

(g) A grooming facility.

(5) ~~((Subsection (1) of this section does not apply to a commercial dog breeder licensed, before January 1, 2010, by the United States department of agriculture pursuant to the federal animal welfare act (Title 7 U.S.C. Sec. 2131 et seq.))~~

(6)) For the purposes of this section, the following definitions apply, unless the context clearly requires otherwise:

(a) "Dog" means any member of *Canis lupus familiaris*; and

(b) "Retail pet store" means a commercial establishment that engages in a for-profit business of selling at retail cats, dogs, or other animals to be kept as household pets and is regulated by the United States department of agriculture.

NEW SECTION. **Sec. 4.** A new section is added to chapter 63.10 RCW to read as follows:

A lessor shall not finance a consumer lease for the purchase of a dog or cat. A lease contract entered into on or after the effective date of this section for the purchase of a dog or cat is void and unenforceable and the lessor shall have no right to collect, receive, or retain any principal, interest, or charges related to the lease contract.

NEW SECTION. **Sec. 5.** A new section is added to chapter 63.14 RCW to read as follows:

A retail installment transaction entered into on or after the effective date of this section for the purchase of a dog or cat is void and unenforceable and the retail seller shall have no right to collect, receive, or retain any principal, interest, or charges related to the retail installment transaction.

NEW SECTION. **Sec. 6.** A new section is added to chapter 31.04 RCW to read as follows:

A licensee shall not finance or make a loan for the purchase of a dog or cat. A loan entered into on or after the effective date of this section for the purchase of a dog or cat is void and unenforceable and the licensee shall have no right to collect, receive, or retain any principal, interest, or charges related to the loan."

Correct the title.

Representatives Connors and Berg spoke in favor of the adoption of the striking amendment.

The striking amendment (088) was adopted.

The bill was ordered engrossed.

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

Representatives Berg, Corry, McClintock and Chambers spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Leavitt, Representative Paul was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1424.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1424, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker,

Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Christian, Dent, Kretz, McEntire and Walsh

Excused: Representative Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1424, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1200, by Representatives Alvarado, Bronoske, Fitzgibbon, Berry, Bateman, Reed, Simmons, Bergquist, Ramel, Doglio, Ormsby, Ortiz-Self, Fosse, Pollet and Chopp**

**Requiring public employers to provide employee information to exclusive bargaining representatives.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1200 was substituted for House Bill No. 1200 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1200 was read the second time.

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

Representative Alvarado spoke in favor of the passage of the bill.

Representatives Robertson and Griffey spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1200.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1200, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Cory, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Tharinger, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1200, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1491, by Representatives Orcutt, Chapman, Berry, Bronoske, Tharinger and Pollet**

**Prohibiting unjustified employer searches of employee personal vehicles.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1491 was substituted for House Bill No. 1491 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1491 was read the second time.

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

Representatives Orcutt, Fosse, Hutchins and Robertson spoke in favor of the passage of the bill.

Representative McEntire spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1491.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1491, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chapman, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Caldier, Chandler, Cheney, Corry, Eslick, Hutchins, McEntire, Mosbrucker, Sandlin and Thai

Excused: Representative Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1491, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1658, by Representatives Shavers, Santos, Morgan, Ramel, Taylor and Ormsby**

**Authorizing public high school students to earn elective credit for paid work experience.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1658 was substituted for House Bill No. 1658 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1658 was read the second time.

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

Representatives Shavers, Rude, Griffey, Santos, Harris and Wilcox spoke in favor of the passage of the bill.

Representatives Caldier, Walsh and Jacobsen spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1658.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1658, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Caldier, Graham, Jacobsen and Walsh

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1658, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1308, by Representatives Stonier, Dye, Ortiz-Self, Tharinger, Riccelli, Reed and Pollet**

#### Concerning high school graduation pathway options.

The bill was read the second time.

Representative Steele moved the adoption of amendment (147):

On page 1, beginning on line 4, strike all of section 1

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 3, beginning on line 11, after "multiple" strike all material though "RCW 28A.230.090" on line 20 and insert "pathways to graduating with a meaningful high school diploma that are tailored to the goals of the student"

On page 4, line 39, after "of" insert "state approved"

On page 5, line 6, after "28A.700.030." insert "Approved pathways must align with course sequences that prepare students for aligned, advanced, and continuing education, employment preparation for in-demand occupations, and livable wage careers."

On page 5, beginning on line 9, after "section" strike all material through "(4)" on line 38 and insert "

((2)) (4)"

On page 6, line 3, after "districts" strike ", however,"

On page 6, line 7, after "information" strike "beginning in sixth grade" and insert "to students in grade six"

On page 6, line 11, after "(5)" insert "The office of the superintendent of public instruction shall evaluate approved pathways under subsection (3)(h) of this section and ensure that only pathways meeting state requirements are approved. Pathways approved for local use under subsection (3)(h) of this section must be posted on the website of the office of the superintendent of public instruction.

(6)"

On page 7, line 31, after "education." insert "The state board of education, based upon the findings from its review and monitoring, may revise its graduation pathway implementation rules adopted under RCW 28A.655.250(5)."

On page 7, line 33, after "January 10," strike "2025" and insert "2024"

On page 8, after line 11, insert the following:

**"NEW SECTION. Sec. 4.** (1) By August 1, 2023, the state board of education shall convene a technical working group to provide recommendations to the legislature on expanding the graduation pathways established in RCW 28A.655.250.

(2) The work group shall:

(a) Recommend only additional pathways that are designed to serve each and every student and provide opportunities for students to demonstrate readiness in ways valued by receiving systems, the military, continuing education and training, or employment;

(b) Recommend at least one additional pathway based upon work experience; and

(c) Review graduation pathways and rules related to their implementation for the purpose of informing recommendations for clarity and improvement.

(3) The technical work group must, at a minimum, be composed of the following:

(a) Members from the state board for community and technical colleges;

(b) Members from four-year institutions of higher education;

(c) Members representing the armed services;

(d) Members from associations representing business and labor;

(e) Members representing state-based employers that represent small, medium, and large businesses in high-value economic sectors;

(f) Members representing the Washington state apprenticeship and training council; and

(g) Members representing the education system, including but not limited to, the office of superintendent of public instruction, school directors, school administrators, and educators.

(4) The work group shall provide their recommendations for public comment by November 1, 2023, and in accordance with RCW 43.01.036, report their final recommendations to the education committees of the legislature by December 1, 2023.

(5) Staff support for the work group must be provided by the state board of education.

(6) This section expires December 1, 2023."

Correct the title.

Representatives Steele, Barnard and Corry spoke in favor of the adoption of the amendment.

Representative Stonier spoke against the adoption of the amendment.

Amendment (147) was not adopted.

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

Representative Stonier spoke in favor of the passage of the bill.

Representatives Steele and Rude spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1308.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1308, and the bill passed the House by the following vote: Yeas, 63; Nays, 34; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Eslick, Gohner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, McClintock, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representative Paul

HOUSE BILL NO. 1308, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1013, by Representatives Maycumber, Santos, Ybarra, Stonier, Dent, Goodman, Tharinger, Riccelli, Lekanoff, Rude, Walen, Robertson, Mosbrucker, Berry, Stokesbary, Fey, Harris, McClintock, Bronoske, Waters, Duerr, Hackney, Klicker, Kretz, Couture, Barnard, Walsh, Chapman, Griffey, Chopp, Leavitt, Ryu, Low, Barkis, Simmons, Schmidt, Sandlin, Bateman, Reed, Graham, Christian, Timmons, Pollet, Street, Rule, Connors, Cortes, Callan, Doglio, Orwall, Caldier, Reeves, Wylie, Bergquist, Thai, Kloba, Cheney and Ormsby**

#### Establishing regional apprenticeship programs.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1013 was substituted for House Bill No. 1013 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1013 was read the second time.

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

Representatives Maycumber and Stonier spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1013.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1013, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1013, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1074, by Representatives Thai, Macri, Simmons, Ryu, Ramel, Peterson, Lekanoff, Alvarado, Pollet, Cortes, Gregerson, Kloba, Davis and Ormsby**

#### Addressing documentation and processes governing landlords' claims for damage to residential premises.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1074 was substituted for House Bill No. 1074 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1074 was read the second time.

Representative Barkis moved the adoption of amendment (142):

On page 8, line 36, after "fees." insert "However, if the landlord can prove that the landlord provided a written checklist to the tenant at the commencement of the tenancy but that the tenant did not sign or return the checklist, the dwelling unit must be presumed to have been clean and undamaged at the commencement of the tenancy and the landlord is not liable to the tenant for the amount of the deposit under this subsection."

Representative Barkis spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (142) was not adopted.

Representative Hutchins moved the adoption of amendment (140):

On page 9, line 2, after "premises" insert "by all tenants and any remaining occupants that the landlord is required to give notice to under RCW 59.18.650(3)"

Representatives Hutchins, Barnard and Barkis spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 42 - YEAS; 55 - NAYS.

Amendment (140) was not adopted.

Representative Hutchins moved the adoption of amendment (150):

On page 10, line 7, after "for" strike "the full amount of the deposit" and insert "~~(the full amount of the deposit)~~ any amount of the deposit for which a deduction is not reasonably substantiated by a full and specific statement and any documentation required within the time limits"

Representatives Hutchins, Barnard and Hutchins (again) spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 44 - YEAS; 52 - NAYS.

Amendment (150) was not adopted.

Representative Barkis moved the adoption of amendment (141):

On page 7, beginning on line 36, after "abuse" strike all material through "guest" on line 38

Representatives Barkis and Barkis (again) spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (141) was not adopted.

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

Representatives Thai and Thai (again) spoke in favor of the passage of the bill.

Representatives Hutchins, Corry, Griffey, Chambers, Goehner, Jacobsen, Christian, Barnard, McEntire and Barkis spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1074.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1074, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1074, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1291, by Representatives Fosse, Donaghy, Berry, Street, Ortiz-Self, Ramel, Riccelli, Bergquist, Bateman, Taylor, Macri, Reeves, Doglio, Gregerson, Santos, Reed, Goodman, Kloba and Pollet**

**Expanding collective bargaining for employees who are enrolled in academic programs at public institutions of higher education.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1291 was substituted for House Bill No. 1291 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1291 was read the second time.

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

Representatives Fosse and Robertson spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Ramel, Representative Morgan was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1291.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1291, and the bill passed the House by the following vote: Yeas, 69; Nays, 27; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barnard, Calder, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Graham, Griffey, Hutchins, Jacobsen, Klicker, McEntire, Mosbrucker, Orcutt, Sandlin, Schmick, Schmidt, Stokesbary, Volz, Walsh and Ybarra

Excused: Representatives Morgan and Paul

SUBSTITUTE HOUSE BILL NO. 1291, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1570, by Representatives Berry, Ryu, Alvarado, Bateman, Fitzgibbon, Ramel, Doglio, Lekanoff, Reed, Pollet, Macri and Fosse**

**Concerning social insurance programs applicable to transportation network companies and drivers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1570 was substituted for House Bill No. 1570 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1570 was read the second time.

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

Representatives Berry and Robertson spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1570.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1570, and the bill passed the House by the following vote: Yeas, 87; Nays, 9; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Corry, Dye, Jacobsen, Klicker, McClintock, McEntire, Mosbrucker, Orcutt and Walsh

Excused: Representatives Morgan and Paul

SUBSTITUTE HOUSE BILL NO. 1570, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1478, by Representatives Timmons, Sandlin, Santos, Ryu, Ramel and Pollet**

**Establishing a statement of student rights.**

The bill was read the second time.

With the consent of the House, amendment (139) was withdrawn.

Representative Volz moved the adoption of amendment (148):

On page 1, line 21, after "Washington" insert ", as well as the Declaration of Independence"

On page 2, line 28, after "the" insert "Declaration of Independence and the"

On page 2, line 29, after "Constitution" insert ", "

On page 2, line 36, after "law;" strike "and"

On page 2, line 37, after "laws" insert "; and

(H) The right to life, liberty, and the pursuit of happiness"

Representatives Volz and Santos spoke in favor of the adoption of the amendment.

Amendment (148) was adopted.

Representative Rude moved the adoption of amendment (119):

On page 2, line 10, after "each" strike "public school" and insert "school district, charter school, and state-tribal education compact school"

On page 2, line 16, after "Each" strike "public school" and insert "school district, charter school, and state-tribal education compact school"

Representatives Rude and Santos spoke in favor of the adoption of the amendment.

Amendment (119) was adopted.

Representative Rude moved the adoption of amendment (118):

On page 2, beginning on line 18, after "section." strike all material through "platforms" on line 20 and insert "A link to the materials must be made available on school district, charter school, and state-tribal compact school websites, social media platforms,"

Representatives Rude and Santos spoke in favor of the adoption of the amendment.

Amendment (118) was adopted.

Representative Walsh moved the adoption of amendment (149):

On page 3, line 19, after "(D)" insert "The right to bear arms in defense of self or the state;  
(E) "

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Santos spoke against the adoption of the amendment.

Amendment (149) was not adopted.

The bill was ordered engrossed.

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

Representatives Timmons and Sandlin spoke in favor of the passage of the bill.

Representatives McEntire and Rude spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1478.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1478, and the bill passed the House by the following vote: Yeas, 61; Nays, 35; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Leavitt, Lekanoff, Macri, Mena, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Morgan and Paul

ENGROSSED HOUSE BILL NO. 1478, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1577, by Representative Schmick

**Concerning municipal officers' beneficial interest in contracts.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1577 was substituted for House Bill No. 1577 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1577 was read the second time.

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

Representatives Schmick and Duerr spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1577.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1577, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy,

Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Morgan and Paul

SUBSTITUTE HOUSE BILL NO. 1577, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

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

### MESSAGE FROM THE SENATE

Wednesday, March 1, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5001  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5278  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5599

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

### SECOND READING

**HOUSE BILL NO. 1238, by Representatives Riccelli, Harris, Alvarado, Thai, Simmons, Senn, Rude, Reeves, Reed, Walen, Peterson, Ortiz-Self, Ormsby, Taylor, Leavitt, Fitzgibbon, Duerr, Doglio, Berry, Bateman, Morgan, Fey, Ramel, Goodman, Fosse, Pollet, Lekanoff, Macri, Chopp, Stonier, Gregerson and Santos**

**Providing free school meals for all.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1238 was substituted for House Bill No. 1238 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1238 was read the second time.

With the consent of the House, amendment (110) was withdrawn.

Representative Rude moved the adoption of amendment (157):

On page 3, line 25, after "rate." insert "For school districts that are not participating in the school lunch program or the school breakfast program that provided school meals to enrolled students meeting federal eligibility requirements for free and reduced-price lunches during the 2023-24 school year, the state reimbursement

provided under this subsection must be equivalent to the per-meal reimbursement that the school district would have otherwise qualified for if it had been participating in the school lunch program and the school breakfast program."

Representatives Rude and Santos spoke in favor of the adoption of the amendment.

Amendment (157) was adopted.

Representative Sandlin moved the adoption of amendment (107):

On page 4, after line 7, insert the following:

"**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.235 RCW to read as follows:

Public schools, as defined in RCW 28A.150.010, providing school meals to students are encouraged to buy Washington produced food whenever practicable and cost is comparable to non-Washington produced food."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Sandlin and Santos spoke in favor of the adoption of the amendment.

Amendment (107) was adopted.

The bill was ordered engrossed.

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

Representatives Riccelli, Rude, Sandlin, Volz and Berg spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1238.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1238, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Dye, Orcutt and Schmick  
Excused: Representatives Morgan and Paul

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1238, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1436, by Representatives Pollet, Berry, Simmons, Farivar, Orwall, Street, Caldier, Alvarado, Ryu, Reeves, Ortiz-Self, Christian, Kloba, Duerr, Stonier, Bateman, Lekanoff, Berg, Riccelli, Fosse, Macri, Bergquist, Reed, Doglio and Chopp**

### Funding special education.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1436 was substituted for House Bill No. 1436 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1436 was read the second time.

With the consent of the House, amendment (134) was withdrawn.

Representative Pollet moved the adoption of amendment (115):

Beginning on page 8, line 29, strike all of section 6 and insert the following:

"**NEW SECTION. Sec. 6.** (1) The joint legislative audit and review committee and the state auditor must collaborate to conduct a performance audit of the state's system of providing special education services to students with disabilities. The joint legislative audit and review committee and the state auditor may divide responsibility for the work and reporting required in this section as appropriate, and contract with qualified third-party researchers or higher education institutions to perform any aspect of the report and audit. The report and audit must address:

(a) The prevalence of disabilities and whether the provisions and funding for evaluating students and providing services reflects the prevalence of disabilities, including whether any populations are disparately underevaluated or underserved;

(b) The degree to which changes in funding formulas intended to encourage increased inclusion are successful and whether the state and school districts are utilizing best practices to improve inclusion;

(c) Whether the changes in evaluation timelines or increases in the funded enrollment limit have resulted in funding for students who do not have disabilities or in excess of districts' costs to serve students with disabilities;

(d) Whether districts are appropriately accounting for and reporting use of basic education allocations for students with disabilities, including if statutory expectations for use of funds are being met;

(e) The amount of funding from levies or other local sources that school districts continue to utilize under current accounting methodologies in order to meet obligations to provide free and appropriate public education to students with disabilities, the degree to which funding shortfalls will continue following planned increases in



multipliers, proposed changes to accounting methodologies, and the elimination of a cap on the percent of students for whom the state provides funding; and, options for additional changes to funding formulas to eliminate shortfalls in state funding for special education; and

(f) How the state may improve recruitment and retention of certificated educators, instructional aides, or paraeducators and professionals serving students with disabilities.

(2) To develop the appropriate scope, define study questions, and select one or more contractors to complete the performance audit and report, the joint legislative audit and review committee and state auditor shall consult with the office of the superintendent of public instruction, the office of the education ombuds, organizations representing and serving students with disabilities, the Washington state special education advisory council, and labor organizations representing educators providing educational services to students with disabilities in developing study questions and choosing appropriate contractors. To address the study questions, the joint legislative audit and review committee and the state auditor may conduct the audit at a sample of school districts as needed.

(3) The performance audit required by this section must include charter schools to the same extent as school districts.

(4) Upon request, the office of financial management and any state or local agency must provide the joint legislative audit and review committee and the state auditor with education records necessary to conduct the performance audit required under this section. The joint legislative audit and review committee and the state auditor shall be considered authorized representatives of relevant state education authorities, including the superintendent for public instruction and the department of children, youth and families, for the purpose of accessing records for this evaluation. The office of financial management and any state or local agency must provide records within four months from the date of an initial request. The office of financial management or agencies contributing data to the education research and data center must notify the joint legislative audit and review committee and the state auditor's office in writing if they determine a request does not comply with the federal educational rights and privacy act, no later than twenty-one days after the initial request.

(5) Prior to the 2024 legislative session, the joint legislative audit and review committee and the state auditor must identify a lead agency for each element of the report and audit defined in subsection (1)(a) through (f) of this section and any aspects of the study that are being conducted by contractors. These designations must be provided to the governor and the committees of the legislature with jurisdiction over fiscal matters and special education by December 31, 2023.

(6) The joint legislative audit and review committee and the state auditor must, in accordance with RCW 43.01.036, report the study's findings and recommendations to the governor and the committees of the legislature with jurisdiction over fiscal matters and special education by November 30, 2024.

(7) This section expires August 1, 2025."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Pollet and Stokesbary spoke in favor of the adoption of the amendment.

Amendment (115) was adopted.

Representative Chambers moved the adoption of amendment (156):

On page 10, after line 16, insert the following:

**"NEW SECTION. Sec. 7.** A new section is added to chapter 28A.150 RCW to read as follows:

(1) School districts must annually report to the office of the superintendent of public instruction about their use of the base allocation as defined in RCW 28A.150.390(3) for students eligible for and receiving special education.

(2) Reporting under this section must include:

(a) The amount generated by students eligible for and receiving special education shifted to the school district's special education program for expenditure by the office of the superintendent of public instruction.

(b) The amount generated by students eligible for and receiving special education shifted to the school district's special education program for expenditure by the school district.

(c) The amount generated by students eligible for and receiving special education not used for special education. The amount reported under this subsection (c) must include a breakdown by object, program, and activity of how the amount was expended.

(3) The office of the superintendent of public instruction shall develop rules to implement the reporting required under this section."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Chambers spoke in favor of the adoption of the amendment.

Representative Pollet spoke against the adoption of the amendment.

Amendment (156) was not adopted.

Representative Stokesbary moved the adoption of the striking amendment (153):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that students receiving special education services are entitled, under both federal and state law, to a free appropriate public education that enables their full participation.

The legislature also finds that a cap or enrollment limit of 13.5 percent on the number of students receiving special education services that generate state special education funding is not consistent with the state's duty to provide a free appropriate public education.

The legislature further finds that school districts pay for special education services with local funding, creating an inequitable situation for school districts and students. The legislature supports a system of funding that does not require school districts to generate local funding to meet their obligation to provide special education services.

The legislature finds that along with reliable and sufficient state funding, receiving special education services in the least restrictive environment possible is crucial to student success. A recent large-scale study found that students who spend at least 80 percent of their day in a general education setting improved their reading scores by 24 points and math scores by 18 points compared to peers with similar disabilities in less inclusive settings.

The legislature finds that the documented prevalence of disabilities amongst children, particularly amongst vulnerable populations and communities with disparately poor health outcomes and access to health services, indicates that the state should improve access to evaluations for disabilities.

The legislature finds that special education is fully part of the state's statutory program of basic education that is deemed by the legislature to implement Article IX, section 1 of the state Constitution.

The legislature, therefore, intends to fully fund special education services by providing advocacy support for families to help navigate the special education system, increasing the 13.5 percent cap to 15 percent, and increasing the special education multipliers for elementary and secondary students and pre-kindergarten students, thereby giving every school district a funding increase.

The legislature intends to require a comprehensive study of funding and services for students with disabilities, to be completed prior to the 2025 legislative session, to understand if the state is appropriately identifying students with disabilities, identify funding and service gaps, and ensure that funding provided by the state to school districts, charter schools, and other entities for services are being used to meet the needs of students with disabilities.

**Sec. 2.** RCW 28A.150.390 and 2020 c 90 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request

for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW 28A.150.260 (4)(a), (5), (6), and (8) and 28A.150.415.

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages three and four and those five year olds not yet enrolled in kindergarten who are eligible for and receiving special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by ~~((1.15))~~ 1.2;

(b)(i) Subject to the limitation in (b)(ii) of this subsection (2), a district's annual average enrollment of resident students who are eligible for and receiving special education, excluding students ages three and four and those five year olds not yet enrolled in kindergarten, multiplied by the district's base allocation per full-time equivalent student, multiplied by the special education cost multiplier rate of:

~~(A) ((In the 2019-20 school year, 0.995 for students eligible for and receiving special education.~~

~~(B) Beginning in the 2020-21 school year, either:~~

~~(I) 1.0075)) 1.12 for students eligible for and receiving special education and reported to be in the general education setting for ~~((eighty))~~ 80 percent or more of the school day; or~~

~~((II) 0.995))~~  
~~(B) 1.06 for students eligible for and receiving special education and reported to be in the general education setting for less than ~~((eighty))~~ 80 percent of the school day.~~

(ii) If the enrollment percent exceeds ~~((thirteen and five-tenths))~~ 15 percent, the excess cost allocation calculated under (b)(i) of this subsection must be adjusted by multiplying the allocation by ~~((thirteen and five-tenths))~~ 15 percent divided by the enrollment percent.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 (4)(a), (5), (6), and (8) and the allocation under RCW 28A.150.415, to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident annual average enrollment of students who are eligible for and receiving special education, excluding students ages three and four and those five year olds not yet enrolled in kindergarten and students enrolled in institutional

education programs, as a percent of the district's annual average full-time equivalent basic education enrollment.

**Sec. 3.** RCW 28A.150.392 and 2019 c 387 s 2 are each amended to read as follows:

(1)(a) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A.150.390.

(b) If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need.

(2) Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall award additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas.

(b) In the determination of need, the committee shall consider additional available revenues from federal sources.

(c) Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(d) In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state revenues related to services for students eligible for special education and all federal revenues from federal impact aid, medicaid, and the individuals with disabilities education act-Part B and appropriate special projects. Awards associated with (e) and (f) of this subsection shall not exceed the total of a district's specific determination of need.

(e) The committee shall then consider the extraordinary high cost needs of one or more individual students eligible for and receiving special education. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(f) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services, which may include consideration of proximity to group homes, military bases, and regional hospitals. Safety net awards under this subsection (2)(f) shall be adjusted to reflect amounts awarded under (e) of this subsection.

(g) The committee shall then consider the extraordinary high cost needs of one or more individual students eligible for and receiving special education served in residential schools as defined in RCW ((28A.190.020)) 28A.190.005, programs for juveniles under the department of corrections, and programs for juveniles operated by city and county jails to the

extent they are providing a secondary program of education.

(h) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(i) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter 318, Laws of 1999.

(j) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(3) The superintendent of public instruction shall adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. By December 1, 2018, the superintendent shall review and revise the rules to achieve full and complete implementation of the requirements of this subsection and subsection (4) of this section including revisions to rules that provide additional flexibility to access community impact awards. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school districts in preparing and submitting special education safety net applications.

(4) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(5) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(6) Beginning in the ((2019-20)) 2023-24 school year, a high-need student is eligible for safety net awards from state funding under subsection (2)(e) and (g) of this section if the student's individualized education program costs exceed two and

((three)) two-tenths times the average per-pupil expenditure as defined in Title 20 U.S.C. Sec. 7801, the every student succeeds act of 2015.

**NEW SECTION. Sec.** A new section is added to chapter 28A.310 RCW to read as follows:

(1) Subject to amounts appropriated for this specific purpose, each educational service district shall contract for independent special education advocates.

(2) The role of a special education advocate is to:

(a) Serve as a resource for a child with disabilities who is eligible for special education due to the disability and the child's parents and family;

(b) Advocate on behalf of the child for a free and appropriate public education from the public school system that emphasizes special education and related services that are:

(i) Provided in the least restrictive environment;

(ii) Designed to meet the child's unique needs;

(iii) Appropriately ambitious and reasonably calculated to enable

a child to make progress in light of the child's circumstances; and

(iv) Addressing the child's further education, employment, and independent living goals; and

(c) Assist parents with any one or more of the following:

(i) Preparing for a meeting to develop or update their child's individualized education program;

(ii) Attending the individualized education program meetings to help present the parents' concerns, negotiate components that meet the parents' goals and requests, or otherwise assist with the understanding and navigation of the process;

(iii) Attending an individual education program meeting on behalf of the child to assist in writing an appropriate program when a parent opts out or otherwise cannot attend the meeting.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.150 RCW to read as follows:

Beginning July 1, 2025:

(1) It is the policy of the state that for purposes of state funding allocations, students eligible for and receiving special education generate the full basic education allocation under RCW 28A.150.260 and, as a class, are to receive the benefits of this allocation for the entire school day, as defined in RCW 28A.150.203, whether the student is placed in the general education setting or another setting.

(2) The superintendent of public instruction must maintain a full cost method of excess cost accounting to account for expenditures beyond amounts provided through the special education funding formula under RCW 28A.150.390. This method of accounting must shift the following portions of a school district's general apportionment revenue for students eligible for and receiving special education to the school district's special education program for expenditure.

(a) A percentage of a school district's base allocation as defined in RCW 28A.150.390(3) for students eligible for and receiving special education based on their percentage of time served in a special education setting;

(b) To the extent that state special education expenditures in the previous year exceeded state funding provided for that year under RCW 28A.150.390, 28A.150.392, and methods for redirecting general apportionment revenue based on the students' percentage of time served in a special education setting, up to 50 percent of the school district's base allocation as defined in RCW 28A.150.390(3) for students eligible for and receiving special education combining portions under (a) of this subsection.

(3) Unless otherwise prohibited by law, nothing in this section prohibits school districts from using other funding and state allocations above the amounts provided under RCW 28A.150.390 and subsection (2) of this section to serve students eligible for and receiving special education.

(4) The legislature must review any findings and recommendations from the report and audit required under section 7 of this act and adjust formulas in this section as appropriate.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28A.155 RCW to read as follows:

(1) The superintendent of public instruction shall annually review data from local education agencies, including the percentage of students receiving special education services, to ensure there is not a disproportionate identification of students, as defined by the superintendent of public instruction in accordance with federal requirements of the individuals with disabilities education act, 20 U.S.C. Sec. 1400.

(2) The office of the superintendent of public instruction shall provide technical assistance to school districts experiencing issues related to disproportionality and will make available professional development opportunities statewide to support local education agencies, schools, and community partners in promoting inclusionary teaching practices within a multitiered system of supports framework to help safeguard against over-identification and other issues related to disproportionality.

**NEW SECTION. Sec. 6.** (1) The joint legislative audit and review committee and the state auditor must collaborate to conduct a performance audit of the state's system of providing special education services to students with disabilities. The joint legislative audit and review committee and the state auditor may divide responsibility for the work and reporting required in this section as appropriate, and contract with qualified third-party researchers or higher education institutions to perform any aspect of the report and audit. The report and audit must address:

(a) The prevalence of disabilities and whether the provisions and funding for evaluating students and providing services

reflects the prevalence of disabilities, including whether any populations are disparately underevaluated or underserved;

(b) The degree to which changes in funding formulas intended to encourage increased inclusion are successful and whether the state and school districts are utilizing best practices to improve inclusion;

(c) Whether the changes in evaluation timelines or increases in the funded enrollment limit have resulted in funding for students who do not have disabilities or in excess of districts' costs to serve students with disabilities;

(d) Whether districts are appropriately accounting for and reporting use of basic education allocations for students with disabilities, including if statutory expectations for use of funds are being met;

(e) The amount of funding from levies or other local sources that school districts continue to utilize under current accounting methodologies in order to meet obligations to provide free and appropriate public education to students with disabilities, the degree to which funding shortfalls will continue following planned increases in multipliers, proposed changes to accounting methodologies, and the elimination of a cap on the percent of students for whom the state provides funding; and, options for additional changes to funding formulas to eliminate shortfalls in state funding for special education; and

(f) How the state may improve recruitment and retention of certificated educators, instructional aides, or paraeducators and professionals serving students with disabilities.

(2) To develop the appropriate scope, define study questions, and select one or more contractors to complete the performance audit and report, the joint legislative audit and review committee and state auditor shall consult with the office of the superintendent of public instruction, the office of the education ombuds, organizations representing and serving students with disabilities, the Washington state special education advisory council, and labor organizations representing educators providing educational services to students with disabilities in developing study questions and choosing appropriate contractors. To address the study questions, the joint legislative audit and review committee and the state auditor may conduct the audit at a sample of school districts as needed.

(3) The performance audit required by this section must include charter schools to the same extent as school districts.

(4) Upon request, the office of financial management and any state or local agency must provide the joint legislative audit and review committee and the state auditor with education records necessary to conduct the performance audit required under this section. The joint legislative audit and review committee and the state auditor shall be considered authorized representatives of relevant state education authorities, including the superintendent for public instruction and the department of children, youth and families, for the purpose of

accessing records for this evaluation. The office of financial management and any state or local agency must provide records within four months from the date of an initial request. The office of financial management or agencies contributing data to the education research and data center must notify the joint legislative audit and review committee and the state auditor's office in writing if they determine a request does not comply with the federal educational rights and privacy act, no later than twenty-one days after the initial request.

(5) Prior to the 2024 legislative session, the joint legislative audit and review committee and the state auditor must identify a lead agency for each element of the report and audit defined in subsection (1)(a) through (f) of this section and any aspects of the study that are being conducted by contractors. These designations must be provided to the governor and the committees of the legislature with jurisdiction over fiscal matters and special education by December 31, 2023.

(6) The joint legislative audit and review committee and the state auditor must, in accordance with RCW 43.01.036, report the study's findings and recommendations to the governor and the committees of the legislature with jurisdiction over fiscal matters and special education by November 30, 2024.

(7) This section expires August 1, 2025.

NEW SECTION. **Sec. 7.** Sections 2 and 3 of this act take effect September 1, 2023.

NEW SECTION. **Sec. 8.** Section 5 of this act takes effect July 1, 2025.

NEW SECTION. **Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Representatives Stokesbary, Caldier, Chambers, Orcutt, Ybarra, Robertson, Jacobsen, Couture, Walsh and Wilcox spoke in favor of the adoption of the striking amendment.

Representatives Ormsby, Bergquist, Stonier and Donaghy spoke against the adoption of the striking amendment.

An electronic roll call was requested.

#### ROLL CALL

The Clerk called the roll on the adoption of the striking amendment (153) and the amendment was not adopted by the following vote: Yeas, 44; Nays, 52; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Ormsby, Ortiz-Self, Orwall, Peterson,

Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Excused: Representatives Morgan and Paul

The striking amendment (153) was not adopted.

The bill was ordered engrossed.

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

Representatives Pollet, Pollet (again), Stokesbary, Christian, McEntire, Stonier, Jacobsen and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1436.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1436, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives McEntire and Walsh

Excused: Representatives Morgan and Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1436, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1515, by Representatives Macri, Davis, Simmons, Orwall, Taylor, Leavitt, Riccelli, Callan, Farivar, Alvarado, Reed, Fosse, Doglio, Berg, Ryu, Peterson, Fitzgibbon, Bateman, Eslick, Ormsby, Stonier and Tharinger**

**Concerning contracting and procurement requirements for behavioral health services in medical assistance programs.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1515 was substituted for House Bill No. 1515 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1515 was read the second time.

Representative Macri moved the adoption of amendment (143):

On page 4, line 1, after "adopt" strike "standards" and insert "statewide network adequacy standards that are assessed on a regional basis"

On page 4, beginning on line 18, after "for" strike all material through "year" on line 19 and insert "an annual review of the network adequacy standards"

On page 7, line 19, after "shall" strike "develop contracting methods" and insert "in consultation with managed care organizations, review reports and recommendations of the involuntary treatment act workgroup established pursuant to section 103, chapter 302, Laws of 2020 and develop a plan for adding contract provisions"

Representatives Macri and Schmick spoke in favor of the adoption of the amendment.

Amendment (143) was adopted.

The bill was ordered engrossed.

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

Representatives Macri and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1515.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1515, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Morgan and Paul

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1515, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1447, by Representatives Peterson, Gregerson, Berry, Taylor, Simmons, Ortiz-Self, Ryu, Reed, Kloba, Doglio, Ormsby, Thai, Fosse, Pollet, Macri, Alvarado and Leavitt**

**Strengthening the ability of assistance programs to meet foundational needs of children, adults, and families.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1447 was substituted for House Bill No. 1447 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1447 was read the second time.

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

Representative Peterson spoke in favor of the passage of the bill.

Representative Eslick spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1447.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1447, and the bill passed the House by the following vote: Yeas, 58; Nays, 38; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Leavitt, Lekanoff, Macri, Mena, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Morgan and Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1447, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**HOUSE BILL NO. 1474, by Representatives Taylor, Chopp, Berg, Peterson, Reed, Stonier, Gregerson, Bronoske, Cortes, Mena, Street, Ramel, Fosse, Fey, Goodman, Duerr, Bateman, Morgan, Alvarado, Macri, Senn, Berry, Kloba, Hackney, Springer, Slatter, Callan, Orwall, Farivar, Simmons, Ortiz-Self, Thai, Ryu, Stearns, Wylie, Ramos, Doglio, Riccelli, Chapman, Santos, Davis, Ormsby, Bergquist and Pollet**

**Creating the covenant homeownership account and program to address the history of housing discrimination due to racially restrictive real estate covenants in Washington state.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1474 was substituted for House Bill No. 1474 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1474 was read the second time.

Representative Connors moved the adoption of amendment (175):

On page 3, beginning on line 3, strike all of section 2

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 5, beginning on line 9, after "treasury." strike all material through "account." on line 11 and insert "Revenues to the account shall consist of appropriations and transfers by the

legislature and all other moneys directed for deposit into the account."

On page 5, line 27, after "(1)(a)" strike "The" and insert "Subject to the availability of amounts appropriated for this specific purpose, the"

On page 6, line 18, after "(2)(a)" strike "At" and insert "Subject to the availability of amounts appropriated for this specific purpose, at"

On page 7, line 7, after "**Sec. 6.**" strike "(1)" and insert "Subject to the availability of amounts appropriated for this specific purpose:

(1)"

On page 9, line 20, after "(1)" strike "The" and insert "Subject to the availability of amounts appropriated for this specific purpose, the"

On page 12, beginning on line 22, strike all of section 8

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Connors spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (175) was not adopted.

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

Representatives Taylor, Hackney, Chopp and Alvarado spoke in favor of the passage of the bill.

Representatives Klicker and Ybarra spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1474.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1474, and the bill passed the House by the following vote: Yeas, 53; Nays, 43; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Morgan and Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1474, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1406, by Representatives Cortes, Senn, Berry, Ortiz-Self, Goodman, Thai, Alvarado, Simmons, Orwall, Taylor, Bateman, Lekanoff, Peterson, Ramel, Macri, Bergquist, Pollet, Reed, Ormsby, Doglio and Davis**

**Concerning youth seeking housing assistance and other related services.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1406 was substituted for House Bill No. 1406 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1406 was read the second time.

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

Representatives Cortes and Eslick spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1406.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1406, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Morgan and Paul

SUBSTITUTE HOUSE BILL NO. 1406, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1336, by Representatives Stokesbary, Springer, Reeves, Graham and Lekanoff**

**Splitting the volunteer firefighters' and reserve officers' relief and pension principal fund into two accounts.**

The bill was read the second time.

Representative Stokesbary moved the adoption of amendment (024):

On page 8, line 14, after "board" strike ", upon request of the state treasurer" and insert "~~((, upon request of the state treasurer))~~"

On page 9, line 21, after "act, on" strike "July" and insert "August"

On page 12, line 6, after "board" strike ", upon request of the state treasurer" and insert "~~((, upon request of the state treasurer))~~"

On page 13, line 12, after "act, on" strike "July" and insert "August"

On page 21, beginning on line 25, strike all of section 13

On page 21, after line 34, insert the following:

**"Sec. 13.** 2020 c 144 s 3 (uncodified) is amended to read as follows:

~~((This act))~~ Chapter 144, Laws of 2020 takes effect the later of January 1, 2021, or the date that the board for volunteer firefighters and reserve officers receives notice from the federal internal revenue service that the volunteer firefighters ~~((and reserve officers relief and pension system))~~ plan is a qualified employee benefit plan under the federal law. The board must provide written notice of the effective date of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the board."

Representatives Stokesbary and Ormsby spoke in favor of the adoption of the amendment.

Amendment (024) was adopted.

The bill was ordered engrossed.

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

Representatives Stokesbary and Ormsby spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1336.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1336, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Morgan and Paul

ENGROSSED HOUSE BILL NO. 1336, having received the necessary constitutional majority, was declared passed.

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



**MOTION**

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

- HOUSE BILL NO. 1005
- HOUSE BILL NO. 1019
- HOUSE BILL NO. 1048
- HOUSE BILL NO. 1104
- HOUSE BILL NO. 1122
- HOUSE BILL NO. 1124
- HOUSE BILL NO. 1131
- HOUSE BILL NO. 1134
- HOUSE BILL NO. 1187
- HOUSE BILL NO. 1243
- HOUSE BILL NO. 1282
- HOUSE BILL NO. 1311
- HOUSE BILL NO. 1324
- HOUSE BILL NO. 1370
- HOUSE BILL NO. 1406
- HOUSE BILL NO. 1442
- HOUSE BILL NO. 1498
- HOUSE BILL NO. 1510
- HOUSE BILL NO. 1541
- HOUSE BILL NO. 1547
- HOUSE BILL NO. 1550
- HOUSE BILL NO. 1559
- HOUSE BILL NO. 1563
- HOUSE BILL NO. 1575
- HOUSE BILL NO. 1576
- HOUSE BILL NO. 1621
- HOUSE BILL NO. 1626
- HOUSE BILL NO. 1645
- HOUSE BILL NO. 1724
- HOUSE BILL NO. 1736
- HOUSE BILL NO. 1742
- HOUSE BILL NO. 1762
- HOUSE BILL NO. 1763

There being no objection, the Committee on Health Care & Wellness was relieved of SUBSTITUTE SENATE BILL NO. 5490, and the bill was referred to the Committee on Appropriations.

The Speaker called upon Representative Orwall to preside.

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

**MESSAGE FROM THE SENATE**

Thursday, March 2, 2023

Mme. Speaker:

The Senate has passed:

- SUBSTITUTE SENATE BILL NO. 5078
- SUBSTITUTE SENATE BILL NO. 5096
- SUBSTITUTE SENATE BILL NO. 5165
- SUBSTITUTE SENATE BILL NO. 5238
- SUBSTITUTE SENATE BILL NO. 5303
- SENATE BILL NO. 5324
- SUBSTITUTE SENATE BILL NO. 5353
- SENATE BILL NO. 5369
- SUBSTITUTE SENATE BILL NO. 5399
- SUBSTITUTE SENATE BILL NO. 5424
- SUBSTITUTE SENATE BILL NO. 5436
- SUBSTITUTE SENATE BILL NO. 5439
- SECOND SUBSTITUTE SENATE BILL NO. 5502
- SECOND SUBSTITUTE SENATE BILL NO. 5518
- SUBSTITUTE SENATE BILL NO. 5569
- SUBSTITUTE SENATE BILL NO. 5687
- SENATE BILL NO. 5711

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

**SECOND READING**

**HOUSE BILL NO. 1565, by Representatives Ortiz-Self, Santos, Berry, Simmons, Reeves, Fey, Ryu, Alvarado, Bronoske, Goodman, Gregerson, Doglio, Paul, Peterson, Lekanoff, Ramel, Bergquist, Reed, Pollet, Timmons and Macri**

**Supporting and strengthening the professional education workforce.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1565 was substituted for House Bill No. 1565 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1565 was read the second time.

Representative Ortiz-Self moved the adoption of amendment (108):

On page 1, after line 8, insert the following:

**" Online Platform for the Recruitment and Hiring of Public School Employees**

NEW SECTION. **Sec.** (1) By October 1, 2024, in compliance with RCW 43.01.036, the office of the superintendent of public instruction shall report to the appropriate committees of the legislature on the results of a feasibility study for the development and implementation of an online platform for the recruitment and hiring of public school employees that meets the requirements of this section. The office of the superintendent of public instruction shall contract with a research entity that has sufficient expertise to conduct the feasibility study.

(2) The feasibility of including the following functions and features in the online platform must be studied:

(a) A job posting and search or filter function that allows for efficient searching or filtering of job postings by job seekers;

(b) A resume storage and search or filter function that allows for efficient searching or filtering of resumes by employers;

(c) A common employment application with a customizable form for employers to add additional questions;

(d) Integration with other relevant state databases;

(e) A description of and links to the websites of Washington professional educator standards board-approved educator preparation programs; and

(f) Links to websites describing state and federal financial aid available to develop and support the workforce of the public school system, including the educator conditional scholarship and loan repayment programs under chapter 28B.102 RCW.

(3) The feasibility study must consider the extent to which existing applications, platforms, and other technologies may be

repurposed to produce an online platform with the functions and features described in subsection (2) of this section.

(4) In conducting the feasibility study, the contractor must consult with the office of the superintendent of public instruction, the Washington professional educator standards board, the employment security department, educational service districts, and representatives of school districts, school building leaders, and school staff.

(5) This section expires August 1, 2025."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 3, line 10, after "of" strike "at least 15" and insert "15 to 20"

On page 3, beginning on line 35, after "support" strike "up to five" and insert "at least three"

On page 3, line 37, after "special education" insert "and at least two cohorts of residents seeking an endorsement in bilingual education"

On page 5, line 13, after "(2)" insert "By October 1, 2026, in compliance with RCW 43.01.036, the advisory council shall report to the appropriate committees of the legislature with its recommendations for improving the teacher residency program to increase positive outcomes as describe in subsection (1) of this section.

(3)"

On page 6, line 27, after "**Preparation**" insert "**and Workforce**"

On page 6, line 33, after "must" strike "compare" and insert ": (a) Compare"

On page 6, line 35, after "programs" strike ". The report must" and insert "; (b) include recommendations to increase educator certification reciprocity for residency, professional, and other certificate tiers; and (c)"

Representatives Ortiz-Self and Rude spoke in favor of the adoption of the amendment.

Amendment (108) was adopted.

Representative McEntire moved the adoption of amendment (171):

On page 11, line 12, after "profession" insert ", student outcomes"

Representative McEntire spoke in favor of the adoption of the amendment.

Representative Santos spoke against the adoption of the amendment.

Amendment (171) was not adopted.

The bill was ordered engrossed.

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

Representatives Ortiz-Self and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1565.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1565, and the bill passed the House by the following vote: Yeas, 59; Nays, 37; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Morgan and Paul

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1565, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1694, by Representatives Alvarado, Tharinger, Berry, Lekanoff, Reed, Leavitt, Fitzgibbon, Callan, Santos, Chopp, Ortiz-Self, Senn, Taylor, Pollet, Macri, Riccelli and Simmons**

#### Addressing home care workforce shortages.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1694 was substituted for House Bill No. 1694 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1694 was read the second time.

Representative Chambers moved the adoption of amendment (160):

On page 4, line 20, after "(6)" insert "By October 1, 2023, the department must conduct an analysis of the number of test applications for both the skills demonstration test and the knowledge test using various geographic measures, including by county and by zip code. By December 1, 2023, the department must report to the governor and the health policy committees of the legislature on the results of the analysis and how it may inform decisions for approving testing locations.

(7)"

Representatives Chambers and Riccelli spoke in favor of the adoption of the amendment.

Amendment (160) was adopted.

Representative Chambers moved the adoption of amendment (161):

On page 4, line 20, after "(6)" insert "By October 1, 2023, the department must conduct a survey of all approved testing locations in Washington to determine their current capacity for offering tests and their potential capacity to offer tests if not for the lack of available proctors. By December 1, 2023, the department must report to the governor and the health policy committees of the legislature on the results of the survey, including an analysis that compares testing capacity with the number of test applications for both the skills demonstration test and the knowledge test using various geographic measures, including by county and by zip code.

(7)"

Representatives Chambers and Riccelli spoke in favor of the adoption of the amendment.

Amendment (161) was adopted.

The bill was ordered engrossed.

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

Representatives Alvarado and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1694.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1694, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Morgan and Paul

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1694, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1337, by Representatives Gregerson, Barkis, Berry, Christian, Duerr, Fitzgibbon, Taylor, Ramel, Reeves, Simmons, Walen, Graham, Bateman, Reed, Lekanoff, Doglio, Tharinger, Cortes, Macri and Stonier**

**Expanding housing options by easing barriers to the construction and use of accessory dwelling units.**

The bill was read the second time.

With the consent of the House, amendments (020), (021), (022), (041), (042), (046), (047), (121) and (130) were withdrawn.

Representative Gregerson moved the adoption of the striking amendment (122):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature makes the following findings:

(a) Washington state is experiencing a housing affordability crisis. Many communities across the state are in need of more housing for renters across the income spectrum.

(b) Many cities dedicate the majority of residentially zoned land to single detached houses that are increasingly financially out of reach for many households. Due to their smaller size, accessory dwelling units can provide a more affordable housing option in those single-family zones.

(c) Localities can start to correct for historic economic and racial exclusion in single-family zones by opening up these neighborhoods to more diverse housing types, including accessory dwelling units, that provide lower cost homes. Increasing housing options in expensive, high-opportunity neighborhoods will give more families access to schools, parks, and other public amenities otherwise accessible to only the wealthy.

(d) Accessory dwelling units are frequently rented below market rate, providing additional affordable housing options for renters.

(e) Accessory dwelling units can also help to provide housing for very low-income households. More than 10 percent of accessory dwelling units in some areas are occupied by tenants who pay no rent at all; among these tenants are grandparents, adult children, family members with disabilities, friends going through life transitions, and community members in need. Accessory dwelling units meet the needs of these people who might otherwise require subsidized housing space and resources.

(f) Accessory dwelling units can meet the needs of Washington's growing senior population, making it possible for this population to age in their communities by offering senior-friendly housing, which prioritizes physical accessibility, in walkable communities near amenities essential to successful aging in place, including transit and grocery stores, without requiring costly renovations of existing housing stock.

(g) Homeowners who add an accessory dwelling unit may benefit from added income and an increased sense of security.

(h) Accessory dwelling units provide environmental benefits. On average they are more energy efficient than single detached houses, and they incentivize adaptive reuse of existing homes and materials.

(i) Siting accessory dwelling units near transit hubs, employment centers, and public amenities can help to reduce greenhouse gas emissions by increasing walkability, shortening household commutes, and curtailing sprawl.

(2) The legislature intends to promote and encourage the creation of accessory

dwelling units as a means to address the need for additional affordable housing options.

**Sec. 2.** RCW 36.70A.696 and 2021 c 306 s 2 are each amended to read as follows:

The definitions in this section apply throughout RCW 36.70A.697 ~~((and)), 36.70A.698, and sections 3 and 4 of this act~~ unless the context clearly requires otherwise.

(1) "Accessory dwelling unit" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(2) "Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(3) "City" means any city, code city, and town located in a county planning under RCW 36.70A.040.

(4) "County" means any county planning under RCW 36.70A.040.

(5) "Detached accessory dwelling unit" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit and is on the same property.

(6) "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

(7) "Gross floor area" means the interior habitable area of a dwelling unit including basements and attics but not including a garage or accessory structure.

(8) "Major transit stop" means:

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or

(e) Stops for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.

~~((8))~~ (9) "Owner" means any person who has at least 50 percent ownership in a property on which an accessory dwelling unit is located.

~~((9))~~ (10) "Principal unit" means the single-family housing unit, duplex, triplex, townhome, or other housing unit located on the same lot as an accessory dwelling unit.

(11) "Short-term rental" means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than 30 consecutive nights.

(1) (a) Cities and counties planning under this chapter must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of this section and of section 4 of this act, to take effect six months after the jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130.

(b) In any city or county that has not adopted or amended ordinances, regulations, or other official controls as required under this section, the requirements of this section and section 4 of this act supersede, preempt, and invalidate any conflicting local development regulations.

(2) Ordinances, development regulations, and other official controls adopted or amended pursuant to this section and section 4 of this act must only apply in the portions of towns, cities, and counties that are within urban growth areas designated under this chapter.

(3) Attached or detached accessory dwelling units may not be considered as contributing to the overall underlying density within the urban growth area boundary of a county for purposes of compliance with this chapter.

(4) Any action taken by a city or county to comply with the requirements of this section or section 4 of this act is not subject to legal challenge under this chapter or chapter 43.21C RCW.

(5) Nothing in this section or section 4 of this act requires or authorizes a city or county to authorize the construction of an accessory dwelling unit in a location where development is restricted under other laws, rules, or ordinances as a result of physical proximity to on-site sewage system infrastructure, critical areas, or other unsuitable physical characteristics of a property.

(6) Nothing in this section or in section 4 of this act prohibits a city or county from:

(a) Restricting the use of accessory dwelling units for short-term rentals;

(b) Applying public health, safety, building code, and environmental permitting requirements to an accessory dwelling unit that would be applicable to the principal unit, including regulations to protect ground and surface waters from on-site wastewater;

(c) Applying generally applicable development regulations to the construction of an accessory unit, except when the application of such regulations would be contrary to this section or to section 4 of this act;

(d) Prohibiting the construction of accessory dwelling units on lots that are not connected to or served by public sewers; or

(e) Prohibiting or restricting the construction of accessory dwelling units in residential zones with a density of one dwelling unit per acre or less that are within areas designated as wetlands, fish and wildlife habitats, flood plains, or geologically hazardous areas.

**NEW SECTION. Sec. 3.** A new section is added to chapter 36.70A RCW to read as follows:

**NEW SECTION. Sec. 4.** A new section is added to chapter 36.70A RCW to read as follows:

(1) In addition to ordinances, development regulations, and other official controls adopted or amended to comply with section 3 of this act and subsection (2) of this section, a city or county must comply with a minimum of three of the following policies:

(a) The city or county may not establish a requirement for the provision of off-street parking for accessory dwelling units;

(b) The city or county may not assess impact fees on the construction of accessory dwelling units that are greater than 50 percent of the impact fees that would be imposed on the principal unit;

(c) The city or county may not require the owner of a lot on which there is an accessory dwelling unit to reside in or occupy the accessory dwelling unit or another housing unit on the same lot; and

(d) The city or county must allow at least two accessory dwelling units on all lots that are located in all zoning districts within an urban growth area that allow for single-family homes in the following configurations:

(i) One attached accessory dwelling unit and one detached accessory dwelling unit;

(ii) Two attached accessory dwelling units; or

(iii) Two detached accessory dwelling units, which may be comprised of either one or two detached structures.

(2) Through ordinances, development regulations, and other official controls adopted or amended to comply with section 3 of this act and subsection (1) of this section, a city or county must also comply with all of the following policies:

(a) The city or county must permit accessory dwelling units in structures detached from the principal unit;

(b) The city or county must allow an accessory dwelling unit on any lot that meets the minimum lot size required for the principal unit;

(c) The city or county may not establish a maximum gross floor area requirement for accessory dwelling units that is less than 1,000 square feet;

(d) The city or county may not establish roof height limits on an accessory dwelling unit of less than 24 feet, unless the height limitation that applies to the principal unit is less than 24 feet, in which case a city or county may not impose roof height limitation on accessory dwelling units that is less than the height limitation that applies to the principal unit;

(e) A city or county may not impose setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for accessory dwelling units that are more restrictive than those for principal units;

(f) A city or county must allow detached accessory dwelling units to be sited at a lot line if the lot line abuts a public alley, unless the city or county routinely plows snow on the public alley;

(g) A city or county must allow accessory dwelling units to be converted from existing structures, including but not limited to detached garages, even if they violate current code requirements for setbacks or lot coverage;

(h) A city or county may not prohibit the sale or other conveyance of a condominium unit independently of a principal unit solely on the grounds that the condominium unit was originally built as an accessory dwelling unit; and

(i) A city or county may not require public street improvements as a condition of permitting accessory dwelling units.

**NEW SECTION. Sec. 5.** A new section is added to chapter 36.70A RCW to read as follows:

(1) No restrictive covenant or deed restriction created after the effective date of this section and applicable to a property located within an urban growth area may impose any restriction or prohibition on the construction, development, or use on a lot of an accessory dwelling unit that the city or county in which the urban growth area is located would be prohibited from imposing under section 4 of this act.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive covenant or deed restriction that was created after the effective date of this section and that is contrary to subsection (1) of this section.

**Sec. 6.** RCW 43.21C.495 and 2022 c 246 s 3 are each amended to read as follows:

(1) Adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city to implement: The actions specified in section 2, chapter 246, Laws of 2022 unless the adoption of such ordinances, development regulations and amendments to such regulations, or other nonproject actions has a probable significant adverse impact on fish habitat; and the increased residential building capacity actions identified in RCW 36.70A.600(1), with the exception of the action specified in RCW 36.70A.600(1)(f), are not subject to administrative or judicial appeals under this chapter.

(2) Adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city or county consistent with the requirements of sections 3 and 4 of this act are not subject to administrative or judicial appeals under this chapter.

**Sec. 7.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to read as follows:

(1) The growth management hearings board shall hear and determine only those petitions alleging either:

(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in this subsection authorizes the board to hear petitions alleging noncompliance (~~with RCW 36.70A.5801~~) based on a city or county's actions taken to implement the requirements of sections 3 and 4 of this act within an urban growth area;

(b) That the (~~twenty~~) 20-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted;

(c) That the approval of a work plan adopted under RCW 36.70A.735(1)(a) is not in compliance with the requirements of the program established under RCW 36.70A.710;

(d) That regulations adopted under RCW 36.70A.735(1)(b) are not regionally applicable and cannot be adopted, wholly or partially, by another jurisdiction; or

(e) That a department certification under RCW 36.70A.735(1)(c) is erroneous.

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter; (b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested; (c) a person who is certified by the governor within (~~sixty~~) 60 days of filing the request with the board; or (d) a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) To establish participation standing under subsection (2)(b) of this section, a person must show that his or her participation before the county or city was reasonably related to the person's issue as presented to the board.

(5) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, the board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by the board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by the board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as the "board adjusted population projection." None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

NEW SECTION. Sec. 8. A new section is added to chapter 36.70A RCW to read as follows:

(1) By December 31, 2023, the department must revise its recommendations for encouraging accessory dwelling units to include the provisions of sections 3 and 4 of this act.

(2) During each comprehensive plan review required by RCW 36.70A.130, the department must review local government comprehensive plans and development regulations for compliance with sections 3 and 4 of this act and the department's recommendations under subsection (1) of this section.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) RCW 35.63.210 (Accessory apartments) and 1993 c 478 s 8;

(2) RCW 35A.63.230 (Accessory apartments) and 1993 c 478 s 9;

(3) RCW 36.70A.400 (Accessory apartments) and 1993 c 478 s 11;

(4) RCW 36.70.677 (Accessory apartments) and 1993 c 478 s 10; and

(5) RCW 43.63A.215 (Accessory apartments—Development and placement—Local governments) and 1993 c 478 s 7."

Correct the title.

Representative Pollet moved the adoption of amendment (132) to the striking amendment (122):

On page 2, line 27 of the striking amendment, after "housing unit." insert "An attached accessory dwelling unit must have a substantial portion of its footprint connected to or within the other housing unit, and must share structural elements with the other unit."

Representative Pollet spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Peterson and Barkis spoke against the adoption of the amendment to the striking amendment.

Amendment (132) to the striking amendment (122) was not adopted.

Representative Senn moved the adoption of amendment (133) to the striking amendment (122):

On page 5, line 2 of the striking amendment, after "minimum of" strike "three" and insert "two"

On page 5, line 14 of the striking amendment, after "in" insert "at least two of"

Representative Senn spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Peterson and Barkis spoke against the adoption of the amendment to the striking amendment.

Amendment (133) to the striking amendment (122) was not adopted.

Representative Pollet moved the adoption of amendment (144) to the striking amendment (122):

On page 6, after line 16 of the striking amendment, insert the following:

"NEW SECTION. Sec 5. A new section is added to chapter 36.70A

RCW to read as follows:

To encourage the use of accessory dwelling units for long-term housing, cities and counties may adopt ordinances, development regulations, and other official controls which waive or defer fees, including impact fees, defer the payment of taxes, or waive specific regulations. Cities and counties may only offer such reduced or deferred fees, deferred taxes, waivers, or other incentives for the development or construction of accessory dwelling units if:

(1) The units are located within an urban growth area; and

(2) The units are subject to a program adopted by the city or county with effective binding commitments or covenants that the units will be primarily utilized for long-term housing consistent with the public purpose for this authorization."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Pollet, Peterson and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (144) to the striking amendment (122) was adopted.

Representative Pollet moved the adoption of amendment (131) to the striking amendment (122):

On page 6, beginning on line 31 of the striking amendment, after "restriction" strike all material through "section" on line 33

Representatives Pollet, Peterson and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (131) to the striking amendment (122) was adopted.

Representatives Gregerson and Barkis spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (122), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Gregerson, Peterson and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1337.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1337, and the bill passed the House by the following vote: Yeas, 81; Nays, 15; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Chambers, Chandler, Chapman, Chopp, Christian, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar,

Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Schmidt, Simmons, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Caldier, Callan, Cheney, Connors, Dye, Hutchins, McClintock, Ramos, Rude, Schmick, Senn, Shavers, Slatter, Springer and Walen

Excused: Representatives Morgan and Paul

ENGROSSED HOUSE BILL NO. 1337, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1823, by Representatives Timmons, Slatter and Ramel**

**Modifying the Washington student loan program.**

The bill was read the second time.

Representative Steele moved the adoption of amendment (190):

On page 3, at the beginning of line 14, insert "program with an annual tuition fee increase that does not exceed the limit established in RCW 28B.15.067(2) and is"

With the consent of the House, amendment (190) was withdrawn.

Representative Slatter moved the adoption of amendment (184):

On page 6, line 9, after "students," strike "and" and insert "((and)) are demographically underrepresented, do not qualify for federally funded student financial aid, or"

Representatives Slatter and Ybarra spoke in favor of the adoption of the amendment.

Amendment (184) was adopted.

The bill was ordered engrossed.

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

Representatives Timmons and Waters spoke in favor of the passage of the bill.

Representatives Steele and Caldier spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1823.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1823, and the bill passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Cheney, Chopp, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Santos,

Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Barkis, Barnard, Caldier, Chambers, Christian, Connors, Corry, Couture, Dye, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Sandlin, Schmick, Steele, Stokesbary, Volz, Walsh and Wilcox

Excused: Representatives Morgan and Paul

ENGROSSED HOUSE BILL NO. 1823, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1580, by Representatives Callan, Harris, Senn, Eslick, Dent, Ortiz-Self, Simmons, Leavitt, Ryu, Berry, Taylor, Walen, Bateman, Bronoske, Goodman, Ormsby, Schmidt, Orwall, Gregerson, Thai, Doglio, Lekanoff, Ramel, Rule, Reed, Pollet, Timmons and Macri**

#### Creating a system to support children in crisis.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1580 was substituted for House Bill No. 1580 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1580 was read the second time.

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

Representatives Callan and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1580.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1580, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Morgan and Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1580, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1355, by Representatives Wylie, Slatter, Orcutt, Harris, Leavitt, Orwall, Walen, Christian, Couture, Rule, Senn, Stokesbary, Graham, Kloba, Reed, Paul, Donaghy, Pollet and Callan**

**Updating property tax exemptions for service-connected disabled veterans and senior citizens.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1355 was substituted for House Bill No. 1355 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1355 was read the second time.

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

Representatives Wylie, Orcutt and Shavers spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1355.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1355, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Morgan and Paul

SUBSTITUTE HOUSE BILL NO. 1355, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1390, by Representatives Ramel, Berry, Duerr, Doglio, Pollet and Reed**

#### Concerning district energy systems.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1390 was substituted for House Bill No. 1390 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1390 was read the second time.

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

Representatives Ramel and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1390.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1390, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian,



Connors, Corry, Cortes, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Caldier, Couture, Dent and Ybarra

Excused: Representatives Morgan and Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1390, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1782, by Representatives McEntire and Fey**

**Addressing the operating and maintenance deficit of the Wahkiakum county ferry.**

The bill was read the second time.

Representative Timmons moved the adoption of amendment (162):

On page 1, beginning on line 8, after "provides" strike all material through "providing" on line 10 and insert "(~~service which is primarily local in nature with secondary benefits to the state highway system in providing a bypass for state route 4 and providing~~) an important transportation bypass for state route 4 and provides"

Representatives Timmons and McEntire spoke in favor of the adoption of the amendment.

Amendment (162) was adopted.

The bill was ordered engrossed.

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

Representatives McEntire and Timmons spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1782.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1782, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street,

Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Morgan and Paul

ENGROSSED HOUSE BILL NO. 1782, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1322, by Representatives Rude, Chapman, Klicker, Lekanoff and Reeves**

**Concerning the Walla Walla water 2050 plan.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1322 was substituted for House Bill No. 1322 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1322 was read the second time.

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

Representatives Rude and Santos spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1322.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1322, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Morgan and Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1322, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1618, by Representatives Farivar, Simmons, Wylie, Berry, Walen, Fosse, Morgan, Macri, Pollet, Doglio, Reed, Caldier and Orwall**

**Concerning the statute of limitations for childhood sexual abuse.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1618 was substituted for House Bill No. 1618 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1618 was read the second time.

Representative Corry moved the adoption of amendment (167):

On page 2, after line 32, insert the following:

**"NEW SECTION. Sec. 4.** A new section is added to chapter 43.19 RCW to read as follows:

(1) The childhood sexual abuse victims compensation fund account is created in the custody of the state treasurer. Revenues to the account shall consist of appropriations and transfers by the legislature and all other moneys directed for deposit into the account. Expenditures from the account may only be used for the purpose of resolving retroactive claims brought against public agencies, as defined in RCW 4.24.470. Only the director of the department of enterprise services or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) For the purposes of this section, a "retroactive claim" means a claim or action that is brought under RCW 4.16.340 on or after the effective date of this act, but that would have been time-barred by RCW 4.16.340 as it existed the date before the effective date of this act.

**NEW SECTION. Sec. 5.** The sum of \$645,000,000 for the fiscal year ending June 30, 2024, is appropriated from the general fund to the office of financial management for expenditure into the childhood sexual abuse victims compensation fund account created in section 4 of this act for the purposes of resolving retroactive claims brought against public agencies, as defined in RCW 4.24.470."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

With the consent of the House, amendment (167) was withdrawn.

Representative Walsh moved the adoption of amendment (126):

On page 1, beginning on line 7, after "(1)" strike all material through "(2)" on page 2, line 19 and insert "All claims or causes of action based on intentional conduct brought by any person for recovery of damages for injury suffered as a result of childhood sexual abuse shall be commenced within the later of the following periods:

(a) ~~Within (three years of the act alleged to have caused the injury or condition)~~ 20 years of the victim reaching the age of 18 years;

(b) Within three years of the time the victim discovered or reasonably should have discovered that the injury or condition was caused by said act; or

(c) Within three years of the time the victim discovered that the act caused the injury for which the claim is brought:

PROVIDED, That the time limit for commencement of an action under this section

is tolled for a child until the child reaches the age of eighteen years.

(2) The victim need not establish which act in a series of continuing sexual abuse or exploitation incidents caused the injury complained of, but may compute the date of discovery from the date of discovery of the last act by the same perpetrator which is part of a common scheme or plan of sexual abuse or exploitation.

(3) The knowledge of a custodial parent or guardian shall not be imputed to a person under the age of eighteen years.

(4) For purposes of this section, "child" means a person under the age of eighteen years.

(5) "

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Farivar spoke against the adoption of the amendment.

Amendment (126) was not adopted.

Representative Walsh moved the adoption of amendment (124):

On page 2, beginning on line 24, strike all of section 2

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 2, beginning on line 29, after "applies" strike all material through "prospectively" on line 32 and insert "prospectively to any claim or action that, as of the effective date of this act, would not have been time-barred under RCW 4.16.340 as it existed on the day before the effective date of this act"

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Farivar spoke against the adoption of the amendment.

Amendment (124) was not adopted.

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

Representatives Farivar and Griffey spoke in favor of the passage of the bill.

Representative Graham spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1618.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1618, and the bill passed the House by the following vote: Yeas, 82; Nays, 14; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman,

Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Macri, Maycumber, McClintock, Mena, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Chambers, Chandler, Eslick, Graham, Jacobsen, Low, McEntire, Orcutt, Rude, Sandlin, Schmick, Volz and Walsh

Excused: Representatives Morgan and Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1618, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:30 a.m., Friday, March 3, 2023, the 54th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIFTY FOURTH DAY

House Chamber, Olympia, Friday, March 3, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Emiko Kondo and Mia Phillippe. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Jermell Witherspoon, Everett United Church of Christ and Seattle Liberation United Church of Christ.

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

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

## INTRODUCTION &amp; FIRST READING

ESSB 5010 by Senate Committee on Law & Justice (originally sponsored by Wilson, L., Holy, Wilson, J., Braun, Schoesler, King, Short, Fortunato, Padden, Torres, Dozier, Gildon, Rolfes, Wagoner and Warnick)

AN ACT Relating to updating the endangerment with a controlled substance statute to include fentanyl or synthetic opioids; and amending RCW 9A.42.100.

Referred to Committee on Community Safety, Justice, & Reentry.

SB 5069 by Senators Rivers, Keiser, King, Stanford, Conway, Holy and Van De Wege

AN ACT Relating to interstate cannabis agreements; adding a new section to chapter 43.06 RCW; and providing a contingent effective date.

Referred to Committee on Regulated Substances & Gaming.

2SSB 5120 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Wagoner, Braun, Frame, Hasegawa, Keiser, Kuderer, Nguyen, Nobles, Pedersen, Randall, Saldaña, Shewmake, Stanford, Warnick, Wellman and Wilson, C.)

AN ACT Relating to establishing crisis relief centers in Washington state; amending RCW 71.05.020, 71.05.020, 71.05.050, 71.05.150, 71.05.150, 71.05.590, 71.05.590, 71.34.020, 71.34.020, 71.34.351, 71.05.755, 71.24.890, 10.31.110, 10.77.086, and 10.77.088; amending 2022 c 210 s 31 and 2021 c 264 s 29 (uncodified); reenacting and amending RCW 71.24.025, 71.05.153, 71.05.153, and 48.43.005; adding a new section to chapter 71.24 RCW; creating new sections; repealing RCW 71.24.647; providing an effective date; providing contingent effective dates; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SSB 5127 by Senate Committee on State Government & Elections (originally sponsored by Wilson, C., Lovelett, Hasegawa, Hunt, Kuderer, Nobles, Saldaña, Stanford, Van De Wege and Wellman)

AN ACT Relating to clarifying school districts' ability to redact personal information related to a student in any record maintained by the school district; amending RCW 42.56.230; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

SSB 5189 by Senate Committee on Health & Long Term Care (originally sponsored by Trudeau, Wagoner, Conway, Dhingra and Wilson, C.)

AN ACT Relating to establishing behavioral health support specialists; amending RCW 18.130.040 and 18.130.040; adding a new section to chapter 48.43 RCW; adding a new chapter to Title 18 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

ESSB 5217 by Senate Committee on Labor & Commerce (originally sponsored by Dhingra, Kauffman, Keiser, Kuderer, Lovelett, Nguyen, Nobles, Pedersen, Valdez and Wilson, C.)

AN ACT Relating to the state's ability to regulate certain industries and risk classifications to prevent musculoskeletal injuries and disorders; amending RCW 49.17.020; adding new sections to chapter 49.17 RCW; creating a new section; and repealing RCW 49.17.360 and 49.17.370.

Referred to Committee on Labor & Workplace Standards.

SSB 5300 by Senate Committee on Health & Long Term Care (originally sponsored by Dhingra, Billig, Cleveland, Frame, Hasegawa, Hunt, Keiser, Kuderer, Lovelett, Nguyen, Nobles, Randall, Rivers, Robinson, Shewmake, Valdez, Wellman and Wilson, C.)

AN ACT Relating to continuity of coverage for prescription drugs prescribed for the treatment of behavioral health conditions; amending RCW 69.41.190; adding a new section to chapter 48.43 RCW; and providing an effective date.

Referred to Committee on Health Care & Wellness.

ESSB 5326 by Senate Committee on Transportation (originally sponsored by Lovick, King, Mullet and Wilson, C.)

AN ACT Relating to verification of motor vehicle insurance; amending RCW 46.16A.130, 46.30.020, 46.63.110, and 46.68.067; adding a new section to chapter 46.30 RCW; creating new sections; and providing an effective date.

Referred to Committee on Transportation.

SSB 5374 by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Short, Lovelett, Shewmake and Torres)

AN ACT Relating to the adoption of county critical area ordinances by cities; amending RCW 36.70A.060; and creating a new section.

Referred to Committee on Local Government.

ESSB 5447 by Senate Committee on Environment, Energy & Technology (originally sponsored by Billig, King, Nguyen, MacEwen, Mullet, Wellman, Gildon, Keiser, Shewmake, Lovick, Boehnke, Warnick, Randall, Conway, Dhingra, Dozier, Liias, Lovelett, Saldaña, Stanford, Van De Wege and Wagoner)

AN ACT Relating to promoting the alternative jet fuel industry in Washington; amending RCW 70A.535.010, 43.330.565, and 43.330.570; adding a new section to chapter 70A.535 RCW; adding a new section to chapter 28B.30 RCW; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating new sections; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Environment & Energy.

ESSB 5466 by Senate Committee on Transportation (originally sponsored by Liias, Gildon, Kuderer, Lovelett, MacEwen, Mullet, Braun, Billig, Dhingra, Frame, Hunt, Kauffman, Nguyen, Nobles, Pedersen, Saldaña, Salomon, Shewmake, Stanford, Valdez, Van De Wege and Wilson, C.)

AN ACT Relating to promoting transit-oriented development; amending RCW 36.70A.030, 36.70A.500, 36.70A.620, and 43.21C.229; adding new sections to chapter 47.01 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.90 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.32 RCW; and creating a new section.

Referred to Committee on Housing.

SSSB 5555 by Senate Committee on Ways & Means (originally sponsored by Randall, Dhingra, Hasegawa, Keiser, Nguyen, Nobles, Valdez and Wilson, C.)

AN ACT Relating to addressing the behavioral health workforce shortage and expanding access to peer services by creating the profession of certified peer specialists; amending RCW 18.130.040, 18.130.040, 18.130.175, and 43.43.842; adding new sections to chapter 71.24 RCW; adding a new section to chapter 48.43 RCW; adding a new chapter to Title 18 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

ESSB 5583 by Senate Committee on Transportation (originally sponsored by Liias, Wilson, C., Kauffman, Valdez, Lovelett, Lovick, Nguyen and Nobles)

AN ACT Relating to improving young driver safety; amending RCW 46.20.075, 46.20.100, 46.82.280, 46.20.120, 46.20.055, 46.68.041, 43.84.092, and 43.84.092; reenacting and amending RCW 28A.220.020; adding new sections to chapter 46.20 RCW; adding new sections to chapter 46.82 RCW; adding a new section to chapter 28A.220 RCW; adding a new section to chapter 42.56 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

SSB 5586 by Senate Committee on Labor & Commerce (originally sponsored by King, Robinson and Wellman)

AN ACT Relating to employees' paid family or medical leave data; amending RCW 50A.25.040; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

SSB 5604 by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Robinson, Nguyen and Stanford)

AN ACT Relating to county sales and use taxes for mental health and housing; and amending RCW 82.14.460 and 82.14.540.

Referred to Committee on Local Government.

ESSB 5614 by Senate Committee on Labor & Commerce (originally sponsored by Saldaña, Nguyen and Wilson, C.)

AN ACT Relating to adult entertainment establishments; amending RCW 9A.88.010, 9A.88.030, 9A.88.030, and 49.17.470; adding a new section to chapter 49.44 RCW; adding a new section to chapter 66.24 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Labor & Workplace Standards.

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

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

## SECOND READING

**HOUSE BILL NO. 1387, by Representatives Ramos, Goodman, Callan, Ryu, Ramel and Pollet**

**Requiring the criminal justice training commission to establish a program to recruit and train a pool of applicants who may be employed by certain law enforcement agencies in the state.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1387 was substituted for House Bill No. 1387 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1387 was read the second time.

Representative Graham moved the adoption of amendment (152):

On page 1, line 21, after "(i)" insert "A statewide organization advocating on behalf of crime victims and survivors; (j)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Graham and Goodman spoke in favor of the adoption of the amendment.

Amendment (152) was adopted.

The bill was ordered engrossed.

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

Representatives Ramos and Mosbrucker spoke in favor of the passage of the bill.

## MOTIONS

On motion of Representative Griffey, Representative McEntire was excused.

On motion of Representative Leavitt, Representatives Farivar and Morgan were excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1387.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1387, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Farivar, McEntire and Morgan

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1387, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1106, by Representatives Fosse, Reeves, Reed, Berry, Doglio, Wylie, Kloba, Santos and Ormsby**

**Concerning qualifications for unemployment insurance when an individual voluntarily leaves work.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1106 was substituted for House Bill No. 1106 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1106 was read the second time.

Representative Fosse moved the adoption of amendment (103):

On page 4, line 36, after "(vi)" strike "(A)"

On page 4, beginning on line 37, after "more" strike all material through "basis" on page 5, line 3

On page 6, line 2, after "resides;" strike "or"

On page 6, line 8, after "separation" insert "; or

(xiv) For separations that occur on or after July 7, 2024, the claimant had a regularly scheduled shift or split shift start or end time for the prior 90 calendar days, and the employer, without request by the claimant and not based on a system of seniority, changed the regularly scheduled shift or split shift start or end time by six or more hours for that shift on a nontemporary basis"

Representatives Fosse and Robertson spoke in favor of the adoption of the amendment.

Amendment (103) was adopted.

The bill was ordered engrossed.

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

Representative Fosse spoke in favor of the passage of the bill.

Representatives Schmidt, Chambers, Caldier and Christian spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1106.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1106, and the bill passed the House by the following vote: Yeas, 51; Nays, 44; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Timmons, Volz, Walen, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Farivar, McEntire and Morgan

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1106, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1010, by Representatives Chapman, McEntire, Dent, Reed, Griffey, Reeves and Kloba**

**Concerning the sanitary control of shellfish.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1010 was substituted for House Bill No. 1010 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1010 was read the second time.

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

Representatives Chapman and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1010.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1010, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Farivar, McEntire and Morgan

SECOND SUBSTITUTE HOUSE BILL NO. 1010, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1563, by Representatives Kloba, Simmons, Cheney, Peterson, Ramel, Ormsby, Reeves, Reed, Macri, Fitzgibbon, Gregerson, Rude and Wylie**

**Concerning arrest protections for the medical use of cannabis.**

The bill was read the second time.

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

Representative Kloba spoke in favor of the passage of the bill.

Representative Chambers spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1563.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1563, and the bill passed the House by the following vote: Yeas, 63; Nays, 32; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Corry, Dent, Dye, Goehner, Graham, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, Mosbrucker, Robertson, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Farivar, McEntire and Morgan

HOUSE BILL NO. 1563, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1742, by Representative Wylie**

**Concerning nontax statutes administered by the department of revenue.**

The bill was read the second time.

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

Representatives Wylie and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1742.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1742, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Farivar, McEntire and Morgan

HOUSE BILL NO. 1742, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1104, by Representatives Goodman, Wylie, Davis and Ormsby**

**Concerning eligibility and requirements for deferred prosecutions.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1104 was substituted for House Bill No. 1104 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1104 was read the second time.

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

Representatives Goodman and Griffey spoke in favor of the passage of the bill.

Representatives Mosbrucker and Cheney spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1104.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1104, and the bill passed the House by the following vote: Yeas, 64; Nays, 31; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson,

Griffey, Hackney, Hansen, Hutchins, Kloba, Leavitt, Lekanoff, Macri, Mena, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Schmick, Schmidt, Senn, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Volz, Walen, Walsh, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barnard, Chambers, Chandler, Cheney, Christian, Connors, Corry, Dye, Eslick, Graham, Harris, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Shavers, Stokesbary, Timmons, Waters, Wilcox and Ybarra

Excused: Representatives Farivar, McEntire and Morgan

SUBSTITUTE HOUSE BILL NO. 1104, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1171, by Representatives Mosbrucker and Graham**

**Modifying the motorcycle safety education advisory board.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1171 was substituted for House Bill No. 1171 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1171 was read the second time.

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

Representatives Mosbrucker and Paul spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1171.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1171, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Farivar, McEntire and Morgan

SUBSTITUTE HOUSE BILL NO. 1171, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1271, by Representatives Low, Eslick, Bronoske, Hackney, Goehner, Hutchins, Berry, Reed, Christian and Schmidt**

**Concerning organ transport vehicles.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1271 was substituted for House Bill No. 1271 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1271 was read the second time.

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

Representatives Low and Fey spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1271.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1271, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Farivar, McEntire and Morgan

SUBSTITUTE HOUSE BILL NO. 1271, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

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

**MESSAGE FROM THE SENATE**

Thursday, March 2, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5130  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5143  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5150  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5301  
 ENGROSSED SENATE BILL NO. 5309  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5367  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5440  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5702  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5726

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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



**SECOND READING**

**HOUSE BILL NO. 1425, by Representatives Berg, Low, Eslick, Ryu, Stonier, Duerr, Ortiz-Self, Cortes, Peterson, Fosse, Donaghy and Pollet**

**Facilitating municipal annexations.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1425 was substituted for House Bill No. 1425 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1425 was read the second time.

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

Representatives Berg and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1425.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1425, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Farivar and McEntire

SECOND SUBSTITUTE HOUSE BILL NO. 1425, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1370, by Representatives Reeves, Corry, Reed, Morgan, Ramel, Pollet and Leavitt**

**Providing the payment of awards to whistleblowers who report violations of state or federal securities laws and providing protection to whistleblowers and internal reporters.**

The bill was read the second time.

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

Representatives Reeves and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1370.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1370, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Farivar and McEntire

HOUSE BILL NO. 1370, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1181, by Representatives Duerr, Fitzgibbon, Berry, Peterson, Ryu, Alvarado, Taylor, Reed, Walen, Bateman, Ramel, Goodman, Doglio, Macri, Callan, Simmons, Lekanoff, Gregerson, Bergquist, Stonier, Pollet, Davis, Kloba, Riccelli, Mena and Tharinger**

**Improving the state's response to climate change by updating the state's planning framework.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1181 was substituted for House Bill No. 1181 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1181 was read the second time.

With the consent of the House, amendments (070) and (069) were withdrawn.

Representative Duerr moved the adoption of the striking amendment (155):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.020 and 2021 c 254 s 1 are each amended to read as follows:

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040 and, where specified, also guide the development of regional policies, plans, and strategies adopted under RCW 36.70A.210 and chapter 47.80 RCW. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans ~~((and))~~, development regulations, and, where specified, regional plans, policies, and strategies:

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

(3) Transportation. Encourage efficient multimodal transportation systems that will reduce greenhouse gas emissions and per capita vehicle miles traveled, and are based on regional priorities and coordinated with county and city comprehensive plans.

(4) Housing. Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Retain open space and green space, enhance recreational opportunities, ~~(conserve)~~ enhance fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect and enhance the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process, including the participation of vulnerable populations and overburdened communities, and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

(14) Climate change and resiliency. Ensure that comprehensive plans, development

regulations, and regional policies, plans, and strategies under RCW 36.70A.210 and chapter 47.80 RCW adapt to and mitigate the effects of a changing climate; support reductions in greenhouse gas emissions and per capita vehicle miles traveled; prepare for climate impact scenarios; foster resiliency to climate impacts and natural hazards; protect and enhance environmental, economic, and human health and safety; and advance environmental justice.

(15) Shorelines of the state. For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 shall be considered an element of the county's or city's comprehensive plan.

**Sec. 2.** RCW 36.70A.480 and 2010 c 107 s 2 are each amended to read as follows:

(1) For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020 without creating an order of priority among the ~~((fourteen))~~ 15 goals. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

(2) The shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the goals, policies, and procedures set forth in this chapter for the adoption of a comprehensive plan or development regulations.

(3)(a) The policies, goals, and provisions of chapter 90.58 RCW and applicable guidelines shall be the sole basis for determining compliance of a shoreline master program with this chapter except as the shoreline master program is required to comply with the internal consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125, and 35A.63.105.

(b) Except as otherwise provided in (c) of this subsection, development regulations adopted under this chapter to protect critical areas within shorelines of the state apply within shorelines of the state until the department of ecology approves one of the following: A comprehensive master program update, as defined in RCW 90.58.030; a segment of a master program relating to critical areas, as provided in RCW 90.58.090; or a new or amended master program approved by the department of ecology on or after March 1, 2002, as provided in RCW 90.58.080. The adoption or update of development regulations to protect critical areas under this chapter prior to department of ecology approval of a master program update as provided in this subsection is not a comprehensive or segment update to the master program.

(c)(i) Until the department of ecology approves a master program or segment of a master program as provided in (b) of this

subsection, a use or structure legally located within shorelines of the state that was established or vested on or before the effective date of the local government's development regulations to protect critical areas may continue as a conforming use and may be redeveloped or modified if: (A) The redevelopment or modification is consistent with the local government's master program; and (B) the local government determines that the proposed redevelopment or modification will result in no net loss of shoreline ecological functions. The local government may waive this requirement if the redevelopment or modification is consistent with the master program and the local government's development regulations to protect critical areas.

(ii) For purposes of this subsection (3)(c), an agricultural activity that does not expand the area being used for the agricultural activity is not a redevelopment or modification. "Agricultural activity," as used in this subsection (3)(c), has the same meaning as defined in RCW 90.58.065.

(d) Upon department of ecology approval of a shoreline master program or critical area segment of a shoreline master program, critical areas within shorelines of the state are protected under chapter 90.58 RCW and are not subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section. Nothing in chapter 321, Laws of 2003 or chapter 107, Laws of 2010 is intended to affect whether or to what extent agricultural activities, as defined in RCW 90.58.065, are subject to chapter 36.70A RCW.

(e) The provisions of RCW 36.70A.172 shall not apply to the adoption or subsequent amendment of a local government's shoreline master program and shall not be used to determine compliance of a local government's shoreline master program with chapter 90.58 RCW and applicable guidelines. Nothing in this section, however, is intended to limit or change the quality of information to be applied in protecting critical areas within shorelines of the state, as required by chapter 90.58 RCW and applicable guidelines.

(4) Shoreline master programs shall provide a level of protection to critical areas located within shorelines of the state that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources as defined by department of ecology guidelines adopted pursuant to RCW 90.58.060.

(5) Shorelines of the state shall not be considered critical areas under this chapter except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by RCW 36.70A.030(~~(4)~~)(6) and have been designated as such by a local government pursuant to RCW 36.70A.060(2).

(6) If a local jurisdiction's master program does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized by RCW 90.58.030(2)(~~(f)~~)(d), then the local jurisdiction shall continue to regulate

those critical areas and their required buffers pursuant to RCW 36.70A.060(2).

**Sec. 3.** RCW 36.70A.070 and 2022 c 246 s 2 and 2022 c 220 s 1 are each reenacted and amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces and green spaces, urban and community forests within the urban growth area, general aviation airports, public utilities, public facilities, and other landuses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. The land use element must give special consideration to achieving environmental justice in its goals and policies, including efforts to avoid creating or worsening environmental health disparities. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity and reduce per capita vehicle miles traveled within the jurisdiction, but without increasing greenhouse gas emissions elsewhere in the state. Where applicable, the land use element shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound. The land use element must reduce and mitigate the risk to lives and property posed by wildfires by using land use planning tools, which may include, but are not limited to, reducing wildfire risks to residential development in high risk areas and the wildland urban interface area, separating human development from wildfire prone landscapes, and protecting existing residential development and infrastructure through community wildfire preparedness and fire adaptation measures.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that:

(a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the department of commerce, including:

(i) Units for moderate, low, very low, and extremely low-income households; and

(ii) Emergency housing, emergency shelters, and permanent supportive housing;

(b) Includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences, and within an urban growth area boundary, moderate density housing options including, but not limited to, duplexes, triplexes, and townhomes;

(c) Identifies sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary, consideration of duplexes, triplexes, and townhomes;

(d) Makes adequate provisions for existing and projected needs of all economic segments of the community, including:

(i) Incorporating consideration for low, very low, extremely low, and moderate-income households;

(ii) Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations;

(iii) Consideration of housing locations in relation to employment location; and

(iv) Consideration of the role of accessory dwelling units in meeting housing needs;

(e) Identifies local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including:

(i) Zoning that may have a discriminatory effect;

(ii) Disinvestment; and

(iii) Infrastructure availability;

(f) Identifies and implements policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions;

(g) Identifies areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments; and

(h) Establishes antidisplacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

In counties and cities subject to the review and evaluation requirements of RCW 36.70A.215, any revision to the housing element shall include consideration of prior review and evaluation reports and any reasonable measures identified. The housing element should link jurisdictional goals

with overall county goals to ensure that the housing element goals are met.

The adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city that is required or chooses to plan under RCW 36.70A.040 that increase housing capacity, increase housing affordability, and mitigate displacement as required under this subsection (2) and that apply outside of critical areas are not subject to administrative or judicial appeal under chapter 43.21C RCW unless the adoption of such ordinances, development regulations and amendments to such regulations, or other nonproject actions has a probable significant adverse impact on fish habitat.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, including green infrastructure, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) (a) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, components of drinking water, stormwater, wastewater, electrical ((lines)), ((telecommunication lines)), telecommunications and natural gas ((lines)) systems.

(b) The county or city shall identify all public entities that own utility systems and endeavor in good faith to work with other public entities, such as special purpose districts, to gather and include within its utilities element the information required in (a) of this subsection. However, if, after a good faith effort, the county or city is unable to gather the information required in (a) of this subsection from the other public entities, the failure to include such information in the utilities element shall not be grounds for a finding of noncompliance or invalidity under this act.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the

planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5) (d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity may be permitted subject to confirmation from all existing providers of public facilities and public services of sufficient capacity of existing public facilities and public services to serve any new or additional demand from the new development or redevelopment. Development

and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5) and is consistent with the local character. Any commercial development or redevelopment within a mixed-use area must be principally designed to serve the existing and projected rural population and must meet the following requirements:

(I) Any included retail or food service space must not exceed the footprint of previously occupied space or 5,000 square feet, whichever is greater, for the same or similar use; and

(II) Any included retail or food service space must not exceed 2,500 square feet for a new use;

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas shall not extend beyond the logical outer boundary of the existing area, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical

outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of this subsection (5) (d), an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated ~~((traffic))~~ multimodal level of service impacts to state-owned transportation facilities resulting from land use assumptions to assist ~~((the department of transportation))~~ in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments, active transportation facilities, and general aviation airport facilities, to define existing capital facilities and travel levels ~~((as a basis for))~~ to inform future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) ~~((Level))~~ Multimodal level of service standards for all locally owned arterials ((and)), locally and regionally operated transit routes that serve urban growth areas, state-owned or operated transit routes that serve urban areas if the department of transportation has prepared such standards, and active transportation facilities to serve as a gauge to judge performance of the system and success in helping to achieve the goals of this chapter consistent with environmental justice. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, multimodal level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting multimodal level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, active transportation, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance ~~((locally owned))~~ transportation facilities or services that are below an established multimodal level of service standard;

(E) Forecasts of ~~((traffic))~~ multimodal transportation demand and needs within cities and urban growth areas, and forecasts of multimodal transportation demand and needs outside of cities and urban growth areas, for at least ten years based on the adopted land use plan to ((provide information on the location, timing, and capacity needs of future growth)) inform the development of a transportation element that balances transportation system safety and convenience to accommodate all users of the transportation system to safely, reliably, and efficiently provide access and mobility to people and goods. Priority must be given to inclusion of transportation facilities and services providing the greatest multimodal safety benefit to each category of roadway users for the context and speed of the facility;

(F) Identification of state and local system needs to equitably meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW. Local system needs should reflect the regional transportation system and local goals, and strive to equitably implement the multimodal network;

(G) A transition plan for transportation as required in Title II of the Americans with disabilities act of 1990 (ADA). As a necessary step to a program access plan to provide accessibility under the ADA, state and local government, public entities, and public agencies are required to perform self-evaluations of their current facilities, relative to accessibility requirements of the ADA. The agencies are then required to develop a program access plan, which can be called a transition plan, to address any deficiencies. The plan is intended to achieve the following:

(I) Identify physical obstacles that limit the accessibility of facilities to individuals with disabilities;

(II) Describe the methods to be used to make the facilities accessible;

(III) Provide a schedule for making the access modifications; and

(IV) Identify the public officials responsible for implementation of the transition plan;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting the identified needs of the transportation system, including state transportation facilities, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) ((Pedestrian and bicycle))Active transportation component to include collaborative efforts to identify and designate planned improvements for ((pedestrian and bicycle))active transportation facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned or locally or regionally operated transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include ((increased))active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period

required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city. A development proposal may not be denied for causing the level of service on a locally owned or locally or regionally operated transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan where such impacts could be adequately mitigated through active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, or other transportation systems management strategies funded by the development.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; (c) an evaluation of tree canopy coverage within the urban growth area; and ((+))(d) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9)(a) A climate change and resiliency element that is designed to result in reductions in overall greenhouse gas emissions and that must enhance resiliency to and avoid the adverse impacts of climate change, which must include efforts to reduce localized greenhouse gas emissions and avoid creating or worsening localized climate impacts to vulnerable populations and overburdened communities.

(b) The climate change and resiliency element shall include the following subelements:

(i) A greenhouse gas emissions reduction subelement;

(ii) A resiliency subelement.

(c) The greenhouse gas emissions reduction subelement of the climate change and resiliency element is mandatory for the jurisdictions specified in section 4(1) of this act and is encouraged for all other jurisdictions, including those planning under RCW 36.70A.040 and those planning under chapter 36.70 RCW. The resiliency subelement of the climate change and resiliency element is mandatory for all jurisdictions planning under RCW 36.70A.040 and is encouraged for those jurisdictions planning under chapter 36.70 RCW.

(d)(i) The greenhouse gas emissions reduction subelement of the comprehensive plan, and its related development

regulations, must identify the actions the jurisdiction will take during the planning cycle consistent with the guidelines published by the department pursuant to section 5 of this act that will:

(A) Result in reductions in overall greenhouse gas emissions generated by transportation and land use within the jurisdiction but without increasing greenhouse gas emissions elsewhere in the state;

(B) Result in reductions in per capita vehicle miles traveled within the jurisdiction but without increasing greenhouse gas emissions elsewhere in the state; and

(C) Prioritize reductions that benefit overburdened communities in order to maximize the cobenefits of reduced air pollution and environmental justice.

(ii) Actions not specifically identified in the guidelines developed by the department pursuant to section 5 of this act may be considered consistent with these guidelines only if:

(A) They are projected to achieve greenhouse gas emissions reductions or per capita vehicle miles traveled reductions equivalent to what would be required of the jurisdiction under the guidelines adopted by the department; and

(B) They are supported by scientifically credible projections and scenarios that indicate their adoption is likely to result in reductions of greenhouse gas emissions or per capita vehicle miles traveled.

(iii) A jurisdiction may not restrict population growth or limit population allocation in order to achieve the requirements set forth in this subsection (9)(d).

(e)(i) The resiliency subelement must equitably enhance resiliency to, and avoid or substantially reduce the adverse impacts of, climate change in human communities and ecological systems through goals, policies, and programs consistent with the best available science and scientifically credible climate projections and impact scenarios that moderate or avoid harm, enhance the resiliency of natural and human systems, and enhance beneficial opportunities. The resiliency subelement must prioritize actions that benefit overburdened communities that will disproportionately suffer from compounding environmental impacts and will be most impacted by natural hazards due to climate change. Specific goals, policies, and programs of the resiliency subelement must include, but are not limited to, those designed to:

(A) Identify, protect, and enhance natural areas to foster resiliency to climate impacts, as well as areas of vital habitat for safe passage and species migration;

(B) Identify, protect, and enhance community resiliency to climate change impacts, including social, economic, and built environment factors, that support adaptation to climate impacts consistent with environmental justice; and

(C) Address natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought,

heat, smoke, wildfire, and other effects of changes to temperature and precipitation patterns.

(ii) A natural hazard mitigation plan or similar plan that is guided by RCW 36.70A.020(14), that prioritizes actions that benefit overburdened communities, and that complies with the applicable requirements of this chapter, including the requirements set forth in this subsection (9)(e), may be adopted by reference to satisfy these requirements, except that to the extent any of the substantive requirements of this subsection (9)(e) are not addressed, or are inadequately addressed, in the referenced natural hazard mitigation plan, a county or city must supplement the natural hazard mitigation plan accordingly so that the adopted resiliency subelement complies fully with the substantive requirements of this subsection (9)(e).

(A) If a county or city intends to adopt by reference a federal emergency management agency natural hazard mitigation plan in order to meet all or part of the substantive requirements set forth in this subsection (9)(e), and the most recently adopted federal emergency management agency natural hazard mitigation plan does not comply with the requirements of this subsection (9)(e), the department may grant the county or city an extension of time in which to submit a natural hazard mitigation plan.

(B) Eligibility for an extension under this subsection prior to July 1, 2027, is limited to a city or county required to review and, if needed, revise its comprehensive plan on or before June 30, 2025, as provided in RCW 36.70A.130, or for a city or county with an existing, unexpired federal emergency management agency natural hazard mitigation plan scheduled to expire before December 31, 2024.

(C) Extension requests after July 1, 2027, may be granted if requirements for the resiliency subelement are amended or added by the legislature or if the department finds other circumstances that may result in a potential finding of noncompliance with a jurisdiction's existing and approved federal emergency management agency natural hazard mitigation plan.

(D) A city or county that wishes to request an extension of time must submit a request in writing to the department no later than the date on which the city or county is required to review and, if needed, revise its comprehensive plan as provided in RCW 36.70A.130.

(E) Upon the submission of such a request to the department, the city or county may have an additional 48 months from the date provided in RCW 36.70A.130 in which to either adopt by reference an updated federal emergency management agency natural hazard mitigation plan or adopt its own natural hazard mitigation plan, and to then submit that plan to the department.

(F) The adoption of ordinances, amendments to comprehensive plans, amendments to development regulations, and other nonproject actions taken by a county or city pursuant to (d) or (f) of this subsection in order to implement measures specified by the department pursuant to



section 5 of this act are not subject to administrative or judicial appeal under chapter 43.21C RCW.

(10) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

**NEW SECTION. Sec. 4.** A new section is added to chapter 36.70A RCW to read as follows:

(1) The requirements of the greenhouse gas emissions reduction subelement of the climate change and resiliency element set forth in RCW 36.70A.070 apply only to those counties that are required or that choose to plan under RCW 36.70A.040 and that also meet either of the criteria set forth in (a) or (b) of this subsection on or after April 1, 2021, and the cities with populations greater than 6,000 as of April 1, 2021, within those counties:

(a) A county with a population density of at least 100 people per square mile and a population of at least 200,000;

(b) A county bordering on the Columbia and Snake rivers with a population density of at least 75 people per square mile and an annual growth rate of at least 1.65 percent; or

(c) A county located to the west of the crest of the Cascade mountains with a population of at least 130,000.

(2) The requirements of the amendments to the transportation element of RCW 36.70A.070 set forth in this act apply only to: (a) Counties and cities that meet the population criteria set forth in subsection (1) of this section; and (b) cities with populations of 6,000 or greater as of April 1, 2021, that are located in a county that is required or that chooses to plan under RCW 36.70A.040.

(3) The requirements of the amendments to the land use element of RCW 36.70A.070 set forth in this act apply only to: (a) Counties and cities that meet the population criteria set forth in subsection (1) or (2) of this section; and (b) counties that have a population of 20,000 or greater as of April 1, 2021, and that are required or that choose to plan under RCW 36.70A.040.

(4) Once a county meets either of the sets of criteria set forth in subsection (1) of this section, the requirement to conform with the greenhouse gas emissions reduction subelement of the climate change and resiliency element set forth in RCW 36.70A.070 remains in effect, even if the county no longer meets one of these sets of criteria.

(5) If the population of a county that previously had not been required to conform with the greenhouse gas emissions reduction subelement of the climate change and resiliency element set forth in RCW 36.70A.070 changes sufficiently to meet either of the sets of criteria set forth in

subsection (1) of this section, the county, and the cities with populations greater than 6,000 as of April 1, 2021, within that county, shall adopt a greenhouse gas emissions reduction subelement of the climate change and resiliency element set forth in RCW 36.70A.070 at the next scheduled update of the comprehensive plan as set forth in RCW 36.70A.130.

(6) The population criteria used in this section must be based on population data as determined by the office of financial management.

**NEW SECTION. Sec. 5.** A new section is added to chapter 70A.45 RCW to read as follows:

(1) The department of commerce, in consultation with the department of ecology, the department of health, and the department of transportation, shall publish guidelines that specify a set of measures counties and cities may implement via updates to their comprehensive plans and development regulations that have a demonstrated ability to increase housing capacity within urban growth areas or reduce greenhouse gas emissions, allowing for consideration of the emissions reductions achieved through the adoption of statewide programs. The guidelines must prioritize measures that benefit overburdened communities, including communities that have experienced disproportionate harm due to air pollution and may draw upon the most recent health disparities data from the department of health to identify high pollution areas and disproportionately burdened communities. These guidelines must be developed consistent with an environmental justice assessment pursuant to RCW 70A.02.060 and the guidelines must include environmental justice assessment processes. The guidelines must be based on:

(a) The most recent greenhouse gas emissions report prepared by the department of ecology and the department of commerce pursuant to RCW 70A.45.020(2);

(b) The most recent city and county population estimates prepared by the office of financial management pursuant to RCW 43.62.035;

(c) The locations of major employment centers and transit corridors, for the purpose of increasing housing supply in these areas; and

(d) Available environmental justice data and data regarding access to public transportation for people with disabilities and for vulnerable populations.

(2)(a) The department of commerce, in consultation with the department of transportation, shall publish guidelines that specify a set of measures counties and cities may have available to them to take through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce per capita vehicle miles traveled, including measures that are designed to be achievable throughout the state, including in small cities and rural cities.

(b) The guidelines must be based on:

(i) The most recent greenhouse gas emissions report prepared by the department

of ecology and the department of commerce pursuant to RCW 70A.45.020(2);

(ii) The most recent city and county population estimates prepared by the office of financial management pursuant to RCW 43.62.035; and

(iii) The most recent summary of per capita vehicle miles traveled as compiled by the department of transportation.

(3) The department of commerce shall first publish the full set of guidelines described in subsections (1) and (2) of this section no later than December 31, 2025. The department of commerce shall update these guidelines at least every five years thereafter based on the most recently available data, and shall provide for a process for local governments and other parties to submit alternative actions for consideration for inclusion into the guidelines at least once per year. The department of commerce shall publish an intermediate set of guidelines no later than December 31, 2023, in order to be available for use by jurisdictions whose periodic updates are required by RCW 36.70A.130(5) to occur prior to December 31, 2025.

(4)(a) In any updates to the guidelines published after 2025, the department of commerce shall include an evaluation of the impact that locally adopted climate change and resiliency elements have had on local greenhouse gas emissions and per capita vehicle miles traveled reduction goals. The evaluation must also address the impact that locally adopted greenhouse gas emissions reduction subelements have had on meeting local housing goals and targets.

(b) The updates must also include an estimate of the impacts that locally adopted climate change and resiliency elements will have on achieving local greenhouse gas emissions and per capita vehicle miles traveled reduction goals. The evaluation must also include an estimate of the impact that locally adopted greenhouse gas emissions reduction subelements will have on meeting local housing goals and targets.

(c) The department may include in the specified guidelines what additional measures cities and counties should take to make additional progress on local reduction goals, including any measures that increase housing capacity within urban growth areas.

(5) The department of commerce may not propose or adopt any guidelines that would include any form of a road usage charge or any fees or surcharges related to vehicle miles traveled.

(6) The department of commerce may not propose or adopt any guidelines that would direct or require local governments to regulate or tax, in any form, transportation service providers, delivery vehicles, or passenger vehicles.

(7) The department of commerce, in the course of implementing this section, shall provide and prioritize options that support increased housing supply and diversity of housing types that assist counties and cities in meeting greenhouse gas emissions reduction, housing supply, and other requirements established under this chapter.

(8) The provisions of this section as applied to the department of transportation

are subject to the availability of amounts appropriated for this specific purpose.

(9) For purposes of this section, "overburdened communities" and "vulnerable populations" means the same as provided in RCW 36.70A.030.

NEW SECTION. **Sec. 6.** A new section is added to chapter 36.70A RCW to read as follows:

(1) A county or city required to complete a greenhouse gas emissions reduction subelement may submit the subelement to the department for approval. When submitted to the department for approval, the subelement becomes effective when approved by the department as provided in this section. If a county or city does not seek department approval of the subelement, the effective date of the subelement is the date on which the comprehensive plan is adopted by the county or city.

(2) Notice of intent to apply for approval. (a) Not less than 120 days prior to applying for approval of a subelement, the county or city must notify the department in writing that it intends to apply for approval. The department shall review proposed subelements prior to final adoption and advise the county or city of the actions necessary to receive approval.

(b) The department may consult with other relevant state agencies in making its determination.

(c) The department shall publish notice in the Washington State Register that a city or county has notified the department of its intent to apply for approval and the department shall post a copy of the notice on the department website.

(3) Procedures for an application for approval. (a) After taking final action to adopt a greenhouse gas emissions reduction subelement, a city or county may apply to the department for approval of the subelement. A city or county must submit its application to the department within 10 days of taking final action.

(b) An application for approval must include, at a minimum, the following:

(i) A cover letter from the legislative authority requesting approval;

(ii) A copy of the adopted ordinance or resolution taking the legislative action or actions required to adopt the greenhouse gas emissions reduction subelement;

(iii) A statement explaining how the adopted subelement complies with the provisions of this chapter; and

(iv) A copy of the record developed by the city or county at any public meetings or public hearings at which action was taken on the greenhouse gas emissions reduction subelement.

(c) For purposes of this subsection, the terms "action" and "meeting" have the same definition as in RCW 42.30.020.

(4) Approval procedures. (a) The department shall strive to achieve final action to approve or deny an application within 180 days of the date of receipt of the application.

(b) The department must issue its decision in the form of a written statement, including findings of fact and conclusions,

and noting the date of the issuance of its decision. The department's issued decision must conspicuously and plainly state that it is the department's final decision and that there will be no further modifications to the proposed greenhouse gas emissions reduction subelement.

(c) The department will promptly publish its decision on the application for approval as follows:

(i) Notify the city or county in writing of its determination;

(ii) Publish a notice of action in the Washington State Register;

(iii) Post a notice of its decision on the agency website; and

(iv) Notify other relevant state agencies regarding the approval decision.

(5) The department shall approve a proposed greenhouse gas emissions reduction subelement unless it determines that the proposed greenhouse gas emissions reduction subelement is not consistent with the policy of RCW 36.70A.070 and, after they are adopted, the applicable guidelines.

(6) The department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendment by a local government planning under RCW 36.70A.040 may be appealed according to the following provisions:

(a) The department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendment by a local government planning under RCW 36.70A.040 may be appealed to the growth management hearings board by filing a petition as provided in RCW 36.70A.290.

(b) A decision of the growth management hearings board concerning an appeal of the department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendment must be based solely on whether or not the adopted or amended greenhouse gas emissions reduction subelement, any adopted amendments to other elements of the comprehensive plan necessary to carry out the subelement, and any adopted or amended development regulations necessary to implement the subelement, comply with the goal set forth in RCW 36.70A.020(14) as it applies to greenhouse gas emissions reductions, RCW 36.70A.070(9) excluding RCW 36.70A.070(9)(e), the guidelines adopted under section 5 of this act applicable to the greenhouse gas emissions reduction subelement, or chapter 43.21C RCW.

**Sec. 7.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to read as follows:

(1) The growth management hearings board shall hear and determine only those petitions alleging either:

(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in this subsection authorizes the board to

hear petitions alleging noncompliance with RCW 36.70A.5801;

(b) That the ~~((twenty))~~20-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted;

(c) That the approval of a work plan adopted under RCW 36.70A.735(1)(a) is not in compliance with the requirements of the program established under RCW 36.70A.710;

(d) That regulations adopted under RCW 36.70A.735(1)(b) are not regionally applicable and cannot be adopted, wholly or partially, by another jurisdiction; ~~((or))~~

(e) That a department certification under RCW 36.70A.735(1)(c) is erroneous; or

(f) That the department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendments by a local government planning under RCW 36.70A.040 was not in compliance with the joint guidance issued by the department pursuant to section 5 of this act.

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter; (b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested; (c) a person who is certified by the governor within ~~((sixty))~~60 days of filing the request with the board; or (d) a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) To establish participation standing under subsection (2)(b) of this section, a person must show that his or her participation before the county or city was reasonably related to the person's issue as presented to the board.

(5) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, the board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by the board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by the board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as the "board adjusted population projection." None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

**Sec. 8.** RCW 36.70A.320 and 1997 c 429 s 20 are each amended to read as follows:

(1) Except as provided in subsections (5) and (6) of this section, comprehensive plans

and development regulations, and amendments thereto, adopted under this chapter are presumed valid upon adoption.

(2) Except as otherwise provided in subsection (4) of this section, the burden is on the petitioner to demonstrate that any action taken by a state agency, county, or city under this chapter is not in compliance with the requirements of this chapter.

(3) In any petition under this chapter, the board, after full consideration of the petition, shall determine whether there is compliance with the requirements of this chapter. In making its determination, the board shall consider the criteria adopted by the department under RCW 36.70A.190(4). The board shall find compliance unless it determines that the action by the state agency, county, or city is clearly erroneous in view of the entire record before the board and in light of the goals and requirements of this chapter.

(4) A county or city subject to a determination of invalidity made under RCW 36.70A.300 or 36.70A.302 has the burden of demonstrating that the ordinance or resolution it has enacted in response to the determination of invalidity will no longer substantially interfere with the fulfillment of the goals of this chapter under the standard in RCW 36.70A.302(1).

(5) The shoreline element of a comprehensive plan and the applicable development regulations adopted by a county or city shall take effect as provided in chapter 90.58 RCW.

(6) The greenhouse gas emissions reduction subelement required by RCW 36.70A.070 shall take effect as provided in section 6 of this act.

**Sec. 9.** RCW 36.70A.190 and 2022 c 252 s 5 are each amended to read as follows:

(1) The department shall establish a program of technical and financial assistance and incentives to counties and cities to encourage and facilitate the adoption and implementation of comprehensive plans and development regulations throughout the state.

(2) The department shall develop a priority list and establish funding levels for planning and technical assistance grants both for counties and cities that plan under RCW 36.70A.040. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, the presence of overburdened communities, and other relevant factors. The department shall establish funding levels for grants to community-based organizations for the specific purpose of advancing participation of vulnerable populations and overburdened communities in the planning process.

(3) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the preparation of comprehensive plans under this chapter. The department may establish provisions for county and city matching funds to conduct activities under this subsection. Grants may be expended for

any purpose directly related to the preparation of a county or city comprehensive plan as the county or city and the department may agree, including, without limitation, the conducting of surveys, inventories and other data gathering and management activities, the retention of planning consultants, contracts with regional councils for planning and related services, and other related purposes.

(4) The department shall establish a program of technical assistance:

(a) Utilizing department staff, the staff of other state agencies, and the technical resources of counties and cities to help in the development of comprehensive plans required under this chapter. The technical assistance may include, but not be limited to, model land use ordinances, regional education and training programs, and information for local and regional inventories; and

(b) Adopting by rule procedural criteria to assist counties and cities in adopting comprehensive plans and development regulations that meet the goals and requirements of this chapter. These criteria shall reflect regional and local variations and the diversity that exists among different counties and cities that plan under this chapter.

(5) The department shall provide mediation services to resolve disputes between counties and cities regarding, among other things, coordination of regional issues and designation of urban growth areas.

(6) The department shall provide services to facilitate the timely resolution of disputes between a federally recognized Indian tribe and a city or county.

(a) A federally recognized Indian tribe may request the department to provide facilitation services to resolve issues of concern with a proposed comprehensive plan and its development regulations, or any amendment to the comprehensive plan and its development regulations.

(b) Upon receipt of a request from a tribe, the department shall notify the city or county of the request and offer to assist in providing facilitation services to encourage resolution before adoption of the proposed comprehensive plan. Upon receipt of the notice from the department, the city or county must delay any final action to adopt any comprehensive plan or any amendment or its development regulations for at least 60 days. The tribe and the city or county may jointly agree to extend this period by notifying the department. A county or city must not be penalized for noncompliance under this chapter due to any delays associated with this process.

(c) Upon receipt of a request, the department shall provide comments to the county or city including a summary and supporting materials regarding the tribe's concerns. The county or city may either agree to amend the comprehensive plan as requested consistent with the comments from the department, or enter into a facilitated process with the tribe, which must be arranged by the department using a suitable expert to be paid by the department. This facilitated process may also extend the 60-

day delay of adoption, upon agreement of the tribe and the city or county.

(d) At the end of the 60-day period, unless by agreement there is an extension of the 60-day period, the city or county may proceed with adoption of the proposed comprehensive plan and development regulations. The facilitator shall write a report of findings describing the basis for agreements or disagreements that occurred during the process that are allowed to be disclosed by the parties and the resulting agreed-upon elements of the plan to be amended.

(7) The department shall provide planning grants to enhance citizen participation under RCW 36.70A.140.

(8) The department shall develop, in collaboration with the department of ecology, the department of fish and wildlife, the department of natural resources, the department of health, the emergency management division of the military department, as well as any federally recognized tribe who chooses to voluntarily participate, and adopt by rule guidance that creates a model climate change and resiliency element that may be used by counties, cities, and multiple-county planning regions for developing and implementing climate change and resiliency plans and policies required by RCW 36.70A.070(9), subject to the following provisions:

(a) The model element must establish minimum requirements, and may include model options or voluntary cross-jurisdictional strategies, or both, for fulfilling the requirements of RCW 36.70A.070(9);

(b) The model element should provide guidance on identifying, designing, and investing in infrastructure that supports community resilience to climate impacts, including the protection, restoration, and enhancement of natural infrastructure as well as traditional infrastructure and protecting and enhancing natural areas to foster resiliency to climate impacts, as well as areas of vital habitat for safe passage and species migration;

(c) The model element should provide guidance on identifying and addressing natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, wildfires, and other effects of reasonably anticipated changes to temperature and precipitation patterns; and

(d) The rule must recognize and promote as many cobenefits of climate resilience as possible such as climate change mitigation, salmon recovery, forest health, ecosystem services, and socioeconomic health and resilience.

NEW SECTION. Sec. 10. A new section is added to chapter 47.80 RCW to read as follows:

The department shall compile, maintain, and publish a summary of the per capita vehicle miles traveled annually in each city in the state, and in the unincorporated portions of each county in the state.

NEW SECTION. Sec. 11. A new section is added to chapter 90.58 RCW to read as follows:

The department shall update its shoreline master program guidelines to require shoreline master programs to address the impact of sea level rise and increased storm severity on people, property, and shoreline natural resources and the environment.

Sec. 12. RCW 86.12.200 and 1991 c 322 s 3 are each amended to read as follows:

The county legislative authority of any county may adopt a comprehensive flood control management plan for any drainage basin that is located wholly or partially within the county.

A comprehensive flood control management plan shall include the following elements:

(1) Designation of areas that are susceptible to periodic flooding, from inundation by bodies of water or surface water runoff, or both, including the river's meander belt or floodway;

(2) Establishment of a comprehensive scheme of flood control protection and improvements for the areas that are subject to such periodic flooding, that includes: (a) Determining the need for, and desirable location of, flood control improvements to protect or preclude flood damage to structures, works, and improvements, based upon a cost/benefit ratio between the expense of providing and maintaining these improvements and the benefits arising from these improvements; (b) establishing the level of flood protection that each portion of the system of flood control improvements will be permitted; (c) identifying alternatives to in-stream flood control work; (d) identifying areas where flood waters could be directed during a flood to avoid damage to buildings and other structures; and (e) identifying sources of revenue that will be sufficient to finance the comprehensive scheme of flood control protection and improvements;

(3) Establishing land use regulations that preclude the location of structures, works, or improvements in critical portions of such areas subject to periodic flooding, including a river's meander belt or floodway, and permitting only flood-compatible land uses in such areas;

(4) Establishing restrictions on construction activities in areas subject to periodic floods that require the flood proofing of those structures that are permitted to be constructed or remodeled; ((and))

(5) Establishing restrictions on land clearing activities and development practices that exacerbate flood problems by increasing the flow or accumulation of flood waters, or the intensity of drainage, on low-lying areas. Land clearing activities do not include forest practices as defined in chapter 76.09 RCW; and

(6) Consideration of climate change impacts, including the impact of sea level rise and increased storm severity on people, property, natural resources, and the environment.

A comprehensive flood control management plan shall be subject to the minimum

requirements for participation in the national flood insurance program, requirements exceeding the minimum national flood insurance program that have been adopted by the department of ecology for a specific floodplain pursuant to RCW 86.16.031, and rules adopted by the department of ecology pursuant to RCW 86.26.050 relating to floodplain management activities. When a county plans under chapter 36.70A RCW, it may incorporate the portion of its comprehensive flood control management plan relating to land use restrictions in its comprehensive plan and development regulations adopted pursuant to chapter 36.70A RCW.

**NEW SECTION. Sec. 13.** A new section is added to chapter 43.21C RCW to read as follows:

The adoption of ordinances, amendments to comprehensive plans, amendments to development regulations, and other nonproject actions taken by a county or city pursuant to RCW 36.70A.070(9) (d) or (e) in order to implement measures specified by the department of commerce pursuant to section 5 of this act are not subject to administrative or judicial appeals under this chapter.

**Sec. 14.** RCW 36.70A.030 and 2021 c 254 s 6 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is:

(a) For rental housing, ~~((sixty))~~ 60 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

(b) For owner-occupied housing, ~~((eighty))~~ 80 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(3) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(4) "City" means any city or town, including a code city.

(5) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county

or city that is adopted pursuant to this chapter.

(6) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

(7) "Department" means the department of commerce.

(8) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(9) "Emergency housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

(10) "Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

(11) "Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below thirty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(12) "Forestland" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forestland is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The

proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forestland to other uses.

(13) "Freight rail dependent uses" means buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is dependent on and makes use of an adjacent short line railroad. Such facilities are both urban and rural development for purposes of this chapter. "Freight rail dependent uses" does not include buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of coal, liquefied natural gas, or "crude oil" as defined in RCW 90.56.010.

(14) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(15) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(16) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(17) "Minerals" include gravel, sand, and valuable metallic substances.

(18) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(19) "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with

community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

(20) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(21) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(22) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

(23) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

(24) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(25) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include

storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

(26) "Short line railroad" means those railroad lines designated class II or class III by the United States surface transportation board.

(27) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

(28) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(29) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

(30) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below fifty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(31) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

(32) "Per capita vehicle miles traveled" means the number of miles traveled using cars and light trucks in a calendar year divided by the number of residents in Washington. The calculation of this value

excludes vehicle miles driven conveying freight.

(33) "Active transportation" means forms of pedestrian mobility including walking or running, the use of a mobility assistive device such as a wheelchair, bicycling and cycling irrespective of the number of wheels, and the use of small personal devices such as foot scooters or skateboards. Active transportation includes both traditional and electric assist bicycles and other devices. Planning for active transportation must consider and address accommodation pursuant to the Americans with disabilities act and the distinct needs of each form of active transportation.

(34) "Transportation system" means all infrastructure and services for all forms of transportation within a geographical area, irrespective of the responsible jurisdiction or transportation provider.

(35) "Environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice includes addressing disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities and the equitable distribution of resources and benefits.

(36) "Active transportation facilities" means facilities provided for the safety and mobility of active transportation users including, but not limited to, trails, as defined in RCW 47.30.005, sidewalks, bike lanes, shared-use paths, and other facilities in the public right-of-way.

(37) "Green space" means an area of land, vegetated by natural features such as grass, trees, or shrubs, within an urban context and less than one acre in size that creates public value through one or more of the following attributes:

- (a) Is accessible to the public;
- (b) Promotes physical and mental health of residents;
- (c) Provides relief from the urban heat island effects;
- (d) Promotes recreational and aesthetic values;
- (e) Protects streams or water supply; or
- (f) Preserves visual quality along highway, road, or street corridors.

(38) "Green infrastructure" means a wide array of natural assets and built structures within an urban growth area boundary, including parks and other areas with protected tree canopy, and management practices at multiple scales that manage wet weather and that maintain and restore natural hydrology by storing, infiltrating, evapotranspiring, and harvesting and using stormwater.

(39) "Wildland urban interface" means the geographical area where structures and other human development meets or intermingles with wildland vegetative fuels.

(40) "Overburdened community" means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not



limited to, highly impacted communities as defined in RCW 19.405.020.

(41)(a) "Vulnerable populations" means population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to: (i) Adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and (ii) sensitivity factors, such as low birth weight and higher rates of hospitalization.

(b) "Vulnerable populations" includes, but is not limited to:

(i) Racial or ethnic minorities;

(ii) Low-income populations; and

(iii) Populations disproportionately impacted by environmental harms.

**Sec. 15.** RCW 36.70A.130 and 2022 c 287 s 1 and 2022 c 192 s 1 are each reenacted and amended to read as follows:

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section.

(b) Except as otherwise provided, a county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefor.

(c) The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ~~((ten))~~ 10-year population forecast by the office of financial management.

(d) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and

schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the deadlines in subsections (4) and (5) of this section or in accordance with the provisions of subsection (6) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan. Subarea plans adopted under this subsection (2)(a)(i) must clarify, supplement, or implement jurisdiction-wide comprehensive plan policies, and may only be adopted if the cumulative impacts of the proposed plan are addressed by appropriate environmental review under chapter 43.21C RCW;

(ii) The development of an initial subarea plan for economic development located outside of the one hundred year floodplain in a county that has completed a state-funded pilot project that is based on watershed characterization and local habitat assessment;

(iii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;

(iv) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget; or

(v) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.440, provided that amendments are considered in accordance with the public participation program established by the county or city under this subsection (2)(a) and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with the court.

(3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, according to the schedules established in subsections (4) and (5) of this section, its designated urban growth area or areas, patterns of development occurring within the urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the

unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding ~~((twenty))~~ 20-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(c) If, during the county's review under (a) of this subsection, the county determines revision of the urban growth area is not required to accommodate the urban growth projected to occur in the county for the succeeding 20-year period, but does determine that patterns of development have created pressure in areas that exceed available, developable lands within the urban growth area, the urban growth area or areas may be revised to accommodate identified patterns of development and likely future development pressure for the succeeding 20-year period if the following requirements are met:

(i) The revised urban growth area may not result in an increase in the total surface areas of the urban growth area or areas;

(ii) The areas added to the urban growth area are not or have not been designated as agricultural, forest, or mineral resource lands of long-term commercial significance;

(iii) Less than 15 percent of the areas added to the urban growth area are critical areas;

(iv) The areas added to the urban growth areas are suitable for urban growth;

(v) The transportation element and capital facility plan element have identified the transportation facilities, and public facilities and services needed to serve the urban growth area and the funding to provide the transportation facilities and public facilities and services;

(vi) The urban growth area is not larger than needed to accommodate the growth planned for the succeeding 20-year planning period and a reasonable land market supply factor;

(vii) The areas removed from the urban growth area do not include urban growth or urban densities; and

(viii) The revised urban growth area is contiguous, does not include holes or gaps, and will not increase pressures to urbanize rural or natural resource lands.

(4) Except as otherwise provided in subsections (6) and (8) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) On or before June 30, 2015, for King, Pierce, and Snohomish counties and the cities within those counties;

(b) On or before June 30, 2016, for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(c) On or before June 30, 2017, for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before June 30, 2018, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5) Except as otherwise provided in subsections (6) and (8) of this section, following the review of comprehensive plans and development regulations required by subsection (4) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) ~~((On))~~ Except as provided in subsection (10) of this section, on or before December 31, 2024, with the following review and, if needed, revision on or before June 30, 2034, and then every ~~((ten))~~ 10 years thereafter, for King, Kitsap, Pierce, and Snohomish counties and the cities within those counties;

(b) On or before June 30, 2025, and every ~~((ten))~~ 10 years thereafter, for Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(c) On or before June 30, 2026, and every ~~((ten))~~ 10 years thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania, Spokane, Walla Walla, and Yakima counties and the cities within those counties; and

(d) On or before June 30, 2027, and every ~~((ten))~~ 10 years thereafter, for Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, and Whitman counties and the cities within those counties.

(6) (a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the deadlines established in subsections (4) and (5) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) A county that is subject to a deadline established in subsection (5)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline established in subsection (5) of this section: The county has a population of less than fifty thousand and has had its population increase by no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

(c) A city that is subject to a deadline established in subsection (5)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline

established in subsection (5) of this section: The city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

(d) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(7)(a) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities that meet the following criteria may receive grants, loans, pledges, or financial guarantees under chapter 43.155 or 70A.135 RCW:

(i) Complying with the deadlines in this section; or

(ii) Demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas.

(b) A county or city that is fewer than ~~((twelve))~~ 12 months out of compliance with the schedules in this section for development regulations that protect critical areas is making substantial progress towards compliance. Only those counties and cities in compliance with the schedules in this section may receive preference for grants or loans subject to the provisions of RCW 43.17.250.

(8)(a) Except as otherwise provided in (c) of this subsection, if a participating watershed is achieving benchmarks and goals for the protection of critical areas functions and values, the county is not required to update development regulations to protect critical areas as they specifically apply to agricultural activities in that watershed.

(b) A county that has made the election under RCW 36.70A.710(1) may only adopt or amend development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed if:

(i) A work plan has been approved for that watershed in accordance with RCW 36.70A.725;

(ii) The local watershed group for that watershed has requested the county to adopt or amend development regulations as part of a work plan developed under RCW 36.70A.720;

(iii) The adoption or amendment of the development regulations is necessary to enable the county to respond to an order of the growth management hearings board or court;

(iv) The adoption or amendment of development regulations is necessary to address a threat to human health or safety; or

(v) Three or more years have elapsed since the receipt of funding.

(c) Beginning ~~((ten))~~ 10 years from the date of receipt of funding, a county that has made the election under RCW 36.70A.710(1) must review and, if necessary, revise development regulations to protect

critical areas as they specifically apply to agricultural activities in a participating watershed in accordance with the review and revision requirements and timeline in subsection (5) of this section. This subsection (8)(c) does not apply to a participating watershed that has determined under RCW 36.70A.720(2)(c)(ii) that the watershed's goals and benchmarks for protection have been met.

(9)(a) Counties subject to planning deadlines established in subsection (5) of this section that are required or that choose to plan under RCW 36.70A.040 and that meet either criteria of (a)(i) or (ii) of this subsection, and cities with a population of more than 6,000 as of April 1, 2021, within those counties, must provide to the department an implementation progress report detailing the progress they have achieved in implementing their comprehensive plan five years after the review and revision of their comprehensive plan. Once a county meets the criteria in (a)(i) or (ii) of this subsection, the implementation progress report requirements remain in effect thereafter for that county and the cities therein with populations greater than 6,000 as of April 1, 2021, even if the county later no longer meets either or both criteria. A county is subject to the implementation progress report requirement if it meets either of the following criteria on or after April 1, 2021:

(i) The county has a population density of at least 100 people per square mile and a population of at least 200,000; or

(ii) The county has a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of financial management.

(b) The department shall adopt guidelines for indicators, measures, milestones, and criteria for use by counties and cities in the implementation progress report that must cover:

(i) The implementation of previously adopted changes to the housing element and any effect those changes have had on housing affordability and availability within the jurisdiction;

(ii) Permit processing timelines; and

(iii) Progress toward implementing any actions required to achieve reductions to meet greenhouse gas and vehicle miles traveled requirements as provided for in any element of the comprehensive plan under RCW 36.70A.070.

(c) If a city or county required to provide an implementation progress report under this subsection (9) has not implemented any specifically identified regulations, zoning and land use changes, or taken other legislative or administrative action necessary to implement any changes in the most recent periodic update in their comprehensive plan by the due date for the implementation progress report, the city or county must identify the need for such action in the implementation progress report. Cities and counties must adopt a work plan to implement any necessary regulations, zoning and land use changes, or take other legislative or administrative action identified in the implementation

progress report and complete all work necessary for implementation within two years of submission of the implementation progress report.

(10) Any county or city that is required by section 4 of this act to include in its comprehensive plan a climate change and resiliency element and that is also required by subsection (5)(a) of this section to review and, if necessary, revise its comprehensive plan on or before December 31, 2024, must update its transportation element and incorporate a climate change and resiliency element into its comprehensive plan as part of the first implementation progress report required by subsection (9) of this section if funds are appropriated and distributed by December 31, 2027, as required under RCW 36.70A.070(10).

**NEW SECTION. Sec. 16.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Notwithstanding the requirements of RCW 36.70A.070(10), it is the intent that jurisdictions subject to RCW 36.70A.130(5) (b) implement the requirements of this act on or before June 30, 2025. Any funding provided to cover applicable local government costs related to implementation of this act shall be considered timely.

(2) This section expires July 31, 2025.

**NEW SECTION. Sec. 17.** A new section is added to chapter 43.20 RCW to read as follows:

(1)(a) Beginning with water system plans initiated after June 30, 2025, the department shall ensure water system plans for group A community public water systems serving 1,000 or more connections include a climate resilience element at the time of approval.

(b) The department must update its water system planning guidebook to assist water systems in implementing the climate resilience element, including guidance on any available technical and financial resources.

(c) The department shall provide technical assistance to public water systems based on their system size, location, and water source, by providing references to existing state or federal risk management, climate resiliency, or emergency management and response tools that may be used to satisfy the climate resilience element.

(d) Subject to the availability of amounts appropriated for this specific purpose, the University of Washington climate impacts group shall assist the department in the development of tools for the technical assistance to be provided in (c) of this subsection.

(2) To fulfill the requirements of the climate resilience element, water systems must:

(a) Determine which extreme weather events pose significant challenges to their system and build scenarios to identify potential impacts;

(b) Assess critical assets and the actions necessary to protect the system from the consequences of extreme weather events on system operations; and

(c) Generate reports describing the costs and benefits of the system's risk reduction strategies and capital project needs.

(3) Climate readiness projects, including planning to meet the requirements of this section and actions to protect a water system from extreme weather events, including infrastructure and design projects, are eligible for financial assistance under RCW 70A.125.180. The department must develop grant and loan eligibility criteria and consider applications from water systems that identify climate readiness projects.

**Sec. 18.** RCW 70A.125.180 and 2020 c 20 s 1359 are each amended to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the department shall provide financial assistance through a water system acquisition and rehabilitation program, hereby created. ~~((The program shall be jointly administered with the public works board and the department of commerce.))~~ The ~~((agencies))~~ department shall adopt guidelines for the program using as a model the procedures and criteria of the drinking water revolving loan program authorized under RCW 70A.125.160. All financing provided through the program must be in the form of grants or loans that partially cover project costs, including projects and planning required under RCW 36.70A.480. The maximum grant or loan to any eligible entity may not exceed ~~((twenty-five))~~ 25 percent of the funds allocated to the appropriation in any fiscal year.

**NEW SECTION. Sec. 19.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Griffey moved the adoption of amendment (189) to the striking amendment (155):

On page 14, line 12 of the striking amendment, after "resources;" insert "and"

On page 14, beginning on line 21 of the striking amendment, strike all of subsection (C) and insert "~~((C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;))~~"

Representatives Griffey, Orcutt, Barkis, Waters, Christian and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Alvarado spoke against the adoption of the amendment to the striking amendment.

Amendment (189) to the striking amendment (155) was not adopted.

Representative Goehner moved the adoption of amendment (185) to the striking amendment (155):

On page 18, after line 38 of the striking amendment, insert the following:

"(f) Any jurisdiction that imposes a requirement under this act on private property or an individual to reduce or eliminate greenhouse gas emissions or otherwise comply with the climate change and resiliency element of the comprehensive plan must show that the requirement will result in a measurable improvement to climate change in the form of reductions in water temperatures, including salmon-bearing waterbodies, within the jurisdiction. If the jurisdiction cannot show measurable improvement then the jurisdiction need not implement such provisions that are ineffective in reducing greenhouse gas emissions."

Representatives Goehner, Dye, Abbarno, Orcutt, Klicker, Christian, Ybarra, Harris and Jacobsen spoke in favor of the adoption of the amendment to the striking amendment.

Representative Alvarado spoke against the adoption of the amendment to the striking amendment.

Amendment (185) to the striking amendment (155) was not adopted.

Representative Maycumber moved the adoption of amendment (200) to the striking amendment (155):

On page 18, after line 38 of the striking amendment, insert the following:

"(f) In efforts to equitably address resilience and reduce the adverse impacts in human communities under this section, the department, counties, and cities may not directly or indirectly curtail the use of existing technologies and fuels that are locally available for a preference to use carbon reduction technologies that benefit foreign governments or companies that have laws and standards that do not meet Washington's labor, equity, and inclusion standards."

Representatives Maycumber, Dye, Abbarno, Corry, Christian and Orcutt spoke in favor of the adoption of the amendment to the striking amendment.

Representative Duerr spoke against the adoption of the amendment to the striking amendment.

Amendment (200) to the striking amendment (155) was not adopted.

Representative Dye moved the adoption of amendment (202) to the striking amendment (155):

On page 18, after line 38 of the striking amendment, insert the following:

"(f) Any jurisdiction that imposes a requirement under this section on private property or an individual within urban areas to increase tree canopy must show that the requirement will result in a measurable improvement to climate change in the form of reductions in temperatures associated with urban heat island effect within the jurisdiction. If, after ten years, there is no significant reduction in temperature, the

jurisdiction need not implement the tree canopy requirements in this chapter."

Representatives Dye, Connors, Abbarno, Christian and Jacobsen spoke in favor of the adoption of the amendment to the striking amendment.

Representative Fitzgibbon spoke against the adoption of the amendment to the striking amendment.

Amendment (202) to the striking amendment (155) was not adopted.

Representative Maycumber moved the adoption of amendment (199) to the striking amendment (155):

On page 20, after line 12 of the striking amendment, insert the following:

"(7) Compliance with the provisions of this act is voluntary for rural counties as defined in RCW 82.14.370 and counties that abut an international border."

Representatives Maycumber, Abbarno, Schmick, Couture, Dent, Sandlin, Dye, Chambers, Walsh, Goehner, Klicker, Ybarra and Christian spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ramel spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (199) to the striking amendment (155) and the amendment was not adopted by the following vote: Yeas, 41; Nays, 57; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Amendment (199) to the striking amendment (155) was not adopted.

Representative Goehner moved the adoption of amendment (196) to the striking amendment (155):

On page 21, line 4 of the striking amendment, after "(2)" insert "Any state agency developing guidelines for implementing any of the provisions of the climate change and resiliency element or its subelements must treat the provisions of the guidelines as if they are provisions of a rule so that the final provisions are compliant with the rule-making restrictions in the administrative procedure act, RCW 34.05.328, for significant legislative rules. Guidelines may not recommend that any local jurisdiction impose requirements that conflict with or exceed the rule-making

limitations in RCW 34.05.328(1)(d), (e), (f), (g), and (h). State agency guidance manuals may not recommend requirements that conflict with or are contrary to state or federal law.

(3)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 29, after line 39 of the striking amendment, insert the following:

"(9) Any state agency developing a rule or guidance implementing any of the provisions of the climate change and resiliency element or its subelements must abide by the requirements of the administrative procedure act, RCW 34.05.328, for significant legislative rules. Guidance may not recommend that any local jurisdiction impose requirements that conflict with or exceed the rule-making limitations in RCW 34.05.328(1)(d), (e), (f), (g), and (h). State agency guidance manuals may not recommend requirements that conflict with or are contrary to state or federal law."

On page 30, line 12 of the striking amendment, after "environment." insert "Any state agency developing a rule or guidelines to implement the provisions of this section must abide by the requirements of the administrative procedure act, RCW 34.05.328, for significant legislative rules. Rules and guidelines implementing this section may not recommend that any local jurisdiction impose requirements that conflict with or exceed the rule-making limitations in RCW 34.05.328 (1)(d), (e), (f), (g), and (h). State agency guidance manuals may not recommend requirements that conflict with or are contrary to state or federal law."

Representatives Goehner, Abbarno and Orcutt spoke in favor of the adoption of the amendment to the striking amendment.

Representative Alvarado spoke against the adoption of the amendment to the striking amendment.

Amendment (196) to the striking amendment (155) was not adopted.

Representative Goehner moved the adoption of amendment (198) to the striking amendment (155):

On page 21, line 38 of the striking amendment, after "targets." insert "If the department or a county, city, or town finds that the climate change and resiliency element and any implementing development regulations or rules have resulted in a reduction to zoned housing capacity, and the local jurisdiction identifies a shortage of housing, then the city, county, or town may adopt a resolution with such findings, send a copy of the resolution to the department, and on the day the resolution is adopted stop implementing the climate change and resiliency element and its implementing development regulations and rules until there is no longer a housing shortage in the city, county, or town."

Representatives Goehner, Abbarno, Jacobsen, Connors, Christian and Cheney spoke in favor of the adoption of the amendment to the striking amendment.

Representative Alvarado spoke against the adoption of the amendment to the striking amendment.

Amendment (198) to the striking amendment (155) was not adopted.

Representative Jacobsen moved the adoption of amendment (172) to the striking amendment (155):

On page 29, beginning on line 10 of the striking amendment, after "(8)" strike all material through "creates" on line 15 and insert "(a) A task force comprised of five county commissioners and five city commissioners from different counties and cities that represent different sized jurisdictions is directed to create a model climate change and resilience element in accordance with this section. The members representing cities shall be appointed by a statewide organization representing all of Washington's cities. The members representing counties shall be appointed by a statewide organization representing all of Washington's counties."

(b) From this membership two co-chairs from differing major political parties as defined in 29A.04.086 shall be chosen.

(c) The task force may include an employee from each of the associations that represent cities, counties, and county elected officials.

(d) The department of commerce, the department of ecology, the department of fish and wildlife, the department of natural resources, the department of health, and the emergency management division of the military department shall designate one non-voting member from their respective departments to serve on the task force. These departments shall cooperate with the task force and provide information as the co-chairs may reasonably request.

(e) The department of commerce may convene the first task force meeting no later than September 1, 2023 if the city and county elected officials have not called a meeting prior to that date.

(f) The task force shall create"

On page 29, at the beginning of line 20 of the striking amendment, strike "(a)" and insert "(i)"

On page 29, at the beginning of line 24 of the striking amendment, strike "(b)" and insert "(ii)"

On page 29, at the beginning of line 31 of the striking amendment, strike "(c)" and insert "(iii)"

On page 29, at the beginning of line 36 of the striking amendment, strike "(d) The rule" and insert "(iv) The model element"

Representatives Jacobsen, Abbarno, Orcutt and Christian spoke in favor of the adoption of the amendment to the striking amendment.

Representative Alvarado spoke against the adoption of the amendment to the striking amendment.

Amendment (172) to the striking amendment (155) was not adopted.

Representative Dye moved the adoption of amendment (201) to the striking amendment (155):

On page 29, line 27 of the striking amendment, after "infrastructure" insert "and the electrical grid with its supporting infrastructures,"

On page 46, after line 33 of the striking amendment, insert the following:

"NEW SECTION. Sec. 17. A new section is added to chapter 36.70A RCW to read as follows:

(1) In compliance with the public facilities and services and climate change and resiliency goals, cities and counties must consult with utilities and ratepayers to ensure that the comprehensive plans and development regulations are consistent with the integrated resource plan and clean energy action plan of the utilities that serve customers in the jurisdiction. During the consultation, cities and counties may determine whether the utilities are planning for sufficient electric capacity so every household could choose to have air conditioning in hot weather, heat in cold weather, at least one electric vehicle charger, medical devices, all kitchen appliances, water heaters, washer and dryer, lights, televisions, computers, and cell phones without interruption of electrical services.

(2) Siting of new generation, upgraded transformers and substations, and investment in replacement and upgrades of transition lines while keeping electricity rates affordable are crucial elements of the climate change and resiliency policy.

(3) Elimination of base load capacity without an equivalent or greater amount of base load electrical generation is contrary to the climate change and resiliency goal."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Dye and Abbarno spoke in favor of the adoption of the amendment to the striking amendment.

Representative Fitzgibbon spoke against the adoption of the amendment to the striking amendment.

Amendment (201) to the striking amendment (155) was not adopted.

Representative Abbarno moved the adoption of amendment (173) to the striking amendment (155):

On page 29, line 35 of the striking amendment, after "patterns;" strike "and"

On page 29, line 39 of the striking amendment, after "resilience" insert "and (e) The model element, in addressing protection, restoration, and enhancement of natural infrastructure, providing vital habitat and safe passage of species

migrations, and improving socioeconomic health under this section, must include policies that rehouse unsheltered people living on public land and clean up encampments, especially in areas near aquifers and waterways"

Representatives Abbarno, Orcutt, Jacobsen, Walsh, Christian, Graham, McClintock, Volz and Maycumber spoke in favor of the adoption of the amendment to the striking amendment.

Representative Alvarado spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (173) to the striking amendment (155) and the amendment was not adopted by the following vote: Yeas, 43; Nays, 55; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Amendment (173) to the striking amendment (155) was not adopted.

Representative Griffey moved the adoption of amendment (188) to the striking amendment (155):

On page 46, after line 33 of the striking amendment, insert the following:

"NEW SECTION. Sec. 17. A new section is added to chapter 36.70A RCW to read as follows:

Green spaces and green infrastructure may not be sited on any location that would cause a net loss of buildable land within the jurisdiction. A jurisdiction may allow for additional development elsewhere within the jurisdiction, including by adjusting urban growth area boundaries, in order to compensate for the use of buildable land for green spaces and green infrastructure. Required green spaces may not be extracted from private property through a development regulation or through permits. Required green spaces may only be established on public land or by purchase of such property."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Griffey, Abbarno, Couture, Orcutt, Maycumber and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Alvarado spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (188) to the striking amendment (155) and the amendment was not adopted by the following vote: Yeas, 43; Nays, 55; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Amendment (188) to the striking amendment (155) was not adopted.

Representative Goehner moved the adoption of amendment (197) to the striking amendment (155):

On page 1, line 20 of the striking amendment, after "emissions" strike "and per capita vehicle miles traveled,"

On page 2, line 40 of the striking amendment, after "emissions" strike "and per capita vehicle miles traveled"

On page 6, line 4 of the striking amendment, after "activity" strike all material through "state" on line 6

On page 16, line 26 of the striking amendment, after "state;" insert "and"

On page 16, beginning on line 27 of the striking amendment, strike all of subsection (B)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 16, line 37 of the striking amendment, after "reductions" strike "or per capita vehicle miles traveled reductions"

On page 17, line 3 of the striking amendment, after "emissions" strike "or per capita vehicle miles traveled"

On page 21, beginning on line 4 of the striking amendment, strike all of subsection (2)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 21, line 35 of the striking amendment, after "emissions" strike "and per capita vehicle miles traveled"

On page 22, line 1 of the striking amendment, after "emissions" strike "and per capita vehicle miles traveled"

On page 22, beginning on line 11 of the striking amendment, after "charge" strike all material through "traveled" on line 12

On page 30, beginning on line 1 of the striking amendment, strike all of section 10

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 37, beginning on line 26 of the striking amendment, strike all of subsection (32)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 45, line 40 of the striking amendment, after "gas" strike "and vehicle miles traveled" and insert "((~~and vehicle miles traveled~~))"

Representatives Goehner, Abbarno, Graham, Christian, Walsh and Maycumber spoke in favor of the adoption of the amendment to the striking amendment.

Representative Alvarado spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (197) to the striking amendment (155) and the amendment was not adopted by the following vote: Yeas, 44; Nays, 54; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Reeves, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Amendment (197) to the striking amendment (155) was not adopted.

Representatives Duerr and Goehner spoke in favor of the adoption of the striking amendment.

The striking amendment (155) was adopted.

The bill was ordered engrossed.

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

Representatives Duerr and Fitzgibbon spoke in favor of the passage of the bill.



Representatives Dye, Abbarno, Griffey, Ybarra, Connors, Sandlin, McEntire, Christian, Hutchins, Goeher and Couture spoke against the passage of the bill.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1181.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1181, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goeher, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1181, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

**HOUSE BILL NO. 1575, by Representatives Reed, Berry, Berg, Taylor, Farivar, Stonier, Peterson, Senn, Doglio, Cortes, Ryu, Fosse, Springer, Bateman, Goodman, Ramel, Bergquist and Pollet**

**Modifying the sales and use tax for cultural access programs by allowing the tax to be imposed by a councilmanic or commission authority and defining timelines and priorities for action.**

The bill was read the second time.

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

Representative Reed spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1575.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1575, and the bill passed the House by the following vote: Yeas, 51; Nays, 47; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Callan, Chapman, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri,

Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Bronoske, Caldier, Chambers, Chandler, Cheney, Chopp, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goeher, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

HOUSE BILL NO. 1575, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1394, by Representatives Senn, Goodman, Simmons, Lekanoff and Doglio**

**Creating a developmentally appropriate response to youth who commit sexual offenses.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1394 was substituted for House Bill No. 1394 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1394 was read the second time.

With the consent of the House, amendment (086) was withdrawn.

Representative Walsh moved the adoption of amendment (166):

On page 7, line 13, after "age" insert "14 or"

On page 7, line 15, after "age" insert "14 or"

On page 7, line 27, after "age" insert "14 or"

On page 7, line 33, after "age" strike "15, 16, or" and insert "14 through"

Representatives Walsh and Senn spoke in favor of the adoption of the amendment.

Amendment (166) was adopted.

Representative Couture moved the adoption of amendment (256):

On page 21, after line 4, insert the following:

**"Sec. 9.** RCW 13.40.210 and 2017 3rd sp.s. c 6 s 609 are each amended to read as follows:

(1) The secretary shall set a release date for each juvenile committed to its custody. The release date shall be within the prescribed range to which a juvenile has been committed under RCW 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320 concerning offenders the department determines are eligible for the juvenile offender basic training camp program. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The

secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter. Days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the time of release if any such early releases have occurred as a result of excessive in-residence population. In no event shall an offender adjudicated of a violent offense be granted release under the provisions of this subsection.

(3)(a) Following the release of any juvenile under subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for ~~((rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion,))~~ a sex offense as defined under RCW 9.94A.030 the period of parole shall be twenty-four months and, in the discretion of the secretary, may be up to thirty-six months when the secretary finds that an additional period of parole is necessary and appropriate in the interests of public safety or to meet the ongoing needs of the juvenile. A parole program is mandatory for offenders released under subsection (2) of this section and for offenders who receive a juvenile residential commitment sentence for theft of a motor vehicle, possession of a stolen motor vehicle, or taking a motor vehicle without permission 1. A juvenile adjudicated for unlawful possession of a firearm, possession of a stolen firearm, theft of a firearm, or drive-by shooting may participate in aggression replacement training, functional family therapy, or functional family parole

aftercare if the juvenile meets eligibility requirements for these services. The decision to place an offender in an evidence-based parole program shall be based on an assessment by the department of the offender's risk for reoffending upon release and an assessment of the ongoing treatment needs of the juvenile. The department shall prioritize available parole resources to provide supervision and services to offenders at moderate to high risk for reoffending.

(b) The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal shall require the juvenile to refrain from possessing a firearm or using a deadly weapon and refrain from committing new offenses and may require the juvenile to: (i) Undergo available medical, psychiatric, drug and alcohol, sex offender, mental health, and other offense-related treatment services; (ii) report as directed to a parole officer and/or designee; (iii) pursue a course of study, vocational training, or employment; (iv) notify the parole officer of the current address where he or she resides; (v) be present at a particular address during specified hours; (vi) remain within prescribed geographical boundaries; (vii) submit to electronic monitoring; (viii) refrain from using illegal drugs and alcohol, and submit to random urinalysis when requested by the assigned parole officer; (ix) refrain from contact with specific individuals or a specified class of individuals; (x) meet other conditions determined by the parole officer to further enhance the juvenile's reintegration into the community; (xi) pay any court-ordered fines or restitution; and (xii) perform community restitution. Community restitution for the purpose of this section means compulsory service, without compensation, performed for the benefit of the community by the offender. Community restitution may be performed through public or private organizations or through work crews.

(c) The secretary may further require up to twenty-five percent of the highest risk juvenile offenders who are placed on parole to participate in an intensive supervision program. Offenders participating in an intensive supervision program shall be required to comply with all terms and conditions listed in (b) of this subsection and shall also be required to comply with the following additional terms and conditions: (i) Obey all laws and refrain from any conduct that threatens public safety; (ii) report at least once a week to an assigned community case manager; and (iii) meet all other requirements imposed by the community case manager related to participating in the intensive supervision program. As a part of the intensive supervision program, the secretary may require day reporting.

(d) After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4)(a) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled

if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (i) Continued supervision under the same conditions previously imposed; (ii) intensified supervision with increased reporting requirements; (iii) additional conditions of supervision authorized by this chapter; (iv) except as provided in (a)(v) and (vi) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; (v) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030; and (vi) the secretary may return the offender to confinement for the remainder of the sentence range if the youth has completed the basic training camp program as described in RCW 13.40.320.

(b) The secretary may modify parole and order any of the conditions or may return the offender to confinement for up to twenty-four weeks if the offender was sentenced for a sex offense as defined under RCW 9A.44.128 and is known to have violated the terms of parole. Confinement beyond thirty days is intended to only be used for a small and limited number of sex offenders. It shall only be used when other graduated sanctions or interventions have not been effective or the behavior is so egregious it warrants the use of the higher level intervention and the violation: (i) Is a known pattern of behavior consistent with a previous sex offense that puts the youth at high risk for reoffending sexually; (ii) consists of sexual behavior that is determined to be predatory as defined in RCW 71.09.020; or (iii) requires a review under chapter 71.09 RCW, due to a recent overt act. The total number of days of confinement for violations of parole conditions during the parole period shall not exceed the number of days provided by the maximum sentence imposed by the disposition for the underlying offense pursuant to RCW 13.40.0357. The department shall not aggregate multiple parole violations that occur prior to the parole revocation hearing and impose consecutive twenty-four week periods of confinement for each parole violation. The department is authorized to engage in rule making pursuant to chapter 34.05 RCW, to implement this subsection, including narrowly defining the behaviors that could lead to this higher level intervention.

(c) If the department finds that any juvenile in a program of parole has

possessed a firearm or used a deadly weapon during the program of parole, the department shall modify the parole under (a) of this subsection and confine the juvenile for at least thirty days. Confinement shall be in a facility operated by or pursuant to a contract with the state or any county.

(5) A parole officer of the department of children, youth, and families shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest the person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Couture and Senn spoke in favor of the adoption of the amendment.

Amendment (256) was adopted.

Representative Dent moved the adoption of the striking amendment (090):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 4.24.550 and 2015 c 261 s 1 are each amended to read as follows:

(1) In addition to the disclosure under subsection (5) of this section, public agencies are authorized to release information to the public regarding sex offenders and kidnapping offenders when the agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender. This authorization applies to information regarding: (a) Any person adjudicated or convicted of a sex offense as defined in RCW 9A.44.128 or a kidnapping offense as defined by RCW 9A.44.128; (b) any person under the jurisdiction of the indeterminate sentence review board as the result of a sex offense or kidnapping offense; (c) any person committed as a sexually violent predator under chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW; (d) any person found not guilty of a sex offense or kidnapping offense by reason of insanity under chapter 10.77 RCW; and (e) any person found incompetent to stand trial for a sex offense or kidnapping offense and subsequently committed under chapter 71.05 or 71.34 RCW.

(2) Except for the information specifically required under subsection (5) of this section, the extent of the (~~public disclosure~~) community notification of relevant and necessary information shall be rationally related to: (a) The level of risk posed by the offender to the community; (b) the locations where the offender resides, expects to reside, or is regularly found; and (c) the needs of the affected community

members for information to enhance their individual and collective safety.

(3) Except for the information specifically required under subsection (5) of this section, local law enforcement agencies shall consider the following guidelines in determining the extent of (~~a public disclosure~~) community notification made under this section: (a) For offenders classified as risk level I, the agency shall share information with other appropriate law enforcement agencies and, if the offender is a student, the public or private school regulated under Title 28A RCW or chapter 72.40 RCW which the offender is attending, or planning to attend. The agency may disclose, upon request, relevant, necessary, and accurate information to any victim or witness to the offense, any individual community member who lives near the residence where the offender resides, expects to reside, or is regularly found, and any individual who requests information regarding a specific offender; (b) for offenders classified as risk level II, the agency may also disclose relevant, necessary, and accurate information to public and private schools, child day care centers, family day care providers, public libraries, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found; (c) for offenders classified as risk level III, the agency may also disclose relevant, necessary, and accurate information to the public at large; and (d) because more localized notification is not feasible and homeless and transient offenders may present unique risks to the community, the agency may also disclose relevant, necessary, and accurate information to the public at large for offenders registered as homeless or transient.

(4) The county sheriff with whom an offender classified as risk level III is registered shall release a sex offender community notification that conforms to the guidelines established under RCW 4.24.5501.

(5)(a) When funded by federal grants or other sources, the Washington association of sheriffs and police chiefs shall create and maintain a statewide registered kidnapping and sex offender website, which shall be available to the public. The website shall post all level III and level II registered sex offenders, level I registered sex offenders only during the time they are out of compliance with registration requirements under RCW 9A.44.130 or if lacking a fixed residence as provided in RCW 9A.44.130, and all registered kidnapping offenders in the state of Washington.

(i) For level III offenders, the website shall contain, but is not limited to, the registered sex offender's name, relevant criminal convictions, address by hundred block, physical description, and photograph. The website shall provide mapping capabilities that display the sex offender's address by hundred block on a map. The website shall allow citizens to search for registered sex offenders within the state of

Washington by county, city, zip code, last name, and address by hundred block.

(ii) For level II offenders, and level I sex offenders during the time they are out of compliance with registration requirements under RCW 9A.44.130, the website shall contain, but is not limited to, the same information and functionality as described in (a)(i) of this subsection, provided that it is permissible under state and federal law. If it is not permissible, the website shall be limited to the information and functionality that is permissible under state and federal law.

(iii) For kidnapping offenders, the website shall contain, but is not limited to, the same information and functionality as described in (a)(i) of this subsection, provided that it is permissible under state and federal law. If it is not permissible, the website shall be limited to the information and functionality that is permissible under state and federal law.

(b) Law enforcement agencies must provide information requested by the Washington association of sheriffs and police chiefs to administer the statewide registered kidnapping and sex offender website.

(c)(i) (~~Within~~) Except as provided in (c)(iii) of this subsection, within five business days of the Washington association of sheriffs and police chiefs receiving any public record request under chapter 42.56 RCW for sex offender and kidnapping offender information, records or website data it holds or maintains pursuant to this section or a unified sex offender registry, the Washington association of sheriffs and police chiefs shall refer the requester in writing to the appropriate law enforcement agency or agencies for submission of such a request. The Washington association of sheriffs and police chiefs shall have no further obligation under chapter 42.56 RCW for responding to such a request.

(ii) This (~~subparagraph~~) subsection (5) (c) of this section is remedial and applies retroactively.

Information held by or accessible to the Washington association of sheriffs and police chiefs for a person who is required to register under RCW 9A.44.130 for an offense committed when under age 18 is exempt from public disclosure under chapter 42.56 RCW.

(6)(a) Law enforcement agencies responsible for the registration and dissemination of information regarding offenders required to register under RCW 9A.44.130 shall assign a risk level classification to all offenders after consideration of: (i) Any available risk level classifications provided by the department of corrections, the department of social and health services, and the indeterminate sentence review board; (ii) the agency's own application of a sex offender risk assessment tool; and (iii) other information and aggravating or mitigating factors known to the agency and deemed rationally related to the risk posed by the offender to the community at large.

(b) A sex offender shall be classified as a risk level I if his or her risk assessment and other information or factors deemed relevant by the law enforcement agency

indicate he or she is at a low risk to sexually reoffend within the community at large. A sex offender shall be classified as a risk level II if his or her risk assessment and other information or factors deemed relevant by the law enforcement agency indicate he or she is at a moderate risk to sexually reoffend within the community at large. A sex offender shall be classified as a risk level III if his or her risk assessment and other information or factors deemed relevant by the law enforcement agency indicate he or she is at a high risk to sexually reoffend within the community at large.

(c) The agency shall make a good faith effort to notify the public and residents within a reasonable period of time after the offender registers with the agency.

(d) Agencies may develop a process to allow an offender to petition for review of the offender's assigned risk level classification. The timing, frequency, and process for review are at the sole discretion of the agency.

(7) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470, or units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any discretionary risk level classification decisions or release of relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The immunity in this section applies to risk level classification decisions and the release of relevant and necessary information regarding any individual for whom disclosure is authorized. The decision of a law enforcement agency or official to classify an offender to a risk level other than the one assigned by the department of corrections, the department of social and health services, or the indeterminate sentence review board, or the release of any relevant and necessary information based on that different classification shall not, by itself, be considered gross negligence or bad faith. The immunity provided under this section applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

(8) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a public official, public employee, or public agency for failing to release information authorized under this section.

~~(9) ((Nothing in this section implies that information regarding persons designated in subsection (1) of this section is confidential except as may otherwise be provided by law)) Sex offender and kidnapping offender information for a person who is required to register under RCW 9A.44.130 for an offense committed when under age 18 is exempt from public disclosure under chapter 42.56 RCW.~~

(10) When a law enforcement agency or official classifies an offender differently than the offender is classified by the end of sentence review committee at the time of the offender's release from confinement, the

law enforcement agency or official shall notify the end of sentence review committee and the Washington state patrol and submit its reasons supporting the change in classification.

(11) As used in this section, "law enforcement agency" means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

**Sec. 2.** RCW 42.56.240 and 2022 c 268 s 31 are each amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

(4) License applications under RCW 9.41.070, except that copies of license applications or information on the applications may be released to law enforcement or corrections agencies or to persons and entities as authorized under RCW 9.41.815;

(5) Information revealing the specific details that describe an alleged or proven child victim of sexual assault under age eighteen, or the identity or contact information of an alleged or proven child victim of sexual assault who is under age eighteen. Identifying information includes the child victim's name, addresses, location, photograph, and in cases in which the child victim is a relative, stepchild, or stepsibling of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Contact information includes phone numbers, email addresses, social media profiles, and user names and passwords;

(6) Information contained in a local or regionally maintained gang database as well

as the statewide gang database referenced in RCW 43.43.762;

(7) Data from the electronic sales tracking system established in RCW 69.43.165;

(8) Information submitted to the statewide unified sex offender notification and registration program under RCW 36.28A.040(6) by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and email address;

(9) Information compiled and submitted for the purpose of sex offender and kidnapping offender registration for a person who is required to register under RCW 9A.44.130 for an offense committed when under age 18, regardless of whether the information is held by a law enforcement agency, the statewide unified sex offender notification and registration program under RCW 36.28A.040, the central registry of sex offenders and kidnapping offenders under RCW 43.43.540, or another public agency;

Personally identifying information collected by law enforcement agencies pursuant to local security alarm system programs and vacation crime watch programs. Nothing in this subsection shall be interpreted so as to prohibit the legal owner of a residence or business from accessing information regarding his or her residence or business;

(10) The felony firearm offense conviction database of felony firearm offenders established in RCW 43.43.822;

(11) The identity of a state employee or officer who has in good faith filed a complaint with an ethics board, as provided in RCW 42.52.410, or who has in good faith reported improper governmental action, as defined in RCW 42.40.020, to the auditor or other public official, as defined in RCW 42.40.020;

(12) The following security threat group information collected and maintained by the department of corrections pursuant to RCW 72.09.745: (a) Information that could lead to the identification of a person's security threat group status, affiliation, or activities; (b) information that reveals specific security threats associated with the operation and activities of security threat groups; and (c) information that identifies the number of security threat group members, affiliates, or associates;

(13) The global positioning system data that would indicate the location of the residence of an employee or worker of a criminal justice agency as defined in RCW 10.97.030;

(14) Body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to privacy as described in RCW 42.56.050, including, but not limited to, the circumstances enumerated in (a) of this subsection. A law enforcement or corrections agency shall not disclose a body worn camera recording to the extent the recording is exempt under this subsection.

(a) Disclosure of a body worn camera recording is presumed to be highly offensive to a reasonable person under RCW 42.56.050 to the extent it depicts:

(i)(A) Any areas of a medical facility, counseling, or therapeutic program office where:

(I) A patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment; or

(II) Health care information is shared with patients, their families, or among the care team; or

(B) Information that meets the definition of protected health information for purposes of the health insurance portability and accountability act of 1996 or health care information for purposes of chapter 70.02 RCW;

(ii) The interior of a place of residence where a person has a reasonable expectation of privacy;

(iii) An intimate image;

(iv) A minor;

(v) The body of a deceased person;

(vi) The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicates a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern; or

(vii) The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020.

(b) The presumptions set out in (a) of this subsection may be rebutted by specific evidence in individual cases.

(c) In a court action seeking the right to inspect or copy a body worn camera recording, a person who prevails against a law enforcement or corrections agency that withholds or discloses all or part of a body worn camera recording pursuant to (a) of this subsection is not entitled to fees, costs, or awards pursuant to RCW 42.56.550 unless it is shown that the law enforcement or corrections agency acted in bad faith or with gross negligence.

(d) A request for body worn camera recordings must:

(i) Specifically identify a name of a person or persons involved in the incident;

(ii) Provide the incident or case number;

(iii) Provide the date, time, and location of the incident or incidents; or

(iv) Identify a law enforcement or corrections officer involved in the incident or incidents.

(e)(i) A person directly involved in an incident recorded by the requested body worn camera recording, an attorney representing a person directly involved in an incident recorded by the requested body worn camera recording, a person or his or her attorney who requests a body worn camera recording relevant to a criminal case involving that person, or the executive director from either the Washington state commission on African American affairs, Asian Pacific American affairs, or Hispanic affairs, has the right to obtain the body worn camera recording, subject to any exemption under this chapter or any applicable law. In

addition, an attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state Constitution, or a violation of a United States department of justice settlement agreement, has the right to obtain the body worn camera recording if relevant to the cause of action, subject to any exemption under this chapter or any applicable law. The attorney must explain the relevancy of the requested body worn camera recording to the cause of action and specify that he or she is seeking relief from redaction costs under this subsection (14)(e).

(ii) A law enforcement or corrections agency responding to requests under this subsection (14)(e) may not require the requesting individual to pay costs of any redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of a body worn camera recording.

(iii) A law enforcement or corrections agency may require any person requesting a body worn camera recording pursuant to this subsection (14)(e) to identify himself or herself to ensure he or she is a person entitled to obtain the body worn camera recording under this subsection (14)(e).

(f)(i) A law enforcement or corrections agency responding to a request to disclose body worn camera recordings may require any requester not listed in (e) of this subsection to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure only to the extent necessary to comply with the exemptions in this chapter or any applicable law.

(ii) An agency that charges redaction costs under this subsection (14)(f) must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

(iii) In any case where an agency charges a requestor for the costs of redacting a body worn camera recording under this subsection (14)(f), the time spent on redaction of the recording shall not count towards the agency's allocation of, or limitation on, time or costs spent responding to public records requests under this chapter, as established pursuant to local ordinance, policy, procedure, or state law.

(g) For purposes of this subsection (14):

(i) "Body worn camera recording" means a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or corrections officer while in the course of his or her official duties; and

(ii) "Intimate image" means an individual or individuals engaged in sexual activity, including sexual intercourse as defined in RCW 9A.44.010 and masturbation, or an individual's intimate body parts, whether nude or visible through less than opaque clothing, including the genitals, pubic area, anus, or postpubescent female nipple.

(h) Nothing in this subsection shall be construed to restrict access to body worn camera recordings as otherwise permitted by law for official or recognized civilian and

accountability bodies or pursuant to any court order.

(i) Nothing in this section is intended to modify the obligations of prosecuting attorneys and law enforcement under *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v. Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and the relevant Washington court criminal rules and statutes.

(j) A law enforcement or corrections agency must retain body worn camera recordings for at least sixty days and thereafter may destroy the records in accordance with the applicable records retention schedule;

(15) Any records and information contained within the statewide sexual assault kit tracking system established in RCW 43.43.545;

(16)(a) Survivor communications with, and survivor records maintained by, campus-affiliated advocates.

(b) Nothing in this subsection shall be construed to restrict access to records maintained by a campus-affiliated advocate in the event that:

(i) The survivor consents to inspection or copying;

(ii) There is a clear, imminent risk of serious physical injury or death of the survivor or another person;

(iii) Inspection or copying is required by federal law; or

(iv) A court of competent jurisdiction mandates that the record be available for inspection or copying.

(c) "Campus-affiliated advocate" and "survivor" have the definitions in RCW 28B.112.030;

(17) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs and information and records prepared, owned, used, or retained by the Washington state patrol pursuant to chapter 261, Laws of 2017; and

(18) Any and all audio or video recordings of child forensic interviews as defined in chapter 26.44 RCW. Such recordings are confidential and may only be disclosed pursuant to a court order entered upon a showing of good cause and with advance notice to the child's parent, guardian, or legal custodian. However, if the child is an emancipated minor or has attained the age of majority as defined in RCW 26.28.010, advance notice must be to the child. Failure to disclose an audio or video recording of a child forensic interview as defined in chapter 26.44 RCW is not grounds for penalties or other sanctions available under this chapter."

Correct the title.

Representative Dent spoke in favor of the adoption of the striking amendment.

Representative Senn spoke against the adoption of the striking amendment.

The striking amendment (090) was not adopted.

The bill was ordered engrossed.

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

Representatives Senn, Griffey, Couture and Dent spoke in favor of the passage of the bill.

Representatives Caldier, Walsh and Wilcox spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1394.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1394, and the bill passed the House by the following vote: Yeas, 60; Nays, 38; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Sandlin, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Waters, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Dye, Goehner, Graham, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh and Wilcox

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1394, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1477, by Representatives Thai, Street, Doglio, Berry, Chapman, Santos, Ryu, Alvarado, Ramel, Macri, Ormsby, Leavitt, Pollet and Fey**

#### **Making changes to the working families' tax credit.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1477 was substituted for House Bill No. 1477 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1477 was read the second time.

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

Representatives Thai and Orcutt spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Ramel, Representative Farivar was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1477.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1477, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Rude

Excused: Representative Farivar

SECOND SUBSTITUTE HOUSE BILL NO. 1477, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1559, by Representatives Entenman, Fitzgibbon, Stonier, Paul, Riccelli, Bergquist, Pollet and Leavitt**

#### **Establishing the student basic needs at public postsecondary institutions act.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1559 was substituted for House Bill No. 1559 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1559 was read the second time.

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

Representatives Entenman and Reed spoke in favor of the passage of the bill.

Representatives Ybarra, Chambers, Harris and Sandlin spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1559.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1559, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Farivar



SECOND SUBSTITUTE HOUSE BILL NO. 1559, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1621, by Representatives Ryu, Duerr, Pollet, Kloba and Senn**

**Concerning standardizing local government procurement rules among special purpose districts, first-class and second-class cities, and public utility districts.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1621 was substituted for House Bill No. 1621 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1621 was read the second time.

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

Representatives Ryu and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1621.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1621, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Farivar

SUBSTITUTE HOUSE BILL NO. 1621, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1731, by Representatives Waters, Stonier, Klicker, Low, Couture, Chambers, Ybarra, Barnard, Schmidt, McClintock, Santos and Hutchins**

**Concerning complimentary liquor by short-term rental operators.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1731 was substituted for House Bill No. 1731 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1731 was read the second time.

Representative Waters moved the adoption of amendment (217):

On page 6, line 20, after "provide" strike "a" and insert "one"

On page 6, line 24, after "application." insert "One complimentary bottle of wine per booking may be provided, regardless of the total number of rental guests. The provision of the complimentary bottle of wine may occur only after an operator or staff person of the short-term rental, who is present at the short-term rental property, verifies that each rental guest who will consume the complimentary bottle of wine is age 21 or over by checking a valid form of identification of each such rental guest at the time rental guests arrive. The rental guests must be informed the rental guests are being offered one complimentary bottle of wine and that opening or consuming the bottle of wine in a public place is illegal pursuant to RCW 66.44.100. The rental guests must not have notified the operator that the rental guests decline the complimentary bottle of wine."

Representatives Waters and Wylie spoke in favor of the adoption of the amendment.

Amendment (217) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Waters and Wylie spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1731.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1731, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Callan, Davis, Jacobsen, Leavitt, Ormsby, Ramos and Ryu

Excused: Representative Farivar

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1731, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

**MOTIONS**

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

HOUSE BILL NO. 1028  
 HOUSE BILL NO. 1105  
 HOUSE BILL NO. 1150  
 HOUSE BILL NO. 1163  
 HOUSE BILL NO. 1203  
 HOUSE BILL NO. 1255  
 HOUSE BILL NO. 1268  
 HOUSE BILL NO. 1305  
 HOUSE BILL NO. 1445  
 HOUSE BILL NO. 1466  
 HOUSE BILL NO. 1488  
 HOUSE BILL NO. 1533  
 HOUSE BILL NO. 1579  
 HOUSE BILL NO. 1589  
 HOUSE BILL NO. 1622  
 HOUSE BILL NO. 1652  
 HOUSE BILL NO. 1705  
 HOUSE BILL NO. 1717  
 HOUSE BILL NO. 1728  
 HOUSE BILL NO. 1744  
 HOUSE BILL NO. 1746

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the suspension calendar:

HOUSE BILL NO. 1205

There being no objection, the House reverted to the third order of business.

**MESSAGE FROM THE SENATE**

Friday, March 3, 2023

Mme. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5025  
 SECOND SUBSTITUTE SENATE BILL NO. 5046  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5124  
 SECOND SUBSTITUTE SENATE BILL NO. 5128  
 SENATE BILL NO. 5131  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5174  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5197  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5198  
 SECOND SUBSTITUTE SENATE BILL NO. 5225  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5243  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5311  
 SUBSTITUTE SENATE BILL NO. 5386  
 SUBSTITUTE SENATE BILL NO. 5398  
 SENATE BILL NO. 5403  
 SECOND SUBSTITUTE SENATE BILL NO. 5477  
 SENATE BILL NO. 5497  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5512  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5515  
 SECOND SUBSTITUTE SENATE BILL NO. 5593  
 SUBSTITUTE SENATE BILL NO. 5626  
 SENATE BILL NO. 5632

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House adjourned until 9:30 a.m., Saturday, March 4, 2023, the 55th Day of the 2023 Regular Session.

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIFTY FIFTH DAY

House Chamber, Olympia, Saturday, March 4, 2023

The House was called to order at 9:30 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Amber Tran and Kaiden Cook. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Ryu, 32nd Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

**INTRODUCTION & FIRST READING**

E2SSB 5001 by Senate Committee on Transportation (originally sponsored by Hawkins, Hunt, Nguyen and Wilson, J.)

AN ACT Relating to public facilities districts created by at least two city or county legislative authorities; and amending RCW 35.57.010, 35.57.020, and 82.14.048.

Referred to Committee on Local Government.

SSB 5078 by Senate Committee on Ways & Means (originally sponsored by Pedersen, Dhingra, Frame, Hasegawa, Hunt, Keiser, Kuderer, Liias, Nguyen, Nobles, Rolfes, Saldaña, Stanford, Trudeau, Valdez and Wellman)

AN ACT Relating to protecting public safety by establishing duties of firearm industry members engaged in the sale, manufacturing, distribution, importing, or marketing of firearms, ammunition, component parts, or accessories, to adopt and implement reasonable controls to prevent the diversion of firearms and related products to straw purchasers, firearm traffickers, unauthorized individuals, and individuals who pose a risk to themselves or others, to prohibit such firearm industry members from creating or maintaining a public nuisance, and providing for investigation and enforcement by the attorney general; adding a new section to chapter 7.48 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

SSB 5096 by Senate Committee on Business, Financial Services, Gaming & Trade (originally sponsored by Padden, Pedersen, Hasegawa and Schoesler)

AN ACT Relating to expanding employee ownership; adding new sections to chapter 43.330 RCW; adding a new section to chapter 82.04 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

SSB 5165 by Senate Committee on Environment, Energy & Technology (originally sponsored by Nguyen, Mullet, Boehnke, Frame, Hasegawa, Keiser, Nobles and Stanford)

AN ACT Relating to electric power system transmission planning; amending RCW 19.280.030, 80.50.060, and 80.50.045; adding a new section to chapter 19.280 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

SSB 5238 by Senate Committee on Ways & Means (originally sponsored by Saldaña, Randall, Conway, Frame, Hasegawa, Hunt, Keiser, Kuderer, Lovelett, Nguyen, Nobles, Shewmake, Stanford, Valdez and Wilson, C.)

AN ACT Relating to collective bargaining for employees who are enrolled in academic programs at public institutions of higher education; adding a new section to chapter 41.56 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

E2SSB 5278 by Senate Committee on Ways & Means (originally sponsored by Wilson, L., Fortunato, Lovick, Muzzall, Robinson, Shewmake, Torres, Warnick and Wilson, C.)

AN ACT Relating to implementing audit recommendations to reduce barriers to home care aide certification; amending RCW 18.88B.031; creating new sections; and providing an expiration date.

Referred to Committee on Postsecondary Education & Workforce.

SSB 5303 by Senate Committee on Ways & Means (originally sponsored by Mullet, Warnick, Boehnke, Holy, Keiser, Kuderer and Lovick)

AN ACT Relating to the public works revolving trust account; amending RCW 43.84.092, 43.155.020, 43.155.060, and 43.155.070; adding a new section to chapter 43.155 RCW; and providing a contingent effective date.

Referred to Committee on Appropriations.

SB 5324 by Senators Conway, Nobles, Lovick, Fortunato, Hunt, Wagoner, Randall and Wilson, C.

AN ACT Relating to the defense community compatibility account; and amending RCW 43.330.515 and 43.330.520.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

SSB 5353 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Wagoner, Van De Wege, Dozier, Salomon, Short, Warnick and Wilson, J.)

AN ACT Relating to the voluntary stewardship program; and amending RCW 36.70A.710 and 36.70A.740.

Referred to Committee on Local Government.

SB 5369 by Senators Billig, Padden, Short, Shewmake, Schoesler, Lovelett, Conway, Boehnke, Salomon, Nguyen, Van De Wege, Wagoner, Dhingra, Dozier, Hasegawa, Hunt, Keiser, Randall, Torres and Valdez

AN ACT Relating to reassessing standards for polychlorinated biphenyls in consumer products; adding new sections to chapter 70A.350 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

SSB 5399 by Senate Committee on Business, Financial Services, Gaming & Trade (originally sponsored by Mullet and Dozier)

AN ACT Relating to future listing right purchase contracts; adding a new chapter to Title 6I RCW; and declaring an emergency.

Referred to Committee on Consumer Protection & Business.

SSB 5424 by Senate Committee on Labor & Commerce (originally sponsored by Lovick, Holy, Dhingra, Frame, Keiser, Kuderer, Shewmake, Stanford, Valdez, Warnick and Wellman)

AN ACT Relating to flexible work for general and limited authority Washington peace officers; amending RCW 41.26.030; reenacting and amending RCW 10.93.020; and adding a new section to chapter 49.28 RCW.

Referred to Committee on Community Safety, Justice, & Reentry.

SSB 5436 by Senate Committee on Law & Justice (originally sponsored by Wilson, J., Dozier and Fortunato)

AN ACT Relating to transfers of firearms to museums and historical societies; and amending RCW 9.41.113.

Referred to Committee on Civil Rights & Judiciary.

SSB 5439 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Warnick, Dozier, Hasegawa, Lovelett, Salomon, Schoesler and Van De Wege)

AN ACT Relating to livestock identification; amending RCW 16.57.015, 16.57.015, 16.57.220, 16.57.460, 16.58.130, and 16.65.090; amending 2022 c 158 s 1 (uncodified); providing an effective date; and providing expiration dates.

Referred to Committee on Agriculture and Natural Resources.

2SSB 5502 by Senate Committee on Ways & Means (originally sponsored by Gildon, Boehnke, Torres, Wilson, J. and Wilson, L.)

AN ACT Relating to ensuring necessary access to substance use disorder treatment for individuals entering the graduated reentry program at the department of corrections; and amending RCW 9.94A.733.

Referred to Committee on Community Safety, Justice, & Reentry.

2SSB 5518 by Senate Committee on Ways & Means (originally sponsored by Boehnke, Stanford, MacEwen, Muzzall, Fortunato, Frame, Kuderer, Valdez, Warnick and Wellman)

AN ACT Relating to cybersecurity; amending RCW 43.21F.045; reenacting and amending RCW 43.105.020 and 38.52.040; adding a new section to chapter 43.105 RCW; and adding a new section to chapter 42.56 RCW.

Referred to Committee on State Government & Tribal Relations.

SSB 5569 by Senate Committee on Health & Long Term Care (originally sponsored by Rivers and Dozier)

AN ACT Relating to creating exemptions from certificate of need requirements for kidney disease centers due to temporary emergency situations; and adding a new section to chapter 70.38 RCW.

Referred to Committee on Health Care & Wellness.

ESSB 5599 by Senate Committee on Human Services (originally sponsored by Liias, Wilson, C., Dhingra, Lovelett, Nguyen and Randall)

AN ACT Relating to supporting youth and young adults seeking protected health care services; amending RCW 13.32A.082 and 74.15.020; and creating a new section.

Referred to Committee on Human Services, Youth, & Early Learning.

SSB 5687 by Senate Committee on Ways & Means (originally sponsored by Van De Wege)

AN ACT Relating to creating and supporting postsecondary wrestling grant programs; adding a new section to chapter 28B.77 RCW; and creating a new section.

Referred to Committee on Postsecondary Education & Workforce.

SB 5711 by Senators Nobles, Liias, Frame, Hasegawa, Hunt, Lovelett, Nguyen, Pedersen, Saldaña, Shewmake, Valdez and Wilson, C.

AN ACT Relating to extending the terms of eligibility for the Washington college grant program; amending RCW 28B.92.200; creating a new section; and declaring an emergency.

Referred to Committee on Postsecondary Education & Workforce.

SSB 5753 by Senate Committee on Transportation (originally sponsored by Shewmake and Lovelett)

AN ACT Relating to a cooperative agreement between the department of transportation and the Lummi Nation concerning construction of a roadway; and adding new sections to chapter 47.20 RCW.

Referred to Committee on Transportation.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**HOUSE BILL NO. 1216, by Representatives Fitzgibbon, Doglio, Berry, Reed, Simmons, Macri, Fosse and Pollet**

**Concerning clean energy siting.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1216 was substituted for House Bill No. 1216 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1216 was read the second time.

With the consent of the House, amendment (087) was withdrawn.

Representative Fitzgibbon moved the adoption of the striking amendment (178):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. STATEMENT OF LEGISLATIVE INTENT.** (1) The legislature finds that efficient and effective siting and permitting of new clean energy projects throughout Washington is necessary to: Fight climate change and achieve the state's greenhouse gas emission limits; improve air quality; grow family-wage clean energy jobs and innovative clean energy businesses that provide economic benefits across the state; and make available secure domestic sources of the clean energy products needed to transition off fossil fuels.

(2) The legislature intends to: Enable more efficient and effective siting and permitting of clean energy projects with policies and investments that protect the environment, overburdened communities, and tribal rights, interests, and resources, including cultural resources; bring benefits to the communities that host clean energy projects; and facilitate the rapid transition to clean energy that is required to avoid the worst impacts of climate change on Washington's people and places. There is no single solution for improved siting and permitting processes. Rather, a variety of efforts and investments will help bring together state, local, tribal, and federal governments, communities, workers, clean energy project developers, and others to succeed in this essential task.

(3) Efficient and effective siting and permitting will benefit from early and meaningful community and tribal engagement, and from up-front planning including identification of areas of higher and lower levels of impact, and nonproject environmental review that identifies measures to avoid, minimize, and mitigate project impacts.

(4) Incorporating the principles and strategies identified in subsections (1), (2), and (3) of this section, the legislature intends to invest in, facilitate, and require better coordinated, faster environmental review and permitting decisions by state and local governments.

(5) Therefore, it is the intent of the legislature to support efficient, effective siting and permitting of clean energy projects through a variety of interventions, including:

(a) Establishing an interagency clean energy siting coordinating council to improve siting and permitting of clean energy projects;

(b) Creating a designation for clean energy projects of statewide significance;

(c) Creating a fully coordinated permit process for clean energy projects;

(d) Improving processes for review of clean energy projects under the state environmental policy act;

(e) Requiring preparation of separate nonproject environmental impact statements for green electrolytic and renewable hydrogen projects and colocated battery

energy storage facilities, onshore utility-scale wind energy projects and colocated battery energy storage facilities, and for solar energy projects and colocated battery energy storage facilities, with the goal of preparing these nonproject reviews by June 30, 2025; and

(f) Requiring the Washington State University energy program to complete by June 30, 2025, a siting information process for pumped storage projects in Washington.

**PART 1  
INTERAGENCY CLEAN ENERGY SITING COORDINATING COUNCIL**

**NEW SECTION. Sec. 101. INTERAGENCY CLEAN ENERGY SITING COORDINATING COUNCIL.**

(1) The interagency clean energy siting coordinating council is created. The coordinating council is cochaired by the department of commerce and the department of ecology with participation from the following:

- (a) The office of the governor;
- (b) The energy facility site evaluation council;
- (c) The department of fish and wildlife;
- (d) The department of agriculture;
- (e) The governor's office of Indian affairs;
- (f) The department of archaeology and historic preservation;
- (g) The department of natural resources;
- (h) The department of transportation;
- (i) The utilities and transportation commission;
- (j) The governor's office for regulatory innovation and assistance; and
- (k) Other state and federal agencies invited by the department of commerce and the department of ecology with key roles in siting clean energy to participate on an ongoing or ad hoc basis.

(2) The department of commerce and department of ecology shall assign staff in each agency to lead the coordinating council's work and provide ongoing updates to the governor and appropriate committees of the legislature, including those with jurisdiction over the environment, energy, or economic development policy.

(3) For purposes of this section and section 102 of this act, "coordinating council" means the interagency clean energy siting coordinating council created in this section.

**NEW SECTION. Sec. 102. INTERAGENCY CLEAN ENERGY SITING COORDINATING COUNCIL DUTIES.**

(1) The responsibilities of the coordinating council include, but are not limited to:

- (a) Identifying actions to improve siting and permitting of clean energy projects as defined in section 201 of this act, including through review of the recommendations of the department of ecology and department of commerce's 2022 *Low Carbon Energy Facility Siting Improvement Report*, creating implementation plans and timelines, and making recommendations for needed funding or policy changes;

(b) Tracking federal government efforts to improve clean energy project siting and permitting, including potential federal funding sources, and identifying state agency actions to improve coordination across state, local, and federal processes or to pursue supportive funding;

(c) Conducting outreach to parties with interests in clean energy siting and permitting for ongoing input on how to improve state agency processes and actions;

(d) Establishing work groups as needed to focus on specific energy types such as solar, wind, battery storage, or emerging technologies, or specific geographies for clean energy project siting;

(e) The creation of advisory committees deemed necessary to inform the development of items identified in (a) through (d) of this subsection;

(f) Supporting the governor's office of Indian affairs in creating and updating annually, or when requested by a federally recognized Indian tribe, a list of contacts at federally recognized Indian tribes, applicable tribal laws on consultation from federally recognized Indian tribes, and tribal preferences regarding outreach about clean energy project siting and permitting, such as outreach by developers directly, by state government in the government-to-government relationship, or both;

(g) Supporting the department of archaeology and historic preservation, the governor's office of Indian affairs, the department of commerce, and the energy facility site evaluation council in developing and providing to clean energy project developers a training on consultation and engagement processes for federally recognized Indian tribes. The governor's office of Indian affairs must collaborate with federally recognized Indian tribes in the development of the training;

(h) Supporting the department of archaeology and historic preservation in updating the statewide predictive archaeological model to provide clean energy project developers information about where archaeological resources are likely to be found and the potential need for archaeological investigations; and

(i) Supporting and promptly providing information to the department of ecology in support of the nonproject reviews required under section 303 of this act.

(2) The coordinating council shall provide an annual report beginning October 1, 2024, to the governor and the appropriate committees of the legislature summarizing: Progress on efficient, effective, and responsible siting and permitting of clean energy projects; areas of additional work, including where clean energy project siting and permitting outcomes are not broadly recognized as efficient, effective, or responsible; resource needs; and any needed policy changes to help achieve the deployment of clean energy necessary to meet the state's statutory greenhouse gas emissions limits, chapter 70A.45 RCW, and the clean energy transformation act requirements, chapter 19.405 RCW, and to support achieving the state energy strategy adopted by the department of commerce.

(3) The coordinating council shall:

(a) Advise the department of commerce in:  
(i) Contracting with an external, independent third party to:

(A) Carry out an evaluation of state agency siting and permitting processes for clean energy projects and related federal and state regulatory requirements, including the energy facility site evaluation council permitting process authorized in chapter 80.50 RCW;

(B) Identify successful models used in other states for the siting and permitting of projects similar to clean energy projects, including local and state government programs to prepare build ready clean energy sites; and

(C) Develop recommendations for improving these processes, including potential policy changes and funding, with the goal of more efficient, effective siting of clean energy projects; and

(ii) Reporting on the evaluation and recommendations in (a)(i) of this subsection to the governor and the legislature by July 1, 2024;

(b) Pursue development of a consolidated clean energy application similar to the joint aquatic resources permit application for, at a minimum, state permits needed for clean energy projects. The department of ecology shall lead this effort and engage with federal agencies and local governments to explore inclusion of federal and local permit applications as part of the consolidated application. The department may design a single consolidated application for multiple clean energy project types, may design separate applications for individual clean energy technologies, or may design an application for related resources. The department of ecology shall provide an update on its development of consolidated permit applications for clean energy projects to the governor and legislature by December 31, 2024. The consolidated permit application process must be available, but not required, for clean energy projects;

(c) Explore development of a consolidated permit for clean energy projects. The department of ecology shall lead this effort and, in consultation with federally recognized Indian tribes, explore options including a clean energy project permit that consolidates department of ecology permits only, or that consolidates permits from multiple state and local agencies. The permit structure must identify criteria or conditions that must be met for projects to use the consolidated permit. The department of ecology may analyze criteria or conditions as part of a nonproject review under chapter 43.21C RCW. The department of ecology shall update the legislature on its evaluation of consolidated permit options and make recommendations by October 1, 2024; and

(d) Determine priorities for categories of clean energy projects to be the focus of new nonproject environmental impact statements under chapter 43.21C RCW for the legislature to fund subsequent to the nonproject environmental impact statements specified in section 302 of this act.

## PART 2

**CLEAN ENERGY PROJECTS OF STATEWIDE SIGNIFICANCE AND CLEAN ENERGY COORDINATED PERMITTING PROCESS**

NEW SECTION. **Sec. 201.** DEFINITIONS.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Alternative energy resource" has the same meaning as defined in RCW 80.50.020.

(2) "Alternative jet fuel" means a fuel that can be blended and used with conventional petroleum jet fuels without the need to modify aircraft engines and existing fuel distribution infrastructure and that meets the greenhouse gas emissions reduction requirements that apply to biomass-derived fuels as defined in RCW 70A.65.010. "Alternative jet fuel" includes jet fuels derived from coprocessed feedstocks at a conventional petroleum refinery.

(3) "Applicant" means a person applying to the department of commerce for designation of a development project as a clean energy project of statewide significance under this chapter.

(4)(a) "Associated facilities" means storage, transmission, handling, or other related and supporting facilities connecting a clean energy project with the existing energy supply, processing, or distribution system including, but not limited to, battery energy storage communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary storage and transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages of at least 115,000 volts to connect a clean energy project to the northwest power grid.

(b) Common carrier railroads or motor vehicles are not associated facilities.

(5) "Clean energy product manufacturing facility" means a facility or a project at any facility that exclusively or primarily manufactures the following products or components primarily used by such products:

(a) Vehicles, vessels, and other modes of transportation that emit no exhaust gas from the onboard source of power, other than water vapor;

(b) Charging and fueling infrastructure for electric, hydrogen, or other types of vehicles that emit no exhaust gas from the onboard source of power, other than water vapor;

(c) Renewable or green electrolytic hydrogen, including preparing renewable or green electrolytic hydrogen for distribution as an energy carrier or manufacturing feedstock, or converting it to a green hydrogen carrier;

(d) Equipment and products used to produce energy from alternative energy resources;

(e) Equipment and products used to produce nonemitting electric generation as defined in RCW 19.405.020;

(f) Equipment and products used at storage facilities;

(g) Equipment and products used to improve energy efficiency;

(h) Semiconductors or semiconductor materials as defined in RCW 82.04.2404; and

(i) Projects or facility upgrades undertaken by emissions-intensive trade-exposed industries as classified in RCW 70A.65.110 for which the facility can demonstrate expected reductions in overall facility greenhouse gas emissions faster than the rate of decline of free allowances allocated to emission-intensive trade-exposed industries under chapter 70A.65 RCW and assist in meeting the entity's compliance obligations under chapter 70A.65 RCW.

(6) "Clean energy project" means the following facilities together with their associated facilities:

(a) Clean energy product manufacturing facilities;

(b) Electrical transmission facilities;

(c) Facilities to produce nonemitting electric generation or electric generation from renewable resources, as defined in RCW 19.405.020, except for:

(i) Hydroelectric generation that includes new diversions, new impoundments, new bypass reaches, or the expansion of existing reservoirs constructed after May 7, 2019, unless the diversions, bypass reaches, or reservoir expansions are necessary for the operation of a pumped storage facility that: (A) Does not conflict with existing state or federal fish recovery plans; and (B) complies with all local, state, and federal laws and regulations; and

(ii) Hydroelectric generation associated with facilities or persons that have been the subject of an enforcement action, penalty order, or settled any enforcement action or penalty order with any agreement to pay a penalty or pay for or conduct mitigation under chapter 90.48 RCW during the preceding 15 years that resulted in the payment of a penalty of at least \$100,000 or conducting mitigation with a value of at least \$100,000;

(d) Storage facilities;

(e) Facilities or projects at any facilities that exclusively or primarily process biogenic feedstocks into biofuel as defined in RCW 80.50.020;

(f) Biomass energy facilities as defined in RCW 19.405.020; or

(g) Facilities or projects at any facilities that exclusively or primarily process alternative jet fuel.

(7) "Electrical transmission facilities" has the same meaning as defined in RCW 80.50.020, except excluding electrical transmission facilities that primarily or solely serve facilities that generate electricity from fossil fuels.

(8) "Fully coordinated permit process" means a comprehensive coordinated permitting assistance approach supported by a written agreement between the project proponent, the department of ecology, and the participating agencies.

(9) "Fully coordinated project" means a clean energy project subject to the fully coordinated permit process.

(10) "Green electrolytic hydrogen" has the same meaning as defined in RCW 80.50.020.

(11) "Green hydrogen carrier" has the same meaning as defined in RCW 80.50.020.

(12) "Overburdened community" has the same meaning as defined in RCW 70A.02.010.

(13) "Permit" means any permit, license, certificate, use authorization, or other form of governmental review or approval required in order to construct, expand, or operate a project in the state of Washington.

(14) "Permit agency" means any state or local agency authorized by law to issue permits.

(15) "Project proponent" means a person, business, or any entity applying for or seeking a permit or permits in the state of Washington.

(16) "Reasonable costs" means direct and indirect expenses incurred by the department of ecology, participating agencies, or local governments in carrying out the coordinated permit process established in this chapter, including the initial assessment, environmental review, and permitting. "Reasonable costs" includes work done by agency or local government staff or consultants hired by agencies or local governments to carry out the work plan. "Reasonable costs" may also include other costs agreed to between the applicant and the department of ecology, participating agencies, or local governments.

(17) "Renewable hydrogen" has the same meaning as defined in RCW 80.50.020.

(18) "Renewable natural gas" has the same meaning as defined in RCW 80.50.020.

(19) "Renewable resource" has the same meaning as defined in RCW 80.50.020.

(20) "Storage facility" has the same meaning as defined in RCW 80.50.020.

**NEW SECTION. Sec. 202. CLEAN ENERGY PROJECTS OF STATEWIDE SIGNIFICANCE—APPLICATION PROCESS.** (1) The department of commerce shall develop an application for the designation of clean energy projects as clean energy projects of statewide significance.

(2) An application to the department of commerce by an applicant under this section must include:

(a) Information regarding the location of the project;

(b) Information sufficient to demonstrate that the project qualifies as a clean energy project;

(c) An explanation of how the project is expected to contribute to the state's achievement of the greenhouse gas emission limits in chapter 70A.45 RCW and is consistent with the state energy strategy adopted by the department of commerce, as well as any contribution that the project is expected to make to other state regulatory requirements for clean energy and greenhouse gas emissions, including the requirements of chapter 19.405, 70A.30, 70A.60, 70A.65, 70A.535, or 70A.540 RCW;

(d) An explanation of how the project is expected to contribute to the state's economic development goals, including information regarding the applicant's

average employment in the state for the prior year, estimated new employment related to the project, estimated wages of employees related to the project, and estimated time schedules for completion and operation;

(e) A plan for meaningful engagement and information sharing with potentially affected federally recognized Indian tribes;

(f) A description of potential community benefits and impacts from the project, a plan for meaningful community engagement in the project development, and an explanation of how the applicant might use a community benefit agreement or other legal document that stipulates the benefits that the developer agrees to fund or furnish, in exchange for community support of a project; and

(g) Other information required by the department of commerce.

**NEW SECTION. Sec. 203. CLEAN ENERGY PROJECTS OF STATEWIDE SIGNIFICANCE—DEPARTMENT OF COMMERCE DECISION.** (1) (a) The department of commerce, in consultation with natural resources agencies and other state agencies identified as likely to have a role in siting or permitting a project, must review applications received under section 202 of this act.

(b) The director of the department of commerce must determine within 60 days whether to designate an applicant's project as a clean energy project of statewide significance. The department of commerce may pause its review of an application and the applicability of the 60-day determination time frame under this subsection to request additional information from an applicant.

(2) The department of commerce may designate a clean energy project of statewide significance taking into consideration:

(a) Whether the project qualifies as a clean energy project;

(b) Whether the project will: Contribute to achieving state emission reduction limits under chapter 70A.45 RCW; be consistent with the state energy strategy adopted by the department of commerce; contribute to achieving other state requirements for clean energy and greenhouse gas emissions reductions; and support the state's economic development goals;

(c) Whether the level of applicant need for coordinated state assistance, including for siting and permitting and the complexity of the project, warrants the designation of a project;

(d) Whether the project is proposed for an area or for a clean energy technology that has been reviewed through a nonproject environmental review process, or least-conflict siting process including, but not limited to, the processes identified in sections 303 and 306 of this act, and whether the project is consistent with the recommendations of such processes;

(e) Whether the project is anticipated to have potential near-term or long-term significant positive or adverse impacts on environmental and public health, including impacts to:

(i) State or federal endangered species act listed species in Washington;



(ii) Overburdened communities; and  
 (iii) Rights, interests, and resources, including tribal cultural resources, of potentially affected federally recognized Indian tribes; and

(f) Input received from potentially affected federally recognized Indian tribes, which the department must solicit and acknowledge the receipt of.

(3) In determining whether to approve an application, the department of commerce must consider information contained in an application under section 202 of this act demonstrating an applicant's meaningful tribal outreach and engagement, engagement with the department of archaeology and historic preservation, and engagement with the governor's office of Indian affairs.

(4)(a) The department of commerce may designate an unlimited number of projects of statewide significance that meet the criteria of this section.

(b) An applicant whose application to the department of commerce under this chapter is not successful is eligible to reapply.

**NEW SECTION. Sec. 204.** CLEAN ENERGY COORDINATED PERMITTING PROCESS—DEPARTMENT OF ECOLOGY DUTIES. An optional, fully coordinated permit process is established for clean energy projects that do not apply to the energy facility site evaluation council under chapter 80.50 RCW. In support of the coordinated permitting process for clean energy projects, the department of ecology must:

(1) Act as the central point of contact for the project proponent for the coordinated permitting process for projects that do not apply to the energy facility site evaluation council under chapter 80.50 RCW and communicate with the project proponent about defined issues;

(2) Conduct an initial assessment of the proposed project review and permitting actions for coordination purposes as provided in section 205 of this act;

(3) Ensure that the project proponent has been informed of all the information needed to apply for the state and local permits that are included in the coordinated permitting process;

(4) Facilitate communication between project proponents and agency staff to promote timely permit decisions and promote adherence to agreed schedules;

(5) Verify completion among participating agencies of administrative review and permit procedures, such as providing public notice;

(6) Assist in resolving any conflict or inconsistency among permit requirements and conditions;

(7) Consult with potentially affected federally recognized Indian tribes as provided in section 209 of this act in support of the coordinated permitting process;

(8) Engage with potentially affected overburdened communities as provided in section 209 of this act;

(9) Manage a fully coordinated permitting process; and

(10) Coordinate with local jurisdictions to assist with fulfilling the requirements

of chapter 36.70B RCW and other local permitting processes.

**NEW SECTION. Sec. 205.** CLEAN ENERGY COORDINATED PERMITTING PROCESS INITIAL ASSESSMENT. (1) Upon the request of a proponent of a clean energy project, the department of ecology must conduct an initial assessment to determine the level of coordination needed, taking into consideration the complexity of the project and the experience of those expected to be involved in the project application and review process.

(2) The initial project assessment must consider the complexity, size, and need for assistance of the project and must address as appropriate:

(a) The expected type of environmental review;

(b) The state and local permits or approvals that are anticipated to be required for the project;

(c) The permit application forms and other application requirements of the participating permit agencies;

(d) The anticipated information needs and issues of concern of each participating agency; and

(e) The anticipated time required for the environmental review process under chapter 43.21C RCW and permit decisions by each participating agency, including the estimated time required to determine if the permit applications are complete, to conduct the environmental review under chapter 43.21C RCW, and conduct permitting processes for each participating agency. In determining the estimated time required, full consideration must be given to achieving the greatest possible efficiencies through any concurrent studies and any consolidated applications, hearings, and comment periods.

(3) The outcome of the initial assessment must be documented in writing, furnished to the project proponent, and be made available to the public.

(4) The initial assessment must be completed within 60 days of the clean energy project proponent's request to the department under this section, unless information on the project is not complete.

**NEW SECTION. Sec. 206.** CLEAN ENERGY COORDINATED PERMITTING PROCESS REQUIREMENTS AND PROCEDURES. (1) A project proponent may submit a written request to the department of ecology pursuant to section 208 of this act and a local government development agreement to support local government actions pursuant to section 207 of this act for participation in a fully coordinated permitting process. To be eligible to participate in the fully coordinated permit process:

(a) The project proponent must:

(i) Enter into a cost-reimbursement agreement pursuant to section 208 of this act;

(ii) Provide sufficient information on the project and project site to identify probable significant adverse environmental impacts;

(iii) Provide information on any voluntary mitigation measures; and

(iv) Provide information on engagement actions taken by the proponent with federally recognized Indian tribes, local government, and overburdened communities; and

(b) The department of ecology must determine that the project raises complex coordination, permit processing, or substantive permit review issues.

(2) A project proponent who requests designation as a fully coordinated project must provide the department of ecology with a complete description of the project. The department of ecology may request any information from the project proponent that is necessary to make the designation under this section and may convene a meeting of the likely participating permit agencies.

(3) For a fully coordinated permitting process, the department of ecology must serve as the main point of contact for the project proponent and participating agencies with regard to coordinating the permitting process for the project as a whole. Each participating permit agency must designate a single point of contact for coordinating with the department of ecology. The department of ecology must keep a schedule identifying required procedural steps in the permitting process and highlighting substantive issues as appropriate that must be resolved in order for the project to move forward. In carrying out these responsibilities, the department of ecology must:

(a) Conduct the duties for the coordinated permitting process as described in section 205 of this act;

(b)(i) Reach out to tribal or federal jurisdictions responsible for issuing a permit for the project and invite them to participate in the coordinated permitting process or to receive periodic updates of the project;

(ii) Reach out to local jurisdictions responsible for issuing a permit for the project and inform them of their obligations under section 207 of this act.

(4) Within 30 days, or longer with agreement of the project proponent, of the date that the department of ecology determines a project is eligible for the fully coordinated permitting process, the department of ecology shall convene a work plan meeting with the project proponent, local government, and the participating permit agencies to develop a coordinated permitting process schedule. The work plan meeting agenda may include any of the following:

(a) Review of the permits that are anticipated for the project;

(b) A review of the permit application forms and other application requirements of the agencies that are participating in the coordinated permitting process;

(c) An estimation of the timelines that will be used by each participating permit agency to make permit decisions, including the estimated time periods required to determine if the permit applications are complete and to review or respond to each application or submittal of new information. In the development of this timeline, full

attention must be given to achieving the maximum efficiencies possible through concurrent studies and consolidated applications, hearings, and comment periods; or

(d) An estimation of reasonable costs for the department of ecology, participating agencies, and the county, city, or town in which the project is proposed for environmental review and permitting, based on known information about the project.

(5) Each participating agency and the lead agency under chapter 43.21C RCW must send at least one representative qualified to discuss the applicability and timelines associated with all permits administered by that agency or jurisdiction to the work plan meeting. The department of ecology must notify any relevant federal agency or potentially affected federally recognized Indian tribe of the date of the meeting and invite them to participate in the process.

(6) Any accelerated time period for the consideration of a permit application or for the completion of the environmental review process under chapter 43.21C RCW must be consistent with any statute, rule, or regulation, or adopted state policy, standard, or guideline that requires the participation of other agencies, federally recognized Indian tribes, or interested persons in the application process.

(7) Upon the completion of the work plan meeting under subsection (4) of this section, the department of ecology must finalize the coordinated permitting process schedule, share it in writing with the project proponent, participating state agencies, lead agencies under chapter 43.21C RCW, and cities and counties subject to an agreement specified in section 207 of this act, and make the schedule available to the public.

(8) As part of the coordinated permit process, the developer may prepare a community benefit agreement or other similar document to identify how to mitigate potential community impacts or impacts to tribal rights and resources, including cultural resources. The agreement should include benefits in addition to jobs or tax revenues resulting from the project. Approval of any benefit agreement or other legal document stipulating the benefits that the developer agrees to fund or furnish, in exchange for community or tribal government support of the project, must be made by the local government legislative authority of the county, city, or town in which the project is proposed or by the relevant federally recognized Indian tribal government.

(9) If a lead agency under chapter 43.21C RCW, a permit agency, or the project proponent foresees, at any time, that it will be unable to meet the estimated timelines or other obligations under the schedule agreement, it must notify the department of ecology of the reasons for the delay and offer potential solutions or an amended timeline. The department of ecology must notify the participating agencies and the project proponent and, upon agreement of all parties, adjust the schedule or, if necessary, schedule another work plan meeting.

(10) The project proponent may withdraw from the coordinated permitting process by submitting to the department of ecology a written request that the process be terminated. Upon receipt of the request, the department of ecology must notify each participating agency that a coordinated permitting process is no longer applicable to the project.

**NEW SECTION. Sec. 207. CLEAN ENERGY COORDINATED PERMITTING PROCESS—LOCAL JURISDICTION AGREEMENTS.** (1)(a) Counties and cities with clean energy projects that are determined to be eligible for the fully coordinated permit process shall enter into an agreement with the department of ecology or with the project proponents of clean energy projects for expediting the completion of projects.

(b) For the purposes of this section, "expedite" means that a county or city will develop and implement a method to accelerate the process for permitting and environmental review. Expediting should not disrupt or otherwise delay the permitting and environmental review of other projects or require the county or city to incur additional costs that are not compensated.

(2) Agreements required by this section must include requirements that the county or city coordinate with the department of ecology and conduct environmental review and permitting to align with the work plan described in section 206(4) of this act and:

(a) Expedite permit processing for the design and construction of the project;

(b) Expedite environmental review processing;

(c) Expedite processing of requests for street, right-of-way, or easement vacations necessary for the construction of the project;

(d) Develop and follow a plan for consultation with potentially affected federally recognized Indian tribes; and

(e) Carry out such other actions identified by the department of ecology as needed for the fully coordinated permitting process.

**NEW SECTION. Sec. 208. CLEAN ENERGY COORDINATED PERMITTING PROCESS—COST-REIMBURSEMENT AGREEMENTS.** (1) For a fully coordinated permitting process, a project proponent must enter into a cost-reimbursement agreement with the department of ecology in accordance with RCW 43.21A.690. The cost-reimbursement agreement is to recover reasonable costs incurred by the department of ecology and participating agencies in carrying out the coordinated permitting process.

(2) The cost-reimbursement agreement may include deliverables and schedules for invoicing and reimbursement.

(3) For a fully coordinated permitting process, a project proponent must enter into a development agreement with the county, city, or town in which the project is proposed, in accordance with the authorization and requirements in RCW 36.70B.170 through 36.70B.210. The development agreement must detail the

obligations of the local jurisdiction and the project applicant. It must also include, but not be limited to, the process the county, city, or town will implement for meeting its obligation to expedite the application, other clarifications for project phasing, and an estimate of reasonable costs.

(4) If a project proponent foresees, at any time, that it will be unable to meet its obligations under the agreement, it must notify the department of ecology and state the reasons, along with proposals for resolution.

**NEW SECTION. Sec. 209. CLEAN ENERGY COORDINATED PERMITTING PROCESS—TRIBAL CONSULTATION AND OVERBURDENED COMMUNITY ENGAGEMENT.** (1)(a) The department of ecology must offer early, meaningful, and individual consultation with any affected federally recognized Indian tribe on designated clean energy projects participating in the coordinated permitting process for the purpose of understanding potential impacts to tribal rights, interests, and resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which an Indian tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required by state law, or by a state agency. The goal of the consultation process is to support the coordinated permitting process by early identification of tribal rights, interests, and resources, including tribal cultural resources, potentially affected by the project, and identifying solutions, when possible, to avoid, minimize, or mitigate any adverse effects on tribal rights, interests, or resources, including tribal cultural resources, based on environmental or permit reviews.

(b) At the earliest possible date after the initiation of the coordinated permitting process under this chapter, the department of ecology shall engage in a preapplication process with all affected federally recognized Indian tribes.

(i) The department of ecology must notify the department of archaeology and historic preservation, the department of fish and wildlife, and all affected federally recognized Indian tribes within the project area. The notification must include geographical location, detailed scope of the proposed project, preliminary proposed project details available to federal, state, or local governmental jurisdictions, and all publicly available materials.

(ii) The department of ecology must also offer to discuss the project with the department of archaeology and historic preservation, the department of fish and wildlife, and all affected federally recognized Indian tribes within the project area. Discussions may include the project's impact to tribal rights, interests, and resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and

interests in tribal lands and lands within which a tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order.

(iii) All affected federally recognized Indian tribes may submit to the department of ecology a summary of tribal issues, questions, concerns, or other statements regarding the project, which must become part of the official files maintained by the department of ecology for the coordinated permitting process. The summary does not limit what issues affected federally recognized Indian tribes may raise in the consultation process.

(iv) The notification and offer to initiate discussion must be documented by the department of ecology and delivered to the department of archaeology and historic preservation, the department of fish and wildlife, and to the affected federally recognized Indian tribe or tribes. If the discussions pursuant to (b)(ii) of this subsection do not occur, the department of ecology must document the reason why the discussion or discussions did not occur.

(v) Nothing in this section may be interpreted to require the disclosure of information that is exempt from disclosure pursuant to RCW 42.56.300 or federal law, including section 304 of the national historic preservation act of 1966. Any information that is exempt from disclosure pursuant to RCW 42.56.300 or federal law, including section 304 of the national historic preservation act of 1966, shall not become part of publicly available coordinated permitting process files.

(2) The department of ecology must identify overburdened communities, as defined in RCW 70A.02.010, which may be potentially affected by clean energy projects participating in the coordinated permitting process. The department of ecology must verify these communities have been meaningfully engaged in the regulatory processes in a timely manner by participating agencies and their comments considered for determining potential impacts.

NEW SECTION. **Sec. 210.** MISCELLANEOUS.

(1) Nothing in this chapter:

(a) Prohibits an applicant, a project proponent, a state agency, a local government, or a federally recognized Indian tribe from entering into a nondisclosure agreement to protect confidential business information, trade secrets, financial information, or other proprietary information;

(b) Limits or affects other statutory provisions specific to any state agency related to that agency's procedures and protocols related to the identification, designation, or disclosure of information identified as confidential business information, trade secrets, financial information, or other proprietary information;

(c) Limits or affects the provisions of chapter 42.56 RCW as they apply to information or nondisclosure agreements obtained by a state agency under this chapter; or

(d) Relieves the responsible official under chapter 43.21C RCW for an action of the official's responsibilities under that chapter.

(2) The decisions by the department of commerce to designate a clean energy project of statewide significance must be made available to the public. Regardless of any exemptions otherwise set forth in RCW 42.56.270, publicly shared information must include the designee's name, a brief description of the project, the intended project location, a description of climate and economic development benefits to the state and communities therein, a tribal engagement plan, a community engagement plan, and a community benefit agreement if applicable.

(3) The department of commerce may terminate a designation of a clean energy project of statewide significance for reasons that include, but are not limited to, failure to comply with requirements of the designation or the emergence of new information that significantly alters the department of commerce's assessment of the applicant's application, project, or project proponent. The department of commerce must notify the applicant, project proponent, and the department of ecology of the termination in writing within 30 days.

(4) Nothing in this chapter affects the jurisdiction of the energy facility site evaluation council under chapter 80.50 RCW.

(5) This chapter does not limit or abridge the powers and duties granted to a participating permit agency under the law or laws that authorizes or requires the agency to issue a permit for a project. Each participating permit agency retains its authority to make all decisions on all substantive matters with regard to the respective component permit that is within its scope of its responsibility including, but not limited to, the determination of permit application completeness, permit approval or approval with conditions, or permit denial.

**PART 3  
PERMITTING AND ENVIRONMENTAL REVIEW  
PROVISIONS FOR CLEAN ENERGY PROJECTS**

NEW SECTION. **Sec. 301.** A new section is added to chapter 43.21C RCW to read as follows:

**SEPA CLEAN ENERGY FACILITIES.** (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Alternative energy resource" has the same meaning as defined in RCW 80.50.020.

(b) "Alternative jet fuel" has the same meaning as defined in section 201 of this act.

(c) "Associated facilities" has the same meaning as defined in section 201 of this act.

(d) "Clean energy product manufacturing facility" has the same meaning as defined in section 201 of this act.

(e) "Clean energy project" has the same meaning as defined in section 201 of this act.

(f) "Closely related proposals" means proposals that:

(i) Cannot or will not proceed unless the other proposals, or parts of proposals, are implemented simultaneously with them; or

(ii) Are interdependent parts of a larger proposal and depend on the larger proposal as their justification or for their implementation.

(g) "Green electrolytic hydrogen" has the same meaning as defined in RCW 80.50.020.

(h) "Green hydrogen carrier" has the same meaning as defined in RCW 80.50.020.

(i) "Renewable hydrogen" has the same meaning as defined in RCW 80.50.020.

(j) "Renewable natural gas" has the same meaning as defined in RCW 80.50.020.

(k) "Renewable resource" has the same meaning as defined in RCW 80.50.020.

(l) "Storage facility" has the same meaning as defined in RCW 80.50.020.

(2)(a) After the submission of an environmental checklist and prior to issuing a threshold determination that a clean energy project proposal is likely to cause a probable significant adverse environmental impact consistent with RCW 43.21C.033, the lead agency must notify the project applicant and explain in writing the basis for its anticipated determination of significance. Prior to issuing the threshold determination of significance, the lead agency must give the project applicant the option of withdrawing and revising its application and the associated environmental checklist. The lead agency shall make its threshold determination based upon the changed or clarified application and associated environmental checklist. The responsible official has no more than 30 days from the date of the resubmission of a clarified or changed application to make a threshold determination, unless the applicant makes material changes that substantially modify the impact of the proposal, in which case the responsible official must treat the resubmitted clarified or changed application as new, and is subject to the timelines established in RCW 43.21C.033.

(b) The notification required under (a) of this subsection is not an official determination by the lead agency and is not subject to appeal under this chapter.

(c) Nothing in this subsection amends the requirements of RCW 43.21C.033 as they apply to proposals that are not for clean energy projects and nothing in this subsection precludes the lead agency from allowing an applicant for a proposal that is not a clean energy project to follow application processes similar to or the same as the application processes identified in this subsection.

(3)(a) When an environmental impact statement is required, a lead agency shall prepare a final environmental impact statement for clean energy projects within 24 months of a threshold determination of a probable significant, adverse environmental impact.

(b) A lead agency may work with clean energy project applicants to set or extend a time limit longer than 24 months under (a) of this subsection, provided the:

(i) Applicant agrees to a longer time limit; and

(ii) Responsible official for the lead agency maintains an updated schedule available for public review.

(c) For all clean energy projects that require the preparation of an environmental impact statement, the lead agency shall work collaboratively with applicants and all agencies that will have actions requiring review under this chapter to develop a schedule that shall:

(i) Include a list of, and roles and responsibilities for, all entities that have actions requiring review under this chapter for the project;

(ii) Include a comprehensive schedule of dates by which review under this chapter will be completed, all actions requiring review under this chapter will be taken, and the public will have an opportunity to participate;

(iii) Be completed within 60 days of issuance of a determination of significance;

(iv) Be updated as needed, but no later than 30 days of missing a date on the schedule; and

(v) Be available for public review on the state environmental policy act register.

(d) A lead agency may fulfill its responsibilities under this subsection with a coordinated project plan prepared pursuant to 42 U.S.C. Sec. 4370m-2(c)(1) if it includes all dates identified under (c)(ii) of this subsection.

(e) A failure to comply with the requirements in this subsection is not subject to appeal and does not provide a basis for the invalidation of the review by an agency under this chapter. Nothing in this subsection creates any civil liability for an agency or creates a new cause of action against an agency.

(f) For clean energy projects, the provisions of this subsection are in addition to the requirements of RCW 43.21C.0311.

(4) This subsection provides clarifications on the content of review under this chapter specific to clean energy projects.

(a) In defining the proposal that is the subject of review under this chapter, a lead agency may not combine the evaluation of a clean energy project proposal with other proposals unless the:

(i) Proposals are closely related; or

(ii) Applicant agrees to combining the proposals' evaluation.

(b) An agency with authority to impose mitigation under RCW 43.21C.060 may require mitigation measures for clean energy projects only to address the environmental impacts that are attributable to and caused by a proposal.

**NEW SECTION. Sec. 302.** A new section is added to chapter 43.21C RCW to read as follows:

**NONPROJECT ENVIRONMENTAL IMPACT STATEMENTS.** (1) The department of ecology shall prepare nonproject environmental impact statements, pursuant to RCW 43.21C.030, that assess and disclose the probable significant adverse environmental

impacts, and that identify related mitigation measures, for each of the following categories of clean energy projects, and colocated battery energy storage projects that may be included in such projects:

(a) Green electrolytic or renewable hydrogen projects;

(b) Utility-scale solar energy projects, which will consider the findings of the Washington State University least-conflict solar siting process; and

(c) Onshore utility-scale wind energy projects.

(2) The scope of a nonproject environmental review shall be limited to the probable, significant adverse environmental impacts in geographic areas that are suitable for the applicable clean energy type. The department of ecology may consider standard attributes for likely development, proximity to existing transmission or complementary facilities, and planned corridors for transmission capacity construction, reconstruction, or enlargement. The nonproject review is not required to evaluate geographic areas that lack the characteristics necessary for the applicable clean energy project type.

(3) (a) The scope of nonproject environmental impact statements must consider, as appropriate, analysis of the following probable significant adverse environmental impacts, including direct, indirect, and cumulative impacts to:

(i) Historic and cultural resources;

(ii) Species designated for protection under RCW 77.12.020 or the federal endangered species act;

(iii) Landscape scale habitat connectivity and wildlife migration corridors;

(iv) Environmental justice and overburdened communities as defined in RCW 70A.02.010;

(v) Cultural resources and elements of the environment relevant to tribal rights, interests, and resources including tribal cultural resources, and fish, wildlife, and their habitat;

(vi) Land uses, including agricultural and ranching uses; and

(vii) Military installations and operations.

(b) The nonproject environmental impact statements must identify measures to avoid, minimize, and mitigate probable significant adverse environmental impacts identified during the review. These include measures to mitigate probable significant adverse environmental impacts to elements of the environment as defined in WAC 197-11-444 as it existed as of January 1, 2023, tribal rights, interests, and resources, including tribal cultural resources, as identified in RCW 70A.65.305, and overburdened communities as defined in RCW 70A.02.010. The department of ecology shall consult with federally recognized Indian tribes and other agencies with expertise in identification and mitigation of probable, significant adverse environmental impacts including, but not limited to, the department of fish and wildlife. The department of ecology shall further specify when probable, significant

adverse environmental impacts cannot be mitigated.

(4) In defining the scope of nonproject review of clean energy projects, the department of ecology shall request input from agencies, federally recognized Indian tribes, industry, stakeholders, local governments, and the public to identify the geographic areas suitable for the applicable clean energy project type, based on the climatic and geophysical attributes conducive to or required for project development. The department of ecology will provide opportunities for the engagement of tribes, overburdened communities, and stakeholders that self-identify an interest in participating in the processes.

(5) The department of ecology will offer early and meaningful consultation with any affected federally recognized Indian tribe on the nonproject review under this section for the purpose of understanding potential impacts to tribal rights and resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which an Indian tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order. Certain information obtained by the department of ecology under this section is exempt from disclosure consistent with RCW 42.56.300.

(6) Final nonproject environmental review documents for the clean energy projects identified in subsection (1) of this section, where applicable, shall include maps identifying probable, significant adverse environmental impacts for the resources evaluated. Maps must be prepared with the intention to illustrate probable, significant impacts, creating a tool that may be used by project proponents, tribes, and government to inform decision making. The maps may not be used in the place of surveys on specific parcels of land or input of a potentially affected federally recognized Indian tribe regarding specific parcels.

(7) Following the completion of a nonproject review subject to this section, the interagency clean energy siting coordinating council created in section 101 of this act must consider the findings and make recommendations to the legislature and governor on potential areas to designate as clean energy preferred zones for the clean energy project technology analyzed, and any taxation, regulatory, environmental review, or other benefits that should accrue to projects in such designated preferred zones.

(8) Nothing in this section prohibits or precludes projects from being located outside areas designated as clean energy preferred zones.

**NEW SECTION. Sec. 303.** A new section is added to chapter 43.21C RCW to read as follows:

**LEAD AGENCY USE OF NONPROJECT ENVIRONMENTAL IMPACT STATEMENT.** (1) A lead agency conducting a project-level environmental review under this chapter of a clean energy project identified in section 302(1) of this act must consider a

nonproject environmental impact statement prepared pursuant to section 302 of this act in order to identify and mitigate project-level probable significant adverse environmental impacts.

(2)(a) Project-level environmental review conducted pursuant to this chapter of a clean energy project identified in section 302(1) of this act must begin with review of the applicable nonproject environmental impact statement prepared pursuant to section 302 of this act. The review must address any probable significant adverse environmental impacts associated with the proposal that were not analyzed in the nonproject environmental impact statements prepared pursuant to section 302 of this act. The review must identify any mitigation measures specific to the project for probable significant adverse environmental impacts.

(b) Lead agencies reviewing site-specific project proposals for clean energy projects under this chapter shall use the nonproject review described in this section through one of the following methods and in accordance with WAC 197-11-600, as it existed as of January 1, 2023:

(i) Use of the nonproject review unchanged, in accordance with RCW 43.21C.034, if the project does not cause any probable significant adverse environmental impact not identified in the nonproject review;

(ii) Preparation of an addendum;

(iii) Incorporation by reference; or

(iv) Preparation of a supplemental environmental impact statement.

(3) Clean energy project proposals following the recommendations developed in the nonproject environment review completed pursuant to section 302 of this act must be considered to have mitigated the probable significant adverse project-specific environmental impacts under this chapter for which recommendations were specifically developed unless the project-specific environmental review identifies project-level probable significant adverse environmental impacts not addressed in the nonproject environmental review.

**NEW SECTION. Sec. 304.** A new section is added to chapter 36.70B RCW to read as follows:

**PROHIBITION ON DEMONSTRATION OF NEED.** During project review of a project to construct or improve facilities for the generation, transmission, or distribution of electricity, a local government may not require a project applicant to demonstrate the necessity or utility of the project other than to require, as part of a completed application under RCW 36.70B.070(2), submission of any publicly available documentation required by the federal energy regulatory commission or its delegees or the utilities and transportation commission or its delegees, or from any other federal agency with regulatory authority over the assessment of electric power transmission and distribution needs as applicable.

**NEW SECTION. Sec. 305.** A new section is added to chapter 36.01 RCW to read as follows:

A county may not prohibit the installation of wind and solar resource evaluation equipment necessary for the design and environmental planning of a renewable energy project.

**NEW SECTION. Sec. 306. IDENTIFYING INFORMATION FOR PUMPED STORAGE SITING.** (1) The Washington State University energy program shall conduct a process to identify issues and interests related to siting pumped storage projects in Washington state, to support expanded capacity to store intermittently produced renewable energy, such as from wind and solar, as part of the state's transition from fossil fuel to 100 percent clean energy. The Washington State University energy program may decide to include within the process's scope the collocation of pumped storage with wind or solar energy generation. The goal of the process is to identify and understand issues and interests of various stakeholders and federally recognized Indian tribes related to areas where pumped storage might be sited, providing useful information to developers of potential projects, and for subsequent environmental reviews under the state environmental policy act.

(2) In carrying out this process, the Washington State University energy program shall provide ample opportunities for the engagement of federally recognized Indian tribes, local governments and special purpose districts, land use and environmental organizations, and additional stakeholders that self-identify as interested in participating in the process.

(3) The Washington State University energy program must develop and make available a map and associated GIS data layers, highlighting areas identified through the process.

(4) Any information provided by tribes will help to inform the map product, but the Washington State University energy program may not include sensitive tribal information, as identified by federally recognized Indian tribes, in the publicly available map or GIS data layers. The information developed by this process and creation of the map under this section does not supplant the need for project developers to conduct early and individual outreach to federally recognized Indian tribes and other affected communities. The Washington State University energy program must take precautions to prevent disclosure of any sensitive tribal information it receives during the process, consistent with RCW 42.56.300.

(5) The pumped storage siting information process must be completed by June 30, 2025.

**NEW SECTION. Sec. 307.** (1)(a) The department must consult with stakeholders from rural communities, agriculture, natural resource management and conservation, and forestry to gain a better understanding of the benefits and impacts of anticipated changes in the state's energy system, including the siting of facilities under the

jurisdiction of the energy facility site evaluation council, and to identify risks and opportunities for rural communities. This consultation must be conducted in compliance with the community engagement plan developed by the department under chapter 70A.02 RCW and with input from the environmental justice council, using the best recommended practices available at the time. The department must collect the best available information and learn from the lived experiences of people in rural communities, with the objective of improving state implementation of clean energy policies, including the siting of energy facilities under the jurisdiction of the energy facility site evaluation council, in ways that protect and improve life in rural Washington. The department must consult with an array of rural community members, including: Low-income community and vulnerable population members or representatives; legislators; local elected officials and staff; those involved with agriculture, forestry, and natural resource management and conservation; renewable energy project property owners; utilities; large energy consumers; and others.

(b) The consultation must include stakeholder meetings with at least one in eastern Washington and one in western Washington.

(c) The department's consultation with stakeholders may include, but is not limited to, the following topics:

(i) Energy facility siting under the jurisdiction of the energy facility site evaluation council, including placement of new renewable energy resources, such as wind and solar generation, pumped storage, and batteries or new nonemitting electric generation resources, and their contribution to resource adequacy;

(ii) Production of hydrogen, biofuels, and feedstocks for clean fuels;

(iii) Programs to reduce energy cost burdens on rural families and farm operations;

(iv) Electric vehicles, farm and warehouse equipment, and charging infrastructure suitable for rural use;

(v) Efforts to capture carbon or produce energy on agricultural, forest, and other rural lands, including dual use solar projects that ensure ongoing agricultural operations;

(vi) The use of wood products and forest practices that provide low-carbon building materials and renewable fuel supplies; and

(vii) The development of clean manufacturing facilities, such as solar panels, vehicles, and carbon fiber.

(2)(a) The department must complete a report on rural clean energy and resilience that takes into consideration the consultation with rural stakeholders as described in subsection (1) of this section. The report must include recommendations for how policies, projects, and investment programs, including energy facility siting through the energy facility site evaluation council, can be developed or amended to more equitably distribute costs and benefits to rural communities. The report must include an assessment of how to improve the total benefits to rural areas overall, as well as

the equitable distribution of benefits and costs within rural communities.

(b) The report must include a baseline understanding of rural energy production and consumption, and collect data on their economic impacts. Specifically, the report must examine:

(i) Direct, indirect, and induced jobs in construction and operations;

(ii) Financial returns to property owners;

(iii) Effects on local tax revenues and public services, which must include whether any school districts had a net loss of resources from diminished local effort assistance payments required under chapter 28A.500 RCW and impacts to public safety, the 911 emergency communications system, mental health, criminal justice, and rural county roads;

(iv) Effects on other rural land uses, such as agriculture, natural resource management and conservation, and tourism;

(v) Geographic distribution of large energy projects previously sited or forecast to be sited in Washington;

(vi) Potential forms of economic development assistance and impact mitigation payments; and

(vii) Relevant information from the least-conflict priority solar siting pilot project in the Columbia basin of eastern and central Washington required under section 607, chapter 334, Laws of 2021.

(c) The report must include a forecast of what Washington's clean energy transition will require for siting energy projects in rural Washington. The department must gather and analyze the best available information to produce forecast scenarios.

(d) By December 1, 2024, the department must submit a final report on rural clean energy and resilience to the joint committee on energy supply, energy conservation, and energy resilience created in RCW 44.39.010 and the appropriate policy and fiscal committees of the legislature.

(3) For the purposes of this section, "department" means the department of commerce.

**Sec. 308.** RCW 44.39.010 and 2005 c 299 s 1 are each amended to read as follows:

There is hereby created the joint committee on energy supply ~~((and))~~ energy conservation, and energy resilience.

**Sec. 309.** RCW 44.39.012 and 2005 c 299 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Committee" means the joint committee on energy supply ~~((and))~~ energy conservation, and energy resilience.

(2) "Conservation" means reduced energy consumption or energy cost, or increased efficiency in the use of energy, and activities, measures, or equipment designed to achieve such results.

**NEW SECTION. Sec. 310.** (1) The committee shall review the report produced by the department of commerce under section



307 of this act and consider any policy or budget recommendations to reduce impacts and increase benefits of the clean energy transition for rural communities, including mechanisms to support local tax revenues and public services.

(2) The committee must hold at least two meetings, at least one of which must be in eastern Washington. The first meeting of the committee must occur by September 30, 2023.

(3) Relevant state agencies, departments, and commissions, including the energy facility site evaluation council, shall cooperate with the committee and provide information as the chair reasonably requests.

(4) The committee shall report its findings and any recommendations to the energy facility site evaluation council and the committees of the legislature with jurisdiction over environment and energy laws by December 1, 2024. Recommendations of the committee may be made by a simple majority of committee members. In the event that the committee does not reach majority-supported recommendations, the committee may report minority findings supported by at least two members of the committee.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Alternative energy" means energy derived from an alternative energy resource specified in RCW 80.50.020(1).

(b) "Committee" means the joint committee on energy supply, energy conservation, and energy resilience created in RCW 44.39.010.

(6) This section expires June 30, 2025.

#### **PART 4 MISCELLANEOUS PROVISIONS**

NEW SECTION. **Sec. 401.** Sections 101 and 102 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 402.** Sections 201 through 210 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 403.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representative Ybarra moved the adoption of amendment (259) to the striking amendment (178):

On page 7, beginning on line 26 of the striking amendment, after "meeting" strike "the entity's"

Representatives Ybarra and Fitzgibbon spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (259) to the striking amendment (178) was adopted.

Representatives Fitzgibbon and Ybarra spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (178), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fitzgibbon, Dye and Stearns spoke in favor of the passage of the bill.

#### **MOTION**

On motion of Representative Ramel, Representatives Farivar, Hansen and Reeves were excused.

Representative Klicker spoke against the passage of the bill.

#### **MOTION**

On motion of Representative Griffey, Representative McEntire was excused.

Representative Wilcox spoke in favor of the passage of the bill.

Representative Dent spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1216.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1216, and the bill passed the House by the following vote: Yeas, 75; Nays, 20; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Kloba, Leavitt, Low, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Barnard, Christian, Connors, Corry, Dent, Graham, Klicker, Kretz, Lekanoff, Maycumber, McClintock, Mosbrucker, Orcutt, Rude, Schmick, Schmidt, Volz, Walsh, Waters and Ybarra

Excused: Representatives Hansen, McEntire and Reeves

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1216, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1724, by Representatives Bateman, Macri, Taylor, Berry, Tharinger, Slatter, Callan, Leavitt, Reed and Shavers**

**Increasing the trained behavioral health workforce.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1724 was substituted for House Bill No. 1724 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1724 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bateman and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1724.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1724, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McEntire and Reeves

SECOND SUBSTITUTE HOUSE BILL NO. 1724, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1405, by Representatives Alvarado, Farivar, Taylor, Reeves, Senn, Mena, Berg, Cortes, Simmons, Berry, Ortiz-Self, Goodman, Lekanoff, Gregerson, Ramel, Macri, Reed, Ormsby, Doglio, Chopp and Santos**

**Preserving public benefit payments to people in the care of the department of children, youth, and families.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1405 was substituted for House Bill No. 1405 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1405 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alvarado and Couture spoke in favor of the passage of the bill.

Representatives Walsh and Caldier spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1405.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1405, and the bill passed the House by the following vote: Yeas, 78; Nays, 17; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Cheney, Chopp, Connors, Cortes, Couture,

Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Harris, Hutchins, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Caldier, Chambers, Christian, Corry, Dye, Goehner, Graham, Jacobsen, Klicker, McClintock, Mosbrucker, Robertson, Rude, Schmick, Steele, Walsh and Ybarra

Excused: Representatives Hansen, McEntire and Reeves

SECOND SUBSTITUTE HOUSE BILL NO. 1405, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1626, by Representatives Bronoske, Rude, Ryu, Griffey, Callan, Fosse, Senn, Macri, Pollet, Graham, Leavitt and Reed**

**Concerning coverage for colorectal screening tests under medical assistance programs.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bronoske and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1626.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1626, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McEntire and Reeves

HOUSE BILL NO. 1626, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1599, by Representatives Goodman, Berry, Ramel and Pollet**

**Concerning court files and records exemptions for firearm background checks.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman, Cheney and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1599.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1599, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McEntire and Reeves

HOUSE BILL NO. 1599, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1542, by Representatives Bronoske, Fosse, Berry, Hackney, Abbarno, Griffey, Walsh, Ortiz-Self, Taylor, Ramel, Simmons, Jacobsen, Schmidt, Graham, Ormsby, Pollet, Kloba, Doglio, Bateman, Macri, Leavitt and Timmons**

**Requiring automated external defibrillators to be available and accessible when work is being performed on high voltage lines and equipment.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bronoske and Schmidt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1542.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1542, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McEntire and Reeves

HOUSE BILL NO. 1542, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1656, by Representatives Schmidt, Fosse, Berry, Robertson, Christian, Ormsby and Riccelli**

**Concerning unemployment insurance benefits appeal procedures.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmidt and Fosse spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1656.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1656, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen and McEntire

HOUSE BILL NO. 1656, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

Representative Volz congratulated Representative Schmidt on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

### SECOND READING

**HOUSE BILL NO. 1736, by Representatives Cortes, Fey, Senn, Ryu, Wylie, Slatter, Reed and Pollet**

**Requiring the department of licensing to collect vehicle odometer readings at the time of original vehicle registration and registration renewal.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1736 was substituted for House Bill No. 1736 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1736 was read the second time.

Representative Cortes moved the adoption of amendment (218):

On page 2, beginning on line 27, after "to provide" strike "any or accurate" and insert "the"

On page 3, on line 17, after "provide" strike "any or accurate" and insert "the"

Representatives Cortes and Fey spoke in favor of the adoption of the amendment.

Representative Barkis spoke against the adoption of the amendment.

Amendment (218) was adopted.

Representative Low moved the adoption of amendment (258):

On page 6, after line 20, insert the following:

**"NEW SECTION. Sec. 5.** After one year of collecting vehicle odometer information, the department must provide a report with the number of people who provided their vehicle odometer mileage, the number of people who were asked to provide their vehicle odometer mileage, and the problems encountered in implementing the collection of vehicle odometer mileage. The report is due to the transportation committees of the legislature by May 1, 2025."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Low and Fey spoke in favor of the adoption of the amendment.

Amendment (258) was adopted.

Representative Barkis moved the adoption of amendment (257):

On page 6, line 21, after "**Sec. 5.**" strike all material through "2024" and insert "The department must implement a system to collect the vehicle odometer mileage information in a manner which allows the calculation of the difference from prior odometer readings. The department may make other modifications to the system for collecting vehicle odometer mileage information which improve the usefulness of the data. The department must provide written notice to the governor, secretary of the senate, and the chief clerk of the house 90 days before the date of implementation of the system of collecting vehicle odometer mileage information."

**NEW SECTION. Sec. 6.** Sections 1 through 4 of this act take effect on the 90th day after the receipt of the notice required in section 5 of this act"

Correct the title.

With the consent of the House, amendment (257) was withdrawn.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cortes spoke in favor of the passage of the bill.

Representatives Barkis, Walsh, Schmick and Orcutt spoke against the passage of the bill.

### MOTION

On motion of Representative Corry, Representative Eslick was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1736.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1736, and the bill passed the House by the following vote: Yeas, 53; Nays, 43; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Eslick and Hansen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1736, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1316, by Representatives Paul, Ortiz-Self, Stonier, Bergquist, Lekanoff, Ramel, Santos, Reed, Pollet, Leavitt, Timmons, Chapman and Ormsby**

### Expanding access to dual credit programs.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1316 was substituted for House Bill No. 1316 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1316 was read the second time.

Representative Stokesbary moved the adoption of the striking amendment (270):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that dual credit enrollment in high school improves college attendance, persistence, and completion, especially for low-income students. Students who enrolled in dual credit courses in high school improve their likelihood of college success. They are more likely to graduate college and

more likely to complete their bachelor's degree within four years. However, the legislature also finds that low-income students are less likely to access dual credit opportunities in high school, and they are subsequently less likely to apply to college and to complete their bachelor's degree within four years. The legislature finds that when students who have financial need in college first obtain dual credits while in high school, they improve their likelihood of college success. In addition, students who are eligible for financial aid in college actually reduce costs to the state by pursuing dual credit enrollment while in high school.

Therefore, it is the intent of the legislature to remove barriers to dual credit participation in high school, especially for low-income students, by subsidizing all dual credit costs and fees for students whose family incomes would make them eligible for state financial aid in college. It is also the intent of the legislature to encourage low-income students to complete dual credit courses in high school by sharing the savings to which these students' efforts contributed, in the form of a \$1,000 payment to eligible students who complete their first year of college.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.600 RCW to read as follows:

(1) The office of the superintendent of public instruction shall administer a program to subsidize certain dual credit program costs for eligible students.

(2)(a) For eligible students enrolled in running start courses, the program must subsidize:

(i) Any student-voted fees, technology fees, course fees, laboratory fees, or other fees required for enrollment, up to 18 credits per quarter, that were not waived by the institution of higher education under RCW 28A.600.310; and

(ii) Textbooks and other course materials required by the institution of higher education.

(b) To subsidize the costs required by (a) of this subsection, the office of the superintendent of public instruction must transmit to each institution of higher education \$1,000 per full-time equivalent eligible student per academic year. At the end of the academic year, each institution of higher education must return any unused funds to the office of the superintendent of public instruction.

(c) For the purposes of this subsection (2), "institution of higher education" has the same meaning as in RCW 28A.600.300.

(3) For eligible students enrolled in college in the high school program courses, the program must subsidize tuition fees permitted under RCW 28A.600.287.

(4) For eligible students enrolled in career and technical education dual credit courses, the program must subsidize transcription fees assessed by the institution of higher education.

(5) For eligible students taking advanced placement exams, international baccalaureate exams, and Cambridge international exams,

the program must subsidize student fees related to exam registration and administration.

(6) The office of the superintendent of public instruction must collaborate with institutions of higher education to facilitate identification of eligible students who qualify for fee waivers for running start program courses under RCW 28A.600.310.

(7) The office of the superintendent of public instruction, school districts, institutions of higher education, and other recipients of program funds under this section may not use the funds to supplant federal and private funds that cover dual credit course costs or dual credit exam costs for eligible students.

(8) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Institution of higher education" has the same meaning as in RCW 28B.10.016, and also means a public tribal college located in Washington and accredited by the northwest commission on colleges and universities or another accrediting association recognized by the United States department of education.

(b) "Eligible student" means a student:

(i) Who is eligible for free or reduced-price school meals based on the income of the student's household;

(ii) Who is categorically eligible for free school meals without an application and not subject to income verification; or

(iii) Whose parent or legal guardian attests that the student demonstrates financial need equivalent to the financial need required to receive the maximum Washington college grant under RCW 28B.92.205, using the attestation form developed as required under section 3 of this act.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28B.77 RCW to read as follows:

The council, in consultation with the office of the superintendent of public instruction, the state board for community and technical colleges, public four-year institutions of higher education, and other interested parties, shall develop and publish an income attestation form to be used to determine student eligibility for:

(1) The dual credit subsidy program under section 2 of this act; and (2) fee waivers for running start program courses under RCW 28A.600.310.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.600 RCW to read as follows:

(1) Prior to course scheduling or course registration for the next school term, each public school that serves students in any of grades nine through 12 must provide all students and their parents or legal guardians with: Information about each available dual credit program and any financial assistance available to reduce dual credit course and exam costs for students and their families. The information must be provided via email and other

communication methods, and, to the extent feasible, must be translated into the primary language of each parent or legal guardian.

(2) Public schools are encouraged to include in the notification required under subsection (1) of this section other information about advanced course taking that must be provided to parents and legal guardians under RCW 28A.320.195, 28A.600.287, and 28A.600.320.

(3) As used in this section, "public school" has the same meaning as in RCW 28A.150.010.

**Sec. 5.** RCW 28A.600.287 and 2021 c 71 s 1 are each amended to read as follows:

(1) College in the high school is a dual credit program located on a high school campus or in a high school environment in which a high school student is able to earn both high school and college credit by completing college level courses with a passing grade. A college in the high school program must meet the accreditation requirements in RCW 28B.10.035 and the requirements in this section.

(2) A college in the high school program may include both academic and career and technical education.

(3) Ninth, 10th, 11th, and 12th grade students, and students who have not yet received a high school diploma or its equivalent and are eligible to be in the ninth, 10th, 11th, or 12th grades, may participate in a college in the high school program.

(4) A college in the high school program must be governed by a local contract between an institution of higher education and a school district, charter school, or state-tribal compact school, in compliance with the rules adopted by the superintendent of public instruction under this section. The local contract must include the qualifications for students to enroll in a program course.

(5) (a) An institution of higher education may charge tuition fees per credit to each student enrolled in a program course as established in this subsection (5).

(b) (i) The maximum per college credit tuition fee for a program course is ~~(((\$65))~~ \$42.50 per college credit adjusted for inflation using the implicit price deflator for that fiscal year, using fiscal year 2021 as the base, as compiled by the bureau of labor statistics, United States department of labor for the state of Washington.

(ii) Annually by July 1st, the office of the superintendent of public instruction must calculate the maximum per college credit tuition fee and post the fee on its website.

(c) The funds received by an institution of higher education under this subsection (5) are not tuition or operating fees and may be retained by the institution of higher education.

(6) Enrollment information on persons registered under this section must be maintained by the institution of higher education separately from other enrollment information and may not be included in official enrollment reports, nor may such

persons be considered in any enrollment statistics that would affect higher education budgetary determinations.

(7) Each school district, charter school, and state-tribal compact school must award high school credit to a student enrolled in a program course if the student successfully completes the course. If no comparable course is offered by the school district, charter school, or state-tribal compact school, the chief administrator shall determine how many credits to award for the successful completion of the program course. The determination must be made in writing before the student enrolls in the program course. The awarded credit must be applied toward graduation requirements and subject area requirements. Evidence of successful completion of each program course must be included in the student's high school records and transcript.

(8) An institution of higher education must award college credit to a student enrolled in a program course if the student successfully completes the course. The awarded college credit must be applied toward general education requirements or degree requirements at the institution of higher education. Evidence of successful completion of each program course must be included in the student's college transcript.

(9) (a) A high school that offers a college in the high school program must provide general information about the program to all students in grades eight through 12 and to the parents and guardians of those students.

(b) A high school that offers a college in the high school program must include the following information about program courses in the high school catalogue or equivalent:

(i) There is no fee for students to enroll in a program course to earn only high school credit. Fees apply for students who choose to enroll in a program course to earn both high school and college credit;

(ii) A description and breakdown of the fees charged to students to earn college credit;

(iii) A description of fee payment and financial assistance options available to students; and

(iv) A notification that paying for college credit automatically starts an official college transcript with the institution of higher education offering the program course regardless of student performance in the program course, and ~~((that college credit earned upon successful completion of a program course may count only as elective credit if transferred to another institution of higher education))~~ most but not all institutions of higher education may recognize and accept this credit.

(10) Full-time and part-time faculty at institutions of higher education, including adjunct faculty, are eligible to teach program courses.

(11) Students enrolled in a program course may pay college in the high school fees with advanced college tuition payment program tuition units at a rate set by the advanced college tuition payment program governing body under chapter 28B.95 RCW.

(12) The superintendent of public instruction shall adopt rules for the administration of this section. The rules must be jointly developed by the superintendent of public instruction, the state board for community and technical colleges, the student achievement council, and the public baccalaureate institutions. The association of Washington school principals must be consulted during the rules development. The rules must outline quality and eligibility standards that are informed by nationally recognized standards or models. In addition, the rules must encourage the maximum use of the program and may not narrow or limit the enrollment options.

(13) The definitions in this subsection apply throughout this section.

(a) "Charter school" means a school established under chapter 28A.710 RCW.

(b) "High school" means a public school, as defined in RCW 28A.150.010, that serves students in any of grades nine through 12.

(c) "Institution of higher education" has the same meaning as in RCW 28B.10.016, and also means a public tribal college located in Washington and accredited by the northwest commission on colleges and universities or another accrediting association recognized by the United States department of education.

(d) "Program course" means a college course offered in a high school under a college in the high school program.

(e) "State-tribal compact school" means a school established under chapter 28A.715 RCW.

**NEW SECTION. Sec. 6.** A new section is added to chapter 28A.600 RCW to read as follows:

(1) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.6 full-time equivalents, including school district and institution of higher education enrollment.

(2) In calculating the combined full-time equivalents, the office of the superintendent of public instruction:

(a) Must adopt rules to fund the participating student's enrollment in running start courses provided by the institution of higher education during the summer academic term; and

(b) May average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and the institution of higher education.

(3) Running start programs as a service delivery model, associated funding levels beyond 1.0 full-time equivalent per student, and funding for high school graduates enrolled in running start courses under RCW 28A.600.310(2)(b), are not part of the state's statutory program of basic education under chapter 28A.150 RCW.

(4) The office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the participating institutions of higher education, the student achievement council, and the education data center, must

annually track, and report to the fiscal committees of the legislature, the combined full-time equivalent experience of students participating in running start programs, including course load analyses and enrollments by high school and participating institutions of higher education.

**Sec. 7.** RCW 28A.600.310 and 2019 c 252 s 115 and 2019 c 176 s 2 are each reenacted and amended to read as follows:

(1) Every school district must allow eligible students as described in subsection (2) of this section to participate in the running start program.

(2) Student eligibility for the running start program is as follows:

(a) ~~Eleventh and ((~~twelfth~~))~~ 12th grade students or students who have not yet received the credits required for the award of a high school diploma and are eligible to be in the ~~((~~eleventh~~))~~ 11th or ~~((~~twelfth~~))~~ 12th grade ~~((~~s~~))~~, including students receiving home-based instruction under chapter 28A.200 RCW and students attending private schools approved under chapter 28A.195 RCW, may apply to a participating institution of higher education to enroll in courses or programs offered by the institution of higher education.

(b) ~~((The course sections and programs offered as running start courses must also be open for registration to matriculated students at the participating institution of higher education and may not be a course consisting solely of high school students offered at a high school campus.~~

~~((A student))~~ High school graduates who have 15 or fewer college credits to earn before meeting associate degree requirements may continue participation in the running start program and earn up to 15 college credits during the summer academic term following their high school graduation.

(3) Students receiving home-based instruction under chapter 28A.200 RCW enrolling in a public high school for the sole purpose of participating in courses or programs offered by institutions of higher education shall not be counted by the school district in any required state or federal accountability reporting if the student's parents or guardians filed a declaration of intent to provide home-based instruction and the student received home-based instruction during the school year before the school year in which the student intends to participate in courses or programs offered by the institution of higher education.

~~((Students receiving home-based instruction under chapter 28A.200 RCW and students attending private schools approved under chapter 28A.195 RCW shall not be required to meet the student learning goals or to learn the state learning standards. However, students are eligible to enroll in courses or programs in participating universities only if the board of directors of the student's school district has decided to participate in the program.))~~

(4) Participating institutions of higher education, in consultation with school districts, may establish admission standards for ~~((these))~~ eligible students. If the

institution of higher education accepts a secondary school ~~((pupil))~~ student for enrollment under this section, the institution of higher education shall send written notice to the ~~((pupil))~~ student and the ~~((pupil's))~~ student's school district within ~~((ten))~~ 10 days of acceptance. The notice shall indicate the course and hours of enrollment for that ~~((pupil))~~ student.

~~((2))~~ (5) The course sections and programs offered as running start courses must be open for registration to matriculated students at the participating institution of higher education and may not be a course consisting solely of high school students offered at a high school campus.

(6) (a) In lieu of tuition and fees, as defined in RCW 28B.15.020 and 28B.15.041:

(i) Running start students shall pay to the community or technical college all other mandatory fees as established by each community or technical college and, in addition, the state board for community and technical colleges may authorize a fee of up to ~~((ten))~~ 10 percent of tuition and fees as defined in RCW 28B.15.020 and 28B.15.041; and

(ii) All other institutions of higher education operating a running start program may charge running start students a fee of up to ~~((ten))~~ 10 percent of tuition and fees as defined in RCW 28B.15.020 and 28B.15.041 in addition to technology fees.

(b) The fees charged under this subsection ~~((2))~~ (6) shall be prorated based on credit load.

(c) Students may pay fees under this subsection (6) with advanced college tuition payment program tuition units at a rate set by the advanced college tuition payment program governing body under chapter 28B.95 RCW.

~~((3))~~ (7) (a) The institutions of higher education must make available fee waivers for low-income running start students. A student shall be considered low income and eligible for a fee waiver upon proof that the student ~~((is currently qualified to receive))~~ meets federal eligibility requirements for free or reduced-price ~~((lunch))~~ school meals. Acceptable documentation of low-income status may also include, but is not limited to, documentation that a student has been deemed eligible for free or reduced-price lunches in the last five years, or other criteria established in the institution's policy.

(b) (i) By the beginning of the 2020-21 school year, school districts, upon knowledge of a low-income student's enrollment in running start, must provide documentation of the student's low-income status, under (a) of this subsection, directly to institutions of higher education.

(ii) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction, in consultation with the Washington student achievement council, shall develop a centralized process for school districts to provide students' low-income status to institutions of higher education to meet the requirements of (b) (i) of this subsection.

(c) Institutions of higher education, in collaboration with relevant student associations, shall aim to have students who can benefit from fee waivers take advantage of these waivers. Institutions shall make every effort to communicate to students and their families the benefits of the waivers and provide assistance to students and their families on how to apply. Information about waivers shall, to the greatest extent possible, be incorporated into financial aid counseling, admission information, and individual billing statements. Institutions also shall, to the greatest extent possible, use all means of communication, including but not limited to websites, online catalogues, admission and registration forms, mass email messaging, social media, and outside marketing to ensure that information about waivers is visible, compelling, and reaches the maximum number of students and families that can benefit.

~~((4))~~ (8) The ~~((pupil's))~~ student's school district shall transmit to the institution of higher education an amount per each full-time equivalent college student at statewide uniform rates for vocational and nonvocational students. The superintendent of public instruction shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260, and equivalent amounts for high school graduates enrolled in running start courses under subsection (2) (b) of this section, to school districts for purposes of making such payments and for granting school districts seven percent thereof to offset program related costs. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW. The superintendent of public instruction, participating institutions of higher education, and the state board for community and technical colleges shall consult on the calculation and distribution of the funds. The funds received by the institution of higher education from the school district shall not be deemed tuition or operating fees and may be retained by the institution of higher education. A student enrolled under this subsection shall be counted for the purpose of meeting enrollment targets in accordance with terms and conditions specified in the omnibus appropriations act.

(9) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020 and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools established under chapter 28A.715 RCW to the same extent as it applies to school districts.

**Sec. 8.** RCW 28A.600.390 and 2012 c 229 s 506 are each amended to read as follows:

The superintendent of public instruction, the state board for community and technical colleges, and the student achievement council shall jointly develop and adopt rules governing RCW 28A.600.300 through



28A.600.380 and section 6 of this act, if rules are necessary. The rules shall be written to encourage the maximum use of the program and shall not narrow or limit the enrollment options under RCW 28A.600.300 through 28A.600.380.

**Sec. 9.** RCW 28A.600.400 and 1994 c 205 s 11 are each amended to read as follows:

RCW 28A.600.300 through 28A.600.390 are in addition to and not intended to adversely affect agreements between school districts and institutions of higher education in effect on April 11, 1990 (~~(, and in the future)~~).

**Sec. 10.** RCW 28B.92.030 and 2022 c 166 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Council" means the student achievement council.

(2) "Dual credit incentive rebate" means a one-time, lump sum grant provided in addition to the Washington college grant to provide supplementary financial support to low-income students.

(3) "Dual credit program" means a program in which a student qualifies for both postsecondary and high school credit upon either successfully completing a dual credit course or by passing a dual credit exam.

(4) "Financial aid" means either loans, grants, or both, to students who demonstrate financial need enrolled or accepted for enrollment as a student at institutions of higher education.

~~((3))~~ (5) "Financial need" means a demonstrated financial inability to bear the total cost of education as directed in rule by the office.

~~((4))~~ (6) "Institution" or "institutions of higher education" means:

(a) Any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof; (~~(e)~~)

(b) Any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level that is a member institution of an accrediting association recognized by rule of the council for the purposes of this section and that agrees to and complies with program rules adopted pursuant to RCW 28B.92.150. However, any institution, branch, extension or facility operating within the state of Washington that is affiliated with an institution operating in another state must be:

(i) A separately accredited member institution of any such accrediting association;

(ii) A branch of a member institution of an accrediting association recognized by rule of the council for purposes of this section, that is eligible for federal student financial aid assistance and has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of ~~((twenty))~~ 20 consecutive years within the state of Washington, and has an annual enrollment of

at least ~~((seven hundred))~~ 700 full-time equivalent students; or

(iii) A nonprofit institution recognized by the state of Washington as provided in RCW 28B.77.240; or

~~((iv))~~ (c) An approved apprenticeship program under chapter 49.04 RCW.

~~((5))~~ (7) "Maximum Washington college grant":

(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, is tuition and estimated fees for ~~((fifteen))~~ 15 quarter credit hours or the equivalent, as determined by the office, including operating fees, building fees, and services and activities fees.

(b) For students attending private four-year not-for-profit institutions of higher education in Washington, in the 2019-20 academic year, is ~~((nine thousand seven hundred thirty-nine dollars))~~ \$9,739 and may increase each year afterwards by no more than the tuition growth factor.

(c) For students attending two-year private not-for-profit institutions of higher education in Washington, in the 2019-20 academic year, is ~~((three thousand six hundred ninety-four dollars))~~ \$3,694 and may increase each year afterwards by no more than the tuition growth factor.

(d) For students attending four-year private for-profit institutions of higher education in Washington, in the 2019-20 academic year, is ~~((eight thousand five hundred seventeen dollars))~~ \$8,517 and may increase each year afterwards by no more than the tuition growth factor.

(e) For students attending two-year private for-profit institutions of higher education in Washington, in the 2019-20 academic year, is ~~((two thousand eight hundred twenty-three dollars))~~ \$2,823 and may increase each year afterwards by no more than the tuition growth factor.

(f) For students attending Western Governors University-Washington, as established in RCW 28B.77.240, in the 2019-20 academic year, is ~~((five thousand six hundred nineteen dollars))~~ \$5,619 and may increase each year afterwards by no more than the tuition growth factor.

(g) For students attending approved apprenticeship programs, beginning in the 2022-23 academic year, is the same amount as the maximum Washington college grant for students attending two-year institutions of higher education as defined in (a) of this subsection to be used for tuition and fees, program supplies and equipment, and other costs that facilitate educational endeavors.

~~((6))~~ (8) "Office" means the office of student financial assistance.

~~((7))~~ (9) "Tuition growth factor" means an increase of no more than the average annual percentage growth rate of the median hourly wage for Washington for the previous ~~((fourteen))~~ 14 years as the wage is determined by the federal bureau of labor statistics.

NEW SECTION. **Sec. 11.** A new section is added to chapter 28B.92 RCW to read as follows:

The dual credit incentive rebate is created. The office shall award a dual credit incentive rebate of \$1,000 to a Washington college grant recipient who:

(1) Earned at least 24 quarter credits or the equivalent at the postsecondary level through one or more dual credit programs; and

(2) Earned at least an additional 24 quarter credits or the equivalent at the postsecondary level after graduating high school.

**NEW SECTION. Sec. 12.** The following acts or parts of acts are each repealed:

(1) RCW 28A.320.196 (Academic acceleration incentive program—Dual credit courses—Allocation of funds—Reports) and 2022 c 75 s 4, 2021 c 71 s 4, 2015 c 202 s 2, & 2013 c 184 s 3;

(2) RCW 28A.600.290 (College in the high school program—Funding) and 2021 c 71 s 2, 2015 c 202 s 3, 2012 c 229 s 801, & 2009 c 450 s 3;

(3) RCW 28B.76.730 (Washington dual enrollment scholarship pilot program) and 2021 c 71 s 6, 2020 c 259 s 1, & 2019 c 176 s 1;

(4) RCW 43.131.427 (Washington dual enrollment scholarship pilot program—Termination) and 2019 c 176 s 3; and

(5) RCW 43.131.428 (Washington dual enrollment scholarship pilot program—Repeal) and 2019 c 176 s 4."

Correct the title.

Representatives Stokesbary, Chambers, Walsh, Rude, Schmidt and Corry spoke in favor of the adoption of the striking amendment.

Representative Bergquist spoke against the adoption of the striking amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Bronoske presiding) divided the House. The result was 39 - YEAS; 57 - NAYS.

The striking amendment (270) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Paul spoke in favor of the passage of the bill.

Representatives Stokesbary, Ybarra, Volz and Chambers spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1316.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1316, and the bill passed the House by the following vote: Yeas, 60; Nays, 36; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Harris, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons,

Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Eslick and Hansen

SECOND SUBSTITUTE HOUSE BILL NO. 1316, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1728, by Representatives Donaghy, Rule, Reeves, Morgan, Ramel, Reed and Leavitt**

**Creating a statewide resiliency program.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1728 was substituted for House Bill No. 1728 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1728 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Donaghy spoke in favor of the passage of the bill.

Representative Volz spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1728.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1728, and the bill passed the House by the following vote: Yeas, 68; Nays, 28; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hutchins, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Barkis, Chambers, Chandler, Christian, Connors, Corry, Couture, Dent, Dye, Graham, Griffey, Harris, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Robertson, Schmick, Schmidt, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Eslick and Hansen

SECOND SUBSTITUTE HOUSE BILL NO. 1728, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1622, by Representatives Fey, Rude, Simmons, Schmidt, Cortes, Senn, Slatter, Alvarado, Ryu, Wylie, Bergquist, Paul, Gregerson, Morgan, Macri, Pollet, Doglio, Timmons and Leavitt**

**Supporting the needs of students experiencing homelessness.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1622.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1622, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick and Hansen

HOUSE BILL NO. 1622, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1652, by Representatives Taylor, Couture and Rule

#### Concerning child support pass through.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1652 was substituted for House Bill No. 1652 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1652 was read the second time.

Representative Couture moved the adoption of amendment (125):

On page 2, line 39, after "current child support" strike "and child support arrears"

On page 3, line 6, after "current child support" strike "and child support arrears"

Representatives Couture and Taylor spoke in favor of the adoption of the amendment.

Amendment (125) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Taylor and Couture spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1652.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1652, and the bill passed the House by the following vote: Yeas, 89; Nays, 7; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Caldier, Chambers, Chandler, Jacobsen, McEntire and Walsh

Excused: Representatives Eslick and Hansen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1203, by Representatives Ormsby and Macri

**Improving the fiscal process by updating accounts administered by the office of financial management, creating new accounts including one for the opioid litigation settlement and one for the receipt of federal funds, and reenacting accounts created in the supplemental budget bill.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1203 was substituted for House Bill No. 1203 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1203 was read the second time.

Representative Ormsby moved the adoption of amendment (297):

On page 3, at the beginning of line 4, strike "(4)" and insert "((+4))"

On page 3, at the beginning of line 12, strike "(1)" and insert "((+1))"

On page 3, line 18, after "RCW." strike all material through "section, an" on line 19 and insert "((Subject to the requirements of subsection (2) of this section, an)) An"

On page 3, at the beginning of line 30, strike "(2)" and insert "((+2))"

Representatives Ormsby and Stokesbary spoke in favor of the adoption of the amendment.

Amendment (297) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ormsby and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1203.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1203, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick and Hansen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1203, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1705, by Representatives Griffey, Couture and Wylie**

**Concerning stormwater control facilities and county jurisdiction.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1705 was substituted for House Bill No. 1705 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1705 was read the second time.

Representative Duerr moved the adoption of amendment (091):

On page 2, line 14, after "district" strike "must notify and consult with" and insert "should notify"

On page 2, line 15, after "district." insert "The ordinary maintenance of stormwater control facilities by a county does not require notification to a diking or drainage district."

On page 2, line 25, after "thereof" strike "is" and insert "pursuant to a written agreement as provided for in subsection (3)(b) of this section may be"

Representatives Duerr and Griffey spoke in favor of the adoption of the amendment.

Amendment (091) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Griffey and Duerr spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1705.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1705, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Shavers

Excused: Representatives Eslick and Hansen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1705, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

**HOUSE BILL NO. 1392, by Representatives Gregerson, Kretz, Ryu, Dent, Berry, Fitzgibbon, Reed, Ramel, Pollet and Macri**

**Promoting the fair servicing and repair of digital electronic equipment.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1392 was substituted for House Bill No. 1392 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1392 was read the second time.

With the consent of the House, amendments (224) and (235) were withdrawn.

Representative Corry moved the adoption of amendment (226):

On page 2, after line 11, insert the following:

"(f) Consumers demand that when their digital electronic device is being repaired that their personal financial and health data and images must be protected from theft."

Representatives Corry and Chambers spoke in favor of the adoption of the amendment.

Representative Gregerson spoke against the adoption of the amendment.

Amendment (226) was not adopted.

Representative Stokesbary moved the adoption of amendment (195):

On page 2, line 36, after "tablet computer," insert "video game console,"

With the consent of the House, amendment (195) was withdrawn.

Representative Walsh moved the adoption of amendment (230):

On page 3, line 6, after "equipment." insert "Documentation also includes trade secrets of an original manufacturer."

On page 5, line 31, after "2017." insert ""Trade secret" also means an original manufacturer's intellectual property or proprietary information as determined by the original manufacturer and includes any documentation needed to access and reset the lock or function of any digital electronic equipment when disabled in the course of diagnosis, maintenance, or repair of such equipment."

On page 7, line 29, after "property" insert "or proprietary information"

Representatives Walsh, Corry, Stokesbary, Orcutt and Cheney spoke in favor of the adoption of the amendment.

Representatives Reeves and Gregerson spoke against the adoption of the amendment.

Amendment (230) was not adopted.

Representative Walsh moved the adoption of amendment (232):

On page 5, line 32, after "2024," insert "unless an original manufacturer of digital electronic equipment has an agreement with an authorized repair provider to repair the original manufacturer's digital electronic equipment,"

Representatives Walsh and Walsh (again) spoke in favor of the adoption of the amendment.

Representative Walen spoke against the adoption of the amendment.

Amendment (232) was not adopted.

Representative Stokesbary moved the adoption of amendment (228):

On page 6, after line 33, insert the following:

"(5) If an independent repair provider attempts to repair a customer's digital electronic equipment that is under the original manufacturer's warranty period and such attempted repair renders the digital electronic device inoperable, the independent repair provider shall provide the customer with an identical replacement of the digital electronic equipment or, if an identical replacement is not available, an upgraded version of the digital electronic equipment."

Representatives Stokesbary and Corry spoke in favor of the adoption of the amendment.

Representative Walen spoke against the adoption of the amendment.

Amendment (228) was not adopted.

Representative Schmidt moved the adoption of amendment (233):

On page 7, beginning on line 8, after "(b)" strike all material through "repairs" on line 9 and insert "Prohibiting the sharing of passcodes and passwords to protect the customer's privacy"

Representative Schmidt spoke in favor of the adoption of the amendment.

Representative Gregerson spoke against the adoption of the amendment.

Amendment (233) was not adopted.

Representative Walsh moved the adoption of amendment (231):

On page 7, line 12, after "accounts;" strike "and"

On page 7, line 26, after "reputation" insert ";

"(4) Repairs not performed by the original manufacturer or an original manufacturer's authorized repair provider may void the warranty of digital electronic equipment; and

(5) A disclosure that includes information about all safety issues related to the replacement of a battery if a battery is installed in the digital electronic equipment during a repair."

Representatives Walsh and Corry spoke in favor of the adoption of the amendment.

Representative Walen spoke against the adoption of the amendment.

Amendment (231) was not adopted.

Representative Corry moved the adoption of amendment (176):

On page 8, after line 33, insert the following:

"(8) Nothing in this chapter shall apply to a:

(a) Motor vehicle manufacturer, manufacturer of motor vehicle equipment, or motor vehicle dealer acting in that capacity or to any product or service of a motor vehicle manufacturer, manufacturer of motor vehicle equipment, or motor vehicle dealer acting in that capacity; or

(b) Manufacturer, distributor, importer, or dealer of any power generation or storage equipment, or equipment for fueling or charging motor vehicles."

Representatives Corry and Reeves spoke in favor of the adoption of the amendment.

Amendment (176) was adopted.

Representative Volz moved the adoption of amendment (229):

On page 9, after line 5, insert the following:

"(3) An independent repair provider may not conduct repairs on digital electronic equipment owned by a public school, as defined in RCW 28A.150.010, if such a repair would void the original manufacturer's warranty."

Representatives Volz and Corry spoke in favor of the adoption of the amendment.

Representative Reeves spoke against the adoption of the amendment.

Amendment (229) was not adopted.

Representative McClintock moved the adoption of amendment (225):

On page 9, after line 15, insert the following:

"**NEW SECTION. Sec. 8.** The department of licensing shall make recommendations to the legislature on a licensure program for independent repair providers that provide diagnosis, maintenance, and repair services for digital electronic equipment. The department of licensing shall submit a report to the legislature in accordance with RCW 43.01.036 on its recommendations by October 31, 2023. The report must address the following:

(1) A minimum of 25 hours of training per type of digital electronic equipment in a manner specified by the original manufacturer of the digital electronic equipment;

(2) Cybersecurity training requirements;

(3) Recommended training opportunities with the state's community and technical colleges;

(4) Commercial insurance requirements that include coverage for breach of a customer's personal data; and

(5) Continuing education requirements that include courses or training in cybersecurity and how to protect a customer's personal health data, financial data, and electronic images stored on digital electronic equipment."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 9, line 18, after "through" strike "8" and insert "9"

On page 9, after line 19, insert the following:

"**NEW SECTION. Sec. 11.** This act shall take effect after the legislature adopts a licensure program for independent repair providers based on recommendations provided by the department of licensing under section 8 of this act."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representative McClintock spoke in favor of the adoption of the amendment.

Representative Walen spoke against the adoption of the amendment.

Amendment (225) was not adopted.

Representative Corry moved the adoption of amendment (234):

On page 6, beginning on line 25, strike all of subsection (4)

Representative Corry spoke in favor of the adoption of the amendment.

Representative Gregerson spoke against the adoption of the amendment.

Amendment (234) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Gregerson spoke in favor of the passage of the bill.

Representatives Walsh, Cheney, Stokesbary and Corry spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1392.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1392, and the bill passed the House by the following vote: Yeas, 58; Nays, 38; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Callan, Chambers, Chopp, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Kretz, Lekanoff, Low, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Bronoske, Caldier, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dye, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Leavitt, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Eslick and Hansen

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1392, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1217, by Representatives Ortiz-Self, Fosse, Berry, Reed, Simmons, Gregerson, Ramel, Macri and Pollet**

**Concerning wage complaints.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1217 was substituted for House Bill No. 1217 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1217 was read the second time.

Representative Robertson moved the adoption of amendment (279):

On page 1, beginning on line 6, strike all of section 1

Renumber the remaining section consecutively.

On page 4, line 7, after "order;" strike "and"

On page 4, line 10, after "violations" insert "; and

(c) The appropriate time to impose interest on wages owed"

Correct the title.

Representative Robertson spoke in favor of the adoption of the amendment.

Representative Ortiz-Self spoke against the adoption of the amendment.

Amendment (279) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ortiz-Self spoke in favor of the passage of the bill.

Representative Abbarno spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1217.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1217, and the bill passed the House by the following vote: Yeas, 53; Nays, 43; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Simmons, Slatter, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Shavers, Springer, Steele, Stokesbary, Volz, Walen, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Eslick and Hansen

SUBSTITUTE HOUSE BILL NO. 1217, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1717, by Representatives Rule, Corry, Paul, Stonier, Chapman, Duerr and Timmons**

**Supporting innovation at associate development organizations.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1717 was substituted for House Bill No. 1717 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1717 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rule, Barnard, Volz, Waters, Corry and Reeves spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1717.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1717, and the bill passed the House by the following vote: Yeas, 90; Nays, 6; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Dent, McEntire, Robertson, Schmick, Stokesbary and Walsh

Excused: Representatives Eslick and Hansen

SUBSTITUTE HOUSE BILL NO. 1717, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**HOUSE BILL NO. 1155, by Representatives Slatter, Street, Reed, Ryu, Berg, Alvarado, Taylor, Bateman, Ramel, Senn, Goodman, Fitzgibbon, Macri, Simmons, Reeves, Lekanoff, Orwall, Duerr, Thai, Gregerson, Wylie, Ortiz-Self, Stonier, Pollet, Riccelli, Donaghy, Fosse and Ormsby**

**Addressing the collection, sharing, and selling of consumer health data.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1155 was substituted for House Bill No. 1155 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1155 was read the second time.

With the consent of the House, amendments (040), (045), (077), (096), (097), (109), (136), (138) and (179) were withdrawn.

Representative Low moved the adoption of amendment (145):

On page 2, beginning on line 33, after "generated" strike all material through "information" on page 3, line 5 and insert "by automatic measurements of an individual's biological characteristics, such as a fingerprint, voiceprint, eye retinas, irises, or other unique biological

patterns or characteristics that is used to identify a specific individual. "Biometric data" does not include a physical or digital photograph, video or audio recording or data generated therefrom, or information collected, used, or stored for health care treatment, payment, or operations under the federal health insurance portability and accountability act of 1996"

Representative Low spoke in favor of the adoption of the amendment.

Representative Kloba spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (145) and the amendment was not adopted by the following vote: Yeas, 40; Nays, 56; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Excused: Representatives Eslick and Hansen

Amendment (145) was not adopted.

Representative Chambers moved the adoption of amendment (092):

On page 3, line 28, after "that" strike "identifies" and insert "a regulated entity uses to identify"

Representatives Chambers, Corry and Walsh spoke in favor of the adoption of the amendment.

Representative Simmons spoke against the adoption of the amendment.

Amendment (092) was not adopted.

Representative Chambers moved the adoption of amendment (093):

On page 4, line 5, after "(8)(a);" insert "or"

On page 4, beginning on line 8, after "supplies" strike all material through "learning)" on line 12

Representatives Chambers and Corry spoke in favor of the adoption of the amendment.

Representative Reed spoke against the adoption of the amendment.

Amendment (093) was not adopted.

Representative Corry moved the adoption of amendment (128):

On page 4, line 22, after "reidentification." insert ""Consumer health data" does not include personal information that is collected or generated by a device or by a product that is intended to contain or display the informational output from a device, as that term is defined in Section 321 of the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.)."

Representative Corry spoke in favor of the adoption of the amendment.

Representative Stonier spoke against the adoption of the amendment.

Amendment (128) was not adopted.

Representative Walsh moved the adoption of amendment (078):

On page 7, beginning on line 11, after "entity"" strike all material through "agency" on line 13 and insert "includes government agencies and tribal nations"

Representatives Walsh and Corry spoke in favor of the adoption of the amendment.

Representative Simmons spoke against the adoption of the amendment.

Amendment (078) was not adopted.

Representative Corry moved the adoption of amendment (159):

On page 8, line 4, after "the" strike "sharing" and insert "exchange"

On page 8, line 6, after "the" strike "sharing" and insert "exchange"

On page 8, line 13, after "such" strike "sharing" and insert "exchange"

Representatives Corry and Berg spoke in favor of the adoption of the amendment.

Amendment (159) was adopted.

Representative Cheney moved the adoption of amendment (154):

On page 9, line 34, after "purpose;" strike "or"

On page 9, line 37, after "entity" insert "; or

(c) For treatment, payment, and health care operations, as defined in 45 C.F.R. Sec. 164.501"

On page 10, line 3, after "data;" strike "or"

On page 10, line 6, after "entity" insert "; or

(c) For treatment, payment, and health care operations, as defined in 45 C.F.R. Sec. 164.501"



On page 16, line 6, after "164.512;" strike "or"

On page 16, after line 8, after "RCW" insert "; or

"(e) A regulated entity that is governed by or able to show compliance with the privacy, security, and data breach notification rules of the federal health insurance portability and accountability act, 45 C.F.R. Part 160 and 45 C.F.R. Part 164"

Representatives Cheney and Corry spoke in favor of the adoption of the amendment.

Representative Reeves spoke against the adoption of the amendment.

Amendment (154) was not adopted.

Representative McEntire moved the adoption of amendment (137):

On page 13, line 10, after "regulated entity" insert "with regard to such data"

On page 13, line 11, after "chapter" insert "with regard to such data"

Representatives McEntire and Berg spoke in favor of the adoption of the amendment.

Amendment (137) was adopted.

Representative Slatter moved the adoption of amendment (102):

On page 14, beginning on line 21, after "geofence" strike all material through "in-person" on line 23 and insert "around an entity that provides in-person health care services where such geofence is used to: (1) Identify or track consumers seeking health care services; (2) collect consumer health data from consumers; or (3) send notifications, messages, or advertisements to consumers related to their consumer health data or"

Representatives Slatter and Walsh spoke in favor of the adoption of the amendment.

Amendment (102) was adopted.

Representative Walen moved the adoption of amendment (168):

On page 14, line 24, after "**Sec. 11.**" strike "The" and insert "(1) For actions brought by the attorney general to enforce this chapter, the"

On page 14, after line 31, insert the following:

"(2) Any consumer injured by a violation of this chapter may bring an action under chapter 19.86 RCW, but must establish all required elements of an action under chapter 19.86 RCW before relief may be granted."

Representatives Walen and Walsh spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (168) and the amendment was adopted by the following vote: Yeas, 81; Nays, 15; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Barkis, Barnard, Bateman, Berg, Bergquist, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Fey, Fitzgibbon, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Lekanoff, Low, Maycumber, McClintock, McEntire, Morgan, Mosbrucker, Orcutt, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Reeves, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Voting Nay: Representatives Alvarado, Berry, Chopp, Farivar, Fosse, Kloba, Macri, Mena, Ormsby, Ramos, Reed, Riccelli, Simmons, Thai and Wylie

Excused: Representatives Eslick and Hansen

Amendment (168) was adopted.

Representative Corry moved the adoption of amendment (129):

On page 14, line 24, after "**Sec. 11.**" insert "(1) This chapter may be enforced solely by the attorney general under the consumer protection act, chapter 19.86 RCW.

(2) (a) "

On page 14, after line 31, insert the following:

"(b) The legislative declarations in this subsection do not apply to any claim or action by any party other than the attorney general alleging that conduct regulated by this chapter violates chapter 19.86 RCW, and this chapter does not incorporate RCW 19.86.093.

(3) A violation of this chapter may not serve as the basis for, or be subject to, a private right of action under this chapter or under any other law.

(4) Prior to commencing an enforcement action for a violation of this chapter, if the attorney general determines that it is possible to cure the violation, the attorney general must issue a notice of the violation to the regulated entity or processor. If, at least 60 days after issuing the notice, the attorney general believes the regulated entity or processor has failed to cure the violation, the attorney general may bring an action against the regulated entity or processor as provided in this chapter."

Representatives Corry, Stokesbary, Cheney and Walsh spoke in favor of the adoption of the amendment.

Representatives Simmons and Slatter spoke against the adoption of the amendment.

An electronic roll call was requested.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (129) and the amendment was not adopted by the following vote: Yeas, 42; Nays, 54; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry,

Couture, Dent, Dye, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Springer, Steele, Stokesbary, Timmons, Volz, Walen, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Wylie and Mme. Speaker

Excused: Representatives Eslick and Hansen

Amendment (129) was not adopted.

Representative Corry moved the adoption of amendment (135):

On page 9, at the beginning of line 2, strike "consumer health data"

On page 9, at the beginning of line 16, strike all material through "homepage" and insert "privacy policy on its homepage or in another manner that is clear and conspicuous to consumers"

On page 9, beginning on line 18, after "the" strike all material through "data" on line 19

On page 9, beginning on line 23, after "the" strike all material through "data" on line 24

On page 9, line 29, after "entity's" strike "consumer health data"

Representatives Corry and Chambers spoke in favor of the adoption of the amendment.

Representative Wylie spoke against the adoption of the amendment.

Amendment (135) was not adopted.

Representative Walsh moved the adoption of amendment (076):

On page 14, beginning on line 20, strike all of section 10

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Taylor spoke against the adoption of the amendment.

Amendment (076) was not adopted.

Representative Walsh moved the adoption of amendment (075):

On page 14, beginning on line 24, strike all of section 11

Renumber the remaining sections consecutively and correct any internal references accordingly.

With the consent of the House, amendment (075) was withdrawn.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Slatter, Kloba and Thai spoke in favor of the passage of the bill.

Representatives Walsh, Cheney, Corry and Chambers spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1155.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1155, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Eslick and Hansen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1155, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1645, by Representatives Barnard, Duerr, Connors, Riccelli, Cheney, Hutchins, McClintock, Chambers, McEntire, Sandlin, Eslick, Low, Street, Maycumber, Fitzgibbon, Macri, Reed, Rude, Lekanoff and Ramel**

### Concerning meetings of county legislative authorities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Barnard and Stonier spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1645.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1645, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner,

Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representatives Eslick and Hansen

HOUSE BILL NO. 1645, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1032, by Representatives Dent, Chapman, Ryu, Reed, Graham, Ramel, Pollet, Griffey, Reeves, Tharinger, Wylie, Springer, Kloba and Donaghy**

**Mitigating the risk of wildfires through electric utility planning and identification of best management practices appropriate to each electric utility's circumstances.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1032 was substituted for House Bill No. 1032 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1032 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dent and Chapman spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1032.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1032, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representatives Eslick and Hansen

SECOND SUBSTITUTE HOUSE BILL NO. 1032, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Orwall to preside.

**HOUSE BILL NO. 1357, by Representatives Simmons, Schmick, Stonier, Cortes, Reed, Bateman, Harris, Alvarado, Pollet and Caldier**

**Modernizing the prior authorization process.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1357 was substituted for House Bill No. 1357 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1357 was read the second time.

Representative Simmons moved the adoption of the striking amendment (266):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Each carrier offering a health plan issued or renewed on or after January 1, 2024, shall comply with the following standards related to prior authorization for health care services and prescription drugs:

(a) The carrier shall meet the following time frames for prior authorization determinations and notifications to a participating provider or facility that submits the prior authorization request through an electronic prior authorization process, as designated by each carrier:

(i) For electronic standard prior authorization requests, the carrier shall make a decision and notify the provider or facility of the results of the decision within three calendar days, excluding holidays, of submission of an electronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the carrier to make a decision, the carrier shall request any additional information from the provider or facility within one calendar day of submission of the electronic prior authorization request.

(ii) For electronic expedited prior authorization requests, the carrier shall make a decision and notify the provider or facility of the results of the decision within one calendar day of submission of an electronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the carrier to make a decision, the carrier shall request any additional information from the provider or facility within one calendar day of submission of the electronic prior authorization request.

(b) The carrier shall meet the following time frames for prior authorization determinations and notifications to a participating provider or facility that submits the prior authorization request through a process other than an electronic prior authorization process:

(i) For nonelectronic standard prior authorization requests, the carrier shall make a decision and notify the provider or facility of the results of the decision within five calendar days of submission of a nonelectronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information

has been provided to the carrier to make a decision, the carrier shall request any additional information from the provider or facility within five calendar days of submission of the nonelectronic prior authorization request.

(ii) For nonelectronic expedited prior authorization requests, the carrier shall make a decision and notify the provider or facility of the results of the decision within two calendar days of submission of a nonelectronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the carrier to make a decision, the carrier shall request any additional information from the provider or facility within one calendar day of submission of the nonelectronic prior authorization request.

(c) In any instance in which a carrier has determined that a provider or facility has not provided sufficient information for making a determination under (a) and (b) of this subsection, a carrier may establish a specific reasonable time frame for submission of the additional information. This time frame must be communicated to the provider or enrollee with a carrier's request for additional information.

(d) The carrier's prior authorization requirements must be described in detail and written in easily understandable language. The carrier shall make its most current prior authorization requirements and restrictions, including the written clinical review criteria, available to providers and facilities in an electronic format upon request. The prior authorization requirements must be based on peer-reviewed clinical review criteria. The clinical review criteria must be evidence-based criteria and must accommodate new and emerging information related to the appropriateness of clinical criteria with respect to black and indigenous people, other people of color, gender, and underserved populations. The clinical review criteria must be evaluated and updated, if necessary, at least annually.

(2)(a) Each carrier shall build and maintain a prior authorization application programming interface that automates the process for in-network providers to determine whether a prior authorization is required, identify prior authorization information and documentation requirements, and facilitate the exchange of prior authorization requests and determinations from its electronic health records or practice management system. The application programming interface must:

(i) Use fast health care interoperability resources;

(ii) Automate the process to determine whether a prior authorization is required for durable medical equipment, a health care service, or a prescription drug;

(iii) Allow providers to query the carrier's prior authorization documentation requirements;

(iv) Support an automated approach using nonproprietary open workflows to compile and exchange the necessary data elements to populate the prior authorization

requirements that are compliant with the federal health insurance portability and accountability act of 1996 or have an exception from the federal centers for medicare and medicaid services; and

(v) Indicate that a prior authorization denial or authorization of a service less intensive than that included in the original request is an adverse benefit determination and is subject to the carrier's grievance and appeal process under RCW 48.43.535.

(b)(i) Beginning January 1, 2025, the application programming interface must support the exchange of prior authorization requests and determinations for health care services.

(ii) Beginning January 1, 2027, the application programming interface must support the exchange of prior authorization requests and determinations for prescription drugs, including information on covered alternative prescription drugs in the event of denials.

(c) If federal rules related to standards for using an application programming interface to communicate prior authorization status to providers are not finalized by the federal centers for medicare and medicaid services by September 13, 2023, the requirements of (b)(i) of this subsection may not be enforced until January 1, 2026.

(d)(i) If a carrier determines that it will not be able to satisfy the requirements of (a) of this subsection by January 1, 2025, the carrier shall submit a narrative justification to the commissioner describing:

(A) The reasons that the carrier cannot reasonably satisfy the requirements;

(B) The impact of noncompliance upon providers and enrollees;

(C) The current or proposed means of providing health information to the providers; and

(D) A timeline and implementation plan to achieve compliance with the requirements.

(ii) The commissioner may grant a one-year delay in enforcement of the requirements of (a) of this subsection (2) if the commissioner determines that the carrier has made a good faith effort to comply with the requirements.

(iii) This subsection (2)(d) shall not apply if the delay in enforcement in (c) of this subsection takes effect because the federal centers for medicare and medicaid services did not finalize the applicable regulations by September 13, 2023.

(3) Nothing in this section applies to prior authorization determinations made pursuant to RCW 48.43.761.

(4) For the purposes of this section:

(a) "Expedited prior authorization request" means a request by a provider or facility for approval of a health care service or prescription drug where:

(i) The passage of time:

(A) Could seriously jeopardize the life or health of the enrollee;

(B) Could seriously jeopardize the enrollee's ability to regain maximum function; or

(C) In the opinion of a provider or facility with knowledge of the enrollee's medical condition, would subject the enrollee to severe pain that cannot be

adequately managed without the health care service or prescription drug that is the subject of the request; or

(ii) The enrollee is undergoing a current course of treatment using a nonformulary drug.

(b) "Standard prior authorization request" means a request by a provider or facility for approval of a health care service or prescription drug where the request is made in advance of the enrollee obtaining a health care service or prescription drug that is not required to be expedited.

NEW SECTION. **Sec. 2.** A new section is added to chapter 41.05 RCW to read as follows:

(1) A health plan offered to public employees, retirees, and their covered dependents under this chapter issued or renewed on or after January 1, 2024, shall comply with the following standards related to prior authorization for health care services and prescription drugs:

(a) The health plan shall meet the following time frames for prior authorization determinations and notifications to a participating provider or facility that submits the prior authorization request through an electronic prior authorization process:

(i) For electronic standard prior authorization requests, the health plan shall make a decision and notify the provider or facility of the results of the decision within three calendar days, excluding holidays, of submission of an electronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the health plan to make a decision, the health plan shall request any additional information from the provider or facility within one calendar day of submission of the electronic prior authorization request.

(ii) For electronic expedited prior authorization requests, the health plan shall make a decision and notify the provider or facility of the results of the decision within one calendar day of submission of an electronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the health plan to make a decision, the health plan shall request any additional information from the provider or facility within one calendar day of submission of the electronic prior authorization request.

(b) The health plan shall meet the following time frames for prior authorization determinations and notifications to a participating provider or facility that submits the prior authorization request through a process other than an electronic prior authorization process described in subsection (2) of this section:

(i) For nonelectronic standard prior authorization requests, the health plan shall make a decision and notify the

provider or facility of the results of the decision within five calendar days of submission of a nonelectronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the health plan to make a decision, the health plan shall request any additional information from the provider or facility within five calendar days of submission of the nonelectronic prior authorization request.

(ii) For nonelectronic expedited prior authorization requests, the health plan shall make a decision and notify the provider or facility of the results of the decision within two calendar days of submission of a nonelectronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the health plan to make a decision, the health plan shall request any additional information from the provider or facility within one calendar day of submission of the nonelectronic prior authorization request.

(c) In any instance in which the health plan has determined that a provider or facility has not provided sufficient information for making a determination under (a) and (b) of this subsection, the health plan may establish a specific reasonable time frame for submission of the additional information. This time frame must be communicated to the provider or enrollee with the health plan's request for additional information.

(d) The prior authorization requirements of the health plan must be described in detail and written in easily understandable language. The health plan shall make its most current prior authorization requirements and restrictions, including the written clinical review criteria, available to providers and facilities in an electronic format upon request. The prior authorization requirements must be based on peer-reviewed clinical review criteria. The clinical review criteria must be evidence-based criteria and must accommodate new and emerging information related to the appropriateness of clinical criteria with respect to black and indigenous people, other people of color, gender, and underserved populations. The clinical review criteria must be evaluated and updated, if necessary, at least annually.

(2) (a) Each health plan offered to public employees, retirees, and their covered dependents under this chapter shall build and maintain a prior authorization application programming interface that automates the process for in-network providers to determine whether a prior authorization is required, identify prior authorization information and documentation requirements, and facilitate the exchange of prior authorization requests and determinations from its electronic health records or practice management system. The application programming interface must:

(i) Use fast health care interoperability resources;

(ii) Automate the process to determine whether a prior authorization is required for durable medical equipment, a health care service, or a prescription drug;

(iii) Allow providers to query the health plan's prior authorization documentation requirements;

(iv) Support an automated approach using nonproprietary open workflows to compile and exchange the necessary data elements to populate the prior authorization requirements that are compliant with the federal health insurance portability and accountability act of 1996 or have an exception from the federal centers for medicare and medicaid services; and

(v) Indicate that a prior authorization denial or authorization of a service less intensive than that included in the original request is an adverse benefit determination and is subject to the health plan's grievance and appeal process under RCW 48.43.535.

(b)(i) Beginning January 1, 2025, the application programming interface must support the exchange of prior authorization requests and determinations for health care services.

(ii) Beginning January 1, 2027, the application programming interface must support the exchange of prior authorization requests and determinations for prescription drugs, including information on covered alternative prescription drugs in the event of denials.

(c) If federal rules related to standards for using an application programming interface to communicate prior authorization status to providers are not finalized by the federal centers for medicare and medicaid services by September 13, 2023, the requirements of (b)(i) of this subsection may not be enforced until January 1, 2026.

(d)(i) If the health plan determines that it will not be able to satisfy the requirements of (a) of this subsection by January 1, 2025, the health plan shall submit a narrative justification to the authority describing:

(A) The reasons that the health plan cannot reasonably satisfy the requirements;

(B) The impact of noncompliance upon providers and enrollees;

(C) The current or proposed means of providing health information to the providers; and

(D) A timeline and implementation plan to achieve compliance with the requirements.

(ii) The authority may grant a one-year delay in enforcement of the requirements of (a) of this subsection (2) if the authority determines that the health plan has made a good faith effort to comply with the requirements.

(iii) This subsection (2)(d) shall not apply if the delay in enforcement in (c) of this subsection takes effect because the federal centers for medicare and medicaid services did not finalize the applicable regulations by September 13, 2023.

(3) Nothing in this section applies to prior authorization determinations made pursuant to RCW 41.05.526.

(4) For the purposes of this section:

(a) "Expedited prior authorization request" means a request by a provider or

facility for approval of a health care service or prescription drug where:

(i) The passage of time:

(A) Could seriously jeopardize the life or health of the enrollee;

(B) Could seriously jeopardize the enrollee's ability to regain maximum function; or

(C) In the opinion of a provider or facility with knowledge of the enrollee's medical condition, would subject the enrollee to severe pain that cannot be adequately managed without the health care service or prescription drug that is the subject of the request; or

(ii) The enrollee is undergoing a current course of treatment using a nonformulary drug.

(b) "Standard prior authorization request" means a request by a provider or facility for approval of a health care service or prescription drug where the request is made in advance of the enrollee obtaining a health care service that is not required to be expedited.

**NEW SECTION. Sec. 3.** A new section is added to chapter 74.09 RCW to read as follows:

(1) Beginning January 1, 2024, the authority shall require each managed care organization to comply with the following standards related to prior authorization for health care services and prescription drugs:

(a) The managed care organization shall meet the following time frames for prior authorization determinations and notifications to a participating provider or facility that submits the prior authorization request through an electronic prior authorization process, as designated by each managed care organization:

(i) For electronic standard prior authorization requests, the managed care organization shall make a decision and notify the provider or facility of the results of the decision within three calendar days, excluding holidays, of submission of an electronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the managed care organization to make a decision, the managed care organization shall request any additional information from the provider or facility within one calendar day of submission of the electronic prior authorization request.

(ii) For electronic expedited prior authorization requests, the managed care organization shall make a decision and notify the provider or facility of the results of the decision within one calendar day of submission of an electronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the managed care organization to make a decision, the managed care organization shall request any additional information from the provider or facility within one calendar day of submission of the electronic prior authorization request.

(b) The managed care organization shall meet the following time frames for prior authorization determinations and notifications to a participating provider or facility that submits the prior authorization request through a process other than an electronic prior authorization process described in subsection (2) of this section:

(i) For nonelectronic standard prior authorization requests, the managed care organization shall make a decision and notify the provider or facility of the results of the decision within five calendar days of submission of a nonelectronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the managed care organization to make a decision, the managed care organization shall request any additional information from the provider or facility within five calendar days of submission of the nonelectronic prior authorization request.

(ii) For nonelectronic expedited prior authorization requests, the managed care organization shall make a decision and notify the provider or facility of the results of the decision within two calendar days of submission of a nonelectronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the managed care organization to make a decision, the managed care organization shall request any additional information from the provider or facility within one calendar day of submission of the nonelectronic prior authorization request.

(c) In any instance in which a managed care organization has determined that a provider or facility has not provided sufficient information for making a determination under (a) and (b) of this subsection, a managed care organization may establish a specific reasonable time frame for submission of the additional information. This time frame must be communicated to the provider or enrollee with a managed care organization's request for additional information.

(d) The prior authorization requirements of the managed care organization must be described in detail and written in easily understandable language. The managed care organization shall make its most current prior authorization requirements and restrictions, including the written clinical review criteria, available to providers and facilities in an electronic format upon request. The prior authorization requirements must be based on peer-reviewed clinical review criteria. The clinical review criteria must be evidence-based criteria and must accommodate new and emerging information related to the appropriateness of clinical criteria with respect to black and indigenous people, other people of color, gender, and underserved populations. The clinical review criteria must be evaluated and updated, if necessary, at least annually.

(2)(a) Each managed care organization shall build and maintain a prior

authorization application programming interface that automates the process for in-network providers to determine whether a prior authorization is required, identify prior authorization information and documentation requirements, and facilitate the exchange of prior authorization requests and determinations from its electronic health records or practice management system. The application programming interface must:

(i) Use fast health care interoperability resources;

(ii) Automate the process to determine whether a prior authorization is required for durable medical equipment, a health care service, or a prescription drug;

(iii) Allow providers to query the managed care organization's prior authorization documentation requirements;

(iv) Support an automated approach using nonproprietary open workflows to compile and exchange the necessary data elements to populate the prior authorization requirements that are compliant with the federal health insurance portability and accountability act of 1996 or have an exception from the federal centers for medicare and medicaid services; and

(v) Indicate that a prior authorization denial or authorization of a service less intensive than that included in the original request is an adverse benefit determination and is subject to the managed care organization's grievance and appeal process under RCW 48.43.535.

(b)(i) Beginning January 1, 2025, the application programming interface must support the exchange of prior authorization requests and determinations for health care services.

(ii) Beginning January 1, 2027, the application programming interface must support the exchange of prior authorization requests and determinations for prescription drugs, including information on covered alternative prescription drugs in the event of denials.

(c) If federal rules related to standards for using an application programming interface to communicate prior authorization status to providers are not finalized by September 13, 2023, the requirements of (b)(i) of this subsection may not be enforced until January 1, 2026.

(d)(i) If a managed care organization determines that it will not be able to satisfy the requirements of (a) of this subsection by January 1, 2025, the managed care organization shall submit a narrative justification to the authority describing:

(A) The reasons that the managed care organization cannot reasonably satisfy the requirements;

(B) The impact of noncompliance upon providers and enrollees;

(C) The current or proposed means of providing health information to the providers; and

(D) A timeline and implementation plan to achieve compliance with the requirements.

(ii) The authority may grant a one-year delay in enforcement of the requirements of (a) of this subsection (2) if the authority determines that the managed care

organization has made a good faith effort to comply with the requirements.

(iii) This subsection (2)(d) shall not apply if the delay in enforcement in (c) of this subsection takes effect because the federal centers for medicare and medicaid services did not finalize the applicable regulations by September 13, 2023.

(3) Nothing in this section applies to prior authorization determinations made pursuant to RCW 71.24.618.

(4) For the purposes of this section:

(a) "Expedited prior authorization request" means a request by a provider or facility for approval of a health care service or prescription drug where:

(i) The passage of time:

(A) Could seriously jeopardize the life or health of the enrollee;

(B) Could seriously jeopardize the enrollee's ability to regain maximum function; or

(C) In the opinion of a provider or facility with knowledge of the enrollee's medical condition, would subject the enrollee to severe pain that cannot be adequately managed without the health care service or prescription drug that is the subject of the request; or

(ii) The enrollee is undergoing a current course of treatment using a nonformulary drug.

(b) "Standard prior authorization request" means a request by a provider or facility for approval of a health care service or prescription drug where the request is made in advance of the enrollee obtaining a health care service or prescription drug that is not required to be expedited.

**Sec. 4.** RCW 48.43.0161 and 2020 c 316 s 1 are each amended to read as follows:

(1) (~~Except as provided in subsection (2) of this section, by~~) By October 1, 2020, and annually thereafter, for individual and group health plans issued by a carrier that has written at least one percent of the total accident and health insurance premiums written by all companies authorized to offer accident and health insurance in Washington in the most recently available year, the carrier shall report to the commissioner the following aggregated and deidentified data related to the carrier's prior authorization practices and experience for the prior plan year:

(a) Lists of the ~~((ten))~~10 inpatient medical or surgical codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total

number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(b) Lists of the ~~((ten))~~10 outpatient medical or surgical codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(c) Lists of the ~~((ten))~~10 inpatient mental health and substance use disorder service codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; ~~((and))~~and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(d) Lists of the ~~((ten))~~10 outpatient mental health and substance use disorder service codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; ~~((and))~~and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved;

(e) Lists of the ~~((ten))~~10 durable medical equipment codes:

(i) With the highest total number of prior authorization requests during the



previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; ~~((and))~~ and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(f) Lists of the ~~((ten))~~ 10 diabetes supplies and equipment codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; ~~((and))~~ and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(g) Lists of the 10 prescription drugs:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each prescription drug and the percent of approved requests for each prescription drug;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each prescription drug and the percent of approved requests for each prescription drug; and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each prescription drug and the percent of requests that were initially denied and then subsequently approved for each prescription drug; and

(h) The average determination response time in hours for prior authorization requests to the carrier with respect to each code reported under (a) through (f) of this subsection for each of the following categories of prior authorization:

(i) Expedited decisions;

(ii) Standard decisions; and

(iii) Extenuating circumstances decisions.

(2) ~~((For the October 1, 2020, reporting deadline, a carrier is not required to~~

~~report data pursuant to subsection (1) (a) (iii), (b) (iii), (c) (iii), (d) (iii), (e) (iii), or (f) (iii) of this section until April 1, 2021, if the commissioner determines that doing so constitutes a hardship.~~

~~(3))~~ By January 1, 2021, and annually thereafter, the commissioner shall aggregate and deidentify the data collected under subsection (1) of this section into a standard report and may not identify the name of the carrier that submitted the data. ~~((The initial report due on January 1, 2021, may omit data for which a hardship determination is made by the commissioner under subsection (2) of this section. Such data must be included in the report due on January 1, 2022.))~~ The commissioner must make the report available to interested parties.

~~((4))~~ (3) The commissioner may request additional information from carriers reporting data under this section.

~~((5))~~ (4) The commissioner may adopt rules to implement this section. In adopting rules, the commissioner must consult stakeholders including carriers, health care practitioners, health care facilities, and patients.

~~((6))~~ (5) For the purpose of this section, "prior authorization" means a mandatory process that a carrier or its designated or contracted representative requires a provider or facility to follow before a service is delivered, to determine if a service is a benefit and meets the requirements for medical necessity, clinical appropriateness, level of care, or effectiveness in relation to the applicable plan, including any term used by a carrier or its designated or contracted representative to describe this process.

NEW SECTION. Sec. 5. Section 4 of this act takes effect January 1, 2024.

NEW SECTION. Sec. 6. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Simmons and Schmick spoke in favor of the adoption of the striking amendment.

The striking amendment (266) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simmons, Schmick, Connors, Abbarno, Sandlin, Walsh, Riccelli, Corry, Barnard and Low spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1357.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1357, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick and Hansen

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1357, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1746, by Representatives Ryu, Berry, Couture, Griffey, Thai, Reed, Gregerson, Sandlin, Tharinger, Walen, Paul, Kloba, Volz, Reeves, Rule and Ormsby**

**Concerning a state broadband map.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1746 was substituted for House Bill No. 1746 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1746 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ryu, Steele, Ybarra, Corry, Graham, Barkis, Sandlin, Low, Volz, Goehner, McEntire, Dent, Abbarno, Walsh, Orcutt and Kretz spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1746.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1746, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Dye

Excused: Representatives Eslick and Hansen

SECOND SUBSTITUTE HOUSE BILL NO. 1746, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1369, by Representatives Griffey, Bronoske, Riccelli, Maycumber, Couture, Abbarno, Volz, Barkis, Christian and Leavitt**

**Concerning off-duty employment of fish and wildlife officers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1369 was substituted for House Bill No. 1369 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1369 was read the second time.

Representative Stearns moved the adoption of amendment (313):

On page 1, line 14, after "property." insert "For any employment authorized under this section that occurs on reservation, trust, or allotted lands of a federally-recognized Indian tribe, a Washington fish and wildlife officer must have taken the violence de-escalation and mental health training provided by the criminal justice training commission, including the curriculum of the history of police interactions with Native American communities."

Representatives Stearns and Griffey spoke in favor of the adoption of the amendment.

Amendment (313) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Griffey and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1369.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1369, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick and Hansen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1369, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1122, by Representatives Doglio, Berry, Reed, Ramel, Simmons, Reeves, Lekanoff, Bergquist, Kloba, Pollet, Donaghy, Fosse and Ormsby**

**Granting Washington management service employees the right to collectively bargain.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1122 was substituted for House Bill No. 1122 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1122 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doglio and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1122.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1122, and the bill passed the House by the following vote: Yeas, 88; Nays, 8; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Corry, Dye, Jacobsen, Klicker, McEntire, Orcutt, Schmick and Walsh

Excused: Representatives Eslick and Hansen

SECOND SUBSTITUTE HOUSE BILL NO. 1122, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Second Substitute House Bill No. 1122.

Representative McClintock, 18th District

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Second Substitute House Bill No. 1122.

Representative Mosbrucker, 14th District

#### SECOND READING

**HOUSE BILL NO. 1707, by Representatives Kloba, Reed and Eslick**

**Concerning bingo conducted by bona fide charitable or nonprofit organizations.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kloba, Chambers, Barkis and Peterson spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1707.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1707, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick and Hansen

HOUSE BILL NO. 1707, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1274, by Representatives Couture, Lekanoff, Eslick, Waters, Walsh, Griffey, Low, Hutchins, Dent, Taylor, Barnard, Connors, Rude, Sandlin, Slatter, Stonier, Harris, Reeves, Abbarno, Robertson, Senn, Davis, Gregerson, Christian, Schmidt, Orwall, Ramel and Pollet**

**Creating a child malnutrition field guide for the department of children, youth, and families.**

The bill was read the second time.

Representative Rule moved the adoption of amendment (212):

On page 1, line 11, after "concise" insert ", but provide references to additional comprehensive and trauma-informed resources for department staff to access if needed"

Representatives Rule and Couture spoke in favor of the adoption of the amendment.

Amendment (212) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Couture, Senn and Stonier spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1274.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1274, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick and Hansen

ENGROSSED HOUSE BILL NO. 1274, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

Representative Griffey congratulated Representative Couture on the passage of his first bill through the House and asked the Chamber to acknowledge his accomplishment.

### SECOND READING

**HOUSE BILL NO. 1579, by Representatives Stonier, Bateman, Lekanoff, Reed, Pollet and Macri**

**Establishing a mechanism for independent prosecutions within the office of the attorney general of criminal conduct arising from police use of force.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1579 was substituted for House Bill No. 1579 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1579 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Stonier spoke in favor of the passage of the bill.

Representative Mosbrucker spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1579.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1579, and the bill passed the House by the following vote: Yeas, 52; Nays, 44; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Lekanoff, Macri, Mena,

Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Bronoske, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Eslick and Hansen

SECOND SUBSTITUTE HOUSE BILL NO. 1579, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

### MOTIONS

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1143  
HOUSE BILL NO. 1240  
HOUSE BILL NO. 1252  
HOUSE BILL NO. 1265  
HOUSE BILL NO. 1317  
HOUSE BILL NO. 1364  
HOUSE BILL NO. 1378  
HOUSE BILL NO. 1427  
HOUSE BILL NO. 1518  
HOUSE BILL NO. 1527  
HOUSE BILL NO. 1530  
HOUSE BILL NO. 1578  
HOUSE BILL NO. 1636  
HOUSE BILL NO. 1639  
HOUSE BILL NO. 1663  
HOUSE BILL NO. 1709  
HOUSE BILL NO. 1745

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the suspension calendar:

HOUSE BILL NO. 1714

The Speaker assumed the chair.

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

**HOUSE BILL NO. 1301, by Representatives McClintock and Cheney**

**Creating license review and reporting requirements.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McClintock and Paul spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1301.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1301, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick and Hansen

HOUSE BILL NO. 1301, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Cheney congratulated Representative McClintock on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

**SECOND READING**

**HOUSE BILL NO. 1421, by Representatives Chambers, Rule, Jacobsen, Dent, Taylor, Barkis, Christian, Springer, Lekanoff, Berg, Schmick, Klicker, Goehner, Eslick and Robertson**

**Adding counties to the voluntary stewardship program.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chambers and Duerr spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1421.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1421, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Bronoske and Leavitt

Excused: Representatives Eslick and Hansen

HOUSE BILL NO. 1421, having received the necessary constitutional majority, was declared passed.

**MOTION**

On motion of Representative Griffey, Representative McEntire was excused.

**RECONSIDERATION**

There being no objection, the House immediately reconsidered the vote by which HOUSE BILL NO. 1421 passed the House.

The Speaker stated the question before the House to be the final passage of House Bill No. 1421, on reconsideration.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1421, and the bill passed the House by the following vote: Yeas, 92; Nays, 3; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Bronoske, Fey and Leavitt

Excused: Representatives Eslick, Hansen and McEntire

HOUSE BILL NO. 1421, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1514, by Representatives Robertson, Berry, Schmidt, Ormsby, Doglio, Reed and Fosse**

**Addressing the purchase and distribution of insignia to manufacturers of recreational vehicles and/or park trailers.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Robertson and Berry spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1514.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1514, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick, Hansen and McEntire

HOUSE BILL NO. 1514, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1048, by Representatives Mena, Simmons, Goodman, Berry, Ramel, Peterson, Pollet, Doglio, Macri, Morgan, Wylie, Gregerson, Bergquist, Street, Cortes, Santos, Ormsby and Farivar**

**Enhancing the Washington voting rights act.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1048 was substituted for House Bill No. 1048 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1048 was read the second time.

With the consent of the House, amendment (274) was withdrawn.

Representative Stokesbary moved the adoption of amendment (305):

On page 2, line 18, after "choices" insert ", and as it is further defined in case law regarding enforcement of the federal voting rights act, 52 U.S.C. 10301 et seq"

On page 2, beginning on line 25, after "difference" strike all material through "seq.,")" on line 26 and insert ", as defined in case law regarding enforcement of the federal voting rights act, 52 U.S.C. 10301 et seq.,"

Representatives Stokesbary and Stokesbary (again) spoke in favor of the adoption of the amendment.

Representative Reed spoke against the adoption of the amendment.

Amendment (305) was not adopted.

Representative Stokesbary moved the adoption of amendment (304):

On page 5, after line 33, insert the following:

"(3) Nothing in this section shall be interpreted to relieve a party of the requirement to establish standing as provided in Washington case law when commencing an action under this title."

Representatives Stokesbary and Ramos spoke in favor of the adoption of the amendment.

Amendment (304) was adopted.

Representative Sandlin moved the adoption of amendment (300):

On page 10, line 13, after "action" insert ". The total amount of fees and costs awarded under this subsection may not exceed \$50,000"

Representatives Sandlin and Abbarno spoke in favor of the adoption of the amendment.

Representative Mena spoke against the adoption of the amendment.

Amendment (300) was not adopted.

Representative Walsh moved the adoption of amendment (273):

On page 3, beginning on line 39, after "(5)" strike all material through "(6)" on page 4, line 4

On page 4, at the beginning of line 7, strike "((+6)) (7)" and insert "(6)"

On page 4, beginning on line 18, strike all of subsection (8)

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Ramos spoke against the adoption of the amendment.

Amendment (273) was not adopted.

Representative Abbarno moved the adoption of amendment (272):

On page 8, beginning on line 13, strike all of subsection (5)

On page 9, beginning on line 29, strike all of subsection (4)

On page 10, beginning on line 13, after "action." strike all material through "filed.)" on line 14 and insert "No fees or costs may be awarded if no action is filed."

On page 10, beginning on line 15, after "(2)" strike all material through "(3)" on line 23

Representative Abbarno spoke in favor of the adoption of the amendment.

Representative Mena spoke against the adoption of the amendment.

Amendment (272) was not adopted.

Representative Corry moved the adoption of amendment (310):

On page 11, line 11, after "may" strike "reasonably"

On page 11, line 16, after "order" strike "a reasonable" and insert "an"

On page 11, after line 20, insert the following:

"(3) Unless otherwise authorized by law, the number of elected commissioners may not be increased to more than five."

Representative Corry spoke in favor of the adoption of the amendment.

Representative Mena spoke against the adoption of the amendment.

Amendment (310) was not adopted.

Representative Corry moved the adoption of amendment (311):

On page 11, after line 20, insert the following:

"(3) Districts created under this section must be as nearly as possible equal in population."

Representative Corry spoke in favor of the adoption of the amendment.

With the consent of the House, amendment (311) was withdrawn.

Representative Stokesbary moved the adoption of amendment (296):

On page 3, beginning on line 22, after "class." strike all material through "subdivision." on line 25

Representatives Stokesbary and Walsh spoke in favor of the adoption of the amendment.

Representative Ramos spoke against the adoption of the amendment.

Amendment (296) was not adopted.

Representative Walsh moved the adoption of amendment (275):

On page 10, beginning on line 15, after "(2)" strike all material through "(3)" on line 23

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Alvarado spoke against the adoption of the amendment.

Amendment (275) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mena and Ybarra spoke in favor of the passage of the bill.

Representatives Abbarno and Stokesbary spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1048.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1048, and the bill passed the House by the following vote: Yeas, 57; Nays, 38; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock,

Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters and Wilcox  
Excused: Representatives Eslick, Hansen and McEntire

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1048, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1117, by Representatives Mosbrucker, Dye, Leavitt, Schmidt, Christian and Walsh**

**Addressing the extent to which Washington residents are at risk of rolling blackouts and power supply inadequacy events.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1117 was substituted for House Bill No. 1117 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1117 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mosbrucker and Doglio spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1117.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1117, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick, Hansen and McEntire

SUBSTITUTE HOUSE BILL NO. 1117, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1167, by Representatives Duerr, Low, Walen, Reed, Bateman, Ramel, Fitzgibbon, Taylor, Macri, Gregerson, Wylie, Pollet, Kloba and Tharinger**

**Concerning residential housing regulations.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1167 was substituted for House Bill No. 1167 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1167 was read the second time.

Representative Duerr moved the adoption of the striking amendment (216):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 36.70A RCW to read as follows:

(1) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the adoption of preapproved accessory dwelling unit plans.

(2) When a preapproved plan is submitted to a county or city during the process of seeking permit approval for the development of an accessory dwelling unit, the county's or city's review of the preapproved plan may not be more than administrative.

(3) For the purpose of this section, "preapproved accessory dwelling unit plans" means a selection of architectural plans for accessory dwelling units that have been reviewed by county or city code officials and approved for compliance with applicable building codes within the county or city.

**NEW SECTION. Sec. 2.** A new section is added to chapter 19.27 RCW to read as follows:

(1)(a) The state building code council shall convene a work group for the purpose of simplifying the production of middle housing by recommending a mechanism in the international residential code that adopts by reference the provisions for multiplex housing in the international building code. The mechanism must include those sections from the international building code necessary to ensure public health, safety, and general welfare in multiplex housing, and may not reduce any requirements for multiplex housing contained in the international building code.

(b) The work group shall provide its recommendations to the council in time for the council to adopt or amend rules or codes as necessary for implementation in the 2024 international residential code. The council shall take action to adopt additions and amendments to rules or codes as necessary to apply the new reference mechanism in the international residential code to multiplex housing by July 1, 2026.

(c) For purposes of this subsection, "multiplex housing" means a building with at least three but no more than six dwelling units in a single structure with common walls and floors and a functional primary street entrance, with no more than three stories above grade plane.

(2)(a) The state building code council shall convene a work group for the purpose of recommending modifications and limitations to the international building code that would allow a single exit stairway to serve multifamily residential structures up to six stories above grade plane. The recommendations must include considerations for water supply, the presence of a professional fire department, and any other provisions necessary to ensure public health, safety, and general welfare.

(b) The work group shall provide its recommendations to the council in time for the council to adopt or amend rules or codes as necessary for implementation in the 2024

international building code. The council shall take action to adopt additions and amendments to rules or codes as necessary by July 1, 2026.

**NEW SECTION. Sec. 3.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Cities planning under RCW 36.70A.040 must adopt or amend by ordinance and incorporate into their development regulations, zoning regulations, and other official controls the requirements of subsection (3) of this section, to take effect six months after the jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130, within urban growth areas designated according to RCW 36.70A.110.

(2) The requirements of subsection (3) of this section:

(a) Apply and take effect in any city that has not adopted or amended ordinances, regulations, or other official controls as required under this section; and

(b) Supersede, preempt, and invalidate any local development regulations that conflict with this section.

(3) Within residential zones that allow for middle housing, cities shall not require through development regulations any standards for middle housing that are more restrictive than those required for detached single-family residences, unless otherwise required by state law including, but not limited to, shoreline regulations under chapter 90.58 RCW, building codes under chapter 19.27 RCW, energy codes under chapter 19.27A RCW, electrical codes under chapter 19.28 RCW, or critical areas protection, but may apply any objective development regulations that are required for detached single-family residences, including setback and tree canopy and retention requirements.

(4) Beginning July 1, 2026, cities may not require more than a single stairway in residential buildings of six or fewer stories if the conditions in the international building code are met.

(5) For the purposes of this section:

(a) "Cottage housing" means residential units on a lot with a common open space that either: (i) Is owned in common; or (ii) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.

(b) "Courtyard apartments" means up to four attached dwelling units arranged on two or three sides of a yard or court.

(c) "Middle housing" means buildings that are compatible in scale, form, and character with single-family homes and contain two or more attached, stacked, or clustered homes, duplexes, triplexes, fourplexes, fiveplexes, sixplexes, cottage housing, stacked flats, townhouses, or courtyard apartments.

(d) "Stacked flat" means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned.

(e) "Townhouses" means buildings that contain three or more attached single-family dwelling units that extend from foundation



to roof and that have a yard or public way on not less than two sides.

**NEW SECTION. Sec. 4.** A new section is added to chapter 36.70A RCW to read as follows:

All cities and counties may adopt development regulations that create a simple, low cost, expedited permit process for development of single-family, duplex, triplex, or accessory dwelling housing units with less than 1,801 square feet per unit for property situated within cities or urban growth areas in locations designated for residential housing. This process should make it easy for an applicant to submit and receive approval for all permits required to build housing units. The expedited process should lower costs and simplify the building of housing units tailored to be priced for extremely low-income, low-income, or moderate-income households.

**Sec. 5.** RCW 36.70B.020 and 1995 c 347 s 402 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Closed record appeal" means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

(2) "Local government" means a county, city, or town.

(3) "Open record hearing" means a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government's record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution. An open record hearing may be held prior to a local government's decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.

(4) "Project permit" or "project permit application" means any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

(5) "Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from

the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting may include, but is not limited to, (~~a design review or~~) an architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

**Sec. 6.** RCW 36.70B.120 and 1995 c 347 s 416 are each amended to read as follows:

(1) Each local government planning under RCW 36.70A.040 shall establish a permit review process that provides for the integrated and consolidated review and decision on two or more project permits relating to a proposed project action, including a single application review and approval process covering all project permits requested by an applicant for all or part of a project action and a designated permit coordinator. If an applicant elects the consolidated permit review process, the determination of completeness, notice of application, and notice of final decision must include all project permits being reviewed through the consolidated permit review process.

(2) Consolidated permit review may provide different procedures for different categories of project permits, but if a project action requires project permits from more than one category, the local government shall provide for consolidated permit review with a single open record hearing and no more than one closed record appeal as provided in RCW 36.70B.060. Each local government shall determine which project permits are subject to an open record hearing and a closed record appeal. Examples of categories of project permits include but are not limited to:

(a) Proposals that are categorically exempt from chapter 43.21C RCW, such as construction permits, that do not require environmental review or public notice;

(b) Permits that require environmental review, but no open record predecision hearing; and

(c) Permits that require a threshold determination and an open record predecision hearing and may provide for a closed record appeal to a hearing body or officer or to the local government legislative body.

(3) A local government may provide by ordinance or resolution for the same or a different decision maker or hearing body or officer for different categories of project permits. In the case of consolidated project permit review, the local government shall specify which decision makers shall make the decision or recommendation, conduct the hearing, or decide the appeal to ensure that consolidated permit review occurs as provided in this section. The consolidated permit review may combine an open record predecision hearing on one or more permits with an open record appeal hearing on other permits. In such cases, the local government

by ordinance or resolution shall specify which project permits, if any, shall be subject to a closed record appeal.

(4) (a) When reviewing a housing development permit application, a local government planning under RCW 36.70A.040 may only require administrative design review to determine compliance with any applicable design standards.

(b) For the purposes of this subsection (4):

(i) "Administrative design review" means a development permit process whereby an application is reviewed, approved, or denied by the planning director or the planning director's designee based solely on objective design and development standards without a public meeting or hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance.

(ii) "Housing development" means a proposed or existing structure that is used as a home, residence, or place to sleep by one or more persons including, but not limited to, single-family residences, manufactured homes, multifamily housing, group homes, and foster care facilities.

(5) A local government planning under RCW 36.70A.040 must comply with the requirements of subsection (4) of this section beginning six months after its next periodic comprehensive plan update required under RCW 36.70A.130.

NEW SECTION. Sec. 7. The office of regulatory innovation and assistance shall contract with a qualified external consultant or entity to develop a standard plan set demonstrating a prescriptive compliance pathway that will meet or exceed all energy code regulations for residential housing in the state subject to the international residential code. The standard plan set may be used, but is not required, by local governments and building industries. In developing the standard plan set, the consultant shall, at a minimum, seek feedback from cities, counties, building industries, and building officials. The standard plan set must be completed by June 30, 2024.

NEW SECTION. Sec. 8. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Duerr and Low spoke in favor of the adoption of the striking amendment.

The striking amendment (216) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Duerr and Low spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1167.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1167, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick, Hansen and McEntire

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1167, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1189, by Representatives Hackney, Reed, Simmons, Wylie, Santos and Ormsby**

**Concerning the release of incarcerated individuals from total confinement prior to the expiration of a sentence.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1189 was substituted for House Bill No. 1189 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1189 was read the second time.

Representative Corry moved the adoption of amendment (287):

On page 7, line 21, after "may" strike "(grant an extraordinary release for)" commute an individual's sentence:" and insert "grant an extraordinary release (~~for~~):"

Representatives Corry and Goodman spoke in favor of the adoption of the amendment.

Amendment (287) was adopted.

Representative Harris moved the adoption of amendment (285):

On page 9, line 5, after "diversity." insert "In addition, the board members must be qualified by education, training, experience, or credentials in the administration of community corrections, pardons, criminal justice, criminology, evaluating or supervising offenders, or providing mental health services to offenders."

On page 9, line 5, after "of" insert "at least seven"

On page 9, line 14, after "judge;" strike "and"

On page 9, line 15, after "(f)" insert "A representative of a statewide organization representing criminal defense attorneys;

(g) A law enforcement professional;

(h) A representative of a statewide organization representing prosecuting attorneys; and

(i)"

Representative Harris spoke in favor of the adoption of the amendment.

Representative Simmons spoke against the adoption of the amendment.

Amendment (285) was not adopted.

Representative Low moved the adoption of amendment (283):

On page 10, line 21, after "(2)" insert "Under no circumstances may the clemency and pardons board consider a petition from an individual who is serving a sentence for a conviction for a serious violent offense or aggravated first degree murder.  
(3)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Low spoke in favor of the adoption of the amendment.

Representative Hackney spoke against the adoption of the amendment.

Amendment (283) was not adopted.

Representative Barnard moved the adoption of amendment (286):

On page 11, after line 27, insert the following:

"(d) The board shall provide written notification to any victims, survivors of victims, or witnesses who participate in the hearing or provide written testimony about the department of correction's victim notification program and the victim information and notification everyday service administered by the Washington association of sheriffs and police chiefs."

Representatives Barnard, Goodman and Simmons spoke in favor of the adoption of the amendment.

Amendment (286) was adopted.

Representative Griffey moved the adoption of amendment (284):

On page 12, line 37, after "any;" strike "and"

On page 12, line 38, after "(m)" insert "Statements of correctional staff, program supervisors, and volunteer facilitators regarding the incarcerated individual. Such

statements shall be voluntary and withheld as confidential. The board shall not publicly identify the names, content, or statement in the hearing or its written decision;

(n)"

Representatives Griffey and Simmons spoke in favor of the adoption of the amendment.

Amendment (284) was adopted.

Representative Graham moved the adoption of amendment (288):

On page 13, line 35, after "legislature," strike "as often as the governor may require it" and insert "at least annually"

On page 13, line 37, after "relevant." insert "The information must include the names of any offenders granted clemency or pardons in the previous calendar year, the crimes of which those offenders were convicted, and any known acts of recidivism during the preceding calendar year by any offender listed in any report submitted under this section."

Representatives Graham and Goodman spoke in favor of the adoption of the amendment.

Amendment (288) was adopted.

Representative Jacobsen moved the adoption of amendment (281):

On page 14, after line 4, insert the following:

**"NEW SECTION. Sec. 10. FOR THE CLEMENCY AND PARDONS BOARD**

General Fund--State Appropriation (FY 2023) . . . . . \$5,718,000

TOTAL APPROPRIATION . . . . . \$5,718,000

The appropriation in this section is subject to the following conditions and limitations: \$5,718,000 of the general fund--state appropriation for fiscal year 2023 is provided solely for the clemency and pardons board to provide grants to drug and alcohol rehabilitation programs, college and trade educational programs, diversity and equity programs, gang intervention, youth programs to prevent and reduce crime, DARE programs, or victim compensation and restitution."

Representative Jacobsen spoke in favor of the adoption of the amendment.

Representative Hackney spoke against the adoption of the amendment.

Amendment (281) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hackney and Simmons spoke in favor of the passage of the bill.

Representatives Walsh, Griffey, Graham, Jacobsen and Mosbrucker spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1189.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1189, and the bill passed the House by the following vote: Yeas, 53; Nays, 42; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Eslick, Hansen and McEntire

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1189, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1466, by Representatives Riccelli, Leavitt and Morgan

##### Concerning currently credentialed dental auxiliaries.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1466 was substituted for House Bill No. 1466 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1466 was read the second time.

Representative Riccelli moved the adoption of amendment (215):

On page 2, line 12, after "~~months~~)" strike "three" and insert "five"

Representatives Riccelli and Schmick spoke in favor of the adoption of the amendment.

Amendment (215) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Riccelli and Schmick spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1466.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1466, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick, Hansen and McEntire

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1466, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1576, by Representatives Caldier, Schmidt, Leavitt and Volz

##### Concerning the dentist and dental hygienist compact.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1576 was substituted for House Bill No. 1576 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1576 was read the second time.

Representative Caldier moved the adoption of amendment (085):

On page 2, line 29, after "Active" strike "duty military" and insert "military member"

On page 2, line 30, after "in the" strike "active uniformed service" and insert "armed forces"

On page 8, line 36, after "An" strike "active duty military individual" and insert "active military member"

On page 9, beginning on line 1, after "an" strike "active duty military individual" and insert "active military member"

Representatives Caldier and Slatter spoke in favor of the adoption of the amendment.

Amendment (085) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Caldier and Leavitt spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1576.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1576, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Gochner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick, Hansen and McEntire

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1576, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1678, by Representatives Riccelli, Lekanoff, Stonier, Morgan, Bateman, Macri, Ormsby, Slatter, Entenman, Ramos, Peterson, Tharinger, Chopp, Ryu, Pollet, Davis, Harris, Taylor, Simmons, Kloba and Gregerson**

**Establishing and authorizing the profession of dental therapy.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1678 was substituted for House Bill No. 1678 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1678 was read the second time.

Representative Riccelli moved the adoption of the striking amendment (183):

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** The legislature finds that good oral health is an integral piece of overall health and well-being. Without treatment, dental disease compromises overall health and requires increasingly costly interventions. However, most dental disease can be prevented at little cost through routine dental care and disease prevention.

Dental-related issues are a leading reason that Washingtonians seek care in hospital emergency departments, which has become the source of care for many, especially uninsured and low-income populations.

It is the intent of the legislature to expand access to oral health care for all Washingtonians through an evidence-based mid-level dental provider called a dental therapist. Dental therapy is a strategy to address racial and ethnic disparities in health and rural health care access gaps. Dental therapists are also a strategy to increase workforce diversity in health care and expand career opportunities for existing members of the dental care workforce such as dental hygienists.

It is the legislature's intent that dental therapists will meet the needs of local communities as they work under the direction of a dentist licensed in accordance with state or federal law. The

legislature intends for dental therapists to be incorporated into the dental care workforce and used to effectively treat more patients.

It is the intent of the legislature to follow the national commission on dental accreditation's standards for dental therapy education. This will ensure that dental therapists are trained to the highest quality standards and provide state-to-state consistency. It is the intent of the legislature that incorporating the commission on dental accreditation's standards for dental therapy education will pave the way for Washington education institutions to become accredited programs and for students to qualify for financial aid.

It is also the intent of the legislature to provide an efficient and reasonable pathway, through a limited license, for federally certified dental health aide therapists or tribally licensed dental therapists to become a Washington state licensed dental therapist.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Close supervision of a dentist" means that a supervising dentist:

(a) Has personally examined and diagnosed the patient and has personally authorized the procedures to be performed;

(b) Is continuously on-site while the procedure in question is being performed; and

(c) Is capable of responding immediately in the event of an emergency.

(2) "Committee" means the dental hygiene examining committee established in chapter 18.29 RCW.

(3) "Dental therapist" means a person licensed to practice dental therapy under this chapter.

(4) "Dental therapy" means the services and procedures specified in section 6 of this act.

(5) "Dentist" means a person licensed to practice dentistry under chapter 18.32 RCW or exempt from such licensure pursuant to Title 25 U.S.C. Sec. 1621t of the Indian health care improvement act.

(6) "Denturist" means a person licensed to engage in the practice of denturism under chapter 18.30 RCW.

(7) "Department" means the department of health.

(8) "Off-site supervision" means supervision that does not require the dentist to be personally on-site when services are provided or to previously examine or diagnose the patient.

(9) "Practice plan contract" means a document that is signed by a dentist and a dental therapist and outlines the functions the dentist authorizes the dental therapist to perform and the level and type of dentist supervision that is required.

(10) "Secretary" means the secretary of health.

NEW SECTION. **Sec. 3.** No person may practice dental therapy or represent himself

or herself as a dental therapist without being licensed by the department under this chapter. Every person licensed to practice dental therapy in this state shall renew their license and comply with administrative procedures, administrative requirements, continuing education requirements, and fees provided in RCW 43.70.250 and 43.70.280. The department shall establish by rule mandatory continuing education requirements to be met by dental therapists applying for license renewal.

**NEW SECTION. Sec. 4.** (1) The department shall issue a license to practice as a dental therapist to any applicant who:

(a) Pays any applicable fees established by the secretary under RCW 43.70.110 and 43.70.250;

(b) Except as provided in subsection (2) of this section, successfully completes a dental therapist program that is accredited or has received initial accreditation by the American dental association's commission on dental accreditation;

(c) Passes an examination approved by the committee; and

(d) Submits, on forms provided by the secretary, the applicant's name, address, and other applicable information as determined by the secretary.

(2) Applicants who successfully completed a dental therapist program before September 30, 2022, that was not accredited by the American dental association's commission on dental accreditation but that the committee determines is substantially equivalent to an accredited education program meet the criteria described in subsection (1)(b) of this section if the applicant also, has proof of at least 400 preceptorship hours under the close supervision of a dentist.

(3) When considering and approving the exam under subsection (1)(c) of this section, the committee must consult with tribes that license dental health aide therapists and with dental therapy education programs located in this state.

(4) The secretary in consultation with the committee must establish by rule the procedures to implement this section.

**NEW SECTION. Sec. 5.** An applicant holding a valid license and currently engaged in practice in another state may be granted a license without examination required by this chapter, on the payment of any required fees, if the secretary determines that the other state's licensing standards are substantively equivalent to the standards in this state: PROVIDED, That the secretary may require the applicant to: (1) File with the secretary documentation certifying the applicant is licensed to practice in another state; and (2) provide information as the secretary deems necessary pertaining to the conditions and criteria of the uniform disciplinary act, chapter 18.130 RCW, and to demonstrate to the secretary a knowledge of Washington law pertaining to the practice of dental therapy.

**NEW SECTION. Sec. 6.** (1) Subject to the limitations in this section, a licensed

dental therapist may provide the following services and procedures under the supervision of a licensed dentist as provided under section 7 of this act and to the extent the supervising dentist authorizes the service or procedure to be provided by the dental therapist:

(a) Oral health instruction and disease prevention education, including nutritional counseling and dietary analysis;

(b) Comprehensive charting of the oral cavity;

(c) Making radiographs;

(d) Mechanical polishing;

(e) Prophylaxis;

(f) Periodontal scaling and root planing;

(g) Application of topical preventative or prophylactic agents, including fluoride and pit and fissure sealants;

(h) Pulp vitality testing;

(i) Application of desensitizing medication or resin;

(j) Fabrication of athletic mouth guards;

(k) Placement of temporary restorations;

(l) Fabrication of soft occlusal guards;

(m) Tissue conditioning and soft reline;

(n) Atraumatic restorative therapy and interim restorative therapy;

(o) Dressing changes;

(p) Administration of local anesthetic;

(q) Administration of nitrous oxide;

(r) Emergency palliative treatment of dental pain limited to the procedures in this section;

(s) The placement and removal of space maintainers;

(t) Cavity preparation;

(u) Restoration of primary and permanent teeth;

(v) Placement of temporary crowns;

(w) Preparation and placement of preformed crowns for patients 18 years of age or older;

(x) Indirect and direct pulp capping on primary and permanent teeth;

(y) Stabilization of reimplanted teeth;

(z) Extractions of primary teeth;

(aa) Suture removal;

(bb) Brush biopsies;

(cc) Minor adjustments and repairs on removable prostheses;

(dd) Recementing of permanent crowns;

(ee) Oral evaluation and assessment of dental disease and the formulation of an individualized treatment plan. When possible, a dental therapist must collaborate with the supervising dentist to formulate a patient's individualized treatment plan;

(ff) Identification of oral and systemic conditions requiring evaluation and treatment by a dentist, physician, or other health care provider, and management of referrals;

(gg) The supervision of expanded function dental auxiliaries and dental assistants. However, a dental therapist may supervise no more than a total of three expanded function dental auxiliaries and dental assistants at any one time in any one practice setting. A dental therapist may not supervise an expanded function dental auxiliary or dental assistant with respect to tasks that the dental therapist is not authorized to perform;

(hh) Nonsurgical extractions of erupted permanent teeth under limited conditions; and

(ii) The dispensation and oral administration of drugs pursuant to subsection (2) of this section.

(2)(a) A dental therapist may dispense and orally administer the following drugs within the parameters of the practice plan contract established in section 7 of this act: Nonnarcotic analgesics, anti-inflammatories, preventive agents, and antibiotics.

(b) The authority to dispense and orally administer drugs extends only to the drugs identified in this subsection and may be further limited by the practice plan contract.

(c) The authority to dispense includes the authority to dispense sample drugs within the categories established in this subsection if the dispensing is permitted under the practice plan contract.

(d) A dental therapist may not dispense or administer narcotic drugs as defined in chapter 69.50 RCW.

(e) A dental therapist does not have the authority to prescribe drugs.

(3) A dental therapist may only provide services and procedures in which they have been educated.

(4) A dental therapist may not provide any service or procedure that is not both authorized by this section and been authorized by the supervising dentist via inclusion in the dental therapist's practice plan contract.

**NEW SECTION. Sec. 7.**

(1) A dental therapist may only practice dental therapy under the supervision of a dentist and pursuant to a written practice plan contract with the supervising dentist. A dental therapist may not practice independently. In circumstances authorized by the supervising dentist in the written practice plan contract, a dental therapist may provide services under off-site supervision. The contract must, at a minimum, contain the following elements:

(a) The level of supervision required and circumstances when the prior knowledge and consent of the supervising dentist is required;

(b) Practice settings where services and procedures may be provided;

(c) Any limitations on the services or procedures the dental therapist may provide;

(d) Age and procedure-specific practice protocols, including case selection criteria, assessment guidelines, and imaging frequency;

(e) Procedures for creating and maintaining dental records for patients treated by the dental therapist;

(f) A plan to manage medical emergencies in each practice setting where the dental therapist provides care;

(g) A quality assurance plan for monitoring care provided by the dental therapist or, including patient care review, referral follow-up, and a quality assurance chart review;

(h) Protocols for administering and dispensing medications, including the

specific circumstances under which the medications may be dispensed and administered;

(i) Criteria relating to the provision of care to patients with specific medical conditions or complex medical histories, including requirements for consultation prior to the initiation of care; and

(j) Specific written protocols governing situations where the dental therapist encounters a patient requiring treatment that exceeds the dental therapist's scope of practice or capabilities and protocols for referral of patients requiring evaluation and treatment by dentists, denturists, physicians, advanced registered nurse practitioners, or other health care providers.

(2) The dental therapist shall accept responsibility for all services and procedures provided by the dental therapist or any auxiliary dental providers the dental therapist is supervising pursuant to the practice plan contract.

(3) A supervising dentist licensed under chapter 18.32 RCW who knowingly permits a dental therapist to provide a service or procedure that is not authorized in the practice plan contract, or any dental therapist who provides a service or procedure that is not authorized in the practice plan contract, commits unprofessional conduct for purposes of chapter 18.130 RCW.

(4) A dentist who enters into a written practice plan contract with a dental therapist shall:

(a) Directly provide or arrange for another dentist, denturist, or specialist to provide any necessary advanced procedures or services needed by the patient or any treatment that exceeds the dental therapist's scope of practice or capabilities;

(b) Ensure that he or she or another dentist is available to the dental therapist for timely communication during treatment if needed.

(5) A dental therapist shall perform only those services authorized by the supervising dentist and written practice plan contract and shall maintain an appropriate level of contact with the supervising dentist.

(6) A supervising dentist may supervise no more than a total of five dental therapists at any one time.

(7) Practice plan contracts must be signed and maintained by both the supervising dentist and the dental therapist.

(8) A dental therapist must submit a signed copy of the practice plan contract to the secretary at the time of licensure renewal. If the practice plan contract is revised in between license renewal, a signed copy of the revised practice plan contract must be submitted as soon as practicable after the revision is made.

**NEW SECTION. Sec. 8.** Nothing in this chapter prohibits or affects:

(1) The practice of dental therapy by an individual otherwise licensed under this title and performing services within his or her scope of practice;

(2) The practice of dental therapy in the discharge of official duties on behalf of the United States government including, but not limited to, the armed forces, coast guard, public health service, veterans' bureau, or bureau of Indian affairs;

(3) The practice of dental therapy pursuant to an education program described in section 4 of this act;

(4) The practice of dental therapy under the supervision of a dentist necessary to meet the clinical experience or preceptorship requirements of section 4 of this act; or

(5) The practice of federally certified dental health aide therapists or tribally licensed dental health aide therapists as authorized under chapter 70.350 RCW.

**NEW SECTION. Sec. 9.** (1) A dental therapist may practice only in federally qualified health centers, tribal federally qualified health centers, and federally qualified health center look-alikes.

(2) For purposes of this section, a "tribal federally qualified health center" means a tribal facility operating in accordance with Title XIX Sec. 1905(1)(2)(B) of the social security act and the Indian self-determination and education assistance act (P.L. 93-638) and that enrolls in Washington medicaid as a tribal federally qualified health center.

**NEW SECTION. Sec. 10.** The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses, unlicensed practice, and the discipline of persons licensed under this chapter. The dental quality assurance commission is the disciplining authority under this chapter.

**NEW SECTION. Sec. 11.** (1) The department shall issue a limited license to any applicant who, as determined by the secretary:

(a) Holds a valid license, certification, or recertification in another state, Canadian province, or has been certified or licensed by a federal or tribal governing board in the previous two years, that allows a substantially equivalent, but not the entire scope of practice in section 6 of this act;

(b) Is currently engaged in active practice in another state, Canadian province, or tribe;

(c) Files with the secretary documentation certifying that the applicant:

(i)(A) Has graduated from a dental therapy school accredited by the commission on dental accreditation; or

(B) Has graduated from a dental therapy education program before September 30, 2022, that the dental hygiene examining committee determines is substantially equivalent to an accredited education program; and

(ii) Is licensed or certified to practice in another state or Canadian province, or has been certified or licensed by a federal or tribal governing board in the previous two years;

(d) Provides such information as the secretary deems necessary pertaining to the

conditions and criteria of the uniform disciplinary act, chapter 18.130 RCW;

(e) Demonstrates to the secretary knowledge of Washington state law pertaining to the practice of dental therapy; and

(f) Pays any required fees.

(2) A person practicing with a limited license granted under this section has the authority to perform only those dental therapy procedures in section 6 of this act that he or she was licensed or certified to practice in their previous state, tribe, or Canadian province.

(3) Upon demonstration of competency in all procedures in section 6 of this act, the limited license holder may apply for licensure as a dental therapist under section 4 of this act.

(4) The department may adopt rules necessary to implement and administer this section.

**Sec. 12.** RCW 18.32.030 and 2017 c 5 s 5 are each amended to read as follows:

The following practices, acts, and operations are excepted from the operation of the provisions of this chapter:

(1) The rendering of dental relief in emergency cases in the practice of his or her profession by a physician or surgeon, licensed as such and registered under the laws of this state, unless the physician or surgeon undertakes to or does reproduce lost parts of the human teeth in the mouth or to restore or to replace in the human mouth lost or missing teeth;

(2) The practice of dentistry in the discharge of official duties by dentists in the United States federal services on federal reservations, including but not limited to the armed services, coast guard, public health service, veterans' bureau, or bureau of Indian affairs;

(3) Dental schools or colleges approved under RCW 18.32.040, and the practice of dentistry by students in accredited dental schools or colleges approved by the commission, when acting under the direction and supervision of Washington state-licensed dental school faculty;

(4) The practice of dentistry by licensed dentists of other states or countries while appearing as clinicians at meetings of the Washington state dental association, or component parts thereof, or at meetings sanctioned by them, or other groups approved by the commission;

(5) The use of roentgen and other rays for making radiographs or similar records of dental or oral tissues, under the supervision of a licensed dentist or physician;

(6) The making, repairing, altering, or supplying of artificial restorations, substitutions, appliances, or materials for the correction of disease, loss, deformity, malposition, dislocation, fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts; providing the same are made, repaired, altered, or supplied pursuant to the written instructions and order of a licensed dentist which may be accompanied by casts, models, or impressions furnished by the dentist, and the prescriptions shall be retained and



filed for a period of not less than three years and shall be available to and subject to the examination of the secretary or the secretary's authorized representatives;

(7) The removal of deposits and stains from the surfaces of the teeth, the application of topical preventative or prophylactic agents, and the polishing and smoothing of restorations, when performed or prescribed by a dental hygienist licensed under the laws of this state;

(8) A qualified and licensed physician and surgeon or osteopathic physician and surgeon extracting teeth or performing oral surgery pursuant to the scope of practice under chapter 18.71 or 18.57 RCW;

(9) The performing of dental operations or services by registered dental assistants and licensed expanded function dental auxiliaries holding a credential issued under chapter 18.260 RCW when performed under the supervision of a licensed dentist, by dental therapists licensed under chapter 18.--- RCW (the new chapter created in section 22 of this act), or by other persons not licensed under this chapter if the person is licensed pursuant to chapter 18.29, 18.57, 18.71, or 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners, each while acting within the scope of the person's permitted practice under the person's license: PROVIDED HOWEVER, That such persons shall in no event perform the following dental operations or services unless permitted to be performed by the person under this chapter or chapters 18.29, 18.57, 18.71, 18.79 as it applies to registered nurses and advanced registered nurse practitioners, and 18.260 RCW:

(a) Any removal of or addition to the hard or soft tissue of the oral cavity;

(b) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws, or adjacent structure;

(c) Any administration of general or injected local anaesthetic of any nature in connection with a dental operation, including intravenous sedation;

(d) Any oral prophylaxis;

(e) The taking of any impressions of the teeth or jaw or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis;

(10) The performing of dental services described in RCW 18.350.040 by dental anesthesia assistants certified under chapter 18.350 RCW when working under the supervision and direction of an oral and maxillofacial surgeon or dental anesthesiologist; and

(11) The performance of dental health aide therapist services to the extent authorized under chapter 70.350 RCW.

**Sec. 13.** RCW 18.32.0351 and 2022 c 240 s 1 are each amended to read as follows:

The Washington state dental quality assurance commission is established, consisting of ~~((seventeen))~~19 members each appointed by the governor to a four-year term. No member may serve more than two

consecutive full terms. Members of the commission hold office until their successors are appointed. All members shall be appointed to full four-year terms. Twelve members of the commission must be dentists, two members must be dental therapists licensed under chapter 18.--- RCW (the new chapter created in section 22 of this act), two members must be expanded function dental auxiliaries licensed under chapter 18.260 RCW, and three members must be public members.

**Sec. 14.** RCW 18.120.020 and 2020 c 80 s 22 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.

(3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW; dental anesthesia assistants under chapter 18.350 RCW; dispensing opticians under chapter 18.34 RCW; hearing instruments under chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ophthalmologists under chapter 18.55 RCW; osteopathic medicine and surgery under chapter 18.57 RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71 and 18.71A RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.79 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational therapists licensed under chapter 18.59 RCW; respiratory care practitioners licensed under chapter 18.89 RCW; veterinarians and veterinary technicians under chapter 18.92 RCW; massage

therapists under chapter 18.108 RCW; acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW; persons registered under chapter 18.19 RCW; persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW; dietitians and nutritionists certified by chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; nursing assistants registered or certified under chapter 18.88A RCW; reflexologists certified under chapter 18.108 RCW; medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW; ~~(and)~~ licensed behavior analysts, licensed assistant behavior analysts, and certified behavior technicians under chapter 18.380 RCW; and dental therapists licensed under chapter 18.--- RCW (the new chapter created in section 22 of this act).

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) "License," "licensing," and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(9) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

**Sec. 15.** RCW 18.130.040 and 2022 c 217 s 5 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) Acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates— independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xiv) Substance use disorder professionals, substance use disorder professional trainees, or co-occurring disorder specialists certified under chapter 18.205 RCW;

(xv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xviii) Surgical technologists registered under chapter 18.215 RCW;

(xix) Recreational therapists under chapter 18.230 RCW;

(xx) Animal massage therapists certified under chapter 18.240 RCW;

(xxi) Athletic trainers licensed under chapter 18.250 RCW;

(xxii) Home care aides certified under chapter 18.88B RCW;

(xxiii) Genetic counselors licensed under chapter 18.290 RCW;

(xxiv) Reflexologists certified under chapter 18.108 RCW;

(xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW;

(xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW; and

(xxvii) Birth doulas certified under chapter 18.47 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, licenses issued under chapter 18.--- RCW (the new chapter created in section 22 of this act), and certifications issued under chapter 18.350 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;

(viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The Washington medical commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW;

(xv) The board of naturopathy established in chapter 18.36A RCW, governing licenses and certifications issued under that chapter; and

(xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

**Sec. 16.** RCW 18.260.010 and 2007 c 269 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Close supervision" means that a supervising dentist or supervising dental therapist whose patient is being treated has personally diagnosed the condition to be treated and has personally authorized the procedures to be performed. The supervising dentist or supervising dental therapist is continuously on-site and physically present in the treatment facility while the procedures are performed by the assistive personnel and capable of responding immediately in the event of an emergency. The term does not require a supervising dentist or supervising dental therapist to be physically present in the operatory.

(2) "Commission" means the Washington state dental quality assurance commission created in chapter 18.32 RCW.

(3) "Dental assistant" means a person who is registered by the commission to provide supportive services to a licensed dentist or a licensed dental therapist to the extent provided in this chapter and under the close supervision of a dentist or close supervision of a dental therapist.

(4) "Dental therapist" means an individual who holds a license to practice as a dental therapist under chapter 18.--- RCW (the new chapter created in section 22 of this act).

(5) "Dentist" means an individual who holds a license to practice dentistry under chapter 18.32 RCW.

~~((+5))~~ (6) "Department" means the department of health.

~~((+6))~~ (7) "Expanded function dental auxiliary" means a person who is licensed by the commission to provide supportive services to a licensed dentist or dental therapist to the extent provided in this chapter and under the specified level of supervision of a dentist or dental therapist.

~~((+7))~~ (8) "General supervision" means that a supervising dentist or dental therapist has examined and diagnosed the patient and provided subsequent instructions to be performed by the assistive personnel, but does not require that the dentist or

dental therapist be physically present in the treatment facility.

~~((9))~~ (9) "Secretary" means the secretary of health.

~~((9))~~ (10) "Supervising dental therapist" means a dental therapist licensed under chapter 18.--- RCW (the new chapter created in section 22 of this act) who is responsible for providing the appropriate level of supervision for dental assistants and expanded function dental auxiliaries.

(11) "Supervising dentist" means a dentist licensed under chapter 18.32 RCW that is responsible for providing the appropriate level of supervision for dental assistants and expanded function dental auxiliaries.

**Sec. 17.** RCW 18.260.040 and 2015 c 120 s 3 are each amended to read as follows:

(1)(a) The commission shall adopt rules relating to the scope of dental assisting services related to patient care and laboratory duties that may be performed by dental assistants.

(b) In addition to the services and duties authorized by the rules adopted under (a) of this subsection, a dental assistant may apply topical anesthetic agents.

(c) All dental services performed by dental assistants under (a) or (b) of this subsection must be performed under the close supervision of a supervising dentist or supervising dental therapist as the dentist or dental therapist may allow.

(2) In addition to any other limitations established by the commission, dental assistants may not perform the following procedures:

(a) Any scaling procedure;

(b) Any oral prophylaxis, except coronal polishing;

(c) Administration of any general or local anesthetic, including intravenous sedation;

(d) Any removal of or addition to the hard or soft tissue of the oral cavity;

(e) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human teeth, jaw, or adjacent structures; and

(f) The taking of any impressions of the teeth or jaw or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis, other than impressions allowed as a delegated duty for dental assistants pursuant to rules adopted by the commission.

(3) A dentist or dental therapist may not assign a dental assistant to perform duties until the dental assistant has demonstrated skills necessary to perform competently all assigned duties and responsibilities.

**Sec. 18.** RCW 18.260.070 and 2007 c 269 s 6 are each amended to read as follows:

(1) The commission shall adopt rules relating to the scope of expanded function dental auxiliary services related to patient care and laboratory duties that may be performed by expanded function dental auxiliaries.

(2) The scope of expanded function dental auxiliary services that the commission identifies in subsection (1) of this section includes:

(a) In addition to the dental assisting services that a dental assistant may perform under the close supervision of a supervising dentist or supervising dental therapist, the performance of the following services under the general supervision of a supervising dentist or supervising dental therapist as the dentist or dental therapist may allow:

(i) Performing coronal polishing;

(ii) Giving fluoride treatments;

(iii) Applying sealants;

(iv) Placing dental x-ray film and exposing and developing the films;

(v) Giving patient oral health instruction; and

(b) Notwithstanding any prohibitions in RCW 18.260.040, the performance of the following services under the close supervision of a supervising dentist or supervising dental therapist as the dentist or dental therapist may allow:

(i) Placing and carving direct restorations; and

(ii) Taking final impressions.

(3) A dentist or dental therapist may not assign an expanded function dental auxiliary to perform services until the expanded function dental auxiliary has demonstrated skills necessary to perform competently all assigned duties and responsibilities.

**Sec. 19.** RCW 18.260.080 and 2007 c 269 s 7 are each amended to read as follows:

A supervising dentist or supervising dental therapist is responsible for:

(1) Maintaining the appropriate level of supervision for dental assistants and expanded function dental auxiliaries; and

(2) Ensuring that the dental assistants and expanded function dental auxiliaries that the dentist or dental therapist supervises are able to competently perform the tasks that they are assigned.

**Sec. 20.** RCW 69.41.010 and 2020 c 80 s 40 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(a) A practitioner; or

(b) The patient or research subject at the direction of the practitioner.

(2) "Commission" means the pharmacy quality assurance commission.

(3) "Community-based care settings" include: Community residential programs for persons with developmental disabilities, certified by the department of social and health services under chapter 71A.12 RCW; adult family homes licensed under chapter 70.128 RCW; and assisted living facilities licensed under chapter 18.20 RCW. Community-based care settings do not include acute care or skilled nursing facilities.

(4) "Deliver" or "delivery" means the actual, constructive, or attempted transfer

from one person to another of a legend drug, whether or not there is an agency relationship.

(5) "Department" means the department of health.

(6) "Dispense" means the interpretation of a prescription or order for a legend drug and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(7) "Dispenser" means a practitioner who dispenses.

(8) "Distribute" means to deliver other than by administering or dispensing a legend drug.

(9) "Distributor" means a person who distributes.

(10) "Drug" means:

(a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or animals;

(c) Substances (other than food, minerals or vitamins) intended to affect the structure or any function of the body of human beings or animals; and

(d) Substances intended for use as a component of any article specified in (a), (b), or (c) of this subsection. It does not include devices or their components, parts, or accessories.

(11) "Electronic communication of prescription information" means the transmission of a prescription or refill authorization for a drug of a practitioner using computer systems. The term does not include a prescription or refill authorization transmitted verbally by telephone nor a facsimile manually signed by the practitioner.

(12) "In-home care settings" include an individual's place of temporary and permanent residence, but does not include acute care or skilled nursing facilities, and does not include community-based care settings.

(13) "Legend drugs" means any drugs which are required by state law or regulation of the pharmacy quality assurance commission to be dispensed on prescription only or are restricted to use by practitioners only.

(14) "Legible prescription" means a prescription or medication order issued by a practitioner that is capable of being read and understood by the pharmacist filling the prescription or the nurse or other practitioner implementing the medication order. A prescription must be hand printed, typewritten, or electronically generated.

(15) "Medication assistance" means assistance rendered by a nonpractitioner to an individual residing in a community-based care setting or in-home care setting to facilitate the individual's self-administration of a legend drug or controlled substance. It includes reminding or coaching the individual, handing the medication container to the individual, opening the individual's medication

container, using an enabler, or placing the medication in the individual's hand, and such other means of medication assistance as defined by rule adopted by the department. A nonpractitioner may help in the preparation of legend drugs or controlled substances for self-administration where a practitioner has determined and communicated orally or by written direction that such medication preparation assistance is necessary and appropriate. Medication assistance shall not include assistance with intravenous medications or injectable medications, except prefilled insulin syringes.

(16) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(17) "Practitioner" means:

(a) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, an acupuncturist or acupuncture and Eastern medicine practitioner to the extent authorized under chapter 18.06 RCW and the rules adopted under RCW 18.06.010(1)(~~++~~)(m), a veterinarian under chapter 18.92 RCW, a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW, an optometrist under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a physician assistant under chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, a licensed athletic trainer to the extent authorized under chapter 18.250 RCW, a pharmacist under chapter 18.64 RCW, (~~or~~) when acting under the required supervision of a dentist licensed under chapter 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW, or a licensed dental therapist to the extent authorized under chapter 18.--- RCW (the new chapter created in section 22 of this act);

(b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a legend drug in the course of professional practice or research in this state; and

(c) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery in any state, or province of Canada, which shares a common border with the state of Washington.

(18) "Secretary" means the secretary of health or the secretary's designee.

**Sec. 21.** RCW 43.70.442 and 2020 c 229 s 1 and 2020 c 80 s 30 are each reenacted and amended to read as follows:

(1)(a) Each of the following professionals certified or licensed under Title 18 RCW shall, at least once every six years, complete training in suicide assessment, treatment, and management that is approved, in rule, by the relevant disciplining authority:

(i) An adviser or counselor certified under chapter 18.19 RCW;

(ii) A substance use disorder professional licensed under chapter 18.205 RCW;

(iii) A marriage and family therapist licensed under chapter 18.225 RCW;

(iv) A mental health counselor licensed under chapter 18.225 RCW;

(v) An occupational therapy practitioner licensed under chapter 18.59 RCW;

(vi) A psychologist licensed under chapter 18.83 RCW;

(vii) An advanced social worker or independent clinical social worker licensed under chapter 18.225 RCW; and

(viii) A social worker associate—advanced or social worker associate— independent clinical licensed under chapter 18.225 RCW.

(b) The requirements in (a) of this subsection apply to a person holding a retired active license for one of the professions in (a) of this subsection.

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (1)(d) affects the validity of training completed prior to July 1, 2017.

(2)(a) Except as provided in (b) of this subsection:

(i) A professional listed in subsection (1)(a) of this section must complete the first training required by this section by the end of the first full continuing education reporting period after January 1, 2014, or during the first full continuing education reporting period after initial licensure or certification, whichever occurs later.

(ii) Beginning July 1, 2021, the second training for a psychologist, a marriage and family therapist, a mental health counselor, an advanced social worker, an independent clinical social worker, a social worker associate-advanced, or a social worker associate-independent clinical must be either: (A) An advanced training focused on suicide management, suicide care protocols, or effective treatments; or (B) a training in a treatment modality shown to be effective in working with people who are suicidal, including dialectical behavior therapy, collaborative assessment and management of suicide risk, or cognitive behavior therapy-suicide prevention. If a professional subject to the requirements of this subsection has already completed the professional's second training prior to July 1, 2021, the professional's next training must comply with this subsection. This subsection (2)(a)(ii) does not apply if the licensee demonstrates that the training required by this subsection (2)(a)(ii) is not reasonably available.

(b)(i) A professional listed in subsection (1)(a) of this section applying for initial licensure may delay completion of the first training required by this section for six years after initial licensure if he or she can demonstrate successful completion of the training required in subsection (1) of this section no more than six years prior to the application for initial licensure.

(ii) Beginning July 1, 2021, a psychologist, a marriage and family therapist, a mental health counselor, an advanced social worker, an independent clinical social worker, a social worker associate-advanced, or a social worker associate-independent clinical exempt from his or her first training under (b)(i) of this subsection must comply with the requirements of (a)(ii) of this subsection for his or her first training after initial licensure. If a professional subject to the requirements of this subsection has already completed the professional's first training after initial licensure, the professional's next training must comply with this subsection (2)(b)(ii). This subsection (2)(b)(ii) does not apply if the licensee demonstrates that the training required by this subsection (2)(b)(ii) is not reasonably available.

(3) The hours spent completing training in suicide assessment, treatment, and management under this section count toward meeting any applicable continuing education or continuing competency requirements for each profession.

(4)(a) A disciplining authority may, by rule, specify minimum training and experience that is sufficient to exempt an individual professional from the training requirements in subsections (1) and (5) of this section. Nothing in this subsection (4)(a) allows a disciplining authority to provide blanket exemptions to broad categories or specialties within a profession.

(b) A disciplining authority may exempt a professional from the training requirements of subsections (1) and (5) of this section if the professional has only brief or limited patient contact.

(5)(a) Each of the following professionals credentialed under Title 18 RCW shall complete a one-time training in suicide assessment, treatment, and management that is approved by the relevant disciplining authority:

(i) A chiropractor licensed under chapter 18.25 RCW;

(ii) A naturopath licensed under chapter 18.36A RCW;

(iii) A licensed practical nurse, registered nurse, or advanced registered nurse practitioner, other than a certified registered nurse anesthetist, licensed under chapter 18.79 RCW;

(iv) An osteopathic physician and surgeon licensed under chapter 18.57 RCW, other than a holder of a postgraduate osteopathic medicine and surgery license issued under RCW 18.57.035;

(v) A physical therapist or physical therapist assistant licensed under chapter 18.74 RCW;

(vi) A physician licensed under chapter 18.71 RCW, other than a resident holding a limited license issued under RCW 18.71.095(3);

(vii) A physician assistant licensed under chapter 18.71A RCW;

(viii) A pharmacist licensed under chapter 18.64 RCW;

(ix) A dentist licensed under chapter 18.32 RCW;

(x) A dental hygienist licensed under chapter 18.29 RCW;

(xi) An athletic trainer licensed under chapter 18.250 RCW;

(xii) An optometrist licensed under chapter 18.53 RCW;

(xiii) An acupuncture and Eastern medicine practitioner licensed under chapter 18.06 RCW; ~~(and)~~

(xiv) A dental therapist licensed under chapter 18.--- RCW (the new chapter created in section 22 of this act); and

(xv) A person holding a retired active license for one of the professions listed in (a)(i) through ~~((xiii))~~ (xiv) of this subsection.

(b)(i) A professional listed in (a)(i) through (vii) of this subsection or a person holding a retired active license for one of the professions listed in (a)(i) through (vii) of this subsection must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2016, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between June 12, 2014, and January 1, 2016, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(ii) A licensed pharmacist or a person holding a retired active pharmacist license must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2017, or during the first full continuing education reporting period after initial licensure, whichever is later.

(iii) A licensed dentist, a licensed dental hygienist, or a person holding a retired active license as a dentist shall complete the one-time training by the end of the full continuing education reporting period after August 1, 2020, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between July 23, 2017, and August 1, 2020, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b)(iii), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(iv) A licensed optometrist or a licensed acupuncture and Eastern medicine practitioner, or a person holding a retired active license as an optometrist or an acupuncture and Eastern medicine practitioner, shall complete the one-time training by the end of the full continuing education reporting period after August 1, 2021, or during the first full continuing

education reporting period after initial licensure, whichever is later. Training completed between August 1, 2020, and August 1, 2021, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b)(iv), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (5)(d) affects the validity of training completed prior to July 1, 2017.

(6)(a) The secretary and the disciplining authorities shall work collaboratively to develop a model list of training programs in suicide assessment, treatment, and management. Beginning July 1, 2021, for purposes of subsection (2)(a)(ii) of this section, the model list must include advanced training and training in treatment modalities shown to be effective in working with people who are suicidal.

(b) The secretary and the disciplining authorities shall update the list at least once every two years.

(c) By June 30, 2016, the department shall adopt rules establishing minimum standards for the training programs included on the model list. The minimum standards must require that six-hour trainings include content specific to veterans and the assessment of issues related to imminent harm via lethal means or self-injurious behaviors and that three-hour trainings for pharmacists or dentists include content related to the assessment of issues related to imminent harm via lethal means. When adopting the rules required under this subsection (6)(c), the department shall:

(i) Consult with the affected disciplining authorities, public and private institutions of higher education, educators, experts in suicide assessment, treatment, and management, the Washington department of veterans affairs, and affected professional associations; and

(ii) Consider standards related to the best practices registry of the American foundation for suicide prevention and the suicide prevention resource center.

(d) Beginning January 1, 2017:

(i) The model list must include only trainings that meet the minimum standards established in the rules adopted under (c) of this subsection and any three-hour trainings that met the requirements of this section on or before July 24, 2015;

(ii) The model list must include six-hour trainings in suicide assessment, treatment, and management, and three-hour trainings that include only screening and referral elements; and

(iii) A person or entity providing the training required in this section may

petition the department for inclusion on the model list. The department shall add the training to the list only if the department determines that the training meets the minimum standards established in the rules adopted under (c) of this subsection.

(e) By January 1, 2021, the department shall adopt minimum standards for advanced training and training in treatment modalities shown to be effective in working with people who are suicidal. Beginning July 1, 2021, all such training on the model list must meet the minimum standards. When adopting the minimum standards, the department must consult with the affected disciplining authorities, public and private institutions of higher education, educators, experts in suicide assessment, treatment, and management, the Washington department of veterans affairs, and affected professional associations.

(7) The department shall provide the health profession training standards created in this section to the professional educator standards board as a model in meeting the requirements of RCW 28A.410.226 and provide technical assistance, as requested, in the review and evaluation of educator training programs. The educator training programs approved by the professional educator standards board may be included in the department's model list.

(8) Nothing in this section may be interpreted to expand or limit the scope of practice of any profession regulated under chapter 18.130 RCW.

(9) The secretary and the disciplining authorities affected by this section shall adopt any rules necessary to implement this section.

(10) For purposes of this section:

(a) "Disciplining authority" has the same meaning as in RCW 18.130.020.

(b) "Training in suicide assessment, treatment, and management" means empirically supported training approved by the appropriate disciplining authority that contains the following elements: Suicide assessment, including screening and referral, suicide treatment, and suicide management. However, the disciplining authority may approve training that includes only screening and referral elements if appropriate for the profession in question based on the profession's scope of practice. The board of occupational therapy may also approve training that includes only screening and referral elements if appropriate for occupational therapy practitioners based on practice setting.

(11) A state or local government employee is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

(12) An employee of a community mental health agency licensed under chapter 71.24 RCW or a chemical dependency program certified under chapter 71.24 RCW is exempt from the requirements of this section if he or she receives a total of at least six

hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

NEW SECTION. **Sec. 22.** Sections 1 through 11 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. **Sec. 23.** The department of health shall adopt any rules necessary to implement this act.

NEW SECTION. **Sec. 24.** Sections 1 through 21 of this act take effect January 1, 2024."

On page 1, line 3 of the title, after "look-alikes;" strike the remainder of the title and insert "amending RCW 18.32.030, 18.32.0351, 18.120.020, 18.130.040, 18.260.010, 18.260.040, 18.260.070, 18.260.080, 69.41.010, and 69.41.030; reenacting and amending RCW 43.70.442; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date."

Representative Riccelli moved the adoption of amendment (247) to the striking amendment (183):

On page 2, beginning on line 18 of the striking amendment, after "(2)" strike all material through "18.29" on line 19 and insert "'Commission' means the dental quality assurance commission established in chapter 18.32"

On page 3, line 18 of the striking amendment, after "the" strike "committee" and insert "commission"

On page 3, line 25 of the striking amendment, after "the" strike "committee" and insert "commission"

On page 3, line 34 of the striking amendment, after "the" strike "committee" and insert "commission"

On page 9, line 8 of the striking amendment, after "dental" strike "hygiene examining committee" and insert "quality assurance commission"

On page 11, line 33 of the striking amendment, after "((seventeen))" strike "19" and insert "21"

On page 11, line 38 of the striking amendment, after "dentists," strike "two" and insert "four"

Representatives Riccelli and Caldier spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (247) to the striking amendment (183) was adopted.

Representative Walsh moved the adoption of amendment (328) to the striking amendment (183):



On page 3, line 7 of the striking amendment, after "43.70.280." insert "The licensing fees for dental therapists may not be subsidized by other health professions."

Representatives Walsh and Stonier spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (328) to the striking amendment (183) was adopted.

Representative Hutchins moved the adoption of amendment (320) to the striking amendment (183):

On page 3, line 9 of the striking amendment, after "renewal." insert "A dental therapist must obtain liability insurance with coverage equivalent to that of the supervising dentist's liability insurance coverage."

Representatives Hutchins and Riccelli spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (320) to the striking amendment (183) was adopted.

Representative Caldier moved the adoption of amendment (318) to the striking amendment (183):

On page 3, line 18 of the striking amendment, after "(c)" insert "Completes a post-graduate clinical preceptorship of at least two thousand hours under the close supervision of a dentist;

(d) "

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Caldier and Caldier (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representative Reed spoke against the adoption of the amendment to the striking amendment.

Division was demanded and the demand was sustained. The Speaker divided the House. The result was 41 - YEAS; 54 - NAYS.

Amendment (318) to the striking amendment (183) was not adopted.

Representative Caldier moved the adoption of amendment (316) to the striking amendment (183):

On page 5, line 20 of the striking amendment, after "auxiliaries" strike "and dental assistants" and insert ", dental assistants, and dental hygienists"

On page 5, line 22 of the striking amendment, after "auxiliaries" strike "and dental assistants" and insert ", dental assistants, and dental hygienists"

On page 5, beginning on line 24 of the striking amendment, after "auxiliary" strike "or dental assistant" and insert ", dental assistant, or dental hygienist"

On page 20, after line 17 of the striking amendment, insert the following:

"Sec. 20. RCW 18.29.050 and 2015 c 120 s 1 are each amended to read as follows:

Any person licensed as a dental hygienist in this state may remove deposits and stains from the surfaces of the teeth, may apply topical preventive or prophylactic agents, may polish and smooth restorations, may perform root planing and soft-tissue curettage, and may perform other dental operations and services delegated to them by a licensed dentist or dental therapist. Any person licensed as a dental hygienist in this state may apply topical anesthetic agents under the general supervision, as defined in RCW 18.260.010, of a dentist or a dental therapist: PROVIDED HOWEVER, That licensed dental hygienists shall in no event perform the following dental operations or services:

(1) Any surgical removal of tissue of the oral cavity;

(2) Any prescription of drugs or medications requiring the written order or prescription of a licensed dentist or physician, except that a hygienist may place antimicrobials pursuant to the order of a licensed dentist and under the dentist's or dental therapist's required supervision;

(3) Any diagnosis for treatment or treatment planning; or

(4) The taking of any impression of the teeth or jaw, or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis, except that a dental hygienist may take an impression for any purpose that is either allowed:

(a) For a dental assistant registered under chapter 18.260 RCW; or

(b) As a delegated duty for dental hygienists pursuant to rules adopted by the dental quality assurance commission.

Such licensed dental hygienists may perform dental operations and services only under the supervision of a licensed dentist or dental therapist, and under such supervision may be employed by hospitals, boards of education of public or private schools, county boards, boards of health, or public or charitable institutions, or in dental offices."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Caldier and Riccelli spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (316) to the striking amendment (183) was adopted.

Representative Chambers moved the adoption of amendment (319) to the striking amendment (183):

On page 7, line 23 of the striking amendment, after "(b)" insert "Review the dental therapist's patient charts daily; and (c) "

Representatives Chambers and Caldier spoke in favor of the adoption of the amendment to the striking amendment.

Representative Riccelli spoke against the adoption of the amendment to the striking amendment.

Division was demanded and the demand was sustained. The Speaker divided the House. The result was 39 - YEAS; 56 - NAYS.

Amendment (319) to the striking amendment (183) was not adopted.

Representative Griffey moved the adoption of amendment (321) to the striking amendment (183):

On page 8, line 19 of the striking amendment, after "(2)" insert "A dental therapist may not practice in federally qualified health centers that employ an employee whose salary is greater than one million dollars per year as reported on the internal revenue service 990 form.

(3) "

With the consent of the House, amendment (321) was withdrawn.

Representative Stokesbary moved the adoption of amendment (326) to the striking amendment (183):

On page 8, line 19 of the striking amendment, after "(2)" insert "A dentist providing dental services at a federally qualified health center is not required to enter a practice plan contract and may not face retaliation or default on a loan repayment contract if the dentist refuses to enter into a practice plan contract or supervise a dental therapist.

(3) "

Representatives Stokesbary and Riccelli spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (326) to the striking amendment (183) was adopted.

Representative Schmick moved the adoption of amendment (329) to the striking amendment (183):

On page 9, line 28 of the striking amendment, after "(4)" insert "The term of a limited license issued under this section is the same as the term for an initial limited license issued under RCW 18.29.190.

(5) "

Representatives Schmick and Riccelli spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (329) to the striking amendment (183) was adopted.

Representative Harris moved the adoption of amendment (317) to the striking amendment (183):

On page 2, beginning on line 30 of the striking amendment, strike all of subsection (8)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 4, line 12 of the striking amendment, after "the" insert "close"

On page 6, line 12 of the striking amendment, after "the" insert "close"

On page 6, beginning on line 14 of the striking amendment, after "independently." strike all material through "supervision." on line 16

On page 6, beginning on line 18 of the striking amendment, after "(a)" strike all material through "(b)" on line 20

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Harris, Caldier and Harris (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representative Riccelli spoke against the adoption of the amendment to the striking amendment.

Division was demanded and the demand was sustained. The Speaker divided the House. The result was 44 - YEAS; 51 - NAYS.

Amendment (317) to the striking amendment (183) was not adopted.

Representative Caldier moved the adoption of amendment (324) to the striking amendment (183):

On page 4, line 39 of the striking amendment, strike all of subsection (t)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Caldier spoke in favor of the adoption of the amendment to the striking amendment.

Representative Bateman spoke against the adoption of the amendment to the striking amendment.

Division was demanded and the demand was sustained. The Speaker divided the House. The result was 42 - YEAS; 53 - NAYS.

Amendment (324) to the striking amendment (183) was not adopted.

Representative Caldier moved the adoption of amendment (327) to the striking amendment (183):

On page 5, beginning on line 3 of the striking amendment, strike all of subsection (w)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Caldier spoke in favor of the adoption of the amendment to the striking amendment.

Representative Riccelli spoke against the adoption of the amendment to the striking amendment.

Division was demanded and the demand was sustained. The Speaker divided the House. The result was 42 - YEAS; 53 - NAYS.

Amendment (327) to the striking amendment (183) was not adopted.

Representative Caldier moved the adoption of amendment (323) to the striking amendment (183):

On page 5, line 8 of the striking amendment, strike all of subsection (z)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Representatives Caldier and Chambers spoke in favor of the adoption of the amendment to the striking amendment.

Representative Stonier spoke against the adoption of the amendment to the striking amendment.

Division was demanded and the demand was sustained. The Speaker divided the House. The result was 42 - YEAS; 53 - NAYS.

Amendment (323) to the striking amendment (183) was not adopted.

Representative Maycumber moved the adoption of amendment (325) to the striking amendment (183):

On page 5, beginning on line 13 of the striking amendment, strike all of subsection (ee)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Representatives Maycumber and Caldier spoke in favor of the adoption of the amendment to the striking amendment.

Representative Bateman spoke against the adoption of the amendment to the striking amendment.

Division was demanded and the demand was sustained. The Speaker divided the House. The result was 42 - YEAS; 53 - NAYS.

Amendment (325) to the striking amendment (183) was not adopted.

Representative Caldier moved the adoption of amendment (322) to the striking amendment (183):

On page 5, beginning on line 27 of the striking amendment, strike all of subsection (hh)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Representative Caldier spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Riccelli and Orcutt spoke against the adoption of the amendment to the striking amendment.

Division was demanded and the demand was sustained. The Speaker divided the House. The result was 41 - YEAS; 54 - NAYS.

Amendment (322) to the striking amendment (183) was not adopted.

Representative Caldier moved the adoption of amendment (330) to the striking amendment (183):

On page 1 of the striking amendment, strike all material after line 2 and insert the following:

"Sec. 1. RCW 70.350.020 and 2017 c 5 s 2 are each amended to read as follows:

(1) Dental health aide therapist services are authorized by this chapter under the following conditions:

(a) The person providing services is certified as a dental health aide therapist by:

(i) A federal community health aide program certification board; or

(ii) A federally recognized Indian tribe that has adopted certification standards that meet or exceed the requirements of a federal community health aide program certification board;

(b) All services are performed:

(i) In a practice setting (~~within the exterior boundaries of a tribal reservation and~~) operated by an Indian health program;

(ii) In accordance with the standards adopted by the certifying body in (a) of this subsection, including scope of practice, training, supervision, and continuing education;

(iii) Pursuant to any applicable written standing orders by a supervising dentist; and

(iv) On persons who are members of a federally recognized tribe or otherwise eligible for services under Indian health service criteria, pursuant to the Indian health care improvement act, 25 U.S.C. Sec. 1601 et seq.

(2) The performance of dental health aide therapist services is authorized for a person when working within the scope, supervision, and direction of a dental health aide therapy training program that is certified by an entity described in subsection (1) of this section.

(3) All services performed within the scope of subsection (1) or (2) of this section, including the employment or supervision of such services, are exempt from licensing requirements under chapters 18.29, 18.32, 18.260, and 18.350 RCW.

Correct the title."

Representative Caldier spoke in favor of the adoption of the amendment to the striking amendment.

Representative Riccelli spoke against the adoption of the amendment to the striking amendment.

Division was demanded and the demand was sustained. The Speaker divided the House. The result was 42 - YEAS; 53 - NAYS.

Amendment (330) to the striking amendment (183) was not adopted.

Representatives Riccelli and Caldier spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (183), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Riccelli and Stonier spoke in favor of the passage of the bill.

Representatives Caldier, Schmick, Orcutt and Chambers spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1678.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1678, and the bill passed the House by the following vote: Yeas, 53; Nays, 42; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Bergquist, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Eslick, Hansen and McEntire

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1678, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1683, by Representatives Barnard, Macri, Harris, Walen, Caldier, Gregerson, Christian and Riccelli**

**Concerning health carriers offering dental only coverage.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1683 was substituted for House Bill No. 1683 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1683 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Barnard and Riccelli spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1683.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1683, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick, Hansen and McEntire

SUBSTITUTE HOUSE BILL NO. 1683, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 8:55 a.m., Monday, March 6, 2023, the 57th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIFTY SEVENTH DAY

House Chamber, Olympia, Monday, March 6, 2023

The House was called to order at 8:55 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

SSB 5025 by Senate Committee on Ways & Means (originally sponsored by Dozier, Boehnke, Gildon, Padden, Wagoner and Wilson, J.)

AN ACT Relating to implementation of technology systems at the department of corrections; adding a new section to chapter 72.09 RCW; and creating a new section.

Referred to Committee on Community Safety, Justice, & Reentry.

2SSB 5046 by Senate Committee on Ways & Means (originally sponsored by Saldaña, Nguyen, Trudeau, Wilson, C., Dhingra, Frame, Kuderer, Nobles, Pedersen and Valdez)

AN ACT Relating to postconviction access to counsel; amending RCW 2.70.020; creating new sections; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

ESSB 5124 by Senate Committee on Human Services (originally sponsored by Trudeau, Randall, Dhingra, Frame, Kauffman, Kuderer, Nguyen, Wellman and Wilson, C.)

AN ACT Relating to supporting guardianships and voluntary placement with nonrelative kin; and amending RCW 13.36.090, 74.13.062, and 74.13.031.

Referred to Committee on Human Services, Youth, & Early Learning.

2SSB 5128 by Senate Committee on Ways & Means (originally sponsored by Trudeau, Dhingra, Billig, Hasegawa, Hunt, Kuderer, Pedersen, Stanford, Valdez, Wellman and Wilson, C.)

AN ACT Relating to jury diversity; amending RCW 2.36.095 and 2.36.054; adding a new section to chapter 2.36 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

ESB 5130 by Senators Frame, Dhingra, Nobles, Pedersen, Randall and Wilson, C.

AN ACT Relating to assisted outpatient treatment; amending RCW 71.05.148, 71.05.365, 71.05.590, 71.05.590, 71.34.020, 71.34.020, 71.34.740, 71.34.740, 71.34.780, 71.34.780, and 71.34.815; amending 2021 c 264 s 29 (uncodified); providing an effective date; providing a contingent effective date; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

SB 5131 by Senators Wilson, C., Frame, Hasegawa, Kuderer, Nguyen, Nobles, Saldaña and Stanford

AN ACT Relating to money received by the department of corrections on behalf of inmates from family or other outside sources for the purchase of commissary items; and amending RCW 72.09.480.

Referred to Committee on Community Safety, Justice, & Reentry.

ESSB 5143 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Torres, Dhingra, Rolfes, Saldaña, Shewmake and Warnick)

AN ACT Relating to changing the name of and adding a member to the commission on pesticide registration; and amending RCW 15.92.090, 15.92.095, 15.92.100, 15.92.105, and 15.92.110.

Referred to Committee on Agriculture and Natural Resources.

ESSB 5150 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Shewmake)

AN ACT Relating to the beef commission's levied assessment; and amending RCW 16.67.120.

Referred to Committee on Agriculture and Natural Resources.

E2SSB 5174 by Senate Committee on Ways & Means (originally sponsored by Wellman, Conway, Dhingra, Frame, Hunt, Kuderer, Lovelett, Rolfes, Valdez, Warnick and Wilson, C.)

AN ACT Relating to providing adequate and predictable student transportation; adding new sections to chapter 28A.160 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

ESSB 5197 by Senate Committee on Housing (originally sponsored by Kuderer, Saldaña, Frame, Nguyen, Nobles, Wellman and Wilson, C.)

AN ACT Relating to addressing landlord-tenant relations by providing technical changes to eviction notice forms and modifying certain eviction processes; amending RCW 59.18.410 and 59.18.057; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Housing.

E2SSB 5198 by Senate Committee on Ways & Means (originally sponsored by Frame, Kuderer, Hasegawa, Hunt, Keiser, Lovelett, Nobles, Valdez and Wilson, C.)

AN ACT Relating to the sale or lease of manufactured/mobile home communities and the property on which they sit; amending RCW 59.20.060, 59.20.073, 59.20.080, 59.20.300, and 59.20.305; reenacting and amending RCW 59.20.030; adding new sections to chapter 59.20 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Housing.

2SSB 5225 by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Conway, Frame, Hasegawa, Hunt, Keiser, Lovelett, Nguyen, Salomon, Shewmake, Stanford and Valdez)

AN ACT Relating to increasing access to the working connections child care program; amending RCW 43.216.136 and 43.216.1368; reenacting and amending RCW 43.216.135; adding a new section to chapter 43.216 RCW; creating a new section; and providing an effective date.

Referred to Committee on Human Services, Youth, & Early Learning.

E2SSB 5243 by Senate Committee on Ways & Means (originally sponsored by Wellman, Hunt, Kuderer, Nobles and Wilson, C.)

AN ACT Relating to high school and beyond planning; amending RCW 28A.230.090, 28A.230.215, 28A.230.091, 28A.230.310, 28A.230.320, 28A.300.900, and 28A.655.250; adding a new section to chapter 28A.230 RCW; creating a new section; repealing RCW 28A.655.270; and providing an expiration date.

Referred to Committee on Education.

ESSB 5301 by Senate Committee on Housing (originally sponsored by Mullet, Kuderer, Nguyen and Wilson, C.)

AN ACT Relating to housing programs administered by the department of commerce; amending RCW 43.185.010, 43.185.030, 43.185.070, 43.185.074, 43.185.080, 43.185A.010, 43.185A.020, 43.185A.060, 43.185A.070, 18.85.311, 31.04.025, 39.35D.080, 43.63A.680, 43.79.201, 43.185C.200, 43.185C.210, 47.12.063, 59.24.060, 82.14.400, and 82.45.100; reenacting and amending RCW 43.185.050 and 43.185B.020; adding new sections to chapter 43.185A RCW; adding a new section to chapter 42.56 RCW; adding a new section to chapter 43.185B RCW; recodifying RCW 43.185.010, 43.185.030, 43.185.050, 43.185.070, 43.185.074, 43.185.080, and 43.185.110; and repealing RCW 43.185.015, 43.185.020, 43.185.060, 43.185.076, 43.185.090, 43.185.100, 43.185.120, 43.185.130, 43.185.140, 43.185.910, 43.185A.030, 43.185A.050, 43.185A.080, 43.185A.090, 43.185A.100, 43.185A.110, 43.185A.120, and 43.185A.900.

Referred to Committee on Capital Budget.

ESB 5309 by Senators Lovelett, Rolfes, Hasegawa, Hunt, Keiser, Nguyen and Nobles

AN ACT Relating to eliminating the state public utility tax deduction for the instate portion of interstate transport of petroleum products and crude oil; amending RCW 82.16.050; and creating a new section.

Referred to Committee on Finance.

E2SSB 5311 by Senate Committee on Ways & Means (originally sponsored by Wellman, Braun, Dhingra, Hunt, Kuderer, Mullet, Nguyen, Nobles, Pedersen, Torres and Wilson, C.)

AN ACT Relating to special education funding formula; amending RCW 28A.150.390 and 28A.150.392; adding a new section to chapter 28A.310 RCW; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Education.

E2SSB 5367 by Senate Committee on Ways & Means (originally sponsored by Robinson, Schoesler, Conway, Dozier, Keiser, Saldaña and Wellman)

AN ACT Relating to the regulation of products containing THC; amending RCW 15.140.020, 69.50.326, and 69.50.346; reenacting and amending RCW 69.50.101; adding a new section to chapter 69.50 RCW; adding a new section to chapter 69.07 RCW; and creating a new section.

Referred to Committee on Regulated Substances & Gaming.

SSB 5386 by Senate Committee on Housing (originally sponsored by Robinson, Kuderer, Saldaña and Wilson, C.)

AN ACT Relating to reducing administrative complexity by increasing transparency of revenue flows for activities funded by document recording fees; amending RCW 43.185C.010, 43.185C.045, 43.185C.070, 43.185C.080, 43.185C.185, 36.18.010, 84.36.560, and 84.36.675; reenacting and amending RCW 43.185C.060, 43.185C.190, and 59.18.030; adding a new section to chapter 36.22 RCW; repealing RCW 36.22.176, 36.22.178, 36.22.179, 36.22.1791, 43.185C.061, and 43.185C.215; and providing an expiration date.

Referred to Committee on Housing.

SSB 5398 by Senate Committee on Human Services (originally sponsored by MacEwen and Wilson, L.)

AN ACT Relating to domestic violence funding allocation; creating a new section; and providing an expiration date.

Referred to Committee on Human Services, Youth, & Early Learning.

SB 5403 by Senators Schoesler, Wellman, Torres, Boehnke, Muzzall, Dozier, Kuderer, Randall, Wilson, C. and Wilson, L.

AN ACT Relating to establishing school district depreciation subfunds for the purposes of preventative maintenance; and amending RCW 28A.320.330.

Referred to Committee on Education.

E2SSB 5440 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Nguyen, Saldaña, Valdez, Van De Wege and Wilson, C.)

AN ACT Relating to providing timely competency evaluations and restoration services to persons suffering from behavioral health disorders within the framework of the forensic mental health care system consistent with the requirements agreed to in the Trueblood settlement agreement; amending RCW 10.77.060, 10.77.068, 10.77.074, 10.77.084, 10.77.086, 10.77.088, and 10.77.092; reenacting and amending RCW 10.77.010; adding new sections to chapter 10.77 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

2SSB 5477 by Senate Committee on Ways & Means (originally sponsored by Torres, Trudeau, Braun, Muzzall, Billig, Boehnke, Conway, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Nguyen, Pedersen, Randall, Saldaña, Salomon, Shewmake, Van De Wege, Wagoner, Warnick and Wilson, C.)

AN ACT Relating to implementing the recommendations of the Washington state missing and murdered indigenous women and people task force; amending RCW 68.50.320; adding a new section to chapter 43.10 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

SB 5497 by Senators Wilson, L. and Rolfes

AN ACT Relating to medicaid expenditures; amending RCW 74.04.050; adding new sections to chapter 74.09 RCW; adding a new section to chapter 43.41 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

ESSB 5512 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Holy, Liias, Rivers, Salomon, Wilson, J., Schoesler, Torres, Wilson, L., MacEwen, Dozier, Wagoner, Warnick, Gildon, McCune, Short, King, Braun, Muzzall, Nguyen, Billig and Boehnke)

AN ACT Relating to adding financial transparency reporting requirements to the public four-year dashboard; and amending RCW 28B.77.090.

Referred to Committee on Postsecondary Education & Workforce.

ESSB 5515 by Senate Committee on Human Services (originally sponsored by Dhingra, Conway, Hunt, Kauffman, Kuderer, Lovelett, Nguyen, Nobles, Saldaña, Stanford, Valdez, Wellman and Wilson, C.)

AN ACT Relating to protecting children from child abuse and neglect; amending RCW 26.44.210 and 74.15.020; adding a new section to chapter 74.15 RCW; adding a new section to chapter 71.24 RCW; creating new sections; and providing effective dates.

Referred to Committee on Human Services, Youth, & Early Learning.

SSB 5593 by Senate Committee on Ways & Means (originally sponsored by Liias, Holy, Mullet, Lovick and Wilson, C.)

AN ACT Relating to improving equity in the transfer of student data between K-12 schools and institutions of higher education; adding a new section to chapter 28B.10 RCW; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Education.

SSB 5626 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Liias, Warnick, Hunt, Nobles, Pedersen and Wilson, C.)

AN ACT Relating to expanding and enhancing media literacy and digital citizenship in K-12 education; amending RCW 28A.300.840; adding a new section to chapter 28A.300 RCW; and providing an expiration date.

Referred to Committee on Education.

SB 5632 by Senators Keiser, Cleveland, Conway, Hasegawa, Hunt, Kuderer, Lovelett, Stanford, Valdez and Wilson, C.

AN ACT Relating to protecting the health care of workers exercising their right to participate in a labor dispute; adding a new section to chapter 49.64 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

ESSB 5702 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Trudeau, Nobles, Dhingra, Hunt, Liias, Lovelett, Nguyen, Pedersen, Saldaña, Valdez and Wilson, C.)

AN ACT Relating to expanding the students experiencing homelessness and foster youth pilot program; and amending RCW 28B.50.916 and 28B.77.850.

Referred to Committee on Appropriations.

ESSB 5726 by Senate Committee on Labor & Commerce (originally sponsored by King)

AN ACT Relating to the prevailing wages on public works; amending RCW 39.12.015 and 39.12.030; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5174 which was referred to the Committee on Appropriations.

### JOINT SESSION

Pursuant to Senate Concurrent Resolution No. 8404, the House appeared at the doors of the Senate and requested admission to the Chamber. The Sergeant at Arms of the Senate, Mr. Andy Staubitz, and the Sergeant at Arms of the House, Mr. Johnny Alexander, escorted Speaker Pro Tempore Tina Orwall to a seat on the rostrum. The representatives were invited to seats within the Chamber.

The President of the Senate, Lieutenant Governor Heck, called the Joint Session to order. The Secretary called the roll of the House members. The Secretary called the roll of the Senate members. A quorum of the Legislature was present.

President Heck: "This Joint Session has been convened to receive remarks from His Excellency, Sauli Niinistö, President of the Republic of Finland.

The President introduced special guests in attendance: Chief Justice of the Washington State Supreme Court, Steven González; The Honorable Steve Hobbs, Secretary of State; The Honorable Mike Pellicciotti, State Treasurer; and The Honorable Mike Kreidler, Insurance Commissioner.

The Washington State Patrol Honor Guard presented the Colors. The Honor Guard was comprised of Lieutenant Matt Fehler, Sergeant James Maguire, Sergeant William Rutherford, Trooper Kyle Flaig, Trooper Dean Gallanger, and Trooper Michael Sessions.

The President led the Joint Session in the Pledge of Allegiance.

### APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a special committee consisting of Senators Liias and J. Wilson and Representatives Entenman and Harris to escort His Excellency Sauli Niinistö, President of Finland and His Excellency Jay Inslee, Governor of Washington to their seats of honor on the Senate rostrum.

Pastor Nina Tetri-Mustonen of the Finnish Lutheran Church in Seattle led the invocation.

The President welcomed and introduced His Excellency Mikko Hautala, Ambassador of the Republic of Finland to the United States of America and Ambassador Okko-Pekka Salmimies, Consul General of Finland in Los Angeles, who were seated at the rostrum.

The President introduced His Excellency, Sauli Niinistö, President of the Republic of Finland.

### ADDRESS BY PRESIDENT NIINISTÖ

President Niinistö: “Governor Inslee, President Heck, Members of the Washington State Legislature, Justices of the State Supreme Court, Dear Washingtonians,

It is a great pleasure and an honour for me to address this body. Finland and the United States share a strong and longstanding relationship. Geographically, we might be far apart, but our cultural and historical ties are close. And most importantly, we stand for the same values.

The current critical geopolitical situation has brought us closer together than ever before. We are now strengthening our ties in sectors such as defense, trade, technology and energy security. And soon we will be able to call each other Allies.

Ladies and Gentlemen, more than one year ago, Russia launched its brutal attack on Ukraine and brought full-scale war back on the European continent. The past year has seen horrors we did not expect to see in Europe in this day and age. Cities destroyed. Schools, homes and critical infrastructure demolished. Thousands of lives taken. Millions forced to leave their homes.

In his recent address in Warsaw, President Biden called Russia’s invasion a test for the ages. A test not just for Ukraine, but also for Europe, America, NATO and all democracies. Ukraine has faced that test with its head held high. The Ukrainians continue to fight for their freedom and for our common values with incredible strength and resilience.

The transatlantic community stands by Ukraine, strong and united. In senates and parliaments on both sides of the Atlantic, old policies have been reviewed and strong decisions have been made. Together we have provided Ukraine with great amounts of military aid, material support and humanitarian relief. We must continue to do so, until a just and sustainable peace is achieved.

For us Finns, Russia’s attack brought back echoes of our own history. It evoked our collective memory. Describing Finland’s battle against the Soviet Union in the Winter War, President Franklin D. Roosevelt wrote: “the people of Finland, by their unexcelled valour and strong resistance in the face of overwhelming armed forces, have won the moral right to live in everlasting peace and independence in the land they have so bravely defended”.

There seems to be no end in sight for Russia’s war in Ukraine. It is for Ukraine to decide, when it is the time for negotiations. Finland supports Ukraine’s initiative for a just peace. And one thing is clear: the Ukrainians have the right to live in peace and independence in their country.

Dear Friends,

In December 2021, when the President of Russia demanded that NATO must not expand eastward, we in Finland knew what he was after. He sought to re-establish spheres of influence. And by so doing, he wanted to limit also our right to choose our own alliances. We could not let him do that.

Ten years prior - in our very first meeting - I had told President Putin that Finland, like every sovereign nation, maximizes its own security. Russia’s attempt to limit our freedom of decision and finally, its attack on another sovereign neighbour, made our decision clear. In May 2022, Finland officially decided to apply for NATO membership.

Finland has always understood that security is not to be taken for granted. We have held on to conscription and consistently invested in our national defence. In 2021, we made a decision to purchase 64 F-35 fighter jets. That is a lot for a small country. Finland’s NATO membership will not only maximize our own security. We will be a strong contributor for the security of the whole Alliance.

Throughout our membership process, the support we have gotten from the United States has been overwhelming. President Biden has thrown his weight and extraordinary leadership behind Finland’s and Sweden’s membership processes. Dozens of members of the United States Senate and House of Representatives, from both sides of the aisle, have worked tirelessly on our behalf. And Americans across the country have voiced their support. For that, I want to say: thank you.

Finland’s and Sweden’s NATO memberships are still two ratifications short of completion. But it is my hope and belief that the NATO Summit in Vilnius will be a true display of allied unity with 32 members around the table.

Ladies and Gentlemen,

The State of Washington is one of Finland’s core partners in the United States. The first Finnish communities settled here at the end of the 19th century. In 1915, there were about 55 Finnish families and 29 saunas in Kirkland’s Finn Hill. Today, Finland has a population of 5.5 million and around 3 million saunas. The “sauna ratio” was about right here in Washington State more than a hundred years ago.

The Finnish and Nordic communities in Washington are still strong and active. We are proud to even have our “own” representative here in state Legislature, Senator Marko Liias. And, of course, our two representatives, forwards Joonas Donskoi and Eeli Tolvanen, in the Seattle Krakens.

The multiple, overlapping crises we are faced with underscore the need for partnerships. For Finland, state partnerships in the US are an increasingly important element of bilateral cooperation.

In 2021, Finland and Washington State signed a Memorandum of Understanding to deepen our economic ties. We are working to accelerate our cooperation in crucial fields of the future: high technology and green transition. I hope that this visit can also serve to take this work forward. I have with me a group of leading Finnish companies working in these fields.

In the global fight against climate change, Finland and Washington are forerunners. Finland’s goal is to be carbon-neutral by 2035. Reaching that goal requires investments, political leadership, determination and innovation. But the way I see it, sustainability should not be seen as a sacrifice but as an opportunity.

Combating climate change is absolutely crucial for the survival of our planet. But it also makes economic sense. Global markets for green technologies are growing rapidly and offer tremendous potential for forerunners like us.

In the future, our competitiveness and national security will be closely tied to emerging technologies. In fields such as 6G, quantum computing and artificial intelligence, we have a lot to gain from cooperation. Only together can we ensure that these crucial technologies will be developed and used in line with our values.

I trust that the good work that we have started between Finland and the State of Washington will bear fruit and benefit not just us but also the larger international community.

Ladies and Gentlemen,

The bigger the challenges we face, the more important that we face them together. Europe needs the United States. But the United States also needs Europe. Together we have built and upheld the post World War II international institutions and order. From the United Nations to Bretton Woods. And together we will continue to uphold and revitalize this order, also after this war.

Thank you.”

The President thanked President Niinistö for his remarks.

The President called upon the special committee consisting of Senators Liias and J. Wilson and Representatives Entenman and Harris to escort His Excellency Sauli Niinistö, President of Finland and His Excellency Jay Inslee, Governor of Washington from the Chamber.

On motion of Senator Pedersen, the Joint Session was dissolved.

The Sergeant at Arms of the Senate and the Sergeant at Arms of the House escorted Speaker Pro Tempore Orwall and members of the House of Representatives from the Rostrum and seats within the Chamber and the House retired from the Senate Chamber.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

There being no objection, the House reverted to the third order of business.

#### MESSAGE FROM THE SENATE

Friday, March 3, 2023

Mme. Speaker:



The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
5536

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**HOUSE BILL NO. 1265, by Representatives Ramos, Goehner, Chapman, Robertson, Kloba, Chambers, Slatter, Callan, Donaghy, Ryu, Reeves, Chopp, Senn, Reed, Couture, Simmons, Fey, Jacobsen, Macri, Peterson, Ramel and Pollet**

**Establishing a property tax exemption for adult family homes that serve people with intellectual or developmental disabilities and are owned by a nonprofit.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ramos and Orcutt spoke in favor of the passage of the bill.

## MOTIONS

On motion of Representative Leavitt, Representative Hansen was excused.

On motion of Representative Griffey, Representatives Chandler and Volz were excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1265.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1265, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

HOUSE BILL NO. 1265, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1255, by Representatives Simmons, Harris, Peterson, Reed, Riccelli, Macri, Bateman and Doglio**

**Reducing stigma and incentivizing health care professionals to participate in a substance use disorder monitoring and treatment program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1255 was substituted for House Bill No. 1255 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1255 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simmons and Riccelli spoke in favor of the passage of the bill.

Representatives Schmick and Caldier spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1255.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1255, and the bill passed the House by the following vote: Yeas, 60; Nays, 35; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Harris, Kloba, Leavitt, Lekanoff, Macri, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McEntire, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Chandler, Hansen and Volz

SUBSTITUTE HOUSE BILL NO. 1255, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1762, by Representatives Doglio, Berry, Ramel, Fosse, Reed, Alvarado, Peterson and Pollet**

**Protecting warehouse employees.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1762 was substituted for House Bill No. 1762 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1762 was read the second time.

With the consent of the House, amendments (290) and (309) were withdrawn.

Representative Connors moved the adoption of amendment (289):

On page 3, beginning on line 4, after "standard" strike all material through "An" on line 5 and insert "under which an"

On page 3, beginning on line 10, after "standard" strike all material through

"standard" on line 13 and insert ". For purposes of this subsection, "adverse employment action" means an action or a pattern of conduct that, taken as a whole, materially and adversely affected the terms, conditions, or privileges of the employee's employment"

Representative Connors spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (289) was not adopted.

Representative Connors moved the adoption of amendment (291):

On page 4, beginning on line 10, after "3." strike all material through "department." on page 5, line 31 and insert "An employee shall not be required to meet a quota that prevents compliance with meal or rest periods, use of bathroom facilities, including reasonable travel time to and from bathroom facilities, or occupational health and safety laws. An employer shall not take adverse employment action against an employee for failure to meet a quota that does not allow a worker to comply with meal and rest periods, or occupational health and safety laws, or for failure to meet a quota that has not been disclosed to the employee pursuant to this chapter."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Connors, Abbarno and Corry spoke in favor of the adoption of the amendment.

Representative Ortiz-Self spoke against the adoption of the amendment.

Amendment (291) was not adopted.

Representative Chambers moved the adoption of amendment (292):

On page 5, line 32, after "6." strike "(1) An" and insert "Each"

On page 5, line 33, after "preserve" insert "for three years"

On page 5, beginning on line 33, after "records" strike all material through "department" on page 6, line 24 and insert "to ensure compliance with an employee's or the director's request for data"

Representatives Chambers, Robertson, Walsh, Abbarno, Chambers (again) and Harris spoke in favor of the adoption of the amendment.

Representative Entenman spoke against the adoption of the amendment.

Amendment (292) was not adopted.

Representative Robertson moved the adoption of amendment (294):

On page 6, beginning on line 25, after "(1)" strike all material through "request."

on page 7, line 10 and insert "If an employee or former employee believes that meeting a quota caused a violation of their right to a meal or rest period or required them to violate any state occupational health and safety laws, the employee or former employee has the right to request, and the employer shall provide, a written description of each quota to which the employee is subject, and a copy of the employee's own personal aggregated work speed data for the most recent 90 days.

(2) If a former employee requests a written description of the quotas to which they were subject and a copy of their own personal work speed data pursuant to subsection (1) of this section, the employer shall provide the former employee's quotas and personal work speed data for the 90 days prior to the date of the employee's separation from the employer.

(3) An employer must provide records requested under this section at no cost to the employee or former employee. A former employee is limited to one request pursuant to this section.

(4) An employer that receives a written or oral request for information pursuant to this section shall comply with the request as soon as practicable, but no later than 21 calendar days from the date of the request."

Representatives Robertson and Corry spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (294) was not adopted.

Representative Schmidt moved the adoption of amendment (295):

On page 7, beginning on line 15, strike all of section 8 and insert the following:

**"NEW SECTION. Sec. 8.** For the purposes of this act, there shall be a rebuttable presumption of unlawful retaliation if an employer in any manner discriminates, retaliates, or takes any adverse action against any employee within 90 days of the employee doing either of the following:

(1) Initiating the employee's first request in a calendar year for information about a quota or personal work speed data pursuant to section 7 of this act; or

(2) Making a complaint related to a quota alleging any violations of this act to the employer, the director, or any local, or state, or federal governmental agency."

Representatives Schmidt and Abbarno spoke in favor of the adoption of the amendment.

Representative Fosse spoke against the adoption of the amendment.

Amendment (295) was not adopted.

Representative Cheney moved the adoption of amendment (293):

On page 10, beginning on line 12, strike all of section 11

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Cheney, Abbarno and Caldier spoke in favor of the adoption of the amendment.

Representative Fosse spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Bronoske presiding) divided the House. The result was 42 - YEAS; 53 - NAYS.

Amendment (293) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doglio and Fosse spoke in favor of the passage of the bill.

Representatives Schmidt, Corry, Walsh, Chambers, Christian, Schmidt (again), Maycumber, Wilcox and Robertson spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1762.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1762, and the bill passed the House by the following vote: Yeas, 53; Nays, 42; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Springer, Steele, Stokesbary, Walen, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Chandler, Hansen and Volz

SECOND SUBSTITUTE HOUSE BILL NO. 1762, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

**HOUSE BILL NO. 1378, by Representatives Reeves, Dent, Berry, Ramel, Gregerson and Leavitt**

**Concerning the removal of derelict aquatic structures and restoration of aquatic lands.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1378 was substituted for House Bill No. 1378 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1378 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reeves and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1378.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1378, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

SUBSTITUTE HOUSE BILL NO. 1378, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1527, by Representatives Wylie, Sandlin, Duerr, Barnard, Connors, Chapman, Waters, Springer, Harris and Gregerson**

**Making technical corrections to the local tax increment financing program.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wylie, Schmidt and Harris spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1527.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1527, and the bill passed the House by the following vote: Yeas, 80; Nays, 15; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Caldier, Callan, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Klicker, Kloba, Kretz, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Ryu, Sandlin, Schmick, Schmidt, Senn, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Bronoske, Chambers, Couture, Dye, Jacobsen, Leavitt, McEntire, Orcutt, Paul, Rule, Santos, Shavers, Timmons, Walsh and Ybarra

Excused: Representatives Chandler, Hansen and Volz

HOUSE BILL NO. 1527, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1663, by Representatives Goehner and Steele**

**Allowing functionally consolidated port districts to adopt a unified levy.**

The bill was read the second time.

Representative Goehner moved the adoption of the striking amendment (298):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 53.08 RCW to read as follows:

(1) Two or more port districts, operating under a mutual agreement pursuant to RCW 53.08.240, may levy and collect jointly the property tax assessments authorized under RCW 53.36.020 under the following conditions:

(a) The port districts are adjacent, and the boundaries of the port districts are coextensive with county boundaries;

(b) The commissioners of each port district have, no later than July 1st, and by at least a two-thirds margin, voted to conduct a joint property tax levy for collection in the following year and for subsequent years, until such time as the commissioners of each port district have voted to discontinue the joint property tax levy;

(c) The joint property tax levy has been approved by a majority of voters at special elections called under RCW 29A.04.330 by the port district commissioners of the port districts that propose to conduct the joint property tax levy. The special elections within each port district must be held on the same day. If the certified election results show that a majority of the total votes cast among all the port districts participating in the special elections approve the joint property tax levy, then the joint levy shall be deemed approved. Once voters have approved the conduct of a joint property tax levy, the conduct of a joint levy in subsequent consecutive years does not require voter approval; and

(d) The joint property tax rate imposed is the same in each participating port district.

(2)(a) Two or more port districts that are jointly levying and collecting property taxes as provided for under subsection (1) of this section are considered a "taxing district" under RCW 84.04.120.

(b) The commissioners of the port districts that are jointly levying and collecting property taxes under subsection (1) of this section are considered the governing body of the districts for the purposes of RCW 84.55.120.

(3)(a) Port districts that are jointly levying and collecting property taxes as

provided for in subsection (1) of this section may not independently conduct a property tax levy under RCW 53.36.020, except as provided in (b) of this subsection.

(b) Port districts conducting a joint levy may independently approve a property tax levy under RCW 53.36.020 to the extent needed to provide for payment of principal and interest on general bonded indebtedness.

(4)(a) Notwithstanding RCW 84.55.035, when conducting a joint property tax levy, the first joint levy amount must be set as provided for in RCW 84.55.020 as if the port districts had consolidated. Subsequent joint levies are subject to the limitations in RCW 84.55.010.

(b) Any increase in the property tax revenue by the jointly taxing port districts may only be authorized pursuant to RCW 84.55.120, except that any such increase must be approved by at least two-thirds of the commissioners of each of the port districts.

(c) Port districts that are jointly levying and collecting property taxes may conduct a levy in an amount exceeding the limitations provided for in chapter 84.55 RCW as provided for in RCW 84.55.050, except that such a levy may only be conducted if approved by a majority of voters in each port district participating in the joint property tax levy.

(5) The separate obligations of each of the port districts conducting a joint property tax levy shall not be affected by the conduct of the joint levy, and shall remain the responsibility of the individual port district subject to the obligation. Taxes and assessments for payment of such obligations shall continue to be levied and collected as provided for in subsection (3) (b) of this section in each port district notwithstanding the joint property tax levy. While any such obligations remain outstanding, funds subject to such obligations shall be kept separate.

(6)(a) In the event that two or more port districts operating under a mutual agreement pursuant to RCW 53.08.240 cease to operate under the agreement, the joint debts and assets of the port districts must be divided as provided for in the agreement. If no provision for such division was made, the debts and assets must be divided amongst the port districts in the same proportion as the property tax assessments were divided amongst the districts.

(b) The first property tax levy conducted by a port district after it ceases to conduct a joint property tax levy with another port district must be set so that the levy does not exceed the port district's proportional share of the last levy jointly conducted with one or more other port districts plus additional increases allowed under RCW 84.55.010.

Correct the title.

Representatives Goehner and Berg spoke in favor of the adoption of the striking amendment.

The striking amendment (298) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goehner and Berg spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1663.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1663, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

ENGROSSED HOUSE BILL NO. 1663, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1268, by Representatives Goodman, Simmons, Walen and Eslick**

#### Concerning sentencing enhancements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1268 was substituted for House Bill No. 1268 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1268 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Hackney spoke in favor of the passage of the bill.

Representatives Mosbrucker, Abbarno, Cheney, Walsh, Walsh (again), Graham, Corry, Chambers, Griffey, Caldier, Maycumber, Connors and Christian spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1268.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1268, and the bill passed the House by the following vote: Yeas, 53; Nays, 42; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu,

Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Chandler, Hansen and Volz

SUBSTITUTE HOUSE BILL NO. 1268, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1530, by Representatives Cortes, Mena, Simmons, Ryu, Davis and Fosse**

#### Expanding eligibility for employment of certain law enforcement and prosecutor office positions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cortes and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1530.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1530, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

HOUSE BILL NO. 1530, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1508, by Representatives Macri, Riccelli, Simmons, Fitzgibbon, Berry, Alvarado, Bateman, Ormsby, Doglio, Reed, Callan, Stonier, Tharinger and Bergquist**

#### Improving consumer affordability through the health care cost transparency board.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1508 was substituted for House Bill No. 1508 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1508 was read the second time.

Representative Macri moved the adoption of amendment (331):

On page 2, line 17, after "benchmark." insert "Such action should be implemented in a progressive manner, such that health care providers and payers are assisted to come into compliance with cost targets, including through technical assistance and performance improvement plans, before assessing fines, unless there are egregious violations."

On page 2, line 33, after "analysis" insert "the provision of technical assistance,"

On page 5, line 14, after "chapters" strike "43.71, 43.71C" and insert "43.70, 43.71, 43.71C, 43.371"

On page 5, line 21, after "state" insert ". The board shall not require reporting of the same or similar data from a payer or health care provider if the data are available from an existing source"

On page 5, line 26, after "benchmark." insert "By July 1, 2024, the authority, in consultation with the board, shall adopt rules governing the health care cost growth benchmark that will be applicable beginning in 2026."

On page 12, beginning on line 24, strike all of section 9 and insert the following:

"NEW SECTION. Sec. 9. A new section is added to chapter 43.71C RCW to read as follows:

Information collected pursuant to this chapter may be shared with the health care cost transparency board established under chapter 70.390 RCW, subject to the same disclosure restrictions applicable under this chapter."

Correct the title.

Representatives Macri and Schmick spoke in favor of the adoption of the amendment.

Amendment (331) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Macri spoke in favor of the passage of the bill.

Representatives Schmick and Harris spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1508.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1508, and the bill passed the House by the following vote: Yeas, 57; Nays, 38; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey,

Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Chandler, Hansen and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1554, by Representatives Doglio, Pollet, Fitzgibbon, Berry, Ramel, Orwall, Ryu, Fosse, Kloba, Macri and Duerr**

**Reducing public health and environmental impacts from lead.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1554 was substituted for House Bill No. 1554 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1554 was read the second time.

With the consent of the House, amendment (123) was withdrawn.

Representative Dent moved the adoption of the striking amendment (280):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that even though lead is a widely recognized hazard to human health and to the environment, and leaded motor vehicle gasoline was phased out across the United States decades ago, leaded gasoline remains in widespread use at general aviation airports by piston engine noncommercial aircraft. Recent studies have found elevated levels of lead in the blood of residents, and particularly worryingly in the blood of children residing in general aviation airport communities, for whom lead is especially harmful to their development. There is consensus among the medical and scientific communities that the levels detected in children living around general airports similar to those in Washington are hazardous. The national academies of sciences, engineering, and medicine in 2015 concluded that lead "is a well-known air pollutant that can lead to a variety of adverse health impacts, including neurological effects in children that lead to behavioral problems, learning deficits, and lowered IQ."

(2) The United States environmental protection agency has recently taken steps towards making an endangerment finding that may eventually lead, through a complex federal regulatory process involving the

United States federal aviation administration, to the elimination of lead from aviation gasoline. That unfolding federal process is too slow to adequately protect those currently living near general aviation airports from the harms of lead.

(3) Therefore, it is the intent of the legislature to take steps to mitigate public health and environmental concerns caused by the use of leaded gasoline at airports, and to encourage the federal aviation administration to expedite the transition to the use of unleaded aviation gasoline.

**NEW SECTION. Sec. 2.** A new section is added to chapter 47.68 RCW to read as follows:

(1) The department must carry out an education and outreach campaign targeted to airport operators and pilots of piston-engine aircraft on the topic of lead emissions from piston-engine aircraft and the disposal of fuel samples from sumping aircraft fuel tanks.

(2) The department, in coordination with the federal aviation administration and an association representing managers of airports in Washington, must develop a bulletin to send to airport operators. The bulletin must offer best practices to build awareness with airport employees, airport-based pilots, transient pilots, fixed base operators, and other on-airport tenants related to the issue of lead emissions from piston-engine aircraft and the handling of leaded aviation fuel.

(3) For purposes of subsections (1) and (2) of this section, the department may rely upon primers, guides, tools, and resources developed for airports or aircraft operators under the eliminate aviation gasoline lead emissions initiative.

(4) The department must develop and communicate to the federal aviation administration a written recommendation to amend their advisory circular on airport master plans to include evaluation of aircraft runup area locations to limit exposure to the public from piston-engine aircraft, with consideration of the 2021 consensus study report from the national academies of sciences, engineering, and medicine entitled "*Options for Removing Lead Emissions from Piston-Engine Aircraft.*"

(5)(a) The department must submit a formal request to the federal aviation administration for the prioritization of efforts to accelerate the work of the initiative to eliminate aviation gasoline lead emissions as part of the federal aviation administration's request in the congressional reauthorization act process pertaining to the federal aviation administration.

(b) The department must cooperate with and participate in aviation trade associations, including trade associations for state aviation officials and airport executive associations, for the purpose of advocating for the acceleration of the initiative to eliminate aviation gasoline lead emissions as part of those organizations' respective legislative priorities for congressional reauthorization

acts pertaining to the federal aviation administration.

(6) The department, in consultation with representatives of airport operators, fixed-base operators, and at least one national association representing general aviation pilots, one national association representing business aviation, and the Washington aviation and aerospace advisory committee must submit recommendations to the appropriate committees of the legislature by December 8, 2023, on:

(a) Financial incentives including, but not limited to, grants, taxes, aircraft registration fees, other fees, and leasehold excise tax reductions, to be provided by the state for leaded aviation fuel reduction; and

(b) Management strategies for airport operators and fixed-base operators, limited fixed-base operators, and businesses operating piston-engine aircraft to pursue programs and projects to acquire equipment, build facilities, or implement operational programs with the goal of reducing emissions from piston-engine aircraft that use leaded aviation fuels.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.70 RCW to read as follows:

The department must update its blood lead testing guidance for health care providers related to children living near airports at which aviation gasoline is used. The update must include children at risk of lead exposure due to airport operations among the high-risk populations broadly recommended for a blood lead test, without respect to the clinical judgment of the health care provider. For purposes of determining which children are at highest risk of lead exposure due to airport operations, the department must consider including children living, attending day care, preschool, or school within one kilometer of a general aviation airport, among other populations. The department must conduct outreach with and provide information to health care providers about the guidance.

**NEW SECTION. Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Doglio moved the adoption of amendment (341) to the striking amendment (280):

On page 2, line 10 of the striking amendment, after "with" insert "communities surrounding general aviation airports at which leaded aviation gasoline is used, with

special emphasis on communities overburdened by air pollution as identified by the department of ecology under chapter 70A.02 RCW or chapter 70A.65 RCW, as well as with"

On page 3, line 17 of the striking amendment, after "fuels" insert "and reducing public health impacts from lead exposures associated with airport operations"

Representatives Doglio, Dent and Christian spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (341) to the striking amendment (280) was adopted.

Representatives Dent and Doglio spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (280), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doglio and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1554.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1554, and the bill passed the House by the following vote: Yeas, 67; Nays, 28; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chapman, Cheney, Chopp, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Simmons, Slatter, Springer, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Calder, Christian, Connors, Corry, Couture, Graham, Griffey, Harris, Hutchins, Klicker, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Shavers, Stearns, Steele, Stokesbary, Walsh, Waters and Wilcox

Excused: Representatives Chandler, Hansen and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1554, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1824, by Representatives Eslick, Chapman and Volz

**Authorizing bona fide charitable or nonprofit organizations to conduct shooting sports and activities sweepstakes.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eslick, Kloba and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1824.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1824, and the bill passed the House by the following vote: Yeas, 90; Nays, 5; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Calder, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Berry, Bronoske, Leavitt, Mena and Senn

Excused: Representatives Chandler, Hansen and Volz

HOUSE BILL NO. 1824, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

#### HOUSE BILL NO. 1187, by Representatives Hackney, Berry, Bateman, Ramel, Doglio, Simmons, Lekanoff, Bronoske, Wylie, Stonier, Pollet and Ormsby

**Concerning privileged communication between employees and the unions that represent them.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1187 was substituted for House Bill No. 1187 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1187 was read the second time.

Representative Robertson moved the adoption of amendment (344):

On page 7, line 18, after "member;" strike "or"

On page 7, line 21, after "agents" insert "; or"

(v) When an admission of, or intent to engage in, criminal conduct is revealed by the represented union member to the union representative"

Representatives Robertson and Hackney spoke in favor of the adoption of the amendment.

Amendment (344) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hackney and Walsh spoke in favor of the passage of the bill.



The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1187.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1187, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1187, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1134, by Representatives Orwall, Bronoske, Peterson, Berry, Ramel, Leavitt, Callan, Doglio, Macri, Caldier, Simmons, Timmons, Reeves, Chopp, Lekanoff, Gregerson, Thai, Paul, Wylie, Stonier, Davis, Kloba, Riccelli, Fosse and Farivar**

**Implementing the 988 behavioral health crisis response and suicide prevention system.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1134 was substituted for House Bill No. 1134 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1134 was read the second time.

Representative Orwall moved the adoption of the striking amendment (312):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.24.025 and 2021 c 302 s 402 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "988 crisis hotline" means the universal telephone number within the United States designated for the purpose of the national suicide prevention and mental health crisis hotline system operating through the national suicide prevention lifeline.

(2) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a

gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program licensed or certified by the department as meeting standards adopted under this chapter.

(5) "Authority" means the Washington state health care authority.

(6) "Available resources" means funds appropriated for the purpose of providing community behavioral health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other behavioral health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(7) "Behavioral health administrative services organization" means an entity contracted with the authority to administer behavioral health services and programs under RCW 71.24.381, including crisis services and administration of chapter 71.05 RCW, the involuntary treatment act, for all individuals in a defined regional service area.

(8) "Behavioral health aide" means a counselor, health educator, and advocate who helps address individual and community-based behavioral health needs, including those related to alcohol, drug, and tobacco abuse as well as mental health problems such as grief, depression, suicide, and related issues and is certified by a community health aide program of the Indian health service or one or more tribes or tribal organizations consistent with the provisions of 25 U.S.C. Sec. 16161 and RCW 43.71B.010 (7) and (8).

(9) "Behavioral health provider" means a person licensed under chapter 18.57, 18.71, 18.71A, 18.83, 18.205, 18.225, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(10) "Behavioral health services" means mental health services as described in this chapter and chapter 71.36 RCW and substance use disorder treatment services as described in this chapter that, depending on the type of service, are provided by licensed or certified behavioral health agencies, behavioral health providers, or integrated into other health care providers.

(11) "Child" means a person under the age of eighteen years.

(12) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the authority by rule consistent with Public Law 92-603, as amended.

(13) "Clubhouse" means a community-based program that provides rehabilitation services and is licensed or certified by the department.

(14) "Community behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and conducted to prevent or treat substance use disorder, mental illness, or both in the community behavioral health system.

(15) "Community behavioral health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental disorders, substance use disorders, or both, as defined under RCW 71.05.020 and receive funding from public sources.

(16) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally or behaviorally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health administrative services organizations.

(17) "Community-based crisis team" means a team that is part of an emergency medical services agency, a fire service agency, a public health agency, a medical facility, or a city or county government entity, other than a law enforcement agency, that provides the on-site community-based interventions of a mobile rapid response crisis team for individuals who are experiencing a behavioral health crisis.

(18) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

~~((18))~~ (19) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a behavioral health administrative services organization, or two or more of the county authorities specified in this subsection which have entered into an agreement to establish a behavioral health administrative services organization.

~~((19) "Crisis call center hub" means a state-designated center participating in the national suicide prevention lifeline network to respond to statewide or regional 988 calls that meets the requirements of RCW 71.24.890.)~~

(20) "Crisis stabilization services" means services such as 23-hour crisis stabilization units based on the living room model, crisis stabilization units as provided in RCW 71.05.020, triage facilities as provided in RCW 71.05.020, short-term respite facilities, peer-run respite services, and same-day walk-in behavioral health services, including within the overall crisis system components that operate like hospital emergency departments that accept all walk-ins, and ambulance, fire, and police drop-offs.

(21) "Department" means the department of health.

(22) "Designated 988 contact hub" means a state-designated contact center that streamlines clinical interventions and access to resources for people experiencing a behavioral health crisis and participates in the national suicide prevention lifeline network to respond to statewide or regional 988 contacts that meets the requirements of RCW 71.24.890.

(23) "Designated crisis responder" has the same meaning as in RCW 71.05.020.

~~((23))~~ (24) "Director" means the director of the authority.

~~((24))~~ (25) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

~~((25))~~ (26) "Early adopter" means a regional service area for which all of the county authorities have requested that the authority purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380 ~~((+6))~~ (7).

~~((26))~~ (27) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those

listed in subsection ~~((27))~~(28) of this section.

~~((27))~~(28) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

~~((28))~~(29) "Indian health care provider" means a health care program operated by the Indian health service or by a tribe, tribal organization, or urban Indian organization as those terms are defined in the Indian health care improvement act (25 U.S.C. Sec. 1603).

~~((29))~~(30) "Intensive behavioral health treatment facility" means a community-based specialized residential treatment facility for individuals with behavioral health conditions, including individuals discharging from or being diverted from state and local hospitals, whose impairment or behaviors do not meet, or no longer meet, criteria for involuntary inpatient commitment under chapter 71.05 RCW, but whose care needs cannot be met in other community-based placement settings.

~~((30))~~(31) "Licensed or certified behavioral health agency" means:

(a) An entity licensed or certified according to this chapter or chapter 71.05 RCW;

(b) An entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department; or

(c) An entity with a tribal attestation that it meets state minimum standards for a licensed or certified behavioral health agency.

~~((31))~~(32) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

~~((32))~~(33) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

~~((33))~~(34) "Managed care organization" means an organization, having a certificate of authority or certificate of registration from the office of the insurance commissioner, that contracts with the

authority under a comprehensive risk contract to provide prepaid health care services to enrollees under the authority's managed care programs under chapter 74.09 RCW.

~~((34))~~(35) "Mental health peer-run respite center" means a peer-run program to serve individuals in need of voluntary, short-term, noncrisis services that focus on recovery and wellness.

~~((35))~~(36) Mental health "treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services or the authority, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, or by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by a person providing treatment services for the entities listed in this subsection, or a treatment facility if the notes or records are not available to others.

~~((36))~~(37) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (2), (12), ~~((44))~~(45), and ~~((45))~~(46) of this section.

~~((37))~~(38) "Mobile rapid response crisis team" means a team that provides professional on-site community-based intervention such as outreach, de-escalation, stabilization, resource connection, and follow-up support for individuals who are experiencing a behavioral health crisis, that shall include certified peer counselors as a best practice to the extent practicable based on workforce availability, and that meets standards for response times established by the authority.

~~((38))~~(39) "Recovery" means a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.

~~((39))~~(40) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection ~~((27))~~(28) of this section but does not meet the full criteria for evidence-based.

~~((40))~~(41) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-

term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, residential treatment facilities, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

~~((41))~~ (42) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

~~((42))~~ (43) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined by a behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated crisis responders, evaluation and treatment facilities, and others as determined by the behavioral health administrative services organization or managed care organization, as applicable.

~~((43))~~ (44) "Secretary" means the secretary of the department of health.

~~((44))~~ (45) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with

the child's personality development and learning.

~~((45))~~ (46) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health administrative services organization or managed care organization, if applicable, to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

~~((46))~~ (47) "State minimum standards" means minimum requirements established by rules adopted and necessary to implement this chapter by:

(a) The authority for:

(i) Delivery of mental health and substance use disorder services; and

(ii) Community support services and resource management services;

(b) The department of health for:

(i) Licensed or certified behavioral health agencies for the purpose of providing mental health or substance use disorder programs and services, or both;

(ii) Licensed behavioral health providers for the provision of mental health or substance use disorder services, or both; and

(iii) Residential services.

~~((47))~~ (48) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

~~((48))~~ (49) "Tribe," for the purposes of this section, means a federally recognized Indian tribe.

**Sec. 2.** RCW 71.24.037 and 2019 c 446 s 23 and 2019 c 325 s 1007 are each reenacted and amended to read as follows:

(1) The secretary shall license or certify any agency or facility that: (a) Submits payment of the fee established under RCW 43.70.110 and 43.70.250; (b) submits a complete application that demonstrates the ability to comply with requirements for operating and maintaining an agency or facility in statute or rule; and (c) successfully completes the prelicensure inspection requirement.

(2) The secretary shall establish by rule minimum standards for licensed or certified behavioral health agencies that must, at a minimum, establish: (a) Qualifications for staff providing services directly to persons with mental disorders, substance use disorders, or both; (b) the intended result of each service; and (c) the rights and responsibilities of persons receiving behavioral health services pursuant to this chapter and chapter 71.05 RCW. The secretary shall provide for deeming of licensed or certified behavioral health agencies as meeting state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department.

(3) The department shall review reports or other information alleging a failure to comply with this chapter or the standards and rules adopted under this chapter and may initiate investigations and enforcement actions based on those reports.

(4) The department shall conduct inspections of agencies and facilities, including reviews of records and documents required to be maintained under this chapter or rules adopted under this chapter.

(5) The department may suspend, revoke, limit, restrict, or modify an approval, or refuse to grant approval, for failure to meet the provisions of this chapter, or the standards adopted under this chapter. RCW 43.70.115 governs notice of a license or certification denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(6) No licensed or certified behavioral health ~~((service provider))~~agency may advertise or represent itself as a licensed or certified behavioral health ~~((service provider))~~agency if approval has not been granted or has been denied, suspended, revoked, or canceled.

(7) Licensure or certification as a behavioral health ~~((service provider))~~agency is effective for one calendar year from the date of issuance of the license or certification. The license or certification must specify the types of services provided by the behavioral health ~~((service provider))~~agency that meet the standards adopted under this chapter. Renewal of a license or certification must be made in accordance with this section for initial approval and in accordance with the standards set forth in rules adopted by the secretary.

(8) Licensure or certification as a licensed or certified behavioral health ~~((service provider))~~agency must specify the types of services provided that meet the

standards adopted under this chapter. Renewal of a license or certification must be made in accordance with this section for initial approval and in accordance with the standards set forth in rules adopted by the secretary.

(9) The department shall develop a process by which a provider may obtain dual licensure as an evaluation and treatment facility and secure withdrawal management and stabilization facility.

(10) Licensed or certified behavioral health ~~((service providers))~~agencies may not provide types of services for which the licensed or certified behavioral health ~~((service provider))~~agency has not been certified. Licensed or certified behavioral health ~~((service providers))~~agencies may provide services for which approval has been sought and is pending, if approval for the services has not been previously revoked or denied.

(11) The department periodically shall inspect licensed or certified behavioral health ~~((service providers))~~agencies at reasonable times and in a reasonable manner.

(12) Upon petition of the department and after a hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the department authorizing him or her to enter and inspect at reasonable times, and examine the books and accounts of, any licensed or certified behavioral health ~~((service provider))~~agency refusing to consent to inspection or examination by the department or which the department has reasonable cause to believe is operating in violation of this chapter.

(13) The department shall maintain and periodically publish a current list of licensed or certified behavioral health ~~((service providers))~~agencies.

(14) Each licensed or certified behavioral health ~~((service provider))~~agency shall file with the department or the authority upon request, data, statistics, schedules, and information the department or the authority reasonably requires. A licensed or certified behavioral health ~~((service provider))~~agency that without good cause fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent returns thereof, may have its license or certification revoked or suspended.

(15) The authority shall use the data provided in subsection (14) of this section to evaluate each program that admits children to inpatient substance use disorder treatment upon application of their parents. The evaluation must be done at least once every twelve months. In addition, the authority shall randomly select and review the information on individual children who are admitted on application of the child's parent for the purpose of determining whether the child was appropriately placed into substance use disorder treatment based on an objective evaluation of the child's condition and the outcome of the child's treatment.

(16) Any settlement agreement entered into between the department and licensed or certified behavioral health ~~((service providers))~~agencies to resolve

administrative complaints, license or certification violations, license or certification suspensions, or license or certification revocations may not reduce the number of violations reported by the department unless the department concludes, based on evidence gathered by inspectors, that the licensed or certified behavioral health ((service provider))agency did not commit one or more of the violations.

(17) In cases in which a behavioral health ((service provider))agency that is in violation of licensing or certification standards attempts to transfer or sell the behavioral health ((service provider))agency to a family member, the transfer or sale may only be made for the purpose of remedying license or certification violations and achieving full compliance with the terms of the license or certification. Transfers or sales to family members are prohibited in cases in which the purpose of the transfer or sale is to avoid liability or reset the number of license or certification violations found before the transfer or sale. If the department finds that the owner intends to transfer or sell, or has completed the transfer or sale of, ownership of the behavioral health ((service provider))agency to a family member solely for the purpose of resetting the number of violations found before the transfer or sale, the department may not renew the behavioral health ((service provider's))agency's license or certification or issue a new license or certification to the behavioral health service provider.

(18) Every licensed or certified outpatient behavioral health agency shall display the 988 crisis hotline number in common areas of the premises and include the number as a calling option on any phone message for persons calling the agency after business hours.

(19) Every licensed or certified inpatient or residential behavioral health agency must include the 988 crisis hotline number in the discharge summary provided to individuals being discharged from inpatient or residential services.

**NEW SECTION. Sec. 3.** A new section is added to chapter 71.24 RCW to read as follows:

The department shall develop informational materials and a social media campaign related to the 988 crisis hotline, including call, text, and chat options, and other crisis hotline lines for veterans, American Indians and Alaska Natives, and other populations. The informational materials must include appropriate information for persons seeking services at behavioral health clinics and medical clinics, as well as media audiences and students at K-12 schools and higher education institutions. The department shall make the informational materials available to behavioral health clinics, medical clinics, media, K-12 schools, higher education institutions, and other relevant settings. The informational materials shall be made available to professionals during training in suicide assessment, treatment,

and management under RCW 43.70.442. To tailor the messages of the informational materials and the social media campaign, the department must consult with tribes, the American Indian health commission of Washington state, the native and strong lifeline, the Washington state department of veterans affairs, representatives of agricultural communities, and persons with lived experience related to mental health issues, substance use disorder issues, a suicide attempt, or a suicide loss.

**Sec. 4.** RCW 43.70.442 and 2020 c 229 s 1 and 2020 c 80 s 30 are each reenacted and amended to read as follows:

(1)(a) Each of the following professionals certified or licensed under Title 18 RCW shall, at least once every six years, complete training in suicide assessment, treatment, and management that is approved, in rule, by the relevant disciplining authority:

(i) An adviser or counselor certified under chapter 18.19 RCW;

(ii) A substance use disorder professional licensed under chapter 18.205 RCW;

(iii) A marriage and family therapist licensed under chapter 18.225 RCW;

(iv) A mental health counselor licensed under chapter 18.225 RCW;

(v) An occupational therapy practitioner licensed under chapter 18.59 RCW;

(vi) A psychologist licensed under chapter 18.83 RCW;

(vii) An advanced social worker or independent clinical social worker licensed under chapter 18.225 RCW; and

(viii) A social worker associate—advanced or social worker associate— independent clinical licensed under chapter 18.225 RCW.

(b) The requirements in (a) of this subsection apply to a person holding a retired active license for one of the professions in (a) of this subsection.

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (1)(d) affects the validity of training completed prior to July 1, 2017.

(2)(a) Except as provided in (b) of this subsection:

(i) A professional listed in subsection (1)(a) of this section must complete the first training required by this section by the end of the first full continuing education reporting period after January 1, 2014, or during the first full continuing education reporting period after initial licensure or certification, whichever occurs later.

(ii) Beginning July 1, 2021, the second training for a psychologist, a marriage and

family therapist, a mental health counselor, an advanced social worker, an independent clinical social worker, a social worker associate-advanced, or a social worker associate-independent clinical must be either: (A) An advanced training focused on suicide management, suicide care protocols, or effective treatments; or (B) a training in a treatment modality shown to be effective in working with people who are suicidal, including dialectical behavior therapy, collaborative assessment and management of suicide risk, or cognitive behavior therapy-suicide prevention. If a professional subject to the requirements of this subsection has already completed the professional's second training prior to July 1, 2021, the professional's next training must comply with this subsection. This subsection (2)(a)(ii) does not apply if the licensee demonstrates that the training required by this subsection (2)(a)(ii) is not reasonably available.

(b)(i) A professional listed in subsection (1)(a) of this section applying for initial licensure may delay completion of the first training required by this section for six years after initial licensure if he or she can demonstrate successful completion of the training required in subsection (1) of this section no more than six years prior to the application for initial licensure.

(ii) Beginning July 1, 2021, a psychologist, a marriage and family therapist, a mental health counselor, an advanced social worker, an independent clinical social worker, a social worker associate-advanced, or a social worker associate-independent clinical exempt from his or her first training under (b)(i) of this subsection must comply with the requirements of (a)(ii) of this subsection for his or her first training after initial licensure. If a professional subject to the requirements of this subsection has already completed the professional's first training after initial licensure, the professional's next training must comply with this subsection (2)(b)(ii). This subsection (2)(b)(ii) does not apply if the licensee demonstrates that the training required by this subsection (2)(b)(ii) is not reasonably available.

(3) The hours spent completing training in suicide assessment, treatment, and management under this section count toward meeting any applicable continuing education or continuing competency requirements for each profession.

(4)(a) A disciplining authority may, by rule, specify minimum training and experience that is sufficient to exempt an individual professional from the training requirements in subsections (1) and (5) of this section. Nothing in this subsection (4)(a) allows a disciplining authority to provide blanket exemptions to broad categories or specialties within a profession.

(b) A disciplining authority may exempt a professional from the training requirements of subsections (1) and (5) of this section if the professional has only brief or limited patient contact.

(5)(a) Each of the following professionals credentialed under Title 18 RCW shall complete a one-time training in suicide assessment, treatment, and management that is approved by the relevant disciplining authority:

(i) A chiropractor licensed under chapter 18.25 RCW;

(ii) A naturopath licensed under chapter 18.36A RCW;

(iii) A licensed practical nurse, registered nurse, or advanced registered nurse practitioner, other than a certified registered nurse anesthetist, licensed under chapter 18.79 RCW;

(iv) An osteopathic physician and surgeon licensed under chapter 18.57 RCW, other than a holder of a postgraduate osteopathic medicine and surgery license issued under RCW 18.57.035;

(v) A physical therapist or physical therapist assistant licensed under chapter 18.74 RCW;

(vi) A physician licensed under chapter 18.71 RCW, other than a resident holding a limited license issued under RCW 18.71.095(3);

(vii) A physician assistant licensed under chapter 18.71A RCW;

(viii) A pharmacist licensed under chapter 18.64 RCW;

(ix) A dentist licensed under chapter 18.32 RCW;

(x) A dental hygienist licensed under chapter 18.29 RCW;

(xi) An athletic trainer licensed under chapter 18.250 RCW;

(xii) An optometrist licensed under chapter 18.53 RCW;

(xiii) An acupuncture and Eastern medicine practitioner licensed under chapter 18.06 RCW; and

(xiv) A person holding a retired active license for one of the professions listed in (a)(i) through (xiii) of this subsection.

(b)(i) A professional listed in (a)(i) through (vii) of this subsection or a person holding a retired active license for one of the professions listed in (a)(i) through (vii) of this subsection must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2016, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between June 12, 2014, and January 1, 2016, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(ii) A licensed pharmacist or a person holding a retired active pharmacist license must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2017, or during the first full continuing education reporting period after initial licensure, whichever is later.

(iii) A licensed dentist, a licensed dental hygienist, or a person holding a retired active license as a dentist shall complete the one-time training by the end of the full continuing education reporting period after August 1, 2020, or during the

first full continuing education reporting period after initial licensure, whichever is later. Training completed between July 23, 2017, and August 1, 2020, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b)(iii), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(iv) A licensed optometrist or a licensed acupuncture and Eastern medicine practitioner, or a person holding a retired active license as an optometrist or an acupuncture and Eastern medicine practitioner, shall complete the one-time training by the end of the full continuing education reporting period after August 1, 2021, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between August 1, 2020, and August 1, 2021, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b)(iv), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (5)(d) affects the validity of training completed prior to July 1, 2017.

(6)(a) The secretary and the disciplining authorities shall work collaboratively to develop a model list of training programs in suicide assessment, treatment, and management. Beginning July 1, 2021, for purposes of subsection (2)(a)(ii) of this section, the model list must include advanced training and training in treatment modalities shown to be effective in working with people who are suicidal.

(b) The secretary and the disciplining authorities shall update the list at least once every two years.

(c) By June 30, 2016, the department shall adopt rules establishing minimum standards for the training programs included on the model list. The minimum standards must require that six-hour trainings include content specific to veterans and the assessment of issues related to imminent harm via lethal means or self-injurious behaviors and that three-hour trainings for pharmacists or dentists include content related to the assessment of issues related to imminent harm via lethal means. By July 1, 2024, the minimum standards must be updated to require that both the six-hour and three-hour trainings include content specific to the availability of and the services offered by the 988 crisis hotline and the behavioral health crisis response and suicide prevention system and best practices for assisting persons with

accessing the 988 crisis hotline and the system. Beginning September 1, 2024, trainings submitted to the department for review and approval must include the updated information in the minimum standards for the model list as well as all subsequent submissions. When adopting the rules required under this subsection (6)(c), the department shall:

(i) Consult with the affected disciplining authorities, public and private institutions of higher education, educators, experts in suicide assessment, treatment, and management, the Washington department of veterans affairs, and affected professional associations; and

(ii) Consider standards related to the best practices registry of the American foundation for suicide prevention and the suicide prevention resource center.

(d) Beginning January 1, 2017:

(i) The model list must include only trainings that meet the minimum standards established in the rules adopted under (c) of this subsection and any three-hour trainings that met the requirements of this section on or before July 24, 2015;

(ii) The model list must include six-hour trainings in suicide assessment, treatment, and management, and three-hour trainings that include only screening and referral elements; and

(iii) A person or entity providing the training required in this section may petition the department for inclusion on the model list. The department shall add the training to the list only if the department determines that the training meets the minimum standards established in the rules adopted under (c) of this subsection.

(e) By January 1, 2021, the department shall adopt minimum standards for advanced training and training in treatment modalities shown to be effective in working with people who are suicidal. Beginning July 1, 2021, all such training on the model list must meet the minimum standards. When adopting the minimum standards, the department must consult with the affected disciplining authorities, public and private institutions of higher education, educators, experts in suicide assessment, treatment, and management, the Washington department of veterans affairs, and affected professional associations.

(7) The department shall provide the health profession training standards created in this section to the professional educator standards board as a model in meeting the requirements of RCW 28A.410.226 and provide technical assistance, as requested, in the review and evaluation of educator training programs. The educator training programs approved by the professional educator standards board may be included in the department's model list.

(8) Nothing in this section may be interpreted to expand or limit the scope of practice of any profession regulated under chapter 18.130 RCW.

(9) The secretary and the disciplining authorities affected by this section shall adopt any rules necessary to implement this section.

(10) For purposes of this section:



(a) "Disciplining authority" has the same meaning as in RCW 18.130.020.

(b) "Training in suicide assessment, treatment, and management" means empirically supported training approved by the appropriate disciplining authority that contains the following elements: Suicide assessment, including screening and referral, suicide treatment, and suicide management. However, the disciplining authority may approve training that includes only screening and referral elements if appropriate for the profession in question based on the profession's scope of practice. The board of occupational therapy may also approve training that includes only screening and referral elements if appropriate for occupational therapy practitioners based on practice setting.

(11) A state or local government employee is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

(12) An employee of a community mental health agency licensed under chapter 71.24 RCW or a chemical dependency program certified under chapter 71.24 RCW is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

**Sec. 5.** RCW 71.24.890 and 2021 c 302 s 102 are each amended to read as follows:

(1) Establishing the state ~~((crisis call center))~~designated 988 contact hubs and enhancing the crisis response system will require collaborative work between the department and the authority within their respective roles. The department shall have primary responsibility for establishing and designating the ~~((crisis call center))~~designated 988 contact hubs. The authority shall have primary responsibility for developing and implementing the crisis response system and services to support the work of the ~~((crisis call center))~~designated 988 contact hubs. In any instance in which one agency is identified as the lead, the expectation is that agency will be communicating and collaborating with the other to ensure seamless, continuous, and effective service delivery within the statewide crisis response system.

(2) The department shall provide adequate funding for the state's crisis call centers to meet an expected increase in the use of the call centers based on the implementation of the 988 crisis hotline. The funding level shall be established at a level anticipated to achieve an in-state call response rate of at least 90 percent by July 22, 2022. The funding level shall be determined by considering standards and cost per call

predictions provided by the administrator of the national suicide prevention lifeline, call volume predictions, guidance on crisis call center performance metrics, and necessary technology upgrades. In contracting with the crisis call centers, the department:

(a) May provide funding to support crisis call centers and designated 988 contact hubs to enter into limited on-site partnerships with the public safety answering point to increase the coordination and transfer of behavioral health calls received by certified public safety telecommunicators that are better addressed by clinic interventions provided by the 988 system. Tax revenue may be used to support on-site partnerships;

(b) Shall require that crisis call centers enter into data-sharing agreements, when appropriate, with the department, the authority, and applicable regional behavioral health administrative services organizations to provide reports and client level data regarding 988 crisis hotline calls, as allowed by and in compliance with existing federal and state law governing the sharing and use of protected health information, including dispatch time, arrival time, and disposition of the outreach for each call referred for outreach by each region. The department and the authority shall establish requirements that the crisis call centers report the data identified in this subsection (2)(b) to regional behavioral health administrative services organizations for the purposes of maximizing medicaid reimbursement, as appropriate, and implementing this chapter and chapters 71.05 and 71.34 RCW including, but not limited to, administering crisis services for the assigned regional service area, contracting with a sufficient number or licensed or certified providers for crisis services, establishing and maintaining quality assurance processes, maintaining patient tracking, and developing and implementing strategies to coordinate care for individuals with a history of frequent crisis system utilization.

(3) The department shall adopt rules by ~~((July))~~January 1, ((2023))2025, to establish standards for designation of crisis call centers as ~~((crisis call center))~~designated 988 contact hubs. The department shall collaborate with the authority and other agencies to assure coordination and availability of services, and shall consider national guidelines for behavioral health crisis care as determined by the federal substance abuse and mental health services administration, national behavioral health accrediting bodies, and national behavioral health provider associations to the extent they are appropriate, and recommendations from the crisis response improvement strategy committee created in RCW 71.24.892.

(4) The department shall designate ~~((crisis call center))~~designated 988 contact hubs by ~~((July))~~January 1, ((2024))2026. The ~~((crisis call center))~~designated 988 contact hubs shall provide crisis intervention services, triage, care coordination, referrals, and connections to individuals contacting the 988 crisis hotline from any

jurisdiction within Washington 24 hours a day, seven days a week, using the system platform developed under subsection (5) of this section.

(a) To be designated as a ~~((crisis call center))~~ designated 988 contact hub, the applicant must demonstrate to the department the ability to comply with the requirements of this section and to contract to provide ~~((crisis call center))~~ designated 988 contact hub services. The department may revoke the designation of any ~~((crisis call center))~~ designated 988 contact hub that fails to substantially comply with the contract.

(b) The contracts entered shall require designated ~~((crisis call center))~~ 988 contact hubs to:

(i) Have an active agreement with the administrator of the national suicide prevention lifeline for participation within its network;

(ii) Meet the requirements for operational and clinical standards established by the department and based upon the national suicide prevention lifeline best practices guidelines and other recognized best practices;

(iii) Employ highly qualified, skilled, and trained clinical staff who have sufficient training and resources to provide empathy to callers in acute distress, de-escalate crises, assess behavioral health disorders and suicide risk, triage to system partners for callers that need additional clinical interventions, and provide case management and documentation. Call center staff shall be trained to make every effort to resolve cases in the least restrictive environment and without law enforcement involvement whenever possible. Call center staff shall coordinate with certified peer counselors to provide follow-up and outreach to callers in distress as available. It is intended for transition planning to include a pathway for continued employment and skill advancement as needed for experienced crisis call center employees;

(iv) Train employees to screen persons contacting the designated 988 contact hub to determine if they are associated with the agricultural community and if they prefer to be connected to a crisis hotline that specializes in working with members from the agricultural community. The training shall prepare staff to be able to provide appropriate assessments, interventions, and resources to members of the agricultural community in a way that maintains the anonymity of the person making contact;

(v) Prominently display 988 crisis hotline information on their websites, including a description of what the caller should expect when contacting the crisis call center and a description of the various options available to the caller, including call lines specialized in the behavioral health needs of veterans, American Indian and Alaska Native persons, Spanish-speaking persons, LGBTQ populations, and persons connected with the agricultural community;

(vi) Collaborate with the authority, the national suicide prevention lifeline, and veterans crisis line networks to assure consistency of public messaging about the 988 crisis hotline; ~~((and~~

~~((v))~~ (vii) Develop and submit to the department protocols between the designated 988 contact hub and 911 call centers within the region in which the designated crisis call center operates and receive approval of the protocols by the department and the state 911 coordination office;

(viii) Develop, in collaboration with the region's behavioral health administrative services organizations, and jointly submit to the authority protocols related to the dispatching of mobile rapid response crisis teams and community-based crisis teams endorsed under section 8 of this act and receive approval of the protocols by the authority;

(ix) Provide data and reports and participate in evaluations and related quality improvement activities, according to standards established by the department in collaboration with the authority. The data must include deidentified information regarding the number of contacts connected to the agricultural community and the nature of those contacts; and

(x) Enter into data-sharing agreements with the department, the authority, and applicable regional behavioral health administrative services organizations to provide reports and client level data regarding 988 crisis hotline calls, including dispatch time, arrival time, and disposition of the outreach for each call referred for outreach by each region. The department and the authority shall establish requirements that the designated 988 contact hubs report the data identified in this subsection (4)(b)(x) to regional behavioral health administrative services organizations for the purposes of maximizing medicaid reimbursement, as appropriate, and implementing this chapter and chapters 71.05 and 71.34 RCW including, but not limited to, administering crisis services for the assigned regional service area, contracting with a sufficient number or licensed or certified providers for crisis services, establishing and maintaining quality assurance processes, maintaining patient tracking, and developing and implementing strategies to coordinate care for individuals with a history of frequent crisis system utilization.

(c) The department and the authority shall incorporate recommendations from the crisis response improvement strategy committee created under RCW 71.24.892 in its agreements with ~~((crisis call center))~~ designated 988 contact hubs, as appropriate.

(5) The department and authority must coordinate to develop the technology and platforms necessary to manage and operate the behavioral health crisis response and suicide prevention system. The department and the authority must include the crisis call centers and designated 988 contact hubs in the decision-making process for selecting any technology platforms that will be used to operate the system. No decisions made by the department or the authority shall interfere with the routing of the 988 crisis hotline calls, texts, or chat as part of Washington's active agreement with the administrator of the national suicide prevention lifeline or 988 administrator

that routes 988 contacts into Washington's system. The technologies developed must include:

(a) A new technologically advanced behavioral health and suicide prevention crisis call center system platform ((using technology demonstrated to be interoperable across crisis and emergency response systems used throughout the state, such as 911 systems, emergency medical services systems, and other nonbehavioral health crisis services)) for use in ((crisis call center)) designated 988 contact hubs designated by the department under subsection (4) of this section. This platform, which shall be fully funded by July 1, ((2023))2024, shall be developed by the department and must include the capacity to receive crisis assistance requests through phone calls, texts, chats, and other similar methods of communication that may be developed in the future that promote access to the behavioral health crisis system; and

(b) A behavioral health integrated client referral system capable of providing system coordination information to ((crisis call center)) designated 988 contact hubs and the other entities involved in behavioral health care. This system shall be developed by the authority.

(6) In developing the new technologies under subsection (5) of this section, the department and the authority must coordinate to designate a primary technology system to provide each of the following:

(a) Access to real-time information relevant to the coordination of behavioral health crisis response and suicide prevention services, including:

(i) Real-time bed availability for all behavioral health bed types, including but not limited to crisis stabilization services, triage facilities, psychiatric inpatient, substance use disorder inpatient, withdrawal management, peer-run respite centers, and crisis respite services, inclusive of both voluntary and involuntary beds, for use by crisis response workers, first responders, health care providers, emergency departments, and individuals in crisis; and

(ii) Real-time information relevant to the coordination of behavioral health crisis response and suicide prevention services for a person, including the means to access:

(A) Information about any less restrictive alternative treatment orders or mental health advance directives related to the person; and

(B) Information necessary to enable the ((crisis call center)) designated 988 contact hub to actively collaborate with emergency departments, primary care providers and behavioral health providers within managed care organizations, behavioral health administrative services organizations, and other health care payers to establish a safety plan for the person in accordance with best practices and provide the next steps for the person's transition to follow-up noncrisis care. To establish information-sharing guidelines that fulfill the intent of this section the authority shall consider input from the confidential information compliance and coordination subcommittee established under RCW 71.24.892;

~~((b) The means to request deployment of appropriate crisis response services, which may include mobile rapid response crisis teams, co-responder teams, designated crisis responders, fire department mobile integrated health teams, or community assistance referral and educational services programs under RCW 35.21.930, according to best practice guidelines established by the authority, and track local response through global positioning technology; and~~

~~((e))~~ The means to track the outcome of the 988 call to enable appropriate follow up, cross-system coordination, and accountability, including as appropriate: (i) Any immediate services dispatched and reports generated from the encounter; (ii) the validation of a safety plan established for the caller in accordance with best practices; (iii) the next steps for the caller to follow in transition to noncrisis follow-up care, including a next-day appointment for callers experiencing urgent, symptomatic behavioral health care needs; and (iv) the means to verify and document whether the caller was successful in making the transition to appropriate noncrisis follow-up care indicated in the safety plan for the person, to be completed either by the care coordinator provided through the person's managed care organization, health plan, or behavioral health administrative services organization, or if such a care coordinator is not available or does not follow through, by the staff of the ((crisis call center)) designated 988 contact hub;

~~((d))~~ (c) A means to facilitate actions to verify and document whether the person's transition to follow up noncrisis care was completed and services offered, to be performed by a care coordinator provided through the person's managed care organization, health plan, or behavioral health administrative services organization, or if such a care coordinator is not available or does not follow through, by the staff of the ((crisis call center)) designated 988 contact hub;

~~((e))~~ (d) The means to provide geographically, culturally, and linguistically appropriate services to persons who are part of high-risk populations or otherwise have need of specialized services or accommodations, and to document these services or accommodations; and

~~((f))~~ (e) When appropriate, consultation with tribal governments to ensure coordinated care in government-to-government relationships, and access to dedicated services to tribal members.

(7) ~~((To implement this section the department and the authority shall collaborate with the state enhanced 911 coordination office, emergency management division, and military department to develop technology that is demonstrated to be interoperable between the 988 crisis hotline system and crisis and emergency response systems used throughout the state, such as 911 systems, emergency medical services systems, and other nonbehavioral health crisis services, as well as the national suicide prevention lifeline, to assure cohesive interoperability, develop training programs and operations for both 911 public~~

~~safety telecommunicators and crisis line workers, develop suicide and other behavioral health crisis assessments and intervention strategies, and establish efficient and equitable access to resources via crisis hotlines.~~

~~(8))~~ The authority shall:

(a) Collaborate with county authorities and behavioral health administrative services organizations to develop procedures to dispatch behavioral health crisis services in coordination with ~~((crisis call center))~~ designated 988 contact hubs to effectuate the intent of this section;

(b) Establish formal agreements with managed care organizations and behavioral health administrative services organizations by January 1, 2023, to provide for the services, capacities, and coordination necessary to effectuate the intent of this section, which shall include a requirement to arrange next-day appointments for persons contacting the 988 crisis hotline experiencing urgent, symptomatic behavioral health care needs with geographically, culturally, and linguistically appropriate primary care or behavioral health providers within the person's provider network, or, if uninsured, through the person's behavioral health administrative services organization;

(c) Create best practices guidelines by July 1, 2023, for deployment of appropriate and available crisis response services by ~~((crisis call center))~~ designated 988 contact hubs to assist 988 hotline callers to minimize nonessential reliance on emergency room services and the use of law enforcement, considering input from relevant stakeholders and recommendations made by the crisis response improvement strategy committee created under RCW 71.24.892;

(d) Develop procedures to allow appropriate information sharing and communication between and across crisis and emergency response systems for the purpose of real-time crisis care coordination including, but not limited to, deployment of crisis and outgoing services, follow-up care, and linked, flexible services specific to crisis response; ~~((and))~~

(e) Establish guidelines to appropriately serve high-risk populations who request crisis services. The authority shall design these guidelines to promote behavioral health equity for all populations with attention to circumstances of race, ethnicity, gender, socioeconomic status, sexual orientation, and geographic location, and include components such as training requirements for call response workers, policies for transferring such callers to an appropriate specialized center or subnetwork within or external to the national suicide prevention lifeline network, and procedures for referring persons who access the 988 crisis hotline to linguistically and culturally competent care; and

(f) Monitor trends in 988 crisis hotline caller data, as reported by designated 988 contact hubs in subsection (4)(b)(x) of this section and submit an annual report to the governor and the appropriate committees of the legislature summarizing the data and trends in the information beginning December 1, 2027.

**Sec. 6.** RCW 71.24.892 and 2021 c 302 s 103 are each amended to read as follows:

(1) The crisis response improvement strategy committee is established for the purpose of providing advice in developing an integrated behavioral health crisis response and suicide prevention system containing the elements described in this section. The work of the committee shall be received and reviewed by a steering committee, which shall in turn form subcommittees to provide the technical analysis and input needed to formulate system change recommendations.

(2) The ~~((office of financial management shall contract with the))~~ behavioral health institute at Harborview medical center ~~((to))~~ shall facilitate and provide staff support to the steering committee and to the crisis response improvement strategy committee. The behavioral health institute may contract for the provision of these services.

(3) The steering committee shall consist of the five members specified as serving on the steering committee in this subsection and one additional member who has been appointed to serve pursuant to the criteria in either (j), (k), (l), or (m) of this subsection. The steering committee shall select three cochairs from among its members to lead the crisis response improvement strategy committee. The crisis response improvement strategy committee shall consist of the following members, who shall be appointed or requested by the authority, unless otherwise noted:

(a) The director of the authority, or his or her designee, who shall also serve on the steering committee;

(b) The secretary of the department, or his or her designee, who shall also serve on the steering committee;

(c) A member representing the office of the governor, who shall also serve on the steering committee;

(d) The Washington state insurance commissioner, or his or her designee;

(e) Up to two members representing federally recognized tribes, one from eastern Washington and one from western Washington, who have expertise in behavioral health needs of their communities;

(f) One member from each of the two largest caucuses of the senate, one of whom shall also be designated to participate on the steering committee, to be appointed by the president of the senate;

(g) One member from each of the two largest caucuses of the house of representatives, one of whom shall also be designated to participate on the steering committee, to be appointed by the speaker of the house of representatives;

(h) The director of the Washington state department of veterans affairs, or his or her designee;

(i) The state ~~((enhanced))~~ 911 coordinator, or his or her designee;

(j) A member with lived experience of a suicide attempt;

(k) A member with lived experience of a suicide loss;

(l) A member with experience of participation in the crisis system related to lived experience of a mental health disorder;

(m) A member with experience of participation in the crisis system related to lived experience with a substance use disorder;

(n) A member representing each crisis call center in Washington that is contracted with the national suicide prevention lifeline;

(o) Up to two members representing behavioral health administrative services organizations, one from an urban region and one from a rural region;

(p) A member representing the Washington council for behavioral health;

(q) A member representing the association of alcoholism and addiction programs of Washington state;

(r) A member representing the Washington state hospital association;

(s) A member representing the national alliance on mental illness Washington;

(t) A member representing the behavioral health interests of persons of color recommended by Sea Mar community health centers;

(u) A member representing the behavioral health interests of persons of color recommended by Asian counseling and referral service;

(v) A member representing law enforcement;

(w) A member representing a university-based suicide prevention center of excellence;

(x) A member representing an emergency medical services department with a CARES program;

(y) A member representing medicaid managed care organizations, as recommended by the association of Washington healthcare plans;

(z) A member representing commercial health insurance, as recommended by the association of Washington healthcare plans;

(aa) A member representing the Washington association of designated crisis responders;

(bb) A member representing the children and youth behavioral health work group;

(cc) A member representing a social justice organization addressing police accountability and the use of deadly force; and

(dd) A member representing an organization specializing in facilitating behavioral health services for LGBTQ populations.

(4) The crisis response improvement strategy committee shall assist the steering committee to identify potential barriers and make recommendations necessary to implement and effectively monitor the progress of the 988 crisis hotline in Washington and make recommendations for the statewide improvement of behavioral health crisis response and suicide prevention services.

(5) The steering committee must develop a comprehensive assessment of the behavioral health crisis response and suicide prevention services system by January 1, 2022, including an inventory of existing statewide and regional behavioral health crisis response, suicide prevention, and crisis stabilization services and resources, and taking into account capital projects which are planned and funded. The comprehensive assessment shall identify:

(a) Statewide and regional insufficiencies and gaps in behavioral health crisis response and suicide prevention services and resources needed to meet population needs;

(b) Quantifiable goals for the provision of statewide and regional behavioral health crisis services and targeted deployment of resources, which consider factors such as reported rates of involuntary commitment detentions, single-bed certifications, suicide attempts and deaths, substance use disorder-related overdoses, overdose or withdrawal-related deaths, and incarcerations due to a behavioral health incident;

(c) A process for establishing outcome measures, benchmarks, and improvement targets, for the crisis response system; and

(d) Potential funding sources to provide statewide and regional behavioral health crisis services and resources.

(6) The steering committee, taking into account the comprehensive assessment work under subsection (5) of this section as it becomes available, after discussion with the crisis response improvement strategy committee and hearing reports from the subcommittees, shall report on the following:

(a) A recommended vision for an integrated crisis network in Washington that includes, but is not limited to: An integrated 988 crisis hotline and (~~crisis call center~~) designated 988 contact hubs; mobile rapid response crisis teams and community-based crisis teams endorsed under section 8 of this act; mobile crisis response units for youth, adult, and geriatric population; a range of crisis stabilization services; an integrated involuntary treatment system; access to peer-run services, including peer-run respite centers; adequate crisis respite services; and data resources;

(b) Recommendations to promote equity in services for individuals of diverse circumstances of culture, race, ethnicity, gender, socioeconomic status, sexual orientation, and for individuals in tribal, urban, and rural communities;

(c) Recommendations for a work plan with timelines to implement appropriate local responses to calls to the 988 crisis hotline within Washington in accordance with the time frames required by the national suicide hotline designation act of 2020;

(d) The necessary components of each of the new technologically advanced behavioral health crisis call center system platform and the new behavioral health integrated client referral system, as provided under RCW 71.24.890, for assigning and tracking response to behavioral health crisis calls and providing real-time bed and outpatient appointment availability to 988 operators, emergency departments, designated crisis responders, and other behavioral health crisis responders, which shall include but not be limited to:

(i) Identification of the components (~~crisis call center~~) that designated 988 contact hub staff need to effectively coordinate crisis response services and find available beds and available primary care

and behavioral health outpatient appointments;

(ii) Evaluation of existing bed tracking models currently utilized by other states and identifying the model most suitable to Washington's crisis behavioral health system;

(iii) Evaluation of whether bed tracking will improve access to all behavioral health bed types and other impacts and benefits; and

(iv) Exploration of how the bed tracking and outpatient appointment availability platform can facilitate more timely access to care and other impacts and benefits;

(e) The necessary systems and capabilities that licensed or certified behavioral health agencies, behavioral health providers, and any other relevant parties will require to report, maintain, and update inpatient and residential bed and outpatient service availability in real time to correspond with the crisis call center system platform or behavioral health integrated client referral system identified in RCW 71.24.890, as appropriate;

(f) A work plan to establish the capacity for the ~~((crisis call center))~~ designated 988 contact hubs to integrate Spanish language interpreters and Spanish-speaking call center staff into their operations, and to ensure the availability of resources to meet the unique needs of persons in the agricultural community who are experiencing mental health stresses, which explicitly addresses concerns regarding confidentiality;

(g) A work plan with timelines to enhance and expand the availability of ~~((community-based))~~ mobile rapid response crisis teams and community-based crisis teams endorsed under section 8 of this act based in each region, including specialized teams as appropriate to respond to the unique needs of youth, including American Indian and Alaska Native youth and LGBTQ youth, and geriatric populations, including older adults of color and older adults with comorbid dementia;

(h) The identification of other personal and systemic behavioral health challenges which implementation of the 988 crisis hotline has the potential to address in addition to suicide response and behavioral health crises;

(i) The development of a plan for the statewide equitable distribution of crisis stabilization services, behavioral health beds, and peer-run respite services;

(j) Recommendations concerning how health plans, managed care organizations, and behavioral health administrative services organizations shall fulfill requirements to provide assignment of a care coordinator and to provide next-day appointments for enrollees who contact the behavioral health crisis system;

(k) Appropriate allocation of crisis system funding responsibilities among medicaid managed care organizations, commercial insurers, and behavioral health administrative services organizations;

(l) Recommendations for constituting a statewide behavioral health crisis response and suicide prevention oversight board or similar structure for ongoing monitoring of

the behavioral health crisis system and where this should be established; and

(m) Cost estimates for each of the components of the integrated behavioral health crisis response and suicide prevention system.

(7) The steering committee shall consist only of members appointed to the steering committee under this section. The steering committee shall convene the committee, form subcommittees, assign tasks to the subcommittees, and establish a schedule of meetings and their agendas.

(8) The subcommittees of the crisis response improvement strategy committee shall focus on discrete topics. The subcommittees may include participants who are not members of the crisis response improvement strategy committee, as needed to provide professional expertise and community perspectives. Each subcommittee shall have at least one member representing the interests of stakeholders in a rural community, at least one member representing the interests of stakeholders in an urban community, and at least one member representing the interests of youth stakeholders. The steering committee shall form the following subcommittees:

(a) A Washington tribal 988 subcommittee, which shall examine and make recommendations with respect to the needs of tribes related to the 988 system, and which shall include representation from the American Indian health commission;

(b) A credentialing and training subcommittee, to recommend workforce needs and requirements necessary to implement chapter 302, Laws of 2021, including minimum education requirements such as whether it would be appropriate to allow ~~((crisis call center))~~ designated 988 contact hubs to employ clinical staff without a bachelor's degree or master's degree based on the person's skills and life or work experience;

(c) A technology subcommittee, to examine issues and requirements related to the technology needed to implement chapter 302, Laws of 2021;

(d) A cross-system crisis response collaboration subcommittee, to examine and define the complementary roles and interactions between mobile rapid response crisis teams and community-based crisis teams endorsed under section 8 of this act, designated crisis responders, law enforcement, emergency medical services teams, 911 and 988 operators, public and private health plans, behavioral health crisis response agencies, nonbehavioral health crisis response agencies, and others needed to implement chapter 302, Laws of 2021;

(e) A confidential information compliance and coordination subcommittee, to examine issues relating to sharing and protection of health information needed to implement chapter 302, Laws of 2021; ~~((and))~~

(f) A 988 geolocation subcommittee, to examine privacy issues related to federal planning efforts to route 988 crisis hotline calls based on the person's location, rather than area code, including ways to implement the federal efforts in a manner that maintains public and clinical confidence in the 988 crisis hotline. The 988 geolocation

subcommittee must include persons with lived experience with behavioral health conditions as well as representatives of crisis call centers, the behavioral health interests of persons of color, and behavioral health providers; and

(g) Any other subcommittee needed to facilitate the work of the committee, at the discretion of the steering committee.

(9) The proceedings of the crisis response improvement strategy committee must be open to the public and invite testimony from a broad range of perspectives. The committee shall seek input from tribes, veterans, the LGBTQ community, and communities of color to help discern how well the crisis response system is currently working and recommend ways to improve the crisis response system.

(10) Legislative members of the crisis response improvement strategy committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(11) The steering committee, with the advice of the crisis response improvement strategy committee, shall provide a progress report and the result of its comprehensive assessment under subsection (5) of this section to the governor and appropriate policy and fiscal committee of the legislature by January 1, 2022. The steering committee shall report the crisis response improvement strategy committee's further progress and the steering committee's recommendations related to ~~((crisis call center))~~ designated 988 contact hubs to the governor and appropriate policy and fiscal committees of the legislature by January 1, 2023, and January 1, 2024. The steering committee shall provide its final report to the governor and the appropriate policy and fiscal committees of the legislature by January 1, ~~((2024))~~ 2025.

(12) This section expires June 30, ~~((2024))~~ 2025.

**Sec. 7.** RCW 71.24.896 and 2021 c 302 s 108 are each amended to read as follows:

(1) When acting in their statutory capacities pursuant to chapter 302, Laws of 2021, the state, department, authority, state ~~((enhanced))~~ 911 coordination office, emergency management division, military department, any other state agency, and their officers, employees, and agents are deemed to be carrying out duties owed to the public in general and not to any individual person or class of persons separate and apart from the public. Nothing contained in chapter 302, Laws of 2021 may be construed to evidence a legislative intent that the duties to be performed by the state, department, authority, state ~~((enhanced))~~ 911 coordination office, emergency management division, military department, any other state agency, and their officers, employees, and agents, as required by chapter 302, Laws of 2021, are owed to any

individual person or class of persons separate and apart from the public in general.

(2) Each ~~((crisis call center))~~ designated 988 contact hub designated by the department under any contract or agreement pursuant to chapter 302, Laws of 2021 shall be deemed to be an independent contractor, separate and apart from the department and the state.

**NEW SECTION. Sec. 8.** A new section is added to chapter 71.24 RCW to read as follows:

(1) By April 1, 2024, the authority shall establish standards for issuing an endorsement to any mobile rapid response crisis team or community-based crisis team that meets the criteria under either subsection (2) or (3) of this section, as applicable. The endorsement is a voluntary credential that a mobile rapid response crisis team or community-based crisis team may obtain to signify that it maintains the capacity to respond to persons who are experiencing a significant behavioral health emergency requiring an urgent, in-person response. The attainment of an endorsement allows the mobile rapid response crisis team or community-based crisis team to become eligible for performance payments as provided in subsection (10) of this section.

(2) The authority's standards for issuing an endorsement to a mobile rapid response crisis team or a community-based crisis team must consider:

(a) Minimum staffing requirements to effectively respond in-person to individuals experiencing a significant behavioral health emergency. Except as provided in subsection (3) of this section, the team must include appropriately credentialed and supervised staff employed by a licensed or certified behavioral health agency and may include other personnel from participating entities listed in subsection (3) of this section. The team shall include certified peer counselors as a best practice to the extent practicable based on workforce availability. The team may include fire departments, emergency medical services, public health, medical facilities, nonprofit organizations, and city or county governments. The team may not include law enforcement personnel;

(b) Capabilities for transporting an individual experiencing a significant behavioral health emergency to a location providing appropriate level crisis stabilization services, as determined by regional transportation procedures, such as crisis receiving centers, crisis stabilization units, and triage facilities. The standards must include vehicle and equipment requirements, including minimum requirements for vehicles and equipment to be able to safely transport the individual, as well as communication equipment standards. The vehicle standards must allow for an ambulance or aid vehicle licensed under chapter 18.73 RCW to be deemed to meet the standards; and

(c) Standards for the initial and ongoing training of personnel and for providing clinical supervision to personnel.

(3) The authority must adjust the standards for issuing an endorsement to a

community-based crisis team under subsection (2) of this section if the team is comprised solely of an emergency medical services agency, whether it is part of a fire service agency or a private entity, that is located in a rural county in eastern Washington with a population of less than 60,000 residents. Under the adjusted standards, until January 1, 2030, the authority shall exempt a team from the personnel standards under subsection (2)(a) of this section and issue an endorsement to a team if:

(a) The personnel assigned to the team have met training requirements established by the authority under subsection (2)(c) of this section, as those requirements apply to emergency medical service and fire service personnel, including completion of the three-hour training in suicide assessment, treatment, and management under RCW 43.70.442;

(b) The team operates under a memorandum of understanding with a licensed or certified behavioral health agency to provide direct, real-time consultation through a behavioral health provider employed by a licensed or certified behavioral health agency while the team is responding to a call. The consultation may be provided by telephone, through remote technologies, or, if circumstances allow, in person; and

(c) The team does not include law enforcement personnel.

(4) Prior to issuing an initial endorsement or renewing an endorsement, the authority shall conduct an on-site survey of the applicant's operation.

(5) An endorsement must be renewed every three years.

(6) The authority shall establish forms and procedures for issuing and renewing an endorsement.

(7) The authority shall establish procedures for the denial, suspension, or revocation of an endorsement.

(8)(a) The decision of a mobile rapid response crisis team or community-based crisis team to seek endorsement is voluntary and does not prohibit a nonendorsed team from participating in the crisis response system when (i) responding to individuals who are not experiencing a significant behavioral health emergency that requires an urgent in-person response or (ii) responding to individuals who are experiencing a significant behavioral health emergency that requires an urgent in-person response when there is not an endorsed team available.

(b) The decision of a mobile rapid response crisis team not to pursue an endorsement under this section does not affect its obligation to comply with any standards adopted by the authority with respect to mobile rapid response crisis teams.

(c) The decision of a mobile rapid response crisis team not to pursue an endorsement under this section does not affect its responsibilities and reimbursement for services as they may be defined in contracts with managed care organizations or behavioral health administrative services organizations.

(9) The costs associated with endorsement activities shall be supported with funding

from the statewide 988 behavioral health crisis response and suicide prevention line account established in RCW 82.86.050.

(10) The authority shall establish an endorsed mobile rapid response crisis team and community-based crisis team performance program with receipts from the statewide 988 behavioral health crisis response and suicide prevention line account.

(a) Subject to funding provided for this specific purpose, the performance program shall:

(i) Issue establishment grants to support mobile rapid response crisis teams and community-based crisis teams seeking to meet the elements necessary to become endorsed under either subsection (2) or (3) of this section;

(ii) Issue performance payments in the form of an enhanced case rate to mobile rapid response crisis teams and community-based crisis teams that have received an endorsement from the authority under either subsection (2) or (3) of this section; and

(iii) Issue supplemental performance payments in the form of an enhanced case rate higher than that available in (a)(ii) of this subsection (10) to mobile rapid response crisis teams and community-based crisis teams that have received an endorsement from the authority under either subsection (2) or (3) of this section and demonstrate to the authority that for the previous three months they met the following response time and in route time standards:

(A) Between January 1, 2025, through December 31, 2026:

(I) Arrive to the individual's location within 30 minutes of being dispatched by the designated 988 contact hub, at least 80 percent of the time in urban areas;

(II) Arrive to the individual's location within 40 minutes of being dispatched by the designated 988 contact hub, at least 80 percent of the time in suburban areas; and

(III) Be in route within 15 minutes of being dispatched by the designated 988 contact hub, at least 80 percent of the time in rural areas; and

(B) On and after January 1, 2027:

(I) Arrive to the individual's location within 20 minutes of being dispatched by the designated 988 contact hub, at least 80 percent of the time in urban areas;

(II) Arrive to the individual's location within 30 minutes of being dispatched by the designated 988 contact hub, at least 80 percent of the time in suburban areas; and

(III) Be in route within 10 minutes of being dispatched by the designated 988 contact hub, at least 80 percent of the time in rural areas.

(b) The authority shall design the program in a manner that maximizes the state's ability to receive federal matching funds.

(11) The authority shall contract with the actuaries responsible for development of Medicaid managed care rates to conduct an analysis and develop options for payment mechanisms and levels for rate enhancements under subsection (10) of this section. The authority shall consult with staff from the office of financial management and the fiscal committees of the legislature in conducting this analysis. The payment



mechanisms must be developed to maximize leverage of allowable federal medicaid match. The analysis must clearly identify assumptions, include cost projections for the rate level options broken out by fund source, and summarize data used for the cost analysis. The cost projections must be based on Washington state specific utilization and cost data. The analysis must identify low, medium, and high ranges of projected costs associated for each option accounting for varying scenarios regarding the numbers of teams estimated to qualify for the enhanced case rates and supplemental performance payments. The analysis must identify costs for both medicaid clients, and for state-funded nonmedicaid clients paid through contracts with behavioral health administrative services organizations. The analysis must account for phasing in of the number of teams that meet endorsement criteria over time and project annual costs for a four-year period associated with each of the scenarios. The authority shall submit a report summarizing the analysis, payment mechanism options, enhanced performance payment and supplemental performance payment rate level options, and related cost estimates to the office of financial management and the appropriate committees of the legislature by December 1, 2023.

(12) The authority shall conduct a review of the endorsed community-based crisis teams established under subsection (3) of this section and report to the governor and the health policy committees of the legislature by December 1, 2028. The report shall provide information about the engagement of the community-based crisis teams receiving an endorsement under subsection (3) of this section and their ability to provide a timely and appropriate response to persons experiencing a behavioral health crisis and any recommended changes to the teams to better meet the needs of the community including personnel requirements, training standards, and behavioral health provider consultation.

**Sec. 9.** RCW 82.86.050 and 2021 c 302 s 205 are each amended to read as follows:

(1) The statewide 988 behavioral health crisis response and suicide prevention line account is created in the state treasury. All receipts from the statewide 988 behavioral health crisis response and suicide prevention line tax imposed pursuant to this chapter must be deposited into the account. Moneys may only be spent after appropriation.

(2) Expenditures from the account may only be used for:

(a) ~~((ensuring))~~ Ensuring the efficient and effective routing of calls made to the 988 crisis hotline to an appropriate crisis hotline center or ~~((crisis—call center))~~ designated 988 contact hub; and

(b) ~~((personnel))~~ Personnel and the provision of acute behavioral health, crisis outreach, and crisis stabilization services, as defined in RCW 71.24.025, by directly responding to the 988 crisis hotline and enhancing mobile crisis service standards and performance provided through mobile rapid response crisis teams and community-

based crisis teams endorsed under section 8 of this act. Ten percent of the annual receipts from the tax must be dedicated to the establishment grants, performance payments, and supplemental performance payments for mobile rapid response crisis teams and community-based crisis teams endorsed under section 8 of this act and endorsement activities in section 8 of this act, up to 30 percent of which is dedicated to mobile rapid response crisis teams and community-based crisis teams endorsed under section 8 of this act that are affiliated with a tribe in Washington.

(3) Moneys in the account may not be used to supplant general fund appropriations for behavioral health services or for medicaid covered services to individuals enrolled in the medicaid program.

**NEW SECTION. Sec. 10.** A new section is added to chapter 28B.20 RCW to read as follows:

(1) (a) The University of Washington school of social work, in consultation with the Washington council for behavioral health and the state's behavioral health administrative services organizations, shall plan for regional collaboration among behavioral health providers and first responders working within the 988 crisis response and suicide prevention system, standardize practices and protocols, and develop a needs assessment for trainings.

(b) The University of Washington shall convene, at a minimum, the following key stakeholders to assist in developing an assessment of training needs, a mapping of current and future funded crisis response providers, and a comprehensive review of all behavioral health training required in statute and in rule:

(i) At least two representatives from the behavioral health administrative services organizations, one from each side of the Cascade crest;

(ii) At least three crisis services providers identified by the Washington council for behavioral health, one from each side of the Cascade crest, and one dedicated to serving communities of color;

(iii) A representative of crisis call centers;

(iv) At least two members who are persons with lived experience related to mental health issues, substance use disorder issues, a suicide attempt, or a suicide loss; and

(v) A representative of a statewide organization of field experts consisting of first responders, behavioral health professionals, and project managers working in co-response programs in Washington.

(c) When making recommendations on future crisis provider training needs related to serving persons with developmental disabilities, veterans, American Indians and Alaska Native populations, LGBTQ populations, and persons connected with the agricultural community, the University of Washington school of social work must solicit public comment on the needs assessment from advocates from those populations and others as deemed appropriate by the stakeholder group, including persons

with lived experience related to mental health issues, substance use disorder issues, a suicide attempt, or a suicide loss.

(d) The training needs assessment, mapping of crisis providers, and research on existing training requirements must be completed by June 30, 2024.

(2) The University of Washington school of social work, in collaboration with the stakeholder group established in subsection (1) of this section, shall develop recommendations for establishing crisis workforce and resilience training collaboratives that would offer voluntary regional trainings for behavioral health providers, peers, first responders, co-responders, 988 contact center personnel, designated 988 contact hub personnel, 911 operators, and interested members of the public, specific to a geographic region and the population they serve as informed by the needs assessment. The collaboratives shall encourage the development of foundational and advanced skills and practices in crisis response as well as foster regional collaboration. The recommendations must:

(a) Include strategies for better coordination and integration of 988-specific training into the broader scope of behavioral health trainings that are already required;

(b) Identify effective trainings to explain how the 988 system works with the 911 emergency response system, trauma-informed care, secondary trauma, suicide protocols and practices for crisis responders, supervisory best practices for first responders, lethal means safety, violence assessments, cultural competency, and essential care for serving individuals with serious mental illness, substance use disorder, or co-occurring disorders;

(c) Identify best practice approaches to working with veterans, intellectually and developmentally disabled populations, youth, LGBTQ populations, communities of color, agricultural communities, and American Indian and Alaska Native populations;

(d) Identify ways to provide the designated 988 contact hubs and other crisis providers with training that is tailored to the agricultural community using training that is agriculture-specific with information relating to the stressors unique to persons connected with the agricultural community such as weather conditions, financial obligations, market conditions, and other relevant issues. When developing the recommendations, consideration must be given to national experts, such as the AgriSafe network and other entities;

(e) Identify ways to promote a better informed and more involved community on topics related to the behavioral health crisis system by increasing public access to and participation in trainings on the topics identified in (b) and (c) of this subsection (2), including through remote audiovisual technology;

(f) Establish suggested protocols for ways to sustain the collaboratives as new mobile rapid response crisis teams and community-based crisis teams endorsed under section 8 of this act, co-responder teams,

and crisis facilities are funded and operationalized;

(g) Discuss funding needs to sustain the collaboratives and support participation in attending the trainings; and

(h) Offer a potential timeline for implementing the collaboratives on a region-by-region basis.

(3) The University of Washington school of social work shall submit a report on the items developed in this section to the governor and the appropriate committees of the legislature by December 31, 2024. Prior to submission of the report, the University of Washington school of social work shall consult with the department of health and the health care authority.

**NEW SECTION. Sec. 11.** A new section is added to chapter 71.24 RCW to read as follows:

(1) No act or omission related to the dispatching decisions of any crisis call center staff or designated 988 contact hub staff with endorsed mobile rapid response crisis team and community-based crisis team dispatching responsibilities done or omitted in good faith within the scope of the individual's employment responsibilities with the crisis call center or designated 988 contact hub and in accordance with dispatching procedures adopted both by the behavioral health administrative services organization and the crisis call center or the designated 988 contact hub and approved by the authority shall impose liability upon:

(a) The clinical staff of the crisis call center or designated 988 contact hub or their clinical supervisors;

(b) The crisis call center or designated 988 contact hub or its officers, staff, or employees;

(c) Any member of a mobile rapid response crisis team or community-based crisis team endorsed under section 8 of this act;

(d) The certified public safety telecommunicator or the certified public safety telecommunicator's supervisor; or

(e) The public safety answering point or its officers, staff, or employees.

(2) This section shall not apply to any act or omission which constitutes either gross negligence or willful or wanton misconduct.

**NEW SECTION. Sec. 12.** A new section is added to chapter 38.60 RCW to read as follows:

(1) No act or omission of any certified public safety telecommunicator or crisis call center staff or designated 988 contact hub staff related to the transfer of calls from the 911 line to the 988 crisis hotline or from the 988 crisis hotline to the 911 line, done or omitted in good faith, within the scope of the certified public safety telecommunicator's employment responsibilities with the public safety answering point and the crisis call center or designated 988 contact hub and in accordance with call system transfer protocols adopted by both the department of health and the emergency management division shall impose liability upon:

(a) The certified public safety telecommunicator or the certified public safety telecommunicator's supervisor;

(b) The public safety answering point or its officers, staff, or employees;

(c) The clinical staff of the crisis call center or designated 988 contact hub or their clinical supervisors;

(d) The crisis call center or designated 988 contact hub or its officers, staff, or employees; or

(e) Any member of a mobile rapid response crisis team or community-based crisis team endorsed under section 8 of this act.

(2) This section shall not apply to any act or omission which constitutes either gross negligence or willful or wanton misconduct.

NEW SECTION. **Sec. 13.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Orwall and Schmick spoke in favor of the adoption of the striking amendment.

The striking amendment (312) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orwall, Dent and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1134.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1134, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1134, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1533, by Representatives Mena, Davis, Reed, Doglio, Fosse, Berg, Taylor, Ryu, Peterson, Berry, Walen,**

**Alvarado, Ramel, Simmons, Griffey, Morgan, Gregerson, Shavers, Ormsby, Pollet, Fey, Kloba, Bateman and Macri**

**Exempting the disclosure of certain information of agency employees or their dependents who are survivors of domestic violence, sexual assault, harassment, or stalking.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1533 was substituted for House Bill No. 1533 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1533 was read the second time.

With the consent of the House, amendment (306) was withdrawn.

Representative Caldier moved the adoption of amendment (336):

On page 2, after line 13, insert the following:

"(e)(i) The information listed in (d) of this subsection that is located in any record or system concerning an agency employee or their dependent that is held or maintained by the employee's employing agency if the employee has provided to the agency:

(A) A sworn statement, signed under penalty of perjury that the employee or a dependent of the employee is a survivor of domestic violence as defined in RCW 10.99.020 or 7.105.010, sexual assault as defined in RCW 70.125.030 or sexual abuse as defined in RCW 7.105.010, stalking as described in RCW 9A.46.110 or defined in RCW 7.105.010, or harassment as described in RCW 9A.46.020 or defined in RCW 7.105.010; or

(B) Proof of the employee's participation or the participation of a dependent in the address confidentiality program under chapter 40.24 RCW.

(ii) For purposes of (i) of this subsection only:

(A) "Employee" means an employee of an agency defined under (B) of this subsection, and legislators.

(B) "Agency" has the same meaning as in RCW 42.56.010, but also includes the office of the secretary of the senate and the office of the chief clerk of the house of representatives."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

With the consent of the House, amendment (336) was withdrawn.

Representative Pollet moved the adoption of amendment (347):

On page 3, line 18, after "RCW 7.105.010" insert ", and that the employee has a reasonable basis to believe that the risk of domestic violence, sexual assault, sexual abuse, stalking, or harassment continues to exist. An sworn statement under this subsection expires after two years, but may be subsequently renewed by providing a new

sworn statement to the employee's employing agency"

Representatives Pollet and Abbarno spoke in favor of the adoption of the amendment.

Amendment (347) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mena and Abbarno spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1533.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1533, and the bill passed the House by the following vote: Yeas, 80; Nays, 15; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Bateman, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Cortes, Couture, Davis, Doglio, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Kloba, Kretz, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Barnard, Berg, Connors, Corry, Dent, Donaghy, Dye, Klicker, Leavitt, McEntire, Paul, Sandlin, Schmick, Walsh and Ybarra

Excused: Representatives Chandler, Hansen and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1533, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1578, by Representatives Springer, Kretz, Reeves, Leavitt, Ramel, Lekanoff, Reed, Pollet and Kloba**

**Improving community preparedness, response, recovery, and resilience to wildland fire health and safety impacts in areas of increasing population density, including in the wildland urban interface.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1578 was substituted for House Bill No. 1578 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1578 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Springer, Dent, Eslick, Kretz and Reeves spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1578.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1578, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

SECOND SUBSTITUTE HOUSE BILL NO. 1578, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1744, by Representatives Rude, Santos, Schmidt and Pollet**

**Clarifying the responsibilities and accountability for the effective delivery and oversight of public education services to charter school students.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1744 was substituted for House Bill No. 1744 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1744 was read the second time.

Representative Rude moved the adoption of amendment (343):

On page 2, line 7, after "requirements" insert ", but an additional reporting requirement for charter schools can reinforce existing requirements and help to avoid any future problems"

On page 2, line 11, after "not" strike "prepared or otherwise"

On page 4, line 27, after "equality)" insert "chapter 28A.180 RCW (transitional bilingual instruction program),"

On page 6, beginning on line 12, after "(c)" strike all material through "both" on line 15 and insert "Hold charter school boards accountable for: Ensuring that students of charter public schools have opportunities for academic success; and exercising effective educational, operational, and financial oversight of charter public schools"

On page 7, beginning on line 36, after "(a)" strike all material though "both" on line 39 and insert "Holding the charter school board of each authorized charter

school accountable for: Ensuring that students in the charter school have opportunities for academic success; and exercising effective educational, operational, and financial oversight of the charter school"

On page 13, beginning on line 9, after "(a)" strike all material through "both" on line 12 and insert "Hold the charter school board accountable for: Ensuring that students of the charter school have opportunities for academic success; and exercising effective educational, operational, and financial oversight of the charter school"

On page 13, beginning on line 22, after "(1)" strike all material through "beginning" on line 23 and insert "Beginning"

On page 14, after line 2, insert the following:

"(4) For the purposes of this section, "technical assistance" means the provision of training, which may be provided by commission staff or through a contractor, to support charter schools and charter school boards in their responsibility to achieve and maintain compliance with applicable state and federal laws and with their charter school contract.

**NEW SECTION. Sec. 11.** A new section is added to chapter 28A.710 RCW to read as follows:

(1)(a) By November 1, 2023, the commission shall establish and maintain on its website an online system for students who attend charter schools, and the parents of those students, to submit complaints about the operation and administration of one or more charter schools, including complaints about the provision of education services and complaints alleging noncompliance with the requirements of this chapter or other provisions governing charter schools.

(b) The commission shall acknowledge the receipt of each received complaint within 10 business days and shall, in a timely manner, perform any inquiries or other actions it deems necessary and appropriate to respond to each received complaint.

(2) The commission shall adopt and revise as necessary rules to implement this section.

**NEW SECTION. Sec. 12.** A new section is added to chapter 28A.710 RCW to read as follows:

Each charter school shall prominently post and maintain on its website information about the school's process and instructions for submitting complaints about the operation and administration of the charter school by its enrolled students and their parents. This information must include a designated point of contact at the charter school and a link to the complaint system of the commission that is required by section 11 of this act."

Correct the title.

Representatives Rude and Stonier spoke in favor of the adoption of the amendment.

Amendment (343) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rude and Santos spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1744.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1744, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1744, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1028, by Representatives Orwall, Mosbrucker, Ryu, Simmons, Goodman, Reed, Lekanoff, Pollet, Callan, Doglio, Macri, Caldier, Reeves, Wylie, Gregerson, Davis, Ormsby and Fosse**

**Supporting crime victims and witnesses by promoting victim-centered, trauma-informed responses in the legal system.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1028 was substituted for House Bill No. 1028 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1028 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orwall and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1028.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1028, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

SECOND SUBSTITUTE HOUSE BILL NO. 1028, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1745, by Representatives Thai, Duerr, Doglio, Ormsby and Macri**

**Improving diversity in clinical trials.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1745 was substituted for House Bill No. 1745 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1745 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Thai and Maycumber spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1745.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1745, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

SECOND SUBSTITUTE HOUSE BILL NO. 1745, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1105, by Representatives Kloba, Abbarno and Thai**

**Requiring public agencies to provide notice for public comment that includes the last date by which such public comment must be submitted.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1105 was substituted for House Bill No. 1105 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1105 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kloba and Abbarno spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1105.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1105, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

SUBSTITUTE HOUSE BILL NO. 1105, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1163, by Representative Fey**

**Exempting certain leasehold interests in arenas with a seating capacity of more than 2,000 from the leasehold excise tax.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1163 was substituted for House Bill No. 1163 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1163 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1163.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1163, and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kretz, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Kloba and Leavitt

Excused: Representatives Chandler, Hansen and Volz

SUBSTITUTE HOUSE BILL NO. 1163, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1763, by Representatives Eslick, Leavitt, Senn, Callan, Schmidt and Pollet**

**Ensuring completion of conditional scholarship obligations and reducing penalties for excusable incomplete obligations.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eslick, Leavitt and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1763.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1763, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

HOUSE BILL NO. 1763, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1205, by Representatives Taylor, Reed and Senn**

**Responsibility for providing service by publication of a summons or notice in dependency and termination of parental rights cases.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1205 was substituted for House Bill No. 1205 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1205 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Taylor and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1205.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1205, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

SECOND SUBSTITUTE HOUSE BILL NO. 1205, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT MEMORIAL NO. 4001, by Representatives Orcutt, Walsh, McEntire, Abbarno, Christian and McClintock**

**Requesting the transportation commission to designate a section of Interstate 5 the Cowlitz County Deputy Sheriff Justin DeRosier memorial highway.**

The bill was read the second time.

There being no objection, Substitute House Joint Memorial No. 4001 was substituted for House Joint Memorial No. 4001 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4001 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt and Timmons spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Joint Memorial No. 4001.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4001, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4001, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the third order of business.

#### MESSAGE FROM THE SENATE

Monday, March 6, 2023

Mme. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5134  
 SUBSTITUTE SENATE BILL NO. 5178  
 SECOND SUBSTITUTE SENATE BILL NO. 5268  
 SECOND SUBSTITUTE SENATE BILL NO. 5290  
 SUBSTITUTE SENATE BILL NO. 5318  
 SENATE BILL NO. 5330  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5334  
 SUBSTITUTE SENATE BILL NO. 5358  
 SUBSTITUTE SENATE BILL NO. 5388  
 SUBSTITUTE SENATE BILL NO. 5389  
 SENATE BILL NO. 5390  
 SECOND SUBSTITUTE SENATE BILL NO. 5412  
 SUBSTITUTE SENATE BILL NO. 5415  
 SUBSTITUTE SENATE BILL NO. 5433  
 SECOND SUBSTITUTE SENATE BILL NO. 5454  
 SUBSTITUTE SENATE BILL NO. 5499  
 SUBSTITUTE SENATE BILL NO. 5523  
 SECOND SUBSTITUTE SENATE BILL NO. 5532  
 SUBSTITUTE SENATE BILL NO. 5538  
 SUBSTITUTE SENATE BILL NO. 5547  
 SENATE BILL NO. 5621  
 SENATE BILL NO. 5700  
 SENATE BILL NO. 5732  
 SENATE JOINT MEMORIAL NO. 8006

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the sixth order of business.

#### SECOND READING

**HOUSE BILL NO. 1639, by Representatives Lekanoff, Ramel, Gregerson and Santos**

#### Concerning the Billy Frank Jr. national statuary hall selection committee.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1639 was substituted for House Bill No. 1639 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1639 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lekanoff and Abbarno spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1639.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1639, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen and Volz

SECOND SUBSTITUTE HOUSE BILL NO. 1639, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1311, by Representatives Reeves, Corry, Chapman, Reed and Cheney

#### Addressing credit repair services performed by a credit services organization.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1311 was substituted for House Bill No. 1311 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1311 was read the second time.

Representative Reeves moved the adoption of amendment (182):

On page 4, line 21, after "performed" strike "including" and insert ", including, if applicable,"

On page 10, beginning on line 2, after "days" strike all material through "general" on line 4



On page 11, beginning on line 21, after "(5)" strike all material through "RCW." on line 30 and insert "A violation of this chapter by a credit services organization is an unfair business practice as provided in chapter 19.86 RCW."

Representatives Reeves and Corry spoke in favor of the adoption of the amendment.

Amendment (182) was adopted.

Representative Cheney moved the adoption of amendment (177):

On page 9, beginning on line 35, after "consumer" strike all material through "1681(i)" on line 38

Representatives Cheney and Reeves spoke in favor of the adoption of the amendment.

Amendment (177) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reeves, Corry and Cheney spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1311.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1311, and the bill passed the House by the following vote: Yeas, 91; Nays, 5; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chandler, Couture, Robertson, Schmidt and Stokesbary

Excused: Representatives Hansen and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1311, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1324, by Representatives Hackney, Senn, Simmons, Reed, Lekanoff, Doglio, Pollet and Macri**

**Concerning the scoring of prior juvenile offenses in sentencing range calculations.**

The bill was read the second time.

Representative Hackney moved the adoption of amendment (180):

On page 8, line 7, after "of" strike "this section" and insert "section 2 of this act"

On page 8, line 10, after "court" insert "if the person is currently incarcerated in total confinement and has a release date of January 1, 2025, or later"

On page 8, at the beginning of line 12, insert "the offender is currently incarcerated in total confinement, has a release date of January 1, 2025, or later, and"

On page 8, line 17, after "(3)" strike "This section expires July 1, 2025" and insert "Beginning January 1, 2025, this section applies to individuals under subsection (1) of this section:

(a) With release dates scheduled on or after January 1, 2025, who have less than three years remaining to serve on their sentence;

(b) Who would be eligible for release within three years of January 1, 2025, based on an offender score that does not include juvenile adjudications; or

(c) Who have served over 15 years or at least 50 percent of their sentence.

(4) Beginning January 1, 2026, this section applies to individuals meeting the requirements of subsection (1) of this section and not eligible for resentencing under subsection (3) of this section"

Correct the title.

Representative Hackney spoke in favor of the adoption of the amendment.

Representative Mosbrucker spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (180) and the amendment was adopted by the following vote: Yeas, 53; Nays, 40; Absent, 3; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Hansen and Volz

Amendment (180) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hackney spoke in favor of the passage of the bill.

Representatives Mosbrucker, Graham, Abbarno, Waters, Orcutt and Cheney spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1324.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1324, and the bill passed the House by the following vote: Yeas, 51; Nays, 45; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Bronoske, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Hansen and Volz

ENGROSSED HOUSE BILL NO. 1324, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1550, by Representatives Santos, Senn, Ortiz-Self, Berry, Goodman, Ramel, Simmons, Stonier, Bergquist, Pollet, Fosse and Doglio**

**Assisting eligible children in need of additional preparation to be successful in kindergarten by establishing the transition to kindergarten program.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1550 was substituted for House Bill No. 1550 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1550 was read the second time.

Representative Rude moved the adoption of amendment (351):

On page 6, line 39, after "(7)" insert "**Applicability.** This section applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools established under chapter 28A.715 RCW to the same extent as it applies to school districts.

(8)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 8, line 3, after "districts" insert ", charter schools, and state-tribal education compact schools"

On page 9, line 30, after "districts" insert ", charter schools, and state-tribal education compact schools"

Representative Rude spoke in favor of the adoption of the amendment.

Representative Santos spoke against the adoption of the amendment.

Amendment (351) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1550.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1550, and the bill passed the House by the following vote: Yeas, 74; Nays, 22; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hutchins, Jacobsen, Klicker, Kloba, Leavitt, Lekanoff, Macri, McClintock, Mena, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Ryu, Sandlin, Santos, Schmidt, Senn, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Chandler, Christian, Corry, Couture, Dent, Dye, Eslick, Graham, Griffey, Harris, Kretz, Low, Maycumber, McEntire, Mosbrucker, Rule, Schmick, Shavers, Timmons, Walsh, Waters and Ybarra

Excused: Representatives Hansen and Volz

SECOND SUBSTITUTE HOUSE BILL NO. 1550, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1110, by Representatives Bateman, Barkis, Reed, Taylor, Riccelli, Berry, Fitzgibbon, Peterson, Duerr, Lekanoff, Alvarado, Street, Ryu, Ramel, Cortes, Doglio, Macri, Mena, Gregerson, Thai, Bergquist, Farivar, Wylie, Stonier, Pollet, Santos, Fosse and Ormsby**

**Increasing middle housing in areas traditionally dedicated to single-family detached housing.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1110 was substituted for House Bill No. 1110 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1110 was read the second time.

With the consent of the House, amendments (278), (302) and (335) were withdrawn.

Representative Bateman moved the adoption of the striking amendment (261):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that Washington is facing an

unprecedented housing shortage for its current population and without significant action will not meet its goal of creating 1,000,000 homes by 2044.

Increasing housing options that are more affordable to various income levels is critical to achieving the state's housing goals, including those codified by the legislature under chapter 254, Laws of 2021.

There is continued need for the development of housing at all income levels, including middle housing that will provide a wider variety of housing options and configurations to allow Washingtonians to live near where they work.

To unlock opportunity for Washingtonians it is necessary to lift bans on the development of modest home choices in cities near job centers, transit, and amenity-rich neighborhoods.

Homes developed at higher densities and gentle density housing types are more affordable by design for Washington residents both in their construction and reduced household energy and transportation costs.

While creating more housing options, it is essential for cities to identify areas at higher risk of displacement and establish antidisplacement policies as required in Engrossed Second Substitute House Bill No. 1220 (chapter 254, Laws of 2021).

The state has made historic investments in subsidized affordable housing through the housing trust fund, yet even with these historic investments, the magnitude of the housing shortage requires both public and private investment.

In addition to addressing the housing shortage, allowing more housing options in areas already served by urban infrastructure will reduce the pressure to develop natural and working lands, support key strategies for climate change, food security, and Puget Sound recovery, and save taxpayers and ratepayers money.

**Sec. 2.** RCW 36.70A.030 and 2021 c 254 s 6 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrative design review" means a development permit process whereby an application is reviewed, approved, or denied by the planning director or the planning director's designee based solely on objective design and development standards without a public meeting or hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance.

(2) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

((2-)) (3) "Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is:

(a) For rental housing, sixty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

(b) For owner-occupied housing, eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

((3-)) (4) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

((4-)) (5) "City" means any city or town, including a code city.

((5-)) (6) "Community amenity" means:

(a) A public school as defined in RCW 28A.150.010 or a common school as defined in RCW 28A.150.020; or

(b) A designated entrance or pedestrian access point to a community park operated by the state or a local government for the use of the general public.

(7) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

((6-)) (8) "Cottage housing" means residential units on a lot with a common open space that either: (a) Is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.

(9) "Courtyard apartments" means up to four attached dwelling units arranged on two or three sides of a yard or court.

(10) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

((7-)) (11) "Department" means the department of commerce.

((8-)) (12) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development

regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

~~((9))~~ (13) "Emergency housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

~~((10))~~ (14) "Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

~~((11))~~ (15) "Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below thirty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

~~((12))~~ (16) "Forestland" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forestland is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forestland to other uses.

~~((13))~~ (17) "Freight rail dependent uses" means buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is dependent on and makes use of an adjacent short line railroad. Such facilities are both urban and rural development for purposes of this chapter. "Freight rail dependent uses" does not include buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of coal, liquefied natural gas, or "crude oil" as defined in RCW 90.56.010.

~~((14))~~ (18) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are

not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

~~((15))~~ (19) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

~~((16))~~ (20) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

~~((17))~~ (21) "Major transit stop" means:  
(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;  
(b) Commuter rail stops;  
(c) Stops on rail or fixed guideway systems, including transitways; or  
(d) Stops on bus rapid transit routes.

(22) "Middle housing" means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing.

(23) "Minerals" include gravel, sand, and valuable metallic substances.

~~((18))~~ (24) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

~~((19))~~ (25) "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

~~((20))~~ (26) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals,

domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

((21)) (27) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

((22)) (28) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

((23)) (29) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

((24)) (30) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

((25)) (31) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, ~~fire and police protection services, and other public utilities~~ ~~(transportation and public transit services, and other public utilities)~~ associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

((26)) (32) "Short line railroad" means those railroad lines designated class II or class III by the United States surface transportation board.

~~((27))~~ (33) "Stacked flat" means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned.

(34) "Townhouses" means buildings that contain three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides.

(35) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

~~((28))~~ (36) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

~~((29))~~ (37) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

~~((30))~~ (38) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below fifty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

~~((31))~~ (39) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

**NEW SECTION. Sec. 3.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Except as provided in section 4 of this act, any city that is required or chooses to plan under RCW 36.70A.040 must provide by ordinance and incorporate into its development regulations, zoning regulations, and other official controls, authorization for the following:

(a) For cities with a population of at least 25,000 but less than 75,000 based on office of financial management population estimates:

(i) The development of at least two units per lot on all lots zoned predominantly for residential use;

(ii) The development of at least four units per lot on all lots zoned predominantly for residential use within one-half mile walking distance of a major transit stop or community amenity; and

(iii) The development of at least four units per lot on all lots zoned predominantly for residential use if at least one unit is affordable housing.

(b) For cities with a population of at least 75,000, or any city within a contiguous urban growth area with the largest city in a county with a population of more than 275,000, based on office of financial management population estimates:

(i) The development of at least four units per lot on all lots zoned predominantly for residential use;

(ii) The development of at least six units per lot on all lots zoned predominantly for residential use within one-quarter mile walking distance of a major transit stop or community amenity; and

(iii) The development of at least six units per lot on all lots zoned predominantly for residential use if at least two units are affordable housing.

(2)(a) To qualify for the additional units allowed under subsection (1) of this section, the applicant must commit to renting or selling the required number of units as affordable housing. The units must be maintained as affordable for a term of at least 50 years, and the property must satisfy that commitment and all required affordability and income eligibility conditions adopted by the local government under this chapter. A city must require the applicant to record a covenant or deed restriction that ensures the continuing rental of units subject to these affordability requirements consistent with the conditions in chapter 84.14 RCW for a period of no less than 50 years. The covenant or deed restriction must also address criteria and policies to maintain public benefit if the property is converted to a use other than which continues to provide for permanently affordable housing.

(b) The units dedicated as affordable must be provided in a range of sizes comparable to other units in the development. To the extent practicable, the number of bedrooms in affordable units must be in the same proportion as the number of bedrooms in units within the entire development. The affordable units must generally be distributed throughout the development and have substantially the same

functionality as the other units in the development.

(c) If a city has enacted a program under RCW 36.70A.540, the terms of that program govern to the extent they vary from the requirements of this subsection.

(3) If a city has enacted a program under RCW 36.70A.540, subsection (1) of this section does not preclude the city from requiring any development, including development described in subsection (1) of this section, to provide affordable housing, either on-site or through an in-lieu payment, nor limit the city's ability to expand such a program or modify its requirements.

(4) A city must allow at least six of the eight types of middle housing to achieve the unit density required in subsection (1) of this section. A city must also allow zero lot line short or long subdivisions where the number of lots created is equal to the unit density required in subsection (1) of this section.

(5) Any city subject to the requirements of this section:

(a) May only adopt objective development and design standards on the development of middle housing;

(b) May only apply administrative design review;

(c) Except as provided in (a) of this subsection, shall not require through development regulations any standards for middle housing that are more restrictive than those required for detached single-family residences, but may apply any objective development regulations that are required for detached single-family residences, including set-back and tree canopy and retention requirements;

(d) Shall apply to middle housing the same development permit and environmental review processes that apply to detached single-family residences, unless otherwise required by state law including, but not limited to, shoreline regulations under chapter 90.58 RCW, building codes under chapter 19.27 RCW, energy codes under chapter 19.27A RCW, or electrical codes under chapter 19.28 RCW;

(e) Shall not require off-street parking as a condition of permitting development of middle housing within one-half mile walking distance of a major transit stop;

(f) Shall not require more than one off-street parking space per unit as a condition of permitting development of middle housing on lots smaller than 6,000 square feet;

(g) Shall not require more than two off-street parking spaces per unit as a condition of permitting development of middle housing on lots greater than 6,000 square feet; and

(h) May impose a limit of two units on a residential lot of 2,000 square feet or less created through a lot split pursuant to RCW 36.70A.--- (section 2, chapter . . . (ESSB 1245), Laws of 2023).

(6) The provisions of subsection (5)(e) through (g) of this section do not apply:

(a) If a local government submits to the department an empirical study prepared by a credentialed transportation or land use planning expert that clearly demonstrates, and the department finds and certifies, that

the application of the parking limitations of subsection (5)(e) through (g) of this section for middle housing will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location for the same number of detached houses. The department must develop guidance to assist cities on items to include in the study; or

(b) To portions of cities within a one-mile radius of a commercial airport in Washington with at least 9,000,000 annual enplanements.

(7) The provisions of this section do not apply to lots designated with critical areas or their buffers as designated in RCW 36.70A.060, or to a watershed serving a reservoir for potable water if that watershed is or was listed, as of the effective date of this section, as impaired or threatened under section 303(d) of the federal clean water act (33 U.S.C. Sec. 1313(d)).

(8) Nothing in this section prohibits a city from permitting detached single-family residences.

(9) A city must comply with the requirements of this section or section 4 of this act on the latter of:

(a) Six months after its next periodic comprehensive plan update required under RCW 36.70A.130; or

(b) 12 months after a determination by the office of financial management that the city has reached a population threshold established under this section.

(10) Except for specific areas granted an implementation timeline extension under section 9 of this act, the capital facilities plan element required by RCW 36.70A.070(3) is not required to be updated to accommodate the increased housing and population capacity required by this act until the periodic comprehensive plan update required for the city under RCW 36.70A.130(5) that occurs on or after June 30, 2034.

(11) Any city that adopts development regulations consistent with the requirements of section 3 of this act shall be considered in compliance with RCW 36.70A.070(2)(f) until June 30, 2032.

**NEW SECTION. Sec. 4.** A new section is added to chapter 36.70A RCW to read as follows:

(1) As an alternative to the density requirements in section 3(1) of this act, a city may implement the density requirements in section 3(1) of this act for at least 75 percent of lots in the city that are primarily dedicated to single-family detached housing units.

(2) The 25 percent of lots for which the requirements of section 3(1) of this act are not implemented must include:

(a) Any areas within the city for which the department has certified an extension of the implementation timelines under section 7 of this act due to the risk of displacement;

(b) Any areas within the city for which the department has certified an extension of the implementation timelines under section 9

of this act due to a lack of infrastructure capacity;

(c) Any lots designated with critical areas or their buffers that are exempt from the density requirements as provided in section 3(7) of this act;

(d) Any portion of a city within a one-mile radius of a commercial airport with at least 9,000,000 annual enplanements that is exempt from the parking requirements under section 3(6)(b) of this act; and

(e) Any areas subject to sea level rise, increased flooding, or geological hazards over the next 100 years.

(3) The 25 percent of lots for which the requirements of section 3(1) of this act are not implemented may not include:

(a) Any areas for which the exclusion would further racially disparate impacts or result in zoning with a discriminatory effect;

(b) Any areas within one-half mile walking distance of a major transit stop or community amenity;

(c) Any areas historically covered by a covenant or deed restriction excluding racial minorities from owning property or living in the area;

(d) Any areas within one-half mile walking distance of an institution of higher learning, including a public college or university; or

(e) Any areas within one-half mile walking distance of a building, shopping center, or business area containing at least 100,000 square feet of retail space.

**NEW SECTION. Sec. 5.** A new section is added to chapter 36.70A RCW to read as follows:

Population associated with permits for middle housing units are exempt from the threshold of an office of financial management population projection to a county or a county population allocation to a city.

**NEW SECTION. Sec. 6.** A new section is added to chapter 36.70A RCW to read as follows:

(1)(a) The department is directed to provide technical assistance to cities as they implement the requirements under section 3 or 4 of this act.

(b) The department shall prioritize such technical assistance to cities demonstrating the greatest need.

(2)(a) The department shall publish model middle housing ordinances no later than six months following the effective date of this section.

(b) In any city subject to section 3 of this act that has not passed ordinances, regulations, or other official controls within the time frames provided under section 3(9) of this act, the model ordinance supersedes, preempts, and invalidates local development regulations until the city takes all actions necessary to implement section 3 or 4 of this act.

(3)(a) The department is directed to establish a process by which cities implementing the requirements of section 3 of this act may seek approval of alternative local action necessary to meet the requirements of this act.

(b) The department may approve actions under this section for cities that have, by January 1, 2023, adopted a comprehensive plan that is substantially similar to the requirements of this act and, within one year of the effective date of this section, adopts permanent development regulations that are substantially similar to the requirements of this act. In determining whether a city's adopted comprehensive plan and permanent development regulations are substantially similar, the department must find as substantially similar plans and regulations that:

(i) Result in an overall increase in housing units allowed in single-family zones that is at least 75 percent of the increase in housing units allowed in single-family zones if the specific provisions of this act were adopted;

(ii) Allow for middle housing throughout the city, rather than just in targeted locations; and

(iii) Allow for additional density near major transit stops and community amenities, and for projects that incorporate dedicated affordable housing.

(c) The department may determine that a comprehensive plan and development regulations that do not meet these criteria are otherwise substantially similar to the requirements of this act if the city can clearly demonstrate that the regulations adopted will result in a greater increase in middle housing production within single family zones than would be allowed through implementation of section 3 of this act.

(d) Any local actions approved by the department pursuant to (a) of this subsection to implement the requirements under section 3 of this act are exempt from appeals under this chapter and chapter 43.21C RCW.

(e) The department's final decision to approve or reject actions by cities implementing section 3 of this act may be appealed to the growth management hearings board by filing a petition as provided in RCW 36.70A.290.

(4) For the purpose of this section, "single-family zones" means those zones where single-family detached housing is the predominant land use.

**NEW SECTION. Sec. 7.** A new section is added to chapter 36.70A RCW to read as follows:

Any city choosing the alternative density requirements in section 4 of this act may apply to the department for, and the department may certify, an extension for areas at risk of displacement as determined by the antidisplacement analysis that a jurisdiction is required to complete under RCW 36.70A.070(2). The city must create a plan for implementing antidisplacement policies by their next implementation progress report required by RCW 36.70A.130(9).

**Sec. 8.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to read as follows:

(1) The growth management hearings board shall hear and determine only those petitions alleging either:

(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in this subsection authorizes the board to hear petitions alleging noncompliance with RCW 36.70A.5801;

(b) That the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted;

(c) That the approval of a work plan adopted under RCW 36.70A.735(1)(a) is not in compliance with the requirements of the program established under RCW 36.70A.710;

(d) That regulations adopted under RCW 36.70A.735(1)(b) are not regionally applicable and cannot be adopted, wholly or partially, by another jurisdiction; ((or))

(e) That a department certification under RCW 36.70A.735(1)(c) is erroneous; or

(f) That the department's final decision to approve or reject actions by a city implementing section 3 of this act is clearly erroneous.

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter; (b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested; (c) a person who is certified by the governor within sixty days of filing the request with the board; or (d) a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) To establish participation standing under subsection (2)(b) of this section, a person must show that his or her participation before the county or city was reasonably related to the person's issue as presented to the board.

(5) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, the board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by the board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by the board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as the "board adjusted population projection." None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall



continue to be used for state budget and planning purposes.

**NEW SECTION. Sec. 9.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Any city choosing the alternative density requirements in section 4 of this act may apply to the department for, and the department may certify, an extension of the implementation timelines established under section 3(9) of this act.

(2) An extension certified under this section may be applied only to specific areas where a city can demonstrate that water, sewer, stormwater, or fire protection services lack capacity to accommodate the density required in section 3 of this act, and the city has:

(a) Included one or more improvements, as needed, within its capital facilities plan to adequately increase capacity; or

(b) Identified which special district is responsible for providing the necessary infrastructure if the infrastructure is provided by a special purpose district.

(3) An extension granted under this section remains in effect until the earliest of:

(a) The infrastructure is improved to accommodate the capacity;

(b) The city's deadline to complete its next periodic comprehensive plan update under RCW 36.70A.130; or

(c) The city's deadline to complete its implementation progress report to the department as required under RCW 36.70A.130(9).

(4) A city that has received an extension under this section may reapply for any needed extension with its next periodic comprehensive plan update under RCW 36.70A.130 or its implementation progress report to the department under RCW 36.70A.130(9). The application for an additional extension must include a list of infrastructure improvements necessary to meet the capacity required in section 3 of this act. Such additional extension must only be to address infrastructure deficiency that a city is not reasonably able to address within the first extension.

(5) The department may establish by rule any standards or procedures necessary to implement this section.

(6) The department must provide the legislature with a list of projects identified in a city's capital facilities plan that were the basis for the extension under this section, including planning level estimates. Additionally, the city must contact special purpose districts to identify additional projects associated with extensions under this section.

(7) A city granted an extension for a specific area must allow development as provided under section 3 of this act if the developer commits to providing the necessary water, sewer, or stormwater infrastructure.

(8) No city shall approve a building permit for housing required by section 3 or 4 of this act unless the city or other water provider has sufficient water rights to supply water to serve the building.

**Sec. 10.** RCW 43.21C.495 and 2022 c 246 s 3 are each amended to read as follows:

(1) Adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city to implement: The actions specified in section 2, chapter 246, Laws of 2022 unless the adoption of such ordinances, development regulations and amendments to such regulations, or other nonproject actions has a probable significant adverse impact on fish habitat; and the increased residential building capacity actions identified in RCW 36.70A.600(1), with the exception of the action specified in RCW 36.70A.600(1)(f), are not subject to administrative or judicial appeals under this chapter.

(2) Amendments to development regulations and other nonproject actions taken by a city to implement the requirements under section 3 of this act pursuant to section 6(3)(b) of this act are not subject to administrative or judicial appeals under this chapter.

**Sec. 11.** RCW 43.21C.450 and 2012 1st sp.s. c 1 s 307 are each amended to read as follows:

The following nonproject actions are categorically exempt from the requirements of this chapter:

(1) Amendments to development regulations that are required to ensure consistency with an adopted comprehensive plan pursuant to RCW 36.70A.040, where the comprehensive plan was previously subjected to environmental review pursuant to this chapter and the impacts associated with the proposed regulation were specifically addressed in the prior environmental review;

(2) Amendments to development regulations that are required to ensure consistency with a shoreline master program approved pursuant to RCW 90.58.090, where the shoreline master program was previously subjected to environmental review pursuant to this chapter and the impacts associated with the proposed regulation were specifically addressed in the prior environmental review;

(3) Amendments to development regulations that, upon implementation of a project action, will provide increased environmental protection, limited to the following:

(a) Increased protections for critical areas, such as enhanced buffers or setbacks;

(b) Increased vegetation retention or decreased impervious surface areas in shoreline jurisdiction; and

(c) Increased vegetation retention or decreased impervious surface areas in critical areas;

(4) Amendments to technical codes adopted by a county, city, or town to ensure consistency with minimum standards contained in state law, including the following:

(a) Building codes required by chapter 19.27 RCW;

(b) Energy codes required by chapter 19.27A RCW; and

(c) Electrical codes required by chapter 19.28 RCW.

(5) Amendments to development regulations to remove requirements for parking from development proposed to fill in an urban

growth area designated according to RCW 36.70A.110.

**NEW SECTION. Sec. 12.** A new section is added to chapter 36.70A RCW to read as follows:

A city that adopts development regulations that are consistent with and implement this act and RCW 35A.21.430 or 35.21.683 shall be deemed in compliance with the requirements of RCW 36.70A.070(2)(d) until June 30, 2032.

**NEW SECTION. Sec. 13.** A new section is added to chapter 64.34 RCW to read as follows:

A declaration created after the effective date of this section and applicable to an area within a city subject to the middle housing requirements in section 3 of this act may not actively or effectively prohibit the construction, development, or use of additional housing units as required in section 3 of this act.

**NEW SECTION. Sec. 14.** A new section is added to chapter 64.32 RCW to read as follows:

A declaration created after the effective date of this section and applicable to an association of apartment owners located within an area of a city subject to the middle housing requirements in section 3 of this act may not actively or effectively prohibit the construction, development, or use of additional housing units as required in section 3 of this act.

**NEW SECTION. Sec. 15.** A new section is added to chapter 64.38 RCW to read as follows:

Governing documents of associations within cities subject to the middle housing requirements in section 3 of this act that are created after the effective date of this section may not actively or effectively prohibit the construction, development, or use of additional housing units as required in section 3 of this act.

**NEW SECTION. Sec. 16.** A new section is added to chapter 64.90 RCW to read as follows:

Declarations and governing documents of a common interest community within cities subject to the middle housing requirements in section 3 of this act that are created after the effective date of this section may not actively or effectively prohibit the construction, development, or use of additional housing units as required in section 3 of this act.

**NEW SECTION. Sec. 17.** A new section is added to chapter 64.90 RCW to read as follows:

The department of commerce may establish by rule any standards or procedures necessary to implement this act.

**NEW SECTION. Sec. 18.** If specific funding for the purposes of this act,

referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Senn moved the adoption of amendment (301) to the striking amendment (261):

On page 2, beginning on line 37 of the striking amendment, after "(6)" strike all material through "(7)" on page 3, line 4

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 9, line 5 of the striking amendment, after "stop" strike "or community amenity"

On page 9, line 17 of the striking amendment, after "stop" strike "or community amenity"

On page 10, line 12 of the striking amendment, after "the" strike "eight" and insert "nine"

Representatives Senn and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (301) to the striking amendment (261) was adopted.

Representative Senn moved the adoption of amendment (373) to the striking amendment (261):

On page 8, line 33, after "section 4" insert ", 5, or 6"

On page 8, line 39, after "75,000" insert ", that are not within a contiguous urban growth area with the largest city in a county with a population of more than 275,000,"

On page 11, line 38, after "act" insert "and for a city implementing the alternative density requirements under section 5 of this act"

On page 13, after line 6, insert the following:

**"NEW SECTION. Sec. 5.** A new section is added to chapter 36.70A RCW to read as follows:

As an alternative to the density requirements in section 3(1)(b) of this act, cities with a population of less than 75,000 within a contiguous urban growth area with the largest city in a county with a population of more than 275,000, based on office of financial management population estimates, may authorize:

(1) The development of at least three units per lot on all lots zoned predominantly for residential use;

(2) The development of at least six units per lot on all lots zoned predominantly for residential use within one-half mile walking distance of a major transit stop; and

(3) The development of at least four units per lot on all lots zoned

predominantly for residential use if at least one unit is affordable housing."

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 13, line 16, after "section 3" strike "or 4" and insert ", 4, or 5"

On page 13, line 28, after "section 3" strike "or 4" and insert ", 4, or 5"

Representatives Senn and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (373) to the striking amendment (261) was adopted.

Representative Pollet moved the adoption of amendment (332) to the striking amendment (261):

On page 10, beginning on line 14 of the striking amendment, after "short" strike "or long subdivisions" and insert "subdivision"

On page 12, line 30 of the striking amendment, after "(3)" strike "The" and insert "Unless identified as at higher risk of displacement under RCW 36.70A.070(g), the"

On page 12, line 38 of the striking amendment, after "area" strike ";" and insert ", as known to the city at the time of each comprehensive plan update; or"

On page 13, beginning on line 1 of the striking amendment, after "(d)" strike all material through "(e)" on line 4

Representatives Pollet and Klicker spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (332) to the striking amendment (261) was adopted.

Representative Connors moved the adoption of amendment (307) to the striking amendment (261):

On page 11, line 30 of the striking amendment, after "(9)" insert "Nothing in this section requires a city to issue a building permit if other federal, state, and local requirements for a building permit are not met."

(10)"

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Representatives Connors and Peterson spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (307) to the striking amendment (261) was adopted.

Representative Pollet moved the adoption of amendment (334) to the striking amendment (261):

On page 14, beginning on line 33 of the striking amendment, after "city" strike all material through "act" on line 34

On page 14, line 35 of the striking amendment, after "extension" insert "for up to two years"

On page 14, beginning on line 37 of the striking amendment, after "RCW 36.70A.070(2)." strike all material through "RCW 36.70A.130(9)." on line 39

Representative Pollet spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Klicker and Peterson spoke against the adoption of the amendment to the striking amendment.

Amendment (334) to the striking amendment (261) was not adopted.

Representative Pollet moved the adoption of amendment (333) to the striking amendment (261):

On page 16, beginning on line 17 of the striking amendment, after "city" strike all material through "act" on line 18

On page 16, line 37 of the striking amendment, after "(4)" insert "No more than 20 percent of a city's buildable residential lots subject to the minimum density requirements in sections 3 or 4 of this act may be certified for an extension due to a lack of water, sewer, stormwater, or fire protection services capacity."

(5)"

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Representative Pollet spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Klicker and Peterson spoke against the adoption of the amendment to the striking amendment.

Amendment (333) to the striking amendment (261) was not adopted.

Representative Barkis moved the adoption of amendment (299) to the striking amendment (261):

On page 17, beginning on line 19 of the striking amendment, after "housing" strike all material through "building" on line 21 and insert "under section 3 or 4 of this act without compliance with the adequate water supply requirements of RCW 19.27.097"

Representatives Barkis and Peterson spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (299) to the striking amendment (261) was adopted.

The striking amendment (261), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bateman, Connors, Alvarado, Barkis and Pollet spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1110.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1110, and the bill passed the House by the following vote: Yeas, 75; Nays, 21; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Christian, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Barnard, Caldier, Chambers, Chandler, Cheney, Connors, Dent, Dye, Eslick, Hutchins, Jacobsen, Klicker, McClintock, McEntire, Rude, Schmick, Springer, Stearns, Steele, Walen and Walsh

Excused: Representatives Hansen and Volz

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1110, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1589, by Representatives Doglio, Fitzgibbon, Berry, Alvarado, Bateman, Ramel, Peterson, Lekanoff, Hackney, Macri and Kloba**

**Supporting Washington's clean energy economy and transitioning to a clean, affordable, and reliable energy future.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1589 was substituted for House Bill No. 1589 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1589 was read the second time.

Representative Doglio moved the adoption of the striking amendment (340):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that the state's gas and electrical companies face transformational change brought on by new technology, emerging opportunities for customers, and state clean energy laws. Chapter 19.405 RCW, the Washington clean energy transformation act, and chapter 70A.65 RCW, the Washington climate commitment act, mean these companies must find innovative and creative solutions to equitably serve their customers, provide clean energy, reduce emissions, and keep rates fair, just, reasonable, and sufficient.

(2) Gas companies with over 500,000 customers that are also electrical companies, or combination utilities, play an important role in providing affordable and reliable heating and other energy services, and in leading the implementation of state climate policies. As the state transitions

to cleaner sources of energy, combination utilities are an important partner in helping their customers make smart energy choices, and actively supporting the replacement of fossil fuel-based space and water heating equipment and other fossil fuel-based equipment with high-efficiency nonemitting equipment. Programs to accelerate the adoption of efficient, nonemitting appliances have the potential to allow combination utilities to optimize the use of energy infrastructure, improve the management of energy loads, better manage the integration of variable renewable energy resources, reduce greenhouse gas emissions from the buildings sector, mitigate the environmental impacts of utility operations and power purchases, and improve health outcomes for occupants. Legislative clarity is important for utilities to offer programs and services, including incentives, in the decarbonization of homes and buildings for their customers.

(3) In order to meet the statewide greenhouse gas limits in the energy sectors of the economy, more resources must be directed toward achieving decarbonization of residential and commercial heating loads and other loads that are served with fossil fuels, while continuing to protect customers, especially low-income customers and vulnerable communities. The legislature finds that regulatory innovation may be needed to remove barriers that combination utilities may face to meet the state's public policy objectives and expectations. The enactment of chapter 188, Laws of 2021 (Engrossed Substitute Senate Bill No. 5295) began that regulatory transition from traditional cost-of-service regulation, with investor-owned gas and electrical companies using forward-looking multiyear rate plans and taking steps toward performance-based regulation. These steps are intended to provide certainty and stability to both customers and to investor-owned gas and electrical companies, aligning public policy objectives with investments, safety, and reliability.

(4) The legislature finds that as Washington transitions to 100 percent clean electricity and as the state implements the Washington climate commitment act, switching from fossil fuel-based heating equipment and other fossil fuel-based appliances to high-efficiency nonemitting equipment will reduce climate impacts and fuel price risks for customers in the long term. This new paradigm requires a thoughtful transition to decarbonize the energy system to ensure that customers are protected, are not subject to sudden price shocks, and continue to receive needed energy services. This transition will require careful and integrated planning across utilities and with customers as well as new regulatory tools.

(5) It is the intent of the legislature to require combination utilities to decarbonize their systems by: (a) Prioritizing efficient and cost-effective measures to transition customers off of the direct use of fossil fuels at the lowest reasonable cost to customers; (b) investing in the energy supply, storage, delivery, and demand-side resources that will be needed to serve any increase in electrical demand

affordably and reliably; (c) maintaining safety and reliability as the gas system undergoes transformational changes; (d) integrating zero-carbon and carbon-neutral fuels to serve high heat and industrial loads where electrification may not be technically feasible; (e) managing peak demand of the electric system; and (f) ensuring an equitable distribution of benefits to, and reduction of burdens for, overburdened communities that have historically been underserved by utility energy efficiency programs, and may be disproportionately impacted by rising fuel and equipment costs or experience high energy burden.

(6) It is the intent of the legislature to support this transition by adopting requirements for combination utilities to conduct integrated system planning to develop specific actions supporting gas system decarbonization and electrification.

**Sec. 2.** RCW 80.28.010 and 2011 c 214 s 11 are each amended to read as follows:

(1) All charges made, demanded, or received by any gas company, electrical company, wastewater company, or water company for gas, electricity or water, or for any service rendered or to be rendered in connection therewith, shall be just, fair, reasonable and sufficient. Reasonable charges necessary to cover the cost of administering the collection of voluntary donations for the purposes of supporting the development and implementation of evergreen community management plans and ordinances under RCW 80.28.300 must be deemed as prudent and necessary for the operation of a utility.

(2)(a) Every gas company, electrical company, wastewater company, and water company shall furnish and supply such service, instrumentalities and facilities as shall be safe, adequate and efficient, and in all respects just and reasonable.

(b) No large gas company that serves more than 500,000 retail natural gas customers in the state of Washington on June 30, 2023, may furnish or supply gas service, instrumentalities, and facilities to any commercial or residential location that did not receive gas service or did not file applications for gas service as of June 30, 2023.

(c) The prohibition in (b) of this subsection does not apply to facilities engaged in one or more manufacturing processes described by North American industry classification system codes beginning with 31, 32, or 33.

(d) The prohibition in (b) of this subsection does not apply to the following facilities until January 1, 2040:

(i) Facilities with building occupancies classified as institutional I-2 (medical care facilities) or I-3 (correctional facilities) pursuant to the international building code, that are required by federal or state regulation to have redundant emergency backup power generation systems; and

(ii) Facilities owned or operated by the United States department of defense that utilize reciprocating internal combustion

engine generators that support energy resilience, energy security, and energy efficiency initiatives.

(3) All rules and regulations issued by any gas company, electrical company, wastewater company, or water company, affecting or pertaining to the sale or distribution of its product or service, must be just and reasonable.

(4) Utility service for residential space heating shall not be terminated between November 15<sup>th</sup> through March 15<sup>th</sup> if the customer:

(a) Notifies the utility of the inability to pay the bill, including a security deposit. This notice should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by paying reconnection charges, if any, and fulfilling the requirements of this section, receive the protections of this chapter;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the department of commerce, which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(c) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(d) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(e) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15<sup>th</sup> and to pay for continued utility service. If the past due bill is not paid by the following October 15<sup>th</sup>, the customer is not eligible for protections under this chapter until the past due bill is paid. The plan may not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15<sup>th</sup> through March 15<sup>th</sup>. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(f) Agrees to pay the moneys owed even if he or she moves.

(5) The utility shall:

(a) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(b) Assist the customer in fulfilling the requirements under this section;

(c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;

(d) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this subsection. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected; and

(e) Advise the customer in writing at the time it disconnects service that it will restore service if the customer contacts the utility and fulfills the other requirements of this section.

(6) A payment plan implemented under this section is consistent with RCW 80.28.080.

(7) Every gas company and electrical company shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(8) Every gas company, electrical company, wastewater company, and water company shall construct and maintain such facilities in connection with the manufacture and distribution of its product, or provision of its services, as will be efficient and safe to its employees and the public.

(9) An agreement between the customer and the utility, whether oral or written, does not waive the protections afforded under this chapter.

(10) In establishing rates or charges for water service, water companies as defined in RCW 80.04.010 may consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

**Sec. 3.** RCW 80.28.110 and 2021 c 65 s 97 are each amended to read as follows:

((Every)) Except for a large gas company pursuant to RCW 80.28.010(2)(b), every gas company, electrical company, wastewater company, or water company, engaged in the sale and distribution of gas, electricity or water or the provision of wastewater company

services, shall, upon reasonable notice, furnish to all persons and corporations who may apply therefor and be reasonably entitled thereto, suitable facilities for furnishing and furnish all available gas, electricity, wastewater company services, and water as demanded, except that a water company may not furnish water contrary to the provisions of water system plans approved under chapter 43.20 or 70A.100 RCW and wastewater companies may not provide services contrary to the approved general sewer plan.

NEW SECTION. **Sec. 4.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Alternative energy resource" means biogas, renewable natural gas, renewable syngas, renewable hydrogen, carbon dioxide removal, carbon-free district energy, any electrification programs approved as part of an electrification plan pursuant to section 5 of this act, and any carbon-neutral fuel as defined in statute.

(2) "Carbon dioxide equivalent" has the same meaning as defined in RCW 70A.65.010.

(3) "Carbon-free district energy" means a network of hot water pipes and cold water pipes used to provide thermal energy to multiple buildings that does not result in the emissions of greenhouse gases.

(4) "Combination utility" means a public service company that is both an electrical company and a large gas company that serves more than 800,000 retail electric customers and 500,000 retail natural gas customers in the state of Washington as of June 30, 2023.

(5) "Commission" means the utilities and transportation commission.

(6) "Cost-effective" means that a project or resource is forecast:

(a) To be reliable and available within the time it is needed; and

(b) To reduce greenhouse gas emissions and meet or reduce the energy demand or supply an equivalent level of energy service to the intended customers at an estimated incremental system cost no greater than that of the least-cost similarly reliable and available alternative project or resource, or any combination thereof, including the cost of compliance with chapter 70A.65 RCW, based on the forward allowance ceiling price of allowances approved by the department of ecology under RCW 70A.65.160.

(7) "Costs of greenhouse gas emissions" means the costs of greenhouse gas emissions established in RCW 80.28.395.

(8) "Electrical company" has the same meaning as provided in RCW 80.04.010.

(9)(a) "Electrification" means the installation of electric end-use equipment.

(b) Electrification programs may include, but are not limited to, programs that facilitate the installation of electric air-source heat pumps with gas backups in existing buildings. However, electric air-source heat pumps with gas backups may not be part of any plan filed after 2030.

(10) "Emissions baseline" means the actual cumulative greenhouse gas emissions of a combination utility, calculated pursuant to chapter 70A.65 RCW, for the

five-year period beginning January 1, 2015, and ending December 31, 2019.

(11) "Emissions reduction period" means one of five periods of five calendar years each, with the five periods beginning on January 1st of calendar years 2030, 2035, 2040, 2045, and 2050, respectively.

(12) "Emissions reduction target" means a targeted reduction of projected cumulative greenhouse gas emissions of a combination utility approved by the commission for an emissions reduction period that is at least as stringent as the limits established in RCW 70A.45.020.

(13) "Gas company" has the same meaning as provided in RCW 80.04.010.

(14) "Greenhouse gas" has the same meaning as provided in RCW 70A.45.010.

(15) "Low-income" has the same meaning as provided in RCW 19.405.020.

(16) "Multiyear rate plan" means a multiyear rate plan of a gas company filed with the commission pursuant to RCW 80.28.425.

(17) "Natural gas" has the same meaning as provided in RCW 19.405.020.

(18) "Overburdened community" has the same meaning as provided in RCW 70A.65.010.

(19) "Renewable hydrogen" has the same meaning as provided in RCW 19.405.020.

(20) "Renewable natural gas" has the same meaning as provided in RCW 19.405.020.

(21) "Renewable resource" has the same meaning as provided in RCW 19.405.020.

(22) "System cost" means an estimate of all direct costs of a project or resource over its effective life including, if applicable: The costs of transmission and distribution to the customers; waste disposal costs; permitting, siting, mitigation, and end-of-cycle decommissioning and remediation costs; fuel costs, including projected increases; resource integration and balancing costs; and such quantifiable environmental costs and benefits and other energy and nonenergy benefits as are directly attributable to the project or resource, including flexibility, resilience, reliability, greenhouse gas emissions reductions, and air quality.

#### NEW SECTION.

#### Sec. 5.

(1) The legislature finds that utilities are subject to a range of reporting and planning requirements as part of the clean energy transition. To reduce regulatory barriers, achieve equitable and transparent outcomes, and integrate planning requirements, the commission may consolidate planning requirements into a single integrated system plan that is approved by the commission.

(a) By September 1, 2023, the commission shall initiate a process to consolidate planning requirements and to waive any commission rules necessary to facilitate an integrated system plan.

(b) The commission shall issue a notice and request for comment and shall hold a public comment hearing.

(c) In its order approving the consolidation of planning requirements, the commission shall include a compliance checklist and shall provide any additional guidance that is necessary to ensure that the integrated system plan meets the minimum

requirements of all relevant statutes and rules.

(2) Subject to approval by the commission pursuant to subsection (1) of this section, by January 1, 2026, and every four years thereafter, a combination utility shall file an integrated system plan demonstrating how the combination utility plans to:

(a) Achieve its obligations under chapters 19.280, 19.405, 19.285, and 70A.65 RCW, RCW 80.28.380, and existing pipeline safety and replacement plans;

(b) Achieve gas utility and electric utility emissions reductions equal to their proportional share of emissions reductions required under RCW 70A.45.020;

(c) Maximize investments of revenues generated from consoling allowances pursuant to chapter 70A.65 RCW in programs that incentivize a transition to electric heat pumps and other electric appliances, conservation and efficiency services, and other programs that aid in the transition from the direct use of fossil fuels; and

(d) Comply with any other obligations under applicable rules, regulations, or laws.

(3) In addition, an integrated system plan filed pursuant to this section must:

(a) Include an emissions reduction target;

(b) Present and evaluate a range of resource portfolios and proposed programs to advance clean energy and gas decarbonization measures for customers that align with achieving the gas utility's proportional share of emissions reductions required under RCW 70A.45.020. At a minimum, the range of resource portfolios presented and evaluated by a combination utility must include:

(i) A portfolio of resources that uses cost-effective alternative energy resources to the maximum practicable extent, which may include leak reductions approved by the commission, and that meets the identified emissions reduction targets;

(ii) Other portfolios requested by stakeholders;

(iii) Other portfolios at the combination utility's discretion; and

(iv) Other portfolios as directed by the commission;

(c) Include programs targeted to low-income customers, vulnerable populations, and overburdened communities;

(d) Include outreach plans for engagement with all customers, but prioritizing low-income customers, vulnerable populations, and overburdened communities to develop programs to support those customers in every phase of the programs in the combination utility's integrated system plan, including through incentives offered to multifamily buildings occupied in full or in part by low-income households;

(e) Prioritize investments that benefit, and reduce burdens to, low-income customers, vulnerable populations, and overburdened communities;

(f) Prioritize investments in energy efficiency, demand response, and energy conservation measures, which must achieve at least:

(i) Two percent of electric load annually with conservation and energy efficiency

resources, unless the commission finds that a higher target is cost-effective; and

(ii) Annual demand response equal to or greater than 10 percent of winter and summer peak electric demand, unless the commission finds that a higher target is cost-effective;

(g) Set forth specific actions that the combination utility will take to reduce greenhouse gas emissions to meet the emissions reduction target;

(h) Quantify projected cumulative greenhouse gas emissions reductions for each emissions reduction period resulting from each portfolio presented in the integrated system plan;

(i) Propose program budgets resulting from each portfolio presented in the integrated system plan;

(j) Quantify the cost of implementing each portfolio presented in the integrated system plan;

(k) Project annual greenhouse gas emissions reductions that would result if each portfolio presented in the integrated system plan were extended through 2050;

(l) Describe the effects of the specific actions and investments of each portfolio presented in the integrated system plan on the safety, reliability, and resilience of the combination utility's energy service;

(m) Identify potential changes to depreciation schedules or other actions to align the combination utility's cost recovery with state laws, including reducing greenhouse gas emissions, minimizing costs, and minimizing risks to the combination utility and its customers;

(n) Explain the combination utility's analysis of the costs and benefits of an array of alternatives, including the costs of greenhouse gas emissions in the cost-benefit calculations;

(o) Describe the monitoring and verification methodology to be used in reporting; and

(p) Include any other information required by the commission.

(4) The commission must approve, reject, or approve with conditions the integrated system plan within 12 months of receiving the final plan. Once approved, a combination utility may include an integrated system plan in a proposal for a multiyear rate plan.

(a) In determining whether to approve the plan, the commission must evaluate whether the plan is in the public interest. This evaluation includes, but is not limited to, a consideration of:

(i) The equitable distribution of energy benefits and reduction of burdens to vulnerable populations and highly impacted communities;

(ii) Long-term and short-term public health, economic, and environmental benefits and the reduction of costs and risks; and

(iii) Energy security and resiliency.

(b) In evaluating whether a proposed integrated system plan is in the public interest, the commission shall take into account the following factors:

(i) Whether the specific actions in the integrated system plan achieve reductions in greenhouse gas emissions for each emissions reduction period;

(ii) Whether the integrated system plan demonstrates progress toward meeting the emissions reduction targets;

(iii) Whether investments in the integrated system plan prioritize serving low-income customers, vulnerable populations, and overburdened communities;

(iv) Whether the integrated system plan and the proposed actions in the plan are cost-effective and how the integrated system plan is likely to result in a reasonable cost to customers, where cost-effectiveness is defined in subsection (5) of this section;

(v) Whether the integrated system plan maintains system reliability and reduces long-term costs and risks to customers; and

(vi) Whether the integrated system plan will lead to new construction career opportunities and prioritizes a transition of natural gas and electricity utility workers to perform work on construction and maintenance of new and existing renewable energy infrastructure.

(5) The commission shall establish by rule a cost-effectiveness test for emissions reduction measures taken by combination utilities to comply with state clean energy and climate policies.

(a) The cost-effectiveness test must be used for the purpose of determining cost-effectiveness of decarbonization measures taken, at the portfolio level, by a combination utility under this chapter, and for any other purpose determined by the commission by rule.

(b) In evaluating the cost-effectiveness of gas decarbonization measures within the integrated system plan, a combination utility shall apply a risk reduction premium that shall account for: (i) The most recent allowance ceiling price approved by the department of ecology pursuant to the climate commitment act, chapter 70A.65 RCW; or (ii) a forward price index for allowance prices approved by the department of ecology. For the purpose of this chapter, the risk reduction premium is necessary to ensure that a combination utility is making appropriate long-term investments to mitigate against the allowance and fuel price risks to customers of the combination utility.

(c) The commission may approve, or amend and approve, an integrated system plan that exceeds the cost-effectiveness test and risk reduction premium requirements identified in this subsection only if it finds that the plan is in the public interest, costs to customers are reasonable, the plan includes mitigation of rate increases for low-income customers, and the benefits of the plan, including the costs of greenhouse gas emissions, exceed the costs.

(6) The commission shall determine the appropriate, cost-effective cost recovery mechanisms for a combination utility to meet its integrated system plan including, but not limited to:

(a) The majority of total capacity and energy necessary to meet the requirements of chapter 19.405 RCW to be supplied from resources owned and operated by the combination utility or an affiliate of the combination utility;

(b) A performance incentive mechanism;



(c) A return on generation assets and generation under contract based on the combination utility's authorized return on equity;

(d) A higher rate of return on certain electric assets including, but not limited to, microgrids, electric vehicle charging infrastructure, advanced metering infrastructure, new substations or distribution lines, and transmission upgrades; and

(e) A return on power purchase agreements that is no less than the authorized cost of debt and no greater than the authorized rate of return of the combination company, multiplied by the operating expense incurred by the combination utility under the power purchase agreement.

**NEW SECTION. Sec. 6.** (1) A combination utility must include the following in calculating its emissions baseline and projected cumulative emissions for an emissions reduction period, consistent with chapter 173-441 WAC:

(a) Methane leaked from the transportation and delivery of gas from the gas distribution and service pipelines from the city gate to customer end use;

(b) Greenhouse gas emissions resulting from the combustion of gas by customers not otherwise subject to federal greenhouse gas emissions reporting and excluding all transport customers; and

(c) Emissions of methane resulting from leakage from delivery of gas to other gas companies.

(2) In calculating an emissions reduction target, a combination utility must show its emissions baseline and projected cumulative greenhouse gas emissions for the applicable emissions reduction period separately and must show that the total emissions reductions are projected to make progress toward the achievement of the emissions reduction targets identified in the applicable integrated system plan. The final calculation must be presented on a carbon dioxide equivalent basis.

(3) All emissions are metric tons of carbon dioxide equivalent as reported to the federal environmental protection agency pursuant to 40 C.F.R. 98, either subpart W (methane) or subpart NN (carbon dioxide), or successor reporting requirements.

**NEW SECTION. Sec. 7.** (1) In any multiyear rate plan filed by a combination utility pursuant to RCW 80.28.425, the commission must adopt depreciation schedules for any gas plant in service as of the effective date of the depreciation schedules of the multiyear rate plan such that the incremental depreciation for each year of such a multiyear rate plan resulting from the depreciation is equal to one percent of the gas revenue requirement for the preceding year.

(2) After the approval of an integrated system plan, the combination utility may propose a merger of the rate bases supporting gas and electric operations of the combination utility into a single energy rate base and the adoption of rates for electric and gas service that support the

recovery of such a merged energy rate base. The commission may approve the merger of electric and gas rate bases if the commission finds that the proposal will result in a net benefit to customers of the combination utility.

(3) For a combination utility that has merged gas and electricity rate bases, the combination utility must monetize benefits from any applicable federal and state tax incentives for the benefit of customers. These benefits must be separately accounted for and amortized on a schedule designed to mitigate the rate impacts to customers after the rate bases are combined. These credits may not be used for any other purpose.

**NEW SECTION. Sec. 8.** (1) For any project in a decarbonization or targeted electrification plan of a combination utility that is part of a competitive solicitation and with a cost of more than \$10,000,000, the combination utility must certify to the commission that any work associated with such a project will be constructed by a prime contractor and its subcontractors in a way that includes community workforce agreements or project labor agreements and the payment of area standard prevailing wages and apprenticeship utilization requirements, provided the following apply:

(a) The combination utility and the prime contractor and all of its subcontractors, regardless of tier, have the absolute right to select any qualified and responsible bidder for the award of contracts on a specified project without reference to the existence or nonexistence of any agreements between such a bidder and any party to such a project labor agreement, and only when such a bidder is willing, ready, and able to become a party to, signs a letter of assent, and complies with such an agreement or agreements, should it be designated the successful bidder; and

(b) It is understood that this is a self-contained, stand-alone agreement, and that by virtue of having become bound to such an agreement or agreements, neither the prime contractor nor the subcontractors are obligated to sign any other local, area, or national agreement.

(2) Nothing in this section supersedes RCW 19.28.091 or 19.28.261 or chapter 49.17 RCW, without regard to project cost.

**NEW SECTION. Sec. 9.** Electrical companies, municipal electric utilities, public utility districts, irrigation districts, cooperatives, and mutual corporations providing retail electric service are encouraged to:

(1) Work with large gas companies providing gas service within their service areas to identify opportunities for electrification and the provision of energy peaking service by the large gas company;

(2) Account for the costs of greenhouse gas emissions, set total energy savings and greenhouse gas emissions reduction goals, and develop and implement electrification programs in collaboration with large gas companies providing gas service in service areas; and

(3) Include an electrification plan or transportation electrification program as part of collaboration with large gas companies.

NEW SECTION. **Sec. 10.** This chapter may be known and cited as the Washington decarbonization act for large combination utilities.

NEW SECTION. **Sec. 11.** Sections 4 through 10 of this act constitute a new chapter in Title 80 RCW.

NEW SECTION. **Sec. 12.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 13.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Doglio and Dye spoke in favor of the adoption of the striking amendment.

The striking amendment (340) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Doglio spoke in favor of the passage of the bill.

Representatives Dye, Abbarno, Couture, Chambers, Klicker, Schmick, Christian, McEntire, Corry, Dent, Orcutt, Connors, Walsh, Ybarra, Harris, Barnard and Wilcox spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1589.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1589, and the bill passed the House by the following vote: Yeas, 52; Nays, 44; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Stearns, Stonier, Street, Taylor, Thai, Timmons, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Springer, Steele, Stokesbary, Tharinger, Walen, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Hansen and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1589, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1055, by Representatives Stokesbary, Ormsby, Leavitt, Simmons, Goodman, Lekanoff, Rule, Robertson, Bronoske, Bergquist and Davis**

**Concerning public safety employees' retirement plan membership for public safety telecommunicators.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stokesbary, Ormsby and Griffey spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1055.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1055, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen and Volz

HOUSE BILL NO. 1055, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1712, by Representatives Schmick and Chapman**

**Protecting workers displaced due to finfish aquaculture facility closure.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmick and Berry spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1712.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1712, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier,

Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen and Volz

HOUSE BILL NO. 1712, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

### MOTIONS

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1052  
 HOUSE BILL NO. 1084  
 HOUSE BILL NO. 1151  
 HOUSE BILL NO. 1197  
 HOUSE BILL NO. 1201  
 HOUSE BILL NO. 1209  
 HOUSE BILL NO. 1244  
 HOUSE BILL NO. 1275  
 HOUSE BILL NO. 1303  
 HOUSE BILL NO. 1332  
 HOUSE BILL NO. 1362  
 HOUSE BILL NO. 1455  
 HOUSE BILL NO. 1684  
 HOUSE BILL NO. 1764  
 HOUSE BILL NO. 1789  
 HOUSE BILL NO. 1829  
 HOUSE BILL NO. 1833  
 HOUSE BILL NO. 1168  
 HOUSE BILL NO. 1715

There being no objection, HOUSE BILL NO. 1714 was moved from the House Suspension Calendar to the House Second Reading Calendar.

There being no objection, the House adjourned until 9:00 a.m., Tuesday, March 7, 2023, the 58th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIFTY EIGHTH DAY

House Chamber, Olympia, Tuesday, March 7, 2023

The House was called to order at 9:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Andrew Djaja and Hailey Myers. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Interim Pastor Ken Coleman, First Christian Church, Bremerton.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4622**, by Representatives Bronoske and Leavitt

WHEREAS, Fumiko Kimura, a longtime 28th legislative district resident, has selflessly and compassionately dedicated her long life in Pierce County to the creation and development of Asian-inspired art; and

WHEREAS, Fumiko has been a strong leader in art education in the community and has played a key role in expanding art awareness within the Puget Sound region, more specifically awareness for Sumi painting and calligraphy; and

WHEREAS, Fumiko earned her master's degree in art education from the University of Puget Sound, and her artwork has been admired by many, collected by Microsoft, the Tacoma Art Museum, the Pierce County Library, Columbia Bank, the University of Puget Sound, and others; and

WHEREAS, Now past 90 years old, Fumiko is the only living founding member of the Puget Sound Sumi Artists Association, which was founded in 1986; and

WHEREAS, Fumiko and other artists founded the Puget Sound Sumi Artists Association with a mission to: "Encourage the advancement of artistry in sumi painting and related work in Asian brush calligraphy, and foster appreciation of sumi and brush calligraphy art in the community through exhibitions, demonstrations, and by teaching in schools and other venues;" and

WHEREAS, The Association has introduced thousands of school children to the fun of Sumi painting through in-school and community workshops, also introducing art workshops for adults and seniors; and

WHEREAS, With Fumiko's guidance, the Puget Sound Sumi Artists also offered an annual art scholarship, expanded professional skills, networking opportunities, and artistic fellowship in the community; and

WHEREAS, Fumiko has displayed great excellence in the community, and personally inspired thousands of children through her volunteer Sumi painting workshops in schools and within the Puget Sound region; and

WHEREAS, She has generously provided wisdom through mentorship for hundreds of adults through community college classes in Sumi painting and Asian calligraphy, many of which she offered free of charge; and

WHEREAS, Fumiko continues to inspire, mentor, and encourage the 70-plus members of the Puget Sound Sumi Artists Association, as well as members of the community who are eager to learn more about Sumi art through community education and outreach; and

WHEREAS, She is also the author of the book "Painting in Sumi--/Stroke and Stroke" and the co-author of another book titled "Persimmon and Frog: My Life And Art, a Kibei-Nisei's Story of Self-Discovery;"

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor Fumiko Kimura, for her lifelong dedication to the creation and preservation of Sumi art, and her dedication to mentorship and inspiring others within the community; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the value of such strong dedication to art education in the community and for the outstanding example Fumiko has set for others.

HOUSE RESOLUTION NO. 4622 was adopted.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

There being no objection, the House advanced to the third order of business.

**MESSAGE FROM THE SENATE**

Tuesday, March 7, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5102  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5236  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5582

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

**MOTIONS**

On motion of Representative Ramel, Representative Hansen was excused.

On motion of Representative Griffey, Representatives McClintock and Volz were excused.

There being no objection, the House advanced to the eighth order of business.

**MOTION**

Representative Robertson moved that the Rules Committee be relieved of House Bill No. 1363 and that the bill be placed on the second reading calendar.

Representative Robertson spoke in favor of the motion.

Representative Fitzgibbon spoke against the motion.

The Speaker (Representative Orwall presiding) stated the question before the House to be the motion to relieve the Rules Committee of House Bill No. 1363 and place the bill on the second reading calendar.

**ROLL CALL**

The Clerk called the roll on the motion to relieve the Rules Committee of House Bill No. 1363 and place the bill on the second

reading calendar, and the motion failed by the following vote: Yeas, 38; Nays, 57; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Walsh, Waters, Wilcox, Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Jinkins, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie

Excused: Representatives Hansen, McClintock, Volz

There being no objection, the House reverted to the sixth order of business.

## SECOND READING

**HOUSE BILL NO. 1541, by Representatives Farivar, Couture, Mena, Pollet, Taylor, Ortiz-Self, Street, Thai, Reed, Waters, Fosse, Caldier, Simmons, Davis, Alvarado, Schmidt, Ryu, Griffey, Ramel, Barnard, Orwall, Hackney, Bergquist, Walen, Berry, Tharinger, Peterson, Goodman, Volz, Eslick, Stonier, Gregerson, Riccelli, Ormsby, Kloba, Doglio, Bateman, Macri and Duerr**

### Establishing the nothing about us without us act.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1541 was substituted for House Bill No. 1541 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1541 was read the second time.

With the consent of the House, amendment (372) was withdrawn.

Representative Farivar moved the adoption of amendment (245):

On page 2, line 22, after "examining" insert "and reporting to the legislature on"

On page 2, beginning on line 31, after "(2)" strike all material through "issue." on line 36 and insert "(a) "Statutory entity" means a multimember task force, work group, or advisory committee, that is:

(i) Temporary;

(ii) Established by legislation;

(iii) Established for the specific purpose of examining a particular policy or issue directly and tangibly affecting a particular underrepresented population; and

(iv) Required to report to the legislature on the policy or issue it is tasked with examining.

(b) "

On page 3, beginning on line 33, strike all of subsection (5)

On page 4, at the beginning of line 10, strike "(6)" and insert "(5)"

On page 4, line 12, after "(1)" strike "Beginning" and insert "Except as provided

in subsection (2) of this section, beginning"

On page 5, line 1, after "(2)" insert "Statutory entities administered by the legislature must collect the information described in subsection (1) of this section and provide the information to the secretary of the senate and the chief clerk of the house of representatives but are not required to report the information to the office of equity.

(3) "

On page 5, line 22, after "participation" insert "in stakeholder engagement"

On page 5, beginning on line 23, after "experience" strike all material through "entities" on line 25

On page 6, line 4, after "liaisons," insert "members of the legislature,"

Representatives Farivar and Couture spoke in favor of the adoption of the amendment.

Amendment (245) was adopted.

Representative Farivar moved the adoption of amendment (378):

On page 3, beginning on line 28, after "(3)" strike all material through "entity" on line 29 and insert "When making appointments to a statutory entity, appointing authorities:

(a) May consult with the office of equity; and

(b) Must consult with the relevant state entities identified in the toolkit created by the office of equity pursuant to section 5 of this act, except for appointing authorities from the legislative branch"

On page 5, beginning on line 18, after "with" strike all material through "experience" on line 21 and insert "state boards and commissions that support the participation of people from underrepresented populations in policy making processes, and may consult with other relevant state agencies, departments, and offices"

On page 6, line 17, after "section;" strike "and"

On page 6, line 21, after "43.03 RCW" insert "; and

(v) A list of state entities for appointing authorities to consult with when making appointments to statutory entities"

Representatives Farivar and Couture spoke in favor of the adoption of the amendment.

Amendment (378) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Farivar, Couture, Dye and Griffey spoke in favor of the passage of the bill.

Representatives Schmick and Christian spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1541.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1541, and the bill passed the House by the following vote: Yeas, 83; Nays, 12; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Chandler, Christian, Corry, Dent, Jacobsen, McEntire, Orcutt, Rude, Schmick, Schmidt and Walsh

Excused: Representatives Hansen, McClintock and Volz

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1541, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1052, by Representatives Ramel, Lekanoff, Bateman, Reed, Pollet, Walen, Doglio and Kloba**

**Providing a property tax exemption for qualified real and personal property owned or used by a nonprofit entity in providing qualified housing funded in whole or part through a local real estate excise tax.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ramel and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1052.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1052, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai,

Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

HOUSE BILL NO. 1052, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1197, by Representatives Bronoske, Berry, Bateman, Simmons, Fosse, Davis and Pollet**

**Defining attending provider and clarifying other provider functions for workers' compensation claims, and adding psychologists as attending providers for mental health only claims.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Bronoske spoke in favor of the passage of the bill.

Representative Schmidt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1197.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1197, and the bill passed the House by the following vote: Yeas, 64; Nays, 31; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Harris, Kloba, Leavitt, Lekanoff, Macri, Maycumber, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Hutchins, Jacobsen, Klicker, Kretz, Low, McEntire, Mosbrucker, Orcutt, Robertson, Schmick, Schmidt, Steele, Stokesbary, Walsh, Wilcox and Ybarra

Excused: Representatives Hansen, McClintock and Volz

HOUSE BILL NO. 1197, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1019, by Representatives Dent, Chapman, Ryu, Corry, Sandlin, Reeves, Springer, Schmick and Davis**

**Creating the pesticide advisory board.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1019 was substituted for House Bill No. 1019 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1019 was read the second time.

With the consent of the House, amendment (112) was withdrawn.

Representative Lekanoff moved the adoption of amendment (116):

On page 2, beginning on line 16, after "One" strike "at-large member selected by the director through a nomination process established by the director" and insert "migrant farmworker"

Representatives Lekanoff and Dent spoke in favor of the adoption of the amendment.

Amendment (116) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dent and Reeves spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1019.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1019, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1019, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1209, by Representatives Leavitt, Griffey, Fey, Bronoske and Davis**

**Restricting the possession, purchase, delivery, and sale of certain equipment used to illegally process controlled substances.**

The bill was read the second time.

Representative Griffey moved the adoption of amendment (237):

On page 4, after line 25, insert the following:

"**NEW SECTION. Sec. 3.** This act may be known and cited as the Tyler Lee Yates act."

Correct any internal references accordingly.

Correct the title.

Representatives Griffey and Goodman spoke in favor of the adoption of the amendment.

Amendment (237) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leavitt, Mosbrucker, Griffey and Christian spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1209.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1209, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

ENGROSSED HOUSE BILL NO. 1209, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1275, by Representatives Thai, Harris and Riccelli**

**Concerning athletic trainers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1275 was substituted for House Bill No. 1275 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1275 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Thai and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1275.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1275, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt,

Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

SUBSTITUTE HOUSE BILL NO. 1275, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

There being no objection, the House reverted to the third order of business.

#### MESSAGE FROM THE SENATE

Tuesday, March 7, 2023

Mme. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5145  
SENATE BILL NO. 5316  
SUBSTITUTE SENATE BILL NO. 5460  
ENGROSSED SENATE BILL NO. 5592  
SENATE BILL NO. 5725

and the same are herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the sixth order of business.

#### SECOND READING

**HOUSE BILL NO. 1715, by Representatives Davis, Mosbrucker, Duerr, Griffey, Walen, Lekanoff, Morgan, Callan, Ramel, Thai, Rule, Ryu, Kloba, Chopp, Pollet, Chapman, Mena, Cortes, Eslick, Bergquist and Fey**

**Enacting comprehensive protections for victims of domestic violence and other violence involving family members or intimate partners.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1715 was substituted for House Bill No. 1715 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1715 was read the second time.

Representative Davis moved the adoption of the striking amendment (342):

Strike everything after the enacting clause and insert the following:

#### **"Part I. Electronic Monitoring with Victim Notification Technology**

NEW SECTION. **Sec. 101.** A new section is added to chapter 43.101 RCW to read as follows:

(1) By December 1, 2023, the commission must adopt rules:

(a) Establishing standards for the operation of electronic monitoring with victim notification technology by monitoring

agencies, with the goal of implementing best practices to improve victim safety;

(b) Establishing protocols for implementing court orders that include electronic monitoring with victim notification, including protocols for the installation and removal of monitoring devices to ensure uninterrupted monitoring services following release from detainment or incarceration; and

(c) Establishing any additional requirements necessary to promote compliance with RCW 2.56.260 and 9.94A.736, which may include, but not be limited to, training requirements for court officials, peace officers, 911 dispatchers, local corrections officers and staff, and other appropriate practitioners.

(2) In developing the rules required under this section, the commission must solicit input from courts of general and limited jurisdiction, local governments, monitoring agencies, and statewide associations representing law enforcement leaders, prosecutors, domestic violence victims, and domestic violence agencies.

(3) The commission must develop a model policy on electronic monitoring with victim notification technology based on best practices where the technology is being currently used in Washington. Each law enforcement agency in the state must adopt its own policy based on the model policy.

(4) For the purposes of this section:

(a) "Electronic monitoring" has the meaning provided in RCW 9.94A.030; and

(b) "Monitoring agency" has the meaning provided in RCW 9.94A.736.

NEW SECTION. **Sec. 102.** A new section is added to chapter 2.56 RCW to read as follows:

The administrative office of the courts must contract with one or more entities to:

(1) Provide additional training on electronic monitoring with victim notification technology to prosecutors, law enforcement officers, judges, domestic violence agencies, attorneys representing domestic violence survivors, and any other persons or entities deemed appropriate by the administrative office of the courts; and

(2) Create a website with information about electronic monitoring with victim notification technology, including recorded trainings, brochures or flyers, approved vendors, and specific instructions on how victims may advocate or request electronic monitoring with victim notification technology.

#### **Part II. Access to Counsel**

NEW SECTION. **Sec. 201.** (1) The office of civil legal aid shall propose a plan to standardize and expand statewide access to civil legal assistance for survivors of domestic violence as defined in RCW 7.105.010 in protection order proceedings initiated in superior and district courts and in family law proceedings. The plan must include the following specific areas of focus:



(a) Exploration of how deployment of publicly funded attorneys could integrate with existing networks of community and nonprofit organizations already providing support for domestic violence survivors;

(b) Strategies for expanding the number of private attorneys available to provide effective civil legal representation to domestic violence survivors;

(c) Strategies for incorporating high quality, culturally responsive, equity and trauma-informed assistance by nonattorneys into delivery systems where appropriate;

(d) A proposed implementation schedule and priorities;

(e) Provisions to ensure effective training, support, technical, and other assistance to ensure equity and trauma-informed legal assistance targeted to survivors at greatest risk of lethal and other aggravated harms who are unable to afford counsel;

(f) Any statutory changes necessary to implement the plan, including a description of how expanded access to counsel interacts with the appointment of counsel under RCW 7.105.240; and

(g) Any other information deemed appropriate by the office of civil legal aid.

(2) The office of civil legal aid must report the plan to the appropriate legislative committees by September 30, 2024.

(3) This section expires December 31, 2024.

**NEW SECTION. Sec. 202.** A new section is added to chapter 2.53 RCW to read as follows:

The legislature recognizes: The authority of tribes to exercise tribal court civil jurisdiction in domestic violence matters; that tribal courts and tribal programs serve residents of this state; that consistent with tribal sovereignty and the centennial accord, the state of Washington does not have the authority to direct tribal court practices or direct that counsel be appointed in tribal court civil protection proceedings; and that provisions of chapter 7.105 RCW do not apply in tribal courts. Where consistent with tribal justice system rules and practices, and upon agreement with individual tribal courts or justice systems, the state should support the provision of indigenous-informed, culturally appropriate legal support for indigenous survivors of domestic violence in tribal court domestic violence protection proceedings. To this end, and subject to appropriations for this purpose, the office of civil legal aid shall coordinate with the Indian policy advisory council at the department of social and health services and representatives of tribal justice systems to develop a plan and implementation schedule to provide indigenous-informed, culturally appropriate legal support for survivors in tribal court domestic violence protection proceedings. The office of civil legal aid shall submit the plan along with fiscal projections for its implementation to the appropriate legislative committees by December 1, 2024.

### Part III. Civil Proceedings

**Sec. 301.** RCW 7.105.155 and 2022 c 268 s 10 are each amended to read as follows:

When service is to be completed under this chapter by a law enforcement officer:

(1) The clerk of the court shall have a copy of any order issued under this chapter, the confidential information form, as well as the petition for a protection order and any supporting materials, electronically forwarded on or before the next judicial day to the law enforcement agency in the county or municipality where the respondent resides, as specified in the order, for service upon the respondent. If the respondent has moved from that county or municipality and personal service is not required, the law enforcement agency specified in the order may serve the order;

(2) Service of an order issued under this chapter must take precedence over the service of other documents by law enforcement unless they are of a similar emergency nature;

(3) Where personal service is required, the first attempt at service must occur within 24 hours of receiving the order from the court (~~whenever practicable, but not more than five days after receiving the order~~) unless an emergency situation renders the service infeasible. If the first attempt is not successful, no fewer than two additional attempts should be made to serve the order, particularly for respondents who present heightened risk of lethality or other risk of physical harm to the petitioner or petitioner's family or household members. All attempts at service must be documented on a proof of service form and submitted to the court in a timely manner;

(4) If service cannot be completed within 10 calendar days, the law enforcement officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification. Law enforcement shall continue to attempt to complete service unless otherwise directed by the court. In the event that the petitioner does not provide a service address for the respondent or there is evidence that the respondent is evading service, the law enforcement officer shall use law enforcement databases to assist in locating the respondent;

(5) If the respondent is in a protected person's presence at the time of contact for service, the law enforcement officer should take reasonable steps to separate the parties when possible prior to completing the service or inquiring about or collecting firearms. When the order requires the respondent to vacate the parties' shared residence, law enforcement shall take reasonable steps to ensure that the respondent has left the premises and is on notice that (~~his or her~~) the respondent's return is a violation of the terms of the order. The law enforcement officer shall provide the respondent with copies of all forms with the exception of the confidential information form completed by the protected party and the proof of service form;

(6) Any law enforcement officer who serves a protection order on a respondent with the knowledge that the respondent requires special assistance due to a disability, brain injury, or impairment shall make a reasonable effort to accommodate the needs of the respondent to the extent practicable without compromise to the safety of the petitioner;

(7) Proof of service must be submitted to the court on the proof of service form. The form must include the date and time of service and each document that was served in order for the service to be complete, along with any details such as conduct at the time of service, threats, or avoidance of service, as well as statements regarding possession of firearms, including any denials of ownership despite positive purchase history, active concealed pistol license, or sworn statements in the petition that allege the respondent's access to, or possession of, firearms; or

(8) If attempts at service were not successful, the proof of service form or the form letter showing that the order was not served, and stating the reason it was not served, must be returned to the court by the next judicial day following the last unsuccessful attempt at service. Each attempt at service must be noted and reflected in computer aided dispatch records, with the date, time, address, and reason service was not completed.

**Sec. 302.** RCW 7.105.255 and 2022 c 268 s 15 are each amended to read as follows:

(1) To help ensure familiarity with the unique nature of protection order proceedings, and an understanding of trauma-informed practices and best practices in the use of new technologies for remote hearings, judicial officers, including persons who serve as judicial officers pro tempore, should receive evidence-based training on procedural justice, trauma-informed practices, gender-based violence dynamics, coercive control, elder abuse, juvenile sex offending, teen dating violence, domestic violence homicide prevention, and requirements and best practices for the surrender of weapons before presiding over protection order hearings. Trainings should be provided on an ongoing basis as best practices, research on trauma, and legislation continue to evolve. As a method of continuous training, court commissioners, including pro tempore commissioners, shall be notified by the presiding judge or court administrator upon revision of any decision made under this chapter.

(2) The administrative office of the courts shall develop training for judicial officers on the topics listed in subsection (1) of this section, which must be provided free of charge to judicial officers.

**Sec. 303.** RCW 7.105.310 and 2022 c 268 s 17 and 2022 c 231 s 9 are each reenacted and amended to read as follows:

(1) In issuing any type of protection order, other than an ex parte temporary antiharassment protection order as limited by subsection (2) of this section, and other than an extreme risk protection order, the

court shall have broad discretion to grant such relief as the court deems proper, including an order that provides relief as follows:

(a) Restrain the respondent from committing any of the following acts against the petitioner and other persons protected by the order: Domestic violence; nonconsensual sexual conduct or nonconsensual sexual penetration; sexual abuse; stalking; acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult; and unlawful harassment;

(b) Restrain the respondent from making any attempts to have contact, including nonphysical contact, with the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household, either directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(c) Exclude the respondent from the residence that the parties share;

(d) Exclude the respondent from the residence, workplace, or school of the petitioner; or from the day care or school of a minor child;

(e) Restrain the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, the protected party's person, and the protected party's vehicle. The specified distance shall presumptively be at least 1,000 feet, unless the court for good cause finds that a shorter specified distance is appropriate;

(f) If the parties have children in common, make residential provisions with regard to their minor children on the same basis as is provided in chapter 26.09 RCW. However, parenting plans as specified in chapter 26.09 RCW must not be required under this chapter. The court may not delay or defer relief under this chapter on the grounds that the parties could seek a parenting plan or modification to a parenting plan in a different action. A protection order must not be denied on the grounds that the parties have an existing parenting plan in effect. A protection order may suspend the respondent's contact with the parties' children under an existing parenting plan, subject to further orders in a family law proceeding;

(g) Order the respondent to participate in a state-certified domestic violence perpetrator treatment program approved under RCW 43.20A.735 or a state-certified sex offender treatment program approved under RCW 18.155.070;

(h) Order the respondent to obtain a mental health or chemical dependency evaluation. If the court determines that a mental health evaluation is necessary, the court shall clearly document the reason for this determination and provide a specific question or questions to be answered by the mental health professional. The court shall consider the ability of the respondent to pay for an evaluation. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the

parent or legal guardian demonstrates inability to pay;

(i) In cases where the petitioner and the respondent are students who attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger, emotional distress, or educational disruption to the petitioner, and the financial difficulty and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the respondent not attend the public or private elementary, middle, or high school attended by the petitioner. If a minor respondent is prohibited attendance at the minor's assigned public school, the school district must provide the student comparable educational services in another setting. In such a case, the district shall provide transportation at no cost to the respondent if the respondent's parent or legal guardian is unable to pay for transportation. The district shall put in place any needed supports to ensure successful transition to the new school environment. The court shall send notice of the restriction on attending the same school as the petitioner to the public or private school the respondent will attend and to the school the petitioner attends;

(j) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense, and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with state supreme court admission and practice rule 28, the limited practice rule for limited license legal technicians. Reasonable attorneys' fees or limited licensed legal technical fees are mandatory under subsection (4) of this section. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

(k) Restrain the respondent from harassing, following, monitoring, keeping under physical or electronic surveillance, cyber harassment as defined in RCW 9A.90.120, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;

(l) Other than for respondents who are minors, require the respondent to submit to electronic monitoring, including electronic monitoring with victim notification technology. The order must specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent

pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

(m) Consider the provisions of RCW 9.41.800, and order the respondent to surrender, and prohibit the respondent from accessing, having in ~~((his or her))~~ the respondent's custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, all firearms, dangerous weapons, and any concealed pistol license, as required in RCW 9.41.800;

(n) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent, and may prohibit the respondent from interfering with the petitioner's efforts to obtain the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found;

(o) Order use of a vehicle;

(p) Enter an order restricting the respondent from engaging in abusive litigation as set forth in chapter 26.51 RCW or in frivolous filings against the petitioner, making harassing or libelous communications about the petitioner to third parties, or making false reports to investigative agencies. A petitioner may request this relief in the petition or by separate motion. A petitioner may request this relief by separate motion at any time within five years of the date the protection order is entered even if the order has since expired. A stand-alone motion for an order restricting abusive litigation may be brought by a party who meets the requirements of chapter 26.51 RCW regardless of whether the party has previously sought a protection order under this chapter, provided the motion is made within five years of the date the order that made a finding of domestic violence was entered. In cases where a finding of domestic violence was entered pursuant to an order under chapter 26.09, 26.26, or 26.26A RCW, a motion for an order restricting abusive litigation may be brought under the family law case or as a stand-alone action filed under this chapter, when it is not reasonable or practical to file under the family law case;

(q) Restrain the respondent from committing acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult;

(r) Require an accounting by the respondent of the disposition of the vulnerable adult's income or other resources;

(s) Restrain the transfer of either the respondent's or vulnerable adult's property, or both, for a specified period not exceeding 90 days;

(t) Order financial relief and restrain the transfer of jointly owned assets;

(u) Restrain the respondent from possessing or distributing intimate images, as defined in RCW 9A.86.010, depicting the petitioner including, but not limited to, requiring the respondent to: Take down and delete all intimate images and recordings of the petitioner in the respondent's possession or control; and cease any and all disclosure of those intimate images. The court may also inform the respondent that it would be appropriate to ask third parties in possession or control of the intimate images of this protection order to take down and delete the intimate images so that the order may not inadvertently be violated; or

(v) Order other relief as it deems necessary for the protection of the petitioner and other family or household members who are minors or vulnerable adults for whom the petitioner has sought protection, including orders or directives to a law enforcement officer, as allowed under this chapter.

(2) In an antiharassment protection order proceeding, the court may grant the relief specified in subsection (1)(c), (f), and (t) of this section only as part of a full antiharassment protection order.

(3) The court in granting a temporary antiharassment protection order or a civil antiharassment protection order shall not prohibit the respondent from exercising constitutionally protected free speech. Nothing in this section prohibits the petitioner from utilizing other civil or criminal remedies to restrain conduct or communications not otherwise constitutionally protected.

(4)(a) Except as provided in (b) of this subsection, in issuing a domestic violence, sexual assault, or stalking protection order on behalf of a prevailing petitioner, the court must order the respondent to pay reasonable attorneys' fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with state supreme court admission and practice rule 28, the limited practice rule for limited license legal technicians.

(b) If the court finds by a preponderance of the evidence that an order to pay reasonable attorneys' fees or limited license legal technician fees would be manifestly unjust or that the respondent is currently unable to pay the fees and is unlikely to be able to pay the fees in the future, the court may set the fees at a lower amount, enter into a payment plan with the respondent, or decline to order payment of the fees.

(5) The court shall not take any of the following actions in issuing a protection order.

(a) The court may not order the petitioner to obtain services including, but not limited to, drug testing, victim support services, a mental health assessment, or a psychological evaluation.

(b) The court shall not issue a full protection order to any party except upon notice to the respondent and the opportunity for a hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with this chapter. Except as provided in RCW

7.105.210, the court shall not issue a temporary protection order to any party unless the party has filed a petition or counter-petition for a protection order seeking relief in accordance with this chapter.

(c) Under no circumstances shall the court deny the petitioner the type of protection order sought in the petition on the grounds that the court finds that a different type of protection order would have a less severe impact on the respondent.

~~((45))~~(6) The order shall specify the date the order expires, if any. For permanent orders, the court shall set the date to expire 99 years from the issuance date. The order shall also state whether the court issued the protection order following personal service, service by electronic means, service by mail, or service by publication, and whether the court has approved service by mail or publication of an order issued under this section.

**Sec. 304.** RCW 7.105.450 and 2022 c 268 s 21 are each amended to read as follows:

(1)(a) Whenever a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order is granted under this chapter, or an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, or there is a Canadian domestic violence protection order as defined in RCW 26.55.010, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

(i) The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or the restraint provisions prohibiting contact with a protected party;

(ii) A provision excluding the person from a residence, workplace, school, or day care;

(iii) A provision prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle;

(iv) A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, the respondent, or a minor child residing with either the petitioner or the respondent; ~~((6#))~~

(v) A provision requiring the respondent to submit to electronic monitoring; or

(vi) A provision of a foreign protection order or a Canadian domestic violence protection order specifically indicating that a violation will be a crime.

(b) Upon conviction, and in addition to any other penalties provided by law, the court:

(i) May require that the respondent submit to electronic monitoring. The court shall specify who must provide the electronic monitoring services and the terms

under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring; and

(ii) Shall impose a fine of \$15, in addition to any penalty or fine imposed, for a violation of a domestic violence protection order issued under this chapter. Revenue from the \$15 fine must be remitted monthly to the state treasury for deposit in the domestic violence prevention account.

(2) A law enforcement officer shall arrest without a warrant and take into custody a person whom the law enforcement officer has probable cause to believe has violated a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or a court order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99,

26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, is a class C felony if the offender has at least two previous convictions for violating the provisions of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6) (a) A defendant arrested for violating a domestic violence protection order, sexual assault protection order, stalking protection order, or vulnerable adult protection order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, is required to appear in person before a magistrate within one judicial day after the arrest. At the time of the appearance, the court shall determine the necessity of imposing a no-contact order or other conditions of pretrial release.

(b) A defendant who is charged by citation, complaint, or information with violating any protection order identified in (a) of this subsection and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than 14 days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

(7) Upon the filing of an affidavit by the petitioner or any law enforcement officer alleging that the respondent has violated a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days as to why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

(8) Appearances required under this section are mandatory and cannot be waived.

**Sec. 305.** RCW 7.105.500 and 2022 c 268 s 23 are each amended to read as follows:

This section applies to modification or termination of domestic violence protection orders, sexual assault protection orders, stalking protection orders, and antiharassment protection orders.

(1) Upon a motion with notice to all parties and after a hearing, the court may modify the terms of an existing protection order or terminate an existing order.

(2) A respondent's motion to modify or terminate an existing protection order must include a declaration setting forth facts supporting the requested order for modification or termination. The nonmoving parties to the proceeding may file opposing declarations. All motions to modify or terminate shall be based on the written materials and evidence submitted to the court. The court shall set a hearing only if the court finds that adequate cause is established. If the court finds that the respondent established adequate cause, the court shall set a date for hearing the respondent's motion, which must be at least 14 days from the date the court finds adequate cause.

(3) Upon the motion of a respondent, the court may not modify or terminate an existing protection order unless the respondent proves by a preponderance of the evidence that there has been a substantial change in circumstances such that the respondent will not resume, engage in, or attempt to engage in, the following acts against the petitioner or those persons protected by the protection order if the order is terminated or modified:

(a) Acts of domestic violence, in cases involving domestic violence protection orders;

(b) Physical or nonphysical contact, in cases involving sexual assault protection orders;

(c) Acts of stalking, in cases involving stalking protection orders; or

(d) Acts of unlawful harassment, in cases involving antiharassment protection orders.

The petitioner bears no burden of proving that ~~((he or she))~~ the petitioner has a current reasonable fear of harm by the respondent.

(4) In determining whether there has been a substantial change in circumstances, the court may consider the following unweighted factors, and no inference is to be drawn from the order in which the factors are listed:

(a) Whether the respondent has committed or threatened sexual assault, domestic violence, stalking, or other harmful acts against the petitioner or any other person since the protection order was entered;

(b) Whether the respondent has violated the terms of the protection order and the time that has passed since the entry of the order;

(c) Whether the respondent has exhibited suicidal ideation or attempts since the protection order was entered;

(d) Whether the respondent has been convicted of criminal activity since the protection order was entered;

(e) Whether the respondent has either acknowledged responsibility for acts of sexual assault, domestic violence, stalking, or behavior that resulted in the entry of

the protection order, or successfully completed state-certified perpetrator treatment or counseling since the protection order was entered;

(f) Whether the respondent has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order;

(g) Whether the petitioner consents to terminating the protection order, provided that consent is given voluntarily and knowingly; or

(h) Other factors relating to a substantial change in circumstances.

(5) In determining whether there has been a substantial change in circumstances, the court may not base its determination on the fact that time has passed without a violation of the order.

(6) Regardless of whether there is a substantial change in circumstances, the court may decline to terminate a protection order if it finds that the acts of domestic violence, sexual assault, stalking, unlawful harassment, and other harmful acts that resulted in the issuance of the protection order were of such severity that the order should not be terminated.

(7) A respondent may file a motion to modify or terminate an order no more than once in every 12-month period that the order is in effect, starting from the date of the order and continuing through any renewal period.

(8) If a person who is protected by a protection order has a child or adopts a child after a protection order has been issued, but before the protection order has expired, the petitioner may seek to include the new child in the order of protection on an ex parte basis if the child is already in the physical custody of the petitioner. If the restrained person is the legal or biological parent of the child, a hearing must be set and notice given to the restrained person prior to final modification of the full protection order.

(9) ~~((A court may))~~ (a) (i) Except as provided in (a) (ii) of this subsection, a court must require the respondent to pay the petitioner for costs incurred in responding to a motion to modify or terminate a domestic violence, sexual assault, or stalking protection order, including reasonable attorneys' fees.

(ii) If the court finds by a preponderance of the evidence that an order to pay costs would be manifestly unjust or that the respondent is currently unable to pay the costs and is unlikely to be able to pay the costs in the future, the court may set the costs at a lower amount, enter into a payment plan with the respondent, or decline to order payment of the costs.

(b) A court may require the respondent to pay the petitioner for costs incurred in responding to a motion to modify or terminate any other type of protection order, including reasonable attorneys' fees.

NEW SECTION. Sec. 306. A new section is added to chapter 7.105 RCW to read as follows:

(1) Because of the potential for error in protection order proceedings and the danger

associated with firearm access in domestic violence situations, in any proceeding in which the court enters a temporary protection order that includes a temporary order to surrender and prohibit weapons, and after the hearing the court denies the petition for a full protection order, the order to surrender and prohibit weapons must remain in effect until the period for a petitioner to file a motion for reconsideration or revision has passed. If a motion for reconsideration or revision is filed, the order to surrender and prohibit weapons must remain in effect until the motion for reconsideration or revision is resolved.

(2) The court must notify the petitioner verbally and provide the petitioner with written information at the hearing in which the court denies the petition for a full protection order explaining the procedures and timelines for filing a motion for reconsideration or a motion for revision. The information must also include contact information for civil legal aid organizations that may assist the petitioner with a motion for reconsideration or a motion for revision.

(3) Subsection (1) of this section does not apply if allowing the order to surrender and prohibit weapons to remain in effect would be manifestly unjust including, but not limited to, situations where the court finds the temporary protection order was entirely without merit, the petitioner was engaged in abusive use of litigation, or the petitioner was exerting coercive control, as defined in RCW 7.105.010, over the respondent.

#### Part IV. Domestic Violence Protections

**Sec. 401.** RCW 10.99.033 and 2019 c 367 s 2 are each amended to read as follows:

(1) All training relating to the handling of domestic violence complaints by law enforcement officers must stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) The criminal justice training commission shall implement by July 28, 2019, a course of instruction for the training of law enforcement officers in Washington in the handling of domestic violence complaints. The basic law enforcement curriculum of the criminal justice training commission must include at least twenty hours of basic training instruction on the law enforcement response to domestic violence. The course of instruction, the learning and performance objectives, and the standards for the training must be developed by the commission and focus on enforcing the criminal laws, safety of the victim, and holding the perpetrator accountable for the violence. The curriculum must include training on the extent and prevalence of domestic violence, the importance of criminal justice intervention, techniques for responding to incidents that minimize

the likelihood of officer injury and that promote victim safety, trauma-informed investigation and interviewing skills, evidence gathering and report writing, assistance to and services for victims and children, domestic violence homicide prevention, the intersection of firearms and domestic violence, best practices for serving and enforcing protection orders, best practices for implementation and enforcement of orders to surrender and prohibit weapons and extreme risk protection orders, the impacts that trauma may have on domestic violence victims, understanding the risks of traumatic brain injury posed by domestic violence, verification and enforcement of court orders, liability, and any additional provisions that are necessary to carry out the intention of this subsection.

(3) The criminal justice training commission shall develop and update annually an in-service training program to familiarize law enforcement officers with domestic violence laws. The program must include techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of all parties. The program must also include training on domestic violence homicide prevention, the intersection of firearms and domestic violence, best practices for serving and enforcing protection orders, and assistance to and services for victims and children. The commission shall make the training program available to all law enforcement agencies in the state.

(4) Development of the training in subsections (2) and (3) of this section must be conducted in conjunction with agencies having a primary responsibility for serving victims of domestic violence with emergency shelter and other services, and representatives to the statewide organization providing training and education to these organizations and to the general public.

**Sec. 402.** RCW 10.99.040 and 2021 c 215 s 122 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence; and

(e) Shall not deny issuance of a no-contact order based on the existence of an

applicable civil protection order preventing the defendant from contacting the victim.

(2)(a) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the defendant to surrender, and prohibit the person from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

(c) The no-contact order shall also be issued in writing as soon as possible, and shall state that it may be extended as provided in subsection (3) of this section. By January 1, 2011, the administrative office of the courts shall develop a pattern form for all no-contact orders issued under this chapter. A no-contact order issued under this chapter must substantially comply with the pattern form developed by the administrative office of the courts.

(3)(a) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. So long as the court finds probable cause, the court may issue or extend a no-contact order even if the defendant fails to appear at arraignment. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed.

(b) In issuing the order, the court shall consider all information documented in the incident report concerning the person's possession of and access to firearms and whether law enforcement took temporary custody of firearms at the time of the arrest. The court may as a condition of release prohibit the defendant from possessing or accessing firearms and order the defendant to immediately surrender all firearms and any concealed pistol license to a law enforcement agency upon release.

(c) If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring as defined in RCW 9.94A.030. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant (~~reimburse the providing agency for~~) pay

the costs of the electronic monitoring. If a defendant enters into a deferred prosecution or stipulated order of continuance, the applicable order or agreement may require the defendant pay the costs of the electronic monitoring.

(4)(a) Willful violation of a court order issued under subsection (2), (3), or (7) of this section is punishable under RCW 7.105.450.

(b) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 7.105 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A certified copy of the order shall be provided to the victim.

(5) If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed.

(6) Whenever a no-contact order is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (3) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

(7) All courts shall develop policies and procedures by January 1, 2011, to grant victims a process to modify or rescind a no-contact order issued under this chapter. The administrative office of the courts shall develop a model policy to assist the courts in implementing the requirements of this subsection.

## **Part V. Firearms and Dangerous Weapons**

**Sec. 501.** RCW 9.41.340 and 2020 c 29 s 5 are each amended to read as follows:

(1)(a) Each law enforcement agency shall develop a notification protocol that (~~allows~~):

(i) Allows a family or household member or intimate partner to use an incident or case number to request to be notified when a law enforcement agency returns a privately



owned firearm to the individual from whom it was obtained or to an authorized representative of that person; and

(ii) Requires, once the portal created under section 804 of this act is available, immediate law enforcement entry in a portal created and maintained by the Washington association of sheriffs and police chiefs with the intended purpose to provide timely and accurate information to the statewide automated protected person notification system created under RCW 36.28A.410 when a law enforcement agency returns a privately owned firearm to any respondent identified in a no-contact order, restraining order, or protection order.

~~((a))~~ (b)(i) Notification may be made via telephone, email, text message, or another method that allows notification to be provided without unnecessary delay.

~~((b))~~ (ii) If a law enforcement agency is in possession of more than one privately owned firearm from ~~((a single person))~~ an individual, notification relating to the return of one firearm shall be considered notification for all privately owned firearms for that person.

(2) A law enforcement agency shall not provide notification to any party other than ~~((a family or household member or intimate partner who has an incident or case number and who has requested to be notified pursuant to this section or))~~ another criminal justice agency or as authorized or required under subsection (1) of this section.

(3) The information provided by a family or household member or intimate partner pursuant to chapter 130, Laws of 2015, including the existence of the request for notification, is not subject to public disclosure pursuant to chapter 42.56 RCW.

(4) An appointed or elected official, public employee, or public agency as defined in RCW 4.24.470, or combination of units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any release of information or the failure to release information related to this section, so long as the release or failure was without gross negligence.

(5) An individual who knowingly makes a request for notification under this section based on false information may be held liable under RCW 9A.76.175.

**Sec. 502.** RCW 9.41.345 and 2020 c 29 s 6 are each amended to read as follows:

(1) Before a law enforcement agency returns a privately owned firearm, the law enforcement agency must:

(a) Confirm that the individual to whom the firearm will be returned is the individual from whom the firearm was obtained or an authorized representative of that person;

(b) Confirm that the individual to whom the firearm will be returned is eligible to possess a firearm pursuant to RCW 9.41.040;

(c) Ensure that the firearm is not otherwise required to be held in custody or otherwise prohibited from being released; ~~((and))~~

(d) Ensure that twenty-four hours have elapsed from the time the firearm was obtained by law enforcement, unless the firearm was seized in connection with a domestic violence call pursuant to RCW 10.99.030, in which case the law enforcement agency must ensure that five business days have elapsed from the time the firearm was obtained;

(e) If a family or household member or intimate partner has requested notification, provide notice to the family or household member or intimate partner who has requested notification within one business day of verifying that the requirements in (a) through (c) of this subsection have been met; and

(f) Once the portal created under section 804 of this act is available, immediately enter in the portal created and maintained by the Washington association of sheriffs and police chiefs with the intended purpose to provide timely and accurate information to the statewide automated protected person notification system created under RCW 36.28A.410, when any respondent identified in a no-contact order, restraining order, or protection order has met the requirements in (a) through (c) of this subsection. Law enforcement must provide the respondent's name, date of birth, protective order number, and date the respondent is eligible to have the respondent's firearms returned.

(2) (a) Once the requirements in subsections (1) and (3) of this section have been met, a law enforcement agency must release a firearm to the individual from whom it was obtained or an authorized representative of that person upon request without unnecessary delay.

(b) (i) If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from being released, a law enforcement agency must provide written notice to the individual from whom it was obtained within five business days of the individual requesting return of ~~((his or her))~~ the firearm and specify the reason the firearm must be held in custody.

(ii) Notification may be made via email, text message, mail service, or personal service. For methods other than personal service, service shall be considered complete once the notification is sent.

~~(3) If ((a family or household member or intimate partner has requested to be notified pursuant to RCW 9.41.340)) notification is required under subsections (1)(e) or (f) of this section, a law enforcement agency must~~ ~~((+))~~

~~(a) Provide notice to the family or household member or intimate partner within one business day of verifying that the requirements in subsection (1) of this section have been met; and~~

~~(b) Hold) hold~~ the firearm in custody for seventy-two hours from the time notification has been provided or information has been entered.

(4) (a) A law enforcement agency may not return a concealed pistol license that has been surrendered to, or impounded by, the law enforcement agency for any reason to the licensee until the law enforcement agency determines the licensee is eligible to

possess a firearm under state and federal law and meets the other eligibility requirements for a concealed pistol license under RCW 9.41.070.

(b) A law enforcement agency must release a concealed pistol license to the licensee without unnecessary delay, and in no case longer than five business days, after the law enforcement agency determines the requirements of (a) of this subsection have been met.

(5) The provisions of chapter 130, Laws of 2015 and subsection (4) of this section shall not apply to circumstances where a law enforcement officer has momentarily obtained a firearm or concealed pistol license from an individual and would otherwise immediately return the firearm or concealed pistol license to the individual during the same interaction.

**Sec. 503.** RCW 9.41.801 and 2022 c 268 s 30 are each amended to read as follows:

(1) Because of the heightened risk of lethality to petitioners when respondents to protection orders become aware of court involvement and continue to have access to firearms, and the frequency of noncompliance with court orders prohibiting possession of firearms, law enforcement and judicial processes must emphasize swift and certain compliance with court orders prohibiting access, possession, and ownership of all firearms.

(2) A law enforcement officer serving a protection order, no-contact order, or restraining order that includes an order to surrender all firearms, dangerous weapons, and a concealed pistol license under RCW 9.41.800 shall inform the respondent that the order is effective upon service and the respondent must immediately surrender all firearms and dangerous weapons in the respondent's custody, control, or possession and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms, dangerous weapons, and concealed pistol license. The law enforcement officer shall take possession of all firearms, dangerous weapons, and any concealed pistol license belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. If the order is entered in open court and the respondent appears in person, the respondent shall be provided a copy and further service is not required. If the respondent refuses to receive a copy, an agent of the court may indicate on the record that the respondent refused to receive a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service shall be transmitted immediately to law enforcement. The

respondent must immediately surrender all firearms, dangerous weapons, and any concealed pistol license in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of firearms, dangerous weapons, and any concealed pistol license shall issue a receipt identifying all firearms, dangerous weapons, and any concealed pistol license that have been surrendered and provide a copy of the receipt to the respondent. The law enforcement agency shall file the original receipt with the court within 24 hours after service of the order and retain a copy of the receipt, electronically whenever electronic filing is available.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms or dangerous weapons as required by an order issued under RCW 9.41.800 or 10.99.100, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms and dangerous weapons in their possession, custody, or control. If probable cause exists that a crime occurred, the court shall issue a warrant describing the firearms or dangerous weapons and authorizing a search of the locations where the firearms and dangerous weapons are reasonably believed to be and the seizure of all firearms and dangerous weapons discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms or dangerous weapons surrendered pursuant to this section, and the person is determined by the law enforcement agency to be the lawful owner of the firearm or dangerous weapon, the firearm or dangerous weapon shall be returned to the lawful owner, provided that:

(a) The firearm or dangerous weapon is removed from the respondent's access, custody, control, or possession and the lawful owner agrees by written document signed under penalty of perjury to store the firearm or dangerous weapon in a manner such that the respondent does not have access to or control of the firearm or dangerous weapon;

(b) The firearm or dangerous weapon is not otherwise unlawfully possessed by the owner; and

(c) The requirements of RCW 9.41.345 are met.

(6) Courts shall develop procedures to verify timely and complete compliance with orders to surrender and prohibit weapons under RCW 9.41.800 or 10.99.100, including compliance review hearings to be held as soon as possible upon receipt from law enforcement of proof of service. A compliance review hearing is not required if

the court can otherwise enter findings on the record or enter written findings that the proof of surrender or declaration of nonsurrender attested to by the person subject to the order, along with verification from law enforcement and any other relevant evidence, makes a sufficient showing that the person has timely and completely surrendered all firearms and dangerous weapons in the person's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, to a law enforcement agency. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible at which the respondent must be present and provide proof of compliance with the court's order. Courts shall make available forms that petitioners may complete and submit to the court in response to a respondent's declaration of whether the respondent has surrendered weapons.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order to surrender and prohibit weapons is addressed, that there is probable cause to believe the respondent was aware of and failed to fully comply with the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may issue an arrest warrant and initiate a contempt proceeding to impose remedial sanctions on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute. Law enforcement shall also serve a copy of the order to show cause on the petitioner, either electronically or in person, at no cost.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the order to surrender and prohibit weapons and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the underlying court order to surrender and prohibit weapons and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court

shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms and other dangerous weapons surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and the agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of a declaration.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to surrender and prohibit weapons to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding shall not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard or submit written information at any hearing that concerns compliance with an order to surrender and prohibit weapons issued in connection with another type of protection order.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9)(a) An order to surrender and prohibit weapons issued pursuant to RCW 9.41.800 must state that the act of voluntarily surrendering firearms or weapons, or providing testimony relating to the surrender of firearms or weapons, pursuant to such an order, may not be used against the respondent in any criminal prosecution under this chapter, chapter 7.105 RCW, or RCW 9A.56.310.

(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

(10) All law enforcement agencies must have policies and procedures to provide for the acceptance, storage, and return of firearms, dangerous weapons, and concealed pistol licenses that a court requires must be surrendered under RCW 9.41.800. A law enforcement agency holding any firearm or

concealed pistol license that has been surrendered under RCW 9.41.800 shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

(11) The administrative office of the courts shall create a statewide pattern form to assist the courts in ensuring timely and complete compliance in a consistent manner with orders issued under this chapter. The administrative office of the courts shall report annually on the number of orders issued under this chapter by each court, the degree of compliance, and the number of firearms obtained, and may make recommendations regarding additional procedures to enhance compliance and victim safety.

**Sec. 504.** RCW 9.41.804 and 2014 c 111 s 5 are each amended to read as follows:

(A) (1) Except as provided in subsection (2) of this section, a party ordered to surrender firearms, dangerous weapons, and ((his or her)) the party's concealed pistol license under RCW 9.41.800 must file with the clerk of the court a proof of surrender and receipt form or a declaration of nonsurrender form within five judicial days of the entry of the order.

(2) A person ordered to surrender firearms or dangerous weapons under RCW 10.99.100 must file with the clerk of the court a proof of surrender and receipt form or a declaration of nonsurrender form before the defendant is released from any term of confinement, or, if the defendant is not sentenced to a term of confinement, before the conclusion of the hearing regarding the entry of the order.

**Sec. 505.** RCW 7.105.340 and 2022 c 268 s 19 are each amended to read as follows:

(1) Upon the issuance of any extreme risk protection order under this chapter, including a temporary extreme risk protection order, the court shall:

(a) Order the respondent to surrender to the local law enforcement agency all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070; and

(b) Other than for ex parte temporary protection orders, direct law enforcement to revoke any concealed pistol license issued to the respondent.

(2) The law enforcement officer serving any extreme risk protection order under this chapter, including a temporary extreme risk protection order, shall request that the respondent immediately surrender all firearms in ((his or her)) the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms. The law enforcement officer shall take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. If the order is entered in open court and the respondent appears in person, the respondent must be provided a copy and further service

is not required. If the respondent refuses to accept a copy, an agent of the court may indicate on the record that the respondent refused to accept a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service must be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms and any concealed pistol license, not previously surrendered, in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. If the respondent is in custody, arrangements to recover the firearms must be made prior to release. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of a firearm or concealed pistol license shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the officer serving the order shall file the original receipt with the court and shall ensure that ((his or her)) the officer's law enforcement agency retains a copy of the receipt.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued under this chapter, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in ((his or her)) the respondent's possession, custody, or control. If probable cause for a violation of the order exists, the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms surrendered pursuant to this section, and that person is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm must be returned to that person, provided that:

(a) The firearm is removed from the respondent's custody, control, or possession, and the lawful owner provides written verification to the court regarding how the lawful owner will safely store the

firearm in a manner such that the respondent does not have access to, or control of, the firearm for the duration of the order;

(b) The court advises the lawful owner of the penalty for failure to do so; and

(c) The firearm is not otherwise unlawfully possessed by the owner.

(6) Upon the issuance of a one-year extreme risk protection order, the court shall order a new compliance review hearing date and require the respondent to appear not later than three judicial days from the issuance of the order. The court shall require a showing that the respondent has surrendered any firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency. The compliance review hearing is not required upon a satisfactory showing on which the court can otherwise enter findings on the record that the respondent has timely and completely surrendered all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency, and is in compliance with the order. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible, at which the respondent must be present and provide proof of compliance with the court's order.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order is addressed, that there is probable cause to believe the respondent was aware of, and failed to fully comply with, the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, to impose remedial sanctions, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing, and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the extreme risk protection order and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order to show cause.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the extreme risk protection order and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and that a law enforcement agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of an affidavit.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding must not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard or submit written information at any hearing that concerns compliance with an extreme risk protection order.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9)(a) An extreme risk protection order must state that the act of voluntarily surrendering firearms, or providing testimony relating to the surrender of firearms, pursuant to such an order, may not be used against the respondent in any criminal prosecution under this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

(10) All law enforcement agencies must develop and implement policies and procedures regarding the acceptance,

storage, and return of firearms required to be surrendered under this chapter. Any surrendered firearms must be handled and stored properly to prevent damage or degradation in appearance or function, and the condition of the surrendered firearms documented, including by digital photograph. A law enforcement agency holding any surrendered firearm or concealed pistol license shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

**Sec. 506.** RCW 10.21.050 and 2018 c 276 s 5 are each amended to read as follows:

The judicial officer in any felony, misdemeanor, or gross misdemeanor case must, in determining whether there are conditions of release that will reasonably assure the safety of any other person and the community, take into account the available information concerning:

(1) The nature and circumstances of the offense charged, including whether the offense is a crime of violence;

(2) The weight of the evidence against the defendant; and

(3) The history and characteristics of the defendant, including:

(a) The ~~((person's))~~ defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings;

(b) Whether, at the time of the current offense or arrest, the defendant was on community supervision, probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under federal, state, or local law; ~~((and))~~

(c) The nature and seriousness of the danger to any person or the community that would be posed by the defendant's release; and

(d) The defendant's firearms history, including purchase history, any concealed pistol license history, and the requirements of RCW 9.41.800 regarding issuance of an order to surrender and prohibit weapons.

## Part VI. Residential Protections

**Sec. 601.** RCW 40.24.030 and 2022 c 231 s 5 are each amended to read as follows:

(1)(a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, ~~((as defined in RCW 11.88.010,))~~ (b) any election official as described in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any ~~((family members))~~ person residing with ~~((him or her))~~ them, and (c) any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv) and any criminal justice participant

as defined in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any ~~((family members))~~ person residing with ~~((him or her))~~ them, may apply to the secretary of state to have an address designated by the secretary of state serve as the person's address or the address of the minor or incapacitated person. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state and if it contains:

(i) A sworn statement, under penalty of perjury, by the applicant that the applicant has good reason to believe (A) that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, trafficking, or stalking and that the applicant fears for ~~((his or her))~~ the applicant's safety or ~~((his or her))~~ the applicant's children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made ~~((+))~~ (B) that the applicant, as an election official as described in RCW 9A.90.120, is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv); or (C) that the applicant, as a criminal justice participant as defined in RCW 9A.46.020, is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or that the applicant, as a criminal justice participant as defined in RCW 9A.90.120 is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv);

(ii) If applicable, a sworn statement, under penalty of perjury, by the applicant, that the applicant has reason to believe they are a victim of (A) domestic violence, sexual assault, or stalking perpetrated by an employee of a law enforcement agency, or ~~((+))~~ (B) threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv) or 9A.46.020(2)(b) (iii) or (iv);

(iii) A designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail;

(iv) The residential address and any telephone number where the applicant can be contacted by the secretary of state, which shall not be disclosed because disclosure will increase the risk of (A) domestic violence, sexual assault, trafficking, or stalking, or (B) threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv) or 9A.46.020(2)(b) (iii) or (iv);

(v) The signature of the applicant and of any individual or representative of any office designated in writing under RCW 40.24.080 who assisted in the preparation of the application, and the date on which the applicant signed the application.

(2) Applications shall be filed with the office of the secretary of state.

(3) Upon filing a properly completed application, the secretary of state shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The secretary of state shall by rule establish a renewal procedure.

(4)(a) During the application process, the secretary of state shall provide each applicant a form to direct the department of licensing to change the address of registration for vehicles or vessels solely or jointly registered to the applicant and the address associated with the applicant's driver's license or identicaid to the applicant's address as designated by the secretary of state upon certification in the program. The directive to the department of licensing is only valid if signed by the applicant. The directive may only include information required by the department of licensing to verify the applicant's identity and ownership information for vehicles and vessels. This information is limited to the:

- (i) Applicant's full legal name;
- (ii) Applicant's Washington driver's license or identicaid number;
- (iii) Applicant's date of birth;
- (iv) Vehicle identification number and license plate number for each vehicle solely or jointly registered to the applicant; and
- (v) Hull identification number or vessel document number and vessel decal number for each vessel solely or jointly registered to the applicant.

(b) Upon certification of the applicants, the secretary of state shall transmit completed and signed directives to the department of licensing.

(c) Within 30 days of receiving a completed and signed directive, the department of licensing shall update the applicant's address on registration and licensing records.

(d) Applicants are not required to sign the directive to the department of licensing to be certified as a program participant.

(5) A person who knowingly provides false or incorrect information upon making an application or falsely attests in an application that disclosure of the applicant's address would endanger (a) the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, (b) the safety of any election official as described in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2) (b) (iii) or (iv), or (c) the safety of any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2) (b) (iii) or (iv) or of any criminal justice participant as defined in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2) (b) (iii) or (iv), or any family members residing with ~~(him or her)~~ them, shall be punished under RCW 40.16.030 or other applicable statutes.

**Sec. 602.** RCW 42.17A.710 and 2019 c 428 s 36 are each amended to read as follows:

(1) The statement of financial affairs required by RCW 42.17A.700 shall disclose the following information for the reporting individual and each member of the reporting individual's immediate family:

(a) Occupation, name of employer, and business address;

(b) Each bank account, savings account, and insurance policy in which a direct financial interest was held that exceeds twenty thousand dollars at any time during the reporting period; each other item of intangible personal property in which a direct financial interest was held that exceeds two thousand dollars during the reporting period; the name, address, and nature of the entity; and the nature and highest value of each direct financial interest during the reporting period;

(c) The name and address of each creditor to whom the value of two thousand dollars or more was owed; the original amount of each debt to each creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each debt; and the security given, if any, for each such debt. Debts arising from a "retail installment transaction" as defined in chapter 63.14 RCW (retail installment sales act) need not be reported;

(d) Every public or private office, directorship, and position held as trustee; except that an elected official or executive state officer need not report the elected official's or executive state officer's service on a governmental board, commission, association, or functional equivalent, when such service is part of the elected official's or executive state officer's official duties;

(e) All persons for whom any legislation, rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation. For the purposes of this subsection, "compensation" does not include payments made to the person reporting by the governmental entity for which the person serves as an elected official or state executive officer or professional staff member for the person's service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid;

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of two thousand dollars or more; the value of the compensation; and the consideration given or performed in exchange for the compensation;

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and: (i) With respect to a governmental unit in which the official seeks or holds any office or position, if the entity has received compensation in any form during the preceding twelve months from the governmental unit, the value of the compensation and the consideration given or performed in exchange for the compensation; and (ii) the name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or

other business or commercial entity from which the entity has received compensation in any form in the amount of ten thousand dollars or more during the preceding twelve months and the consideration given or performed in exchange for the compensation. As used in (g)(ii) of this subsection, "compensation" does not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing the service. With respect to any bank or commercial lending institution in which is held any office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of the bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by the bank or commercial lending institution from the governmental entity for which the individual is an official or candidate or professional staff member, or all interest paid by a borrower on loans from and all interest paid to a depositor by the bank or commercial lending institution if the interest exceeds two thousand four hundred dollars;

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for that interest;

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for that interest, and the name and address of the person furnishing the consideration;

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which a direct financial interest was held. If a description of the property has been included in a report previously filed, the property may be listed, for purposes of this subsection (1)(j), by reference to the previously filed report;

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds twenty thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm, or enterprise a ten percent or greater ownership interest was held;

(1) A list of each occasion, specifying date, donor, and amount, at which food and beverage in excess of fifty dollars was accepted under RCW 42.52.150(5);

(m) A list of each occasion, specifying date, donor, and amount, at which items specified in RCW 42.52.010(9) (d) and (f) were accepted; and

(n) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall prescribe by rule.

(2)(a) When judges, prosecutors, sheriffs, participants in the address confidentiality program under RCW 40.24.030, or their immediate family members are required to disclose real property that is the personal residence of the judge, prosecutor, ~~((or))~~ sheriff, or address confidentiality program participant, the requirements of subsection (1)(h) through (k) of this section may be satisfied for that property by substituting:

(i) The city or town;

(ii) The type of residence, such as a single-family or multifamily residence, and the nature of ownership; and

(iii) Such other identifying information the commission prescribes by rule for the mailing address where the property is located.

(b) Nothing in this subsection relieves the judge, prosecutor, or sheriff of any other applicable obligations to disclose potential conflicts or to recuse oneself.

(3)(a) Where an amount is required to be reported under subsection (1)(a) through (m) of this section, it may be reported within a range as provided in (b) of this subsection.

(b)

Code A	Less than thirty thousand dollars;
Code B	At least thirty thousand dollars, but less than sixty thousand dollars;
Code C	At least sixty thousand dollars, but less than one hundred thousand dollars;
Code D	At least one hundred thousand dollars, but less than two hundred thousand dollars;
Code E	At least two hundred thousand dollars, but less than five hundred thousand dollars;
Code F	At least five hundred thousand dollars, but less than seven hundred and fifty thousand dollars;
Code G	At least seven hundred fifty thousand dollars, but less than one million dollars; or
Code H	One million dollars or more.

(c) An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection may be



interpreted to prevent any person from filing more information or more detailed information than required.

(4) Items of value given to an official's or employee's spouse, domestic partner, or family member are attributable to the official or employee, except the item is not attributable if an independent business, family, or social relationship exists between the donor and the spouse, domestic partner, or family member.

#### **Part VII. Statewide Resources**

NEW SECTION. **Sec. 701.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission must administer a grant program for establishing a statewide resource prosecutor for domestic violence cases.

(2) The grant recipient must be a statewide organization or association representing prosecuting attorneys. The grant recipient must hire a resource prosecutor for the following purposes:

(a) To provide technical assistance and research to prosecutors for prosecuting domestic violence cases;

(b) To provide training on implementation and enforcement of orders to surrender and prohibit weapons, extreme risk protection orders, first appearances, case resolution, duties regarding recovery of firearms at the scene of domestic violence incidents, service of orders to surrender weapons and extreme risk protection orders, and firearm rights restoration petitions for domestic violence perpetrators;

(c) To provide additional training and resources to prosecutors to support a trauma-informed, victim-centered approach to prosecuting domestic violence cases;

(d) To meet regularly with law enforcement agencies and prosecutors to explain legal issues and prosecutorial approaches to domestic violence cases and provide and receive feedback to improve case outcomes;

(e) To consult with the commission with respect to developing and implementing best practices for prosecuting domestic violence cases across the state; and

(f) To comply with other requirements established by the commission under this section.

(3) The commission may establish additional appropriate conditions for any grant awarded under this section. The commission may adopt necessary policies and procedures to implement and administer the grant program, including monitoring the use of grant funds and compliance with the grant requirements.

NEW SECTION. **Sec. 702.** A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer a pilot program to implement domestic violence

high risk teams. A domestic violence high risk team must, at a minimum, include the following four elements:

(a) Early identification of the most dangerous cases through evidence-based lethality assessments;

(b) Increased access to supportive services for high-risk victims;

(c) Increased perpetrator monitoring and accountability; and

(d) A coordinated response to high-risk cases through a multidisciplinary team.

(2) A domestic violence program must be the lead or co-lead of the domestic violence high risk teams.

NEW SECTION. **Sec. 703.** A new section is added to chapter 28B.20 RCW to read as follows:

(1) The University of Washington must establish a center of excellence in domestic violence research, policy, and practice. The center is created to:

(a) Conduct scientifically rigorous intimate partner violence research that informs policy and practice in Washington and serves as a national model;

(b) Promote a collaborative, multidisciplinary approach to addressing intimate partner violence, informed by community members and practitioners;

(c) Collaborate with and be informed by survivors and community and governmental agencies that interact with and provide services to those affected by intimate partner violence;

(d) Disseminate research findings to assist in the development of evidence-based intimate partner violence policy and practice; and

(e) Assist in the support, success, and continued training of intimate partner violence research scholars.

(2) The center must:

(a) Establish an advisory council for the center with representation from relevant disciplines across the University of Washington, representatives from systems that interact with domestic violence victims and perpetrators, and intimate partner violence community groups in order to guide development of the center's overarching goals and strategic vision. The advisory council will also assist center leadership and core center faculty in identifying priority areas of research to best inform intimate partner violence policy and practice;

(b) Award research grants to facilitate timely generation of data and research results to inform the legislature and others on key policy or practice-related issues relevant to those affected by intimate partner violence;

(c) Generate an annual report beginning December 1, 2024, on the state of domestic violence in Washington, including available prevalence data;

(d) Conduct listening sessions with survivors of intimate partner violence statewide, including survivors in urban and rural areas, black survivors, indigenous survivors, survivors of color, and survivors who identify as part of the LGBTQ community;

(e) Provide presentations and research-informed training to system actors, including domestic violence victim advocates;

(f) Convene an annual statewide domestic violence summit. The first summit must occur by June 30, 2025;

(g) Develop a statewide strategic plan to reduce intimate partner violence and increase support for victims. The preliminary strategic plan is due December 1, 2025, and must be updated every five years thereafter; and

(h) Undertake a body of work related to domestic violence intervention treatment. This must include:

(i) Executing a robust, multiyear research study to test the efficacy of various therapeutic interventions for domestic violence perpetrators aimed at reducing intimate partner violence, including intimate terrorism as defined in RCW 10.99.020. Treatment interventions may vary, but must include internal family systems and an evidence-based intervention for the treatment of suicidality, such as the collaborative assessment and management of suicidality or dialectical behavioral therapy; and

(ii) Working with the department of health, domestic violence intervention treatment providers, insurance carriers, and other relevant entities in order to formulate a detailed plan that would facilitate medicaid and commercial insurance reimbursement for domestic violence intervention treatment in Washington. The plan must include licensing requirements and provider credentialing necessary for reimbursement, billing codes, needed changes to law or rule, and any other relevant information.

#### Part VIII. Law Enforcement

NEW SECTION. **Sec. 801.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission must provide ongoing specialized, intensive, and integrative training for persons responsible for investigating domestic violence cases involving intimate partners. The training must be based on a victim-centered, trauma-informed approach to responding to domestic violence. Among other subjects, the training must include content on the neurobiology of trauma and trauma-informed interviewing, counseling, and investigative techniques.

(2) The training must: Be based on research-based practices and standards; offer participants an opportunity to practice interview skills and receive feedback from instructors; minimize the trauma of all persons who are interviewed during investigations; provide methods of reducing the number of investigative interviews necessary whenever possible; assure, to the extent possible, that investigative interviews are thorough, objective, and complete; recognize needs of special populations; recognize the nature and consequences of domestic violence

victimization; require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; address record retention and retrieval; address documentation of investigative interviews; and educate investigators on the best practices for notifying victims of significant events in the investigative process.

(3) In developing the training, the commission must seek advice from the Washington association of sheriffs and police chiefs, organizations representing victims of domestic violence, and experts on domestic violence and the neurobiology of trauma. The commission must consult with the Washington association of prosecuting attorneys in an effort to design training containing consistent elements for all professionals engaged in interviewing and interacting with domestic violence victims in the criminal legal system.

(4) The commission must develop the training and begin offering it by January 1, 2025. Officers assigned to regularly investigate domestic violence must complete the training within one year of being assigned or by July 1, 2026, whichever is later.

**Sec. 802.** RCW 10.31.100 and 2021 c 215 s 118 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in subsections (1) through (11) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order has been issued, of which the person has knowledge, under chapter 7.105 RCW, or an order has been issued, of which the person has knowledge, under RCW 26.44.063, or chapter 9A.40, 9A.46, 9A.88, 10.99, 26.09, ((26.107)) 26.26A, 26.26B, or 74.34 RCW, or any of the former chapters 7.90, 7.92, and 26.50 RCW, restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence,

or restraining the person from going onto the grounds of, or entering, a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, or requiring the person to submit to electronic monitoring, or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person;

(b) An extreme risk protection order has been issued against the person under chapter 7.105 RCW or former RCW 7.94.040, the person has knowledge of the order, and the person has violated the terms of the order prohibiting the person from having in (~~his or her~~) the person's custody or control, purchasing, possessing, accessing, or receiving a firearm or concealed pistol license;

(c) A foreign protection order, as defined in RCW 26.52.010, or a Canadian domestic violence protection order, as defined in RCW 26.55.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order or the Canadian domestic violence protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, or a violation of any provision for which the foreign protection order or the Canadian domestic violence protection order specifically indicates that a violation will be a crime; or

(d) The person is eighteen years or older and within the preceding four hours has assaulted a family or household member or intimate partner as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members or intimate partners have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary (~~physical~~) aggressor. In making this determination, the officer shall make every reasonable effort to consider: (A) The intent to protect victims of domestic violence under RCW 10.99.010; (B) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (C) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to, or death of, a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;

(f) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed, in connection with the accident, a violation of any traffic law or regulation.

(5) (a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

(6) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(7) An officer may act upon the request of a law enforcement officer, in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(8) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(9) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an antiharassment protection order has been issued of which the person has knowledge

under chapter 7.105 RCW or former chapter 10.14 RCW and the person has violated the terms of that order.

(10) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(11) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(12) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW 77.15.160(5) may issue a citation for an infraction to the person in connection with the violation.

(13) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under RCW 77.15.809 or 77.15.811 may arrest the person in connection with the violation.

(14) Except as specifically provided in subsections (2), (3), (4), and (7) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(15) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (9) of this section if the police officer acts in good faith and without malice.

(16)(a) Except as provided in (b) of this subsection, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer: (i) Has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years; or (ii) has knowledge, based on a review of the information available to the officer at the time of arrest, that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction.

(b) A police officer is not required to keep in custody a person under (a) of this subsection if the person requires immediate medical attention and is admitted to a hospital.

**Sec. 803.** RCW 36.28A.410 and 2021 c 215 s 147 are each amended to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall create and operate a statewide automated protected person notification system to automatically notify a registered person via the

registered person's choice of telephone or email when a respondent subject to a court order specified in (b) of this subsection has attempted to purchase or acquire a firearm and been denied based on a background check or completed and submitted firearm purchase or transfer application that indicates the respondent is ineligible to possess a firearm under state or federal law. The system must permit a person to register for notification, or a registered person to update the person's registration information, for the statewide automated protected person notification system by calling a toll-free telephone number or by accessing a public website.

(b) The notification requirements of this section apply to any court order issued under chapter 7.105 RCW or former chapter 7.92 RCW, RCW 9A.46.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.26A.470, or 26.26B.020, any of the former RCW 7.90.090, 10.14.080, 26.10.115, 26.50.060, and 26.50.070, any foreign protection order filed with a Washington court pursuant to chapter 26.52 RCW, and any Canadian domestic violence protection order filed with a Washington court pursuant to chapter 26.55 RCW, where the order prohibits the respondent from possessing firearms or where by operation of law the respondent is ineligible to possess firearms during the term of the order. The notification requirements of this section apply even if the respondent has notified the Washington state patrol that ~~((he or she))~~ the respondent has appealed a background check denial under RCW 43.43.823.

(c) The statewide automated protected person notification system must interface with the Washington state patrol, the administrative office of the courts, and any court not contributing data to the administrative office of the courts in real time.

(2) An appointed or elected official, public employee, or public agency as defined in RCW 4.24.470, or combination of units of government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any release of information or the failure to release information related to the statewide automated protected person notification system in this section, so long as the release or failure to release was without gross negligence. The immunity provided under this subsection applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

(3) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs pursuant to chapter 261, Laws of 2017, including information a person submits to register and participate in the statewide automated protected person notification system, are exempt from public inspection and copying under chapter 42.56 RCW.

NEW SECTION. Sec. 804. A new section is added to chapter 36.28A RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs must create and maintain an electronic portal for law enforcement to enter when any respondent identified in a no-contact order, restraining order, or protection order has met the requirements in RCW 9.41.345. The portal shall collect the respondent's name, date of birth, protective order number, and date the respondent is eligible to have the respondent's firearms returned.

**NEW SECTION. Sec. 805.** A new section is added to chapter 2.56 RCW to read as follows:

The administrative office of the courts shall work with the Washington association of sheriffs and police chiefs to develop and maintain an interface to the statewide automated victim information and notification system created under RCW 36.28A.040 and the statewide automated protected person notification system created under RCW 36.28A.410 to provide notifications per RCW 36.28A.040, 36.28A.410, and 7.105.105. The interface shall provide updated information not less than once per hour, 24 hours per day, seven days per week, without exception.

#### **Part IX. Miscellaneous**

**NEW SECTION. Sec. 901.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 902.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Davis moved the adoption of amendment (377) to the striking amendment (342):

On page 2, beginning on line 5 of the striking amendment, strike all of section 102

On page 6, beginning on line 13 of the striking amendment, strike all of sections 303 through 305

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 44, beginning on line 3 of the striking amendment, strike all of section 703

Representatives Davis and Mosbrucker spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (377) to the striking amendment (342) was adopted.

Representatives Davis and Mosbrucker spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (342), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Davis and Mosbrucker spoke in favor of the passage of the bill.

Representatives Berg, Walsh, Graham, Christian and Chambers spoke against the passage of the bill.

#### **MOTION**

On motion of Representative Griffey, Representative Stokesbary was excused.

Representatives Lekanoff and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1715.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1715, and the bill passed the House by the following vote: Yeas, 69; Nays, 25; Absent, 0; Excused, 4

Voting Yea: Representatives Alvarado, Barnard, Bateman, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Cheney, Chopp, Cortes, Couture, Davis, Doglio, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Harris, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Timmons, Walen, Waters, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Berg, Caldier, Chambers, Christian, Connors, Corry, Dent, Donaghy, Dye, Goehner, Graham, Hutchins, Jacobsen, Klicker, Kretz, Maycumber, McEntire, Orcutt, Schmick, Simmons, Tharinger, Walsh and Wilcox

Excused: Representatives Hansen, McClintock, Stokesbary and Volz

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1715, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1779, by Representatives Mosbrucker, Dye and Pollet**

##### **Reducing toxic air pollution that threatens human health.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1779 was substituted for House Bill No. 1779 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1779 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mosbrucker, Doglio, Waters and Couture spoke in favor of the passage of the bill.

Representative McEntire spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1779.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1779, and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives McEntire and Walsh  
Excused: Representatives Hansen, McClintock and Volz

SUBSTITUTE HOUSE BILL NO. 1779, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1084, by Representatives Fey, Ramos, Ryu, Ramel, Leavitt, Timmons and Wylie**

#### Concerning freight mobility prioritization.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1084 was substituted for House Bill No. 1084 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1084 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey, Barkis, Christian, Low and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1084.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1084, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter,

Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

SUBSTITUTE HOUSE BILL NO. 1084, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1151, by Representatives Stonier, Macri, Reed, Peterson, Berry, Ramel, Fitzgibbon, Cortes, Callan, Simmons, Reeves, Lekanoff, Bergquist, Fosse and Ormsby**

#### Mandating coverage for fertility services.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1151 was substituted for House Bill No. 1151 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1151 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Stonier spoke in favor of the passage of the bill.

Representatives Schmick, Jacobsen, Connors and Christian spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1151.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1151, and the bill passed the House by the following vote: Yeas, 65; Nays, 30; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Cheney, Chopp, Corry, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Harris, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Christian, Connors, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McEntire, Orcutt, Robertson, Schmick, Schmidt, Steele, Stokesbary, Walsh, Wilcox and Ybarra

Excused: Representatives Hansen, McClintock and Volz

SECOND SUBSTITUTE HOUSE BILL NO. 1151, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1362, by Representatives Stearns, Reeves, Abbarno, Gregerson, Lekanoff and Tharinger**

**Improving government efficiency related to reports by state agencies by eliminating reports, changing the frequency of reports, and providing an alternative method for having information publicly available in place of reports.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1362 was substituted for House Bill No. 1362 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1362 was read the second time.

Representative Stearns moved the adoption of amendment (386):

On page 6, after line 31, insert the following:

"Sec. 5. RCW 48.43.0128 and 2021 c 280 s 3 are each amended to read as follows:

(1) A health carrier offering a nongrandfathered health plan or a plan deemed by the commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular, full-time undergraduate student at an accredited higher education institution may not:

(a) In its benefit design or implementation of its benefit design, discriminate against individuals because of their age, expected length of life, present or predicted disability, degree of medical dependency, quality of life, or other health conditions; and

(b) With respect to the health plan or plan deemed by the commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular, full-time undergraduate student at an accredited higher education institution, discriminate on the basis of race, color, national origin, disability, age, sex, gender identity, or sexual orientation.

(2) Nothing in this section may be construed to prevent a carrier from appropriately utilizing reasonable medical management techniques.

(3) For health plans issued or renewed on or after January 1, 2022:

(a) A health carrier may not deny or limit coverage for gender affirming treatment when that treatment is prescribed to an individual because of, related to, or consistent with a person's gender expression or identity, as defined in RCW 49.60.040, is medically necessary, and is prescribed in accordance with accepted standards of care.

(b) A health carrier may not apply categorical cosmetic or blanket exclusions to gender affirming treatment. When prescribed as medically necessary gender affirming treatment, a health carrier may not exclude as cosmetic services facial feminization surgeries and other facial gender affirming treatment, such as tracheal shaves, hair electrolysis, and other care such as mastectomies, breast reductions, breast implants, or any combination of gender affirming procedures, including revisions to prior treatment.

(c) A health carrier may not issue an adverse benefit determination denying or limiting access to gender affirming services, unless a health care provider with experience prescribing or delivering gender affirming treatment has reviewed and

confirmed the appropriateness of the adverse benefit determination.

(d) Health carriers must comply with all network access rules and requirements established by the commissioner.

(4) For the purposes of this section, "gender affirming treatment" means a service or product that a health care provider, as defined in RCW 70.02.010, prescribes to an individual to treat any condition related to the individual's gender identity and is prescribed in accordance with generally accepted standards of care. Gender affirming treatment must be covered in a manner compliant with the federal mental health parity and addiction equity act of 2008 and the federal affordable care act. Gender affirming treatment can be prescribed to two spirit, transgender, nonbinary, intersex, and other gender diverse individuals.

(5) Nothing in this section may be construed to mandate coverage of a service that is not medically necessary.

(6) By December 1, 2022, the commissioner, in consultation with the health care authority and the department of health, must issue a report on geographic access to gender affirming treatment across the state. The report must include the number of gender affirming providers offering care in each county, the carriers and medicaid managed care organizations those providers have active contracts with, and the types of services provided by each provider in each region. The commissioner must update the report (~~biannually~~) biennially and post the report on its website.

(7) The commissioner shall adopt any rules necessary to implement subsections (3), (4), and (5) of this section.

(8) Unless preempted by federal law, the commissioner shall adopt any rules necessary to implement subsections (1) and (2) of this section, consistent with federal rules and guidance in effect on January 1, 2017, implementing the patient protection and affordable care act."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Stearns and Abbarno spoke in favor of the adoption of the amendment.

Amendment (386) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stearns, Abbarno, Goehner, Corry and Christian spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1362.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1362, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1362, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1684, by Representatives Slatter and Lekanoff**

**Clarifying procedures for federally recognized tribes to report standard occupational classifications or job titles of workers under the employment security act.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Slatter and Maycumber spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1684.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1684, and the bill passed the House by the following vote: Yeas, 69; Nays, 26; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Hackney, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Corry, Couture, Dent, Dye, Griffey, Harris, Hutchins, Jacobsen, Klicker, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Stokesbary and Waters

Excused: Representatives Hansen, McClintock and Volz

HOUSE BILL NO. 1684, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1004, by Representatives Abbarno, Orcutt, Berry, Simmons, Graham, Schmidt, Christian, Lekanoff, Griffey, Dye, Klicker, Wylie, Cheney, Davis and Riccelli**

**Installing signs on or near bridges to provide information to deter jumping.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Abbarno and Timmons spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1004.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1004, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

HOUSE BILL NO. 1004, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the fourth order of business.

**INTRODUCTION & FIRST READING**

E2SSB 5536 by Senate Committee on Ways & Means (originally sponsored by Robinson, Lovick, Rolfes, Mullet, Dhingra, Billig, Hasegawa, Keiser, Kuderer, Liias, Lovelett, Nobles, Randall, Stanford, Wellman and Wilson, C.)

AN ACT Relating to justice system and behavioral health responses for persons experiencing circumstances that involve controlled substances, counterfeit substances, legend drugs, and drug paraphernalia; amending RCW 69.50.4011, 69.50.4013, 69.50.4014, 69.41.030, 69.50.509, 69.50.4121, 9.96.060, 36.70A.200, 71.24.589, 71.24.590, 10.31.110, and 84.36.043; amending 2021 c 311 s 29 (uncodified); adding a new section to chapter 43.43 RCW; adding new sections to chapter 69.50 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 26.12 RCW; adding new sections to chapter 71.24 RCW; adding new sections to chapter 43.216 RCW; creating new sections; repealing RCW 10.31.115; prescribing penalties; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.



There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**HOUSE BILL NO. 1789, by Representatives Reeves, Fitzgibbon, Chapman, Kloba, Ramel, Pollet and Fosse**

**Expanding revenue generation and economic opportunities from natural climate solutions and ecosystem services.**

The bill was read the second time.

With the consent of the House, amendment (186) was withdrawn.

Representative Reeves moved the adoption of the striking amendment (349):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Ecosystem service credit" means a predetermined and standardized unit that represents a measurable ecosystem service provided in the context of a payment for an ecosystem service project.

(2) "Ecosystem service marketplace" has the same meaning as "ecosystem services market" as defined in RCW 76.09.020.

(3) "Ecosystem service project broker" means an entity that facilitates the process of matching ecosystem service providers and purchasers of ecosystem service project credits. An ecosystem service project broker may sell or procure credits on their clients' behalf and provide financing and marketing expertise. Ecosystem service project brokers may also act as ecosystem service project developers.

(4) "Ecosystem service project developer" means an entity that sources and initiates ecosystem service projects on behalf of the ecosystem service provider including, but not limited to, by working with ecosystem service project standards and verification bodies, bearing financial risks of projects, and working with a network of distributors and retailers to deliver auditable ecosystem service project credits to a marketplace. An ecosystem service project developer may also act as an ecosystem service project broker.

(5) (a) "Ecosystem services" has the same meaning as defined in RCW 76.09.020.

(b) Examples of ecosystem services include, but are not limited to, carbon sequestration and storage projects that are consistent with the policies outlined in RCW 70A.45.090, air and water filtration, climate stabilization, and disturbance mitigation.

(6) "Payment for ecosystem service project" means a transaction within an ecosystem service marketplace that transfers financial incentives to ecosystem service providers that are conditional on the provision of the service. Project types include, but are not limited to, carbon offset projects.

**NEW SECTION. Sec. 2.** (1) The department is authorized to enter into contracts for payment for ecosystem service projects on public lands, consistent with this chapter and other relevant laws, on terms and conditions acceptable to the department, after approval by the board of natural resources, only for the purpose of generating additional revenue by providing ecosystem services. Any ecosystem service project on state lands or state forestlands:

(a) Must be limited, except as provided in section 3 of this act, to:

(i) Afforestation;

(ii) Reforestation;

(iii) Silvicultural treatments, such as commercial or precommercial thinning operations, that does not increase rotation lengths or reduce final harvest volumes;

(iv) Forest restoration investments that increase overall harvest volume;

(v) Avoided conversion of forest and agricultural lands to another land use;

(vi) Urban forest management;

(vii) Urban tree planting; and

(viii) The production and use of biochar for soil amendments;

(b) Must be consistent with the policies outlined in RCW 70A.45.090;

(c) Must support the workforce development goals and investments made under RCW 76.04.521;

(d) May not be inconsistent with ongoing forest health planning efforts and investments such as expenditures from the wildfire response, forest restoration, and community resilience account created in RCW 76.04.511;

(e) Must result in an increase in revenue to beneficiaries as compared to expected revenue that may exist in absence of the underlying ecosystem service project; and

(f) May not limit or impair the exercise of tribal treaty and reserved rights, existing tribal access to lands managed by the department, or preexisting agreements between tribes and the department.

(2) The contract term under this section may represent the sale or lease of ecosystem service credits and may not last for a period of longer than 125 years. Proceeds from contracts for ecosystem services must be deposited into the appropriate account in the state treasury.

(3) The authority of the department to enter into a contract that results in payments for ecosystem service projects under subsection (1) of this section is conditional on any specific project being consistent with the department's management of the underlying public land for agriculture or commercial timber harvest and ensure the department meets its fiduciary responsibility to the state's trust beneficiaries. Any ecosystem service project, or the sum of all ecosystem service projects, other than the projects authorized under section 3 of this act, may not prevent the department from managing state lands and state forestlands for sustained yield as required by RCW 79.10.310.

(4) The department may:

(a) Directly offer for sale ecosystem service credits, consistent with this section, with established compliance ecosystem service marketplaces or verifiable

and established voluntary ecosystem service marketplace;

(b) Enter into contracts with ecosystem service project developers or brokers, through public auction or by direct negotiation, to bring ecosystem service credits to market. Contracts for ecosystem services are subject to approval by, and the rules adopted by, the board.

(5) Notice of intent to contract by negotiation must be published on the department's website. The notice must be published within the 90 days preceding commencement of negotiations.

(6) The department is authorized to conduct any additional advertising that it determines to be in the best interest of the state.

(7) The department may enter into contracts or agreements with third-party ecosystem service project developers or brokers for purposes that include, but are not limited to, determining the feasibility of entering into a contract for a payment for an ecosystem service project, establishing a payment for an ecosystem service project with an ecosystem service marketplace, and marketing and selling credits on an established ecosystem service marketplace.

(8) The department must provide a report to the board upon execution of a contract for a payment for an ecosystem service project that includes the term of the contract and projected revenues.

(9) (a) Before entering into the sale of ecosystem service credits under this section, the board must find that the conditions of this section are satisfied and approve contract terms and a minimum payment for ecosystem services that is valid for a period of 180 days, or a longer period as may be established by resolution.

(b) Where the board has set a minimum payment for ecosystem service credits, the department may set the final payment for ecosystem service credits, which must be based on current market prices. The board may reestablish the minimum payment at any time.

**NEW SECTION. Sec. 3.** (1) Except as otherwise provided in this section, the department is authorized to enter into contracts for payment for ecosystem service projects on no more than 10,000 operable acres of state lands or state forestlands, inclusive of any credits required for buffer pools or other contingencies. Projects under this section are not limited to the project types identified in section 2(1)(a) of this act; however, these projects, as a condition of contract, must have a determinate harvest schedule if projects are on forested state lands or state forestlands. The authority provided in this section is conditional on the department replacing any timber volume and timber value on lands subject to the underlying ecosystem service project, during the term of the project, that may be constrained by the terms of the project.

(2) (a) To replace foregone timber volume and value under this section, the department must, prior to the finalization of a contract under this section:

(i) Create a full inventory of the land included in the project and any standing timber on the proposed underlying land;

(ii) Complete an estimation of timber volume that is eligible for harvest under the existing management plan for the underlying land;

(iii) Complete a valuation of any timber resources on the underlying land that would be available for harvest in absence of any ecosystem services contracts, including a timeline for an anticipated harvest schedule;

(iv) Prepare a plan for the replacement of any timber volume and timber value on lands subject to the underlying ecosystem service project and have the plan approved by the board. The plan must include a timeline that includes benchmarks for volume and value replacement that is aligned with how the land would be managed in absence of the ecosystem service project.

(b) (i) If the department fails to meet any replacement timeline benchmarks established in the plan, it must report this failure to the board, the office of financial management, and the legislature. The report of failure must be accompanied with a new timeline to correct the failure prior to the next timeline benchmark in the underlying plan.

(ii) If the department fails to remedy the failure by the next timeline benchmark, then the department will be provided adequate funding to the natural resources real property replacement account created in RCW 79.17.210, from the natural climate solutions account created in RCW 70A.65.270, to replace the foregone volume and value for the affected lands, as established in (a) of this subsection.

(3) Any replacement trust lands purchased under this section must be placed back into the same trust status classification as the lands included in the ecosystem service projects authorized under this section.

(4) If purchasing lands under this section, the department must prioritize the purchase of lands at risk of conversion to another use with the intent of managing those lands for productivity in terms of volume and value.

(5) The authority granted in this section expires on December 31, 2033; however, contracts entered into under this section may have an execution date that extends past the expiration date for the underlying authority.

(6) (a) Within five years of the initiation of a contract under this section, the department must report to the legislature, consistent with RCW 43.01.036, the outcomes of any ecosystem service projects entered into under this section. This includes, but is not limited to:

(i) Impacts to direct, indirect, and induced jobs, impacts to local economies, impacts to log supply, and any impacts to local tax revenue;

(ii) Impacts to revenues to beneficiaries;

(iii) Barriers to market participation;

(iv) Assessment of carbon sequestration on the lands enrolled in the ecosystem service project, including foregone

opportunities for new forest rotations and storage in forest products.

(b) The department must issue reports under this subsection every five years through the life of the underlying ecosystem service project.

**NEW SECTION. Sec. 4.** (1) By December 1, 2024, the department must submit a report to the office of financial management and the legislature, consistent with RCW 43.01.036, that includes information on payment for ecosystem service projects entered into or committed to by the department, including type of projects, number of acres involved, and projected revenues. The report must also include any challenges or barriers encountered by the department in the process of attempting to implement carbon offset or payment for ecosystem service projects and recommendations to address those challenges and barriers, including the operability of the carbon offset rules adopted under RCW 70A.65.170.

(2) This section expires June 30, 2025.

**Sec. 5.** RCW 79.02.010 and 2018 c 258 s 1 are each amended to read as follows:

The definitions in this section apply throughout this title unless the context clearly requires otherwise.

(1) "Aquatic lands" means all state-owned tidelands, shorelands, harbor areas, and the beds of navigable waters as defined in RCW 79.105.060 that are administered by the department.

(2) "Board" means the board of natural resources.

(3) "Commissioner" means the commissioner of public lands.

(4) "Community and technical college forest reserve lands" means lands managed under RCW 79.02.420.

(5) "Community forest trust lands" means those lands acquired and managed under the provisions of chapter 79.155 RCW.

(6) "Department" means the department of natural resources.

(7)(a) "Forest biomass" means the by-products of: current forest management activities; current forest protection treatments prescribed or permitted under chapter 76.04 RCW; or the by-products of forest health treatment prescribed or permitted under chapter 76.06 RCW.

(b) "Forest biomass" does not include wood pieces that have been treated with chemical preservatives such as: Creosote, pentachlorophenol, or copper-chrome-arsenic; wood from existing old growth forests; wood required to be left on-site under chapter 76.09 RCW, the state forest practices act; and implementing rules, and other legal and contractual requirements; or municipal solid waste.

(8) "Good neighbor agreement" means an agreement entered into between the state and the United States forest service or United States bureau of land management to conduct forestland, watershed, and rangeland restoration activities on federal lands, as originally authorized by the 2014 farm bill (P.L. 113-79).

(9) "Improvements" means anything considered a fixture in law placed upon or attached to lands administered by the department that has changed the value of the lands or any changes in the previous condition of the fixtures that changes the value of the lands.

(10) "Land bank lands" means lands acquired under RCW 79.19.020.

(11) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of a federal, state, or local governmental unit, however designated.

(12) "Public lands" means lands of the state of Washington administered by the department including but not limited to state lands, state forestlands, lands included in a state forestland pool, and aquatic lands.

(13) "State forestland pool" or "land pool" means state forestlands acquired and managed under RCW 79.22.140.

(14) "State forestlands" means lands acquired under RCW 79.22.010, 79.22.040, and 79.22.020.

(15) "State lands" includes:

(a) School lands, that is, lands held in trust for the support of the common schools;

(b) University lands, that is, lands held in trust for university purposes;

(c) Agricultural college lands, that is, lands held in trust for the use and support of agricultural colleges;

(d) Scientific school lands, that is, lands held in trust for the establishment and maintenance of a scientific school;

(e) Normal school lands, that is, lands held in trust for state normal schools;

(f) Capitol building lands, that is, lands held in trust for the purpose of erecting public buildings at the state capital for legislative, executive, and judicial purposes;

(g) Institutional lands, that is, lands held in trust for state charitable, educational, penal, and reformatory institutions; and

(h) Land bank, escheat, donations, and all other lands, except aquatic lands, administered by the department that are not devoted to or reserved for a particular use by law.

(16) "Valuable materials" means any product or material on the lands, such as forest products, forage or agricultural crops, stone, gravel, sand, peat, and all other materials of value except: (a) Mineral, coal, petroleum, and gas as provided for under chapter 79.14 RCW; ~~((and))~~ (b) forest biomass as provided for under chapter 79.150 RCW; and (c) ecosystem services as provided for under chapter 79.--- RCW (the new chapter created in section 11 of this act).

(17) "Ecosystem services" has the same meaning as defined in RCW 76.09.020.

**Sec. 6.** RCW 79.64.110 and 2021 c 334 s 995 and 2021 c 145 s 3 are each reenacted and amended to read as follows:

(1) Any moneys derived from the lease of state forestlands or from the sale of valuable materials, oils, gases, coal,

minerals, ~~((or))~~ fossils, or contracts for payments for ecosystem service projects under chapter 79.--- RCW (the new chapter created in section 11 of this act) from those lands, except as provided in RCW 79.64.130, or the appraised value of these resources when transferred to a public agency under RCW 79.22.060, except as provided in RCW 79.22.060(4), must be distributed as follows:

(a) For state forestlands acquired through RCW 79.22.040 or by exchange for lands acquired through RCW 79.22.040:

(i) The expense incurred by the state for administration, reforestation, and protection, not to exceed ~~((twenty-five))~~ 25 percent, which rate of percentage shall be determined by the board, must be returned to the forest development account created in RCW 79.64.100. During the 2017-2019, 2019-2021, and 2021-2023 fiscal biennia, the board may increase the ~~((twenty-five))~~ 25 percent limitation up to ~~((twenty-seven))~~ 27 percent.

(ii) Any balance remaining must be paid to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board. Payments made under this subsection are to be paid, distributed, and prorated, except as otherwise provided in this section, to the various funds in the same manner as general taxes are paid and distributed during the year of payment. However, in order to test county flexibility in distributing state forestland revenue, a county may in its discretion pay, distribute, and prorate payments made under this subsection of moneys derived from state forestlands acquired by exchange between July 28, 2019, and June 30, 2020, for lands acquired through RCW 79.22.040, within the same county, in the same manner as general taxes are paid and distributed during the year of payment for the former state forestlands that were subject to the exchange.

(iii) Any balance remaining, paid to a county with a population of less than ~~((sixteen thousand))~~ 16,000, must first be applied to the reduction of any indebtedness existing in the current expense fund of the county during the year of payment.

(iv) With regard to moneys remaining under this subsection (1)(a), within seven working days of receipt of these moneys, the department shall certify to the state treasurer the amounts to be distributed to the counties. The state treasurer shall distribute funds to the counties four times per month, with no more than ~~((ten))~~ 10 days between each payment date.

(b) For state forestlands acquired through RCW 79.22.010 or by exchange for lands acquired through RCW 79.22.010, except as provided in RCW 79.64.120:

(i) Fifty percent shall be placed in the forest development account.

(ii) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to

each participating county proportionate to its contribution of asset value to the land pool as determined by the board, and according to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 (1) and (2) and the levy rate for any school district enrichment levies. With regard to the portion to be distributed to the counties, the department shall certify to the state treasurer the amounts to be distributed within seven working days of receipt of the money. The state treasurer shall distribute funds to the counties four times per month, with no more than ~~((ten))~~ 10 days between each payment date. The money distributed to the county must be paid, distributed, and prorated to the various other funds in the same manner as general taxes are paid and distributed during the year of payment.

(2) A school district may transfer amounts deposited in its debt service fund pursuant to this section into its capital projects fund as authorized in RCW 28A.320.330.

**Sec. 7.** RCW 79.22.050 and 2003 c 334 s 220 and 2003 c 313 s 7 are each reenacted and amended to read as follows:

(1) Except as provided in RCW 79.22.060, all land, acquired or designated by the department as state forestland, shall be forever reserved from sale, but the valuable materials thereon may be sold or the land may be leased in the same manner and for the same purposes as is authorized for state lands if the department finds such sale or lease to be in the best interests of the state and approves the terms and conditions thereof.

(2) Ecosystem services may be sold only if consistent with the conditions in chapter 79.--- RCW (the new chapter created in section 11 of this act) and may not be sold if chapter 79.--- RCW (the new chapter created in section 11 of this act) does not appear in codified statute.

(3) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

**Sec. 8.** RCW 79.105.150 and 2022 c 157 s 19 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands ~~((and))~~ from the sale of valuable material from state-owned aquatic lands, and from the sale of ecosystem services under chapter 79.--- RCW (the new chapter created in section 11 of this act), shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public

purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. The aquatic lands enhancement account may be used to support the shellfish program, the ballast water program, hatcheries, the Puget Sound toxic sampling program and steelhead mortality research at the department of fish and wildlife, the knotweed program at the department of agriculture, actions at the University of Washington for reducing ocean acidification, which may include the creation of a center on ocean acidification, the Puget SoundCorps program, and support of the marine resource advisory council and the Washington coastal marine advisory council. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may transfer from the aquatic lands enhancement account to the geoduck aquaculture research account for research related to shellfish aquaculture. During the 2015-2017 fiscal biennium, the legislature may transfer moneys from the aquatic lands enhancement account to the marine resources stewardship trust account.

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of urban forestry management plans and ordinances under RCW 76.15.090, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community designation program created in RCW 76.15.090 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) Any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

**Sec. 9.** RCW 79.15.010 and 2003 c 334 s 331 are each amended to read as follows:

(1) Valuable materials situated upon state lands and state forestlands may be sold separate from the land, when in the judgment of the department, it is for the

best interest of the state so to sell the same. The sale of any ecosystem services is limited to consistency with the conditions in chapter 79.--- RCW (the new chapter created in section 11 of this act) and may not be sold if chapter 79.--- RCW (the new chapter created in section 11 of this act) does not appear in codified statute.

(2) Sales of valuable materials from any university lands require:

(a) The consent of the board of regents of the University of Washington; or

(b) Legislative directive.

(3) When application is made for the purchase of any valuable materials, the department shall appraise the value of the valuable materials if the department determines it is in the best interest of the state to sell. No valuable materials shall be sold for less than the appraised value thereof.

**Sec. 10.** RCW 70A.65.270 and 2021 c 316 s 30 are each amended to read as follows:

(1) The natural climate solutions account is created in the state treasury. All moneys directed to the account from the climate investment account created in RCW 70A.65.250 must be deposited in the account. Moneys in the account may be spent only after appropriation. Moneys in the account are intended to increase the resilience of the state's waters, forests, and other vital ecosystems to the impacts of climate change, conserve working forestlands at risk of conversion, and increase their carbon pollution reduction capacity through sequestration, storage, and overall system integrity. Moneys in the account must be spent in a manner that is consistent with existing and future assessments of climate risks and resilience from the scientific community and expressed concerns of and impacts to overburdened communities.

(2) Moneys in the account may be allocated for the following purposes:

(a) Clean water investments that improve resilience from climate impacts. Funding under this subsection (2)(a) must be used to:

(i) Restore and protect estuaries, fisheries, and marine shoreline habitats and prepare for sea level rise including, but not limited to, making fish passage correction investments such as those identified in the cost-share barrier removal program for small forestland owners created in RCW 76.13.150 and those that are considered by the fish passage barrier removal board created in RCW 77.95.160;

(ii) Increase carbon storage in the ocean or aquatic and coastal ecosystems;

(iii) Increase the ability to remediate and adapt to the impacts of ocean acidification;

(iv) Reduce flood risk and restore natural floodplain ecological function;

(v) Increase the sustainable supply of water and improve aquatic habitat, including groundwater mapping and modeling;

(vi) Improve infrastructure treating stormwater from previously developed areas within an urban growth boundary designated under chapter 36.70A RCW, with a preference

given to projects that use green stormwater infrastructure;

(vii) Either preserve or increase, or both, carbon sequestration and storage benefits in forests, forested wetlands, agricultural soils, tidally influenced agricultural or grazing lands, or freshwater, saltwater, or brackish aquatic lands; or

(viii) Either preserve or establish, or both, carbon sequestration by protecting or planting trees in marine shorelines and freshwater riparian areas sufficient to promote climate resilience, protect cold water fisheries, and achieve water quality standards;

(b) Healthy forest investments to improve resilience from climate impacts. Funding under this subsection (2)(b) must be used for projects and activities that will:

(i) Increase forest and community resilience to wildfire in the face of increased seasonal temperatures and drought;

(ii) Improve forest health and reduce vulnerability to changes in hydrology, insect infestation, and other impacts of climate change; or

(iii) Prevent emissions by preserving natural and working lands from the threat of conversion to development or loss of critical habitat, through actions that include, but are not limited to, the creation of new conservation lands, community forests, or increased support to small forestland owners through assistance programs including, but not limited to, the forest riparian easement program and the family forest fish passage program. It is the intent of the legislature that not less than \$10,000,000 be expended each biennium for the forestry riparian easement program created in chapter 76.13 RCW or for riparian easement projects funded under the agricultural conservation easements program established under RCW 89.08.530, or similar riparian enhancement programs;

(c) Legislative transfers, if necessary, to the natural resources real property replacement account created in RCW 79.17.210 for reimbursement to state land trust beneficiaries for foregone timber volume and value under section 3 of this act.

(3) Moneys in the account may not be used for projects that would violate tribal treaty rights or result in significant long-term damage to critical habitat or ecological functions. Investments from this account must result in long-term environmental benefits and increased resilience to the impacts of climate change.

**NEW SECTION. Sec. 11.** Sections 1 through 4 of this act constitute a new chapter in Title 79 RCW."

Correct the title.

Representative Chapman moved the adoption of amendment (398) to the striking amendment (349):

On page 2, beginning on line 12 of the striking amendment, after "on" strike all material through "amendments" on line 26 and insert "public lands:

(a) must be limited to afforestation, reforestation, and aquatic projects"

On page 3, beginning on line 15 of the striking amendment, after "ecosystem service projects," strike "other than the projects authorized under section 3 of this act,"

On page 4, beginning on line 16 of the striking amendment, strike all of section 3

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 12, beginning on line 27 of the striking amendment, strike all of section 10

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Chapman and Dent spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (398) to the striking amendment (349) was adopted.

Representatives Reeves and Dent spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (349), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reeves, Dent, Wilcox, Kretz and Chapman spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1789.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1789, and the bill passed the House by the following vote: Yeas, 82; Nays, 13; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Hackney, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Chambers, Couture, Goehner, Griffey, Jacobsen, McEntire, Orcutt, Robertson, Schmick, Steele, Stokesbary and Walsh

Excused: Representatives Hansen, McClintock and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1789, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1168, by Representatives Simmons, Ramel, Callan, Wylie, Davis and Ormsby**

**Providing prevention services, diagnoses, treatment, and support for prenatal substance exposure.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1168 was substituted for House Bill No. 1168 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1168 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simmons and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1168.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1168, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

SECOND SUBSTITUTE HOUSE BILL NO. 1168, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1833, by Representatives Paul, Hutchins and Ramel**

**Setting ferry fuel surcharges.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1833 was substituted for House Bill No. 1833 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1833 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Paul and Hutchins spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1833.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1833, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

SUBSTITUTE HOUSE BILL NO. 1833, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

**HOUSE BILL NO. 1455, by Representatives Stonier, Berry, Farivar, Rude, Fey, Reed, Morgan, Thai, Fosse, Pollet, Macri and Bateman**

**Eliminating child marriage.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stonier, Walsh and Maycumber spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1455.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1455, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

HOUSE BILL NO. 1455, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1764, by Representatives Wylie and Orcutt**

**Establishing a method of valuing asphalt and aggregate used in public road construction for purposes of taxation.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1764 was substituted for House Bill No. 1764 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1764 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wylie and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1764.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1764, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

SUBSTITUTE HOUSE BILL NO. 1764, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1023, by Representatives Walen, Goodman, Reeves, Thai and Ormsby**

**Eliminating wire tap authorization reporting to the administrative office of the courts.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Walen spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1023.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1023, and the bill passed the House by the following vote: Yeas, 90; Nays, 5; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris,

Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chambers, Christian, Jacobsen, McEntire and Walsh

Excused: Representatives Hansen, McClintock and Volz

HOUSE BILL NO. 1023, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1682, by Representatives Maycumber, Chapman, Barnard, Reeves, Riccelli, Bateman, Springer, Volz, Chambers, Mosbrucker, Robertson, Leavitt, Jacobsen, Christian and Rule**

**Concerning the Washington auto theft prevention authority account.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1682 was substituted for House Bill No. 1682 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1682 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Maycumber, Stonier, Chambers and Christian spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1682.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1682, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Ormsby

Excused: Representatives Hansen, McClintock and Volz

SUBSTITUTE HOUSE BILL NO. 1682, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the third order of business.

### MESSAGE FROM THE SENATE



Tuesday, March 7, 2023

Mme. Speaker:

The Senate has passed:

- ENGROSSED SENATE BILL NO. 5022
- SUBSTITUTE SENATE BILL NO. 5094
- SENATE BILL NO. 5104
- SENATE BILL NO. 5153
- SUBSTITUTE SENATE BILL NO. 5171
- SENATE BILL NO. 5180
- SENATE BILL NO. 5228
- SECOND SUBSTITUTE SENATE BILL NO. 5263
- SENATE BILL NO. 5283
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5315
- SECOND SUBSTITUTE SENATE BILL NO. 5425
- SECOND SUBSTITUTE SENATE BILL NO. 5438
- SUBSTITUTE SENATE BILL NO. 5561
- SUBSTITUTE SENATE BILL NO. 5589
- SENATE BILL NO. 5629
- SUBSTITUTE SENATE BILL NO. 5649
- ENGROSSED SENATE BILL NO. 5650
- SENATE BILL NO. 5683
- SUBSTITUTE SENATE BILL NO. 5714

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

**HOUSE BILL NO. 1143, by Representatives Berry, Walen, Reed, Peterson, Street, Bateman, Ramel, Senn, Callan, Doglio, Macri, Lekanoff, Duerr, Pollet, Davis, Kloba, Fosse and Ormsby**

**Concerning requirements for the purchase or transfer of firearms.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1143 was substituted for House Bill No. 1143 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1143 was read the second time.

Representative Berry moved the adoption of the striking amendment (338):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.090 and 2019 c 3 s 3 are each amended to read as follows:

(1) In addition to the other requirements of this chapter, no dealer may deliver a ((pistol))firearm to the purchaser thereof until:

(a) The purchaser ((produces a valid concealed pistol license and the dealer has recorded the purchaser's name, license number, and issuing agency, such record to be made in triplicate and processed as provided in subsection (6) of this section. For purposes of this subsection (1)(a), a "valid concealed pistol license" does not include a temporary emergency license, and

~~does not include any license issued before July 1, 1996, unless the issuing agency conducted a records search for disqualifying crimes under RCW 9.41.070 at the time of issuance))~~provides proof of completion of a recognized firearm safety training program within the last five years that complies with the requirements in section 2 of this act, or proof that the purchaser is exempt from the training requirement;

(b) The dealer is notified ((in writing by (i) the chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a pistol under RCW 9.41.040 and that the application to purchase is approved by the chief of police or sheriff; or (ii) the state))by the Washington state patrol firearms background check program that the purchaser is eligible to possess a firearm under ((RCW 9.41.040, as provided in subsection (3)(b) of this section; or)) state and federal law; and

(c) The requirements ((or))and time periods in RCW 9.41.092 have been satisfied.

(2) ((In addition to the other requirements of this chapter, no dealer may deliver a semiautomatic assault rifle to the purchaser thereof until:

(a) The purchaser provides proof that he or she has completed a recognized firearm safety training program within the last five years that, at a minimum, includes instruction on:

- (i) Basic firearms safety rules;
- (ii) Firearms and children, including secure gun storage and talking to children about gun safety;
- (iii) Firearms and suicide prevention;
- (iv) Secure gun storage to prevent unauthorized access and use;
- (v) Safe handling of firearms; and
- (vi) State and federal firearms laws, including prohibited firearms transfers.

The training must be sponsored by a federal, state, county, or municipal law enforcement agency, a college or university, a nationally recognized organization that customarily offers firearms training, or a firearms training school with instructors certified by a nationally recognized organization that customarily offers firearms training. The proof of training shall be in the form of a certification that states under the penalty of perjury the training included the minimum requirements; and

(b) The dealer is notified in writing by (i) the chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a firearm under RCW 9.41.040 and that the application to purchase is approved by the chief of police or sheriff; or (ii) the state that the purchaser is eligible to possess a firearm under RCW 9.41.040, as provided in subsection (3)(b) of this section; or

(c) The requirements or time periods in RCW 9.41.092 have been satisfied.

(3)(a) Except as provided in (b) of this subsection, in)In determining whether the purchaser ((meets the requirements of RCW 9.41.040))is eligible to possess a firearm, the ((chief of police or sheriff, or the designee of either,))Washington state patrol

~~firearms background check program shall check with the ((national crime information center, including the)) national instant criminal background check system, provided for by the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et seq.), the Washington state patrol electronic database, the health care authority electronic database, the administrative office of the courts, LInX-NW, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 to possess a firearm.~~

~~((b) The state, through the legislature or initiative process, may enact a statewide firearms background check system equivalent to, or more comprehensive than, the check required by (a) of this subsection to determine that a purchaser is eligible to possess a firearm under RCW 9.41.040. Once a state system is established, a dealer shall use the state system and national instant criminal background check system, provided for by the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et seq.), to make criminal background checks of applicants to purchase firearms.~~

~~(4) In any case under this section where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the dealer shall hold the delivery of the pistol or semiautomatic assault rifle until the warrant for arrest is served and satisfied by appropriate court appearance. The local jurisdiction for purposes of the sale, or the state pursuant to subsection (3)(b) of this section, shall confirm the existence of outstanding warrants within seventy-two hours after notification of the application to purchase a pistol or semiautomatic assault rifle is received. The local jurisdiction shall also immediately confirm the satisfaction of the warrant on request of the dealer so that the hold may be released if the warrant was for an offense other than an offense making a person ineligible under RCW 9.41.040 to possess a firearm.~~

~~(5) In any case where the chief or sheriff of the local jurisdiction, or the state pursuant to subsection (3)(b) of this section, has reasonable grounds based on the following circumstances: (a) Open criminal charges, (b) pending criminal proceedings, (c) pending commitment proceedings, (d) an outstanding warrant for an offense making a person ineligible under RCW 9.41.040 to possess a firearm, or (e) an arrest for an offense making a person ineligible under RCW 9.41.040 to possess a firearm, if the records of disposition have not yet been reported or entered sufficiently to determine eligibility to purchase a firearm, the local jurisdiction or the state may hold the sale and delivery of the pistol or semiautomatic assault rifle up to thirty days in order to confirm existing records in this state or elsewhere. After thirty days, the hold will be lifted unless an extension of the thirty days is approved by a local district court, superior court, or municipal court for good cause shown. A dealer shall be notified of each hold placed on the sale by local law enforcement or the state and of any application to the court for additional~~

~~hold period to confirm records or confirm the identity of the applicant.~~

~~(6)) (3)(a) At the time of applying for the purchase of a ((pistol or semiautomatic assault rifle)) firearm, the purchaser shall sign ((in triplicate)) and deliver to the dealer an application containing:~~

~~(i) His or her full name, residential address, date and place of birth, race, and gender;~~

~~(ii) The date and hour of the application;~~

~~(iii) The applicant's driver's license number or state identification card number;~~

~~(iv) A description of the ((pistol or semiautomatic assault rifle)) firearm including the make, model, caliber and manufacturer's number if available at the time of applying for the purchase of ((a pistol or semiautomatic assault rifle)) the firearm. If the manufacturer's number is not available at the time of applying for the purchase of a ((pistol or semiautomatic assault rifle)) firearm, the application may be processed, but delivery of the ((pistol or semiautomatic assault rifle)) firearm to the purchaser may not occur unless the manufacturer's number is recorded on the application by the dealer and transmitted to the ((chief of police of the municipality or the sheriff of the county in which the purchaser resides, or the state pursuant to subsection (3)(b) of this section)) Washington state patrol firearms background check program; and~~

~~(v) A statement that the purchaser is eligible to purchase and possess a firearm under state and federal law((? and~~

~~(vi) If purchasing a semiautomatic assault rifle, a statement by the applicant under penalty of perjury that the applicant has completed a recognized firearm safety training program within the last five years, as required by subsection (2) of this section)).~~

~~(b) The ((application)) dealer shall ((contain)) provide the applicant with information that contains two warnings substantially stated as follows:~~

~~(i) CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. State permission to purchase a firearm is not a defense to a federal prosecution; and~~

~~(ii) CAUTION: The presence of a firearm in the home has been associated with an increased risk of death to self and others, including an increased risk of suicide, death during domestic violence incidents, and unintentional deaths to children and others.~~

~~The purchaser shall be given a copy of the department of fish and wildlife pamphlet on the legal limits of the use of firearms and firearms safety.~~

~~(c) The dealer shall, by the end of the business day, ((sign and attach his or her address and deliver a copy of the application and such other documentation as required under subsections (1) and (2) of this section to the chief of police of the~~

~~municipality or the sheriff of the county of which the purchaser is a resident, or the state pursuant to subsection (3)(b) of this section)) transmit the information from the application through secure automated firearms e-check (SAFE) to the Washington state patrol firearms background check program. The ((triplicate)) original application shall be retained by the dealer for six years.~~

~~(d) The dealer shall deliver the ((pistol or semiautomatic assault rifle)) firearm to the purchaser ((following)) once the requirements and period of time specified in this chapter ((unless the dealer is notified of an investigative hold under subsection (5) of this section in writing by the chief of police of the municipality, the sheriff of the county, or the state, whichever is applicable, or of the denial of the purchaser's application to purchase and the grounds thereof)) are satisfied. The application shall not be denied unless the purchaser is not eligible to purchase or possess the firearm under state or federal law or has not complied with the requirements of this section.~~

~~((d)) (e) The ((chief of police of the municipality or the sheriff of the county, or the state pursuant to subsection (3)(b) of this section,)) Washington state patrol firearms background check program shall retain or destroy applications to purchase a ((pistol or semiautomatic assault rifle)) firearm in accordance with the requirements of 18 U.S.C. Sec. 922.~~

~~((7) (a) To help offset the administrative costs of implementing this section as it relates to new requirements for semiautomatic assault rifles, the department of licensing may require the dealer to charge each semiautomatic assault rifle purchaser or transferee a fee not to exceed twenty-five dollars, except that the fee may be adjusted at the beginning of each biennium to levels not to exceed the percentage increase in the consumer price index for all urban consumers, CPI-W, or a successor index, for the previous biennium as calculated by the United States department of labor.~~

~~(b) The fee under (a) of this subsection shall be no more than is necessary to fund the following:~~

~~(i) The state for the cost of meeting its obligations under this section;~~

~~(ii) The health care authority, mental health institutions, and other health care facilities for state-mandated costs resulting from the reporting requirements imposed by RCW 9.41.097(1); and~~

~~(iii) Local law enforcement agencies for state-mandated local costs resulting from the requirements set forth under RCW 9.41.090 and this section.~~

~~((8)) (4) A person who knowingly makes a false statement regarding identity or eligibility requirements on the application to purchase a firearm is guilty of false swearing under RCW 9A.72.040.~~

~~((9)) (5) This section does not apply to sales to licensed dealers for resale or to the sale of antique firearms.~~

NEW SECTION. Sec. 2. A new section is added to chapter 9.41 RCW to read as follows:

(1) A person applying for the purchase or transfer of a firearm must provide proof of completion of a recognized firearms safety training program within the last five years that, at a minimum, includes instruction on:

(a) Basic firearms safety rules;

(b) Firearms and children, including secure gun storage and talking to children about gun safety;

(c) Firearms and suicide prevention;

(d) Secure gun storage to prevent unauthorized access and use;

(e) Safe handling of firearms;

(f) State and federal firearms laws, including prohibited firearms transfers and locations where firearms are prohibited;

(g) State laws pertaining to the use of deadly force for self-defense; and

(h) Techniques for avoiding a criminal attack and how to manage a violent confrontation, including conflict resolution.

(2) The training must be sponsored by a federal, state, county, or municipal law enforcement agency, a college or university, a nationally recognized organization that customarily offers firearms training, or a firearms training school with instructors certified by a nationally recognized organization that customarily offers firearms training. The proof of training shall be in the form of a certification that states under the penalty of perjury that the training included the minimum requirements.

(3) The training may include stories provided by individuals with lived experience in the topics listed in subsection (1)(a) through (g) of this section or an understanding of the legal and social impacts of discharging a firearm.

(4) The firearms safety training requirement of this section does not apply to:

(a) A person who is a:

(i) General authority Washington peace officer as defined in RCW 10.93.020;

(ii) Limited authority Washington peace officer as defined in RCW 10.93.020 who as a normal part of their duties has arrest powers and carries a firearm;

(iii) Specially commissioned Washington peace officer as defined in RCW 10.93.020 who as a normal part of their duties has arrest powers and carries a firearm; or

(iv) Federal peace officer as defined in RCW 10.93.020 who as a normal part of their duties has arrest powers and carries a firearm; or

(b) A person who is an active duty member of the armed forces of the United States, an active member of the national guard, or an active member of the armed forces reserves who, as part of the applicant's service, has completed, within the last five years, a course of training in firearms proficiency or familiarization that included training on the safe handling and shooting proficiency with firearms.

Sec. 3. RCW 9.41.047 and 2020 c 302 s 60 are each amended to read as follows:

(1)(a) At the time a person is convicted or found not guilty by reason of insanity of an offense making the person ineligible to possess a firearm, or at the time a person is committed by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW for mental health treatment, or at the time that charges are dismissed based on incompetency to stand trial under RCW 10.77.088 and the court makes a finding that the person has a history of one or more violent acts, the convicting or committing court, or court that dismisses charges, shall notify the person, orally and in writing, that the person must immediately surrender any concealed pistol license and that the person may not possess a firearm unless his or her right to do so is restored by a court of record. For purposes of this section a convicting court includes a court in which a person has been found not guilty by reason of insanity.

(b) The court shall forward within three judicial days after conviction, entry of the commitment order, or dismissal of charges, a copy of the person's driver's license or identicard, or comparable information such as their name, address, and date of birth, along with the date of conviction or commitment, or date charges are dismissed, to the department of licensing and to the Washington state patrol firearms background check program. When a person is committed by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW, for mental health treatment, or when a person's charges are dismissed based on incompetency to stand trial under RCW 10.77.088 and the court makes a finding that the person has a history of one or more violent acts, the court also shall forward, within three judicial days after entry of the commitment order, or dismissal of charges, a copy of the person's driver's license, or comparable information, along with the date of commitment or date charges are dismissed, to the national instant criminal background check system index, denied persons file, created by the federal Brady handgun violence prevention act (P.L. 103-159). The petitioning party shall provide the court with the information required. If more than one commitment order is entered under one cause number, only one notification to the department of licensing, the Washington state patrol firearms background check program, and the national instant criminal background check system is required.

(2) Upon receipt of the information provided for by subsection (1) of this section, the department of licensing shall determine if the convicted or committed person, or the person whose charges are dismissed based on incompetency to stand trial, has a concealed pistol license. If the person does have a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority which, upon receipt of such notification, shall immediately revoke the license.

(3)(a) A person who is prohibited from possessing a firearm, by reason of having been involuntarily committed for mental

health treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, or by reason of having been detained under RCW 71.05.150 or 71.05.153, or because the person's charges were dismissed based on incompetency to stand trial under RCW 10.77.088 and the court made a finding that the person has a history of one or more violent acts, may, upon discharge, petition the superior court to have his or her right to possess a firearm restored.

(b) The petition must be brought in the superior court that ordered the involuntary commitment or dismissed the charges based on incompetency to stand trial or the superior court of the county in which the petitioner resides.

(c) Except as provided in (d) and (e) of this subsection, the court shall restore the petitioner's right to possess a firearm if the petitioner proves by a preponderance of the evidence that:

(i) The petitioner is no longer required to participate in court-ordered inpatient or outpatient treatment;

(ii) The petitioner has successfully managed the condition related to the commitment or detention or incompetency;

(iii) The petitioner no longer presents a substantial danger to himself or herself, or the public; and

(iv) The symptoms related to the commitment or detention or incompetency are not reasonably likely to recur.

(d) If a preponderance of the evidence in the record supports a finding that the person petitioning the court has engaged in violence and that it is more likely than not that the person will engage in violence after his or her right to possess a firearm is restored, the person shall bear the burden of proving by clear, cogent, and convincing evidence that he or she does not present a substantial danger to the safety of others.

(e) If the petitioner seeks restoration after having been detained under RCW 71.05.150 or 71.05.153, the state shall bear the burden of proof to show, by a preponderance of the evidence, that the petitioner does not meet the restoration criteria in (c) of this subsection.

(f) When a person's right to possess a firearm has been restored under this subsection, the court shall forward, within three judicial days after entry of the restoration order, notification that the person's right to possess a firearm has been restored to the department of licensing and the Washington state patrol criminal records division, with a copy of the person's driver's license or identicard, or comparable identification such as their name, address, and date of birth, and to the health care authority, and the national instant criminal background check system index, denied persons file. In the case of a person whose right to possess a firearm has been suspended for six months as provided in RCW 71.05.182, the department of licensing shall forward notification of the restoration order to the licensing authority, which, upon receipt of such notification, shall immediately lift the

suspension, restoring the person's concealed pistol license.

(4) No person who has been found not guilty by reason of insanity may petition a court for restoration of the right to possess a firearm unless the person meets the requirements for the restoration of the right to possess a firearm under RCW 9.41.040(4).

**Sec. 4.** RCW 9.41.092 and 2019 c 3 s 4 are each amended to read as follows:

~~((i))~~ Except as otherwise provided in this chapter ~~((and except for semiautomatic assault rifles under subsection (2) of this section))~~, a licensed dealer may not deliver any firearm to a purchaser or transferee until the earlier of:

~~((a))~~ (1) The results of all required background checks are known and the purchaser or transferee ~~((i))~~ (a) is not prohibited from owning or possessing a firearm under federal or state law and ~~((ii))~~ (b) does not have a voluntary waiver of firearm rights currently in effect; ~~((e))~~ and

~~((b))~~ (2) Ten business days have elapsed from the date the licensed dealer requested the background check. ~~((However, for sales and transfers of pistols if the purchaser or transferee does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, then the time period in this subsection shall be extended from ten business days to sixty days.~~

(2) Except as otherwise provided in this chapter, a licensed dealer may not deliver a semiautomatic assault rifle to a purchaser or transferee until ten business days have elapsed from the date of the purchase application or, in the case of a transfer, ten business days have elapsed from the date a background check is initiated.)

**Sec. 5.** RCW 9.41.094 and 2019 c 3 s 7 are each amended to read as follows:

A signed application to purchase a ~~((pistol or semiautomatic assault rifle))~~ firearm shall constitute a waiver of confidentiality and written request that the health care authority, mental health institutions, and other health care facilities release ~~((, to an inquiring court or law enforcement agency,))~~ information relevant to the applicant's eligibility to purchase a ~~((pistol or semiautomatic assault rifle))~~ firearm to an inquiring court ~~((e))~~ law enforcement agency, or the Washington state patrol firearms background check program.

**Sec. 6.** RCW 9.41.097 and 2019 c 3 s 8 are each amended to read as follows:

(1) The health care authority, mental health institutions, and other health care facilities shall, upon request of a court, law enforcement agency, or the state, supply such relevant information as is necessary to determine the eligibility of a person to possess a firearm ~~((e))~~ to be issued a concealed pistol license under RCW 9.41.070,

or to purchase a ~~((pistol or semiautomatic assault rifle))~~ firearm under RCW 9.41.090.

(2) Mental health information received by: (a) The department of licensing pursuant to RCW 9.41.047 or 9.41.173; (b) an issuing authority pursuant to RCW 9.41.047 or 9.41.070; (c) a chief of police or sheriff pursuant to RCW 9.41.090 or 9.41.173; (d) a court or law enforcement agency pursuant to subsection (1) of this section; or (e) the Washington state patrol firearms background check program pursuant to RCW 9.41.090, shall not be disclosed except as provided in RCW 42.56.240(4).

**Sec. 7.** RCW 9.41.0975 and 2019 c 3 s 9 are each amended to read as follows:

(1) The state, local governmental entities, any public or private agency, and the employees of any state or local governmental entity or public or private agency, acting in good faith, are immune from liability:

(a) For failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful;

(b) For preventing the sale or transfer of a firearm to a person who may lawfully receive or possess a firearm;

(c) For issuing a concealed pistol license or alien firearm license to a person ineligible for such a license;

(d) For failing to issue a concealed pistol license or alien firearm license to a person eligible for such a license;

(e) For revoking or failing to revoke an issued concealed pistol license or alien firearm license;

(f) For errors in preparing or transmitting information as part of determining a person's eligibility to receive or possess a firearm, or eligibility for a concealed pistol license or alien firearm license;

(g) For issuing a dealer's license to a person ineligible for such a license; or

(h) For failing to issue a dealer's license to a person eligible for such a license.

(2) An application may be made to a court of competent jurisdiction for a writ of mandamus:

(a) Directing an issuing agency to issue a concealed pistol license or alien firearm license wrongfully refused;

(b) Directing ~~((a law enforcement agency))~~ the Washington state patrol firearms background check program to approve an application to purchase a ~~((pistol or semiautomatic assault rifle))~~ firearm wrongfully denied;

(c) Directing that erroneous information resulting either in the wrongful refusal to issue a concealed pistol license or alien firearm license or in the wrongful denial of a purchase application for a ~~((pistol or semiautomatic assault rifle))~~ firearm be corrected; or

(d) Directing a law enforcement agency to approve a dealer's license wrongfully denied.

The application for the writ may be made in the county in which the application for a concealed pistol license or alien firearm

license or an application to purchase a ~~((pistol or semiautomatic assault rifle))~~ firearm was made, or in Thurston county, at the discretion of the petitioner. A court shall provide an expedited hearing for an application brought under this subsection (2) for a writ of mandamus. A person granted a writ of mandamus under this subsection (2) shall be awarded reasonable attorneys' fees and costs.

**Sec. 8.** RCW 9.41.110 and 2019 c 3 s 10 are each amended to read as follows:

(1) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any pistol without being licensed as provided in this section.

(2) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any firearm other than a pistol without being licensed as provided in this section.

(3) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any ammunition without being licensed as provided in this section.

(4) The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licensing effective for not more than one year from the date of issue permitting the licensee to sell firearms within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in ~~((RCW 9.41.010 through 9.41.810))~~ this chapter. A licensing authority shall forward a copy of each license granted to the department of licensing. The department of licensing shall notify the department of revenue of the name and address of each dealer licensed under this section.

(5)(a) A licensing authority shall, within thirty days after the filing of an application of any person for a dealer's license, determine whether to grant the license. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card, or has not been a resident of the state for the previous consecutive ninety days, the licensing authority shall have up to sixty days to determine whether to issue a license. No person shall qualify for a license under this section without first receiving a federal firearms license and undergoing fingerprinting and a background check. In addition, no person ineligible to possess a firearm under RCW 9.41.040 or ineligible for a concealed pistol license under RCW 9.41.070 shall qualify for a dealer's license.

(b) A dealer shall require every employee who may sell a firearm in the course of his or her employment to undergo fingerprinting and a background check. An employee must be eligible to possess a firearm, and must not have been convicted of a crime that would

make the person ineligible for a concealed pistol license, before being permitted to sell a firearm. Every employee shall comply with requirements concerning purchase applications and restrictions on delivery of ~~((pistols or semiautomatic assault rifles))~~ firearms that are applicable to dealers.

(6)(a) Except as otherwise provided in (b) of this subsection, the business shall be carried on only in the building designated in the license. For the purpose of this section, advertising firearms for sale shall not be considered the carrying on of business.

(b) A dealer may conduct business temporarily at a location other than the building designated in the license, if the temporary location is within Washington state and is the location of a gun show sponsored by a national, state, or local organization, or an affiliate of any such organization, devoted to the collection, competitive use, or other sporting use of firearms in the community. Nothing in this subsection (6)(b) authorizes a dealer to conduct business in or from a motorized or towed vehicle.

In conducting business temporarily at a location other than the building designated in the license, the dealer shall comply with all other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and this section. The license of a dealer who fails to comply with the requirements of RCW 9.41.080 and 9.41.090 and subsection (8) of this section while conducting business at a temporary location shall be revoked, and the dealer shall be permanently ineligible for a dealer's license.

(7) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises in the area where firearms are sold, or at the temporary location, where it can easily be read.

(8)(a) No ~~((pistol or semiautomatic assault rifle))~~ firearm may be sold: (i) In violation of any provisions of ~~((RCW 9.41.010 through 9.41.810))~~ this chapter; nor (ii) ~~((may a pistol or semiautomatic assault rifle be sold))~~ under any circumstances unless the purchaser is personally known to the dealer or shall present clear evidence of his or her identity.

(b) A dealer who sells or delivers any firearm in violation of RCW 9.41.080 is guilty of a class C felony. In addition to any other penalty provided for by law, the dealer is subject to mandatory permanent revocation of his or her dealer's license and permanent ineligibility for a dealer's license.

(c) The license fee for pistols shall be one hundred twenty-five dollars. The license fee for firearms other than pistols shall be one hundred twenty-five dollars. The license fee for ammunition shall be one hundred twenty-five dollars. Any dealer who obtains any license under subsection (1), (2), or (3) of this section may also obtain the remaining licenses without payment of any fee. The fees received under this section shall be deposited in the state general fund.

(9)(a) The dealer shall transmit the information from the firearm transfer

application through secure automated firearms e-check (SAFE) to the Washington state patrol firearms background check program. The Washington state patrol firearms background check program shall transmit the application information to the director of licensing daily. The original application shall be retained by the dealer for six years.

(b) A true record ((in triplicate)) shall be made of every ((pistol or semiautomatic assault rifle)) firearm sold, in a book kept for the purpose, the form of which may be prescribed by the director of licensing and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser, and a statement signed by the purchaser that he or she is not ineligible under state or federal law to possess a firearm. The dealer shall retain the transfer record for six years and shall, within seven days, send a copy of the transfer record to the department of licensing.

~~((b) One copy shall within six hours be sent by certified mail to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident, or the state pursuant to RCW 9.41.090; the duplicate the dealer shall within seven days send to the director of licensing; the triplicate the dealer shall retain for six years.))~~

(10) Subsections (2) through (9) of this section shall not apply to sales at wholesale.

(11) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses. The department shall provide a single application form for dealer's licenses and a single license form which shall indicate the type or types of licenses granted.

(12) Except as otherwise provided in ~~((RCW 9.41.090))~~ this chapter, every city, town, and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring the dealer to secure an individual permit for each sale.

**Sec. 9.** RCW 9.41.1135 and 2020 c 28 s 4 are each amended to read as follows:

(1) Beginning on the date that is thirty days after the Washington state patrol issues a notification to dealers that a state firearms background check system is established within the Washington state patrol under RCW 43.43.580, a dealer shall use the Washington state patrol firearms background check ((system)) program to conduct background checks for all firearms transfers. A dealer may not sell or transfer a firearm to an individual unless the dealer first contacts the Washington state patrol firearms background check program for a background check to determine the eligibility of the purchaser or transferee to possess a firearm under state and federal law and the requirements and time periods

established in RCW 9.41.090 and 9.41.092 have been satisfied. ~~((When an applicant applies for the purchase or transfer of a pistol or semiautomatic assault rifle, a dealer shall comply with all requirements of this chapter that apply to the sale or transfer of a pistol or semiautomatic rifle. The purchase or transfer of a firearm that is not a pistol or semiautomatic assault rifle must be processed in the same manner and under the same requirements of this chapter that apply to the sale or transfer of a pistol, except that the provisions of RCW 9.41.129, and the requirement in RCW 9.41.110(9)(b) concerning transmitting application records to the director of licensing, shall not apply to these transactions.))~~

(2) A dealer shall charge a purchaser or transferee a background check fee in an amount determined by the Washington state patrol and remit the proceeds from the fee to the Washington state patrol on a monthly basis. The background check fee does not apply to any background check conducted in connection with a pawnbroker's receipt of a pawned firearm or the redemption of a pawned firearm.

(3) This section does not apply to sales or transfers to licensed dealers or to the sale or transfer of an antique firearm.

**Sec. 10.** RCW 9.41.129 and 2019 c 3 s 14 are each amended to read as follows:

The department of licensing shall keep copies or records of applications for concealed pistol licenses provided for in RCW 9.41.070, copies or records of applications for alien firearm licenses, copies or records of applications to purchase ~~((pistols or semiautomatic assault rifles))~~ firearms provided for in RCW 9.41.090, and copies or records of ~~((pistol or semiautomatic assault rifle))~~ firearms transfers provided for in RCW 9.41.110. The copies and records shall not be disclosed except as provided in RCW 42.56.240(4).

NEW SECTION. **Sec. 11.** 2019 c 244 s 1 is repealed.

NEW SECTION. **Sec. 12.** This act takes effect January 1, 2024.

NEW SECTION. **Sec. 13.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Corry moved the adoption of amendment (422) to the striking amendment (338):

On page 1, line 28 of the striking amendment, after "requirements" strike "~~((or))~~ and time periods" and insert "~~((or))~~ time periods)"

On page 10, beginning on line 22 of the striking amendment, after "until the" strike

all material through "~~initiated.~~")" on line 39 and insert "~~(earlier of:~~

~~(a) The~~) results of all required background checks are known and the purchaser or transferee ~~((+i))~~ (1) is not prohibited from owning or possessing a firearm under federal or state law and ~~((+i))~~ (2) does not have a voluntary waiver of firearm rights currently in effect ~~(, or~~

~~(b) Ten business days have elapsed from the date the licensed dealer requested the background check. However, for sales and transfers of pistols if the purchaser or transferee does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, then the time period in this subsection shall be extended from ten business days to sixty days.~~

~~(2) Except as otherwise provided in this chapter, a licensed dealer may not deliver a semiautomatic assault rifle to a purchaser or transferee until ten business days have elapsed from the date of the purchase application or, in the case of a transfer, ten business days have elapsed from the date a background check is initiated.)"~~

Representatives Corry and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Senn spoke against the adoption of the amendment to the striking amendment.

Amendment (422) to the striking amendment (338) was not adopted.

Representative Christian moved the adoption of amendment (421) to the striking amendment (338):

On page 10, line 29 of the striking amendment, after "check" insert ",except this 10-day waiting period does not apply to any purchaser or transferee who produces a valid concealed pistol license"

Representatives Christian, Griffey, Abbarno, McEntire, Walsh, Dent and Couture spoke in favor of the adoption of the amendment to the striking amendment.

Representative Berry spoke against the adoption of the amendment to the striking amendment.

Amendment (421) to the striking amendment (338) was not adopted.

Representative Robertson moved the adoption of amendment (419) to the striking amendment (338):

On page 11, line 31 of the striking amendment, after "(1)" strike "The" and insert "~~((The))~~ Except as provided in section 8 of this act, the"

On page 12, after line 36 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 8.** A new section is added to chapter 9.41 RCW to read as follows:

Any immunity from liability relating to firearm-related transactions provided under RCW 9.41.0975, or under any other provision of law, does not apply to the state, a local

government entity, or a public agency, where the state, local government entity, or public agency approves a firearm transfer or firearms-related permit or license, or fails to confiscate or forfeit a firearm as required by law, and as a result a person uses the firearm to commit an unlawful act."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Robertson, Abbarno, Graham, Walsh and Corry spoke in favor of the adoption of the amendment to the striking amendment.

Representative Hackney spoke against the adoption of the amendment to the striking amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 42 - YEAS; 53 - NAYS.

Amendment (419) to the striking amendment (338) was not adopted.

Representative Griffey moved the adoption of amendment (417) to the striking amendment (338):

On page 15, beginning on line 10 of the striking amendment, after "program." strike all material through "daily." on line 13

On page 15, beginning on line 25 of the striking amendment, after "years" strike all material through "licensing" on line 26

On page 17, line 5 of the striking amendment, after "9.41.070," insert "and"

On page 17, beginning on line 6 of the striking amendment, after "licenses" strike all material through "9.41.110" on line 9 and insert "~~((, copies or records of applications to purchase pistols or semiautomatic assault rifles provided for in RCW 9.41.090, and copies or records of pistol or semiautomatic assault rifle transfers provided for in RCW 9.41.110))"~~

Representatives Griffey, Walsh, Jacobsen, Abbarno, Couture, Christian, McEntire and Graham spoke in favor of the adoption of the amendment to the striking amendment.

Representative Berry spoke against the adoption of the amendment to the striking amendment.

Amendment (417) to the striking amendment (338) was not adopted.

Representative Dye moved the adoption of amendment (420) to the striking amendment (338):

On page 7, beginning on line 7 of the striking amendment, strike all of subsection (3)

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Representatives Dye, Couture, Abbarno, McEntire, Christian, Walsh, Connors, Chambers and Maycumber spoke in favor of the adoption of the amendment to the striking amendment.



Representative Farivar spoke against the adoption of the amendment to the striking amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 42 - YEAS; 53 - NAYS.

Amendment (420) to the striking amendment (338) was not adopted.

Representative Berry spoke in favor of the adoption of the striking amendment.

Representative Walsh spoke against the adoption of the striking amendment.

The striking amendment (338) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Berry, Peterson and Hackney spoke in favor of the passage of the bill.

Representatives Walsh, Griffey, Schmidt, Abbarno, Caldier, Hutchins, Christian, Chambers, Sandlin, Schmick, Couture, Dent, Cheney, Jacobsen, Ybarra, McEntire, Low, Rude, Connors, Barkis, Barnard, Wilcox, Maycumber and Graham spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1143.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1143, and the bill passed the House by the following vote: Yeas, 52; Nays, 44; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Bronoske, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Tharinger, Timmons, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives McClintock and Volz

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

**HOUSE BILL NO. 1568, by Representatives Chambers, Tharinger, Schmick, Leavitt, Harris, Klicker, Schmidt, Caldier, Bateman, Christian, Doglio, Lekanoff, Pollet and Macri**

**Concerning the credentialing of certified health care professionals providing long-term care services.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1568 was substituted for House Bill No. 1568 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1568 was read the second time.

With the consent of the House, amendments (169) and (276) were withdrawn.

Representative Chambers moved the adoption of amendment (379):

On page 1, line 11, after "current renewal fee" insert ", and is exempt from any continuing education requirement imposed as a precondition for returning to active status,"

On page 2, line 9, after "fee" insert ", and is exempt from any continuing education requirement imposed as a precondition for returning to active status,"

On page 7, beginning on line 29, strike all of section 9

Correct the title.

Representatives Chambers and Slatter spoke in favor of the adoption of the amendment.

#### MOTION

On motion of Representative Ramel, Representative Hansen was excused.

Amendment (379) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chambers and Slatter spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1568.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1568, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1568, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1547, by Representatives Caldier, Christian, Volz, Eslick, Hutchins and Graham**

**Increasing the health care workforce by authorizing out-of-state providers to practice immediately.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1547 was substituted for House Bill No. 1547 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1547 was read the second time.

Representative Riccelli moved the adoption of the striking amendment (220):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 18.79 RCW to read as follows:

(1) A registered nurse, advanced registered nurse practitioner, or licensed practical nurse may practice in the state for up to 30 days before obtaining an expedited temporary practice permit under section 2 of this act or a temporary practice permit under RCW 18.130.075 if:

(a) The person is licensed and in good standing in the state of Alaska, California, Idaho, or Oregon;

(b) The person has accepted an employment offer requiring the person to be licensed in Washington as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse; and

(c) The person's employer requests authorization for the person to begin practicing in this state by submitting a form to the commission that includes the person's name, license number, and date of birth, and the commission certifies that the person is licensed and in good standing in the state of Alaska, California, Idaho, or Oregon. The commission must inform the employer of the decision and the authorization within two business days.

(2)(a) A person qualified to practice under this section may only practice in this state to the extent authorized by this chapter as if the person were licensed in this state.

(b) The commission may modify or restrict the services that a person qualified to practice under this section may provide.

(c) An employer of a person qualified to practice under this section may restrict the services that the person may provide.

(3) The right to practice in this state pursuant to this section shall be subject to discipline by order of the commission upon a finding by the commission of an act of unprofessional conduct as defined in RCW 18.130.180 or that the individual is unable to practice with reasonable skill or safety due to a mental or physical condition as described in RCW 18.130.170. A person qualified to practice under this section

shall have the same rights of notice, hearing, and judicial review as provided generally under this chapter and chapter 18.130 RCW.

**NEW SECTION. Sec. 2.** A new section is added to chapter 18.79 RCW to read as follows:

(1) The commission shall issue an expedited temporary practice permit to practice as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse to a person who:

(a) Holds a current license to practice as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse issued by a professional licensing board in the state of Alaska, California, Idaho, or Oregon;

(b) Provides to the commission, in a manner determined by the commission, sufficient proof that the person is in good standing with the issuing out-of-state professional licensing board;

(c) Submits information required for the national background check fingerprint process, if applicable; and

(d) Meets all other requirements and qualifications for a temporary practice permit in accordance with RCW 18.130.075.

(2) An expedited temporary practice permit issued under this section permits a person to practice as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse in Washington, pending the results of the fingerprint-based national background check, to the extent allowed by rules adopted by the commission, and is valid until the earliest of the following:

(a) The date the person is granted a full license to practice as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse in Washington; or

(b) The date the expedited temporary practice permit expires.

(3) An expedited temporary practice permit issued under this section is not renewable.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2023."

Correct the title.

Representatives Riccelli and Caldier spoke in favor of the adoption of the striking amendment.

The striking amendment (220) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Caldier and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1547.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1547, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1547, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

**MOTION**

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

- HOUSE BILL NO. 1278
- HOUSE BILL NO. 1468
- HOUSE BILL NO. 1503
- HOUSE BILL NO. 1522
- HOUSE BILL NO. 1534
- HOUSE BILL NO. 1838

There being no objection, the House reverted to the sixth order of business.

**SECOND READING**

**HOUSE BILL NO. 1479, by Representatives Callan, Santos, Goodman, Ramel, Ormsby and Pollet**

**Concerning restraint or isolation of students in public schools and educational programs.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1479 was substituted for House Bill No. 1479 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1479 was read the second time.

With the consent of the House, amendments (385), (380), (383), (391), (382), (389), (384), (381), (352), (387), (388), (390) and (236) were withdrawn.

Representative Rude moved the adoption of the striking amendment (308):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28A.600 RCW to read as follows:

(1) **Purpose.** The purposes of this section are to: Protect students from physically harmful and emotionally traumatic practices of chemical restraint, mechanical restraint, and isolation; prohibit use of physical restraint imposed solely for purposes of student discipline or staff convenience; improve the safety and well-being of all staff and students by increasing the professional development and technical assistance provided to staff; and enhance the public accountability of school districts and other providers of public educational services.

(2) **Prohibited and limited isolation and restraint of students.**

(a) The staff of any school district or other provider of public educational services may not subject any student to prohibited isolation or restraint during the provision of educational services.

(b) The staff of any school district or other provider of public educational services may use physical restraint during the provision of educational services only when:

(i) A student's behavior poses an imminent likelihood of serious harm to the student or to others;

(ii) Less restrictive interventions would be ineffective in stopping the imminent likelihood of serious harm to the student or to others;

(iii) The least amount of force necessary is used to protect the student or another person from imminent likelihood of serious harm to the student or to others; and

(iv) The physical restraint of the student ends immediately upon the cessation of the imminent likelihood of serious harm to the student or to others.

(c) Until August 1, 2025, the staff of any school district or other provider of public educational services may isolate a student in an isolation room, during the provision of educational services only when:

(i) A student's behavior poses an imminent likelihood of serious harm to the student or to others;

(ii) Less restrictive interventions would be ineffective in stopping the imminent likelihood of serious harm to the student or to others;

(iii) The least amount of force necessary is used to protect the student or another person from imminent likelihood of serious harm to the student or to others; and

(iv) The isolation of the student ends immediately upon the cessation of the imminent likelihood of serious harm to the student or to others.

(d) Neither a student nor the student's parent or legal guardian may consent, or be asked to consent, to the use of isolation or restraint that is prohibited under this subsection (2).

(e) Nothing in this subsection (2) prohibits a school resource officer as defined in RCW 28A.320.124 from carrying out the lawful duties of a commissioned law enforcement officer.

(3) **Isolation rooms.**

(a)(i) Except as provided in (a)(ii) of this subsection (3), beginning August 1, 2023, school districts and other providers of public educational services shall require that doors to isolation rooms always remain unlocked to the occupants.

(ii) With regard to isolation of students in grades six through 12 in a locked isolation room, a school district or other provider of public educational services that notifies the office of the superintendent of public instruction, by August 1, 2023, of its intent to apply for a time limited waiver of the requirements of (a)(i) of this subsection (3) is not required to comply with the requirements of (a)(i) of this subsection (3) until after it applies to the office of the superintendent of public instruction as described in section 2 of this act, which must be within 90 days of providing its notice, and the office of the superintendent of public instruction either: (A) Grants a time limited waiver that expires no later than August 1, 2025; or (B) denies the application for a waiver and sets a deadline for compliance with the requirements of (a)(i) of this subsection (3).

(b) School districts and other providers of public educational services are prohibited from constructing isolation rooms or other settings for the purpose of isolating a student.

(c) By August 1, 2025, school districts and other providers of public educational services shall remove or repurpose all isolation rooms.

(d) The provisions of this subsection (3) do not apply to a state-operated psychiatric hospital that serves students.

(4) **Notifications.** After each incident of isolation or restraint, whether prohibited or limited, the following notifications must be made:

(a) Immediately following the release of the student from isolation or restraint, the staff who used, or directed the use of, isolation or restraint shall notify the principal, other building administrator, or designee, of the provider of public educational services about the incident;

(b) The principal, other building administrator, or designee of the provider of public educational services shall:

(i) Notify the student's parent or legal guardian about the incident, within 24 hours of the incident; and

(ii) Send written documentation to the parent or legal guardian, within three business days of the incident; and

(c) With regard to use of prohibited isolation or restraint, the principal, other building administrator, or designee, of the provider of public educational services shall notify the following people or entities about the incident in accordance with the applicable deadlines:

(i) The school district superintendent or other chief administrator of the provider of public educational services, within one business day of the incident;

(ii) The office of the superintendent of public instruction, within three business days of the incident; and

(iii) If the school district or other provider of public educational services is a

contractor, the contractee, within three business days of the incident.

(5) **Incident reviews.** After every incident of isolation or restraint, whether prohibited or limited, the following incident reviews must be completed.

(a) As soon as practicable, but no later than one week following submission of the incident report as required under subsection (6)(a) of this section, the principal, other building administrator, or designee, of the provider of public educational services shall review the incident with the student and the student's parent or legal guardian to discuss relevant events that occurred before, during, and after the incident, and to inform the student's parent or legal guardian about behavioral intervention planning that must be completed under subsection (7) of this section.

(b) As soon as practicable following the release of a student from isolation or restraint, staff must provide the student with an opportunity to meet with a counselor, nurse, psychologist, or social worker to reflect, process, and recover.

(c) As soon as practicable following the release of a student from isolation or restraint, a team of staff, including the staff who used, or directed the use of, isolation or restraint, shall review the incident to, among other things:

(i) Provide the staff who used, or directed the use of, isolation or restraint with an opportunity to reflect, process, and recover;

(ii) Determine whether proper procedures were followed; and

(iii) Identify additional training, coaching, or assistance that may support staff who used, or directed the use of, isolation or restraint to use less restrictive interventions in similar situations in the future.

(6) **Incident reports.** The following reports related to incidents of isolation and restraint, whether prohibited or limited, and incidents of room clears must be prepared and submitted.

(a) Within two business days of the incident, staff who used, or directed the use of, isolation, restraint, or a room clear shall prepare and submit a written report of the incident to the school district superintendent or other chief administrator of the provider of public educational services. At a minimum, the written report must include:

(i) The date, time, duration, and location of the incident;

(ii) Names and job titles of staff who used, or directed the use of, isolation, restraint, or a room clear and of staff who observed the incident;

(iii) The type of restraint or isolation used, if applicable;

(iv) A description of relevant events that occurred before, during, and after the incident, including any less restrictive interventions attempted;

(v) Information about any known physical injuries or psychological trauma experienced by the student or staff due to the incident, including whether medical care was sought or received, and whether staff requested or used leave benefits;

(vi) Recommended preventative actions for the staff or the provider of public educational services to take to prevent similar, future incidents; and

(vii) Other information as required by rule of the office of the superintendent of public instruction.

(b) The school district superintendent or other chief administrator of a provider of public educational services shall prepare a summary of the incident reports submitted under (a) of this subsection (6), at least annually and as required by the school district board of directors or other governing body of a provider of public educational services. The summary must be disaggregated for purposes of trend analyses, for example by the student categories and subcategories provided under RCW 28A.300.042 (1) and (3), student gender, students who are dependent pursuant to chapter 13.34 RCW, students who are homeless as defined in RCW 43.330.702, students who are multilingual/English learners, status as a student with a parent who is a member of the armed forces, by school or other applicable unit, by staff job title, by contractor, and by incident type.

(c) The school district superintendent or other chief administrator of a provider of public educational services must submit incident report data and summaries prepared under (a) and (b) of this subsection (6), at the time and in the manner required by the office of the superintendent of public instruction.

(7) **Behavioral intervention plan.** After every incident of isolation or restraint, whether prohibited or limited, the following activities related to behavioral intervention planning must be completed.

(a) As soon as practicable following the release of a student from isolation or restraint, staff shall:

(i) Complete a functional behavioral assessment of the student, unless a functional behavioral assessment was previously completed for the behavior of concern; and

(ii) Develop a behavioral intervention plan for the student or, if a behavioral intervention plan has already been developed, review the behavioral intervention plan and modify it as necessary to address the student's behavior of concern.

(b) Nothing in this subsection (7) limits behavioral intervention planning for students with individualized education programs under Part B of the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq.

(8) **Policies and procedures.**

(a) The school district board of directors or other governing body of a provider of public educational services shall adopt a student isolation and restraint policy and procedures that meets the requirements of this section. The procedures must include a process for convening a team of staff to review every incident of isolation or restraint using a systems improvement approach that focuses on supporting staff to use less restrictive interventions as alternatives to isolation and restraint.

(b) During the 2024-25 school year, and periodically thereafter, the school district board of directors or other governing body of a provider of public educational services shall review and revise, as necessary, its student isolation and restraint policy and procedures with input from staff, students, students' families, advocacy organizations, and other appropriate members of the community.

(9) **Professional development plans.**

(a)(i) By January 30, 2024, the school district superintendent or other chief administrator of a provider of public educational services, or the school district board of directors or other governing body of a provider of public educational services, shall prepare and submit to the office of the superintendent of public instruction a staff professional development plan and timeline as required by this subsection (9).

(ii) By August 31, 2024, and by August 31st annually thereafter, an update on the implementation of its staff professional development plan must be submitted to the office of the superintendent of public instruction.

(b)(i) The plan must include professional development on the following topics:

(A) The policy and procedure adopted under subsection (8) of this section;

(B) Evidence-based, trauma-informed, student-centered, proactive crisis prevention and intervention practices that are less restrictive than isolation and restraint, such as de-escalation strategies;

(C) Evidence-based, trauma-informed, behavioral health supports for students and staff that include restorative practices; and

(D) Evidence-based, systemic approaches to eliminating the use of prohibited isolation and restraint, to reduce the use of physical restraint, and to eliminate disparities in use of prohibited and limited isolation and restraint, such as multitiered systems of support and universal design for learning.

(ii) The plan and any updates must describe the professional development that will be provided to staff during the following school year. Any professional development programs and resources provided to staff must be selected from the list developed by the office of the superintendent of public instruction as required by section 2(4) of this act.

(iii) Example modes of professional development include: Trainings provided by the office of the superintendent of public instruction, educational service districts, the school district or other provider of public educational services; pursuit of credentials through formal education programs; working with a mentor or coach; and involvement in professional learning communities. Nothing in this subsection (9) requires all staff to be provided identical or equivalent professional development. Rather, professional development content, intensity, duration, and frequency must be appropriate to each staff type, staff experience, and staff assignment, and must be informed by the incident reviews

completed under subsection (5) of this section.

(iv) To the extent the use of the funds is not specified in RCW 28A.415.445 or the omnibus operating appropriations act, school districts and other providers of public educational services that receive funding for professional learning days under RCW 28A.150.415 may use this funding to meet the requirements of this subsection (9).

(c) Professional development must be prioritized to staff in the following order:

(i) First to staff providing educational services to students with disabilities in prekindergarten through grade five;

(ii) Second to staff providing educational services to students with disabilities in grades six through 12; and

(iii) Third to all other staff.

(d) The plan must describe the mechanism used to determine whether an entity under contract to provide educational services to students is providing professional development to the contractor's staff as required by this subsection (9).

**(10) Duties of governing bodies.**

(a) Beginning in the 2023-24 school year, and every four years thereafter, each member of a school district board of directors or other governing body of a provider of public educational services shall complete the training program on student isolation and restraint provided at no cost as required under section 2(6) of this act.

(b) On an annual basis, the school district board of directors or other governing body of a provider of public educational services shall monitor the impact of the policy and procedures adopted under subsection (8) of this section by, at a minimum: (i) Performing trend analyses using the summary of incident reports prepared by the school district superintendent or other chief administrator of the provider of public educational services under subsection (6) of this section; and (ii) reviewing the professional development plan and updates prepared under subsection (9) of this section.

**(11) Rules.** The office of the superintendent of public instruction shall adopt rules under chapter 34.05 RCW for the implementation of this section.

**(12) Definitions.** The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Behavioral intervention plan" means the individualized plan developed for a student and implemented by staff for the purpose of changing, replacing, modifying, or eliminating a student's behavior or behaviors of concern.

(b) "Chemical restraint" means a drug or chemical administered by staff to a student to control the student's behavior or restrict the student's freedom of movement that is: (i) Not prescribed by a licensed health professional acting within the scope of the practice of that health profession for the standard treatment of a student's medical or psychiatric condition; (ii) not administered by a licensed health professional acting within the scope of the practice of that health profession; or (iii) not administered in accordance with the

student's medical or psychiatric treatment plan.

(c) "Educational service" means instruction and other activities delivered or sponsored by a school district or other provider of public educational services, for example: General education services; special education services; medical services; safety and security services; transportation services; and any developmental, corrective, or other supportive services necessary for a student eligible for special education services to benefit from special education services.

(d) "Functional behavioral assessment" means the process or evaluation used by staff to understand the cause or purpose of a student's specific behavior or behaviors of concern in a specific environment.

(e) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote.

(f) "Isolation," also known as seclusion, means the involuntary isolation of a student, by staff, in an isolation room from which the student is not free to leave. "Isolation" does not include a time away, which is a student-selected behavior management technique that provides a student with an opportunity for self-calming, where the student is separated from others for a limited period, in a setting that is staff-monitored and from which the student may leave at any time.

(g) "Isolation room" means a room or other enclosed area, whether within or outside a classroom, used to isolate a student.

(h) "Likelihood of serious harm" means a substantial risk that:

(i) Harm will be inflicted by the student upon his or her own person, as evidenced by threats or attempts to commit suicide, or inflict harm on oneself; or

(ii) Harm will be inflicted by the student upon another, as evidenced by behavior that places another person or persons in reasonable fear of sustaining such harm.

(i) "Mechanical restraint" means staff use of a device to restrict a student's freedom of movement. "Mechanical restraint" does not include: (i) A device used by staff or a student: (A) As prescribed by a licensed health professional acting within the scope of the practice of that health profession; (B) as documented in a student's individualized education program under Part B of the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq. or a student's plan developed under section 504 of the rehabilitation act of 1973; or (C) for a specific therapeutic, orthopedic, or medical purpose, when used for its designed purpose; or (ii) the use of vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

(j) "Physical escort" means the temporary touching or holding of a student's hand, wrist, arm, shoulder, or back by staff, without the use of force, for the purpose of directing the student to a safe or otherwise appropriate location.

(k) "Physical prompt" means a teaching technique used by staff that involves voluntary physical contact with a student for the purpose of enabling the student to learn or model the physical movement necessary for the development of a desired competency.

(l) "Physical restraint" means physical contact by one or more staff that immobilizes or reduces the ability of a student to move the student's arms, legs, torso, or head freely. "Physical restraint" does not include chemical restraint, mechanical restraint, physical escort, or physical prompt.

(m) "Prohibited isolation or restraint" means staff use of one or more of the following interventions on a student:

- (i) Chemical restraint;
- (ii) Mechanical restraint;
- (iii) Beginning August 2, 2025, isolation;
- (iv) Physical restraint or physical escort that is life-threatening, restricts breathing, or restricts blood flow to the brain, including prone, supine, and wall restraints;

(v) Isolation or physical restraint that is contraindicated based on the student's disability or health care needs or medical or psychiatric condition as documented in:

- (A) A health care directive or medical management plan;
- (B) A behavioral intervention plan;
- (C) An individualized education program under Part B of the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq.; or
- (D) A plan developed under section 504 of the federal rehabilitation act of 1973;
- (vi) Corporal punishment as prohibited by RCW 28A.150.300; and
- (vii) Noxious spray and other aversive intervention as prohibited in rule of the office of the superintendent of public instruction.

(n) "Provider of public educational services" means any entity that directly operates, or provides educational services under contract to, an elementary or secondary school program that receives public funds from the office of the superintendent of public instruction. "Provider of public educational services" includes a school district, public school as defined in RCW 28A.150.010, an educational service district, an institutional education provider as defined in RCW 28A.190.005, a public agency or private entity providing educational services under contract with any other provider of public educational services, and any providers of services in accordance with Part B of the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq. In addition, "provider of public educational services" includes the state school for the blind and the center for deaf and hard of hearing youth established under RCW 72.40.010.

(o) "Restraint" includes chemical restraint, mechanical restraint, and physical restraint.

(p) "Room clear" means the procedure used by staff in an emergency to direct all students, except for any students causing

the emergency, to leave a room. Except as provided in rule of the office of the superintendent of public instruction, a room clear is not isolation.

(q) "Staff" means an employee or contractor of a school district or other provider of public educational services. "Staff" does not include licensed or certified health professionals of inpatient health care facilities.

(r) "Students" means children and youth served by a school district or other provider of public educational services.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) As required by this section, the office of the superintendent of public instruction shall monitor and support the compliance of school districts and other providers of public educational services with requirements related to prohibited and limited uses of student isolation and restraint under section 1 of this act.

(2) Within three months of receipt, the office of the superintendent of public instruction shall review each professional development plan and update submitted by a school district or other provider of public educational services under section 1(9) of this act.

(3) At least annually, the office of the superintendent of public instruction shall require school districts and other providers of public educational services to submit incident report data and summaries prepared under section 1(6) of this act. The office of the superintendent of public instruction shall publish the incident report data and summaries on its website within 90 days of receipt. The data must be published in a manner that allows trend analyses, including analysis of intersecting marginalized identities.

(4)(a) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall provide technical assistance to school districts and other providers of public educational services to meet the requirements of section 1 of this act. At a minimum, this technical assistance must include:

(i) Developing and publishing guidance on the requirements of section 1 of this act and related rules;

(ii) Identifying and publishing a list of professional development programs and resources that meet the requirements of section 1(9) of this act;

(iii) Providing or contracting for the provision of professional development that meets the requirements of section 1(9) of this act. The office of the superintendent of public instruction shall establish the criteria for and prioritize the provision of professional development that gives priority to: (A) School districts and other providers of public educational services that were approved for a waiver under subsection (7) of this section; (B) staff who provide educational services to students in prekindergarten through grade five; and (C) school districts and other providers of

public educational services with high incidents of isolation, restraint, or room clears. Professional development must be provided to the principals and other building administrators of the school districts and other providers of public educational services identified as priorities under this section; and

(iv) Completing site visits and providing on-site coaching, when appropriate.

(b) Prior to implementing the technical assistance described in (a) of this subsection (4), and periodically thereafter, the office of the superintendent of public instruction shall collaborate with statewide associations representing school administrators, classified staff, and certificated staff to conduct focus groups for the purpose of better understanding staff challenges related to implementation of section 1 of this act.

(5) When a school district or other provider of public educational services is not making sufficient progress towards the goals established in its professional development plan submitted under section 1(9) of this act or when disparities in use of isolation or restraint are identified in its incident report data submitted under section 1(6) of this act, the office of the superintendent of public instruction shall place the school district or other provider of public educational services on a plan of improvement. Under a plan of improvement, the office of the superintendent of public instruction shall provide targeted technical assistance, including annual site visits, until the school district or other provider of public educational services meets its professional development plan goals, or eliminates disparities in use of isolation or restraint, or both.

(6)(a) As required by this subsection (6), the office of the superintendent of public instruction shall develop and periodically update a training program on student isolation and restraint for school district boards of directors and the governing bodies of other providers of public educational services.

(b) At a minimum, the training program must include the following content: The legal prohibitions and limitations on the use of isolation and restraint on students provided under section 1 of this act; the social-emotional and physical impacts to students and staff resulting from the use of isolation and restraint rather than trauma-informed interventions, such as de-escalation strategies and student-centered, restorative practices; how to assess compliance with section 1 of this act; and options for supporting system improvement by reprioritizing resources.

(c) The training program must be developed and updated in partnership with the Washington state school directors' association.

(d) The training program must be made available at no cost to school district boards of directors, the governing bodies of other providers of public educational services, and the Washington state school directors' association.

(7)(a) By August 1, 2023, and as required by this subsection (7), the office of the

superintendent of public instruction shall establish a process for school districts and other providers of public educational services to apply for a time limited waiver, which expires no later than August 1, 2025, of the requirements of section 1(3)(a)(i) of this act that permits the isolation of students in grades six through 12 in a locked isolation room.

(b) The office of the superintendent of public instruction shall provide technical assistance to school districts and other providers of public educational services that have notified the office by August 1, 2023, of their intent to apply for a waiver. Technical assistance must include assisting with the preparation of a professional development plan that supports compliance with the requirements of section 1(3)(a)(i) of this act as soon as possible, but no later than the end of an approved waiver period.

(c) The office of the superintendent of public instruction shall notify applicants as soon as possible whether their application has been approved or denied. If the office of the superintendent of public instruction denies an application, it must set a deadline for the school district or other provider of public educational services to comply with the requirements of section 1(3)(a)(i) of this act and notify the school district or other provider of public educational services of the compliance deadline as soon as possible.

(d) School districts and other providers of public educational services granted a waiver under this subsection (7) must provide professional development to staff and conduct other activities necessary to comply with the requirements of section 1(3)(a)(i) of this act by the end of the approved waiver period.

(8) Annually by November 1st, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction shall report to the appropriate committees of the legislature with a summary of its activities to monitor and support the compliance of school districts and other providers of public educational services with requirements related to prohibited and limited uses of student isolation and restraint under section 1 of this act. The report must describe the progress that school districts and other providers of public educational services have made towards providing professional development to staff as required by section 1(9) of this act. The report must also highlight exemplar school districts and other providers of public educational services using best practices to eliminate the use of isolation and restraint.

(9) The office of the superintendent of public instruction shall adopt rules under chapter 34.05 RCW for the implementation of this section.

(10) As used in this section, "isolation," "provider of public educational services," "restraint," and "staff" have the same meaning as in section 1 of this act.

**NEW SECTION. Sec. 3.** (1) By December 1, 2024, and in compliance with RCW



43.01.036, with respect to student isolation and restraint-related professional development requirements under sections 1 and 2 of this act, the office of the superintendent of public instruction must report to the appropriate committees of the legislature with its progress on developing a professional development deployment strategy and assembling of a network of professional development providers, as well as its assessment of the need and demand for professional development in the coming biennium.

(2) This section expires June 30, 2025.

**NEW SECTION. Sec. 4.** (1) By December 1, 2023, and in compliance with RCW 43.01.036, the Washington professional educator standards board and the paraeducator board must jointly submit to the appropriate committees of the legislature a plan for integrating into educator preparation programs and paraeducator certificate requirements instruction requirements related to prohibited and limited uses of student isolation and restraint under section 1 of this act.

(2) This section expires June 30, 2024.

**NEW SECTION. Sec. 5.** (1) The office of the superintendent of public instruction must contract with a research entity to study and report on the use of room clears in Washington. The research entity must analyze and report on the impacts of a room clear on the students involved, including those who are removed from the classroom. The report must, at a minimum, consider the impact of room clears on lost instructional time, student mental health, and social-emotional learning. The research entity must also identify and summarize best practices on the use of room clears. The report of the research entity must be submitted by the office of the superintendent of public instruction to the appropriate committees of the legislature by September 1, 2024, in compliance with RCW 43.01.036.

(2) This section expires June 30, 2027.

**Sec. 6.** RCW 28A.155.210 and 2013 c 202 s 3 are each amended to read as follows:

A school that is required to develop an individualized education program as required by federal law must include within the plan procedures for notification of, and incident review with, a parent or legal guardian regarding the use of restraint or isolation as provided under section 1 of this act.

**Sec. 7.** RCW 28A.310.515 and 2021 c 38 s 4 are each amended to read as follows:

(1)(a) A safety and security staff training program is established. The program must be jointly developed by the educational service districts, but may be administered primarily by one or more educational service districts. The program must meet the requirements of this section.

(b) When developing the safety and security staff training program, the educational service districts should engage with the state school safety center

established in RCW 28A.300.630 and the school safety and student well-being advisory committee established in RCW 28A.300.635.

(2) The educational service districts must identify or develop classroom training on the following subjects:

(a) Constitutional and civil rights of children in schools, including state law governing search and interrogation of youth in schools;

(b) Child and adolescent development;

(c) Trauma-informed approaches to working with youth;

(d) Recognizing and responding to youth mental health issues;

(e) Educational rights of students with disabilities, the relationship of disability to behavior, and best practices for interacting with students with disabilities;

(f) Bias free policing and cultural competency, including best practices for interacting with students from particular backgrounds, including English learner, LGBTQ, immigrant, female, and nonbinary students;

(g) Local and national disparities in the use of force and arrests of children;

(h) Collateral consequences of arrest, referral for prosecution, and court involvement;

(i) Resources available in the community that serve as alternatives to arrest and prosecution and pathways for youth to access services without court or criminal justice involvement;

(j) De-escalation techniques when working with youth or groups of youth;

(k) State law regarding restraint and isolation in schools, including ((RCW 28A.600.485))section 1 of this act;

(l) The federal family educational rights and privacy act (20 U.S.C. Sec. 1232g) requirements including limits on access to and dissemination of student records for noneducational purposes; and

(m) Restorative justice principles and practices.

(3) The educational service districts must provide, or arrange for the delivery of, classroom training on the subjects listed in subsection (2) of this section. At a minimum, classroom trainings on each subject must be provided annually, remotely, synchronously or asynchronously, and by at least one educational service district. Classroom training may be provided on a fee-for-service basis and should be self-supporting.

(4) The educational service districts must provide to safety and security staff, upon request, documentation that the safety and security staff training series described in RCW 28A.400.345(2) has been completed. Before providing this training series documentation, completion of each component of the training series must be verified or, in the case of safety and security staff with significant prior training and experience, waived.

(5) The educational service districts must develop and publish guidelines for on-the-job training and check-in training that include recommendations for identifying and recruiting experienced safety and security staff to provide the trainings, suggested

activities during on-the-job trainings, and best practices for meaningful check-in trainings. The guidelines for check-in training must also include recommended frequency, possible topics of discussion, and options for connecting virtually.

(6) For purposes of this section, the term "safety and security staff" has the same meaning as in RCW 28A.320.124.

**NEW SECTION. Sec. 8.** RCW 28A.600.485 (Restraint of students—Use of restraint or isolation specified in individualized education programs or plans developed under section 504 of the rehabilitation act of 1973—Procedures—Summary of incidents of isolation or restraint—Publishing to website) and 2015 c 206 s 3 & 2013 c 202 s 2 are each repealed.

**NEW SECTION. Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Rude moved the adoption of amendment (438) to the striking amendment (308):

On page 1, beginning on line 14 of the striking amendment, strike all of subsections (2) and (3) and insert the following:

**"(2) Prohibited isolation and restraint of students.**

(a) The staff of any school district or other provider of public educational services may not subject any student to prohibited isolation or restraint during the provision of educational services.

(b)(i) The isolation of any student in prekindergarten through grade 2 by the staff of any school district or other provider of public educational services during the provision of educational services is prohibited.

(ii) Beginning January 1, 2026, the isolation of any student in grade 3 through 12 by the staff of any school district or other provider of public educational services during the provision of educational services is prohibited.

(c) Neither a student nor the student's parent or legal guardian may consent, or be asked to consent, to the use of isolation or restraint that is prohibited under this subsection (2).

**(3) Limited physical restraint of students.** The staff of any school district or other provider of public educational services may use physical restraint during the provision of educational services only when:

(a) The student's behavior poses an imminent likelihood of serious harm to the student or to others;

(b) Less restrictive interventions would be ineffective in stopping the imminent likelihood of serious harm to the student or to others;

(c) The least amount of force necessary is used to protect the student or another person from an imminent likelihood of serious harm to the student or to others; and

(d) The physical restraint of the student ends immediately upon the cessation of the imminent likelihood of serious harm to the student or to others.

**(4) Limited isolation of students in isolation rooms.**

(a) Through December 31, 2025, the staff of any school district or other provider of public educational services may use isolation on a student who is in grade three through twelve during the provision of educational services only when:

(i) The student's behavior poses an imminent likelihood of serious harm to the student or to others;

(ii) Less restrictive interventions would be ineffective in stopping the imminent likelihood of serious harm to the student or to others;

(iii) The least amount of force necessary is used to protect the student or another person from an imminent likelihood of serious harm to the student or to others; and

(iv) The isolation of the student ends immediately upon the cessation of the imminent likelihood of serious harm to the student or to others.

(b)(i) Except as provided in (b)(ii) of this subsection (4), beginning August 1, 2023, school districts and other providers of public educational services shall require that doors to isolation rooms remain unlocked to the occupants.

(ii) Using the process established as required by section 2(7) of this act, school districts and other providers of public educational services may, through December 31, 2025, claim a waiver of the requirements of (b)(i) of this subsection (4) to permit the isolation of students in grades three through 12 in a locked isolation room. School districts and other providers of public educational services claiming a waiver must provide professional development to staff and conduct other activities necessary to comply with the requirements of (b)(i) of this subsection (4) no later than January 1, 2026.

(c)(i) School districts and other providers of public educational services are prohibited from constructing isolation rooms or other settings for the purpose of isolating a student.

(ii) By January 1, 2026, school districts and other providers of public educational services shall remove or repurpose all isolation rooms.

**(5) Exemptions.**

(a) The provisions of subsections (4)(b) and (c) of this section do not apply to a state-operated psychiatric hospital that serves students.

(b) Nothing in subsections (2) through (4) of this section prohibits a school resource officer as defined in RCW 28A.320.124 from carrying out the lawful duties of a commissioned law enforcement officer."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 10, beginning on line 2 of the striking amendment, after "staff" strike all material through "force," on line 3

On page 10, line 18 of the striking amendment, strike all of subsection (iii)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 13, beginning on line 32 of the striking amendment, strike all of subsection (7) and insert the following:

"(7)(a) By August 1, 2023, and as required by this subsection (7), the office of the superintendent of public instruction shall establish and implement a process for school districts and other providers of public educational services to claim a waiver of the requirements of section 1(4)(b)(i) of this act to permit the isolation of students in grades three through 12 in a locked isolation room. The office of the superintendent of public instruction must grant a waiver to any school district or other provider of public educational services that claims a waiver by August 1, 2023.

(b) The office of the superintendent of public instruction shall provide technical assistance to school districts and other providers of public educational services that claims a waiver. Technical assistance must include assisting with the preparation of a professional development plan that supports compliance with the requirements of section 1(4)(b)(i) of this act as soon as possible, but no later than January 1, 2026."

Representatives Rude and Callan spoke in favor of the adoption of the amendment to the striking amendment.

#### MOTION

On motion of Representative Ramel, Representative Paul was excused.

Amendment (438) to the striking amendment (308) was adopted.

Representative Couture moved the adoption of amendment (348) to the striking amendment (308):

On page 3, line 9, after "After" strike "each incident" and insert "incidents"

On page 3, line 10, after "limited," insert "and after incidents of a room clear,"

On page 3, line 13, after "restraint," insert "and immediately following the return of students from a room clear,"

On page 3, line 14, after "isolation" strike "or restraint" and insert ", restraint, or a room clear"

On page 3, line 22, after "incident" insert ", and, when possible, send written

documentation to the parent or legal guardian via email, on the same calendar day as the incident"

On page 3, line 36, after "After" strike "every incident" and insert "incidents"

On page 3, line 37, after "limited," insert "and after incidents of room clears,"

On page 4, line 13, after "restraint" insert "or the return of students from a room clear"

On page 4, line 14, after "isolation" strike "or restraint" and insert ", restraint, or a room clear"

On page 4, at the beginning of line 17, strike "or restraint" and insert ", restraint, or a room clear"

On page 4, line 39, after "attempted" insert ", including any de-escalation attempts;

(v) Whether the student who was isolated, restrained, or caused the emergency that resulted in a room clear has either an individualized education program or behavioral intervention plan and, if so, whether the program or plan was followed"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 5, line 28, after "After" strike "every incident" and insert "incidents"

On page 5, line 29, after "limited," insert "and after incidents of room clears,"

On page 5, line 33, after "restraint" insert "or the return of students following a room clear"

On page 5, line 34, after "student" insert "who was isolated, restrained, or caused the emergency that resulted in a room clear"

On page 5, line 37, after "student" insert "who was isolated, restrained, or caused the emergency that resulted in a room clear"

On page 5, line 40, after "concern." insert "When the student has an individualized education program, the behavioral intervention plan must be developed and modified in accordance with the student's individualized education program."

On page 6, line 39, after "strategies" insert "and corresponding classroom management techniques"

Representatives Couture and Santos spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (348) to the striking amendment (308) was adopted.

Representatives Callan and Rude spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (308), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Callan, Steele, Couture and Stonier spoke in favor of the passage of the bill.

Representative Rude spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1479.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1479, and the bill passed the House by the following vote: Yeas, 63; Nays, 31; Absent, 0; Excused, 4

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Harris, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Corry, Dent, Dye, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Walsh, Wilcox and Ybarra

Excused: Representatives Hansen, McClintock, Paul and Volz

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1479, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:30 a.m., Wednesday, March 8, 2023, the 59th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIFTY NINTH DAY

House Chamber, Olympia, Wednesday, March 8, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Ryan George and Bridget Kronland. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Robert Watson, Jr., State Commander, Washington State Command Council, National Association for Black Veterans.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4624**, by Representatives Senn and Berry

WHEREAS, Deborah Senn, born on March 8, 1949, was a tireless consumer advocate who was elected in 1992 becoming the first woman elected to serve as the state's insurance commissioner; and

WHEREAS, Commissioner Senn was a national leader on a broad range of issues, including implementing the nation's first regulations for environmental clean-up claims, protecting victims of domestic violence from insurance discrimination, guaranteeing women have access to obstetrician gynecologists, lowering the waiting period on preexisting conditions, and implementing equal recognition of all licensed health care providers; and

WHEREAS, Commissioner Senn was the first insurance commissioner in the United States to call for regulatory action on behalf of Holocaust victims denied insurance benefits, leading to the creation of the International Commission on Holocaust Era Insurance Claims in 1998, and resulting in tens of thousands of elderly claimants around the world receiving long delayed compensation; and

WHEREAS, Commissioner Senn, through the United States Department of Treasury, consulted with finance ministries and central banks in developing and transitioning countries to strengthen their ability to regulate the insurance sector and effectively safeguard consumers; and

WHEREAS, Deborah Senn represented a container ship captain who won a major gender discrimination case after being denied a license to become the first female vessel pilot in Puget Sound; and

WHEREAS, Commissioner Senn loved supporting and mentoring women in public service; and

WHEREAS, Judaism played an important role in developing Senn's commitment to Tikkun Olam, the Jewish concept of "repair of the world"; and

WHEREAS, Commissioner Senn loved watching baseball, showing vizslas at dog shows, singing and writing plays, playing tennis, and spending time in Hawaii; and

WHEREAS, Commissioner Senn was married for 38 years to Rudi Bertschi who called her "his magic"; and

WHEREAS, Commissioner Senn died on February 18, 2022, from complications of metastatic pancreatic cancer;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the contributions and positive generational impacts of Deborah Senn's service on this day.

There being no objection, HOUSE RESOLUTION NO. 4624 was adopted.

## SPEAKER'S PRIVILEGE

The Speaker (Representative Bronoske presiding) recognized the family of former Insurance Commissioner Deborah Senn and asked the chamber to acknowledge them.

There being no objection, the House advanced to the third order of business.

## MESSAGES FROM THE SENATE

Tuesday, March 7, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5144  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5186  
 ENGROSSED SENATE BILL NO. 5534  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5716

and the same are herewith transmitted.

Sarah Bannister, Secretary

Wednesday, March 8, 2023

Mme. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5048  
 ENGROSSED SENATE BILL NO. 5175  
 SENATE BILL NO. 5274  
 SUBSTITUTE SENATE BILL NO. 5304  
 SUBSTITUTE SENATE BILL NO. 5491  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5580  
 SUBSTITUTE SENATE BILL NO. 5672

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

ESSB 5102 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wellman, Frame, Hunt, Liias, Saldaña, Trudeau, Valdez and Wilson, C.)

AN ACT Relating to school library information and technology programs; amending RCW 28A.320.240; adding new sections to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Education.

2SSB 5134 by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Dhingra, Frame, Hasegawa, Kuderer, Nguyen, Nobles, Randall, Saldaña and Wellman)

AN ACT Relating to reentry services and supports; amending RCW 72.02.100 and 72.09.270; and creating a new section.

Referred to Committee on Community Safety, Justice, & Reentry.

SSB 5178 by Senate Committee on Transportation (originally sponsored by Fortunato and Gildon)

AN ACT Relating to large debris removal from state highways; and amending RCW 70A.200.060 and 70A.200.140.

Referred to Committee on Transportation.

E2SSB 5236 by Senate Committee on Ways & Means (originally sponsored by Robinson, Keiser, Conway, Frame, Hunt, Kauffman, Lovelett, Nguyen, Nobles, Pedersen, Shewmake, Stanford, Trudeau, Valdez and Wilson, C.)

AN ACT Relating to improving nurse and health care worker safety and patient care by establishing minimum staffing standards in hospitals, requiring hospital staffing committees to develop staffing plans, addressing mandatory overtime and meal and rest breaks, and providing for enforcement; amending RCW 70.41.410, 70.41.420, 70.41.425, 49.12.480, 49.28.130, 49.28.140, and 49.28.150; adding a new section to chapter 70.41 RCW; adding a new chapter to Title 49 RCW; creating a new section; recodifying RCW 70.41.410, 70.41.420, 70.41.425, 49.12.480, 49.28.130, 49.28.140, and 49.28.150; repealing 2017 c 249 s 4 (uncodified); prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

2SSB 5268 by Senate Committee on Ways & Means (originally sponsored by Hasegawa, Warnick, Hunt, Keiser, Kuderer, Nguyen, Nobles, Saldaña, Valdez, Wagoner and Wilson, C.)

AN ACT Relating to equity and efficiencies in public works procurement including modifying small works roster requirements; amending RCW 39.04.010, 39.19.030, 39.10.200, 39.10.210, 39.10.220, 39.10.230, 39.10.240, 39.10.330, 39.10.360, 39.10.380, 39.10.385, 39.10.908, 28A.335.190, 28B.10.350, 28B.50.330, 35.22.620, 35.23.352, 35.61.135, 35.82.076, 36.32.235, 36.32.250, 36.77.075, 39.04.200, 39.04.380, 39.12.040, 52.14.110, 53.08.120, 54.04.070, 57.08.050, 70.44.140, 87.03.436, and 43.131.408; adding new sections to chapter 39.04 RCW; creating a new section; repealing RCW 39.04.155 and 39.04.156; providing effective dates; and declaring an emergency.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

2SSB 5290 by Senate Committee on Ways & Means (originally sponsored by Mullet, Kuderer, Fortunato, Lias, Nobles, Saldaña and Wilson, C.)

AN ACT Relating to consolidating local permit review processes; amending RCW 36.70B.140, 36.70B.020, 36.70B.070, 36.70B.080, and 36.70B.160; adding new sections to chapter 36.70B RCW; creating a new section; and providing an effective date.

Referred to Committee on Local Government.

SSB 5318 by Senate Committee on Human Services (originally sponsored by Nobles, Kuderer, Nguyen and Wilson, C.)

AN ACT Relating to limiting estate recovery; and amending RCW 41.05A.090, 43.20B.080, and 70.129.040.

Referred to Committee on Civil Rights & Judiciary.

SB 5330 by Senators Torres, Muzzall, Shewmake, Van De Wege, Warnick, Kuderer and Lovick

AN ACT Relating to the Washington pesticide application act; amending RCW 17.21.020, 17.21.130, and 17.21.132; and adding a new section to chapter 17.21 RCW.

Referred to Committee on Agriculture and Natural Resources.

ESSB 5334 by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Lovelett, Kuderer, Frame, Hasegawa, Nguyen, Nobles and Wilson, C.)

AN ACT Relating to providing a local government option for the funding of essential affordable housing programs; amending RCW 67.28.181 and 82.14.410; and adding a new section to chapter 67.28 RCW.

Referred to Committee on Local Government.

SSB 5358 by Senate Committee on State Government & Elections (originally sponsored by Gildon, Nobles, Conway, Holy, Lovelett, Nguyen, Randall, Torres, Wagoner, Wellman, Wilson, C. and Wilson, L.)

AN ACT Relating to expanding veterans' services and programs; amending RCW 43.60A.101; adding new sections to chapter 43.60A RCW; creating a new section; and providing expiration dates.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

SSB 5388 by Senate Committee on Health & Long Term Care (originally sponsored by Rivers, Cleveland, Muzzall, Conway, Frame, Hasegawa, Keiser, Lovelett, Lovick, Pedersen, Rolfes, Saldaña, Valdez and Wilson, C.)

AN ACT Relating to improving diversity in clinical trials; and adding a new chapter to Title 69 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5389 by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Rivers, Robinson, Van De Wege, Conway, Holy, Schoesler, Wilson, L., Lovick, Randall and Wilson, C.)

AN ACT Relating to the practice of optometry, including expanding the optometric scope of practice to include specified procedures not including the use of lasers, requiring a licensing endorsement to perform these procedures that is based upon mandated educational criteria and hands-on training, and amending the board of optometry's operating procedures; and amending RCW 18.53.010, 18.54.050, and 18.54.070.

Referred to Committee on Health Care & Wellness.

SB 5390 by Senators Shewmake, Warnick, Rolfes, Stanford, Nguyen and Wilson, C.

AN ACT Relating to establishing a programmatic safe harbor agreement on forestlands; and adding a new section to chapter 76.09 RCW.

Referred to Committee on Agriculture and Natural Resources.

2SSB 5412 by Senate Committee on Transportation (originally sponsored by Salomon, Lias, Kuderer, Lovelett, Mullet and Pedersen)

AN ACT Relating to reducing local governments' land use permitting workloads, by ensuring objective and timely design review for housing and other land use proposals within

cities and counties and allowing proposed housing within urban growth boundaries to rely on environmental reviews completed at the comprehensive planning level; amending RCW 36.70B.160 and 43.21C.229; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

SSB 5415 by Senate Committee on Law & Justice (originally sponsored by Trudeau, Pedersen, Dhingra, Saldaña, Valdez and Wilson, C.)

AN ACT Relating to public defense services for persons committed as not guilty by reason of insanity; amending RCW 2.70.020, 10.77.020, 10.77.140, 10.77.150, 10.77.165, 10.77.180, 10.77.190, 10.77.200, 10.77.205, and 10.77.250; reenacting and amending RCW 10.77.010; adding new sections to chapter 2.70 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

SSB 5433 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Muzzall, Shewmake, Lias, Lovelett, MacEwen, Nguyen and Salomon)

AN ACT Relating to derelict aquatic structures; and adding a new chapter to Title 79 RCW.

Referred to Committee on Agriculture and Natural Resources.

SSB 5454 by Senate Committee on Ways & Means (originally sponsored by Cleveland, Robinson, King, Keiser, Van De Wege, Conway, Kuderer, Lias, Nguyen, Shewmake, Stanford and Valdez)

AN ACT Relating to industrial insurance coverage for posttraumatic stress disorders affecting registered nurses; amending RCW 51.08.142; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

SSB 5499 by Senate Committee on Health & Long Term Care (originally sponsored by Mullet, Rivers, King, Cleveland, Braun, Muzzall, Gildon, Hunt and Padden)

AN ACT Relating to the multistate nurse licensure compact; amending RCW 18.79.020, 18.79.202, 18.79.030, 18.130.040, 18.130.040, 18.130.064, and 43.70.110; adding new sections to chapter 18.79 RCW; adding a new section to chapter 70.41 RCW; adding a new section to chapter 71.12 RCW; adding a new section to chapter 70.230 RCW; adding a new section to chapter 18.51 RCW; adding a new section to chapter 18.20 RCW; adding a new section to chapter 70.127 RCW; adding a new section to chapter 70.128 RCW; adding a new section to chapter 18.52C RCW; adding a new chapter to Title 18 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Postsecondary Education & Workforce.

SSB 5523 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Dhingra, Conway, Nobles, Shewmake, Trudeau and Wilson, C.)

AN ACT Relating to addressing the forensic pathologist shortage; amending RCW 68.50.104; reenacting and amending RCW 43.79A.040; adding a new chapter to Title 28B RCW; and creating a new section.

Referred to Committee on Postsecondary Education & Workforce.

SSB 5532 by Senate Committee on Ways & Means (originally sponsored by King, Cleveland, Lovelett, Warnick and Wellman)

AN ACT Relating to providing enhanced payment to low volume, small rural hospitals; amending RCW 74.09.5225; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

SSB 5538 by Senate Committee on Ways & Means (originally sponsored by Cleveland, Dhingra and Wilson, C.)

AN ACT Relating to postretirement employment in nursing positions for a state agency; amending RCW 41.37.050 and 41.40.037; and declaring an emergency.

Referred to Committee on Appropriations.

SSB 5547 by Senate Committee on Health & Long Term Care (originally sponsored by Robinson, Muzzall, Hasegawa and Mullet)

AN ACT Relating to transparency for nursing pools that provide health care personnel to hospitals and long-term care facilities; amending RCW 18.52C.030 and 18.52C.040; reenacting and amending RCW 18.52C.020; and adding a new section to chapter 18.52C RCW.

Referred to Committee on Health Care & Wellness.

E2SSB 5582 by Senate Committee on Ways & Means (originally sponsored by Holy, Randall, Rivers, Robinson, Dozier, King, Conway, Shewmake, Padden, Lovick, Gildon, Muzzall, Lovelett, Mullet, Nobles, Saldaña, Valdez, Van De Wege, Wellman, Wilson, C. and Wilson, L.)

AN ACT Relating to reducing barriers and expanding educational opportunities to increase the supply of nurses in Washington; amending RCW 18.79.150 and 18.79.110; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28C.18 RCW; adding new sections to chapter 18.79 RCW; adding a new section to chapter 28A.700 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Postsecondary Education & Workforce.

SB 5621 by Senators Muzzall, Robinson, Keiser, Lovelett, Rolfes, Schoesler, Short, Wagoner and Warnick

AN ACT Relating to protecting workers displaced as a result of finfish aquaculture facility closures; and amending RCW 50.04.075.

Referred to Committee on Labor & Workplace Standards.

SB 5700 by Senators Van De Wege, Cleveland and Dhingra

AN ACT Relating to modernization of state health care authority-related laws; amending RCW 41.05.006, 41.05.009, 41.05.011, 41.05.013, 41.05.015, 41.05.031, 41.05.035, 41.05.039, 41.05.046, 41.05.066, 41.05.068, 41.05.130, 41.05.160, 41.05.220, 41.05.310, 41.05.320, 41.05.400, 41.05.413, 41.05.520, 41.05.540, 41.05.550, 41.05.601, 41.05.650, 41.05.660, 41.05A.120, 41.05A.160, 41.05A.170, 70.320.050, 70.390.020, 71.24.380, 74.09.010, 74.09.171, 74.09.215, 74.09.220, 74.09.325, 74.09.328, 74.09.470, 74.09.4701, 74.09.480, 74.09.522, 74.09.630, 74.09.634, 74.09.645, 74.09.650, 74.09.653, 74.09.655, 74.09.657, and 74.09.860; reenacting and amending RCW 41.05.021, 71.24.035, 74.09.053, and 74.09.659; decodifying RCW 41.05.033, 41.05.110, 41.05.280, 41.05.680, and 74.09.756; and repealing RCW 41.05.090, 41.05.205, 41.05.240, and 74.09.720.

Referred to Committee on Health Care & Wellness.

**SB 5732** by Senators Randall, Rolfes, Conway, Hasegawa, Hunt, Kuderer, Lovelett, Shewmake, Stanford, Valdez and Wilson, C.

AN ACT Relating to protecting senior citizens' and disabled veterans' property tax exemption eligibility; amending RCW 84.36.381; and creating a new section.

Referred to Committee on Finance.

**SJM 8006** by Senators Hasegawa, Cleveland, Billig, Kuderer, Lovelett, Nguyen, Shewmake, Stanford, Valdez and Wilson, C.

Requesting that the federal government create a universal health care program.

Referred to Committee on Health Care & Wellness.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**HOUSE BILL NO. 1714, by Representatives Stonier, Senn, Callan, Kloba, Santos, Bergquist and Timmons**

**Allowing school districts to apply for financial literacy education professional development grants.**

The bill was read the second time.

Representative Stonier moved the adoption of amendment (392):

On page 2, line 7, after "the grant." insert "School districts that currently integrate financial literacy education into professional development are also eligible to qualify for a grant under this section if the professional development has been approved by the financial education public-private partnership."

Representatives Stonier and Corry spoke in favor of the adoption of the amendment.

Amendment (392) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stonier and Corry spoke in favor of the passage of the bill.

## MOTIONS

On motion of Representative Leavitt, Representatives Hansen and Berry were excused.

On motion of Representative Griffey, Representative Chambers was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1714.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1714, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Bronoske, Caldier, Callan, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Berry, Chambers and Hansen

ENGROSSED HOUSE BILL NO. 1714, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1636, by Representatives Orwall, Walsh and Timmons**

**Concerning foreclosure protections for homeowners in common interest communities.**

The bill was read the second time.

Representative Orwall moved the adoption of the striking amendment (032):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 64.32.200 and 2021 c 222 s 3 are each amended to read as follows:

(1) The declaration may provide for the collection of all sums assessed by the association of apartment owners for the share of the common expenses chargeable to any apartment and the collection may be enforced in any manner provided in the declaration including, but not limited to, (a) ~~((ten))~~ 10 days notice shall be given the delinquent apartment owner to the effect that unless such assessment is paid within ~~((ten))~~ 10 days any or all utility services will be forthwith severed and shall remain severed until such assessment is paid, or (b) collection of such assessment may be made by such lawful method of enforcement, judicial or extra-judicial, as may be provided in the declaration and/or bylaws.

(2) All sums assessed by the association of apartment owners but unpaid for the share of the common expenses chargeable to any apartment shall constitute a lien on such apartment prior to all other liens except only (a) tax liens on the apartment in favor of any assessing unit and/or special district, and (b) all sums unpaid on all mortgages of record. Such lien is not subject to the ban against execution or forced sales of homesteads under RCW 6.13.080 and, subject to the provisions in subsection ~~((+4))~~ (5) of this section, may be foreclosed by suit by the manager or board of directors, acting on behalf of the apartment owners, in like manner as a mortgage of real property. In any such foreclosure the apartment owner shall be required to pay a reasonable rental for the



apartment, if so provided in the bylaws, and the plaintiff in such foreclosures shall be entitled to the appointment of a receiver to collect the same. The manager or board of directors, acting on behalf of the apartment owners, shall have power, unless prohibited by the declaration, to bid on the apartment at foreclosure sale, and to acquire and hold, lease, mortgage, and convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment, the period of redemption shall be eight months after the sale. Suit to recover any judgment for any unpaid common expenses shall be maintainable without foreclosing or waiving the liens securing the same.

(3) Where the mortgagee of a mortgage of record or other purchaser of an apartment obtains possession of the apartment as a result of foreclosure of the mortgage, such possessor, his or her successors and assigns shall not be liable for the share of the common expenses or assessments by the association of apartment owners chargeable to such apartment which became due prior to such possession. Such unpaid share of common expenses of assessments shall be deemed to be common expenses collectible from all of the apartment owners including such possessor, his or her successors and assigns.

(4)(a) When the association, or the manager or board of directors on its behalf, mails to the apartment owner by first-class mail the first notice of delinquency for past due assessments to the apartment address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE APARTMENT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress. REFER TO THE CONTACTS BELOW for sources of assistance.**

**SEEKING ASSISTANCE**

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . .  
Website: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . .  
Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . .  
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the apartment owner, the association or the association's attorney shall mail the first preforeclosure notice to the apartment owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (5)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(5) An association, or the manager or board of directors on its behalf, may not commence an action to foreclose a lien on an apartment under this section unless:

(a) The apartment owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection

~~(4)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the apartment address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:~~

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS**

**FROM THE APARTMENT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.**

**THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.**

**CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.**

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~~The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys~~

~~Telephone: . . . . .  
Website: . . . . .~~

~~The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice)) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the apartment owner pursuant to subsection (4)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (4)(a) of this section is mailed;~~

(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that apartment.

~~((+5-)) (6) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.~~

**Sec. 2.** RCW 64.32.200 and 2021 c 222 s 4 are each amended to read as follows:

(1) The declaration may provide for the collection of all sums assessed by the association of apartment owners for the share of the common expenses chargeable to any apartment and the collection may be enforced in any manner provided in the declaration including, but not limited to, (a) ~~((ten))~~ 10 days notice shall be given the delinquent apartment owner to the effect that unless such assessment is paid within ~~((ten))~~ 10 days any or all utility services will be forthwith severed and shall remain severed until such assessment is paid, or (b) collection of such assessment may be made by such lawful method of enforcement, judicial or extra-judicial, as may be provided in the declaration and/or bylaws.

(2) All sums assessed by the association of apartment owners but unpaid for the share of the common expenses chargeable to any apartment shall constitute a lien on such apartment prior to all other liens except only (a) tax liens on the apartment in favor of any assessing unit and/or special district, and (b) all sums unpaid on all mortgages of record. Such lien is not subject to the ban against execution or forced sales of homesteads under RCW

6.13.080 and, subject to the provisions in subsection ~~((+4))~~(5) of this section, may be foreclosed by suit by the manager or board of directors, acting on behalf of the apartment owners, in like manner as a mortgage of real property. In any such foreclosure the apartment owner shall be required to pay a reasonable rental for the apartment, if so provided in the bylaws, and the plaintiff in such foreclosures shall be entitled to the appointment of a receiver to collect the same. The manager or board of directors, acting on behalf of the apartment owners, shall have power, unless prohibited by the declaration, to bid on the apartment at foreclosure sale, and to acquire and hold, lease, mortgage, and convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment, the period of redemption shall be eight months after the sale. Suit to recover any judgment for any unpaid common expenses shall be maintainable without foreclosing or waiving the liens securing the same.

(3) Where the mortgagee of a mortgage of record or other purchaser of an apartment obtains possession of the apartment as a result of foreclosure of the mortgage, such possessor, his or her successors and assigns shall not be liable for the share of the common expenses or assessments by the association of apartment owners chargeable to such apartment which became due prior to such possession. Such unpaid share of common expenses of assessments shall be deemed to be common expenses collectible from all of the apartment owners including such possessor, his or her successors and assigns.

(4)(a) When the association, or the manager or board of directors on its behalf, mails to the apartment owner by first-class mail the first notice of delinquency for past due assessments to the apartment address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE APARTMENT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress. REFER TO THE CONTACTS BELOW for sources of assistance.**

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~~counselors recommended by the Housing Finance Commission~~

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~~Telephone: . . . . .  
Website: . . . . .~~

~~The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.~~

~~(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the apartment owner, the association or the association's attorney shall mail the first preforeclosure notice to the apartment owner in order to satisfy the requirement in (a) of this subsection.~~

~~(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (5)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.~~

~~(5) An association, or the manager or board of directors on its behalf, may not commence an action to foreclose a lien on an apartment under this section unless:~~

~~(a) The apartment owner, at the time the action is commenced, owes at least a sum equal to the greater of:~~

~~(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or~~

~~(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;~~

~~(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (4)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the apartment address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:~~

~~**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE APARTMENT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.**~~

~~**THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.**~~

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Website: . . . . .~~

~~The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the apartment owner pursuant to subsection (4)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (4)(a) of this section is mailed;~~

~~(c) At least 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and~~

~~(d) The board approves commencement of a foreclosure action specifically against that apartment.~~

~~((4)) (6) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.~~

~~**Sec. 3.** RCW 64.34.364 and 2021 c 222 s 5 are each amended to read as follows:~~

~~(1) The association has a lien on a unit for any unpaid assessments levied against a unit from the time the assessment is due.~~

~~(2) A lien under this section shall be prior to all other liens and encumbrances on a unit except: (a) Liens and encumbrances recorded before the recording of the declaration; (b) a mortgage on the unit recorded before the date on which the assessment sought to be enforced became delinquent; and (c) liens for real property taxes and other governmental assessments or charges against the unit. A lien under this section is not subject to the provisions of chapter 6.13 RCW.~~

~~(3) Except as provided in subsections (4) and (5) of this section, the lien shall also be prior to the mortgages described in subsection (2)(b) of this section to the extent of assessments for common expenses,~~

excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.34.360(1) which would have become due during the six months immediately preceding the date of a sheriff's sale in an action for judicial foreclosure by either the association or a mortgagee, the date of a trustee's sale in a nonjudicial foreclosure by a mortgagee, or the date of recording of the declaration of forfeiture in a proceeding by the vendor under a real estate contract.

(4) The priority of the association's lien against units encumbered by a mortgage held by an eligible mortgagee or by a mortgagee which has given the association a written request for a notice of delinquent assessments shall be reduced by up to three months if and to the extent that the lien priority under subsection (3) of this section includes delinquencies which relate to a period after such holder becomes an eligible mortgagee or has given such notice and before the association gives the holder a written notice of the delinquency. This subsection does not affect the priority of mechanics' or material suppliers' liens, or the priority of liens for other assessments made by the association.

(5) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided by subsection (9) of this section, the association shall not be entitled to the lien priority provided for under subsection (3) of this section.

(6) Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same real estate, those liens have equal priority.

(7) Recording of the declaration constitutes record notice and perfection of the lien for assessments. While no further recording of any claim of lien for assessment under this section shall be required to perfect the association's lien, the association may record a notice of claim of lien for assessments under this section in the real property records of any county in which the condominium is located. Such recording shall not constitute the written notice of delinquency to a mortgagee referred to in subsection (2) of this section.

(8) A lien for unpaid assessments and the personal liability for payment of assessments is extinguished unless proceedings to enforce the lien or collect the debt are instituted within three years after the amount of the assessments sought to be recovered becomes due.

(9) The lien arising under this section may be enforced judicially by the association or its authorized representative in the manner set forth in chapter 61.12 RCW. The lien arising under this section may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration (a) contains a grant of the condominium in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments,

(b) contains a power of sale, (c) provides in its terms that the units are not used principally for agricultural or farming purposes, and (d) provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative shall have the power, unless prohibited by the declaration, to purchase the unit at the foreclosure sale and to acquire, hold, lease, mortgage, or convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption shall be eight months. Nothing in this section shall prohibit an association from taking a deed in lieu of foreclosure.

(10) From the time of commencement of an action by the association to foreclose a lien for nonpayment of delinquent assessments against a unit that is not occupied by the owner thereof, the association shall be entitled to the appointment of a receiver to collect from the lessee thereof the rent for the unit as and when due. If the rental is not paid, the receiver may obtain possession of the unit, refurbish it for rental up to a reasonable standard for rental units in this type of condominium, rent the unit or permit its rental to others, and apply the rents first to the cost of the receivership and attorneys' fees thereof, then to the cost of refurbishing the unit, then to applicable charges, then to costs, fees, and charges of the foreclosure action, and then to the payment of the delinquent assessments. Only a receiver may take possession and collect rents under this subsection, and a receiver shall not be appointed less than ~~((ninety))~~ 90 days after the delinquency. The exercise by the association of the foregoing rights shall not affect the priority of preexisting liens on the unit.

(11) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure shall not be liable for assessments or installments thereof that became due prior to such right of possession. Such unpaid assessments shall be deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(12) In addition to constituting a lien on the unit, each assessment shall be the joint and several obligation of the owner or owners of the unit to which the same are assessed as of the time the assessment is due. In a voluntary conveyance, the grantee of a unit shall be jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor. Suit to recover a personal judgment for any delinquent assessment shall be maintainable in any court of competent

jurisdiction without foreclosing or waiving the lien securing such sums.

(13) The association may from time to time establish reasonable late charges and a rate of interest to be charged on all subsequent delinquent assessments or installments thereof. In the absence of another established nonusurious rate, delinquent assessments shall bear interest from the date of delinquency at the maximum rate permitted under RCW 19.52.020 on the date on which the assessments became delinquent.

(14) The association shall be entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in suit being commenced or prosecuted to judgment. In addition, the association shall be entitled to recover costs and reasonable attorneys' fees if it prevails on appeal and in the enforcement of a judgment.

(15) The association upon written request shall furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments against that unit. The statement shall be furnished within fifteen days after receipt of the request and is binding on the association, the board of directors, and every unit owner, unless and to the extent known by the recipient to be false.

(16) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(17)(a) When the association mails to the unit owner by first-class mail the first notice of delinquency for past due assessments to the unit address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress. REFER TO THE CONTACTS BELOW for sources of assistance.**

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Telephone: . . . . .  
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the unit owner, the association or the association's attorney shall mail the first preforeclosure notice to the unit owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (18)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(18) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (17)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress. REFER TO THE CONTACTS BELOW for sources of assistance.**

**SEEKING ASSISTANCE**

~~Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:~~

~~The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission~~

~~Telephone: . . . . .~~  
~~Website: . . . . .~~

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~~The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys~~

~~Telephone: . . . . .~~  
~~Website: . . . . .~~

~~The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice)) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the unit owner pursuant to subsection (17)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (17)(a) of this section is mailed;~~

~~(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and~~

~~(d) The board approves commencement of a foreclosure action specifically against that unit.~~

~~((18)) (19) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.~~

**Sec. 4.** RCW 64.34.364 and 2021 c 222 s 6 are each amended to read as follows:

(1) The association has a lien on a unit for any unpaid assessments levied against a unit from the time the assessment is due.

(2) A lien under this section shall be prior to all other liens and encumbrances on a unit except: (a) Liens and encumbrances recorded before the recording of the declaration; (b) a mortgage on the unit recorded before the date on which the assessment sought to be enforced became delinquent; and (c) liens for real property taxes and other governmental assessments or charges against the unit. A lien under this section is not subject to the provisions of chapter 6.13 RCW.

(3) Except as provided in subsections (4) and (5) of this section, the lien shall also be prior to the mortgages described in subsection (2)(b) of this section to the extent of assessments for common expenses, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.34.360(1) which would have become due during the six months immediately preceding the date of a sheriff's sale in an action

for judicial foreclosure by either the association or a mortgagee, the date of a trustee's sale in a nonjudicial foreclosure by a mortgagee, or the date of recording of the declaration of forfeiture in a proceeding by the vendor under a real estate contract.

(4) The priority of the association's lien against units encumbered by a mortgage held by an eligible mortgagee or by a mortgagee which has given the association a written request for a notice of delinquent assessments shall be reduced by up to three months if and to the extent that the lien priority under subsection (3) of this section includes delinquencies which relate to a period after such holder becomes an eligible mortgagee or has given such notice and before the association gives the holder a written notice of the delinquency. This subsection does not affect the priority of mechanics' or material suppliers' liens, or the priority of liens for other assessments made by the association.

(5) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided by subsection (9) of this section, the association shall not be entitled to the lien priority provided for under subsection (3) of this section.

(6) Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same real estate, those liens have equal priority.

(7) Recording of the declaration constitutes record notice and perfection of the lien for assessments. While no further recording of any claim of lien for assessment under this section shall be required to perfect the association's lien, the association may record a notice of claim of lien for assessments under this section in the real property records of any county in which the condominium is located. Such recording shall not constitute the written notice of delinquency to a mortgagee referred to in subsection (2) of this section.

(8) A lien for unpaid assessments and the personal liability for payment of assessments is extinguished unless proceedings to enforce the lien or collect the debt are instituted within three years after the amount of the assessments sought to be recovered becomes due.

(9) The lien arising under this section may be enforced judicially by the association or its authorized representative in the manner set forth in chapter 61.12 RCW. The lien arising under this section may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration (a) contains a grant of the condominium in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, (b) contains a power of sale, (c) provides in its terms that the units are not used principally for agricultural or farming purposes, and (d) provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The

association or its authorized representative shall have the power, unless prohibited by the declaration, to purchase the unit at the foreclosure sale and to acquire, hold, lease, mortgage, or convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption shall be eight months. Nothing in this section shall prohibit an association from taking a deed in lieu of foreclosure.

(10) From the time of commencement of an action by the association to foreclose a lien for nonpayment of delinquent assessments against a unit that is not occupied by the owner thereof, the association shall be entitled to the appointment of a receiver to collect from the lessee thereof the rent for the unit as and when due. If the rental is not paid, the receiver may obtain possession of the unit, refurbish it for rental up to a reasonable standard for rental units in this type of condominium, rent the unit or permit its rental to others, and apply the rents first to the cost of the receivership and attorneys' fees thereof, then to the cost of refurbishing the unit, then to applicable charges, then to costs, fees, and charges of the foreclosure action, and then to the payment of the delinquent assessments. Only a receiver may take possession and collect rents under this subsection, and a receiver shall not be appointed less than ~~((ninety))~~ 90 days after the delinquency. The exercise by the association of the foregoing rights shall not affect the priority of preexisting liens on the unit.

(11) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure shall not be liable for assessments or installments thereof that became due prior to such right of possession. Such unpaid assessments shall be deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(12) In addition to constituting a lien on the unit, each assessment shall be the joint and several obligation of the owner or owners of the unit to which the same are assessed as of the time the assessment is due. In a voluntary conveyance, the grantee of a unit shall be jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor. Suit to recover a personal judgment for any delinquent assessment shall be maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(13) The association may from time to time establish reasonable late charges and a rate of interest to be charged on all subsequent delinquent assessments or installments thereof. In the absence of

another established nonusurious rate, delinquent assessments shall bear interest from the date of delinquency at the maximum rate permitted under RCW 19.52.020 on the date on which the assessments became delinquent.

(14) The association shall be entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in suit being commenced or prosecuted to judgment. In addition, the association shall be entitled to recover costs and reasonable attorneys' fees if it prevails on appeal and in the enforcement of a judgment.

(15) The association upon written request shall furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments against that unit. The statement shall be furnished within fifteen days after receipt of the request and is binding on the association, the board of directors, and every unit owner, unless and to the extent known by the recipient to be false.

(16) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(17)(a) When the association mails to the unit owner by first-class mail the first notice of delinquency for past due assessments to the unit address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS**

**FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.**

**THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.**

**CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.**

**BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.**

**REFER TO THE CONTACTS BELOW for sources of assistance.**

**SEEKING ASSISTANCE**

**Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:**

**The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission**

**Telephone: . . . . .**  
**Website: . . . . .**

**The United States Department of Housing and Urban Development**

**Telephone: . . . . .**  
**Website: . . . . .**

**The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys**

Telephone: . . . . .  
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the unit owner, the association or the association's attorney shall mail the first preforeclosure notice to the unit owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (18)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(18) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (17)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

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~~Telephone: . . . . .  
Website: . . . . .~~

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the unit owner pursuant to subsection (17)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (17)(a) of this section is mailed;

(c) At least 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that unit.

((18)) (19) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

Sec. 5. RCW 64.38.100 and 2021 c 222 s 7 are each amended to read as follows:

(1)(a) If the governing documents of an association provide for a lien on the lot of any owner for unpaid assessments, the association shall include the following first preforeclosure notice when mailing to the lot owner by first-class mail the first notice of delinquency to the lot address and to any other address that the owner has provided to the association:

~~THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE HOMEOWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.~~

~~THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.~~

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Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . .
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the lot owner, the association or the association's attorney shall mail the first preforeclosure notice to the lot owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (2)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(2) If the governing documents of an association provide for a lien on the lot of any owner for unpaid assessments, the association may not commence an action to foreclose the lien unless:

(a) The lot owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (1)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the lot address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

~~THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE HOMEOWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.~~

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Telephone: . . . . .
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the lot owner pursuant to subsection (1)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (1)(a) of this section is mailed;

(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that lot.

((2)) (3) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

Sec. 6. RCW 64.38.100 and 2021 c 222 s 8 are each amended to read as follows:

(1)(a) If the governing documents of an association provide for a lien on the lot of any owner for unpaid assessments, the association shall include the following first preforeclosure notice when mailing to the lot owner by first-class mail the first notice of delinquency to the lot address and to any other address that the owner has provided to the association:

~~THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE HOMEOWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.~~

**THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress. REFER TO THE CONTACTS BELOW for sources of assistance.**

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Telephone: . . . . .  
 Website: . . . . .

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Telephone: . . . . .  
 Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the lot owner, the association or the association's attorney shall mail the first preforeclosure notice to the lot owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (2)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(2) If the governing documents of an association provide for a lien on the lot of any owner for unpaid assessments, the association may not commence an action to foreclose the lien unless:

(a) The lot owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association

in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (1)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the lot address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE HOMEOWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.**

**THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.**

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The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the lot owner pursuant to subsection (1)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (1)(a) of this section is mailed;

(c) At least 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that lot.

((2)) (3) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

**Sec. 7.** RCW 64.90.485 and 2021 c 222 s 1 are each amended to read as follows:

(1) The association has a statutory lien on each unit for any unpaid assessment against the unit from the time such assessment is due.

(2) A lien under this section has priority over all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances that the association creates, assumes, or takes subject to;

(b) Except as otherwise provided in subsection (3) of this section, a security interest on the unit recorded before the date on which the unpaid assessment became due or, in a cooperative, a security interest encumbering only the unit owner's interest and perfected before the date on which the unpaid assessment became due; and

(c) Liens for real estate taxes and other state or local governmental assessments or charges against the unit or cooperative.

(3)(a) A lien under this section also has priority over the security interests described in subsection (2)(b) of this section to the extent of an amount equal to the following:

(i) The common expense assessments, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.90.480(1), along with any specially allocated assessments that are properly assessable against the unit under such periodic budget, which would have become due in the absence of acceleration during the six months immediately preceding the institution of proceedings to foreclose either the association's lien or a security interest described in subsection (2)(b) of this section;

(ii) The association's actual costs and reasonable attorneys' fees incurred in foreclosing its lien but incurred after the giving of the notice described in (a)(iii) of this subsection; provided, however, that the costs and reasonable attorneys' fees that will have priority under this subsection (3)(a)(ii) shall not exceed (~~two thousand dollars~~) \$2,000 or an amount equal to the amounts described in (a)(i) of this subsection, whichever is less;

(iii) The amounts described in (a)(ii) of this subsection shall be prior only to the security interest of the holder of a security interest on the unit recorded before the date on which the unpaid assessment became due and only if the association has given that holder not less than (~~sixty~~) 60 days' prior written notice that the owner of the unit is in default in payment of an assessment. The notice shall contain:

(A) Name of the borrower;

(B) Recording date of the trust deed or mortgage;

(C) Recording information;

(D) Name of condominium, unit owner, and unit designation stated in the declaration or applicable supplemental declaration;

(E) Amount of unpaid assessment; and

(F) A statement that failure to, within (~~sixty~~) 60 days of the written notice,

submit the association payment of six months of assessments as described in (a)(i) of this subsection will result in the priority of the amounts described in (a)(ii) of this subsection; and

(iv) Upon payment of the amounts described in (a)(i) and (ii) of this subsection by the holder of a security interest, the association's lien described in this subsection (3)(a) shall thereafter be fully subordinated to the lien of such holder's security interest on the unit.

(b) For the purposes of this subsection:

(i) "Institution of proceedings" means either:

(A) The date of recording of a notice of trustee's sale by a deed of trust beneficiary;

(B) The date of commencement, pursuant to applicable court rules, of an action for judicial foreclosure either by the association or by the holder of a recorded security interest; or

(C) The date of recording of a notice of intention to forfeit in a real estate contract forfeiture proceeding by the vendor under a real estate contract.

(ii) "Capital improvements" does not include making, in the ordinary course of management, repairs to common elements or replacements of the common elements with substantially similar items, subject to: (A) Availability of materials and products, (B) prevailing law, or (C) sound engineering and construction standards then prevailing.

(c) The adoption of a periodic budget that purports to allocate to a unit any fines, late charges, interest, attorneys' fees and costs incurred for services unrelated to the foreclosure of the association's lien, other collection charges, or specially allocated assessments assessed under RCW 64.90.480 (6) or (7) does not cause any such items to be included in the priority amount affecting such unit.

(4) Subsections (2) and (3) of this section do not affect the priority of mechanics' or material suppliers' liens to the extent that law of this state other than chapter 277, Laws of 2018 gives priority to such liens, or the priority of liens for other assessments made by the association.

(5) A lien under this section is not subject to chapter 6.13 RCW.

(6) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided under subsection (13) of this section, the association is not entitled to the lien priority provided for under subsection (3) of this section, and is subject to the limitations on deficiency judgments as provided in chapter 61.24 RCW.

(7) Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority as to each other, and any foreclosure of one such lien shall not affect the lien of the other.

(8) Recording of the declaration constitutes record notice and perfection of the statutory lien created under this section. Further notice or recordation of any claim of lien for assessment under this

section is not required, but is not prohibited.

(9) A lien for unpaid assessments and the personal liability for payment of those assessments are extinguished unless proceedings to enforce the lien or collect the debt are instituted within six years after the full amount of the assessments sought to be recovered becomes due.

(10) This section does not prohibit actions against unit owners to recover sums for which subsection (1) of this section creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

(11) The association upon written request must furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments or the priority amount against that unit, or both. The statement must be furnished within ~~((fifteen))~~ 15 days after receipt of the request and is binding on the association, the board, and every unit owner unless, and to the extent, known by the recipient to be false. The liability of a recipient who reasonably relies upon the statement must not exceed the amount set forth in any statement furnished pursuant to this section or RCW 64.90.640(1)(b).

(12) In a cooperative, upon nonpayment of an assessment on a unit, the unit owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided under this section.

(13) The association's lien may be foreclosed in accordance with (a) and (b) of this subsection.

(a) In a common interest community other than a cooperative, the association's lien may be foreclosed judicially in accordance with chapter 61.12 RCW, subject to any rights of redemption under chapter 6.23 RCW.

(b) The lien may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration: Contains a grant of the common interest community in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, contains a power of sale, provides in its terms that the units are not used principally for agricultural purposes, and provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative may purchase the unit at the foreclosure sale and acquire, hold, lease, mortgage, or convey the unit. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption is eight months.

(c) In a cooperative in which the unit owners' interests in the units are real estate, the association's lien must be foreclosed in like manner as a mortgage on real estate or by power of sale under (b) of this subsection.

(d) In a cooperative in which the unit owners' interests in the units are personal property, the association's lien must be

foreclosed in like manner as a security interest under chapter 62A.9A RCW.

(14) If the unit owner's interest in a unit in a cooperative is real estate, the following requirements apply:

(a) The association, upon nonpayment of assessments and compliance with this subsection, may sell that unit at a public sale or by private negotiation, and at any time and place. The association must give to the unit owner and any lessee of the unit owner reasonable notice in a record of the time, date, and place of any public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time and date after which a private conveyance may be made. Such notice must also be sent to any other person that has a recorded interest in the unit that would be cut off by the sale, but only if the recorded interest was on record seven weeks before the date specified in the notice as the date of any public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made. The notices required under this subsection may be sent to any address reasonable in the circumstances. A sale may not be held until five weeks after the sending of the notice. The association may buy at any public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale.

(b) Unless otherwise agreed to or as stated in this section, the unit owner is liable for any deficiency in a foreclosure sale.

(c) The proceeds of a foreclosure sale must be applied in the following order:

- (i) The reasonable expenses of sale;
- (ii) The reasonable expenses of securing possession before sale; the reasonable expenses of holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges and premiums on insurance; and, to the extent provided for by agreement between the association and the unit owner, reasonable attorneys' fees, costs, and other legal expenses incurred by the association;
- (iii) Satisfaction of the association's lien;
- (iv) Satisfaction in the order of priority of any subordinate claim of record; and
- (v) Remittance of any excess to the unit owner.

(d) A good-faith purchaser for value acquires the unit free of the association's debt that gave rise to the lien under which the foreclosure sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with this section. The person conducting the sale must execute a conveyance to the purchaser sufficient to convey the unit and stating that it is executed by the person after a foreclosure of the association's lien by power of sale and that the person was empowered to make the sale. Signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required under this

subsection are sufficient proof of the facts recited and of the authority to sign. Further proof of authority is not required even though the association is named as grantee in the conveyance.

(e) At any time before the association has conveyed a unit in a cooperative or entered into a contract for its conveyance under the power of sale, the unit owners or the holder of any subordinate security interest may cure the unit owner's default and prevent sale or other conveyance by tendering the performance due under the security agreement, including any amounts due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender, including reasonable attorneys' fees and costs of the creditor.

(15) In an action by an association to collect assessments or to foreclose a lien on a unit under this section, the court may appoint a receiver to collect all sums alleged to be due and owing to a unit owner before commencement or during pendency of the action. The receivership is governed under chapter 7.60 RCW. During pendency of the action, the court may order the receiver to pay sums held by the receiver to the association for any assessments against the unit. The exercise of rights under this subsection by the association does not affect the priority of preexisting liens on the unit.

(16) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure is not liable for assessments or installments of assessments that became due prior to such right of possession. Such unpaid assessments are deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior unit owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(17) In addition to constituting a lien on the unit, each assessment is the joint and several obligation of the unit owner of the unit to which the same are assessed as of the time the assessment is due. A unit owner may not exempt himself or herself from liability for assessments. In a voluntary conveyance other than by foreclosure, the grantee of a unit is jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee. Suit to recover a personal judgment for any delinquent assessment is maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(18) The association may from time to time establish reasonable late charges and a rate of interest to be charged, not to exceed the maximum rate calculated under RCW 19.52.020, on all subsequent delinquent assessments or installments of assessments. If the association does not establish such a rate, delinquent assessments bear interest

from the date of delinquency at the maximum rate calculated under RCW 19.52.020 on the date on which the assessments became delinquent.

(19) The association is entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in a suit being commenced or prosecuted to judgment. The prevailing party is also entitled to recover costs and reasonable attorneys' fees in such suits, including any appeals, if it prevails on appeal and in the enforcement of a judgment.

(20) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(21)(a) When the association mails to the unit owner by first-class mail the first notice of delinquency for past due assessments to the unit address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS ASSOCIATION TO WHICH YOUR HOME BELONGS.**

**THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.**

**CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.**

**BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.**

**REFER TO THE CONTACTS BELOW for sources of assistance.**

**SEEKING ASSISTANCE**

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . .  
Website: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . .  
Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . .  
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the unit owner, the association or the association's attorney shall mail the

~~first preforeclosure notice to the unit owner in order to satisfy the requirement in (a) of this subsection.~~

~~(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (22)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.~~

~~(22) An association may not commence an action to foreclose a lien on a unit under this section unless:~~

~~(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:~~

~~(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or~~

~~(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;~~

~~(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (21)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:~~

~~**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress. REFER TO THE CONTACTS BELOW for sources of assistance.**~~

~~**SEEKING ASSISTANCE**~~

~~Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:~~

~~The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission~~

~~Telephone: . . . . .  
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~~The United States Department of Housing and Urban Development~~

~~Telephone: . . . . .  
Website: . . . . .~~

~~The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys~~

~~Telephone: . . . . .  
Website: . . . . .~~

~~The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the owner pursuant to subsection (21)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (21)(a) of this section is mailed;~~

~~(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and~~

~~(d) The board approves commencement of a foreclosure action specifically against that unit.~~

~~((22)) (23) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.~~

~~**Sec. 8.** RCW 64.90.485 and 2021 c 222 s 2 are each amended to read as follows:~~

~~(1) The association has a statutory lien on each unit for any unpaid assessment against the unit from the time such assessment is due.~~

~~(2) A lien under this section has priority over all other liens and encumbrances on a unit except:~~

~~(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances that the association creates, assumes, or takes subject to;~~

~~(b) Except as otherwise provided in subsection (3) of this section, a security interest on the unit recorded before the date on which the unpaid assessment became due or, in a cooperative, a security interest encumbering only the unit owner's interest and perfected before the date on which the unpaid assessment became due; and~~

~~(c) Liens for real estate taxes and other state or local governmental assessments or charges against the unit or cooperative.~~

~~(3)(a) A lien under this section also has priority over the security interests described in subsection (2)(b) of this section to the extent of an amount equal to the following:~~

~~(i) The common expense assessments, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.90.480(1), along with any specially allocated assessments that are properly assessable against the unit under such periodic budget, which would have become due in the absence of acceleration during the six months immediately preceding the institution of proceedings to foreclose either the association's lien or a security interest described in subsection (2)(b) of this section;~~

~~(ii) The association's actual costs and reasonable attorneys' fees incurred in~~

foreclosing its lien but incurred after the giving of the notice described in (a)(iii) of this subsection; provided, however, that the costs and reasonable attorneys' fees that will have priority under this subsection (3)(a)(ii) shall not exceed (~~two thousand dollars~~) \$2,000 or an amount equal to the amounts described in (a)(i) of this subsection, whichever is less;

(iii) The amounts described in (a)(ii) of this subsection shall be prior only to the security interest of the holder of a security interest on the unit recorded before the date on which the unpaid assessment became due and only if the association has given that holder not less than (~~sixty~~) 60 days' prior written notice that the owner of the unit is in default in payment of an assessment. The notice shall contain:

(A) Name of the borrower;

(B) Recording date of the trust deed or mortgage;

(C) Recording information;

(D) Name of condominium, unit owner, and unit designation stated in the declaration or applicable supplemental declaration;

(E) Amount of unpaid assessment; and

(F) A statement that failure to, within (~~sixty~~) 60 days of the written notice, submit the association payment of six months of assessments as described in (a)(i) of this subsection will result in the priority of the amounts described in (a)(ii) of this subsection; and

(iv) Upon payment of the amounts described in (a)(i) and (ii) of this subsection by the holder of a security interest, the association's lien described in this subsection (3)(a) shall thereafter be fully subordinated to the lien of such holder's security interest on the unit.

(b) For the purposes of this subsection:

(i) "Institution of proceedings" means either:

(A) The date of recording of a notice of trustee's sale by a deed of trust beneficiary;

(B) The date of commencement, pursuant to applicable court rules, of an action for judicial foreclosure either by the association or by the holder of a recorded security interest; or

(C) The date of recording of a notice of intention to forfeit in a real estate contract forfeiture proceeding by the vendor under a real estate contract.

(ii) "Capital improvements" does not include making, in the ordinary course of management, repairs to common elements or replacements of the common elements with substantially similar items, subject to: (A) Availability of materials and products, (B) prevailing law, or (C) sound engineering and construction standards then prevailing.

(c) The adoption of a periodic budget that purports to allocate to a unit any fines, late charges, interest, attorneys' fees and costs incurred for services unrelated to the foreclosure of the association's lien, other collection charges, or specially allocated assessments assessed under RCW 64.90.480 (6) or (7) does not cause any such items to be included in the priority amount affecting such unit.

(4) Subsections (2) and (3) of this section do not affect the priority of mechanics' or material suppliers' liens to the extent that law of this state other than chapter 277, Laws of 2018 gives priority to such liens, or the priority of liens for other assessments made by the association.

(5) A lien under this section is not subject to chapter 6.13 RCW.

(6) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided under subsection (13) of this section, the association is not entitled to the lien priority provided for under subsection (3) of this section, and is subject to the limitations on deficiency judgments as provided in chapter 61.24 RCW.

(7) Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority as to each other, and any foreclosure of one such lien shall not affect the lien of the other.

(8) Recording of the declaration constitutes record notice and perfection of the statutory lien created under this section. Further notice or recordation of any claim of lien for assessment under this section is not required, but is not prohibited.

(9) A lien for unpaid assessments and the personal liability for payment of those assessments are extinguished unless proceedings to enforce the lien or collect the debt are instituted within six years after the full amount of the assessments sought to be recovered becomes due.

(10) This section does not prohibit actions against unit owners to recover sums for which subsection (1) of this section creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

(11) The association upon written request must furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments or the priority amount against that unit, or both. The statement must be furnished within (~~fifteen~~) 15 days after receipt of the request and is binding on the association, the board, and every unit owner unless, and to the extent, known by the recipient to be false. The liability of a recipient who reasonably relies upon the statement must not exceed the amount set forth in any statement furnished pursuant to this section or RCW 64.90.640(1)(b).

(12) In a cooperative, upon nonpayment of an assessment on a unit, the unit owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided under this section.

(13) The association's lien may be foreclosed in accordance with (a) and (b) of this subsection.

(a) In a common interest community other than a cooperative, the association's lien may be foreclosed judicially in accordance with chapter 61.12 RCW, subject to any rights of redemption under chapter 6.23 RCW.

(b) The lien may be enforced nonjudicially in the manner set forth in

chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration: Contains a grant of the common interest community in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, contains a power of sale, provides in its terms that the units are not used principally for agricultural purposes, and provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative may purchase the unit at the foreclosure sale and acquire, hold, lease, mortgage, or convey the unit. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption is eight months.

(c) In a cooperative in which the unit owners' interests in the units are real estate, the association's lien must be foreclosed in like manner as a mortgage on real estate or by power of sale under (b) of this subsection.

(d) In a cooperative in which the unit owners' interests in the units are personal property, the association's lien must be foreclosed in like manner as a security interest under chapter 62A.9A RCW.

(14) If the unit owner's interest in a unit in a cooperative is real estate, the following requirements apply:

(a) The association, upon nonpayment of assessments and compliance with this subsection, may sell that unit at a public sale or by private negotiation, and at any time and place. The association must give to the unit owner and any lessee of the unit owner reasonable notice in a record of the time, date, and place of any public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time and date after which a private conveyance may be made. Such notice must also be sent to any other person that has a recorded interest in the unit that would be cut off by the sale, but only if the recorded interest was on record seven weeks before the date specified in the notice as the date of any public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made. The notices required under this subsection may be sent to any address reasonable in the circumstances. A sale may not be held until five weeks after the sending of the notice. The association may buy at any public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale.

(b) Unless otherwise agreed to or as stated in this section, the unit owner is liable for any deficiency in a foreclosure sale.

(c) The proceeds of a foreclosure sale must be applied in the following order:

(i) The reasonable expenses of sale;

(ii) The reasonable expenses of securing possession before sale; the reasonable expenses of holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges and premiums on insurance; and, to

the extent provided for by agreement between the association and the unit owner, reasonable attorneys' fees, costs, and other legal expenses incurred by the association;

(iii) Satisfaction of the association's lien;

(iv) Satisfaction in the order of priority of any subordinate claim of record; and

(v) Remittance of any excess to the unit owner.

(d) A good-faith purchaser for value acquires the unit free of the association's debt that gave rise to the lien under which the foreclosure sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with this section. The person conducting the sale must execute a conveyance to the purchaser sufficient to convey the unit and stating that it is executed by the person after a foreclosure of the association's lien by power of sale and that the person was empowered to make the sale. Signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required under this subsection are sufficient proof of the facts recited and of the authority to sign. Further proof of authority is not required even though the association is named as grantee in the conveyance.

(e) At any time before the association has conveyed a unit in a cooperative or entered into a contract for its conveyance under the power of sale, the unit owners or the holder of any subordinate security interest may cure the unit owner's default and prevent sale or other conveyance by tendering the performance due under the security agreement, including any amounts due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender, including reasonable attorneys' fees and costs of the creditor.

(15) In an action by an association to collect assessments or to foreclose a lien on a unit under this section, the court may appoint a receiver to collect all sums alleged to be due and owing to a unit owner before commencement or during pendency of the action. The receivership is governed under chapter 7.60 RCW. During pendency of the action, the court may order the receiver to pay sums held by the receiver to the association for any assessments against the unit. The exercise of rights under this subsection by the association does not affect the priority of preexisting liens on the unit.

(16) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure is not liable for assessments or installments of assessments that became due prior to such right of possession. Such unpaid assessments are deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior unit owner of personal liability for assessments



accruing against the unit prior to the date of such sale as provided in this subsection.

(17) In addition to constituting a lien on the unit, each assessment is the joint and several obligation of the unit owner of the unit to which the same are assessed as of the time the assessment is due. A unit owner may not exempt himself or herself from liability for assessments. In a voluntary conveyance other than by foreclosure, the grantee of a unit is jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee. Suit to recover a personal judgment for any delinquent assessment is maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(18) The association may from time to time establish reasonable late charges and a rate of interest to be charged, not to exceed the maximum rate calculated under RCW 19.52.020, on all subsequent delinquent assessments or installments of assessments. If the association does not establish such a rate, delinquent assessments bear interest from the date of delinquency at the maximum rate calculated under RCW 19.52.020 on the date on which the assessments became delinquent.

(19) The association is entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in a suit being commenced or prosecuted to judgment. The prevailing party is also entitled to recover costs and reasonable attorneys' fees in such suits, including any appeals, if it prevails on appeal and in the enforcement of a judgment.

(20) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(21)(a) When the association mails to the unit owner by first-class mail the first notice of delinquency for past due assessments to the unit address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress. REFER TO THE CONTACTS BELOW for sources of assistance.**

**SEEKING ASSISTANCE**

Housing counselors and legal assistance may be available at little or no cost to

you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . .  
Website: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . .  
Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . .  
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the unit owner, the association or the association's attorney shall mail the first preforeclosure notice to the unit owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (22)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(22) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (21)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.**

~~CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW~~ to assess your situation and refer you to mediation if you might benefit. **DO NOT DELAY.**

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Telephone: . . . . .  
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the owner pursuant to subsection (21)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (21)(a) of this section is mailed;

(c) At least 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that unit.

((+22)) (23) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

**Sec. 9.** 2021 c 222 s 9 (uncodified) is amended to read as follows:

Sections 1, 3, 5, and 7 of this act expire January 1, ((2024))2025.

**Sec. 10.** 2021 c 222 s 10 (uncodified) is amended to read as follows:

Sections 2, 4, 6, and 8 of this act take effect January 1, ((2024))2025.

**NEW SECTION. Sec. 11.** Sections 1, 3, 5, and 7 of this act expire January 1, 2025.

**NEW SECTION. Sec. 12.** Sections 2, 4, 6, and 8 of this act take effect January 1, 2025."

Correct the title.

Representatives Orwall and Connors spoke in favor of the adoption of the striking amendment.

The striking amendment (032) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orwall, Klicker and Walsh spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Griffey, Representative Graham was excused.

Representative Connors spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1636.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1636, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chambers, Graham and Hansen

ENGROSSED HOUSE BILL NO. 1636, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1503, by Representatives Riccelli, Santos, Reeves, Macri and Reed**

**Collecting health care professionals' information at the time of license application and license renewal.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1503 was substituted for House Bill No. 1503 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1503 was read the second time.

Representative Riccelli moved the adoption of amendment (170):

On page 1, line 8, after "after" strike "July 1, 2024" and insert "January 1, 2025"

On page 1, line 20, after "after" strike "July 1, 2024" and insert "January 1, 2025"

Representatives Riccelli and Ybarra spoke in favor of the adoption of the amendment.

Amendment (170) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Riccelli and Ybarra spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Griffey, Representative Schmidt was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1503.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1503, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chambers, Graham, Hansen and Schmidt

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1503, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1522, by Representatives Pollet, Leavitt, Berry and Macri**

**Addressing sexual misconduct at scholarly or professional associations.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1522 was substituted for House Bill No. 1522 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1522 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pollet, Ybarra and Griffey spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1522.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1522, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chambers, Graham, Hansen and Schmidt

SECOND SUBSTITUTE HOUSE BILL NO. 1522, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1534, by Representatives Orwall, Berry and Fosse**

**Strengthening protections for consumers in the construction industry.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1534 was substituted for House Bill No. 1534 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1534 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orwall, Robertson, Connors and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1534.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1534, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chambers, Graham and Hansen

SECOND SUBSTITUTE HOUSE BILL NO. 1534, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1303, by Representatives Street, Ramel and Reed**

**Concerning the administration of property taxes.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Street and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1303.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1303, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chambers, Graham and Hansen

HOUSE BILL NO. 1303, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1750, by Representatives Berg, Reed, Taylor, Cortes, Street, Ramel, Leavitt, Kloba, Tharinger, Fosse, Gregerson, Stonier, Entenman, Reeves, Slatter, Donaghy, Santos, Hackney, Morgan, Timmons, Ormsby, Orwall, Callan, Duerr, Berry, Davis, Chapman, Abbarno, Thai, Senn, Alvarado, Walen, Rule, Doglio, Ryu and Pollet**

**Promoting water safety education.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Berg, Abbarno, Eslick, Barkis, Schmick, Dent and Christian spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1750.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1750, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier,

Callan, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chambers and Hansen

HOUSE BILL NO. 1750, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1317, by Representatives Pollet and Gregerson**

**Concerning grassroots lobbying disclosure.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pollet and Abbarno spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1317.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1317, and the bill passed the House by the following vote: Yeas, 65; Nays, 32; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Harris, Kloba, Leavitt, Lekanoff, Macri, Maycumber, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Christian, Connors, Corry, Couture, Dent, Dye, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representative Hansen

HOUSE BILL NO. 1317, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1804, by Representative Steele**

**Concerning eligibility for participation in the public employees' benefits board for retired or disabled employees of counties, municipalities, and other political subdivisions.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1804 was substituted for House Bill No. 1804 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1804 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Steele and Gregerson spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1804.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1804, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Hansen

SUBSTITUTE HOUSE BILL NO. 1804, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1282, by Representatives Duerr, Hackney, Berry, Ramel, Doglio, Reed and Pollet**

**Requiring environmental and labor reporting for public building construction and renovation material.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1282 was substituted for House Bill No. 1282 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1282 was read the second time.

Representative Duerr moved the adoption of the striking amendment (376):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds and declares that:

(1) Washington state, through its extensive purchasing power, can reduce embodied carbon in the built environment, improve human and environmental health, grow economic competitiveness, and promote high labor standards in manufacturing by incorporating climate and other types of pollution impacts and the quality of working conditions into the procurement process.

(2) Washington state is home to multiple world-class manufacturers that are investing heavily in reducing the carbon intensity of their products and that provide family-wage jobs that are the foundation for a fair and robust economy. Washington's procurement practices should encourage manufacturers and

others to meet high environmental and labor standards and reduce their environmental footprint.

(3) The private sector is increasingly demanding low carbon building materials that support good jobs in manufacturing. This market demand has rapidly accelerated innovation and led to increased production of low carbon building materials. As one of the largest consumers of building materials, Washington state has an opportunity to leverage its purchasing power to do even more to send a clear signal to the market of the growing demand for low carbon building materials.

(4) With its low carbon electric grid and highly skilled workforce, Washington state is well-positioned to capture the growing demand for low carbon building materials and create and sustain a new generation of good, high-wage clean manufacturing jobs.

(5) Washington has demonstrated a deep commitment to ensuring that the transition to a low carbon economy is fair and creates family-wage jobs. Both the clean energy transformation act and the climate commitment act tie public investments in infrastructure to reducing greenhouse gas emissions. Integrating manufacturing working conditions into the procurement process reaffirms and is consistent with the state's commitment to a fair transition.

(6) A robust state and domestic supply of low carbon materials is critical for building a fair economy and meeting the needs of the low carbon transition, including securing the clean energy supply chain.

(7) Environmental product declarations are the best available tool for reporting product-specific environmental impacts using a life-cycle assessment and informing the procurement of low carbon building materials. Environmental product declarations cannot be used to compare products across different product categories or different functional units.

(8) The buy clean and buy fair policies established in this act are critical to reduce embodied carbon in the built environment, a goal identified by the Washington state 2021 energy strategy to meet the state's greenhouse gas emission limits, governor Inslee's Executive Order 20-01 on state efficiency and environmental performance, and the Pacific coast collaborative's pathbreaking low carbon construction task force.

(9) Reducing embodied carbon in the built environment requires a holistic, comprehensive approach that includes designing buildings with a lower-embodied carbon footprint and making lower carbon products. Policies like the buy clean and buy fair policies established in this act are an important tool for increasing the manufacture of lower carbon products.

(10) The 2021-2023 biennium budgets made critical progress on the buy clean and buy fair policies in this act by funding the creation of a publicly accessible database to facilitate reporting and promote transparency on building materials purchased for state-funded infrastructure projects and two large buy clean and buy fair pilot projects. This ongoing work to create a

database to facilitate reporting of environmental impacts and labor conditions from pilot projects has provided a strong foundation to inform future work on buy clean and buy fair policies.

(11) Providing financial assistance to small manufacturers to support the production of environmental product declarations will help small manufacturers offset costs they might incur when pursuing state contracting as a result of the requirements of this act.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Actual production facilities" means the final manufacturing facility and the facilities at which production processes occur that contribute to 70 percent or more of the product's cradle-to-gate global warming potential, as reflected in the environmental product declaration.

(2) "Awarding authority" means:

(a) Institutions of higher education as defined in RCW 28B.92.030;

(b) The department of enterprise services, the department of natural resources, the state parks and recreation commission, the department of fish and wildlife, and the department of transportation; and

(c) Any other state government agency that receives funding from the omnibus capital appropriations act for a public works project contracted directly by the state agency.

(3) "Covered product" includes:

(a) Structural concrete products, including ready mix, shotcrete, precast, and concrete masonry units;

(b) Reinforcing steel products, specifically rebar and posttensioning tendons;

(c) Structural steel products, specifically hot rolled sections, hollow sections, metal deck, and plate; and

(d)(i) Engineered wood products, such as cross-laminated timber per ANSI form no. PRG 320, glulam beams, laminated veneer lumber, parallel strand lumber, dowel laminated timber, nail laminated timber, glulam laminated timber, prefabricated wood joists per ASTM D5055, wood structural panel per product standard 1 or product standard 2, solid sawn lumber per product standard 20, structural composite lumber per ASTM D5456, and structural sawn lumber.

(ii) For the purposes of this subsection

(3)(d):

(A) "ANSI" means the American national standards institute.

(B) "ASTM" means the American society for testing and materials.

(C) "Product standard" means a voluntary product standard published by the United States department of commerce national institute of standards and technology.

(4) "Covered project" means:

(a) A construction project larger than 50,000 gross square feet as defined in the Washington state building code, chapter 51-50 WAC; or

(b) A building renovation project where the cost is greater than 50 percent of the assessed value and the project is larger than 50,000 gross square feet of occupied or conditioned space as defined in the Washington state building code, chapter 51-50 WAC.

(5) "Department" means the department of commerce.

(6) "Employee" means any individual who is in an employment relationship with the organization.

(7)(a) "Environmental product declaration" means a type III environmental product declaration, as defined by the international organization for standardization standard 14025 or similarly robust life-cycle assessment methods that have uniform standards in data collection consistent with the international organization for standardization standard 14025, industry acceptance, and integrity. To the extent feasible, the environmental product declaration must be supply chain specific.

(b) For the purposes of this subsection, "supply chain specific" means an environmental product declaration that includes supply chain specific data for production processes that contribute 70 percent or more of a product's cradle-to-gate global warming potential, as defined in international organization for standardization standard 21930, and reports the overall percentage of supply chain specific data included.

(8) "Full time" means an employee in a position that:

(a) The employer intends to be filled for at least 52 consecutive weeks or 12 consecutive months, excluding any leaves of absence; and

(b) Requires the employee to work, excluding overtime hours, 35 hours per week for 52 consecutive weeks, 455 hours a quarter, or 1,820 hours during a period of 12 consecutive months.

(9) "Health product declaration" means a supply chain specific health product declaration, as defined by the health product declaration open standard maintained by the health product declaration collaborative, that has robust methods for product manufacturers and their ingredient suppliers to uniformly report and disclose information about product contents and associated health information.

(10) "Part time" means an employee in a position that:

(a) The employer intends to be filled for at least 52 consecutive weeks or 12 consecutive months, excluding any leaves of absence; and

(b) Working hours are less than those required for a full-time employee, as defined in this section.

(11) "Product and facility specific report" means an environmental product declaration whereby the environmental impacts can be attributed to a single manufacturer and a specific manufacturing or production facility.

(12)(a) "Scope 2 greenhouse gas emissions" are indirect greenhouse gas emissions associated with the purchase of electricity, steam, heat, or cooling.

(b) For purposes of this section, "greenhouse gas" has the same meaning as in RCW 70A.45.010.

(13) "Supplier code of conduct" means a policy created by a manufacturer that outlines steps taken to ensure that its suppliers adhere to ethical practices, such as compliance with child and forced labor laws, antidiscrimination practices, freedom of association, and safe workplace conditions.

(14) "Temporary" means an employee in a position that is intended to be filled for a period of less than 52 consecutive weeks or 12 consecutive months. Positions in seasonal employment are temporary positions.

(15) "Total case incident rate" means the number of work-related injuries per 100 full-time workers during a one-year period, as defined by the occupational safety and health administration. Total case incident rate is calculated by multiplying the number of occupational safety and health administration recordable injuries and illnesses by 200,000 and dividing by number of hours worked by all employees.

(16) "Working conditions" means the average number of employees by employment type: Full time, part time, and temporary.

**NEW SECTION. Sec. 3.** (1)(a) Beginning July 1, 2024, an awarding authority must require in all newly executed construction contracts that the selected firm for a construction contract for a covered project larger than 100,000 gross square feet submit the following data for each covered product used before substantial completion:

- (i) Product quantity;
- (ii) A current environmental product declaration;
- (iii) Health product declaration, if any, completed for the product;
- (iv) Manufacturer name and location, including state or province and country;
- (v) Supplier code of conduct, if any; and
- (vi) Office of minority and women-owned business enterprises certification, if any.

(b) Beginning July 1, 2026, an awarding authority must require in all newly executed construction contracts that the selected firm for a construction contract for a covered project submit the data required by (a) of this subsection for each covered product used before substantial completion.

(c) The selected firm for a contract for a covered project shall provide the data required by this subsection for at least 90 percent of the cost of each of the covered products used in the project.

(2) The selected firm for a contract for a covered project is required to collect and submit from product suppliers the information required in subsection (1)(a) (ii) through (vi) of this section. The selected firm is not required to verify the information received from product suppliers.

(3)(a) Beginning July 1, 2024, an awarding authority must require in all newly executed construction contracts that the selected firm for a construction contract for a covered project larger than 100,000 gross square feet to ask their suppliers to report for each covered product used before substantial completion:

(i) Names and locations, including state or province and country, of the actual production facilities; and

(ii) Working conditions at the actual production facilities for all employees, full-time employees, part-time employees, and temporary employees. In cases in which the supplier does not have this information, the selected firm for a contract for a covered project must ask suppliers to provide a report on steps taken to reasonably obtain the data and provide suppliers' self-reports to the awarding authority.

(b) Beginning July 1, 2026, an awarding authority must require in all newly executed construction contracts that the successful bidder for a construction contract for a covered project to meet the requirements of (a) of this subsection for each covered product used before substantial completion.

(c) The selected firm is not required to verify the information reported by product suppliers pursuant to this subsection.

(d) The selected firm for a contract for a covered project shall meet the requirement in (a) of this subsection for at least 90 percent of the cost of each of the covered products used in the project.

(4) If a supply chain specific environmental product declaration is not available, a product and facility specific report may be submitted.

(5) This section does not apply to a covered product for a particular covered project if the awarding authority determines, upon written justification provided to the department, that the requirements in this section would cause a significant delay in completion, significant increase in overall project cost, or result in only one product supplier being able to provide the covered product.

(6) An awarding authority must include the information and reporting requirements in this section in a specification for bids for a covered project.

(7) Subject to funds appropriated for this specific purpose, the department may provide financial assistance to small businesses, as defined in RCW 19.85.020, to help offset the costs to the small business of producing an environmental product declaration required under this section. Such financial assistance supports the production of environmental product declarations and achievement of reductions of embodied carbon in the built environment while ensuring that small manufacturers are not put at a competitive disadvantage in state contracting as a result of the requirements of this chapter.

(8) Compliance with the requirements in this section may not be used as a basis for a waiver from apprenticeship utilization requirements in any other statute, rule, regulation, or law.

**NEW SECTION. Sec. 4.** By July 1, 2024, and to the extent practicable, specifications for a bid or proposal for a project contract by an awarding authority may only include performance-based specifications for concrete used as a structural material. Awarding authorities

may continue to use prescriptive specifications on structural elements to support special designs and emerging technology implementation.

**NEW SECTION. Sec. 5.** (1) The department must continue to develop and maintain the publicly accessible database funded by the 2021-2023 omnibus operating appropriations act and created by the department in conjunction with the University of Washington college of built environments for selected firms for contracts for covered projects to submit the data required in section 3 of this act to the department and to promote transparency.

(2) The database maintained pursuant to subsection (1) of this section must publish global warming potential as reported in the environmental product declarations.

(3) By July 1, 2024, the department must:

(a) Further elaborate covered product definitions using applicable material industry standards;

(b) Develop measurement and reporting standards to ensure that data is consistent and comparable, including standards for reporting product quantities;

(c) Create model language for specifications, bid documents, and contracts to support the implementation of section 3 of this act; and

(d) Produce an educational brief that:

(i) Provides an overview of embodied carbon;

(ii) Describes the appropriate use of environmental product declarations, including the necessary preconditions for environmental product declarations to be comparable;

(iii) Outlines reporting standards, including covered product definitions, standards for reporting product quantities, and working conditions;

(iv) Describes the data collection and reporting process for all information required in section 3 (1)(a) and (3)(a) of this act;

(v) Provides instructions for the use of the database; and

(vi) Lists applicable product category rules for covered products.

(4) The department may contract for the use of nationally or internationally recognized databases of environmental product declarations for purposes of implementing this section.

**NEW SECTION. Sec. 6.** (1) By December 1, 2023, the department must convene a technical work group that includes the following representatives:

(a) One industry professional in design, one industry professional in structural design, one industry professional in specification, and one industry professional in construction who are recommended by leading associations of Washington business;

(b) One representative each from Washington manufacturers of:

(i) Steel;

(ii) Wood; and

(iii) Concrete;

(c) A representative from the department of enterprise services;

(d) A representative from the department of transportation;

(e) A representative from the department of ecology;

(f) One representative each from three environmental groups that focus on embodied carbon and climate change;

(g) A representative from a labor union that represents manufacturing workers;

(h) A representative from the minority and women-owned business community;

(i) A representative from the University of Washington college of built environments; and

(j) Representatives of other agencies and independent experts as necessary to meet the objectives of the work group as described in this section.

(2) The purpose of the technical work group is to identify opportunities for and barriers to growth of the use and production of low carbon materials, promote high labor standards in manufacturing, and preserve and expand low carbon materials manufacturing in Washington.

(3) By September 1, 2024, the technical work group must submit a report to the legislature and the governor that includes:

(a) A low carbon materials manufacturing plan that recommends policies to preserve and grow the in-state manufacturing of low carbon materials and accelerate industrial decarbonization. For this plan, the technical work group must:

(i) Examine barriers and opportunities to maintain and grow a robust in-state supply of low carbon building materials including, but not limited to, state and domestic supply of raw materials and other supply chain challenges, regulatory barriers, competitiveness of local and domestic manufacturers, cost, and data availability from local, state, national, and foreign product suppliers; and

(ii) Identify opportunities to encourage the continued conversion to lower carbon cements, including the use of performance-based specifications and allowing Type 1-L cement in specifications for public projects;

(b) Recommendations for consistent treatment in the reporting for covered products; and

(c) Consideration of how product life-cycle assessments conducted by project designers could be incorporated into future reporting.

(4)(a) By September 1, 2025, the technical work group must submit a report on policy recommendations, including any statutory changes needed, to the legislature and the governor. The report must consider policies to expand the use and production of low carbon materials and to preserve and expand low carbon materials manufacturing in Washington, including opportunities to encourage continued conversion to lower carbon blended cements in public projects.

(b) For this report, the technical work group must:

(i) Summarize data collected pursuant to section 3 of this act, the case study analysis funded by the 2021-2023 omnibus operating appropriations act, and the pilot projects funded by the 2021-2023 omnibus capital appropriations act. The summary must



include product quantities, global warming potential, health product declarations, supplier codes of conduct, and any obstacles to the implementation of this chapter;

(ii) Evaluate options for collecting reported working condition information from product suppliers, including hourly wages, employee benefits, and total case incident rates;

(iii) Make recommendations for improving environmental production declaration data quality including, but not limited to, integrating reporting on variability in facility, product, and upstream data for key processes;

(iv) Make recommendations for consideration of scope 2 greenhouse gas emissions mitigation through green power purchases, such as energy attribute certificates and power purchase agreements;

(v) Identify barriers and opportunities to the effective use of the database maintained under section 5 of this act and the data collected pursuant to this chapter;

(vi) Identify emerging and foreseeable trends in local, state, federal, and private policy on embodied carbon and the procurement and use of low carbon materials and opportunities to promote consistency across public and private embodied carbon and low carbon materials policies, rules, and regulations; and

(vii) Recommend approaches to designing lower embodied carbon state building projects.

(5) This section expires January 1, 2027.

**Sec. 7.** RCW 43.88.0301 and 2021 c 54 s 4 are each amended to read as follows:

(1) The office of financial management must include in its capital budget instructions (~~(, beginning with its instructions for the 2003-05 capital budget,)~~) a request for "yes" or "no" answers for the following additional informational questions from capital budget applicants for all proposed major capital construction projects valued over ~~((10 million dollars))~~ \$10,000,000 and required to complete a predesign:

(a) For proposed capital projects identified in this subsection that are located in or serving city or county planning under RCW 36.70A.040:

(i) Whether the proposed capital project is identified in the host city or county comprehensive plan, including the capital facility plan, and implementing rules adopted under chapter 36.70A RCW;

(ii) Whether the proposed capital project is located within an adopted urban growth area:

(A) If at all located within an adopted urban growth area boundary, whether a project facilitates, accommodates, or attracts planned population and employment growth;

(B) If at all located outside an urban growth area boundary, whether the proposed capital project may create pressures for additional development;

(b) For proposed capital projects identified in this subsection that are requesting state funding:

(i) Whether there was regional coordination during project development;

(ii) Whether local and additional funds were leveraged;

(iii) Whether environmental outcomes and the reduction of adverse environmental impacts were examined.

(2) For projects subject to subsection (1) of this section, the office of financial management shall request the required information be provided during the predesign process of major capital construction projects to reduce long-term costs and increase process efficiency.

(3) The office of financial management, in fulfilling its duties under RCW 43.88.030(6) to create a capital budget document, must take into account information gathered under subsections (1) and (2) of this section in an effort to promote state capital facility expenditures that minimize unplanned or uncoordinated infrastructure and development costs, support economic and quality of life benefits for existing communities, and support local government planning efforts.

(4) The office of community development must provide staff support to the office of financial management and affected capital budget applicants to help collect data required by subsections (1) and (2) of this section.

(5) The office of financial management must include in its capital budget instructions, beginning with the instructions for the 2025-2027 biennium, information informing awarding authorities, as defined in section 2 of this act, of the requirements of chapter 39.--- RCW (the new chapter created in section 9 of this act), including the data and information requirements in section 3 of this act.

NEW SECTION. **Sec. 8.** This act may be known and cited as the buy clean and buy fair Washington act.

NEW SECTION. **Sec. 9.** Sections 2 through 6 of this act constitute a new chapter in Title 39 RCW.

NEW SECTION. **Sec. 10.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representatives Duerr and Steele spoke in favor of the adoption of the striking amendment.

The striking amendment (376) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Duerr and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1282.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1282, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Hansen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1282, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1044, by Representatives McEntire, Graham, Couture, Sandlin, Walsh, Rude, Caldier and Santos**

**Providing capital financial assistance to small school districts with demonstrated funding challenges.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1044 was substituted for House Bill No. 1044 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1044 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McEntire and Tharinger spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1044.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1044, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier,

Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Hansen

SUBSTITUTE HOUSE BILL NO. 1044, having received the necessary constitutional majority, was declared passed.

### RECONSIDERATION

There being no objection, the House reconsidered the vote by which HOUSE BILL NO. 1317 passed the House.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1317, on reconsideration, and the bill passed the House by the following vote: Yeas, 63; Nays, 34; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Harris, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representative Hansen

HOUSE BILL NO. 1317, on reconsideration, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1332, by Representatives Lekanoff, Berry, Ramel, Rude, Reed, Donaghy, Pollet and Macri**

**Supporting public school instruction in tribal sovereignty and federally recognized Indian tribes.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1332 was substituted for House Bill No. 1332 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1332 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lekanoff, Rude, Eslick and Wilcox spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1332.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1332, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan,

Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Hansen

SECOND SUBSTITUTE HOUSE BILL NO. 1332, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1838, by Representatives Fey, Barkis, Berg and Ortiz-Self**

**Transferring the responsibilities for the transportation revenue forecast for the transportation budget to the economic and revenue forecast council.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1838 was substituted for House Bill No. 1838 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1838 was read the second time.

Representative Ormsby moved the adoption of amendment (158):

On page 2, at the beginning of line 32, strike "eight" and insert "nine"

On page 3, line 4, after "least" strike "five" and insert "~~(five)~~ seven"

On page 3, line 17, after "least" strike "five" and insert "~~(five)~~ seven"

Representatives Ormsby and Orcutt spoke in favor of the adoption of the amendment.

Amendment (158) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1838.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1838, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier,

Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Hansen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1838, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1700, by Representatives Kretz, Chapman, Dent, Barnard, Ormsby and Timmons**

**Establishing a memorial on the capitol campus to commemorate eastern Washington.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1700 was substituted for House Bill No. 1700 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1700 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kretz and Ramos spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1700.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1700, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Hansen

SUBSTITUTE HOUSE BILL NO. 1700, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

### MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1235  
HOUSE BILL NO. 1241  
HOUSE BILL NO. 1493  
HOUSE BILL NO. 1730  
HOUSE BILL NO. 1791

There being no objection, the House reverted to the sixth order of business.

**SECOND READING**

**HOUSE BILL NO. 1791, by Representatives Fey, Dent, Morgan, Barkis, Mena, Couture, Griffey, Bronoske, Ybarra, Christian, Timmons, Donaghy, Berg and Doglio**

**Studying the need for increased commercial aviation services.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1791 was substituted for House Bill No. 1791 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1791 was read the second time.

With the consent of the House, amendment (400) was withdrawn.

Representative Orwall moved the adoption of amendment (174):

On page 1, beginning on line 18, after "for" strike "large impacts on the surrounding communities; and" and insert "environmental, health, social, and economic impacts on the surrounding communities, and the legislature recognizes any preferred location will require substantial environmental, land use, governance, and funding decisions from federal, state, and local governments;"

On page 1, line 21, after "operations" insert "; the Puget Sound regional council May 2021 regional aviation baseline study final report estimates that by 2050 capacity restrictions in the central Puget Sound will create a gap between the demand for aviation activities and the capacity for those activities; and

(f) The exploration of alternatives to Seattle-Tacoma international airport is critical to address this anticipated demand through a variety of transportation strategies that may include the creation or expansion of other airports"

Representatives Orwall and Dent spoke in favor of the adoption of the amendment.

Amendment (174) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1791.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1791, and the bill passed the House by the following vote: Yeas, 88; Nays, 9; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan,

Chambers, Chandler, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Christian, Couture, Griffey, McEntire, Orcutt, Robertson, Stokesbary and Walsh  
Excused: Representative Hansen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1791, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1112, by Representatives Harris, Santos, Ramel, Fitzgibbon, Kloba and Donaghy**

**Imposing criminal penalties for negligent driving involving the death of a vulnerable user victim.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Harris and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1112.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1112, and the bill passed the House by the following vote: Yeas, 86; Nays, 11; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Barkis, Barnard, Berg, Bergquist, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Maycumber, McClintock, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Thai, Tharinger, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Alvarado, Bateman, Berry, Chopp, Cortes, Gregerson, Macri, Mena, Reed, Taylor and Timmons

Excused: Representative Hansen

HOUSE BILL NO. 1112, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1493, by Representative Goodman**

**Concerning impaired driving.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1493 was substituted for House Bill No. 1493 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1493 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1493.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1493, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Hansen

SUBSTITUTE HOUSE BILL NO. 1493, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1241, by Representatives Leavitt, Reeves, Reed, Morgan and Bronoske**

#### Addressing harassment.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1241 was substituted for House Bill No. 1241 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1241 was read the second time.

Representative Graham moved the adoption of amendment (066):

On page 2, line 23, after "(3)" insert "Legally protected speech, such as gathering or demonstrating in front of an election facility, or observing ballot submittal or ballot counting, does not under any circumstances constitute harassment.

(4)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Graham spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

Amendment (066) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leavitt and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1241.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1241, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Christian, Graham, McEntire, Orcutt, Schmidt, Volz and Walsh

Excused: Representative Hansen

SUBSTITUTE HOUSE BILL NO. 1241, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1730, by Representatives Waters, Stonier, Klicker, Low, Couture, Chambers, Ybarra, Barnard, Schmidt, Street, McClintock, Walen, Hutchins, Caldier and Cheney**

**Allowing people 18 years of age or older to work in certain 21 year and older establishments.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Waters and Kloba spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1730.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1730, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Couture, Dent, Doglio, Donaghy, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Ramel, Ramos, Reeves, Riccelli, Robertson, Rude, Rule, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Berry, Cortes, Davis, Duerr, Dye, Entenman, Goodman, Leavitt, Mena, Morgan, Pollet, Reed and Ryu

Excused: Representative Hansen

HOUSE BILL NO. 1730, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1235, by Representatives Chapman, Kretz, Tharinger and Lekanoff**

**Modifying miscellaneous provisions impacting department of fish and wildlife licensing requirements.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1235 was substituted for House Bill No. 1235 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1235 was read the second time.

Representative Lekanoff moved the adoption of amendment (485):

On page 14, line 13, after "impaired;" strike "and" and insert "((and))"

On page 14, line 16, after "state" insert "; and

(f) A resident who is a member of a federally recognized Indian tribe entitled to sales tax exemptions when purchasing hunting, fishing, and gathering gear for ceremonial and subsistence purposes"

Representatives Lekanoff and Dent spoke in favor of the adoption of the amendment.

Amendment (485) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chapman and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1235.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1235, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Hansen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1235, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1562, by Representatives Thai, Lekanoff, Taylor, Berry, Ryu, Reed, Kloba, Entenman, Walen, Doglio, Davis, Wylie, Ramel, Ormsby, Pollet and Duerr**

**Reducing the risks of lethality and other harm associated with gun violence, gender-based violence, and other types of violence.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1562 was substituted for House Bill No. 1562 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1562 was read the second time.

Representative Cheney moved the adoption of amendment (487):

On page 13, line 2, after "RCW 9.41.270;" insert "or"

On page 13, beginning on line 3, after "16.52.207(1);" strike all material through "46.61.5055;" on line 5

On page 17, line 21, after "16.52.207(1);" insert "or"

On page 17, beginning on line 22, after "(I)" strike all material through "(J)" on line 23

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Farivar spoke against the adoption of the amendment.

Amendment (487) was not adopted.

Representative Cheney moved the adoption of amendment (486):

On page 15, line 1, after "(4)" strike "~~((a))~~" and insert "(a)"

On page 15, beginning on line 10, after "insanity." strike all material through "~~resides-)~~" on page 16, line 2 and insert "Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) or (2) of this section and has not previously been convicted or found not guilty by reason of insanity of a sex offense prohibiting firearm ownership under subsection (1) or (2) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least 20 years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(i) Under RCW 9.41.047; and/or

(ii)(A) If the conviction or finding of not guilty by reason of insanity was for a felony offense, after five or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the

possession of a firearm counted as part of the offender score under RCW 9.94A.525; or

(B) If the conviction or finding of not guilty by reason of insanity was for a nonfelony offense, after three or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525 and the individual has completed all conditions of the sentence.

(b) An individual may petition a court of record to have his or her right to possess a firearm restored under (a) of this subsection only at:

(i) The court of record that ordered the petitioner's prohibition on possession of a firearm; or

(ii) The superior court in the county in which the petitioner resides."

On page 16, beginning on line 28, strike all of subsection (8)

On page 16, beginning on line 30, strike all of sections 4 and 5

Renummer the remaining sections consecutively and correct any internal references accordingly.

Representative Cheney spoke in favor of the adoption of the amendment.

Representative Walen spoke against the adoption of the amendment.

Amendment (486) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Thai spoke in favor of the passage of the bill.

Representatives Abbarno, Cheney and Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1562.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1562, and the bill passed the House by the following vote: Yeas, 51; Nays, 46; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Bronoske, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers,

Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Hansen

SUBSTITUTE HOUSE BILL NO. 1562, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1766, by Representatives Griffey, Davis, Senn, Dent, Callan and Cheney**

**Creation of a hope card program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1766 was substituted for House Bill No. 1766 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1766 was read the second time.

Representative Griffey moved the adoption of amendment (271):

On page 2, line 23, after "administrators," strike "and"

On page 2, line 24, after "association," insert "and the Washington association of sheriffs and police chiefs,"

On page 2, line 27, after "licensing." insert "The administrative office of the courts, together with the organizations and stakeholder groups specified in this subsection, shall explore the feasibility of providing information required in subsection (2) of this section in electronic format, including, but not limited to, a laminated card with a barcode."

On page 3, line 2, after "the" insert "clerk of the"

Representatives Griffey and Davis spoke in favor of the adoption of the amendment.

Amendment (271) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Griffey and Davis spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1766.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1766, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson,

Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Hansen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1766, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1243, by Representatives Dent, Riccelli, Christian and Eslick**

**Concerning municipal airport commissions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dent and Duerr spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1243.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1243, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Hansen

HOUSE BILL NO. 1243, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1498, by Representatives Dye, Dent, Christian, Schmidt, Eslick, Graham and Volz**

**Concerning aviation assurance funding in response to wildland fires.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1498 was substituted for House Bill No. 1498 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1498 was read the second time.

Representative Dent moved the adoption of amendment (187):

On page 3, line 18, after "department" strike "may" and insert "must"

On page 3, line 22, after "department" strike "may" and insert "must"

Representatives Dent and Chapman spoke in favor of the adoption of the amendment.

Amendment (187) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dye, Chapman and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1498.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1498, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Hansen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1498, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

#### POINT OF PERSONAL PRIVILEGE

Representative Wylie informed the members of the passing of Jim Moeller, former Speaker Pro Tempore of the House.

#### SECOND READING

**HOUSE BILL NO. 1240, by Representatives Peterson, Senn, Alvarado, Walen, Street, Springer, Simmons, Reeves, Reed, Ormsby, Kloba, Fitzgibbon, Duerr, Doglio, Berry, Bateman, Fey, Davis, Ramel, Bergquist, Fosse, Pollet, Lekanoff, Macri, Gregerson and Santos**

**Establishing firearms-related safety measures to increase public safety.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1240 was substituted for House Bill No. 1240 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1240 was read the second time.

With the consent of the House, amendments (007), (365), (366) and (369) were withdrawn.



Representative Corry moved the adoption of amendment (468):

On page 14, line 11, after "nonresidents;" strike "or"

On page 14, line 23, after "weapon" insert "; or

(e) The distribution, offer for sale, or sale of an assault weapon, within 90 days of the effective date of this section, by a dealer that is properly licensed under federal and state law, for the purpose of liquidating the dealer's existing inventory of assault weapons consisting of either (i) assault weapons in the dealer's possession, custody, or control prior to the effective date of this section, or (ii) assault weapons ordered or purchased by the dealer prior to the effective date of this section"

### POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (468) to SUBSTITUTE HOUSE BILL NO. 1240.

### SPEAKER'S RULING

"The title of the bill is an act relating to establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, importation, distribution, selling, and offering for sale of assault weapons, and by providing limited exemptions applicable to armed forces branches and law enforcement agencies and for purposes of sale or transfer outside the state, and to inheritors.

Amendment (468) creates a new exemption to the bill by authorizing the distribution, offer for sale, or sale of an assault weapon, within 90 days of the effective date of this section, by a licensed dealer, for the purpose of liquidating the dealer's existing inventory of assault weapons consisting of either assault weapons in the dealer's possession, custody, or control prior to the effective date, or assault weapons ordered or purchased by the dealer prior to the effective date.

The Speaker therefore finds and rules that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

Representative Low moved the adoption of amendment (370):

On page 15, after line 19, insert the following:

"NEW SECTION. **Sec. 6.** This act shall be narrowly and strictly construed to comply with Article I, section 24 of the Washington Constitution."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Low and Barnard spoke in favor of the adoption of the amendment.

Representative Hackney spoke against the adoption of the amendment.

Amendment (370) was not adopted.

Representative Walsh moved the adoption of amendment (371):

On page 15, beginning on line 20, after "**Sec. 6.**" strike the remainder of the section and insert "(1) This act takes effect on the date that the federal court of appeals for the ninth circuit issues an opinion that interprets and applies the "historical tradition of firearm regulation" test, established by the United States supreme court in N.Y. State Rifle & Pistol Ass'n v. Bruen, 142 S. Ct. 2111 (2022), to a firearm law or regulation.

(2) The attorney general's office must provide written notice of the effective date of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the attorney general's office."

Correct the title.

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

Amendment (371) was not adopted.

Representative Griffey moved the adoption of amendment (354):

On page 1, beginning on line 12, strike all of section 1

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Griffey, Connors and Abbarno spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (354) was not adopted.

Representative McEntire moved the adoption of amendment (363):

On page 1, beginning on line 14, after "Washingtonians." strike all material through "weapon." on page 2, line 5

Representatives McEntire and Walsh spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (363) was not adopted.

Representative Jacobsen moved the adoption of amendment (355):

On page 2, beginning on line 9, after "occur." strike all material through "shooter." on line 20

Representatives Jacobsen, Barkis, Dye, Orcutt, Maycumber, Walsh and Graham spoke in favor of the adoption of the amendment.

Representatives Farivar and Senn spoke against the adoption of the amendment.

Amendment (355) was not adopted.

Representative Hutchins moved the adoption of amendment (368):

On page 2, beginning on line 36, strike all of subsection (i)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Representatives Hutchins and Walsh spoke in favor of the adoption of the amendment.

Representative Hackney spoke against the adoption of the amendment.

Amendment (368) was not adopted.

Representative Sandlin moved the adoption of amendment (359):

On page 5, beginning on line 1, strike all of subsection (iii)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Representatives Sandlin, Schmick and Walsh spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (359) was not adopted.

Representative Ybarra moved the adoption of amendment (361):

On page 5, beginning on line 28, strike all of subsection (vi)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Representatives Ybarra and Walsh spoke in favor of the adoption of the amendment.

Representative Hackney spoke against the adoption of the amendment.

Amendment (361) was not adopted.

Representative Christian moved the adoption of amendment (367):

On page 5, beginning on line 38, strike all of subsection (vii)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Representatives Christian and Walsh spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (367) was not adopted.

Representative Chambers moved the adoption of amendment (362):

On page 14, line 29, after "of a" strike "gross"

Representatives Chambers, Abbarno, Caldier and Walsh spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (362) was not adopted.

Representative Walsh moved the adoption of amendment (364):

On page 14, beginning on line 31, strike all of section 4

Re-number the remaining sections consecutively and correct any internal references accordingly.

Representatives Walsh and Corry spoke in favor of the adoption of the amendment.

Representative Hackney spoke against the adoption of the amendment.

Amendment (364) was not adopted.

Representative McEntire moved the adoption of amendment (350):

On page 15, beginning on line 20, strike all of section 6

Correct the title.

Representatives McEntire, Walsh and Chambers spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (350) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Peterson, Farivar, Berry, Stonier, Hackney and Senn spoke in favor of the passage of the bill.

Representatives Walsh, Couture, Chambers, Caldier, Graham, Corry, Jacobsen, McEntire, Dye, Orcutt, Mosbrucker, Dent, Eslick, Christian, Abbarno and Maycumber spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1240.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1240, and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street,

Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Hansen

SUBSTITUTE HOUSE BILL NO. 1240, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:30 a.m., Thursday, March 9, 2023, the 60th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SIXTIETH DAY

House Chamber, Olympia, Thursday, March 9, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4625**, by Representatives Wilcox and Lekanoff

WHEREAS, Billy Frank Jr. was born March 9, 1931, to Willie Sr. and Angeline Frank. Frank Jr., a member of the Nisqually Tribe, grew up on six acres along the banks of the Nisqually River in Thurston County. Known as Frank's Landing, the property was purchased by Willie Frank after development of the Fort Lewis Army Base in 1917 drove the Nisqually people from their reservation; and

WHEREAS, Frank's formal education ended after he completed the ninth grade in Olympia, after which he worked in construction by day and fishing by night; and

WHEREAS, In 1952, at age 21, Frank fulfilled a dream to join the Marines, proudly serving in the Marine Corps for two years as an expert marksman; and

WHEREAS, Frank's father, Willie, and his predecessors, lived in a time of abundance, with strong salmon runs and plentiful clams, oysters, geoducks, wild berries, and camas roots. Frank was raised in the tradition of his ancestors, with stories of the land, the river, the salmon runs, and the art of preserving fish; and

WHEREAS, Binding promises made by the United States acknowledged, through treaties, the rights of tribes to take fish "at all usual and accustomed stations," and "in common with the citizens of the territory" of Washington; and

WHEREAS, These treaty rights were increasingly eroded during Frank's lifetime through commercial and recreational fishing by nontribal actors, and aggressive and unjust state and local policing of tribal fishing. Combined with expansive growth, construction, property development, and pollution further depleted the plentiful salmon and other natural resources which had traditionally sustained tribal people in Washington; and

WHEREAS, Frank began what became a lifetime of advocacy, leadership, and statesmanship in 1945, when he protested his arrest at age 14 by two game wardens, simply for fishing on the Nisqually River near his family's property. He would spend his lifetime challenging the state and nation to live up to its ideals; and

WHEREAS, By the mid 1960's Frank's Landing was a focal point for the assertion of treaty rights and tribal sovereignty. Over the next decade, Washington State would raid, arrest, and campaign against the fishing rights of Pacific Northwest tribes; and

WHEREAS, Throughout the 1960s and 1970s, Frank led historic "fish-ins," demonstrations, and acts of civil resistance with other tribal and nontribal leaders, insisting on the treaty rights guaranteed more than a century before. In attempting to defend his treaty rights Frank was arrested numerous times; and

WHEREAS, Growing public awareness of the unjust infringement upon tribal treaty fishing rights in Washington ultimately resulted in the historic litigation and decision issued in *United States v. Washington*, in which the Honorable George Boldt recognized tribal treaty fishing rights as the supreme law of the land; and

WHEREAS, Following the Boldt decision, Frank's leadership, humility, and dedication to consensus-building cut through initial, blatant disregard of the decision by state and local authorities and

citizens and the resulting hardship and anger that caused among the tribes; and

WHEREAS, Billy Frank Jr. resisted bitterness and confronted injustice in ways that built strength by bringing diverse groups of people with conflicting interests together; and

WHEREAS, At a time when he possessed the power to impose outcomes favoring one group at the expense of others, he remained steadfast in the fair and impartial defense of the rights of all landowners and natural resources businesses along the Nisqually River, earning the lasting goodwill of landowners in the Nisqually basin; and

WHEREAS, For more than 30 years, Frank served as Chairman of the Northwest Indian Fisheries Commission, created in 1975 to support the natural resource management activities of the 20 treaty Indian tribes in western Washington; and

WHEREAS, In March 2011, in honor of Frank's 80th birthday, the Billy Frank Jr. Salmon Forever Fund was established by Salmon Defense, "to honor and create permanence and action to the vision and work of Billy Frank Jr.;" and

WHEREAS, Over his lifetime Frank was honored with countless additional awards for his decades-long fight for justice and environmental preservation, including: The Common Cause Award for Human Rights Efforts, the Albert Schweitzer Prize for Humanitarianism, the American Indian Distinguished Service Award, the Wallace Stegner Award, the Washington State Environmental Excellence Award, and the 2015 Washington State Medal of Merit. In 2015, President Barack Obama named Frank Jr. posthumously as a recipient of the Presidential Medal of Freedom, the nation's highest official civilian honor; and

WHEREAS, Billy Frank Jr. died May 5, 2014, at the age of 83. Today, Chairman of the Nisqually Tribe Willie Frank III and his wife, Peggen, continue the work of both father and grandfather. A good life growing up at Frank's Landing instilled the dignity and respect that informed the principles and guidelines of their leadership. His family once said, "being with Billy is like floating on a steady, easy river. Billy's life is turbulent, but Billy is not. He's the happiest person I know. He's completely at peace with himself;" and

WHEREAS, In memory of what would have been Frank's 92nd birthday, we honor his vision to "tell your story, tell the truth, and stay the course" in the pursuit of community resilience and environmental stewardship. We reflect on the man known as an architect of consensus solutions. A man who brought previously contentious interest groups together, through genuine respect and endeavoring to heal wounds, and find resolution for the good of all people;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State House of Representatives, That we reflect in gratitude on Billy Frank Jr., the man who taught us that no victory can last until the opposing sides can come together in agreement; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the family of Billy Frank Jr.

HOUSE RESOLUTION NO. 4625 was adopted.

There being no objection, the House advanced to the third order of business.

## MESSAGES FROM THE SENATE

Wednesday, March 8, 2023

Mme. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5504  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
5634

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Wednesday, March 8, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5015  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5267  
ENGROSSED SENATE BILL NO. 5352  
ENGROSSED SENATE BILL NO. 5691

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Wednesday, March 8, 2023

Mme. Speaker:

The Senate has passed:

SENATE BILL NO. 5032  
SENATE BILL NO. 5084  
SECOND SUBSTITUTE SENATE BILL NO. 5103  
SECOND SUBSTITUTE SENATE BILL NO. 5269  
SENATE BILL NO. 5340  
SENATE BILL NO. 5363  
SUBSTITUTE SENATE BILL NO. 5437  
SUBSTITUTE SENATE BILL NO. 5448  
SENATE BILL NO. 5487  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5528  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5546  
SUBSTITUTE SENATE BILL NO. 5600  
SUBSTITUTE SENATE BILL NO. 5652  
SUBSTITUTE SENATE BILL NO. 5696

and the same are herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the fourth order of business.

### INTRODUCTION & FIRST READING

ESB 5022 by Senators Muzzall, Cleveland, Dhingra, Gildon, Hunt, Keiser, Kuderer, Mullet, Nobles, Van De Wege, Wilson, J. and Wilson, L.

AN ACT Relating to exempting fentanyl testing equipment from the definition of drug paraphernalia; and amending RCW 69.50.102.

Referred to Committee on Community Safety, Justice, & Reentry.

SSB 5094 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Rolfes, Hasegawa, Kuderer, Nguyen, Pedersen and Salomon)

AN ACT Relating to adding a climate resilience element to water system plans; amending RCW 70A.125.180; adding a new section to chapter 43.20 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

SB 5104 by Senators Salomon, Rolfes, Lias, Nobles, Pedersen and Stanford

AN ACT Relating to surveying Puget Sound marine shoreline habitat; adding a new section to chapter 43.21A RCW; and creating a new section.

Referred to Committee on Environment & Energy.

E2SSB 5144 by Senate Committee on Ways & Means (originally sponsored by Stanford, Nguyen, Cleveland, Frame, Hasegawa, Hunt, Keiser, Kuderer, Lovelett, Nobles, Pedersen, Rolfes, Valdez and Wilson, C.)

AN ACT Relating to providing for responsible environmental management of batteries; amending RCW 43.21B.110 and 43.21B.300; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 70A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment & Energy.

SSB 5145 by Senate Committee on Law & Justice (originally sponsored by Short, Salomon, McCune and Warnick)

AN ACT Relating to clarifying existing law regarding liability protections associated with public recreational use of lands or waters under a hydroelectric license issued by the federal energy regulatory commission; amending RCW 4.24.210; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

SB 5153 by Senators Valdez, Hunt, Nguyen and Wilson, C.

AN ACT Relating to uniform disclosure of records related to future voters and making conforming amendments related to participation of future voters in state primaries; amending RCW 29A.04.070, 29A.08.170, 29A.08.174, 29A.08.330, 29A.08.615, 29A.08.710, 29A.08.760, 29A.08.770, 29A.80.041, 46.20.155, 46.20.155, 42.56.230, 42.56.250, 29A.84.140, and 29A.84.140; reenacting and amending RCW 29A.08.720; adding a new section to chapter 29A.08 RCW; repealing RCW 29A.08.375; providing an effective date; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

SSB 5171 by Senate Committee on Law & Justice (originally sponsored by Dhingra, Trudeau, Hunt, Lovelett, Cleveland, Keiser, Wilson, C., Hasegawa, Saldaña, Conway, Frame, Kuderer, Nguyen, Nobles, Pedersen, Stanford, Valdez and Wellman)

AN ACT Relating to consumer gender discrimination; and adding a new chapter to Title 19 RCW.

Referred to Committee on Consumer Protection & Business.

SB 5180 by Senators Hunt, Hawkins and Mullet

AN ACT Relating to the interstate teacher mobility compact; and adding a new chapter to Title 28A RCW.

Referred to Committee on Education.

ESSB 5186 by Senate Committee on Labor & Commerce (originally sponsored by Lias, Billig, Dhingra, Hunt, Keiser, Lovick, Nguyen, Nobles, Stanford, Valdez, Wellman and Wilson, C.)

AN ACT Relating to requiring antidiscrimination clauses in public contracting; amending RCW 39.26.245 and 39.04.160; and adding a new section to chapter 49.60 RCW.

Referred to Committee on State Government & Tribal Relations.

SB 5228 by Senators Dhingra, Hunt, Keiser, Lovelett, Lovick, Nguyen, Valdez and Wilson, C.

AN ACT Relating to providing occupational therapy services for persons with behavioral health disorders; amending RCW 71.24.385; and creating a new section.

Referred to Committee on Health Care & Wellness.

2SSB 5263 by Senate Committee on Ways & Means (originally sponsored by Salomon, Rivers, Saldaña, Nobles, Lovick, Lovelett, Hunt, Hasegawa, Mullet, Trudeau, Robinson, Pedersen, Wellman, Muzzall, Wilson, C., Kuderer, Keiser, Liias, Van De Wege, Billig, Conway and Frame)

AN ACT Relating to access to psilocybin services by individuals 21 years of age and older; adding a new chapter to Title 18 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

SB 5283 by Senator Van De Wege

AN ACT Relating to the waiver of the fundamentals examination for professional engineer and land surveyor licensing applicants by comity; and amending RCW 18.43.100.

Referred to Committee on Consumer Protection & Business.

E2SSB 5315 by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Billig, Hasegawa, Keiser, Kuderer, Nguyen, Nobles, Pedersen and Valdez)

AN ACT Relating to nonpublic agencies operating special education programs for students with disabilities; amending RCW 28A.155.090, 28A.155.060, 28A.155.210, 28A.600.485, and 28A.310.515; adding a new section to chapter 28A.155 RCW; and declaring an emergency.

Referred to Committee on Education.

SB 5316 by Senators Wilson, C., Billig and Nobles

AN ACT Relating to background check and licensing fees for programs administered by the department of children, youth, and families; amending RCW 43.43.837, 43.216.270, and 43.216.271; repealing RCW 43.216.272 and 43.216.273; repealing 2021 c 304 s 34 (uncodified); and declaring an emergency.

Referred to Committee on Human Services, Youth, & Early Learning.

2SSB 5425 by Senate Committee on Ways & Means (originally sponsored by Salomon, Keiser, Boehnke, Wilson, J. and Conway)

AN ACT Relating to fire protection sprinkler system contractors; amending RCW 18.160.030, 18.160.050, 18.160.120, 18.270.020, and 18.270.070; and adding a new section to chapter 18.160 RCW.

Referred to Committee on Labor & Workplace Standards.

2SSB 5438 by Senate Committee on Ways & Means (originally sponsored by Warnick, Boehnke, Braun, Dhingra, Van De Wege and Wilson, J.)

AN ACT Relating to facilitating supportive relationships with family and significant individuals within the behavioral health

system; adding a new section to chapter 71.24 RCW; adding a new section to chapter 72.23 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

SSB 5460 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Warnick and Van De Wege)

AN ACT Relating to collection of assessments for irrigation and rehabilitation districts; amending RCW 87.84.070; and creating a new section.

Referred to Committee on Local Government.

ESB 5534 by Senators Randall, Holy, Nobles and Wellman

AN ACT Relating to workforce education investment accountability and oversight board staffing changes; amending RCW 28C.18.200 and 28B.50.925; adding a new section to chapter 28B.77 RCW; and recodifying RCW 28C.18.200.

Referred to Committee on Postsecondary Education & Workforce.

SSB 5561 by Senate Committee on Law & Justice (originally sponsored by Conway, Pedersen, Lovick, Dhingra, Hasegawa, Liias, Saldaña, Valdez and Wagoner)

AN ACT Relating to extending the expiration date of the law enforcement community engagement grant project; amending RCW 43.330.545; and providing an expiration date.

Referred to Committee on Appropriations.

SSB 5589 by Senate Committee on Law & Justice (originally sponsored by Stanford)

AN ACT Relating to probate; amending RCW 11.54.010, 11.54.030, 11.54.020, 11.54.040, 11.54.050, 11.54.060, 11.76.110, and 11.76.120; adding new sections to chapter 11.54 RCW; creating a new section; recodifying RCW 11.54.030; repealing RCW 11.54.070 and 11.54.080; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

ESB 5592 by Senators Hunt, Cleveland, Conway, Lovick, Randall, Valdez, Van De Wege and Wilson, C.

AN ACT Relating to requiring semiautomatic external defibrillators at fitness centers; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Health Care & Wellness.

SB 5629 by Senators Conway, Dhingra, Hasegawa, Nobles and Wilson, C.

AN ACT Relating to hepatitis B and hepatitis C screening and health care services; and adding a new section to chapter 18.130 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5649 by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Braun)

AN ACT Relating to improvements to residential structures to reduce risk of flood damage; amending RCW 86.16.041; and creating a new section.

Referred to Committee on Local Government.

ESB 5650 by Senators Rolfes, Robinson, Kuderer, Nguyen, Saldaña, Valdez and Wellman

AN ACT Relating to salary inflationary increases for K-12 employees; and amending RCW 28A.400.205.

Referred to Committee on Appropriations.

SB 5683 by Senators Kauffman, Hasegawa, Kuderer, Liias, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Saldaña, Schoesler, Stanford, Valdez and Wilson, C.

AN ACT Relating to child-specific foster care licenses for placement of an Indian child in the custody of a federally recognized tribe or the tribe's child placing agency; and amending RCW 74.15.125.

Referred to Committee on Human Services, Youth, & Early Learning.

SSB 5714 by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Wagoner and Wilson, L.)

AN ACT Relating to payments made for property taxes or special assessments by an automated check processing service; and amending RCW 84.56.020.

Referred to Committee on Local Government.

ESSB 5716 by Senate Committee on Health & Long Term Care (originally sponsored by Rivers)

AN ACT Relating to certain surveys performed on in-home services agencies; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SB 5725 by Senators Keiser, Conway, Nguyen and Valdez

AN ACT Relating to clarifying the application of the industrial welfare act and minimum wage act to airline cabin crews; amending RCW 49.46.130; reenacting and amending RCW 49.12.187; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., Friday, March 10, 2023, the 61st Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SIXTY FIRST DAY

House Chamber, Olympia, Friday, March 10, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Bronoske presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4620**, by Representatives Chambers, Jacobsen, Robertson, Bronoske, and Barkis

WHEREAS, For over 90 years the annual Daffodil Festival has been a cherished tradition for the people of Pierce County; and

WHEREAS, The Daffodil Festival has been an anticipated event that continues to bring communities together to celebrate unity within our diverse community; and

WHEREAS, Since its inception in the 1920s as a modest garden party, it has grown into the festival that we all know and love today and this year celebrates its 90th anniversary; and

WHEREAS, Each year, 24 young women pass through a rigorous selection process to represent their schools as well as Pierce County communities through ambassadorship, community service, and civic pride; and

WHEREAS, Members of the Daffodil Festival royal court serve as role models for youth around our region. Their volunteerism, civic responsibility, and willingness to be ambassadors for Pierce County serve as a light for youth to look up to; and

WHEREAS, This year's Daffodil Festival royal court includes: Alena Haynes, Puyallup High School; Vivian Llorens Hernandez, Lakes High School; Kiana Kniest, Bonney Lake High School; Kiara Ramos-Carrillo, Sumner High School; Anna Kuepker, Orting High School; Aurora Sieverson, Curtis High School; Audrey Spencer, White River High School; Mariya Startseva, Foss IB High School; Oluebube Ndugba, Fife High School; Emma Holmes, Stadium High School; Kyona Fox-Flores, Silas High School; Hope Isom, Rogers High School; Kaitlyn Cotton, Emerald Ridge High School; Katelyn Schwanz, Franklin Pierce High School; Melony Bridgeman, Bethel High School; Hannah Kralik, Eatonville High School; Kaitlyn Nguyen, Lincoln High School; Adrianna Bhan, Clover Park High School; Carissa Milton, Graham Kapowsin High School; Sarah-Angeles Edmonson, Spanaway Lake High School; Marissa Romero, Washington High School; Breannah Bartlett, Mount Tahoma High School; Kayliana Young, Chief Leschi High School; and Melody Molina-Vazquez, Harrison Preparatory;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the many contributions made to our state by the Daffodil Festival, its organizers, and its royal court for the past 90 years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the 2023 Daffodil Festival officers and to the 24 members of the 2023 Daffodil Festival royalty.

There being no objection, HOUSE RESOLUTION NO. 4620 was adopted.

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4626**, by Representatives Graham, Caldier, Abbarno, Barkis, Barnard, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Griffey, Harris, Hutchins, Jacobsen,

Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox, Ybarra, and Schmidt

WHEREAS, Survivors of crimes, regardless of the offense committed against them, often carry physical scars, injuries, disabilities, and emotional trauma as a result of surviving these attacks; and

WHEREAS, According to the united health foundation, "America's Health Rankings in 2022," for every 1,000 residents of Washington in 2020, there were 2.94 instances of violent crime in the form of murders, rapes, robberies, and aggravated assaults; and

WHEREAS, According to the Washington association of sheriffs and police chiefs in 2021, there were 325 cases of murder, 36 cases of manslaughter, 2,572 cases of rape, 17,440 cases of aggravated assault, 1,376 cases of kidnapping, 211 cases of statutory rape, 65 cases of human trafficking, and 365,122 reported incidences of crimes against property amounting to over 1.2 billion dollars of stolen property; and

WHEREAS, The national coalition against domestic violence estimates that 41.4 percent of Washington women and 31.7 percent of Washington men experience intimate partner rape, stalking, or other physical violence; and

WHEREAS, According to the United States Department of Justice report "Socio-emotional Impact of Violent Crime," victims often face nonphysical challenges, such as the possibility of trauma and posttraumatic stress or socio-emotional problems, affecting their ability to trust or function day-to-day; and

WHEREAS, The impact of all crime often affects more than just the direct victims, devastating thousands of these victims' families and friends across Washington as well; and

WHEREAS, Law-abiding citizens are deserving of justice, rights, resources, restoration, and rehabilitation; and

WHEREAS, The Washington state house of representatives recognize the importance of honoring victims regardless of the manner, size, or type of crime committed against them because of the adversity they face and the resilience they exemplify;

NOW, THEREFORE, BE IT RESOLVED, That the house of representatives recognize the plight of those affected and victimized by all types of crime, whether violent or nonviolent, and honor those victims and the survivors amongst them; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to the victim support services, the office of crime victim's advocacy, and L&I's crime victim's compensation programs.

There being no objection, HOUSE RESOLUTION NO. 4626 was adopted.

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4623**, by Representatives McClintock and Cheney

WHEREAS, It is the policy of the Washington State House of Representatives to recognize excellence in every field of endeavor; and

WHEREAS, The Prairie High School Wrestling Team demonstrated focus and discipline, overcoming adversity with hard work, and demonstrating exemplary athleticism both before and during the state championship; and

WHEREAS, Faith Tarrant placed first in the girls 3A 235-pound division making her the first girls champion wrestler from Prairie High School; and



WHEREAS, Alex Ford placed first in the boys 3A 160-pound division making him the first boys champion wrestler from Prairie High School since 1987; and

WHEREAS, The wrestling team illustrated its overall excellence as Lucas Lyle placed seventh in the boys 3A 120-pound division, Kennedy Wilcox placed seventh in the girls 3A 125-pound division, and Yana Paskar placed eighth in the girls 3A 145-pound division; and

WHEREAS, Fifteen student-athletes on the Prairie High School Wrestling Team qualified for the state championship tournament;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate the Prairie High School Wrestling Team on their stellar performance at the state wrestling championship, and congratulate Coach Rob Smith and the team's families, fans, and the community of Brush Prairie for this accomplishment; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Prairie High School Wrestling Team and Coach Rob Smith.

There being no objection, HOUSE RESOLUTION NO. 4623 was adopted.

There being no objection, the House advanced to the fourth order of business.

### INTRODUCTION & FIRST READING

ESB 5015 by Senators Fortunato, Gildon, Kuderer and Valdez

AN ACT Relating to reestablishing the productivity board; amending RCW 41.60.020, 41.60.041, 41.60.050, 41.60.120, and 41.60.150; and reenacting and amending RCW 41.60.015.

Referred to Committee on State Government & Tribal Relations.

SB 5032 by Senators Padden, Lovick, Conway, Dhingra, Kuderer, Liias, Wagoner and Wilson, L.

AN ACT Relating to extending the felony driving under the influence lookback to 15 years while providing additional treatment options through the creation of a drug offender sentencing alternative for driving under the influence; amending RCW 9.94A.030, 9.94A.190, 9.94A.501, 9.94A.505, 9.94A.525, 9.94A.633, 9.94A.6332, 9.94A.660, 9.94A.701, 46.61.502, 46.61.5055, and 46.61.504; adding a new section to chapter 9.94A RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

2SSB 5048 by Senate Committee on Ways & Means (originally sponsored by Mullet, Rolfes, Billig, Hasegawa, Hawkins, Holy, Liias, Nguyen, Pedersen, Valdez, Wagoner, Warnick, Wellman and Wilson, C.)

AN ACT Relating to eliminating college in the high school fees; amending RCW 28A.600.287 and 28B.76.730; adding a new section to chapter 28B.10 RCW; and repealing RCW 28A.600.290.

Referred to Committee on Postsecondary Education & Workforce.

SB 5084 by Senators Braun, Keiser and Mullet

AN ACT Relating to creating a separate fund for the purposes of self-insured pensions and assessments; amending RCW 43.84.092, 43.84.092, 51.16.120, 51.32.242, 51.44.070, 51.44.073, 51.44.080, 51.44.100, 51.44.115, 51.44.140, 51.44.142, and 51.44.160; adding a new section to chapter

51.44 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

2SSB 5103 by Senate Committee on Ways & Means (originally sponsored by Muzzall, Cleveland and Rivers)

AN ACT Relating to payment to acute care hospitals for difficult to discharge medicaid patients who do not need acute care but who are waiting in the hospital to be appropriately and timely discharged to postacute and community settings; and amending RCW 74.09.520.

Referred to Committee on Health Care & Wellness.

ESB 5175 by Senators Wellman, Mullet, Hunt and Wilson, C.

AN ACT Relating to written contracts between school boards and principals; and amending RCW 28A.405.210 and 28A.400.300.

Referred to Committee on Education.

ESSB 5267 by Senate Committee on Labor & Commerce (originally sponsored by Kuderer, Stanford, Conway, Frame, Hasegawa, Hunt, Keiser, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Saldaña, Shewmake, Trudeau, Wellman and Wilson, C.)

AN ACT Relating to safeguarding the public safety by protecting railroad workers; adding a new chapter to Title 49 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

2SSB 5269 by Senate Committee on Ways & Means (originally sponsored by Shewmake, Keiser, Nguyen, Randall, Valdez and Wellman)

AN ACT Relating to transforming and growing Washington state manufacturing; adding a new section to chapter 43.330 RCW; and creating new sections.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

SB 5274 by Senators Valdez, Dhingra, Keiser, Kuderer, Liias, Nguyen, Nobles, Saldaña, Stanford, Wellman and Wilson, C.

AN ACT Relating to expanding eligibility in certain public employment positions for lawful permanent residents; amending RCW 36.27.040, 41.08.070, 41.12.070, 41.14.100, and 77.15.075; and adding a new section to chapter 10.93 RCW.

Referred to Committee on Community Safety, Justice, & Reentry.

SSB 5304 by Senate Committee on Human Services (originally sponsored by Saldaña, Nguyen, Nobles, Valdez and Wilson, C.)

AN ACT Relating to testing individuals who provide language access to state services; amending RCW 74.04.025; creating new sections; and providing an expiration date.

Referred to Committee on Human Services, Youth, & Early Learning.

SB 5340 by Senator King

AN ACT Relating to limits on the sale and possession of retail cannabis products; and amending RCW 69.50.360 and 69.50.4013.

Referred to Committee on Regulated Substances & Gaming.

ESB 5352 by Senators Lovick, MacEwen, Cleveland, Conway, Gildon, Holy, Hunt, Mullet, Rolfes, Salomon, Short, Torres, Van De Wege, Warnick and Wilson, L.

AN ACT Relating to vehicular pursuits; and amending RCW 10.116.060.

Referred to Committee on Community Safety, Justice, & Reentry.

SB 5363 by Senators MacEwen and Stanford

AN ACT Relating to cannabis retailer advertising; and amending RCW 69.50.369.

Referred to Committee on Regulated Substances & Gaming.

SSB 5437 by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by MacEwen and Hunt)

AN ACT Relating to vacancies of the governing body of special purpose districts; amending RCW 42.12.070, 43.06.010, and 70.44.056; and adding a new section to chapter 42.12 RCW.

Referred to Committee on Local Government.

SSB 5448 by Senate Committee on Labor & Commerce (originally sponsored by MacEwen, Mullet, Nguyen and Shewmake)

AN ACT Relating to liquor licensee privileges for the delivery of alcohol; amending RCW 66.20.320, 66.08.180, and 66.24.660; amending 2021 c 48 s 2 (uncodified); reenacting and amending RCW 66.04.010 and 66.20.310; adding new sections to chapter 66.24 RCW; and declaring an emergency.

Referred to Committee on Regulated Substances & Gaming.

SB 5487 by Senator King

AN ACT Relating to parking at rest areas; and amending RCW 47.38.020 and 46.55.010.

Referred to Committee on Transportation.

SSB 5491 by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Salomon, Shewmake, Frame, Lias and Stanford)

AN ACT Relating to allowing for residential buildings of a certain height to be served by a single exit under certain conditions; amending RCW 19.27.042; adding a new section to chapter 19.27 RCW; and providing an expiration date.

Referred to Committee on Local Government.

SSB 5504 by Senate Committee on Transportation (originally sponsored by Saldaña, Lias, Valdez and Wilson, C.)

AN ACT Relating to open motor vehicle safety recalls; adding a new section to chapter 46.32 RCW; adding a new section to chapter 46.16A RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

ESSB 5528 by Senate Committee on Labor & Commerce (originally sponsored by Stanford)

AN ACT Relating to retainage requirements for private construction projects; and adding a new chapter to Title 60 RCW.

Referred to Committee on Labor & Workplace Standards.

ESSB 5546 by Senate Committee on Labor & Commerce (originally sponsored by Shewmake, Lovick, Keiser, King, Stanford, Conway and Wilson, C.)

AN ACT Relating to establishing a Washington state cannabis commission; amending RCW 41.06.070; adding a new section to chapter 69.50 RCW; and adding a new chapter to Title 15 RCW.

Referred to Committee on Regulated Substances & Gaming.

E2SSB 5580 by Senate Committee on Ways & Means (originally sponsored by Muzzall, Cleveland, Braun, Rivers, Warnick, Hasegawa, Kuderer, Lovelett, Randall, Shewmake and Wilson, J.)

AN ACT Relating to improving maternal health outcomes; amending RCW 74.09.830; and adding new sections to chapter 74.09 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5600 by Senate Committee on Environment, Energy & Technology (originally sponsored by Wellman, Braun, Lovick, Schoesler and Short)

AN ACT Relating to extending the expiration date for the state universal communications services program; amending RCW 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.36.680, 80.36.690, and 80.36.700; and providing expiration dates.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

E2SSB 5634 by Senate Committee on Ways & Means (originally sponsored by Conway, Keiser, Hasegawa, Nguyen, Nobles and Stanford)

AN ACT Relating to problem gambling; amending RCW 41.05.750, 67.70.340, 82.04.285, 82.04.286, and 9.46.071; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Regulated Substances & Gaming.

SSB 5652 by Senate Committee on Transportation (originally sponsored by Lovick, Dozier, Hawkins, Hunt, Saldaña, Short and Stanford)

AN ACT Relating to compensation for tow truck operators for keeping the public roadways clear; and amending RCW 46.44.110.

Referred to Committee on Transportation.

SSB 5672 by Senate Committee on Ways & Means (originally sponsored by Wilson, L., Rolfes, Conway, Dozier, Gildon, Kuderer and Nobles)

AN ACT Relating to the Washington auto theft prevention authority account; amending RCW 46.63.110, 46.66.080, and 48.14.020; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

ESB 5691 by Senators Warnick and Shewmake

AN ACT Relating to resource and assessment centers; and amending RCW 74.15.311.

Referred to Committee on Human Services, Youth, & Early Learning.

SSB 5696 by Senate Committee on Ways & Means (originally sponsored by Robinson and Hunt)

AN ACT Relating to eligibility for participation in the public employees' benefits board for retired or disabled employees of counties, municipalities, and other political subdivisions; amending RCW 41.05.080; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of SENATE BILL NO. 5274 which was referred to the Committee on Community Safety, Justice & Reentry.

There being no objection, the House advanced to the eighth order of business.

#### **MOTION**

There being no objection, the Committee on Housing was relieved of SENATE BILL NO. 5058, and the bill was referred to the Committee on Civil Rights & Judiciary.

There being no objection, the House adjourned until 9:55 a.m., Monday, March 13, 2023, the 64th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FOURTH DAY

House Chamber, Olympia, Monday, March 13, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Bronoske presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 9, 2023

HB 1711 Prime Sponsor, Representative Chapman: Providing a sales and use tax exemption related to internet and telecommunications infrastructure projects involving a federally recognized Indian tribe. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

March 9, 2023

HB 1729 Prime Sponsor, Representative Abbarno: Creating and expanding tax incentives for the research, development, production, and sale of hydrogen fuel products in Washington state. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Barnard; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Chopp.

MINORITY recommendation: Without recommendation. Signed by Representative Jacobsen, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

March 9, 2023

HB 1756 Prime Sponsor, Representative Ramel: Supporting clean energy through tax changes that increase revenue to local governments, schools, and impacted communities. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Barnard; Ramel; Santos; Springer; Thai; Walen and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chopp; and Stokesbary.

Referred to Committee on Rules for second reading

March 9, 2023

HB 1757 Prime Sponsor, Representative Corry: Providing a sales and use tax remittance to qualified farmers. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

March 9, 2023

HB 1768 Prime Sponsor, Representative Shavers: Exempting certain sales of electricity to qualifying green businesses from the public utilities tax. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Chopp.

Referred to Committee on Rules for second reading

March 10, 2023

SB 5003 Prime Sponsor, Senator Lovick: Increasing the number of district court judges in Snohomish county. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Rules for second reading

March 10, 2023

SB 5004 Prime Sponsor, Senator Pedersen: Making updates to the Washington business corporation act. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 23B.01.400 and 2022 c 42 s 101 are each amended to read as follows:

~~((Unless the context clearly requires otherwise, the))~~ The definitions in this section apply throughout this title unless the context clearly requires otherwise.

(1) "Articles of incorporation" include amended and restated articles of incorporation and articles of merger.

(2) "Authorized shares" means the shares of all classes a domestic or foreign corporation is authorized to issue.

(3) "Conspicuous" means so prepared that a reasonable person against whom the writing is to operate should have noticed it. For example, text in italics, boldface, contrasting color, capitals, or underlined is conspicuous.

(4) "Controlling interest" means ownership of an entity's outstanding shares or interests in such number as to entitle the holder at the time to elect a majority of the entity's directors or other governors without regard to voting power which may thereafter exist upon a default, failure, or other contingency.

(5) "Corporate action" means any resolution, act, policy, contract, transaction, plan, adoption or amendment of articles of incorporation or bylaws, or other matter approved by or submitted for approval to a corporation's incorporators, board of directors or a committee thereof, or shareholders.

(6) "Corporation" or "domestic corporation" means a corporation for profit, including a social purpose corporation, which is not a foreign corporation, incorporated under or subject to the provisions of this title.

(7) "Deliver" or "delivery" means any method of delivery used in conventional commercial practice, including delivery by hand, mail, commercial delivery, and, if authorized in accordance with RCW 23B.01.410, by electronic transmission.

(8) "Distribution" means a direct or indirect transfer of money or other property, except its own shares, or incurrence of indebtedness by a corporation to or for the benefit of its shareholders in respect to any of its shares. A distribution may be in the form of a declaration or payment of a dividend; a distribution in partial or complete liquidation, or upon voluntary or involuntary dissolution; a purchase, redemption, or other acquisition of shares; a distribution of indebtedness; or otherwise.

(9) "Document" means:

(a) Any tangible medium on which information is inscribed, and includes handwritten, typed, printed, or similar instruments or copies of such instruments; and

(b) An electronic record.

(10) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(11) "Electronic mail" means an electronic transmission directed to a unique electronic mail address, which electronic mail will be deemed to include any files attached thereto and any information hyperlinked to a website if the electronic mail includes the contact information of an officer or agent of the corporation who is available to assist with accessing such files and information.

(12) "Electronic mail address" means a destination, commonly expressed as a string of characters, consisting of a unique user name or mailbox, commonly referred to as the "local part" of the address, and a reference to an internet domain, commonly referred to as the "domain part" of the address, whether or not displayed, to which electronic mail can be sent or delivered.

(13) "Electronic record" means information that is stored in an electronic or other nontangible medium and: (a) Is retrievable in paper form by the recipient through an automated process used in conventional commercial practice; or (b) if not retrievable in paper form by the recipient through an automated process used in conventional commercial practice, is otherwise authorized in accordance with RCW 23B.01.410(10).

(14) "Electronic transmission" or "electronically transmitted" means internet transmission, telephonic transmission, electronic mail transmission, transmission of a telegram, cablegram, or datagram, the use of, or participation in, one or more electronic networks or databases including one or more distributed electronic networks or databases, or any other form or process of communication, not directly involving the physical transfer of paper or another tangible medium, which:

(a) Is suitable for the retention, retrieval, and reproduction of information by the recipient; and

(b) Is retrievable in paper form by the recipient through an automated process used in conventional commercial practice, or, if not retrievable in paper form by the recipient through an automated process used in conventional commercial practice, is otherwise authorized in accordance with RCW 23B.01.410(10).

(15) "Employee" includes an officer but not a director. A director may accept duties that make the director also an employee.

(16) "Entity" includes a corporation and foreign corporation, not-for-profit corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, two or more persons having a joint or common economic interest, the state, United States, and a foreign governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(17) "Execute," "executes," or "executed" means, with present intent to authenticate or adopt a document:

(a) To sign or adopt a tangible symbol to the document, and includes any manual, facsimile, or conformed signature;

(b) To attach or logically associate with an electronic transmission an electronic sound, symbol, or process, and includes an electronic signature; or

(c) With respect to a document to be filed with the secretary of state, in compliance with the standards for filing with the office of the secretary of state as prescribed by the secretary of state.

(18) "Foreign corporation" means a corporation for profit incorporated under a law other than the law of this state.

(19) "Foreign limited partnership" means a partnership formed under laws other than of this state and having as partners one or more general partners and one or more limited partners.

(20) "General social purpose" means the general social purpose for which a social purpose corporation is organized as set forth in the articles of incorporation of the corporation in accordance with RCW 23B.25.040(1)(c).

(21) "Governmental subdivision" includes authority, county, district, and municipality.

(22) "Governor" has the meaning given that term in RCW 23.95.105.

(23) "Includes" denotes a partial definition.

(24) "Individual" includes the estate of an incompetent or deceased individual.

(25) "Limited partnership" or "domestic limited partnership" means a partnership formed by two or more persons under the laws of this state and having one or more general partners and one or more limited partners.

(26) "Means" denotes an exhaustive definition.

(27) "Notice" has the meaning provided in RCW 23B.01.410.

(28) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(29) "Principal office" means the office, in or out of this state, so designated in the annual report where the principal executive offices of a domestic or foreign corporation are located.

(30) "Proceeding" includes civil suit and criminal, administrative, and investigatory action.

(31) "Public company" means a corporation that has a class of shares registered with the federal securities and exchange commission pursuant to section 12 or 15 of the securities exchange act of 1934, or section 8 of the investment company act of 1940, or any successor statute.

(32) "Qualified director" means (a) with respect to a director's conflicting interest transaction as defined in RCW 23B.08.700, any director who does not have either (i) a conflicting interest respecting the transaction, or (ii) a familial, financial, professional, or employment relationship with a second director who does have a conflicting interest respecting the transaction, which relationship would, in the circumstances, reasonably be expected to exert an influence on the first director's judgment when voting on the transaction; (b) with respect to RCW 23B.08.735, a qualified director under (a) of this subsection if the business opportunity were a director's conflicting interest transaction; and (c)

with respect to RCW 23B.02.020(2)(g), a director who is not a director (i) to whom the limitation or elimination of the duty of an officer to offer potential business opportunities to the corporation would apply, or (ii) who has a familial, financial, professional, or employment relationship with another officer to whom the limitation or elimination would apply, which relationship would, in the circumstances, reasonably be expected to exert an influence on the director's judgment when voting on the limitation or elimination.

(33) "Record date" means the date fixed for determining the identity of a corporation's shareholders and their shareholdings for purposes of this title. The determinations shall be made as of the close of business on the record date unless another time for doing so is specified when the record date is fixed.

(34) "Registered office" means the address of the corporation's registered agent.

(35) "Secretary" means the corporate officer to whom the board of directors has delegated responsibility under RCW 23B.08.400(3) for custody of the minutes of the meetings of the board of directors and of the shareholders and for authenticating records of the corporation.

(36) "Shareholder" means the person in whose name shares are registered in the records of a corporation or the beneficial owner of shares to the extent of the rights granted by a nominee certificate on file with a corporation.

(37) "Shares" means the units into which the proprietary interests in a corporation are divided.

(38) "Social purpose" includes any general social purpose and any specific social purpose.

(39) "Social purpose corporation" means a corporation that has elected to be governed as a social purpose corporation under chapter 23B.25 RCW.

(40) "Specific social purpose" means the specific social purpose or purposes for which a social purpose corporation is organized as set forth in the articles of incorporation of the corporation in accordance with RCW 23B.25.040(2)(a).

(41) "State," when referring to a part of the United States, includes a state and commonwealth, and their agencies and governmental subdivisions, and a territory and insular possession, and their agencies and governmental subdivisions, of the United States.

(42) "Subscriber" means a person who subscribes for shares in a corporation, whether before or after incorporation.

(43) "Subsidiary" means an entity in which the corporation has, directly or indirectly, a controlling interest.

(44) "United States" includes a district, authority, bureau, commission, department, and any other agency of the United States.

(45) "Voting group" means all shares of one or more classes or series that under the articles of incorporation or this title are entitled to vote and be counted together collectively on a matter at a meeting of shareholders. All shares entitled by the

articles of incorporation or this title to vote generally on the matter are for that purpose a single voting group.

(46) "Writing" or "written" means any information in the form of a document.

(47) "Forward stock split" means the pro rata division of all the outstanding shares of a class of stock into a greater number of shares of the same class, whether or not the authorized shares of such a class are increased in the same proportion, but does not include a share dividend under RCW 23B.06.230.

(48) "Reverse stock split" means the pro rata combination of all the outstanding shares of a class of stock into a smaller number of shares of the same class, whether or not the authorized shares of such a class are reduced in the same proportion.

(49) "Stock split" means a forward stock split or a reverse stock split.

**Sec. 2.** RCW 23B.06.210 and 2009 c 189 s 8 are each amended to read as follows:

(1) The powers granted in this section to the board of directors may be reserved to the shareholders by the articles of incorporation.

(2) Any issuance of shares must be approved by the board of directors. Shares may be issued (~~(for)~~):

(a) For consideration determined by the board of directors from time to time consisting of any tangible or intangible property or benefit to the corporation, including cash, promissory notes, services performed, contracts for services to be performed, or other securities of the corporation; or

(b) As a share dividend or upon a stock split, reclassification of outstanding shares into shares of another class or series, or conversion of outstanding shares into shares of another class or series.

(3) A good faith determination by the board of directors that the consideration received or to be received for the shares to be issued is adequate is conclusive insofar as the adequacy of consideration relates to whether the shares are validly issued, fully paid and nonassessable. When the board of directors has made such a determination and the corporation has received the consideration, the shares issued therefor are fully paid and nonassessable. Shares issued as a share dividend or upon a stock split, reclassification of outstanding shares into shares of another class or series, or conversion of outstanding shares into shares of another class or series are fully paid and nonassessable.

(4) The corporation may place in escrow shares issued for a contract for future services or benefits or a promissory note, or make other arrangements to restrict the transfer of the shares, and may credit distributions in respect to the shares against their purchase price, until the services are performed, the benefits are received, or the note is paid. If the services are not performed, the benefits are not received, or the note is not paid, the shares escrowed or restricted and the distributions credited may be canceled in whole or part.

(5) Where it cannot be determined that outstanding shares are fully paid and nonassessable, there shall be a conclusive presumption that such shares are fully paid and nonassessable if the board of directors makes a good faith determination that there is no substantial evidence that the full consideration for such shares has not been paid.

**NEW SECTION. Sec. 3.** A new section is added to chapter 23B.06 RCW to read as follows:

(1) A corporation may effect a stock split by means of an amendment to the articles of incorporation stating the effect of the stock split on the outstanding shares of the affected class.

(2) An amendment to the articles of incorporation to effect a stock split may, but is not required to, include a change in the authorized shares of the affected class.

(3) Except for a forward stock split that complies with RCW 23B.10.020(4)(a) or a reverse stock split that complies with RCW 23B.10.020(4)(b), an amendment to the articles of incorporation to effect a stock split must be approved in accordance with RCW 23B.10.030 and, if applicable, RCW 23B.10.040.

(4) The board of directors may fix the record date for determining shareholders affected by a stock split, which date may not precede the date on which the amendment to the articles of incorporation effecting the stock split becomes effective in accordance with RCW 23.95.210. If the board of directors does not fix the record date for determining shareholders affected by a stock split, the record date is the date on which the amendment to the articles of incorporation effecting the stock split becomes effective in accordance with RCW 23.95.210.

**Sec. 4.** RCW 23B.10.020 and 2009 c 189 s 31 are each amended to read as follows:

Unless the articles of incorporation provide otherwise, a corporation's board of directors may adopt one or more amendments to the corporation's articles of incorporation without shareholder approval:

(1) If the corporation has only one class of shares outstanding, to provide, change, or eliminate any provision with respect to the par value of any class of shares;

(2) To delete the names and addresses of the initial directors;

(3) To delete the name and address of the initial registered agent or registered office, if a statement of change is on file with the secretary of state;

(4) If the corporation has only one class of shares outstanding, solely to:

(a) Effect a forward stock split of, or change the number of authorized shares of that class in proportion to a forward stock split of, or (~~(stock)~~)share dividend in, the corporation's outstanding shares; or

(b) Effect a reverse stock split of the corporation's outstanding shares (~~(and)~~)if the number of authorized shares of that class (~~(in the same proportions)~~)is proportionately reduced by the amendment;

(5) To change the corporate name; or

(6) To make any other change expressly permitted by this title to be made without shareholder approval.

**Sec. 5.** RCW 23B.11.030 and 2022 c 42 s 108 are each amended to read as follows:

(1) After ~~((adopting))~~ a plan of merger or share exchange has been adopted in accordance with RCW 23B.11.020 or 23B.11.040, the board of directors of each corporation party to the merger, ~~((and))~~ or the board of directors of the corporation whose shares will be acquired in the share exchange, shall submit the plan ~~((of merger))~~ for approval by the shareholders, except as provided in subsection (7) or (9) of this section ~~((, or share exchange for approval by its shareholders))~~ or as provided in RCW 23B.11.040 or section 6 of this act.

(2) For a plan of merger or share exchange to be approved by shareholders:

(a) The board of directors must recommend that the shareholders approve the plan of merger or share exchange ~~((to the shareholders))~~, unless (i) the board of directors determines that because of conflict of interest or other special circumstances it should not make ~~((a))~~ such a recommendation or (ii) RCW 23B.08.245 applies, and in either case the board of directors communicates the basis for so proceeding to the shareholders; and

(b) The shareholders entitled to vote must approve the plan ~~((, except as provided in subsection (7) of this section))~~.

(3) The board of directors may condition its submission of the proposed plan of merger or share exchange on any basis, including the affirmative vote of holders of a specified percentage of shares held by any group of shareholders not otherwise entitled under this title or the articles of incorporation to vote as a separate voting group on the proposed plan of merger or share exchange.

(4) The corporation shall notify each shareholder, whether or not entitled to vote, of the proposed shareholders' meeting in accordance with RCW 23B.07.050. The notice must also state that the purpose, or one of the purposes, of the meeting is to consider the plan of merger or share exchange and must contain or be accompanied by a copy of the plan or a summary of the material terms and conditions of the proposed merger or share exchange and the consideration to be received by shareholders.

(5) ~~((If))~~ If the plan of merger is required to be approved by the shareholders, in addition to any other voting conditions imposed by the board of directors under subsection (3) of this section, the plan of merger must be approved by two-thirds of the voting group comprising all the votes entitled to be cast on the plan, and of each other voting group entitled under RCW 23B.11.035 or the articles of incorporation to vote separately on the plan ~~((, unless shareholder approval is not required under subsection (7) of this section))~~. The articles of incorporation may require a greater or lesser vote than that provided in this subsection, or a greater or lesser vote by separate voting groups, so long as the

required vote is not less than a majority of all the votes entitled to be cast on the plan of merger and of each other voting group entitled to vote separately on the plan. Separate voting by additional voting groups is required on a plan of merger under the circumstances described in RCW 23B.11.035.

(6) In addition to any other voting conditions imposed by the board of directors under subsection (3) of this section, the plan of share exchange must be approved by two-thirds of the voting group comprising all the votes entitled to be cast on the plan, and of each other voting group entitled under RCW 23B.11.035 or the articles of incorporation to vote separately on the plan. The articles of incorporation may require a greater or lesser vote than that provided in this subsection, or a greater or lesser vote by separate voting groups, so long as the required vote is not less than a majority of all the votes entitled to be cast on the plan of share exchange and of each other voting group entitled to vote separately on the plan. Separate voting by additional voting groups is required on a plan of share exchange under the circumstances described in RCW 23B.11.035.

(7) Approval by the shareholders of the surviving corporation on a plan of merger is not required if:

(a) The articles of incorporation of the surviving corporation will not differ, except for amendments enumerated in RCW 23B.10.020, from its articles of incorporation before the merger;

(b) Each shareholder of the surviving corporation whose shares were outstanding immediately before the effective date of the merger will hold the same number of shares, with identical designations, preferences, limitations, and relative rights, immediately after the merger;

(c) The number of voting shares outstanding immediately after the merger, plus the number of voting shares issuable as a result of the merger, either by the conversion of securities issued pursuant to the merger or the exercise of rights and warrants issued pursuant to the merger, will not exceed the total number of voting shares of the surviving corporation authorized by its articles of incorporation immediately before the merger; and

(d) The number of participating shares outstanding immediately after the merger, plus the number of participating shares issuable as a result of the merger, either by the conversion of securities issued pursuant to the merger or the exercise of rights and warrants issued pursuant to the merger, will not exceed the total number of participating shares authorized by its articles of incorporation immediately before the merger.

(8) As used in subsection (7) of this section:

(a) "Participating shares" means shares that entitle their holders to participate without limitation in distributions.

(b) "Voting shares" means shares that entitle their holders to vote unconditionally in elections of directors.



(9) Unless the articles of incorporation provide otherwise, approval by the shareholders of a public company is not required for a plan of merger if:

(a) The plan of merger expressly: (i) Permits or requires the merger to be effected under this subsection; and (ii) provides that, if the merger is to be effected under this subsection, the merger will be effected as soon as practicable following the satisfaction of the requirements of (f) of this subsection;

(b) Another party to the merger or a parent of another party to the merger makes an offer to purchase, on the terms stated in the plan of merger, any and all of the outstanding shares of the corporation that, absent this subsection, would be entitled to vote on the plan of merger, except that the offer may exclude shares of the corporation that are owned at the commencement of the offer by the corporation, the offeror, or any parent of the offeror, or by any wholly owned subsidiary of any of the foregoing;

(c) The offer discloses that the plan of merger states that the merger will be effected as soon as practicable following the satisfaction of the requirements of (f) of this subsection and that the shares of the corporation that are not tendered in response to the offer will be treated as provided in (h) of this subsection;

(d) The offer remains open for at least 10 days;

(e) The offeror purchases all shares properly tendered in response to the offer and not properly withdrawn;

(f) The: (i) Shares purchased by the offeror in accordance with the offer; (ii) shares otherwise owned by the offeror or by any parent of the offeror or any wholly owned subsidiary of any of the foregoing; and (iii) shares subject to an agreement that they are to be transferred, contributed, or delivered to the offeror, any parent of the offeror, or any wholly owned subsidiary of any of the foregoing in exchange for shares or other interests in that offeror, parent, or subsidiary, are collectively entitled to cast at least the minimum number of votes on the merger that, absent this subsection, would be required by this chapter for the approval of the merger by the shareholders entitled to vote on the merger at a meeting at which all shares entitled to vote on the approval were present and voted;

(g) The offeror or a wholly owned subsidiary of the offeror merges with or into the corporation; and

(h) Each outstanding share of each class or series of shares of the corporation that the offeror is offering to purchase in accordance with the offer, and which is not purchased in accordance with the offer, is to be converted in the merger into, or into the right to receive, the same amount and kind of securities, eligible interests, obligations, rights, cash, or other property to be paid or exchanged in accordance with the offer for each share of that class or series of shares that is tendered in response to the offer, except that shares of the corporation that are owned by the corporation or that are described in (f)(ii) or (iii) of this subsection need not be

converted into or exchanged for the consideration described in this subsection (9)(h).

(10) As used in subsection (9) of this section:

(a) "Offer" means the offer referred to in subsection (9)(b) of this section.

(b) "Offeror" means the person making the offer.

(c) "Parent" of an entity means a person that owns, directly or indirectly, through one or more wholly owned subsidiaries, all of the outstanding shares of or other interests in that entity.

(d) Shares tendered in response to the offer will be deemed to have been "purchased" in accordance with the offer at the earlier time as of which:

(i) The offeror has irrevocably accepted those shares for payment; and

(ii) Either: (A) In the case of shares represented by certificates, the offeror, or the offeror's designated depository or other agent, has physically received the certificates representing those shares; or (B) in the case of shares without certificates, those shares have been transferred into the account of the offeror or its designated depository or other agent, or an agent's message relating to those shares has been received by the offeror or its designated depository or other agent.

(e) "Wholly owned subsidiary" of a person means an entity of or in which that person owns, directly or indirectly, through one or more wholly owned subsidiaries, all of the outstanding shares or other interests.

(11) After a merger or share exchange is approved, and at any time before articles of merger or share exchange are filed, the planned merger or share exchange may be abandoned, subject to any contractual rights, without further shareholder approval, in accordance with the procedure set forth in the plan of merger or share exchange or, if none is set forth, in the manner determined by the board of directors.

**NEW SECTION. Sec. 6.** A new section is added to chapter 23B.11 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Holding company" means the corporation that is or becomes the direct parent of the surviving corporation of a merger accomplished under this section and whose capital stock is issued in that merger.

(b) "Parent constituent corporation" means the parent corporation that merges with or into the subsidiary constituent corporation in the merger.

(c) "Subsidiary constituent corporation" means the subsidiary corporation with or into which the parent constituent corporation merges in the merger.

(2) Unless the articles of incorporation provide otherwise, a parent constituent corporation may merge with or into a single indirect wholly owned subsidiary of the parent constituent corporation without the approval of the plan of merger by the

shareholders of the parent constituent corporation if:

(a) The plan expressly permits or requires the merger to be effected under this subsection;

(b) The holding company and the constituent corporations to the merger are each organized under this title;

(c) At all times from its incorporation until consummation of a merger under this section, the holding company was a direct wholly owned subsidiary of the parent constituent corporation;

(d) Immediately before consummation of a merger under this section, the subsidiary constituent corporation is a direct wholly owned subsidiary of the holding company and an indirect wholly owned subsidiary of the parent constituent corporation;

(e) The parent constituent corporation and the subsidiary constituent corporation are the only constituent entities to the merger;

(f) Immediately after the merger becomes effective, the surviving corporation of the merger becomes or remains a direct wholly owned subsidiary of the holding company;

(g) Each share or fraction of a share of the parent constituent corporation outstanding immediately before the merger becomes effective is converted in the merger into a share or equal fraction of a share of the holding company having the same designations and relative preferences, rights, and limitations as the share or fraction of a share of the parent constituent corporation being converted in the merger;

(h) The articles of incorporation and bylaws of the holding company immediately after the merger becomes effective contain provisions identical to the articles of incorporation and bylaws of the parent constituent corporation immediately before the merger becomes effective, other than any provisions regarding the incorporator or incorporators, the corporate name, the registered office and agent, the initial board of directors and the initial subscribers for shares, and the provisions contained in any amendment to the articles of incorporation of the parent constituent corporation that were necessary to effect an exchange, reclassification, or cancellation of shares if the exchange, reclassification, or cancellation has become effective;

(i) The articles of incorporation and bylaws of the surviving corporation immediately after the merger becomes effective contain provisions by specific reference to this subsection requiring that any corporate action by or involving the surviving corporation, other than the election or removal of directors of the surviving corporation, must be approved by the shareholders of the holding company, or any successor by merger, by the same vote as is required by this title or under the articles of incorporation or bylaws of the parent constituent corporation immediately before the merger becomes effective, if that corporate action would have required the approval of the shareholders of the parent constituent corporation under this title or under the articles of incorporation or bylaws of the parent constituent corporation

immediately before the merger becomes effective;

(j) The directors of the parent constituent corporation immediately before the merger becomes effective become or remain the directors of the holding company immediately after the merger becomes effective; and

(k) The shareholders of the parent constituent corporation will not recognize gain or loss for United States federal income tax purposes as a result of the merger, as determined by the board of directors of the parent constituent corporation.

(3) The holding company must, promptly after the effective date of a merger effected under subsection (2) of this section, notify each person who was a shareholder of the parent constituent corporation as of the date the board of directors approves the merger that the merger has become effective. The notice must contain or be accompanied by a copy of the plan of merger or a summary of the material terms and conditions of the merger and the consideration to be received by those shareholders.

(4) To the extent restrictions under chapter 23B.19 RCW applied to the parent constituent corporation or any of its shareholders at the effective time of the merger, those restrictions apply to the holding company and its shareholders immediately after the merger becomes effective as though the holding company were the parent constituent corporation, and all shares of stock of the holding company acquired in the merger will, for the purposes of chapter 23B.19 RCW, be deemed to have been acquired at the time that the corresponding shares of stock of the parent constituent corporation were acquired. No shareholder who, immediately before the merger becomes effective, was not an acquiring person of the parent constituent corporation under chapter 23B.19 RCW will, solely by reason of the merger, become an acquiring person of the holding company under chapter 23B.19 RCW.

(5) To the extent a shareholder of the parent constituent corporation immediately before the merger was eligible to commence a proceeding in the right of the parent constituent corporation in accordance with RCW 23B.07.400, nothing in this section is deemed to limit or extinguish that eligibility.

(6) Except as provided in subsections (2), (3), (4), and (5) of this section, a merger between a parent constituent corporation and a subsidiary constituent corporation is governed by the provisions of this chapter applicable to mergers generally."

Correct the title.

Signed by Representatives Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Rules for second reading

March 10, 2023

**SB 5036** Prime Sponsor, Senator Muzzall: Concerning telemedicine. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

March 9, 2023

**SB 5065** Prime Sponsor, Senator Short: Encouraging public school instruction in awareness of bone marrow donation. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes that it has previously found that every three minutes an American child or adult is diagnosed with a potentially fatal blood disease. For many of these individuals, bone marrow transplantation is the only chance for survival. The legislature finds that 70 percent of patients do not have a fully matched donor in their family and rely on a registry to find an unrelated donor. The legislature further finds that 40 to 71 percent of individuals with diverse heritage never find a bone marrow match. The ultimate key to survivability lies in increasing the number of bone marrow donors across all ethnicities, which will increase the potential for a suitable match.

(2) It is the intent of the legislature to continue to increase awareness of bone marrow donation by encouraging school districts, charter schools, and state-tribal compact schools to offer instruction on this topic to high school students in at least one health class necessary for graduation. The legislature also intends for this instruction to be optional for elementary and middle school students.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.210 RCW to read as follows:

(1) Each school district, charter school, and state-tribal education compact school that serves students in any of grades nine through 12 is encouraged to offer instruction in awareness of bone marrow donation to students as provided in this section. Beginning with the 2023-24 school year, instruction in awareness of bone marrow donation may be included in at least one health class necessary for graduation.

(2)(a) Instruction in awareness of bone marrow donation under this section must be an instructional program provided by the national marrow donor program or other relevant nationally recognized organization.

(b) The office of the superintendent of public instruction must post on its website

a link to the instructional program described in this subsection (2).

(3) Each school district, charter school, and state-tribal education compact school that serves students in any of grades kindergarten through eight may offer instruction in awareness of bone marrow donation to students. The instruction described in subsection (2) of this section may be adapted to be age appropriate.

(4) School districts, charter schools, and state-tribal education compact schools may offer the instruction in awareness of bone marrow donation directly or arrange for the instruction to be provided by available community-based providers. The instruction does not have to be provided by certificated instructional staff."

Correct the title.

Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Rules for second reading

March 9, 2023

**SSB 5072** Prime Sponsor, Early Learning & K-12 Education: Advancing equity in programs for highly capable students. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that, for highly capable students, access to accelerated learning and enhanced instruction is access to a basic education. The legislature has directed school districts to prioritize equitable identification of low-income students for participation in highly capable programs and services. The research literature strongly supports using universal screening and multiple criteria to equitably identify students for highly capable programs. There are multiple approaches to implementing universal screening and the use of multiple criteria. The legislature intends all school districts to use best practices and does not intend to prescribe a single method.

(2) The legislature further intends to allocate state funding for the highly capable program based on five percent of each school district's student population. The legislature does not intend to limit highly capable services to five percent of the student population. School districts may identify and serve more than five percent of their students for highly capable programs and services.

**Sec. 2.** RCW 28A.185.020 and 2017 3rd sp.s. c 13 s 412 are each amended to read as follows:

~~((1) The legislature finds that, for highly capable students, access to accelerated learning and enhanced instruction is access to a basic education.~~

~~There are multiple definitions of highly capable, from intellectual to academic to artistic. The research literature strongly supports using multiple criteria to identify highly capable students, and therefore, the legislature does not intend to prescribe a single method. Instead, the legislature intends to allocate funding based on 5.0 percent of each school district's population and authorize school districts to identify through the use of multiple, objective criteria those students most highly capable and eligible to receive accelerated learning and enhanced instruction in the program offered by the district.)) District practices for identifying ((the most)) highly capable students must prioritize equitable identification of low-income students. Access to accelerated learning and enhanced instruction through the program for highly capable students does not constitute an individual entitlement for any particular student.~~

~~((2) Supplementary funds provided by the state for the program for highly capable students under RCW 28A.150.260 shall be categorical funding to provide services to highly capable students as determined by a school district under RCW 28A.185.030.))~~

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.185 RCW to read as follows:

(1) Other basic education funding can be used alongside categorical funding to identify students and provide programs and services for highly capable students.

(2) Each school district must conduct universal screenings in accordance with RCW 28A.185.030 to find students who may qualify for potential highly capable program placement.

**Sec. 4.** RCW 28A.185.030 and 2009 c 380 s 4 are each amended to read as follows:

~~((Local school))~~ (1) School districts may establish and operate, either separately or jointly, programs for highly capable students. Such authority shall include the right to employ and pay special instructors and to operate such programs jointly with a public institution of higher education. ~~((Local school))~~

(2) School districts ~~((which))~~ that establish and operate programs for highly capable students shall adopt identification procedures and provide educational opportunities as follows:

~~((1))~~ (a) In accordance with rules adopted by the superintendent of public instruction, school districts shall implement procedures for ~~((nomination))~~ referral, screening, assessment ~~((and selection))~~, identification, and placement of ~~((their most))~~ highly capable students. ~~((Nominations shall be based upon data from))~~

(i) Referrals must be available for all grade levels not being universally screened, and may be submitted by teachers, other staff, parents, students, and members of the community.

(ii) Each school district must select a grade level to implement universal screening

procedures for each student. Universal screening must occur once in or before second grade, and again in or before sixth grade. The purpose of universal screening is to include students who traditionally are not referred for highly capable programs and services. Students discovered during universal screening may need further assessment to determine whether the student is eligible for placement in a program for highly capable students. Districts must consider at least two student data points during universal screening, which may include previously administered standardized, classroom-based, performance, cognitive, or achievement assessments, or research-based behavior ratings scales. There is no requirement to administer a new assessment for the purpose of universal screening, however districts may do so if they desire.

((iii)) Assessments ~~((shall))~~ for highly capable program services must be based upon a review of each student's capability as shown by multiple criteria intended to reveal, from a wide variety of sources and data, each student's unique needs and capabilities. Any screenings or additional assessments must be conducted within the school day and at the school the student attends, except that school districts, on a case-by-case basis and with the consent of the parent or guardian, may offer a student screenings or additional assessment opportunities during the summer, outside of school hours, or at an alternative site.

~~((Selection))~~ (iv) Identification and placement decisions shall be made by a ~~((broadly based committee of professionals,))~~ multidisciplinary selection committee after consideration of the results of the ~~((multiple criteria assessment))~~ universal screening, any further assessment, and any available district data. Students identified pursuant to procedures outlined in this section must be provided, to the extent feasible, an educational opportunity that takes into account each student's unique needs and capabilities, and the limits of the resources and program options available to the district, including those options that can be developed or provided using funds allocated by the superintendent of public instruction for this specific purpose.

(b) In addition to the criteria listed in (a) of this subsection, district practices for identifying highly capable students must seek to expand access to accelerated learning and enhanced instruction at elementary and secondary schools and advance equitable enrollment practices so that all students, especially students from historically underrepresented and low-income groups, who are ready to engage in more rigorous coursework can benefit from accelerated learning and enhanced instruction.

~~((2))~~ (3) When a student, who is a child of a military family in transition, has been assessed or enrolled as highly capable by a sending school, the receiving school shall initially honor placement of the student into a like program.

(a) The receiving school shall determine whether the district's program is a like

program when compared to the sending school's program; and

(b) The receiving school may conduct subsequent assessments to determine appropriate placement and continued enrollment in the program.

~~((3) Students selected pursuant to procedures outlined in this section shall be provided, to the extent feasible, an educational opportunity which takes into account each student's unique needs and capabilities and the limits of the resources and program options available to the district, including those options which can be developed or provided by using funds allocated by the superintendent of public instruction for that purpose.))~~

(4) ~~((The))~~ For a student who is a child of a military family in transition, the definitions in Article II of RCW 28A.705.010 apply to subsection ((2-)) (3) of this section.

**Sec. 5.** RCW 28A.185.050 and 2002 c 234 s 1 are each amended to read as follows:

(1) In order to ensure that school districts are meeting the requirements of an approved program for highly capable students, the superintendent of public instruction shall monitor highly capable programs at least once every five years. Monitoring shall begin during the 2002-03 school year.

(2) Any program review and monitoring under this section may be conducted concurrently with other program reviews and monitoring conducted by the office of the superintendent of public instruction. In its review, the office shall monitor program components that include but need not be limited to the process used by the district to identify and reach out to highly capable students with diverse talents and from diverse backgrounds, assessment data ~~((and))~~, other indicators to determine how well the district is meeting the academic needs of highly capable students, and district expenditures used to enrich or expand opportunities for these students.

(3) Beginning June 30, 2003, and every five years thereafter, the office of the superintendent of public instruction shall submit a report to the education committees of the house of representatives and the senate that provides the following:

(a) A brief description of the various instructional programs offered to highly capable students; and

(b) Relevant data to the programs for highly capable students collected under RCW 28A.300.042.

(4) Beginning November 1, 2023, and annually thereafter, the superintendent of public instruction must make data publicly available that includes a comparison of the race, ethnicity, and low-income status of highly capable students compared to the same demographic groups in the general student population of each school district. Reporting must also include comparisons for students who are English language learners, have an individualized education program, have a 504 plan, are covered by provisions of the McKinney-Vento homeless assistance act, or are highly mobile.

(5) The superintendent of public instruction may adopt rules under chapter 34.05 RCW to implement this section.

**Sec. 6.** RCW 28A.300.042 and 2016 c 72 s 501 are each amended to read as follows:

(1) ~~((Beginning with the 2017-18 school year, and using the phase in provided in subsection (2) of this section, the))~~ The superintendent of public instruction must collect and school districts must submit all student-level data using the United States department of education 2007 race and ethnicity reporting guidelines, including the subracial and subethnic categories within those guidelines, with the following modifications:

(a) Further disaggregation of the Black category to differentiate students of African origin and students native to the United States with African ancestors;

(b) Further disaggregation of countries of origin for Asian students;

(c) Further disaggregation of the White category to include subethnic categories for Eastern European nationalities that have significant populations in Washington; and

(d) For students who report as multiracial, collection of their racial and ethnic combination of categories.

(2) Beginning with the 2017-18 school year, school districts shall collect student-level data as provided in subsection (1) of this section for all newly enrolled students, including transfer students. When the students enroll in a different school within the district, school districts shall resurvey the newly enrolled students for whom subracial and subethnic categories were not previously collected. School districts may resurvey other students.

(3) All student data-related reports required of the superintendent of public instruction in this title must be disaggregated by at least the following subgroups of students: White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low income, highly capable, transitional bilingual, migrant, special education, and students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794).

(4) All student data-related reports prepared by the superintendent of public instruction regarding student suspensions and expulsions as required under this title are subject to disaggregation by subgroups including:

- (a) Gender;
- (b) Foster care;
- (c) Homeless, if known;
- (d) School district;
- (e) School;
- (f) Grade level;
- (g) Behavior infraction code, including:
  - (i) Bullying;
  - (ii) Tobacco;
  - (iii) Alcohol;
  - (iv) Illicit drug;
  - (v) Fighting without major injury;
  - (vi) Violence without major injury;
  - (vii) Violence with major injury;
  - (viii) Possession of a weapon; and

(ix) Other behavior resulting from a short-term or long-term suspension, expulsion, or interim alternative education setting intervention;

(h) Intervention applied, including:

(i) Short-term suspension;

(ii) Long-term suspension;

(iii) Emergency expulsion;

(iv) Expulsion;

(v) Interim alternative education settings;

(vi) No intervention applied; and

(vii) Other intervention applied that is not described in this subsection (4)(h);

(i) Number of days a student is suspended or expelled, to be counted in half or full days; and

(j) Any other categories added at a future date by the data governance group.

(5) All student data-related reports required of the superintendent of public instruction regarding student suspensions and expulsions as required in RCW 28A.300.046 are subject to cross-tabulation at a minimum by the following:

(a) School and district;

(b) Race, low income, highly capable, special education, transitional bilingual, migrant, foster care, homeless, students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794), and categories to be added in the future;

(c) Behavior infraction code; and

(d) Intervention applied.

(6) The K-12 data governance group shall develop the data protocols and guidance for school districts in the collection of data as required under this section, and the office of the superintendent of public instruction shall modify the statewide student data system as needed. The office of the superintendent of public instruction shall also incorporate training for school staff on best practices for collection of data (~~(on student race and ethnicity)~~) under this section in other training or professional development related to data provided by the office."

Correct the title.

Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Rules for second reading

March 10, 2023

SSB 5121

Prime Sponsor, Health & Long Term Care: Establishing the joint select committee on health care and behavioral health oversight. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

March 10, 2023

ESSB 5179

Prime Sponsor, Health & Long Term Care: Increasing access to the provisions of the Washington death with dignity act. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Graham; Harris; Maycumber; and Mosbrucker.

Referred to Committee on Rules for second reading

March 9, 2023

ESSB 5257

Prime Sponsor, Early Learning & K-12 Education: Ensuring elementary school students receive sufficient daily recess. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes that recess is an essential part of the day for elementary school students. Young students learn through play, and recess supports the mental, physical, and emotional health of students and positively impacts their learning and behavior. Given the state's youth mental health and physical inactivity crisis, as well as learning loss due to the COVID-19 pandemic, recess is vital to support student well-being and academic success.

(2) The legislature also acknowledges that the amount of time spent on recess varies throughout the state; therefore, youth do not have equitable access to opportunities for physical activity, self-directed play, and time outdoors. The legislature intends to set a minimum requirement for daily recess to ensure that all students have equal access to recess, but school districts are encouraged to exceed this requirement.

(3) Further, the legislature intends to clarify that recess should not be withheld as a disciplinary or punitive action during the school day, and that recess should not be withheld to compel students to complete academic work. The legislature believes that these clarifications and other policies will help make elementary school recess safe, inclusive, and high quality for all students.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.230 RCW to read as follows:

(1)(a) Beginning with the 2024-25 school year, public schools, for each school day that exceeds five hours in duration, must provide a minimum of 30 minutes of daily recess within the school day for all

students in grades kindergarten through five and students in grade six that attend an elementary school.

(b) The office of the superintendent of public instruction may waive the requirement in (a) of this subsection during the 2024-25 school year for public schools demonstrating that they are unable to comply with the requirement.

(c) Public schools may provide additional recess before or after the school day, but that time may not be used to meet the requirements of this subsection (1).

(d) Time spent changing to and from clothes for outdoor play should not be used to meet the requirements of this subsection (1).

(2)(a) Recess must be supervised and student directed and must aim to be safe, inclusive, and high quality as described in the model policy and procedure referenced in section 3 of this act. It may include organized games, but public schools should avoid including, or permitting the student use of, computers, tablets, or phones during recess.

(b) Recess should be held outside whenever possible. If recess is held indoors, public schools should use an appropriate space that promotes physical activity.

(3) The daily recess required under this section may not be used to meet the physical education requirements under RCW 28A.230.040.

(4) For the purposes of this section, "public schools" has the same meaning as in RCW 28A.150.010.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.210 RCW to read as follows:

(1)(a) By April 1, 2024, the Washington state school directors' association, with the assistance of the office of the superintendent of public instruction, must review and update a model policy and procedure regarding nutrition, health, and physical education.

(b) The model policy and procedure must:

(i) Aim to make elementary school recess safe, inclusive, and high quality for all students;

(ii) Encourage physical activity breaks for middle and high school students;

(iii) Align with the requirements in section 2 of this act;

(iv) Encourage elementary school recess to be scheduled before lunch, whenever possible, to reduce food waste, maximize nutrition, and allow students to be active before eating;

(v) Discourage withholding recess as a disciplinary or punitive action except when a student's participation in recess poses an immediate threat to the safety of the student or others, and create a process to find and deploy alternatives to the withholding of recess;

(vi) Discourage the withholding of recess to have a student complete academic work;

(vii) Prohibit the use of physical activity during the school day as punishment, such as having students run laps or do push-ups as a punitive action; and

(viii) Align with corporal punishment requirements established in WAC 392-400-825.

(2) By the beginning of the 2024-25 school year, school districts must adopt or amend if necessary policies and procedures that, at a minimum, incorporate all the elements described in subsection (1) of this section."

Correct the title.

Signed by Representatives Santos, Chair; Shavers, Vice Chair; Bergquist; Callan; Eslick; McClintock; Ortiz-Self; Pollet; Sandlin; Stonier and Timmons.

MINORITY recommendation: Do not pass. Signed by Representative Rude, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris; and Steele.

Referred to Committee on Rules for second reading

March 10, 2023

SSB 5338

Prime Sponsor, Health & Long Term Care: Reviewing the state's essential health benefits. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The office of the insurance commissioner, in consultation with relevant interested persons and entities, shall review Washington's benchmark plan establishing the state's essential health benefits to determine whether to request approval from the centers for medicare and medicaid services under 45 C.F.R. Sec. 156.111 to modify the state's essential health benefits benchmark plan.

(2) As part of its review, the office shall determine the potential impacts on individual and small group health plan design, actuarial values, and premium rates if coverage for each of the following was included as an essential health benefit:

(a) Donor human milk as provided in RCW 48.43.815 and directed by RCW 48.43.715;

(b) Hearing instruments and associated services as described in section 1, chapter . . . (House Bill No. 1222), Laws of 2023 and directed by RCW 48.43.715;

(c) Fertility services;

(d) Biomarker testing;

(e) Contralateral prophylactic mastectomies;

(f) Treatment for pediatric acute-onset neuropsychiatric syndrome and pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections; and

(g) Magnetic resonance imaging for breast cancer screening.

(3) By December 31, 2023, the office shall report the results of the review to the relevant committees of the legislature, including any findings related to modifying the state's essential health benefits.

Sec. 2. RCW 48.43.715 and 2022 c 236 s 2 are each amended to read as follows:

(1) ~~((The))~~Until the effective date of an updated essential health benefits benchmark plan submitted under section 1 of this act, the commissioner, in consultation with the board and the health care authority, shall, by rule, select the largest small group plan in the state by enrollment as the benchmark plan for the individual and small group market for purposes of establishing the essential health benefits in Washington state.

(2) If the essential health benefits benchmark plan for the individual and small group market does not include all of the ~~((ten))~~10 essential health benefits categories, the commissioner, in consultation with the board and the health care authority, shall, by rule, supplement the benchmark plan benefits as needed.

(3) All individual and small group health plans must cover the ~~((ten))~~10 essential health benefits categories, other than a health plan offered through the federal basic health program, a grandfathered health plan, or medicaid. Such a health plan may not be offered in the state unless the commissioner finds that it is substantially equal to the benchmark plan. When making this determination, the commissioner:

(a) Must ensure that the plan covers the ~~((ten))~~10 essential health benefits categories;

(b) May consider whether the health plan has a benefit design that would create a risk of biased selection based on health status and whether the health plan contains meaningful scope and level of benefits in each of the ten essential health benefits categories;

(c) Notwithstanding (a) and (b) of this subsection, for benefit years beginning January 1, 2015, must establish by rule the review and approval requirements and procedures for pediatric oral services when offered in stand-alone dental plans in the nongrandfathered individual and small group markets outside of the exchange; and

(d) Must allow health carriers to also offer pediatric oral services within the health benefit plan in the nongrandfathered individual and small group markets outside of the exchange.

(4) Beginning December 15, 2012, and every year thereafter, the commissioner shall submit to the legislature a list of state-mandated health benefits, the enforcement of which will result in federally imposed costs to the state related to the plans sold through the exchange because the benefits are not included in the essential health benefits designated under federal law. The list must include the anticipated costs to the state of each state-mandated health benefit on the list and any statutory changes needed if funds are not appropriated to defray the state costs for the listed mandate. The commissioner may enforce a mandate on the list for the entire market only if funds are appropriated in an omnibus appropriations act specifically to pay the state portion of the identified costs.

(5) ~~((Upon authorization by the legislature to modify the state's essential~~

~~health benefits benchmark plan under 45 C.F.R. Sec. 156.111, the))~~The commissioner shall include coverage for donor human milk as provided in RCW 48.43.815 and hearing instruments and associated services as described in section 1, chapter . . . (House Bill No. 1222), Laws of 2023, in ~~((the updated plan))~~any update of the state's essential health benefits benchmark plan submitted to the centers for medicare and medicaid services under section 1 of this act.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

**MOTIONS**

There being no objection, the following bills listed on the second reading calendar were returned to the Rules Committee:

- HOUSE BILL NO. 1025
- HOUSE BILL NO. 1026
- HOUSE BILL NO. 1027
- HOUSE BILL NO. 1067
- HOUSE BILL NO. 1124
- HOUSE BILL NO. 1131
- HOUSE BILL NO. 1136
- HOUSE BILL NO. 1150
- HOUSE BILL NO. 1201
- HOUSE BILL NO. 1226
- HOUSE BILL NO. 1244
- HOUSE BILL NO. 1252
- HOUSE BILL NO. 1278
- HOUSE BILL NO. 1281
- HOUSE BILL NO. 1284
- HOUSE BILL NO. 1304
- HOUSE BILL NO. 1305
- HOUSE BILL NO. 1306
- HOUSE BILL NO. 1321
- HOUSE BILL NO. 1333
- HOUSE BILL NO. 1364
- HOUSE BILL NO. 1365
- HOUSE BILL NO. 1381
- HOUSE BILL NO. 1401
- HOUSE BILL NO. 1408
- HOUSE BILL NO. 1427
- HOUSE BILL NO. 1442
- HOUSE BILL NO. 1443
- HOUSE BILL NO. 1445
- HOUSE BILL NO. 1468
- HOUSE BILL NO. 1485
- HOUSE BILL NO. 1488
- HOUSE BILL NO. 1489
- HOUSE BILL NO. 1494



HOUSE BILL NO. 1518  
HOUSE BILL NO. 1519  
HOUSE BILL NO. 1596  
HOUSE BILL NO. 1635  
HOUSE BILL NO. 1660  
HOUSE BILL NO. 1668  
HOUSE BILL NO. 1709  
HOUSE BILL NO. 1829

There being no objection, the following bills listed on the second reading suspension calendar were returned to the Rules Committee:

HOUSE BILL NO. 1202  
HOUSE BILL NO. 1292  
HOUSE BILL NO. 1327

There being no objection, the Committee on Housing was relieved of SUBSTITUTE SENATE BILL NO. 5491, and the bill was referred to the Committee on Local Government.

There being no objection, the House adjourned until 9:55 a.m., Tuesday, March 14, 2023, the 65th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SIXTY FIFTH DAY

House Chamber, Olympia, Tuesday, March 14, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fifth order of business.

**REPORTS OF STANDING COMMITTEES**

March 10, 2023

SSB 5005 Prime Sponsor, Law & Justice: Concerning real property. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Rules for second reading

March 10, 2023

SB 5155 Prime Sponsor, Senator Wagoner: Concerning the court of appeals. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., Wednesday, March 15, 2023, the 66th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

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**SIXTY SIXTH DAY**

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House Chamber, Olympia, Wednesday, March 15, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

**INTRODUCTION & FIRST READING**

HB 1845 by Representatives Graham, Mosbrucker, Griffey and Eslick

AN ACT Relating to creating an office of the crime victims ombuds; adding a new chapter to Title 43 RCW; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the eighth order of business.

**MOTION**

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1018  
HOUSE BILL NO. 1175  
HOUSE BILL NO. 1318  
HOUSE BILL NO. 1371  
HOUSE BILL NO. 1431  
HOUSE BILL NO. 1573  
HOUSE BILL NO. 1711  
HOUSE BILL NO. 1729  
HOUSE BILL NO. 1756  
HOUSE BILL NO. 1768  
HOUSE BILL NO. 1812

There being no objection, the House adjourned until 10:30 a.m., Thursday, March 16, 2023, the 67th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SIXTY SEVENTH DAY

House Chamber, Olympia, Thursday, March 16, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Audrey Van Kooten and Tristin Hettinger. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Stephen Crippen, Saint Paul's Episcopal Church, Seattle.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

**HOUSE BILL NO. 1018, by Representatives Tharinger, Chapman, Orcutt, Abbarno, Fey, Ryu and Wylie**

**Changing the expiration date for the sales and use tax exemption of hog fuel to comply with the 2045 deadline for fossil fuel-free electrical generation in Washington state and to protect jobs with health care and retirement benefits in economically distressed communities.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tharinger and Orcutt spoke in favor of the passage of the bill.

**MOTION**

On motion of Representative Griffey, Representatives Chandler and Maycumber were excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1018.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1018, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Maycumber

HOUSE BILL NO. 1018, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1318, by Representatives Ormsby, Springer, Volz, Graham, Riccelli, Reeves and Leavitt**

**Concerning retail sales tax exemptions for certain aircraft maintenance and repair.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1318 was substituted for House Bill No. 1318 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1318 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ormsby and Volz spoke in favor of the passage of the bill.

**MOTION**

On motion of Representative Ramel, Representative Stonier was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1318.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1318, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Maycumber and Stonier

SUBSTITUTE HOUSE BILL NO. 1318, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1711, by Representatives Chapman, Tharinger, Lekanoff, Ryu, Callan, Reed, Volz, Kloba, Stearns, Stokesbary and Santos**

**Providing a sales and use tax exemption related to internet and telecommunications infrastructure projects involving a federally recognized Indian tribe.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1711 was substituted for House Bill No. 1711 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1711 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chapman and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1711.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1711, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Maycumber and Stonier

SUBSTITUTE HOUSE BILL NO. 1711, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1431, by Representatives Timmons, Stokesbary, Springer, Corry, Stonier, Abbarno, Rule, Schmick, Street, Fitzgibbon, Jacobsen, Harris, Hutchins, Riccelli, McEntire, Maycumber, Bronoske, Ramel, Robertson, Taylor, Simmons, Tharinger, Berry, Caldier, Reeves, Ortiz-Self, Thai, Christian, Kloba, Bateman, Gregerson, Barnard, Pollet, Reed, Ormsby, Doglio and Cheney**

**Clarifying that meals furnished to tenants of senior living communities as part of their rental agreement are not subject to sales and use tax.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1431 was substituted for House Bill No. 1431 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1431 was read the second time.

Representative Jacobsen moved the adoption of amendment (490):

On page 6, after line 3, insert the following:

"**NEW SECTION. Sec. 4.** A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to amounts received for food, drink, or meals

furnished by a senior living community to tenants as part of a rental or residency agreement for which no separate charge is made if the rental or residency agreement constitutes a lease or rental of real estate exempt from taxation under this chapter.

(2) For purposes of this section, "senior living community" means any facility or campus operated under a license or registration issued under chapter 18.20 or 18.390 RCW."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

### POINT OF ORDER

Representative Paul requested a scope and object ruling on amendment (490) to SUBSTITUTE HOUSE BILL NO. 1431.

### SPEAKER'S RULING

"The title of the bill is an act relating to clarifying that meals furnished to tenants of senior living communities as part of their rental agreement are not subject to sales and use tax.

The bill exempts food, drink, or meals provided by a senior living community from retail sales and use tax.

Amendment (490) provides a business and occupation tax exemption for food, drink, or meals provided by a senior living community.

The Speaker therefore finds and rules that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Timmons and Jacobsen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1431.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1431, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Maycumber and Stonier

SUBSTITUTE HOUSE BILL NO. 1431, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1371, by Representatives Barkis, Leavitt, Orcutt, Fey, Barnard, Chapman, Low, Connors, Goehner, Chambers, Chandler, Couture, Griffey, Hutchins, Robertson, Volz, Walsh, Christian, Doglio, Schmick and Gregerson**

**Providing incentives to improve freight railroad infrastructure.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1371 was substituted for House Bill No. 1371 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1371 was read the second time.

Representative Barkis moved the adoption of the striking amendment (399):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that railroads play a crucial role in economic development, serving nearly every industrial, wholesale, retail, and resource-based sector in Washington's economy. The legislature further finds that freight railroad infrastructure is an essential link in the supply chain and provides an efficient way to connect Washington's economy to national and international markets. The legislature further finds that maintenance and improvements to the railroad system are needed to support modern 286,000 pound railcars, foster economic development, increase infrastructure resiliency, avoid supply chain disturbances, and meet carbon reduction goals for transportation greenhouse gases. The legislature intends to provide incentives to the rail industry that can lead to a more effective short line rail system.

**NEW SECTION. Sec. 2.** A new section is added to chapter 82.04 RCW to read as follows:

(1) A credit is allowed against taxes due under this chapter for expenditures made by an eligible taxpayer pursuant to subsection (2) of this section.

(2) Qualified expenditures incurred by an eligible taxpayer may be used to generate a credit for the following amounts:

(a) For qualified short line railroad maintenance expenditures, a credit is allowed against the taxes due under this chapter in an amount equal to 50 percent of the qualified short line railroad maintenance expenditures. The amount of the credit may not exceed an amount equal to \$5,000 multiplied by the number of miles of railroad track owned or leased in the state by the eligible taxpayer as of the close of the calendar year.

(b) For qualified new rail development expenditures, a credit is allowed against the taxes due under this chapter in an amount equal to 100 percent of the new rail development expenditures of an eligible taxpayer. The amount of credit earned for new rail development expenditures may not

exceed \$2,000,000 for each eligible taxpayer in a calendar year. Credits are available on a first-in-time basis. The department must disallow any credits, or portions thereof, that would cause the total amount of credits claimed under this subsection (2)(b) during any calendar year to exceed \$15,000,000.

(c) For qualified railroad modernization and rehabilitation expenditures, a credit is allowed against the taxes due under this chapter in an amount equal to 100 percent of the qualified railroad modernization and rehabilitation expenditures by an eligible taxpayer.

(3) The credit claimed may not exceed the tax that would otherwise be due under this chapter. Refunds may not be granted in the place of credits. Any amount of credit earned under this section not claimed by the person in one calendar year may be carried forward for no more than five calendar years immediately following the year that the credit was earned.

(4)(a) An eligible taxpayer may assign distribution of all or a portion of the unused credit earned under this section to any taxpayer subject to the tax imposed under this chapter at any time during the year in which the credit is earned and five years following the year that the credit is earned.

(b) To transfer all or any portion of an unused credit earned, the taxpayer originally allowed the credit, and the subsequent transferee must jointly file a credit transfer agreement with the department. The application must include:

(i) The names, addresses, and taxpayer identification numbers of the parties to the transfer;

(ii) The amount of the credit being transferred;

(iii) The year the credit was originally earned by the transferring taxpayer;

(iv) The tax year or years for which the credit may be claimed; and

(v) Any other information or documents the department may require.

(c) No credit transfer applications under (b) of this subsection (4) may be submitted after January 1, 2035.

(5) The department shall administer the credit. The department shall provide a simple credit application form that the department shall post on its website.

(6) No new credits may be earned for qualifying expenditures after January 1, 2035.

(7) For the purposes of this section, the following definitions apply:

(a) "Class I railroad" means a railroad that is classified by the United States surface transportation board as a class I railroad, as defined in 49 C.F.R. Sec. 1201.1-1(a), as in effect on January 1, 2023.

(b) "Eligible taxpayer" means:

(i) Any railroad subject to the tax under this chapter that is classified by the United States surface transportation board as a class II or class III railroad, as defined in 49 C.F.R. Sec. 1201.1-1(a), as in effect on January 1, 2023;

(ii) Any railroad owned by a port, city, or county in the state of Washington; or

(iii) Any owner or lessee of rail siding, industrial spur, or industry track located on or adjacent to a class II or class III railroad in the state of Washington.

(c) "Industrial spur" means a secondary track used by railroads and customers at a location to load and unload railcars without interfering with other railroad operations.

(d) "Qualified new rail development expenditures" means expenditures for new rail development by an eligible taxpayer, which includes the construction of new track, industrial leads, switches, industrial spurs, sidings, rail loading docks, and transloading structures involved with providing rail services to new customer locations or existing customer expansions in the state by an eligible taxpayer.

(e) "Qualified railroad modernization and rehabilitation expenditures" means expenditures by an eligible taxpayer to upgrade less than 90 pound rail and switches, 286,000 capacity rail upgrades to the mainline track, major rail and tie replacement projects, track capacity enhancements, bridge rehabilitation or bridge replacement projects, or other track-related projects determined to enhance or modernize the existing track infrastructure in the state by an eligible taxpayer.

(f) "Qualified short line railroad maintenance expenditures" means expenditures for railroad infrastructure including, but not limited to, rail, ties, tie plates, joint bars, fasteners, switches, ballast, subgrade, roadbed, bridges, industrial leads, sidings, signs, safety barriers, crossing signals and gates, and related track structures owned or leased by a class II or class III railroad.

(g) "Siding" means a short section of track, distinct from a mainline, branch line, or spur, connected by switches to a main track and used for storage, passing, or other purposes.

(8) This section does not apply to class I railroads or short line railroads owned by a class I railroad or any of its subsidiaries.

(9) No person may claim a credit against taxes due under both this chapter and chapter 82.16 RCW for the same qualified expenditures.

(10) This section expires January 1, 2040.

**NEW SECTION. Sec. 3.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Any owner or operator of a class I railroad, or owner of a company that recycles railroad material, is eligible for an exemption from the tax under this chapter in the form of a credit as provided in this section if:

(a) The class I railroad transfers to an eligible taxpayer railroad rail, ties, tie plates, joint bars, fasteners, switches, ballast, or other equipment or materials that are part of the rail infrastructure it has removed from use on the main railroad line to be installed on tracks used by class II and class III railroads; or

(b) The owner of a company that recycles railroad materials transfers to an eligible taxpayer rail, ties, fasteners, switches, ballast, or other equipment or materials that are part of the rail infrastructure to be installed on tracks used by class II and class III railroads.

(2) The credit is equal to the fair market value of the donated materials used for track maintenance, expansion, or modernization. Materials must be given to a qualifying recipient without consideration to receive a credit.

(3)(a) An owner or operator of a class I railroad, or owner of a company that recycles railroad material, may assign distribution of all or a portion of the unused credit earned under this section to any taxpayer subject to the tax imposed under this chapter at any time during the year in which the credit is earned and five years following the year that the credit is earned.

(b) To transfer all or any portion of an unused credit earned, the taxpayer originally allowed the credit and the subsequent transferee must jointly file a credit transfer application with the department. The application must include:

(i) The names, addresses, and taxpayer identification numbers of the parties to the transfer;

(ii) The amount of the credit being transferred;

(iii) The year the credit was originally earned by the transferring taxpayer;

(iv) The tax year or years for which the credit may be claimed; and

(v) Any other information or documents the department may require.

(c) No credit transfer applications under (b) of this subsection (3) may be submitted after January 1, 2035.

(4) The department shall administer the credit. The department shall provide a simple credit application form that the department shall post on its website.

(5) The credit claimed may not exceed the tax that would otherwise be due under this chapter. Refunds may not be granted in the place of credits. Any amount of credit earned under this section not claimed by the person in one calendar year may be carried forward for no more than five calendar years immediately following the year that the credit was earned.

(6) No new credits may be earned for qualifying expenditures after January 1, 2035.

(7) For purposes of this section, the following definitions apply:

(a) "Class I railroad" means a railroad that is classified by the United States surface transportation board as a class I railroad, as defined in 49 C.F.R. Sec. 1201.1-1(a), as in effect on January 1, 2023.

(b) "Eligible taxpayer" means:

(i) Any railroad subject to the tax under this chapter that is classified by the United States surface transportation board as a class II or class III railroad, as defined in 49 C.F.R. Sec. 1201.1-1(a), as in effect on January 1, 2023;

(ii) Any railroad owned by a port, city, or county in the state of Washington; or

(iii) Any owner or lessee of rail siding, industrial spur, or industry track located on or adjacent to a class II or class III railroad in the state of Washington.

(c) "Industrial spur" means a secondary track used by railroads and customers at a location to load and unload railcars without interfering with other railroad operations.

(d) "Siding" means a short section of track, distinct from a mainline, branch line, or spur, connected by switches to a main track and used for storage, passing, or other purposes.

(8) Refunds are not allowed for the credits created in this section.

(9) This section does not apply to short line railroads owned by a class I railroad or any of its subsidiaries.

(10) No person may claim a credit against taxes due under both this chapter and chapter 82.16 RCW for the same donated materials used for track maintenance, expansion, or modernization.

(11) This section expires January 1, 2040.

**NEW SECTION. Sec. 4.** A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of materials required for track maintenance to:

(a) Owners and operators of class II or class III railroads;

(b) Any railroad or freight rail facility owned by a port, city, or county in the state of Washington; or

(c) Any owner or lessee of a rail siding, industrial spur, or industry track located on or adjacent to a class II or class III railroad in the state of Washington.

(2) For the purposes of this section, the following definitions apply:

(a) "Class I railroad" means a railroad that is classified by the United States surface transportation board as a class I railroad, as defined in 49 C.F.R. Sec. 1201.1-1(a), as in effect on January 1, 2023.

(b) "Class II or class III railroad" means railroads that are classified by the United States surface transportation board as a class II or class III railroad, as defined in 49 C.F.R. Sec. 1201.1-1(a), as in effect on January 1, 2023.

(c) "Freight rail facilities" means the infrastructure used to transport freight by rail, specifically to rail yards, terminals, sidings, and marshalling yards that play an important role in the transportation and distribution and shipping of goods over long distances.

(d) "Industrial spur" means a secondary track used by railroads and customers at a location to load and unload railcars without interfering with other railroad operations.

(e) "Materials required for track maintenance" means rail, ties, tie plates, joint bars, fasteners, switches, ballast, subgrade, roadbed, bridges, industrial leads, sidings, signs, safety barriers, crossing signals and gates, and track.

(f) "Siding" means a short section of track, distinct from a mainline, branch

line, or spur, connected by switches to a main track and used for storage, passing, or other purposes.

(3) This section does not apply to class I railroads or short line railroads owned by a class I railroad or any of its subsidiaries.

(4) This section expires January 1, 2035.

**NEW SECTION. Sec. 5.** A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to materials required for track maintenance to:

(a) Owners and operators of class II or class III railroads;

(b) Any railroad or freight rail facility owned by a port, city, or county in the state of Washington; or

(c) Any owner or lessee of a rail siding, industrial spur, or industry track located on or adjacent to a class II or class III railroad in the state of Washington.

(2) For purposes of this section, the following definitions apply:

(a) "Class I railroad" means a railroad that is classified by the United States surface transportation board as a class I railroad, as defined in 49 C.F.R. Sec. 1201.1-1(a), as in effect on January 1, 2023.

(b) "Class II or class III railroad" means railroads that are classified by the United States surface transportation board as a class II or class III railroad, as defined in 49 C.F.R. Sec. 1201.1-1(a), as in effect on January 1, 2023.

(c) "Freight rail facilities" means the infrastructure used to transport freight by rail, specifically to rail yards, terminals, sidings, and marshalling yards that play an important role in the transportation and distribution and shipping of goods over long distances.

(d) "Industrial spur" means a secondary track used by railroads and customers at a location to load and unload railcars without interfering with other railroad operations.

(e) "Materials required for track maintenance" has the same meaning as in section 4 of this act.

(f) "Siding" means a short section of track, distinct from a mainline, branch line, or spur, connected by switches to a main track and used for storage, passing, or other purposes.

(3) This section does not apply to class I railroads or short line railroads owned by a class I railroad or any of its subsidiaries.

(4) This section expires January 1, 2035.

**NEW SECTION. Sec. 6.** A new section is added to chapter 82.16 RCW to read as follows:

(1) A credit is allowed against taxes due under this chapter for expenditures made by an eligible taxpayer pursuant to subsection (2) of this section.

(2) Qualified expenditures incurred by an eligible taxpayer may be used to generate a credit for the following amounts:

(a) For qualified short line railroad maintenance expenditures, a credit is



allowed against the taxes due under this chapter in an amount equal to 50 percent of the qualified short line railroad maintenance expenditures. The amount of the credit may not exceed an amount equal to \$5,000 multiplied by the number of miles of railroad track owned or leased in the state by the eligible taxpayer as of the close of the calendar year.

(b) For qualified new rail development expenditures, a credit is allowed against the taxes due under this chapter in an amount equal to 100 percent of the new rail development expenditures of an eligible taxpayer. The amount of credit earned for new rail development expenditures may not exceed \$2,000,000 for each eligible taxpayer in a calendar year. Credits are available on a first-in-time basis. The department must disallow any credits, or portions thereof, that would cause the total amount of credits claimed under this subsection (2)(b) during any calendar year to exceed \$15,000,000.

(c) For qualified railroad modernization and rehabilitation expenditures, a credit is allowed against the taxes due under this chapter in an amount equal to 100 percent of the qualified railroad modernization and rehabilitation expenditures by an eligible taxpayer.

(3) The credit claimed may not exceed the tax that would otherwise be due under this chapter. Refunds may not be granted in the place of credits. Any amount of credit earned under this section not claimed by the person in one calendar year may be carried forward for no more than five calendar years immediately following the year that the credit was earned.

(4)(a) An eligible taxpayer may assign distribution of all or a portion of the unused credit earned under this section to any taxpayer subject to the tax imposed under this chapter at any time during the year in which the credit is earned and five years following the year that the credit is earned.

(b) To transfer all or any portion of an unused credit earned, the taxpayer originally allowed the credit and the subsequent transferee must jointly file a credit transfer application with the department. The application must include:

(i) The names, addresses, and taxpayer identification numbers of the parties to the transfer;

(ii) The amount of the credit being transferred;

(iii) The year the credit was originally earned by the transferring taxpayer;

(iv) The tax year or years for which the credit may be claimed; and

(v) Any other information or documents the department may require.

(c) No credit transfer applications under (b) of this subsection (4) may be submitted after January 1, 2035.

(5) The department shall administer the credit. The department shall provide a simple credit application form that the department shall post on its website.

(6) No new credits may be earned for qualifying expenditures after January 1, 2035.

(7) For the purposes of this section, the following definitions apply:

(a) "Class I railroad" means a railroad that is classified by the United States surface transportation board as a class I railroad, as defined in 49 C.F.R. Sec. 1201.1-1(a), as in effect on January 1, 2023.

(b) "Eligible taxpayer" means:

(i) Any railroad subject to the tax under this chapter that is classified by the United States surface transportation board as a class II or class III railroad, as defined in 49 C.F.R. Sec. 1201.1-1(a), as in effect on January 1, 2023;

(ii) Any railroad owned by a port, city, or county in the state of Washington; or

(iii) Any owner or lessee of rail siding, industrial spur, or industry track located on or adjacent to a class II or class III railroad in the state of Washington.

(c) "Industrial spur" means a secondary track used by railroads and customers at a location to load and unload railcars without interfering with other railroad operations.

(d) "Qualified new rail development expenditures" means expenditures for new rail development by an eligible taxpayer, which includes the construction of new track, industrial leads, switches, industrial spurs, sidings, rail loading docks, and transloading structures involved with providing rail services to new customer locations or existing customer expansions in the state by an eligible taxpayer.

(e) "Qualified railroad modernization and rehabilitation expenditures" means expenditures by an eligible taxpayer to upgrade less than 90 pound rail and switches, 286,000 capacity rail upgrades to the mainline track, major rail and tie replacement projects, track capacity enhancements, bridge rehabilitation or bridge replacement projects, or other track-related projects determined to enhance or modernize the existing track infrastructure in the state by an eligible taxpayer.

(f) "Qualified short line railroad maintenance expenditures" means expenditures for railroad infrastructure including, but not limited to, rail, ties, tie plates, joint bars, fasteners, switches, ballast, subgrade, roadbed, bridges, industrial leads, sidings, signs, safety barriers, crossing signals and gates, and related track structures owned or leased by a class II or class III railroad.

(g) "Siding" means a short section of track, distinct from a mainline, branch line, or spur, connected by switches to a main track and used for storage, passing, or other purposes.

(8) This section does not apply to class I railroads or short line railroads owned by a class I railroad or any of its subsidiaries.

(9) No person may claim a credit against taxes due under both this chapter and chapter 82.04 RCW for the same qualified expenditures.

(10) This section expires January 1, 2040.

**NEW SECTION. Sec. 7.** A new section is added to chapter 82.16 RCW to read as follows:

(1) Any owner or operator of a class I railroad, or owner of a company that recycles railroad material, is eligible for an exemption from the tax under this chapter in the form of a credit as provided in this section if:

(a) The class I railroad transfers to an eligible taxpayer rail, ties, tie plates, joint bars, fasteners, switches, ballast, or other equipment or materials that are part of the rail infrastructure it has removed from use on the main railroad line to be installed on tracks used by class II and class III railroads; or

(b) The owner of a company that recycles railroad materials transfers to an eligible taxpayer rail, ties, tie plates, joint bars, fasteners, switches, ballast, or other equipment or materials that are part of the rail infrastructure to be installed on tracks used by class II and class III railroads.

(2) The credit is equal to the fair market value of the donated materials used for track maintenance, expansion, or modernization. Materials must be given to a qualifying recipient without consideration to receive a credit.

(3) (a) An owner or operator of a class I railroad, or owner of a company that recycles railroad material, may assign distribution of all or a portion of the unused credit earned under this section to any taxpayer subject to the tax imposed under this chapter at any time during the year in which the credit is earned and five years following the year that the credit is earned.

(b) To transfer all or any portion of an unused credit earned, the taxpayer originally allowed the credit, and the subsequent transferee must jointly file a credit transfer application with the department. The application must include:

(i) The names, addresses, and taxpayer identification numbers of the parties to the transfer;

(ii) The amount of the credit being transferred;

(iii) The year the credit was originally earned by the transferring taxpayer;

(iv) The tax year or years for which the credit may be claimed; and

(v) Any other information or documents the department may require.

(c) No credit transfer applications under (b) of this subsection (3) may be submitted after January 1, 2035.

(4) The department shall administer the credit. The department shall provide a simple credit application form that the department shall post on its website.

(5) The credit claimed may not exceed the tax that would otherwise be due under this chapter. Refunds may not be granted in the place of credits. Any amount of credit earned under this section not claimed by the person in one calendar year may be carried forward for no more than five calendar years immediately following the year that the credit was earned.

(6) No new credits may be earned for qualifying expenditures after January 1, 2035.

(7) For purposes of this section, the following definitions apply:

(a) "Class I railroad" means a railroad that is classified by the United States surface transportation board as a class I railroad, as defined in 49 C.F.R. Sec. 1201.1-1(a), as in effect on January 1, 2023.

(b) "Eligible taxpayer" means:

(i) Any railroad subject to the tax under this chapter that is classified by the United States surface transportation board as a class II or class III railroad, as defined in 49 C.F.R. Sec. 1201.1-1(a), as in effect on January 1, 2023;

(ii) Any railroad owned by a port, city, or county in the state of Washington; or

(iii) Any owner or lessee of rail siding, industrial spur, or industry track located on or adjacent to a class II or class III railroad in the state of Washington.

(c) "Industrial spur" means a secondary track used by railroads and customers at a location to load and unload railcars without interfering with other railroad operations.

(d) "Siding" means a short section of track, distinct from a mainline, branch line, or spur, connected by switches to a main track and used for storage, passing, or other purposes.

(8) The credit claimed may not exceed the tax that would otherwise be due under this chapter. Refunds may not be granted in the place of credits. Any amount of credit earned under this section not claimed by the person in one calendar year may be carried forward for no more than five calendar years immediately following the year that the credit was earned.

(9) This section does not apply to short line railroads owned by a class I railroad or any of its subsidiaries.

(10) No person may claim a credit against taxes due under both this chapter and chapter 82.04 RCW for the same donated materials used for track maintenance, expansion, or modernization.

(11) This section expires January 1, 2040.

**NEW SECTION. Sec. 8.** (1) This section is the tax preference performance statement for the tax preferences contained in chapter . . . , Laws of 2023 (this act). This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes the tax preferences in this act as ones intended to accomplish a general purpose, as indicated in RCW 82.32.808(2)(f), which is to promote economic development throughout Washington.

(3) It is the legislature's specific public policy objective to encourage and expand economic development by incentivizing investment in Washington's railroad infrastructure.

(4) The legislature intends to extend the expiration date of the tax preferences in this act if a review finds that freight rail system in the state has been maintained or improved. In conducting its review under this section, the joint legislative audit

and review committee should consider, among other measures:

(a) The total miles capable of transporting 286,000-pound railcars;

(b) The number of miles of track rehabilitated to 90-pound rail or greater;

(c) The number of ties replaced;

(d) The amount of ballast replaced;

(e) The number of bridges returned from out of service or able to operate heavier loaded equipment;

(f) The number of switches installed;

(g) Any related safety benefits of addressing at-grade crossings;

(h) The number of rail cars from increased economic activity;

(i) Any improvement in federal railroad administration track classification designation up to and including class II track and the ability to operate at greater speeds; and

(j) The amount of steel or ties made obsolete pursuant to section 2 of this act that are reused by a class II or class III railroad, as defined in section 5 of this act, within Washington.

(5) In order to obtain the data necessary to perform a review in subsection (4) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

NEW SECTION. **Sec. 9.** Sections 4, 5, and 8 of this act take effect August 1, 2023.

NEW SECTION. **Sec. 10.** Sections 3 and 7 of this act take effect July 1, 2024.

NEW SECTION. **Sec. 11.** Sections 1, 2, and 6 of this act take effect January 1, 2025."

Correct the title.

Representative Barkis moved the adoption of amendment (489) to the striking amendment (399):

On page 2, line 26 of the striking amendment, after "transfer" strike "agreement" and insert "application"

On page 3, line 35 of the striking amendment, after "mainline track," strike "major"

On page 4, at the beginning of line 24 of the striking amendment, strike "railroad"

On page 4, line 29 of the striking amendment, after "ties," insert "tie plates, joint bars,"

On page 6, beginning on line 12 of the striking amendment, strike all of subsection (8)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 6, at the beginning of line 18 of the striking amendment, strike "used for

track maintenance, expansion, or modernization"

On page 10, line 28 of the striking amendment, after "mainline track," strike "major"

On page 13, beginning on line 7 of the striking amendment, strike all of subsection (8)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 13, at the beginning of line 17 of the striking amendment, strike "used for track maintenance, expansion, or modernization"

On page 14, line 23 of the striking amendment, after "Sections" strike "1, 2," and insert "2"

Representatives Barkis and Leavitt spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (489) to the striking amendment (399) was adopted.

Representatives Barkis and Leavitt spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (399), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Barkis and Leavitt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1371.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1371, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Berry, Chopp, Macri and Reed  
Excused: Representatives Chandler and Maycumber

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1371, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1573, by Representatives Rule, Corry, Timmons, Leavitt, Walen, Shavers, Lekanoff, Chapman, Dye, Springer, Reeves, Barnard, Eslick and Sandlin**

**Extending tax preferences for dairy, fruit and vegetable, and seafood processors.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rule, Corry, Ybarra and Wilcox spoke in favor of the passage of the bill.

Representative Pollet spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1573.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1573, and the bill passed the House by the following vote: Yeas, 77; Nays, 19; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Barkis, Barnard, Berg, Bergquist, Bronoske, Caldier, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Couture, Davis, Dent, Donaghy, Duerr, Dye, Eslick, Fey, Fitzgibbon, Goehner, Goodman, Graham, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, McClintock, McEntire, Morgan, Mosbrucker, Orcutt, Orwall, Paul, Peterson, Ramel, Reeves, Riccelli, Robertson, Rude, Rule, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Alvarado, Bateman, Berry, Callan, Cortes, Doglio, Entenman, Farivar, Fosse, Gregerson, Macri, Mena, Ormsby, Ortiz-Self, Pollet, Ramos, Reed, Ryu and Thai

Excused: Representatives Chandler and Maycumber

HOUSE BILL NO. 1573, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1812, by Representatives Springer, Stokesbary, Chopp and Chapman**

**Continuing the business and occupation tax deduction for federal funds received from a medicaid transformation or demonstration project or medicaid quality improvement program or standard.**

The bill was read the second time.

With the consent of the House, amendment (072) was withdrawn.

Representative Springer moved the adoption of the striking amendment (104):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.04.43395 and 2019 c 350 s 1 are each amended to read as follows:

(1) An accountable community of health may deduct from the measure of tax delivery system reform incentive payments, medicaid transformation project funding, or both, distributed by the Washington state health care authority, as described in Sec. 1115

medicaid demonstration project number 11-W-00304/0, as approved by the centers for medicare and medicaid services in accordance with Sec. 1115(a) of the social security act.

(2) A hospital that is owned by a municipal corporation or political subdivision, or a hospital that is affiliated with a state institution, may deduct from the measure of tax either or both of the following:

(a) Incentive payments received through the medicaid quality improvement program established through 42 C.F.R. 438.6(b)(2) (~~as existing on July 28, 2019~~);

(b) Delivery system reform incentive payments, medicaid transformation project funding, or both, received through the project described in Sec. 1115 medicaid demonstration project number 11-W-00304/0, as approved by the centers for medicare and medicaid services in accordance with Sec. 1115(a) of the social security act.

(3) Managed care organizations may deduct from the measure of tax the incentive payments received for achieving quality performance standards established through 42 C.F.R. 438.6(b)(2), as existing on July 28, 2019.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Accountable community of health" means ((an entity designated by the health care authority as a community of health under RCW 41.05.800 and any additional accountable communities of health authorized by the health care authority)) a regional nonprofit designated by the health care authority to work together with the health care delivery system, health plans, public health, social services, community-based organizations, the justice system, schools, tribal partners, and local government leaders to improve the health equity of their communities as part of Sec. 1115 medicaid demonstration project number 11-W-00304/0.

(b) "Managed care organization" has the same meaning as provided in RCW 74.60.010.

NEW SECTION. Sec. 2. RCW 82.32.805 and 82.32.808 do not apply to this act."  
Correct the title.

Representatives Springer and Stokesbary spoke in favor of the adoption of the striking amendment.

The striking amendment (104) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Springer and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1812.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1812, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Maycumber

ENGROSSED HOUSE BILL NO. 1812, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1768, by Representatives Shavers, Barnard, Chapman and Ramel**

**Exempting certain sales of electricity to qualifying green businesses from the public utilities tax.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1768 was substituted for House Bill No. 1768 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1768 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Shavers and Barnard spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Griffey, Representative Mosbrucker was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1768.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1768, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, McEntire, Mena, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Chopp

Excused: Representatives Chandler, Maycumber and Mosbrucker

SUBSTITUTE HOUSE BILL NO. 1768, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1756, by Representatives Ramel, Klicker, Duerr, Rude, Schmidt, Reed, Kloba, Doglio, Senn, Ryu and Macri**

**Supporting clean energy through tax changes that increase revenue to local governments, schools, and impacted communities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1756 was substituted for House Bill No. 1756 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1756 was read the second time.

Representative Orcutt moved the adoption of amendment (488):

On page 1, line 10, after "purpose." insert "The grant of a personal property tax exemption pursuant to this section may not result in a shift of the tax but must result in a reduction in the amount of property taxes levied for state purposes."

Representatives Orcutt and Walsh spoke in favor of the adoption of the amendment.

Representative Ramel spoke against the adoption of the amendment.

Amendment (488) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ramel, Klicker and Dye spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Ramel, Representatives Reed and Fey were excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1756.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1756, and the bill passed the House by the following vote: Yeas, 81; Nays, 12; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Christian, Connors, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, McEntire, Mena, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reeves, Riccelli, Robertson, Rude, Ryu, Sandlin, Santos, Schmick, Senn, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Walen, Walsh, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Chopp, Corry, Couture, Graham, Paul, Rule, Schmidt, Shavers, Stokesbary, Timmons, Volz and Ybarra

Excused: Representatives Chandler, Fey, Maycumber, Mosbrucker and Reed

SUBSTITUTE HOUSE BILL NO. 1756, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1175, by Representatives Doglio, Dye and Leavitt**

**Creating a state financial assurance program for petroleum underground storage tanks.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1175 was substituted for House Bill No. 1175 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1175 was read the second time.

Representative Doglio moved the adoption of amendment (151):

On page 9, line 16, after "under" strike "section 7 of"

On page 11, after line 4 insert the following:

"(3) The agency is authorized to recover the costs of remedial actions conducted by the agency under this act, including the use of cost recovery options in the model toxics control act, chapter 70A.305 RCW, or other applicable state or federal laws."

Representatives Doglio and Dye spoke in favor of the adoption of the amendment.

Amendment (151) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doglio and Dye spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

**MOTION**

On motion of Representative Ramel, Representative Chopp was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1175.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1175, and the bill passed the House by the following vote: Yeas, 63; Nays, 31; Absent, 0; Excused, 4

Voting Yea: Representatives Abbarno, Alvarado, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Barkis, Caldier, Chambers, Cheney, Christian, Connors, Eslick, Graham, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Low, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Timmons, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Chandler, Chopp, Fey and Maycumber

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1175, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1729, by Representatives Abbarno, Klicker, Volz, Orcutt, Schmidt and Cheney**

**Creating and expanding tax incentives for the research, development, production, and sale of hydrogen fuel products in Washington state.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1729 was substituted for House Bill No. 1729 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1729 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Abbarno and Ramel spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1729.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1729, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Chopp, Fey and Maycumber

SUBSTITUTE HOUSE BILL NO. 1729, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., Friday, March 17, 2023, the 68th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SIXTY EIGHTH DAY

House Chamber, Olympia, Friday, March 17, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Bronoske presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4628**, by Representatives Fitzgibbon, Mosbrucker, Thai, Slatter, Bronoske, Leavitt, Ryu, Orwall, Rule, Tharinger, Corry, Berry, Davis, Reeves, Robertson, Taylor, Chapman, Kloba, and Callan

WHEREAS, On March 17th, during the annual celebration of the Feast of Saint Patrick, the Patron Saint of Ireland, Irish Americans join with men, women, and children of all other ethnic origins who, for one day, become Irish and celebrate Saint Patrick and a love for Ireland; and

WHEREAS, On Saint Patrick's Day, all who wear green live for a day in the spirit of Saint Patrick, Bridget, and Columcille whose 1,500th anniversary was in the last year; and

WHEREAS, Irish immigrants to the United States helped form the cultural foundation of the nation and those of Irish lineage today proudly sing support for Ireland; and

WHEREAS, The first documented Irish presence in the State of Washington dates to the expeditions of Captain Vancouver and the Lewis and Clark Corps of Discovery; and

WHEREAS, Spokane is among the top 10 major cities in the United States in terms of percentage of residents with Irish ancestry; and

WHEREAS, We celebrate the establishment of the American Irish State Legislators Caucus with its aim of fostering and strengthening the longstanding relationship that exists between the United States of America and Ireland to the mutual benefit of both countries with leadership in all 50 states; and

WHEREAS, The songs of Ireland are the tragic songs of love and the joyous songs of battle: The nostalgic reveries of the sorrows and the glories that are the Emerald Isle; and the lamentations of life's myriad travails and the odes to joy and the life eternal;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives commemorate the celebration of the Feast of Saint Patrick, the Patron Saint of Ireland; and

BE IT FURTHER RESOLVED, That the Chief Clerk is directed to transmit a duly certified copy of this resolution to Senator Mark Daly, chair of the Senate of Ireland.

There being no objection, HOUSE RESOLUTION NO. 4628 was adopted.

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

**HB 1846** by Representatives Fey, Barkis, Lekanoff, Ramel, Hutchins, Tharinger and Calder

AN ACT Relating to addressing vessel procurement at the Washington state ferries; amending RCW 47.60.810, 47.60.010, and 47.56.030; adding a new section to chapter 47.60 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

March 16, 2023

SB 5031

Prime Sponsor, Senator Wellman:  
Concerning safety net award distributions.  
Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

March 16, 2023

SSB 5033

Prime Sponsor, Law & Justice: Reclassifying the sentence for the crime of custodial sexual misconduct. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

March 16, 2023

SB 5070

Prime Sponsor, Senator Nobles: Concerning victims of nonfatal strangulation. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Appropriations

March 15, 2023

E2SSB 5112

Prime Sponsor, Transportation: Updating processes related to voter registration. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 29A.08 RCW to read as follows:

A person applying for government services which require proof of citizenship as part of that application may receive automatic voter registration services by providing the following information:

- (1) Name;
- (2) Residential address;
- (3) Date of birth;
- (4) A signature attesting to the truth of the information provided on the application;
- (5) An address where the person receives mail, if different from the residence address; and
- (6) Presentation of documentation as part of another government transaction confirming the individual is a United States citizen.

**Sec. 2.** RCW 29A.08.010 and 2019 c 6 s 1 are each amended to read as follows:

(1) The minimum required information provided on a voter registration application ~~((that is required))~~ in order to place a voter registration applicant on the voter registration rolls includes:

- (a) Name;
- (b) Residential address;
- (c) Date of birth;
- (d) A signature attesting to the truth of the information provided on the application; ~~((and))~~

(e) An address where the person receives mail, if different from the residence address; and

(f) Affirmation of citizenship which confirms the individual is a United States citizen, in one of the following forms:

(i) A check or indication in the box on a voter registration form confirming ((the individual is a United States citizen))citizenship; or

(ii) Presentation of documents as part of another government transaction confirming citizenship.

(2) The residential address provided must identify the actual physical residence of the voter in Washington, as defined in RCW 29A.04.151, with detail sufficient to allow the voter to be assigned to the proper precinct and to locate the voter to confirm his or her residence for purposes of verifying qualification to vote under Article VI, section 1 of the state Constitution. A residential address may be either a traditional address or a nontraditional address.

(a) A traditional address consists of a street number and name, optional apartment number or unit number, and city or town, as assigned by a local government, which serves to identify the parcel or building of residence and the unit if a multiunit residence.

(b) A nontraditional address consists of a narrative description of the location of the voter's residence, and may be used when a traditional address has not been assigned or affixed to the voter's residence or when a voter resides on an Indian reservation or

Indian lands, pursuant to the conditions in RCW 29A.08.112.

(3) All other information supplied is ancillary and not to be used as grounds for not registering an applicant to vote.

(4) Modification of the language of the official Washington state voter registration form by the voter will not be accepted and will cause the rejection of the registrant's application.

**Sec. 3.** RCW 29A.08.030 and 2009 c 369 s 7 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Verification notice" means a notice sent by the county auditor or secretary of state to a voter registration applicant and is used to verify or collect information about the applicant in order to complete the registration. The verification notice must be designed to include a postage prepaid, preaddressed return form by which the applicant may verify or send information.

(2) "Acknowledgment notice" means a notice sent by nonforwardable mail by the county auditor or secretary of state to a registered voter to acknowledge a voter registration transaction or an automatic voter registration transaction, which can include initial registration, ((transfer))residential address change, or reactivation of an inactive registration, identifying the registrant's precinct and containing such other information as may be required by the secretary of state. An acknowledgment notice may be a voter registration card.

(3) "Automatic voter registration acknowledgment notice package" means a package of information sent by nonforwardable mail by the county auditor, to a registered voter who utilized the automatic voter registration process at the department of licensing, to acknowledge a voter registration transaction, which can include initial registration, residential address change, or reactivation of an inactive registration. The package must include:

(a) A postage prepaid, preaddressed return form by which the individual may decline to be registered to vote or decline the update;

(b) A statement explaining that the person has become registered to vote or signed up to register to vote, as appropriate, setting forth the qualifications to vote, stating that if the individual does not meet the qualifications to vote, the person shall return the notice and affirmatively decline in writing to register to vote, and that if the person wishes to cancel the voter registration at any time, that the person may contact their county auditor to do so;

(c) Instructions regarding how an individual can obtain more information about the notice and assistance in the individual's preferred language, including languages as set forth in RCW 29A.08.270;

(d) An acknowledgment notice; and

(e) Other information required by the secretary of state.



(4) "Identification notice" means a notice sent to a provisionally registered voter to confirm the applicant's identity.

~~((4))~~(5) "Confirmation notice" means a notice sent to a registered voter by first-class forwardable mail at the address indicated on the voter's permanent registration record and to any other address at which the county auditor or secretary of state could reasonably expect mail to be received by the voter in order to confirm the voter's residence address. The confirmation notice must be designed to include a postage prepaid, preaddressed return form by which the registrant may verify the address information.

**Sec. 4.** RCW 29A.08.110 and 2020 c 208 s 14 are each amended to read as follows:

(1) For persons registering under RCW 29A.08.120, 29A.08.123, 29A.08.170, 29A.08.330, 29A.08.340, 29A.08.362, and 29A.08.365, an application is considered complete only if it contains the information required by RCW 29A.08.010. The applicant is considered to be registered to vote as of:

(a) The original date of receipt;

(b) When the person will be at least eighteen years old by the next election; ~~((or))~~

(c) When the person will be at least seventeen years old by the next primary election or presidential primary election and eighteen years old by the general election, whichever is applicable; or

(d) For voters utilizing automatic voter registration under section 1 of this act at the department of licensing, the date that an election official receives the information to register the person to vote, unless:

(i) The voter declines registration by the deadline in RCW 29A.08.359(4)(a); or

(ii) An election official receives the information to register the person to vote after the deadline to register to vote under RCW 29A.08.140(1)(a), in which case the applicant is considered to be registered to vote as of the day after the election.

(2) As soon as practicable, the auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. The secretary of state shall, pursuant to RCW 29A.04.611, establish procedures to enable new or updated voter registrations to be recorded on an expedited basis. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. ~~((Within sixty))~~

(3) The voter must be sent an acknowledgment notice using first-class nonforwardable mail:

(a) For voters utilizing automatic voter registration services at the department of licensing, within five business days after the receipt of an application or residential address change, or, if the application or residential address change is received after the deadline to register to vote or update a voter registration under RCW 29A.08.140 (1)(a) or (2)(a)(i), within five business days after the election, the auditor shall send

an automatic voter registration acknowledgment notice package as required by RCW 29A.08.030.

(b) For all other voters, within 60 days after the receipt of an application or ~~((transfer))~~residential address change, the auditor shall send ~~((to the applicant, by first-class nonforwardable mail,))~~ an acknowledgment notice ~~((identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable))~~as required by RCW 29A.08.030.

~~((3))~~(4) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

~~((4))~~(5) Once a future voter is no longer in pending status, as described in RCW 29A.08.615, his or her application to sign up to register to vote is no longer pending and is subject to this section.

**Sec. 5.** RCW 29A.08.125 and 2018 c 109 s 7 are each amended to read as follows:

(1) The office of the secretary of state shall maintain a statewide voter registration database. This database must be a centralized, uniform, interactive computerized statewide voter registration list that contains the name and registration information of every registered voter in the state.

(2) The statewide list is the official list of registered voters for the conduct of all elections.

(3) The statewide list must include, but is not limited to, the name, date of birth, residence address, signature, gender, and date of registration of every legally registered voter in the state.

(4) A unique identifier must be assigned to each registered voter in the state.

(5) The database must be coordinated with other government databases within the state including, but not limited to, the department of corrections, the department of licensing, the department of health, ~~((the administrative office of the courts,))~~ and county auditors. The database may also be coordinated with the databases of election officials in other states.

(6) Authorized employees of the secretary of state and each county auditor must have immediate electronic access to the information maintained in the database.

(7) Voter registration information received by each county auditor must be electronically entered into the database. The office of the secretary of state must provide support, as needed, to enable each county auditor to enter and maintain voter

registration information in the state database.

(8) The secretary of state has data authority over all voter registration data.

(9) The voter registration database must be designed to accomplish at a minimum, the following:

(a) Comply with the help America vote act of 2002 (P.L. 107-252);

(b) Identify duplicate voter registrations;

(c) Identify suspected duplicate voters;

(d) Screen against any available databases maintained by other government agencies to identify voters who are ineligible to vote due to serving a sentence of total confinement as the result of a felony conviction, lack of citizenship, or a court finding of mental incompetence;

(e) Provide images of voters' signatures for the purpose of checking signatures on initiative and referendum petitions;

(f) Provide for a comparison between the voter registration database and the department of licensing change of address database;

(g) Provide access for county auditors that includes the capability to update registrations and search for duplicate registrations;

(h) Provide for the cancellation of registrations of voters who have moved out of state; and

(i) Provide for the storage of pending registration records for all future voters who have not yet reached eighteen years of age in a manner that these records will not appear on the official list of registered voters until the future registrant is no longer in pending status as defined under RCW 29A.08.615.

(10) The secretary of state may, upon agreement with other appropriate jurisdictions, screen against any available databases maintained by election officials in other states and databases maintained by federal agencies including, but not limited to, the federal bureau of investigation, the federal court system, the federal bureau of prisons, and the bureau of citizenship and immigration services.

(11) The database shall retain information regarding previous successful appeals of proposed cancellations of registrations in order to avoid repeated cancellations for the same reason.

(12) Each county auditor shall maintain a list of all registered voters within the county that are contained on the official statewide voter registration list. In addition to the information maintained in the statewide database, the county database must also maintain the applicable taxing district and precinct codes for each voter in the county, and a list of elections in which the individual voted.

(13) Each county auditor shall allow electronic access and information transfer between the county's voter registration system and the official statewide voter registration list.

**Sec. 6.** RCW 29A.08.210 and 2020 c 208 s 3 are each amended to read as follows:

An applicant for voter registration shall complete an application providing the following information concerning ~~((his or her))~~ the applicant's qualifications as a voter in this state:

~~(1) ((The former address of the applicant if previously registered to vote;~~

~~(2))~~ (2) The applicant's full name;

~~((3))~~ (3) The applicant's date of birth;

~~((4))~~ (4) The address of the applicant's residence for voting purposes;

~~((5))~~ (5) The mailing address of the applicant if that address is not the same as the address in subsection ~~((4))~~ (4) of this section;

~~((6))~~ (6) The ~~((sex))~~ gender of the applicant;

~~(6) The former address of the applicant if previously registered to vote;~~

~~(7) The applicant's Washington state driver's license number, Washington state identification card number, or the last four digits of the applicant's social security number if ((he or she)) the applicant does not have a Washington state driver's license or Washington state identification card;~~

~~(8) A check box allowing the applicant to indicate ((that he or she is a member of)) membership in the armed forces, national guard, or reserves, or ((that he or she is an)) overseas voter status;~~

~~(9) ((A check box allowing the applicant to acknowledge that he or she is at least sixteen years old;~~

~~(10))~~ (10) Clear and conspicuous language, designed to draw the applicant's attention, stating that:

(a) The applicant must be a United States citizen in order to register to vote; and

(b) The applicant may register to vote if the applicant is at least sixteen years old and may vote if the applicant will be at least eighteen years old by the next general election, or is at least eighteen years old for special elections;

~~((11))~~ (11) A check box and declaration confirming that the applicant is a citizen of the United States;

~~((12))~~ (12) The following warning:

"If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, a fine of up to ten thousand dollars, or both."

~~((13))~~ (13) The oath required by RCW 29A.08.230 and a space for the applicant's signature; and

~~((14))~~ (14) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and prevent duplicate or fraudulent voter registrations.

This information shall be recorded on a single registration form to be prescribed by the secretary of state.

**Sec. 7.** RCW 29A.08.220 and 2013 c 11 s 13 are each amended to read as follows:

(1) The secretary of state shall specify by rule the format of all voter registration applications. These applications shall be compatible with existing voter registration

records. An applicant for voter registration shall be required to complete only one application and to provide the required information other than ~~((his or her))~~ the applicant's signature no more than one time. These applications shall also contain ~~((information))~~ instructions for the voter to use the form to update ~~((his or her))~~ information related to the voter's voter registration.

(2) Any application format specified by the secretary for use in registering to vote in state and local elections shall satisfy the requirements of the National Voter Registration Act of 1993 (P.L. 103-31) and the Help America Vote Act of 2002 (P.L. 107-252) for registering to vote in federal elections.

**Sec. 8.** RCW 29A.08.260 and 2013 c 11 s 15 are each amended to read as follows:

(1) All registration applications required under RCW 29A.08.210 and 29A.08.340 shall be produced and furnished by the secretary of state to the county auditors and the department of licensing.

(2) The county auditor shall distribute forms by which a person may register to vote by mail and ~~((transfer))~~ update the address for any previous registration in this state. The county auditor shall keep a supply of voter registration forms in ~~((his or her))~~ the auditor's office at all times for ~~((political parties and others))~~ people and organizations interested in assisting in voter registration, and shall make every effort to make these forms generally available to the public. The county auditor shall provide voter registration forms to city and town clerks, state offices, schools, fire stations, public libraries, and any other locations considered appropriate by the auditor or secretary of state for extending registration opportunities to all areas of the county. After the initial distribution of voter registration forms to a given location, a representative designated by the official in charge of that location shall notify the county auditor of the need for additional voter registration supplies.

**Sec. 9.** RCW 29A.08.270 and 2003 c 111 s 139 are each amended to read as follows:

In order to encourage the broadest possible voting participation by all eligible citizens, the secretary of state shall produce voter registration information in the ~~((foreign))~~ various languages required of state agencies.

**Sec. 10.** RCW 29A.08.320 and 2004 c 267 s 119 and 2004 c 266 s 7 are each reenacted and amended to read as follows:

For persons not performing an automatic voter registration transaction subject to section 1 of this act:

(1) A person may register to vote or ~~((transfer))~~ update their residential address information for a voter registration when ~~((he or she applies))~~ applying for service or assistance and with each renewal, recertification, or change of address at agencies designated under RCW 29A.08.310.

(2) A prospective applicant shall initially be offered a form approved by the secretary of state designed to determine whether the person wishes to register to vote. The form must comply with all applicable state and federal statutes regarding content.

The form shall also contain a box that may be checked by the applicant to ~~((indicate that he or she))~~ decline((s)) to register at the time of the transaction.

If the person indicates an interest in registering or has made no indication as to a desire to register or not register to vote, the person shall be given a mail-in voter registration application or a prescribed agency application as provided by RCW 29A.08.330.

**Sec. 11.** RCW 29A.08.330 and 2020 c 208 s 5 are each amended to read as follows:

(1) The secretary of state shall prescribe the method of voter registration for each designated agency. The agency shall use either the state voter registration by mail form with a separate declination form for the applicant to ~~((indicate that he or she))~~ decline((s)) to register at this time, or the agency may use a separate form or process approved for use by the secretary of state.

(2) The person providing service at the agency shall offer voter registration services to every client ~~((whenever he or she applies))~~ at the time of application for service or assistance and with each renewal, recertification, or change of address. The person providing service shall give the applicant the same level of assistance with the voter registration application as is offered to fill out the agency's forms and documents, including information about age and citizenship requirements for voter registration.

(3) ~~(a)~~ The person providing service at the agency shall determine if the prospective applicant wants to register to vote or update ~~((his or her))~~ the applicant's voter registration by asking the following question of all applicants age 16 or older:

"Do you want to register or sign up to vote or update your voter registration?"

~~(b)~~ If the applicant chooses to register, sign up, or update a registration, the service agent shall ask the following:

~~((a))~~ "Are you a United States citizen?"

~~((b))~~ "Are you at least sixteen years old?"

If the applicant answers in the affirmative ~~((to both questions))~~, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to sign up to vote, register to vote, or update a voter registration. If the applicant answers in the negative to ~~((either))~~ the question, the agent shall not provide the applicant with a voter registration application.

(4) If an agency uses a computerized application process, it may, in consultation with the secretary of state, develop methods

to capture simultaneously the information required for voter registration during a person's computerized application process.

(5) Each designated agency shall transmit the applications to the secretary of state or appropriate county auditor within three business days and must be received by the election official by the required voter registration deadline.

(6) Information that is otherwise disclosable under this chapter cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.

**Sec. 12.** RCW 29A.08.340 and 2013 c 11 s 17 are each amended to read as follows:

(1) A person ~~not performing an automatic voter registration transaction under section 1 of this act~~ may register to vote or update ~~((his or her))~~ the person's existing voter registration when ~~((he or she applies for or renews))~~ applying for or renewing a driver's license or identification card under chapter 46.20 RCW.

(2) To register to vote or update a registration, the applicant shall provide the information required by RCW 29A.08.010.

(3) The driver licensing agent shall record that the applicant has requested to register to vote or update a voter registration.

**Sec. 13.** RCW 29A.08.350 and 2018 c 110 s 106 are each amended to read as follows:

The department of licensing shall produce and transmit to the secretary of state the following information from the records of each individual who requested ~~((a))~~ to register to vote or update the individual's existing voter registration ~~((or update))~~ at a driver's license facility: The name, address, date of birth, any gender ~~((e))~~ information provided by the applicant, the driver's license number, signature image, any language preference information collected, any phone number provided by the voter, any email address provided by the voter, and the date on which the application for voter registration or update was submitted. The secretary of state shall process the registrations and updates as an electronic application. If requested by the secretary of state, the department shall provide copies of the documents submitted to prove citizenship for an individual subject to this section.

**Sec. 14.** RCW 29A.08.355 and 2020 c 208 s 7 are each amended to read as follows:

(1) The department of licensing must ~~((allow a person age eighteen years or older to be registered to vote or update voter registration information))~~ collect and transmit to the secretary of state voter registration information for all citizens applying for, renewing, or updating an enhanced driver's license or enhanced identicard by automated process at the time of registration, renewal, or change of address if:

(a) The person meets requirements for voter registration;

(b) The person has received or is renewing an enhanced driver's license or enhanced identicard issued under RCW 46.20.202 or is changing the address for an existing enhanced driver's license or enhanced identicard pursuant to RCW 46.20.205; and

(c) The department of licensing record associated with the applicant contains:

(i) The data required to determine whether the applicant meets requirements for voter registration under RCW 29A.08.010;

(ii) Other information as required by the secretary of state; and

(iii) A signature image.

(2) The department of licensing must ~~((allow a person sixteen or seventeen))~~ collect and transmit to the secretary of state voter registration information for all citizens applying for, renewing, or updating an enhanced driver's license or enhanced identicard 16 or 17 years of age ~~((to be signed up to register to vote by automated process at the time of registration, renewal, or change of address))~~ if:

(a) The person meets requirements to sign up to register to vote;

(b) The person has received or is renewing an enhanced driver's license or enhanced identicard issued under RCW 46.20.202 or is changing the address for an existing enhanced driver's license or enhanced identicard pursuant to RCW 46.20.205; and

(c) The department of licensing record associated with the applicant contains:

(i) The data required to determine whether the applicant meets the requirements for voter registration under RCW 29A.08.210, other than age;

(ii) Other information as required by the secretary of state; and

(iii) A signature image.

~~((3) The person must be informed that his or her record will be used for voter registration and offered an opportunity to decline to register.))~~

**Sec. 15.** RCW 29A.08.357 and 2018 c 110 s 103 are each amended to read as follows:

(1) ~~((If the applicant is))~~ For applicants served under RCW 29A.08.355 ~~((does not decline registration))~~, the application is submitted pursuant to RCW 29A.08.350 and marked as an automatic voter registrant.

(2) For each such application, the secretary of state must obtain a digital copy of the applicant's signature image from the department of licensing.

**Sec. 16.** RCW 29A.08.359 and 2020 c 208 s 18 are each amended to read as follows:

(1) (a) For persons age eighteen years and older registering under RCW 29A.08.355(1), an application is considered complete only if it contains the information required by RCW 29A.08.010 and other information as required by the secretary of state. The applicant is considered to be registered to vote as of the original date of issuance or renewal or date of change of address of an enhanced driver's license or enhanced identicard issued under RCW 46.20.202 or change of address for an existing enhanced

driver's license or enhanced identicard pursuant to RCW 46.20.205.

(b) For persons sixteen or seventeen years of age registering under RCW 29A.08.355(2), an application is considered complete only if it contains the information required by RCW 29A.08.010 and other information as required by the secretary of state. The applicant is considered to be registered to vote as of the date set forth in RCW 29A.08.110(1).

(c) The information must be transmitted ~~((in an expedited manner and must be received by an election official by the required voter registration deadline))~~ daily to the secretary of state. ~~((The))~~

(i) If the information shows no name change or change of residence or mailing address for an existing voter registration, the auditor may choose to send the voter an acknowledgment notice.

(ii) If the information is an application for new registration or updates any element of an existing voter registration, the auditor shall update the voter's record and, if the information updates the voter's name, residence address, or mailing address, record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list and send an automatic voter registration acknowledgment notice package within five business days of the original application, or, if the information is received after the deadline to register to vote or update a voter registration under RCW 29A.08.140 (1)(a) or (2)(a)(i), within five business days after the election. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. ~~((Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The United States postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.))~~

(d) An auditor may use other means to communicate with potential and registered voters such as, but not limited to, email, phone, or text messaging. The alternate form of communication must not be in lieu of the ~~((first-class))~~ mail requirements. The auditor shall act in compliance with all voter notification processes established in federal law.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice must require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant must be registered to vote. The applicant must not be placed on the official list of registered voters until the application is complete.

(3) If the prospective registration applicant responds to the automatic voter

registration acknowledgment notice and declines to register to vote or the information provided by the department of licensing does not indicate citizenship, the information must not be included on the list of registered voters.

(4)(a) For new registrants who decline registration in a reply that is received by the auditor within 15 days from the date of mailing of the automatic voter registration acknowledgment notice package, the voter registration record shall be removed from the list of registered voters, and the person is deemed to have never registered to vote.

(b) If the reply declining registration is received after the deadline, the auditor shall cancel the voter's registration.

(5) The department of licensing is prohibited from sharing data files used by the secretary of state to certify voters registered through the automated process outlined in RCW 29A.08.355 with any federal agency, or state agency other than the secretary of state. Personal information supplied for the purposes of obtaining a driver's license or identicard is exempt from public inspection pursuant to RCW 42.56.230.

**Sec. 17.** RCW 29A.08.362 and 2018 c 110 s 201 are each amended to read as follows:

~~((Beginning July 1, 2019, the))~~ The health benefit exchange shall provide the following information to the secretary of state's office for consenting Washington healthplanfinder applicants who affirmatively indicate that they are interested in registering to vote, including applicants who file changes of address, who reside in Washington, are age eighteen years or older, and are verified citizens, for voter registration purposes:

- (a) Names;
- (b) Traditional or nontraditional residential addresses;
- (c) Mailing addresses, if different from the traditional or nontraditional residential address; and
- (d) Dates of birth.

(2) The health benefit exchange shall consult with the secretary of state's office to ensure that sufficient information is provided to allow the secretary of state to obtain a digital copy of the person's signature when available from the department of licensing and establish other criteria and procedures that are secure and compliant with federal and state voter registration and privacy laws and rules.

~~((If applicable, the health benefit exchange shall report any known barriers or impediments to implementation of this section to the appropriate committees of the legislature and the governor no later than December 1, 2018.~~

~~((If the health benefit exchange determines, in consultation with the health care authority, that implementation of chapter 110, Laws of 2018 requires changes subject to approval from the centers for medicare and medicaid services, participation of the health benefit exchange is contingent on receiving that approval.))~~ If the health benefit exchange

determines, in consultation with the health care authority, that implementation of an automatic voter registration system requires approval from the centers for medicare and medicaid services, then any implementation is contingent on receiving that approval.

**Sec. 18.** RCW 29A.08.365 and 2018 c 110 s 202 are each amended to read as follows:

(1) The governor shall make a decision, in consultation with the office of the secretary of state, as to whether each agency identified in subsection ~~((3))~~(2) of this section shall implement automatic voter registration. The final decision is at the governor's sole discretion.

~~(2) ((a) Each agency identified in subsection (3) of this section shall submit a report to the governor and appropriate legislative committees no later than December 1, 2018, describing:~~

~~(i) Steps needed to implement automatic voter registration under chapter 110, Laws of 2018 by July 1, 2019;~~

~~(ii) Barriers to implementation, including ways to mitigate those barriers; and~~

~~(iii) Applicable federal and state privacy protections for voter registration information.~~

~~(b) In preparing the report required under this subsection, the agency may consult with the secretary of state's office to determine automatic voter registration criteria and procedures.~~

~~(3))~~ This section applies to state agencies, other than the health benefit exchange, providing public assistance or services to persons with disabilities, designated pursuant to RCW 29A.08.310(1), that collect, process, and store the following information as part of providing assistance or services:

(a) Names;

(b) Traditional or nontraditional residential addresses;

(c) Dates of birth;

(d) A signature attesting to the truth of the information provided on the application for assistance or services; and

(e) Verification of citizenship information, via social security administration data match or manually verified by the agency during the client transaction.

~~((4))~~(3) Once an agency has implemented automatic voter registration, it shall continue to provide automatic voter registration unless legislation is enacted that directs the agency to do otherwise.

~~((5))~~(4) Agencies may not begin verifying citizenship as part of an agency transaction for the sole purpose of providing automatic voter registration.

**Sec. 19.** RCW 29A.08.370 and 2018 c 110 s 203 are each amended to read as follows:

(1) If a person who is ineligible to vote becomes, in the rare occasion, registered to vote under RCW 29A.08.355 or 29A.08.362 in the absence of a knowing violation by that person of RCW 29A.84.140, that person shall be deemed to have performed an authorized act of registration and such act may not be

considered as evidence of a claim to citizenship.

(2) Unless a person willfully and knowingly votes or attempts to vote knowing that he or she is not entitled to vote, a person who is ineligible to vote and becomes registered to vote under RCW 29A.08.355 or 29A.08.362, and subsequently votes or attempts to vote in an election held after the effective date of the person's registration, is not guilty of violating RCW 29A.84.130, and shall be deemed to have performed an authorized act, and such act may not be considered as evidence of a claim to citizenship.

(3) A person who is ineligible to vote, who successfully completes the voter registration process under RCW 29A.08.355 or 29A.08.362 or votes in an election, must have their voter registration, or record of vote, removed from the voter registration database and any other application records.

(4) Should an ineligible individual become registered to vote, the office of the secretary of state and the relevant agency shall jointly determine the cause. If the cause is found to be intentional registration of ineligible persons by a person employed by the state or county government tasked with assisting the public with voter registration, that government employee is subject to the penalties of RCW 29A.84.110.

**Sec. 20.** RCW 46.20.153 and 2001 c 41 s 15 are each amended to read as follows:

The department shall post signs at each driver licensing facility advertising the availability of voter registration services, of automatic voter registration services for enhanced license and enhanced identification card applicants, and advising of the qualifications to register to vote. The information shall be visible to a person conducting a licensing transaction at the time of the transaction, either as a sign, or as a placard handed to the voter for review. Copies of the information shall be available in the various languages required of state agencies.

**Sec. 21.** RCW 46.20.155 and 2020 c 208 s 8 are each amended to read as follows:

(1) ~~((Before))~~(a) For transactions other than enhanced driver's license or enhanced identicard applicants, before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or update his or her voter registration by asking the following question:

"Do you want to register or sign up to vote or update your voter registration?"

The department of licensing, with the approval of the secretary of state, may direct licensing agents to ask a substantially similar question designed to improve applicant understanding.

(b) If the applicant chooses to register, sign up, or update a registration, the agent shall ask the following:

~~((1))~~ "Are you a United States citizen?"

~~((2)) "Are you at least sixteen years old?"~~)

If the applicant answers in the affirmative to ~~((both))~~ the question ~~((s))~~, the agent shall then submit the registration, sign up form, or update. If the applicant answers in the negative to ~~((either))~~ the question, the agent shall not submit an application. Information that is otherwise disclosable under chapter 29A.08 RCW cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.

(2) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce.

(3) If an applicant presents a document demonstrating that the applicant is not a United States citizen at the time of the driver's license or identicard transaction, the licensing agent shall not ask the questions described in subsection (1) of this section, and shall not submit an application. The department, in consultation with the secretary of state, shall determine which types of documents accepted by the department for purposes of a driver's license or identicard transaction demonstrate that an applicant is not a United States citizen at the time of the transaction.

**Sec. 22.** RCW 46.20.156 and 2020 c 208 s 21 are each amended to read as follows:

For persons eighteen years of age or older who meet requirements for voter registration and persons sixteen or seventeen years of age who meet requirements to sign up to register to vote, who have been issued or are renewing an enhanced driver's license or identicard under RCW 46.20.202 or applying for a change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205, ~~((and have not declined to register to vote,))~~ the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant if provided, the driver's license number, signature image, any language preference information collected, any phone number provided by the voter, any email address provided by the voter, and the date on which the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis. If requested by the secretary of state, the department shall provide copies of the documents submitted to prove citizenship for an individual subject to this section.

**Sec. 23.** RCW 46.20.205 and 2017 c 147 s 8 are each amended to read as follows:

Whenever any person, after applying for or receiving a driver's license or

identicard, moves from the address named in the application or in the license or identicard issued to him or her, or changes his or her name of record, the person shall, within ten days thereafter, notify the department of the name or address change as provided in RCW 46.08.195. This notification information shall be transmitted to the secretary of state on a daily basis, including the person's name, former name, address, former address, date of birth, signature image, and date of the transaction.

**Sec. 24.** RCW 29A.08.625 and 2009 c 369 s 30 are each amended to read as follows:

(1) A voter whose registration has been made inactive under this chapter and who requests to vote at an ensuing election before two federal general elections have been held must be allowed to vote a regular ballot applicable to ~~((the registration))~~ the voter's current residence address, and the voter's registration record updated and restored to active status.

(2) ~~((A))~~ An eligible voter whose registration has been properly canceled under this chapter shall ((vote a provisional ballot. The voter shall mark the provisional ballot in secrecy, the ballot placed in a security envelope, the security envelope placed in a provisional ballot envelope, and the reasons for the use of the provisional ballot noted.

~~((3))~~ Upon receipt of such a voted provisional ballot the auditor shall investigate the circumstances surrounding the original cancellation. If he or she determines that the cancellation was in error, the voter's registration must be immediately reinstated, and the voter's provisional ballot must be counted. If the original cancellation was not in error, the voter must be afforded the opportunity to reregister at his or her correct address, and the voter's provisional ballot must not be counted) be allowed to register to vote at the voter's current residence address.

**Sec. 25.** RCW 29A.08.630 and 2009 c 369 s 31 are each amended to read as follows:

(1) The county auditor shall return an inactive voter to active voter status if, prior to the passage of two federal general elections, the voter:

~~((1))~~ (a) Notifies the auditor of a change of address;

~~((2))~~ (b) Responds to a confirmation notice with information that he or she continues to reside at the registration address; or

~~((3))~~ (c) Votes or attempts to vote in a primary, special election, or general election.

(2) If the inactive voter fails to provide ~~((such))~~ a notice or take ~~((such))~~ an action ~~((within that period))~~ as described in subsection (1) of this section, the auditor shall cancel the person's voter registration.

(3) The county auditor must cancel an inactive voter registration when receiving information indicating that the inactive voter has moved out of state or died.

**Sec. 26.** RCW 29A.08.635 and 2009 c 369 s 32 are each amended to read as follows:

Confirmation notices must be on a form prescribed by, or approved by, the secretary of state and must request that the voter ~~((confirm))~~ verify that ~~((he or she))~~ the voter continues to reside at the address of record and desires to continue to use that address for voting purposes, or provide a new residence address for voting, or provide information that the voter no longer resides in the state. The notice must inform the voter that if the voter does not respond to the notice and does not vote in either of the next two federal general elections, ~~((his or her voter))~~ the voter's registration will be canceled.

**Sec. 27.** RCW 29A.08.710 and 2018 c 109 s 10 are each amended to read as follows:

(1) The county auditor shall have custody of the original voter registration records and voter registration sign up records for each county. The original voter registration form must be filed without regard to precinct and is considered confidential and unavailable for public inspection and copying. An automated file of all registered voters must be maintained pursuant to RCW 29A.08.125. An auditor may maintain the automated file in lieu of filing or maintaining the original voter registration forms if the automated file includes all of the information from the original voter registration forms including, but not limited to, a retrievable facsimile of each voter's signature.

(2)(a) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying, except as provided in RCW 40.24.060 and (b) of this subsection: The voter's name, address, political jurisdiction, gender, ~~((date))~~ year of birth, voting record, date of registration, and registration number. No other information from voter registration records or files is available for public inspection or copying.

(b) The personally identifiable information of individuals who are under the age of eighteen are exempt from public inspection and copying until the subject of the record is eighteen years of age, except for the purpose of processing and delivering ballots.

**Sec. 28.** RCW 29A.08.810 and 2020 c 208 s 6 are each amended to read as follows:

(1) Registration of a person as a voter is presumptive evidence of his or her right to vote. A challenge to the person's right to vote must be based on personal knowledge of one of the following:

(a) The challenged voter has been convicted of a felony that includes serving a sentence of total confinement under jurisdiction of the department of corrections, or a felony conviction in another state's court or federal court and the ((voter's civil rights)) voter is serving that sentence of total confinement and the person's voting rights have not been restored under RCW 29A.08.520;

(b) The challenged voter has been judicially declared ineligible to vote due to mental incompetency under RCW 29A.08.515;

(c) The challenged voter ~~((does not live))~~ resides at a different address than the residential address provided, and is not subject to RCW 29A.04.151 or 29A.08.112, in which case the challenger must either:

(i) Provide the challenged voter's actual residence on the challenge form; or

(ii) Submit evidence that he or she exercised due diligence to verify that the challenged voter does not reside at the address provided ~~((and to attempt to contact the challenged voter to learn the challenged voter's actual residence, including)).~~ Evidence includes that the challenger personally:

(A) Sent a letter with return service requested to the challenged voter's residential address provided, and to the challenged voter's mailing address, if provided;

~~((B))~~ (B) (Visited the residential address provided and contacted persons at the address to determine whether the voter resides at the address and, if not, obtained and submitted with the challenge form a signed affidavit subject to the penalties of perjury from a person who owns or manages property, resides, or is employed at the address provided, that to his or her personal knowledge the challenged voter does not reside at the address as provided on the voter registration;

~~((C))~~ (C) Searched local telephone directories, including online directories, to determine whether the voter maintains a telephone listing at any address in the county;

~~((D))~~ (D) Searched county auditor property records to determine whether the challenged voter owns any property in the county; ((and

~~((E))~~ (E) Searched the statewide voter registration database to determine if the voter is registered at any other address in the state; and

(F) Searched the voter registration database of another state to determine if the voter is registered to vote in any other state;

(d) The challenged voter will not be eighteen years of age by the next general election; or

(e) The challenged voter is not a citizen of the United States.

(2) A person's right to vote may be challenged by another registered voter or the county prosecuting attorney.

(3) The challenger must file a signed affidavit subject to the penalties of perjury swearing that, to his or her personal knowledge and belief, having exercised due diligence to personally verify the evidence presented, the challenged voter either is not qualified to vote or does not reside at the address given on his or her voter registration record based on one of the reasons allowed in subsection (1) of this section. The challenger must provide the factual basis for the challenge, including any information required by subsection (1)(c) of this section, in the signed affidavit. The challenge may not be based on unsupported allegations or



allegations by anonymous third parties. All documents pertaining to the challenge are public records.

(4) Challenges based on a felony conviction under RCW 29A.08.520 must be heard according to RCW 29A.08.520 and rules adopted by the secretary of state.

**Sec. 29.** RCW 29A.08.820 and 2013 c 11 s 20 are each amended to read as follows:

(1) Challenges must be filed with the county auditor of the county in which the challenged voter is registered no later than ~~((forty-five))~~45 days before the election. The county auditor presides over the hearing.

(2) ~~((Only if))~~Challenges may be filed after 45 days before the election, only when the challenged voter registered to vote less than ((sixty))60 days before the election, or changed residence less than ~~((sixty))~~60 days before the election without ~~((transferring his or her))~~updating the residence address of the voter's voter registration((, may a)). A challenge may then be filed not later than ~~((ten))~~10 days before any primary or election, general or special, or within ~~((ten))~~10 days of the voter being added to the voter registration database, whichever is later.

(a) If the challenge is filed ~~((within forty-five))~~after 45 days before an election at which the challenged voter is eligible to vote, a notation of the challenge must be made immediately to the challenged voter's registration in the voter registration system, and the county canvassing board shall preside~~((s))~~ over the hearing.

(b) If the challenge is filed before the challenged voter's ballot is received, the ballot must be ~~((treated))~~processed as a challenged ballot, and held until the challenge is resolved.

(c) If the challenge is filed after the challenged voter's ballot is received, the challenge cannot affect the current election. However, the process shall proceed until the challenge is resolved.

**Sec. 30.** RCW 29A.08.835 and 2006 c 320 s 1 are each amended to read as follows:

(1) The county auditor shall, within seventy-two hours of receipt, publish on the auditor's internet website the entire content of any voter challenge filed under chapter 29A.08 RCW. Immediately after publishing any voter challenge, the county auditor shall notify any person who requests to receive such notifications on an ongoing basis.

(2) The information on the website may be removed 45 days following certification of an election. Information related to the challenge must be maintained by the county auditor for the appropriate retention period, and is subject to disclosure upon request.

**Sec. 31.** RCW 29A.08.840 and 2006 c 320 s 6 are each amended to read as follows:

(1) If the challenge is not in proper form or the factual basis for the challenge does not meet the legal grounds for a challenge, the county auditor may dismiss

the challenge and notify the challenger of the reasons for the dismissal. A challenge is not in proper form if it is incomplete on its face or does not substantially comply with the form issued by the secretary of state.

(2) If the challenge is in proper form and the factual basis meets the legal grounds for a challenge, the county auditor must notify the challenged voter and provide a copy of the affidavit. The county auditor shall also provide to any person, upon request, a copy of all materials provided to the challenged voter.

(a) If the challenge is to the residential address provided by the voter, the challenged voter must be provided notice of the exceptions allowed in RCW 29A.08.112 and 29A.04.151, and Article VI, section 4 of the state Constitution((. A challenged voter)), and may ((transfer))update the residence address on the voter's voter registration, or reregister until 8:00 p.m. the day ((before))of the election.

(b) The county auditor must schedule a hearing and notify the challenger and the challenged voter of the time and place for the hearing.

(3) All notice must be by certified mail to the address provided in the voter registration record, and any other addresses at which the challenged voter is alleged to reside or the county auditor reasonably expects the voter to receive notice. The challenger and challenged voter may either appear in person or submit testimony by affidavit. Personal appearance may be accomplished using video telecommunications technology if the auditor or canvassing board chooses.

(4) The challenger has the burden to prove by clear and convincing evidence that the challenged voter's registration is improper. The challenged voter must be provided a reasonable opportunity to respond. If the challenge is to the residential address provided by the voter, the challenged voter may provide evidence that he or she resides at the location described in his or her voter's registration records, or meets one of the exceptions allowed in RCW 29A.08.112 or 29A.04.151, or Article VI, section 4 of the state Constitution. If either the challenger or challenged voter fails to appear at the hearing, the challenge must be resolved based on the available facts.

(5) If the challenge is based on an allegation under RCW 29A.08.810(1) (a), (b), (d), or (e) and the canvassing board sustains the challenge, the voter registration shall be canceled and any challenged ballot shall not be counted. If the challenge is based on an allegation under RCW 29A.08.810(1)(c) and the canvassing board sustains the challenge, the board shall permit the voter to correct ~~((his or her))~~the residence address on the voter registration and any races and ballot measures on ((the))any challenged ballot that the voter would have been qualified to vote for had the registration been correct shall be counted.

(6) If the challenger fails to prove by clear and convincing evidence that the registration is improper, the challenge must

be dismissed and ~~((the))~~any pending challenged ballot must be accepted as valid. ~~((Challenged))~~All challenged ballots must be resolved before certification of the election. The decision of the county auditor or canvassing board is final subject only to judicial review by the superior court under chapter 34.05 RCW.

**Sec. 32.** RCW 29A.04.611 and 2011 c 10 s 13 are each amended to read as follows:

The secretary of state as chief election officer shall make reasonable rules in accordance with chapter 34.05 RCW not inconsistent with the federal and state election laws to effectuate any provision of this title and to facilitate the execution of its provisions in an orderly, timely, and uniform manner relating to any federal, state, county, city, town, and district elections. To that end the secretary shall assist local election officers by devising uniform forms and procedures.

In addition to the rule-making authority granted otherwise by this section, the secretary of state shall make rules governing the following provisions:

(1) The maintenance of voter registration records;

(2) The preparation, maintenance, distribution, review, and filing of precinct maps;

(3) Standards for the design, layout, and production of ballots;

(4) The examination and testing of voting systems for certification;

(5) The source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;

(6) Standards and procedures for the acceptance testing of voting systems by counties;

(7) Standards and procedures for testing the programming of vote tallying software for specific primaries and elections;

(8) Standards and procedures for the preparation and use of each type of certified voting system including procedures for the operation of counting centers where vote tallying systems are used;

(9) Standards and procedures to ensure the accurate tabulation and canvassing of ballots;

(10) Consistency among the counties of the state in the preparation of ballots, the operation of vote tallying systems, and the canvassing of primaries and elections;

(11) Procedures to ensure the secrecy of a voter's ballot when a small number of ballots are counted;

(12) The use of substitute devices or means of voting when a voting device is found to be defective, the counting of votes cast on the defective device, the counting of votes cast on the substitute device, and the documentation that must be submitted to the county auditor regarding such circumstances;

(13) Procedures for the transportation of sealed containers of voted ballots or sealed voting devices;

(14) The acceptance and filing of documents via electronic transmission;

(15) Voter registration applications and records;

(16) The use of voter registration information in the conduct of elections;

(17) The coordination, delivery, and processing of voter registration records accepted by driver licensing agents or the department of licensing;

(18) The coordination, delivery, and processing of voter registration records accepted by agencies designated by the governor to provide voter registration services;

(19) Procedures to receive and distribute voter registration applications by mail;

(20) Procedures for a voter to change his or her voter registration address within a county by telephone;

(21) Procedures for a voter to change the name under which he or she is registered to vote;

(22) Procedures for canceling dual voter registration records and for maintaining records of persons whose voter registrations have been canceled;

(23) Procedures for the electronic transfer of voter registration records between county auditors and the office of the secretary of state;

(24) Procedures and forms related to automatic voter registration;

(25) Procedures and forms for declarations of candidacy;

~~((25))~~(26) Procedures and requirements for the acceptance and filing of declarations of candidacy by electronic means;

~~((26))~~(27) Procedures for the circumstance in which two or more candidates have a name similar in sound or spelling so as to cause confusion for the voter;

~~((27))~~(28) Filing for office;

~~((28))~~(29) The order of positions and offices on a ballot;

~~((29))~~(30) Sample ballots;

~~((30))~~(31) Independent evaluations of voting systems~~((+~~

~~(-))~~(31) The) and the testing, approval, and certification of voting systems;

(32) The testing of vote tallying software programming;

(33) Standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of ballots, including standards for the approval and implementation of hardware and software for automated signature verification systems;

(34) Standards and procedures to guarantee the secrecy of ballots;

(35) Uniformity among the counties of the state in the conduct of elections;

(36) Standards and procedures to accommodate overseas voters and service voters;

(37) The tabulation of paper ballots;

(38) The accessibility of voting centers;

(39) The aggregation of precinct results if reporting the results of a single precinct could jeopardize the secrecy of a person's ballot;

(40) Procedures for conducting a statutory recount;

(41) Procedures for filling vacancies in congressional offices if the general statutory time requirements for availability

of ballots, certification, canvassing, and related procedures cannot be met;

(42) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;

(43) Standards and deadlines for submitting material to the office of the secretary of state for the voters' pamphlet;

(44) Deadlines for the filing of ballot titles for referendum bills and constitutional amendments if none have been provided by the legislature;

(45) Procedures for the publication of a state voters' pamphlet;

(46) Procedures for conducting special elections regarding nuclear waste sites if the general statutory time requirements for availability of ballots, certification, canvassing, and related procedures cannot be met;

(47) Procedures for conducting partisan primary elections;

(48) Standards and procedures for the proper conduct of voting on accessible voting devices;

(49) Standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters;

(50) All data formats for transferring voter registration data on electronic or machine-readable media for the purpose of administering the statewide voter registration list required by the Help America Vote Act (P.L. 107-252);

(51) Defining the interaction of electronic voter registration election management systems employed by each county auditor to maintain a local copy of each county's portion of the official state list of registered voters;

(52) Provisions and procedures to implement the state-based administrative complaint procedure as required by the Help America Vote Act (P.L. 107-252);

(53) Facilitating the payment of local government grants to local government election officers or vendors; and

(54) Standards for the verification of signatures on ballot declarations.

**Sec. 33.** RCW 29A.84.110 and 2003 c 111 s 2105 are each amended to read as follows:

If any county auditor or registration assistant, including government agency employees providing voter registration services under the requirements of state law or the national voter registration act of 1993:

(1) Willfully neglects or refuses to perform any duty required by law in connection with the registration of voters; or

(2) Willfully neglects or refuses to perform such duty in the manner required by voter registration law; or

(3) Enters or causes or permits to be entered on the voter registration records

the name of any person in any other manner or at any other time than as prescribed by voter registration law or enters or causes or permits to be entered on such records the name of any person not entitled to be thereon; or

(4) Destroys, mutilates, conceals, changes, or alters any registration record in connection therewith except as authorized by voter registration law, ~~((he or she))~~ that person is guilty of a gross misdemeanor punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

**Sec. 34.** RCW 29A.04.058 and 2019 c 391 s 1 are each amended to read as follows:

"Election official" when pertaining to voter registration includes any staff member of the office of the secretary of state, staff of state agencies or offices providing voter registration services, or a staff member of ~~((the))~~ a county auditor's office.

**Sec. 35.** RCW 29A.08.115 and 2009 c 369 s 11 are each amended to read as follows:

A person or organization collecting voter registration application forms must transmit the forms to the secretary of state or a county auditor within five business days. The registration date on such forms will be the date they are received by the secretary of state or county auditor. A person or organization collecting voter registration forms that intentionally does not transmit the forms to an election office may be subject to penalty under RCW 29A.84.030.

NEW SECTION. **Sec. 36.** RCW 29A.08.375 (Automatic registration—Rule-making authority) and 2018 c 110 s 207 are each repealed.

NEW SECTION. **Sec. 37.** Sections 3, 4, 6, 11, 13 through 16, and 20 through 23 of this act take effect July 15, 2024."

Correct the title.

Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Gregerson and Mena.

MINORITY recommendation: Without recommendation. Signed by Representatives Christian, Assistant Ranking Minority Member; and Low.

Referred to Committee on Transportation

March 15, 2023

SB 5122

Prime Sponsor, Senator Cleveland:  
Extending the expiration date of the ambulance transport fund. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

March 15, 2023

ESSB 5142 Prime Sponsor, Ways & Means: Creating an account for the pharmaceutical rebate revenue generated by the purchase of medications for people living with HIV who are enrolled in the early intervention program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

March 15, 2023

SSB 5189 Prime Sponsor, Health & Long Term Care: Establishing behavioral health support specialists. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Harris; Macri; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations

March 16, 2023

E2SSB 5198 Prime Sponsor, Ways & Means: Concerning the sale or lease of manufactured/mobile home communities and the property on which they sit. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

March 15, 2023

SSB 5229 Prime Sponsor, Ways & Means: Accelerating rural job growth and promoting economic recovery across Washington through site readiness grants. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Capital Budget

March 15, 2023

SSB 5275 Prime Sponsor, Ways & Means: Expanding access to benefits provided by the school

employees' benefits board. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

March 15, 2023

SB 5323 Prime Sponsor, Senator MacEwen: Concerning the department of veterans affairs. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Rules for second reading

March 15, 2023

SB 5324 Prime Sponsor, Senator Conway: Concerning the defense community compatibility account. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Capital Budget

March 15, 2023

SSB 5396 Prime Sponsor, Health & Long Term Care: Concerning cost sharing for diagnostic and supplemental breast examinations. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) In 1989 the legislature enacted Substitute House Bill No. 1074 requiring disability insurers, group disability insurers, health care service contractors, health maintenance organizations, and plans offered to public employees that provide benefits for hospital or medical care to provide benefits for screening and diagnostic mammography services.

(2) In 2010 the United States congress enacted the patient protection and affordable care act, which required coverage of certain preventative care services including screening mammograms with no cost sharing.

(3) In 2013 the Washington state office of the insurance commissioner adopted rules establishing the essential health benefits benchmark plan, which listed diagnostic and screening mammogram services as state benefit requirements under preventative and wellness services.

(4) In 2018 the legislature enacted Senate Bill No. 5912 which directed the office of the insurance commissioner to clarify that the existing mandates for mammography included coverage for tomosynthesis, also known as three-dimensional mammography, under the same terms and conditions allowed for mammography.

(5) The legislature intends to establish that the requirements for coverage of mammography services predated the affordable care act and are already included in the state's essential health benefits benchmark plan. Furthermore, the legislature intends to prohibit cost sharing for certain types of breast examinations.

**NEW SECTION. Sec. 2.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, for nongrandfathered health plans issued or renewed on or after January 1, 2024, that include coverage of supplemental breast examinations and diagnostic breast examinations, health carriers may not impose cost sharing for such examinations.

(2) For a health plan that provides coverage of supplemental breast examinations and diagnostic breast examinations and is offered as a qualifying health plan for a health savings account, the health carrier shall establish the plan's cost sharing for the coverage of the services described in this section at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions from their health savings account under internal revenue service laws and regulations.

(3) For purposes of this section:

(a) "Diagnostic breast examination" means a medically necessary and appropriate examination of the breast, including an examination using diagnostic mammography, digital breast tomosynthesis, also called three dimensional mammography, breast magnetic resonance imaging, or breast ultrasound, that is used to evaluate an abnormality:

(i) Seen or suspected from a screening examination for breast cancer; or

(ii) Detected by another means of examination.

(b) "Supplemental breast examination" means a medically necessary and appropriate examination of the breast, including an examination using breast magnetic resonance imaging or breast ultrasound, that is: (i) Used to screen for breast cancer when there is no abnormality seen or suspected; and

(ii) Based on personal or family medical history, or additional factors that may increase the individual's risk of breast cancer.

**Sec. 3.** RCW 48.20.393 and 1994 sp.s. c 9 s 728 are each amended to read as follows:

Each disability insurance policy issued or renewed after January 1, 1990, that provides coverage for hospital or medical expenses shall provide coverage for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the nursing care quality assurance commission pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard policy provisions, other than the cost-sharing prohibition provided in section 1 of this act, that are applicable to other benefits ((such as deductible or copayment provisions)). This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

**Sec. 4.** RCW 48.21.225 and 1994 sp.s. c 9 s 731 are each amended to read as follows:

Each group disability insurance policy issued or renewed after January 1, 1990, that provides coverage for hospital or medical expenses shall provide coverage for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the nursing care quality assurance commission pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard policy provisions, other than the cost-sharing prohibition provided in section 1 of this act, that are applicable to other benefits ((such as deductible or copayment provisions)). This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

**Sec. 5.** RCW 48.44.325 and 1994 sp.s. c 9 s 734 are each amended to read as follows:

Each health care service contract issued or renewed after January 1, 1990, that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the nursing care quality assurance commission pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard contract provisions, other than the cost-sharing

prohibition provided in section 1 of this act, that are applicable to other benefits ((such as deductible or copayment provisions)). This section does not limit the authority of a contractor to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

**Sec. 6.** RCW 48.46.275 and 1994 sp.s. c 9 s 735 are each amended to read as follows:

Each health maintenance agreement issued or renewed after January 1, 1990, that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the nursing care quality assurance commission pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

All services must be provided by the health maintenance organization or rendered upon referral by the health maintenance organization. This section shall not be construed to prevent the application of standard agreement provisions, other than the cost-sharing prohibition provided in section 1 of this act, that are applicable to other benefits ((such as deductible or copayment provisions)). This section does not limit the authority of a health maintenance organization to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits."

Correct the title.

Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Harris; Macri; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Schmick, Ranking Minority Member.

Referred to Committee on Appropriations

March 16, 2023

SSB 5617 Prime Sponsor, Early Learning & K-12 Education: Concerning career and technical education course equivalencies. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28A.245 RCW to read as follows:

(1) An interdistrict cooperative agreement between all participating school districts in a skill center under RCW

28A.245.010 must stipulate that any approved state and local equivalency courses offered by the host school district must be honored as equivalency courses by all school districts participating in the skill center.

(2) The list of approved local and state equivalency courses of the host school district must be provided by the host district to participating districts on an annual basis by September 1st.

(3) Students served at any core, branch, or satellite skill center campus must have access to academic credit for any approved local or state equivalency courses offered at those sites and in accordance with transcription requirements in RCW 28A.230.097.

**Sec. 2.** RCW 28A.230.097 and 2019 c 221 s 2 are each amended to read as follows:

(1) Each high school or school district board of directors shall adopt course equivalencies for career and technical high school courses offered to students in high schools and skill centers. A career and technical course equivalency may be for whole or partial credit. Each school district board of directors shall develop a course equivalency approval procedure. Boards of directors must approve AP computer science courses as equivalent to high school mathematics or science, and must denote on a student's transcript that AP computer science qualifies as a math-based quantitative course for students who take the course in their senior year.

(2) ~~(Until September 1, 2021, a school)~~ School district boards of directors must, at a minimum, grant academic course equivalency for at least one statewide equivalency high school career and technical course from the list of courses approved by the superintendent of public instruction under RCW 28A.700.070.

(3)(a) If the list of courses is revised after the 2015-16 school year, the school district board of directors must grant academic course equivalency based on the revised list beginning with the school year immediately following the revision.

(b) Each high school or school district board of directors may additionally adopt local course equivalencies for career and technical education courses that are not on the list of courses approved by the superintendent of public instruction under RCW 28A.700.070 as local equivalency courses in support of RCW 28A.700.070.

(c) Approved local or state equivalency courses at any core, branch, or satellite skill center must be offered for academic credit to all students participating in courses at those sites.

(4) On and after September 1, 2021, any statewide equivalency course offered by a school district or accessed at a skill center must be offered for academic credit.

(5) Career and technical courses determined to be equivalent to academic core courses, in full or in part, by the high school or school district shall be accepted as meeting core requirements, including graduation requirements, if the courses are recorded on the student's transcript using the equivalent academic high school

department designation and title. Full or partial credit shall be recorded as appropriate. The high school or school district shall also issue and keep record of course completion certificates that demonstrate that the career and technical courses were successfully completed as needed for industry certification, college credit, or preapprenticeship, as applicable. The certificate shall be part of the student's high school and beyond plan. The office of the superintendent of public instruction shall develop and make available electronic samples of certificates of course completion.

(6) Prior to course scheduling or course registration for the next school term, each public school that serves students in any of grades nine through 12 must provide all students and their parents or legal guardians with information about the opportunities for meeting credit-based graduation requirements through equivalency courses, including those available within the school district or at a skill center.

**Sec. 3.** RCW 28A.300.236 and 2018 c 177 s 303 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must create methodologies for implementing equivalency crediting on a broader scale across the state and facilitate its implementation including, but not limited to, the following:

(a) Implementing statewide career and technical education course equivalency frameworks authorized under RCW 28A.700.070 and 28A.230.097 for high schools and skill centers ~~((in science, technology, engineering, and mathematics))~~. This may include development of additional equivalency course frameworks in core subject areas, course performance assessments, and development and delivery of professional development for districts and skill centers implementing the career and technical education frameworks; ~~((and))~~

(b) Providing competitive grant funds to school districts to increase the integration and rigor of academic instruction in career and technical education equivalency courses. The grant funds must be used to support teams of general education and career and technical education teachers to convene and design course performance assessments, deepen the understanding of integrating academic and career and technical education in student instruction, and develop professional learning modules for school districts to plan implementation of equivalency crediting; and

(c) Conducting a review of implementation requirements of RCW 28A.230.097 and providing technical assistance to districts to ensure state course equivalencies are being consistently offered for academic credit for students at high schools and skill centers.

(2) Beginning in the 2017-18 school year, school districts shall annually report to the office of the superintendent of public instruction the following information:

(a) The annual number of students participating in state-approved equivalency courses; and

(b) The annual number of state approved equivalency credit courses offered in school districts and skill centers.

(3) Beginning December 1, 2018, and every December 1st thereafter, the office of the superintendent of public instruction shall annually submit the following information to the office of the governor, the state board of education, and the appropriate committees of the legislature:

(a) The selected list of equivalent career and technical education courses and their curriculum frameworks that the superintendent of public instruction has approved under RCW 28A.700.070; ~~((and))~~

(b) A summary of the school district information reported under subsection (2) of this section; and

(c) A summary of implementation efforts and review findings determined under subsection (1) of this section, including recommendations for increasing access to equivalency coursework.

**Sec. 4.** RCW 28A.700.070 and 2018 c 191 s 1 and 2018 c 177 s 304 are each reenacted and amended to read as follows:

(1) The office of the superintendent of public instruction shall support school district efforts under RCW 28A.230.097 to adopt course equivalencies for career and technical courses by:

(a) Recommending career and technical curriculum suitable for course equivalencies;

(b) Publicizing best practices for high schools and school districts in developing and adopting course equivalencies; and

(c) In consultation with the Washington association for career and technical education, providing professional development, technical assistance, and guidance for school districts seeking to expand their lists of equivalent courses.

(2) The office of the superintendent of public instruction shall provide professional development, technical assistance, and guidance for school districts to develop career and technical course equivalencies that also qualify as advanced placement courses.

(3) The superintendent of public instruction, in consultation with one or more technical working groups convened for this purpose, shall develop and, after an opportunity for public comment, approve curriculum frameworks for a selected list of career and technical courses that may be offered by high schools or skill centers whose academic standards content is considered equivalent in full or in part to the academic courses that meet high school graduation requirements. These courses may include equivalency to English language arts, mathematics, science, social studies, arts, world languages, or health and physical education. The content of the courses must be aligned with the most current Washington K-12 learning standards in English language arts, mathematics, science, arts, world languages, health and physical education, social studies, and

required industry standards. The first list of courses under this subsection must be developed and approved before the 2015-16 school year. Thereafter, the superintendent of public instruction may periodically update or revise the list of courses using the process in this subsection.

(4) Subject to funds appropriated for this purpose, the superintendent of public instruction shall allocate grant funds to school districts to increase the integration and rigor of academic instruction in career and technical courses. Grant recipients are encouraged to use grant funds to support teams of academic and technical teachers. The superintendent of public instruction may require that grant recipients provide matching resources using federal Carl Perkins funds or other fund sources.

(5) Subject to funds appropriated for this purpose, the superintendent of public instruction shall convene a technical working group to develop a course equivalency crosswalk for technology-based competitive student activities that complies with the equivalency and content requirements established in subsection (3) of this section. This technical working group shall include educators from school districts or educational service districts that have experience with technology-based competitive student activities. The superintendent of public instruction shall develop and approve course equivalencies to include in the updated list established in subsection (3) of this section based on the work of the technical working group."

Correct the title.

Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Rules for second reading

March 16, 2023

ESB 5623 Prime Sponsor, Senator Dhingra: Modifying an element of the offense of hate crime and classifying a hate crime as crimes against persons. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representative Graham.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker assumed the chair.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

- SENATE BILL NO. 5004
- SUBSTITUTE SENATE BILL NO. 5005
- SENATE BILL NO. 5036
- SENATE BILL NO. 5065
- SUBSTITUTE SENATE BILL NO. 5072
- SUBSTITUTE SENATE BILL NO. 5121
- SENATE BILL NO. 5122
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5179
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5257
- SENATE BILL NO. 5323
- SUBSTITUTE SENATE BILL NO. 5338
- SUBSTITUTE SENATE BILL NO. 5617
- ENGROSSED SENATE BILL NO. 5623

There being no objection, the House adjourned until 10:30 a.m., Monday, March 20, 2023, the 71st Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

**MOTION**



## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SEVENTY FIRST DAY

House Chamber, Olympia, Monday, March 20, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Max Moran and Allison Powell. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Greg Asimakoupoulos, Mercer Island Police and Fire Department Chaplain and Faith and Values Columnist for the Wenatchee World.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

HB 1847 by Representatives Santos, Berg, Fitzgibbon and Ryu

AN ACT Relating to establishing permanent funding for a community preservation and development authority approved through RCW 43.167.060; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Finance.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

March 16, 2023

SB 5019 Prime Sponsor, Senator Wellman: Concerning classified staff providing student and staff safety. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Bergquist; Callan; Ortiz-Self; Pollet; Stonier and Timmons.

MINORITY recommendation: Do not pass. Signed by Representatives Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Eslick; Harris; McClintock; Sandlin; and Steele.

Referred to Committee on Rules for second reading

March 17, 2023

SB 5066 Prime Sponsor, Senator Short: Concerning health care benefit managers. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis;

Graham; Harris; Macri; Mosbrucker; Orwall; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations

March 17, 2023

SB 5079 Prime Sponsor, Senator Braun: Concerning the date by which tuition operating fees are established. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Schmidt and Timmons.

Referred to Committee on Rules for second reading

March 17, 2023

SB 5113 Prime Sponsor, Senator Warnick: Concerning faculty in dental schools. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Schmidt and Timmons.

Referred to Committee on Rules for second reading

March 16, 2023

SB 5166 Prime Sponsor, Senator Boehnke: Reauthorizing the business and occupation tax deduction for cooperative finance organizations. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

March 17, 2023

SB 5394 Prime Sponsor, Senator Randall: Concerning malpractice insurance for international medical graduate supervisors. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Mosbrucker; Orwall; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

March 15, 2023

SSB 5490

Prime Sponsor, Ways & Means: Concerning health care coverage for retired or disabled employees denied coverage for failure to timely notify the authority of their intent to defer coverage. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

March 16, 2023

SSB 5565

Prime Sponsor, Ways & Means: Modifying tax and revenue laws by making technical corrections, clarifying ambiguities, easing compliance burdens for taxpayers, and providing administrative efficiencies. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.150.060 and 2016 sp.s. c 6 s 1 are each amended to read as follows:

(1) If a notice has been sent, as required by RCW 19.150.040, and the total sum due has not been paid as of the date specified in the preliminary lien notice, the lien proposed by this notice attaches as of that date and the owner may deny an occupant access to the space, enter the space, inventory the goods therein, and remove any property found therein to a place of safe keeping. The owner must provide the occupant a notice of final lien sale or final notice of disposition by personal service, verified mail, or email to the occupant's last known address and alternative address or email address. If the owner sends notice required under this section to the occupant's last known email address and does not receive a reply or receipt of delivery, the owner must send a second notice to the occupant's last known postal address by verified mail. The notice required under this section must state all of the following:

(a) That the occupant's right to use the storage space has terminated and that the occupant no longer has access to the stored property.

(b) That the stored property is subject to a lien, and the amount of the lien accrued and to accrue prior to the date required to be specified in (c) of this subsection.

(c) That all the property, other than personal papers and personal photographs, may be sold to satisfy the lien after a specified date which is not less than ((fourteen))14 days from the last date of sending of the final lien sale notice, or a minimum of ((forty-two))42 days after the

date when any part of the rent or other charges due from the occupants remain unpaid, whichever is later, unless the amount of the lien is paid. The owner is not required to sell the personal property within a maximum number of days of when the rent or other charges first became due. If the total value of property in the storage space is less than three hundred dollars, the owner may, instead of sale, dispose of the property in any reasonable manner, subject to the restrictions of RCW 19.150.080(4). After the sale or other disposition pursuant to this section has been completed, the owner shall provide an accounting of the disposition of the proceeds of the sale or other disposition to the occupant at the occupant's last known address and at the alternative address.

(d) That any stored vehicles, watercraft, trailers, recreational vehicles, or campers may be towed or removed from the self-service storage facility in lieu of sale pursuant to RCW 19.150.160.

(e) That any excess proceeds of the sale or other disposition under RCW 19.150.080(2) over the lien amount and reasonable costs of sale will be retained by the owner and may be reclaimed by the occupant, or claimed by another person, at any time for a period of six months from the sale and that thereafter the proceeds will be turned over to the state as abandoned property as provided in chapter 63.30 RCW ((~~63.29.165~~)).

(f) That any personal papers and personal photographs will be retained by the owner and may be reclaimed by the occupant at any time for a period of six months from the sale or other disposition of property and that thereafter the owner may dispose of the personal papers and photographs in a reasonable manner, subject to the restrictions of RCW 19.150.080(3).

(g) That the occupant has no right to repurchase any property sold at the lien sale.

(2) The owner may not send by email the notice required under this section to the occupant's last known address or alternative address unless:

(a) The occupant expressly agrees to notice by email;

(b) The rental agreement executed by the occupant specifies in bold type that notices will be given to the occupant by email;

(c) The owner provides the occupant with the email address from which notices will be sent and directs the occupant to modify his or her email settings to allow email from that address to avoid any filtration systems; and

(d) The owner notifies the occupant of any change in the email address from which notices will be sent prior to the address change.

**Sec. 2.** RCW 19.150.080 and 2007 c 113 s 5 are each amended to read as follows:

(1) After the expiration of the time given in the final notice of lien sale pursuant to RCW 19.150.060, the property, other than personal papers and personal photographs, may be sold or disposed of in a reasonable manner as provided in this section.

(2)(a) If the property has a value of ~~((three hundred dollars))~~ \$300 or more, the sale shall be conducted in a commercially reasonable manner, and, after applying the proceeds to costs of the sale and then to the amount of the lien, the owner shall retain any excess proceeds of the sale on the occupant's behalf. The occupant, or any other person having a court order or other judicial process against the property, may claim the excess proceeds, or a portion thereof sufficient to satisfy the particular claim, at any time within six months of the date of sale.

(b) If the property has a value of less than ~~((three hundred dollars))~~ \$300, the property may be disposed of in a reasonable manner.

(3) Personal papers and personal photographs that are not reclaimed by the occupant within six months of a sale under subsection (2)(a) of this section or other disposition under subsection (2)(b) of this section may be disposed of in a reasonable manner.

(4) No employee or owner, or family member of an employee or owner, may acquire, directly or indirectly, the property sold pursuant to subsection (2)(a) of this section or disposed of pursuant to subsection (2)(b) of this section, or personal papers and personal photographs disposed of under subsection (3) of this section.

(5) The owner is entitled to retain any interest earned on the excess proceeds until the excess proceeds are claimed by another person or are turned over to the state as abandoned property pursuant to chapter 63.30 RCW ~~((63.29.165))~~.

**Sec. 3.** RCW 19.240.080 and 2004 c 168 s 9 are each amended to read as follows:

An issuer is not required to honor a gift certificate presumed abandoned under chapter 63.30 RCW ~~((63.29.110))~~ if it is reported ~~((7))~~ and delivered to the department of revenue in the dissolution of a business association.

**Sec. 4.** RCW 19.240.900 and 2004 c 168 s 18 are each amended to read as follows:

Sections 1 through 12 of this act apply to:

(1) Gift certificates issued on or after July 1, 2004; and

(2) Those gift certificates presumed abandoned on or after July 1, 2004, and not reported as provided in chapter 63.30 RCW ~~((63.29.170(4)))~~.

**Sec. 5.** RCW 35.90.020 and 2020 c 139 s 59 are each amended to read as follows:

(1) Except as otherwise provided in subsection (7) of this section, a city that requires a general business license of any person that engages in business activities within that city must partner with the department to have such license issued, and renewed if the city requires renewal, through the business licensing service in accordance with chapter 19.02 RCW.

(a) Except as otherwise provided in subsection (3) of this section, the

department must phase in the issuance and renewal of general business licenses of cities that required a general business license as of July 1, 2017, and are not already partnering with the department, as follows:

(i) Between January 1, 2018, and December 31, 2021, the department must partner with at least six cities per year;

(ii) Between January 1, 2022, and December 31, 2027, the department must partner with the remaining cities; or

(iii) Between July 1, 2017 and December 31, 2022, the department must partner with all cities requiring a general business license if specific funding for the purposes of this subsection (1)(a)(iii) is appropriated in the omnibus appropriations act.

(b) A city that imposes a general business license requirement and does not partner with the department as of January 1, 2018, may continue to issue and renew its general business licenses until the city partners with the department as provided in subsection (4) of this section.

(2)(a) A city that did not require a general business license as of July 1, 2017, but imposes a new general business license requirement after that date must advise the department in writing of its intent to do so at least ~~((ninety))~~ 90 days before the requirement takes effect.

(b) If a city subject to (a) of this subsection (2) imposes a new general business license requirement after July 1, 2017, the department, in its sole discretion, may adjust resources to partner with the imposing city as of the date that the new general business licensing requirement takes effect. If the department cannot reallocate resources, the city may issue and renew its general business license until the department is able to partner with the city.

(3) The department may delay assuming the duties of issuing and renewing general business licenses beyond the dates provided in subsection (1)(a) of this section if:

(a) Insufficient funds are appropriated for this specific purpose;

(b) The department cannot ensure the business licensing system is adequately prepared to handle all general business licenses due to unforeseen circumstances;

(c) The department determines that a delay is necessary to ensure that the transition to mandatory department issuance and renewal of general business licenses is as seamless as possible; or

(d) The department receives a written notice from a city within ~~((sixty))~~ 60 days of the date that the city appears on the department's biennial partnership plan, which includes an explanation of the fiscal or technical challenges causing the city to delay joining the system. A delay under this subsection (3)(d) may be for no more than three years.

(4)(a) In consultation with affected cities and in accordance with the priorities established in subsection (5) of this section, the department must establish a biennial plan for partnering with cities to assume the issuance and renewal of general business licenses as required by this

section. The plan must identify the cities that the department will partner with and the dates targeted for the department to assume the duties of issuing and renewing general business licenses.

(b) By January 1, 2018, and January 1st of each even-numbered year thereafter until the department has partnered with all cities that currently impose a general business license requirement and that have not declined to partner with the department under subsection (7) of this section, the department must submit the partnering plan required in (a) of this subsection (4) to the governor; legislative fiscal committees; house local government committee; senate financial institutions, economic development and trade committee; senate local government committee; affected cities; association of Washington cities; association of Washington business; national federation of independent business; and Washington retail association.

(c) The department may, in its sole discretion, alter the plan required in (a) of this subsection (4) with a minimum notice of ~~((thirty))~~ 30 days to affected cities.

(5) When determining the plan to partner with cities for the issuance and renewal of general business licenses as required in subsection (4) of this section, cities that notified the department of their wish to partner with the department before January 1, 2017, must be allowed to partner before other cities.

(6) A city that partners with the department for the issuance and renewal of general business licenses through the business licensing service in accordance with chapter 19.02 RCW may not issue and renew those licenses.

(7)(a) Except as provided in (b) of this subsection, a city may decline to partner with the department for the issuance and renewal of a general business license as provided in subsection (1) of this section if the city participates in the online local business license and tax filing portal known as "FileLocal" as of July 1, 2020.

(b) A city that receives at least ~~((one million nine hundred fifty thousand dollars))~~ \$1,950,000 in fiscal year 2020 for temporary streamlined sales tax mitigation under the 2019 omnibus appropriations act, section 722, chapter 415, Laws of 2019, may decline to partner with the department for the issuance and renewal of a general business license as provided in subsection (1) of this section if the city participates in FileLocal as of July 1, 2021.

(c) For the purposes of this subsection (7), a city is considered to be a FileLocal participant as of the date that a business may access FileLocal for purposes of applying for or renewing that city's general business license and reporting and paying that city's local business and occupation taxes. A city that ceases participation in FileLocal after July 1, 2020, or July 1, 2021, in the case of a city eligible for the extension under (b) of this subsection, must partner with the department for the issuance and renewal of its general business license as provided in subsection (1) of this section.

~~((By January 1, 2019, and each January 1st thereafter through January 1,~~

~~2028, the department must submit a progress report to the legislature. The report required by this subsection must provide information about the progress of the department's efforts to partner with all cities that impose a general business license requirement and include:~~

~~(a) A list of cities that have partnered with the department as required in subsection (1) of this section;~~

~~(b) A list of cities that have not partnered with the department;~~

~~(c) A list of cities that are scheduled to partner with the department during the upcoming calendar year;~~

~~(d) A list of cities that have declined to partner with the department as provided in subsection (7) of this section;~~

~~(e) An explanation of lessons learned and any process efficiencies incorporated by the department;~~

~~(f) Any recommendations to further simplify the issuance and renewal of general business licenses by the department; and~~

~~(g) Any other information the department considers relevant.)~~

**Sec. 6.** RCW 59.18.312 and 2011 c 132 s 17 are each amended to read as follows:

(1) A landlord shall, upon the execution of a writ of restitution by the sheriff, enter and take possession of any property of the tenant found on the premises. The landlord may store the property in any reasonably secure place, including the premises, and sell or dispose of the property as provided under subsection (3) of this section. The landlord must store the property if the tenant serves a written request to do so on the landlord or the landlord's representative by any of the methods described in RCW 59.18.365 no later than three days after service of the writ. A landlord may elect to store the property without such a request unless the tenant or the tenant's representative objects to the storage of the property. If the tenant or the tenant's representative objects to the storage of the property or the landlord elects not to store the property because the tenant has not served a written request on the landlord to do so, the property shall be deposited upon the nearest public property and may not be stored by the landlord. If the landlord knows that the tenant is a person with a disability as defined in RCW 49.60.040 (as amended by chapter 317, Laws of 2007) and the disability impairs or prevents the tenant or the tenant's representative from making a written request for storage, it must be presumed that the tenant has requested the storage of the property as provided in this section unless the tenant objects in writing.

(2) Property stored under this section shall be returned to the tenant after the tenant has paid the actual or reasonable drayage and storage costs, whichever is less, or until it is sold or disposed of by the landlord in accordance with subsection (3) of this section.

(3) Prior to the sale of property stored pursuant to this section with a cumulative value of over ~~((two hundred fifty dollars))~~ \$250, the landlord shall notify the tenant

of the pending sale. After ((~~thirty~~))30 days from the date the notice of the sale is mailed or personally delivered to the tenant's last known address, the landlord may sell the property, including personal papers, family pictures, and keepsakes, and dispose of any property not sold.

If the property that is being stored has a cumulative value of ((~~two hundred fifty dollars~~))\$250 or less, then the landlord may sell or dispose of the property in the manner provided in this section, except for personal papers, family pictures, and keepsakes. Prior to the sale or disposal of property stored pursuant to this section with a cumulative value of ((~~two hundred fifty dollars~~))\$250 or less, the landlord shall notify the tenant of the pending sale or disposal. The notice shall either be mailed to the tenant's last known address or personally delivered to the tenant. After seven days from the date the notice is mailed or delivered to the tenant, the landlord may sell or dispose of the property.

The landlord may apply any income derived from the sale of the tenant's property against moneys due the landlord for drayage and storage of the property. The amount of sale proceeds that the landlord may apply towards such costs may not exceed the actual or reasonable costs for drayage and storage of the property, whichever is less. Any excess income derived from the sale of such property shall be held by the landlord for the benefit of the tenant for a period of one year from the date of the sale. If no claim is made or action commenced by the tenant for the recovery of the excess income prior to the expiration of that period of time, then the balance shall be treated as abandoned property and deposited by the landlord with the department of revenue pursuant to chapter ((~~63.29~~))63.30 RCW.

(4) Nothing in this section shall be construed as creating a right of distress for rent.

(5) When serving a tenant with a writ of restitution pursuant to RCW 59.12.100 and 59.18.410, the sheriff shall provide written notice to the tenant that: (a) Upon execution of the writ, the landlord must store the tenant's property only if the tenant serves a written request on the landlord to do so no later than three days after service of the writ; (b) the notice to the landlord requesting storage may be served by personally delivering or mailing a copy of the request to the landlord at the address identified in, or by facsimile to the facsimile number listed on, the form described under subsection (6) of this section; (c) if the tenant has not made such a written request to the landlord, the landlord may elect to either store the tenant's property or place the tenant's property on the nearest public property unless the tenant objects; (d) if the property is stored, it may not be returned to the tenant unless the tenant pays the actual or reasonable costs of drayage and storage, whichever is less, within ((~~thirty~~))30 days; (e) if the tenant or the tenant's representative objects to storage of the property, it will not be stored but will be placed on the nearest public

property; and (f) the landlord may sell or otherwise dispose of the property as provided in subsection (3) of this section if the landlord provides written notice to the tenant first.

(6) When serving a tenant with a writ of restitution under subsection (5) of this section, the sheriff shall also serve the tenant with a form provided by the landlord that can be used to request the landlord to store the tenant's property, which must be substantially in the following form:

REQUEST FOR STORAGE OF PERSONAL PROPERTY

.....  
Name of Plaintiff

.....  
Name(s) of Tenant(s)

I/we hereby request the landlord to store our personal property. I/we understand that I/we am/are responsible for the actual or reasonable costs of moving and storing the property, whichever is less. If I/we fail to pay these costs, the landlord may sell or dispose of the property pursuant to and within the time frame permitted under RCW 59.18.312(3).

Any notice of sale required under RCW 59.18.312(3) must be sent to the tenants at the following address:

.....  
.....  
.....

IF NO ADDRESS IS PROVIDED, NOTICE OF SALE WILL BE SENT TO THE LAST KNOWN ADDRESS OF THE TENANT(S)

Dated: .....

.....  
Tenant-Print Name

.....  
Tenant-Print Name

This notice may be delivered or mailed to the landlord or the landlord's representative at the following address:

.....  
.....  
.....

This notice may also be served by facsimile to the landlord or the landlord's representative at:

.....  
Facsimile Number

IMPORTANT

IF YOU WANT YOUR LANDLORD TO STORE YOUR PROPERTY, THIS WRITTEN REQUEST MUST BE RECEIVED BY THE LANDLORD NO LATER THAN THREE (3) DAYS AFTER THE SHERIFF SERVES THE WRIT OF RESTITUTION. YOU SHOULD RETAIN PROOF OF SERVICE.

Sec. 7. RCW 59.18.595 and 2015 c 264 s 3 are each amended to read as follows:

(1) In the event of the death of a tenant who is the sole occupant of the dwelling unit:

(a) The landlord, upon learning of the death of the tenant, shall promptly mail or personally deliver written notice to any known personal representative, known designated person, emergency contact identified by the tenant on the rental application, known person reasonably believed to be a successor of the tenant as defined in RCW 11.62.005, and to the deceased tenant at the address of the dwelling unit. If the landlord knows of any address used for the receipt of electronic communications, the landlord shall email the notice to that address as well. The notice must include:

(i) The name of the deceased tenant and address of the dwelling unit;

(ii) The approximate date of the deceased tenant's death;

(iii) The rental amount and date through which rent is paid;

(iv) A statement that the tenancy will terminate (~~(fifteen)~~) 15 days from the date the notice is mailed or personally delivered or the date through which rent is paid, whichever comes later, unless during that time period a tenant representative makes arrangements with the landlord to pay rent in advance for no more than (~~(sixty)~~) 60 days from the date of the tenant's death to allow a tenant representative to arrange for orderly removal of the tenant's property. At the end of the period for which the rent has been paid pursuant to this subsection, the tenancy ends;

(v) A statement that failure to remove the tenant's property before the tenancy is terminated or ends as provided in (a)(iv) of this subsection will allow the landlord to enter the dwelling unit and take possession of any property found on the premises, store it in a reasonably secure place, and charge the actual or reasonable costs, whichever is less, of drayage and storage of the property, and after service of a second notice sell or dispose of the property as provided in subsection (3) of this section; and

(vi) A copy of any designation executed by the tenant pursuant to RCW 59.18.590;

(b) The landlord shall turn over possession of the tenant's property to a tenant representative if a request is made in writing within the specified time period or any subsequent date agreed to by the parties;

(c) Within (~~(fourteen)~~) 14 days after the removal of the property by the tenant representative, the landlord shall refund any unearned rent and shall give a full and specific statement of the basis for retaining any deposit together with the payment of any refund due the deceased tenant under the terms and conditions of the rental agreement to the tenant representative; and

(d) Any tenant representative who removes property from the tenant's dwelling unit or the premises must, at the time of removal, provide to the landlord an inventory of the removed property and signed acknowledgment that he or she has only been given

possession and not ownership of the property.

(2) A landlord shall send a second written notice before selling or disposing of a deceased tenant's property.

(a) If the tenant representative makes arrangements with the landlord to pay rent in advance as provided in subsection (1)(a)(iv) of this section, the landlord shall mail a second written notice to any known personal representative, known designated person, emergency contact identified by the tenant on the rental application, known person reasonably believed to be a successor of the tenant as defined in RCW 11.62.005, and to the deceased tenant at the dwelling unit. The second notice must include:

(i) The name, address, and phone number or other contact information for the tenant representative, if known, who made the arrangements to pay rent in advance;

(ii) The amount of rent paid in advance and date through which rent was paid; and

(iii) A statement that the landlord may sell or dispose of the property on or after the date through which rent is paid or at least (~~(forty-five)~~) 45 days after the second notice is mailed, whichever comes later, if a tenant representative does not claim and remove the property in accordance with this subsection.

(b) If the landlord places the property in storage pursuant to subsection (1)(a) of this section, the landlord shall mail a second written notice, unless a written notice under (a) of this subsection has already been provided, to any known personal representative, known designated person, emergency contact identified by the tenant on the rental application, known person reasonably believed to be a successor of the tenant as defined in RCW 11.62.005, and to the deceased tenant at the dwelling unit. The second notice must state that the landlord may sell or dispose of the property on or after a specified date that is at least (~~(forty-five)~~) 45 days after the second notice is mailed if a tenant representative does not claim and remove the property in accordance with this subsection.

(c) The landlord shall turn over possession of the tenant's property to a tenant representative if a written request is made within the applicable time periods after the second notice is mailed, provided the tenant representative: (i) Pays the actual or reasonable costs, whichever is less, of drayage and storage of the property, if applicable; and (ii) gives the landlord an inventory of the property and signs an acknowledgment that he or she has only been given possession and not ownership of the property.

(d) Within (~~(fourteen)~~) 14 days after the removal of the property by the tenant representative, the landlord shall refund any unearned rent and shall give a full and specific statement of the basis for retaining any deposit together with the payment of any refund due the deceased tenant under the terms and conditions of the rental agreement to the tenant representative.

(3)(a) If a tenant representative has not contacted the landlord or removed the deceased tenant's property within the

applicable time periods under this section, the landlord may sell or dispose of the deceased tenant's property, except for personal papers and personal photographs, as provided in this subsection.

(i) If the landlord reasonably estimates the fair market value of the stored property to be more than ~~((one thousand dollars))~~ \$1,000, the landlord shall arrange to sell the property in a commercially reasonable manner and may dispose of any property that remains unsold in a reasonable manner.

(ii) If the value of the stored property does not meet the threshold provided in (a) (i) of this subsection, the landlord may dispose of the property in a reasonable manner.

(iii) The landlord may apply any income derived from the sale of the property pursuant to this section against any costs of sale and moneys due the landlord, including actual or reasonable costs, whichever is less, of drayage and storage of the deceased tenant's property. Any excess income derived from the sale of such property under this section must be held by the landlord for a period of one year from the date of sale, and if no claim is made for recovery of the excess income before the expiration of that one-year period, the balance must be treated as abandoned property and deposited by the landlord with the department of revenue pursuant to chapter ~~((63.29))~~ 63.30 RCW.

(b) Personal papers and personal photographs that are not claimed by a tenant representative within ~~((ninety))~~ 90 days after a sale or other disposition of the deceased tenant's other property shall be either destroyed or held for the benefit of any successor of the deceased tenant as defined in RCW 11.62.005.

(c) No landlord or employee of a landlord, or his or her family members, may acquire, directly or indirectly, the property sold pursuant to (a)(i) of this subsection or disposed of pursuant to (a) (ii) of this subsection.

(4) Upon learning of the death of the tenant, the landlord may enter the deceased tenant's dwelling unit and immediately dispose of any perishable food, hazardous materials, and garbage found on the premises and turn over animals to a tenant representative or to an animal control officer, humane society, or other individual or organization willing to care for the animals.

(5) Any notices sent by the landlord under this section must include a mailing address, any address used for the receipt of electronic communications, and a telephone number of the landlord.

(6) If a landlord knowingly violates this section, the landlord is liable to the deceased tenant's estate for actual damages. The prevailing party in any action pursuant to this subsection may recover costs and reasonable attorneys' fees.

(7) A landlord who complies with this section is relieved from any liability relating to the deceased tenant's property.

Subject to RCW 63.30.120, the following property is presumed abandoned if it is unclaimed by the apparent owner during the period specified below:

(1) A traveler's check, 15 years after issuance;

(2) A money order, five years after issuance;

(3) A state or municipal bond, bearer bond, or original issue discount bond, three years after the earliest of the date the bond matures or is called or the obligation to pay the principal of the bond arises;

(4) A debt of a business association, three years after the obligation to pay arises;

(5) A demand, savings, or time deposit, including a deposit that is automatically renewable, three years after the later of maturity, if applicable, of the deposit or the owner's last indication of interest in the deposit, except a deposit that is automatically renewable is deemed matured on its initial date of maturity unless the apparent owner consented in a record on file with the holder to renewal at or about the time of the renewal;

(6) Money or a credit owed to a customer as a result of a retail business transaction, three years after the obligation arose;

(7) An amount owed by an insurance company on a life or endowment insurance policy or an annuity contract that has matured or terminated, three years after the obligation to pay arose under the terms of the policy or contract or, if a policy or contract for which an amount is owed on proof of death has not matured by proof of the death of the insured or annuitant, as follows:

(a) With respect to an amount owed on a life or endowment insurance policy, three years after the earlier of the date:

(i) The insurance company has knowledge of the death of the insured; or

(ii) The insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve for the policy is based; and

(b) With respect to an amount owed on an annuity contract, three years after the date the insurance company has knowledge of the death of the annuitant;

(8) Property distributable by a business association in the course of dissolution, one year after the property becomes distributable;

(9) Property held by a court, including property received as proceeds of a class action, one year after the property becomes distributable;

(10) Property held by a government or governmental subdivision, agency, or instrumentality, including municipal bond interest and unredeemed principal under the administration of a paying agent or indenture trustee, one year after the property becomes distributable;

(11) Wages, commissions, bonuses, or reimbursements to which an employee is entitled, or other compensation for personal services, one year after the amount becomes payable;

**Sec. 8.** RCW 63.30.040 and 2022 c 225 s 201 are each amended to read as follows:

(12) A deposit or refund owed to a subscriber by a utility, one year after the deposit or refund becomes payable; ~~((and))~~

(13) Payroll card, one year after the amount becomes payable; ~~((and))~~

(14) Excess proceeds from the sale of property by an owner of a self-service storage facility conducted pursuant to RCW 19.150.080, six months from the date of sale;

(15) Excess income from the sale of tenant property by a landlord conducted pursuant to RCW 59.18.312 and 59.18.595, one year from the date of the sale;

(16) Excess funds from the sale of an abandoned vessel by an operator of a private moorage facility conducted pursuant to RCW 88.26.020, one year from the date of the sale; and

(17) Property not specified in this section or RCW 63.30.050 through 63.30.100, the earlier of three years after the owner first has a right to demand the property or the obligation to pay or distribute the property arises.

**Sec. 9.** RCW 82.04.4489 and 2022 c 270 s 5 are each amended to read as follows:

(1) Subject to the limitations in this section, a credit is allowed against the tax imposed under this chapter for contributions made by a person to a Washington motion picture competitiveness program.

(2) The person must make the contribution before claiming a credit authorized under this section. Credits earned under this section may be claimed against taxes due for the calendar year in which the contribution is made. The amount of credit claimed for a reporting period may not exceed the tax otherwise due under this chapter for that reporting period. No person may claim more than \$1,000,000 of credit in any calendar year, including credit carried over from a previous calendar year. No refunds may be granted for any unused credits.

(3) The maximum credit that may be earned for each calendar year under this section for a person is limited to the lesser of \$1,000,000 or an amount equal to ~~((one hundred))~~ 100 percent of the contributions made by the person to a program during the calendar year.

(4) Except as provided under subsection (5) of this section, a tax credit claimed under this section may not be carried over to another year.

(5) Any amount of tax credit otherwise allowable under this section not claimed by the person in any calendar year may be carried over and claimed against the person's tax liability for the next succeeding calendar year. Any credit remaining unused in the next succeeding calendar year may be carried forward and claimed against the person's tax liability for the second succeeding calendar year; and any credit not used in that second succeeding calendar year may be carried over and claimed against the person's tax liability for the third succeeding calendar year, but may not be carried over for any calendar year thereafter.

(6) Credits are available on a first-in-time basis. The department must disallow any

credits, or portion thereof, that would cause the total amount of credits claimed under this section during any calendar year to exceed \$15,000,000. If this limitation is reached, the department must notify all Washington motion picture competitiveness programs that the annual statewide limit has been met. In addition, the department must provide written notice to any person who has claimed tax credits in excess of the limitation in this subsection. The notice must indicate the amount of tax due and provide that the tax be paid within ~~((thirty))~~ 30 days from the date of the notice. The department may not assess penalties and interest as provided in chapter 82.32 RCW on the amount due in the initial notice if the amount due is paid by the due date specified in the notice, or any extension thereof.

(7) To claim a credit under this section, a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department. Any return, form, or information required to be filed in an electronic format under this section is not filed until received by the department in an electronic format. As used in this subsection, "returns" has the same meaning as "return" in RCW 82.32.050.

(8) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section.

(9) A Washington motion picture competitiveness program must provide to the department, upon request, such information needed to verify eligibility for credit under this section, including information regarding contributions received by the program.

(10) The department may not allow any credit under this section before July 1, 2006.

(11) For the purposes of this section, "Washington motion picture competitiveness program" or "program" means an organization established pursuant to chapter 43.365 RCW.

(12) Persons claiming a credit against the tax imposed under this chapter for contributions made to a Washington motion picture competitiveness program ~~((and not otherwise receiving funding assistance under RCW 43.365.020))~~ are exempt from the annual reporting requirements in RCW 82.32.534 and 43.365.040.

(13) No credit may be earned for contributions made on or after July 1, 2030.

**Sec. 10.** RCW 82.08.0206 and 2022 c 41 s 1 and 2022 c 33 s 1 are each reenacted and amended to read as follows:

(1) A working families' tax credit, in the form of a refund of tax due under this chapter and chapter 82.12 RCW, is provided to eligible low-income persons for sales and use taxes paid under this chapter and chapter 82.12 RCW after January 1, 2022.

(2) For purposes of the credit in this section, the following definitions apply:

(a)(i) "Eligible low-income person" means an individual who:



(A) Is eligible for the credit provided in Title 26 U.S.C. Sec. 32 of the internal revenue code; and

(B) Properly files a federal income tax return for the prior federal tax year, and was a Washington resident during the year for which the credit is claimed.

(ii) "Eligible low-income person" also means an individual who:

(A) Meets the requirements provided in (a)(i)(B) of this subsection; and

(B) Would otherwise qualify for the credit provided in Title 26 U.S.C. Sec. 32 of the internal revenue code except for the fact that the individual filed a federal income tax return for the prior federal tax year using a valid individual taxpayer identification number in lieu of a social security number, and the individual's spouse, if any, and all qualifying children, if any, have a valid individual taxpayer identification number or a social security number.

(b) "Income" means earned income as defined by Title 26 U.S.C. Sec. 32 of the internal revenue code.

(c) "Individual" means an individual or an individual and that individual's spouse if they file a federal joint income tax return.

(d) "Internal revenue code" means the United States internal revenue code of 1986, as amended, as of June 9, 2022, or such subsequent date as the department may provide by rule consistent with the purpose of this section.

(e) "Maximum qualifying income" means the maximum federally adjusted gross income for the prior federal tax year.

(f) "Qualifying child" means a qualifying child as defined by Title 26 U.S.C. Sec. 32 of the internal revenue code, except the child may have a valid individual taxpayer identification number in lieu of a social security number.

(g) "Washington resident" means an individual who is physically present and residing in this state for at least 183 days. "Washington resident" also includes an individual who is not physically present and residing in this state for at least 183 days but is the spouse of a Washington resident. For purposes of this subsection, "day" means a calendar day or any portion of a calendar day.

(3)(a) Except as provided in (b) and (c) of this subsection, for calendar year 2023 and thereafter, the working families' tax credit refund amount for the prior calendar year is:

(i) \$300 for eligible persons with no qualifying children;

(ii) \$600 for eligible persons with one qualifying child;

(iii) \$900 for eligible persons with two qualifying children; or

(iv) \$1,200 for eligible persons with three or more qualifying children.

(b) Except as provided in (f) of this subsection, the refund amounts provided in (a) of this subsection will be reduced, rounded to the nearest dollar, as follows:

(i) For eligible persons with no qualifying children, beginning at \$2,500 of income below the federal phase-out income for the prior federal tax year, by 18

percent per additional dollar of income until the minimum credit amount as specified in (c) of this subsection is reached.

(ii) For eligible persons with one qualifying child, beginning at \$5,000 of income below the federal phase-out income for the prior federal tax year, by 12 percent per additional dollar of income until the minimum credit amount as specified in (c) of this subsection is reached.

(iii) For eligible persons with two qualifying children, beginning at \$5,000 of income below the federal phase-out income for the prior federal tax year, by 15 percent per additional dollar of income until the minimum credit amount as specified in (c) of this subsection is reached.

(iv) For eligible persons with three or more qualifying children, beginning at \$5,000 of income below the federal phase-out income for the prior federal tax year, by 18 percent per additional dollar of income until the minimum credit amount as specified in (c) of this subsection is reached.

(c) If the refund for an eligible person as calculated in this section is greater than ~~((or equal to one))~~ zero cents, but less than \$50, the refund amount is \$50.

(d) The refund amounts in this section shall be adjusted for inflation every year beginning January 1, 2024, based upon changes in the consumer price index that are published by November 15th of the previous year for the most recent 12-month period. The adjusted refund amounts must be rounded to the nearest \$5.

(e) For purposes of this section, "consumer price index" means, for any 12-month period, the average consumer price index for that 12-month period for the Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

(f) The percentage rate of remittance reductions in (b) of this subsection must be adjusted every year beginning January 1, 2023, based on calculations by the department that result in the minimum credit being received at the maximum qualifying income level.

(4) The working families' tax credit shall be administered as provided in this subsection.

(a) The refund paid under this section will be paid to eligible filers who apply pursuant to this subsection.

(i) Application must be made to the department in a form and manner determined by the department. If the application process is initially done electronically, the department must provide a paper application upon request. The application must include any information and documentation as required by the department.

(ii) Application for the refund under this section must be made in the year following the year for which the federal tax return was filed, but in no case may any refund be provided for any period before January 1, 2022. The department must use the eligible person's most recent federal tax filing for the tax year for which the refund is being claimed to calculate the refund.

(iii) A person may not claim a credit on behalf of a deceased individual. No

individual may claim a credit under this section for any year in a disallowance period under Title 26 U.S.C. Sec. 32(k)(1) of the internal revenue code or for any year for which the individual is ineligible to claim the credit in Title 26 U.S.C. Sec. 32 of the internal revenue code by reason of Title 26 U.S.C. Sec. 32(k)(2) of the internal revenue code.

(b) The department shall protect the privacy and confidentiality of personal data of refund recipients in accordance with chapter 82.32 RCW.

(c) The department shall, in conjunction with other agencies or organizations, design and implement a public information campaign to inform potentially eligible persons of the existence of, and requirements for, the credit provided in this section.

(d) The department must work with the internal revenue service to administer the credit on an automatic basis as soon as practicable.

(5) Receipt of the refund under this section may not be used in eligibility determinations for any state income support programs or in making public charge determinations.

(6) The department may adopt rules necessary to implement this section. This includes establishing a date by which applications will be accepted, with the aim of accepting applications as soon as possible.

(7) The department must review the application and determine eligibility for the working families' tax credit based on information provided by the applicant and through audit and other administrative records, including, when it deems it necessary, verification through internal revenue service data.

(8) If, upon review of internal revenue service data or other information obtained by the department, it appears that an individual received a refund that the individual was not entitled to, or received a larger refund than the individual was entitled to, the department may assess against the individual the overpaid amount. The department may also assess such overpaid amount against the individual's spouse if the refund in question was based on both spouses filing a joint federal income tax return for the year for which the refund was claimed.

(a) Interest as provided under RCW 82.32.050 applies to assessments authorized under this subsection (8) starting six months after the date the department issued the assessment until the amount due under this subsection (8) is paid in full to the department. Except as otherwise provided in this subsection, penalties may not be assessed on amounts due under this subsection.

(b) If an amount due under this subsection is not paid in full by the date due, or the department issues a warrant for the collection of amounts due under this subsection, the department may assess the applicable penalties under RCW 82.32.090. Penalties under this subsection (8)(b) may not be made due until six months after the department's issuance of the assessment.

(c) If the department finds by clear, cogent, and convincing evidence that an individual knowingly submitted, caused to be submitted, or consented to the submission of, a fraudulent claim for refund under this section, the department must assess a penalty of 50 percent of the overpaid amount. This penalty is in addition to any other applicable penalties assessed in accordance with (b) of this subsection (8).

(9) If, within the period allowed for refunds under RCW 82.32.060, the department finds that an individual received a lesser refund than the individual was entitled to, the department must remit the additional amount due under this section to the individual.

(10) Interest does not apply to refunds provided under this section.

(11) Chapter 82.32 RCW applies to the administration of this section.

**Sec. 11.** RCW 82.14.070 and 2003 c 168 s 202 are each amended to read as follows:

(1) It is the intent of this chapter that any local sales and use tax adopted pursuant to this chapter be identical to the state sales and use tax, unless otherwise prohibited by federal law, and with other local sales and use taxes adopted pursuant to this chapter.

(2) It is further the intent of this chapter that the local sales and use tax shall be imposed upon an individual taxable event simultaneously with the imposition of the state sales or use tax upon the same taxable event. The rule making powers of the state department of revenue contained in RCW 82.08.060 and 82.32.300 shall be applicable to this chapter. The department shall, as soon as practicable, and with the assistance of the appropriate associations of county prosecutors and city attorneys, draft a model resolution and ordinance.

(3) Except as otherwise provided by law, all state sales and use tax exemptions, credits, and deductions apply in an identical manner to local sales and use taxes adopted pursuant to this chapter or other provision of law.

**Sec. 12.** RCW 82.32.045 and 2022 c 295 s 2 are each amended to read as follows:

(1) Except as otherwise provided in this chapter and subsection (6) of this section, payments of the taxes imposed under chapters 82.04, 82.08, 82.12, 82.14, ~~((and))~~ 82.16, and 82.27 RCW, along with reports and returns on forms prescribed by the department, are due monthly within ~~((twenty-five))~~ 25 days after the end of the month in which the taxable activities occur.

(2) The department of revenue may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year. Except as provided in subsection (3) of this section, for these taxpayers, tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return.

(3) For annual filers, tax payments, along with reports and returns on forms

prescribed by the department, are due on or before April 15th of the year immediately following the end of the period covered by the return.

(4) The department of revenue may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

(5) Notwithstanding subsections (1) and (2) of this section, the department may relieve any person of the requirement to file returns if the following conditions are met:

(a) The person's value of products, gross proceeds of sales, or gross income of the business, from all business activities taxable under chapter 82.04 RCW, is less than \$125,000 per year;

(b) The person's gross income of the business from all activities taxable under chapter 82.16 RCW is less than (~~twenty-four thousand dollars~~) \$24,000 per year; and

(c) The person is not required to collect or pay to the department of revenue any other tax or fee which the department is authorized to collect.

(6)(a) Taxes imposed under chapter 82.08 or 82.12 RCW on taxable events that occur beginning January 1, 2019, through June 30, 2019, and payable by a consumer directly to the department are due, on returns prescribed by the department, by July 25, 2019.

(b) This subsection (6) does not apply to the reporting and payment of taxes imposed under chapters 82.08 and 82.12 RCW:

(i) On the retail sale or use of motor vehicles, vessels, or aircraft; or

(ii) By consumers who are engaged in business, unless the department has relieved the consumer of the requirement to file returns pursuant to subsection (5) of this section.

**Sec. 13.** RCW 82.32.105 and 2017 c 323 s 106 are each amended to read as follows:

(1) If the department finds that the payment by a taxpayer of a tax less than that properly due or the failure of a taxpayer to pay any tax by the due date was the result of circumstances beyond the control of the taxpayer, the department must waive or cancel any penalties imposed under this chapter with respect to such tax.

(2) The department must waive or cancel the penalty imposed under RCW 82.32.090(1) when the circumstances under which the delinquency occurred do not qualify for waiver or cancellation under subsection (1) of this section if:

(a) The taxpayer requests the waiver for a tax return required to be filed under RCW 54.28.040, 82.32.045, 82.14B.061, 82.23B.020, (~~82-27-060,~~) 82.29A.050, or 84.33.086; and

(b) The taxpayer has timely filed and remitted payment on all tax returns due for that tax program for a period of (~~twenty-four~~) 24 months immediately preceding the period covered by the return for which the waiver is being requested.

(3) The department must waive or cancel interest imposed under this chapter if:

(a) The failure to timely pay the tax was the direct result of written instructions given the taxpayer by the department; or

(b) The extension of a due date for payment of an assessment of deficiency was not at the request of the taxpayer and was for the sole convenience of the department.

(4) The department must adopt rules for the waiver or cancellation of penalties and interest imposed by this chapter.

**Sec. 14.** RCW 82.60.020 and 2010 1st sp.s. c 16 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means:

(a) Through June 30, 2010, a rural county as defined in RCW 82.14.370; and

(b) Beginning July 1, 2010, a qualifying county.

(4)(a) "Eligible investment project" means an investment project that is located, as of the date the deferral application (~~required by RCW 82.60.030~~) is received by the department, in an eligible area as defined in subsection (3) of this section.

(b) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(4), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects that have already received deferrals under this chapter.

(5)(a) "Initiation of construction" (~~has the same meaning as in RCW 82.63.010~~) means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in RCW 82.60.025; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in RCW 82.60.025.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" applies separately to each phase.

(6) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning,

installation, and construction of the project.

(7) "Manufacturing" means the same as defined in RCW 82.04.120. "Manufacturing" also includes:

(a) Before July 1, 2010: (i) Computer programming, the production of computer software, and other computer-related services, but only when the computer programming, production of computer software, or other computer-related services are performed by a manufacturer as defined in RCW 82.04.110 and contribute to the production of a new, different, or useful substance or article of tangible personal property for sale; (ii) the activities performed by research and development laboratories and commercial testing laboratories; and (iii) the conditioning of vegetable seeds; and

(b) Beginning July 1, 2010: (i) The activities performed by research and development laboratories and commercial testing laboratories; and (ii) the conditioning of vegetable seeds.

(8) "Person" has the meaning given in RCW 82.04.030.

(9) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing or research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral must be determined by apportionment of the costs of construction under rules adopted by the department.

(10) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The term "entire tax year" means a full-time position that is filled for a period of ~~((twelve))~~<sup>12</sup> consecutive months. The term "full-time" means at least ~~((thirty-five))~~<sup>35</sup> hours a week, ~~((four hundred fifty-five))~~<sup>455</sup> hours a quarter, or ~~((one thousand eight hundred twenty))~~<sup>1,820</sup> hours a year.

(11) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(12) "Qualifying county" means a county that has an unemployment rate, as determined by the employment security department, which is at least ~~((twenty))~~<sup>20</sup> percent above the state average for the three calendar years immediately preceding the year in which the

list of qualifying counties is established or updated, as the case may be, as provided in RCW 82.60.120.

(13) "Recipient" means a person receiving a tax deferral under this chapter.

(14) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun, but only when such activities are intended to ultimately result in the production of a new, different, or useful substance or article of tangible personal property for sale. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed ~~((one million dollars))~~<sup>(\$1,000,000)</sup>.

**Sec. 15.** RCW 82.60.049 and 2010 1st sp.s. c 16 s 7 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Eligible area" also means a designated community empowerment zone approved under RCW 43.31C.020.

(b) "Eligible investment project" also means an investment project in an eligible area as defined in this section.

(2) ~~((In addition to the provisions of RCW 82.60.040, the))~~<sup>Until July 1, 2020, the</sup> department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW, on each eligible investment project that is located in an eligible area, if the applicant establishes that at the time the project is operationally complete:

(a) The applicant will hire at least one qualified employment position for each ~~((seven hundred fifty thousand dollars))~~<sup>(\$750,000)</sup> of investment for which a deferral is requested; and

(b) The positions will be filled by persons who at the time of hire are residents of the community empowerment zone. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone or the county in which the zone is located. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section. The persons must be hired after the date the application is filed with the department.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

(4) The qualified employment position must be filled by the end of the calendar year following the year in which the project is certified as operationally complete. If a person does not meet the requirements for qualified employment positions by the end of the second calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

**Sec. 16.** RCW 82.60.060 and 2010 1st sp.s. c 16 s 8 are each amended to read as follows:

(1) ~~((The))~~ In the event the eligible investment project ceases to meet the requirements of this chapter, the recipient must begin paying the deferred taxes in the third year after the date certified by the department as the date on which the investment project has been operationally completed. The first payment ~~((will be))~~ is due on December 31st of the third calendar year after such certified date, with subsequent annual payments due on December 31st of the following four years with amounts of payment scheduled as follows:

Repayment Year	% of Deferred Tax Repaid
1	10%
2	15%
3	20%
4	25%
5	30%

(2) The department may authorize an accelerated repayment schedule upon request of the recipient.

(3) Interest may not be charged on any taxes deferred under this chapter for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this chapter. The debt for deferred taxes ~~((will))~~ may not be extinguished by insolvency or other failure of the recipient. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral.

**Sec. 17.** RCW 82.60.070 and 2017 c 135 s 36 are each amended to read as follows:

(1)(a) Each recipient of a deferral of taxes granted under this chapter must file a complete annual tax performance report with the department under RCW 82.32.534. If the economic benefits of the deferral are passed to a lessee as provided in RCW 82.60.025, the lessee must file a complete annual tax performance report, and the applicant is not required to file a complete annual tax performance report.

(b) The department must use the information reported on the annual tax performance report required by this section to study the tax deferral program authorized under this chapter. The department must report to the legislature by December 1, 2018. The report must measure the effect of the program on job creation, the number of jobs created for residents of eligible areas, company growth, and such other factors as the department selects.

(2) Except as provided in RCW 82.60.063, if, on the basis of a tax performance report under RCW 82.32.534 or other information, the department finds that an investment project is not eligible for tax deferral under this chapter, the amount of deferred taxes outstanding for the project, according to the repayment schedule in RCW 82.60.060, is immediately due. For purposes of this subsection (2), the repayment schedule in RCW 82.60.060 is ~~((totted))~~ suspended during

the period of time that a taxpayer is receiving relief from repayment of deferred taxes under RCW 82.60.063.

(3) A recipient who must repay deferred taxes under subsection (2) of this section because the department has found that an investment project is not eligible for tax deferral under this chapter is no longer required to file annual tax performance reports under RCW 82.32.534 beginning on the date an investment project is used for nonqualifying purposes.

(4) Notwithstanding any other provision of this section or RCW 82.32.534, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

**Sec. 18.** RCW 82.70.900 and 2015 3rd sp.s. c 44 s 416 are each amended to read as follows:

~~((Except for RCW 82.70.050, this))~~ This chapter expires July 1, 2024.

**Sec. 19.** RCW 82.73.030 and 2021 c 112 s 2 are each amended to read as follows:

(1) Subject to the limitations in this chapter, a credit is allowed against the tax imposed by chapters 82.04 and 82.16 RCW for approved contributions that are made by a person to a program or the main street trust fund.

(2)(a) Except as provided in (b) of this subsection, the credit allowed under this section is limited to an amount equal to:

(i) Seventy-five percent of the approved contribution made by a person to a program; or

(ii) Fifty percent of the approved contribution made by a person to the main street trust fund.

(b) Beginning with contributions made in calendar year 2021, an additional credit is allowed equal to 25 percent of the approved contribution made by a person to the main street trust fund.

(3) The department may not approve credit with respect to a program in a city or town with a population of ~~((one hundred ninety thousand))~~ 190,000 persons or more at the time of designation under RCW 43.360.030.

(4) The department must keep a running total of all credits approved under this chapter for each calendar year. The department may not approve any credits under this section that would cause the total amount of approved credits statewide to exceed \$5,000,000 in any calendar year.

(5)(a)(i) The total credits allowed under this chapter for contributions made to each program may not exceed \$160,000 in a calendar year.

(ii) Between 8:00 a.m., Pacific standard time, on the second Monday in January and 8:00 a.m., Pacific daylight time, on April 1st of the same calendar year, the department must evenly allocate the amount of statewide credits allowed under subsection (4) of this section based on the

total number of programs and the main street trust fund as of January 1st in the same calendar year. The department may not approve contributions for a program or the main street trust fund that would cause the total amount of approved credits for a program or the main street trust fund to exceed the allocated amount.

(b) The total credits allowed under this chapter for a person may not exceed ~~((two hundred fifty thousand dollars))~~ \$250,000 in a calendar year.

(6) Except as provided in subsection (8) of this section, the credit may be claimed against any tax due under chapters 82.04 and 82.16 RCW only in the calendar year immediately following the calendar year in which the credit was approved by the department and the contribution was made to the program or the main street trust fund. Credits may not be carried over to subsequent years. No refunds may be granted for credits under this chapter.

(7) The total amount of the credit claimed in any calendar year by a person may not exceed the lesser amount of:

(a) The approved credit; or

(b) Seventy-five percent of the amount of the contribution that is made by the person to a program and 75 percent of the amount of the contribution that is made by the person to the main street trust fund, in the prior calendar year.

(8) Any credits provided in accordance with this chapter for approved contributions made in calendar year 2020 may be carried over for an additional two years and must be used by December 31, 2023.

(9) No credit is allowed or may be claimed under this section on or after January 1, 2032.

**Sec. 20.** RCW 82.90.080 and 2022 c 161 s 8 are each amended to read as follows:

A lessor or owner of an eligible investment project is not eligible for a deferral under this chapter unless:

(1) The underlying ownership of the qualified solar canopy vests exclusively in the same person; or

(2)(a) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(b) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual tax performance report required under RCW ~~((82-63-020(2)))~~ 82.32.534; and

(c) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the eligible investment project and the lessee.

**Sec. 21.** RCW 84.52.120 and 1995 c 99 s 1 are each amended to read as follows:

A metropolitan park district with a population of ~~((one hundred fifty thousand))~~ 150,000 or more may submit a ballot proposition to voters of the district authorizing the protection of the district's tax levy from prorationing under RCW

84.52.010~~((+2))~~(3)(b) by imposing all or any portion of the district's ~~((twenty-five))~~ 25 cent per ~~((thousand dollars))~~ \$1,000 of assessed valuation tax levy outside of the ~~((five dollar and ninety cent))~~ \$5.90 per ~~((thousand dollar))~~ \$1,000 of assessed valuation limitation established under RCW 84.52.043(2), if those taxes otherwise would be prorated under RCW 84.52.010~~((+2)(e-))~~(3)(b)(iv), for taxes imposed in any year on or before the first day of January six years after the ballot proposition is approved. A simple majority vote of voters voting on the proposition is required for approval.

**Sec. 22.** RCW 84.52.816 and 2015 c 170 s 3 are each amended to read as follows:

A flood control zone district in a county with a population of ~~((seven hundred seventy-five thousand))~~ 775,000 or more, or a county within the Chehalis river basin, that is coextensive with a county may protect the levy under RCW 86.15.160 from prorationing under RCW 84.52.010(3)(b)~~((+iii))~~(iii) by imposing up to a total of ~~((twenty-five))~~ 25 cents per ~~((thousand dollars))~~ \$1,000 of assessed value of the tax levy authorized under RCW 86.15.160 outside of the ~~((five dollars and ninety cents))~~ \$5.90 per ~~((thousand dollars))~~ \$1,000 of assessed value limitation under RCW 84.52.043(2), if those taxes otherwise would be prorated under RCW 84.52.010(3)(b)~~((+iii))~~(iii).

**Sec. 23.** RCW 88.02.620 and 2021 c 150 s 1 are each amended to read as follows:

(1) A vessel owner who is a nonresident person must obtain a nonresident vessel permit on or before the ~~((sixty-first))~~ 61st day of use in Washington state if the vessel:

(a) Is currently registered or numbered under the laws of the state or ~~((county feountry))~~ country of principal operation, has been issued a valid number under federal law, or has a valid United States customs service cruising license issued under 19 C.F.R. Sec. 4.94; and

(b) Has been brought into Washington state for not more than six months in any continuous ~~((twelve))~~ 12-month period, and is used:

(i) For personal use; or

(ii) For the purposes of chartering a vessel with a captain or crew, as long as individual charters are for at least three or more consecutive days in duration. The permit also applies for the purposes of necessary transit to or from the start or end point of such a charter, but that transit time is not counted toward the duration of the charter.

(2) In addition to the requirements in subsection (1) of this section, a nonresident vessel owner that is not a natural person, or a nonresident vessel owner who is a natural person who intends to charter the vessel with a captain or crew as provided in subsection (1)(b)(ii) of this section, may only obtain a nonresident vessel permit if:

(a) The vessel is at least ~~((thirty))~~ 30 feet in length, but no more than ~~((two hundred))~~ 200 feet in length;

(b) No Washington state resident owns the vessel or is a principal, as defined in RCW 82.32.865, of the nonresident person which owns the vessel; and

(c) The department of revenue has provided the nonresident vessel owner written approval authorizing the permit as provided in RCW 82.32.865.

(3) A nonresident vessel permit:

(a) May be obtained from the department, county auditor or other agent, or subagent appointed by the director;

(b) Must show the date the vessel first came into Washington state; and

(c) Is valid for two months.

(4) The department, county auditor or other agent, or subagent appointed by the director must collect the fee required in RCW 88.02.640(1)(i) when issuing nonresident vessel permits.

(5) A nonresident vessel permit is not required under this section if the vessel is used in conducting temporary business activity within Washington state.

(6) For any permits issued under this section to a nonresident vessel owner that is not a natural person, or for any permits issued to a natural person who intends to charter the vessel with a captain or crew as provided in subsection (1)(b)(ii) of this section, the department must maintain a record of the following information and provide it to the department of revenue quarterly or as otherwise mutually agreed to by the department and department of revenue:

(a) The name of the record owner of the vessel;

(b) The vessel's hull identification number;

(c) The amount of the fee paid under RCW 88.02.640(5);

(d) The date the vessel first entered the waters of this state;

(e) The expiration date for the permit; and

(f) Any other information mutually agreed to by the department and department of revenue.

(7) The department must adopt rules to implement this section, including rules on issuing and displaying the nonresident vessel permit.

**Sec. 24.** RCW 88.26.020 and 2013 c 291 s 41 are each amended to read as follows:

(1) Any private moorage facility operator may take reasonable measures, including the use of chains, ropes, and locks, or removal from the water, to secure vessels within the private moorage facility so that the vessels are in the possession and control of the operator and cannot be removed from the facility. These procedures may be used if an owner mooring or storing a vessel at the facility fails, after being notified that charges are owing and of the owner's right to commence legal proceedings to contest that such charges are owing, to pay charges owed or to commence legal proceedings. Notification shall be by two separate letters, one sent by first-class mail and one sent by registered mail to the owner and any lienholder of record at the last known address. In the case of a transient vessel, or where no address was furnished by the

owner, the operator need not give notice prior to securing the vessel. At the time of securing the vessel, an operator shall attach to the vessel a readily visible notice. The notice shall be of a reasonable size and shall contain the following information:

(a) The date and time the notice was attached;

(b) A statement that if the account is not paid in full within ~~((ninety))~~ 90 days from the time the notice is attached the vessel may be sold at public auction to satisfy the charges; and

(c) The address and telephone number where additional information may be obtained concerning release of the vessel.

After a vessel is secured, the operator shall make a reasonable effort to notify the owner and any lienholder of record by registered mail in order to give the owner the information contained in the notice.

(2) A private moorage facility operator, at his or her discretion, may move moored vessels ashore for storage within properties under the operator's control or for storage with a private person under their control as bailees of the private moorage facility, if the vessel is, in the opinion of the operator, a nuisance, in danger of sinking or creating other damage, or is owing charges. The costs of any such procedure shall be paid by the vessel's owner.

(3) If a vessel is secured under subsection (1) of this section or moved ashore under subsection (2) of this section, the owner who is obligated to the private operator for charges may regain possession of the vessel by:

(a) Making arrangements satisfactory with the operator for the immediate removal of the vessel from the facility or for authorized moorage; and

(b) Making payment to the operator of all charges, or by posting with the operator a sufficient cash bond or other acceptable security, to be held in trust by the operator pending written agreement of the parties with respect to payment by the vessel owner of the amount owing, or pending resolution of the matter of the charges in a civil action in a court of competent jurisdiction. After entry of judgment, including any appeals, in a court of competent jurisdiction, or after the parties reach agreement with respect to payment, the trust shall terminate and the operator shall receive so much of the bond or other security as agreed, or as is necessary, to satisfy any judgment, costs, and interest as may be awarded to the operator. The balance shall be refunded immediately to the owner at the last known address.

(4) If a vessel has been secured by the operator under subsection (1) of this section and is not released to the owner under the bonding provisions of this section within ~~((ninety))~~ 90 days after notifying or attempting to notify the owner under subsection (1) of this section, the vessel is conclusively presumed to have been abandoned by the owner.

(5) If a vessel moored or stored at a private moorage facility is abandoned, the operator may authorize the public sale of the vessel by authorized personnel,

consistent with this section, to the highest and best bidder for cash as follows:

(a) Before the vessel is sold, the vessel owner and any lienholder of record shall be given at least ~~((twenty))~~ 20 days' notice of the sale in the manner set forth in subsection (1) of this section if the name and address of the owner is known. The notice shall contain the time and place of the sale, a reasonable description of the vessel to be sold, and the amount of charges owed with respect to the vessel. The notice of sale shall be published at least once, more than ~~((ten))~~ 10 but not more than ~~((twenty))~~ 20 days before the sale, in a newspaper of general circulation in the county in which the facility is located. This notice shall include the name of the vessel, if any, the last known owner and address, and a reasonable description of the vessel to be sold. The operator may bid all or part of its charges at the sale and may become a purchaser at the sale.

(b) Before the vessel is sold, any person seeking to redeem an impounded vessel under this section may commence a lawsuit in the superior court for the county in which the vessel was impounded to contest the validity of the impoundment or the amount of charges owing. This lawsuit must be commenced within ~~((sixty))~~ 60 days of the date the notification was provided under subsection (1) of this section, or the right to a hearing is deemed waived and the owner is liable for any charges owing the operator. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs.

(c) The proceeds of a sale under this section shall be applied first to the payment of any liens superior to the claim for charges, then to payment of the charges, then to satisfy any other liens on the vessel in the order of their priority. The balance, if any, shall be paid to the owner. If the owner cannot in the exercise of due diligence be located by the operator within one year of the date of the sale, the excess funds from the sale shall revert to the department of revenue under chapter ~~((63-29))~~ 63.30 RCW. If the sale is for a sum less than the applicable charges, the operator is entitled to assert a claim for deficiency, however, the deficiency judgment shall not exceed the moorage fees owed for the previous six-month period.

(d) In the event no one purchases the vessel at a sale, or a vessel is not removed from the premises or other arrangements are not made within ~~((ten))~~ 10 days of sale, title to the vessel will revert to the operator.

(e) Either a minimum bid may be established or a letter of credit may be required from the buyer, or both, to discourage the future abandonment of the vessel.

(6) The rights granted to a private moorage facility operator under this section are in addition to any other legal rights an operator may have to hold and sell a vessel and in no manner does this section alter those rights, or affect the priority of other liens on a vessel.

NEW SECTION. **Sec. 25.** The following acts or parts of acts are each repealed:

(1) RCW 82.12.02088 (Exemptions—Digital products—Business buyers—Concurrently available for use within and outside state—Apportionment) and 2017 c 323 s 522 & 2009 c 535 s 702;

(2) RCW 82.27.060 (Payment of tax—Remittance—Returns) and 2006 c 256 s 3, 2003 1st sp.s. c 13 s 10, 1990 c 214 s 1, & 1980 c 98 s 6; and

(3) RCW 82.70.050 (Credit taken, director must advise) and 2022 c 182 s 312, 2015 3rd sp.s. c 44 s 415, 2015 1st sp.s. c 10 s 710, 2014 c 222 s 706, & 2003 c 364 s 5.

NEW SECTION. **Sec. 26.** Sections 1 through 4, 6 through 8, and 24 of this act apply both prospectively and retroactively to January 1, 2023.

NEW SECTION. **Sec. 27.** Section 23 of this act expires January 1, 2029."

Correct the title.

Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

March 17, 2023

SSB 5569

Prime Sponsor, Health & Long Term Care: Creating exemptions from certificate of need requirements for kidney disease centers. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Mosbrucker; Orwall; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

March 17, 2023

SSB 5687

Prime Sponsor, Ways & Means: Creating and supporting postsecondary wrestling grant programs. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Hansen; Leavitt; Paul and Timmons.

MINORITY recommendation: Do not pass. Signed by Representatives Jacobsen; and McEntire.

MINORITY recommendation: Without recommendation. Signed by Representatives Klicker; and Schmidt.

Referred to Committee on Appropriations

March 17, 2023



SB 5711 Prime Sponsor, Senator Nobles: Extending the terms of eligibility for the Washington college grant program. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Schmidt and Timmons.

Referred to Committee on Appropriations

March 17, 2023

SSB 5729 Prime Sponsor, Health & Long Term Care: Removing the expiration date on the cost-sharing cap for insulin. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Mosbrucker; Orwall; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**SUBSTITUTE SENATE BILL NO. 5005, by Senate Committee on Law & Justice (originally sponsored by Pedersen, Padden, Dhingra and Nobles)**

**Concerning real property.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hansen and Cheney spoke in favor of the passage of the bill.

## MOTION

On motion of Representative Griffey, Representative Eslick was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5005.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5005, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low,

Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Eslick

SUBSTITUTE SENATE BILL NO. 5005, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5121, by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland)**

**Establishing the joint select committee on health care and behavioral health oversight.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Riccelli and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5121.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5121, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Eslick

SUBSTITUTE SENATE BILL NO. 5121, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5036, by Senators Muzzall, Holy, Van De Wege and Warnick**

**Concerning telemedicine.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmick and Riccelli spoke in favor of the passage of the bill.

## MOTION

On motion of Representative Leavitt, Representative Simmons was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5036.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5036, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick and Simmons

SENATE BILL NO. 5036, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5338, by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Muzzall, Conway and Randall)**

#### Reviewing the state's essential health benefits.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Health Care & Wellness was adopted. For Committee amendment, see Journal, Day 64, Monday, March 13, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Riccelli and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5338, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5338, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick and Simmons

SUBSTITUTE SENATE BILL NO. 5338, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5122, by Senators Cleveland, Muzzall, Van De Wege and Wellman**

#### Extending the expiration date of the ambulance transport fund.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Macri and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5122.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5122, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Orcutt

Excused: Representatives Eslick and Simmons

SENATE BILL NO. 5122, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5257, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Nobles, Wilson, C., Billig, Cleveland, Dozier, Frame, Hasegawa, Hunt, Liias, Lovelett, Lovick, Nguyen, Saldaña, Valdez and Wellman)**

#### Ensuring elementary school students receive sufficient daily recess.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Education was before the House for purpose of amendment. For Committee amendment, see Journal, Day 64, Monday, March 13, 2023.

Representative Harris moved the adoption of amendment (494) to the committee striking amendment:

On page 3, beginning on line 5 of the striking amendment, strike all of subsection (vii)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Harris, Walsh, Volz, Abbarno, McEntire and Chambers spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Santos and Stonier spoke against the adoption of the amendment to the committee striking amendment.

Amendment (494) to the committee striking amendment was not adopted.

There being no objection, the committee striking amendment by the Committee on Committee was adopted. For Committee amendment, see Journal, Day 64, Monday, March 13, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Berg and Low spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5257, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5257, as amended by the House, and the bill passed the House by the following vote: Yeas, 81; Nays, 15; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Cheney, Chopp, Connors, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, McEntire, Mena, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Chambers, Christian, Corry, Dent, Goehner, Harris, Jacobsen, Maycumber, Mosbrucker, Robertson, Rude, Schmick, Steele, Walsh and Ybarra

Excused: Representatives Eslick and Simmons

ENGROSSED SUBSTITUTE SENATE BILL NO. 5257, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5004, by Senators Pedersen, Padden, Dhingra, Mullet, Nobles and Wilson, J.**

**Making updates to the Washington business corporation act.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Civil Rights & Judiciary was adopted. For Committee amendment, see Journal, Day 64, Monday, March 13, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hansen and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5004, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5004, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick and Simmons

SENATE BILL NO. 5004, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5065, by Senators Short, Wellman, Lovick and Valdez**

**Encouraging public school instruction in awareness of bone marrow donation.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Education was adopted. For Committee amendment, see Journal, Day 64, Monday, March 13, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Maycumber and Santos spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5065, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5065, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Leavitt and Ramos

Excused: Representative Eslick

SENATE BILL NO. 5065, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., Tuesday, March 21, 2023, the 72nd Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SEVENTY SECOND DAY

House Chamber, Olympia, Tuesday, March 21, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4627**, by Representative Klicker

WHEREAS, Dean Atkinson, Jr. was born on November 29, 1994, in Savannah, Georgia, and graduated from Walla Walla High School in 2013; and

WHEREAS, Dean Atkinson, Jr. served our country honorably in the Washington Army National Guard alongside his father Dean Atkinson, Sr.; and

WHEREAS, Dean Atkinson, Jr. was commissioned on June 6, 2018, with the 109th Trooper Basic Training Class as a Washington State Patrol Trooper assigned to Moses Lake, Washington, then transferred to Walla Walla, Washington in 2019; and

WHEREAS, Trooper Dean Atkinson, Jr. has become a strong and vital link between the work of the Washington State Patrol and the community he served; and

WHEREAS, Trooper Dean Atkinson, Jr. fully embodies the Washington State Patrol's motto of "Service with Humility" by performing his duties professionally with a positive attitude, a ubiquitous smile, and a sense of respect for the community he serves; and

WHEREAS, Trooper Dean Atkinson, Jr., while in the line of duty, was critically wounded when he was ambushed while on routine patrol in Walla Walla on September 22, 2022; and

WHEREAS, Trooper Dean Atkinson, Jr. having been shot three times, once in the left hand and twice in the face, drove himself to Providence St. Mary Medical Center for treatment; and

WHEREAS, Trooper Dean Atkinson, Jr. is not only a loving son and brother, but also a devoted partner to his fiancé, Meagan Graves;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives express its gratitude, respect, and admiration to Trooper Dean Atkinson, Jr. for his bravery in the line of fire; and

BE IT FURTHER RESOLVED, That the House of Representatives join the people of the State of Washington in commending, saluting, and honoring Trooper Dean Atkinson, Jr. for his exemplary and exceptional service; and

BE IT FURTHER RESOLVED, That the House of Representatives express profound appreciation and enduring gratitude to the brave men and women that protect our state every day as law enforcement officers; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Trooper Dean Atkinson, Jr., Washington State Patrol Chief John R. Batiste, and Washington State Patrol District 3 Commander Shane M. Nelson.

HOUSE RESOLUTION NO. 4627 was adopted.

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

March 17, 2023

SSB 5006

Prime Sponsor, Law & Justice: Clarifying waiver of firearm rights. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 9.41.010 and 2022 c 105 s 2 and 2022 c 104 s 2 are each reenacted to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) "Assemble" means to fit together component parts.

(3) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

(4) "Bump-fire stock" means a butt stock designed to be attached to a semiautomatic firearm with the effect of increasing the rate of fire achievable with the semiautomatic firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate reciprocating action that facilitates repeated activation of the trigger.

(5) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996,

which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

(6) "Curio or relic" has the same meaning as provided in 27 C.F.R. Sec. 478.11.

(7) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

(8) "Distribute" means to give out, provide, make available, or deliver a firearm or large capacity magazine to any person in this state, with or without consideration, whether the distributor is in-state or out-of-state. "Distribute" includes, but is not limited to, filling orders placed in this state, online or otherwise. "Distribute" also includes causing a firearm or large capacity magazine to be delivered in this state.

(9) "Family or household member" has the same meaning as in RCW 7.105.010.

(10) "Federal firearms dealer" means a licensed dealer as defined in 18 U.S.C. Sec. 921(a)(11).

(11) "Federal firearms importer" means a licensed importer as defined in 18 U.S.C. Sec. 921(a)(9).

(12) "Federal firearms manufacturer" means a licensed manufacturer as defined in 18 U.S.C. Sec. 921(a)(10).

(13) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

(14) "Felony firearm offender" means a person who has previously been convicted or found not guilty by reason of insanity in this state of any felony firearm offense. A person is not a felony firearm offender under this chapter if any and all qualifying offenses have been the subject of an expungement, pardon, annulment, certificate, or rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or a pardon, annulment, or other equivalent procedure based on a finding of innocence.

(15) "Felony firearm offense" means:

(a) Any felony offense that is a violation of this chapter;

(b) A violation of RCW 9A.36.045;

(c) A violation of RCW 9A.56.300;

(d) A violation of RCW 9A.56.310;

(e) Any felony offense if the offender was armed with a firearm in the commission of the offense.

(16) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other

device designed solely to be used for construction purposes.

(17) (a) "Frame or receiver" means a part of a firearm that, when the complete firearm is assembled, is visible from the exterior and provides housing or a structure designed to hold or integrate one or more fire control components, even if pins or other attachments are required to connect the fire control components. Any such part identified with a serial number shall be presumed, absent an official determination by the bureau of alcohol, tobacco, firearms, and explosives or other reliable evidence to the contrary, to be a frame or receiver.

(b) For purposes of this subsection, "fire control component" means a component necessary for the firearm to initiate, complete, or continue the firing sequence, including any of the following: Hammer, bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing pin, striker, or slide rails.

(18) "Gun" has the same meaning as firearm.

(19) "Import" means to move, transport, or receive an item from a place outside the territorial limits of the state of Washington to a place inside the territorial limits of the state of Washington. "Import" does not mean situations where an individual possesses a large capacity magazine when departing from, and returning to, Washington state, so long as the individual is returning to Washington in possession of the same large capacity magazine the individual transported out of state.

(20) "Intimate partner" has the same meaning as provided in RCW 7.105.010.

(21) "Large capacity magazine" means an ammunition feeding device with the capacity to accept more than 10 rounds of ammunition, or any conversion kit, part, or combination of parts, from which such a device can be assembled if those parts are in possession of or under the control of the same person, but shall not be construed to include any of the following:

(a) An ammunition feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds of ammunition;

(b) A 22 caliber tube ammunition feeding device; or

(c) A tubular magazine that is contained in a lever-action firearm.

(22) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

(23) "Lawful permanent resident" has the same meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20).

(24) "Licensed collector" means a person who is federally licensed under 18 U.S.C. Sec. 923(b).

(25) "Licensed dealer" means a person who is federally licensed under 18 U.S.C. Sec. 923(a).

(26) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;

(b) Cartridges are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;

(d) There is a cartridge in the tube or magazine that is inserted in the action; or

(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

(27) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

(28) "Manufacture" means, with respect to a firearm or large capacity magazine, the fabrication, making, formation, production, or construction of a firearm or large capacity magazine, by manual labor or by machinery.

(29) "Mental health professional" means a psychiatrist, psychologist, or physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, social worker, mental health counselor, marriage and family therapist, or such other mental health professionals as may be defined in statute or by rules adopted by the department of health pursuant to the provisions of chapter 71.05 RCW.

(30) "Nonimmigrant alien" means a person defined as such in 8 U.S.C. Sec. 1101(a) (15).

~~((30))~~ (31) "Person" means any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other legal entity.

~~((31))~~ (32) "Pistol" means any firearm with a barrel less than 16 inches in length, or is designed to be held and fired by the use of a single hand.

~~((32))~~ (33) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

~~((33))~~ (34) "Sale" and "sell" mean the actual approval of the delivery of a firearm in consideration of payment or promise of payment.

~~((34))~~ (35) "Secure gun storage" means:

(a) A locked box, gun safe, or other secure locked storage space that is designed to prevent unauthorized use or discharge of a firearm; and

(b) The act of keeping an unloaded firearm stored by such means.

~~((35))~~ (36) (a) "Semiautomatic assault rifle" means any rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and

chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(b) "Semiautomatic assault rifle" does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.

~~((36))~~ (37) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;

(b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least 10 years;

(c) Child molestation in the second degree;

(d) Incest when committed against a child under age 14;

(e) Indecent liberties;

(f) Leading organized crime;

(g) Promoting prostitution in the first degree;

(h) Rape in the third degree;

(i) Drive-by shooting;

(j) Sexual exploitation;

(k) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

(n) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense; or

(p) Any felony conviction under RCW 9.41.115.

~~((37))~~ (38) "Short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than 26 inches.

~~((38))~~ (39) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than 26 inches.

~~((39))~~ (40) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single

projectile for each single pull of the trigger.

~~((40))~~ (41) "Substance use disorder professional" means a person certified under chapter 18.205 RCW.

(42) "Transfer" means the intended delivery of a firearm to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans. "Transfer" does not include the delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of that entity's employees or agents, defined to include volunteers participating in an honor guard, for lawful purposes in the ordinary course of business.

~~((41))~~ (43) "Undetectable firearm" means any firearm that is not as detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through metal detectors or magnetometers commonly used at airports or any firearm where the barrel, the slide or cylinder, or the frame or receiver of the firearm would not generate an image that accurately depicts the shape of the part when examined by the types of X-ray machines commonly used at airports.

~~((42))~~ (44) (a) "Unfinished frame or receiver" means a frame or receiver that is partially complete, disassembled, or inoperable, that: (i) Has reached a stage in manufacture where it may readily be completed, assembled, converted, or restored to a functional state; or (ii) is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once finished or completed, including without limitation products marketed or sold to the public as an 80 percent frame or receiver or unfinished frame or receiver.

(b) For purposes of this subsection:

(i) "Readily" means a process that is fairly or reasonably efficient, quick, and easy, but not necessarily the most efficient, speedy, or easy process. Factors relevant in making this determination, with no single one controlling, include the following: (A) Time, i.e., how long it takes to finish the process; (B) ease, i.e., how difficult it is to do so; (C) expertise, i.e., what knowledge and skills are required; (D) equipment, i.e., what tools are required; (E) availability, i.e., whether additional parts are required, and how easily they can be obtained; (F) expense, i.e., how much it costs; (G) scope, i.e., the extent to which the subject of the process must be changed to finish it; and (H) feasibility, i.e., whether the process would damage or destroy the subject of the process, or cause it to malfunction.

(ii) "Partially complete," as it modifies frame or receiver, means a forging, casting, printing, extrusion, machined body, or similar article that has reached a stage in manufacture where it is clearly identifiable as an unfinished component part of a firearm.

~~((43))~~ (45) "Unlicensed person" means any person who is not a licensed dealer under this chapter.

~~((44))~~ (46) "Untraceable firearm" means any firearm manufactured after July 1, 2019,

that is not an antique firearm and that cannot be traced by law enforcement by means of a serial number affixed to the firearm by a federal firearms manufacturer, federal firearms importer, or federal firearms dealer in compliance with all federal laws and regulations.

**Sec. 2.** RCW 9.41.040 and 2022 c 268 s 28 are each amended to read as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

(b) Unlawful possession of a firearm in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(2)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under subsection (1) of this section for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:

(i) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under subsection (1) of this section, or any of the following crimes when committed by one family or household member against another or by one intimate partner against another, as those terms are defined by the statutes in effect at the time of the commission of the crime, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence (RCW 10.99.040 or any of the former RCW 26.50.060, 26.50.070, and 26.50.130);

(ii) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of harassment when committed by one family or household member against another or by one intimate partner against another, committed on or after June 7, 2018;

(iii) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of a violation of the provisions of a protection order under chapter 7.105 RCW restraining the person or excluding the person from a residence, when committed by one family or household member against another or by one intimate partner against another, committed on or after July 1, 2022;

(iv) During any period of time that the person is subject to a court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A, or 26.26B RCW or any of the former chapters 7.90, 7.92, 10.14, and 26.50 RCW that:



(A) Was issued after a hearing for which the person received actual notice, and at which the person had an opportunity to participate, whether the court then issues a full order or reissues a temporary order. If the court enters an agreed order by the parties without a hearing, such an order meets the requirements of this subsection;

(B) Restrains the person from harassing, stalking, or threatening the person protected under the order or child of the person or protected person, or engaging in other conduct that would place the protected person in reasonable fear of bodily injury to the protected person or child; and

(C)(I) Includes a finding that the person represents a credible threat to the physical safety of the protected person or child or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against the protected person or child that would reasonably be expected to cause bodily injury; or

(II) Includes an order under RCW 9.41.800 requiring the person to surrender all firearms and prohibiting the person from accessing, having in his or her custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, firearms;

(v) After having previously been involuntarily committed based on a mental disorder under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(vi) After dismissal of criminal charges based on incompetency to stand trial under RCW 10.77.088 when the court has made a finding indicating that the defendant has a history of one or more violent acts, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(vii) If the person is under 18 years of age, except as provided in RCW 9.41.042; and/or

(viii) If the person is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW 9.41.010.

(b) Unlawful possession of a firearm in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted," whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including, but not limited to, sentencing or disposition, post-trial or post-fact-finding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension, or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the

rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4)(a) Notwithstanding subsection (1) or (2) of this section, a person convicted or found not guilty by reason of insanity of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401 and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction or finding of not guilty by reason of insanity. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) or (2) of this section and has not previously been convicted or found not guilty by reason of insanity of a sex offense prohibiting firearm ownership under subsection (1) or (2) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least 20 years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(i) Under RCW 9.41.047; and/or

(ii)(A) If the conviction or finding of not guilty by reason of insanity was for a felony offense, after five or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525; or

(B) If the conviction or finding of not guilty by reason of insanity was for a nonfelony offense, after three or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525 and the individual has completed all conditions of the sentence.

(b) An individual may petition a court of record to have his or her right to possess a firearm restored under (a) of this subsection only at:

(i) The court of record that ordered the petitioner's prohibition on possession of a firearm; or

(ii) The superior court in the county in which the petitioner resides.

(5) In addition to any other penalty provided for by law, if a person under the age of 18 years is found by a court to have possessed a firearm in a vehicle in

violation of subsection (1) or (2) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within 24 hours and the person's privilege to drive shall be revoked under RCW 46.20.265, unless the offense is the juvenile's first offense in violation of this section and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7)(a) A person, whether an adult or a juvenile, commits the civil infraction of unlawful possession of a firearm if the person has in the person's possession or has in the person's control a firearm after the person files a voluntary waiver of firearm rights under RCW 9.41.350 and the form has been accepted by the clerk of the court and the voluntary waiver has not been lawfully revoked.

(b) The civil infraction of unlawful possession of a firearm is a class 4 civil infraction punishable according to chapter 7.80 RCW.

(c) Each firearm unlawfully possessed under this subsection (7) shall be a separate infraction.

(d) The court may, in its discretion, order performance of up to two hours of community restitution in lieu of a monetary penalty prescribed for a civil infraction under this subsection (7).

(8) Each firearm unlawfully possessed under this section shall be a separate offense.

**Sec. 3.** RCW 9.41.350 and 2018 c 145 s 1 are each amended to read as follows:

(1) A person may file a voluntary waiver of firearm rights, either in writing or electronically, with the clerk of the court in any county in Washington state. The clerk of the court must request a physical or scanned copy of photo identification to verify the person's identity prior to accepting the form. The person filing the form may provide ((an alternate person to be contacted if a voluntary waiver of firearm rights is)) the name of a family member, mental health professional, substance use disorder professional, or alternate person to be contacted if the filer attempts to purchase a firearm while the voluntary

waiver of firearm rights is in effect or if the filer applies to have the voluntary waiver revoked. The clerk of the court must immediately give notice to the person filing the form and any listed family member, mental health professional, substance use disorder professional, or alternate person if the filer's voluntary waiver of firearm rights has been accepted. The notice must state that the filer's possession or control of a firearm is unlawful under RCW 9.41.040(7) and that any firearm in the filer's possession or control should be surrendered immediately. By the end of the business day, the clerk of the court must transmit the accepted form to the Washington state patrol. The Washington state patrol must enter the voluntary waiver of firearm rights into the national instant criminal background check system and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms within twenty-four hours of receipt of the form. Copies and records of the voluntary waiver of firearm rights shall not be disclosed except to law enforcement agencies.

(2) A filer of a voluntary waiver of firearm rights may update the contact information for any family member, mental health professional, substance use disorder professional, or alternate person provided under subsection (1) of this section by making an electronic or written request to the clerk of the court in the same county where the voluntary waiver of firearm rights was filed. The clerk of the court must request a physical or scanned copy of photo identification to verify the person's identity prior to updating the contact information on the form. By the end of the business day, the clerk of the court must transmit the updated contact information to the Washington state patrol.

(3) No sooner than seven calendar days after filing a voluntary waiver of firearm rights, the person may file a revocation of the voluntary waiver of firearm rights, either in writing or electronically, in the same county where the voluntary waiver of firearm rights was filed. The clerk of the court must request a physical or scanned copy of photo identification to verify the person's identity prior to accepting the form. By the end of the business day, the clerk of the court must transmit the form to the Washington state patrol and to any ((contact)) family member, mental health professional, substance use disorder professional, or alternate person listed on the voluntary waiver of firearm rights ((and destroy all records of the voluntary waiver)). Within seven days of receiving a revocation of a voluntary waiver of firearm rights, the Washington state patrol must remove the person from the national instant criminal background check system, and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms in which the person was entered, unless the person is otherwise ineligible to possess a firearm under RCW 9.41.040, and destroy all records of the voluntary waiver.

~~((3))~~ (4) A person who knowingly makes a false statement regarding their identity on the voluntary waiver of firearm rights form or revocation of waiver of firearm rights form is guilty of false swearing under RCW 9A.72.040.

~~((4))~~ (5) Neither a voluntary waiver of firearm rights nor a revocation of a voluntary waiver of firearm rights shall be considered by a court in any legal proceeding.

~~((5))~~ (6) A voluntary waiver of firearm rights may not be required of an individual as a condition for receiving employment, benefits, or services.

~~((6))~~ (7) All records obtained and all reports produced, as required by this section, are not subject to disclosure through the public records act under chapter 42.56 RCW.

**Sec. 4.** RCW 9.41.352 and 2018 c 145 s 2 are each amended to read as follows:

(1) The administrator for the courts, under the direction of the chief justice, shall develop a voluntary waiver of firearm rights form and a revocation of voluntary waiver of firearm rights form by January 1, 2019.

(2) The forms must include all of the information necessary for identification and entry of the person into the national instant criminal background check system, and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms. The voluntary waiver of firearm rights form must include the following language:

Because you have filed this voluntary waiver of firearm rights, effective immediately you may not purchase ~~((#))~~, receive, control, or possess any firearm. You may revoke this voluntary waiver of firearm rights any time after at least seven calendar days have elapsed since the time of filing.

(3) The forms must be made available on the administrator for the courts website, at all county clerk offices, and must also be made widely available at firearm and ammunition dealers and health care provider locations.

**NEW SECTION. Sec. 5.** A new section is added to chapter 9.41 RCW to read as follows:

Mental health professionals and substance use disorder professionals are encouraged to discuss the voluntary waiver of firearm rights with their patients if the mental health professional or substance use disorder professional reasonably believes that a discussion will avoid or minimize an imminent danger to the health or safety of the individual or any other individual; however, there is no obligation to do so."

Correct the title.

Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

March 16, 2023

SB 5023

Prime Sponsor, Senator Wilson, J.: Concerning roadside safety measures. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

March 17, 2023

SSB 5028

Prime Sponsor, Law & Justice: Revising the process for individuals to request name changes. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Do not pass. Signed by Representative Graham, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh, Ranking Minority Member.

Referred to Committee on Rules for second reading

March 16, 2023

SB 5041

Prime Sponsor, Senator Lovick: Concerning compliance with federal motor carrier safety administration requirements for the drug and alcohol clearinghouse. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

March 17, 2023

2SSB 5046

Prime Sponsor, Ways & Means: Concerning postconviction access to counsel. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson; Thai and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; and Rude.

MINORITY recommendation: Without recommendation. Signed by Representative Cheney.

Referred to Committee on Appropriations

March 17, 2023

SSB 5087

Prime Sponsor, Law & Justice: Removing language from the Revised Code of Washington that has been identified by the justices of the supreme court or judges of the superior courts as defects and omissions in the laws pursuant to Article IV, section 25 of the Washington state Constitution. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson; Thai and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Cheney; and Rude.

Referred to Committee on Rules for second reading

March 17, 2023

SB 5089

Prime Sponsor, Senator King: Making changes to factory assembled structures, manufactured or mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and park trailers requirements, including adding board members to the factory assembled structures advisory committee. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

March 17, 2023

SSB 5096

Prime Sponsor, Business, Financial Services, Gaming & Trade: Concerning employee ownership. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

Employee ownership in companies provides numerous benefits to both businesses and workers across all industries. Research from the national center for employee ownership found that one such structure, employee stock ownership plans, had better workforce

retention, benefits and retirement security, and firm performance than nonemployee stock ownership plans companies in the same industry. In addition, the Rutgers school of management and labor relations found that employee-owned companies outperformed nonemployee-owned companies in job retention, pay, and workplace health safety throughout the COVID-19 pandemic. At their core, employee ownership structures allow employees to gain ownership stake in a business, increasing their personal wealth without the risks related to starting or purchasing their own company.

States throughout the nation have moved to provide support for employee ownership structures. The Colorado employee ownership office has operated since 2019 to create a network of technical support and service providers considering employee ownership structures. Recently, both California and Massachusetts passed legislation to establish their own dedicated employee ownership support programs. Other states, such as Iowa, provide tax benefits and upfront costs to businesses interested in employee ownership.

Further, the federal government has recognized the benefit broad-based employee ownership structures provide to communities. The American rescue plan act included \$10,000,000,000 for the state small business credit initiative. Through that act congress also directed the treasury department to allow state small business credit initiative funding to be used for transitions to employee ownership, when state small business credit initiative funding has not been historically available for business transactions.

The legislature desires to provide a dedicated program to educate businesses on employee ownership, assist both owners and workers in navigating available resources, reduce barriers to transitioning to employee-owned structures, and provide tax support for businesses that transition to an employee ownership structure.

Therefore, it is the intent of the legislature to encourage the growth of employee ownership structures through this expanding employee ownership act.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The Washington employee ownership program is created to support the efforts of businesses considering a sale to an employee ownership structure. The Washington employee ownership program must be administered by the department and overseen by the Washington employee ownership commission established in section 3 of this act.

(2)(a) In implementing the Washington employee ownership program, the director must:

(i) Create a network of technical support and service providers for businesses considering employee ownership structures;

(ii) Work with state agencies whose regulations and programs affect employee-owned businesses, and businesses with the potential to become employee owned, to enhance opportunities and reduce barriers;

(iii) Partner with relevant private, nonprofit, and public organizations including, but not limited to, professional and trade associations, financial institutions, unions, small business development centers, economic and workforce development organizations, and nonprofit entities to promote employee ownership benefits and succession models;

(iv) Develop and make available materials regarding employee ownership benefits and succession models;

(v) Provide a referral service to help qualified business owners find appropriate legal, financial, and technical employee ownership resources and services;

(vi) Work with the department of financial institutions and appropriate state, private, and nonprofit entities to shape and implement guidance on lending to broad-based employee ownership vehicles;

(vii) Create an inventory of employee-owned businesses in the state including employee stock ownership plans, worker cooperatives, and employee ownership trusts; and

(viii) Subject to the successful award of federal funding for this purpose, establish a revolving loan program to assist existing small businesses to finance a transition to employee ownership.

(b) Loans offered by the revolving loan program must be used to help facilitate the purchase of an interest in an employee stock ownership plan or worker-owned cooperative from the owner or owners of a qualified business, provided that:

(i) The transaction results in the employee stock ownership plan or worker cooperative holding a majority interest in the business, on a fully diluted basis; and

(ii) If used to assist in the purchase of an interest in an employee stock ownership plan, the employee stock ownership plan: (A) Has appointed an independent trustee; or (B) has, as a trustee, person, or entity, completed education on best practices for employee stock ownership plans.

(c) Loans financing the sale of an interest to a worker cooperative shall be extended based on repayment ability and shall not require a personal or entity guarantee. In meeting the requirement in (b) of this subsection, lending guidelines must be established for worker cooperatives not based on any personal or entity guarantees provided by the member owners or the selling business owner. These guidelines may include but are not limited to cash flow-based underwriting, character-based lending, and reliance on business assets.

(d) In order to support the revolving loan program, the director or the director's designee must apply for federal funding opportunities that:

(i) Support capitalization of state revolving loan programs; and

(ii) Support businesses that seek to transition to employee ownership.

(e) Amounts from the repayment of loans offered by the revolving loan program must be deposited in the employee ownership revolving loan program account established in section 6 of this act.

(3) The director or the director's designee may contract with consultants,

agents, or advisors necessary to further the purposes of this section.

(4) By December 1st each year, the department must submit a report to the appropriate committees of the legislature on program activities and the number of employee-owned businesses and employee-owned trusts in the state, including recommendations for improvement and barriers for businesses considering employee ownership structures in Washington state. The first report must include rules and guidelines for the administration of the program, as established by the Washington employee ownership commission.

(5) For the purposes of this section:

(a) "Employee-owned business" means:

(i) An employee cooperative established under chapter 23.78, 23.86, 23.100, or 24.06 RCW that has at least 50 percent of its board of directors consisting of, and elected by, its employees; or

(ii) An entity owned in whole or in part by employee stock ownership plans as defined in 26 U.S.C. Sec. 4975(e)(7).

(b) "Qualified business" means a person subject to tax under Title 82 RCW, including but not limited to a C corporation, S corporation, limited liability company, partnership, limited liability partnership, sole proprietorship, or other similar pass-through entity, that is not owned in whole or in part by an employee ownership trust, that does not have an employee stock ownership plan, or that is not, in whole or in part, a worker-owned cooperative.

(6) Program support shall only be made available to businesses headquartered in Washington state. For the purposes of this section, "headquartered in Washington state" means that Washington state is its principal place of business or the state where it is incorporated.

(7) The director shall adopt rules as necessary to implement this section.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The Washington employee ownership commission is hereby created to exercise the powers in developing and supervising the program created in section 2 of this act.

(2) The commission shall consist of:

(a) One member from each of the two major caucuses of the house of representatives to be appointed by the speaker of the house and one member from each of the two major caucuses of the senate to be appointed by the president of the senate. The initial term shall be two years; and

(b) The following members appointed by the governor:

(i) Five members who represent the private sector or professional organizations as follows:

(A) One representative of a worker cooperative business. The initial term shall be four years;

(B) One representative of an employee stock ownership plan business. The initial term shall be four years;

(C) One representative from a statewide business association. The initial term shall be two years;

(D) One economic development expert, from the private sector, with employee ownership knowledge and experience. The initial term shall be four years; and

(E) One representative from a financial institution with expertise in assisting businesses transitioning into an employee ownership structure. The initial term shall be two years; and

(ii) Two members who represent the public sector as follows:

(A) One economic development expert, from the public sector. The initial term shall be four years; and

(B) One representative from the department of commerce, who will chair the first meeting prior to the election of the chair. The initial term shall be four years.

(3) After the initial term of appointment, all members shall serve terms of four years and shall hold office until successors are appointed.

(4) The commission shall be led by a chair selected and voted on by members of the commission. The chair shall serve a one-year term but may serve more than one term if selected to do so by members of the commission.

(5) The commission shall develop, in consultation with the director, rules and guidelines to administer the program. Rules and guidelines for the administration of the program must be included in the first report to the legislature required in section 2 of this act.

(6) Before making any appointments to the commission, the governor must seek nominations from recognized organizations that represent the entities or interests identified in this section. The governor must select appointees to represent private sector industries from a list of three nominations provided by the trade associations representing the industry, unless no names are put forth by the trade associations.

(7) The commission shall conduct market research for the purposes of, or to support, a future application to the federal government for a program to assist in the purchase of an interest in an employee stock ownership plan qualifying under section 401 of the internal revenue code, worker cooperative, or related broad-based employee ownership vehicle.

(8) For purposes of this section, a "professional organization" includes an entity whose members are engaged in a particular lawful vocation, occupation, or field of activity of a specialized nature including, but not limited to, associations, boards, educational institutions, and nonprofit organizations.

**NEW SECTION. Sec. 4.** (1) This section is the tax preference performance statement for the tax preference contained in section 5, chapter . . . , Laws of 2023 (section 5 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(3) It is the legislature's specific public policy objective to encourage business owners to create an employee stock ownership plan or employee ownership trust, or to convert to a worker-owned cooperative, that allows the company to share ownership with their employees without requiring employees to invest their own money.

(4) If a review finds that the number of businesses in this state offering employee stock ownership plans, employee ownership trusts, or ones that have converted to a worker-owned cooperative, has increased because of the tax credit under this act, then the legislature intends for the legislative auditor to recommend extending the expiration date of the tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may access and use any relevant data collected by the state.

**NEW SECTION. Sec. 5.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Beginning July 1, 2024, in computing the tax imposed under this chapter, a credit is allowed for costs related to converting a qualifying business to a worker-owned cooperative, employee ownership trust, or an employee stock ownership plan, as provided in this section.

(2) The credit is equal to:

(a) Up to 50 percent of the conversion costs, not to exceed \$25,000, incurred by a qualified business for converting the qualified business to a worker-owned cooperative or an employee ownership trust; or

(b) Up to 50 percent of the conversion costs, not to exceed \$100,000, incurred by a qualified business for converting the qualified business to an employee stock ownership plan.

(3)(a) Credit under this section is earned, and claimed against taxes due under this chapter, for the tax reporting period in which the conversion to a worker-owned cooperative, employee ownership trust, or an employee stock ownership plan is complete, or subsequent tax reporting periods as provided in (c) of this subsection.

(b) The credit must not exceed the tax otherwise due under this chapter for the tax reporting period.

(c) Unused credit may be carried over and used in subsequent tax reporting periods, except that no credit may be claimed more than 12 months from the end of the tax reporting period in which the credit was earned.

(d) No refunds may be granted for credits under this section.

(4)(a) The total amount of credits authorized under this section may not exceed an annual statewide limit of \$2,000,000.

(b) Credits must be authorized on a first-in-time basis.

(c) No credit may be earned, during any calendar year, on or after the last day of

the calendar month immediately following the month the department has determined that \$2,000,000 in credit has been earned.

(5) (a) The department may require persons claiming a credit under this section to provide appropriate documentation, in a manner as determined by the department, for the purposes of determining eligibility under this section.

(b) Every person claiming a credit under this section must preserve, for a period of five years, any documentation to substantiate the amount of credit claimed.

(6) For the purposes of this section:

(a) "Conversion costs" means professional services, including accounting, legal, and business advisory services, as detailed in the guidelines issued by the department, for: (i) A feasibility study or other preliminary assessments regarding a transition of a business to an employee stock ownership plan, a worker-owned cooperative, or an employee ownership trust; or (ii) the transition of a business to an employee stock ownership plan, a worker-owned cooperative, or an employee ownership trust.

(b) "Employee ownership trust" means an indirect form of employee ownership in which a trust holds a controlling stake in a qualified business and benefits all employees on an equal basis.

(c) "Employee stock ownership plan" has the same meaning as set forth in 26 U.S.C. Sec. 4975(e)(7), as of the effective date of this section.

(d) "Qualified business" means a person subject to tax under this chapter, including but not limited to a C corporation, S corporation, limited liability company, partnership, limited liability partnership, sole proprietorship, or other similar pass-through entity, that is not owned in whole or in part by an employee ownership trust, that does not have an employee stock ownership plan, or that is not, in whole or in part, a worker-owned cooperative, and that is approved by the department for the tax credit in this section.

(e) "Worker-owned cooperative" has the same meaning as set forth in 26 U.S.C. Sec. 1042(c)(2), as of the effective date of this section, or such subsequent dates as may be provided by rule by the department, consistent with the purposes of this section.

(7) Credits allowed under this section can be earned for tax reporting periods starting on or before June 30, 2029. No credits can be claimed on returns filed for tax periods starting on or after July 1, 2030.

(8) This section expires July 1, 2030.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.330 RCW to read as follows:

The employee ownership revolving loan program account is created in the custody of the state treasury. All transfers and appropriations by the legislature, repayments of loans, private contributions, and all other sources must be deposited into the account. Expenditures from the account may be used only for the purposes of the

Washington employee ownership program created in section 2 of this act. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 7.** Sections 4 and 5 of this act take effect July 1, 2024.

**NEW SECTION. Sec. 8.** This act may be known and cited as the expanding employee ownership act."

Correct the title.

Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

March 17, 2023

SSB 5114

Prime Sponsor, Human Services: Supporting adults with lived experience of sex trafficking. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Appropriations

March 17, 2023

ESSB 5124

Prime Sponsor, Human Services: Supporting guardianships and voluntary placement with nonrelative kin. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Appropriations

March 17, 2023

ESSB 5143

Prime Sponsor, Agriculture, Water, Natural Resources & Parks: Changing the name of and adding a member to the commission on pesticide registration. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Rules for second reading

March 17, 2023

SB 5192 Prime Sponsor, Senator Shewmake: Authorizing administrative law judges to substitute for pollution control hearings board members in deciding derelict vessel appeals. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Rules for second reading

March 17, 2023

ESSB 5217 Prime Sponsor, Labor & Commerce: Concerning the state's ability to regulate certain industries and risk classifications to prevent musculoskeletal injuries and disorders. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Appropriations

March 17, 2023

2SSB 5225 Prime Sponsor, Ways & Means: Increasing access to the working connections child care program. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Callan; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Do not pass. Signed by Representatives Eslick, Ranking Minority Member; Dent; and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representative Couture, Assistant Ranking Minority Member.

Referred to Committee on Appropriations

March 17, 2023

SSB 5256 Prime Sponsor, Human Services: Making permanent and expanding the child welfare housing assistance program. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Do not pass. Signed by Representative Walsh.

Referred to Committee on Appropriations

March 17, 2023

2SSB 5268 Prime Sponsor, Ways & Means: Addressing equity and efficiencies in public works procurement including modifying small works roster requirements. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

March 17, 2023

SSB 5286 Prime Sponsor, Labor & Commerce: Modifying the premium provisions of the paid family and medical leave program. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Appropriations

March 15, 2023

SB 5295 Prime Sponsor, Senator Wilson, L.: Eliminating accounts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

March 16, 2023

SSB 5317 Prime Sponsor, Transportation: Concerning the removal of vehicles by a regional transit authority when obstructing the operation of high capacity transportation vehicles or jeopardizing public safety. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.55.010 and 2022 c 186 s 708 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter:

(1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for 120 consecutive hours.

(2) "Immobilize" means the use of a locking wheel boot that, when attached to the wheel of a vehicle, prevents the vehicle



from moving without damage to the tire to which the locking wheel boot is attached.

(3) "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

(4) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds—public and private.

(a) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

(b) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

(5) "Junk vehicle" means a vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements:

- (a) Is three years old or older;
- (b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, or missing wheels, tires, motor, or transmission;
- (c) Is apparently inoperable;
- (d) Has an approximate fair market value equal only to the approximate value of the scrap in it.

(6) "Master log" means the document or an electronic facsimile prescribed by the department and the Washington state patrol in which an operator records transactions involving impounded vehicles.

(7) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

(8) "Residential property" means property that has no more than four living units located on it.

(9) "Suspended license impound" means an impound ordered under RCW 46.55.113 because the operator was arrested for a violation of RCW 46.20.342 or 46.20.345.

(10) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.

(11) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

(12) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

(13) "Tow truck service" means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

(14) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

- Subject to removal after:
- (a Public locations:
- )

- (i Constituting an accident or a traffic hazard as defined in RCW 46.55.113 . . . . Immediately
- (i On a highway and tagged as described in RCW 46.55.085 . . . . . 24 hours
- (i In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070 . . . . . Immediately
- (i ((~~During the 2021-2023 fiscal biennium, within the~~)Within the right-of-way used by a regional transit authority for high capacity transportation where the vehicle constitutes an obstruction to the operation of high capacity transportation vehicles or jeopardizes public safety. . . . Immediately
- (b Private locations:
- )
- (i On residential property . . . . . Immediately
- (i On private, nonresidential property, properly posted under RCW 46.55.070 . . . . . Immediately
- (i On private, nonresidential property, not posted . . . . . 24 hours

**Sec. 2.** RCW 46.55.080 and 2022 c 186 s 709 are each reenacted to read as follows:

(1) If a vehicle is in violation of the time restrictions of RCW 46.55.010(14), it may be impounded by a registered tow truck operator at the direction of a law enforcement officer, authorized regional transit authority representative under the conditions described in RCW 46.55.010(14)(a)(iv), or other public official with jurisdiction if the vehicle is on public property, or at the direction of the property owner or an agent if it is on private property. A law enforcement officer may also direct the impoundment of a vehicle pursuant to a writ or court order.

(2) The person requesting a private impound or a law enforcement officer, authorized regional transit authority representative, or public official requesting a public impound shall provide a signed authorization for the impound at the time and place of the impound to the registered tow truck operator before the operator may proceed with the impound. A registered tow truck operator, employee, or his or her agent may not serve as an agent of a property owner for the purposes of signing an impound authorization or, independent of the property owner, identify a vehicle for impound.

(3) In the case of a private impound, the impound authorization shall include the following statement: "A person authorizing this impound, if the impound is found in violation of chapter 46.55 RCW, may be held

liable for the costs incurred by the vehicle owner."

(4) A registered tow truck operator shall record and keep in the operator's files the date and time that a vehicle is put in the operator's custody and released. The operator shall make an entry into a master log regarding transactions relating to impounded vehicles. The operator shall make this master log available, upon request, to representatives of the department or the state patrol.

(5) A person who engages in or offers to engage in the activities of a registered tow truck operator may not be associated in any way with a person or business whose main activity is authorizing the impounding of vehicles."

Correct the title.

Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

March 17, 2023

ESB 5341 Prime Sponsor, Senator Muzzall: Creating a location-based branding and promotion program for Washington food and agricultural products. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Appropriations

March 16, 2023

SB 5342 Prime Sponsor, Senator Kauffman: Concerning transit agencies' ability to enter into interlocal agreements for procurement. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Orcutt.

Referred to Committee on Rules for second reading

March 16, 2023

SB 5347 Prime Sponsor, Senator Wagoner: Concerning access to abstract driving records. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

March 17, 2023

SSB 5358 Prime Sponsor, State Government & Elections: Expanding veterans' services and programs. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

March 17, 2023

SB 5370 Prime Sponsor, Senator Wagoner: Concerning adult protective services. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Rules for second reading

March 17, 2023

SB 5385 Prime Sponsor, Senator Liias: Concerning work performed by institutions of higher education. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Schmidt and Timmons.

Referred to Committee on Capital Budget

March 17, 2023

SSB 5415 Prime Sponsor, Law & Justice: Concerning public defense services for persons committed as not guilty by reason of insanity. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Appropriations

March 17, 2023

SB 5419 Prime Sponsor, Senator Gildon: Removing a Washington state institute of public policy outcome evaluation requirement. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Rules for second reading

March 17, 2023

SSB 5439 Prime Sponsor, Agriculture, Water, Natural Resources & Parks: Concerning livestock identification. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Rules for second reading

March 17, 2023

ESB 5592 Prime Sponsor, Senator Hunt: Requiring semiautomatic external defibrillator at fitness centers. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70.54 RCW to read as follows:

(1) The owner of a fitness center shall acquire and maintain at least one semiautomatic external defibrillator on premises.

(2) The fitness center must comply with the requirements of RCW 70.54.310, including instruction of personnel on the use of the defibrillator, maintenance of the defibrillator, and notification of the local emergency medical services organization about the location of the defibrillator.

(3) An employee of a fitness center who has completed the instruction required under RCW 70.54.310 may render emergency care or treatment using a semiautomatic external defibrillator on the fitness center premises.

(4) A person who uses a semiautomatic external defibrillator at the scene of an emergency is immune from civil liability pursuant to RCW 70.54.310.

(5) Facilities operated by bona fide nonprofit organizations which have been granted tax-exempt status by the internal revenue service, the functions of which as fitness centers are only incidental to their overall functions, are exempt from the requirements of this section until January 1, 2025.

(6) (a) "Fitness center" means any premises used for recreation, instruction,

training, physical exercise, body building, weight loss, figure development, martial arts, or other similar activity, that offers access on a membership basis.

(b) "Fitness center" does not include: (i) Public common schools, private schools approved under RCW 28A.195.010, and public or private institutions of higher education; and (ii) private facilities operated out of a home that do not offer memberships.

NEW SECTION. **Sec. 2.** (1) Subject to the availability of amounts appropriated for this specific purpose, by July 1, 2024, the department of commerce shall establish a four-year grant program for the purpose of assisting fitness centers with complying with the requirements of acquiring and maintaining at least one semiautomatic external defibrillator, including applicable training requirements, as referenced in section 1 of this act.

(2) The department of commerce may adopt rules to implement the grant program referenced in this section."

Correct the title.

Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Orwall; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; and Harris.

MINORITY recommendation: Without recommendation. Signed by Representatives Hutchins, Assistant Ranking Minority Member; Barnard; Graham; and Mosbrucker.

Referred to Committee on Appropriations

March 17, 2023

ESSB 5614 Prime Sponsor, Labor & Commerce: Concerning adult entertainment establishments. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.88.010 and 2003 c 53 s 92 are each amended to read as follows:

(1) A person is guilty of indecent exposure if he or she intentionally makes any open and obscene exposure of his or her person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm. The act of breastfeeding or expressing breast milk is not indecent exposure.

(2) (a) Except as provided in (b) and (c) of this subsection, indecent exposure is a misdemeanor.

(b) Indecent exposure is a gross misdemeanor on the first offense if the person exposes himself or herself to a person under the age of fourteen years.

(c) Indecent exposure is a class C felony if the person has previously been convicted under this section or of a sex offense as defined in RCW 9.94A.030.

(3) Adult entertainment as defined in RCW 49.17.470 is not indecent exposure.

**Sec. 2.** RCW 49.17.470 and 2019 c 304 s 1 are each amended to read as follows:

(1)(a) The department shall develop or contract for the development of training for entertainers. The training must include, but not be limited to:

(i) Education about the rights and responsibilities of entertainers, including with respect to working as an employee or independent contractor;

(ii) Reporting of workplace injuries, including sexual and physical abuse and sexual harassment;

(iii) The risk of human trafficking;

(iv) Financial aspects of the entertainer profession; and

(v) Resources for assistance.

(b) As a condition of receiving or renewing an adult entertainer license issued by a local government on or after July 1, 2020, an entertainer must provide proof that the entertainer took the training described in (a) of this subsection. The department must make the training reasonably available to allow entertainers sufficient time to take the training in order to receive or renew their licenses on or after July 1, 2020.

(2) An adult entertainment establishment must provide a panic button in each room in the establishment in which an entertainer may be alone with a customer, and in bathrooms and dressing rooms. An entertainer may use the panic button if the entertainer has been harmed, reasonably believes there is a risk of harm, or there is an other emergency in the entertainer's presence. The entertainer may cease work and leave the immediate area to await the arrival of assistance.

(3)(a) An adult entertainment establishment must record the accusations it receives that a customer has committed an act of violence, including assault, sexual assault, or sexual harassment, towards an entertainer. The establishment must make every effort to obtain the customer's name and if the establishment cannot determine the name, it must record as much identifying information about the customer as is reasonably possible. The establishment must retain a record of the customer's identifying information for at least five years after the most recent accusation.

(b) If an accusation is supported by a statement made under penalty of perjury or other evidence, the adult entertainment establishment must decline to allow the customer to return to the establishment for at least three years after the date of the incident. The establishment must share the information about the customer with other establishments with common ownership and those establishments with common ownership must also decline to allow the customer to enter those establishments for at least three years after the date of the incident. No entertainer may be required to provide such a statement.

(4)(a) An establishment must develop training for its employees to minimize occurrences of unprofessional behavior by

the employees and enable the employees to support entertainers in times of conflict. Training topics must include, but are not limited to, conflict de-escalation and first aid.

(b) An establishment must require all establishment employees to take the training within 30 days of hiring and at least every two years.

(5) An establishment must provide at least one dedicated security person during business hours. Between the hours of 9:00 a.m. and 9:00 p.m., the dedicated security person's primary duty is security, between the hours of 9:00 p.m. and 9:00 a.m. the dedicated security person must have no other duties. The department may adopt rules that require additional security persons based on additional factors, including but not limited to:

(a) The size of the establishment;

(b) The layout and floor plan of the establishment;

(c) The patron volume;

(d) Security cameras and panic buttons; and

(e) The history of security events at the establishment.

(6) For the purposes of enforcement, except for subsection (1) of this section, this section shall be considered a safety or health standard under this chapter.

~~((45))~~(7) This section does not affect an employer's responsibility to provide a place of employment free from recognized hazards or to otherwise comply with this chapter and other employment laws.

~~((46) The department shall convene an entertainer advisory committee to assist with the implementation of this section, including the elements of the training under subsection (1) of this section. At least half of the advisory committee members must be former entertainers who held or current entertainers who have held an adult entertainer license issued by a local government for at least five years. At least one member of the advisory committee must be an adult entertainment establishment which is licensed by a local government and operating in the state of Washington. The advisory committee shall also consider whether additional measures would increase the safety and security of entertainers, such as by examining ways to make the procedures described in subsection (3) of this section more effective and reviewing the fee structure for entertainers. If the advisory committee finds and recommends additional measures that would increase the safety and security of entertainers and that those additional measures would require legislative action, the department must report those recommendations to the appropriate committees of the legislature.~~

~~(7))~~(8) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Adult entertainment" means any exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance, or dance involves an entertainer who:

(i) Is unclothed or in such attire, costume, or clothing as to expose to view

any portion of the breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva, or genitals; or

(ii) Touches, caresses, or fondles the breasts, buttocks, anus, genitals, or pubic region of another person, or permits the touching, caressing, or fondling of the entertainer's own breasts, buttocks, anus, genitals, or pubic region by another person, with the intent to sexually arouse or excite another person.

(b) "Adult entertainment establishment" or "establishment" means any business to which the public, patrons, or members are invited or admitted where an entertainer provides adult entertainment to a member of the public, a patron, or a member.

(c) "Entertainer" means any person who provides adult entertainment within an adult entertainment establishment, whether or not a fee is charged or accepted for entertainment and whether or not the person is an employee under RCW 49.17.020.

(d) "Panic button" means an emergency contact device by which the entertainer may summon immediate on-scene assistance from another entertainer, a security guard, or a representative of the ~~((adult))~~ adult entertainment establishment.

NEW SECTION. **Sec. 3.** A new section is added to chapter 49.17 RCW to read as follows:

(1) An adult entertainment establishment qualifies as an adult entertainment nightclub if the establishment demonstrates to the department that the establishment:

(a) Has written processes and procedures accessible to all its employees and entertainers who are not employees for:

(i) Responding to customer violence or criminal activity, including when police are called;

(ii) Ejecting customers who violate club policies, including intoxication or other inappropriate or illegal behavior; and

(iii) Processing requests from entertainers to place a patron on the list under RCW 49.17.470(3);

(b) Provides to the department at least annually a customer complaint log including, but not limited to, the number of entertainer complaints and the number of customers related to customer actions described in RCW 49.17.470(3);

(c) Provides to the department at least annually proof of compliance with RCW 49.17.470(2) and maintenance records showing that the panic buttons are maintained and checked to ensure they are in working condition;

(d) Has entertainers' dressing or locker rooms equipped with a keypad requiring a code to enter;

(e) Provides appropriate cleaning supplies and a waste receptacle accessible from private performance areas;

(f) Displays signage in an employee common area indicating that entertainers are not required to surrender any tips or gratuities and may not be denied services and amenities in consideration of tips or gratuities; and

(g) Displays signage at the entrance directing customers to resources on appropriate etiquette.

(2) For any establishment seeking or holding a license under section 5 of this act, the department shall inspect the establishment and verify whether it demonstrates compliance with the requirements in this section. Inspections must be conducted at least once every calendar year. Following an inspection, the department shall notify the liquor and cannabis board whether the establishment is in compliance with the requirements of this section and qualifies as an adult entertainment nightclub under this section.

(3) The department may share information with the liquor and cannabis board for purposes of enforcing this section and section 5 of this act.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Adult entertainment," "adult entertainment establishment," "establishment," and "entertainer" have the same meaning as provided in RCW 49.17.470.

(b) "Adult entertainment nightclub" means an adult entertainment establishment in compliance with the requirements of this section.

NEW SECTION. **Sec. 4.** A new section is added to chapter 49.44 RCW to read as follows:

(1) For any entertainer who is an employee under chapter 49.46 RCW, an adult entertainment establishment may not charge any fee.

(2)(a) For any entertainer who is found to not be an employee under chapter 49.46 RCW, an adult entertainment establishment may not:

(i) Charge any fees or other charges that, separately or when combined, are greater than 30 percent of the entertainment fees collected by the entertainer during the leased date and time, excluding tips paid to the entertainer;

(ii) Carry forward an unpaid balance from any fee incurred previously by the entertainer for access to or usage of the establishment premises;

(iii) Charge fees or interest to an entertainer for late payment or nonpayment of any fee;

(iv) Charge an entertainer a fee for failure to appear at a scheduled time;

(v) Control:

(A) How much the entertainer charges customers for adult entertainment;

(B) When and how the entertainer works; or

(C) What type of clothing or costumes to wear during the adult entertainment;

(vi) Take adverse action against an entertainer based on scheduling;

(vii) Obligate an entertainer to appear for any length of time, provided the entertainer satisfies a leasing fee or otherwise agrees to an alternative charge, subject to the limitations of (a)(i) of this subsection; and

(viii) Refuse to provide an entertainer with written notice of the reason or reasons

for any termination or refusal to rehire the entertainer. Such notice must be provided within 10 business days of the termination or refusal to rehire the entertainer.

(b) Any fees not prohibited under this subsection (2) must be stated in a written contract and continue to apply for a period of not less than three months with effective dates.

(c) This subsection (2) does not prevent an establishment from providing leasing discounts or credits to encourage scheduling or charge lease amounts that vary based on the time of day.

(3)(a) No state agency or local government may adopt laws, rules, ordinances, or regulations that limit or prohibit an entertainer from:

(i) Collecting any form of payment from customers;

(ii) Touching their own body or exposing themselves while performing within an adult entertainment establishment; and

(iii) Engaging in physical contact with another person that is otherwise lawful outside of an adult entertainment establishment, such as restrictions on proximity or distance, before or during any exhibition, performance, or dance of any type.

(b) This subsection may not be construed to prohibit a local government from adopting ordinances or regulations that are more protective of entertainers than the requirements of this section.

(4) No adult entertainment establishment may allow any person under the age of 18 on the premises of the establishment.

(5) For purposes of this section:

(a) "Adult entertainment" has the same meaning as in RCW 49.17.470.

(b) "Adult entertainment establishment" or "establishment" have the same meaning as in RCW 49.17.470.

(c) "Entertainer" has the same meaning as in RCW 49.17.470.

**NEW SECTION. Sec. 5.** A new section is added to chapter 66.24 RCW to read as follows:

(1) There shall be a spirits, beer, and wine adult entertainment nightclub license to sell spirituous liquor by the drink, beer, and wine at retail, for consumption on the licensed premises.

(2) The license may be issued only to an adult entertainment nightclub whose business includes the sale and service of alcohol to the adult entertainment nightclub's customers and has food sales and service incidental to the sale and service of alcohol.

(3) The board may adopt rules to allow entertainers who are over 18 years of age but under 21 years of age to perform in an adult entertainment nightclub.

(4) The annual fee for this license is \$2,000. The fee for the license shall be reviewed from time to time and set at such a level sufficient to defray the cost of licensing and enforcing this licensing program. The fee shall be fixed by rule adopted by the board in accordance with the provisions of chapter 34.05 RCW.

(5) Local governments may petition the board to request that further restrictions be imposed on a spirits, beer, and wine adult entertainment nightclub license in the interest of public safety. Examples of further restrictions a local government may request are: Not allowing minors on the entire premises, submitting a security plan, or signing a good neighbor agreement with the local government.

(6) The total number of spirits, beer, and wine adult entertainment nightclub licenses are not subject to the requirements of RCW 66.24.420(4). However, the board may not refuse a spirits, beer, and wine adult entertainment nightclub license to any applicant even if the board determines that the spirits, beer, and wine nightclub licenses already granted for the particular locality are adequate for the reasonable needs of the community.

(7) The board may adopt rules to implement this section.

(8) The board may share information with the department of labor and industries for purposes of this section.

(9) The board may not issue any liquor license to any adult entertainment establishment which is not an adult entertainment nightclub.

(10) WAC 314-11-050 does not apply to an adult entertainment nightclub licensed under this section.

(11) For purposes of this section:

(a) "Adult entertainment establishment" or "establishment" have the same meaning as in RCW 49.17.470.

(b) "Adult entertainment nightclub" has the same meaning as in section 3 of this act.

(c) "Entertainer" has the same meaning as in RCW 49.17.470.

**NEW SECTION. Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Regulated Substances & Gaming

March 17, 2023

**SB 5632**

Prime Sponsor, Senator Keiser: Protecting the health care of workers participating in a labor dispute. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Orwall; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member;

Hutchins, Assistant Ranking Minority Member; Barnard; Graham; and Harris.

MINORITY recommendation: Without recommendation.  
Signed by Representative Mosbrucker.

Referred to Committee on Appropriations

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

### **MOTION**

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SENATE BILL NO. 5003  
SUBSTITUTE SENATE BILL NO. 5033  
SENATE BILL NO. 5079  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5142  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
5198  
SUBSTITUTE SENATE BILL NO. 5275  
SENATE BILL NO. 5394  
SUBSTITUTE SENATE BILL NO. 5490  
SUBSTITUTE SENATE BILL NO. 5569  
SUBSTITUTE SENATE BILL NO. 5729

There being no objection, the House adjourned until 10:30 a.m., Wednesday, March 22, 2023, the 73rd Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SEVENTY THIRD DAY

House Chamber, Olympia, Wednesday, March 22, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Apollo Decker and Maia Greiwe. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Jerry Kester, District Superintendent for the Church of the Nazarene in Western Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4630**, by Representatives Goehner, Steele, and Robertson

WHEREAS, It is the policy of the Washington State Legislature to recognize and honor excellence in all fields and endeavors; and

WHEREAS, The Apple Blossom Festival is the oldest major festival in Washington, started in 1920, and attracts over 100,000 people over 11 days to the Wenatchee area; and

WHEREAS, Their mission is to provide an annual family oriented event that celebrates and showcases the people, heritage, and fruit industry in their community; and

WHEREAS, Each year three young women are selected as a queen and two princesses to represent the Apple Blossom Festival in their royal court, this year, Scarlette Cron, Dylan Schmitten, and Natalie Pearson were selected to this court; and

WHEREAS, Scarlette Cron was selected as the queen. She goes to Wenatchee High School and is a member of ASB there. She is also the club coordinator and president of the art club; and

WHEREAS, Dylan Schmitten was selected as a princess. She goes to Eastmont High School and has been a chair at many of her school's Key Club events. She is also a captain on both the cross country and track/field teams; and

WHEREAS, Natalie Pearson was selected as a princess. She is a captain on the Wenatchee High School softball team and a captain on her travel team; and is enrolled in running start;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor the 2023 Apple Blossom Festival Royal Court and recognize the hard work it took to be selected; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Queen Scarlette Cron, Princess Dylan Schmitten, Princess Natalie Pearson, and to Apple Blossom Festival organizers.

HOUSE RESOLUTION NO. 4630 was adopted.

The Speaker assumed the chair.

## SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE SENATE BILL NO. 5005  
SENATE BILL NO. 5036  
SUBSTITUTE SENATE BILL NO. 5121  
SENATE BILL NO. 5122

The Speaker called upon Representative Orwall to preside.

There being no objection, the House advanced to the third order of business.

## MESSAGE FROM THE SENATE

Tuesday, March 21, 2023

Mme. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5005  
SENATE BILL NO. 5036  
SUBSTITUTE SENATE BILL NO. 5121  
SENATE BILL NO. 5122

and the same are herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

March 21, 2023

HB 1847 Prime Sponsor, Representative Santos: Establishing permanent funding for a community preservation and development authority approved through RCW 43.167.060. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

March 20, 2023

E2SSB 5045 Prime Sponsor, Ways & Means: Incentivizing rental of accessory dwelling units to low-income households. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Hutchins; Low; Reed and Taylor.

MINORITY recommendation: Do not pass. Signed by Representatives Chopp; and Entenman.

Referred to Committee on Finance

March 20, 2023



ESSB 5197 Prime Sponsor, Housing: Addressing landlord-tenant relations by providing technical changes to eviction notice forms and modifying certain eviction processes. Reported by Committee on Housing

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 59.18 RCW to read as follows:

In any forcible or unlawful detainer proceeding before the court:

(1) Hearings may be conducted in person or remotely in order to enhance access for all parties. At the court's discretion, parties, witnesses, and others authorized by this chapter to participate in forcible or unlawful detainer proceedings may attend a hearing pursuant to this chapter, in person or remotely, including by telephone, video, or other electronic means where possible. The court shall grant any request for a remote appearance unless the court finds good cause to require in-person attendance or attendance through a specific means. Courts shall require assurances of the identity of persons who appear by telephone, video, or other electronic means. Courts may not charge fees for remote appearances. Courts shall provide instructions for remote access either on the official court website or in writing directly to the party requesting to appear remotely, or both.

(2) Any party must be permitted to make an emergency application by phone or video conference and file such documents by email, fax, or other means that can be performed remotely.

**Sec. 2.** RCW 59.18.410 and 2021 c 115 s 17 are each amended to read as follows:

(1) If at trial the verdict of the jury or, if the case is tried without a jury, the finding of the court is in favor of the landlord and against the tenant, judgment shall be entered for the restitution of the premises; and if the proceeding is for unlawful detainer after neglect or failure to perform any condition or covenant of a lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of the lease, agreement, or tenancy. The jury, or the court, if the proceedings are tried without a jury, shall also assess the damages arising out of the tenancy occasioned to the landlord by any forcible entry, or by any forcible or unlawful detainer, alleged in the complaint and proved at trial, and, if the alleged unlawful detainer is based on default in the payment of rent, find the amount of any rent due, and the judgment shall be rendered against the tenant liable for the forcible entry, forcible detainer, or unlawful detainer for the amount of damages thus assessed, for the rent, if any, found due, and late fees if such fees are due under the lease and do not exceed (~~seventy-five dollars~~)\$75 in total. The court may award

statutory costs. The court may also award reasonable attorneys' fees as provided in RCW 59.18.290.

(2) When the tenant is liable for unlawful detainer after a default in the payment of rent, execution upon the judgment shall not occur until the expiration of five court days after the entry of the judgment. Before entry of a judgment or until five court days have expired after entry of the judgment, unless the tenant provides a pledge of financial assistance letter from a governmental or nonprofit entity, in which case the tenant has until the date of eviction, the tenant or any subtenant, or any mortgagee of the term, or other party interested in the continuance of the tenancy, may pay into court or to the landlord the amount of the rent due, any court costs incurred at the time of payment, late fees if such fees are due under the lease and do not exceed (~~seventy-five dollars~~)\$75 in total, and attorneys' fees if awarded, in which event any judgment entered shall be satisfied and the tenant restored to his or her tenancy. If the tenant seeks to restore his or her tenancy after entry of a judgment, the tenant may tender the amount stated within the judgment as long as that amount does not exceed the amount authorized under subsection (1) of this section. If a tenant seeks to restore his or her tenancy and pay the amount set forth in this subsection with funds acquired through an emergency rental assistance program provided by a governmental or nonprofit entity, the tenant shall provide a copy of the pledge of emergency rental assistance provided from the appropriate governmental or nonprofit entity and have an opportunity to exercise such rights under this subsection, which may include a stay of judgment and provision by the landlord of documentation necessary for processing the assistance. The landlord shall accept any pledge of emergency rental assistance funds provided to the tenant from a governmental or nonprofit entity before the expiration of any pay or vacate notice for nonpayment of rent for the full amount of the rent owing under the rental agreement. The landlord shall accept any written pledge of emergency rental assistance funds provided to the tenant from a governmental or nonprofit entity after the expiration of the pay or vacate notice if the pledge will contribute to the total payment of both the amount of rent due, including any current rent, and other amounts if required under this subsection. The landlord shall suspend any court action for (~~seven~~)14 court days after providing necessary payment information to the nonprofit or governmental entity to allow for payment of the emergency rental assistance funds. By accepting such pledge of emergency rental assistance, the landlord is not required to enter into any additional conditions not related to the provision of necessary payment information and documentation. If a judgment has been satisfied, the landlord shall file a satisfaction of judgment with the court. A tenant seeking to exercise rights under this subsection shall pay an additional (~~fifty dollars~~)\$50 for each time the tenant was reinstated after judgment pursuant to this

subsection within the previous (~~twelve~~)12 months prior to payment. If payment of the amount specified in this subsection is not made within five court days after the entry of the judgment, the judgment may be enforced for its full amount and for the possession of the premises.

(3) (a) Following the entry of a judgment in favor of the landlord and against the tenant for the restitution of the premises and forfeiture of the tenancy due to nonpayment of rent, the court, at the time of the show cause hearing or trial, or upon subsequent motion of the tenant but before the execution of the writ of restitution, may stay the writ of restitution upon good cause and on such terms that the court deems fair and just for both parties. In making this decision, the court shall consider evidence of the following factors:

- (i) The tenant's willful or intentional default or intentional failure to pay rent;
- (ii) Whether nonpayment of the rent was caused by exigent circumstances that were beyond the tenant's control and that are not likely to recur;
- (iii) The tenant's ability to timely pay the judgment;
- (iv) The tenant's payment history;
- (v) Whether the tenant is otherwise in substantial compliance with the rental agreement;
- (vi) Hardship on the tenant if evicted; and
- (vii) Conduct related to other notices served within the last six months.

(b) The burden of proof for such relief under this subsection (3) shall be on the tenant. If the tenant seeks relief pursuant to this subsection (3) at the time of the show cause hearing, the court shall hear the matter at the time of the show cause hearing or as expeditiously as possible so as to avoid unnecessary delay or hardship on the parties.

(c) In any order issued pursuant to this subsection (3):

(i) The court shall not stay the writ of restitution more than (~~ninety~~)90 days from the date of order, but may order repayment of the judgment balance within such time. If the payment plan is to exceed (~~thirty~~)30 days, the total cumulative payments for each (~~thirty-day~~)30-day period following the order shall be no less than one month of the tenant's share of the rent, and the total amount of the judgment and all additional rent that is due shall be paid within (~~ninety~~)90 days.

(ii) Within any payment plan ordered by the court, the court shall require the tenant to pay to the landlord or to the court one month's rent within five court days of issuance of the order. If the date of the order is on or before the (~~fifteenth~~)15th of the month, the tenant shall remain current with ongoing rental payments as they become due for the duration of the payment plan; if the date of the order is after the (~~fifteenth~~)15th of the month, the tenant shall have the option to apportion the following month's rental payment within the payment plan, but monthly rental payments thereafter shall be paid according to the rental agreement.

(iii) The sheriff may serve the writ of restitution upon the tenant before the expiration of the five court days of issuance of the order; however, the sheriff shall not execute the writ of restitution until after expiration of the five court days in order for payment to be made of one month's rent as required by (c)(ii) of this subsection. In the event payment is made as provided in (c)(ii) of this subsection for one month's rent, the court shall stay the writ of restitution ex parte without prior notice to the landlord upon the tenant filing and presenting a motion to stay with a declaration of proof of payment demonstrating full compliance with the required payment of one month's rent. Any order staying the writ of restitution under this subsection (3)(c)(iii) shall require the tenant to serve a copy of the order on the landlord by personal delivery, first-class mail, facsimile, or email if agreed to by the parties.

(A) If the tenant has satisfied (c)(ii) of this subsection by paying one month's rent within five court days, but defaults on a subsequent payment required by the court pursuant to this subsection (3)(c), the landlord may enforce the writ of restitution after serving a notice of default in accordance with RCW 59.12.040 informing the tenant that he or she has defaulted on rent due under the lease agreement or payment plan entered by the court. Upon service of the notice of default, the tenant shall have three calendar days from the date of service to vacate the premises before the sheriff may execute the writ of restitution.

(B) If the landlord serves the notice of default described under this subsection (3)(c)(iii), an additional day is not included in calculating the time before the sheriff may execute the writ of restitution. The notice of default must be in substantially the following form:

NOTICE OF DEFAULT FOR RENT AND/OR PAYMENT PLAN ORDERED BY COURT

NAME(S)  
ADDRESS  
CITY, STATE, ZIP

THIS IS NOTICE THAT YOU ARE IN DEFAULT OF YOUR RENT AND/OR PAYMENT PLAN ORDERED BY THE COURT. YOUR LANDLORD HAS RECEIVED THE FOLLOWING PAYMENTS:

DATE  
AMOUNT  
DATE  
AMOUNT  
DATE  
AMOUNT

THE LANDLORD MAY SCHEDULE YOUR PHYSICAL EVICTION WITHIN THREE CALENDAR DAYS OF SERVICE OF THIS NOTICE. TO STOP A PHYSICAL EVICTION, YOU ARE REQUIRED TO PAY THE BALANCE OF YOUR RENT AND/OR PAYMENT PLAN IN THE AMOUNT OF \$ . . . . . PAYMENT MAY BE MADE TO THE COURT OR TO THE LANDLORD. IF YOU FAIL TO PAY THE BALANCE WITHIN THREE CALENDAR DAYS, THE LANDLORD MAY PROCEED WITH A PHYSICAL EVICTION FOR POSSESSION OF THE UNIT THAT YOU ARE RENTING.

DATE

SIGNATURE  
 LANDLORD/AGENT  
 NAME  
 ADDRESS  
 PHONE

(iv) If a tenant seeks to satisfy a condition of this subsection (3)(c) by relying on an emergency rental assistance program provided by a government or nonprofit entity and provides an offer of proof, the court shall stay the writ of restitution as necessary to afford the tenant an equal opportunity to comply.

(v) The court shall extend the writ of restitution as necessary to enforce the order issued pursuant to this subsection (3)(c) in the event of default.

(d) A tenant who has been served with three or more notices to pay or vacate for failure to pay rent as set forth in RCW 59.12.040 within twelve months prior to the notice to pay or vacate upon which the proceeding is based may not seek relief under this subsection (3), unless the court determines any of the notices served were invalid or did not otherwise comply with the requirements of this chapter.

(e)(i) In any application seeking relief pursuant to this subsection (3) by either the tenant or landlord, the court shall issue a finding as to whether the tenant is low-income, limited resourced, or experiencing hardship to determine if the parties would be eligible for disbursement through the landlord mitigation program account established within RCW 43.31.605(1) ~~((e))~~ (b). In making this finding, the court may include an inquiry regarding the tenant's income relative to area median income, household composition, any extenuating circumstances, or other factors, and may rely on written declarations or oral testimony by the parties at the hearing.

(ii) After a finding that the tenant is low-income, limited resourced, or experiencing hardship, the court may issue an order: (A) Finding that the landlord is eligible to receive on behalf of the tenant and may apply for reimbursement from the landlord mitigation program; and (B) directing the clerk to remit, without further order of the court, any future payments made by the tenant in order to reimburse the department of commerce pursuant to RCW 43.31.605(1) ~~((e))~~ (b) (iii). In accordance with RCW 43.31.605(1) ~~((e))~~ (b), such an order must be accompanied by a copy of the order staying the writ of restitution. Nothing in this subsection (3)(e) shall be deemed to obligate the department of commerce to provide assistance in claim reimbursement through the landlord mitigation program if there are not sufficient funds.

(iii) If the department of commerce fails to disburse payment to the landlord for the judgment pursuant to this subsection (3)(e) within ~~((thirty))~~ 30 days from submission of the application, the landlord may renew an application for a writ of restitution pursuant to RCW 59.18.370 and for other rent owed by the tenant since the time of entry of the prior judgment. In such event, the tenant may exercise rights afforded under this section.

(iv) Upon payment by the department of commerce to the landlord for the remaining or total amount of the judgment, as applicable, the judgment is satisfied and the landlord shall file a satisfaction of judgment with the court.

(v) Nothing in this subsection (3)(e) prohibits the landlord from otherwise applying for reimbursement for an unpaid judgment pursuant to RCW 43.31.605(1) ~~((e))~~ (b) after the tenant defaults on a payment plan ordered pursuant to (c) of this subsection.

~~((vi) ((For the period extending one year beyond the expiration of the eviction moratorium, if))~~ If a tenant demonstrates an ability to pay in order to reinstate the tenancy by means of disbursement through the landlord mitigation program account established within RCW 43.31.605(1) ~~((e))~~ (b):

(A) Any restrictions imposed under (d) of this subsection do not apply in determining if a tenant is eligible for reinstatement under this subsection (3); and

(B) Reimbursement on behalf of the tenant to the landlord under RCW 43.31.605(1) ~~((e))~~ (b) may include up to three months of prospective rent to stabilize the tenancy as determined by the court.

(4) If a tenant seeks to stay a writ of restitution issued pursuant to this chapter, the court may issue an ex parte stay of the writ of restitution provided the tenant or tenant's attorney submits a declaration indicating good faith efforts were made to notify the other party or, if no efforts were made, why notice could not be provided prior to the application for an ex parte stay, and describing the immediate or irreparable harm that may result if an immediate stay is not granted. The court shall require service of the order and motion to stay the writ of restitution by personal delivery, mail, facsimile, or other means most likely to afford all parties notice of the court date.

(5) In all other cases the judgment may be enforced immediately. If a writ of restitution shall have been executed prior to judgment no further writ or execution for the premises shall be required.

(6) This section also applies if the writ of restitution is issued pursuant to a final judgment entered after a show cause hearing conducted in accordance with RCW 59.18.380.

**Sec. 3.** RCW 59.18.057 and 2021 c 115 s 10 are each amended to read as follows:

(1) Every 14-day notice served pursuant to RCW 59.12.030(3) must be in substantially the following form:

"TO:

AND TO:

ADDRESS:

**FOURTEEN-DAY NOTICE TO PAY RENT OR VACATE THE PREMISES**

You are receiving this notice because the landlord alleges you are not in compliance with the terms of the lease agreement by failing to pay rent and/or utilities and/or

recurring or periodic charges that are past due.

(1) Monthly rent due for (list month(s)): \$ (dollar amount)

AND/OR

(2) Utilities due for (list month(s)): \$ (dollar amount)

AND/OR

(3) Other recurring or periodic charges identified in the lease for (list month(s)): \$ (dollar amount)

TOTAL AMOUNT DUE: \$ (dollar amount)

Note - payment must be made pursuant to the terms of the rental agreement or by nonelectronic means including, but not limited to, cashier's check, money order, or other certified funds.

You must pay the total amount due to your landlord within fourteen (14) days after service of this notice or you must vacate the premises. Any payment you make to the landlord must first be applied to the total amount due as shown on this notice. Any failure to comply with this notice within fourteen (14) days after service of this notice may result in a judicial proceeding that leads to your eviction from the premises.

The Washington state Office of the Attorney General has this notice in multiple languages as well as information on available resources to help you pay your rent, including state and local rental assistance programs, on its website at www.atg.wa.gov/landlord-tenant.

State law provides you the right to legal representation and the court may be able to appoint a lawyer to represent you without cost to you if you are a qualifying low-income renter. If you believe you are a qualifying low-income renter and would like an attorney appointed to represent you, please contact the Eviction Defense Screening Line at 855-657-8387 or apply online at https://nwjustice.org/apply-online. For additional resources, call 2-1-1 or the Northwest Justice Project CLEAR Hotline outside King County (888) 201-1014 weekdays between 9:15 a.m. - 12:15 p.m., or (888) 387-7111 for seniors (age 60 and over). You may find additional information to help you at http://www.washingtonlawhelp.org. Free or low-cost mediation services to assist in nonpayment of rent disputes before any judicial proceedings occur are also available at dispute resolution centers throughout the state. You can find your nearest dispute resolution center at https://www.resolutionwa.org.

State law also provides you the right to receive interpreter services at court.

OWNER/  
LANDLORD: \_\_\_\_\_ DATE: \_\_\_\_\_

WHERE TOTAL AMOUNT DUE IS TO BE PAID:  
\_\_\_\_ (owner/landlord name) \_\_\_\_\_  
\_\_\_\_\_ (address) \_\_\_\_\_"

(2) ((Upon expiration of the eviction resolution pilot program established under RCW 59.18.660:

~~(a) The landlord must also provide the notice required in this section to the dispute resolution center located within or serving the county in which the dwelling unit is located. It is a defense to an eviction under RCW 59.12.030 that a landlord did not provide additional notice under this subsection.~~

~~(b) Dispute resolution centers are encouraged to notify the housing justice project or northwest justice project located within or serving the county in which the dispute resolution center is located, as appropriate, once notice is received from the landlord under this subsection.~~

~~(3)) The form required in this section does not abrogate any additional notice requirements to tenants as required by federal, state, or local law."~~

Correct the title.

Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Bateman; Chopp; Entenman; Reed and Taylor.

MINORITY recommendation: Do not pass. Signed by Representatives Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; and Low.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis; and Hutchins.

Referred to Committee on Rules for second reading

March 20, 2023

ESSB 5272

Prime Sponsor, Transportation: Concerning speed safety camera systems on state highways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Doglio; Duerr; Entenman; Griffey; Hackney; Mena; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent; Goehner; and Klicker.

Referred to Committee on Rules for second reading

March 20, 2023

E2SSB 5311

Prime Sponsor, Ways & Means: Concerning special education funding formula. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

March 20, 2023

SSB 5386 Prime Sponsor, Housing: Reducing administrative complexity by increasing transparency of revenue flows for activities funded by document recording fees. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Appropriations

March 20, 2023

SB 5403 Prime Sponsor, Senator Schoesler: Establishing school district depreciation subfunds for the purposes of preventative maintenance. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives Shavers, Vice Chair; Callan; and Timmons.

Referred to Committee on Rules for second reading

March 20, 2023

2SSB 5593 Prime Sponsor, Ways & Means: Improving equity in the transfer of student data between K-12 schools and institutions of higher education. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Institutions of higher education must enter into data-sharing agreements with the office of the superintendent of public instruction to facilitate the transfer of high school student directory information collected under section 2 of this act for the purposes of informing Washington high school students of postsecondary educational opportunities available in the state.

(2) Data-sharing agreements entered into under this section must provide for the sharing of student enrollment and outcome information from institutions of higher education to the office of the superintendent of public instruction. Information provided in accordance with this subsection (2) must include the statewide student identifier for each student. To the extent possible, the office of the superintendent of public instruction shall transmit student enrollment information to the enrolled students' host districts for the current year.

(3) (a) Data-sharing agreements entered into by a community college or technical college as defined in RCW 28B.50.030 are limited to informing Washington high school students of postsecondary educational opportunities available within a college's service district as enumerated in RCW 28B.50.040.

(b) The state board for community and technical colleges may coordinate with all of the community and technical colleges to develop a single data-sharing agreement between the community and technical colleges and the office of the superintendent of public instruction.

(4) Agreements entered into under this section must obligate institutions that will receive information through an agreement to maintain the statewide student identifier for each student.

(5) For the purposes of this section, "statewide student identifier" means the statewide student identifier required by RCW 28A.320.175 that is included in the longitudinal student data system established under RCW 28A.300.500.

(6) For the purposes of this section, "directory information" has the same meaning as in section 2 of this act.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.150 RCW to read as follows:

(1) Beginning in 2023, each school district that operates a high school shall annually transmit directory information for all enrolled high school students to the office of the superintendent of public instruction by November 1st.

(2) The office of the superintendent of public instruction must hold the high school student directory information collected under this section and make the information available for institutions of higher education, as defined under RCW 28B.10.016.

(3) By no later than the beginning of the 2025-26 school year, the office of the superintendent of public instruction shall identify a process for making information provided in accordance with section 1(2) of this act on a student's enrollment in an institution of higher education available to the student's school district. The process identified under this subsection (3) must require that information provided to school districts include the statewide student identifier for each student.

(4) In transmitting student information under this section, school districts must comply with the consent procedures under RCW 28A.605.030, the federal family educational and privacy rights act of 1974 (20 U.S.C. Sec. 1232g), and all applicable rules and regulations.

(5) The student directory information data collected under this section is solely for the following purposes:

(a) College awareness and admissions at institutions of higher education, as defined under RCW 28B.10.016; and

(b) Providing enrollment and outcome information to the office of the superintendent of public instruction and to school districts related to students from

their respective school district under subsection (3) of this section.

(6) For the purposes of this section, "statewide student identifier" has the same meaning as in section 1 of this act.

(7) For the purposes of this section, "directory information" means the names, addresses, email addresses, and telephone numbers of students and their parents or legal guardians."

Correct the title.

Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**SUBSTITUTE SENATE BILL NO. 5275, by Senate Committee on Ways & Means (originally sponsored by Robinson, Hunt, Keiser, Lovick, Nobles, Randall, Wellman and Wilson, C.)**

**Expanding access to benefits provided by the school employees' benefits board.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Macri and Stokesbary spoke in favor of the passage of the bill.

## MOTION

On motion of Representative Griffey, Representative Waters was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5275.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5275, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Waters

SUBSTITUTE SENATE BILL NO. 5275, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5729, by Senate Committee on Health & Long Term Care (originally sponsored by Keiser, Cleveland, Hasegawa, Hunt, Kuderer, Nguyen, Shewmake, Stanford, Valdez and Wilson, C.)**

**Removing the expiration date on the cost-sharing cap for insulin.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bateman and Maycumber spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5729.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5729, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives McEntire and Walsh

Excused: Representative Waters

SUBSTITUTE SENATE BILL NO. 5729, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5003, by Senators Lovick, Robinson, Dhingra, Liias, Nobles, Stanford and Torres**

**Increasing the number of district court judges in Snohomish county.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Berg and Low spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5003.

## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5003, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier,

Callan, Chambers, Chandler, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Chapman  
Excused: Representative Waters

SENATE BILL NO. 5003, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5072, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Nobles, Wellman, Hunt, Keiser, Kuderer, Liias, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Trudeau, Valdez and Wilson, C.)**

**Advancing equity in programs for highly capable students.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Education was adopted. For Committee amendment, see Journal, Day 64, Monday, March 13, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Santos, Ybarra and Duerr spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5072, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5072, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Waters

SUBSTITUTE SENATE BILL NO. 5072, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5079, by Senators Braun, Liias, Boehnke, Dozier, Holy, King, Mullet, Muzzall, Saldaña, Schoesler, Wagoner and Wellman**

**Concerning the date by which tuition operating fees are established.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ybarra and Slatter spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5079.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5079, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Waters

SENATE BILL NO. 5079, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5394, by Senators Randall, Dhingra, Keiser, Nguyen, Stanford, Valdez and Wilson, C.**

**Concerning malpractice insurance for international medical graduate supervisors.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stonier and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5394.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5394, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Waters

SENATE BILL NO. 5394, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5490, by Senate Committee on Ways & Means (originally sponsored by Rolfes, Conway, Hunt, Lovick, Saldaña and Wilson, C.)**

**Concerning health care coverage for retired or disabled employees denied coverage for failure to timely notify the authority of their intent to defer coverage.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Simmons spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5490.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5490, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Waters

SUBSTITUTE SENATE BILL NO. 5490, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5142, by Senate Committee on Ways & Means (originally sponsored by Liiias, Rivers, Dhingra, Kauffman, Nobles, Trudeau, Valdez, Wilson, C. and Wilson, J.)**

**Creating an account for the pharmaceutical rebate revenue generated by the purchase of medications for people living with HIV who are enrolled in the early intervention program.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doglio and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5142.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5142, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Waters

ENGROSSED SUBSTITUTE SENATE BILL NO. 5142, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5033, by Senate Committee on Law & Justice (originally sponsored by Padden, Van De Wege, Dhingra, Hasegawa, Kuderer and Wellman)**

**Reclassifying the sentence for the crime of custodial sexual misconduct.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mosbrucker, Stearns and Graham spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5033.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5033, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Waters

SUBSTITUTE SENATE BILL NO. 5033, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:30 a.m., Thursday, March 23, 2023, the 74th Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk



## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SEVENTY FOURTH DAY

House Chamber, Olympia, Thursday, March 23, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Claudia Kibbe and Beka Mamuldze. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Stephanie Johnson, Mountain View Church, Tumwater.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

HB 1848 by Representative Walen

AN ACT Relating to sales to a broadband communications services provider of machinery and equipment used in a communication network; amending RCW 82.08.02565 and 82.12.02565; and creating a new section.

Referred to Committee on Finance.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

March 21, 2023

HB 1834 Prime Sponsor, Representative Walen: Concerning reconciliation returns for apportionable income. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Thai; Walen and Wylie.

Referred to Committee on Appropriations

March 21, 2023

E2SSB 5001 Prime Sponsor, Transportation: Concerning public facility districts created by at least two city or county legislative authorities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.57.010 and 2010 c 192 s 1 are each amended to read as follows:

(1)(a) The legislative authority of any town or city located in a county with a population of less than one million may create a public facilities district.

(b) The legislative authorities of any contiguous group of towns or cities located in a county or counties each with a population of less than one million may enter an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(c) The legislative authority of any town or city, or any contiguous group of towns or cities, located in a county with a population of less than one million and the legislative authority of a contiguous county, or the legislative authority of the county or counties in which the towns or cities are located, may enter into an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(d) The legislative authority of a city located in a county with a population greater than one million may create a public facilities district, when the city has a total population of less than one hundred fifteen thousand but greater than eighty thousand and commences construction of a regional center prior to July 1, 2008.

(e) At least three contiguous towns or cities with a combined population of at least one hundred sixty thousand, each of which previously created a public facilities district under (a) of this subsection, may create an additional public facilities district. The previously created districts may continue their full corporate existence and activities notwithstanding the creation and existence of the additional district within the same geographic area.

(f) The legislative authority of two or more contiguous towns or cities or the legislative authority of two or more contiguous towns or cities and the legislative authority of the county or counties in which the towns or cities are located, each of which participated in the creation of a public facilities district under (c) of this subsection, may create an additional public facilities district. Any previously created district may continue its full corporate existence and activities notwithstanding the creation and existence of an additional district within the same geographic area. A public facilities district formed under this subsection (1)(f) must be created prior to July 1, 2026. The creation of a public facilities district under this subsection does not require all of the original participating towns, cities, or counties that created a public facilities district under (c) of this subsection to participate in the formation of the

additional public facilities district under this subsection.

(2)(a) A public facilities district is coextensive with the boundaries of the city or town or contiguous group of cities or towns that created the district.

(b) A public facilities district created by an agreement between a town or city, or a contiguous group of towns or cities, and a contiguous county or the county in which they are located, is coextensive with the boundaries of the towns or cities, and the boundaries of the county or counties as to the unincorporated areas of the county or counties. The boundaries do not include incorporated towns or cities that are not parties to the agreement for the creation and joint operation of the district.

(3)(a) A public facilities district created by a single city or town shall be governed by a board of directors consisting of five members selected as follows: (i) Two members appointed by the legislative authority of the city or town; and (ii) three members appointed by legislative authority based on recommendations from local organizations. The members appointed under (a)(i) of this subsection, shall not be members of the legislative authority of the city or town. The members appointed under (a)(ii) of this subsection, must be based on recommendations received from local organizations that may include, but are not limited to, the local chamber of commerce, local economic development council, and local labor council. The members shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(b) A public facilities district created by a contiguous group of cities and towns must be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities and towns; and (ii) four members appointed by the legislative authorities of the cities and towns based on recommendations from local organizations. The members appointed under (b)(i) of this subsection shall not be members of the legislative authorities of the cities and towns. The members appointed under (b)(ii) of this subsection, must be based on recommendations received from local organizations that include, but are not limited to, the local chamber of commerce, local economic development council, local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors must be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(c) A public facilities district created by a town or city, or a contiguous group of towns or cities, and a contiguous county or

the county or counties in which they are located, must be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities, towns, and county; and (ii) four members appointed by the legislative authorities of the cities, towns, and county based on recommendations from local organizations. The members appointed under (c)(i) of this subsection shall not be members of the legislative authorities of the cities, towns, or county. The members appointed under (c)(ii) of this subsection must be based on recommendations received from local organizations that include, but are not limited to, the local chamber of commerce, the local economic development council, the local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors must be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(d)(i) A public facilities district created under subsection (1)(e) of this section must provide, in the agreement providing for its creation and operation, that the district must be governed by an odd-numbered board of directors of not more than nine members who are also members of the legislative authorities that created the public facilities district or of the governing boards of the public facilities districts previously created by those legislative authorities, or both.

(ii) A board of directors formed under this subsection must have an equal number of members representing each city or town participating in the public facilities district. If there are unfilled board member positions after each city or town has appointed an equal number of board members, the members so appointed must appoint a number of additional board members necessary to fill any remaining positions. For a board formed under this subsection to submit a proposition to the voters under RCW 82.14.048, a majority of the members representing or appointed by each legislative authority participating in the public facilities district must agree to submit the proposition to the voters (~~however, the board may not submit a proposition to the voters prior to January 1, 2011~~).

(4) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(5) A public facilities district constitutes a body corporate and possesses all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically

conferred by statute(7) including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(6) A public facilities district may acquire and transfer real and personal property by lease, sublease, purchase, or sale. No direct or collateral attack on any public facilities district purported to be authorized or created in conformance with this chapter may be commenced more than thirty days after creation by the city and/or county legislative authority.

**Sec. 2.** RCW 35.57.020 and 2019 c 341 s 1 are each amended to read as follows:

(1)(a) A public facilities district is authorized to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate one or more regional centers. For purposes of this chapter, "regional center" means a convention, conference, or special events center, or any combination of facilities, and related parking facilities, serving a regional population constructed, improved, or rehabilitated after July 25, 1999, at a cost of at least ten million dollars, including debt service. "Regional center" also includes an existing convention, conference, or special events center, and related parking facilities, serving a regional population, that is improved or rehabilitated after July 25, 1999, where the costs of improvement or rehabilitation are at least ten million dollars, including debt service. A "special events center" is a facility, available to the public, used for community events, sporting events, trade shows, and artistic, musical, theatrical, or other cultural exhibitions, presentations, or performances. A regional center is conclusively presumed to serve a regional population if state and local government investment in the construction, improvement, or rehabilitation of the regional center is equal to or greater than ten million dollars.

(b) A public facilities district created under RCW 35.57.010(1)(e):

(i) Is authorized, in addition to the authority granted under (a) of this subsection, to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate one or more recreational facilities other than a ski area;

(ii) If exercising its authority under (a) or (b)(i) of this subsection, must obtain voter approval to fund each recreational facility or regional center pursuant to RCW 82.14.048(4)(a); and

(iii) Possesses all of the powers with respect to recreational facilities other than a ski area that all public facilities districts possess with respect to regional centers under subsections (3), (4), and (7) of this section.

(c) A public facilities district created under RCW 35.57.010(1)(a) by a city or town that participated in the creation of an additional public facilities district under RCW 35.57.010(1)(e):

(i) Is authorized, in addition to the authority granted under (a) of this

subsection, to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate one or more recreational facilities other than a ski area;

(ii) If exercising its authority under (c)(i) of this subsection, must obtain voter approval to fund each recreational facility pursuant to RCW 82.14.048(4)(a); and

(iii) Possesses all of the powers with respect to recreational facilities other than a ski area that all public facilities districts possess with respect to regional centers.

(d) A public facilities district created under RCW 35.57.010(1)(f) is authorized, in lieu of the authority granted under (a) of this subsection, to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate regional aquatics and sports facilities, including the purchase, acquisition, construction, repairing, remodeling, and operation of community pools within the district. Additionally, a public facilities district created under RCW 35.57.010(1)(f) may provide funding for transportation improvements directly associated with facilitating motor vehicle and pedestrian access to regional aquatics and sports facilities, which includes funding for new construction, reconstruction, expansion, and maintenance of pedestrian trails, city streets, county roads, and state highways. However, the transportation improvements must be aligned with applicable state, regional, or local transportation plans.

(2) A public facilities district may enter into contracts with any city or town for the purpose of exercising any powers of a community renewal agency under chapter 35.81 RCW.

(3) A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations for the purpose of a regional center.

(4) A public facilities district may impose charges, fees, and taxes authorized in RCW 35.57.040, and use revenues derived therefrom for the purpose of paying principal and interest payments on bonds issued by the public facilities district to construct a regional center.

(5) Notwithstanding the establishment of a career, civil, or merit service system, a public facilities district may contract with a public or private entity for the operation or management of its public facilities.

(6) A public facilities district is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any regional center.

(7) A city or town in conjunction with any special agency, authority, or other district established by a county or any other governmental agency is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any regional

center funded in whole or in part by a public facilities district.

(8) Any provision required to be submitted for voter approval under this section((7)) may not be submitted for voter approval prior to January 1, 2011.

**Sec. 3.** RCW 82.14.048 and 2012 c 4 s 6 are each amended to read as follows:

(1) The following definitions apply throughout this section unless the context clearly requires otherwise.

(a) "Distressed public facilities district" means a public facilities district that has defaulted on bond anticipation notes or bonds in excess of forty million dollars on or before April 1, 2012; and

(b) "Anchor jurisdiction" means a city that has entered into an agreement to form a public facilities district under RCW 35.57.010(1)(c) that constitutes a distressed public facilities district under this chapter and in which the largest asset of such public facilities district is located.

(2)(a) The governing board of a public facilities district under chapter 36.100 or 35.57 RCW may submit an authorizing proposition to the voters of the district, and if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter.

(b) In addition to the tax authorized pursuant to (a) of this subsection and in addition to any other authority conferred by law, the legislative authority of an anchor jurisdiction may impose a sales and use tax within the geographical boundaries of the anchor jurisdiction in accordance with the terms of this chapter without submitting an authorizing proposition to the voters of the anchor jurisdiction or the distressed public facilities district.

(3) The tax authorized in this section is in addition to any other taxes authorized by law and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax may not exceed two-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax. A public facilities district formed under RCW 35.57.010(1)(e) may not impose the tax authorized under this section at a rate that exceeds two-tenths of one percent minus the rate of the highest tax authorized by this section that is imposed by any other public facilities district within its boundaries. A public facilities district formed under RCW 35.57.010(1)(f) may impose the tax authorized under this section at a rate of not more than two-tenths of one percent regardless of the tax imposed under this section by any other public facilities district within its boundaries. An anchor jurisdiction may impose the tax authorized by subsection (2)(b) of this section at a rate not to exceed two-tenths of one percent, regardless of whether any other public facilities district (including a distressed public facilities district) within its boundaries imposes the tax

authorized by this section or the rate of such tax imposed by the public facilities district. If a public facilities district formed under RCW 35.57.010(1)(e) has imposed a tax under this section and issued or incurred obligations pledging that tax, so long as those obligations are outstanding no other public facilities district within its boundaries may thereafter impose a tax under this section at a rate that would reduce the rate of the tax that was pledged to the repayment of those obligations. A public facilities district that imposes a tax under this section is responsible for the payment of any costs incurred for the purpose of administering the provisions of this section, RCW 35.57.010(1)(e), and 35.57.020(1)(b), including any administrative costs associated with the imposition of the tax under this section incurred by either the department of revenue or local government, or both.

(4)(a) Moneys received by a public facilities district from any tax imposed by the public facilities district under the authority of this section must be used for the purpose of providing funds for the costs associated with the financing, refinancing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, and reequipping of its public facilities, and for transportation improvements directly associated with facilitating motor vehicle and pedestrian access to its public facilities to the extent allowed in RCW 35.57.020(1)(d).

(b) Moneys received by an anchor jurisdiction from any tax imposed by the anchor jurisdiction under the authority of this section must be used for the purpose of providing funds for the costs associated with the financing, refinancing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, and reequipping of the public facilities of the distressed public facilities district, and for all litigation, investigation, and related costs and expenses incurred by the anchor jurisdiction toward resolving matters related to the defaults of the distressed public facilities district. To the extent the distressed public facilities district owes money to an anchor jurisdiction, the anchor jurisdiction may apply money from the sales tax imposed under this section to any such obligations. Any sales tax imposed by an anchor jurisdiction under this section must terminate no later than thirty years after it is first imposed."

Correct the title.

Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Finance

March 20, 2023

**E2SSB 5080** Prime Sponsor, Ways & Means: Expanding and improving the social equity in cannabis program. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.330.540 and 2022 c 16 s 36 are each amended to read as follows:

(1) The cannabis social equity technical assistance grant program is established and is to be administered by the department.

(2)(a) The cannabis social equity technical assistance grant program must award grants to:

(i) Cannabis license applicants who are social equity applicants as defined in RCW 69.50.335 submitting social equity plans ~~((under RCW 69.50.335))~~ as defined in RCW 69.50.101; and

(ii) Cannabis licensees holding a license issued after ~~((June 30, 2020, and before July 25, 2021))~~ April 1, 2023, and before July 1, 2024, who meet the social equity applicant criteria under RCW 69.50.335.

(b) Grant recipients under this subsection (2) must demonstrate completion of their project within 12 months of receiving a grant, unless a grant recipient requests, and the department approves, additional time to complete the project.

(3) The department must award grants primarily based on the strength of the social equity plans submitted by cannabis license applicants and cannabis licensees holding a license issued after ~~((June 30, 2020))~~ April 1, 2023, and before ~~((July 25, 2021))~~ July 1, 2024, but may also consider additional criteria if deemed necessary or appropriate by the department. Technical assistance activities eligible for funding include, but are not limited to:

(a) Assistance navigating the cannabis licensure process;

(b) Cannabis-business specific education and business plan development;

(c) Regulatory compliance training;

(d) Financial management training and assistance in seeking financing;

(e) Strengthening a social equity plan as defined in RCW 69.50.101; and

(f) Connecting social equity applicants with established industry members and tribal cannabis enterprises and programs for mentoring and other forms of support.

(4) The department may contract to establish a roster of mentors who are available to support and advise social equity applicants and current licensees who meet the social equity applicant criteria under RCW 69.50.335. Contractors under this section must:

(a) Have knowledge and experience demonstrating their ability to effectively advise eligible applicants and licensees in navigating the state's licensing and regulatory framework or on producing and processing cannabis;

(b) Be a business that is at least 51 percent minority or woman-owned; and

(c) Meet department reporting and invoicing requirements.

(5) Funding for the cannabis social equity technical assistance grant program must be provided ~~((through the dedicated cannabis account))~~ under RCW 69.50.540. Additionally, the department may solicit, receive, and expend private contributions to support the grant program.

(6) The department may adopt rules to implement this section.

(7) For the purposes of this section, "cannabis" has the meaning provided under RCW 69.50.101.

**Sec. 2.** RCW 69.50.331 and 2022 c 16 s 58 are each amended to read as follows:

(1) For the purpose of considering any application for a license to produce, process, research, transport, or deliver cannabis, useable cannabis, cannabis concentrates, or cannabis-infused products subject to the regulations established under RCW 69.50.385, or sell cannabis, or for the renewal of a license to produce, process, research, transport, or deliver cannabis, useable cannabis, cannabis concentrates, or cannabis-infused products subject to the regulations established under RCW 69.50.385, or sell cannabis, the board must conduct a comprehensive, fair, and impartial evaluation of the applications timely received.

(a) The board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension, revocation, cancellation, or renewal or denial thereof, of any license, the board may consider any prior criminal arrests or convictions of the applicant, any public safety administrative violation history record with the board, and a criminal history record information check. The board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The board must require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation. The provisions of RCW 9.95.240 and of chapter 9.96A RCW do not apply to these cases. Subject to the provisions of this section, the board may, in its discretion, grant or deny the renewal or license applied for. Denial may be based on, without limitation, the existence of chronic illegal activity documented in objections submitted pursuant to subsections (7)(c) and (10) of this section. Authority to approve an uncontested or unopposed license may be granted by the board to any staff member the board designates in writing. Conditions for granting this authority must be adopted by rule.

(b) No license of any kind may be issued to:

(i) A person under the age of (~~twenty-one~~)21 years;

(ii) A person doing business as a sole proprietor who has not lawfully resided in the state for at least six months prior to applying to receive a license;

(iii) A partnership, employee cooperative, association, nonprofit corporation, or corporation unless formed under the laws of this state, and unless all of the members thereof are qualified to obtain a license as provided in this section; or

(iv) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee.

(2)(a) The board may, in its discretion, subject to RCW 43.05.160, 69.50.563, 69.50.562, 69.50.334, and 69.50.342(3) suspend or cancel any license; and all protections of the licensee from criminal or civil sanctions under state law for producing, processing, researching, or selling cannabis, cannabis concentrates, useable cannabis, or cannabis-infused products thereunder must be suspended or terminated, as the case may be.

(b) The board must immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license is automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

(c) The board may request the appointment of administrative law judges under chapter 34.12 RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, and consider mitigating and aggravating circumstances in any case and deviate from any prescribed penalty, under rules the board may adopt.

(d) Witnesses must be allowed fees and mileage each way to and from any inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.05.446. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

(e) In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, compels obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(3) Upon receipt of notice of the suspension or cancellation of a license, the licensee must forthwith deliver up the license to the board. Where the license has been suspended only, the board must return the license to the licensee at the expiration or termination of the period of suspension. The board must notify all other licensees in the county where the subject licensee has its premises of the suspension or cancellation of the license; and no other licensee or employee of another licensee may allow or cause any cannabis, cannabis concentrates, useable cannabis, or cannabis-infused products to be delivered to or for any person at the premises of the subject licensee.

(4) Every license issued under this chapter is subject to all conditions and restrictions imposed by this chapter or by rules adopted by the board to implement and enforce this chapter. All conditions and restrictions imposed by the board in the issuance of an individual license must be listed on the face of the individual license along with the trade name, address, and expiration date.

(5) Every licensee must post and keep posted its license, or licenses, in a conspicuous place on the premises.

(6) No licensee may employ any person under the age of (~~twenty-one~~)21 years.

(7)(a) Before the board issues a new or renewed license to an applicant it must give notice of the application to the chief executive officer of the incorporated city or town, if the application is for a license within an incorporated city or town, or to the county legislative authority, if the application is for a license outside the boundaries of incorporated cities or towns, or to the tribal government if the application is for a license within Indian country, or to the port authority if the application for a license is located on property owned by a port authority.

(b) The incorporated city or town through the official or employee selected by it, the county legislative authority or the official or employee selected by it, the tribal government, or port authority has the right to file with the board within twenty days after the date of transmittal of the notice for applications, or at least thirty days prior to the expiration date for renewals, written objections against the applicant or against the premises for which the new or renewed license is asked. The board may extend the time period for submitting written objections upon request from the authority notified by the board.

(c) The written objections must include a statement of all facts upon which the objections are based, and in case written objections are filed, the city or town or county legislative authority may request, and the board may in its discretion hold, a hearing subject to the applicable provisions of Title 34 RCW. If the board makes an initial decision to deny a license or renewal based on the written objections of an incorporated city or town or county legislative authority, the applicant may request a hearing subject to the applicable provisions of Title 34 RCW. If a hearing is held at the request of the applicant, board

representatives must present and defend the board's initial decision to deny a license or renewal.

(d) Upon the granting of a license under this title the board must send written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns.

(8) (a) Except as provided in (b) through (e) of this subsection, the board may not issue a license for any premises within ~~((one thousand))~~ 1,000 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged ~~((twenty-one))~~ 21 years or older.

(b) A city, county, or town may permit the licensing of premises within ~~((one thousand))~~ 1,000 feet but not less than ~~((one hundred))~~ 100 feet of the facilities described in (a) of this subsection, except elementary schools, secondary schools, and playgrounds, by enacting an ordinance authorizing such distance reduction, provided that such distance reduction will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health.

(c) A city, county, or town may permit the licensing of research premises allowed under RCW 69.50.372 within ~~((one thousand))~~ 1,000 feet but not less than ~~((one hundred))~~ 100 feet of the facilities described in (a) of this subsection by enacting an ordinance authorizing such distance reduction, provided that the ordinance will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement, public safety, or public health.

(d) The board may license premises located in compliance with the distance requirements set in an ordinance adopted under (b) or (c) of this subsection. Before issuing or renewing a research license for premises within ~~((one thousand))~~ 1,000 feet but not less than ~~((one hundred))~~ 100 feet of an elementary school, secondary school, or playground in compliance with an ordinance passed pursuant to (c) of this subsection, the board must ensure that the facility:

(i) Meets a security standard exceeding that which applies to cannabis producer, processor, or retailer licensees;

(ii) Is inaccessible to the public and no part of the operation of the facility is in view of the general public; and

(iii) Bears no advertising or signage indicating that it is a cannabis research facility.

(e) The board must issue a certificate of compliance if the premises met the requirements under (a), (b), (c), or (d) of this subsection on the date of the application. The certificate allows the licensee to operate the business at the proposed location notwithstanding a later occurring, otherwise disqualifying factor.

(f) The board may not issue a license for any premises within Indian country, as defined in 18 U.S.C. Sec. 1151, including any fee patent lands within the exterior boundaries of a reservation, without the consent of the federally recognized tribe associated with the reservation or Indian country.

(9) A city, town, or county may adopt an ordinance prohibiting a cannabis producer or cannabis processor from operating or locating a business within areas zoned primarily for residential use or rural use with a minimum lot size of five acres or smaller.

(10) In determining whether to grant or deny a license or renewal of any license, the board must give substantial weight to objections from an incorporated city or town or county legislative authority based upon chronic illegal activity associated with the applicant's operations of the premises proposed to be licensed or the applicant's operation of any other licensed premises, or the conduct of the applicant's patrons inside or outside the licensed premises. "Chronic illegal activity" means (a) a pervasive pattern of activity that threatens the public health, safety, and welfare of the city, town, or county including, but not limited to, open container violations, assaults, disturbances, disorderly conduct, or other criminal law violations, or as documented in crime statistics, police reports, emergency medical response data, calls for service, field data, or similar records of a law enforcement agency for the city, town, county, or any other municipal corporation or any state agency; or (b) an unreasonably high number of citations for violations of RCW 46.61.502 associated with the applicant's or licensee's operation of any licensed premises as indicated by the reported statements given to law enforcement upon arrest.

(11) The board may not issue a cannabis retail license for any premises not currently licensed if:

(a) The board receives a written objection from the legislative authority of an incorporated city or town, or county legislative authority, relating to the physical location of the proposed premises;

(b) The objection to the location from the incorporated city or town, or county legislative authority, is received by the board within 20 days of the board notifying the incorporated city or town, or county legislative authority, of the proposed cannabis retail location; and

(c) The objection to the issuance of a cannabis retail license at the specified location is based on a preexisting local ordinance limiting outlet density in a specific geographic area. For purposes of this subsection (11), a preexisting local ordinance is an ordinance enacted and in effect before the date the applicant submits an application for a cannabis retail license to the board identifying the premises proposed to be licensed. No objection related to the physical location of a proposed premises may be made by a local government under this subsection (11) based on a local ordinance enacted after the date the applicant submits an application for a

cannabis retail license to the board identifying the premises proposed to be licensed.

(12) After January 1, 2024, all cannabis licensees are encouraged but are not required to submit a social equity plan to the board. Upon confirmation by the board that a cannabis licensee who is not a social equity applicant, and who does not hold a social equity license issued under RCW 69.50.335, has submitted a social equity plan, the board must within 30 days reimburse such a licensee an amount equal to the cost of the licensee's annual cannabis license renewal fee. The license renewal fee reimbursement authorized under this subsection is subject to the following limitations:

(a) The board may provide reimbursement one time only to any licensed entity; and

(b) Any licensed entity holding more than one cannabis license is eligible for reimbursement of the license renewal fee on only one license.

**Sec. 3.** RCW 69.50.335 and 2022 c 16 s 60 are each amended to read as follows:

(1)(a) Beginning December 1, 2020, and until July 1, ((2029))2032, cannabis retailer licenses, cannabis processor licenses, and cannabis producer licenses that have been subject to forfeiture, revocation, or cancellation by the board, or cannabis retailer licenses that were not previously issued by the board but could have been issued without exceeding the limit on the statewide number of cannabis retailer licenses established before January 1, 2020, by the board, may be issued or reissued to an applicant who meets the cannabis retailer license, cannabis processor license, or cannabis producer license requirements of this chapter.

(b) In accordance with (a) of this subsection, the board may issue or reissue:

(i) Up to 100 cannabis processor licenses immediately; and

(ii) Beginning January 1, 2025, up to 10 cannabis producer licenses, which must be issued in conjunction with a cannabis processor license.

(c) In addition to the cannabis retailer licenses and cannabis producer licenses that may be issued under (a) and (b) of this subsection, beginning January 1, 2023, and continuing every three years until July 1, 2032, the board may, with the approval of the legislature through the passage of a bill, increase the number of cannabis retailer licenses and cannabis producer licenses for the social equity program based on:

(i) The most recent census data available as of January 1, 2023; and

(ii) The annual population estimates published by the office of financial management.

(d) In addition to the cannabis retailer licenses that may be issued under (a) of this subsection, beginning January 1, 2024, and until July 1, 2032, the board may issue up to 52 cannabis retailer licenses for the social equity program.

(e)(i) At the time of licensure, all licenses issued under the social equity

program under this section may be located in any city, town, or county in the state that allows cannabis retail, cannabis production, or cannabis processing business activities, as applicable, at the proposed location, regardless of:

(A) Whether a cannabis retailer license, cannabis producer license, or cannabis processor license was originally allocated to or issued in another city, town, or county; and

(B) The maximum number of retail cannabis licenses established by the board for each county under RCW 69.50.345.

(ii) The board must adopt rules establishing a threshold of the number of licenses created by this section that can be located in each county.

(f) After a social equity license has been issued under this section for a specific location, the location of the licensed business may not be moved to a city, town, or county different from the city, town, or county for which it was initially licensed.

(2)(a) In order to be considered for a ((retailer))cannabis retailer license, cannabis processor license, or cannabis producer license under subsection (1) of this section, an applicant must be a social equity applicant and submit ((a social equity plan along with other cannabis retailer license application requirements))required cannabis license materials to the board. If the application proposes ownership by more than one person, then at least ((fifty-one))51 percent of the proposed ownership structure must reflect the qualifications of a social equity applicant.

(b) Persons holding an existing cannabis retailer license or title certificate for a cannabis retailer business in a local jurisdiction subject to a ban or moratorium on cannabis retail businesses may apply for a license under this section.

(3)(a) In determining the priority for issuance of a license among applicants, the board ((may prioritize applicants based on the extent to which the application addresses the components of the social equity plan))must select a third-party contractor to identify and score social equity applicants, using a scoring rubric developed by the board. The board must rely on the score provided by the third-party contractor in issuing licenses.

(b) The board may deny any application submitted under this subsection if ((the)):

(i) The board determines that ((+))  
(i) The application does not meet social equity goals or does not meet social equity plan requirements; or

(ii) The application does not otherwise meet the licensing requirements of this chapter)), upon the advice of the third-party contractor, the application does not meet the social equity licensing requirements of this chapter; or

(ii) The board determines the application does not otherwise meet licensing requirements.

(4) The board ((may))must adopt rules to implement this section. ((Rules may include strategies for receiving))Prior to adopting any rule implementing this section, the



board must consider advice on the social equity program from individuals the program is intended to benefit. Rules may also require that licenses awarded under this section only be transferred to or (~~sold only to~~) assumed by individuals or groups of individuals who comply with the requirements for initial licensure as a social equity applicant (~~(with a social equity plan under this section)~~) for a period of at least five years from the date of initial licensure.

(5) The annual fee for issuance, reissuance, or renewal for any license under this section must be (~~equal to the fee established in RCW 69.50.325~~) waived through July 1, 2032.

(6) (~~For the purposes of this section:~~) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Disproportionately impacted area" means a census tract or comparable geographic area (~~(that satisfies the following criteria, which may be further defined in rule by the board after consultation with the commission on African American affairs and other agencies, commissions, and community members as determined by the board:~~

(i) The area has a high poverty rate;

(ii) The area has a high rate of participation in income-based federal or state programs) within Washington state where community members were more likely to be impacted by the war on drugs. These areas must be determined in rule by the board, in consultation with the office of equity, using a standardized statistical equation to identify areas with demographic indicators consistent with populations most impacted by the war on drugs. These areas must be assessed to account for demographic changes in the composition of the population over time. Disproportionately impacted areas must include census tracts or comparable geographic areas in the top 15th percentile in at least two of the following demographic indicators of populations most impacted by the war on drugs:

(i) The area has a high rate of people living under the federal poverty level;

(ii) The area has a high rate of people who did not graduate from high school;

(iii) The area has a high rate of unemployment; ((and)) or

((arrest, conviction, or incarceration related to the sale, possession, use, cultivation, manufacture, or transport of cannabis)) people receiving public assistance.

(b) "Social equity applicant" means (~~:~~

(i) An applicant who has at least fifty-one percent ownership and control by one or more individuals who have resided in a disproportionately impacted area for a period of time defined in rule by the board after consultation with the commission on African American affairs and other commissions, agencies, and community members as determined by the board;

(ii) An applicant who has at least fifty-one percent ownership and control by at least one individual who has been convicted of a cannabis offense, a drug offense, or is a family member of such an individual; or

(iii) An applicant who meets criteria defined in rule by the board after consultation with the commission on African American affairs and other commissions, agencies, and community members as determined by the board)) an applicant who has at least 51 percent ownership and control by one or more individuals who meet at least two of the following qualifications:

(i) Lived in a disproportionately impacted area in Washington state for a minimum of five years between 1980 and 2010;

(ii) Has been arrested or convicted of a cannabis offense or has a family member who has been arrested or convicted of a cannabis offense;

(iii) Had a household income in the year prior to submitting an application under this section that was less than the median household income within the state of Washington as calculated by the United States census bureau; or

(iv) Is both a socially and economically disadvantaged individual as defined by the office of minority and women's business enterprises under chapter 39.19 RCW.

(c) "Social equity goals" means:

(i) Increasing the number of cannabis retailer, producer, and processor licenses held by social equity applicants from disproportionately impacted areas; and

(ii) Reducing accumulated harm suffered by individuals, families, and local areas subject to severe impacts from the historical application and enforcement of cannabis prohibition laws.

((d) "Social equity plan" means a plan that addresses at least some of the elements outlined in this subsection (6)(d), along with any additional plan components or requirements approved by the board following consultation with the task force created in RCW 69.50.336. The plan may include:

(i) A statement that the social equity applicant qualifies as a social equity applicant and intends to own at least fifty-one percent of the proposed cannabis retail business or applicants representing at least fifty-one percent of the ownership of the proposed business qualify as social equity applicants;

(ii) A description of how issuing a cannabis retail license to the social equity applicant will meet social equity goals;

(iii) The social equity applicant's personal or family history with the criminal justice system including any offenses involving cannabis;

(iv) The composition of the workforce the social equity applicant intends to hire;

(v) Neighborhood characteristics of the location where the social equity applicant intends to operate, focusing especially on disproportionately impacted areas; and

(vi) Business plans involving partnerships or assistance to organizations or residents with connection to populations with a history of high rates of enforcement of cannabis prohibition.))

(7) Except for the process detailed in subsection (1) of this section, the process for creating new cannabis retail licenses under this chapter remains unaltered.

**Sec. 4.** RCW 69.50.345 and 2022 c 16 s 64 are each amended to read as follows:

The board, subject to the provisions of this chapter, must adopt rules that establish the procedures and criteria necessary to implement the following:

(1) Licensing of cannabis producers, cannabis processors, and cannabis retailers, including prescribing forms and establishing application, reinstatement, and renewal fees.

(a) Application forms for cannabis producers must request the applicant to state whether the applicant intends to produce cannabis for sale by cannabis retailers holding medical cannabis endorsements and the amount of or percentage of canopy the applicant intends to commit to growing plants determined by the department under RCW 69.50.375 to be of a THC concentration, CBD concentration, or THC to CBD ratio appropriate for cannabis concentrates, useable cannabis, or cannabis-infused products sold to qualifying patients.

(b) The board must reconsider and increase limits on the amount of square feet permitted to be in production on July 24, 2015, and increase the percentage of production space for those cannabis producers who intend to grow plants for cannabis retailers holding medical cannabis endorsements if the cannabis producer designates the increased production space to plants determined by the department under RCW 69.50.375 to be of a THC concentration, CBD concentration, or THC to CBD ratio appropriate for cannabis concentrates, useable cannabis, or cannabis-infused products to be sold to qualifying patients. If current cannabis producers do not use all the increased production space, the board may reopen the license period for new cannabis producer license applicants but only to those cannabis producers who agree to grow plants for cannabis retailers holding medical cannabis endorsements. Priority in licensing must be given to cannabis producer license applicants who have an application pending on July 24, 2015, but who are not yet licensed and then to new cannabis producer license applicants. After January 1, 2017, any reconsideration of the limits on the amount of square feet permitted to be in production to meet the medical needs of qualifying patients must consider information contained in the medical cannabis authorization database established in RCW 69.51A.230;

(2) ~~((Determining))~~ (a) Except as provided in RCW 69.50.335, determining, in consultation with the office of financial management, the maximum number of retail outlets that may be licensed in each county, taking into consideration:

~~((+))~~ (i) Population distribution;

~~((+))~~ (ii) Security and safety issues;

~~((+))~~ (iii) The provision of adequate access to licensed sources of cannabis concentrates, useable cannabis, and cannabis-infused products to discourage purchases from the illegal market; and

~~((+))~~ (iv) The number of retail outlets holding medical cannabis endorsements necessary to meet the medical needs of qualifying patients. The board must

reconsider and increase the maximum number of retail outlets it established before July 24, 2015, and allow for a new license application period and a greater number of retail outlets to be permitted in order to accommodate the medical needs of qualifying patients and designated providers. After January 1, 2017, any reconsideration of the maximum number of retail outlets needed to meet the medical needs of qualifying patients must consider information contained in the medical cannabis authorization database established in RCW 69.51A.230.

(b) (i) In making the determination under (a) of this subsection, the board must consider written input from an incorporated city or town, or county legislative authority when evaluating concerns related to outlet density.

(ii) An incorporated city or town, or county legislative authority, may enact an ordinance prescribing outlet density limitations. An ordinance may not affect licenses issued before the effective date of the ordinance prescribing outlet density limitations.

(iii) The board may adopt rules to identify how local jurisdiction input will be evaluated;

(3) Determining the maximum quantity of cannabis a cannabis producer may have on the premises of a licensed location at any time without violating Washington state law;

(4) Determining the maximum quantities of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products a cannabis processor may have on the premises of a licensed location at any time without violating Washington state law;

(5) Determining the maximum quantities of cannabis concentrates, useable cannabis, and cannabis-infused products a cannabis retailer may have on the premises of a retail outlet at any time without violating Washington state law;

(6) In making the determinations required by this section, the board shall take into consideration:

(a) Security and safety issues;

(b) The provision of adequate access to licensed sources of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products to discourage purchases from the illegal market; and

(c) Economies of scale, and their impact on licensees' ability to both comply with regulatory requirements and undercut illegal market prices;

(7) Determining the nature, form, and capacity of all containers to be used by licensees to contain cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products, and their labeling requirements;

(8) In consultation with the department of agriculture and the department, establishing classes of cannabis, cannabis concentrates, useable cannabis, and cannabis infused products according to grade, condition, cannabinoid profile, THC concentration, CBD concentration, or other qualitative measurements deemed appropriate by the board;

(9) Establishing reasonable time, place, and manner restrictions and requirements regarding advertising of cannabis, cannabis

concentrates, useable cannabis, and cannabis-infused products that are not inconsistent with the provisions of this chapter, taking into consideration:

(a) Federal laws relating to cannabis that are applicable within Washington state;

(b) Minimizing exposure of people under twenty-one years of age to the advertising;

(c) The inclusion of medically and scientifically accurate information about the health and safety risks posed by cannabis use in the advertising; and

(d) Ensuring that retail outlets with medical cannabis endorsements may advertise themselves as medical retail outlets;

(10) Specifying and regulating the time and periods when, and the manner, methods, and means by which, licensees shall transport and deliver cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products within the state;

(11) In consultation with the department and the department of agriculture, establishing accreditation requirements for testing laboratories used by licensees to demonstrate compliance with standards adopted by the board, and prescribing methods of producing, processing, and packaging cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products; conditions of sanitation; and standards of ingredients, quality, and identity of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products produced, processed, packaged, or sold by licensees;

(12) Specifying procedures for identifying, seizing, confiscating, destroying, and donating to law enforcement for training purposes all cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products produced, processed, packaged, labeled, or offered for sale in this state that do not conform in all respects to the standards prescribed by this chapter or the rules of the board.

**Sec. 5.** RCW 69.50.345 and 2022 c 16 s 65 are each amended to read as follows:

The board, subject to the provisions of this chapter, must adopt rules that establish the procedures and criteria necessary to implement the following:

(1) Licensing of cannabis producers, cannabis processors, and cannabis retailers, including prescribing forms and establishing application, reinstatement, and renewal fees.

(a) Application forms for cannabis producers must request the applicant to state whether the applicant intends to produce cannabis for sale by cannabis retailers holding medical cannabis endorsements and the amount of or percentage of canopy the applicant intends to commit to growing plants determined by the department under RCW 69.50.375 to be of a THC concentration, CBD concentration, or THC to CBD ratio appropriate for cannabis concentrates, useable cannabis, or cannabis-infused products sold to qualifying patients.

(b) The board must reconsider and increase limits on the amount of square feet permitted to be in production on July 24,

2015, and increase the percentage of production space for those cannabis producers who intend to grow plants for cannabis retailers holding medical cannabis endorsements if the cannabis producer designates the increased production space to plants determined by the department under RCW 69.50.375 to be of a THC concentration, CBD concentration, or THC to CBD ratio appropriate for cannabis concentrates, useable cannabis, or cannabis-infused products to be sold to qualifying patients. If current cannabis producers do not use all the increased production space, the board may reopen the license period for new cannabis producer license applicants but only to those cannabis producers who agree to grow plants for cannabis retailers holding medical cannabis endorsements. Priority in licensing must be given to cannabis producer license applicants who have an application pending on July 24, 2015, but who are not yet licensed and then to new cannabis producer license applicants. After January 1, 2017, any reconsideration of the limits on the amount of square feet permitted to be in production to meet the medical needs of qualifying patients must consider information contained in the medical cannabis authorization database established in RCW 69.51A.230;

(2) ~~((Determining))~~ (a) Except as provided in RCW 69.50.335, determining, in consultation with the office of financial management, the maximum number of retail outlets that may be licensed in each county, taking into consideration:

~~((a))~~ (i) Population distribution;

~~((b))~~ (ii) Security and safety issues;

~~((c))~~ (iii) The provision of adequate access to licensed sources of cannabis concentrates, useable cannabis, and cannabis-infused products to discourage purchases from the illegal market; and

~~((d))~~ (iv) The number of retail outlets holding medical cannabis endorsements necessary to meet the medical needs of qualifying patients. The board must reconsider and increase the maximum number of retail outlets it established before July 24, 2015, and allow for a new license application period and a greater number of retail outlets to be permitted in order to accommodate the medical needs of qualifying patients and designated providers. After January 1, 2017, any reconsideration of the maximum number of retail outlets needed to meet the medical needs of qualifying patients must consider information contained in the medical cannabis authorization database established in RCW 69.51A.230.

(b) (i) In making the determination under (a) of this subsection, the board must consider written input from an incorporated city or town, or county legislative authority when evaluating concerns related to outlet density.

(ii) An incorporated city or town, or county legislative authority, may enact an ordinance prescribing outlet density limitations. An ordinance may not affect licenses issued before the effective date of the ordinance prescribing outlet density limitations.

(iii) The board may adopt rules to identify how local jurisdiction input will be evaluated;

(3) Determining the maximum quantity of cannabis a cannabis producer may have on the premises of a licensed location at any time without violating Washington state law;

(4) Determining the maximum quantities of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products a cannabis processor may have on the premises of a licensed location at any time without violating Washington state law;

(5) Determining the maximum quantities of cannabis concentrates, useable cannabis, and cannabis-infused products a cannabis retailer may have on the premises of a retail outlet at any time without violating Washington state law;

(6) In making the determinations required by this section, the board shall take into consideration:

(a) Security and safety issues;

(b) The provision of adequate access to licensed sources of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products to discourage purchases from the illegal market; and

(c) Economies of scale, and their impact on licensees' ability to both comply with regulatory requirements and undercut illegal market prices;

(7) Determining the nature, form, and capacity of all containers to be used by licensees to contain cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products, and their labeling requirements;

(8) In consultation with the department of agriculture and the department, establishing classes of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products according to grade, condition, cannabinoid profile, THC concentration, CBD concentration, or other qualitative measurements deemed appropriate by the board;

(9) Establishing reasonable time, place, and manner restrictions and requirements regarding advertising of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products that are not inconsistent with the provisions of this chapter, taking into consideration:

(a) Federal laws relating to cannabis that are applicable within Washington state;

(b) Minimizing exposure of people under ~~((twenty-one))~~ 21 years of age to the advertising;

(c) The inclusion of medically and scientifically accurate information about the health and safety risks posed by cannabis use in the advertising; and

(d) Ensuring that retail outlets with medical cannabis endorsements may advertise themselves as medical retail outlets;

(10) Specifying and regulating the time and periods when, and the manner, methods, and means by which, licensees shall transport and deliver cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products within the state;

(11) In consultation with the department and the department of agriculture, prescribing methods of producing, processing, and packaging cannabis, cannabis

concentrates, useable cannabis, and cannabis-infused products; conditions of sanitation; and standards of ingredients, quality, and identity of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products produced, processed, packaged, or sold by licensees;

(12) Specifying procedures for identifying, seizing, confiscating, destroying, and donating to law enforcement for training purposes all cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products produced, processed, packaged, labeled, or offered for sale in this state that do not conform in all respects to the standards prescribed by this chapter or the rules of the board.

**Sec. 6.** RCW 69.50.101 and 2022 c 16 s 51 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(a) "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(1) a practitioner authorized to prescribe (or, by the practitioner's authorized agent); or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseperson, or employee of the carrier or warehouseperson.

(c) "Board" means the Washington state liquor and cannabis board.

(d) "Cannabis" means all parts of the plant *Cannabis*, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include:

(1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination; or

(2) Hemp or industrial hemp as defined in RCW 15.140.020, seeds used for licensed hemp production under chapter 15.140 RCW.

(e) "Cannabis concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant *Cannabis* and having a THC concentration greater than ten percent.

(f) "Cannabis processor" means a person licensed by the board to process cannabis into cannabis concentrates, useable cannabis, and cannabis-infused products, package and label cannabis concentrates, useable cannabis, and cannabis-infused

products for sale in retail outlets, and sell cannabis concentrates, useable cannabis, and cannabis-infused products at wholesale to cannabis retailers.

(g) "Cannabis producer" means a person licensed by the board to produce and sell cannabis at wholesale to cannabis processors and other cannabis producers.

(h) "Cannabis products" means useable cannabis, cannabis concentrates, and cannabis-infused products as defined in this section.

(i) "Cannabis researcher" means a person licensed by the board to produce, process, and possess cannabis for the purposes of conducting research on cannabis and cannabis-derived drug products.

(j) "Cannabis retailer" means a person licensed by the board to sell cannabis concentrates, useable cannabis, and cannabis-infused products in a retail outlet.

(k) "Cannabis-infused products" means products that contain cannabis or cannabis extracts, are intended for human use, are derived from cannabis as defined in subsection (d) of this section, and have a THC concentration no greater than ten percent. The term "cannabis-infused products" does not include either useable cannabis or cannabis concentrates.

(l) "CBD concentration" has the meaning provided in RCW 69.51A.010.

(m) "CBD product" means any product containing or consisting of cannabidiol.

(n) "Commission" means the pharmacy quality assurance commission.

(o) "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, or federal or commission rules, but does not include hemp or industrial hemp as defined in RCW 15.140.020.

(p)(1) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(i) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

(2) The term does not include:

(i) a controlled substance;

(ii) a substance for which there is an approved new drug application;

(iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or chapter 69.77 RCW to the extent conduct with

respect to the substance is pursuant to the exemption; or

(iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

(q) "Deliver" or "delivery" means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

(r) "Department" means the department of health.

(s) "Designated provider" has the meaning provided in RCW 69.51A.010.

(t) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(u) "Dispenser" means a practitioner who dispenses.

(v) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(w) "Distributor" means a person who distributes.

(x) "Drug" means (1) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them; (2) controlled substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (3) controlled substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and (4) controlled substances intended for use as a component of any article specified in (1), (2), or (3) of this subsection. The term does not include devices or their components, parts, or accessories.

(y) "Drug enforcement administration" means the drug enforcement administration in the United States Department of Justice, or its successor agency.

(z) "Electronic communication of prescription information" means the transmission of a prescription or refill authorization for a drug of a practitioner using computer systems. The term does not include a prescription or refill authorization verbally transmitted by telephone nor a facsimile manually signed by the practitioner.

(aa) "Immature plant or clone" means a plant or clone that has no flowers, is less than twelve inches in height, and is less than twelve inches in diameter.

(bb) "Immediate precursor" means a substance:

(1) that the commission has found to be and by rule designates as being the principal compound commonly used, or produced primarily for use, in the manufacture of a controlled substance;

(2) that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(3) the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

(cc) "Isomer" means an optical isomer, but in subsection (gg)(5) of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b) (4), the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c) the term includes any positional isomer; and in RCW 69.50.204(a) (35), 69.50.204(c), and 69.50.208(a) the term includes any positional or geometric isomer.

(dd) "Lot" means a definite quantity of cannabis, cannabis concentrates, useable cannabis, or cannabis-infused product identified by a lot number, every portion or package of which is uniform within recognized tolerances for the factors that appear in the labeling.

(ee) "Lot number" must identify the licensee by business or trade name and Washington state unified business identifier number, and the date of harvest or processing for each lot of cannabis, cannabis concentrates, useable cannabis, or cannabis-infused product.

(ff) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation, compounding, packaging, repackaging, labeling, or relabeling of a controlled substance:

(1) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(gg) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, opium derivative, and any derivative of opium or opium derivative, including their salts, isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium.

(2) Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation.

(3) Poppy straw and concentrate of poppy straw.

(4) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives or ecgonine or their salts have been removed.

(5) Cocaine, or any salt, isomer, or salt of isomer thereof.

(6) Cocaine base.

(7) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof.

(8) Any compound, mixture, or preparation containing any quantity of any substance referred to in (1) through (7) of this subsection.

(hh) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes opium, substances derived from opium (opium derivatives), and synthetic opiates. The term does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes the racemic and levorotatory forms of dextromethorphan.

(ii) "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

(jj) "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(kk) "Plant" has the meaning provided in RCW 69.51A.010.

(ll) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(mm) "Practitioner" means:

(1) A physician under chapter 18.71 RCW; a physician assistant under chapter 18.71A RCW; an osteopathic physician and surgeon under chapter 18.57 RCW; an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010 subject to any limitations in RCW 18.53.010; a dentist under chapter 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a veterinarian under chapter 18.92 RCW; a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject to any limitations in RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery, a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed physician assistant or a licensed osteopathic physician assistant specifically approved to prescribe controlled substances by his or her state's medical commission or equivalent and his or her supervising physician, an advanced registered nurse practitioner licensed to prescribe controlled substances, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

(nn) "Prescription" means an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.

(oo) "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

(pp) "Qualifying patient" has the meaning provided in RCW 69.51A.010.

(qq) "Recognition card" has the meaning provided in RCW 69.51A.010.

(rr) "Retail outlet" means a location licensed by the board for the retail sale of cannabis concentrates, useable cannabis, and cannabis-infused products.

(ss) "Secretary" means the secretary of health or the secretary's designee.

(tt) "Social equity plan" means a plan that addresses at least some of the elements outlined in this subsection (tt), along with any additional plan components or requirements approved by the board following consultation with the task force created in RCW 69.50.336. The plan may include:

(1) A statement that indicates how the cannabis licensee will work to promote social equity goals in their community;

(2) A description of how the cannabis licensee will meet social equity goals as defined in RCW 69.50.335;

(3) The composition of the workforce the licensee has employed or intends to hire; and

(4) Business plans involving partnerships or assistance to organizations or residents with connections to populations with a history of high rates of enforcement of cannabis prohibition.

(uu) "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

~~((+vv))~~(vv) "THC concentration" means percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant *Cannabis*, or per volume or weight of cannabis product, or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant *Cannabis* regardless of moisture content.

~~((+ww))~~(ww) "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's

own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

~~((+xx))~~(xx) "Useable cannabis" means dried cannabis flowers. The term "useable cannabis" does not include either cannabis-infused products or cannabis concentrates.

~~((+yy))~~(yy) "Youth access" means the level of interest persons under the age of twenty-one may have in a vapor product, as well as the degree to which the product is available or appealing to such persons, and the likelihood of initiation, use, or addiction by adolescents and young adults.

NEW SECTION. Sec. 7. (1) The joint legislative audit and review committee must review prior canopy studies completed by the liquor and cannabis board and examine whether current levels of cannabis production align with market demand and capacity, including the impact of any additional cannabis producer licenses granted under this act.

(2) The joint legislative audit and review committee must report results of their review to the governor and appropriate committees of the legislature by June 30, 2025.

NEW SECTION. Sec. 8. Section 4 of this act expires July 1, 2024.

NEW SECTION. Sec. 9. Section 5 of this act takes effect July 1, 2024."

Correct the title.

Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Cheney; Morgan; Orwall; Reeves and Waters.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; and Walsh.

Referred to Committee on Appropriations

March 21, 2023

ESSB 5082

Prime Sponsor, State Government & Elections: Encouraging electoral participation and making ballots more meaningful by abolishing advisory votes. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Low.

Referred to Committee on Rules for second reading

March 21, 2023

ESSB 5123 Prime Sponsor, Labor & Commerce: Concerning the employment of individuals who lawfully consume cannabis. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

March 21, 2023

E2SSB 5144 Prime Sponsor, Ways & Means: Providing for responsible environmental management of batteries. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** INTENT. The legislature finds that:

(1) It is in the public interest of the citizens of Washington to encourage the recovery and reuse of materials, such as metals, that replace the output of mining and other extractive industries.

(2) Without a dedicated battery stewardship program, battery user confusion regarding proper disposal options will continue to persist.

(3) Ensuring the proper handling, recycling, and end-of-life management of used batteries prevents the release of toxic materials into the environment and removes materials from the waste stream that, if mishandled, may present safety concerns to workers, such as by igniting fires at solid waste handling facilities. For this reason, batteries should not be placed into commingled recycling containers or disposed of via traditional garbage collection containers.

(4) Jurisdictions around the world have successfully implemented battery stewardship laws that have helped address the challenges posed by the end-of-life management of batteries. Because it is difficult for customers to differentiate between types and chemistries of batteries, it is the best practice for battery stewardship programs to collect all battery types and chemistries. Furthermore, it is appropriate for larger batteries used in emerging market sectors such as electric vehicles, solar power arrays, and data centers, to be managed to ensure environmentally positive outcomes similar to those achieved by a battery stewardship program, both because of the potential economic value of large batteries used for these purposes and the anticipated profusion of these larger batteries as these market sectors mature.

NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this section apply throughout

this chapter unless the context clearly requires otherwise.

(1) (a) "Battery-containing product" means a product that contains or is packaged with rechargeable or primary batteries that are covered batteries.

(b) A "battery-containing product" does not include a covered electronic product under an approved plan implemented under chapter 70A.500 RCW.

(2) "Battery management hierarchy" means a management system of covered batteries prioritized in descending order as follows:

(a) Waste prevention and reduction;

(b) Reuse, when reuse is appropriate;

(c) Recycling, as defined in this chapter; and

(d) Other means of end-of-life management, which may only be utilized after demonstrating to the department that it is not feasible to manage the batteries under the higher priority options in (a) through (c) of this subsection.

(3) "Battery stewardship organization" means a producer that directly implements a battery stewardship plan required under this chapter or a nonprofit organization designated by a producer or group of producers to implement a battery stewardship plan required under this chapter.

(4) "Collection rate" means a percentage, by weight, that a battery stewardship organization collects that is calculated by dividing the total weight of primary and rechargeable batteries collected during the previous calendar year by the average annual weight of primary and rechargeable batteries that were estimated to have been sold in the state by all producers participating in an approved battery stewardship plan during the previous three calendar years.

(5) (a) "Covered battery" means a portable battery or, beginning January 1, 2029, a medium format battery.

(b) "Covered battery" does not include:

(i) A battery contained within a medical device, as specified in Title 21 U.S.C. Sec. 321(h) as it existed as of the effective date of this section, that is not designed and marketed for sale or resale principally to consumers for personal use;

(ii) A battery that contains an electrolyte as a free liquid;

(iii) A lead acid battery weighing greater than 11 pounds;

(iv) A battery subject to the provisions of RCW 70A.205.505 through 70A.205.530; and

(v) A battery in a battery-containing product that is not intended or designed to be easily removable from the battery-containing product.

(6) "Department" means the department of ecology.

(7) "Easily removable" means designed by the manufacturer to be removable by the user of the product with no more than commonly used household tools.

(8) "Environmentally sound management practices" means practices that: (a) Comply with all applicable laws and rules to protect workers, public health, and the environment; (b) provide for adequate recordkeeping, tracking, and documenting of the fate of materials within the state and beyond; and (c) include comprehensive liability coverage for the battery



stewardship organization, including environmental liability coverage that is commercially practicable.

(9) "Final disposition" means the final processing of a collected battery to produce usable end products, at the point where the battery has been reduced to its constituent parts, reusable portions made available for use, and any residues handled as wastes in accordance with applicable law.

(10) "Large format battery" means:

(a) A rechargeable battery that weighs more than 25 pounds or has a rating of more than 2,000 watt-hours; or

(b) A primary battery that weighs more than 25 pounds.

(11) "Medium format battery" means the following primary or rechargeable covered batteries:

(a) For rechargeable batteries, a battery weighing more than 11 pounds or has a rating of more than 300 watt-hours, or both, and no more than 25 pounds and has a rating of no more than 2,000 watt-hours;

(b) For primary batteries, a battery weighing more than 4.4 pounds but not more than 25 pounds.

(12) "Portable battery" means the following primary or rechargeable covered batteries:

(a) For rechargeable batteries, a battery weighing no more than 11 pounds and has a rating of no more than 300 watt-hours;

(b) For primary batteries, a battery weighing no more than 4.4 pounds.

(13) "Primary battery" means a battery that is not capable of being recharged.

(14)(a) "Producer" means the following person responsible for compliance with requirements under this chapter for a covered battery or battery-containing product sold, offered for sale, or distributed in or into this state:

(i) For covered batteries:

(A) If the battery is sold under the brand of the battery manufacturer, the producer is the person that manufactures the battery;

(B) If the battery is sold under a retail brand or under a brand owned by a person other than the manufacturer, the producer is the brand owner;

(C) If there is no person to which (a)(i)(A) or (B) of this subsection applies, the producer is the person that is the licensee of a brand or trademark under which the battery is used in a commercial enterprise, sold, offered for sale, or distributed in or into this state, whether or not the trademark is registered in this state;

(D) If there is no person described in (a)(i)(A) through (C) of this subsection within the United States, the producer is the person who is the importer of record for the battery into the United States for use in a commercial enterprise that sells, offers for sale, or distributes the battery in this state;

(E) If there is no person described in (a)(i)(A) through (D) of this subsection with a commercial presence within the state, the producer is the person who first sells, offers for sale, or distributes the battery in or into this state.

(ii) For covered battery-containing products:

(A) If the battery-containing product is sold under the brand of the product manufacturer, the producer is the person that manufactures the product;

(B) If the battery-containing product is sold under a retail brand or under a brand owned by a person other than the manufacturer, the producer is the brand owner;

(C) If there is no person to which (a)(ii)(A) or (B) of this subsection applies, the producer is the person that is the licensee of a brand or trademark under which the product is used in a commercial enterprise, sold, offered for sale, or distributed in or into this state, whether or not the trademark is registered in this state;

(D) If there is no person described in (a)(ii)(A) through (C) of this subsection within the United States, the producer is the person who is the importer of record for the product into the United States for use in a commercial enterprise that sells, offers for sale, or distributes the product in this state;

(E) If there is no person described in (a)(ii)(A) through (D) of this subsection with a commercial presence within the state, the producer is the person who first sells, offers for sale, or distributes the product in or into this state;

(F) A producer does not include any person who only manufactures, sells, offers for sale, distributes, or imports into the state a battery-containing product if the only batteries used by the battery-containing product are supplied by a producer that has joined a registered battery stewardship organization as the producer for that covered battery under this chapter. For this provision to apply, such a producer of covered batteries that are included in a battery-containing product must provide written certification of that membership to both the producer of the covered battery-containing product and the battery stewardship organization of which the battery producer is a member.

(b) A person is the "producer" of a covered battery or covered battery-containing product sold, offered for sale, or distributed in or into this state, as defined in (a) of this subsection, except where another party has contractually accepted responsibility as a responsible producer and has joined a registered battery stewardship organization as the producer for that covered battery or covered battery-containing product under this chapter.

(15) "Program" means a program implemented by a battery stewardship organization consistent with an approved battery stewardship plan.

(16) "Rechargeable battery" means a battery that contains one or more voltaic or galvanic cells, electrically connected to produce electric energy, designed to be recharged.

(17) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than:

- (a) Combustion;
- (b) Incineration;
- (c) Energy generation;
- (d) Fuel production; or

(e) Beneficial reuse in the construction and operation of a solid waste landfill, including use of alternative daily cover.

(18) "Recycling efficiency rate" means the ratio of the weight of covered battery components and materials recycled by a program operator from covered batteries to the weight of those covered batteries collected by the program operator.

(19) "Retailer" means a person who sells covered batteries or battery-containing products in or into this state or offers or otherwise makes available covered batteries or battery-containing products to a customer, including other businesses, for use by the customer in this state.

(20) "Urban area" means an area delineated by the United States census bureau, based on a minimum threshold of 2,000 housing units or 5,000 people, as of January 1, 2023.

**NEW SECTION. Sec. 3. REQUIREMENT THAT PRODUCERS IMPLEMENT A STEWARDSHIP PLAN.** (1) Beginning January 1, 2027, each producer selling, making available for sale, or distributing covered batteries or battery-containing products in or into the state of Washington shall participate in an approved Washington state battery stewardship plan through participation in and appropriate funding of a battery stewardship organization.

(2) A producer that does not participate in a battery stewardship organization and battery stewardship plan may not sell covered batteries or battery-containing products covered by this chapter in or into Washington.

**NEW SECTION. Sec. 4. ROLE OF RETAILERS.** (1) Beginning July 1, 2027, for portable batteries, and July 1, 2029, for medium format batteries, a retailer may not sell, offer for sale, distribute, or otherwise make available for sale a covered battery or battery-containing product unless the producer of the covered battery or battery-containing product certifies to the retailer that the producer participates in a battery stewardship organization whose plan has been approved by the department.

(2) A retailer is in compliance with the requirements of subsection (1) of this section and is not subject to penalties under section 12 of this act as long as the website made available by the department under section 11 of this act lists, as of the date a product is made available for retail sale, a producer or brand of covered battery or battery-containing product sold by the retailer as being a participant in an approved plan or the implementer of an approved plan.

(3) Retailers of covered batteries or battery-containing products are not required to make retail locations available to serve as collection sites for a stewardship program operated by a battery stewardship organization. Retailers that serve as a collection site must comply with the requirements for collection sites, consistent with section 8 of this act.

(4) A retailer may not sell, offer for sale, distribute, or otherwise make

available for sale covered batteries, unless those batteries are marked consistent with the requirements of section 14 of this act. A producer of a battery-containing product containing a covered battery must certify to the retailers of their product that the battery contained in the battery-containing product is marked consistent with the requirements of section 14 of this act. A retailer may rely on this certification for purposes of compliance under this subsection.

(5) A retailer selling or offering covered batteries or battery-containing products for sale in Washington may provide information, provided to the retailer by the battery stewardship organization, regarding available end-of-life management options for covered batteries collected by the battery stewardship organization. The information that a battery stewardship organization must make available to retailers for voluntary use by retailers must include, but is not limited to, in-store signage, written materials, and other promotional materials that retailers may use to inform customers of the available end-of-life management options for covered batteries collected by the battery stewardship organization.

(6) Retailers, producers, or battery stewardship organizations may not charge a specific point-of-sale fee to consumers to cover the administrative or operational costs of the battery stewardship organization or the battery stewardship program.

**NEW SECTION. Sec. 5. STEWARDSHIP PLAN COMPONENTS.** (1) By July 1, 2026, or within six months of the adoption of rules under section 11 of this act, whichever comes later, each battery stewardship organization must submit a plan for covered portable batteries to the department for approval. Within 24 months of the date of the initial adoption of rules under this chapter by the department, each battery stewardship organization must submit a plan for covered medium format batteries to the department for approval. A battery stewardship organization may submit a plan at any time to the department for review and approval. The department must review and may approve a plan based on whether it contains and adequately addresses the following components:

(a) Lists and provides contact information for each producer, battery brand, and battery-containing product brand covered in the plan;

(b) Proposes performance goals, consistent with section 6 of this act, including establishing performance goals for each of the next three upcoming calendar years of program implementation;

(c) Describes how the battery stewardship organization will make retailers aware of their obligation to sell only covered batteries and battery-containing products of producers participating in an approved plan;

(d) Describes the education and communications strategy being implemented to effectively promote participation in the approved covered battery stewardship program and provide the information necessary for

effective participation of consumers, retailers, and others;

(e) Describes how the battery stewardship organization will make available to retailers, for voluntary use, in-store signage, written materials, and other promotional materials that retailers may use to inform customers of the available end-of-life management options for covered batteries collected by the battery stewardship organization;

(f) A list of promotional activities to be undertaken, and the identification of consumer awareness goals and strategies that the program will employ to achieve these goals after the program begins to be implemented;

(g) Includes collection site safety training procedures related to covered battery collection activities at collection sites, including appropriate protocols to reduce risks of spills or fires and response protocols in the event of a spill or fire, and a protocol for safe management of damaged batteries that are returned to collection sites;

(h) A description of the method to establish and administer a means for fully funding the program in a manner that equitably distributes the program's costs among the producers that are part of the battery stewardship organization. For producers that elect to meet the requirements of this chapter individually, without joining a battery stewardship organization, a description of the proposed method to establish and administer a means for fully funding the program;

(i) A description of the financing methods used to implement the plan, consistent with section 7 of this act, including how producer fees and fee modulation will incorporate design for recycling and resource conservation as objectives, and a template reimbursement agreement, developed in consultation with local governments and other program stakeholders;

(j) A description of how the program will collect all covered battery chemistries and brands on a free, continuous, convenient, visible, and accessible basis, and consistent with the requirements of section 8 of this act, including a description of how the statewide convenience standard will be met and a list of collection sites, including the address and latitude and longitude of collection sites;

(k) A description of the criteria to be used in the program to determine whether an entity may serve as a collection site for discarded batteries under the program;

(l) Collection goals for each of the first three years of implementation of the battery stewardship plan that are based on the estimated total weight of primary and rechargeable covered batteries that have been sold in the state in the previous three calendar years by the producers participating in the battery stewardship plan;

(m) Identification of proposed brokers, transporters, processors, and facilities to be used by the program for the final disposition of batteries and how collected batteries will be managed in:

(i) An environmentally sound and socially just manner at facilities operating with human health and environmental protection standards that are broadly equivalent to or better than those required in the United States and other countries that are members of the battery stewardship organization for economic cooperation and development; and

(ii) A manner consistent with the battery management hierarchy, including how each proposed facility used for the final disposition of batteries will recycle or otherwise manage batteries;

(n) Details how the program will achieve a recycling efficiency rate, calculated consistent with section 10 of this act, of at least 60 percent for rechargeable batteries and at least 70 percent for primary batteries; and

(o) Proposes goals for increasing public awareness of the program, including subgoals applicable to public awareness of the program in vulnerable populations and overburdened communities identified by the department under chapter 70A.02 RCW, and describes how the public education and outreach components of the program under section 9 of this act will be implemented.

(2) If required by the department, a battery stewardship organization must submit a new plan to the department for approval:

(a) If there are significant changes to the methods of collection, transport, or end-of-life management of covered batteries under section 8 of this act that are not covered by the plan. The department may, by rule, identify the types of significant changes that require a new plan to be submitted to the department for approval. For purposes of this subsection, adding or removing a processor or transporter under the plan is not considered a significant change that requires a plan resubmittal;

(b) To address the novel inclusion of medium format batteries or large format batteries as covered batteries under the plan; and

(c) No less than every five years.

(3) If required by the department, a battery stewardship organization must provide plan amendments to the department for approval:

(a) When proposing changes to the performance goals under section 6 of this act based on the up-to-date experience of the program;

(b) When there is a change to the method of financing plan implementation under section 7 of this act. This does not include changes to the fees or fee structure established in the plan; or

(c) When adding or removing a processor or transporter, as part of a quarterly update submitted to the department.

(4) As part of a quarterly update, a battery stewardship organization must notify the department after a producer begins or ceases to participate in a battery stewardship organization. The quarterly update submitted to the department must also include a current list of the producers and brands participating in the plan.

(5) No earlier than five years after the initial approval of a plan, the department may require a battery stewardship organization to submit a revised plan, which

may include improvements to the collection site network or increased expenditures dedicated to education and outreach if the approved plan has not met the performance goals under section 6 of this act.

**NEW SECTION. Sec. 6. STEWARDSHIP PROGRAM COMPONENTS—PERFORMANCE GOALS.** (1) Each battery stewardship plan must include performance goals that measure, on an annual basis, the achievements of the program. Performance goals must take into consideration technical feasibility and economic practicality in achieving continuous, meaningful progress in improving:

(a) The rate of battery collection for recycling in Washington;

(b) The recycling efficiency of the program; and

(c) Public awareness of the program.

(2) The performance goals established in each battery stewardship plan must include, but are not limited to:

(a) Target collection rates;

(b) Target recycling efficiency rates of at least 60 percent for rechargeable batteries and at least 70 percent for primary batteries; and

(c) Goals for public awareness, convenience, and accessibility that meet or exceed the minimum requirements established in section 8 of this act.

**NEW SECTION. Sec. 7. STEWARDSHIP PROGRAM COMPONENTS—FUNDING.** (1) Each battery stewardship organization must ensure adequate funding is available to fully implement approved battery stewardship plans, including the implementation of aspects of the plan addressing:

(a) Battery collection, transporting, and processing;

(b) Education and outreach;

(c) Program evaluation; and

(d) Payment of the administrative fees to the department under section 11 of this act.

(2) A battery stewardship organization implementing a battery stewardship plan on behalf of producers must develop, and continually improve over the years of program implementation, a system to collect charges from participating producers to cover the costs of plan implementation in an environmentally sound and socially just manner that encourages the use of design attributes that reduce the environmental impacts of covered batteries, such as through the use of eco-modulated fees. Examples of fee structures that meet the requirements of this subsection include using eco-modulated fees to:

(a) Encourage designs intended to facilitate reuse and recycling;

(b) Encourage the use of recycled content;

(c) Discourage the use of problematic materials that increase system costs of managing covered batteries; and

(d) Encourage other design attributes that reduce the environmental impacts of covered batteries.

(3) (a) Each battery stewardship organization is responsible for all costs of

participating covered battery collection, transportation, processing, education, administration, agency reimbursement, recycling, and end-of-life management in accordance with the battery management hierarchy and environmentally sound management practices.

(b) Each battery stewardship organization must meet the collection goals as specified in section 5 of this act.

(c) A battery stewardship organization is not authorized to reduce or cease collection, education and outreach, or other activities implemented under an approved plan based on achievement of program performance goals.

(4) (a) A battery stewardship organization must reimburse local governments for demonstrable costs, as defined by rules adopted by the department, incurred as a result of a local government facility or solid waste handling facility serving as a collection site for a program including, but not limited to, associated labor costs and other costs associated with accessibility and collection site standards such as storage.

(b) A battery stewardship organization shall at a minimum provide collection sites with appropriate containers for covered batteries subject to its program, training, signage, safety guidance, and educational materials, at no cost to the collection sites.

(c) A battery stewardship organization must include in its battery stewardship plan a template of the service agreement and any other forms, contracts, or other documents for use in distribution of reimbursements. The service agreement template must be developed with local government input. The entities seeking or receiving reimbursement from the battery stewardship organization are not required to use the template agreement included in the program plan and are not limited to the terms of the template agreement included in the program plan.

**NEW SECTION. Sec. 8. STEWARDSHIP PROGRAM COMPONENTS—COLLECTION AND MANAGEMENT REQUIREMENTS.** (1) Battery stewardship organizations implementing a battery stewardship plan must provide for the collection of all covered batteries, including all chemistries and brands of covered batteries, on a free, continuous, convenient, visible, and accessible basis to any person, business, government agency, or nonprofit organization. Except as provided in subsection (2)(b) of this section, each battery stewardship plan must allow any person, business, government agency, or nonprofit organization to discard each chemistry and brand of covered battery at each collection site that counts towards the satisfaction of the collection site criteria in subsection (3) of this section.

(2) (a) For each collection site utilized by the program, each battery stewardship organization must provide suitable collection containers for covered batteries that are segregated from other solid waste or make mutually agreeable alternative arrangements for the collection of batteries at the site. The location of collection

containers at each collection site used by the program must be within view of a responsible person and must be accompanied by signage made available to the collection site by the battery stewardship organization that informs customers regarding the end-of-life management options for batteries provided by the collection site under this chapter. Each collection site must adhere to the operations manual and other safety information provided to the collection site by the battery stewardship organization.

(b) Medium format batteries may only be collected at household hazardous waste collection sites or other sites that are staffed by persons who are certified to handle and ship hazardous materials under federal regulations adopted by the United States department of transportation pipeline and hazardous materials safety administration.

(c)(i) Damaged and defective batteries are intended to be collected at collection sites staffed by persons trained to handle and ship those batteries.

(ii) Each battery stewardship organization must provide for collection of damaged and defective batteries in each county of the state, either through collection sites or collection events with qualified staff as specified in (c)(i) of this subsection. Collection events should be provided periodically throughout the year where practicable, but must be provided at least once per year at a minimum, in each county in which there are not permanent collection sites providing for the collection of damaged and defective batteries.

(iii) As used in this subsection, "damaged and defective batteries" means batteries that have been damaged or identified by the manufacturer as being defective for safety reasons, that have the potential of producing a dangerous evolution of heat, fire, or short circuit, as referred to in 49 C.F.R. Sec. 173.185(f) as of January 1, 2023, or as updated by the department by rule to maintain consistency with federal standards.

(3)(a) Each battery stewardship organization implementing a battery stewardship plan shall ensure statewide collection opportunities for all covered batteries. Battery stewardship organizations shall coordinate activities with other program operators, including covered battery collection and recycle programs and electronic waste recyclers, with regard to the proper management or recycling of collected covered batteries, for purposes of providing the efficient delivery of services and avoiding unnecessary duplication of effort and expense. Statewide collection opportunities must be determined by geographic information modeling that considers permanent collection sites. A program may rely, in part, on collection events to supplement the permanent collection services required in (a) and (b) of this subsection. However, only permanent collection services specified in (a) and (b) of this subsection qualify towards the satisfaction of the requirements of this subsection.

(b) For portable batteries, each battery stewardship organization must provide statewide collection opportunities that include, but are not limited to, the provision of:

(i) At least one permanent collection site for portable batteries within a 15 mile radius for at least 95 percent of Washington residents;

(ii) The establishment of collection sites that are accessible and convenient to overburdened communities identified by the department under chapter 70A.02 RCW, in an amount that is roughly proportional to the number and population of overburdened communities identified by the department under chapter 70A.02 RCW relative to the population or size of the state as a whole;

(iii) At least one permanent collection site for portable batteries in addition to those required in (b)(i) of this subsection for every 30,000 residents of each urban area in this state. For the purposes of compliance with this subsection (3)(b)(iii), a battery stewardship organization and the department may rely upon new or updated designations of urban locations by the United States census bureau that are determined by the department to be similar to the definition of urban areas in section 2 of this act;

(iv) Collection opportunities for portable batteries at special locations where batteries are often spent and replaced, such as supervised locations at parks with stores and campgrounds; and

(v) Service to areas without a permanent collection site, including service to island and geographically isolated communities without a permanent collection site.

(c) For medium format batteries, a battery stewardship organization must provide statewide collection opportunities that include, but are not limited to, the provision of:

(i) At least 25 permanent collection sites in Washington;

(ii) Reasonable geographic dispersion of collection sites throughout the state;

(iii) A collection site in each county of at least 200,000 persons, as determined by the most recent population estimate of the office of financial management;

(iv) The establishment of collection sites that are accessible to public transit and that are convenient to overburdened communities identified by the department under chapter 70A.02 RCW; and

(v) Service to areas without a permanent collection site, including service to island and geographically isolated communities. A battery stewardship organization must ensure that there is a collection site or annual collection event in each county of the state. Collection events should be provided periodically throughout the year where practicable, but must be provided at least once per year at a minimum in each county in which there are not permanent collection sites providing for the collection of damaged and defective batteries.

(4)(a) Battery stewardship programs must use existing public and private waste collection services and facilities, including battery collection sites that are established through other battery collection

services, transporters, consolidators, processors, and retailers, where cost-effective, mutually agreeable, and otherwise practicable.

(b) (i) Battery stewardship programs must use as a collection site for covered batteries any retailer, wholesaler, municipality, solid waste management facility, or other entity that meets the criteria for collection sites in the approved plan, upon the submission of a request by the entity to the battery stewardship organization to serve as a collection site.

(ii) Battery stewardship programs must use as a site for a collection event for covered batteries any retailer, wholesaler, municipality, solid waste management facility, or other entity that meets the criteria for collection events in the approved plan, upon the submission of a request by the entity to the battery stewardship organization to serve as a site for a collection event. An agreement between a battery stewardship organization and the entity requesting to hold a collection event must be established at least 60 days prior to any collection of covered batteries under a stewardship program. All costs associated with collection events initiated by an entity other than a battery stewardship organization are the sole responsibility of the entity unless otherwise agreed upon by a battery stewardship organization. A collection event under this subsection (4) (b) (ii) must allow any person to discard each chemistry and brand of covered battery at the collection event.

(c) An entity that operates a temporary collection event for a stewardship program may retain collected materials if the collected materials are collected, transported, and processed at the expense of the entity and in a manner that meet the standards established for the battery stewardship organization in the plan approved by the department, including processing of collected materials at a facility approved under the battery stewardship organization plan. An entity that retains collected materials must report, to the battery stewardship organization, information necessary for the battery stewardship organization to fulfill its reporting obligations under section 10 of this act. A battery stewardship organization may count materials collected by an entity under this subsection (4) (c) towards the achievement of performance requirements established in section 6 of this act.

(d) A local government facility may collect batteries through a collection site or temporary collection event that is not a collection site or event under the program implemented by a battery stewardship organization. A local government facility that collects covered batteries under this subsection must collect each chemistry and brand of covered battery at its collection site or sites, and must collect, transport, and process collected materials in a manner that meets the standards established for the battery stewardship organization in the plan approved by the department. A local government facility that collects materials

at a collection site or temporary collection event operating outside of a battery stewardship program must report, to a battery stewardship organization, information necessary for the battery stewardship organization to fulfill its reporting obligations under section 10 of this act. A battery stewardship organization may count materials collected by a local government facility under this subsection (4) (d) towards the achievement of performance requirements established in section 6 of this act.

(e) A battery stewardship organization may suspend or terminate a collection site or service that does not adhere to the collection site criteria in the approved plan and that poses an immediate health and safety concern.

(5) (a) Stewardship programs are not required to provide for the collection of battery-containing products.

(b) Stewardship programs are not required to provide for the collection of batteries that:

(i) Are not easily removable from the product other than by the manufacturer; and

(ii) Remain contained in a battery-containing product at the time of delivery to a collection site.

(c) Stewardship programs are required to provide for the collection of loose batteries.

(d) Stewardship programs are not required to provide for the collection of batteries still contained in covered electronic products under chapter 70A.500 RCW.

(6) Batteries collected by the program must be managed consistent with the battery management hierarchy. Lower priority end-of-life battery management options on the battery management hierarchy may be used by a program only when a battery stewardship organization documents to the department that all higher priority battery management options on the battery management hierarchy are not technologically feasible or economically practical.

**NEW SECTION. Sec. 9. STEWARDSHIP PROGRAM COMPONENTS—EDUCATION AND OUTREACH REQUIREMENTS.** (1) Each battery stewardship organization must carry out promotional activities in support of plan implementation including, but not limited to, the development:

(a) And maintenance of a website;

(b) And distribution of periodic press releases and articles;

(c) And placement of advertisements for use on social media or other relevant media platforms;

(d) Of promotional materials about the program and the restriction on the disposal of covered batteries in section 15 of this act to be used by retailers, government agencies, and nonprofit organizations;

(e) And distribution of collection site safety training procedures that are in compliance with state law to collection sites to help ensure proper management of covered batteries at collection sites; and

(f) And implementation of outreach and educational resources targeted to overburdened communities and vulnerable

populations identified by the department under chapter 70A.02 RCW that are conceptually, linguistically, and culturally accurate for the communities served and reach the state's diverse ethnic populations, including through meaningful consultation with communities that bear disproportionately higher levels of adverse environmental and social justice impacts.

(2) Each battery stewardship organization must provide:

(a) Consumer-focused educational promotional materials to each collection site used by the program and accessible by customers of retailers that sell covered batteries or battery-containing products; and

(b) Safety information related to covered battery collection activities to the operator of each collection site, including appropriate protocols to reduce risks of spills or fires and response protocols in the event of a spill or fire.

(3) (a) Each battery stewardship organization must provide educational materials to the operator of each collection site for the management of recalled batteries, which are not intended to be part of collection as provided under section 8 of this act, to help facilitate transportation and processing of recalled batteries.

(b) A battery stewardship organization may seek reimbursement from the producer of the recalled battery for expenses incurred in the collection, transportation, or processing of those batteries.

(4) Upon request by a retailer, the battery stewardship organization must provide the retailer educational materials describing collection opportunities for batteries.

(5) If multiple battery stewardship organizations are implementing plans approved by the department, the battery stewardship organizations must coordinate in carrying out their education and outreach responsibilities under this section and must include in their annual reports to the department under section 10 of this act a summary of their coordinated education and outreach efforts.

(6) During the first year of program implementation and every five years thereafter, each battery stewardship organization must carry out a survey of public awareness regarding the requirements of the program established under this chapter, including the provisions of section 15 of this act. Each battery stewardship organization must share the results of the public awareness surveys with the department.

**NEW SECTION. Sec. 10. REPORTING REQUIREMENTS.** (1) By June 1, 2028, and each June 1st thereafter, each battery stewardship organization must submit an annual report to the department covering the preceding calendar year of battery stewardship plan implementation. The report must include:

(a) An independent financial assessment of a program implemented by the battery stewardship organization, including a breakdown of the program's expenses, such as

collection, recycling, education, and overhead, when required by the department;

(b) A summary financial statement documenting the financing of a battery stewardship organization's program and an analysis of program costs and expenditures, including an analysis of the program's expenses, such as collection, transportation, recycling, education, and administrative overhead. The summary financial statement must be sufficiently detailed to provide transparency that funds collected from producers as a result of their activities in Washington are spent on program implementation in Washington. Battery stewardship organizations implementing similar battery stewardship programs in multiple states may submit a financial statement including all covered states, as long as the statement breaks out financial information pertinent to Washington;

(c) The weight, by chemistry, of covered batteries collected under the program;

(d) The weight of materials recycled from covered batteries collected under the program, in total, and by method of battery recycling;

(e) A calculation of the recycling efficiency rates, as measured consistent with subsection (2) of this section;

(f) For each facility used for the final disposition of batteries, a description of how the facility recycled or otherwise disposed of batteries and battery components;

(g) The weight and chemistry of batteries sent to each facility used for the final disposition of batteries. The information in this subsection (1)(g) may be approximated for program operations in Washington based on extrapolations of national or regional data for programs in operation in multiple states;

(h) The collection rate achieved under the program, including a description of how this collection rate was calculated;

(i) The estimated aggregate sales, by weight and chemistry, of batteries and batteries contained in or with battery-containing products sold in Washington by participating producers for each of the previous three calendar years;

(j) A description of the manner in which the collected batteries were managed and recycled, including a discussion of best available technologies and the recycling efficiency rate;

(k) A description of education and outreach efforts supporting plan implementation including, but not limited to, a summary of education and outreach provided to consumers, collection sites, manufacturers, distributors, and retailers by the program operator for the purpose of promoting the collection and recycling of covered batteries, a description of how that education and outreach met the requirements of section 9 of this act, samples of education and outreach materials, a summary of coordinated education and outreach efforts with any other battery stewardship organizations implementing a plan approved by the department, and a summary of any changes made during the previous calendar year to education and outreach activities;

(l) A list of all collection sites and accompanying latitude and longitude data and an address for each listed site, and an up-to-date map indicating the location of all collection sites used to implement the program, with links to appropriate websites where there are existing websites associated with a site;

(m) A description of methods used to collect, transport, and recycle covered batteries by the battery stewardship organization;

(n) A summary on progress made towards the program performance goals established under section 6 of this act, and an explanation of why performance goals were not met, if applicable; and

(o) An evaluation of the effectiveness of education and outreach activities.

(2) The weight of batteries or recovered resources from those batteries must only be counted once and may not be counted by more than one battery stewardship organization.

(3) In addition to the requirements of subsection (1) of this section, with respect to each facility used in the processing or disposition of batteries collected under the program, the battery stewardship organization must report:

(a) Whether the facility is located domestically, in an organization for economic cooperation and development country, or in a country that meets organization for economic cooperation and development operating standards; and

(b) What facilities processed the batteries, including a summary of any violations of environmental or labor laws and regulations over the previous three years at each facility.

(4) If a battery stewardship organization has disposed of covered batteries through energy recovery, incineration, or landfilling during the preceding calendar year of program implementation, the annual report must specify the steps that the battery stewardship organization will take to make the recycling of covered batteries cost-effective, where possible, or to otherwise increase battery recycling rates achieved by the battery stewardship organization.

(5) A producer or battery stewardship organization that submits information or records to the department under this chapter may request that the information or records be made available only for the confidential use of the department, the director of the department, or the appropriate division of the department. The director of the department must consider the request and if this action is not detrimental to the public interest and is otherwise in accordance with the policies and purposes of chapter 43.21A RCW, the director must grant the request for the information to remain confidential as authorized in RCW 43.21A.160.

**NEW SECTION. Sec. 11. FEE AND DEPARTMENT OF ECOLOGY ROLE.** (1) The department must adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter. The department must by rule establish fees, to be paid annually by a battery stewardship

organization, that are adequate to cover the department's full costs of implementing, administering, and enforcing this chapter and allocates costs between battery stewardship organizations, if applicable. If the department adopts rules that require producers of certain large format batteries or other battery categories addressed in sections 16 and 17 of this act to participate in a battery stewardship organization regulated by the department, the department may establish fees to be paid annually by a battery stewardship organization that are adequate to cover the department's full costs of implementing, administering, and enforcing the requirements of this chapter applicable to those batteries. All fees must be based on costs related to implementing, administering, and enforcing this chapter, not to exceed expenses incurred by the department for these activities.

(2) The responsibilities of the department in implementing, administering, and enforcing this chapter include, but are not limited to:

(a) Reviewing submitted stewardship plans and plan amendments and making determinations as to whether to approve the plan or plan amendment;

(i) The department must provide a letter of approval for the plan or plan amendment if it provides for the establishment of a stewardship program that meets the requirements of sections 3 through 9 of this act;

(ii) If a plan or plan amendment is rejected, the department must provide the reasons for rejecting the plan to the battery stewardship organization. The battery stewardship organization must submit a new plan within 60 days after receipt of the letter of disapproval; and

(iii) When a plan or an amendment to an approved plan is submitted under this section, the department shall make the proposed plan or amendment available for public review and comment for at least 30 days;

(b) Reviewing annual reports submitted under section 10 of this act within 90 days of submission to ensure compliance with that section;

(c)(i) Maintaining a website that lists producers and their brands that are participating in an approved plan, and that makes available to the public each plan, plan amendment, and annual report received by the department under this chapter;

(ii) Upon the date the first plan is approved, the department must post on its website a list of producers and their brands for which the department has approved a plan. The department must update the list of producers and brands participating under an approved program plan based on information provided to the department from battery stewardship organizations; and

(d) Providing technical assistance to producers and retailers related to the requirements of this chapter and issuing orders or imposing civil penalties authorized under section 12 of this act where the technical assistance efforts do not lead to compliance by a producer or retailer.



(3) Beginning January 1, 2032, and every five years thereafter, after consultation with battery stewardship organizations, the department may by rule increase the minimum recycling efficiency rates established in section 6 of this act based on the most economically and technically feasible processes and methodology available.

**NEW SECTION. Sec. 12. PENALTIES AND CIVIL ACTION PROVISIONS.** (1)(a) A battery stewardship organization implementing an approved plan may bring a civil action or actions to recover costs, damages, and fees, as specified in this section, from a producer who sells or otherwise makes available in Washington covered batteries, battery-containing products, or large format batteries not included in an approved plan in violation of the requirements of this chapter. An action under this section may be brought against one or more defendants. An action may only be brought against a defendant producer when the stewardship program incurs costs in Washington, including reasonable incremental administrative and program promotional costs, in excess of \$1,000 to collect, transport, and recycle or otherwise dispose of the covered batteries, battery-containing products, or large format batteries of a nonparticipating producer.

(b) A battery stewardship organization may bring a civil action against a producer of a recalled battery to recover costs associated with handling a recalled battery.

(c) A battery stewardship organization implementing an approved stewardship plan may bring a civil action against another battery stewardship organization that under performs on its battery collection obligations under this chapter by failing to collect and provide for the end-of-life management of batteries in an amount roughly equivalent to costs imposed on the plaintiff battery stewardship organization by virtue of the failures of the defendants, plus legal fees and expenses.

(d) The remedies provided in this subsection are in addition to the enforcement authority of the department and do not limit and are not limited by a decision by the department to impose a civil penalty or issue an order under subsection (2) of this section. The department is not required to audit, participate in, or provide assistance to a battery stewardship organization pursuing a civil action authorized under this subsection.

(2)(a) The department may administratively impose a civil penalty on a person who violates this chapter in an amount of up to \$1,000 per violation per day.

(b) The department may administratively impose a civil penalty of up to \$10,000 per violation per day on a person for repeated violations of this chapter or failure to comply with an order issued under (c) of this subsection.

(c) Whenever on the basis of any information the department determines that a person has violated or is in violation of this chapter, the department may issue an order requiring compliance. A person who

fails to take corrective action as specified in a compliance order is liable for a civil penalty as provided in (b) of this subsection, without receiving a written warning prescribed in (e) of this subsection.

(d) A person who is issued an order or incurs a penalty under this section may appeal the order or penalty to the pollution control hearings board established by chapter 43.21B RCW.

(e) Prior to imposing penalties under this section, the department must provide a producer, retailer, or battery stewardship organization with a written warning for the first violation by the producer, retailer, or battery stewardship organization of the requirements of this chapter. The written warning must inform a producer, retailer, or battery stewardship organization that it must participate in an approved plan or otherwise come into compliance with the requirements of this chapter within 30 days of the notice. A producer, retailer, or battery stewardship organization that violates a provision of this chapter after the initial written warning may be assessed a penalty as provided in this subsection.

(3) Penalties levied under subsection (2) of this section must be deposited in the model toxics control operating account created in RCW 70A.305.180.

(4) No penalty may be assessed on an individual or resident for the improper disposal of covered batteries as described in section 15 of this act in a noncommercial or residential setting.

**NEW SECTION. Sec. 13. RESPONSIBLE BATTERY MANAGEMENT ACCOUNT.** The responsible battery management account is created in the custody of the state treasurer. All receipts from fees paid under this chapter must be deposited in the account. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Moneys in the account may be used solely by the department for administering, implementing, and enforcing the requirements of this chapter. Funds in the account may not be diverted for any purpose or activity other than those specified in this section.

**NEW SECTION. Sec. 14. MARKING REQUIREMENTS FOR BATTERIES.** (1) Beginning January 1, 2028, a producer or retailer may only sell, distribute, or offer for sale in or into Washington a large format battery, covered battery, or battery-containing product that contains a battery that is designed or intended to be easily removable from the product, if the battery is:

(a) Marked with an identification of the producer of the battery, unless the battery is less than one-half inch in diameter or does not contain a surface whose length exceeds one-half inch; and

(b) Beginning January 1, 2030, marked with proper labeling to ensure proper collection and recycling, by identifying the chemistry of the battery and including an

indication that the battery should not be disposed of as household waste.

(2) A producer shall certify to its customers, or to the retailer if the retailer is not the customer, that the requirements of this section have been met, as provided in section 4 of this act.

(3) The department may amend, by rule, the requirements of subsection (1) of this section to maintain consistency with the labeling requirements or voluntary standards for batteries established in federal law.

**NEW SECTION. Sec. 15. GENERAL BATTERY DISPOSAL AND COLLECTION REQUIREMENTS.** Effective July 1, 2027, for portable batteries and July 1, 2029, for medium format batteries, or the first date on which an approved plan begins to be implemented under this chapter by a battery stewardship organization, whichever comes first:

(1) All persons must dispose of unwanted covered batteries through one of the following disposal options:

(a) Disposal using the collection sites established by or included in the programs created by this chapter;

(b) For covered batteries generated by persons that are regulated generators of covered batteries under federal or state hazardous or solid waste laws, disposal in a manner consistent with the requirements of those laws; or

(c) Disposal using local government collection facilities that collect batteries consistent with section 8(4)(d) of this act.

(2)(a) A fee may not be charged at the time unwanted covered batteries are delivered or collected for management.

(b) All covered batteries may only be collected, transported, and processed in a manner that meets the standards established for a battery stewardship organization in a plan approved by the department, unless the batteries are being managed as described in subsection (1)(b) of this section.

(3) A person may not place covered batteries in waste containers for disposal at incinerators, waste to energy facilities, or landfills.

(4) A person may not place covered batteries in or on a container for mixed recyclables unless there is a separate location or compartment for the covered battery that complies with local government collection standards or guidelines.

(5) An owner or operator of a solid waste facility may not be found in violation of this section if the facility has posted in a conspicuous location a sign stating that covered batteries must be managed through collection sites established by a battery stewardship organization and are not accepted for disposal.

(6) A solid waste collector may not be found in violation of this section for a covered battery placed in a disposal container by the generator of the covered battery.

**NEW SECTION. Sec. 16. DEPARTMENT ASSESSMENT OF LARGE FORMAT BATTERIES, MEDICAL DEVICES, LEAD ACID BATTERIES, AND BATTERY-CONTAINING PRODUCTS AND THEIR BATTERIES.** (1) By July 1, 2027, the

department must complete an assessment of the opportunities and challenges associated with the end-of-life management of batteries that are not covered batteries, including:

(a) Large format batteries;

(b) Lead acid batteries that are greater than 11 pounds or are subject to the provisions of RCW 70A.205.505 through 70A.205.530;

(c) Batteries contained in medical devices, as specified in Title 21 U.S.C. Sec. 360c as it existed as of the effective date of this section; and

(d) Batteries not intended or designed to be easily removed by a customer that are contained in battery-containing products, including medical devices, and in electronic products that are not covered electronic products managed under an approved plan implemented under chapter 70A.500 RCW.

(2) The department must consult with the department of commerce and interested stakeholders in completing the assessment, including consultation with overburdened communities and vulnerable populations identified by the department under chapter 70A.02 RCW. The assessment must identify any needed adjustments to the stewardship program requirements established in this chapter that are necessary to maximize public health, safety, and environmental benefits, such as battery reuse.

(3) The assessment must consider:

(a) The different categories and uses of batteries and battery-containing products listed in subsection (1) of this section;

(b) The current economic value and reuse or recycling potential of large format batteries or large format battery components and a summary of studies examining the environmental and equity implications of displacing demand for new rare earth materials, critical materials, and other conflict materials through the reuse and recycling of batteries;

(c) The current methods by which unwanted batteries and battery-containing products listed in subsection (1) of this section are managed in Washington and nearby states and provinces;

(d) Challenges posed by the potential collection, management, and transport of batteries and battery-containing products listed in subsection (1) of this section, including challenges associated with removing batteries that were not intended or designed to be easily removable from products, other than by the manufacturer; and

(e) Which criteria of this chapter should apply to batteries and battery-containing products listed in subsection (1) of this section in a manner that is identical or analogous to the requirements applicable to covered batteries.

(4) By October 1, 2027, the department must submit a report to the appropriate committees of the legislature containing the findings of the assessment required in this section.

**NEW SECTION. Sec. 17. DEPARTMENT OF ECOLOGY RULE MAKING TO REQUIRE THE ESTABLISHMENT OF STEWARDSHIP PROGRAM PARTICIPATION REQUIREMENTS FOR LARGE FORMAT**

BATTERIES, MEDICAL DEVICES, LEAD ACID BATTERIES, AND BATTERY-CONTAINING PRODUCTS AND THEIR BATTERIES. (1) By January 1, 2030, the department may, but is not required to, adopt rules that require producers of batteries and battery-containing products assessed in section 16 of this act to participate in a stewardship program that achieves environmentally positive outcomes similar to those achieved by a battery stewardship program for medium format and portable batteries. As part of this rule, the department may apply some or all of the provisions of section 15 of this act to these batteries and battery-containing products. Nothing in this subsection restricts the department from adopting or updating rules after January 1, 2030, provided that the department has adopted rules under this section prior to January 1, 2030.

(2) Any rules adopted by the department under this section must require producers of batteries and battery-containing products assessed in section 16 of this act to participate in a stewardship program by no earlier than July 1, 2031.

(3) In adopting rules, the department must consider the results of the assessment required under section 16 of this act and involve the expertise of the department's recycling development center created in chapter 70A.240 RCW.

(4) The department must delay or exclude categories of batteries or battery-containing products, including categories of large format batteries and batteries that are excluded from the definition of a covered battery in section 2 of this act, based on the results of the assessment required under section 16 of this act, from stewardship program requirements, if the department determines that stewardship program requirements are infeasible for a category of batteries or battery-containing products because:

(a) An existing industry or other battery management system exists for the battery or battery-containing product category covered by the assessment in section 16 of this act that currently attains a rate of collection that exceeds 95 percent of the number of that category of batteries sold in Washington each year, and the existing battery management system processes the batteries using environmentally sound management practices; or

(b) A delay or exclusion from program participation requirements is necessary to protect human health or the environment.

(5) The department must exclude from any rules adopted by the department under this section any large format batteries contained in or originating from electric vehicles if, by July 1, 2030, electric vehicle batteries are managed under state law in a manner that achieves similar outcomes to the program created in this chapter.

(6) In addition to the exemptions established in subsections (4) and (5) of this section, the department may exclude producers from some or all of the stewardship program requirements under the rules adopted by the department, based on other factors determined by the department.

NEW SECTION. **Sec. 18.** DEPARTMENT OF ECOLOGY RECOMMENDATIONS FOR MANAGEMENT OF ELECTRIC VEHICLE BATTERIES. (1) By November 30, 2023, the department of ecology must submit a report to the appropriate committees of the legislature on preliminary policy recommendations for the collection and management of electric vehicle batteries. By April 30, 2024, the department of ecology must report to the appropriate committees of the legislature on final policy recommendations for the collection and management of electric vehicle batteries.

(2) In developing the recommendations under subsection (1) of this section, the department of ecology must:

(a) Solicit input from representatives of automotive wrecking and salvage yards, solid waste collection and processing companies, local governments, environmental organizations, electric vehicle manufacturers, and any other interested parties; and

(b) Examine best practices in other states and jurisdictions.

NEW SECTION. **Sec. 19.** ANTITRUST. Producers or battery stewardship organizations acting on behalf of producers that prepare, submit, and implement a battery stewardship program plan pursuant to this chapter and who are thereby subject to regulation by the department are granted immunity from state laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade and commerce, for the limited purpose of planning, reporting, and operating a battery stewardship program, including:

(1) The creation, implementation, or management of a battery stewardship organization and any battery stewardship plan regardless of whether it is submitted, denied, or approved;

(2) The determination of the cost and structure of a battery stewardship plan; and

(3) The types or quantities of batteries being recycled or otherwise managed pursuant to this chapter.

NEW SECTION. **Sec. 20.** AUTHORITY OF THE UTILITIES AND TRANSPORTATION COMMISSION. Nothing in this chapter changes or limits the authority of the Washington utilities and transportation commission to regulate collection of solid waste, including curbside collection of residential recyclable materials, nor does this chapter change or limit the authority of a city or town to provide the service itself or by contract under RCW 81.77.020.

**Sec. 21.** RCW 43.21B.110 and 2022 c 180 s 812 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and

wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 12 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, section 12 of this act, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**Sec. 22.** RCW 43.21B.300 and 2022 c 180 s 813 are each amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 12 of this act, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within 30 days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the

hearings board and served on the department or authority 30 days after the date of receipt by the person penalized of the notice imposing the penalty or 30 days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) (~~Thirty~~)30 days after receipt of the notice imposing the penalty;

(b) (~~Thirty~~)30 days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) (~~Thirty~~)30 days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within 30 days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within 30 days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70A.15.3160, the disposition of which shall be governed by that provision, RCW 70A.245.040 and 70A.245.050, which shall be credited to the recycling enhancement account created in RCW 70A.245.100, RCW 70A.300.090 and section 12 of this act, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, RCW 70A.65.200, which shall be credited to the climate investment account created in RCW 70A.65.250, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 70A.355.070, which shall be credited to the underground storage tank account created by RCW 70A.355.090.

**NEW SECTION. Sec. 23.** A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to the receipts of a battery stewardship organization formed under chapter 70A.---RCW (the new chapter created in section 24 of this act) from charges to participating producers under a battery stewardship program as provided in section 7 of this act.

(2) This section is not subject to the requirements of RCW 82.32.805 and 82.32.808 and is not subject to an expiration date.

(3) The definitions in section 2 of this act apply throughout this section unless the context clearly requires otherwise.

**NEW SECTION. Sec. 24.** CODIFICATION. Sections 1 through 17, 19, and 20 of this act constitute a new chapter in Title 70A RCW.

**NEW SECTION. Sec. 25.** SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Couture; and Goehner.

MINORITY recommendation: Without recommendation. Signed by Representative Barnard.

Referred to Committee on Appropriations

March 21, 2023

E2SSB 5236 Prime Sponsor, Ways & Means: Concerning hospital staffing standards. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Appropriations

March 21, 2023

SB 5287 Prime Sponsor, Senator Wilson, J.: Concerning a study on the recycling of wind turbine blades. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) Subject to amounts appropriated for this specific purpose in the omnibus operating appropriations act, the Washington State University extension energy program must conduct a study on the feasibility of recycling wind turbine blades installed at facilities in Washington that generate electricity for distribution to customers in Washington, including information and recommendations on:

(a) The cost, feasibility, and environmental impact of various disposal methods for wind turbine blades including, but not limited to, options for reuse, repurposing, and recycling;

(b) The availability of wind turbine blade recycling and processing facilities in Washington and other states;

(c) Potential incentives for the creation of wind turbine blade recycling facilities within Washington;

(d) Various mechanisms for establishing recycling requirements, or recycled content standards, for wind turbine blades;

(e) Considerations and options for the design of a state-managed product stewardship program for wind turbine blades; and

(f) The feasibility of including all wind turbine blades installed in facilities in Washington in a recycling program, including blades that are currently installed.

(2) By December 1, 2023, the Washington State University extension energy program must submit a report of its findings under this section to the appropriate committees of the legislature.

(3) This section expires December 1, 2024."

Correct the title.

Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

Referred to Committee on Rules for second reading

March 21, 2023

SB 5319 Prime Sponsor, Senator Stanford: Concerning pet insurance. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin and Volz.

Referred to Committee on Rules for second reading

March 22, 2023

SB 5330 Prime Sponsor, Senator Torres: Concerning the Washington pesticide application act. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Rules for second reading

March 21, 2023

ESB 5336 Prime Sponsor, Senator Cleveland: Concerning population criteria for the main street trust fund tax credit. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Finance

March 21, 2023

SB 5340 Prime Sponsor, Senator King: Regarding limits on the sale and possession of retail cannabis products. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Morgan; Reeves; Walsh and Waters.

Referred to Committee on Rules for second reading

March 21, 2023

SSB 5353 Prime Sponsor, Agriculture, Water, Natural Resources & Parks: Concerning the voluntary stewardship program. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Appropriations

March 20, 2023

E2SSB 5367 Prime Sponsor, Ways & Means: Concerning the regulation of products containing THC. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 15.140.020 and 2022 c 16 s 19 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agriculture improvement act of 2018" means sections 7605, 10113, 10114, and 12619 of the agriculture improvement act of 2018, P.L. 115-334.

(2) "Cannabis" has the meaning provided in RCW 69.50.101.

(3) "Crop" means hemp grown as an agricultural commodity.

(4) "Cultivar" means a variation of the plant *Cannabis sativa L.* that has been developed through cultivation by selective breeding.

(5) "Department" means the Washington state department of agriculture.

(6) "Food" has the same meaning as defined in RCW 69.07.010.

(7) "Hemp" means the plant *Cannabis sativa L.* and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

(8) "Hemp consumable" means a product that is sold or provided to another person, that is:

(a) Made of hemp;

(b) Not a cannabis product, as defined in RCW 69.50.101; and

(c) Intended to be consumed or absorbed inside the body by any means, including inhalation, ingestion, or insertion.

(9) "Hemp processor" means a person who takes possession of raw hemp material with the intent to modify, package, or sell a transitional or finished hemp product.

~~((+9))~~ (10) (a) "Industrial hemp" means all parts and varieties of the genera *Cannabis*, cultivated or possessed by a grower, whether growing or not, that contain a tetrahydrocannabinol concentration of 0.3 percent or less by dry weight that was grown under the industrial hemp research program as it existed on December 31, 2019.

(b) "Industrial hemp" does not include plants of the genera *Cannabis* that meet the definition of "cannabis."

~~((+10))~~ (11) "Postharvest test" means a test of ~~((delta-9))~~ tetrahydrocannabinol concentration levels of hemp after being harvested based on:

(a) Ground whole plant samples without heat applied; or

(b) Other approved testing methods.

~~((+11))~~ (12) "Process" means the processing, compounding, or conversion of hemp into hemp commodities or products.

~~((+12))~~ (13) "Produce" or "production" means the planting, cultivation, growing, or harvesting of hemp including hemp seed.

**Sec. 2.** RCW 69.50.101 and 2022 c 16 s 51 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(a) "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(1) a practitioner authorized to prescribe (or, by the practitioner's authorized agent); or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseperson, or employee of the carrier or warehouseperson.

(c) "Board" means the Washington state liquor and cannabis board.

(d) "Cannabis" means all parts of the plant *Cannabis*, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis ~~(; the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include:~~

~~(1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other~~

~~compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination; or~~

~~(2) Hemp or industrial hemp as defined in RCW 15.140.020,)) during the growing cycle through harvest and useable cannabis. "Cannabis" does not include hemp or industrial hemp as defined in RCW 15.140.020, or seeds used for licensed hemp production under chapter 15.140 RCW.~~

(e) "Cannabis concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant *Cannabis* and having a THC concentration greater than ten percent.

(f) "Cannabis processor" means a person licensed by the board to process cannabis into cannabis concentrates, useable cannabis, and cannabis-infused products, package and label cannabis concentrates, useable cannabis, and cannabis-infused products for sale in retail outlets, and sell cannabis concentrates, useable cannabis, and cannabis-infused products at wholesale to cannabis retailers.

(g) "Cannabis producer" means a person licensed by the board to produce and sell cannabis at wholesale to cannabis processors and other cannabis producers.

(h) (1) "Cannabis products" means useable cannabis, cannabis concentrates, and cannabis-infused products as defined in this section, including any product intended to be consumed or absorbed inside the body by any means including inhalation, ingestion, or insertion, with any detectable amount of THC.

(2) "Cannabis products" also means any product containing only THC content.

(3) "Cannabis products" does not include cannabis health and beauty aids as defined in RCW 69.50.575 or products approved by the United States food and drug administration.

(i) "Cannabis researcher" means a person licensed by the board to produce, process, and possess cannabis for the purposes of conducting research on cannabis and cannabis-derived drug products.

(j) "Cannabis retailer" means a person licensed by the board to sell cannabis concentrates, useable cannabis, and cannabis-infused products in a retail outlet.

(k) "Cannabis-infused products" means products that contain cannabis or cannabis extracts, are intended for human use, are derived from cannabis as defined in subsection (d) of this section, and have a THC concentration no greater than ten percent. The term "cannabis-infused products" does not include either useable cannabis or cannabis concentrates.

(l) "CBD concentration" has the meaning provided in RCW 69.51A.010.

(m) "CBD product" means any product containing or consisting of cannabidiol.

(n) "Commission" means the pharmacy quality assurance commission.

(o) "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, or federal or commission rules, but does not include hemp

or industrial hemp as defined in RCW 15.140.020.

(p)(1) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(i) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

(2) The term does not include:

(i) a controlled substance;

(ii) a substance for which there is an approved new drug application;

(iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or chapter 69.77 RCW to the extent conduct with respect to the substance is pursuant to the exemption; or

(iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

(q) "Deliver" or "delivery" means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

(r) "Department" means the department of health.

(s) "Designated provider" has the meaning provided in RCW 69.51A.010.

(t) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(u) "Dispenser" means a practitioner who dispenses.

(v) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(w) "Distributor" means a person who distributes.

(x) "Drug" means (1) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them; (2) controlled substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (3) controlled substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and (4) controlled substances intended for use as a component of any article specified in (1), (2), or (3) of

this subsection. The term does not include devices or their components, parts, or accessories.

(y) "Drug enforcement administration" means the drug enforcement administration in the United States Department of Justice, or its successor agency.

(z) "Electronic communication of prescription information" means the transmission of a prescription or refill authorization for a drug of a practitioner using computer systems. The term does not include a prescription or refill authorization verbally transmitted by telephone nor a facsimile manually signed by the practitioner.

(aa) "Immature plant or clone" means a plant or clone that has no flowers, is less than twelve inches in height, and is less than twelve inches in diameter.

(bb) "Immediate precursor" means a substance:

(1) that the commission has found to be and by rule designates as being the principal compound commonly used, or produced primarily for use, in the manufacture of a controlled substance;

(2) that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(3) the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

(cc) "Isomer" means an optical isomer, but in subsection (gg)(5) of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4), the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c) the term includes any positional isomer; and in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any positional or geometric isomer.

(dd) "Lot" means a definite quantity of cannabis, cannabis concentrates, useable cannabis, or cannabis-infused product identified by a lot number, every portion or package of which is uniform within recognized tolerances for the factors that appear in the labeling.

(ee) "Lot number" must identify the licensee by business or trade name and Washington state unified business identifier number, and the date of harvest or processing for each lot of cannabis, cannabis concentrates, useable cannabis, or cannabis-infused product.

(ff) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation, compounding, packaging, repackaging, labeling, or relabeling of a controlled substance:

(1) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the



course of the practitioner's professional practice; or

(2) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(gg) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, opium derivative, and any derivative of opium or opium derivative, including their salts, isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium.

(2) Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation.

(3) Poppy straw and concentrate of poppy straw.

(4) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives or ecgonine or their salts have been removed.

(5) Cocaine, or any salt, isomer, or salt of isomer thereof.

(6) Cocaine base.

(7) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof.

(8) Any compound, mixture, or preparation containing any quantity of any substance referred to in (1) through (7) of this subsection.

(hh) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes opium, substances derived from opium (opium derivatives), and synthetic opiates. The term does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes the racemic and levorotatory forms of dextromethorphan.

(ii) "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

(jj) "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(kk) "Plant" has the meaning provided in RCW 69.51A.010.

(ll) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(mm) "Practitioner" means:

(1) A physician under chapter 18.71 RCW; a physician assistant under chapter 18.71A

RCW; an osteopathic physician and surgeon under chapter 18.57 RCW; an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010 subject to any limitations in RCW 18.53.010; a dentist under chapter 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a veterinarian under chapter 18.92 RCW; a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject to any limitations in RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery, a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed physician assistant or a licensed osteopathic physician assistant specifically approved to prescribe controlled substances by his or her state's medical commission or equivalent and his or her supervising physician, an advanced registered nurse practitioner licensed to prescribe controlled substances, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

(nn) "Prescription" means an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.

(oo) "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

(pp) "Qualifying patient" has the meaning provided in RCW 69.51A.010.

(qq) "Recognition card" has the meaning provided in RCW 69.51A.010.

(rr) "Retail outlet" means a location licensed by the board for the retail sale of cannabis concentrates, useable cannabis, and cannabis-infused products.

(ss) "Secretary" means the secretary of health or the secretary's designee.

(tt) "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

(uu) "THC concentration" means percent of ((~~delta-9~~)) tetrahydrocannabinol content ((~~per dry weight~~)) of any part of the plant

*Cannabis*, or per volume or weight of cannabis product, or the combined percent of ((~~delta-9~~)) tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant *Cannabis* regardless of moisture content.

(vv) "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

(ww) "Useable cannabis" means dried cannabis flowers. The term "useable cannabis" does not include either cannabis-infused products or cannabis concentrates.

(xx) "Youth access" means the level of interest persons under the age of twenty-one may have in a vapor product, as well as the degree to which the product is available or appealing to such persons, and the likelihood of initiation, use, or addiction by adolescents and young adults.

(yy) "Package" means a container that has a single unit or group of units.

(zz) "Unit" means an individual consumable item within a package of one or more consumable items in solid, liquid, gas, or any form intended for human consumption.

**Sec. 3.** RCW 69.50.326 and 2022 c 16 s 55 are each amended to read as follows:

(1) Licensed cannabis producers and licensed cannabis processors may use a CBD product as an additive for the purpose of enhancing the cannabidiol concentration of any product authorized for production, processing, and sale under this chapter. Except as otherwise provided in subsection (2) of this section, such CBD product additives must be lawfully produced by, or purchased from, a producer or processor licensed under this chapter.

(2) Subject to the requirements set forth in (a) ~~((and (b)))~~ through (c) of this subsection, and for the purpose of enhancing the cannabidiol concentration of any product authorized for production, processing, or sale under this chapter, licensed cannabis producers and licensed cannabis processors may use a CBD product obtained from a source not licensed under this chapter, provided the CBD product:

(a) ~~((Has a THC level of 0.3 percent or less on a dry weight basis; and~~

~~(b)))~~ Is not cannabis, or a cannabis product, as defined in this chapter;

(b) Is not a synthetic cannabinoid; and

(c) Has been tested for contaminants and toxins by a testing laboratory accredited under this chapter and in accordance with testing standards established under this chapter and the applicable administrative rules.

(3) Subject to the requirements of this subsection (3), the board may enact rules necessary to implement the requirements of this section. Such rule making is limited to regulations pertaining to laboratory testing and product safety standards for those cannabidiol products used by licensed producers and processors in the manufacture of cannabis products marketed by licensed retailers under this chapter. The purpose of

such rule making must be to ensure the safety and purity of cannabidiol products used by cannabis producers and processors licensed under this chapter and incorporated into products sold by licensed recreational cannabis retailers. This rule-making authority does not include the authority to enact rules regarding either the production or processing practices of the industrial hemp industry or any cannabidiol products that are sold or marketed outside of the regulatory framework established under this chapter.

**Sec. 4.** RCW 69.50.346 and 2022 c 16 s 66 are each amended to read as follows:

(1) The label on a cannabis product ~~((container))~~ package, including cannabis concentrates, useable cannabis, or cannabis-infused products, sold at retail must include:

(a) The business or trade name and Washington state unified business identifier number of the cannabis producer and processor;

(b) The lot numbers of the product;

(c) The THC concentration and CBD concentration of the product;

(d) Medically and scientifically accurate and reliable information about the health and safety risks posed by cannabis use;

(e) Language required by RCW 69.04.480; and

(f) A disclaimer, subject to the following conditions:

(i) Where there is one statement made under subsection (2) of this section, or as described in subsection (5)(b) of this section, the disclaimer must state "This statement has not been evaluated by the State of Washington. This product is not intended to diagnose, treat, cure, or prevent any disease."; and

(ii) Where there is more than one statement made under subsection (2) of this section, or as described in subsection (5)(b) of this section, the disclaimer must state "These statements have not been evaluated by the State of Washington. This product is not intended to diagnose, treat, cure, or prevent any disease."

(2)(a) For cannabis products that have been identified by the department in rules adopted under RCW 69.50.375(4) in chapter 246-70 WAC as being a compliant cannabis product, the product label and labeling may include a structure or function claim describing the intended role of a product to maintain the structure or any function of the body, or characterize the documented mechanism by which the product acts to maintain such structure or function, provided that the claim is truthful and not misleading.

(b) A statement made under (a) of this subsection may not claim to diagnose, mitigate, treat, cure, or prevent any disease.

(3) The labels and labeling may not be:

(a) False or misleading; or

(b) Especially appealing to children.

(4) The label is not required to include the business or trade name or Washington state unified business identifier number of,

or any information about, the cannabis retailer selling the cannabis product.

(5) A cannabis product is not in violation of any Washington state law or rule of the board solely because its label or labeling contains:

(a) Directions or recommended conditions of use; or

(b) A warning describing the psychoactive effects of the cannabis product, provided that the warning is truthful and not misleading.

(6) This section does not create any civil liability on the part of the state, the board, any other state agency, officer, employee, or agent based on a cannabis licensee's description of a structure or function claim or the product's intended role under subsection (2) of this section.

(7) Nothing in this section shall apply to a drug, as defined in RCW 69.50.101, or a pharmaceutical product approved by the United States food and drug administration.

**NEW SECTION. Sec. 5.** A new section is added to chapter 69.50 RCW to read as follows:

(1) Except as otherwise provided in this chapter, no person may manufacture, sell, or distribute cannabis, cannabis concentrates, useable cannabis, or cannabis-infused products, or any cannabis products without a valid license issued by the board or commission.

(2) Any person performing any act requiring a license under this title, without having in force an appropriate and valid license issued to the person, is in violation of this chapter.

(3) The producing, processing, manufacturing, or sale of any synthetically derived, or completely synthetic, cannabinoid is prohibited, except for products approved by the United States food and drug administration.

**NEW SECTION. Sec. 6.** Nothing in this act shall be construed to require any agency to purchase a liquid chromatography-mass spectrometry instrument.

**NEW SECTION. Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Orwall; Reeves and Waters.

MINORITY recommendation: Without recommendation. Signed by Representatives Morgan; and Walsh.

Referred to Committee on Appropriations

March 22, 2023

**SSB 5374** Prime Sponsor, Local Government, Land Use & Tribal Affairs: Concerning the adoption of county critical area ordinances

by cities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goechner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Rules for second reading

March 22, 2023

**SB 5390** Prime Sponsor, Senator Shewmake: Establishing a programmatic safe harbor agreement on forestlands. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Appropriations

March 22, 2023

**SSB 5433** Prime Sponsor, Agriculture, Water, Natural Resources & Parks: Concerning the removal of derelict aquatic structures and restoration of aquatic lands. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Capital Budget

March 21, 2023

**ESSB 5447** Prime Sponsor, Environment, Energy & Technology: Promoting the alternative jet fuel industry in Washington. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature intends to use funds from the climate commitment act to promote the production and use of sustainable aviation fuels, thereby growing the clean energy sector, addressing greenhouse gas emissions, and creating family wage manufacturing jobs in Washington. Sustainable aviation fuels represent the most significant near and midterm opportunity for aviation to reduce its greenhouse gas emissions. The use of sustainable aviation fuels will also improve air quality for airport workers and communities surrounding airports. While many efforts are underway to advance the use of sustainable aviation fuels, this act is intended to assist and accelerate those efforts.

PART I

**TREATMENT OF ALTERNATIVE JET FUELS**

**Sec. 2.** RCW 70A.535.010 and 2022 c 182 s 409 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Carbon dioxide equivalents" has the same meaning as defined in RCW 70A.45.010.

(2) "Carbon intensity" means the quantity of life-cycle greenhouse gas emissions, per unit of fuel energy, expressed in grams of carbon dioxide equivalent per megajoule (gCO<sub>2</sub>e/MJ).

(3) "Clean fuels program" means the requirements established under this chapter.

(4) "Cost" means an expense connected to the manufacture, distribution, or other aspects of the provision of a transportation fuel product.

(5) "Credit" means a unit of measure generated when a transportation fuel with a carbon intensity that is less than the applicable standard adopted by the department under RCW 70A.535.025 is produced, imported, or dispensed for use in Washington, such that one credit is equal to one metric ton of carbon dioxide equivalents. A credit may also be generated through other activities consistent with this chapter.

(6) "Deficit" means a unit of measure generated when a transportation fuel with a carbon intensity that is greater than the applicable standard adopted by the department under RCW 70A.535.025 is produced, imported, or dispensed for use in Washington, such that one deficit is equal to one metric ton of carbon dioxide equivalents.

(7) "Department" means the department of ecology.

(8) "Electric utility" means a consumer-owned utility or investor-owned utility, as those terms are defined in RCW 19.29A.010.

(9) "Greenhouse gas" has the same meaning as defined in RCW 70A.45.010.

(10) "Military tactical vehicle" means a motor vehicle owned by the United States department of defense or the United States military services and that is used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(11) "Motor vehicle" has the same meaning as defined in RCW 46.04.320.

(12) "Price" means the amount of payment or compensation provided as consideration for a specified quantity of transportation fuel by a consumer or end user of the transportation fuel.

(13) "Regulated party" means a producer or importer of any amount of a transportation fuel that is ineligible to generate credits under this chapter.

(14) (a) "Tactical support equipment" means equipment using a portable engine, including turbines, that meets military specifications, owned by the United States military services or its allies, and that is used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(b) "Tactical support equipment" includes, but is not limited to, engines

associated with portable generators, aircraft start carts, heaters, and lighting carts.

(15) "Transportation fuel" means electricity and any liquid or gaseous fuel sold, supplied, offered for sale, or used for the propulsion of a motor vehicle or that is intended for use for transportation purposes.

(16) "Alternative jet fuel" means a fuel that can be blended and used with conventional petroleum jet fuels without the need to modify aircraft engines and existing fuel distribution infrastructure, and that have a lower carbon intensity than the applicable annual carbon intensity standard in Table 2 of WAC 173-424-900, as it existed on the effective date of this section. Alternative jet fuel includes jet fuels derived from coprocessed feedstocks at a conventional petroleum refinery.

**NEW SECTION. Sec. 3.** A new section is added to chapter 70A.535 RCW to read as follows:

(1) By no later than December 31, 2023, the department must allow one or more carbon intensity pathways for alternative jet fuel.

(2) The department must allow biomethane to be claimed as the feedstock for renewable diesel and alternative jet fuel consistent with that allowable for compressed natural gas, liquified natural gas, liquified compressed natural gas, or hydrogen production. The department must include in the report required by RCW 70A.535.090(1) information that includes the amount, generation date, and geographic origin of renewable thermal certificates representing the biomethane environmental attributes claimed by each reporting entity for the fuels described in this subsection.

(3) The department must notify the department of revenue within 30 days when one or more facilities capable of producing a cumulative production capacity of at least 20,000,000 gallons of alternative jet fuel each year are operating in this state.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28B.30 RCW to read as follows:

(1) Washington State University must convene an alternative jet fuels work group to further the development of alternative jet fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in alternative jet fuel research, development, production, and utilization. The work group must provide a report including any pertinent recommendations to the governor and appropriate committees of the legislature by December 1, 2024, and December 1st of every even-numbered year until December 1, 2028.

(2) This section expires January 1, 2029.

**Sec. 5.** RCW 43.330.565 and 2022 c 292 s 102 are each amended to read as follows:

(1) The statewide office of renewable fuels is established within the department. The office shall report to the director of the department. The office may employ staff

as necessary to carry out the office's duties as prescribed by chapter 292, Laws of 2022, subject to the availability of amounts appropriated for this specific purpose.

(2) The purpose of the office is to leverage, support, and integrate with other state agencies to:

(a) Accelerate comprehensive market development with assistance along the entire life cycle of renewable fuel projects;

(b) Support research into and development and deployment of renewable fuel and the production, distribution, and use of renewable and green electrolytic hydrogen and their derivatives, as well as product engineering and manufacturing relating to the production and use of such hydrogen and its derivatives;

(c) Drive job creation, improve economic vitality, and support the transition to clean energy;

(d) Further the development and use of alternative jet fuels as a productive industry in Washington.

(e) Enhance resiliency by using renewable fuels, alternative jet fuels, and green electrolytic hydrogen to support climate change mitigation and adaptations; and

~~((e))~~ (f) Partner with overburdened communities to ensure communities equitably benefit from renewable and clean fuels efforts.

**Sec. 6.** RCW 43.330.570 and 2022 c 292 s 103 are each amended to read as follows:

(1) The office shall:

(a) Coordinate with federally recognized tribes, local government, state agencies, federal agencies, private entities, the state's public four-year institutions of higher education, labor unions, and others to facilitate and promote multi-institution collaborations to drive research, development, and deployment efforts in the production, distribution, and use of alternative jet fuels and renewable fuels including, but not limited to, green electrolytic hydrogen;

(b) Review existing renewable fuels, alternative jet fuels, and green electrolytic hydrogen initiatives, policies, and public and private investments, and tax and regulatory incentives, including assessment of adequacy of feedstock supply and in-state feedstock, renewable fuels, and alternative jet fuels production;

(c) Consider funding opportunities that provide for the coordination of public and private funds for the purposes of developing and deploying renewable fuels, alternative jet fuels, and green electrolytic hydrogen;

(d) Assess opportunities for and barriers to deployment of renewable fuels, alternative jet fuels, and green electrolytic hydrogen in hard to decarbonize sectors of the state economy;

(e) Request recommendations from the Washington state association of fire marshals regarding fire and other safety standards adopted by the United States department of energy and recognized national and international fire and safety code development authorities regarding renewable fuels, alternative jet fuels, and green electrolytic hydrogen;

(f) By December 1, 2023, develop a plan and recommendations for consideration by the legislature and governor on renewable fuels and green electrolytic hydrogen policy and public funding including, but not limited to, project permitting, state procurement, and pilot projects; and

(g) Encourage new and support existing public-private partnerships to increase coordinated planning and deployment of renewable fuels, alternative jet fuels, and green electrolytic hydrogen.

(2) The office may take all appropriate steps to seek and apply for federal funds for which the office is eligible, and other grants, and accept donations, and must deposit these funds in the renewable fuels accelerator account created in RCW 43.330.575.

(3) In carrying out its duties, the office must collaborate with the department, the department of ecology, the department of transportation, the utilities and transportation commission, electric utilities in Washington state, the Washington State University extension energy program, the alternative jet fuel work group established in section 4 of this act, and all other relevant state agencies. The office must also consult with and seek to involve federally recognized tribes, project developers, labor and industry trade groups, and other interested parties, in the development of policy analysis and recommended programs or projects.

(4) The office may cooperate with other state agencies in compiling data regarding the use of renewable fuels and green electrolytic hydrogen in state operations, including motor vehicle fleets, the state ferry system, and nonroad equipment.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28B.30 RCW to read as follows:

(1) To assess the potential cobenefits of alternative jet fuel for Washington's communities, by December 1, 2024, and December 1st of each year until such time as the joint legislative audit and review committee has completed its final report on the tax preferences contained in sections 9 through 12 of this act, the University of Washington's department of environmental and occupational health sciences, in collaboration with Washington State University, shall calculate emissions of ultrafine and fine particulate matter and sulfur oxides from the use of alternative jet fuel as compared to conventional fossil jet fuel, including the potential regional air quality benefits of any reductions. This emissions calculation shall be conducted for alternative jet fuel used from an international airport owned by a port district in a county with a population greater than 1,500,000. The University of Washington may access and use any data necessary to complete the reporting requirements of this section.

(2) To facilitate the calculation required in subsection (1) of this section, an international airport owned by a port district in a county with a population greater than 1,500,000 must report to the

University of Washington the total annual volume of conventional and alternative jet fuel used for flights departing the airport by July 1, 2024, and July 1st of each year until such time as the joint legislative audit and review committee has completed its final report on the tax preferences contained in sections 9 through 12 of this act.

**PART II  
ALTERNATIVE JET FUEL TAX INCENTIVES**

NEW SECTION. **Sec. 8.** (1) This section is the tax preference performance statement for the tax preferences contained in sections 9 through 12, chapter . . . , Laws of 2023 (sections 9 through 12 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes these tax preferences as ones intended to improve industry competitiveness as indicated in RCW 82.32.808(2)(b).

(3) It is the legislature's specific public policy objective to encourage the production and use of alternative jet fuels. It is also the legislature's intent to support the development of the alternative jet fuels industry in Washington by providing targeted tax relief for such businesses.

(4) The legislature intends to extend the expiration date of the tax preferences contained in this act if a review finds:

(a) An increase in the production and use of alternative jet fuels in Washington by persons claiming the tax preferences in this act;

(b) That the production and use of alternative jet fuels in this state does not result in additional pollution including, but not limited to, pollution from per-and polyfluoroalkyl substances, noxious gases, ultrafine particles, lead, or other metals; and

(c) That the alternative jet fuel industry has created measurable economic growth in Washington.

(5) The review conducted by the joint legislative audit and review committee must include a racial equity analysis on air travel-related pollution in communities near an international airport owned by a port district in a county with a population greater than 1,500,000.

(6) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may access and use data from an international airport owned by a port district in a county with a population greater than 1,500,000, the University of Washington, reports compiled by the Washington State University pursuant to section 7 of this act, and any other data collected by the state as it deems necessary.

(7) The joint legislative audit and review committee must complete a preliminary report by December 1, 2032.

NEW SECTION. **Sec. 9.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Upon every person engaging within the state in the business of manufacturing alternative jet fuel; as to such persons, the amount of the tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.275 percent.

(2) Upon every person engaging in making sales, at retail or wholesale, of manufactured alternative jet fuel; as to such persons, the amount of the tax with respect to such business is equal to the gross proceeds of sales of the alternative jet fuel, multiplied by the rate of 0.275 percent.

(3) For the purposes of this section, "alternative jet fuel" has the same meaning as in RCW 70A.535.010.

(4) A person reporting under the tax rate provided in this section must file a complete annual tax performance report with the department under RCW 82.32.534.

(5)(a) The tax rate under subsections (1) and (2) of this section takes effect on the first day of the first calendar quarter following the month in which the department receives notice from the department of ecology that there are one or more facilities operating in this state with a cumulative production capacity of at least 20,000,000 gallons of alternative jet fuel each year, as required in section 3 of this act.

(b) The tax rate expires nine calendar years after the close of the calendar year in which the tax rate under subsections (1) and (2) of this section takes effect.

NEW SECTION. **Sec. 10.** A new section is added to chapter 82.04 RCW to read as follows:

(1)(a) Subject to the limits and provisions of this section, a credit is allowed against the tax otherwise due under this chapter for persons engaged in the manufacturing of alternative jet fuel.

(b) Except as provided in (c) of this subsection, the credit under this section is equal to \$1 for each gallon of alternative jet fuel that has at least 50 percent less carbon dioxide equivalent emissions than conventional jet fuel and is sold during the prior calendar year by:

(i) A business that produces alternative jet fuel and is located in a qualifying county; or

(ii) A business's designated alternative jet fuel blender that is located in this state.

(c) The credit amount under (b) of this subsection must increase by 2 cents for each additional one percent reduction in carbon dioxide equivalent emissions beyond 50 percent, not to exceed \$2 for each gallon of alternative jet fuel.

(d) A person may not receive credit under both (b)(i) and (ii) of this subsection.

(e) The credit under this section is calculated only on the portion of jet fuel

that is considered alternative jet fuel and does not include conventional jet fuel when such fuels are blended or otherwise used in a jet fuel mixture.

(f) A credit under this section may not be claimed until the department of ecology verifies that there are one or more facilities operating in this state with cumulative production capacity of at least 20,000,000 gallons of alternative jet fuel each year and has provided such notice to the department.

(g) Contract pricing for sales of alternative jet fuel between a person claiming the credit under this section and the final consumer must reflect the per gallon credit under (b) and (c) of this subsection.

(2) A person may not receive credit under this section for amounts claimed as credits under section 11 of this act or chapter 82.16 RCW.

(3) To claim a credit under this section a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department.

(4) To claim a credit under this section, the person applying must:

(a) Complete an application for the credit which must include:

(i) The name, business address, and tax identification number of the applicant;

(ii) Documentation of the total amount of alternative jet fuel manufactured and sold in the prior calendar year;

(iii) Documentation sufficient for the department to verify that the alternative jet fuel for which the credit is being claimed meets the carbon intensity reduction benchmarks under subsection (1)(b) and (c) of this section, as certified by the department of ecology under section 3 of this act;

(iv) Documentation sufficient to verify compliance with subsection (1)(g) of this section; and

(v) Any other information deemed necessary by the department to support administration or reporting of the program.

(b) Obtain a carbon intensity score from the department of ecology prior to submitting an application to the department.

(5) The department must notify applicants of credit approval or denial within 60 days of receipt of a final application and documentation.

(6) If a person fails to supply the information as required in subsection (4) of this section, the department must deny the application.

(7)(a) The credit under this section may only be claimed against taxes due under section 9 of this act, less any taxable amount for which a credit is allowed under RCW 82.04.440.

(b) A credit earned during one calendar year may be carried over and claimed against taxes incurred for the next subsequent calendar year but may not be carried over for any calendar year thereafter.

(c) No refunds may be granted for credits under this section.

(8) For the purposes of this section:

(a) "Alternative jet fuel" has the same meaning as in RCW 70A.535.010.

(b) "Carbon dioxide equivalent" has the same meaning as in RCW 70A.45.010.

(c) "Qualifying county" means a county that has a population less than 650,000 at the time an application for a credit under this section is received by the department.

(9)(a) Credits may be earned beginning on the first day of the first calendar quarter following the month in which notice under subsection (1)(f) of this section was received by the department.

(b) Credits may not be earned beginning nine calendar years after the close of the calendar year in which the credit may be earned, as provided in (a) of this subsection.

(10) A person claiming the credit provided in this section must file a complete annual tax performance report with the department under RCW 82.32.534.

**NEW SECTION. Sec. 11.** A new section is added to chapter 82.04 RCW to read as follows:

(1)(a) Subject to the limits and provisions of this section, a credit is allowed against the tax otherwise due under this chapter for persons engaged in the use of alternative jet fuel.

(b) Except as provided in (c) of this subsection, the credit under this section is equal to \$1 for each gallon of alternative jet fuel that has at least 50 percent less carbon dioxide equivalent emissions than conventional jet fuel and is purchased during the prior calendar year by a business for use as alternative jet fuel for flights departing in this state.

(c) The credit amount under (b) of this subsection must increase by 2 cents for each additional one percent reduction in carbon dioxide equivalent emissions beyond 50 percent, not to exceed \$2 for each gallon of alternative jet fuel.

(d) The credit under this section is calculated only on the portion of jet fuel that is considered alternative jet fuel and does not include conventional jet fuel when such fuels are blended or otherwise used in a jet fuel mixture.

(e) A credit under this section may not be claimed until the department of ecology verifies that there are one or more facilities operating in this state with cumulative production capacity of at least 20,000,000 gallons of alternative jet fuel each year and has provided such notice to the department.

(2) A person may not receive credit under this section for amounts claimed as credits under section 10 of this act or chapter 82.16 RCW.

(3) To claim a credit under this section a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department.

(4) To claim a credit under this section, the person applying must:

(a) Complete an application for the credit which must include:

(i) The name, business address, and tax identification number of the applicant;

(ii) Documentation of the amount of alternative jet fuel purchased by the business in the prior calendar year;

(iii) Documentation sufficient for the department to verify that the alternative jet fuel for which the credit is being claimed meets the carbon intensity reduction benchmarks under subsection (1)(b) and (c) of this section, as certified by the department of ecology under section 3 of this act; and

(iv) Any other information deemed necessary by the department to support administration or reporting of the program.

(b) Obtain a carbon intensity score from the department of ecology prior to submitting an application to the department.

(5) The department must notify applicants of credit approval or denial within 60 days of receipt of a final application and documentation.

(6) If a person fails to supply the information as required in subsection (4) of this section, the department must deny the application.

(7)(a) The credit under this section may be used against any tax due under this chapter.

(b) A credit earned during one calendar year may be carried over and claimed against taxes incurred for the next subsequent calendar year but may not be carried over for any calendar year thereafter.

(c) No refunds may be granted for credits under this section.

(8) For the purposes of this section:

(a) "Alternative jet fuel" has the same meaning as in RCW 70A.535.010.

(b) "Carbon dioxide equivalent" has the same meaning as in RCW 70A.45.010.

(9)(a) Credits may be earned beginning on the first day of the first calendar quarter following the month in which notice under subsection (1)(e) of this section was received by the department.

(b) Credits may not be earned beginning nine calendar years after the close of the calendar year in which the credit may be earned, as provided in (a) of this subsection.

(10) A person claiming the credit provided in this section must file a complete annual tax performance report with the department under RCW 82.32.534.

**NEW SECTION. Sec. 12.** A new section is added to chapter 82.16 RCW to read as follows:

(1)(a) Subject to the limits and provisions of this section, a credit is allowed against the tax otherwise due under this chapter for persons engaged in the use of alternative jet fuel.

(b) Except as provided in (c) of this subsection, the credit under this section is equal to \$1 for each gallon of alternative jet fuel that has at least 50 percent less carbon dioxide equivalent emissions than conventional jet fuel and is purchased during the prior calendar year by a business for use as alternative jet fuel for flights departing in this state.

(c) The credit amount under (b) of this subsection must increase by 2 cents for each additional one percent reduction in carbon dioxide equivalent emissions beyond 50 percent, not to exceed \$2 for each gallon of alternative jet fuel.

(d) The credit under this section is calculated only on the portion of jet fuel that is considered alternative jet fuel and does not include conventional jet fuel when such fuels are blended or otherwise used in a jet fuel mixture.

(e) A credit under this section may not be claimed until the department of ecology verifies that there are one or more facilities operating in this state with cumulative production capacity of at least 20,000,000 gallons of alternative jet fuel each year and has provided such notice to the department.

(2) A person may not receive credit under this section for amounts claimed as credits under chapter 82.04 RCW.

(3) To claim a credit under this section a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department.

(4) To claim a credit under this section, the person applying must:

(a) Complete an application for the credit which must include:

(i) The name, business address, and tax identification number of the applicant;

(ii) Documentation of the amount of alternative jet fuel purchased by the business in the prior calendar year;

(iii) Documentation sufficient for the department to verify that the alternative jet fuel for which the credit is being claimed meets the carbon intensity reduction benchmarks under subsection (1)(b) and (c) of this section, as certified by the department of ecology under section 3 of this act; and

(iv) Any other information deemed necessary by the department to support administration or reporting of the program.

(b) Obtain a carbon intensity score from the department of ecology prior to submitting an application to the department.

(5) The department must notify applicants of credit approval or denial within 60 days of receipt of a final application and documentation.

(6) If a person fails to supply the information as required in subsection (4) of this section, the department must deny the application.

(7)(a) The credit under this section may be used against any tax due under this chapter.

(b) A credit earned during one calendar year may be carried over and claimed against taxes incurred for the next subsequent calendar year but may not be carried over for any calendar year thereafter.

(c) No refunds may be granted for credits under this section.

(8) The definitions in section 11 of this act apply to this section.

(9)(a) Credits may be earned beginning on the first day of the first calendar quarter following the month in which notice under



subsection (1)(e) of this section was received by the department.

(b) Credits may not be earned beginning nine calendar years after the close of the calendar year in which the credit may be earned, as provided in (a) of this subsection.

(10) A person claiming the credit provided in this section must file a complete annual tax performance report with the department under RCW 82.32.534.

NEW SECTION. **Sec. 13.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 14.** RCW 82.32.805 does not apply to this act.

NEW SECTION. **Sec. 15.** Sections 9 through 12 of this act take effect July 1, 2024.

NEW SECTION. **Sec. 16.** Sections 1 through 7 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2023."

Correct the title.

Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

Referred to Committee on Finance

March 21, 2023

SB 5452 Prime Sponsor, Senator Shewmake: Authorizing impact fee revenue to fund improvements to bicycle and pedestrian facilities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Berg and Riccelli.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; and Griffey.

Referred to Committee on Rules for second reading

March 22, 2023

SB 5553 Prime Sponsor, Senator Lovelett: Authorizing standards for temporary emergency shelters for local adoption. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Rules for second reading

March 21, 2023

SSB 5600

Prime Sponsor, Environment, Energy & Technology; Extending the expiration date for the state universal communications services program. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 80.36.630 and 2019 c 365 s 11 are each amended to read as follows:

(1) The definitions in this section apply throughout this section and RCW 80.36.650 through 80.36.690 and 80.36.610 unless the context clearly requires otherwise.

(a) "Basic residential service" means those services set out in 47 C.F.R. Sec. 54.101(a) (2011), as it existed on May 13, 2019, and mandatory extended area service approved by the commission.

(b) "Basic telecommunications services" means the following services:

(i) Single-party service;  
(ii) Voice grade access to the public switched network;  
(iii) Support for local usage;  
(iv) Dual tone multifrequency signaling (touch-tone);

(v) Access to emergency services (911);  
(vi) Access to operator services;  
(vii) Access to interexchange services;  
(viii) Access to directory assistance;

and  
(ix) Toll limitation services.

(c) "Broadband service" means any service providing advanced telecommunications capability, including internet access and access to high quality voice, data, graphics, or video.

(d) "Communications provider" means a provider of communications services that assigns a working telephone number to a final consumer for intrastate wireline or wireless communications services or interconnected voice over internet protocol service, and includes local exchange carriers.

(e) "Communications services" includes telecommunications services and information services and any combination thereof.

(f) "Incumbent local exchange carrier" has the same meaning as set forth in 47 U.S.C. Sec. 251(h).

(g) "Incumbent public network" means the network established by incumbent local exchange carriers for the delivery of communications services to customers that is used by communications providers for origination or termination of communications services by or to customers.

(h) "Interconnected voice over internet protocol service" means an interconnected voice over internet protocol service that:  
(i) Enables real-time, two-way voice communications; (ii) requires a broadband connection from the user's location; (iii) requires internet protocol-compatible customer premises equipment; and (iv) permits users generally to receive calls

that originate on the public network and to terminate calls to the public network.

(i) "Program" means the state universal communications services program created in RCW 80.36.650.

(j) "Telecommunications" has the same meaning as defined in 47 U.S.C. Sec. 153(43).

(k) "Telecommunications act of 1996" means the telecommunications act of 1996 (P.L. 104-104, 110 Stat. 56).

(2) This section expires July 1, ~~((2025))~~ 2035.

**Sec. 2.** RCW 80.36.650 and 2019 c 365 s 12 are each amended to read as follows:

(1) A state universal communications services program is established. The program is established to protect public safety and welfare under the authority of the state to regulate telecommunications under Article XII, section 19 of the state Constitution. The purpose of the program is to support continued provision of basic telecommunications services under rates, terms, and conditions established by the commission and the provision, enhancement, and maintenance of broadband services, recognizing that, historically, the incumbent public network functions to provide all communications services including, but not limited to, voice and broadband services.

(2) Under the program, eligible communications providers may receive distributions from the universal communications services account created in RCW 80.36.690 in exchange for the affirmative agreement to provide continued telecommunications services under the rates, terms, and conditions established by the commission under this chapter, and broadband services, for the period covered by the distribution. The commission must implement and administer the program under terms and conditions established in RCW 80.36.630 through 80.36.690. Expenditures for the program may not exceed ~~((five million dollars))~~ \$5,000,000 per fiscal year; provided, however, that if less than ~~((five million dollars))~~ \$5,000,000 is expended in any fiscal year, the unexpended portion must be carried over to subsequent fiscal years and, unless fully expended, must be available for program expenditures in such subsequent fiscal years in addition to the ~~((five million dollars))~~ \$5,000,000 allotted for each of those subsequent fiscal years.

(3) A communications provider is eligible to receive distributions from the account if:

(a)(i) The communications provider is:  
(A) An incumbent local exchange carrier serving fewer than ~~((forty thousand))~~ 40,000 access lines in the state; or (B) a radio communications service company providing wireless two-way voice communications service and broadband services to less than the equivalent of ~~((forty thousand))~~ 40,000 access lines in the state. For purposes of determining the access line threshold in this subsection, the access lines or equivalents of all wireline affiliates must be counted as a single threshold, if the

lines or equivalents are located in Washington;

(ii) The communications provider has adopted a plan to provide, enhance, ~~((or))~~ and maintain broadband services in its service area; and

(iii) The communications provider meets any other requirements established by the commission pertaining to the provision of communications services, including basic telecommunications services; or

(b) The communications provider demonstrates to the commission that the communications provider is able to provide the same or comparable services at the same or similar service quality standards at a lower price; and: (i) Will provide communications services to all customers in the exchange or exchanges in which it will provide service; and (ii) submits to the commission's regulation of its service as if it were the incumbent local exchange company serving the exchange or exchanges for which it seeks distribution from the account.

(4)(a) Distributions to eligible communications providers are based on criteria established by the commission.

(b) If the program does not have sufficient funds to fully fund the distribution formula set out in (a) of this subsection, distributions must be reduced on a pro rata basis using the amounts calculated for that year's program support as the basis of the pro rata calculations.

(c) To receive a distribution under the program, an eligible communications provider must affirmatively consent to continue providing communications services to its customers under rates, terms, and conditions established by the commission pursuant to this chapter for the period covered by the distribution.

(5) The program is funded from amounts deposited by the legislature in the universal communications services account established in RCW 80.36.690. The commission must operate the program within amounts appropriated for this purpose and deposited in the account.

(6) The commission must periodically review the accounts and records of any communications provider that receives distributions under the program to ensure compliance with the program and monitor the providers' use of the funds.

(7) The commission must establish an advisory board, consisting of a reasonable balance of representatives from different types of stakeholders, including but not limited to communications providers and consumers, to advise the commission on any rules and policies governing the operation of the program.

(8) The program terminates on June 30, ~~((2024))~~ 2034, and no distributions may be made after that date.

(9) This section expires July 1, ~~((2025))~~ 2035.

**Sec. 3.** RCW 80.36.660 and 2019 c 365 s 13 are each amended to read as follows:

(1) To implement the program, the commission must adopt rules for the following purposes and review them no less than every five years:

(a) Operation of the program, including criteria for: Eligibility for distributions; use of the funds; identification of any reports or data that must be filed with the commission, including, but not limited to, how a communication provider used the distributed funds; and the communications provider's infrastructure;

(b) Operation of the universal communications services account established in RCW 80.36.690;

(c) Establishment of the criteria used to calculate distributions; and

(d) Readoption, amendment, or repeal of any existing rules adopted pursuant to RCW 80.36.610 as necessary to be consistent with RCW 80.36.630 through 80.36.690 and 80.36.610.

(2) This section expires July 1, ((2025)) 2035.

**Sec. 4.** RCW 80.36.670 and 2019 c 365 s 14 are each amended to read as follows:

(1) In addition to any other penalties prescribed by law, the commission may impose penalties for failure to make or delays in making or filing any reports required by the commission for administration of the program. In addition, the commission may recover amounts determined to have been improperly distributed under RCW 80.36.650. For the purposes of this section, the provisions of RCW 80.04.380 through 80.04.405, inclusive, apply to all companies that receive support from the universal communications services account created in RCW 80.36.690.

(2) Any action taken under this section must be taken only after providing the affected communications provider with notice and an opportunity for a hearing, unless otherwise provided by law.

(3) Any amounts recovered under this section must be deposited in the universal communications services account created in RCW 80.36.690.

(4) This section expires July 1, ((2025)) 2035.

**Sec. 5.** RCW 80.36.680 and 2019 c 365 s 15 are each amended to read as follows:

(1) The commission may delegate to the commission secretary or other staff the authority to resolve disputes and make other administrative decisions necessary to the administration and supervision of the program consistent with the relevant statutes and commission rules.

(2) This section expires July 1, ((2025)) 2035.

**Sec. 6.** RCW 80.36.690 and 2019 c 365 s 16 are each amended to read as follows:

(1) The universal communications services account is created in the custody of the state treasurer. Revenues to the account consist of moneys deposited in the account by the legislature and any penalties or other recoveries received pursuant to RCW 80.36.670. Expenditures from the account may be used only for the purposes of the universal communications services program established in RCW 80.36.650 and commission expenses related to implementation and

administration of the provisions of RCW 80.36.630 through 80.36.690 and section 212, chapter 8, Laws of 2013 2nd sp. sess. Only the secretary of the commission or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) This section expires July 1, ((2025)) 2035.

**Sec. 7.** RCW 80.36.700 and 2019 c 365 s 17 are each amended to read as follows:

(1) The universal communications services program established in RCW 80.36.630 through 80.36.690 terminates on June 30, ((2024)) 2034.

(2) This section expires July 1, ((2025)) 2035."

Correct the title.

Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

March 22, 2023

SSB 5604

Prime Sponsor, Local Government, Land Use & Tribal Affairs: Concerning county sales and use taxes for mental health and housing. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Finance

March 22, 2023

SSB 5627

Prime Sponsor, Local Government, Land Use & Tribal Affairs: Concerning salaries for county commissioners and councilmembers. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**ENGROSSED SENATE BILL NO. 5623, by Senators Dhingra, Conway, Hasegawa, Kuderer, Liias, Lovelett, Nobles, Pedersen, Stanford and Wilson, C.**

**Modifying an element of the offense of hate crime and classifying a hate crime as crimes against persons.**

The bill was read the second time.

Representative Graham moved the adoption of amendment (495):

On page 1, line 11, after "identity," insert "employment as a general authority, limited authority, or specially commissioned Washington peace officer as defined under RCW 10.93.020,"

On page 2, line 3, after "identity," insert "or the same employment as a general authority, limited authority, or specially commissioned Washington peace officer as defined under RCW 10.93.020,"

On page 2, line 15, after "identity," insert "employment as a general authority, limited authority, or specially commissioned Washington peace officer as defined under RCW 10.93.020,"

On page 3, line 4, after "identity," insert "was employed as a general authority, limited authority, or specially commissioned Washington peace officer as defined under RCW 10.93.020,"

**POINT OF ORDER**

Representative Stonier requested a scope and object ruling on amendment (495) to ENGROSSED SENATE BILL NO. 5623.

**SPEAKER'S RULING**

"The title of the bill is an act relating to modifying an element of the offense of hate crime and classifying a hate crime as a crime against persons.

Current law provides that a person is guilty of a hate crime offense if they maliciously and intentionally commit certain acts based on the perpetrator's perception of a victim's race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability.

Engrossed Senate Bill 5623 provides that a person is guilty of a hate crime if they assault rather than physically injure a victim. The bill also permits a judge or jury to infer that a person intended to threaten a victim because of their perception of the victim's Jewish heritage by committing specific acts and reclassifies hate crime offenses as crimes against persons.

Amendment (495) expands the bill by extending hate crime offenses to acts committed by a perpetrator based on their perception of a victim's employment as a Washington peace officer. The amendment does not address the manner in which a perpetrator harms a victim, an inference drawn by a trier of fact based on a perpetrator's conduct, or the classification of hate crime offenses. The effect of the amendment is to create a new category of victims.

The Speaker therefore finds and rules that the amendment is beyond the scope and object of the bill.

The point of order is well taken."

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman, Mosbrucker and Barnard spoke in favor of the passage of the bill.

Representatives Graham, McEntire and Jacobsen spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5623.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5623, and the bill passed the House by the following vote: Yeas, 89; Nays, 9; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chandler, Christian, Dent, Graham, Jacobsen, Kretz, McEntire, Schmidt and Walsh

ENGROSSED SENATE BILL NO. 5623, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5198, by Senate Committee on Ways & Means (originally sponsored by Frame, Kuderer, Hasegawa, Hunt, Keiser, Lovelett, Nobles, Valdez and Wilson, C.)**

**Concerning the sale or lease of manufactured/mobile home communities and the property on which they sit.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gregerson, Klicker and Duerr spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5198.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5198, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chandler, Couture and Rude

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5198, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5569, by Senate Committee on Health & Long Term Care (originally sponsored by Rivers and Dozier)**

**Creating exemptions from certificate of need requirements for kidney disease centers.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmick and Reeves spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5569.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5569, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE SENATE BILL NO. 5569, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the third order of business.

#### MESSAGE FROM THE SENATE

February 1, 2023

Mme. SPEAKER:

The Senate reconsidered the following measures and, pursuant to Article 3, Section 12 of the State Constitution, passed the measure over the Governor's objection:

ENGROSSED SENATE BILL 5017 (2021)  
SUBSTITUTE SENATE BILL 5810 (2022)

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

#### FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5810 GOVERNOR'S VETO NOTWITHSTANDING

Representatives Walen and Corry spoke in favor of the passage of the bill, notwithstanding the Governor's veto.

The Speaker (Representative Bronoske presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5810, notwithstanding the Governor's veto.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5810, notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE SENATE BILL NO. 5810, notwithstanding the Governor's veto, having received the two-thirds constitutional majority, was declared passed.

#### FINAL PASSAGE OF ENGROSSED SENATE BILL 5017 GOVERNOR'S VETO NOTWITHSTANDING

Representatives Tharinger and Steel spoke in favor of the passage of the bill, notwithstanding the Governor's veto.

The Speaker (Representative Bronoske presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5017, notwithstanding the Governor's veto.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5017, notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

ENGROSSED SENATE BILL NO. 5017, notwithstanding the Governor's veto, having received the two-thirds constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

#### MOTIONS

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1847  
SUBSTITUTE SENATE BILL NO. 5006  
SUBSTITUTE SENATE BILL NO. 5028  
SENATE BILL NO. 5041  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5143  
SENATE BILL NO. 5192  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5272  
SENATE BILL NO. 5295  
SUBSTITUTE SENATE BILL NO. 5317  
SENATE BILL NO. 5319  
SENATE BILL NO. 5342  
SUBSTITUTE SENATE BILL NO. 5439  
SENATE BILL NO. 5553  
SUBSTITUTE SENATE BILL NO. 5565  
SUBSTITUTE SENATE BILL NO. 5627

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the suspension calendar:

SENATE BILL NO. 5370

There being no objection, the House adjourned until 1:30 p.m., Friday, March 24, 2023, the 75th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SEVENTY FIFTH DAY

House Chamber, Olympia, Friday, March 24, 2023

The House was called to order at 1:30 p.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Alayna Ray and Jacob Kuczynski. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Genjo Yorke from the Olympia Zen Center.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4629**, by Representatives Farivar, Waters, Berry, Slatter, Ryu, Taylor, Fitzgibbon, Duerr, Timmons, Orwall, Springer, Thai, Leavitt, Cortes, Mena, Gregerson, Macri, Callan, Kloba, Bateman, Reeves, Goodman, Bronoske, Barnard, Ybarra, Robertson, Walen, Fosse, Stearns, Pollet, Senn, Connors, Mosbrucker, Cheney, Corry, Simmons, Eslick, Chapman, Hackney, and Ramos

WHEREAS, The Persian New Year, or Nowruz, originated in the Iranian plateau more than 3,000 years ago and is celebrated annually marking the Spring Equinox in the northern hemisphere, which this year fell on March 20th at 2:24 p.m.; and

WHEREAS, Nowruz is a significant cultural holiday for individuals in Iran, Afghanistan, Tajikistan, and Uzbekistan which is celebrated by nearly 300 million people across the globe of different faiths and cultures, particularly in and by more than 1 million Americans, including tens of thousands in Washington state; and

WHEREAS, Nowruz welcomes spring and regrowth after winter and periods of cold and dormancy and it celebrates nature, life, and opportunity for regrowth and blossoming; and

WHEREAS, In this time where mistrust and fear often threaten to divide us, the spirit of Nowruz inspires us to realize our commonalities and strive for new levels of compassion, understanding, and love for our fellow human beings irrespective of religion or ethnicity; and

WHEREAS, Many Middle Eastern and Central Asian individuals immigrate to Washington to flee persecution for their beliefs, seeking personal and religious freedoms in the United States; and

WHEREAS, Middle Eastern and Central Asians are an important part of our communities and continue to make noteworthy and lasting contributions to Washington state through their leadership in business, government, higher education, medicine, military service, law, social justice, and many other arenas; and

WHEREAS, Nowruz presents a fitting opportunity to recognize these contributions and the resilience of the Iranian-American and Afghan-American communities who continue to advocate for their communities; and

WHEREAS, Nowruz is a time for all of us to come together to reflect on the year that has passed and celebrate the universal values of generosity, compassion, selflessness, and community stewardship in the year ahead;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives celebrate the honored holiday of Nowruz; recognize the historical and cultural significance thereof; stand with the communities that celebrate Nowruz in times of crisis and in times of celebration; and wish a happy and prosperous new year to all.

HOUSE RESOLUTION NO. 4629 was adopted.

## SPEAKER'S PRIVILEGE

The Speaker (Representative Orwall presiding) is pleased to recognize the following organizations that are here today to celebrate Nowruz: Peyvand Nonprofit Organization; Iranian American Community Alliance; Seattle Isfahan Sister City Advocacy; Persian Poetry Collective; One America; American Muslim Empowerment Network; Afghan Health Initiative; Kabul Washington Association.

The Speaker assumed the chair.

## SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1007  
 SUBSTITUTE HOUSE BILL NO. 1015  
 SUBSTITUTE HOUSE BILL NO. 1060  
 HOUSE BILL NO. 1061  
 SUBSTITUTE HOUSE BILL NO. 1070  
 SUBSTITUTE HOUSE BILL NO. 1101  
 HOUSE BILL NO. 1102  
 HOUSE BILL NO. 1107  
 HOUSE BILL NO. 1179  
 SUBSTITUTE HOUSE BILL NO. 1266  
 HOUSE BILL NO. 1303  
 HOUSE BILL NO. 1319  
 SUBSTITUTE HOUSE BILL NO. 1458  
 SUBSTITUTE HOUSE BILL NO. 1499  
 HOUSE BILL NO. 1540  
 SENATE BILL NO. 5003  
 SUBSTITUTE SENATE BILL NO. 5033  
 SENATE BILL NO. 5079  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5142  
 SUBSTITUTE SENATE BILL NO. 5275  
 SENATE BILL NO. 5394  
 SUBSTITUTE SENATE BILL NO. 5490  
 SUBSTITUTE SENATE BILL NO. 5729

The Speaker called upon Representative Orwall to preside.

There being no objection, the House advanced to the third order of business.

## MESSAGES FROM THE SENATE

Wednesday, March 22, 2023

Mme. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1007  
 SUBSTITUTE HOUSE BILL NO. 1015  
 SUBSTITUTE HOUSE BILL NO. 1060  
 HOUSE BILL NO. 1061  
 SUBSTITUTE HOUSE BILL NO. 1070  
 SUBSTITUTE HOUSE BILL NO. 1101  
 HOUSE BILL NO. 1102  
 HOUSE BILL NO. 1107  
 HOUSE BILL NO. 1179  
 SUBSTITUTE HOUSE BILL NO. 1266

HOUSE BILL NO. 1303  
 HOUSE BILL NO. 1319  
 SUBSTITUTE HOUSE BILL NO. 1458  
 SUBSTITUTE HOUSE BILL NO. 1499  
 HOUSE BILL NO. 1540

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Thursday, March 23, 2023

Mme. Speaker:

The President has signed:

SENATE BILL NO. 5003  
 SUBSTITUTE SENATE BILL NO. 5033  
 SENATE BILL NO. 5079  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5142  
 SUBSTITUTE SENATE BILL NO. 5275  
 SENATE BILL NO. 5394  
 SUBSTITUTE SENATE BILL NO. 5490  
 SUBSTITUTE SENATE BILL NO. 5729

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the fourth order of business.

#### INTRODUCTION & FIRST READING

HB 1849 by Representatives Lekanoff, Dent, Eslick and Low

AN ACT Relating to the establishment of a statewide elk management program; adding a new section to chapter 77.36 RCW; and declaring an emergency.

Referred to Committee on Agriculture and Natural Resources.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the fifth order of business.

#### REPORTS OF STANDING COMMITTEES

March 23, 2023

SB 5069 Prime Sponsor, Senator Rivers: Allowing interstate cannabis agreements. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Morgan; Orwall; Reeves and Waters.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Assistant Ranking Minority Member; and Walsh.

Referred to Committee on Rules for second reading

March 23, 2023

SB 5104 Prime Sponsor, Senator Salomon: Surveying Puget Sound marine shoreline habitat. Reported by Committee on Environment & Energy

NEW SECTION. **Sec. 1.** The legislature finds that marine nearshore habitat in Puget Sound is important for the recovery of threatened and endangered species of salmon, orcas, and marine birds. Critical nearshore components include forage fish spawning habitat, submerged aquatic vegetation, benthic substrate, adjacent upland vegetation, and the geomorphic processes that support a healthy ecosystem and food web. Establishing and regularly updating a publicly available baseline survey and map of general shoreline conditions, including the presence, location, and condition of nearshore development, is a critical tool for regulatory planning and restoration and mitigation opportunity identification by state agencies, local jurisdictions, tribal governments, and nongovernmental organizations.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21A RCW to read as follows:

(1) The department must conduct and maintain a baseline survey of Puget Sound marine shorelines that utilizes new technology to capture georeferenced oblique aerial and 360 degree on-the-water imagery. Nothing in this section creates a requirement for the department to perform change analysis. However, the software used must have the capacity for change analysis review. These identified technologies are intended to be a minimum requirement and the department may utilize and incorporate additional tools and technologies as they become available. The survey must document and map existing general shoreline conditions, structures, and structure conditions. This information must be available to the public and incorporated into state geographic information system mapping.

(2) The initial marine oblique aerial and on-the-water imagery must be completed and publicly available by December 31, 2024, and updated on a regular two-year cycle thereafter. The survey to document and map existing shoreline conditions, structures, and structure conditions must be completed and publicly available by June 30, 2025, and updated on a regular two-year cycle thereafter.

(3) For the purposes of this section, "Puget Sound" means Puget Sound and related inland salt waters of the state of Washington inside the boundary line between Washington and British Columbia, the Strait of Juan de Fuca, Hood Canal, and the San Juan Islands.

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."



Correct the title.

Committee on State Government & Tribal Relations

Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno; Barnard; Couture; and Goehner.

MINORITY recommendation: Without recommendation. Signed by Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member.

Referred to Committee on Appropriations

March 22, 2023

2SSB 5120 Prime Sponsor, Ways & Means: Establishing crisis relief centers in Washington state. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations

March 23, 2023

SB 5131 Prime Sponsor, Senator Wilson, C.: Concerning money received by the department of corrections on behalf of inmates from family or other outside sources for the purchase of commissary items. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker, Ranking Minority Member; and Graham.

Referred to Committee on Appropriations

March 22, 2023

SSB 5170 Prime Sponsor, State Government & Elections: Concerning funding and expenditures for legislative organizations by legislators who serve as elected leaders of those organizations. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

MINORITY recommendation: Do not pass. Signed by Representative Abbarno, Ranking Minority Member.

Referred to Committee on Rules for second reading

March 22, 2023

SSB 5182 Prime Sponsor, State Government & Elections: Concerning procedures and deadlines for candidate filing. Reported by

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Gregerson and Mena.

MINORITY recommendation: Without recommendation. Signed by Representatives Christian, Assistant Ranking Minority Member; and Low.

Referred to Committee on Rules for second reading

March 22, 2023

SSB 5191 Prime Sponsor, Law & Justice: Reforming the real estate agency law. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.86.010 and 2013 c 58 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency relationship" means the agency relationship created under this chapter (~~(or by written agreement)~~) between a real estate firm and a (~~buyer and/or seller relating to the performance of real estate brokerage services~~) principal.

(2) "Agent" means a broker who has (~~entered into~~) an agency relationship with a (~~buyer or seller~~) principal, including the firm's designated broker and any managing broker responsible for the supervision of that broker.

(3) "Broker" means broker, managing broker, and designated broker, collectively, as defined in chapter 18.85 RCW, unless the context requires the terms to be considered separately.

(4) "Brokerage services agreement" or "services agreement" means a written agreement between a real estate firm and principal that appoints a broker to represent the principal as an agent and sets forth the terms required by RCW 18.86.020 and 18.86.080.

(5) "Business opportunity" means and includes a business, business opportunity, and goodwill of an existing business, or any one or combination thereof when the transaction or business includes an interest in real property.

~~((+5))~~ (6) "Buyer" means an actual or prospective purchaser in a real estate transaction, or an actual or prospective tenant in a real estate rental or lease transaction, as applicable.

~~((+6))~~ (7) "Buyer's agent" means a broker who has (~~entered into~~) an agency relationship with only the buyer in a real estate transaction (~~(, and includes subagents engaged by a buyer's agent)~~).

~~((+7))~~ (8) "Commercial real estate" has the same meaning as in RCW 60.42.005.

(9) "Confidential information" means information from or concerning a principal ~~((of a broker))~~ that:

(a) Was acquired by the broker during the course of an agency relationship with the principal;

(b) The principal reasonably expects to be kept confidential;

(c) The principal has not disclosed or authorized to be disclosed to third parties;

(d) Would, if disclosed, operate to the detriment of the principal; and

(e) The principal personally would not be obligated to disclose to the other party.

~~((10) "Dual"))~~ (10) "Limited dual agent" means a broker who has ~~((entered into))~~ an agency relationship with both the buyer and seller in the same transaction.

~~((11))~~ (11) "Material fact" means information that substantially adversely affects the value of the property or a party's ability to perform its obligations in a real estate transaction, or operates to materially impair or defeat the purpose of the transaction. The fact or suspicion that the property, or any neighboring property, is or was the site of a murder, suicide or other death, rape or other sex crime, assault or other violent crime, robbery or burglary, illegal drug activity, gang-related activity, political or religious activity, or other act, occurrence, or use not adversely affecting the physical condition of or title to the property is not a material fact.

~~((12))~~ (12) "Principal" means a buyer or a seller who has ~~((entered into))~~ an agency relationship with a broker.

~~((13))~~ (13) "Real estate brokerage services" means the rendering of services for which a real estate license is required under chapter 18.85 RCW.

~~((14))~~ (14) "Real estate firm" or "firm" have the same meaning as defined in chapter 18.85 RCW.

~~((15))~~ (15) "Real estate transaction" or "transaction" means an actual or prospective transaction involving a purchase, sale, option, or exchange of any interest in real property or a business opportunity, or a lease or rental of real property. For purposes of this chapter, a prospective transaction does not exist until a written offer has been signed by at least one ~~((of the parties))~~ party.

~~((16))~~ (16) "Seller" means an actual or prospective seller in a real estate transaction, or an actual or prospective landlord in a real estate rental or lease transaction, as applicable.

~~((17))~~ (17) "Seller's agent" means a broker who has ~~((entered into))~~ an agency relationship with only the seller in a real estate transaction ~~((, and includes subagents engaged by a seller's agent.~~

~~((18))~~ (18) "Subagent" means a broker who is engaged to act on behalf of a principal by the principal's agent where the principal has authorized the broker in writing to appoint subagents).

(1) A broker who performs real estate brokerage services for a buyer is a buyer's agent unless the:

(a) Broker's firm has appointed the broker to represent the seller pursuant to a ~~((written agency))~~ services agreement between the firm and the seller, in which case the broker is a seller's agent;

~~((b))~~ ~~((Broker has entered into a subagency agreement with the seller's agent's firm, in which case the broker is a seller's agent;~~

~~((c))~~ Broker's firm has appointed the broker to represent the seller pursuant to a ~~((written agency))~~ services agreement between the firm and the seller, and the broker's firm has also appointed the broker to represent the buyer pursuant to a ~~((written agency))~~ services agreement between the firm and the buyer, in which case the appointed broker is a limited dual agent; or

~~((d))~~ ~~((c))~~ Broker is the seller or one of the sellers ~~((, or~~

~~((e))~~ Parties agree otherwise in writing after the broker has complied with RCW 18.86.030(1)(f).

~~((2))~~ In a transaction in which different brokers affiliated with the same firm represent different parties, the firm's designated broker and any managing broker responsible for the supervision of both brokers, is a dual agent, and must obtain the written consent of both parties as required under RCW 18.86.060. In such case, each of the brokers shall solely represent the party with whom the broker has an agency relationship, unless all parties agree in writing that the broker is a dual agent.

~~((3))~~ A broker may work with a party in separate transactions pursuant to different relationships, including, but not limited to, representing a party in one transaction and at the same time not representing that party in a different transaction involving that party, if the broker complies with this chapter in establishing the relationships for each transaction).

(2)(a) A firm must enter into a services agreement with the principal before, or as soon as reasonably practical after, its appointed broker commences rendering real estate brokerage services to, or on behalf of, the principal.

(b) The services agreement must include the following:

(i) The term of the agreement, and if the principal is a buyer, a default term of 60 days with the option of a longer term;

(ii) The broker appointed as an agent for the principal;

(iii) Whether the agency relationship is exclusive or nonexclusive, and if the principal is a buyer, checkbox options for the buyer to select either an exclusive or nonexclusive relationship;

(iv) Whether the principal consents to the broker appointed as an agent for the principal to act as a limited dual agent, which consent must be separately initialed by the principal and include an acknowledgment from the principal that a limited dual agent may not advocate terms favorable to one principal to the detriment of the other principal and is further limited as set forth in RCW 18.86.060; and

(v) Whether the principal consents to the firm's designated broker and any managing

Sec. 2. RCW 18.86.020 and 2013 c 58 s 2 are each amended to read as follows:

broker responsible for the supervision of the broker appointed as an agent for the principal to act as a limited dual agent in a transaction in which different brokers affiliated with the same firm represent different parties.

(3) A services agreement is not required when a broker performs real estate brokerage services as a buyer's agent solely for commercial real estate.

(4) A broker may work with a party in separate transactions pursuant to different relationships including, but not limited to, representing a party in one transaction and at the same time not representing that party in a different transaction involving that party, if the broker complies with this chapter in establishing the relationships for each transaction.

**Sec. 3.** RCW 18.86.030 and 2013 c 58 s 3 are each amended to read as follows:

(1) ~~((Regardless of whether a broker is an agent, the))~~ A broker owes ~~((to all parties to whom the broker renders real estate brokerage services))~~ the following duties to their principal and to all parties in a transaction, which may not be waived:

(a) To exercise reasonable skill and care;

(b) To deal honestly and in good faith;

(c) To present all written offers, written notices and other written communications to and from either party in a timely manner, regardless of whether the property is subject to an existing contract for sale or the buyer is already a party to an existing contract to purchase;

(d) To disclose all existing material facts known by the broker and not apparent or readily ascertainable to a party; provided that this subsection shall not be construed to imply any duty to investigate matters that the broker has not agreed to investigate;

(e) To account in a timely manner for all money and property received from or on behalf of either party;

(f) To provide a pamphlet ~~((on the law of real estate agency))~~ in the form prescribed ~~((in))~~ by RCW 18.86.120 and obtain an acknowledgment of receipt by the party. The pamphlet shall be provided to ~~((all parties))~~:

(i) Any party to whom the broker renders real estate brokerage services ~~((, before the party signs an agency agreement with the broker, signs an offer in a real estate transaction handled by the broker, consents to dual agency, or waives any rights, under RCW 18.86.020(1)(e), 18.86.040(1)(e), 18.86.050(1)(e), or 18.86.060(2)(e) or (f), whichever occurs earliest, and~~

(g) To disclose in writing to all parties to whom the broker renders real estate brokerage services, before the party signs an offer in a real estate transaction handled by the broker, whether)) as soon as reasonably practical but before the party signs a services agreement; and

(ii) Any party not represented by a broker in a transaction before the party signs an offer or as soon as reasonably practical; and

(g) To disclose in writing before the broker's principal signs an offer, or as soon as reasonably practical, but before the parties reach mutual agreement:

(i) Whether the broker represents the buyer as the buyer's agent, the seller as the seller's agent, or both parties ~~((, or neither party))~~ as a limited dual agent. The disclosure shall be set forth in a separate paragraph ~~((entitled))~~ titled "Agency Disclosure" in the agreement between the buyer and seller or in a separate writing ~~((entitled))~~ titled "Agency Disclosure ~~((-))~~"; and

(ii) Any terms of compensation offered by a party or a real estate firm to a real estate firm representing another party.

(2) Unless otherwise agreed, a broker owes no duty to conduct an independent inspection of the property or to conduct an independent investigation of either party's financial condition, and owes no duty to independently verify the accuracy or completeness of any statement made by either party or by any source reasonably believed by the broker to be reliable.

**Sec. 4.** RCW 18.86.040 and 2013 c 58 s 5 are each amended to read as follows:

(1) Unless additional duties are agreed to in writing signed by a seller's agent, the duties of a seller's agent are limited to those set forth in RCW 18.86.030 and the following, which may not be waived except as expressly set forth in (e) of this subsection:

(a) To be loyal to the seller by taking no action that is adverse or detrimental to the seller's interest in a transaction;

(b) To timely disclose to the seller any conflicts of interest;

(c) To advise the seller to seek expert advice on matters relating to the transaction that are beyond the agent's expertise;

(d) ~~((Not to))~~ To not disclose any confidential information from or about the seller, except under subpoena or court order, even after termination of the agency relationship; and

(e) Unless otherwise agreed to in writing after the seller's agent has complied with RCW 18.86.030(1)(f), to make a good faith and continuous effort to find a buyer for the property; except that a seller's agent is not obligated to seek additional offers to purchase the property while the property is subject to an existing contract for sale.

(2)(a) The showing of properties not owned by the seller to prospective buyers or the listing of competing properties for sale by a seller's agent does not in and of itself breach the duty of loyalty to the seller or create a conflict of interest.

(b) The representation of more than one seller by different brokers affiliated with the same firm in competing transactions involving the same buyer does not in and of itself breach the duty of loyalty to the sellers or create a conflict of interest.

**Sec. 5.** RCW 18.86.050 and 2013 c 58 s 6 are each amended to read as follows:

(1) Unless additional duties are agreed to in writing signed by a buyer's agent, the

duties of a buyer's agent are limited to those set forth in RCW 18.86.030 and the following, which may not be waived except as expressly set forth in (e) of this subsection:

(a) To be loyal to the buyer by taking no action that is adverse or detrimental to the buyer's interest in a transaction;

(b) To timely disclose to the buyer any conflicts of interest;

(c) To advise the buyer to seek expert advice on matters relating to the transaction that are beyond the agent's expertise;

(d) ~~((Not to))~~ To not disclose any confidential information from or about the buyer, except under subpoena or court order, even after termination of the agency relationship; and

(e) Unless otherwise agreed to in writing after the buyer's agent has complied with RCW 18.86.030(1)(f), to make a good faith and continuous effort to find a property for the buyer; except that a buyer's agent is not obligated to ~~((; (i) Seek))~~ seek additional properties to purchase while the buyer is a party to an existing contract to purchase ~~((; or (ii) show properties as to which there is no written agreement to pay compensation to the buyer's agent))~~.

(2)(a) The showing of property in which a buyer is interested to other prospective buyers by a buyer's agent does not in and of itself breach the duty of loyalty to the buyer or create a conflict of interest.

(b) The representation of more than one buyer by different brokers affiliated with the same firm in competing transactions involving the same property does not in and of itself breach the duty of loyalty to the buyer or create a conflict of interest.

**Sec. 6.** RCW 18.86.060 and 2013 c 58 s 7 are each amended to read as follows:

(1) ~~((Notwithstanding any other provision of this chapter, a))~~ A broker may act as a limited dual agent only with the written consent of both parties to the transaction ~~((after the dual agent has complied with RCW 18.86.030(1)(f), which consent must include a statement of the terms of compensation))~~ set forth in the services agreement.

(2) Unless additional duties are agreed to in writing signed by a limited dual agent, the duties of a limited dual agent are limited to those set forth in RCW 18.86.030 and the following, which may not be waived except as expressly set forth in (e) and (f) of this subsection:

(a) To take no action that is adverse or detrimental to either party's interest in a transaction;

(b) To timely disclose to both parties any conflicts of interest;

(c) To advise both parties to seek expert advice on matters relating to the transaction that are beyond the limited dual agent's expertise;

(d) ~~((Not to))~~ To not disclose any confidential information from or about either party, except under subpoena or court order, even after termination of the agency relationship;

(e) Unless otherwise agreed to in writing after the limited dual agent has complied

with RCW 18.86.030(1)(f), to make a good faith and continuous effort to find a buyer for the property; except that a limited dual agent is not obligated to seek additional offers to purchase the property while the property is subject to an existing contract for sale; and

(f) Unless otherwise agreed to in writing after the limited dual agent has complied with RCW 18.86.030(1)(f), to make a good faith and continuous effort to find a property for the buyer; except that a limited dual agent is not obligated to ~~((; (i) Seek))~~ seek additional properties to purchase while the buyer is a party to an existing contract to purchase ~~((; or (ii) show properties as to which there is no written agreement to pay compensation to the dual agent))~~.

(3)(a) The showing of properties not owned by the seller to prospective buyers or the listing of competing properties for sale by a limited dual agent does not in and of itself constitute action that is adverse or detrimental to the seller or create a conflict of interest.

(b) The representation of more than one seller by different brokers licensed to the same firm in competing transactions involving the same buyer does not in and of itself constitute action that is adverse or detrimental to the sellers or create a conflict of interest.

(4)(a) The showing of property in which a buyer is interested to other prospective buyers or the presentation of additional offers to purchase property while the property is subject to a transaction by a limited dual agent does not in and of itself constitute action that is adverse or detrimental to the buyer or create a conflict of interest.

(b) The representation of more than one buyer by different brokers licensed to the same firm in competing transactions involving the same property does not in and of itself constitute action that is adverse or detrimental to the buyers or create a conflict of interest.

(5) In a transaction in which different brokers affiliated with the same firm represent different parties, the firm's designated broker, and any managing broker responsible for the supervision of both brokers, is a limited dual agent. In such case, each appointed broker shall solely represent the party with whom the appointed broker has an agency relationship.

**Sec. 7.** RCW 18.86.070 and 2013 c 58 s 8 are each amended to read as follows:

(1) The agency relationships ~~((set forth in this chapter commence at the time that the broker undertakes to provide real estate brokerage services to a principal and))~~ established pursuant to this chapter continue until the earliest of the following:

(a) Completion of performance by the broker;

(b) Expiration of the term agreed upon by the parties;

(c) Termination of the relationship by mutual agreement of the parties; or

(d) Termination of the relationship by notice from either party to the other. However, such a termination does not otherwise affect the contractual rights of either party.

(2) Except as otherwise agreed to in writing, a broker owes no further duty after termination of the agency relationship, other than the ~~((duties of))~~ duty:

(a) ~~((Accounting))~~ To account for all moneys and property received during the relationship; and

(b) ~~((Not disclosing))~~ To not disclose confidential information.

**Sec. 8.** RCW 18.86.080 and 2013 c 58 s 9 are each amended to read as follows:

(1) In any real estate transaction, a firm's compensation may be paid by the seller, the buyer, a third party, or by sharing the compensation between firms.

(2) An agreement to pay or payment of compensation does not establish an agency relationship between the party who paid the compensation and the broker.

(3) A seller may agree that a seller's agent's firm may share with another firm the compensation paid by the seller.

(4) A buyer may agree that a buyer's agent's firm may share with another firm the compensation paid by the buyer.

(5) A firm may be compensated by more than one party for real estate brokerage services in a real estate transaction ~~((, if those parties consent in writing at or before the time of signing an offer in the transaction))~~.

(6) A firm may receive compensation based on the purchase price without breaching any duty to the buyer or seller.

(7) ~~((Nothing contained in this chapter negates the requirement that an agreement authorizing or employing a broker to sell or purchase real estate for compensation or a commission be in writing and signed by the seller or buyer.))~~ To receive compensation for rendering real estate brokerage services from any party or firm, a real estate firm must have a services agreement containing the following:

(a) The terms of compensation, including:

(i) The amount the principal agrees to compensate the firm;

(ii) The principal's consent, if any, and any terms of such consent, to compensation sharing between firms and parties; and

(iii) The principal's consent, if any, and any terms of such consent, to compensation of the firm by more than one party;

(b) In a services agreement with a buyer, whether the appointed broker agrees to show the buyer properties if there is no agreement or offer by any party or firm to pay compensation to the firm; and

(c) Any other agreements between the parties.

(8) In lieu of obtaining a services agreement, a broker rendering real estate brokerage services to a buyer solely for commercial real estate may disclose in writing to the buyer, before the buyer signs an offer with regard to such commercial real estate, the sources and amounts of any compensation the broker has or expects to

receive from any party in conjunction with such transaction. The disclosure shall be set forth in a separate paragraph titled "Compensation Disclosure" in the agreement between the buyer and seller or in a separate writing titled "Compensation Disclosure."

(9) A firm may receive compensation without a services agreement for the provision of a broker's price opinion, as defined in RCW 18.85.011, or a referral by one firm to another firm if the referring firm provided no real estate brokerage services in the transaction.

**Sec. 9.** RCW 18.86.090 and 2013 c 58 s 10 are each amended to read as follows:

~~((1))~~ A principal is not liable for an act, error, or omission by an agent ~~((or subagent))~~ of the principal arising out of an agency relationship:

~~((a))~~ (1) Unless the principal participated in or authorized the act, error, or omission; or

~~((b))~~ (2) Except to the extent that: ~~((i))~~ (a) The principal benefited from the act, error, or omission; and ~~((ii))~~ (b) the court determines that it is highly probable that the claimant would be unable to enforce a judgment against the agent ~~((or subagent))~~.

~~((2) A broker is not liable for an act, error, or omission of a subagent under this chapter, unless that broker participated in or authorized the act, error or omission. This subsection does not limit the liability of a firm for an act, error, or omission by a broker licensed to the firm.))~~

**Sec. 10.** RCW 18.86.100 and 2013 c 58 s 11 are each amended to read as follows:

~~((1))~~ Unless otherwise agreed to in writing, a principal does not have knowledge or notice of any facts known by an agent ~~((or subagent))~~ of the principal that are not actually known by the principal.

~~((2) Unless otherwise agreed to in writing, a broker does not have knowledge or notice of any facts known by a subagent that are not actually known by the broker. This subsection does not limit the knowledge imputed to the designated broker or any managing broker responsible for the supervision of the broker of any facts known by the broker.))~~

**Sec. 11.** RCW 18.86.120 and 2013 c 58 s 13 are each amended to read as follows:

~~((1))~~ The pamphlet required under RCW 18.86.030(1)(f) shall ~~((consist of the entire text of RCW 18.86.010 through 18.86.030 and 18.86.040 through 18.86.110 with a separate cover page. The pamphlet shall be 8 1/2 by 11 inches in size, the text shall be in print no smaller than 10-point type, the cover page shall be in print no smaller than 12-point type, and the title of the cover page "The Law of Real Estate Agency" shall be in print no smaller than 18-point type. The cover page shall be in the following form:))~~

**The Law of Real Estate Agency**

~~This pamphlet describes your legal rights in dealing with a real estate firm or broker. Please read it carefully before signing any documents.~~

The following is only a brief summary of the attached law:

Sec. 1. Definitions. Defines the specific terms used in the law.

Sec. 2. Relationships between Brokers and the Public. Prescribes that a broker who works with a buyer or tenant represents that buyer or tenant unless the broker is the listing agent, a seller's subagent, a dual agent, the seller personally or the parties agree otherwise. Also prescribes that in a transaction involving two different brokers licensed to the same real estate firm, the firm's designated broker and any managing broker responsible for the supervision of both brokers, are dual agents and each broker solely represents his or her client unless the parties agree in writing that both brokers are dual agents.

Sec. 3. Duties of a Broker Generally. Prescribes the duties that are owed by all brokers, regardless of who the broker represents. Requires disclosure of the broker's agency relationship in a specific transaction.

Sec. 4. Duties of a Seller's Agent. Prescribes the additional duties of a broker representing the seller or landlord only.

Sec. 5. Duties of a Buyer's Agent. Prescribes the additional duties of a broker representing the buyer or tenant only.

Sec. 6. Duties of a Dual Agent. Prescribes the additional duties of a broker representing both parties in the same transaction, and requires the written consent of both parties to the broker acting as a dual agent.

Sec. 7. Duration of Agency Relationship. Describes when an agency relationship begins and ends. Provides that the duties of accounting and confidentiality continue after the termination of an agency relationship.

Sec. 8. Compensation. Allows real estate firms to share compensation with cooperating real estate firms. States that payment of compensation does not necessarily establish an agency relationship. Allows brokers to receive compensation from more than one party in a transaction with the parties' consent.

Sec. 9. Vicarious Liability. Eliminates the liability of a party for the conduct of the party's agent or subagent, unless the principal participated in or benefited from the conduct or the agent or subagent is insolvent. Also limits the liability of a broker for the conduct of a subagent.

Sec. 10. Imputed Knowledge and Notice. Eliminates the common law rule that

~~notice to or knowledge of an agent constitutes notice to or knowledge of the principal.~~

~~Sec. 11. Interpretation. This law establishes statutory duties which replace common law fiduciary duties owed by an agent to a principal.~~

~~Sec. 12. Short Sale. Prescribes an additional duty of a firm representing the seller of owner-occupied real property in a short sale.~~

(2) (a) The pamphlet required under RCW 18.86.030(1)(f) must also include the following disclosure: When the seller of owner-occupied residential real property enters into a listing agreement with a real estate firm where the proceeds from the sale may be insufficient to cover the costs at closing, it is the responsibility of the real estate firm to disclose to the seller in writing that the decision by any beneficiary or mortgagee, or its assignees, to release its interest in the real property, for less than the amount the borrower owes, does not automatically relieve the seller of the obligation to pay any debt or costs remaining at closing, including fees such as the real estate firm's commission.

(b) For the purposes of this subsection, "owner-occupied real property" means real property consisting solely of a single-family residence, a residential condominium unit, or a residential cooperative unit that is the principal residence of the borrower) be formatted so it can be easily reviewed by a buyer or seller, including a legible font and font size. The pamphlet shall be in the following form:

### **Real Estate Brokerage in Washington**

#### **Introduction**

This pamphlet provides general information about real estate brokerage and summarizes the laws related to real estate brokerage relationships. It describes a real estate broker's duties to the seller/landlord and buyer/tenant. Detailed and complete information about real estate brokerage relationships is available in chapter 18.86 RCW.

If you have any questions about the information in this pamphlet, contact your broker or the designated broker of your broker's firm.

#### **Licensing and Supervision of Brokers**

To provide real estate brokerage services in Washington, a broker must be licensed under chapter 18.85 RCW and licensed with a real estate firm, which also must be licensed. Each real estate firm has a designated broker who is responsible for supervising the brokers licensed with the firm. Some firms may have branch offices that are supervised by a branch manager and some firms may delegate certain supervisory duties to one or more managing brokers.

The Washington State Department of Licensing is responsible for enforcing all laws and rules relating to the conduct of real estate firms and brokers.

**Agency Relationship**

In an agency relationship, a broker is referred to as an "agent" and the seller/landlord and buyer/tenant is referred to as the "principal." For simplicity, in this pamphlet, seller includes landlord, and buyer includes tenant.

**For Sellers**

A real estate firm and broker must enter into a written services agreement with a seller to establish an agency relationship. The firm will then appoint one or more brokers to be agents of the seller. The firm's designated broker and any managing broker responsible for the supervision of those brokers are also agents of the seller.

**For Buyers**

A real estate firm and broker(s) who perform real estate brokerage services for a buyer establish an agency relationship by performing those services. The firm's designated broker and any managing broker responsible for the supervision of that broker are also agents of the buyer. A written services agreement between the buyer and the firm must be entered into before, or as soon as reasonably practical after, a broker begins rendering real estate brokerage services to the buyer.

**For both Buyer and Seller - as a Limited Dual Agent**

A limited dual agent provides limited representation to both the buyer and the seller in a transaction. Limited dual agency requires the consent of each principal in a written services agreement and may occur in two situations: (1) When the buyer and the seller are represented by the same broker, in which case the broker's designated broker and any managing broker responsible for the supervision of that broker are also limited dual agents; and (2) when the buyer and the seller are represented by different brokers in the same firm, in which case each broker solely represents the principal the broker was appointed to represent, but the broker's designated broker and any managing broker responsible for the supervision of those brokers are limited dual agents.

**Duration of Agency Relationship**

Once established, an agency relationship continues until the earliest of the following:

- (1) Completion of performance by the broker;
- (2) Expiration of the term agreed upon by the parties;
- (3) Termination of the relationship by mutual agreement of the parties; or
- (4) Termination of the relationship by notice from either party to the other. However, such a termination does not affect the contractual rights of either party.

**Written Services Agreement**

A written services agreement between the firm and principal must contain the following:

- (1) The term (duration) of the agreement;
- (2) Name of the broker(s) appointed to act as an agent for the principal;

(3) Whether the agency relationship is exclusive (which does not allow the principal to enter into an agency relationship with another firm during the term) or nonexclusive (which allows the principal to enter into an agency relationship with multiple firms at the same time);

(4) Whether the principal consents to limited dual agency;

(5) The terms of compensation;

(6) In an agreement with a buyer, whether the broker agrees to show a property when there is no agreement or offer by any party or firm to pay compensation to the broker's firm; and

(7) Any other agreements between the parties.

**A Broker's Duties to All Parties**

A broker owes the following duties to all parties in a transaction:

(1) To exercise reasonable skill and care;

(2) To deal honestly and in good faith;

(3) To timely present all written offers, written notices, and other written communications to and from either party;

(4) To disclose all existing material facts known by the broker and not apparent or readily ascertainable to a party. A material fact includes information that substantially adversely affects the value of the property or a party's ability to perform its obligations in a transaction, or operates to materially impair or defeat the purpose of the transaction. However, a broker does not have any duty to investigate matters that the broker has not agreed to investigate;

(5) To account in a timely manner for all money and property received from or on behalf of either party;

(6) To provide this pamphlet to all parties to whom the broker renders real estate brokerage services and to any unrepresented party;

(7) To disclose in writing who the broker represents; and

(8) To disclose in writing any terms of compensation offered by a party or a real estate firm to a real estate firm representing another party.

**A Broker's Duties to the Buyer or Seller**

A broker owes the following duties to their principal (either the buyer or seller):

(1) To be loyal to their principal by taking no action that is adverse or detrimental to their principal's interest in a transaction;

(2) To timely disclose to their principal any conflicts of interest;

(3) To advise their principal to seek expert advice on matters relating to the transaction that are beyond the broker's expertise;

(4) To not disclose any confidential information from or about their principal; and

(5) To make a good faith and continuous effort to find a property for the buyer or to find a buyer for the seller's property, until the principal has entered a contract for the purchase or sale of property or as agreed otherwise in writing.

**Limited Dual Agent Duties**

A limited dual agent may not advocate terms favorable to one principal to the detriment of the other principal. A broker, acting as a limited dual agent, owes the following duties to both the buyer and seller:

(1) To take no action that is adverse or detrimental to either principal's interest in a transaction;

(2) To timely disclose to both principals any conflicts of interest;

(3) To advise both principals to seek expert advice on matters relating to the transaction that are beyond the limited dual agent's expertise;

(4) To not disclose any confidential information from or about either principal; and

(5) To make a good faith and continuous effort to find a property for the buyer and to find a buyer for the seller's property, until the principals have entered a contract for the purchase or sale of property or as agreed otherwise in writing.

**Compensation**

In any real estate transaction, a firm's compensation may be paid by the seller, the buyer, a third party, or by sharing the compensation between firms. To receive compensation from any party, a firm must have a written services agreement with the party the firm represents (or provide a "Compensation Disclosure" to the buyer in a transaction for commercial real estate).

A services agreement must contain the following regarding compensation:

(1) The amount the principal agrees to compensate the firm for broker's services as an agent or limited dual agent;

(2) The principal's consent, if any, and any terms of such consent, to compensation sharing between firms and parties; and

(3) The principal's consent, if any, and any terms of such consent, to compensation of the firm by more than one party.

**Short Sales**

A "short sale" is a transaction where the seller's proceeds from the sale are insufficient to cover seller's obligations at closing (e.g., the seller's outstanding mortgage is greater than the sale price). If a sale is a short sale, the seller's real estate firm must disclose to the seller that the decision by any beneficiary or mortgagee, to release its interest in the property for less than the amount the seller owes to allow the sale to proceed, does not automatically relieve the seller of the obligation to pay any debt or costs remaining at closing, including real estate firms' compensation.

**NEW SECTION. Sec. 12.** This act takes effect January 1, 2024."

Correct the title.

Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Rules for second reading

March 22, 2023

**ESSB 5207**

Prime Sponsor, State Government & Elections: Concerning campaign contributions by controlled entities. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.17A.455 and 2010 c 204 s 609 are each amended to read as follows:

For purposes of this chapter:

(1) A contribution by a political committee with funds that have all been contributed by one person who exercises exclusive control over the distribution of the funds of the political committee is a contribution by the controlling person.

(2) Two or more entities are treated as a single entity if one of the two or more entities is a subsidiary, branch, or department of a corporation that is participating in an election campaign or making contributions, or a local unit or branch of a trade association, labor union, or collective bargaining association that is participating in an election campaign or making contributions. All contributions made by a person or political committee whose contribution or expenditure activity is financed, maintained, or controlled by a trade association, labor union, collective bargaining organization, or the local unit of a trade association, labor union, or collective bargaining organization are considered made by the trade association, labor union, collective bargaining organization, or local unit of a trade association, labor union, or collective bargaining organization.

(3) The contribution of any entity must be aggregated with the contributions made by each individual who owns or holds a majority interest in the entity.

(4) Two or more entities are treated as a single entity and share a contribution limit if:

(a) One of the entities is established, financed, maintained, or controlled by the other; or

(b) The same individual owns or holds a majority interest in each entity.

(5) The commission shall adopt rules to carry out this section and is not subject to the time restrictions of RCW 42.17A.110(1).

**NEW SECTION. Sec. 2.** A new section is added to chapter 42.17A RCW to read as follows:

(1) Any limited liability company that has registered with the secretary of state under chapter 23.95 RCW and has not elected to be classified as a corporation under the federal tax code may make contributions only if the company has:

(a) Been in existence for at least one year prior to making contributions; and



(b) Electronically filed with the commission a declaration that the company is a legitimate business with a legitimate business interest and is not created for the sole purpose of making campaign contributions.

(2) The commission shall develop a method for limited liability companies to file the declaration required under subsection (1)(b) of this section. The commission shall post all information submitted pursuant to this section on its website on a public page in a searchable format."

Correct the title.

Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; and Low.

Referred to Committee on Rules for second reading

March 22, 2023

SSB 5208 Prime Sponsor, State Government & Elections: Updating the process for online voter registration by allowing voter applicants to provide the last four digits of social security number for authentication. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.08.123 and 2019 c 6 s 3 are each amended to read as follows:

(1) A person qualified to vote who has a valid:

(a) Washington state driver's license((r));

(b) Washington state identification card((r-OR));

(c) Washington state learner's permit;

(d) Current Washington tribal identification; or

(e) Social Security number, may submit a voter registration application electronically on the secretary of state's website, and provide either the state issued identification number, the tribal identification number, or the last four digits of the person's social security number. ((A person who has a valid tribal identification card may submit a voter registration electronically on the secretary of state's website if the secretary of state is able to obtain a copy of the applicant's signature from the federal government or the tribal government.))

(2) The applicant must attest to the truth of the information provided on the application and confirm the applicant's United States citizenship by reviewing the registration oath online and affirmatively accepting the information as true.

(3) ((The)) For applicants using Washington state issued identification, the applicant must affirmatively assent to use of ((his or her)) the applicant's driver's

license((r)) or state identification card((r or tribal identification card)) signature for voter registration purposes.

(4) For applicants who are not using Washington state issued identification, the applicant must submit a signature image by either submitting a signature image to the secretary of state, or submitting a signature image as part of the confirmation notice process.

(5) A voter registration application submitted electronically is otherwise considered a registration by mail.

((45)) (6) For each electronic application, the secretary of state must obtain a digital copy of the applicant's driver's license or state identification card signature from the department of licensing, the voter, or tribal identification issuing authority.

((46)) (7) The secretary of state may employ additional security measures to ensure the accuracy and integrity of voter registration applications submitted electronically.

NEW SECTION. Sec. 2. This act takes effect July 15, 2024."

Correct the title.

Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Low.

Referred to Committee on Appropriations

March 22, 2023

SB 5228 Prime Sponsor, Senator Dhingra: Providing occupational therapy services for persons with behavioral health disorders. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations

March 22, 2023

SB 5242 Prime Sponsor, Senator Cleveland: Prohibiting cost sharing for abortion. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Graham; Harris; and Mosbrucker.

Referred to Committee on Appropriations

March 22, 2023

SSB 5261 Prime Sponsor, Labor & Commerce: Concerning cemetery authority permit, license, or endorsement deadlines. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Rules for second reading

March 22, 2023

SSB 5381 Prime Sponsor, State Government & Elections: Concerning letters of recommendation or congratulations sent by legislators. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

March 22, 2023

SB 5421 Prime Sponsor, Senator Conway: Exempting benefit enrollment information collected and maintained by the health care authority from public inspection and copying under the public records act. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

March 22, 2023

2SSB 5532 Prime Sponsor, Ways & Means: Providing enhanced payment to low volume, small rural hospitals. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations

March 22, 2023

SSB 5542 Prime Sponsor, Law & Justice: Preventing the destruction of electric vehicle supply equipment. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking

Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Rules for second reading

March 22, 2023

SSB 5581 Prime Sponsor, Health & Long Term Care: Developing strategies to reduce or eliminate deductibles for maternal support services and postpartum care. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The office of the insurance commissioner shall conduct an analysis of how health plans define, cover, and reimburse for maternity care services, including prenatal, delivery, and postpartum care, and make recommendations regarding methods to reduce or eliminate deductibles and other forms of cost sharing for maternity care services.

(2) In conducting the analysis, the office of the insurance commissioner shall:

(a) Obtain necessary information regarding health plans offered by carriers with more than one percent accident and health market share based upon the insurance commissioner's most recent annual market information report and health plans offered to public employees under chapter 41.05 RCW to evaluate:

(i) How health plan benefit designs define maternity care services;

(ii) Whether and to what extent maternity care services are subject to deductibles and other cost-sharing requirements;

(iii) Which maternity care services are considered preventive services under section 2713 of the federal public health service act (42 U.S.C. Sec. 300gg et seq.) and implementing federal regulations in effect on the effective date of this section and are therefore exempt from cost sharing;

(iv) The five most used maternity care reimbursement methodologies used by each carrier; and

(v) With respect to reimbursement methodologies that bundle payment for maternity care services, which specific services are included in the bundled payment;

(b) Estimate the total and per member per month impact on health plan rates of eliminating cost sharing for maternity care services in full, or for prenatal care only, for the following markets:

(i) Individual health plans other than cascade select plans;

(ii) Cascade select health plans;

(iii) Small group health plans;

(iv) Large group health plans;

(v) Health plans offered to public employees under chapter 41.05 RCW; and

(vi) All health plans in the aggregate.

(3) The office of the insurance commissioner shall submit a report on the findings and cost estimate to the appropriate committees of the legislature by July 1, 2024. The report must also include

recommendations for methods to reduce or eliminate deductibles and other forms of cost sharing for maternity care services.

(4) The office of the insurance commissioner may contract for all or a portion of the analysis required in this section."

Correct the title.

Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

March 22, 2023

SB 5595 Prime Sponsor, Senator Wilson, J.: Adopting the evergreen state as the state nickname. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

March 21, 2023

E2SSB 5634 Prime Sponsor, Ways & Means: Concerning problem gambling. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Morgan; Reeves and Waters.

MINORITY recommendation: Do not pass. Signed by Representative Walsh.

Referred to Committee on Finance

March 22, 2023

ESB 5650 Prime Sponsor, Senator Rolfes: Concerning salary inflationary increases for K-12 employees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Schmick; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; and Sandlin.

MINORITY recommendation: Without recommendation. Signed by Representative Steele.

Referred to Committee on Rules for second reading

March 22, 2023

### SB 5700

Prime Sponsor, Senator Van De Wege: Modernizing state health care authority related laws. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

### SECOND READING

**SUBSTITUTE SENATE BILL NO. 5028, by Senate Committee on Law & Justice (originally sponsored by Pedersen, Wagoner, Dhingra, Frame, Hunt, Keiser, Kuderer, Lias, Nobles, Randall, Saldaña, Shewmake, Stanford, Wellman and Wilson, C.)**

**Revising the process for individuals to request name changes.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hansen spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

### MOTION

On motion of Representative Griffey, Representatives Corry and Steele were excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5028.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5028, and the bill passed the House by the following vote: Yeas, 64; Nays, 32; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Couture, Dent, Dye, Eslick, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Schmick, Schmidt, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Corry and Steele

SUBSTITUTE SENATE BILL NO. 5028, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5179, by Senate Committee on Health & Long Term Care (originally sponsored by Pedersen, King, Cleveland, Dhingra, Frame, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nobles, Robinson, Saldaña, Stanford, Valdez, Van De Wege, Wellman and Wilson, C.)**

**Increasing access to the provisions of the Washington death with dignity act.**

The bill was read the second time.

Representative Schmick moved the adoption of amendment (491):

On page 3, line 34, after "a" strike "direct"

Representative Schmick spoke in favor of the adoption of the amendment.

Representative Riccelli spoke against the adoption of the amendment.

Amendment (491) was not adopted.

Representative Walsh moved the adoption of amendment (493):

On page 7, beginning on line 30, strike all of subsection (3)

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Riccelli spoke against the adoption of the amendment.

Amendment (493) was not adopted.

Representative Walsh moved the adoption of amendment (492):

On page 12, beginning on line 32, after "(C)" strike all material through "(D)" on line 34

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Riccelli spoke against the adoption of the amendment.

Amendment (492) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Peterson and Rude spoke in favor of the passage of the bill.

Representatives Jacobsen, Christian, Graham and Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5179.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5179, and the bill passed the House by the following vote: Yeas, 53; Nays, 43; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cortes, Davis, Doglio, Duerr, Entenman, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, McEntire, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Ryu, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Chopp, Christian, Connors, Couture, Dent, Donaghy, Dye, Eslick, Farivar, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, Mosbrucker, Orcutt, Paul, Robertson, Rule, Sandlin, Santos, Schmick, Schmidt, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Corry and Steele

ENGROSSED SUBSTITUTE SENATE BILL NO. 5179, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5319, by Senators Stanford, Dozier, Mullet and Wilson, C.**

**Concerning pet insurance.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McClintock and Donaghy spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5319.

## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5319, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

SENATE BILL NO. 5319, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1847, by Representatives Santos, Berg, Fitzgibbon and Ryu**

**Establishing permanent funding for a community preservation and development authority approved through RCW 43.167.060.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1847.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1847, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

HOUSE BILL NO. 1847, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5565, by Senate Committee on Ways & Means (originally sponsored by Schoesler, Rolfes, Dozier, Nobles and Wellman)**

**Modifying tax and revenue laws by making technical corrections, clarifying ambiguities, easing compliance burdens for taxpayers, and providing administrative efficiencies.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Finance was adopted. For Committee amendment, see Journal, Day 71, Monday, March 20, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Orcutt and Berg spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5565, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5565, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low,

Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

SUBSTITUTE SENATE BILL NO. 5565, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5295, by Senators Wilson, L., Rolfes and Gildon**

**Eliminating accounts.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stokesbary and Fitzgibbon spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5295.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5295, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

SENATE BILL NO. 5295, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5342, by Senators Kauffman, King, Liias, Kuderer, Nobles and Wilson, C.**

**Concerning transit agencies' ability to enter into interlocal agreements for procurement.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Timmons and Hutchins spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5342.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5342, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

SENATE BILL NO. 5342, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5192, by Senators Shewmake, Hunt, Nguyen and Wellman**

**Authorizing administrative law judges to substitute for pollution control hearings board members in deciding derelict vessel appeals.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chapman and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5192.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5192, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

SENATE BILL NO. 5192, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5006, by Senate Committee on Law & Justice (originally sponsored by Pedersen, Rivers, Dhingra, Frame, Hasegawa, Hunt, Kuderer, Mullet, Nobles, Stanford and Valdez)**

**Clarifying waiver of firearm rights.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Civil Rights & Judiciary was adopted. For Committee amendment, see Journal, Day 72, Tuesday, March 21, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Hansen spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5006, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5006, as amended by the House, and the bill passed the House by the following vote: Yeas, 61; Nays, 35; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Couture, Dent, Dye, Eslick, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Sandlin, Schmick, Schmidt, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Corry and Steele

SUBSTITUTE SENATE BILL NO. 5006, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5370, by Senators Wagoner, Dhingra, Van De Wege and Wilson, C.**

**Concerning adult protective services.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eslick and Taylor spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5370.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5370, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low,

Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

SENATE BILL NO. 5370, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5272, by Senate Committee on Transportation (originally sponsored by Liias, King, Kuderer, Nguyen, Nobles, Saldaña and Wilson, C.)**

**Concerning speed safety camera systems on state highways.**

The bill was read the second time.

Representative Klicker moved the adoption of amendment (497):

On page 5, line 25, after "system." insert "Additionally, where feasible and constructive, radar speed feedback signs will be placed in advance of the speed safety camera system to assist drivers in complying with posted speed limits."

Representatives Klicker and Timmons spoke in favor of the adoption of the amendment.

Amendment (497) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Timmons, Barkis and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5272, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5272, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

ENGROSSED SUBSTITUTE SENATE BILL NO. 5272, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

### MOTION

There being no objection, the Committee on Rules was relieved of the following resolution and bills and the resolution and bills were placed on the second reading calendar:

HOUSE JOINT RESOLUTION NO. 4204  
SENATE BILL NO. 5023  
SENATE BILL NO. 5089  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5123  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5207  
SENATE BILL NO. 5421  
ENGROSSED SENATE BILL NO. 5650  
SENATE BILL NO. 5700

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

There being no objection, the House reverted to the third order of business.

### MESSAGES FROM THE SENATE

Friday, March 24, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5200

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

Friday, March 24, 2023

Mme. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5198  
SUBSTITUTE SENATE BILL NO. 5569  
ENGROSSED SENATE BILL NO. 5623

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the sixth order of business.

### SECOND READING

**SENATE BILL NO. 5553, by Senators Lovelett, Robinson, Conway, Nguyen, Nobles, Wellman and Wilson, C.**

**Authorizing standards for temporary emergency shelters for local adoption.**

The bill was read the second time.

Representative Jacobsen moved the adoption of amendment (498):

On page 2, beginning on line 4, after "adopt" strike "by rule," and insert "optional model"

Representative Jacobsen spoke in favor of the adoption of the amendment.

Representative Duerr spoke against the adoption of the amendment.

Amendment (498) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Duerr and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5553.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5553, and the bill passed the House by the following vote: Yeas, 82; Nays, 14; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Macri, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Chandler, Christian, Dye, Eslick, Graham, Jacobsen, Low, Maycumber, McEntire, Schmick, Schmidt, Volz, Walsh and Ybarra

Excused: Representatives Corry and Steele

SENATE BILL NO. 5553, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5317, by Senate Committee on Transportation (originally sponsored by Nobles, Wilson, J., Frame, Liias, Lovick, Saldaña, Salomon, Shewmake, Wellman and Wilson, C.)**

**Concerning the removal of vehicles by a regional transit authority when obstructing the operation of high capacity transportation vehicles or jeopardizing public safety.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Transportation was adopted. For Committee amendment, see Journal, Day 72, Tuesday, March 21, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Paul and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5317, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5317, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner,

Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Stokesbary

Excused: Representatives Corry and Steele

SUBSTITUTE SENATE BILL NO. 5317, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5700, by Senators Van De Wege, Cleveland and Dhingra**

**Modernizing state health care authority related laws.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stonier and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5700.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5700, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

SENATE BILL NO. 5700, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5650, by Senators Rolfes, Robinson, Kuderer, Nguyen, Saldaña, Valdez and Wellman**

**Concerning salary inflationary increases for K-12 employees.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Bergquist spoke in favor of the passage of the bill.

Representative Stokesbary spoke against the passage of the bill.



The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5650.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5650, and the bill passed the House by the following vote: Yeas, 62; Nays, 34; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Calder, Chambers, Chandler, Cheney, Christian, Connors, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Sandlin, Schmick, Schmidt, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Corry and Steele

ENGROSSED SENATE BILL NO. 5650, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5023, by Senators Wilson, J., Lovick, Kuderer, Liias and Wellman**

#### Concerning roadside safety measures.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt and Donaghy spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5023.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5023, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

SENATE BILL NO. 5023, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5041, by Senators Lovick, King and Liias**

#### Concerning compliance with federal motor carrier safety administration requirements for the drug and alcohol clearinghouse.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hackney and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5041.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5041, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

SENATE BILL NO. 5041, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5627, by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Hunt)**

#### Concerning salaries for county commissioners and councilmembers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Duerr and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5627.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5627, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson,

Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

SUBSTITUTE SENATE BILL NO. 5627, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5421, by Senators Conway and Van De Wege**

**Exempting benefit enrollment information collected and maintained by the health care authority from public inspection and copying under the public records act.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ramos and Abbarno spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5421.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5421, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives McEntire and Walsh  
Excused: Representatives Corry and Steele

SENATE BILL NO. 5421, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5439, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Warnick, Dozier, Hasegawa, Lovelett, Salomon, Schoesler and Van De Wege)**

**Concerning livestock identification.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dent and Morgan spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5439.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5439, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

SUBSTITUTE SENATE BILL NO. 5439, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5143, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Torres, Dhingra, Rolfes, Saldaña, Shewmake and Warnick)**

**Changing the name of and adding a member to the commission on pesticide registration.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dent and Morgan spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5143.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5143, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

ENGROSSED SUBSTITUTE SENATE BILL NO. 5143, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5089, by Senators King, Rolfes and Wilson, J.**

**Making changes to factory assembled structures, manufactured or mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and park trailers requirements, including adding board**

**members to the factory assembled structures advisory committee.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Robertson and Berry spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5089.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5089, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

SENATE BILL NO. 5089, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:30 a.m., Monday, March 27, 2023, the 78th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SEVENTY EIGHTH DAY

House Chamber, Olympia, Monday, March 27, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Elise Maynard and Nixon Upson. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Erin Jones, author, educator, TEDx and motivational speaker, and member of "The Gathering" Christian community.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

**INTRODUCTION & FIRST READING**

HB 1850 by Representatives Macri, Schmick, Tharinger, Stokesbary, Ormsby, Bergquist, Schmidt, Chopp, Berg, Bronoske and Thai

AN ACT Relating to the hospital safety net program; amending RCW 74.60.005, 74.60.010, 74.60.020, 74.60.030, 74.60.040, 74.60.050, 74.60.080, 74.60.090, 74.60.100, 74.60.110, 74.60.120, 74.60.130, 74.60.150, 74.60.160, 74.60.170, and 74.60.900; repealing RCW 74.60.901 and 74.60.903; and providing contingent effective dates.

Referred to Committee on Appropriations.

ESSB 5200 by Senate Committee on Ways & Means (originally sponsored by Mullet, Schoesler and Nguyen)

AN ACT Relating to the capital budget; amending RCW 28B.20.725, 28B.30.750, 43.88D.010, 39.35D.030, 43.99N.060, 43.88.030, 43.07.410, 87.03.136, and 43.19.125; amending 2022 c 296 ss 1018, 1019, 1020, 1022, 1056, 1046, 1024, 1026, 1039, 1059, 2004, 2037, 3003, 3010, 5004, 5028, and 7002, and 2021 c 332 ss 1065, 1098, 2032, 2039, 2059, 2067, 3010, 3012, 3019, 3021, 3022, 3024, 3026, 3027, 3028, 3031, 3037, 3038, 3039, 3048, 3069, 3072, 3078, 3094, 3097, and 3295 (uncodified); reenacting and amending RCW 43.185.050, 43.83B.430, and 43.155.050; adding new sections to 2022 c 296 (uncodified); creating new sections; repealing 2021 c 332 s 3111 (uncodified); providing a contingent effective date; and declaring an emergency.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of ENGROSSED SUBSTITUTE SENATE BILL NO. 5200, which was read the first time, and under suspension of the rules, was placed on the second reading calendar.

There being no objection, the House advanced to the fifth order of business.

**REPORTS OF STANDING COMMITTEES**

March 23, 2023

SSB 5025

Prime Sponsor, Ways & Means: Concerning implementation of technology systems at the department of corrections. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 72.09 RCW to read as follows:

(1)(a) The department shall replace the offender management network information system at the department with a more efficient and technologically advanced system. The department shall endeavor to replace and implement the sentencing calculation module before replacing other modules of the offender management network information system. The department is required to implement the sentencing calculation module by the deadline in (d) (iii) of this subsection.

(b) The department shall use a competitive request for a proposal process to replace the offender management network information system under this section.

(c) The department shall leverage existing resources, development plans, and funding.

(d) The department shall require that any system that replaces all or parts of the offender management network information system:

(i) Be capable of being continually updated as necessary;

(ii) Use an agile, not waterfall, development model with software demonstration delivery at the end of sprint lengths set pursuant to implementation team recommendations, but no longer than four-week intervals;

(iii) Deploy usable functionality into production for users within 180 days from the date of contract signing, or on a timeline aligned with industry best practices and according to gated funding practices; and

(iv) Use quantifiable deliverables that must include live, accessible demonstrations of software in development to program staff and end users at each sprint or at least monthly.

(e) The department shall ensure a full and open vendor competition with best value analysis to allow for technology solutions that meet department requirements.

(2)(a) The department shall implement a comprehensive electronic health records system at the department. The department must ensure the electronic health records system:

(i) Complies with the statewide electronic health records plan that must implement a common technology solution to leverage shared business processes and data across the state in support of client services. The department must collaborate with at least the consolidated technology services, department of social and health services, and the health care authority; and

(ii) Requirements are coordinated with, and similar to, at least those for the department of social and health services and the health care authority.

(b) The comprehensive electronic health records system implemented by the department shall be able to communicate with information and data systems used by managed care organizations for purposes of care coordination activities.

(c) The department shall require that the comprehensive electronic health records system:

(i) Be capable of being continually updated as necessary;

(ii) Use an agile, not waterfall, development model with software demonstration delivery at the end of sprint lengths set pursuant to implementation team recommendations, but no longer than four-week intervals;

(iii) Deploy usable functionality into production for users within 180 days from the date of contract signing, or on a timeline aligned with industry best practices and according to gated funding practices; and

(iv) Use quantifiable deliverables that must include live, accessible demonstrations of software in development to program staff and end users at each sprint or at least monthly.

(3) The department shall work with the office of equity to implement provisions of this act.

**NEW SECTION. Sec. 2.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Appropriations

March 23, 2023

SSB 5081

Prime Sponsor, Human Services: Concerning victim notification. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 72.09.712 and 2022 c 82 s 1 are each amended to read as follows:

(1) At the earliest possible date, and in no event later than thirty days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the department of corrections shall send written notice of parole, release, community custody, work release placement, furlough, or escape about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as defined by RCW 10.99.020, an assault in the third degree offense as defined by RCW 9A.36.031, an unlawful imprisonment offense as defined by RCW 9A.40.040, a custodial interference in the first degree offense as defined by RCW 9A.40.060, a luring offense as defined by RCW 9A.40.090, a coercion into involuntary servitude offense as defined by RCW 9A.40.110, a criminal gang intimidation offense as defined by RCW 9A.46.120, an intimidating a public servant offense as defined by RCW 9A.76.180, an intimidation or harassment with an explosive offense as defined by RCW 70.74.275, a vehicular homicide by disregard for the safety of others offense as defined by RCW 46.61.520, or a controlled substances homicide offense as defined by RCW 69.50.415, to the following:

(a) The chief of police of the city, if any, in which the inmate will reside or in which placement will be made in a work release program; and

(b) The sheriff of the county in which the inmate will reside or in which placement will be made in a work release program.

The sheriff of the county where the offender was convicted shall be notified if the department does not know where the offender will reside. The department shall notify the state patrol of the release of all sex offenders, and that information shall be placed in the Washington crime information center for dissemination to all law enforcement.

(2) The same notice as required by subsection (1) of this section shall be sent to the following if such notice has been requested in writing about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as defined by RCW 10.99.020, an assault in the third degree offense as defined by RCW 9A.36.031, an unlawful imprisonment offense as defined by RCW 9A.40.040, a custodial interference in the first degree offense as defined by RCW 9A.40.060, a luring offense as defined by RCW 9A.40.090, a coercion into involuntary servitude offense as defined by RCW 9A.40.110, a criminal gang intimidation offense as defined by RCW 9A.46.120, an intimidating a public servant offense as

defined by RCW 9A.76.180, an intimidation or harassment with an explosive offense as defined by RCW 70.74.275, a vehicular homicide by disregard for the safety of others offense as defined by RCW 46.61.520, or a controlled substances homicide offense as defined by RCW 69.50.415:

(a) The victim of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide;

(b) Any witnesses who testified against the inmate in any court proceedings involving the violent offense;

(c) Any person specified in writing by the prosecuting attorney; and

(d) Any person who requests such notice about a specific inmate convicted of a sex offense as defined by RCW 9.94A.030 from the department of corrections at least sixty days prior to the expected release date of the offender.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the inmate. Whenever the department of corrections mails notice pursuant to this subsection and the notice is returned as undeliverable, the department shall attempt alternative methods of notification, including a telephone call to the person's last known telephone number.

(3) The existence of the notice requirements contained in subsections (1) and (2) of this section shall not require an extension of the release date in the event that the release plan changes after notification.

(4) If an inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as defined by RCW 10.99.020, an assault in the third degree offense as defined by RCW 9A.36.031, an unlawful imprisonment offense as defined by RCW 9A.40.040, a custodial interference in the first degree offense as defined by RCW 9A.40.060, a luring offense as defined by RCW 9A.40.090, a coercion into involuntary servitude offense as defined by RCW 9A.40.110, a criminal gang intimidation offense as defined by RCW 9A.46.120, an intimidating a public servant offense as defined by RCW 9A.76.180, an intimidation or harassment with an explosive offense as defined by RCW 70.74.275, a vehicular homicide by disregard for the safety of others offense as defined by RCW 46.61.520, or a controlled substances homicide offense as defined by RCW 69.50.415, escapes from a correctional facility, the department of corrections shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses and the victim of

the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide. If the inmate is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(5) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(6) The department of corrections shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(7) The department of corrections shall keep, for a minimum of two years following the release of an inmate, the following:

(a) A document signed by an individual as proof that that person is registered in the victim or witness notification program; and

(b) A receipt showing that an individual registered in the victim or witness notification program was mailed a notice, at the individual's last known address, upon the release or movement of an inmate.

(8) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Next of kin" means a person's spouse, state registered domestic partner, parents, siblings and children.

(9) Nothing in this section shall impose any liability upon a chief of police of a city or sheriff of a county for failing to request in writing a notice as provided in subsection (1) of this section.

(10) Information and records prepared, owned, used, or retained by the department of corrections that reveal any notification or request for notification regarding any specific individual, or that reveal the identity, location of, or any information submitted by a person who requests or is invited to enroll for notification under subsection (2) of this section, are exempt from public inspection and copying under chapter 42.56 RCW.

**NEW SECTION. Sec. 2.** A new section is added to chapter 42.56 RCW to read as follows:

Information and records prepared, owned, used, or retained by the department of corrections that reveal any notification or request for notification regarding any specific individual, or that reveal the identity, location of, or any information submitted by a person who requests or is invited to enroll for notification under RCW 72.09.712(2) or 72.09.710(1), are exempt from public inspection and copying under this chapter.

**Sec. 3.** RCW 72.09.710 and 2008 c 231 s 26 are each amended to read as follows:

(1) At the earliest possible date, and in no event later than ten days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the

department of corrections shall send written notice of parole, community custody, work release placement, furlough, or escape about a specific inmate convicted of a serious drug offense to the following if such notice has been requested in writing about a specific inmate convicted of a serious drug offense:

(a) Any witnesses who testified against the inmate in any court proceedings involving the serious drug offense; and

(b) Any person specified in writing by the prosecuting attorney.

Information regarding witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the inmate.

(2) If an inmate convicted of a serious drug offense escapes from a correctional facility, the department of corrections shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses who are entitled to notice under this section. If the inmate is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) If any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The department of corrections shall send the notices required by this section to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section, "serious drug offense" means an offense under RCW 69.50.401(2) (a) or (b) or 69.50.4011(2) (a) or (b).

(6) Information and records prepared, owned, used, or retained by the department of corrections that reveal any notification or request for notification regarding any specific individual, or that reveal the identity, location of, or any information submitted by a person who requests or is invited to enroll for notification under subsection (1) of this section, are exempt from public inspection and copying under chapter 42.56 RCW.

**Sec. 4.** RCW 72.09.714 and 2021 c 215 s 161 are each amended to read as follows:

The department of corrections shall provide the victims, witnesses, and next of kin in the case of a homicide and victims and witnesses involved in violent offense cases, sex offenses as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, ((~~or~~)) a felony harassment pursuant to RCW 9A.46.060

or 9A.46.110, a domestic violence offense as defined in RCW 10.99.020, an assault in the third degree offense under RCW 9A.36.031, an unlawful imprisonment offense under RCW 9A.40.040, a custodial interference in the first degree offense as defined by RCW 9A.40.060, a luring offense as defined by RCW 9A.40.090, a coercion into involuntary servitude offense as defined by RCW 9A.40.110, a criminal gang intimidation offense as defined by RCW 9A.46.120, an intimidating a public servant offense as defined by RCW 9A.76.180, an intimidation or harassment with an explosive offense as defined by RCW 70.74.275, a vehicular homicide by disregard for the safety of others offense under RCW 46.61.520, or a controlled substances homicide offense under RCW 69.50.415, a statement of the rights of victims and witnesses to request and receive notification under RCW 72.09.712 and 72.09.716."

Correct the title.

Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

March 23, 2023

SSB 5094

Prime Sponsor, Agriculture, Water, Natural Resources & Parks: Adding a climate resilience element to water system plans. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Barnard; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Couture; and Goehner.

Referred to Committee on Appropriations

March 23, 2023

SSB 5101

Prime Sponsor, Human Services: Concerning extraordinary medical placement for incarcerated individuals at the department of corrections. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 9.94A.728 and 2021 c 311 s 19 and 2021 c 266 s 2 are each reenacted and amended to read as follows:

(1) No ((~~person~~))incarcerated individual serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(a) An ~~((offender))~~ incarcerated individual may earn early release time as authorized by RCW 9.94A.729;

(b) An ~~((offender))~~ incarcerated individual may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, ~~((offenders))~~ incarcerated individuals may leave a correctional facility when in the custody of a corrections officer or officers;

(c) (i) The secretary may authorize an extraordinary medical placement for an ~~((offender))~~ incarcerated individual when all of the following conditions exist:

(A) The ~~((offender))~~ incarcerated individual has ~~((a medical condition that is serious and is expected to require costly care or treatment))~~ been assessed by two physicians and is determined to be one of the following:

(I) Affected by a permanent or degenerative medical condition to such a degree that the individual does not presently, and likely will not in the future, pose a threat to public safety; or

(II) In ill health and is expected to die within six months and does not presently, and likely will not in the future, pose a threat to public safety;

(B) The ~~((offender poses a))~~ incarcerated individual has been assessed as low risk to the community ~~((because he or she is currently physically incapacitated due to age or the medical condition or is expected to be so))~~ at the time of release; and

(C) It is expected that granting the extraordinary medical placement will result in a cost savings to the state.

(ii) An ~~((offender))~~ incarcerated individual sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(iii) The secretary shall require electronic monitoring for all ~~((offenders))~~ individuals in extraordinary medical placement unless the electronic monitoring equipment is detrimental to the individual's health, interferes with the function of the ~~((offender's))~~ individual's medical equipment, or results in the loss of funding for the ~~((offender's))~~ individual's medical care, in which case, an alternative type of monitoring shall be utilized. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(iv) The secretary may revoke an extraordinary medical placement under this subsection (1)(c) at any time.

(v) Persistent offenders are not eligible for extraordinary medical placement;

(d) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(e) No more than the final ~~((twelve))~~ 12 months of the ~~((offender's))~~ incarcerated individual's term of confinement may be served in partial confinement for aiding the ~~((offender))~~ incarcerated individual with: Finding work as part of the work release program under chapter 72.65 RCW; or

reestablishing himself or herself in the community as part of the parenting program in RCW 9.94A.6551. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to RCW 9.94A.729(5)(d);

(f) (i) No more than the final five months of the ~~((offender's))~~ incarcerated individual's term of confinement may be served in partial confinement as home detention as part of the graduated reentry program developed by the department under RCW 9.94A.733(1)(a);

(ii) For eligible ~~((offenders))~~ incarcerated individuals under RCW 9.94A.733(1)(b), after serving at least four months in total confinement in a state correctional facility, an ~~((offender))~~ incarcerated individual may serve no more than the final 18 months of the ~~((offender's))~~ incarcerated individual's term of confinement in partial confinement as home detention as part of the graduated reentry program developed by the department;

(g) The governor may pardon any ~~((offender))~~ incarcerated individual;

(h) The department may release an ~~((offender))~~ incarcerated individual from confinement any time within ~~((ten))~~ 10 days before a release date calculated under this section;

(i) An ~~((offender))~~ incarcerated individual may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870;

(j) Notwithstanding any other provisions of this section, an ~~((offender))~~ incarcerated individual sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540; and

(k) Any ~~((person))~~ individual convicted of one or more crimes committed prior to the ~~((person's eighteenth))~~ individual's 18th birthday may be released from confinement pursuant to RCW 9.94A.730.

(2) Notwithstanding any other provision of this section, an ~~((offender))~~ incarcerated individual entitled to vacation of a conviction or the recalculation of his or her offender score pursuant to *State v. Blake*, No. 96873-0 (Feb. 25, 2021), may be released from confinement pursuant to a court order if the ~~((offender))~~ incarcerated individual has already served a period of confinement that exceeds his or her new standard range. This provision does not create an independent right to release from confinement prior to resentencing.

(3) ~~((Offenders))~~ Individuals residing in a juvenile correctional facility placement pursuant to RCW 72.01.410(1)(a) are not subject to the limitations in this section."

Correct the title.

Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse and Ramos.



MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker, Ranking Minority Member; and Graham.

Referred to Committee on Rules for second reading

March 21, 2023

SSB 5165

Prime Sponsor, Environment, Energy & Technology: Concerning electric power system transmission planning. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that the electric power system serving Washington will require additional high voltage transmission capacity to achieve the state's objectives and legal requirements. Washington must reduce its greenhouse gas emissions under state law, and the 2021 state energy strategy finds that this will require a significant increase in the use of renewable or nonemitting electricity in place of fossil fuels now used in the transportation, industry, and building sectors.

(2) The legislature anticipated the crucial role of additional transmission capacity in 2019 in the enactment of the clean energy transformation act and directed the energy facilities site evaluation council to convene a transmission corridors work group. The transmission corridors work group issued its final report on October 31, 2022, in which it confirmed the central role of transmission and recommended actions to achieve the expansion of transmission capacity to address this need.

(3) Expanded transmission capacity and the more effective use of existing transmission capacity will provide benefits to electricity consumers in the state by enhancing the reliability of the electric power system and increasing access to more affordable sources of electricity within the state and across the western United States and Canada.

(4) Existing constraints on transmission capacity within the state already present challenges in ensuring adequate and affordable supplies of clean electricity. Of particular concern is the capability of the transmission system to deliver clean electricity into and within the central Puget Sound area.

(5) There are multiple issues that contribute to the challenge of making timely and cost-effective expansions of the high voltage transmission system. Among those challenges is the need for a more proactive transmission planning process using a longer planning period than current law requires. Transmission planning must reflect not just the requirements to connect individual generating resources to the grid but also the need to transfer electricity across the state and the west. Transmission planning must incorporate state policies and laws in planning objectives.

(6) Certain transmission projects are of significant state interest due to their impact on the access of multiple utilities and communities to gain access to clean, affordable electricity supplies and obtain electricity that is necessary to comply with state laws.

(7) The legislature intends and affirms that the option to use local government permitting processes remains available for transmission projects not subject to mandatory jurisdiction under RCW 80.50.060(2).

(8) Transmission projects typically take at least a decade to develop and permit. This timing presents particular challenges for achieving the state's greenhouse gas emissions reduction mandates, which include ambitious benchmarks as early as 2030. There is a need to accelerate the timeline for transmission development while still protecting other Washington values.

(9) Some electric utilities rely entirely or primarily on a contracted network transmission provider for required transmission services. These electric utilities may contribute to the objectives of this act by requesting that each provider of network transmission service to the utilities include the provisions of chapter 288, Laws of 2019 and chapter 70A.45 RCW as public policy mandates in the transmission service provider's transmission planning process.

**Sec. 2.** RCW 19.280.030 and 2021 c 300 s 3 are each amended to read as follows:

Each electric utility must develop a plan consistent with this section.

(1) Utilities with more than (~~twenty-five thousand~~) 25,000 customers that are not full requirements customers must develop or update an integrated resource plan by September 1, 2008. At a minimum, progress reports reflecting changing conditions and the progress of the integrated resource plan must be produced every two years thereafter. An updated integrated resource plan must be developed at least every four years subsequent to the 2008 integrated resource plan. The integrated resource plan, at a minimum, must include:

(a) A range of forecasts, for at least the next (~~ten~~) 10 years or longer, of projected customer demand which takes into account econometric data and customer usage;

(b) An assessment of commercially available conservation and efficiency resources, as informed, as applicable, by the assessment for conservation potential under RCW 19.285.040 for the planning horizon consistent with (a) of this subsection. Such assessment may include, as appropriate, opportunities for development of combined heat and power as an energy and capacity resource, demand response and load management programs, and currently employed and new policies and programs needed to obtain the conservation and efficiency resources;

(c) An assessment of commercially available, utility scale renewable and nonrenewable generating technologies including a comparison of the benefits and

risks of purchasing power or building new resources;

(d) A comparative evaluation of renewable and nonrenewable generating resources, including transmission and distribution delivery costs, and conservation and efficiency resources using "lowest reasonable cost" as a criterion;

(e) An assessment of methods, commercially available technologies, or facilities for integrating renewable resources, including but not limited to battery storage and pumped storage, and addressing overgeneration events, if applicable to the utility's resource portfolio;

(f) An assessment and ~~((ten))~~ 20-year forecast of the availability of and requirements for regional generation and transmission capacity ((on which the utility may rely)) to provide and deliver electricity to ~~((its customers))~~ the utility's customers and to meet the requirements of chapter 288, Laws of 2019 and the state's greenhouse gas emissions reduction limits in RCW 70A.45.020. The transmission assessment must identify the utility's expected needs to acquire new long-term firm rights, develop new, or expand or upgrade existing, bulk transmission facilities consistent with the requirements of this section and reliability standards;

(i) If an electric utility operates transmission assets rated at 115,000 volts or greater, the transmission assessment must take into account opportunities to make more effective use of existing transmission capacity through improved transmission system operating practices, energy efficiency, demand response, grid modernization, nonwires solutions, and other programs if applicable;

(ii) An electric utility that relies entirely or primarily on a contract for transmission service to provide necessary transmission services may comply with the transmission requirements of this subsection by requesting that the counterparty to the transmission service contract include the provisions of chapter 288, Laws of 2019 and chapter 70A.45 RCW as public policy mandates in the transmission service provider's process for assessing transmission need, and planning and acquiring necessary transmission capacity;

(iii) An electric utility may comply with the requirements of this subsection (1)(f) by relying on and incorporating the results of a separate transmission assessment process, conducted individually or jointly with other utilities and transmission system users, if that assessment process meets the requirements of this subsection;

(g) A determination of resource adequacy metrics for the resource plan consistent with the forecasts;

(h) A forecast of distributed energy resources that may be installed by the utility's customers and an assessment of their effect on the utility's load and operations;

(i) An identification of an appropriate resource adequacy requirement and measurement metric consistent with prudent

utility practice in implementing RCW 19.405.030 through 19.405.050;

(j) The integration of the demand forecasts, resource evaluations, and resource adequacy requirement into a long-range assessment describing the mix of supply side generating resources and conservation and efficiency resources that will meet current and projected needs, including mitigating overgeneration events and implementing RCW 19.405.030 through 19.405.050, at the lowest reasonable cost and risk to the utility and its customers, while maintaining and protecting the safety, reliable operation, and balancing of its electric system;

(k) An assessment, informed by the cumulative impact analysis conducted under RCW 19.405.140, of: Energy and nonenergy benefits and the avoidance and reductions of burdens to vulnerable populations and highly impacted communities; long-term and short-term public health and environmental benefits, costs, and risks; and energy security and risk;

(l) A ~~((ten))~~ 10-year clean energy action plan for implementing RCW 19.405.030 through 19.405.050 at the lowest reasonable cost, and at an acceptable resource adequacy standard, that identifies the specific actions to be taken by the utility consistent with the long-range integrated resource plan; and

(m) An analysis of how the plan accounts for:

(i) Modeled load forecast scenarios that consider the anticipated levels of zero emissions vehicle use in a utility's service area, including anticipated levels of zero emissions vehicle use in the utility's service area provided in RCW 47.01.520, if feasible;

(ii) Analysis, research, findings, recommendations, actions, and any other relevant information found in the electrification of transportation plans submitted under RCW 35.92.450, 54.16.430, and 80.28.365; and

(iii) Assumed use case forecasts and the associated energy impacts. Electric utilities may, but are not required to, use the forecasts generated by the mapping and forecasting tool created in RCW 47.01.520. This subsection (1)(m)(iii) applies only to plans due to be filed after September 1, 2023.

(2) ~~((For an investor-owned utility, the))~~ The clean energy action plan must:

(a) Identify and be informed by the utility's ~~((ten))~~ 10-year cost-effective conservation potential assessment as determined under RCW 19.285.040, if applicable;

(b) ~~((establish))~~ Establish a resource adequacy requirement;

(c) ~~((identify))~~ Identify the potential cost-effective demand response and load management programs that may be acquired;

(d) ~~((identify))~~ Identify renewable resources, nonemitting electric generation, and distributed energy resources that may be acquired and evaluate how each identified resource may be expected to contribute to meeting the utility's resource adequacy requirement;

(e) ~~((identify))~~ Identify any need to develop new, or expand or upgrade existing, bulk transmission and distribution facilities and document existing and planned efforts by the utility to make more effective use of existing transmission capacity and secure additional transmission capacity consistent with the requirements of subsection (1)(f) of this section; and

(f) ~~((identify))~~ Identify the nature and possible extent to which the utility may need to rely on alternative compliance options under RCW 19.405.040(1)(b), if appropriate.

(3)(a) An electric utility shall consider the social cost of greenhouse gas emissions, as determined by the commission for investor-owned utilities pursuant to RCW 80.28.405 and the department for consumer-owned utilities, when developing integrated resource plans and clean energy action plans. An electric utility must incorporate the social cost of greenhouse gas emissions as a cost adder when:

(i) Evaluating and selecting conservation policies, programs, and targets;

(ii) Developing integrated resource plans and clean energy action plans; and

(iii) Evaluating and selecting intermediate term and long-term resource options.

(b) For the purposes of this subsection (3): (i) Gas consisting largely of methane and other hydrocarbons derived from the decomposition of organic material in landfills, wastewater treatment facilities, and anaerobic digesters must be considered a nonemitting resource; and (ii) qualified biomass energy must be considered a nonemitting resource.

(4) To facilitate broad, equitable, and efficient implementation of chapter 288, Laws of 2019, a consumer-owned energy utility may enter into an agreement with a joint operating agency organized under chapter 43.52 RCW or other nonprofit organization to develop and implement a joint clean energy action plan in collaboration with other utilities.

(5) All other utilities may elect to develop a full integrated resource plan as set forth in subsection (1) of this section or, at a minimum, shall develop a resource plan that:

(a) Estimates loads for the next five and ~~((ten))~~ 10 years;

(b) Enumerates the resources that will be maintained and/or acquired to serve those loads;

(c) Explains why the resources in (b) of this subsection were chosen and, if the resources chosen are not: (i) Renewable resources; (ii) methods, commercially available technologies, or facilities for integrating renewable resources, including addressing any overgeneration event; or (iii) conservation and efficiency resources, why such a decision was made;

(d) By December 31, 2020, and in every resource plan thereafter, identifies how the utility plans over a ~~((ten))~~ 10-year period to implement RCW 19.405.040 and 19.405.050; and

(e) Accounts for:

(i) Modeled load forecast scenarios that consider the anticipated levels of zero

emissions vehicle use in a utility's service area, including anticipated levels of zero emissions vehicle use in the utility's service area provided in RCW 47.01.520, if feasible;

(ii) Analysis, research, findings, recommendations, actions, and any other relevant information found in the electrification of transportation plans submitted under RCW 35.92.450, 54.16.430, and 80.28.365; and

(iii) Assumed use case forecasts and the associated energy impacts. Electric utilities may, but are not required to, use the forecasts generated by the mapping and forecasting tool created in RCW 47.01.520. This subsection (5)(e)(iii) applies only to plans due to be filed after September 1, 2023.

(6) Assessments for demand-side resources included in an integrated resource plan may include combined heat and power systems as one of the measures in a conservation supply curve. The value of recoverable waste heat resulting from combined heat and power must be reflected in analyses of cost-effectiveness under this subsection.

(7) An electric utility that is required to develop a resource plan under this section must complete its initial plan by September 1, 2008.

(8) Plans developed under this section must be updated on a regular basis, on intervals approved by the commission or the department, or at a minimum on intervals of two years.

(9) Plans shall not be a basis to bring legal action against electric utilities.

(10)(a) To maximize transparency, the commission, for investor-owned utilities, or the governing body, for consumer-owned utilities, may require an electric utility to make the utility's data input files available in a native format. Each electric utility shall publish its final plan either as part of an annual report or as a separate document available to the public. The report may be in an electronic form.

(b) Nothing in this subsection limits the protection of records containing commercial information under RCW 80.04.095.

~~((11) By December 31, 2021, the department and the commission must adopt rules establishing the requirements for incorporating the cumulative impact analysis developed under RCW 19.405.140 into the criteria for developing clean energy action plans under this section.)~~

NEW SECTION. Sec. 3. A new section is added to chapter 19.280 RCW to read as follows:

(1) Electric utilities must in their planning and selection of renewable resources give reasonable consideration, consistent with prudent utility practice, to renewable resources that would use transmission services considered to be conditional firm under the tariff of the relevant transmission provider. For the purposes of this section, conditional firm service means any form of long-term firm point-to-point transmission service in which transmission customers are able to reserve service subject to specific and limited

conditions under which the transmission provider may curtail the transmission customer's reservation of service prior to curtailment of other firm service.

(2) Electric utilities are encouraged to participate and contribute to statewide or multiutility planning activities and through interstate transmission planning processes.

(3) Electric utilities must consult with federal, interstate, and voluntary industry organizations with a role in the bulk power transmission system, including but not limited to the Bonneville power administration, the Pacific Northwest electric power and conservation planning council, NorthernGrid, the Western Power Pool, and public interest organizations in improving the planning and development of transmission capacity consistent with this act.

**Sec. 4.** RCW 80.50.060 and 2022 c 183 s 6 are each amended to read as follows:

(1)(a) The provisions of this chapter apply to the construction of energy facilities which includes the new construction of energy facilities and the reconstruction or enlargement of existing energy facilities where the net increase in physical capacity or dimensions resulting from such reconstruction or enlargement meets or exceeds those capacities or dimensions set forth in RCW 80.50.020 (14) and (29). No construction or reconstruction of such energy facilities may be undertaken, except as otherwise provided in this chapter, without first obtaining certification in the manner provided in this chapter.

(b) If applicants proposing the following types of facilities choose to receive certification under this chapter, the provisions of this chapter apply to the construction, reconstruction, or enlargement of these new or existing facilities:

(i) Facilities that produce refined biofuel, but which are not capable of producing 25,000 barrels or more per day;

(ii) Alternative energy resource facilities;

(iii) Electrical transmission facilities: (A) Of a nominal voltage of at least 115,000 volts; and (B) located in more than one jurisdiction that has promulgated land use plans or zoning ordinances;

(iv) Clean energy product manufacturing facilities; and

(v) Storage facilities.

(c) All of the council's powers with regard to energy facilities apply to all of the facilities in (b) of this subsection and these facilities are subject to all provisions of this chapter that apply to an energy facility.

(2)(a) The provisions of this chapter must apply to ~~((the))~~:

(i) The construction, reconstruction, or enlargement of new or existing electrical transmission facilities: (A) Of a nominal voltage of at least 500,000 volts alternating current or at least 300,000 volts direct current; (B) located in more than one county; and (C) located in the Washington service area of more than one retail electric utility; and

(ii) The construction, reconstruction, or modification of electrical transmission facilities when the facilities are located in a national interest electric transmission corridor as specified in RCW 80.50.045.

(b) For the purposes of this subsection, "modification" means a significant change to an electrical transmission facility and does not include the following: (i) Minor improvements such as the replacement of existing transmission line facilities or supporting structures with equivalent facilities or structures; (ii) the relocation of existing electrical transmission line facilities; (iii) the conversion of existing overhead lines to underground; or (iv) the placing of new or additional conductors, supporting structures, insulators, or their accessories on or replacement of supporting structures already built.

(3) The provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity or dimensions beyond those set forth in RCW 80.50.020 (14) and (29).

(4) Applications for certification of energy facilities made prior to July 15, 1977, shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding July 15, 1977, with the exceptions of RCW 80.50.071 which shall apply to such prior applications and to site certifications prospectively from July 15, 1977.

(5) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.

(6) Upon receipt of an application for certification under this chapter, the chair of the council shall notify:

(a) The appropriate county legislative authority or authorities where the proposed facility is located;

(b) The appropriate city legislative authority or authorities where the proposed facility is located;

(c) The department of archaeology and historic preservation; and

(d) The appropriate federally recognized tribal governments that may be affected by the proposed facility.

(7) The council must work with local governments where a project is proposed to be sited in order to provide for meaningful participation and input during siting review and compliance monitoring.

(8) The council must consult with all federally recognized tribes that possess resources, rights, or interests reserved or protected by federal treaty, statute, or executive order in the area where an energy facility is proposed to be located to provide early and meaningful participation and input during siting review and compliance monitoring. The chair and designated staff must offer to conduct government-to-government consultation to address issues of concern raised by such a tribe. The goal of the consultation process is to identify tribal resources or rights potentially affected by the proposed energy facility and to seek ways to avoid, minimize, or mitigate any adverse effects on

tribal resources or rights. The chair must provide regular updates on the consultation to the council throughout the application review process. The report from the council to the governor required in RCW 80.50.100 must include a summary of the government-to-government consultation process that complies with RCW 42.56.300, including the issues and proposed resolutions.

(9) The department of archaeology and historic preservation shall coordinate with the affected federally recognized tribes and the applicant in order to assess potential effects to tribal cultural resources, archaeological sites, and sacred sites.

**Sec. 5.** RCW 80.50.045 and 2006 c 196 s 3 are each amended to read as follows:

(1) The council shall consult with other state agencies, utilities, local municipal governments, public interest groups, tribes, and other interested persons to convey their views to the secretary and the federal energy regulatory commission regarding appropriate limits on federal regulatory authority in the siting of electrical transmission corridors in the state of Washington.

(2) The council is designated as the state authority for purposes of siting transmission facilities under ~~((the national energy policy act of 2005))~~ Title 16 U.S.C. Sec. 824p and for purposes of other such rules or regulations adopted by the secretary. The council's authority regarding transmission facilities under this subsection is limited to those transmission facilities that are the subject of ~~((section 1221 of the national energy policy act))~~ Title 16 U.S.C. Sec. 824p and this chapter.

(3) For the construction and modification of transmission facilities that are the subject of ~~((section 1221 of the national energy policy act))~~ Title 16 U.S.C. Sec. 824p, the council may: (a) Approve the siting of the facilities; and (b) consider the interstate benefits expected to be achieved by the proposed construction or modification of the facilities in the state.

(4) When developing recommendations as to the disposition of an application for the construction or modification of transmission facilities under this chapter, the fuel source of the electricity carried by the transmission facilities shall not be considered.

(5) For electrical transmission projects proposed or sited by a federal agency, the director must coordinate state agency participation in environmental review under the national environmental policy act.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.21C RCW to read as follows:

**NONPROJECT ENVIRONMENTAL REVIEWS.** (1) The energy facility site evaluation council shall prepare nonproject environmental impact statements, pursuant to RCW 43.21C.030, that assess and disclose the probable significant adverse environmental impacts, and that identify related mitigation measures for electrical

transmission facilities with a nominal voltage of 230kV or greater.

(2) The scope of a nonproject environmental review is limited to the probable, significant adverse environmental impacts in geographic areas that are suitable for the electrical transmission facilities with a nominal voltage of 230kV or greater. The energy facility site evaluation council may consider standard attributes for likely development, proximity to existing transmission or complementary facilities, and planned corridors for transmission capacity construction, reconstruction, or enlargement. The nonproject review is not required to evaluate geographic areas that lack the characteristics necessary for electrical transmission facilities with a nominal voltage of 230kV or greater.

(3) (a) The scope of nonproject environmental impact statements must consider, as appropriate, analysis of the following probable significant adverse environmental impacts, including direct, indirect, and cumulative impacts to:

(i) Historic and cultural resources;

(ii) Species designated for protection under RCW 77.12.020 or the federal endangered species act;

(iii) Landscape scale habitat connectivity and wildlife migration corridors;

(iv) Environmental justice and overburdened communities as defined in RCW 70A.02.010;

(v) Cultural resources and elements of the environment relevant to tribal rights, interests, and resources including tribal cultural resources, and fish, wildlife, and their habitat;

(vi) Land uses, including agricultural and ranching uses; and

(vii) Military installations and operations.

(b) The nonproject environmental impact statements must identify measures to avoid, minimize, and mitigate probable significant adverse environmental impacts identified during the review. These include measures to mitigate probable significant adverse environmental impacts to elements of the environment as defined in WAC 197-11-444 as it existed as of January 1, 2023, tribal rights, interests, and resources, including tribal cultural resources, as identified in RCW 70A.65.305, and overburdened communities as defined in RCW 70A.02.010. The energy facility site evaluation council shall consult with other agencies with expertise in identification and mitigation of probable, significant adverse environmental impacts including, but not limited to, the department of fish and wildlife. The energy facility site evaluation council shall further specify when probable, significant adverse environmental impacts cannot be mitigated.

(4) In defining the scope of nonproject review of electrical transmission facilities with a nominal voltage of 230kV or greater, the energy facility site evaluation council shall request input from agencies, federally recognized Indian tribes, industry, stakeholders, local governments, and the public to identify the geographic areas

suitable for electrical transmission facilities with a nominal voltage of 230kV or greater, based on the climatic and geophysical attributes conducive to or required for project development. The energy facility site evaluation council will provide opportunities for the engagement of tribes, overburdened communities, and stakeholders that self-identify an interest in participating in the process.

(5) The energy facility site evaluation council must offer early and meaningful consultation with any affected federally recognized Indian tribe on the nonproject review under this section for the purpose of understanding potential impacts to tribal rights and resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which an Indian tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required by state law, or by a state agency. The goal of the consultation process is to support the nonproject review by early identification of tribal rights, interests, or resources, including tribal cultural resources, potentially affected by the project type and identifying solutions, when possible, to avoid, minimize, or mitigate any adverse effects on tribal rights, interests, or resources, including tribal cultural resources, based on environmental or permit review.

(6) Final nonproject environmental review documents for the electrical transmission facilities with a nominal voltage of 230kV or greater, where applicable, must include maps identifying probable, significant adverse environmental impacts for the resources evaluated. Maps must be prepared with the intention to illustrate probable, significant impacts and areas where impacts are avoided or capable of being minimized or mitigated, creating a tool that may be used by project proponents, tribes, and government to inform decision making. Maps may not include confidential information, such as locations of sacred cultural sites or locations of populations of certain protected species.

(7) For transmission line projects utilizing an existing transmission right-of-way or that are located along a transportation corridor or transmission projects utilizing an existing transmission right-of-way, the reasonable alternatives analysis required under this section is limited to the proposed action and a no action alternative.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.21C RCW to read as follows:

**LEAD AGENCY USE OF NONPROJECT ENVIRONMENTAL IMPACT STATEMENT.** (1) A lead agency conducting a project-level environmental review under this chapter of an electrical transmission facility with a nominal voltage of 230kV or greater must consider a nonproject environmental impact statement completed pursuant to section 6 of

this act in order to identify and mitigate project-level probable significant adverse environmental impacts.

(2)(a) Project-level environmental review conducted pursuant to this chapter of an electrical transmission facility with a nominal voltage of 230kV or greater must begin with the review of the applicable nonproject environmental impact statement completed pursuant to section 6 of this act. The review must address any probable significant adverse environmental impacts associated with the proposal that were not analyzed in the nonproject environmental impact statements pursuant to section 6 of this act. The review must identify any mitigation measures specific to the project for probable significant adverse environmental impacts.

(b) Lead agencies reviewing site-specific project proposals for electrical transmission facilities with a nominal voltage of 230kV or greater shall use the nonproject review described in section 6 of this act through one of the following methods and in accordance with WAC 197-11-600, as it existed as of January 1, 2023:

(i) Use of the nonproject review unchanged, in accordance with RCW 43.21C.034, if the project does not cause probable significant adverse environmental impact not identified in the nonproject review;

(ii) Preparation of an addendum;

(iii) Incorporation by reference; or

(iv) Preparation of a supplemental environmental impact statement.

(3) Proposals for electrical transmission facilities with a nominal voltage of 230kV or greater following the recommendations developed in the nonproject environmental review completed pursuant to section 6 of this act are considered to have mitigated the probable significant adverse project-specific environmental impacts under this chapter for which recommendations were specifically developed unless the project-specific environmental review identifies project-level probable significant adverse environmental impacts not addressed in the nonproject environmental review."

Correct the title.

Signed by Representatives Doglio, Chair; Mena, Vice Chair; Abbarno; Barnard; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Do not pass. Signed by Representatives Ybarra, Assistant Ranking Minority Member; Couture; and Goehner.

MINORITY recommendation: Without recommendation. Signed by Representative Dye, Ranking Minority Member.

Referred to Committee on Rules for second reading

March 22, 2023

E2SSB 5174

Prime Sponsor, Ways & Means: Providing adequate and predictable student transportation. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28A.160 RCW to read as follows:

(1) The superintendent of public instruction must provide transportation safety net awards to school districts with a convincingly demonstrated need for additional transportation funding for special passengers. Transportation safety net awards shall only be provided when a school district's allowable transportation expenditures exceed the amounts provided under RCW 28A.160.150 through 28A.160.192 and any excess transportation costs reimbursed by federal, state, tribal, or local child welfare agencies. School district safety net awards shall not exceed the school district's expenditures directly attributable to serving special passengers in the pupil transportation program.

(2) For the purposes of this section, "special passengers" include:

(a) Students eligible for and receiving special education that require transportation as a related service of their individualized education program;

(b) Homeless students requiring transportation under the McKinney-Vento act, reauthorized as Title X, Part C, of the no child left behind act, P.L. 107-110, in January 2002; and

(c) Foster students receiving transportation as required under section 1112(c)(5)(B) of the every student succeeds act, P.L. 114-95.

(3) To be eligible for additional transportation safety net award funding, the school district must report, in accordance with statewide accounting guidance, the amount of the excess costs and the specific activities or services provided to special passengers that created the excess costs.

(4) The superintendent of public instruction must establish rules and processes for transportation safety net applications and awards. The omnibus appropriations act must specify the total amount available for transportation safety net awards. Total awards may not exceed the amount appropriated. The superintendent of public instruction must submit to the office of financial management, and the education and fiscal committees of the legislature, the total demonstrated need and awards by school district.

(5) Charter schools established under chapter 28A.710 RCW and state-tribal compact schools established under chapter 28A.715 RCW are also eligible for awards under this section.

(6) Transportation safety net awards allocated under this section are not part of the state's program of basic education.

**Sec. 2.** RCW 28A.160.193 and 2018 c 266 s 103 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, a transportation alternate funding grant program is created.

(2) As part of the award process for the grants, the superintendent of public instruction must include a review of the school district's efficiency rating, key performance indicators, and local school district characteristics such as unique geographic constraints, low enrollment, geographic density of students, ~~((the percentage of students served under the McKinney-Vento homeless assistance act from outside the district,))~~ or whether the district is a nonhigh district.

**Sec. 3.** RCW 28A.160.140 and 1990 c 33 s 140 are each amended to read as follows:

(1) As a condition of entering into a pupil transportation services contract with a private nongovernmental entity, each school district shall engage in an open competitive process at least once every five years. This requirement shall not be construed to prohibit a district from entering into a pupil transportation services contract of less than five years in duration with a district option to renew, extend, or terminate the contract, if the district engages in an open competitive process at least once every five years after July 26, 1987.

(2)(a) A school district may only enter into a pupil transportation services contract with a nongovernmental entity if that entity provides the following to, or on behalf of, employees who choose to opt in for coverage:

(i) An employer health benefits contribution equal to the employer payment dollar amount in effect for the first year of the contract for health care benefit rates (Cockle rates), published annually by the health care authority, for the school employees' benefits board program for school employees; and

(ii) An amount equivalent to the salaries of the employees of the private nongovernmental entity multiplied by the employer normal cost contribution rate determined under the entry age cost method for the school employees' retirement system, as published in the most recent actuarial valuation report from the office of the state actuary for the first year of the contract.

(b) Subsection (2)(a) of this section applies only to pupil transportation service contracts for which the request for proposals begins after the effective date of this section and no earlier than for a contract affecting the 2024-25 school year.

(c) All pupil transportation service contracts entered into or modified after the effective date of this section must include a detailed explanation of any contract cost increase by year, expenditure type, and amount, including any increases in cost that result from providing the benefits required under this section.

(3) As used in this section:

~~((1))~~ (a) "Employee" means a bus or shuttle driver, monitor, mechanic, or dispatcher who works sufficient compensated hours for the nongovernmental entity performing services on the contract with the school district to meet the eligibility requirements that apply to school employees

for benefits in the school employees' retirement system and the school employees' benefits board program;

(b) "Open competitive process" means either one of the following, at the choice of the school district:

((+a)) (i) The solicitation of bids or quotations and the award of contracts under RCW 28A.335.190; or

((+b)) (ii) The competitive solicitation of proposals and their evaluation consistent with the process and criteria recommended or required, as the case may be, by the office of financial management for state agency acquisition of personal service contractors;

((+2)) (c) "Pupil transportation services contract" means a contract for the operation of privately owned or school district owned school buses, and the services of drivers or operators, management and supervisory personnel, and their support personnel such as secretaries, dispatchers, and mechanics, or any combination thereof, to provide students with transportation to and from school on a regular basis; and

((+3)) (d) "School bus" means a motor vehicle as defined in RCW 46.04.521 and under the rules of the superintendent of public instruction.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.160 RCW to read as follows:

(1) A school district that experiences an increase in costs to a pupil transportation services contract as compared to prior year contract costs as a result of the provisions in RCW 28A.160.140 is eligible for supplemental transportation allocations as described in this section.

(2) Beginning September 1, 2024, school districts that provide pupil transportation through a contract with a nongovernmental entity under RCW 28A.160.140 must annually provide the office of the superintendent of public instruction with the following information:

(a) A breakdown of the total contract cost increase, including a detailed explanation of the increase by expenditure type demonstrating dollar equivalency as required in RCW 28A.160.140(2)(a)(i) and percentage equivalency as required in RCW 28A.160.140(2)(a)(ii), as defined by the office of the superintendent of public instruction, and amount;

(b) A breakdown of cost from the contractor that shows the cost to provide health care and pension benefits to employees prior to the effective date of this section and the cost to provide health care and pension benefits to employees after the implementation of benefits as described in RCW 28A.160.140;

(c) The amount of funding received through transportation allocations under RCW 28A.160.150 through 28A.160.192 prior to the implementation of school employee benefits under chapter 41.05 RCW and the amount of funding received through the same transportation allocations for the period immediately following the implementation of school employee benefits under chapter 41.05 RCW, to determine the amount of funding for

health care that is already being included in allocations.

(3) The office of the superintendent of public instruction may suspend the reporting requirements under subsection (2) of this section on or after September 1, 2027, for districts that do not request supplemental transportation allocations under this section.

(4) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must reimburse a school district that contracts for transportation bus services as of March 30, 2023, for the increased cost that is directly attributable to increased benefits as required under this act, using the following formula: The total contract cost increase, less any amounts not attributable to benefits required under RCW 28A.160.140, less the amount the allocation was increased based on the actual cost increase through the transportation funding formula."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Dye; Harris; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Couture; and Rude.

Referred to Committee on Rules for second reading

March 23, 2023

ESSB 5365

Prime Sponsor, Labor & Commerce:  
Preventing use of vapor and tobacco products by minors. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds:

(a) Prevention is the most effective tool to reduce vapor and tobacco usage by persons under the age of 21. Protection of adolescents' health and well-being requires enforcement and intervention efforts to focus upon effective vapor and tobacco control and access strategies.

(b) Retailers play a key role in ensuring that state law regarding access to vapor or tobacco is followed. However, the 2021 healthy youth survey found that 15 percent (one out of every six) retail stores illegally sold tobacco or vapor products to a minor in 2021.

(c) Vapor and tobacco product purchase, use, and possession by persons under the age of 21 is a critical public health issue. The



2021 healthy youth survey found that 16 percent of 12th graders in Washington state reported using tobacco or vapor products in the past 30 days, youth under age 18 are far more likely to start using tobacco than adults, and nearly nine out of 10 adults who smoke started by age 18. The healthy youth survey also found that 104,000 Washington youth alive today will ultimately die prematurely from smoking.

(d) With the passage of chapter 15, Laws of 2019, individuals between the ages of 18 and 21 do not face liability for purchase or possession of vapor or tobacco products but individuals under the age of 18 continue to face civil liability for purchase or possession of vapor or tobacco products, creating a disparity in the law.

(2) The legislature therefore finds that all persons under the age of 21 who purchase, use, or possess vapor or tobacco products should be offered community-based interventions that are more effective in helping them quit. The legislature further resolves to increase enforcement strategies to ensure retailer compliance with tobacco and vapor product possession laws.

**Sec. 2.** RCW 70.155.080 and 2002 c 175 s 47 are each amended to read as follows:

(1) A person under the age of eighteen who purchases or attempts to purchase, possesses, or obtains or attempts to obtain cigarettes or tobacco products commits a class 3 civil infraction under chapter 7.80 RCW and is subject to ~~((a fine as set out in chapter 7.80 RCW or))~~ participation in up to four hours of community ~~((restitution, or both. The court may also require participation in))~~ service and referral to a smoking cessation program at no cost. This provision does not apply if a person under the age of eighteen, with parental authorization, is participating in a controlled purchase as part of a liquor ~~((control))~~ and cannabis board, law enforcement, or local health department activity.

(2) Municipal and district courts within the state have jurisdiction for enforcement of this section.

(3) Any enforcement officers issuing citations under this section must collect demographic data and the liquor and cannabis board must compile this information into a statewide report and provide the report annually to the legislature.

**Sec. 3.** RCW 70.345.140 and 2016 sp.s. c 38 s 14 are each amended to read as follows:

(1) A person under the age of eighteen who purchases or attempts to purchase, possesses, or obtains or attempts to obtain vapor products commits a class 3 civil infraction under chapter 7.80 RCW and is subject to ~~((a fine as set out in chapter 7.80 RCW or))~~ participation in up to four hours of community ~~((restitution, or both. The court may also require participation in))~~ service and referral to a smoking cessation program at no cost. This provision does not apply if a person under the age of eighteen, with parental authorization, is participating in a controlled purchase as

part of a board, law enforcement, or local health department activity.

(2) Municipal and district courts within the state have jurisdiction for enforcement of this section.

(3) Any enforcement officers issuing citations under this section must collect demographic data and the liquor and cannabis board must compile this information into a statewide report and provide the report annually to the legislature.

**Sec. 4.** RCW 70.155.100 and 2016 sp.s. c 38 s 23 are each amended to read as follows:

(1) The liquor and cannabis board may suspend or revoke a retailer's license issued under RCW 82.24.510(1)(b) or 82.26.150(1)(b) held by a business at any location, or may impose a monetary penalty as set forth in subsection (3) of this section, if the liquor and cannabis board finds that the licensee has violated RCW 26.28.080, 70.155.020, 70.155.030, 70.155.040, 70.155.050, 70.155.070, or 70.155.090.

(2) Any retailer's licenses issued under RCW 70.345.020 to a person whose license or licenses under chapter 82.24 or 82.26 RCW have been suspended or revoked for violating RCW 26.28.080 must also be suspended or revoked during the period of suspension or revocation under this section.

(3) The sanctions that the liquor and cannabis board may impose against a person licensed under RCW 82.24.530 or 82.26.170 based upon one or more findings under subsection (1) of this section may not exceed the following:

(a) For violations of RCW ~~((26.28.080,))~~ 70.155.020 ~~((,))~~ or 21 C.F.R. Sec. 1140.14, and for violations of RCW 70.155.040 occurring on the licensed premises:

(i) A monetary penalty of ~~((two hundred dollars))~~ \$200 for the first violation within any three-year period;

(ii) A monetary penalty of ~~((six hundred dollars))~~ \$600 for the second violation within any three-year period;

(iii) A monetary penalty of ~~((two thousand dollars))~~ \$2,000 and suspension of the license for a period of six months for the third violation within any three-year period;

(iv) A monetary penalty of ~~((three thousand dollars))~~ \$3,000 and suspension of the license for a period of ~~((twelve))~~ 12 months for the fourth violation within any three-year period;

(v) Revocation of the license with no possibility of reinstatement for a period of five years for the fifth or more violation within any three-year period;

(b) For violations of RCW 26.28.080:

(i) A monetary penalty of \$1,000 for the first violation within any three-year period;

(ii) A monetary penalty of \$2,500 for the second violation within any three-year period;

(iii) A monetary penalty of \$5,000 and suspension of the license for a period of six months for the third violation within any three-year period;

(iv) A monetary penalty of \$10,000 and suspension of the license for a period of 12 months for the fourth violation within any three-year period;

(v) Revocation of the license with no possibility of reinstatement for a period of five years for the fifth or more violation within any three-year period;

(c) If the board finds that a person licensed under chapter 82.24 or 82.26 RCW and RCW 70.345.020 has violated RCW 26.28.080, each subsequent violation of either of the person's licenses counts as an additional violation within that three-year period~~(-)~~;

~~((+))~~ (d) For violations of RCW 70.155.030, a monetary penalty in the amount of ~~((one hundred dollars))~~ \$100 for each day upon which such violation occurred;

~~((+))~~ (e) For violations of RCW 70.155.050, a monetary penalty in the amount of ~~((six hundred dollars))~~ \$600 for each violation;

~~((+))~~ (f) For violations of RCW 70.155.070, a monetary penalty in the amount of ~~((two thousand dollars))~~ \$2,000 for each violation.

(4) The liquor and cannabis board may impose a monetary penalty upon any person other than a licensed cigarette or tobacco product retailer if the liquor and cannabis board finds that the person has violated RCW 26.28.080, 70.155.020, 70.155.030, 70.155.040, 70.155.050, 70.155.070, or 70.155.090.

(5) The monetary penalty that the liquor and cannabis board may impose based upon one or more findings under subsection (4) of this section may not exceed the following:

(a) For violation of RCW 26.28.080 or 70.155.020, ~~((one hundred dollars))~~ \$100 for the first violation and ~~((two hundred dollars))~~ \$200 for each subsequent violation;

(b) For violations of RCW 70.155.030, ~~((two hundred dollars))~~ \$200 for each day upon which such violation occurred;

(c) For violations of RCW 70.155.040, ~~((two hundred dollars))~~ \$200 for each violation;

(d) For violations of RCW 70.155.050, ~~((six hundred dollars))~~ \$600 for each violation;

(e) For violations of RCW 70.155.070, ~~((two thousand dollars))~~ \$2,000 for each violation.

(6) The liquor and cannabis board may develop and offer a class for retail clerks and use this class in lieu of a monetary penalty for the clerk's first violation.

(7) The liquor and cannabis board may issue a cease and desist order to any person who is found by the liquor and cannabis board to have violated or intending to violate the provisions of this chapter, RCW 26.28.080, 82.24.500, or 82.26.190 requiring such person to cease specified conduct that is in violation. The issuance of a cease and desist order does not preclude the imposition of other sanctions authorized by this statute or any other provision of law.

(8) The liquor and cannabis board may seek injunctive relief to enforce the provisions of RCW 26.28.080, 82.24.500, 82.26.190 or this chapter. The liquor and cannabis board may initiate legal action to collect civil penalties imposed under this

chapter if the same have not been paid within thirty days after imposition of such penalties. In any action filed by the liquor and cannabis board under this chapter, the court may, in addition to any other relief, award the liquor and cannabis board reasonable attorneys' fees and costs.

(9) All proceedings under subsections (1) through (7) of this section shall be conducted in accordance with chapter 34.05 RCW.

(10) The liquor and cannabis board may reduce or waive either the penalties or the suspension or revocation of a license, or both, as set forth in this chapter where the elements of proof are inadequate or where there are mitigating circumstances. Mitigating circumstances may include, but are not limited to, an exercise of due diligence by a retailer. Further, the board may exceed penalties set forth in this chapter based on aggravating circumstances.

**Sec. 5.** RCW 70.155.110 and 1993 c 507 s 12 are each amended to read as follows:

(1) The ~~((liquor control))~~ board shall, in addition to the board's other powers and authorities, have the authority to enforce the provisions of this chapter and RCW 26.28.080~~((+))~~ and 82.24.500. The ~~((liquor control))~~ board shall have full power to revoke or suspend the license of any retailer or wholesaler in accordance with the provisions of RCW 70.155.100.

(2) The ~~((liquor control))~~ board and the board's authorized agents or employees shall have full power and authority to enter any place of business where tobacco products are sold for the purpose of enforcing the provisions of this chapter.

(3) ~~(a)~~ For the purpose of enforcing the provisions of this chapter and RCW 26.28.080~~((+))~~ and 82.24.500, ~~((a peace officer or))~~ an enforcement officer of the ~~((liquor control))~~ board who has reasonable grounds to believe a person observed by the officer in proximity to a retailer licensee under chapters 82.24 and 82.26 RCW who is purchasing, attempting to purchase, or in possession of tobacco products is under the age of eighteen years of age, may detain such person in proximity to such retailer for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth. Further, tobacco products possessed by persons under the age of eighteen years of age are considered contraband and may be seized by ((a peace officer or)) an enforcement officer of the ((liquor control)) board.

(b) For the purposes of this subsection, "proximity" means 100 feet or less.

(4) The ~~((liquor control))~~ board may work with local county health departments or districts and local law enforcement agencies to conduct random, unannounced, inspections to assure compliance.

**Sec. 6.** RCW 70.155.120 and 2019 c 415 s 979 and 2019 c 15 s 10 are each reenacted and amended to read as follows:

(1) The youth tobacco and vapor products prevention account is created in the state treasury. All fees collected pursuant to RCW

70.155.100(3)(b), 82.24.520, 82.24.530, 82.26.160, and 82.26.170 and funds collected by the ((~~liquor and cannabis~~)) board from the imposition of monetary penalties shall be deposited into this account, except that ((~~ten~~))10 percent of all such fees and penalties shall be deposited in the state general fund.

(2) Moneys appropriated from the youth tobacco and vapor products prevention account to the department of health shall be used by the department of health for implementation of this chapter, including collection and reporting of data regarding enforcement and the extent to which access to tobacco products and vapor products by youth has been reduced.

(3) The department of health shall enter into interagency agreements with the ((~~liquor and cannabis~~)) board to pay the costs incurred, up to ((~~thirty~~))30 percent of available funds, in carrying out its enforcement responsibilities under this chapter. Such agreements shall set forth standards of enforcement, consistent with the funding available, so as to reduce the extent to which tobacco products and vapor products are available to individuals under the age of ((~~twenty-one~~))21. The agreements shall also set forth requirements for data reporting by the ((~~liquor and cannabis~~)) board regarding its enforcement activities. During the 2019-2021 fiscal biennium, the department of health shall pay the costs incurred, up to ((~~twenty-three~~))23 percent of available funds, in carrying out its enforcement responsibilities.

(4) The department of health, the ((~~liquor and cannabis~~)) board, and the department of revenue shall enter into an interagency agreement for payment of the cost of administering the tobacco retailer licensing system and for the provision of quarterly documentation of tobacco wholesaler, retailer, and vending machine names and locations.

(5) The department of health shall, within up to ((~~seventy~~))70 percent of available funds, provide grants to local health departments or other local community agencies to develop and implement coordinated tobacco and vapor product intervention strategies to prevent and reduce tobacco and vapor product use by youth. During the 2019-2021 fiscal biennium, the department of health shall, within up to ((~~seventy-seven~~))77 percent of available funds, provide grants to local health departments or other local community agencies to develop and implement coordinated tobacco and vapor product intervention strategies to prevent and reduce tobacco and vapor product use by youth.

**Sec. 7.** RCW 70.345.160 and 2016 sp.s. c 38 s 24 are each amended to read as follows:

(1) The board must have, in addition to the board's other powers and authorities, the authority to enforce the provisions of this chapter.

(2) The board and the board's authorized agents or employees have full power and authority to enter any place of business

where vapor products are sold for the purpose of enforcing the provisions of this chapter.

(3)(a) For the purpose of enforcing the provisions of this chapter, ((~~a peace officer or~~))an enforcement officer of the board who has reasonable grounds to believe a person observed by the officer in proximity to a retailer licensee under this chapter and chapter 82.25 RCW who is purchasing, attempting to purchase, or in possession of vapor products is under eighteen years of age, may detain such person in proximity to such retailer for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth. Further, vapor products possessed by persons under eighteen years of age are considered contraband and may be seized by ((~~a peace officer or~~))an enforcement officer of the board.

(b) For the purposes of this subsection, "proximity" means 100 feet or less.

(4) The board may work with local county health departments or districts and local law enforcement agencies to conduct random, unannounced, inspections to assure compliance.

(5) The board, law enforcement, or a local health department may, with parental authorization, include persons under the age of 18 in compliance activities.

(6) Upon a determination by the secretary of health or a local health jurisdiction that a vapor product may be injurious to human health or poses a significant risk to public health:

(a) The board, in consultation with the department of health and local county health jurisdictions, may cause a vapor product substance or solution sample, purchased or obtained from any vapor product retailer, distributor, or delivery sale licensee, to be analyzed by an analyst appointed or designated by the board;

(b) If the analyzed vapor product contains an ingredient, substance, or solution present in quantities injurious to human health or posing a significant risk to public health, as determined by the secretary of health or a local health jurisdiction, the board may suspend the license of the retailer or delivery sale licensee unless the retailer or delivery sale licensee agrees to remove the product from sales; and

(c) If upon a finding from the secretary of health or local health jurisdiction that the vapor product poses an injurious risk to public health or significant public health risk, the retailer or delivery sale licensee does not remove the product from sale, the secretary of health or local health officer may file for an injunction in superior court prohibiting the sale or distribution of that specific vapor product substance or solution.

((~~6~~))7) Nothing in subsection ((~~5~~))6) of this section permits a total ban on the sale or use of vapor products.

NEW SECTION. **Sec. 8.** Nothing in this act shall be interpreted to limit the ability of a peace officer or an enforcement

officer of the liquor and cannabis board to enforce RCW 26.28.080 and 82.24.500."

Correct the title.

Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Morgan; Orwall and Reeves.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Assistant Ranking Minority Member; Walsh; and Waters.

MINORITY recommendation: Without recommendation. Signed by Representative Chambers, Ranking Minority Member.

Referred to Committee on Rules for second reading

March 23, 2023

SB 5369

Prime Sponsor, Senator Billig: Reassessing standards for polychlorinated biphenyls in consumer products. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that polychlorinated biphenyls, or PCBs, are a hazardous chemical class that have been identified as carcinogenic, a developmental toxicant, toxic to aquatic organisms, and persistent and bioaccumulative. According to the United States environmental protection agency, PCBs are probable human carcinogens and may have serious and potential effects on the immune system, reproductive system, nervous system, and endocrine system.

(2) Humans and other organisms can be exposed to PCBs in a number of ways. PCBs can be released into the environment from hazardous waste sites, illegal dumping, or disposal of PCB wastes or PCB-containing products in areas or landfills not designed to handle hazardous waste, leaks, or releases from electrical transformers containing PCBs, and wastewater discharges. Once PCBs are released, the chemicals do not readily break down in the environment and can cycle for long periods between air, water, and soil. PCBs can accumulate in leaves and above-ground parts of plants and food crops, and they are also taken up into the bodies of small organisms and fish, resulting in potential exposure for people and organisms that ingest the fish.

(3) In 1979, the United States banned the production of PCBs under the toxic substances control act. However, the United States environmental protection agency's regulations implementing the toxic substances control act for PCBs allow some inadvertent generation of PCBs to occur in excluded manufacturing processes. These manufacturing by-product PCBs have been identified in wastewater, sediments, and air in numerous locations and have been positively identified in the testing of new products.

(4) The legislature finds that the state has done much to address PCB contamination,

including cleanup, permitting, stormwater management, and fish advisories. In addition, the United States environmental protection agency, Washington state, and the Spokane tribe of Indians have established PCB water quality standards to protect human health and the environment. These standards are critical for addressing release and exposure from legacy and nonlegacy PCBs. However, the standards cannot be achieved with currently available water treatment technology if the waste stream continues to include new sources of PCBs allowable under the toxic substances control act at levels measured in products such as paints, inks, and pigments that are billions of times higher than applicable water quality standards. While the United States environmental protection agency has restored a human health criteria standard of seven parts per quadrillion in Washington waters, the toxic substances control act limit for PCBs in products is an annual average of 25 parts per million, with a maximum 50 parts per million adjusted total PCBs. Therefore, the legislature finds that nonlegacy PCB contamination may most effectively be managed upstream at the product and process source as opposed to downstream facilities at the end of the product life cycle. The toxic substances control act standard for inadvertent PCBs does not reflect current science on limits needed to protect human health and the environment and is overdue for revision.

(5) While previous industry analysis of toxic substances control act rule making has asserted negative impacts and infeasibility in disallowing by-product PCBs, the legislature finds that safer, feasible, and available alternatives to PCB-containing paints and printing inks now exist, as determined by the department in its June 2022 *Safer Products for Washington* report. Moreover, since safer and available products and processes to produce paints and printing inks do exist, the legislature finds that use of manufacturing processes resulting in products with PCB by-products is not inadvertent, but intentional, and constitutes a use of the chemical within the product.

(6) Therefore, the legislature intends to direct the department to petition the United States environmental protection agency to reassess its PCB regulations under the toxic substances control act and to prohibit the use of chlorine-based pigment manufacturing processes, which result in the generation of PCBs.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology.

(2) "Manufacturer" means any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a product or is an importer or domestic distributor of a product sold or offered for sale in or into the state.

(3) "Paint and printing ink" includes, but is not limited to, building paint for indoor and outdoor use, spray paint, children's paint, road paint, and printing inks used in paper and packaging.

(4) "PCBs" or "polychlorinated biphenyls" means chemical forms that consist of two benzene rings joined together and containing one to 10 chlorine atoms attached to the benzene rings.

(5) "Retail establishment" includes any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides merchandise, goods, or materials directly to a customer.

**NEW SECTION. Sec. 3.** (1) The department must petition the United States environmental protection agency to reassess its regulations on excluded manufacturing processes from prohibitions on manufacturing, processing, distribution in commerce, and use of PCBs and PCB items under 40 C.F.R. Sec. 761.3 for the purpose of eliminating or reducing the presence of PCBs in consumer products.

(2) In petitioning the United States environmental protection agency, the department must include legislative findings under this chapter and information on:

(a) Health effects of PCBs;

(b) Release and exposure of PCBs including, but not limited to, concentrations of PCBs measured in consumer products and in state waters, soils, and fish tissue;

(c) Safer alternatives for consumer products that contain PCBs, including the availability and feasibility of alternatives; and

(d) Other relevant data or findings as determined by the department.

(3) The department is not required to generate new data and may use previously compiled data and findings developed in the performance of duties under this chapter.

(4) The department may consult with the department of health and other relevant state agencies in developing the petition under this section.

(5) To the extent practicable, the department must seek completion of the petition review by January 1, 2025.

**NEW SECTION. Sec. 4.** (1)(a)(i) Beginning January 1, 2025, a manufacturer or wholesaler may not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state any paint or printing ink that contains chlorine-based pigments.

(ii) Beginning January 1, 2026, a retail establishment may not knowingly sell or knowingly offer for sale for use in this state any paint or printing ink that contains chlorine-based pigments.

(b)(i) Beginning no later than 12 months after the adoption of rules under subsection (3) of this section, a manufacturer or wholesaler may not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state a product identified under subsection (3) of this section.

(ii) Beginning no later than 24 months after the adoption of rules under subsection

(3) of this section, a retail establishment may not knowingly sell or knowingly offer for sale any paint or printing ink that contains chlorine-based pigments.

(2) Upon a demand by the department, a person must demonstrate to the department that a product is in compliance with the requirements of subsection (1) of this section through the submission to the department of:

(a) Testing data indicating either that a chlorine-based manufacturing process was not used in the manufacture of the pigments contained in the paint, printing ink, or other product; or

(b) Information pertaining to pigment manufacturing processes demonstrating that chlorine was not used in the manufacturing of pigments contained in the paint, printing ink, or other product.

(3) The department may, by rule, identify products that, as a result of the inclusion of pigments in the product, contain PCBs that were inadvertently generated in the making of the pigment. The department may require products identified under this subsection to demonstrate the absence of chlorine-based pigments in a product in a manner consistent with subsection (2) of this section. The department must initiate a rule-making process under this subsection by October 1, 2023.

(4) The prohibitions in subsection (1) of this section do not apply to:

(a) Paint manufactured from recycled paint collected under chapter 70A.515 RCW; or

(b) The sale of any previously owned products containing inadvertently generated PCBs made in casual or isolated sales as defined in RCW 82.04.040, or by a nonprofit organization.

(5)(a) By rule, the department may exempt a product or category of product from the prohibitions in subsection (1) of this section upon determining that a product or category of product is not capable of being manufactured in a manner that does not rely on the inclusion of chlorine-based pigments, and upon determining that allowing for the continued manufacture of product or category of product containing a chlorine-based pigment would not result in meaningful impacts to human health, the environment, or the ability of entities regulated under chapter 90.48 RCW to comply with water quality standards.

(b) The department may, in its discretion, extend the compliance deadline in subsection (1) of this section a product or category of product for which a person annually demonstrates to the department by October 1st of a given year that the prohibition is not technically feasible for the person to comply with.

(6) The department may not administer or enforce the requirements of this section if:

(a) A court of competent jurisdiction determines that federal regulations preempt the requirements; or

(b) The requirement does not align with any regulation established by the United States environmental protection agency adopted after the effective date of this section.

(7) If the requirements of this section are determined by a court of competent jurisdiction to be preempted by federal regulations, the department is directed to adopt a rule, within 18 months of the determination of preemption, to establish a reporting requirement for the use of chlorine-based pigment manufacturing processes or the PCB content of any combination of paints, printing inks, or products identified by the department under subsection (3) of this section.

**NEW SECTION. Sec. 5.** (1) The department may adopt rules to implement, administer, and enforce the requirements of this chapter.

(2) The department may impose a civil penalty for violations of any requirement of this chapter in an amount not to exceed \$5,000 for each violation in the case of a first offense. Persons who are repeat violators are subject to a civil penalty not to exceed \$10,000 for each repeat offense. The department must issue at least one notice of violation by certified mail prior to assessing a penalty and the department may only impose a penalty on a manufacturer or retail establishment that has not met the requirements of this chapter 60 days following the date the written notification of the violation was sent. The department may not collect a penalty from a retail establishment for a product that the retail establishment demonstrates to the department was in the possession of the retail establishment as of the effective date of the restrictions on manufacture, sale, and distribution under section 4(1) (a) (i) or (b) (i) of this act.

(3) Any penalty provided for in this section, and any order issued by the department under this chapter, may be appealed to the pollution control hearings board.

(4) All penalties collected under this chapter must be deposited in the model toxics control operating account created in RCW 70A.305.180.

**Sec. 6.** RCW 43.21B.110 and 2022 c 180 s 812 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 5 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190,

70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered

products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 8.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Barnard; Berry; Couture; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Assistant Ranking Minority Member; Abbarno; and Goehner.

Referred to Committee on Appropriations

March 23, 2023

SSB 5424 Prime Sponsor, Labor & Commerce:  
Concerning flexible work for general and limited authority Washington peace officers.  
Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 49.28 RCW to read as follows:

(1) Every general authority and limited authority Washington law enforcement agency may adopt a flexible work policy. The policy may allow for general authority and limited authority Washington peace officers to work at less than full time when feasible, such as supplementing work during peak hours with part-time officers. The flexible work policy may include alternative shift and work schedules that fit the needs of the law enforcement agency.

(2) The flexible work policy adopted in subsection (1) of this section may require an officer have a certain number of years of experience as a full-time officer or have additional training for the officer to work part time or be eligible for any other types of flexible work.

(3) The flexible work policy adopted in subsection (1) of this section may not cause the layoff or otherwise displace any full-time officer.

(4) This section does not alter any existing collective bargaining unit, the provisions of any existing collective bargaining agreement, or the duty of a law enforcement agency to meet their duty to bargain under chapter 41.56 or 41.80 RCW. Full-time and part-time officers working for the same law enforcement agency who are covered by a collective bargaining agreement must be in the same bargaining unit.

(5) This section does not alter any laws or workplace policies relating to restrictions on secondary employment for general authority and limited authority Washington peace officers.

(6) For the purposes of this section, the definitions in this subsection apply.

(a) "General authority and limited authority Washington law enforcement agency" has the same meaning as "general authority Washington law enforcement agency" and "limited authority Washington law enforcement agency" as defined in RCW 10.93.020 (3) and (5), respectively.

(b) "General authority and limited authority Washington peace officers" has the same meaning as "general authority Washington peace officer" and "limited authority Washington peace officer" as defined in RCW 10.93.020 (4) and (6), respectively.

**Sec. 2.** RCW 10.93.020 and 2021 c 318 s 307 are each reenacted and amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Agency with primary territorial jurisdiction" means a city or town police agency which has responsibility for police activity within its boundaries; or a county police or sheriff's department which has responsibility with regard to police activity in the unincorporated areas within the county boundaries; or a statutorily authorized port district police agency or four-year state college or university police agency which has responsibility for police activity within the statutorily authorized enforcement boundaries of the port district, state college, or university.

(2) "Federal peace officer" means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(3) "General authority Washington law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state

government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol and the department of fish and wildlife are general authority Washington law enforcement agencies.

(4) "General authority Washington peace officer" means any (~~full-time~~) fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

(5) "Limited authority Washington law enforcement agency" means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor and cannabis board, the office of the insurance commissioner, the state department of corrections, and the office of independent investigations.

(6) "Limited authority Washington peace officer" means any (~~full-time~~) fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer if otherwise qualified for such status under this chapter.

(7) "Mutual law enforcement assistance" includes, but is not limited to, one or more law enforcement agencies aiding or assisting one or more other such agencies through loans or exchanges of personnel or of material resources, for law enforcement purposes.

(8) "Primary commissioning agency" means (a) the employing agency in the case of a general authority Washington peace officer, a limited authority Washington peace officer, a tribal peace officer from a federally recognized tribe, or a federal peace officer, and (b) the commissioning agency in the case of a specially commissioned Washington peace officer (i) who is performing functions within the course and scope of the special commission and (ii) who is not also a general authority Washington peace officer, a limited authority Washington peace officer, a tribal peace officer from a federally recognized tribe, or a federal peace officer.

(9) "Primary function of an agency" means that function to which greater than fifty

percent of the agency's resources are allocated.

(10) "Specially commissioned Washington peace officer," for the purposes of this chapter, means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho. A reserve peace officer is an individual who is an officer of a Washington law enforcement agency who does not serve such agency on a full-time basis but who, when called by the agency into active service, is fully commissioned on the same basis as full-time peace officers to enforce the criminal laws of the state.

**Sec. 3.** RCW 41.26.030 and 2021 c 12 s 2 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Accumulated contributions" means the employee's contributions made by a member, including any amount paid under RCW 41.50.165(2), plus accrued interest credited thereon.

(2) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay the member's future benefits during the period of retirement.

(3) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(4) (a) "Basic salary" for plan 1 members, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for plan 2 members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred



annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay. In any year in which a member serves in the legislature the member shall have the option of having such member's basic salary be the greater of:

(i) The basic salary the member would have received had such member not served in the legislature; or

(ii) Such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because basic salary under (b)(i) of this subsection is greater than basic salary under (b)(ii) of this subsection shall be paid by the member for both member and employer contributions.

(5)(a) "Beneficiary" for plan 1 members, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for plan 2 members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(6)(a) "Child" or "children" means an unmarried person who is under the age of eighteen or mentally or physically disabled as determined by the department, except a person who is disabled and in the full time care of a state institution, who is:

(i) A natural born child;

(ii) A stepchild where that relationship was in existence prior to the date benefits are payable under this chapter;

(iii) A posthumous child;

(iv) A child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter; or

(v) An illegitimate child legitimized prior to the date any benefits are payable under this chapter.

(b) A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(7) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(8) "Director" means the director of the department.

(9) "Disability board" for plan 1 members means either the county disability board or the city disability board established in RCW 41.26.110.

(10) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to plan 1 members.

(11) "Disability retirement" for plan 1 members, means the period following termination of a member's disability leave,

during which the member is in receipt of a disability retirement allowance.

(12) "Domestic partners" means two adults who have registered as domestic partners under RCW 26.60.020.

(13) "Employee" means any law enforcement officer or firefighter as defined in subsections (17) and (19) of this section.

(14)(a) "Employer" for plan 1 members, means the legislative authority of any city, town, county, district, or regional fire protection service authority or the elected officials of any municipal corporation that employs any law enforcement officer and/or firefighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the firefighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or firefighters as defined in this chapter.

(b) "Employer" for plan 2 members, means the following entities to the extent that the entity employs any law enforcement officer and/or firefighter:

(i) The legislative authority of any city, town, county, district, public corporation, or regional fire protection service authority established under RCW 35.21.730 to provide emergency medical services as defined in RCW 18.73.030;

(ii) The elected officials of any municipal corporation;

(iii) The governing body of any other general authority law enforcement agency;

(iv) A four-year institution of higher education having a fully operational fire department as of January 1, 1996; or

(v) The department of social and health services or the department of corrections when employing firefighters serving at a prison or civil commitment center on an island.

(c) Except as otherwise specifically provided in this chapter, "employer" does not include a government contractor. For purposes of this subsection, a "government contractor" is any entity, including a partnership, limited liability company, for-profit or nonprofit corporation, or person, that provides services pursuant to a contract with an "employer." The determination whether an employer-employee relationship has been established is not based on the relationship between a government contractor and an "employer," but is based solely on the relationship between a government contractor's employee and an "employer" under this chapter.

(15)(a) "Final average salary" for plan 1 members, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period

within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for plan 2 members, means the monthly average of the member's basic salary for the highest consecutive sixty service credit months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(c) In calculating final average salary under (a) or (b) of this subsection, the department of retirement systems shall include:

(i) Any compensation forgone by a member employed by a state agency or institution during the 2009-2011 fiscal biennium as a result of reduced work hours, mandatory or voluntary leave without pay, temporary reduction in pay implemented prior to December 11, 2010, or temporary layoffs if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer;

(ii) Any compensation forgone by a member employed by the state or a local government employer during the 2011-2013 fiscal biennium as a result of reduced work hours, mandatory leave without pay, temporary layoffs, or reductions to current pay if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer. Reductions to current pay shall not include elimination of previously agreed upon future salary increases; and

(iii) Any compensation forgone by a member employed by the state or a local government employer during the 2019-2021 and 2021-2023 fiscal biennia as a result of reduced work hours, mandatory leave without pay, temporary layoffs, furloughs, reductions to current pay, or other similar measures resulting from the COVID-19 budgetary crisis, if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer. Reductions to current pay shall not include elimination of previously agreed upon future salary increases.

(16) "Fire department" includes a fire station operated by the department of social and health services or the department of corrections when employing firefighters serving a prison or civil commitment center on an island.

(17) "Firefighter" means:

(a) Any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for firefighter, and who is actively employed as such;

(b) Anyone who is actively employed as a full time firefighter where the fire department does not have a civil service examination;

(c) Supervisory firefighter personnel;

(d) Any full time executive secretary of an association of fire protection districts authorized under RCW 52.12.031. The provisions of this subsection (17)(d) shall not apply to plan 2 members;

(e) The executive secretary of a labor guild, association or organization (which is an employer under subsection (14) of this section), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW. The provisions of this subsection (17)(e) shall not apply to plan 2 members;

(f) Any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for firefighter;

(g) Any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971, was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW; and

(h) Any person who is employed on a full-time, fully compensated basis by an employer as an emergency medical technician that meets the requirements of RCW 18.71.200 or 18.73.030(~~(12)~~)(13), and whose duties include providing emergency medical services as defined in RCW 18.73.030.

(18) "General authority law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, but not including the Washington state patrol. Such an agency, department, or division is distinguished from a limited authority law enforcement agency having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor and cannabis board, and the state department of corrections. A general authority law enforcement agency under this chapter does not include a government contractor.

(19) "Law enforcement officer" beginning January 1, 1994, means any person who is commissioned and employed by an employer on a full time, fully compensated basis to enforce the criminal laws of the state of Washington generally, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not

commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers. The requirement that the commissioned law enforcement personnel be full time does not apply to the extent allowed under (f) of this subsection;

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under subsection (14) of this section) if that individual has five years previous membership in the retirement system established in chapter 41.20 RCW. The provisions of this subsection (19)(d) shall not apply to plan 2 members; ~~(and)~~

(e) The term "law enforcement officer" also includes a person employed on or after January 1, 1993, as a public safety officer or director of public safety, so long as the job duties substantially involve only either police or fire duties, or both, and no other duties in a city or town with a population of less than ten thousand. The provisions of this subsection (19)(e) shall not apply to any public safety officer or director of public safety who is receiving a retirement allowance under this chapter as of May 12, 1993; and

(f) Beginning July 1, 2023, the term "law enforcement officer" also includes any person who is commissioned and employed by an employer on a fully compensated basis to enforce the criminal laws of the state of Washington generally, on a less than full-time basis, with the qualifications in (a) through (e) of this subsection.

(20) "Medical services" for plan 1 members, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses," provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopathic physician and surgeon licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic X-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his or her teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(21) "Member" means any firefighter, law enforcement officer, or other person as would apply under subsection (17) or (19) of this section whose membership is transferred to the Washington law enforcement officers' and firefighters' retirement system on or after March 1, 1970, and every law enforcement officer and firefighter who is employed in that capacity on or after such date.

(22) "Plan 1" means the law enforcement officers' and firefighters' retirement system, plan 1 providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(23) "Plan 2" means the law enforcement officers' and firefighters' retirement system, plan 2 providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(24) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(25) "Regular interest" means such rate as the director may determine.

(26) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting

from service rendered to an employer by such member.

(27) "Retirement fund" means the "Washington law enforcement officers' and firefighters' retirement system fund" as provided for herein.

(28) "Retirement system" means the "Washington law enforcement officers' and firefighters' retirement system" provided herein.

(29)(a) "Service" for plan 1 members, means all periods of employment for an employer as a firefighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all service credit months of service rendered by a member from and after the member's initial commencement of employment as a firefighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only service credit months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter.

(i) For members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall also include (A) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (B) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160, or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act.

(ii) A member who is employed by two employers at the same time shall only be credited with service to one such employer for any month during which the member rendered such dual service.

(iii) Reduction efforts such as furloughs, reduced work hours, mandatory leave without pay, temporary layoffs, or other similar situations as contemplated by subsection (15)(c)(iii) of this section do not result in a reduction in service credit that otherwise would have been earned for that month of work, and the member shall receive the full service credit for the hours that were scheduled to be worked before the reduction.

(b)(i) "Service" for plan 2 members, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month which shall constitute a service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for at least seventy hours but less than ninety hours per calendar month shall constitute one-half service credit month. Periods of employment

by a member for one or more employers for which basic salary is earned for less than seventy hours shall constitute a one-quarter service credit month.

(ii) Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.

(iii) Service credit years of service shall be determined by dividing the total number of service credit months of service by twelve. Any fraction of a service credit year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

(iv) If a member receives basic salary from two or more employers during any calendar month, the individual shall receive one service credit month's service credit during any calendar month in which multiple service for ninety or more hours is rendered; or one-half service credit month's service credit during any calendar month in which multiple service for at least seventy hours but less than ninety hours is rendered; or one-quarter service credit month during any calendar month in which multiple service for less than seventy hours is rendered.

(v) Reduction efforts such as furloughs, reduced work hours, mandatory leave without pay, temporary layoffs, or other similar situations as contemplated by subsection (15)(c)(iii) of this section do not result in a reduction in service credit that otherwise would have been earned for that month of work, and the member shall receive the full service credit for the hours that were scheduled to be worked before the reduction.

(30) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

(31) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(32) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(33) "State elective position" means any position held by any person elected or appointed to statewide office or elected or appointed as a member of the legislature.

(34) "Surviving spouse" means the surviving widow or widower of a member. "Surviving spouse" shall not include the divorced spouse of a member except as provided in RCW 41.26.162."

Correct the title.

Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Appropriations

March 23, 2023

SSB 5448

Prime Sponsor, Labor & Commerce:  
Concerning liquor licensee privileges for the  
delivery of alcohol. Reported by Committee  
on Regulated Substances & Gaming

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. 2021 c 48 s 2 (uncodified) is amended to read as follows:

(1) ~~((The board must implement the provisions of this section as expeditiously as possible. Liquor licensees may conduct activities authorized under this section before completion by the board of actions the board plans to take in order to implement this act, such as adoption of rules or completion of information system changes necessary to allow licensees to apply for required endorsements. However, licensees must comply with board rules when they take effect.~~

~~((2) The))~~ (a) Except as provided in (b) of this subsection, the following licensees may sell alcohol products at retail for ((curbside and)) takeout ((service)) or delivery or both under liquor and cannabis board licenses and endorsements: Beer and wine restaurants; spirits, beer, and wine restaurants; taverns; domestic wineries; domestic breweries and microbreweries; distilleries; snack bars; nonprofit arts licensees; and caterers.

(b) No alcohol products may be sold by delivery under this section after July 1, 2025.

~~((3))~~ (2) Spirits, beer, and wine restaurant licensees may sell premixed cocktails ((and cocktail kits)) for takeout ((or curbside service)) and, until July 1, 2025, for delivery. The board may establish by rule the manner in which premixed cocktails for off-premises consumption must be provided. This subsection does not authorize the sale of ((full)) bottles of spirits by licensees for off-premises consumption((, with the exception of mini-bottles as part of cocktail kits. Mini-bottle sales authorized under this subsection as part of cocktail kits are exempt from the spirits license issuance fee under RCW 66.24.630(4)(a) and the tax on each retail sale of spirits under RCW 82.08.150)).

~~((4))~~ (3) Spirits, beer, and wine restaurant licensees may sell wine by the glass or premixed wine and spirits cocktails for takeout ((or curbside service)) and ((for)), until July 1, 2025, delivery. Beer and wine restaurant licensees may sell wine or premixed wine drinks by the glass for takeout ((or curbside service)) and ((for)), until July 1, 2025, delivery. The board may establish by rule the manner in which wine by the glass and premixed cocktails for off-premises consumption must be provided.

~~((5))~~ (4) Licensees that were authorized by statute or rule before January 1, 2020, to sell growlers for on-premises consumption may sell growlers for off-premises consumption through ((curbside,)) takeout((,)) or, until July 1, 2025, delivery ((service)). Sale of growlers under this subsection must meet federal alcohol and tobacco tax and trade bureau requirements.

~~((6))~~ (5) (a) Licensees must obtain from the board an endorsement to their license in order to conduct activities authorized under subsections ((2)) (1) through ((5)) (4) of this section. The board may adopt rules governing the manner in which the activities authorized under this section must be conducted. Licensees must not be charged a fee in order to obtain an endorsement required under this section.

(b) (i) Alcohol delivery under this section must be performed by an employee of an alcohol delivery endorsement holder who is 21 years of age or older and possesses a class 12 permit, in accordance with RCW 66.20.310.

(ii) Delivery services conducted by beer and wine restaurant licensees and spirits, beer, and wine restaurant licensees under this section must be accompanied by a purchased meal prepared and sold by the license holder.

(c) Alcohol sold for takeout by beer and wine restaurant licensees and spirits, beer, and wine restaurant licensees under this section must be accompanied by a purchased meal prepared and sold by the license holder.

(d) Any alcohol product sold for takeout or delivery under this section must be in a factory sealed container or a tamper-resistant container.

~~((7))~~ (6) Beer and wine specialty shops licensed under RCW 66.24.371 and domestic breweries and microbreweries may sell prefilled growlers for off-premises consumption through takeout ((or curbside service)) and, until July 1, 2025, delivery, provided that prefilled growlers are sold the same day they are prepared for sale and not stored overnight for sale on future days.

~~((8))~~ (7) The board must adopt or revise current rules to allow for outdoor service of alcohol by on-premises licensees holding licenses issued by the board for the following license types: Beer and wine restaurants; spirits, beer, and wine restaurants; taverns; domestic wineries; domestic breweries and microbreweries; distilleries; snack bars; and private clubs licensed under RCW 66.24.450 and 66.24.452. The board may adopt requirements providing for clear accountability at locations where multiple licensees use a shared space for serving customers.

~~((9))~~ (8) Upon delivery of any alcohol product authorized to be delivered under this section, the signature of the person age 21 or over receiving the delivery must be obtained.

~~((10))~~ (9) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Board" means the liquor and cannabis board.

(b) "Growlers" means sanitary containers brought to the premises by the purchaser or furnished by the licensee and filled by the retailer at the time of sale.

~~((c))~~ "Mini-bottles" means original factory sealed containers holding not more than 50 milliliters of a spirituous beverage.

~~((11) This section expires July 1, 2023.))~~

**Sec. 2.** RCW 66.04.010 and 2019 c 61 s 1 are each reenacted and amended to read as follows:

In this title, unless the context otherwise requires:

(1) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term "alcohol" does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in RCW 66.12.130, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

(2) "Authorized representative" means a person who:

(a) Is required to have a federal basic permit issued pursuant to the federal alcohol administration act, 27 U.S.C. Sec. 204;

(b) Has its business located in the United States outside of the state of Washington;

(c) Acquires ownership of beer or wine for transportation into and resale in the state of Washington; and which beer or wine is produced by a brewery or winery in the United States outside of the state of Washington; and

(d) Is appointed by the brewery or winery referenced in (c) of this subsection as its authorized representative for marketing and selling its products within the United States in accordance with a written agreement between the authorized representative and such brewery or winery pursuant to this title.

(3) "Beer" means any malt beverage, flavored malt beverage, or malt liquor as these terms are defined in this chapter.

(4) "Beer distributor" means a person who buys beer from a domestic brewery, microbrewery, beer certificate of approval holder, or beer importers, or who acquires foreign produced beer from a source outside of the United States, for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

(5) "Beer importer" means a person or business within Washington who purchases beer from a beer certificate of approval holder or who acquires foreign produced beer from a source outside of the United States for the purpose of selling the same pursuant to this title.

(6) "Board" means the liquor and cannabis board, constituted under this title.

(7) "Brewer" or "brewery" means any person engaged in the business of manufacturing beer and malt liquor. Brewer includes a brand owner of malt beverages who holds a brewer's notice with the federal bureau of alcohol, tobacco, and firearms at a location outside the state and whose malt beverage is contract-produced by a licensed in-state brewery, and who may exercise within the state, under a domestic brewery license, only the privileges of storing, selling to licensed beer distributors, and exporting beer from the state.

(8) "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic, or social purposes, and not for pecuniary gain.

(9) "Confection" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts, dairy products, or flavorings, in the form of bars, drops, or pieces.

(10) "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.

(11) "Contract liquor store" means a business that sells liquor on behalf of the board through a contract with a contract liquor store manager.

(12) "Craft distillery" means a distillery that pays the reduced licensing fee under RCW 66.24.140.

(13) "Delivery" means the transportation of alcohol to an individual located within Washington state from a licensed location holding an alcohol delivery endorsement as part of a delivery order. "Delivery" does not include services provided by common carriers.

(14) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his or her profession within the state pursuant to chapter 18.32 RCW.

~~((14))~~ (15) "Distiller" means a person engaged in the business of distilling spirits.

~~((15))~~ (16) "Domestic brewery" means a place where beer and malt liquor are manufactured or produced by a brewer within the state.

~~((16))~~ (17) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington.

~~((17))~~ (18) "Drug store" means a place whose principal business is, the sale of drugs, medicines, and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

~~((18))~~ (19) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to chapter 18.64 RCW.

~~((19))~~ (20) "Employee" means any person employed by the board.

~~((20))~~ (21) "Flavored malt beverage" means:

(a) A malt beverage containing six percent or less alcohol by volume to which flavoring or other added nonbeverage ingredients are added that contain distilled spirits of not more than forty-nine percent of the beverage's overall alcohol content; or

(b) A malt beverage containing more than six percent alcohol by volume to which flavoring or other added nonbeverage ingredients are added that contain distilled spirits of not more than one and one-half percent of the beverage's overall alcohol content.

~~((21))~~ (22) "Fund" means 'liquor revolving fund.'

~~((22))~~ (23) "Hotel" means buildings, structures, and grounds, having facilities for preparing, cooking, and serving food, that are kept, used, maintained, advertised, or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests. The buildings, structures, and grounds must be located on adjacent property either owned or leased by the same person or persons.

~~((23))~~ (24) "Importer" means a person who buys distilled spirits from a distillery outside the state of Washington and imports such spirituous liquor into the state for sale to the board or for export.

~~((24))~~ (25) "Imprisonment" means confinement in the county jail.

~~((25))~~ (26) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine, and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine, or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

~~((26))~~ (27) "Malt beverage" or "malt liquor" means any beverage such as beer, ale, lager beer, stout, and porter obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title, any such beverage containing more than eight percent of alcohol by weight shall be referred to as "strong beer."

~~((27))~~ (28) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

~~((28))~~ (29) "Nightclub" means an establishment that provides entertainment and has as its primary source of revenue (a) the sale of alcohol for consumption on the premises, (b) cover charges, or (c) both.

~~((29))~~ (30) "Package" means any container or receptacle used for holding liquor.

~~((30))~~ (31) "Passenger vessel" means any boat, ship, vessel, barge, or other floating craft of any kind carrying passengers for compensation.

~~((31))~~ (32) "Permit" means a permit for the purchase of liquor under this title.

~~((32))~~ (33) "Person" means an individual, copartnership, association, or corporation.

~~((33))~~ (34) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his or her

profession within the state pursuant to chapter 18.71 RCW.

~~((34))~~ (35) "Powdered alcohol" means any powder or crystalline substance containing alcohol that is produced for direct use or reconstitution.

~~((35))~~ (36) "Prescription" means a memorandum signed by a physician and given by him or her to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

~~((36))~~ (37) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theaters, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

~~((37))~~ (38) "Regulations" means regulations made by the board under the powers conferred by this title.

~~((38))~~ (39) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

~~((39))~~ (40) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his or her agent in the state. "Sale" and "sell" shall not include the giving, at no charge, of a reasonable amount of liquor by a person not licensed by the board to a person not licensed by the board, for personal use only. "Sale" and "sell" also does not include a raffle authorized under RCW 9.46.0315: PROVIDED, That the nonprofit organization conducting the raffle has obtained the appropriate permit from the board.

~~((40))~~ (41) "Service bar" means a fixed or portable table, counter, cart, or similar workstation primarily used to prepare, mix, serve, and sell alcohol that is picked up by employees or customers. Customers may not be seated or allowed to consume food or alcohol at a service bar.

~~((41))~~ (42) "Soda fountain" means a place especially equipped with apparatus for

the purpose of dispensing soft drinks, whether mixed or otherwise.

((42)) (43) "Soju" means a traditional Korean distilled alcoholic beverage, produced using authentic Korean recipes and production methods, and derived from agricultural products, that contains not more than twenty-four percent of alcohol by volume.

((43)) (44) "Spirits" means any beverage which contains alcohol obtained by distillation, except flavored malt beverages, but including wines exceeding twenty-four percent of alcohol by volume.

((44)) (45) "Store" means a state liquor store established under this title.

((45)) (46) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

((46)) (47) "VIP airport lounge" means an establishment within an international airport located beyond security checkpoints that provides a special space to sit, relax, read, work, and enjoy beverages where access is controlled by the VIP airport lounge operator and is generally limited to the following classifications of persons:

(a) Airline passengers of any age whose admission is based on a first-class, executive, or business class ticket;

(b) Airline passengers of any age who are qualified members or allowed guests of certain frequent flyer or other loyalty incentive programs maintained by airlines that have agreements describing the conditions for access to the VIP airport lounge;

(c) Airline passengers of any age who are qualified members or allowed guests of certain enhanced amenities programs maintained by companies that have agreements describing the conditions for access to the VIP airport lounge;

(d) Airport and airline employees, government officials, foreign dignitaries, and other attendees of functions held by the airport authority or airlines related to the promotion of business objectives such as increasing international air traffic and enhancing foreign trade where access to the VIP airport lounge will be controlled by the VIP airport lounge operator; and

(e) Airline passengers of any age or airline employees whose admission is based on a pass issued or permission given by the airline for access to the VIP airport lounge.

((47)) (48) "VIP airport lounge operator" means an airline, port district, or other entity operating a VIP airport lounge that: Is accountable for compliance with the alcohol beverage control act under this title; holds the license under chapter 66.24 RCW issued to the VIP airport lounge; and provides a point of contact for addressing any licensing and enforcement by the board.

((48)) (49) (a) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing

not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel, and angelica, not exceeding twenty-four percent of alcohol by volume and not less than one-half of one percent of alcohol by volume. For purposes of this title, any beverage containing no more than fourteen percent of alcohol by volume when bottled or packaged by the manufacturer shall be referred to as "table wine," and any beverage containing alcohol in an amount more than fourteen percent by volume when bottled or packaged by the manufacturer shall be referred to as "fortified wine." However, "fortified wine" shall not include: (i) Wines that are both sealed or capped by cork closure and aged two years or more; and (ii) wines that contain more than fourteen percent alcohol by volume solely as a result of the natural fermentation process and that have not been produced with the addition of wine spirits, brandy, or alcohol.

(b) This subsection shall not be interpreted to require that any wine be labeled with the designation "table wine" or "fortified wine."

((49)) (50) "Wine distributor" means a person who buys wine from a domestic winery, wine certificate of approval holder, or wine importer, or who acquires foreign produced wine from a source outside of the United States, for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

((50)) (51) "Wine importer" means a person or business within Washington who purchases wine from a wine certificate of approval holder or who acquires foreign produced wine from a source outside of the United States for the purpose of selling the same pursuant to this title.

((51)) (52) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

**Sec. 3.** RCW 66.20.310 and 2019 c 64 s 21 are each reenacted and amended to read as follows:

(1) (a) There is an alcohol server permit, known as a class 12 permit, for ((a)):

(i) A manager ((or bartender));  
(ii) A bartender selling or mixing alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility; or  
(iii) An employee conducting alcohol deliveries for a licensee that delivers alcohol under section 1 of this act (as codified under section 7 of this act).

(b) There is an alcohol server permit, known as a class 13 permit, for a person who only serves alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(c) As provided by rule by the board, a class 13 permit holder may be allowed to act as a bartender without holding a class 12 permit.

(2) (a) Effective January 1, 1997, except as provided in (d) of this subsection, every alcohol server employed, under contract or otherwise, at a retail licensed premise must be issued a class 12 or class 13 permit.



(b) Every class 12 and class 13 permit issued must be issued in the name of the applicant and no other person may use the permit of another permit holder. The holder must present the permit upon request to inspection by a representative of the board or a peace officer. The class 12 or class 13 permit is valid for employment at any retail licensed premises described in (a) of this subsection.

(c) Except as provided in (d) of this subsection, no licensee holding a license as authorized by this section and RCW 66.20.300, 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.690, 66.24.450, 66.24.570, 66.24.600, 66.24.610, 66.24.650, 66.24.655, and 66.24.680 may employ or accept the services of any person without the person first having a valid class 12 or class 13 permit.

(d) Within sixty days of initial employment, every person whose duties include the compounding, sale, service, or handling of liquor must have a class 12 or class 13 permit.

(e) No person may perform duties that include the sale or service of alcoholic beverages on a retail licensed premises without possessing a valid alcohol server permit.

(f) Every person whose duties include the delivery of alcohol authorized under section 1 of this act (as codified under section 7 of this act) must have a class 12 permit before engaging in alcohol delivery. A delivery employee whose duties include the delivery of alcohol authorized under section 1 of this act (as codified under section 7 of this act) must complete an approved class 12 permit course that includes a curriculum component that covers best practices for delivery of alcohol.

(3) A permit issued by a training entity under this section is valid for employment at any retail licensed premises described in subsection (2)(a) of this section for a period of five years unless suspended by the board.

(4) The board may suspend or revoke an existing permit if any of the following occur:

(a) The applicant or permittee has been convicted of violating any of the state or local intoxicating liquor laws of this state or has been convicted at any time of a felony; or

(b) The permittee has performed or permitted any act that constitutes a violation of this title or of any rule of the board.

(5) The suspension or revocation of a permit under this section does not relieve a licensee from responsibility for any act of the employee or agent while employed upon the retail licensed premises. The board may, as appropriate, revoke or suspend either the permit of the employee who committed the violation or the license of the licensee upon whose premises the violation occurred, or both the permit and the license.

(6)(a) After January 1, 1997, it is a violation of this title for any retail licensee or agent of a retail licensee as described in subsection (2)(a) of this section to employ in the sale or service of alcoholic beverages, any person who does not

have a valid alcohol server permit or whose permit has been revoked, suspended, or denied.

(b) It is a violation of this title for a person whose alcohol server permit has been denied, suspended, or revoked to accept employment in the sale or service of alcoholic beverages.

(7) Grocery stores licensed under RCW 66.24.360, the primary commercial activity of which is the sale of grocery products and for which the sale and service of beer and wine for on-premises consumption with food is incidental to the primary business, and employees of such establishments, are exempt from RCW 66.20.300 through 66.20.350, except for employees whose duties include serving during tasting activities under RCW 66.24.363.

**Sec. 4.** RCW 66.20.320 and 1996 c 311 s 2 are each amended to read as follows:

(1) The board shall regulate a required alcohol server education program that includes:

(a) Development of the curriculum and materials for the education program;

(b) Examination and examination procedures;

(c) Certification procedures, enforcement policies, and penalties for education program instructors and providers; and

(d) The curriculum for an approved class 12 alcohol permit training program that includes but is not limited to the following subjects:

(i) The physiological effects of alcohol including the effects of alcohol in combination with drugs;

(ii) Liability and legal information;

(iii) Driving while intoxicated;

(iv) Intervention with the problem customer, including ways to stop service, ways to deal with the belligerent customer, and alternative means of transportation to get the customer safely home;

(v) Methods for checking proper identification of customers;

(vi) Nationally recognized programs, such as TAM (Techniques in Alcohol Management) and TIPS (Training for Intervention Programs) modified to include Washington laws and ~~((regulations))~~ rules; and

(vii) Best practices for delivery of alcohol for a course approved for a person whose duties include the delivery of alcohol authorized under section 1 of this act (as codified under section 7 of this act).

(2) The board shall provide the program through liquor licensee associations, independent contractors, private persons, private or public schools certified by the board, or any combination of such providers.

(3) Each training entity shall provide a class 12 permit to the manager ~~((or))~~, bartender, or delivery employee who has successfully completed a course the board has certified. A list of the individuals receiving the class 12 permit shall be forwarded to the board on the completion of each course given by the training entity.

(4) After January 1, 1997, the board shall require all alcohol servers applying for a class 13 alcohol server permit to view a video training session. Retail liquor

licensees shall fully compensate employees for the time spent participating in this training session.

(5) When requested by a retail liquor licensee, the board shall provide copies of videotaped training programs that have been produced by private vendors and make them available for a nominal fee to cover the cost of purchasing and shipment, with the fees being deposited in the liquor revolving fund for distribution to the board as needed.

(6) Each training entity may provide the board with a video program of not less than one hour that covers the subjects in subsection (1)(d)(i) through (v) of this section that will be made available to a licensee for the training of a class 13 alcohol server.

(7) Applicants shall be given a class 13 permit upon the successful completion of the program.

(8) A list of the individuals receiving the class 13 permit shall be forwarded to the board on the completion of each video training program.

(9) The board shall develop a model permit for the class 12 and 13 permits. The board may provide such permits to training entities or licensees for a nominal cost to cover production.

(10)(a) Persons who have completed a nationally recognized alcohol management or intervention program since July 1, 1993, may be issued a class 12 or 13 permit upon providing proof of completion of such training to the board.

(b) Persons who completed the board's alcohol server training program after July 1, 1993, but before July 1, 1995, may be issued a class 13 permit upon providing proof of completion of such training to the board.

**Sec. 5.** RCW 66.24.660 and 2013 c 89 s 1 are each amended to read as follows:

Retailers may sell liquor as defined in RCW 66.04.010(~~(+25)~~) through self-checkout registers if that register is programmed to halt that transaction during the purchase of liquor until an employee of the retailer intervenes and verifies the age of the purchaser by reviewing established forms of acceptable identification. Once age is successfully verified, the employee can release the transaction for payment. If the purchaser cannot provide acceptable forms of identification to verify age, the employee must refuse the purchase and void the transaction.

**NEW SECTION. Sec. 6.** By November 1, 2023, the liquor and cannabis board shall submit recommendations to the governor and appropriate committees of the legislature for a comprehensive alcohol delivery policy. The recommendations in the report must include a consistent, equitable structure for alcohol delivery licenses, endorsements, permits, and fees, and a comprehensive plan to help ensure all deliveries of alcohol are made only to persons who are 21 years of age or older.

**NEW SECTION. Sec. 7.** Section 1 of this act is codified as a new section in chapter 66.24 RCW.

**NEW SECTION. Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2023."

Correct the title.

Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Morgan; Orwall; Reeves; Walsh and Waters.

Referred to Committee on Rules for second reading

March 23, 2023

SSB 5453

Prime Sponsor, Law & Justice: Concerning female genital mutilation. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Appropriations

March 24, 2023

SB 5497

Prime Sponsor, Senator Wilson, L.: Concerning medicaid expenditures. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations

March 23, 2023

2SSB 5502

Prime Sponsor, Ways & Means: Ensuring access to substance use disorder treatment. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 9.94A.733 and 2021 c 266 s 1 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, an offender may not participate in the graduated reentry program under this subsection unless he or she has served at least six months in total confinement in a state correctional facility.

(i) An offender subject to (a) of this subsection may serve no more than the final five months of the offender's term of confinement in partial confinement as home

detention as part of the graduated reentry program developed by the department.

(ii) Home detention under (a) of this subsection may not be imposed for individuals subject to a deportation order, civil commitment, or the interstate compact for adult offender supervision under RCW 9.94A.745.

(b) For offenders who meet the requirements of (b)(iii) of this subsection, an offender may not participate in the graduated reentry program unless he or she has served at least four months in total confinement in a state correctional facility.

(i) An offender under this subsection (1)(b) may serve no more than the final 18 months of the offender's term of confinement in partial confinement as home detention as part of the graduated reentry program developed by the department.

(ii) Home detention under this subsection (1)(b) may not be imposed for individuals subject to a deportation order or subject to the jurisdiction of the indeterminate sentence review board.

(iii) Home detention under this subsection (1)(b) may not be imposed for offenders currently serving a term of confinement for the following offenses:

- (A) Any sex offense;
- (B) Any violent offense; or

(C) Any crime against a person offense in accordance with the categorization of crimes against persons outlined in RCW 9.94A.411(2).

(2) The secretary of the department may transfer an offender from a department correctional facility to home detention in the community if it is determined that the graduated reentry program is an appropriate placement and must assist the offender's transition from confinement to the community.

(3) The department and its officers, agents, and employees are not liable for the acts of offenders participating in the graduated reentry program unless the department or its officers, agents, and employees acted with willful and wanton disregard.

(4)(a) All offenders placed on home detention as part of the graduated reentry program must provide an approved residence and living arrangement prior to transfer to home detention.

(b) The department may not transfer an offender to participate in the graduated reentry program until the department has conducted a comprehensive assessment for substance use disorder. If the offender is assessed to have a substance use disorder, the department shall assist the offender in enrolling in substance use disorder treatment services at the level deemed appropriate by the assessment. Offenders transferred to participate in the graduated reentry program must begin receiving substance use disorder treatment services as soon as practicable after transfer to avoid any delays in treatment. Substance use disorder treatment services shall include, as deemed necessary by the assessment, access to medication-assisted treatment and counseling programs. Upon transfer to the graduated reentry program, when clinically

appropriate, individuals must be provided with access to self-administered fentanyl testing supplies and medications designed to reverse the effects of opioid overdose.

(5) While in the community on home detention as part of the graduated reentry program, the department must:

(a) Require the offender to be placed on electronic home monitoring;

(b) Require the offender to participate in programming and treatment that the department shall assign based on an offender's assessed need; and

(c) Assign a community corrections officer who will monitor the offender's compliance with conditions of partial confinement and programming requirements.

(6) The department retains the authority to return any offender serving partial confinement in the graduated reentry program to total confinement for any reason including, but not limited to, the offender's noncompliance with any sentence requirement.

(7) The department may issue rental vouchers for a period not to exceed six months for those transferring to partial confinement under this section if an approved address cannot be obtained without the assistance of a voucher.

(8) In the selection of offenders to participate in the graduated reentry program, and in setting, modifying, and enforcing the requirements of the graduated reentry program, the department is deemed to be performing a quasi-judicial function.

(9) The department shall publish a monthly report on its website with the number of offenders who were transferred during the month to home detention as part of the graduated reentry program. The department shall submit an annual report by December 1st to the appropriate committees of the legislature with the number of offenders who were transferred to home detention as part of the graduated reentry program during the prior year.

(10)(a) Beginning July 1, 2023, the following data must be collected and posted to the department's website on a monthly basis:

(i) The number of offenders who were transferred to the graduated reentry program who were assessed to have a substance use disorder during the prior calendar month; and

(ii) The number of offenders in the graduated reentry program during the prior calendar month who received:

(A) Outpatient substance use disorder treatment;

(B) Inpatient substance use disorder treatment; and

(C) Both outpatient and inpatient substance use disorder treatment.

(b) Beginning July 1, 2023, the health care authority must report monthly to the department on the number of offenders in the graduated reentry program who received substance use disorder outpatient treatment, while in the community, during the prior calendar month."

Correct the title.

Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Appropriations

March 24, 2023

ESSB 5512 Prime Sponsor, Higher Education & Workforce Development: Adding financial transparency reporting requirements to the public four-year dashboard. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Rules for second reading

March 22, 2023

2SSB 5518 Prime Sponsor, Ways & Means: Concerning cybersecurity. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Appropriations

March 24, 2023

SSB 5523 Prime Sponsor, Higher Education & Workforce Development: Addressing the forensic pathologist shortage. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Hansen; Jacobsen; Klicker; Leavitt; Paul; Pollet; Schmidt and Timmons.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

MINORITY recommendation: Without recommendation. Signed by Representative McEntire.

Referred to Committee on Appropriations

March 24, 2023

ESB 5534 Prime Sponsor, Senator Randall: Concerning workforce education investment accountability and oversight board staffing changes. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Appropriations

March 22, 2023

SSB 5561 Prime Sponsor, Law & Justice: Extending the expiration date of the law enforcement community engagement grant project. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

March 22, 2023

SSB 5672 Prime Sponsor, Ways & Means: Concerning the Washington auto theft prevention authority account. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 46.66.080 and 2015 3rd sp.s. c 4 s 964 are each amended to read as follows:

(1) The Washington auto theft prevention authority account is created in the state treasury, subject to appropriation. All revenues from the traffic infraction surcharge in RCW 46.63.110(7)(b) and all receipts from gifts, grants, bequests, devises, or other funds from public and private sources to support the activities of the auto theft prevention authority must be deposited into the account. Expenditures from the account may be used only for activities relating to motor vehicle theft, including education, prevention, law enforcement, investigation, prosecution, and local confinement. ~~((During the 2011-2013, 2013-2015, and 2015-2017 fiscal biennia, the legislature may appropriate moneys from the Washington auto theft prevention authority account for criminal justice purposes and community building and may transfer funds to the state general fund such amounts as reflect the excess fund balance of the account.))~~

(2) The authority shall allocate moneys appropriated from the account to public agencies for the purpose of establishing, maintaining, and supporting programs that are designed to prevent motor vehicle theft, including:

(a) Financial support to prosecution agencies to increase the effectiveness of motor vehicle theft prosecution;

(b) Financial support to a unit of local government or a team consisting of units of local governments to increase the effectiveness of motor vehicle theft enforcement;

(c) Financial support for the procurement of equipment and technologies for use by law enforcement agencies for the purpose of enforcing motor vehicle theft laws; and

(d) Financial support for programs that are designed to educate and assist the public in the prevention of motor vehicle theft.

(3) The costs of administration shall not exceed ten percent of the moneys in the account in any one year so that the greatest possible portion of the moneys available to the authority is expended on combating motor vehicle theft.

(4) Prior to awarding any moneys from the Washington auto theft prevention authority account for motor vehicle theft enforcement, the auto theft prevention authority must verify that the financial award includes sufficient funding to cover proposed activities, which include, but are not limited to: (a) ~~((State, municipal,))Municipal~~ and county offender and juvenile confinement costs; (b) administration costs; (c) law enforcement costs; (d) prosecutor costs; and (e) court costs, with a priority being given to ensuring that sufficient funding is available to cover ~~((state,)) municipal((,))~~ and county offender and juvenile confinement costs.

(5) Moneys expended from the Washington auto theft prevention authority account under subsection (2) of this section shall be used to supplement, not supplant, other moneys that are available for motor vehicle theft prevention.

(6) Grants provided under subsection (2) of this section constitute reimbursement for purposes of RCW 43.135.060(1).

NEW SECTION. **Sec. 2.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; and Harris.

Referred to Committee on Rules for second reading

March 22, 2023

ESSB 5702 Prime Sponsor, Higher Education & Workforce Development: Expanding the students experiencing homelessness and foster youth pilot program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.50.916 and 2021 c 62 s 1 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, ~~((the college board shall select eight college districts, with no less than four located outside of the Puget Sound region to participate in a pilot))~~ each community and technical college may implement a program to provide assistance to students experiencing homelessness and to students who were in the foster care system when they graduated high school. ~~The ((college districts chosen to participate in the pilot))~~ program must provide certain accommodations to these students that may include, but are not limited to, the following:

(a) Access to laundry facilities;  
(b) Access to storage;  
(c) Access to locker room and shower facilities;  
(d) Reduced-price meals or meal plans, and access to food banks;  
(e) Access to technology;  
(f) Access to short-term housing or housing assistance, especially during seasonal breaks; and  
(g) Case management services.

(2) ~~The ((college districts))~~ community and technical colleges may also establish plans to develop surplus property for affordable housing to accommodate the needs of students experiencing homelessness and students who were in the foster care system when they graduated high school.

(3) ~~The ((college districts participating in the pilot program))~~ community and technical colleges shall leverage existing community resources by making available to students in the ~~((pilot))~~ program information that is available for individuals experiencing homelessness, including through not-for-profit organizations, the local housing authority, and the department of commerce's office of homeless youth.

(4) ~~The ((college districts))~~ community and technical colleges participating in the ~~((pilot))~~ program shall annually provide a joint report to the appropriate committees of the legislature ~~((by))~~ in accordance with RCW 43.01.036 beginning December 1, 2023, that includes at least the following information:

(a) The number of students experiencing homelessness or food insecurity, and the number of students who were in the foster care system when they graduated high school who ~~((were attending))~~ attended a community or technical college during the ~~((pilot))~~ program. The college board shall coordinate with all of the community and technical colleges to collect voluntary data on how many students experiencing homelessness or food insecurity are attending the community and technical colleges;

(b) The number of students assisted by the ~~((pilot))~~ program;

(c) Strategies for accommodating students experiencing homelessness or food

insecurity, and former foster care students; and

(d) Legislative recommendations for how students experiencing homelessness or food insecurity, and former foster care students could be better served.

(5) ~~((The college districts not selected to participate in the pilot program are:~~

~~(a) Invited to participate voluntarily; and~~

~~(b) Encouraged to submit the data required of the pilot program participants under subsection (4) of this section, regardless of participation status.~~

~~(6) The pilot program expires July 1, 2024.~~

~~(7) This section expires January 1, 2025))~~ For purposes of this section, "program" means the students experiencing homelessness and foster youth program.

**Sec. 2.** RCW 28B.77.850 and 2021 c 62 s 2 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, ~~((the council shall select four public four-year institutions of higher education, two on each side of the crest of the Cascade mountain range, to participate in a pilot))~~ each public four-year institution of higher education may implement a program to provide assistance to students experiencing homelessness and to students who were in the foster care system when they graduated high school. The ((four-year institutions of higher education chosen to participate in the pilot)) program must provide certain accommodations to these students that may include, but are not limited to, the following:

(a) Access to laundry facilities;

(b) Access to storage;

(c) Access to locker room and shower facilities;

(d) Reduced-price meals or meal plans, and access to food banks;

(e) Access to technology;

(f) Access to short-term housing or housing assistance, especially during seasonal breaks; and

(g) Case management services.

(2) The four-year institutions of higher education may also establish plans to develop surplus property for affordable housing to accommodate the needs of students experiencing homelessness and students who were in the foster care system when they graduated high school.

(3) The four-year institutions of higher education participating in the ~~((pilot))~~ program shall leverage existing community resources by making available to students in the ~~((pilot))~~ program information that is available for individuals experiencing homelessness, including through not-for-profit organizations, the local housing authority, and the department of commerce's office of homeless youth.

(4) The four-year institutions of higher education participating in the ~~((pilot))~~ program shall annually provide a joint report to the appropriate committees of the legislature ~~((by))~~ in accordance with RCW 43.01.036 beginning December 1, 2023, that includes at least the following information:

(a) The number of students experiencing homelessness or food insecurity, and the number of students who were in the foster care system when they graduated high school who ~~((were attending))~~ attended a four-year institution of higher education during the ~~((pilot))~~ program. The council shall coordinate with all of the four-year institutions of higher education to collect voluntary data on how many students experiencing homelessness or food insecurity are attending the four-year institutions of higher education;

(b) The number of students assisted by the ~~((pilot))~~ program;

(c) Strategies for accommodating students experiencing homelessness or food insecurity, and former foster care students; and

(d) Legislative recommendations for how students experiencing homelessness or food insecurity, and former foster care students could be better served.

(5) ~~((The four-year institutions of higher education not selected to participate in the pilot program are:~~

~~(a) Invited to participate voluntarily; and~~

~~(b) Encouraged to submit the data required of the pilot program participants under subsection (4) of this section, regardless of participation status.~~

~~(6) The pilot program expires July 1, 2024.~~

~~(7) This section expires January 1, 2025))~~ For purposes of this section, "program" means the students experiencing homelessness and foster youth program.

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

March 22, 2023

SJM 8001

Prime Sponsor, Senator Hasegawa:  
Concerning a national infrastructure bank.  
Reported by Committee on Consumer  
Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Chapman; Donaghy; Hackney; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Corry, Ranking Minority Member;

McClintock, Assistant Ranking Minority Member; Cheney; Connors; Sandlin; and Volz.

Referred to Committee on Rules for second reading

March 22, 2023

SJM 8005 Prime Sponsor, Senator Hasegawa: Addressing "de-risking" by financial institutions. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Rules for second reading

There being no objection, the bills and memorials listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., Tuesday, March 28, 2023, the 79th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SEVENTY NINTH DAY

House Chamber, Olympia, Tuesday, March 28, 2023

Committee on Postsecondary Education & Workforce

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGE FROM THE SENATE

Monday, March 27, 2023

Mme. Speaker:

The President has signed:

- SUBSTITUTE HOUSE BILL NO. 1007
- SUBSTITUTE HOUSE BILL NO. 1015
- SUBSTITUTE HOUSE BILL NO. 1060
- HOUSE BILL NO. 1061
- SUBSTITUTE HOUSE BILL NO. 1070
- SUBSTITUTE HOUSE BILL NO. 1101
- HOUSE BILL NO. 1102
- HOUSE BILL NO. 1107
- HOUSE BILL NO. 1179
- SUBSTITUTE HOUSE BILL NO. 1266
- HOUSE BILL NO. 1303
- HOUSE BILL NO. 1319
- SUBSTITUTE HOUSE BILL NO. 1458
- SUBSTITUTE HOUSE BILL NO. 1499
- HOUSE BILL NO. 1540

and the same are herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1851 by Representatives Callan, Macri, Bergquist and Gregerson

AN ACT Relating to implementation of a sustainable funding model for the services provided through the first approach skills training program; and amending RCW 71.24.061, 71.24.063, and 71.24.064.

Referred to Committee on Appropriations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 24, 2023

2SSB 5048 Prime Sponsor, Ways & Means: Eliminating college in the high school fees. Reported by

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.10 RCW to read as follows:

(1) Beginning on September 1, 2023, institutions of higher education must provide enrollment and registration in college in the high school courses in which a student is eligible to receive college credit available at no cost for students in the ninth, 10th, 11th, or 12th grade at public high schools.

(2) Beginning with the 2023-2025 omnibus operating appropriation act, the legislature must pass an omnibus operating appropriations act that appropriates to the state board of community and technical colleges and each of the public four-year institutions of higher education state funding for college in high school courses administered at public secondary schools.

(3) State appropriations for the college in the high school program to the institutions of higher education shall be calculated as follows: The total college in the high school courses administered in the prior academic year, funded at a rate of:

(a) \$6,000 per college in the high school course administered by a state university as defined in RCW 28B.10.016;

(b) \$5,500 per college in the high school course administered by a regional university or the state college; or

(c) \$3,500 per college in the high school course administered by a community or technical college.

(4) Beginning with fiscal year 2025 the rate per college in the high school course administered must be adjusted annually for inflation as measured by the consumer price index.

(5) State appropriations must be based on the total number of college in the high school courses administered by an institution of higher education for the academic year immediately prior to the current fiscal year. The state appropriation is based on course administration data submitted annually by October 15th to the office of financial management and legislative fiscal staff.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Community or technical college" has the same meaning as provided for under RCW 28B.50.030.



(b) "Course" means a class taught under a contract between an institution of higher education and a single high school teacher on an articulated subject in which the student is eligible to receive college credit.

(c) "High school" means a public school, as defined in RCW 28A.150.010, that serves students in any of grades nine through 12.

(d) "Institutions of higher education" has the same meaning as provided for under RCW 28B.10.016.

(e) "College in the high school" is the program created under RCW 28A.600.287.

**Sec. 2.** RCW 28A.600.287 and 2021 c 71 s 1 are each amended to read as follows:

(1) College in the high school is a dual credit program located on a high school campus or in a high school environment in which a high school student is able to earn both high school and college credit by completing college level courses with a passing grade. A college in the high school program must meet the accreditation requirements in RCW 28B.10.035 and the requirements in this section.

(2) A college in the high school program may include both academic and career and technical education.

(3) Ninth, 10th, 11th, and 12th grade students, and students who have not yet received a high school diploma or its equivalent and are eligible to be in the ninth, 10th, 11th, or 12th grades, may participate in a college in the high school program.

(4) A college in the high school program must be governed by a local contract between an institution of higher education and a school district, charter school, or state-tribal compact school, in compliance with the rules adopted by the superintendent of public instruction under this section. The local contract must include the qualifications for students to enroll in a program course.

(5) ~~((a) An institution of higher education may charge tuition fees per credit to each student enrolled in a program course as established in this subsection (5).~~

~~(b) (i) The maximum per college credit tuition fee for a program course is \$65 per college credit adjusted for inflation using the implicit price deflator for that fiscal year, using fiscal year 2021 as the base, as compiled by the bureau of labor statistics, United States department of labor for the state of Washington.~~

~~(ii) Annually by July 1st, the office of the superintendent of public instruction must calculate the maximum per college credit tuition fee and post the fee on its website.~~

~~(c) The funds received by an institution of higher education under this subsection (5) are not tuition or operating fees and may be retained by the institution of higher education.~~

~~(6) Enrollment information on persons registered under this section must be maintained by the institution of higher education separately from other enrollment information and may not be included in official enrollment reports, nor may such~~

persons be considered in any enrollment statistics that would affect higher education budgetary determinations.

~~((7)) (6) Each school district, charter school, and state-tribal compact school must award high school credit to a student enrolled in a program course if the student successfully completes the course. If no comparable course is offered by the school district, charter school, or state-tribal compact school, the chief administrator shall determine how many credits to award for the successful completion of the program course. The determination must be made in writing before the student enrolls in the program course. The awarded credit must be applied toward graduation requirements and subject area requirements. Evidence of successful completion of each program course must be included in the student's high school records and transcript.~~

~~((8) An) (7) Each institution of higher education (must award) offering college in the high school must:~~

~~(a) Award college credit to a student enrolled in a program course ((if the student successfully completes the course. The awarded college credit must be applied toward general education requirements or degree requirements at the institution of higher education. Evidence of successful completion of each program course must be included in the student's college transcript)) and provide evidence of completion of each program course on the student's college transcript;~~

~~(b) Grant undergraduate college credit as appropriate and applicable to the student's degree requirements; and~~

~~(c) Provide course equivalencies for college in the high school courses and policy for awarding credit on the institution's website.~~

~~((9)) (8) (a) A high school that offers a college in the high school program must provide general information about the program to all students in grades eight through 12 and to the parents and guardians of those students.~~

~~(b) A high school that offers a college in the high school program must include the following information about program courses in a notification to parents and guardians of students in grades eight through 12, including by email and in beginning of the year packets, and in the high school catalogue or equivalent:~~

~~(i) There is no fee for students to enroll in a program course ((to earn only high school credit. Fees apply for students who choose to enroll in a program course to earn both high school and college credit;~~

~~(ii) A description and breakdown of the fees charged to students to earn college credit;~~

~~(iii) A description of fee payment and financial assistance options available to students; and~~

~~(iv)) for high school credit or for students to enroll in a program course for both high school and college credit; and~~

~~(ii) A notification that ((paying fee) enrolling in a program course for college credit automatically starts an official college transcript with the institution of higher education offering the~~

program course regardless of student performance in the program course, and that college credit earned upon successful completion of a program course may count only as elective credit if transferred to another institution of higher education.

~~((10))~~ (9) Full-time and part-time faculty at institutions of higher education, including adjunct faculty, are eligible to teach program courses.

~~((11))~~ Students enrolled in a program course may pay college in the high school fees with advanced college tuition payment program tuition units at a rate set by the advanced college tuition payment program governing body under chapter 28B.95 RCW.

~~((12))~~ (10) The superintendent of public instruction shall adopt rules for the administration of this section. The rules must be jointly developed by the superintendent of public instruction, the state board for community and technical colleges, the student achievement council, and the public baccalaureate institutions. The association of Washington school principals must be consulted during the rules development. The rules must outline quality and eligibility standards that are informed by nationally recognized standards or models. In addition, the rules must encourage the maximum use of the program and may not narrow or limit the enrollment options.

(13) The definitions in this subsection apply throughout this section ~~((7))~~, unless the context clearly requires otherwise:

(a) "Charter school" means a school established under chapter 28A.710 RCW.

(b) "High school" means a public school, as defined in RCW 28A.150.010, that serves students in any of grades nine through 12.

(c) "Institution of higher education" has the same meaning as in RCW 28B.10.016, and also means a public tribal college located in Washington and accredited by the northwest commission on colleges and universities or another accrediting association recognized by the United States department of education.

(d) "Program course" means a college course offered in a high school under a college in the high school program.

(e) "State-tribal compact school" means a school established under chapter 28A.715 RCW.

**Sec. 3.** RCW 28B.76.730 and 2021 c 71 s 6 are each amended to read as follows:

(1) The legislature recognizes that dual credit programs reduce both the cost and time of attendance to obtain a postsecondary degree. The legislature intends to reduce barriers and increase access to postsecondary educational opportunities for low-income students by removing the financial barriers for dual enrollment programs for students.

(2) The office, in consultation with the institutions of higher education and the office of the superintendent of public instruction, shall create the Washington dual enrollment scholarship pilot program. The office shall administer the Washington dual enrollment scholarship pilot program and may adopt rules as necessary.

(3) Eligible students are those who meet the following requirements:

(a) Qualify for the free or reduced-price lunch program;

(b) Are enrolled in one or more dual credit programs, as defined in RCW 28B.15.821, such as ~~((college in the high school and))~~ running start; and

(c) Have at least a 2.0 grade point average.

(4) Subject to availability of amounts appropriated for this specific purpose, beginning with the 2019-20 academic year, the office may award scholarships to eligible students. The scholarship award must be as follows ~~((+))~~:

~~((a))~~ ~~For~~ for eligible students enrolled in running start:

~~((i))~~ (a) Mandatory fees, as defined in RCW 28A.600.310(2), prorated based on credit load;

~~((ii))~~ (b) Course fees or laboratory fees as determined appropriate by college or university policies to pay for specified course related costs;

~~((iii))~~ (c) A textbook voucher to be used at the institution of higher education's bookstore where the student is enrolled. For every credit per quarter the student is enrolled, the student shall receive a textbook voucher for ten dollars, up to a maximum of fifteen credits per quarter, or the equivalent, per year; and

~~((iv))~~ (d) Apprenticeship materials as determined appropriate by the college or university to pay for specific course-related material costs, which may include occupation-specific tools, work clothes, rain gear, or boots.

~~((b))~~ An eligible student enrolled in a college in the high school program may receive a scholarship for tuition fees as set forth under RCW 28A.600.287-))

(5) The Washington dual enrollment scholarship pilot program must apply after the fee waivers for low-income students under RCW 28A.600.310 ~~((and subsidies under RCW 28A.600.290))~~ are provided for.

**NEW SECTION. Sec. 4.** RCW 28A.600.290 (College in the high school program—Funding) and 2021 c 71 s 2, 2015 c 202 s 3, 2012 c 229 s 801, & 2009 c 450 s 3 are each repealed."

Correct the title.

Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Appropriations

March 24, 2023

SSB 5110

Prime Sponsor, Labor & Commerce: Adding penalties for certain prohibited practices in chapter 49.44 RCW. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 49.44 RCW to read as follows:

Unless a specific criminal or civil penalty, civil remedy, or other enforcement is provided for a violation of a provision in this chapter, an employee, applicant, or prospective applicant aggrieved by a violation of a provision in this chapter may bring a civil action in a court of competent jurisdiction. The court may award any prevailing employee, applicant, or prospective applicant injunctive relief or other equitable relief, actual damages, and a penalty of no less than \$500 and no more than \$1,000. The court must award any prevailing employee, applicant, or prospective applicant reasonable attorneys' fees and costs."

Correct the title.

Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

March 24, 2023

**ESSB 5111** Prime Sponsor, Labor & Commerce: Concerning payments for accrued and unused sick leave for certain construction workers. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

March 24, 2023

**2SSB 5128** Prime Sponsor, Ways & Means: Concerning jury diversity. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 2.36 RCW to read as follows:

The administrative office of the courts shall provide all courts with a method to collect data on a juror's race, ethnicity, age, sex, employment status, educational attainment, and income, as well as any other data approved by order of the chief justice of the Washington state supreme court. Data collection must be conducted and reported in a manner that preserves juror anonymity. The administrative office of the courts shall

publish this demographic data in an annual report to the governor.

**NEW SECTION. Sec. 2.** (1)(a) The administrative office of the courts shall establish a work group to make recommendations for the creation of a child care assistance program for individuals reporting for jury service.

(b) The purpose of the child care assistance program shall be to eliminate the absence of child care as a barrier to performing jury service.

(2)(a) By December 1, 2024, the administrative office of the courts shall report the work group findings and recommendations for establishing a child care assistance program to the appropriate committees of the legislature.

(b) The report must outline the planning and implementation of the program and an estimation of the cost.

(3) This section expires December 1, 2024.

**Sec. 3.** RCW 2.36.095 and 2013 c 246 s 1 are each amended to read as follows:

(1) Persons selected to serve on a petit jury, grand jury, or jury of inquest shall be summoned by mail or personal service, or electronically. The county clerk shall issue summons and thereby notify persons selected for jury duty. The clerk may issue summons for any jury term, in any consecutive twelve-month period, at any time thirty days or more before the beginning of the jury term for which the summons are issued. However, when applicable, the provisions of RCW 2.36.130 apply.

(2) In courts of limited jurisdiction summons shall be issued by the court. Upon the agreement of the courts, the county clerk may summon jurors for any and all courts in the county or judicial district.

**Sec. 4.** RCW 2.36.054 and 2015 c 225 s 1 are each amended to read as follows:

Unless otherwise specified by rule of the supreme court, the jury source list and master jury list for each county shall be created as provided by this section.

(1) The superior court of each county, after consultation with the county clerk and county auditor of that jurisdiction, shall annually notify the consolidated technology services agency not later than March 1st of each year of its election to use either a jury source list that is merged by the county or a jury source list that is merged by the consolidated technology services agency. The consolidated technology services agency shall annually furnish at no charge to the superior court of each county a separate list of the registered voters residing in that county as supplied annually by the secretary of state and a separate list of driver's license and identicaid holders residing in that county as supplied annually by the department of licensing, or a merged list of all such persons residing in that county, in accordance with the annual notification required by this subsection. The lists provided by the consolidated technology services agency

shall be in an electronic format mutually agreed upon by the superior court requesting it and the consolidated technology services agency. The annual merger of the list of registered voters residing in each county with the list of licensed drivers and identicard holders residing in each county to form a jury source list for each county shall be in accordance with the standards and methodology established in this chapter or by superseding court rule whether the merger is accomplished by the consolidated technology services agency or by a county.

(2)(a) Persons on the lists of registered voters and driver's license and identicard holders shall be identified by a minimum of last name, first name, middle initial where available, date of birth, gender, and county of residence. Identifying information shall be used when merging the lists to ensure to the extent reasonably possible that persons are only listed once on the merged list. Conflicts in addresses are to be resolved by using the most recent record by date of last vote in a general election, date of driver's license or identicard address change or date of voter registration.

(b) After July 1, 2024, persons who:

(i) Apply for a driver's license or identicard in this state shall have the ability to opt in to allow the department of licensing to share the person's email address with the consolidated technology services agency for the purpose of electronically receiving jury summons and other communications related to jury service; and

(ii) Apply online to the register to vote shall, immediately after completing the voter registration transaction, be directed by the secretary of state to a website where the person shall have the ability to opt in to share the person's email address with the consolidated technology services agency for the purpose of electronically receiving jury summons and other communications related to jury service. The provisions of the subsection (2)(b)(ii) are subject to appropriation.

(3) The consolidated technology services agency shall provide counties that elect to receive a jury source list merged by the consolidated technology services agency with a list of names which are possible duplicates that cannot be resolved based on the identifying information required under subsection (2) of this section. If a possible duplication cannot subsequently be resolved satisfactorily through reasonable efforts by the county receiving the merged list, the possible duplicate name shall be stricken from the jury source list until the next annual jury source list is prepared."

Correct the title.

Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Appropriations

March 24, 2023

SSB 5145

Prime Sponsor, Law & Justice: Clarifying existing law regarding liability protections associated with public recreational use of lands or waters under a hydroelectric license issued by the federal energy regulatory commission. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Rules for second reading

March 24, 2023

SB 5163

Prime Sponsor, Senator Rivers: Removing the sunset provisions on the medicaid fraud false claims act. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh, Ranking Minority Member.

Referred to Committee on Rules for second reading

March 24, 2023

SSB 5176

Prime Sponsor, Labor & Commerce: Concerning unemployment insurance benefits for officers of employee-owned cooperatives. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

March 24, 2023

SSB 5238

Prime Sponsor, Ways & Means: Expanding collective bargaining for employees who are enrolled in academic programs at public institutions of higher education. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Appropriations

March 24, 2023

2SSB 5269

Prime Sponsor, Ways & Means: Concerning Washington state manufacturing. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Cortes; Paul; Senn; Shavers and Street.

MINORITY recommendation: Do not pass. Signed by Representatives Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Waters; and Ybarra.

Referred to Committee on Appropriations

March 24, 2023

E2SSB 5278 Prime Sponsor, Ways & Means: Implementing audit recommendations to reduce barriers to home care aide certification. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) Long-term care supports people who need help meeting their health or personal care needs due to age or disabling conditions. Maintaining an adequate workforce of long-term care workers is critical to the system.

(2) Current law requires that home care aides complete required training and pass a test to become certified. A 2022 performance audit found that many home care aide applicants faced barriers in scheduling the test, challenges getting to the test site, and often delays of months between completing training and taking the test. Barriers and inefficiencies in this process were cited as a primary reason for many applicants dropping out prior to becoming certified.

(3) The legislature finds that improvements in this process and the reduction of barriers are necessary to ensure an adequate home care workforce.

**Sec. 2.** RCW 18.88B.031 and 2012 c 164 s 304 are each amended to read as follows:

(1) Except as provided in RCW 18.88B.041 and subject to the other requirements of this chapter, to be certified as a home care aide, a long-term care worker must successfully complete the training required under RCW 74.39A.074(1) and a certification examination. Any long-term care worker failing to make the required grade for the examination may not be certified as a home care aide.

(2) The department, in consultation with consumer and worker representatives, shall develop a home care aide certification examination to evaluate whether an applicant possesses the skills and knowledge necessary to practice competently. ~~((Except as provided by RCW 18.88B.041(1)(a)(ii), only those who have completed the training requirements in RCW 74.39A.074(1) shall be eligible to sit for this examination.))~~

(3) ~~The examination or series of examinations shall include both a skills demonstration and a written or oral knowledge test. ((The examination papers, all grading of the papers, and records related to the grading of skills demonstration shall be preserved for a period of not less than one year.))~~ The department shall establish rules governing

the number of times and under what circumstances individuals who have failed the examination may sit for the examination, including whether any intermediate remedial steps should be required. The skills demonstration, the knowledge test, or both, may be administered throughout training, on the last day of training, or after a student's formal training. An applicant may apply to take the examination during or after training. An applicant may not sit for any part of the examination prior to completing the part of the training associated with that part of the examination. The examination or series of examinations may be conducted at local testing sites around the state. For the purpose of reducing the travel time for applicants, the department shall explore alternative testing options such as remote testing.

(4) (a) All examinations shall be conducted by fair and wholly impartial methods. All examinations shall be available to be administered in the preferred language for the applicant taking the examination. The certification examination shall be administered and evaluated by ((the)):

(i) The department ((or by a));  
(ii) A contractor to the department that is ((neither))not an employer of long-term care workers ((or a private contractor providing training services under this chapter.))unless the employer is a department of social and health services approved instructor and has met the department standards for administering the examination; or

(iii) A high school or community college that has met department standards for administering the examination.

(b) The department shall conduct an annual evaluation of the examination results of applicants who complete the examination in a language other than English. If the department finds that applicants taking the examination in a particular language fail at a disproportionately higher rate than other examination takers, the department shall conduct a review of the translation to ensure that it is accurate and understandable.

(5) The department shall adopt rules to implement this section.

NEW SECTION. **Sec. 3.** (1) The department of health, in consultation with the department of social and health services and other relevant participants, shall:

(a) Devise a system that reduces delays between training and testing for home care aides that includes the following:

(i) Developing and implementing a plan to integrate testing into training that allows applicants to test at the same location where they train;

(ii) Allowing remote testing within home care aide training programs immediately or shortly after completion of the program; and

(iii) Determining the benefits and costs of having home care aide training programs authorize applicants to test instead of the department of health;

(b) Examine existing challenges related to a lack of testing sites and develop a

plan, including an estimation of costs, to expand testing sites, which shall include the following considerations:

(i) Applicant travel time and availability of testing for comparable professions;

(ii) How many test sites are needed, where these sites should be located, and the best way to establish appropriate partnerships that can lead to new test sites;

(iii) How often test sites should be available to applicants; and

(iv) Whether there are areas of the state where a stipend for travel expenses would be beneficial and appropriate protocols for travel stipends;

(c) Establish performance measures and data collection criteria to monitor the overall length of time between training and testing and the number of available test sites;

(d) Establish accountability mechanisms for the overall training to testing process; and

(e) Establish performance-based contracts for vendors who administer the tests that include the following:

(i) All key performance measures expected, including a definition of what sufficient access to test sites entails; and

(ii) Detailed vendor costs.

(2)(a) When completing the requirements of subsection (1) of this section, the department of health shall ensure that its decisions are informed by existing data on test completion, including passage and failure rates for both parts of the examination.

(b) When conducting the examination under subsection (1)(b) of this section, the department of health shall:

(i) Use various geographic measures, including by county and by zip code; and

(ii) Conduct a survey of all approved testing locations in Washington to determine their current capacity for offering tests and their potential capacity to offer tests if not for the lack of available proctors.

(3) The department of health, in consultation with the department of social and health services and other relevant participants, shall submit to the governor and the appropriate committees of the legislature a preliminary report no later than June 30, 2024, and a final report no later than December 31, 2024, that includes a summary of the work conducted in accordance with the requirements specified in subsection (1) of this section and any recommendations for improvement.

(4) This section expires July 30, 2026."

Correct the title.

Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Klicker; Leavitt; Paul; Pollet; Schmidt and Timmons.

MINORITY recommendation: Without recommendation. Signed by Representatives Jacobsen; and McEntire.

Referred to Committee on Appropriations

March 24, 2023

2SSB 5290

Prime Sponsor, Ways & Means: Concerning consolidating local permit review processes. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Appropriations

March 23, 2023

ESSB 5294

Prime Sponsor, Ways & Means: Concerning actuarial funding of state retirement systems. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.45.150 and 2011 c 362 s 8 are each amended to read as follows:

(1) ~~((Beginning July 1, 2009, and ending June 30, 2015, maximum annual contribution rates are established for the portion of the employer contribution rate for the public employees' retirement system and the public safety employees' retirement system that is used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the public employees' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. The maximum rates are:~~

~~Fiscal Year ending:~~

<del>2010</del>	<del>2011</del>	<del>2012</del>	<del>2013</del>	<del>2014</del>	<del>2015</del>
<del>1.25</del>	<del>1.25</del>	<del>3.75</del>	<del>4.50</del>	<del>5.25</del>	<del>6.00</del>
<del>%</del>	<del>%</del>	<del>%</del>	<del>%</del>	<del>%</del>	<del>%</del>

~~(2) Beginning September 1, 2009, and ending August 31, 2015, maximum annual contribution rates are established for the portion of the employer contribution rate for the school employees' retirement system that is used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the public employees' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. The maximum rates are:~~

~~Fiscal Year ending:~~

<del>2010</del>	<del>2011</del>	<del>2012</del>	<del>2013</del>	<del>2014</del>	<del>2015</del>
<del>1.25</del>	<del>1.25</del>	<del>3.75</del>	<del>4.50</del>	<del>5.25</del>	<del>6.00</del>
<del>%</del>	<del>%</del>	<del>%</del>	<del>%</del>	<del>%</del>	<del>%</del>

~~(3) Beginning September 1, 2009, and ending August 31, 2015, maximum annual contribution rates are established for the portion of the employer contribution rate for the teachers' retirement system that is used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the teachers' retirement system plan 1 that excludes any amounts required to~~

~~amortize plan 1 benefit improvements effective after June 30, 2009. The maximum rates are:~~

<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>
<u>2.50%</u>	<u>2.00%</u>	<u>1.50%</u>	<u>1.00%</u>	<u>0.50%</u>

~~Fiscal Year ending:~~

<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
<u>2.04%</u>	<u>2.04%</u>	<u>6.50%</u>	<u>7.50%</u>	<u>8.50%</u>	<u>9.50%</u>

~~(4)) Beginning July 1, 2015, and ending June 30, 2023, a minimum 3.50 percent contribution is established as part of the basic employer contribution rate for the public employees' retirement system and the public safety employees' retirement system, to be used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the public employees' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. ((This minimum contribution rate shall remain effective until the actuarial value of assets in plan 1 of the public employees' retirement system equals one hundred percent of the actuarial accrued liability.~~

~~(5)) (2) Beginning September 1, 2015, and ending August 31, 2023 a minimum 3.50 percent contribution is established as part of the basic employer contribution rate for the school employees' retirement system, to be used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the public employees' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. ((This minimum contribution rate shall remain effective until the actuarial value of assets in plan 1 of the public employees' retirement system equals one hundred percent of the actuarial accrued liability.~~

~~(6)) (3) Beginning September 1, 2015, and ending August 31, 2023, a minimum 5.75 percent contribution is established as part of the basic employer contribution rate for the teachers' retirement system, to be used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the teachers' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. ((This minimum contribution rate shall remain effective until the actuarial value of assets in plan 1 of the teachers' retirement system equals one hundred percent of the actuarial accrued liability.~~

~~(7)) (4) (a) Beginning July 1, 2023, and ending June 30, 2027, the following employer contribution rates shall be in effect for the public employees' retirement system and the public safety employees' retirement system that is used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the public employees' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009.~~

Fiscal Year ending:

(b) Beginning July 1, 2028, a minimum 0.25 percent contribution is established as part of the basic employer contribution rate for the public employees' retirement system and the public safety employees' retirement system, to be used for the sole purpose of amortizing any portion of an unfunded actuarial accrued liability in the public employees' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. This minimum contribution rate shall be in effect when the actuarial value of assets in plan 1 of the public employees' retirement system is less than 100 percent of the actuarial accrued liability.

(5) (a) Beginning September 1, 2023, and ending August 31, 2027, the following employer contribution rates shall be in effect for the school employees' retirement system that is used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the public employees' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009.

Fiscal Year ending:

<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>
<u>2.50%</u>	<u>2.00%</u>	<u>1.50%</u>	<u>1.00%</u>	<u>0.50%</u>

(b) Beginning September 1, 2028, a minimum 0.25 percent contribution is established as part of the basic employer contribution rate for the school employees' retirement system, to be used for the sole purpose of amortizing any portion of an unfunded actuarial accrued liability in the public employees' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. This minimum contribution rate shall be in effect when the actuarial value of assets in plan 1 of the public employees' retirement system is less than 100 percent of the actuarial accrued liability.

(6) (a) Beginning September 1, 2023, and ending August 31, 2027, the following employer contribution rates shall be in effect for the teachers' retirement system that is used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the teachers' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009.

Fiscal Year ending:

<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
<u>1.00%</u>	<u>0.50%</u>	<u>0.00%</u>	<u>0.00%</u>

(b) Beginning September 1, 2027, a minimum 0.25 percent contribution is established as part of the basic employer contribution rate for the teachers' retirement system, to be used for the sole purpose of amortizing any portion of an

unfunded actuarial accrued liability in the teachers' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. This minimum contribution rate shall be in effect when the actuarial value of assets in plan 1 of the teachers' retirement system is less than 100 percent of the actuarial accrued liability.

(7) Upon completion of each biennial actuarial valuation, the state actuary shall review the appropriateness of the minimum contribution rates and recommend to the council any adjustments as may be needed due to material changes in benefits or actuarial assumptions, methods, or experience. Any changes adopted by the council shall be subject to revision by the legislature.

**Sec. 2.** 2021 c 334 s 747 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TEACHERS' RETIREMENT SYSTEM PLAN 1 FUND**

General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$800,000,000</del> ))
	\$250,000,000
TOTAL APPROPRIATION . . . . .	(( <del>\$800,000,000</del> ))
	\$250,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—state appropriation is provided solely for expenditure on June 30, 2023, into the teachers' retirement system plan 1 fund, to be applied to the unfunded actuarial accrued liability.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2023."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

March 24, 2023

SB 5316 Prime Sponsor, Senator Wilson, C.: Concerning background check and licensing fees for programs administered by the department of children, youth, and families. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Goodman and Rule.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent; and Walsh.

Referred to Committee on Appropriations

March 24, 2023

SSB 5318 Prime Sponsor, Human Services: Limiting estate recovery. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; and Cheney.

Referred to Committee on Appropriations

March 24, 2023

ESSB 5320 Prime Sponsor, Labor & Commerce: Concerning journey level electrician certifications of competency. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

March 24, 2023

ESSB 5334 Prime Sponsor, Local Government, Land Use & Tribal Affairs: Providing a local government option for the funding of essential affordable housing programs. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 67.28 RCW to read as follows:

(1)(a) The legislative body of a county, city, or town is authorized to impose a special excise tax on the sale of or charge made for the furnishing of lodging of short-term rentals subject to tax under chapter 82.08 RCW, as provided in this section.

(b) The tax under this section applies exclusively to the sale of or charge made for the furnishing of lodging of short-term rentals facilitated through a short-term rental platform.

(c) The rate of tax under this section is imposed on the sale of, or charge made for, the furnishing of lodging of a short-term rental subject to tax under chapter 82.08 RCW. The rate of tax may not exceed 10 percent on the sale of or charge made for the furnishing of lodging of short-term rentals. The rate of tax under this section must not be imposed in increments of less than one percent.

(d) Any county ordinance or resolution adopted under this section shall contain a provision allowing a credit against the



county tax for the full amount of any city or town tax imposed under this section upon the same taxable event. The legislative authority of any county or any city may impose the tax authorized in this section in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax.

(e) A county, city, or town may develop criteria based on an operator's age and/or income to exempt no more than one short-term rental property per operator from the tax authorized under this section. A county, city, or town must specify exemption criteria and outline a certification process for the exemptions in the resolution when it adopts legislation imposing the tax under this section.

(2)(a) The legislative body of a county, city, or town must adopt a resolution of intent to adopt legislation authorizing the tax under this section prior to imposing the tax under this section.

(b) Adoption of the resolution of intent and legislation requires simple majority approval of the enacting legislative authority.

(3)(a) Except as provided in (b) of this subsection, moneys collected from the special excise tax under this section must be deposited into a separate fund to be used exclusively for the operating and capital costs of affordable housing programs including, but not limited to, homeless housing assistance, temporary shelters, and other related services. A county, city, or town may use revenues collected under this section for contracts, loans, or grants to nonprofit organizations or public housing authorities for services related to affordable housing programs.

(b) A county, city, or town may retain up to five percent of the moneys collected under this section in each calendar year for the direct and indirect costs incurred in the administration of services and programs as provided in (a) of this subsection.

(4) Beginning the year after the special excise tax authorized in this section is first collected, a county, city, or town imposing the tax must publish an annual report by March 1st of each year detailing how the revenue from the tax was spent in the prior year. The report must be made available to the public. This may include posting the report on the county's, city's, or town's website.

(5) For the purposes of this section:

(a) "Operator" has the same meaning as in RCW 64.37.010.

(b) "Short-term rental" and "short-term rental platform" have the same meanings as in RCW 64.37.010.

**Sec. 2.** RCW 67.28.181 and 2015 3rd sp.s. c 24 s 703 are each amended to read as follows:

(1) The legislative body of any municipality may impose an excise tax on the sale of or charge made for the furnishing of lodging that is subject to tax under chapter 82.08 RCW. The rate of tax shall not exceed the lesser of two percent or a rate that, when combined with all other taxes imposed upon sales of lodging within the

municipality under this chapter and chapters 36.100, (~~(67.40,)~~) 82.08, and 82.14 RCW, equals twelve percent. A tax under this chapter shall not be imposed in increments smaller than tenths of a percent.

(2) Notwithstanding subsection (1) of this section:

(a) If a municipality was authorized to impose taxes under this chapter or RCW 67.40.100 or both with a total rate exceeding four percent before July 27, 1997, such total authorization shall continue through January 31, 1999, and thereafter the municipality may impose a tax under this section at a rate not exceeding the rate actually imposed by the municipality on January 31, 1999.

(b) If a city or town, other than a municipality imposing a tax under (a) of this subsection, is located in a county that imposed taxes under this chapter with a total rate of four percent or more on January 1, 1997, the city or town may not impose a tax under this section.

(c) If a city has a population of (~~four hundred thousand~~) 400,000 or more and is located in a county with a population of (~~one million~~) 1,000,000 or more, the rate of tax imposed under this chapter by the city shall not exceed the lesser of four percent or a rate that, when combined with all other taxes imposed upon sales of lodging in the municipality under this chapter and chapters 36.100, (~~(67.40,)~~) 82.08, and 82.14 RCW, equals (~~(fifteen)~~) 15 and two-tenths percent.

(d) If a municipality was authorized to impose taxes under this chapter or RCW 67.40.100, or both, at a rate equal to six percent before January 1, 1998, the municipality may impose a tax under this section at a rate not exceeding the rate actually imposed by the municipality on January 1, 1998.

(3) Any county ordinance or resolution adopted under this section shall contain a provision allowing a credit against the county tax for the full amount of any city or town tax imposed under this section upon the same taxable event.

(4) In determining the effective combined rate of tax for purposes of the limit in subsections (1) and (2)(c) of this section, the tax rates under RCW 82.14.530 (~~(is)~~) and section 1 of this act are not included.

**Sec. 3.** RCW 82.14.410 and 2015 3rd sp.s. c 24 s 704 are each amended to read as follows:

(1) A local sales and use tax change adopted after December 1, 2000, must provide an exemption for those sales of lodging for which, but for the exemption, the total sales tax rate imposed on sales of lodging would exceed the greater of:

(a) Twelve percent; or

(b) The total sales tax rate that would have applied to the sale of lodging if the sale were made on December 1, 2000.

(2) For the purposes of this section:

(a) "Local sales and use tax change" is defined as provided in RCW 82.14.055.

(b) "Sale of lodging" means the sale of or charge made for the furnishing of lodging and all other services by a hotel, rooming

house, tourist court, motel, trailer camp, and the granting of any similar license to use real property.

(c) "Total sales tax rate" means the combined rates of all state and local taxes imposed under this chapter and chapters 36.100, 67.28, ~~((67-40-))~~ and 82.08 RCW, and any other tax authorized after March 29, 2001, if the tax is in the nature of a sales tax collected from the buyer, but excluding taxes imposed under RCW 81.104.170 before December 1, 2000, ~~((and))~~ taxes imposed under RCW 82.14.530, and taxes imposed under section 1 of this act."

Correct the title.

Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Berg and Riccelli.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; and Griffey.

Referred to Committee on Finance

March 23, 2023

SB 5350

Prime Sponsor, Senator Conway: Providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that beneficiaries receiving a monthly benefit from the public employees' retirement system plan 1 and the teachers' retirement system plan 1 have experienced a loss of purchasing power due to rising inflation. Certain beneficiaries do not receive annual increases; providing a one-time cost-of-living adjustment helps address beneficiaries' loss of purchasing power. An ongoing cost-of-living adjustment would provide additional protection against further loss of purchasing power, however this policy may not be affordable until required employer contribution rates towards the unfunded accrued actuarial liability are reduced or no longer required.

NEW SECTION. **Sec. 2.** During the 2023-2025 fiscal biennium, the select committee on pension policy will study and recommend an ongoing cost-of-living adjustment for beneficiaries of the public employees' retirement system plan 1 and the teachers' retirement system plan 1. Any recommendation must consider employer contribution rate stability and coordinate the effective date of an ongoing cost-of-living adjustment with the reduction or elimination of the unfunded accrued actuarial liability.

**Sec. 3.** RCW 41.32.4992 and 2022 c 52 s 1 are each amended to read as follows:

(1) Beneficiaries who are receiving a monthly benefit from the teachers' retirement system plan 1 on July 1, 2017, shall receive, effective July 1, 2018, an increase to their monthly benefit of one and one-half percent multiplied by the beneficiaries' monthly benefit, not to exceed ~~((sixty-two dollars and fifty cents))~~ \$62.50.

(2) Beneficiaries who are receiving a monthly benefit from the teachers' retirement system plan 1 on July 1, 2019, shall receive, effective July 1, 2020, an increase to their monthly benefit of three percent multiplied by the beneficiaries' monthly benefit, not to exceed ~~((sixty-two dollars and fifty cents))~~ \$62.50.

(3) Beneficiaries who are receiving a monthly benefit from the teachers' retirement system plan 1 on July 1, 2021, shall receive, effective July 1, 2022, an increase to their monthly benefit of three percent multiplied by the beneficiaries' monthly benefit, not to exceed ~~((one hundred ten dollars and zero cents))~~ \$110.00.

(4) Beneficiaries who are receiving a monthly benefit from the teachers' retirement system plan 1 on July 1, 2022, shall receive, effective July 1, 2023, an increase to their monthly benefit of three percent multiplied by the beneficiaries' monthly benefit, not to exceed \$110.00.

(5) This section does not apply to those receiving benefits pursuant to RCW 41.32.489 or 41.32.540.

**Sec. 4.** RCW 41.40.1987 and 2022 c 52 s 2 are each amended to read as follows:

(1) Beneficiaries who are receiving a monthly benefit from the public employees' retirement system plan 1 on July 1, 2017, shall receive, effective July 1, 2018, an increase to their monthly benefit of one and one-half percent multiplied by the beneficiaries' monthly benefit, not to exceed ~~((sixty-two dollars and fifty cents))~~ \$62.50.

(2) Beneficiaries who are receiving a monthly benefit from the public employees' retirement system plan 1 on July 1, 2019, shall receive, effective July 1, 2020, an increase to their monthly benefit of three percent multiplied by the beneficiaries' monthly benefit, not to exceed ~~((sixty-two dollars and fifty cents))~~ \$62.50.

(3) Beneficiaries who are receiving a monthly benefit from the public employees' retirement system plan 1 on July 1, 2021, shall receive, effective July 1, 2022, an increase to their monthly benefit of three percent multiplied by the beneficiaries' monthly benefit, not to exceed ~~((one hundred ten dollars and zero cents))~~ \$110.00.

(4) Beneficiaries who are receiving a monthly benefit from the public employees' retirement system plan 1 on July 1, 2022, shall receive, effective July 1, 2023, an increase to their monthly benefit of three percent multiplied by the beneficiaries' monthly benefit, not to exceed \$110.00.

(5) This section does not apply to those receiving benefits pursuant to RCW 41.40.1984.

**Sec. 5.** RCW 41.45.060 and 2020 c 103 s 4 are each amended to read as follows:

(1) The state actuary shall provide preliminary actuarial valuation results based on the economic assumptions and asset value smoothing technique included in RCW 41.45.035 or adopted under RCW 41.45.030 or 41.45.035.

(2) Not later than July 31, 2008, and every two years thereafter, consistent with the economic assumptions and asset value smoothing technique included in RCW 41.45.035 or adopted under RCW 41.45.030 or 41.45.035, the council shall adopt and may make changes to:

(a) A basic state contribution rate for the law enforcement officers' and firefighters' retirement system plan 1;

(b) Basic employer contribution rates for the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system; and

(c) Basic employer contribution rates for the school employees' retirement system and the public safety employees' retirement system for funding both those systems and the public employees' retirement system plan 1.

The council may adopt annual rate changes for any plan for any rate-setting period. The contribution rates adopted by the council shall be subject to revision by the legislature.

(3) The employer and state contribution rates adopted by the council shall be the level percentages of pay that are needed:

(a) To fully amortize the total costs of the law enforcement officers' and firefighters' retirement system plan 1 not later than June 30, 2024;

(b) To fully fund the public employees' retirement system plans 2 and 3, the teachers' retirement system plans 2 and 3, the public safety employees' retirement system plan 2, and the school employees' retirement system plans 2 and 3 in accordance with RCW 41.45.061, 41.45.067, and this section; and

(c) To fully fund the public employees' retirement system plan 1 and the teachers' retirement system plan 1 in accordance with RCW 41.45.070, 41.45.150, and this section.

(4) The aggregate actuarial cost method shall be used to calculate a combined plan 2 and 3 normal cost, a Washington state patrol retirement system normal cost, and a public safety employees' retirement system normal cost.

(5) A modified entry age normal cost method, as set forth in this chapter, shall be used to calculate employer contributions to the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

(6) The employer contribution rate for the public employees' retirement system and the school employees' retirement system shall equal the sum of:

(a) The amount required to pay the combined plan 2 and plan 3 normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the public employees' retirement system

over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the public employees' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150. The rate for benefit improvements that became effective after June 30, 2009, shall not include a rate for the improvements in this act until July 1, 2027.

(7) The employer contribution rate for the public safety employees' retirement system shall equal the sum of:

(a) The amount required to pay the normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the public employees' retirement system over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the public employees' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150. The rate for benefit improvements that became effective after June 30, 2009, shall not include a rate for the improvements in this act until July 1, 2027.

(8) The employer contribution rate for the teachers' retirement system shall equal the sum of:

(a) The amount required to pay the combined plan 2 and plan 3 normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the teachers' retirement system over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the teachers' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to,

and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150. The rate for benefit improvements that became effective after June 30, 2009, shall not include a rate for the improvements in this act until July 1, 2027.

(9) The employer contribution rate for each of the institutions of higher education for the higher education supplemental retirement benefits must be sufficient to fund, as a level percentage of pay, a portion of the projected cost of the supplemental retirement benefits for the institution beginning in 2035, with the other portion supported on a pay-as-you-go basis, either as direct payments by each institution to retirees, or as contributions to the higher education retirement plan supplemental benefit fund. Contributions must continue until the council determines that the institution for higher education supplemental retirement benefit liabilities are satisfied.

(10) The council shall immediately notify the directors of the office of financial management and department of retirement systems of the state and employer contribution rates adopted. The rates shall be effective for the ensuing biennial period, subject to any legislative modifications.

(11) The director shall collect those rates adopted by the council. The rates established in RCW 41.45.062, or by the council, shall be subject to revision by the legislature.

(12) The state actuary shall prepare final actuarial valuation results based on the economic assumptions, asset value smoothing technique, and contribution rates included in or adopted under RCW 41.45.030, 41.45.035, and this section.

**Sec. 6.** RCW 41.45.070 and 2009 c 561 s 4 are each amended to read as follows:

(1) In addition to the basic employer contribution rate established in RCW 41.45.060 or 41.45.054, the department shall also charge employers of public employees' retirement system, teachers' retirement system, school employees' retirement system, public safety employees' retirement system, or Washington state patrol retirement system members an additional supplemental rate to pay for the cost of additional benefits, if any, granted to members of those systems. Except as provided in subsections (6), (7), and (9) of this section, the supplemental contribution rates required by this section shall be calculated by the state actuary and shall be charged regardless of language to the contrary contained in the statute which authorizes additional benefits.

(2) In addition to the basic member, employer, and state contribution rate established in RCW 41.45.0604 for the law enforcement officers' and firefighters' retirement system plan 2, the department shall also establish supplemental rates to pay for the cost of additional benefits, if any, granted to members of the law enforcement officers' and firefighters' retirement system plan 2. Except as provided in subsection (6) of this section, these

supplemental rates shall be calculated by the actuary retained by the law enforcement officers' and firefighters' board and the state actuary through the process provided in RCW 41.26.720(1)(a) and the state treasurer shall transfer the additional required contributions regardless of language to the contrary contained in the statute which authorizes the additional benefits.

(3) Beginning July 1, 2009, the supplemental rate charged under this section to fund benefit increases provided to active members of the public employees' retirement system plan 1 and the teachers' retirement system plan 1 shall be calculated as the level percentage of all system pay needed to fund the cost of the benefit over a fixed ten-year period, using projected future salary growth and growth in system membership. The supplemental rate to fund benefit increases provided to active members of the public employees' retirement system plan 1 shall be charged to all system employers in the public employees' retirement system, the school employees' retirement system, and the public safety employees' retirement system. The supplemental rate to fund benefit increases provided to active members of the teachers' retirement system plan 1 shall be charged to all system employers in the teachers' retirement system.

(4) The supplemental rate charged under this section to fund benefit increases provided to active and retired members of the public employees' retirement system plan 2 and plan 3, the teachers' retirement system plan 2 and plan 3, the public safety employees' retirement system plan 2, the school employees' retirement system plan 2 and plan 3, or the Washington state patrol retirement system shall be calculated as the level percentage of all members' pay needed to fund the cost of the benefit, as calculated under RCW 41.45.060, 41.45.061, 41.45.0631, or 41.45.067.

(5) The supplemental rate charged under this section to fund postretirement adjustments which are provided on a nonautomatic basis to current retirees shall be calculated as the percentage of pay needed to fund the adjustments as they are paid to the retirees. Beginning July 1, 2009, the supplemental rate charged under this section to fund increases in the automatic postretirement adjustments for active or retired members of the public employees' retirement system plan 1 and the teachers' retirement system plan 1 shall be calculated as the level percentage of pay needed to fund the cost of the automatic adjustments over a fixed ten-year period, using projected future salary growth and growth in system membership. The supplemental rate to fund increases in the automatic postretirement adjustments for active members or retired members of the public employees' retirement system plan 1 shall be charged to all system employers in the public employees' retirement system, the school employees' retirement system, and the public safety employees' retirement system. The supplemental rate to fund increases in automatic postretirement adjustments for active members or retired members of the

teachers' retirement system plan 1 shall be charged to all system employers in the teachers' retirement system.

(6) A supplemental rate shall not be charged to pay for the cost of additional benefits granted to members pursuant to chapter 340, Laws of 1998.

(7) A supplemental rate shall not be charged to pay for the cost of additional benefits granted to members pursuant to chapter 41.31A RCW; section 309, chapter 341, Laws of 1998; or section 701, chapter 341, Laws of 1998.

(8) A supplemental rate shall not be charged to pay for the cost of additional benefits granted to members and survivors pursuant to chapter 94, Laws of 2006.

(9) A supplemental rate shall not be charged to pay for the cost of the additional benefits granted to members of the teachers' retirement system and the school employees' retirement system plans 2 and 3 in sections 2, 4, 6, and 8, chapter 491, Laws of 2007 until September 1, 2008. A supplemental rate shall not be charged to pay for the cost of the additional benefits granted to members of the public employees' retirement system plans 2 and 3 under sections 9 and 10, chapter 491, Laws of 2007 until July 1, 2008.

(10) A supplemental rate shall not be charged to pay for the cost of the additional benefits granted to members of the teachers' retirement system and the public employees' retirement system plans 1 in this act.

**NEW SECTION. Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2023."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

March 24, 2023

**SB 5392** Prime Sponsor, Senator Schoesler: Concerning overpayments for certain matters. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Rules for second reading

March 24, 2023

**SSB 5399** Prime Sponsor, Business, Financial Services, Gaming & Trade: Concerning future listing

right purchase contracts. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) No future listing right purchase contract shall exceed five years duration and may not be renewed or extended. A future listing right purchase contract:

(a) Shall not be used as a lien against the real property;

(b) Shall not run with title to real property and is not binding or enforceable at law or in equity against any subsequent owner, purchaser, or mortgagee or holder of any interest in real property as an equitable servitude;

(c) May be canceled by the owner without penalty or further obligation within 10 business days after execution of the contract by owner sending notice of cancellation to the other party by mail, telegram, or other means of written communication along with the full amount of any consideration paid to the owner. Notice of cancellation is considered given when mailed, when filed for telegraphic transmission, or, if sent by other means, when delivered to the other party's designated place of business. Such cancellation right shall be set forth clearly in bold type font in the future listing right purchase contract;

(d) Shall set forth clearly in bold type font that the owner may not be compelled to list the owner's property.

(2) The attorney general may bring actions to enforce compliance with this section. The legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(3) For the purposes of this section, a "future listing right purchase contract" means a contract granting an exclusive right to list residential real estate for sale in the future and includes, but is not limited to, any document recorded in the county where the real estate is located relating to the contract including the contract itself, a memorandum concerning the contract, or a deed of trust to secure the terms of the contract.

**NEW SECTION. Sec. 2.** (1) The Washington real estate commission established under chapter 18.85 RCW shall convene a work group to examine practices used by real estate brokerage companies to market, establish, and enforce future listing right purchase contracts in order to

provide recommendations for consumer protections and potential regulations, including potential licensing requirements. The work group shall be staffed by the department of licensing and include representatives from associations that represent real estate brokers, real estate brokerage companies who offer future listing right purchase contracts, and other entities that the Washington real estate commission deems appropriate. The commission shall report back to the appropriate committees of the legislature in accordance with RCW 43.01.036 by December 1, 2024, with the work group's findings and recommendations.

(2) This section expires July 1, 2025.

NEW SECTION. **Sec. 3.** Section 1 of this act constitutes a new chapter in Title 61 RCW.

NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Rules for second reading

March 24, 2023

2SSB 5412 Prime Sponsor, Transportation: Reducing local governments' land use permitting workloads. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.21C.229 and 2020 c 87 s 1 are each amended to read as follows:

(1) ~~((In order))~~ The purpose of this section is to accommodate infill and housing development and thereby realize the goals and policies of comprehensive plans adopted according to chapter 36.70A RCW((~~7~~-a)).

(2) A city or county planning under RCW 36.70A.040 is authorized by this section to establish categorical exemptions from the requirements of this chapter. ((An exemption adopted under this section applies even if it differs from the categorical exemptions adopted by rule of the department under RCW 43.21C.110(1)(a)-.)) An exemption may be adopted by a city or county under this subsection if it meets the following criteria:

(a) It categorically exempts government action related to development proposed to fill in an urban growth area, designated according to RCW 36.70A.110, where current density and intensity of use in the area is roughly equal to or lower than called for in the goals and policies of the applicable

comprehensive plan and the development is either:

(i) Residential development;  
(ii) Mixed-use development; or  
(iii) Commercial development up to ~~((sixty-five thousand))~~ 65,000 square feet, excluding retail development;

(b) It does not exempt government action related to development that is inconsistent with the applicable comprehensive plan or would clearly exceed the density or intensity of use called for in the goals and policies of the applicable comprehensive plan;

(c) The local government considers the specific probable adverse environmental impacts of the proposed action and determines that these specific impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, planned action ordinance, or other local, state, or federal rules or laws; and

(d)(i) The city or county's applicable comprehensive plan was previously subjected to environmental analysis through an environmental impact statement under the requirements of this chapter prior to adoption; or

(ii) The city or county has prepared an environmental impact statement that considers the proposed use or density and intensity of use in the area proposed for an exemption under this section.

~~((2) Any))~~ (3) All project actions that propose to develop one or more residential housing units within the incorporated areas in an urban growth area designated pursuant to RCW 36.70A.110 or middle housing within the unincorporated areas in an urban growth area designated pursuant to RCW 36.70A.110, and that meet the criteria identified in (a) and (b) of this subsection, are categorically exempt from the requirements of this chapter. This categorical exemption applies to proposed projects that do not have existing or anticipated transportation system safety or operational deficiencies. A city or county must consult with the Washington state department of transportation to determine if anticipated transportation system safety or operation deficiencies exist in connection with a proposed project. For purposes of this subsection, "middle housing" means fourplexes, attached and detached accessory dwelling units, cottage housing, stacked flats, townhouses with more than four units, and courtyard apartments. A project action is eligible for categorical exemption under this subsection only if it meets the following criteria:

(a) The proposed development is consistent with all development regulations implementing an applicable comprehensive plan adopted according to chapter 36.70A RCW by the jurisdiction in which the development is proposed, with the exception of any development regulation that is inconsistent with applicable provisions of chapter 36.70A RCW; and

(b) The city or county's applicable comprehensive plan was previously subjected to environmental analysis under the

requirements of this chapter prior to adoption.

(4) Any categorical exemption adopted by a city or county under this section applies even if it differs from the categorical exemptions adopted by rule of the department under RCW 43.21C.110(1)(a). However, any categorical exemption adopted by a city or county under this section shall be subject to the rules of the department adopted according to RCW 43.21C.110(1)(a) that provide exceptions to the use of categorical exemptions adopted by the department."

Correct the title.

Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Rules for second reading

March 24, 2023

2SSB 5425 Prime Sponsor, Ways & Means: Concerning fire protection sprinkler system contractors. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.160.030 and 2003 c 74 s 1 are each amended to read as follows:

(1) This chapter shall be administered by the state director of fire protection.

(2) The state director of fire protection shall have the authority, and it shall be his or her duty to:

(a) Issue such administrative regulations as necessary for the administration of this chapter;

(b)(i) Set reasonable fees for licenses, certificates, testing, and other aspects of the administration of this chapter. However, the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-D fire protection sprinkler systems shall not exceed ~~((one hundred dollars))~~ \$125, and the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-R fire protection sprinkler systems shall not exceed ~~((three hundred dollars))~~ \$375;

(ii) Adopt rules establishing a special category restricted to contractors registered under chapter 18.27 RCW who install underground systems that service fire protection sprinkler systems. The rules shall be adopted within ~~((ninety))~~ 90 days of March 31, 1992;

(iii) Subject to RCW 18.160.120, adopt rules defining infractions under this chapter and fines to be assessed for those infractions;

(c) Enforce the provisions of this chapter;

(d) Conduct investigations of complaints to determine if any infractions of this

chapter or the regulations developed under this chapter have occurred;

(e) Assign a certificate number to each certificate of competency holder; and

(f) Adopt rules necessary to implement and administer a program which requires the affixation of a seal any time a fire protection sprinkler system is installed, which seal shall include the certificate number of any certificate of competency holder who installs, in whole or in part, the fire protection sprinkler system.

**Sec. 2.** RCW 18.160.050 and 2018 c 37 s 1 are each amended to read as follows:

(1)(a) All certificate of competency holders that desire to continue in the fire protection sprinkler business shall annually, prior to January 1st, secure from the state director of fire protection a renewal certificate of competency upon payment of the fee as prescribed by the state director of fire protection. Application for renewal shall be upon a form prescribed by the state director of fire protection and the certificate holder shall furnish the information required by the director.

(b) Failure of any certificate of competency holder to secure his or her renewal certificate of competency within ~~((sixty))~~ 60 days after the due date shall constitute sufficient cause for the state director of fire protection to suspend the certificate of competency.

(c) The state director of fire protection may, upon the receipt of payment of all delinquent fees including a late charge, restore a certificate of competency that has been suspended for failure to pay the renewal fee.

(d) A certificate of competency holder may voluntarily surrender his or her certificate of competency to the state director of fire protection and be relieved of the annual renewal fee. After surrendering the certificate of competency, he or she shall not be known as a certificate of competency holder and shall desist from the practice thereof. Within two years from the time of surrender of the certificate of competency, he or she may again qualify for a certificate of competency, without examination, by the payment of the required fee. If two or more years have elapsed, he or she shall return to the status of a new applicant.

(2)(a) All licensed fire protection sprinkler system contractors desiring to continue to be licensed shall annually, prior to January 1st, secure from the state director of fire protection a renewal license upon payment of the fee as prescribed by the state director of fire protection. Application for renewal shall be upon a form prescribed by the state director of fire protection and the license holder shall furnish the information required by the director.

(b) Failure of any license holder to secure his or her renewal license within ~~((sixty))~~ 60 days after the due date shall constitute sufficient cause for the state director of fire protection to suspend the license.

(c) The state director of fire protection may, upon the receipt of payment of all delinquent fees including a late charge, restore a license that has been suspended for failure to pay the renewal fee.

(3) The initial certificate of competency or license fee shall be prorated based upon the portion of the year such certificate of competency or license is in effect, prior to renewal on January 1st.

(4) The fire protection contractor license fund is created in the custody of the state treasurer. ~~((All))~~ Except for penalties received under RCW 18.160.120, all receipts from license and certificate fees and charges or from the money generated by the rules and regulations promulgated under this chapter shall be deposited into the fund. Expenditures from the fund may be used only for purposes authorized under this chapter and for providing assistance in identifying fire sprinkler system components that have been subject to either a recall or voluntary replacement program by a manufacturer of fire sprinkler products, a nationally recognized testing laboratory, or the federal consumer product safety commission; and for use in developing and publishing educational materials related to the effectiveness of residential fire sprinklers. Assistance shall include, but is not limited to, aiding in the identification of recalled components, information sharing strategies aimed at ensuring the consumer is made aware of recalls and voluntary replacement programs, and providing training and assistance to local fire authorities, the fire sprinkler industry, and the public. Only the state director of fire protection or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

**Sec. 3.** RCW 18.160.120 and 2003 c 74 s 2 are each amended to read as follows:

(1) A fire protection sprinkler system contractor found to have committed an infraction under this chapter as defined in rule under RCW 18.160.030(2)(b)(iii) shall be assessed a fine of not less than ~~((two hundred dollars))~~ \$300 and not more than ~~((five thousand dollars))~~ \$7,500 for the first infraction, a fine of not less than \$400 and not more than \$10,000 for a second infraction by the same contractor, and a fine of not less than \$1,000 and not more than \$15,000 for the third and any subsequent infractions by the same contractor.

(2) A fire protection sprinkler system contractor who fails to obtain a certificate of competency under RCW 18.160.040 shall be assessed a fine of not less than ~~((one thousand dollars))~~ \$1,500 and not more than ~~((five thousand dollars))~~ \$7,500 for the first infraction, and a fine of not less than \$2,500 and not more than \$10,000 for a second infraction by the same contractor, and a fine of not less than \$5,000 and not more than \$25,000 for the third and any subsequent infractions by the same contractor.

(3) All fines collected under this section shall be deposited into the fire protection ~~((contractor license fund))~~ compliance account.

**NEW SECTION. Sec. 4.** A new section is added to chapter 18.160 RCW to read as follows:

The fire protection compliance account is created in the custody of the state treasurer. All fines collected under RCW 18.160.120 and the rules and regulations adopted under RCW 18.160.120 must be deposited into the account. Expenditures from the account may only be used for the purposes of enforcing this chapter. Only the state director of fire protection or their designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

**Sec. 5.** RCW 18.270.020 and 2007 c 435 s 3 are each amended to read as follows:

(1) No person may engage in the trade of fire protection sprinkler fitting without having a valid journey-level sprinkler fitter certificate, residential sprinkler fitter certificate, training certificate, or temporary certificate, with the exception of a certified plumber installing a residential fire protection sprinkler system connected to potable water requiring a plumbing certificate.

(2)(a) A person issued a training certificate under this chapter may perform fire protection sprinkler fitting work if that person is under supervision. Supervision must consist of the trainee being on the same jobsite and under the control of either a residential or journey-level fire protection sprinkler fitter certified to perform the type of work the trainee-level sprinkler fitter is performing. The ratio of trainees to certified fire protection sprinkler fitters on a jobsite is:

(i) For trainees performing residential fire protection sprinkler fitter work, not more than two trainees for every certified residential or journey-level fire protection sprinkler fitter; and

(ii) For trainees performing journey-level fire protection sprinkler fitter work, not more than one trainee for every certified journey-level fire protection sprinkler fitter.

(b) It is a violation of this chapter for a contractor to allow a trainee to perform sprinkler fitting work covered under this chapter without supervision or out of compliance with the ratios as prescribed in this subsection (2).

(3) No contractor may employ a person in violation of subsection (1) of this section to perform fire protection sprinkler fitting work.

~~((4))~~ (4) A person found by the director to have committed an infraction under this chapter shall be assessed a monetary penalty as set by rule.

~~((4))~~ (5) Each day in which a person engages in the trade of fire protection sprinkler fitting in violation of subsection (1) of this section, allows a trainee to



work unsupervised or out of ratio in violation of subsection (2) of this section, or employs a person in violation of subsection ~~((2))~~(3) of this section is considered a separate infraction.

**Sec. 6.** RCW 18.270.070 and 2007 c 435 s 8 are each amended to read as follows:

An authorized representative of the director ~~((may))~~must investigate alleged violations of this chapter. Upon request of an authorized representative, a person performing fire protection sprinkler fitting or residential sprinkler fitting work must produce evidence of a certificate issued by the director in accordance with this chapter. Failure to produce such evidence is an infraction as provided by RCW 18.270.020.

NEW SECTION. **Sec. 7.** This act takes effect January 1, 2024."

Correct the title.

Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Appropriations

March 24, 2023

SSB 5437 Prime Sponsor, Local Government, Land Use & Tribal Affairs: Concerning vacancies of the governing body of special purpose districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 42.12.070 and 2013 c 11 s 89 are each amended to read as follows:

A vacancy on an elected nonpartisan governing body of a qualifying special purpose district ~~((where property ownership is not a qualification to vote))~~, a town, or a city other than a first-class city or a charter code city, shall be filled as follows unless the provisions of law relating to the qualifying special purpose district, town, or city provide otherwise:

(1) Where one position is vacant, the remaining members of the governing body shall appoint a qualified person to fill the vacant position.

(2) Where two or more positions are vacant and two or more members of the governing body remain in office, the remaining members of the governing body shall appoint a qualified person to fill one of the vacant positions, the remaining members of the governing body and the newly appointed person shall appoint another qualified person to fill another vacant position, and so on until each of the vacant positions is filled with each of the new appointees participating in each appointment that is made after his or her appointment.

(3) If less than two members of a governing body remain in office, the county

legislative authority of the county in which all or the largest geographic portion of the city, town, or qualifying special purpose district is located shall appoint a qualified person or persons to the governing body until the governing body has two members.

(4) If a governing body fails to appoint a qualified person to fill a vacancy within ninety days of the occurrence of the vacancy, the authority of the governing body to fill the vacancy shall cease and the county legislative authority of the county in which all or the largest geographic portion of the city, town, or qualifying special purpose district is located shall appoint a qualified person to fill the vacancy.

(5) If the county legislative authority of the county fails to appoint a qualified person within one hundred eighty days of the occurrence of the vacancy, the county legislative authority or the remaining members of the governing body of the city, town, or qualifying special purpose district may petition the governor to appoint a qualified person to fill the vacancy. The governor may appoint a qualified person to fill the vacancy after being petitioned if at the time the governor fills the vacancy the county legislative authority has not appointed a qualified person to fill the vacancy.

(6) As provided in chapter 29A.24 RCW, each person who is appointed shall serve until a qualified person is elected at the next election at which a member of the governing body normally would be elected. The person elected shall take office immediately and serve the remainder of the unexpired term.

(7) For purposes of this section, "qualifying special purpose district" means a fire protection district created under chapter 52.02 RCW with assessed values under \$5,000,000,000, a regional fire protection service authority created under chapter 52.26 RCW with assessed values under \$5,000,000,000, and a water-sewer district created under chapter 57.12 RCW with assessed values under \$5,000,000,000.

NEW SECTION. **Sec. 2.** A new section is added to chapter 42.12 RCW to read as follows:

A vacancy on an elected nonpartisan governing body of a special purpose district where property ownership is not a qualification to vote or that is not a qualifying special purpose district defined in RCW 42.12.070, shall be filled as follows unless the provisions of law relating to the special purpose district provide otherwise:

(1) After a vacancy occurs, the remaining members of the governing body must nominate at least one candidate at a meeting of the governing body. The governing body must then cause notice of the vacancy and the name of the nominated candidate or candidates to be posted in three public places in the special purpose district, including on the district's website if the district has a website, for a minimum of 15 days. During the notice period, registered voters who reside in the special purpose district may

submit nominations to the remaining members of the governing body.

(2) After the notice period described in subsection (1) of this section, the remaining members of the governing body shall appoint a qualified person to fill the vacant position from the candidates nominated by either the governing body or the public at a meeting of the governing body.

(3) Where two or more positions are vacant and two or more members of the governing body remain in office, the remaining members of the governing body shall appoint a qualified person to fill one of the vacant positions under the nomination process described in subsection (1) of this section, the remaining members of the governing body and the newly appointed person shall appoint another qualified person to fill another vacant position under the nomination process described in subsection (1) of this section, and so on until each of the vacant positions is filled with each of the new appointees participating in each appointment that is made after his or her appointment.

(4) If less than two members of a governing body remain in office, the county legislative authority of the county in which all or the largest geographic portion of the special purpose district is located shall appoint a qualified person or persons to the governing body until the governing body has two members.

(5) If a governing body fails to appoint a qualified person to fill a vacancy within 90 days of the occurrence of the vacancy, the authority of the governing body to fill the vacancy shall cease and the county legislative authority of the county in which all or the largest geographic portion of the special purpose district is located shall appoint a qualified person to fill the vacancy.

(6) If the county legislative authority of the county fails to appoint a qualified person within 180 days of the occurrence of the vacancy, the county legislative authority or the remaining members of the governing body of the special purpose district may petition the governor to appoint a qualified person to fill the vacancy. The governor may appoint a qualified person to fill the vacancy after being petitioned if at the time the governor fills the vacancy the county legislative authority has not appointed a qualified person to fill the vacancy.

(7) As provided in chapter 29A.24 RCW, each person who is appointed shall serve until a qualified person is elected at the next election at which a member of the governing body normally would be elected. The person elected shall take office immediately and serve the remainder of the unexpired term.

**Sec. 3.** RCW 43.06.010 and 2014 c 202 s 305 are each amended to read as follows:

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

(1) The governor shall supervise the conduct of all executive and ministerial offices;

(2) The governor shall see that all offices are filled, including as provided in RCW 42.12.070 and section 2 of this act, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;

(3) The governor shall make the appointments and supply the vacancies mentioned in this title;

(4) The governor is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;

(5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, the governor may direct the attorney general to appear on behalf of the state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(6) The governor may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(7) The governor may require the attorney general to aid any prosecuting attorney in the discharge of the prosecutor's duties;

(8) The governor may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for information leading to the apprehension of any person convicted of a felony who has escaped from a state correctional institution or for information leading to the arrest of any person who has committed or is charged with the commission of a felony;

(9) The governor shall perform such duties respecting fugitives from justice as are prescribed by law;

(10) The governor shall issue and transmit election proclamations as prescribed by law;

(11) The governor may require any officer or board to make, upon demand, special reports to the governor, in writing;

(12) The governor may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property, or the public peace, proclaim a state of emergency in the area affected, and the powers granted the governor during a state of emergency shall be effective only within the area described in the proclamation;

(13) The governor may, after finding that there exists within this state an imminent danger of infestation of plant pests as defined in RCW 17.24.007 or plant diseases which seriously endangers the agricultural or horticultural industries of the state of Washington, or which seriously threatens

life, health, or economic well-being, order emergency measures to prevent or abate the infestation or disease situation, which measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides;

(14) The governor, after finding that a prohibited level 1 or level 2 species as defined in chapter 77.135 RCW has been detected and after finding that the detected species seriously endangers or threatens the environment, economy, human health, or well-being of the state of Washington, may order emergency measures to prevent or abate the prohibited species, which measures, after thorough evaluation of all other alternatives, may include the surface or aerial application of pesticides;

(15) On all compacts forwarded to the governor pursuant to RCW 9.46.360(6), the governor is authorized and empowered to execute on behalf of the state compacts with federally recognized Indian tribes in the state of Washington pursuant to the federal Indian Gaming Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III gaming, as defined in the Act, on Indian lands.

**Sec. 4.** RCW 70.44.056 and 2015 c 53 s 94 are each amended to read as follows:

In all existing public hospital districts in which an increase in the number of district commissioners is proposed, the additional commissioner positions shall be deemed to be vacant and the board of commissioners of the public hospital district shall appoint qualified persons to fill those vacancies in accordance with ~~((RCW 42.12.070))~~ section 2 of this act.

Each person who is appointed shall serve until a qualified person is elected at the next general election of the district occurring one hundred twenty days or more after the date of the election at which the voters of the district approved the ballot proposition authorizing the increase in the number of commissioners. If needed, special filing periods shall be authorized as provided in RCW 29A.24.171 and 29A.24.181 for qualified persons to file for the vacant office. A primary shall be held to nominate candidates if sufficient time exists to hold a primary and more than two candidates file for the vacant office. Otherwise, no primary shall be held and the candidate receiving the greatest number of votes for each position shall be elected. Except for the initial terms of office, persons elected to each of these additional commissioner positions shall be elected to a six-year term. The newly elected commissioners shall assume office as provided in RCW 29A.60.280.

The initial terms of the new commissioners shall be staggered as follows: (1) When the number of commissioners is increased from three to five, the person elected receiving the greatest number of votes shall be elected to a six-year term of office, and the other person shall be elected to a four-year term; (2) when the number of commissioners is increased from three or five to seven, the terms of the new commissioners shall be staggered over the next three district general elections so

that two commissioners will be elected at the first district general election following the election where the additional commissioners are elected, two commissioners will be at the second district general election after the election of the additional commissioners, and three commissioners will be elected at the third district general election following the election of the additional commissioners, with the persons elected receiving the greatest number of votes elected to serve the longest terms."

Correct the title.

Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Rules for second reading

March 24, 2023

2SSB 5454

Prime Sponsor, Ways & Means: Concerning industrial insurance coverage for posttraumatic stress disorders affecting registered nurses. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 51.08.142 and 2020 c 234 s 1 are each amended to read as follows:

(1) Except as provided in ~~((subsection))~~ subsections (2) and (3) of this section, the department shall adopt a rule pursuant to chapter 34.05 RCW that claims based on mental conditions or mental disabilities caused by stress do not fall within the definition of occupational disease in RCW 51.08.140.

(2)(a) Except as provided in (b) and (c) of this subsection, the rule adopted under subsection (1) of this section shall not apply to occupational disease claims resulting from posttraumatic stress disorders of firefighters as defined in RCW 41.26.030(17) (a), (b), (c), and (h) and firefighters, including supervisors, employed on a full-time, fully compensated basis as a firefighter of a private sector employer's fire department that includes over fifty such firefighters, and law enforcement officers as defined in RCW 41.26.030(19) (b), (c), and (e), and public safety telecommunicators who receive calls for assistance and dispatch emergency services.

(b) For firefighters as defined in RCW 41.26.030(17) (a), (b), (c), and (h) and firefighters, including supervisors, employed on a full-time, fully compensated basis as a firefighter of a private sector employer's fire department that includes over fifty such firefighters, and law enforcement officers as defined in RCW 41.26.030(19) (b), (c), and (e) hired after June 7, 2018, and public safety telecommunicators hired after June 11, 2020, (a) of this subsection only applies if the

firefighter or law enforcement officer or public safety telecommunicators, as a condition of employment, has submitted to a psychological examination administered by a psychiatrist licensed in the state of Washington under chapter 18.71 RCW or a psychologist licensed in the state of Washington under chapter 18.83 RCW that ruled out the presence of posttraumatic stress disorder from preemployment exposures. If the employer does not provide the psychological examination, (a) of this subsection applies.

(c) Posttraumatic stress disorder for purposes of ~~((this subsection))~~ subsections (2) and (3) of this section is not considered an occupational disease if the disorder is directly attributed to disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or similar action taken in good faith by an employer.

(d) "Public safety telecommunicators" means individuals who receive and respond to telephone or other electronic requests for emergency assistance, such as law enforcement, fire, and medical services, and dispatch appropriate emergency responders.

(3)(a) Except as provided in this subsection, the rule adopted under subsection (1) of this section shall not apply to occupational disease claims resulting from posttraumatic stress disorders of direct care registered nurses as defined in section 2 of this act.

(b) The limitation in subsection (2)(c) of this section also applies to this subsection (3).

**NEW SECTION. Sec. 2.** A new section is added to chapter 51.32 RCW to read as follows:

(1) In the case of direct care registered nurses covered under this title who are employed on a fully compensated basis, there exists a prima facie presumption that posttraumatic stress disorder is an occupational disease under RCW 51.08.140.

(2) The presumption may be rebutted by a preponderance of the evidence.

(3) The presumption extends to a claimant following termination of employment for a period of three calendar months for each year the claimant was a direct care registered nurse employed on a fully compensated basis, but may not extend more than 60 months following the last date of employment.

(4)(a) When a determination involving the presumption established under this section is appealed to the board of industrial insurance appeals and the final decision allows the claim for benefits, the board of industrial insurance appeals shall order that all reasonable costs of the appeal, including attorneys' fees and witness fees, be paid to the claimant or his or her beneficiary by the opposing party.

(b) When determination involving the presumption established under this section is appealed to any court and the final decision allows the claim for benefits, the court shall order that all reasonable costs of the appeal, including attorneys' fees and

witness fees, be paid to the claimant or his or her beneficiary by the opposing party.

(c) When reasonable costs of the appeal must be paid by the department under this section in a state fund case, the costs shall be paid from the accident fund and charged to the costs of the claim.

(5) For purposes of this section, "direct care registered nurse" means an individual licensed as a nurse under chapter 18.79 RCW who provides direct care to patients.

**NEW SECTION. Sec. 3.** This act takes effect January 1, 2024."

Correct the title.

Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Appropriations

March 24, 2023

SB 5457

Prime Sponsor, Senator Short: Implementing growth management task force legislative recommendations regarding small cities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Rules for second reading

March 24, 2023

SSB 5460

Prime Sponsor, Agriculture, Water, Natural Resources & Parks: Concerning collection of assessments for irrigation and rehabilitation districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Finance

March 24, 2023

SSB 5499

Prime Sponsor, Health & Long Term Care: Concerning the multistate nurse licensure compact. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Appropriations

March 23, 2023

SSB 5538

Prime Sponsor, Ways & Means: Concerning postretirement employment in nursing positions for a state agency. Reported by Committee on Appropriations

subdivisions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Davis; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chandler; Couture; Dye; Sandlin; and Schmick.

Referred to Committee on Rules for second reading

March 24, 2023

SSB 5547

Prime Sponsor, Health & Long Term Care: Concerning nursing pool transparency. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

March 24, 2023

E2SSB 5582

Prime Sponsor, Ways & Means: Reducing barriers and expanding educational opportunities to increase the supply of nurses in Washington. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Appropriations

March 24, 2023

SSB 5649

Prime Sponsor, Local Government, Land Use & Tribal Affairs: Concerning floodproofing improvements to residential structures undertaken in accordance with the Chehalis basin strategy. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Rules for second reading

March 23, 2023

SSB 5696

Prime Sponsor, Ways & Means: Concerning eligibility for participation in the public employees' benefits board for retired or disabled employees of counties, municipalities, and other political

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.05.080 and 2018 c 260 s 15 are each amended to read as follows:

(1) Under the qualifications, terms, conditions, and benefits set by the public employees' benefits board:

(a) (i) Retired or disabled state employees, retired or disabled school employees, retired or disabled employees of ~~((county, municipal, or other political subdivisions, or retired or disabled employees of tribal governments))~~ employer groups covered by this chapter may continue their participation in insurance plans and contracts after retirement or disablement.

(ii) The retired or disabled employees of employer groups whose contractual agreement with the authority terminates may continue their participation in insurance plans and contracts after the contractual agreement is terminated. The retired or disabled employees of employer groups whose contractual agreement with the authority terminates are not eligible for any subsidy provided under RCW 41.05.085;

(b) Separated employees may continue their participation in insurance plans and contracts if participation is selected immediately upon separation from employment;

(c) Surviving spouses, surviving state registered domestic partners, and dependent children of emergency service personnel killed in the line of duty may participate in insurance plans and contracts.

(2) Rates charged surviving spouses and surviving state registered domestic partners of emergency service personnel killed in the line of duty, retired or disabled employees, separated employees, spouses, or dependent children who are not eligible for parts A and B of medicare shall be based on the experience of the community-rated risk pool established under RCW 41.05.022.

(3) Rates charged to surviving spouses and surviving state registered domestic partners of emergency service personnel killed in the line of duty, retired or disabled employees, separated employees, spouses, or children who are eligible for parts A and B of medicare shall be calculated from a separate experience risk pool comprised only of individuals eligible for parts A and B of medicare; however, the premiums charged to medicare-eligible retirees and disabled employees shall be reduced by the amount of the subsidy provided under RCW 41.05.085, except as provided in subsection (1)(a)(ii) of this section.

(4) Surviving spouses, surviving state registered domestic partners, and dependent children of emergency service personnel killed in the line of duty and retired or disabled and separated employees shall be responsible for payment of premium rates developed by the authority which shall include the cost to the authority of

providing insurance coverage including any amounts necessary for reserves and administration in accordance with this chapter. These self pay rates will be established based on a separate rate for the employee, the spouse, state registered domestic partners, and the children.

(5) The term "retired state employees" for the purpose of this section shall include but not be limited to members of the legislature whether voluntarily or involuntarily leaving state office.

NEW SECTION. **Sec. 2.** A new section is added to chapter 41.05 RCW to read as follows:

(1) Employer groups that enter into a contractual agreement with the authority after the effective date of this act and whose contractual agreement with the authority is subsequently terminated, shall make a one-time payment as calculated in subsection (2) of this section to the authority for each of the employer group's retired or disabled employees who continue their participation in insurance plans and contracts under RCW 41.05.080(1)(a)(ii).

(2) For each of the employer group's retired or disabled employees who will be continuing their participation, the authority shall determine the one-time payment amount by calculating the difference in cost between the rate charged to retired or disabled employees under RCW 41.05.080(2) and the actuarially determined value of the medical benefits for retired and disabled employees who are not eligible for parts A and B of medicare, and then multiplying that difference by the number of months until the retired or disabled employee would become eligible for medicare.

(3) Employer groups shall not be entitled to any refund of the amount paid to the authority under this section.

NEW SECTION. **Sec. 3.** Any retired or disabled employee whose participation in insurance plans or contracts under RCW 41.05.080(1)(a)(ii) ended due to the termination of the contractual agreement between the authority and an employer group on or before January 1, 2023, must be allowed to return and participate in insurance plans and contracts as described in RCW 41.05.080(1)(a)(ii) so long as the retired or disabled employee notifies the health care authority in writing by December 31, 2023, after which participation will begin on the first day of the month following the date the authority receives the retired or disabled employee's written notice.

NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary,

Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

March 24, 2023

SSB 5714

Prime Sponsor, Local Government, Land Use & Tribal Affairs: Concerning payments made for property taxes or special assessments by an automated check processing service. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.56.020 and 2022 c 143 s 1 are each amended to read as follows:

**Treasurers' tax collection duties.**

(1) The county treasurer must be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. No treasurer may accept tax payments or issue receipts for the same until the treasurer has completed the tax roll for the current year's collection and provided notification of the completion of the roll. Notification may be accomplished electronically, by posting a notice in the office, or through other written communication as determined by the treasurer. All real and personal property taxes and assessments made payable by the provisions of this title are due and payable to the county treasurer on or before the ((thirtieth))30th day of April and, except as provided in this section, are delinquent after that date.

**Tax statements.**

(2)(a) Tax statements for the current year's collection must be distributed to each taxpayer on or before March 15th provided that:

(i) All city and other taxing district budgets have been submitted to county legislative authorities by November 30th per RCW 84.52.020;

(ii) The county legislative authority in turn has certified taxes levied to the county assessor in accordance with RCW 84.52.070; and

(iii) The county assessor has delivered the tax roll to the county treasurer by January 15th per RCW 84.52.080.

(b) Each tax statement must include a notice that checks for payment of taxes may be made payable to "Treasurer of . . . . . County" or other appropriate office, but tax statements may not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual.

(c) Each tax statement distributed to an address must include a notice with information describing the:

(i) Property tax exemption program pursuant to RCW 84.36.379 through 84.36.389; and

(ii) Property tax deferral program pursuant to chapter 84.38 RCW.

**Tax payment due dates.**

**On-time tax payments: First-half taxes paid by April 30th and second-half taxes paid by October 31st.**

(3)(a) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is (~~(fifty dollars)~~) \$50 or more, and if one-half of such tax is paid on or before the (~~(thirtieth)~~) 30th day of April, the remainder of such tax is due and payable on or before the following (~~(thirty-first)~~) 31st day of October and is delinquent after that date.

(b) Payments generated by an automated check processing service or payments sent via United States mail with no discernable postmark date and received within three business days of the 30th day of April or the 31st day of October, as required under (a) of this subsection, are not delinquent.

**Delinquent tax payments for current year: First-half taxes paid after April 30th.**

(4)(a) When the total amount of tax or special assessments on any lot, block or tract of real property, personal property, or on any mobile home payable by one person is (~~(fifty dollars)~~) \$50 or more, and if one-half of such tax is paid after the (~~(thirtieth)~~) 30th day of April but before the (~~(thirty-first)~~) 31st day of October, together with the applicable interest and penalty on the full amount of tax payable for that year, the remainder of such tax is due and payable on or before the following (~~(thirty-first)~~) 31st day of October and is delinquent after that date.

(b) Payments generated by an automated check processing service or payments sent via United States mail with no discernable postmark date and received within three business days of the 30th day of April or the 31st day of October, as required under (a) of this subsection, are not delinquent.

**Delinquent tax payments: Interest, penalties, and treasurer duties.**

(5)(a) Except as provided in (c) of this subsection, delinquent taxes under this section are subject to interest as provided in this subsection computed on a monthly basis on the amount of tax delinquent from the date of delinquency until paid. Interest must be calculated at the rate as described below.

(i) Until December 31, 2022, the interest rate is 12 percent per annum for all nonresidential real property, residential real property, and personal property.

(ii) Beginning January 1, 2023, interest rates are as follows:

(A) Nine percent per annum for all residential real property with four or fewer units per taxable parcel, including manufactured/mobile homes as defined in RCW 59.20.030 for taxes levied in 2023 or after; or

(B) Twelve percent per annum for all other property.

(b)(i) Penalties on delinquent taxes under this section may not be assessed beginning January 1, 2022, and through December 31, 2022.

(ii) Beginning January 1, 2023, delinquent taxes under this section are subject to penalties for nonresidential real property, residential real property with greater than four units per taxable parcel, and for personal property as follows:

(A) A penalty of three percent of the amount of tax delinquent is assessed on the tax delinquent on June 1st of the year in which the tax is due.

(B) An additional penalty of eight percent is assessed on the delinquent tax amount on December 1st of the year in which the tax is due.

(iii) Penalties may not be assessed on residential real property with four or fewer units per taxable parcel, including manufactured/mobile homes as defined in RCW 59.20.030.

(c)(i) If a taxpayer is successfully participating in a payment agreement under subsection (15)(b) of this section or a partial payment program pursuant to subsection (15)(c) of this section, the county treasurer may not assess additional penalties on delinquent taxes that are included within the payment agreement. Interest and penalties that have been assessed prior to the payment agreement remain due and payable as provided in the payment agreement.

(ii) The following remain due and payable as provided in any payment agreement:

(A) Interest that has been assessed prior to the payment agreement; and

(B) Penalties assessed prior to January 1, 2022, that have been assessed prior to the payment agreement.

(6) A county treasurer must provide notification to each taxpayer whose taxes have become delinquent under subsections (4) and (5) of this section. The delinquency notice must specify where the taxpayer can obtain information regarding:

(a) Any current tax or special assessments due as of the date of the notice;

(b) Any delinquent tax or special assessments due, including any penalties and interest, as of the date of the notice; and

(c) Where the taxpayer can pay his or her property taxes directly and contact information, including but not limited to the phone number, for the statewide foreclosure hotline recommended by the Washington state housing finance commission.

(7) Within (~~(ninety)~~) 90 days after the expiration of two years from the date of delinquency (when a taxpayer's taxes have become delinquent), the county treasurer must provide the name and property address of the delinquent taxpayer to a homeownership resource center or any other designated local or state entity recommended by the Washington state housing finance commission.

**Collection of foreclosure costs.**

(8)(a) When real property taxes become delinquent and prior to the filing of the certificate of delinquency, the treasurer is authorized to assess and collect tax foreclosure avoidance costs.

(b) When tax foreclosure avoidance costs are collected, such costs must be credited to the county treasurer service fund account, except as otherwise directed.

(c) For purposes of chapter 84.64 RCW, any taxes, interest, or penalties deemed delinquent under this section remain delinquent until such time as all taxes, interest, and penalties for the tax year in which the taxes were first due and payable have been paid in full.

**Periods of armed conflict.**

(9) Subsection (5) of this section notwithstanding, no interest or penalties may be assessed during any period of armed conflict regarding delinquent taxes imposed on the personal residences owned by active duty military personnel who are participating as part of one of the branches of the military involved in the conflict and assigned to a duty station outside the territorial boundaries of the United States.

**State of emergency.**

(10) During a state of emergency declared under RCW 43.06.010(12), the county treasurer, on his or her own motion or at the request of any taxpayer affected by the emergency, may grant extensions of the due date of any taxes payable under this section as the treasurer deems proper.

**Retention of funds from interest.**

(11) All collections of interest on delinquent taxes must be credited to the county current expense fund.

(12) For purposes of this chapter, "interest" means both interest and penalties.

**Retention of funds from property foreclosures and sales.**

(13) The direct cost of foreclosure and sale of real property, and the direct fees and costs of distraint and sale of personal property, for delinquent taxes, must, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and must be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint, and sale because of delinquent taxes without regard to budget limitations and not subject to indirect costs of other charges.

**Tax due dates and options for tax payment collections.**

**Electronic billings and payments.**

(14) For purposes of this chapter, and in accordance with this section and RCW 36.29.190, the treasurer may collect taxes, assessments, fees, rates, interest, and charges by electronic billing and payment. Electronic billing and payment may be used as an option by the taxpayer, but the treasurer may not require the use of electronic billing and payment. Electronic bill presentment and payment may be on a monthly or other periodic basis as the treasurer deems proper for:

- (a) Delinquent tax year payments; and
- (b) Prepayments of current tax.

**Tax payments.**

**Prepayment for current taxes.**

(15) (a) The treasurer may accept prepayments for current year taxes by any means authorized. All prepayments must be paid in full by the due date specified in subsection (16) of this section.

**Payment agreements for current year taxes.**

(b) (i) The treasurer may provide, by electronic means or otherwise, a payment agreement that provides for payment of current year taxes, inclusive of prepayment collection charges. The payment agreement must be signed by the taxpayer and treasurer or the treasurer's deputy prior to the sending of an electronic or alternative bill, which includes a payment plan for current year taxes.

**Payment agreements for delinquent year taxes.**

(ii) (A) The treasurer may provide, by electronic means or otherwise, a payment agreement for payment of past due delinquencies. The payment agreement must be signed by the taxpayer and treasurer or the treasurer's deputy prior to the sending of an electronic or alternative bill, which includes a payment plan for past due delinquent taxes and charges.

(B) Tax payments received by a treasurer for delinquent year taxes from a taxpayer participating on a payment agreement must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

**Partial payments: Acceptance of partial payments for current and delinquent taxes.**

(c) (i) In addition to the payment agreement program in (b) of this subsection, the treasurer may accept partial payment of any current and delinquent taxes including interest and penalties by any means authorized including electronic bill presentment and payments.

(ii) All tax payments received by a treasurer for delinquent year taxes from a taxpayer paying a partial payment must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

**Payment for delinquent taxes.**

(d) Payments on past due taxes must include collection of the oldest delinquent year, which includes interest, penalties, and taxes within an eighteen-month period, prior to filing a certificate of delinquency under chapter 84.64 RCW or distraint pursuant to RCW 84.56.070.

**Due date for tax payments.**

(16) All taxes upon real and personal property made payable by the provisions of this title are due and payable to the treasurer on or before the (~~thirtieth~~) 30th day of April and are delinquent after that date. The remainder of the tax is due and payable on or before the following (~~thirty-first~~) 31st of October and is delinquent after that date. All other assessments, fees, rates, and charges are delinquent after the due date.

**Electronic funds transfers.**

(17) A county treasurer may authorize payment of:

(a) Any current property taxes due under this chapter by electronic funds transfers on a monthly or other periodic basis; and

(b) Any past due property taxes, penalties, and interest under this chapter by electronic funds transfers on a monthly or other periodic basis. Delinquent taxes are subject to interest and penalties, as provided in subsection (5) of this section. All tax payments received by a treasurer from a taxpayer paying delinquent year taxes



must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

**Payment for administering prepayment collections.**

(18) The treasurer must pay any collection costs, investment earnings, or both on past due payments or prepayments to the credit of a county treasurer service fund account to be created and used only for the payment of expenses incurred by the treasurer, without limitation, in administering the system for collecting prepayments.

**Waiver of interest and penalties for qualified taxpayers subject to foreclosure.**

(19) No earlier than ~~((sixty))~~ 60 days prior to the date that is three years after the date of delinquency, the treasurer must waive all outstanding interest and penalties on delinquent taxes due from a taxpayer if the property is subject to an action for foreclosure under chapter 84.64 RCW and the following requirements are met:

(a) The taxpayer is income-qualified under RCW 84.36.381(5)(a), as verified by the county assessor;

(b) The taxpayer occupies the property as their principal place of residence; and

(c) The taxpayer has not previously received a waiver on the property as provided under this subsection.

**Definitions.**

(20) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Electronic billing and payment" means statements, invoices, or bills that are created, delivered, and paid using the internet. The term includes an automatic electronic payment from a person's checking account, debit account, or credit card.

(b) "Internet" has the same meaning as provided in RCW 19.270.010.

(c) "Tax foreclosure avoidance costs" means those direct costs associated with the administration of properties subject to and prior to foreclosure. Tax foreclosure avoidance costs include:

(i) Compensation of employees for the time devoted to administering the avoidance of property foreclosure; and

(ii) The cost of materials, services, or equipment acquired, consumed, or expended in administering tax foreclosure avoidance prior to the filing of a certificate of delinquency."

Correct the title.

Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Finance

March 24, 2023

ESSB 5716

Prime Sponsor, Health & Long Term Care:  
Concerning certain surveys performed on in-home services agencies. Reported by Committee on Health Care & Wellness

Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 10:30 a.m., Wednesday, March 29, 2023, the 80th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair;

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## EIGHTIETH DAY

House Chamber, Olympia, Wednesday, March 29, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Vedant Srinivas and Mikhaila Leo. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Shirley Delarme, Port Orchard United Methodist Church.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4631**, by Representative McClintock

WHEREAS, It is the policy of the Washington State House of Representatives to recognize excellence in every field of endeavor; and

WHEREAS, Hezekiah Hewes won a gold and bronze medal at the 2022 Special Olympics Spring Games; and

WHEREAS, Hezekiah placed first in the fifty-meter swim event and placed third in the twenty-five meter swim event; and

WHEREAS, Hezekiah overcame numerous obstacles in his training such as his practice pool which was far from Hewes's residence, a shortage of lifeguards which limited training hours for Hewes and those he trained with, not to mention the disastrous impact of COVID-19 pandemic lockdowns on student-athletes; and

WHEREAS, Hezekiah has proven his dedication to his studies by graduating with a 4.0 GPA while training to compete in the 2022 Special Olympics Spring Games;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives congratulate Hezekiah Hewes on his accomplishments and congratulate his mother and father as well as the Battleground community for this memorable achievement; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to gold and bronze medalist Hezekiah Hewes.

HOUSE RESOLUTION NO. 4631 was adopted.

There being no objection, the House advanced to the third order of business.

## MESSAGE FROM THE SENATE

Wednesday, March 29, 2023

Mme. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8407

and the same is herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

HB 1852 by Representatives Wylie and Ryu

AN ACT Relating to tolling authorization for the Interstate 5 bridge replacement project; amending RCW 43.84.092 and 43.84.092; reenacting and amending RCW 47.56.810; adding new sections to chapter 47.56 RCW; creating new sections; repealing RCW 47.56.892; providing an effective date; providing a contingent effective date; and providing an expiration date.

Referred to Committee on Transportation.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

March 27, 2023

ESB 5022

Prime Sponsor, Senator Muzzall: Exempting fentanyl testing equipment from the definition of drug paraphernalia. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 69.50.102 and 2022 c 16 s 52 are each amended to read as follows:

(a) As used in this chapter, "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, ((testing,)) analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. It includes, but is not limited to:

(1) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

(3) Isomerization devices used, intended for use, or designed for use in increasing

the potency of any species of plant which is a controlled substance;

~~((4))~~ ~~((Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances;~~

~~(5))~~ Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

~~((6))~~ (5) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances;

~~((7))~~ (6) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, cannabis;

~~((8))~~ (7) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances;

~~((9))~~ (8) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

~~((10))~~ (9) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

~~((11))~~ (10) Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;

~~((12))~~ (11) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body, such as:

(i) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(ii) Water pipes;

(iii) Carburetion tubes and devices;

(iv) Smoking and carburetion masks;

(v) Roach clips: Meaning objects used to hold burning material, such as a cannabis cigarette, that has become too small or too short to be held in the hand;

(vi) Miniature cocaine spoons, and cocaine vials;

(vii) Chamber pipes;

(viii) Carburetor pipes;

(ix) Electric pipes;

(x) Air-driven pipes;

(xi) Chillums;

(xii) Bongs; and

(xiii) Ice pipes or chillers.

(b) In determining whether an object is drug paraphernalia under this section, a court or other authority should consider, in addition to all other logically relevant factors, the following:

(1) Statements by an owner or by anyone in control of the object concerning its use;

(2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;

(3) The proximity of the object, in time and space, to a direct violation of this chapter;

(4) The proximity of the object to controlled substances;

(5) The existence of any residue of controlled substances on the object;

(6) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is intended or designed for use as drug paraphernalia;

(7) Instructions, oral or written, provided with the object concerning its use;

(8) Descriptive materials accompanying the object which explain or depict its use;

(9) National and local advertising concerning its use;

(10) The manner in which the object is displayed for sale;

(11) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(12) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

(13) The existence and scope of legitimate uses for the object in the community; and

(14) Expert testimony concerning its use.

**Sec. 2.** RCW 69.50.4121 and 2022 c 16 s 92 are each amended to read as follows:

(1) Every person who sells or gives, or permits to be sold or given to any person any drug paraphernalia in any form commits a class I civil infraction under chapter 7.80 RCW. For purposes of this subsection, "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, ~~((testing,))~~ analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance other than cannabis. Drug paraphernalia includes, but is not limited to objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cocaine into the human body, such as:

(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(b) Water pipes;

(c) Carburetion tubes and devices;

(d) Smoking and carburetion masks;

(e) Miniature cocaine spoons and cocaine vials;

(f) Chamber pipes;

(g) Carburetor pipes;

(h) Electric pipes;

(i) Air-driven pipes; and

(j) Ice pipes or chillers.

(2) It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by

the defendant to act, as agent or representative of another.

(3) Nothing in subsection (1) of this section prohibits ~~((legal distribution))~~ selling or giving of injection syringe or testing equipment through public health and community-based HIV prevention programs, and pharmacies.

NEW SECTION. **Sec. 3.** This act shall be known and cited as the Patrick Janicki and Allisone McClanahan act."

Correct the title.

Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

March 24, 2023

SB 5058 Prime Sponsor, Senator Padden: Exempting buildings with 12 or fewer units that are no more than two stories from the definition of multiunit residential building. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Rules for second reading

March 24, 2023

SSB 5077 Prime Sponsor, Law & Justice: Concerning the uniform commercial code. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"PART I**

**Sec. 101.** RCW 62A.1-201 and 2012 c 214 s 109 are each amended to read as follows:

(a) Unless the context otherwise requires, words or phrases defined in this section, or in the additional definitions contained in other articles of this title that apply to particular articles or parts thereof, have the meanings stated.

(b) Subject to definitions contained in other articles of this title that apply to particular articles or parts thereof:

(1) "Action," in the sense of a judicial proceeding, includes recoupment, counterclaim, set-off, suit in equity, and any other proceeding in which rights are determined.

(2) "Aggrieved party" means a party entitled to pursue a remedy.

(3) "Agreement," as distinguished from "contract," means the bargain of the parties in fact, as found in their language or inferred from other circumstances, including

course of performance, course of dealing, or usage of trade as provided in RCW 62A.1-303.

(4) "Bank" means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, and trust company.

(5) "Bearer" means a person in control of a negotiable electronic document of title or a person in possession of a negotiable instrument, negotiable tangible document of title, or certificated security that is payable to bearer or indorsed in blank.

(6) "Bill of lading" means a document of title evidencing the receipt of goods for shipment issued by a person engaged in the business of directly or indirectly transporting or forwarding goods. The term does not include a warehouse receipt.

(7) "Branch" includes a separately incorporated foreign branch of a bank.

(8) "Burden of establishing" a fact means the burden of persuading the trier of fact that the existence of the fact is more probable than its nonexistence.

(9) "Buyer in ordinary course of business" means a person that buys goods in good faith, without knowledge that the sale violates the rights of another person in the goods, and in the ordinary course from a person, other than a pawnbroker, in the business of selling goods of that kind. A person buys goods in the ordinary course if the sale to the person comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller's own usual or customary practices. A person that sells oil, gas, or other minerals at the wellhead or minehead is a person in the business of selling goods of that kind. A buyer in ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire goods or documents of title under a preexisting contract for sale. Only a buyer that takes possession of the goods or has a right to recover the goods from the seller under Article 2 of this title may be a buyer in ordinary course of business. "Buyer in ordinary course of business" does not include a person that acquires goods in a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(10) "Conspicuous," with reference to a term, means so written, displayed, or presented that, based on the totality of the circumstances, a reasonable person against which it is to operate ought to have noticed it. Whether a term is "conspicuous" or not is a decision for the court. ~~((Conspicuous terms include the following:~~

~~(A) A heading in capitals equal to or greater in size than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same or lesser size; and~~

~~(B) Language in the body of a record or display in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from surrounding text of the same size by symbols or other marks that call attention to the language.))~~

(11) "Consumer" means an individual who enters into a transaction primarily for personal, family, or household purposes.

(12) "Contract," as distinguished from "agreement," means the total legal obligation that results from the parties' agreement as determined by this title as supplemented by any other applicable laws.

(13) "Creditor" includes a general creditor, a secured creditor, a lien creditor, and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor's or assignor's estate.

(14) "Defendant" includes a person in the position of defendant in a counterclaim, cross-claim, or third-party claim.

(15) "Delivery," with respect to an electronic document of title, means voluntary transfer of control and, with respect to an instrument, a tangible document of title, or an authoritative tangible copy of a record evidencing chattel paper, means voluntary transfer of possession.

(16) "Document of title" means a record (i) that in the regular course of business or financing is treated as adequately evidencing that the person in possession or control of the record is entitled to receive, control, hold, and dispose of the record and the goods the record covers and (ii) that purports to be issued by or addressed to a bailee and to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass. The term includes a bill of lading, transport document, dock warrant, dock receipt, warehouse receipt, and order for delivery of goods. An electronic document of title means a document of title evidenced by a record consisting of information stored in an electronic medium. A tangible document of title means a document of title evidenced by a record consisting of information that is inscribed on a tangible medium.

(16A) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(17) "Fault" means a default, breach, or wrongful act or omission.

(18) "Fungible goods" means:

(A) Goods of which any unit, by nature or usage of trade, is the equivalent of any other like unit; or

(B) Goods that by agreement are treated as equivalent.

(19) "Genuine" means free of forgery or counterfeiting.

(20) "Good faith," except as otherwise provided in Article 5 of this title, means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(21) "Holder" with respect to a negotiable instrument, means:

(A) The person in possession of a negotiable instrument that is payable either to bearer or to an identified person that is the person in possession;

(B) The person in possession of a negotiable tangible document of title if the goods are deliverable either to bearer or to the order of the person in possession; or

(C) The person in control, other than pursuant to RCW 62A.7-106(g), of a negotiable electronic document of title.

(22) "Insolvency proceeding" includes an assignment for the benefit of creditors or other proceeding intended to liquidate or rehabilitate the estate of the person involved.

(23) "Insolvent" means:

(A) Having generally ceased to pay debts in the ordinary course of business other than as a result of bona fide dispute;

(B) Being unable to pay debts as they become due; or

(C) Being insolvent within the meaning of federal bankruptcy law.

(24) "Money" means a medium of exchange that is currently authorized or adopted by a domestic or foreign government. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more countries. The term does not include an electronic record that is a medium of exchange recorded and transferable in a system that existed and operated for the medium of exchange before the medium of exchange was authorized or adopted by the government.

(25) "Organization" means a person other than an individual.

(26) "Party," as distinguished from "third party," means a person that has engaged in a transaction or made an agreement subject to this title.

(27) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, ~~((public corporation,))~~ or any other legal or commercial entity. The term includes a protected series, however denominated, of an entity if the protected series is established under law other than this title that limits, or limits if conditions specified under the law are satisfied, the ability of a creditor of the entity or of any other protected series of the entity to satisfy a claim from assets of the protected series.

(28) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain by use of either an interest rate specified by the parties if that rate is not manifestly unreasonable at the time the transaction is entered into or, if an interest rate is not so specified, a commercially reasonable rate that takes into account the facts and circumstances at the time the transaction is entered into.

(29) "Purchase" means taking by sale, lease, discount, negotiation, mortgage, pledge, lien, security interest, issue or reissue, gift, or any other voluntary transaction creating an interest in property.

(30) "Purchaser" means a person that takes by purchase.

(31) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(32) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(33) "Representative" means a person empowered to act for another, including an agent, an officer of a corporation or association, and a trustee, executor, or administrator of an estate.

(34) "Right" includes remedy.

(35) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. "Security interest" includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible, or a promissory note in a transaction that is subject to Article 9A of this title. "Security interest" does not include the special property interest of a buyer of goods on identification of those goods to a contract for sale under RCW 62A.2-401, but a buyer may also acquire a "security interest" by complying with Article 9A of this title. Except as otherwise provided in RCW 62A.2-505, the right of a seller or lessor of goods under Article 2 or 2A of this title to retain or acquire possession of the goods is not a "security interest," but a seller or lessor may also acquire a "security interest" by complying with Article 9A of this title. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer under RCW 62A.2-401 is limited in effect to a reservation of a "security interest." Whether a transaction in the form of a lease creates a "security interest" is determined pursuant to RCW 62A.1-203.

(36) "Send" in connection with a ~~((writing,))~~ record ~~((r))~~ or ~~((notice))~~ notification, means:

(A) To deposit in the mail ~~((or))~~ deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for ~~((and properly addressed and, in the case of an instrument, to an address specified thereon or otherwise agreed, or if there be none)),~~ addressed to any address reasonable under the circumstances; or

(B) ~~((In any other way to cause to be received any record or notice within the time it would have arrived if properly sent))~~ to cause the record or notification to be received within the time it would have been received if properly sent under (36)(A) of this subsection.

(37) ~~((("Signed" includes using any symbol executed or adopted with present intention to adopt or accept a writing.)) "Sign" means, with present intent to authenticate or adopt a record:~~

(A) Execute or adopt a tangible symbol;

or  
(B) Attach to or logically associate with the record an electronic symbol, sound, or process.

"Signed," "signing," and "signature" have corresponding meanings.

(38) "State" means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(39) "Surety" includes a guarantor or other secondary obligor.

(40) "Term" means a portion of an agreement that relates to a particular matter.

(41) "Unauthorized signature" means a signature made without actual, implied, or apparent authority. The term includes a forgery.

(42) "Warehouse receipt" means a document of title issued by a person engaged in the business of storing goods for hire.

(43) "Writing" includes printing, typewriting, or any other intentional reduction to tangible form. "Written" has a corresponding meaning.

**Sec. 102.** RCW 62A.1-204 and 2012 c 214 s 112 are each amended to read as follows:

Except as otherwise provided in Articles 3, 4, ~~((and))~~ 5, and 12 of this title, a person gives value for rights if the person acquires them:

(1) In return for a binding commitment to extend credit or for the extension of immediately available credit, whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection;

(2) As security for, or in total or partial satisfaction of, a preexisting claim;

(3) By accepting delivery under a preexisting contract for purchase; or

(4) In return for any consideration sufficient to support a simple contract.

**Sec. 103.** RCW 62A.1-301 and 2012 c 214 s 115 are each amended to read as follows:

(a) Except as otherwise provided in this section, when a transaction bears a reasonable relation to this state and also to another state or nation the parties may agree that the law either of this state or of such other state or nation shall govern their rights and duties.

(b) In the absence of an agreement effective under subsection (a) of this section, and except as provided in subsection (c) of this section, this title applies to transactions bearing an appropriate relation to this state.

(c) If one of the following provisions of this title specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law so specified:

- (1) RCW 62A.2-402;
- (2) RCW 62A.2A-105 and 62A.2A-106;
- (3) RCW 62A.4-102;
- (4) RCW 62A.4A-507;
- (5) RCW 62A.5-116;
- (6) RCW 62A.8-110;
- (7) RCW 62A.9A-301 through 62A.9A-307;

and  
(8) Section 1007 of this act.

**Sec. 104.** RCW 62A.1-306 and 2012 c 214 s 120 are each amended to read as follows:

A claim or right arising out of an alleged breach may be discharged in whole or in part without consideration by agreement of the aggrieved party in ~~((an authenticated))~~ a signed record.

## PART II

**Sec. 201.** RCW 62A.2-102 and 1965 ex.s. c 157 s 2-102 are each amended to read as follows:

~~((Unless the context otherwise requires, this Article applies to transactions in goods; it does not apply to any transaction which although in the form of an unconditional contract to sell or present sale is intended to operate only as a security transaction nor does this Article impair or repeal any statute regulating sales to consumers, farmers or other specified classes of buyers.))~~ (1) Unless the context otherwise requires, and except as provided in subsection (3) of this section, this Article applies to transactions in goods and, in the case of a hybrid transaction, it applies to the extent provided in subsection (2) of this section.

(2) In a hybrid transaction:

(a) If the sale-of-goods aspects do not predominate, only the provisions of this Article which relate primarily to the sale-of-goods aspects of the transaction apply, and the provisions that relate primarily to the transaction as a whole do not apply.

(b) If the sale-of-goods aspects predominate, this Article applies to the transaction but does not preclude application in appropriate circumstances of other law to aspects of the transaction which do not relate to the sale of goods.

(3) This Article does not:

(a) Apply to a transaction that, even though in the form of an unconditional contract to sell or present sale, operates only to create a security interest; or

(b) Impair or repeal a statute regulating sales to consumers, farmers, or other specified classes of buyers.

**Sec. 202.** RCW 62A.2-106 and 1965 ex.s. c 157 s 2-106 are each amended to read as follows:

(1) In this Article unless the context otherwise requires "contract" and "agreement" are limited to those relating to the present or future sale of goods. "Contract for sale" includes both a present sale of goods and a contract to sell goods at a future time. A "sale" consists in the passing of title from the seller to the buyer for a price (RCW 62A.2-401). A "present sale" means a sale which is accomplished by the making of the contract.

(2) Goods or conduct including any part of a performance are "conforming" or conform to the contract when they are in accordance with the obligations under the contract.

(3) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the contract otherwise than for its breach. On "termination" all obligations which are still executory on both sides are discharged but any right based on prior breach or performance survives.

(4) "Cancellation" occurs when either party puts an end to the contract for breach by the other and its effect is the same as that of "termination" except that the canceling party also retains any remedy for

breach of the whole contract or any unperformed balance.

(5) "Hybrid transaction" means a single transaction involving a sale of goods and:

(a) The provision of services;  
(b) A lease of other goods; or  
(c) A sale, lease, or license of property other than goods.

**Sec. 203.** RCW 62A.2-201 and 2013 c 23 s 126 are each amended to read as follows:

(1) Except as otherwise provided in this section, a contract for the sale of goods for the price of ~~((five hundred dollars))~~ \$500 or more is not enforceable by way of action or defense unless there is ~~((some writing))~~ a record sufficient to indicate that a contract for sale has been made between the parties and signed by the party against whom enforcement is sought or by ~~((his or her))~~ the party's authorized agent or broker. A ~~((writing))~~ record is not insufficient because it omits or incorrectly states a term agreed upon but the contract is not enforceable under this ~~((paragraph))~~ subsection beyond the quantity of goods shown in ~~((such writing))~~ the record.

(2) Between merchants if within a reasonable time a ~~((writing))~~ record in confirmation of the contract and sufficient against the sender is received and the party receiving it has reason to know its contents, it satisfies the requirements of subsection (1) of this section against ~~((such))~~ the party unless ~~((written))~~ notice in a record of objection to its contents is given within ~~((ten))~~ 10 days after it is received.

(3) A contract which does not satisfy the requirements of subsection (1) of this section but which is valid in other respects is enforceable:

(a) If the goods are to be specially manufactured for the buyer and are not suitable for sale to others in the ordinary course of the seller's business and the seller, before notice of repudiation is received and under circumstances which reasonably indicate that the goods are for the buyer, has made either a substantial beginning of their manufacture or commitments for their procurement; or

(b) If the party against whom enforcement is sought admits in his or her pleading, testimony, or otherwise in court that a contract for sale was made, but the contract is not enforceable under this provision beyond the quantity of goods admitted; or

(c) With respect to goods for which payment has been made and accepted or which have been received and accepted (RCW 62A.2-606).

**Sec. 204.** RCW 62A.2-202 and 2012 c 214 s 803 are each amended to read as follows:

Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a ~~((writing))~~ record intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a

contemporaneous oral agreement but may be explained or supplemented:

(a) By course of performance, course of dealing, or usage of trade (RCW 62A.1-303); and

(b) By evidence of consistent additional terms unless the court finds the ~~((writing))~~ record to have been intended also as a complete and exclusive statement of the terms of the agreement.

**Sec. 205.** RCW 62A.2-203 and 1965 ex.s. c 157 s 2-203 are each amended to read as follows:

The affixing of a seal to a ~~((writing))~~ record evidencing a contract for sale or an offer to buy or sell goods does not constitute the ~~((writing))~~ record a sealed instrument and the law with respect to sealed instruments does not apply to such contract or offer.

**Sec. 206.** RCW 62A.2-205 and 1965 ex.s. c 157 s 2-205 are each amended to read as follows:

An offer by a merchant to buy or sell goods in a signed ~~((writing))~~ record which by its terms gives assurance that it will be held open is not revocable, for lack of consideration, during the time stated or if no time is stated for a reasonable time, but in no event may such period of irrevocability exceed three months; but any such term of assurance on a form supplied by the offeree must be separately signed by the offeror.

**Sec. 207.** RCW 62A.2-209 and 1965 ex.s. c 157 s 2-209 are each amended to read as follows:

(1) An agreement modifying a contract within this Article needs no consideration to be binding.

(2) A signed agreement which excludes modification or rescission except by a signed writing or other signed record cannot be otherwise modified or rescinded, but except as between merchants such a requirement on a form supplied by the merchant must be separately signed by the other party.

(3) The requirements of the statute of frauds section of this Article (RCW 62A.2-201) must be satisfied if the contract as modified is within its provisions.

(4) Although an attempt at modification or rescission does not satisfy the requirements of subsection (2) or (3) it can operate as a waiver.

(5) A party who has made a waiver affecting an executory portion of the contract may retract the waiver by reasonable notification received by the other party that strict performance will be required of any term waived, unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

### PART III

**Sec. 301.** RCW 62A.2A-102 and 1993 c 230 s 2A-102 are each amended to read as follows:

(1) This Article applies to any transaction, regardless of form, that creates a lease and, in the case of a hybrid lease, it applies to the extent provided in subsection (2) of this section.

(2) In a hybrid lease:

(a) If the lease-of-goods aspects do not predominate:

(i) Only the provisions of this Article which relate primarily to the lease-of-goods aspects of the transaction apply, and the provisions that relate primarily to the transaction as a whole do not apply;

(ii) RCW 62A.2A-209 applies if the lease is a finance lease; and

(iii) RCW 62A.2A-407 applies to the promises of the lessee in a finance lease to the extent the promises are consideration for the right to possession and use of the leased goods; and

(b) If the lease-of-goods aspects predominate, this Article applies to the transaction, but does not preclude application in appropriate circumstances of other law to aspects of the lease which do not relate to the lease of goods.

**Sec. 302.** RCW 62A.2A-103 and 2012 c 214 s 902 are each amended to read as follows:

(1) In this Article unless the context otherwise requires:

(a) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him or her is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. "Buying" may be for cash, or by exchange of other property, or on secured or unsecured credit, and includes acquiring goods or documents of title under a preexisting contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(b) "Cancellation" occurs when either party puts an end to the lease contract for default by the other party.

(c) "Commercial unit" means such a unit of goods as by commercial usage is a single whole for purposes of lease and division of which materially impairs its character or value on the market or in use. A commercial unit may be a single article, as a machine, or a set of articles, as a suite of furniture or a line of machinery, or a quantity, as a gross or carload, or any other unit treated in use or in the relevant market as a single whole.

(d) "Conforming" goods or performance under a lease contract means goods or performance that are in accordance with the obligations under the lease contract.

(e) "Consumer lease" means a lease that a lessor regularly engaged in the business of leasing or selling makes to a lessee who is an individual who takes under the lease primarily for a personal, family, or household purpose, if the total payments to



be made under the lease contract, excluding payments for options to renew or buy, do not exceed twenty-five thousand dollars.

(f) "Fault" means wrongful act, omission, breach, or default.

(g) "Finance lease" means a lease with respect to which:

(i) The lessor does not select, manufacture, or supply the goods;

(ii) The lessor acquires the goods or the right to possession and use of the goods in connection with the lease; and

(iii) Only in the case of a consumer lease, either:

(A) The lessee receives a copy of the contract by which the lessor acquired the goods or the right to possession and use of the goods before signing the lease contract;

(B) The lessee's approval of the contract by which the lessor acquired the goods or the right to possession and use of the goods is a condition to effectiveness of the lease contract; or

(C) The lessee, before signing the lease contract, receives an accurate and complete statement designating the promises and warranties, and any disclaimers of warranties, limitations or modifications of remedies, or liquidated damages, including those of a third party, such as the manufacturer of the goods, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods.

(h) "Goods" means all things that are movable at the time of identification to the lease contract, or are fixtures (RCW 62A.2A-309), but the term does not include money, documents, instruments, accounts, chattel paper, general intangibles, or minerals or the like, including oil and gas, before extraction. The term also includes the unborn young of animals.

(h.1) "Hybrid lease" means a single transaction involving a lease of goods and:

(i) The provision of services;

(ii) A sale of other goods; or

(iii) A sale, lease, or license of property other than goods.

(i) "Installment lease contract" means a lease contract that authorizes or requires the delivery of goods in separate lots to be separately accepted, even though the lease contract contains a clause "each delivery is a separate lease" or its equivalent.

(j) "Lease" means a transfer of the right to possession and use of goods for a term in return for consideration, but a sale, including a sale on approval or a sale or return, or retention or creation of a security interest is not a lease. Unless the context clearly indicates otherwise, the term includes a sublease.

(k) "Lease agreement" means the bargain, with respect to the lease, of the lessor and the lessee in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this Article. Unless the context clearly indicates otherwise, the term includes a sublease agreement.

(l) "Lease contract" means the total legal obligation that results from the lease

agreement as affected by this Article and any other applicable rules of law. Unless the context clearly indicates otherwise, the term includes a sublease contract.

(m) "Leasehold interest" means the interest of the lessor or the lessee under a lease contract.

(n) "Lessee" means a person who acquires the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessee.

(o) "Lessee in ordinary course of business" means a person who in good faith and without knowledge that the lease to him or her is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods, leases in ordinary course from a person in the business of selling or leasing goods of that kind but does not include a pawnbroker. "Leasing" may be for cash, or by exchange of other property, or on secured or unsecured credit and includes acquiring goods or documents of title under a preexisting lease contract but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(p) "Lessor" means a person who transfers the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessor.

(q) "Lessor's residual interest" means the lessor's interest in the goods after expiration, termination, or cancellation of the lease contract.

(r) "Lien" means a charge against or interest in goods to secure payment of a debt or performance of an obligation, but the term does not include a security interest.

(s) "Lot" means a parcel or a single article that is the subject matter of a separate lease or delivery, whether or not it is sufficient to perform the lease contract.

(t) "Merchant lessee" means a lessee that is a merchant with respect to goods of the kind subject to the lease.

(u) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain. The discount is determined by the interest rate specified by the parties if the rate was not manifestly unreasonable at the time the transaction was entered into; otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the transaction was entered into.

(v) "Purchase" includes taking by sale, lease, mortgage, security interest, pledge, gift, or any other voluntary transaction creating an interest in goods.

(w) "Sublease" means a lease of goods the right to possession and use of which was acquired by the lessor as a lessee under an existing lease.

(x) "Supplier" means a person from whom a lessor buys or leases goods to be leased under a finance lease.

(y) "Supply contract" means a contract under which a lessor buys or leases goods to be leased.

(z) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the lease contract otherwise than for default.

(2) Other definitions applying to this Article or to specified Parts thereof, and the sections in which they appear are:

"Accessions."	RCW 62A.2A-310.
"Construction mortgage."	RCW 62A.2A-309.
"Encumbrance."	RCW 62A.2A-309.
"Fixtures."	RCW 62A.2A-309.
"Fixture filing."	RCW 62A.2A-309.
"Purchase money lease."	RCW 62A.2A-309.

(3) The following definitions in other articles apply to this Article:

"Account."	RCW 62A.9A-102.
"Between merchants."	RCW 62A.2-104.
"Buyer."	RCW 62A.2-103.
"Chattel paper."	RCW 62A.9A-102.
"Consumer goods."	RCW 62A.9A-102.
"Document."	RCW 62A.9A-102.
"Entrusting."	RCW 62A.2-403.
"General intangible."	RCW 62A.9A-102.
"Instrument."	RCW 62A.9A-102.
"Merchant."	RCW 62A.2-104(1).
"Mortgage."	RCW 62A.9A-102.
"Pursuant to commitment."	RCW 62A.9A-102.
"Receipt."	RCW 62A.2-103.
"Sale."	RCW 62A.2-106.
"Sale on approval."	RCW 62A.2-326.
"Sale or return."	RCW 62A.2-326.
"Seller."	RCW 62A.2-103.

(4) In addition, Article 1 of this title contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Sec. 303.** RCW 62A.2A-107 and 1993 c 230 s 2A-107 are each amended to read as follows:

Any claim or right arising out of an alleged default or breach of warranty may be discharged in whole or in part without consideration by a (~~written~~) waiver or renunciation in a signed (~~and~~) record delivered by the aggrieved party.

**Sec. 304.** RCW 62A.2A-201 and 1993 c 230 s 2A-201 are each amended to read as follows:

(1) A lease contract is not enforceable by way of action or defense unless:

(a) The total payments to be made under the lease contract, excluding payments for options to renew or buy, are less than one thousand dollars; or

(b) There is a (~~writing~~) record, signed by the party against whom enforcement is sought or by that party's authorized agent, sufficient to indicate that a lease contract has been made between the parties and to describe the goods leased and the lease term.

(2) Any description of leased goods or of the lease term is sufficient and satisfies subsection (1)(b) of this section, whether or not it is specific, if it reasonably identifies what is described.

(3) A (~~writing~~) record is not insufficient because it omits or incorrectly states a term agreed upon, but the lease contract is not enforceable under subsection (1)(b) of this section beyond the lease term and the quantity of goods shown in the (~~writing~~) record.

(4) A lease contract that does not satisfy the requirements of subsection (1) of this section, but which is valid in other respects, is enforceable:

(a) If the goods are to be specially manufactured or obtained for the lessee and are not suitable for lease or sale to others in the ordinary course of the lessor's business, and the lessor, before notice of repudiation is received and under circumstances that reasonably indicate that the goods are for the lessee, has made either a substantial beginning of their manufacture or commitments for their procurement;

(b) If the party against whom enforcement is sought admits in that party's pleading, testimony, or otherwise in court that a lease contract was made, but the lease contract is not enforceable under this provision beyond the quantity of goods admitted; or

(c) With respect to goods that have been received and accepted by the lessee.

(5) The lease term under a lease contract referred to in subsection (4) of this section is:

(a) If there is a (~~writing~~) record signed by the party against whom enforcement is sought or by that party's authorized agent specifying the lease term, the term so specified;

(b) If the party against whom enforcement is sought admits in that party's pleading, testimony, or otherwise in court a lease term, the term so admitted; or

(c) A reasonable lease term.

**Sec. 305.** RCW 62A.2A-202 and 1993 c 230 s 2A-202 are each amended to read as follows:

Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a (~~writing~~) record intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented:

(1) By course of dealing or usage of trade or by course of performance; and

(2) By evidence of consistent additional terms unless the court finds the (~~writing~~) record to have been intended also

as a complete and exclusive statement of the terms of the agreement.

**Sec. 306.** RCW 62A.2A-203 and 1993 c 230 s 2A-203 are each amended to read as follows:

The affixing of a seal to a ~~((writing))~~ record evidencing a lease contract or an offer to enter into a lease contract does not render the ~~((writing))~~ record a sealed instrument and the law with respect to sealed instruments does not apply to the lease contract or offer.

**Sec. 307.** RCW 62A.2A-205 and 1993 c 230 s 2A-205 are each amended to read as follows:

An offer by a merchant to lease goods to or from another person in a signed ~~((writing))~~ record that by its terms gives assurance it will be held open is not revocable, for lack of consideration, during the time stated or, if no time is stated, for a reasonable time, but in no event may the period of irrevocability exceed three months. Any such term of assurance on a form supplied by the offeree must be separately signed by the offeror.

**Sec. 308.** RCW 62A.2A-208 and 1993 c 230 s 2A-208 are each amended to read as follows:

(1) An agreement modifying a lease contract needs no consideration to be binding.

(2) A signed lease agreement that excludes modification or rescission except by a signed ~~((writing))~~ record may not be otherwise modified or rescinded, but, except as between merchants, such a requirement on a form supplied by a merchant must be separately signed by the other party.

(3) Although an attempt at modification or rescission does not satisfy the requirements of subsection (2) of this section, it may operate as a waiver.

(4) A party who has made a waiver affecting an executory portion of a lease contract may retract the waiver by reasonable notification received by the other party that strict performance will be required of any term waived, unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

#### PART IV

**Sec. 401.** RCW 62A.3-104 and 1993 c 229 s 6 are each amended to read as follows:

(a) Except as provided in subsections (c) and (d), "negotiable instrument" means an unconditional promise or order to pay a fixed amount of money, with or without interest or other charges described in the promise or order, if it:

(1) Is payable to bearer or to order at the time it is issued or first comes into possession of a holder;

(2) Is payable on demand or at a definite time; and

(3) Does not state any other undertaking or instruction by the person promising or ordering payment to do any act in addition to the payment of money, but the promise or order may contain (i) an undertaking or power to give, maintain, or protect collateral to secure payment, (ii) an authorization or power to the holder to confess judgment or realize on or dispose of collateral, ~~((or))~~ (iii) a waiver of the benefit of any law intended for the advantage or protection of an obligor, (iv) a term that specifies the law that governs the promise or order, or (v) an undertaking to resolve in a specified forum a dispute concerning the promise or order.

(b) "Instrument" means a negotiable instrument.

(c) An order that meets all of the requirements of subsection (a), except subsection (a)(1), and otherwise falls within the definition of "check" in subsection (f) is a negotiable instrument and a check.

(d) A promise or order other than a check is not an instrument if, at the time it is issued or first comes into possession of a holder, it contains a conspicuous statement, however expressed, to the effect that the promise or order is not negotiable or is not an instrument governed by this Article.

(e) An instrument is a "note" if it is a promise and is a "draft" if it is an order. If an instrument falls within the definition of both "note" and "draft," a person entitled to enforce the instrument may treat it as either.

(f) "Check" means (i) a draft, other than a documentary draft, payable on demand and drawn on a bank, or (ii) a cashier's check or teller's check. An instrument may be a check even though it is described on its face by another term, such as "money order."

(g) "Cashier's check" means a draft with respect to which the drawer and drawee are the same bank or branches of the same bank.

(h) "Teller's check" means a draft drawn by a bank (i) on another bank, or (ii) payable at or through a bank.

(i) "Traveler's check" means an instrument that (i) is payable on demand, (ii) is drawn on or payable at or through a bank, (iii) is designated by the term "traveler's check" or by a substantially similar term, and (iv) requires, as a condition to payment, a countersignature by a person whose specimen signature appears on the instrument.

(j) "Certificate of deposit" means an instrument containing an acknowledgment by a bank that a sum of money has been received by the bank and a promise by the bank to repay the sum of money. A certificate of deposit is a note of the bank.

**Sec. 402.** RCW 62A.3-105 and 1993 c 229 s 7 are each amended to read as follows:

(a) "Issue" means ~~((the))~~:

(1) The first delivery of an instrument by the maker or drawer, whether to a holder or nonholder, for the purpose of giving rights on the instrument to any person; or

(2) If agreed by the payee, the first transmission by the drawer to the payee of an image of an item and information derived

from the item that enables the depository bank to collect the item by transferring or presenting under federal law an electronic check.

(b) An unissued instrument, or an unissued incomplete instrument that is completed, is binding on the maker or drawer, but nonissuance is a defense. An instrument that is conditionally issued or is issued for a special purpose is binding on the maker or drawer, but failure of the condition or special purpose to be fulfilled is a defense.

(c) "Issuer" applies to issued and unissued instruments and means a maker or drawer of an instrument.

**Sec. 403.** RCW 62A.3-401 and 1993 c 229 s 41 are each amended to read as follows:

~~((a-))~~ A person is not liable on an instrument unless ~~((+i))~~ (a) the person signed the instrument, or ~~((+ii))~~ (b) the person is represented by an agent or representative who signed the instrument and the signature is binding on the represented person under RCW 62A.3-402.

~~((b) A signature may be made (i) manually or by means of a device or machine, and (ii) by the use of any name, including a trade or assumed name, or by a word, mark, or symbol executed or adopted by a person with present intention to authenticate a writing-))~~

**Sec. 404.** RCW 62A.3-604 and 1993 c 229 s 74 are each amended to read as follows:

(a) A person entitled to enforce an instrument, with or without consideration, may discharge the obligation of a party to pay the instrument (i) by an intentional voluntary act, such as surrender of the instrument to the party, destruction, mutilation, or cancellation of the instrument, cancellation or striking out of the party's signature, or the addition of words to the instrument indicating discharge, or (ii) by agreeing not to sue or otherwise renouncing rights against the party by a signed writing. The obligation of a party to pay a check is not discharged solely by destruction of the check in connection with a process in which information is extracted from the check and an image of the check is made and, subsequently, the information and image are transmitted for payment.

(b) Cancellation or striking out of an indorsement pursuant to subsection (a) does not affect the status and rights of a party derived from the indorsement.

## PART V

**Sec. 501.** RCW 62A.4A-103 and 2013 c 118 s 2 are each amended to read as follows:

(a) In this Article:

(1) "Payment order" means an instruction of a sender to a receiving bank, transmitted orally ~~(, electronically,)~~ or in ~~(writing)~~ a record, to pay, or to cause another bank to pay, a fixed or determinable amount of money to a beneficiary if:

(i) The instruction does not state a condition to payment to the beneficiary other than time of payment;

(ii) The receiving bank is to be reimbursed by debiting an account of, or otherwise receiving payment from, the sender; and

(iii) The instruction is transmitted by the sender directly to the receiving bank or to an agent, funds-transfer system, or communication system for transmittal to the receiving bank.

(2) "Beneficiary" means the person to be paid by the beneficiary's bank.

(3) "Beneficiary's bank" means the bank identified in a payment order in which an account of the beneficiary is to be credited pursuant to the order or which otherwise is to make payment to the beneficiary if the order does not provide for payment to an account.

(4) "Receiving bank" means the bank to which the sender's instruction is addressed.

(5) "Sender" means the person giving the instruction to the receiving bank.

(b) If an instruction complying with subsection (a)(1) of this section is to make more than one payment to a beneficiary, the instruction is a separate payment order with respect to each payment.

(c) A payment order is issued when it is sent to the receiving bank.

**Sec. 502.** RCW 62A.4A-201 and 1991 sp.s. c 21 s 4A-201 are each amended to read as follows:

"Security procedure" means a procedure established by agreement of a customer and a receiving bank for the purpose of (1) verifying that a payment order or communication amending or canceling a payment order is that of the customer, or (2) detecting error in the transmission or the content of the payment order or communication. A security procedure may impose an obligation on the receiving bank or the customer and may require the use of algorithms or other codes, identifying words ~~((e)s)~~, numbers, symbols, sounds, biometrics, encryption, callback procedures, or similar security devices. Comparison of a signature on a payment order or communication with an authorized specimen signature of the customer or requiring a payment order to be sent from a known email address, IP address, or telephone number is not by itself a security procedure.

**Sec. 503.** RCW 62A.4A-202 and 2013 c 118 s 6 are each amended to read as follows:

(a) A payment order received by the receiving bank is the authorized order of the person identified as sender if that person authorized the order or is otherwise bound by it under the law of agency.

(b) If a bank and its customer have agreed that the authenticity of payment orders issued to the bank in the name of the customer as sender will be verified pursuant to a security procedure, a payment order received by the receiving bank is effective as the order of the customer, whether or not authorized, if (i) the security procedure is a commercially reasonable method of providing security against unauthorized

payment orders, and (ii) the bank proves that it accepted the payment order in good faith and in compliance with the bank's obligations under the security procedure and any ((written)) agreement or instruction of the customer, evidenced by a record, restricting acceptance of payment orders issued in the name of the customer. The bank is not required to follow an instruction that violates a ((written))an agreement with the customer, evidenced by a record, or notice of which is not received at a time and in a manner affording the bank a reasonable opportunity to act on it before the payment order is accepted.

(c) Commercial reasonableness of a security procedure is a question of law to be determined by considering the wishes of the customer expressed to the bank, the circumstances of the customer known to the bank, including the size, type, and frequency of payment orders normally issued by the customer to the bank, alternative security procedures offered to the customer, and security procedures in general use by customers and receiving banks similarly situated. A security procedure is deemed to be commercially reasonable if (i) the security procedure was chosen by the customer after the bank offered, and the customer refused, a security procedure that was commercially reasonable for that customer, and (ii) the customer expressly agreed in ((writing))a record to be bound by any payment order, whether or not authorized, issued in its name, and accepted by the bank in compliance with the bank's obligations under the security procedure chosen by the customer.

(d) The term "sender" in this Article includes the customer in whose name a payment order is issued if the order is the authorized order of the customer under subsection (a) of this section, or it is effective as the order of the customer under subsection (b) of this section.

(e) This section applies to amendments and cancellations of payment orders to the same extent it applies to payment orders.

(f) Except as provided in this section and RCW 62A.4A-203(a)(1), rights and obligations arising under this section or RCW 62A.4A-203 may not be varied by agreement.

**Sec. 504.** RCW 62A.4A-203 and 2013 c 118 s 7 are each amended to read as follows:

(a) If an accepted payment order is not, under RCW 62A.4A-202(a), an authorized order of a customer identified as sender, but is effective as an order of the customer pursuant to RCW 62A.4A-202(b), the following rules apply.

(1) By express ((written)) agreement evidenced by a record, the receiving bank may limit the extent to which it is entitled to enforce or retain payment of the payment order.

(2) The receiving bank is not entitled to enforce or retain payment of the payment order if the customer proves that the order was not caused, directly or indirectly, by a person (i) entrusted at any time with duties to act for the customer with respect to payment orders or the security procedure, or

(ii) who obtained access to transmitting facilities of the customer or who obtained, from a source controlled by the customer and without authority of the receiving bank, information facilitating breach of the security procedure, regardless of how the information was obtained or whether the customer was at fault. Information includes any access device, computer software, or the like.

(b) This section applies to amendments of payment orders to the same extent it applies to payment orders.

**Sec. 505.** RCW 62A.4A-207 and 2013 c 118 s 11 are each amended to read as follows:

(a) Subject to subsection (b) of this section, if, in a payment order received by the beneficiary's bank, the name, bank account number, or other identification of the beneficiary refers to a nonexistent or unidentifiable person or account, no person has rights as a beneficiary of the order and acceptance of the order cannot occur.

(b) If a payment order received by the beneficiary's bank identifies the beneficiary both by name and by an identifying or bank account number and the name and number identify different persons, the following rules apply:

(1) Except as otherwise provided in subsection (c) of this section, if the beneficiary's bank does not know that the name and number refer to different persons, it may rely on the number as the proper identification of the beneficiary of the order. The beneficiary's bank need not determine whether the name and number refer to the same person.

(2) If the beneficiary's bank pays the person identified by name or knows that the name and number identify different persons, no person has rights as beneficiary except the person paid by the beneficiary's bank if that person was entitled to receive payment from the originator of the funds transfer. If no person has rights as beneficiary, acceptance of the order cannot occur.

(c) If (i) a payment order described in subsection (b) of this section is accepted, (ii) the originator's payment order described the beneficiary inconsistently by name and number, and (iii) the beneficiary's bank pays the person identified by number as permitted by subsection (b)(1) of this section, the following rules apply:

(1) If the originator is a bank, the originator is obliged to pay its order.

(2) If the originator is not a bank and proves that the person identified by number was not entitled to receive payment from the originator, the originator is not obliged to pay its order unless the originator's bank proves that the originator, before acceptance of the originator's order, had notice that payment of a payment order issued by the originator might be made by the beneficiary's bank on the basis of an identifying or bank account number even if it identifies a person different from the named beneficiary. Proof of notice may be made by any admissible evidence. The originator's bank satisfies the burden of proof if it proves that the originator,

before the payment order was accepted, signed a ((writing)) record stating the information to which the notice relates.

(d) In a case governed by subsection (b)

(1) of this section, if the beneficiary's bank rightfully pays the person identified by number and that person was not entitled to receive payment from the originator, the amount paid may be recovered from that person to the extent allowed by the law governing mistake and restitution as follows:

(1) If the originator is obliged to pay its payment order as stated in subsection (c) of this section, the originator has the right to recover.

(2) If the originator is not a bank and is not obliged to pay its payment order, the originator's bank has the right to recover.

**Sec. 506.** RCW 62A.4A-208 and 2013 c 118 s 12 are each amended to read as follows:

(a) This subsection applies to a payment order identifying an intermediary bank or the beneficiary's bank only by an identifying number.

(1) The receiving bank may rely on the number as the proper identification of the intermediary or beneficiary's bank and need not determine whether the number identifies a bank.

(2) The sender is obliged to compensate the receiving bank for any loss and expenses incurred by the receiving bank as a result of its reliance on the number in executing or attempting to execute the order.

(b) This subsection applies to a payment order identifying an intermediary bank or the beneficiary's bank both by name and an identifying number if the name and number identify different persons.

(1) If the sender is a bank, the receiving bank may rely on the number as the proper identification of the intermediary or beneficiary's bank if the receiving bank, when it executes the sender's order, does not know that the name and number identify different persons. The receiving bank need not determine whether the name and number refer to the same person or whether the number refers to a bank. The sender is obliged to compensate the receiving bank for any loss and expenses incurred by the receiving bank as a result of its reliance on the number in executing or attempting to execute the order.

(2) If the sender is not a bank and the receiving bank proves that the sender, before the payment order was accepted, had notice that the receiving bank might rely on the number as the proper identification of the intermediary or beneficiary's bank even if it identifies a person different from the bank identified by name, the rights and obligations of the sender and the receiving bank are governed by subsection (b)(1) of this section, as though the sender were a bank. Proof of notice may be made by any admissible evidence. The receiving bank satisfies the burden of proof if it proves that the sender, before the payment order was accepted, signed a ((writing)) record stating the information to which the notice relates.

(3) Regardless of whether the sender is a bank, the receiving bank may rely on the name as the proper identification of the intermediary or beneficiary's bank if the receiving bank, at the time it executes the sender's order, does not know that the name and number identify different persons. The receiving bank need not determine whether the name and number refer to the same person.

(4) If the receiving bank knows that the name and number identify different persons, reliance on either the name or the number in executing the sender's payment order is a breach of the obligation stated in RCW 62A.4A-302(a)(1).

**Sec. 507.** RCW 62A.4A-210 and 2013 c 118 s 14 are each amended to read as follows:

(a) A payment order is rejected by the receiving bank by a notice of rejection transmitted to the sender orally ((~~electronically~~)) or in ((writing)) a record. A notice of rejection need not use any particular words and is sufficient if it indicates that the receiving bank is rejecting the order or will not execute or pay the order. Rejection is effective when the notice is given if transmission is by a means that is reasonable in the circumstances. If notice of rejection is given by a means that is not reasonable, rejection is effective when the notice is received. If an agreement of the sender and receiving bank establishes the means to be used to reject a payment order, (i) any means complying with the agreement is reasonable and (ii) any means not complying is not reasonable unless no significant delay in receipt of the notice resulted from the use of the noncomplying means.

(b) This subsection applies if a receiving bank other than the beneficiary's bank fails to execute a payment order despite the existence on the execution date of a withdrawable credit balance in an authorized account of the sender sufficient to cover the order. If the sender does not receive notice of rejection of the order on the execution date and the authorized account of the sender does not bear interest, the bank is obliged to pay interest to the sender on the amount of the order for the number of days elapsing after the execution date to the earlier of the day the order is canceled pursuant to RCW 62A.4A-211(d) or the day the sender receives notice or learns that the order was not executed, counting the final day of the period as an elapsed day. If the withdrawable credit balance during that period falls below the amount of the order, the amount of interest is reduced accordingly.

(c) If a receiving bank suspends payments, all unaccepted payment orders issued to it are deemed rejected at the time the bank suspends payments.

(d) Acceptance of a payment order precludes a later rejection of the order. Rejection of a payment order precludes a later acceptance of the order.

**Sec. 508.** RCW 62A.4A-211 and 2013 c 118 s 15 are each amended to read as follows:

(a) A communication of the sender of a payment order canceling or amending the order may be transmitted to the receiving bank orally (~~(, electronically,)~~) or in ~~((writing))~~ a record. If a security procedure is in effect between the sender and the receiving bank, the communication is not effective to cancel or amend the order unless the communication is verified pursuant to the security procedure or the bank agrees to the cancellation or amendment.

(b) Subject to subsection (a) of this section, a communication by the sender canceling or amending a payment order is effective to cancel or amend the order if notice of the communication is received at a time and in a manner affording the receiving bank a reasonable opportunity to act on the communication before the bank accepts the payment order.

(c) After a payment order has been accepted, cancellation or amendment of the order is not effective unless the receiving bank agrees or a funds-transfer system rule allows cancellation or amendment without agreement of the bank.

(1) With respect to a payment order accepted by a receiving bank other than the beneficiary's bank, cancellation or amendment is not effective unless a conforming cancellation or amendment of the payment order issued by the receiving bank is also made.

(2) With respect to a payment order accepted by the beneficiary's bank, cancellation or amendment is not effective unless the order was issued in execution of an unauthorized payment order, or because of a mistake by a sender in the funds transfer which resulted in the issuance of a payment order (i) that is a duplicate of a payment order previously issued by the sender, (ii) that orders payment to a beneficiary not entitled to receive payment from the originator, or (iii) that orders payment in an amount greater than the amount the beneficiary was entitled to receive from the originator. If the payment order is canceled or amended, the beneficiary's bank is entitled to recover from the beneficiary any amount paid to the beneficiary to the extent allowed by the law governing mistake and restitution.

(d) An unaccepted payment order is canceled by operation of law at the close of the fifth funds-transfer business day of the receiving bank after the execution date or payment date of the order.

(e) A canceled payment order cannot be accepted. If an accepted payment order is canceled, the acceptance is nullified and no person has any right or obligation based on the acceptance. Amendment of a payment order is deemed to be cancellation of the original order at the time of amendment and issue of a new payment order in the amended form at the same time.

(f) Unless otherwise provided in an agreement of the parties or in a funds-transfer system rule, if the receiving bank, after accepting a payment order, agrees to cancellation or amendment of the order by

the sender or is bound by a funds-transfer system rule allowing cancellation or amendment without the bank's agreement, the sender, whether or not cancellation or amendment is effective, is liable to the bank for any loss and expenses, including reasonable attorneys' fees, incurred by the bank as a result of the cancellation or amendment or attempted cancellation or amendment.

(g) A payment order is not revoked by the death or legal incapacity of the sender unless the receiving bank knows of the death or of an adjudication of incapacity by a court of competent jurisdiction and has reasonable opportunity to act before acceptance of the order.

(h) A funds-transfer system rule is not effective to the extent it conflicts with subsection (c) (2) of this section.

**Sec. 509.** RCW 62A.4A-305 and 2013 c 118 s 21 are each amended to read as follows:

(a) If a funds transfer is completed but execution of a payment order by the receiving bank in breach of RCW 62A.4A-302 results in delay in payment to the beneficiary, the bank is obliged to pay interest to either the originator or the beneficiary of the funds transfer for the period of delay caused by the improper execution. Except as provided in subsection (c) of this section, additional damages are not recoverable.

(b) If execution of a payment order by a receiving bank in breach of RCW 62A.4A-302 results in (i) noncompletion of the funds transfer, (ii) failure to use an intermediary bank designated by the originator, or (iii) issuance of a payment order that does not comply with the terms of the payment order of the originator, the bank is liable to the originator for its expenses in the funds transfer and for incidental expenses and interest losses, to the extent not covered by subsection (a) of this section, resulting from the improper execution. Except as provided in subsection (c) of this section, additional damages are not recoverable.

(c) In addition to the amounts payable under subsections (a) and (b) of this section, damages, including consequential damages, are recoverable to the extent provided in an express (~~(written))~~ agreement of the receiving bank, evidenced by a record.

(d) If a receiving bank fails to execute a payment order it was obliged by express agreement to execute, the receiving bank is liable to the sender for its expenses in the transaction and for incidental expenses and interest losses resulting from the failure to execute. Additional damages, including consequential damages, are recoverable to the extent provided in an express (~~(written))~~ agreement of the receiving bank, evidenced by a record, but are not otherwise recoverable.

(e) Reasonable attorneys' fees are recoverable if demand for compensation under subsection (a) or (b) of this section is made and refused before an action is brought on the claim. If a claim is made for breach

of an agreement under subsection (d) of this section and the agreement does not provide for damages, reasonable attorneys' fees are recoverable if demand for compensation under subsection (d) of this section is made and refused before an action is brought on the claim.

(f) Except as stated in this section, the liability of a receiving bank under subsections (a) and (b) of this section may not be varied by agreement.

## PART VI

**Sec. 601.** RCW 62A.5-104 and 2012 c 214 s 1702 are each amended to read as follows:

A letter of credit, confirmation, advice, transfer, amendment, or cancellation may be issued in any form that is a signed record ~~((and is authenticated (i) by a signature or (ii) in accordance with the agreement of the parties or the standard practice referred to in RCW 62A.5-108(e))).~~

**Sec. 602.** RCW 62A.5-116 and 2012 c 214 s 1712 are each amended to read as follows:

(a) The liability of an issuer, nominated person, or adviser for action or omission is governed by the law of the jurisdiction chosen by an agreement in the form of a record signed ~~((or otherwise authenticated))~~ by the affected parties ~~((in the manner provided in RCW 62A.5-104))~~ or by a provision in the person's letter of credit, confirmation, or other undertaking. The jurisdiction whose law is chosen need not bear any relation to the transaction.

(b) Unless subsection (a) of this section applies, the liability of an issuer, nominated person, or adviser for action or omission is governed by the law of the jurisdiction in which the person is located. The person is considered to be located at the address indicated in the person's undertaking. If more than one address is indicated, the person is considered to be located at the address from which the person's undertaking was issued.

(c) For the purpose of jurisdiction, choice of law, and recognition of interbranch letters of credit, but not enforcement of a judgment, all branches of a bank are considered separate juridical entities and a bank is considered to be located at the place where its relevant branch is considered to be located under this subsection.

~~((e))~~ (d) A branch of a bank is considered to be located at the address indicated in the branch's undertaking. If more than one address is indicated, the branch is considered to be located at the address from which the undertaking was issued.

(e) Except as otherwise provided in this subsection, the liability of an issuer, nominated person, or adviser is governed by any rules of custom or practice, such as the Uniform Customs and Practice for Documentary Credits, to which the letter of credit, confirmation, or other undertaking is expressly made subject. If (i) this Article would govern the liability of an issuer, nominated person, or adviser under

subsection (a) or (b) of this section, (ii) the relevant undertaking incorporates rules of custom or practice, and (iii) there is conflict between this Article and those rules as applied to that undertaking, those rules govern except to the extent of any conflict with the nonvariable provisions specified in RCW 62A.5-103(c).

~~((d))~~ (f) If there is conflict between this Article and Article 3, 4, 4A, or 9A, this Article governs.

~~((e))~~ (g) The forum for settling disputes arising out of an undertaking within this Article may be chosen in the manner and with the binding effect that governing law may be chosen in accordance with subsection (a) of this section.

## PART VII

**Sec. 701.** RCW 62A.7-102 and 2012 c 214 s 202 are each amended to read as follows:

(a) In this Article, unless the context otherwise requires:

(1) "Bailee" means a person that by a warehouse receipt, bill of lading, or other document of title acknowledges possession of goods and contracts to deliver them.

(2) "Carrier" means a person that issues a bill of lading.

(3) "Consignee" means a person named in a bill of lading to which or to whose order the bill promises delivery.

(4) "Consignor" means a person named in a bill of lading as the person from which the goods have been received for shipment.

(5) "Delivery order" means a record that contains an order to deliver goods directed to a warehouse, carrier, or other person that in the ordinary course of business issues warehouse receipts or bills of lading.

(6) [Reserved.]

(7) "Goods" means all things that are treated as movable for the purposes of a contract for storage or transportation.

(8) "Issuer" means a bailee that issues a document of title or, in the case of an unaccepted delivery order, the person that orders the possessor of goods to deliver. The term includes a person for which an agent or employee purports to act in issuing a document if the agent or employee has real or apparent authority to issue documents, even if the issuer did not receive any goods, the goods were misdescribed, or in any other respect the agent or employee violated the issuer's instructions.

(9) "Person entitled under the document" means the holder, in the case of a negotiable document of title, or the person to which delivery of the goods is to be made by the terms of, or pursuant to instructions in a record under, a nonnegotiable document of title.

(10) [Reserved.]

(11) ~~((("Sign" means, with present intent to authenticate or adopt a record:~~

~~(A) To execute or adopt a tangible symbol; or~~

~~(B) To attach to or logically associate with the record an electronic sound, symbol, or process.))~~ [Reserved.]



(12) "Shipper" means a person that enters into a contract of transportation with a carrier.

(13) "Warehouse" means a person engaged in the business of storing goods for hire.

(b) Definitions in other articles applying to this Article and the sections in which they appear are:

(1) "Contract for sale", RCW 62A.2-106;

(2) "Lessee in ordinary course of business," RCW 62A.2A-103; and

(3) "Receipt" of goods, RCW 62A.2-103.

(c) In addition, Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Sec. 702.** RCW 62A.7-106 and 2012 c 214 s 206 are each amended to read as follows:

(a) A person has control of an electronic document of title if a system employed for evidencing the transfer of interests in the electronic document reliably establishes that person as the person to which the electronic document was issued or transferred.

(b) A system satisfies subsection (a) of this section, and a person (~~is deemed to have~~) has control of an electronic document of title, if the document is created, stored, and (~~assigned~~) transferred in (~~such~~) a manner that:

(1) A single authoritative copy of the document exists which is unique, identifiable, and, except as otherwise provided in (4), (5), and (6) of this subsection, unalterable;

(2) The authoritative copy identifies the person asserting control as:

(A) The person to which the document was issued; or

(B) If the authoritative copy indicates that the document has been transferred, the person to which the document was most recently transferred;

(3) The authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

(4) Copies or amendments that add or change an identified (~~assignee~~) transferee of the authoritative copy can be made only with the consent of the person asserting control;

(5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(6) Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

(c) A system satisfies subsection (a) of this section, and a person has control of an electronic document of title, if an authoritative electronic copy of the document, a record attached to or logically associated with the electronic copy, or a system in which the electronic copy is recorded:

(1) Enables the person readily to identify each electronic copy as either an authoritative copy or a nonauthoritative copy;

(2) Enables the person readily to identify itself in any way, including by

name, identifying number, cryptographic key, office, or account number, as the person to which each authoritative electronic copy was issued or transferred; and

(3) Gives the person exclusive power, subject to subsection (d) of this section, to:

(A) Prevent others from adding or changing the person to which each authoritative electronic copy has been issued or transferred; and

(B) Transfer control of each authoritative electronic copy.

(d) Subject to subsection (e) of this section, a power is exclusive under subsection (c) (3) (A) and (B) of this section even if:

(1) The authoritative electronic copy, a record attached to or logically associated with the authoritative electronic copy, or a system in which the authoritative electronic copy is recorded limits the use of the document of title or has a protocol that is programmed to cause a change, including a transfer or loss of control; or

(2) The power is shared with another person.

(e) A power of a person is not shared with another person under subsection (d) (2) of this section and the person's power is not exclusive if:

(1) The person can exercise the power only if the power also is exercised by the other person; and

(2) The other person:

(A) Can exercise the power without exercise of the power by the person; or

(B) Is the transferor to the person of an interest in the document of title.

(f) If a person has the powers specified in subsection (c) (3) (A) and (B) of this section, the powers are presumed to be exclusive.

(g) A person has control of an electronic document of title if another person, other than the transferor to the person of an interest in the document:

(1) Has control of the document and acknowledges that it has control on behalf of the person; or

(2) Obtains control of the document after having acknowledged that it will obtain control of the document on behalf of the person.

(h) A person that has control under this section is not required to acknowledge that it has control on behalf of another person.

(i) If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this Article or Article 9 of this title otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.

## PART VIII

**Sec. 801.** RCW 62A.8-102 and 2012 c 214 s 1401 are each amended to read as follows:

(1) In this Article:

(a) "Adverse claim" means a claim that a claimant has a property interest in a financial asset and that it is a violation of the rights of the claimant for another

person to hold, transfer, or deal with the financial asset.

(b) "Bearer form," as applied to a certificated security, means a form in which the security is payable to the bearer of the security certificate according to its terms but not by reason of an indorsement.

(c) "Broker" means a person defined as a broker or dealer under the federal securities laws, but without excluding a bank acting in that capacity.

(d) "Certificated security" means a security that is represented by a certificate.

(e) "Clearing corporation" means:

(i) A person that is registered as a "clearing agency" under the federal securities laws;

(ii) A federal reserve bank; or

(iii) Any other person that provides clearance or settlement services with respect to financial assets that would require it to register as a clearing agency under the federal securities laws but for an exclusion or exemption from the registration requirement, if its activities as a clearing corporation, including adoption of rules, are subject to regulation by a federal or state governmental authority.

(f) "Communicate" means to:

(i) Send a signed (~~writing~~) record; or

(ii) Transmit information by any mechanism agreed upon by the persons transmitting and receiving the information.

(g) "Entitlement holder" means a person identified in the records of a securities intermediary as the person having a security entitlement against the securities intermediary. If a person acquires a security entitlement by virtue of RCW 62A.8-501(2) (b) or (c), that person is the entitlement holder.

(h) "Entitlement order" means a notification communicated to a securities intermediary directing transfer or redemption of a financial asset to which the entitlement holder has a security entitlement.

(i) "Financial asset," except as otherwise provided in RCW 62A.8-103, means:

(i) A security;

(ii) An obligation of a person or a share, participation, or other interest in a person or in property or an enterprise of a person, which is, or is of a type, dealt in or traded on financial markets, or which is recognized in any area in which it is issued or dealt in as a medium for investment; or

(iii) Any property that is held by a securities intermediary for another person in a securities account if the securities intermediary has expressly agreed with the other person that the property is to be treated as a financial asset under this Article.

As context requires, the term means either the interest itself or the means by which a person's claim to it is evidenced, including a certificated or uncertificated security, a security certificate, or a security entitlement.

(j) [Reserved.]

(k) "Indorsement" means a signature that alone or accompanied by other words is made on a security certificate in registered form or on a separate document for the purpose of

assigning, transferring, or redeeming the security or granting a power to assign, transfer, or redeem it.

(l) "Instruction" means a notification communicated to the issuer of an uncertificated security which directs that the transfer of the security be registered or that the security be redeemed.

(m) "Registered form," as applied to a certificated security, means a form in which:

(i) The security certificate specifies a person entitled to the security; and

(ii) A transfer of the security may be registered upon books maintained for that purpose by or on behalf of the issuer, or the security certificate so states.

(n) "Securities intermediary" means:

(i) A clearing corporation; or

(ii) A person, including a bank or broker, that in the ordinary course of its business maintains securities accounts for others and is acting in that capacity.

(o) "Security," except as otherwise provided in RCW 62A.8-103, means an obligation of an issuer or a share, participation, or other interest in an issuer or in property or an enterprise of an issuer:

(i) Which is represented by a security certificate in bearer or registered form, or the transfer of which may be registered upon books maintained for that purpose by or on behalf of the issuer;

(ii) Which is one of a class or series or by its terms is divisible into a class or series of shares, participations, interests, or obligations; and

(iii) Which:

(A) Is, or is of a type, dealt in or traded on securities exchanges or securities markets; or

(B) Is a medium for investment and by its terms expressly provides that it is a security governed by this Article.

(p) "Security certificate" means a certificate representing a security.

(q) "Security entitlement" means the rights and property interest of an entitlement holder with respect to a financial asset specified in Part 5 of this Article.

(r) "Uncertificated security" means a security that is not represented by a certificate.

(2) (~~Other~~) The following definitions (applying to) in this Article and (the sections in which they appear are) other articles apply to this Article:

Appropriate person	RCW 62A.8-107
Control	RCW 62A.8-106
<u>Controllable account</u>	<u>RCW 62A.9A-102</u>
<u>Controllable electronic record</u>	<u>Section 1002 of this act</u>
<u>Controllable payment intangible</u>	<u>RCW 62A.9A-102</u>
Delivery	RCW 62A.8-301
Investment company security	RCW 62A.8-103

Issuer	RCW 62A.8-201
Overissue	RCW 62A.8-210
Protected purchaser	RCW 62A.8-303
Securities account	RCW 62A.8-501

(3) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

(4) The characterization of a person, business, or transaction for purposes of this Article does not determine the characterization of the person, business, or transaction for purposes of any other law, regulation, or rule.

**Sec. 802.** RCW 62A.8-103 and 2012 c 214 s 1403 are each amended to read as follows:

(1) A share or similar equity interest issued by a corporation, business trust, joint stock company, or similar entity is a security.

(2) An "investment company security" is a security. "Investment company security" means a share or similar equity interest issued by an entity that is registered as an investment company under the federal investment company laws, an interest in a unit investment trust that is so registered, or a face-amount certificate issued by a face-amount certificate company that is so registered. Investment company security does not include an insurance policy or endowment policy or annuity contract issued by an insurance company.

(3) An interest in a partnership or limited liability company is not a security unless it is dealt in or traded on securities exchanges or in securities markets, its terms expressly provide that it is a security governed by this Article, or it is an investment company security. However, an interest in a partnership or limited liability company is a financial asset if it is held in a securities account.

(4) A writing that is a security certificate is governed by this Article and not by Article 3, even though it also meets the requirements of that Article. However, a negotiable instrument governed by Article 3 is a financial asset if it is held in a securities account.

(5) An option or similar obligation issued by a clearing corporation to its participants is not a security, but is a financial asset.

(6) A commodity contract, as defined in RCW 62A.9A-102, is not a security or a financial asset.

(7) A document of title is not a financial asset unless RCW 62A.8-102(1)(i)(iii) applies.

(8) A controllable account, controllable electronic record, or controllable payment intangible is not a financial asset unless RCW 62A.8-102(1)(i)(iii) applies.

**Sec. 803.** RCW 62A.8-106 and 2000 c 250 s 9A-816 are each amended to read as follows:

(1) A purchaser has "control" of a certificated security in bearer form if the

certificated security is delivered to the purchaser.

(2) A purchaser has "control" of a certificated security in registered form if the certificated security is delivered to the purchaser, and:

(a) The certificate is indorsed to the purchaser or in blank by an effective indorsement; or

(b) The certificate is registered in the name of the purchaser, upon original issue or registration of transfer by the issuer.

(3) A purchaser has "control" of an uncertificated security if:

(a) The uncertificated security is delivered to the purchaser; or

(b) The issuer has agreed that it will comply with instructions originated by the purchaser without further consent by the registered owner.

(4) A purchaser has "control" of a security entitlement if:

(a) The purchaser becomes the entitlement holder;

(b) The securities intermediary has agreed that it will comply with entitlement orders originated by the purchaser without further consent by the entitlement holder; or

(c) Another person ((has control of the security entitlement on behalf of the purchaser or, having previously acquired control of the security entitlement, acknowledges that it has control on behalf of the purchaser)), other than the transferor to the purchaser of an interest in the security entitlement:

(i) Has control of the security entitlement and acknowledges that it has control on behalf of the purchaser; or

(ii) Obtains control of the security entitlement after having acknowledged that it will obtain control of the security entitlement on behalf of the purchaser.

(5) If an interest in a security entitlement is granted by the entitlement holder to the entitlement holder's own securities intermediary, the securities intermediary has control.

(6) A purchaser who has satisfied the requirements of subsection (3) or (4) of this section has control even if the registered owner in the case of subsection (3) of this section or the entitlement holder in the case of subsection (4) of this section retains the right to make substitutions for the uncertificated security or security entitlement, to originate instructions or entitlement orders to the issuer or securities intermediary, or otherwise to deal with the uncertificated security or security entitlement.

(7) An issuer or a securities intermediary may not enter into an agreement of the kind described in subsection (3)(b) or (4)(b) of this section without the consent of the registered owner or entitlement holder, but an issuer or a securities intermediary is not required to enter into such an agreement even though the registered owner or entitlement holder so directs. An issuer or securities intermediary that has entered into such an agreement is not required to confirm the existence of the agreement to another party

unless requested to do so by the registered owner or entitlement holder.

(8) A person that has control under this section is not required to acknowledge that it has control on behalf of a purchaser.

(9) If a person acknowledges that it has or will obtain control on behalf of a purchaser, unless the person otherwise agrees or law other than this Article or Article 9A of this title otherwise provides, the person does not owe any duty to the purchaser and is not required to confirm the acknowledgment to any other person.

**Sec. 804.** RCW 62A.8-110 and 2001 c 32 s 14 are each amended to read as follows:

(1) The local law of the issuer's jurisdiction, as specified in subsection (4) of this section, governs:

(a) The validity of a security;

(b) The rights and duties of the issuer with respect to registration of transfer;

(c) The effectiveness of registration of transfer by the issuer;

(d) Whether the issuer owes any duties to an adverse claimant to a security; and

(e) Whether an adverse claim can be asserted against a person to whom transfer of a certificated or uncertificated security is registered or a person who obtains control of an uncertificated security.

(2) The local law of the securities intermediary's jurisdiction, as specified in subsection (5) of this section, governs:

(a) Acquisition of a security entitlement from the securities intermediary;

(b) The rights and duties of the securities intermediary and entitlement holder arising out of a security entitlement;

(c) Whether the securities intermediary owes any duties to an adverse claimant to a security entitlement; and

(d) Whether an adverse claim can be asserted against a person who acquires a security entitlement from the securities intermediary or a person who purchases a security entitlement or interest therein from an entitlement holder.

(3) The local law of the jurisdiction in which a security certificate is located at the time of delivery governs whether an adverse claim can be asserted against a person to whom the security certificate is delivered.

(4) "Issuer's jurisdiction" means the jurisdiction under which the issuer of the security is organized or, if permitted by the law of that jurisdiction, the law of another jurisdiction specified by the issuer. An issuer organized under the law of this state may specify the law of another jurisdiction as the law governing the matters specified in subsection (1)(b) through (e) of this section.

(5) The following rules determine a "securities intermediary's jurisdiction" for purposes of this section:

(a) If an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that a particular jurisdiction is the securities intermediary's jurisdiction for purposes of this part, this Article, or Article 62A.9A

RCW, that jurisdiction is the securities intermediary's jurisdiction.

(b) If (a) of this subsection does not apply and an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the securities intermediary's jurisdiction.

(c) If neither (a) nor (b) of this subsection applies, and an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that the securities account is maintained at an office in a particular jurisdiction, that jurisdiction is the securities intermediary's jurisdiction.

(d) If (a), (b), and (c) of this subsection do not apply, the securities intermediary's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the entitlement holder's account is located.

(e) If (a), (b), (c), and (d) of this subsection do not apply, the securities intermediary's jurisdiction is the jurisdiction in which the chief executive office of the securities intermediary is located.

(6) A securities intermediary's jurisdiction is not determined by the physical location of certificates representing financial assets, or by the jurisdiction in which is organized the issuer of the financial asset with respect to which an entitlement holder has a security entitlement, or by the location of facilities for data processing or other recordkeeping concerning the account.

(7) The local law of the issuer's jurisdiction or the securities intermediary's jurisdiction governs a matter or transaction specified in subsection (1) or (2) of this section even if the matter or transaction does not bear any relation to the jurisdiction.

**Sec. 805.** RCW 62A.8-303 and 1995 c 48 s 29 are each amended to read as follows:

(1) "Protected purchaser" means a purchaser of a certificated or uncertificated security, or of an interest therein, who:

(a) Gives value;

(b) Does not have notice of any adverse claim to the security; and

(c) Obtains control of the certificated or uncertificated security.

~~(2) ((In addition to acquiring the rights of a purchaser, a))~~ A protected purchaser also acquires its interest in the security free of any adverse claim.

## PART IX

**Sec. 901.** RCW 62A.9A-102 and 2012 c 214 s 1502 are each amended to read as follows:

(a) **Article 9A definitions.** In this Article:

(1) "Accession" means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost.

(2) (A) "Account," except as used in "account for," "account statement," "account to," "commodity account" in (14) of this subsection, "customer's account," "deposit account" in (29) of this subsection, "on account of," and "statement of account," means a right to payment of a monetary obligation, whether or not earned by performance, (i) for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of, (ii) for services rendered or to be rendered, (iii) for a policy of insurance issued or to be issued, (iv) for a secondary obligation incurred or to be incurred, (v) for energy provided or to be provided, (vi) for the use or hire of a vessel under a charter or other contract, (vii) arising out of the use of a credit or charge card or information contained on or for use with the card, or (viii) as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state. The term includes controllable accounts and health-care-insurance receivables.

(B) The term does not include (i) ~~((rights to payment evidenced by chattel paper or an instrument))~~ chattel paper, (ii) commercial tort claims, (iii) deposit accounts, (iv) investment property, (v) letter-of-credit rights or letters of credit, ~~((or))~~ (vi) rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card, or (vii) rights to payment evidenced by an instrument.

(3) "Account debtor" means a person obligated on an account, chattel paper, or general intangible. The term does not include persons obligated to pay a negotiable instrument, even if the negotiable instrument ~~((constitutes part of))~~ evidences chattel paper.

(4) "Accounting," except as used in "accounting for," means a record:

(A) ~~((Authenticated))~~ Signed by a secured party;

(B) Indicating the aggregate unpaid secured obligations as of a date not more than ~~((thirty-five))~~ 35 days earlier or ~~((thirty-five))~~ 35 days later than the date of the record; and

(C) Identifying the components of the obligations in reasonable detail.

(5) "Agricultural lien" means an interest, other than a security interest, in farm products:

(A) Which secures payment or performance of an obligation for:

(i) Goods or services furnished in connection with a debtor's farming operation; or

(ii) Rent on real property leased by a debtor in connection with its farming operation;

(B) Which is created by statute in favor of a person that:

(i) In the ordinary course of its business, furnished goods or services to a debtor in connection with a debtor's farming operation; or

(ii) Leased real property to a debtor in connection with the debtor's farming operation; and

(C) Whose effectiveness does not depend on the person's possession of the personal property.

(6) "As-extracted collateral" means:

(A) Oil, gas, or other minerals that are subject to a security interest that:

(i) Is created by a debtor having an interest in the minerals before extraction; and

(ii) Attaches to the minerals as extracted; or

(B) Accounts arising out of the sale at the wellhead or minehead of oil, gas, or other minerals in which the debtor had an interest before extraction.

(7) ~~((("Authenticate" means:~~

~~((A) To sign; or~~

~~((B) With present intent to adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol, or process.))~~ [Reserved.]

(7A) "Assignee," except as used in "assignee for benefit of creditors," means a person (i) in whose favor a security interest that secures an obligation is created or provided for under a security agreement, whether or not the obligation is outstanding or (ii) to which an account, chattel paper, payment intangible, or promissory note has been sold. The term includes a person to which a security interest has been transferred by a secured party.

(7B) "Assignor" means a person that (i) under a security agreement creates or provides for a security interest that secures an obligation or (ii) sells an account, chattel paper, payment intangible, or promissory note. The term includes a secured party that has transferred a security interest to another person.

(8) "Bank" means an organization that is engaged in the business of banking. The term includes savings banks, savings and loan associations, credit unions, and trust companies.

(9) "Cash proceeds" means proceeds that are money, checks, deposit accounts, or the like.

(10) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. The term includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.

(11) "Chattel paper" means ~~((a record or records that evidence both a monetary obligation and a security interest in~~

~~specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, or a lease of specific goods, or a lease of specific goods and license of software used in the goods. In this subsection, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods. The term "chattel paper" does not include (i) charters or other contracts involving the use or hire of a vessel or (ii) records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper);~~

(A) A right to payment of a monetary obligation secured by specific goods, if the right to payment and security agreement are evidenced by a record; or

(B) A right to payment of a monetary obligation owed by a lessee under a lease agreement with respect to specific goods and a monetary obligation owed by the lessee in connection with the transaction giving rise to the lease, if:

(i) The right to payment and lease agreement are evidenced by a record; and

(ii) The predominant purpose of the transaction giving rise to the lease was to give the lessee the right to possession and use of the goods.

The term does not include a right to payment arising out of a charter or other contract involving the use or hire of a vessel or a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card.

(12) "Collateral" means the property subject to a security interest or agricultural lien. The term includes:

(A) Proceeds to which a security interest attaches;

(B) Accounts, chattel paper, payment intangibles, and promissory notes that have been sold; and

(C) Goods that are the subject of a consignment.

(13) "Commercial tort claim" means a claim arising in tort with respect to which:

(A) The claimant is an organization; or

(B) The claimant is an individual, and the claim:

(i) Arose in the course of the claimant's business or profession; and

(ii) Does not include damages arising out of personal injury to, or the death of, an individual.

(14) "Commodity account" means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer.

(15) "Commodity contract" means a commodity futures contract, an option on a commodity futures contract, a commodity option, or another contract if the contract or option is:

(A) Traded on or subject to the rules of a board of trade that has been designated as

a contract market for such a contract pursuant to federal commodities laws; or

(B) Traded on a foreign commodity board of trade, exchange, or market, and is carried on the books of a commodity intermediary for a commodity customer.

(16) "Commodity customer" means a person for which a commodity intermediary carries a commodity contract on its books.

(17) "Commodity intermediary" means a person that:

(A) Is registered as a futures commission merchant under federal commodities law; or

(B) In the ordinary course of its business, provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law.

(18) "Communicate" means:

(A) To send a written or other tangible record;

(B) To transmit a record by any means agreed upon by the persons sending and receiving the record; or

(C) In the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule.

(19) "Consignee" means a merchant to which goods are delivered in a consignment.

(20) "Consignment" means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:

(A) The merchant:

(i) Deals in goods of that kind under a name other than the name of the person making delivery;

(ii) Is not an auctioneer; and

(iii) Is not generally known by its creditors to be substantially engaged in selling the goods of others;

(B) With respect to each delivery, the aggregate value of the goods is one thousand dollars or more at the time of delivery;

(C) The goods are not consumer goods immediately before delivery; and

(D) The transaction does not create a security interest that secures an obligation.

(21) "Consignor" means a person that delivers goods to a consignee in a consignment.

(22) "Consumer debtor" means a debtor in a consumer transaction.

(23) "Consumer goods" means goods that are used or bought for use primarily for personal, family, or household purposes.

(24) "Consumer-goods transaction" means a consumer transaction in which:

(A) An individual incurs a consumer obligation; and

(B) A security interest in consumer goods secures the obligation.

(25) "Consumer obligation" means an obligation which:

(A) Is incurred as part of a transaction entered into primarily for personal, family, or household purposes; and

(B) Arises from an extension of credit, or commitment to extend credit, in an aggregate amount not exceeding forty thousand dollars, or is secured by personal property used or expected to be used as a principal dwelling.

"Consumer obligor" means an obligor who is an individual and who incurred a consumer obligation.

(26) "Consumer transaction" means a transaction in which (i) an individual incurs a consumer obligation, (ii) a security interest secures the obligation, and (iii) the collateral is held or acquired primarily for personal, family, or household purposes. The term includes consumer-goods transactions.

(27) "Continuation statement" means an amendment of a financing statement which:

(A) Identifies, by its file number, the initial financing statement to which it relates; and

(B) Indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement.

(27A) "Controllable account" means an account evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that has control under section 1005 of this act of the controllable electronic record.

(27B) "Controllable payment intangible" means a payment intangible evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that has control under section 1005 of this act of the controllable electronic record.

(28) "Debtor" means:

(A) A person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor;

(B) A seller of accounts, chattel paper, payment intangibles, or promissory notes; or

(C) A assignee.

(29) "Deposit account" means a demand, time, savings, passbook, or similar account maintained with a bank. The term does not include investment property or accounts evidenced by an instrument.

(30) "Document" means a document of title or a receipt of the type described in RCW 62A.7-201(b).

~~(31) ("Electronic chattel paper" means chattel paper evidenced by a record or records consisting of information stored in an electronic medium.) [Reserved.]~~

(31A) "Electronic money" means money in an electronic form.

(32) "Encumbrance" means a right, other than an ownership interest, in real property. The term includes mortgages and other liens on real property.

(33) "Equipment" means goods other than inventory, farm products, or consumer goods.

(34) "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are:

(A) Crops grown, growing, or to be grown, including:

(i) Crops produced on trees, vines, and bushes; and

(ii) Aquatic goods produced in aquacultural operations;

(B) Livestock, born or unborn, including aquatic goods produced in aquacultural operations;

(C) Supplies used or produced in a farming operation; or

(D) Products of crops or livestock in their unmanufactured states.

(35) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.

(36) "File number" means the number assigned to an initial financing statement pursuant to RCW 62A.9A-519(a).

(37) "Filing office" means an office designated in RCW 62A.9A-501 as the place to file a financing statement.

(38) "Filing-office rule" means a rule adopted pursuant to RCW 62A.9A-526.

(39) "Financing statement" means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement.

(40) "Fixture filing" means the filing of a financing statement covering goods that are or are to become fixtures and satisfying RCW 62A.9A-502 (a) and (b). The term includes the filing of a financing statement covering goods of a transmitting utility which are or are to become fixtures.

(41) "Fixtures" means goods that have become so related to particular real property that an interest in them arises under real property law.

(42) "General intangible" means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or other minerals before extraction. The term includes controllable electronic records, payment intangibles, and software.

(43) [Reserved.]

(44) "Goods" means all things that are movable when a security interest attaches. The term includes (i) fixtures, (ii) standing timber that is to be cut and removed under a conveyance or contract for sale, (iii) the unborn young of animals, (iv) crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes, and (v) manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if (i) the program is associated with the goods in such a manner that it customarily is considered part of the goods, or (ii) by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction or a manufactured home converted to real property under chapter 65.20 RCW.

(45) "Governmental unit" means a subdivision, agency, department, county, parish, municipality, or other unit of the government of the United States, a state, or a foreign country. The term includes an organization having a separate corporate

existence if the organization is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States.

(46) "Health-care-insurance receivable" means an interest in or claim under a policy of insurance which is a right to payment of a monetary obligation for health-care goods or services provided.

(47) "Instrument" means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary indorsement or assignment. The term does not include (i) investment property, (ii) letters of credit, (iii) writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card, (iv) writings that do not contain a promise or order to pay, ~~((or))~~ (v) writings that are expressly nontransferable or nonassignable, or (vi) writings that evidence chattel paper.

(48) "Inventory" means goods, other than farm products, which:

(A) Are leased by a person as lessor;

(B) Are held by a person for sale or lease or to be furnished under a contract of service;

(C) Are furnished by a person under a contract of service; or

(D) Consist of raw materials, work in process, or materials used or consumed in a business.

(49) "Investment property" means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account.

(50) "Jurisdiction of organization," with respect to a registered organization, means the jurisdiction under whose law the organization is formed or organized.

(51) "Letter-of-credit right" means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. The term does not include the right of a beneficiary to demand payment or performance under a letter of credit.

(52) "Lien creditor" means:

(A) A creditor that has acquired a lien on the property involved by attachment, levy, or the like;

(B) An assignee for benefit of creditors from the time of assignment;

(C) A trustee in bankruptcy from the date of the filing of the petition; or

(D) A receiver in equity from the time of appointment.

(53) "Manufactured home" means a manufactured home or mobile home as defined in RCW 46.04.302.

(54) [Reserved.]

(54A) "Money" has the meaning in RCW 62A.1-201(b)(24), but does not include (i) a deposit account or (ii) money in an electronic form that cannot be subjected to control under section 904 of this act.

(55) "Mortgage" means a consensual interest in real property, including

fixtures, which secures payment or performance of an obligation.

(56) "New debtor" means a person that becomes bound as debtor under RCW 62A.9A-203(d) by a security agreement previously entered into by another person.

(57) "New value" means (i) money, (ii) money's worth in property, services, or new credit, or (iii) release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation.

(58) "Noncash proceeds" means proceeds other than cash proceeds.

(59) "Obligor" means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, (i) owes payment or other performance of the obligation, (ii) has provided property other than the collateral to secure payment or other performance of the obligation, or (iii) is otherwise accountable in whole or in part for payment or other performance of the obligation. The term does not include issuers or nominated persons under a letter of credit.

(60) "Original debtor", except as used in RCW 62A.9A-310(c), means a person that, as debtor, entered into a security agreement to which a new debtor has become bound under RCW 62A.9A-203(d).

(61) "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation. The term includes a controllable payment intangible.

(62) "Person related to," with respect to an individual, means:

(A) The spouse or state registered domestic partner of the individual;

(B) A brother, brother-in-law, sister, or sister-in-law of the individual;

(C) An ancestor or lineal descendant of the individual or the individual's spouse or state registered domestic partner; or

(D) Any other relative, by blood or by marriage or other law, of the individual or the individual's spouse or state registered domestic partner who shares the same home with the individual.

(63) "Person related to," with respect to an organization, means:

(A) A person directly or indirectly controlling, controlled by, or under common control with the organization;

(B) An officer or director of, or a person performing similar functions with respect to, the organization;

(C) An officer or director of, or a person performing similar functions with respect to, a person described in (63)(A) of this subsection;

(D) The spouse or state registered domestic partner of an individual described in (63)(A), (B), or (C) of this subsection; or

(E) An individual who is related by blood or by marriage or other law to an individual described in (63)(A), (B), (C), or (D) of this subsection and shares the same home with the individual.

(64) "Proceeds", except as used in RCW 62A.9A-609(b), means the following property:



(A) Whatever is acquired upon the sale, lease, license, exchange, or other disposition of collateral;

(B) Whatever is collected on, or distributed on account of, collateral;

(C) Rights arising out of collateral;

(D) To the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, the collateral; or

(E) To the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, the collateral.

(65) "Promissory note" means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.

(66) "Proposal" means a record ((authenticated)) signed by a secured party, which includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to RCW 62A.9A-620, 62A.9A-621, and 62A.9A-622.

(67) "Public-finance transaction" means a secured transaction in connection with which:

(A) Debt securities are issued;

(B) All or a portion of the securities issued have an initial stated maturity of at least twenty years; and

(C) The debtor, obligor, secured party, account debtor or other person obligated on collateral, assignor or assignee of a secured obligation, or assignor or assignee of a security interest is a state or a governmental unit of a state.

(68) "Public organic record" means a record that is available to the public for inspection and is:

(A) A record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States which amends or restates the initial record;

(B) An organic record of a business trust consisting of the record initially filed with a state and any record filed with the state which amends or restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or

(C) A record consisting of legislation enacted by the legislature of a state or the congress of the United States which forms or organizes an organization, any record amending the legislation, and any record filed with or issued by the state or the United States which amends or restates the name of the organization.

(69) "Pursuant to commitment," with respect to an advance made or other value given by a secured party, means pursuant to the secured party's obligation, whether or not a subsequent event of default or other event not within the secured party's control has relieved or may relieve the secured party from its obligation.

(70) "Record," except as used in "for record," "of record," "record or legal title," and "record owner," means information that is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

(71) "Registered organization" means an organization formed or organized solely under the law of a single state or the United States by the filing of a public organic record with, the issuance of a public organic record by, or the enactment of legislation by the state or the United States. The term includes a business trust that is formed or organized under the law of a single state if a statute of the state governing business trusts requires that the business trust's organic record be filed with the state.

(72) "Secondary obligor" means an obligor to the extent that:

(A) The obligor's obligation is secondary; or

(B) The obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor, or property of either.

(73) "Secured party" means:

(A) A person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;

(B) A person that holds an agricultural lien;

(C) A consignor;

(D) A person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold;

(E) A trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for; or

(F) A person that holds a security interest arising under RCW 62A.2-401, 62A.2-505, 62A.2-711(3), 62A.2A-508(5), 62A.4-210, or 62A.5-118.

(74) "Security agreement" means an agreement that creates or provides for a security interest.

~~(75) ("Send," in connection with a record or notification, means:~~

~~(A) To deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or~~

~~(B) To cause the record or notification to be received within the time that it would have been received if properly sent under~~  
~~(75)(A) of this subsection.)~~ Reserved.

(76) "Software" means a computer program and any supporting information provided in connection with a transaction relating to the program. The term does not include a computer program that is included in the definition of goods.

(77) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(78) "Supporting obligation" means a letter-of-credit right or secondary

obligation that supports the payment or performance of an account, chattel paper, a document, a general intangible, an instrument, or investment property.

(79) (~~"Tangible chattel paper" means chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium.~~) [Reserved.]

(79A) "Tangible money" means money in a tangible form.

(80) "Termination statement" means an amendment of a financing statement which:

(A) Identifies, by its file number, the initial financing statement to which it relates; and

(B) Indicates either that it is a termination statement or that the identified financing statement is no longer effective.

(81) "Transmitting utility" means a person primarily engaged in the business of:

(A) Operating a railroad, subway, street railway, or trolley bus;

(B) Transmitting communications electrically, electromagnetically, or by light;

(C) Transmitting goods by pipeline or sewer; or

(D) Transmitting or producing and transmitting electricity, steam, gas, or water.

(b) **Definitions in other articles.**

"Control" as provided in RCW 62A.7-106 and the following definitions in other articles apply to this Article:

"Applicant."	RCW 62A.5-102.
"Beneficiary."	RCW 62A.5-102.
"Broker."	RCW 62A.8-102.
"Certificated security."	RCW 62A.8-102.
"Check."	RCW 62A.3-104.
"Clearing corporation."	RCW 62A.8-102.
"Contract for sale."	RCW 62A.2-106.
"Controllable electronic record."	<u>Section 1002 of this act.</u>
"Customer."	RCW 62A.4-104.
"Entitlement holder."	RCW 62A.8-102.
"Financial asset."	RCW 62A.8-102.
"Holder in due course."	RCW 62A.3-302.
"Issuer" with respect to documents of title.	RCW 62A.7-102.
"Issuer" with respect to a letter of credit or letter-of-credit right.	RCW 62A.5-102.
"Issuer" with respect to a security.	RCW 62A.8-201.
"Lease."	RCW 62A.2A-103.
"Lease agreement."	RCW 62A.2A-103.

"Lease contract."	RCW 62A.2A-103.
"Leasehold interest."	RCW 62A.2A-103.
"Lessee."	RCW 62A.2A-103.
"Lessee in ordinary course of business."	RCW 62A.2A-103.
"Lessor."	RCW 62A.2A-103.
"Lessor's residual interest."	RCW 62A.2A-103.
"Letter of credit."	RCW 62A.5-102.
"Merchant."	RCW 62A.2-104.
"Negotiable instrument."	RCW 62A.3-104.
"Nominated person."	RCW 62A.5-102.
"Note."	RCW 62A.3-104.
"Proceeds of a letter of credit."	RCW 62A.5-114.
"Protected purchaser."	<u>RCW 62A.8-303.</u>
"Prove."	RCW 62A.3-103.
"Qualifying purchaser."	<u>Section 1002 of this act.</u>
"Sale."	RCW 62A.2-106.
"Securities account."	RCW 62A.8-501.
"Securities intermediary."	RCW 62A.8-102.
"Security."	RCW 62A.8-102.
"Security certificate."	RCW 62A.8-102.
"Security entitlement."	RCW 62A.8-102.
"Uncertificated security."	RCW 62A.8-102.

(c) **Article 1 definitions and principles.**

Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Sec. 902.** RCW 62A.9A-104 and 2001 c 32 s 17 are each amended to read as follows:

(a) **Requirements for control.** A secured party has control of a deposit account if:

(1) The secured party is the bank with which the deposit account is maintained;

(2) The debtor, secured party, and bank have agreed in ((an authenticated)) a signed record that the bank will comply with instructions originated by the secured party directing disposition of the funds in the deposit account without further consent by the debtor; ((or))

(3) The secured party becomes the bank's customer with respect to the deposit account; or

(4) Another person, other than the debtor:

(A) Has control of the deposit account and acknowledges that it has control on behalf of the secured party; or

(B) Obtains control of the deposit account after having acknowledged that it will obtain control of the deposit account on behalf of the secured party.

(b) Debtor's right to direct disposition. A secured party that has satisfied subsection (a) of this section has control, even if the debtor retains the right to direct the disposition of funds from the deposit account.

**Sec. 903.** RCW 62A.9A-105 and 2011 c 74 s 102 are each amended to read as follows:

(a) General rule: Control of electronic copy of record evidencing chattel paper. ~~((A secured party has control of electronic chattel paper if a system employed for evidencing the transfer of interests in the chattel paper reliably establishes the secured party as the person to which the chattel paper was assigned.~~

~~(b) Specific facts giving control.~~ A system satisfies subsection (a) of this section if the record or records comprising the chattel paper are created, stored, and assigned in such a manner that:

~~(1) A single authoritative copy of the record or records exists which is unique, identifiable and, except as otherwise provided in (4), (5), and (6) of this subsection, unalterable;~~

~~(2) The authoritative copy identifies the secured party as the assignee of the record or records;~~

~~(3) The authoritative copy is communicated to and maintained by the secured party or its designated custodian;~~

~~(4) Copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the secured party;~~

~~(5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and~~

~~(6) Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.)~~ A purchaser has control of an authoritative electronic copy of a record evidencing chattel paper if a system employed for evidencing the assignment of interests in the chattel paper reliably establishes the purchaser as the person to which the authoritative electronic copy was assigned.

(b) Single authoritative copy. A system satisfies subsection (a) of this section if the record or records evidencing the chattel paper are created, stored, and assigned in a manner that:

(1) A single authoritative copy of the record or records exists which is unique, identifiable, and, except as otherwise provided in (4), (5), and (6) of this subsection, unalterable;

(2) The authoritative copy identifies the purchaser as the assignee of the record or records;

(3) The authoritative copy is communicated to and maintained by the purchaser or its designated custodian;

(4) Copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the purchaser;

(5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(6) Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

(c) One or more authoritative copies. A system satisfies subsection (a) of this section, and a purchaser has control of an authoritative electronic copy of a record evidencing chattel paper, if the electronic copy, a record attached to or logically associated with the electronic copy, or a system in which the electronic copy is recorded:

(1) Enables the purchaser readily to identify each electronic copy as either an authoritative copy or a nonauthoritative copy;

(2) Enables the purchaser readily to identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as the assignee of the authoritative electronic copy; and

(3) Gives the purchaser exclusive power, subject to subsection (d) of this section, to:

(A) Prevent others from adding or changing an identified assignee of the authoritative electronic copy; and

(B) Transfer control of the authoritative electronic copy.

(d) Meaning of exclusive. Subject to subsection (e) of this section, a power is exclusive under subsection (c)(3)(A) and (B) of this section even if:

(1) The authoritative electronic copy, a record attached to or logically associated with the authoritative electronic copy, or a system in which the authoritative electronic copy is recorded limits the use of the authoritative electronic copy or has a protocol programmed to cause a change, including a transfer or loss of control; or

(2) The power is shared with another person.

(e) When power not shared with another person. A power of a purchaser is not shared with another person under subsection (d)(2) of this section and the purchaser's power is not exclusive if:

(1) The purchaser can exercise the power only if the power also is exercised by the other person; and

(2) The other person:

(A) Can exercise the power without exercise of the power by the purchaser; or

(B) Is the transferor to the purchaser of an interest in the chattel paper.

(f) Presumption of exclusivity of certain powers. If a purchaser has the powers specified in subsection (c)(3)(A) and (B) of this section, the powers are presumed to be exclusive.

(g) Obtaining control through another person. A purchaser has control of an authoritative electronic copy of a record evidencing chattel paper if another person, other than the transferor to the purchaser of an interest in the chattel paper:

(1) Has control of the authoritative electronic copy and acknowledges that it has control on behalf of the purchaser; or

(2) Obtains control of the authoritative electronic copy after having acknowledged

that it will obtain control of the electronic copy on behalf of the purchaser.

**NEW SECTION. Sec. 904.** A new section is added to chapter 62A.9A RCW to read as follows:

SECTION 9-105A: CONTROL OF ELECTRONIC MONEY. (a) **General rule: Control of electronic money.** A person has control of electronic money if:

(1) The electronic money, a record attached to or logically associated with the electronic money, or a system in which the electronic money is recorded gives the person:

(A) Power to avail itself of substantially all the benefit from the electronic money; and

(B) Exclusive power, subject to subsection (b) of this section, to:

(i) Prevent others from availing themselves of substantially all the benefit from the electronic money; and

(ii) Transfer control of the electronic money to another person or cause another person to obtain control of other electronic money as a result of the transfer of the electronic money; and

(2) The electronic money, a record attached to or logically associated with the electronic money, or a system in which the electronic money is recorded enables the person readily to identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as having the powers under (1) of this subsection.

(b) **Meaning of exclusive.** Subject to subsection (c) of this section, a power is exclusive under subsection (a)(1)(B)(i) and (ii) of this section even if:

(1) The electronic money, a record attached to or logically associated with the electronic money, or a system in which the electronic money is recorded limits the use of the electronic money or has a protocol programmed to cause a change, including a transfer or loss of control; or

(2) The power is shared with another person.

(c) **When power not shared with another person.** A power of a person is not shared with another person under subsection (b)(2) of this section and the person's power is not exclusive if:

(1) The person can exercise the power only if the power also is exercised by the other person; and

(2) The other person:

(A) Can exercise the power without exercise of the power by the person; or

(B) Is the transferor to the person of an interest in the electronic money.

(d) **Presumption of exclusivity of certain powers.** If a person has the powers specified in subsection (a)(1)(B)(i) and (ii) of this section, the powers are presumed to be exclusive.

(e) **Control through another person.** A person has control of electronic money if another person, other than the transferor to the person of an interest in the electronic money:

(1) Has control of the electronic money and acknowledges that it has control on behalf of the person; or

(2) Obtains control of the electronic money after having acknowledged that it will obtain control of the electronic money on behalf of the person.

**NEW SECTION. Sec. 905.** A new section is added to chapter 62A.9A RCW to read as follows:

SECTION 9-107A: CONTROL OF CONTROLLABLE ELECTRONIC RECORD, CONTROLLABLE ACCOUNT, OR CONTROLLABLE PAYMENT INTANGIBLE. (a) **Control under section 1005 of this act.** A secured party has control of a controllable electronic record as provided in section 1005 of this act.

(b) **Control of controllable account and controllable payment intangible.** A secured party has control of a controllable account or controllable payment intangible if the secured party has control of the controllable electronic record that evidences the controllable account or controllable payment intangible.

**NEW SECTION. Sec. 906.** A new section is added to chapter 62A.9A RCW to read as follows:

SECTION 9-107B: NO REQUIREMENT TO ACKNOWLEDGE OR CONFIRM; NO DUTIES. (a) **No requirement to acknowledge.** A person that has control under RCW 62A.9A-104 or 62A.9A-105 or section 904 of this act is not required to acknowledge that it has control on behalf of another person.

(b) **No duties or confirmation.** If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this article otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.

**Sec. 907.** RCW 62A.9A-203 and 2012 c 214 s 1503 are each amended to read as follows:

(a) **Attachment.** A security interest attaches to collateral when it becomes enforceable against the debtor with respect to the collateral, unless an agreement expressly postpones the time of attachment.

(b) **Enforceability.** Except as otherwise provided in subsections (c) through (i) of this section, a security interest is enforceable against the debtor and third parties with respect to the collateral only if:

(1) Value has been given;

(2) The debtor has rights in the collateral or the power to transfer rights in the collateral to a secured party; and

(3) One of the following conditions is met:

(A) The debtor has ((authenticated))signed a security agreement that provides a description of the collateral and, if the security interest covers timber to be cut, a description of the land concerned;

(B) The collateral is not a certificated security and is in the possession of the

secured party under RCW 62A.9A-313 pursuant to the debtor's security agreement;

(C) The collateral is a certificated security in registered form and the security certificate has been delivered to the secured party under RCW 62A.8-301 pursuant to the debtor's security agreement; ~~((or))~~

(D) The collateral is controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, ~~((electronic chattel paper,))~~ electronic documents, electronic money, investment property, or letter-of-credit rights, ~~((or electronic documents,))~~ and the secured party has control under RCW 62A.7-106, 62A.9A-104, 62A.9A-105, 62A.9A-106, or 62A.9A-107 or section 904 or 905 of this act pursuant to the debtor's security agreement; or

(E) The collateral is chattel paper and the secured party has possession and control under section 922 of this act pursuant to the debtor's security agreement.

(c) **Other UCC provisions.** Subsection (b) of this section is subject to RCW 62A.4-210 on the security interest of a collecting bank, RCW 62A.5-118 on the security interest of a letter-of-credit issuer or nominated person, RCW 62A.9A-110 on a security interest arising under Article 2 or 2A, and RCW 62A.9A-206 on security interests in investment property.

(d) **When person becomes bound by another person's security agreement.** A person becomes bound as debtor by a security agreement entered into by another person if, by operation of law other than this Article or by contract:

(1) The security agreement becomes effective to create a security interest in the person's property; or

(2) The person becomes generally obligated for the obligations of the other person, including the obligation secured under the security agreement, and acquires or succeeds to all or substantially all of the assets of the other person.

(e) **Effect of new debtor becoming bound.** If a new debtor becomes bound as debtor by a security agreement entered into by another person:

(1) The agreement satisfies subsection (b)(3) of this section with respect to existing or after-acquired property of the new debtor to the extent the property is described in the agreement; and

(2) Another agreement is not necessary to make a security interest in the property enforceable.

(f) **Proceeds and supporting obligations.** The attachment of a security interest in collateral gives the secured party the rights to proceeds provided by RCW 62A.9A-315 and is also attachment of a security interest in a supporting obligation for the collateral.

(g) **Lien securing right to payment.** The attachment of a security interest in a right to payment or performance secured by a security interest or other lien on personal or real property is also attachment of a security interest in the security interest, mortgage, or other lien.

(h) **Security entitlement carried in securities account.** The attachment of a security interest in a securities account is

also attachment of a security interest in the security entitlements carried in the securities account.

(i) **Commodity contracts carried in commodity account.** The attachment of a security interest in a commodity account is also attachment of a security interest in the commodity contracts carried in the commodity account.

**Sec. 908.** RCW 62A.9A-204 and 2000 c 250 s 9A-204 are each amended to read as follows:

(a) **After-acquired collateral.** Except as otherwise provided in subsection (b) of this section, a security agreement may create or provide for a security interest in after-acquired collateral.

(b) **When after-acquired property clause not effective.** ~~((A))~~ Subject to subsection (b.1) of this section, a security interest does not attach, under a term constituting an after-acquired property clause, to:

(1) Consumer goods, other than an accession when given as additional security, unless the debtor acquires rights in them within ten days after the secured party gives value; or

(2) A commercial tort claim.

(b.1) **Limitation on subsection (b).** Subsection (b) of this section does not prevent a security interest from attaching:

(1) To consumer goods as proceeds under RCW 62A.9A-315(a) or commingled goods under RCW 62A.9A-336(c);

(2) To a commercial tort claim as proceeds under RCW 62A.9A-315(a); or

(3) Under an after-acquired property clause to property that is proceeds of consumer goods or a commercial tort claim.

(c) **Future advances and other value.** A security agreement may provide that collateral secures, or that accounts, chattel paper, payment intangibles, or promissory notes are sold in connection with, future advances or other value, whether or not the advances or value are given pursuant to commitment.

**Sec. 909.** RCW 62A.9A-207 and 2012 c 214 s 1504 are each amended to read as follows:

(a) **Duty of care when secured party in possession.** Except as otherwise provided in subsection (d) of this section, a secured party shall use reasonable care in the custody and preservation of collateral in the secured party's possession. In the case of chattel paper or an instrument, reasonable care includes taking necessary steps to preserve rights against prior parties unless otherwise agreed.

(b) **Expenses, risks, duties, and rights when secured party in possession.** Except as otherwise provided in subsection (d) of this section, if a secured party has possession of collateral:

(1) Reasonable expenses, including the cost of insurance and payment of taxes or other charges, incurred in the custody, preservation, use, or operation of the collateral are chargeable to the debtor and are secured by the collateral;

(2) The risk of accidental loss or damage is on the debtor to the extent of a

deficiency in any effective insurance coverage;

(3) The secured party shall keep the collateral identifiable, but fungible collateral may be commingled; and

(4) The secured party may use or operate the collateral:

(A) For the purpose of preserving the collateral or its value;

(B) As permitted by an order of a court having competent jurisdiction; or

(C) Except in the case of consumer goods, in the manner and to the extent agreed by the debtor.

(c) **Duties and rights when secured party in possession or control.** Except as otherwise provided in subsection (d) of this section, a secured party having possession of collateral or control of collateral under RCW 62A.7-106, 62A.9A-104, 62A.9A-105, 62A.9A-106, or 62A.9A-107 or section 904 or 905 of this act:

(1) May hold as additional security any proceeds, except money or funds, received from the collateral;

(2) Shall apply money or funds received from the collateral to reduce the secured obligation, unless remitted to the debtor; and

(3) May create a security interest in the collateral.

(d) **Buyer of certain rights to payment.** If the secured party is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor:

(1) Subsection (a) of this section does not apply unless the secured party is entitled under an agreement:

(A) To charge back uncollected collateral; or

(B) Otherwise to full or limited recourse against the debtor or a secondary obligor based on the nonpayment or other default of an account debtor or other obligor on the collateral; and

(2) Subsections (b) and (c) of this section do not apply.

**Sec. 910.** RCW 62A.9A-208 and 2012 c 214 s 1505 are each amended to read as follows:

(a) **Applicability of section.** This section applies to cases in which there is no outstanding secured obligation and the secured party is not committed to make advances, incur obligations, or otherwise give value.

(b) **Duties of secured party after receiving demand from debtor.** Within ~~((ten))~~ 10 days after receiving ~~((an authenticated))~~ a signed demand by the debtor:

(1) A secured party having control of a deposit account under RCW 62A.9A-104(a)(2) shall send to the bank with which the deposit account is maintained ~~((an authenticated statement))~~ a signed record that releases the bank from any further obligation to comply with instructions originated by the secured party;

(2) A secured party having control of a deposit account under RCW 62A.9A-104(a)(3) shall:

(A) Pay the debtor the balance on deposit in the deposit account; or

(B) Transfer the balance on deposit into a deposit account in the debtor's name;

(3) ~~((A secured party, other than a buyer, having control of electronic chattel paper under RCW 62A.9A-105 shall:~~

~~(A) Communicate the authoritative copy of the electronic chattel paper to the debtor or its designated custodian;~~

~~(B) If the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic chattel paper is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and~~

~~(C) Take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party))~~ A secured party, other than a buyer, having control under RCW 62A.9A-105 of an authoritative electronic copy of a record evidencing chattel paper shall transfer control of the electronic copy to the debtor or a person designated by the debtor;

(4) A secured party having control of investment property under RCW 62A.8-106(4)(b) or 62A.9A-106(b) shall send to the securities intermediary or commodity intermediary with which the security entitlement or commodity contract is maintained ~~((an authenticated))~~ a signed record that releases the securities intermediary or commodity intermediary from any further obligation to comply with entitlement orders or directions originated by the secured party;

(5) A secured party having control of a letter-of-credit right under RCW 62A.9A-107 shall send to each person having an unfulfilled obligation to pay or deliver proceeds of the letter of credit to the secured party ~~((an authenticated))~~ a signed release from any further obligation to pay or deliver proceeds of the letter of credit to the secured party; ~~((and))~~

(6) ~~((A secured party having control of an electronic document shall:~~

~~(A) Give control of the electronic document to the debtor or its designated custodian;~~

~~(B) If the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic document is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and~~

~~(C) Take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party))~~ A secured party having control under RCW 62A.7-106 of an authoritative electronic copy of an

electronic document of title shall transfer control of the electronic copy to the debtor or a person designated by the debtor;

(7) A secured party having control under section 904 of this act of electronic money shall transfer control of the electronic money to the debtor or a person designated by the debtor; and

(8) A secured party having control under section 1005 of this act of a controllable electronic record, other than a buyer of a controllable account or controllable payment intangible evidenced by the controllable electronic record, shall transfer control of the controllable electronic record to the debtor or a person designated by the debtor.

**Sec. 911.** RCW 62A.9A-209 and 2011 c 74 s 707 are each amended to read as follows:

(a) **Applicability of section.** Except as otherwise provided in subsection (c) of this section, this section applies if:

(1) There is no outstanding secured obligation; and

(2) The secured party is not committed to make advances, incur obligations, or otherwise give value.

(b) **Duties of secured party after receiving demand from debtor.** Within ~~((ten))~~ 10 days after receiving ~~((an authenticated))~~ a signed demand by the debtor, a secured party shall send to an account debtor that has received notification under RCW 62A.9A-406(a) or section 1006(b) of this act of an assignment to the secured party as assignee ~~((under RCW 62A.9A-406(a) an authenticated))~~ a signed record that releases the account debtor from any further obligation to the secured party.

(c) **Inapplicability to sales.** This section does not apply to an assignment constituting the sale of an account, chattel paper, or payment intangible.

**Sec. 912.** RCW 62A.9A-210 and 2000 c 250 s 9A-210 are each amended to read as follows:

(a) **Definitions.** In this section:

(1) "Request" means a record of a type described in (2), (3), or (4) of this subsection.

(2) "Request for an accounting" means a record ~~((authenticated))~~ signed by a debtor requesting that the recipient provide an accounting of the unpaid obligations secured by collateral and reasonably identifying the transaction or relationship that is the subject of the request.

(3) "Request regarding a list of collateral" means a record ~~((authenticated))~~ signed by a debtor requesting that the recipient approve or correct a list of what the debtor believes to be the collateral securing an obligation and reasonably identifying the transaction or relationship that is the subject of the request.

(4) "Request regarding a statement of account" means a record ~~((authenticated))~~ signed by a debtor requesting that the recipient approve or correct a statement indicating what the debtor believes to be the aggregate amount of unpaid obligations secured by collateral as of a specified date and reasonably

identifying the transaction or relationship that is the subject of the request.

(b) **Duty to respond to requests.** Subject to subsections (c), (d), (e), and (f) of this section, a secured party, other than a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor, shall comply with a request within fourteen days after receipt:

(1) In the case of a request for an accounting, by ~~((authenticating))~~ signing and sending to the debtor an accounting; and

(2) In the case of a request regarding a list of collateral or a request regarding a statement of account, by ~~((authenticating))~~ signing and sending to the debtor an approval or correction.

(c) **Request regarding list of collateral; statement concerning type of collateral.** A secured party that claims a security interest in all of a particular type of collateral owned by the debtor may comply with a request regarding a list of collateral by sending to the debtor ~~((an authenticated))~~ a signed record including a statement to that effect within ~~((fourteen))~~ 14 days after receipt.

(d) **Request regarding list of collateral; no interest claimed.** A person that receives a request regarding a list of collateral, claims no interest in the collateral when it receives the request, and claimed an interest in the collateral at an earlier time shall comply with the request within ~~((fourteen))~~ 14 days after receipt by sending to the debtor ~~((an authenticated))~~ a signed record:

(1) Disclaiming any interest in the collateral; and

(2) If known to the recipient, providing the name and mailing address of any assignee of, or successor to, the recipient's interest in the collateral.

(e) **Request for accounting or regarding statement of account; no interest in obligation claimed.** A person that receives a request for an accounting or a request regarding a statement of account, claims no interest in the obligations when it receives the request, and claimed an interest in the obligations at an earlier time shall comply with the request within fourteen days after receipt by sending to the debtor ~~((an authenticated))~~ a signed record:

(1) Disclaiming any interest in the obligations; and

(2) If known to the recipient, providing the name and mailing address of any assignee of, or successor to, the recipient's interest in the obligations.

(f) **Charges for responses.** A debtor is entitled without charge to one response to a request under this section during any six-month period. The secured party may require payment of a charge not exceeding twenty-five dollars for each additional response.

**Sec. 913.** RCW 62A.9A-301 and 2012 c 214 s 1506 are each amended to read as follows:

Except as otherwise provided in RCW 62A.9A-303 through 62A.9A-306 and section 917 of this act, the following rules determine the law governing perfection, the effect of perfection or nonperfection, and

the priority of a security interest in collateral:

(1) Except as otherwise provided in this section, while a debtor is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral.

(2) While collateral is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a possessory security interest in that collateral.

(3) Except as otherwise provided in subsection (4) of this section, while (~~tangible~~) negotiable tangible documents, goods, instruments, or tangible money (~~(, or tangible chattel paper)~~) is located in a jurisdiction, the local law of that jurisdiction governs:

(A) Perfection of a security interest in the goods by filing a fixture filing;

(B) Perfection of a security interest in timber to be cut; and

(C) The effect of perfection or nonperfection and the priority of a nonpossessory security interest in the collateral.

(4) The local law of the jurisdiction in which the wellhead or minehead is located governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in as-extracted collateral.

**Sec. 914.** RCW 62A.9A-304 and 2000 c 250 s 9A-304 are each amended to read as follows:

(a) **Law of bank's jurisdiction governs.** The local law of a bank's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a deposit account maintained with that bank even if the transaction does not bear any relation to the bank's jurisdiction.

(b) **Bank's jurisdiction.** The following rules determine a bank's jurisdiction for purposes of this part:

(1) If an agreement between the bank and the debtor governing the deposit account expressly provides that a particular jurisdiction is the bank's jurisdiction for purposes of this part, this Article, or the Uniform Commercial Code, that jurisdiction is the bank's jurisdiction.

(2) If (1) of this subsection does not apply and an agreement between the bank and its customer governing the deposit account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the bank's jurisdiction.

(3) If neither (1) nor (2) of this subsection applies and an agreement between the bank and its customer governing the deposit account expressly provides that the deposit account is maintained at an office in a particular jurisdiction, that jurisdiction is the bank's jurisdiction.

(4) If (1) through (3) of this subsection do not apply, the bank's jurisdiction is the jurisdiction in which the office identified

in an account statement as the office serving the customer's account is located.

(5) If (1) through (4) of this subsection do not apply, the bank's jurisdiction is the jurisdiction in which the chief executive office of the bank is located.

**Sec. 915.** RCW 62A.9A-305 and 2001 c 32 s 23 are each amended to read as follows:

(a) **Governing law: General rules.** Except as otherwise provided in subsection (c) of this section, the following rules apply:

(1) While a security certificate is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in the certificated security represented thereby.

(2) The local law of the issuer's jurisdiction as specified in RCW 62A.8-110(4) governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in an uncertificated security.

(3) The local law of the securities intermediary's jurisdiction as specified in RCW 62A.8-110(5) governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a security entitlement or securities account.

(4) The local law of the commodity intermediary's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a commodity contract or commodity account.

(5) (2), (3), and (4) of this subsection apply even if the transaction does not bear any relation to the jurisdiction.

(b) **Commodity intermediary's jurisdiction.** The following rules determine a commodity intermediary's jurisdiction for purposes of this part:

(1) If an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that a particular jurisdiction is the commodity intermediary's jurisdiction for purposes of this part, this Article, or the Uniform Commercial Code, that jurisdiction is the commodity intermediary's jurisdiction.

(2) If (1) of this subsection does not apply and an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the commodity intermediary's jurisdiction.

(3) If neither (1) nor (2) of this subsection applies and an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that the commodity account is maintained at an office in a particular jurisdiction, that jurisdiction is the commodity intermediary's jurisdiction.

(4) If (1) through (3) of this subsection do not apply, the commodity intermediary's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the commodity customer's account is located.



(5) If (1) through (4) of this subsection do not apply, the commodity intermediary's jurisdiction is the jurisdiction in which the chief executive office of the commodity intermediary is located.

(c) **When perfection governed by law of jurisdiction where debtor located.** The local law of the jurisdiction in which the debtor is located governs:

(1) Perfection of a security interest in investment property by filing;

(2) Automatic perfection of a security interest in investment property created by a broker or securities intermediary; and

(3) Automatic perfection of a security interest in a commodity contract or commodity account created by a commodity intermediary.

NEW SECTION. **Sec. 916.** A new section is added to chapter 62A.9A RCW to read as follows:

SECTION 9-306A: LAW GOVERNING PERFECTION AND PRIORITY OF SECURITY INTERESTS IN CHATEL PAPER. (a) **Chattel paper evidenced by authoritative electronic copy.** Except as provided in subsection (d) of this section, if chattel paper is evidenced only by an authoritative electronic copy of the chattel paper or is evidenced by an authoritative electronic copy and an authoritative tangible copy, the local law of the chattel paper's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in the chattel paper, even if the transaction does not bear any relation to the chattel paper's jurisdiction.

(b) **Chattel paper's jurisdiction.** The following rules determine the chattel paper's jurisdiction under this section:

(1) If the authoritative electronic copy of the record evidencing chattel paper, or a record attached to or logically associated with the electronic copy and readily available for review, expressly provides that a particular jurisdiction is the chattel paper's jurisdiction for purposes of this part, this Article, or this title, that jurisdiction is the chattel paper's jurisdiction.

(2) If (1) of this subsection does not apply and the rules of the system in which the authoritative electronic copy is recorded are readily available for review and expressly provide that a particular jurisdiction is the chattel paper's jurisdiction for purposes of this part, this Article, or this title, that jurisdiction is the chattel paper's jurisdiction.

(3) If (1) and (2) of this subsection do not apply and the authoritative electronic copy, or a record attached to or logically associated with the electronic copy and readily available for review, expressly provides that the chattel paper is governed by the law of a particular jurisdiction, that jurisdiction is the chattel paper's jurisdiction.

(4) If (1), (2), and (3) of this subsection do not apply and the rules of the system in which the authoritative electronic copy is recorded are readily available for review and expressly provide that the chattel paper or the system is governed by

the law of a particular jurisdiction, that jurisdiction is the chattel paper's jurisdiction.

(5) If (1) through (4) of this subsection do not apply, the chattel paper's jurisdiction is the jurisdiction in which the debtor is located.

(c) **Chattel paper evidenced by authoritative tangible copy.** If an authoritative tangible copy of a record evidences chattel paper and the chattel paper is not evidenced by an authoritative electronic copy, while the authoritative tangible copy of the record evidencing chattel paper is located in a jurisdiction, the local law of that jurisdiction governs:

(1) Perfection of a security interest in the chattel paper by possession under section 922 of this act; and

(2) The effect of perfection or nonperfection and the priority of a security interest in the chattel paper.

(d) **When perfection governed by law of jurisdiction where debtor located.** The local law of the jurisdiction in which the debtor is located governs perfection of a security interest in chattel paper by filing.

NEW SECTION. **Sec. 917.** A new section is added to chapter 62A.9A RCW to read as follows:

SECTION 9-306B: LAW GOVERNING PERFECTION AND PRIORITY OF SECURITY INTERESTS IN CONTROLLABLE ACCOUNTS, CONTROLLABLE ELECTRONIC RECORDS, AND CONTROLLABLE PAYMENT INTANGIBLES. (a) **Governing law: General rules.** Except as provided in subsection (b) of this section, the local law of the controllable electronic record's jurisdiction specified in section 1007 (c) and (d) of this act governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a controllable electronic record and a security interest in a controllable account or controllable payment intangible evidenced by the controllable electronic record.

(b) **When perfection governed by law of jurisdiction where debtor located.** The local law of the jurisdiction in which the debtor is located governs:

(1) Perfection of a security interest in a controllable account, controllable electronic record, or controllable payment intangible by filing; and

(2) Automatic perfection of a security interest in a controllable payment intangible created by a sale of the controllable payment intangible.

**Sec. 918.** RCW 62A.9A-310 and 2012 c 214 s 1508 are each amended to read as follows:

(a) **General rule: Perfection by filing.** Except as otherwise provided in subsections (b) and (d) of this section and RCW 62A.9A-312(b), a financing statement must be filed to perfect all security interests and agricultural liens.

(b) **Exceptions: Filing not necessary.** The filing of a financing statement is not necessary to perfect a security interest:

(1) That is perfected under RCW 62A.9A-308 (d), (e), (f), or (g);

(2) That is perfected under RCW 62A.9A-309 when it attaches;

(3) In property subject to a statute, regulation, or treaty described in RCW 62A.9A-311(a);

(4) In goods in possession of a bailee which is perfected under RCW 62A.9A-312(d) (1) or (2);

(5) In certificated securities, documents, goods, or instruments which is perfected without filing, control, or possession under RCW 62A.9A-312 (e), (f), or (g);

(6) In collateral in the secured party's possession under RCW 62A.9A-313;

(7) In a certificated security which is perfected by delivery of the security certificate to the secured party under RCW 62A.9A-313;

(8) In controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, ((electronic chattel paper,)) electronic documents, investment property, or letter-of-credit rights which is perfected by control under RCW 62A.9A-314;

(8.1) In chattel paper which is perfected by possession and control under section 922 of this act;

(9) In proceeds which is perfected under RCW 62A.9A-315; or

(10) That is perfected under RCW 62A.9A-316.

(c) **Assignment of perfected security interest.** If a secured party assigns a perfected security interest or agricultural lien, a filing under this Article is not required to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

(d) **Further exception: Filing not necessary for handler's lien.** The filing of a financing statement is not necessary to perfect the agricultural lien of a handler on orchard crops as provided in RCW 60.11.020(3).

**Sec. 919.** RCW 62A.9A-312 and 2012 c 214 s 1509 are each amended to read as follows:

(a) **Perfection by filing permitted.** A security interest in chattel paper, ((negotiable documents,)) controllable accounts, controllable electronic records, controllable payment intangibles, instruments, ((or)) investment property, or negotiable documents may be perfected by filing.

(b) **Control or possession of certain collateral.** Except as otherwise provided in RCW 62A.9A-315 (c) and (d) for proceeds:

(1) A security interest in a deposit account may be perfected only by control under RCW 62A.9A-314;

(2) And except as otherwise provided in RCW 62A.9A-308(d), a security interest in a letter-of-credit right may be perfected only by control under RCW 62A.9A-314; ((and))

(3) A security interest in tangible money may be perfected only by the secured party's taking possession under RCW 62A.9A-313; and

(4) A security interest in electronic money may be perfected only by control under RCW 62A.9A-314.

(c) **Goods covered by negotiable document.** While goods are in the possession of a bailee that has issued a negotiable document covering the goods:

(1) A security interest in the goods may be perfected by perfecting a security interest in the document; and

(2) A security interest perfected in the document has priority over any security interest that becomes perfected in the goods by another method during that time.

(d) **Goods covered by nonnegotiable document.** While goods are in the possession of a bailee that has issued a nonnegotiable document covering the goods, a security interest in the goods may be perfected by:

(1) Issuance of a document in the name of the secured party;

(2) The bailee's receipt of notification of the secured party's interest; or

(3) Filing as to the goods.

(e) **Temporary perfection: New value.** A security interest in certificated securities, negotiable documents, or instruments is perfected without filing or the taking of possession or control for a period of twenty days from the time it attaches to the extent that it arises for new value given under ((an authenticated)) a signed security agreement.

(f) **Temporary perfection: Goods or documents made available to debtor.** A perfected security interest in a negotiable document or goods in possession of a bailee, other than one that has issued a negotiable document for the goods, remains perfected for twenty days without filing if the secured party makes available to the debtor the goods or documents representing the goods for the purpose of:

(1) Ultimate sale or exchange; or

(2) Loading, unloading, storing, shipping, transshipping, manufacturing, processing, or otherwise dealing with them in a manner preliminary to their sale or exchange.

(g) **Temporary perfection: Delivery of security certificate or instrument to debtor.** A perfected security interest in a certificated security or instrument remains perfected for twenty days without filing if the secured party delivers the security certificate or instrument to the debtor for the purpose of:

(1) Ultimate sale or exchange; or

(2) Presentation, collection, enforcement, renewal, or registration of transfer.

(h) **Expiration of temporary perfection.** After the twenty-day period specified in subsection (e), (f), or (g) of this section expires, perfection depends upon compliance with this Article.

**Sec. 920.** RCW 62A.9A-313 and 2012 c 214 s 1511 are each amended to read as follows:

(a) **Perfection by possession or delivery.** Except as otherwise provided in subsection (b) of this section, a secured party may perfect a security interest in ((tangible negotiable documents,)) goods, instruments, negotiable tangible documents, or tangible money((, or tangible chattel paper)) by taking possession of the collateral. A

secured party may perfect a security interest in certificated securities by taking delivery of the certificated securities under RCW 62A.8-301.

(b) **Goods covered by certificate of title.** With respect to goods covered by a certificate of title issued by this state, a secured party may perfect a security interest in the goods by taking possession of the goods only in the circumstances described in RCW 62A.9A-316(d).

(c) **Collateral in possession of person other than debtor.** With respect to collateral other than certificated securities and goods covered by a document, a secured party takes possession of collateral in the possession of a person other than the debtor, the secured party, or a lessee of the collateral from the debtor in the ordinary course of the debtor's business, when:

(1) The person in possession ~~((authenticates))~~ signs a record acknowledging that it holds possession of the collateral for the secured party's benefit; or

(2) The person takes possession of the collateral after having ~~((authenticates))~~ signed a record acknowledging that it will hold possession of the collateral for the secured party's benefit.

(d) **Time of perfection by possession; continuation of perfection.** If perfection of a security interest depends upon possession of the collateral by a secured party, perfection occurs ~~((no))~~ not earlier than the time the secured party takes possession and continues only while the secured party retains possession.

(e) **Time of perfection by delivery; continuation of perfection.** A security interest in a certificated security in registered form is perfected by delivery when delivery of the certificated security occurs under RCW 62A.8-301 and remains perfected by delivery until the debtor obtains possession of the security certificate.

(f) **Acknowledgment not required.** A person in possession of collateral is not required to acknowledge that it holds possession for a secured party's benefit.

(g) **Effectiveness of acknowledgment; no duties or confirmation.** If a person acknowledges that it holds possession for the secured party's benefit:

(1) The acknowledgment is effective under subsection (c) of this section or RCW 62A.8-301(1), even if the acknowledgment violates the rights of a debtor; and

(2) Unless the person otherwise agrees or law other than this Article otherwise provides, the person does not owe any duty to the secured party and is not required to confirm the acknowledgment to another person.

(h) **Secured party's delivery to person other than debtor.** A secured party having possession of collateral does not relinquish possession by delivering the collateral to a person other than the debtor or a lessee of the collateral from the debtor in the ordinary course of the debtor's business if the person was instructed before the

delivery or is instructed contemporaneously with the delivery:

(1) To hold possession of the collateral for the secured party's benefit; or

(2) To redeliver the collateral to the secured party.

(i) **Effect of delivery under subsection (h) of this section; no duties or confirmation.** A secured party does not relinquish possession, even if a delivery under subsection (h) of this section violates the rights of a debtor. A person to which collateral is delivered under subsection (h) of this section does not owe any duty to the secured party and is not required to confirm the delivery to another person unless the person otherwise agrees or law other than this Article otherwise provides.

**Sec. 921.** RCW 62A.9A-314 and 2012 c 214 s 1512 are each amended to read as follows:

(a) **Perfection by control.** A security interest in ~~((investment property, deposit accounts, letter-of-credit rights, electronic chattel paper, or electronic documents))~~ controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic documents, electronic money, investment property, or letter-of-credit rights may be perfected by control of the collateral under RCW 62A.7-106, 62A.9A-104, ~~((62A.9A-105,))~~ 62A.9A-106, or 62A.9A-107 or section 904 or 905 of this act.

(b) **Specified collateral: Time of perfection by control; continuation of perfection.** A security interest in ~~((deposit accounts, electronic chattel paper, letter-of-credit rights, or electronic documents))~~ controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic documents, electronic money, or letter-of-credit rights is perfected by control under RCW 62A.7-106, 62A.9A-104, ~~((62A.9A-105,))~~ or 62A.9A-107 or section 904 or 905 of this act not earlier than the time when the secured party obtains control and remains perfected by control only while the secured party retains control.

(c) **Investment property: Time of perfection by control; continuation of perfection.** A security interest in investment property is perfected by control under RCW 62A.9A-106 ~~((from))~~ not earlier than the time the secured party obtains control and remains perfected by control until:

(1) The secured party does not have control; and

(2) One of the following occurs:

(A) If the collateral is a certificated security, the debtor has or acquires possession of the security certificate;

(B) If the collateral is an uncertificated security, the issuer has registered or registers the debtor as the registered owner; or

(C) If the collateral is a security entitlement, the debtor is or becomes the entitlement holder.

**NEW SECTION. Sec. 922.** A new section is added to chapter 62A.9A RCW to read as follows:

**SECTION 9-314A: PERFECTION BY POSSESSION AND CONTROL OF CHATTEL PAPER.** (a) **Perfection by possession and control.** A secured party may perfect a security interest in chattel paper by taking possession of each authoritative tangible copy of the record evidencing the chattel paper and obtaining control of each authoritative electronic copy of the electronic record evidencing the chattel paper.

(b) **Time of perfection; continuation of perfection.** A security interest is perfected under subsection (a) of this section not earlier than the time the secured party takes possession and obtains control and remains perfected under subsection (a) of this section only while the secured party retains possession and control.

(c) **Application of RCW 62A.9A-313 to perfection by possession of chattel paper.** RCW 62A.9A-313 (c) and (f) through (i) applies to perfection by possession of an authoritative tangible copy of a record evidencing chattel paper.

**Sec. 923.** RCW 62A.9A-316 and 2011 c 74 s 203 are each amended to read as follows:

(a) **General rule: Effect on perfection of change in governing law.** A security interest perfected pursuant to the law of the jurisdiction designated in RCW 62A.9A-301(1) or 62A.9A-305(c) or section 916 or 917 of this act remains perfected until the earliest of:

(1) The time perfection would have ceased under the law of that jurisdiction;

(2) The expiration of four months after a change of the debtor's location to another jurisdiction; or

(3) The expiration of one year after a transfer of collateral to a person that thereby becomes a debtor and is located in another jurisdiction.

(b) **Security interest perfected or unperfected under law of new jurisdiction.** If a security interest described in subsection (a) of this section becomes perfected under the law of the other jurisdiction before the earliest time or event described in subsection (a) of this section, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earliest time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(c) **Possessory security interest in collateral moved to new jurisdiction.** A possessory security interest in collateral, other than goods covered by a certificate of title and as-extracted collateral consisting of goods, remains continuously perfected if:

(1) The collateral is located in one jurisdiction and subject to a security interest perfected under the law of that jurisdiction;

(2) Thereafter the collateral is brought into another jurisdiction; and

(3) Upon entry into the other jurisdiction, the security interest is

perfected under the law of the other jurisdiction.

(d) **Goods covered by certificate of title from this state.** Except as otherwise provided in subsection (e) of this section, a security interest in goods covered by a certificate of title which is perfected by any method under the law of another jurisdiction when the goods become covered by a certificate of title from this state remains perfected until the security interest would have become unperfected under the law of the other jurisdiction had the goods not become so covered.

(e) **When subsection (d) security interest becomes unperfected against purchasers.** A security interest described in subsection (d) of this section becomes unperfected as against a purchaser of the goods for value and is deemed never to have been perfected as against a purchaser of the goods for value if the applicable requirements for perfection under RCW 62A.9A-311(b) or 62A.9A-313 are not satisfied before the earlier of:

(1) The time the security interest would have become unperfected under the law of the other jurisdiction had the goods not become covered by a certificate of title from this state; or

(2) The expiration of four months after the goods had become so covered.

(f) **Change in jurisdiction of chattel paper, controllable electronic record, bank, issuer, nominated person, securities intermediary, or commodity intermediary.** A security interest in chattel paper, controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, letter-of-credit rights, or investment property which is perfected under the law of the chattel paper's jurisdiction, the controllable electronic record's jurisdiction, the bank's jurisdiction, the issuer's jurisdiction, a nominated person's jurisdiction, the securities intermediary's jurisdiction, or the commodity intermediary's jurisdiction, as applicable, remains perfected until the earlier of:

(1) The time the security interest would have become unperfected under the law of that jurisdiction; or

(2) The expiration of four months after a change of the applicable jurisdiction to another jurisdiction.

(g) **Subsection (f) of this section security interest perfected or unperfected under law of new jurisdiction.** If a security interest described in subsection (f) of this section becomes perfected under the law of the other jurisdiction before the earlier of the time or the end of the period described in subsection (f) of this section, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier of that time or the end of that period, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(h) **Effect on filed financing statement of change in governing law.** The following rules apply to collateral to which a security interest attaches within four

months after the debtor changes its location to another jurisdiction:

(1) A financing statement filed before the change pursuant to the law of the jurisdiction designated in RCW 62A.9A-301(1) or 62A.9A-305(c) is effective to perfect a security interest in the collateral if the financing statement would have been effective to perfect a security interest in the collateral had the debtor not changed its location.

(2) If a security interest perfected by a financing statement that is effective under (1) of this subsection (h) becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in RCW 62A.9A-301(1) or 62A.9A-305(c) or the expiration of the four-month period, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(i) **Effect of change in governing law on financing statement filed against original debtor.** If a financing statement naming an original debtor is filed pursuant to the law of the jurisdiction designated in RCW 62A.9A-301(1) or 62A.9A-305(c) and the new debtor is located in another jurisdiction, the following rules apply:

(1) The financing statement is effective to perfect a security interest in collateral acquired by the new debtor before, and within four months after, the new debtor becomes bound under RCW 62A.9A-203(d), if the financing statement would have been effective to perfect a security interest in the collateral had the collateral been acquired by the original debtor.

(2) A security interest perfected by the financing statement and which becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in RCW 62A.9A-301(1) or 62A.9A-305(c) or the expiration of the four-month period remains perfected thereafter. A security interest that is perfected by the financing statement but which does not become perfected under the law of the other jurisdiction before the earlier time or event becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

**Sec. 924.** RCW 62A.9A-317 and 2012 c 214 s 1514 are each amended to read as follows:

(a) **Conflicting security interests and rights of lien creditors.** A security interest or agricultural lien is subordinate to the rights of:

(1) A person entitled to priority under RCW 62A.9A-322; and

(2) Except as otherwise provided in subsection (e) of this section, a person that becomes a lien creditor before the earlier of the time:

(A) The security interest or agricultural lien is perfected; or

(B) One of the conditions specified in RCW 62A.9A-203(b)(3) is met and a financing statement covering the collateral is filed.

(b) **Buyers that receive delivery.** Except as otherwise provided in subsection (e) of this section, a buyer, other than a secured party, of (~~tangible chattel paper, tangible documents,~~) goods, instruments, tangible documents, or a certificated security takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(c) **Lessees that receive delivery.** Except as otherwise provided in subsection (e) of this section, a lessee of goods takes free of a security interest or agricultural lien if the lessee gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(d) **Licensees and buyers of certain collateral.** ~~(A) Subject to subsections (f) through (i) of this section,~~ a licensee of a general intangible or a buyer, other than a secured party, of collateral other than (~~tangible chattel paper, tangible documents,~~) electronic money, goods, instruments, tangible documents, or a certificated security takes free of a security interest if the licensee or buyer gives value without knowledge of the security interest and before it is perfected.

(e) **Purchase-money security interest.** Except as otherwise provided in RCW 62A.9A-320 and 62A.9A-321, if a person files a financing statement with respect to a purchase-money security interest before or within twenty days after the debtor receives delivery of the collateral, the security interest takes priority over the rights of a buyer, lessee, or lien creditor which arise between the time the security interest attaches and the time of filing.

(f) **Buyers of chattel paper.** A buyer, other than a secured party, of chattel paper takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and:

(1) Receives delivery of each authoritative tangible copy of the record evidencing the chattel paper; and

(2) If each authoritative electronic copy of the record evidencing the chattel paper can be subjected to control under RCW 62A.9A-105, obtains control of each authoritative electronic copy.

(g) **Buyers of electronic documents.** A buyer of an electronic document takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and, if each authoritative electronic copy of the document can be subjected to control under RCW 62A.7-106, obtains control of each authoritative electronic copy.

(h) **Buyers of controllable electronic records.** A buyer of a controllable electronic record takes free of a security interest if, without knowledge of the security interest and before it is

perfected, the buyer gives value and obtains control of the controllable electronic record.

(i) **Buyers of controllable accounts and controllable payment intangibles.** A buyer, other than a secured party, of a controllable account or a controllable payment intangible takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and obtains control of the controllable account or controllable payment intangible.

**Sec. 925.** RCW 62A.9A-323 and 2000 c 250 s 9A-323 are each amended to read as follows:

(a) **When priority based on time of advance.** Except as otherwise provided in subsection (c) of this section, for purposes of determining the priority of a perfected security interest under RCW 62A.9A-322(a) (1), perfection of the security interest dates from the time an advance is made to the extent that the security interest secures an advance that:

(1) Is made while the security interest is perfected only:

(A) Under RCW 62A.9A-309 when it attaches; or

(B) Temporarily under RCW 62A.9A-312 (e), (f), or (g); and

(2) Is not made pursuant to a commitment entered into before or while the security interest is perfected by a method other than under RCW 62A.9A-309 or 62A.9A-312 (e), (f), or (g).

(b) **Lien creditor.** Except as otherwise provided in subsection (c) of this section, a security interest is subordinate to the rights of a person that becomes a lien creditor to the extent that the security interest secures an advance made more than forty-five days after the person becomes a lien creditor unless the advance is made:

(1) Without knowledge of the lien; or

(2) Pursuant to a commitment entered into without knowledge of the lien.

(c) **Buyer of receivables.** Subsections (a) and (b) of this section do not apply to a security interest held by a secured party that is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor.

(d) **Buyer of goods.** Except as otherwise provided in subsection (e) of this section, a buyer of goods (~~((either than a buyer in ordinary course of business))~~) takes free of a security interest to the extent that it secures advances made after the earlier of:

(1) The time the secured party acquires knowledge of the buyer's purchase; or

(2) Forty-five days after the purchase.

(e) **Advances made pursuant to commitment: Priority of buyer of goods.** Subsection (d) of this section does not apply if the advance is made pursuant to a commitment entered into without knowledge of the buyer's purchase and before the expiration of the forty-five day period.

(f) **Lessee of goods.** Except as otherwise provided in subsection (g) of this section, a lessee of goods (~~(, other than a lessee in ordinary course of business,)~~) takes the leasehold interest free of a security

interest to the extent that it secures advances made after the earlier of:

(1) The time the secured party acquires knowledge of the lease; or

(2) Forty-five days after the lease contract becomes enforceable.

(g) **Advances made pursuant to commitment: Priority of lessee of goods.** Subsection (f) of this section does not apply if the advance is made pursuant to a commitment entered into without knowledge of the lease and before the expiration of the forty-five day period.

**Sec. 926.** RCW 62A.9A-324 and 2000 c 250 s 9A-324 are each amended to read as follows:

(a) **General rule: Purchase-money priority.** Except as otherwise provided in subsection (g) of this section, a perfected purchase-money security interest in goods other than inventory or livestock has priority over a conflicting security interest in the same goods, and, except as otherwise provided in RCW 62A.9A-327, a perfected security interest in its identifiable proceeds also has priority, if the purchase-money security interest is perfected when the debtor receives possession of the collateral or within twenty days thereafter.

(b) **Inventory purchase-money priority.** Subject to subsection (c) of this section and except as otherwise provided in subsection (g) of this section, a perfected purchase-money security interest in inventory has priority over a conflicting security interest in the same inventory, has priority over a conflicting security interest in chattel paper or an instrument constituting proceeds of the inventory and in proceeds of the chattel paper, if so provided in RCW 62A.9A-330, and, except as otherwise provided in RCW 62A.9A-327, also has priority in identifiable cash proceeds of the inventory to the extent the identifiable cash proceeds are received on or before the delivery of the inventory to a buyer, if:

(1) The purchase-money security interest is perfected when the debtor receives possession of the inventory;

(2) The purchase-money secured party sends ~~((an authenticated))~~ a signed notification to the holder of the conflicting security interest;

(3) The holder of the conflicting security interest receives the notification within five years before the debtor receives possession of the inventory; and

(4) The notification states that the person sending the notification has or expects to acquire a purchase-money security interest in inventory of the debtor and describes the inventory.

(c) **Holders of conflicting inventory security interests to be notified.** Subsections (b)(2) through (4) of this section apply only if the holder of the conflicting security interest had filed a financing statement covering the same types of inventory:

(1) If the purchase-money security interest is perfected by filing, before the date of the filing; or

(2) If the purchase-money security interest is temporarily perfected without filing or possession under RCW 62A.9A-312(f), before the beginning of the twenty-day period thereunder.

(d) **Livestock purchase-money priority.** Subject to subsection (e) of this section and except as otherwise provided in subsection (g) of this section, a perfected purchase-money security interest in livestock that are farm products has priority over a conflicting security interest in the same livestock, and, except as otherwise provided in RCW 62A.9A-327, a perfected security interest in their identifiable proceeds and identifiable products in their unmanufactured states also has priority, if:

(1) The purchase-money security interest is perfected when the debtor receives possession of the livestock;

(2) The purchase-money secured party sends ~~((an authenticated))~~ a signed notification to the holder of the conflicting security interest;

(3) The holder of the conflicting security interest receives the notification within six months before the debtor receives possession of the livestock; and

(4) The notification states that the person sending the notification has or expects to acquire a purchase-money security interest in livestock of the debtor and describes the livestock.

(e) **Holders of conflicting livestock security interests to be notified.** Subsections (d)(2) through (4) of this section apply only if the holder of the conflicting security interest had filed a financing statement covering the same types of livestock:

(1) If the purchase-money security interest is perfected by filing, before the date of the filing; or

(2) If the purchase-money security interest is temporarily perfected without filing or possession under RCW 62A.9A-312(f), before the beginning of the twenty-day period thereunder.

(f) **Software purchase-money priority.** Except as otherwise provided in subsection (g) of this section, a perfected purchase-money security interest in software has priority over a conflicting security interest in the same collateral, and, except as otherwise provided in RCW 62A.9A-327, a perfected security interest in its identifiable proceeds also has priority, to the extent that the purchase-money security interest in the goods in which the software was acquired for use has priority in the goods and proceeds of the goods under this section.

(g) **Conflicting purchase-money security interests.** If more than one security interest qualifies for priority in the same collateral under subsection (a), (b), (d), or (f) of this section:

(1) A security interest securing an obligation incurred as all or part of the price of the collateral has priority over a security interest securing an obligation incurred for value given to enable the debtor to acquire rights in or the use of collateral; and

(2) In all other cases, RCW 62A.9A-322(a) applies to the qualifying security interests.

**NEW SECTION. Sec. 927.** A new section is added to chapter 62A.9A RCW to read as follows:

SECTION 9-326A: PRIORITY OF SECURITY INTEREST IN CONTROLLABLE ACCOUNT, CONTROLLABLE ELECTRONIC RECORD, AND CONTROLLABLE PAYMENT INTANGIBLE. A security interest in a controllable account, controllable electronic record, or controllable payment intangible held by a secured party having control of the account, electronic record, or payment intangible has priority over a conflicting security interest held by a secured party that does not have control.

**Sec. 928.** RCW 62A.9A-330 and 2000 c 250 s 9A-330 are each amended to read as follows:

(a) **Purchaser's priority: Security interest claimed merely as proceeds.** A purchaser of chattel paper has priority over a security interest in the chattel paper which is claimed merely as proceeds of inventory subject to a security interest if:

(1) In good faith and in the ordinary course of the purchaser's business, the purchaser gives new value ~~((and))~~ takes possession of each authoritative tangible copy of the record evidencing the chattel paper ~~((or))~~, and obtains control ~~((of))~~ under RCW 62A.9A-105 of each authoritative electronic copy of the record evidencing the chattel paper ~~((under RCW 62A.9A-105))~~; and

(2) The ~~((chattel paper does))~~ authoritative copies of the record evidencing the chattel paper do not indicate that ~~((it))~~ the chattel paper has been assigned to an identified assignee other than the purchaser.

(b) **Purchaser's priority: Other security interests.** A purchaser of chattel paper has priority over a security interest in the chattel paper which is claimed other than merely as proceeds of inventory subject to a security interest if the purchaser gives new value ~~((and))~~ takes possession of each authoritative tangible copy of the record evidencing the chattel paper ~~((or))~~, and obtains control ~~((of))~~ under RCW 62A.9A-105 of each authoritative electronic copy of the record evidencing the chattel paper ~~((under RCW 62A.9A-105))~~ in good faith, in the ordinary course of the purchaser's business, and without knowledge that the purchase violates the rights of the secured party.

(c) **Chattel paper purchaser's priority in proceeds.** Except as otherwise provided in RCW 62A.9A-327, a purchaser having priority in chattel paper under subsection (a) or (b) of this section also has priority in proceeds of the chattel paper to the extent that:

(1) RCW 62A.9A-322 provides for priority in the proceeds; or

(2) The proceeds consist of the specific goods covered by the chattel paper or cash proceeds of the specific goods, even if the purchaser's security interest in the proceeds is unperfected.

(d) **Instrument purchaser's priority.** Except as otherwise provided in RCW 62A.9A-331(a), a purchaser of an instrument has priority over a security interest in the instrument perfected by a method other than possession if the purchaser gives value and takes possession of the instrument in good faith and without knowledge that the purchase violates the rights of the secured party.

(e) **Holder of purchase-money security interest gives new value.** For purposes of subsections (a) and (b) of this section, the holder of a purchase-money security interest in inventory gives new value for chattel paper constituting proceeds of the inventory.

(f) **Indication of assignment gives knowledge.** For purposes of subsections (b) and (d) of this section, if the authoritative copies of the record evidencing chattel paper or an instrument indicate ~~((s))~~ that ~~((it))~~ the chattel paper or instrument has been assigned to an identified secured party other than the purchaser, a purchaser of the chattel paper or instrument has knowledge that the purchase violates the rights of the secured party.

**Sec. 929.** RCW 62A.9A-331 and 2001 c 32 s 30 are each amended to read as follows:

(a) **Rights under Articles 3, 7, ~~((and))~~ 8, and 12 not limited.** This Article does not limit the rights of a holder in due course of a negotiable instrument, a holder to which a negotiable document of title has been duly negotiated, ~~((or))~~ a protected purchaser of a security, or a qualifying purchaser of a controllable account, controllable electronic record, or controllable payment intangible. These holders or purchasers take priority over an earlier security interest, even if perfected, to the extent provided in Articles 3, 7, ~~((and))~~ 8, and 12.

(b) **Protection under Articles 8 and 12.** This Article does not limit the rights of or impose liability on a person to the extent that the person is protected against the assertion of a claim under Article 8 or 12.

(c) **Filing not notice.** Filing under this Article does not constitute notice of a claim or defense to the holders, or purchasers, or persons described in subsections (a) and (b) of this section.

**Sec. 930.** RCW 62A.9A-332 and 2000 c 250 s 9A-332 are each amended to read as follows:

(a) **Transferee of tangible money.** A transferee of tangible money takes the money free of a security interest ~~((unless the transferee acts))~~ if the transferee receives possession of the money without acting in collusion with the debtor in violating the rights of the secured party.

(b) **Transferee of funds from deposit account.** A transferee of funds from a deposit account takes the funds free of a security interest in the deposit account ~~((unless the transferee acts))~~ if the transferee receives possession of the money without acting in collusion with the debtor

in violating the rights of the secured party.

(c) Transferee of electronic money. A transferee of electronic money takes the money free of a security interest if the transferee obtains control of the money without acting in collusion with the debtor in violating the rights of the secured party.

**Sec. 931.** RCW 62A.9A-334 and 2001 c 32 s 32 are each amended to read as follows:

(a) **Security interest in fixtures under this Article.** A security interest under this Article may be created in goods that are fixtures or may continue in goods that become fixtures. A security interest does not exist under this Article in ordinary building materials incorporated into an improvement on land.

(b) **Security interest in fixtures under real-property law.** This Article does not prevent creation of an encumbrance upon fixtures under real property law.

(c) **General rule: Subordination of security interest in fixtures.** In cases not governed by subsections (d) through (h) of this section, a security interest in fixtures is subordinate to a conflicting interest of an encumbrancer or owner of the related real property other than the debtor.

(d) **Fixtures purchase-money priority.** Except as otherwise provided in subsection (h) of this section, a perfected security interest in fixtures has priority over a conflicting interest of an encumbrancer or owner of the real property if the debtor has an interest of record in, or is in possession of, the real property and:

(1) The security interest is a purchase-money security interest;

(2) The interest of the encumbrancer or owner arises before the goods become fixtures; and

(3) The security interest is perfected by a fixture filing before the goods become fixtures or within twenty days thereafter.

(e) **Priority of security interest in fixtures over interests in real property.** A perfected security interest in fixtures has priority over a conflicting interest of an encumbrancer or owner of the real property if:

(1) The debtor has an interest of record in the real property or is in possession of the real property and the security interest:

(A) Is perfected by a fixture filing before the interest of the encumbrancer or owner is of record; and

(B) Has priority over any conflicting interest of a predecessor in title of the encumbrancer or owner;

(2) Before the goods become fixtures, the security interest is perfected by any method permitted by this Article and the fixtures are readily removable:

(A) Factory or office machines;

(B) Equipment that is not primarily used or leased for use in the operation of the real property; or

(C) Replacements of domestic appliances that are consumer goods; or

(3) The conflicting interest is a lien on the real property obtained by legal or equitable proceedings after the security



interest was perfected by any method permitted by this Article.

(f) **Priority based on consent, disclaimer, or right to remove.** A security interest in fixtures, whether or not perfected, has priority over a conflicting interest of an encumbrancer or owner of the real property if:

(1) The encumbrancer or owner has, in ~~((an authenticated))~~ a signed record, consented to the security interest or disclaimed an interest in the goods as fixtures; or

(2) The debtor has a right to remove the goods as against the encumbrancer or owner.

(g) **Continuation of subsection (f)(2) priority.** The priority of the security interest under subsection (f)(2) of this section continues for a reasonable time if the debtor's right to remove the goods as against the encumbrancer or owner terminates.

(h) **Priority of construction mortgage.** A mortgage is a construction mortgage to the extent that it secures an obligation incurred for the construction of an improvement on land, including the acquisition cost of the land, if a recorded record of the mortgage so indicates. Except as otherwise provided in subsections (e) and (f) of this section, a security interest in fixtures is subordinate to a construction mortgage if a record of the mortgage is recorded before the goods become fixtures and the goods become fixtures before the completion of the construction. A mortgage has this priority to the same extent as a construction mortgage to the extent that it is given to refinance a construction mortgage.

(i) **Priority of security interest in crops.** A perfected security interest in crops growing on real property has priority over a conflicting interest of an encumbrancer or owner of the real property if the debtor has an interest of record in or is in possession of the real property.

(j) **Subsection (i) prevails.** Subsection (i) of this section prevails over inconsistent provisions of any other statute except RCW 60.11.050.

**Sec. 932.** RCW 62A.9A-341 and 2000 c 250 s 9A-341 are each amended to read as follows:

Except as otherwise provided in RCW 62A.9A-340(c), and unless the bank otherwise agrees in ~~((an authenticated))~~ a signed record, a bank's rights and duties with respect to a deposit account maintained with the bank are not terminated, suspended, or modified by:

(1) The creation, attachment, or perfection of a security interest in the deposit account;

(2) The bank's knowledge of the security interest; or

(3) The bank's receipt of instructions from the secured party.

**Sec. 933.** RCW 62A.9A-404 and 2000 c 250 s 9A-404 are each amended to read as follows:

(a) **Assignee's rights subject to terms, claims, and defenses; exceptions.** Unless an

account debtor has made an enforceable agreement not to assert defenses or claims, and subject to subsections (b) through (e) of this section, the rights of an assignee are subject to:

(1) All terms of the agreement between the account debtor and assignor and any defense or claim in recoupment arising from the transaction that gave rise to the contract; and

(2) Any other defense or claim of the account debtor against the assignor which accrues before the account debtor receives a notification of the assignment ~~((authenticated))~~ signed by the assignor or the assignee.

(b) **Account debtor's claim reduces amount owed to assignee.** Subject to subsection (c) of this section, and except as otherwise provided in subsection (d) of this section, the claim of an account debtor against an assignor may be asserted against an assignee under subsection (a) of this section only to reduce the amount the account debtor owes.

(c) **Rule for individual under other law.** This section is subject to law other than this Article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(d) **Omission of required statement in consumer transaction.** In a consumer transaction, if a record evidences the account debtor's obligation, law other than this Article requires that the record include a statement to the effect that the account debtor's recovery against an assignee with respect to claims and defenses paid by the account debtor under the record, and the record does not include such a statement, the extent to which a claim of an account debtor against the assignor may be asserted against an assignee is determined as if the record included such a statement.

(e) **Inapplicability to health-care-insurance receivable.** This section does not apply to an assignment of a health-care-insurance receivable.

**Sec. 934.** RCW 62A.9A-406 and 2011 c 74 s 301 are each amended to read as follows:

(a) **Discharge of account debtor; effect of notification.** Subject to subsections (b) through ~~((+j))~~ (l) of this section, an account debtor on an account, chattel paper, or a payment intangible may discharge its obligation by paying the assignor until, but not after, the account debtor receives a notification, ~~((authenticated))~~ signed by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.

(b) **When notification ineffective.** Subject to subsections (h) and (l) of this section, notification is ineffective under subsection (a) of this section:

(1) If it does not reasonably identify the rights assigned;

(2) To the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this Article; or

(3) At the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:

(A) Only a portion of the account, chattel paper, or payment intangible has been assigned to that assignee;

(B) A portion has been assigned to another assignee; or

(C) The account debtor knows that the assignment to that assignee is limited.

(c) **Proof of assignment.** Subject to subsections (h) and (l) of this section, if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection (a) of this section.

(d) **Term restricting assignment generally ineffective.** In this subsection, "promissory note" includes a negotiable instrument that evidences chattel paper. Except as otherwise provided in subsections (e) and (k) of this section and RCW 62A.2A-303 and 62A.9A-407, and subject to subsections (h) and (j) of this section, a term in an agreement between an account debtor and an assignor or in a promissory note is ineffective to the extent that it:

(1) Prohibits, restricts, or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account, chattel paper, payment intangible, or promissory note; or

(2) Provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account, chattel paper, payment intangible, or promissory note.

(e) **Inapplicability of subsection (d) of this section to certain sales.** Subsection (d) of this section does not apply to the sale of a payment intangible or promissory note, other than a sale pursuant to a disposition under RCW 62A.9A-610 or an acceptance of collateral under RCW 62A.9A-620.

(f) [Reserved.]

(g) **Subsection (b)(3) of this section not waivable.** Subject to subsections (h) and (l) of this section, an account debtor may not waive or vary its option under subsection (b)(3) of this section.

(h) **Rule for individual under other law.** This section is subject to law other than this Article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(i) **Inapplicability to health-care-insurance receivable.** This section does not apply to an assignment of a health-care-insurance receivable.

(j)(1) **Inapplicability of subsection (d) of this section to certain transactions.** After July 1, 2003, subsection (d) of this section does not apply to the assignment or transfer of or creation of a security interest in:

(A) A claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. Sec. 104(a)(1) or (2); or

(B) A claim or right to receive benefits under a special needs trust as described in 42 U.S.C. Sec. 1396p(d)(4).

(2) This subsection will not affect a transfer of structured settlement payment rights under chapter 19.205 RCW.

(k) Inapplicability to interests in certain entities. Subsection (d) of this section does not apply to a security interest in an ownership interest in a general partnership, limited partnership, or limited liability company.

(l) Inapplicability of certain subsections. Subsections (a), (b), (c), and (g) of this section do not apply to a controllable account or controllable payment intangible.

**Sec. 935.** RCW 62A.9A-408 and 2011 c 74 s 302 are each amended to read as follows:

(a) **Term restricting assignment generally ineffective.** Except as otherwise provided in subsections (b) and (f) of this section, a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or a general intangible, including a contract, permit, license, or franchise, and which term prohibits, restricts, or requires the consent of the person obligated on the promissory note or the account debtor to, the assignment or transfer of, or creation, attachment, or perfection of a security interest in, the promissory note, health-care-insurance receivable, or general intangible, is ineffective to the extent that the term:

(1) Would impair the creation, attachment, or perfection of a security interest; or

(2) Provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.

(b) **Applicability of subsection (a) of this section to sales of certain rights to payment.** Subsection (a) of this section applies to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or promissory note, other than a sale pursuant to a disposition under RCW 62A.9A-610 or an acceptance of collateral under RCW 62A.9A-620.

(c) **Legal restrictions on assignment generally ineffective.** (A) Except as otherwise provided in subsection (f) of this

section, a rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, person obligated on a promissory note, or account debtor to the assignment or transfer of, or creation of a security interest in, a promissory note, health-care-insurance receivable, or general intangible, including a contract, permit, license, or franchise between an account debtor and a debtor, is ineffective to the extent that the rule of law, statute, or regulation:

(1) Would impair the creation, attachment, or perfection of a security interest; or

(2) Provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.

(d) **Limitation on ineffectiveness under subsections (a) and (c) of this section.** To the extent that a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or general intangible or a rule of law, statute, or regulation described in subsection (c) of this section would be effective under law other than this Article but is ineffective under subsection (a) or (c) of this section, the creation, attachment, or perfection of a security interest in the promissory note, health-care-insurance receivable, or general intangible:

(1) Is not enforceable against the person obligated on the promissory note or the account debtor;

(2) Does not impose a duty or obligation on the person obligated on the promissory note or the account debtor;

(3) Does not require the person obligated on the promissory note or the account debtor to recognize the security interest, pay or render performance to the secured party, or accept payment or performance from the secured party;

(4) Does not entitle the secured party to use or assign the debtor's rights under the promissory note, health-care-insurance receivable, or general intangible, including any related information or materials furnished to the debtor in the transaction giving rise to the promissory note, health-care-insurance receivable, or general intangible;

(5) Does not entitle the secured party to use, assign, possess, or have access to any trade secrets or confidential information of the person obligated on the promissory note or the account debtor; and

(6) Does not entitle the secured party to enforce the security interest in the promissory note, health-care-insurance receivable, or general intangible.

(e)(1) **Inapplicability of subsections (a) and (c) of this section to certain payment intangibles.** After July 1, 2003, subsections (a) and (c) of this section do not apply to the assignment or transfer of or creation of a security interest in:

(A) A claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. Sec. 104(a)(1) or (2); or

(B) A claim or right to receive benefits under a special needs trust as described in 42 U.S.C. Sec. 1396p(d)(4).

(2) This subsection will not affect a transfer of structured settlement payment rights under chapter 19.205 RCW.

(f) **Inapplicability to interests in certain entities.** This section does not apply to a security interest in an ownership interest in a general partnership, limited partnership, or limited liability company.

(g) **"Promissory note."** In this section, "promissory note" includes a negotiable instrument that evidences chattel paper.

**Sec. 936.** RCW 62A.9A-509 and 2001 c 32 s 36 are each amended to read as follows:

(a) **Person entitled to file record.** A person may file an initial financing statement, amendment that adds collateral covered by a financing statement, or amendment that adds a debtor to a financing statement only if:

(1) The debtor authorizes the filing in ~~((an authenticated))~~ a signed record or pursuant to subsection (b) or (c) of this section; or

(2) The person holds an agricultural lien that has become effective at the time of filing and the financing statement covers only collateral in which the person holds an agricultural lien.

(b) **Security agreement as authorization.** By ~~((authenticating))~~ signing or becoming bound as debtor by a security agreement, a debtor or new debtor authorizes the filing of an initial financing statement, and an amendment, covering:

(1) The collateral described in the security agreement; and

(2) Property that becomes collateral under RCW 62A.9A-315(a)(2), whether or not the security agreement expressly covers proceeds.

(c) **Acquisition of collateral as authorization.** By acquiring collateral in which a security interest or agricultural lien continues under RCW 62A.9A-315(a)(1), a debtor authorizes the filing of an initial financing statement, and an amendment, covering the collateral and property that becomes collateral under RCW 62A.9A-315(a)(2).

(d) **Person entitled to file certain amendments.** A person may file an amendment other than an amendment that adds collateral covered by a financing statement or an amendment that adds a debtor to a financing statement only if:

(1) The secured party of record authorizes the filing; or

(2) The amendment is a termination statement for a financing statement as to which the secured party of record has failed to file or send a termination statement as required by RCW 62A.9A-513 (a) or (c), the debtor authorizes the filing, and the termination statement indicates that the debtor authorized it to be filed.

(e) **Multiple secured parties of record.** If there is more than one secured party of

record for a financing statement, each secured party of record may authorize the filing of an amendment under subsection (d) of this section.

**Sec. 937.** RCW 62A.9A-513 and 2001 c 32 s 37 are each amended to read as follows:

(a) **Consumer goods.** A secured party shall cause the secured party of record for a financing statement to file a termination statement for the financing statement if the financing statement covers consumer goods and:

(1) There is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value; or

(2) The debtor did not authorize the filing of the initial financing statement.

(b) **Time for compliance with subsection (a) of this section.** To comply with subsection (a) of this section, a secured party shall cause the secured party of record to file the termination statement:

(1) Within one month after there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value; or

(2) If earlier, within ~~((twenty))~~ 20 days after the secured party receives ~~((an authenticated))~~ a signed demand from a debtor.

(c) **Other collateral.** In cases not governed by subsection (a) of this section, within ~~((twenty))~~ 20 days after a secured party receives ~~((an authenticated))~~ a signed demand from a debtor, the secured party shall cause the secured party of record for a financing statement to send to the debtor a termination statement for the financing statement or file the termination statement in the filing office if:

(1) Except in the case of a financing statement covering accounts or chattel paper that has been sold or goods that are the subject of a consignment, there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value;

(2) The financing statement covers accounts or chattel paper that has been sold but as to which the account debtor or other person obligated has discharged its obligation;

(3) The financing statement covers goods that were the subject of a consignment to the debtor but are not in the debtor's possession; or

(4) The debtor did not authorize the filing of the initial financing statement.

(d) **Effect of filing termination statement.** Except as otherwise provided in RCW 62A.9A-510, upon the filing of a termination statement with the filing office, the financing statement to which the termination statement relates ceases to be effective. Except as otherwise provided in RCW 62A.9A-510, for purposes of RCW 62A.9A-519(g), 62A.9A-522(a), and 62A.9A-523(c), the filing with the filing office of a termination statement relating to a financing statement that indicates that

the debtor is a transmitting utility also causes the effectiveness of the financing statement to lapse.

**Sec. 938.** RCW 62A.9A-601 and 2012 c 214 s 1518 are each amended to read as follows:

(a) **Rights of secured party after default.** After default, a secured party has the rights provided in this part and, except as otherwise provided in RCW 62A.9A-602, those provided by agreement of the parties. A secured party:

(1) May reduce a claim to judgment, foreclose, or otherwise enforce the claim, security interest, or agricultural lien by any available judicial procedure; and

(2) If the collateral is documents, may proceed either as to the documents or as to the goods they cover.

(b) **Rights and duties of secured party in possession or control.** A secured party in possession of collateral or control of collateral under RCW 62A.7-106, 62A.9A-104, 62A.9A-105, 62A.9A-106, or 62A.9A-107 or section 904 or 905 of this act has the rights and duties provided in RCW 62A.9A-207.

(c) **Rights cumulative; simultaneous exercise.** The rights under subsections (a) and (b) of this section are cumulative and may be exercised simultaneously.

(d) **Rights of debtor and obligor.** Except as otherwise provided in subsection (g) of this section and RCW 62A.9A-605, after default, a debtor and an obligor have the rights provided in this part and by agreement of the parties.

(e) **Lien of levy after judgment.** If a secured party has reduced its claim to judgment, the lien of any levy that may be made upon the collateral by virtue of an execution based upon the judgment relates back to the earliest of:

(1) The date of perfection of the security interest or agricultural lien in the collateral;

(2) The date of filing a financing statement covering the collateral; or

(3) Any date specified in a statute under which the agricultural lien was created.

(f) **Execution sale.** A sale pursuant to an execution is a foreclosure of the security interest or agricultural lien by judicial procedure within the meaning of this section. A secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this Article.

(g) **Consignor or buyer of certain rights to payment.** Except as otherwise provided in RCW 62A.9A-607(c), this part imposes no duties upon a secured party that is a consignor or is a buyer of accounts, chattel paper, payment intangibles, or promissory notes.

(h) **Enforcement restrictions.** All rights and remedies provided in this part with respect to promissory notes or an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or a general intangible, including a contract, permit, license, or franchise, are subject to RCW 62A.9A-408 to the extent applicable.

**Sec. 939.** RCW 62A.9A-605 and 2000 c 250 s 9A-605 are each amended to read as follows:

((A)) (a) In general: No duty owed by secured party. Except as provided in subsection (b) of this section, a secured party does not owe a duty based on its status as secured party:

(1) To a person that is a debtor or obligor, unless the secured party knows:

(A) That the person is a debtor or obligor;

(B) The identity of the person; and

(C) How to communicate with the person; or

(2) To a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:

(A) That the person is a debtor; and

(B) The identity of the person.

(b) Exception: Secured party owes duty to debtor or obligor. A secured party owes a duty based on its status as a secured party to a person if, at the time the secured party obtains control of collateral that is a controllable account, controllable electronic record, or controllable payment intangible or at the time the security interest attaches to the collateral, whichever is later:

(1) The person is a debtor or obligor; and

(2) The secured party knows that the information in subsection (a)(1)(A), (B), or (C) of this section relating to the person is not provided by the collateral, a record attached to or logically associated with the collateral, or the system in which the collateral is recorded.

**Sec. 940.** RCW 62A.9A-608 and 2001 c 32 s 41 are each amended to read as follows:

**(a) Application of proceeds, surplus, and deficiency if obligation secured.** If a security interest or agricultural lien secures payment or performance of an obligation, the following rules apply:

(1) A secured party shall apply or pay over for application the cash proceeds of collection or enforcement under RCW 62A.9A-607 in the following order to:

(A) The reasonable expenses of collection and enforcement and, to the extent provided for by agreement and not prohibited by law, reasonable attorneys' fees and legal expenses incurred by the secured party;

(B) The satisfaction of obligations secured by the security interest or agricultural lien under which the collection or enforcement is made; and

(C) The satisfaction of obligations secured by any subordinate security interest in or other lien on the collateral subject to the security interest or agricultural lien under which the collection or enforcement is made if the secured party receives ~~((an authenticated))~~ a signed demand for proceeds before distribution of the proceeds is completed.

(2) If requested by a secured party, a holder of a subordinate security interest or other lien shall furnish reasonable proof of the interest or lien within a reasonable time. Unless the holder complies, the secured party need not comply with the

holder's demand under (1)(C) of this subsection.

(3) A secured party need not apply or pay over for application noncash proceeds of collection and enforcement under RCW 62A.9A-607 unless the failure to do so would be commercially unreasonable. A secured party that applies or pays over for application noncash proceeds shall do so in a commercially reasonable manner.

(4) A secured party shall account to and pay a debtor for any surplus, and the obligor is liable for any deficiency.

**(b) No surplus or deficiency in sales of certain rights to payment.** If the underlying transaction is a sale of accounts, chattel paper, payment intangibles, or promissory notes, the debtor is not entitled to any surplus, and the obligor is not liable for any deficiency.

**Sec. 941.** RCW 62A.9A-611 and 2011 c 74 s 724 are each amended to read as follows:

(a) **"Notification date."** In this section, "notification date" means the earlier of the date on which:

(1) A secured party sends to the debtor and any secondary obligor an ~~((authenticated))~~ a signed notification of disposition; or

(2) The debtor and any secondary obligor waive the right to notification.

**(b) Notification of disposition required.** Except as otherwise provided in subsection (d) of this section, a secured party that disposes of collateral under RCW 62A.9A-610 shall send to the persons specified in subsection (c) of this section a reasonable ~~((authenticated))~~ signed notification of disposition.

**(c) Persons to be notified.** To comply with subsection (b) of this section, the secured party shall send ~~((an authenticated))~~ a signed notification of disposition to:

(1) The debtor;

(2) Any secondary obligor; and

(3) If the collateral is other than consumer goods:

(A) Any other secured party or lienholder that, ~~((then))~~ 10 days before the notification date, held a security interest in or other lien on the collateral perfected by the filing of a financing statement that:

(i) Identified the collateral;

(ii) Was indexed under the debtor's name as of that date; and

(iii) Was filed in the office in which to file a financing statement against the debtor covering the collateral as of that date; and

(B) Any other secured party that, ~~((then))~~ 10 days before the notification date, held a security interest in the collateral perfected by compliance with a statute, regulation, or treaty described in RCW 62A.9A-311(a).

**(d) Subsection (b) of this section inapplicable: Perishable collateral; recognized market.** Subsection (b) of this section does not apply if the collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a recognized market.

(e) **Compliance with subsection (c) (3) (A) of this section.** A secured party complies with the requirement for notification prescribed by subsection (c) (3) (A) of this section if:

(1) Not later than ~~((twenty))~~ 20 days or earlier than ~~((thirty))~~ 30 days before the notification date, the secured party requests, in a commercially reasonable manner, information concerning financing statements indexed under the debtor's name in the office indicated in subsection (c) (3) (A) of this section; and

(2) Before the notification date, the secured party:

(A) Did not receive a response to the request for information; or

(B) Received a response to the request for information and sent ~~((an authenticated))~~ a signed notification of disposition to each secured party or other lienholder named in that response whose financing statement covered the collateral.

**Sec. 942.** RCW 62A.9A-613 and 2001 c 32 s 42 are each amended to read as follows:

(a) **Contents and form of notification.** Except in a consumer-goods transaction, the following rules apply:

(1) The contents of a notification of disposition are sufficient if the notification:

(A) Describes the debtor and the secured party;

(B) Describes the collateral that is the subject of the intended disposition;

(C) States the method of intended disposition;

(D) States that the debtor is entitled to an accounting of the unpaid indebtedness and states the charge, if any, for an accounting; and

(E) States the time and place of a public disposition or the time after which any other disposition is to be made.

(2) Whether the contents of a notification that lacks any of the information specified in subsection (1) of this section are nevertheless sufficient is a question of fact.

(3) The contents of a notification providing substantially the information specified in subsection (1) of this section are sufficient, even if the notification includes:

(A) Information not specified by subsection (1) of this section; or

(B) Minor errors that are not seriously misleading.

(4) A particular phrasing of the notification is not required.

(5) The following form of notification and the form appearing in RCW 62A.9A-614(a) (3), when completed in accordance with the instructions in subsection (b) of this section and RCW 62A.9A-614(b), each provides sufficient information:

**NOTIFICATION OF DISPOSITION  
OF COLLATERAL**

~~((To: \_\_\_\_\_ [Name of debtor, obligor, or other person to which the notification is sent] \_\_\_\_\_~~

~~From: \_\_\_\_\_ [Name, address, and telephone number of secured party] \_\_\_\_\_~~

~~Name of Debtor(s): \_\_\_\_\_ [Include only if debtor(s) are not an addressee] \_\_\_\_\_~~

~~[For a public disposition:]~~

~~We will sell [or lease or license, as applicable] the \_\_\_\_\_ [describe collateral] \_\_\_\_\_ [to the highest qualified bidder] in public as follows:~~

~~Day and Date: \_\_\_\_\_~~

~~Time: \_\_\_\_\_~~

~~Place: \_\_\_\_\_~~

~~[For a private disposition:]~~

~~We will sell [or lease or license, as applicable] the \_\_\_\_\_ [describe collateral] \_\_\_\_\_ privately sometime after \_\_\_\_\_ [day and date] \_\_\_\_\_.~~

~~You are entitled to an accounting of the unpaid indebtedness secured by the property that we intend to sell [or lease or license, as applicable] [for a charge of \$ \_\_\_\_\_]. You may request an accounting by calling us at \_\_\_\_\_ [telephone number] \_\_\_\_\_.)~~

~~To: \_\_\_\_\_ (Name of debtor, obligor, or other person to which the notification is sent) \_\_\_\_\_~~

~~From: \_\_\_\_\_ (Name, address, and telephone number of secured party) \_\_\_\_\_~~

~~{1} Name of any debtor that is not an addressee: (Name of each debtor) \_\_\_\_\_~~

~~{2} We will sell (describe collateral) (to the highest qualified bidder) at public sale. A sale could include a lease or license. The sale will be held as follows:~~

~~(Date)~~

~~(Time)~~

~~(Place)~~

~~{3} We will sell (describe collateral) at private sale sometime after (date). A sale could include a lease or license.~~

~~{4} You are entitled to an accounting of the unpaid indebtedness secured by the property that we intend to sell or, as applicable, lease or license.~~

~~{5} If you request an accounting you must pay a charge of \$(amount).~~

~~{6} You may request an accounting by calling us at (telephone number).~~

~~[End of Form]~~

~~(b) **Instructions for form of notification.** The following instructions apply to the form of notification in subsection (a) (5) of this section:~~

~~{1} The instructions in this subsection refer to the numbers in braces before items in the form of notification in subsection (a) (5) of this section. Do not include the numbers or braces in the notification. The numbers and braces are used only for the purpose of these instructions.~~

~~{2} Include and complete item {1} only if there is a debtor that is not an addressee of the notification and list the name or names.~~

~~{3} Include and complete either item {2}, if the notification relates to a public disposition of the collateral, or item {3}, if the notification relates to a private disposition of the collateral. If item {2} is included, include the words "to the highest qualified bidder" only if applicable.~~

~~{4} Include and complete items {4} and {6}.~~

~~{5} Include and complete item {5} only if the sender will charge the recipient for an accounting.~~

Sec. 943. RCW 62A.9A-614 and 2000 c 250 s 9A-614 are each amended to read as follows:

(a) Contents and form of notification. In a consumer-goods transaction, the following rules apply:

(1) A notification of disposition must provide the following information:

(A) The information specified in RCW 62A.9A-613(a)(1);

(B) A description of any liability for a deficiency of the person to which the notification is sent;

(C) A telephone number from which the amount that must be paid to the secured party to redeem the collateral under RCW 62A.9A-623 is available; and

(D) A telephone number or mailing address from which additional information concerning the disposition and the obligation secured is available.

(2) A particular phrasing of the notification is not required.

(3) The following form of notification, when completed in accordance with the instructions in subsection (b) of this section, provides sufficient information:

([Name and address of secured party] [Date])

NOTICE OF OUR PLAN TO SELL PROPERTY

[Name and address of any obligor who is also a debtor]

Subject: [Identification of Transaction]

We have your [describe collateral] because you broke promises in our agreement.

[For a public disposition:]

We will sell [describe collateral] at public sale. A sale could include a lease or license. The sale will be held as follows:

Date: [ ]

Time: [ ]

Place: [ ]

You may attend the sale and bring bidders if you want.

[For a private disposition:]

We will sell [describe collateral] at private sale sometime after [date]. A sale could include a lease or license.

The money that we get from the sale (after paying our costs) will reduce the amount you owe. If we get less money than you owe, you [will or will not, as applicable] still owe us the difference. If we get more money than you owe, you will get the extra money, unless we must pay it to someone else.

You can get the property back at any time before we sell it by paying us the full amount you owe (not just the past due payments), including our expenses. To learn the exact amount you must pay, call us at [telephone number].

If you want us to explain to you in writing how we have figured the amount that you owe us, you may call us at [telephone number] [or write us at [secured party's address]] and request a written explanation. [We will charge you \$ [ ] for the explanation if we sent you another written explanation of the amount you owe us within the last six months.]

If you need more information about the sale call us at [telephone number] [or write us at [secured party's address]].

We are sending this notice to the following other people who have an interest in [describe collateral] or who owe money under your agreement:

[Names of all other debtors and obligors, if any]

(Name and address of secured party)

(Date)

NOTICE OF OUR PLAN TO SELL PROPERTY

(Name and address of any obligor who is also a debtor)

Subject: (Identify transaction)

We have your (describe collateral) because you broke promises in our agreement.

{1} We will sell (describe collateral) at public sale. A sale could include a lease or license. The sale will be held as follows:

(Date)

(Time)

(Place)

You may attend the sale and bring bidders if you want.

{2} We will sell (describe collateral) at private sale sometime after (date). A sale could include a lease or license.

{3} The money that we get from the sale, after paying our costs, will reduce the amount you owe. If we get less money than you owe, you (will or will not, as applicable) still owe us the difference. If we get more money than you owe, you will get the extra money, unless we must pay it to someone else.

{4} You can get the property back at any time before we sell it by paying us the full amount you owe, not just the past due payments, including our expenses. To learn the exact amount you must pay, call us at (telephone number).

{5} If you want us to explain to you in (writing) (writing or in (description of electronic record)) (description of electronic record) how we have figured the amount that you owe us, {6} call us at (telephone number) (or) (write us at (secured party's address)) (or contact us by (description of electronic communication method)) {7} and request (a written explanation) (a written explanation or an explanation in (description of electronic record)) (an explanation in (description of electronic record)).

{8} We will charge you \$ (amount) for the explanation if we sent you another written explanation of the amount you owe us within the last six months.

{9} If you need more information about the sale (call us at (telephone number)) (or) (write us at (secured party's address)) (or contact us by (description of electronic communication method)).

{10} We are sending this notice to the following other people who have an interest in (describe collateral) or who owe money under your agreement:

(Names of all other debtors and obligors, if any)

[End of Form]

(b) Instructions for form of notification. The following instructions apply to the form of notification in subsection (a)(3) of this section:

(1) The instructions in this subsection refer to the numbers in braces before items in the form of notification in subsection (a)(3) of this section. Do not include the numbers or braces in the notification. The numbers and braces are used only for the purpose of these instructions.

(2) Include and complete either item {1}, if the notification relates to a public disposition of the collateral, or item {2}, if the notification relates to a private disposition of the collateral.

(3) Include and complete items {3}, {4}, {5}, {6}, and {7}.

(4) In item {5}, include and complete any one of the three alternative methods for the explanation—writing, writing or electronic record, or electronic record.

(5) In item {6}, include the telephone number. In addition, the sender may include and complete either or both of the two additional alternative methods of communication—writing or electronic communication—for the recipient of the notification to communicate with the sender. Neither of the two additional methods of communication is required to be included.

(6) In item {7}, include and complete the method or methods for the explanation—writing, writing or electronic record, or electronic record—included in item {5}.

(7) Include and complete item {8} only if a written explanation is included in item {5} as a method for communicating the explanation and the sender will charge the recipient for another written explanation.

(8) In item {9}, include either the telephone number or the address or both the telephone number and the address. In addition, the sender may include and complete the additional method of communication—electronic communication—for the recipient of the notification to communicate with the sender. The additional method of electronic communication is not required to be included.

(9) If item {10} does not apply, insert "None" after "agreement:".

((+4)) (c) (1) A notification in the form of ((+subsection)) subsection (a)(3) of this section is sufficient, even if additional information appears at the end of the form.

((+5)) (2) A notification in the form of ((+subsection)) subsection (a)(3) of this section is sufficient, even if it includes errors in information not required by ((+subsection)) subsection (a)(1) of this section, unless the error is misleading with respect to rights arising under this Article.

((+6)) (3) If a notification under this section is not in the form of ((+subsection)) subsection (a)(3) of this section, law other than this Article determines the effect of including information not required by ((+subsection)) subsection (a)(1) of this section.

**Sec. 944.** RCW 62A.9A-615 and 2001 c 32 s 43 are each amended to read as follows:

(a) **Application of proceeds.** A secured party shall apply or pay over for application the cash proceeds of disposition under RCW 62A.9A-610 in the following order to:

(1) The reasonable expenses of retaking, holding, preparing for disposition, processing, and disposing, and, to the extent provided for by agreement and not prohibited by law, reasonable attorneys' fees and legal expenses incurred by the secured party;

(2) The satisfaction of obligations secured by the security interest or agricultural lien under which the disposition is made;

(3) The satisfaction of obligations secured by any subordinate security interest in or other subordinate lien on the collateral if:

(A) The secured party receives from the holder of the subordinate security interest or other lien ((an authenticated)) a signed demand for proceeds before distribution of the proceeds is completed; and

(B) In a case in which a consignor has an interest in the collateral, the subordinate security interest or other lien is senior to the interest of the consignor; and

(4) A secured party that is a consignor of the collateral if the secured party receives from the consignor ((an authenticated)) a signed demand for proceeds before distribution of the proceeds is completed.

(b) **Proof of subordinate interest.** If requested by a secured party, a holder of a subordinate security interest or other lien shall furnish reasonable proof of the interest or lien within a reasonable time. Unless the holder does so, the secured party need not comply with the holder's demand under subsection (a)(3) of this section.

(c) **Application of noncash proceeds.** A secured party need not apply or pay over for application noncash proceeds of disposition under RCW 62A.9A-610 unless the failure to do so would be commercially unreasonable. A secured party that applies or pays over for application noncash proceeds shall do so in a commercially reasonable manner.

(d) **Surplus or deficiency if obligation secured.** If the security interest under which a disposition is made secures payment or performance of an obligation, after making the payments and applications required by subsection (a) of this section and permitted by subsection (c) of this section:

(1) Unless subsection (a)(4) of this section requires the secured party to apply or pay over cash proceeds to a consignor, the secured party shall account to and pay a debtor for any surplus; and

(2) The obligor is liable for any deficiency.

(e) **No surplus or deficiency in sales of certain rights to payment.** If the underlying transaction is a sale of accounts, chattel paper, payment intangibles, or promissory notes:

(1) The debtor is not entitled to any surplus; and



(2) The obligor is not liable for any deficiency.

(f) [Reserved.]

(g) **Cash proceeds received by junior secured party.** A secured party that receives cash proceeds of a disposition in good faith and without knowledge that the receipt violates the rights of the holder of a security interest or other lien that is not subordinate to the security interest or agricultural lien under which the disposition is made:

(1) Takes the cash proceeds free of the security interest or other lien;

(2) Is not obligated to apply the proceeds of the disposition to the satisfaction of obligations secured by the security interest or other lien; and

(3) Is not obligated to account to or pay the holder of the security interest or other lien for any surplus.

**Sec. 945.** RCW 62A.9A-616 and 2000 c 250 s 9A-616 are each amended to read as follows:

(a) **Definitions.** In this section:

(1) "Explanation" means a ~~(writing)~~ record that:

(A) States the amount of the surplus or deficiency;

(B) Provides an explanation in accordance with subsection (c) of this section of how the secured party calculated the surplus or deficiency;

(C) States, if applicable, that future debits, credits, charges, including additional credit service charges or interest, rebates, and expenses may affect the amount of the surplus or deficiency; and

(D) Provides a telephone number or mailing address from which additional information concerning the transaction is available.

(2) "Request" means a record:

(A) ~~((Authenticated))~~ Signed by a debtor or consumer obligor;

(B) Requesting that the recipient provide an explanation; and

(C) Sent after disposition of the collateral under RCW 62A.9A-610.

(b) **Explanation of calculation.** In a consumer-goods transaction in which the debtor is entitled to a surplus or a consumer obligor is liable for a deficiency under RCW 62A.9A-615, the secured party shall:

(1) Send an explanation to the debtor or consumer obligor, as applicable, after the disposition and:

(A) Before or when the secured party accounts to the debtor and pays any surplus or first makes ~~((written))~~ demand in a record on the consumer obligor after the disposition for payment of the deficiency; and

(B) Within ~~((fourteen))~~ 14 days after receipt of a request; or

(2) In the case of a consumer obligor who is liable for a deficiency, within ~~((fourteen))~~ 14 days after receipt of a request, send to the consumer obligor a record waiving the secured party's right to a deficiency.

(c) **Required information.** To comply with subsection (a)(1)(B) of this section, ~~((a~~

~~writing))~~ an explanation must provide the following information in the following order:

(1) The aggregate amount of obligations secured by the security interest under which the disposition was made, and, if the amount reflects a rebate of unearned interest or credit service charge, an indication of that fact, calculated as of a specified date:

(A) If the secured party takes or receives possession of the collateral after default, not more than thirty-five days before the secured party takes or receives possession; or

(B) If the secured party takes or receives possession of the collateral before default or does not take possession of the collateral, not more than thirty-five days before the disposition;

(2) The amount of proceeds of the disposition;

(3) The aggregate amount of the obligations after deducting the amount of proceeds;

(4) The amount, in the aggregate or by type, and types of expenses, including expenses of retaking, holding, preparing for disposition, processing, and disposing of the collateral, and attorneys' fees secured by the collateral which are known to the secured party and relate to the current disposition;

(5) The amount, in the aggregate or by type, and types of credits, including rebates of interest or credit service charges, to which the obligor is known to be entitled and which are not reflected in the amount in (1) of this subsection; and

(6) The amount of the surplus or deficiency.

(d) **Substantial compliance.** A particular phrasing of the explanation is not required. An explanation complying substantially with the requirements of subsection (a) of this section is sufficient, even if it includes minor errors that are not seriously misleading.

(e) **Charges for responses.** A debtor or consumer obligor is entitled without charge to one response to a request under this section during any six-month period in which the secured party did not send to the debtor or consumer obligor an explanation pursuant to subsection (b)(1) of this section. The secured party may require payment of a charge not exceeding twenty-five dollars for each additional response.

**Sec. 946.** RCW 62A.9A-619 and 2000 c 250 s 9A-619 are each amended to read as follows:

(a) **"Transfer statement."** In this section, "transfer statement" means a record ~~((authenticated))~~ signed by a secured party stating:

(1) That the debtor has defaulted in connection with an obligation secured by specified collateral;

(2) That the secured party has exercised its post-default remedies with respect to the collateral;

(3) That, by reason of the exercise, a transferee has acquired the rights of the debtor in the collateral; and

(4) The name and mailing address of the secured party, debtor, and transferee.

(b) **Effect of transfer statement.** A transfer statement entitles the transferee to the transfer of record of all rights of the debtor in the collateral specified in the statement in any official filing, recording, registration, or certificate-of-title system covering the collateral. If a transfer statement is presented with the applicable fee and request form to the official or office responsible for maintaining the system, the official or office shall:

(1) Accept the transfer statement;

(2) Promptly amend its records to reflect the transfer; and

(3) If applicable, issue a new appropriate certificate of title in the name of the transferee.

(c) **Transfer not a disposition; no relief of secured party's duties.** A transfer of the record or legal title to collateral to a secured party under subsection (b) of this section or otherwise is not of itself a disposition of collateral under this Article and does not of itself relieve the secured party of its duties under this Article.

**Sec. 947.** RCW 62A.9A-620 and 2000 c 250 s 9A-620 are each amended to read as follows:

(a) **Conditions to acceptance in satisfaction.** A secured party may accept collateral in full or partial satisfaction of the obligation it secures only if:

(1) The debtor consents to the acceptance under subsection (c) of this section;

(2) The secured party does not receive, within the time set forth in subsection (d) of this section, a notification of objection to the proposal ((authenticated))signed by:

(A) A person to which the secured party was required to send a proposal under RCW 62A.9A-621; or

(B) Any other person, other than the debtor, holding an interest in the collateral subordinate to the security interest that is the subject of the proposal; and

(3) Subsection (e) of this section does not require the secured party to dispose of the collateral or the debtor waives the requirement pursuant to RCW 62A.9A-624.

(b) **Purported acceptance ineffective.** A purported or apparent acceptance of collateral under this section is ineffective unless:

(1) The secured party consents to the acceptance in ((an authenticated))a signed record or sends a proposal to the debtor; and

(2) The conditions of subsection (a) of this section are met.

(c) **Debtor's consent.** For purposes of this section:

(1) A debtor consents to an acceptance of collateral in partial satisfaction of the obligation it secures only if the debtor agrees to the terms of the acceptance in a record ((authenticated))signed after default; and

(2) A debtor consents to an acceptance of collateral in full satisfaction of the obligation it secures only if the debtor

agrees to the terms of the acceptance in a record ((authenticated))signed after default or the secured party:

(A) Sends to the debtor after default a proposal that is unconditional or subject only to a condition that collateral not in the possession of the secured party be preserved or maintained;

(B) In the proposal, proposes to accept collateral in full satisfaction of the obligation it secures; and

(C) Does not receive a notification of objection ((authenticated))signed by the debtor within ((twenty))20 days after the proposal is sent.

(d) **Effectiveness of notification.** To be effective under subsection (a)(2) of this section, a notification of objection must be received by the secured party:

(1) In the case of a person to which the proposal was sent pursuant to RCW 62A.9A-621, within ((twenty))20 days after notification was sent to that person; and

(2) In other cases:

(A) Within ((twenty))20 days after the last notification was sent pursuant to RCW 62A.9A-621; or

(B) If a notification was not sent, before the debtor consents to the acceptance under subsection (c) of this section.

(e) **Mandatory disposition of consumer goods.** A secured party that has taken possession of collateral shall dispose of the collateral pursuant to RCW 62A.9A-610 within the time specified in subsection (f) of this section if:

(1) Sixty percent of the cash price has been paid in the case of a purchase-money security interest in consumer goods; or

(2) Sixty percent of the principal amount of the obligation secured has been paid in the case of a nonpurchase-money security interest in consumer goods.

(f) **Compliance with mandatory disposition requirement.** To comply with subsection (e) of this section, the secured party shall dispose of the collateral:

(1) Within ninety days after taking possession; or

(2) Within any longer period to which the debtor and all secondary obligors have agreed in an agreement to that effect entered into and ((authenticated))signed after default.

**Sec. 948.** RCW 62A.9A-621 and 2011 c 74 s 725 are each amended to read as follows:

(a) **Persons to which proposal to be sent.** A secured party that desires to accept collateral in full or partial satisfaction of the obligation it secures shall send its proposal to:

(1) Any other secured party or lienholder that, ((ten))10 days before the debtor consented to the acceptance, held a security interest in or other lien on the collateral perfected by the filing of a financing statement that:

(A) Identified the collateral;

(B) Was indexed under the debtor's name as of that date; and

(C) Was filed in the office or offices in which to file a financing statement against the debtor covering the collateral as of that date; and

(2) Any other secured party that, ~~((ten))~~ 10 days before the debtor consented to the acceptance, held a security interest in the collateral perfected by compliance with a statute, regulation, or treaty described in RCW 62A.9A-311(a).

(b) **Proposal to be sent to secondary obligor in partial satisfaction.** A secured party that desires to accept collateral in partial satisfaction of the obligation it secures shall send its proposal to any secondary obligor in addition to the persons described in subsection (a) of this section.

**Sec. 949.** RCW 62A.9A-624 and 2000 c 250 s 9A-624 are each amended to read as follows:

(a) **Waiver of disposition notification.** A debtor may waive the right to notification of disposition of collateral under RCW 62A.9A-611 only by an agreement to that effect entered into and ~~((authenticated))~~ signed after default.

(b) **Waiver of mandatory disposition.** A debtor may waive the right to require disposition of collateral under RCW 62A.9A-620(e) only by an agreement to that effect entered into and ~~((authenticated))~~ signed after default.

(c) **Waiver of redemption right.** Except in a consumer-goods transaction, a debtor or secondary obligor may waive the right to redeem collateral under RCW 62A.9A-623 only by an agreement to that effect entered into and ~~((authenticated))~~ signed after default.

**Sec. 950.** RCW 62A.9A-628 and 2011 c 74 s 727 are each amended to read as follows:

(a) **Limitation of liability of secured party for noncompliance with article.** ~~((Unless))~~ Subject to subsection (f) of this section, unless a secured party knows that a person is a debtor or obligor, knows the identity of the person, and knows how to communicate with the person:

(1) The secured party is not liable to the person, or to a secured party or lienholder that has filed a financing statement against the person, for failure to comply with this Article; and

(2) The secured party's failure to comply with this Article does not affect the liability of the person for a deficiency.

(b) **Limitation of liability based on status as secured party.** ~~((A))~~ Subject to subsection (f) of this section, a secured party is not liable because of its status as secured party:

(1) To a person that is a debtor or obligor, unless the secured party knows:

(A) That the person is a debtor or obligor;

(B) The identity of the person; and

(C) How to communicate with the person; or

(2) To a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:

(A) That the person is a debtor; and

(B) The identity of the person.

(c) **Limitation of liability if reasonable belief that transaction not a consumer-goods transaction or consumer transaction.** A secured party is not liable to any person, and a person's liability for a deficiency is

not affected, because of any act or omission arising out of the secured party's reasonable belief that a transaction is not a consumer-goods transaction or a consumer transaction or that goods are not consumer goods, if the secured party's belief is based on its reasonable reliance on:

(1) A debtor's representation concerning the purpose for which collateral was to be used, acquired, or held; or

(2) An obligor's representation concerning the purpose for which a secured obligation was incurred.

(d) **Limitation of liability for statutory damages.** A secured party is not liable to any person under RCW 62A.9A-625(c)(2) for its failure to comply with RCW 62A.9A-616.

(e) **Limitation of multiple liability for statutory damages.** A secured party is not liable under RCW 62A.9A-625(c)(2) more than once with respect to any one secured obligation.

(f) **Exception: Limitation of liability under subsections (a) and (b) of this section does not apply.** Subsections (a) and (b) of this section do not apply to limit the liability of a secured party to a person if, at the time the secured party obtains control of collateral that is a controllable account, controllable electronic record, or controllable payment intangible or at the time the security interest attaches to the collateral, whichever is later:

(1) The person is a debtor or obligor; and

(2) The secured party knows that the information in subsection (b)(1)(A), (B), or (C) of this section relating to the person is not provided by the collateral, a record attached to or logically associated with the collateral, or the system in which the collateral is recorded.

**PART X  
ARTICLE 12  
CONTROLLABLE ELECTRONIC RECORDS**

NEW SECTION. **Sec. 1001.** SECTION 12-101: TITLE. This Article may be cited as uniform commercial code—controllable electronic records.

NEW SECTION. **Sec. 1002.** SECTION 12-102: DEFINITIONS. (a) **Article 12 definitions.** In this Article:

(1) "Controllable electronic record" means a record stored in an electronic medium that can be subjected to control under section 1005 of this act. The term does not include a controllable account, a controllable payment intangible, a deposit account, an electronic copy of a record evidencing chattel paper, an electronic document of title, electronic money, investment property, or a transferable record.

(2) "Qualifying purchaser" means a purchaser of a controllable electronic record or an interest in a controllable electronic record that obtains control of the controllable electronic record for value, in good faith, and without notice of a claim of a property right in the controllable electronic record.

(3) "Transferable record" has the meaning provided for that term in:

(A) Section 201(a)(1) of the electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7021(a)(1); or

(B) RCW 1.80.150(1).

(4) "Value" has the meaning provided in RCW 62A.3-303(a), as if references in that subsection to an "instrument" were references to a controllable account, controllable electronic record, or controllable payment intangible.

(b) **Definitions in Article 9A.** The definitions in Article 9A of this title of "account debtor," "controllable account," "controllable payment intangible," "chattel paper," "deposit account," "electronic money," and "investment property" apply to this Article.

(c) **Article 1 definitions and principles.** Article 1 of this title contains general definitions and principles of construction and interpretation applicable throughout this Article.

**NEW SECTION. Sec. 1003. SECTION 12-103: RELATION TO ARTICLE 9 AND CONSUMER LAWS.** (a) **Article 9A governs in case of conflict.** If there is conflict between this Article and Article 9A of this title, Article 9A of this title governs.

(b) **Applicable consumer law and other laws.** A transaction subject to this Article is subject to any applicable rule of law that establishes a different rule for consumers and chapter 19.86 RCW.

**NEW SECTION. Sec. 1004. SECTION 12-104: RIGHTS IN CONTROLLABLE ACCOUNT, CONTROLLABLE ELECTRONIC RECORD, AND CONTROLLABLE PAYMENT INTANGIBLE.** (a) **Applicability of section to controllable account and controllable payment intangible.** This section applies to the acquisition and purchase of rights in a controllable account or controllable payment intangible, including the rights and benefits under subsections (c), (d), (e), (g), and (h) of this section of a purchaser and qualifying purchaser, in the same manner this section applies to a controllable electronic record.

(b) **Control of controllable account and controllable payment intangible.** To determine whether a purchaser of a controllable account or a controllable payment intangible is a qualifying purchaser, the purchaser obtains control of the account or payment intangible if it obtains control of the controllable electronic record that evidences the account or payment intangible.

(c) **Applicability of other law to acquisition of rights.** Except as provided in this section, law other than this Article determines whether a person acquires a right in a controllable electronic record and the right the person acquires.

(d) **Shelter principle and purchase of limited interest.** A purchaser of a controllable electronic record acquires all rights in the controllable electronic record that the transferor had or had power to transfer, except that a purchaser of a limited interest in a controllable

electronic record acquires rights only to the extent of the interest purchased.

(e) **Rights of qualifying purchaser.** A qualifying purchaser acquires its rights in the controllable electronic record free of a claim of a property right in the controllable electronic record.

(f) **Limitation of rights of qualifying purchaser in other property.** Except as provided in subsections (a) and (e) of this section for a controllable account and a controllable payment intangible or law other than this Article, a qualifying purchaser takes a right to payment, right to performance, or other interest in property evidenced by the controllable electronic record subject to a claim of a property right in the right to payment, right to performance, or other interest in property.

(g) **No-action protection for qualifying purchaser.** An action may not be asserted against a qualifying purchaser based on both a purchase by the qualifying purchaser of a controllable electronic record and a claim of a property right in another controllable electronic record, whether the action is framed in conversion, replevin, constructive trust, equitable lien, or other theory.

(h) **Filing not notice.** Filing of a financing statement under Article 9A of this title is not notice of a claim of a property right in a controllable electronic record.

**NEW SECTION. Sec. 1005. SECTION 12-105: CONTROL OF CONTROLLABLE ELECTRONIC RECORD.** (a) **General rule: Control of controllable electronic record.** A person has control of a controllable electronic record if the electronic record, a record attached to or logically associated with the electronic record, or a system in which the electronic record is recorded:

(1) Gives the person:

(A) Power to avail itself of substantially all the benefit from the electronic record; and

(B) Exclusive power, subject to subsection (b) of this section, to:

(i) Prevent others from availing themselves of substantially all the benefit from the electronic record; and

(ii) Transfer control of the electronic record to another person or cause another person to obtain control of another controllable electronic record as a result of the transfer of the electronic record; and

(2) Enables the person readily to identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as having the powers specified in (1) of this subsection.

(b) **Meaning of exclusive.** Subject to subsection (c) of this section, a power is exclusive under subsection (a)(1)(B)(i) and (ii) of this section even if:

(1) The controllable electronic record, a record attached to or logically associated with the electronic record, or a system in which the electronic record is recorded limits the use of the electronic record or has a protocol programmed to cause a change, including a transfer or loss of control or a modification of benefits afforded by the electronic record; or

(2) The power is shared with another person.

(c) **When power not shared with another person.** A power of a person is not shared with another person under subsection (b)(2) of this section and the person's power is not exclusive if:

(1) The person can exercise the power only if the power also is exercised by the other person; and

(2) The other person:

(A) Can exercise the power without exercise of the power by the person; or

(B) Is the transferor to the person of an interest in the controllable electronic record or a controllable account or controllable payment intangible evidenced by the controllable electronic record.

(d) **Presumption of exclusivity of certain powers.** If a person has the powers specified in subsection (a)(1)(B)(i) and (ii) of this section, the powers are presumed to be exclusive.

(e) **Control through another person.** A person has control of a controllable electronic record if another person, other than the transferor to the person of an interest in the controllable electronic record or a controllable account or controllable payment intangible evidenced by the controllable electronic record:

(1) Has control of the electronic record and acknowledges that it has control on behalf of the person; or

(2) Obtains control of the electronic record after having acknowledged that it will obtain control of the electronic record on behalf of the person.

(f) **No requirement to acknowledge.** A person that has control under this section is not required to acknowledge that it has control on behalf of another person.

(g) **No duties or confirmation.** If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this Article or Article 9A of this title otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.

NEW SECTION.      **Sec. 1006.**      SECTION 12-106: DISCHARGE OF ACCOUNT DEBTOR ON CONTROLLABLE ACCOUNT OR CONTROLLABLE PAYMENT INTANGIBLE. (a) **Discharge of account debtor.** An account debtor on a controllable account or controllable payment intangible may discharge its obligation by paying:

(1) The person having control of the controllable electronic record that evidences the controllable account or controllable payment intangible; or

(2) Except as provided in subsection (b) of this section, a person that formerly had control of the controllable electronic record.

(b) **Content and effect of notification.** Subject to subsection (d) of this section, the account debtor may not discharge its obligation by paying a person that formerly had control of the controllable electronic record if the account debtor receives a notification that:

(1) Is signed by a person that formerly had control or the person to which control was transferred;

(2) Reasonably identifies the controllable account or controllable payment intangible;

(3) Notifies the account debtor that control of the controllable electronic record that evidences the controllable account or controllable payment intangible was transferred;

(4) Identifies the transferee, in any reasonable way, including by name, identifying number, cryptographic key, office, or account number; and

(5) Provides a commercially reasonable method by which the account debtor is to pay the transferee.

(c) **Discharge following effective notification.** After receipt of a notification that complies with subsection (b) of this section, the account debtor may discharge its obligation by paying in accordance with the notification and may not discharge the obligation by paying a person that formerly had control.

(d) **When notification ineffective.** Subject to subsection (h) of this section, notification is ineffective under subsection (b) of this section:

(1) Unless, before the notification is sent, the account debtor and the person that, at that time, had control of the controllable electronic record that evidences the controllable account or controllable payment intangible agree in a signed record to a commercially reasonable method by which a person may furnish reasonable proof that control has been transferred;

(2) To the extent an agreement between the account debtor and seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this Article; or

(3) At the option of the account debtor, if the notification notifies the account debtor to:

(A) Divide a payment;

(B) Make less than the full amount of an installment or other periodic payment; or

(C) Pay any part of a payment by more than one method or to more than one person.

(e) **Proof of transfer of control.** Subject to subsection (h) of this section, if requested by the account debtor, the person giving the notification under subsection (b) of this section seasonably shall furnish reasonable proof, using the method in the agreement referred to in subsection (d)(1) of this section, that control of the controllable electronic record has been transferred. Unless the person complies with the request, the account debtor may discharge its obligation by paying a person that formerly had control, even if the account debtor has received a notification under subsection (b) of this section.

(f) **What constitutes reasonable proof.** A person furnishes reasonable proof under subsection (e) of this section that control has been transferred if the person demonstrates, using the method in the agreement referred to in subsection (d)(1)

of this section, that the transferee has the power to:

(1) Avail itself of substantially all the benefit from the controllable electronic record;

(2) Prevent others from availing themselves of substantially all the benefit from the controllable electronic record; and

(3) Transfer the powers specified in (1) and (2) of this subsection to another person.

(g) **Rights not waivable.** Subject to subsection (h) of this section, an account debtor may not waive or vary its rights under subsections (d)(1) and (e) of this section or its option under subsection (d)(3) of this section.

(h) **Rule for individual under other law.** This section is subject to law other than this Article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

NEW SECTION. **Sec. 1007.** SECTION 12-107: GOVERNING LAW. (a) **Governing law: General rule.** Except as provided in subsection (b) of this section, the local law of a controllable electronic record's jurisdiction governs a matter covered by this Article.

(b) **Governing law: Section 1006 of this act.** For a controllable electronic record that evidences a controllable account or controllable payment intangible, the local law of the controllable electronic record's jurisdiction governs a matter covered by section 1006 of this act unless an effective agreement determines that the local law of another jurisdiction governs.

(c) **Controllable electronic record's jurisdiction.** The following rules determine a controllable electronic record's jurisdiction under this section:

(1) If the controllable electronic record, or a record attached to or logically associated with the controllable electronic record and readily available for review, expressly provides that a particular jurisdiction is the controllable electronic record's jurisdiction for purposes of this Article or this title, that jurisdiction is the controllable electronic record's jurisdiction.

(2) If (1) of this subsection does not apply and the rules of the system in which the controllable electronic record is recorded are readily available for review and expressly provide that a particular jurisdiction is the controllable electronic record's jurisdiction for purposes of this Article or this title, that jurisdiction is the controllable electronic record's jurisdiction.

(3) If (1) and (2) of this subsection do not apply and the controllable electronic record, or a record attached to or logically associated with the controllable electronic record and readily available for review, expressly provides that the controllable electronic record is governed by the law of a particular jurisdiction, that jurisdiction is the controllable electronic record's jurisdiction.

(4) If (1), (2), and (3) of this subsection do not apply and the rules of the system in which the controllable electronic record is recorded are readily available for review and expressly provide that the controllable electronic record or the system is governed by the law of a particular jurisdiction, that jurisdiction is the controllable electronic record's jurisdiction.

(5) If (1) through (4) of this subsection do not apply, the controllable electronic record's jurisdiction is the District of Columbia.

(d) **Applicability of Article 12.** If subsection (c)(5) of this section applies and this Article 12 is not in effect in the District of Columbia without material modification, the governing law for a matter covered by this Article is the law of the District of Columbia as though Article 12 were in effect in the District of Columbia without material modification. In this subsection, "Article 12" means Article 12 of Uniform Commercial Code Amendments (2022).

(e) **Relation of matter or transaction to controllable electronic record's jurisdiction not necessary.** To the extent subsections (a) and (b) of this section provide that the local law of the controllable electronic record's jurisdiction governs a matter covered by this Article, that law governs even if the matter or a transaction to which the matter relates does not bear any relation to the controllable electronic record's jurisdiction.

(f) **Rights of purchasers determined at time of purchase.** The rights acquired under section 1004 of this act by a purchaser or qualifying purchaser are governed by the law applicable under this section at the time of purchase.

**PART XI  
ARTICLE A  
TRANSITIONAL PROVISIONS FOR UNIFORM  
COMMERCIAL CODE  
AMENDMENTS (2022)  
GENERAL PROVISIONS AND DEFINITIONS**

NEW SECTION. **Sec. 1101.** SECTION A-101: TITLE. This Article may be cited as transitional provisions for Uniform Commercial Code Amendments (2022).

NEW SECTION. **Sec. 1102.** SECTION A-102: DEFINITIONS. (a) **Article A Definitions.** In this article:

(1) "Adjustment date" means July 1, 2025, or the date that is one year after the effective date of this section, whichever is later.

(2) "Article 12" means Article -- of this title (the new Article created by section 1202 of this act).

(3) "Article 12 property" means a controllable account, controllable electronic record, or controllable payment intangible.

(b) **Definitions in other articles.** The following definitions in other articles of this title apply to this Article.

"Controllable account." RCW 62A.9A-102.

"Controllable electronic record." Section 1002 of this act.

"Controllable payment intangible." RCW 62A.9A-102.

"Electronic money." RCW 62A.9A-102.

"Financing statement." RCW 62A.9A-102.

(c) **Article 1 definitions and principles.** Article 1 of this title contains general definitions and principles of construction and interpretation applicable throughout this Article.

#### GENERAL TRANSITIONAL PROVISION

NEW SECTION. **Sec. 1103.** SECTION A-201: SAVING CLAUSE. Except as provided in sections 1104 through 1109 of this act, a transaction validly entered into before the effective date of this section and the rights, duties, and interests flowing from the transaction remain valid thereafter and may be terminated, completed, consummated, or enforced as required or permitted by law other than this title or, if applicable, this title, as though this act had not taken effect.

#### TRANSITIONAL PROVISIONS FOR ARTICLES 9A AND 12

NEW SECTION. **Sec. 1104.** SECTION A-301: SAVING CLAUSE. (a) **Preeffective-date transaction, lien, or interest.** Except as provided in this part, Article 9A of this title as amended by this act and Article 12 apply to a transaction, lien, or other interest in property, even if the transaction, lien, or interest was entered into, created, or acquired before the effective date of this section.

(b) **Continuing validity.** Except as provided in subsection (c) of this section and sections 1005 through 1109 of this act:

(1) A transaction, lien, or interest in property that was validly entered into, created, or transferred before the effective date of this section and was not governed by this title, but would be subject to Article 9A of this title as amended by this act or Article 12 if it had been entered into, created, or transferred on or after the effective date of this section, including the rights, duties, and interests flowing from the transaction, lien, or interest, remains valid on and after the effective date of this section; and

(2) The transaction, lien, or interest may be terminated, completed, consummated, and enforced as required or permitted by this act or by the law that would apply if this act had not taken effect.

(c) **Preeffective-date proceeding.** This act does not affect an action, case, or proceeding commenced before the effective date of this section.

NEW SECTION. **Sec. 1105.** SECTION A-302: SECURITY INTEREST PERFECTED BEFORE EFFECTIVE DATE. (a) **Continuing perfection: Perfection requirements satisfied.** A security interest that is enforceable and perfected immediately before the effective date of this section is a perfected security

interest under this act if, on the effective date of this section, the requirements for enforceability and perfection under this act are satisfied without further action.

(b) **Continuing perfection: Enforceability or perfection requirements not satisfied.** If a security interest is enforceable and perfected immediately before the effective date of this section, but the requirements for enforceability or perfection under this act are not satisfied on the effective date of this section, the security interest:

(1) Is a perfected security interest until the earlier of the time perfection would have ceased under the law in effect immediately before the effective date of this section or the adjustment date;

(2) Remains enforceable thereafter only if the security interest satisfies the requirements for enforceability under RCW 62A.9A-203, as amended by this act, before the adjustment date; and

(3) Remains perfected thereafter only if the requirements for perfection under this act are satisfied before the time specified in (1) of this subsection.

NEW SECTION. **Sec. 1106.** SECTION A-303: SECURITY INTEREST UNPERFECTED BEFORE EFFECTIVE DATE. A security interest that is enforceable immediately before the effective date of this section but is unperfected at that time:

(a) Remains an enforceable security interest until the adjustment date;

(b) Remains enforceable thereafter if the security interest becomes enforceable under RCW 62A.9A-203, as amended by this act, on the effective date of this section or before the adjustment date; and

(c) Becomes perfected:

(1) Without further action, on the effective date of this section if the requirements for perfection under this act are satisfied before or at that time; or

(2) When the requirements for perfection are satisfied if the requirements are satisfied after that time.

NEW SECTION. **Sec. 1107.** SECTION A-304: EFFECTIVENESS OF ACTIONS TAKEN BEFORE EFFECTIVE DATE. (a) **Preeffective-date action; attachment and perfection before adjustment date.** If action, other than the filing of a financing statement, is taken before the effective date of this section and the action would have resulted in perfection of the security interest had the security interest become enforceable before the effective date of this section, the action is effective to perfect a security interest that attaches under this act before the adjustment date. An attached security interest becomes unperfected on the adjustment date unless the security interest becomes a perfected security interest under this act before the adjustment date.

(b) **Preeffective-date filing.** The filing of a financing statement before the effective date of this section is effective to perfect a security interest on the effective date of this section to the extent the filing would satisfy the requirements for perfection under this act.

(c) **Preeffective-date enforceability action.** The taking of an action before the effective date of this section is sufficient for the enforceability of a security interest on the effective date of this section if the action would satisfy the requirements for enforceability under this act.

NEW SECTION. **Sec. 1108.** SECTION A-305: PRIORITY. (a) **Determination of priority.** Subject to subsections (b) and (c) of this section, this act determines the priority of conflicting claims to collateral.

(b) **Established priorities.** Subject to subsection (c) of this section, if the priorities of claims to collateral were established before the effective date of this section, Article 9A of this title as in effect before the effective date of this section determines priority.

(c) **Determination of certain priorities on adjustment date.** On the adjustment date, to the extent the priorities determined by Article 9A of this title as amended by this act modify the priorities established before the effective date of this section, the priorities of claims to Article 12 property and electronic money established before the effective date of this section cease to apply.

NEW SECTION. **Sec. 1109.** SECTION A-306: PRIORITY OF CLAIMS WHEN PRIORITY RULES OF ARTICLE 9A DO NOT APPLY. (a) **Determination of priority.** Subject to subsections (b) and (c) of this section, Article 12 determines the priority of conflicting claims to Article 12 property when the priority rules of Article 9A of this title as amended by this act do not apply.

(b) **Established priorities.** Subject to subsection (c) of this section, when the priority rules of Article 9A of this title as amended by this act do not apply and the priorities of claims to Article 12 property were established before the effective date of this section, law other than Article 12 determines priority.

(c) **Determination of certain priorities on adjustment date.** When the priority rules of Article 9A of this title as amended by this act do not apply, to the extent the priorities determined by this act modify the priorities established before the effective date of this section, the priorities of claims to Article 12 property established before the effective date of this section cease to apply on the adjustment date.

## PART XII

NEW SECTION. **Sec. 1201.** Nothing in this act may be construed to support, endorse, create, or implement a national digital currency.

NEW SECTION. **Sec. 1202.** Sections 1001 through 1007 of this act constitute a new Article in Title 62A RCW.

NEW SECTION. **Sec. 1203.** Sections 1101 through 1109 of this act constitute a new Article in Title 62A RCW.

NEW SECTION. **Sec. 1204.** This act takes effect January 1, 2024."

Correct the title.

Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

March 24, 2023

SSB 5078

Prime Sponsor, Ways & Means: Protecting public safety by establishing duties of firearm industry members. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that the irresponsible, dangerous, and unlawful business practices by firearms industry members contributes to the illegal use of firearms and not only constitutes a public nuisance as declared in chapter 7.48 RCW, but that the effects of that nuisance exacerbate the public health crisis of gun violence in this state. The Washington state medical association, the Washington health alliance, and the voters of Washington, most recently through approval of Initiative 1639 in 2016, have all noted that crisis.

(2) The legislature further finds that public nuisance was established in state law by Washington's territorial legislature in 1875 and has been interpreted by the state supreme court for more than 100 years to enjoin the operation of illegal businesses as nuisance by individuals suffering special injury. Since at least 1895, public nuisance has included manufacturing and storing gunpowder and other highly explosive substances.

(3) Firearm industry members profit from the sale, manufacture, distribution, importing, and marketing of lethal products that are frequently used to threaten, injure, and kill people in Washington, and which cause enormous harms to individuals' and communities' health, safety, and well-being, as well as economic opportunity and vitality. While manufacturers have incorporated features and technology resulting in more deadly and destructive firearms, and products designed to be used with and for firearms, some actors in the firearm industry have implemented irresponsible and dangerous sales, distribution, importing, and marketing practices, including contributing to the development of an illegal secondary market for these increasingly dangerous products.



Such practices lead to grave public harms and also provide an unfair business advantage to irresponsible firearm industry members over more responsible competitors who take reasonable precautions to protect others' lives and well-being.

(4) The federal protection of lawful commerce in arms act (PLCAA) recognizes the ability of states to enact and enforce statutes regulating the sale and marketing of firearms and related products, and expressly provides that causes of action may proceed where there are violations of such statutes.

(5) The legislature intends to ensure a level playing field for responsible firearm industry members, to incentivize firearm industry members to establish and implement safe and responsible business practices, and to ensure that the attorney general and members of the public in Washington who are harmed by a firearm industry member's violation of law may bring legal action to seek appropriate justice and fair remedies for those harms in court.

**NEW SECTION. Sec. 2.** A new section is added to chapter 7.48 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Firearm industry member" means a person engaged in the wholesale or retail sale, manufacturing, distribution, importing, or marketing of a firearm industry product, or any officer or agent to act on behalf of such a person or who acts in active concert or participation with such a person.

(b) "Firearm industry product" means a product that meets any of the following conditions:

(i) The firearm industry product was sold, made, distributed, or marketed in this state;

(ii) The firearm industry product was intended to be sold, made, distributed, or marketed in this state; or

(iii) The firearm industry product was used or possessed in this state, and it was reasonably foreseeable that the product would be used or possessed in this state.

(c) "Firearm trafficker" means a person who acquires, transfers, or attempts to acquire or transfer a firearm for purposes of unlawful commerce including, but not limited to, a subsequent transfer to another individual who is prohibited from possessing the firearm industry product under state or federal law.

(d) "Person" means any natural person, firm, corporation, company, partnership, society, joint stock company, municipality or other political subdivision of the state, or any other entity or association.

(e) "Product" means:

(i) A firearm;

(ii) Ammunition;

(iii) A component part of a firearm or ammunition, including a completed frame or receiver or unfinished frame or receiver, as defined in RCW 9.41.010;

(iv) An accessory or device that is designed or adapted to be inserted into,

affixed onto, or used in conjunction with a firearm, if the device is marketed or sold to the public and that is designed, intended, or able to be used to increase a firearm's rate of fire, concealability, magazine capacity, or destructive capacity, or to increase the firearm's stability and handling when the firearm is repeatedly fired;

(v) A machine or device that is marketed or sold to the public that is designed, intended, or able to be used to manufacture or produce a firearm or any other product listed in this subsection (1)(e).

(f) "Reasonable controls" means reasonable procedures, safeguards, and business practices, including but not limited to screening, security, and inventory practices, that are designed and implemented to do all of the following:

(i) Prevent the sale or distribution of a firearm industry product to a straw purchaser, a firearm trafficker, a person prohibited from possessing a firearm under state or federal law, or a person who the firearm industry member has reasonable cause to believe is at substantial risk of using a firearm industry product to harm themselves or unlawfully harm another, or of unlawfully possessing or using a firearm industry product;

(ii) Prevent the loss of a firearm industry product or theft of a firearm industry product from a firearm industry member; and

(iii) Ensure that the firearm industry member complies with all provisions of state and federal law and does not otherwise promote the unlawful sale, manufacture, distribution, importing, possession, marketing, or use of a firearm industry product.

(g) "Straw purchaser" means a person who wrongfully purchases or obtains a firearm industry product on behalf of a third party. "Straw purchaser" does not include one who makes a bona fide gift to a person who is not prohibited by law from possessing a firearm industry product. For the purposes of this subsection (1)(g), a gift is not a "bona fide gift" if the third party has offered or given the purchaser or transferee a service or thing of value in connection with the transaction.

(2) This section applies to a firearm industry member engaged in the manufacture, distribution, importation, marketing, or wholesale or retail sale of a firearm industry product.

(3) A firearm industry member shall not knowingly create, maintain, or contribute to a public nuisance in this state through the sale, manufacturing, distribution, importing, or marketing of a firearm industry product.

(4) A firearm industry member shall establish, implement, and enforce reasonable controls regarding its manufacture, sale, distribution, importing, use, and marketing of firearm industry products.

(5) A firearm industry member shall take reasonable precautions to ensure the firearm industry member does not sell or distribute a firearm industry product to a downstream distributor or retailer of firearm industry

products that fails to establish and implement reasonable controls.

(6) A firearm industry member shall not manufacture, distribute, import, market, offer for wholesale, or offer for retail sale a firearm industry product that is:

(a) Designed, sold, or marketed in a manner that foreseeably promotes conversion of legal firearm industry products into illegal firearm industry products; or

(b) Designed, sold, or marketed in a manner that is targeted at minors or individuals who are legally prohibited from purchasing or possessing firearms.

(7) A violation of this section is a public nuisance.

(8) The legislature finds that the acts or practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(9) A firearm industry member's conduct in violation of any provision of this section constitutes a proximate cause of the public nuisance if the harm is a reasonably foreseeable effect of the conduct, notwithstanding any intervening actions, including but not limited to criminal actions by third parties. This subsection is not intended to establish a causation requirement for a claim brought by the attorney general pursuant to the consumer protection act, chapter 19.86 RCW.

(10) Whenever it appears to the attorney general that a firearm industry member has engaged in or is engaging in conduct in violation of this section, the attorney general may commence an action to seek and obtain any remedies available for violations of this chapter, and may also seek and obtain punitive damages up to an amount not to exceed three times the actual damages sustained by the state, reasonable attorneys' fees, and costs of the action.

(11) Whenever the attorney general believes that any person (a) may be in possession, custody, or control of any information which he or she believes to be relevant to the subject matter of an investigation of a possible violation of this section, or (b) may have knowledge of any information which the attorney general believes relevant to the subject matter of such an investigation, the attorney general may, prior to the institution of a civil proceeding thereon, execute in writing and cause to be served upon such a person, a civil investigative demand requiring such person to produce such documentary material and permit inspection and copying, to answer in writing written interrogatories, to give oral testimony, or any combination of such demands pertaining to such documentary material or information, subject to the provisions of RCW 19.86.110 (2) through (9). Any person or entity that receives a civil investigative demand issued pursuant to RCW 19.86.110 and that has an objection to answering in whole or in part may avail

themselves of the procedural protections afforded in RCW 19.86.110(8). Further, the attorney general shall not share with a law enforcement agency conducting a criminal investigation any materials or information obtained via a response to a civil investigative demand issued pursuant to RCW 19.86.110 unless such information or materials are required to be disclosed pursuant to issuance of a search warrant.

(12) The attorney general's authority to investigate a possible violation of this section and commence a legal action in response to a violation of this section shall not be construed or implied to deny, abrogate, limit, or impair any person's right to bring a private right of action in response to a violation of this section pursuant to (a) RCW 7.48.200 and 7.48.210, to seek damages, abatement, or any other remedy available for a public nuisance, or (b) chapter 19.86 RCW, to seek damages, equitable relief, or any other remedy available under the consumer protection act.

(13) To prevail in an action under this section, the party seeking relief is not required to demonstrate that the firearm industry member acted with the purpose to engage in a public nuisance or otherwise cause harm to the public.

(14) Nothing in this section shall be construed or implied to deny, abrogate, limit, or impair in any way any of the following:

(a) The right of the attorney general to pursue a legal action under any other law, including chapter 19.86 RCW; or

(b) An obligation or requirement placed on a firearm industry member by any other law.

(15) Nothing in this section shall be construed or implied to deny, abrogate, limit, or impair any statutory or common law right, remedy, or prohibition otherwise available to any party, including the attorney general.

NEW SECTION. **Sec. 3.** This act is known as the firearm industry responsibility and gun violence victims' access to justice act.

NEW SECTION. **Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson; Thai and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Cheney; and Rude.

Referred to Committee on Appropriations

March 27, 2023

2SSB 5134

Prime Sponsor, Ways & Means: Concerning reentry services and supports. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that successful rehabilitation and reentry has a positive impact on reduced recidivism rates and increased community safety. The legislature further finds that the success of individuals releasing from confinement in correctional institutions can be increased through access to supportive services, medical assistance, and other necessities. The legislature recognizes that the mortality rate in the first 72 hours following release from confinement is on average 18 times higher than the general population. The legislature further finds that access to basic human needs like food, medication, clothing, transportation, and shelter are necessary supports for most individuals exiting confinement. Therefore, the legislature resolves to enhance recovery, reduce recidivism, and improve public safety by providing increased access to supportive services and assistance following release from confinement.

**Sec. 2.** RCW 72.02.100 and 2022 c 29 s 2 are each amended to read as follows:

(1) Any person serving a sentence for a term of confinement in a state correctional facility for convicted felons, pursuant to court commitment, who is thereafter released upon an order of parole of the indeterminate sentence review board, or who is discharged from custody upon expiration of sentence, or who is ordered discharged from custody by a court of appropriate jurisdiction, shall be entitled to retain his or her earnings from labor or employment while in confinement and shall be supplied by the superintendent of the state correctional facility with suitable and presentable clothing, the sum of no less than \$40 for subsistence, and transportation by the least expensive method of public transportation not to exceed the cost of \$100 to his or her place of residence or the place designated in his or her parole plan, or to the place from which committed if such person is being discharged on expiration of sentence, or discharged from custody by a court of appropriate jurisdiction: ~~PROVIDED, That up to (\$60 additional dollars))~~ an additional \$60 may be made available to the parolee for necessary personal and living expenses upon application to and approval by such person's community corrections officer. If in the opinion of the superintendent suitable arrangements have been made to provide the person to be released with suitable clothing and/or the expenses of transportation, the superintendent may consent to such arrangement. If the superintendent has reasonable cause to believe that the person to be released has ample funds, with the exception of earnings from labor or

employment while in confinement, to assume the expenses of clothing, transportation, or the expenses for which payments made pursuant to this section or RCW 72.02.110 or any one or more of such expenses, the person released shall be required to assume such expenses.

(2) (a) The department of corrections may provide temporary housing assistance for a person being released from any state correctional facility through the use of rental vouchers, for a period not to exceed six months, if the department finds that such assistance will support the person's release into the community by preventing housing instability or homelessness. The department's authority to provide vouchers under this section is independent of its authority under RCW 9.94A.729; however, a person may not receive a combined total of rental vouchers in excess of six months for each release from a state correctional facility.

(b) The department shall establish policies for prioritizing funds available for housing vouchers under this section for persons at risk of releasing homeless or becoming homeless without assistance while taking into account risk to reoffend.

**Sec. 3.** RCW 72.09.270 and 2021 c 200 s 3 are each amended to read as follows:

(1) The department of corrections shall develop an individual reentry plan as defined in RCW 72.09.015 for every incarcerated individual who is committed to the jurisdiction of the department except:

(a) Incarcerated individuals who are sentenced to life without the possibility of release or sentenced to death under chapter 10.95 RCW; and

(b) Incarcerated individuals who are subject to the provisions of 8 U.S.C. Sec. 1227.

(2) The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements of this section.

(3) In developing individual reentry plans, the department shall assess all incarcerated individuals using standardized and comprehensive tools to identify the criminogenic risks, programmatic needs, and educational and vocational skill levels for each incarcerated individual. The assessment tool should take into account demographic biases, such as culture, age, and gender, as well as the needs of the incarcerated individual, including any learning disabilities, substance abuse or mental health issues, and social or behavior challenges.

(4) (a) The initial assessment shall be conducted as early as sentencing, but, whenever possible, no later than forty-five days of being sentenced to the jurisdiction of the department of corrections.

(b) The incarcerated individual's individual reentry plan shall be developed as soon as possible after the initial assessment is conducted, but, whenever possible, no later than sixty days after completion of the assessment, and shall be periodically reviewed and updated as appropriate.

(5) The individual reentry plan shall, at a minimum, include:

(a) A plan to maintain contact with the incarcerated individual's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate to facilitate successful reunification with the incarcerated individual's children and family;

(b) An individualized portfolio for each incarcerated individual that includes the incarcerated individual's education achievements, certifications, employment, work experience, skills, and any training received prior to and during incarceration; and

(c) A plan for the incarcerated individual during the period of incarceration through reentry into the community that addresses the needs of the incarcerated individual including education, employment, substance abuse treatment, mental health treatment, family reunification, and other areas which are needed to facilitate a successful reintegration into the community.

~~(6) (a) ((Prior to))~~ Within one year prior to the release or discharge of any incarcerated individual, the department shall develop an individual discharge plan and provide reentry linkage case management services as follows:

(i) Evaluate the incarcerated individual's behavioral health and physical health needs and, to the extent possible, connect the incarcerated individual with ~~((existing services and resources that meet those needs))~~ relevant services, treatment programs, medication-assisted treatment, tribal and urban health clinics, and behavioral health services, and other resources based on the individual's evaluated needs;

(ii) Assist the incarcerated individual with obtaining identification upon release;

(iii) Assist the incarcerated individual with submitting applications for applicable state and federal government assistance and benefits programs on behalf of the incarcerated individual;

(iv) Prepare a 90-day supply of any necessary prescribed medications to be provided upon release, through a combination of a 30-day supply of in-hand medications and 60-day supply of prescriptions, when clinically appropriate, to ensure continuity of care and that medications are readily available for the incarcerated individual upon release; and

~~((iii))~~ (v) Connect the incarcerated individual with a community justice center and/or community transition coordination network in the area in which the incarcerated individual will be residing once released from the correctional system if one exists.

(b) If the department recommends partial confinement in an incarcerated individual's individual reentry plan, the department shall maximize the period of partial confinement for the incarcerated individual as allowed pursuant to RCW 9.94A.728 to facilitate the incarcerated individual's transition to the community.

(7) The department shall establish mechanisms for sharing information from individual reentry plans to those persons involved with the incarcerated individual's treatment, programming, and reentry, when deemed appropriate. When feasible, this information shall be shared electronically.

(8)(a) In determining the county of discharge for an incarcerated individual released to community custody, the department may approve a residence location that is not in the incarcerated individual's county of origin if the department determines that the residence location would be appropriate based on any court-ordered condition of the incarcerated individual's sentence, victim safety concerns, and factors that increase opportunities for successful reentry and long-term support including, but not limited to, location of family or other sponsoring persons or organizations that will support the incarcerated individual, ability to complete an educational program that the incarcerated individual is enrolled in, availability of appropriate programming or treatment, and access to housing, employment, and prosocial influences on the person in the community.

(b) In implementing the provisions of this subsection, the department shall approve residence locations in a manner that will not cause any one county to be disproportionately impacted.

(c) If the incarcerated individual is not returned to his or her county of origin, the department shall provide the law and justice council of the county in which the incarcerated individual is placed with a written explanation.

(d)(i) For purposes of this section, except as provided in (d)(ii) of this subsection, the incarcerated individual's county of origin means the county of the incarcerated individual's residence at the time of the incarcerated individual's first felony conviction in Washington state.

(ii) If the incarcerated individual is a homeless person as defined in RCW 43.185C.010, or the incarcerated individual's residence is unknown, then the incarcerated individual's county of origin means the county of the incarcerated individual's first felony conviction in Washington state.

(9) Nothing in this section creates a vested right in programming, education, or other services."

Correct the title.

Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker, Ranking Minority Member; and Graham.

Referred to Committee on Appropriations

March 24, 2023

SB 5252

Prime Sponsor, Senator Valdez: Making modifications necessary to comply with federal regulations regarding dissemination of federal bureau of investigation criminal history record information. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 18.88B.080 and 2012 c 164 s 501 are each amended to read as follows:

A long-term care worker disqualified from working with vulnerable persons under chapter 74.39A RCW may not be certified or maintain certification as a home care aide under this chapter. ~~((To allow the department to satisfy its certification responsibilities under this chapter, the department of social and health services shall share the results of state and federal background checks conducted pursuant to RCW 74.39A.056 with the department. Neither department may share the federal background check results with any other state agency or person.))~~

**Sec. 2.** RCW 43.43.832 and 2021 c 203 s 1 are each amended to read as follows:

(1) The Washington state patrol identification and criminal history section shall disclose conviction records as follows:

(a) An applicant's conviction record, upon the request of a business or organization as defined in RCW 43.43.830, a developmentally disabled person, or a vulnerable adult as defined in RCW 43.43.830 or his or her guardian;

(b) The conviction record of an applicant for certification, upon the request of the Washington professional educator standards board;

(c) Any conviction record to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse, upon the request of a law enforcement agency, the office of the attorney general, prosecuting authority, or the department of social and health services; and

(d) A prospective client's or resident's conviction record, upon the request of a business or organization that qualifies for exemption under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) and that provides emergency shelter or transitional housing for children, persons with developmental disabilities, or vulnerable adults.

(2) The secretary of the department of social and health services and the secretary of children, youth, and families must establish rules and set standards to require specific action when considering the information received pursuant to subsection (1) of this section, and when considering additional information including but not limited to civil adjudication proceedings as

defined in RCW 43.43.830 and any out-of-state equivalent, in the following circumstances:

(a) When considering persons for state employment in positions directly responsible for the supervision, care, or treatment of children, vulnerable adults, or individuals with mental illness or developmental disabilities provided that: For persons residing in a home that will be utilized to provide foster care for dependent youth, a criminal background check will be required for all persons aged sixteen and older and the department of ~~((social and health services))~~ children, youth, and families may require a criminal background check for persons who are younger than sixteen in situations where it may be warranted to ensure the safety of youth in foster care;

(b) When considering persons for state positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(c) When licensing agencies or facilities with individuals in positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to agencies or facilities licensed under chapter 74.15 or 18.51 RCW;

(d) When contracting with individuals or businesses or organizations for the care, supervision, case management, or treatment, including peer counseling, of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;

(e) When individual providers as defined in RCW 74.39A.240 or providers paid by home care agencies provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW.

(3) The secretary of the department of children, youth, and families shall investigate the conviction records, pending charges, and other information including civil adjudication proceeding records of current employees and of any person actively being considered for any position with the department who will or may have unsupervised access to children, or for state positions otherwise required by federal law to meet employment standards. "Considered for any position" includes decisions about (a) initial hiring, layoffs, reallocations, transfers, promotions, or demotions, or (b) other decisions that result in an individual being in a position that will or may have unsupervised access to children as an employee, an intern, or a volunteer.

(4) The secretary of the department of children, youth, and families shall adopt rules and investigate conviction records,

pending charges, and other information including civil adjudication proceeding records, in the following circumstances:

(a) When licensing or certifying agencies with individuals in positions that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood education services, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(b) When authorizing individuals who will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services in licensed or certified agencies, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(c) When contracting with any business or organization for activities that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services;

(d) When establishing the eligibility criteria for individual providers to receive state paid subsidies to provide child day care or early learning services that will or may involve unsupervised access to children; and

(e) When responding to a request from an individual for a certificate of parental improvement under chapter 74.13 RCW.

(5) Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis pending completion of the state background investigation. Whenever a national criminal record check through the federal bureau of investigation is required by state law, a person may be employed or engaged as a volunteer or independent contractor on a conditional basis pending completion of the national check. The office of financial management shall adopt rules to accomplish the purposes of this subsection as it applies to state employees. The department of social and health services shall adopt rules to accomplish the purpose of this subsection as it applies to long-term care workers subject to RCW 74.39A.056.

(6)(a) For purposes of facilitating timely access to criminal background information and to reasonably minimize the number of requests made under this section, recognizing that certain health care providers change employment frequently, health care facilities may, upon request from another health care facility, share copies of completed Washington state criminal background inquiry information.

(b) Completed state criminal background inquiry information may be shared by a willing health care facility only if the following conditions are satisfied: The licensed health care facility sharing the state criminal background inquiry information is reasonably known to be the person's most recent employer, no more than twelve months has elapsed from the date the

person was last employed at a licensed health care facility to the date of their current employment application, and the state criminal background information is no more than two years old.

(c) If state criminal background inquiry information is shared, the health care facility employing the subject of the inquiry must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in RCW 43.43.842 since the completion date of the most recent criminal background inquiry.

(d) Any health care facility that knows or has reason to believe that an applicant has or may have a disqualifying conviction or finding as described in RCW 43.43.842, subsequent to the completion date of their most recent criminal background inquiry, shall be prohibited from relying on the applicant's previous employer's state criminal background inquiry information. A new state criminal background inquiry shall be requested pursuant to RCW 43.43.830 through 43.43.842.

(e) Health care facilities that share state criminal background inquiry information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this subsection.

(f) Health care facilities shall transmit and receive the state criminal background inquiry information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

(7) The department of social and health services may not consider any final founded finding of physical abuse or negligent treatment or maltreatment of a child made pursuant to chapter 26.44 RCW that is accompanied by a certificate of parental improvement or dependency as a result of a finding of abuse or neglect pursuant to chapter 13.34 RCW that is accompanied by a certificate of parental improvement when evaluating an applicant or employee's character, competency, and suitability pursuant to any background check authorized or required by this chapter, RCW 43.20A.710 or 74.39A.056, or any of the rules adopted thereunder.

**Sec. 3.** RCW 43.43.837 and 2022 c 297 s 954 are each amended to read as follows:

(1) (~~Except as provided in subsection (2) of this section, in~~) In order to determine the character, competence, and suitability of any applicant or service provider to have unsupervised access to vulnerable adults, children, or juveniles, the secretary of the department of social and health services ((and the secretary of the department of children, youth, and families may require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation at any time, but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application, and)) shall require the applicant or service

provider to submit fingerprints for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation when the applicant or service provider:

(a) ((Is an applicant or service provider providing services to children or people with developmental disabilities under RCW 74.15.030;

(b) Is an individual sixteen years of age or older who: (i) Is not under the placement and care authority of the department of children, youth, and families; and (ii) resides in an applicant or service provider's home, facility, entity, agency, or business or who is authorized by the department of children, youth, and families to provide services to children under RCW 74.15.030;

(c) Is an individual who is authorized by the department of social and health services to provide services to people with developmental disabilities under RCW 74.15.030; or

(d) Is an applicant or service provider providing in-home services funded by:

(i) Medicaid personal care under RCW 74.09.520;

(ii) Community options program entry system waiver services under RCW 74.39A.030;

(iii) Chore services under RCW 74.39A.110; or

(iv) Other)) Has resided in the state less than three consecutive years before application and:

(i) Is a contractor providing services funded by other home and community long-term care programs, established pursuant to chapters 71A.12, 74.09, 74.39, and 74.39A RCW, administered by the department of social and health services;

(ii) Is an individual who is authorized by the department of social and health services to provide services to people with developmental disabilities under RCW 74.15.030; or

(iii) Is applying for employment or is already employed by an area agency on aging or federally recognized Indian tribe, or is an employee of a contractor of an area agency on aging or federally recognized Indian tribe, that will, or may, have unsupervised access to vulnerable adults, children, or juveniles when engaging in the activities described in RCW 74.09.520(5);

(b) Is applying for employment or is already employed at any secure facility operated by the department of social and health services under chapter 71.09 RCW;

(c) Is applying to be an adult family home licensee, entity representative, or resident manager under chapter 70.128 RCW;

(d) Is applying to be an assisted living facility licensee or administrator under chapter 18.20 RCW;

(e) Is applying to be an enhanced services facility licensee or administrator under chapter 70.97 RCW;

(f) Is applying to be a certified community residential services and supports provider or administrator under chapter 71A.12 RCW; or

(g) Has been categorized as a high-risk provider as defined in subsection (10)(f) of this section.

(2) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January 7, 2012, are subject to fingerprint-based background checks under RCW 74.39A.056.

(3) ((To satisfy the shared background check requirements provided for in RCW 43.216.270 and 43.20A.710, the department of children, youth, and families and the department of social and health services shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. Neither department may share the federal background check results with any other state agency or person.)) In order to determine the character, competence, and suitability of an applicant or service provider to have unsupervised access to children or juveniles, the secretary of the department of children, youth, and families shall require the applicant or service provider to submit fingerprints for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation when the applicant or service provider:

(a) Is applying for a license under RCW 74.15.030 or is an adult living in a home where a child is placed;

(b) Is applying for employment or already employed at a group care facility, regardless of whether the applicant is working directly with children;

(c) Is newly applying for an agency license, is newly licensed, is an employee of an agency that is newly licensed, or will newly have unsupervised access to children in child care, pursuant to RCW 43.216.270; or

(d) Has resided in the state less than three consecutive years before application; and:

(i) Is applying for employment, promotion, reallocation, or transfer to a position the department of children, youth, and families has identified as one that will, or may, require the applicant to have unsupervised access to children or juveniles because of the nature of the work;

(ii) Is a business or individual contracted to provide services to children or people with developmental disabilities under RCW 74.15.030; or

(iii) Is an individual 16 years of age or older who: (A) Is not under the placement and care authority of the department of children, youth, and families; and (B) resides in an applicant or service provider's home, facility, entity, agency, or business or who is authorized by the department of children, youth, and families to provide services to children under RCW 74.15.030.

(4) The secretary of the department of children, youth, and families shall require a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation when the department seeks to approve an applicant or service provider for a foster or adoptive placement

of children in accordance with federal and state law. Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the department of children, youth, and families for applicants and service providers providing foster care as required in RCW 74.15.030.

~~((5))~~ ~~((Any secure facility operated by the department of social and health services or the department of children, youth, and families under chapter 71.09 RCW shall require applicants and service providers to undergo a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation.~~

~~((6))~~ ~~Service providers and service provider applicants) Applicants and service providers of the department of social and health services, except for ((those)) long-term care workers ((exempted in subsection (2) of this section)) subject to RCW 74.39A.056, who are required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law or program rules when:~~

(a) A fingerprint-based background check is pending; and

(b) The applicant or service provider is not disqualified based on the immediate result of the background check.

~~((7))~~ ~~((6))~~ Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the applicable department for applicants or service providers providing:

(a) Services to people with a developmental disability under RCW 74.15.030;

(b) In-home services funded by medicaid personal care under RCW 74.09.520;

(c) Community options program entry system waiver services under RCW 74.39A.030;

(d) Chore services under RCW 74.39A.110;

(e) Services under other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services or the department of children, youth, and families;

(f) Services in, or to residents of, a secure facility under RCW 71.09.115; and

(g) For fiscal year 2023, applicants for child care and early learning services to children under RCW 43.216.270.

~~((8))~~ ~~Service providers))~~ ~~((7))~~ Applicants licensed under RCW 74.15.030 must pay fees charged by the Washington state patrol and the federal bureau of investigation for conducting fingerprint-based background checks.

~~((9))~~ ~~((8))~~ Department of children, youth, and families ~~((service providers licensed))~~ licensees under RCW 74.15.030 may not pass on the cost of the background check fees to their ~~((applicants))~~ employees unless the individual is determined to be disqualified due to the background information.

~~((10))~~ ~~((9))~~ The department of social and health services and the department of children, youth, and families shall develop

rules identifying the financial responsibility of service providers, applicants, and the respective department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a Washington state patrol or federal bureau of investigation fingerprint-based background check.

~~((11))~~ ~~((10))~~ For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department of social and health services, department of children, youth, and families, or service provider employee, volunteer, student, intern, researcher, contractor, or any other individual specified in subsection (1)(a) through (g) or (3)(a) through (d) of this section who will or may have unsupervised access to vulnerable adults, children, or juveniles because of the nature of the work or services he or she provides. "Applicant" includes ~~((but is not limited to))~~ any individual who will or may have unsupervised access to vulnerable adults, children, or juveniles and is:

(i) Applying for a license or certification from the department of social and health services or the department of children, youth, and families;

(ii) Seeking a contract with the department of social and health services, the department of children, youth, and families, or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer; or

(iv) An individual that a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered ~~((or~~

~~((v))~~ ~~A department of social and health services or department of children, youth, and families applicant who will or may work in a department-covered position).~~

(b) "Area agency on aging" means an agency that is designated by the state to address the needs and concerns of older persons at the regional and local levels and is responsible for a particular geographic area that is a tribal reservation, a single county, or a multicounty planning area. Area agencies on aging have governance based on the corresponding county, city, tribal government, or council of governments.

(c) "Authorized" means the department of social and health services or the department of children, youth, and families grants an applicant, home, or facility permission to:

(i) Conduct licensing, certification, or contracting activities;

(ii) Have unsupervised access to vulnerable adults, juveniles, and children;

(iii) Receive payments from a department of social and health services or department of children, youth, and families program; or



(iv) Work or serve in a department of social and health services or department of children, youth, and families (~~covered~~) employment position.

~~((c) "Secretary" means the secretary of the department of social and health services.~~

~~(d) "Secure facility" has the meaning provided in RCW 71.09.020.~~

~~(e)) (d) "Community residential services and supports provider" means a person or entity certified by the department of social and health services to deliver one or more of the services described in RCW 71A.12.040 to a person with a developmental disability, as defined in RCW 71A.10.020, who is eligible to receive services from the department of social and health services.~~

~~(e) "Entity representative" means the individual designated by an entity provider or entity applicant who:~~

~~(i) Is the representative of the entity for the purposes of fulfilling the training and qualification requirements of the state that only an individual can fulfill and an entity cannot;~~

~~(ii) Is responsible for overseeing the operation of the home; and~~

~~(iii) Does not hold the license on behalf of the entity.~~

~~(f) "High-risk provider" means a service provider that has been designated by the state medicaid agency as posing an increased financial risk of fraud, waste, or abuse to the medicaid program. A "high-risk provider" additionally includes any person who has a five percent or more direct or indirect ownership interest in such a provider.~~

~~(g) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department of social and health services or the department of children, youth, and families to provide services to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered.~~

**Sec. 4.** RCW 74.39A.056 and 2021 c 203 s 3 are each amended to read as follows:

(1) (a) All long-term care workers shall be screened through state and federal background checks in a uniform and timely manner to verify that they do not have a history that would disqualify them from working with vulnerable persons. The department must process background checks for long-term care workers and ~~((make the information available to employers, prospective employers, and others as authorized by law)), based on this screening, inform employers, prospective~~

~~employers, and others as authorized by law, whether screened applicants are ineligible for employment.~~

(b) (i) For long-term care workers hired on or after January 7, 2012, the background checks required under this section shall include checking against the federal bureau of investigation fingerprint identification records system or its successor program. The department shall require these long-term care workers to submit fingerprints for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation. The department shall not pass on the cost of these criminal background checks to the workers or their employers.

(ii) A long-term care worker who is not disqualified by the state background check can work and have unsupervised access pending the results of the federal bureau of investigation fingerprint background check as allowed by rules adopted by the department.

~~((e) The department shall share state and federal background check results with the department of health in accordance with RCW 18.88B.080.~~

~~(d) Background check screening required under this section and department rules is not required for an employee of a consumer directed employer if all of the following circumstances apply:~~

~~(i) The individual has an individual provider contract with the department;~~

~~(ii) The last background check on the contracted individual provider is still valid under department rules and did not disqualify the individual from providing personal care services;~~

~~(iii) Employment by the consumer directed employer is the only reason a new background check would be required; and~~

~~(iv) The department's background check results have been shared with the consumer directed employer.~~

~~(e) The department may require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation at any time.)~~

(2) A provider may not be employed in the care of and have unsupervised access to vulnerable adults if:

(a) The provider is on the vulnerable adult abuse registry or on any other registry based upon a finding of abuse, abandonment, neglect, or financial exploitation of a vulnerable adult;

(b) On or after October 1, 1998, the department of children, youth, and families, or its predecessor agency, has made a founded finding of abuse or neglect of a child against the provider. If the provider has received a certificate of parental improvement under chapter 74.13 RCW pertaining to the finding, the provider is not disqualified under this section;

(c) A disciplining authority, including the department of health, has made a finding of abuse, abandonment, neglect, or financial exploitation of a minor or a vulnerable adult against the provider; or

(d) A court has issued an order that includes a finding of fact or conclusion of law that the provider has committed abuse,

abandonment, neglect, or financial exploitation of a minor or vulnerable adult. If the provider has received a certificate of parental improvement under chapter 74.13 RCW pertaining to the finding of fact or conclusion of law, the provider is not disqualified under this section.

(3) The department shall establish, by rule, a state registry which contains identifying information about long-term care workers identified under this chapter who have final substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, final substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information. This information must also be shared with the department of health to advance the purposes of chapter 18.88B RCW.

(4) For the purposes of this section, "provider" means:

(a) An individual provider as defined in RCW 74.39A.240;

(b) An employee, licensee, or contractor of any of the following: A home care agency licensed under chapter 70.127 RCW; a nursing home under chapter 18.51 RCW; an assisted living facility under chapter 18.20 RCW; an enhanced services facility under chapter 70.97 RCW; a certified resident services and supports agency licensed or certified under chapter 71A.12 RCW; an adult family home under chapter 70.128 RCW; or any long-term care facility certified to provide medicaid or medicare services; and

(c) Any contractor of the department who may have unsupervised access to vulnerable adults.

(5) The department shall adopt rules to implement this section."

Correct the title.

Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Rules for second reading

March 24, 2023

SB 5280

Prime Sponsor, Senator Frame: Concerning the duty of clergy to report child abuse or neglect. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.44.020 and 2021 c 215 s 142 and 2021 c 67 s 3 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child forensic interview" means a developmentally sensitive and legally sound method of gathering factual information regarding allegations of child abuse, child neglect, or exposure to violence. This interview is conducted by a competently trained, neutral professional utilizing techniques informed by research and best practice as part of a larger investigative process.

(4) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(5) "Child protective services section" means the child protective services section of the department.

(6) "Child who is a candidate for foster care" means a child who the department identifies as being at imminent risk of entering foster care but who can remain safely in the child's home or in a kinship placement as long as services or programs that are necessary to prevent entry of the child into foster care are provided, and includes but is not limited to a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement. The term includes a child for whom there is reasonable cause to believe that any of the following circumstances exist:

(a) The child has been abandoned by the parent as defined in RCW 13.34.030 and the child's health, safety, and welfare is seriously endangered as a result;

(b) The child has been abused or neglected as defined in this chapter and the child's health, safety, and welfare is seriously endangered as a result;

(c) There is no parent capable of meeting the child's needs such that the child is in

circumstances that constitute a serious danger to the child's development;

(d) The child is otherwise at imminent risk of harm.

(7) "Children's advocacy center" means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185.

(8) "(Clergy) Member of the clergy" means any regularly licensed, accredited, or ordained minister, priest, ~~((or))~~ rabbi, imam, elder, or similarly situated religious or spiritual leader of any church ((or)), religious denomination, religious body, spiritual community, or sect, or person performing official duties that are recognized as the duties of a member of the clergy under the discipline, tenets, doctrine, or custom of the person's church, religious denomination, religious body, spiritual community, or sect, whether acting in an individual capacity or as an employee ~~((or))~~ agent, or official of any public or private organization or institution.

(9) "Court" means the superior court of the state of Washington, juvenile department.

(10) "Department" means the department of children, youth, and families.

(11) "Experiencing homelessness" means lacking a fixed, regular, and adequate nighttime residence, including circumstances such as sharing the housing of other persons due to loss of housing, economic hardship, fleeing domestic violence, or a similar reason as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

(12) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(13) "Family assessment response" means a way of responding to certain reports of child abuse or neglect made under this chapter using a differential response approach to child protective services. The family assessment response shall focus on the safety of the child, the integrity and preservation of the family, and shall assess the status of the child and the family in terms of risk of abuse and neglect including the parent's or guardian's or other caretaker's capacity and willingness to protect the child and, if necessary, plan and arrange the provision of services to reduce the risk and otherwise support the

family. No one is named as a perpetrator, and no investigative finding is entered in the record as a result of a family assessment.

(14) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(15) "Inconclusive" means the determination following an investigation by the department of social and health services, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(16) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(17) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(18) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(19) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, experiencing homelessness, or exposure to domestic violence as defined in RCW 7.105.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(20) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(21) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(22) "Prevention and family services and programs" means specific mental health prevention and treatment services, substance abuse prevention and treatment services, and in-home parent skill-based programs that qualify for federal funding under the federal family first prevention services act, P.L. 115-123. For purposes of this chapter, prevention and family services and programs are not remedial services or family reunification services as described in RCW 13.34.025(2).

(23) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(24) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(25) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(26) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(27) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(28) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(29) "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

**Sec. 2.** RCW 26.44.030 and 2019 c 172 s 6 are each amended to read as follows:

(1)(a) When any practitioner, member of the clergy, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of children, youth, and families, licensed or certified child care providers or their employees, employee of the department of social and health services, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, state family and children's ombuds or any volunteer in the ombuds's office, or host

home program has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Organization" includes a sole proprietor, partnership, corporation, limited liability company, trust, association, financial institution, governmental entity, other than the federal government, and any other individual or group engaged in a trade, occupation, enterprise, governmental function, charitable function, or similar activity in this state whether or not the entity is operated as a nonprofit or for-profit entity.

(iii) "Reasonable cause" means a person witnesses or receives a credible written or oral report alleging abuse, including sexual contact, or neglect of a child.

(iv) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the

incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court-appointed special advocates, appointed under Titles 11 and 13 RCW and this title, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

(f) The reporting requirement in (a) of this subsection also applies to administrative and academic or athletic department employees, including student employees, of institutions of higher education, as defined in RCW 28B.10.016, and of private institutions of higher education.

(g) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency, including military law enforcement, if appropriate. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law

enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or

release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report that a child is a candidate for foster care as defined in RCW 26.44.020, the department may provide prevention and family services and programs to the child's parents, guardian, or caregiver. The department may not be held civilly liable for the decision regarding whether to provide prevention and family services and programs, or for the provision of those services and programs, for a child determined to be a candidate for foster care.

(11) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(12)(a) Upon receiving a report of alleged abuse or neglect, the department shall use one of the following discrete responses to reports of child abuse or neglect that are screened in and accepted for departmental response:

(i) Investigation; or

(ii) Family assessment.

(b) In making the response in (a) of this subsection the department shall:

(i) Use a method by which to assign cases to investigation or family assessment which are based on an array of factors that may include the presence of: Imminent danger, level of risk, number of previous child abuse or neglect reports, or other presenting case characteristics, such as the type of alleged maltreatment and the age of the alleged victim. Age of the alleged victim shall not be used as the sole criterion for determining case assignment;

(ii) Allow for a change in response assignment based on new information that alters risk or safety level;

(iii) Allow families assigned to family assessment to choose to receive an investigation rather than a family assessment;

(iv) Provide a full investigation if a family refuses the initial family assessment;

(v) Provide voluntary services to families based on the results of the initial family assessment. If a family refuses voluntary services, and the department cannot identify specific facts related to risk or safety that warrant assignment to investigation under this chapter, and there

is not a history of reports of child abuse or neglect related to the family, then the department must close the family assessment response case. However, if at any time the department identifies risk or safety factors that warrant an investigation under this chapter, then the family assessment response case must be reassigned to investigation;

(vi) Conduct an investigation, and not a family assessment, in response to an allegation that, the department determines based on the intake assessment:

(A) Indicates a child's health, safety, and welfare will be seriously endangered if not taken into custody for reasons including, but not limited to, sexual abuse and sexual exploitation of the child as defined in this chapter;

(B) Poses a serious threat of substantial harm to a child;

(C) Constitutes conduct involving a criminal offense that has, or is about to occur, in which the child is the victim;

(D) The child is an abandoned child as defined in RCW 13.34.030;

(E) The child is an adjudicated dependent child as defined in RCW 13.34.030, or the child is in a facility that is licensed, operated, or certified for care of children by the department under chapter 74.15 RCW.

(c) In addition, the department may use a family assessment response to assess for and provide prevention and family services and programs, as defined in RCW 26.44.020, for the following children and their families, consistent with requirements under the federal family first prevention services act and this section:

(i) A child who is a candidate for foster care, as defined in RCW 26.44.020; and

(ii) A child who is in foster care and who is pregnant, parenting, or both.

(d) The department may not be held civilly liable for the decision to respond to an allegation of child abuse or neglect by using the family assessment response under this section unless the state or its officers, agents, or employees acted with reckless disregard.

(13)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(14) For reports of alleged abuse or neglect that are responded to through family assessment response, the department shall:

(a) Provide the family with a written explanation of the procedure for assessment of the child and the family and its purposes;

(b) Collaborate with the family to identify family strengths, resources, and service needs, and develop a service plan with the goal of reducing risk of harm to the child and improving or restoring family well-being;

(c) Complete the family assessment response within forty-five days of receiving the report except as follows:

(i) Upon parental agreement, the family assessment response period may be extended up to one hundred twenty days. The department's extension of the family assessment response period must be operated within the department's appropriations;

(ii) For cases in which the department elects to use a family assessment response as authorized under subsection (12)(c) of this section, and upon agreement of the child's parent, legal guardian, legal custodian, or relative placement, the family assessment response period may be extended up to one year. The department's extension of the family assessment response must be operated within the department's appropriations.

(d) Offer services to the family in a manner that makes it clear that acceptance of the services is voluntary;

(e) Implement the family assessment response in a consistent and cooperative manner;

(f) Have the parent or guardian agree to participate in services before services are initiated. The department shall inform the parents of their rights under family assessment response, all of their options, and the options the department has if the parents do not agree to participate in services.

(15)(a) In conducting an investigation or family assessment of alleged abuse or neglect, the department or law enforcement agency:

(i) May interview children. If the department determines that the response to the allegation will be family assessment response, the preferred practice is to request a parent's, guardian's, or custodian's permission to interview the child before conducting the child interview unless doing so would compromise the safety of the child or the integrity of the assessment. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. If the allegation is investigated, parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects,

the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(ii) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(b) The Washington state school directors' association shall adopt a model policy addressing protocols when an interview, as authorized by this subsection, is conducted on school premises. In formulating its policy, the association shall consult with the department and the Washington association of sheriffs and police chiefs.

(16) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombuds of the contents of the report. The department shall also notify the ombuds of the disposition of the report.

(17) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(18)(a) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(b) In the family assessment response, the department shall not make a finding as to whether child abuse or neglect occurred. No one shall be named as a perpetrator and no investigative finding shall be entered in the department's child abuse or neglect database.

(19) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor.

(20) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(21) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

(22) The department shall make efforts as soon as practicable to determine the military status of parents whose children are subject to abuse or neglect allegations. If the department determines that a parent or guardian is in the military, the department shall notify a department of defense family advocacy program that there is an allegation of abuse and neglect that

is screened in and open for investigation that relates to that military parent or guardian.

(23) The department shall make available on its public website a downloadable and printable poster that includes the reporting requirements included in this section. The poster must be no smaller than eight and one-half by eleven inches with all information on one side. The poster must be made available in both the English and Spanish languages. Organizations that include employees or volunteers subject to the reporting requirements of this section must clearly display this poster in a common area. At a minimum, this poster must include the following:

- (a) Who is required to report child abuse and neglect;
- (b) The standard of knowledge to justify a report;
- (c) The definition of reportable crimes;
- (d) Where to report suspected child abuse and neglect; and
- (e) What should be included in a report and the appropriate timing."

Correct the title.

Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Couture, Assistant Ranking Minority Member; Callan; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Do not pass. Signed by Representatives Eslick, Ranking Minority Member; Dent; and Walsh.

Referred to Committee on Rules for second reading

March 24, 2023

SSB 5304 Prime Sponsor, Human Services: Testing individuals who provide language access to state services. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Goodman and Rule.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent; and Walsh.

Referred to Committee on Rules for second reading

March 24, 2023

SSB 5398 Prime Sponsor, Human Services: Concerning domestic violence funding allocation. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Rule and Walsh.

Referred to Committee on Rules for second reading

March 24, 2023

ESSB 5515 Prime Sponsor, Human Services: Protecting children from child abuse and neglect.

Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that there is a lack of oversight of certain residential facilities and residential private schools charged with the care of children. It is the intent of the legislature to ensure that the health, safety, and well-being of children who are served in residential facilities and residential private schools are protected against child abuse and neglect and have their basic health and safety needs met. The legislature intends for greater state oversight of such facilities that otherwise lack nationally recognized accreditation and intends for the department of children, youth, and families and the department of health to work collaboratively to coordinate oversight and monitoring processes to ensure state resources are used efficiently and effectively. Therefore, the legislature resolves to conduct investigations of certain residential facilities and residential private schools when allegations of child abuse or neglect are made at those facilities.

NEW SECTION. Sec. 2. A new section is added to chapter 74.15 RCW to read as follows:

(1)(a) The department shall license the living accommodations provided by residential private schools as defined in RCW 74.15.020. Accommodations include all areas and school operations that are intended to allow enrolled students to eat, sleep, bathe, recreate, or otherwise reside.

(b) A residential private school is exempt from the licensing requirements of (a) of this subsection if:

(i) The residential private school is accredited by an accrediting body approved by the state board of education in accordance with accreditation standards and procedures established by the state board of education under RCW 28A.305.130; and

(ii) The accreditation covers the student living accommodations including examination of comparable criteria as listed in subsection (2) of this section as determined by the state board of education in consultation with the department.

(2) The department shall engage in negotiated rule making pursuant to RCW 34.05.310(2)(a) with the state board of education and other affected interests to adopt minimum health and safety rules to implement this section. Rules must address the needs of children and youth during noninstructional hours, including but not limited to space allotted to each child or youth for sleeping, developmentally appropriate privacy requirements, personal storage, nutritional needs, cleanliness and hygiene of living quarters, social-emotional well-being during noninstructional hours, health and wellness accommodations,



compliance with the Americans with disabilities act, and physical safety.

**Sec. 3.** RCW 26.44.210 and 2019 c 266 s 13 are each amended to read as follows:

(1)(a) The department ~~((must))~~ shall investigate all referrals of alleged child abuse or neglect occurring at the ~~((state school for the deaf, including alleged incidents involving students abusing other students;))~~ Washington center for deaf and hard of hearing youth, substance use disorder treatment facilities licensed under chapter 71.24 RCW that treat patients on a residential basis, entities that provide behavioral health services as defined in RCW 71.24.025 on a residential basis, host homes as described in RCW 74.15.020(2)(o), and residential private schools as defined in this section.

(b) After investigating an allegation of child abuse or neglect under this section, the department shall determine whether there is a finding of abuse or neglect ~~((+))~~, and determine whether a referral to law enforcement is appropriate under this chapter.

(c) The department must adopt rules to implement this section.

(d) Any facilities referenced under (a) of this subsection where the department is investigating child abuse or neglect shall share records and any other information that is relevant to the department's investigation. Any records or information shared with the department retains any otherwise existing confidentiality protections under state or federal law.

(2) The department must send a copy of the investigation report, including the finding, regarding any incidents of alleged child abuse or neglect ~~((at the state school for the deaf))~~ to the ~~((director of the Washington center for deaf and hard of hearing youth, or the director's designee. The department may include recommendations to the director and the board of trustees or its successor board for increasing the safety of the school's students.))~~ administration of the facility in which the incident occurred and to the state agency which provides licensure, oversight, or accreditation to the program at the facility in which the incident occurred.

(3) "Residential private school" means a nonpublic school or nonpublic school district subject to approval by the state board of education pursuant to RCW 28A.305.130 and chapter 28A.195 RCW that provides sleeping and living facilities or residential accommodations for enrolled students.

**Sec. 4.** RCW 74.15.020 and 2021 c 176 s 5239 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, ~~((or))~~ facility, or residential private school which receives children, expectant mothers, or persons with developmental disabilities for control, care, or

maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis. "Group care facility" includes but is not limited to:

(i) Qualified residential treatment programs as defined in RCW 13.34.030;

(ii) Facilities specializing in providing prenatal, postpartum, or parenting supports for youth; and

(iii) Facilities providing high quality residential care and supportive services to children who are, or who are at risk of becoming, victims of sex trafficking;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other

services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Residential private school" means a nonpublic school or nonpublic school district subject to approval by the state board of education pursuant to RCW 28A.305.130 and chapter 28A.195 RCW that provides sleeping and living facilities or residential accommodations for enrolled students;

(j) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

~~((j))~~(k) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

~~((k))~~(l) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a) (i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

~~((f))~~ ~~((Schools, including boarding))~~ Nonresidential schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o)(i) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department, if that program: (A) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (B) screens and provides case management services to youth in the program; (C) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months; (D) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (E) provides mandatory reporter and confidentiality training; and (F) registers with the secretary of state under RCW 74.15.315.

(ii) For purposes of this section, a "host home" is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program.

(iii) For purposes of this section, a "host home program" is a program that provides support to individual host homes and meets the requirements of (o)(i) of this subsection.

(iv) Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state;

(p) Receiving centers as defined in RCW 7.68.380.

(3) "Department" means the department of children, youth, and families.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to

an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of the department.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

**NEW SECTION. Sec. 5.** A new section is added to chapter 71.24 RCW to read as follows:

Any substance use disorder treatment facilities and entities that provide behavioral health services where the department of children, youth, and families is investigating child abuse or neglect, as provided for under RCW 26.44.210, shall share records and any other information that is relevant to the department of children, youth, and families' investigation. Any records or information shared with the department of children, youth, and families retains any confidentiality protections under state or federal law.

**NEW SECTION. Sec. 6.** The department of children, youth, and families shall submit to the appropriate committees of the legislature, in compliance with RCW 43.01.036, a preliminary progress report on licensing and oversight of residential private schools no later than July 1, 2025, and final report no later than July 1, 2026.

**NEW SECTION. Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of

the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 8.** Sections 2 and 4 of this act take effect July 1, 2025.

NEW SECTION. **Sec. 9.** Section 3 of this act takes effect January 1, 2024."

Correct the title.

Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Rule and Walsh.

Referred to Committee on Appropriations

March 24, 2023

ESSB 5599 Prime Sponsor, Human Services: Supporting youth and young adults seeking protected health care services. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that unsheltered homelessness for youth poses a serious threat to their health and safety. The Trevor project has found that one in three transgender youth report attempting suicide. Homelessness amongst transgender youth can further endanger an already at-risk population. The legislature further finds that barriers to accessing shelter can place a chilling effect on exiting unsheltered homelessness and therefore create additional risk and dangers for youth. Youth seeking certain medical services are especially at risk and vulnerable. Therefore, the legislature intends to remove barriers to accessing temporary, licensed shelter accommodations for youth seeking certain protected health care services.

**Sec. 2.** RCW 13.32A.082 and 2013 c 4 s 2 are each amended to read as follows:

(1) (a) Except as provided in (b) of this subsection, any person, unlicensed youth shelter, or runaway and homeless youth program that, without legal authorization, provides shelter to a minor and that knows at the time of providing the shelter that the minor is away from a lawfully prescribed residence or home without parental permission, shall promptly report the location of the child to the parent, the law enforcement agency of the jurisdiction in which the person lives, or the department.

(b) (i) If a licensed overnight youth shelter, or another licensed organization with a stated mission to provide services to homeless or runaway youth and their families, shelters a child and knows at the time of providing the shelter that the child is away from a lawfully prescribed residence or home without parental permission, it must contact the youth's parent within seventy-

two hours, but preferably within twenty-four hours, following the time that the youth is admitted to the shelter or other licensed organization's program. The notification must include the whereabouts of the youth, a description of the youth's physical and emotional condition, and the circumstances surrounding the youth's contact with the shelter or organization. If there are compelling reasons not to notify the parent, the shelter or organization must instead notify the department.

(ii) At least once every eight hours after learning that a youth receiving services or shelter under this section is away from home without permission, the shelter or organization staff must consult the information that the Washington state patrol makes publicly available under RCW 43.43.510(2). If the youth is publicly listed as missing, the shelter or organization must immediately notify the department of its contact with the youth listed as missing. The notification must include a description of the minor's physical and emotional condition and the circumstances surrounding the youth's contact with the shelter or organization.

(c) Reports required under this section may be made by telephone or any other reasonable means.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Shelter" means the person's home or any structure over which the person has any control.

(b) "Promptly report" means to report within eight hours after the person has knowledge that the minor is away from a lawfully prescribed residence or home without parental permission.

(c) "Compelling reasons" include, but are not limited to (~~(, circumstances)~~):

(i) Circumstances that indicate that notifying the parent or legal guardian will subject the minor to abuse or neglect as defined in RCW 26.44.020; or

(ii) When a minor is seeking or receiving protected health care services.

(d) "Protected health care services" means gender affirming treatment as defined in RCW 74.09.675 and reproductive health care services as defined in RCW 74.09.875.

(3) When the department receives a report under subsection (1) of this section, it shall make a good faith attempt to notify the parent that a report has been received and offer services designed to resolve the conflict and accomplish a reunification of the family.

(4) Nothing in this section prohibits any person, unlicensed youth shelter, or runaway and homeless youth program from immediately reporting the identity and location of any minor who is away from a lawfully prescribed residence or home without parental permission more promptly than required under this section.

(5) Nothing in this section limits a person's duty to report child abuse or neglect as required by RCW 26.44.030 or removes the requirement that the law enforcement agency of the jurisdiction in which the person lives be notified.

**Sec. 3.** RCW 74.15.020 and 2021 c 176 s 5239 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis. "Group care facility" includes but is not limited to:

(i) Qualified residential treatment programs as defined in RCW 13.34.030;

(ii) Facilities specializing in providing prenatal, postpartum, or parenting supports for youth; and

(iii) Facilities providing high quality residential care and supportive services to children who are, or who are at risk of becoming, victims of sex trafficking;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

(j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a) (i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a) (i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o) (i) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department except as provided in subsection (2) (o) (iii) of this section, if that program: (A) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (B) screens and provides case management services to youth in the program; (C) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months, unless there is a compelling reason to not contact the parent or guardian; (D) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (E) provides mandatory reporter and confidentiality training; and (F) registers with the secretary of state under RCW 74.15.315.

(ii) If a host home program serves a child without parental authorization who is seeking or receiving protected health care services, the host home program must:

(A) Report to the department within 72 hours of the youth's participation in the program and following this report the department shall make a good faith attempt to notify the parent of this report and offer services designed to resolve the conflict and accomplish a reunification of the family;

(B) Report to the department the youth's participation in the host home program at least once every month when the youth remains in the host home longer than one month; and

(C) Provide case management outside of the host home and away from any individuals residing in the home at least once per month.

(iii) A host home program and host home that meets the other requirements of subsection (2) (o) of this section may provide care for a youth who is receiving services from the department if the youth is:

(A) Not subject to a dependency proceeding under chapter 13.34 RCW; and

(B) Seeking or receiving protected health care services.

(iv) For purposes of this section, ((a "host")) the following definitions apply:

(A) "Host home" ((is)) means a private home that volunteers to host youth in need of temporary placement that is associated with a host home program.

((iii) For purposes of this section, a "host") (B) "Host home program" is a program that provides support to individual host

homes and meets the requirements of (o)(i) of this subsection.

~~((iv))~~ (C) "Compelling reason" means the youth is in the host home or seeking placement in a host home while seeking or receiving protected health care services.

(D) "Protected health care services" means gender affirming treatment as defined in RCW 74.09.675 and reproductive health care services as defined in RCW 74.09.875.

(v) Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state;

(p) Receiving centers as defined in RCW 7.68.380.

(3) "Department" means the department of children, youth, and families.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of the department.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs."

Correct the title.

Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Callan; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Do not pass. Signed by Representatives Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Dent; and Walsh.

Referred to Committee on Rules for second reading

March 24, 2023

SB 5606

Prime Sponsor, Senator Lovick: Detering illegal racing. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

March 24, 2023

SB 5683

Prime Sponsor, Senator Kauffman: Concerning child-specific foster care licenses for placement of Indian children. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Rule and Walsh.

Referred to Committee on Appropriations

March 24, 2023

ESB 5691

Prime Sponsor, Senator Warnick: Concerning resource and assessment centers. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.15.020 and 2021 c 176 s 5239 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental

disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis. "Group care facility" includes but is not limited to:

(i) Qualified residential treatment programs as defined in RCW 13.34.030;

(ii) Facilities specializing in providing prenatal, postpartum, or parenting supports for youth; and

(iii) Facilities providing high quality residential care and supportive services to children who are, or who are at risk of becoming, victims of sex trafficking;

(g) "HOPE center" means an agency licensed by the secretary to provide

temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to ~~((seventy-two hours, excluding Saturdays, Sundays, and holidays))~~ three business days, or up to seven business days with department approval to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

(j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a) (i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a) (i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of



eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o)(i) A host home program, and host home, operated by a tax exempt organization

for youth not in the care of or receiving services from the department, if that program: (A) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (B) screens and provides case management services to youth in the program; (C) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months; (D) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (E) provides mandatory reporter and confidentiality training; and (F) registers with the secretary of state under RCW 74.15.315.

(ii) For purposes of this section, a "host home" is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program.

(iii) For purposes of this section, a "host home program" is a program that provides support to individual host homes and meets the requirements of (o)(i) of this subsection.

(iv) Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state;

(p) Receiving centers as defined in RCW 7.68.380.

(3) "Department" means the department of children, youth, and families.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of the department.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in

another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

**Sec. 2.** RCW 74.15.311 and 2013 c 105 s 3 are each amended to read as follows:

(1) The secretary is authorized to license resource and assessment centers if the agency meets the following requirements:

(a) There is a demonstrated need in the local community for a resource and assessment center; and

(b) The resource and assessment center will be primarily staffed by trained volunteers (~~and~~

~~(c) The resource and assessment center demonstrates it is not financially dependent on reimbursement from the state to operate).~~

(2) The department may adopt rules to specify licensing requirements for resource and assessment centers. Rules adopted by the department shall allow:

(a) A sufficient number of trained volunteers to meet staffing requirements;

(b) Flexibility in hours of operation and not require the resource and assessment center to be open if there are no children in its care; and

(c) The ability to operate in a residential area.

(3) Resource and assessment centers licensed under this section may:

(a) Provide care for children ages birth through ~~((twelve, or for children ages thirteen through seventeen who have a sibling or siblings under thirteen years of age who are being admitted to the resource and assessment center))~~ 17 at the discretion of the resource and assessment center; ~~((and))~~

(b) Operate up to ~~((twenty-four))~~ 24 hours per day, and for up to seven days per week (~~(-~~

~~(4) Resource and assessment centers may not be))~~ ;

(c) Provide care for children for up to three business days, or up to seven business days with department approval;

(d) Be used to ((address)) provide emergency initial care for children as they enter foster care; and

(e) Address placement disruptions for children who have not been removed from a foster home because of the child's behavior or safety concerns."

Correct the title.

Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Rule and Walsh.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**SUBSTITUTE SENATE BILL NO. 5617, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wellman, Nguyen, Hasegawa, Liias, Lovelett, Nobles and Wilson, C.)**

**Concerning career and technical education course equivalencies.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Education was adopted. For Committee amendment, see Journal, Day 68, Friday, March 17, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Santos and Maycumber spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5617, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5617, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE SENATE BILL NO. 5617, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5123, by Senate Committee on Labor & Commerce (originally sponsored by Keiser, Frame, Hunt, Kuderer, Mullet, Nguyen, Randall, Stanford, Van De Wege and Wellman)**

**Concerning the employment of individuals who lawfully consume cannabis.**

The bill was read the second time.

With the consent of the House, amendment (502) was withdrawn.

Representative Schmidt moved the adoption of amendment (515):

On page 1, line 5, after "chapter" strike "49.44" and insert "49.94"

On page 1, line 19, after "chapter" strike "49.44" and insert "49.94"

Correct the title.

Representatives Schmidt and Berry spoke in favor of the adoption of the amendment.

Amendment (515) was adopted.

Representative Robertson moved the adoption of amendment (503):

On page 2, beginning on line 20, after "applicant" strike "applying for a position that requires" and insert "seeking:

(a) A position requiring"

On page 2, line 22, after "clearance" strike "or" and insert ";

(b) A position with a general authority Washington law enforcement agency as defined in RCW 10.93.020;

(c) A position with a fire department, fire protection district, or regional fire protection service authority;

(d) A position as a first responder not included under (b) or (c) of this subsection, including a dispatcher position with a public or private 911 emergency communications system or a position responsible for the provision of emergency medical services;

(e) A position as a corrections officer with a jail, detention facility, or the department of corrections, including any position directly responsible for the custody, safety, and security of persons confined in those facilities;

(f) A position"

On page 2, beginning on line 22, after "industries" strike ", or any other" and insert ";

(g) A"

Representatives Robertson and Berry spoke in favor of the adoption of the amendment.

Amendment (503) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Kloba spoke in favor of the passage of the bill.

Representative Schmidt spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5123, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5123, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Low, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walsh, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Davis, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Ryu, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walen, Waters, Wilcox and Ybarra

ENGROSSED SUBSTITUTE SENATE BILL NO. 5123, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

- SENATE BILL NO. 5023
- SUBSTITUTE SENATE BILL NO. 5028
- SENATE BILL NO. 5041
- SENATE BILL NO. 5089
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5143
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5179
- SENATE BILL NO. 5192
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5198
- SENATE BILL NO. 5295
- SENATE BILL NO. 5319
- SENATE BILL NO. 5342
- SENATE BILL NO. 5370
- SENATE BILL NO. 5421
- SUBSTITUTE SENATE BILL NO. 5439
- SENATE BILL NO. 5553
- SUBSTITUTE SENATE BILL NO. 5569
- ENGROSSED SENATE BILL NO. 5623
- SUBSTITUTE SENATE BILL NO. 5627
- ENGROSSED SENATE BILL NO. 5650
- SENATE BILL NO. 5700

The Speaker called upon Representative Bronoske to preside.

There being no objection, the House reverted to the fifth order of business.

**FIRST SUPPLEMENTAL REPORT OF STANDING COMMITTEES**

March 28, 2023

HB 1818

Prime Sponsor, Representative Tharinger:  
Concerning the exclusion of compensating  
tax when land is sold to a governmental  
entity intending to manage the land similarly  
to designated forestland or timberland.  
Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass. Signed by  
Representatives Berg, Chair; Street, Vice Chair; Orcutt,  
Ranking Minority Member; Jacobsen, Assistant Ranking  
Minority Member; Barnard; Chopp; Ramel; Santos; Springer;  
Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

March 28, 2023

ESB 5015

Prime Sponsor, Senator Fortunato:  
Reestablishing the productivity board.  
Reported by Committee on State  
Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by  
Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno,  
Ranking Minority Member; Christian, Assistant Ranking  
Minority Member; Gregerson; Low and Mena.

Referred to Committee on Appropriations

March 28, 2023

SB 5084

Prime Sponsor, Senator Braun: Creating a  
separate fund for the purposes of self-insured  
pensions and assessments. Reported by  
Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by  
Representatives Berry, Chair; Fosse, Vice Chair; Robertson,  
Ranking Minority Member; Schmidt, Assistant Ranking  
Minority Member; Bronoske; Connors; Doglio; Ormsby and  
Ortiz-Self.

Referred to Committee on Appropriations

March 28, 2023

SB 5088

Prime Sponsor, Senator Keiser: Adding  
references to contractor registration and  
licensing laws in workers' compensation,  
public works, and prevailing wage statutes.  
Reported by Committee on Labor &  
Workplace Standards

MAJORITY recommendation: Do pass. Signed by  
Representatives Berry, Chair; Fosse, Vice Chair; Robertson,  
Ranking Minority Member; Schmidt, Assistant Ranking  
Minority Member; Bronoske; Connors; Doglio; Ormsby and  
Ortiz-Self.

Referred to Committee on Rules for second reading

March 27, 2023

ESSB 5102

Prime Sponsor, Early Learning & K-12  
Education: Concerning school library  
information and technology programs.  
Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting  
clause and insert the following:

NEW SECTION. **Sec. 1.** The legislature  
finds that students with access to school  
library information and technology programs  
staffed by qualified teacher-librarians have  
improved school and life outcomes, including  
higher academic achievement, increased  
graduation rates, and increased preparedness  
for college or career pathways.  
Unfortunately, not all students have access  
to these programs statewide, leading to  
disparate outcomes. Lack of access to these  
programs disproportionately impacts low-  
income families and families of color.  
Recent findings show that access to high-  
quality school libraries was one of the most  
significant factors in closing the literacy  
gap for students experiencing poverty.  
Additionally, the legislature finds that the  
rise of misinformation and disinformation  
available through the internet necessitates  
comprehensive instruction by a qualified  
teacher-librarian in information literacy,  
digital citizenship, and media literacy for  
all K-12 students. The value of these  
programs was apparent during the COVID-19  
pandemic. School districts with qualified  
teacher-librarians and strong school library  
information and technology programs were  
better able to support teachers, students,  
and families during remote learning.

The legislature has shown support for  
school library information and technology  
programs through the passage of legislation  
clearly defining both programs and teacher-  
librarians. These programs have been  
acknowledged as critically important to  
supporting state-mandated learning goals,  
essential academic learning requirements,  
and high school graduation requirements  
through inclusion of both teacher-librarians  
and library materials as part of basic  
education in the prototypical school model.  
Teacher-librarians are seen as critical  
partners in the education of our students  
including in the equitable and successful  
use of educational technology. Despite this  
continued support from the legislature, data  
shows large areas of Washington where  
students do not have access to school  
library information and technology programs  
staffed by qualified teacher-librarians.

The legislature intends to provide access  
to high-quality school library information  
and technology programs with qualified  
teacher-librarians for students and staff at  
all K-12 levels while also recognizing the  
value of allowing local school boards to  
decide how to most effectively implement  
these essential programs for their schools  
and students.

NEW SECTION. **Sec. 2.** A new section is  
added to chapter 28A.320 RCW to read as  
follows:

By September 1, 2024, each school  
district must adopt or amend:

(1) A policy that acknowledges the  
requirement for boards of directors to  
provide every student with access to school  
library information and technology programs  
as specified in RCW 28A.320.240; and

(2) Procedures that describe how students  
can access school library information and  
technology resources and materials.

**Sec. 3.** RCW 28A.320.240 and 2015 c 27 s 1 are each amended to read as follows:

(1) The purpose of this section is to identify quality criteria for school library information and technology programs that support the student learning goals under RCW 28A.150.210, the ~~((essential academic learning requirements))~~ state learning standards under RCW 28A.655.070, and high school graduation requirements adopted under RCW 28A.230.090.

(2) ~~(a) Every board of directors shall provide resources and materials for the operation of a school library information and technology program((s as the board deems necessary for the proper education of the district's students or as otherwise required by law or rule of the superintendent of public instruction)). Each student shall have access to a school library information and technology program, as determined by the board of directors and consistent with the requirements of this section.~~

(b) In accordance with (a) of this subsection (2), beginning with the 2023-24 school year, school districts of the first class, as determined in accordance with RCW 28A.300.065, must employ a minimum of one teacher-librarian for every 1,000 enrolled students.

(3) "Teacher-librarian" means a certificated teacher with a library media endorsement under rules adopted by the professional educator standards board.

(4) ~~(a) "School library information and technology program" means a school-based program that is ((staffed))overseen, except as provided under (b) of this subsection, by a certificated teacher-librarian and provides a broad, flexible array of services, resources, and instruction that support student mastery of the ((essential academic learning requirements))state learning standards and state standards in all subject areas and the implementation of the district's school improvement plan.~~

(b) A school district of the second class, as described in RCW 28A.300.065, may staff a school library information and technology program with a noncertificated staff member if the district has made all reasonable efforts to staff the program with a certificated teacher-librarian. In such a circumstance, a school district is authorized and encouraged to partner with a nonprofit or government entity to provide staffing services including, but not limited to, a library or regional library as defined in RCW 27.12.010, or an institution of higher education as defined in RCW 28B.10.016.

(5) The teacher-librarian, through the school library information and technology program, shall collaborate as an instructional partner to help all students meet the content goals in all subject areas, and assist high school students completing high school and beyond plans required for graduation.

(6) The teacher-librarian's duties may include, but are not limited to, collaborating with his or her schools to:

(a) Integrate information and technology into curriculum and instruction, including but not limited to instructing other certificated staff about using and

integrating information and technology literacy into instruction through workshops, modeling lessons, and individual peer coaching;

(b) Provide information management instruction to students and staff about how to effectively use emerging learning technologies for school and lifelong learning, as well as in the appropriate use of computers and mobile devices in an educational setting;

(c) Help teachers and students efficiently and effectively access the highest quality information available while using information ethically;

(d) Instruct students in digital citizenship including how to be critical consumers of information and provide guidance about thoughtful and strategic use of online resources; ~~((and))~~

(e) Create a culture of reading in the school community by developing a diverse, student-focused collection of materials that ensures all students can find something of quality to read and by facilitating school-wide reading initiatives along with providing individual support and guidance for students; and

(f) Oversee classified staff, including library technicians, library assistants, and others, to implement the school library information technology program.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.320 RCW to read as follows:

The superintendent of public instruction will provide data, information, best practices, and other assistance to help facilitate school district implementation of this act."

Correct the title.

Signed by Representatives Santos, Chair; Shavers, Vice Chair; Bergquist; Callan; Eslick; Harris; Ortiz-Self; Pollet; Sandlin; Stonier and Timmons.

MINORITY recommendation: Without recommendation. Signed by Representatives Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; McClintock; and Steele.

Referred to Committee on Appropriations

March 28, 2023

2SSB 5103

Prime Sponsor, Ways & Means: Concerning payment to acute care hospitals for difficult to discharge medicaid patients. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 74.09.520 and 2022 c 255 s 4 are each amended to read as follows:

(1) The term "medical assistance" may include the following care and services subject to rules adopted by the authority or department: (a) Inpatient hospital services; (b) outpatient hospital services; (c) other laboratory and X-ray services; (d) nursing

facility services; (e) physicians' services, which shall include prescribed medication and instruction on birth control devices; (f) medical care, or any other type of remedial care as may be established by the secretary or director; (g) home health care services; (h) private duty nursing services; (i) dental services; (j) physical and occupational therapy and related services; (k) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; (l) personal care services, as provided in this section; (m) hospice services; (n) other diagnostic, screening, preventive, and rehabilitative services; and (o) like services when furnished to a child by a school district in a manner consistent with the requirements of this chapter. For the purposes of this section, neither the authority nor the department may cut off any prescription medications, oxygen supplies, respiratory services, or other life-sustaining medical services or supplies.

"Medical assistance," notwithstanding any other provision of law, shall not include routine foot care, or dental services delivered by any health care provider, that are not mandated by Title XIX of the social security act unless there is a specific appropriation for these services.

(2) The department shall adopt, amend, or rescind such administrative rules as are necessary to ensure that Title XIX personal care services are provided to eligible persons in conformance with federal regulations.

(a) These administrative rules shall include financial eligibility indexed according to the requirements of the social security act providing for medicaid eligibility.

(b) The rules shall require clients be assessed as having a medical condition requiring assistance with personal care tasks. Plans of care for clients requiring health-related consultation for assessment and service planning may be reviewed by a nurse.

(c) The department shall determine by rule which clients have a health-related assessment or service planning need requiring registered nurse consultation or review. This definition may include clients that meet indicators or protocols for review, consultation, or visit.

(3) The department shall design and implement a means to assess the level of functional disability of persons eligible for personal care services under this section. The personal care services benefit shall be provided to the extent funding is available according to the assessed level of functional disability. Any reductions in services made necessary for funding reasons should be accomplished in a manner that assures that priority for maintaining services is given to persons with the greatest need as determined by the assessment of functional disability.

(4) Effective July 1, 1989, the authority shall offer hospice services in accordance with available funds.

(5) For Title XIX personal care services administered by the department, the department shall contract with area agencies on aging or may contract with a federally recognized Indian tribe under RCW 74.39A.090(3):

(a) To provide case management services to individuals receiving Title XIX personal care services in their own home; and

(b) To reassess and reauthorize Title XIX personal care services or other home and community services as defined in RCW 74.39A.009 in home or in other settings for individuals consistent with the intent of this section:

(i) Who have been initially authorized by the department to receive Title XIX personal care services or other home and community services as defined in RCW 74.39A.009; and

(ii) Who, at the time of reassessment and reauthorization, are receiving such services in their own home.

(6) In the event that an area agency on aging or federally recognized Indian tribe is unwilling to enter into or satisfactorily fulfill a contract or an individual consumer's need for case management services will be met through an alternative delivery system, the department is authorized to:

(a) Obtain the services through competitive bid; and

(b) Provide the services directly until a qualified contractor can be found.

(7) Subject to the availability of amounts appropriated for this specific purpose, the authority may offer medicare part D prescription drug copayment coverage to full benefit dual eligible beneficiaries.

(8) Effective January 1, 2016, the authority shall require universal screening and provider payment for autism and developmental delays as recommended by the bright futures guidelines of the American academy of pediatrics, as they existed on August 27, 2015. This requirement is subject to the availability of funds.

(9) Subject to the availability of amounts appropriated for this specific purpose, effective January 1, 2018, the authority shall require provider payment for annual depression screening for youth ages twelve through eighteen as recommended by the bright futures guidelines of the American academy of pediatrics, as they existed on January 1, 2017. Providers may include, but are not limited to, primary care providers, public health nurses, and other providers in a clinical setting. This requirement is subject to the availability of funds appropriated for this specific purpose.

(10) Subject to the availability of amounts appropriated for this specific purpose, effective January 1, 2018, the authority shall require provider payment for maternal depression screening for mothers of children ages birth to six months. This requirement is subject to the availability of funds appropriated for this specific purpose.

(11) Subject to the availability of amounts appropriated for this specific purpose, the authority shall:

(a) Allow otherwise eligible reimbursement for the following related to mental health assessment and diagnosis of

children from birth through five years of age:

(i) Up to five sessions for purposes of intake and assessment, if necessary;

(ii) Assessments in home or community settings, including reimbursement for provider travel; and

(b) Require providers to use the current version of the DC:0-5 diagnostic classification system for mental health assessment and diagnosis of children from birth through five years of age.

(12)(a) Subject to the availability of amounts appropriated for this specific purpose, the authority shall require or provide payment to the hospital for any day of a hospital stay in which an adult or child patient enrolled in medical assistance, including home and community services or with a medicaid managed care organization, under this chapter:

(i) Does not meet the criteria for acute inpatient level of care as defined by the authority;

(ii) Meets the criteria for discharge, as defined by the authority or department, to any appropriate placement including, but not limited to:

(A) A nursing home licensed under chapter 18.51 RCW;

(B) An assisted living facility licensed under chapter 18.20 RCW;

(C) An adult family home licensed under chapter 70.128 RCW; or

(D) A setting in which residential services are provided or funded by the developmental disabilities administration of the department, including supported living as defined in RCW 71A.10.020; and

(iii) Is not discharged from the hospital because placement in the appropriate location described in (a)(ii) of this subsection is not available.

(b) The authority shall adopt rules identifying which services are included in the payment described in (a) of this subsection and which services may be billed separately, including specific revenue codes or services required on the inpatient claim.

(c) Allowable medically necessary services performed during a stay described in (a) of this subsection shall be billed by and paid to the hospital separately. Such services may include but are not limited to hemodialysis, laboratory charges, and x-rays.

(d) Pharmacy services and pharmaceuticals shall be billed by and paid to the hospital separately.

(e) The requirements of this subsection do not alter requirements for billing or payment for inpatient care.

(f) The authority shall adopt, amend, or rescind such administrative rules as necessary to facilitate calculation and payment of the amounts described in this subsection, including for clients of medicaid managed care organizations.

(g) The authority shall adopt rules requiring medicaid managed care organizations to establish specific and uniform administrative and review processes for payment under this subsection.

(h) For patients meeting the criteria in (a)(ii)(A) of this subsection, hospitals must utilize swing beds or skilled nursing

beds to the extent the services are available within their facility and the associated reimbursement methodology prior to the billing under the methodology in (a) of this subsection, if the hospital determines that such swing bed or skilled nursing bed placement is appropriate for the patient's care needs, the patient is appropriate for the existing patient mix, and appropriate staffing is available."

Correct the title.

Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations

March 28, 2023

SSB 5127

Prime Sponsor, State Government & Elections: Clarifying school districts' ability to redact personal information related to a student. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; and Low.

Referred to Committee on Rules for second reading

March 28, 2023

SSB 5156

Prime Sponsor, Labor & Commerce: Expanding the farm internship program. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that encouraging participation in agriculture is valuable. The farm internship program allows students to experience farming practices and get hands-on experience with farming activities. The internship program has existed since 2014 and was piloted in a few select counties. The legislature finds that this program is valuable, should be extended to all counties, and should continue without an expiration date.

**Sec. 2.** RCW 49.12.471 and 2020 c 212 s 1 are each amended to read as follows:

(1) The director shall establish a farm internship ((pilot)) project for the employment of farm interns on small farms under special certificates at wages, if any, as authorized by the department and subject to such limitations as to time, number, proportion, and length of service as provided in this section and as prescribed by the department. ((The pilot project

~~consists of the following counties: San Juan, Skagit, King, Whatcom, Kitsap, Pierce, Jefferson, Spokane, Yakima, Chelan, Grant, Island, Snohomish, Kittitas, Lincoln, Thurston, Walla Walla, Clark, Cowlitz, and Lewis.)~~

(2) A small farm may employ no more than three interns at one time under this section. For any small farm located in a county that became eligible to participate in the farm intern project on the effective date of this act, at least one of the interns employed by the farm must be an individual who has direct experience working as a migrant farmworker or whose parent or grandparent has direct experience working as a migrant farmworker.

(3) A small farm must apply for a special certificate on a form made available by the director. The application must set forth: The name of the farm and a description of the farm seeking the certificate; the type of work to be performed by a farm intern; a description of the internship program; the period of time for which the certificate is sought and the duration of an internship; the number of farm interns for which a special certificate is sought; the wages, if any, that will be paid to the farm intern; any room and board, stipends, and other remuneration the farm will provide to a farm intern; and the total number of workers employed by the farm.

(4) Upon receipt of an application, the department shall review the application and issue a special certificate to the requesting farm within fifteen days if the department finds that:

(a) The farm qualifies as a small farm;

(b) There have been no serious violations of chapter 49.46 RCW or Title 51 RCW that provide reasonable grounds to believe that the terms of an internship agreement may not be complied with;

(c) The issuance of a certificate will not create unfair competitive labor cost advantages nor have the effect of impairing or depressing wage or working standards established for experienced workers for work of a like or comparable character in the industry or occupation at which the intern is to be employed;

(d) A farm intern will not displace an experienced worker; ~~(and)~~

(e) For a small farm located in a county that became eligible to participate in the farm intern project beginning on the effective date of this act, the farm has included in the application an attestation from at least one farm intern stating that the farm intern is an individual who has direct experience working as a migrant farmworker or whose parent or grandparent has direct experience working as a migrant farmworker; and

(f) The farm demonstrates that the interns will perform work for the farm under an internship program that: (i) Provides a curriculum of learning modules and supervised participation in farm work activities designed to teach farm interns about farming practices and farm enterprises; (ii) is based on the bona fide curriculum of an educational or vocational institution; (iii) encourages the interns to participate in career and technical

education or other educational content with courses in agriculture or related programs of study at a community or technical college; and ((iii)) (iv) is reasonably designed to provide the intern with vocational knowledge and skills about farming practices and enterprises. In assessing an internship program, the department may consult with relevant college and university departments and extension programs and state and local government agencies involved in the regulation or development of agriculture.

(5) A special certificate issued under this section must specify the terms and conditions under which it is issued, including: The name of the farm; the duration of the special certificate allowing the employment of farm interns and the duration of an internship; the total number of interns authorized under the special certificate; the authorized wage rate, if any; and any room and board, stipends, and other remuneration the farm will provide to the farm intern. A farm intern may be paid at wages specified in the certificate only during the effective period of the certificate and for the duration of the internship.

(6) If the department denies an application for a special certificate, notice of denial must be mailed to the farm. The farm listed on the application may, within fifteen days after notice of such action has been mailed, file with the director a petition for review of the denial, setting forth grounds for seeking such a review. If reasonable grounds exist, the director or the director's authorized representative may grant such a review and, to the extent deemed appropriate, afford all interested persons an opportunity to be heard on such review.

(7) Before employing a farm intern, a farm must submit a statement on a form made available by the director stating that the farm understands: The requirements of the industrial welfare act, this chapter, that apply to farm interns; that the farm must pay workers' compensation premiums in the assigned intern risk class and must pay workers' compensation premiums for nonintern work hours in the applicable risk class; and that if the farm does not comply with subsection (8) of this section, the director may revoke the special certificate.

(8) The director may revoke a special certificate issued under this section if a farm fails to: Comply with the requirements of the industrial welfare act, this chapter, that apply to farm interns; pay workers' compensation premiums in the assigned intern risk class; or pay workers' compensation premiums in the applicable risk class for nonintern work hours.

(9) Before the start of a farm internship, the farm and the intern must sign a written agreement and send a copy of the agreement to the department. The written agreement must, at a minimum:

(a) Describe the internship program offered by the farm, including the skills and objectives the program is designed to teach and the manner in which those skills and objectives will be taught;



(b) Explicitly state that the intern is not entitled to unemployment benefits or minimum wages for work and activities conducted pursuant to the internship program for the duration of the internship;

(c) Describe the responsibilities, expectations, and obligations of the intern and the farm, including the anticipated number of hours of farm activities to be performed by and the anticipated number of hours of curriculum instruction provided to the intern per week;

(d) Describe the activities of the farm and the type of work to be performed by the farm intern; and

(e) ~~((Describes [Describe]))~~ Describe any wages, room and board, stipends, and other remuneration the farm will provide to the farm intern.

(10) The department must limit the administrative costs of implementing the internship ~~((pilot))~~ program by relying on farm organizations and other stakeholders to perform outreach and inform the farm community of the program and by limiting employee travel to the investigation of allegations of noncompliance with program requirements.

(11) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Farm intern" means an individual who provides services to a small farm under a written agreement and primarily as a means of learning about farming practices and farm enterprises.

(b) "Farm internship program" means an internship program described under subsection (4)(e) of this section.

(c) "Small farm" means a farm:

(i) Organized as a sole proprietorship, partnership, or corporation;

(ii) That reports on the applicant's schedule F of form 1040 or other applicable form filed with the United States internal revenue service annual sales less than ~~((two hundred fifty thousand dollars))~~ \$265,000; and

(iii) Where all the owners or partners of the farm provide regular labor to and participate in the management of the farm, and own or lease the productive assets of the farm.

(12) The department shall monitor and evaluate the farm internships authorized by this section and report to the appropriate committees of the legislature by December 31, 2024. The report must include, but not be limited to: The number of small farms that applied for and received special certificates; the number of interns employed as farm interns; the nature of the educational activities provided to the farm interns; the wages and other remuneration paid to farm interns; the number of and type of workers' compensation claims for farm interns; the employment of farm interns following farm internships; and other matters relevant to assessing farm internships authorized in this section.

~~((13) This section expires December 31, 2025.))~~

**Sec. 3.** RCW 49.46.010 and 2020 c 212 s 3 are each amended to read as follows:

As used in this chapter:

(1) "Director" means the director of labor and industries;

(2) "Employ" includes to permit to work;

(3) "Employee" includes any individual employed by an employer but shall not include:

(a) Any individual (i) employed as a hand harvest laborer and paid on a piece rate basis in an operation which has been, and is generally and customarily recognized as having been, paid on a piece rate basis in the region of employment; (ii) who commutes daily from his or her permanent residence to the farm on which he or she is employed; and (iii) who has been employed in agriculture less than thirteen weeks during the preceding calendar year;

(b) Any individual employed in casual labor in or about a private home, unless performed in the course of the employer's trade, business, or profession;

(c) Any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesperson as those terms are defined and delimited by rules of the director. However, those terms shall be defined and delimited by the human resources director pursuant to chapter 41.06 RCW for employees employed under the director of personnel's jurisdiction;

(d) Any individual engaged in the activities of an educational, charitable, religious, state or local governmental body or agency, or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organizations gratuitously. If the individual receives reimbursement in lieu of compensation for normally incurred out-of-pocket expenses or receives a nominal amount of compensation per unit of voluntary service rendered, an employer-employee relationship is deemed not to exist for the purpose of this section or for purposes of membership or qualification in any state, local government, or publicly supported retirement system other than that provided under chapter 41.24 RCW;

(e) Any individual employed full time by any state or local governmental body or agency who provides voluntary services but only with regard to the provision of the voluntary services. The voluntary services and any compensation therefor shall not affect or add to qualification, entitlement, or benefit rights under any state, local government, or publicly supported retirement system other than that provided under chapter 41.24 RCW;

(f) Any newspaper vendor, carrier, or delivery person selling or distributing newspapers on the street, to offices, to businesses, or from house to house and any freelance news correspondent or "stringer" who, using his or her own equipment, chooses to submit material for publication for free or a fee when such material is published;

(g) Any carrier subject to regulation by Part 1 of the Interstate Commerce Act;

(h) Any individual engaged in forest protection and fire prevention activities;

(i) Any individual employed by any charitable institution charged with child care responsibilities engaged primarily in

the development of character or citizenship or promoting health or physical fitness or providing or sponsoring recreational opportunities or facilities for young people or members of the armed forces of the United States;

(j) Any individual whose duties require that he or she reside or sleep at the place of his or her employment or who otherwise spends a substantial portion of his or her work time subject to call, and not engaged in the performance of active duties;

(k) Any resident, inmate, or patient of a state, county, or municipal correctional, detention, treatment or rehabilitative institution;

(l) Any individual who holds a public elective or appointive office of the state, any county, city, town, municipal corporation or quasi municipal corporation, political subdivision, or any instrumentality thereof, or any employee of the state legislature;

(m) All vessel operating crews of the Washington state ferries operated by the department of transportation;

(n) Any individual employed as a seaman on a vessel other than an American vessel;

(o) ~~((Until December 31, 2025, any))~~ Any farm intern providing his or her services to a small farm which has a special certificate issued under RCW 49.12.471;

(p) An individual who is at least ~~((sixteen))~~ 16 years old but under twenty-one years old, in his or her capacity as a player for a junior ice hockey team that is a member of a regional, national, or international league and that contracts with an arena owned, operated, or managed by a public facilities district created under chapter 36.100 RCW;

(4) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;

(5) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed;

(6) "Retail or service establishment" means an establishment seventy-five percent of whose annual dollar volume of sales of goods or services, or both, is not for resale and is recognized as retail sales or services in the particular industry;

(7) "Wage" means compensation due to an employee by reason of employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by rules of the director.

**Sec. 4.** RCW 50.04.152 and 2020 c 212 s 2 are each amended to read as follows:

(1) Except for services subject to RCW 50.44.010, 50.44.020, 50.44.030, or 50.50.010, the term "employment" does not include service performed in agricultural labor by a farm intern providing his or her services under a farm internship program as established in RCW 49.12.471.

(2) For purposes of this section, "agricultural labor" means:

(a) Services performed on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment;

(b) Services performed in packing, packaging, grading, storing, or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations. The exclusions from the term "employment" provided in this subsection (2)(b) are not applicable with respect to commercial packing houses, commercial storage establishments, commercial canning, commercial freezing, or any other commercial processing or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or raising and harvesting of mushrooms; or

(c) Direct local sales of any agricultural or horticultural commodity after its delivery to a terminal market for distribution or consumption.

~~((3) This section expires December 31, 2025.)~~

**Sec. 5.** RCW 51.16.243 and 2020 c 212 s 4 are each amended to read as follows:

(1) The department shall adopt rules to provide special workers' compensation risk class or classes for farm interns providing agricultural labor pursuant to a farm internship program under RCW 49.12.471. The rules must include any requirements for obtaining a special risk class that must be met by small farms.

~~((2) This section expires December 31, 2025.)~~

**NEW SECTION. Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

March 28, 2023

ESSB 5231

Prime Sponsor, Law & Justice: Concerning the issuance of emergency domestic violence no-contact orders. Reported by Committee on Civil Rights & Judiciary

## MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 10.99.040 and 2021 c 215 s 122 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; ~~((and))~~

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence;

(e) Shall not deny issuance of a no-contact order based on the existence of an applicable civil protection order preventing the defendant from contacting the victim, and

(f) When issuing a no-contact order, shall attempt to determine whether there are any other active no-contact orders, protection orders, or restraining orders involving the defendant to assist the court in ensuring that any no-contact order it may impose does not lessen protections imposed by other courts under other such orders.

(2)(a) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim and others. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. ~~((If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the))~~ The court authorizing release may issue ~~(, by telephone,))~~ a no-contact order ~~((prohibiting))~~ that:

(i) Prohibits the person charged or arrested from ~~((having))~~ making any attempt to contact ~~((with the victim or)),~~ including nonphysical contact, the victim or the victim's family or household members, either directly, indirectly, or through a third party;

(ii) Excludes the defendant from a residence shared with the victim, or from a workplace, school, or child care;

(iii) Prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or vehicle; and

(iv) Includes other related prohibitions to reduce risk of harm.

~~((In issuing the order, the court shall consider the provisions of))~~ The court shall verify that the requirements of RCW 10.99.030(3) have been satisfied, including that a sworn statement of a peace officer has been submitted to the court, documenting that the responding peace officers separated the parties and asked the victim or victims at the scene about firearms, other dangerous weapons, and ammunition that the defendant owns or has access to, and whether the defendant has a concealed pistol license. If the sworn statement of a peace officer or other information provided to the court indicates there may be a risk of harm if the defendant has access to firearms, dangerous weapons, or an active concealed pistol license, the court shall verify that peace officers have temporarily removed and secured all the firearms, dangerous weapons, and any concealed pistol license. The court shall then determine whether an order to surrender and prohibit weapons or an extreme risk protection order should be issued pursuant to RCW 9.41.800 or chapter 7.105 RCW, ~~((and shall order the defendant to surrender, and prohibit))~~ prohibiting the ~~((person))~~ defendant from possessing, ~~((all))~~ purchasing, receiving, having in the defendant's control or custody, accessing, or attempting to purchase or receive, any firearms, dangerous weapons, and any concealed pistol license and shall order the defendant to surrender, and prohibit the defendant from possessing, any firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800, or shall issue an extreme risk protection order as required by chapter 7.105 RCW. The court may make these determinations on the record or off the record with a written explanation when declining to impose the restrictions authorized in this subsection.

~~((c) The no-contact order shall also be issued in writing as soon as possible, and shall state that it may be extended as provided in subsection (3) of this section. By January 1, 2011, the administrative office of the courts shall develop a pattern form for all no-contact orders issued under this chapter. A no-contact order issued under this chapter must substantially comply with the pattern form developed by the administrative office of the courts.))~~

(3)(a) At the time of arraignment, the court shall review the defendant's firearms purchase history provided by the prosecutor pursuant to RCW 10.99.045, and any other firearms information provided by law enforcement or court or jail staff, and shall determine whether a no-contact order, an order to surrender and prohibit weapons, or an extreme risk protection order shall be issued or, if previously issued, extended.

(b) So long as the court finds probable cause, the court may issue or extend a no-contact order, an order to surrender and prohibit weapons, or an extreme risk protection order, even if the defendant fails to appear at arraignment. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed. To the extent the court is aware, the court shall advise the defendant of the

ongoing requirements of any other no-contact, restraining, or protection order that remains in effect.

~~((b) In issuing the order, the court shall consider all information documented in the incident report concerning the person's possession of and access to firearms and whether law enforcement took temporary custody of firearms at the time of the arrest. The court may as a condition of release prohibit the defendant from possessing or accessing firearms and order the defendant to immediately surrender all firearms and any concealed pistol license to a law enforcement agency upon release.))~~

(c) If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring as defined in RCW 9.94A.030. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

(4) (a) ~~Willful violation of a court order issued under ((subsection (2), (3), or (7) of)) this section is punishable as provided under RCW 7.105.450 or 7.105.460, or chapter 9.41 RCW.~~

(b) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 7.105 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A certified copy of the order shall be provided to the victim.

(5) (a) A peace officer may request, on an ex parte basis and before criminal charges or a petition for a protection order or an extreme risk protection order have been filed, an emergency no-contact order, order to surrender and prohibit weapons, or extreme risk protection order from a judicial officer on behalf of and with the consent of the victim of an alleged act involving domestic violence if the victim is able to provide such consent. If the victim is incapacitated as a result of the alleged act of domestic violence, a peace officer may request an emergency no-contact order, order to surrender and prohibit weapons, or extreme risk protection order on his or her behalf. The request shall be made based upon the sworn statement of a peace officer and may be made in person, by telephone, or by electronic means. If the court finds probable cause to believe that the victim is in imminent danger of domestic violence based on an allegation of the recent commission of an act involving domestic violence, the court shall issue an emergency no-contact order and an order to surrender

and prohibit weapons or an extreme risk protection order as required by RCW 9.41.800 or chapter 7.105 RCW. An emergency no-contact order issued by a court will remain in effect until either the court terminates the emergency no-contact order, the court finds probable cause for a referred crime, or an ex parte hearing is held on a petition for a protection order or extreme risk protection order.

(b) If the court issues an order to surrender and prohibit weapons or an extreme risk protection order, and has not verified that peace officers have temporarily removed and secured all firearms and dangerous weapons, and any concealed pistol license, all orders issued by the court must be personally served by a peace officer and the peace officer shall take possession of all firearms, dangerous weapons, and any concealed pistol license belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search, as required by RCW 9.41.801.

(c) If the court does not issue an order to surrender and prohibit weapons or an extreme risk protection order, or has verified that all firearms, dangerous weapons, and any concealed pistol license have been temporarily removed by law enforcement, service of the court's orders may be effected electronically. Electronic service must be effected by a law enforcement agency transmitting copies of the petition and any supporting materials filed with the petition, any notice of hearing, and any orders, or relevant materials for motions, to the defendant at the defendant's electronic address or the defendant's electronic account associated with email, text messaging, social media applications, or other technologies. Verification of notice is required and may be accomplished through read-receipt mechanisms, a response, a sworn statement from the person who effected service verifying transmission and any follow-up communications such as email or telephone contact used to further verify, or an appearance by the defendant at a hearing. Sworn proof of service must be filed with the court by the person who effected service.

(d) A no-contact order, order to surrender and prohibit weapons, or extreme risk protection order authorized by telephonic or electronic means shall also be issued in writing as soon as possible and shall state that it may be extended as provided in subsection (3) of this section.

(6) If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed.

((6)) (7) Whenever ((a no-contact)) an order is issued, modified, or terminated under ((subsection (2) or (3) of)) this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information

system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (3) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

~~((7) All courts shall develop policies and procedures by January 1, 2011, to grant victims a process to modify or rescind a no-contact order issued under this chapter. The administrative office of the courts shall develop a model policy to assist the courts in implementing the requirements of this subsection.))~~

(8) For the purposes of this section, and unless context clearly requires otherwise, "emergency no-contact order" means a no-contact order issued by a court of competent jurisdiction before criminal charges have been filed or before a petition for a protection order or extreme risk protection order has been filed.

NEW SECTION. Sec. 2. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson; Thai and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; and Rude.

MINORITY recommendation: Without recommendation. Signed by Representative Cheney.

Referred to Committee on Rules for second reading

March 27, 2023

SSB 5235

Prime Sponsor, Local Government, Land Use & Tribal Affairs: Concerning accessory dwelling units. Reported by Committee on Housing

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there is a shortage of affordable housing units available for home ownership or long-term rental within most urban growth areas of the state. This lack of affordable housing forces many residents to spend more than 30 percent of their household income on housing, greatly increasing housing insecurity and contributing to the state's crisis of unacceptable numbers of persons experiencing homelessness. Increasing the availability of accessory dwelling units,

also referred to as "ADUs," may increase opportunities for people to age in their own home and increase multigenerational family ties along with offering opportunities to reduce intergenerational poverty by increasing home ownership. The legislature finds that accessory dwelling units can be one way to add affordable long-term housing and to provide a needed increase in housing density within urban growth areas with benefits to reducing fossil fuel use and other contributions to climate change due to housing and transportation patterns. The legislature seeks to encourage accessory dwelling unit availability as a modest housing option by streamlining local government regulations that may unintentionally make accessory dwelling units less economical. Since residents in a region may be choosing between cities, it is important to acknowledge that one city cannot build affordability on its own. An expansion in supply of affordable housing in a small city, but not neighboring cities, may satisfy some of the demand for affordable housing, but without a regional strategy, small cities will not be able to build affordability on their own. Statewide action is needed. Furthermore, the legislature finds that research from several cities shows that when accessory dwelling units are built or that are converted and offered for short-term rental for tourists and business visitors, they may not improve housing affordability. Therefore, it is the intent of the legislature to meet these important policy goals by increasing the availability of accessory dwelling units as modest housing options, limiting the restrictions that can be imposed on the development and use of accessory dwelling units within urban growth areas, and authorizing local governments to adopt programs to incentivize or reduce local government-imposed cost or time related obstacles to the development of accessory dwelling units when the accessory dwelling units will be utilized for long-term housing.

Sec. 2. RCW 36.70A.070 and 2022 c 246 s 2 and 2022 c 220 s 1 are each reenacted and amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land

use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that:

(a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the department of commerce, including:

(i) Units for moderate, low, very low, and extremely low-income households; and

(ii) Emergency housing, emergency shelters, and permanent supportive housing;

(b) Includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences, and within an urban growth area boundary, moderate density housing options including, but not limited to, duplexes, triplexes, and townhomes;

(c) Identifies sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary, consideration of duplexes, triplexes, and townhomes;

(d) Makes adequate provisions for existing and projected needs of all economic segments of the community, including:

(i) Incorporating consideration for low, very low, extremely low, and moderate-income households;

(ii) Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations;

(iii) Consideration of housing locations in relation to employment location; and

(iv) Consideration ~~((of the role))~~ and utilization of accessory dwelling units in meeting housing needs in compliance with RCW 36.70A.698;

(e) Identifies local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including:

(i) Zoning that may have a discriminatory effect;

(ii) Disinvestment; and

(iii) Infrastructure availability;

(f) Identifies and implements policies and regulations to address and begin to undo

racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions;

(g) Identifies areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments; and

(h) Establishes antidisplacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

In counties and cities subject to the review and evaluation requirements of RCW 36.70A.215, any revision to the housing element shall include consideration of prior review and evaluation reports and any reasonable measures identified. The housing element should link jurisdictional goals with overall county goals to ensure that the housing element goals are met.

The adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city that is required or chooses to plan under RCW 36.70A.040 that increase housing capacity, increase housing affordability, and mitigate displacement as required under this subsection (2) and that apply outside of critical areas are not subject to administrative or judicial appeal under chapter 43.21C RCW unless the adoption of such ordinances, development regulations and amendments to such regulations, or other nonproject actions has a probable significant adverse impact on fish habitat.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities ~~((r))~~ including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5) (d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5) (d) (i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or

intensity may be permitted subject to confirmation from all existing providers of public facilities and public services of sufficient capacity of existing public facilities and public services to serve any new or additional demand from the new development or redevelopment. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5) and is consistent with the local character. Any commercial development or redevelopment within a mixed-use area must be principally designed to serve the existing and projected rural population and must meet the following requirements:

(I) Any included retail or food service space must not exceed the footprint of previously occupied space or 5,000 square feet, whichever is greater, for the same or similar use; and

(II) Any included retail or food service space must not exceed 2,500 square feet for a new use;

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas shall not extend beyond the logical outer boundary of the existing area, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where

there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of this subsection (5) (d), an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of

the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the office of financial management's ~~((ten-year))~~10-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ~~((ten))~~10 years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ~~((ten-year))~~10-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level



of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ~~((ten-year))~~ 10-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ~~((ten-year))~~ 10-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

**Sec. 3.** RCW 36.70A.696 and 2021 c 306 s 2 are each amended to read as follows:

The definitions in this section apply throughout RCW 36.70A.697 and 36.70A.698 unless the context clearly requires otherwise.

(1) "Accessory dwelling unit" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(2) "Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit. An attached accessory dwelling unit must have a substantial portion of its footprint within the other housing unit, and must share structural elements with the other unit.

(3) "City" means any city, code city, and town located in a county planning under RCW 36.70A.040.

(4) "County" means any county planning under RCW 36.70A.040.

(5) "Detached accessory dwelling unit" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit and is on the same property.

(6) "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

(7) "Major transit stop" means:

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or

(e) Stops for a bus or other transit mode providing actual fixed route service at intervals of ~~((at least fifteen))~~ no greater than 15 minutes for at least five hours during the peak hours of operation on weekdays.

(8) ~~((("Owner" means any person who has at least 50 percent ownership in a property on which an accessory dwelling unit is located.~~

~~(9))~~ "Short-term rental" means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than 30 consecutive nights.

**Sec. 4.** RCW 36.70A.697 and 2020 c 217 s 3 are each amended to read as follows:

(1) Cities and counties must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of RCW 36.70A.698 to take effect by the time of the city's or county's next comprehensive plan update after July 1, 2021.

(2) Beginning ((July 1, 2021)) after the deadline in subsection (1) of this section, the requirements of RCW 36.70A.698:

(a) Apply and take effect in any city or county that has not adopted or amended ordinances, regulations, or other official controls as required under this section; and

(b) Supersede, preempt, and invalidate any local development regulations that conflict with RCW 36.70A.698.

**Sec. 5.** RCW 36.70A.698 and 2020 c 217 s 4 are each amended to read as follows:

~~(1) ((Except as provided in subsection[~~s~~])  
(2) and (3) of this section, through ordinances, development regulations, zoning regulations, and other official controls as required under RCW 36.70A.697, cities)) Cities and counties may not ((require)) prohibit the construction of accessory dwelling units on residentially zoned lots within urban growth areas.~~

~~(2) When regulating accessory dwelling units, cities and counties may not:~~

~~(a) Impose a limit on accessory dwelling units of fewer than one attached and one detached accessory dwelling unit on a lot zoned for residential use with a total square footage of more than 4,500 square feet, unless the lot is otherwise zoned to allow:~~

~~(i) At least two dwelling units, in which case at least one additional attached or detached accessory dwelling unit must be allowed;~~

~~(ii) At least three dwelling units;~~

~~(b) Impose a limit on accessory dwelling units of fewer than one attached or one detached accessory dwelling unit on a lot zoned for residential use with a total square footage of less than 4,500 square feet, unless the lot is otherwise zoned to allow at least two dwelling units;~~

~~(c) Impose any prohibition of the sale or other conveyance of a condominium unit independently of a principal unit that is based solely on the grounds that the condominium unit was originally built as an accessory dwelling unit, provided that the condominium unit is served by utilities that are independent of the principal unit;~~

~~(d) Impose any owner occupancy requirements on any housing or dwelling unit on a lot containing an accessory dwelling unit. A city or county may retain an owner occupancy requirement if:~~

~~(i) An accessory dwelling unit on the lot is offered or used for short-term rental as defined in RCW 36.70A.696; or~~

~~(ii) The city or county administers a general program, begun prior to December 31, 2022, offering the waiver or reduction of impact fees and costs associated with accessory dwelling unit construction, if the units are offered at or below 80 percent of the area median income;~~

~~(e) Require the provision of off-street parking for accessory dwelling units within one-quarter mile of a major transit stop, except that a city or county may require the provision of off-street parking for such an accessory dwelling unit if the city or county makes a determination, supported by evidence, that the accessory dwelling unit is in an area that would make on-street parking infeasible or unsafe for the accessory dwelling unit; or~~

~~(f) Apply other development regulations to the construction of accessory dwelling units that are more restrictive than regulations on single-family or other residential developments.~~

~~((2) A city may require the provision of off-street parking for an accessory dwelling unit located within one-quarter mile of a major transit stop if the city has determined that the accessory dwelling unit~~

~~is in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the accessory dwelling unit.~~

~~(3) A city that has adopted or substantively amended accessory dwelling unit regulations within the four years previous to June 11, 2020, is not subject to the requirements of this section.)~~

~~(3) Regulations that may be applied to accessory dwelling units by cities and counties include:~~

~~(a) Generally applicable development regulations;~~

~~(b) Public health, safety, building code, and environmental permitting requirements, including regulations to protect ground and surface waters from on-site wastewater, that would be applicable to a principal unit;~~

~~(c) A prohibition on the construction of accessory dwelling units on lots that are not connected to or served by public sewers;~~

~~(d) A prohibition or restriction on the construction of accessory dwelling units in residential zones with a density of one dwelling unit per acre or less that are within areas designated as wetlands, fish and wildlife habitats, floodplains, or geologically hazardous areas.~~

~~(4) This section and section 4 of this act apply only within urban growth areas required by this chapter.~~

**NEW SECTION. Sec. 6.** A new section is added to chapter 36.70A RCW to read as follows:

To encourage the use of accessory dwelling units for long-term housing, cities and counties may adopt ordinances, development regulations, and other official controls which waive or defer fees, including impact fees; defer the payment of taxes; or waive specific regulations. Cities and counties may only offer such reduced or deferred fees, deferred taxes, waivers, or other incentives for the development or construction of accessory dwelling units if such units are subject to effective binding commitments or covenants that the units will not be regularly offered for short-term rental.

**NEW SECTION. Sec. 7.** A new section is added to chapter 64.32 RCW to read as follows:

(1) Except for restrictive covenants or deed restrictions created to protect public health and safety or to protect ground and surface waters from on-site wastewater, no restrictive covenant or deed restriction created after the effective date of this section and applicable to a property located within an urban growth area may impose any restriction or prohibition on the construction, development, or use on a lot of an accessory dwelling unit that the city or county in which the urban growth area is located would be prohibited from imposing under RCW 36.70A.698.

(2) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive

covenant or deed restriction that was created after the effective date of this section and that is contrary to subsection (1) of this section.

**NEW SECTION. Sec. 8.** A new section is added to chapter 64.34 RCW to read as follows:

(1) Except for restrictive covenants or deed restrictions created to protect public health and safety or to protect ground and surface waters from on-site wastewater, no restrictive covenant or deed restriction created after the effective date of this section and applicable to a property located within an urban growth area may impose any restriction or prohibition on the construction, development, or use on a lot of an accessory dwelling unit that the city or county in which the urban growth area is located would be prohibited from imposing under RCW 36.70A.698.

(2) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive covenant or deed restriction that was created after the effective date of this section and that is contrary to subsection (1) of this section.

**NEW SECTION. Sec. 9.** A new section is added to chapter 64.38 RCW to read as follows:

(1) Except for restrictive covenants or deed restrictions created to protect public health and safety or to protect ground and surface waters from on-site wastewater, no restrictive covenant or deed restriction created after the effective date of this section and applicable to a property located within an urban growth area may impose any restriction or prohibition on the construction, development, or use on a lot of an accessory dwelling unit that the city or county in which the urban growth area is located would be prohibited from imposing under RCW 36.70A.698.

(2) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive covenant or deed restriction that was created after the effective date of this section and that is contrary to subsection (1) of this section.

**NEW SECTION. Sec. 10.** A new section is added to chapter 64.90 RCW to read as follows:

(1) Except for restrictive covenants or deed restrictions created to protect public health and safety or to protect ground and surface waters from on-site wastewater, no restrictive covenant or deed restriction created after the effective date of this section and applicable to a property located within an urban growth area may impose any restriction or prohibition on the construction, development, or use on a lot of an accessory dwelling unit that the city or county in which the urban growth area is

located would be prohibited from imposing under RCW 36.70A.698.

(2) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive covenant or deed restriction that was created after the effective date of this section and that is contrary to subsection (1) of this section."

Correct the title.

Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Low; Reed and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Connors, Assistant Ranking Minority Member; and Hutchins.

Referred to Committee on Rules for second reading

March 27, 2023

**E2SSB 5243** Prime Sponsor, Ways & Means: Concerning high school and beyond planning. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature recognizes that the high school and beyond plan is both a graduation requirement and a critical component in our education system. However, the practices and technologies that school districts employ for facilitating high school and beyond plans vary significantly. These variances can create inequities for students and families, and do not reflect the legislature's vision for the role of the high school and beyond plan in promoting student success in secondary and postsecondary endeavors.

(2) A universal online high school and beyond plan platform that can be readily accessed by students, parents, teachers, and others who support academic progress will alleviate equity issues and create new opportunities for students to develop and curate plans that align with their needs and interests. With the assistance of a flexible, portable, and expandable platform, all students with high school and beyond plans will be able to easily personalize and revise their plans, explore education options of relevance and interest, and receive supports that will help them make informed choices about their education and career objectives.

(3) The legislature, therefore, intends to revise and strengthen high school and beyond plan requirements and to direct the office of the superintendent of public instruction to facilitate the transition to a universal online high school and beyond plan platform to guide students' secondary education experiences and ensure preparation for their postsecondary goals.

**Sec. 2.** RCW 28A.230.090 and 2021 c 307 s 2 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students, except as provided in RCW 28A.230.122 and 28A.655.250 and except those equivalencies established by local high schools or school districts under RCW 28A.230.097. The purpose of a high school diploma is to declare that a student is ready for success in postsecondary education, gainful employment, and citizenship, and is equipped with the skills to be a lifelong learner.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) Except as provided otherwise in this subsection, the certificate of academic achievement requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation. The requirement to earn a certificate of academic achievement to qualify for graduation from a public high school concludes with the graduating class of 2019. The obligation of qualifying students to earn a certificate of individual achievement as a prerequisite for graduation from a public high school concludes with the graduating class of 2021.

(c) ~~((i))~~ Each student must have a high school and beyond plan to guide the student's high school experience and inform course taking that is aligned with the student's goals for education or training and career after high school ~~((-~~

~~((ii))~~ (A) A high school and beyond plan must be initiated for each student during the seventh or eighth grade. In preparation for initiating that plan, each student must first be administered a career interest and skills inventory.

~~((B))~~ For students with an individualized education program, the high school and beyond plan must be developed in alignment with their individualized education program. The high school and beyond plan must be developed in a similar manner and with similar school personnel as for all other students.

~~((iii))~~ (A) The high school and beyond plan must be updated to reflect high school assessment results in RCW 28A.655.070(3)(b) and to review transcripts, assess progress toward identified goals, and revised as necessary for changing interests, goals, and needs. The plan must identify available interventions and academic support, courses, or both, that are designed for students who are not on track to graduate, to enable them to fulfill high school graduation requirements. Each student's high school and beyond plan must be updated to inform junior year course taking.

~~((B))~~ For students with an individualized education program, the high school and beyond plan must be updated in alignment with their school to postsecondary transition plan. The high school and beyond plan must

~~be updated in a similar manner and with similar school personnel as for all other students.~~

~~((iv))~~ School districts are encouraged to involve parents and guardians in the process of developing and updating the high school and beyond plan, and the plan must be provided to the students' parents or guardians in their native language if that language is one of the two most frequently spoken non-English languages of students in the district. Nothing in this subsection ~~((1))~~ ~~((c))~~ ~~((iv))~~ prevents districts from providing high school and beyond plans to parents and guardians in additional languages that are not required by this subsection.

~~((v))~~ All high school and beyond plans must, at a minimum, include the following elements:

~~((A))~~ Identification of career goals, aided by a skills and interest assessment;

~~((B))~~ Identification of educational goals;

~~((C))~~ Identification of dual credit programs and the opportunities they create for students, including eligibility for automatic enrollment in advanced classes under RCW 28A.320.195, career and technical education programs, running start programs, AP courses, international baccalaureate programs, and college in the high school programs;

~~((D))~~ Information about the college bound scholarship program established in chapter 28B.118 RCW;

~~((E))~~ A four-year plan for course taking that:

~~((I))~~ Includes information about options for satisfying state and local graduation requirements;

~~((II))~~ Satisfies state and local graduation requirements;

~~((III))~~ Aligns with the student's secondary and postsecondary goals, which can include education, training, and career;

~~((IV))~~ Identifies course sequences to inform academic acceleration, as described in RCW 28A.320.195 that include dual credit courses or programs and are aligned with the student's goals; and

~~((V))~~ Includes information about the college bound scholarship program, the Washington college grant, and other scholarship opportunities;

~~((F))~~ Evidence that the student has received the following information on federal and state financial aid programs that help pay for the costs of a postsecondary program:

~~((I))~~ Information about the documentation necessary for completing the applications; application timeliness and submission deadlines; the importance of submitting applications early; information specific to students who are or have been in foster care; information specific to students who are, or are at risk of being, homeless; information specific to students whose family member or guardians will be required to provide financial and tax information necessary to complete applications; and

~~((II))~~ Opportunities to participate in sessions that assist students and, when necessary, their family members or guardians, fill out financial aid applications; and

~~(G) By the end of the twelfth grade, a current resume or activity log that provides a written compilation of the student's education, any work experience, and any community service and how the school district has recognized the community service pursuant to RCW 28A.320.193.~~

~~(d)) as provided for under section 3 of this act and RCW 28A.230.215.~~ Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level. Effective with the graduating class of 2015, the state board of education may not establish a requirement for students to complete a culminating project for graduation. A district may establish additional, local requirements for a high school and beyond plan to serve the needs and interests of its students and the purposes of this section.

~~((+e)) (d) (i)~~ The state board of education shall adopt rules to implement the career and college ready graduation requirement proposal adopted under board resolution on November 10, 2010, and revised on January 9, 2014, to take effect beginning with the graduating class of 2019 or as otherwise provided in this subsection (1) ~~((+e)) (d)~~. The rules must include authorization for a school district to waive up to two credits for individual students based on a student's circumstances, provided that none of the waived credits are identified as mandatory core credits by the state board of education. School districts must adhere to written policies authorizing the waivers that must be adopted by each board of directors of a school district that grants diplomas. The rules must also provide that the content of the third credit of mathematics and the content of the third credit of science may be chosen by the student based on the student's interests and high school and beyond plan with agreement of the student's parent or guardian or agreement of the school counselor or principal, or as provided in RCW 28A.230.300(4).

(ii) School districts may apply to the state board of education for a waiver to implement the career and college ready graduation requirement proposal beginning with the graduating class of 2020 or 2021 instead of the graduating class of 2019. In the application, a school district must describe why the waiver is being requested, the specific impediments preventing timely implementation, and efforts that will be taken to achieve implementation with the graduating class proposed under the waiver. The state board of education shall grant a waiver under this subsection (1) ~~((+e)) (d)~~ to an applying school district at the next subsequent meeting of the board after receiving an application.

~~((+iii)) A school district must update the high school and beyond plans for each student who has not earned a score of level 3 or level 4 on the middle school mathematics assessment identified in RCW 28A.655.070 by ninth grade, to ensure that the student takes a mathematics course in both ninth and tenth grades. This course may include career and technical education~~

~~equivalencies in mathematics adopted pursuant to RCW 28A.230.097.)~~

(2)(a) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(b) The state board shall reevaluate the graduation requirements for students enrolled in vocationally intensive and rigorous career and technical education programs, particularly those programs that lead to a certificate or credential that is state or nationally recognized. The purpose of the evaluation is to ensure that students enrolled in these programs have sufficient opportunity to ~~((earn a certificate of academic achievement,))~~ complete the program and earn the program's certificate or credential, and complete other state and local graduation requirements.

(c) The state board shall forward any proposed changes to the high school graduation requirements to the education committees of the legislature for review. The legislature shall have the opportunity to act during a regular legislative session before the changes are adopted through administrative rule by the state board. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized and funded by the legislature through the omnibus appropriations act or other enacted legislation.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) Unless requested otherwise by the student and the student's family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses

under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.230 RCW to read as follows:

(1) This section establishes the school district, content, and other substantive requirements for the high school and beyond plan required by RCW 28A.230.090.

(2)(a) Beginning by the seventh grade, each student must be administered a career interest and skills inventory which is intended to be used to inform eighth grade course taking and development of an initial high school and beyond plan. No later than eighth grade, each student must have begun development of a high school and beyond plan that includes a proposed plan for first-year high school courses aligned with graduation requirements and secondary and postsecondary goals.

(b) For each student who has not earned a score of level 3 or 4 on the middle school mathematics assessment identified in RCW 28A.655.070 by ninth grade, the high school and beyond plan must be updated to ensure that the student takes a mathematics course in both ninth and 10th grades. These courses may include career and technical education equivalencies in mathematics adopted pursuant to RCW 28A.230.097.

(3) With staff support, students must update their high school and beyond plan annually, at a minimum, to review academic progress and inform future course taking.

(a) The high school and beyond plan must be updated in 10th grade to reflect high school assessment results in RCW 28A.655.061, ensure student access to advanced course options per the district's academic acceleration policy in RCW 28A.320.195, assess progress toward identified goals, and revised as necessary for changing interests, goals, and needs.

(b) Each school district shall provide students who have not met the standard on state assessments or who are behind in completion of credits or graduation pathway options with the opportunity to access interventions and academic supports, courses, or both, designed to enable students to meet all high school graduation requirements. The parents or legal guardians shall be notified about these opportunities as included in the student's high school and beyond plan, preferably through a student-led conference, including the parents or legal guardians, and at least annually until the student is on track to graduate.

(c) For students with an individualized education program, the high school and beyond plan must be developed and updated in alignment with their school to postschool transition plan. The high school and beyond plan must be developed and updated in a similar manner and with similar school personnel as for all other students.

(4) School districts shall involve parents and legal guardians to the greatest extent feasible in the process of developing and updating the high school and beyond plan.

(a) The plan must be provided to the student and the students' parents or legal guardians in a language the student and parents or legal guardians understand and in accordance with the school district's language access policy and procedures as required under chapter 28A.183 RCW, which may require language assistance for students and parents or legal guardians with limited English proficiency.

(b) School districts must annually provide students in grades eight through 12 and their parents or legal guardians with comprehensive information about the graduation pathway options offered by the district and are strongly encouraged to begin providing this information beginning in sixth grade. School districts must provide this information in a manner that conforms with the school district's language access policy and procedures as required under chapter 28A.183 RCW.

(5) School districts are strongly encouraged to partner with student serving, community-based organizations that support career and college exploration and preparation for postsecondary and career pathways. Partnerships may include high school and beyond plan coordination and planning, data sharing agreements, and safe and secure access to individual student's high school and beyond plans.

(6) All high school and beyond plans must, at a minimum, include the following elements:

(a) Identification of career goals and interests, aided by a skills and interest assessment;

(b) Identification of secondary and postsecondary education and training goals;

(c) An academic plan for course taking that:

(i) Informs students about course options for satisfying state and local graduation requirements;

(ii) Satisfies state and local graduation requirements;

(iii) Aligns with the student's secondary and postsecondary goals, which can include education, training, and career preparation;

(iv) Identifies available advanced course sequences per the school district's academic acceleration policy, as described in RCW 28A.320.195, that include dual credit courses or other programs and are aligned with the student's postsecondary goals;

(v) Informs students about the potential impacts of their course selections on postsecondary opportunities;

(vi) Identifies available career and technical education equivalency courses that can satisfy core subject area graduation requirements under RCW 28A.230.097;

(vii) If applicable, identifies career and technical education and work-based learning opportunities that can lead to technical college certifications and apprenticeships; and

(viii) If applicable, identifies opportunities for credit recovery and acceleration, including partial and mastery-

based credit accrual to eliminate barriers for on-time grade level progression and graduation per RCW 28A.320.192;

(d) Evidence that the student has received the following information on federal and state financial aid programs that help pay for the costs of a postsecondary program:

(i) The college bound scholarship program established in chapter 28B.118 RCW, the Washington college grant created in RCW 28B.92.200, and other scholarship opportunities;

(ii) The documentation necessary for completing state and federal financial aid applications; application timeliness and submission deadlines; and the importance of submitting applications early;

(iii) Information specific to students who are or have been the subject of a dependency proceeding pursuant to chapter 13.34 RCW, who are or are at risk of being homeless, and whose family member or legal guardian will be required to provide financial and tax information necessary to complete applications;

(iv) Opportunities to participate in advising days and seminars that assist students and, when necessary, their parents or legal guardians, with filling out financial aid applications in accordance with RCW 28A.300.815; and

(v) A sample financial aid letter and a link to the financial aid calculator created in RCW 28B.77.280; and

(e) By the end of the 12th grade, a current resume or activity log that provides a written compilation of the student's education, any work experience, extracurricular activities, and any community service including how the school district has recognized the community service pursuant to RCW 28A.320.193.

(7) In accordance with RCW 28A.230.090(1) (c) any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level, and a school district may establish additional, local requirements for a high school and beyond plan to serve the needs and interests of its students and the purposes of this section.

(8) The state board of education shall adopt rules to implement this section.

**Sec. 4.** RCW 28A.230.215 and 2020 c 307 s 7 are each amended to read as follows:

(1) The legislature finds that fully realizing the potential of high school and beyond plans as meaningful tools for articulating and revising pathways for graduation will require additional school counselors and family coordinators. The legislature further finds that the development and implementation of an online electronic platform for high school and beyond plans will be an appropriate and supportive action that will assist students, parents and guardians, educators, ~~(and) school counselors, and other staff~~ who support students' career and college preparation as the legislature explores options for funding additional school counselors.

~~(2) ((Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall facilitate the creation of a list of available electronic platforms for the high school and beyond plan. Platforms eligible to be included on the list must meet the following requirements:~~

~~(a) Enable students to create, personalize, and revise their high school and beyond plan as required by RCW 28A.230.090;~~

~~(b) Grant parents or guardians, educators, and counselors appropriate access to students' high school and beyond plans;~~

~~(c) Employ a sufficiently flexible technology that allows for subsequent modifications necessitated by statutory changes, administrative changes, or both, as well as enhancements to improve the features and functionality of the platform;~~

~~(d) Include a sample financial aid letter and a link to the financial aid calculator created in RCW 28B.77.280, at such a time as those materials are finalized;~~

~~(e) Comply with state and federal requirements for student privacy;~~

~~(f) Allow for the portability between platforms so that students moving between school districts are able to easily transfer their high school and beyond plans; and~~

~~(g) To the extent possible, include platforms in use by school districts during the 2018-19 school year.~~

~~(3)) Beginning in the 2020-21 school year, each school district must ensure that an electronic high school and beyond plan platform is available to all students who are required to have a high school and beyond plan.~~

((4)) (3) The office of the superintendent of public instruction shall facilitate the transition to a universal online high school and beyond plan platform that will ensure consistent and equitable access to the needed information and support to guide students' educational experience and ensure preparation for their postsecondary plans.

(a) By January 1, 2024, the office of the superintendent of public instruction must develop a preliminary list of existing vendors who can provide or build a platform that meets the criteria outlined in subsection (4) of this section and that supports the high school and beyond plan elements identified in section 3 of this act and has the capabilities to support the new elements identified in section 5 of this act. The office of the superintendent of public instruction must submit the list of existing vendors and estimated costs associated with statewide implementation of the universal platform to the governor and the education policy and fiscal committees of the legislature.

(b) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must select the vendor that will be responsible for developing the universal platform by June 1, 2024.

(c) By October 1, 2024, the office of the superintendent of public instruction must develop an implementation plan including

both an estimated timeline and updated cost estimates, including the technical assistance, technology updates, ongoing maintenance requirements, and adjustments to the technology funding formula, and statewide professional development that may be needed, for completing full statewide implementation of the universal platform in all school districts. In the implementation plan, the office of the superintendent of public instruction may include a cost alternative for educational service districts to host the universal platform for school districts of the second class when such a district does not have sufficient technology resources to implement and maintain the universal platform.

(4)(a) In addition to the requirements outlined in section 3 of this act, the universal platform must have the capability to be routinely updated and modified in order to include the following elements and capabilities to ensure equity in high school and beyond plans implementation and engagement across the state that:

(i) Enable students to create, personalize, and revise their high school and beyond plan;

(ii) Comply with all necessary state and federal requirements for student privacy and allow for students to opt in or opt out of portions of the universal platform related to third-party information sharing;

(iii) Use technology that can quickly be adapted to include future statutory changes, administrative changes, or both, as well as integrate enhancements to improve the features and functionality;

(iv) Facilitate the automatic import of academic course, credit, and grade data at a regular interval from the most commonly used district student information system platforms and manual import from less commonly used systems so that students' progress towards graduation in the high school beyond plan is accurately reflected at any given time;

(v) Allow for translation into the most common non-English languages across the state in accordance with the model language access policy and procedures as required under chapter 28A.183 RCW;

(vi) Include multiple and varied in-platform assessments with viewable results that can inform career and postsecondary goals including, but not limited to, personality, learning styles, interests, aptitudes, and skills assessments;

(vii) Include a catalog containing meaningful, high quality career exploration opportunities and resources beyond the traditional college, career, and aptitude assessments that are submitted by approved entities (community organizations, institutions of higher education that are authorized to participate in state financial aid programs under chapter 28B.92 RCW, and employers) and vetted by state-selected approvers that allow students to register for or apply to participate in the opportunities (programs, classes, internships, preapprenticeships, online courses, etc.) or access the resources. The universal platform should use completion data from these opportunities to make

recommendations to students to include in their high school beyond plans;

(viii) A dedicated space in which to build a direct connection to potential employers, including industry associations, trade associations, labor unions, service branches of the military, nonprofit organizations, and other state and local community organizations so students can learn from experts in different occupational fields about career opportunities and any necessary education and training requirements;

(ix) A secure space for staff, parents or guardians, and approved community partners who support students' academic progress and career and college preparation, to make notes that can inform staff efforts to connect students to academic and career connected learning opportunities and develop support and credit recovery plans for students, as needed;

(x) Accessibility options for students needing accommodations including, but not limited to, visual aids and voice dictation for students with limited literacy skills;

(xi) Indefinite access for students to their high school beyond plan, regardless of current school affiliation or lack thereof, in both mobile and desktop applications, that includes the capability to download and print their plan in one document, without requiring students to access multiple screens;

(xii) Inclusion of in-state labor market, apprenticeship, and postsecondary education performance data, including employment and earning outcomes, certificate and degree completion outcomes, and demographics of enrolled students or employees, to inform students' exploration and consideration of postsecondary options;

(xiii) A dedicated space where students can store additional evidence of their learning and postsecondary preparation, such as videos, essays, art, awards and recognitions, screencasts, letters of recommendation, industry certifications, microcredentials or other mastery-based learning recognitions, and work-integrated learning experiences. The universal platform should include the ability for students and staff to provide access to this portfolio in its entirety or in selected parts to relevant third parties, including institutions of higher education that are authorized to participate in state financial aid programs under chapter 28B.92 RCW, branches of the military, potential employers, or preapprenticeship opportunities;

(xiv) Access to data reporting features that allow schools, districts, and state agencies to review data stored within the universal platform, and allow data to be broken down by demographic, socioeconomic, and other identified characteristics, for the purposes of analyzing student use of the universal platform, improving student access to the information, guidance, and opportunities that can help them maximize their secondary education experience and postsecondary preparation, and informing state-level support for high school and beyond plan implementation;



(xv) A space for the student to indicate the graduation pathway option or options the student has selected to complete and how the selected option or options align with the student's career and postsecondary education goals; and

(xvi) The ability for school districts to customize or add features unique to local needs and local graduation requirements, including the capability to auto-align data with the local school districts' graduation requirements or the ability to enter those requirements manually.

(b) The office of the superintendent of public instruction must also include considerations around how the universal platform will operate in alignment with school to postschool transition plans required for students with an individualized education program transition plan to create efficiencies and reduce redundancy with the high school and beyond plan process and statewide tool.

(5)(a) Within two years of completing the universal platform development and alignment with the requirements in this section and section 3 of this act, school districts must provide students with access to the adopted universal platform.

(b) The office of the superintendent of public instruction must develop guidance and provide technical assistance and support for the facilitation of statewide professional development for school districts and partner organizations in using the universal platform.

(6) In carrying out subsections (3)(b) and (4) of this section, the office of the superintendent of public instruction shall seek input from the state board of education, educators, school and district administrators, school counselors, career counseling specialists, families, students, the Washington student achievement council, institutions of higher education that are authorized to participate in state financial aid programs under chapter 28B.92 RCW, and community partners who support students' career and college preparation. The office of the superintendent of public instruction may partner with existing community and regional networks and organizations who support students' career and college preparation in the analysis, selection, and implementation of the universal platform.

(7) As used in this section "universal platform" means the universal online high school and beyond plan platform.

(8) The office of the superintendent of public instruction may adopt and revise rules as necessary to implement this section.

**NEW SECTION. Sec. 5.** (1) After selection of the vendor for the universal online high school and beyond plan platform as required in RCW 28A.230.215, the office of the superintendent of public instruction, in consultation with the state board of education, shall report to the governor and education committees of the legislature recommendations for additional policy changes related to transitioning the current high school and beyond plan and universal platform into a more robust online learning

platform that can be used starting as early as fifth grade and that will provide greater student agency over student learning and provide opportunities for students to more meaningfully explore their strengths, interests, and future aspirations. In addition to the existing high school and beyond plan elements identified in RCW 28A.230.215, the recommendations should examine and incorporate the following elements:

(a) A way to begin student use of a learning plan that utilizes the universal online high school and beyond plan platform no later than the fifth grade and includes ways to introduce career awareness and exploration opportunities in elementary grades as foundational support to students;

(b) Strategies for students to share their interests and engage with peers and mentors in order to obtain ongoing feedback and access to activities and learning opportunities that connect to their goals;

(c) Recommended calendar, schedule, and delivery options to ensure dedicated classroom time so that students are supported in engaging with and updating their plans multiple times per year;

(d) Strategies that increase student and family engagement with the learning plan process and encourages students to meaningfully explore their strengths, skills, and interests on an ongoing basis;

(e) Ways the universal online high school and beyond plan platform can support implementation of recommendations developed by the state board of education under subsection (2) of this section.

(2) The state board of education shall develop recommendations on how the high school and beyond plan could be modified to further support student choice and flexibility in meeting graduation requirements and preparing for postsecondary education and training, including increasing access to mastery-based learning and mastery-based crediting opportunities. The state board of education shall report the recommendations developed under this subsection to the governor and education committees of the legislature.

(3) The reports required under this section shall be submitted to the governor and the education committees of the legislature, in accordance with RCW 43.01.036, by August 1, 2025.

(4) This section expires July 1, 2026.

**Sec. 6.** RCW 28A.230.091 and 2018 c 229 s 2 are each amended to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall work with school districts, including teachers, principals, and school counselors, educational service districts, the Washington state school directors' association, institutions of higher education ((as defined in RCW 28B.10.016))that are authorized to participate in state financial aid programs under chapter 28B.92 RCW, students, and parents and guardians to identify best practices for high school and beyond plans that districts and schools may employ when

complying with high school and beyond plan requirements adopted in accordance with ~~((RCW 28A.230.090))~~ section 3 of this act and RCW 28A.230.215. The identified best practices, which must consider differences in enrollment and other factors that distinguish districts from one another, must be posted on the website of the office of the superintendent of public instruction by September 1, 2019, and may be revised periodically as necessary.

**Sec. 7.** RCW 28A.230.310 and 2020 c 307 s 4 are each amended to read as follows:

(1)(a) Beginning with the 2020-21 school year, all school districts with a high school must provide a financial aid advising day, as defined in RCW 28A.300.815.

(b) Districts must provide both a financial aid advising day and notification of financial aid opportunities at the beginning of each school year to parents and guardians of any student entering the twelfth grade. The notification must include information regarding:

(i) The eligibility requirements of the Washington college grant;

(ii) The requirements of the financial aid advising day;

(iii) The process for opting out of the financial aid advising day; and

(iv) Any community-based resources available to assist parents and guardians in understanding the requirements of and how to complete the free application for federal student aid and the Washington application for state financial aid.

(2) Districts may administer the financial aid advising day, as defined in RCW 28A.300.815, in accordance with information-sharing requirements set in the high school and beyond plan in ~~((RCW 28A.230.090))~~ section 3 of this act and RCW 28A.230.215.

(3) The Washington state school directors' association, with assistance from the office of the superintendent of public instruction and the Washington student achievement council, shall develop a model policy and procedure that school district board of directors may adopt. The model policy and procedure must describe minimum standards for a financial aid advising day as defined in RCW 28A.300.815.

(4) School districts are encouraged to engage in the Washington student achievement council's financial aid advising training.

(5) The office of the superintendent of public instruction may adopt rules for the implementation of this section.

**Sec. 8.** RCW 28A.230.320 and 2021 c 7 s 2 are each amended to read as follows:

(1) Beginning with the class of 2020, the state board of education may authorize school districts to grant individual student emergency waivers from credit and subject area graduation requirements established in RCW 28A.230.090, the graduation pathway requirement established in RCW 28A.655.250, or both if:

(a) The student's ability to complete the requirement was impeded due to a significant disruption resulting from a local, state, or national emergency;

(b) The school district demonstrates a good faith effort to support the individual student in meeting the requirement before considering an emergency waiver;

(c) The student was reasonably expected to graduate in the school year when the emergency waiver is granted; and

(d) The student has demonstrated skills and knowledge indicating preparation for the next steps identified in their high school and beyond plan under ~~((RCW 28A.230.090))~~ section 3 of this act and RCW 28A.230.215 and for success in postsecondary education, gainful employment, and civic engagement.

(2) A school district that is granted emergency waiver authority under this section shall:

(a) Maintain a record of courses and requirements waived as part of the individual student record;

(b) Include a notation of waived credits on the student's high school transcript;

(c) Maintain records as necessary and as required by rule of the state board of education to document compliance with subsection (1)(b) of this section;

(d) Report student level emergency waiver data to the office of the superintendent of public instruction in a manner determined by the superintendent of public instruction in consultation with the state board of education;

(e) Determine if there is disproportionality among student subgroups receiving emergency waivers and, if so, take appropriate corrective actions to ensure equitable administration. At a minimum, the subgroups to be examined must include those referenced in RCW 28A.300.042(3). If further disaggregation of subgroups is available, the school district shall also examine those subgroups; and

(f) Adopt by resolution a written plan that describes the school district's process for students to request or decline an emergency waiver, and a process for students to appeal within the school district a decision to not grant an emergency waiver.

(3)(a) By November 1, 2021, and annually thereafter, the office of the superintendent of public instruction shall provide the data reported under subsection (2) of this section to the state board of education.

(b) The state board of education, by December 15, 2021, and within existing resources, shall provide the education committees of the legislature with a summary of the emergency waiver data provided by the office of the superintendent of public instruction under this subsection (3) for students in the graduating classes of 2020 and 2021. The summary must include the following information:

(i) The total number of emergency waivers requested and issued, by school district, including an indication of what requirement or requirements were waived. Information provided in accordance with this subsection ~~((+3+))~~ (3)(b)(i) must also indicate the number of students in the school district grade cohort of each student receiving a waiver; and

(ii) An analysis of any concerns regarding school district implementation, including any concerns related to school

district demonstrations of good faith efforts as required by subsection (1)(b) of this section, identified by the state board of education during its review of the data.

(4) The state board of education shall adopt and may periodically revise rules for eligibility and administration of emergency waivers under this section. The rules may include:

(a) An application and approval process that allows school districts to apply to the state board of education to receive authority to grant emergency waivers in response to an emergency;

(b) Eligibility criteria for meeting the requirements established in subsection (1) of this section;

(c) Limitations on the number and type of credits that can be waived; and

(d) Expectations of the school district regarding communication with students and their parents or guardians.

(5) For purposes of this section:

(a) "Emergency" has the same meaning as "emergency or disaster" in RCW 38.52.010. "Emergency" may also include a national declaration of emergency by an authorized federal official.

(b) "School district" means any school district, charter school established under chapter 28A.710 RCW, tribal compact school operated according to the terms of state-tribal education compacts authorized under chapter 28A.715 RCW, private school, state school established under chapter 72.40 RCW, and community and technical college granting high school diplomas.

**Sec. 9.** RCW 28A.300.900 and 2018 c 228 s 1 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges and the Washington state apprenticeship and training council, shall examine opportunities for promoting recognized preapprenticeship and registered youth apprenticeship opportunities for high school students.

(2) In accordance with this section, by November 1, 2018, the office of the superintendent of public instruction shall solicit input from persons and organizations with an interest or relevant expertise in registered preapprenticeship programs, registered youth apprenticeship programs, or both, and employer-based preapprenticeship and youth apprenticeship programs, and provide a report to the governor and the education committees of the house of representatives and the senate that includes recommendations for:

(a) Improving alignment between college-level vocational courses at institutions of higher education and high school curriculum and graduation requirements, including high school and beyond plans required by RCW 28A.230.090 and in accordance with section 3 of this act and RCW 28A.230.215. Recommendations provided under this subsection may include recommendations for the development or revision of career and technical education course equivalencies

established in accordance with RCW 28A.700.080(1)(b) for college-level vocational courses successfully completed by a student while in high school and taken for dual credit;

(b) Identifying and removing barriers that prevent the wider exploration and use of registered preapprenticeship and registered youth apprenticeship opportunities by high school students and opportunities for registered apprenticeships by graduating secondary students; and

(c) Increasing awareness among teachers, counselors, students, parents, principals, school administrators, and the public about the opportunities offered by registered preapprenticeship and registered youth apprenticeship programs.

(3) As used in this section, "institution of higher education" has the same meaning as defined in RCW 28A.600.300.

**Sec. 10.** RCW 28A.655.250 and 2021 c 7 s 3 are each amended to read as follows:

(1)(a) Beginning with the class of 2020, except as provided in RCW 28A.230.320, graduation from a public high school and the earning of a high school diploma must include the following:

(i) Satisfying the graduation requirements established by the state board of education under RCW 28A.230.090 and any graduation requirements established by the applicable public high school or school district;

(ii) Satisfying credit requirements for graduation;

(iii) Demonstrating career and college readiness through completion of the high school and beyond plan as required by RCW 28A.230.090 and in accordance with section 3 of this act and RCW 28A.230.215; and

(iv) Meeting the requirements of at least one graduation pathway option established in this section. The pathway options established in this section are intended to provide a student with multiple pathways to graduating with a meaningful high school diploma that are tailored to the goals of the student. A student may choose to pursue one or more of the pathway options under (b) of this subsection, but any pathway option used by a student to demonstrate career and college readiness must be in alignment with the student's high school and beyond plan.

(b) The following graduation pathway options may be used to demonstrate career and college readiness in accordance with (a) (iv) of this subsection:

(i) Meet or exceed the graduation standard established by the state board of education under RCW 28A.305.130 on the statewide high school assessments in English language arts and mathematics as provided for under RCW 28A.655.070;

(ii) Complete and qualify for college credit in dual credit courses in English language arts and mathematics. For the purposes of this subsection, "dual credit course" means a course in which a student qualifies for college and high school credit in English language arts or mathematics upon successfully completing the course;

(iii) Earn high school credit in a high school transition course in English language

arts and mathematics, an example of which includes a bridge to college course. For the purposes of this subsection (1)(b)(iii), "high school transition course" means an English language arts or mathematics course offered in high school where successful completion by a high school student ensures the student college-level placement at participating institutions of higher education as defined in RCW 28B.10.016. High school transition courses must satisfy core or elective credit graduation requirements established by the state board of education. A student's successful completion of a high school transition course does not entitle the student to be admitted to an institution of higher education as defined in RCW 28B.10.016;

(iv) Earn high school credit, with a C+ grade, or receiving a three or higher on the AP exam, or equivalent, in AP, international baccalaureate, or Cambridge international courses in English language arts and mathematics; or receiving a four or higher on international baccalaureate exams. For English language arts, successfully completing any of the following courses meets the standard: AP English language and composition literature, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics; or any of the international baccalaureate individuals and societies courses. For mathematics, successfully completing any of the following courses meets the standard: AP statistics, computer science, computer science principles, or calculus; or any of the international baccalaureate mathematics courses;

(v) Meet or exceed the scores established by the state board of education for the mathematics portion and the reading, English, or writing portion of the SAT or ACT;

(vi) Meet any combination of at least one English language arts option and at least one mathematics option established in (b)(i) through (v) of this subsection (1);

(vii) Meet standard in the armed services vocational aptitude battery; and

(viii) Complete a sequence of career and technical education courses that are relevant to a student's postsecondary pathway, including those leading to workforce entry, state or nationally approved apprenticeships, or postsecondary education, and that meet either: The curriculum requirements of core plus programs for aerospace, maritime, health care, information technology, or construction and manufacturing; or the minimum criteria identified in RCW 28A.700.030. Nothing in this subsection (1)(b)(viii) requires a student to enroll in a preparatory course that is approved under RCW 28A.700.030 for the purposes of demonstrating career and college readiness under this section.

(2) While the legislature encourages school districts to make all pathway options established in this section available to their high school students, and to expand their pathway options until that goal is met, school districts have discretion in

determining which pathway options under this section they will offer to students.

(3) The state board of education shall adopt rules to implement the graduation pathway options established in this section.

NEW SECTION. **Sec. 11.** RCW 28A.655.270 (Student support for graduation—Student learning plans) and 2019 c 252 s 203 are each repealed."

Correct the title.

Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

March 27, 2023

SB 5274

Prime Sponsor, Senator Valdez: Expanding eligibility in certain public employment positions for lawful permanent residents. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; and Graham.

MINORITY recommendation: Without recommendation. Signed by Representative Griffey, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

March 28, 2023

SB 5283

Prime Sponsor, Senator Van De Wege: Authorizing the state board of registration for professional engineers and land surveyors to waive the fundamentals examination for professional engineer or professional land surveyor comity applicants. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Rules for second reading

March 28, 2023

ESSB 5284

Prime Sponsor, State Government & Elections: Concerning campaign finance disclosure. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 42.17A.205 and 2019 c 428 s 14 are each amended to read as follows:

(1) Every political committee shall file a statement of organization with the commission. The statement must be filed within two weeks after organization or within two weeks after the date the committee first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier. A political committee organized within ~~((the last three weeks))~~ the period beginning the first day of the last full month before an election and having the expectation of receiving contributions or making expenditures during and for that election campaign shall file a statement of organization within three business days after its organization or when it first has the expectation of receiving contributions or making expenditures in the election campaign.

(2) The statement of organization shall include but not be limited to:

(a) The name, address, and electronic contact information of the committee;

(b) The names, addresses, and electronic contact information of all related or affiliated committees or other persons, and the nature of the relationship or affiliation;

(c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders;

(d) The name, address, and electronic contact information of its treasurer and depository;

(e) A statement whether the committee is a continuing one;

(f) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing, and, if the committee is supporting the entire ticket of any party, the name of the party;

(g) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition;

(h) What distribution of surplus funds will be made, in accordance with RCW 42.17A.430, in the event of dissolution;

(i) Such other information as the commission may by rule prescribe, in keeping with the policies and purposes of this chapter;

(j) The name, address, and title of any person who authorizes expenditures or makes decisions on behalf of the candidate or committee; and

(k) The name, address, and title of any person who is paid by or is a volunteer for a candidate or political committee to perform ministerial functions and who performs ministerial functions on behalf of two or more candidates or committees.

(3) No two political committees may have the same name.

(4) Any material change in information previously submitted in a statement of organization shall be reported to the commission within the ten days following the change.

(5) As used in this section, the "name" of a sponsored committee must include the name of the person who is the sponsor of the committee. If more than one person meets the

definition of sponsor, the name of the committee must include the name of at least one sponsor, but may include the names of other sponsors. A person may sponsor only one political committee for the same elected office or same ballot proposition per election cycle.

Sec. 2. RCW 42.17A.207 and 2019 c 428 s 15 are each amended to read as follows:

(1)(a) An incidental committee must file a statement of organization with the commission within two weeks after the date the committee first:

(i) Has the expectation of making any expenditures aggregating at least ~~((twenty-five thousand dollars))~~ \$25,000 in a calendar year in any election campaign, or to a political committee; and

(ii) Is required to disclose a payment received under RCW 42.17A.240(2)(d).

(b) If an incidental committee first meets the criteria requiring filing a statement of organization as specified in (a) of this subsection ~~((in the last three weeks))~~ within the period beginning the first day of the last full month before an election, then it must file the statement of organization within three business days.

(2) The statement of organization must include but is not limited to:

(a) The name, address, and electronic contact information of the committee;

(b) The names and addresses of all related or affiliated political or incidental committees or other persons, and the nature of the relationship or affiliation;

(c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders and the name of the person designated as the treasurer of the incidental committee;

(d) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing if the committee contributes directly to a candidate and, if donating to a political committee, the name and address of that political committee;

(e) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition; and

(f) Such other information as the commission may by rule prescribe, in keeping with the policies and purposes of this chapter.

(3) Any material change in information previously submitted in a statement of organization must be reported to the commission within the ten days following the change.

Sec. 3. RCW 42.17A.235 and 2019 c 428 s 20 are each amended to read as follows:

(1)(a) In addition to the information required under RCW 42.17A.205 and 42.17A.210, each candidate or political committee must file with the commission a report of all contributions received and expenditures made as a political committee on the next reporting date pursuant to the timeline established in this section.

(b) In addition to the information required under RCW 42.17A.207 and 42.17A.210, on the day an incidental committee files a statement of organization with the commission, each incidental committee must file with the commission a report of any election campaign expenditures under RCW 42.17A.240(~~((+6))~~)(7), as well as the source of the (~~(ten)~~)10 largest cumulative payments of (~~((ten thousand dollars))~~)\$10,000 or greater it received in the current calendar year from a single person, including any persons tied as the (~~(tenth))~~10th largest source of payments it received, if any.

(2) Each treasurer of a candidate or political committee, or an incidental committee, required to file a statement of organization under this chapter, shall file with the commission a report, for each election in which a candidate, political committee, or incidental committee is participating, containing the information required by RCW 42.17A.240 at the following intervals:

(a) On the (~~(twenty-first day and the seventh))~~34th day, the 20th day, and the sixth day immediately preceding the date (~~(on which))~~of the general election (~~(is held))~~; (~~(and))~~

(b) On the 20th day and the sixth day immediately preceding the date of the primary or special election; and

(c) On the (~~(tenth))~~10th day of the first full month after the election.

(3)(a) Each treasurer of a candidate or political committee shall file with the commission a report on the (~~(tenth))~~10th day of each month during which the candidate or political committee is not (~~(participating in an election campaign))~~otherwise required to report under subsection (2) of this section, only if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed (~~(two hundred dollars))~~\$200.

(b) Each incidental committee shall file with the commission a report on the (~~(tenth))~~10th day of each month during which the incidental committee is not otherwise required to report under this section only if the committee has:

(i) Received a payment that would change the information required under RCW 42.17A.240(2)(d) as included in its last report; or

(ii) Made any election campaign expenditure reportable under RCW 42.17A.240(~~((+6))~~)(7) since its last report, and the total election campaign expenditures made since the last report exceed (~~(two hundred dollars))~~\$200.

(4) The (~~(report))~~reports filed (~~((twenty-one))~~34 days, 20 days, and six days before the general election and 20 days and six days before the primary or special election shall report all contributions received and expenditures made (~~(as of))~~from the closing date of the last report filed through the end of (~~((one business day))~~two calendar days before the date of (~~(the report))~~each filing. (~~(The report filed seven days before the election shall report all contributions received and expenditures made as of the end~~

~~of one business day before the date of the report.))~~ Reports filed on the (~~(tenth))~~10th day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(5) For the period beginning the first day of the fourth month preceding the date of the special election, or for the period beginning the first day of the fifth month before the date of the general election, and ending on the date of that special or general election, each Monday the treasurer for a candidate or a political committee shall file with the commission a report of each bank deposit made during the previous seven calendar days. The report shall contain the name of each person contributing the funds and the amount contributed by each person. However, persons who contribute no more than (~~((twenty-five dollars))~~)\$25 in the aggregate are not required to be identified in the report. A copy of the report shall be retained by the treasurer for the treasurer's records. In the event of deposits made by candidates, political committee members, or paid staff other than the treasurer, the copy shall be immediately provided to the treasurer for the treasurer's records. Each report shall be certified as correct by the treasurer.

(6)(a) The treasurer for a candidate or a political committee shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the (~~(ten))~~10 calendar days immediately preceding the date of the election the books of account shall be kept current within one business day. As specified in the political committee's statement of organization filed under RCW 42.17A.205, the books of account must be open for public inspection by appointment at a place agreed upon by both the treasurer and the requestor, for inspections between 9:00 a.m. and 5:00 p.m. on any day from the (~~(tenth))~~10th calendar day immediately before the election through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days. The appointment must be allowed at an authorized time and day for such inspections that is within (~~((forty-eight))~~)48 hours of the time and day that is requested for the inspection. The treasurer may provide digital access or copies of the books of account in lieu of scheduling an appointment at a designated place for inspection. If the treasurer and requestor are unable to agree on a location and the treasurer has not provided digital access to the books of account, the default location for an appointment shall be a place of public accommodation selected by the treasurer within a reasonable distance from the treasurer's office.

(b) At the time of making the appointment, a person wishing to inspect the books of account must provide the treasurer the name and telephone number of the person

wishing to inspect the books of account. The person inspecting the books of account must show photo identification before the inspection begins.

(c) A treasurer may refuse to show the books of account to any person who does not make an appointment or provide the required identification. The commission may issue limited rules to modify the requirements set forth in this section in consideration of other technology and best practices.

(7) Copies of all reports filed pursuant to this section shall be readily available for public inspection by appointment, pursuant to subsection (6) of this section.

(8) The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred or for any longer period as otherwise required by law.

(9) All reports filed pursuant to subsection (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

(10) Where there is not a pending complaint concerning a report, it is not evidence of a violation of this section to submit an amended report within ~~((twenty-one))~~ 21 days of filing an initial report if:

(a) The report is accurately amended;

(b) The amended report is filed more than ~~((thirty))~~ 30 days before an election;

(c) The total aggregate dollar amount of the adjustment for the amended report is within three times the contribution limit per election or ~~((two hundred dollars))~~ \$200, whichever is greater; and

(d) The committee reported all information that was available to it at the time of filing, or made a good faith effort to do so, or if a refund of a contribution or expenditure is being reported.

(11)(a) When there is no outstanding debt or obligation, the campaign fund is closed, the campaign is concluded in all respects, and the political committee has ceased to function and intends to dissolve, the treasurer shall file a final report. Upon submitting a final report, the political committee so intending to dissolve must file notice of intent to dissolve with the commission and the commission must post the notice on its website.

(b) Any political committee may dissolve ~~((sixty))~~ 60 days after it files its notice to dissolve, only if:

(i) The political committee does not make any expenditures other than those related to the dissolution process or engage in any political activity or any other activities that generate additional reporting requirements under this chapter after filing such notice;

(ii) No complaint or court action under this chapter is pending against the political committee; and

(iii) All penalties assessed by the commission or court order have been paid by the political committee.

(c) The political committee must continue to report regularly as required under this chapter until all the conditions under (b) of this subsection are resolved.

(d) Upon dissolution, the commission must issue an acknowledgment of dissolution, the duties of the treasurer shall cease, and there shall be no further obligations under this chapter. Dissolution does not absolve the candidate or board of the committee from responsibility for any future obligations resulting from the finding after dissolution of a violation committed prior to dissolution.

(12) The commission must adopt rules for the dissolution of incidental committees.

**Sec. 4.** RCW 42.17A.255 and 2020 c 152 s 5 are each amended to read as follows:

(1) For the purposes of this section the term "independent expenditure" means any expenditure that is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17A.225, 42.17A.235, and 42.17A.240. "Independent expenditure" does not include: An internal political communication primarily limited to the contributors to a political party organization or political action committee, or the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization; or the rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person.

(2) Within five days after the date of making an independent expenditure that by itself or when added to all other such independent expenditures made during the same election campaign by the same person equals ~~((one hundred dollars))~~ \$100 or more, or within five days after the date of making an independent expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made the independent expenditure shall file with the commission an initial report of all independent expenditures made during the campaign prior to and including such date.

(3)(a) At the following intervals each person who is required to file an initial report pursuant to subsection (2) of this section shall file with the commission a further report of the independent expenditures made since the date of the last report:

~~((a))~~ (i) On the ~~((twenty-first day and the seventh))~~ 34th day, the 20th day, and the sixth day preceding the date ~~((on which))~~ of the general election ((is held)); ~~((and (b)))~~ (ii) On the 20th day and the sixth day immediately preceding the date of the primary or special election;

(iii) On the ~~((tenth))~~ 10th day of the first month after the election; and

~~((e))~~ (iv) On the ~~((tenth))~~ 10th day of each month in which no other reports are required to be filed pursuant to this section. ((However, the))

(b)(i) The further reports required by this subsection (3) shall only be filed if the reporting person has made an independent expenditure since the date of the last previous report filed.

~~((The report filed pursuant to (a) of this subsection (3))~~ (ii) If no further reports are required to be filed, the last report required to be filed shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and there shall be no obligation to make any further reports.

(4) All reports filed pursuant to this section shall be certified as correct by the reporting person.

(5) Each report required by subsections (2) and (3) of this section shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent expenditure, and ending not more than ~~((one))~~ two business days before the date the report is due:

(a) The name, address, and electronic contact information of the person filing the report;

(b) The name and address of each person to whom an independent expenditure was made in the aggregate amount of more than ~~((fifty dollars))~~ \$50, and the amount, date, and purpose of each such expenditure. If no reasonable estimate of the monetary value of a particular independent expenditure is practicable, it is sufficient to report instead a precise description of services, property, or rights furnished through the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

(c) The total sum of all independent expenditures made during the campaign to date;

(d) A statement from the person making an independent expenditure that:

(i) The expenditure is not financed in any part by a foreign national; and

(ii) Foreign nationals are not involved in making decisions regarding the expenditure in any way; and

(e) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this chapter.

**Sec. 5.** RCW 42.17A.260 and 2020 c 152 s 6 are each amended to read as follows:

(1) The sponsor of political advertising shall file a special report to the commission within ~~((twenty-four))~~ 24 hours of, or on the first working day after, the date the political advertising is first published, mailed, or otherwise presented to the public, if the political advertising:

(a) Is published, mailed, or otherwise presented to the public within ~~((twenty-one))~~ 21 days of an election; and

(b) Either:

(i) Qualifies as an independent expenditure with a fair market value or actual cost of ~~((one thousand dollars))~~ \$1,000 or more, for political advertising supporting or opposing a candidate; or

(ii) Has a fair market value or actual cost of ~~((one thousand dollars))~~ \$1,000 or more, for political advertising supporting or opposing a ballot proposition, and is not otherwise required to be reported pursuant to RCW 42.17A.225, 42.17A.235, or 42.17A.240, supporting or opposing the same ballot proposition.

(2) If a sponsor is required to file a special report under this section, the sponsor shall also deliver to the commission within the delivery period established in subsection (1) of this section a special report for ~~((each))~~:

(a) Each subsequent independent expenditure of any size supporting or opposing the same candidate who was the subject of the previous independent expenditure, supporting or opposing that candidate's opponent ~~((, or, in the case of a))~~; or

(b) Each subsequent expenditure of any size made in support of or in opposition to ~~((a))~~ the same ballot proposition that was the subject of the previous expenditure, and is not otherwise required to be reported pursuant to RCW 42.17A.225, 42.17A.235, or 42.17A.240 ~~((, supporting or opposing the same ballot proposition that was the subject of the previous expenditure))~~.

(3) The special report must include:

(a) The name and address of the person making the expenditure;

(b) The name and address of the person to whom the expenditure was made;

(c) A detailed description of the expenditure;

(d) The date the expenditure was made and the date the political advertising was first published or otherwise presented to the public;

(e) The amount of the expenditure;

(f) The name of the candidate supported or opposed by the expenditure, the office being sought by the candidate, and whether the expenditure supports or opposes the candidate; or the name of the ballot proposition supported or opposed by the expenditure and whether the expenditure supports or opposes the ballot proposition;

(g) A statement from the sponsor that:

(i) The political advertising is not financed in any part by a foreign national; and

(ii) Foreign nationals are not involved in making decisions regarding the political advertising in any way; and

(h) Any other information the commission may require by rule.

(4) All persons required to report under RCW 42.17A.225, 42.17A.235, 42.17A.240, 42.17A.255, and 42.17A.305 are subject to the requirements of this section, except as otherwise provided in this section. The commission may determine that reports filed pursuant to this section also satisfy the requirements of RCW 42.17A.255.

(5) The sponsor of independent expenditures supporting a candidate or opposing that candidate's opponent required to report under this section shall file with each required report an affidavit or declaration of the person responsible for making the independent expenditure that the expenditure was not made in cooperation, consultation, or concert with, or at the



request or suggestion of, the candidate, the candidate's authorized committee, or the candidate's agent, or with the encouragement or approval of the candidate, the candidate's authorized committee, or the candidate's agent.

**Sec. 6.** RCW 42.17A.265 and 2020 c 152 s 7 are each amended to read as follows:

(1) Treasurers shall prepare and deliver to the commission a special report when a contribution or aggregate of contributions totals ~~((one thousand dollars or more))~~ more than the contribution limit to a candidate for state officer other than legislative office, as provided in RCW 42.17A.405(2), is from a single person or entity, and is received during ((a special reporting period)) the period from the beginning of the last full month preceding an election in which the treasurer's committee is participating, and concluding the day before that election.

(2) A political committee shall prepare and deliver to the commission a special report when it makes a contribution or an aggregate of contributions to a single entity that totals ~~((one thousand dollars or more during a special reporting period))~~ more than the contribution limit to a candidate for state officer other than legislative office, as provided in RCW 42.17A.405(2), during the same special reporting period as set forth in subsection (1) of this section.

(3) An aggregate of contributions includes only those contributions made to or received from a single entity during any one special reporting period. ~~((Any))~~ After a special report is filed as provided under subsection (1) or (2) of this section, an additional special report must be filed for any subsequent contribution of any size made to or received from the same person or entity during the special reporting period ((must also be reported)).

(4) ~~((Special reporting periods, for purposes of this section, include:~~

~~(a) The period beginning on the day after the last report required by RCW 42.17A.235 and 42.17A.240 to be filed before a primary and concluding on the end of the day before that primary;~~

~~(b) The period twenty-one days preceding a general election; and~~

~~(c) An aggregate of contributions includes only those contributions received from a single entity during any one special reporting period or made by the contributing political committee to a single entity during any one special reporting period.~~

~~(5) If a campaign treasurer files a special report under this section for one or more contributions received from a single entity during a special reporting period, the treasurer shall also file a special report under this section for each subsequent contribution of any size which is received from that entity during the special reporting period. If a political committee files a special report under this section for a contribution or contributions made to a single entity during a special reporting period, the political committee shall also file a special report for each subsequent contribution of any size which is made to~~

~~that entity during the special reporting period.~~

~~(6))~~ Special reports required by this section shall be delivered electronically, or in written form if an electronic alternative is not available.

(a) The special report required of a contribution recipient under subsection (1) of this section shall be delivered to the commission within ~~((forty-eight))~~ 48 hours of the time, or on the first ~~((working))~~ business day after:

~~(i) The qualifying contribution ((of one thousand dollars or more)) is received by the candidate or treasurer; ((the))~~

~~(ii) The aggregate received by the candidate or treasurer first equals ((one thousand dollars or more)) the qualifying amount; or ((any))~~

~~(iii) Any subsequent contribution from the same source is received by the candidate or treasurer.~~

(b) The special report required of a contributor under subsection (2) of this section or RCW 42.17A.625 shall be delivered to the commission, and the candidate or political committee to whom the contribution or contributions are made, within ~~((twenty-four))~~ 24 hours of the time, or on the first ~~((working))~~ business day after:

~~(i) The qualifying contribution is made; ((the))~~

~~(ii) The aggregate of contributions made first equals ((one thousand dollars or more)) the qualifying amount; or ((any))~~

~~(iii) Any subsequent contribution to the same person or entity is made.~~

~~((7))~~ (5) The special report shall include:

(a) The amount of the contribution or contributions;

(b) The date or dates of receipt;

(c) The name and address of the donor;

(d) The name and address of the recipient;

(e) A statement that the candidate or political committee has received a certification from any partnership, association, corporation, organization, or other combination of persons making a contribution reportable under this section that:

(i) The contribution is not financed in any part by a foreign national; and

(ii) Foreign nationals are not involved in making decisions regarding the contribution in any way; and

(f) Any other information the commission may by rule require.

~~((8))~~ (6) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

~~((9))~~ (7) The commission shall prepare daily a summary of the special reports made under this section and RCW 42.17A.625.

~~((10))~~ (8) Contributions governed by this section include, but are not limited to, contributions made or received indirectly through a third party or entity whether the contributions are or are not reported to the commission as earmarked contributions under RCW 42.17A.270.

**Sec. 7.** RCW 42.17A.345 and 2019 c 428 s 26 are each amended to read as follows:

(1) Each commercial advertiser who has accepted or provided political advertising or electioneering communications during the election campaign shall maintain current books of account and related materials as provided by rule that shall be open for public inspection during normal business hours during the campaign and for a period of no less than five years after the date of the applicable election. The documents and books of account shall specify:

(a) The names and addresses of persons from whom it accepted political advertising or electioneering communications;

(b) The exact nature and extent of the services rendered; and

(c) The total cost and the manner of payment for the services.

(2) At the request of the commission, each commercial advertiser required to comply with subsection (1) of this section shall provide to the commission copies of the information that must be maintained and be open for public inspection pursuant to subsection (1) of this section.

(3) Any person who purchases political advertising or electioneering communications from a commercial advertiser must disclose upon request from the commercial advertiser:

(a) That the purchase includes political advertising or electioneering communications;

(b) The name of the sponsor, if different than the person making the purchase; and

(c) Any other information the commercial advertiser is required to maintain, as provided by this section or rule.

(4) Any failure to provide the required information in subsection (3) of this section upon request is a violation under this chapter, but such failure shall not relieve a commercial advertiser of any of the requirements under this section."

Correct the title.

Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

March 27, 2023

E2SSB 5315 Prime Sponsor, Ways & Means: Concerning nonpublic agencies operating special education programs for students with disabilities. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) (a) The legislature finds that the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq. establishes duties for the state education agency, which is the office of the superintendent of public instruction in Washington, with respect to students with disabilities who are placed in a private

school or facility by a school district or other public agency as a means of providing special education and related services.

(b) Since 2006, the federal implementing regulations of the federal individuals with disabilities education act have required that the office of the superintendent of public instruction ensure that a student with a disability who is placed in a private school or facility by a school district or other public agency:

(i) Is provided special education and related services in conformance with an individualized education program that meets the requirements of federal law and at no cost to the student's parents;

(ii) Is provided an education that meets the standards that apply to education provided by a school district or other public agency; and

(iii) Has all of the rights of a student with a disability who is served by a school district or other public agency.

(c) Since 2006, the federal implementing regulations of the federal individuals with disabilities education act have required that the office of the superintendent of public instruction, in implementing the requirements described in (b) of this subsection (1):

(i) Monitor compliance through procedures such as written reports, on-site visits, and parent questionnaires;

(ii) Disseminate copies of applicable standards to each private school and facility to which a school district or other public agency placed a student with a disability; and

(iii) Provide an opportunity for those private schools and facilities to participate in the development and revision of state standards that apply to them.

(2) The legislature acknowledges that it has not codified the requirements described in subsection (1) of this section into state statute. Therefore, the legislature intends to codify the duty and authority of the superintendent of public instruction to establish standards for approving, monitoring, and investigating education centers, which are private schools and facilities that contract with school districts to provide special education and related services to students with disabilities placed in the education center by a school district. The legislature also intends to codify the requirement that these standards must ensure that any students with disabilities placed in an education center by a school district have the same rights, protections, and access to special education and related services that they would have if served by a school district.

**Sec. 2.** RCW 28A.155.090 and 2007 c 115 s 11 are each amended to read as follows:

The superintendent of public instruction shall have the duty and authority, through the administrative section or unit for the education of children with disabling conditions, to:

(1) Assist school districts in the formation of programs to meet the needs of children with disabilities;

(2) Develop interdistrict cooperation programs for children with disabilities as authorized in RCW 28A.225.250;

(3) Provide, upon request, to parents or guardians of children with disabilities, information as to the special education programs for students with disabilities offered within the state;

(4) Assist, upon request, the parent or guardian of any child with disabilities in the placement of any child with disabilities who is eligible for but not receiving special educational services for children with disabilities;

(5) Approve school district and agency programs as being eligible for special excess cost financial aid to students with disabilities;

(6) Establish standards for approving, monitoring, and investigating education centers, as defined in RCW 28A.205.010, that contract with school districts under RCW 28A.155.060 to provide special education and related services to children with disabilities placed in the education center by a school district. The standards must ensure that any children with disabilities placed in the education center by a school district have the same rights, protections, and access to special education and related services that they would have if served by a school district;

(7) Consistent with the provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160, and part B of the federal individuals with disabilities education improvement act, administer administrative hearings and other procedures to ensure procedural safeguards of children with disabilities; and

~~((7))~~ (8) Promulgate such rules as are necessary to implement part B of the federal individuals with disabilities education improvement act or other federal law providing for special education services for children with disabilities and the several provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160 and to ensure appropriate access to and participation in the general education curriculum and participation in statewide assessments for all students with disabilities.

**Sec. 3.** RCW 28A.205.010 and 2006 c 263 s 408 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) ~~((As used in this chapter, unless the context thereof shall clearly indicate to the contrary:))~~

"Education center" means ((any private school operated on a profit or nonprofit basis which)) a private in-state school or facility operated on a profit or nonprofit basis, or any out-of-state school or facility, that contracts with a school district to provide special education and related services to students with disabilities placed in the education center by the school district and that does the following:

(a) Is devoted to the teaching of basic academic skills, including specific

attention to improvement of student motivation for achieving, and employment orientation ~~((:))~~;

(b) Operates on a clinical, client centered basis. This shall include, but not be limited to, performing diagnosis of individual educational abilities, determination and setting of individual goals, prescribing and providing individual courses of instruction therefor, and evaluation of each individual client's progress in his or her educational program ~~((:))~~; and

~~((c) Conducts courses of instruction by ((professionally trained personnel certificated by the Washington professional educator standards board according to rules adopted for the purposes of this chapter and providing, for certification purposes, that a year's teaching experience in an education center shall be deemed equal to a year's teaching experience in a common or private school)) licensed teachers.~~

~~((2) ((For purposes of this chapter, basic academic skills shall)) "Basic academic skills" must include the study of mathematics, speech, language, reading and composition, science, history, literature, and political science or civics ((: it shall not include courses of a vocational training nature and shall not include courses deemed nonessential to the accrediting or the approval of private schools under RCW 28A.305.130.~~

~~((3) The superintendent of public instruction shall certify an education center only upon application and (a) determination that such school comes within the definition thereof as set forth in subsection (1) of this section and (b) demonstration on the basis of actual educational performance of such applicants' students which shows after consideration of their students' backgrounds, educational gains that are a direct result of the applicants' educational program. Such certification may be withdrawn if the superintendent finds that a center fails to provide adequate instruction in basic academic skills. No education center certified by the superintendent of public instruction pursuant to this section shall be deemed a common school under RCW 28A.150.020 or a private school for the purposes of RCW 28A.195.010 through 28A.195.050)).~~

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.205 RCW to read as follows:

(1) The office of the superintendent of public instruction may approve an applicant as an education center only after a determination that:

(a) The applicant meets the definition of an education center under RCW 28A.205.010; and

(b) The students of the applicant have made educational gains that are a direct result of the applicant's educational program, where the determination is based on the actual educational performance of the students, after considering each student's background.

(2) The office of the superintendent of public instruction may suspend, revoke, or refuse to renew approval of an education center if the education center fails to provide adequate instruction in basic academic skills, fails to adhere to federal laws, especially civil rights laws, fails to comply with health and safety requirements, or fails to comply with provisions of its contract with a school district.

(3) The office of the superintendent of public instruction must prohibit approved education centers from charging tuition or fees to students placed in the education center by a school district.

(4) The office of the superintendent of public instruction must encourage school districts to cooperate with education centers.

(5) An education center approved by the office of the superintendent of public instruction under this section is not a common school under RCW 28A.150.020.

(6) The approval of an education center that is a private school in Washington approved by the state board of education under chapter 28A.195 RCW is limited to the program of special education and related services provided to students with disabilities placed in the education center by the school district.

**Sec. 5.** RCW 28A.155.060 and 2007 c 115 s 6 are each amended to read as follows:

(1) For the purpose of carrying out the provisions of RCW 28A.155.020 through 28A.155.050, the board of directors of every school district shall be authorized to contract with ~~((agencies approved by the superintendent of public instruction for operating special education programs for students with disabilities. Approval standards for such agencies shall conform substantially with those of special education programs in the common schools))~~ education centers approved under subsection (2) of this section to provide special education and related services to students with disabilities placed in the education center by the school district.

(2)(a) The office of the superintendent of public instruction must create an application process to approve education centers to contract with school districts to provide special education and related services to students with disabilities placed in the education center by a school district. Education centers may be approved for a period of up to three years.

(b) To qualify for approval, an education center must, at a minimum, meet the following requirements:

(i) Acknowledge that it can meet all contract elements established in subsection (3)(a) of this section;

(ii) (A) For an education center operating as a school, either obtain approval by the state board of education under chapter 28A.195 RCW to operate as a private school in Washington or obtain approval by the state education agency of the state in which the education center is located; and (B) for education centers that operate a program of education within a nonschool facility, comply with facility licensing requirements

of the state in which the education center is located;

(iii) Employ or contract with: At least one licensed teacher with a special education endorsement; other licensed teachers; and related services staff who meet the licensing requirements for their profession;

(iv) Meet applicable fire codes of the local or state fire marshal and applicable health and safety standards;

(v) Demonstrate through audits that it is financially stable and has accounting systems that allow for separation of school district funds, including financial safeguards in place to track revenues and expenditures associated with contracted placements to ensure that funds are used to provide special education services to students;

(vi) Demonstrate that it has procedures in place that address staff hiring and contracting, including checking personal and professional references for employees, conducting criminal background checks in accordance with RCW 28A.400.303, and scheduling regular staff evaluations that address staff competencies;

(vii) Demonstrate that staff of the education center are regularly trained on the following topics:

(A) Constitutional and civil rights of children in schools;

(B) Child and adolescent development;

(C) Trauma-informed approaches to working with youth;

(D) Recognizing and responding to youth mental health issues;

(E) Educational rights of students with disabilities, the relationship of disability to behavior, and best practices for interacting with students with disabilities;

(F) Cultural competency, diversity, equity, and inclusion, including best practices for interacting with students from particular backgrounds, including English learner, LGBTQ, immigrant, female, and nonbinary students. The terms "cultural competency," "diversity," "equity," and "inclusion" have the same meanings as in RCW 28A.415.443;

(G) De-escalation techniques when working with youth or groups of youth;

(H) Student isolation and restraint requirements under RCW 28A.600.485;

(I) The federal family educational rights and privacy act (Title 20 U.S.C. Sec. 1232g) requirements including limits on access to and dissemination of student records for noneducational purposes; and

(J) Restorative justice principles and practices; and

(viii) Maintain a policy of nondiscrimination and provide procedural safeguards for students eligible for special education services and their families.

(c) Before approving an application under this subsection, the office of the superintendent of public instruction must conduct an on-site visit to ensure that an education center's facilities, staffing levels, and procedural safeguards are sufficient to provide a safe and appropriate learning environment for students with disabilities placed in the education center by a school district.

(d) The office of the superintendent of public instruction may suspend, revoke, or refuse to renew its approval of an education center if the education center:

(i) Fails to maintain approval standards or fails to comply with all school district contract elements established in subsection (3)(a) of this section;

(ii) Violates the rights of students with disabilities placed in the education center by a school district; or

(iii) Refuses to implement any corrective actions ordered by the office of the superintendent of public instruction.

(e) The office of the superintendent of public instruction must use the data collected to produce the report required under section 7 of this act to identify issues of noncompliance with approval standards and contract elements established in subsection (3)(a) of this section.

(f) The office of the superintendent of public instruction must notify the state board of education if any education center that is also a private school approved by the state board of education under chapter 28A.195 RCW is investigated for noncompliance, is directed to complete corrective action, or fails to maintain approval under this subsection. The state board of education must notify the office of the superintendent of public instruction of any unresolved concerns, deficiencies, or deviations related to an education center that is also a private school approved by the state board of education under chapter 28A.195 RCW.

(g)(i) The office of the superintendent of public instruction must develop and publish on its website a complaint process for individuals to report noncompliance or violations of student rights at education centers.

(ii) The office of the superintendent of public instruction must use the complaint process to identify and address patterns of misconduct at education centers, including issuing corrective action or revoking approval under this subsection.

(3)(a) A school district that chooses to contract with an education center as authorized under subsection (1) of this section must enter into a written contract with the education center to establish the responsibilities of the school district and the education center and set forth the rights of students with disabilities placed in the education center by the school district as a means of providing special education and related services. The contract must include, at a minimum, the following elements:

(i) The names of the parties involved and the name of the student or students with disabilities placed in the education center by the school district;

(ii) The locations and settings of the services to be provided;

(iii) A description of the services to be provided, including access to state learning standards adopted under RCW 28A.655.070;

(iv) The total contract cost and applicable charge and reimbursement systems, including billing and payment procedures;

(v) Acknowledgment that the education center has a list of each qualified staff

member providing special education and related services and a copy of the license or credential that qualifies each staff member to provide those services;

(vi) Acknowledgment that the school district and education center have clearly established their respective responsibilities and processes for data collection and reporting for students;

(vii) Acknowledgment that the education center must comply with student isolation and restraint requirements under RCW 28A.600.485;

(viii) Acknowledgment that the education center must notify the school district and the office of the superintendent of public instruction of any program, staffing, or facility changes that may affect the agency's ability to provide contracted services;

(ix) Acknowledgment that the education center must comply with all relevant Washington state and federal laws that are applicable to the school district; and

(x) Acknowledgment that the school district must provide the office of the superintendent of public instruction with the opportunity to review the contract and related documentation upon request.

(b) A school district contracting with an education center must conduct an annual on-site visit to ensure that an education center's facilities, staffing levels, and procedural safeguards are sufficient to provide a safe and appropriate learning environment and meet the unique needs of the students with disabilities placed in the education center by the school district.

(c) A school district contracting with an education center must remain responsible for ensuring that the students with disabilities placed in the education center by the school district are:

(i) Provided a free appropriate public education in accordance with the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq. and this chapter;

(ii) Provided with special education and related services at no cost to the student's parents and in conformance with an individualized education program as required by law, including evaluations and individualized education program team meetings that meet all applicable requirements;

(iii) Provided with an opportunity to participate in Washington state and school district assessments and an opportunity to fulfill the requirements to receive a Washington state diploma; and

(iv) Provided at least the minimum instructional hours and days required under RCW 28A.150.220.

(d) A school district must provide the following documents to the parents or guardians of the student being served by an education center:

(i) A summary of the school district and education center's responsibilities and processes for reporting incidents of student isolation and restraint under RCW 28A.600.485; and

(ii) A copy of the complaint process published under subsection (2)(g) of this section.

(4) For the purpose of this section, "education center" means an education center, as defined in RCW 28A.205.010, approved by the office of the superintendent of public instruction under subsection (2) of this section.

**Sec. 6.** RCW 28A.155.210 and 2013 c 202 s 3 are each amended to read as follows:

~~A ((school that is required to develop an)) student's individualized education program ((as required by federal law)) must include ((within the plan)) procedures for notification of a parent or guardian regarding the use of restraint or isolation under RCW 28A.600.485. If a student is served by an education center under RCW 28A.155.060, the student's individualized education program must also specify any additional procedures required to ensure the education center fully complies with RCW 28A.600.485.~~

**NEW SECTION. Sec. 7.** A new section is added to chapter 28A.155 RCW to read as follows:

(1) Beginning December 1, 2023, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction must annually submit a report to the education committees of the legislature regarding student placements at education centers under RCW 28A.155.060. A summary of the report, including a link to the full report content, must also be posted on the office of the superintendent of public instruction's website. The report must include:

(a) The academic progress of students receiving special education services from education centers, using the results of the two most recent state assessments;

(b) The graduation rates of students who have received special education services from education centers;

(c) The rate at which students receiving special education services from education centers return to their resident school districts;

(d) Data on student restraint and isolation incidents, discipline, and attendance at education centers; and

(e) Any corrective action or change in an education center's approval status, as ordered by the office of the superintendent of public instruction.

(2) The data published under subsection (1) of this section must be disaggregated by education center when it is possible to do so without disclosing, directly or indirectly, a student's personally identifiable information as protected under the federal family educational rights and privacy act (Title 20 U.S.C. Sec. 1232g).

**NEW SECTION. Sec. 8.** The following acts or parts of acts are each repealed:

(1) RCW 28A.205.020 (Common school dropouts—Reimbursement) and 1999 c 348 s 3, 1997 c 265 s 7, 1993 c 211 s 2, 1990 c 33 s 181, 1979 ex.s. c 174 s 1, & 1977 ex.s. c 341 s 2;

(2) RCW 28A.205.030 (Reentry of prior dropouts into common schools, rules—

Eligibility for test to earn a high school equivalency certificate) and 2013 c 39 s 6;

(3) RCW 28A.205.040 (Fees—Rules—Priority for payment—Review of records) and 2013 c 39 s 7, 2006 c 263 s 412, 1999 c 348 s 4, 1990 c 33 s 183, 1979 ex.s. c 174 s 2, & 1977 ex.s. c 341 s 4;

(4) RCW 28A.205.070 (Allocation of funds—Criteria—Duties of superintendent) and 2006 c 263 s 409, 1993 c 211 s 6, 1990 c 33 s 185, & 1985 c 434 s 3;

(5) RCW 28A.205.080 (Legislative findings—Distribution of funds—Cooperation with school districts) and 1997 c 265 s 8, 1993 c 211 s 7, 1990 c 33 s 186, & 1987 c 518 s 220; and

(6) RCW 28A.205.090 (Inclusion of education centers program in biennial budget request—Quarterly plans—Funds—Payment) and 1993 c 211 s 8, 1990 c 33 s 187, & 1985 c 434 s 4.

**NEW SECTION. Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

March 28, 2023

**SB 5331**

Prime Sponsor, Senator Conway: Concerning job search requirements for unemployment insurance benefits. Reported by Committee on Labor & Workplace Standards

**MAJORITY recommendation:** Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

March 27, 2023

**SSB 5405**

Prime Sponsor, Labor & Commerce: Modifying the liquor and cannabis board's subpoena authority. Reported by Committee on Regulated Substances & Gaming

**MAJORITY recommendation:** Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 66.08.145 and 2019 c 445 s 201 are each amended to read as follows:

(1) ((The)) Subject to subsection (2) of this section, the liquor and cannabis board may issue subpoenas in connection with any investigation, hearing, or proceeding for the production of books, records, and documents held under this chapter or

chapters 69.50, 69.51A, 70.155, 70.158, 70.345, 82.24, 82.26, and 82.25 RCW, and books and records of common carriers as defined in RCW 81.80.010, or vehicle rental agencies, relating to the transportation or possession of cannabis, cigarettes, vapor products, or other tobacco products.

(2)(a) Prior to signing, issuing, or serving a subpoena on or after the effective date of this section, the liquor and cannabis board shall, at a minimum, first attempt to obtain production of the books, records, or documents by:

(i) An informal investigative contact; and

(ii) Regular mail and certified mail.

(b) A subpoena under this section may be served by regular mail and certified mail or in person by either:

(i) An enforcement officer of the liquor and cannabis board who graduated from the Washington state criminal justice training commission and complies with (c) of this subsection (2); or

(ii) A private investigator licensed under chapter 18.165 RCW who complies with (c) of this subsection (2).

(c) Any individual signing, issuing, or serving a subpoena for the liquor and cannabis board on or after the effective date of this section must complete training on unconscious bias.

(d) Information about how to challenge the subpoena must be provided in writing to the person subject to the subpoena with the service of a subpoena under this section.

(e) The liquor and cannabis board shall sign, issue, and serve subpoenas under this section through a uniform process and procedures.

(f) Except as otherwise provided in this section, the liquor and cannabis board is subject to the requirements and duties with respect to subpoenas imposed under Washington state superior court civil rules in effect at the time of issuance of the subpoena, regarding:

(i) The form, issuance, and service of subpoenas; and

(ii) The duty to take responsible steps to avoid imposing undue burden or expense on a person subject to the subpoena.

(g) The liquor and cannabis board may designate individuals authorized to sign subpoenas.

(3) If any person is served a subpoena from the board for the production of records, documents, and books, and fails or refuses to obey the subpoena for the production of records, documents, and books when required to do so, the person is subject to proceedings for contempt, and the board may institute contempt of court proceedings in the superior court of Thurston county or in the county in which the person resides.

NEW SECTION. Sec. 2. (1) The liquor and cannabis board shall submit an annual report to the legislature and the governor, by the dates specified in subsection (2) of this section, with information about the subpoenas the board issued and served in the preceding year under RCW 66.08.145. The reports required under this section must

include, but are not limited to, the following information regarding subpoenas issued and served in the preceding year:

(a) The total number of subpoenas issued and served by the liquor and cannabis board;

(b) A comparison of how many subpoenas were issued and served in connection with investigations related to cannabis, liquor, cigarettes, vapor products, and tobacco products;

(c) How many subpoenas were issued and served to, or were related to an investigation of, a social equity applicant as defined in RCW 69.50.335 or a licensee who is licensed through the cannabis social equity program;

(d) The numbers of subpoenas served in person compared to subpoenas served by regular mail and certified mail;

(e) How many of the subpoenas successfully resulted in the production of the books, records, or documents sought by the liquor and cannabis board;

(f) How many contempt of court proceedings the liquor and cannabis board instituted for the failure or refusal to obey a subpoena; and

(g) A summary of sanctions imposed, or orders issued, by courts in any contempt of court proceedings initiated by the liquor and cannabis board after a person fails or refuses to obey a subpoena for the production of records, books, or documents.

(2) Reports under this section are due to the governor and the appropriate committees of the legislature by July 1, 2024, and by July 1st of each year thereafter, with a final report due by July 1, 2028.

(3) This section expires on June 30, 2029."

Correct the title.

Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Morgan; Orwall; Reeves; Walsh and Waters.

Referred to Committee on Rules for second reading

March 28, 2023

SSB 5436

Prime Sponsor, Law & Justice: Concerning transfers of firearms to museums and historical societies. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.113 and 2019 c 3 s 11 are each amended to read as follows:

(1) All firearm sales or transfers, in whole or part in this state including without limitation a sale or transfer where either the purchaser or seller or transferee or transferor is in Washington, shall be subject to background checks unless specifically exempted by state or federal law. The background check requirement applies to all sales or transfers including, but not limited to, sales and transfers

through a licensed dealer, at gun shows, online, and between unlicensed persons.

(2) No person shall sell or transfer a firearm unless:

(a) The person is a licensed dealer;

(b) The purchaser or transferee is a licensed dealer; or

(c) The requirements of subsection (3) of this section are met.

(3) Where neither party to a prospective firearms transaction is a licensed dealer, the parties to the transaction shall complete the sale or transfer through a licensed dealer as follows:

(a) The seller or transferor shall deliver the firearm to a licensed dealer to process the sale or transfer as if it is selling or transferring the firearm from its inventory to the purchaser or transferee, except that the unlicensed seller or transferor may remove the firearm from the business premises of the licensed dealer while the background check is being conducted. If the seller or transferor removes the firearm from the business premises of the licensed dealer while the background check is being conducted, the purchaser or transferee and the seller or transferor shall return to the business premises of the licensed dealer and the seller or transferor shall again deliver the firearm to the licensed dealer prior to completing the sale or transfer.

(b) Except as provided in (a) of this subsection, the licensed dealer shall comply with all requirements of federal and state law that would apply if the licensed dealer were selling or transferring the firearm from its inventory to the purchaser or transferee, including but not limited to conducting a background check on the prospective purchaser or transferee in accordance with federal and state law requirements, fulfilling all federal and state recordkeeping requirements, and complying with the specific requirements and restrictions on semiautomatic assault rifles in chapter 3, Laws of 2019.

(c) The purchaser or transferee must complete, sign, and submit all federal, state, and local forms necessary to process the required background check to the licensed dealer conducting the background check.

(d) If the results of the background check indicate that the purchaser or transferee is ineligible to possess a firearm, then the licensed dealer shall return the firearm to the seller or transferor.

(e) The licensed dealer may charge a fee that reflects the fair market value of the administrative costs and efforts incurred by the licensed dealer for facilitating the sale or transfer of the firearm.

(4) This section does not apply to:

(a) A transfer between immediate family members, which for this subsection shall be limited to spouses, domestic partners, parents, parents-in-law, children, siblings, siblings-in-law, grandparents, grandchildren, nieces, nephews, first cousins, aunts, and uncles, that is a bona fide gift or loan;

(b) The sale or transfer of an antique firearm;

(c) A temporary transfer of possession of a firearm if such transfer is necessary to prevent imminent death or great bodily harm to the person to whom the firearm is transferred if:

(i) The temporary transfer only lasts as long as immediately necessary to prevent such imminent death or great bodily harm; and

(ii) The person to whom the firearm is transferred is not prohibited from possessing firearms under state or federal law;

(d) A temporary transfer of possession of a firearm if: (i) The transfer is intended to prevent suicide or self-inflicted great bodily harm; (ii) the transfer lasts only as long as reasonably necessary to prevent death or great bodily harm; and (iii) the firearm is not utilized by the transferee for any purpose for the duration of the temporary transfer;

(e) Any law enforcement or corrections agency and, to the extent the person is acting within the course and scope of his or her employment or official duties, any law enforcement or corrections officer, United States marshal, member of the armed forces of the United States or the national guard, or federal official;

(f) A federally licensed gunsmith who receives a firearm solely for the purposes of service or repair, or the return of the firearm to its owner by the federally licensed gunsmith;

(g) The temporary transfer of a firearm (i) between spouses or domestic partners; (ii) if the temporary transfer occurs, and the firearm is kept at all times, at an established shooting range authorized by the governing body of the jurisdiction in which such range is located; (iii) if the temporary transfer occurs and the transferee's possession of the firearm is exclusively at a lawful organized competition involving the use of a firearm, or while participating in or practicing for a performance by an organized group that uses firearms as a part of the performance; (iv) to a person who is under ~~((eighteen))~~<sup>18</sup> years of age for lawful hunting, sporting, or educational purposes while under the direct supervision and control of a responsible adult who is not prohibited from possessing firearms; (v) under circumstances in which the transferee and the firearm remain in the presence of the transferor; or (vi) while hunting if the hunting is legal in all places where the person to whom the firearm is transferred possesses the firearm and the person to whom the firearm is transferred has completed all training and holds all licenses or permits required for such hunting, provided that any temporary transfer allowed by this subsection is permitted only if the person to whom the firearm is transferred is not prohibited from possessing firearms under state or federal law;

(h) A person who (i) acquired a firearm other than a pistol by operation of law upon the death of the former owner of the firearm or (ii) acquired a pistol by operation of law upon the death of the former owner of the pistol within the preceding ~~((sixty))~~<sup>60</sup> days. At the end of the ~~((sixty))~~<sup>60</sup>-day



period, the person must either have lawfully transferred the pistol or must have contacted the department of licensing to notify the department that he or she has possession of the pistol and intends to retain possession of the pistol, in compliance with all federal and state laws; ((e))

(i) A sale or transfer when the purchaser or transferee is a licensed collector and the firearm being sold or transferred is a curio or relic; or

(j) (i) A transfer, loan, gift, or bequest to a museum or historical society, or the return of loaned firearm(s) to its lender from a museum or historical society, and museum personnel while acting in the scope of their official duties, provided, however, that before returning a loaned firearm to its lender, a museum or historical society or personnel of the museum or historical society must comply with the requirements of subsection (3) of this section.

(ii) For the purposes of this subsection (j), "museum or historical society" means the same as in RCW 63.26.010 and is designated as a nonprofit organization under section 501(c)(3) of the internal revenue code."

Correct the title.

Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Rules for second reading

March 28, 2023

2SSB 5438 Prime Sponsor, Ways & Means: Facilitating supportive relationships with family and significant individuals within the behavioral health system. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall conduct its oversight of the community behavioral health system in a manner that is aware of, nurtures, and protects significant relationships in the life of behavioral health system clients. These relationships may involve family, friends, and others who play a significant role.

(2) The authority shall consider the following principles when administering programs and contracts and making policy:

(a) Every client should have a caring, compassionate family member involved in and advocating for their best treatment, in collaboration with medical professionals, based on their lifelong role in the person's life and their personal knowledge of their past and present welfare;

(b) Families who desire to be engaged in their children's behavioral health care

should be included when it is in the best interest of the client. Parents should be encouraged to be actively engaged in their children's behavioral health care including decision making and have decision-making rights, when appropriate. Family inclusion with disclosure of health information is possible under RCW 70.02.205;

(c) State policy and agency practices must be structured so as not to cause unnecessary trauma to a family. Family members should be able to participate in care decisions with medical experts without fear of loss of safety or residence. Parental rights and responsibilities should never be severed without evidence of abuse or neglect as a means for children to access an appropriate level of services, unless it is in the best interest of the client. It is incumbent on the state in such a situation to find ways to provide adequate services while maintaining support for well-bonded families;

(d) Whenever it is in the best interest of the client, family rights and responsibilities of parents should be maintained by inclusion in appropriate decision making relating to a child's residence, supervision, schooling, education, and health care while a minor or dependent child is placed in behavioral health out-of-home care pursuant to authority programs or contracts;

(e) Within existing legal constraints, the authority should recognize that strong family-like relationships which should be nurtured also arise through nonblood relationships. Consideration of developmental issues should recognize that development continues past the age of 18;

(f) The authority must consider that most effective treatment for a child is frequently whole family treatment. Families need assistance building, reestablishing, and strengthening healthy relationships to maximize recovery and resilience. Every effort should be made to assess and provide for the service needs of family members, either separately or in conjunction with their children or dependents;

(g) Medication use by children should be closely monitored and frequently evaluated, with expert support given to parents to help understand the risks and anticipated benefits of prescribed psychotropic medications; and

(h) The legal system should be employed only as a last resort. Medication management should not be handled through at-risk youth petitions. Advocacy should be employed to minimize court intrusion, such as by releasing restraining orders in behavioral health situations.

(3) The authority shall conduct a review of its policies related to behavioral health by June 30, 2024, in consultation with stakeholders, family members, and peers and identify and eliminate policies that undermine integrity and health of the family or discourage family engagement with service providers. The review may not include policies in support of RCW 7.70.065, 70.02.265, 70.24.110, 71.34.530, 71.34.600, or 71.34.610. The authority may notify the governor and appropriate committees of the

legislature by letter of the completion and outcomes of this review.

NEW SECTION. **Sec. 2.** A new section is added to chapter 72.23 RCW to read as follows:

(1) The department shall administer state hospitals in a manner that is aware of, nurtures, and protects significant relationships in the life of state hospital patients. These relationships may involve family, friends, and others who play a significant role.

(2) The department shall consider the following principles when administering programs and making policy:

(a) Every patient should have a caring, compassionate family member involved in and advocating for their best treatment, in collaboration with medical professionals, based on their lifelong role in the person's life and their personal knowledge of their past and present welfare;

(b) Families who desire to be engaged in their relative's behavioral health care should be included when it is in the best interest of the patient. Parents should be encouraged to be actively engaged in their children's behavioral health care and have decision-making rights, when appropriate. Family inclusion with disclosure of health information is possible under RCW 70.02.205;

(c) State hospital policy and practices must be structured so as not to cause unnecessary trauma to a family. Family members should be able to participate in care decisions with medical experts without fear of reprisal. It is incumbent on the state to find ways to provide adequate services while maintaining support for well-bonded families;

(d) Within existing legal constraints, the department should recognize that strong family-like relationships which should be nurtured also arise through nonblood relationships. Consideration of developmental issues should recognize that development continues past the age of 18;

(e) Whenever it is in the best interest of the patient, family rights and responsibilities of parents should be maintained by inclusion in appropriate decision making relating to a patient's residence, supervision, schooling, education, and health care;

(f) The department must consider the treatment needs of family members and the centrality of family in resilience in recovery for patients. Patients and families need assistance building, reestablishing, and strengthening healthy relationships. Every effort should be made to assess and provide for the needs of family members, either separately or in conjunction with the state hospital patient; and

(g) Medication use by children should be closely monitored and frequently evaluated, with expert support given to parents to help understand the risks and anticipated benefits of prescribed psychotropic medications.

(3) The department shall conduct a review of its policies related to allowing and facilitating family engagement with state hospital patients by June 30, 2024, in

consultation with stakeholders, family members, and peers, and identify and eliminate policies that undermine integrity and health of the family or discourage family engagement. The review may not include policies in support of RCW 7.70.065, 70.02.265, 70.24.110, 71.34.530, 71.34.600, or 71.34.610. The department may notify the governor and appropriate committees of the legislature by letter of the completion and outcomes of this review.

NEW SECTION. **Sec. 3.** This act may be known and cited as the family care act.

NEW SECTION. **Sec. 4.** This act does not create a private right of action."

Correct the title.

Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Without recommendation.  
Signed by Representative Graham.

Referred to Committee on Appropriations

March 28, 2023

E2SSB 5440 Prime Sponsor, Ways & Means: Providing timely competency evaluations and restoration services to persons suffering from behavioral health disorders. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that defendants referred for services related to competency to stand trial requiring admission into a psychiatric facility are currently facing unprecedented wait times in jail for admission. The situation has been exacerbated by closure of forensic beds and workforce shortages related to COVID-19, and treatment capacity limits related to social distancing requirements. Moreover, a backlog of criminal prosecutions that were held back during the first two years of the pandemic due to capacity limitations in courts, prosecuting attorneys offices, and jails, are now being filed, causing a surge in demand for competency services which exceeds the state's capacity to make a timely response. In partial consequence, as of January 2023, wait times for admission to western state hospital for competency services, directed to be completed within seven days by order of the United States district court for western Washington, have risen to over ten months, while wait times for admission to eastern state hospital for the same services have risen to over five months. The state's forensic bed capacity forecast model indicates that if the state continues to receive competency referrals

from local superior, district, and municipal courts at the same volume, the state will rapidly fall farther behind.

The legislature further finds that historical investments and policy changes have been made in behavioral health services over the past five years, designed to both increase capacity to provide competency to stand trial services and to reduce the need for them by creating opportunities for diversion, prevention, and improved community health. New construction at western state hospital is expected to result in the opening of 58 forensic psychiatric beds in the first quarter of 2023, while emergency community hospital contracts are expected to allow for the discharge or transfer of over 50 civil conversion patients occupying forensic state hospital beds over the same period. Sixteen beds for civil conversion patients will open at Maple Lane school in the first quarter of 2023, with 30 additional beds for patients acquitted by reason of insanity expected to open by late 2023 or early 2024. Over a longer time period, 350 forensic beds are planned to open within a new forensic hospital on western state hospital campus between 2027 and 2029. Policy and budget changes have increased capacity for assisted outpatient treatment, 988 crisis response, use of medication for opioid use disorders in jails and community settings, reentry services, and mental health advance directives, and created new behavioral health facility types, supportive housing, and supportive employment services. Forensic navigator services, outpatient competency restoration programs, and other specialty forensic services are now available and continuing to be deployed in phase two Trueblood settlement regions.

The legislature further finds that despite these investments there is a need for everyone to come together to find solutions to both reduce demand for forensic services and to increase their supply. The state needs collaboration from local governments and other entities to identify any and all facilities that can be used to provide services to patients connected to the forensic system, to reduce the flow of competency referrals coming from municipal, district, and superior courts, and to improve availability and effectiveness of behavioral health services provided outside the criminal justice system.

**Sec. 2.** RCW 10.77.010 and 2022 c 288 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Authority" means the Washington state health care authority.

(3) "Clinical intervention specialist" means a licensed professional with prescribing authority who is employed by or contracted with the department to provide direct services, enhanced oversight and monitoring of the behavioral health status of in-custody defendants who have been referred for evaluation or restoration services related to competency to stand

trial and who coordinate treatment options with forensic navigators, the department, and jail health services.

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

((4)) (5) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

((5)) (6) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

((6)) (7) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

((7)) (8) "Department" means the state department of social and health services.

((8)) (9) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

((9)) (10) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

((10)) (11) "Developmental disabilities professional" means a person who has specialized training and ((three years of)) experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

((11)) (12) "Developmental disability" means the condition as defined in RCW 71A.10.020 ((5)).

((12)) (13) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

((13)) (14) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

((14)) (15) "Genuine doubt as to competency" means that there is reasonable cause to believe, based upon actual interactions with or observations of the defendant or information provided by counsel, that a defendant is incompetent to stand trial.

(16) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be

undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct.

~~((15))~~ (17) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

~~((16))~~ (18) "Immediate family member" means a spouse, child, stepchild, parent, stepparent, grandparent, sibling, or domestic partner.

~~((17))~~ (19) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

~~((18))~~ (20) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

~~((19))~~ (21) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

~~((20))~~ (22) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW;

(c) A psychiatric advanced registered nurse practitioner, as defined in RCW 71.05.020; or

(d) A social worker with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

~~((21))~~ (23) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

~~((22))~~ (24) "Secretary" means the secretary of the department of social and health services or his or her designee.

~~((23))~~ (25) "Treatment" means any currently standardized medical or mental health procedure including medication.

~~((24))~~ (26) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others.

~~((25))~~ (27) "Violent act" means behavior that: (a) (i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

**Sec. 3.** RCW 10.77.060 and 2022 c 288 s 2 are each amended to read as follows:

(1) (a) Whenever a defendant has pleaded not guilty by reason of insanity, ~~((or there is reason to doubt his or her competency,))~~ the court on its own motion or on the motion of any party shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.

(b) (i) Whenever there is a doubt as to competency, the court on its own motion or on the motion of any party shall first review the allegations of incompetency. The court shall make a determination of whether sufficient facts have been provided to form a genuine doubt as to competency based on information provided by counsel, judicial colloquy, or direct observation of the defendant. If a genuine doubt as to competency exists, the court shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.

(ii) Nothing in this subsection (1) (b) is intended to require a waiver of attorney-client privilege. Defense counsel may meet the requirements under this subsection (1)

(b) by filing a declaration stating that they have reason to believe that a competency evaluation is necessary, and stating the basis on which the defendant is believed to be incompetent, without further detail required.

(c) The signed order of the court shall serve as authority for the evaluator to be given access to all records held by any mental health, medical, long-term services or supports, educational, or correctional facility that relate to the present or past mental, emotional, or physical condition of the defendant. If the court is advised by any party that the defendant may have a developmental disability, the evaluation must be performed by a developmental disabilities professional and the evaluator shall have access to records of the developmental disabilities administration of the department. If the court is advised by any party that the defendant may have dementia or another relevant neurocognitive disorder, the evaluator shall have access to records of the aging and long-term support administration of the department.

~~((e))~~ (d) The evaluator shall assess the defendant in a jail, detention facility, in the community, or in court to determine whether a period of inpatient commitment will be necessary to complete an accurate evaluation. If inpatient commitment is needed, the signed order of the court shall serve as authority for the evaluator to request the jail or detention facility to transport the defendant to a hospital or secure mental health facility for a period of commitment not to exceed fifteen days from the time of admission to the facility. Otherwise, the evaluator shall complete the evaluation.

~~((d))~~ (e) The court may commit the defendant for evaluation to a hospital or secure mental health facility without an assessment if: (i) The defendant is charged with murder in the first or second degree; (ii) the court finds that it is more likely than not that an evaluation in the jail will be inadequate to complete an accurate evaluation; or (iii) the court finds that an evaluation outside the jail setting is necessary for the health, safety, or welfare of the defendant. The court shall not order an initial inpatient evaluation for any purpose other than a competency evaluation.

~~((e))~~ (f) The order shall indicate whether, in the event the defendant is committed to a hospital or secure mental health facility for evaluation, all parties agree to waive the presence of the defendant or to the defendant's remote participation at a subsequent competency hearing or presentation of an agreed order if the recommendation of the evaluator is for continuation of the stay of criminal proceedings, or if the opinion of the evaluator is that the defendant remains incompetent and there is no remaining restoration period, and the hearing is held prior to the expiration of the authorized commitment period.

~~((f))~~ (g) When a defendant is ordered to be evaluated under this subsection (1), or when a party or the court determines at first appearance that an order for evaluation under this subsection will be

requested or ordered if charges are pursued, the court may delay granting bail until the defendant has been evaluated for competency or sanity and appears before the court. Following the evaluation, in determining bail the court shall consider: (i) Recommendations of the evaluator regarding the defendant's competency, sanity, or diminished capacity; (ii) whether the defendant has a recent history of one or more violent acts; (iii) whether the defendant has previously been acquitted by reason of insanity or found incompetent; (iv) whether it is reasonably likely the defendant will fail to appear for a future court hearing; and (v) whether the defendant is a threat to public safety.

(h) If the defendant ordered to be evaluated under this subsection (1) is charged with a serious traffic offense under RCW 9.94A.030, or a felony version of a serious traffic offense, the prosecutor may make a motion to modify the defendant's conditions of release to include a condition prohibiting the defendant from driving during the pendency of the competency evaluation period.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the evaluation authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the evaluation shall include the following:

(a) A description of the nature of the evaluation;

(b) A diagnosis or description of the current mental status of the defendant;

(c) If the defendant suffers from a mental disease or defect, or has a developmental disability, an opinion as to competency;

(d) If the defendant suffers from an intellectual or developmental disability, traumatic brain injury, or dementia, an opinion as to restorability;

(e) If the defendant has indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, and an evaluation and report by an expert or professional person has been provided concluding that the defendant was criminally insane at the time of the alleged offense, an opinion as to the defendant's sanity at the time of the act, and an opinion as to whether the defendant presents a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, provided that no opinion shall be rendered under this subsection (3) ~~((d))~~

(e) unless the evaluator or court determines

that the defendant is competent to stand trial;

~~((e))~~ (f) When directed by the court, if an evaluation and report by an expert or professional person has been provided concluding that the defendant lacked the capacity at the time of the offense to form the mental state necessary to commit the charged offense, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

~~((f))~~ (g) An opinion as to whether the defendant should be evaluated by a designated crisis responder under chapter 71.05 RCW.

(4) The secretary may execute such agreements as appropriate and necessary to implement this section and may choose to designate more than one evaluator.

(5) In the event that a person remains in jail more than 21 days after service on the department of a court order to transport the person to a facility designated by the department for inpatient competency restoration treatment, upon the request of any party and with notice to all parties, the department shall perform a competency to stand trial status check to determine if the circumstances of the person have changed such that the court should authorize an updated competency evaluation. The status update shall be provided to the parties and the court. Status updates may be provided at reasonable intervals.

(6) If a finding of the competency evaluation under this section or under RCW 10.77.084 is that the individual is not competent due to an intellectual or developmental disability or dementia, the evaluator shall notify the department, which shall refer the individual to the developmental disabilities administration or the aging and long-term support administration of the department for review of eligibility for services. Information about availability of services must be provided to the forensic navigator.

(7) If the expert or professional person appointed to perform a competency evaluation in the community is not able to complete the evaluation after two attempts at scheduling with the defendant, the department shall submit a report to the court and parties and include a date and time for another evaluation which must be at least four weeks later. The court shall provide notice to the defendant of the date and time of the evaluation. If the defendant fails to appear at that appointment, the court shall issue a warrant for the failure to appear and recall the order for competency evaluation.

**Sec. 4.** RCW 10.77.068 and 2022 c 288 s 3 are each amended to read as follows:

(1)(a) The legislature establishes a performance target of seven days or fewer to extend an offer of admission to a defendant in pretrial custody for inpatient competency evaluation or inpatient competency restoration services, when access to the services is legally authorized.

(b) The legislature establishes a performance target of 14 days or fewer for the following services related to competency

to stand trial, when access to the services is legally authorized:

(i) To complete a competency evaluation in jail and distribute the evaluation report; and

(ii) To extend an offer of admission to a defendant ordered to be committed to ~~((a state hospital))~~ the department for placement in a facility operated by or contracted by the department following dismissal of charges based on incompetency to stand trial under RCW 10.77.086.

(c) The legislature establishes a performance target of 21 days or fewer to complete a competency evaluation in the community and distribute the evaluation report.

(2)(a) A maximum time limit of seven days as measured from the department's receipt of the court order, or a maximum time limit of 14 days as measured from signature of the court order, whichever is shorter, is established to complete the services specified in subsection (1)(a) of this section, subject to the limitations under subsection (9) of this section.

(b) A maximum time limit of 14 days as measured from the department's receipt of the court order, or a maximum time limit of 21 days as measured from signature of the court order, whichever is shorter, is established to complete the services specified in subsection (1)(b) of this section, subject to the limitations under subsection (9) of this section.

(3) The legislature recognizes that these targets may not be achievable in all cases, but intends for the department to manage, allocate, and request appropriations for resources in order to meet these targets whenever possible without sacrificing the accuracy and quality of competency services.

(4) It shall be a defense to an allegation that the department has exceeded the maximum time limits for completion of competency services described in subsection (2) of this section if the department can demonstrate by a preponderance of the evidence that the reason for exceeding the maximum time limits was outside of the department's control including, but not limited to, the following circumstances:

(a) Despite a timely request, the department has not received necessary medical information regarding the current medical status of a defendant;

(b) The individual circumstances of the defendant make accurate completion of an evaluation of competency to stand trial dependent upon review of mental health, substance use disorder, or medical history information which is in the custody of a third party and cannot be immediately obtained by the department, provided that completion shall not be postponed for procurement of information which is merely supplementary;

(c) Additional time is needed for the defendant to no longer show active signs and symptoms of impairment related to substance use so that an accurate evaluation may be completed;

(d) The defendant is medically unavailable for competency evaluation or admission to a facility for competency restoration;

(e) Completion of the referral requires additional time to accommodate the availability or participation of counsel, court personnel, interpreters, or the defendant;

(f) The defendant asserts legal rights that result in a delay in the provision of competency services; or

(g) An unusual spike in the receipt of evaluation referrals or in the number of defendants requiring restoration services has occurred, causing temporary delays until the unexpected excess demand for competency services can be resolved.

(5) The department shall provide written notice to the court when it will not be able to meet the maximum time limits under subsection (2) of this section and identify the reasons for the delay and provide a reasonable estimate of the time necessary to complete the competency service. Good cause for an extension for the additional time estimated by the department shall be presumed absent a written response from the court or a party received by the department within seven days.

(6) The department shall:

(a) Develop, document, and implement procedures to monitor the clinical status of defendants admitted to a state hospital for competency services that allow the state hospital to accomplish early discharge for defendants for whom clinical objectives have been achieved or may be achieved before expiration of the commitment period;

(b) Investigate the extent to which patients admitted to a state hospital under this chapter overstay time periods authorized by law and take reasonable steps to limit the time of commitment to authorized periods; and

(c) Establish written standards for the productivity of forensic evaluators and utilize these standards to internally review the performance of forensic evaluators.

(7) Following any quarter in which a state hospital has failed to meet one or more of the performance targets or maximum time limits under subsection (1) or (2) of this section, the department shall report to the executive and the legislature the extent of this deviation and describe any corrective action being taken to improve performance. This report shall be made publicly available. An average may be used to determine timeliness under this subsection.

(8) The department shall report annually to the legislature and the executive on the timeliness of services related to competency to stand trial and the timeliness with which court referrals accompanied by charging documents, discovery, and criminal history information are provided to the department relative to the signature date of the court order. The report must be in a form that is accessible to the public and that breaks down performance by county.

(9) This section does not create any new entitlement or cause of action related to the timeliness of competency to stand trial services, nor can it form the basis for contempt sanctions under chapter 7.21 RCW or a motion to dismiss criminal charges.

**Sec. 5.** RCW 10.77.074 and 2019 c 326 s 2 are each amended to read as follows:

(1) Subject to the limitations described in subsection (2) of this section, a court may appoint an impartial forensic navigator employed by or contracted by the department to assist individuals who have been referred for competency evaluation and shall appoint a forensic navigator in circumstances described under section 9 of this act.

(2) A forensic navigator must assist the individual to access services related to diversion and community outpatient competency restoration. The forensic navigator must assist the individual, prosecuting attorney, defense attorney, and the court to understand the options available to the individual and be accountable as an officer of the court for faithful execution of the responsibilities outlined in this section.

(3) The duties of the forensic navigator include, but are not limited to, the following:

(a) To collect relevant information about the individual, including behavioral health services and supports available to the individual that might support placement in outpatient restoration, diversion, or some combination of these;

(b) To meet with, interview, and observe the individual;

(c) To assess the individual for appropriateness for assisted outpatient treatment under chapter 71.05 RCW;

(d) To present information to the court in order to assist the court in understanding the treatment options available to the individual to support the entry of orders for diversion from the forensic mental health system or for community outpatient competency restoration, ~~((and))~~ to facilitate that transition; ~~((and~~

~~(d))~~ (e) To provide regular updates to the court and parties of the status of the individual's participation in diversion services and be responsive to inquiries by the parties about treatment status;

(f) When the individual is ordered to receive community outpatient restoration, to provide services to the individual including:

(i) Assisting the individual with attending appointments and classes relating to outpatient competency restoration;

(ii) Coordinating access to housing for the individual;

(iii) Meeting with the individual on a regular basis;

(iv) Providing information to the court concerning the individual's progress and compliance with court-ordered conditions of release, which may include appearing at court hearings to provide information to the court;

(v) Coordinating the individual's access to community case management services and mental health services;

(vi) Assisting the individual with obtaining prescribed medication and encouraging adherence with prescribed medication;

(vii) Assessing the individual for appropriateness for assisted outpatient treatment under chapter 71.05 RCW and coordinating the initiation of an assisted

outpatient treatment order if appropriate as part of a diversion program plan;

(viii) Planning for a coordinated transition of the individual to a case manager in the community behavioral health system;

((viii))(ix) Attempting to follow-up with the individual to check whether the meeting with a community-based case manager took place;

((ix))(x) When the individual is a high utilizer, attempting to connect the individual with high utilizer services; and

((x))(xi) Attempting to check up on the individual at least once per month for up to sixty days after coordinated transition to community behavioral health services, without duplicating the services of the community-based case manager;

(g) If the individual is an American Indian or Alaska Native who receives medical, behavioral health, housing, or other supportive services from a tribe within this state, to notify and coordinate with the tribe and Indian health care provider. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible.

(4) Forensic navigators may submit ((nonclinical)) recommendations to the court regarding treatment and restoration options for the individual, which the court may consider and weigh in conjunction with the recommendations of all of the parties.

(5) Forensic navigators shall be deemed officers of the court for the purpose of immunity from civil liability.

(6) The signed order for competency evaluation from the court shall serve as authority for the forensic navigator to be given access to all records held by a behavioral health, educational, or law enforcement agency or a correctional facility that relates to an individual. Information that is protected by state or federal law, including health information, shall not be entered into the court record without the consent of the individual or their defense attorney.

(7) Admissions made by the individual in the course of receiving services from the forensic navigator may not be used against the individual in the prosecution's case in chief.

(8) A court may not issue an order appointing a forensic navigator unless the department certifies that there is adequate forensic navigator capacity to provide these services at the time the order is issued.

**Sec. 6.** RCW 10.77.084 and 2016 sp.s. c 29 s 410 are each amended to read as follows:

(1)(a) If at any time during the pendency of an action and prior to judgment the court finds, following a report as provided in RCW 10.77.060, a defendant is incompetent, the court shall order the proceedings against the defendant be stayed except as provided in subsection (4) of this section. Beginning October 1, 2023, if the defendant is charged with a serious traffic offense under RCW 9.94A.030, or a felony version of a serious

traffic offense, the court may order the clerk to transmit an order to the department of licensing for revocation of the defendant's driver's license for a period of one year.

(b) The court may order a defendant who has been found to be incompetent to undergo competency restoration treatment at a facility designated by the department if the defendant is eligible under RCW 10.77.086 or 10.77.088. At the end of each competency restoration period or at any time a professional person determines competency has been, or is unlikely to be, restored, the defendant shall be returned to court for a hearing, except that if the opinion of the professional person is that the defendant remains incompetent and the hearing is held before the expiration of the current competency restoration period, the parties may agree to waive the defendant's presence, to remote participation by the defendant at a hearing, or to presentation of an agreed order in lieu of a hearing. The facility shall promptly notify the court and all parties of the date on which the competency restoration period commences and expires so that a timely hearing date may be scheduled.

(c) The court's order for inpatient restoration, shall specify whether the department has the authority to change the defendant's placement to a step-down facility or outpatient competency restoration program if the department determines that such placement is clinically appropriate given the defendant's progress in restoration services.

(d) If, following notice and hearing or entry of an agreed order under (b) of this subsection, the court finds that competency has been restored, the court shall lift the stay entered under (a) of this subsection. If the court finds that competency has not been restored, the court shall dismiss the proceedings without prejudice, except that the court may order a further period of competency restoration treatment if it finds that further treatment within the time limits established by RCW 10.77.086 or 10.77.088 is likely to restore competency, and a further period of treatment is allowed under RCW 10.77.086 or 10.77.088.

((d))(e) If at any time during the proceeding the court finds, following notice and hearing, a defendant is not likely to regain competency, the court shall dismiss the proceedings without prejudice and refer the defendant for civil commitment evaluation or proceedings if appropriate under RCW 10.77.065, 10.77.086, or 10.77.088.

(f) Beginning October 1, 2023, if the court issues an order directing revocation of the defendant's driver's license under (a) of this subsection, and the court subsequently finds that the defendant's competency has been restored, the court shall order the clerk to transmit an order to the department of licensing for reinstatement of the defendant's driver's license. The court may direct the clerk to transmit an order reinstating the defendant's driver's license before the end of one year for good cause upon the petition of the defendant.



(2) If the defendant is referred for evaluation by a designated crisis responder under this chapter, the designated crisis responder shall provide prompt written notification of the results of the evaluation and whether the person was detained. The notification shall be provided to the court in which the criminal action was pending, the prosecutor, the defense attorney in the criminal action, and the facility that evaluated the defendant for competency.

(3) The fact that the defendant is unfit to proceed does not preclude any pretrial proceedings which do not require the personal participation of the defendant.

(4) A defendant receiving medication for either physical or mental problems shall not be prohibited from standing trial, if the medication either enables the defendant to understand the proceedings against him or her and to assist in his or her own defense, or does not disable him or her from so understanding and assisting in his or her own defense.

(5) At or before the conclusion of any commitment period provided for by this section, the facility providing evaluation and treatment shall provide to the court a written report of evaluation which meets the requirements of RCW 10.77.060(3). For defendants charged with a felony, the report following the second competency restoration period or first competency restoration period if the defendant's incompetence is determined to be solely due to a developmental disability or the evaluator concludes that the defendant is not likely to regain competency must include an assessment of the defendant's future dangerousness which is evidence-based regarding predictive validity.

**Sec. 7.** RCW 10.77.086 and 2022 c 288 s 4 are each amended to read as follows:

(1) If the defendant is charged with a felony that is not a qualifying class C felony, and that defendant is determined to be incompetent, until he or she has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, but in any event for a period of no longer than 90 days, the court shall commit the defendant to the custody of the secretary for inpatient competency restoration, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties.

(2)(a) If the defendant is charged with a qualifying class C felony as their highest charge and determined to be incompetent, and the court finds that there is a diversion program as recommended by a forensic navigator, the court shall dismiss the proceedings without prejudice and refer the defendant to the recommended diversion program, except that if the court has previously determined that a diversion program under section 9 of this act is not appropriate, the forensic navigator does not recommend diversion, or the prosecutor objects to the dismissal and provides notice of a motion for an order for competency

restoration treatment, then the court shall schedule a hearing within seven days.

(b)(i) At the hearing, the prosecuting attorney must establish that there is a compelling state interest to order competency restoration treatment for the defendant. The court may consider prior criminal history, prior history in treatment, prior history of violence, the quality and severity of the pending charges, and any history that suggests whether competency restoration treatment is likely to be successful, in addition to the factors listed under RCW 10.77.092. If the prosecuting attorney proves by a preponderance of the evidence that there is a compelling state interest in ordering competency restoration treatment, then the court shall issue an order in accordance with (c) of this subsection.

(ii) If the defendant is subject to an order under chapter 71.05 RCW or proceedings under chapter 71.05 RCW have been initiated, there is a rebuttable presumption that the state's compelling interest has been satisfied. Beginning October 1, 2023, if the defendant is charged with a serious traffic offense under RCW 9.94A.030, or a felony version of a serious traffic offense, the court may order the clerk to transmit an order to the department of licensing for revocation of the defendant's driver's license for a period of one year. The court shall direct the clerk to transmit an order to the department of licensing reinstating the defendant's driver's license if the defendant is subsequently restored to competency and may do so at any time before the end of one year for good cause upon the petition of the defendant.

(c) If a court finds pursuant to (b) of this subsection that there is a compelling state interest in pursuing competency restoration treatment or the court has previously determined that a diversion program under section 9 of this act is not appropriate for the defendant, the court shall order the defendant to receive outpatient competency restoration consistent with the recommendation of the forensic navigator, unless the court finds that an order for outpatient competency restoration is inappropriate considering the health and safety of the defendant and risks to public safety. If the court does not order the defendant to receive outpatient competency restoration, the court shall commit the defendant to the department for placement in a facility operated or contracted by the department for inpatient competency restoration.

(3)(a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

- (i) Adhere to medications or receive prescribed intramuscular medication;
- (ii) Abstain from alcohol and unprescribed drugs; and
- (iii) Comply with urinalysis or breathalyzer monitoring if needed.

(b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration.

(c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management. The court may order regular urinalysis testing. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

(d) If a defendant fails to comply with the restrictions of the outpatient restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under (d)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or

authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the conditions of release of the defendant and anticipated release from treatment and issue appropriate orders.

(e) The court may not issue an order for outpatient competency restoration unless the ~~((department))~~ authority certifies that there is an available appropriate outpatient competency restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

~~((2))~~(4)(a) For a defendant whose highest charge is a class C felony that is not a qualifying class C felony, or a class B felony that is not classified as violent under RCW 9.94A.030, the maximum time allowed for the initial competency restoration period is 45 days if the defendant is referred for inpatient competency restoration, or 90 days if the defendant is referred for outpatient competency restoration, provided that if the outpatient competency restoration placement is terminated and the defendant is subsequently admitted to an inpatient facility, the period of inpatient treatment during the first competency restoration period under this subsection shall not exceed 45 days.

~~((3))~~(b) For a defendant whose highest charge is a qualifying class C felony, the maximum time allowed for competency restoration is 45 days if the defendant is referred for inpatient competency restoration, or 90 days if the defendant is referred for outpatient competency restoration. The court may order any combination of inpatient and outpatient competency restoration under this subsection, but the total period of inpatient competency restoration may not exceed 45 days.

(c) For any defendant with a felony charge that is admitted for competency restoration with an accompanying court order for involuntary medication under RCW 10.77.092, and the defendant is found not competent to stand trial following that period of restoration, charges shall be dismissed pursuant to subsection (7) of this section.

(5) If the court determines or the parties agree before the initial competency restoration period or at any subsequent stage of the proceedings that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo an initial or further period of competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection ~~((45))~~ (7) of this section.

~~((4) Or)~~ (6) For a defendant charged with a felony that is not a qualifying class

C felony, on or before expiration of the initial competency restoration period the court shall conduct a hearing to determine whether the defendant is now competent to stand trial. If the court finds by a preponderance of the evidence that the defendant is incompetent to stand trial, the court may order an extension of the competency restoration period for an additional period of 90 days, but the court must at the same time set a date for a new hearing to determine the defendant's competency to stand trial before the expiration of this second restoration period. The defendant, the defendant's attorney, and the prosecutor have the right to demand that the hearing be before a jury. No extension shall be ordered for a second or third competency restoration period if the defendant's incompetence has been determined by the secretary to be solely the result of ((a))an intellectual or developmental disability, dementia, or traumatic brain injury which is such that competence is not reasonably likely to be regained during an extension.

~~((5))~~ (7) At the hearing upon the expiration of the second competency restoration period, or at the end of the first competency restoration period if the defendant is ineligible for a second or third competency restoration period under subsection (4) or (6) of this section, if the jury or court finds that the defendant is incompetent to stand trial, the court shall dismiss the charges without prejudice and order the defendant to be committed to ~~((a state hospital))~~ the department for placement in a facility operated or contracted by the department for up to 120 hours, upon department receipt of the court order, if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services, and up to 72 hours, upon department receipt of the court order, if the defendant engaged in inpatient competency restoration services starting from admission to the facility, excluding Saturdays, Sundays, and holidays, for evaluation for the purpose of filing a civil commitment petition under chapter 71.05 RCW. However, for a defendant charged with a felony that is not a qualifying class C felony, the court shall not dismiss the charges if the court or jury finds that: (a) The defendant (i) is a substantial danger to other persons; or (ii) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and (b) there is a substantial probability that the defendant will regain competency within a reasonable period of time. If the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months.

~~((6))~~ (8) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

(9) "Qualifying class C felony" means any class C felony offense except: (a) Assault in the third degree where bodily harm has occurred; (b) felony physical control of a vehicle under RCW 46.61.504(6); (c) felony hit and run resulting in injury under RCW 46.52.020(4)(b); and (d) any class C felony offense with a domestic violence designation.

**Sec. 8.** RCW 10.77.088 and 2022 c 288 s 5 are each amended to read as follows:

(1) If the defendant is charged with a nonfelony crime which is a serious offense as identified in RCW 10.77.092 and found by the court to be not competent, then the court:

(a) Shall dismiss the proceedings without prejudice and detain the defendant ~~((for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW))~~ pursuant to subsection (5) of this section, unless the prosecutor objects to the dismissal and provides notice of a motion for an order for competency restoration treatment, in which case the court shall schedule a hearing within seven days.

(b) (i) At the hearing, the prosecuting attorney must establish that there is a compelling state interest to order competency restoration treatment for the defendant. The court may consider prior criminal history, prior history in treatment, prior history of violence, the quality and severity of the pending charges, any history that suggests whether competency restoration treatment is likely to be successful, in addition to the factors listed under RCW 10.77.092. If the prosecuting attorney proves by a preponderance of the evidence that there is a compelling state interest in ordering competency restoration treatment, then the court shall issue an order in accordance with subsection (2) of this section.

(ii) If the defendant is subject to an order under chapter 71.05 RCW or proceedings under chapter 71.05 RCW have been initiated, there is a rebuttable presumption that the state's compelling interest has been satisfied. Beginning October 1, 2023, if the defendant is charged with a serious traffic offense under RCW 9.94A.030, the court may order the clerk to transmit an order to the department of licensing for revocation of the defendant's driver's license for a period of one year. The court shall direct the clerk to transmit an order to the department of licensing reinstating the defendant's driver's license if the defendant is subsequently restored to competency, and may do so at any time before the end of one year for good cause upon the petition of the defendant.

(2) (a) If a court finds pursuant to subsection (1) (b) of this section that there is a compelling state interest in pursuing competency restoration treatment, the court shall ~~((commit the defendant to the custody of the secretary for inpatient competency restoration, or may alternatively))~~ order the defendant to receive outpatient competency restoration ~~((based on a~~

~~recommendation from a forensic navigator and input from the parties))~~ consistent with the recommendation of the forensic navigator, unless the court finds that an order for outpatient competency restoration is inappropriate considering the health and safety of the defendant and risks to public safety.

~~((a))~~ (b) To be eligible for an order for outpatient competency restoration, a defendant must be ~~((clinically appropriate and be))~~ willing to:

(i) Adhere to medications or receive prescribed intramuscular medication;

(ii) Abstain from alcohol and unprescribed drugs; and

(iii) Comply with urinalysis or breathalyzer monitoring if needed.

~~((b))~~ (c) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration under subsection (3) of this section.

~~((e))~~ (d) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management. The court may order regular urinalysis testing. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

~~((d))~~ (e) If a defendant fails to comply with the restrictions of the outpatient competency restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under ~~((d))~~ (e) (i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a

placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the conditions of release of the defendant and anticipate release from treatment and issue appropriate orders.

~~((e))~~ (f) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

(g) If the court does not order the defendant to receive outpatient competency restoration under (a) of this subsection, the court shall commit the defendant to the department for placement in a facility operated or contracted by the department for inpatient competency restoration.

(3) The placement under subsection (2) of this section shall not exceed 29 days if the defendant is ordered to receive inpatient competency restoration, and shall not exceed 90 days if the defendant is ordered to receive outpatient competency restoration. The court may order any combination of this subsection, but the total period of inpatient competency restoration may not exceed 29 days.

(4) If the court has determined or the parties agree that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection (5) of this section.

(5) (a) If the proceedings are dismissed under RCW 10.77.084 and the defendant was on conditional release at the time of

dismissal, the court shall order the designated crisis responder within that county to evaluate the defendant pursuant to chapter 71.05 RCW. The evaluation may be conducted in any location chosen by the professional.

(b) If the defendant was in custody and not on conditional release at the time of dismissal, the defendant shall be detained and sent to an evaluation and treatment facility for up to 120 hours if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services and up to 72 hours if the defendant engaged in inpatient competency restoration services, excluding Saturdays, Sundays, and holidays, for evaluation for purposes of filing a petition under chapter 71.05 RCW. The 120-hour or 72-hour period shall commence upon the next nonholiday weekday following the court order and shall run to the end of the last nonholiday weekday within the 120-hour or 72-hour period.

(6) If the defendant is charged with a nonfelony crime that is not a serious offense as defined in RCW 10.77.092 and found by the court to be not competent, the court may stay or dismiss proceedings and detain the defendant for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW. The court must give notice to all parties at least 24 hours before the dismissal of any proceeding under this subsection, and provide an opportunity for a hearing on whether to dismiss the proceedings.

(7) If at any time the court dismisses charges under subsections (1) through (6) of this section, the court shall make a finding as to whether the defendant has a history of one or more violent acts. If the court so finds, the defendant is barred from the possession of firearms until a court restores his or her right to possess a firearm under RCW 9.41.047. The court shall state to the defendant and provide written notice that the defendant is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

(8) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

**NEW SECTION. Sec. 9.** A new section is added to chapter 10.77 RCW to read as follows:

(1) In counties with a forensic navigator program, a forensic navigator shall:

(a) Meet, interview, and observe all defendants charged with a qualifying class C felony as defined in RCW 10.77.086(9) or a nonfelony who have had two or more competency evaluations in the preceding 24 months on separate charges or cause numbers and determine the defendants' willingness to engage with services under this section; and

(b) Provide a diversion program plan to the parties in each case that includes a recommendation for a diversion program to defense counsel and the prosecuting attorney. Services under a diversion program may include a referral for assisted outpatient treatment under chapter 71.05 RCW.

(2) If the parties agree on the diversion program recommended by the forensic navigator, the prosecutor shall request dismissal of the criminal charges.

(3) If the parties do not agree on the diversion program, the defense may move the court for an order dismissing the criminal charges without prejudice and referring the defendant to the services described in the diversion program. The court shall hold a hearing on this motion within 10 days. The court shall grant the defense motion if it finds by a preponderance of the evidence that the defendant is amenable to the services described in the diversion program and can safely receive services in the community.

(4) Individuals who receive a dismissal of charges and referral to services described in a diversion program shall have a forensic navigator assigned to assist them for up to six months while engaging in the services described in the diversion program. The forensic navigator shall provide monthly status updates to the court and the parties regarding the individual's status in the diversion program.

**Sec. 10.** RCW 10.77.092 and 2014 c 10 s 2 are each amended to read as follows:

(1) For purposes of determining whether a court may authorize involuntary medication for the purpose of competency restoration pursuant to RCW 10.77.084 and for maintaining the level of restoration in the jail following the restoration period, a pending charge involving any one or more of the following crimes is a serious offense per se in the context of competency restoration:

(a) Any violent offense, sex offense, ~~((serious traffic offense,))~~ and most serious offense, as those terms are defined in RCW 9.94A.030;

(b) Any felony offense ~~((, except nonfelony counterfeiting offenses,))~~ included in crimes against persons in RCW 9.94A.411;

(c) Any felony offense contained in chapter 9.41 RCW (firearms and dangerous weapons);

(d) Any felony or gross misdemeanor offense listed as domestic violence in RCW 10.99.020;

(e) Any felony offense listed as a harassment offense in chapter 9A.46 RCW;

(f) Any violation of chapter 69.50 RCW that is a class B felony; ~~((or))~~

(g) Any gross misdemeanor violation of RCW 46.61.502 or 46.61.504;

(h) Any gross misdemeanor offense with a sexual motivation allegation; or

(i) Any city or county ordinance or statute that is equivalent to an offense referenced in this subsection.

(2) Anytime the secretary seeks a court order authorizing the involuntary medication

for purposes of competency restoration pursuant to RCW 10.77.084, the secretary's petition must also seek authorization to continue involuntary medication for purposes of maintaining the level of restoration in the jail or juvenile detention facility following the restoration period.

(3)(a) In a particular case, a court may determine that a pending charge not otherwise defined as serious by state or federal law or by a city or county ordinance is, nevertheless, a serious offense within the context of competency restoration treatment when the conduct in the charged offense falls within the standards established in (b) of this subsection.

(b) To determine that the particular case is a serious offense within the context of competency restoration, the court must consider the following factors and determine that one or more of the following factors creates a situation in which the offense is serious:

(i) The charge includes an allegation that the defendant actually inflicted bodily or emotional harm on another person or that the defendant created a reasonable apprehension of bodily or emotional harm to another;

(ii) The extent of the impact of the alleged offense on the basic human need for security of the citizens within the jurisdiction;

(iii) The number and nature of related charges pending against the defendant;

(iv) The length of potential confinement if the defendant is convicted; and

(v) The number of potential and actual victims or persons impacted by the defendant's alleged acts.

**NEW SECTION. Sec. 11.** A new section is added to chapter 10.77 RCW to read as follows:

(1) When an individual has a prescription for an antipsychotic, antidepressant, antiepileptic, or other drug prescribed to the individual to treat a serious mental illness by a state hospital or other state facility or a behavioral health agency or other certified medical provider, and the individual is medically stable on the drug, a jail or juvenile detention facility shall continue prescribing the prescribed drug and may not require the substitution of a different drug in a given therapeutic class, except under the following circumstances:

(a) The substitution is for a generic version of a name brand drug and the generic version is chemically identical to the name brand drug; or

(b) The drug cannot be prescribed for reasons of drug recall or removal from the market, or medical evidence indicating no therapeutic effect of the drug.

(2) This section includes but is not limited to situations in which the individual returns to a jail or juvenile detention facility directly after undergoing treatment at a state hospital, behavioral health agency, outpatient competency restoration program, or prison.

(3) The department shall establish a program to reimburse jails and juvenile detention facilities for the costs of any

drugs the jail or juvenile detention facility does not otherwise have available and must continue prescribing under this section.

**NEW SECTION. Sec. 12.** A new section is added to chapter 10.77 RCW to read as follows:

(1) Following a competency evaluation under RCW 10.77.060, individuals who are found not competent to stand trial and not restorable due to an intellectual or developmental disability, dementia, or traumatic brain injury, shall not be referred for competency restoration services unless the highest current criminal charge is a violent offense or sex offense as defined in RCW 9.94A.030. A defendant with a prior finding under this subsection may only be referred for competency restoration services if the highest charge under the new proceedings is a violent offense or sex offense as defined in RCW 9.94A.030.

(2) The department shall develop a process for connecting individuals who have been found not competent to stand trial due to an intellectual or developmental disability, dementia, or traumatic brain injury to available wraparound services and residential supports. The process shall include provisions for individuals who are current clients of the department's developmental disabilities administration or aging and long-term support administration and for individuals who are not current clients of the department.

(a) For current clients of the developmental disabilities administration and aging and long-term support administration, the department's assigned case manager shall:

(i) Coordinate with the individual's services providers to determine if the individual can return to the same or like services, or determine appropriate new services. This shall include updating the individual's service plan and identifying and coordinating potential funding for any additional supports to stabilize the individual in any setting funded by the developmental disabilities administration or aging and long-term support administration so that the individual does not lose existing services, including submitting any exceptions to rule for additional services;

(ii) Conduct a current service eligibility assessment and send referral packets to service providers, both the developmental disabilities administration and aging and long-term support administration, for all services for which the individual is eligible if they do not have a current residential service and supports provider; and

(iii) Connect with the individual's assigned forensic navigator and determine if the individual is eligible for any diversion, supportive housing, or case management programs as a Trueblood class member, and assist the individual to access these services.

(b) For individuals who have not established eligibility for the department's residential and support services, the department shall:

(i) Conduct an eligibility determination for services of the developmental disabilities administration and aging and long-term support administration and send referral packets to residential service providers and both the developmental disabilities administration and aging and long-term support administration for all relevant services for which the individual is eligible. This process must include identifying and coordinating funding for any additional supports that are needed to stabilize the individual in any residential setting funded by the developmental disabilities administration or aging and long-term support administration, including pursuing any necessary exceptions to rule; and

(ii) Connect with the individual's assigned forensic navigator and determine if the individual is eligible for any diversion, supportive housing, or case management programs as a Trueblood class member, if additional specialized services are available to supplement diversion program services, and assist the individual to access these services.

(3) The department shall offer to transition the individual in services either directly from the jail or as soon thereafter as may be practicable, without maintaining the individual at an inpatient facility for longer than is clinically necessary. Nothing in this subsection prohibits the department from returning the individual to their home or to another less restrictive setting if such setting is appropriate, which may include provision of supportive services to help the person maintain stability. The individual is not required to accept developmental disabilities administration, aging and long-term support administration, or other diversionary services as a condition of having the individual's criminal case dismissed without prejudice, provided the individual meets the criteria of subsection (1) of this section.

(4) Subject to the availability of funds appropriated for this specific purpose, the department shall develop a program for individuals who have been involved with the criminal justice system and who have been found under RCW 10.77.084 as incompetent to stand trial and not restorable due to an intellectual or developmental disability, traumatic brain injury, or dementia and who do not meet criteria under other programs in this section. The program must involve wraparound services and housing supports appropriate to the needs of the individual. It is sufficient to meet the criteria for participation in this program if the individual has recently been the subject of criminal charges that were dismissed without prejudice and was found incompetent to stand trial due to an intellectual or developmental disability, traumatic brain injury, or dementia.

**NEW SECTION. Sec. 13.** Subject to the availability of funds appropriated for this specific purpose, the health care authority shall require the programs it contracts with to increase compensation for staff in outpatient competency restoration programs

to provide compensation at competitive levels to improve recruitment and allow for the full implementation of outpatient competency restoration programs.

**NEW SECTION. Sec. 14.** A new section is added to chapter 10.77 RCW to read as follows:

An outpatient competency restoration program must include access to a prescriber.

**NEW SECTION. Sec. 15.** A new section is added to chapter 10.77 RCW to read as follows:

Jails shall allow clinical intervention specialists to have access to individuals who are referred to receive services under this chapter and to all records relating to the health or conduct of the individual while incarcerated. Clinical intervention specialists shall support jail health services in providing direct services, enhanced oversight and monitoring of the behavioral health status of participating individuals. Clinical intervention specialists shall work collaboratively with jail health services to ensure appropriate prescriptions, medication compliance monitoring, and access to supportive behavioral health services to the individuals. Clinical intervention specialists shall coordinate with forensic navigators and the department to assist forensic navigators in making recommendations for appropriate placements, which may include recommendations for participation in an outpatient competency restoration program or a diversion program designed for the needs of the individual. The clinical intervention specialist shall notify the department if a participating individual appears to have stabilized in their behavioral health such that a new competency evaluation is appropriate to reassess the individual's need for competency restoration treatment.

**NEW SECTION. Sec. 16.** A new section is added to chapter 10.77 RCW to read as follows:

The department shall collect data so that information can be retrieved based on unique individuals, their complete Washington criminal history and referrals for forensic services.

**NEW SECTION. Sec. 17.** A new section is added to chapter 10.77 RCW to read as follows:

(1) The department shall coordinate with cities, counties, hospitals, and other public and private entities to identify locations that may be commissioned or renovated for use in treating clients committed to the department for competency evaluation, competency restoration, civil conversion, or treatment following acquittal by reason of insanity.

(2) The department may provide capital grants to entities to accomplish the purposes described in subsection (1) of this section subject to provision of funding provided for this specific purpose.

NEW SECTION. **Sec. 18.** Sections 6 through 8 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. **Sec. 19.** Section 12 of this act takes effect December 1, 2023."

Correct the title.

Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

Referred to Committee on Appropriations

March 27, 2023

SSB 5491 Prime Sponsor, Local Government, Land Use & Tribal Affairs: Allowing for residential buildings of a certain height to be served by a single exit under certain conditions. Reported by Committee on Housing

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 19.27 RCW to read as follows:

(1) The state building code council shall convene a technical advisory group for the purpose of recommending modifications and limitations to the international building code that would allow for a single exit stairway to serve multifamily residential structures up to six stories above grade plane. The recommendations must include considerations for adequate and available water supply, the presence and response time of a professional fire department, and any other provisions necessary to ensure public health, safety, and general welfare.

(2) The technical advisory group shall provide its recommendations to the council in time for the council to adopt or amend rules or codes as necessary for implementation in the 2024 international building code. The council shall take action to adopt additions and amendments to rules or codes as necessary by July 1, 2026."

Correct the title.

Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

March 28, 2023

ESSB 5528 Prime Sponsor, Labor & Commerce: Concerning retainage requirements for

private construction projects. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) An owner, contractor, or subcontractor may withhold as retainage an amount equal to not more than five percent of the contract price of the work completed for private construction projects. Partial payment allowed under this subsection is not acceptance or approval of some of the work or a waiver of defects in the work.

(2) The owner, contractor, or subcontractor shall pay interest at the rate of one percent per month on the final payment due the contractor or subcontractor. The interest shall commence 30 days after the contractor or subcontractor has completed and the owner has accepted the work under the contract for construction for which the final payment is due. The interest shall run until the date when final payment is tendered to the contractor or subcontractor.

(3) When the contractor or subcontractor considers the work that the contractor or subcontractor is contracted to perform to be complete, the contractor or subcontractor shall notify the party to whom the contractor or subcontractor is responsible for performing the construction work under the contract.

(4) The party shall, within 15 days after receiving the notice, either accept the work or notify the contractor or subcontractor of work yet to be performed under the contract or subcontract. If the party does not accept the work or does not notify the contractor or subcontractor of work yet to be performed within the time allowed, the interest required under this subsection shall commence 30 days after the end of the 15-day period. A contractor may provide notice under this subsection to an owner or upper-tier contractor for release of retainage due to a subcontractor whose work is complete. If an owner or upper-tier contractor does not accept the subcontractor's work or does not notify the contractor of work yet to be performed by the subcontractor within 15 days after receiving the notice, the interest required under this section shall commence 30 days after the end of the 15-day period. A contractor's obligation to pay interest to a subcontractor under this section does not begin until the contractor has received payment for the subcontractor's retainage provided that the contractor has submitted the subcontractor's retainage request to the owner or upper-tier contractor within 30 days after receipt from the subcontractor.

(5) This section does not apply to single-family residential construction less than 12 units.

NEW SECTION. **Sec. 2.** (1) In lieu of retainage, a subcontractor or contractor may tender, and a contractor or owner must



accept, a retainage bond in an amount not to exceed five percent of the moneys earned by the subcontractor or contractor.

(2) A subcontractor or contractor must provide a good and sufficient bond from an authorized surety company, conditioned that such person or persons must:

(a) Faithfully perform all the provisions of such contract;

(b) Pay all laborers, mechanics, and subcontractors and material suppliers, and all persons who supply such person or persons, or subcontractors, with provisions and supplies for the carrying on of such work; and

(c) Pay the taxes, increases, and penalties incurred on the project.

(3) The contractor or owner may require that the authorized surety have a minimum A.M. Best financial strength rating so long as that minimum rating does not exceed A-. The contractor may withhold the subcontractor's portion of the bond premium, to the extent the contractor provides a retainage bond to obtain a release of the subcontractor's retainage.

(4) The contractor or owner must accept a bond meeting the requirements of this section. The subcontractor or contractor's bond and any proceeds therefrom are subject to all claims and liens and in the same manner and priority as set forth for retained percentages in the contract and other applicable provisions.

(5) Whenever an owner accepts a bond in lieu of retained funds from a contractor, the contractor must accept like bonds from any subcontractors or suppliers from which the contractor has retained funds. The contractor must then release the funds retained from the subcontractor or supplier to the subcontractor or supplier within 30 days of accepting the bond from the subcontractor or supplier.

(6) This section does not apply to single-family residential construction less than 12 units.

**NEW SECTION. Sec. 3.** Sections 1 and 2 of this act only apply to private construction projects and do not apply to public improvement contracts, as defined in RCW 60.28.011.

**NEW SECTION. Sec. 4.** Sections 1 through 3 of this act constitute a new chapter in Title 60 RCW."

Correct the title.

Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

March 27, 2023

ESSB 5546

Prime Sponsor, Labor & Commerce:  
Establishing a Washington state cannabis commission. Reported by Committee on Regulated Substances & Gaming

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that the Washington state liquor and cannabis board exists to promote safe communities and public safety, and that there is no state entity to oversee research and education of the state's cannabis industry.

(2) The legislature therefore declares:

(a) The Washington state cannabis commission may be established to benefit the people of the state of Washington and its economy;

(b) The general welfare of the people of the state will be served by the research and development of best practices surrounding safe cultivation and processing activities of cannabis so the industry is therefore affected with the public interest;

(c) The Washington state cannabis commission is intended to support social equity efforts in the cannabis industry, including increasing participation in licensed cannabis production and licensed cannabis production and processing under RCW 69.50.325 by persons who reside in, or have resided in, a disproportionately impacted area, as defined in RCW 69.50.335, or who are both a socially and economically disadvantaged individual as defined by the office of minority and women's business enterprises under chapter 39.19 RCW, with a goal of reducing accumulated harm suffered by individuals, families, and local areas subject to severe impacts from the historical application and enforcement of cannabis prohibition laws; and

(d) Creating a Washington state cannabis commission for the public purpose of administering the revenue of the commission serves the public interest by materially advancing the producing and processing of cannabis and improving sustainability in the cannabis producing and processing sectors.

(3) To complement the development of a comprehensive regulatory scheme for the production and processing of cannabis and cannabis products, the legislature further declares that:

(a) It is in the overriding public interest that the state support responsible agricultural production of cannabis in order to:

(i) Protect the public by providing research and education in reference to the quality, care, and methods used in the production of cannabis and cannabis products; and

(ii) Support and engage in programs or activities that benefit the safe production, handling, processing, and uses of cannabis and cannabis products; and

(b) Cannabis production and processing is a highly regulated industry and that this chapter and the rules adopted under it are only one aspect of the regulated industry. Other applicable laws include:

(i) Chapter 15.130 RCW, the food safety and security act;

(ii) Chapter 15.125 RCW, cannabis and cannabis products;

MAJORITY recommendation: Do pass as amended.

(iii) Title 69 RCW, food, drugs, cosmetics, and poisons; and

(iv) Chapter 82.08 RCW, retail sales tax.

(4) This chapter and any rules adopted under this chapter are for the purpose of fostering responsible and orderly agricultural production of cannabis. Nothing in this chapter should be interpreted to conflict with or supersede the overriding regulatory authority the legislature has already granted to other state agencies.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Active cannabis producer" means a cannabis producer who reported gross income that is subject to tax under chapter 82.04 RCW in the calendar year before the date of a referendum under section 3 of this act.

(2) "Active cannabis producer/processor" means a cannabis producer/processor who reported gross income that is subject to tax under chapter 82.04 RCW in the calendar year before the date of a referendum under section 3 of this act.

(3) "Board" means the Washington state liquor and cannabis board.

(4) "Cannabis" has the meaning provided in RCW 69.50.101.

(5) "Cannabis producer" has the meaning provided in RCW 69.50.101.

(6) "Cannabis products" has the meaning provided in RCW 69.50.101.

(7) "Cannabis processor" has the meaning provided in RCW 69.50.101.

(8) "Cannabis producer/processor" means any person or legal entity holding both a cannabis producer license and a cannabis processor license as defined in RCW 69.50.101.

(9) "Cannabis researcher" has the same meaning provided in RCW 69.50.101.

(10) "Cannabis retailer" has the same meaning provided in RCW 69.50.101.

(11) "Commission" means the Washington state cannabis commission established in this chapter.

(12) "Cooperative" means a cannabis cooperative formed by qualifying patients, designated providers, or both, which meets the requirements of RCW 69.51A.250 and rules adopted under that section.

(13) "District" means each of the geographical areas of the state of Washington defined in subsections (14) through (17) of this section.

(14) "District 1" means the geographical area including the counties of Clallum, Island, Jefferson, King, San Juan, Skagit, Snohomish, and Whatcom.

(15) "District 2" means the geographical area including the counties of Chelan, Douglas, Ferry, Grant, Kittitas, Okanogan, Pend Oreille, and Stevens.

(16) "District 3" means the geographical area including the counties of Adams, Asotin, Benton, Columbia, Franklin, Garfield, Lincoln, Spokane, Walla Walla, Whitman, and Yakima.

(17) "District 4" means the geographical area including the counties of Clark, Cowlitz, Grays Harbor, Kitsap, Klickitat,

Lewis, Mason, Pacific, Pierce, Skamania, Thurston, and Wahkiakum.

(18) "Fiscal year" means the 12-month period beginning July 1st of any year and ending June 30th.

(19) "Interested parties" means governmental departments, agencies, and bodies at the federal, state, or local levels. "Interested parties" includes tribal governments, universities, national and international associations, and other public or private sector organizations with an interest in cannabis-related matters.

(20) "Tier" means any of the production licensing categories established by rule of the board.

**NEW SECTION. Sec. 3.** (1) Subject to subsection (7) of this section, upon receipt of a petition containing the signatures of five active cannabis producers or active cannabis producer/processors, to implement this chapter and to determine participation in the commission and assessment under this chapter, the director must conduct a referendum of active cannabis producers and active cannabis producer/processors.

(a) The referendum must be conducted within 60 days of receipt of the petition.

(b) The department must establish a list of active cannabis producers and active cannabis producer/processors eligible to vote in the referendum in collaboration with the board and the department of revenue. Inadvertent failure to notify an active cannabis producer or active cannabis producer/processor does not invalidate a proceeding conducted under this chapter.

(2) The requirements of assent or approval of a referendum under subsection (1) of this section are met if:

(a) At least 51 percent by numbers of the participants in the referendum vote affirmatively; and

(b) At least 40 percent of the active cannabis producers and 40 percent of the active cannabis producer/processors have been represented in the referendum to determine assent or approval of participation and assessment.

(3) If the director determines that the requisite assent has not been given in the referendum conducted under subsection (1) of this section, the director must take no further action to implement or enforce this chapter.

(4) Upon completion of the referendum conducted under subsection (1) of this section, the department must tally the results of the vote and provide the results to participants. The department must create rules for an active cannabis producer or an active cannabis producer/processor to dispute the results of a vote within 60 days from the announced results.

(5) The director is not required to hold a referendum under subsection (1) of this section more than once in any 12-month period.

(6) The director may conduct voting on a referendum under this chapter by electronic means, paper ballots, or both.

(7) No referendum may be conducted under this section until July 1, 2025, unless the director receives written notice from the

liquor and cannabis board that, pursuant to separate legislation enacted after January 1, 2023, the liquor and cannabis board has issued or reissued the maximum number of cannabis producer and processor licenses made available for issuance or reissuance to applicants meeting social equity criteria under the terms of the separately enacted legislation.

**NEW SECTION. Sec. 4.** Within 60 days of the director determining that requisite assent has been given in a referendum conducted under section 3 of this act, the director must establish the Washington state cannabis commission to:

(1) Plan and conduct programs for cannabis-related matters;

(2) Provide funding for conducting research in accordance with commission rules;

(3) Coordinate with and advise interested parties regarding cannabis-related matters within the scope of the powers and purposes of the commission in accordance with commission rules;

(4) Coordinate with interested parties to standardize methods by which to identify and determine the genetics, strains, cultivars, phenotypes, standards, and grades of cannabis, and advise on cannabis packaging and labeling requirements;

(5) Conduct reviews, surveys, and inquiries regarding market metrics and analytics, including trends, revenues, profitability, projections, production, business practices, and other economic drivers of the cannabis industry;

(6) Inform and advise cannabis producers and cannabis producer/processors on cannabis-related matters, including, without limitation, educational information on cannabis cultivation, usage, risks, and related technical and scientific developments;

(7) Provide cannabis-related education and training to cannabis producers, cannabis producer/processors, cannabis researchers, and their employees, which may include education and training on cannabis health and safety information;

(8) Provide information and services for meeting resource conservation objectives of cannabis producers and cannabis producer/processors;

(9) Assist and cooperate with federal, state, and local government agencies in the investigation and control of pests, diseases, and other factors that could adversely affect the cultivation, quality, and safety of cannabis produced in this state;

(10) Advance the knowledge and practices of cannabis production in this state through research and testing methods to improve pest management, worker protection, safety training, energy efficiency, and environmental protection;

(11) Support Washington state's policies and work to improve social equity in the cannabis industry by: (a) Increasing participation in licensed cannabis production and licensed cannabis production and processing by persons who reside in, or have resided in, a disproportionately

impacted area, as defined in RCW 69.50.335, or who are both a socially and economically disadvantaged individual as defined by the office of minority and women's business enterprises under chapter 39.19 RCW; and (b) raising awareness about and working to eliminate unconscious bias;

(12) Limit youth access and youth exposure to cannabis;

(13) Enable cannabis producers and cannabis producer/processors, in cooperation with the commission, to:

(a) Develop and engage in research, including, without limitation, discovering better and more efficient production, irrigation, odor mitigation, processing, transportation, handling, packaging, and use of cannabis and cannabis products; and

(b) Discover and develop new and improved cultivars;

(14) Establish uniform grading and proper preparation of cannabis products for market;

(15) Protect the interest of consumers and the state by advising on the overall production of cannabis; and

(16) Advance the knowledge and practices of processing cannabis in this state.

**NEW SECTION. Sec. 5.** (1) The commission must:

(a) Elect a chair and other officers by a majority vote of the commission or in accordance with bylaws adopted by the commission;

(b) Adopt, rescind, and amend bylaws and other internal rules necessary for the administration and operation of the commission and for carrying out its duties in this chapter;

(c) Administer and enforce the provisions of this chapter;

(d) Designate a public records officer, rules coordinator, and other representatives required under laws governing state agencies and commissions;

(e) Comply with all other laws applicable to state agencies and commissions;

(f) Institute and maintain in its own name any legal actions, including actions by injunction, mandatory injunction, civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out this chapter, and to sue and be sued as a commission, without individual liability for acts of the commission within the scope of the powers conferred by this chapter; and

(g) Keep accurate records of all receipts and disbursements, which must be open to inspection and audit by the state auditor or its designee at least every five years and at any time by a duly appointed internal auditor by majority vote of the commission.

(2) The commission may:

(a) Employ and discharge, in its discretion, managers, secretaries, agents, attorneys, and employees, and engage the services of independent contractors as the commission deems necessary to fulfill duties, and to fix compensation. However, until assessment collections in section 15 of this act equal at least \$1,000,000, the commission must contract for staff support;

(b) Acquire and transfer personal and real property, establish offices, incur

expenses, enter into contracts and cooperative agreements, and create such debt and other liabilities as may be reasonable to fulfill its duties under this chapter;

(c) Make necessary disbursements for routine operating expenses;

(d) Expend funds for all activities permitted under this chapter;

(e) Cooperate with interested parties to fulfill its duties under this chapter;

(f) Serve as a liaison on behalf of the general cannabis producing and processing industries to the board and other interested parties, and not on behalf of any individual cannabis producer or cannabis producer/processor;

(g) Solicit, accept, retain, and expend any gifts, bequests, contributions, or grants from private persons or public agencies to carry out this chapter;

(h) Retain the services of private legal counsel, which is subject to the appointment and approval by the office of the state attorney general;

(i) Engage in appropriate activities and events to support commission activities authorized by this chapter;

(j) Participate in meetings, hearings, and other proceedings regarding cannabis, including, without limitation, the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of cannabis, including activities authorized under RCW 42.17A.635 and the reporting of such activities to the public disclosure commission;

(k) Obtain from the board, a list of the names and addresses of cannabis producers, cannabis processors, cannabis producer/processors, and cannabis retailers, and other available data from the state as requested by the commission relative to its duties under this chapter;

(l) Acquire, create, develop, and own intellectual property rights, licenses, and patents, and to collect royalties resulting from the sale or licensing of commission-funded research. However, results and recommendations from research conducted or funded by the commission must be available to all cannabis producers and cannabis producer/processors without charge, except for reasonable costs as the commission may determine;

(m) Speak on behalf of the Washington state government regarding agricultural production of cannabis in this state, subject to oversight of both the director and the director of the board;

(n) Possess cannabis products for the limited purposes of this chapter;

(o) Adopt rules to implement this chapter; and

(p) Exercise other powers and duties reasonably necessary to carry out this chapter.

**NEW SECTION. Sec. 6.** The department must serve as the commission's rules coordinator. Rules adopted by the commission must be approved by the director.

**NEW SECTION. Sec. 7.** (1) The commission is composed of the following 13 voting members:

(a) Eight cannabis producer or cannabis producer/processor members, two each from district 1, district 2, district 3, and district 4;

(b) One statewide at-large cannabis producer or cannabis producer/processor member who is licensed by the liquor and cannabis board pursuant to social equity criteria under separately enacted legislation identified in section 3(7) of this act;

(c) One statewide tier one cannabis producer or cannabis producer/processor member from any district;

(d) One statewide tier two cannabis producer or cannabis producer/processor member from any district;

(e) One statewide tier three cannabis producer or cannabis producer/processor member from any district; and

(f) The director.

(2) Except as provided in subsection (6) of this section, each member of the commission other than the director must:

(a) Be 21 years of age or older;

(b) Be a citizen and resident of this state;

(c) Directly hold or be named an owner in whole or majority part of an entity holding the relevant business license issued by the board. This license must not be suspended at the time of nomination, election, or appointment and must not be suspended at any time during the member's term;

(d) Be an officer or employee of a corporation, firm, partnership, association, or cooperative engaged in the active production of cannabis within this state for a period of three years and have, during that period, derived a substantial portion of his or her income from cannabis production; and

(e) Continue to meet all membership qualifications throughout the member's term.

(3) Seven voting members constitute a quorum of the commission.

(4) Commission members must be reimbursed for expenses incurred in the performance of their duties under this chapter in accordance with RCW 43.03.050 and 43.03.060.

(5) Commission members shall complete training on unconscious bias.

(6) The member of the commission identified in subsection (1)(b) of this section is not subject to the requirements in subsection (2)(d) of this section to be engaged in the active production of cannabis within this state for a period of three years and have, during that period, derived a substantial portion of his or her income from cannabis production.

**NEW SECTION. Sec. 8.** (1) The director must select initial members to appoint to the commission from a pool of self-nominated cannabis producers or cannabis producer/processors from district 1, district 2, district 3, and district 4.

(2) The director has discretion in determining which members are appointed to the term limits in (a) through (c) of this subsection but, within 90 days after the effective date of this section, must appoint the initial commission members in accordance with the following:

(a) Four members must be appointed for a one-year term;

(b) Four members must be appointed for a two-year term; and

(c) Four members must be appointed for a three-year term.

(3) The commission must establish by rule the process by which commission members are elected and any vacancy appointments are made.

(4) When making initial and replacement appointments, the director must give priority to persons representing the diverse communities of the state to maintain a balanced representation of members where practicable.

NEW SECTION. **Sec. 9.** (1) On a fiscal year basis and before each fiscal year beginning, the commission must develop and submit, to the director, each of the following:

(a) A budget; and

(b) Any plans concerning, without limitation:

(i) The establishment, issuance, effectuation, or administration of commission governance issues; and

(ii) The initiation or establishment of any rule making.

(2) The director must timely review and approve or deny each submission in this section.

(3) The director must review the commission's education program to ensure its consistency with applicable state and federal laws.

NEW SECTION. **Sec. 10.** The commission must deposit moneys collected under this chapter and section 15 of this act in a separate account in the name of the commission in any bank that is a state depository. All expenditures and disbursements made from this account under this chapter may be made without the necessity of a specific legislative appropriation. None of the provisions of RCW 43.01.050 and 69.50.540 apply to this account or to the moneys received, collected, or expended under this chapter.

NEW SECTION. **Sec. 11.** The fee levied under section 15 of this act constitutes a personal debt of every person charged or who otherwise owes the fee, and the fee is due and payable to the commission.

NEW SECTION. **Sec. 12.** (1) Financial and commercial information and records submitted to the board or the commission to administer this chapter may be shared between the board and the commission. The information or records may also be used, if required, in any action or administrative hearing relative to this chapter.

(2) This section does not prohibit:

(a) The issuance of general statements based upon the reports of a cannabis producer or cannabis producer/processor under this chapter if the statements do not identify a specific licensee; or

(b) The publication by the director or the commission of the name of a cannabis

producer or cannabis producer/processor violating this chapter and a statement of the violation.

NEW SECTION. **Sec. 13.** Obligations incurred by the commission and any other liabilities or claims against the commission must be enforced only against the assets of the commission and, except to the extent of such assets, no liability for the debts or actions of the commission exists against either the state of Washington or any subdivision or instrumentality thereof or against any member, employee, or agent of the commission or the state of Washington in his or her individual capacity. Except as otherwise provided in this chapter, neither the commission members, nor its employees, may be held individually responsible for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No person or employee may be held individually responsible for any act or omission of any other commission members. The liability of the commission members shall be several and not joint, and no member is liable for the default of any other member. This provision confirms that commission members have been and continue to be, state officers or volunteers for purposes of RCW 4.92.075 and are entitled to the defenses, indemnifications, limitations of liability, and other protections and benefits of chapter 4.92 RCW.

NEW SECTION. **Sec. 14.** All costs incurred by the board and the department, including staff support and the adoption of rules or other actions necessary to carry out this chapter must be reimbursed by the commission. Costs incurred under this section must include initial estimates of work and line-item accounting of the costs incurred.

NEW SECTION. **Sec. 15.** A new section is added to chapter 69.50 RCW to read as follows:

(1) Pursuant to referendum under section 3 of this act, to provide for permanent funding of the Washington state cannabis commission, the board must impose and collect an assessment from all cannabis producers and cannabis producer/processors.

(2) The initial rate of assessment is:

(a) 0.29 percent of all sales revenue conducted by a cannabis producer who is not a cannabis producer/processor subject to an assessment under (b) of this subsection; and

(b) 0.145 percent of all sales revenue conducted by a cannabis producer/processor.

(3) After the initial assessment is approved, the commission may modify the assessment if submitted for approval by referendum. The requirements of assent or approval of a referendum under this subsection are met if:

(a) At least 60 percent by numbers of the participants in the referendum vote affirmatively to approve the modification; and

(b) At least 40 percent of the active cannabis producers and 40 percent of the active cannabis producer/processors have been represented in the referendum to determine assent or approval of the modification.

(4) Assessments collected under this section must be disbursed at least quarterly to the Washington state cannabis commission established in section 4 of this act for use in carrying out the purposes of chapter 15.--- RCW (the new chapter created in section 17 of this act).

(5) Until October 31, 2028, the assessments in this section do not apply to a cannabis producer or cannabis producer/processor licensed under the social equity program in this chapter.

**Sec. 16.** RCW 41.06.070 and 2019 c 146 s 3 are each amended to read as follows:

(1) The provisions of this chapter do not apply to:

(a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, joint legislative audit and review committee, statute law committee, and any interim committee of the legislature;

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(c) Officers, academic personnel, and employees of technical colleges;

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

(g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

(h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(i) All members of such boards, commissions, or committees;

(ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;

(iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;

(iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;

(i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(j) Assistant attorneys general;

(k) Commissioned and enlisted personnel in the military service of the state;

(l) Inmate, student, and temporary employees, and part-time professional consultants, as defined by the director;

(m) Officers and employees of the Washington state fruit commission;

(n) Officers and employees of the Washington apple commission;

(o) Officers and employees of the Washington state dairy products commission;

(p) Officers and employees of the Washington tree fruit research commission;

(q) Officers and employees of the Washington state beef commission;

(r) Officers and employees of the Washington grain commission;

(s) Officers and employees of any commission formed under chapter 15.66 RCW;

(t) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;

(u) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(v) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(w) Staff employed by the department of commerce to administer energy policy functions;

(x) The manager of the energy facility site evaluation council;

(y) A maximum of ten staff employed by the department of commerce to administer innovation and policy functions, including the three principal policy assistants exempted under (v) of this subsection;

(z) Staff employed by Washington State University to administer energy education, applied research, and technology transfer programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5);

(aa) Officers and employees of the consolidated technology services agency created in RCW 43.105.006 that perform the following functions or duties: Systems integration; data center engineering and management; network systems engineering and management; information technology contracting; information technology customer relations management; and network and systems security;

(bb) The executive director of the Washington statewide reentry council; and

(cc) Officers and employees of the Washington state cannabis commission under chapter 15.-- RCW (the new chapter created in section 17 of this act).

(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice presidents, and their confidential secretaries, administrative, and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(c) Printing craft employees in the department of printing at the University of Washington.

(3) In addition to the exemptions specifically provided by this chapter, the director may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the office of financial management stating the reasons for requesting such exemptions. The director shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the director determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, or is a senior expert in enterprise information technology infrastructure, engineering, or systems, the director shall grant the request. The total number of

additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor.

(4) The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1)(j) through (t), (cc), and (2) of this section, shall be determined by the director. Changes to the classification plan affecting exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.152.

(5)(a) Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

(b) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

(c) A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

NEW SECTION. **Sec. 17.** Sections 1 through 14 of this act constitute a new chapter in Title 15 RCW."

Correct the title.

Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Morgan; Orwall and Reeves.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Walsh; and Waters.

Referred to Committee on Appropriations

March 28, 2023

E2SSB 5580

Prime Sponsor, Ways & Means: Improving maternal health outcomes. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 74.09 RCW to read as follows:

(1) By no later than January 1, 2025, the authority shall create a postdelivery and transitional care program that allows for extended postdelivery hospital care for people with a substance use disorder at the time of delivery. The authority shall:

(a) Allow for up to five additional days of hospitalization stay for the birth parent;

(b) Provide the birth parent access to integrated care and medical services including, but not limited to, access to clinical health, medication management, behavioral health, addiction medicine, specialty consultations, and psychiatric providers;

(c) Provide the birth parent access to social work support which includes coordination with the department of children, youth, and families to develop a plan for safe care;

(d) Allow dedicated time for health professionals to assist in facilitating early bonding between the birth parent and infant by helping the birth parent recognize and respond to their infant's cues; and

(e) Establish provider requirements and pay only those qualified providers for the services provided through the program.

(2) In administering the program, the authority shall seek any available federal financial participation under the medical assistance program, as codified at Title XIX of the federal social security act, the state children's health insurance program, as codified at Title XXI of the federal social security act, and any other federal funding sources that are now available or may become available.

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.09 RCW to read as follows:

(1) Subject to the amounts appropriated for this specific purpose, the authority shall update the maternity support services program to address perinatal outcomes and increase equity and healthier birth outcomes. By January 1, 2025, the authority shall:

(a) Update current screening tools to be culturally relevant, include current risk factors, ensure the tools address health equity, and include questions identifying various social determinants of health that impact a healthy birth outcome and improve health equity;

(b) Ensure care coordination, including sharing screening tools with the patient's health care providers as necessary;

(c) Develop a mechanism to collect the results of the maternity support services screenings and evaluate the outcomes of the program. At minimum, the program evaluation shall:

(i) Identify gaps, strengths, and weaknesses of the program; and

(ii) Make recommendations for how the program may improve to better align with the authority's maternal and infant health initiatives; and

(d) Increase the allowable benefit and reimbursement rates with the goal of increasing utilization of services to all eligible maternity support services clients who choose to receive the services.

(2) The authority shall adopt rules to implement this section.

**NEW SECTION. Sec. 3.** A new section is added to chapter 74.09 RCW to read as follows:

By November 1, 2023, the income standards for a pregnant person eligible for Washington apple health pregnancy coverage shall have countable income equal to or below 210 percent of the federal poverty level.

**Sec. 4.** RCW 74.09.830 and 2021 c 90 s 2 are each amended to read as follows:

(1) The authority shall extend health care coverage from 60 days postpartum to one year postpartum for pregnant or postpartum persons who, on or after the expiration date of the federal public health emergency declaration related to COVID-19, are receiving postpartum coverage provided under this chapter.

(2) By June 1, 2022, the authority must:

(a) Provide health care coverage to postpartum persons who reside in Washington state, have countable income equal to or below 193 percent of the federal poverty level, and are not otherwise eligible under Title XIX or Title XXI of the federal social security act; and

(b) Ensure all persons approved for pregnancy or postpartum coverage at any time are continuously eligible for postpartum coverage for 12 months after the pregnancy ends regardless of whether they experience a change in income during the period of eligibility.

(3) By November 1, 2023, the income standards for a postpartum person eligible for Washington apple health pregnancy or postpartum coverage shall have countable income equal to or below 210 percent of the federal poverty level.

(4) Health care coverage under this section must be provided during the 12-month period beginning on the last day of the pregnancy.

~~((4))~~ (5) The authority shall not provide health care coverage under this section to individuals who are eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act. Health care coverage for these individuals shall be provided by a program that is funded by Title XIX or Title XXI of the federal social security act. Further, the authority shall make every effort to expedite and complete eligibility determinations for individuals who are presumptively eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act to ensure the state is receiving the maximum federal match. This includes, but is not limited to, working with the managed care organizations



to provide continuous outreach in various modalities until the individual's eligibility determination is completed. Beginning January 1, 2022, the authority must submit quarterly reports to the caseload forecast work group on the number of individuals who are presumptively eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act but are awaiting for the authority to complete eligibility determination, the number of individuals who were presumptively eligible but are now receiving health care coverage with the maximum federal match under Title XIX or Title XXI of the federal social security act, and outreach activities including the work with managed care organizations.

~~((5))~~ (6) To ensure continuity of care and maximize the efficiency of the program, the amount and scope of health care services provided to individuals under this section must be the same as that provided to pregnant and postpartum persons under medical assistance, as defined in RCW 74.09.520.

~~((6))~~ (7) In administering this program, the authority must seek any available federal financial participation under the medical assistance program, as codified at Title XIX of the federal social security act, the state children's health insurance program, as codified at Title XXI of the federal social security act, and any other federal funding sources that are now available or may become available. This includes, but is not limited to, ensuring the state is receiving the maximum federal match for individuals who are presumptively eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act by expediting completion of the individual's eligibility determination.

~~((7))~~ (8) Working with stakeholder and community organizations and the Washington health benefit exchange, the authority must establish a comprehensive community education and outreach campaign to facilitate applications for and enrollment in the program or into a more appropriate program where the state receives maximum federal match. Subject to the availability of amounts appropriated for this specific purpose, the education and outreach campaign must provide culturally and linguistically accessible information to facilitate participation in the program, including but not limited to enrollment procedures, program services, and benefit utilization.

~~((8))~~ (9) Beginning January 1, 2022, the managed care organizations contracted with the authority to provide postpartum coverage must annually report to the legislature on their work to improve maternal health for enrollees, including but not limited to postpartum services offered to enrollees, the percentage of enrollees utilizing each postpartum service offered, outreach activities to engage enrollees in available postpartum services, and efforts to collect eligibility information for the authority to ensure the enrollee is in the most appropriate program for the state to receive the maximum federal match."

Correct the title.

Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations

March 28, 2023

SSB 5586

Prime Sponsor, Labor & Commerce:  
Concerning employees' paid family or medical leave data. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 50A.25.040 and 2019 c 13 s 73 are each amended to read as follows:

(1) An individual shall have access to all records and information concerning that individual held by the department unless the information is exempt from disclosure under RCW 42.56.410.

(2) An employer shall have access to:

(a) Its own records relating to any claim or determination for family or medical leave benefits by an individual;

(b) Records and information relating to a decision to allow or deny benefits if the decision is based on material information provided by the employer; and

(c) Records and information related to that employer's premium assessment.

(3) (a) Any interested party may have access to the following records and information related to an employee's paid family or medical leave claim:

(i) Type of leave being taken;

(ii) Requested duration of leave including the approved dates of leave; and

(iii) Whether the employee was approved for benefits and was paid benefits for any given week.

(b) Any information provided under this subsection shall be considered accurate to the extent possible based on information available to the department at the time the request is processed.

(c) Any information provided under this subsection may only be used for the purpose of administering internal employer leave or benefit practices under established employer policies. The department may investigate unauthorized uses of records and information obtained under this subsection in accordance with RCW 50A.40.010.

(d) For the purposes of this subsection, "interested party" means a current employer, a current employer's third-party administrator, or an employee. "Interested party" may be specified further in rule by the department.

(4) The department may disclose records and information deemed confidential under this chapter to a third party acting on behalf of an individual or employer that would otherwise be eligible to receive records under subsection (1) or (2) of this section when the department receives a

signed release from the individual or employer. The release must include a statement:

(a) Specifically identifying the information that is to be disclosed;

(b) That state government files will be accessed to obtain that information;

(c) Of the specific purpose or purposes for which the information is sought and a statement that information obtained under the release will only be used for that purpose or purposes; and

(d) Indicating all the parties who may receive the information disclosed.

NEW SECTION. **Sec. 2.** This act takes effect January 1, 2024."

Correct the title.

Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

March 28, 2023

SSB 5589 Prime Sponsor, Law & Justice: Concerning probate. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson; Thai and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; and Rude.

Referred to Committee on Rules for second reading

March 27, 2023

SSB 5626 Prime Sponsor, Early Learning & K-12 Education: Expanding and enhancing media literacy and digital citizenship in K-12 education. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.300.840 and 2021 c 301 s 6 are each amended to read as follows:

(1)(a) The office of the superintendent of public instruction shall establish a ~~((grant program for the purposes of supporting))~~ media literacy and digital citizenship ~~((through school district leadership teams))~~ grant program. The office of the superintendent of public instruction shall establish and publish criteria for the grant program, and may accept gifts, grants, or endowments from public or private sources for the grant program.

(b)(i) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall award grants to school districts and educational service districts that submit a grant proposal to

implement one or more of the activities described in subsection (2) of this section.

(ii) A school district or educational service district may partner with a nonprofit organization for the purpose of assisting in the administration of a grant awarded under this section. For a school district or educational service district to partner with a nonprofit for the purpose of assisting in the administration of a grant under this section, the intent to partner with a nonprofit must be included in the grant proposal.

(c) A school district or educational service district that receives a grant under this section is not prohibited from receiving a grant in subsequent grant cycles.

(2) ((a) For a school district to qualify for a grant under this section, the grant proposal must provide that the grantee) Grants awarded under this section may be used for the following activities:

(a) To create a district leadership team that develops a curriculum unit on media literacy, synthetic media, or digital citizenship, or ~~((both))~~ a combination of these topics, that may be integrated into one ~~((of the following areas:~~

~~(i) Social studies;~~

~~(ii) English language arts; or~~

~~(iii) Health.~~

~~(b) School districts selected under the grant program are expected to evaluate the curriculum unit they develop under this subsection (2).~~

~~(c) In developing their curriculum unit, school districts selected under the grant program are) or more subject areas. The district leadership team is encouraged to work with school district teacher-librarians or a school district library information technology program, if applicable ((~~

~~(3) The establishment of the grant program under this section is subject to the availability of amounts appropriated for this specific purpose.~~

~~(4) The curriculum unit developed under this section must be made available as an open educational resource.~~

~~(5)(a) Up to 10 grants a year awarded under this section must be for establishing)) ;~~

~~(b) To establish media literacy professional learning communities with ((the purpose of sharing best practices in the subject of media literacy.~~

~~(b)(i) Grant recipients under this subsection (5) are required to develop) an online presence ((for their community) to model new strategies and to share ideas, challenges, and successful practices ((~~

~~(ii) Grant recipients shall)) ;~~

~~(c) To attend the group meetings ((created)) convened by the office of the superintendent of public instruction ((under~~

~~(e) of this subsection (5).~~

~~(c) The office of the superintendent of public instruction shall convene group meetings) for the purpose of sharing best practices and strategies in media literacy education ((~~

~~(d) Additional activities permitted for the use of these grants include, but are not limited to:~~

~~(i) Organizing teachers from across a school district to develop new);~~

~~(d) To develop instructional strategies and to share successful strategies (~~

~~(ii) Sharing successful) and practices across a group of school districts or an educational service district; (and~~

~~(iii) Facilitating coordination)) (e) To provide professional development on issues of media literacy, including the state learning standards related to media literacy, which may include training for district leaders, administrative staff, instructional staff, or any combination thereof, and which may be coordinated between educational service districts and school districts ((to provide training.~~

~~(6) (a) At least one grant awarded in each award cycle must be for developing and using a curriculum that contains a focus on synthetic media as a major component.~~

~~(b)) ;~~

~~(f) To develop strategies to utilize existing funding in integrating media literacy into various subject areas;~~

~~(g) To support successful implementation of state learning standards related to media literacy, digital citizenship, or both;~~

~~(h) To acquire resources on media literacy instruction and integration.~~

~~(3) Any curriculum units, best practices and strategies, trainings, and other resources developed using grants awarded under this section must be submitted to the office of the superintendent of public instruction.~~

~~(4) For the purposes of this section, "synthetic media" means an image, an audio recording, or a video recording of an individual's appearance, speech, or conduct that has been intentionally manipulated with the use of digital technology in a manner to create a realistic but false image, audio, or video.~~

~~((7)) (5) This section expires July 31, ((2031)) 2033.~~

**Sec. 2.** RCW 28A.650.045 and 2017 c 90 s 2 are each amended to read as follows:

~~(1) ((4) By December 1, 2016, the office of the superintendent of public instruction shall develop best practices and recommendations for instruction in digital citizenship, internet safety, and media literacy, and report to the appropriate committees of the legislature, in accordance with RCW 43.01.036, on strategies to implement the best practices and recommendations statewide. The best practices and recommendations must be developed in consultation with an advisory committee as specified in (b) of this subsection. Best practices and recommendations must include instruction that provides guidance about thoughtful, safe, and strategic uses of online and other media resources, and education on how to apply critical thinking skills when consuming and producing information.~~

~~(b) The office of the superintendent of public instruction must convene and consult with an advisory committee when developing best practices and recommendations for instruction in digital citizenship, internet safety, and media literacy. The advisory~~

~~committee must include: Representatives from the Washington state school directors' association; experts in digital citizenship, internet safety, and media literacy; teacher-librarians as defined in RCW 28A.320.240; and other stakeholders, including parent associations, educators, and administrators. Recommendations produced by the committee may include, but are not limited to:~~

~~(i) Revisions to the state learning standards for educational technology, required under RCW 28A.655.075;~~

~~(ii) Revisions to the model policy and procedures on electronic resources and internet safety developed by the Washington state school directors' association;~~

~~(iii) School district processes necessary to develop customized district policies and procedures on electronic resources and internet safety;~~

~~(iv) Best practices, resources, and models for instruction in digital citizenship, internet safety, and media literacy; and~~

~~(v) Strategies that will support school districts in local implementation of the best practices and recommendations developed by the office of the superintendent of public instruction under (a) of this subsection.~~

~~(2) Beginning in the 2017-18 school year, a) Each school district shall annually review its policy and procedures on electronic resources and internet safety. In reviewing and amending the policy and procedures, a school district must:~~

~~(a) Involve a representation of students, parents or guardians, teachers, teacher-librarians, other school employees, administrators, and community representatives with experience or expertise in digital citizenship, media literacy, and internet safety issues;~~

~~(b) Consider customizing the model policy and procedures on electronic resources and internet safety developed by the Washington state school directors' association;~~

~~(c) Consider existing school district resources; and~~

~~(d) Consider best practices, resources, and models for instruction in digital citizenship, internet safety, and media literacy, including methods to involve parents.~~

~~((3)) (2) (a) By December 1, 2017, the Washington state school directors' association shall review and revise its model policy and procedures on electronic resources and internet safety to better support digital citizenship, media literacy, and internet safety in schools. The model policy and procedures must contain provisions requiring that media literacy resources consist of a balance of sources and perspectives.~~

~~(b) By December 1, 2017, the Washington state school directors' association shall develop a checklist of items for school districts to consider when updating their policy and procedures under subsection ((2)) (1) of this section.~~

**Sec. 3.** RCW 28A.650.050 and 2017 c 90 s 4 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall create a web-based location with links to recommended successful practices and resources to support digital citizenship, media literacy, and internet safety ~~((for use in the 2017-18 school year. The web-based location must incorporate the information gathered by the survey in section 3, chapter 90, Laws of 2017))~~ or may house the recommended successful practices and resources in the open courseware depository identified under RCW 28A.300.803.

(2) ~~((Thereafter, the))~~ The office of the superintendent of public instruction shall ((continue to)) periodically identify and develop ((additional)) open educational resources to support digital citizenship, media literacy, and internet safety in schools for the web-based location created under subsection (1) of this section and may house the open educational resources in the open courseware depository identified under RCW 28A.300.803.

(3) The office of the superintendent of public instruction shall consider adding the curriculum units, best practices and strategies, trainings, and other resources developed using the media literacy and digital citizenship grants awarded under RCW 28A.300.840 to the web-based location created under subsection (1) of this section, the open courseware depository identified under RCW 28A.300.803, or both.

(4) Media literacy resources must consist of a balance of sources and perspectives.

**Sec. 4.** RCW 28A.655.070 and 2019 c 252 s 119 are each amended to read as follows:

(1) The superintendent of public instruction shall develop state learning standards that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the state board of education.

(2) The superintendent of public instruction shall:

(a) Periodically revise the state learning standards, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the state learning standards; and

(b) Review and prioritize the state learning standards and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the statewide student assessment and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are

acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven working days, shall post on its website any grade level content expectations provided to an assessment vendor for use in constructing the statewide student assessment.

(3)(a) In consultation with the state board of education, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the state learning standards identified in subsection (1) of this section. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system may include a variety of assessment methods, including criterion-referenced and performance-based measures.

(b) Effective with the 2009 administration of the Washington assessment of student learning and continuing with the statewide student assessment, the superintendent shall redesign the assessment in the content areas of reading, mathematics, and science in all grades except high school by shortening test administration and reducing the number of short answer and extended response questions.

(c) By the 2014-15 school year, the superintendent of public instruction, in consultation with the state board of education, shall modify the statewide student assessment system to transition to assessments developed with a multistate consortium, as provided in this subsection:

(i) The assessments developed with a multistate consortium to assess student proficiency in English language arts and mathematics shall be administered beginning in the 2014-15 school year, and beginning with the graduating class of 2020, the assessments must be administered to students in the tenth grade. The reading and writing assessments shall not be administered by the superintendent of public instruction or schools after the 2013-14 school year.

(ii) The high school assessments in English language arts and mathematics in (c) (i) of this subsection shall be used for the purposes of federal and state accountability and for assessing student career and college readiness.

(d) The statewide academic assessment system must also include the Washington access to instruction and measurement assessment for students with significant cognitive challenges.

(4) If the superintendent proposes any modification to the state learning standards or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the state learning standards before the modifications are adopted.

(5) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the state learning standards at the appropriate periods in the student's educational development.

(6) By September 2007, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) To assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts:

(a) Information on classroom-based and other assessments that may provide additional achievement information for individual students; and

(b) A collection of diagnostic tools that educators may use to evaluate the academic status of individual students. The tools shall be designed to be inexpensive, easily administered, and quickly and easily scored, with results provided in a format that may be easily shared with parents and students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the state learning standards and assessments for goals one and two.

(10) The superintendent shall develop assessments that are directly related to the state learning standards, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(11) The superintendent shall review available and appropriate options for competency-based assessments that meet the state learning standards. In accordance with the review required by this subsection, the superintendent shall provide a report and recommendations to the education committees of the house of representatives and the senate by November 1, 2019.

(12) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(13) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

(14) The superintendent shall post on the superintendent's website lists of resources and model assessments in social studies, the arts, and health and fitness.

(15) The superintendent shall integrate financial education skills and content knowledge into the state learning standards pursuant to RCW 28A.300.460(2)(d).

(16) The superintendent shall integrate media literacy into relevant state learning

standards as the state learning standards are revised, as required under subsection (2) of this section. For the purposes of this subsection, "media literacy" means the ability to:

(a) Access relevant and accurate information using a wide range of forms and sources;

(b) Critically analyze the comprehensiveness, relevance, credibility, authority, and accuracy of information content;

(c) Make informed decisions based on accurate information obtained from media and digital sources;

(d) Recognize the authenticity of artificially generated content derived from information and communication technologies;

(e) Responsibly operate various forms of technology and digital tools; and

(f) Reflect on how the use of media and technology may affect private and public life.

(17)(a) The superintendent shall notify the state board of education in writing before initiating the development or revision of the state learning standards under subsections (1) and (2) of this section. The notification must be provided to the state board of education in advance for review at a regularly scheduled or special board meeting and must include the following information:

(i) The subject matter of the state learning standards;

(ii) The reason or reasons the superintendent is initiating the development or revision; and

(iii) The process and timeline that the superintendent intends to follow for the development or revision.

(b) The state board of education may provide a response to the superintendent's notification for consideration in the development or revision process in (a) of this subsection.

(c) Prior to adoption by the superintendent of any new or revised state learning standards, the superintendent shall submit the proposed new or revised state learning standards to the state board of education in advance in writing for review at a regularly scheduled or special board meeting. The state board of education may provide a response to the superintendent's proposal for consideration prior to final adoption.

~~((17))~~ (18) The state board of education may propose new or revised state learning standards to the superintendent. The superintendent must respond to the state board of education's proposal in writing."

Correct the title.

Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

March 28, 2023

SJM 8006

Prime Sponsor, Senator Hasegawa:  
Requesting that the federal government  
create a universal health care program.  
Reported by Committee on Health Care &  
Wellness

MAJORITY recommendation: Do pass. Signed by  
Representatives Riccelli, Chair; Bateman, Vice Chair;  
Bronoske; Davis; Macri; Orwall; Simmons; Stonier; Thai and  
Tharinger.

MINORITY recommendation: Do not pass. Signed by  
Representatives Schmick, Ranking Minority Member;  
Hutchins, Assistant Ranking Minority Member; Barnard;  
Graham; Harris; Maycumber; and Mosbrucker.

Referred to Committee on Rules for second reading

**SECOND SUPPLEMENTAL REPORT OF STANDING  
COMMITTEES**

March 29, 2023

SB 5000

Prime Sponsor, Senator Wagoner:  
Recognizing contributions of Americans of  
Chinese descent. Reported by Committee on  
State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting  
clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature  
intends to designate a time of year to  
formally remember and recognize the  
contributions of Chinese Americans and finds  
that January of each year is a relevant and  
appropriate time for such recognition. The  
legislature finds that the California gold  
rush began on January 24, 1848, which  
brought thousands of people to the area,  
approximately 30 percent of whom were  
Chinese immigrants. With the immigration to  
the west as a result of the gold rush,  
Washington became home to many Chinese  
immigrants. Chinese immigrants contributed  
greatly to Washington's economy as miners  
and workers in the salmon canning industry.  
The Chinese population in Washington also  
grew when construction of the Northern  
Pacific Railroad transcontinental line began  
in 1871, which ran from Wisconsin and  
Minnesota to Washington and Oregon, as many  
laborers who were recruited to work on the  
railroad were Chinese.

The legislature also finds that  
designating January of each year as a time  
to recognize the contributions of Chinese  
Americans is relevant in acknowledging the  
contributions of notable early Chinese  
settlers. Goon Dip was well known as a  
visionary, philanthropist, and entrepreneur,  
and is said to be the most influential  
Chinese immigrant in the Pacific Coast  
during the early 20th century. Goon Dip  
created a garment industry in Portland,  
Oregon where he taught Chinese men who were  
disabled and unable to perform manual labor  
how to sew. Goon Dip later expanded his  
business ventures to Seattle when in January  
1909, the Chinese government appointed him  
as honorary consul for the Alaska-Yukon-  
Pacific Exposition, Washington's first  
world's fair, held in Seattle. Anticipating

large crowds for the fair, Goon Dip built  
the Milwaukee Hotel at 662 King Street,  
which would house hundreds of tourists. Goon  
Dip was also influential in persuading  
Chinese businessmen to move Chinatown away  
from the Elliott Bay tidelands to the area  
around the new King Street Station at 2nd  
Avenue and Jackson Street. After his role as  
honorary consul during the Alaska-Yukon-  
Pacific Exposition, Goon Dip was named  
permanent consul and served under both the  
Manchu dynasty and the Kuomintang. Goon Dip  
died on September 12, 1933, at the Milwaukee  
Hotel and is buried in the family plot in  
Lake View cemetery in Seattle. January is  
also the birth month of notable contemporary  
Chinese Americans in the state, including  
Gary Locke, who graduated from Seattle's  
Franklin High School and was the first  
Chinese American elected as Governor in the  
continental United States, the first Chinese  
American Secretary of Commerce, and the  
first Chinese American ambassador to China.

The legislature finds that these and  
other contributions to the state's rich  
history and economy by Chinese Americans is  
worthy of recognition and celebration. The  
legislature further finds that teaching this  
history in schools will help to commemorate  
the important achievements of Chinese  
Americans.

**NEW SECTION. Sec. 2.** A new section is  
added to chapter 43.117 RCW to read as  
follows:

(1) With the rise of economic opportunity  
in America and other parts of the world in  
the 19th century, the Chinese diaspora is  
now one of the largest in the world. As a  
result, many of those who are, or whose  
ancestors were, part of the Chinese diaspora  
have varied perspectives, experiences, and  
approaches in how they preserve their  
identity as Chinese Americans and Americans  
of Chinese descent.

(2) January of each year will be  
designated as a time for people of this  
state to commemorate the contributions of  
Chinese Americans and Americans of Chinese  
descent to the history and heritage of  
Washington state and shall be designated as  
Chinese American/Americans of Chinese  
descent history month.

(3) Public schools are encouraged to  
designate time in January for appropriate  
activities in commemoration of the lives,  
history, achievements, and contributions of  
Chinese Americans and Americans of Chinese  
descent."

Correct the title.

Signed by Representatives Ramos, Chair; Stearns, Vice Chair;  
Abbarno, Ranking Minority Member; Christian, Assistant  
Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

March 28, 2023

ESB 5130

Prime Sponsor, Senator Frame: Concerning  
assisted outpatient treatment. Reported by  
Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.05.148 and 2022 c 210 s 3 are each amended to read as follows:

(1) A person is in need of assisted outpatient treatment if the court finds by clear, cogent, and convincing evidence pursuant to a petition filed under this section that:

(a) The person has a behavioral health disorder;

(b) Based on a clinical determination and in view of the person's treatment history and current behavior, at least one of the following is true:

(i) The person is unlikely to survive safely in the community without supervision and the person's condition is substantially deteriorating; or

(ii) The person is in need of assisted outpatient treatment in order to prevent a relapse or deterioration that would be likely to result in grave disability or a likelihood of serious harm to the person or to others;

(c) The person has a history of lack of compliance with treatment for his or her behavioral health disorder that has:

(i) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating hospitalization of the person, or the person's receipt of services in a forensic or other mental health unit of a state correctional facility or local correctional facility, provided that the 36-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the 36-month period;

(ii) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating emergency medical care or hospitalization for behavioral health-related medical conditions including overdose, infected abscesses, sepsis, endocarditis, or other maladies, or a significant factor in behavior which resulted in the person's incarceration in a state or local correctional facility; or

(iii) Resulted in one or more violent acts, threats, or attempts to cause serious physical harm to the person or another within the 48 months prior to the filing of the petition, provided that the 48-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred during the 48-month period;

(d) Participation in an assisted outpatient treatment program would be the least restrictive alternative necessary to ensure the person's recovery and stability; and

(e) The person will benefit from assisted outpatient treatment.

(2) The following individuals may directly file a petition for less restrictive alternative treatment on the basis that a person is in need of assisted outpatient treatment:

(a) The director of a hospital where the person is hospitalized or the director's designee;

(b) The director of a behavioral health service provider providing behavioral health care or residential services to the person or the director's designee;

(c) The person's treating mental health professional or substance use disorder professional or one who has evaluated the person;

(d) A designated crisis responder;

(e) A release planner from a corrections facility; or

(f) An emergency room physician.

(3) A court order for less restrictive alternative treatment on the basis that the person is in need of assisted outpatient treatment may be effective for up to 18 months, unless the person is currently detained for inpatient treatment for 14 days or more under RCW 71.05.240 or 71.05.320, in which case the order may be effective for 90 days if the person is currently detained for 14 days of treatment, or 180 days if the person is currently detained for 90 or 180 days of treatment. The petitioner must personally interview the person, unless the person refuses an interview, to determine whether the person will voluntarily receive appropriate treatment.

(4) The petitioner must allege specific facts based on personal observation, evaluation, or investigation, and must consider the reliability or credibility of any person providing information material to the petition.

(5) The petition must include:

(a) A statement of the circumstances under which the person's condition was made known and the basis for the opinion, from personal observation or investigation, that the person is in need of assisted outpatient treatment. The petitioner must state which specific facts come from personal observation and specify what other sources of information the petitioner has relied upon to form this belief;

(b) A declaration from a physician, physician assistant, advanced registered nurse practitioner, ~~((or))~~ the person's treating mental health professional or substance use disorder professional, or in the case of a person enrolled in treatment in a behavioral health agency, the person's behavioral health case manager, who has examined the person no more than 10 days prior to the submission of the petition and who is willing to testify in support of the petition, or who alternatively has made appropriate attempts to examine the person within the same period but has not been successful in obtaining the person's cooperation, and who is willing to testify to the reasons they believe that the person meets the criteria for assisted outpatient treatment ~~((If the declaration is provided by the person's treating mental health professional or substance use disorder professional, it must be cosigned by a supervising physician, physician assistant, or advanced registered nurse practitioner who certifies that they have reviewed the declaration))~~;

(c) The declarations of additional witnesses, if any, supporting the petition for assisted outpatient treatment;

(d) The name of an agency, provider, or facility that agrees to provide less restrictive alternative treatment if the petition is granted by the court; and

(e) If the person is detained in a state hospital, inpatient treatment facility, jail, or correctional facility at the time the petition is filed, the anticipated release date of the person and any other details needed to facilitate successful reentry and transition into the community.

(6)(a) Upon receipt of a petition meeting all requirements of this section, the court shall fix a date for a hearing:

(i) No sooner than three days or later than seven days after the date of service or as stipulated by the parties or, upon a showing of good cause, no later than 30 days after the date of service; or

(ii) If the respondent is hospitalized at the time of filing of the petition, before discharge of the respondent and in sufficient time to arrange for a continuous transition from inpatient treatment to assisted outpatient treatment.

(b) A copy of the petition and notice of hearing shall be served, in the same manner as a summons, on the petitioner, the respondent, the qualified professional whose affidavit accompanied the petition, a current provider, if any, and a surrogate decision maker or agent under chapter 71.32 RCW, if any.

(c) If the respondent has a surrogate decision maker or agent under chapter 71.32 RCW who wishes to provide testimony at the hearing, the court shall afford the surrogate decision maker or agent an opportunity to testify.

(d) The respondent shall be represented by counsel at all stages of the proceedings.

(e) If the respondent fails to appear at the hearing after notice, the court may conduct the hearing in the respondent's absence; provided that the respondent's counsel is present.

(f) If the respondent has refused to be examined by the qualified professional whose affidavit accompanied the petition, the court may order a mental examination of the respondent. The examination of the respondent may be performed by the qualified professional whose affidavit accompanied the petition. If the examination is performed by another qualified professional, the examining qualified professional shall be authorized to consult with the qualified professional whose affidavit accompanied the petition.

(g) If the respondent has refused to be examined by a qualified professional and the court finds reasonable grounds to believe that the allegations of the petition are true, the court may issue a written order directing a peace officer who has completed crisis intervention training to detain and transport the respondent to a provider for examination by a qualified professional. A respondent detained pursuant to this subsection shall be detained no longer than necessary to complete the examination and in no event longer than 24 hours.

(7) If the petition involves a person whom the petitioner or behavioral health administrative services organization knows, or has reason to know, is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the behavioral health administrative services organization shall notify the tribe and Indian health care provider. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible.

(8) A petition for assisted outpatient treatment filed under this section shall be adjudicated under RCW 71.05.240.

(9) ~~((After January 1, 2023, a))~~ A petition for assisted outpatient treatment must be filed on forms developed by the administrative office of the courts.

**Sec. 2.** RCW 71.05.365 and 2022 c 210 s 19 are each amended to read as follows:

When a person has been involuntarily committed for treatment to a hospital for a period of 90 or 180 days, and the superintendent or professional person in charge of the hospital determines that the person no longer requires active psychiatric treatment at an inpatient level of care, the behavioral health administrative services organization, managed care organization, or agency providing oversight of long-term care or developmental disability services that is responsible for resource management services for the person must work with the hospital to develop an individualized discharge plan ~~((, including whether a petition should be filed for less restrictive alternative treatment on the basis that the person is in need of assisted outpatient treatment,))~~ and arrange for a transition to the community in accordance with the person's individualized discharge plan within 14 days of the determination.

**Sec. 3.** RCW 71.05.590 and 2022 c 210 s 23 are each amended to read as follows:

(1) ~~((Either an))~~ An agency or facility designated to monitor or provide less restrictive alternative treatment services under a ~~((less restrictive alternative))~~ court order or conditional release, or a designated crisis responder, may take action to enforce, modify, or revoke ~~((a))~~ the less restrictive alternative treatment order or conditional release ~~((order. The))~~ if the agency, facility, or designated crisis responder ~~((must determine))~~ determines that:

(a) The person is failing to adhere to the terms and conditions of the order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to



the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be directed to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the entity requesting the hearing and issue an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To detain the person for up to 12 hours for evaluation at an agency, facility providing services under the court order, triage facility, crisis stabilization unit, emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility with available space, or an approved substance use disorder treatment program with available space. The purpose of the evaluation is to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when, based on clinical judgment, temporary detention is appropriate. The agency, facility, or designated crisis responder may request assistance from a peace officer for the purposes of temporary detention under this subsection (2)(d). This subsection does not limit the ability or obligation of the agency, facility, or designated crisis responder to pursue revocation procedures under subsection (5) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (5) of this section.

(3) A court may supervise a person on an order for less restrictive alternative treatment or a conditional release. While the person is under the order, the court may:

(a) Require appearance in court for periodic reviews; and

(b) Modify the order after considering input from the agency or facility designated to provide or facilitate services. The court may not remand the person into inpatient

treatment except as provided under subsection (5) of this section, but may take actions under subsection (2)(a) through (d) of this section.

(4) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(5)(a) A designated crisis responder or the secretary of the department of social and health services may, upon their own motion or upon request of the facility or agency designated to provide outpatient care, cause a person to be detained in an evaluation and treatment facility, available secure withdrawal management and stabilization facility with adequate space, or available approved substance use disorder treatment program with adequate space in or near the county in which he or she is receiving outpatient treatment for the purpose of a hearing for revocation of a less restrictive alternative treatment order or conditional release order under this chapter. The designated crisis responder or secretary of the department of social and health services shall file a petition for revocation within 24 hours and serve the person, their guardian, if any, and their attorney. A hearing for revocation of a less restrictive alternative treatment order or conditional release order may be scheduled without detention of the person.

(b) A person detained under this subsection (5) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the order for less restrictive alternative treatment or conditional release should be revoked, modified, or retained. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may withdraw its petition for revocation at any time before the court hearing.

(c) A person detained under this subsection (5) has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the order or conditional release; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm;

and, if any of the above conditions apply, whether it is appropriate for the court to reinstate or modify the person's less restrictive alternative treatment order or conditional release (~~(order)~~) or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period must be for 14 days from the revocation hearing if the less restrictive alternative treatment order or conditional release (~~(order)~~) was based on a petition under RCW 71.05.148, 71.05.160, or 71.05.230. The person must return to less restrictive alternative treatment under the order at the end of the 14-day period unless a petition for further treatment is filed under RCW 71.05.320 or the person accepts voluntary treatment. If the court orders detention for inpatient treatment and the less restrictive alternative treatment order or conditional release (~~(order)~~) was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the order must be converted to days of inpatient treatment. A court may not detain a person for inpatient treatment to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program under this subsection unless there is a facility or program available with adequate space for the person.

(6) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

**Sec. 4.** RCW 71.05.590 and 2022 c 210 s 24 are each amended to read as follows:

(1) (~~Either an~~) An agency or facility designated to monitor or provide less restrictive alternative treatment services under a (~~less restrictive alternative~~) court order or conditional release, or a designated crisis responder, may take action to enforce, modify, or revoke ((a)) the less restrictive alternative treatment order or conditional release (~~(order. The)~~) if the agency, facility, or designated crisis responder (~~must determine~~) determines that:

(a) The person is failing to adhere to the terms and conditions of the order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public

in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be directed to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist (~~(the)~~) the entity requesting the hearing and issue an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To detain the person for up to 12 hours for evaluation at an agency, facility providing services under the court order, triage facility, crisis stabilization unit, emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program. The purpose of the evaluation is to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when, based on clinical judgment, temporary detention is appropriate. The agency, facility, or designated crisis responder may request assistance from a peace officer for the purposes of temporary detention under this subsection (2)(d). This subsection does not limit the ability or obligation of the agency, facility, or designated crisis responder to pursue revocation procedures under subsection (5) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (5) of this section.

(3) A court may supervise a person on an order for less restrictive alternative treatment or a conditional release. While the person is under the order, the court may:

(a) Require appearance in court for periodic reviews; and

(b) Modify the order after considering input from the agency or facility designated to provide or facilitate services. The court may not remand the person into inpatient treatment except as provided under subsection (5) of this section, but may take

actions under subsection (2)(a) through (d) of this section.

(4) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(5)(a) A designated crisis responder or the secretary of the department of social and health services may, upon their own motion or upon request of the facility or agency designated to provide outpatient care, cause a person to be detained in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in or near the county in which he or she is receiving outpatient treatment for the purpose of a hearing for revocation of a less restrictive alternative treatment order or conditional release (~~order~~) under this chapter. The designated crisis responder or secretary of the department of social and health services shall file a petition for revocation within 24 hours and serve the person, their guardian, if any, and their attorney. A hearing for revocation of a less restrictive alternative treatment order or conditional release (~~order~~) may be scheduled without detention of the person.

(b) A person detained under this subsection (5) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the order for less restrictive alternative treatment or conditional release should be revoked, modified, or retained. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may withdraw its petition for revocation at any time before the court hearing.

(c) A person detained under this subsection (5) has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the order or conditional release; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether it is appropriate for the court to reinstate or modify the person's less

restrictive alternative treatment order or conditional release (~~order~~) or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period must be for 14 days from the revocation hearing if the less restrictive alternative treatment order or conditional release (~~order~~) was based on a petition under RCW 71.05.148, 71.05.160, or 71.05.230. The person must return to less restrictive alternative treatment under the order at the end of the 14-day period unless a petition for further treatment is filed under RCW 71.05.320 or the person accepts voluntary treatment. If the court orders detention for inpatient treatment and the less restrictive alternative treatment order or conditional release (~~order~~) was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the order must be converted to days of inpatient treatment.

(6) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

**Sec. 5.** RCW 71.34.020 and 2021 c 264 s 26 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a minor should be examined or treated as a patient in a hospital.

(2) "Adolescent" means a minor thirteen years of age or older.

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to, atypical antipsychotic medications.

(5) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health as meeting standards adopted under chapter 71.24 RCW.

(6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a minor patient.

(7) "Authority" means the Washington state health care authority.

(8) "Behavioral health administrative services organization" has the same meaning as provided in RCW 71.24.025.

(9) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder.

(10) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(11) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(12) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(13) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms.

(14) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105.

(15) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, such as a residential treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization.

(16) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(17) "Department" means the department of social and health services.

(18) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(19) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter.

(20) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant

working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department.

(21) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(22) "Director" means the director of the authority.

(23) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(24) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the state or federal agency does not require licensure or certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(25) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(26) "Gravely disabled minor" means a minor who, as a result of a behavioral health disorder, (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(27) "Habilitative services" means those services provided by program personnel to assist minors in acquiring and maintaining life skills and in raising their levels of physical, behavioral, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

(28) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.34.910.

(29) "History of one or more violent acts" refers to the period of time five years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term substance use disorder treatment facility, or in confinement as a result of a criminal conviction.

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which states:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(31) (a) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment facility licensed or certified by the department of health as an evaluation and treatment facility for minors, secure withdrawal management and stabilization facility for minors, or approved substance use disorder treatment program for minors.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "inpatient treatment" has the meaning included in (a) of this subsection and any other residential treatment facility licensed under chapter 71.12 RCW.

(32) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(33) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter.

(34) "Kinship caregiver" has the same meaning as in RCW 74.13.031(19) (a).

(35) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130.

(36) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor as a program of individualized treatment in a less restrictive setting than inpatient treatment (~~that~~). This term includes the services described in RCW 71.34.755, including residential treatment, and treatment pursuant to an assisted outpatient treatment order under RCW 71.34.815.

(37) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(38) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a minor upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm

will be inflicted by a minor upon another individual, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a minor upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The minor has threatened the physical safety of another and has a history of one or more violent acts.

(39) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(40) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder.

(41) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a mental disorder or substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a disability, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(42) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(43) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, social worker, and such other mental health professionals as defined by rules adopted by the secretary of the department of health under this chapter.

(44) "Minor" means any person under the age of eighteen years.

(45) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed or certified behavioral health agencies as identified by RCW 71.24.025.

(46) (a) "Parent" has the same meaning as defined in RCW 26.26A.010, including either parent if custody is shared under a joint custody agreement, or a person or agency judicially appointed as legal guardian or custodian of the child.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "parent" also includes a person to whom a parent defined in (a) of this subsection has given a signed authorization to make health care decisions for the adolescent, a stepparent who is involved in caring for the adolescent, a kinship caregiver who is involved in caring for the adolescent, or another relative who is responsible for the health care of the adolescent, who may be required to provide a

declaration under penalty of perjury stating that he or she is a relative responsible for the health care of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises between individuals authorized to act as a parent for the purpose of RCW 71.34.600 through 71.34.670, the disagreement must be resolved according to the priority established under RCW 7.70.065(2)(a).

(47) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(48) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW.

(49) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

(50) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(51) "Psychiatric nurse" means a registered nurse who has experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional.

(52) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(53) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(54) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(55) "Release" means legal termination of the commitment under the provisions of this chapter.

(56) "Resource management services" has the meaning given in chapter 71.24 RCW.

(57) "Responsible other" means the minor, the minor's parent or estate, or any other

person legally responsible for support of the minor.

(58) "Secretary" means the secretary of the department or secretary's designee.

(59) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health.

(60) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(61) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(62) "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment.

(63) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(64) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW.

(65) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction

over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties.

(66) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, the department of health, the authority, behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, the department of health, the authority, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(67) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility.

(68) "Video" means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology.

(69) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

(70) "In need of assisted outpatient treatment" refers to a minor who meets the criteria for assisted outpatient treatment established under RCW 71.34.815.

**Sec. 6.** RCW 71.34.020 and 2021 c 264 s 28 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a minor should be examined or treated as a patient in a hospital.

(2) "Adolescent" means a minor thirteen years of age or older.

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or

discontinued, and impairment of health or disruption of social or economic functioning.

(4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to, atypical antipsychotic medications.

(5) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health as meeting standards adopted under chapter 71.24 RCW.

(6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a minor patient.

(7) "Authority" means the Washington state health care authority.

(8) "Behavioral health administrative services organization" has the same meaning as provided in RCW 71.24.025.

(9) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder.

(10) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(11) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(12) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(13) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms.

(14) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105.

(15) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, such as a residential treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals

experiencing an acute crisis without the use of long-term hospitalization.

(16) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(17) "Department" means the department of social and health services.

(18) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(19) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter.

(20) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department.

(21) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(22) "Director" means the director of the authority.

(23) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(24) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the state or federal agency does not require licensure or certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(25) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(26) "Gravely disabled minor" means a minor who, as a result of a behavioral health disorder, (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(27) "Habilitative services" means those services provided by program personnel to assist minors in acquiring and maintaining life skills and in raising their levels of physical, behavioral, social, and vocational

functioning. Habilitative services include education, training for employment, and therapy.

(28) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.34.910.

(29) "History of one or more violent acts" refers to the period of time five years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term substance use disorder treatment facility, or in confinement as a result of a criminal conviction.

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which states:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(31) (a) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment facility licensed or certified by the department of health as an evaluation and treatment facility for minors, secure withdrawal management and stabilization facility for minors, or approved substance use disorder treatment program for minors.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "inpatient treatment" has the meaning included in (a) of this subsection and any other residential treatment facility licensed under chapter 71.12 RCW.

(32) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(33) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter.

(34) "Kinship caregiver" has the same meaning as in RCW 74.13.031(19)(a).

(35) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130.



(36) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor as a program of individualized treatment in a less restrictive setting than inpatient treatment (~~that~~). This term includes the services described in RCW 71.34.755, including residential treatment, and treatment pursuant to an assisted outpatient treatment order under RCW 71.34.815.

(37) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(38) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a minor upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a minor upon another individual, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a minor upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The minor has threatened the physical safety of another and has a history of one or more violent acts.

(39) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(40) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder.

(41) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a mental disorder or substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a disability, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(42) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(43) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, social worker, and such other mental health professionals as defined by rules adopted by the secretary of the department of health under this chapter.

(44) "Minor" means any person under the age of eighteen years.

(45) "Outpatient treatment" means any of the nonresidential services mandated under

chapter 71.24 RCW and provided by licensed or certified behavioral health agencies as identified by RCW 71.24.025.

(46)(a) "Parent" has the same meaning as defined in RCW 26.26A.010, including either parent if custody is shared under a joint custody agreement, or a person or agency judicially appointed as legal guardian or custodian of the child.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "parent" also includes a person to whom a parent defined in (a) of this subsection has given a signed authorization to make health care decisions for the adolescent, a stepparent who is involved in caring for the adolescent, a kinship caregiver who is involved in caring for the adolescent, or another relative who is responsible for the health care of the adolescent, who may be required to provide a declaration under penalty of perjury stating that he or she is a relative responsible for the health care of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises between individuals authorized to act as a parent for the purpose of RCW 71.34.600 through 71.34.670, the disagreement must be resolved according to the priority established under RCW 7.70.065(2)(a).

(47) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(48) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW.

(49) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

(50) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(51) "Psychiatric nurse" means a registered nurse who has experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional.

(52) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(53) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(54) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(55) "Release" means legal termination of the commitment under the provisions of this chapter.

(56) "Resource management services" has the meaning given in chapter 71.24 RCW.

(57) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(58) "Secretary" means the secretary of the department or secretary's designee.

(59) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health.

(60) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior.

(61) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(62) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program

offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(63) "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment.

(64) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(65) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW.

(66) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties.

(67) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, the department of health, the authority, behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, the department of health, the authority, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(68) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility.

(69) "Video" means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology.

(70) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

(71) "In need of assisted outpatient treatment" refers to a minor who meets the criteria for assisted outpatient treatment established under RCW 71.34.815.

**Sec. 7.** RCW 71.34.740 and 2020 c 302 s 92 are each amended to read as follows:

(1) A ~~((commitment))~~ hearing shall be held within ~~((one hundred twenty))~~ 120 hours of the minor's admission, excluding Saturday, Sunday, and holidays, or if the hearing is held on a petition filed under RCW 71.34.815, the hearing shall be held at a time scheduled under that section, unless a continuance is ordered under RCW 71.34.735.

(2) The ~~((commitment))~~ hearing shall be conducted at the superior court or an appropriate place at the facility in which the minor is being detained.

(3) At the ~~((commitment))~~ hearing, the evidence in support of the petition shall be presented by the county prosecutor.

(4) The minor shall be present at the ~~((commitment))~~ hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present at the hearing.

(5) If the parents are opposed to the petition, they may be represented at the hearing and shall be entitled to court-appointed counsel if they are indigent.

(6) At the ~~((commitment))~~ hearing, the minor shall have the following rights:

(a) To be represented by an attorney;

(b) To present evidence on his or her own behalf;

(c) To question persons testifying in support of the petition.

(7) If the ~~((hearing))~~ petition is ~~((for commitment))~~ for mental health treatment, the court at the time of the ~~((commitment))~~ hearing and before an order ~~((of commitment))~~ making findings is entered shall inform the minor both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.34.730 will result in the loss of his or her firearm rights if the minor is subsequently ~~((detained for))~~ ordered to receive involuntary treatment under this section.

(8) If the minor has received medication within ~~((twenty-four))~~ 24 hours of the hearing, the court shall be informed of that fact and of the probable effects of the medication.

(9) For a ~~((fourteen-day))~~ 14-day commitment, the court must find by a preponderance of the evidence that:

(a) The minor has a behavioral health disorder and presents a likelihood of serious harm or is gravely disabled;

(b) The minor is in need of evaluation and treatment of the type provided by the inpatient evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program to which continued inpatient care is sought or is in need of less restrictive alternative

treatment found to be in the best interests of the minor or others;

(c) The minor is unwilling or unable in good faith to consent to voluntary treatment; and

(d) If commitment is for a substance use disorder, there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the minor.

(10) ~~(a)~~ If the court finds that the minor meets the criteria for a ~~((fourteen-day))~~ 14-day commitment, the court shall either authorize commitment of the minor for inpatient treatment or for less restrictive alternative treatment upon such conditions as are necessary. If the court determines that the minor does not meet the criteria for a ~~((fourteen-day))~~ 14-day commitment, the minor shall be released.

(b) If the court finds by clear, cogent, and convincing evidence that the minor is in need of assisted outpatient treatment pursuant to a petition filed under RCW 71.34.815, the court shall order an appropriate less restrictive course of treatment for up to 18 months.

(11) (a) Nothing in this section prohibits the professional person in charge of the facility from releasing the minor at any time, when, in the opinion of the professional person in charge of the facility, further inpatient treatment is no longer necessary. The release may be subject to reasonable conditions if appropriate.

(b) Whenever a minor is released under this section, the professional person in charge shall within three days, notify the court in writing of the release.

(12) A minor who has been committed for fourteen days shall be released at the end of that period unless a petition for ~~((one hundred eighty-day))~~ 180-day commitment is pending before the court.

**Sec. 8.** RCW 71.34.740 and 2020 c 302 s 93 are each amended to read as follows:

(1) A ~~((commitment))~~ hearing shall be held within ~~((one hundred twenty))~~ 120 hours of the minor's admission, excluding Saturday, Sunday, and holidays, or if the hearing is held on a petition filed under RCW 71.34.815, the hearing shall be held at a time scheduled under that section, unless a continuance is ordered under RCW 71.34.735.

(2) The ~~((commitment))~~ hearing shall be conducted at the superior court or an appropriate place at the facility in which the minor is being detained.

(3) At the ~~((commitment))~~ hearing, the evidence in support of the petition shall be presented by the county prosecutor.

(4) The minor shall be present at the ~~((commitment))~~ hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present at the hearing.

(5) If the parents are opposed to the petition, they may be represented at the hearing and shall be entitled to court-appointed counsel if they are indigent.

(6) At the ~~((commitment))~~ hearing, the minor shall have the following rights:

(a) To be represented by an attorney;  
 (b) To present evidence on his or her own behalf;  
 (c) To question persons testifying in support of the petition.

(7) If the ~~((hearing))~~ petition is for ~~((commitment for))~~ mental health treatment, the court at the time of the ~~((commitment))~~ hearing and before an order ~~((of commitment))~~ making findings is entered shall inform the minor both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.34.730 will result in the loss of his or her firearm rights if the minor is subsequently ~~((detained for))~~ ordered to receive involuntary treatment under this section.

(8) If the minor has received medication within ~~((twenty-four))~~ 24 hours of the hearing, the court shall be informed of that fact and of the probable effects of the medication.

(9) For a ~~((fourteen-day))~~ 14-day commitment, the court must find by a preponderance of the evidence that:

(a) The minor has a behavioral health disorder and presents a likelihood of serious harm or is gravely disabled;

(b) The minor is in need of evaluation and treatment of the type provided by the inpatient evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program to which continued inpatient care is sought or is in need of less restrictive alternative treatment found to be in the best interests of the minor or others; and

(c) The minor is unwilling or unable in good faith to consent to voluntary treatment.

(10) (a) If the court finds that the minor meets the criteria for a ~~((fourteen-day))~~ 14-day commitment, the court shall either authorize commitment of the minor for inpatient treatment or for less restrictive alternative treatment upon such conditions as are necessary. If the court determines that the minor does not meet the criteria for a ~~((fourteen-day))~~ 14-day commitment, the minor shall be released.

(b) If the court finds by clear, cogent, and convincing evidence that the minor is in need of assisted outpatient treatment pursuant to a petition filed under RCW 71.34.815, the court shall order an appropriate less restrictive course of treatment for up to 18 months.

(11) (a) Nothing in this section prohibits the professional person in charge of the facility from releasing the minor at any time, when, in the opinion of the professional person in charge of the facility, further inpatient treatment is no longer necessary. The release may be subject to reasonable conditions if appropriate.

(b) Whenever a minor is released under this section, the professional person in charge shall within three days, notify the court in writing of the release.

(12) A minor who has been committed for fourteen days shall be released at the end of that period unless a petition for ~~((one hundred eighty-day))~~ 180-day commitment is pending before the court.

**Sec. 9.** RCW 71.34.780 and 2020 c 302 s 97 are each amended to read as follows:

(1) An agency or facility designated to monitor or provide less restrictive alternative treatment services to a minor under a court order or conditional release may take a range of actions to enforce the terms of the order or conditional release in the event the minor is not adhering to the terms or is experiencing substantial deterioration, decompensation, or a likelihood of serious harm. Such actions may include:

(a) Counseling the minor and offering incentives for compliance;

(b) Increasing the intensity of services;  
(c) Petitioning the court to review the minor's compliance and optionally modify the terms of the order or conditional release while the minor remains in outpatient treatment;

(d) To request assistance from a peace officer for temporarily detaining the minor for up to 12 hours for evaluation at a crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, facility providing services under a court order, or emergency department to determine if revocation or enforcement proceedings under this section are necessary and appropriate to stabilize the minor, if there has been a pattern of noncompliance or failure of reasonable attempts at outreach and engagement; or

(e) Initiation of revocation proceedings under subsection (2) of this section.

(2) If the professional person in charge of an outpatient treatment program, a designated crisis responder, or the director or secretary, as appropriate, determines that a minor is failing to adhere to the conditions of ~~((the))~~ a court order for less restrictive alternative treatment or the conditions ~~((for the))~~ of a conditional release, or that substantial deterioration in the minor's functioning has occurred, the designated crisis responder, or the director or secretary, as appropriate, may order that the minor be taken into custody and transported to an inpatient evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program. A secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the minor must be available.

~~((2))~~ (3) (a) The designated crisis responder, director, or secretary, as appropriate, shall file the order of apprehension and detention and serve it upon the minor and notify the minor's parent and the minor's attorney, if any, of the detention within two days of return. At the time of service the minor shall be informed of the right to a hearing and to representation by an attorney. The designated crisis responder or the director or secretary, as appropriate, may modify or rescind the order of apprehension and detention at any time prior to the hearing.

(b) If the minor is involuntarily detained for revocation at an evaluation and treatment facility, secure withdrawal

management and stabilization facility, or approved substance use disorder treatment program in a different county from where the minor was initially detained, the facility or program may file the order of apprehension, serve it on the minor and notify the minor's parents and the minor's attorney at the request of the designated crisis responder.

~~((3))~~(4) A petition for revocation of less restrictive alternative treatment shall be filed by the designated crisis responder or the director, secretary, or facility, as appropriate, with the court in the county where the minor is detained. The court shall conduct the hearing in that county. A petition for revocation of conditional release must be filed in the county where the minor is detained. A petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation. The hearing shall be held within seven days of the minor's return. The issues to be determined are whether the minor did or did not adhere to the conditions of the less restrictive alternative treatment or conditional release, or whether the minor's routine functioning has substantially deteriorated, and, if so, whether the conditions of less restrictive alternative treatment or conditional release should be modified or, subject to subsection ~~((4))~~(5) of this section, whether the ~~(minor)~~ court should ~~(be returned to)~~ order the minor's detention for inpatient treatment. Pursuant to the determination of the court, the minor shall be returned to less restrictive alternative treatment or conditional release on the same or modified conditions or shall be ~~(returned to)~~ detained for inpatient treatment. If the minor is ~~(returned to)~~ detained for inpatient treatment, RCW 71.34.760 regarding the director's placement responsibility shall apply. The hearing may be waived by the minor and the minor ~~(returned to)~~ detained for inpatient treatment or returned to less restrictive alternative treatment or conditional release on the same or modified conditions. If the court orders detention for inpatient treatment, the treatment period must be for 14 days from the revocation hearing if the less restrictive alternative treatment order was based on a petition under RCW 71.34.740 or 71.34.815. The minor must return to less restrictive alternative treatment under the order at the end of the 14-day period unless a petition for further treatment is filed under RCW 71.34.750 or the minor accepts voluntary treatment. If the court orders detention for inpatient treatment and the less restrictive alternative treatment order or conditional release was based on a petition under RCW 71.34.750, the number of days remaining on the less restrictive alternative treatment order or conditional release must be converted to days of inpatient treatment.

~~((4))~~(5) A court may not order the ~~(return)~~ placement of a minor to inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is a secure withdrawal

management and stabilization facility or approved substance use disorder treatment program available with adequate space for the minor.

**Sec. 10.** RCW 71.34.780 and 2020 c 302 s 98 are each amended to read as follows:

(1) An agency or facility designated to monitor or provide less restrictive alternative treatment services to a minor under a court order or conditional release may take a range of actions to enforce the terms of the order or conditional release in the event the minor is not adhering to the terms or is experiencing substantial deterioration, decompensation, or a likelihood of serious harm. Such actions may include:

(a) Counseling the minor and offering incentives for compliance;

(b) Increasing the intensity of services;

(c) Petitioning the court to review the minor's compliance and optionally modify the terms of the order or conditional release while the minor remains in outpatient treatment;

(d) To request assistance from a peace officer for temporarily detaining the minor for up to 12 hours for evaluation at a crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, facility providing services under a court order, or emergency department to determine if revocation or enforcement proceedings under this section are necessary and appropriate to stabilize the minor, if there has been a pattern of noncompliance or failure of reasonable attempts at outreach and engagement; or

(e) Initiation of revocation proceedings under subsection (2) of this section.

(2) If the professional person in charge of an outpatient treatment program, a designated crisis responder, or the director or secretary, as appropriate, determines that a minor is failing to adhere to the conditions of ~~(the)~~ a court order for less restrictive alternative treatment or the conditions ~~(for the)~~ of conditional release, or that substantial deterioration in the minor's functioning has occurred, the designated crisis responder, or the director or secretary, as appropriate, may order that the minor be taken into custody and transported to an inpatient evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program.

~~((2))~~(3)(a) The designated crisis responder, director, or secretary, as appropriate, shall file the order of apprehension and detention and serve it upon the minor and notify the minor's parent and the minor's attorney, if any, of the detention within two days of return. At the time of service the minor shall be informed of the right to a hearing and to representation by an attorney. The designated crisis responder or the director or secretary, as appropriate, may modify or rescind the order of apprehension and detention at any time prior to the hearing.

(b) If the minor is involuntarily detained for revocation at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the minor was initially detained, the facility or program may file the order of apprehension, serve it on the minor and notify the minor's parents and the minor's attorney at the request of the designated crisis responder.

~~((3))~~(4) A petition for revocation of less restrictive alternative treatment shall be filed by the designated crisis responder or the director, secretary, or facility, as appropriate, with the court in the county where the minor is detained. The court shall conduct the hearing in that county. A petition for revocation of conditional release must be filed in the county where the minor is detained. A petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation. The hearing shall be held within seven days of the minor's return. The issues to be determined are whether the minor did or did not adhere to the conditions of the less restrictive alternative treatment or conditional release, or whether the minor's routine functioning has substantially deteriorated, and, if so, whether the conditions of less restrictive alternative treatment or conditional release should be modified or whether the ~~(minor)~~court should ~~((be returned to))~~order the minor's detention for inpatient treatment. Pursuant to the determination of the court, the minor shall be returned to less restrictive alternative treatment or conditional release on the same or modified conditions or shall be ~~((returned to))~~detained for inpatient treatment. If the minor is ~~((returned to))~~detained for inpatient treatment, RCW 71.34.760 regarding the director's placement responsibility shall apply. The hearing may be waived by the minor and the minor ~~((returned to))~~detained for inpatient treatment or returned to less restrictive alternative treatment or conditional release on the same or modified conditions. If the court orders detention for inpatient treatment, the treatment period must be for 14 days from the revocation hearing if the less restrictive alternative treatment order was based on a petition under RCW 71.34.740 or 71.34.815. The minor must return to less restrictive alternative treatment under the order at the end of the 14-day period unless a petition for further treatment is filed under RCW 71.34.750 or the minor accepts voluntary treatment. If the court orders detention for inpatient treatment and the less restrictive alternative treatment order or conditional release was based on a petition under RCW 71.34.750, the number of days remaining on the less restrictive alternative treatment order or conditional release must be converted to days of inpatient treatment.

**Sec. 11.** RCW 71.34.815 and 2022 c 210 s 4 are each amended to read as follows:

(1) An adolescent is in need of assisted outpatient treatment if the court finds by clear, cogent, and convincing evidence in response to a petition filed under this section that:

(a) The adolescent has a behavioral health disorder;

(b) Based on a clinical determination and in view of the adolescent's treatment history and current behavior, at least one of the following is true:

(i) The adolescent is unlikely to survive safely in the community without supervision and the adolescent's condition is substantially deteriorating; or

(ii) The adolescent is in need of assisted outpatient treatment in order to prevent a relapse or deterioration that would be likely to result in grave disability or a likelihood of serious harm to the adolescent or to others;

(c) The adolescent has a history of lack of compliance with treatment for his or her behavioral health disorder that has:

(i) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating hospitalization of the adolescent, or the adolescent's receipt of services in a forensic or other mental health unit of a state ~~((correctional))~~juvenile rehabilitation facility or local ~~((correctional))~~juvenile detention facility, provided that the 36-month period shall be extended by the length of any hospitalization or incarceration of the adolescent that occurred within the 36-month period;

(ii) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating emergency medical care or hospitalization for behavioral health-related medical conditions including overdose, infected abscesses, sepsis, endocarditis, or other maladies, or a significant factor in behavior which resulted in the adolescent's incarceration in a state or local correctional facility; or

(iii) Resulted in one or more violent acts, threats, or attempts to cause serious physical harm to the adolescent or another within the 48 months prior to the filing of the petition, provided that the 48-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred during the 48-month period;

(d) Participation in an assisted outpatient treatment program would be the least restrictive alternative necessary to ensure the adolescent's recovery and stability; and

(e) The adolescent will benefit from assisted outpatient treatment.

(2) The following individuals may directly file a petition for less restrictive alternative treatment on the basis that an adolescent is in need of assisted outpatient treatment:

(a) The director of a hospital where the adolescent is hospitalized or the director's designee;

(b) The director of a behavioral health service provider providing behavioral health

care or residential services to the adolescent or the director's designee;

(c) The adolescent's treating mental health professional or substance use disorder professional or one who has evaluated the person;

(d) A designated crisis responder;

(e) A release planner from a juvenile detention or rehabilitation facility; or

(f) An emergency room physician.

(3) A court order for less restrictive alternative treatment on the basis that the adolescent is in need of assisted outpatient treatment may be effective for up to 18 months, unless the adolescent is currently detained for inpatient treatment for 14 days or more under RCW 71.34.740 or 71.34.750, in which case the order may be effective for 180 days. The petitioner must personally interview the adolescent, unless the adolescent refuses an interview, to determine whether the adolescent will voluntarily receive appropriate treatment.

(4) The petitioner must allege specific facts based on personal observation, evaluation, or investigation, and must consider the reliability or credibility of any person providing information material to the petition.

(5) The petition must include:

(a) A statement of the circumstances under which the adolescent's condition was made known and the basis for the opinion, from personal observation or investigation, that the adolescent is in need of assisted outpatient treatment. The petitioner must state which specific facts come from personal observation and specify what other sources of information the petitioner has relied upon to form this belief;

(b) A declaration from a physician, physician assistant, or advanced registered nurse practitioner, ~~((or))~~ the adolescent's treating mental health professional or substance use disorder professional, or in the case of a person enrolled in treatment in a behavioral health agency, the person's behavioral health case manager, who has examined the adolescent no more than 10 days prior to the submission of the petition and who is willing to testify in support of the petition, or who alternatively has made appropriate attempts to examine the adolescent within the same period but has not been successful in obtaining the adolescent's cooperation, and who is willing to testify to the reasons they believe that the adolescent meets the criteria for assisted outpatient treatment ~~((. If the declaration is provided by the adolescent's treating mental health professional or substance use disorder professional, it must be cosigned by a supervising physician, physician assistant, or advanced registered nurse practitioner who certifies that they have reviewed the declaration))~~;

(c) The declarations of additional witnesses, if any, supporting the petition for assisted outpatient treatment;

(d) The name of an agency, provider, or facility that agrees to provide less restrictive alternative treatment if the petition is granted by the court; and

(e) If the adolescent is detained in a state hospital, inpatient treatment facility, or juvenile detention or

rehabilitation facility at the time the petition is filed, the anticipated release date of the adolescent and any other details needed to facilitate successful reentry and transition into the community.

(6) (a) Upon receipt of a petition meeting all requirements of this section, the court shall fix a date for a hearing:

(i) No sooner than three days or later than seven days after the date of service or as stipulated by the parties or, upon a showing of good cause, no later than 30 days after the date of service; or

(ii) If the adolescent is hospitalized at the time of filing of the petition, before discharge of the adolescent and in sufficient time to arrange for a continuous transition from inpatient treatment to assisted outpatient treatment.

(b) A copy of the petition and notice of hearing shall be served, in the same manner as a summons, on the petitioner, the adolescent, the qualified professional whose affidavit accompanied the petition, a current provider, if any, and a surrogate decision maker or agent under chapter 71.32 RCW, if any.

(c) If the adolescent has a surrogate decision maker or agent under chapter 71.32 RCW who wishes to provide testimony at the hearing, the court shall afford the surrogate decision maker or agent an opportunity to testify.

(d) The adolescent shall be represented by counsel at all stages of the proceedings.

(e) If the adolescent fails to appear at the hearing after notice, the court may conduct the hearing in the adolescent's absence; provided that the adolescent's counsel is present.

(f) If the adolescent has refused to be examined by the qualified professional whose affidavit accompanied the petition, the court may order a mental examination of the adolescent. The examination of the adolescent may be performed by the qualified professional whose affidavit accompanied the petition. If the examination is performed by another qualified professional, the examining qualified professional shall be authorized to consult with the qualified professional whose affidavit accompanied the petition.

(g) If the adolescent has refused to be examined by a qualified professional and the court finds reasonable grounds to believe that the allegations of the petition are true, the court may issue a written order directing a peace officer who has completed crisis intervention training to detain and transport the adolescent to a provider for examination by a qualified professional. An adolescent detained pursuant to this subsection shall be detained no longer than necessary to complete the examination and in no event longer than 24 hours. All papers in the court file must be provided to the adolescent's designated attorney.

(7) If the petition involves an adolescent whom the petitioner or behavioral health administrative services organization knows, or has reason to know, is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the behavioral health administrative services organization shall

notify the tribe and Indian health care provider. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible.

(8) A petition for assisted outpatient treatment filed under this section shall be adjudicated under RCW 71.34.740.

(9) ~~((After January 1, 2023, a))~~ A petition for assisted outpatient treatment must be filed on forms developed by the administrative office of the courts.

**NEW SECTION. Sec. 12.** Sections 3, 7, and 9 of this act expire July 1, 2026.

**NEW SECTION. Sec. 13.** Sections 4, 8, and 10 of this act take effect July 1, 2026.

**Sec. 14.** 2021 c 264 s 29 (uncodified) is amended to read as follows:

(1) Sections 64 and 81, chapter 302, Laws of 2020 ~~((and, until July 1, 2022, section 27, chapter 264, Laws of 2021 and, beginning July 1, 2022)),~~ section 28, chapter 264, Laws of 2021, and section 6, chapter . . . , Laws of 2023 (section 6 of this act) take effect when the average wait time for children's long-term inpatient placement admission is 30 days or less for two consecutive quarters.

(2) The health care authority must provide written notice of the effective date of sections 64 and 81, chapter 302, Laws of 2020 ~~((and))~~, section((s—27—and)) 28, chapter 264, Laws of 2021, and section 6, chapter . . . , Laws of 2023 (section 6 of this act) to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority."

Correct the title.

Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation.  
Signed by Representative Walsh, Ranking Minority Member.

Referred to Committee on Appropriations

March 29, 2023

**ESSB 5152** Prime Sponsor, State Government & Elections: Defining synthetic media in campaigns for elective office, and providing relief for candidates and campaigns. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The definitions used in chapter 42.17A RCW apply throughout this chapter unless the context clearly requires otherwise.

**NEW SECTION. Sec. 2.** (1) For purposes of this section "synthetic media" means an image, an audio recording, or a video recording of an individual's appearance, speech, or conduct that has been intentionally manipulated with the use of generative adversarial network techniques or other digital technology in a manner to create a realistic but false image, audio, or video that produces:

(a) A depiction that to a reasonable individual is of a real individual in appearance, action, or speech that did not actually occur in reality; and

(b) A fundamentally different understanding or impression of the appearance, action, or speech than a reasonable person would have from the unaltered, original version of the image, audio recording, or video recording.

(2) A candidate whose appearance, action, or speech is altered through the use of a synthetic media in an electioneering communication may seek injunctive or other equitable relief prohibiting the publication of such synthetic media.

(3) A candidate whose appearance, action, or speech is altered through the use of a synthetic media in an electioneering communication may bring an action for general or special damages against the sponsor. The court may also award a prevailing party reasonable attorneys' fees and costs. This subsection does not limit or preclude a plaintiff from securing or recovering any other available remedy.

(4) It is an affirmative defense for any action brought under this section that the electioneering communication containing a synthetic media includes a disclosure stating, "This (image/video/audio) has been manipulated," in the following manner:

(a) For visual media, the text of the disclosure must appear in size easily readable by the average viewer and no smaller than the largest font size of other text appearing in the visual media. If the visual media does not include any other text, the disclosure must appear in a size that is easily readable by the average viewer. For visual media that is a video, the disclosure must appear for the duration of the video; or

(b) If the media consists of audio only, the disclosure must be read in a clearly spoken manner and in a pitch that can be easily heard by the average listener, at the beginning of the audio, at the end of the audio, and, if the audio is greater than two minutes in length, interspersed within the audio at intervals of not more than two minutes each.

(5) In any action commenced under this section, the plaintiff bears the burden of establishing the use of synthetic media by clear and convincing evidence.

(6) An action under this section takes precedence over other cases, and must be speedily heard and determined.

**NEW SECTION. Sec. 3.** (1) For an action brought under section 2 of this act, the sponsor of the electioneering communication may be held liable, and not the medium disseminating the electioneering



communication except as provided in subsection (2) of this section.

(2) Except when a licensee, programmer, or operator of a federally licensed broadcasting station transmits an electioneering communication that is subject to 47 U.S.C. Sec. 315, a medium may be held liable in a cause of action brought under section 2 of this act if:

(a) The medium removes any disclosure described in section 2(4) of this act from the electioneering communication it disseminates; or

(b) Subject to affirmative defenses described in section 2 of this act, the medium changes the content of an electioneering communication such that it qualifies as synthetic media, as defined in section 2 of this act.

(3)(a) No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider. However, an interactive computer service may be held liable in accordance with subsection (2) of this section.

(b) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.

(c) "Information content provider" means any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the internet or any other interactive computer service.

NEW SECTION. **Sec. 4.** The public disclosure commission must adopt rules in furtherance of the purpose of this chapter. Nothing in this chapter constitutes a violation under chapter 42.17A RCW, or otherwise authorizes the public disclosure commission to take action under RCW 42.17A.755.

NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act constitute a new chapter in Title 42 RCW.

NEW SECTION. **Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Low.

Referred to Committee on Rules for second reading

March 28, 2023

SB 5153

Prime Sponsor, Senator Valdez: Concerning uniform disclosure of records related to future voters and making conforming amendments related to participation of future voters in state primaries. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.08 RCW to read as follows:

Information that is otherwise disclosable under this chapter cannot be disclosed for a future voter until the person reaches 18 years of age, or until the person is eligible to participate in the next presidential primary, primary, or election. This information is exempt from public inspection and copying under chapter 42.56 RCW. Information may be disclosed for the purpose of processing and delivering ballots.

**Sec. 2.** RCW 29A.04.070 and 2018 c 109 s 2 are each amended to read as follows:

"Future voter" means a United States citizen and Washington state resident, age sixteen or seventeen, who (~~wishes to provide~~) has provided information related to voter registration to the appropriate state agencies.

**Sec. 3.** RCW 29A.08.170 and 2020 c 208 s 15 are each amended to read as follows:

(1) A person may sign up to register to vote if he or she is sixteen or seventeen years of age, as part of the future voter program.

(2) A person who signs up to register to vote may not vote until reaching eighteen years of age unless the person is seventeen years of age at the primary election or presidential primary election and will be eighteen years of age by the general election.

(3) A person who signs up to register to vote may not be added to the statewide voter registration (~~database~~) list of voters until such time as he or she will be eligible to vote in the next election.

**Sec. 4.** RCW 29A.08.174 and 2020 c 208 s 17 are each amended to read as follows:

(1) A person who has attained sixteen years of age and has a valid Washington state driver's license or identocard may sign up to register to vote as part of the future voter program, by submitting a voter registration application electronically on the secretary of state (~~LS~~) website.

(2) The applicant must attest to the truth of the information provided on the application by affirmatively accepting the information as true.

(3) If signing up to register electronically, the applicant must affirmatively assent to the use of his or her driver's license or identicaid signature for voter registration purposes.

(4) The applicant must affirmatively acknowledge that he or she will not vote in a special or general election until his or her eighteenth birthday, and will only vote in a primary election or presidential primary election if he or she will be eighteen years of age by the general election.

(5) For each electronic registration application, the secretary of state must obtain a digital copy of the applicant's driver's license or identicaid signature from the department of licensing.

(6) The secretary of state may employ additional security measures to ensure the accuracy and integrity of voter preregistration applications submitted electronically.

**Sec. 5.** RCW 29A.08.330 and 2020 c 208 s 5 are each amended to read as follows:

(1) The secretary of state shall prescribe the method of voter registration for each designated agency. The agency shall use either the state voter registration by mail form with a separate declination form for the applicant to indicate that he or she declines to register at this time, or the agency may use a separate form approved for use by the secretary of state.

(2) The person providing service at the agency shall offer voter registration services to every client whenever he or she applies for service or assistance and with each renewal, recertification, or change of address. The person providing service shall give the applicant the same level of assistance with the voter registration application as is offered to fill out the agency's forms and documents, including information about age and citizenship requirements for voter registration.

(3) The person providing service at the agency shall determine if the prospective applicant wants to register to vote or update his or her voter registration by asking the following question:

"Do you want to register or sign up to vote or update your voter registration?"

If the applicant chooses to register, sign up, or update a registration, the service agent shall ask the following:

(a) "Are you a United States citizen?"

(b) "Are you at least sixteen years old?"

If the applicant answers in the affirmative to both questions, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to sign up to vote, register to vote, or update a voter registration. If the applicant answers in the negative to either question, the agent shall not provide the applicant with a voter registration application.

(4) If an agency uses a computerized application process, it may, in consultation with the secretary of state, develop methods

to capture simultaneously the information required for voter registration during a person's computerized application process.

(5) Each designated agency shall transmit the applications to the secretary of state or appropriate county auditor within three business days and must be received by the election official by the required voter registration deadline.

~~(6) ((Information that is otherwise disclosable under this chapter cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.))~~ Disclosure of information on individuals under the age of 18 is subject to section 1 of this act.

**Sec. 6.** RCW 29A.08.615 and 2018 c 109 s 9 are each amended to read as follows:

(1) Registered voters are divided into two categories, "active" and "inactive." All registered voters are classified as active, unless assigned to inactive status by the county auditor.

(2) Persons signing up to register to vote as future voters as defined under RCW 29A.04.070 are classified as "pending" until the person will be at least eighteen years of age by the next election, or eligible to participate in the next presidential primary or primary under RCW 29A.08.110 or 29A.08.170.

**Sec. 7.** RCW 29A.08.710 and 2018 c 109 s 10 are each amended to read as follows:

(1) The county auditor shall have custody of the original voter registration records and voter registration sign up records for each county. The original voter registration form must be filed without regard to precinct and is considered confidential and unavailable for public inspection and copying. An automated file of all registered voters must be maintained pursuant to RCW 29A.08.125. An auditor may maintain the automated file in lieu of filing or maintaining the original voter registration forms if the automated file includes all of the information from the original voter registration forms including, but not limited to, a retrievable facsimile of each voter's signature.

(2) (a) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying, except as provided in RCW 40.24.060 and (b) of this subsection: The voter's name, address, political jurisdiction, gender, date of birth, voting record, date of registration, and registration number. No other information from voter registration records or files is available for public inspection or copying.

~~(b) ((The personally identifiable information of individuals who are under the age of eighteen are exempt from public inspection and copying until the subject of the record is eighteen years of age, except for the purpose of processing and delivering ballots.))~~ Disclosure of information on individuals under the age of 18 is subject to section 1 of this act.

**Sec. 8.** RCW 29A.08.720 and 2018 c 110 s 206 and 2018 c 109 s 11 are each reenacted and amended to read as follows:

(1) In the case of voter registration records received through the health benefit exchange, the department of licensing, or an agency designated under RCW 29A.08.310, the identity of the office or agency at which any particular individual registered to vote must be used only for voter registration purposes, is not available for public inspection, and shall not be disclosed to the public. Any record of a particular individual's choice not to register to vote at an office of the department of licensing or a state agency designated under RCW 29A.08.310 is not available for public inspection and any information regarding such a choice by a particular individual shall not be disclosed to the public. ~~((Information that is otherwise disclosable under this chapter cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.))~~

(2) Disclosure of information on individuals under the age of 18 is subject to section 1 of this act.

(3)(a) Subject to the restrictions of RCW 29A.08.710 and 40.24.060, and (b) of this subsection, precinct lists and current lists of registered voters are public records and must be made available for public inspection and copying under such reasonable rules and regulations as the county auditor or secretary of state may prescribe. The county auditor or secretary of state shall promptly furnish current lists of registered voters in his or her possession, at actual reproduction cost, to any person requesting such information. The lists shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the lists and labels may be used for any political purpose. The county auditor or secretary of state must provide a copy of RCW 29A.08.740 to the person requesting the material that is released under this section.

(b) ~~((The personally identifiable information of individuals who are under the age of eighteen are exempt from public inspection and copying until the subject of the record is eighteen years of age, except for the purpose of processing and delivering ballots.))~~

(3)) Disclosure of information on individuals under the age of 18 is subject to section 1 of this act.

(4) For the purposes of this section, "political purpose" means a purpose concerned with the support of or opposition to any candidate for any partisan or nonpartisan office or concerned with the support of or opposition to any ballot proposition or issue. "Political purpose" includes, but is not limited to, such activities as the advertising for or against any candidate or ballot measure or the solicitation of financial support.

**Sec. 9.** RCW 29A.08.760 and 2018 c 109 s 12 are each amended to read as follows:

The secretary of state shall provide a duplicate copy of the master statewide computer file or electronic data file of registered voters to the consolidated technology services agency for purposes of creating the jury source list without cost. The information contained in a voter registration application is exempt from inclusion until the applicant reaches age eighteen. ~~((Information that is otherwise disclosable under this chapter cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.))~~ Disclosure of information on individuals under the age of 18 is subject to section 1 of this act. Restrictions as to the commercial use of the information on the statewide computer ~~((tape or))~~ data file of registered voters, and penalties for its misuse, shall be the same as provided in RCW 29A.08.720 and 29A.08.740.

**Sec. 10.** RCW 29A.08.770 and 2018 c 109 s 19 are each amended to read as follows:

The secretary of state and each county auditor shall maintain for at least two years and shall make available for public inspection and copying all records concerning the implementation of programs and activities conducted for the purpose of insuring the accuracy and currency of official lists of eligible voters. These records must include lists of the names and addresses of all persons to whom notices are sent and information concerning whether or not each person has responded to the notices. These records must contain lists of all persons removed from the list of eligible voters and the reasons why the voters were removed. ~~((The personally identifiable information of individuals who are under the age of eighteen are exempt from public inspection and copying until the subject of the record is eighteen years of age, except for the purpose of processing and delivering ballots.))~~ Disclosure of information on individuals under the age of 18 is subject to section 1 of this act.

**Sec. 11.** RCW 29A.80.041 and 2020 c 208 s 19 are each amended to read as follows:

(1) Any member of a major political party who is a registered voter in the precinct and who will be at least eighteen years old by the date of the precinct committee officer election may file his or her declaration of candidacy as prescribed under RCW 29A.24.031 with the county auditor for the office of precinct committee officer of his or her party in that precinct.

(2) Disclosure of filing information for precinct committee officer candidates who have not reached the age of 18 is the same as all candidates for precinct committee officer.

(3) When elected at the primary, the precinct committee officer shall serve so long as the committee officer remains an eligible voter in that precinct.

**Sec. 12.** RCW 46.20.155 and 2018 c 109 s 15 are each amended to read as follows:

(1) Before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or update his or her voter registration by asking the following question:

"Do you want to register or sign up to vote or update your voter registration?"

If the applicant chooses to register, sign up, or update a registration, the agent shall ask the following:

(1) "Are you a United States citizen?"

(2) "Are you at least eighteen years old or are you at least sixteen years old and will you vote only after you turn eighteen?"

If the applicant answers in the affirmative to both questions, the agent shall then submit the registration, sign up form, or update. If the applicant answers in the negative to either question, the agent shall not submit an application.

(2) Information that is otherwise disclosable under chapter 29A.08 RCW cannot be disclosed ~~((on the))~~ for a future voter until the person reaches eighteen years of age (~~(, except))~~ or until the person is eligible to participate in the next presidential primary, primary, or election, or for the purpose of processing and delivering ballots.

~~((+2))~~ (3) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce.

**Sec. 13.** RCW 46.20.155 and 2020 c 208 s 8 are each amended to read as follows:

(1) Before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or update his or her voter registration by asking the following question:

"Do you want to register or sign up to vote or update your voter registration?"

If the applicant chooses to register, sign up, or update a registration, the agent shall ask the following:

~~((1))~~ "Are you a United States citizen?"

~~((2) "Are you at least sixteen years old?")~~

If the applicant answers in the affirmative ~~((to both questions))~~, the agent shall then submit the registration, sign up form, or update. If the applicant answers in the negative to ~~((either))~~ the question, the agent shall not submit an application.

(2) Information that is otherwise disclosable under chapter 29A.08 RCW cannot be disclosed ~~((on the))~~ for a future voter until the person reaches eighteen years of age (~~(, except))~~ or until the person is eligible to participate in the next presidential primary, primary, or election,

or for the purpose of processing and delivering ballots.

~~((+2))~~ (3) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce.

**Sec. 14.** RCW 42.56.230 and 2021 c 89 s 1 are each amended to read as follows:

The following personal information is exempt from public inspection and copying under this chapter:

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;

(2)(a) Personal information:

(i) For a child enrolled in licensed child care in any files maintained by the department of children, youth, and families;

(ii) For a child enrolled in a public or nonprofit program serving or pertaining to children, adolescents, or students, including but not limited to early learning or child care services, parks and recreation programs, youth development programs, and after-school programs;

(iii) For the family members or guardians of a child who is subject to the exemption under this subsection (2) if the family member or guardian has the same last name as the child or if the family member or guardian resides at the same address as the child and disclosure of the family member's or guardian's information would result in disclosure of the personal information exempted under (a)(i) and (ii) of this subsection; or

(iv) For substitute caregivers who are licensed or approved to provide overnight care of children by the department of children, youth, and families.

(b) Emergency contact information under this subsection (2) may be provided to appropriate authorities and medical personnel for the purpose of treating the individual during an emergency situation;

(3) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy;

(4) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would: (a) Be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance authorized under RCW 35.102.145; or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer;

(5) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial information as defined in RCW 9.35.005 including social security numbers, except when disclosure is expressly required by or governed by other law;

(6) Personal and financial information related to a small loan or any system of authorizing a small loan in RCW 31.45.093;

(7) (a) Any record used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicaid.

(b) Information provided under RCW 46.20.111 that indicates that an applicant declined to register with the selective service system.

(c) Any record pertaining to a vehicle license plate, driver's license, or identicaid issued under RCW 46.08.066 that, alone or in combination with any other records, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement, confidential public health work, public assistance fraud, or child support investigative activity. This exemption does not prevent the release of the total number of vehicle license plates, drivers' licenses, or identicards that, under RCW 46.08.066, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse.

(d) Any record pertaining to a vessel registration issued under RCW 88.02.330 that, alone or in combination with any other records, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement activity. This exemption does not prevent the release of the total number of vessel registrations that, under RCW 88.02.330, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse.

Upon request by the legislature, the department of licensing shall provide a report to the legislature containing all of the information in (c) of this subsection (7) and this subsection (7)(d) that is subject to public disclosure;

(8) All information related to individual claim resolution settlement agreements submitted to the board of industrial insurance appeals under RCW 51.04.063, other than final orders from the board of industrial insurance appeals. The board of industrial insurance appeals shall provide to the department of labor and industries copies of all final claim resolution settlement agreements;

(9) Voluntarily submitted information contained in a database that is part of or associated with enhanced 911 emergency communications systems, or information contained or used in emergency notification systems as provided under RCW 38.52.575 and 38.52.577;

~~(10) ((Until the person reaches eighteen years of age, information, otherwise disclosable under chapter 29A.08 RCW, that relates to a future voter, except for the purpose of processing and delivering ballots)) Information relating to a future voter, as provided in section 1 of this act;~~

(11) All information submitted by a person to the state, either directly or through a state-licensed gambling establishment, or Indian tribes, or tribal enterprises that own gambling operations or facilities with class III gaming compacts, as part of the self-exclusion program established in RCW 9.46.071 or 67.70.040 for

people with a gambling problem or gambling disorder; and

(12) Names, addresses, or other personal information of individuals who participated in the bump-fire stock buy-back program under RCW 43.43.920.

**Sec. 15.** RCW 42.56.250 and 2020 c 106 s 1 are each amended to read as follows:

The following employment and licensing information is exempt from public inspection and copying under this chapter:

(1) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination;

(2) All applications for public employment other than for vacancies in elective office, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;

(3) Professional growth plans (PGPs) in educator license renewals submitted through the eCert system in the office of the superintendent of public instruction;

(4) The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, driver's license numbers, identicaid numbers, payroll deductions including the amount and identification of the deduction, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency. For purposes of this subsection, "employees" includes independent provider home care workers as defined in RCW 74.39A.240;

(5) Information that identifies a person who, while an agency employee: (a) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (b) requests his or her identity or any identifying information not be disclosed;

(6) Investigative records compiled by an employing agency in connection with an investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws or an employing agency's internal policies prohibiting discrimination or harassment in employment. Records are exempt in their entirety while the investigation is active and ongoing. After the agency has notified the complaining employee of the outcome of the investigation, the records may be disclosed only if the names of complainants, other accusers, and witnesses are redacted, unless a complainant, other accuser, or witness has consented to the

disclosure of his or her name. The employing agency must inform a complainant, other accuser, or witness that his or her name will be redacted from the investigation records unless he or she consents to disclosure;

(7) Criminal history records checks for board staff finalist candidates conducted pursuant to RCW 43.33A.025;

(8) Photographs and month and year of birth in the personnel files of employees or volunteers of a public agency, including employees and workers of criminal justice agencies as defined in RCW 10.97.030. The news media, as defined in RCW 5.68.010(5), shall have access to the photographs and full date of birth. For the purposes of this subsection, news media does not include any person or organization of persons in the custody of a criminal justice agency as defined in RCW 10.97.030;

(9) The global positioning system data that would indicate the location of the residence of a public employee or volunteer using the global positioning system recording device;

(10) ~~((Until the person reaches eighteen years of age, information, otherwise disclosable under chapter 29A.08 RCW, that relates to a future voter, except for the purpose of processing and delivering ballots))~~ Information relating to a future voter, as provided in section 1 of this act; and

(11) Voluntarily submitted information collected and maintained by a state agency or higher education institution that identifies an individual state employee's personal demographic details. "Personal demographic details" means race or ethnicity, sexual orientation as defined by RCW 49.60.040 ~~((+26))~~ (27), immigration status, national origin, or status as a person with a disability. This exemption does not prevent the release of state employee demographic information in a deidentified or aggregate format.

(12) Upon receipt of a request for information located exclusively in an employee's personnel, payroll, supervisor, or training file, the agency must provide notice to the employee, to any union representing the employee, and to the requestor. The notice must state:

(a) The date of the request;

(b) The nature of the requested record relating to the employee;

(c) That the agency will release any information in the record which is not exempt from the disclosure requirements of this chapter at least ten days from the date the notice is made; and

(d) That the employee may seek to enjoin release of the records under RCW 42.56.540.

**NEW SECTION. Sec. 16.** RCW 29A.08.375 (Automatic registration—Rule-making authority) and 2018 c 110 s 207 are each repealed.

**NEW SECTION. Sec. 17.** Section 12 of this act expires September 1, 2023.

**NEW SECTION. Sec. 18.** Section 13 of this act takes effect September 1, 2023."

Correct the title.

Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Without recommendation. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; and Low.

Referred to Committee on Rules for second reading

March 28, 2023

**ESSB 5173**

Prime Sponsor, Law & Justice: Concerning property exempt from execution. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 6.15.010 and 2021 c 50 s 2 are each amended to read as follows:

(1) Except as provided in RCW 6.15.050, the following personal property is exempt from execution, attachment, and garnishment:

(a) All wearing apparel of every individual and family, but not to exceed ~~((three thousand five hundred dollars))~~ \$3,500 in value in furs, jewelry, and personal ornaments for any individual.

(b) All private libraries including electronic media, which includes audiovisual, entertainment, or reference media in digital or analogue format, of every individual, but not to exceed ~~((three thousand five hundred dollars))~~ \$3,500 in value, and all family pictures and keepsakes.

(c) A cell phone, personal computer, and printer.

(d) To each individual or, as to community property of spouses maintaining a single household as against a creditor of the community, to the community, provided that each spouse is entitled to his or her own exemptions in this subsection (1)(d):

(i) ~~((The individual's or community's))~~ All household goods, appliances, furniture, and home and yard equipment, not to exceed ~~((six thousand five hundred dollars))~~ \$6,500 in value for the individual ~~((or thirteen thousand dollars for the community, no single item to exceed seven hundred fifty dollars))~~, said amount to include provisions and fuel for ~~((the))~~ comfortable maintenance ~~((of the individual or community));~~

(ii) In a bankruptcy case, any other personal property, except personal earnings as provided under RCW 6.15.050(1), not to exceed \$10,000 in value. The value shall be determined as of the date the bankruptcy petition is filed;

(iii) Other than in a bankruptcy case as described in (d)(ii) of this subsection, other personal property, except personal earnings as provided under RCW 6.15.050(1), not to exceed ((three thousand dollars)) \$3,000 in value, ((of which not more than

~~one thousand five hundred dollars in value may consist of cash, and))~~ of which not more than:

(A) For all debts except private student loan debt and consumer debt, ~~((five hundred dollars))~~ \$500 in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities. The maximum exemption under this subsection (1)(d) ~~((i))~~ (iii)(A) shall be automatically protected and may not exceed ~~((five hundred dollars))~~ \$500, regardless of the number of existing separate bank accounts, savings and loan accounts, stocks, bonds, or other securities.

(B) For all private student loan debt, ~~((two thousand five hundred dollars))~~ \$2,500 in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities. \$1,000 in value shall be automatically protected. The maximum exemption under this subsection (1)(d) ~~((i))~~ (iii)(B) may not exceed ~~((two thousand five hundred dollars))~~ \$2,500, regardless of the number of existing separate bank accounts, savings and loan accounts, stocks, bonds, or other securities.

(C) For all consumer debt, ~~((two thousand dollars))~~ \$2,000 in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities. \$1,000 in value shall be automatically protected. The maximum exemption under this subsection (1)(d) ~~((i))~~ (iii)(C) may not exceed ~~((two thousand dollars))~~ \$2,000, regardless of the number of existing separate bank accounts, savings and loan accounts, stocks, bonds, or other securities;

~~((iii) For an individual, a))~~ (iv) A motor vehicle ~~((used for personal transportation))~~ not to exceed ~~((three thousand two hundred fifty dollars or for a community two motor vehicles used for personal transportation, not to exceed six thousand five hundred dollars))~~ \$15,000 in aggregate value;

~~((iv))~~ (v) Any past due, current, or future child support paid or owed to the debtor, which can be traced;

~~((v))~~ (vi) All professionally prescribed health aids for the debtor or a dependent of the debtor; ~~and~~

~~((vi))~~ (vii) To any individual, the right to or proceeds of a payment not to exceed twenty thousand dollars on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual of whom the debtor is a dependent; or the right to or proceeds of a payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor; and

~~((viii))~~ (viii) In a bankruptcy case, the right to or proceeds of personal injury of the debtor or an individual of whom the debtor is a dependent; or the right to or proceeds of a payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent are free of the enforcement of the claims of creditors, except to the extent such claims

are for the satisfaction of any liens or subrogation claims arising out of the claims for personal injury or death. The exemption under this subsection (1)(d) ~~((vi))~~ (viii) does not apply to the right of the state of Washington, or any agent or assignee of the state, as a lienholder or subrogee under RCW 43.20B.060.

~~((e) ((To each qualified individual, one of the following exemptions:~~

~~((i) To a farmer, farm trucks, farm stock, farm tools, farm equipment, supplies and seed, not to exceed ten thousand dollars in value;~~

~~((ii) To a physician, surgeon, attorney, member of the clergy, or other professional person, the individual's library, office furniture, office equipment and supplies, not to exceed ten thousand dollars in value;~~

~~((iii)) To any ~~((other))~~ individual, the tools ~~and~~ instruments ~~and~~ materials, and supplies used to carry on his or her trade ~~((for the support of himself or herself or family,))~~ not to exceed ~~((ten thousand dollars))~~ \$15,000 in value.~~

(f) Tuition units, under chapter 28B.95 RCW, purchased more than two years prior to the date of a bankruptcy filing or court judgment, and contributions to any other qualified tuition program under 26 U.S.C. Sec. 529 of the internal revenue code of 1986, as amended, and to a Coverdell education savings account, also known as an education individual retirement account, under 26 U.S.C. Sec. 530 of the internal revenue code of 1986, as amended, contributed more than two years prior to the date of a bankruptcy filing or court judgment.

(2) For purposes of this section, "value" means the reasonable market value of the debtor's interest in an article or item at the time it is selected for exemption, exclusive of all liens and encumbrances thereon.

(3)(a) In the case of married persons, each spouse is entitled to the exemptions provided in this section, which may be combined with the other spouse's exemption in the same property or taken in different exempt property.

(b) Whenever a debtor claims a combined exemption with their spouse, a creditor may serve on the debtor a written demand for evidence that the debtor is married and their spouse has agreed to the combined exemption. The demand must expressly and clearly state the debtor has 30 days to send the creditor a response by mail or email, the specific mailing or email address the debtor must send a response to, and that the debtor may establish the existence of their marriage through documentary evidence such as a copy of their marriage certificate or an equivalent document, and may establish each spouse's agreement to combine exemptions with a written declaration given under penalty of perjury that has been signed by both spouses. The creditor shall provide the debtor with a one-page form declaration for this purpose with its demand for evidence.

(c) If the debtor fails to timely respond to the creditor's demand, or the creditor concludes in good faith on the basis of the debtor's response that the debtor is not

married or their spouse has not consented to combine exemptions, the creditor may seek a declaratory judgment pursuant to chapter 7.24 RCW, from the superior court of the county in which the debtor resides or from the court wherein the exemption claim is at issue, that the debtor is not legally entitled to claim a combined exemption. If the court finds a combined exemption was claimed in bad faith, the court may award costs and attorneys' fees to the creditor. If the court finds the creditor objected to the combined exemption or sought declaratory judgment in bad faith, the court may award costs and reasonable attorneys' fees to the debtor. A creditor shall not seek to execute, attach, garnish, or otherwise collect funds or property a debtor has claimed as subject to a specific combined exemption unless a court has issued a declaratory judgment that the debtor is not legally entitled to claim the combined exemption at issue.

(4)(a) Beginning April 2026, and each April on a three-year interval thereafter, the department of revenue must adjust the applicable amounts for the following three-year interval by multiplying the current applicable amounts by one plus the percentage by which the most current consumer price index available on January 31st of the year of such April exceeds the consumer price index for the prior three-year period, and rounding the result to the nearest \$25. If an adjustment under this subsection (4) would reduce the applicable amounts under this section, the department of revenue must not adjust the applicable amounts for use in the three-year interval. The department of revenue must publish the adjusted applicable amounts on its public website by April 1st of the first year of the three-year interval in which the applicable amounts are adjusted. The adjusted applicable amounts calculated under this subsection (4) take effect on April 1st of the calendar year in which they are adjusted under this subsection (4).

(b) For purposes of this subsection (4):

(i) "Applicable amounts" means each dollar amount in effect under this section.

(ii) "Consumer price index" means the consumer price index seasonally adjusted for all urban consumers, all items, for the United States as calculated by the United States bureau of labor statistics or its successor agency.

**Sec. 2.** RCW 6.15.010 and 2019 c 371 s 3 are each amended to read as follows:

(1) Except as provided in RCW 6.15.050, the following personal property is exempt from execution, attachment, and garnishment:

(a) All wearing apparel of every individual and family, but not to exceed ~~((three thousand five hundred dollars))~~ \$3,500 in value in furs, jewelry, and personal ornaments for any individual.

(b) All private libraries including electronic media, which includes audiovisual, entertainment, or reference media in digital or analogue format, of every individual, but not to exceed ~~((three thousand five hundred dollars))~~ \$3,500 in

value, and all family pictures and keepsakes.

(c) A cell phone, personal computer, and printer.

(d) To each individual or, as to community property of spouses maintaining a single household as against a creditor of the community, to the community, provided that each spouse is entitled to his or her own exemptions in this subsection (1)(d):

~~((The individual's or community's))~~ All household goods, appliances, furniture, and home and yard equipment, not to exceed ~~((six thousand five hundred dollars))~~ \$6,500 in value for the individual ~~((or thirteen thousand dollars for the community, no single item to exceed seven hundred fifty dollars))~~, said amount to include provisions and fuel for ~~((the))~~ comfortable maintenance ~~((of the individual or community));~~

(ii) In a bankruptcy case, any other personal property, except personal earnings as provided under RCW 6.15.050(1), not to exceed \$10,000 in value. The value shall be determined as of the date the bankruptcy petition is filed;

(iii) Other than in a bankruptcy case as described in (d)(ii) of this subsection, other personal property, except personal earnings as provided under RCW 6.15.050(1), not to exceed ~~((three thousand dollars))~~ \$3,000 in value, ~~((of which not more than one thousand five hundred dollars in value may consist of cash, and))~~ of which not more than:

(A) For all debts except private student loan debt and consumer debt, ~~((five hundred dollars))~~ \$500 in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities. The maximum exemption under this subsection (1)(d) ~~((-iii))~~ (iii) (A) may not exceed ~~((five hundred dollars))~~ \$500, regardless of the number of existing separate bank accounts, savings and loan accounts, stocks, bonds, or other securities.

(B) For all private student loan debt, ~~((two thousand five hundred dollars))~~ \$2,500 in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities. The maximum exemption under this subsection (1)(d) ~~((-iii))~~ (iii) (B) may not exceed ~~((two thousand five hundred dollars))~~ \$2,500, regardless of the number of existing separate bank accounts, savings and loan accounts, stocks, bonds, or other securities.

(C) For all consumer debt, ~~((two thousand dollars))~~ \$2,000 in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities. The maximum exemption under this subsection (1)(d) ~~((-iii))~~ (iii) (C) may not exceed ~~((two thousand dollars))~~ \$2,000, regardless of the number of existing separate bank accounts, savings and loan accounts, stocks, bonds, or other securities;

~~((iii))~~ For an individual, a) (iv) A motor vehicle ((used for personal transportation,)) not to exceed ~~((three thousand two hundred fifty dollars or for a community two motor vehicles used for personal transportation, not to exceed six thousand five hundred dollars))~~ \$15,000 in aggregate value;



~~((iv))~~(v) Any past due, current, or future child support paid or owed to the debtor, which can be traced;

~~((v))~~(vi) All professionally prescribed health aids for the debtor or a dependent of the debtor; ~~(and~~

~~(vi))~~(vii) To any individual, the right to or proceeds of a payment not to exceed twenty thousand dollars on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual of whom the debtor is a dependent; or the right to or proceeds of a payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor; and

(viii) In a bankruptcy case, the right to or proceeds of personal injury of the debtor or an individual of whom the debtor is a dependent; or the right to or proceeds of a payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent are free of the enforcement of the claims of creditors, except to the extent such claims are for the satisfaction of any liens or subrogation claims arising out of the claims for personal injury or death. The exemption under this subsection (1)(d) ~~((vi))~~(viii) does not apply to the right of the state of Washington, or any agent or assignee of the state, as a lienholder or subrogee under RCW 43.20B.060.

(e) ~~((To each qualified individual, one of the following exemptions:~~

~~(i) To a farmer, farm trucks, farm stock, farm tools, farm equipment, supplies and seed, not to exceed ten thousand dollars in value;~~

~~(ii) To a physician, surgeon, attorney, member of the clergy, or other professional person, the individual's library, office furniture, office equipment and supplies, not to exceed ten thousand dollars in value;~~

~~(iii)) To any ~~((either))~~ individual, the tools ~~((and))~~ instruments ~~((and))~~ materials, and supplies used to carry on his or her trade ~~((for the support of himself or herself or family,))~~ not to exceed ~~((ten thousand dollars))~~ \$15,000 in value.~~

(f) Tuition units, under chapter 28B.95 RCW, purchased more than two years prior to the date of a bankruptcy filing or court judgment, and contributions to any other qualified tuition program under 26 U.S.C. Sec. 529 of the internal revenue code of 1986, as amended, and to a Coverdell education savings account, also known as an education individual retirement account, under 26 U.S.C. Sec. 530 of the internal revenue code of 1986, as amended, contributed more than two years prior to the date of a bankruptcy filing or court judgment.

(2) For purposes of this section, "value" means the reasonable market value of the debtor's interest in an article or item at the time it is selected for exemption, exclusive of all liens and encumbrances thereon.

(3)(a) In the case of married persons, each spouse is entitled to the exemptions

provided in this section, which may be combined with the other spouse's exemption in the same property or taken in different exempt property.

(b) Whenever a debtor claims a combined exemption with their spouse, a creditor may serve on the debtor a written demand for evidence that the debtor is married and their spouse has agreed to the combined exemption. The demand must expressly and clearly state the debtor has 30 days to send the creditor a response by mail or email, the specific mailing or email address the debtor must send a response to, and that the debtor may establish the existence of their marriage through documentary evidence such as a copy of their marriage certificate or an equivalent document, and may establish each spouse's agreement to combine exemptions with a written declaration given under penalty of perjury that has been signed by both spouses. The creditor shall provide the debtor with a one-page form declaration for this purpose with its demand for evidence.

(c) If the debtor fails to timely respond to the creditor's demand, or the creditor concludes in good faith on the basis of the debtor's response that the debtor is not married or their spouse has not consented to combine exemptions, the creditor may seek a declaratory judgment pursuant to chapter 7.24 RCW, from the superior court of the county in which the debtor resides or from the court wherein the exemption claim is at issue, that the debtor is not legally entitled to claim a combined exemption. If the court finds a combined exemption was claimed in bad faith, the court may award costs and attorneys' fees to the creditor. If the court finds the creditor objected to the combined exemption or sought declaratory judgment in bad faith, the court may award costs and reasonable attorneys' fees to the debtor. A creditor shall not seek to execute, attach, garnish, or otherwise collect funds or property a debtor has claimed as subject to a specific combined exemption unless a court has issued a declaratory judgment that the debtor is not legally entitled to claim the combined exemption at issue.

(4)(a) Beginning April 2026, and each April on a three-year interval thereafter, the department of revenue must adjust the applicable amounts for the following three-year interval by multiplying the current applicable amounts by one plus the percentage by which the most current consumer price index available on January 31st of the year of such April exceeds the consumer price index for the prior three-year period, and rounding the result to the nearest \$25. If an adjustment under this subsection (4) would reduce the applicable amounts under this section, the department of revenue must not adjust the applicable amounts for use in the three-year interval. The department of revenue must publish the adjusted applicable amounts on its public website by April 1st of the first year of the three-year interval in which the applicable amounts are adjusted. The adjusted applicable amounts calculated under this subsection (4) take effect on April 1st

of the calendar year in which they are adjusted under this subsection (4).

(b) For purposes of this subsection (4):

(i) "Applicable amounts" means each dollar amount in effect under this section.

(ii) "Consumer price index" means the consumer price index seasonally adjusted for all urban consumers, all items, for the United States as calculated by the United States bureau of labor statistics or its successor agency.

**Sec. 3.** RCW 51.32.040 and 2013 c 125 s 6 are each amended to read as follows:

(1) Except as provided in RCW 43.20B.720, 72.09.111, 74.20A.260, and 51.32.380, no money paid or payable under this title shall, ~~((before the issuance and delivery of the payment,))~~ be assigned, charged, or taken in execution, attached, garnished, or pass or be paid to any other person by operation of law, any form of voluntary assignment, or power of attorney. Any such assignment or charge is void unless the transfer is to a financial institution at the request of a worker or other beneficiary and made in accordance with RCW 51.32.045. Payments retain their exempt status even after issuance.

(2)(a) If any worker suffers (i) a permanent partial injury and dies from some other cause than the accident which produced the injury before he or she receives payment of the award for the permanent partial injury or (ii) any other injury before he or she receives payment of any monthly installment covering any period of time before his or her death, the amount of the permanent partial disability award or the monthly payment, or both, shall be paid to the surviving spouse or the child or children if there is no surviving spouse. If there is no surviving spouse and no child or children, the award or the amount of the monthly payment shall be paid by the department or self-insurer and distributed consistent with the terms of the decedent's will or, if the decedent dies intestate, consistent with the terms of RCW 11.04.015.

(b) If any worker suffers an injury and dies from it before he or she receives payment of any monthly installment covering time loss for any period of time before his or her death, the amount of the monthly payment shall be paid to the surviving spouse or the child or children if there is no surviving spouse. If there is no surviving spouse and no child or children, the amount of the monthly payment shall be paid by the department or self-insurer and distributed consistent with the terms of the decedent's will or, if the decedent dies intestate, consistent with the terms of RCW 11.04.015.

(c) Any application for compensation under this subsection (2) shall be filed with the department or self-insuring employer within one year of the date of death. The department or self-insurer may satisfy its responsibilities under this subsection (2) by sending any payment due in the name of the decedent and to the last known address of the decedent.

(3)(a) Any worker or beneficiary receiving benefits under this title who is

subsequently confined in, or who subsequently becomes eligible for benefits under this title while confined in, any institution under conviction and sentence shall have all payments of the compensation canceled during the period of confinement. After discharge from the institution, payment of benefits due afterward shall be paid if the worker or beneficiary would, except for the provisions of this subsection (3), otherwise be entitled to them.

(b) If any prisoner is injured in the course of his or her employment while participating in a work or training release program authorized by chapter 72.65 RCW and is subject to the provisions of this title, he or she is entitled to payments under this title, subject to the requirements of chapter 72.65 RCW, unless his or her participation in the program has been canceled, or unless he or she is returned to a state correctional institution, as defined in RCW 72.65.010(3), as a result of revocation of parole or new sentence.

(c) If the confined worker has any beneficiaries during the confinement period during which benefits are canceled under (a) or (b) of this subsection, they shall be paid directly the monthly benefits which would have been paid to the worker for himself or herself and the worker's beneficiaries had the worker not been confined.

(4) Any lump sum benefits to which a worker would otherwise be entitled but for the provisions of this section shall be paid on a monthly basis to his or her beneficiaries.

**Sec. 4.** RCW 6.27.100 and 2021 c 50 s 3 are each amended to read as follows:

(1) A writ issued for a continuing lien on earnings shall be substantially in the form provided in RCW 6.27.105. All other writs of garnishment shall be substantially in the following form, but:

(a) If the writ is issued under an order or judgment for child support, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or order for child support";

(b) If the writ is issued under an order or judgment for private student loan debt, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or order for private student loan debt";

(c) If the writ is issued under an order or judgment for consumer debt, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or order for consumer debt"; and

(d) If the writ is issued by an attorney, the writ shall be revised as indicated in subsection (2) of this section:

"IN THE . . . . . COURT  
OF THE STATE OF WASHINGTON IN AND  
FOR  
THE COUNTY OF . . . . .  
. . . . . ,  
Plaintiff, No. . . . .  
vs.  
. . . . . , WRIT OF

Defendant, GARNISHMENT
. . . . . ,
Garnishee

THE STATE OF WASHINGTON TO: . . . . .
Garnishee

AND TO: . . . . .
Defendant

The above-named plaintiff has applied for a writ of garnishment against you, claiming that the above-named defendant is indebted to plaintiff and that the amount to be held to satisfy that indebtedness is \$ . . . . ., consisting of:

Table with 2 columns: Description and Amount. Rows include: Balance on Judgment or Amount of Claim, Interest under Judgment from . . . . . to . . . . ., Per Day Rate of Estimated Interest, Taxable Costs and Attorneys' Fees, Estimated Garnishment Costs: Filing and Ex Parte Fees, Service and Affidavit Fees, Postage and Costs of Certified Mail, Answer Fee or Fees, Garnishment Attorney Fee, Other.

YOU ARE HEREBY COMMANDED, unless otherwise directed by the court, by the attorney of record for the plaintiff, or by this writ, not to pay any debt, whether earnings subject to this garnishment or any other debt, owed to the defendant at the time this writ was served and not to deliver, sell, or transfer, or recognize any sale or transfer of, any personal property or effects of the defendant in your possession or control at the time when this writ was served. Any such payment, delivery, sale, or transfer is void to the extent necessary to satisfy the plaintiff's claim and costs for this writ with interest.

YOU ARE FURTHER COMMANDED to answer this writ according to the instructions in this writ and in the answer forms and, within twenty days after the service of the writ upon you, to mail or deliver the original of such answer to the court, one copy to the plaintiff or the plaintiff's attorney, and one copy to the defendant, at the addresses listed at the bottom of this writ.

If you owe the defendant a debt payable in money in excess of the amount set forth in the first paragraph of this writ, hold only the amount set forth in the first paragraph and any processing fee if one is charged and release all additional funds or property to defendant.

FOR ALL DEBTS EXCEPT PRIVATE STUDENT LOAN DEBT AND CONSUMER DEBT:

If you are a bank or other institution in which the defendant has accounts to which the exemption under RCW 6.15.010(1)(d) ((-iii)) (iii) (A) applies and the total of the amounts held in all of the defendant's accounts is less than or equal to \$500, release all funds or property to the defendant and do not hold any amount. However, if you have documentation that the funds in the account are the community property of married persons or domestic partners, and if the total of the amounts held in all of the combined accounts of the married persons or domestic partners is less than or equal to \$1,000, then release all funds or property to the defendant and do not hold any amount.

If you are a bank or other institution in which the defendant has accounts to which the exemption under RCW 6.15.010(1)(d) ((-iii)) (iii) (A) applies and the total of the amounts held in all of the defendant's accounts is in excess of \$500, release at least \$500, hold no more than the amount set forth in the first paragraph of this writ and any processing fee if one is charged, and release additional funds or property, if any, to the defendant. However, if you have documentation that the funds in the account are the community property of married persons or domestic partners, and if the total of the amounts held in all of the combined accounts of the married persons or domestic partners is in excess of \$1,000, release at least \$1,000, hold no more than the amount set forth in the first paragraph of this writ and any processing fee if one is charged, and release additional funds or property, if any, to the defendant.

FOR PRIVATE STUDENT LOAN DEBT AND CONSUMER DEBT:

If you are a bank or other institution in which the defendant has accounts to which the exemption under RCW 6.15.010(1)(d) ((-iii)) (iii) (B) or (C) applies and the total of the amounts held in all of the defendant's accounts is less than or equal to \$1,000, release all funds or property to the defendant and do not hold any amount. However, if you have documentation that the funds in the account are the community property of married persons or domestic partners, and if the total of the amounts held in all of the combined accounts of the married persons or domestic partners is less than or equal to \$2,000, then release all funds or property to the defendant and do not hold any amount.

If you are a bank or other institution in which the defendant has accounts to which the exemption under RCW 6.15.010(1)(d) ((-iii)) (iii) (B) or (C) applies and the total of the amounts held in all of the defendant's accounts is in excess of \$1,000, release at least \$1,000, hold no more than the amount set forth in the first paragraph of this writ and any processing fee if one is charged, and release additional funds or property, if any, to the defendant. However, if you have documentation that the funds in the account are the community property of married persons or domestic partners, and if the total of the amounts held in all of the combined accounts of the married persons or

domestic partners is in excess of \$2,000, release at least \$2,000, hold no more than the amount set forth in the first paragraph of this writ and any processing fee if one is charged, and release additional funds or property, if any, to the defendant.

IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND COSTS WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU PROPERLY ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED THE AMOUNT OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY NONEXEMPT PROPERTY OR EFFECTS IN YOUR POSSESSION OR CONTROL.

JUDGMENT MAY ALSO BE ENTERED AGAINST THE DEFENDANT FOR COSTS AND FEES INCURRED BY THE PLAINTIFF.

Witness, the Honorable . . . . ., Judge of the above-entitled Court, and the seal thereof, this . . . . . day of . . . . ., . . . . . (year)

[Seal]

. . . . . Clerk  
for of the  
Plaintiff Court  
(or  
Plaintiff,  
if no  
attorney)  
. . . . .  
Address By  
. . . . .  
Name of Defendant Address"  
. . . . .  
Address of  
Defendant

(2) If an attorney issues the writ of garnishment, the final paragraph of the writ, containing the date, and the subscripted attorney and clerk provisions, shall be replaced with text in substantially the following form:

"This writ is issued by the undersigned attorney of record for plaintiff under the authority of chapter 6.27 of the Revised Code of Washington, and must be complied with in the same manner as a writ issued by the clerk of the court.

Dated this . . . . .day  
of . . . . .,  
(year)  
. . . . .  
Attorney for  
Plaintiff  
. . . . .  
Address Address of the  
Clerk of the  
Court"  
. . . . .  
Name of Defendant  
. . . . .  
Address of  
Defendant

Sec. 5. RCW 6.27.140 and 2021 c 35 s 2 are each amended to read as follows:

(1) The notice required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in no smaller than size twelve point font:

NOTICE OF GARNISHMENT  
AND OF YOUR RIGHTS

A Writ of Garnishment issued in a Washington court has been or will be served on the garnishee named in the attached copy of the writ. After receipt of the writ, the garnishee is required to withhold payment of any money that was due to you and to withhold any other property of yours that the garnishee held or controlled. This notice of your rights is required by law.

YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

WAGES. If the garnishee is your employer who owes wages or other personal earnings to you, your employer is required to pay amounts to you that are exempt under state and federal laws, as explained in the writ of garnishment. You should receive a copy of your employer's answer, which will show how the exempt amount was calculated. A garnishment against wages or other earnings for child support may not be issued under chapter 6.27 RCW. If the garnishment is for private student loan debt, the exempt amount paid to you will be the greater of the following: A percent of your disposable earnings, which is eighty-five percent of the part of your earnings remaining after your employer deducts those amounts which are required by law to be withheld, or fifty times the minimum hourly wage of the highest minimum wage law in the state at the time the earnings are payable. If the garnishment is for consumer debt, the exempt amount paid to you will be the greater of the following: A percent of your disposable earnings, which is eighty percent of the part of your earnings remaining after your employer deducts those amounts which are required by law to be withheld, or thirty-five times the state minimum hourly wage.

BANK ACCOUNTS. If the garnishee is a bank or other institution with which you have an account in which you have deposited benefits such as Temporary Assistance for Needy Families, Supplemental Security Income (SSI), Social Security, veterans' benefits, unemployment compensation, or any federally qualified pension, such as a state or federal pension, individual retirement account (IRA), or 401K plan, you may claim the account as fully exempt if you have deposited only such benefit funds in the account. It may be partially exempt even though you have deposited money from other sources in the same

account. An exemption is also available under RCW 26.16.200, providing that funds in a community bank account that can be identified as the earnings of a stepparent are exempt from a garnishment on the child support obligation of the parent.

OTHER EXEMPTIONS. If the garnishee holds other property of yours, some or all of it may be exempt under RCW 6.15.010, a Washington statute that exempts certain property of your choice (including, if the judgment is for private student loan debt, up to \$2,500.00 in a bank account ((if you owe on private student loan debts;)), or for a marital community or domestic partnership up to \$5,000.00 in a bank account; if the judgment is for other consumer debt, up to \$2,000.00 in a bank account ((if you owe on consumer debts; or)), or for a marital community or domestic partnership up to \$4,000.00 in a bank account; or, if the judgment is for any other debts, up to \$500.00 in a bank account ((for all other debts)), or for a marital community or domestic partnership up to \$1,000.00 in a bank account) and certain other property such as household furnishings, tools of trade, and a motor vehicle (all limited by differing dollar values).

HOW TO CLAIM EXEMPTIONS. Fill out the enclosed claim form and mail or deliver it as described in instructions on the claim form. If the plaintiff does not object to your claim, the funds or other property that you have claimed as exempt must be released not later than 10 days after the plaintiff receives your claim form. If the plaintiff objects, the law requires a hearing not later than 14 days after the plaintiff receives your claim form, and notice of the objection and hearing date will be mailed to you at the address that you put on the claim form.

THE LAW ALSO PROVIDES OTHER EXEMPTION RIGHTS. IF NECESSARY, AN ATTORNEY CAN ASSIST YOU TO ASSERT THESE AND OTHER RIGHTS, BUT YOU MUST ACT IMMEDIATELY TO AVOID LOSS OF RIGHTS BY DELAY.

(2) (a) If the writ is to garnish funds or property held by a financial institution, the claim form required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in no smaller than size twelve point font:

[Caption to be filled in by judgment creditor or plaintiff before mailing.]

Name of Court

..... No .....  
Plaintiff,

vs.

..... EXEMPTION CLAIM

Defendant,  
Garnishee  
Defendant

INSTRUCTIONS:

- 1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines. If additional space is needed, use the bottom of the last page or attach another sheet.
- 2. Make two copies of the completed form. Deliver the original form by first-class mail or in person to the clerk of the court, whose address is shown at the bottom of the writ of garnishment. Deliver one of the copies by first-class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the other copy. YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 WEEKS) AFTER THE DATE ON THE WRIT.

I/We claim the following money or property as exempt:

IF BANK ACCOUNT IS GARNISHED:

[ ] The account contains payments from:

- [ Temporary assistance for needy families, SSI, or other public assistance. I receive \$ . . . . . monthly.
- [ Social Security. I receive \$ . . . . . monthly.
- [ Veterans' Benefits. I receive \$ . . . . . monthly.
- [ Federally qualified pension, such as a state or federal pension, individual retirement account (IRA), or 401K plan. I receive \$ . . . . . monthly.
- [ Unemployment Compensation. I receive \$ . . . . . monthly.
- [ Child support. I receive \$ . . . . . monthly.
- [ Other. Explain . . . . .

(~~+~~ \$2,500 exemption for private student loan debts.  
~~-~~ \$2,000 exemption for consumer debts.  
~~+~~ \$500 exemption for all other debts.))

[ ] I/We claim the following exemptions:

[ Exemption for private student loan debts:

\$2,500 for an individual;  
 or  
 \$5,000 for a marital  
 community or domestic  
 partnership.

Exemption for consumer debts:

1

\$2,000 for an individual;  
 or  
 \$4,000 for a marital  
 community or domestic  
 partnership.

Exemption for all other debts:

1

\$500 for an individual; or  
 \$1,000 for a marital  
 community or domestic  
 partnership.

IF EXEMPTION IN BANK ACCOUNT IS CLAIMED, ANSWER ONE OR BOTH OF THE FOLLOWING:

- [ No money other than from above payments are in the account.
- [ Moneys in addition to the above payments have been deposited in the account. Explain . . . . .

OTHER PROPERTY:

[ Describe property . . . . . ]  
 . . . . .  
 (If you claim other personal property as exempt, you must attach a list of all other personal property that you own.)

Print: Your name If married or in a state registered domestic partnership, name of husband/wife/state registered domestic partner

Your signature Signature of husband, wife, or state registered domestic partner

Address Address (if different from yours)

Telephone number Telephone number (if different from yours)

CAUTION: If the plaintiff objects to your claim, you will have to go to court and give proof of your claim. For example, if you claim that a bank account is exempt, you may

have to show the judge your bank statements and papers that show the source of the money you deposited in the bank. Your claim may be granted more quickly if you attach copies of such proof to your claim.

IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE PLAINTIFF'S ATTORNEY FEES.

(b) If the writ is directed to an employer to garnish earnings, the claim form required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in no smaller than size twelve point font type:

[Caption to be filled in by judgment creditor or plaintiff before mailing.]

. . . . .  
 Name of Court  
 . . . . . No . . . . .  
 Plaintiff,  
 vs.  
 . . . . . EXEMPTION CLAIM  
 Defendant,  
 . . . . .  
 Garnishee  
 Defendant

INSTRUCTIONS:

1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines. If additional space is needed, use the bottom of the last page or attach another sheet.
2. Make two copies of the completed form. Deliver the original form by first-class mail or in person to the clerk of the court, whose address is shown at the bottom of the writ of garnishment. Deliver one of the copies by first-class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the other copy. YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 WEEKS) AFTER THE DATE ON THE WRIT.

I/We claim the following money or property as exempt:

IF PENSION OR RETIREMENT BENEFITS ARE GARNISHED:

[ Name and address of employer who is paying the benefits: . . . . . ]

IF EARNINGS ARE GARNISHED FOR PRIVATE STUDENT LOAN DEBT:

[ I claim maximum exemption. ]

IF EARNINGS ARE GARNISHED FOR CONSUMER DEBT:

[ I claim maximum exemption. ]

. . . . . Print: Your If married or in a name state registered domestic partnership, name of husband/wife/state registered domestic partner

. . . . . Your Signature of signature husband, wife, or state registered domestic partner

. . . . . Address Address (if different from yours)

. . . . . Telephone Telephone number number (if different from yours)

CAUTION: If the plaintiff objects to your claim, you will have to go to court and give proof of your claim. For example, if you claim that a bank account is exempt, you may have to show the judge your bank statements and papers that show the source of the money you deposited in the bank. Your claim may be granted more quickly if you attach copies of such proof to your claim.

IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE PLAINTIFF'S ATTORNEY FEES.

(c) If the writ under (b) of this subsection is not a writ for the collection of private student loan debt, the exemption language pertaining to private student loan debt may be omitted.

(d) If the writ under (b) of this subsection is not a writ for the collection of consumer debt, the exemption language pertaining to consumer debt may be omitted.

NEW SECTION. Sec. 6. Sections 1 and 4 of this act expire July 1, 2025.

NEW SECTION. Sec. 7. Section 2 of this act takes effect July 1, 2025."

Correct the title.

Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Entenman; Goodman; Peterson; Thai and Walen.

MINORITY recommendation: Do not pass. Signed by Representative Graham, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Cheney; and Rude.

Referred to Committee on Rules for second reading

March 28, 2023

ESB 5175 Prime Sponsor, Senator Wellman: Concerning written contracts between school boards and principals. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.405.210 and 2016 c 85 s 1 are each amended to read as follows:

(1) No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee", shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he or she is the holder of an effective teacher's certificate or other certificate required by law or the Washington professional educator standards board for the position for which the employee is employed.

(2)(a) The board shall make with each employee employed by it a written contract, which shall be in conformity with the laws of this state, and except as otherwise provided by law and under (b) of this subsection, limited to a term of not more than one year. Every such contract shall be made in duplicate, one copy to be retained by the school district superintendent or secretary and one copy to be delivered to the employee. No contract shall be offered by any board for the employment of any employee who has previously signed an employment contract for that same term in another school district of the state of Washington unless such employee shall have been released from his or her obligations under such previous contract by the board of directors of the school district to which he or she was obligated. Any contract signed in violation of this provision shall be void.

(b) A written contract made by a board with a principal under (a) of this subsection may be for a term of up to three years if the principal has: (i) Been employed as a principal for three or more consecutive years; (ii) been recommended by the superintendent as a candidate for a two or three-year contract because the principal has demonstrated the ability to stabilize instructional practices and received a

comprehensive performance rating of level 3 or above in their most recent comprehensive performance evaluation under RCW 28A.405.100; and (iii) met the school district's requirements for satisfying an updated record check under RCW 28A.400.303. A written contract made by a board with a principal under (a) of this subsection for a term of three years may not be renewed before the final year of the contract.

(3) In the event it is determined that there is probable cause or causes that the employment contract of an employee should not be renewed by the district for the next ensuing term such employee shall be notified in writing on or before May 15th preceding the commencement of such term of that determination, or if the omnibus appropriations act has not passed the legislature by the end of the regular legislative session for that year, then notification shall be no later than June 15th, which notification shall specify the cause or causes for nonrenewal of contract. Such determination of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent. Such notice shall be served upon the employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the president, chair or secretary of the board of directors of the district within ~~((ten))~~ 10 days after receiving such notice, shall be granted opportunity for hearing pursuant to RCW 28A.405.310 to determine whether there is sufficient cause or causes for nonrenewal of contract: PROVIDED, That any employee receiving notice of nonrenewal of contract due to an enrollment decline or loss of revenue may, in his or her request for a hearing, stipulate that initiation of the arrangements for a hearing officer as provided for by RCW 28A.405.310(4) shall occur within ~~((ten))~~ 10 days following July 15 rather than the day that the employee submits the request for a hearing. If any such notification or opportunity for hearing is not timely given, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his or her employment had actually been renewed by the board of directors for such ensuing term.

(4) This section shall not be applicable to "provisional employees" as so designated in RCW 28A.405.220; transfer to a subordinate certificated position as that procedure is set forth in RCW 28A.405.230 or 28A.405.245 shall not be construed as a nonrenewal of contract for the purposes of this section.

**Sec. 2.** RCW 28A.400.300 and 2019 c 266 s 19 are each amended to read as follows:

(1) Every board of directors, unless otherwise specially provided by law, shall:

(a) Except as provided in RCW 28A.405.210(2) and subsection (3) of this

section, employ for not more than one year, and for sufficient cause discharge all certificated and classified employees;

(b) Adopt written policies granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or classified qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement and emergencies for both certificated and classified employees, and with such compensation as the board of directors prescribe. However, the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness, injury and emergencies as follows:

(i) For such persons under contract with the school district for a full year, at least ~~((ten))~~ 10 days;

(ii) For such persons under contract with the school district as part time employees, at least that portion of ~~((ten))~~ 10 days as the total number of days contracted for bears to ~~((one hundred eighty))~~ 180 days;

(iii) For certificated and classified employees, annual leave with compensation for illness, injury, and emergencies shall be granted and accrue at a rate not to exceed ~~((twelve))~~ 12 days per year; provisions of any contract in force on June 12, 1980, which conflict with requirements of this subsection shall continue in effect until contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;

(iv) Compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;

(v) Leave provided in this proviso not taken shall accumulate from year to year up to a maximum of ~~((one hundred eighty))~~ 180 days for the purposes of RCW 28A.400.210 and 28A.400.220, and for leave purposes up to a maximum of the number of contract days agreed to in a given contract, but not greater than one year. Such accumulated time may be taken at any time during the school year or up to ~~((twelve))~~ 12 days per year may be used for the purpose of payments for unused sick leave;

(vi) Sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso;

(vii) Any leave for injury or illness accumulated up to a maximum of ~~((forty-five))~~ 45 days shall be creditable as service rendered for the purpose of determining the time at which an employee is eligible to retire, if such leave is taken it may not be compensated under the provisions of RCW 28A.400.210 and 28A.310.490;



(viii) Accumulated leave under this proviso shall be transferred to and from one district to another, the office of superintendent of public instruction, offices of educational service district superintendents and boards, the state school for the blind, the Washington center for deaf and hard of hearing youth, institutions of higher education, and community and technical colleges, to and from such districts, schools, offices, institutions of higher education, and community and technical colleges;

(ix) Leave accumulated by a person in a district prior to leaving said district may, under rules of the board, be granted to such person when the person returns to the employment of the district.

(2) When any certificated or classified employee leaves one school district within the state and commences employment with another school district within the state, the employee shall retain the same seniority, leave benefits and other benefits that the employee had in his or her previous position. However, classified employees who transfer between districts after July 28, 1985, shall not retain any seniority rights other than longevity when leaving one school district and beginning employment with another. If the school district to which the person transfers has a different system for computing seniority, leave benefits, and other benefits, then the employee shall be granted the same seniority, leave benefits and other benefits as a person in that district who has similar occupational status and total years of service.

(3) Notwithstanding subsection (1)(a) of this section, discharges of certificated and classified employees in school districts that are dissolved due to financial insolvency shall be conducted in accordance with RCW 28A.315.229."

Correct the title.

Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Rules for second reading

March 29, 2023

ESSB 5186 Prime Sponsor, Labor & Commerce:  
Requiring antidiscrimination clauses in  
public contracting. Reported by Committee  
on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 49.60 RCW to read as follows:

(1) After January 1, 2024, any contractor, including subcontractors, with the state for public works or for goods or services is subject to the nondiscrimination

requirements of this section and any rules and regulations to implement it.

(2) Every state contract and subcontract for public works or for goods or services must contain a nondiscrimination clause prohibiting discrimination on the bases enumerated in subsection (3) of this section. The nondiscrimination clause must contain a provision requiring contractors and subcontractors to give written notice of their obligations under that clause to labor organizations with which they have a collective bargaining or other agreement.

(3) The antidiscrimination clauses required by this section must prohibit any covered contractor or subcontractor from:

(a) Refusing to hire any person because of age, sex, marital status, sexual orientation, gender identity, race, creed, color, national origin, citizenship or immigration status, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability, unless based upon a bona fide occupational qualification: PROVIDED, That the prohibition against discrimination because of such disability shall not apply if the particular disability prevents the proper performance of the particular worker involved: PROVIDED, That this section shall not be construed to require an employer to establish employment goals or quotas based on sexual orientation;

(b) Discharging or barring any person from employment because of age, sex, marital status, sexual orientation, gender identity, race, creed, color, national origin, citizenship or immigration status, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability;

(c) Discriminating against any person in compensation or in other terms or conditions of employment because of age, sex, marital status, sexual orientation, gender identity, race, creed, color, national origin, citizenship or immigration status, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability, the use of a trained dog guide or service animal by a person with a disability: PROVIDED, That it shall not be an unfair practice for an employer to segregate washrooms or locker facilities on the basis of sex, or to base other terms and conditions of employment on the sex of employees where the commission by regulation or ruling in a particular instance has found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes; or

(d) Printing or circulating, or causing to be printed or circulated, any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification, or discrimination as to age, sex, marital status, sexual orientation, gender identity, race, creed, color, national origin, citizenship or immigration status, honorably discharged

veteran or military status, or the presence of any sensory, mental, or physical disability, the use of a trained dog guide or service animal by a person with a disability, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, That nothing contained herein shall prohibit advertising in a foreign language.

(4) The department of enterprise services, in collaboration with the office of minority and women's business enterprises, the office of equity, and the commission, must develop standard template contract provisions for public works and goods and services contracts to meet the provisions of this section.

**Sec. 2.** RCW 39.26.245 and 2010 c 5 s 6 are each amended to read as follows:

(1) All contracts entered into and purchases made, including leasing or renting, under this chapter on or after September 1, 1983, are subject to the requirements established under chapter 39.19 RCW.

(2) All procurement contracts entered into under this chapter on or after June 10, 2010, are subject to the requirements established under RCW 43.60A.200.

(3) All contracts with the state for goods or services entered into under this chapter on or after January 1, 2024, are subject to the requirements established under section 1 of this act.

**Sec. 3.** RCW 39.04.160 and 1983 c 120 s 11 are each amended to read as follows:

(1) All contracts entered into under this chapter by the state on or after September 1, 1983, are subject to the requirements established under chapter 39.19 RCW.

(2) All contracts entered into under this chapter by the state on or after January 1, 2024, are subject to the requirements established under section 1 of this act."

Correct the title.

Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

March 29, 2023

2SSB 5263 Prime Sponsor, Ways & Means: Concerning access to psilocybin services by individuals 21 years of age and older. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature intends to establish an advisory board, interagency work group, and a task force to provide advice and recommendations on developing a comprehensive regulatory framework for access to regulated psilocybin

for Washington residents who are at least 21 years of age.

**NEW SECTION. Sec. 2.** The legislature declares that the purposes of this chapter are:

(1) To develop a long-term strategic plan for ensuring that psilocybin services become and remain a safe, accessible, and affordable option for all persons 21 years of age and older in this state for whom psilocybin may be appropriate or as part of their indigenous religious or cultural practices;

(2) To protect the safety, welfare, health, and peace of the people of this state by prioritizing this state's limited law enforcement resources in the most effective, consistent, and rational way;

(3) To develop a comprehensive regulatory framework concerning psilocybin products and psilocybin services under state law;

(4) To prevent the distribution of psilocybin products to other persons who are not permitted to possess psilocybin products under this chapter including but not limited to persons under 21 years of age; and

(5) To prevent the diversion of psilocybin products from this state to other states.

**NEW SECTION. Sec. 3.** This chapter may be known and cited as the Washington psilocybin services act.

**NEW SECTION. Sec. 4.** (1) The Washington psilocybin advisory board is established within the department of health to provide advice and recommendations to the department of health, the liquor and cannabis board, and the department of agriculture. The Washington psilocybin advisory board shall consist of:

(a) Members appointed by the governor as specified in subsection (2) of this section;

(b) The secretary of the department of health or the secretary's designee;

(c) The state health officer or a physician acting as the state health officer's designee;

(d) A representative from the department of health who is familiar with public health programs and public health activities in this state; and

(e) A designee of the public health advisory board.

(2) The governor shall appoint the following individuals to the Washington psilocybin advisory board:

(a) Any four of the following:

(i) A state employee who has technical expertise in the field of public health;

(ii) A local health officer;

(iii) An individual who is a member of, or who represents, a federally recognized Indian tribe in this state;

(iv) An individual who is a member of, or who represents, a body that provides policy advice relating to substance use disorder policy;

(v) An individual who is a member of, or who represents, a body that provides policy advice relating to health equity;

(vi) An individual who is a member of, or who represents, a body that provides policy advice related to palliative care and quality of life; or

(vii) An individual who represents individuals who provide public health services directly to the public;

(b) A military veteran, or representative of an organization that advocates on behalf of military veterans, with knowledge of psilocybin;

(c) A social worker, mental health counselor, or marriage and family therapist licensed under chapter 18.225 RCW;

(d) A person who has knowledge regarding the indigenous or religious use of psilocybin;

(e) A psychologist licensed under chapter 18.83 RCW who has professional experience engaging in the diagnosis or treatment of a mental, emotional, or behavioral condition;

(f) A physician licensed under chapter 18.71 RCW;

(g) A naturopath licensed under chapter 18.36A RCW;

(h) An expert in the field of public health who has a background in academia;

(i) Any three of the following:

(i) A person who has professional experience conducting scientific research regarding the use of psychedelic compounds in clinical therapy;

(ii) A person who has experience in the field of mycology;

(iii) A person who has experience in the field of ethnobotany;

(iv) A person who has experience in the field of psychopharmacology; or

(v) A person who has experience in the field of harm reduction;

(j) A person designated by the liquor and cannabis board who has experience working with the cannabis central reporting system developed for tracking the transfer of cannabis items;

(k) The attorney general or the attorney general's designee; and

(1) One, two, or three at large members.

(3)(a) Members of the Washington psilocybin advisory board shall serve for a term of four years, but at the pleasure of the governor. Before the expiration of the term of a member, the governor shall appoint a successor whose term begins on January 1st of the following year. A member is eligible for reappointment. If there is a vacancy for any cause, the governor shall make an appointment to become immediately effective for the unexpired term.

(b) Members of the board described in subsection (1)(b) through (e) of this section are nonvoting ex officio members of the board.

(4) A majority of the voting members of the board constitutes a quorum. Official adoption of advice or recommendations by the Washington psilocybin advisory board requires the approval of a majority of the voting members of the board.

(5) The board shall elect one of its voting members to serve as chair.

(6) Until July 1, 2024, the Washington psilocybin advisory board shall meet at least five times a calendar year at a time and place determined by the chair or a majority of the voting members of the board.

After July 1, 2024, the board shall meet at least once every calendar quarter at a time and place determined by the chair or a majority of the voting members of the board. The board may meet at other times and places specified by the call of the chair or of a majority of the voting members of the board.

(7) The Washington psilocybin advisory board may adopt rules necessary for the operation of the board.

(8) The Washington psilocybin advisory board may establish committees and subcommittees necessary for the operation of the board.

(9) The members of the Washington psilocybin advisory board may receive reimbursement or an allowance for expenses within amounts appropriated for that specific purpose consistent with RCW 43.03.220.

NEW SECTION. **Sec. 5.** (1) An

interagency psilocybin work group of the department of health, the liquor and cannabis board, and the department of agriculture is created to provide advice and recommendations to the advisory board on the following:

(a) Developing a comprehensive regulatory framework for a regulated psilocybin system, including a process to ensure clean and pesticide free psilocybin products;

(b) Reviewing indigenous practices with psilocybin, clinical psilocybin trials, and findings;

(c) Reviewing research of medical evidence developed on the possible use and misuse of psilocybin therapy; and

(d) Ensuring that a social opportunity program is included within any licensing program created under this chapter to remedy the targeted enforcement of drug-related laws on overburdened communities.

(2) The findings of the psilocybin task force in section 6 of this act must be submitted to the interagency work group created in this section and to the psilocybin advisory board.

(3) The interagency psilocybin work group must submit regular updates to the psilocybin advisory board.

NEW SECTION. **Sec. 6.** (1) The health

care authority must establish a psilocybin task force to provide a report on psilocybin services. The director of the health care authority or the director's designee must be a member of the task force and serve as chair. The task force must also include, without limitation, the following members:

(a) The secretary of the department of health or the secretary's designee;

(b) The director of the liquor and cannabis board or the director's designee; and

(c) As appointed by the director of the health care authority, or the director's designee:

(i) A military veteran, or representative of an organization that advocates on behalf of military veterans, with knowledge of psilocybin;

(ii) Up to two recognized indigenous practitioners with knowledge of the use of

psilocybin or other psychedelic compounds in their communities;

(iii) An individual with expertise in disability rights advocacy;

(iv) A public health practitioner;

(v) Two psychologists with knowledge of psilocybin, experience in mental and behavioral health, or experience in palliative care;

(vi) Two mental health counselors, marriage and family therapists, or social workers with knowledge of psilocybin, experience in mental and behavioral health, or experience in palliative care;

(vii) Two physicians with knowledge of psilocybin, experience in mental and behavioral health, or experience in palliative care;

(viii) A health researcher with expertise in health equity or conducting research on psilocybin;

(ix) A pharmacologist with expertise in psychopharmacology;

(x) A representative of the cannabis industry with knowledge of regulation of medical cannabis and the cannabis business in Washington;

(xi) An advocate from the LGBTQIA community with knowledge of the experience of behavioral health issues within that community;

(xii) A member of the psychedelic medicine alliance of Washington; and

(xiii) Up to two members with lived experience of utilizing psilocybin.

(2) The health care authority must convene the first meeting of the task force by June 30, 2023.

(3) The health care authority must provide a final report to the governor and appropriate committees of the legislature by December 1, 2023, in accordance with RCW 43.01.036. The health care authority may form subcommittees within the task force and adopt procedures necessary to facilitate its work.

(4) The duties of the health care authority in consultation with the task force must include, without limitation, the following activities:

(a) Reviewing the available clinical information around specific clinical indications for use of psilocybin, including what co-occurring diagnoses or medical and family histories may exclude a person from use of psilocybin. Any review of clinical information should:

(i) Discuss populations excluded from existing clinical trials;

(ii) Discuss factors considered when approval of a medical intervention is approved;

(iii) Consider the diversity of participants in clinical trials and the limitations of each study when applying learnings to the population at large; and

(iv) Identify gaps in the clinical research for the purpose of identifying opportunities for investment by the state for the University of Washington, Washington State University, or both to consider studying.

(b) Reviewing and discussing regulatory structures for clinical use of psilocybin in Washington and other jurisdictions nationally and globally. This should include

discussing how various regulatory structures do or do not address concerns around public health and safety the task force has identified.

(5) The department of health, liquor and cannabis board, and department of agriculture must provide subject matter expertise and support to the task force and any subcommittee meetings. For the department of health, subject matter expertise includes an individual or individuals with knowledge and experience in rule making, the regulation of health professionals, and the regulation of health facilities.

(6) Meetings of the task force under this section must be open to participation by members of the public.

(7) Task force members participating on behalf of an employer, governmental entity, or other organization are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(8) It is the legislature's intent that the provisions of this section supersede section 211(99), chapter 297, Laws of 2022.

(9) This section expires June 30, 2024.

**NEW SECTION. Sec. 7.** (1) The duties, functions, and powers of the department of health specified in this chapter include the following:

(a) To examine, publish, and distribute to the public available medical, psychological, and scientific studies, research, and other information relating to the safety and efficacy of psilocybin in treating mental health conditions including, but not limited to, addiction, depression, anxiety disorders, and end-of-life psychological distress, and the potential for psilocybin to promote community, address trauma, and enhance physical and mental wellness;

(b) To adopt, amend, or repeal rules necessary to carry out the intent and provisions of this chapter, including rules that the department of health considers necessary to protect the public health and safety;

(c) To exercise all powers incidental, convenient, or necessary to enable the department of health to administer or carry out this chapter or any other law of this state that charges the department of health with a duty, function, or power related to psilocybin products and psilocybin services. Powers described in this subsection include, but are not limited to:

(i) Issuing subpoenas;

(ii) Compelling the attendance of witnesses;

(iii) Administering oaths;

(iv) Certifying official acts;

(v) Taking depositions as provided by law; and

(vi) Compelling the production of books, payrolls, accounts, papers, records, documents, and testimony.

(2) The jurisdiction, supervision, duties, functions, and powers held by the

department of health under this section are not shared by the pharmacy quality assurance commission under chapter 18.64 RCW.

**NEW SECTION. Sec. 8.** (1) Subject to amounts appropriated for this purpose, the psilocybin therapy services pilot program is established within, and administered by, the University of Washington department of psychiatry and behavioral sciences. No later than January 1, 2025, the University of Washington department of psychiatry and behavioral sciences must implement this section.

(2) The pilot program must:

(a) Offer psilocybin therapy services through pathways approved by the federal food and drug administration, to populations including first responders and veterans who are:

(i) 21 years of age or older; and

(ii) Experiencing posttraumatic stress disorder, mood disorders, or substance use disorders;

(b) Offer psilocybin therapy services facilitated by:

(i) An advanced social worker, independent clinical social worker, or mental health counselor licensed under chapter 18.225 RCW;

(ii) A physician licensed under chapter 18.71 RCW; or

(iii) A psychiatric advanced registered nurse practitioner licensed under chapter 18.79 RCW as defined in RCW 71.05.020;

(c) Ensure psilocybin therapy services are safe, accessible, and affordable;

(d) Require an initial assessment to understand participant goals and expectations, and assess the participant's history for any concerns that require further intervention or information before receiving psilocybin therapy services, and an integration session after receiving psilocybin therapy services; and

(e) Use outreach and engagement strategies to include participants from communities or demographic groups that are more likely to be historically marginalized and less likely to be included in research and clinical trials represented by race, sex, sexual orientation, socioeconomic status, age, or geographic location.

**NEW SECTION. Sec. 9.** Medical professionals licensed by the state of Washington shall not be subject to adverse licensing action for recommending psilocybin therapy services.

**NEW SECTION. Sec. 10.** (1) The liquor and cannabis board shall assist and cooperate with the department of health and the department of agriculture to the extent necessary to carry out their duties under this chapter.

(2) The department of agriculture shall assist and cooperate with the department of health to the extent necessary for the department of health to carry out the duties under this chapter.

**NEW SECTION. Sec. 11.** The department of health, the department of agriculture,

and the liquor and cannabis board may not refuse to perform any duty under this chapter on the basis that manufacturing, distributing, dispensing, possessing, or using psilocybin products is prohibited by federal law.

**NEW SECTION. Sec. 12.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 13.** Sections 1 through 5 and 7 through 11 of this act constitute a new chapter in Title 18 RCW.

**NEW SECTION. Sec. 14.** Sections 4 through 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Correct the title.

Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Bronoske; Davis; Graham; Macri; Maycumber; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Harris.

MINORITY recommendation: Without recommendation. Signed by Representatives Hutchins, Assistant Ranking Minority Member; Barnard; and Mosbrucker.

Referred to Committee on Appropriations

March 28, 2023

ESSB 5267

Prime Sponsor, Labor & Commerce: Safeguarding the public safety by protecting railroad workers. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that railroad employees are susceptible to illness and infectious diseases from working in confined spaces, as well as the illnesses and injuries that affect the general population, yet have no protections for unpaid leave, and may be subjected to discipline and termination for unpaid absences from duty due to illnesses and injuries of themselves and their family members.

The legislature further finds that railroad employees may report to work while ill to avoid disciplinary action by railroad companies, pursuant to their corporate attendance and availability policies.

Furthermore, the legislature finds that the unique operational practices utilized to summon railroad crew employees to duty necessitate state protections for short-term unpaid absences by railroad workers. The job

security protections extended by this act for unpaid leave are minimal in contrast to the greater rights and benefits of most employees in this state.

Therefore, the legislature enacts this chapter in the interest of public health and infectious disease control, for protection of public safety, the prevention of environmental harm, and to reduce railroad operational risks across the state.

The provisions of this chapter are enacted in the exercise of the police power of the state for the purpose of protecting the immediate and future health, safety, and welfare of the people of this state.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) The following terms have the same meaning as provided in RCW 50A.05.010: "Child," "family leave," "family member," "health care provider," "medical leave," "period of incapacity," "serious health condition," and "spouse."

(2) "Department" means the department of labor and industries.

(3) "Director" means the director of the department of labor and industries, or the director's authorized representative.

(4) "Employee" means a person who has been employed by a railroad carrier.

(5) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity, including any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision, which engages in business as a railroad carrier.

(6) "Employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions except benefits that are provided by a practice or written policy of an employer or through an employee benefit plan as defined in 29 U.S.C. Sec. 1002(3).

(7) "Intermittent leave" is leave taken in separate blocks of time due to a single qualifying reason.

(8) "Operating craft employee" means any employee of a railroad carrier who performs service in an operating craft on a railroad or directs the work of an operating craft employee as a scheduled employee, and includes any other employee of a railroad carrier who performs safety sensitive tasks associated with railroad operations.

(9) "Other railroad carrier" means a railroad company that is designated as a class III carrier by the surface transportation board and:

(a) Is not owned or operated in whole or part by, or as a subsidiary of, any class I or class II carrier; or

(b) Is not owned, operated, and managed directly by a governmental entity employing 25 or more railroad employees; or

(c) Is not owned or operated by a railroad holding company with annual

combined operating revenue from all railroad sources that meets or exceeds the current class II railroad designation threshold as determined by the surface transportation board.

(10) "Railroad carrier" means any employer subject to the jurisdiction of the surface transportation board under 49 U.S.C. Sec. 1301 through 1326, as it exists on the effective date of this section. "Railroad carrier" includes the officers and agents of the railroad operations regardless of physical location. "Railroad carrier" does not include other railroad carriers.

(11) "Unpaid" means a period of leave undertaken without receiving payment of lost wages from an employing railroad company.

**NEW SECTION. Sec. 3.** The department shall administer the provisions of this chapter.

**NEW SECTION. Sec. 4.** (1) No railroad carrier may dismiss, suspend, lay off, demote, engage in any adverse action against, or otherwise discipline an employee for unpaid absences pursuant to the provisions of this section if:

(a) The employee has completed three consecutive months of continuous employment by the railroad carrier prior to the absence;

(b) No consecutive period of unpaid absence pursuant to the provisions of this section exceeds 15 days;

(c) The total number of unpaid absences the employee has taken pursuant to the provisions of this section, including railroad employer paid sick leave, is less than 91 days in the current calendar year; and

(d) The unpaid absence is taken pursuant to subsection (2) of this section.

(2) An employee's unpaid absence under this section is due to any of the following reasons:

(a) An absence resulting from an employee's mental or physical illness, injury, or health condition including fatigue; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;

(b) To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care; and

(c) When the employee or their spouse or registered domestic partner's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason.

(3) An employer may permit employees to use any accrued leave, including vacation time or personal leave, while absent pursuant to the provisions of this section. An employer may not require an employee to

use paid leave while absent pursuant to the provisions of this section.

(4) For employee absences under this section exceeding five consecutive days, the employer may, within 10 days of the employee's return to work, request verification that the employee's unpaid absence was for a specific purpose pursuant to this section.

(a) If verification is requested by an employer, the employer must provide the employee no fewer than 30 days to obtain and provide any requested verification. An employer's requirements for verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law.

(b) If an employer requires an employee to provide verification from a health care provider identifying the need for use of their unpaid leave for a specific purpose pursuant to this section, the employer must not require that the information provided explain the nature of the condition. If the employer obtains any health information about an employee or an employee's family member, the employer must treat such information in a confidential manner consistent with applicable privacy laws.

(5) Any employee absences pursuant to this section are not subject to any type of carrier availability or attendance policy and are separate from any protected leave under Title 50A RCW.

**NEW SECTION. Sec. 5.** (1) It is unlawful for any employer to:

(a) Interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this chapter; or

(b) Discharge or in any other manner discriminate against any individual for opposing any practice made unlawful by this chapter.

(2) It is unlawful for any person to discharge or in any other manner discriminate against any individual because the individual has:

(a) Filed any complaint or charge, or has instituted or caused to be instituted any proceeding, under or related to this chapter;

(b) Given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this chapter; or

(c) Testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this chapter.

**NEW SECTION. Sec. 6.** (1)(a) Upon receipt of a complaint by an employee of a railroad carrier, the department shall investigate to determine if there has been noncompliance with this chapter and related rules and issue either a citation and notice of assessment or a closure letter within 90 days after the date on which the department received the complaint, unless the complaint is otherwise resolved. The department may extend the period by providing advance written notice to the employee and the employer setting forth good cause for an

extension of the period, and specifying the duration of the extension.

(b) The department shall send the citation and notice of assessment or the closure letter to both the employer and the employee by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to their last known addresses.

(c) If the department's investigation finds that the employee's allegation cannot be substantiated, the department shall issue a closure letter to the employee and the employer detailing such finding.

(2)(a) If the department's investigation finds that a railroad carrier violated this chapter or related rules, the department may order the employer to pay the department a civil penalty. Civil penalties may be assessed as follows:

(i) For a class I carrier, any class II carrier owned by a class I carrier, and any class III carrier subject to this chapter, up to \$5,000 for the first violation, up to \$25,000 for the second violation within a three-year period following any previous violation, and up to \$100,000 for the third or subsequent violation within a three-year period following any previous violation;

(ii) For a class II carrier, up to \$1,000 for the first violation, up to \$5,000 for the second violation within a three-year period following any previous violation, and up to \$10,000 for the third or subsequent violation within a three-year period following any previous violation.

(b) The department may, at any time, waive or reduce any civil penalty assessed against an employer under this section if the department determines that the employer has taken corrective action to remedy the retaliatory action.

(3) The director may also order other remedies such as back pay and reinstatement, and may increase the fines by rule based on changing economic conditions.

(4) The department shall deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(5)(a) The administrative remedies established in this chapter apply to complaints alleging violations that occurred on or after the effective date of this act.

(b) A complaint alleging a violation of this chapter may be filed within two years from the date of the last event constituting a violation.

**NEW SECTION. Sec. 7.** (1) A person, firm, or corporation aggrieved by a citation and notice of assessment by the department under this chapter, or any rules adopted under this chapter, may appeal the citation and notice of assessment to the director by filing a notice of appeal with the director within 30 days of the department's issuance of the citation and notice of assessment. A citation and notice of assessment not appealed within 30 days is final and binding, and not subject to further appeal.

(2) A notice of appeal filed with the director under this section shall stay the effectiveness of the citation and notice of assessment pending final review of the

appeal by the director as provided for in chapter 34.05 RCW.

(3) Upon receipt of a notice of appeal, the director shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures shall be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation and notice of assessment shall be de novo. Any party who seeks to challenge an initial order shall file a petition for administrative review with the director within 30 days after service of the initial order. The director shall conduct an administrative review in accordance with chapter 34.05 RCW.

(4) The director shall issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(5) Orders that are not appealed within the time period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(6) An employer who fails to allow adequate inspection of records in an investigation by the department under this chapter within a reasonable time period may not use such records in any appeal under this section to challenge the correctness of any determination by the department of the penalty assessed.

NEW SECTION. **Sec. 8.** If any person fails to pay an assessment under this chapter, or under any rule under this chapter, after it has become a final and unappealable order, or after the court has entered final judgment in favor of the agency, the director may initiate collection procedures in accordance with section 9 of this act.

NEW SECTION. **Sec. 9.** (1) After a final order is issued under this chapter, or any rules under this chapter, if an employer defaults in the payment of: (a) Any amount determined by the department to be owed to an employee, including interest; or (b) any civil penalty ordered by the department under this chapter, or any rules under this chapter, the director may file with the clerk of any county within the state a warrant in the amount of the payment plus any filing fees. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the employer mentioned in the warrant, the amount of payment due on it plus any filing fees, and the date when the warrant was filed. The aggregate amount of the warrant as docketed becomes a lien upon the title to, and interest in, all real and personal property of the employer against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of the clerk. The sheriff shall proceed upon the warrant in all respects and

with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in a court of competent jurisdiction. The warrant so docketed is sufficient to support the issuance of writs of garnishment in favor of the state in a manner provided by law in case of judgment, wholly or partially unsatisfied. The clerk of the court is entitled to a filing fee which shall be added to the amount of the warrant. A copy of the warrant shall be mailed to the employer within three days of filing with the clerk.

(2)(a) The director may issue to any person, firm, corporation, other entity, municipal corporation, political subdivision of the state, a public corporation, or any agency of the state, a notice and order to withhold and deliver property of any kind when they have reason to believe that there is in the possession of the person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property that is or will become due, owing, or belonging to an employer upon whom a notice of assessment has been served by the department for payments or civil penalties due to the department. The effect of a notice and order is continuous from the date the notice and order is first made until the liability out of which the notice and order arose is satisfied or becomes unenforceable because of lapse of time. The department shall release the notice and order when the liability out of which the notice and order arose is satisfied or becomes unenforceable by reason of lapse of time and shall notify the person against whom the notice and order was made that the notice and order has been released.

(b) The notice and order to withhold and deliver must be served by the sheriff of the county or by the sheriff's deputy, by certified mail, return receipt requested, or by the director. A person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within 20 days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order. Upon service of the notice and order, if the party served possesses any property that may be subject to the claim of the department, the party shall promptly deliver the property to the director. The director shall hold the property in trust for application on the employer's indebtedness to the department, or for return without interest, in accordance with a final determination of a petition for review. In the alternative, the party shall furnish a good and sufficient surety bond satisfactory to the director conditioned upon final determination of liability. If a party served and named in the notice fails to answer the notice within the time prescribed in this section, the court may render judgment by default against the party for the full amount claimed by the director in the notice, together with costs. If a notice is served upon an employer and the property



subject to the notice is wages, the employer may assert in the answer all exemptions provided for by chapter 6.27 RCW to which the wage earner is entitled.

(c) As an alternative to the methods of service described in this section, the department may electronically serve a financial institution with a notice and order to withhold and deliver by providing a list of its outstanding warrants, except those for which a payment agreement is in good standing, to the department of revenue. The department of revenue may include the warrants provided by the department in a notice and order to withhold and deliver served under RCW 82.32.235(3). A financial institution that is served with a notice and order to withhold and deliver under this subsection (2)(c) must answer the notice within the time period applicable to service under RCW 82.32.235(3). The department and the department of revenue may adopt rules to implement this subsection (2)(c).

(3) In addition to the procedure for collection of amounts owed, including interest, and civil penalties as set forth in this section, the department may recover amounts owed, including interest, and civil penalties assessed under this chapter, and any rules under this chapter, in a civil action brought in a court of competent jurisdiction of the county where the violation is alleged to have occurred.

(4) Whenever any employer quits business, sells out, exchanges, or otherwise disposes of the employer's business or stock of goods, any person who becomes a successor to the business becomes liable for the full amount of any outstanding citation and notice of assessment or penalty against the employer's business under this chapter if, at the time of the conveyance of the business, the successor has: (a) Actual knowledge of the fact and amount of the outstanding citation and notice of assessment; or (b) a prompt, reasonable, and effective means of accessing and verifying the fact and amount of the outstanding citation and notice of assessment from the department. If the citation and notice of assessment or penalty is not paid in full by the employer within 10 days of the date of the sale, exchange, or disposal, the successor is liable for the payment of the full amount of the citation and notice of assessment or penalty, and payment thereof by the successor must, to the extent thereof, be deemed a payment upon the purchase price. If the payment is greater in amount than the purchase price, the amount of the difference becomes a debt due to the successor from the employer.

(5) This section does not affect other collection remedies that are otherwise provided by law.

**NEW SECTION. Sec. 10.** Each employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees and applicants for employment are customarily posted, a notice, to be prepared or approved by the director, setting forth excerpts from, or summaries of, the pertinent provisions of this chapter and information pertaining to the filing of

a charge. Any employer that willfully violates this section may be subject to a civil penalty of not more than \$1,000 for each separate offense. Any penalties collected by the department under this section shall be deposited into the supplemental pension fund established under RCW 51.44.033.

**NEW SECTION. Sec. 11.** Nothing in this chapter shall be construed:

(1) To modify or affect any state or local law prohibiting discrimination on the basis of race, religion, color, national origin, sex, sexual orientation, gender identity, age, or disability; or

(2) To supersede any provision of any local law that provides greater family or medical leave rights than the rights established under this chapter.

**NEW SECTION. Sec. 12.** Nothing in this chapter diminishes the obligation of an employer to comply with any collective bargaining agreement or any employment benefit program or plan that provides greater family or medical leave rights to employees than the rights established under this chapter. The rights established for employees under this chapter may not be diminished by any collective bargaining agreement or any employment benefit program or plan.

**NEW SECTION. Sec. 13.** Nothing in this chapter shall be construed to discourage employers from adopting or retaining leave policies more generous than any policies that comply with the requirements under this chapter.

**NEW SECTION. Sec. 14.** The director may adopt rules as necessary to implement this chapter.

**NEW SECTION. Sec. 15.** This act may be known and cited as the Shahraim C. Allen safe leave act for Washington railroad workers.

**NEW SECTION. Sec. 16.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 17.** Sections 1 through 15 of this act constitute a new chapter in Title 49 RCW.

**NEW SECTION. Sec. 18.** Except for sections 6 through 10 of this act, which take effect January 1, 2024, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions and takes effect immediately."

Correct the title.

Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

March 28, 2023

SSB 5300

Prime Sponsor, Health & Long Term Care: Concerning continuity of coverage for prescription drugs prescribed for the treatment of behavioral health conditions. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, for health plans that include prescription drug coverage issued or renewed on or after January 1, 2025, a health carrier or its health care benefit manager may not require the substitution of a nonpreferred drug with a preferred drug in a given therapeutic class, or increase an enrollee's cost-sharing obligation mid-plan year for the drug, if the prescription is for a refill of an antipsychotic, antidepressant, antiepileptic, or other drug prescribed to the enrollee to treat a serious mental illness, the enrollee is medically stable on the drug, and a participating provider continues to prescribe the drug.

(2) Nothing in this section prohibits:

(a) The carrier from requiring generic substitution during the current plan year;

(b) The carrier from adding new drugs to its formulary during the current plan year;

(c) The carrier from removing a drug from its formulary for reasons of patient safety concerns, drug recall or removal from the market, or medical evidence indicating no therapeutic effect of the drug; or

(d) A participating provider from prescribing a different drug that is covered by the plan and medically appropriate for the enrollee.

(3) For the purposes of this section:

(a) "Refill" means a second or subsequent filling of a previously issued prescription.

(b) "Serious mental illness" means a mental disorder, as defined in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association, that results in serious functional impairment that substantially interferes with or limits one or more major life activities.

**Sec. 2.** RCW 69.41.190 and 2011 1st sp.s. c 15 s 80 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, any pharmacist filling a prescription under a state purchased health care program as defined in RCW 41.05.011(~~(+2)~~) shall substitute, where identified, a preferred drug for any nonpreferred drug in a given therapeutic class, unless the endorsing practitioner has indicated on the prescription that the nonpreferred drug must be dispensed as written, or the prescription is for a refill of an antipsychotic, antidepressant, antiepileptic, or other drug prescribed to the patient to treat a serious mental illness, chemotherapy, antiretroviral, or immunosuppressive drug, or for the refill of an immunomodulator/antiviral treatment for hepatitis C for which an established, fixed duration of therapy is prescribed for at least ~~((twenty-four))~~24 weeks but no more than ~~((forty-eight))~~48 weeks, in which case the pharmacist shall dispense the prescribed nonpreferred drug.

(b) When a substitution is made under (a) of this subsection, the dispensing pharmacist shall notify the prescribing practitioner of the specific drug and dose dispensed.

(2)(a) A state purchased health care program may impose limited restrictions on an endorsing practitioner's authority to write a prescription to dispense as written only under the following circumstances:

(i) There is statistical or clear data demonstrating the endorsing practitioner's frequency of prescribing dispensed as written for nonpreferred drugs varies significantly from the prescribing patterns of his or her peers;

(ii) The medical director of a state purchased health program has: (A) Presented the endorsing practitioner with data that indicates the endorsing practitioner's prescribing patterns vary significantly from his or her peers, (B) provided the endorsing practitioner an opportunity to explain the variation in his or her prescribing patterns to those of his or her peers, and (C) if the variation in prescribing patterns cannot be explained, provided the endorsing practitioner sufficient time to change his or her prescribing patterns to align with those of his or her peers; and

(iii) The restrictions imposed under (a) of this subsection (2) must be limited to the extent possible to reduce variation in prescribing patterns and shall remain in effect only until such time as the endorsing practitioner can demonstrate a reduction in variation in line with his or her peers.

(b) A state purchased health care program may immediately designate an available, less expensive, equally effective generic product in a previously reviewed drug class as a preferred drug, without first submitting the product to review by the pharmacy and therapeutics committee established pursuant to RCW 70.14.050.

(c) For a patient's first course of treatment within a therapeutic class of drugs, a state purchased health care program may impose limited restrictions on endorsing practitioners' authority to write a prescription to dispense as written, only under the following circumstances:

(i) There is a less expensive, equally effective therapeutic alternative generic product available to treat the condition;

(ii) The drug use review board established under WAC 388-530-4000 reviews and provides recommendations as to the appropriateness of the limitation;

(iii) Notwithstanding the limitation set forth in (c)(ii) of this subsection (2), the endorsing practitioner shall have an opportunity to request as medically necessary, that the brand name drug be prescribed as the first course of treatment;

(iv) The state purchased health care program may provide, where available, prescription, emergency room, diagnosis, and hospitalization history with the endorsing practitioner; and

(v) Specifically for antipsychotic restrictions, the state purchased health care program shall effectively guide good practice without interfering with the timeliness of clinical decision making. Health care authority prior authorization programs must provide for responses within ~~((twenty-four))~~ 24 hours and at least a ~~((seventy-two))~~ 72 hour emergency supply of the requested drug.

(d) If, within a therapeutic class, there is an equally effective therapeutic alternative over-the-counter drug available, a state purchased health care program may designate the over-the-counter drug as the preferred drug.

(e) A state purchased health care program may impose limited restrictions on endorsing practitioners' authority to prescribe pharmaceuticals to be dispensed as written for a purpose outside the scope of their approved labels only under the following circumstances:

(i) There is a less expensive, equally effective on-label product available to treat the condition;

(ii) The drug use review board established under WAC 388-530-4000 reviews and provides recommendations as to the appropriateness of the limitation; and

(iii) Notwithstanding the limitation set forth in (e)(ii) of this subsection (2), the endorsing practitioner shall have an opportunity to request as medically necessary, that the drug be prescribed for a covered off-label purpose.

(f) The provisions of this subsection related to the definition of medically necessary, prior authorization procedures and patient appeal rights shall be implemented in a manner consistent with applicable federal and state law.

(3) Notwithstanding the limitations in subsection (2) of this section, for refills for an antipsychotic, antidepressant, antiepileptic, or other drug prescribed to the patient to treat a serious mental illness, chemotherapy, antiretroviral, or immunosuppressive drug, or for the refill of an immunomodulator antiviral treatment for hepatitis C for which an established, fixed duration of therapy is prescribed for at least ~~((twenty-four))~~ 24 weeks by no more than ~~((forty-eight))~~ 48 weeks, the pharmacist shall dispense the prescribed nonpreferred drug.

(4) For the purposes of this section, "serious mental illness" means a mental

disorder, as defined in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association, that results in serious functional impairment that substantially interferes with or limits one or more major life activities.

NEW SECTION. Sec. 3. Section 2 of this act takes effect January 1, 2025."

Correct the title.

Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

March 28, 2023

ESB 5352

Prime Sponsor, Senator Lovick: Concerning vehicular pursuits. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 10.116.060 and 2021 c 320 s 7 are each amended to read as follows:

(1) A peace officer may not engage in a vehicular pursuit, unless:

(a) ~~((+))~~ There is ~~((probable cause))~~ reasonable suspicion to believe that a person in the vehicle has committed or is committing ~~((a))~~;

(i) A violent offense ~~((e))~~ as defined in RCW 9.94A.030;

(ii) A sex offense as defined in RCW 9.94A.030 ~~((or an))~~;

(iii) A vehicular assault offense under RCW 46.61.522;

(iv) An assault in the first, second, third, or fourth degree offense under chapter 9A.36 RCW only if the assault involves domestic violence as defined in RCW 10.99.020;

(v) An escape under chapter 9A.76 RCW; or ~~((ii) There is reasonable suspicion a person in the vehicle has committed or is committing a))~~ (vi) A driving under the influence offense under RCW 46.61.502;

(b) The pursuit is necessary for the purpose of identifying or apprehending the person;

(c) The person poses ~~((an imminent threat to the safety of))~~ a serious risk of harm to others and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances; and

(d) (i) Except as provided in (d) (ii) of this subsection, the ~~((officer has received authorization to engage in the pursuit from))~~ pursuing officer notifies a supervising officer ~~((and))~~ immediately upon initiating the vehicular pursuit; there is supervisory ~~((control))~~ oversight of the pursuit ~~((The))~~; and the pursuing officer, in consultation with the supervising officer

~~((must consider)), considers alternatives to the vehicular pursuit ((The supervisor must consider)), the justification for the vehicular pursuit and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle (, and the vehicular pursuit must be terminated if any of the requirements of this subsection are not met));~~

(ii) For those jurisdictions with fewer than ~~((10))~~<sup>15</sup> commissioned officers, if a supervisor is not on duty at the time, the pursuing officer ~~((will request))~~ requests the on-call supervisor be notified of the pursuit according to the agency's procedures ~~((The)), and the pursuing officer ((must consider))~~ considers alternatives to the vehicular pursuit, the justification for the vehicular pursuit, and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle. ~~((The officer must terminate the vehicular pursuit if any of the requirements of this subsection are not met.))~~

~~((A pursuing))~~ In any vehicular pursuit under this section:

(a) The pursuing officer and the supervising officer, if applicable, shall comply with any agency procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to participate in the vehicular pursuit ((and comply)).

(b) The supervising officer, the pursuing officer, or dispatcher shall notify other law enforcement agencies or surrounding jurisdictions that may be impacted by the vehicular pursuit or called upon to assist with the vehicular pursuit, and the pursuing officer and the supervising officer, if applicable, shall comply with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable;

(c) The pursuing officer must be able to directly communicate with other officers engaging in the pursuit, the supervising officer, if applicable, and the dispatch agency, such as being on a common radio channel or having other direct means of communication;

(d) As soon as practicable after initiating a vehicular pursuit, the pursuing officer, supervising officer, if applicable, or responsible agency shall develop a plan to end the pursuit through the use of available pursuit intervention options, such as the use of the pursuit intervention technique, deployment of spike strips or other tire deflation devices, or other department authorized pursuit intervention tactics; and

(e) The pursuing officer must have completed an emergency vehicle operator's course, must have completed updated emergency vehicle operator training in the previous two years, where applicable, and must be certified in at least one pursuit intervention option. Emergency vehicle operator training must include training on performing the risk assessment analysis described in subsection (1)(c) of this section.

(3) A vehicle pursuit not meeting the requirements under this section must be terminated.

~~((3))~~ (4) A peace officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. For the purposes of this subsection, a vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer.

~~((4))~~ (5) For purposes of this section, "vehicular pursuit" means an attempt by a uniformed peace officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representative Farivar.

MINORITY recommendation: Without recommendation. Signed by Representative Graham.

Referred to Committee on Rules for second reading

March 28, 2023

ESB 5355

Prime Sponsor, Senator Wilson, C.: Mandating instruction on sex trafficking prevention and identification for students in grades seven through 12. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that:

(1) The United States has the second largest concentration of past and current trafficking victims, and Washington state is currently the sixth largest epicenter of sex trafficking in the United States.

(2) More than 45 percent of all sex trafficking victims are minors and attending our nation's schools every day.

(3) Currently, most trafficking avoids detection, with one study from the national institute of justice finding that "fewer than half of all suspected traffickers in the United States had been arrested." Recent national institute of justice supported research reveals that labor and sex trafficking data appearing in the federal bureau of investigation's national uniform crime reporting program may significantly understate the extent of trafficking crimes in the United States.

(4) The undefined nature of human trafficking contributes to widespread ignorance for public agencies in a position to address the crime. Sixty percent of state and local prosecutors nationwide "do not consider trafficking a problem in their jurisdictions," and over 70 percent of local, state, and county law enforcement agencies wrongly "view human trafficking as rare or nonexistent" in their local communities.

(5) Nearly half of prosecutors and law enforcement agencies across the country are unaware of specific existing antitrafficking laws or definitions that constitute acts of human trafficking, which manifests in current ineffective mitigation strategies.

(6) Child sex trafficking survivors are disproportionately girls of color. In King county, 52 percent of all child sex trafficking victims are black and 84 percent of youth victims are female, while black girls comprise 1.1 percent of the population.

(7) Sex traffickers are not overgeneralized to any demographic but are disproportionately white men. In King county, 80 percent of sex traffickers are white men.

(8) Females of color bear the brunt of prostitution imprisonment as a result of sexual violence in sex trafficking due to mandatory arrests. For example, Latinx women account for nearly 61 percent of juvenile prostitution arrests. By contrast, sex traffickers face little to no consequences for their role in exploitation.

(9) Twenty-five service agencies participated in a 2007 survey. Nineteen of these agencies provided information that aligned with what are understood to be "red-flag" indicators of trafficking situations. Victimization and human trafficking are considerable concerns for eastern Washington, particularly Spokane, and there is a wide spectrum of trafficking activities that include sex slavery, forced prostitution, forced panhandling, farm labor, janitorial work, and domestic servitude.

(10) On any given day, between 300 and 500 people, some as young as 11 years old, are trafficked in the Puget Sound area for labor or sex.

(11) Intersectional, accurate, and actionable sex trafficking education is necessary to enable all students to break down stereotypes of affected parties in sex trafficking and provide them with tools for identifying and combatting this crime.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) Beginning no later than the 2025-26 school year, school districts must offer instruction in sex trafficking awareness and prevention at least once to each student in grades seven through 12. The instruction, at the discretion of the school or school district, may be integrated into a relevant course or a course may be repurposed to include the instruction.

(2) Subject to the availability of amounts appropriated for this specific purpose, on or before June 30, 2024, the office of the superintendent of public instruction must review curricula related to the awareness and prevention of sex trafficking.

(3) To the extent practicable, the office of the superintendent of public instruction must make available in the library of openly licensed courseware under RCW 28A.300.803, curricular resources related to the awareness and prevention of sex trafficking that include:

(a) Information about the race, gender, and socioeconomic status of sex trafficking victims and perpetrators;

(b) Medically and legally accurate definitions of sex trafficking, and information about term stigmatization and how it may reduce reporting and increase the difficulty of detecting and prosecuting sex trafficking crimes;

(c) Information about reporting systems and community engagement opportunities with local, state, or national organizations against sex trafficking, and basic identification training to determine if an individual is at risk of or has been sex trafficked; and

(d) Information to help students recognize the signs and behavior changes in others that may indicate grooming for sex trafficking or other unlawful, coercive relationships.

(4) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020, and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools established under chapter 28A.715 RCW to the same extent as it applies to school districts.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.300 RCW to read as follows:

The child sexual abuse and sex trafficking prevention and identification public-private partnership account is created in the custody of the state treasurer. All receipts from gifts, grants, or endowments from public or private sources, federal funds, and any appropriations made by the legislature or other sources must be deposited into the account. Expenditures from the account may be used only for curriculum and professional development to support instruction on child sexual abuse and sex trafficking prevention and identification. Only the superintendent of public instruction or the superintendent's designee may authorize

expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures."

Correct the title.

Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; Ortiz-Self; Pollet; Sandlin; Stonier and Timmons.

MINORITY recommendation: Without recommendation.  
Signed by Representatives McClintock; and Steele.

Referred to Committee on Appropriations

March 28, 2023

SB 5363 Prime Sponsor, Senator MacEwen:  
Concerning cannabis retailer advertising.  
Reported by Committee on Regulated  
Substances & Gaming

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 69.50.369 and 2022 c 16 s 75 are each amended to read as follows:

(1) ~~((No))~~ Except as provided in subsection (11) of this section and consistent with RCW 69.50.331(8)(b), no licensed cannabis producer, processor, researcher, or retailer may place or maintain, or cause to be placed or maintained, any sign or other advertisement for a cannabis business or cannabis product, including useable cannabis, cannabis concentrates, or cannabis-infused product, in any form or through any medium whatsoever within one thousand feet of the perimeter of a school grounds, playground, recreation center or facility, child care center, public park, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.

(2) Except for the use of billboards as authorized under this section, licensed cannabis retailers may not display any signage outside of the licensed premises, other than two signs identifying the retail outlet by the licensee's business or trade name, stating the location of the business, and identifying the nature of the business. Each sign must be ~~((no larger than one thousand six hundred square inches and be))~~ permanently affixed to a building or other structure. The location and content of the retail cannabis signs authorized under this subsection are subject to all other requirements and restrictions established in this section for indoor signs, outdoor signs, and other cannabis-related advertising methods.

(3) A cannabis licensee may not utilize transit advertisements for the purpose of advertising its business or product line. "Transit advertisements" means advertising on or within private or public vehicles and all advertisements placed at, on, or within any bus stop, taxi stand, transportation waiting area, train station, airport, or any similar transit-related location.

(4) A cannabis licensee may not engage in advertising or other marketing practice that specifically targets persons residing outside of the state of Washington.

(5) All signs, billboards, or other print advertising for cannabis businesses or cannabis products must contain text stating that cannabis products may be purchased or possessed only by persons twenty-one years of age or older.

(6) A cannabis licensee may not:

(a) Take any action, directly or indirectly, to target youth in the advertising, promotion, or marketing of cannabis and cannabis products, or take any action the primary purpose of which is to initiate, maintain, or increase the incidence of youth use of cannabis or cannabis products;

(b) Use objects such as toys or inflatables, movie or cartoon characters, or any other depiction or image likely to be appealing to youth, where such objects, images, or depictions indicate an intent to cause youth to become interested in the purchase or consumption of cannabis products; or

(c) Use or employ a commercial mascot outside of, and in proximity to, a licensed cannabis business. A "commercial mascot" means live human being, animal, or mechanical device used for attracting the attention of motorists and passersby so as to make them aware of cannabis products or the presence of a cannabis business. Commercial mascots include, but are not limited to, inflatable tube displays, persons in costume, or wearing, holding, or spinning a sign with a cannabis-related commercial message or image, where the intent is to draw attention to a cannabis business or its products.

(7) A cannabis licensee that engages in outdoor advertising is subject to the advertising requirements and restrictions set forth in this subsection (7) and elsewhere in this chapter.

(a) All outdoor advertising signs, including billboards, are limited to text that identifies the retail outlet by the licensee's business or trade name, states the location of the business, and identifies the type or nature of the business. Such signs may not contain any depictions of cannabis plants, cannabis products, or images that might be appealing to children. The board is granted rule-making authority to regulate the text and images that are permissible on outdoor advertising. Such rule making must be consistent with other administrative rules generally applicable to the advertising of cannabis businesses and products.

(b) Outdoor advertising is prohibited:

(i) On signs and placards in arenas, stadiums, shopping malls, fairs that receive state allocations, farmers markets, and video game arcades, whether any of the foregoing are open air or enclosed, but not including any such sign or placard located in an adult only facility; and

(ii) Billboards that are visible from any street, road, highway, right-of-way, or public parking area are prohibited, except as provided in (c) of this subsection.

(c) Licensed retail outlets may use a billboard or outdoor sign solely for the purpose of identifying the name of the business, the nature of the business, and providing the public with directional information to the licensed retail outlet. Billboard advertising is subject to the same requirements and restrictions as set forth in (a) of this subsection.

(d) Advertising signs within the premises of a retail cannabis business outlet that are visible to the public from outside the premises must meet the signage regulations and requirements applicable to outdoor signs as set forth in this section.

(e) The restrictions and regulations applicable to outdoor advertising under this section are not applicable to:

(i) An advertisement inside a licensed retail establishment that sells cannabis products that is not placed on the inside surface of a window facing outward; or

(ii) An outdoor advertisement at the site of an event to be held at an adult only facility that is placed at such site during the period the facility or enclosed area constitutes an adult only facility, but in no event more than fourteen days before the event, and that does not advertise any cannabis product other than by using a brand name to identify the event.

(8) Merchandising within a retail outlet is not advertising for the purposes of this section.

(9) This section does not apply to a noncommercial message.

(10)(a) The board must:

(i) Adopt rules implementing this section and specifically including provisions regulating the billboards and outdoor signs authorized under this section; and

(ii) Fine a licensee one thousand dollars for each violation of this section until the board adopts rules prescribing penalties for violations of this section. The rules must establish escalating penalties including fines and up to suspension or revocation of a cannabis license for subsequent violations.

(b) Fines collected under this subsection must be deposited into the dedicated cannabis account created under RCW 69.50.530.

(11)(a) A city, town, or county may adopt rules of outdoor advertising by licensed cannabis retailers that ~~((are))~~:

(i) Allow advertising for the retail premises by cannabis retailers that are permitted to be within 1,000 feet of the locations specified in subsection (1) of this section pursuant to RCW 69.50.331(8)(b), not including elementary schools, secondary schools, or playgrounds; or

(ii) Are more restrictive than the advertising restrictions imposed under this chapter.

(b) Enforcement of restrictions to advertising by a city, town, or county is the responsibility of the city, town, or county.

(12) The board may not regulate the size of retail signs, whether indoor or outdoor, and billboards for licensed cannabis retailers. Licensed cannabis retailers are subject to any size requirements for retail signs and billboards of the city, town, or

county in which the licensed cannabis retailer is located. This subsection does not affect the board's rule-making authority regarding any other licensed cannabis retailer advertising requirements under this section or RCW 69.50.342 or 69.50.345."

Correct the title.

Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Orwall; Reeves; Walsh and Waters.

Referred to Committee on Rules for second reading

March 29, 2023

ESSB 5371

Prime Sponsor, Agriculture, Water, Natural Resources & Parks: Protecting southern resident orcas from vessels. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) It is the intent of the legislature to support the recovery of endangered southern resident orcas by reducing underwater noise and disturbance from vessels, which is one of the three main threats to the population's recovery, along with availability of their preferred prey, Chinook salmon, and contaminants in their food and environment.

(2) The state has a compelling interest in protecting the iconic southern resident orca from extinction by acting to implement recovery activities and adaptively managing the southern resident orca recovery effort using best available science.

(3) Governor Inslee's southern resident orca task force produced 49 recommendations to address the three major threats to the population's recovery. While many investments have been made and implementation is ongoing, increased and sustained efforts are needed to advance salmon recovery, address water quality and contaminants in the environment, and reduce underwater noise and physical disturbance of orcas as they attempt to forage, communicate, and rest.

(4) The legislature finds that the threats to orcas are interrelated and they are inexorably linked with salmon recovery. Salmon face a diverse array of threats throughout their life cycle including the threat posed by pinnipeds, such as seals and sea lions, which are protected under federal law, but nevertheless pose a significant threat to salmon and orca recovery through ongoing and excessive predation. Salmon also face fish passage barriers, stormwater runoff, and spills from wastewater treatment plants, among other threats. It is in the best interest of all the people of Washington, including federally recognized tribes and private landowners, to increase the population of salmon and to ensure the survivability of salmon against all threats.

(5) The legislature directed the department of fish and wildlife to produce a

report on the effectiveness of regulations designed to address underwater noise and disturbance from commercial whale watching and recreational vessels. The legislature received the first of three mandated reports in November of 2022, and it contained an assessment of the most recent science demonstrating the negative impact of vessels on southern resident orca foraging behavior and foraging success.

(6) While it takes time to see results from efforts to increase prey availability and reduce contaminants, reducing noise and disturbance from vessels can provide immediate support for the southern resident orcas by increasing their likelihood of successful foraging.

**Sec. 2.** RCW 77.15.740 and 2019 c 291 s 1 are each amended to read as follows:

(1) Except as provided in subsection ~~((2))~~ (3) of this section, it is unlawful for a person to:

(a) Cause a vessel or other object to approach, in any manner, within three hundred yards of a southern resident orca ~~((whale))~~;

(b) Position a vessel to be in the path of a southern resident orca ~~((whale))~~ at any point located within ~~((four hundred))~~ 400 yards of the whale. This includes intercepting a southern resident orca ~~((whale))~~ by positioning a vessel so that the prevailing wind or water current carries the vessel into the path of the whale at any point located within four hundred yards of the whale;

(c) Position a vessel behind a southern resident orca ~~((whale))~~ at any point located within four hundred yards;

(d) Fail to disengage the transmission of a vessel that is within ~~((three hundred))~~ 300 yards of a southern resident orca ~~((whale))~~;

(e) Cause a vessel or other object to exceed a speed greater than seven knots over ground at any point located within ~~((one-half nautical mile (one thousand thirteen yards))~~ 1,000 yards of a southern resident orca ~~((whale))~~; or

(f) Feed a southern resident orca ~~((whale))~~.

(2) Except as provided in section 3 of this act, a voluntary 1,000-yard approach distance around southern resident orcas is established. This is also referred to as a 1,000-yard setback or 1,000-yard avoidance distance, as the intent is to discourage boaters from pursuing on-water viewing or approaching of southern resident orcas.

(3) A person is exempt from subsection (1) of this section if that person is:

(a) Operating a federal government vessel in the course of official duties, or operating a state, tribal, or local government vessel when engaged in official duties involving law enforcement, search and rescue, or public safety;

(b) Operating a vessel in conjunction with a vessel traffic service as a vessel traffic service user established under 33 C.F.R. and following a traffic separation scheme, or complying with a vessel traffic service or captain of the port measure ~~((of))~~ or direction, or complying with the rules of the road or taking actions to

ensure safety. This also includes ~~((support vessels escorting ships in the traffic lanes))~~ vessel transits departing the lanes for safety reasons or to approach or depart a dock or anchorage area, including support vessels escorting or assisting vessels, such as tug boats;

(c) Engaging in an activity, including scientific research or oil spill response, pursuant to the conditions of a permit or other authorization from the national marine fisheries service ~~((and))~~ or the department;

(d) Lawfully engaging in a treaty Indian or commercial fishery that is actively setting, retrieving, or closely tending fishing gear. Commercial fishing vessels in transit are not exempt from subsection (1) of this section;

(e) Conducting vessel operations necessary to avoid an imminent and serious threat to a person, vessel, or the environment, including when necessary for overall safety of navigation and to comply with state and federal navigation requirements; or

(f) Engaging in rescue or clean-up efforts of a beached southern resident orca ~~((whale))~~ overseen, coordinated, or authorized by a volunteer stranding network.

~~((3))~~ (4) For the purpose of this section, "vessel" includes aircraft while on the surface of the water, and every description of watercraft on the water that is used or capable of being used as a means of transportation on the water. However, "vessel" does not include inner tubes, air mattresses, sailboards, and small rafts, or flotation devices or toys customarily used by swimmers.

~~((4))~~ (5) (a) A violation of this section is a natural resource infraction punishable under chapter 7.84 RCW and carries a fine of five hundred dollars, not including statutory assessments added pursuant to RCW 3.62.090.

(b) A person who qualifies for an exemption under subsection ~~((2))~~ (3) of this section may offer that exemption as an affirmative defense, which that person must prove by a preponderance of the evidence.

~~((5) The enforcement actions required of the department from this section are subject to the availability of amounts appropriated for this specific purpose))~~ (c) The department may choose to offer educational materials in lieu of issuing an infraction, at the officer's discretion.

(6) The department must post signs at public boat launches and marinas that provide information regarding the vessel setbacks and speed limits required by this section. However, the requirements of this section apply whether or not a sign is present and the absence of a sign is not a defense to any violation of this section.

(7) The department shall conduct outreach and education regarding regulations and best practices for recreational boating in waters inhabited by southern resident orcas, including best practices for avoiding or minimizing encounters closer than 1,000 yards from a southern resident orca consistent with the recommendations of the work group established in section 5 of this act. This may include the advancement and proliferation of tools for notifying boaters



of southern resident orca presence, identifying orca ecotypes, and estimating distance on the water.

**NEW SECTION. Sec. 3.** A new section is added to chapter 77.15 RCW to read as follows:

(1) It is unlawful for an operator of a motorized commercial whale watching vessel licensed under RCW 77.65.615 to:

(a) Approach, in any manner, within 1,000 yards of a southern resident orca;

(b) Position a vessel to be in the path of a southern resident orca at any point located within 1,000 yards of the whale. This includes intercepting a southern resident orca by positioning a vessel so that the prevailing wind or water current carries the vessel into the path of the whale at any point located within 1,000 yards of the whale;

(c) Fail to disengage the transmission of a vessel that is within 400 yards of a southern resident orca; or

(d) Cause a vessel or other object to exceed a speed greater than seven knots over ground at any point located within 1,000 yards of a southern resident orca.

(2) If an operator of a motorized commercial whale watching vessel enters within 1,000 yards of a group of southern resident orcas, after taking reasonable measures to determine whether the whales were southern resident orcas, and then identifies the whales as southern resident orcas, the operator must:

(a) Immediately safely reposition the vessel to be 1,000 yards or farther from the southern resident orcas; and

(b) Immediately after repositioning the vessel, report the location of the southern resident orca or orcas to the WhaleReport application for the whale report alert system, or to a successor transboundary notification system designated by the department that is adopted by the international shipping community in the Salish Sea.

**NEW SECTION. Sec. 4.** A new section is added to chapter 77.12 RCW to read as follows:

If the population of southern resident orcas reaches a threshold of 70 individuals or fewer, the department must provide a report to the legislature within one year of the threshold being met, consistent with RCW 43.01.036, that includes a study of how enforcement of implementing mandatory 1,000-yard setbacks for all vessels would be applied, the use of data science with respect to southern resident orca pod health, and evidence-based plans to address southern resident orca pod health.

**NEW SECTION. Sec. 5.** (1) The department of fish and wildlife must convene a diverse work group including, but not limited to, representatives from nongovernmental organizations, recreational boaters, the commercial whale watching industry, commercial fishers, ports and marinas, relevant government entities, tribes, and the southern resident orca

research community to inform the development of outreach and education strategies to implement RCW 77.15.740(5). A report summarizing the work of the work group and the department of fish and wildlife's outreach strategies must be included in the 2024 adaptive management report identified in RCW 77.65.620(5). The department of fish and wildlife must conduct intensive outreach and education in fiscal year 2024 and the first half of 2025 to implement the work group outreach recommendations.

(2) In coordination with the work group established in this section, the department of fish and wildlife must conduct education and outreach to encourage voluntary adoption of the 1,000-yard setback from southern resident orcas established in RCW 77.15.740.

(3) The department of fish and wildlife must assess and report on the effectiveness of the voluntary 1,000-yard setback and recommendations for any further legislative action needed to protect southern resident orcas from the effects of vessels in the 2024 adaptive management report identified in RCW 77.65.620(5).

(4) This section expires June 30, 2025.

**Sec. 6.** RCW 77.65.615 and 2021 c 284 s 1 are each amended to read as follows:

(1) A commercial whale watching business license is required for commercial whale watching businesses. The annual fee for a commercial whale watching business license is ~~((two hundred dollars))~~ \$200 in addition to the annual application fee of ~~((seventy-five dollars))~~ \$70.

(2) The annual ~~((fees))~~ application for a commercial whale watching business license as described in subsection (1) of this section must ~~((include fees for))~~ list each motorized or sailing vessel ~~((or vessels as follows:~~

~~((a) One to twenty-four passengers, three hundred twenty-five dollars;~~

~~((b) Twenty-five to fifty passengers, five hundred twenty-five dollars;~~

~~((c) Fifty-one to one hundred passengers, eight hundred twenty-five dollars;~~

~~((d) One hundred one to one hundred fifty passengers, one thousand eight hundred twenty-five dollars; and~~

~~((e) One hundred fifty-one passengers or greater, two thousand dollars)) to be covered under the business license.~~

(3) The holder of a commercial whale watching business license for motorized or sailing vessels required under subsection (2) of this section may ~~((substitute the vessel designated))~~ designate an additional vessel on the license ~~((, or designate a vessel if none has previously been designated,))~~ if the license holder ~~((:~~

~~((a) Surrenders the previously issued license to the department;~~

~~((b) Submits))~~ submits to the department an application that identifies the ~~((currently designated vessel, the))~~ vessel proposed to be designated ~~((,))~~ and any other information required by the department ~~((, and~~

~~((c) Pays to the department a fee of thirty-five dollars and an application fee of one hundred five dollars)).~~

(4) ~~((Unless the business license holder owns all vessels identified on the~~

~~application described in subsection (3)(b) of this section, the department may not change the vessel designation on the license more than once per calendar year.~~

~~(5))~~ A commercial whale watching operator license is required for commercial whale watching operators. A person may operate a motorized or sailing commercial whale watching vessel designated on a commercial whale watching business license only if:

(a) The person holds a commercial whale watching operator license issued by the director; and

(b) The person is designated as an operator on the underlying commercial whale watching business license.

~~((6))~~ (5) No individual may hold more than one commercial whale watching operator license. An individual who holds an operator license may be designated as an operator on an unlimited number of commercial whale watching business licenses.

~~((7))~~ (6) The annual application fee for a commercial whale watching operator license is ~~((one hundred dollars in addition to an annual application fee of seventy-five dollars))~~ \$25.

~~(7) A paddle tour business license is required for businesses conducting paddle tours. The annual fee for a paddle tour business license is \$200 in addition to the annual application fee of \$70.~~

(8) A person may conduct ~~((commercial whale watching via))~~ guided ~~((kayak))~~ paddle tours only if:

(a) The person holds a ~~((kayak))~~ paddle guide license issued by the director; and

(b) The person is designated as a ~~((kayak))~~ guide on the underlying ~~((commercial whale watching))~~ paddle tour business license.

(9) No individual may hold more than one ~~((kayak))~~ paddle guide license. An individual who holds a ~~((kayak))~~ paddle guide license may be designated on an unlimited number of ~~((commercial whale watching))~~ paddle tour business licenses.

(10) The annual application fee for a ~~((kayak))~~ paddle guide license is \$25 ~~((in addition to an annual application fee of \$25))~~.

(11) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Commercial whale watching" means the act of taking, or offering to take, passengers aboard a motorized or sailing vessel ~~((or guided kayak tour in order))~~ to view marine mammals in their natural habitat for a fee.

(b) "Commercial whale watching business" means a business that engages in the activity of commercial whale watching.

(c) "Commercial whale watching business license" means a department-issued license to operate a commercial whale watching business.

(d) "Commercial whale watching license" means a commercial whale watching business license ~~((r))~~ or a commercial whale watching operator license ~~((r, or a kayak guide license))~~ as defined in this section.

(e) "Commercial whale watching operator" means a person who operates a motorized or

sailing vessel engaged in the business of whale watching.

(f) "Commercial whale watching operator license" means a department-issued license to operate a commercial motorized or sailing vessel on behalf of a commercial whale watching business.

(g) "Commercial whale watching vessel" means any vessel that is being used as a means of transportation for individuals to engage in commercial whale watching.

(h) ~~((kayak))~~ Paddle guide" means a person who conducts guided ~~((kayak))~~ tours on behalf of a ~~((commercial whale watching))~~ paddle tour business.

(i) ~~((kayak))~~ Paddle guide license" means a department-issued license to conduct commercial guided ~~((kayak))~~ paddle tours on behalf of a ~~((commercial whale watching))~~ paddle tour business.

(j) "Paddle tour business" means a business that conducts paddle tours.

(k) "Paddle tour" means the act of guiding or offering to take people aboard nonmotorized or human-powered vessels, such as kayaks or paddle boards, on a trip, tour, or guided lesson that involves viewing marine mammals in their natural habitat for a fee.

(12) The residency and business requirements of RCW 77.65.040 (2) and (3) do not apply to Canadian individuals or corporations applying for and holding Washington commercial whale watching licenses defined in this section.

(13) The license and application fees in this section ((are waived for calendar years 2021 and 2022)) may be waived for organizations whose relevant commercial whale watching or marine paddle tour activities are solely for bona fide nonprofit educational purposes.

**Sec. 7.** RCW 77.15.815 and 2019 c 291 s 4 are each amended to read as follows:

(1) This section applies only to persons and activities defined in RCW 77.65.615, including commercial whale watching and paddle tours.

(2) A person is guilty of unlawfully engaging in commercial whale watching in the second degree if the person conducts commercial whale watching activities and:

(a) Does not have and possess all licenses and permits required under this title; or

(b) Violates any department rule regarding ~~((the operation of a))~~ commercial whale watching ~~((vessel near a southern resident orca whale))~~.

~~((2))~~ (3) A person is guilty of engaging in commercial whale watching in the first degree if the person commits the act described in subsection ~~((1))~~ (2) of this section and the violation occurs within ~~((one year of the date of a prior conviction under this section))~~ five years of any of the following:

(a) The date of a prior conviction under this section;

(b) The date of a finding of guilt or plea of guilty pursuant to an amended information, criminal complaint or citation, or infraction for any violation that was originally charged as a violation of this

section, regardless of whether the imposition of the sentence is deferred or the penalty is suspended; or

(c) The date of any disposition of a case arising from an act originally charged as a violation of this section, whereby the offender enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms or conditions.

((3)) (4)(a) Unlawful commercial whale watching in the second degree is a misdemeanor.

(b) Unlawful commercial whale watching in the first degree is a gross misdemeanor. ((Upon conviction)) In addition to the appropriate criminal penalties, the director shall ((deny applications submitted by the person for a commercial whale watching license or alternate operator license for two years from the date of conviction)) revoke any operator license, business license, or both, and order a suspension of the person's privilege to engage in commercial whale watching for two years.

(5) A person is guilty of unlawfully engaging in a paddle tour in the second degree if the person conducts paddle tour activities and:

(a) Does not have and possess all licenses and permits required under this title; or

(b) Violates any department rule regarding the operation of paddle tours in marine waters.

(6) A person is guilty of unlawfully engaging in a paddle tour in the first degree if the person commits an act described in subsection (5) of this section and the violation occurs within five years of the date of any of the following:

(a) The date of a prior conviction under this section;

(b) The date of a finding of guilt or plea of guilty pursuant to an amended information, criminal complaint or citation, or infraction for any violation that was originally charged as a violation of this section, regardless of whether the imposition of sentence is deferred or the penalty is suspended; or

(c) The date of any disposition of a case arising from an act originally charged as a violation of this section, whereby the offender enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms and conditions.

(7)(a) Unlawful engagement in a paddle tour in the second degree is a misdemeanor.

(b) Unlawful engagement in a paddle tour in the first degree is a gross misdemeanor. In addition to appropriate criminal penalties, the director shall revoke any paddle guide license, business license, or both, and order a suspension of the person's privilege to conduct paddle tours in marine waters for two years."

Correct the title.

Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kloba; Kretz; Lekanoff; Schmick and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Assistant Ranking Minority Member; and Orcutt.

Referred to Committee on Appropriations

March 29, 2023

SSB 5388

Prime Sponsor, Health & Long Term Care: Concerning improving diversity in clinical trials. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) Controlled clinical trials provide a critical base of evidence for evaluating whether a medical product is safe, effective, and efficacious before the product is approved for marketing. The federal food and drug administration has evaluated demographic profiles of people participating in clinical trials for approved drugs and found that some groups, especially ethnic and racial groups, are generally not well represented in clinical trials;

(b) Communities of color have been working diligently to establish a foundation of trust with government and clinical research with the goal of engaging more trial participants who are members of underrepresented demographic groups;

(c) Joining clinical trials is a difficult and complex process and the lack of trust and awareness of clinical trials and research, in addition to burdens related to transportation, geography, and access, limit trial participants; and

(d) The lack of diversity in clinical trials compounds access to treatment disparities and limits our understanding of the impacts of studied interventions and conditions across the population.

(2) Therefore, the legislature intends to deepen our understanding and knowledge of what communities are underrepresented in clinical trials and the barriers to accessing clinical trials; provide recommendations to increase participation across all populations; and require certain entities conducting clinical trials to offer trial participants information in a language other than English, provide culturally specific recruitment materials alongside general enrollment materials, and provide electronic consent.

**Sec. 2.** RCW 43.348.010 and 2018 c 4 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the governing board of the endowment.

(2) "Cancer" means a group of diseases involving unregulated cell growth.

(3) "Cancer patient advocacy organizations" means groups with offices in the state that promote cancer prevention and advocate on behalf of cancer patients.

(4) "Cancer research" means advanced and applied research and development relating to the causes, prevention, and diagnosis of cancer and care of cancer patients including the development of tests, genetic analysis, medications, processes, services, and technologies to optimize cancer therapies and their manufacture and commercialization and includes the costs of recruiting scientists and establishing and equipping research facilities.

(5) "Commercial entity" means a for-profit entity located in the state that develops, manufactures, or sells goods or services relating to cancer prevention or care.

(6) "Committee" means an independent expert scientific review and advisory committee established under RCW 43.348.050.

(7) "Contribution agreement" means any agreement authorized under this chapter in which a private entity or a public entity other than the state agrees to provide to the endowment contributions for the purpose of cancer research, prevention, or care.

(8) "Costs" means the costs and expenses associated with the conduct of research, prevention, and care including, but not limited to, the cost of recruiting and compensating personnel, securing and financing facilities and equipment, and conducting clinical trials.

(9) "Department" means the department of commerce.

(10) "Endowment" means the Andy Hill cancer research endowment.

(11) "Fund" means the Andy Hill cancer research fund created in RCW 43.348.060(1)(b).

(12) "Health care delivery system" means hospitals and clinics providing care to patients in the state.

(13) "Life sciences research" means advanced and applied research and development intended to improve human health, including scientific study of the developing brain and human learning and development, and other areas of scientific research and development vital to the state's economy.

(14) "Prevention" means measures to prevent the development and progression of cancer, including education, vaccinations, and screening processes and technologies, and to reduce the risk of cancer.

(15) "Program" means the Andy Hill cancer research endowment program created in RCW 43.348.040.

(16) "Program administrator" means a private nonprofit corporation qualified as a tax-exempt entity under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code, with expertise in conducting or managing research granting activities, funds, or organizations.

(17) "Underrepresented community" or "underrepresented demographic group" means a community or demographic group that is more likely to be historically marginalized and less likely to be included in research and clinical trials represented by race, sex,

sexual orientation, socioeconomic status, age, and geographic location.

**Sec. 3.** RCW 43.348.040 and 2018 c 4 s 4 are each amended to read as follows:

(1) The Andy Hill cancer research endowment program is created. The purpose of the program is to make grants to public and private entities, including commercial entities, to fund or reimburse the entities pursuant to agreement for the promotion of cancer research to be conducted in the state. The endowment is to oversee and guide the program, including the solicitation, selection, and award of grants.

(2) The board must develop a plan for the allocation of projected amounts in the fund, which it must update annually, following at least one annual public hearing. The plan must provide for appropriate funding continuity and take into account the projected speed at which revenues will be available and amounts that can be spent during the plan period.

(3) The endowment must solicit requests for grant funding and evaluate the requests by reference to factors such as: (a) The quality of the proposed research or program; (b) its potential to improve health outcomes of persons with cancer, with particular attention to the likelihood that it will also lower health care costs, substitute for a more costly diagnostic or treatment modality, or offer a breakthrough treatment for a particular cancer or cancer-related condition or disease; (c) its potential for leveraging additional funding; (d) its potential to provide additional health care benefits or benefit other human diseases or conditions; (e) its potential to stimulate life science, health care, and biomedical employment in the state; (f) the geographic diversity of the grantees within Washington; (g) evidence of potential royalty, sales, or licensing revenue, or other commercialization-related revenue and contractual means to recapture such income for purposes of this chapter; ~~((and))~~ (h) evidence of public and private collaboration; (i) the ability to offer trial participants information in a language other than English; (j) the ability to provide culturally specific recruitment materials alongside general enrollment materials; (k) the ability to provide electronic consent when not prohibited by other granting entities or federal regulations; and (l) other evidence of outreach and engagement to increase participation of underrepresented communities in clinical trials of drugs and medical devices.

(4) The endowment may not award a grant for a proposal that was not recommended by an independent expert scientific review and advisory committee under RCW 43.348.050.

(5) The endowment must issue an annual report to the public that sets forth its activities with respect to the fund, including grants awarded, grant-funded work in progress, research accomplishments, prevention, and care activities, and future program directions with respect to cancer research, prevention, and care. Each annual report regarding activities of the program

and fund must include, but not be limited to, the following: The number and dollar amounts of grants; the grantees for the prior year; the endowment's administrative expenses; an assessment of the availability of funding for cancer research, prevention, and care from sources other than the endowment; a summary of research, prevention, and care-related findings, including promising new areas for investment; and a report on the benefits to Washington of its programs to date.

(6) The endowment's first annual report must include a proposed operating plan for the design, implementation, and administration of an endowment program supporting the purposes of the endowment and program.

(7) The endowment must adopt policies to ensure that all potential conflicts have been disclosed and that all conflicts have been eliminated or mitigated.

(8) The endowment must establish standards to ensure that recipients of grants for cancer research, prevention, or care purchase goods and services from Washington suppliers to the extent reasonably possible.

**NEW SECTION. Sec. 4.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Underrepresented community" or "underrepresented demographic group" means a community or demographic group that is more likely to be historically marginalized and less likely to be included in research and clinical trials represented by race, sex, sexual orientation, socioeconomic status, age, and geographic location.

(2) "Review board" means the Washington state institutional review board, established pursuant to 45 C.F.R. Part 46, which is the designated institutional review board for the department of social and health services, the department of health, the department of labor and industries, and other state agencies.

**NEW SECTION. Sec. 5.** Any submissions or proposals submitted to the review board shall include and the review board shall consider the following:

(1) The ability of the agency to offer trial participants information in a language other than English;

(2) The ability of the agency to provide culturally specific recruitment materials alongside general enrollment materials;

(3) The ability to provide electronic consent when not prohibited by the granting entity or federal regulations; and

(4) Any other evidence of outreach and engagement to increase participation of underrepresented communities in clinical trials of drugs and medical devices.

**NEW SECTION. Sec. 6.** Any state entity that receives funding from the national institutes of health to conduct clinical trials of drugs or medical devices shall adopt a policy concerning the identification and recruitment of persons who are members

of underrepresented demographic groups to participate in clinical trials of drugs and medical devices. This policy must include requirements to:

(1) Offer trial participants information in a language other than English;

(2) Provide culturally specific recruitment materials alongside general enrollment materials;

(3) Provide electronic consent when not prohibited by the granting entity or federal regulations; and

(4) Provide other strategies of outreach and engagement to increase participation of underrepresented communities in clinical trials of drugs and medical devices.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28B.20 RCW to read as follows:

(1) If at any time the University of Washington receives funding from the national institutes of health to conduct clinical trials of drugs or medical devices, the University of Washington shall adopt a policy concerning the identification and recruitment of persons who are members of underrepresented demographic groups to participate in clinical trials of drugs and medical devices. This policy must include requirements to:

(a) Offer trial participants information in a language other than English;

(b) Provide culturally specific recruitment materials alongside general enrollment materials;

(c) Provide electronic consent when not prohibited by the granting entity or federal regulations; and

(d) Provide other strategies of outreach and engagement to increase participation of underrepresented communities in clinical trials of drugs and medical devices.

(2) For the purposes of this section, "Underrepresented community" or "underrepresented demographic group" means a community or demographic group that is more likely to be historically marginalized and less likely to be included in research and clinical trials represented by race, sex, sexual orientation, socioeconomic status, and age.

**NEW SECTION. Sec. 8.** A new section is added to chapter 28B.30 RCW to read as follows:

(1) If at any time Washington State University receives funding from the national institutes of health to conduct clinical trials of drugs or medical devices, Washington State University shall adopt a policy concerning the identification and recruitment of persons who are members of underrepresented demographic groups to participate in clinical trials of drugs and medical devices. This policy must include requirements to:

(a) Offer trial participants information in a language other than English;

(b) Provide culturally specific recruitment materials alongside general enrollment materials;

(c) Provide electronic consent when not prohibited by the granting entity or federal regulations; and

(d) Provide other strategies of outreach and engagement to increase participation of underrepresented communities in clinical trials of drugs and medical devices.

(2) "Underrepresented community" or "underrepresented demographic group" means a community or demographic group that is more likely to be historically marginalized and less likely to be included in research and clinical trials represented by race, sex, sexual orientation, socioeconomic status, age, and geographic location.

NEW SECTION. **Sec. 9.** A new section is added to chapter 70.41 RCW to read as follows:

(1) Any hospital that receives funding from the national institutes of health to conduct clinical trials of drugs or medical devices shall adopt a policy concerning the identification and recruitment of persons who are members of underrepresented demographic groups to participate in clinical trials of drugs and medical devices. This policy must include requirements to:

(a) Offer trial participants information in a language other than English;

(b) Provide culturally specific recruitment materials alongside general enrollment materials;

(c) Provide electronic consent when not prohibited by the granting entity or federal regulations; and

(d) Provide other strategies of outreach and engagement to increase participation of underrepresented communities in clinical trials of drugs and medical devices.

(2) "Underrepresented community" or "underrepresented demographic group" means a community or demographic group that is more likely to be historically marginalized and less likely to be included in research and clinical trials represented by race, sex, sexual orientation, socioeconomic status, age, and geographic location.

NEW SECTION. **Sec. 10.** (1) The department of health, in consultation with the University of Washington, Washington State University, the Andy Hill cancer research endowment, Washington community health boards and initiatives, community-based organizations, and other relevant research organizations, shall analyze and provide recommendations on the following:

(a) What demographic groups and populations are currently represented and underrepresented in clinical trials in Washington, including geographic representation;

(b) Information concerning methods for identifying and recruiting persons who are members of underrepresented demographic groups to participate in clinical trials;

(c) Barriers for persons who are members of underrepresented demographic groups to participate in clinical trials in Washington, including barriers related to transportation;

(d) Approaches for how clinical trials can successfully provide outreach to underrepresented communities and recommendations on what clinical trials

should provide or consider to increase participation in clinical trials; and

(e) A list of appropriate entities that may be able to provide assistance with efforts to increase participation by underrepresented demographic groups in clinical trials.

(2) By December 1, 2023, the department of health shall report to the legislature the results of the analysis and recommendations to increase diversity and reduce barriers for participants in clinical trials.

(3) For purposes of this section, "underrepresented community" or "underrepresented demographic group" means a community or demographic group that is more likely to be historically marginalized and less likely to be included in research and clinical trials represented by race, sex, sexual orientation, socioeconomic status, age, and geographic location.

(4) This section expires December 31, 2023.

NEW SECTION. **Sec. 11.** Sections 4 through 6 of this act constitute a new chapter in Title 69 RCW."

Correct the title.

Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Maycumber; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Graham; and Harris.

MINORITY recommendation: Without recommendation. Signed by Representatives Hutchins, Assistant Ranking Minority Member; Barnard; and Mosbrucker.

Referred to Committee on Appropriations

March 29, 2023

SSB 5389

Prime Sponsor, Health & Long Term Care:  
Concerning the practice of optometry.  
Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.53.010 and 2015 c 113 s 1 are each amended to read as follows:

(1) The practice of optometry is defined as the examination of the human eye, the examination and ascertaining any defects of the human vision system, and the analysis of the process of vision. The practice of optometry may include, but not necessarily be limited to, the following:

(a) The employment of any objective or subjective means or method, including the use of drugs, for diagnostic and therapeutic purposes by those licensed under this chapter and who meet the requirements of subsections ~~((+2+))~~ (4) and ~~((+3+))~~ (6) of this section, and the use of any diagnostic instruments or devices for the examination or analysis of the human vision system, the

measurement of the powers or range of human vision, or the determination of the refractive powers of the human eye or its functions in general; (~~and~~)

(b) The prescription and fitting of lenses, prisms, therapeutic or refractive contact lenses and the adaptation or adjustment of frames and lenses used in connection therewith; (~~and~~)

(c) The prescription and fitting of contact lenses for the purpose of altering refractive error or to treat eye disease;

(d) The prescription and provision of visual therapy, neuro-optometry rehabilitation, therapeutic aids, subnormal vision therapy, orthoptics, and other optical devices; (~~and~~)

(~~d~~)(e) The ascertainment of the perceptive, neural, muscular, or pathological condition of the visual system; (~~and~~)

(~~e~~)(f) The adaptation of prosthetic eyes;

(g) Ordering necessary diagnostic lab or imaging tests including, but not limited to, finger-stick testing and collecting samples for culturing;

(h) Dispensing of medication samples to initiate treatment is permitted; and

(i) Removal of nonpenetrating foreign bodies by any means, debridement of tissue by any means, epilation of misaligned eyelashes, placement of punctal or lacrimal plugs, including devices containing pharmaceutical agents implanted in the lacrimal system, dilation and irrigation of the lacrimal system, light therapy, and placement of biologic membranes.

(2)(a) The practice of optometry may include the following advanced procedures:

(i) Common complication of the lids, lashes, and lacrimal systems;

(ii) Chalazion management, including injection and excision;

(iii) Injections, including intramuscular injections of epinephrine and subconjunctival and subcutaneous injections of medications;

(iv) Management of lid lesions, including intralesional injection of medications;

(v) Preoperative and postoperative care related to these procedures;

(vi) Use of topical and injectable anesthetics; and

(vii) Eyelid surgery, excluding any cosmetic surgery or surgery requiring the use of general anesthesia.

(b) An optometrist shall not perform any advanced procedures listed in this subsection until he or she receives a license endorsement issued by the optometry board. The board may not issue an endorsement unless the licensed optometrist meets the educational, training, and competence criteria set forth in this section.

(3) The practice of optometry does not include:

(a) Performing retinal laser procedures, laser-assisted in situ keratomileus, photorefractive keratectomy, laser epithelial keratomileusis, or any forms of refractive surgery, other than light adjustable lens procedures;

(b) Penetrating keratoplasty, corneal transplant, or lamellar keratoplasty;

(c) Administering intravenous or general anesthesia;

(d) Performing surgery with general anesthesia;

(e) Providing laser or nonlaser injections into the vitreous chamber of the eye to treat any macular or retinal disease;

(f) Performing surgery related to the removal of the eye from a living human being;

(g) Performing surgery requiring a full thickness incision or excision of the cornea or sclera other than paracentesis in an emergency situation requiring immediate reduction of the pressure inside of the eye;

(h) Performing surgery requiring incision of the iris and ciliary body, including iris diathermy or cryotherapy;

(i) Performing surgery requiring incision of the vitreous or retina;

(j) Performing surgical extraction of the crystalline lens;

(k) Performing surgical intraocular implants;

(l) Performing incisional or excisional surgery of the extraocular muscles;

(m) Performing surgery of the eyelid for malignancies or for incisional cosmetic or mechanical repair of blepharochalasis, ptosis, or tarsorrhaphy;

(n) Performing surgery of the bony orbit, including orbital implants;

(o) Performing incisional or excisional surgery of the lacrimal system other than lacrimal probing or related procedures;

(p) Performing surgery requiring full thickness conjunctivoplasty with graft or flap;

(q) Performing any surgical procedure that does not provide for the correction and relief of ocular abnormalities;

(r) Providing an incision into the eyeball;

(s) Providing sub-tenon, retrobulbar, intraorbital, or botulinum toxin injection; or

(t) Performing pterygium surgery.

(4)(a) Those persons using topical and oral drugs for diagnostic and therapeutic purposes in the practice of optometry shall have a minimum of (~~sixty~~)60 hours of didactic and clinical instruction in general and ocular pharmacology as applied to optometry, as established by the optometry board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation to qualify for certification by the optometry board of Washington to use drugs for diagnostic and therapeutic purposes.

(b) Those persons using or prescribing topical drugs for therapeutic purposes in the practice of optometry must be certified under (a) of this subsection, and must have an additional minimum of (~~seventy-five~~)75 hours of didactic and clinical instruction as established by the optometry board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation to qualify for certification by the optometry board of Washington to use drugs for therapeutic purposes.

(c) Those persons using or prescribing drugs administered orally for diagnostic or therapeutic purposes in the practice of optometry shall be certified under (b) of this subsection, and shall have an additional minimum of ~~((sixteen))~~ 16 hours of didactic and eight hours of supervised clinical instruction as established by the optometry board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation to qualify for certification by the optometry board of Washington to administer, dispense, or prescribe oral drugs for diagnostic or therapeutic purposes.

(d) Those persons administering epinephrine by injection for treatment of anaphylactic shock in the practice of optometry must be certified under (b) of this subsection and must have an additional minimum of four hours of didactic and supervised clinical instruction, as established by the optometry board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation to qualify for certification by the optometry board to administer epinephrine by injection.

(e) Such course or courses shall be the fiscal responsibility of the participating and attending optometrist.

(f) ~~((i))~~ All persons receiving their initial license under this chapter on or after January 1, 2007, must be certified under (a), (b), (c), and (d) of this subsection.

~~((ii) All persons licensed under this chapter on or after January 1, 2009, must be certified under (a) and (b) of this subsection.~~

~~((iii) All persons licensed under this chapter on or after January 1, 2011, must be certified under (a), (b), (c), and (d) of this subsection.~~

~~((3))~~ (5) To receive a license endorsement to perform the advanced procedures listed in this section, a licensed optometrist must:

(i) Successfully complete postgraduate courses as designated by the optometry board in collaboration with the medical commission that provide adequate training on those procedures. Any course that is offered by an institution of higher education accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation and approved by the optometry board to qualify for an endorsement to perform advanced procedures must contain supervised hands-on experience with live patients, or be supplemented by a residency, internship, or other supervised program that offers hands-on experience with live patients;

(ii) Successfully complete a national examination for advanced procedures, including the lasers and surgical procedures examination, injections skill examination, or other equivalent examination as designated by the optometry board; and

(iii) Enter into an agreement with a qualified physician licensed under chapter

18.71 RCW or an osteopathic physician licensed under chapter 18.57 RCW for rapid response if complications occur during an advanced procedure.

(b) Upon completion of the above listed requirements, proof of training shall be submitted to the optometry board for approval. No optometrist may perform the advanced procedures listed in subsection (2) of this section until they have received confirmation of the endorsement in writing.

(6) The optometry board shall establish a list of topical drugs for diagnostic and treatment purposes limited to the practice of optometry, and no person licensed pursuant to this chapter shall prescribe, dispense, purchase, possess, or administer drugs except as authorized and to the extent permitted by the optometry board.

~~((4))~~ (7) The optometry board must establish a list of oral Schedule III through V controlled substances and any oral legend drugs, with the approval of and after consultation with the pharmacy quality assurance commission. The optometry board may include Schedule II hydrocodone combination products consistent with subsection ~~((6))~~ (9) of this section. No person licensed under this chapter may use, prescribe, dispense, purchase, possess, or administer these drugs except as authorized and to the extent permitted by the optometry board. ~~((No optometrist may use, prescribe, dispense, or administer oral corticosteroids))~~ To prescribe oral corticosteroids for more than seven days, an optometrist must consult with a licensed physician.

(a) The optometry board, with the approval of and in consultation with the pharmacy quality assurance commission, must establish, by rule, specific guidelines for the prescription and administration of drugs by optometrists, so that licensed optometrists and persons filling their prescriptions have a clear understanding of which drugs and which dosages or forms are included in the authority granted by this section.

(b) An optometrist may not ~~((+ (i) Prescribe))~~ prescribe, dispense, or administer a controlled substance for more than seven days in treating a particular patient for a single trauma, episode, or condition or for pain associated with or related to the trauma, episode, or condition ~~((+ or (ii) Prescribe an oral drug within ninety days following ophthalmic surgery unless the optometrist consults with the treating ophthalmologist))~~.

(c) If treatment exceeding the limitation in (b) ~~((i))~~ of this subsection is indicated, the patient must be referred to a physician licensed under chapter 18.71 RCW.

(d) The prescription or administration of drugs as authorized in this section is specifically limited to those drugs appropriate to treatment of diseases or conditions of the human eye and the adnexa that are within the scope of practice of optometry. The prescription or administration of drugs for any other purpose is not authorized by this section.

~~((5))~~ (8) The optometry board shall develop a means of identification and



verification of optometrists certified to ~~((use therapeutic drugs for the purpose of issuing prescriptions as authorized by this section))~~ perform advanced procedures.

~~((6))~~ (9) Nothing in this chapter may be construed to authorize the use, prescription, dispensing, purchase, possession, or administration of any Schedule I or II controlled substance, except Schedule II hydrocodone combination products. The provisions of this subsection must be strictly construed.

~~((7))~~ With the exception of the administration of epinephrine by injection for the treatment of anaphylactic shock, no injections or infusions may be administered by an optometrist.

~~((8))~~ (10) Nothing in this chapter may be construed to authorize optometrists to perform ophthalmic surgery. Ophthalmic surgery is defined as any invasive procedure in which human tissue is cut, ablated, or otherwise penetrated by incision, injection, laser, ultrasound, or other means, in order to: Treat human eye diseases; alter or correct refractive error; or alter or enhance cosmetic appearance. Nothing in this chapter limits an optometrist's ability to use diagnostic instruments utilizing laser or ultrasound technology. Ophthalmic surgery, as defined in this subsection, does not include the advanced procedures listed in subsection (2)(a) of this section, removal of superficial ocular foreign bodies, epilation of misaligned eyelashes, placement of punctal or lacrimal plugs, diagnostic dilation and irrigation of the lacrimal system, orthokeratology, prescription and fitting of contact lenses with the purpose of altering refractive error, or other similar procedures within the scope of practice of optometry.

(11) In a public health emergency, the state health officer may authorize licensed optometrists to administer inoculations for systemic health reasons.

(12) (a) Any optometrist authorized by the optometry board shall be permitted to purchase diagnostic pharmaceutical agents for use in the practice of optometry. Any optometrist authorized by the optometry board shall be permitted to prescribe therapeutic pharmaceutical agents in the practice of optometry. Optometrists authorized by the optometry board to purchase pharmaceutical agents shall obtain them from licensed wholesalers or pharmacists, using prescriptions or chart orders placed in the same or similar manner as any physician or other practitioner so authorized. Purchases shall be limited to those pharmaceutical agents specified in this section, based upon the authority conferred upon the optometrist by the optometry board consistent with the educational qualifications of the optometrist as established in this section.

(b) Diagnostic and therapeutic pharmaceutical agents are any prescription or nonprescription drug delivered via any route of administration used or prescribed for the diagnosis, treatment, or mitigation of abnormal conditions and pathology of the human eye and its adnexa. Diagnostic and therapeutic pharmaceutical agents do not

include Schedule I and Schedule II drugs, except for hydrocodone combination products.

**Sec. 2.** RCW 18.54.050 and 2011 c 336 s 491 are each amended to read as follows:

The board must meet at least once yearly or more frequently upon call of the chair or the secretary of health at such times and places as the chair or the secretary of health may designate by giving three days' notice or as otherwise required by RCW 42.30.075. A full record of the board's proceedings shall be kept in the office of the board and shall be open to inspection at all reasonable times.

**Sec. 3.** RCW 18.54.070 and 1995 c 198 s 7 are each amended to read as follows:

The board has the following powers and duties:

(1) To develop and administer, or approve, or both, a licensure examination. The board may approve an examination prepared or administered by a private testing agency or association of licensing authorities.

(2) The board shall adopt rules and regulations to promote safety, protection, and the welfare of the public, to carry out the purposes of this chapter, to aid the board in the performance of its powers and duties, and to govern the practice of optometry. The administrative regulations shall include the classification and licensure of optometrists by examination or credentials, retirement of a license, and reinstatement of a license.

(3) The board shall have the authority to provide rule making regarding the allowable procedures and their educational requirements within the confines of this chapter and chapter 18.53 RCW.

(4) The board shall keep a register containing the name, address, license number, email, and phone number of every person licensed to practice optometry in this state to the best of their ability.

**NEW SECTION. Sec. 4.** A new section is added to chapter 18.54 RCW to read as follows:

(1) By December 1, 2026, the board in coordination with the department of health shall collect, analyze, and report on the outcomes of the advanced procedures authorized in RCW 18.53.010. The report should include any complications to patients receiving advanced procedures. The department of health must make this report publicly available on its website.

(2) This section expires August 1, 2027."

Correct the title.

Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Graham; Harris; Macri; Maycumber; Mosbrucker; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Bronoske; Davis; and Orwall.

Referred to Committee on Rules for second reading

March 29, 2023

SB 5459

Prime Sponsor, Senator Hunt: Concerning requests for records containing election information. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; and Low.

Referred to Committee on Rules for second reading

March 28, 2023

ESSB 5466

Prime Sponsor, Transportation: Promoting transit-oriented development. Reported by Committee on Housing

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the state has made groundbreaking investments in state-of-the-art mass transit and intermodal infrastructure. The legislature finds that to maximize the state's return on these investments, land use policies and practices must keep pace with progress being implemented in transportation infrastructure development. The legislature also intends new development to reflect the state's commitment to vibrant, walkable, accessible urban environments that improve health, expand multimodal transportation options, and include varied community facilities, parks, and green spaces that are open to people of all income levels.

The legislature recognizes that cities planning under chapter 36.70A RCW require direction and technical assistance to ensure the benefits of state transportation investments are maximized and shared equitably while avoiding unnecessary programmatic and cost burdens to local governments in their comprehensive planning, code enactment, and permit processing workloads. The legislature further recognizes that regulatory flexibility and local control are also important features of optimal planning outcomes.

**NEW SECTION. Sec. 2.** A new section is added to chapter 47.01 RCW to read as follows:

(1) The department must create a new division within its agency or expand an existing division within its agency to mediate or help resolve disputes between the department, local governments, and project proponents regarding land use decisions and processing development permit applications.

(2) The department must adopt any rules necessary to implement this section.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The department, in consultation with the department of transportation, must establish and administer a competitive grant program to assist in the financing of housing projects within station areas.

(2) Entities eligible to receive grant awards are state agencies, local governments, and nonprofit or for-profit housing developers. Eligible uses of grant awards include project capital costs and infrastructure costs and addressing gaps in project financing that would prevent ongoing or complete project construction.

(3) Eligible housing projects must meet the following requirements:

(a) Be within a station area;

(b) Comply with the applicable transit-oriented density;

(c) Produce at least 100 units of rental, shelter, or permanent supportive housing or at least 30 units of owner-occupied housing; and

(d) Include a covenant on the property requiring 100 percent of units remain affordable for at least 50 years for households with incomes at or below 60 percent of area median income for rental, shelter, or permanent supportive housing projects or at or below 80 percent of area median income for homeownership projects.

(4) The department must prioritize eligible projects by occupancy date, with a target occupancy date of December 31, 2025. The department must also consider the following criteria when prioritizing projects:

(a) Have a high concentration of units affordable to households with incomes at or below 50 percent area median income;

(b) Do not include costs related to land acquisition;

(c) Include land acquired at a reduced price or without cost;

(d) Abide by antidisplacement measures, if appropriate;

(e) Submitted by community-based housing developers; or

(f) Include units with additional bedrooms or intended for occupancy by families with multiple dependents.

(5) The department may adopt any necessary rules to implement the competitive grant program under this section, including any additional project eligibility criteria and prioritization criteria.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The transit-oriented development housing partnership account is created in the custody of the state treasurer.

(2) Revenues to the account must consist of appropriations by the legislature and any gifts, grants, donations, or other private contribution received by the director for the purposes set forth in subsection (3) of this section.

(3) Expenditures from the account may be used only for administration of the competitive grant program under section 3 of this act, including any technical assistance

provided by the department to eligible entities.

(4) Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**Sec. 5.** RCW 36.70A.030 and 2021 c 254 s 6 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is:

(a) For rental housing, ~~((sixty))~~ 60 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

(b) For owner-occupied housing, ~~((eighty))~~ 80 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(3) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(4) "City" means any city or town, including a code city.

(5) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(6) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

(7) "Department" means the department of commerce.

(8) "Development regulations" or "regulation" means the controls placed on development or land use activities by a

county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(9) "Emergency housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

(10) "Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

(11) "Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below ~~((thirty))~~ 30 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(12) "Floor area ratio" means a measure of transit-oriented development intensity equal to building square footage divided by the developable property square footage. Developable property excludes lots with critical areas or their buffers as designated in RCW 36.70A.060, as well as public facilities including streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(13) "Forestland" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forestland is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forestland to other uses.

~~((13))~~ (14) "Freight rail dependent uses" means buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is dependent on and makes use of an adjacent short line railroad. Such facilities are both urban and rural development for purposes of this chapter. "Freight rail dependent uses" does not include buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of coal, liquefied natural gas, or "crude oil" as defined in RCW 90.56.010.

~~((14))~~ (15) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

~~((15))~~ (16) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

~~((16))~~ (17) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below ~~((eighty))~~ 80 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

~~((17))~~ (18) "Minerals" include gravel, sand, and valuable metallic substances.

~~((18))~~ (19) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

~~((19))~~ (20) "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

~~((20))~~ (21) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

~~((21))~~ (22) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

~~((22))~~ (23) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

~~((23))~~ (24) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

~~((24))~~ (25) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

~~((25))~~ (26) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

~~((26))~~ (27) "Short line railroad" means those railroad lines designated class II or

class III by the United States surface transportation board.

~~((27))~~(28)(a) "Station area" means all parcels that are:

(i) Fully within an urban growth area; and

(ii) Fully or partially within:

(A) One-half mile walking distance of a stop on a high capacity transportation system funded or expanded under chapter 81.104 RCW, a commuter rail stop, or a stop on rail or fixed guideway systems, including transitways; and

(B) One-quarter mile walking distance of a stop on a bus rapid transit route.

(b) For the purposes of this subsection, a "stop" includes any existing stop and any stop funded for development prior to the earlier of a city's deadline to complete its next periodic comprehensive plan update under RCW 36.70A.130(5) or its deadline to complete its next implementation progress report as required by RCW 36.70A.130(9).

(c) A city planning under RCW 36.70A.040 may adopt a station area variance to alter the station area designation, but only after consultation with and approval by the department.

(29) "Transit-oriented density" means a floor area ratio of:

(a) At least 3.0 for all uses that are permitted within one-half mile walking distance of a stop on a high capacity transportation system funded or expanded under chapter 81.104 RCW, a commuter rail stop, or a stop on rail or fixed guideway systems, including transitways; and

(b) At least 2.5 for all uses permitted within one-quarter mile walking distance of a stop on a bus rapid transit route.

(30) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

~~((28))~~(31) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

~~((29))~~(32) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

~~((30))~~(33) "Very low-income household" means a single person, family, or unrelated

persons living together whose adjusted income is at or below (~~(fifty))~~50 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

~~((31))~~(34) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

NEW SECTION. Sec. 6. A new section is added to chapter 36.70A RCW to read as follows:

(1) Cities planning under RCW 36.70A.040 may not enact or enforce any development regulation within a station area that would prohibit the siting of multifamily residential housing on parcels where any other residential use is permissible.

(2) Within any station area, any building in which all units are affordable housing for households with incomes at or below 60 percent area median income for at least 50 years or for permanent supportive housing, an additional 1.5 floor area ratio must be permitted. Any floor area within a station area that is reserved for residential units in multifamily housing that includes at least three bedrooms must not be counted toward applicable floor area ratio limits. If a city has enacted or expands a program under RCW 36.70A.540 in an area where development regulations must comply with this section, that program governs to the extent it varies from the requirements of this subsection.

(3)(a) Except as provided in (c) of this subsection, cities planning under RCW 36.70A.040 may not enact any new development regulation that imposes a maximum floor area ratio of less than the applicable transit-oriented density for any use otherwise permitted within a station area.

(b) Cities planning under RCW 36.70A.040 may not enact any new development regulation that imposes a maximum residential density, measured in residential units per acre or other metric of land area within a station area.

(c) As an alternative to (a) of this subsection, cities planning under RCW 36.70A.040 may by ordinance designate parts of a station area in which to enact or enforce floor area ratios that are more or

less than the applicable transit-oriented density, if:

(i) The average maximum floor area ratio of all buildable land within a station area is no less than the applicable transit-oriented density. For purposes of this subsection, "buildable land" excludes lots within critical areas or their buffers as designated in RCW 36.70A.170, as well as public facilities including streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, lands occupied by or easements for domestic water systems and storm and sanitary sewer systems, parks and recreational facilities, and schools; and

(ii) No part of a station area is subject to a maximum floor area ratio that is less than 0.5.

(4) Except in zones authorized by June 30, 2023, for a development capacity greater than or equal to the applicable transit-oriented density, at least 20 percent of all residential units constructed within a station area must be affordable to households with an income at or below 60 percent of area median income for at least 50 years.

(5) Any city planning under RCW 36.70A.040 that has, as of the effective date of this section, enacted any development regulation that imposes within any station area (a) a maximum floor area ratio of less than the applicable transit-oriented density or (b) a maximum residential density measured in residential units per acre or other metric of land area, the city must enforce and apply such development regulation consistent with the requirements of this section.

(6) (a) Except as provided in (b) of this subsection, cities planning under RCW 36.70A.040 may not enforce upon any parcel in a station area any development standard that renders it impracticable on that parcel to build a usable structure for the permitted uses at the (i) applicable transit-oriented density or (ii) applicable floor area ratio imposed under subsection (3)(c) of this section.

(b) This subsection (6) does not apply to development standards contained in a shoreline master program or critical area ordinance, or to any parcel that:

(i) Is nonconforming, legally or otherwise, with applicable local subdivision standards including, but not limited to, standards related to lot width, area, geometry, or street access; or

(ii) Is a designated landmark or within a historic district established under a local preservation ordinance.

(7) Any city subject to the requirements of this section may apply to the department for planning grants and consult with the department for purposes of obtaining technical assistance and compliance review with development regulation adoption, pursuant to RCW 36.70A.500(7).

(8) Nothing in this section requires alteration, displacement, or limitation of industrial uses or industrial areas within the urban growth area.

(9) (a) This section does not limit the amount of affordable housing that a city may require to be provided, either on-site or

through an in-lieu payment, pursuant to a program enacted or expanded under RCW 36.70A.540.

(10) A city planning under RCW 36.70A.040 must comply with the requirements of this section, and collaborate with federally recognized tribes in accordance with RCW 36.70A.040(8) regarding such requirements, six months after its next periodic comprehensive plan update required under RCW 36.70A.130, and following the completion or funding of any transit stop that would create a new station area within the jurisdiction, at each implementation progress report required by RCW 36.70A.130(9).

**NEW SECTION. Sec. 7.** A new section is added to chapter 36.70A RCW to read as follows:

(1) (a) The department may approve actions under this section for cities that have, by January 1, 2023, adopted a subarea plan and implementing development regulations that are substantially similar to the requirements of section 6 of this act. In determining whether a city's adopted subarea plan and development regulations are substantially similar, the department's evaluation may include, but not be limited to, if:

(i) The regulations will result in an amount of affordable housing that is at least equivalent to the amount of affordable housing that would result if the specific provisions of section 6 of this act were adopted;

(ii) The jurisdiction offers a way to exceed maximum heights to achieve buildings that exceed 100 feet; and

(iii) New detached single-family residences are prohibited on average within one-quarter mile of light rail stations.

(b) The department must establish by rule any standards or procedures necessary to implement this subsection.

(2) Any local actions approved by the department pursuant to subsection (1) of this section are exempt from appeals under this chapter and chapter 43.21C RCW.

(3) The department's final decision to approve or reject actions by cities under this section may be appealed to the growth management hearings board by filing a petition as provided in RCW 36.70A.290.

(4) In reviewing any petition filed pursuant to subsection (3) of this section, the growth management hearings board shall grant substantial deference to the department's finding of substantial compliance as an agency with expertise.

**NEW SECTION. Sec. 8.** A new section is added to chapter 36.70A RCW to read as follows:

(1) By October 1, 2023, the department must develop, or contract for the development of, a statewide displacement risk map that identifies areas where residents and businesses are at a greater risk of displacement. In completing the risk map, the department may build on existing models for displacement risk assessment that are currently in use for the state.

(2) The department must certify an extension from the requirements in section 6 of this act for areas at risk of displacement as determined by the antidisplacement analysis that a jurisdiction is required to complete under RCW 36.70A.070(2) or by the department or a regional planning authority. The extension may be granted until the city and the department agree on an implementation plan for specific antidisplacement policies. In addition to antidisplacement policies, the city may implement alternative floor area ratio requirements in areas deemed at greater risk of displacement under an antidisplacement analysis.

**Sec. 9.** RCW 36.70A.500 and 2012 1st sp.s. c 1 s 310 are each amended to read as follows:

(1) The department of commerce shall provide management services for the growth management planning and environmental review fund created by RCW 36.70A.490. The department shall establish procedures for fund management. The department shall encourage participation in the grant or loan program by other public agencies. The department shall develop the grant or loan criteria, monitor the grant or loan program, and select grant or loan recipients in consultation with state agencies participating in the grant or loan program through the provision of grant or loan funds or technical assistance.

(2) A grant or loan may be awarded to a county or city that is required to or has chosen to plan under RCW 36.70A.040 and that is qualified pursuant to this section. The grant or loan shall be provided to assist a county or city in paying for the cost of preparing an environmental analysis under chapter 43.21C RCW, that is integrated with a comprehensive plan, subarea plan, plan element, countywide planning policy, development regulation, monitoring program, or other planning activity adopted under or implementing this chapter that:

(a) Improves the process for project permit review while maintaining environmental quality; or

(b) Encourages use of plans and information developed for purposes of complying with this chapter to satisfy requirements of other state programs.

(3) In order to qualify for a grant or loan, a county or city shall:

(a) Demonstrate that it will prepare an environmental analysis pursuant to chapter 43.21C RCW and subsection (2) of this section that is integrated with a comprehensive plan, subarea plan, plan element, countywide planning policy, development regulations, monitoring program, or other planning activity adopted under or implementing this chapter;

(b) Address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by applicants for development permits within the geographic area analyzed in the plan;

(c) Demonstrate that procedures for review of development permit applications

will be based on the integrated plans and environmental analysis;

(d) Include mechanisms to monitor the consequences of growth as it occurs in the plan area and to use the resulting data to update the plan, policy, or implementing mechanisms and associated environmental analysis;

(e) Demonstrate substantial progress towards compliance with the requirements of this chapter. A county or city that is more than six months out of compliance with a requirement of this chapter is deemed not to be making substantial progress towards compliance; and

(f) Provide local funding, which may include financial participation by the private sector.

(4) In awarding grants or loans, the department shall give preference to proposals that include one or more of the following elements:

(a) Financial participation by the private sector, or a public/private partnering approach;

(b) Identification and monitoring of system capacities for elements of the built environment, and to the extent appropriate, of the natural environment;

(c) Coordination with state, federal, and tribal governments in project review;

(d) Furtherance of important state objectives related to economic development, protection of areas of statewide significance, and siting of essential public facilities;

(e) Programs to improve the efficiency and effectiveness of the permitting process by greater reliance on integrated plans and prospective environmental analysis;

(f) Programs for effective citizen and neighborhood involvement that contribute to greater likelihood that planning decisions can be implemented with community support;

(g) Programs to identify environmental impacts and establish mitigation measures that provide effective means to satisfy concurrency requirements and establish project consistency with the plans; or

(h) Environmental review that addresses the impacts of increased density or intensity of comprehensive plans, subarea plans, or receiving areas designated by a city or town under the regional transfer of development rights program in chapter 43.362 RCW.

(5) If the local funding includes funding provided by other state functional planning programs, including open space planning and watershed or basin planning, the functional plan shall be integrated into and be consistent with the comprehensive plan.

(6) State agencies shall work with grant or loan recipients to facilitate state and local project review processes that will implement the projects receiving grants or loans under this section.

(7) (a) Subject to the availability of amounts appropriated to the growth management planning and environmental review fund established in RCW 36.70A.490, the department may:

(i) Award grants to cities to facilitate transit-oriented development consistent with subsection (8) of this section. Cities may use such grants to pay for the costs

associated with the preparation of state environmental policy act environmental impact statements, planned action ordinances, subarea plans, costs associated with the utilization of other tools under this chapter or the state environmental policy act, and the costs of local code adoption and implementation of such efforts; and

(ii) Provide technical assistance and award planning grants to cities to implement the requirements under section 6 of this act and provide compliance review of any transit-oriented development regulations adopted consistent with section 6 of this act.

(b) Grant awards under (a)(i) of this subsection may only fund efforts that address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by applicants for development permits within the geographic area analyzed in the plan.

(8) In consultation with the department of transportation, the department shall prioritize applications for grants under subsection (7)(a)(i) of this section that maximize the following policy objectives in the area covered by a proposal:

(a) The total number of housing units authorized for new development in station areas;

(b) The proximity and quality of transit access in the area. For purposes of this subsection, "transit access" includes walkable access to light rail and other fixed guideway rail systems and bus rapid transit;

(c) Plans that exceed applicable transit-oriented densities for station areas;

(d) Plans that authorize, but do not mandate, ground floor retail with housing above;

(e) Plans in areas that eliminate on-site parking requirements;

(f) Existence or establishment of incentive zoning, inclusionary housing, or other tools to promote low-income housing in the area;

(g) Plans that include dedicated policies to support public or nonprofit funded low-income or workforce housing; and

(h) Plans designed to maximize and increase the variety of allowable housing types and expected sale or rental rates.

**Sec. 10.** RCW 36.70A.620 and 2020 c 173 s 3 are each amended to read as follows:

((In counties and cities planning under RCW 36.70A.040, minimum residential parking requirements mandated by municipal zoning ordinances for housing units constructed after July 1, 2019, are subject to the following requirements:\*

(1) For housing units that are affordable to very low-income or extremely low-income individuals and that are located within one-quarter mile of a transit stop that receives transit service at least two times per hour for twelve or more hours per day, minimum residential parking requirements may be no greater than one parking space per bedroom or .75 space per unit. A city may require a

developer to record a covenant that prohibits the rental of a unit subject to this parking restriction for any purpose other than providing for housing for very low-income or extremely low-income individuals. The covenant must address price restrictions and household income limits and policies if the property is converted to a use other than for low-income housing. A city may establish a requirement for the provision of more than one parking space per bedroom or .75 space per unit if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.

(2) For housing units that are specifically for seniors or people with disabilities, that are located within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day, a city may not impose minimum residential parking requirements for the residents of such housing units, subject to the exceptions provided in this subsection. A city may establish parking requirements for staff and visitors of such housing units. A city may establish a requirement for the provision of one or more parking space per bedroom if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit. A city may require a developer to record a covenant that prohibits the rental of a unit subject to this parking restriction for any purpose other than providing for housing for seniors or people with disabilities.

(3) For market rate multifamily housing units that are located within one-quarter mile of a transit stop that receives transit service from at least one route that provides service at least four times per hour for twelve or more hours per day, minimum residential parking requirements may be no greater than one parking space per bedroom or .75 space per unit. A city or county may establish a requirement for the provision of more than one parking space per bedroom or .75 space per unit if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.)) (1) To encourage transit-oriented development and transit use and resulting substantial environmental benefits, cities planning under RCW 36.70A.040 may not require off-street parking as a condition of permitting development within a station area, except for off-street parking that is permanently marked for the exclusive use of individuals with disabilities.

(2) If a project permit application within a station area, as defined in RCW 36.70B.020, does not provide parking in compliance with this section, the proposed absence of parking may not be treated as a



basis for issuance of a determination of significance pursuant to chapter 43.21C RCW.

(3) The parking provisions of this section do not apply:

(a) If the city submits to the department an empirical study prepared by a credentialed transportation or land use planning expert that clearly demonstrates, and the department finds and certifies, that the application of the parking limitations under subsection (1) of this section in a defined area within a station area will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location without increased transit-oriented development and density requirements. The department must develop guidance to assist cities and counties on items to include in the study; or

(b) To portions of cities within a one-mile radius of a commercial airport in Washington with at least 9,000,000 annual enplanements.

**Sec. 11.** RCW 43.21C.229 and 2020 c 87 s 1 are each amended to read as follows:

(1) ~~((In order))~~ The purpose of this section is to provide cities and counties with additional flexibility to accommodate infill development, as well as to facilitate the timely and certain deployment of sustainable transit-oriented development, and thereby realize the goals and policies of comprehensive plans adopted according to chapter 36.70A RCW ~~((, a))~~.

(2) A city or county planning under RCW 36.70A.040 ~~((is authorized by this section to))~~ may establish categorical exemptions from the requirements of this chapter ~~((- An exemption adopted under this section applies even if it differs from the categorical exemptions adopted by rule of the department under RCW 43.21C.110(1)(a). An exemption may be adopted by a city or county under this section))~~ if it meets the following criteria:

(a) It categorically exempts government action related to development proposed to fill in an urban growth area, designated according to RCW 36.70A.110, where current density and intensity of use in the area is roughly equal to or lower than called for in the goals and policies of the applicable comprehensive plan and the development is either:

(i) Residential development;

(ii) Mixed-use development; or

(iii) Commercial development up to ~~((sixty-five thousand))~~ 65,000 square feet, excluding retail development;

(b) It does not exempt government action related to development that is inconsistent with the applicable comprehensive plan or would clearly exceed the density or intensity of use called for in the goals and policies of the applicable comprehensive plan;

(c) The local government considers the specific probable adverse environmental impacts of the proposed action and determines that these specific impacts are adequately addressed by the development regulations or other applicable requirements

of the comprehensive plan, subarea plan element of the comprehensive plan, planned action ordinance, or other local, state, or federal rules or laws; and

(d)(i) The city or county's applicable comprehensive plan was previously subjected to environmental analysis through an environmental impact statement under the requirements of this chapter prior to adoption; or

(ii) The city or county has prepared an environmental impact statement that considers the proposed use or density and intensity of use in the area proposed for an exemption under this ~~((section))~~ subsection.

~~((2- Any))~~ (3) Any project action that meets the following criteria is categorically exempt from the requirements of this chapter:

(a) It is related to a proposed development that would fill in a station area as defined in RCW 36.70A.030;

(b) It is related to a proposed:

(i) Multifamily residential development;

(ii) Mixed-use development; or

(iii) Commercial development; and

(c) It is not inconsistent with the applicable comprehensive plan, and does not clearly exceed the density or intensity of use called for in the goals and policies of the applicable comprehensive plan.

(4) Any categorical exemption under this section applies even if it differs from the categorical exemptions adopted by rule of the department of ecology under RCW 43.21C.110(1)(a). However, any categorical exemption ~~((adopted by a city or county))~~ under this section ~~((shall be))~~ is subject to the rules of the department adopted according to RCW 43.21C.110(1)(a) that provide exceptions to the use of categorical exemptions adopted by the department.

**NEW SECTION. Sec. 12.** A new section is added to chapter 64.38 RCW to read as follows:

Governing documents created after the effective date of this section and applicable to associations located fully or partially within a station area as defined in RCW 36.70A.030 may not prohibit the construction or development of multifamily housing or transit-oriented density that must be permitted by cities under section 6 of this act or require off-street parking inconsistent or in conflict with RCW 36.70A.620.

**NEW SECTION. Sec. 13.** A new section is added to chapter 64.90 RCW to read as follows:

Declarations and governing documents created after the effective date of this section and applicable to a common interest community located fully or partially within a station area as defined in RCW 36.70A.030 may not prohibit the construction or development of multifamily housing or transit-oriented density that must be permitted by cities under section 6 of this act or require off-street parking inconsistent or in conflict with RCW 36.70A.620.

NEW SECTION. **Sec. 14.** A new section is added to chapter 64.34 RCW to read as follows:

A declaration created after the effective date of this section and applicable to an association located fully or partially within a station area as defined in RCW 36.70A.030 may not prohibit the construction or development of multifamily housing or transit-oriented density that must be permitted by cities under section 6 of this act or require off-street parking inconsistent or in conflict with RCW 36.70A.620.

NEW SECTION. **Sec. 15.** A new section is added to chapter 64.32 RCW to read as follows:

A declaration created after the effective date of this section and applicable to an association of apartment owners located fully or partially within a station area as defined in RCW 36.70A.030 may not prohibit the construction or development of multifamily housing or transit-oriented density that must be permitted by cities under section 6 of this act or require off-street parking inconsistent or in conflict with RCW 36.70A.620."

Correct the title.

Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Bateman; Chopp; Entenman; Reed and Taylor.

MINORITY recommendation: Do not pass. Signed by Representatives Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Hutchins; and Low.

MINORITY recommendation: Without recommendation. Signed by Representative Barkis.

Referred to Committee on Capital Budget

March 28, 2023

E2SSB 5536 Prime Sponsor, Ways & Means: Concerning controlled substances, counterfeit substances, and legend drug possession and treatment. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that substance use disorders are a public health issue. Solutions must not only address criminal legal responses, but must be data-driven and evidence-based, and must represent best practices, working directly with people who use drugs to prevent overdose and infectious disease transmission, and improve the physical, mental, and social well-being of those served. The state must follow principles of harm reduction, comprising practical strategies aimed at reducing negative consequences associated with drug use, including safer use of supplies as well as care settings, staffing, and interactions

that are person-centered, supportive, and welcoming.

The legislature finds that the recommendations of the substance use recovery services advisory committee reflect diligent work by individuals with a range of professional and personal experience, who brought that experience to the committee, and whose expertise is reflected in the recommendations.

**Part I - Prohibiting Knowing Possession of a Controlled Substance, Counterfeit Substance, or Legend Drug**

**Sec. 2.** RCW 69.50.4011 and 2003 c 53 s 332 are each amended to read as follows:

(1) Except as authorized by this chapter, it is unlawful for any person to ~~((create, deliver, or possess a counterfeit substance))~~:

(a) Create or deliver a counterfeit substance;

(b) Knowingly possess a counterfeit substance; or

(c) Knowingly possess and use a counterfeit substance in a public place by injection, inhalation, ingestion, or any other means.

(2) Any person who violates subsection (1)(a) of this section with respect to:

(a) A counterfeit substance classified in Schedule I or II which is a narcotic drug, or flunitrazepam classified in Schedule IV, is guilty of a class B felony and upon conviction may be imprisoned for not more than ~~((ten))10~~ years, fined not more than ~~((twenty-five thousand dollars))\$25,000~~, or both;

(b) A counterfeit substance which is methamphetamine, is guilty of a class B felony and upon conviction may be imprisoned for not more than ~~((ten))10~~ years, fined not more than ~~((twenty-five thousand dollars))\$25,000~~, or both;

(c) Any other counterfeit substance classified in Schedule I, II, or III, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

(d) A counterfeit substance classified in Schedule IV, except flunitrazepam, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

(e) A counterfeit substance classified in Schedule V, is guilty of a class C felony punishable according to chapter 9A.20 RCW.

(3)(a) A violation of subsection (1)(b) or (c) of this section is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

(b) In lieu of jail booking and referral to the prosecutor, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the recovery navigator program established under RCW 71.24.115.

(c) Upon arraignment for a violation of subsection (1)(b) or (c) of this section, the court shall determine whether the defendant has been advised by the defendant's counsel about the pretrial diversion opportunity described in section 10 of this act.

(d) For the purposes of this section, "public place" has the same meaning as defined in RCW 66.04.010, but the exclusions in RCW 66.04.011 do not apply.

**Sec. 3.** RCW 69.50.4013 and 2022 c 16 s 86 are each amended to read as follows:

(1) ~~((†))~~ Except as otherwise authorized by this chapter, it is unlawful for any person to:

(a) Knowingly possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice (~~(, or except as otherwise authorized by this chapter)~~); or

(b) Knowingly possess and use a controlled substance in a public place by injection, inhalation, ingestion, or any other means, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice.

(2)(a) Except as provided in RCW 69.50.4014 or 69.50.445, ~~((any person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW))~~ a violation of subsection (1)(a) or (b) of this section is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

(b) In lieu of jail booking and referral to the prosecutor, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the recovery navigator program established under RCW 71.24.115.

(c) Upon arraignment for a violation of subsection (1)(a) or (b) of this section, the court shall determine whether the defendant has been advised by the defendant's counsel about the pretrial diversion opportunity described in section 10 of this act.

(3) The possession, by a person ~~((twenty-one))~~ 21 years of age or older, of useable cannabis, cannabis concentrates, or cannabis-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section, this chapter, or any other provision of Washington state law.

(b) The possession of cannabis, useable cannabis, cannabis concentrates, and cannabis-infused products being physically transported or delivered within the state, in amounts not exceeding those that may be established under RCW 69.50.385(3), by a

licensed employee of a common carrier when performing the duties authorized in accordance with RCW 69.50.382 and 69.50.385, is not a violation of this section, this chapter, or any other provision of Washington state law.

(4)(a) The delivery by a person ~~((twenty-one))~~ 21 years of age or older to one or more persons ~~((twenty-one))~~ 21 years of age or older, during a single ~~((twenty-four))~~ 24 hour period, for noncommercial purposes and not conditioned upon or done in connection with the provision or receipt of financial consideration, of any of the following cannabis products, is not a violation of this section, this chapter, or any other provisions of Washington state law:

(i) One-half ounce of useable cannabis;  
(ii) Eight ounces of cannabis-infused product in solid form;  
(iii) ~~((Thirty-six))~~ 36 ounces of cannabis-infused product in liquid form; or  
(iv) Three and one-half grams of cannabis concentrates.

(b) The act of delivering cannabis or a cannabis product as authorized under this subsection (4) must meet one of the following requirements:

(i) The delivery must be done in a location outside of the view of general public and in a nonpublic place; or

(ii) The cannabis or cannabis product must be in the original packaging as purchased from the cannabis retailer.

(5) No person under ~~((twenty-one))~~ 21 years of age may ~~((possess,))~~ manufacture, sell, ~~((or))~~ distribute, or knowingly possess cannabis, cannabis-infused products, or cannabis concentrates, regardless of THC concentration. This does not include qualifying patients with a valid authorization.

(6) The possession by a qualifying patient or designated provider of cannabis concentrates, useable cannabis, cannabis-infused products, or plants in accordance with chapter 69.51A RCW is not a violation of this section, this chapter, or any other provision of Washington state law.

(7) For the purposes of this section, "public place" has the same meaning as defined in RCW 66.04.010, but the exclusions in RCW 66.04.011 do not apply.

**Sec. 4.** RCW 69.50.4014 and 2022 c 16 s 88 are each amended to read as follows:

(1) Except as provided in RCW 69.50.401(2)(c) or as otherwise authorized by this chapter, any person found guilty of knowing possession of ~~((forty))~~ 40 grams or less of cannabis is guilty of a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

(2) In lieu of jail booking and referral to the prosecutor, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the

recovery navigator program established under RCW 71.24.115.

(3) Upon arraignment for violation of this section, the court shall determine whether the defendant has been advised by the defendant's counsel about the pretrial diversion opportunity described in section 10 of this act.

**Sec. 5.** RCW 69.41.030 and 2020 c 80 s 41 are each amended to read as follows:

(1) It shall be unlawful for any person to sell ~~(r)~~ or deliver any legend drug, or knowingly possess any legend drug, or knowingly possess and use any legend drug in a public place by injection, inhalation, ingestion, or any other means, except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, a pharmacist licensed under chapter 18.64 RCW to the extent permitted by drug therapy guidelines or protocols established under RCW 18.64.011 and authorized by the commission and approved by a practitioner authorized to prescribe drugs, a physician assistant under chapter 18.71A RCW when authorized by the Washington medical commission, or any of the following professionals in any province of Canada that shares a common border with the state of Washington or in any state of the United States: A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed advanced registered nurse practitioner, a licensed physician assistant, or a veterinarian licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouse operator, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the health care authority from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health

care practitioners: PROVIDED FURTHER, That nothing in this chapter prohibits possession or delivery of legend drugs by an authorized collector or other person participating in the operation of a drug take-back program authorized in chapter 69.48 RCW.

(2)(a) A violation of this section involving the sale, delivery, or possession with intent to sell or deliver is a class B felony punishable according to chapter 9A.20 RCW.

(b) A violation of this section involving knowing possession is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

(c) A violation of this section involving knowing possession and use in a public place is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

(d) In lieu of jail booking and referral to the prosecutor for a violation of this section involving knowing possession, or knowing possession and use in a public place, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the recovery navigator program established under RCW 71.24.115.

(e) Upon arraignment for a violation of this section involving knowing possession, or knowing possession and use in a public place, the court shall determine whether the defendant has been advised by the defendant's counsel about the pretrial diversion opportunity described in section 10 of this act.

(3) For the purposes of this section, "public place" has the same meaning as defined in RCW 66.04.010, but the exclusions in RCW 66.04.011 do not apply.

**Sec. 6.** RCW 69.50.509 and 1987 c 202 s 228 are each amended to read as follows:

If, upon the sworn complaint of any person, it shall be made to appear to any judge of the superior court, district court, or municipal court that there is probable cause to believe that any controlled substance is being used, manufactured, sold, bartered, exchanged, administered, dispensed, delivered, distributed, produced, knowingly possessed, given away, furnished or otherwise disposed of or kept in violation of the provisions of this chapter, such judge shall, with or without the approval of the prosecuting attorney, issue a warrant directed to any law enforcement officer of the state, commanding him or her to search the premises designated and described in such complaint and warrant, and to seize all controlled substances there found, together with the vessels in which they are contained, and all implements, furniture and fixtures used or kept for the illegal manufacture, sale, barter, exchange, administering, dispensing, delivering,

distributing, producing, possessing, giving away, furnishing or otherwise disposing of such controlled substances, and to safely keep the same, and to make a return of said warrant within three days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the returns shall so state. The provisions of RCW 10.31.030 as now or hereafter amended shall apply to actions taken pursuant to this chapter.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.43 RCW to read as follows:

Subject to the availability of funds appropriated for this specific purpose, the Washington state patrol bureau of forensic laboratory services shall aim to complete the necessary analysis for any evidence submitted for a suspected violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) within 45 days of receipt of the request for analysis.

The Washington state patrol bureau of forensic laboratory services' failure to comply with this section shall not constitute grounds for dismissal of a criminal charge.

## Part II - Relating to Drug Paraphernalia

**Sec. 8.** RCW 69.50.4121 and 2022 c 16 s 92 are each amended to read as follows:

(1) Every person who sells (~~(or gives,)~~) or permits to be sold (~~(or given)~~) to any person any drug paraphernalia in any form commits a class I civil infraction under chapter 7.80 RCW. For purposes of this subsection, "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, (~~(testing, analyzing,)~~) packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance other than cannabis. Drug paraphernalia includes, but is not limited to objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cocaine into the human body, such as:

- (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
- (b) Water pipes;
- (c) Carburetion tubes and devices;
- (d) Smoking and carburetion masks;
- (e) Miniature cocaine spoons and cocaine vials;
- (f) Chamber pipes;
- (g) Carburetor pipes;
- (h) Electric pipes;
- (i) Air-driven pipes; and

(j) Ice pipes or chillers.

(2) It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

(3) Nothing in subsection (1) of this section prohibits (~~(legal)~~) distribution (~~(of injection)~~) or use of public health supplies including, but not limited to, syringe equipment, smoking equipment, or drug testing equipment, through public health (~~(and)~~) programs, community-based HIV prevention programs, outreach, shelter, and housing programs, and pharmacies. Public health and syringe service program staff taking samples of substances and using drug testing equipment for the purpose of analyzing the composition of the substances or detecting the presence of certain substances are acting legally and are exempt from arrest and prosecution under RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c).

**NEW SECTION. Sec. 9.** A new section is added to chapter 69.50 RCW to read as follows:

The state of Washington hereby fully occupies and preempts the entire field of drug paraphernalia regulation within the boundaries of the state including regulation of the use, selling, giving, delivery, and possession of drug paraphernalia. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to drug paraphernalia that are specifically authorized by state law and are consistent with this chapter. Such local ordinances must have the same penalty as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law may not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such city, town, county, or municipality.

## Part III - Providing Opportunities for Pretrial Diversion and Vacating Convictions

**NEW SECTION. Sec. 10.** A new section is added to chapter 69.50 RCW to read as follows:

(1) Nothing in this section prevents the defendant, with the consent of the prosecuting attorney as required by RCW 2.30.030, from seeking to resolve charges under RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) through available therapeutic courts or other alternatives to prosecution. Nothing in this section prevents the defendant or the prosecuting attorney from seeking or agreeing to, or the court from ordering, any other resolution of charges or terms of supervision that suit the circumstances of the defendant's situation and advance stabilization, crime reduction, and justice.

(2) Any defendant charged with a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b)

or (c) may make a motion to participate in pretrial diversion and agree to waive his or her right to a speedy trial if the motion is granted, subject to the following:

(a) In all cases, the court may not grant the motion unless the prosecuting attorney consents to the defendant's participation in pretrial diversion. The prosecuting attorney is strongly encouraged to agree to diversion in any case where the defendant is only charged with a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c), and in any case where the only additional charge or charges against the defendant are for other nonfelony offenses.

(b) In any case where the defendant is only charged with a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c), and the defendant has not been convicted of any offenses committed after the effective date of this section, the court shall grant the motion, continue the hearing, and refer the defendant for an assessment by any substance use disorder treatment program as designated in chapter 71.24 RCW.

(c) In any case where the defendant does not meet the criteria described in (b) of this subsection, the court may grant the motion, continue the hearing, and refer the defendant for an assessment by any substance use disorder treatment program as designated in chapter 71.24 RCW.

(3) Prior to granting the defendant's motion to participate in pretrial diversion under this section, the court shall provide the defendant and the defendant's counsel with the following information:

(a) A full description of the procedures for pretrial diversion;

(b) A general explanation of the roles and authorities of the probation department, the prosecuting attorney, the substance use disorder treatment program, and the court in the process;

(c) A clear statement that the court may grant pretrial diversion with respect to any offense under RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) that is charged, provided that the defendant pleads not guilty to the charge or charges and waives his or her right to a speedy trial, and that upon the defendant's successful completion of pretrial diversion, as specified in subsection (11)(d) of this section, and motion of the defendant, prosecuting attorney, court, or probation department, the court must dismiss the charge or charges against the defendant;

(d) A clear statement that if the defendant has not made substantial progress with services provided that are appropriate to the defendant's circumstances, the prosecuting attorney may make a motion to terminate pretrial diversion and schedule further proceedings as otherwise provided in this section;

(e) An explanation of criminal record retention and disposition resulting from participation in pretrial diversion and the defendant's rights relative to answering questions about his or her arrest and pretrial diversion following successful completion; and

(f) A clear statement that under federal law it is unlawful for any person who is an unlawful user of or addicted to any controlled substance to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition, or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(4)(a) For defendants who participate in pretrial diversion under this section, the state shall make resources available to assist the defendant in scheduling a substance use disorder evaluation or expedited assessment within seven days of the defendant's agreement to participate in pretrial diversion. The substance use evaluation must be provided at no expense to defendants who qualify for public defense services or who are found to be indigent by the court. The evaluation must be provided at a location that is accessible to the defendant. When necessary and to the extent reasonably possible, the court shall provide the defendant with a list of available local resources to assist the defendant with securing transportation to the substance use disorder evaluation. The court may contract with a third party to provide substance use disorder assessments and services, which may be collocated at the court or be provided at alternative locations.

(b) The state shall reimburse local courts for costs associated with the substance use disorder assessments and related travel under this subsection.

(5) The substance use disorder counseling agency completing the assessment must make a written report to the court stating its findings and recommendations after the examination if the defendant decides to continue pursuing pretrial diversion. The report shall be filed under seal with the court, and a copy of the report shall be given to the prosecuting attorney, defendant, and defendant's counsel. The report and its copies are confidential and exempt from disclosure under chapter 42.56 RCW. The court shall endeavor to avoid public discussion of the circumstances, history, or diagnoses that could stigmatize the defendant.

(6) Subject to the availability of funds appropriated for this specific purpose, the assessment and recommended services or treatment must be provided at no cost for individuals who have been found to be indigent by the court.

(7) Once the assessment has been filed with the court, if the report indicates the individual has a substance use disorder, the court shall inform the individual that under federal law the individual may not possess any firearm or ammunition. The court shall thereafter sign an order of ineligibility to possess firearms as required by RCW 9.41.800 and shall require the individual to surrender all firearms in accordance with RCW 9.41.804.

(8) No statement, or any information procured therefrom relating to the charge for which the defendant is receiving treatment or services, made by the defendant to any treatment or service provider, that is made during the course of any assessment

or services provided by the treatment program pursuant to subsections (4) and (5) of this section, and before the reporting of the findings and recommendations to the court, may be admissible in any action or proceeding brought subsequent to the investigation.

(9) A defendant's participation in pretrial diversion under this section does not constitute a conviction, a stipulation to facts, or an admission of guilt for any purpose.

(10) At the time that pretrial diversion is granted, any bail bond on file by or on behalf of the defendant must be exonerated, and the court must enter an order so directing.

(11)(a) If it appears to the prosecuting attorney that the defendant is not meaningfully engaging in the recommended treatment or services, the prosecuting attorney may make a motion for termination from pretrial diversion.

(b) After notice to the defendant, the court must hold a hearing to determine whether pretrial diversion shall be terminated.

(c) If the court finds that the defendant is not meaningfully engaging in the recommended treatment or services, the court must schedule the matter for further proceedings.

(d) If the defendant has successfully completed pretrial diversion, including substantial engagement with assessment recommended treatment, or services, at the end of that period, the charge or charges under RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) must be dismissed.

**NEW SECTION. Sec. 11.** A new section is added to chapter 69.50 RCW to read as follows:

(1) Prior to sentencing any person convicted of violating RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c), the court shall inform the person that under federal law it is unlawful for any person who is an unlawful user of or addicted to any controlled substance to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition, or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(2) In courts of limited jurisdiction, if an individual who is convicted of a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) agrees as a condition of probation to obtain a substance use disorder assessment and participate in any recommended treatment or services, the court shall sentence the individual to a term of confinement of up to 90 days, all of which shall be suspended for a period not to exceed one year.

(3) For individuals sentenced under subsection (2) of this section, if a suspended sentence is imposed, the court may order as a condition of probation the individual to obtain a substance use

disorder assessment and participate in any recommended treatment or services.

(a) The state shall assist the defendant in scheduling a substance use disorder evaluation or expedited assessment within seven days of the defendant's agreement to obtain an assessment and participate in any recommended treatment or services. The substance use disorder evaluation shall be provided at no expense to defendants who qualify for public defense services or who are found to be indigent by the court. The evaluation shall be provided at a location that is accessible to the defendant. When necessary and to the extent reasonably possible, the court shall provide the defendant with a list of available local resources to assist the defendant with securing transportation to the substance use disorder evaluation. The court may contract with a third party to provide substance use disorder assessments and services, which may be collocated at the court or be provided at alternative locations. The state shall reimburse local courts for costs associated with the substance use disorder assessments under this subsection.

(b) A substance use disorder assessment shall be prepared by a substance use disorder services or counseling program licensed or certified by the department of health. A copy of the report shall be forwarded to the court and filed under seal. Based on the assessment, the court shall determine whether the person shall be required to complete a course in an alcohol and drug information school licensed or certified by the department of health or more sustained services provided by a licensed behavioral health care provider, peer counseling program, or other case management program.

(c) Once the assessment has been filed with the court, if the report indicates the individual has a substance use disorder, the court shall inform the individual that under federal law the individual may not possess any firearm or ammunition. The court shall thereafter sign an order of ineligibility to possess firearms as required by RCW 9.41.800.

(d) The assessment shall include the following:

(i) Available background on the defendant's circumstances, barriers, and past service history, if any;

(ii) Nature of barriers and challenges;

(iii) Recommendations for services available in the individual's community that are likely to work with the individual and provide relevant support;

(iv) A statement of unavailability if there are no known suitable services presently available in the individual's community that would meaningfully assist the individual; and

(v) Approximate cost of the services if not publicly provided.

(4) A person subject to substance use disorder assessment and treatment or services shall be required by the court to complete a course in an alcohol and drug information school certified by the department of health or to more sustained services provided by a licensed behavioral health care provider, peer counseling

program, or other case management program, as determined by the court.

(5) All individuals providing assessments under this section shall implement the integrated and comprehensive screening and assessment process for co-occurring substance use and mental health disorders adopted under RCW 71.24.630.

(6) If the court directs a service plan after receiving an individual's assessment, the court shall confirm with the individual's indicated service provider that the service provider consents to providing the court with occasional updates on the individual's progress on a schedule acceptable to the court. The updates must be provided at least monthly.

(7) Subject to the availability of funds appropriated for this purpose, the substance use disorder assessment and recommended treatment or services as ordered by the court shall be provided at no cost for sentenced individuals who have been found to be indigent by the court.

(8) As a condition of probation, the sentenced individual must meaningfully engage with the treatment or services recommendations of the substance use disorder assessment.

(9)(a) If it appears to the prosecuting attorney that the sentenced individual is not meaningfully engaging in the recommended treatment or services, the prosecuting attorney shall make a motion for a hearing to consider sanctions. After notice to the sentenced individual, the court shall hold a hearing to determine if a sanction or revocation of the individual's suspended sentence, or any part thereof, is warranted under RCW 3.50.340 or 3.66.069.

(b) The court may not sanction an individual for failing to comply with the recommended treatment or services if the court finds the sentenced individual has made reasonable efforts to comply with the recommended treatment but cannot comply either due to a lack of available treatment or services or, for sentenced individuals found to be indigent by the court, due to a lack of funding for treatment or services.

(c) At the hearing, if the court finds by a preponderance of the evidence that the sentenced individual has willfully abandoned or demonstrated a consistent failure to meaningfully participate in the recommended treatment or services, the court shall use its discretion in determining an appropriate sanction.

(10) If the individual has successfully completed the recommended treatment or services, the individual must file proof of successful completion with the court. Upon verification that the individual successfully completed the recommended treatment or services, the court must terminate probation and enter an order vacating the individual's conviction.

**Sec. 12.** RCW 9.96.060 and 2022 c 16 s 7 are each amended to read as follows:

(1) When vacating a conviction under this section, the court effectuates the vacation by: (a) (i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if

the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information, indictment, complaint, or citation against the applicant and vacating the judgment and sentence.

(2) Every person convicted of a misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the requirements of this subsection, the court may in its discretion vacate the record of conviction. Except as provided in subsections (3), (4), ~~((and))~~ (5), and (6) of this section, an applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present:

(a) The applicant has not completed all of the terms of the sentence for the offense;

(b) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal or tribal court, at the time of application;

(c) The offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense;

(d) The offense was a violation of RCW 46.61.502 (driving while under the influence), 46.61.504 (actual physical control while under the influence), 9.91.020 (operating a railroad, etc. while intoxicated), or the offense is considered a "prior offense" under RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug violation within ten years of the date of arrest for the prior offense or less than ten years has elapsed since the date of the arrest for the prior offense;

(e) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132;

(f) The applicant was convicted of a misdemeanor or gross misdemeanor offense as defined in RCW 10.99.020, or the court determines after a review of the court file that the offense was committed by one family or household member against another or by one intimate partner against another, or the court, after considering the damage to person or property that resulted in the conviction, any prior convictions for crimes defined in RCW 10.99.020, or for comparable offenses in another state or in federal court, and the totality of the records under review by the court regarding the conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:

(i) The applicant has not provided written notification of the vacation petition to the prosecuting attorney's office that prosecuted the offense for which vacation is sought, or has not provided that notification to the court;

(ii) The applicant has two or more domestic violence convictions stemming from



different incidents. For purposes of this subsection, however, if the current application is for more than one conviction that arose out of a single incident, none of those convictions counts as a previous conviction;

(iii) The applicant has signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction; or

(iv) Less than five years have elapsed since the person completed the terms of the original conditions of the sentence, including any financial obligations and successful completion of any treatment ordered as a condition of sentencing;

(g) For any offense other than those described in (f) of this subsection, less than three years have passed since the person completed the terms of the sentence, including any financial obligations;

(h) The offender has been convicted of a new crime in this state, another state, or federal or tribal court in the three years prior to the vacation application; or

(i) The applicant is currently restrained by a domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order which restrains one party from contacting the other party or was previously restrained by such an order and was found to have committed one or more violations of the order in the five years prior to the vacation application.

(3) If the applicant is a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030, or the prosecutor applies on behalf of the state, the sentencing court may vacate the record of conviction if the application satisfies the requirements of RCW 9.96.080. When preparing or filing the petition, the prosecutor is not deemed to be providing legal advice or legal assistance on behalf of the victim, but is fulfilling an administrative function on behalf of the state in order to further their responsibility to seek to reform and improve the administration of criminal justice. A record of conviction vacated using the process in RCW 9.96.080 is subject to subsections ~~((6) and)~~ (7) and (8) of this section.

(4) Every person convicted prior to January 1, 1975, of violating any statute or rule regarding the regulation of fishing activities, including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070, 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240 who claimed to be exercising a treaty Indian fishing right, may apply to the sentencing court for vacation of the applicant's record of the misdemeanor, gross misdemeanor, or felony conviction for the offense. If the person is deceased, a member of the person's family or an official representative of the tribe of which the person was a member may apply to the court on behalf of the deceased person. Notwithstanding the requirements of RCW 9.94A.640, the court shall vacate the record of conviction if:

(a) The applicant is a member of a tribe that may exercise treaty Indian fishing rights at the location where the offense occurred; and

(b) The state has been enjoined from taking enforcement action of the statute or rule to the extent that it interferes with a treaty Indian fishing right as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and any posttrial orders of those courts, or any other state supreme court or federal court decision.

(5) Every person convicted of a misdemeanor cannabis offense, who was ~~((twenty-one))~~ 21 years of age or older at the time of the offense, may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. A misdemeanor cannabis offense includes, but is not limited to: Any offense under RCW 69.50.4014, from July 1, 2004, onward, and its predecessor statutes, including RCW 69.50.401(e), from March 21, 1979, to July 1, 2004, and RCW 69.50.401(d), from May 21, 1971, to March 21, 1979, and any offense under an equivalent municipal ordinance. If an applicant qualifies under this subsection, the court shall vacate the record of conviction.

(6) If an individual convicted of a violation or violations of RCW 69.50.4011(1)(b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2)(b) or (c) successfully completes a substance use disorder treatment or services program and files proof of completion with the court, the prosecutor shall make a motion to vacate the individual's conviction or convictions. Upon verification that the individual successfully completed the substance use disorder treatment program, the court shall grant the motion and vacate the conviction or convictions.

(7) A person who is a family member of a homicide victim may apply to the sentencing court on the behalf of the victim for vacation of the victim's record of conviction for prostitution under RCW 9A.88.030. If an applicant qualifies under this subsection, the court shall vacate the victim's record of conviction.

~~((47))~~ (8) (a) Except as provided in (c) of this subsection, once the court vacates a record of conviction under this section, the person shall be released from all penalties and disabilities resulting from the offense and the fact that the person has been convicted of the offense shall not be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated under this section may state that he or she has never been convicted of that crime. However, nothing in this section affects the requirements for restoring a right to possess a firearm under RCW 9.41.040. Except as provided in (b) of this subsection, nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(b) When a court vacates a record of domestic violence as defined in RCW 10.99.020 under this section, the state may not use the vacated conviction in a later criminal prosecution unless the conviction was for: (i) Violating the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going on to the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle (RCW 10.99.040, 10.99.050, 26.09.300, 26.26B.050, 26.44.063, 26.44.150, or 26.52.070, or any of the former RCW 26.50.060, 26.50.070, 26.50.130, and 74.34.145); (ii) stalking (RCW 9A.46.110); or (iii) a domestic violence protection order or vulnerable adult protection order entered under chapter 7.105 RCW. A vacated conviction under this section is not considered a conviction of such an offense for the purposes of 27 C.F.R. 478.11.

(c) A conviction vacated on or after July 28, 2019, qualifies as a prior conviction for the purpose of charging a present recidivist offense as defined in RCW 9.94A.030 occurring on or after July 28, 2019.

~~((9))~~ (9) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

~~((9))~~ (10) For the purposes of this section, "cannabis" has the meaning provided in RCW 69.50.101.

**NEW SECTION. Sec. 13.** A new section is added to chapter 2.56 RCW to read as follows:

(1) The administrative office of the courts shall collect data and information related to the utilization and outcomes of pretrial diversions pursuant to section 10 of this act, convictions pursuant to section 11 of this act, and motions for vacating convictions pursuant to RCW 9.96.060(6), including but not limited to the following:

(a) The recidivism rate for persons who either participated in a pretrial diversion pursuant to section 10 of this act, or who were sentenced pursuant to section 11 of this act and agreed as a condition of probation to obtain a substance use disorder assessment and participate in recommended treatment or services;

(b) The number of pretrial diversions offered pursuant to section 10 of this act and whether such diversions were terminated, were successfully completed and resulted in a dismissal, or are still ongoing;

(c) Aggregated and disaggregated demographic data for pretrial diversions pursuant to section 10 of this act, that identifies trends or disparities in utilization or outcomes based on race, ethnicity, gender, gender expression or identity, disability status, age, and any other appropriate characteristics as determined by the administrative office of the courts;

(d) Statistical data comparing the relative utilization and outcomes of pretrial diversions pursuant to section 10 of this act in specific courts and in different regions of Washington;

(e) The number of people convicted of a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c);

(f) The number of people sentenced pursuant to section 11 of this act who agreed as a condition of probation to obtain a substance use disorder assessment and participate in recommended treatment or services;

(g) Aggregated and disaggregated demographic data for people convicted of a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c), that identifies trends or disparities in sentencing for and vacating of such convictions based on race, ethnicity, gender, gender expression or identity, disability status, age, and any other appropriate characteristics as determined by the administrative office of the courts; and

(h) Statistical data comparing the sentences imposed pursuant to section 11 of this act, and the convictions vacated pursuant to RCW 9.96.060(6), in specific courts and in different regions of Washington.

(2) The administrative office of the courts shall, in cooperation with the Washington state patrol and the Washington association of sheriffs and police chiefs, collect data and information related to reported violations of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, and 69.41.030(2) (b) or (c) responded to by law enforcement, including but not limited to the following:

(a) Whether such violations were deferred to treatment in lieu of further legal system involvement, or referred to the prosecuting attorney for potential charges;

(b) The number of such violations involving repeat offenders; and

(c) The number of such violations involving persons who previously participated in pretrial diversion pursuant to section 10 of this act, or who were previously sentenced pursuant to section 11 of this act and agreed as a condition of probation to obtain a substance use disorder assessment and participate in recommended treatment or services.

(3) Beginning August 1, 2024, and on August 1st of every year thereafter, the administrative office of the courts shall

submit an annual report to the legislature containing the data and information described in subsections (1) and (2) of this section.

#### Part IV - Opioid Treatment Rural Access and Expansion

**Sec. 14.** RCW 36.70A.200 and 2021 c 265 s 2 are each amended to read as follows:

(1)(a) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, opioid treatment programs including both mobile and fixed-site medication units, recovery residences, harm reduction programs excluding safe injection sites, and inpatient facilities including substance ~~((abuse))~~ use disorder treatment facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020.

(b) Unless a facility is expressly listed in (a) of this subsection, essential public facilities do not include facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings but are not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense. Facilities included under this subsection (1)(b) shall not include facilities detaining persons under RCW 71.09.020 ~~((6) or (15))~~ (7) or (16) or chapter 10.77 or 71.05 RCW.

(c) The department of children, youth, and families may not attempt to site new community facilities as defined in RCW 72.05.020 east of the crest of the Cascade mountain range unless there is an equal or greater number of sited community facilities as defined in RCW 72.05.020 on the western side of the crest of the Cascade mountain range.

(d) For the purpose of this section, "harm reduction programs" means programs that emphasize working directly with people who use drugs to prevent overdose and infectious disease transmission, improve the physical, mental, and social well-being of those served, and offer low threshold options for accessing substance use disorder treatment and other services.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17A.005, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70A.135.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(3); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action.

**Sec. 15.** RCW 71.24.589 and 2019 c 314 s 29 are each amended to read as follows:

(1) Subject to funds appropriated by the legislature, the authority shall ~~((implement a pilot project))~~ administer a grant program for law enforcement assisted diversion which shall adhere to law enforcement assisted diversion core principles recognized by the law enforcement assisted diversion national support bureau, the efficacy of which have been demonstrated in peer-reviewed research studies.

(2) ~~((Under the pilot project, the))~~ The authority must partner with the law enforcement assisted diversion national support bureau to award ~~((a contract))~~ contracts, subject to appropriation, for ~~((two or more geographic areas))~~ jurisdictions in the state of Washington for law enforcement assisted diversion. Cities, counties, and tribes ~~((may compete for participation in a pilot project)),~~ subdivisions thereof, public development authorities, and community-based organizations demonstrating support from necessary public partners, may serve as the lead agency applying for funding. Funds may be used to scale existing projects, and to

invite additional jurisdictions to launch law enforcement assisted diversion programs.

(3) The ~~((pilot projects))~~ program must provide for securing comprehensive technical assistance from law enforcement assisted diversion implementation experts to develop and implement a law enforcement assisted diversion program ~~((in the pilot project's geographic areas))~~ in a way that ensures fidelity to the research-based law enforcement assisted diversion model. Sufficient funds must be allocated from grant program funds to secure technical assistance for the authority and for the implementing jurisdictions.

(4) The key elements of a law enforcement assisted diversion ~~((pilot project))~~ program must include:

(a) Long-term case management for individuals with substance use disorders;

(b) Facilitation and coordination with community resources focusing on overdose prevention;

(c) Facilitation and coordination with community resources focused on the prevention of infectious disease transmission;

(d) Facilitation and coordination with community resources providing physical and behavioral health services;

(e) Facilitation and coordination with community resources providing medications for the treatment of substance use disorders;

(f) Facilitation and coordination with community resources focusing on housing, employment, and public assistance;

(g) ~~((Twenty-four))~~ 24 hours per day and seven days per week response to law enforcement for arrest diversions; and

(h) Prosecutorial support for diversion services.

(5) No civil liability may be imposed by any court on the state or its officers or employees, an appointed or elected official, public employee, public agency as defined in RCW 4.24.470, combination of units of government and its employees as provided in RCW 36.28A.010, nonprofit community-based organization, tribal government entity, tribal organization, or urban Indian organization, based on the administration of a law enforcement assisted diversion program or activities carried out within the purview of a grant received under this program except upon proof of bad faith or gross negligence.

**Sec. 16.** RCW 71.24.590 and 2019 c 314 s 30 are each amended to read as follows:

(1) When making a decision on an application for licensing or certification of ~~((a))~~ an opioid treatment program, the department shall:

(a) Consult with the county legislative authorities in the area in which an applicant proposes to locate a program and the city legislative authority in any city in which an applicant proposes to locate a program;

(b) License or certify only programs that will be sited in accordance with the appropriate county or city land use ordinances. Counties and cities may require conditional use permits with reasonable

conditions for the siting of programs only to the extent that such reasonable conditional use requirements applied to opioid treatment programs are similarly applied to other essential public facilities and health care settings. Pursuant to RCW 36.70A.200, no local comprehensive plan or development regulation may preclude the siting of essential public facilities;

(c) Not discriminate in its licensing or certification decision on the basis of the corporate structure of the applicant;

(d) Consider the size of the population in need of treatment in the area in which the program would be located and license or certify only applicants whose programs meet the necessary treatment needs of that population;

(e) Consider the availability of other certified opioid treatment programs near the area in which the applicant proposes to locate the program;

(f) Consider the transportation systems that would provide service to the program and whether the systems will provide reasonable opportunities to access the program for persons in need of treatment;

(g) Consider whether the applicant has, or has demonstrated in the past, the capability to provide the appropriate services to assist the persons who utilize the program in meeting goals established by the legislature in RCW 71.24.585. The department shall prioritize licensing or certification to applicants who have demonstrated such capability and are able to measure their success in meeting such outcomes (~~(+~~

~~(h) Hold one public hearing in the community in which the facility is proposed to be located. The hearing shall be held at a time and location that are most likely to permit the largest number of interested persons to attend and present testimony. The department shall notify all appropriate media outlets of the time, date, and location of the hearing at least three weeks in advance of the hearing))~~.

(2) ~~((A))~~ No city or county legislative authority may impose a maximum capacity for ((a)) an opioid treatment program ((of not less than three hundred fifty participants if necessary to address specific local conditions cited by the county)).

(3) A program applying for licensing or certification from the department and a program applying for a contract from a state agency that has been denied the licensing or certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial.

(4) Opioid treatment programs may order, possess, dispense, and administer medications approved by the United States food and drug administration for the treatment of opioid use disorder, alcohol use disorder, tobacco use disorder, and reversal of opioid overdose. For an opioid treatment program to order, possess, and dispense any other legend drug, including controlled substances, the opioid treatment program must obtain additional licensure as required by the department, except for patient-owned medications.

(5) Opioid treatment programs may accept, possess, and administer patient-owned medications.

(6) Registered nurses and licensed practical nurses may dispense up to a ~~((thirty-one))~~ 31 day supply of medications approved by the United States food and drug administration for the treatment of opioid use disorder to patients of the opioid treatment program, under an order or prescription and in compliance with 42 C.F.R. Sec. 8.12.

(7) For the purpose of this chapter, "opioid treatment program" means a program that:

(a) Engages in the treatment of opioid use disorder with medications approved by the United States food and drug administration for the treatment of opioid use disorder and reversal of opioid overdose, including methadone; and

(b) Provides a comprehensive range of medical and rehabilitative services.

(8) A mobile or fixed-site medication unit may be established as part of a licensed opioid treatment program.

**NEW SECTION. Sec. 17.** A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to funds appropriated for this specific purpose, a program is established in the department to fund the construction costs necessary to start up substance use disorder treatment and services programs in regions of the state that currently lack access to such programs.

(2) This funding must be used to increase the number of substance use disorder treatment and services programs in underserved areas such as central and eastern Washington and rural areas.

**NEW SECTION. Sec. 18.** RCW 10.31.115 (Drug possession—Referral to assessment and services) and 2021 c 311 s 13 are each repealed.

#### **Part V - Funding, Promotion, and Training for Recovery Residences**

**NEW SECTION. Sec. 19.** A new section is added to chapter 71.24 RCW to read as follows:

Subject to the availability of funds appropriated for this specific purpose, the authority shall:

(1) Make sufficient funding available to support establishment of an adequate and equitable stock of recovery residences in each region of the state, including by expansion of a revolving fund program to make loans or grants available for recovery residence operators to use for necessary capital expenses;

(2) Establish a voucher program to allow accredited recovery housing operators to hold bed space for individuals who are waiting for treatment or who have returned to use and need a place to stay while negotiating a return to stable housing;

(3) Conduct outreach to underserved and rural areas to support the development of

recovery housing, including adequate resources for women, LGBTQIA+ communities, and youth; and

(4) Develop a training for housing providers by January 1, 2024, to assist them with providing appropriate service to LGBTQIA+ communities, including consideration of topics like harassment, communication, antiracism, diversity, and gender affirming behavior, and ensure applicants for grants or loans related to recovery residences receive access to the training.

**Sec. 20.** RCW 84.36.043 and 1998 c 174 s 1 are each amended to read as follows:

(1) The real and personal property used by a nonprofit organization in providing emergency or transitional housing for low-income homeless persons as defined in RCW 35.21.685 or 36.32.415 or victims of domestic violence who are homeless for personal safety reasons is exempt from taxation if:

(a) The charge, if any, for the housing does not exceed the actual cost of operating and maintaining the housing; and

(b)(i) The property is owned by the nonprofit organization; or

(ii) The property is rented or leased by the nonprofit organization and the benefit of the exemption inures to the nonprofit organization.

(2) The real and personal property used by a nonprofit organization in maintaining an approved recovery residence registered under RCW 41.05.760 is exempt from taxation if:

(a) The charge for the housing does not exceed the actual cost of operating and maintaining the housing; and

(b)(i) The property is owned by the nonprofit organization; or

(ii) The property is rented or leased by the nonprofit organization and the benefit of the exemption inures to the nonprofit organization.

(3) As used in this section:

(a) "Homeless" means persons, including families, who, on one particular day or night, do not have decent and safe shelter nor sufficient funds to purchase or rent a place to stay.

(b) "Emergency housing" means a project that provides housing and supportive services to homeless persons or families for up to sixty days.

(c) "Transitional housing" means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

((+3)) (d) "Recovery residence" has the same meaning as under RCW 41.05.760.

(4) The exemption in subsection (2) of this section applies to taxes levied for collection in calendar years 2024 through 2033.

(5) This exemption is subject to the administrative provisions contained in RCW 84.36.800 through 84.36.865.

NEW SECTION. **Sec. 21.** (1) This section is the tax preference performance statement for the tax preference contained in section 20, chapter . . . , Laws of 2023 (section 20 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to provide tax relief for certain businesses or individuals, as indicated in RCW 82.32.808(2)(e).

(3) By exempting property used by nonprofit organizations maintaining approved recovery residences, it is the legislature's specific public policy objective to maximize funding for recovery residences to the extent possible, thereby increasing availability of such residences.

(4) To measure the effectiveness of the tax exemption provided in section 20 of this act in achieving the specific public policy objectives described in subsection (3) of this section, the joint legislative audit and review committee must evaluate:

(a) Annual changes in the total number of parcels qualifying for the exemption under section 20 of this act;

(b) The amount of annual property tax relief resulting from the tax exemption under section 20 of this act;

(c) The average annual number of people housed at recovery residences located on property qualifying for the exemption under section 20 of this act;

(d) The annualized amount charged for housing at recovery residences located on property qualifying for the exemption under section 20 of this act and the annualized estimated increase in the charge for housing if the properties had not been eligible for the exemption; and

(e) The annual amount of expenditures by nonprofits to maintain recovery residences located on property qualifying for the exemption under section 20 of this act.

(5) The legislature intends to extend the expiration date of the property tax exemption under section 20 of this act if the review by the joint legislative audit and review committee finds that:

(a) The number of properties qualifying for the exemption under section 20 of this act has increased;

(b) The number of individuals using recovery housing located on property qualifying for the exemption under section 20 of this act has increased; and

(c) The amount charged for recovery housing is reasonably consistent with the actual cost of operating and maintaining the housing.

(6) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to:

(a) Initial applications for the tax exemption under section 20 of this act as approved by the department of revenue under RCW 84.36.815;

(b) Annual financial statements prepared by nonprofit entities claiming the tax exemption under section 20 of this act;

(c) Filings with the federal government to maintain federal tax exempt status by nonprofit organizations claiming the tax exemption under section 20 of this act; and

(d) Any other data necessary for the evaluation under subsection (4) of this section.

**Part VI - Training for Parents of Children with Substance Use Disorder and Caseworkers Within the Department of Children, Youth, and Families**

NEW SECTION. **Sec. 22.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority, in consultation with the department of children, youth, and families, shall develop a training for parents of children and transition age youth with substance use disorders by June 30, 2024, addressing the following:

(a) Science and education related to substance use disorders;

(b) Adaptive and functional communication strategies for communication with a loved one about their substance use disorder, including positive communication skills and strategies to influence motivation and behavioral change;

(c) Self-care and means of obtaining support; and

(d) Means to obtain opioid overdose reversal medication when appropriate and instruction on proper use.

(2) The authority and the department of children, youth, and families shall make this training publicly available, and the department of children, youth, and families must promote the training to licensed foster parents and caregivers, including any tribally licensed foster parents and tribal caregivers.

NEW SECTION. **Sec. 23.** A new section is added to chapter 43.216 RCW to read as follows:

The department must make opioid overdose reversal medication available for use by caseworkers or employees that may come in contact with individuals experiencing overdose and must make appropriate training available.

**Part VII - Data Support for Recovery Navigator Programs**

NEW SECTION. **Sec. 24.** To support recovery navigator programs, the health care authority must develop and implement a data integration platform by June 30, 2024, to serve as a common database available for diversion efforts across the state, to serve as a data collection and management tool for practitioners, and to assist in standardizing definitions and practices. If possible, the health care authority must leverage and interact with existing platforms already in use in efforts funded

by the authority. The health care authority must establish a quality assurance process for behavioral health administrative services organizations, and employ data validation for fields in the data collection workbook. The health care authority must engage and consult with the law enforcement assisted diversion national support bureau on data integration approaches, platforms, quality assurance protocols, and validation practices.

**NEW SECTION. Sec. 25.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall contract with the Washington state institute for public policy to conduct a study of the long-term effectiveness of the recovery navigator program under RCW 71.24.115 with reports due by June 30th in the years 2028, 2033, and 2038. The Washington state institute for public policy shall collaborate with the authority, the law enforcement assisted diversion national support bureau, and the substance use recovery services advisory committee under RCW 71.24.546 on the topic of data collection and to determine the parameters of the report, which shall include recommendations, if any, for modification and improvement of the recovery navigator program. The law enforcement assisted diversion national support bureau may supplement the report with additional recommendations to improve the recovery navigator program by enhancing its ability to provide a viable, accepted, community-based care alternative to jail and prosecution. The authority shall cooperate with the Washington state institute for public policy to provide data for this report.

(2) The authority shall establish an expedited preapproval process by August 1, 2023, which allows requests for the use of data to be forwarded to the Washington state institutional review board without delay when the request is made by the Washington state institute for public policy for the purpose of completing a study that has been directed by the legislature.

**Part VIII - Establishing Rules and Payment Structures for Health Engagement Hubs**

**NEW SECTION. Sec. 26.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall develop payment structures for health engagement hubs by January 1, 2025.

(2) A health engagement hub:

(a) Serves as an all-in-one location where people who use drugs can access a range of medical, harm reduction, treatment, and social services. A health engagement hub may not provide supervised injection services;

(b) May be affiliated with existing syringe service programs, federally qualified health centers, community health centers, overdose prevention sites, safe consumption sites, patient-centered medical

homes, tribal behavioral health programs, peer run organizations such as clubhouses, services for unhoused people, supportive housing, and opioid treatment programs including mobile and fixed-site medication units established under an opioid treatment program, or other appropriate entity;

(c) Provides referrals or access to methadone and other medications for opioid addiction;

(d) Functions as a patient-centered medical home by offering high-quality, cost-effective patient-centered care, including wound care;

(e) Provides harm reduction services and supplies;

(f) Provides linkage to housing, transportation, and other support services; and

(g) Is open to youth as well as adults.

(3) To the extent allowed under federal law, the authority shall direct medicaid managed care organizations to adopt a value-based bundled payment methodology in contracts with health engagement hubs and other opioid treatment providers.

(4) The authority shall make sufficient funding available to ensure that a health engagement hub is available within a two-hour drive for all communities and that there is at least one health engagement hub available per 200,000 residents in Washington state.

**Part IX - Education and Employment Pathways**

**NEW SECTION. Sec. 27.** A new section is added to chapter 71.24 RCW to read as follows:

Subject to funding provided for this specific purpose, the authority shall establish a grant program for providers of employment, education, training, certification, and other supportive programs designed to provide persons recovering from a substance use disorder with employment opportunities. The grant program shall employ a low-barrier application and give priority to programs that engage with black, indigenous, persons of color, and other historically underserved communities.

**Part X - Providing a Statewide Directory of Recovery Services**

**NEW SECTION. Sec. 28.** A new section is added to chapter 71.24 RCW to read as follows:

Subject to funding provided for this specific purpose, the authority must collaborate with the department and the department of social and health services to expand the Washington recovery helpline and the recovery readiness asset tool to provide a dynamically updated statewide behavioral health treatment and recovery support services mapping tool that includes a robust resource database for those seeking services and a referral system to be incorporated within the locator tool to help facilitate the connection between an individual and a facility that is currently accepting new referrals. The tool must include dual

interface capability, one for public access and one for internal use and management.

**Part XI - Investing Adequately in Statewide Diversion Services**

NEW SECTION. **Sec. 29.** A new section is added to chapter 71.24 RCW to read as follows:

Subject to the availability of funds appropriated for this specific purpose, the authority shall:

(1) Continue and expand efforts to provide opioid use disorder medication in city, county, regional, and tribal jails;

(2) Provide support funds to new and established department of health certified clubhouses throughout the state;

(3) Award grants to an equivalent number of crisis services providers to the west and the east of the Cascade mountains, to establish and expand 23-hour crisis relief center capacity;

(4) Maintain a memorandum of understanding with the criminal justice training commission to provide ongoing funding for community grants pursuant to RCW 36.28A.450; and

(5) Provide ongoing grants to law enforcement assistant diversion programs under RCW 71.24.589.

**Part XII - Streamlining Substance Use Disorder Treatment Intakes**

NEW SECTION. **Sec. 30.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall convene a work group to recommend changes to systems, policies, and processes related to intake, screening, and assessment for substance use disorder services, with the goal to broaden the workforce capable of processing intakes and to make the intake process as brief as possible, including only what is necessary to manage utilization and initiate care. The intake shall be low barrier, person-centered, and amenable to administration in diverse health care settings and by a range of health care professionals. The intake assessment shall consider the person's self-identified needs and preferences when evaluating direction of treatment and may include different components based on the setting, context, and past experience with the client.

(2) The work group must include care providers, payors, people who use drugs, and other individuals recommended by the authority. The work group shall present its recommendations to the governor and appropriate committees of the legislature by December 1, 2024.

**Part XIII - Miscellaneous Provisions**

NEW SECTION. **Sec. 31.** Section 7 of this act takes effect January 1, 2025.

**Sec. 32.** 2021 c 311 s 29 (uncodified) is amended to read as follows:

Sections 8 through 10(~~(7)~~) and 12(~~(, 15, and 16)~~) of this act expire July 1, 2023.

NEW SECTION. **Sec. 33.** Sections 2 through 6, 8 through 12, and 32 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2023.

NEW SECTION. **Sec. 34.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Davis; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representatives Griffey, Assistant Ranking Minority Member; Farivar; and Graham.

Referred to Committee on Appropriations

March 28, 2023

2SSB 5555

Prime Sponsor, Ways & Means: Creating the profession of certified peer specialists. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that peers play a critical role along the behavioral health continuum of care, from outreach to treatment to recovery support. Peers deal in the currency of hope and motivation and are incredibly adept at supporting people with behavioral health challenges on their recovery journeys. Peers represent the only segment of the behavioral health workforce where there is not a shortage, but a surplus of willing workers. Peers, however, are presently limited to serving only medicaid recipients and working only in community behavioral health agencies. As a result, youth and adults with commercial insurance have no access to peer services. Furthermore, peers who work in other settings, such as emergency departments and behavioral health urgent care, cannot bill insurance for their services.

(2) Therefore, it is the intent of the legislature to address the behavioral health workforce crisis, expand access to peer services, eliminate financial barriers to professional licensing, and honor the contributions of the peer profession by creating the profession of certified peer specialists.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this



chapter unless the context clearly requires otherwise.

(1) "Advisory committee" means the Washington state certified peer specialist advisory committee established under section 4 of this act.

(2) "Approved supervisor" means:

(a) Until July 1, 2028, a behavioral health provider, as defined in RCW 71.24.025 with at least two years of experience working in a behavioral health practice that employs peer specialists as part of treatment teams; or

(b) A certified peer specialist who has completed:

(i) At least 1,500 hours of work as a fully certified peer specialist engaged in the practice of peer support services, with at least 500 hours attained through the joint supervision of peers in conjunction with another approved supervisor; and

(ii) The training developed by the health care authority under section 13 of this act.

(3) "Certified peer specialist" means a person certified under this chapter to engage in the practice of peer support services.

(4) "Certified peer specialist trainee" means an individual working toward the supervised experience and written examination requirements to become a certified peer specialist under this chapter.

(5) "Department" means the department of health.

(6) "Practice of peer support services" means the provision of interventions by either a person in recovery from a mental health condition or substance use disorder, or both, or the parent or legal guardian of a youth who is receiving or has received behavioral health services. The client receiving the interventions receives them from a person with a similar lived experience as either a person in recovery from a mental health condition or substance use disorder, or both, or the parent or legal guardian of a youth who is receiving or has received behavioral health services. The person provides the interventions through the use of shared experiences to assist a client in the acquisition and exercise of skills needed to support the client's recovery. Interventions may include activities that assist clients in accessing or engaging in treatment and in symptom management; promote social connection, recovery, and self-advocacy; provide guidance in the development of natural community supports and basic daily living skills; and support clients in engagement, motivation, and maintenance related to achieving and maintaining health and wellness goals.

(7) "Secretary" means the secretary of health.

**NEW SECTION. Sec. 3.** In addition to any other authority, the secretary has the authority to:

(1) Adopt rules under chapter 34.05 RCW necessary to implement this chapter;

(2) Establish all certification, examination, and renewal fees for certified

peer specialists in accordance with RCW 43.70.110 and 43.70.250;

(3) Establish forms and procedures necessary to administer this chapter;

(4) Issue certificates to applicants who have met the education, training, and examination requirements for obtaining a certificate and to deny a certificate to applicants who do not meet the requirements;

(5) Coordinate with the health care authority to confirm an applicants' successful completion of the certified peer specialist education course offered by the health care authority under section 13 of this act and successful passage of the associated oral examination as proof of eligibility to take a qualifying written examination for applicants for obtaining a certificate;

(6) Establish practice parameters consistent with the definition of the practice of peer support services;

(7) Provide staffing and administrative support to the advisory committee;

(8) Determine which states have credentialing requirements equivalent to those of this state, and issue certificates to applicants credentialed in those states without examination;

(9) Define and approve any supervised experience requirements for certification;

(10) Assist the advisory committee with the review of peer counselor apprenticeship program applications in the process of being approved and registered under chapter 49.04 RCW;

(11) Adopt rules implementing a continuing competency program; and

(12) Establish by rule the procedures for an appeal of an examination failure.

**NEW SECTION. Sec. 4.** (1) The Washington state certified peer specialist advisory committee is established.

(2)(a) The advisory committee shall consist of 11 members. Nine members must be certified peer specialists. Those nine members shall be inclusive of mental health peers, substance use disorder peers, community-based peers, peers who work in clinical settings, youth peers, adult peers, parent or family peers, and peer supervisors. One member must represent community behavioral health agencies. One member must represent the public at large and may not be a credentialed behavioral health provider. The advisory committee shall be reflective of the community who receives peer services, including people who are Black, indigenous, people of color, and individuals who identify as LGBTQ. All members of the advisory committee must be residents of Washington state. Members may not hold an office in a professional association for peer specialists or be employed by the state. A majority of the members currently serving shall constitute a quorum.

(b) The members shall be appointed by the secretary to serve three-year terms which may be renewed. Initial members shall be appointed to staggered terms which may be less than three years. Initial membership may vary from the requirements in (a) of this subsection to account for the lack of

an available credential for certified peer specialists at the time the advisory committee is established. The advisory committee shall select a chair and vice chair.

(3) The department and the health care authority, as appropriate, are encouraged to adopt recommendations as submitted by the advisory committee on topics related to the administration of this chapter and provide their rationale for any formal recommendations of the advisory committee that either agency does not adopt, including:

(a) Advice and recommendations regarding the establishment or implementation of rules related to this chapter;

(b) Advice, recommendations, and consultation regarding professional boundaries, customary practices, and other aspects of peer support as it relates to complaints, investigations, and other disciplinary actions;

(c) Assistance and recommendations to enhance patient and client education;

(d) Assistance and recommendations regarding the written and oral examination to become a certified peer specialist and the examiners conducting the examinations, including recommendations to assure that the examinations, and the manner in which the examinations are administered, are culturally appropriate;

(e) Assistance and recommendations regarding any continuing education and continuing competency programs administered under the provisions of this chapter;

(f) Advice and guidance regarding criteria for certification based on prior experience as a peer specialist attained before July 1, 2025, as described in section 7(2) of this act;

(g) Recommendations for additional supports that may help those practicing as peer counselors as of the effective date of this section to become certified peer specialists;

(h) Advice and guidance on the feasibility and design of a two-phase certification program for peer specialists;

(i) Review of existing health care authority policies and procedures related to peer counselors;

(j) Advice on approving additional education and training entities, other than the health care authority, to conduct the course of instruction in section 13(1)(a) of this act to expand availability of the course, particularly among black, indigenous, people of color, and individuals who identify as LGBTQ;

(k) Advice on approving additional testing entities, other than the health care authority to administer the written and oral examination, including entities owned by black, indigenous, and people of color;

(l) Advice on long-term planning and growth for the future advancement of the peer specialist profession;

(m) Recommendations on recruitment and retention in the peer specialist profession, including among black, indigenous, people of color, and individuals who identify as LGBTQ; and

(n) Recommendations on strategies to eliminate financial barriers to licensing as a certified peer specialist.

(4) Committee members are immune from suit in an action, civil or criminal, based on the department's disciplinary proceedings or other official acts performed in good faith.

(5) Committee members shall be compensated in accordance with RCW 43.03.240, including travel expenses in carrying out his or her authorized duties in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 5.** Beginning July 1, 2025, except as provided in section 13 of this act, the decision of a person practicing peer support services to become certified under this chapter is voluntary. A person may not use the title certified peer specialist unless the person holds a credential under this chapter.

**NEW SECTION. Sec. 6.** Nothing in this chapter may be construed to prohibit or restrict:

(1) An individual who holds a credential issued by this state, other than as a certified peer specialist or certified peer specialist trainee, to engage in the practice of an occupation or profession without obtaining an additional credential from the state. The individual may not use the title certified peer specialist unless the individual holds a credential under this chapter; or

(2) The practice of peer support services by a person who is employed by the government of the United States while engaged in the performance of duties prescribed by the laws of the United States.

**NEW SECTION. Sec. 7.** (1) Beginning July 1, 2025, except as provided in subsections (2) and (3) of this section, the secretary shall issue a certificate to practice as a certified peer specialist to any applicant who demonstrates to the satisfaction of the secretary that the applicant meets the following requirements:

(a) Submission of an attestation to the department that the applicant self-identifies as:

(i) A person with one or more years of recovery from a mental health condition, substance use disorder, or both; or

(ii) The parent or legal guardian of a youth who is receiving or has received behavioral health services;

(b) Successful completion of the education course developed and offered by the health care authority under section 13 of this act;

(c) Successful passage of an oral examination administered by the health care authority upon completion of the education course offered by the health care authority under section 13 of this act;

(d) Successful passage of a written examination administered by the health care authority upon completion of the education course offered by the health care authority under section 13 of this act;

(e) Successful completion of an experience requirement of at least 1,000 supervised hours as a certified peer specialist trainee engaged in the volunteer or paid practice of peer support services, in accordance with the standards in section 8 of this act; and

(f) Payment of the appropriate fee required under this chapter.

(2) The secretary, with the recommendation of the advisory committee, shall establish criteria for the issuance of a certificate to engage in the practice of peer support services based on prior experience as a peer specialist attained before July 1, 2025. The criteria shall establish equivalency standards necessary to be deemed to have met the requirements of subsection (1) of this section. An applicant under this subsection shall have until July 1, 2026, to complete any standards in which the applicant is determined to be deficient.

(3) The secretary, with the recommendation of the advisory committee, shall issue a certificate to engage in the practice of peer support services based on completion of an apprenticeship program registered and approved under chapter 49.04 RCW and reviewed by the advisory committee under section 3 of this act.

(4) A certificate to engage in the practice of peer support services is valid for two years. A certificate may be renewed upon demonstrating to the department that the certified peer specialist has successfully completed 30 hours of continuing education approved by the department. As part of the continuing education requirement, every six years the applicant must submit proof of successful completion of at least three hours of suicide prevention training and at least six hours of coursework in professional ethics and law, which may include topics under RCW 18.130.180.

**NEW SECTION. Sec. 8.** (1) Beginning July 1, 2025, the secretary shall issue a certificate to practice as a certified peer specialist trainee to any applicant who demonstrates to the satisfaction of the secretary that:

(a) The applicant meets the requirements of section 7 (1)(a), (b), (c), (d), and (4) of this act and is working toward the supervised experience requirements to become a certified peer specialist under this chapter; or

(b) The applicant is enrolled in an apprenticeship program registered and approved under chapter 49.04 RCW and approved by the secretary under section 3 of this act.

(2) An applicant seeking to become a certified peer specialist trainee under this section shall submit to the secretary for approval an attestation, in accordance with rules adopted by the department, that the certified peer specialist trainee is actively pursuing the supervised experience requirements of section 7(1)(d) of this act. This attestation must be updated with the trainee's annual renewal.

(3) A certified peer specialist trainee certified under this section may practice

only under the supervision of an approved supervisor. Supervision may be provided through distance supervision. Supervision may be provided by an approved supervisor who is employed by the same employer that employs the certified peer specialist trainee or by an arrangement made with a third-party approved supervisor to provide supervision, or a combination of both types of approved supervisors.

(4) A certified peer specialist trainee certificate is valid for one year and may only be renewed four times.

**NEW SECTION. Sec. 9.** (1) The date and location of written examinations must be established by the health care authority. Applicants who have been found by the health care authority to meet other requirements for obtaining a certificate must be scheduled for the next examination following the filing of the application. The health care authority shall establish by rule the examination application deadline.

(2) The health care authority shall administer written examinations to each applicant, by means determined most effective, on subjects appropriate to the scope of practice, as applicable. The examinations must be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) The examination materials, all grading of the materials, and the grading of any practical work must be preserved for a period of not less than one year after the health care authority has made and published the decisions. All examinations must be conducted under fair and wholly impartial methods.

(4) Any applicant failing to make the required grade in the first written examination may take up to three subsequent written examinations as the applicant desires upon prepaying a fee determined by the health care authority for each subsequent written examination. Upon failing four written examinations, the health care authority may invalidate the original application and require remedial education before the person may take future written examinations.

(5) The health care authority may approve a written examination prepared or administered by a private organization that credentials and renews credentials for peer counselors, or an association of credentialing agencies, for use by an applicant in meeting the credentialing requirements.

**NEW SECTION. Sec. 10.** The secretary shall establish, by rule, the requirements and fees for renewal of a certificate issued pursuant to this chapter. Fees must be established in accordance with RCW 43.70.110 and 43.70.250. Failure to renew the certificate invalidates the certificate and all privileges granted by the certificate. If a certificate has lapsed for a period longer than three years, the person shall demonstrate competence to the satisfaction of the secretary by completing continuing

competency requirements or meeting other standards determined by the secretary.

**NEW SECTION. Sec. 11.** (1) The department, in consultation with the advisory committee, shall conduct an assessment and submit a report to the governor and the committees of the legislature with jurisdiction over health policy issues by December 1, 2027.

(2) The report in subsection (1) of this section shall provide:

(a) An analysis of the adequacy of the supply of certified peer specialists serving as approved supervisors pursuant to section 2(2)(b) of this act with respect to the ability to meet the anticipated supervision needs of certified peer specialist trainees upon the expiration of behavioral health providers serving as approved supervisors pursuant to section 2(2)(a) of this act;

(b) An assessment of whether or not it is necessary to extend the expiration of behavioral health providers serving as approved supervisors pursuant to section 2(2)(a) of this act in order to meet the anticipated supervision needs of certified peer specialist trainees; and

(c) Recommendations for increasing the supply of certified peer specialists serving as approved supervisors pursuant to section 2(2)(b) of this act, including any potential modifications to the requirements to become an approved supervisor.

**NEW SECTION. Sec. 12.** The uniform disciplinary act, chapter 18.130 RCW, governs uncertified practice of peer support services, the issuance and denial of certificates, and the discipline of certified peer specialists and certified peer specialist trainees under this chapter.

**NEW SECTION. Sec. 13.** A new section is added to chapter 71.24 RCW to read as follows:

(1)(a) By January 1, 2025, the authority must develop a course of instruction to become a certified peer specialist under chapter 18.--- RCW (the new chapter created in section 22 of this act). The course must be approximately 80 hours in duration and based upon the curriculum offered by the authority in its peer counselor training as of the effective date of this section, as well as additional instruction in the principles of recovery coaching and suicide prevention. The authority shall establish a peer engagement process to receive suggestions regarding subjects to be covered in the 80-hour curriculum beyond those addressed in the peer counselor training curriculum and recovery coaching and suicide prevention curricula, including the cultural appropriateness of the 80-hour training. The education course must be taught by certified peer specialists. The education course must be offered by the authority with sufficient frequency to accommodate the demand for training and the needs of the workforce. The authority must establish multiple configurations for offering the education course, including offering the course as an uninterrupted course with longer class hours

held on consecutive days for students seeking accelerated completion of the course and as an extended course with reduced daily class hours, possibly with multiple days between classes, to accommodate students with other commitments. Upon completion of the education course, the student must pass an oral examination administered by the course trainer.

(b) The authority shall develop an expedited course of instruction that consists of only those portions of the curriculum required under (a) of this subsection that exceed the authority's certified peer counselor training curriculum as it exists on the effective date of this section. The expedited training shall focus on assisting persons who completed the authority's certified peer counselor training as it exists on the effective date of this section to meet the education requirements for certification under section 7 of this act.

(2) By January 1, 2025, the authority must develop a training course for certified peer specialists providing supervision to certified peer specialist trainees under section 8 of this act.

(3)(a) By July 1, 2025, the authority shall offer a 40-hour specialized training course in peer crisis response services for individuals employed as peers who work with individuals who may be experiencing a behavioral health crisis. When offering the training course, priority for enrollment must be given to certified peer specialists employed in a crisis-related setting, including entities identified in (b) of this subsection. The training shall incorporate best practices for responding to 988 behavioral health crisis line calls, as well as processes for co-response with law enforcement when necessary.

(b) Beginning July 1, 2025, any entity that uses certified peer specialists as peer crisis responders, may only use certified peer specialists who have completed the training course established by (a) of this subsection. A behavioral health agency that uses certified peer specialists to work as peer crisis responders must maintain the records of the completion of the training course for those certified peer specialists who provide these services and make the records available to the state agency for auditing or certification purposes.

(4) By July 1, 2025, the authority shall offer a course designed to inform licensed or certified behavioral health agencies of the benefits of incorporating certified peer specialists and certified peer specialist trainees into their clinical staff and best practices for incorporating their services. The authority shall encourage entities that hire certified peer specialists and certified peer specialist trainees, including licensed or certified behavioral health agencies, hospitals, primary care offices, and other entities, to have appropriate staff attend the training by making it available in multiple formats.

(5) The authority shall:

(a) Hire clerical, administrative, investigative, and other staff as needed to implement this section to serve as examiners for any practical oral or written

examination and assure that the examiners are trained to administer examinations in a culturally appropriate manner and represent the diversity of applicants being tested. The authority shall adopt procedures to allow for appropriate accommodations for persons with a learning disability, other disabilities, and other needs and assure that staff involved in the administration of examinations are trained on those procedures;

(b) Develop oral and written examinations required under this section. The initial examinations shall be adapted from those used by the authority as of the effective date of this section and modified pursuant to input and comments from the Washington state peer specialist advisory committee. The authority shall assure that the examinations are culturally appropriate;

(c) Prepare, grade, and administer, or supervise the grading and administration of written examinations for obtaining a certificate;

(d) Approve entities to provide the educational courses required by this section and approve entities to prepare, grade, and administer written examinations for the educational courses required by this section. In establishing approval criteria, the authority shall consider the recommendations of the Washington state peer specialist advisory committee;

(e) Develop examination preparation materials and make them available to students enrolled in the courses established under this section in multiple formats, including specialized examination preparation support for students with higher barriers to passing the written examination; and

(f) The authority shall administer, through contract, a program to link eligible persons in recovery from behavioral health challenges who are seeking employment as peers with employers seeking to hire peers, including certified peer specialists. The authority must contract for this program with an organization that provides peer workforce development, peer coaching, and other peer supportive services. The contract must require the organization to create and maintain a statewide database which is easily accessible to eligible persons in recovery who are seeking employment as peers and potential employers seeking to hire peers, including certified peer specialists. The program must be fully implemented by July 1, 2024.

(6) For the purposes of this section, the term "peer crisis responder" means a peer specialist certified under chapter 18.--- RCW (the new chapter created in section 22 of this act) who has completed the training under subsection (3) of this section whose job involves responding to behavioral health emergencies, including those dispatched through a 988 crisis hotline or the 911 system.

**NEW SECTION. Sec. 14.** A new section is added to chapter 71.24 RCW to read as follows:

Behavioral health agencies must reduce the caseload for approved supervisors who

are providing supervision to certified peer specialist trainees seeking certification under chapter 18.--- RCW (the new chapter created in section 22 of this act), in accordance with standards established by the Washington state certified peer specialist advisory committee.

**NEW SECTION. Sec. 15.** A new section is added to chapter 71.24 RCW to read as follows:

(1) Beginning January 1, 2027, a person who engages in the practice of peer support services and who bills a health carrier or medical assistance or whose employer bills a health carrier or medical assistance for those services must hold an active credential as a certified peer specialist or certified peer specialist trainee under chapter 18.--- RCW (the new chapter created in section 22 of this act).

(2) A person who is registered as an agency-affiliated counselor under chapter 18.19 RCW who engages in the practice of peer support services and whose agency, as defined in RCW 18.19.020, bills medical assistance for those services must hold a certificate as a certified peer specialist or certified peer specialist trainee under chapter 18.--- RCW (the new chapter created in section 22 of this act) no later than January 1, 2027.

**NEW SECTION. Sec. 16.** A new section is added to chapter 48.43 RCW to read as follows:

By July 1, 2026, each carrier shall provide access to services provided by certified peer specialists and certified peer specialist trainees in a manner sufficient to meet the network access standards set forth in rules established by the office of the insurance commissioner.

**Sec. 17.** RCW 18.130.040 and 2021 c 179 s 7 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) Acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates— independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xiv) Substance use disorder professionals, substance use disorder professional trainees, or co-occurring disorder specialists certified under chapter 18.205 RCW;

(xv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xviii) Surgical technologists registered under chapter 18.215 RCW;

(xix) Recreational therapists under chapter 18.230 RCW;

(xx) Animal massage therapists certified under chapter 18.240 RCW;

(xxi) Athletic trainers licensed under chapter 18.250 RCW;

(xxii) Home care aides certified under chapter 18.88B RCW;

(xxiii) Genetic counselors licensed under chapter 18.290 RCW;

(xxiv) Reflexologists certified under chapter 18.108 RCW;

(xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW; ~~(and)~~

(xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW; and

(xxvii) Certified peer specialists and certified peer specialist trainees under chapter 18.--- RCW (the new chapter created in section 22 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, and certifications issued under chapter 18.350 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;

(viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The Washington medical commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW;

(xv) The board of naturopathy established in chapter 18.36A RCW, governing licenses and certifications issued under that chapter; and

(xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

**Sec. 18.** RCW 18.130.040 and 2022 c 217 s 5 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) Acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates— independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xiv) Substance use disorder professionals, substance use disorder professional trainees, or co-occurring disorder specialists certified under chapter 18.205 RCW;

(xv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xviii) Surgical technologists registered under chapter 18.215 RCW;

(xix) Recreational therapists under chapter 18.230 RCW;

(xx) Animal massage therapists certified under chapter 18.240 RCW;

(xxi) Athletic trainers licensed under chapter 18.250 RCW;

(xxii) Home care aides certified under chapter 18.88B RCW;

(xxiii) Genetic counselors licensed under chapter 18.290 RCW;

(xxiv) Reflexologists certified under chapter 18.108 RCW;

(xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW;

(xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW; (~~and~~)

(xxvii) Birth doula certified under chapter 18.47 RCW; and

(xxviii) Certified peer specialists and certified peer specialist trainees under chapter 18.--- RCW (the new chapter created in section 22 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, and certifications issued under chapter 18.350 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;

(viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The Washington medical commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW;

(xv) The board of naturopathy established in chapter 18.36A RCW, governing licenses and certifications issued under that chapter; and

(xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

**Sec. 19.** RCW 18.130.175 and 2022 c 43 s 10 are each amended to read as follows:

(1) In lieu of disciplinary action under RCW 18.130.160 and if the disciplining authority determines that the unprofessional conduct may be the result of an applicable impairing or potentially impairing health condition, the disciplining authority may refer the license holder to a physician health program or a voluntary substance use disorder monitoring program approved by the disciplining authority.

The cost of evaluation and treatment shall be the responsibility of the license

holder, but the responsibility does not preclude payment by an employer, existing insurance coverage, or other sources. Evaluation and treatment shall be provided by providers approved by the entity or the commission. The disciplining authority may also approve the use of out-of-state programs. Referral of the license holder to the physician health program or voluntary substance use disorder monitoring program shall be done only with the consent of the license holder. Referral to the physician health program or voluntary substance use disorder monitoring program may also include probationary conditions for a designated period of time. If the license holder does not consent to be referred to the program or does not successfully complete the program, the disciplining authority may take appropriate action under RCW 18.130.160 which includes suspension of the license unless or until the disciplining authority, in consultation with the director of the applicable program, determines the license holder is able to practice safely. The secretary shall adopt uniform rules for the evaluation by the disciplining authority of return to substance use or program violation on the part of a license holder in the program. The evaluation shall encourage program participation with additional conditions, in lieu of disciplinary action, when the disciplining authority determines that the license holder is able to continue to practice with reasonable skill and safety.

(2) In addition to approving the physician health program or the voluntary substance use disorder monitoring program that may receive referrals from the disciplining authority, the disciplining authority may establish by rule requirements for participation of license holders who are not being investigated or monitored by the disciplining authority. License holders voluntarily participating in the approved programs without being referred by the disciplining authority shall not be subject to disciplinary action under RCW 18.130.160 for their impairing or potentially impairing health condition, and shall not have their participation made known to the disciplining authority, if they meet the requirements of this section and the program in which they are participating.

(3) The license holder shall sign a waiver allowing the program to release information to the disciplining authority if the licensee does not comply with the requirements of this section or is unable to practice with reasonable skill or safety. The physician health program or voluntary substance use disorder program shall report to the disciplining authority any license holder who fails to comply with the requirements of this section or the program or who, in the opinion of the program, is unable to practice with reasonable skill or safety. License holders shall report to the disciplining authority if they fail to comply with this section or do not complete the program's requirements. License holders may, upon the agreement of the program and disciplining authority, reenter the program if they have previously failed to comply with this section.

(4) Program records including, but not limited to, case notes, progress notes, laboratory reports, evaluation and treatment records, electronic and written correspondence within the program, and between the program and the participant or other involved entities including, but not limited to, employers, credentialing bodies, referents, or other collateral sources, relating to license holders referred to or voluntarily participating in approved programs are confidential and exempt from disclosure under chapter 42.56 RCW and shall not be subject to discovery by subpoena or admissible as evidence except:

(a) To defend any civil action by a license holder regarding the restriction or revocation of that individual's clinical or staff privileges, or termination of a license holder's employment. In such an action, the program will, upon subpoena issued by either party to the action, and upon the requesting party seeking a protective order for the requested disclosure, provide to both parties of the action written disclosure that includes the following information:

(i) Verification of a health care professional's participation in the physician health program or voluntary substance use disorder monitoring program as it relates to aspects of program involvement at issue in the civil action;

(ii) The dates of participation;

(iii) Whether or not the program identified an impairing or potentially impairing health condition;

(iv) Whether the health care professional was compliant with the requirements of the physician health program or voluntary substance use disorder monitoring program; and

(v) Whether the health care professional successfully completed the physician health program or voluntary substance use disorder monitoring program; and

(b) Records provided to the disciplining authority for cause as described in subsection (3) of this section. Program records relating to license holders mandated to the program, through order or by stipulation, by the disciplining authority or relating to license holders reported to the disciplining authority by the program for cause, must be released to the disciplining authority at the request of the disciplining authority. Records held by the disciplining authority under this section are exempt from chapter 42.56 RCW and are not subject to discovery by subpoena except by the license holder.

(5) This section does not affect an employer's right or ability to make employment-related decisions regarding a license holder. This section does not restrict the authority of the disciplining authority to take disciplinary action for any other unprofessional conduct.

(6) A person who, in good faith, reports information or takes action in connection with this section is immune from civil liability for reporting information or taking the action.

(a) The immunity from civil liability provided by this section shall be liberally construed to accomplish the purposes of this



section, and applies to both license holders and students and trainees when students and trainees of the applicable professions are served by the program. The persons entitled to immunity shall include:

(i) An approved physician health program or voluntary substance use disorder monitoring program;

(ii) The professional association affiliated with the program;

(iii) Members, employees, or agents of the program or associations;

(iv) Persons reporting a license holder as being possibly impaired or providing information about the license holder's impairment; and

(v) Professionals supervising or monitoring the course of the program participant's treatment or rehabilitation.

(b) The courts are strongly encouraged to impose sanctions on program participants and their attorneys whose allegations under this subsection are not made in good faith and are without either reasonable objective, substantive grounds, or both.

(c) The immunity provided in this section is in addition to any other immunity provided by law.

(7) In the case of a person who is applying to be a substance use disorder professional or substance use disorder professional trainee certified under chapter 18.205 RCW, an agency affiliated counselor registered under chapter 18.19 RCW, or a peer specialist or peer specialist trainee certified under chapter 18.--- RCW (the new chapter created in section 22 of this act), if the person is:

(a) Less than one year in recovery from a substance use disorder, the duration of time that the person may be required to participate in an approved substance use disorder monitoring program may not exceed the amount of time necessary for the person to achieve one year in recovery; or

(b) At least one year in recovery from a substance use disorder, the person may not be required to participate in the approved substance use disorder monitoring program.

~~(8) ((In the case of a person who is applying to be an agency affiliated counselor registered under chapter 18.19 RCW and practices or intends to practice as a peer counselor in an agency, as defined in RCW 18.19.020, if the person is:~~

~~(a) Less than one year in recovery from a substance use disorder, the duration of time that the person may be required to participate in the approved substance use disorder monitoring program may not exceed the amount of time necessary for the person to achieve one year in recovery; or~~

~~(b) At least one year in recovery from a substance use disorder, the person may not be required to participate in the approved substance use disorder monitoring program))~~ The provisions of subsection (7) of this section apply to any person employed as a peer specialist as of July 1, 2025, participating in a program under this section as of July 1, 2025, and applying to become a certified peer specialist under section 7 of this act, regardless of when the person's participation in a program began. To this extent, subsection (7) of

this section applies retroactively, but in all other respects it applies prospectively.

**Sec. 20.** RCW 43.43.842 and 2021 c 215 s 150 are each amended to read as follows:

(1)(a) The secretary of social and health services and the secretary of health shall adopt additional requirements for the licensure or relicensure of agencies, facilities, and licensed individuals who provide care and treatment to vulnerable adults, including nursing pools registered under chapter 18.52C RCW. These additional requirements shall ensure that any person associated with a licensed agency or facility having unsupervised access with a vulnerable adult shall not be the respondent in an active vulnerable adult protection order under chapter 7.105 RCW, nor have been: (i) Convicted of a crime against children or other persons as defined in RCW 43.43.830, except as provided in this section; (ii) convicted of crimes relating to financial exploitation as defined in RCW 43.43.830, except as provided in this section; or (iii) found in any disciplinary board final decision to have abused a vulnerable adult as defined in RCW 43.43.830.

(b) A person associated with a licensed agency or facility who has unsupervised access with a vulnerable adult shall make the disclosures specified in RCW 43.43.834(2). The person shall make the disclosures in writing, sign, and swear to the contents under penalty of perjury. The person shall, in the disclosures, specify all crimes against children or other persons, all crimes relating to financial exploitation, and all crimes relating to drugs as defined in RCW 43.43.830, committed by the person.

(2) The rules adopted under this section shall permit the licensee to consider the criminal history of an applicant for employment in a licensed facility when the applicant has one or more convictions for a past offense and:

(a) The offense was simple assault, assault in the fourth degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) The offense was prostitution, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) The offense was theft in the third degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(d) The offense was theft in the second degree, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(e) The offense was forgery, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(f) The department of social and health services reviewed the employee's otherwise disqualifying criminal history through the department of social and health services' background assessment review team process conducted in 2002, and determined that such employee could remain in a position covered by this section; or

(g) The otherwise disqualifying conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure.

The offenses set forth in (a) through (g) of this subsection do not automatically disqualify an applicant from employment by a licensee. Nothing in this section may be construed to require the employment of any person against a licensee's judgment.

(3) The rules adopted pursuant to subsection (2) of this section may not allow a licensee to automatically deny an applicant with a conviction for an offense set forth in subsection (2) of this section for a position as a substance use disorder professional or substance use disorder professional trainee certified under chapter 18.205 RCW, as an agency affiliated counselor registered under chapter 18.19 RCW practicing as a peer counselor in an agency or facility, or as a peer specialist or peer specialist trainee certified under chapter 18.--- RCW (the new chapter created in section 22 of this act), if:

(a) At least one year has passed between the applicant's most recent conviction for an offense set forth in subsection (2) of this section and the date of application for employment;

(b) The offense was committed as a result of the applicant's substance use or untreated mental health symptoms; and

(c) The applicant is at least one year in recovery from a substance use disorder, whether through abstinence or stability on medication-assisted therapy, or in recovery from a mental health disorder.

(4) ~~((The rules adopted pursuant to subsection (2) of this section may not allow a licensee to automatically deny an applicant with a conviction for an offense set forth in subsection (2) of this section for a position as an agency affiliated counselor registered under chapter 18.19 RCW practicing as a peer counselor in an agency or facility if:~~

~~(a) At least one year has passed between the applicant's most recent conviction for an offense set forth in subsection (2) of this section and the date of application for employment;~~

~~(b) The offense was committed as a result of the person's substance use or untreated mental health symptoms; and~~

~~(c) The applicant is at least one year in recovery from a substance use disorder, whether through abstinence or stability on medication-assisted therapy, or in recovery from mental health challenges.~~

(5)) In consultation with law enforcement personnel, the secretary of social and health services and the secretary of health shall investigate, or cause to be investigated, the conviction record and the protection proceeding record information under this chapter of the staff of each agency or facility under their respective

jurisdictions seeking licensure or relicensure. An individual responding to a criminal background inquiry request from his or her employer or potential employer shall disclose the information about his or her criminal history under penalty of perjury. The secretaries shall use the information solely for the purpose of determining eligibility for licensure or relicensure. Criminal justice agencies shall provide the secretaries such information as they may have and that the secretaries may require for such purpose.

**Sec. 21.** RCW 43.70.250 and 2019 c 415 s 966 are each amended to read as follows:

(1) It shall be the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business.

(2) The secretary shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations, or businesses administered by the department. Any and all fees or assessments, or both, levied on the state to cover the costs of the operations and activities of the interstate health professions licensure compacts with participating authorities listed under chapter 18.130 RCW shall be borne by the persons who hold licenses issued pursuant to the authority and procedures established under the compacts. In fixing said fees, the secretary shall set the fees for each program at a sufficient level to defray the costs of administering that program and the cost of regulating licensed volunteer medical workers in accordance with RCW 18.130.360, except as provided in RCW 18.79.202. In no case may the secretary ~~((increase a licensing fee for an ambulatory surgical facility licensed under chapter 70.230 RCW during the 2019-2021 fiscal biennium, nor may he or she commence the adoption of rules to increase a licensing fee during the 2019-2021 fiscal biennium))~~ impose any certification, examination, or renewal fee upon a person seeking certification as a certified peer specialist trainee under chapter 18.---

RCW (the new chapter created in section 22 of this act) or, between July 1, 2025, and July 1, 2030, impose a certification, examination, or renewal fee of more than \$100 upon any person seeking certification as a certified peer specialist under chapter 18.--- RCW (the new chapter created in section 22 of this act).

(3) All such fees shall be fixed by rule adopted by the secretary in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. **Sec. 22.** Sections 1 through 12 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. **Sec. 23.** Section 17 of this act expires October 1, 2023.

NEW SECTION. **Sec. 24.** Section 18 of this act takes effect October 1, 2023.

NEW SECTION. **Sec. 25.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske; Davis; Harris; Macri; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Schmick, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Hutchins, Assistant Ranking Minority Member; Barnard; Graham; Maycumber; and Mosbrucker.

Referred to Committee on Appropriations

March 28, 2023

SSB 5720 Prime Sponsor, Business, Financial Services, Gaming & Trade: Concerning risk mitigation in property insurance. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.18.558 and 2018 c 239 s 2 are each amended to read as follows:

(1) With the prior approval of the commissioner, a property insurer may include the following either goods or services, or both, intended to reduce either the probability of loss, or the extent of loss, or both, from a covered event as part of a policy of property insurance(~~(, except commercial property insurance,)~~):

(a) Goods, including a water monitor;

(b) Foundation strapping to mitigate losses due to earthquake;

(c) Ongoing services, including home safety monitoring or brush clearing to mitigate losses due to wildfire; and

(d) Other either goods or services, or both, as the commissioner may identify by rule.

(2) Any goods provided are owned by the insured, even if the insurance is subsequently canceled.

(3) The value of goods and services to be provided is limited to ~~((one thousand five hundred dollars))~~ \$7,500 or ten percent of the annual policy premium, whichever is greater, in value in the aggregate in any ((twelve-month)) 12-month period.

(4) In order to receive prior approval of the commissioner, and except as provided in subsection (6) of this section, the property insurer must include the following in its rate filing:

(a) A description of either the specific goods or services, or both, to be offered;

(b) A description of the method of delivering either the specific goods or services, or both, being offered; and

(c) The selection criteria for insureds receiving either the specific goods or services, or both, being offered.

(5) This section does not require the commissioner to approve any particular proposed benefit. The commissioner may disapprove any proposed noninsurance benefit that the commissioner determines may tend to promote or facilitate the violation of any other section of this title. However, if the commissioner approves the inclusion of either the goods or services, or both, in a policy of property insurance (~~(, except commercial property insurance,)~~) it does not constitute a violation of RCW 48.30.140 or 48.30.150.

(6)(a) A property insurer may conduct a pilot program as either a risk mitigation or prevention, or both, strategy through which the insurer offers or provides risk mitigation and/or prevention goods and/or services identified in subsection (1) of this section in connection with an insurance policy covering property risks (~~(, except commercial property insurance,)~~) in accordance with rules adopted by the commissioner.

(b) A property insurer offering or providing risk mitigation and/or prevention goods and/or services through a pilot program under this subsection is exempt from including information about the risk mitigation and/or prevention goods and/or services in its rate filing as is otherwise required under subsection (4) of this section and RCW 48.19.530.

(c) A property insurer's pilot program may last no longer than two years.

(7) This section does not apply to disaster or emergency response activities of a property insurer.

(8)(a) The commissioner must provide a report to the legislature in accordance with (b) of this subsection that includes to the extent possible based on information provided to the commissioner:

(i) The total number of new property insurance policies that were issued with goods or services, or both, as part of the policy and authorized under this section, including the number of new property insurance policies that were commercial property insurance policies and the number that were residential property insurance policies;

(ii) The number of new commercial property insurance policies that were issued with goods or services, or both, as part of the policy and authorized under this section and the goods or services, or both, were valued as follows:

(A) Up to \$1,499;

(B) Between \$1,500 and \$4,999;

(C) Between \$5,000 and \$7,499; and

(D) Equal to or greater than \$7,500;

(iii) The number of new residential property insurance policies that were issued with goods or services, or both, as part of the policy and authorized under this section and the goods or services, or both, were valued as follows:

(A) Up to \$1,499;

(B) Between \$1,500 and \$4,999;

(C) Between \$5,000 and \$7,499; and  
(D) Equal to or greater than \$7,500;

(iv) In providing its report, the commissioner shall rely on information currently held by the commissioner or submitted in routine filings by insurers held by the commissioner. In preparing reports under this subsection, the commissioner shall not demand additional data or information from insurers under RCW 48.02.060 or 48.37.040.

(b) The commissioner's first report must be delivered to the legislature no later than September 1, 2024, and include the information required under this subsection (8) for new property insurance policies issued between August 1, 2023, and August 1, 2024. Thereafter, the commissioner must report the information required under this subsection (8) to the legislature by September 1st of every even-numbered year, which report must include information from new property insurance policies issued between August 1st of the preceding even-numbered year and the year the report is due.

**Sec. 2.** RCW 48.18.559 and 2018 c 239 s 4 are each amended to read as follows:

The commissioner may adopt rules as necessary to implement RCW 48.18.558 and 48.19.530, including but not limited to:

(1) Rules requiring a notice to insureds or potential insureds regarding their ability to opt out of receiving any risk mitigation and/or prevention goods and/or services;

~~(2) ((Rules increasing the value of either the goods or services, or both, permitted under RCW 48.18.558(1));~~

~~(3))~~ Rules establishing requirements for pilot programs authorized under RCW 48.18.558(6); and

~~((4))~~ (3) Rules identifying which insurer disaster or emergency response activities are exempt from RCW 48.18.558 and 48.19.530 and RCW 48.30.140 and 48.30.150.

**Sec. 3.** RCW 48.19.530 and 2018 c 239 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in addition to other information required by this chapter, a rate filing by a property insurer for a policy ~~((except commercial property insurance,))~~ that includes risk mitigation and/or prevention goods and/or services under RCW 48.18.558, must demonstrate that its rates account for the expected costs of the goods and services and the reduction in expected claims costs resulting from either the goods or services, or both.

(2) This section does not apply to:

(a) A property insurer offering or providing risk mitigation and/or prevention goods and/or services through a pilot program established in RCW 48.18.558(6); or

(b) Disaster or emergency response activities of a property insurer."

Correct the title.

Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant

Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Rules for second reading

There being no objection, the bills and memorial listed on the day's first and second supplemental committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., Thursday, March 30, 2023, the 81st Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

EIGHTY FIRST DAY

House Chamber, Olympia, Thursday, March 30, 2023

SUBSTITUTE HOUSE BILL NO. 1784

The House was called to order at 9:55 a.m. by the Speaker (Representative Bronoske presiding).

and the same are herewith transmitted.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

Colleen Rust, Deputy Secretary

Wednesday, March 29, 2023

RESOLUTION

Mme. Speaker:

**HOUSE RESOLUTION NO. 2023-4632**, by Representatives Taylor, Ramel, Duerr, Schmick, Berry, Wylie, Thai, Orwall, Riccelli, Alvarado, Chapman, Chopp, Shavers, Walen, Bronoske, Ryu, Doglio, Leavitt, Berg, Fosse, Goodman, Santos, Gregerson, Mosbrucker, Street, Farivar, Klicker, Ramos, Cortes, Kloba, Macri, Simmons, and Senn

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5187

and the same is herewith transmitted.

Sarah Bannister, Secretary

Wednesday, March 29, 2023

WHEREAS, March was recognized as Developmental Disabilities Awareness Month by former President Ronald Reagan in 1987, through Proclamation 5613; and

Mme. Speaker:

WHEREAS, Washington State has over 170,000 people with developmental disabilities primarily living in the community with their families; and

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5272

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

Wednesday, March 29, 2023

WHEREAS, Washington families care for their loved ones with developmental disabilities. Families, especially those caring for young children and senior families caring for adult children, experience diminished employment opportunities, housing insecurities, and a woefully undersupported caregiving workforce; and

Mme. Speaker:

WHEREAS, Washington state toddlers with developmental disabilities may begin experiencing discrimination and isolation at a young age, in child care centers and preschool settings; and

The President has signed:

- SENATE BILL NO. 5023
- SUBSTITUTE SENATE BILL NO. 5028
- SENATE BILL NO. 5041
- SENATE BILL NO. 5089
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5143
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5179
- SENATE BILL NO. 5192
- SENATE BILL NO. 5295
- SENATE BILL NO. 5319
- SENATE BILL NO. 5342
- SENATE BILL NO. 5370
- SENATE BILL NO. 5421
- SUBSTITUTE SENATE BILL NO. 5439
- SENATE BILL NO. 5553
- SUBSTITUTE SENATE BILL NO. 5627
- ENGROSSED SENATE BILL NO. 5650
- SENATE BILL NO. 5700

WHEREAS, Washington state students with developmental disabilities are often isolated in school, segregated in the learning environment, have lower graduation rates, and are more isolated after graduation than their nondisabled peers; and

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

WHEREAS, Developmentally disabled Washingtonians of color, developmentally disabled Washingtonians with language access needs, developmentally disabled Washingtonians who are gender nonbinary, lesbian, gay, bi-sexual, transgendered, and gender and sexuality questioning, are at greater risk for living in poverty and isolation than their nondisabled, cis-gendered, heterosexual peers;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives support the resilience and courage of Washingtonians with developmental disabilities by highlighting their stories, their needs, and their hopes for thriving and inclusion in community-based settings.

HOUSE RESOLUTION NO. 4632 was adopted.

There being no objection, the House advanced to the third order of business.

There being no objection, the House advanced to the fourth order of business.

MESSAGES FROM THE SENATE

Wednesday, March 29, 2023

Mme. Speaker:

The Senate has passed:

- HOUSE BILL NO. 1001
- HOUSE BILL NO. 1058
- HOUSE BILL NO. 1082
- HOUSE BILL NO. 1100
- HOUSE BILL NO. 1120

INTRODUCTION & FIRST READING

HB 1853 by Representative Fey

AN ACT Relating to making certain corrective changes resulting from the enactment of chapter 182, Laws of 2022 (transportation resources); amending RCW 46.17.015, 46.17.025, 81.104.170, 81.104.175, 47.04.380, 47.04.390, 46.68.480, 43.84.092, 43.84.092, 47.66.140, and 43.392.040; reenacting and amending RCW 47.04.010; adding a new section to chapter 47.04 RCW; creating new sections; recodifying RCW 47.24.060; providing effective dates; and providing an expiration date.

Referred to Committee on Transportation.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

**FIRST SUPPLEMENTAL INTRODUCTION & FIRST READING**

ESSB 5187 by Senate Committee on Ways & Means (originally sponsored by Rolfes, Robinson and Nguyen)

AN ACT Relating to fiscal matters; amending RCW 19.02.210, 28B.92.205, 28B.93.060, 41.05.120, 41.26.450, 43.79.555, 43.79.567, 43.320.110, 50.24.014, 70.48.801, 70A.65.100, 70A.65.250, 70A.305.180, 74.46.561, 79.64.040, 79A.25.210, 28B.76.526, and 74.46.561; amending 2022 c 297 ss 101, 102, 103, 113, 114, 116, 117, 120, 121, 122, 126, 128, 129, 130, 133, 134, 135, 136, 137, 141, 142, 143, 146, 147, 148, 150, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 214, 215, 216, 218, 219, 220, 221, 222, 223, 225, 226, 227, 228, 229, 230, 301, 303, 304, 305, 306, 307, 308, 310, 311, 312, 402, 501, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 515, 516, 517, 518, 520, 522, 602, 603, 604, 605, 606, 607, 608, 609, 610, 612, 613, 614, 615, 616, 702, 703, 704, 713, 714, 723, 731, 801, 802, 803, and 804 and 2021 c 334 ss 109, 110, and 747 (uncodified); reenacting and amending RCW 43.101.200, 70A.65.030, 71.24.580, 79.64.110, and 70A.65.030; adding a new section to 2022 c 297 (uncodified); creating new sections; making appropriations; providing expiration dates; and declaring an emergency.

SCR 8407 by Senators Pedersen and Short

Adopting joint rules.

There being no objection, the bills listed on the day's supplemental introduction sheet will be considered first reading under the fourth order of business and under suspension of the rules, will be placed on the second reading calendar.

There being no objection, the House adjourned until 9:55 a.m., Friday, March 31, 2023, the 82nd Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## EIGHTY SECOND DAY

House Chamber, Olympia, Friday, March 31, 2023

The House was called to order at 9:55 a.m. by the Speaker.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4633**, by Representatives Stonier, Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Jinkins, Kloba, Leavitt, Lekanoff, Low, Macri, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wilcox, and Wylie

WHEREAS, Former Representative James Carl (Jim) Moeller was a native of Vancouver who spent more than two decades in elected office, serving two terms as a Vancouver City Council member and 14 years as a state representative from Washington's 49th legislative district; and

WHEREAS, Jim was a proud graduate of Fort Vancouver High School, Washington State University, and the Mark Hatfield School of Government at Portland State University; and

WHEREAS, He used his education in a career as a social worker, behavioral health counselor, and chemical dependency counselor, helping others to overcome significant hurdles and lead full, free lives; and

WHEREAS, In 2002, as he approached the end of his second four-year term on the Vancouver City Council, Jim looked north toward Olympia and, after a successful campaign, was sworn in for the first of his seven two-year terms representing his southwest Washington friends and neighbors in the Washington State House of Representatives; and

WHEREAS, During the last three of those seven two-year terms in the Legislature, Jim served as Speaker Pro Tempore of the House of Representatives, a leadership position to which he was elected by the full membership of the House; and

WHEREAS, In his position as Speaker Pro Tem, he presided over an estimated 80 percent of the House floor debates and votes that occurred from 2011 to 2016, gaining a reputation for wielding the gavel with impartiality, respect for the institution and its elected members, and a deep concern for the integrity of the legislative process; and

WHEREAS, In addition to his duties as Speaker Pro Tem, which earned him the affectionate nickname of "Mr. Speaker," Jim played a part in developing and passing some of the most significant pieces of legislation enacted during his tenure in the House, serving as a member of the House committees on Rules, Transportation, Labor & Workforce Development, Community and Economic Development & Trade, and, appropriately given his lifelong career, Healthcare & Wellness; and

WHEREAS, Jim worked throughout much of his legislative tenure to make progress on replacing the aging bridge on Interstate 5 linking Washington and Oregon; and

WHEREAS, His dedication to his community and his state was apparent in countless ways, including service as cochair of the Joint Committee on Veterans & Military Affairs, cochair of the Senate/House Joint Taskforce on Public Health Financing, honorary board member of the Big Brothers/Big Sisters, vice chair of the Association of Washington Cities, member of the YWCA

Diversity Task Force, founding member of Clark County Pride, and a founding member of Hands Off Washington, and many others; and

WHEREAS, Jim was a proud gay man who worked tirelessly in the Legislature and in his private life to help Washingtonians realize the goal of marriage equality which became the law of the land on December 6, 2012; and

WHEREAS, Jim was himself the target of discrimination based on his choosing to live a life of public service as an out gay man, but never lost his conviction that government was his highest calling, often reminding others of President John F. Kennedy's quote, "Let the public service be a proud and honorable profession"; and

WHEREAS, Jim Moeller, "Mr. Speaker," with his ever-present bow tie, gentle smile, and twinkling eye, was himself an institution within the institution of government that he loved, served, and improved in countless ways;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor former Representative Jim Moeller as well as his dedication and service to the citizens of Washington State.

HOUSE RESOLUTION NO. 4633 was adopted.

There being no objection, the House advanced to the third order of business.

## MESSAGE FROM THE SENATE

Thursday, March 30, 2023

Mme. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5272

and the same is herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

March 29, 2023

HB 1125

Prime Sponsor, Representative Fey: Making transportation appropriations for the 2023-2025 fiscal biennium. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

March 30, 2023

E2SSB 5001 Prime Sponsor, Transportation: Concerning public facility districts created by at least two city or county legislative authorities. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Local Government. Signed by Representatives Berg, Chair; Street, Vice Chair; Chopp; Ramel; Santos; Springer; Thai; Walen and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Stokesbary.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; and Barnard.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 1125 which was placed on the second reading calendar.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

HOUSE BILL NO. 1001  
 HOUSE BILL NO. 1058  
 HOUSE BILL NO. 1082  
 HOUSE BILL NO. 1100  
 HOUSE BILL NO. 1120  
 SUBSTITUTE HOUSE BILL NO. 1784  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5272

There being no objection, the House adjourned until 1:30 p.m., Monday, April 3, 2023, the 85th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk



HOUSE JOURNAL  
OF THE  
SIXTY-EIGHTH LEGISLATURE  
OF THE  
STATE OF WASHINGTON  
AT  
OLYMPIA, THE STATE CAPITOL

2023 Regular Session  
Convened January 9, 2023  
Adjourned Sine Die April 24, 2023  
2023 Special Session  
Convened May 16, 2023  
Adjourned Sine Die May 16, 2023

VOLUME 2



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**Laurie Jenkins**, Speaker  
**Tina Orwall**, Speaker Pro Tempore  
**Bernard Dean**, Chief Clerk

Compiled and edited by Gary Holt, House Journal Clerk

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## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## EIGHTY FIFTH DAY

House Chamber, Olympia, Monday, April 3, 2023

The House was called to order at 1:30 p.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Maylin Steele and Morgan Thomas. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Steve Sept, House Security.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4636**, by Representatives Ramos, Callan, Taylor, Chapman, Ryu, Schmick, Eslick, and Pollet

WHEREAS, The students of the Tahoma High School enrolled in the We the People, The Citizen and Constitution program, have consistently showcased their superior knowledge of the Constitution of the United States and the lessons instilled by our Founding Fathers; and

WHEREAS, On Saturday, January 7th, 2023, the team from Tahoma High School won the state We the People competition, the school's fourteenth consecutive state championship and its twenty-seventh state championship in the last twenty-nine years; and

WHEREAS, These students will represent the evergreen state this spring at the thirty-sixth annual We the People finals in Washington, D.C., where they hope to go beyond their highly commendable top ten finish from the national competition in 2022; and

WHEREAS, The Tahoma team is coached by Gretchen Wulfing, a distinguished educator who was honored in 2011 with Washington's Civic Educator of the Year award and honored again in 2016 as one of Washington's Civic Educators of the Year, adding to the honors of her sixteen year academic coaching career, where she has diligently expanded her students' knowledge of the U.S. Constitution and Bill of Rights, ensuring important principles and foundational ideas are passed on with both fervor and intellectual poise to the next generation; and

WHEREAS, Studies continue to show that students who participate in the We the People program imbue ideals of democracy and civic engagement, register to vote at a higher rate than their high school counterparts, and test higher in examinations on civic knowledge and civic dispositions, including community involvement, tolerant political engagement, and respect for the due process of law; and

WHEREAS, The Tahoma High School We the People team, led with inspiring passion by their coach, continues to reflect the ideals of a holistic education, of which their distinguished record at the national level, having placed, in 2022, in the top ten for the fifth consecutive year, is a sure sign of their commitment and success;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor Lachlan Bailey, Anabelle Banerjee, Hewan Berhanu, Brenna Billings, Emily Brestle, Savannah Brooks, Rex Dugan, McKay Garvin, Tanveer Grewal, Riah Heil, Kuraisha Khan, William Koszegi, Armari Mayo, Savannah Pasquan, Aditi Rana, Stina Rude, Gurnoor Sandhu, Hailey Sato, Aurora Simmons, Jace Simon, Julia Stan, Julia Stuard, Julia Tanner, and Bryce Thomsen as "Warriors of the Constitution"; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Chief Clerk to the members of Tahoma High School's We the People team, team advisor Gretchen Wulfing, and Tahoma High School Principal Judy Beliveau to convey the respect of this body for a phenomenal job and continued success in their future endeavors.

HOUSE RESOLUTION NO. 4636 was adopted.

## SPEAKER'S PRIVILEGE

The Speaker (Representative Orwall presiding) was pleased to introduce Pan Qingjiang, Acting General Consulate of the People's Republic of China who was seated in the Gallery and asked the Chamber to acknowledge him.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

There being no objection, the House advanced to the third order of business.

## MESSAGES FROM THE SENATE

Friday, March 31, 2023

Mme. Speaker:

The Senate has passed:

HOUSE BILL NO. 1004  
HOUSE BILL NO. 1017  
SUBSTITUTE HOUSE BILL NO. 1077  
SUBSTITUTE HOUSE BILL NO. 1088  
SUBSTITUTE HOUSE BILL NO. 1165  
ENGROSSED HOUSE BILL NO. 1209  
HOUSE BILL NO. 1265  
HOUSE BILL NO. 1287  
HOUSE BILL NO. 1290  
ENGROSSED HOUSE BILL NO. 1336  
SUBSTITUTE HOUSE BILL NO. 1352  
HOUSE BILL NO. 1419  
HOUSE BILL NO. 1420  
HOUSE BILL NO. 1481  
HOUSE BILL NO. 1514  
HOUSE BILL NO. 1544  
SUBSTITUTE HOUSE BILL NO. 1572  
SUBSTITUTE HOUSE BILL NO. 1620  
HOUSE BILL NO. 1645  
HOUSE BILL NO. 1656  
HOUSE BILL NO. 1657

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Friday, March 31, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
5199  
SUBSTITUTE SENATE BILL NO. 5218

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
5258  
SENATE BILL NO. 5277  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5293

and related accounts. Reported by  
Committee on Capital Budget

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Monday, April 3, 2023

Mme. Speaker:

The President has signed:

HOUSE BILL NO. 1001  
HOUSE BILL NO. 1058  
HOUSE BILL NO. 1082  
HOUSE BILL NO. 1100  
HOUSE BILL NO. 1120  
SUBSTITUTE HOUSE BILL NO. 1784

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the fifth order of business.

#### REPORTS OF STANDING COMMITTEES

March 29, 2023

HB 1140 Prime Sponsor, Representative Ormsby:  
Making 2023-2025 fiscal biennium operating appropriations. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

March 30, 2023

HB 1147 Prime Sponsor, Representative Tharinger:  
Concerning the capital budget. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Eslick; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; McEntire; Morgan; Mosbrucker; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

March 30, 2023

HB 1148 Prime Sponsor, Representative Tharinger:  
Concerning state general obligation bonds

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Eslick; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; McEntire; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

March 31, 2023

E2SSB 5045 Prime Sponsor, Ways & Means:  
Incentivizing rental of accessory dwelling units to low-income households. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Chopp; Ramel; Santos; Springer; Thai; Walen and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Stokesbary.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; and Barnard.

Referred to Committee on Rules for second reading

March 29, 2023

E2SSB 5112 Prime Sponsor, Transportation: Updating processes related to voter registration. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended by Committee on Transportation and without amendment by Committee on State Government & Tribal Relations.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.08 RCW to read as follows:

A person applying for government services which require proof of citizenship as part of that application may receive automatic voter registration services by providing the following information:

- (1) Name;
- (2) Residential address;
- (3) Date of birth;
- (4) A signature attesting to the truth of the information provided on the application;
- (5) An address where the person receives mail, if different from the residence address; and
- (6) Presentation of documentation as part of another government transaction confirming the individual is a United States citizen.

**Sec. 2.** RCW 29A.08.010 and 2019 c 6 s 1 are each amended to read as follows:

- (1) The minimum required information provided on a voter registration application

~~((that is required))~~ in order to place a voter registration applicant on the voter registration rolls includes:

- (a) Name;
- (b) Residential address;
- (c) Date of birth;

(d) A signature attesting to the truth of the information provided on the application; ~~((and))~~

(e) An address where the person receives mail, if different from the residence address; and

(f) Affirmation of citizenship which confirms the individual is a United States citizen, in one of the following forms:

(i) A check or indication in the box on a voter registration form confirming ((the individual is a United States citizen))citizenship; or

(ii) Presentation of documents as part of another government transaction confirming citizenship.

(2) The residential address provided must identify the actual physical residence of the voter in Washington, as defined in RCW 29A.04.151, with detail sufficient to allow the voter to be assigned to the proper precinct and to locate the voter to confirm his or her residence for purposes of verifying qualification to vote under Article VI, section 1 of the state Constitution. A residential address may be either a traditional address or a nontraditional address.

(a) A traditional address consists of a street number and name, optional apartment number or unit number, and city or town, as assigned by a local government, which serves to identify the parcel or building of residence and the unit if a multiunit residence.

(b) A nontraditional address consists of a narrative description of the location of the voter's residence, and may be used when a traditional address has not been assigned or affixed to the voter's residence or when a voter resides on an Indian reservation or Indian lands, pursuant to the conditions in RCW 29A.08.112.

(3) All other information supplied is ancillary and not to be used as grounds for not registering an applicant to vote.

(4) Modification of the language of the official Washington state voter registration form by the voter will not be accepted and will cause the rejection of the registrant's application.

**Sec. 3.** RCW 29A.08.030 and 2009 c 369 s 7 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Verification notice" means a notice sent by the county auditor or secretary of state to a voter registration applicant and is used to verify or collect information about the applicant in order to complete the registration. The verification notice must be designed to include a postage prepaid, preaddressed return form by which the applicant may verify or send information.

(2) "Acknowledgment notice" means a notice sent by nonforwardable mail by the county auditor or secretary of state to a

registered voter to acknowledge a voter registration transaction or an automatic voter registration transaction, which can include initial registration, ((transfer))residential address change, or reactivation of an inactive registration, identifying the registrant's precinct and containing such other information as may be required by the secretary of state. An acknowledgment notice may be a voter registration card.

(3) "Automatic voter registration acknowledgment notice package" means a package of information sent by nonforwardable mail by the county auditor, to a registered voter who utilized the automatic voter registration process at the department of licensing, to acknowledge a voter registration transaction, which can include initial registration, residential address change, or reactivation of an inactive registration. The package must include:

(a) A postage prepaid, preaddressed return form by which the individual may decline to be registered to vote or decline the update;

(b) A statement explaining that the person has become registered to vote or signed up to register to vote, as appropriate, setting forth the qualifications to vote, stating that if the individual does not meet the qualifications to vote, the person shall return the notice and affirmatively decline in writing to register to vote, and that if the person wishes to cancel the voter registration at any time, that the person may contact their county auditor to do so;

(c) Instructions regarding how an individual can obtain more information about the notice and assistance in the individual's preferred language, including languages as set forth in RCW 29A.08.270;

(d) An acknowledgment notice; and

(e) Other information required by the secretary of state.

(4) "Identification notice" means a notice sent to a provisionally registered voter to confirm the applicant's identity.

~~((4))~~(5) "Confirmation notice" means a notice sent to a registered voter by first-class forwardable mail at the address indicated on the voter's permanent registration record and to any other address at which the county auditor or secretary of state could reasonably expect mail to be received by the voter in order to confirm the voter's residence address. The confirmation notice must be designed to include a postage prepaid, preaddressed return form by which the registrant may verify the address information.

**Sec. 4.** RCW 29A.08.110 and 2020 c 208 s 14 are each amended to read as follows:

(1) For persons registering under RCW 29A.08.120, 29A.08.123, 29A.08.170, 29A.08.330, 29A.08.340, 29A.08.362, and 29A.08.365, an application is considered complete only if it contains the information required by RCW 29A.08.010. The applicant is considered to be registered to vote as of:

- (a) The original date of receipt;

(b) When the person will be at least eighteen years old by the next election; ~~((~~æ~~))~~

(c) When the person will be at least seventeen years old by the next primary election or presidential primary election and eighteen years old by the general election, whichever is applicable; or

(d) For voters utilizing automatic voter registration under section 1 of this act at the department of licensing, the date that an election official receives the information to register the person to vote, unless:

(i) The voter declines registration by the deadline in RCW 29A.08.359(4)(a); or

(ii) An election official receives the information to register the person to vote after the deadline to register to vote under RCW 29A.08.140(1)(a), in which case the applicant is considered to be registered to vote as of the day after the election.

(2) As soon as practicable, the auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. The secretary of state shall, pursuant to RCW 29A.04.611, establish procedures to enable new or updated voter registrations to be recorded on an expedited basis. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. ~~((Within sixty))~~

(3) The voter must be sent an acknowledgment notice using first-class nonforwardable mail:

(a) For voters utilizing automatic voter registration services at the department of licensing, within five business days after the receipt of an application or residential address change, or, if the application or residential address change is received after the deadline to register to vote or update a voter registration under RCW 29A.08.140 (1)(a) or (2)(a)(i), within five business days after the election, the auditor shall send an automatic voter registration acknowledgment notice package as required by RCW 29A.08.030.

(b) For all other voters, within 60 days after the receipt of an application or ~~((transfer))residential address change, the auditor shall send ~~((to the applicant, by first-class nonforwardable mail,))~~ an acknowledgment notice ~~((identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable))~~ as required by RCW 29A.08.030.~~

~~((3))~~(4) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the

official list of registered voters until the application is complete.

~~((4))~~(5) Once a future voter is no longer in pending status, as described in RCW 29A.08.615, his or her application to sign up to register to vote is no longer pending and is subject to this section.

**Sec. 5.** RCW 29A.08.125 and 2018 c 109 s 7 are each amended to read as follows:

(1) The office of the secretary of state shall maintain a statewide voter registration database. This database must be a centralized, uniform, interactive computerized statewide voter registration list that contains the name and registration information of every registered voter in the state.

(2) The statewide list is the official list of registered voters for the conduct of all elections.

(3) The statewide list must include, but is not limited to, the name, date of birth, residence address, signature, gender, and date of registration of every legally registered voter in the state.

(4) A unique identifier must be assigned to each registered voter in the state.

(5) The database must be coordinated with other government databases within the state including, but not limited to, the department of corrections, the department of licensing, the department of health, ~~((the administrative office of the courts,))~~ and county auditors. The database may also be coordinated with the databases of election officials in other states.

(6) Authorized employees of the secretary of state and each county auditor must have immediate electronic access to the information maintained in the database.

(7) Voter registration information received by each county auditor must be electronically entered into the database. The office of the secretary of state must provide support, as needed, to enable each county auditor to enter and maintain voter registration information in the state database.

(8) The secretary of state has data authority over all voter registration data.

(9) The voter registration database must be designed to accomplish at a minimum, the following:

(a) Comply with the help America vote act of 2002 (P.L. 107-252);

(b) Identify duplicate voter registrations;

(c) Identify suspected duplicate voters;

(d) Screen against any available databases maintained by other government agencies to identify voters who are ineligible to vote due to serving a sentence of total confinement as the result of a felony conviction, lack of citizenship, or a court finding of mental incompetence;

(e) Provide images of voters' signatures for the purpose of checking signatures on initiative and referendum petitions;

(f) Provide for a comparison between the voter registration database and the department of licensing change of address database;

(g) Provide access for county auditors that includes the capability to update



registrations and search for duplicate registrations;

(h) Provide for the cancellation of registrations of voters who have moved out of state; and

(i) Provide for the storage of pending registration records for all future voters who have not yet reached eighteen years of age in a manner that these records will not appear on the official list of registered voters until the future registrant is no longer in pending status as defined under RCW 29A.08.615.

(10) The secretary of state may, upon agreement with other appropriate jurisdictions, screen against any available databases maintained by election officials in other states and databases maintained by federal agencies including, but not limited to, the federal bureau of investigation, the federal court system, the federal bureau of prisons, and the bureau of citizenship and immigration services.

(11) The database shall retain information regarding previous successful appeals of proposed cancellations of registrations in order to avoid repeated cancellations for the same reason.

(12) Each county auditor shall maintain a list of all registered voters within the county that are contained on the official statewide voter registration list. In addition to the information maintained in the statewide database, the county database must also maintain the applicable taxing district and precinct codes for each voter in the county, and a list of elections in which the individual voted.

(13) Each county auditor shall allow electronic access and information transfer between the county's voter registration system and the official statewide voter registration list.

**Sec. 6.** RCW 29A.08.210 and 2020 c 208 s 3 are each amended to read as follows:

An applicant for voter registration shall complete an application providing the following information concerning ~~((his or her))~~ the applicant's qualifications as a voter in this state:

~~(1) ((The former address of the applicant if previously registered to vote;~~

~~(2))~~ (2) The applicant's full name;

~~((3))~~ (3) The applicant's date of birth;

~~((4))~~ (4) The address of the applicant's residence for voting purposes;

~~((5))~~ (5) The mailing address of the applicant if that address is not the same as the address in subsection ~~((4))~~ (4) of this section;

~~((6))~~ (6) The ~~((sex))~~ gender of the applicant;

(6) The former address of the applicant if previously registered to vote;

(7) The applicant's Washington state driver's license number, Washington state identification card number, or the last four digits of the applicant's social security number if ~~((he or she))~~ the applicant does not have a Washington state driver's license or Washington state identification card;

(8) A check box allowing the applicant to indicate ~~((that he or she is a member of))~~ membership in the armed forces, national

guard, or reserves, or ~~((that he or she is an))~~ overseas voter status;

~~(9) ((A check box allowing the applicant to acknowledge that he or she is at least sixteen years old;~~

~~(10))~~ (10) Clear and conspicuous language, designed to draw the applicant's attention, stating that:

(a) The applicant must be a United States citizen in order to register to vote; and

(b) The applicant may register to vote if the applicant is at least sixteen years old and may vote if the applicant will be at least eighteen years old by the next general election, or is at least eighteen years old for special elections;

~~((11))~~ (11) A check box and declaration confirming that the applicant is a citizen of the United States;

~~((12))~~ (12) The following warning:

"If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, a fine of up to ten thousand dollars, or both."

~~((13))~~ (13) The oath required by RCW 29A.08.230 and a space for the applicant's signature; and

~~((14))~~ (14) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and prevent duplicate or fraudulent voter registrations.

This information shall be recorded on a single registration form to be prescribed by the secretary of state.

**Sec. 7.** RCW 29A.08.220 and 2013 c 11 s 13 are each amended to read as follows:

(1) The secretary of state shall specify by rule the format of all voter registration applications. These applications shall be compatible with existing voter registration records. An applicant for voter registration shall be required to complete only one application and to provide the required information other than ~~((his or her))~~ the applicant's signature no more than one time. These applications shall also contain ~~((information))~~ instructions for the voter to use the form to update ~~((his or her))~~ information related to the voter's voter registration.

(2) Any application format specified by the secretary for use in registering to vote in state and local elections shall satisfy the requirements of the National Voter Registration Act of 1993 (P.L. 103-31) and the Help America Vote Act of 2002 (P.L. 107-252) for registering to vote in federal elections.

**Sec. 8.** RCW 29A.08.260 and 2013 c 11 s 15 are each amended to read as follows:

(1) All registration applications required under RCW 29A.08.210 and 29A.08.340 shall be produced and furnished by the secretary of state to the county auditors and the department of licensing.

(2) The county auditor shall distribute forms by which a person may register to vote by mail and ~~((transfer))~~ update the address

for any previous registration in this state. The county auditor shall keep a supply of voter registration forms in ~~((his or her))~~ the auditor's office at all times for ~~((political parties and others))~~ people and organizations interested in assisting in voter registration, and shall make every effort to make these forms generally available to the public. The county auditor shall provide voter registration forms to city and town clerks, state offices, schools, fire stations, public libraries, and any other locations considered appropriate by the auditor or secretary of state for extending registration opportunities to all areas of the county. After the initial distribution of voter registration forms to a given location, a representative designated by the official in charge of that location shall notify the county auditor of the need for additional voter registration supplies.

**Sec. 9.** RCW 29A.08.270 and 2003 c 111 s 139 are each amended to read as follows:

In order to encourage the broadest possible voting participation by all eligible citizens, the secretary of state shall produce voter registration information in the ~~((foreign))~~ various languages required of state agencies.

**Sec. 10.** RCW 29A.08.320 and 2004 c 267 s 119 and 2004 c 266 s 7 are each reenacted and amended to read as follows:

For persons not performing an automatic voter registration transaction subject to section 1 of this act:

(1) A person may register to vote or ~~((transfer))~~ update their residential address information for a voter registration when ~~((he or she applies))~~ applying for service or assistance and with each renewal, recertification, or change of address at agencies designated under RCW 29A.08.310.

(2) A prospective applicant shall initially be offered a form approved by the secretary of state designed to determine whether the person wishes to register to vote. The form must comply with all applicable state and federal statutes regarding content.

The form shall also contain a box that may be checked by the applicant to ~~((indicate that he or she))~~ decline ~~((s))~~ to register at the time of the transaction.

If the person indicates an interest in registering or has made no indication as to a desire to register or not register to vote, the person shall be given a mail-in voter registration application or a prescribed agency application as provided by RCW 29A.08.330.

**Sec. 11.** RCW 29A.08.330 and 2020 c 208 s 5 are each amended to read as follows:

(1) The secretary of state shall prescribe the method of voter registration for each designated agency. The agency shall use either the state voter registration by mail form with a separate declination form for the applicant to ~~((indicate that he or she))~~ decline ~~((s))~~ to register at this time, or the agency may use a separate form or

process approved for use by the secretary of state.

(2) The person providing service at the agency shall offer voter registration services to every client ~~((whenever he or she applies))~~ at the time of application for service or assistance and with each renewal, recertification, or change of address. The person providing service shall give the applicant the same level of assistance with the voter registration application as is offered to fill out the agency's forms and documents, including information about age and citizenship requirements for voter registration.

(3) (a) The person providing service at the agency shall determine if the prospective applicant wants to register to vote or update ~~((his or her))~~ the applicant's voter registration by asking the following question of all applicants age 16 or older:

"Do you want to register or sign up to vote or update your voter registration?"

(b) If the applicant chooses to register, sign up, or update a registration, the service agent shall ask the following:

~~((a))~~ "Are you a United States citizen?"

~~((b))~~ "Are you at least sixteen years old?"

If the applicant answers in the affirmative ~~((to both questions))~~, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to sign up to vote, register to vote, or update a voter registration. If the applicant answers in the negative to ~~((either))~~ the question, the agent shall not provide the applicant with a voter registration application.

(4) If an agency uses a computerized application process, it may, in consultation with the secretary of state, develop methods to capture simultaneously the information required for voter registration during a person's computerized application process.

(5) Each designated agency shall transmit the applications to the secretary of state or appropriate county auditor within three business days and must be received by the election official by the required voter registration deadline.

(6) Information that is otherwise disclosable under this chapter cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.

**Sec. 12.** RCW 29A.08.340 and 2013 c 11 s 17 are each amended to read as follows:

(1) A person not performing an automatic voter registration transaction under section 1 of this act may register to vote or update ~~((his or her))~~ the person's existing voter registration when ~~((he or she applies for or renews))~~ applying for or renewing a driver's license or identification card under chapter 46.20 RCW.

(2) To register to vote or update a registration, the applicant shall provide the information required by RCW 29A.08.010.

(3) The driver licensing agent shall record that the applicant has requested to register to vote or update a voter registration.

**Sec. 13.** RCW 29A.08.350 and 2018 c 110 s 106 are each amended to read as follows:

The department of licensing shall produce and transmit to the secretary of state the following information from the records of each individual who requested ~~((a))to register to vote or update the individual's existing voter registration ((or update))~~ at a driver's license facility: The name, address, date of birth, any gender ~~((ef))information provided by the applicant,~~ the driver's license number, signature image, any language preference information collected, any phone number provided by the voter, any email address provided by the voter, and the date on which the application for voter registration or update was submitted. The secretary of state shall process the registrations and updates as an electronic application. If requested by the secretary of state, the department shall provide copies of the documents submitted to prove citizenship for an individual subject to this section.

**Sec. 14.** RCW 29A.08.355 and 2020 c 208 s 7 are each amended to read as follows:

(1) The department of licensing must ~~((allow a person age eighteen years or older to be registered to vote or update voter registration information))collect and transmit to the secretary of state voter registration information for all citizens applying for, renewing, or updating an enhanced driver's license or enhanced identicard~~ by automated process at the time of registration, renewal, or change of address if:

(a) The person meets requirements for voter registration;

(b) The person has received or is renewing an enhanced driver's license or enhanced identicard issued under RCW 46.20.202 or is changing the address for an existing enhanced driver's license or enhanced identicard pursuant to RCW 46.20.205; and

(c) The department of licensing record associated with the applicant contains:

(i) The data required to determine whether the applicant meets requirements for voter registration under RCW 29A.08.010;

(ii) Other information as required by the secretary of state; and

(iii) A signature image.

(2) The department of licensing must ~~((allow a person sixteen or seventeen))collect and transmit to the secretary of state voter registration information for all citizens applying for, renewing, or updating an enhanced driver's license or enhanced identicard 16 or 17 years of age ((to be signed up to register to vote by automated process at the time of registration, renewal, or change of address))~~ if:

(a) The person meets requirements to sign up to register to vote;

(b) The person has received or is renewing an enhanced driver's license or

enhanced identicard issued under RCW 46.20.202 or is changing the address for an existing enhanced driver's license or enhanced identicard pursuant to RCW 46.20.205; and

(c) The department of licensing record associated with the applicant contains:

(i) The data required to determine whether the applicant meets the requirements for voter registration under RCW 29A.08.210, other than age;

(ii) Other information as required by the secretary of state; and

(iii) A signature image.

~~((3) The person must be informed that his or her record will be used for voter registration and offered an opportunity to decline to register.))~~

**Sec. 15.** RCW 29A.08.357 and 2018 c 110 s 103 are each amended to read as follows:

(1) ~~((If the applicant is))For applicants served under RCW 29A.08.355 ((does not decline registration)),~~ the application is submitted pursuant to RCW 29A.08.350 and marked as an automatic voter registrant.

(2) For each such application, the secretary of state must obtain a digital copy of the applicant's signature image from the department of licensing.

**Sec. 16.** RCW 29A.08.359 and 2020 c 208 s 18 are each amended to read as follows:

(1)(a) For persons age eighteen years and older registering under RCW 29A.08.355(1), an application is considered complete only if it contains the information required by RCW 29A.08.010 and other information as required by the secretary of state. The applicant is considered to be registered to vote as of the original date of issuance or renewal or date of change of address of an enhanced driver's license or enhanced identicard issued under RCW 46.20.202 or change of address for an existing enhanced driver's license or enhanced identicard pursuant to RCW 46.20.205.

(b) For persons sixteen or seventeen years of age registering under RCW 29A.08.355(2), an application is considered complete only if it contains the information required by RCW 29A.08.010 and other information as required by the secretary of state. The applicant is considered to be registered to vote as of the date set forth in RCW 29A.08.110(1).

(c) The information must be transmitted ~~((in an expedited manner and must be received by an election official by the required voter registration deadline))daily to the secretary of state. ((The))~~

(i) If the information shows no name change or change of residence or mailing address for an existing voter registration, the auditor may choose to send the voter an acknowledgment notice.

(ii) If the information is an application for new registration or updates any element of an existing voter registration, the auditor shall update the voter's record and, if the information updates the voter's name, residence address, or mailing address, record the appropriate precinct identification, taxing district identification, and date of registration on

the voter's record in the state voter registration list and send an automatic voter registration acknowledgment notice package within five business days of the original application, or, if the information is received after the deadline to register to vote or update a voter registration under RCW 29A.08.140 (1)(a) or (2)(a)(i), within five business days after the election. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. ~~((Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The United States postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.))~~

(d) An auditor may use other means to communicate with potential and registered voters such as, but not limited to, email, phone, or text messaging. The alternate form of communication must not be in lieu of the ~~((first-class))~~ mail requirements. The auditor shall act in compliance with all voter notification processes established in federal law.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice must require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant must be registered to vote. The applicant must not be placed on the official list of registered voters until the application is complete.

(3) If the prospective registration applicant responds to the automatic voter registration acknowledgment notice and declines to register to vote or the information provided by the department of licensing does not indicate citizenship, the information must not be included on the list of registered voters.

(4)(a) For new registrants who decline registration in a reply that is received by the auditor within 15 days from the date of mailing of the automatic voter registration acknowledgment notice package, the voter registration record shall be removed from the list of registered voters, and the person is deemed to have never registered to vote.

(b) If the reply declining registration is received after the deadline, the auditor shall cancel the voter's registration.

(5) The department of licensing is prohibited from sharing data files used by the secretary of state to certify voters registered through the automated process outlined in RCW 29A.08.355 with any federal agency, or state agency other than the secretary of state. Personal information supplied for the purposes of obtaining a driver's license or identicard is exempt from public inspection pursuant to RCW 42.56.230.

**Sec. 17.** RCW 29A.08.362 and 2018 c 110 s 201 are each amended to read as follows:

(1) ~~((Beginning July 1, 2019, the))~~The health benefit exchange shall provide the following information to the secretary of state's office for consenting Washington healthplanfinder applicants who affirmatively indicate that they are interested in registering to vote, including applicants who file changes of address, who reside in Washington, are age eighteen years or older, and are verified citizens, for voter registration purposes:

- (a) Names;
- (b) Traditional or nontraditional residential addresses;
- (c) Mailing addresses, if different from the traditional or nontraditional residential address; and
- (d) Dates of birth.

(2) The health benefit exchange shall consult with the secretary of state's office to ensure that sufficient information is provided to allow the secretary of state to obtain a digital copy of the person's signature when available from the department of licensing and establish other criteria and procedures that are secure and compliant with federal and state voter registration and privacy laws and rules.

(3) ~~((If applicable, the health benefit exchange shall report any known barriers or impediments to implementation of this section to the appropriate committees of the legislature and the governor no later than December 1, 2018.~~

~~(4) If the health benefit exchange determines, in consultation with the health care authority, that implementation of chapter 110, Laws of 2018 requires changes subject to approval from the centers for medicare and medicaid services, participation of the health benefit exchange is contingent on receiving that approval.))~~If the health benefit exchange determines, in consultation with the health care authority, that implementation of an automatic voter registration system requires approval from the centers for medicare and medicaid services, then any implementation is contingent on receiving that approval.

**Sec. 18.** RCW 29A.08.365 and 2018 c 110 s 202 are each amended to read as follows:

(1) The governor shall make a decision, in consultation with the office of the secretary of state, as to whether each agency identified in subsection ~~((3))~~(2) of this section shall implement automatic voter registration. The final decision is at the governor's sole discretion.

(2) ~~((a) Each agency identified in subsection (3) of this section shall submit a report to the governor and appropriate legislative committees no later than December 1, 2018, describing:~~

~~(i) Steps needed to implement automatic voter registration under chapter 110, Laws of 2018 by July 1, 2019;~~

~~(ii) Barriers to implementation, including ways to mitigate these barriers; and~~

~~(iii) Applicable federal and state privacy protections for voter registration information.~~

~~(b) In preparing the report required under this subsection, the agency may consult with the secretary of state's office to determine automatic voter registration criteria and procedures.~~

~~(3))~~ This section applies to state agencies, other than the health benefit exchange, providing public assistance or services to persons with disabilities, designated pursuant to RCW 29A.08.310(1), that collect, process, and store the following information as part of providing assistance or services:

(a) Names;

(b) Traditional or nontraditional residential addresses;

(c) Dates of birth;

(d) A signature attesting to the truth of the information provided on the application for assistance or services; and

(e) Verification of citizenship information, via social security administration data match or manually verified by the agency during the client transaction.

~~((4))~~ (3) Once an agency has implemented automatic voter registration, it shall continue to provide automatic voter registration unless legislation is enacted that directs the agency to do otherwise.

~~((5))~~ (4) Agencies may not begin verifying citizenship as part of an agency transaction for the sole purpose of providing automatic voter registration.

**Sec. 19.** RCW 29A.08.370 and 2018 c 110 s 203 are each amended to read as follows:

(1) If a person who is ineligible to vote becomes, in the rare occasion, registered to vote under RCW 29A.08.355 or 29A.08.362 in the absence of a knowing violation by that person of RCW 29A.84.140, that person shall be deemed to have performed an authorized act of registration and such act may not be considered as evidence of a claim to citizenship.

(2) Unless a person willfully and knowingly votes or attempts to vote knowing that he or she is not entitled to vote, a person who is ineligible to vote and becomes registered to vote under RCW 29A.08.355 or 29A.08.362, and subsequently votes or attempts to vote in an election held after the effective date of the person's registration, is not guilty of violating RCW 29A.84.130, and shall be deemed to have performed an authorized act, and such act may not be considered as evidence of a claim to citizenship.

(3) A person who is ineligible to vote, who successfully completes the voter registration process under RCW 29A.08.355 or 29A.08.362 or votes in an election, must have their voter registration, or record of vote, removed from the voter registration database and any other application records.

(4) Should an ineligible individual become registered to vote, the office of the secretary of state and the relevant agency shall jointly determine the cause. If the cause is found to be intentional registration of ineligible persons by a person employed by the state or county government tasked with assisting the public with voter registration, that government

employee is subject to the penalties of RCW 29A.84.110.

**Sec. 20.** RCW 46.20.153 and 2001 c 41 s 15 are each amended to read as follows:

The department shall post signs at each driver licensing facility advertising the availability of voter registration services, of automatic voter registration services for enhanced license and enhanced identification card applicants, and advising of the qualifications to register to vote. The information shall be visible to a person conducting a licensing transaction at the time of the transaction, either as a sign, or as a placard handed to the voter for review. Copies of the information shall be available in the various languages required of state agencies.

**Sec. 21.** RCW 46.20.155 and 2020 c 208 s 8 are each amended to read as follows:

(1) ~~((Before))~~ (a) For transactions other than enhanced driver's license or enhanced identicard applicants, before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or update his or her voter registration by asking the following question:

"Do you want to register or sign up to vote or update your voter registration?"

The department of licensing, with the approval of the secretary of state, may direct licensing agents to ask a substantially similar question designed to improve applicant understanding.

(b) If the applicant chooses to register, sign up, or update a registration, the agent shall ask the following:

~~((1))~~ "Are you a United States citizen?"

~~((2))~~ "Are you at least sixteen years old?"

If the applicant answers in the affirmative to ~~((both))~~ the question ~~((s))~~, the agent shall then submit the registration, sign up form, or update. If the applicant answers in the negative to ~~((either))~~ the question, the agent shall not submit an application. Information that is otherwise disclosable under chapter 29A.08 RCW cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.

(2) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce.

(3) If an applicant presents a document demonstrating that the applicant is not a United States citizen at the time of the driver's license or identicard transaction, the licensing agent shall not ask the questions described in subsection (1) of this section, and shall not submit an application. The department, in consultation with the secretary of state, shall determine which types of documents accepted by the

department for purposes of a driver's license or identicard transaction demonstrate that an applicant is not a United States citizen at the time of the transaction.

**Sec. 22.** RCW 46.20.156 and 2020 c 208 s 21 are each amended to read as follows:

For persons eighteen years of age or older who meet requirements for voter registration and persons sixteen or seventeen years of age who meet requirements to sign up to register to vote, who have been issued or are renewing an enhanced driver's license or identicard under RCW 46.20.202 or applying for a change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205, ~~((and have not declined to register to vote,))~~ the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant if provided, the driver's license number, signature image, any language preference information collected, any phone number provided by the voter, any email address provided by the voter, and the date on which the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis. If requested by the secretary of state, the department shall provide copies of the documents submitted to prove citizenship for an individual subject to this section.

**Sec. 23.** RCW 46.20.205 and 2017 c 147 s 8 are each amended to read as follows:

Whenever any person, after applying for or receiving a driver's license or identicard, moves from the address named in the application or in the license or identicard issued to him or her, or changes his or her name of record, the person shall, within ten days thereafter, notify the department of the name or address change as provided in RCW 46.08.195. This notification information shall be transmitted to the secretary of state on a daily basis, including the person's name, former name, address, former address, date of birth, signature image, and date of the transaction.

**Sec. 24.** RCW 29A.08.625 and 2009 c 369 s 30 are each amended to read as follows:

(1) A voter whose registration has been made inactive under this chapter and who requests to vote at an ensuing election before two federal general elections have been held must be allowed to vote a regular ballot applicable to ~~((the registration))~~ the voter's current residence address, and the voter's registration record updated and restored to active status.

(2) ~~((A))~~ An eligible voter whose registration has been properly canceled under this chapter shall ((vote—a provisional ballot. The voter shall mark the provisional ballot in secrecy, the ballot placed in a security envelope, the security envelope placed in a provisional ballot

envelope, and the reasons for the use of the provisional ballot noted.

~~(3) Upon receipt of such a voted provisional ballot the auditor shall investigate the circumstances surrounding the original cancellation. If he or she determines that the cancellation was in error, the voter's registration must be immediately reinstated, and the voter's provisional ballot must be counted. If the original cancellation was not in error, the voter must be afforded the opportunity to reregister at his or her correct address, and the voter's provisional ballot must not be counted))~~ be allowed to register to vote at the voter's current residence address.

**Sec. 25.** RCW 29A.08.630 and 2009 c 369 s 31 are each amended to read as follows:

(1) The county auditor shall return an inactive voter to active voter status if, prior to the passage of two federal general elections, the voter:

~~((1))~~ (a) Notifies the auditor of a change of address;

~~((2))~~ (b) Responds to a confirmation notice with information that he or she continues to reside at the registration address; or

~~((3))~~ (c) Votes or attempts to vote in a primary, special election, or general election.

(2) If the inactive voter fails to provide ~~((such))~~ a notice or take ~~((such))~~ an action ~~((within that period))~~ as described in subsection (1) of this section, the auditor shall cancel the person's voter registration.

(3) The county auditor must cancel an inactive voter registration when receiving information indicating that the inactive voter has moved out of state or died.

**Sec. 26.** RCW 29A.08.635 and 2009 c 369 s 32 are each amended to read as follows:

Confirmation notices must be on a form prescribed by, or approved by, the secretary of state and must request that the voter ~~((confirm))~~ verify that ((he or she)) the voter continues to reside at the address of record and desires to continue to use that address for voting purposes, or provide a new residence address for voting, or provide information that the voter no longer resides in the state. The notice must inform the voter that if the voter does not respond to the notice and does not vote in either of the next two federal general elections, ~~((his or her voter))~~ the voter's registration will be canceled.

**Sec. 27.** RCW 29A.08.710 and 2018 c 109 s 10 are each amended to read as follows:

(1) The county auditor shall have custody of the original voter registration records and voter registration sign up records for each county. The original voter registration form must be filed without regard to precinct and is considered confidential and unavailable for public inspection and copying. An automated file of all registered voters must be maintained pursuant to RCW 29A.08.125. An auditor may maintain the automated file in lieu of filing or

maintaining the original voter registration forms if the automated file includes all of the information from the original voter registration forms including, but not limited to, a retrievable facsimile of each voter's signature.

(2)(a) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying, except as provided in RCW 40.24.060 and (b) of this subsection: The voter's name, address, political jurisdiction, gender, ~~((date))~~ year of birth, voting record, date of registration, and registration number. No other information from voter registration records or files is available for public inspection or copying.

(b) The personally identifiable information of individuals who are under the age of eighteen are exempt from public inspection and copying until the subject of the record is eighteen years of age, except for the purpose of processing and delivering ballots.

**Sec. 28.** RCW 29A.08.810 and 2020 c 208 s 6 are each amended to read as follows:

(1) Registration of a person as a voter is presumptive evidence of his or her right to vote. A challenge to the person's right to vote must be based on personal knowledge of one of the following:

(a) The challenged voter has been convicted of a felony that includes serving a sentence of total confinement under jurisdiction of the department of corrections, or a felony conviction in another state's court or federal court and the ~~((voter's civil rights))~~ voter is serving that sentence of total confinement and the person's voting rights have not been restored under RCW 29A.08.520;

(b) The challenged voter has been judicially declared ineligible to vote due to mental incompetency under RCW 29A.08.515;

(c) The challenged voter ~~((does not live))~~ resides at a different address than the residential address provided, and is not subject to RCW 29A.04.151 or 29A.08.112, in which case the challenger must either:

(i) Provide the challenged voter's actual residence on the challenge form; or

(ii) Submit evidence that he or she exercised due diligence to verify that the challenged voter does not reside at the address provided ~~((and to attempt to contact the challenged voter to learn the challenged voter's actual residence, including))~~. The challenger must, at minimum, provide evidence that the challenger personally:

(A) Sent a letter with return service requested to the challenged voter's residential address provided, and to the challenged voter's mailing address, if provided;

(B) ~~((Visited the residential address provided and contacted persons at the address to determine whether the voter resides at the address and, if not, obtained and submitted with the challenge form a signed affidavit subject to the penalties of perjury from a person who owns or manages property, resides, or is employed at the address provided, that to his or her~~

~~personal knowledge the challenged voter does not reside at the address as provided on the voter registration;~~

~~((C))~~ Searched local telephone directories, including online directories, to determine whether the voter maintains a telephone listing at any address in the county;

~~((D))~~ (C) Searched county auditor property records to determine whether the challenged voter owns any property in the county; ~~((and~~

~~((E))~~ (D) Searched the statewide voter registration database to determine if the voter is registered at any other address in the state; and

(E) Searched the voter registration database of another state to determine if the voter is registered to vote in any other state;

(d) The challenged voter will not be eighteen years of age by the next general election; or

(e) The challenged voter is not a citizen of the United States.

(2) A person's right to vote may be challenged by another registered voter or the county prosecuting attorney.

(3) The challenger must file a signed affidavit subject to the penalties of perjury swearing that, to his or her personal knowledge and belief, having exercised due diligence to personally verify the evidence presented, the challenged voter either is not qualified to vote or does not reside at the address given on his or her voter registration record based on one of the reasons allowed in subsection (1) of this section. The challenger must provide the factual basis for the challenge, including any information required by subsection (1)(c) of this section, in the signed affidavit. The challenge may not be based on unsupported allegations or allegations by anonymous third parties. All documents pertaining to the challenge are public records.

(4) Challenges based on a felony conviction under RCW 29A.08.520 must be heard according to RCW 29A.08.520 and rules adopted by the secretary of state.

**Sec. 29.** RCW 29A.08.820 and 2013 c 11 s 20 are each amended to read as follows:

(1) Challenges must be filed with the county auditor of the county in which the challenged voter is registered no later than ~~((forty-five))~~ 45 days before the election. The county auditor presides over the hearing.

(2) ~~((Only if))~~ Challenges may be filed after 45 days before the election, only when the challenged voter registered to vote less than ~~((sixty))~~ 60 days before the election, or changed residence less than ~~((sixty))~~ 60 days before the election without ~~((transferring his or her))~~ updating the residence address of the voter's voter registration ~~((, may a)).~~ A challenge may then be filed not later than ~~((ten))~~ 10 days before any primary or election, general or special, or within ~~((ten))~~ 10 days of the voter being added to the voter registration database, whichever is later.

(a) If the challenge is filed (~~within forty-five~~) after 45 days before an election at which the challenged voter is eligible to vote, a notation of the challenge must be made immediately to the challenged voter's registration in the voter registration system, and the county canvassing board shall preside ~~(s)~~ over the hearing.

(b) If the challenge is filed before the challenged voter's ballot is received, the ballot must be ~~((treated))~~ processed as a challenged ballot, and held until the challenge is resolved.

(c) If the challenge is filed after the challenged voter's ballot is received, the challenge cannot affect the current election. However, the process shall proceed until the challenge is resolved.

**Sec. 30.** RCW 29A.08.835 and 2006 c 320 s 1 are each amended to read as follows:

(1) The county auditor shall, within seventy-two hours of receipt, publish on the auditor's internet website the entire content of any voter challenge filed under chapter 29A.08 RCW. Immediately after publishing any voter challenge, the county auditor shall notify any person who requests to receive such notifications on an ongoing basis.

(2) The information on the website may be removed 45 days following certification of an election. Information related to the challenge must be maintained by the county auditor for the appropriate retention period, and is subject to disclosure upon request.

**Sec. 31.** RCW 29A.08.840 and 2006 c 320 s 6 are each amended to read as follows:

(1) If the challenge is not in proper form or the factual basis for the challenge does not meet the legal grounds for a challenge, the county auditor may dismiss the challenge and notify the challenger of the reasons for the dismissal. A challenge is not in proper form if it is incomplete on its face or does not substantially comply with the form issued by the secretary of state.

(2) If the challenge is in proper form and the factual basis meets the legal grounds for a challenge, the county auditor must notify the challenged voter and provide a copy of the affidavit. The county auditor shall also provide to any person, upon request, a copy of all materials provided to the challenged voter.

(a) If the challenge is to the residential address provided by the voter, the challenged voter must be provided notice of the exceptions allowed in RCW 29A.08.112 and 29A.04.151, and Article VI, section 4 of the state Constitution (~~(. A challenged voter)~~), and may ((transfer)) update the residence address on the voter's voter registration, or reregister until 8:00 p.m. the day ((before)) of the election.

(b) The county auditor must schedule a hearing and notify the challenger and the challenged voter of the time and place for the hearing.

(3) All notice must be by certified mail to the address provided in the voter registration record, and any other addresses

at which the challenged voter is alleged to reside or the county auditor reasonably expects the voter to receive notice. The challenger and challenged voter may either appear in person or submit testimony by affidavit. Personal appearance may be accomplished using video telecommunications technology if the auditor or canvassing board chooses.

(4) The challenger has the burden to prove by clear and convincing evidence that the challenged voter's registration is improper. The challenged voter must be provided a reasonable opportunity to respond. If the challenge is to the residential address provided by the voter, the challenged voter may provide evidence that he or she resides at the location described in his or her voter's registration records, or meets one of the exceptions allowed in RCW 29A.08.112 or 29A.04.151, or Article VI, section 4 of the state Constitution. If either the challenger or challenged voter fails to appear at the hearing, the challenge must be resolved based on the available facts.

(5) If the challenge is based on an allegation under RCW 29A.08.810(1) (a), (b), (d), or (e) and the canvassing board sustains the challenge, the voter registration shall be canceled and any challenged ballot shall not be counted. If the challenge is based on an allegation under RCW 29A.08.810(1)(c) and the canvassing board sustains the challenge, the board shall permit the voter to correct ~~((his or her))~~ the residence address on the voter registration and any races and ballot measures on ((the)) any challenged ballot that the voter would have been qualified to vote for had the registration been correct shall be counted.

(6) If the challenger fails to prove by clear and convincing evidence that the registration is improper, the challenge must be dismissed and ~~((the)) any~~ pending challenged ballot must be accepted as valid. ~~((Challenged))~~ All challenged ballots must be resolved before certification of the election. The decision of the county auditor or canvassing board is final subject only to judicial review by the superior court under chapter 34.05 RCW.

**Sec. 32.** RCW 29A.04.611 and 2011 c 10 s 13 are each amended to read as follows:

The secretary of state as chief election officer shall make reasonable rules in accordance with chapter 34.05 RCW not inconsistent with the federal and state election laws to effectuate any provision of this title and to facilitate the execution of its provisions in an orderly, timely, and uniform manner relating to any federal, state, county, city, town, and district elections. To that end the secretary shall assist local election officers by devising uniform forms and procedures.

In addition to the rule-making authority granted otherwise by this section, the secretary of state shall make rules governing the following provisions:

(1) The maintenance of voter registration records;



(2) The preparation, maintenance, distribution, review, and filing of precinct maps;

(3) Standards for the design, layout, and production of ballots;

(4) The examination and testing of voting systems for certification;

(5) The source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;

(6) Standards and procedures for the acceptance testing of voting systems by counties;

(7) Standards and procedures for testing the programming of vote tallying software for specific primaries and elections;

(8) Standards and procedures for the preparation and use of each type of certified voting system including procedures for the operation of counting centers where vote tallying systems are used;

(9) Standards and procedures to ensure the accurate tabulation and canvassing of ballots;

(10) Consistency among the counties of the state in the preparation of ballots, the operation of vote tallying systems, and the canvassing of primaries and elections;

(11) Procedures to ensure the secrecy of a voter's ballot when a small number of ballots are counted;

(12) The use of substitute devices or means of voting when a voting device is found to be defective, the counting of votes cast on the defective device, the counting of votes cast on the substitute device, and the documentation that must be submitted to the county auditor regarding such circumstances;

(13) Procedures for the transportation of sealed containers of voted ballots or sealed voting devices;

(14) The acceptance and filing of documents via electronic transmission;

(15) Voter registration applications and records;

(16) The use of voter registration information in the conduct of elections;

(17) The coordination, delivery, and processing of voter registration records accepted by driver licensing agents or the department of licensing;

(18) The coordination, delivery, and processing of voter registration records accepted by agencies designated by the governor to provide voter registration services;

(19) Procedures to receive and distribute voter registration applications by mail;

(20) Procedures for a voter to change his or her voter registration address within a county by telephone;

(21) Procedures for a voter to change the name under which he or she is registered to vote;

(22) Procedures for canceling dual voter registration records and for maintaining records of persons whose voter registrations have been canceled;

(23) Procedures for the electronic transfer of voter registration records between county auditors and the office of the secretary of state;

(24) Procedures and forms related to automatic voter registration;

(25) Procedures and forms for declarations of candidacy;

~~((25))~~ (26) Procedures and requirements for the acceptance and filing of declarations of candidacy by electronic means;

~~((26))~~ (27) Procedures for the circumstance in which two or more candidates have a name similar in sound or spelling so as to cause confusion for the voter;

~~((27))~~ (28) Filing for office;

~~((28))~~ (29) The order of positions and offices on a ballot;

~~((29))~~ (30) Sample ballots;

~~((30))~~ (31) Independent evaluations of voting systems~~(+)~~

~~(31) The)~~ and the testing, approval, and certification of voting systems;

(32) The testing of vote tallying software programming;

(33) Standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of ballots, including standards for the approval and implementation of hardware and software for automated signature verification systems;

(34) Standards and procedures to guarantee the secrecy of ballots;

(35) Uniformity among the counties of the state in the conduct of elections;

(36) Standards and procedures to accommodate overseas voters and service voters;

(37) The tabulation of paper ballots;

(38) The accessibility of voting centers;

(39) The aggregation of precinct results if reporting the results of a single precinct could jeopardize the secrecy of a person's ballot;

(40) Procedures for conducting a statutory recount;

(41) Procedures for filling vacancies in congressional offices if the general statutory time requirements for availability of ballots, certification, canvassing, and related procedures cannot be met;

(42) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;

(43) Standards and deadlines for submitting material to the office of the secretary of state for the voters' pamphlet;

(44) Deadlines for the filing of ballot titles for referendum bills and constitutional amendments if none have been provided by the legislature;

(45) Procedures for the publication of a state voters' pamphlet;

(46) Procedures for conducting special elections regarding nuclear waste sites if the general statutory time requirements for availability of ballots, certification, canvassing, and related procedures cannot be met;

(47) Procedures for conducting partisan primary elections;

(48) Standards and procedures for the proper conduct of voting on accessible voting devices;

(49) Standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually

impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters;

(50) All data formats for transferring voter registration data on electronic or machine-readable media for the purpose of administering the statewide voter registration list required by the Help America Vote Act (P.L. 107-252);

(51) Defining the interaction of electronic voter registration election management systems employed by each county auditor to maintain a local copy of each county's portion of the official state list of registered voters;

(52) Provisions and procedures to implement the state-based administrative complaint procedure as required by the Help America Vote Act (P.L. 107-252);

(53) Facilitating the payment of local government grants to local government election officers or vendors; and

(54) Standards for the verification of signatures on ballot declarations.

**Sec. 33.** RCW 29A.84.110 and 2003 c 111 s 2105 are each amended to read as follows:

If any county auditor or registration assistant, including government agency employees providing voter registration services under the requirements of state law or the national voter registration act of 1993:

(1) Willfully neglects or refuses to perform any duty required by law in connection with the registration of voters; or

(2) Willfully neglects or refuses to perform such duty in the manner required by voter registration law; or

(3) Enters or causes or permits to be entered on the voter registration records the name of any person in any other manner or at any other time than as prescribed by voter registration law or enters or causes or permits to be entered on such records the name of any person not entitled to be thereon; or

(4) Destroys, mutilates, conceals, changes, or alters any registration record in connection therewith except as authorized by voter registration law, ((he or she)) that person is guilty of a gross misdemeanor punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

**Sec. 34.** RCW 29A.04.058 and 2019 c 391 s 1 are each amended to read as follows:

"Election official" when pertaining to voter registration includes any staff member of the office of the secretary of state, staff of state agencies or offices providing voter registration services, or a staff member of ((the)) a county auditor's office.

**Sec. 35.** RCW 29A.08.115 and 2009 c 369 s 11 are each amended to read as follows:

A person or organization collecting voter registration application forms must transmit the forms to the secretary of state or a county auditor within five business days. The registration date on such forms will be

the date they are received by the secretary of state or county auditor. A person or organization collecting voter registration forms that intentionally does not transmit the forms to an election office may be subject to penalty under RCW 29A.84.030.

**NEW SECTION. Sec. 36.** RCW 29A.08.375 (Automatic registration—Rule-making authority) and 2018 c 110 s 207 are each repealed.

**NEW SECTION. Sec. 37.** Sections 3, 4, 6, 11, 13 through 16, and 20 through 23 of this act take effect July 15, 2024."

Correct the title.

Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Berry; Bronoske; Chapman; Cortes; Doglio; Duerr; Entenman; Hackney; Mena; Ramel; Ramos; Taylor and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Hutchins, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Goehner; Griffey; Klicker; Orcutt; Schmidt; Volz; and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis, Ranking Minority Member; Low, Assistant Ranking Minority Member; and Dent.

Referred to Committee on Rules for second reading

March 31, 2023

SSB 5229

Prime Sponsor, Ways & Means: Accelerating rural job growth and promoting economic recovery across Washington through site readiness grants. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Eslick; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

March 31, 2023

ESSB 5334

Prime Sponsor, Local Government, Land Use & Tribal Affairs: Providing a local government option for the funding of essential affordable housing programs. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Local Government. Signed by Representatives Berg, Chair; Street, Vice Chair; Chopp; Ramel; Santos; Springer; Thai; Walen and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; and Stokesbary.

Referred to Committee on Rules for second reading

March 31, 2023

ESB 5336

Prime Sponsor, Senator Cleveland: Concerning population criteria for the main street trust fund tax credit. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

March 31, 2023

SB 5385

Prime Sponsor, Senator Liias: Concerning work performed by institutions of higher education. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Eslick; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

March 31, 2023

SSB 5433

Prime Sponsor, Agriculture, Water, Natural Resources & Parks: Concerning the removal of derelict aquatic structures and restoration of aquatic lands. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Eslick; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

March 31, 2023

ESSB 5447

Prime Sponsor, Environment, Energy & Technology: Promoting the alternative jet fuel industry in Washington. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Finance and without amendment by Committee on Environment & Energy.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature intends to use funds from the climate commitment act to promote the production and use of sustainable aviation fuels, thereby growing the clean energy sector, addressing greenhouse gas emissions, and creating family wage manufacturing jobs in

Washington. Sustainable aviation fuels represent the most significant near and midterm opportunity for aviation to reduce its greenhouse gas emissions. The use of sustainable aviation fuels will also improve air quality for airport workers and communities surrounding airports. While many efforts are underway to advance the use of sustainable aviation fuels, this act is intended to assist and accelerate those efforts.

**PART I  
TREATMENT OF ALTERNATIVE JET FUELS**

**Sec. 2.** RCW 70A.535.010 and 2022 c 182 s 409 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Carbon dioxide equivalents" has the same meaning as defined in RCW 70A.45.010.

(2) "Carbon intensity" means the quantity of life-cycle greenhouse gas emissions, per unit of fuel energy, expressed in grams of carbon dioxide equivalent per megajoule (gCO<sub>2</sub>e/MJ).

(3) "Clean fuels program" means the requirements established under this chapter.

(4) "Cost" means an expense connected to the manufacture, distribution, or other aspects of the provision of a transportation fuel product.

(5) "Credit" means a unit of measure generated when a transportation fuel with a carbon intensity that is less than the applicable standard adopted by the department under RCW 70A.535.025 is produced, imported, or dispensed for use in Washington, such that one credit is equal to one metric ton of carbon dioxide equivalents. A credit may also be generated through other activities consistent with this chapter.

(6) "Deficit" means a unit of measure generated when a transportation fuel with a carbon intensity that is greater than the applicable standard adopted by the department under RCW 70A.535.025 is produced, imported, or dispensed for use in Washington, such that one deficit is equal to one metric ton of carbon dioxide equivalents.

(7) "Department" means the department of ecology.

(8) "Electric utility" means a consumer-owned utility or investor-owned utility, as those terms are defined in RCW 19.29A.010.

(9) "Greenhouse gas" has the same meaning as defined in RCW 70A.45.010.

(10) "Military tactical vehicle" means a motor vehicle owned by the United States department of defense or the United States military services and that is used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(11) "Motor vehicle" has the same meaning as defined in RCW 46.04.320.

(12) "Price" means the amount of payment or compensation provided as consideration for a specified quantity of transportation fuel by a consumer or end user of the transportation fuel.

(13) "Regulated party" means a producer or importer of any amount of a transportation fuel that is ineligible to generate credits under this chapter.

(14) (a) "Tactical support equipment" means equipment using a portable engine, including turbines, that meets military specifications, owned by the United States military services or its allies, and that is used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(b) "Tactical support equipment" includes, but is not limited to, engines associated with portable generators, aircraft start carts, heaters, and lighting carts.

(15) "Transportation fuel" means electricity and any liquid or gaseous fuel sold, supplied, offered for sale, or used for the propulsion of a motor vehicle or that is intended for use for transportation purposes.

(16) "Alternative jet fuel" means a fuel that can be blended and used with conventional petroleum jet fuels without the need to modify aircraft engines and existing fuel distribution infrastructure, and that have a lower carbon intensity than the applicable annual carbon intensity standard in Table 2 of WAC 173-424-900, as it existed on the effective date of this section. Alternative jet fuel includes jet fuels derived from coprocessed feedstocks at a conventional petroleum refinery.

**NEW SECTION. Sec. 3.** A new section is added to chapter 70A.535 RCW to read as follows:

(1) By no later than December 31, 2023, the department must allow one or more carbon intensity pathways for alternative jet fuel.

(2) The department must allow biomethane to be claimed as the feedstock for renewable diesel and alternative jet fuel consistent with that allowable for compressed natural gas, liquified natural gas, liquified compressed natural gas, or hydrogen production. The department must include in the report required by RCW 70A.535.090(1) information that includes the amount, generation date, and geographic origin of renewable thermal certificates representing the biomethane environmental attributes claimed by each reporting entity for the fuels described in this subsection.

(3) The department must notify the department of revenue within 30 days when one or more facilities capable of producing a cumulative production capacity of at least 20,000,000 gallons of alternative jet fuel each year are operating in this state.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28B.30 RCW to read as follows:

(1) Washington State University must convene an alternative jet fuels work group to further the development of alternative jet fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in alternative jet fuel research, development, production, and utilization. The work group must provide a report

including any pertinent recommendations to the governor and appropriate committees of the legislature by December 1, 2024, and December 1st of every even-numbered year until December 1, 2028.

(2) This section expires January 1, 2029.

**Sec. 5.** RCW 43.330.565 and 2022 c 292 s 102 are each amended to read as follows:

(1) The statewide office of renewable fuels is established within the department. The office shall report to the director of the department. The office may employ staff as necessary to carry out the office's duties as prescribed by chapter 292, Laws of 2022, subject to the availability of amounts appropriated for this specific purpose.

(2) The purpose of the office is to leverage, support, and integrate with other state agencies to:

(a) Accelerate comprehensive market development with assistance along the entire life cycle of renewable fuel projects;

(b) Support research into and development and deployment of renewable fuel and the production, distribution, and use of renewable and green electrolytic hydrogen and their derivatives, as well as product engineering and manufacturing relating to the production and use of such hydrogen and its derivatives;

(c) Drive job creation, improve economic vitality, and support the transition to clean energy;

(d) Further the development and use of alternative jet fuels as a productive industry in Washington;

(e) Enhance resiliency by using renewable fuels, alternative jet fuels, and green electrolytic hydrogen to support climate change mitigation and adaptations; and

~~((e))~~ (f) Partner with overburdened communities to ensure communities equitably benefit from renewable and clean fuels efforts.

**Sec. 6.** RCW 43.330.570 and 2022 c 292 s 103 are each amended to read as follows:

(1) The office shall:

(a) Coordinate with federally recognized tribes, local government, state agencies, federal agencies, private entities, the state's public four-year institutions of higher education, labor unions, and others to facilitate and promote multi-institution collaborations to drive research, development, and deployment efforts in the production, distribution, and use of alternative jet fuels and renewable fuels including, but not limited to, green electrolytic hydrogen;

(b) Review existing renewable fuels, alternative jet fuels, and green electrolytic hydrogen initiatives, policies, and public and private investments, and tax and regulatory incentives, including assessment of adequacy of feedstock supply and in-state feedstock, renewable fuels, and alternative jet fuels production;

(c) Consider funding opportunities that provide for the coordination of public and private funds for the purposes of developing and deploying renewable fuels, alternative jet fuels, and green electrolytic hydrogen;

(d) Assess opportunities for and barriers to deployment of renewable fuels, alternative jet fuels, and green electrolytic hydrogen in hard to decarbonize sectors of the state economy;

(e) Request recommendations from the Washington state association of fire marshals regarding fire and other safety standards adopted by the United States department of energy and recognized national and international fire and safety code development authorities regarding renewable fuels, alternative jet fuels, and green electrolytic hydrogen;

(f) By December 1, 2023, develop a plan and recommendations for consideration by the legislature and governor on renewable fuels and green electrolytic hydrogen policy and public funding including, but not limited to, project permitting, state procurement, and pilot projects; and

(g) Encourage new and support existing public-private partnerships to increase coordinated planning and deployment of renewable fuels, alternative jet fuels, and green electrolytic hydrogen.

(2) The office may take all appropriate steps to seek and apply for federal funds for which the office is eligible, and other grants, and accept donations, and must deposit these funds in the renewable fuels accelerator account created in RCW 43.330.575.

(3) In carrying out its duties, the office must collaborate with the department, the department of ecology, the department of transportation, the utilities and transportation commission, electric utilities in Washington state, the Washington State University extension energy program, the alternative jet fuel work group established in section 4 of this act, and all other relevant state agencies. The office must also consult with and seek to involve federally recognized tribes, project developers, labor and industry trade groups, and other interested parties, in the development of policy analysis and recommended programs or projects.

(4) The office may cooperate with other state agencies in compiling data regarding the use of renewable fuels and green electrolytic hydrogen in state operations, including motor vehicle fleets, the state ferry system, and nonroad equipment.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28B.30 RCW to read as follows:

(1) To assess the potential cobenefits of alternative jet fuel for Washington's communities, by December 1, 2024, and December 1st of each year until such time as the joint legislative audit and review committee has completed its final report on the tax preferences contained in sections 9 through 12 of this act, the University of Washington's department of environmental and occupational health sciences, in collaboration with Washington State University, shall calculate emissions of ultrafine and fine particulate matter and sulfur oxides from the use of alternative jet fuel as compared to conventional fossil jet fuel, including the potential regional

air quality benefits of any reductions. This emissions calculation shall be conducted for alternative jet fuel used from an international airport owned by a port district in a county with a population greater than 1,500,000. The University of Washington may access and use any data necessary to complete the reporting requirements of this section.

(2) To facilitate the calculation required in subsection (1) of this section, an international airport owned by a port district in a county with a population greater than 1,500,000 must report to the University of Washington the total annual volume of conventional and alternative jet fuel used for flights departing the airport by July 1, 2024, and July 1st of each year until such time as the joint legislative audit and review committee has completed its final report on the tax preferences contained in sections 9 through 12 of this act.

## **PART II ALTERNATIVE JET FUEL TAX INCENTIVES**

**NEW SECTION. Sec. 8.** (1) This section is the tax preference performance statement for the tax preferences contained in sections 9 through 12, chapter . . . , Laws of 2023 (sections 9 through 12 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes these tax preferences as ones intended to improve industry competitiveness as indicated in RCW 82.32.808(2)(b).

(3) It is the legislature's specific public policy objective to encourage the production and use of alternative jet fuels. It is also the legislature's intent to support the development of the alternative jet fuels industry in Washington by providing targeted tax relief for such businesses.

(4) The legislature intends to extend the expiration date of the tax preferences contained in this act if a review finds:

(a) An increase in the production and use of alternative jet fuels in Washington by persons claiming the tax preferences in this act;

(b) That the production and use of alternative jet fuels in this state does not result in additional pollution including, but not limited to, pollution from per- and polyfluoroalkyl substances, noxious gases, ultrafine particles, lead, or other metals; and

(c) That the alternative jet fuel industry has created measurable economic growth in Washington.

(5) The review conducted by the joint legislative audit and review committee must include a racial equity analysis on air travel-related pollution in communities near an international airport owned by a port district in a county with a population greater than 1,500,000.

(6) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may access and use data from an international airport owned by a port district in a county with a population greater than 1,500,000, the University of Washington, reports compiled by the Washington State University pursuant to section 7 of this act, and any other data collected by the state as it deems necessary.

(7) The joint legislative audit and review committee must complete a preliminary report by December 1, 2032.

**NEW SECTION. Sec. 9.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Upon every person engaging within the state in the business of manufacturing alternative jet fuel; as to such persons, the amount of the tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.275 percent.

(2) Upon every person engaging in making sales, at retail or wholesale, of manufactured alternative jet fuel; as to such persons, the amount of the tax with respect to such business is equal to the gross proceeds of sales of the alternative jet fuel, multiplied by the rate of 0.275 percent.

(3) For the purposes of this section, "alternative jet fuel" means a fuel that can be blended and used with conventional petroleum jet fuels without the need to modify aircraft engines and existing fuel distribution infrastructure and that has lower greenhouse gas emissions based on a full life-cycle analysis when compared to conventional petroleum jet fuel for which it is capable as serving as a substitute, as certified by the department of ecology using the methods for determining the carbon intensity of fuels under chapter 70A.535 RCW. "Alternative jet fuel" includes jet fuels derived from coprocessed feedstocks at a conventional petroleum refinery as certified by the department of ecology using the methods for determining the carbon intensity of fuels under chapter 70A.535 RCW.

(4) A person reporting under the tax rate provided in this section must file a complete annual tax performance report with the department under RCW 82.32.534.

(5) (a) The tax rate under subsections (1) and (2) of this section takes effect on the first day of the first calendar quarter following the month in which the department receives notice from the department of ecology that there are one or more facilities operating in this state with a cumulative production capacity of at least 20,000,000 gallons of alternative jet fuel each year, as required in section 3 of this act.

(b) The tax rate expires nine calendar years after the close of the calendar year

in which the tax rate under subsections (1) and (2) of this section takes effect.

**NEW SECTION. Sec. 10.** A new section is added to chapter 82.04 RCW to read as follows:

(1)(a) Subject to the limits and provisions of this section, a credit is allowed against the tax otherwise due under this chapter for persons engaged in the manufacturing of alternative jet fuel.

(b) Except as provided in (c) of this subsection, the credit under this section is equal to \$1 for each gallon of alternative jet fuel that has at least 50 percent less carbon dioxide equivalent emissions than conventional petroleum jet fuel and is sold during the prior calendar year by:

(i) A business that produces alternative jet fuel and is located in a qualifying county; or

(ii) A business's designated alternative jet fuel blender that is located in this state.

(c) The credit amount under (b) of this subsection must increase by 2 cents for each additional one percent reduction in carbon dioxide equivalent emissions beyond 50 percent, not to exceed \$2 for each gallon of alternative jet fuel.

(d) A person may not receive credit under both (b)(i) and (ii) of this subsection.

(e) The credit under this section is calculated only on the portion of jet fuel that is considered alternative jet fuel and does not include conventional petroleum jet fuel when such fuels are blended or otherwise used in a jet fuel mixture.

(f) A credit under this section may not be claimed until the department of ecology verifies that there are one or more facilities operating in this state with cumulative production capacity of at least 20,000,000 gallons of alternative jet fuel each year and has provided such notice to the department.

(g) Contract pricing for sales of alternative jet fuel between a person claiming the credit under this section and the final consumer must reflect the per gallon credit under (b) and (c) of this subsection.

(h) A credit under this section may not be claimed until the department of ecology, in consultation with the department of archeology and historic preservation, verifies that the person applying for the credit is not engaged in the manufacturing of alternative jet fuel at a location listed with the department of archeology and historic preservation as a historic cemetery or tribal burial grounds as per chapter 27.44 or 68.60 RCW. If the department of ecology has not made a determination within 60 days of the person requesting verification under this subsection, the application is deemed to be verified.

(2) A person may not receive credit under this section for amounts claimed as credits under section 11 of this act or chapter 82.16 RCW.

(3) To claim a credit under this section a person must electronically file with the department all returns, forms, and any other information required by the department, in

an electronic format as provided or approved by the department.

(4) To claim a credit under this section, the person applying must:

(a) Complete an application for the credit which must include:

(i) The name, business address, and tax identification number of the applicant;

(ii) Documentation of the total amount of alternative jet fuel manufactured and sold in the prior calendar year;

(iii) Documentation sufficient for the department to verify that the alternative jet fuel for which the credit is being claimed meets the definition in section 9(3) of this act and the carbon intensity reduction benchmarks under subsection (1)(b) and (c) of this section, as certified by the department of ecology under chapter 70A.535 RCW;

(iv) Documentation sufficient to verify compliance with subsection (1)(g) of this section; and

(v) Any other information deemed necessary by the department to support administration or reporting of the program.

(b) Obtain a carbon intensity score from the department of ecology prior to submitting an application to the department.

(5) The department must notify applicants of credit approval or denial within 60 days of receipt of a final application and documentation.

(6) If a person fails to supply the information as required in subsection (4) of this section, the department must deny the application.

(7)(a) The credit under this section may only be claimed against taxes due under section 9 of this act, less any taxable amount for which a credit is allowed under RCW 82.04.440.

(b) A credit earned during one calendar year may be carried over and claimed against taxes incurred for the next subsequent calendar year but may not be carried over for any calendar year thereafter.

(c) No refunds may be granted for credits under this section.

(8) For the purposes of this section:

(a) "Alternative jet fuel" has the same meaning as in RCW 70A.535.010.

(b) "Carbon dioxide equivalent" has the same meaning as in RCW 70A.45.010.

(c) "Qualifying county" means a county that has a population less than 650,000 at the time an application for a credit under this section is received by the department.

(9)(a) Credits may be earned beginning on the first day of the first calendar quarter following the month in which notice under subsection (1)(f) of this section was received by the department.

(b) Credits may not be earned beginning nine calendar years after the close of the calendar year in which the credit may be earned, as provided in (a) of this subsection.

(10) A person claiming the credit provided in this section must file a complete annual tax performance report with the department under RCW 82.32.534.

NEW SECTION. **Sec. 11.** A new section is added to chapter 82.04 RCW to read as follows:

(1)(a) Subject to the limits and provisions of this section, a credit is allowed against the tax otherwise due under this chapter for persons engaged in the use of alternative jet fuel.

(b) Except as provided in (c) of this subsection, the credit under this section is equal to \$1 for each gallon of alternative jet fuel that has at least 50 percent less carbon dioxide equivalent emissions than conventional petroleum jet fuel and is purchased during the prior calendar year by a business for use as alternative jet fuel for flights departing in this state.

(c) The credit amount under (b) of this subsection must increase by 2 cents for each additional one percent reduction in carbon dioxide equivalent emissions beyond 50 percent, not to exceed \$2 for each gallon of alternative jet fuel.

(d) The credit under this section is calculated only on the portion of jet fuel that is considered alternative jet fuel and does not include conventional petroleum jet fuel when such fuels are blended or otherwise used in a jet fuel mixture.

(e) A credit under this section may not be claimed until the department of ecology verifies that there are one or more facilities operating in this state with cumulative production capacity of at least 20,000,000 gallons of alternative jet fuel each year and has provided such notice to the department.

(2) A person may not receive credit under this section for amounts claimed as credits under section 10 of this act or chapter 82.16 RCW.

(3) To claim a credit under this section a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department.

(4) To claim a credit under this section, the person applying must:

(a) Complete an application for the credit which must include:

(i) The name, business address, and tax identification number of the applicant;

(ii) Documentation of the amount of alternative jet fuel purchased by the business in the prior calendar year;

(iii) Documentation sufficient for the department to verify that the alternative jet fuel for which the credit is being claimed meets the definition in section 9(3) of this act and the carbon intensity reduction benchmarks under subsection (1)(b) and (c) of this section, as certified by the department of ecology under chapter 70A.535 RCW; and

(iv) Any other information deemed necessary by the department to support administration or reporting of the program.

(b) Obtain a carbon intensity score from the department of ecology prior to submitting an application to the department.

(5) The department must notify applicants of credit approval or denial within 60 days of receipt of a final application and documentation.

(6) If a person fails to supply the information as required in subsection (4) of this section, the department must deny the application.

(7)(a) The credit under this section may be used against any tax due under this chapter.

(b) A credit earned during one calendar year may be carried over and claimed against taxes incurred for the next subsequent calendar year but may not be carried over for any calendar year thereafter.

(c) No refunds may be granted for credits under this section.

(8) For the purposes of this section:

(a) "Alternative jet fuel" has the same meaning as in RCW 70A.535.010.

(b) "Carbon dioxide equivalent" has the same meaning as in RCW 70A.45.010.

(9)(a) Credits may be earned beginning on the first day of the first calendar quarter following the month in which notice under subsection (1)(e) of this section was received by the department.

(b) Credits may not be earned beginning nine calendar years after the close of the calendar year in which the credit may be earned, as provided in (a) of this subsection.

(10) A person claiming the credit provided in this section must file a complete annual tax performance report with the department under RCW 82.32.534.

NEW SECTION. **Sec. 12.** A new section is added to chapter 82.16 RCW to read as follows:

(1)(a) Subject to the limits and provisions of this section, a credit is allowed against the tax otherwise due under this chapter for persons engaged in the use of alternative jet fuel.

(b) Except as provided in (c) of this subsection, the credit under this section is equal to \$1 for each gallon of alternative jet fuel that has at least 50 percent less carbon dioxide equivalent emissions than conventional petroleum jet fuel and is purchased during the prior calendar year by a business for use as alternative jet fuel for flights departing in this state.

(c) The credit amount under (b) of this subsection must increase by 2 cents for each additional one percent reduction in carbon dioxide equivalent emissions beyond 50 percent, not to exceed \$2 for each gallon of alternative jet fuel.

(d) The credit under this section is calculated only on the portion of jet fuel that is considered alternative jet fuel and does not include conventional petroleum jet fuel when such fuels are blended or otherwise used in a jet fuel mixture.

(e) A credit under this section may not be claimed until the department of ecology verifies that there are one or more facilities operating in this state with cumulative production capacity of at least 20,000,000 gallons of alternative jet fuel each year and has provided such notice to the department.

(2) A person may not receive credit under this section for amounts claimed as credits under chapter 82.04 RCW.

(3) To claim a credit under this section a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department.

(4) To claim a credit under this section, the person applying must:

(a) Complete an application for the credit which must include:

(i) The name, business address, and tax identification number of the applicant;

(ii) Documentation of the amount of alternative jet fuel purchased by the business in the prior calendar year;

(iii) Documentation sufficient for the department to verify that the alternative jet fuel for which the credit is being claimed meets the definition in section 9(3) of this act and the carbon intensity reduction benchmarks under subsection (1)(b) and (c) of this section, as certified by the department of ecology under chapter 70A.535 RCW; and

(iv) Any other information deemed necessary by the department to support administration or reporting of the program.

(b) Obtain a carbon intensity score from the department of ecology prior to submitting an application to the department.

(5) The department must notify applicants of credit approval or denial within 60 days of receipt of a final application and documentation.

(6) If a person fails to supply the information as required in subsection (4) of this section, the department must deny the application.

(7)(a) The credit under this section may be used against any tax due under this chapter.

(b) A credit earned during one calendar year may be carried over and claimed against taxes incurred for the next subsequent calendar year but may not be carried over for any calendar year thereafter.

(c) No refunds may be granted for credits under this section.

(8) The definitions in section 11 of this act apply to this section.

(9)(a) Credits may be earned beginning on the first day of the first calendar quarter following the month in which notice under subsection (1)(e) of this section was received by the department.

(b) Credits may not be earned beginning nine calendar years after the close of the calendar year in which the credit may be earned, as provided in (a) of this subsection.

(10) A person claiming the credit provided in this section must file a complete annual tax performance report with the department under RCW 82.32.534.

NEW SECTION. **Sec. 13.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 14.** RCW 82.32.805 does not apply to this act.



NEW SECTION. **Sec. 15.** Sections 9 through 12 of this act take effect July 1, 2024.

NEW SECTION. **Sec. 16.** Sections 1 through 7 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2023."

Correct the title.

Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

March 31, 2023

SSB 5460 Prime Sponsor, Agriculture, Water, Natural Resources & Parks: Concerning collection of assessments for irrigation and rehabilitation districts. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

March 31, 2023

SSB 5604 Prime Sponsor, Local Government, Land Use & Tribal Affairs: Concerning county sales and use taxes for mental health and housing. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

March 31, 2023

E2SSB 5634 Prime Sponsor, Ways & Means: Concerning problem gambling. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

March 29, 2023

SSB 5652 Prime Sponsor, Transportation: Providing compensation for tow truck operators for keeping the public roadways clear. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.44.110 and 2009 c 393 s 1 are each amended to read as follows:

(1) Any person operating any vehicle or moving any object or conveyance upon any public highway in this state or upon any bridge or elevated structure that is a part of any such public highway is liable for all damages that the public highway, bridge, elevated structure, or other state property may sustain, as well as payment for vehicle recovery, impound, and storage charges to any registered tow truck operator dispatched by law enforcement or other governmental agency, as a result of any illegal operation of the vehicle or the moving of any such object or conveyance or as a result of the operation or moving of any vehicle, object, or conveyance weighing in excess of the legal weight limits allowed by law.

(2) This section applies to any person operating any vehicle or moving any object or contrivance in any illegal or negligent manner or without a special permit as provided by law for vehicles, objects, or contrivances that are overweight, overwidth, overheight, or overlength. Any person operating any vehicle is liable for any damage to any public highway, bridge, elevated structure, or other state property sustained, as well as payment for vehicle recovery, impound, and storage charges to any registered tow truck operator dispatched by law enforcement or other governmental agency, as the result of any negligent operation thereof. When the operator is not the owner of the vehicle, object, or contrivance but is operating or moving it with the express or implied permission of the owner, the owner and the operator are jointly and severally liable for any such damage.

(3) (a) Such damage to any state highway, structure, or other state property may be recovered in a civil action instituted in the name of the state of Washington by the department of transportation or other affected state agency. Any measure of damage determined by the department of transportation to its highway, bridge, elevated structure, or other property under this section is prima facie the amount of damage caused thereby and is presumed to be the amount recoverable in any civil action therefor. The damages available under this section include the incident response costs, including traffic control, incurred by the department of transportation.

(b) Costs attributable to vehicle recovery, impound, and storage charges for any registered tow truck operator dispatched by law enforcement or other governmental agency under this section is presumed to be the amounts recoverable and must not exceed the amounts established under the fee schedule adopted pursuant to RCW 46.55.063.

NEW SECTION. **Sec. 2.** A new section is added to chapter 46.55 RCW to read as follows:

(1) The department shall create a program to compensate registered tow truck operators

for impounds performed at the direction of law enforcement or other agencies to apply when the owner of the vehicle is indigent, except when the vehicle has been impounded after the vehicle owner has been arrested by a law enforcement officer.

(2) An individual seeking the release of a vehicle under this program must:

(a) Be the legal or registered owner of the vehicle;

(b) Be indigent;

(c) Either not have the ability to pay for the towing service or be unable to make such payment without incurring severe hardship;

(d) Not have applied for the release of a vehicle under this program more than once in the preceding year; and

(e) Fill out and certify the first part of the form described in subsection (4)(a) of this section and submit it to the registered tow truck operator.

(3) A registered tow truck operator may seek payment for impounds ordered by a law enforcement or other governmental agency for vehicles owned by individuals meeting the requirements of subsection (2) of this section when the impound was not ordered following an arrest. The registered tow truck operator applying for payment must fill out the second part of the form described in subsection (4)(b) of this section and must submit the completed form to the department.

(4) The department shall provide a form to registered tow truck operators that consists of two parts.

(a) The first part of the form is to be completed by individuals seeking the release of a vehicle and must include a requirement that individuals self-certify under penalty of perjury that they meet the requirements of the program and acknowledge that they understand that the department may verify or audit the information and that perjury is a criminal offense.

(b)(i) The second part of the form is to be completed by registered tow truck operators and must include a requirement that registered tow truck operators self-certify under penalty of perjury that they have verified that:

(A) The impound was ordered by a law enforcement or other governmental agency;

(B) The impound was not ordered following an arrest;

(C) The individual seeking the release of a vehicle is the owner of the vehicle registered or titled with the department; and

(ii) The registered tow truck operators must acknowledge that they understand that the department may verify or audit the information and that perjury is a criminal offense.

(5) Subject to availability of funds, the department shall disburse surplus funds deposited under RCW 46.55.130(2)(h) that are no longer subject to payment for a valid claim under RCW 46.55.130(2)(h) in an amount equal to the cost of the towing, storage, or other services incurred by the registered tow truck operators during the course of the law enforcement or other governmental agency directed impound to the eligible registered tow truck operators following submission of

the form by the registered tow truck operator. Eligibility for payment under this section does not constitute an entitlement for payment. If eligible applications for payment exceed the funds available, the department must create and maintain a waitlist in the order the forms are received pursuant to this section. The department is not civilly or criminally liable and no penalty or cause of action may be brought against it regarding the provision or lack of provision of funds.

(6) The department shall provide an annual report to the appropriate committees of the legislature by October 1st of each year. The annual report must include the total number of law enforcement or other governmental agency directed tows not following an arrest, the number of vehicles released under this program, the number of applicants who received payment under this program, the total funds provided to applicants, the number of applicants on the waitlist who did not receive grants, the total amount of grants unpaid due to lack of funds, and the number of ineligible applicants and the reasons for ineligibility.

(7) A registered tow truck operator who releases the vehicle under this section does not have a lien or deficiency claim on the released vehicle.

(8) When an impounding tow truck operator sends notification to the legal and registered owners of a vehicle regarding the impoundment of it as required under RCW 46.55.110 and the vehicle may be eligible under this program, the impounding tow truck operator must include information in the notification about the program established in this section for the release of vehicles to indigent persons.

(9) The registered tow truck operator shall provide to each person who seeks to redeem an impounded vehicle that may be eligible under this program written notice, in a form and manner specified by the department, of the release of vehicles to indigent individuals. The notice must be accompanied by the form described in subsection (4) of this section.

**Sec. 3.** RCW 46.55.115 and 1993 c 121 s 2 are each amended to read as follows:

The Washington state patrol, under its authority to remove vehicles from the highway, may remove the vehicles directly, through towing operators appointed by the state patrol and called on a rotational or other basis, through contracts with towing operators, or by a combination of these methods. When removal is to be accomplished through a towing operator on a noncontractual basis, the state patrol may appoint any towing operator for this purpose upon the application of the operator. Each appointment shall be contingent upon the submission of an application to the state patrol and the making of subsequent reports in such form and frequency and compliance with such standards of equipment, performance, pricing, and practices as may be required by rule of the state patrol.

An appointment may be rescinded by the state patrol upon evidence that the

appointed towing operator is not complying with the laws or rules relating to the removal and storage of vehicles from the highway. The state patrol may not rescind an appointment merely because a registered tow truck operator negotiates a different rate for voluntary, owner-requested towing than for involuntary towing under this chapter. The costs of removal and storage of vehicles under this section shall be paid by the owner or driver of the vehicle and shall be a lien upon the vehicle until paid, unless the removal is determined to be invalid or the registered tow truck operator releases the vehicle under the program established in section 2 of this act.

Rules promulgated under this section shall be binding only upon those towing operators appointed by the state patrol for the purpose of performing towing services at the request of the Washington state patrol. Any person aggrieved by a decision of the state patrol made under this section may appeal the decision under chapter 34.05 RCW.

**Sec. 4.** RCW 46.55.120 and 2017 c 152 s 1 are each amended to read as follows:

(1)(a) Vehicles or other items of personal property registered or titled with the department that are impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, 46.55.113, or 9A.88.140 may be redeemed only by the following persons or entities:

- (i) The legal owner;
- (ii) The registered owner;
- (iii) A person authorized in writing by the registered owner;
- (iv) The vehicle's insurer or a vendor working on behalf of the vehicle's insurer;
- (v) A third-party insurer that has a duty to repair or replace the vehicle, has obtained consent from the registered owner or the owner's agent to move the vehicle, and has documented that consent in the insurer's claim file, or a vendor working on behalf of a third-party insurer that has received such consent; provided, however, that at all times the registered owner must be granted access to and may reclaim possession of the vehicle. For the purposes of this subsection, "owner's agent" means the legal owner of the vehicle, a driver in possession of the vehicle with the registered owner's permission, or an adult member of the registered owner's family;
- (vi) A person who is determined and verified by the operator to have the permission of the registered owner of the vehicle or other item of personal property registered or titled with the department;
- (vii) A person who has purchased a vehicle or item of personal property registered or titled with the department from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor; or
- (viii) If (a)(i) through (vii) of this subsection do not apply, a person, who is known to the registered or legal owner of a motorcycle or moped, as each are defined in chapter 46.04 RCW, that was towed from the scene of an accident, may redeem the motorcycle or moped as a bailment in accordance with RCW 46.55.125 while the

registered or legal owner is admitted as a patient in a hospital due to the accident.

(b) In addition, a vehicle impounded because the operator is in violation of RCW 46.20.342(1)(c) shall not be released until a person eligible to redeem it under (a) of this subsection satisfies the requirements of (f) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency. If the department's records show that the operator has been convicted of a violation of RCW 46.20.342 or a similar local ordinance within the past five years, the vehicle may be held for up to ~~((thirty))~~ 30 days at the written direction of the agency ordering the vehicle impounded. A vehicle impounded because the operator is arrested for a violation of RCW 46.20.342 may be released only pursuant to a written order from the agency that ordered the vehicle impounded or from the court having jurisdiction. An agency shall issue a written order to release pursuant to a provision of an applicable state agency rule or local ordinance authorizing release on the basis of the following:

(i) Economic or personal hardship to the spouse of the operator, taking into consideration public safety factors, including the operator's criminal history and driving record; or

(ii) The owner of the vehicle was not the driver, the owner did not know that the driver's license was suspended or revoked, and the owner has not received a prior release under this subsection or RCW 46.55.113(3).

In order to avoid discriminatory application, other than for the reasons for release set forth in (b)(i) and (ii) of this subsection, an agency shall, under a provision of an applicable state agency rule or local ordinance, deny release in all other circumstances without discretion.

If a vehicle is impounded because the operator is in violation of RCW 46.20.342(1)(a) or (b), the vehicle may be held for up to ~~((thirty))~~ 30 days at the written direction of the agency ordering the vehicle impounded. However, if the department's records show that the operator has been convicted of a violation of RCW 46.20.342(1)(a) or (b) or a similar local ordinance within the past five years, the vehicle may be held at the written direction of the agency ordering the vehicle impounded for up to ~~((sixty))~~ 60 days, and for up to ~~((ninety))~~ 90 days if the operator has two or more such prior offenses. If a vehicle is impounded because the operator is arrested for a violation of RCW 46.20.342, the vehicle may not be released until a person eligible to redeem it under (a) of this subsection satisfies the requirements of (f) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency.

(c) If the vehicle is directed to be held for a suspended license impound, a person who desires to redeem the vehicle at the end of the period of impound shall within five days of the impound at the request of the tow truck operator pay a security deposit to

the tow truck operator of not more than one-half of the applicable impound storage rate for each day of the proposed suspended license impound. The tow truck operator shall credit this amount against the final bill for removal, towing, and storage upon redemption. The tow truck operator may accept other sufficient security in lieu of the security deposit. If the person desiring to redeem the vehicle does not pay the security deposit or provide other security acceptable to the tow truck operator, the tow truck operator may process and sell at auction the vehicle as an abandoned vehicle within the normal time limits set out in RCW 46.55.130(1). The security deposit required by this section may be paid and must be accepted at any time up to ~~((twenty-four))~~ 24 hours before the beginning of the auction to sell the vehicle as abandoned. The registered owner is not eligible to purchase the vehicle at the auction, and the tow truck operator shall sell the vehicle to the highest bidder who is not the registered owner.

(d) Notwithstanding (c) of this subsection, a rental car business may immediately redeem a rental vehicle it owns by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound.

(e) Notwithstanding (c) of this subsection, a motor vehicle dealer or lender with a perfected security interest in the vehicle may redeem or lawfully repossess a vehicle immediately by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound. A motor vehicle dealer or lender with a perfected security interest in the vehicle may not knowingly and intentionally engage in collusion with a registered owner to repossess and then return or resell a vehicle to the registered owner in an attempt to avoid a suspended license impound. However, this provision does not preclude a vehicle dealer or a lender with a perfected security interest in the vehicle from repossessing the vehicle and then selling, leasing, or otherwise disposing of it in accordance with chapter 62A.9A RCW, including providing redemption rights to the debtor under RCW 62A.9A-623. If the debtor is the registered owner of the vehicle, the debtor's right to redeem the vehicle under chapter 62A.9A RCW is conditioned upon the debtor obtaining and providing proof from the impounding authority or court having jurisdiction that any fines, penalties, and forfeitures owed by the registered owner, as a result of the suspended license impound, have been paid, and proof of the payment must be tendered to the vehicle dealer or lender at the time the debtor tenders all other obligations required to redeem the vehicle. Vehicle dealers or lenders are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound.

(f) The vehicle or other item of personal property registered or titled with the department shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable

tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle, with credit being given for the amount of any security deposit paid under (c) of this subsection. Alternatively, a vehicle must be released when the registered tow truck operator completes the form described in section 2(4)(a) of this act provided that the first part is completed by an individual seeking the release of a vehicle. In addition, if a vehicle is impounded because the operator was arrested for a violation of RCW 46.20.342 or 46.20.345 and was being operated by the registered owner when it was impounded under local ordinance or agency rule, it must not be released to any person until the registered owner establishes with the agency that ordered the vehicle impounded or the court having jurisdiction that any penalties, fines, or forfeitures owed by him or her have been satisfied. Registered tow truck operators are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards issued by financial institutions, or personal checks drawn on Washington state branches of financial institutions if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. If the towing firm cannot determine through the customer's bank or a check verification service that the presented check would be paid by the bank or guaranteed by the service, the towing firm may refuse to accept the check. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2)(a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle, or item of personal property registered or titled with the department, written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district or municipal court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments

including those authorized by the state or its agents. The municipal court has jurisdiction to determine the issues involving impoundments authorized by agents of the municipality. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the appropriate court within ~~((ten))~~10 days of the date the opportunity was provided for in (a) of this subsection and more than five days before the date of the auction. At the time of the filing of the hearing request, the petitioner shall pay to the court clerk a filing fee in the same amount required for the filing of a suit in district court. If the hearing request is not received by the court within the ~~((ten-day))~~10-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment.

(3) (a) The court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal property registered or titled with the department, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper. The court may consider a written report made under oath by the officer who authorized the impoundment in lieu of the officer's personal appearance at the hearing.

(c) At the conclusion of the hearing, the court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with the posted or contracted rates.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the vehicle or other item of personal property registered or titled with the department shall bear no impoundment, towing, or storage fees, and any security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the registered tow truck operator against the person or agency authorizing the impound for the impoundment,

towing, and storage fees paid. In addition, the court shall enter judgment in favor of the registered and legal owners of the vehicle, or other item of personal property registered or titled with the department, for the amount of the filing fee required by law for the impound hearing petition as well as reasonable damages for loss of the use of the vehicle during the time the same was impounded against the person or agency authorizing the impound. However, if an impoundment arising from an alleged violation of RCW 46.20.342 or 46.20.345 is determined to be in violation of this chapter, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer relied in good faith and without gross negligence on the records of the department in ascertaining that the operator of the vehicle had a suspended or revoked driver's license. If any judgment entered is not paid within ~~((fifteen))~~15 days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO: . . . . .  
YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the . . . . . Court located at . . . . . in the sum of \$. . . . ., in an action entitled . . . . ., Case No. . . . . YOU ARE FURTHER NOTIFIED that attorneys fees and costs will be awarded against you under RCW . . . if the judgment is not paid within 15 days of the date of this notice.  
DATED this . . . . day of . . . . ., (year) . . . .  
Signature . . . . .  
Typed name and address  
of party mailing notice

(4) Any impounded abandoned vehicle or item of personal property registered or titled with the department that is not redeemed within ~~((fifteen))~~15 days of mailing of the notice of custody and sale as required by RCW 46.55.110(3) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle or item of personal property registered or titled with the department may be redeemed at any time before the start of the auction either upon ~~((payment))~~:

(a) Payment of the applicable towing and storage fees; or

(b) The completion of the form specified in section 2 of this act.

NEW SECTION. **Sec. 5.** Sections 2 through 4 of this act take effect January 1, 2024."

Correct the title.

Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

March 31, 2023

SSB 5714 Prime Sponsor, Local Government, Land Use & Tribal Affairs: Concerning payments made for property taxes or special assessments by an automated check processing service. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Local Government. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**HOUSE BILL NO. 1125, by Representatives Fey, Lekanoff, Timmons, Paul, Wylie and Donaghy**

**Making transportation appropriations for the 2023-2025 fiscal biennium.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1125 was substituted for House Bill No. 1125 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1125 was read the second time.

Representative Fey moved the adoption of amendment (550):

On page 22, line 3, increase the highway safety account—state appropriation by \$300,000

On page 22, line 22, correct the total.

On page 25, line 4, after "(5)" strike "\$1,350,000" and insert "\$2,000,000"

Representatives Fey and Barkis spoke in favor of the adoption of the amendment.

Amendment (550) was adopted.

Representative Walsh moved the adoption of amendment (535):

On page 85, line 29, increase the multimodal transportation account--state appropriation by \$6,200,000

On page 85, line 32, correct the total.

On page 86, line 2, after "Program (Y)" insert ", and an additional \$6,200,000 of the multimodal transportation account--state appropriation is provided solely for the South Kelso Railroad Crossing project (L1000147) for construction of an overcrossing on Hazel Street in Kelso, Washington"

Representatives Walsh and Fey spoke in favor of the adoption of the amendment.

Amendment (535) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey, Low, Timmons, Robertson, Donaghy, Paul and Barkis spoke in favor of the passage of the bill.

## MOTION

On motion of Representative Griffey, Representative Kretz was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1125.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1125, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Chandler

Excused: Representative Kretz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5187, by Senate Committee on Ways & Means (originally sponsored by Rolfes, Robinson and Nguyen)**

**Making 2023-2025 fiscal biennium operating appropriations and 2021-2023 fiscal biennium second supplemental operating appropriations.**

The bill was read the second time.

With the consent of the House, amendments (522), (523), (524) and (547) were withdrawn.

Representative Ormsby moved the adoption of the striking amendment (517):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through IX of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 2023, and ending June 30, 2025, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "ARPA" means the American rescue plan act of 2021, P.L. 117-2.

(b) "CRRSA" means the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(c) "CRRSA/ESSER" means the elementary and secondary school emergency relief fund, as modified by the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(d) "Fiscal year 2024" or "FY 2024" means the fiscal year ending June 30, 2024.

(e) "Fiscal year 2025" or "FY 2025" means the fiscal year ending June 30, 2025.

(f) "FTE" means full time equivalent.

(g) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(h) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(3) Whenever the terms in subsection (2)(a) through (c) of this section are used in the context of a general fund—federal appropriation, the term is used to attribute the funding to that federal act.

**PART I  
GENERAL GOVERNMENT**

**NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES**

General Fund—State Appropriation (FY 2024) . . . . .	\$58,591,000
General Fund—State Appropriation (FY 2025) . . . . .	\$60,612,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$119,203,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant through the legislative civics education program to a youth development organization providing civic engagement and education through a youth and government program. The grant is provided solely for support of the organization's mock trial and youth legislature programs.

**NEW SECTION. Sec. 102. FOR THE SENATE**

General Fund—State Appropriation (FY 2024) . . . . .	\$42,519,000
General Fund—State Appropriation (FY 2025) . . . . .	\$45,433,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$87,952,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$260,000 of the general fund—state appropriation for fiscal year 2024 and \$270,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the payment of membership dues to the council of state governments, the national conference of state legislatures, the pacific northwest economic region, the pacific fisheries legislative task force, and the western legislative forestry task force.

**NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

Performance Audits of Government Account—State Appropriation . . . . .	\$13,708,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$13,708,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2023-2025 work plan as necessary to efficiently manage workload.

(2) \$175,000 of the performance audits of government account—state appropriation is for the committee to conduct a review of communication and health care information sharing among state agencies and local governments that house individuals in total confinement. The review should consider current laws and policies relating to health care information sharing between

state agencies and local governments that house individuals in jails, the department of corrections, juvenile rehabilitation facilities, western and eastern state hospitals, and the special commitment center. The review should make recommendations to:

- (a) Improve and ensure information and data sharing among agencies regarding the health of adults and juveniles in such facilities;
- (b) Improve coordination among state and local agencies;
- (c) Avoid duplication of work among state and local agencies;
- (d) Provide an efficient and effective forum for communication and information sharing among the department of health, health care authority, department of social and health services, department of corrections, department of children, youth, and families, Washington association of sheriffs and police chiefs, court administrators, and federal, local, and community organizations; and
- (e) Improve communication and information sharing between the state and its federal partners to proactively address public health issues.

(3) \$1,503,000 of the performance audits of government account—state appropriation is for implementation of Engrossed Substitute House Bill No. 1436 (special education funding). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Performance Audits of Government Account—State

Appropriation. . . . .	\$5,116,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$5,116,000</b>

**NEW SECTION. Sec. 105. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund—State Appropriation (FY 2024). . . . .	\$21,200,000
General Fund—State Appropriation (FY 2025). . . . .	\$18,968,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$40,168,000</b>

The appropriations in this section are subject to the following conditions and limitations: Within the amounts provided in this section, the joint legislative systems committee shall provide information technology support, including but not limited to internet service, for the district offices of members of the house of representatives and the senate.

**NEW SECTION. Sec. 106. FOR THE OFFICE OF STATE LEGISLATIVE LABOR RELATIONS**

General Fund—State Appropriation (FY 2024). . . . .	\$947,000
General Fund—State Appropriation (FY 2025). . . . .	\$947,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$1,894,000</b>

**NEW SECTION. Sec. 107. FOR THE OFFICE OF THE STATE ACTUARY**

General Fund—State Appropriation (FY 2024). . . . .	\$399,000
General Fund—State Appropriation (FY 2025). . . . .	\$407,000
State Health Care Authority Administrative Account— State Appropriation. . . . .	\$283,000
Department of Retirement Systems Expense Account— State Appropriation. . . . .	\$6,769,000
School Employees' Insurance Administrative Account— State Appropriation. . . . .	\$250,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$8,108,000</b>

**NEW SECTION. Sec. 108. FOR THE STATUTE LAW COMMITTEE**

General Fund—State Appropriation (FY 2024). . . . .	\$5,960,000
General Fund—State Appropriation (FY 2025). . . . .	\$6,519,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$12,479,000</b>

**NEW SECTION. Sec. 109. FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES**

General Fund—State Appropriation (FY 2024). . . . .	\$5,623,000
General Fund—State Appropriation (FY 2025). . . . .	\$6,214,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$11,837,000</b>

**NEW SECTION. Sec. 110. LEGISLATIVE AGENCIES**

In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, joint transportation committee, office of the state actuary, joint legislative systems committee, statute law committee, redistricting commission, office of state legislative labor relations, and office of legislative support services.

**NEW SECTION. Sec. 111. FOR THE SUPREME COURT**



General Fund—State Appropriation (FY 2024)	\$13,977,000
General Fund—State Appropriation (FY 2025)	\$14,214,000
<b>TOTAL APPROPRIATION</b>	<b>\$28,191,000</b>

**NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund—State Appropriation (FY 2024)	\$2,585,000
General Fund—State Appropriation (FY 2025)	\$2,497,000
<b>TOTAL APPROPRIATION</b>	<b>\$5,082,000</b>

**NEW SECTION. Sec. 113. FOR THE COURT OF APPEALS**

General Fund—State Appropriation (FY 2024)	\$24,351,000
General Fund—State Appropriation (FY 2025)	\$24,870,000
<b>TOTAL APPROPRIATION</b>	<b>\$49,221,000</b>

**NEW SECTION. Sec. 114. FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund—State Appropriation (FY 2024)	\$123,579,000
General Fund—State Appropriation (FY 2025)	\$119,131,000
General Fund—Federal Appropriation	\$2,209,000
General Fund—Private/Local Appropriation	\$681,000
Judicial Stabilization Trust Account—State Appropriation	\$110,545,000
Judicial Information Systems Account—State Appropriation	\$59,530,000
<b>TOTAL APPROPRIATION</b>	<b>\$415,675,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,627,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the work of the administrative office of the courts relating to the refund of legal financial obligations and costs associated with *State v. Blake*. In addition to contracting with municipalities and counties for the disbursement of funds appropriated for costs associated with *Blake* related convictions, the administrative office of the courts must:

(a) Collaborate with superior court clerks, district court administrators, and municipal court administrators to prepare comprehensive reports, based on available court records, of all cause numbers impacted by *State v. Blake* going back to 1971. Such reports shall include the refund amount related to each cause number; and

(b) In collaboration with the office of public defense and the office of civil legal aid, establish a method to allow individuals to search for available refunds, provide information to those individuals regarding the application process necessary to claim a refund, and issue payment from the administrative office of the courts' refund bureau to those individuals certified to receive a refund.

(2) \$100,928,000 of the judicial stabilization trust account—state appropriation is provided solely for the administrative office of the courts to assist counties and municipalities with costs of complying with the *State v. Blake* decision and for establishing a direct refund process to individuals for certain costs related to convictions that have been vacated by court order due to the *State v. Blake* ruling. Of this amount:

(a)(i) \$38,000,000 of the judicial stabilization trust account—state appropriation is provided solely for the administrative office of the courts to assist counties with costs of:

(A) Complying with the *State v. Blake* decision that arise from the county's role in operating the criminal justice system, including resentencing and vacating all prior convictions for simple drug possession, which includes possession of marijuana, possession of drug paraphernalia without proof that the person knowingly possessed the paraphernalia, or attempt, conspiracy, or solicitation to possess drugs or drug paraphernalia; and

(B) Identifying and transmitting refunds of legal financial obligations, collections costs, and any other costs ordered by courts borne by the defendant as a result of a *Blake* conviction.

(ii) The office shall contract with counties for judicial, clerk, defense, and prosecution expenses for these purposes.

(iii) In order to qualify for this funding, a county must:

(A) Cancel outstanding legal financial obligation debt for all convictions identified in (a)(i)(A) of this subsection;

(B) Remove accounts from collection agencies and refund any legal financial obligations paid to the county and collection agencies;

(C) Quash outstanding warrants related to convictions identified in (a)(i)(A) of this subsection;

(D) Refund costs paid to third parties as a result of a *Blake* conviction;

(E) Collaborate with the administrative office of the courts to adopt the standard coding developed by the administrative office of the courts for application to *Blake* convictions; and

(F) Develop a standardized practice regarding vacated convictions that includes, but is not limited to, notification to the *Blake* impacted individual that the individual is released from all penalties and disabilities resulting from the qualifying conviction, that the *Blake*

conviction cannot be included in the person's criminal history for purposes of subsequent prosecutions, that convictions predicated on a prior drug possession conviction may be vacated, and that the *Blake* conviction is vacated as unconstitutional pursuant to *State v. Blake*, 197 Wn.2d 170 (2021) to avoid immigration collateral consequences.

(iv) Any county which reallocates paid legal financial obligations to other due accounts does not qualify for additional administrative costs.

(b)(i) \$11,500,000 of the judicial stabilization trust account—state appropriation is provided solely for the administrative office of the courts to assist municipalities with costs of:

(A) Complying with the *State v. Blake* decision that arise from the municipality's role in operating the criminal justice system, including vacating all prior *Blake* convictions for simple drug possession, which includes possession of marijuana, possession of drug paraphernalia without proof that the person knowingly possessed the paraphernalia, or attempt, conspiracy, or solicitation to possess drugs or drug paraphernalia; and

(B) Transmitting refunds of legal financial obligations, collections costs, and other costs borne by the defendant as a result of a *Blake* conviction.

(ii) The administrative office of the courts shall contract with cities for judicial, clerk, defense, and prosecution expenses for these purposes. Any city which reallocates paid legal financial obligations to other due accounts does not qualify for additional administrative costs.

(iii) In order for a city to qualify for this funding, cities must:

(A) Cancel outstanding legal financial obligation debt for all convictions identified in

(b)(i)(A) of this subsection;

(B) Remove accounts from collection agencies and refund any legal financial obligations paid to the city and collection agencies;

(C) Quash outstanding warrants related to convictions identified in (b)(i)(A) of this subsection;

(D) Refund costs paid to third parties as a result of a *Blake* conviction;

(E) Collaborate with the administrative office of the courts to adopt the standard coding developed by the administrative office of the courts for application to *Blake* convictions; and

(F) Develop a standardized practice regarding vacated convictions that includes, but is not limited to, notification to the *Blake* impacted individual that the individual is released from all penalties and disabilities resulting from the qualifying conviction, that the *Blake* conviction cannot be included in the person's criminal history for purposes of subsequent prosecutions, that convictions predicated on a prior drug possession conviction may be vacated, and that the *Blake* conviction is vacated as unconstitutional pursuant to *State v. Blake*, 197 Wn.2d 170 (2021) to avoid immigration collateral consequences.

(c) \$51,428,000 of the judicial stabilization trust account—state appropriation is provided solely to establish a direct refund process to individuals to refund legal financial obligations, collection costs, department of corrections supervision fees, and other documentation verified costs paid to third parties previously by defendants whose convictions have been vacated by court order due to the *State v. Blake* ruling.

(i) Superior court clerks, district court administrators, and municipal court administrators must send the administrative office of the courts the amount of any refund ordered by the court. The court order must either contain the amount of the refund or provide language for the clerk or court administrator to transmit to the administrative office of the courts of the amount to be reimbursed to the individual.

(ii) The department of corrections must send to the administrative office of the courts the amount of supervision fees borne by individuals as a result of a *Blake* conviction.

(3) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the administrative office of the courts to provide grants to superior courts for the purpose of creating or expanding sanitary lactation spaces or pods that provide privacy for courthouse visitors needing to breastfeed or express breast milk.

(4) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the administrative office of the courts to contract with an equity and justice nonprofit organization to expand the capacity of the existing equity dashboard program. The contract must review and organize newly available criminal case data with the goal of consolidating and collecting adult felony case data to determine disparities in the legal justice system. The equity dashboard program must be expanded to include adult felony case data that is consolidated, interactable, transparent, and accessible to the public.

(5) \$1,100,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the administrative office of the courts to implement a one-year juror pilot program for the Pierce county superior court. Under the pilot program, each individual that participates as a juror in Pierce county superior court shall receive juror pay totaling \$100 per day for each day that the individual appears during their term of jury service.

(6) \$1,396,000 of the general fund—state appropriation for fiscal year 2024 and \$1,304,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1715 (domestic violence). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(7) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1766 (protection orders/hope cards). If

the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(8) \$18,000 of the general fund—state appropriation for fiscal year 2024 and \$18,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1102 (judge pro tempore compensation). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(9) \$1,107,000 of the general fund—state appropriation for fiscal year 2024 and \$1,107,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of Engrossed House Bill No. 1324 (prior juvenile offenses). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(10) \$58,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Substitute House Bill No. 1121 (uniform child abduction act). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(11) \$20,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Substitute House Bill No. 1562 (violence). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(12) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the Washington state center for court research of the administrative office of the courts to conduct a study of legal financial obligations imposed on juveniles by superior courts and courts of limited jurisdiction. The administrative office of the courts must submit a report of the findings to the appropriate committees of the legislature by November 30, 2023. At a minimum, the study must include statewide and county-level data that shows:

(a) During the previous five state fiscal years that data is available:

(i) The total number of juvenile cases handled by court, the number of cases where legal financial obligations were imposed pursuant to chapter 13.40 RCW, the percentage of cases where legal financial obligations were not imposed, and the total amount of legal financial obligations that were collected;

(ii) An estimate of the proportion of restitution assessed, disaggregated by victim type including natural persons, businesses, state agencies, and insurance companies, for each of the last five years data is available;

(iii) The percentage, number of cases, and total amount of legal financial obligations that are uncollectible pursuant to RCW 13.40.190, 13.40.192, or other statutory authority for the expiration of legal financial obligation debt; and

(iv) The total amount of outstanding debt owed in fees, court costs, fines, and restitution, disaggregated by the defendants' age at the time of adjudication or conviction, race, gender, legal financial obligation type, charging court and date of assessment; and

(b) By year, the total dollars collected for restitution and non-restitution legal financial obligations from fiscal years 2019 through 2023.

**NEW SECTION. Sec. 115. FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund—State Appropriation (FY 2024) . . . . .	\$59,191,000
General Fund—State Appropriation (FY 2025) . . . . .	\$64,393,000
General Fund—Federal Appropriation . . . . .	\$385,000
Judicial Stabilization Trust Account—State Appropriation . . . . .	\$9,894,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$133,863,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$900,000 of the general fund—state appropriation for fiscal year 2024 and \$900,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the purpose of improving the quality of trial court public defense services as authorized by chapter 10.101 RCW. The office of public defense must allocate these amounts so that \$450,000 per fiscal year is distributed to counties, and \$450,000 per fiscal year is distributed to cities, for grants under chapter 10.101 RCW.

(2) \$6,000,000 of the judicial stabilization trust account—state appropriation is provided solely to assist counties with public defense services related to vacating the convictions of defendants and/or resentencing for defendants whose convictions or sentences are affected by the *State v. Blake* decision. Of the amounts provided in this subsection:

(a) \$900,000 of the judicial stabilization trust account—state appropriation is provided solely for the office of public defense to provide statewide attorney training, technical assistance, data analysis and reporting, and quality oversight, to administer financial assistance for public defense costs related to *State v. Blake* impacts, and to maintain a triage team to provide statewide support to the management and flow of hearings for individuals impacted by the *State v. Blake* decision.

(b) \$5,100,000 of the judicial stabilization trust account—state appropriation is provided solely to assist counties in providing counsel for defendants seeking to vacate a conviction and/or be resentenced under *State v. Blake*. Assistance shall be allocated to all counties based upon a formula established by the office of public defense. Counties may receive assistance by: (i) Applying for grant funding; and/or (ii) designating the office of public defense to contract directly with counsel.

(3) \$171,000 of the general fund—state appropriation for fiscal year 2024 and \$1,460,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of public defense to establish and operate a telephone consultation line to provide

contracted legal counsel for parents, guardians, or legal custodians when the department of children, youth, and families proposes a voluntary placement agreement when there is no pending dependency proceeding under chapter 13.34 RCW pursuant to RCW 13.34.090(4).

**NEW SECTION. Sec. 116. FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund—State Appropriation (FY 2024) . . . . .	\$53,704,000
General Fund—State Appropriation (FY 2025) . . . . .	\$59,534,000
General Fund—Federal Appropriation . . . . .	\$1,468,000
Judicial Stabilization Trust Account—State Appropriation . . . . .	\$3,851,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$118,557,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,387,000 of the judicial stabilization trust account—state appropriation is provided solely to continue legal information, advice, assistance, and representation for individuals eligible for civil relief under the supreme court's ruling in *State v. Blake*.
- (2) \$444,000 of the general fund—state appropriation for fiscal year 2024 and \$434,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1715 (domestic violence). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.
- (3) An amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2024 and an amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2025 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

**NEW SECTION. Sec. 117. FOR THE OFFICE OF THE GOVERNOR**

General Fund—State Appropriation (FY 2024) . . . . .	\$22,763,000
General Fund—State Appropriation (FY 2025) . . . . .	\$22,053,000
Economic Development Strategic Reserve Account—State Appropriation . . . . .	\$2,284,000
Governor's Office Central Services Account—State Appropriation . . . . .	\$26,751,000
Performance Audits of Government Account—State Appropriation . . . . .	\$632,000
Workforce Education Investment Account—State Appropriation . . . . .	\$100,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$74,583,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,146,000 of the general fund—state appropriation for fiscal year 2024 and \$1,146,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the education ombuds.
- (2) \$21,776,000 of the governor's office central services—state appropriation is provided solely for the office of equity.
- (3) \$480,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the governor to invite federally recognized tribes, local governments, agricultural producers, commercial and recreational fisher organizations, business organizations, salmon recovery organizations, forestry and agricultural organizations, and environmental organizations to participate in a process facilitated by an independent entity to develop recommendations on proposed changes in policy and spending priorities to improve riparian habitat to ensure salmon and steelhead recovery.
  - (a) The independent entity must develop recommendations on furthering riparian funding and policy, including but not limited to, strategies that can attract private investment in improving riparian habitat, and developing a regulatory or compensation strategy if voluntary programs do not achieve concrete targets.
  - (b) Preliminary recommendations shall be submitted to the legislature and governor by May 1, 2024, with a final report by June 30, 2024.
  - (c) The office of the governor may contract for an independent facilitator. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.
- (4) \$100,000 of the workforce education investment account—state appropriation is provided solely to implement career connected learning.
- (5) Within the amounts appropriated in this section, the Washington state office of equity must cofacilitate the Washington digital equity forum with the statewide broadband office.
- (6) \$70,000 of the general fund—state appropriation for fiscal year 2024 and \$30,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to work in collaboration with the department of health and environmental justice council to design and implement workshops, review state agency community engagement plans, and develop recommendations for deliberative democratic processes regarding climate equity.
- (7) (a) \$125,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office of the corrections ombuds to prepare a report on incarcerated persons

who have been in solitary confinement or any other form of restrictive housing more than 120 days in total during their period of incarceration or have been in solitary confinement or any other form of restrictive housing more than 45 consecutive days in the prior fiscal year. The report must:

- (i) Include the basis on which each person was placed in restrictive housing;
- (ii) Define the types of restrictive housing used by the department of corrections including, but not limited to, solitary confinement, administrative segregation, disciplinary segregation, protective custody, and maximum custody;
- (iii) Identify the specific type of restrictive housing each incarcerated person was placed in and the reason for such placement;
- (iv) Provide information regarding each incarcerated person's underlying offenses;
- (v) Identify any sanctions imposed during the incarceration of each person;
- (vi) State the amount of time each person has remaining in total confinement;
- (vii) Document any attempted suicides by each individual in restrictive housing over the past 10 years and the reason, if known;
- (viii) Describe the programming offered to and accepted by each incarcerated person during the person's period of restrictive confinement; and
- (ix) Identify any short-term policies identified, implemented, or improved by the department for the restrictive housing population including, but not limited to, lighting, ventilation, and access to personal property, communication, and visitation.

(b) The department shall provide a report to the governor and appropriate committees of the legislature by June 30, 2024.

(8) \$225,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1167 (residential housing). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(9) \$521,000 of the general fund—state appropriation for fiscal year 2024 and \$501,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1189 (clemency and pardons board). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(10) \$182,000 of the general fund—state appropriation for fiscal year 2024 and \$363,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1541 (lived experiences). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(11) \$1,411,000 of the general fund—state appropriation for fiscal year 2024 and \$1,371,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1580 (children in crisis). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse. Within the amounts provided in this subsection:

(a) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for flexible funding to support children in crisis. Uses of the flexible funding include, but are not limited to:

- (i) Residential, housing, or wraparound supports that facilitate the safe discharge of children in crisis from hospitals;
- (ii) Support for families and caregivers to mitigate the risk of a child going into or returning to a state of crisis;
- (iii) Respite and relief services for families and caregivers that would assist in the safe discharge of a child in crisis from a hospital, or prevent or mitigate a child's future hospitalization due to crisis; or
- (iv) Any support or service that would expedite a safe discharge of a child in crisis from an acute care hospital or that would prevent or mitigate a child's future hospitalization due to crisis.

(b) Flexible funding expenditures may not be used for administrative expenses.

(c) The care coordinator created in Second Substitute House Bill No. 1580 (children in crisis) must approve any expenditures of flexible funding.

**NEW SECTION. Sec. 118. FOR THE LIEUTENANT GOVERNOR**

General Fund—State Appropriation (FY 2024)	\$1,262,000
General Fund—State Appropriation (FY 2025)	\$1,268,000
General Fund—Private/Local Appropriation	\$90,000
<b>TOTAL APPROPRIATION</b>	<b>\$2,620,000</b>

**NEW SECTION. Sec. 119. FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund—State Appropriation (FY 2024)	\$5,936,000
General Fund—State Appropriation (FY 2025)	\$5,699,000
Public Disclosure Transparency Account—State Appropriation	\$1,082,000
<b>TOTAL APPROPRIATION</b>	<b>\$12,717,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the public disclosure transparency account—state appropriation is provided solely for the development and implementation of projects designated by the commission for the purpose of continuously improving the usability, transparency, and accessibility of systems and information regarding campaign financing, lobbying activities, and the financial affairs of public officials and candidates, consistent with the purposes of chapter 42.17A RCW.

(2) No moneys may be expended from the appropriations in this section to establish an electronic directory, archive, or other compilation of political advertising unless explicitly authorized by the legislature.

**NEW SECTION. Sec. 120. FOR THE SECRETARY OF STATE**

General Fund—State Appropriation (FY 2024) . . . . .	\$37,784,000
General Fund—State Appropriation (FY 2025) . . . . .	\$46,739,000
General Fund—Federal Appropriation . . . . .	\$8,278,000
Public Records Efficiency, Preservation, and Access	
Account—State Appropriation . . . . .	\$11,249,000
Charitable Organization Education Account—State	
Appropriation . . . . .	\$1,161,000
Washington State Library Operations Account—State	
Appropriation . . . . .	\$13,960,000
Local Government Archives Account—State	
Appropriation . . . . .	\$11,601,000
Election Account—Federal Appropriation . . . . .	\$4,415,000
Personnel Service Account—State Appropriation . . . . .	\$1,586,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$136,773,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,498,000 of the general fund—state appropriation for fiscal year 2024 and \$12,196,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$4,052,000 of the general fund—state appropriation for fiscal year 2024 and \$4,052,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2023-2025 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to 40 percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for humanities Washington speaker's bureau community conversations.

(5) \$114,000 of the general fund—state appropriation for fiscal year 2024 and \$114,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for election reconciliation reporting. Funding provides for one staff to compile county reconciliation reports, analyze the data, and to complete an annual statewide election reconciliation report for every state primary and general election. The report must be submitted annually on July 31, to legislative policy and fiscal committees. The annual report must include statewide analysis and by county analysis on the reasons for ballot rejection and an analysis of the ways ballots are received, counted, rejected and cure data that can be used by policymakers to better understand election administration.

(6) \$1,245,000 of the general fund—state appropriation for fiscal year 2024 and \$1,195,000 of the general fund—state appropriation for fiscal year 2025 are provided solely

for staff dedicated to the maintenance and operations of the voter registration and election management system. These staff will manage database upgrades, database maintenance, system training and support to counties, and the triage and customer service to system users.

(7) \$8,000,000 of the general fund—state appropriation for fiscal year 2024 and \$8,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for:

(a) Funding the security operations center, including identified needs for expanded operations, systems, technology tools, training resources;

(b) Additional staff dedicated to the cyber and physical security of election operations at the office and county election offices;

(c) Expanding security assessments, threat monitoring, enhanced security training; and

(d) Providing grants to county partners to address identified threats and expand existing grants and contracts with other public and private organizations such as the Washington military department, national guard, private companies providing cyber security, and county election offices.

(8) \$730,000 of the general fund—state appropriation for fiscal year 2024 and \$580,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office's migration of its applications and systems to Azure cloud environments, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(9) \$160,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a contract with the University of Washington Evans school of public policy and governance to complete a study based on the preliminary report and research design submitted to the office on June 30, 2022. The preliminary report analyzed the 2022 state auditor's performance audit titled "evaluating Washington's ballot rejection rates." The study must be reported to the governor and the appropriate committees of the legislature by November 1, 2023.

(10) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to continue developing a statewide digital assessment tool and protocol for the tool's usage. The office must use the tool and protocol it developed to reach additional underserved audiences and make improvements to the tool and protocol. The office must develop and publish recommendations to improve implementation of the tool by June 30, 2025.

(11) \$198,000 of the general fund—state appropriation for fiscal year 2024 and \$154,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to establish a Washington state library branch at Green Hill school.

(12) \$225,000 of the general fund—state appropriation for fiscal year 2024 and \$225,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with humanities Washington to expand the prime time family reading program.

(13) \$90,000 of the general fund—state appropriation for fiscal year 2024 and \$90,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office to contract with the University of Washington Evans school of public policy and governance to examine processes for providing voting registration, voting materials, and voting assistance for people held in Washington jails.

(a) The study must:

(i) Identify challenges and obstacles to voting in Washington jails;

(ii) Examine how election offices and jails can ensure that voter registration, materials, and assistance are provided to registered voters and eligible citizens who are in jail prior to each election;

(iii) Develop recommendations for facilitating voter registration for eligible citizens and voting for registered voters in Washington jails; and

(iv) Develop recommendations for identifying individuals who are registered to vote upon jail admission and for providing voter assistance upon release from jail.

(b) The study is due to the office, the governor, and the appropriate committees of the legislature by December 1, 2024.

**NEW SECTION. Sec. 121. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund—State Appropriation (FY 2024) . . . . .	\$770,000
General Fund—State Appropriation (FY 2025) . . . . .	\$760,000
Climate Commitment Account—State Appropriation . . . . .	\$658,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$2,188,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2)(a) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to engage a contractor to:

(i) Conduct a detailed analysis of the opportunity gap for native American students;

(ii) Analyze the progress in developing effective government-to-government relations and identification and adoption of curriculum regarding tribal history, culture, and government as provided under RCW 28A.345.070;

(iii) Develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and

(iv) Identify performance measures to monitor adequate yearly progress.

(b) The contractor shall submit a study update by December 1, 2024, and submit a final report by June 30, 2025, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

(3) (a) \$404,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). Within amounts provided in this subsection, the governor's office of Indian affairs, in consultation with the department of ecology, the department of commerce, and the department of archaeology and historic preservation, must coordinate government-to-government engagement with federally recognized Indian tribes who have treaty rights in Washington. Topics of engagement may include:

(i) Implementation of environmental and energy laws, policy regulations, programs, and finances;

(ii) The climate commitment act, chapter 316, Laws of 2021;

(iii) Engrossed Second Substitute House Bill No. 1216 (clean energy siting); and

(iv) Other related policy.

(b) Funding provided within this subsection may support:

(i) Participation on the interagency clean energy siting coordinating council;

(ii) Creation and maintenance of a list of contacts of federally recognized tribes, and tribal preferences regarding outreach about clean energy siting and permitting; and

(iii) Development and delivery of training to clean energy project developers on consultation and engagement processes for federally recognized Indian tribes.

(4) The office must report to and coordinate with the department of ecology to track expenditures from climate commitment accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**NEW SECTION. Sec. 122. FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2024)	\$760,000
General Fund—State Appropriation (FY 2025)	\$741,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,501,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) \$63,000 of the general fund—state appropriation for fiscal year 2024 and \$62,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to engage a contractor to:

(i) Conduct a detailed analysis of the opportunity gap for Asian American students;

(ii) Develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and

(iii) Identify performance measures to monitor adequate yearly progress.

(b) The contractor shall submit a study update by December 1, 2024, and submit a final report by June 30, 2025, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

(2) (a) \$63,000 of the general fund—state appropriation for fiscal year 2024 and \$62,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to engage a contractor to:

(i) Conduct a detailed analysis of the opportunity gap for Native Hawaiian and Pacific Islander students;

(ii) Develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and

(iii) Identify performance measures to monitor adequate yearly progress.

(b) The contractor shall submit a study update by December 1, 2024, and submit a final report by June 30, 2025, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

**NEW SECTION. Sec. 123. FOR THE STATE TREASURER**

General Fund—State Appropriation (FY 2024)	\$250,000
General Fund—State Appropriation (FY 2025)	\$250,000
State Crime Victim and Witness Assistance Account—	
State Appropriation	\$8,200,000
State Treasurer's Service Account—State	
Appropriation	\$22,226,000
<b>TOTAL APPROPRIATION</b>	<b>\$30,926,000</b>



The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 207, Laws of 2021 (tax increment financing).

(2) \$350,000 of the state treasurer's service account—state appropriation is provided solely for one staff for ongoing policy and program analysis of the Washington future fund program.

(3) \$500,000 of the state treasurer's service account—state appropriation is provided solely for the office to study existing and proposed laws in other jurisdictions that limit consideration of material factors in public financing and investments. The study must consider any investment risk and economic risk to Washington associated with identified laws. Authorized uses of the amount provided in this subsection include, but are not limited to, staffing, consulting fees, travel expenditures, or other goods and services. The office must submit the study to the appropriate committees of the legislature by December 1, 2024.

(4) \$8,200,000 of the crime victim and witness assistance account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1169 (legal financial obligations). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 124. FOR THE STATE AUDITOR**

General Fund—State Appropriation (FY 2024)	\$1,058,000
General Fund—State Appropriation (FY 2025)	\$1,063,000
Auditing Services Revolving Account—State	
Appropriation	\$17,313,000
Performance Audits of Government Account—State	
Appropriation	\$1,858,000
<b>TOTAL APPROPRIATION</b>	<b>\$21,292,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,585,000 of the performance audit of government account—state appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state-funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(2) Within existing resources of the performance audits of government account, the state auditor's office shall conduct a performance audit or accountability audit of Washington charter public schools to satisfy the requirement to contract for an independent performance audit pursuant to RCW 28A.710.030(2).

(3) \$825,000 of the auditing services revolving account—state appropriation is provided solely for accountability and risk-based audits.

(4) \$1,523,000 of the performance audits of government account nonappropriated account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1436 (special education funding).

**NEW SECTION. Sec. 125. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund—State Appropriation (FY 2024)	\$282,000
General Fund—State Appropriation (FY 2025)	\$280,000
<b>TOTAL APPROPRIATION</b>	<b>\$562,000</b>

**NEW SECTION. Sec. 126. FOR THE ATTORNEY GENERAL**

General Fund—State Appropriation (FY 2024)	\$34,944,000
General Fund—State Appropriation (FY 2025)	\$32,271,000
General Fund—Federal Appropriation	\$22,666,000
Public Service Revolving Account—State Appropriation	\$4,750,000
New Motor Vehicle Arbitration Account—State	
Appropriation	\$1,810,000
Medicaid Fraud Penalty Account—State Appropriation	\$6,303,000
Child Rescue Fund—State Appropriation	\$80,000
Legal Services Revolving Account—State Appropriation	\$368,162,000
Local Government Archives Account—State	
Appropriation	\$1,053,000
Tobacco Prevention and Control Account—State	
Appropriation	\$273,000
<b>TOTAL APPROPRIATION</b>	<b>\$472,312,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services.

The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than 90 days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds \$5,000,000, the attorney general shall notify the director of the office of financial management and the chairs and ranking members of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) \$1,217,000 of the general fund—state appropriation for fiscal year 2024 and \$1,217,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for multi-year arbitrations of the state's diligent enforcement of its obligations to receive amounts withheld from tobacco master settlement agreement payments.

(5) \$958,000 of the general fund—state appropriation for fiscal year 2024 and \$958,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of a program for receiving and responding to tips from the public regarding risks or potential risks to the safety or well-being of youth, called the YES tip line program. Risks to safety or well-being may include, but are not limited to, harm or threats of harm to self or others, sexual abuse, assault, rape, bullying or cyberbullying, substance use, and criminal acts. Any person contacting the YES tip line, whether for themselves or for another person, must receive timely assistance and not be turned away. The program must operate within the guidelines of this subsection.

(a) During the development and implementation of the YES tip line program the attorney general shall convene an advisory committee consisting of representatives from the Washington state patrol, the department of health, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the Washington association of educational service districts, and other participants the attorney general appoints.

(b) The attorney general shall develop and implement policies and processes for:

(i) Assessing tips based on the level of severity, urgency, and assistance needed using best triage practices including the YES tip line;

(ii) Risk assessment for referral of persons contacting the YES tip line to service providers;

(iii) Threat assessment that identifies circumstances requiring the YES tip line to alert law enforcement, mental health services, or other first responders immediately when immediate emergency response to a tip is warranted;

(iv) Referral and follow-up on tips to schools or postsecondary institution teams, local crisis services, law enforcement, and other entities;

(v) YES tip line information data retention and reporting requirements;

(vi) Ensuring the confidentiality of persons submitting a tip and to allow for disclosure when necessary to respond to a specific emergency threat to life; and

(vii) Systematic review, analysis, and reporting by the YES tip line program of YES tip line data including, but not limited to, reporting program utilization and evaluating whether the YES tip line is being implemented equitably across the state.

(c) The YES tip line shall be operated by a vendor selected by the attorney general through a competitive contracting process. The attorney general shall ensure that the YES tip line program vendor and its personnel are properly trained and resourced. The contract must require the vendor to be bound confidentiality policies developed by the office. The contract must also provide that the state of Washington owns the data and information produced from the YES tip line and that vendor must comply with the state's data retention, use, and security requirements.

(d) The YES tip line program must develop and maintain a reference and best practices tool kit for law enforcement and mental health officials that identifies statewide and community mental health resources, services, and contacts, and provides best practices and strategies for investigators to use in investigating cases and assisting youths and their parents and guardians.

(e) The YES tip line program must promote and market the program and YES tip line to youth, families, community members, schools, and others statewide to build awareness of the program's resources and the YES tip line. Youth perspectives must be included and consulted in tip line development and implementation including creating marketing campaigns and materials required for the YES tip line program. The insights of youth representing marginalized and minority communities must be prioritized for their invaluable insight. The attorney general may determine the criteria for honorariums and award youth who participate in the tip line development and implementation an honorarium of up to \$200 per day.

(f) In addition to honorarium amounts, youth are eligible for reasonable allowances for reimbursement, lodging, and travel expenses as provided in RCW 43.03.050 and 43.03.060.

(g) Nothing in this subsection creates an employment relationship, or any membership or qualification in any state or other publicly supported retirement system, due to the payment

of an honorarium or lodging and travel expenses provided under this subsection where such a relationship, membership, or qualification did not already exist.

(6) \$464,000 of the general fund—state appropriation for fiscal year 2024 and \$464,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the attorney general to support the Washington state missing and murdered indigenous women and people task force created in section 916 of this act.

(7) \$9,188,000 of the legal services revolving fund—state appropriation is provided solely for additional legal services to address additional legal services necessary for dependency actions where the state and federal Indian child welfare act apply. The office must report to the fiscal committees of the legislature within 90 days of the close of the fiscal year the following information for new cases initiated in the previous fiscal year to measure quantity and use of this funding:

(a) The number and proportion of cases where the state and federal Indian child welfare act (ICWA) applies as compared to non-ICWA new cases;

(b) The amount of time spent advising on, preparing for court, and litigating issues and elements related to ICWA's requirements as compared to the amount of time advising on, preparing for court, and litigating issues and elements that are not related to ICWA's requirements;

(c) The length of state and federal Indian child welfare act cases as compared to non-ICWA cases measured by time or number of court hearings; and

(d) Any other information or metric the office determines is appropriate to measure the quantity and use of the funding in this subsection.

(8) (a) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the establishment of a truth and reconciliation tribal advisory committee to conduct research and outreach to understand the operations and impact of Indian boarding schools in Washington run by public and faith-based institutions, and to develop recommendations for the state to acknowledge and address the historical and intergenerational harms caused by Indian boarding schools and other cultural and linguistic termination practices.

(b) The advisory committee shall consist of five members nominated by the attorney general. The committee members must be citizens from federally recognized tribes in diverse geographic areas across the state that possess personal, policy, or specific expertise with Indian boarding school history and policies, or who have expertise in truth and healing endeavors that are traditionally and culturally appropriate.

(c) The advisory committee must hold its first meeting by September 30, 2023, and shall meet at least quarterly. The advisory committee may conduct meetings in person or virtually and must accept written testimony. The advisory committee may, when feasible, invite and consult with any entity, agency, or individual deemed necessary to further its work, or with experts or professionals involved, having expertise, or having lived experience regarding Indian boarding schools or tribal engagement.

(d) The office and the advisory committee must conduct at least six listening sessions in collaboration with tribes and Native-led organizations. The listening sessions must be held with consideration of the cultural, emotional, spiritual, and psychological well-being of survivors, family members, and community members. In planning and facilitating the listening sessions, the office must seek to avoid imposing undue burdens on survivors, family members, or community members.

(e) The office of the attorney general must administer and provide staff support for the advisory committee.

(f) By June 30, 2025, the office must submit a final report to the appropriate committees of the legislature that includes, but is not limited to:

(i) A summary of activities undertaken by the advisory committee;

(ii) Findings regarding the extent and types of support provided by the state to Indian boarding schools;

(iii) Findings regarding current state policies and practices that originate from Indian boarding schools or other assimilationist policies and practices and that cause disproportionate harm to American Indian and Alaska Native people and communities; and

(iv) Recommendations regarding how the state can address the harm done by Indian boarding schools and other cultural and linguistic termination practices through a truth and reconciliation model, including but not limited to:

(A) Resources and assistance that the state may provide to aid in the healing of trauma caused by Indian boarding school policies; and

(B) Actions to correct current state policies and practices with origins in assimilationist policies or that cause disproportionate harm to Native people and communities.

(9) \$526,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(10) \$50,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(11) \$138,000 of the general fund—state appropriation for fiscal year 2024 and \$138,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for

implementation of Second Substitute House Bill No. 1028 (crime victims and witnesses). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(12) \$537,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1392 (electronics repair). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(13) \$41,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1491 (employee personal vehicles). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(14) \$213,000 of the general fund—state appropriation for fiscal year 2024 and \$213,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1469 (health care services/access). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(15) \$2,514,000 of the general fund—state appropriation for fiscal year 2024 and \$2,544,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1579 (independent prosecutions). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(16) \$158,000 of the general fund—state appropriation for fiscal year 2024 and \$153,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1512 (missing persons). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(17) \$264,000 of the public service revolving account—state appropriation and \$152,000 of the legal services revolving account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1589 (clean energy). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(18) \$1,005,000 of the general fund—state appropriation for fiscal year 2024 and \$1,005,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1177 (indigenous women). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(19) \$1,464,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1205 (service by pub./dependency). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(20) \$43,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1470 (private detention facilities). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(21) \$75,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1570 (TNC insurance programs). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(22) \$106,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1762 (warehouse employees). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(23) \$9,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1069 (mental health counselor compensation). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(24) \$338,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1175 (petroleum storage tanks). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(25) \$463,000 of the general fund—state appropriation for fiscal year 2024, \$454,000 of the general fund—state appropriation for fiscal year 2025, \$398,000 of the general fund—federal appropriation, \$91,000 of the public service revolving account—state appropriation, \$133,000 of the medicaid fraud penalty account—state appropriation, and \$6,740,000 of the legal services revolving account—state appropriation are provided solely for the legal matter management platform replacement project, and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(26) \$50,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office of the attorney general to update the introduction to Washington water law legal primer. The updated primer must cover subjects including, but not limited to, municipal water law, the trusts water rights program, instream flows, and significant appellate water law cases that have been decided since the previous introduction to Washington water law was prepared in 2000. The office must complete the updated primer by June 1, 2024.

**NEW SECTION. Sec. 127. FOR THE CASELOAD FORECAST COUNCIL**

General Fund—State Appropriation (FY 2024) . . . . .	\$2,812,000
General Fund—State Appropriation (FY 2025) . . . . .	\$2,781,000
Workforce Education Investment Account—State	

Appropriation. . . . .	\$338,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$5,931,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$331,000 of the workforce education investment account—state appropriation is provided solely to forecast the caseload for the Washington college grant program.

(2) Within existing resources, and beginning with the November 2021 forecast, the caseload forecast council shall produce an unofficial forecast of the long-term caseload for juvenile rehabilitation as a courtesy.

(3) \$198,000 of the general fund—state appropriation for fiscal year 2024 and \$198,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for forecasting the number of people eligible for the apple health expansion for Washington residents with incomes at or below 138 percent of the federal poverty level, regardless of immigration status, beginning in January 2024.

(4) \$198,000 of the general fund—state appropriation for fiscal year 2024 and \$198,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1218 (caseload forecast/tax credit). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(5) \$196,000 of the general fund—state appropriation for fiscal year 2024 and \$196,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1188 (child welfare services/DD). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(6) \$6,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Substitute House Bill No. 1268 (sentencing enhancements). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMERCE**

The appropriations in sections 129 through 133 of this act are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(3) (a) The appropriations to the department of commerce in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2024, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2024 among programs after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose, except that provisoed amounts may be transferred among programs if they are transferred in their entirety.

(b) Within 30 days after the close of fiscal year 2024, the department must provide the office of financial management and the fiscal committees of the legislature with an accounting of any transfers under this subsection. The accounting shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers. The department must also provide recommendations for revisions to appropriations to better align funding with the new budget structure for the department in this act and to eliminate the need for the transfer authority in future budgets.

(4) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMERCE—COMMUNITY SERVICES AND HOUSING**

General Fund—State Appropriation (FY 2024) . . . . .	\$331,190,000
General Fund—State Appropriation (FY 2025) . . . . .	\$404,264,000
General Fund—Federal Appropriation . . . . .	\$281,789,000
General Fund—Private/Local Appropriation . . . . .	\$5,252,000
Affordable Housing for All Account—State Appropriation . . . . .	\$109,227,000
Apple Health and Homes Account—State Appropriation . . . . .	\$15,452,000
Climate Commitment Account—State Appropriation . . . . .	\$25,000,000
Community Reinvestment Account—State Appropriation . . . . .	\$200,000,000
Community and Economic Development Fee Account—State Appropriation . . . . .	\$3,159,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation . . . . .	\$98,378,000
Covenant Homeownership Account—State Appropriation . . . . .	\$150,000,000

## Financial Fraud and Identity Theft Crimes

Investigation and Prosecution Account—State	
Appropriation. . . . .	\$2,631,000
Home Security Fund Account—State Appropriation. . . . .	\$290,410,000
Lead Paint Account—State Appropriation. . . . .	\$233,000
Prostitution Prevention and Intervention Account—	
State Appropriation. . . . .	\$26,000
Washington Housing Trust Account—State Appropriation. . . . .	\$9,863,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$1,926,874,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,000,000 of the general fund—state appropriation for fiscal year 2024 and \$13,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(2) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to the retired senior volunteer program.

(3) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(4) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(5) \$768,000 of the general fund—state appropriation for fiscal year 2024 and \$797,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(6) \$500,000 of the general fund—state appropriation for fiscal year 2024, \$500,000 of the general fund—state appropriation for fiscal year 2025, \$1,000,000 of the home security fund—state appropriation, \$2,000,000 of the Washington housing trust account—state appropriation, and \$1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(7) \$1,500,000 of the general fund—state appropriation for fiscal year 2024, \$1,500,000 of the general fund—state appropriation for fiscal year 2025, and \$2,000,000 of the home security fund—state appropriation are provided solely for the administration of the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(8)(a) \$1,980,000 of the general fund—state appropriation for fiscal year 2024 and \$1,980,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (i) shared permanent supportive housing; (ii) independent permanent supportive housing; and (iii) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

(b) Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(9) \$557,000 of the general fund—state appropriation for fiscal year 2024 and \$557,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to design and administer the achieving a better life experience program.

(10) \$8,000,000 of the general fund—state appropriation for fiscal year 2024 and \$8,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with organizations and attorneys to provide either legal representation or referral services for legal representation, or both, to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under any contract entered into pursuant to this subsection must be determined to be indigent under standards developed under chapter 10.101 RCW.

(11)(a) \$7,500,000 of the general fund—state appropriation for fiscal year 2024, \$7,500,000 of the general fund—state appropriation for fiscal year 2025, and \$37,000,000 of the affordable housing for all account—state appropriation are provided solely for grants to support the building operation, maintenance, and service costs of permanent supportive

housing projects or units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding that:

(i) Is dedicated as permanent supportive housing units;

(ii) Is occupied by low-income households with incomes at or below 30 percent of the area median income; and

(iii) Requires a supplement to rent income to cover ongoing property operating, maintenance, and service expenses.

(b) Permanent supportive housing projects receiving federal operating subsidies that do not fully cover the operation, maintenance, and service costs of the projects are eligible to receive grants as described in this subsection.

(c) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(12) \$7,000,000 of the home security fund—state appropriation is provided solely for the office of homeless youth prevention and protection programs to:

(a) Expand outreach, services, and housing for homeless youth and young adults including but not limited to secure crisis residential centers, crisis residential centers, and HOPE beds, so that resources are equitably distributed across the state;

(b) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(c) Support the development of an integrated services model, increase performance outcomes, and enable providers to have the necessary skills and expertise to effectively operate youth programs.

(13) \$5,000,000 of the general fund—state appropriation for fiscal year 2024 and \$5,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of homeless youth to build infrastructure and services to support a continuum of interventions, including but not limited to prevention, crisis response, and long-term housing, to reduce youth homelessness in communities identified as part of the anchor community initiative.

(14) \$3,375,000 of the general fund—state appropriation for fiscal year 2024 and \$3,375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of homeless youth to contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for youth under the age of 18. Young adult housing includes, but is not limited to, rental assistance and case management for young adults ages 18 to 24. The department shall submit an annual report to the legislature on the use of the funds. The report is due annually on June 30th. The report shall include but is not limited to:

(a) A breakdown of expenditures by program and expense type, including the cost per bed;

(b) The number of youth and young adults helped by each program;

(c) The number of youth and young adults on the waiting list for programs, if any; and

(d) Any other metric or measure the department deems appropriate to evaluate the effectiveness of the use of the funds.

(15) \$65,310,000 of the general fund—state appropriation for fiscal year 2024 and \$65,310,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the essential needs and housing support program and related services. The department may use a portion of the funds provided in this subsection to continue the pilot program established in section 127(106) of chapter 357, Laws of 2020 (addressing the immediate housing needs of low or extremely low-income elderly or disabled adults in certain counties who receive social security disability or retirement income). The department must ensure the timely redistribution of the funding provided in this subsection among entities or counties to reflect actual caseload changes as required under RCW 43.185C.220(5)(c).

(16) \$198,000 of the general fund—state appropriation for fiscal year 2024 and \$198,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to retain a behavioral health facilities siting administrator within the department to coordinate development of effective behavioral health housing options and provide technical assistance in siting of behavioral health treatment facilities statewide to aide in the governor's plan to discharge individuals from the state psychiatric hospitals into community settings. This position must work closely with the local government legislative authorities, planning departments, behavioral health providers, health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building behavioral health treatment and infrastructure capacity in addition to ongoing supportive housing benefits.

(17) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an entity located in the Beacon hill/Chinatown international district area of Seattle to provide low income housing, low income housing support services, or both. To the extent practicable, the chosen location must be colocated with other programs supporting the needs of children, the elderly, or persons with disabilities.

(18) \$4,740,000 of the general fund—state appropriation for fiscal year 2024, \$4,740,000 of the general fund—state appropriation for fiscal year 2025, and \$4,500,000 of the home security fund—state appropriation are provided solely for the consolidated homeless grant program.

(a) Of the amounts provided in this subsection, \$4,500,000 of the home security fund—state appropriation is provided solely for permanent supportive housing targeted at those families who are chronically homeless and where at least one member of the family has a disability. The department will also connect these families to medicaid supportive services.

(b) Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for diversion services for those families and individuals who are at substantial risk of losing stable housing or who have recently become homeless and are determined to have a high probability of returning to stable housing.

(c) Of the amounts provided in this subsection, \$3,240,000 of the general fund—state appropriation for fiscal year 2024 and \$3,240,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for up to nine months of rental assistance for individuals enrolled in the foundational community supports initiative who are transitioning off of benefits under RCW 74.04.805 due to increased income or other changes in eligibility. The health care authority, department of social and health services, and department of commerce shall collaborate on this effort.

(19) \$1,366,000 of the general fund—state appropriation for fiscal year 2024 and \$2,114,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the operations of the long-term care ombudsman program.

(20) \$1,007,000 of the general fund—state appropriation for fiscal year 2024 and \$1,007,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to administer a transitional housing program for nondependent homeless youth.

(21) \$80,000 of the general fund—state appropriation for fiscal year 2024 and \$80,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to establish an identification assistance and support program to assist homeless persons in collecting documentation and procuring an identicard issued by the department of licensing. This program may be operated through a contract for services. The program shall operate in one county west of the crest of the Cascade mountain range with a population of 1,000,000 or more and one county east of the crest of the Cascade mountain range with a population of 500,000 or more.

(22) (a) \$1,750,000 of the general fund—state appropriation for fiscal year 2024 and \$1,750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of homeless youth prevention and protection programs to administer flexible funding to support the anchor community initiative and anchor communities through the homeless prevention and diversion fund and serve eligible youth and young adults. The flexible funding administered under this subsection may be used for the immediate needs of eligible youth or young adults. An eligible youth or young adult may receive support under this subsection more than once.

(b) Flexible funding provided under this subsection may be used for purposes including but not limited to:

(i) Car repair or other transportation assistance;

(ii) Rental application fees, a security deposit, or short-term rental assistance;

(iii) Offsetting costs for first and last month's rent and security deposits;

(iv) Transportation costs to go to work;

(v) Assistance in obtaining photo identification or birth certificates; and

(vi) Other uses that will support the eligible youth or young adult's housing stability, education, or employment, or meet immediate basic needs.

(c) The flexible funding provided under this subsection may be provided to:

(i) Eligible youth and young adults. For the purposes of this subsection, an eligible youth or young adult is a person under age 25 who is experiencing or at risk of experiencing homelessness, including but not limited to those who are unsheltered, doubled up or in unsafe living situations, exiting inpatient programs, or in school;

(ii) Community-based providers assisting eligible youth or young adults in attaining safe and stable housing; and

(iii) Individuals or entities, including landlords, providing safe housing or other support designed to lead to housing for eligible youth or young adults.

(23) \$607,000 of the general fund—state appropriation for fiscal year 2024 and \$607,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to assist homeowners at risk of foreclosure pursuant to chapter 61.24 RCW. Funding provided in this section may be used for activities to prevent mortgage or tax lien foreclosure, housing counselors, a foreclosure prevention hotline, legal services for low-income individuals, mediation, and other activities that promote homeownership. The department may contract with other foreclosure fairness program state partners to carry out this work.

(24) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a nonprofit entity located in Seattle that focuses on poverty reduction and racial equity to convene and staff a poverty reduction workgroup steering committee comprised of individuals that have lived experience with poverty. Funding provided in this section may be used to reimburse steering committee members for travel, child care, and other costs associated with participation in the steering committee.

(25) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for



capacity-building grants through the Latino community fund for emergency response services, educational programs, and human services support for children and families in rural and underserved communities.

(26) \$1,400,000 of the general fund—state appropriation for fiscal year 2024 and \$1,400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of homeless youth to administer a competitive grant process to award funding to licensed youth shelters, HOPE centers, and crisis residential centers to provide behavioral health support services for youth in crisis, and to increase funding for current grantees.

(27) \$9,864,000 of the general fund—state appropriation for fiscal year 2024 and \$9,864,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for long-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served.

(28) \$9,575,000 of the general fund—state appropriation for fiscal year 2024 and \$9,575,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to continue the Washington state office of firearm safety and violence prevention, including the creation of a state and federal grant funding plan to direct resources to cities that are most impacted by community violence. Of the amounts provided in this subsection:

(a) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for community-based violence prevention and intervention services to individuals identified through the King county shots fired social network analysis. The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by June 30, 2023.

(b) \$5,318,000 of the general fund—state appropriation for fiscal year 2024 and \$5,318,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to support existing programs and capacity building for new programs providing evidence-based violence prevention and intervention services to individuals at high risk to perpetrate or be victims of firearm violence and who reside in areas with high rates of firearm violence as provided in RCW 43.330A.050.

(i) Priority shall be given to programs that partner with the University of Washington, school of medicine, department of psychiatry and behavioral sciences for training and support to deliver culturally relevant family integrated transition services through use of credible messenger advocates.

(ii) The office may enter into agreement with the University of Washington or another independent entity with expertise in evaluating community-based grant-funded programs to evaluate the grant program's effectiveness.

(iii) The office shall enter into agreement to provide funding to the University of Washington, school of medicine, department of psychiatry and behavioral sciences to directly deliver trainings and support to programs providing culturally relevant family integrated transition services through use of credible messenger and to train a third-party organization to similarly support those programs.

(iv) Of the amounts provided under (b) of this subsection, \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a certified credible messenger program that does work in at least three regions of Washington state to train and certify credible messengers to implement a culturally responsive, evidence-based credible messenger violence prevention and intervention services program.

(c) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided to further support firearm violence prevention and intervention programs and initiatives consistent with the duties of the office as set forth in RCW 43.330A.020.

(d) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided to support safe storage programs and suicide prevention outreach and education efforts across the state.

(29) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to administer grants to diaper banks for the purchase of diapers, wipes, and other essential baby products, for distribution to families in need. The department must give priority to providers serving or located in marginalized, low-income communities or communities of color; and providers that help support racial equity.

(30) \$4,500,000 of the general fund—state appropriation for fiscal year 2024 and \$4,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to counties to stabilize newly arriving refugees, including those from the 2021 Afghanistan conflict and the 2022 Ukraine-Russia conflict.

(31) \$120,000 of the general fund—state appropriation for fiscal year 2024 and \$120,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit resource center in King county that provides sexual assault advocacy services,

therapy services, and prevention and outreach to begin a three-year, multigrade sexual violence prevention program in the Renton school district.

(32) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of homeless youth prevention and protection programs to colead a prevention work group with the department of children, youth, and families. The work group must focus on preventing youth and young adult homelessness and other related negative outcomes. The work group shall consist of members representing the department of social and health services, the employment security department, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the interagency work group on homelessness, community-based organizations, and young people and families with lived experience of housing instability, child welfare involvement, justice system involvement, or inpatient behavioral health involvement.

(a) The work group shall help guide implementation of:

- (i) The state's strategic plan on prevention of youth homelessness;
- (ii) Chapter 157, Laws of 2018 (SSB 6560);
- (iii) Chapter 312, Laws of 2019 (E2SSB 5290);
- (iv) Efforts to reform family reconciliation services; and
- (v) Other state initiatives addressing the prevention of youth homelessness.

(b) The office of homeless youth prevention and protection programs must use the amounts provided in this subsection to contract with a community-based organization to support the involvement with the work group of young people and families with lived experience of housing instability, child welfare involvement, justice system involvement, or inpatient behavioral health involvement. The community-based organization must serve and be substantially governed by marginalized populations. The amounts provided in this subsection must supplement private funding to support the work group.

(33) \$26,250,000 of the general fund—state appropriation for fiscal year 2024 and \$26,250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase existing grantee contracts providing rental or housing subsidy and services for eligible tenants in housing and homeless programs. The department must distribute funding in a manner that will prioritize maintaining current levels of homeless subsidies and services and stabilizing the homeless service provider workforce.

(34) (a) \$25,000,000 of the climate commitment account—state appropriation is provided solely for the department to administer grant funding through the existing network of federal low-income home energy assistance program grantees to provide low-income households with energy utility bill assistance.

(b) To qualify for assistance, a household must be below 80 percent of the area median income and living in a community that experiences high environmental health disparities.

(c) Under the grant program, each household accessing energy bill assistance must receive an energy assessment that includes determining the household's need for clean cooling and heating system upgrades that improve safety and efficiency while meeting Washington's climate goals. If beneficial, households may be offered grant funding to cover the replacement of inefficient, outdated, or unsafe home heating and cooling systems with more energy efficient electric heating and cooling technologies, such as heat pumps.

(d) Of the amounts provided in this subsection, no more than 60 percent of the funding may be utilized by the department to target services to multifamily residential buildings across the state that experience high energy use, where a majority of the residents within the building are below 80 percent of the area median income and the community experiences high environmental health disparities.

(e) In serving low-income households who rent or lease a residence, the department must establish processes to ensure that the rent for the residence is not increased and the tenant is not evicted as a result of receiving assistance under the grant program.

(f) The department must incorporate data collected while implementing this program into future energy assistance reports as required under RCW 19.405.120. The department may publish information on its website on the number of furnace or heating and cooling system replacements, including replacements within multifamily housing units.

(g) The department may utilize a portion of the funding provided within this subsection to create an electronic application system.

(35) \$76,000,000 of the general fund—state appropriation for fiscal year 2025 and \$76,000,000 of the coronavirus state fiscal recovery account—federal appropriation are provided solely for the department to continue grant funding for emergency housing and shelter capacity and associated supports such as street outreach, diversion services, short-term rental assistance, hotel and motel vouchers, housing search and placement, and housing stability case management. Entities eligible for grant funding include local governments and nonprofit entities. The department may use existing programs, such as the consolidated homelessness grant program, to award funding under this subsection. Grants provided under this subsection must be used to maintain or increase current emergency housing capacity, funded by the shelter program grant and other programs, as practicable due to increased costs of goods, services, and wages. Emergency housing includes transitional housing, congregate or noncongregate shelter, sanctioned encampments, or short-term hotel or motel stays.

(36) (a) \$75,050,000 of the general fund—state appropriation for fiscal year 2024 and \$75,050,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a targeted grant program to transition persons residing in encampments to safer housing opportunities, with an emphasis on ensuring individuals living unsheltered reach permanent housing solutions. Eligible grant recipients include local governments and nonprofit

organizations operating to provide housing or services. The department may provide funding to state agencies to ensure individuals accessing housing services are also able to access other wrap-around services that enable them to obtain housing such as food, personal identification, and other related services. Local government and nonprofit grant recipients may use grant funding to provide outreach, housing, case management, transportation, site monitoring, and other services needed to assist individuals residing in encampments and on public rights-of-way with moving into housing.

(b) Of the amounts provided in this subsection:

(i) No less than \$120,000,000 must be used for housing services for persons residing on state-owned rights-of-way; and

(ii) All remaining funds may be used for housing services for persons residing in encampments, including encampments located on public lands, as defined in RCW 79.02.010, or state parks and parkways.

(c) Grant criteria must include, but are not limited to:

(i) Whether a site where the grantee will conduct outreach and engagement has been identified as a location where individuals residing in encampments or on the public right-of-way are in specific circumstances or physical locations that expose them to especially or imminently unsafe conditions;

(ii) A commitment to resolve encampments through extensive outreach followed by matching individuals with temporary lodging or permanent housing that is reasonably likely to fit with their actual needs and situation, is noncongregate whenever possible, and takes into consideration individuals' immediate and long-term needs and abilities to achieve and maintain housing stability;

(iii) A commitment to transition individuals who are initially matched to temporary lodging into a permanent housing placement within six months except under unusual circumstances;

(iv) Local government readiness and capacity to enter into and fulfill the grant requirements as applicable; and

(v) Other criteria as identified by the department.

(d) When awarding grants under (a) of this subsection, the department must prioritize applicants that focus on ensuring an expeditious path to sustainable permanent housing solutions, and that demonstrate an understanding of working with individuals to identify their optimal housing type and level of ongoing services through the effective use of outreach, engagement, and temporary lodging and permanent housing placement.

(e) Grant recipients under (a) of this subsection must enter into a memorandum of understanding with the department, and other state agencies if applicable, as a condition of receiving funds. Memoranda of understanding must specify the responsibilities of the grant recipients and the state agencies, consistent with the requirements of (c) of this subsection, and must include specific measurable outcomes for each entity signing the memorandum. The department must publish all signed memoranda on the department's website and must publish updates on outcomes for each memorandum at least every 90 days, while taking steps to protect the privacy of individuals served by the program. At a minimum, outcomes must include:

(i) The number of people actually living in any encampment identified for intervention by the department or grantees;

(ii) The demographics of those living in any encampment identified for intervention by the department or grantees;

(iii) The duration of engagement with individuals living within encampments;

(iv) The types of housing options that were offered;

(v) The number of individuals who accepted offered housing;

(vi) Any reasons given for why individuals declined offered housing;

(vii) The types of assistance provided to move individuals into offered housing;

(viii) Any services and benefits in which an individual was successfully enrolled; and

(ix) The housing outcomes of individuals who were placed into housing six months and one year after placement.

(f) Grant recipients under (a) of this subsection may not transition individuals from encampments or close encampments unless they have provided extensive outreach and offered each individual temporary lodging or permanent housing that matches the actual situation and needs of each person, is noncongregate whenever possible, and takes into consideration individuals' immediate and long-term needs and abilities to achieve and maintain housing stability. Grant recipients who initially match an individual to temporary lodging must make efforts to transition the person to a permanent housing placement within six months except under unusual circumstances. The department must establish criteria regarding the safety, accessibility, and habitability of housing options to be offered by grant recipients to ensure that such options are private, sanitary, healthy, and dignified, and that grant recipients provide options that are well-matched to an individual's assessed needs.

(g) Funding granted to eligible recipients under (a) of this subsection may not be used to supplant or replace existing funding provided for housing or homeless services.

(37) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase funding for the community services block grant program. Distribution of these funds to community action agencies shall prioritize racial equity and undoing inequity from historic underinvestment in Black, indigenous, and people of color, and rural communities.

(38) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the

department to provide a grant to a nonprofit organization to identify opportunities for cities in Whatcom county to improve access to affordable housing through conducting market research, engaging stakeholders, and developing tools and implementation strategies for cities that will increase access to affordable housing. The grant recipient must be a nonprofit organization based in Bellingham that promotes affordable housing solutions and with a mission to create thriving communities.

(39) \$225,000 of the general fund—state appropriation for fiscal year 2024 and \$225,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide a grant to a nonprofit organization located in the city of Redmond that serves Latino low-income, immigrant, and Spanish-speaking communities in King and Snohomish counties through arts and culture events and community services. The grant funding may be used to expand existing programs including, but not limited to, support for small businesses, rent assistance, vaccination and COVID-19 outreach, programs aimed at increasing postsecondary enrollments in college and trade schools, and other community services and programs.

(40) \$5,000,000 of the general fund—state appropriation for fiscal year 2024 and \$5,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a community assembly pilot program. The purpose of the pilot program is to create a community assembly model to establish a formalized process for soliciting community input on state policies, programs, and budgets, and to assist state agencies in implementing executive order 22-04. The department must contract with community-based organizations to facilitate community assemblies on a statewide basis. In selecting organizations with which to contract, the department must prioritize organizations serving historically disadvantaged and underserved populations, and organizations serving geographically diverse areas of the state. By June 30, 2024, and by June 30, 2025, the department must submit a report to the governor and the appropriate committees of the legislature summarizing community input and feedback provided from the community assemblies.

(41) \$5,000,000 of the general fund—state appropriation for fiscal year 2024 and \$5,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to administer grants to community-based organizations that serve historically disadvantaged populations to conduct outreach and to assist community members in applying for state and federal assistance programs including, but not limited to, those administered by the department of social and health services, department of commerce, and department of children, youth, and families.

(42) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to provide a grant to a nonprofit organization located in the city of Issaquah to provide cultural programs and navigational supports for individuals and families who may face language or other cultural barriers when engaging with schools, public safety, health and human services, and local government agencies.

(43) \$200,000,000 of the community reinvestment account—state appropriation is provided solely for the department to distribute grants for economic development, civil and criminal legal assistance, community-based violence intervention and prevention services, and reentry services programs. Grants must be distributed in accordance with the recommendations of the community reinvestment plan developed pursuant to section 128(134), chapter 297, Laws of 2022 (ESSB 5693).

(44) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000,000 of the covenant homeownership account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1474 (covenant homeownership prg.). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(45) \$140,000 of the general fund—state appropriation for fiscal year 2024 and \$140,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for additional staffing for the developmental disabilities council.

(46) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization located in the city of Spokane to provide transitional housing, educational programs, and other resources for refugee and immigrant families.

(47) \$1,169,000 of the general fund—state appropriation for fiscal year 2024 and \$1,169,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1715 (domestic violence). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(48) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a dispute resolution center located in Snohomish county to provide mediation and resolution services for landlords and tenants, with the goal of avoiding evictions.

(49) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for grants to nonprofit organizations to operate hunger relief response programs serving individuals living in permanent supportive housing. Of the amounts provided in this subsection:

(a) \$550,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to a nonprofit organization located in King county.

(b) \$450,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to a nonprofit organization located in Spokane county.

(50) \$180,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to a nonprofit organization operating a teen center in the city of Issaquah to provide case management and counseling services for youth ages 12 to 19.

(51)(a) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit community-based organization for the coordination of a gang violence prevention consortium with entities including community-based organizations, law enforcement, and members of the faith community, and to continue and expand after-school activities and social services for students and young adults in the Yakima valley. Social services may include, but are not limited to, employment, mental health, counseling, tutoring, and mentoring services. The grant recipient must be a community-based organization located in Granger operating a Spanish language public radio station and with the mission of addressing the social, educational, and health needs of economically disadvantaged Spanish-speaking residents of central and eastern Washington.

(b) By June 30, 2025, the department must provide a report to the appropriate committees of the legislature. The report must include: (i) A description of the gang violence prevention programs conducted by the consortium and how they were implemented; and (ii) The number of individuals who participated in or received services through the programs conducted by the consortium, including any relevant demographic data for those individuals.

(52) \$400,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to contract with a nonprofit organization to develop an affordable housing predevelopment plan. The affordable housing predevelopment plan must assess the feasibility of using surplus public land located at or near north Seattle Community College and Highline Community College for the development of affordable colocated housing that could serve low and moderate-income state workers. The contract recipient must be an organization that provides consultation services on affordable housing development. In creating the predevelopment plan, the contract recipient must solicit input from interested parties including, but not limited to, low-income and affordable housing experts, policy staff in the office of the governor, state public employee unions, and legislators.

(53) \$1,562,000 of the general fund—state appropriation for fiscal year 2024 and \$1,562,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1406 (youth seeking housing assist). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(54)(a) \$1,750,000 of the general fund—state appropriation for fiscal year 2024 and \$1,750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of firearm safety and violence prevention to continue a healthy youth and violence prevention initiative demonstration program serving south King county, with the goal of preventing violence, decreasing involvement with the juvenile justice system, and encouraging health and wellbeing for youth and young adults ages 12 to 24. As part of the demonstration program, the office must provide grant funding to and partner with a community-based organization to serve as a regional coordinator to:

(i) Connect youth and young adults ages 12 to 24 who are most vulnerable to violence with programs that provide services including, but not limited to, street outreach, youth employment and preapprenticeship programs, case management, behavioral health services, and other services as appropriate; and

(ii) Assist local governments, service providers, and nonprofit organizations in accessing and leveraging federal, state, and local funding for violence prevention and related services.

(b) The grant recipient under (a) of this subsection must be a nonprofit health system currently administering a violence prevention initiative in King and Pierce counties. The grant recipient may subgrant or subcontract funds to programs providing services as described in (a)(i) of this subsection.

(55) \$300,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to a nonprofit sexual assault resource center located in Renton. Grant funding may be used for information technology improvements focused on client data management that will improve client access to health services, cybersecurity, and data privacy.

(56)(a) \$850,000 of the general fund—state appropriation for fiscal year 2024 and \$850,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continuation of existing contracts with a nonprofit organization to increase housing supply and equitable housing outcomes by advancing affordable housing developments, including supportive housing, transitional housing, shelter, or housing funded through the apple health and homes program, that are colocated with community services such as education centers, health clinics, nonprofit organizations, social services, or community spaces or facilities, available to residents or the public, on underutilized or tax-exempt land.

(b) The contract recipient must use the funding provided under this subsection to:

(i) Implement strategies to accelerate development of affordable housing with space for education centers, health clinics, nonprofit organizations, social services, or community space or facilities, available to residents or the public, on underutilized or tax-exempt land;

(ii) Analyze the suitability of properties and sites for affordable housing as described under (b)(i) of this subsection, including existing buildings for supportive housing, through completing due diligence, conceptual design, and financial analysis activities, and applying and implementing an equity lens in site selection, program planning, development, and operations;

(iii) Work with elected officials, local governments, educational institutions, public agencies, local housing and community development partners, early learning partners, health care providers, and nonprofit service organizations to:

(A) Identify and catalyze surplus, underutilized, or tax-exempt properties for the development of affordable housing;

(B) Provide catalytic funding and technical assistance to advance the development of affordable housing, including by identifying funding sources to support the needs of specific projects; and

(C) Identify impediments to the development of affordable housing and develop recommendations and strategies to address those impediments, reduce costs, advance community vision and equitable outcomes, and accelerate predevelopment and development times associated with affordable housing;

(iv) Organize community partners and build capacity to develop affordable housing sites;

(v) Facilitate collaboration and codevelopment between affordable housing and education centers, health clinics, nonprofit organizations, social services, or community spaces and facilities available to residents or the public;

(vi) Provide technical assistance and predevelopment services to support future development of sites; and

(vii) Catalyze the redevelopment of at least 20 sites to create approximately 2,000 affordable homes.

(c) Funding may also be used to:

(i) Partner with state, regional, and local public entities, nonprofit housing developers, and service providers to develop a broad range of housing types for supportive housing for populations authorized to receive the housing benefit under the apple health and homes act;

(ii) Provide technical assistance on the constructive alignment of state or local capital funds and other services for the construction, acquisition, refurbishment, redevelopment, master leasing of properties for noncongregate housing, or conversion of units from nonresidential to residential, of dwelling units for supportive housing funded through the apple health and homes program;

(iii) Advise on local community engagement, especially with populations with lived experience of homelessness and housing insecurity, for supportive housing funded through the apple health and homes program;

(iv) Subcontract for specialized predevelopment services, as needed, and subgrant to reimburse for supportive housing funded through the apple health and homes program; and

(v) Hire staff necessary to implement activities under (b) and (c) of this subsection.

(57) (a) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to continue a lifeline support system pilot project to assist individuals who have experienced or are at risk of entering into public systems of care. Public systems of care include office of homeless youth prevention and protection shelter and housing programs, the juvenile justice system, dependency under chapter 13.34 RCW, and inpatient behavioral health treatment.

(b) (i) The lifeline must function as a no-wrong-door access point for support and connections to services for qualifying individuals who require assistance to overcome a life challenge that could escalate into a crisis, or who are in need of general mentorship and counsel. The lifeline support system must facilitate and promote partnerships across state agencies, federally recognized tribes, counties, and community-based providers to coordinate trauma-informed and culturally responsive services for youth and young adults and their supports. The department is authorized to implement lifeline services through contracts with community partners and nonprofit organizations.

(ii) From amounts provided in this subsection, the department must allocate funding to establish a lifeline fund program. The department may use moneys allocated for the fund program to assist community partners and nonprofit organizations to implement lifeline services when those providers cannot identify an existing resource to resolve a recipient's need. The department must establish an application process and criteria for the fund program.

(c) By June 30, 2025, the department shall report to the legislature regarding the success and shortcomings of the lifeline support system, request-for-service outcomes, and the demographics of beneficiaries.

(58) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization to provide legal aid in subjects including, but not limited to, criminal law and civil rights cases for underserved populations focusing on Black gender-diverse communities. The grant recipient must be a nonprofit organization with offices in Seattle and Tacoma and with a mission to provide intersectional legal and social services for Black intersex and gender-diverse communities in Washington.

(59) \$213,000 of the general fund—state appropriation for fiscal year 2024 and \$213,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization within the city of Tacoma that provides social services and educational programming to assist Latino and indigenous communities in honoring heritage and culture through the arts, and in overcoming barriers to social, political, economic, and cultural community development. Of the amounts provided in this subsection:

(a) \$175,000 of the general fund—state appropriation for fiscal year 2024 and \$175,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for education and training programming in community health organizing, "promotora" health education,

grassroots organizing, leadership development, and civic engagement focused on Latino and indigenous community members; and

(b) \$38,000 of the general fund—state appropriation for fiscal year 2024 and \$38,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for advocacy, translation services, emergency housing, and other services for victims of crime and domestic violence.

(60) \$500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to provide grants to nonprofit organizations including, but not limited to, religious nonprofits, to fund the physical security of such institutions. Grant recipients must have reasons to believe they have been subject to security threats and must demonstrate a need for enhanced security. Grant funding must be used and limited to the purchase of security hardware and equipment to enhance the security of the buildings and grounds of such organizations.

(61) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide grant funding to a nonprofit organization to provide supports, including behavioral health resources, housing services, and parenting education, to parents with substance use disorder. The grant recipient must be a nonprofit organization located in the south Puget Sound region that provides a parent child assistance program and focuses on building parenting skills and confidence to ensure children have safe and healthy childhoods.

(62) \$450,000 of the general fund—state appropriation for fiscal year 2024 and \$450,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for costs to develop and operate community-based residential housing and services for youth wellness spanning a range of needs and circumstances at the Pacific hospital preservation and development authority quarters, buildings three through 10 in Seattle. The amounts provided in this subsection may be used for planning, lease payments, and other related expenses for the development and operation of comprehensive residential programs providing housing, on-site social services, and community-based resources for youth identified by the department of commerce, the department of children, youth, and families, or the health care authority. The funding may also be used for the preparation and issuance of a request for qualifications for a site operator, or lease management and related administrative functions. The department is authorized to enter into a lease, with an option to enter into multiyear extensions, for the Pacific hospital preservation and development authority quarters, buildings three through 10.

(63) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization based in the city of Seattle that works to improve the quality of life for low-income families and members of the refugee and immigrant community, with a focus on the Somali and Oromos community. The grant funding may be used to expand current programs including, but not limited to, case management and referral services for immigrants and refugees, youth programs, and services for seniors.

(64) \$270,000 of the general fund—state appropriation for fiscal year 2024 and \$270,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization headquartered in Mount Vernon for costs to operate and provide homeless services at a low-barrier emergency temporary homeless center located in Burlington.

(65) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization located in the city of Seattle that provides legal assistance and representation to survivors of sexual and gender-based violence to expand their current services including, but not limited to, legal assistance and representation; technical assistance for advocates, providers, and attorneys; community education and trainings; and other legal support services. In providing services, the grant recipient must protect the privacy, safety, and civil rights of survivors and utilize trauma-informed practices and equity principles.

(66) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide a grant to a nonprofit organization serving King and Snohomish counties for a program conducted in partnership with King county, which serves individuals who are involved in the criminal justice system and who have experienced domestic, sexual, or gender-based violence. The grant recipient may use the funding for costs including, but not limited to, legal advocacy, outreach, connecting clients to housing and other resources, data analytics, and staffing.

(67) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of crime victims advocacy to contract for a study of the impacts of the commercial sex industry on Black and African American communities in Washington, with a focus on Black and African American persons who identify as female. The office must contract with an organization that has expertise on the topic of the commercial sex industry and Black communities in Washington. The study must include a review of the impacts of the commercial sex industry on Black and African American residents of Washington, and culturally informed and survivor-informed policy recommendations for reducing sex trafficking and sexual exploitation of Black and African American Washingtonians. The department must submit a report of the study findings to the appropriate committees of the legislature by September 1, 2024.

(68) \$20,656,000 of the general fund—state appropriation for fiscal year 2024 and \$20,656,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to crime victims service providers to ensure continuity of services impacted by reductions in federal victims of crime act funding and to help address increased demand for services attributable to the COVID-19 pandemic. The department must distribute the funding in a manner that is consistent with the office of crime victims advocacy's state plan.

(69) \$200,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to the city of Seattle for start-up costs for the Seattle social housing developer and to meet the requirements of the city of Seattle initiative 135, which concerns developing and maintaining affordable social housing in Seattle. The funding provided under this subsection may only be used for costs associated with creating social housing developments, operating costs associated with maintaining social housing developments, and administrative costs of operating social housing.

(70) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to contract with a nonprofit to provide wraparound services for homeless families with children, including prevention, shelter, and stabilization services. The nonprofit must be located in Pierce county and be an affiliate of a national organization dedicated to preventing and ending family homelessness by providing prevention, shelter, and stabilization services.

(71) Within existing resources, the department must submit an interim and a final report to the appropriate committees of the legislature on efforts taken by the department to stabilize rents for tenants of affordable housing units financed through the housing assistance program created under RCW 43.185.015 including, but not limited to, efforts to limit or mitigate the impacts of rent increases for tenants of qualifying units. The department must submit the interim report by December 1, 2023, and the final report by December 1, 2024.

(72) (a) Before awarding and entering into grants or contracts for the 2023-2025 fiscal biennium for homeless housing and service programs that are funded from the home security fund account or the affordable housing for all account, the department must consult with local governments and eligible grantees to ensure that funding from these accounts is used to maintain the levels and types of homeless housing and services available in local communities as of December 31, 2022, before the funding is used for other expenditures.

(b) By October 31, 2023, all grant and contract recipients who receive funding from the home security fund account or the affordable housing for all account for homeless housing and service programs must report to the department on any funds not yet spent or committed. The department must work with all grant and contract recipients to reprioritize any uncommitted funds to expedite their use for homeless housing and service programs on a statewide basis, including adjusting contracts or redistributing funds to other eligible entities to the extent that such redistribution does not conflict with any other requirements under chapter 43.185C RCW. The department must report to the appropriate committees of the legislature by December 1, 2023, on any redistribution of funds conducted pursuant to this subsection.

(73) \$369,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to the Yakama Nation to update court software and to implement a court management system.

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMERCE—LOCAL GOVERNMENT**

General Fund—State Appropriation (FY 2024)	\$49,068,000
General Fund—State Appropriation (FY 2025)	\$48,428,000
General Fund—Federal Appropriation	\$39,374,000
General Fund—Private/Local Appropriation	\$1,050,000
Climate Commitment Account—State Appropriation	\$40,953,000
Community Preservation and Development Authority	
Account—State Appropriation	\$4,750,000
Growth Management Planning and Environmental Review	
Fund—State Appropriation	\$5,681,000
Liquor Excise Tax Account—State Appropriation	\$986,000
Liquor Revolving Account—State Appropriation	\$6,827,000
Model Toxics Control Stormwater Account—State	
Appropriation	\$100,000
Natural Climate Solutions Account—State	
Appropriation	\$2,747,000
Public Facilities Construction Loan Revolving	
Account—State Appropriation	\$1,026,000
Public Works Assistance Account—State Appropriation	\$7,267,000
<b>TOTAL APPROPRIATION</b>	<b>\$208,257,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(2) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.



- (3) \$6,827,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.
- (4) The department must develop a model ordinance for cities and counties to utilize for siting community based behavioral health facilities.
- (5) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to produce the biennial report identifying a list of projects to address incompatible developments near military installations as provided in RCW 43.330.520.
- (6) \$100,000 of the model toxics control stormwater account—state appropriation is provided solely for planning work related to stormwater runoff at the aurora bridge and I-5 ship canal bridge. Planning work may include, but is not limited to, coordination with project partners, community engagement, conducting engineering studies, and staff support.
- (7) \$1,500,000 of the community preservation and development authority account—state/operating appropriation is provided solely for the operations of the Pioneer Square-International district community preservation and development authority established in RCW 43.167.060.
- (8) \$1,160,000 of the general fund—state appropriation for fiscal year 2024 and \$1,159,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the statewide broadband office established in RCW 43.330.532.
- (9) \$10,000,000 of the general fund—state appropriation for fiscal year 2024 and \$10,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department for grants for updating and implementing comprehensive plans and development regulations in order to implement the requirements of the growth management act.
- (a) In allocating grant funding to local jurisdictions, awards must be based on a formula, determined by the department, to ensure that grants are distributed equitably among cities and counties. Grants will be used primarily to fund the review and update requirements for counties and cities required by RCW 36.70A.130. Funding provided on this formula basis shall cover additional county and city costs, if applicable, to implement chapter 254, Laws of 2021 (Engrossed Second Substitute House Bill No. 1220).
- (b) Within the amounts not utilized under (a) of this subsection, the department shall establish a competitive grant program to implement requirements of the growth management act.
- (c) Up to \$500,000 per biennium may be allocated toward growth management policy research and development or to assess the ongoing effectiveness of existing growth management policy.
- (d) The department must develop a process for consulting with local governments, affected stakeholders, and the appropriate committees of the legislature to establish emphasis areas for competitive grant distribution and for research priorities.
- (10) \$1,100,000 of the general fund—state appropriation for fiscal year 2024 and \$1,100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with the municipal research and services center, in coordination with the Washington procurement technical assistance center, to provide training and technical assistance to local governments and contractors on public works contracting. Training topics may include utilization of supplemental bidding criteria, utilization of alternate public works, contracting, cost estimating, obtaining performance and payment bonds, and increasing participation of women-owned and minority-owned businesses.
- (11) \$5,500,000 of the general fund—state appropriation for fiscal year 2024 and \$5,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to administer grants and provide technical assistance to cities or counties for actions relating to adopting ordinances that plan for and accommodate housing. Grants may be used for the following activities:
- (a) Analyzing comprehensive plan policies and development regulations to determine the extent of amendments required to meet the goal of authorizing middle housing types on at least 30 percent of lots currently zoned as single family residential within the city, or for counties inside the unincorporated urban growth area. For the purposes of this subsection, "middle housing types" means buildings that are compatible in scale, form, and character with single family houses, and contain two or more attached, stacked, or clustered homes. This includes duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, courtyard apartments, and cottage housing;
- (b) Planning work to facilitate transit-oriented development, including costs associated with the preparation of state environmental policy act environmental impact statements, planned action ordinances, and subarea plans, costs associated with the use of other tools under the state environmental policy act, and the costs of local code adoption and implementation of such efforts; and
- (c) Planning for and accommodating housing that is affordable for individuals and families earning less than 50 percent of the area median income, including:
- (i) Land use and regulatory solutions to address homelessness and low-income housing; and
- (ii) Bridging homeless service planning with land use planning.
- (12) Within the amounts provided in this section, the department must publish on its website housing data needed to complete housing needs assessments required by RCW 36.70A.070(2)(a). The data shall include:
- (a) Housing profiles for each county and city in the state, including cost burden, vacancy, and income;
- (b) Data to assess racially disparate impacts, exclusion, and displacement;
- (c) A dashboard to display data in an easily accessible format; and

(d) An affordable housing auditing program to monitor ongoing affordability of income-restricted units constructed with affordable housing incentives, including the multi-family tax exemption.

(13) \$1,553,000 of the general fund—state appropriation for fiscal year 2024 and \$1,220,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1110 (middle housing). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(14) \$15,000,000 of the general fund—state appropriation for fiscal year 2024 and \$15,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide grants to entities that provide digital navigator services, devices, and subscriptions. These services must include, but are not limited to, one-on-one assistance for people with limited access to services, including individuals seeking work, students seeking digital technical support, families supporting students, English language learners, medicaid clients, people experiencing poverty, and seniors.

(15) \$2,750,000 of the community preservation and development authority account—state appropriation is provided solely for the operations of the Central district community preservation and development authority established in RCW 43.167.070.

(16) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the city of Battle Ground to complete a feasibility study on options for a downtown revitalization project by June 30, 2025.

(17) \$175,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to the city of Cheney fire department for the purchase of a new type 6 fire truck.

(18) \$175,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to Ferry/Okanogan fire protection district number 14 for the purchase of a new ambulance and related costs for response to 911 calls, including those from local residents, recreators, and hunters.

(19) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to the Pierce county public transportation benefit area corporation (Pierce transit) to administer a public transit and behavioral health coresponder pilot program in partnership with a Pierce county behavioral health professional agency.

(20) \$120,000 of the general fund—state appropriation for fiscal year 2024 and \$115,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the transportation demand management program at the canyon park subarea in the city of Bothell.

(21) \$238,000 of the general fund—state appropriation for fiscal year 2024 and \$239,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1167 (residential housing). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(22) \$40,953,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(23) \$490,000 of the public works assistance account—state appropriation is provided solely for the public works board to develop a data dashboard to map investments made by the public works board, the department of commerce, the department of health, the department of ecology, the department of transportation, the transportation improvement board, and by board partners to the system improvement team created in RCW 43.155.150.

(24) \$96,000 of the general fund—state appropriation for fiscal year 2024 and \$423,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to conduct a study on the feasibility of implementing a Washington state zoning atlas project that will provide a publicly available mapping tool illustrating key features of zoning codes across jurisdictions.

**NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF COMMERCE—OFFICE OF ECONOMIC DEVELOPMENT**

General Fund—State Appropriation (FY 2024)	\$25,208,000
General Fund—State Appropriation (FY 2025)	\$25,226,000
General Fund—Federal Appropriation	\$108,069,000
General Fund—Private/Local Appropriation	\$1,230,000
Dedicated Cannabis Account—State Appropriation (FY 2024)	\$3,444,000
Dedicated Cannabis Account—State Appropriation (FY 2025)	\$3,549,000
Andy Hill Cancer Research Endowment Fund Match	
Transfer Account—State Appropriation	\$20,684,000
Climate Commitment Account—State Appropriation	\$2,352,000
Community and Economic Development Fee Account—State Appropriation	\$765,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	\$22,200,000
Economic Development Strategic Reserve Account—State	

Appropriation. . . . .	\$2,786,000
Statewide Tourism Marketing Account—State	
Appropriation. . . . .	\$8,919,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$224,432,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,304,000 of the general fund—state appropriation for fiscal year 2024 and \$4,304,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for associate development organizations. During the 2023-2025 fiscal biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086. The department must distribute the funding as follows:

(a) For associate development organizations serving urban counties, which are counties other than rural counties as defined in RCW 82.14.370, a locally matched allocation of up to \$1.00 per capita, totaling no more than \$300,000 per organization; and

(b) For associate development organizations in rural counties, as defined in RCW 82.14.370, a \$1.00 per capita allocation with a base allocation of \$75,000.

(2) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the northwest agriculture business center.

(3) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(4) \$1,070,000 of the general fund—state appropriation for fiscal year 2024 and \$1,070,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the small business export assistance program. The department must ensure that at least one employee is located outside the city of Seattle for purposes of assisting rural businesses with export strategies.

(5) \$60,000 of the general fund—state appropriation for fiscal year 2024 and \$60,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(6) \$1,808,000 of the general fund—state appropriation for fiscal year 2024 and \$1,808,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. Sector leads established by the department must include the industries of: (a) Aerospace; (b) clean technology and renewable and nonrenewable energy; (c) wood products and other natural resource industries; (d) information and communication technology; (e) life sciences and global health; (f) maritime; (g) military and defense; and (h) creative industries. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(7) \$20,684,000 of the Andy Hill cancer research endowment fund match transfer account—state appropriation is provided solely for the Andy Hill cancer research endowment program. Amounts provided in this subsection may be used for grants and administration costs.

(8) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to establish representation in key international markets that will provide the greatest opportunities for increased trade and investment for small businesses in the state of Washington. Prior to entering into any contract for representation, the department must consult with associate development organizations and other organizations and associations that represent small business, rural industries, and disadvantaged business enterprises.

(9) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to assist people with limited incomes in urban areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

(10) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a nonprofit organization whose sole purpose is to provide grants, capacity building, and technical assistance support to a network of microenterprise development organizations. The microenterprise development organizations will support rural and urban Black, indigenous and people of color owned businesses, veteran owned businesses, and limited resourced and other hard to serve businesses with five or fewer employees throughout the state with business training, technical assistance, and microloans.

(11) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely

for a grant to a business center that provides confidential, no-cost, one-on-one, client-centered assistance to small businesses to expand outreach in underserved communities, especially Black, indigenous, and people of color-owned businesses, providing targeted assistance where needed. Funding may also be used to collaborate the department, the Washington economic development association, and others to develop a more effective and efficient service delivery system for Washington's women and minority-owned small businesses.

(12) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to strengthen capacity of the keep Washington working act work group established in RCW 43.330.510.

(13) \$7,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to continue to administer the small business innovation and competitiveness fund program created in section 128(167), chapter 297, Laws of 2022 (ESSB 5693). The department may prioritize projects that received conditional awards in the 2021-2023 fiscal biennium but were not funded due to the project's inability to be substantially completed by June 30, 2023.

(14) \$2,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to administer grants to businesses and nonprofits in the arts, heritage, and science sectors, including those that operate live entertainment venues, to provide bridge funding for continued recovery from the COVID-19 pandemic and related economic impacts. The department must develop criteria for successful grant applications in coordination with the Washington state arts commission.

(15) \$352,000 of the climate commitment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1176 (climate-ready communities). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(16) \$225,000 of the general fund—state appropriation for fiscal year 2024 and \$225,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an associate development organization located in Thurston county to provide a training curriculum to assist small businesses in scaling up to reach their next tier of operations. The contract recipient may use the funding for costs including, but not limited to, curriculum materials, trainers, and follow up coaching and mentorship in multiple languages.

(17) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract for technical assistance programs focused on assisting small minority, women, and veteran-owned businesses in south King and Pierce counties. The contract recipient must be a nonprofit organization located in Tukwila that provides educational and business assistance for underserved and minority groups, with a focus on the African American community. The department must provide a preliminary report on program outcomes by June 30, 2024, and a final report by June 30, 2025, to the relevant committees of the legislature. The preliminary and final reports must include outcome data including, but not limited to, the number of events or workshops provided, the number of businesses served, and ownership and other demographics of businesses served.

(18) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to contract with a nonprofit organization to conduct workforce and economic development activities serving the south Puget Sound region. The contract recipient must be a nongovernmental nonprofit organization located in Federal Way that has been in operation for at least 10 years and whose mission is to develop resources to enhance the economy of the south sound region by facilitating innovation, job creation, and the growth and development of businesses.

(19) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to provide grant funding to a nonprofit biotech incubator and science research center located in the city of Tacoma. The grant funding is to provide support for programs aimed at increasing workforce readiness and entrepreneurship in the life sciences, with a focus on promoting access to science, technology, engineering, and math careers for individuals from underserved communities.

(20) \$2,656,000 of the general fund—state appropriation for fiscal year 2024 and \$2,656,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1717 (associate development orgs.). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(21) \$900,000 of the general fund—state appropriation for fiscal year 2024 and \$900,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1783 (grant writers). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(22) \$5,966,000 of the statewide tourism marketing account—state appropriation is provided solely for implementation of Substitute House Bill No. 1258 (tourism marketing), which assumes that 3.0 percent of taxes collected pursuant to RCW 82.08.020(1) on retail sales of lodging, car rentals, and restaurants will be deposited into the statewide tourism marketing account. If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(23) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to renew licenses for cloud-based business engagement tools for state agencies and

local workforce and economic development boards, and to procure additional licenses for state agency procurement professionals, to assist in complying with the department of enterprise services supplier diversity policy effective April 1, 2023.

**NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF COMMERCE—ENERGY AND INNOVATION**

General Fund—State Appropriation (FY 2024)	\$144,661,000
General Fund—State Appropriation (FY 2025)	\$144,599,000
General Fund—Federal Appropriation	\$39,461,000
General Fund—Private/Local Appropriation	\$34,000
Building Code Council Account—State Appropriation	\$13,000
Climate Commitment Account—State Appropriation	\$52,340,000
Community and Economic Development Fee Account—State Appropriation	\$160,000
Electric Vehicle Incentive Account—State Appropriation	\$50,000,000
Low-Income Weatherization and Structural Rehabilitation Assistance Account—State Appropriation	\$1,399,000
Natural Climate Solutions Account—State Appropriation	\$167,000
<b>TOTAL APPROPRIATION</b>	<b>\$432,834,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(2) (a) \$50,000,000 of the electric vehicle incentive account—state appropriation is provided solely for the department to implement programs and incentives that promote the purchase of or conversion to alternative fuel vehicles. The department must work with the interagency electric vehicle coordinating council to develop and implement alternative fuel vehicle programs and incentives.

(b) In developing and implementing programs and incentives under this subsection, the department must prioritize programs and incentives that:

(i) Will serve individuals living in an overburdened community, as defined in RCW 70A.02.010;

(ii) Will serve individuals who are in greatest need of this assistance in order to reduce the carbon emissions and other environmental impacts of their current mode of transportation in the overburdened community in which they live; and

(iii) Will serve low-income communities, communities with the greatest health disparities, and communities of color that are most likely to receive the greatest health benefits from the programs through a reduction in greenhouse gas emissions and other pollutants that will result in improved groundwater and stormwater quality, improved air quality, and reductions in noise pollution.

(3) \$69,000,000 of the general fund—state appropriation for fiscal year 2024 and \$69,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the development of community electric vehicle charging infrastructure.

(a) Funding provided in this section must be used for projects that provide a benefit to the public through development, demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state.

(b) Projects that receive funding under this section must be implemented by, or include partners from, one or more of the following: Local governments, federally recognized tribal governments, or public and private electrical utilities that serve retail customers in the state.

(c) Grant funding must be used for level 2 or higher charging infrastructure and related costs including but not limited to construction and site improvements. Projects may include a robust public and private outreach plan that includes engaging with affected parties in conjunction with the new electric vehicle infrastructure.

(d) The department must prioritize funding for projects in the following order:

(i) Multifamily housing;

(ii) Publicly available charging at any location;

(iii) Schools and school districts;

(iv) State and local government buildings and office buildings;

(v) All other eligible projects.

(e) The department must coordinate with other electrification programs, including projects developed by the department of transportation, to determine the most effective distribution of the systems. The department must also collaborate with the interagency electric vehicle coordinating council established in RCW 43.392.030 to implement this subsection and must work to meet benchmarks established in chapter 182, Laws of 2022.

(4) \$37,000,000 of the general fund—state appropriation for fiscal year 2024 and \$37,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to increase solar deployment and installation of battery storage in community

buildings to enhance grid resiliency and provide backup power for critical needs, such as plug load and refrigeration for medication, during outages or to provide incentives to support electric utility demand response programs that include customer-sited solar and battery storage systems. Eligible uses of the amounts provided in this subsection include, but are not limited to, planning and predevelopment work with vulnerable, highly impacted, and rural communities. For the purposes of this subsection "community buildings" means K-12 schools, community colleges, community centers, recreation centers, libraries, tribal buildings, state and local government buildings, and other publicly owned infrastructure.

(5) \$20,000,000 of the general fund—state appropriation for fiscal year 2024 and \$20,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant program to provide solar and battery storage community solar projects for public assistance organizations serving low-income communities. Eligible uses of the amounts provided in this subsection include, but are not limited to, planning and predevelopment work with vulnerable, highly impacted, and rural communities.

(a) Grants are not to exceed 100 percent of the cost of the project, taking into account any federal tax credits or other federal or nonfederal grants or incentives that the project is benefiting from.

(b) Priority must be given to projects sited on "preferred sites" such as rooftops, structures, existing impervious surfaces, landfills, brownfields, previously developed sites, irrigation canals and ponds, storm water collection ponds, industrial areas, dual-use solar projects that ensure ongoing agricultural operations, and other sites that do not displace critical habitat or productive farmland.

(c) For the purposes of this subsection "low-income" has the same meaning as provided in RCW 19.405.020 and "community solar project" means a solar energy system that: Has a direct current nameplate capacity that is greater than 12 kilowatts but no greater than 1,000 kilowatts; and has, at minimum, either two subscribers or one low-income service provider subscriber.

(6) \$8,500,000 of the general fund—state appropriation for fiscal year 2024 and \$8,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to build a mapping and forecasting tool that provides locations and information on charging and refueling infrastructure as required in chapter 300, Laws of 2021 (zero emissions transp.). The department shall collaborate with the interagency electric vehicle coordinating council established in chapter 182, Laws of 2022 (transportation resources) when developing the tool and must work to meet benchmarks established in chapter 182, Laws of 2022 (transportation resources).

(7) \$10,000,000 of the climate commitment account—state appropriation is provided solely for grants to support port districts, counties, cities, towns, special purpose districts, any other municipal corporations or quasi-municipal corporations, and tribes to support siting and permitting of clean energy projects in the state. Eligible uses of grant funding provided in this section include supporting predevelopment work for sites intended for clean energy projects, land use studies, conducting or engaging in planning efforts such as planned actions and programmatic environmental impact statements, and staff to improve permit timeliness and certainty.

(8)(a) \$2,250,000 of the general fund—state appropriation for fiscal year 2024 and 2,250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with one or more of the western national laboratories, or a similar independent research organization, in consultation with state and federal energy agencies, stakeholders, and relevant utilities, to conduct an analysis for new electricity generation, transmission, ancillary services, efficiency and storage sufficient to offset those presently provided by the lower Snake river dams. The analysis should include a list of requirements for a replacement portfolio that diversifies and improves the resilience and maintains the reliability and adequacy of the electric power system, is consistent with the state's statutory and regulatory requirements for clean electricity generation, and is supplementary to the resources that will be required to replace fossil fuels in the electrical generation, transportation, industry, and buildings sectors. The department and its contractor's assessment will include quantitative analysis based on available data as well as qualitative input gathered from tribal and other governments, the Northwest power and conservation council, relevant utilities, and other key stakeholders. The analysis must include the following:

(i) Expected trends for demand, and distinct scenarios that examine potential outcomes for electricity demand, generation, and storage technologies development, land use and land use constraints, and cost through 2050, as well as the most recent analysis of future resource adequacy and reliability;

(ii) A resource portfolio approach in which a combination of commercially available generating resources, energy efficiency and demand response programs, transmission resources, and other programs and resources that would be necessary prerequisites to replace the power and grid reliability services otherwise provided by the lower Snake river dams and the time frame needed to put those resources into operation;

(iii) Identification of generation and transmission siting options consistent with the overall replacement resource portfolio, in coordination with other state processes and requirements supporting the planning of clean energy and transmission siting;

(iv) An evaluation of alternatives for the development, ownership and operation of the replacement resource portfolio;

(v) Examination of possible impacts and opportunities that might result from the renewal of the Columbia river treaty, revisions of the Bonneville power administration preference

contracts, implementation of the western resource adequacy program (WRAP), and other changes in operation and governance of the regional electric power system, consistent with statutory and regulatory requirements of the clean energy transformation act;

(vi) Identification of revenue and payment structures sufficient to maintain reliable and affordable electricity supplies for ratepayers, with emphasis on overburdened communities;

(vii) Development of distinct scenarios that examine different potential cost and timeline potentials for development and implementation of identified generation and transmission needs and options including planning, permitting, design, and construction, including relevant federal authorities, consistent with the statutory and regulatory requirements of the clean energy transformation act; and

(viii) Quantification of impacts to greenhouse gas emissions including life-cycle emissions analysis associated with implementation of identified generation and transmission needs and options including (A) planning, permitting, design, and construction, and, if relevant, emissions associated with the acquisition of non-Washington state domestic or foreign sources of electricity, and (B) any additional operations of existing fossil-fueled generating resources.

(b) The department shall, to the extent determined practicable, consider related analyses undertaken by the federal government as part of the Columbia river system operation stay of litigation agreed to in *National Wildlife Federation et al. v. National Marine Fisheries Service et al.* in October 2021.

(c) The department shall provide a status update to the energy and environment committees of the legislature and governor's office by December 31, 2024.

(9) \$10,664,000 of the climate commitment account—state appropriation is provided solely for the department to administer a pilot program to provide grants and technical assistance to support planning, predevelopment, and installation of commercial, dual-use solar power demonstration projects. Eligible grant recipients may include, but are not limited to, nonprofit organizations, public entities, and federally recognized tribes.

(10) \$20,592,000 of the climate commitment account—state appropriation is provided solely for the department to administer a grant program to assist owners of public buildings in covering the costs of conducting an investment grade energy audit for those buildings. Public buildings include those owned by state and local governments, tribes, and school districts.

(11) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the energy resilience and emergency management office to modify the contingency plans that the department prepares pursuant to RCW 43.21F.045 to include an analysis of human, natural, and cybersecurity hazards.

(12) (a) \$300,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to develop recommendations on a design for a statewide energy assistance program to address the energy burden and provide access to energy assistance for low-income households. The department may contract with a third-party entity to complete the work required in this subsection.

(b) The recommendations must include considerations for data collection on the energy burden and assistance need of households, universal intake coordination and data sharing across statewide programs serving low-income households, program eligibility, enrollment, multilingual services, outreach and community engagement, program administration, funding, and reporting.

(c) By January 1, 2024, the department must submit a report with the recommendations to the appropriate committees of the legislature.

(13) \$250,000 of the climate commitment account—state appropriation is provided solely for a grant to a nonprofit for a smart buildings education program to educate building owners and operators about smart building practices and technologies, including the development of onsite and digital trainings that detail how to operate residential and commercial facilities in an energy efficient manner. The grant recipient must be located in a city with a population of more than 700,000 and must serve anyone within Washington with an interest in better understanding energy efficiency in commercial and institutional buildings.

(14) \$1,879,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1282 (public building materials). This project is subject to the conditions, limitations, and review requirements of section 701 of this act. If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(15) \$111,000 of the general fund—state appropriation for fiscal year 2024 and \$109,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1390 (district energy systems). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(16) \$3,152,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(17) \$167,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(18) \$1,277,000 of the general fund—state appropriation for fiscal year 2024 and \$1,287,000 of the general fund—state appropriation for fiscal year 2025 are provided solely

for implementation of Second Substitute House Bill No. 1391 (energy in buildings). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(19) \$33,000 of the general fund—state appropriation for fiscal year 2024 and \$17,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1329 (utility shutoffs/heat). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(20) \$93,000 of the general fund—state appropriation for fiscal year 2024 and \$96,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1032 (wildfires/electric utilities). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(21) (a) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a third-party entity to conduct a study that analyzes how the economic impact of oil refining in Washington state is likely to impact Washington's refineries, refinery workers, and refinery communities. By December 31, 2024, the report must be distributed to the energy and environment committees of the state legislature.

(b) The study required in (a) of this subsection must include:

(i) An overview of Washington's five oil refineries including: Location, age, workforce demographics, direct and indirect jobs connected with the industry, health and environmental impacts, local tax revenues paid by refineries, and primary and secondary products and markets;

(ii) A summary of projected scenarios for Washington refineries' primary markets, taking into account realistic, real world outcomes, given existing mandated decarbonization targets, feedstock availability, and statutes that impact Washington refinery products;

(iii) A summary of anticipated short-term, medium-term, and long-term economic viability of the five Washington oil refineries based on refinery product demand forecasts as outlined in (b)(ii) of this subsection;

(iv) A forecast of direct and indirect effects of the projected petroleum decline, including indirect employment impacts, the geography of those impacts, and impacts to local jurisdictions, utilities, ports, and special purpose districts from reduction in tax revenues, and impacts to local nonprofits and community programs from the refining industry;

(v) An assessment of potential future uses of refinery sites that include energy industrial, nonenergy industrial, heavy manufacturing, and industrial symbiosis, including an assessment of previously closed refinery sites throughout the United States and current use of those sites. Each potential future use shall be assessed and include data regarding: Greenhouse gas emissions, local pollution and environmental health, direct and indirect employment benefits, estimated tax impacts, potential costs to Washington residents, and feasibility based on relevant market trends; and an assessment of previously closed refinery sites throughout the United States and current use of those sites;

(vi) The competitive position of Washington refineries to produce alternative fuels consistent with Washington's emissions reductions defined in RCW 70A.45.020, the anticipated regional, national, and global demand for these fuels between 2023 and 2050; and the likely employment, tax, environmental, cultural, and treaty impacts of refinery conversion to these alternative fuels;

(vii) An identification of refinery workers' skillsets, potential alternative sectors and industries of employment, an assessment and comparison of total compensation and benefit packages including retirement and health care programs of current and alternative jobs, impacts to apprenticeship utilization, and the current and expected availability of those jobs in Pierce, Skagit, and Whatcom counties;

(viii) A land and water remediation analysis; including cost estimates, current terrestrial and aquatic pollution mapping, an overview of existing policies and regulations that determine accountability for cleanup and identifies gaps that may leave local and state taxpayers financially liable, and an assessment of the workforce and skills required for potential cleanup;

(ix) A summary of existing petroleum refining capacity and trends in Washington, the United States, and internationally;

(x) An assessment of decline or loss of tax revenues supporting state environmental programs including the model toxics control act, the pollution liability insurance agency, and other programs, as well as the decline or loss of transportation gas tax revenues; and

(xi) An assessment of current state grant programs, including within the climate commitment act, that can help offset the costs of adding equipment and processes to Washington's five refineries to add renewable liquid fuels production.

(c) The department may require data and analysis from refinery owners and operators to inform the study. Pursuant to RCW 42.56.270, data shared or obtained in the course of this study is not subject to public disclosure. Where unavailable, the department and entity commissioned to complete the study shall rely on the best available public data.

(d) The study must include a robust public engagement process including local and state elected officials, labor groups, fence line communities, port districts, economic development associations, and environmental organizations in Skagit, Whatcom, and Pierce counties, and the five Washington refineries.

(e) The department must offer early, meaningful, and individual consultation with any affected Indian tribe for the purpose of understanding potential impacts to tribal rights and resources including cultural resources, archaeological sites, sacred sites, fisheries, and human health.



**NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF COMMERCE—PROGRAM SUPPORT**

General Fund—State Appropriation (FY 2024)	\$25,134,000
General Fund—State Appropriation (FY 2025)	\$16,699,000
General Fund—Federal Appropriation	\$6,065,000
General Fund—Private/Local Appropriation	\$1,694,000
Affordable Housing for All Account—State Appropriation	\$85,000
Building Code Council Account—State Appropriation	\$4,000
Community and Economic Development Fee Account—State Appropriation	\$210,000
Financial Fraud and Identity Theft Crimes Investigation and Prosecution Account—State Appropriation	\$47,000
Growth Management Planning and Environmental Review Fund—State Appropriation	\$128,000
Home Security Fund Account—State Appropriation	\$1,062,000
Lead Paint Account—State Appropriation	\$25,000
Liquor Excise Tax Account—State Appropriation	\$341,000
Liquor Revolving Account—State Appropriation	\$15,000
Low-Income Weatherization and Structural Rehabilitation Assistance Account—State Appropriation	\$5,000
Public Facilities Construction Loan Revolving Account—State Appropriation	\$270,000
Public Works Assistance Account—State Appropriation	\$1,716,000
Statewide Tourism Marketing Account—State Appropriation	\$81,000
Washington Housing Trust Account—State Appropriation	\$845,000
<b>TOTAL APPROPRIATION</b>	<b>\$54,426,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants and associated technical assistance and administrative costs to foster collaborative partnerships that expand child care capacity in communities. Eligible applicants include nonprofit organizations, school districts, educational service districts, and local governments. These funds may be expended only after the approval of the director of the department of commerce and must be used to support planning and activities that help communities address the shortage of child care, prioritizing partnerships serving in whole or in part areas identified as child care access deserts.

(2) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization located in the city of Vancouver that is the lead organization in a collaborative partnership to expand child care capacity in southwest Washington, for activities that will increase access to affordable, high-quality child care and help meet community needs.

**NEW SECTION. Sec. 134. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund—State Appropriation (FY 2024)	\$930,000
General Fund—State Appropriation (FY 2025)	\$983,000
Lottery Administrative Account—State Appropriation	\$50,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,963,000</b>

**NEW SECTION. Sec. 135. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund—State Appropriation (FY 2024)	\$18,841,000
General Fund—State Appropriation (FY 2025)	\$19,514,000
General Fund—Federal Appropriation	\$38,673,000
General Fund—Private/Local Appropriation	\$1,572,000
Climate Investment Account—State Appropriation	\$909,000
Climate Commitment Account—State Appropriation	\$4,485,000
Economic Development Strategic Reserve Account—State Appropriation	\$53,000
Personnel Service Account—State Appropriation	\$27,851,000
Higher Education Personnel Services Account—State Appropriation	\$1,899,000
Statewide Information Technology System Development Revolving Account—State Appropriation	\$167,332,000
Office of Financial Management Central Service Account—State Appropriation	\$26,354,000
Performance Audits of Government Account—State Appropriation	\$88,000

## Coronavirus State Fiscal Recovery Fund—Federal

Appropriation. . . . .	\$656,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$308,227,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of Washington college grant and college bound recipients;

(ii) Persistence and completion rates of Washington college grant recipients and college bound recipients, disaggregated by institution of higher education;

(iii) Washington college grant recipients grade point averages; and

(iv) Washington college grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(2) (a) \$167,332,000 of the statewide information technology system development revolving account—state appropriation, \$352,000 of the personnel services account—state appropriation, and \$326,000 of the office of financial management central services account—state appropriation are provided solely for the one Washington enterprise resource planning statewide program and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(b) Beginning July 1, 2023, the office of financial management shall provide written quarterly reports, within 30 days of the end of each fiscal quarter, to legislative fiscal committees and the legislative evaluation and accountability program committee to include how funding was spent compared to the budget spending plan for the prior quarter by fiscal month and what the ensuing quarter budget will be by fiscal month. All reporting must be separated by phase of one Washington subprojects. The written report must also include:

(i) A list of quantifiable deliverables accomplished and the associated expenditures by each deliverable by fiscal month;

(ii) A report on the contract full-time equivalent charged compared to the budget spending plan by month for each contracted vendor and what the ensuing contract equivalent budget spending plan assumes by fiscal month;

(iii) A report identifying each state agency that applied for and received organizational change management pool resources, the staffing equivalent used, and the cost by fiscal month by agency compared to budget spending plan;

(iv) A report identifying each state agency that applied for and received technology pool resources, the staffing equivalent used, and the cost by fiscal month by agency compared to the budget spending plan;

(v) A report on budget spending plan by fiscal month by phase compared to actual spending by fiscal month; and

(vi) A report on current financial office performance metrics that at least 10 state agencies use, to include the monthly performance data, starting July 1, 2023.

(3) \$250,000 of the office of financial management central services account—state appropriation is provided solely for a dedicated information technology budget staff for the work associated with statewide information technology projects that are under the oversight of the office of the chief information officer. The staff will be responsible for providing a monthly financial report after each fiscal month close to fiscal staff of the senate ways and means and house appropriations committees to reflect at least:

(a) Fund balance of the information technology pool account after each fiscal month close;

(b) Amount by information technology project, differentiated if in the technology pool or the agency budget, of what funding has been approved to date and for the last fiscal month;

(c) Amount by agency of what funding has been approved to date and for the last fiscal month;

(d) Total amount approved to date, differentiated if in the technology pool or the agency budget, and for the last fiscal month;

(e) A projection for the information technology pool account by fiscal month through the 2023-2025 fiscal biennium close, and a calculation spent to date as a percentage of the total appropriation;

(f) A projection of each information technology project spending compared to budget spending plan by fiscal month through the 2023-2025 fiscal biennium, and a calculation of amount spent to date as a percentage of total project cost; and

(g) A list of agencies and projects that have not yet applied for nor been approved for funding by the office of financial management.

(4) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of chapter 245, Laws of 2022 (state boards, etc./stipends).

(5) \$137,000 of the climate investment account—state appropriation is provided solely for the office of financial management to complete an analysis of laws regulating greenhouse gas emissions as required by RCW 70A.65.200(10).

(6) \$3,060,000 of the general fund—federal appropriation and \$4,485,000 of the climate commitment account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1176 (climate-ready communities). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse. A minimum of 60 percent of climate service corps positions created pursuant to the bill shall be provided to members of vulnerable populations in overburdened communities as defined in RCW 70A.65.010, the climate commitment act.

(7) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(8) \$277,000 of the office of financial management central services account—state appropriation is provided solely for implementation of House Bill No. 1679 (student homelessness group). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(9) Within existing resources, the office of financial management shall convene a work group with the goal to improve the state salary survey and provide employees with a voice in the process. The work group shall consist of five employees from the office of financial management, five representatives from employee labor organizations to act as a coalition on behalf of all labor organizations representing state employees, and one chairperson appointed by the director of the office of financial management, to share information and identify concerns with the state salary survey and benchmark job descriptions. By December 31, 2023, the work group shall provide a report of identified concerns to the fiscal and state government committees of the legislature and the director of the office of financial management.

(10) \$772,000 of the climate investment account—state appropriation is provided solely for the office to develop a data portal to improve public understanding of expenditures from climate commitment act accounts. The development of the data portal must be coordinated with the department of ecology and the expenditure tracking process described in section 302(13) of this act. "Climate commitment act accounts" means the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in RCW 46.68.500, and the climate active transportation account created in RCW 46.68.490.

(11)(a) \$410,000 of the general fund—state appropriation for fiscal year 2024 and \$615,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to establish a difficult to discharge task force to oversee a pilot program and make recommendations about how to address challenges faced with discharging patients from acute care settings and postacute care capacity by July 1, 2023.

(b) The task force shall consist of six members, one from each of the following:

- (i) The governor's office;
- (ii) The health care authority;
- (iii) The department of social and health services;
- (iv) The Washington state hospital association;
- (v) Harborview medical center; and
- (vi) Postacute care provider organizations.

(c) In consultation with stakeholder groups, the governor's office will identify task force members.

(d) The task force shall provide recommendations to the governor and appropriate committees of the legislature on topics including, but not limited to:

- (i) Pilot program implementation and evaluation and recommendations for statewide implementation;
- (ii) Available funding mechanisms;
- (iii) Postacute care and administrative day rates;
- (iv) Managed care contracting; and
- (v) Legal, regulatory, and administrative barriers to discharge.

(e) The task force shall consult with stakeholders with relevant expertise to inform recommendations, including the health care authority, the department of social and health services, hospitals, postacute care providers, and medicaid managed care organizations.

(f) The task force may assemble ad hoc subgroups of stakeholders as necessary to complete its work.

(g) The task force and its operations, including any associated ad hoc subgroups, will be organized and facilitated by the University of Washington through October 31, 2023. Beginning November 1, 2023, the office shall identify a contractor to undertake the following responsibilities, with oversight from the task force:

- (i) Organization and facilitation of the task force, including any associated subgroups;
- (ii) Management of task force process to ensure deliverables, including report writing;
- (iii) Oversight of the launch of a three-site, two-year pilot project based on a model created by Harborview medical center by November 1, 2023; and
- (iv) Coordination of pilot implementation, associated reports, and deliverables.

(h) The task force shall provide recommendations to the governor and appropriate committees of the legislature outlining its initial recommendations by November 1, 2023. A

report outlining interim recommendations and findings shall be provided by July 1, 2024, and a final report shall be provided by July 1, 2025.

(12)(a) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a joint legislative and executive committee on behavioral health, with members as provided in this subsection:

(i) The president of the senate shall appoint three legislative members, including a chair of a senate committee that includes behavioral health within its jurisdiction and a member of the children and youth behavioral health work group;

(ii) The speaker of the house of representatives shall appoint three legislative members, including a chair of a house committee that includes behavioral health within its jurisdiction and a member of the children and youth behavioral health work group;

(iii) The governor or his or her designee;

(iv) The secretary of the department of social and health services or his or her designee;

(v) The director of the health care authority or his or her designee;

(vi) The insurance commissioner or his or her designee;

(vii) The secretary of the department of health or his or her designee; and

(viii) The secretary of the department of children, youth, and families or his or her designee;

(ix) Other agency directors or designees as necessary; and

(x) Two individuals representing the interests of individuals living with behavioral health conditions.

(b)(i) The committee must convene by September 1, 2023, and shall meet at least quarterly. Cochairs shall be one legislative member selected by members of the committee at the first meeting and the representative of the governor's office. All meetings are open to the public.

(ii) The office of financial management shall contract or hire dedicated staff to facilitate and provide staff support to the nonlegislative members and for facilitation and project management support of the committee. Senate committee services and the house of representatives office of program research shall provide staff support to the legislative members of the committee. The contractor shall support the work of all members of the committee, legislative and nonlegislative.

(iii) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate.

(c) The purpose of the committee is to identify key strategic actions to improve access to behavioral health services, by conducting at least, but not limited to, the following tasks:

(i) Establishing a profile of Washington's current population and its behavioral health needs and a projection of population growth and anticipated need through 2028;

(ii) Establishing an inventory of existing and anticipated behavioral health services and supports for adults, children, and youth, including health care providers and facilities;

(iii) Assessing the areas of the current system where additional support is needed for Washington's current population;

(iv) Establishing an anticipated inventory of future services and supports that will be required to meet the behavioral health needs of the population in 2028 and beyond with a specific emphasis on prevention, early intervention, and home or community-based capacity designed to reduce reliance on emergency, criminal legal, crisis, and involuntary services;

(v) Reviewing the integrated care initiative on access to timely and appropriate behavioral health services for individuals with acute behavioral health needs; and

(vi)(A) Developing a strategy of actions that the state may take to prepare for the future demographic trends in the population and building the necessary capacity to meet these demands, including but not limited to:

(I) Exploring the role that education, housing and homelessness response systems, the criminal legal system, primary health care, and insurance systems have in the identification and treatment of behavioral health issues;

(II) Evaluating behavioral health workforce demand and workforce education, training, and continuing education requirements; and

(III) Statutory and regulatory changes to promote the most efficient use of resources, such as simplifying administrative procedures, facilitating access to services and supports systems, and improving transitions between care settings.

(B) Strategies must:

(I) Be based on explicit and measurable actions;

(II) Identify what must be done, by whom, and by when to assure implementation;

(III) Estimate a cost to the party responsible for implementation;

(IV) Recommend specific fiscal strategies that rely predominately on state and federal funding;

(V) Include recommendations for needed and appropriate additional caseload forecasting for state-funded behavioral health services; and

(VI) Incorporate and reconcile, where necessary, recommendations from past and current behavioral health work groups created by the legislature and network adequacy standards established by the health care authority.

(d) The committee shall incorporate input from the office of the insurance commissioner, the caseload forecast council, the health care authority, and other appropriate entities with specialized knowledge of the needs and growth trends of the population and people with behavioral health issues. In the conduct of its business, the committee shall have access, upon request, to health-related data available to state agencies by statute, as allowed by state and federal law. All requested data or other relevant information maintained by an agency shall be provided in a timely manner.

(e) The committee shall submit a sustainable five-year plan to substantially improve access to behavioral health for all Washington residents to the governor, the office of financial management, and the legislature by June 1, 2025.

(13) The office of financial management must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**NEW SECTION. Sec. 136. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account—State	
Appropriation. . . . .	\$65,489,000
Administrative Hearings Revolving Account—Local	
Appropriation. . . . .	\$12,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$65,501,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1491 (employee personal vehicles). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(2) \$61,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1762 (warehouse employees). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 137. FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account—State Appropriation. . . . .	\$31,146,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$31,146,000</b>

The appropriation in this section is subject to the following conditions and limitations:

(1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.

(2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce retail commissions to an average of 5.1 percent of sales.

**NEW SECTION. Sec. 138. FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund—State Appropriation (FY 2024). . . . .	\$1,794,000
General Fund—State Appropriation (FY 2025). . . . .	\$1,849,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$3,643,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to engage a contractor to:

- (i) Conduct a detailed analysis of the opportunity gap for Hispanic and Latinx students;
- (ii) Develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and
- (iii) Identify performance measures to monitor adequate yearly progress.

(b) The contractor shall submit a study update by December 1, 2024, and submit a final report by June 30, 2025, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

(2) \$187,000 of the general fund—state appropriation for fiscal year 2024 and \$395,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a two-year pilot program for gang reentry navigators in Skagit and Clark counties.

(3) \$210,000 of the general fund—state appropriation for fiscal year 2024 and \$210,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a two-year pilot program for gang youth intervention specialists within two high schools in Washington.

**NEW SECTION. Sec. 139. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2024). . . . .	\$631,000
General Fund—State Appropriation (FY 2025). . . . .	\$634,000

TOTAL APPROPRIATION..... \$1,265,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to engage a contractor to:

(i) Conduct a detailed analysis of the opportunity gap for African American and Black students;

(ii) Develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators, as identified in the state's every student succeeds act consolidated plan; and

(iii) Identify performance measures to monitor adequate yearly progress.

(b) The contractor shall submit a study update by December 1, 2024, and submit a final report by June 30, 2025, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

**NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS**

General Fund—State Appropriation (FY 2024) . . . . . \$387,000

Department of Retirement Systems Expense Account—

State Appropriation. . . . . \$109,880,000

TOTAL APPROPRIATION..... \$110,267,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$31,491,000 of the department of retirement systems expense account—state appropriation is provided solely for pension system modernization, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) \$1,058,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Substitute House Bill No. 1056 (postretirement employment). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(3) \$143,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Substitute House Bill No. 1007 (military service credit). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(4) \$199,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of House Bill No. 1055 (public safety telecommunicators). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(5) \$536,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of House Bill No. 1481 (tribal peace officers/LEOFF). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF REVENUE**

General Fund—State Appropriation (FY 2024) . . . . . \$426,008,000

General Fund—State Appropriation (FY 2025) . . . . . \$427,691,000

Timber Tax Distribution Account—State Appropriation. . . . . \$7,736,000

Business License Account—State Appropriation. . . . . \$18,785,000

Waste Reduction, Recycling, and Litter Control

Account—State Appropriation. . . . . \$174,000

Model Toxics Control Operating Account—State

Appropriation. . . . . \$120,000

Financial Services Regulation Account—State

Appropriation. . . . . \$5,000,000

TOTAL APPROPRIATION..... \$885,514,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,952,000 of the general fund—state appropriation for fiscal year 2024 and \$2,621,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of chapter 196, Laws of 2021 (capital gains tax). Of the amounts provided in this subsection, \$2,497,000 of the general fund—state appropriation for fiscal year 2024 and \$1,389,000 of the general fund—state appropriation for fiscal year 2025 are subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) \$249,199,000 of the general fund—state appropriation for fiscal year 2024 and \$257,924,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 195, Laws of 2021 (working families tax exempt.). Of the total amounts provided in this subsection:

(a) \$14,199,000 of the general fund—state appropriation for fiscal year 2024 and \$9,924,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for IT implementation and administration of the working families tax exemption program. Of

the amounts provided in this subsection, \$5,865,000 of the general fund—state appropriation for fiscal year 2024 and \$3,136,000 of the general fund—state appropriation for fiscal year 2025 are subject to the conditions, limitations, and review requirements of section 701 of this act; and

(b) \$235,000,000 of the general fund—state appropriation for fiscal year 2024 and \$248,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for remittances under the working families tax exemption program.

(3) \$2,614,000 of the general fund—state appropriation for fiscal year 2024 and \$762,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to implement 2023 revenue legislation.

(4) \$3,639,000 of the general fund—state appropriation for fiscal year 2024 and \$3,582,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1477 (working families' tax credit). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(5) \$48,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Substitute House Bill No. 1175 (petroleum storage tanks). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(6) \$19,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of House Bill No. 1303 (property tax administration). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 142. FOR THE BOARD OF TAX APPEALS**

General Fund—State Appropriation (FY 2024) . . . . .	\$2,668,000
General Fund—State Appropriation (FY 2025) . . . . .	\$2,640,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$5,308,000</b>

**NEW SECTION. Sec. 143. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

General Fund—State Appropriation (FY 2024) . . . . .	\$4,457,000
General Fund—State Appropriation (FY 2025) . . . . .	\$4,404,000
Minority and Women's Business Enterprises Account— State Appropriation . . . . .	\$5,575,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$14,436,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of minority and women's business enterprises shall consult with the Washington state office of equity on the Washington state toolkit for equity in public spending.

(2) \$941,000 of the general fund—state appropriation for fiscal year 2024 and \$900,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to expand its outreach and communications department.

(3) \$410,000 of the general fund—state appropriation for fiscal year 2024 and \$401,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to establish a department of strategy, accountability, and performance.

(4) \$848,000 of the general fund—state appropriation for fiscal year 2024 and \$848,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to implement, maintain, and operate its access equity system, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(5) \$24,000 of the general fund—state appropriation for fiscal year 2024 and \$25,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1391 (energy in buildings). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 144. FOR THE INSURANCE COMMISSIONER**

General Fund—Federal Appropriation . . . . .	\$4,684,000
Insurance Commissioner's Regulatory Account—State Appropriation . . . . .	\$72,117,000
Insurance Commissioner's Fraud Account—State Appropriation . . . . .	\$4,042,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$80,843,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$63,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of House Bill No. 1120 (annuity transactions). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(2) \$190,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Substitute House Bill No. 1266 (insurance comnr./email). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(3) \$59,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1151 (fertility services coverage). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(4) \$66,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1222 (hearing instruments coverage). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(5) \$25,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of House Bill No. 1061 (insurance producer education). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(6) \$14,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Substitute House Bill No. 1060 (mutual insurer reorg.). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(7) \$132,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1357 (prior authorization). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(8) (a) \$250,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for an analysis of how health plans define, cover, and reimburse for maternity care services, including prenatal, delivery, and postpartum care. The commissioner shall:

(i) Obtain necessary information regarding health plans offered by carriers with more than one percent accident and health market share based upon the commissioner's most recent annual market information report and health plans offered to public employees under chapter 41.05 RCW to evaluate:

(A) How health plan benefit designs define maternity care services;

(B) Whether and to what extent maternity care services are subject to deductibles and other cost-sharing requirements;

(C) Which maternity care services are considered preventive services under section 2713 of the federal public health service act and are therefore exempt from cost sharing;

(D) The five most used maternity care reimbursement methodologies used by each carrier; and

(E) With respect to reimbursement methodologies that bundle payment for maternity care services, which specific services are included in the bundled payment;

(ii) Estimate the total and per member per month impact on health plan rates of eliminating cost sharing for maternity care services in full, or for prenatal care only, for the following markets:

(A) Individual health plans other than Cascade select plans;

(B) Cascade select health plans;

(C) Small group health plans;

(D) Large group health plans;

(E) Health plans offered to public employees under chapter 41.05 RCW; and

(F) All health plans in the aggregate; and

(iii) Submit a report on the findings and cost estimate to the appropriate committees of the legislature by July 1, 2024.

(b) The commissioner may contract for all or a portion of the analysis required in this subsection.

**NEW SECTION. Sec. 145. FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account—State	
Appropriation. . . . .	\$80,208,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$80,208,000</b>

**NEW SECTION. Sec. 146. FOR THE LIQUOR AND CANNABIS BOARD**

General Fund—State Appropriation (FY 2024). . . . .	\$741,000
General Fund—State Appropriation (FY 2025). . . . .	\$768,000
General Fund—Federal Appropriation. . . . .	\$3,111,000
General Fund—Private/Local Appropriation. . . . .	\$75,000
Dedicated Cannabis Account—State Appropriation	
(FY 2024). . . . .	\$13,453,000
Dedicated Cannabis Account—State Appropriation	
(FY 2025). . . . .	\$13,862,000
Liquor Revolving Account—State Appropriation. . . . .	\$118,153,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$150,163,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The liquor and cannabis board may require electronic payment of the cannabis excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.



(2) Of the liquor revolving account—state appropriation, \$35,278,000 is provided solely for the modernization of regulatory systems and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) \$225,000 of the liquor revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1731 (short-term rentals/liquor). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 147. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

General Fund—State Appropriation (FY 2024)	\$1,673,000
General Fund—State Appropriation (FY 2025)	\$1,576,000
Public Service Revolving Account—State Appropriation	\$64,469,000
Public Service Revolving Account—Federal Appropriation	\$100,000
Pipeline Safety Account—State Appropriation	\$3,612,000
Pipeline Safety Account—Federal Appropriation	\$3,283,000
Climate Commitment Account—State Appropriation	\$540,000
<b>TOTAL APPROPRIATION</b>	<b>\$75,253,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$800,000 of the public service revolving account—state appropriation in this section is provided solely for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

(2) \$100,000 of the public service revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1032 (wildfires/electric utilities). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(3) \$67,000 of the public service revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(4) \$57,000 of the public service revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1329 (utility shutoffs/heat). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(5) \$472,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1589 (clean energy). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(6) The commission must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(7) Communications providers receiving a distribution pursuant to RCW 80.36.650 must provide to the commission detailed compensation information for officers, directors, and the five highest compensated employees. The compensation information must include all monetary and non-monetary compensation, from whatever source derived, including, but not limited to, salary, stipends, health and welfare benefits, retirement benefits, expense accounts, deferred compensation, stock options, and fringe benefits. The commission must compile this information into a report and submit it to the appropriate committees of the legislature by June 30, 2024.

**NEW SECTION. Sec. 148. FOR THE MILITARY DEPARTMENT**

General Fund—State Appropriation (FY 2024)	\$14,905,000
General Fund—State Appropriation (FY 2025)	\$15,132,000
General Fund—Federal Appropriation	\$143,408,000
911 Account—State Appropriation	\$54,127,000
Disaster Response Account—State Appropriation	\$62,040,000
Disaster Response Account—Federal Appropriation	\$1,184,554,000
Military Department Rent and Lease Account—State Appropriation	\$1,009,000
Military Department Active State Service Account—State Appropriation	\$400,000
Oil Spill Prevention Account—State Appropriation	\$1,040,000
Worker and Community Right to Know Fund—State Appropriation	\$1,957,000
Natural Climate Solutions Account—State Appropriation	\$113,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,478,685,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees by February 1st and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2023-2025 fiscal biennium based on current revenue and expenditure patterns.

(2) \$40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) \$11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.

(4) \$784,000 of the disaster response account—state appropriation is provided solely for fire suppression training, equipment, and supporting costs to national guard soldiers and airmen.

(5) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide a grant to Whatcom county for disaster relief and recovery activities in response to the November 2021 flooding and mudslides presidentially-declared disaster.

(6) \$3,292,000 of the disaster response account—state appropriation is provided solely for implementation of Substitute House Bill No. 1012 (extreme weather events). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(7) \$625,000 of the general fund—state appropriation for fiscal year 2024 and \$625,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1728 (statewide resiliency program). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(8) \$113,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(9) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**NEW SECTION. Sec. 149. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund—State Appropriation (FY 2024) . . . . .	\$2,478,000
General Fund—State Appropriation (FY 2025) . . . . .	\$2,477,000
Personnel Service Account—State Appropriation . . . . .	\$4,586,000
Higher Education Personnel Services Account—State Appropriation . . . . .	\$1,560,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$11,101,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the higher education personnel services account—state appropriation is provided solely for implementation of Substitute House Bill No. 1291 (academic employee bargaining). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 150. FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account—State Appropriation . . . . .	\$4,542,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$4,542,000</b>

**NEW SECTION. Sec. 151. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' and Reserve Officers' Administrative Account—State Appropriation . . . . .	\$3,474,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$3,474,000</b>

The appropriation in this section is subject to the following conditions and limitations: \$1,128,000 of the volunteer firefighters' and reserve officers' administrative account—state appropriation is provided solely for a benefits management system, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

**NEW SECTION. Sec. 152. FOR THE FORENSIC INVESTIGATION COUNCIL**

Death Investigations Account—State Appropriation . . . . .	\$819,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$819,000</b>

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$250,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(b) Of the amounts provided in this subsection, \$30,000 of the death investigations account—state appropriation is provided solely for the Adams county crime lab to investigate a double homicide that occurred in fiscal year 2021.

(2) \$210,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

(3) Within the amount appropriated in this section, the forensic investigation council may enter into an interagency agreement with the department of enterprise services for the department to provide services related to public records requests, to include responding to, or assisting the council in responding to, public disclosure requests received by the council.

**NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

General Fund—State Appropriation (FY 2024) . . . . .	\$14,820,000
General Fund—State Appropriation (FY 2025) . . . . .	\$13,704,000
General Fund—Private/Local Appropriation . . . . .	\$102,000
Building Code Council Account—State Appropriation . . . . .	\$2,509,000
Electric Vehicle Incentive Account—State Appropriation . . . . .	\$2,296,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$33,431,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,011,000 of the general fund—state appropriation for fiscal year 2024 and \$6,913,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the payment of facilities and services charges to include campus rent, parking, security, contracts, public and historic facilities, financial cost recovery, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to have all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(3) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2024 and \$1,300,000 in fiscal year 2025.

(4) Within existing resources, the department, in collaboration with consolidated technology services, must provide a report to the governor and fiscal committees of the legislative by October 31 of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that same calendar year, and must also include any contract that was active since July 1 of the previous calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, contract term start and end dates, contract dollar amount in total, and contract dollar amounts by state fiscal year. The report must also include, by contract, the contract spending projections by state fiscal year for each ensuing state fiscal year through the contract term, and note the type of service delivered. The list of contracts must be provided electronically in Excel and be sortable by all field requirements. The report must also include trend analytics on information technology contracts, and recommendations for reducing costs where possible.

(5) \$654,000 of the general fund—state appropriation for fiscal year 2024 and \$654,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department, in collaboration with the state efficiency and environmental performance program, to implement the zero emission vehicle strategy.

(6) \$2,671,000 of the general fund—state appropriation for fiscal year 2024 and \$2,671,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for zero emission electric vehicle supply equipment infrastructure at facilities to accommodate charging station installation. The electric vehicle charging equipment must allow for the collection of usage data and must be coordinated with the state efficiency and environmental performance program. The department must prioritize locations based on state efficiency and environmental performance location priorities, and at least where zero emission fleet vehicles are or are scheduled to be purchased. The department must report when and where the equipment was installed, usage data at each charging station, and the state agencies and facilities that benefit from the installation of the charging station to the fiscal committees of the legislature by June 30. The department shall collaborate with the interagency electric vehicle coordinating council to implement this subsection and must work to meet benchmarks established in chapter 182, Laws of 2022 (transportation resources).

(7) \$400,000 of the state building code council account—state appropriation is provided solely for additional staffing to support the state building code council's work regarding the Washington state energy code.

(8) \$137,000 of the general fund—state appropriation for fiscal year 2024 and \$136,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1167 (residential housing). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 154. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund—State Appropriation (FY 2024) . . . . .	\$3,711,000
General Fund—State Appropriation (FY 2025) . . . . .	\$3,664,000
General Fund—Federal Appropriation . . . . .	\$2,843,000
General Fund—Private/Local Appropriation . . . . .	\$14,000
Climate Commitment Account—State Appropriation . . . . .	\$977,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$11,209,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$103,000 of the general fund—state appropriation for fiscal year 2024 and \$103,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

(2) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington main street program.

(3) \$477,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(4) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**NEW SECTION. Sec. 155. FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY**

General Fund—State Appropriation (FY 2024) . . . . .	\$21,688,000
General Fund—State Appropriation (FY 2025) . . . . .	\$1,688,000
Consolidated Technology Services Revolving Account— State Appropriation . . . . .	\$122,557,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$145,933,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$14,849,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of the chief information officer. Of this amount:

(a) \$2,000,000 of the consolidated technology services revolving account—state appropriation is provided solely for experienced information technology project managers to provide critical support to agency IT projects that are under oversight from the office of the chief information officer. The staff or vendors will:

- (i) Provide master level project management guidance to agency IT stakeholders;
- (ii) Consider statewide best practices from the public and private sectors, independent review and analysis, vendor management, budget and timing quality assurance and other support of current or past IT projects in at least Washington state and share these with agency IT stakeholders and legislative fiscal staff at least twice annually and post these to the statewide IT dashboard; and
- (iii) Provide independent recommendations to legislative fiscal committees by December of each calendar year on oversight of IT projects to include opportunities for accountability and performance metrics.

(b) \$2,960,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of privacy and data protection.

(c) \$2,226,000 of the consolidated technology services agency revolving account—state appropriation is provided solely for the enterprise data management pilot project, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) \$16,896,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

- (a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and
- (b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4)(a) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures must include the following:

- (i) The agency's priority ranking of each information technology request;
  - (ii) The estimated cost by fiscal year and by fund for the current biennium;
  - (iii) The estimated cost by fiscal year and by fund for the ensuing biennium;
  - (iv) The estimated total cost for the current and ensuing biennium;
  - (v) The total cost by fiscal year, by fund, and in total, of the information technology project since it began;
  - (vi) The estimated cost by fiscal year and by fund over all biennia through implementation and close out and into maintenance and operations;
  - (vii) The estimated cost by fiscal year and by fund for service level agreements once the project is implemented;
  - (viii) The estimated cost by fiscal year and by fund for agency staffing for maintenance and operations once the project is implemented; and
  - (ix) The expected fiscal year when the agency expects to complete the request.
- (b) The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.
- (5) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.
- (6) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.
- (7) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.
- (8) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.
- (9) \$4,525,000 of the consolidated technology services revolving account—state appropriation is provided solely for the creation and ongoing delivery of information technology services tailored to the needs of small agencies. The scope of services must include, at a minimum, full-service desktop support, service assistance, security, and consultation.
- (10) \$75,935,000 of the consolidated technology services revolving account—state appropriation is provided solely for the procurement and distribution of Microsoft 365 licenses which must include advanced security features and cloud-based private branch exchange capabilities for state agencies. The office must report annually to fiscal committees of the legislature each December 31, on the count and type of licenses distributed by consolidated technology services to each state agency. The report must also separately report on the count and type of Microsoft 365 licenses that state agencies have in addition to those that are distributed by consolidated technology services so that the total count, type of license, and cost is known for statewide Microsoft 365 licenses.
- (11)(a) The statewide information technology dashboard elements must include, at a minimum, the:
- (i) Start date of the project;
  - (ii) End date of the project, when the project will close out and implementation will commence;
  - (iii) Term of the project in state fiscal years across all biennia to reflect the start of the project through the end of the project;
  - (iv) Total project cost from start date through the end date of the project in total dollars, and a subtotal of near general fund outlook;
  - (v) Near general fund outlook budget and actual spending in total dollars and by fiscal month for central service agencies that bill out project costs;
  - (vi) Start date of maintenance and operations;
  - (vii) Estimated annual state fiscal year cost of maintenance and operations after implementation and close out;
  - (viii) Actual spending by state fiscal year and in total for state fiscal years that have closed;
  - (ix) Date a feasibility study was completed; and
  - (x) A list of funding received by fiscal year by enacted session law, and how much was received citing chapter law as a list of funding provided by fiscal year.
- (b) The office of the chief information officer may recommend additional elements to include but must have agreement with legislative fiscal committees and the office of financial management prior to including additional elements.

(c) The agency must ensure timely posting of project data on the statewide information technology dashboard for at least each project funded in the budget and under oversight to include, at a minimum, posting on the dashboard:

(i) The budget funded level by project for each project under oversight within 30 calendar days of the budget being signed into law;

(ii) The project historical expenditures through completed fiscal years by December 31; and

(iii) Whether each project has completed a feasibility study.

(12) Within existing resources, consolidated technology services must collaborate with the department of enterprise services on the annual contract report that provides information technology contract information. Consolidated technology services will:

(a) Provide data to the department of enterprise services annually by September 1 of each year; and

(b) Provide analysis on contract information for all agencies comparing spending across state fiscal years by, at least, the contract spending towers.

(13) \$8,666,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of the enterprise cloud computing program as outlined in the December 2020 Washington state cloud readiness report. Funding provided includes, but is not limited to, cloud service broker resources, cloud center of excellence, cloud management tools, a network assessment, cybersecurity governance, and a cloud security roadmap.

(14) \$3,498,000 of the consolidated technology services revolving account—state appropriation is provided solely for the implementation of the recommendations of the cloud transition task force report to include:

(a) A cloud readiness program to help agencies plan and prepare for transitioning to cloud computing;

(b) A cloud retraining program to provide a coordinated approach to skills development and retraining; and

(c) Staffing to define career pathways and core competencies for the state's information technology workforce.

(15) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for innovative technology solutions and modernization of legacy systems within state government. This funding is to be used for projects at other state agencies to improve the health of the state's overall information technology portfolio. Submitted projects are subject to review and approval by the technology services board as established in RCW 43.105.285. The agency must report to the office of financial management and the fiscal committees of the legislature within 90 days of the close of fiscal year 2024 with the following information to measure the quantity of projects considered for this purpose and use of this funding:

(a) The agency name, project name, estimated time duration, estimated cost, and technology service board recommendation result of each project submitted for funding;

(b) The actual length of time and cost of the projects approved by the technology services board, from start to completion; and

(c) Any other information or metric the agency determines is appropriate to measure the quantity and use of the funding in this subsection.

(16) \$20,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the electronic health records project. Of these amounts:

(a) \$5,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office to develop a statewide electronic health records plan, in coordination with the department of social and health services, department of corrections, and health care authority. Each agency must provide staff support for developing the statewide electronic health records plan and staff support may be paid for with these funds. The purpose of the plan is to implement a common technology solution to leverage shared business processes and data across the state in support of client services.

(b) The statewide electronic health records plan must include, but is not limited to, the following elements:

(i) A proposed governance model for the electronic health records solution;

(ii) An implementation plan for the technology solution;

(iii) Estimated budget and resources needed to implement the electronic health records solution across the state, including fund sources;

(iv) A licensing plan and procurement approach, in consultation with the department of enterprise services;

(v) A recommended program structure for implementing a statewide electronic health records solution;

(vi) A list of individual state agency projects that will need to be executed within the electronic health records program in order to implement a statewide electronic health records solution;

(vii) The process for agencies to request funding from the consolidated technology services for their electronic health records projects; and

(viii) The approval criteria for agencies to receive funds for their electronic health records project.

(c) The plan must be approved by the office of financial management and the technology services board established in RCW 43.105.285. The plan must be submitted to the office of financial management and the technology services board by December 31, 2023.

(d) \$15,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for agency electronic health record projects in accordance with the approved statewide electronic health record plan. Agencies must submit their proposed electronic health records projects to consolidated technology services for approval. When an agency project is approved, consolidated technology services will transfer the funds to the agency to execute their electronic health records project. Projects funded under this subsection (16) (d) are subject to the conditions, limitations, and review requirements of section 701 of this act.

**NEW SECTION. Sec. 156. FOR THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

Professional Engineers' Account—State Appropriation. . . . . \$4,460,000  
TOTAL APPROPRIATION..... \$4,460,000

**NEW SECTION. Sec. 157. FOR THE WASHINGTON STATE LEADERSHIP BOARD**

Washington State Leadership Board Account—State  
Appropriation. . . . . \$1,933,000  
TOTAL APPROPRIATION..... \$1,933,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$187,000 of the Washington state leadership board account—state appropriation is provided solely for implementation of chapter 96, Laws of 2022 (WA state leadership board).
- (2) \$1,500,000 of the Washington state leadership board account—state appropriation is provided solely for implementing programming in RCW 43.15.030, and specifically the Washington world fellows program, sports mentoring program/boundless Washington, compassion scholars, and the Washington state leadership awards.

(End of part)

**PART II  
HUMAN SERVICES**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its

contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, support the adoption of a cohesive technology and data architecture, and maximize federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM**

General Fund—State Appropriation (FY 2024)	\$552,337,000
General Fund—State Appropriation (FY 2025)	\$625,662,000
General Fund—Federal Appropriation	\$143,400,000
General Fund—Private/Local Appropriation	\$10,732,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,332,131,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(2) \$311,000 of the general fund—state appropriation for fiscal year 2024 and \$311,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection are for the salaries, benefits, supplies, and equipment for the city of Lakewood to produce incident and police response reports, investigate potential criminal conduct, assist with charging consultations, liaison between staff and prosecutors, provide staff training on criminal justice procedures, assist with parking enforcement, and attend meetings with hospital staff.

(3) \$45,000 of the general fund—state appropriation for fiscal year 2024 and \$45,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(4) \$19,000 of the general fund—state appropriation for fiscal year 2024 and \$19,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas.

(5) \$135,000 of the general fund—state appropriation for fiscal year 2024 and \$135,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to maintain an on-site safety compliance officer, stationed at western state hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(6) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to track compliance with the requirements of RCW 71.05.365 for transition of state hospital patients into community settings within 14 days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these amounts to track the following elements related to this requirement: (a) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (b) the date on which the behavioral health entities and other organizations responsible for resource management services for the person is notified of this determination; and (c) the date on which either the individual is transitioned to the community or has been reevaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health entities and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the



legislature on progress toward meeting the 14 day standard by December 1, 2023, and December 1, 2024.

(7) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(a) By the first day of each December during the fiscal biennium, the department, in coordination with the health care authority, must submit a report to the office of financial management and the appropriate committees of the legislature that summarizes how the predictive modeling tool has been implemented and includes the following: (i) The number of individuals identified by the tool as having a high risk of future criminal justice involvement; (ii) the method and frequency for which the department is providing lists of high-risk clients to contracted managed care organizations and behavioral health administrative services organizations; (iii) a summary of how the managed care organizations and behavioral health administrative services organizations are utilizing the data to improve the coordination of care for the identified individuals; and (iv) a summary of the administrative data to identify whether implementation of the tool is resulting in increased access and service levels and lower recidivism rates for high-risk clients at the state and regional level.

(b) The department must provide staff support for the forensic and long-term civil commitment bed forecast which must be conducted under the direction of the office of financial management. The forecast methodology, updates, and methodology changes must be conducted in coordination with staff from the department, the health care authority, the office of financial management, and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities, which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for estimating the number of beds needed to meet the demand for civil and forensic state hospital services. Factors should include identification of need for the services and analysis of the effect of community investments in behavioral health services and other types of beds that may reduce the need for long-term civil commitment needs. The forecast must be updated each February, June, and November during the fiscal biennium and the department must submit a report to the legislature and the appropriate committees of the legislature summarizing the updated forecast based on the caseload forecast council's schedule for entitlement program forecasts.

(8) \$9,119,000 of the general fund—state appropriation for fiscal year 2024 and \$9,145,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, forensic navigators, crisis diversion and supports, education and training, and workforce development.

(9) \$7,147,000 of the general fund—state appropriation for fiscal year 2024 and \$7,147,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to maintain implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of competency evaluators that began in fiscal year 2016 pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(10) \$71,690,000 of the general fund—state appropriation for fiscal year 2024 and \$77,825,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services) and the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. These amounts must be used to maintain increases that were implemented between fiscal year 2016 and fiscal year 2021, and further increase the number of forensic beds at western state hospital during the 2023-2025 fiscal biennium. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need.

(11) \$84,483,000 of the general fund—state appropriation for fiscal year 2024, \$77,343,000 of the general fund—state appropriation for fiscal year 2025, and \$1,042,000 of the general fund—federal appropriation are provided solely for the department to continue to implement an acuity based staffing tool at western state hospital and eastern state hospital in collaboration with the hospital staffing committees. The staffing tool must be used to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must evaluate interrater reliability of the tool within

each hospital and between the two hospitals. The department must also continue to update, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan that looks at all positions and functions of the facilities.

(a) Within the amounts provided in this section, the department must establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services.

(b) By December 1, 2023, and December 1, 2024, the department must submit reports to the office of financial management and the appropriate committees of the legislature that provide a comparison of monthly spending, staffing levels, overtime, and use of locums for the prior year compared to allotments and to the recommended state hospital staffing model. The format for these reports must be developed in consultation with staff from the office of financial management and the appropriate committees of the legislature. The reports must include a summary of the results of the evaluation of the interrater reliability in use of the staffing acuity tool and an update from the hospital staffing committees.

(c) Monthly staffing levels and related expenditures at the state hospitals must not exceed official allotments without prior written approval from the director of the office of financial management. In the event the director of the office of financial management approves an increase in monthly staffing levels and expenditures beyond what is budgeted, notice must be provided to the appropriate committees of the legislature within 30 days of such approval. The notice must identify the reason for the authorization to exceed budgeted staffing levels and the time frame for the authorization. Extensions of authorizations under this subsection must also be submitted to the director of the office of financial management for written approval in advance of the expiration of an authorization. The office of financial management must notify the appropriate committees of the legislature of any extensions of authorizations granted under this subsection within 30 days of granting such authorizations and identify the reason and time frame for the extension.

(12) \$4,994,000 of the general fund—state appropriation for fiscal year 2024, \$7,535,000 of the general fund—state appropriation for fiscal year 2025, and \$672,000 of the general fund—federal appropriation are provided solely for the department to implement strategies to improve patient and staff safety at eastern and western state hospitals. A report must be submitted by December 1, 2023, and December 1, 2024, which includes a description of the violence reduction or safety strategy, a profile of the types of patients being served, the staffing model being used, and outcomes associated with each strategy. The outcomes section should include tracking data on facility-wide metrics related to patient and staff safety as well as individual outcomes related to the patients served.

(13) \$2,593,000 of the general fund—state appropriation for fiscal year 2024 and \$2,593,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to increase services to patients found not guilty by reason of insanity under the *Ross v. Lashway* settlement agreement.

(14) Within the amounts provided in this subsection, the department must develop and submit an annual state hospital performance report for eastern and western state hospitals. Each measure included in the performance report must include baseline performance data, agency performance targets, and performance for the most recent fiscal year. The performance report must include a one page dashboard as well as charts for each fiscal year and quality of care measure broken out by hospital and including but not limited to: (a) Monthly FTE expenditures compared to allotments; (b) monthly dollar expenditures compared to allotments; (c) monthly FTE expenditures per thousand patient bed days; (d) monthly dollar expenditures per thousand patient bed days; (e) percentage of FTE expenditures for overtime; (f) average length of stay by category of patient; (g) average monthly civil wait list; (h) average monthly forensic wait list; (i) rate of staff assaults per thousand patient bed days; (j) rate of patient assaults per thousand patient bed days; (k) average number of days to release after a patient has been determined to be clinically ready for discharge; and (l) average monthly vacancy rates for key clinical positions. The department must submit the state hospital performance report to the office of financial management and the appropriate committees of the legislature by the first day of each December of the biennium.

(15) \$546,000 of the general fund—state appropriation for fiscal year 2024 and \$566,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for design and planning activities for the new forensic hospital being constructed on the grounds of western state hospital.

(16) \$1,412,000 of the general fund—state appropriation for fiscal year 2024 and \$1,412,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for relocation, storage, and other costs associated with building demolition on the western state hospital campus.

(17) Within the amounts provided in this section, the department is provided funding to operate civil long-term inpatient beds at the state hospitals as follows:

(a) Funding is sufficient for the department to operate 192 civil beds at eastern state hospital in both fiscal year 2024 and fiscal year 2025.

(b) Funding is sufficient for the department to operate 287 civil beds at western state hospital in both fiscal year 2024 and fiscal year 2025.

(c) The department shall fully operate funded civil capacity at eastern state hospital, including reopening and operating civil beds that are not needed for eastern Washington residents to provide services for western Washington residents.

(d) The department shall coordinate with the health care authority toward increasing community capacity for long-term inpatient services required under section 215(50) of this act.

(18) \$455,000 of the general fund—state appropriation for fiscal year 2024 and \$455,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for western state hospital's vocational rehabilitation program and eastern state hospital's work readiness program to pay patients working in the programs an hourly wage that is equivalent to the state's minimum hourly wage under RCW 49.46.020.

(19) \$8,048,000 of the general fund—state appropriation for fiscal year 2024 and \$7,677,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to reopen and operate a 30 bed ward for civil patients at western state hospital. The department must prioritize placements on this ward for individuals currently occupying beds on forensic wards at western state hospital who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088, in order to maximize forensic bed capacity for individuals in jails awaiting admission that are class members of *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States district court for the western district of Washington, cause no. 14-cv-01178-MJP.

(20) \$2,619,000 of the general fund—state appropriation for fiscal year 2024 and \$5,027,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide additional competency evaluation services for in-jail competency evaluations and community-based evaluations.

(21) Within the amounts appropriated in this section, the department must study the feasibility of using the former Naselle youth camp for inpatient services in order to create additional forensic bed capacity for individuals in jails awaiting admission to the state hospitals that are class members of *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States district court for the western district of Washington, cause no. 14-cv-01178-MJP. By November 15, 2023, the department must submit a report to the appropriate committees of the legislature and to the office of financial management that provides an evaluation of the potential uses of the former Naselle youth camp that would provide the greatest reduction to the forensic waitlist for admission to the state hospitals. The report must provide cost estimates and address workforce needs and considerations, including the potential for on-campus housing.

(22) \$10,547,000 of the general fund—state appropriation for fiscal year 2024 and \$37,445,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to open and operate a 48 bed facility located in Clark county to provide long-term inpatient care beds as defined in RCW 71.24.025. The department must use this facility to provide treatment services for individuals who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. In considering placements at the facility, the department must maximize forensic bed capacity at the state hospitals for individuals in jails awaiting admission that are class members of *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States district court for the western district of Washington, cause no. 14-cv-01178-MJP. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2023, and December 1, 2024, providing a status update on progress toward opening the new facility.

(23)(a) \$13,324,000 of the general fund—state appropriation for fiscal year 2024 and \$44,813,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to operate the maple lane campus.

(b) Of the amounts provided in (a) of this subsection, \$4,764,000 of the general fund—state appropriation for fiscal year 2024 and \$5,239,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to operate the Oak, Columbia, and Cascade cottages.

(c) Of the amounts provided in (a) of this subsection, \$8,560,000 of the general fund—state appropriation for fiscal year 2024 and \$39,574,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to open and operate the Baker and Chelan cottages to expand inpatient bed capacity by at least 64 additional beds.

(d) In considering placements at the Oak, Columbia, Baker and Chelan cottages, and at the Cascade cottage after fiscal year 2024, the department must maximize forensic bed capacity at the state hospitals for individuals in jails awaiting admission that are class members of *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States district court for the western district of Washington, cause no. 14-cv-01178-MJP.

(24) \$10,364,000 of the general fund—state appropriation for fiscal year 2024 and \$10,364,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide behavioral health and stabilization services at the King county south correctional entity for individuals charged with misdemeanor or lower-level felony offenses that are awaiting admission to the state hospitals.

(25) \$3,107,000 of the general fund—state appropriation for fiscal year 2025 and \$3,107,000 of the general fund—federal appropriation are provided solely for the department

to develop and implement long-term inpatient habilitative mental health (HMH) services for up to 20 children and youth at the child study treatment center.

(26)(a) \$7,500,000 of the general fund—state appropriation for fiscal year 2024 and \$7,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to pursue immediate strategies to maximize existing forensic bed capacity for individuals in jails awaiting admission to the state hospitals that are class members of *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States district court for the western district of Washington, cause no. 14-cv-01178-MJP. The immediate strategies must include, but are not limited to:

(i) Additional approaches to resolving barriers to discharge for civil patients, including:

(A) In coordination with the behavioral health teaching facility at the University of Washington, identification of civil patients in the state hospitals that could receive appropriate treatment at the facility and work to resolve any barriers in such placement;

(B) Identification of civil patients in the state hospitals that could receive appropriate treatment at an enhanced services facility or any other community facility and work to resolve any barriers in such placement; and

(C) Coordination with the aging and long-term care administration and the office of public guardianship on the provision of qualified guardians for civil patients in need of guardianship that are otherwise eligible for discharge; and

(ii) Additional approaches to resolving any barriers to maximizing the use of existing civil wards at eastern state hospital for individuals currently occupying beds on forensic wards at western state hospital who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088.

(b) By December 1, 2023, the department must submit a preliminary report to the appropriate committees of the legislature and to the office of financial management that provides:

(i) The number of individuals currently occupying beds on forensic wards at western state hospital who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088; and

(ii) The department's plan for utilizing the funds provided in this subsection and estimated outcomes.

(c) By September 1, 2024, the department must submit a final report to the appropriate committees of the legislature and to the office of financial management that provides:

(i) The number of individuals currently occupying beds on forensic wards at western state hospital who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088; and

(ii) Detailed reporting on how the funds provided in this subsection were used and the associated outcomes.

(27) \$53,000 of the general fund—state appropriation for fiscal year 2024, \$53,000 of the general fund—state appropriation for fiscal year 2025, and \$94,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1580 (children in crisis). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2024)	\$1,131,146,000
General Fund—State Appropriation (FY 2025)	\$1,177,163,000
General Fund—Federal Appropriation	\$2,411,797,000
General Fund—Private/Local Appropriation	\$4,058,000
Developmental Disabilities Community Services	
Account—State Appropriation	\$32,120,000
<b>TOTAL APPROPRIATION</b>	<b>\$4,756,284,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2024 and \$225 per bed beginning in fiscal year 2025. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 must be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2024 and \$116 per bed beginning in fiscal year 2025.

(iii) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2024 and \$359 per bed beginning in fiscal year 2025.

(c) \$30,970,000 of the general fund—state appropriation for fiscal year 2024, \$50,745,000 of the general fund—state appropriation for fiscal year 2025, and \$102,677,000 of the general fund—federal appropriation are provided solely for the rate increase for the new consumer directed employer contracted individual providers as set by the consumer directed employer rate-setting board in accordance with RCW 74.39A.530.

(d) \$5,095,000 of the general fund—state appropriation for fiscal year 2024, \$7,299,000 of the general fund—state appropriation for fiscal year 2025, and \$16,042,000 of the general fund—federal appropriation are provided solely for home care agency parity consistent with the rate set by the consumer directed employer rate-setting board in accordance with RCW 74.39A.530.

(e) \$9,371,000 of the general fund—state appropriation for fiscal year 2024, \$10,798,000 of the general fund—state appropriation for fiscal year 2025, and \$25,267,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2023-2025 fiscal biennium, as provided in section 909 of this act.

(f) \$1,099,000 of the general fund—state appropriation for fiscal year 2024, \$2,171,000 of the general fund—state appropriation for fiscal year 2025, and \$5,515,000 of the general fund—federal appropriation are provided solely for administrative costs as set by the consumer directed employer rate-setting board in accordance with RCW 74.39A.530.

(g) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(h) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(i) Sufficient appropriations are provided to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced services facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (h) (i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within 30 days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (h) (i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(j) Sufficient appropriations are provided for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(k) \$17,380,000 of the general fund—state appropriation for fiscal year 2024, \$17,734,000 of the general fund—state appropriation for fiscal year 2025, and \$35,823,000 of the general fund—federal appropriation are provided solely to increase rates by four percent effective July 1, 2023, for community residential service providers offering supported living, group home, group training home, licensed staff residential services, community protection, and children's out-of-home services to individuals with developmental disabilities.

(l) The annual certification renewal fee for community residential service businesses is \$859 per client in fiscal year 2024 and \$859 per client in fiscal year 2025. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(m) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of \$485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(n) \$1,705,000 of the general fund—state appropriation for fiscal year 2024, \$1,688,000 of the general fund—state appropriation for fiscal year 2025, and \$1,465,000 of the general fund—federal appropriation are provided solely for 13 enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(o) \$2,025,000 of the general fund—state appropriation for fiscal year 2024 and \$2,006,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for 13 community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(p) Funding in this section is sufficient to implement chapter 352, laws of 2020 (developmental disabilities budgeting), including a review of the no-paid services caseload and to update the information to accurately reflect a current headcount of eligible persons and the number of persons contacted who are currently interested in receiving a paid service. It is the intent of the legislature that the department will, as required in chapter 252, laws of 2020 (developmental disabilities budgeting), submit a report of this information to the governor and the appropriate committees of the legislature by December 1, 2021. It is also the intent of the legislature that the necessary paid services identified with completion of this report will be adequately funded by the conclusion of fiscal year 2024.

(q) \$2,605,000 of the general fund—state appropriation for fiscal year 2024, \$2,402,000 of the general fund—state appropriation for fiscal year 2025, and \$3,840,000 of the general fund—federal appropriation are provided solely to establish transition coordination teams to coordinate transitions of care for clients who move from one care setting to another. The department of social and health services must submit a report to the legislature by December 1st of each year of the fiscal biennium, identifying how the funds were utilized and the associated outcomes.

(r) \$1,477,000 of the general fund—state appropriation for fiscal year 2024, \$1,497,000 of the general fund—state appropriation for fiscal year 2025, and \$2,329,000 of the general fund—federal appropriation are provided solely to hire additional staff to reduce the timeline for completion of financial eligibility determinations.

(s) \$351,000 of the general fund—state appropriation for fiscal year 2024, \$375,000 of the general fund—state appropriation for fiscal year 2025, and \$905,000 of the general fund—federal appropriation are provided solely to increase funding of the assisted living medicaid methodology established in RCW 74.39A.032 to 79 percent of the labor component and 68 percent of the operations component, effective July 1, 2023.

(t) \$120,000 of the general fund—state appropriation for fiscal year 2024, \$599,000 of the general fund—state appropriation for fiscal year 2025, and \$667,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1188 (child welfare services/DD). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(u) \$81,000 of the general fund—state appropriation for fiscal year 2024, \$219,000 of the general fund—state appropriation for fiscal year 2025, and \$371,000 of the general fund—federal appropriation are provided solely to implement House Bill No. 1407 (dev. disability/eligibility). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(v) \$62,000 of the general fund—state appropriation for fiscal year 2024, \$72,000 of the general fund—state appropriation for fiscal year 2025, and \$116,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1580 (children in crisis). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(w) \$476,000 of the general fund—state appropriation for fiscal year 2024 and \$481,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to implement House Bill No. 1128 (personal needs allowance). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(x) \$10,878,000 of the general fund—state appropriation for fiscal year 2024, \$13,222,000 of the general fund—state appropriation for fiscal year 2025, and \$19,402,000 of the general fund—federal appropriation are provided solely to increase rates for supported employment and community inclusion services.

(y) \$2,494,000 of the general fund—state appropriation for fiscal year 2024 and \$3,345,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide personal care services for up to 33 clients who are not United States citizens and who are ineligible for medicaid upon their discharge from an acute care

hospital. The department must prioritize the funding provided in this subsection for those clients in acute care hospitals who are also on the department's wait list for services.

(z) \$1,665,000 of the general fund—state appropriation for fiscal year 2024, \$4,361,000 of the general fund—state appropriation for fiscal year 2025, and \$7,233,000 of the general fund—federal appropriation are provided solely for a pilot project aimed at providing enhanced supports and services for 400 individuals with developmental disabilities. The project includes an \$80 daily add-on rate per client, in addition to the assessed base rates, for the provision of these services.

(aa) \$2,453,000 of the general fund—state appropriation for fiscal year 2024, \$2,705,000 of the general fund—state appropriation for fiscal year 2025, and \$5,259,000 of the general fund—federal appropriation are provided solely for a pilot program aimed at supporting community residential providers serving clients with complex physical and behavioral health needs. The pilot must primarily target developmental disabilities administration clients listed in the hospital tracking database, utilizing this group as a referral source to evaluate the program's effectiveness and "proof of concept." Additionally, the pilot shall incorporate relevant data from the 2022 rate study for community residential services to inform its design and assess the potential for broader implementation.

(bb) \$2,500,000 of the general fund—state appropriation for fiscal year 2024, \$4,284,000 of the general fund—state appropriation for fiscal year 2025, and \$4,178,000 of the general fund—federal appropriation are provided solely for the department to add 10 adult stabilization beds by June 2025, increase rates for existing adult stabilization beds by 27 percent, and expand mobile crisis diversion services to cover all three regions of the state.

(cc) \$144,000 of the general fund—state appropriation for fiscal year 2025 and \$181,000 of the general fund—federal appropriation are provided solely for funding the unfair labor practice settlement in the case of *Adult Family Home Council v. Office of Financial Management*, PERC case no. 135737-U-22. If the settlement agreement is not reached by June 30, 2024, the amounts provided in this subsection shall lapse.

(dd) \$485,000 of the general fund—state appropriation for fiscal year 2024 and \$484,000 of the general fund—federal appropriation are provided solely for a feasibility study of the developmental disabilities assessment tool and is subject to the conditions, limitations, and review requirements of section 701 of this act. The resulting study must determine whether the assessment and its technology can be improved to meet regulatory obligations, be quicker and person-centered, reduce manual notations, and maintain viability across age groups and settings.

(ee) \$328,000 of the general fund—state appropriation for fiscal year 2024, \$444,000 of the general fund—state appropriation for fiscal year 2025, and \$998,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by 56 cents per hour effective July 1, 2023.

(ff) The appropriations in this section include sufficient funding to provide services to the individual and family services waiver and the basic plus waiver to those individuals on the service request list. For subsequent policy level budgets, the department shall submit a request for funding associated with individuals requesting to receive the individual and family services waiver and the basic plus waiver in accordance with the courtesy forecasts provided by the caseload forecast council.

(gg) \$2,856,000 of the general fund—state appropriation for fiscal year 2024, \$3,104,000 of the general fund—state appropriation for fiscal year 2025, and \$5,948,000 of the general fund—federal appropriation are provided solely for a pilot program that includes a specialty rate for community residential providers who receive additional training to support individuals with complex and physical behavioral health needs.

(hh) \$63,000 of the general fund—state appropriation for fiscal year 2024, \$73,000 of the general fund—state appropriation for fiscal year 2025, and \$136,000 of the general fund—federal appropriation are provided solely for the department to conduct a study to explore opportunities to restructure services offered under the medicaid waivers for individuals with developmental disabilities served by the department. The plan should propose strategies to enhance service accessibility across the state and align services with the needs of clients, taking into account current and future demand. It must incorporate valuable input from knowledgeable stakeholders and a national organization experienced in home and community-based waivers in other states. This plan must be submitted to the governor and relevant legislative committees by December 1, 2024.

(ii)(i) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to study opportunities to enhance data collection on clients in family units with at least one parent having a developmental or intellectual disability. The study must identify:

(A) Opportunities to improve the existing assessment form and information technology systems by adding questions about clients' children, such as their ages, number of children, K-12 enrollment status of each child;

(B) Ways to strengthen data sharing agreements with other departments, including the department of children, youth, and families, and local school districts;

(C) Strategies for surveying clients to collect information on their parenting and living arrangements, including support from other family members;

(D) Methods for analyzing new and existing data to determine and identify the total number of children with parents that have a developmental or intellectual disability, their needs, and access to specialized services;

(E) An inventory of existing support programs designed for families with a parent having a developmental or intellectual disability and their children, including educational support, financial assistance, and access to specialized services.

(ii) The department shall report its findings to the governor and appropriate committees of the legislature by June 30, 2024.

(jj) \$127,000 of the general fund—state appropriation for fiscal year 2024, \$28,000 of the general fund—state appropriation for fiscal year 2025, and \$55,000 of the general fund—federal appropriation are provided solely for adult day respite. Of the amounts provided in this subsection:

(i) \$27,000 of the general fund—state appropriation for fiscal year 2024, \$28,000 of the general fund—state appropriation for fiscal year 2025, and \$55,000 of the general fund—federal appropriation are provided solely to increase adult day respite rates from \$3.40 to \$5.45 per 15-minute unit to expand and ensure the sustainability of respite services for clients with intellectual or developmental disabilities and their family caregivers.

(ii) \$100,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to hire a project position to conduct a study and submit a report by December 1, 2023, to the governor and the appropriate committees of the legislature that examines the feasibility and operational resources needed to add adult day services to a state plan 1915(i) option or to the existing basic plus and core 1915(c) waivers.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2024)	\$123,377,000
General Fund—State Appropriation (FY 2025)	\$124,619,000
General Fund—Federal Appropriation	\$231,957,000
General Fund—Private/Local Appropriation	\$19,489,000
<b>TOTAL APPROPRIATION</b>	<b>\$499,442,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund—state appropriation for fiscal year 2024 and \$495,000 of the general fund—state appropriation for fiscal year 2025 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) The residential habilitation centers may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(d) \$61,000 of the general fund—state appropriation for fiscal year 2024, \$61,000 of the general fund—state appropriation for fiscal year 2025, and \$117,000 of the general fund—federal appropriation are provided solely for implementation of House Bill No. 1128 (personal needs allowance). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2024)	\$3,757,000
General Fund—State Appropriation (FY 2025)	\$3,756,000
General Fund—Federal Appropriation	\$4,533,000
<b>TOTAL APPROPRIATION</b>	<b>\$12,046,000</b>

(4) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2024)	\$66,000
General Fund—State Appropriation (FY 2025)	\$66,000
General Fund—Federal Appropriation	\$1,094,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,226,000</b>

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM**

General Fund—State Appropriation (FY 2024)	\$2,186,180,000
General Fund—State Appropriation (FY 2025)	\$2,367,787,000
General Fund—Federal Appropriation	\$5,576,494,000
General Fund—Private/Local Appropriation	\$53,719,000
Traumatic Brain Injury Account—State Appropriation	\$5,586,000
Skilled Nursing Facility Safety Net Trust Account— State Appropriation	\$133,360,000
Long-Term Services and Supports Trust Account—State Appropriation	\$44,301,000
<b>TOTAL APPROPRIATION</b>	<b>\$10,367,427,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate may not exceed \$341.42 for fiscal year 2024 and may not exceed \$365.58 for fiscal year 2025. For the 2023-2025 fiscal biennium, the department shall not change the



safety net assessment fee established under RCW 74.48.030. Funding for the weighted average nursing facility payment rates in this subsection (1)(a) includes the following:

(i) \$17,361,000 of the general fund—state appropriation for fiscal year 2024, \$17,361,000 of the general fund—state appropriation for fiscal year 2025, and \$34,722,000 of the general fund—federal appropriation are provided solely to maintain rate add-ons funded in fiscal year 2023 to increase rates for low-wage direct care workers. The facility specific wage rate add-on shall be equal to the wage payment received on June 30, 2023.

(ii) \$2,227,000 of the general fund—state appropriation for fiscal year 2024, \$2,227,000 of the general fund—state appropriation for fiscal year 2025, and \$4,456,000 of the general fund—federal appropriation are provided solely for the fixed rate paid for indirect care to maintain increases provided to low-wage indirect care workers in fiscal year 2023. The facility specific wage rate add-on shall be equal to the payment received on June 30, 2023. Facilities that utilize contracted staff for indirect care may instead use these funds to maintain or increase direct care worker wages.

(iii) Working with stakeholders, the department shall use an annual verification process for each skilled nursing facility provider to demonstrate how the provider has used its wage equity funding to maintain wage increases provided to low-wage workers in fiscal year 2023. The verification and recovery process in this subsection is a distinct and separate process from the settlement process described in RCW 74.46.022, and may utilize the process established pursuant to chapter 297, Laws of 2022 (ESSB 5693), section 204(53)(c). To the extent unused low-wage equity funds are available at the facility level, facilities may use this funding to further improve wages from the levels paid on June 30, 2023.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate. For the 2023-2025 fiscal biennium, the department shall not change the safety net assessment fee established under RCW 74.48.030.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2024 and \$225 per bed beginning in fiscal year 2025. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2024 and \$116 per bed beginning in fiscal year 2025.

(c) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2024 and \$359 per bed beginning in fiscal year 2025.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state-only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4) \$65,702,000 of the general fund—state appropriation for fiscal year 2024, \$109,746,000 of the general fund—state appropriation for fiscal year 2025, and \$216,254,000 of the general fund—federal appropriation are provided solely for the rate increase for the new consumer directed employer contracted individual providers as set by the consumer directed rate-setting board in accordance with RCW 74.39A.530.

(5) \$19,044,000 of the general fund—state appropriation for fiscal year 2024, \$30,439,000 of the general fund—state appropriation for fiscal year 2025, and \$63,986,000 of the general fund—federal appropriation are provided solely for the home care agency parity impacts consistent with the rates set by the consumer directed rate-setting board in accordance with RCW 74.39A.530.

(6) \$2,385,000 of the general fund—state appropriation for fiscal year 2024, \$4,892,000 of the general fund—state appropriation for fiscal year 2025, and \$12,502,000 of the general fund—federal appropriation are provided solely for administrative costs as set by the consumer directed employer rate-setting board in accordance with RCW 74.39A.530.

(7) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(8) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$900 for each facility.

(9) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

- (a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.
- (i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;
- (ii) A member from the office of the governor, appointed by the governor;
- (iii) The secretary of the department of social and health services or his or her designee;
- (iv) The director of the health care authority or his or her designee;
- (v) A member from disability rights Washington and a member from the office of long-term care ombuds;
- (vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and
- (vii) Other agency directors or designees as necessary.
- (b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington and to serve people with disabilities, including state budget and policy options, and may conduct, but are not limited to, the following tasks:
- (i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;
- (ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;
- (iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;
- (iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;
- (v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;
- (vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;
- (vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and
- (viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.
- (c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.
- (d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Meetings of the task force must be scheduled and conducted in accordance with the rules of both the senate and the house of representatives. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.
- (10) Appropriations in this section are sufficient to fund discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.
- (11) Appropriations in this section are sufficient to fund financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.
- (12) The department shall continue to administer tailored support for older adults and medicaid alternative care as described in initiative 2 of the 1115 demonstration waiver. This initiative will be funded by the health care authority through the medicaid quality improvement program. The secretary in collaboration with the director of the health care authority shall report to the office of financial management all expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested. The department shall not increase general fund—state expenditures on this initiative.
- (13) \$61,209,000 of the general fund—state appropriation for fiscal year 2024, \$70,352,000 of the general fund—state appropriation for fiscal year 2025, and \$161,960,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2023-2025 fiscal biennium, as provided in section 909 of this act.
- (14) \$1,761,000 of the general fund—state appropriation for fiscal year 2024, \$1,761,000 of the general fund—state appropriation for fiscal year 2025, and \$4,162,000 of the general fund—federal appropriation are provided solely for case managers at the area agencies on aging to coordinate care for medicaid clients with mental illness who are living in their own homes. Work shall be accomplished within existing standards for case management and no

requirements will be added or modified unless by mutual agreement between the department of social and health services and area agencies on aging.

(15) Appropriations provided in this section are sufficient for the department to contract with an organization to provide educational materials, legal services, and attorney training to support persons with dementia. The funding provided in this subsection must be used for:

(a) An advance care and legal planning toolkit for persons and families living with dementia, designed and made available online and in print. The toolkit should include educational topics including, but not limited to:

(i) The importance of early advance care, legal, and financial planning;

(ii) The purpose and application of various advance care, legal, and financial documents;

(iii) Dementia and capacity;

(iv) Long-term care financing considerations;

(v) Elder and vulnerable adult abuse and exploitation;

(vi) Checklists such as "legal tips for caregivers," "meeting with an attorney," and "life and death planning;"

(vii) Standardized forms such as general durable power of attorney forms and advance health care directives; and

(viii) A selected list of additional resources.

(b) Webinars about the dementia legal and advance care planning toolkit and related issues and topics with subject area experts. The subject area expert presenters must provide their services in-kind, on a volunteer basis.

(c) Continuing legal education programs for attorneys to advise and assist persons with dementia. The continuing education programs must be offered at no cost to attorneys who make a commitment to participate in the pro bono program.

(d) Administrative support costs to develop intake forms and protocols, perform client intake, match participating attorneys with eligible clients statewide, maintain records and data, and produce reports as needed.

(16) Appropriations provided in this section are sufficient to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced services facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, assisted living facility beds, adult residential care beds, and specialized dementia beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within 30 days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(17) The annual certification renewal fee for community residential service businesses is \$859 per client in fiscal year 2024 and \$859 per client in fiscal year 2025. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(18) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of \$485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(19) \$1,458,000 of the general fund—state appropriation for fiscal year 2024 and \$1,646,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide personal care services for up to 30 clients who are not United States citizens and who are ineligible for Medicaid upon their discharge from an acute care hospital. The department must prioritize the funding provided in this subsection for such clients in acute care hospitals who are also on the department's wait list for services.

(20) \$1,617,000 of the general fund—state appropriation for fiscal year 2024 and \$1,617,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for community-based dementia education and support activities in four areas of the state, including dementia resource catalyst staff and direct services for people with dementia and their caregivers.

(21) \$237,000 of the general fund—state appropriation for fiscal year 2024, \$226,000 of the general fund—state appropriation for fiscal year 2025, and \$572,000 of the general fund

—federal appropriation are provided solely to implement Substitute House Bill No. 1218 (long-term care residents).

(22) \$4,329,000 of the general fund—state appropriation for fiscal year 2024 and \$4,329,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(23) Within the amounts provided in this section, the department of social and health services must develop a statewide agency emergency preparedness plan with which to respond to future public health emergencies.

(24) The traumatic brain injury council shall collaborate with other state agencies in their efforts to address traumatic brain injuries to ensure that efforts are complimentary and continue to support the state's broader efforts to address this issue.

(25) \$1,858,000 of the general fund—state appropriation for fiscal year 2024 and \$1,857,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for operation of the volunteer services program. Funding must be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(26) \$479,000 of the general fund—state appropriation for fiscal year 2024 and \$479,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(27) Within available funds, the aging and long-term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(28) \$1,344,000 of the general fund—state appropriation for fiscal year 2024 and \$1,344,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the kinship care support program.

(29) \$16,952,000 of the general fund—state appropriation for fiscal year 2024, \$23,761,000 of the general fund—state appropriation for fiscal year 2025, and \$41,407,000 of the general fund—federal appropriation are provided solely for nursing home services and emergent building costs at the transitional care center of Seattle. No later than December 1, 2024, the department must submit to the appropriate fiscal committees of the legislature a report that includes, but is not limited to:

(a) An itemization of the costs associated with providing direct care services to residents and managing and caring for the facility; and

(b) An examination of the impacts of this facility on clients and providers of the long-term care and medical care sectors of the state that includes, but is not limited to:

(i) An analysis of areas that have realized cost containment or savings as a result of this facility;

(ii) A comparison of individuals transitioned from hospitals to this facility compared to other skilled nursing facilities over the same period of time; and

(iii) Impacts of this facility on lengths of stay in acute care hospitals, other skilled nursing facility, and transitions to home and community-based settings.

(30) \$635,000 of the general fund—state appropriation for fiscal year 2024 and \$635,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue the current pilot projects to provide personal care services to homeless seniors and people with disabilities from the time the person presents at a shelter to the time they become eligible for medicaid.

(31) \$19,143,000 of the general fund—state appropriation for fiscal year 2024, \$20,551,000 of the general fund—state appropriation for fiscal year 2025, and \$44,311,000 of the general fund—federal appropriation are provided solely to increase funding of the assisted living medicaid methodology established in RCW 74.39A.032 to 79 percent of the labor component and 68 percent of the operations component, effective July 1, 2023. The department of social and health services shall report, by December 1st of each year of the fiscal biennium, on medicaid resident utilization of and access to assisted living facilities.

(32) \$425,000 of the general fund—state appropriation for fiscal year 2025 and \$542,000 of the general fund—federal appropriation are provided solely for funding the unfair labor practice settlement in the case of *Adult Family Home Council v. Office of Financial Management*, PERC case no. 135737-U-22. If the settlement agreement is not reached by June 30, 2024, the amounts provided in this subsection shall lapse.

(33)(a) \$6,223,000 of the general fund—state appropriation for fiscal year 2024, \$6,354,000 of the general fund—state appropriation for fiscal year 2025, and \$12,830,000 of the general fund—federal appropriation are provided solely to support providers that are ready to accept patients who are in acute care beds and no longer require inpatient care, but are unable to be transitioned to appropriate postacute care settings. These patients are generally referred to as difficult to discharge hospital patients because of their behaviors.

(i) The department shall broaden the current discharge and referral case management practices for difficult to discharge hospital patients waiting in acute care hospitals to include referrals to all long-term care behavioral health settings, including enhanced services facilities, enhanced adult residential care, and enhanced adult residential care with community stability supports contracts or community behavioral health support services, including supportive supervision and oversight and skills development and restoration. These home and community-based providers are contracted to provide various levels of personal care, nursing, and behavior supports for difficult to discharge hospital patients with significant behavior support needs.

(ii) Patients ready to discharge from acute care hospitals with diagnosed behaviors or behavior history, and a likelihood of unsuccessful placement in other licensed long-term care facilities, a history of rejected applications for admissions, or a history of unsuccessful placements shall be fully eligible for referral to available beds in enhanced services facilities or enhanced adult residential care with contracts that adequately meet the patient's long-term care needs.

(iii) Previous or current detainment under the involuntary treatment act shall not be a requirement for individuals in acute care hospitals to be eligible for these specialized settings. The department shall develop a standard process for acute care hospitals to refer patients to the department for placement in enhanced services facilities and enhanced adult residential care with contracts to provide behavior support.

(b) The department must adopt a payment model that incorporates the following adjustments:

(i) The enhanced behavior services plus and enhanced behavior services respite rates for skilled nursing facilities shall be converted to \$175 per patient per day add-on in addition to daily base rates to recognize additional staffing and care needs for patients with behaviors.

(ii) Enhanced behavior services plus with specialized services rates for skilled nursing facilities shall be converted to \$235 per patient per day add-on on top of daily base rates.

(iii) The ventilator rate add-on for all skilled nursing facilities shall be \$192 per patient per day.

(iv) The tracheotomy rate add-on for all skilled nursing facilities shall be \$123 per patient per day.

(c) Of the amounts provided in (a) of this subsection, \$1,460,000 of the general fund—state appropriation for fiscal year 2024, \$1,460,000 of the general fund—state appropriation for fiscal year 2025, and \$2,920,000 of the general fund—federal appropriation are provided solely for an increase in the traumatic brain injury rate add-on to \$200 per patient per day.

(d) Of the amounts provided in (a) of this subsection, \$3,838,000 of the general fund—state appropriation for fiscal year 2024, \$3,917,000 of the general fund—state appropriation for fiscal year 2025, and \$7,911,000 of the general fund—federal appropriation are provided solely for:

(i) An increase in the daily rate for enhanced services facilities to \$591.50 per patient per day; and

(ii) For the department to convene a stakeholder work group with an enhanced services facility advocacy organization and two enhanced services facility providers to design and propose a medicaid payment methodology to further adjust enhanced services facility rates beginning July 1, 2024. The study must be based on staffing and service costs for operating and licensing costs of an enhanced services facility. By December 1, 2023, the department must report the recommendations of the work group to the appropriate committees of the legislature.

(34) \$443,000 of the general fund—state appropriation for fiscal year 2024, \$422,000 of the general fund—state appropriation for fiscal year 2025, and \$865,000 of the general fund—federal appropriation are provided solely for the department to provide staff support to the difficult to discharge task force described in section 135(11) of this act, including any associated ad hoc subgroups, and to develop home and community services assessment timeliness requirements for pilot participants in cooperation with the health care authority as described in section 211(57) of this act.

(35) \$200,000 of the general fund—state appropriation for fiscal year 2024, \$200,000 of the general fund—state appropriation for fiscal year 2025, and \$400,000 of the general fund—federal appropriation are provided solely for a pilot project focused on providing translation services for interpreting mandatory training courses offered through the adult family home training network. The department of social and health services must collaborate with the adult family home council and the adult family home training network to assess the pilot project's outcomes. The department of social and health services shall submit a comprehensive report detailing the results to the governor and the appropriate committees of the legislature no later than September 30, 2025.

(36) \$63,000 of the general fund—state appropriation for fiscal year 2024, \$73,000 of the general fund—state appropriation for fiscal year 2025, and \$136,000 of the general fund—federal appropriation are provided solely to employ and train staff for outreach efforts aimed at connecting adult family home owners and their employees with health care coverage through the adult family home training network as outlined in RCW 70.128.305. These outreach activities must consist of:

(a) Informing adult family home owners and their employees about various health insurance options;

(b) Creating and distributing culturally and linguistically relevant materials to assist these individuals in accessing affordable or free health insurance plans;

(c) Offering continuous technical support to adult family home owners and their employees regarding health insurance options and the application process; and

(d) Providing technical assistance as a certified assister for the health benefit exchange, enabling adult family home owners and their employees to comprehend, compare, apply for, and enroll in health insurance via Washington healthplanfinder. Participation in the certified assister program is dependent on meeting contractual, security, and other program requirements set by the health benefit exchange.

(37) \$300,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department, in collaboration with the office of the insurance commissioner and the office of the attorney general, to create a regulatory oversight plan for continuing care retirement communities, focusing primarily on establishing and implementing resident consumer protections, as recommended in the 2022 report of the office of the insurance commissioner. As part of the process, the agencies must engage with relevant stakeholder groups for consultation. The final plan must be submitted to the health care committees of the legislature by December 1, 2024.

(38) \$75,000 of the general fund—state appropriation for fiscal year 2024, \$72,000 of the general fund—state appropriation for fiscal year 2025, and \$147,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1188 (child welfare services/DD). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(39) \$911,000 of the general fund—state appropriation for fiscal year 2024, \$935,000 of the general fund—state appropriation for fiscal year 2025, and \$365,000 of the general fund—federal appropriation are provided solely for implementation of House Bill No. 1128 (personal needs allowance). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(40) \$584,000 of the general fund—state appropriation for fiscal year 2024, \$584,000 of the general fund—state appropriation for fiscal year 2025, and \$66,000 of the general fund—federal appropriation are provided solely to increase rates for the kinship navigator program, expand the number of navigator positions, and continue the case management kinship navigator pilot.

(41) \$10,113,000 of the general fund—state appropriation for fiscal year 2024, \$10,325,000 of the general fund—state appropriation for fiscal year 2025, and \$21,964,000 of the general fund—federal appropriation are provided solely for a specialty dementia care rate add-on for all assisted living facilities of \$75 per patient per day.

(42) \$806,000 of the general fund—state appropriation for fiscal year 2024, \$1,610,000 of the general fund—state appropriation for fiscal year 2025, and \$2,455,000 of the general fund—federal appropriation are provided solely to increase rates for long-term care case management services offered by area agencies on aging. The department must include this adjustment in the monthly per client rates paid to these agencies for case management services in the governor's projected maintenance level budget process, in accordance with RCW 43.88.030.

(43) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to assist home care agencies and the consumer directed employer in addressing service gaps in transportation and areas of service for home care workers caring for multiple medicaid clients.

(44) \$125,000 of the general fund—state appropriation for fiscal year 2024, \$125,000 of the general fund—state appropriation for fiscal year 2025, and \$250,000 of the general fund—federal appropriation are provided solely for the department, in collaboration with the consumer directed employer and home care agencies, to establish guidelines, collect and analyze data, and research the reasons and timing behind home care workers leaving the workforce.

(45) \$500,000 of the general fund—state appropriation for fiscal year 2024, \$500,000 of the general fund—state appropriation for fiscal year 2025, and \$1,000,000 of the general fund—federal appropriation are provided solely to contract with an organization to design and deliver culturally and linguistically competent training programs for home care workers, including individual providers.

(46) \$3,856,000 of the general fund—state appropriation for fiscal year 2024, \$3,856,000 of the general fund—state appropriation for fiscal year 2025, and \$7,712,000 of the general fund—federal are provided solely for a one-time bridge rate for assisted living facilities, enhanced adult residential centers, and adult residential centers, with high medicaid occupancy. The bridge rate does not replace or substitute the capital add-on rate found in RCW 74.39A.320 and the same methodology from RCW 74.39A.320 shall be used to determine each facility's medicaid occupancy percentage for the purposes of this one-time bridge rate add-on. The bridge rate add-on is as follows:

(a) Facilities with a medicaid occupancy level of 90 percent or more shall receive an \$18.00 add-on per resident day.

(b) Facilities with a medicaid occupancy level ranging from 80 percent to 89 percent shall receive a \$9.00 rate add-on per resident day.

(47) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a study of functional assessments conducted by the department prior to acute care hospital discharge and placement in a post-acute facility. No later than June 30, 2025, a report must be submitted to the governor and the appropriate committees of the legislature that evaluates:

- (a) The timeliness of the completion of these assessments;
- (b) How requiring these assessments impacts:
  - (i) The length of a patient's hospital stay;
  - (ii) The patient's medical, emotional, and mental well-being;
  - (iii) The hospital staff who care for these patients; and
  - (iv) Access to inpatient and emergency beds for other patients;

(c) Best practices from other states for placing hospitalized patients in post-acute care settings in a timely and effective manner that includes:

(i) Identification of the states that require these assessments prior to post-acute placement; and

(ii) An analysis of a patient's hospital length of stay and a patient's medical, emotional, and mental well-being in states that require these assessments compared to the states that do not; and

(d) The potential benefits of, and barriers to, outsourcing some or all of the functional assessment process to hospitals. Barriers evaluated must include department policies regarding staff workloads, outsourcing work, and computer system access.

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM**

General Fund—State Appropriation (FY 2024) . . . . .	\$617,679,000
General Fund—State Appropriation (FY 2025) . . . . .	\$645,922,000
General Fund—Federal Appropriation . . . . .	\$1,639,800,000
General Fund—Private/Local Appropriation . . . . .	\$5,274,000
Domestic Violence Prevention Account—State Appropriation . . . . .	\$2,404,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$2,911,079,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) \$175,446,000 of the general fund—state appropriation for fiscal year 2024, \$192,414,000 of the general fund—state appropriation for fiscal year 2025, and \$861,696,000 of the general fund—federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b) \$485,257,000 of the amounts in (a) of this subsection is for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance. Of the amounts provided in this subsection (1) (b):

(i) \$22,755,000 of the general fund—federal appropriation is provided solely for the department to provide cash assistance to households with at least one eligible adult who have exceeded the 60 month time limit in the temporary assistance for needy families program, pursuant to RCW 74.08A.010(5), through June 30, 2025.

(ii) \$13,963,000 of the general fund—federal appropriation is provided solely to increase the temporary assistance for needy families and state family assistance cash grants by \$80 per month for households with a child under the age of three, effective November 1, 2023. The funding is intended to assist families with the cost of diapers as described in chapter 100, Laws of 2022.

(iii) \$9,060,000 of the general fund—state appropriation for fiscal year 2024 and \$17,665,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to increase temporary assistance for needy families grants by eight percent, effective January 1, 2024.

(iv) \$423,000 of the general fund—state appropriation for fiscal year 2024, \$18,452,000 of the general fund—state appropriation for fiscal year 2025, and \$1,089,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1447 (assistance programs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(v) \$1,795,000 of the general fund—federal appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1652 (child support pass through). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(c) \$174,820,000 of the amounts in (a) of this subsection is for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Within amounts provided in this subsection (1) (c), the department shall implement the working family support program.

(i) \$4,004,000 of the general fund—federal appropriation of the amounts in (a) of this subsection are provided solely for the WorkFirst services costs associated with the extension of the 60 month time limit in the temporary assistance for needy families program for households with at least one eligible adult described in RCW 74.08A.010(5), through June 30, 2025.

(ii) \$2,474,000 of the amounts provided in this subsection (1)(c) is for enhanced transportation assistance. The department must prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(iii) \$482,000 of the general fund—state appropriation for fiscal year 2024 and \$1,417,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the costs associated with increasing the temporary assistance for needy families grants by eight percent, effective January 1, 2024.

(iv) \$257,000 of the general fund—state appropriation for fiscal year 2024 and \$3,683,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1447 (assistance programs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(v) \$1,171,000 of the general fund—federal appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1652 (child support pass through). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(d) Of the amounts in (a) of this subsection, \$353,402,000 of the general fund—federal appropriation is for the working connections child care program under RCW 43.216.020 within the department of children, youth, and families. The department is the lead agency for and recipient of the federal temporary assistance for needy families grant. A portion of this grant must be used to fund child care subsidies expenditures at the department of children, youth, and families.

(i) The department of social and health services shall work in collaboration with the department of children, youth, and families to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families.

(ii) Effective December 1, 2023, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(e) Of the amounts in (a) of this subsection, \$68,496,000 of the general fund—federal appropriation is for child welfare services within the department of children, youth, and families.

(f) Of the amounts in (a) of this subsection, \$147,581,000 is for WorkFirst administration and overhead. Of the amounts provided in this subsection (1)(f):

(i) \$486,000 of the general fund—federal appropriation of the amounts in (a) of this subsection are provided solely for administrative and overhead costs associated with the expansion of the 60 month time limit through June 30, 2025, in the temporary assistance for needy families program for households with at least one eligible adult described in RCW 74.08A.010(5).

(ii) \$147,000 of the general fund—state appropriation for fiscal year 2024 and \$69,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for costs associated with increasing the temporary assistance for needy families grants by eight percent, effective January 1, 2024.

(iii) \$24,000 of the general fund—state appropriation for fiscal year 2024, \$318,000 of the general fund—state appropriation for fiscal year 2025, and \$575,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1447 (assistance programs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(iv) \$60,000 of the general fund—federal appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1652 (child support pass through). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(g)(i) The department shall submit quarterly expenditure reports to the governor, the fiscal committees of the legislature, and the legislative WorkFirst poverty reduction oversight task force under RCW 74.08A.341. In addition to these requirements, the department must detail any fund transfers across budget units identified in (a) through (e) of this subsection. The department shall not initiate any services that require expenditure of state general fund moneys that are not consistent with policies established by the legislature.

(ii) The department may transfer up to 10 percent of funding between budget units identified in (b) through (f) of this subsection. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst poverty reduction oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office



of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst poverty reduction oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort;

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements; and

(vii) Proposed and enacted federal law changes affecting maintenance of effort or the participation rate, what impact these changes have on Washington's temporary assistance for needy families program, and the department's plan to comply with these changes.

(i) In the 2023-2025 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (a) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) \$3,545,000 of the general fund—state appropriation for fiscal year 2024 and \$3,545,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On January 1, 2024, and January 1, 2025, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be 100 percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(8) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for operational support of the Washington information network 211 organization.

(9) \$5,244,000 of the general fund—state appropriation for fiscal year 2024, \$3,805,000 of the general fund—state appropriation for fiscal year 2025, and \$21,115,000 of the general fund—federal appropriation are provided solely for the integrated eligibility and enrollment modernization project to create a comprehensive application and benefit status tracker for multiple programs and to establish a foundational platform. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(10) \$3,307,000 of the general fund—state appropriation for fiscal year 2024, \$257,000 of the general fund—state appropriation for fiscal year 2025, and \$8,318,000 of the general fund—federal appropriation are provided solely for the integrated eligibility and enrollment modernization project for the discovery, innovation, and customer experience phase. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(11) \$1,067,000 of the general fund—state appropriation for fiscal year 2024, \$1,067,000 of the general fund—state appropriation for fiscal year 2025, and \$4,981,000 of the general fund—federal appropriation are provided solely for the integrated eligibility and enrollment modernization project office.

(12) \$235,000 of the general fund—state appropriation for fiscal year 2024 and \$1,536,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the expansion of the ongoing additional requirements program, effective April 1, 2024.

(13)(a) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for sponsorship stabilization funds for eligible unaccompanied children and their sponsors and a study to assess needs and develop recommendations for ongoing supports for this population.

(b) Of the amounts provided in (a) of this subsection (13), \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for sponsorship stabilization funds for eligible unaccompanied children and their sponsors in order to address financial hardship and support household well-being. Stabilization funds can be used to support the sponsorship household with costs of housing, childcare, transportation, internet and data services, household goods, and other unmet needs. The funds may be provided on behalf of an unaccompanied child when the following eligibility criteria are met:

(i) The unaccompanied child is between the ages of 0-17, has been placed in Washington under the care of a nonparental sponsor following release from the United States office of refugee resettlement custody, and has not been reunified with a parent; and

(ii) The sponsorship household demonstrates financial need and has an income below 250 percent of the federal poverty level. A sponsorship household receiving stabilization funds on behalf of a child who turns 18 may continue to receive funds for an additional 60 days after the child reaches 18 years of age.

(c) The department may work with community-based organizations to administer sponsorship stabilization supports. Up to 10 percent of the amounts provided in (b) of this subsection (13) may be used by the community-based organizations to cover administrative expenses associated with the distribution of these supports.

(d) Of the amounts provided in (a) of this subsection (13), \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to cover the administrative resources necessary for the department to administer the sponsorship stabilization program and to convene a work group with the department of children, youth, and families, department of commerce's office of homeless youth prevention and programs, stakeholders, and community-based organization who have pertinent information regarding sponsorship households. The work group shall identify and analyze the resource and service needs for unaccompanied children and their sponsors, including the types and levels of financial supports and related services that will promote stability of sponsorship placements for this population.

(i) The department must produce a report that includes an overview of the number of impacted children and sponsors, existing services and supports that are available, any gaps in services, and potential changes to federal programs and policies that could impact unaccompanied children. The report shall include recommendations for how state agencies and community organizations can partner with the federal government to support sponsorship households, proposed services and supports that the state could provide to promote the ongoing stability of sponsorship households, and a recommended service delivery model.

(ii) The department shall submit the report required by (d)(i) of this subsection (13) to the governor and appropriate legislative committees no later than June 30, 2025.

(14) \$17,522,000 of the general fund—state appropriation for fiscal year 2024 and \$21,997,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1260 (work-limiting disability). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(15) \$694,000 of the general fund—state appropriation for fiscal year 2024, \$1,148,000 of the general fund—state appropriation for fiscal year 2025, and \$749,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1447 (assistance programs) for the aged, blind, or disabled, refugee cash assistance, pregnant women assistance, and consolidated emergency assistance programs. If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(16) \$418,000 of the general fund—state appropriation for fiscal year 2024, \$6,500,000 of the general fund—state appropriation for fiscal year 2025, and \$1,329,000 of the general fund—federal appropriation are provided solely for the costs to pass through child support collected on behalf of temporary assistance for needy families grant recipients in accordance with Engrossed Substitute House Bill No. 1652 (child support pass through). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(17) \$500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to contract with an organization located in Seattle with expertise in culturally and linguistically appropriate communications and outreach to conduct an outreach, education, and media campaign related to communities significantly impacted by or at risk for benefits trafficking, skimming, or other fraudulent activities, with particular focus on immigrant, refugee, migrant, and senior populations. This campaign must provide community-focused, culturally and linguistically appropriate education and assistance targeted to meet the needs of each community and related to safeguarding public assistance benefits provided through an electronic benefit card and how to avoid the trafficking or skimming of benefits. To the extent practical, the department must make available information and data to refine this campaign for those communities most impacted to ensure inclusion of

any relevant groups not already identified in this provision. The contracted organization, in collaboration with the department, must focus its outreach in highly impacted geographic areas including, but not limited to, Burien, Federal Way, Kent, Lynnwood, White Center, West Seattle, Seattle's International District, Chinatown, and the Central District, Yakima and other identified locations.

(18) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for additional funding for the emergency domestic violence shelter and supportive services program.

(19) \$1,100,000 of the general fund—state appropriation for fiscal year 2024 and \$900,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to meet the terms of its settlement agreement with the United States department of agriculture (USDA).

(a) Of the amounts provided in this subsection, \$500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to repay USDA as part of the settlement agreement.

(b) Of the amounts provided in this subsection, \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$900,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to fund employment and training activities for able-bodied adults without dependents receiving food benefits from the USDA supplemental nutrition assistance program.

(20) \$3,844,000 of the general fund—state appropriation for fiscal year 2024, \$7,921,000 of the general fund—state appropriation for fiscal year 2025, and \$1,374,000 of the general fund—federal appropriation are provided solely for the department to increase the aged, blind, or disabled, refugee cash assistance, pregnant women assistance, and consolidated emergency assistance grants by eight percent, effective January 1, 2024.

(21) \$950,000 of the general fund—state appropriation for fiscal year 2024 and \$950,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a nonprofit organization in Pierce county to continue the operation of the guaranteed basic income program in Tacoma.

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2024)	\$24,847,000
General Fund—State Appropriation (FY 2025)	\$24,939,000
General Fund—Federal Appropriation	\$110,047,000
<b>TOTAL APPROPRIATION</b>	<b>\$159,833,000</b>

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM**

General Fund—State Appropriation (FY 2024)	\$76,886,000
General Fund—State Appropriation (FY 2025)	\$76,255,000
<b>TOTAL APPROPRIATION</b>	<b>\$153,141,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(2) The department may not expend any amounts appropriated in this section on contracts with providers of less restrictive alternative housing for sexually violent predators where the housing facility would be within a one mile radius, as measured in any direction, of the reservation of any federally recognized Indian tribe, unless the department obtains the consent of the tribe.

(3) The department may not expend any amounts appropriated in this section on contracts with providers of less restrictive alternative housing for sexually violent predators where the department has reason to believe that the provider is out of compliance with any material term of the contract, including any clause requiring the contractor to comply with all applicable federal, state, and local laws and regulations. The department must review each existing contract to determine whether the provider is in full compliance with the material terms of the contract. In any instance where the department determines that the provider is in breach of a contract, the department must give immediate notice of termination of the contract and cease payments to the provider in accordance with the applicable termination clause or clauses in the contract.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund—State Appropriation (FY 2024)	\$46,557,000
General Fund—State Appropriation (FY 2025)	\$46,725,000
General Fund—Federal Appropriation	\$55,588,000
<b>TOTAL APPROPRIATION</b>	<b>\$148,870,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2024, and February 1, 2025. The report must provide:

- (a) The number of people in Washington who are eligible for the program;
- (b) The number of people in Washington who participated in the program;
- (c) The average annual participation rate in the program;
- (d) Participation rates by geographic distribution; and
- (e) The annual federal funding of the program in Washington.

(2) \$5,000 of the general fund—state appropriation for fiscal year 2024, \$22,000 of the general fund—state appropriation for fiscal year 2025, and \$14,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2023-2025 fiscal biennium as provided in section 909 of this act.

(3) \$85,000 of the general fund—state appropriation for fiscal year 2024 and \$85,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support the joint legislative and executive committee on behavioral health established in section 135 of this act.

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund—State Appropriation (FY 2024) . . . . .	\$48,869,000
General Fund—State Appropriation (FY 2025) . . . . .	\$50,680,000
General Fund—Federal Appropriation . . . . .	\$51,038,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$150,587,000</b>

The appropriations in this section are subject to the following conditions and limitations: Within the amounts appropriated in this section, the department must extend master property insurance to all buildings owned by the department valued over \$250,000 and to all locations leased by the department with contents valued over \$250,000.

**NEW SECTION. Sec. 210. FOR THE STATE HEALTH CARE AUTHORITY**

(1) (a) During the 2023-2025 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

(b) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

(2) The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) (a) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(b) The health care authority must submit a report on November 1, 2023, and annually thereafter, to the fiscal committees of the legislature. The report must include, at a minimum:

(i) A list of active coalition projects as of July 1st of the fiscal year. This must include all current and ongoing coalition projects, which coalition agencies are involved in these projects, and the funding being expended on each project, including in-kind funding. For each project, the report must include which federal requirements each coalition project is working to satisfy, and when each project is anticipated to satisfy those requirements; and

(ii) A list of coalition projects that are planned in the current and following fiscal year. This must include which coalition agencies are involved in these projects, including the anticipated in-kind funding by agency, and if a budget request will be submitted for funding. This must reflect all funding required by fiscal year and by fund source and include the budget outlook period.

**NEW SECTION. Sec. 211. FOR THE STATE HEALTH CARE AUTHORITY—MEDICAL ASSISTANCE**

General Fund—State Appropriation (FY 2024)	\$2,665,448,000
General Fund—State Appropriation (FY 2025)	\$2,690,341,000
General Fund—Federal Appropriation	\$13,856,859,000
General Fund—Private/Local Appropriation	\$1,071,208,000
Dedicated Cannabis Account—State Appropriation (FY 2024)	\$25,549,000
Dedicated Cannabis Account—State Appropriation (FY 2025)	\$28,944,000
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation	\$15,086,000
Hospital Safety Net Assessment Account—State Appropriation	\$859,255,000
Medical Aid Account—State Appropriation	\$540,000
Statewide 988 Behavioral Health Crisis Response Line Account—State Appropriation	\$21,606,000
Telebehavioral Health Access Account—State Appropriation	\$8,572,000
Ambulance Transport Fund—State Appropriation	\$13,785,000
<b>TOTAL APPROPRIATION</b>	<b>\$21,257,193,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The authority shall submit an application to the centers for medicare and medicaid services to renew the 1115 demonstration waiver for an additional five years as described in subsections (2), (3), and (4) of this section. The authority may not accept or expend any federal funds received under an 1115 demonstration waiver except as described in this section unless the legislature has appropriated the federal funding. To ensure compliance with legislative requirements and terms and conditions of the waiver, the authority shall implement the renewal of the 1115 demonstration waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the renewal of the 1115 demonstration waiver as set forth in subsections (2), (3), and (4) of this section requires sound, consistent, timely, and transparent oversight and analytic review in addition to lack of redundancy with other established measures. The patient must be considered first and foremost in the implementation and execution of the demonstration waiver. To accomplish these goals, the authority shall develop consistent performance measures that focus on population health and health outcomes. The authority shall limit the number of projects that accountable communities of health may participate in under initiative 1 to a maximum of six and shall seek to develop common performance measures when possible. The joint select committee on health care oversight will evaluate the measures chosen: (a) For effectiveness and appropriateness; and (b) to provide patients and health care providers with significant input into the implementation of the demonstration waiver to promote improved population health and patient health outcomes. In cooperation with the department of social and health services, the authority shall consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget to the joint select committee on health care oversight prior to submitting these waivers for federal approval. Prior to final approval or acceptance of funds by the authority, the authority shall submit the special terms and conditions as submitted to the centers for medicare and medicaid services and the anticipated budget for the duration of the renewed waiver to the governor, the joint select committee on health care, and the fiscal committees of the legislature. By federal standard any programs created or funded by this waiver do not create an entitlement. The demonstration period for the waiver as described in subsections (2), (3), and (4) of this section begins July 1, 2023.

(2)(a) \$150,219,000 of the general fund—federal appropriation and \$150,219,000 of the general fund—local appropriation are provided solely for accountable communities of health described in initiative 1 of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. In renewing this initiative, the authority shall consider local input regarding community needs and shall limit total local projects to no

more than six. To provide transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not supplement the amounts provided in this subsection with any general fund—state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the fiscal committees of the legislature all expenditures under this subsection and provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) \$438,515,000 of the general fund—federal appropriation and \$179,111,000 of the general fund—private/local appropriation are provided solely for the medicaid quality improvement program and this is the maximum amount that may be expended for this purpose. Medicaid quality improvement program payments do not count against the 1115 demonstration waiver spending limits and are excluded from the waiver's budget neutrality calculation. The authority may provide medicaid quality improvement program payments to apple health managed care organizations and their partnering providers as they meet designated milestones. Partnering providers and apple health managed care organizations must work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority may only use the medicaid quality improvement program to support initiatives 1, 2, and 3 as described in the 1115 demonstration waiver and may not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program do not constitute an entitlement for clients or providers. The authority shall not supplement the amounts provided in this subsection with any general fund—state, general fund—federal, or general fund—local moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(c) In collaboration with the accountable communities of health, the authority will submit a report to the governor and the joint select committee on health care oversight describing how each of the accountable community of health's work aligns with the community needs assessment no later than December 1, 2023.

(d) Performance measures and payments for accountable communities of health shall reflect accountability measures that demonstrate progress toward transparent, measurable, and meaningful goals that have an impact on improved population health and improved health outcomes, including a path to financial sustainability. While these goals may have variation to account for unique community demographics, measures should be standardized when possible.

(e) Sufficient amounts are appropriated in this subsection for the authority to obtain a technology solution that enables cross-sector care coordination in support of the authority's statewide community information exchange initiative. By December 1, 2024, the authority must provide the office of financial management and appropriate committees of the legislature with a proposal to leverage medicaid enterprise system financing or other available federal funds as appropriate.

(3) \$115,713,000 of the general fund—federal appropriation and \$115,725,000 of the general fund—local appropriation are provided solely for long-term support services as described in initiative 2 of the 1115 demonstration waiver as well as administrative expenses for initiative 3 and this is the maximum amount that may be expended for this purpose. The authority shall contract with and provide funding to the department of social and health services to administer initiative 2. The director in cooperation with the secretary of the department of social and health services shall report to the office of financial management all of the expenditures of this section and shall provide such fiscal data in the time, manner, and form requested. The authority shall not supplement the amounts provided in this subsection with any general fund—state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section.

(4)(a) \$54,912,000 of the general fund—federal appropriation and \$30,162,000 of the general fund—local appropriation are provided solely for supported housing and employment services described in initiative 3a and 3b of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third-party administrator. The authority and the department, in consultation with the medical assistance expenditure forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not supplement the amounts provided in this subsection with any general fund—state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) The authority and the department shall seek additional flexibilities for housing supports through the centers for medicare and medicaid services and shall coordinate with the office of financial management and the department of commerce to ensure that services are not duplicated.

(c) The director shall report to the joint select committee on health care oversight no less than quarterly on utilization and caseload statistics for both supportive housing and employment services and its progress toward increasing uptake and availability for these services.

(5) \$1,432,000 of the general fund—state appropriation for fiscal year 2024 and \$3,008,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for supported employment services and \$1,478,000 of the general fund—state appropriation for fiscal year 2024 and \$3,162,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for supported housing services, similar to the services described in initiatives 3a and 3b of the 1115 demonstration waiver to individuals who are ineligible for medicaid. Under these initiatives, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its third-party administrator. Before authorizing services, eligibility for initiative 3a or 3b of the 1115 demonstration waiver must first be determined.

(6) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

(7) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(8) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(9) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(10) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(11) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(12) \$4,176,000 of the general fund—state appropriation for fiscal year 2024, \$4,261,000 of the general fund—state appropriation for fiscal year 2025, and \$8,607,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

(13) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

(14) \$7,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(15) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2023-2025 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2023, and by November 1, 2024, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2024 and fiscal year 2025, hospitals in the program shall be paid and shall retain 100 percent of the federal portion of the allowable

hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and 100 percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. For the purpose of determining the amount of any state grant under this subsection, payments will include the federal portion of medicaid program supplemental payments received by the hospitals. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2023-2025 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2019-2021 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within 11 months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$237,000 of the general fund—state appropriation for fiscal year 2024 and \$218,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for state grants for the participating hospitals.

(16) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(17) The authority shall submit reports to the governor and the legislature by September 15, 2023, and no later than September 15, 2024, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

(18) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

(19) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

(20) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(21) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

(22) \$90,000 of the general fund—state appropriation for fiscal year 2024, \$90,000 of the general fund—state appropriation for fiscal year 2025, and \$180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

(23) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

(24) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.



(25) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

(26) The authority shall use revenue appropriated from the dedicated cannabis account for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(27) Beginning no later than July 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority.

(28) Sufficient amounts are appropriated in this section for the authority to provide a medicaid equivalent adult dental benefit to clients enrolled in the medical care service program.

(29) During the 2023-2025 fiscal biennium, sufficient amounts are provided in this section for the authority to provide services identical to those services covered by the Washington state family planning waiver program as of August 2018 to individuals who:

(a) Are over 19 years of age;

(b) Are at or below 260 percent of the federal poverty level as established in WAC 182-505-0100;

(c) Are not covered by other public or private insurance; and

(d) Need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.

(30) Sufficient amounts are appropriated within this section for the authority to incorporate the expected outcomes and criteria to measure the performance of managed care organizations that provide services to clients under chapter 74.09 RCW. The authority must:

(a) Contract with an external quality improvement organization to annually analyze the performance of managed care organizations providing services to clients under chapter 74.09 RCW based on seven performance measures. The analysis required under this subsection must:

(i) Measure managed care performance in four common measures across each managed care organization, including:

(A) At least one common measure that must be weighted towards having the potential to impact managed care costs; and

(B) At least one common measure that must be weighted towards population health management, as defined by the measure; and

(ii) Measure managed care performance in an additional three quality focus performance measures specific to a managed care organization. Quality focus performance measures chosen by the authority must:

(A) Be chosen from the statewide common measure set;

(B) Reflect specific measures where a managed care organization has poor performance; and

(C) Be substantive and clinically meaningful in promoting health status.

(b) The authority shall set the four common measures to be analyzed across all managed care organizations.

(c) The authority shall set three quality focus performance measures specific to each managed care organization. The authority must determine performance measures for each managed care organization based on the criteria established in (a)(ii) of this subsection.

(d) By September 15, 2023, and annually thereafter, the authority shall notify each managed care organization of the performance measures for the organization for the subsequent plan year.

(e) Two percent of the total plan year funding provided to each managed care organization that provides services to clients under chapter 70.320 RCW shall be withheld. At least 75 percent of the withhold shall be held contingent on each managed care organization's performance on the seven performance measures identified in this section. Each managed care organization may earn back the annual withhold if the external quality improvement organization finds that the managed care organization:

(i) Made statistically significant improvement in the seven performance measures as compared to the preceding plan year; or

(ii) Scored in the top national medicaid quartile of the performance measures.

(f) The amount of withhold annually paid to each managed care organization shall be proportional to findings of statistically significant improvement or top national medicaid quartile scoring by a managed care organization.

(g) For no more than two of the four quality focus performance measures, the authority may use an alternate methodology to approximate top national medicaid quartile performance where top quartile performance data is unavailable.

(h) For the purposes of this subsection, "external quality improvement organization" means an organization that meets the competence and independence requirements under 42 C.F.R. Sec. 438.354, as it existed on the effective date of this section.

(i) By September 15, 2023, the authority, in collaboration with the medical assistance expenditure forecast work group, shall develop new performance measures for the 2025 plan year. Quality focus performance measures chosen by the authority must, at a minimum:

(i) Be chosen from the statewide common measure set;

(ii) Reflect specific measures where a managed care organization has poor performance;  
 (iii) Be substantive and clinically meaningful in promoting health status;  
 (iv) Include ways to improve behavioral health reporting;  
 (v) Be selected with consideration to health equity;  
 (vi) Ensure that measures that have an impact on funding have a direct relationship to the funding plans receive; and  
 (vii) Include participation from the authority's actuary to ensure that the measures and methods chosen meet required tests for actuarial soundness.

(j) By October 15, 2023, the authority shall provide a report to the governor and fiscal committees of the legislature outlining the measures it has chosen for the 2025 plan year, including the information outlined in (i) of this subsection.

(31) The authority shall ensure that appropriate resources are dedicated to implementing the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report. Additionally, the authority shall:

(a) Work to ensure the efficient operations of the managed care plans, including but not limited to, a deconflicting process for audits with and among the managed care plans and the medicaid fraud division at the attorney general's office, to ensure the authority staff perform central audits of cases that appear across multiple managed care plans, versus the audits performed by the individual managed care plans or the fraud division; and

(b) Remain accountable for operating in an effective and efficient manner, including performing program integrity activities that ensure high value in the medical assistance program in general and in medicaid managed care specifically;

(i) Work with its contracted actuary and the medical assistance expenditure forecast work group to develop methods and metrics related to managed care program integrity activity that shall be incorporated into annual rate setting; and

(ii) Work with the medical assistance expenditure forecast work group to ensure the results of program integrity activity are incorporated into the rate setting process in a transparent, timely, measurable, quantifiable manner.

(32)(a) The authority shall not enter into any future value-based arrangements with federally qualified health centers or rural health clinics prior to receiving approval from the office of financial management and the appropriate committees of the legislature.

(b) The authority shall not modify the reconciliation process with federally qualified health centers or rural health clinics without notification to and the opportunity to comment from the office of financial management.

(c) The authority shall require all managed care organizations to provide information to the authority to account for all payments to federally qualified health centers to include how payments are made, including any additional payments and whether there is a sub-capitation arrangement or value-based purchasing arrangement.

(d) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall reconcile on an annual basis with rural health clinics and federally qualified health centers.

(e) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with rural health clinics and federally qualified health centers during the fiscal year close process following generally accepted accounting practices.

(33) Within the amounts appropriated in this section, the authority is to include allergen control bed and pillow covers as part of the durable medical equipment benefit for children with an asthma diagnosis enrolled in medical assistance programs.

(34) Within the amounts appropriated in this section, the authority shall reimburse for maternity services provided by doulas.

(35) Sufficient funds are provided to continue reimbursing dental health aid therapists for services performed in tribal facilities for medicaid clients. The authority must leverage any federal funding that may become available as a result of appeal decisions from the centers for medicare and medicaid services or the United States court of appeals for the ninth circuit.

(36) Within the amount appropriated within this section, the authority shall implement the requirements of RCW 74.09.830 (postpartum health care) and the American rescue plan act of 2021, P.L. 117-2, in extending health care coverage during the postpartum period. The authority shall make every effort to expedite and complete eligibility determinations for individuals who are likely eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act to ensure the state is receiving maximum federal match. This includes, but is not limited to, working with managed care organizations to provide continuous outreach in various modalities until the individual's eligibility determination is completed. Beginning June 1, 2022, the authority must submit quarterly reports to the caseload forecast work group on the number of individuals who are likely eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act but are waiting for the authority to complete eligibility determination, the number of individuals who were likely eligible but are now receiving health care coverage with the maximum federal match under Title XIX or Title XXI of the federal social security act, and outreach activities including the work with managed care organizations.

(37) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the perinatal support warm line to provide peer support, resources, and referrals to new and expectant parents and people in the emotional transition to parenthood experiencing, or at risk of, postpartum depression or other mental health issues.

(38) Sufficient funding is provided to remove the asset test from the medicare savings program review process.

(39) Sufficient funding is provided to eliminate the mid-certification review process for the aged, blind, or disabled and housing and essential needs referral programs.

(40) \$403,000 of the general fund—state appropriation for fiscal year 2025 and \$1,185,000 of the general fund—federal appropriation are provided solely for an adult acupuncture benefit beginning January 1, 2025.

(41) \$581,000 of the general fund—state appropriation for fiscal year 2025 and \$1,706,000 of the general fund—federal appropriation are provided solely for an adult chiropractic benefit beginning January 1, 2025.

(42) (a) \$4,109,000 of the general fund—state appropriation for fiscal year 2024 and \$2,055,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to establish a two-year grant program for reimbursement for services to patients up to age 18 provided by community health workers in primary care clinics whose patients are significantly comprised of pediatric patients enrolled in medical assistance under chapter 74.09 RCW beginning January 1, 2023. Community health workers funded under this subsection may provide outreach, informal counseling, and social supports for health-related social needs. The authority shall seek a state plan amendment or federal demonstration waiver should they determine these services are eligible for federal matching funds. Within the amounts provided within this subsection, the authority will provide an initial report to the governor and appropriate committees of the legislature by January 1, 2024, and a final report by January 1, 2025. The report shall include, but not be limited to, the quantitative impacts of the grant program, how many community health workers are participating in the grant program, how many clinics these community health workers represent, how many clients are being served, and evaluation of any measurable health outcomes identified in the planning period prior to January 2023.

(b) In collaboration with key stakeholders including pediatric primary care clinics and medicaid managed care organizations, the authority shall explore longer term, sustainable reimbursement options for the integration of community health workers in primary care to address the health-related social needs of families, including approaches to incorporate federal funding.

(43) \$2,017,000 of the general fund—state appropriation for fiscal year 2024, \$1,458,000 of the general fund—state appropriation for fiscal year 2025, and \$2,550,000 of the general fund—federal appropriation are provided solely for a technology solution for an authoritative client identifier, or master person index, for state programs within the health and human services coalition to uniformly identify clients across multiple service delivery systems. The coalition will clearly identify all state programs impacted by and all fund sources used in development and implementation of this project. This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(44) (a) Sufficient amounts are appropriated in this section for the authority to provide coverage for all federal food and drug administration approved HIV antiviral drugs without prior authorization beginning January 1, 2023. This coverage must be provided to apple health clients enrolled in both fee-for-service and managed care programs.

(b) Beginning January 1, 2023, upon initiation or renewal of a contract with the authority to administer a medicaid managed care plan, a managed health care system shall provide coverage without prior authorization for all federal food and drug administration approved HIV antiviral drugs.

(c) By December 1, 2023, and annually thereafter, the authority must submit to the fiscal committees of the legislature the projected and actual expenditures and percentage of medicaid clients who switch to a new drug class without prior authorization as described in (a) and (b) of this subsection.

(45) The authority shall consider evidence-based recommendations from the Oregon health evidence review commission when making coverage decisions for the treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute-onset neuropsychiatric syndrome.

(46) (a) \$24,806,000 of the general fund—state appropriation for fiscal year 2024 and \$62,814,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority, beginning January 1, 2024, to implement a program with coverage comparable to the scope of care provided in the categorically needy medicaid program for adult individuals who:

(i) Have an immigration status making them ineligible for federal medicaid, except for individuals who are lawfully present and have not yet met the five-year bar;

(ii) Are age 19 and older, including over age 65, and have countable income of up to 138 percent of the federal poverty level; and

(iii) Are not eligible for another federally funded medical assistance program.

(b) The authority in collaboration with the health benefit exchange, the department of social and health services, and community organizations must develop and implement an outreach and education campaign.

(c) The legislature intends to adjust funding levels annually to align with projected expenditures based on information from the caseload forecast council, forecasted service costs, and administrative costs. The authority shall annually update the governor's office and appropriate committees of the legislature on any changes through the submission of a maintenance level agency budget request.

(47) \$21,606,000 of the statewide 988 behavioral health crisis response line account—state appropriation and \$2,946,000 of the general fund—federal appropriation are provided

solely for the 988 technology platform implementation project. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(48) Sufficient funds are provided in this section for the authority to extend continuous eligibility for apple health to children ages zero to six with income at or below 215 percent of the federal poverty level. The centers for medicare and medicaid services must approve the 1115 medicaid waiver prior to the implementation of this policy.

(49) \$2,047,000 of the general fund—state appropriation for fiscal year 2024, \$3,390,000 of the general fund—state appropriation for fiscal year 2025, and \$5,135,000 of the general fund—federal appropriation are provided solely to increase reimbursement rates by 20 percent for applied behavior analysis codes 0362T and 0373T for individuals with complex behavioral health care needs; and by 15 percent for all other applied behavior analysis codes with the exception of Q3014, beginning January 1, 2024.

(50) \$15,000 of the general fund—state appropriation for fiscal year 2024, \$44,000 of the general fund—state appropriation for fiscal year 2025, and \$70,000 of the general fund—federal appropriation are provided solely for apple health coverage of cochlear implants for medicaid-enrolled adults.

(51) \$1,197,000 of the general fund—state appropriation for fiscal year 2024, \$1,197,000 of the general fund—state appropriation for fiscal year 2025, and \$5,088,000 of the general fund—federal appropriation are provided solely for the authority to increase air ambulance fixed wing code A0430 by 95 percent, air ambulance rotary wing code A0431 by 133 percent, air mileage code A0435 by 29 percent, and air milage code A0436 by 34 percent, beginning July 1, 2023.

(52) \$2,120,000 of the general fund—state appropriation for fiscal year 2024, \$2,120,000 of the general fund—state appropriation for fiscal year 2025, and \$9,012,000 of the general fund—federal appropriation are provided solely to increase advanced life support code A0426 by 64 percent, basic life support base rates for nonemergency ambulance transports code A0428 by 80 percent, and mileage for both nonemergency and emergency ambulance transportation code A0425 by 35 percent, beginning July 1, 2023.

(53) \$969,000 of the general fund—state appropriation for fiscal year 2024, \$1,938,000 of the general fund—state appropriation for fiscal year 2025, and \$3,024,000 of the general fund—federal appropriation are provided solely for the authority, beginning January 1, 2024, to increase the children's dental rate for procedure code D1120 by at least 40 percent above the medical assistance fee-for-service rate in effect on January 1, 2023.

(54) \$300,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to the nonprofit foundation managing the Washington patient safety coalition to support the communication and resolution programs certification program to improve outcomes for patients by providing in-depth feedback to health care organizations.

(55) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to continue a public-private partnership with a state-based oral health foundation to connect medicaid patients to dental services and reduce barriers to accessing care. The authority shall submit a progress report to the appropriate committees of the legislature by June 30, 2024.

(56) \$102,000 of the general fund—state appropriation for fiscal year 2024, \$204,000 of the general fund—state appropriation for fiscal year 2025, and \$463,000 of the general fund—federal appropriation are provided solely to increase rates for developmental screenings and assessments for medicaid-enrolled children under 21 years old.

(57)(a) \$5,755,000 of the general fund—state appropriation for fiscal year 2024, \$7,653,000 of the general fund—state appropriation for fiscal year 2025, and \$259,000 of the general fund—federal appropriation are provided solely for the authority to implement a three-site pilot program for difficult to discharge individuals as described in section 135(11) of this act.

(b) The authority shall work in collaboration with the contractor and task force identified in section 135(11) of this act to carry out the goals and objectives of the pilot program, including but not limited to:

(i) Providing enhanced care management and wraparound services that shall be provided by or delegated by managed care pilot participants, based on services currently provided by the Harborview medical center program;

(ii) Providing incentive payments to participating postacute care providers;

(iii) Developing home and community services assessment timeliness requirements for pilot participants in cooperation with the department of social and health services; and

(iv) Providing reimbursement for administrative support through Harborview medical center for the duration of the pilot project, including training and education to support pilot participants.

(c) Of the amounts provided in this subsection, \$44,000 of the general fund—state appropriation for fiscal year 2024 and \$42,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to provide staff support to the difficult to discharge task force described in section 135(11) of this act, including any associated ad hoc subgroups.

(58) \$60,000 of the general fund—state appropriation for fiscal year 2024, \$62,000 of the general fund—state appropriation for fiscal year 2025, \$122,000 of the general fund—federal appropriation, and \$481,000 of the telebehavioral access account—state appropriation are

provided solely for the first approach skills training program through the partnership access line.

(59) \$38,000 of the general fund—state appropriation for fiscal year 2024, \$38,000 of the general fund—state appropriation for fiscal year 2025, \$76,000 of the general fund—federal appropriation, and \$303,000 of the telebehavioral access account—state appropriation are provided solely for additional staff support for the mental health referral service for children and teens.

(60) \$435,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the authority, in collaboration with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital, to expand access to child psychiatry services through grants to 10 primary care clinics with newly integrated behavioral health.

(61) \$1,902,000 of the general fund—state appropriation for fiscal year 2024 and \$1,103,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1508 (health care cost board). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(62) \$1,608,000 of the general fund—state appropriation for fiscal year 2024, \$2,015,000 of the general fund—state appropriation for fiscal year 2025, and \$3,681,000 of the general fund—federal appropriation are provided solely for a rate increase effective July 1, 2023, for the health homes program for fee-for-service enrollees.

(63) \$320,000 of the general fund—state appropriation for fiscal year 2024, \$642,000 of the general fund—state appropriation for fiscal year 2025, and \$1,364,000 of the general fund—federal appropriation are provided solely to increase birth center facility fee reimbursement to \$4,500 and home birth kit reimbursement to \$1,000 for providers approved by the authority within the planned home births and births in birth centers program.

(64) \$181,000 of the general fund—state appropriation for fiscal year 2024 and \$181,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1435 (home care safety net assess.). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(65) \$8,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for one-time bridge grants to hospitals in financial distress. To qualify for these grants, a hospital must:

(a) Be located in Washington;

(b) Serve individuals enrolled in state and federal medical assistance programs;

(c) Continue to maintain a medicaid population at similar utilization levels as in calendar year 2022;

(d) Be necessary for an adequate provider network for the medicaid program;

(e) Demonstrate a plan for long-term financial sustainability; and

(f) Meet one of the following criteria:

(i) Lack adequate cash-on-hand to remain financially solvent;

(ii) Have experienced financial losses during hospital fiscal year 2022; or

(iii) Be at risk of bankruptcy.

(66) (a) Sufficient funds are provided in this section for an outpatient directed payment program.

(b) The authority shall:

(i) Maintain the program to support the state's access and other quality of care goals and to not increase general fund—state expenditures;

(ii) Seek approval from the centers for medicare and medicaid services to expand the medicaid outpatient directed payment program for hospital outpatient services provided to medicaid program managed care recipients by UW Medicine hospitals and, at their option, UW Medicine affiliated hospitals;

(iii) Direct managed care organizations to make payments to eligible providers at levels required to ensure enrollees have timely access to critical high-quality care as allowed under 42 C.F.R. 438.6(c); and

(iv) Increase medicaid payments for hospital outpatient services provided by UW Medicine hospitals and, at their option, UW Medicine affiliated hospitals to the average payment received from commercial payers.

(c) Any incremental costs incurred by the authority in the development, implementation, and maintenance of this program shall be the responsibility of the participating hospitals.

(d) Participating hospitals shall retain the full amount of payments provided under this program.

(67) (a) No more than \$200,661,000 of the general fund—federal appropriation and no more than \$91,430,000 of the general fund—local appropriation may be expended for an inpatient directed payment program.

(b) The authority shall:

(i) Design the program to support the state's access and other quality of care goals and to not increase general fund—state expenditures;

(ii) Seek approval from the centers for medicare and medicaid services to create a medicaid inpatient directed payment program for hospital inpatient services provided to medicaid program managed care recipients by UW Medicine hospitals and, at their option, UW Medicine affiliated hospitals;

(iii) Upon approval, direct managed care organizations to make payments to eligible providers at levels required to ensure enrollees have timely access to critical high-quality care as allowed under 42 C.F.R. 438.6(c); and

(iv) Increase medicaid payments for hospital inpatient services provided by UW Medicine and, at their option, UW Medicine affiliated hospitals to the average payment received from commercial payers.

(c) Any incremental costs incurred by the authority in the development, implementation, and maintenance of this program shall be the responsibility of the participating hospitals.

(d) Participating hospitals shall retain the full amount of payments provided under this program.

(e) Participating hospitals will provide the local funds to fund the required nonfederal contribution.

(f) This program shall be effective as soon as administratively possible.

(68) \$194,000 of the general fund—state appropriation for fiscal year 2024, \$1,724,000 of the general fund—state appropriation for fiscal year 2025 and \$1,918,000 of the general fund—federal appropriation are provided solely for the authority in coordination with the department of social and health services to develop and implement a Katie Beckett 1115 demonstration waiver. The authority shall limit enrollment to 1,000 clients during the waiver period. Based upon the experience developed during the waiver period, the authority shall make recommendations to the legislature for a future tax equity and fiscal responsibility act state plan option.

(69) \$1,089,000 of the general fund—state appropriation for fiscal year 2024, \$2,231,000 of the general fund—state appropriation for fiscal year 2025, and \$2,657,000 of the general fund—federal appropriation are provided solely for kidney dialysis services for medicaid-enrolled patients through increased reimbursement rates beginning January 1, 2024. Within the amounts provided in this subsection, the authority must increase the medical assistance rates for revenue code 0821 billed with procedure code 90999 and revenue codes 0831, 0841, and 0851, when reimbursed on a fee-for-service basis or through managed care plans, by at least 30 percent above the fee-for-service composite rates in effect on January 1, 2023.

(70) (a) \$1,083,000 of the general fund—state appropriation for fiscal year 2024, \$4,333,000 of the general fund—state appropriation for fiscal year 2025, and \$5,416,000 of the general fund—federal appropriation are provided solely for the authority to increase the eligibility threshold for the qualified medicare beneficiary program to less than or equal to 120 percent of the federal poverty level.

(b) The authority shall seek to maximize the availability of the qualified individual program through the centers for medicare and medicaid services.

(c) The authority may adopt any rules necessary to administer this subsection. Nothing in this subsection may be interpreted to limit the authority's existing rule-making authority related to medicare savings programs.

(71) \$760,000 of the general fund—state appropriation for fiscal year 2024, \$777,000 of the general fund—state appropriation for fiscal year 2025, and \$2,312,000 of the general fund—federal appropriation are provided solely for the authority to increase the nonemergency medical transportation broker administrative rate to ensure access to health care services for medicaid patients.

(72) \$56,000 of the general fund—state appropriation for fiscal year 2024, \$111,000 of the general fund—state appropriation for fiscal year 2025, and \$166,000 of the general fund—federal appropriation are provided solely for the authority to increase pediatric palliative care rates to the equivalent medicare rates paid for hospice care in effect October 1, 2022, beginning January 1, 2024.

(73) Sufficient amounts are appropriated in this section to increase the apple health periodontal maintenance benefit, code D4910, for clients with diabetes to four units per year.

(74) \$280,000 of the general fund—state appropriation for fiscal year 2024 and \$1,992,000 of the general fund—federal appropriation are provided solely for modular replacement costs of the ProviderOne pharmacy point of sale system and are subject to the conditions, limitations, and review provided in section 701 of this act.

(75) \$358,000 of the general fund—state appropriation for fiscal year 2024, \$358,000 of the general fund—state appropriation for fiscal year 2025, and \$568,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1357 (prior authorization). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(76) \$19,748,000 of the general fund—state appropriation for fiscal year 2025 and \$48,147,000 of the general fund—federal appropriation are provided solely for an increase in medicaid reimbursement rates for professional services, beginning July 1, 2024, as follows:

(a) Service categories including intense outpatient, emergency room, inpatient and outpatient surgery, inpatient visits, maternity, office administered drugs, and other physician services are increased to 50 percent of medicare rates in effect January 1, 2021.

(b) Service categories including diagnostics, opioid treatment programs, low-level behavioral health, and office or home consults are increased to 70 percent of medicare rates in effect January 1, 2021.

(77) \$1,360,000 of the general fund—state appropriation for fiscal year 2024 and \$3,252,000 of the general fund—federal appropriation are provided solely to increase the rates paid to rural hospitals that meet the criteria in (a) through (d) of this subsection. Payments for state and federal medical assistance programs for services provided by such a

hospital, regardless of the beneficiary's managed care enrollment status, must be increased to 150 percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2024, and return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018. Hospitals participating in the certified public expenditures program may not receive increased reimbursement for inpatient services. Hospitals qualifying for this rate increase must:

- (a) Be certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2014;
- (b) Have had less than 150 acute care licensed beds in fiscal year 2011;
- (c) Have a level III adult trauma service designation from the department of health as of January 1, 2014; and
- (d) Be owned and operated by the state or a political subdivision.

(78) Sufficient amounts are appropriated in this section for the authority to contract with a medicaid managed care organization for continuous coverage beginning January 1, 2024, for individuals under age 26 that were enrolled in the unaccompanied refugee minor program as authorized by the office of refugee and immigrant assistance. There are no residency, social security number, or citizenship requirements to receive the continuous coverage as described in this subsection.

(79)(a) \$598,000 of the general fund—state appropriation for fiscal year 2024 and \$591,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for work required of the authority as specified in chapter 309, Laws of 2021 (universal health care commission). Of the amounts provided in this subsection:

- (b) \$216,000 of the general fund—state appropriation for fiscal year 2024 and \$216,000 of the general fund—state appropriation for fiscal year 2025 are for staff dedicated to contract procurement, meeting coordination, legislative reporting, federal application requirements, and administrative support.
- (c) \$132,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are for additional staff dedicated to the work of the finance technical advisory committee.
- (d) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are for consultant services, dedicated actuarial support, and economic modeling.

(80) \$361,000 of the general fund—state appropriation for fiscal year 2024, \$766,000 of the general fund—state appropriation for fiscal year 2025, and \$2,093,000 of the general fund—federal appropriation are provided solely for the costs of, and pursuant to the conditions prescribed for, implementing the rate increase directed in section 215(44) for children for whom base funding for community behavioral health services is provided within this section.

**NEW SECTION. Sec. 212. FOR THE STATE HEALTH CARE AUTHORITY—PUBLIC EMPLOYEES' BENEFITS BOARD AND EMPLOYEE BENEFITS PROGRAM**

State Health Care Authority Administrative Account—	
State Appropriation . . . . .	\$41,703,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$41,703,000</b>

The appropriation in this section is subject to the following conditions and limitations:

- (1) Any savings from reduced claims costs must be reserved for funding employee benefits during the 2023-2025 fiscal biennium and may not be used for administrative expenses. The health care authority shall deposit any moneys received on behalf of the uniform medical plan resulting from rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys received as a result of prior uniform medical plan claims payments, in the public employees' and retirees' insurance account to be used for insurance benefits.
- (2) Any changes to benefits must be approved by the public employees' benefits board. The board shall not make any changes to benefits without considering a comprehensive analysis of the cost of those changes, and shall not increase benefits unless offsetting cost reductions from other benefit revisions are sufficient to fund the changes. The board shall not make any change in retiree eligibility criteria that reestablishes eligibility for enrollment in PEBB benefits. However, the funding provided anticipates that the public employees' benefits board may increase the virtual access to behavioral health resources and interventions and case management.
- (3) Except as may be provided in a health care bargaining agreement, to provide benefits within the level of funding provided in part IX of this bill, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases increase in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.
- (4) The board shall collect a surcharge payment of not less than \$25 dollars per month from members who use tobacco products, and a surcharge payment of not less than \$50 per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.
- (5) \$78,000 of the health care authority administrative account—state appropriation is provided solely for administrative costs associated with extending retiree coverage under

Substitute House Bill No. 1804 (PEBB/subdivision retirees). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 213. FOR THE STATE HEALTH CARE AUTHORITY—SCHOOL EMPLOYEES' BENEFITS BOARD**

School Employees' Insurance Administrative Account—	
State Appropriation. . . . .	\$31,825,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$31,825,000</b>

**NEW SECTION. Sec. 214. FOR THE STATE HEALTH CARE AUTHORITY—HEALTH BENEFIT EXCHANGE**

General Fund—State Appropriation (FY 2024). . . . .	\$8,242,000
General Fund—State Appropriation (FY 2025). . . . .	\$6,039,000
General Fund—Federal Appropriation. . . . .	\$61,983,000
Education Legacy Trust Account—State Appropriation. . . . .	\$350,000
Health Benefit Exchange Account—State Appropriation. . . . .	\$76,214,000
State Health Care Affordability Account—State	
Appropriation. . . . .	\$110,000,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$262,828,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(2) (a) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation, one-half the health benefit exchange account—state appropriation, and one-half the health care affordability account—state appropriation to the exchange.

(b) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(c) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(3) \$1,939,000 of the health benefit exchange account—state appropriation and \$6,189,000 of the general fund—federal appropriation are provided solely for the modernizing healthplanfinder project. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(4) (a) \$100,000,000 of the state health care affordability account—state appropriation is provided solely for the exchange to administer a premium assistance program, beginning for plan year 2023, as established in RCW 43.71.110. An individual is eligible for the premium assistance provided if the individual: (i) Has income up to 250 percent of the federal poverty level; and (ii) meets other eligibility criteria as established in RCW 43.71.110(4) (a).

(b) \$260,000 of general fund—state appropriation for fiscal year 2024 is provided solely for a study, in consultation with the health care authority and office of the insurance commissioner, of how the exchange's current section 1332 waiver could be amended to capture federal pass-through funding to support the affordability programs established in RCW 43.71.110. The study should focus on methods being used in other states that could be most readily leveraged in Washington. Study findings must be reported to the appropriate committees of the legislature by December 1, 2023.

(5) \$10,000,000 of the state health care affordability account—state appropriation is provided solely to provide premium assistance for customers ineligible for federal premium tax credits who meet the eligibility criteria established in subsection (4) (a) of this section.

(6) \$102,000 of the general fund—state appropriation for fiscal year 2024, \$865,000 of the general fund—federal appropriation, and \$123,000 of the health benefit exchange account—state appropriation are provided solely for a technology solution for an authoritative client identifier, or master person index, in Healthplanfinder to support the health and human services coalition in uniformly identifying clients across multiple state service delivery systems. These amounts are subject to the conditions, limitations, and review requirements of section 701 of this act.

(7) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the exchange, in collaboration with the department of social and health services and the home training network as described in RCW 70.128.305, to provide educational resources and trainings to help connect owners and employees of adult family homes to health care coverage.



(8) \$299,000 of the general fund—state appropriation for fiscal year 2024, \$299,000 of the general fund—state appropriation for fiscal year 2025, and \$202,000 of the general fund—federal appropriation are provided solely for pass-through funding in the annual amount of \$100,000 for each lead navigator organization in the four regions with the highest concentration of citizens of the compact of free association (COFA) to:

- (a) Support a staff position within the COFA community to provide enrollment assistance to the COFA community beyond the scope of the current COFA program; and
- (b) Support COFA community-led outreach and enrollment activities.

**NEW SECTION. Sec. 215. FOR THE STATE HEALTH CARE AUTHORITY—COMMUNITY BEHAVIORAL HEALTH PROGRAM**

General Fund—State Appropriation (FY 2024) . . . . .	\$1,027,989,000
General Fund—State Appropriation (FY 2025) . . . . .	\$1,131,936,000
General Fund—Federal Appropriation . . . . .	\$2,942,674,000
General Fund—Private/Local Appropriation . . . . .	\$39,031,000
Criminal Justice Treatment Account—State Appropriation . . . . .	\$21,988,000
Problem Gambling Account—State Appropriation . . . . .	\$2,231,000
Dedicated Cannabis Account—State Appropriation (FY 2024) . . . . .	\$28,493,000
Dedicated Cannabis Account—State Appropriation (FY 2025) . . . . .	\$28,493,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation . . . . .	\$40,000,000
Opioid Abatement Settlement Account—State Appropriation . . . . .	\$69,587,000
Statewide 988 Behavioral Health Crisis Response Line Account—State Appropriation . . . . .	\$33,135,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$5,365,557,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) For the purposes of this section, "behavioral health entities" means managed care organizations and behavioral health administrative services organizations that reimburse providers for behavioral health services.

(2) Within the amounts appropriated in this section, funding is provided for implementation of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. In addition to amounts provided solely for implementation of the settlement agreement, class members must have access to supports and services funded throughout this section for which they meet eligibility and medical necessity requirements. The authority must include language in contracts that requires regional behavioral health entities to develop and implement plans for improving access to timely and appropriate treatment for individuals with behavioral health needs and current or prior criminal justice involvement who are eligible for services under these contracts.

(3) \$42,653,000 of the general fund—state appropriation for fiscal year 2024, \$46,625,000 of the general fund—state appropriation for fiscal year 2025, and \$17,368,000 of the general fund—federal appropriation are provided solely to continue the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The authority, in collaboration with the department of social and health services and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(4) \$8,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to continue diversion grant programs funded through contempt fines pursuant to *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The authority must consult with the plaintiffs and court monitor to determine, within the amounts provided, which of the programs will continue to receive funding through this appropriation. The programs shall use this funding to provide assessments, mental health treatment, substance use disorder treatment, case management, employment, and other social services. By December 1, 2023, the authority, in consultation with the plaintiffs and the court monitor, must submit a report to the office of financial management and the appropriate fiscal committees of the legislature which includes: Identification of the programs that receive funding through this subsection; a narrative description of each program model; the number of individuals being served by each program on a monthly basis; metrics or outcomes reported as part of the contracts; and recommendations related to further support of these programs in the 2023-2025 fiscal biennium.

(5) \$12,359,000 of the general fund—state appropriation for fiscal year 2024, \$12,359,000 of the general fund—state appropriation for fiscal year 2025, and \$23,444,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health

entities to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health entities with PACT teams, the authority shall consider the differences between behavioral health entities in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health entities which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under subsection (7) of this section. The authority and behavioral health entities shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(6) \$3,520,000 of the general fund—federal appropriation is provided solely for the authority to maintain a pilot project to incorporate peer bridging staff into behavioral health regional teams that provide transitional services to individuals returning to their communities.

(7) \$131,642,000 of the general fund—state appropriation for fiscal year 2024 and \$150,211,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health entity spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health entities as follows:

(a) \$116,397,000 of the general fund—state appropriation for fiscal year 2024 and \$133,903,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with behavioral health administrative service organizations for behavioral health treatment services not covered under the medicaid program. Within these amounts, behavioral health administrative service organizations must provide a 15 percent rate increase to providers receiving state funds for nonmedicaid services under this section effective January 1, 2024.

(b) \$15,245,000 of the general fund—state appropriation for fiscal year 2024 and \$16,308,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with medicaid managed care organizations for wraparound services to medicaid enrolled individuals that are not covered under the medicaid program. Within the amounts provided in this subsection, medicaid managed care organizations must provide a 15 percent rate increase to providers receiving state funding for nonmedicaid services under this section effective January 1, 2024.

(8) (a) \$29,058,000 of the general fund—state appropriation for fiscal year 2024, \$30,515,000 of the general fund—state appropriation for fiscal year 2025, and \$78,746,197 of the general fund—federal appropriation are provided solely for the authority to contract with managed care organizations to provide reimbursement for exceptional behavioral health personal care services pursuant to a 1915(i) state plan that is assumed to be effective on July 1, 2023. This reflects a change in the purchasing structure for exceptional behavioral health personal care services. The authority must contract for these services utilizing an actuarially sound rate structure as established by the authority and approved by the centers for medicare and medicaid services. Expenditure of the amounts provided in this subsection for organizations within an exclusive bargaining unit is contingent upon execution of an appropriate memorandum of understanding between the office of financial management and the exclusive bargaining representative.

(b) In the event that the 1915(i) state plan cannot be implemented or an appropriate memorandum of understanding cannot be reached, then from the amounts provided in (a) of this subsection, up to \$17,946,000 of the general fund—state appropriation for fiscal year 2024 and \$17,946,000 of the general fund—state appropriation for fiscal year 2025 may be used for the authority to continue the reimbursement structure for behavioral health personal care services in place during the 2021-2023 fiscal biennium. Within these amounts, the authority shall assure that managed care organizations reimburse the department of social and health services aging and long term support administration for the general fund—state cost of exceptional behavioral health personal care services for medicaid enrolled individuals who require these because of a psychiatric disability. Funding for the federal share of these services is separately appropriated to the department of social and health services.

(9) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health entities for children's long-term inpatient facility services.

(10) \$1,204,000 of the general fund—state appropriation for fiscal year 2024 and \$1,204,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

(11) Behavioral health entities may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health entities may use a portion of the state funds allocated in accordance with subsection (7) of this section to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(12) \$2,291,000 of the general fund—state appropriation for fiscal year 2024 and \$2,291,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health entities on their plan for using these funds, the numbers of individuals served, and the types of services provided.

(13) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(14) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health administrative service organization contracts and include contract language that clearly states the requirements and limitations. The reserve levels must be informed by the types of risk carried by behavioral health administrative service organizations for mandatory services and also consider reasonable levels of operating reserves. The authority must monitor and ensure that behavioral health administrative service organization reserves do not exceed maximum levels. The authority must monitor revenue and expenditure reports and must require a behavioral health administrative service organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health administrative service organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the entity in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the entity has come into substantial compliance with an approved excess reserve corrective action plan. The authority must submit to the office of financial management and the appropriate committees of the legislature, each December of the biennium, the minimum and maximum reserve levels established in contract for each of the behavioral health administrative service organizations for the prior fiscal year and the actual reserve levels reported at the end of the fiscal year.

(15) During the 2023-2025 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and pregnant and parenting women case management providers.

(16) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the authority by request; and (b) indirect charges for administering the program must not exceed 10 percent of the total contract amount.

(17) Within the amounts provided in this section, behavioral health entities must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health entities must require that behavioral health entities include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(18) The criminal justice treatment account—state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with behavioral health entities to administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). Funding from the criminal justice treatment account may be used to provide treatment and support services through the conclusion of an individual's treatment plan to individuals participating in a drug court program as of February 24, 2021, if that individual wishes to continue treatment following dismissal of charges they were facing under RCW 69.50.4013(1). Such participation is voluntary and contingent upon substantial compliance with drug court program requirements.

(19) \$6,858,000 of the general fund—state appropriation for fiscal year 2024, \$6,858,000 of the general fund—state appropriation for fiscal year 2025, and \$8,046,000 of the general fund—federal appropriation are provided solely to maintain crisis triage or stabilization centers that were originally funded in the 2017-2019 fiscal biennium. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(20) \$4,568,000 of the general fund—state appropriation for fiscal year 2024, \$8,643,000 of the general fund—state appropriation for fiscal year 2025, and \$13,508,000 of the general fund—federal appropriation are provided solely for the implementation of services at new crisis triage and stabilization facilities that are expected to open during the 2023-2025 fiscal biennium. Within these amounts, the health care authority shall convene representatives from medicaid managed care organizations, behavioral health administrative organizations, private insurance carriers, self-insured organizations, crisis providers, and the office of the insurance commissioner to assess gaps in the current funding model for crisis services and recommend options for addressing these gaps including, but not limited to, an alternative funding model for crisis services. The assessment must consider available data to determine to what extent the costs of crisis services for clients of private insurance carriers, medicaid managed care organizations, and individuals enrolled in medicaid fee-for-service are being subsidized through state funded behavioral health administrative services organization contracts. The analysis shall examine crisis services provided by mobile crisis teams as well as facility-based services such as crisis triage and crisis stabilization units. In the development of an alternative funding model, the authority and office of the insurance commissioner must explore mechanisms that: (a) Determine the annual cost of operating crisis services and collect a proportional share of the program cost from each health insurance carrier; and (b) differentiate between crisis services eligible for medicaid funding from other nonmedicaid eligible activities. The authority must submit a preliminary report to the office of financial management and the appropriate committees of the legislature by December 1, 2023, and a final report by December 1, 2024. Up to \$300,000 of the general fund—state appropriation for fiscal year 2024, and \$300,000 of the general fund—state appropriation for fiscal year 2025 may be used for the assessment and reporting activities required under this subsection.

(21) \$9,795,000 of the general fund—state appropriation for fiscal year 2024, \$10,015,000 of the general fund—state appropriation for fiscal year 2025, and \$15,025,000 of the general fund—federal appropriation are provided solely for the operation of secure withdrawal management and stabilization facilities. The authority may not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities. Within these amounts, funding is provided to increase the fee for service rate for these facilities up to \$650 per day. The authority must require in contracts with behavioral health entities that they pay no lower than the fee for service rate. The authority must coordinate with regional behavioral health entities to identify and implement purchasing strategies or regulatory changes that increase access to services for individuals with complex behavioral health needs at secure withdrawal management and stabilization facilities.

(22) \$1,401,000 of the general fund—state appropriation for fiscal year 2024, \$1,401,000 of the general fund—state appropriation for fiscal year 2025, and \$3,210,000 of the general fund—federal appropriation are provided solely for the implementation of intensive behavioral health treatment facilities within the community behavioral health service system pursuant to chapter 324, Laws of 2019 (2SHB 1394).

(23) (a) \$12,878,000 of the dedicated cannabis account—state appropriation for fiscal year 2024 and \$12,878,000 of the dedicated cannabis account—state appropriation for fiscal year 2025 are provided solely for:

(i) A memorandum of understanding with the department of children, youth, and families to provide substance abuse treatment programs;

(ii) A contract with the Washington state institute for public policy to conduct a cost-benefit evaluation of the implementations of chapter 3, Laws of 2013 (Initiative Measure No. 502);

(iii) Designing and administering the Washington state healthy youth survey and the Washington state young adult behavioral health survey;

(iv) Maintaining increased services to pregnant and parenting women provided through the parent child assistance program;

(v) Grants to the office of the superintendent of public instruction for life skills training to children and youth;

(vi) Maintaining increased prevention and treatment service provided by tribes and federally recognized American Indian organization to children and youth;

(vii) Maintaining increased residential treatment services for children and youth;

(viii) Training and technical assistance for the implementation of evidence-based, research based, and promising programs which prevent or reduce substance use disorder;

(ix) Expenditures into the home visiting services account; and

(x) Grants to community-based programs that provide prevention services or activities to youth.

(b) The authority must allocate the amounts provided in (a) of this subsection amongst the specific activities proportionate to the fiscal year 2021 allocation.

(24) (a) \$1,125,000 of the general fund—state appropriation for fiscal year 2024 and \$1,125,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for Spokane behavioral health entities to implement services to reduce utilization and the census at eastern state hospital. Such services must include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the 16-bed evaluation and treatment facility.

(b) At least annually, the Spokane county behavioral health entities shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(25) \$1,850,000 of the general fund—state appropriation for fiscal year 2024, \$1,850,000 of the general fund—state appropriation for fiscal year 2025, and \$13,312,000 of the general fund—federal appropriation are provided solely for substance use disorder peer support services included in behavioral health capitation rates in accordance with section 213(5) (ss), chapter 299, Laws of 2018. The authority shall require managed care organizations to provide access to peer support services for individuals with substance use disorders transitioning from emergency departments, inpatient facilities, or receiving treatment as part of hub and spoke networks.

(26) \$1,423,000 of the general fund—state appropriation for fiscal year 2024, \$1,423,000 of the general fund—state appropriation for fiscal year 2025, and \$5,908,000 of the general fund—federal appropriation are provided solely for the authority to continue to implement discharge wraparound services for individuals with complex behavioral health conditions transitioning or being diverted from admission to psychiatric inpatient programs. The authority must coordinate with the department of social and health services in establishing the standards for these programs.

(27) \$350,000 of the general fund—federal appropriation is provided solely to contract with a nationally recognized recovery residence organization and to provide technical assistance to operators of recovery residences seeking certification in accordance with chapter 264, Laws of 2019 (2SHB 1528).

(28) \$3,396,000 of the general fund—state appropriation for fiscal year 2024, \$3,396,000 of the general fund—state appropriation for fiscal year 2025, and \$16,200,000 of the general fund—federal appropriation are provided solely for support of and to continue to increase clubhouse programs across the state. The authority shall work with the centers for medicare and medicaid services to review opportunities to include clubhouse services as an optional "in lieu of" service in managed care organization contracts in order to maximize federal participation.

(29) \$708,000 of the general fund—state appropriation for fiscal year 2024, \$708,000 of the general fund—state appropriation for fiscal year 2025, and \$1,598,000 of the general fund—federal appropriation are provided solely for implementing mental health peer respite centers and a pilot project to implement a mental health drop-in center in accordance with chapter 324, Laws of 2019 (2SHB 1394).

(30) \$800,000 of the general fund—state appropriation for fiscal year 2024, \$800,000 of the general fund—state appropriation for fiscal year 2025, and \$1,452,000 of the general fund—federal appropriation are provided solely for the authority to implement strategies related to suicide prevention and treatment.

(31) \$446,000 of the general fund—state appropriation for fiscal year 2024, \$446,000 of the general fund—state appropriation for fiscal year 2025, and \$178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(32) As an element of contractual network adequacy requirements and reporting, the authority shall direct managed care organizations to make all reasonable efforts to develop or maintain contracts with provider networks that leverage local, federal, or philanthropic funding to enhance effectiveness of medicaid-funded integrated care services. These networks must promote medicaid clients' access to a system of services that addresses additional social support services and social determinants of health as defined in RCW 43.20.025 in a manner that is integrated with the delivery of behavioral health and medical treatment services.

(33) \$9,000,000 of the criminal justice treatment account—state appropriation is provided solely for the authority to maintain funding for new therapeutic courts created or expanded during fiscal year 2021, or to maintain the fiscal year 2021 expansion of services being provided to an already existing therapeutic court that engages in evidence-based practices, to include medication assisted treatment in jail settings pursuant to RCW 71.24.580. Funding provided under this subsection shall not supplant existing funds utilized for this purpose.

(34) In establishing, re-basing, enhancing, or otherwise updating medicaid rates for behavioral health services, the authority and contracted actuaries shall use a transparent process that provides an opportunity for medicaid managed care organizations, behavioral health administrative service organizations, and behavioral health provider agencies, and their representatives, to review and provide data and feedback on proposed rate changes within their region or regions of service operation. The authority and contracted actuaries

shall transparently incorporate the information gained from this process and make adjustments allowable under federal law when appropriate.

(35) The authority shall seek input from representatives of the managed care organizations (MCOs), licensed community behavioral health agencies, and behavioral health administrative service organizations to develop specific metrics related to behavioral health outcomes under integrated managed care. These metrics must include, but are not limited to: (a) Revenues and expenditures for community behavioral health programs, including medicaid and nonmedicaid funding; (b) access to services, service denials, and utilization by state plan modality; (c) claims denials and record of timely payment to providers; (d) client demographics; and (e) social and recovery measures and managed care organization performance measures. The authority must work with managed care organizations and behavioral health administrative service organizations to integrate these metrics into an annual reporting structure designed to evaluate the performance of the behavioral health system in the state over time. The authority must submit a report to the office of financial management and the appropriate committees of the legislature, before December 30th of each year during the fiscal biennium, that details the implemented metrics and relevant performance outcomes for the prior calendar year.

(36) \$4,616,000 of the general fund—state appropriation for fiscal year 2024, \$3,999,000 of the general fund—state appropriation for fiscal year 2025, and \$6,765,000 of the general fund—federal appropriation are provided solely for the authority to maintain pilot programs for intensive outpatient services and partial hospitalization services for certain children and adolescents and, pursuant to chapter 94, Laws of 2022 (2SSB 5736), add coverage for these services into the state medicaid program beginning January 1, 2024.

(a) The authority must establish minimum standards, eligibility criteria, authorization and utilization review processes, and payment methodologies for the programs in contract.

(b) Eligibility for the pilot sites is limited pursuant to the following:

(i) Children and adolescents discharged from an inpatient hospital treatment program who require the level of services offered by the pilot programs in lieu of continued inpatient treatment;

(ii) Children and adolescents who require the level of services offered by the pilot programs in order to avoid inpatient hospitalization; and

(iii) Services may not be offered if there are less costly alternative community based services that can effectively meet the needs of an individual referred to the program.

(c) Eligibility for services through the state medicaid program shall be consistent with criteria approved by the centers for medicare and medicaid services pursuant to implementation of chapter 94, Laws of 2022 (2SSB 5736).

(d) The authority must collect data on the program sites and work with the actuaries responsible for establishing managed care rates for medicaid enrollees to develop and submit an annual report to the office of financial management and the appropriate committees of the legislature each December of the biennium that includes the following information:

(i) A narrative description of the services provided at each program site and identification of any specific gaps the sites were able to fill in the current continuum of care;

(ii) Clinical outcomes and estimated reductions in psychiatric inpatient costs associated with each of the program sites;

(iii) Recommendations for whether modifications should be made to the models to better address gaps in the continuum identified through the sites, and whether the models could be expanded to community behavioral health providers; and

(iv) Annual costs and any quantifiable cost offsets associated with the program sites.

(37) \$25,587,000 of the general fund—federal appropriation (ARPA) and \$9,828,000 of the general fund—federal appropriation are provided solely to promote the recovery of individuals with substance use disorders through expansion of substance use disorder services. The authority shall implement this funding to promote integrated, whole-person care to individuals with opioid use disorders, stimulant use disorders, and other substance use disorders. The authority shall use this funding to support evidence-based and promising practices as follows:

(a) \$8,500,000 of the amounts provided in this subsection is provided solely for treatment services to low-income individuals with substance use disorders who are not eligible for services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of \$7,500,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, mobile opioid use disorder treatment programs, law enforcement assisted diversion programs, contingency management interventions, modified assertive community treatment, trauma informed care, crisis respite, and for reimbursement of one-time start-up operating costs for opening new beds in withdrawal management treatment programs.

(b) \$2,015,000 of the amounts provided in this subsection is provided solely for outreach programs that link individuals with substance use disorders to treatment options to include medication for opioid use disorder. The authority must contract for these services with programs that use interdisciplinary teams, which include peer specialists, to engage and facilitate linkage to treatment for individuals in community settings such as homeless encampments, shelters, emergency rooms, harm reduction programs, churches, community service offices, food banks, libraries, legal offices, and other settings where individuals with substance use disorders may be engaged. The services must be coordinated with emergency

housing assistance and other services administered by the authority to promote access to a full continuum of treatment and recovery support options.

(c) \$7,500,000 of the amounts provided in this subsection is provided solely for substance use disorder recovery support services not covered by the medicaid program including, but not limited to, emergency housing, recovery housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(d) \$3,550,000 of the amounts provided in this subsection is provided solely for efforts to support the recovery of American Indians and Alaska natives with substance use disorders. This funding may be used for grants to urban Indian organizations, tribal opioid prevention media campaigns, and support for government to government communication, planning, and implementation of opioid use disorder related projects.

(e) \$5,000,000 of the amounts provided in this subsection is provided solely for the authority, in coordination with the department of health, to expand the distribution of naloxone through the department's overdose education and naloxone distribution program. Funding must be prioritized to fill naloxone access gaps in community behavioral health and other community settings, including providing naloxone for agency staff in organizations such as syringe service programs, housing providers, and street outreach programs, and for law enforcement and emergency responders.

(f) \$7,100,000 of the amounts provided in this subsection is provided solely for community services grants that support the implementation and evaluation of substance use disorder prevention services.

(g) Up to \$1,750,000 of the amounts provided in this subsection may be used for the authority's administrative costs associated with services funded in this subsection (37).

(38) \$3,109,000 of the general fund—state appropriation for fiscal year 2024 and \$3,109,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for short-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served. Each December of the fiscal biennium, the authority must submit a report identifying the expenditures and number of individuals receiving short-term rental supports through the agency budget during the prior fiscal year broken out by region, treatment need, and the demographics of those served, including but not limited to age, country of origin within racial/ethnic categories, gender, and immigration status.

(39) \$25,332,000 of the general fund—federal appropriation (ARPA) is provided solely to promote the recovery of individuals with mental health disorders through expansion of mental health services. The authority shall implement this funding to promote integrated, whole-person care through evidence based and promising practices as follows:

(a) \$8,153,000 of the amounts provided in this subsection is provided solely for treatment services to low-income individuals with mental health disorders who are not eligible for services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of \$7,000,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, law enforcement assisted diversion programs, modified assertive community treatment, and trauma informed care.

(b) \$8,200,000 of the amounts provided in this subsection is provided solely for mental health recovery support services not covered by the medicaid program including, but not limited to, supportive housing, emergency housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(c) \$2,553,000 of the amounts provided in this subsection is provided solely for efforts to support the recovery of American Indians and Alaska natives with mental health disorders.

(d) \$1,300,000 of the amounts provided in this subsection is provided solely to enhance crisis services and may be used for crisis respite care.

(e) \$2,600,000 of the amounts provided in this subsection is provided solely for the expansion of first episode psychosis programs.

(f) Up to \$1,279,000 of the amounts provided in this subsection may be used for the authority's administrative costs associated with services funded in this subsection.

(40) The authority must pursue opportunities for shifting state costs to the state's unused allocation of federal institutions for mental disease disproportionate share hospital funding.

(41) \$500,000 of the general fund—federal appropriation is provided solely to establish an emotional support network program for individuals employed as peer specialists. The authority must contract for these services which shall include, but not be limited to, facilitating support groups for peer specialists, support for the recovery journeys of the peer specialists themselves, and targeted support for the secondary trauma inherent in peer work.

(42) \$1,500,000 of the general fund—federal appropriation is provided solely for the authority to contract on a one-time basis with the University of Washington behavioral health institute to continue and enhance its efforts related to training and workforce development. This funding may be used for the following activities:

- (a) Making substance use disorder training content accessible to all community behavioral health providers;
- (b) Refining and implementing a substance use disorder provider needs assessment to advance best practice implementation for treatment in inpatient and outpatient settings;
- (c) Disseminating innovative best practices through training and technical assistance;
- (d) Developing and launching a telebehavioral health training series, providing webinars and packaging the training content so that it is accessible to all community behavioral health providers;
- (e) Planning for advanced telebehavioral health training and support to providers;
- (f) Convening a race, equity, and social justice in behavioral health conference annually;
- (g) Developing training and technical assistance opportunities for an annual series that translates lessons learned in behavioral health equity into actionable and sustainable change at the provider, organizational, and system levels;
- (h) Developing recommendations for reducing health disparities and training the workforce in culturally and linguistically relevant practices to achieve improved outcomes;
- (i) Increasing the number of community substance use providers that are trained in best practice assessment and treatment models;
- (j) Convening a telebehavioral health summit of leading experts regarding long-term provider telebehavioral health training and workforce needs;
- (k) Creating a behavioral health workforce strategy plan that identifies gaps that are not being addressed and suggests system improvements to address those gaps;
- (l) Working with community partners and key stakeholders to identify best practice strategies to evaluate and measure equity and health disparities within the behavioral health system and make recommendations regarding potential metrics to help advance system change; and
- (m) Developing metrics and evaluating telebehavioral health training needs and the impact of telebehavioral health training on provider knowledge and treatment protocols.
- (43) \$1,250,000 of the general fund—state appropriation for fiscal year 2024 and \$1,250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with the King county behavioral health administrative services organization to maintain children's crisis outreach response system services that were previously funded through the department of children, youth, and families. The authority, in consultation with the behavioral health administrative services organization, medicaid managed care organizations, and the actuaries responsible for developing medicaid managed care rates, must work to maximize federal funding provided for the children's crisis outreach response system program.
- (44) \$31,891,000 of the general fund—state appropriation for fiscal year 2024, \$63,395,000 of the general fund—state appropriation for fiscal year 2025, and \$172,425,000 of the general fund—federal appropriation are provided solely to implement a 15 percent increase to medicaid reimbursement for community behavioral health providers contracted through managed care organizations to be effective January 1, 2024. The authority must employ mechanisms such as directed payment or other options allowable under federal medicaid law to assure the funding is used by the managed care organizations for a 15 percent provider rate increase as intended and verify this pursuant to the process established in chapter 285, Laws of 2020 (EHB 2584). The rate increase shall be implemented to all behavioral health nonhospital inpatient, residential, and outpatient providers contracted through the medicaid managed care organizations. Psychiatric hospitals and other providers receiving rate increases under other subsections of this section must be excluded from the rate increase directed in this subsection.
- (45) \$532,000 of the general fund—state appropriation for fiscal year 2024, \$2,935,000 of the general fund—state appropriation for fiscal year 2025, and \$3,467,000 of the general fund—federal appropriation are provided solely to increase the number of beds and rates for community children's long-term inpatient program providers. The number of beds is increased on a phased in basis to 72 beds by the end of fiscal year 2024. The bed day rates are increased from \$1,030 per day to \$1,121 per day effective July 1, 2023.
- (46) \$505,000 of the general fund—state appropriation for fiscal year 2024, \$1,011,000 of the general fund—state appropriation for fiscal year 2025, and \$1,095,000 of the general fund—federal appropriation are provided solely to increase rates for parent child assistance program providers by 15 percent effective January 1, 2024.
- (47) \$150,000 of the general fund—federal appropriation is provided solely for training of behavioral health consumer advocates. The authority must enter into a memorandum of understanding with the department of commerce to provide support for training of behavioral health consumer advocates pursuant to chapter 202, Laws of 2021 (E2SHB 1086).
- (48) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with a statewide mental health nonprofit organization that provides free community and school-based mental health education and support programs for consumers and families. The contractor must use this funding to provide access to programs tailored to peers living with mental illness as well as family members of people with mental illness and the community at large. Services provided by the contracted program shall include education, support, and assistance to reduce isolation and help consumers and families understand the services available in their communities.



(49) \$15,474,000 of the general fund—state appropriation for fiscal year 2024, \$15,474,000 of the general fund—state appropriation for fiscal year 2025, and \$14,312,000 of the general fund—federal appropriation are provided solely for maintaining the expansion of local behavioral health mobile crisis response team capacity and ensuring each region has at least one adult and one children and youth mobile crisis team that is able to respond to calls coming into the 988 crisis hotline.

(a) In prioritizing this funding, the health care authority shall assure that there are a minimum of six new children and youth mobile crisis teams in comparison to the number of teams at the end of fiscal year 2021 and that there is one children and youth mobile crisis team in each region.

(b) In implementing funding for adult and youth mobile crisis response teams, the authority must establish standards in contracts with managed care organizations and behavioral health administrative services organizations for the services provided by these teams.

(c) Of these amounts, \$3,000,000 of the general fund—state appropriation for fiscal year 2024, \$3,000,000 of the general fund—state appropriation for fiscal year 2025, and \$2,024,000 of the general fund—federal appropriation are provided solely to maintain increased capacity for mobile crisis services in King county that was funded in fiscal year 2023. These amounts must supplement and not supplant funding to the county previously allocated by the authority under this subsection.

(50) \$57,580,000 of the general fund—state appropriation for fiscal year 2024, \$61,807,000 of the general fund—state appropriation for fiscal year 2025, and \$109,146,000 of the general fund—federal appropriation are provided solely for the authority to contract with community hospitals or freestanding evaluation and treatment centers to provide long-term inpatient care beds as defined in RCW 71.24.025. Within these amounts, the authority must meet the requirements for reimbursing counties for the judicial services for patients being served in these settings in accordance with RCW 71.05.730. The authority must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities. Of the amounts in this subsection, sufficient amounts are provided in fiscal year 2024 and fiscal year 2025 for the authority to reimburse community hospitals and nonhospital residential treatment centers serving clients in long-term inpatient care beds as defined in RCW 71.24.025 as follows:

(a) For a hospital licensed under chapter 70.41 RCW that requires a hospital specific medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients because the hospital has completed a medicare cost report, the authority shall analyze the most recent medicare cost report of the hospital after a minimum of 200 medicaid inpatient psychiatric days. The authority shall establish the inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at 100 percent of the allowable cost of care, based on the most recent medicare cost report of the hospital.

(b) For a hospital licensed under chapter 70.41 RCW that has not completed a medicare cost report with more than 200 medicaid inpatient psychiatric days, the authority shall establish the medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at the higher of the hospital's current medicaid inpatient psychiatric rate; or the annually updated statewide average of the medicaid inpatient psychiatric per diem payment rate of all acute care hospitals licensed under chapter 70.41 RCW providing long-term civil commitment services.

(c) For a hospital licensed under chapter 71.12 RCW and currently providing long-term civil commitment services, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at \$940 plus adjustments that may be needed to capture costs associated with long-term psychiatric patients that are not allowable on the medicare cost report or reimbursed separately. The hospital may provide the authority with supplemental data to be considered and used to make appropriate adjustments to the medicaid inpatient psychiatric per diem payment rate of the hospital. Adjustment of costs may include:

(i) Costs associated with professional services and fees not accounted for in the hospital's medicare cost report or reimbursed separately;

(ii) Costs associated with the hospital providing the long-term psychiatric patient access to involuntary treatment court services that are not reimbursed separately; and

(iii) Other costs associated with caring for long-term psychiatric patients that are not reimbursed separately.

(d) For a hospital licensed under chapter 71.12 RCW that requires an initial medicaid inpatient psychiatric per diem payment rate for long-term civil commitment services because it has not yet completed a medicare cost report, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at the higher of:

(i) The hospital's current medicaid inpatient psychiatric rate; or

(ii) The annually updated statewide average of the medicaid long-term inpatient psychiatric per diem payment rate of all freestanding psychiatric hospitals licensed under chapter 71.12 RCW providing long-term civil commitment services.

(e) For nonhospital residential treatment centers certified to provide long-term inpatient care beds as defined in RCW 71.24.025, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at the fiscal year 2023 level.

(f) Beginning in fiscal year 2024, the authority shall pay a rate enhancement for patients committed pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The enhancement shall be available to all hospital and nonhospital facilities providing services under this subsection except those whose rates

are set at 100 percent of their most recent medicare cost report. The rate enhancement shall not exceed the tiered rate enhancements established under the 1915(i) state plan.

(g) Provider payments for vacant bed days shall not exceed six percent of their annual contracted bed days.

(h) The authority, in coordination with the department of social and health services, the office of the governor, the office of financial management, and representatives from medicaid managed care organizations, behavioral health administrative service organizations, and community providers, must update its plan to continue the expansion of civil community long-term inpatient capacity. The plan shall identify gaps and barriers in the current array of community long-term inpatient beds in serving higher need individuals including those committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The plan shall identify strategies to overcome these barriers including, but not limited to, potential rate enhancements for high needs clients. The authority must submit its updated implementation plan to the office of financial management and the appropriate fiscal committees of the legislature by December 1, 2023, and submit a status update on the implementation plan by October 15, 2024.

(51)(a) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a one-time grant to Island county to maintain support for a pilot program to improve behavioral health outcomes for young people in rural communities. In administering the pilot program, Island county shall coordinate with school districts, community groups, and health care providers to increase access to behavioral health programs for children and youth aged birth to 24 years of age. The grant funds shall be used to coordinate and expand behavioral health services. The grant funding must not be used to supplant funding from existing programs. No more than 10 percent of the funds may be used for administrative costs incurred by Island county in administering the program. Services that may be provided with the grant funding include, but are not limited to:

(i) Support for children and youth with significant behavioral health needs to address learning loss caused by COVID-19 and remote learning;

(ii) School based behavioral health education, assessment, and brief treatment;

(iii) Screening and referral of children and youth to long-term treatment services;

(iv) Behavioral health supports provided by community agencies serving youth year-round;

(v) Expansion of mental health first aid, a program designed to prepare adults who regularly interact with youth for how to help people in both crisis and noncrisis mental health situations;

(vi) Peer support services; and

(vii) Compensation for the incurred costs of clinical supervisors and internships.

(b) The authority, in coordination with Island county, must submit to the office of financial management and the appropriate committees of the legislature, a report summarizing how the funding was used and providing the number of children and youth served by the pilot during fiscal year 2024 by December 1, 2024.

(52) \$265,000 of the general fund—state appropriation for fiscal year 2024, \$281,000 of the general fund—state appropriation for fiscal year 2025, and \$546,000 of the general fund—federal appropriation are provided solely for the authority to provide specialized training and consultation for physicians and professionals to support children with developmental disabilities and behavioral health needs.

(53) \$3,719,000 of the general fund—federal appropriation and \$2,994,000 of the general fund—local appropriation are provided solely for supported housing and employment services described in initiative 3a and 3b of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. Within these amounts, funding is provided for the authority to support community discharge efforts for patients at the state hospitals. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures above appropriated levels for this specific purpose. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(54) \$130,000 of the general fund—federal appropriation is provided solely for the authority to participate in efforts to ensure behavioral health agencies are compensated for their role as teaching clinics for students seeking professional education in behavioral health disciplines and for new graduates working toward licensure.

(55) \$250,000 of the general fund—state appropriation for fiscal year 2024, \$934,000 of the general fund—state appropriation for fiscal year 2025, and \$1,447,000 of the general fund—federal appropriation are provided solely for increasing case management services to pregnant and parenting women provided through the parent child assistance program and for increasing the number of residential treatment beds available for pregnant and parenting women.

(56) Within the amounts provided in this section, sufficient funding is provided for the authority to maintain and increase the capabilities of a tool to track medication assisted treatment provider capacity.

(57) \$2,000,000 of the general fund—federal appropriation is provided solely for grants to law enforcement and other first responders to include a mental health professional on the team of personnel responding to emergencies.

(58) \$1,653,000 of the general fund—state appropriation for fiscal year 2025 and \$2,042,000 of the general fund—federal appropriation are provided solely for the authority to contract for long-term involuntary treatment services in a 16-bed residential treatment facility being developed by the Tulalip tribe in Stanwood.

(59) \$956,000 of the general fund—state appropriation for fiscal year 2024 and \$956,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for wraparound with intensive services for youth ineligible for medicaid as outlined in the settlement agreement under *AGC v. Washington State Health Care Authority*, Thurston county superior court no. 21-2-00479-34.

(60) \$18,188,000 of the general fund—state appropriation for fiscal year 2024 and \$18,188,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for claims for services rendered to medicaid eligible clients admitted to institutions of mental disease that were determined to be unallowable for federal reimbursement due to medicaid's institutions for mental disease exclusion rules.

(61) \$6,016,000 of the general fund—state appropriation for fiscal year 2024, \$6,010,000 of the general fund—state appropriation for fiscal year 2025, and \$1,980,000 of the general fund—federal appropriation are provided solely for the authority, in coordination with the department of health, to deploy an opioid awareness campaign and to contract with syringe service programs and other service settings assisting people with substance use disorders to: Prevent and respond to overdoses; provide other harm reduction services and supplies, including but not limited to distributing naloxone; fentanyl testing and other drug testing supplies; and for expanding contingency management services. The authority is encouraged to use these funds to leverage federal funding for this purpose to expand buying power when possible. The authority should prioritize funds for naloxone in coordination with the department of health, to expand the distribution of naloxone through the department's overdose education and naloxone distribution program. Funding must be prioritized to fill naloxone access gaps in community behavioral health and other community settings, including providing naloxone for agency staff in organizations such as syringe service programs, housing providers, and street outreach programs. Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to deploy an opioid awareness campaign targeted at youth to increase the awareness of the dangers of fentanyl.

(62) \$4,763,000 of the general fund—state appropriation for fiscal year 2024, \$4,763,000 of the general fund—state appropriation for fiscal year 2025, and \$25,754,000 of the general fund—federal appropriation are provided solely to maintain a rate increase authorized for opioid treatment providers on January 1, 2023.

(63) \$2,387,000 of the general fund—state appropriation for fiscal year 2024 and \$2,387,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support individuals enrolled in the foundational community supports initiative who are transitioning from benefits under RCW 74.04.805 due to increased income or other changes in eligibility. The authority, department of social and health services, and department of commerce shall collaborate on this effort.

(64) \$2,249,000 of the general fund—state appropriation for fiscal year 2024 and \$2,249,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with programs to provide medical respite care for individuals with behavioral health needs. The programs must serve individuals with significant behavioral health needs and medical issues who do not require hospitalization but are unable to provide adequate self-care for their medical conditions. The programs must prioritize services to individuals with complex medical and behavioral health issues who are homeless or who were recently discharged from a hospital setting. The services must meet quality standards and best practices developed by the national health care for the homeless council and may include, but are not limited to, medical oversight and health education; care transitions; and discharge planning to and from primary care, inpatient hospital, emergency rooms, and supportive housing. In selecting the contractors, the authority must prioritize projects that demonstrate the active involvement of an established medical provider that is able to leverage federal medicaid funding in the provision of these services. The authority must work with the medicaid managed care organizations to encourage their participation and assist the plans and the contractor in identifying mechanisms for appropriate use of medicaid reimbursement in this setting.

(65) \$988,000 of the general fund—state appropriation for fiscal year 2024, \$988,000 of the general fund—state appropriation for fiscal year 2025, and \$618,000 of the general fund—federal appropriation are provided solely for the authority to contract for three regional behavioral health mobile crisis response teams focused on supported housing to prevent individuals with behavioral health conditions at high risk of losing housing from becoming homeless, identify and prioritize serving the most vulnerable people experiencing homelessness, and increase alternative housing options to include short-term alternatives

which may temporarily deescalate situations where there is high risk of a household from becoming homeless.

(66) \$5,623,000 of the general fund—state appropriation for fiscal year 2024, \$5,623,000 of the general fund—state appropriation for fiscal year 2025, and \$3,748,000 of the general fund—federal appropriation are provided solely to maintain and expand access to no barrier, and low-barrier programs using a housing first model designed to assist and stabilize housing supports for adults with behavioral health conditions. Housing supports and services shall be made available with no requirement for treatment for their behavioral health condition and must be individualized to the needs of the individual. The authority and department of commerce shall collaborate on this effort and must submit a status report to the office of financial management and the appropriate committees of the legislature by December 31, 2023.

(67) \$675,000 of the general fund—state appropriation for fiscal year 2024 and \$675,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a rental voucher and bridge program and to implement strategies to reduce instances where an individual leaves a state operated behavioral or private behavioral health facility directly into homelessness. The authority must prioritize this funding for individuals being discharged from state operated behavioral health facilities.

(68) \$361,000 of the general fund—state appropriation for fiscal year 2024, \$361,000 of the general fund—state appropriation for fiscal year 2025, and \$482,000 of the general fund—federal appropriation are provided solely for the authority, in collaboration with the department of social and health services research and data analysis division, to implement community behavioral health service data into the existing executive management information system. Of these amounts, \$288,000 of the general fund—state appropriation for fiscal year 2024, \$288,000 of the general fund—state appropriation for fiscal year 2025, and \$384,000 of the general fund—federal appropriation are provided solely for the authority to reimburse the research and data analysis division for staff costs associated with this project. The data elements shall be incorporated into the monthly executive management information system reports on a phased-in basis, allowing for elements which are readily available to be incorporated in the initial phase, and elements which require further definition and data collection changes to be incorporated in a later phase. The authority must collaborate with the research and data analysis division to ensure data elements are clearly defined and must include requirements in medicaid managed care organization and behavioral health administrative services organization contracts to provide the data in a consistent and timely manner for inclusion into the system. The community behavioral health executive management system information data elements must include, but are not limited to: Psychiatric inpatient bed days; evaluation and treatment center bed days; long-term involuntary community psychiatric inpatient bed days; children's long-term inpatient bed days; substance use disorder inpatient, residential, withdrawal evaluation and management, and secure withdrawal evaluation and management bed days; crisis triage and stabilization services bed days; mental health residential bed days; mental health and substance use disorder outpatient treatment services; opioid substitution and medication assisted treatment services; program of assertive treatment team services; wraparound with intensive services; mobile outreach crisis services; recovery navigator team services; foundational community supports housing and employment services; projects for assistance in transition from homelessness services; housing and recovery through peer services; other housing services administered by the authority; mental health and substance use disorder peer services; designated crisis responder investigations and outcomes; involuntary commitment hearings and outcomes; pregnant and parenting women case management services; and single bed certifications and no available bed reports. Wherever possible and practical, the data must include historical monthly counts and shall be broken out to distinguish services to medicaid and nonmedicaid individuals and children and adults. The authority and the research and data analysis division must consult with the office of financial management and staff from the fiscal committees of the legislature on the development and implementation of the community behavioral health data elements.

(69) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to maintain support for recovery navigator services established in chapter 311, Laws of 2021 (ESB 5476). These amounts must be allocated for recovery navigator services in King, Pierce, and Snohomish counties. These amounts must supplement and not supplant funding allocated, pursuant to section 22(1), chapter 311, Laws of 2021, to the regional behavioral health administrative services organizations serving those counties.

(70) \$2,650,000 of the general fund—state appropriation for fiscal year 2024 and \$2,650,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to support efforts by counties and cities to implement local response teams. Of these amounts:

(a) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to provide a grant to the association of Washington cities to assist cities with the costs of implementing alternative response teams. This funding must be used to reimburse cities for documented costs associated with creating co-responder teams within different alternative diversion models including law enforcement assisted diversion programs, community assistance referral and education programs, and as part of mobile crisis teams. Cities are encouraged to partner with each other to create a regional response model. In awarding these funds, the association must prioritize applicants with demonstrated capacity

for facility-based crisis triage and stabilization services. The association and authority must collect and report information regarding the number of facility-based crisis stabilization and triage beds available in the locations receiving funding through this subsection and submit a report to the office of financial management and the appropriate committees of the legislature with this information by December 1, 2023.

(b) \$650,000 of the general fund—state appropriation for fiscal year 2024 and \$650,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support the Whatcom county alternative response team.

(71) \$40,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for, on a one-time basis, the authority to address behavioral health treatment access issues resulting from workforce shortages. This funding must be used to provide one-time assistance payments to nonhospital-based community behavioral health treatment providers receiving payment for medicaid services contracted through the medicaid managed care organizations or behavioral health administrative service organizations. The authority shall begin distributing funding under this subsection as soon as possible, and shall complete the distribution of funds by October 1, 2023. The authority must distribute funding in accordance with the following requirements:

(a) The authority must enter into appropriate agreements with recipients to ensure that this stabilization funding is used for purposes of this subsection. Prior to the receipt of funds, providers must agree to expend these assistance payments by June 30, 2024.

(b) Allocation methodologies must be administratively efficient and based on previous medicaid utilization, modeled after prior nongrant-based allocations, so that funding can be distributed more timely than through grant or application-based allocations. The authority must consider individuals served through medicaid and behavioral health administrative service organizations contracts in its allocation methodology.

(c) Providers must use the funding for immediate workforce retention and recruitment needs. Funds may also be used to support other needed investments to help stabilize the community behavioral health workforce including, but not limited to, child care stipends, student loan repayment, tuition assistance, reimbursement for licenses or other work-related certifications, relocation expenses, or other worker recruitment and retention efforts.

(d) By December 1, 2023, the authority must submit an accounting to the office of financial management and the appropriate committees of the legislature that includes a list of all recipients of funding under this subsection and the amount of funding received.

(e) Within the amounts appropriated in this subsection, the authority may utilize up to \$200,000 to conduct a qualitative analysis of how recipients utilized funds for workforce retention and recruitment, including creating and implementing workplace equity strategies and feedback from workers on those strategies. In conducting the analysis, the authority may hire a consultant and survey selected recipients. The authority must report on the findings of the qualitative analysis to the office of financial management and the appropriate committees of the legislature by December 1, 2024.

(72) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with the University of Washington addictions, drug, and alcohol institute. This funding must be used for advanced, evidence-based training for law enforcement to improve interactions with individuals who use drugs. The training must be developed so it can be adapted and used statewide to decrease stigmatizing beliefs among law enforcement through positive contact with people who use drugs and improve officer well-being and effectiveness by providing skills and techniques to address the drug overdose epidemic. The institute must develop and refine this training, leveraging prior work, and in partnership with a steering committee that includes people with lived or living experience of substance use disorder and criminal legal involvement, researchers, clinicians, law enforcement officers, and others. The training must complement, but not duplicate, existing curricula already provided by the criminal justice training commission. The institute must pilot the advanced training in a subset of regional law enforcement agencies and evaluate its acceptability and feasibility through participant interviews and pretraining and posttraining ratings of stigmatizing beliefs. The institute must incorporate feedback from the pilot training sessions into a final training program that it must make available to law enforcement agencies across the state.

(73) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the authority to continue development and implementation of the certified community behavioral health clinic model for comprehensive behavioral health services. Funding must be used to secure actuarial expertise, conduct research into national data and other state models, including obtaining resources and expertise from the national council for mental well-being certified community behavioral health clinic success center; and engage stakeholders, including representatives of licensed community behavioral health agencies and medicaid managed care organizations, in the process. The authority must provide a report to the office of financial management and the appropriate committees of the legislature with findings, recommendations, and cost estimates by December 31, 2024. The study must build on the preliminary report submitted to the legislature in December 2022 and include:

(a) Overviews of options and considerations for implementing the certified community behavioral health clinic model within Washington state, including participation as a certified community behavioral health clinic demonstration state or for independent statewide implementation;

(b) An analysis of the impact of expanding the certified community behavioral health clinic model on the state's behavioral health systems;

(c) Relevant federal regulations and options to implement the certified community behavioral health clinic model under those regulations;

(d) Options for implementing a prospective payment system methodology;

(e) An analysis of the benefits and potential challenges for integrating the certified community behavioral health clinic reimbursement model within an integrated care environment;

(f) Actuarial analysis on the costs for implementing the certified community behavioral health clinic model, including opportunities for leveraging federal funding; and

(g) Recommendations to the legislature on a pathway for statewide implementation.

(74) \$1,135,000 of the general fund—state appropriation for fiscal year 2025 and \$568,000 of the general fund—federal appropriation are provided solely to develop and operate a 16-bed substance use disorder inpatient facility in Grays Harbor county that specializes in treating pregnant and parenting women using a family preservation model. The authority must contract for these services through behavioral health entities in a manner that allows leveraging of federal medicaid funds to pay for a portion of the costs. The authority must consult with the department of children, youth, and families in the implementation of this funding. The facility must allow families to reside together while a parent is receiving treatment. Of these amounts, \$568,000 may be used for documented startup costs including the recruitment, hiring, and training of staff. If the authority is able to identify a provider that can begin developing these services before July 2024, it must notify the office of financial management and the appropriate committees of the legislature and submit a request for funding in the fiscal year 2024 supplemental operating budget.

(75) \$160,000 of the general fund—state appropriation for fiscal year 2024 is provided on a one-time basis solely for the authority to continue a grant to the city of Snoqualmie to pilot behavioral health emergency response and coordination services through a regional behavioral health coordinator. The regional behavioral health coordinator shall be a licensed mental health or substance use disorder professional who works directly with and accompanies law enforcement officers and fire and rescue first responders to help respond to crises involving persons with behavioral health needs. The coordinator shall plan, implement, and coordinate services related to crisis response and social service needs with the city of Snoqualmie, the city of North Bend, the Snoqualmie police and fire departments, and the eastside fire and rescue agency serving North Bend, and local community services, school districts, hospitals, and crisis response systems provided by King county for the region. The coordinator shall support the social services needs identified through police and fire response in the lower Snoqualmie valley and serve as a liaison between law enforcement, first responders, and persons accessing or requesting emergency services with social service needs. The authority shall collect information on the pilot project and, in coordination with the city of Snoqualmie, must submit a report to the office of financial management and the appropriate committees of the legislature by December 31, 2023, summarizing the services provided through the grant funds and identifying recommendations on how to implement effective, integrated, coordinated behavioral health emergency response and community care services. The authority must also provide the report to the criminal justice training commission, the Washington association of sheriffs and police chiefs, and the Washington fire commissioners association.

(76) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract for services with a statewide recovery community organization. The authority must award this funding to an organization that: (a) Has experience building the capacity of the recovery community to advance substance use recovery and mental health wellness by catalyzing public understanding and shaping public policy; (b) is led and governed by representatives of local communities of recovery; (c) centers the voices of people with lived experience who are touched by addiction and mental health challenges, and harnesses the power of story to drive change in the mental health and addiction treatment systems; and (d) provides free community education, skills trainings, events, and a conference in order to increase the understanding of issues around behavioral health and recovery. Services provided by the contracted program must include education, support, and assistance to increase connection of the recovery community, recovery capital, and knowledge about recovery and mental health resources. In conducting this work, the contractor must engage diverse individuals in recovery, impacted families, and providers from all regions of the state and leverage the assistance of affiliated groups and organizations. The organization must also prioritize diversity, equity, and justice in their work to eradicate health disparities of marginalized communities.

(77) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to continue and expand a contract with a Seattle based nonprofit organization with experience matching voluntary specialty care providers with patients in need of care to provide pro bono counseling and behavioral health services to uninsured and underinsured individuals with incomes below 300 percent of the federal poverty level. The authority may require the contractor to seek, document, and report to the authority on efforts to leverage local, federal, or philanthropic funding to provide sustained operational support for the program.

(78) \$3,437,000 of the general fund—state appropriation for fiscal year 2024, \$4,772,000 of the general fund—state appropriation for fiscal year 2025, and \$1,705,000 of the general fund—federal appropriation are provided solely for the authority to contract for youth inpatient navigator services in seven regions of the state. The services must be provided through clinical response teams that receive referrals for children and youth inpatient

services and manage a process to coordinate placements and alternative community treatment plans. Of these amounts for each fiscal year, \$445,000 of the general fund—state appropriation and \$79,000 of the general fund—federal appropriation are provided solely to contract for services through an existing program located in Pierce county.

(79) \$7,601,000 of the general fund—state appropriation for fiscal year 2024, \$7,601,000 of the general fund—state appropriation for fiscal year 2025, and \$2,605,000 of the general fund—federal appropriation are provided solely for assisted outpatient treatment and other costs associated with implementation of chapter 210, Laws of 2022 (SHB 1773).

(80) \$804,000 of the general fund—state appropriation for fiscal year 2024 and \$804,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue to support the children and youth behavioral health work group to consider and develop longer term strategies and recommendations regarding the delivery of behavioral health services for children, transitioning youth, and their caregivers pursuant to chapter 76, Laws of 2022 (2SHB 1890).

(81) Sufficient funding is provided for the authority to extend continuous eligibility for apple health to children ages zero to six with income at or below 215 percent of the federal poverty level. The centers for medicare and medicaid services must approve the 1115 medicaid waiver prior to the implementation of this policy.

(82) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for contingency management resources in accordance with chapter 311, Laws of 2021 (ESB 5476).

(83) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide information and support related to safe housing and support services for youth exiting inpatient mental health and/or substance use disorder facilities to stakeholders, inpatient treatment facilities, young people, and other community providers that serve unaccompanied youth and young adults.

(84) \$2,336,000 of the general fund—state appropriation for fiscal year 2024, 2,336,000 of the general fund—state appropriation for fiscal year 2025, and \$3,036,000 of the general fund—federal appropriation are provided solely for the authority to contract with opioid treatment providers to operate mobile methadone units to address treatment gaps statewide.

(85) \$216,000 of the general fund—state appropriation for fiscal year 2024, \$427,000 of the general fund—state appropriation for fiscal year 2025, and \$1,454,000 of the general fund—federal appropriation are provided solely for the authority to increase fee for service rates for mental health and substance use disorder treatment paid on behalf of tribal members not electing enrollment in managed care plans by 22 percent. This rate increase shall be effective January 1, 2024. The authority must include the proportional costs of increasing fee-for-service rates for mental health and substance use disorder treatment paid on behalf of tribal members not electing enrollment in managed care plans in any agency request decision package it submits during the fiscal biennium for increasing provider rates in the managed care behavioral health program.

(86) \$69,587,000 of the opioid remediation account—state appropriation is provided solely for prevention, treatment, and recovery support services to address and remediate the opioid epidemic. Of these amounts:

(a) \$15,447,000 is provided solely for the authority to pass through to tribes and urban Indian health programs for opioid and overdose response activities. The funding must be used for prevention, outreach, treatment, recovery support services, and other strategies to address and mitigate the effects of the misuse and abuse of opioid related products. The authority must provide the tribes and urban Indian health programs the latitude to use the funding as they see fit to benefit their communities, provided the activities are allowable under the terms of the opioid settlement agreements.

(b) \$5,500,000 is provided on a one-time basis solely for the authority to implement a pilot program to reimburse a licensed pediatric transitional care facility in Spokane county to provide neonatal abstinence syndrome services to infants who have prenatal substance exposure. The pilot program must study and evaluate the efficacy, outcomes, and impact of providing these services to avoid more costly medical interventions. Within these amounts, \$190,000 is provided solely for the authority to contract with Washington State University to conduct research analyzing the prevalence of neonatal abstinence syndrome and infant and maternal health outcomes associated with neonatal transitional nurseries in Washington. The university must submit a report articulating findings to the appropriate committees of the legislature by December 1, 2024. The report must identify to what extent the federal medicaid program allows for reimbursement of these services and identify the barriers in leveraging federal medicaid funding for these services in Washington's state medicaid plan.

(c) \$4,000,000 is provided solely for the authority, in coordination with the department of health, to develop and implement a health promotion and education campaign, with a focus on synthetic drug supplies, including fentanyl, and accurate harm reduction messaging for communities, law enforcement, emergency responders, and others.

(d) \$3,000,000 is provided solely for the authority to provide or contract for opioid prevention, outreach, treatment, or recovery support services that are not reimbursable under the state medicaid plan.

(e) \$41,640,000 is provided solely for the authority to implement and expand pretrial diversion opportunities; improve data collection, integration, and reporting across law enforcement, courts, prosecutors, and behavioral health agencies related to diversion services; expand access to medication for opioid use disorder in municipal and county jails;

expand recovery residences and education and employment pathways for people living with opioid use disorders; establish a health engagement hub pilot program to include both urban and rural locations; train and support foster and kinship parents of children and youth who use substances; address capacity and technical assistance needs related to the implementation of assisted outpatient treatment; establish a safe-supply work group for the purpose of reducing overdoses; and other programs and services specified in Engrossed Second Substitute Bill No. 5536 (controlled substances). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse. Of the amounts provided in this subsection:

(i) \$15,000,000 is provided solely for medication for opioid use disorder in jails;

(ii) \$5,000,000 is provided solely to expand recovery residences and education and employment pathways for people living with opioid use disorders;

(iii) \$3,000,000 is provided solely to establish a health engagement hub pilot program to include both urban and rural locations;

(iv) \$2,000,000 is provided solely to address capacity and technical assistance needs related to the implementation of assisted outpatient treatment; and

(v) \$16,640,000 is provided solely for other activities identified in this subsection.

(f) Of the amounts provided in (c) through (e) of this subsection, the authority may use up to 10 percent for staffing and administrative expenses.

(g) In contracting for programs and services under this subsection, the authority must consider data and implement strategies that prioritize culturally relevant services to community members with the least access to behavioral health services.

(87) Sufficient amounts are provided in this section for the authority to rebase community hospital psychiatric inpatient rates effective January 1, 2024. Rebasement adjustments shall be based on adjusted calendar year 2020 medicare cost reports.

(88)(a) \$1,988,000 of the general fund—state appropriation for fiscal year 2024 and \$5,293,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority, beginning January 1, 2024, to implement a program with coverage comparable to the scope of care provided in the categorically needy medicaid program for adult individuals who:

(i) Have an immigration status making them ineligible for federal medicaid, except for individuals who are lawfully present and have not yet met the five-year bar;

(ii) Are age 19 and older, including over age 65, and have countable income of up to 138 percent of the federal poverty level; and

(iii) Are not eligible for another federally funded medical assistance program.

(b) The authority in collaboration with the health benefit exchange, the department of social and health services, and community organizations must develop and implement an outreach and education campaign.

(c) The legislature intends to adjust funding levels annually to align with projected expenditures based on information from the caseload forecast council, forecasted service costs, and administrative costs. The authority shall annually update the governor's office and appropriate committees of the legislature on any changes through the submission of a maintenance level agency budget request.

(89)(a) \$2,789,000 of the general fund—state appropriation for fiscal year 2024 and \$5,576,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a targeted grant program to three behavioral health administrative services organizations to transition persons who are either being diverted from criminal prosecution to behavioral health treatment services or are in need of housing upon discharge from crisis stabilization services. The authority must provide an opportunity for all of the behavioral health administrative service organizations to submit plans for consideration.

(b) Grant criteria must include, but are not limited to:

(i) A commitment to matching individuals with temporary lodging or permanent housing, including supportive housing services and supports, that is reasonably likely to fit their actual needs and situation, is noncongregate whenever possible, and takes into consideration individuals' immediate and long-term needs and abilities to achieve and maintain housing stability; and

(ii) A commitment to transition individuals who are initially matched to temporary lodging into a permanent housing placement, including appropriate supportive housing supports and services, within six months except under unusual circumstances.

(c) When awarding grants, the authority must prioritize applicants that:

(i) Provide matching resources;

(ii) Focus on ensuring an expeditious path to sustainable permanent housing solutions; and

(iii) Demonstrate an understanding of working with individuals who experience homelessness or have interactions with the criminal legal system to understand their optimal housing type and level of ongoing services.

(90)(a) \$2,266,000 of the general fund—state appropriation for fiscal year 2024, \$14,151,000 of the general fund—state appropriation for fiscal year 2025, and \$19,269,000 of the general fund—federal appropriation are provided solely for services to medicaid and state funded clients in behavioral health residential treatment facilities that are scheduled to open during the 2023-2025 fiscal biennium.

(b) Within the amounts provided in this subsection, \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to reimburse the department of social and health services for staffing costs related to tracking behavioral health community



capacity through the community behavioral health executive management information system and providing annual reports on the implementation of new behavioral health community capacity.

(c) The department of commerce, the department of health, and the authority must cooperate with the department of social and health services in collecting and providing the data necessary to incorporate tracking of behavioral health beds into the behavioral health executive management information tracking system and to prepare the required reports. The agencies must work to ensure they are using consistent definitions in classifying behavioral health bed types for the purpose of reporting capacity and utilization.

(d) The department must begin tracking behavioral health bed utilization for medicaid and state funded clients by type of bed in the executive management information system by October 1, 2023. The department of commerce shall identify to the department of social and health services all providers that have received funding through their capital grant program since the 2013-2015 fiscal biennium. The department of social and health services must incorporate tracking of services by provider including an element to identify providers that have received funding through the capital budget so that reports can be provided related to the average daily client counts for medicaid and state funded clients being served by provider and by facility type.

(e) By November 1, 2023, the department, in coordination with the department of commerce, the department of health, and the authority, must submit an annual report to the office of financial management and the appropriate committees of the legislature. The first annual report must provide information on the facilities that received funding through the department of commerce's behavioral health community capacity grant funding since the 2013-2015 fiscal biennium and the utilization across all behavioral health facilities for medicaid and state funded clients. The report must provide the following information for each facility that has received funding through the capital budget: (i) The amount received by the state and the total project cost; (ii) the facility address; (iii) the number of new beds or additional bed capacity by the service type being provided; and (iv) the utilization of the additional beds by medicaid or state funded clients by service type.

(f) By November 1, 2024, the department must submit the second annual report to the office of financial management and the appropriate committees of the legislature. The second annual report must update the bed capacity and utilization information required in the first report and compare that capacity to demand by service type by geographical region of the state.

(91) \$85,000 of the general fund—state appropriation for fiscal year 2024 and \$85,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support the efforts of the joint legislative and executive committee on behavioral health established in section 135 of this act.

(92) \$500,000 of the general fund—state appropriation for fiscal year 2024, \$500,000 of the general fund—state appropriation for fiscal year 2025, and \$1,000,000 of the general fund—federal appropriation are provided solely to support the provision of behavioral health co-responder services on nonlaw enforcement emergency medical response teams.

(93) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract on a one-time basis with the King county behavioral health administrative services organization to expand medication for opioid use disorder treatment services in King county.

(94) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the authority to contract on a one-time basis with the behavioral health administrative services organization serving Kitsap county for crisis triage services in the county that are not being reimbursed through the medicaid program.

(95) \$1,100,000 of the general fund—state appropriation for fiscal year 2024 and \$1,100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract on a one-time basis with the behavioral health administrative services organization serving King county for start-up costs in a new 32-bed community recovery center in Lynnwood that will provide crisis services to medicaid and other low income residents.

(96) \$3,142,000 of the general fund—state appropriation for fiscal year 2024, \$3,869,000 of the general fund—state appropriation for fiscal year 2025, and \$10,574,000 of the general fund—federal appropriation are provided solely to reimburse the department of social and health services for the costs of medicaid services at a 16-bed residential treatment facility serving long-term involuntary inpatient patients. The authority and the department of social and health services must utilize case rate and cost based reimbursement models to maximize federal matching funds at the facility. Up to \$200,000 of the general fund—state appropriation for fiscal year 2024 may be used to facilitate these efforts.

(97) \$313,000 of the general fund—federal appropriation is provided solely to support a media campaign for Native Americans related to the prevention of substance abuse and suicide.

(98) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with up to two behavioral health agencies that are interested in offering or expanding wraparound with intensive services for children and youth. The funds may be used to support costs associated with recruitment, training, technical assistance, or other appropriate costs required to develop the capacity to offer these specialized services.

(99) \$20,000,000 of the general fund—state appropriation for fiscal year 2024 and \$20,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely

for the authority to contract with behavioral health administrative service organizations to implement the statewide recovery navigator program established in chapter 311, Laws of 2021 (ESB 5476) and for related technical assistance to support this implementation. This includes funding for recovery navigator teams to provide community-based outreach and case management services based on the law enforcement assisted diversion model and for technical assistance support from the law enforcement assisted diversion national support bureau.

(100) \$3,114,000 of the general fund—state appropriation for fiscal year 2024, \$3,114,000 of the general fund—state appropriation for fiscal year 2025, and \$5,402,000 of the general fund—federal appropriation are provided solely for the authority to implement clubhouse services in every region of the state.

(101) \$7,500,000 of the general fund—state appropriation for fiscal year 2024 and \$7,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to implement homeless outreach stabilization teams pursuant to chapter 311, Laws of 2021 (ESB 5476).

(102) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to expand efforts to provide opioid use disorder medication in city, county, regional, and tribal jails.

(103) \$1,400,000 of the general fund—state appropriation for fiscal year 2024 and \$1,400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for behavioral health administrative service organizations to develop regional recovery navigator program plans pursuant to chapter 311, Laws of 2021 (ESB 5476), and to establish positions focusing on regional planning to improve access to and quality of regional behavioral health services with a focus on integrated care.

(104) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with an organization with expertise in supporting efforts to increase access to and improve quality in recovery housing and recovery residences. This funding shall be used to increase recovery housing availability through partnership with private landlords, increase accreditation of recovery residences statewide, operate a grievance process for resolving challenges with recovery residences, and conduct a recovery capital outcomes assessment for individuals living in recovery residences.

(105) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to provide short-term housing vouchers for individuals with substance use disorders.

(106) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to convene and provide staff and contracted services support to the recovery oversight committee established in chapter 311, Laws of 2021 (ESB 5476).

(107) \$2,565,000 of the general fund—state appropriation for fiscal year 2024 and \$2,565,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to develop and implement the recovery services plan and to carry out other requirements of chapter 311, Laws of 2021 (ESB 5476). Within these amounts, funding is provided for the authority to:

(a) Establish an occupational nurse consultant position within the authority to provide contract oversight, accountability, and performance improvement activities, and to ensure medicaid managed care organization plan compliance with provisions in law and contract related to care transitions work with local jails; and

(b) Establish a position within the authority to create and oversee a program to initiate and support emergency department programs for inducing medications for patients with opioid use disorder paired with a referral to community-based outreach and case management programs.

(108) \$400,000 of the general fund—federal appropriation is provided solely to support the development and implementation of the parent portal directed in chapter 134, Laws of 2022 (SHB 1800).

(109) \$21,271,000 of the general fund—state appropriation for fiscal year 2025 and \$30,168,000 of the general fund—federal appropriation are provided solely for the authority to contract with the University of Washington behavioral health teaching facility to provide long-term inpatient care beds as defined in RCW 71.24.025. The authority must coordinate with the department of social and health services and the University of Washington to evaluate and determine criteria for the current population of state hospital patients, committed pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088, who can be effectively treated at the University of Washington behavioral health teaching facility. The authority, in coordination with the department of social and health services and the University of Washington, must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2023, summarizing the numbers and types of patients that are committed to the state hospitals pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088, the numbers and types that would be appropriate to be served at the University of Washington behavioral health teaching facility, and the criteria that was used to make the determination.

(110) \$444,000 of the general fund—state appropriation for fiscal year 2024, \$444,000 of the general fund—state appropriation for fiscal year 2025, and \$716,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute

House Bill No. 1515 (behavioral health contracts). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(111) \$56,000 of the general fund—state appropriation for fiscal year 2024 and \$306,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1168 (prenatal substance exposure). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(112) \$91,000 of the general fund—state appropriation for fiscal year 2024, \$91,000 of the general fund—state appropriation for fiscal year 2025, and \$126,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1580 (children in crisis). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(113) \$618,000 of the problem gambling account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1681 (problem gambling). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(114) \$5,474,000 of the statewide 988 behavioral health crisis response line account—state appropriation and \$210,000 of the general fund—federal appropriation are provided solely for the authority to implement Engrossed Second Substitute House Bill No. 1134 (988 system).

(a) Within these amounts, \$4,000,000 of the statewide 988 behavioral health crisis response line account—state appropriation is provided solely for the authority to provide grants to new or existing mobile rapid response teams and to community-based crisis teams to support efforts for meeting the standards and criteria for receiving an endorsement pursuant to provisions of the bill. In awarding grants under this subsection, the authority must prioritize funding for proposals that demonstrate experience and strategies that prioritize culturally relevant services to community members with the least access to behavioral health services.

(b) Within the remaining amounts, sufficient funding is provided for the authority to conduct the actuarial analysis and development of options for payment mechanisms for rate enhancements as directed in section 8 of Engrossed Second Substitute House Bill No. 1134 (988 system) and to implement other activities required by the bill.

(c) If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(115) \$26,854,000 of the statewide 988 behavioral health crisis response line account—state appropriation and \$17,636,000 of the general fund—federal appropriation are provided solely for the authority to expand and enhance regional crisis services. These amounts must be used to expand services provided by mobile crisis teams and community-based crisis teams either endorsed or seeking endorsement pursuant to standards adopted by the authority. Beginning in fiscal year 2025, the legislature intends to direct amounts within this subsection to be used for performance payments to mobile rapid response teams and community-based crisis teams that receive endorsements pursuant to Engrossed Second Substitute House Bill No. 1134 (988 system).

(116) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the authority to increase resources for behavioral health administrative service organizations and managed care organizations for the increased costs of room and board for behavioral health inpatient and residential services provided in nonhospital facilities.

(117) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with a youth behavioral inpatient and outpatient program with facilities in Clark and Spokane counties that serve over 65 percent medicaid eligible clients for co-occurring substance use and mental health disorders and sexual exploitation behavioral health treatment. This funding is provided on a one-time basis and must be used to supplement medicaid reimbursement, and for costs associated with addressing workforce shortages, health care inflation, and the maintenance and expansion of programs.

**NEW SECTION. Sec. 216. FOR THE HUMAN RIGHTS COMMISSION**

General Fund—State Appropriation (FY 2024) . . . . .	\$4,278,000
General Fund—State Appropriation (FY 2025) . . . . .	\$4,246,000
General Fund—Federal Appropriation . . . . .	\$2,740,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$11,264,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$576,000 of the general fund—state appropriation for fiscal year 2024 and \$539,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for investigative staff to address the commission's caseload backlog.

**NEW SECTION. Sec. 217. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right to Know Fund—State Appropriation . . . . .	\$10,000
Accident Account—State Appropriation . . . . .	\$26,242,000
Medical Aid Account—State Appropriation . . . . .	\$26,237,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$52,489,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$650,000 of the accident account—state appropriation and \$650,000 of the medical aid account—state appropriation are provided solely for the board of appeals information system modernization project, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) \$47,000 of the accident account—state appropriation and \$47,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1521 (industrial insurance/duties). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 218. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund—State Appropriation (FY 2024) . . . . .	\$59,124,000
General Fund—State Appropriation (FY 2025) . . . . .	\$54,715,000
General Fund—Private/Local Appropriation . . . . .	\$11,957,000
Death Investigations Account—State Appropriation . . . . .	\$1,708,000
Municipal Criminal Justice Assistance Account—State Appropriation . . . . .	\$460,000
Washington Auto Theft Prevention Authority Account— State Appropriation . . . . .	\$7,167,000
Washington Internet Crimes Against Children Account— State Appropriation . . . . .	\$2,270,000
24/7 Sobriety Account—State Appropriation . . . . .	\$20,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$137,421,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund—state appropriation for fiscal year 2024 and \$5,000,000 of the general fund—state appropriation for fiscal year 2025 are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) Funding in this section is sufficient for 75 percent of the costs of providing 23 statewide basic law enforcement trainings in each fiscal year 2024 and fiscal year 2025. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least three classes must be held in Spokane each year.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) \$2,270,000 of the Washington internet crimes against children account—state appropriation is provided solely for the implementation of chapter 84, Laws of 2015.

(5) \$4,000,000 of the general fund—state appropriation for fiscal year 2024 and \$4,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the mental health field response team program administered by the Washington association of sheriffs and police chiefs. The association must distribute \$7,000,000 in grants to the phase one and phase two regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court—Western District, Cause No. 14-cv-01178-MJP. The association must submit an annual report to the Governor and appropriate committees of the legislature by September 1st of each year of the biennium. The report shall include best practice recommendations on law enforcement and behavioral health field response and include outcome measures on all grants awarded.

(6) \$899,000 of the general fund—state appropriation for fiscal year 2024 and \$899,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for crisis intervention training for the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court—Western District, Cause No. 14-cv-01178-MJP.

(7) \$1,598,000 of the death investigations account—state appropriation is provided solely for the commission to provide 240 hours of medicolegal forensic investigation training to coroners and medical examiners to meet the recommendations of the national commission on forensic science for certification and accreditation.

(8) \$296,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of chapter 321, Laws of 2021 (officer duty to intervene).

(9) \$30,000 of the general fund—state appropriation for fiscal year 2024 and \$30,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for additional grants to local jurisdictions to investigate instances where a purchase or transfer of a firearm was attempted by an individual who is prohibited from owning or possessing a firearm.

(10) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the criminal justice training commission to provide grant funding to local law enforcement agencies to support law enforcement wellness programs. Of the amount provided in this subsection:

(a) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to provide grants to local law enforcement agencies for the purpose of establishing officer wellness programs, including mobile training programs. Grants provided under this subsection may be used for, but not limited to building resilience, injury prevention, peer support programs, physical fitness, proper nutrition, de-escalation training, stress management, suicide prevention, and physical or behavioral health services. The commission should consult with a representative from the Washington association of sheriffs and police chiefs and a representative of the Washington state fraternal order of police and the Washington council of police and sheriffs in the development of the grant program.

(b) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington association of sheriffs and police chiefs to establish and coordinate an online or mobile-based application for any Washington law enforcement officer; 911 operator or dispatcher; and any other current or retired employee of a Washington law enforcement agency, and their families, to anonymously access on-demand wellness techniques, suicide prevention, resilience, physical fitness, nutrition, and other behavioral health and wellness supports.

(11) \$290,000 of the general fund—state appropriation for fiscal year 2024 and \$290,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for academy training for limited authority Washington peace officers employed by the Washington state gambling commission, Washington state liquor and cannabis board, Washington state parks and recreation commission, department of natural resources, and the office of the insurance commissioner.

(a) Up to 30 officers must be admitted to attend the basic law enforcement academy and up to 30 officers must be admitted to attend basic law enforcement equivalency academy.

(b) Allocation of the training slots amongst the agencies must be based on the earliest application date to the commission. Training does not need to commence within six months of employment.

(c) The state agencies must reimburse the commission for the actual cost of training.

(12) \$6,687,000 of the general fund—state appropriation for fiscal year 2024 and \$4,668,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to establish and provide basic law enforcement academy classes at three new regional training academies, one in Pasco, one in Skagit county, and one in Clark county. Funding in this subsection is sufficient for 75 percent of the costs of providing six classes per year beginning in fiscal year 2024.

(13) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the criminal justice training commission to develop plans for increasing training capacity. The planning process should include engagement with limited law enforcement agencies, tribal law enforcement representatives, and local law enforcement agencies and representatives. The criminal justice training commission will provide recommendations to the governor and the appropriate committees of the legislature in a preliminary report due November 15, 2023, and in a final report due September 30, 2024. The reports should include the following:

(a) Identifying the demand for additional basic law enforcement academy courses to support law enforcement agencies and develop a proposal to meet any identified training needs, including basic law enforcement academy and advanced training needs;

(b) A plan for how to provide basic law enforcement academy training to limited law enforcement officers and tribal law enforcement officers, including providing additional capacity for training classes. The plan should also consider alternatives for distribution of the costs of the training course; and

(c) A plan for providing at least two basic law enforcement training academy classes per year to candidates who are not yet employed with a law enforcement agency. The plan should, at a minimum, include the following:

(i) A recruitment strategy that emphasizes recruitment of diverse candidates from different geographic areas of the state; diverse race, ethnicity, gender, and sexual orientation; and candidates with diverse backgrounds and experiences including nontraditional educational programs or work experience;

(ii) Pathways from training to employment with a law enforcement agency; and

(iii) Plans to address capacity for and delivery of training.

(14) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the criminal justice training commission to provide accreditation incentive awards.

(a) The commission may provide an accreditation incentive award totaling up to \$50,000 to each law enforcement agency that receives an accreditation during the fiscal biennium from a national or state accrediting entity recognized by the commission. The commission must divide award amounts provided pursuant to this section equally among qualifying law enforcement agencies. A law enforcement agency may not receive more than one accreditation incentive award per fiscal biennium. Funds received by a law enforcement agency pursuant to this subsection must be made available to the law enforcement agency to which they are awarded and may not supplant or replace existing funding received by the law enforcement agency.

(b) The commission must submit a report to the legislature by June 30th of each fiscal year during the biennium that lists each law enforcement agency that received an accreditation incentive award during the fiscal year.

(15)(a) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington association of sheriffs and police chiefs to develop, implement, and operate an ongoing electronic statewide catalytic converter tracking database program to aid law enforcement in identifying unmarked detached catalytic converters. The association may contract with a third party to assist in the development and implementation of the database program.

(b) The catalytic converter tracking database program must allow law enforcement agencies to search for images and descriptions of unmarked detached catalytic converters based on the vehicle makes and models that employ those specific catalytic converters.

(c) The catalytic converter tracking database program must be operational by July 1, 2024.

(16) \$1,085,000 of the general fund—state appropriation for fiscal year 2024 and \$1,040,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1028 (crime victims & witnesses). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(17) \$3,220,000 of the general fund—state appropriation for fiscal year 2024 and \$2,860,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1715 (domestic violence). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(18) \$236,000 of the general fund—state appropriation for fiscal year 2024 and \$226,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1132 (limited authority officers). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(19) \$222,000 of the general fund—state appropriation for fiscal year 2024 and \$111,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1387 (law enforcement applicant pool). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(20) \$1,200,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for body camera grant funding to local law enforcement agencies.

(a) The Washington association of sheriffs and police chiefs shall develop and implement a body-worn camera grant program. The purpose of the program is to assist law enforcement agencies to establish and expand body-worn camera programs.

(b) Law enforcement agencies may use the grants for: (i) The initial purchase, maintenance, and replacement of body-worn cameras; (ii) ongoing costs related to the maintenance and storage of data recorded by body worn cameras; (iii) costs associated with public records requests for body worn-camera footage; and (iv) hiring of personnel necessary to operate a body-worn camera program.

(c) The Washington association of sheriffs and police chiefs shall develop and implement a grant application process and review applications from agencies based on locally developed proposals to establish or expand body-worn camera programs.

(d) Law enforcement agencies that are awarded grants must:

(i) Comply with the provisions of chapter 10.109 RCW;

(ii) Demonstrate the ability to redact body-worn camera footage consistent with RCW 42.56.240 and other applicable provisions;

(iii) Provide training to officers who will wear body-worn cameras and other personnel associated with implementation of the body-worn camera program; and

(iv) Agree to comply with any data collection and reporting requirements that are established by the Washington association of sheriffs and police chiefs.

(e) The Washington association of sheriffs and police chiefs must submit an annual report regarding the grant program to the governor and appropriate committees of the legislature by December 1st of each year the program is funded. The report must be submitted in compliance with RCW 43.01.036.

**NEW SECTION. Sec. 219. FOR THE OFFICE OF INDEPENDENT INVESTIGATIONS**

General Fund—State Appropriation (FY 2024)	\$19,093,000
General Fund—State Appropriation (FY 2025)	\$22,252,000
<b>TOTAL APPROPRIATION</b>	<b>\$41,345,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$145,000 of the general fund—state appropriation for fiscal year 2024 and \$145,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1579 (independent prosecutions). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund—State Appropriation (FY 2024)	\$15,652,000
General Fund—State Appropriation (FY 2025)	\$19,541,000
General Fund—Federal Appropriation	\$11,470,000

Asbestos Account—State Appropriation. . . . .	\$604,000
Electrical License Account—State Appropriation. . . . .	\$63,583,000
Farm Labor Contractor Account—State Appropriation. . . . .	\$28,000
Opioid Abatement Settlement Account—State Appropriation. . . . .	\$250,000
Worker and Community Right to Know Fund—State Appropriation. . . . .	\$1,080,000
Construction Registration Inspection Account—State Appropriation. . . . .	\$28,956,000
Public Works Administration Account—State Appropriation. . . . .	\$15,781,000
Manufactured Home Installation Training Account— State Appropriation. . . . .	\$434,000
Accident Account—State Appropriation. . . . .	\$392,489,000
Accident Account—Federal Appropriation. . . . .	\$15,823,000
Medical Aid Account—State Appropriation. . . . .	\$389,000,000
Medical Aid Account—Federal Appropriation. . . . .	\$3,571,000
Plumbing Certificate Account—State Appropriation. . . . .	\$3,482,000
Pressure Systems Safety Account—State Appropriation. . . . .	\$4,829,000
Workforce Education Investment Account—State Appropriation. . . . .	\$17,600,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$984,173,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,714,000 of the accident account—state appropriation and \$4,711,000 of the medical aid account—state appropriation are provided solely for the labor and industries workers' compensation information system replacement project. The department must:

(a) Submit quarterly data within 30 calendar days of the end of each quarter, effective July 1, 2023, on:

(i) The quantifiable deliverables accomplished and the amount spent by each deliverable in each of the following subprojects:

- (A) Business readiness;
- (B) Change readiness;
- (C) Commercial off the shelf procurement;
- (D) Customer access;
- (E) Program foundations;
- (F) Independent assessment; and
- (G) In total by fiscal year;

(ii) All of the quantifiable deliverables accomplished by subprojects identified in (a) (i) (A) through (F) of this subsection and in total and the associated expenditures by each deliverable by fiscal month;

(iii) The contract full time equivalent charged by subprojects identified in (a) (i) (A) through (F) of this subsection, and in total, compared to the budget spending plan by month for each contracted vendor and what the ensuing contract equivalent budget spending plan by subprojects identified in (a) (i) (A) through (F) of this subsection, and in total, assumes by fiscal month;

(iv) The performance metrics by subprojects identified in (a) (i) (A) through (F) of this subsection, and in total, that are currently used, including monthly performance data; and

(v) The risks identified independently by at least the quality assurance vendor and the office of the chief information officer, and how the project:

- (A) Has mitigated each risk; and
- (B) Is working to mitigate each risk, and when it will be mitigated;

(b) Submit the report in (a) of this subsection to fiscal and policy committees of the legislature; and

(c) Receive an additional gated project sign off by the office of financial management, effective September 1, 2023. Prior to spending any project funding in this subsection each quarter, there is an additional gate of approval required for this project. The director of financial management must agree that the project shows accountability, effective and appropriate use of the funding, and that risks are being mitigated to the spending and sign off on the spending for the ensuing quarter.

(2) \$250,000 of the medical aid account—state appropriation and \$250,000 of the accident account—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must produce annual progress reports through the year 2025 or until the tools are fully developed and deployed. The annual progress report must be submitted to the governor and legislature by December 1st of each year such report is due.

(3) \$258,000 of the accident account—state appropriation and \$258,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries safety and health assessment research for prevention program to conduct research to prevent the types of work-related injuries that require immediate hospitalization. The department will develop and maintain a tracking system to identify and respond to all immediate in-patient hospitalizations and will examine incidents in defined high-priority areas, as determined from historical data and public priorities. The research must identify and characterize hazardous situations and contributing factors using epidemiological, safety-engineering, and human factors/ergonomics methods. The research must also identify common factors in certain types of workplace injuries that lead to hospitalization. The department must submit a report to the governor and appropriate legislative committees by August 30, 2023, and annually thereafter, summarizing work-related immediate hospitalizations and prevention opportunities, actions that employers and workers can take to make workplaces safer, and ways to avoid severe injuries.

(4) (a) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to promote workforce development in aerospace and aerospace related supply chain industries by: Expanding the number of registered apprenticeships, preapprenticeships, and aerospace-related programs; and providing support for registered apprenticeships or programs in aerospace and aerospace-related supply chain industries.

(b) Grants awarded under this section may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training space and lab locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations;

(iii) Curriculum development and instructor training for industry experts;

(iv) Tuition assistance for degrees in engineering and high-demand degrees that support the aerospace industry; and

(v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant under this subsection if it is a nonprofit, nongovernmental, or institution of higher education that provides training opportunities, including apprenticeships, preapprenticeships, preemployment training, aerospace-related degree programs, or incumbent worker training to prepare workers for the aerospace and aerospace-related supply chain industries.

(d) The department may use up to 5 percent of these funds for administration of these grants.

(5) \$1,065,000 of the construction registration inspection account—state appropriation, \$57,000 of the accident account—state appropriation, and \$12,000 of the medical aid account—state appropriation are provided solely for the conveyance management system replacement project and are subject to the conditions, limitations, and review provided in section 701 of this act.

(6) \$250,000 of the opioid abatement settlement account—state appropriation is provided solely for the department to analyze patients who are maintained on chronic opioids. The department must submit an annual report of its findings to the governor and the appropriate committees of the legislature no later than October 1st of each year of the fiscal biennium. The report shall include analysis of patient data, describing the characteristics of patients who are maintained on chronic opioids and their clinical needs, and a preliminary evaluation of potential interventions to improve care and reduce harms in this population.

(7) \$1,363,000 of the medical aid account—state appropriation is provided solely to improve access to medical and vocational providers of the workers' compensation program by expanding the use of navigators to recruit and assist providers in underserved communities and by ensuring access to high quality and reliable interpreter services.

(8) \$1,360,000 of the accident account—state appropriation and \$240,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries, in coordination with the Washington state apprenticeship training council, to establish behavioral health apprenticeship programs. The behavioral health apprenticeship programs shall be administered by the Washington state apprenticeship training council. The amounts provided in this subsection must be used to compensate behavioral health providers for the incurred operating costs associated with the apprenticeship program, including apprentice compensation, staff support and supervision of apprentices, development of on-the-job training catalogs for apprentices, and provider incentives for implementing a behavioral health apprenticeship program. In awarding this funding, special preference must be given to small or rural behavioral health providers and those that serve higher percentages of individuals from black, indigenous, and people of color communities. The department may use up to five percent of the amount provided in this subsection for administration of these grants.

(9) \$6,000,000 of the workforce education investment account—state appropriation is provided solely for the department, in coordination with the Washington state apprenticeship council, to administer grants to continue the growth of behavioral health apprenticeship programs. Grants may be awarded for provider implementation costs, apprentice tuition and stipend costs, curriculum development, and program administration. Grant awardees must use a minimum of one-half of amounts provided to compensate behavioral health providers for employer implementation costs including mentor wage differentials, related instruction wages, and administrative costs. In awarding this funding, special preference must be given to entities with experience in implementation of behavioral health sector apprenticeships and



labor-management partnerships. By June 30, 2024, and June 30, 2025, grantees must report to the department on the number of individuals that were recruited and upskilled in the preceding fiscal year. The department may use up to five percent of the amount provided in this subsection for administration of these grants.

(10) \$1,400,000 of the workforce education investment account—state appropriation is provided solely for the department, in coordination with the Washington state apprenticeship training council, to administer grants to address the behavioral health workforce shortage through behavioral health preapprenticeship and behavioral health entry level training, including nursing assistant certified programs. Grants may cover program costs including, but not limited to, provider implementation costs, apprentice tuition and stipend costs, curriculum development, and program administration. In awarding this funding, special preference must be given to entities with experience in implementation of behavioral health sector apprenticeships and labor-management partnerships. By June 30, 2024, and June 30, 2025, grantees must report to the department on the number of individuals that were recruited and upskilled in the preceding fiscal year. The department may use up to five percent of the amount provided in this subsection for administration of these grants.

(11) \$300,000 of the workforce education investment account—state appropriation is provided solely for certified construction trade preapprenticeship programs that use a nationally approved multicraft curriculum and emphasize construction math, tool use, job safety, equipment, life skills, and financial literacy. The preapprenticeship programs should focus on disadvantaged, nontraditional, and underrepresented populations, and on populations reentering the community from incarceration and houselessness. The department may use up to five percent of the amount provided in this subsection for administration of these grants.

(12) (a) \$400,000 of the workforce education investment account—state appropriation is provided solely for grants to nonprofit organizations to:

(i) Expand meatcutter registered apprenticeship and preapprenticeship programs to new locations; or

(ii) Develop a new fishmonger registered apprenticeship program.

(b) Grants awarded under this subsection may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training space and lab locations to support the expansion and establishment of apprenticeship and preapprenticeship training in new locations;

(iii) Curriculum development, including the creation of elearning content, and instructor training for apprenticeship and preapprenticeship instructors;

(iv) Tuition assistance for apprentices in registered apprenticeship programs accredited by a community or technical college;

(v) Stipends for preapprentices; and

(vi) Apprenticeship and preapprenticeship coordination and administration services.

(c) An entity is eligible to receive a grant under this subsection if it is a nonprofit organization that administers or directly provides apprenticeship and preapprenticeship training opportunities, overseen by a committee with at least one labor union and one employer representative or with an active program with participation of both labor union and employer partners, for retail meatcutters and/or fishmongers.

(d) The department may use up to five percent of the amount provided in this subsection for administration of these grants.

(13) \$6,000,000 of the workforce education investment account—state appropriation is provided solely for the department to distribute funding to nonprofit programs providing apprenticeship education and job training for general journey level (01) electricians to increase funding for related supplemental instruction costs. Funding shall be allocated to programs by formula based on delivered related supplemental instruction hours for active apprentices under chapter 49.04 RCW and operating in compliance for administrative procedures. The department may use up to five percent of the amount provided in this subsection for administration of these grants.

(14) \$1,249,000 of the accident account—state appropriation and \$507,000 of the medical aid account—state appropriation are provided solely for the creation of the center for work equity research. The center will study and systematically address employer and employment factors that place historically marginalized workers at increased risk for work-related injuries and illnesses and social and economic hardship.

(15) \$2,908,000 of the public works administration account—state appropriation is provided solely for system improvements to the prevailing wage program information technology system. This project is subject to the conditions, limitations, and review provided in section 701 of this act.

(16) \$205,000 of the general fund—state appropriation for fiscal year 2024 and \$205,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue conducting a four-year retention study of state registered apprentices as provided in chapter 156, Laws of 2022 (apprenticeship programs). The study shall include the collection of data from all apprentices three months into their apprenticeship to understand challenges and barriers they face towards program participation. The aggregate data by trade must be displayed on a publicly available dashboard. Study data must be provided with apprenticeship coordinators to implement an early response to connect apprentices with needed supports. The department shall submit an annual report to the governor and appropriate legislative committees on June 30, 2024 and June 30, 2025.

(17) \$3,500,000 of the workforce education investment account—state appropriation is provided solely to administer a grant program intended to provide wraparound support services to mitigate barriers to beginning or participating in apprenticeship programs as described in

chapter 156, Laws of 2022. Up to five percent of the total funding provided in this subsection may be used to cover administrative expenses.

(18) \$1,963,000 of the accident account—state appropriation and \$797,000 of the medical aid account—state appropriation are provided solely to expand access to worker rights and safety information for workers with limited English proficiency (LEP) through outreach and translation of safety-related information, training, and other materials. \$1,000,000 of the amount provided in this subsection is provided solely for grants to community-based organizations to provide workplace rights and safety outreach to underserved workers.

(19) \$857,000 of the accident account—state appropriation and \$855,000 of the medical aid account—state appropriation are provided solely for enhancements to the workers' compensation training modules to include strategies on reducing long-term disability among claimants.

(20) \$4,165,000 from the electrical license account—state appropriation is provided solely for an additional wage increase for all positions within the electrical construction inspectors job class series consistent with the July 1, 2023, range differentials, subject to an agreement between the state and the exclusive collective bargaining representative of the electrical construction inspectors.

(21) \$165,000 of the general fund—state appropriation for fiscal year 2024 and \$165,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to an organization in Pierce county experienced in providing peer-to-peer training to continue implementation of a program aimed at reducing workplace sexual harassment in the agricultural sector. The department may use up to five percent of the amount provided in this subsection for administration of this grant. The organization receiving the grant must:

(a) Continue peer-to-peer trainings for farmworkers in Yakima county and expand to provide peer-to-peer trainings for farmworkers in Grant and Benton counties;

(b) Support an established network of peer trainings as farmworker leaders, whose primary purpose is to prevent workplace sexual harassment and assault through leadership, education, and other tools; and

(c) Share best practices from the peer-to-peer model at a statewide conference for farmworkers, industry representatives, and advocates.

(22) \$250,000 of the accident account—state appropriation and \$278,000 of the medical aid account—state appropriation is provided solely for implementation of House Bill No. 1197 (workers' comp. providers). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(23) \$575,000 of the public works administration account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1050 (apprenticeship utilization). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(24) \$510,000 of the accident account—state appropriation and \$57,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1217 (wage complaints). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(25) \$282,000 of the accident account—state appropriation and \$50,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1320 (personnel records). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(26) \$105,000 of the accident account—state appropriation and \$19,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1323 (fire-resistant materials). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(27) \$329,000 of the general fund—state appropriation for fiscal year 2024 and \$276,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1491 (employee personal vehicles). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(28) \$239,000 of the accident account—state appropriation and \$239,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1521 (industrial insurance/duties). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(29) \$256,000 of the construction registration inspection account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1534 (construction consumers). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(30) \$1,311,000 of the accident account—state appropriation and \$243,000 of the medical aid account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1762 (warehouse employees). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(31) \$431,000 of the accident account—state appropriation and \$76,000 of the medical aid account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1013 (regional apprenticeship prgs). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(1) The appropriations in this section are subject to the following conditions and limitations:

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys that are unrelated to the coronavirus response and not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys that are unrelated to the coronavirus response, those moneys must be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. In response to any request by the department for general fund—state appropriation to backfill a loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

(2) HEADQUARTERS

General Fund—State Appropriation (FY 2024)	\$4,193,000
General Fund—State Appropriation (FY 2025)	\$4,222,000
Charitable, Educational, Penal, and Reformatory Institutions Account—State Appropriation	\$10,000
<b>TOTAL APPROPRIATION</b>	<b>\$8,425,000</b>

(3) FIELD SERVICES

General Fund—State Appropriation (FY 2024)	\$9,208,000
General Fund—State Appropriation (FY 2025)	\$9,187,000
General Fund—Federal Appropriation	\$10,323,000
General Fund—Private/Local Appropriation	\$6,538,000
Veteran Estate Management Account—Private/Local Appropriation	\$717,000
<b>TOTAL APPROPRIATION</b>	<b>\$35,973,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided for one veterans service officer each in Island county and Walla Walla county.

(b) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to contract with an organization located in Thurston county that has experience in the delivery of no-cost equine therapy for military veterans and active members of the military.

(4) STATE VETERANS HOMES PROGRAM

General Fund—State Appropriation (FY 2024)	\$17,105,000
General Fund—State Appropriation (FY 2025)	\$11,176,000
General Fund—Federal Appropriation	\$126,776,000
General Fund—Private/Local Appropriation	\$17,184,000
<b>TOTAL APPROPRIATION</b>	<b>\$172,241,000</b>

The appropriations in this subsection are subject to the following conditions and limitations: If the department receives additional unanticipated federal resources that are unrelated to the coronavirus response at any point during the remainder of the 2023-2025 fiscal biennium, an equal amount of general fund—state must be placed in unallotted status so as not to exceed the total appropriation level specified in this subsection. The department may submit as part of the policy level budget submittal documentation required by RCW 43.88.030 a request to maintain the general fund—state resources that were unallotted as required by this subsection.

(5) CEMETERY SERVICES

General Fund—State Appropriation (FY 2024)	\$124,000
General Fund—State Appropriation (FY 2025)	\$124,000
General Fund—Federal Appropriation	\$1,410,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,658,000</b>

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF HEALTH**

General Fund—State Appropriation (FY 2024)	\$173,072,000
General Fund—State Appropriation (FY 2025)	\$155,415,000
General Fund—Federal Appropriation	\$578,450,000

General Fund—Private/Local Appropriation. . . . .	\$231,463,000
Dedicated Cannabis Account—State Appropriation (FY 2024). . . . .	\$11,839,000
Dedicated Cannabis Account—State Appropriation (FY 2025). . . . .	\$12,199,000
Climate Commitment Account—State Appropriation. . . . .	\$49,559,000
Climate Investment Account—State Appropriation. . . . .	\$902,000
Hospital Data Collection Account—State Appropriation. . . . .	\$580,000
Health Professions Account—State Appropriation. . . . .	\$180,894,000
Aquatic Lands Enhancement Account—State Appropriation. . . . .	\$637,000
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation. . . . .	\$10,128,000
Medicaid Fraud Penalty Account—State Appropriation. . . . .	\$27,000
Natural Climate Solutions Account—State Appropriation. . . . .	\$72,000
Public Health Supplemental Account—State Appropriation. . . . .	\$293,000
Safe Drinking Water Account—State Appropriation. . . . .	\$8,660,000
Drinking Water Assistance Account—Federal Appropriation. . . . .	\$24,929,000
Waterworks Operator Certification Account—State Appropriation. . . . .	\$2,014,000
Drinking Water Assistance Administrative Account— State Appropriation. . . . .	\$2,455,000
Site Closure Account—State Appropriation. . . . .	\$186,000
Biotoxin Account—State Appropriation. . . . .	\$1,747,000
Model Toxics Control Operating Account—State Appropriation. . . . .	\$8,425,000
Medical Test Site Licensure Account—State Appropriation. . . . .	\$5,169,000
Secure Drug Take-Back Program Account—State Appropriation. . . . .	\$1,422,000
Youth Tobacco and Vapor Products Prevention Account— State Appropriation. . . . .	\$3,251,000
Public Health Supplemental Account—Private/Local Appropriation. . . . .	\$3,733,000
Accident Account—State Appropriation. . . . .	\$373,000
Medical Aid Account—State Appropriation. . . . .	\$57,000
Statewide 988 Behavioral Health Crisis Response Line Account—State Appropriation. . . . .	\$42,866,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation. . . . .	\$27,022,000
Opioid Abatement Settlement Account—State Appropriation. . . . .	\$7,400,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$1,545,239,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the start of the fiscal year following the next legislative session after the rules are adopted. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2023-2025 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to \$25 annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt license and certification fees in fiscal years 2024 and 2025 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the

reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) Within the amounts appropriated in this section, and in accordance with RCW 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(5) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2024 and 2025 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(6) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(7) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(8) \$492,000 of the general fund—state appropriation for fiscal year 2024 and \$492,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to coordinate with local health jurisdictions to establish and maintain comprehensive group B programs to ensure safe drinking water. These funds shall be used to support the costs of the development and adoption of rules, policies, and procedures, and for technical assistance, training, and other program-related costs.

(9) \$96,000 of the general fund—state appropriation for fiscal year 2024 and \$92,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for community outreach to prepare culturally and linguistically appropriate hepatitis B information in a digital format to be distributed to ethnic and cultural leaders and organizations to share with foreign-born and limited or non-English speaking community networks.

(10) Within amounts appropriated in this section, the Washington nursing commission must hire sufficient staff to process applications for nursing licenses so that the time required for processing does not exceed seven days.

(11) \$725,000 of the general fund—state appropriation for fiscal year 2024 and \$725,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the Washington poison center. This funding is provided in addition to funding pursuant to RCW 69.50.540.

(12) \$2,122,000 of the general fund—state appropriation for fiscal year 2024 and \$2,122,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the ongoing operations and maintenance of the prescription monitoring program maintained by the department.

(13) \$2,265,000 of the general fund—state appropriation for fiscal year 2024 and \$2,265,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for:

(a) Staffing by the department, the department of veterans affairs, and the department of corrections to expand statewide suicide prevention efforts, which efforts include suicide prevention efforts for military service members and veterans and incarcerated persons;

(b) A suicide prevention public awareness campaign to provide education regarding the signs of suicide, interventions, and resources for support;

(c) Staffing for call centers to support the increased volume of calls to suicide hotlines;

(d) Training for first responders to identify and respond to individuals experiencing suicidal ideation;

(e) Support for tribal suicide prevention efforts;

(f) Strengthening behavioral health and suicide prevention efforts in the agricultural sector;

(g) Support for the three priority areas of the governor's challenge regarding identifying suicide risk among service members and their families, increasing the awareness of resources available to service members and their families, and lethal means safety planning;

- (h) Training for community health workers to include culturally informed training for suicide prevention;
- (i) Coordination with the office of the superintendent of public instruction; and
- (j) Support for the suicide prevention initiative housed in the University of Washington.
- (14) \$4,500,000 of the general fund—state appropriation for fiscal year 2024 and \$4,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the fruit and vegetable incentives program.
- (15) \$627,000 of the general fund—state appropriation for fiscal year 2024 and \$627,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to implement the recommendations from the community health workers task force to provide statewide leadership, training, and integration of community health workers with insurers, health care providers, and public health systems.
- (16) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington nursing commission to manage a grant process to incentivize nurses to supervise nursing students in health care settings. The goal of the grant program is to create more clinical placements for nursing students to complete required clinical hours to earn their nursing degree and related licensure.
- (17) \$1,522,000 of the health professional services account—state appropriation is provided solely for the Washington nursing commission to continue to implement virtual nursing assistant training and testing modalities, create an apprenticeship pathway into nursing for nursing assistants, implement rule changes to support a career path for nursing assistants, and collaborate with the workforce training and educational coordinating board on a pilot project to transform the culture and practice in long term care settings. The goal of these activities is to expand the nursing workforce for long term care settings.
- (18) \$186,000 of the general fund—state appropriation for fiscal year 2024 and \$186,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to test for lead in child care facilities to prevent child lead exposure and to research, identify, and connect facilities to financial resources available for remediation costs.
- (19) \$814,000 of the general fund—state appropriation for fiscal year 2024 and \$814,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide grants to establish new school-based health centers and to add behavioral health capacity to existing school-based health centers.
- (20) \$1,300,000 of the general fund—state appropriation for fiscal year 2024 and \$1,300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to coordinate and lead a multi-agency approach to youth suicide prevention and intervention.
- (21) (a) \$486,000 of the general fund—state appropriation for fiscal year 2024 and \$85,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department, in collaboration with an organization that represents pediatric care needs in Washington state, to establish a curriculum and provide training for community health workers in primary care clinics whose patients are significantly comprised of pediatric patients enrolled in medical assistance under chapter 74.09 RCW, in support of the health care authority's two-year grant program.
- (b) Of the amounts provided in this subsection for fiscal year 2024, \$250,000 is provided solely for a grant to a pediatric organization to convene a learning collaborative to support community health workers to ensure their success while on the job with their multidisciplinary clinic teams and for the development of this new integrated health care worker field.
- (c) The department shall coordinate ongoing curriculum development meetings with the relational health training work group.
- (22) \$1,390,000 of the general fund—state appropriation for fiscal year 2024 and \$1,378,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the child profile health promotion notification system.
- (23) \$5,000,000 of the opioid abatement settlement account—state appropriation is provided solely for the department to expand the distribution of naloxone through the department's overdose education and naloxone distribution program. Funding must be prioritized to fill naloxone access gaps in community behavioral health and other community settings, including providing naloxone to first responders and agency staff in organizations such as syringe service programs, house providers, and street outreach programs.
- (24) \$2,000,000 of the opioid abatement settlement account—state appropriation is provided solely for prevention, treatment, and recovery support services to remediate the impacts of the opioid epidemic. This funding must be used consistent with conditions of the opioid settlement agreements that direct how funds deposited into the opioid abatement settlement account created in Engrossed Substitute House Bill No. 1203 must be used.
- (25) \$400,000 of the opioid abatement settlement account—state appropriation is provided solely for the completion of work identified in the state opioid response plan related to maternal and infant health.
- (26) (a) \$10,000,000 of the climate commitment account—state appropriation is provided solely to support and administer a workplace health and safety program for workers who are affected by climate impacts, including but not limited to, extreme heat and cold, wildfire smoke, drought and flooding. This program will focus on workplace health and safety, including but not limited to, farmworkers, construction workers, and other workers who face

the most risk from climate-related impacts. This amount shall be spent solely to support vulnerable populations in overburdened communities under the climate commitment act as defined in RCW 70A.65.010. Funding shall be provided for:

(i) Pass through grants to community-based organizations, tribal governments, and tribal organizations to support workplace health and safety for workers who are burdened by the intersection of their work and climate impacts; and

(ii) Procurement and distribution of equipment and resources for workers who are burdened by the intersection of their work and climate impacts directly by the department of health, or through pass-through grants to community-based organizations, tribal governments, and tribal organizations. Equipment and resources may include but are not limited to: Personal protective equipment, other protective or safety clothing for cold and heat, air purifiers for the workplace or worker housing, protection from ticks and mosquitoes, and heating and cooling devices.

(b) The department of health, in consultation with the environmental justice council, community groups, and labor and industries, shall evaluate mechanisms to provide workers with financial assistance to cover lost wages or other financial hardships caused by extreme weather events and climate threats;

(c) A portion of this funding may be used to administer this grant program.

(27) \$5,996,000 of the climate commitment account—state appropriation is provided solely for the department to implement the healthy environment for all act under chapter 70A.02 RCW, including to provide additional staff and support for the environmental justice council.

(28)(a) \$26,355,000 of the climate commitment account—state appropriation is provided solely for the department to administer capacity grants to tribes and tribal organizations and to overburdened communities and vulnerable populations to provide guidance and input:

(i) To agencies and to the environmental justice council on implementation of the healthy environment for all act; and

(ii) To the department on updates to the environmental health disparities map.

(b) At least 50 percent of the total amount distributed for capacity grants in this subsection must be reserved for grants to tribes and tribal organizations.

(c) Funding provided in this subsection may be used for tribes and tribal organizations to hire staff or to contract with consultants to engage in updating the health disparities map or on implementing the healthy environment for all act.

(d) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(29) \$17,752,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to sustain information technology infrastructure, tools, and solutions developed to respond to the COVID-19 pandemic. The department shall submit a plan to the office of financial management by September 15, 2023, that identifies a new funding strategy to maintain these information technology investments within the department's existing state, local, and federal funding. Of this amount, sufficient funding is provided for the department to create an implementation plan for real-time bed capacity and tracking for hospitals and skilled nursing facilities, excluding behavioral health hospitals and facilities. The department will provide the implementation plan and estimated cost for an information technology system and implementation costs to the office of financial management by September 15, 2023, for the bed capacity and tracking tool.

(30) \$20,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to support COVID-19 public health and response activities. The department must continue to distribute COVID-19 testing supplies to agricultural workers and tribal governments. The department must submit a spending plan to the office of financial management for approval. These funds may only be allocated and expended after approval of the spending plan.

(31) \$7,907,000 of the general fund—state appropriation for fiscal year 2024 and \$8,103,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for programs and grants to maintain access to abortion care. Of the amounts provided in this subsection:

(a) \$3,365,000 of the general fund—state appropriation for fiscal year 2024 and \$3,561,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for reimbursement of abortion services to providers of abortion care;

(b) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for outreach, patient navigation, and staffing at the department; and

(c) \$4,042,000 of the general fund—state appropriation for fiscal year 2024 and \$4,042,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to safety net abortion providers who participate in the department's sexual and reproductive health program for workforce retention and recruitment initiatives to ensure continuity of services.

(32) \$260,000 of the general fund—state appropriation for fiscal year 2024 and \$259,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to providers of abortion care that participate in the department's sexual and reproductive health program for security investments.

(33) \$285,000 of the general fund—state appropriation for fiscal year 2024, \$295,000 of the general fund—state appropriation for fiscal year 2025, and \$214,000 of the general fund—private/local appropriation are provided solely for the behavioral health agency program for licensure and regulatory activities.

(34) \$104,000 of the general fund—state appropriation for fiscal year 2024, \$104,000 of the general fund—state appropriation for fiscal year 2025, and \$42,000 of the health professions account—state appropriation are provided solely for the department to conduct credentialing and inspections under chapter 324, Laws of 2019 (behavioral health facilities).

(35) \$3,298,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the breast, cervical and colon screening program, comprehensive cancer community partnerships, and Washington state cancer registry.

(36) \$85,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for continued implementation of chapter 58, Laws of 2022 (cardiac & stroke response).

(37) \$671,000 of the general fund—state appropriation for fiscal year 2024 and \$329,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the care-a-van mobile health program.

(38) \$6,801,000 of the climate commitment account—state appropriation and \$702,000 of the climate investment account—state appropriation are provided solely for implementation of chapter 316, Laws of 2021 (climate commitment act).

(39) \$200,000 of the climate investment account—state appropriation is provided solely for the environmental justice council to coordinate with the department of ecology on a process to track state agency expenditures from climate commitment act accounts, as described in section 302(13) of this act. Funding is provided for the following as they relate to development of the department of ecology process:

(a) Public engagement with tribes and vulnerable populations within the boundaries of overburdened communities; and

(b) Cost recovery or stipends for participants in the public process to reduce barriers to participation, as described in RCW 43.03.220.

(40) \$31,000 of the general fund—state appropriation for fiscal year 2024 and \$31,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 204, Laws of 2022 (truck drivers/restrooms).

(41) \$808,000 of the drinking water assistance administrative account—state appropriation is provided solely for the water system consolidation grant program.

(42) \$1,044,000 of the safe drinking water account—state appropriation is provided solely for the drinking water technical services program.

(43) \$288,000 of the secure drug take-back program account—state appropriation is provided solely for implementation of chapter 155, Laws of 2021 (drug take-back programs).

(44) \$7,146,000 of the drinking water assistance account—federal appropriation is provided solely for the office of drinking water to provide technical assistance, direct engineering support, and construction management to small water systems.

(45) \$381,000 of the general fund—state appropriation for fiscal year 2024 and \$607,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the early hearing detection, diagnosis, and intervention program.

(46) \$149,000 of the general fund—state appropriation for fiscal year 2024 and \$88,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to make improvements to the data system for the early hearing detection, diagnosis, and intervention program, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(47) \$12,466,000 of the health professions account—state appropriation is provided solely for the regulation of health professions.

(48) \$599,000 of the health professions account—state appropriation is provided solely for ongoing maintenance of the HEALWA web portal to provide access to health information for providers.

(49) \$1,359,000 of the general fund—state appropriation for fiscal year 2024, \$680,000 of the general fund—state appropriation for fiscal year 2025, and \$680,000 of the general fund—private/local appropriation are provided solely for the department to perform investigations to address the backlog of hospital complaints.

(50) \$12,000 of the health professions account—state appropriation is provided solely for implementation of chapter 204, Laws of 2021 (international medical grads).

(51) \$1,652,000 of the general fund—state appropriation for fiscal year 2024 and \$1,339,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to onboard systems to, and maintain, the master person index as part of the health and human services coalition master person index initiative, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(52) \$2,062,000 of the general fund—state appropriation for fiscal year 2024 and \$1,454,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to complete upgrades to the medical cannabis authorization database to improve reporting functions and accessibility, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(53) \$1,865,000 of the medical test site licensure account—state appropriation is provided solely for the medical test site regulatory program for inspections and other regulatory activities.

(54) \$2,276,000 of the health professions account—state appropriation is provided solely for the nursing care quality assurance commission for nursing licensure and other regulatory activities.

(55) \$813,000 of the general fund—state appropriation for fiscal year 2024 and \$811,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the



department to assist with access to safe drinking water for homes and businesses with individual wells or small water systems that are contaminated.

(56) \$146,000 of the model toxics control operating account—state appropriation is provided solely for implementation of chapter 264, Laws of 2022 (chemicals/consumer products).

(57) \$1,150,000 of the general fund—state appropriation for fiscal year 2024 and \$1,150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to expand the birth equity project with the goal of reducing prenatal and perinatal health disparities.

(58) \$1,738,000 of the general fund—private/local appropriation is provided solely for implementation of chapter 115, Laws of 2020 (psychiatric patient safety).

(59) \$11,533,000 of the general fund—state appropriation for fiscal year 2024 and \$11,533,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to maintain public health information systems that are used to collect, track, and report public health information.

(60) \$7,022,000 of the coronavirus state fiscal recovery fund—federal appropriation and \$7,355,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to maintain the statewide logistics center.

(61) \$315,000 of the general fund—state appropriation for fiscal year 2024 and \$315,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to operate the universal development screening system.

(62) \$2,000,000 of the health professions account—state appropriation and \$293,000 of the public health supplemental account—state appropriation are provided solely for the Washington medical commission for regulatory activities, administration, and addressing equity issues in processes and policies.

(63) \$200,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department, in collaboration with the Washington medical coordination center, to create an implementation plan for real-time bed capacity and tracking for hospitals. The department must provide the implementation plan and estimated costs for the bed capacity and tracing tool to the office of financial management by September 15, 2023.

(64) \$48,000 of the model toxics control operating account—state appropriation is provided solely for the Puget Sound clean air agency to coordinate meetings with local health jurisdictions in King, Pierce, Snohomish, and Kitsap counties to better understand air quality issues, align messaging, and facilitate delivery of ready-to-go air quality and health interventions. The amount provided in this subsection may be used for agency staff time, meetings and events, outreach materials, and tangible air quality and health interventions.

(65) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than \$525 annually for new or renewed licenses for the midwifery program.

(66) (a) The legislature finds that fusion is a rapidly advancing clean energy technology and that Washington is poised to become a world leader in fusion energy development. The legislature intends for Washington to support the deployment of fusion energy projects and larger research facilities by taking a leading role in the licensing of future fusion power plants and ensuring that the department and other relevant state-level regulatory agencies are equipped with the necessary staffing and technical resources to fulfill the state's registration, inspection, and licensure obligations.

(b) Within the amounts provided in this section, the department shall conduct a review of its readiness for licensing fusion energy projects and report its findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2023.

(67) \$3,600,000 of the general fund—state appropriation for fiscal year 2024 and \$3,600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to maintain support, including staffing and data management, for the care connect Washington program.

(68) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for blood supply relief. The department must distribute this amount equally between the four largest nonprofit blood donation organizations operating in the state. The amounts distributed may be used only for activities to rebuild the state's blood supply, including increased staffing support for donation centers and mobile blood drives.

(69) \$5,000,000 of the general fund—state appropriation for fiscal year 2024 and \$5,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for tobacco, vapor product, and nicotine control, cessation, treatment, and prevention, and other substance use prevention and education, with an emphasis on community-based strategies. These strategies must include programs that consider the disparate impacts of nicotine addiction on specific populations, including youth and racial or other disparities.

(70) \$500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for an existing program that works with community members and partners to bridge health equity gaps to establish a pilot health care program in Pierce county to serve the unique needs of the African American community, including addressing diabetes, high blood

pressure, low birth weight, and health care for preventable medical, dental, and behavioral health diagnoses.

(71) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to Island county to contract for a study of cost-effective waste treatment solutions, as an alternative to septic and sewer, for unincorporated parts of Island county. The study must:

(a) Identify any regulatory barriers to the use of alternative technology-based solutions;

(b) Include an opportunity for review and consultation by the department; and

(c) Include any recommendations from the department in the final report.

(72) \$2,656,000 of the general fund—private/local appropriation is provided solely for the department to raise the newborn screening fee to provide cystic fibrosis DNA testing and to engage with a courier service to transport specimens to the public health laboratory.

(73) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely in support of the department's activities pursuant to chapter 226, Laws of 2016 (commonly known as the caregiver advise, record, enable act). This funding must be used to:

(a) Create a communication campaign to notify hospitals across the state of available resources to support family caregivers;

(b) Curate or create a set of online training videos on common caregiving tasks including, but not limited to, medication management, injections, nebulizers, wound care, and transfers; and

(c) Provide information to patients and family caregivers upon admission.

(74) \$29,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1275 (athletic trainers). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(75) \$126,000 of the health professions account—state appropriation is provided solely for implementation of House Bill No. 1001 (audiology & speech compact). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(76) \$9,158,000 of the statewide 988 behavioral health crisis response line account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1134 (988 system). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(77) \$527,000 of the general fund—state appropriation for fiscal year 2024, \$453,000 of the general fund—state appropriation for fiscal year 2025, and \$204,000 of the health professions account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1724 (behavioral health workforce). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(78) \$72,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(79) \$418,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Substitute House Bill No. 1047 (cosmetic product chemicals). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(80) \$46,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1466 (dental auxiliaries). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(81) \$12,000 of the health professions account—state appropriation is provided solely for implementation of House Bill No. 1287 (dental hygienists). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(82) \$136,000 of the general fund—state appropriation for fiscal year 2025 and \$193,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1678 (dental therapists). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(83) \$158,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1576 (dentist compact). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(84) \$1,441,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1503 (health care licenses/info.). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(85) \$29,000 of the general fund—state appropriation for fiscal year 2024 and \$124,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1255 (health care prof. SUD prg.). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(86) \$214,000 of the general fund—state appropriation for fiscal year 2024 and \$787,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1694 (home care workforce shortage). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(87) \$282,000 of the health professions account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1039 (intramuscular needling). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(88) \$67,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Substitute House Bill No. 1554 (lead impacts). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(89) \$407,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(90) \$53,000 of the general fund—state appropriation for fiscal year 2024 and \$65,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1568 (long-term care professionals). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(91) \$65,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1073 (medical assistants). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(92) \$447,000 of the general fund—state appropriation for fiscal year 2024 and \$448,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1452 (medical reserve corps). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(93) \$195,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1069 (mental health counselor comp). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(94) \$158,000 of the health professions account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1009 (military spouse employment). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(95) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$165,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1457 (motor carriers/restrooms). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(96) \$126,000 of the general fund—state appropriation for fiscal year 2024, \$102,000 of the general fund—state appropriation for fiscal year 2025, and \$81,000 of the health professions account—state appropriation are provided solely for implementation of Substitute House Bill No. 1247 (music therapists). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(97) \$39,000 of the general fund—state appropriation for fiscal year 2024, \$110,000 of the general fund—state appropriation for fiscal year 2025, and \$9,000 of the general fund—private/local appropriation are provided solely for implementation of Substitute House Bill No. 1271 (organ transport vehicles). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(98) \$862,000 of the general fund—state appropriation for fiscal year 2024 and \$526,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1470 (private detention facilities). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(99) \$97,000 of the general fund—state appropriation for fiscal year 2024 and \$27,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1230 (school websites/drug info.). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(100) \$727,000 of the general fund—state appropriation for fiscal year 2024 and \$379,000 of the general fund—private/local appropriation are provided solely for implementation of Second Substitute House Bill No. 1010 (shellfish sanitary control). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(101) \$77,000 of the general fund—state appropriation for fiscal year 2024 and \$76,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1578 (wildland fire safety). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(102) \$2,773,000 of the general fund—state appropriation for fiscal year 2024 and \$2,773,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide grant funding through the school-based health center program established in chapter 68, Laws of 2021 (school-based health centers).

(103) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a community-based nonprofit organization located in the Yakima Valley to continue a Spanish-language public radio media campaign aimed at providing education on the COVID-19 pandemic through an outreach program. The goal of the radio media campaign is to reach residents considered "essential workers," including but not limited to farmworkers, and provide information on health and safety guidelines, promote vaccination events, and increase vaccine confidence. The nonprofit organization must coordinate with medical professionals and other stakeholders on the content of the radio media campaign. The department, in coordination with the nonprofit, must provide a preliminary report to the

legislature no later than December 31, 2024. A final report to the legislature must be submitted no later than June 30, 2025. Both reports must include: (a) A description of the outreach program and its implementation; (b) the number of individuals reached through the outreach program; and (c) any relevant demographic data regarding those individuals.

(104) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$25,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an equity consultant to evaluate the effect of changes made by, and vulnerabilities in, Engrossed Substitute Senate Bill No. 5179 (death with dignity act). The consultant shall partner with interested parties, vulnerable populations, and communities of color to solicit feedback on barriers to accessing the provisions of the act, any unintended consequences, and any challenges and vulnerabilities in the provision of services under the act, recommendations on ways to improve data collection, and recommendations on additional measures to be reported to the department. The department must report the findings and recommendations to the legislature by November 30, 2024.

(105) \$350,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a rural nursing workforce initiative to create a hub for students to remain in rural environments while working toward nursing credentials, including for program personnel, support, and a rural nursing needs assessment. Funding is provided to develop a program based on the rural nursing needs assessment.

NEW SECTION. **Sec. 223. FOR THE DEPARTMENT OF CORRECTIONS**

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund—State Appropriation (FY 2024) . . . . .	\$92,926,000
General Fund—State Appropriation (FY 2025) . . . . .	\$90,729,000
General Fund—Federal Appropriation . . . . .	\$400,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$184,055,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,020,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month beginning with fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(b) \$8,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Substitute House Bill No. 1268 (sentencing enhancements). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2024) . . . . .	\$680,686,000
General Fund—State Appropriation (FY 2025) . . . . .	\$681,324,000
General Fund—Federal Appropriation . . . . .	\$4,326,000
General Fund—Private/Local Appropriation . . . . .	\$334,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$1,366,670,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may contract for local jail beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The department shall not pay a rate greater than \$85 per day per offender excluding the costs of department of corrections provided services, including evidence-based substance abuse programming, dedicated department of corrections classification staff on-site for individualized case management, transportation of offenders to and from department of corrections facilities, and gender responsive training for jail staff. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as close medium or lower security offenders. Programming provided for offenders held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meets standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) \$574,000 of the general fund—state appropriation for fiscal year 2024 and \$671,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester.

(c) \$1,963,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month beginning with fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(d) Within the appropriated amounts in this subsection, the department of corrections must provide a minimum of one dedicated prison rape elimination act compliance specialist at each institution.

(e) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$320,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for continuing two contracted parent navigator positions. One parent navigator must be located at the Washington correction center for women and one parent navigator position must be located at the Airway Heights corrections center or another state correctional facility that houses incarcerated male individuals and is selected by the department of corrections as a more suitable fit for a parent navigator. The parent navigators must have lived experience in navigating the child welfare system. The parent navigators must provide guidance and support to incarcerated individuals towards family reunification including, but not limited to, how to access services, navigating the court system, assisting with guardianship arrangements, and facilitating visitation with their children. The goal of the parent navigator program is to assist incarcerated parents involved in dependency or child welfare cases to maintain connections with their children and to assist these individuals in successfully transitioning and reuniting with their families upon release from incarceration. As part of the parent navigation program, the department of corrections must also review and provide a report to the legislature on the effectiveness of the program that includes the number of incarcerated individuals that received assistance from the parent navigators and the type of assistance the incarcerated individuals received, and that tracked the outcome of the parenting navigator program. A final report must be submitted to the legislature by September 1, 2024. Of the amounts provided in this subsection, \$20,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department's review and report on the effectiveness of the parent navigator program.

(f) \$2,418,000 of the general fund—state appropriation for fiscal year 2024 and \$2,419,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1682 (auto theft authority account). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2024) . . . . .	\$230,399,000
General Fund—State Appropriation (FY 2025) . . . . .	\$236,883,000
General Fund—Federal Appropriation . . . . .	\$4,142,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$471,424,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall contract with local and tribal governments for jail capacity to house offenders who violate the terms of their community supervision. A contract rate increase may not exceed five percent each year. The department may negotiate to include medical care of offenders in the contract rate if medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff. If medical care of offender is included in the contract rate, the contract rate may exceed five percent to include the cost of that service.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

(c) \$542,000 of the general fund—state appropriation for fiscal year 2024 and \$1,388,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for increased costs associated with the relocation of leased facilities. The department shall engage in ongoing strategies to reduce the need for relocating facilities and when necessary contract only with lessors with rates that align with comparable market rates in the area.

(d) \$1,477,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing

calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month beginning with fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2024) . . . . .	\$12,470,000
General Fund—State Appropriation (FY 2025) . . . . .	\$12,374,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$24,844,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$3,500,000 of the general fund—state appropriation for fiscal year 2024 and \$3,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department of corrections to provide wages and gratuities of no less than \$1.00 per hour to incarcerated persons working in class III correctional industries.

(b) \$197,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of House Bill No. 1543 (horse program/Coyote Ridge). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(5) INTERAGENCY PAYMENTS

General Fund—State Appropriation (FY 2024) . . . . .	\$59,994,000
General Fund—State Appropriation (FY 2025) . . . . .	\$58,487,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$118,481,000</b>

(6) OFFENDER CHANGE

General Fund—State Appropriation (FY 2024) . . . . .	\$78,231,000
General Fund—State Appropriation (FY 2025) . . . . .	\$78,386,000
General Fund—Federal Appropriation . . . . .	\$1,436,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$158,053,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall use funds appropriated in this subsection (6) for programming for incarcerated individuals. The department shall develop and implement a written comprehensive plan for programming for incarcerated individuals that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) The department of corrections shall collaborate with the state health care authority to explore ways to utilize federal medicaid funds as a match to fund residential substance use disorder treatment-based alternative beds under RCW 9.94A.664 under the drug offender sentencing alternative program and residential substance use disorder treatment beds that serve individuals on community custody.

(c) Within existing resources, the department of corrections may provide reentry support items such as disposable cell phones, prepaid phone cards, hygiene kits, housing vouchers, and release medications associated with individuals resentenced or ordered released from confinement as a result of policies or court decisions including, but not limited to, the *State v. Blake* decision.

(7) HEALTH CARE SERVICES

General Fund—State Appropriation (FY 2024) . . . . .	\$229,770,000
General Fund—State Appropriation (FY 2025) . . . . .	\$231,741,000
General Fund—Federal Appropriation . . . . .	\$3,084,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$464,595,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison medical facilities may use funds appropriated in this subsection to purchase goods, supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

(b) \$175,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department of corrections to conduct a medical mental and physical health evaluation of incarcerated persons who have been in solitary confinement or any other form of restrictive housing more than 120 days in total during their period of incarceration or more than 45 consecutive days in the prior fiscal year. The department shall provide a report to the governor and appropriate committees of the legislature by June 30, 2024.

(c) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for support of the availability of ambulance services 24 hours a day, 7 days a week at the coyote ridge corrections center. This funding may not be used to supplement or supplant payments to the provider for services that are eligible for billing to federal medicaid programs or to the department of corrections.

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund—State Appropriation (FY 2024) . . . . .	\$6,381,000
General Fund—State Appropriation (FY 2025) . . . . .	\$6,632,000
General Fund—Federal Appropriation . . . . .	\$25,672,000
General Fund—Private/Local Appropriation . . . . .	\$60,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$38,745,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$201,000 of the general fund—state appropriation for fiscal year 2024 and \$201,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continuation of statewide services for blind or low vision youth under the age of 14.

(2) \$184,000 of the general fund—state appropriation for fiscal year 2024 and \$367,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the independent living program.

**NEW SECTION. Sec. 225. FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund—State Appropriation (FY 2024) . . . . .	\$35,565,000
General Fund—State Appropriation (FY 2025) . . . . .	\$24,776,000
General Fund—Federal Appropriation . . . . .	\$212,896,000
General Fund—Private/Local Appropriation . . . . .	\$37,581,000
Climate Commitment Account—State Appropriation . . . . .	\$404,000
Unemployment Compensation Administration Account— Federal Appropriation . . . . .	\$243,589,000
Administrative Contingency Account—State Appropriation . . . . .	\$28,514,000
Employment Service Administrative Account—State Appropriation . . . . .	\$77,501,000
Family and Medical Leave Insurance Account—State Appropriation . . . . .	\$149,837,000
Workforce Education Investment Account—State Appropriation . . . . .	\$13,465,000
Long-Term Services and Supports Trust Account—State Appropriation . . . . .	\$40,401,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$864,529,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) \$15,399,000 of the long-term services and supports trust account—state appropriation is provided solely for implementation of the long-term services and support trust program information technology project and is subject to the conditions, limitations, and review provided in section 701 of this act.

(3) Within existing resources, the department must reassess its ongoing staffing and funding needs for the paid family medical leave program and submit documentation of the updated need to the governor and appropriate committees of the legislature by September 1, 2023, and annually thereafter.

(4) Within existing resources, the department shall coordinate outreach and education to paid family and medical leave benefit recipients with a statewide family resource, referral, and linkage system that connects families with children prenatal through age five and residing in Washington state to appropriate services and community resources. This coordination shall include but is not limited to placing information about the statewide family resource, referral, and linkage system on the paid family and medical leave program web site and in printed materials, and conducting joint events.

(5) Within existing resources, the department shall report the following to the legislature and the governor by October 15, 2023, and each year thereafter:

- (a) An inventory of the department's programs, services, and activities, identifying federal, state, and other funding sources for each;
- (b) Federal grants received by the department, segregated by line of business or activity, for the most recent five fiscal years, and the applicable rules;
- (c) State funding available to the department, segregated by line of business or activity, for the most recent five fiscal years;
- (d) A history of staffing levels by line of business or activity, identifying sources of state or federal funding, for the most recent five fiscal years;
- (e) A projected spending plan for the employment services administrative account and the administrative contingency account. The spending plan must include forecasted revenues and estimated expenditures under various economic scenarios.

(6) \$13,435,000 of the workforce education investment account—state appropriation is provided solely for career connected learning grants as provided in RCW 28C.30.050, including sector intermediary grants and administrative expenses associated with grant administration.

(7) \$2,000,000 of the unemployment compensation administration account—federal appropriation is provided solely for the department to continue implementing the federal

United States department of labor equity grant. This grant includes improving the translation of notices sent to claimants as part of their unemployment insurance claims into any of the 10 languages most frequently spoken in the state and other language, demographic, and geographic equity initiatives approved by the grantor. The department must also ensure that letters, alerts, and notices produced manually or by the department's unemployment insurance technology system are written in plainly understood language and evaluated for ease of claimant comprehension before they are approved for use.

(8) \$6,272,000 of the unemployment compensation administration account—federal appropriation is provided solely for a continuous improvement team to make customer, employer, and equity enhancements to the unemployment insurance program. If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection.

(9) \$404,000 of the climate commitment account—state appropriation is provided solely for participation on the clean energy technology work force advisory committee and collaboration on the associated report established in Second Substitute House Bill No. 1176 (climate-ready communities). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(10) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(11) (a) \$9,323,000 of the employment service administrative account—state appropriation is provided solely for the replacement of the WorkSource integrated technology platform. The replacement system must support the workforce administration statewide to ensure adoption of the United States department of labor's integrated service delivery model and program performance requirements for the state's workforce innovation and opportunity act and other federal grants. This subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(b) \$2,290,000 of the employment services administrative account—state appropriation is provided solely for the maintenance and operation of the WorkSource integrated technology platform.

(12) \$6,208,000 of the general fund—state appropriation for fiscal year 2024 and \$6,208,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continuation of the economic security for all program. The department must collect quarterly data on the number of participants that participate in the program, the costs associated with career, training, and other support services provided by category, including but not limited to, child care, housing, transportation, and car repair, and progress made towards self-sufficiency. The department must provide a report to the governor and the legislature on December 1 and June 1 of each year that includes an analysis of the program, a detailed summary of the quarterly data collected, and associated recommendations for program delivery.

(13) (a) \$2,646,000 of the general fund—state appropriation for fiscal year 2024 and \$2,646,000 of the general fund—state appropriation for fiscal year 2025 are provided to expand the economic security for all program to residents of Washington state that are over 200 percent of the federal poverty level but who demonstrate financial need for support services or assistance with training costs to either maintain or secure employment. Supports to each participant must not exceed \$5,000 per year.

(b) The department must collect quarterly data on the number of participants that participate in the program, the costs associated with career, training, and other support services provided by category, including but not limited to, child care, housing, transportation, and car repair, and progress made towards self-sufficiency. The department must provide a report to the governor and the legislature on December 1 and June 1 of each year that includes an analysis of the program, a detailed summary of the quarterly data collected, and associated recommendations for program delivery.

(c) Of the amounts in (a) of this subsection, the department may use \$146,000 each year to cover program administrative expenses.

(14) \$1,655,000 of the administrative contingency account—state appropriation is provided to increase the department's information security team to proactively address critical security vulnerabilities, audit findings, and process gaps.

(15) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for two project managers to assist with the coordination of state audits.

(16) \$2,780,000 of the general fund—state appropriation for fiscal year 2024 and \$2,780,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for business navigators at the local workforce development boards to increase employer engagement in an effort to support industry recovery and growth. Of the amounts in this subsection, the department may use \$148,000 per year to cover associated administrative expenses.

(17) \$11,895,000 of the general fund—federal appropriation is provided solely for the implementation of the quality jobs, equity strategy, and training (QUEST) grant to enhance the workforce system's ongoing efforts to support employment equity and employment recovery from the COVID-19 pandemic. The funds are for partnership development, community outreach, business engagement, and comprehensive career and training services.



(18) \$3,264,000 of the employment services administration account—state appropriation is provided solely for the continuation of the office of agricultural and seasonal workforce services.

(19) \$3,539,000 of the long-term services and supports trust account—state appropriation is provided solely for the programs in the department's leave and care division to increase outreach to underserved communities, perform program evaluation and data management, perform necessary fiscal functions, and make customer experience enhancements.

(20) Within the amounts appropriated in this section, the department shall hire or assign a full time communications staff dedicated to outreach to employers and the public about the long-term services and supports trust program, the Washington cares program, in collaboration with the department of social and health services and the Washington cares program. The department shall collaborate with the department of social and health services and the Washington cares program on all communications to employers about the long-term services and supports trust program implementation including receiving final sign off by the Washington cares program.

(21) \$140,000 of the general fund—state appropriation for fiscal year 2024 and \$140,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one full-time employee to provide casework on behalf of constituents who contact their legislators to escalate unresolved claims.

(22) (a) \$250,000 of the family and medical leave insurance account—state appropriation is provided solely to conduct a study on the impacts of the state family and medical leave program's job protection standards on equitable utilization of paid leave benefits under the program.

(b) The study shall consider the following:

(i) The rates at which paid leave benefits under chapter 50A.15 RCW are used by persons who qualify for job protection under RCW 50A.35.010 or the federal family and medical leave act;

(ii) Worker perspectives on the effects of job protection under RCW 50A.35.010 and the federal family and medical leave act on the use of paid leave benefits under chapter 50A.15 RCW; and

(iii) Employment outcomes and other impacts for persons using paid leave benefits under chapter 50A.15 RCW.

(c) (i) In conducting the study, the department must collect original data directly from workers about paid leave and job protection, including demographic information such as race, gender, income, geography, primary language, and industry or job sector.

(ii) In developing the study, the department must consult with the advisory committee under RCW 50A.05.030, including three briefings: An overview on the initial research design with an opportunity to provide feedback; a midpoint update; and final results. The department must consult with the committee regarding appropriate methods for collecting and assessing relevant data in order to protect the reliability of the study.

(d) The department must submit a preliminary report, including the initial research design and available preliminary results, by December 1, 2023, and a final report by December 1, 2024, to the governor and the appropriate policy and fiscal committees of the legislature, in compliance with RCW 43.01.036.

(23) \$20,000 of the employment service administrative account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1320 (personnel records). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(24) \$4,433,000 of the family and medical leave insurance account—state appropriation and \$351,000 of the unemployment compensation administration account—federal appropriation are provided solely for implementation of Substitute House Bill No. 1570 (TNC insurance programs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(25) \$50,000 of the unemployment compensation administration account—federal appropriation is provided solely for implementation of Substitute House Bill No. 1458 (apprenticeship programs/UI). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(26) (a) \$10,000,000 of the general fund—state appropriation for fiscal year 2024 and \$11,227,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to address a projected shortfall of federal revenue that supports the administration of the unemployment insurance program.

(b) The department must submit an initial report no later than November 1, 2023, and a subsequent report no later than November 1, 2024, to the governor and the appropriate committees of the legislature outlining how the funding in (a) of this subsection is being utilized and recommendations for long-term solutions to address future decreases in federal funding.

(27) \$11,976,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to create a dedicated team of staff to process the unemployment insurance overpayment caseload backlog.

(28) \$1,480,000 of the general fund—state appropriation for fiscal year 2024 and \$1,440,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to create a navigation services team to assist customers experiencing barriers in accessing unemployment insurance services.

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—GENERAL**

(1) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation.

(2) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department are subject to technical oversight by the office of the chief information officer.

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—CHILDREN AND FAMILIES SERVICES PROGRAM**

General Fund—State Appropriation (FY 2024) . . . . .	\$471,266,000
General Fund—State Appropriation (FY 2025) . . . . .	\$478,749,000
General Fund—Federal Appropriation . . . . .	\$492,741,000
General Fund—Private/Local Appropriation . . . . .	\$2,824,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$1,445,580,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$748,000 of the general fund—state appropriation for fiscal year 2024 and \$748,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to 13 children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(2) \$453,000 of the general fund—state appropriation for fiscal year 2024 and \$453,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the costs of hub home foster and kinship families that provide a foster care delivery model that includes a hub home. Use of the hub home model is intended to support foster parent retention, provide support to biological families, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(3) \$579,000 of the general fund—state appropriation for fiscal year 2024, \$579,000 of the general fund—state appropriation for fiscal year 2025, and \$110,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(4) \$1,620,000 of the general fund—state appropriation for fiscal year 2024 and \$1,620,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for services provided through children's advocacy centers.

(5) \$94,000 of the general fund—state appropriation for fiscal year 2024 and \$94,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(6) (a) \$999,000 of the general fund—state appropriation for fiscal year 2024, \$1,000,000 of the general fund—state appropriation for fiscal year 2025, \$656,000 of the general fund—private/local appropriation, and \$252,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, regions where backlogs of youth that have formerly requested educational outreach services exist, or youth with high educational needs. The department is encouraged to use private matching funds to maintain educational advocacy services.

(b) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(7) For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual

state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(8) \$375,000 of the general fund—state appropriation for fiscal year 2024, \$375,000 of the general fund—state appropriation for fiscal year 2025, and \$112,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature regarding these strategies by September 1, 2023. The report shall include the number and percentage of parents requiring supervised visitation and the number and percentage of parents with unsupervised visitation, prior to reunification.

(9) \$197,000 of the general fund—state appropriation for fiscal year 2024 and \$197,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(10) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementing the supportive visitation model that utilizes trained visit navigators to provide a structured and positive visitation experience for children and their parents.

(11) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for enhanced adoption placement services for legally free children in state custody, through a partnership with a national nonprofit organization with private matching funds. These funds must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children with high needs.

(12) The department of children, youth, and families shall make foster care maintenance payments to programs where children are placed with a parent in a residential program for substance abuse treatment. These maintenance payments are considered foster care maintenance payments for purposes of forecasting and budgeting at maintenance level as required by RCW 43.88.058.

(13) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with one or more nonprofit, nongovernmental organizations to purchase and deliver concrete goods to low-income families.

(14) \$2,400,000 of the general fund—state appropriation for fiscal year 2024 and \$2,400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(15) \$499,000 of the general fund—state appropriation for fiscal year 2024, \$499,000 of the general fund—state appropriation for fiscal year 2025, and \$310,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1204 (family connections program), which will support the family connections program in areas of the state in which the program is already established. To operate the program, the department must contract with a community-based organization that has experience working with the foster care population and administering the family connections program. If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(16) The department will only refer child welfare cases to the department of social and health services division of child support enforcement when the court has found a child to have been abandoned by their parent or guardian as defined in RCW 13.34.030.

(17) \$100,000 of the general fund—state appropriation for fiscal year 2024 and 100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the provision of SafeCare, an evidence-based parenting program, for families in Grays Harbor county.

(18) Beginning January 1, 2024, and continuing through the 2023-2025 fiscal biennium, the department must provide semiannual reports to the governor and appropriate legislative committees that include the number of in-state behavioral rehabilitation services providers and licensed beds, the number of out-of-state behavioral rehabilitation services placements, and a comparison of these numbers to the same metrics expressed as an average over the prior six months. The report shall identify separately beds with the enhanced behavioral rehabilitation services rate. Effective January 1, 2024, and to the extent the information is available, the report will include the same information for emergency placement services beds and enhanced emergency placement services beds.

(19) In fiscal year 2024 and in fiscal year 2025, the department shall provide a tracking report for social service specialists and corresponding social services support staff to the office of financial management, and the appropriate policy and fiscal committees of the legislature. The report shall detail progress toward meeting the targeted 1:18 caseload ratio standard for child and family welfare services caseload-carrying staff and targeted 1:8 caseload ratio standard for child protection services caseload-carrying staff. To the extent the information is available, the report shall include the following information identified

separately for social service specialists doing case management work, supervisory work, and administrative support staff, and identified separately by job duty or program, including but not limited to intake, child protective services investigations, child protective services family assessment response, and child and family welfare services:

- (a) Total full-time equivalent employee authority, allotments and expenditures by region, office, classification and band, and job duty or program;
- (b) Vacancy rates by region, office, and classification and band; and
- (c) Average length of employment with the department, and when applicable, the date of exit for staff exiting employment with the department by region, office, classification and band, and job duty or program.

(20) \$7,685,000 of the general fund—state appropriation for fiscal year 2024, \$8,354,000 of the general fund—state appropriation for fiscal year 2025, and \$2,683,000 of the general fund—federal appropriation are provided solely for the phase-in of the settlement agreement under *D.S. et al. v. Department of Children, Youth and Families et al.*, United States district court for the western district of Washington, cause no. 2:21-cv-00113-BJR. The department must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to the emerging adulthood housing program, professional therapeutic foster care, statewide hub home model, revised licensing standards, family group planning, referrals and transition, qualified residential treatment program, and monitoring and implementation.

(21) \$2,020,000 of the general fund—state appropriation for fiscal year 2024, \$1,894,000 of the general fund—state appropriation for fiscal year 2025, and \$1,247,000 of the general fund—federal appropriation are provided solely to increase the basic foster care maintenance rate for all age groups and the supervised independent living subsidy for youth in extended foster care each by \$50 per youth per month effective July 1, 2023.

(22) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with a Washington state mentoring organization to provide oversight and training for a pilot program that mentors foster youth. The goal of the program is to improve outcomes for youth in foster care by surrounding them with ongoing support from a caring adult mentor. Under the program, mentors provide a positive role model and develop a trusted relationship that helps the young person build self-confidence, explore career opportunities, access their own resourcefulness, and work to realize their fullest potential. The organization shall serve as the program administrator to provide grants to nonprofit organizations based in Washington state that meet department approved criteria specific to mentoring foster youth. Eligible grantees must have programs that currently provide mentoring services within the state and can provide mentors who provide one-to-one services to foster youth, or a maximum ratio of one mentor to three youth.

(23) \$1,100,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to a nonprofit organization in Spokane that has experience administering a family-centered drug treatment and housing program for families experiencing substance use disorder. The amount provided in this subsection is intended to support the existing program while the department works to develop a sustainable model of the program and expand to new regions of the state.

(24) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to lead the development of a sustainable operating funding model for programs using the rising strong model that provides comprehensive, family-centered drug treatment and housing services to keep families together while receiving treatment and support. The department shall work in coordination with the health care authority, the department of commerce, other local agencies, and stakeholders on development of the model. The department shall submit the sustainable operating model to the appropriate committees of the legislature by July 1, 2024.

(25) \$107,000 of the general fund—state appropriation for fiscal year 2024, \$102,000 of the general fund—state appropriation for fiscal year 2025, and \$50,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1580 (children in crisis). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(26) \$485,000 of the general fund—state appropriation for fiscal year 2024, \$866,000 of the general fund—state appropriation for fiscal year 2025, and \$228,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1205 (service by pub./dependency). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(27) \$433,000 of the general fund—state appropriation for fiscal year 2024 and \$726,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1168 (prenatal substance exposure). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—JUVENILE REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2024) . . . . .	\$136,334,000
General Fund—State Appropriation (FY 2025) . . . . .	\$140,143,000
General Fund—Federal Appropriation . . . . .	\$694,000

General Fund—Private/Local Appropriation. . . . .	\$205,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$277,376,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,841,000 of the general fund—state appropriation for fiscal year 2024 and \$2,841,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to county juvenile courts for effective, community-based programs that are culturally relevant, research-informed, and focused on supporting positive youth development, not just reducing recidivism. Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the department of children, youth, and families for funding for program-specific participation and the department shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute. The block grant oversight committee, in consultation with the Washington state institute for public policy, shall identify effective, community-based programs that are culturally relevant, research-informed, and focused on supporting positive youth development to receive funding.

(2) \$1,537,000 of the general fund—state appropriation for fiscal year 2024 and \$1,537,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for expansion of the juvenile justice treatments and therapies in department of children, youth, and families programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The department may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(3)(a) \$6,198,000 of the general fund—state appropriation for fiscal year 2024 and \$6,198,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(b) The department of children, youth, and families shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4) (a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service funds, community juvenile accountability act grants, chemical dependency/mental health disposition alternative, and suspended disposition alternative. The department of children, youth, and families shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for the assessment of low, moderate, and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency and mental health disposition alternative; and (vi) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the department of children, youth, and families and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(c) The department of children, youth, and families and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the department of children, youth, and families and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (d) (ii) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(d) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the department of children, youth, and families and the Washington state institute for public policy related to program and outcome data. The department of children, youth, and families and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(4) \$645,000 of the general fund—state appropriation for fiscal year 2024 and \$645,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for funding of the teamchild project.

(5) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant program focused on criminal street gang prevention and intervention. The department of children, youth, and families may award grants under this subsection. The department of children, youth, and families shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the department of children, youth, and families on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(6) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(7) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to county juvenile courts to establish alternative detention facilities similar to the proctor house model in Jefferson county, Washington, that will provide less restrictive confinement alternatives to youth in their local communities. County juvenile courts shall apply to the department of children, youth, and families for funding and each entity receiving funds must report to the department on the number and types of youth serviced, the services provided, and the impact of those services on the youth and the community.

(8) \$432,000 of the general fund—state appropriation for fiscal year 2024 and \$432,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

(9) (a) \$878,000 of the general fund—state appropriation for fiscal year 2024 and \$879,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 206, Laws of 2021 (concerning juvenile rehabilitation community transition services).

(b) Of the amounts provided in (a) of this subsection, \$105,000 of the general fund—state appropriation for fiscal year 2024 and \$105,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for housing vouchers.

(10) \$123,000 of the general fund—state appropriation for fiscal year 2024 and \$123,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 265, Laws of 2021 (supporting successful reentry).

(11) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a credible messenger mentorship organization located in Kitsap county to provide peer counseling, peer support services, and mentorship for at-risk youth and families.

(12) The juvenile rehabilitation must enter into an interagency agreement with the department of social and health services for the management and warm closure maintenance of the Naselle youth camp facility and grounds during the 2023-2025 fiscal biennium.

(13) \$98,000 of the general fund—state appropriation for fiscal year 2024 and \$98,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1682 (auto theft authority account). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(14) (a) \$140,000 of the general fund—state appropriation for fiscal year 2024 and \$140,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1394 (sexual offenses by youth). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(b) The department of children, youth, and families—juvenile rehabilitation shall develop and implement a grant program that allows defense attorneys and counties to apply for funding for sex offender evaluation and treatment programs. The department shall provide funding to counties for: (a) Process mapping, site assessment, and training for additional sex offender treatment modalities such as multisystemic therapy-problem sexual behavior or problematic sexual behavior-cognitive behavioral therapy; and (b) for any evaluation and pre-adjudication treatment costs which are not covered by the court.

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—EARLY LEARNING PROGRAM**

General Fund—State Appropriation (FY 2024) . . . . .	\$575,158,000
General Fund—State Appropriation (FY 2025) . . . . .	\$693,516,000
General Fund—Federal Appropriation . . . . .	\$523,796,000
General Fund—Private/Local Appropriation . . . . .	\$104,000
Education Legacy Trust Account—State Appropriation . . . . .	\$385,965,000
Home Visiting Services Account—State Appropriation . . . . .	\$35,671,000
Home Visiting Services Account—Federal Appropriation . . . . .	\$36,417,000

Washington Opportunity Pathways Account—State	
Appropriation. . . . .	\$80,000,000
Workforce Education Investment Account—State	
Appropriation. . . . .	\$22,764,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$2,353,391,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) \$119,809,000 of the general fund—state appropriation for fiscal year 2024, \$145,086,000 of the general fund—state appropriation for fiscal year 2025, \$91,810,000 of the education legacy trust account—state appropriation, and \$80,000,000 of the opportunity pathways account—state appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 16,778 slots in fiscal year 2024 and 17,278 slots in fiscal year 2025. Of the total slots in each fiscal year, 100 slots must be reserved for foster children to receive school-year-round enrollment.

(b) Of the amounts provided in this subsection, \$18,497,000 of the general fund—state appropriation for fiscal year 2024 and \$21,440,000 of the general fund—state appropriation for fiscal year 2025 are for a school day slot rate increase of 17 percent and a working day and part-day slots rate increase of three percent, beginning July 1, 2023. Funding is sufficient for a statewide average school day slot rate of \$14,767 beginning July 1, 2023.

(c) Of the amounts provided in this subsection, \$3,845,000 of the general fund—state appropriation for fiscal year 2024 and \$5,022,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase complex needs grant funds for the early childhood education and assistance program.

(d) The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(2) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies.

(3) The department of children, youth, and families shall work in collaboration with the department of social and health services to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families. Effective December 1, 2023, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(4) \$353,402,000 of the general fund—federal appropriation is reimbursed by the department of social and health services to the department of children, youth, and families for qualifying expenditures of the working connections child care program under RCW 43.216.135.

(5) \$22,764,000 of the workforce education investment account—state appropriation is provided solely for the working connections child care program under RCW 43.216.135.

(6) \$47,196,000 of the general fund—state appropriation for fiscal year 2024, \$87,556,000 of the general fund—state appropriation for fiscal year 2025, \$36,249,000 of the general fund—federal appropriation, and \$33,526,000 of the general fund—federal appropriation (ARPA) are provided solely to increase subsidy base rates to the 85th percentile of market based on the 2021 market rate survey for child care centers.

(7) \$96,750,000 of the general fund—state appropriation for fiscal year 2024, \$120,625,000 of the general fund—state appropriation for fiscal year 2025, \$20,151,000 of the general fund—federal appropriation, and \$18,660,000 of the general fund—federal appropriation (ARPA) are provided solely to implement the 2023-2025 collective bargaining agreement covering family child care providers as provided in section 909 of this act. Of the amounts provided in this subsection:

(a) \$8,263,000 of the general fund—state appropriation for fiscal year 2024 and \$9,793,000 of the general fund—state appropriation for fiscal year 2025 are for an 85 cent per hour per child rate increase for family, friends, and neighbor providers (FFNs) beginning July 1, 2023, and a 15 cent per hour per child rate increase beginning July 1, 2024.

(b) \$26,270,000 of the general fund—state appropriation for fiscal year 2024, \$48,615,000 of the general fund—state appropriation for fiscal year 2025, \$20,151,000 of the general

fund—federal appropriation, and \$18,660,000 of the general fund—federal appropriation (ARPA) are provided to increase subsidy base rates to the 85th percentile of market based on the 2021 market rate survey.

(c) \$370,000 of the general fund—state appropriation for fiscal year 2024 and \$370,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to pay the background check application and fingerprint processing fees.

(d) \$61,847,000 of the general fund—state appropriation for fiscal year 2024 and \$61,847,000 of the general fund—state appropriation for fiscal year 2025 are for a cost of care rate enhancement.

(8) \$4,707,000 of the general fund—state appropriation for fiscal year 2024 and \$4,707,000 of the general fund—state appropriation for fiscal year 2025 are provided to increase the nonstandard hours bonus to \$180 per child per month.

(9) On July 1, 2023, and July 1, 2024, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(i) A summary of the number of overpayments that occurred;

(ii) The reason for each overpayment;

(iii) The total cost of overpayments;

(iv) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(v) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(10) Within available amounts, the department in consultation with the office of financial management shall report enrollments and active caseload for the working connections child care program to the governor and the legislative fiscal committees and the legislative-executive WorkFirst poverty reduction oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(11) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department of children, youth, and families to contract with a countywide nonprofit organization with early childhood expertise in Pierce county for a project to prevent child abuse and neglect using nationally recognized models.

(a) The nonprofit organization must continue to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(b) The nonprofit organization must offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by September 1, 2023.

(12) \$3,577,000 of the general fund—state appropriation for fiscal year 2024, \$3,587,000 of the general fund—state appropriation for fiscal year 2025, and \$9,588,000 of the education legacy trust account—state appropriation are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall pursue opportunities to leverage other funding to continue and expand ECLIPSE services. Priority for services shall be given to children referred from the department.

(13) The department shall place a 10 percent administrative overhead cap on any contract entered into with the University of Washington. In a bi-annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements.

(14) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(15) \$4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(16) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(17) Within existing resources, the department shall implement chapter 409, Laws of 2019 (early learning access).

(18) \$515,000 of the general fund—state appropriation for fiscal year 2024 and \$515,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a statewide family resource and referral linkage system, with coordinated access point of resource navigators who will connect families with children prenatal through age five with



services, programs, and community resources through a facilitated referral and linkage process.

(19) (a) \$114,000 of the general fund—state appropriation for fiscal year 2024, \$173,000 of the general fund—state appropriation for fiscal year 2025, \$6,000 of the general fund—federal appropriation, and \$31,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to complete its pilot project to determine the feasibility of a child care license category for multi-site programs operating under one owner or one entity and to complete one year of transition activities. The department shall adopt rules to implement the pilot project and may waive or adapt licensing requirements when necessary to allow for the operation of a new license category. Pilot participants must include, at least:

- (i) One governmental agency;
- (ii) One nonprofit organization; and
- (iii) One for-profit private business.

(b) New or existing license child care providers may participate in the pilot. When selecting and approving pilot project locations, the department shall aim to select a mix of rural, urban, and suburban locations. By July 1, 2024, the department shall submit to the governor and relevant committees of the legislature a plan for permanent implementation of this license category, including any necessary changes to law.

(20) \$3,020,000 of the home visiting account—state appropriation and \$6,540,000 of the home visiting account—federal appropriation are provided solely for the home visiting program. Of the amounts in this subsection:

(a) \$2,020,000 of the home visiting account—state appropriation and \$6,540,000 of the home visiting account—federal appropriation are provided solely for a funding increase, including to increase funding for contracts to support wage and cost increases and create more equity in contracting among the home visiting workforce.

(b) \$1,000,000 of the home visiting account—state appropriation is provided solely for the expansion of visiting services.

(21) Within the amounts provided in this section, funding is provided for the department to make permanent the two language access coordinators with specialties in Spanish and Somali as funded in chapter 334, Laws of 2021.

(22) \$260,000 of the general fund—state appropriation for fiscal year 2024 and \$260,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to implement an infant and early childhood mental health consultation initiative to support tribal child care and early learning programs. Funding may be used to provide culturally congruent infant and early childhood mental health supports for tribal child care, tribal early childhood education and assistance program, and tribal head start providers. The department must consult with federally recognized tribes which may include round tables through the Indian policy early learning committee.

(23) (a) The department must provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license-exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(b) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(c) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(d) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data every March for the previous school year.

(e) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(24) \$2,572,000 of the general fund—state appropriation for fiscal year 2024 and \$2,568,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for tribal early learning grants to be distributed to providers with tribal children enrolled in early childhood education and assistance program, early ECEAP, childcare, head start, early head start and home visiting programs. Grants will be administered by the department of children, youth and families office of tribal relations and may be awarded for purposes including but not limited to culturally appropriate mental health supports for addressing historical trauma, incorporating indigenous foods, culturally-responsive books and materials, staff professional development, curriculum adaptations and supplements, tribal language education, elders and storytelling in classrooms, traditional music and arts instruction, and transportation to facilitate tribal child participation in early childhood education.

(25) \$6,158,000 of the general fund—state appropriation for fiscal year 2024 and \$6,158,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase complex needs grant funds for child care.

(26) \$2,624,000 of the general fund—state appropriation for fiscal year 2024 and \$2,624,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase the equity grant funds established under chapter 199, Laws of 2021.

(27) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with Washington communities for children to maintain a community-based early childhood network.

(28) \$273,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to propose an updated rate model and process for the special needs rate to improve the effectiveness of critical services which meet the needs of children with special needs in child care. The department must develop the model in consultation with diverse stakeholders and submit the model to the governor and the appropriate committees of the legislature by July 1, 2024. The department may contract for support to gather feedback from impacted families and providers.

(29) \$882,000 of the general fund—state appropriation for fiscal year 2024 and \$147,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to submit an implementation plan to the legislature by September 1, 2025, for expanding access to Washington's mixed delivery child care system, with expenses for families capped at no more than seven percent of household income and providing living wages and benefits to the workforce. The plan must follow the intent of chapter 199, Laws of 2021, be aligned with the cost of quality care rate model, and include timelines, costs, and statutory changes necessary for timely and effective implementation. The plan must be developed through partnership with the statewide child care resource and referral organization and the largest union representing child care providers, with consultation from families.

(30) \$1,700,000 of the general fund—state appropriation for fiscal year 2024 and \$1,700,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to implement the birth to three early childhood education and assistance program.

(31) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a Washington state based nonprofit digital child care marketing and matching service to deliver child care marketing and matching services in order to increase the number of licensed providers offering nonstandard hours care and to provide effective outreach to workforces in order to help them find and match with available nonstandard hours care providers.

(32) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an organization that provides relationship-based professional development support to family, friend, and neighbor, child care center, and licensed family care providers to work with child care workers to establish new affordable, high quality child care and early learning programs. To be eligible to receive funding, the organization must:

(a) Provide professional development services for child care providers and early childhood educators, including training and mentorship programs;

(b) Provide mentorship and other services to assist with child care provider and facility licensing;

(c) Administer or host a system of shared services and consulting related to operating a child care business; and

(d) Administer a state sponsored substitute pool child care provider program.

(33) \$440,000 of the general fund—state appropriation for fiscal year 2024 and \$440,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to help expand and support family, friend, or neighbor caregivers with a focus on the provision of play and learn groups. Funding provided in this subsection may be used for the department to:

(a) Fund consistent staffing across the state's six geographic regions to support the needs of family, friend, or neighbor caregivers;

(b) Contract with a statewide child care resource and referral program to sustain and expand the number of facilitated play groups to meet the needs of communities statewide;

(c) Support existing infrastructure for organizations that have developed the three existing play and learn program models so they have capacity to provide training, technical assistance, evaluation, data collection, and other support needed for implementation; and

(d) Provide direct implementation support to community-based organizations that offer play and learn groups.

(34) \$2,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 1447 (assistance programs). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(35) \$1,632,000 of the general fund—state appropriation for fiscal year 2024 and \$2,893,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1525 (apprenticeships/child care). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(36) \$5,363,000 of the general fund—state appropriation for fiscal year 2024 and \$5,363,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1550 (transition to kindergarten). If

the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(37)(a) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a nonprofit organization to implement a technology-based kindergarten readiness program. The department must award the contract on a competitive basis to a service provider that is a 501(c)(3) organization that has demonstrated previous success in conducting technology-based school readiness programs through independent, valid, and reliable evaluations. The department must require the service provider to:

(i) Provide for a computer or home internet services, or both, for low-income families, as needed for participation in the program; and

(ii) Submit quarterly reports to the department regarding measures for student participation and academic growth over the course of the program.

(b) For the purposes of this subsection, "technology-based kindergarten readiness program" is defined as a program that meet all of the following criteria:

(i) Is designed to improve a child's transition into elementary education and contains content in reading, math, and science;

(ii) Meets the American academy of pediatrics screen time recommendations for young children;

(iii) Is aligned to Washington state early learning and development guidelines and nationally-recognized early learning standards, such as the head start early learning outcomes framework;

(iv) Is administered by a 501(c)(3) organization and provided in the student's home;

(v) Provides a computer or home internet service, or both, for low-income families as needed;

(vi) Includes a parental engagement and involvement component, with support models provided in English, Spanish, and other languages as needed; and

(vii) Includes an evaluation component with measures for student academic growth over the course of the program.

(38) \$2,438,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to provide a one-time rate enhancement in fiscal year 2024 for early support for infants and toddlers program providers.

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—PROGRAM SUPPORT**

General Fund—State Appropriation (FY 2024) . . . . .	\$243,869,000
General Fund—State Appropriation (FY 2025) . . . . .	\$240,779,000
General Fund—Federal Appropriation . . . . .	\$143,784,000
General Fund—Private/Local Appropriation . . . . .	\$2,120,000
Education Legacy Trust Account—State Appropriation . . . . .	\$180,000
Home Visiting Services Account—State Appropriation . . . . .	\$476,000
Home Visiting Services Account—Federal Appropriation . . . . .	\$380,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$631,588,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a Washington state mentoring organization to continue its public-private partnerships providing technical assistance and training to mentoring programs that serve at-risk youth.

(2) \$2,000 of the general fund—state appropriation for fiscal year 2024, \$6,000 of the general fund—state appropriation for fiscal year 2025, and \$2,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2023-2025 fiscal biennium, as provided in section 909 of this act.

(3) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a full-time employee to coordinate policies and programs to support pregnant and parenting individuals receiving chemical dependency or substance use disorder treatment.

(4) \$1,206,000 of the general fund—state appropriation for fiscal year 2024, \$1,554,000 of the general fund—state appropriation for fiscal year 2025, and \$1,416,000 of the general fund—private/local appropriation are provided solely for the department to contract with one or more community organizations with expertise in the LifeSet case management model to serve youth and adults currently being served in or exiting the foster care, juvenile justice, and mental health systems to successfully transition to adulthood.

(5)(a) \$2,719,000 of the general fund—state appropriation for fiscal year 2024, \$2,632,000 of the general fund—state appropriation for fiscal year 2025, and \$174,000 of the general fund—federal appropriation are provided solely for the phase-in of the settlement agreement under *D.S. et al. v. Department of Children, Youth and Families et al.*, United States district court for the western district of Washington, cause no. 2:21-cv-00113-BJR. The department must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to the emerging adulthood housing program, professional

therapeutic foster care, statewide hub home model, revised licensing standards, family group planning, referrals and transition, qualified residential treatment program, and monitoring and implementation.

(b) Within the amounts provided in this section, funding is provided for the department to make the emerging adulthood housing program available statewide. The program will serve hard-to-place foster youth who are at least 16 years old with housing and intensive case management.

(6) \$1,470,000 of the general fund—state appropriation for fiscal year 2024, \$843,000 of the general fund—state appropriation for fiscal year 2025, and \$393,000 of the general fund—federal appropriation are provided solely for the department to implement a language access plan, which will include but is not limited to:

(a) Translation of department materials;

(b) Hiring staff to form a centralized language access team to provide language access supports and coordination across all department divisions;

(c) Outreach to community organizations serving multilingual children and families regarding department programs;

(d) Webinars and other technical assistance provided in multiple languages for department programs;

(e) Training for department staff on language access resources; and

(f) Other means of increasing language access and equity for providers and caregivers in health and safety, licensing and regulations, and public funding opportunities for programs offered by the department.

(7) \$897,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to pay the application and fingerprint processing fees on behalf of child care providers to reduce the time involved to complete background checks.

(8) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a statewide nonprofit with demonstrated capability of partnering with agencies and community organizations to develop public-facing regionalized data dashboards and reports to measure change in equitable early learning access as a result of programs and grants administered by the department. The nonprofit must provide the data in a consumer-friendly format and include updates on program supply and demand for subsidized child care and preschool programs. The data must be disaggregated by program and facility type, geography, family demographics, copayments, and outcomes of grants and rate enhancements disaggregated by staff role, program and facility type, and geography.

(9) \$1,750,000 of the general fund—state appropriation for fiscal year 2024 and \$1,750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to increase rates for independent living service providers.

(10) \$700,000 of the general fund—state appropriation for fiscal year 2024 and \$700,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for funding of the teamchild project.

(11) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an entity for three separate studies. The department must submit the studies to the governor and the legislature by June 30, 2025. The studies must analyze:

(a) The feasibility of implementing a universal child allowance, universal child care, and universal baby boxes;

(b) The feasibility of a social wealth fund for Washington state; and

(c) The current cash and cash-equivalent benefits currently available for Washington state residents who are nonworkers.

(12) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an all-male, African American organization to mentor youth ages 12 through 19 in south King county.

(13) \$105,000 of the general fund—state appropriation for fiscal year 2024, \$101,000 of the general fund—state appropriation for fiscal year 2025, and \$10,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1168 (prenatal substance exposure). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(14) \$37,000 of the general fund—state appropriation for fiscal year 2024, \$37,000 of the general fund—state appropriation for fiscal year 2025, and \$74,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1188 (child welfare services/DD). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(15) \$7,000 of the general fund—state appropriation for fiscal year 2024, \$10,000 of the general fund—state appropriation for fiscal year 2025, and \$2,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1205 (service by pub./dependency). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(16) \$91,000 of the general fund—state appropriation for fiscal year 2024, \$87,000 of the general fund—state appropriation for fiscal year 2025, and \$143,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1405 (public benefit payments/DCYF). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(17) \$16,000 of the general fund—state appropriation for fiscal year 2024, \$16,000 of the general fund—state appropriation for fiscal year 2025, and \$4,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1525 (apprenticeships/child care). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(18) \$119,000 of the general fund—state appropriation for fiscal year 2024, \$119,000 of the general fund—state appropriation for fiscal year 2025, and \$36,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1550 (transition to kindergarten). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(19) \$18,000 of the general fund—state appropriation for fiscal year 2024, \$18,000 of the general fund—state appropriation for fiscal year 2025, and \$8,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1580 (children in crisis). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(End of part)

**PART III  
NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund—State Appropriation (FY 2024)	\$1,697,000
General Fund—State Appropriation (FY 2025)	\$1,229,000
General Fund—Federal Appropriation	\$32,000
General Fund—Private/Local Appropriation	\$2,511,000
Climate Commitment Account—State Appropriation	\$138,000
<b>TOTAL APPROPRIATION</b>	<b>\$5,607,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$105,000 of the general fund—state appropriation for fiscal year 2024 and \$108,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a land use planner to provide land use planning services dedicated to Klickitat county. Because the activities of the land use planner are solely for the benefit of Washington state, Oregon is not required to provide matching funds for this activity.

(2) \$553,000 of the general fund—state appropriation for fiscal year 2024, \$352,000 of the general fund—state appropriation for fiscal year 2025, and \$905,000 of the general fund—private/local appropriation are provided solely for the access database replacement project, and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) \$138,000 of the climate commitment account—state appropriation is provided solely for staff to lead implementation of the agency's climate change action plan and to support implementation of the vital sign indicators monitoring program.

(4) The commission must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**

General Fund—State Appropriation (FY 2024)	\$39,716,000
General Fund—State Appropriation (FY 2025)	\$37,364,000
General Fund—Federal Appropriation	\$105,151,000
General Fund—Private/Local Appropriation	\$29,224,000
Climate Commitment Account—State Appropriation	\$14,792,000
Emergency Drought Response Account—State Appropriation	\$2,500,000
Natural Climate Solutions Account—State Appropriation	\$10,643,000
Reclamation Account—State Appropriation	\$4,531,000
Flood Control Assistance Account—State Appropriation	\$4,918,000
Aquatic Lands Enhancement Account—State Appropriation	\$150,000
Refrigerant Emission Management Account—State Appropriation	\$2,795,000
State Emergency Water Projects Revolving Account— State Appropriation	\$40,000
Waste Reduction, Recycling, and Litter Control Account—State Appropriation	\$32,478,000
State Drought Preparedness Account—State Appropriation	\$2,204,000
State and Local Improvements Revolving Account—Water Supply Facilities—State Appropriation	\$186,000

Water Rights Tracking System Account—State	
Appropriation. . . . .	\$48,000
Site Closure Account—State Appropriation. . . . .	\$582,000
Wood Stove Education and Enforcement Account—State	
Appropriation. . . . .	\$585,000
Worker and Community Right to Know Fund—State	
Appropriation. . . . .	\$2,097,000
Water Rights Processing Account—State Appropriation. . . . .	\$39,000
Water Quality Permit Account—State Appropriation. . . . .	\$62,039,000
Underground Storage Tank Account—State Appropriation. . . . .	\$4,489,000
Biosolids Permit Account—State Appropriation. . . . .	\$2,787,000
Hazardous Waste Assistance Account—State	
Appropriation. . . . .	\$8,808,000
Radioactive Mixed Waste Account—State Appropriation. . . . .	\$22,330,000
Air Pollution Control Account—State Appropriation. . . . .	\$4,428,000
Oil Spill Prevention Account—State Appropriation. . . . .	\$8,144,000
Air Operating Permit Account—State Appropriation. . . . .	\$5,181,000
Wastewater Treatment Plant Operator Certification	
Account—State Appropriation. . . . .	\$748,000
Oil Spill Response Account—State Appropriation. . . . .	\$7,076,000
Model Toxics Control Operating Account—State	
Appropriation. . . . .	\$316,579,000
Model Toxics Control Operating Account—Local	
Appropriation. . . . .	\$499,000
Model Toxics Control Stormwater Account—State	
Appropriation. . . . .	\$17,006,000
Voluntary Cleanup Account—State Appropriation. . . . .	\$344,000
Paint Product Stewardship Account—State	
Appropriation. . . . .	\$140,000
Water Pollution Control Revolving Administration	
Account—State Appropriation. . . . .	\$8,015,000
Clean Fuels Program Account—State Appropriation. . . . .	\$3,434,000
Climate Investment Account—State Appropriation. . . . .	\$49,234,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$811,324,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$455,000 of the general fund—state appropriation for fiscal year 2024 and \$455,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to grant to the northwest straits commission to provide funding, technical assistance, and/or coordination support equally to the seven Puget Sound marine resources committees.

(2) \$170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(3) \$102,000 of the general fund—state appropriation for fiscal year 2024 and \$102,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Executive Order No. 12-07, Washington's response to ocean acidification.

(4) \$24,000,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide grants to local governments for the purpose of supporting local solid waste and financial assistance programs.

(5) \$150,000 of the aquatic lands enhancement account—state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

(6) \$2,000,000 of the model toxics control operating account—state appropriation is provided solely for the department to convene a stakeholder group, including representatives from overburdened communities, to assist with developing a water quality implementation plan for polychlorinated biphenyls and to address other emerging contaminants in the Spokane river. The department must also consult with the Spokane tribe of Indians and other interested tribes when developing and implementing actions to address water quality in the Spokane river.

(7) \$4,002,000 of the natural climate solutions account—state appropriation is provided solely to address flood prevention in the Nooksack basin and Sumas prairie. Of this amount:

(a) \$2,000,000 is provided solely to expand and sustain Whatcom county's floodplain integrated planning (FLIP) team planning process, including supporting communication, community participation, coordination, technical studies and analysis, and development of local solutions.

(b) \$900,000 is provided solely for the department to support transboundary coordination, including facilitation and technical support to develop and evaluate alternatives for managing transboundary flooding in Whatcom county and British Columbia.

(c) \$1,102,000 is provided solely to support dedicated local and department capacity for floodplain planning and technical support. Of this amount in subsection (c), \$738,000 is

solely for a grant to Whatcom county. The remaining amount is for the department to provide ongoing staff technical assistance and support to flood prevention efforts in this area.

(8) \$16,472,000 of the climate investment account—state appropriation is provided solely for capacity grants to federally recognized tribes for: (a) Consultation on spending decisions on grants in accordance with RCW 70A.65.305; and (b) consultation on clean energy siting projects. In order to meet the requirements of RCW 70A.65.230(1)(b), tribal applicants are encouraged to include a tribal resolution supporting their request with their grant application.

(9) \$1,363,000 of the general fund—state appropriation for fiscal year 2024 and \$1,375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for preparation and filing of adjudications of state water rights in water resource inventory area 1 (Nooksack).

(10) \$573,000 of the general fund—state appropriation for fiscal year 2024 and \$963,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for preparation and filing of adjudications of state water rights in lake Roosevelt and its immediate tributaries.

(11) \$2,479,000 of the climate investment account—state appropriation is provided solely for addressing air quality in overburdened communities highly impacted by air pollution under RCW 70A.65.020.

(12) \$177,000 of the general fund—state appropriation for fiscal year 2024 and \$177,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to validate a proposed standardized channel migration zone mapping methodology, develop a statewide channel migration zone mapping implementation plan, and provide technical assistance to local and tribal governments looking to use the new standard.

(13)(a) \$640,000 of the climate investment account—state appropriation is provided solely for the department, in consultation with the office of financial management and the environmental justice council, to develop and implement a process to track, summarize, and report on state agency expenditures from climate commitment act accounts that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities as described in RCW 70A.65.030 and 70A.65.230, and expenditures that are formally supported by a resolution of an Indian tribe as described in RCW 70A.65.230. The department must incorporate the process under this subsection into existing efforts to track climate commitment act expenditures under RCW 70A.65.300. The department must incorporate the Washington state proequity antiracism (PEAR) plan and playbook and executive order 22-04 into the work of this subsection as appropriate.

(b) The information that agencies provide to the department, and that the department tracks and reports on under this subsection, must include, at a minimum:

(i) The amount of each expenditure that provides direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities;

(ii) An explanation of how the expenditure provides such benefits;

(iii) The methods by which overburdened communities and vulnerable populations were identified by the agency and an explanation of the outcomes of those identification processes, including the geographic location impacted by the expenditure where relevant, and the geographic boundaries of overburdened communities identified by the agency;

(iv) The amount of each expenditure used for programs, activities, or projects formally supported by a resolution of an Indian tribe; and

(v) For expenditures that do not meet, or it is unclear whether they meet, (b)(i) or (iv) of this subsection, an explanation of why.

(c) The department, in consultation with the environmental justice council and the office of financial management, and in coordination with reporting under RCW 70A.65.300, must report to the appropriate committees of the legislature by September 30, 2024, on the following:

(i) A summary of the information provided by agencies through the process in this subsection; and

(ii) Any recommendations for improvements to the process under this subsection or potential amendments to RCW 70A.65.030, 70A.65.230, or 70A.02.080, or other statutes relevant to this subsection. In making recommendations, the department must consider any statutory changes necessary to ensure consistent tracking of the uses of climate commitment account funds, including standardization or coordination of the process for identifying the overburdened communities used for purposes of tracking expenditures and the methods for determining whether an expenditure contributes a direct and meaningful benefit to a vulnerable population or overburdened community.

(d) "Climate commitment act accounts" means the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in RCW 46.68.500, and the climate active transportation account created in RCW 46.68.490.

(14) \$238,000 of the model toxics control operating account—state appropriation is provided solely for technical assistance and compliance assurance associated with the ban of certain hydrofluorocarbon-related products.

(15) \$2,500,000 of the model toxics control operating account—state appropriation is provided solely for the department to conduct a statewide compost emissions study, which will provide essential data needed to improve the quality of air permitting decisions, improve compost facility operations, and support state goals to reduce organic waste in landfills reducing climate change impacts.

(16) \$2,256,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide technical assistance to landowners and local governments to promote voluntary compliance, implement best management practices, and support implementation of water quality clean-up plans in shellfish growing areas, agricultural areas, forestlands, and other types of land uses, including technical assistance focused on protection and restoration of critical riparian management areas important for salmon recovery.

(17) \$2,702,000 of the model toxics control operating account—state appropriation is provided solely for the department to develop a 6PPD action plan and complete a safer alternatives assessment of the 6PPD compound used in tires, including obtaining any data necessary to complete the alternatives assessment. The action plan should identify, characterize, and evaluate uses and releases of 6PPD and related chemicals, and recommend actions to protect human health and the environment. The department shall provide a progress report on the action plan and alternatives assessment to the governor's office, the office of financial management, and the appropriate committees of the legislature by December 31, 2024. The department may provide funding from this subsection to the University of Washington and Washington State University for the purposes of this subsection.

(18) \$5,195,000 of the model toxics control operating account—state appropriation is provided solely to establish a program to monitor 6PPD compounds in water and sediment, identify effective best management practices to treat 6PPD in stormwater runoff, produce guidance on how and when to use best management practices for toxicity reduction to protect salmon and other aquatic life, and incorporate the guidance into stormwater management manuals. The department may provide funding from this subsection to the University of Washington and Washington State University for the purposes of this subsection.

(19) \$1,604,000 of the natural climate solutions account—state appropriation is provided to the department, in coordination with the department of natural resources, solely to develop a natural and working lands carbon sequestration strategy for Washington state. The strategy will include clear, measurable deliverables to ensure carbon sequestration efforts, investments, and programs are designed to help achieve the state's greenhouse gas emissions limits under RCW 70A.45.020. Specific recommendations are to be developed for state-owned lands. The department of ecology and the department of natural resources will coordinate with other state agencies including the department of fish and wildlife, the recreation and conservation office, the department of agriculture, and the state conservation commission. The report shall be submitted to the governor and the appropriate legislative committees by June 30, 2025.

(20)(a) \$400,000 of the model toxics control operating account—state appropriation is provided solely for the department to carry out the following activities to inform the design and implementation of a producer responsibility program for consumer packaging, including paper, plastic, metal, and glass, and paper products:

(i) Conduct a recycling, reuse, and source reduction study; and

(ii) Carry out a solid waste community input process.

(b) The department must contract with a third-party consultant with relevant technical expertise and capabilities in facilitation and gathering public input, including from overburdened communities, to carry out the activities specified in (a) of this subsection. The third party consultant must submit a report to the appropriate committees of the house of representatives and the senate by November 1, 2023.

(c) The recycling, reuse, and source reduction study must:

(i) Document recycling rates and reuse and plastic component elimination rate targets for consumer packaging and paper products that have been adopted in other jurisdictions, measure methods used, and the basis or justification for rates selected;

(ii) Recommend, under a producer responsibility program and associated enabling conditions under different scenarios, an overall recycling rate, a separate specific minimum reuse rate, a recycling rate for each material category, and a source reduction rate to be achieved solely by eliminating plastic components; and

(iii) Make recommendations that consider the commercial viability and technological feasibility of achieving rates based on current rates achieved in the state, rates achieved based on real world performance data, and other data, with performance rates designed to be achieved statewide by 2032.

(d) The solid waste community input process must include in-person and virtual workshops and listening sessions held at locations in urban and rural areas and in ways that are accessible to stakeholders across the state, including local governments and overburdened communities, and include public opinion surveys that are representative of Washington residents across the state, including overburdened communities and urban and rural areas. The process must focus on eliciting an improved understanding of public values and opinions related to waste generation, waste reduction, and recycling, the current public experience with respect to the state's recycling systems, and ways the public believes that their recycling experience and system outcomes could be improved.

(21)(a) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department, in consultation with other agencies as necessary, to conduct an analysis of water use for irrigation under the potential scenario of lower Snake river dam removal. Analysis must include continued water use during drawdown and thereafter from the river postremoval. The analysis must include the following:

(i) A plan identifying potential mitigation needs and interim approaches for delivery of water for irrigation pursuant to existing water rights for those using pumps, wells, or both,



from Ice Harbor reservoir during a possible transition from the current reservoir-based irrigation to irrigation from the river;

(ii) Identification of cost-effective options for continued irrigation at current amounts and with existing water rights from the lower Snake river at the area of the current Ice Harbor pool; and

(iii) Cost estimates for any necessary irrigation system upgrades required to continue irrigation from the lower Snake river.

(b) The department may, as necessary and appropriate, consult for this analysis with irrigators and tribal governments.

(c) The department shall provide a status update to the environment and energy committees of the legislature and the office of the governor by December 31, 2024.

(22) \$3,914,000 of the natural climate solutions account—state appropriation is provided solely for activities related to coastal hazards, including expanding the coastal monitoring and analysis program, establishing a coastal hazard organizational resilience team, and establishing a coastal hazards grant program to help local communities design projects and apply for funding opportunities. At least 25 percent of the funding in this subsection must be used for the benefit of tribes.

(23) \$340,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1033 (compostable product usage). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(24) \$1,124,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Substitute House Bill No. 1047 (cosmetic product chemicals). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(25) \$139,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Substitute House Bill No. 1085 (plastic pollution). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(26) \$2,500,000 of the emergency drought response account—state appropriation and \$2,000,000 of the state drought preparedness account—state appropriation are provided solely for implementation of Substitute House Bill No. 1138 (drought preparedness). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(27) \$1,123,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(28) \$43,000 of the underground storage tank account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1175 (petroleum storage tanks). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(29) \$1,174,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(30) \$13,248,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(31) \$140,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1578 (wildland fire safety). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(32) Expenditures on upgrading or developing the turboplan system, Washington fuel reporting system, and EAGL system are subject to the conditions, limitations, and review requirements of section 701 of this act.

(33) \$325,000 of the general fund—state appropriation for fiscal year 2024 and \$325,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for activities related to the adjudication of water rights in the Nooksack watershed, including:

(a) The department's engagement with the federal government, Indian tribes, water users, and local governments on a process that could result in a federal Indian water rights settlement through the Nooksack adjudication. The department shall produce a monthly report during the claims filing period to monitor the progress of claims filings by water users. The department shall provide a report to the appropriate standing committees of the legislature regarding the status of the adjudication and any potential settlement structure by June 30, 2024, and by June 30, 2025;

(b) A grant to Whatcom county to provide technical assistance that shall be made available to all water users in WRIA 1 in filing adjudication claims under RCW 90.03.140. The grant funding shall be administered by Whatcom county and no portion of this funding may be used to contest the claims of any other claimant in the adjudication; and

(c) A grant to Whatcom county to act as fiscal agent for the WRIA 1 watershed management board, in support of collaborative water supply planning in WRIA 1. This grant funding may be used solely to collect or analyze technical information, to develop and assess the feasibility of water supply solutions in WRIA 1, and for facilitation and mediation among parties including, but not limited to, the department, Whatcom county, the public utility district, the city of Bellingham, Lummi Nation, and the Nooksack Tribe. Specific funding

allocations, including purpose and amount, will be determined by the WRIA 1 watershed management board. Funding under this subsection (33)(c) may be spent only after the filing of the Nooksack adjudication, and no funding otherwise provided for the Nooksack adjudication may be used to support the activities funded by this subsection (33)(c). It is anticipated that the activities under this subsection (33)(c) will run in parallel with the Nooksack adjudication.

(34) \$370,000 of the climate commitment account—state appropriation is provided solely as a grant to the Puget Sound clean air agency to identify emission reduction projects and to help community-based organizations, local governments, and ports in overburdened communities author grant applications and provide support for grant reporting for entities that receive grants. The department must prioritize projects located in overburdened communities so that those communities can reap the public health benefits from the climate commitment act, inflation reduction act, and other new funding opportunities.

**NEW SECTION. Sec. 303. FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM**

General Fund—Federal Appropriation. . . . .	\$822,000
Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State Appropriation. . . . .	\$957,000
Pollution Liability Insurance Program Trust Account— State Appropriation. . . . .	\$9,839,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$11,618,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$8,340,000 of the pollution liability insurance program trust account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1175 (petroleum storage tanks). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 304. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund—State Appropriation (FY 2024). . . . .	\$34,790,000
General Fund—State Appropriation (FY 2025). . . . .	\$34,626,000
General Fund—Federal Appropriation. . . . .	\$7,146,000
Climate Commitment Account—State Appropriation. . . . .	\$1,083,000
Natural Climate Solutions Account—State Appropriation. . . . .	\$350,000
Winter Recreation Program Account—State Appropriation. . . . .	\$4,910,000
ORV and Nonhighway Vehicle Account—State Appropriation. . . . .	\$391,000
Snowmobile Account—State Appropriation. . . . .	\$5,688,000
Aquatic Lands Enhancement Account—State Appropriation. . . . .	\$367,000
Parks Renewal and Stewardship Account—State Appropriation. . . . .	\$140,869,000
Parks Renewal and Stewardship Account—Private/Local Appropriation. . . . .	\$420,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$230,640,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000 of the general fund—state appropriation for fiscal year 2024, \$5,000 of the general fund—state appropriation for fiscal year 2025, and \$142,000 of the parks renewal and stewardship account—state appropriation are provided solely for operating budget impacts from capital budget projects funded in the 2021-2023 fiscal biennium.

(2) \$127,000 of the general fund—state appropriation for fiscal year 2024, \$128,000 of the general fund—state appropriation for fiscal year 2025, and \$750,000 of the parks renewal and stewardship account—state appropriation are provided solely to monitor known cultural resource sites, perform needed evaluations for historic properties, manage historic preservation capital projects, and support native American grave protection and repatriation act compliance.

(3) \$374,000 of the general fund—state appropriation for fiscal year 2024, \$599,000 of the general fund—state appropriation for fiscal year 2025, and \$2,107,000 of the parks renewal and stewardship account—state appropriation are provided solely for additional staff and technical support for scoping and scheduling to proactively address tribal and community concerns and increase the quality of capital project requests.

(4) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to complete a park master plan and an environmental impact statement for Miller peninsula park.

(5) \$938,000 of the general fund—state appropriation for fiscal year 2024 and \$937,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the maintenance of state parks, including maintaining grounds and facilities, trails, restrooms, water access areas, and similar activities.

(6) \$1,083,000 of the climate commitment account—state appropriation and \$350,000 of the natural climate solutions account—state appropriation are provided solely to identify and reduce the state park system's carbon emissions and assess areas of vulnerability for climate change.

(7) \$749,000 of the general fund—state appropriation for fiscal year 2024 and \$445,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to create a statewide data management system with the department of natural resources and the department of fish and wildlife to make informed management decisions that meet conservation goals for public lands. The agencies will also collaborate with tribal governments to ensure cultural resources and cultural practices are considered and incorporated into management plans.

(8) \$129,000 of the general fund—state appropriation for fiscal year 2024 and \$129,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(9) The commission must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(10)(a) \$170,000 of the general fund—state appropriation for fiscal year 2024 and \$170,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with a statewide trail maintenance and hiking nonprofit organization to provide the emerging leaders program: expanding equity in the outdoors. The goal of the program is expanding both the number and diversity of trained, qualified individuals available for employment in the outdoor recreation and natural resource management sectors.

(b) The program must demonstrate a commitment to diversity, equity, and inclusion by providing a safe and supportive environment for individuals of diverse backgrounds, including those who have been historically underrepresented in the outdoor recreation and natural resource sectors, such as indigenous people and people of color.

(c) The program must provide both technical outdoor skills training and professional development opportunities that include, but are not limited to, outdoor leadership, representation in the outdoors, and team building.

**NEW SECTION. Sec. 305. FOR THE RECREATION AND CONSERVATION OFFICE**

General Fund—State Appropriation (FY 2024)	\$7,605,000
General Fund—State Appropriation (FY 2025)	\$3,917,000
General Fund—Federal Appropriation	\$6,050,000
General Fund—Private/Local Appropriation	\$24,000
Aquatic Lands Enhancement Account—State Appropriation	\$442,000
Climate Investment Account—State Appropriation	\$200,000
Firearms Range Account—State Appropriation	\$37,000
Natural Climate Solutions Account—State Appropriation	\$398,000
Recreation Resources Account—State Appropriation	\$4,504,000
NOVA Program Account—State Appropriation	\$1,510,000
<b>TOTAL APPROPRIATION</b>	<b>\$24,687,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$37,000 of the firearms range account—state appropriation is provided solely to the recreation and conservation funding board for administration of the firearms range grant program as described in RCW 79A.25.210.

(2) \$4,504,000 of the recreation resources account—state appropriation is provided solely to the recreation and conservation funding board for administrative and coordinating costs of the recreation and conservation office and the board as described in RCW 79A.25.080(1).

(3) \$1,510,000 of the NOVA program account—state appropriation is provided solely to the recreation and conservation funding board for administration of the nonhighway and off-road vehicle activities program as described in chapter 46.09 RCW.

(4) \$135,000 of the general fund—state appropriation for fiscal year 2024 and \$139,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the governor's salmon recovery office to implement the governor's salmon recovery strategy update by convening the natural resources subcabinet on a regular basis and developing biennial statewide work priorities with a recommended budget for salmon recovery pursuant to RCW 77.85.030(4)(e) that align with tribal priorities and regional salmon recovery plans. The office shall submit the biennial implementation plan to the governor's office and the office of financial management no later than October 31, 2024.

(5) \$1,714,000 of the general fund—state appropriation for fiscal year 2024 and \$1,714,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for operational and administrative support of lead entities and salmon recovery regions.

(6) \$200,000 of the climate investment account—state appropriation is provided solely for the agency to complete the required community engagement plan as outlined in RCW 70A.65.030, the climate commitment act.

(7) \$1,464,000 of the general fund—federal appropriation and \$50,000 of the aquatic lands enhancement account—state appropriation are provided solely to support removal efforts for flowering rush in the Columbia river basin and Whatcom county.

(8) \$398,000 of the natural climate solutions account—state appropriation is provided solely to establish a riparian coordinator position within the governor's salmon recovery office to work with state agencies to improve project coordination, develop common metrics across programs, and consolidate data platforms.

(9) \$3,500,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization with a mission for salmon and steelhead restoration to install near-term solutions to prevent steelhead mortality at the Hood canal bridge.

(10) The office must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(11) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the connections and snow to sea programs, which provide youth outdoor learning experiences in the Blaine, Mount Baker, and Nooksack Valley school districts.

**NEW SECTION. Sec. 306. FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE**

General Fund—State Appropriation (FY 2024)	\$3,335,000
General Fund—State Appropriation (FY 2025)	\$3,621,000
Climate Investment Account—State Appropriation	\$898,000
<b>TOTAL APPROPRIATION</b>	<b>\$7,854,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$164,000 of the general fund—state appropriation for fiscal year 2024, \$379,000 of the general fund—state appropriation for fiscal year 2025, and \$898,000 of the climate investment account—state appropriation are provided solely for the agency to hire staff to respond to increased caseloads, including appeals as a result of the climate commitment act, chapter 316, Laws of 2021.

(2) \$52,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 1047 (cosmetic product chemicals). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(3) \$20,000 of the general fund—state appropriation for fiscal year 2024 and \$20,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1110 (middle housing). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(4) The office must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**NEW SECTION. Sec. 307. FOR THE CONSERVATION COMMISSION**

General Fund—State Appropriation (FY 2024)	\$16,290,000
General Fund—State Appropriation (FY 2025)	\$16,261,000
General Fund—Federal Appropriation	\$2,482,000
Climate Commitment Account—State Appropriation	\$23,000,000
Climate Investment Account—State Appropriation	\$250,000
Natural Climate Solutions Account—State Appropriation	\$3,023,000
Public Works Assistance Account—State Appropriation	\$10,283,000
Model Toxics Control Operating Account—State Appropriation	\$1,110,000
Wildfire Response, Forest Restoration, and Community Resilience Account—State Appropriation	\$5,000,000
<b>TOTAL APPROPRIATION</b>	<b>\$77,699,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the climate investment account—state appropriation is provided solely for the agency to complete the required community engagement plan as outlined in RCW 70A.65.030, the climate commitment act.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase technical assistance and operational capacity of conservation districts.

(3) \$3,000,000 of the natural climate solutions account—state appropriation is provided solely to support the outreach, identification, and implementation of salmon riparian habitat restoration projects.

(4) \$5,000,000 of the wildfire response, forest restoration, and community resilience account—state appropriation is provided solely to the commission to work with conservation districts to address unhealthy forests and build greater community resiliency to wildfire.

(5) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to connect scientists, practitioners, and researchers and coordinate efforts to monitor and quantify

benefits of best management practices on agricultural lands, and better understand values and motivations of landowners to implement voluntary incentive programs.

(6) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support the continued development of the disaster assistance program established in RCW 89.08.645, to provide short-term financial support for farmers and ranchers during disasters. Funding must be prioritized for farmers and ranchers who are the most economically vulnerable.

(7) \$1,420,000 of the public works assistance account—state appropriation is provided solely to support monitoring and reporting efforts necessary to evaluate the implementation and effectiveness of voluntary stewardship program work plans.

(8) \$8,484,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(9) \$22,000,000 of the climate commitment account—state appropriation is provided solely for anaerobic digester development including, but not limited to, digester projects that include codigestion of manure with other sources of agricultural or preconsumer organic waste.

(10) \$23,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(11) \$379,000 of the public works assistance account—state appropriation is provided solely for implementation of House Bill No. 1421 (voluntary stewardship program). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(12) The commission must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(13) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to the King county conservation district to reduce the impacts of artificial lighting on or near the water on the behavior of salmon and other aquatic life in Lake Sammamish and Lake Washington. The grant funding may be used for:

- (a) Research, including quantifying light intensities and conducting field studies of fish behavior;
- (b) Community education, engagement, and technical assistance; and
- (c) Development of model lighting ordinances.

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund—State Appropriation (FY 2024)	\$153,778,000
General Fund—State Appropriation (FY 2025)	\$155,541,000
General Fund—Federal Appropriation	\$138,686,000
General Fund—Private/Local Appropriation	\$65,995,000
Climate Commitment Account—State Appropriation	\$3,398,000
Natural Climate Solutions Account—State Appropriation	\$3,748,000
ORV and Nonhighway Vehicle Account—State Appropriation	\$685,000
Aquatic Lands Enhancement Account—State Appropriation	\$13,641,000
Recreational Fisheries Enhancement Account—State Appropriation	\$3,599,000
Warm Water Game Fish Account—State Appropriation	\$2,948,000
Eastern Washington Pheasant Enhancement Account— State Appropriation	\$673,000
Limited Fish and Wildlife Account—State Appropriation	\$35,122,000
Special Wildlife Account—State Appropriation	\$2,910,000
Special Wildlife Account—Federal Appropriation	\$524,000
Special Wildlife Account—Private/Local Appropriation	\$3,724,000
Wildlife Rehabilitation Account—State Appropriation	\$661,000
Ballast Water and Biofouling Management Account— State Appropriation	\$10,000
Regional Fisheries Enhancement Salmonid Recovery Account—Federal Appropriation	\$5,001,000
Oil Spill Prevention Account—State Appropriation	\$1,236,000
Aquatic Invasive Species Management Account—State Appropriation	\$1,032,000
Model Toxics Control Operating Account—State Appropriation	\$7,081,000
Fish, Wildlife, and Conservation Account—State Appropriation	\$78,093,000
Forest Resiliency Account—State Appropriation	\$4,000,000
Oyster Reserve Land Account—State Appropriation	\$524,000

TOTAL APPROPRIATION..... \$682,610,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,777,000 of the general fund—state appropriation for fiscal year 2024 and \$1,777,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to grant to the northwest Indian fisheries commission for hatchery operations that are prioritized to increase prey abundance for southern resident orcas, including \$200,000 per fiscal year for tagging and marking costs, and the remainder to grant to tribes in the following amounts per fiscal year: \$150,000 for the Quinault Indian Nation, \$199,000 for the Tulalip Tribes, \$268,000 for the Quileute Tribe, \$186,000 for the Puyallup Tribe, \$122,000 for the Port Gamble S'Klallam Tribe, \$25,000 for the Muckleshoot Indian Tribe, \$207,000 for the Squaxin Island Tribe, \$142,000 for the Skokomish Indian Tribe, and \$278,000 for the Lummi Nation.

(2) \$330,000 of the general fund—state appropriation for fiscal year 2024 and \$330,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide to the Yakama Nation for hatchery operations that are prioritized to increase prey abundance for southern resident orcas.

(3) \$175,000 of the general fund—state appropriation for fiscal year 2024 and \$175,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to grant to public utility districts for additional hatchery production that is prioritized to increase prey abundance for southern resident orcas.

(4) \$467,000 of the general fund—state appropriation for fiscal year 2024 and \$467,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(5) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(6) \$6,082,000 of the general fund—state appropriation for fiscal year 2024 and \$6,082,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to implement eradication and control measures on European green crabs through coordination and grants with partner organizations. The department must provide quarterly progress reports on the success and challenges of the measures to the appropriate committees of the legislature.

(7) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to respond to livestock depredations, coordinate nonlethal deterrents with ranchers, such as contracting with range riders, and provide technical assistance and support.

(8) \$852,000 of the general fund—state appropriation for fiscal year 2024 and \$852,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide additional capacity to the attorney general's office to prosecute environmental crimes. The department must provide an annual report by December 1st of each year, to the appropriate committees of the legislature, on the progress made in prosecuting environmental crimes.

(9) \$753,000 of the general fund—state appropriation for fiscal year 2024 and \$753,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for expanded management of pinniped populations on the lower Columbia river and its tributaries with the goal of increasing chinook salmon abundance and prey availability for southern resident orcas.

(10) \$470,000 of the general fund—state appropriation for fiscal year 2024 and \$470,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to expand efforts to survey the diets of seals and sea lions in the Salish sea and identify nonlethal management actions to deter them from preying on salmon and steelhead.

(11) \$518,000 of the general fund—state appropriation for fiscal year 2024 and \$519,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to continue to provide policy and scientific support to the department of ecology regarding surface and groundwater management issues as part of implementing chapter 90.94 RCW streamflow restoration.

(12) \$4,096,000 of the model toxics control operating account—state appropriation is provided solely to analyze salmon contaminants of emerging concern (CEC), including substances such as 6PPD-quinone and polychlorinated biphenyls (PCB) in already collected tissue samples. This research will accelerate recovery and protection by identifying the location and sources of CEC exposure.

(13) \$130,000 of the general fund—state appropriation for fiscal year 2024 and \$130,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for an external facilitator to seek solutions through a collaborative process using the department's wolf advisory group.

(14) \$194,000 of the general fund—state appropriation for fiscal year 2024 and \$194,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to update and maintain rule making related to chapter 77.57 RCW, fishways, flow, and screening.

(15) \$822,000 of the general fund—state appropriation for fiscal year 2024 and \$822,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to monitor recreational steelhead spawning and harvest in freshwater streams and rivers in Puget Sound.

(16) \$2,714,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for additional law enforcement officers for marine and freshwater fisheries compliance and a patrol vessel dedicated to coastal operations.

(17) \$509,000 of the general fund—state appropriation for fiscal year 2024 and \$305,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to monitor recreational shellfish harvests, monitor intertidal and crustacean fisheries, address emerging environmental issues, maintain a new data management infrastructure, and develop a disease and pest management program to protect shellfish fisheries in the Puget Sound.

(18) \$360,000 of the general fund—state appropriation for fiscal year 2024 and \$224,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to complete and maintain a statewide prioritization of fish passage barriers in collaboration with regional salmon recovery organizations.

(19) \$997,000 of the general fund—state appropriation for fiscal year 2024 and \$997,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue the assessment of riparian ecosystems. The assessment must include identifying common statewide definitions of terms for riparian usage, recommendations to improve data sharing, and identifying any gaps in vegetated cover relative to a science-based standard for a fully functioning riparian ecosystem and comparing the status and gaps to water temperature impairments, known fish passage barriers, and status of salmonid stocks.

(20) \$900,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the Lummi Nation to make infrastructure updates at the Skookum hatchery.

(21) \$285,000 of the general fund—state appropriation for fiscal year 2024 and \$285,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to manage electronic tracked crab fishery gear to avoid whale entanglements during their migration as the agency develops a conservation plan to submit for an endangered species act incidental take permit.

(22) \$480,000 of the general fund—state appropriation for fiscal year 2024 and \$435,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to equip officers with body worn cameras to advance public safety.

(23) \$876,000 of the general fund—state appropriation for fiscal year 2024 and \$895,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase the baseline maintenance budget for critical state-owned infrastructure including hatchery water supply and equipment, general facility sustainment, asphalt and concrete sealant capacity, and electrical system upgrades.

(24) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for pass-through to tribes of the upper Columbia river to support reintroduction of Chinook salmon above Grand Coulee and Chief Joseph dams.

(25) \$741,000 of the general fund—state appropriation for fiscal year 2024 and \$741,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for operation and maintenance capacity and technical assistance for state fish passage facilities.

(26) \$948,000 of the general fund—state appropriation for fiscal year 2024 and \$948,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue operations of the Toutle and Skamania hatcheries.

(27) \$324,000 of the general fund—state appropriation for fiscal year 2024 and \$658,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to create a statewide data management system with the department of natural resources and the state parks and recreation commission to make informed management decisions that meet conservation goals for public lands. The agencies will also collaborate with tribal governments to ensure cultural resources and cultural practices are considered and incorporated into management plans.

(28) \$770,000 of the general fund—state appropriation for fiscal year 2024 and \$770,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase wildlife conflict specialists to address crop damage, dangerous wildlife interactions, and conflict preventative education and outreach.

(29) \$430,000 of the general fund—state appropriation for fiscal year 2024, \$430,000 of the general fund—state appropriation for fiscal year 2025, and \$3,564,000 of the natural climate solutions account—state appropriation are provided solely to increase capacity in four aspects of the department's mission most vulnerable to climate change including species recovery planning, harvest and recreation management, providing technical assistance, permitting, and planning support, and managing agency lands and infrastructure.

(30) \$1,752,000 of the climate commitment account—state appropriation is provided solely for the first phase of the department's sustainability plan to start transitioning the vehicle fleet to electricity and alternative fuels, advancing energy efficiency and renewable energy projects, creating a commute trip reduction program, and supporting foundational research and capacity-building.

(31) \$4,000,000 of the forest resiliency account—state appropriation is provided solely to reduce severe wildfire risk and increase forest resiliency through fuels reduction, thinning, fuel break creation, and prescribed burning on agency lands.

(32) \$8,000,000 of the general fund—state appropriation for fiscal year 2024 and \$15,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the protection, recovery, and restoration of biodiversity and the recovery of threatened and endangered species. Examples include habitat protection and restoration, technical assistance for growth management act planning, fish passage improvements, conservation education, scientific research for species and ecosystem protection, and similar activities. Funding in this subsection may include pass-throughs to public, nonprofit, academic, or tribal entities for the purposes of this subsection.

(33) \$125,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a contract with a nonprofit organization that operates a zoological garden in King county and that has developed an educators' toolkit for nature play programming for youth in communities historically excluded from nature experiences to provide inclusive nature-based programming statewide to children from racially, ethnically, and culturally diverse backgrounds.

(34) \$310,000 of the general fund—state appropriation for fiscal year 2024 and \$160,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to perform the following tasks related to net ecological gain:

(a) Of the amount provided in this subsection, \$160,000 in fiscal year 2024 and \$160,000 in fiscal year 2025 are provided solely for the department to facilitate a work group focused on developing a net ecological gain implementation framework.

(i) Participation in the work group is as follows:

(A) The work group must include representatives from the department, the department of commerce, the department of ecology, and the department of transportation; and

(B) The work group may include representatives from, and consultation with, as appropriate, other state agencies, federally recognized Indian tribes, local governments, and other relevant stakeholders.

(ii) The work group is responsible for accomplishing the following tasks:

(A) Define net ecological gain criteria;

(B) Create monitoring and assessment criteria related to net ecological gain;

(C) Develop an assessment model to evaluate and quantify contributions to overall net ecological gain;

(D) Consider the geographic scale at which net ecological gain criteria may be effectively applied;

(E) Provide budget and policy recommendations for net ecological gain to the legislature and to the office of financial management;

(F) Identify existing state-administered or state-funded programs and projects that:

(I) Already contribute to net ecological gain;

(II) Can or should give funding priority to funding applicants that commit to incorporating net ecological gain principles; and

(III) Programs and projects that can or should have a net ecological gain requirement in the future; and

(G) Generate interim recommendations for a project to serve as a net ecological gain proof of concept within a county that chooses to adopt a net ecological gain standard.

(iii) The department may contract with an independent entity to facilitate the work group, including the tasks identified in (b) of this subsection.

(iv) The work group must submit an interim and final report of its work, including any budget and policy recommendations, to the office of financial management and the appropriate committees of the legislature no later than June 30, 2024, and June 30, 2025.

(b) Of the amount provided in this subsection, \$150,000 in fiscal year 2024 is provided solely for the department to contract with an independent entity to perform the following tasks:

(i) Review existing grant programs; and

(ii) Make recommendations on the potential addition of net ecological gain into grant prioritization criteria.

(35)(a) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to initiate a demonstration project to contribute to rebuilding of salmon runs in the Lake Washington basin through suppression of predatory fish species. The project shall include:

(i) Removal of nonnative species and northern pike minnow using trap, nets, or other means;

(ii) Assessment of the benefits of reduced predator abundance on juvenile salmon survival; and

(iii) Assessment of the recreational fishing rules that were implemented in 2020 in the Lake Washington basin.

(b) An interim report on the demonstration project must be provided to the appropriate committees of the legislature by December 1, 2024.

(36) \$165,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 1010 (shellfish sanitary control). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(37) \$270,000 of the general fund—state appropriation for fiscal year 2024 and \$57,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1085 (plastic pollution). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.



(38) \$184,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(39) \$1,026,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(40) \$620,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(41) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(42) (a) Within existing resources, the department must develop a regional plan for gray wolf management in counties or portions of counties that meet the following criteria:

(i) The gray wolf is not designated under the federal endangered species act as threatened or endangered;

(ii) The state has met the recovery objective of 15 breeding pairs in the state for at least three years; and

(iii) There are at least three documented breeding pairs in the county or portion of the county where the gray wolf is not designated under the federal endangered species act as threatened or endangered.

(b) In developing the regional plan, the department must consult with county cattlemen organizations, county governments, a regional nonprofit organization that operates range riding and other year-round wolf and livestock conflict avoidance tactics in northeast Washington, a conservation nonprofit, and affected Indian tribes. The department must give affected Indian tribes the opportunity to review drafts of the plan before it is completed. The department is also encouraged to consult with the United States forest service.

(c) At a minimum, the plan must address the following objectives:

(i) Increased cooperation with input from county governments, cattlemen associations, and local organizations providing range riding and other conflict deterrence efforts with respect to the methods and approaches to minimizing impacts to livestock production;

(ii) Minimization of livestock loss and economically costly stress on livestock and minimizing the need for lethal control of wolves;

(iii) Improved responsiveness from the department on planning proactive deterrence for ranchers;

(iv) Faster response time from the department when lethal control is required;

(v) Habitat improvement for ungulate populations;

(vi) An improved livestock loss and damage compensation program; and

(vii) Maintaining recovery objectives and an overall stable wolf population in the region.

(d) The department must complete and implement the regional plan by December 1, 2023. The department must report to the appropriate committees of the legislature by December 1, 2024, on implementation of the regional plan and expected outcomes.

(43) \$1,358,000 of the general fund—state appropriation for fiscal year 2024 and \$225,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide to the Puyallup Tribe for equipment installation, operations, and improvements at salmon hatcheries.

(44) \$850,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to provide to the Suquamish Tribe for hatchery improvements and water quality enhancements.

(45) \$1,050,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to provide to the Yakama Nation for hatchery equipment and operations.

(46) \$325,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a contract with a nonprofit organization that operates a zoological garden in King county for the purpose of an outreach campaign on pollinator health issues. The pollinator outreach campaign is intended to further the mission of the department's pollinator conservation efforts and the department of agriculture's pollinator health task force goals.

**NEW SECTION. Sec. 309. FOR THE PUGET SOUND PARTNERSHIP**

General Fund—State Appropriation (FY 2024)	\$8,618,000
General Fund—State Appropriation (FY 2025)	\$8,569,000
General Fund—Federal Appropriation	\$31,842,000
Aquatic Lands Enhancement Account—State Appropriation	\$1,464,000
Model Toxics Control Operating Account—State Appropriation	\$1,318,000
<b>TOTAL APPROPRIATION</b>	<b>\$51,811,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) By October 15, 2024, the Puget Sound partnership shall provide the governor and appropriate legislative fiscal committees a single, prioritized list of state agency 2025-2027 capital and operating budget requests related to Puget Sound recovery and restoration.

(2) \$14,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund—State Appropriation (FY 2024)	\$151,373,000
General Fund—State Appropriation (FY 2025)	\$151,841,000
General Fund—Federal Appropriation	\$49,792,000
General Fund—Private/Local Appropriation	\$3,450,000
Access Road Revolving Nonappropriated Account—State Appropriation	\$108,000
Climate Commitment Account—State Appropriation	\$10,955,000
Contract Harvesting Revolving Nonappropriated Account—State Appropriation	\$78,000
Forest Development Account—State Appropriation	\$56,351,000
Forest Fire Protection Assessment Nonappropriated Account—State Appropriation	\$88,000
Forest Health Revolving Nonappropriated Account— State Appropriation	\$106,000
Natural Climate Solutions Account—State Appropriation	\$12,561,000
Natural Resources Federal Lands Revolving Nonappropriated Account—State Appropriation	\$6,000
ORV and Nonhighway Vehicle Account—State Appropriation	\$7,560,000
State Forest Nursery Revolving Nonappropriated Account—State Appropriation	\$34,000
Surveys and Maps Account—State Appropriation	\$2,261,000
Aquatic Lands Enhancement Account—State Appropriation	\$19,228,000
Resource Management Cost Account—State Appropriation	\$116,642,000
Surface Mining Reclamation Account—State Appropriation	\$4,329,000
Disaster Response Account—State Appropriation	\$23,429,000
Forest and Fish Support Account—State Appropriation	\$12,549,000
Aquatic Land Dredged Material Disposal Site Account— State Appropriation	\$405,000
Natural Resources Conservation Areas Stewardship Account—State Appropriation	\$208,000
Forest Practices Application Account—State Appropriation	\$2,119,000
Air Pollution Control Account—State Appropriation	\$914,000
Model Toxics Control Operating Account—State Appropriation	\$604,000
Wildfire Response, Forest Restoration, and Community Resilience Account—State Appropriation	\$117,540,000
Derelict Vessel Removal Account—State Appropriation	\$10,611,000
Community Forest Trust Account—State Appropriation	\$52,000
Agricultural College Trust Management Account—State Appropriation	\$4,247,000
<b>TOTAL APPROPRIATION</b>	<b>\$759,441,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,691,000 of the general fund—state appropriation for fiscal year 2024 and \$2,296,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board.

(2) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the small forest landowner office, in order to restore staffing capacity reduced during the great recession and to support small forest landowners, including assistance related to forest and fish act regulations.

(3) \$1,583,000 of the general fund—state appropriation for fiscal year 2024 and \$1,515,000 of the general fund—state appropriation for fiscal year 2025 are provided solely

for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(4) \$60,883,000 of the general fund—state appropriation for fiscal year 2024, \$60,883,000 of the general fund—state appropriation for fiscal year 2025, and \$16,050,000 of the disaster response account—state appropriation are provided solely for emergency response, including fire suppression. The department shall provide a monthly report to the office of financial management and the appropriate fiscal and policy committees of the legislature with an update of fire suppression costs incurred and the number and type of wildfires suppressed.

(5) \$5,647,000 of the general fund—state appropriation for fiscal year 2024, \$8,470,000 of the general fund—state appropriation for fiscal year 2025, and \$330,000 of the disaster response account—state appropriation are provided solely for indirect and administrative expenses related to fire suppression.

(6) \$5,500,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. Of the amount provided in this subsection, \$500,000 is contingent upon receipts under RCW 82.04.261 exceeding \$8,000,000 per biennium. If receipts under RCW 82.04.261 are more than \$8,000,000 but less than \$8,500,000 for the biennium, an amount equivalent to the difference between actual receipts and \$8,500,000 shall lapse.

(7) Consistent with the recommendations of the *Wildfire Suppression Funding and Costs (18-02)* report of the joint legislative audit and review committee, the department shall submit a report to the governor and legislature by December 1, 2023, and December 1, 2024, describing the previous fire season. At a minimum, the report shall provide information for each wildfire in the state, including its location, impact by type of land ownership, the extent it involved timber or range lands, cause, size, costs, and cost-share with federal agencies and nonstate partners. The report must also be posted on the agency's website.

(8) \$4,206,000 of the aquatic land enhancement account—state appropriation is provided solely for the removal of creosote pilings and debris from the marine environment and to continue monitoring zooplankton and eelgrass beds on state-owned aquatic lands managed by the department. Actions will address recommendations to recover the southern resident orca population and to monitor ocean acidification as well as help implement the Puget Sound action agenda.

(9) \$279,000 of the general fund—state appropriation for fiscal year 2024 and \$286,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation to the trust beneficiaries and department for lost revenue from leases to amateur radio operators who use space on the department managed radio towers for their equipment. The department is authorized to lease sites at the rate of up to \$100 per year, per site, per lessee. The legislature makes this appropriation to fulfill the remaining costs of the leases at market rate per RCW 79.13.510.

(10) \$270,000 of the general fund—state appropriation for fiscal year 2024, \$125,000 of the general fund—state appropriation for fiscal year 2025, \$154,000 of the forest development account—state appropriation, \$108,000 of the aquatic lands enhancement account—state appropriation, \$318,000 of the resource management cost account—state appropriation, \$12,000 of the surface mining reclamation account—state appropriation, \$62,000 of the forest fire protection assessment nonappropriated account—state appropriation, \$26,000 of the state forest nursery revolving nonappropriated account—state appropriation, \$80,000 of the access road revolving nonappropriated account—state appropriation, \$90,000 of the forest health revolving nonappropriated account—state appropriation, and \$6,000 of the natural resources federal lands revolving nonappropriated account—state appropriation are provided solely for the department to replace the NaturE revenue and leasing administration system and integrate with the new One Washington financial system. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(11) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to collect and refresh statewide lidar data.

(12) \$1,200,000 of the resource management cost account—state appropriation is provided solely for the agency to pursue opportunities to provide workforce housing on state trust lands.

(13) \$400,000 of the natural climate solutions account—state appropriation is provided to the department, in coordination with the department of ecology, solely to develop a natural and working lands carbon sequestration strategy for Washington state. The strategy will include clear, measurable deliverables to ensure carbon sequestration efforts, investments, and programs are designed to help achieve the state's greenhouse gas emissions limits under RCW 70A.45.020. Specific recommendations are to be developed for state-owned lands. The department of natural resources and department of ecology will coordinate with other state agencies including the department of fish and wildlife, the recreation and conservation office, the department of agriculture, and the state conservation commission. The report shall be submitted to the governor and appropriate legislative committees by June 30, 2025.

(14) \$3,166,000 of the natural climate solutions account—state appropriation is provided solely for silvicultural treatments on forested trust lands in western Washington to support maintenance of healthy, resilient forests as a critical component of climate adaptation and mitigation efforts.

(15) \$2,185,000 of the general fund—state appropriation for fiscal year 2024 and \$1,705,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for increased law enforcement capacity on agency managed lands, to develop a statewide recreation plan, and to jointly create a statewide data management system with the Washington department of fish and wildlife and the state parks and recreation commission to make informed management decisions that meet conservation goals for public lands. The agencies will also collaborate with tribal governments to ensure cultural resources and cultural practices are considered and incorporated into management plans.

(16) \$2,066,000 of the natural climate solutions account—state appropriation is provided solely for the agency to develop a comprehensive strategy to tackle barriers to reforestation, including through expanding seed collection, increasing the capacity of the state's public nursery, and addressing workforce needs.

(17) \$2,864,000 of the natural climate solutions account—state appropriation is provided solely for the agency to implement aspects of their watershed resilience action plan for the Snohomish watershed, including activities to support kelp and eelgrass stewardship, a large woody debris program, aquatic restoration grants, and culvert removal.

(18) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for investment in urban forestry to support reduction of negative environmental conditions such as heat, flooding, and pollution and helping communities become greener, cleaner, healthier, and more resilient.

(19) \$7,791,000 of the climate commitment account—state appropriation is provided solely for the agency to analyze current infrastructure and build a plan for the department to achieve its greenhouse gas emission reduction targets.

(20) \$2,365,000 of the wildfire response, forest restoration, and community resilience account—state appropriation is provided solely for the department to make investments in education and training to bolster a statewide natural resources workforce to support the health and resilience of Washington's forests. Of this amount, \$800,000 is provided solely to provide wildland fire management training to tribal communities and members.

(21) \$3,356,000 of the natural climate solutions account—state appropriation is provided solely to increase the agency's capacity to provide active management of department of natural resources natural areas and to create a statewide map of essential conservation areas and areas of high forest conversion risk to determine and mitigate the impacts of climate change and support long-term conservation goals.

(22) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for full-time and seasonal crews from the Washington conservation corps and other corps programs to conduct work benefiting the management of state managed lands, including natural areas restoration and conservation, trail work, and forest resiliency activities as well as other recreation and habitat projects with agency partners.

(23) (a) \$475,000 of the general fund—state appropriation for fiscal year 2024, \$253,000 of the general fund—state appropriation for fiscal year 2025, and \$62,000 of the model toxics control operating account—state appropriation are provided solely for a geoduck task force. Of the amounts provided in this subsection, \$411,000 of the general fund—state appropriation for fiscal year 2024 and \$208,000 of the general fund—state appropriation for fiscal year 2025 are for the department's costs for the task force, and the remaining amounts are for the department to provide to the department of ecology, the department of fish and wildlife, and the Puget Sound partnership for their projected costs for the task force.

(b) The task force must investigate opportunities to reduce negative impacts to tribal treaty and state geoduck harvest and promote long-term opportunities to expand or sustain geoduck harvest. The task force must provide a report to the commissioner of public lands and the legislature, in compliance with RCW 43.01.036, by December 1, 2024, that includes analysis and recommendations related to the following elements:

(i) The feasibility of intervention to enhance the wildstock of geoduck, including reseeded projects;

(ii) Factors that are preventing areas from being classified for commercial harvest of wildstock geoduck or factors that are leading to existing wildstock geoduck commercial tract classification downgrade, and recommendations to sustainably and cost-effectively increase the number and area of harvestable tracts, including:

(A) Consideration of opportunities and recommendations presented in previous studies and reports;

(B) An inventory of wastewater treatment plant and surface water runoff point sources impacting state and tribal geoduck harvesting opportunities within the classified commercial shellfish growing areas in Puget Sound;

(C) A ranking of outfalls and point sources identified in (b)(ii)(B) of this subsection prioritized for future correction to mitigate downgraded classification of areas with commercial geoduck harvest opportunity;

(D) An inventory of wildstock geoduck tracts that are most impacted by poor water quality or other factors impacting classification;

(E) Consideration of the role of sediment load and urban runoff, and pathways to mitigate these impacts; and

(F) Recommendations for future actions to improve the harvest quantity of wildstock geoduck and to prioritize areas that can attain improved classification most readily, while considering the influence of outfalls ranked pursuant to (b)(ii)(C) of this subsection.

(c) The commissioner of public lands must invite the following representatives to participate in the task force:

(i) A representative of the department of natural resources, who shall serve as the chair of the task force;

(ii) Representatives of tribes with treaty or reserved rights to geoduck harvest in Washington state;

(iii) A representative of the department of ecology;

(iv) A representative of the department of health;

(v) A representative of the department of fish and wildlife;

(vi) A representative of the Puget Sound partnership; and

(vii) A representative of the academic community.

(d) The commissioner of public lands must appoint each representative. The commissioner may invite and appoint other individuals to the task force, not to exceed the number of seats of tribal entities.

(e) Members of the task force may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060.

(24) \$636,000 of the general fund—state appropriation for fiscal year 2024 and \$353,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1032 (wildfires/electric utilities). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(25) \$65,000 of the general fund—state appropriation for fiscal year 2024 and \$55,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1085 (plastic pollution). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(26) \$709,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(27) \$500,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(28) \$164,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(29) \$355,000 of the general fund—state appropriation for fiscal year 2024 and \$442,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1378 (derelict aquatic structures). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(30) \$431,000 of the general fund—state appropriation for fiscal year 2024 and \$331,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1498 (aviation assurance funding). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(31) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1578 (wildland fire safety). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(32) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund—State Appropriation (FY 2024)	\$34,687,000
General Fund—State Appropriation (FY 2025)	\$74,399,000
General Fund—Federal Appropriation	\$37,803,000
General Fund—Private/Local Appropriation	\$193,000
Aquatic Lands Enhancement Account—State	
Appropriation	\$2,756,000
Climate Commitment Account—State Appropriation	\$3,738,000
Natural Climate Solutions Account—State	
Appropriation	\$842,000
Water Quality Permit Account—State Appropriation	\$73,000
Model Toxics Control Operating Account—State	
Appropriation	\$10,397,000
Northeast Washington Wolf-Livestock Management	
Nonappropriated Account—State Appropriation	\$912,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation	\$80,374,000
<b>TOTAL APPROPRIATION</b>	<b>\$246,174,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$22,000,000 of the general fund—state appropriation for fiscal year 2025 and \$44,499,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely to continue the we feed Washington program, a state alternative to the United States department of agriculture farmers to families food box program, and provide resources for hunger relief organizations.

(2) \$4,000,000 of the general fund—state appropriation for fiscal year 2024 and \$4,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for local food system infrastructure and market access grants.

(3) \$3,655,000 of the general fund—state appropriation for fiscal year 2024 and \$3,655,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementing a Japanese beetle monitoring and eradication program in central Washington.

(4) \$15,000,000 of the general fund—state appropriation for fiscal year 2025 and \$15,000,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for implementing the emergency food assistance program as defined in RCW 43.23.290.

(5) \$246,000 of the general fund—state appropriation for fiscal year 2024, \$246,000 of the general fund—state appropriation for fiscal year 2025, and \$1,550,000 of the general fund—federal appropriation are provided solely for implementing a Vespa mandarinia eradication program.

(6) \$912,000 of the northeast Washington wolf-livestock management nonappropriated account—state appropriation is provided solely for the department to fund the northeast Washington wolf-livestock management grant program as provided in RCW 16.76.020, maintain the contract with the northeast Washington wolf-cattle collaborative, and provide \$80,000 per fiscal year to the sheriff's offices of Ferry and Stevens counties for providing a local wildlife specialist to aid the department of fish and wildlife in the management of wolves in northeast Washington.

(7) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants and technical assistance to producers for meat and poultry processing.

(8) \$842,000 of the general fund—state appropriation for fiscal year 2024 and \$822,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 135, Laws of 2022, which requires the department to establish cannabis testing lab quality standards by rule.

(9) \$3,038,000 of the climate commitment account—state appropriation is provided solely to implement organic materials legislation passed in the 2022 legislative session.

(10) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to contract with Washington State University's IMPACT Center to conduct an analysis of the threats, barriers, and challenges facing the state's agricultural producers.

(11) \$581,000 of the natural climate solutions account—state appropriation is provided solely to implement a science-based, voluntary software program called saving tomorrow's agricultural resources (STAR) which provide producers tools to track soil health improvements and the ability to generate market-based incentives.

(12) \$1,492,000 of the model toxics control operating account—state appropriation is provided solely to increase capacity and support work to reduce nitrate pollution in groundwater from irrigated agriculture in the lower Yakima valley.

(13) \$88,000 of the general fund—state appropriation for fiscal year 2024, \$88,000 of the general fund—state appropriation for fiscal year 2025, and \$702,000 of the general fund—federal appropriation are provided solely to match federal funding for eradication treatments and follow-up monitoring of invasive moths.

(14) \$120,000 of the general fund—state appropriation for fiscal year 2024 and \$120,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue the early detection program and the associated invasive *Ailanthus altissima*, known colloquially as tree-of-heaven, survey and control programs.

(15) \$90,000 of the general fund—state appropriation for fiscal year 2024 and \$90,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to implement changes that advance equity for underrepresented farmers and ranchers in the department's programs and services. In carrying out this duty, the department may focus on implementation of:

(a) Proequity and inclusion strategies within the activities and services of the regional markets program;

(b) Recommendations from the department's 2022 report to the legislature on equity for underrepresented farmers and ranchers; and

(c) Community-generated suggestions resulting from stakeholder engagement activities. In carrying out this duty, the department may engage with underrepresented farmers and ranchers to advise and provide guidance as the department works to implement changes to improve equity and inclusion in the department's services and programs, and where possible in the agricultural industry more broadly.

(16) \$261,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(17) \$200,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(18) \$116,000 of the general fund—state appropriation for fiscal year 2024 and \$110,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1500 (cottage food sales cap). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(19) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(20) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a community-based organization in Whatcom county for the food and farm finder program, which connects local food producers with retail and wholesale consumers throughout the state.

(21) \$10,600,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for local food system infrastructure and market access grants, the emergency food assistance program, and a state farmers to families food box program. The total expenditures from the coronavirus state fiscal recovery fund—federal for these purposes in fiscal year 2023 and fiscal year 2024 may not exceed the total amounts provided in section 311(1), (3), and (7), chapter 334, Laws of 2021, from the coronavirus state fiscal recovery fund—federal for these purposes.

(22) \$500,000 of the climate commitment account—state appropriation is provided solely for the department to contract with a neutral, third-party facilitator to convene an advisory process, and a subject-matter expert consultant to support the advisory process. The purpose of the advisory process is to make recommendations to the legislature to identify a logistically practicable long-term process to ensure that consumers of fuel exempt from compliance obligations under chapter 70A.65 RCW are exempt, in practice, from paying for the costs embedded in exempt fuel prices that are reasonably attributable to or correlated with climate commitment act allowance prices. The facilitator must engage relevant stakeholders in the advisory process that have a direct interest in participating, including but not limited to representatives of fuel suppliers, fuel distributors, an association who represents fuel suppliers, an association who represents fuel distributors, exempt fuel users, organizations representing agricultural interests, associations of agricultural product distributors and retailers, and environmental organizations. Representatives of the department of ecology, department of licensing, department of revenue, and the department must also be invited to participate in the facilitated advisory process under this subsection. The facilitator must submit the recommendations of advisory process participants, including recommendations not supported by a majority of advisory process participants, by December 1, 2023.

(23) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide a grant to a food bank in Pierce county for the continued provision of food bank services to low-income individuals, including costs related to the potential relocation of the food bank.

**NEW SECTION. Sec. 312. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL**

General Fund—State Appropriation (FY 2024) . . . . .	\$892,000
General Fund—State Appropriation (FY 2025) . . . . .	\$894,000
Climate Commitment Account—State Appropriation . . . . .	\$3,667,000
Energy Facility Site Evaluation Council Account—	
Private/Local Appropriation . . . . .	\$26,670,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$32,123,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the climate commitment account—state appropriation is provided solely for the council to engage a consultant and staff to determine next steps to achieve principles outlined in the 2022 transmission corridor work group final report. The energy facility site evaluation council will consult with transmission corridor work group participants, as well as additional interested parties, to determine next steps and best practices for siting transmission projects to meet needs of the future and ensure a carbon neutral electrical grid and carbon free energy production is achieved by 2045.

(2) \$2,352,000 of the climate commitment account—state appropriation is provided solely to support agency operations and to hire additional environmental siting and compliance positions needed to support an anticipated workload increase from new clean energy projects.

(3) \$200,000 of the climate commitment account—state appropriation is provided solely for grants to tribes to review green energy project applications.

(4) \$358,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(5) The council must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(End of part)

**PART IV  
TRANSPORTATION**NEW SECTION. **Sec. 401. FOR THE DEPARTMENT OF LICENSING**

General Fund—State Appropriation (FY 2024) . . . . .	\$4,599,000
General Fund—State Appropriation (FY 2025) . . . . .	\$4,552,000
Architects' License Account—State Appropriation . . . . .	\$1,679,000
Real Estate Commission Account—State Appropriation . . . . .	\$14,588,000
Uniform Commercial Code Account—State Appropriation . . . . .	\$3,299,000
Real Estate Education Program Account—State Appropriation . . . . .	\$316,000
Real Estate Appraiser Commission Account—State Appropriation . . . . .	\$1,948,000
Business and Professions Account—State Appropriation . . . . .	\$29,457,000
Real Estate Research Account—State Appropriation . . . . .	\$461,000
Firearms Range Account—State Appropriation . . . . .	\$74,000
Funeral and Cemetery Account—State Appropriation . . . . .	\$103,000
Landscape Architects' License Account—State Appropriation . . . . .	\$90,000
Appraisal Management Company Account—State Appropriation . . . . .	\$247,000
Concealed Pistol License Renewal Notification Account—State Appropriation . . . . .	\$142,000
Geologists' Account—State Appropriation . . . . .	\$52,000
Derelict Vessel Removal Account—State Appropriation . . . . .	\$37,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$61,644,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$142,000 of the concealed pistol license renewal notification account—state appropriation and \$74,000 of the firearms range account—state appropriation are provided solely to implement chapter 74, Laws of 2017 (concealed pistol license).

(2) \$6,000 of the general fund—state appropriation for fiscal year 2024, \$9,000 of the general fund—state appropriation for fiscal year 2025, \$8,000 of the architects' license account—state appropriation, \$74,000 of the real estate commission account—state appropriation, \$14,000 of the uniform commercial code account—state appropriation, \$10,000 of the real estate appraiser commission account—state appropriation, and \$139,000 of the business and professions account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) \$7,000 of the general fund—state appropriation for fiscal year 2024, \$9,000 of the general fund—state appropriation for fiscal year 2025, \$5,000 of the architects' license account—state appropriation, \$43,000 of the real estate commission account—state appropriation, \$8,000 of the uniform commercial code account—state appropriation, \$8,000 of the real estate education program account—state appropriation, \$166,000 of the business and professions account—state appropriation, \$9,000 of the funeral and cemetery account—state appropriation, \$3,000 of the landscape architects' license account—state appropriation, \$2,000 of the appraisal management company account—state appropriation, and \$5,000 of the geologists' account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1009 (military spouse employment). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(4) \$20,000 of the business and professions account—state appropriation is provided solely for implementation of House Bill No. 1017 (cosmetologists, licenses, etc.). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(5) \$989,000 of the general fund—state appropriation for fiscal year 2024 and \$1,030,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1143 (firearms purchase and transfer). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(6) \$9,000 of the architects' license account—state appropriation, \$59,000 of the real estate commission account—state appropriation, \$9,000 of the real estate appraiser commission account—state appropriation, \$120,000 of the business and professions account—state appropriation, \$9,000 of the funeral and cemetery account—state appropriation, \$9,000 of the landscape architects' license account—state appropriation, \$9,000 of the appraisal management company account—state appropriation, and \$9,000 of the geologists' account—state appropriation are provided solely for implementation of House Bill No. 1301 (license review and requirements). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.



**NEW SECTION. Sec. 402. FOR THE WASHINGTON STATE PATROL**

General Fund—State Appropriation (FY 2024)	\$74,461,000
General Fund—State Appropriation (FY 2025)	\$74,543,000
General Fund—Federal Appropriation	\$16,882,000
General Fund—Private/Local Appropriation	\$3,091,000
Death Investigations Account—State Appropriation	\$8,796,000
County Criminal Justice Assistance Account—State Appropriation	\$4,798,000
Municipal Criminal Justice Assistance Account—State Appropriation	\$1,757,000
Fire Service Trust Account—State Appropriation	\$131,000
Vehicle License Fraud Account—State Appropriation	\$119,000
Disaster Response Account—State Appropriation	\$8,000,000
Fire Service Training Account—State Appropriation	\$12,790,000
Model Toxics Control Operating Account—State Appropriation	\$596,000
Fingerprint Identification Account—State Appropriation	\$13,417,000
<b>TOTAL APPROPRIATION</b>	<b>\$219,381,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,000,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(2) \$136,000 of the general fund—state appropriation for fiscal year 2024 and \$182,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1638 (state trooper recruitment). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(3) \$129,000 of the general fund—state appropriation for fiscal year 2024 and \$118,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1169 (legal financial obligations). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(4) \$20,000 of the fingerprint identification account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1452 (medical reserve corps). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(5) \$16,000 of the general fund—state appropriation for fiscal year 2024 and \$15,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1179 (nonconviction data/auditor). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(6) \$26,000 of the fingerprint identification account—state appropriation is provided solely for implementation of Substitute House Bill No. 1069 (mental health counselor compensation). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(7) \$500,000 of the disaster response account—state appropriation, is provided solely to continue a pilot project for the early deployment or prepositioning of Washington state fire service resources in advance of an expected mobilization event. Any authorization for the deployment of resources under this section must be authorized in accordance with section 6 of the Washington state fire services resource mobilization plan.

(End of part)

**PART V  
EDUCATION**

**NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

General Fund—State Appropriation (FY 2024)	\$39,539,000
General Fund—State Appropriation (FY 2025)	\$60,795,000
General Fund—Federal Appropriation	\$107,169,000
General Fund—Private/Local Appropriation	\$8,070,000
Dedicated Cannabis Account—State Appropriation (FY 2024)	\$592,000
Dedicated Cannabis Account—State Appropriation (FY 2025)	\$610,000
Washington Opportunity Pathways Account—State Appropriation	\$8,417,000
Performance Audits of Government Account—State Appropriation	\$213,000

Workforce Education Investment Account—State	
Appropriation. . . . .	\$8,932,000
Elementary and Secondary School Emergency Relief III	
Account—Federal Appropriation. . . . .	\$6,505,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$240,842,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) BASE OPERATIONS AND EXPENSES OF THE OFFICE

(a) \$19,445,000 of the general fund—state appropriation for fiscal year 2024 and \$19,428,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) By October 31st of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in section 501, chapter 415, Laws of 2019 and sections 515 and 522, chapter 334, Laws of 2021. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(iii) Districts shall annually report to the office of the superintendent of public instruction on: (A) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (B) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(iv) The office of the superintendent of public instruction shall integrate climate change content into the Washington state learning standards across subject areas and grade levels. The office shall develop materials and resources that accompany the updated learning standards that encourage school districts to develop interdisciplinary units focused on climate change that include authentic learning experiences, that integrate a range of perspectives, and that are action oriented.

(v) Within the amounts provided in this subsection (1)(a), sufficient funding is provided for the office to conduct an analysis of child nutrition staffing. The department may contract with a third party to complete the work required in this subsection but must consult with appropriate labor groups. The agency must submit a report summarizing key findings and recommendations to the governor and the legislature by December 1, 2023. The report must consider:

(A) Best practices for staffing models, including a description of how staffing needs in school nutrition programs have changed as schools move to universal free meals;

(B) Cost of labor, salary schedules, hours, and benefits; and

(C) An analysis of workforce needs, including identification of hard to recruit or retain positions and strategies to address those workforce needs, including additional compensation to attract and retain school nutrition staff in school districts with fewer resources from combined state and local dollars per student.

(b) \$494,000 of the general fund—state appropriation for fiscal year 2024 and \$494,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(c) \$61,000 of the general fund—state appropriation for fiscal year 2024 and \$61,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(d) \$96,000 of the general fund—state appropriation for fiscal year 2024 and \$96,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(e) \$273,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(f) \$123,000 of the general fund—state appropriation for fiscal year 2024 and \$123,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(g) The office of the superintendent of public instruction shall perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and

legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(h) \$1,060,000 of the general fund—state appropriation for fiscal year 2024 and \$1,060,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government. The professional development must be done in collaboration with school district administrators and school directors. Funding in this subsection is sufficient for the office, the Washington state school directors' association government-to-government task force, and the association of educational service districts to collaborate with the tribal leaders congress on education to develop a tribal consultation training and schedule. Of the amounts provided in this subsection: \$525,000 of the general fund—state appropriation for fiscal year 2024 and \$525,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of native education to convene a work group to develop the supports necessary to serve American Indian and Alaska Native students identified as needing additional literacy supports. The work group must include representation from Washington's federally recognized tribes and federally recognized tribes with reserved treaty rights in Washington. The work group must conduct tribal consultations, develop best practices, engage in professional learning, and develop curricula and resources that may be provided to school districts and state-tribal education compact schools to serve American Indian and Alaska Native students with appropriate, culturally affirming literacy supports.

(i) \$481,000 of the general fund—state appropriation for fiscal year 2024 and \$481,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(j) Districts shall report to the office the results of each collective bargaining agreement for certificated staff within their district using a uniform template as required by the superintendent, within thirty days of finalizing contracts. The data must include but is not limited to: Minimum and maximum base salaries, supplemental salary information, and average percent increase for all certificated instructional staff. Within existing resources by December 1st of each year, the office shall produce a report for the legislative evaluation and accountability program committee summarizing the district level collective bargaining agreement data.

(k) \$3,524,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for administrative costs related to the management of federal funds provided for COVID-19 response and other emergency needs.

#### (2) DATA SYSTEMS

(a) \$1,802,000 of the general fund—state appropriation for fiscal year 2024 and \$1,802,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(b) \$281,000 of the general fund—state appropriation for fiscal year 2024 and \$281,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) \$450,000 of the general fund—state appropriation for fiscal year 2024 and \$450,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

#### (3) WORK GROUPS

(a) \$68,000 of the general fund—state appropriation for fiscal year 2024 and \$68,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1013 (regional apprenticeship prgs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(b) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(c) \$118,000 of the general fund—state appropriation for fiscal year 2024 and \$118,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 75, Laws of 2018 (dyslexia).

(d) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 386, Laws of 2019 (social emotional learning).

(e) \$107,000 of the general fund—state appropriation for fiscal year 2024 and \$107,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to support the children and youth behavioral health work group created in chapter 130, Laws of 2020 (child. mental health wk. grp).

(4) STATEWIDE PROGRAMS

(a) \$2,590,000 of the general fund—state appropriation for fiscal year 2024 and \$2,590,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(b) \$703,000 of the general fund—state appropriation for fiscal year 2024 and \$703,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 72, Laws of 2016 (educational opportunity gap).

(c) \$950,000 of the general fund—state appropriation for fiscal year 2024 and \$950,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(d) \$457,000 of the general fund—state appropriation for fiscal year 2024 and \$260,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for chapter 102, Laws of 2014 (biliteracy seal). Of the amounts provided in this subsection:

(i) \$197,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office to develop and establish criteria for school districts to award the seal of biliteracy to graduating high school students.

(ii) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to provide students with access to methods for students to demonstrate proficiency in less commonly taught or assessed languages.

(e)(i) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for school bullying and harassment prevention activities.

(ii) \$15,000 of the general fund—state appropriation for fiscal year 2024 and \$15,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 240, Laws of 2016 (school safety).

(iii) \$570,000 of the general fund—state appropriation for fiscal year 2024 and \$570,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to provide statewide support and coordination for the regional network of behavioral health, school safety, and threat assessment established in chapter 333, Laws of 2019 (school safety and well-being).

(iv) \$196,000 of the general fund—state appropriation for fiscal year 2024 and \$196,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the school safety center within the office of the superintendent of public instruction.

(A) Within the amounts provided in this subsection (4)(e)(iv), \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a school safety program to provide school safety training for all school administrators and school safety personnel. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety.

(B) Within the amounts provided in this subsection (4)(e)(iv), \$96,000 of the general fund—state appropriation for fiscal year 2024 and \$96,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for administration of the school safety center. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information web site.

(f)(i) \$162,000 of the general fund—state appropriation for fiscal year 2024 and \$162,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for youth suicide prevention activities.

(ii) \$76,000 of the general fund—state appropriation for fiscal year 2024 and \$76,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 64, Laws of 2018 (sexual abuse of students).

(g)(i) \$280,000 of the general fund—state appropriation for fiscal year 2024, \$280,000 of the general fund—state appropriation for fiscal year 2025, and \$1,202,000 of the dedicated cannabis account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges

statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, \$592,000 of the dedicated cannabis account—state appropriation for fiscal year 2024 and \$610,000 of the dedicated cannabis account—state appropriation for fiscal year 2025 are provided solely for the building bridges statewide program.

(ii) \$293,000 of the general fund—state appropriation for fiscal year 2024 and \$293,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(iii) \$178,000 of the general fund—state appropriation for fiscal year 2024 and \$178,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 291, Laws of 2017 (truancy reduction efforts).

(h) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

(i) \$358,000 of the general fund—state appropriation for fiscal year 2024 and \$358,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of chapter 221, Laws of 2019 (CTE course equivalencies).

(j) \$196,000 of the general fund—state appropriation for fiscal year 2024 and \$196,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of chapter 252, Laws of 2019 (high school graduation reqs.).

(k) \$60,000 of the general fund—state appropriation for fiscal year 2024, \$60,000 of the general fund—state appropriation for fiscal year 2025, and \$680,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply). Of the amounts provided in this subsection, \$680,000 of the general fund—federal appropriation is provided solely for title II SEA state-level activities to implement section 103, chapter 295, Laws of 2019 relating to the regional recruiters program.

(l) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a tribal liaison at the office of the superintendent of public instruction to facilitate access to and support enrollment in career connected learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

(m) \$57,000 of the general fund—state appropriation for fiscal year 2024 and \$57,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 288, Laws of 2020 (school meals at no cost).

(n) \$269,000 of the general fund—state appropriation for fiscal year 2024 and \$142,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 353, Laws of 2020 (innovative learning pilot).

(o) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to provide statewide coordination towards multicultural, culturally responsive, and anti-racist education to support academically, socially, and culturally literate learners. The office must engage community members and key interested parties to:

(i) Develop a clear definition and framework for African American studies to guide instruction in grades seven through twelve;

(ii) Develop a plan for aligning African American studies across all content areas; and

(iii) Identify professional development opportunities for educators and administrators to build capacity in creating high-quality learning environments centered in belonging and racial equity, anti-racist approaches, and asset-based methodologies that pull from all students' cultural funds of knowledge.

(p) \$49,000 of the general fund—state appropriation for fiscal year 2024 and \$49,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 38, Laws of 2021 (K-12 safety & security serv.).

(q) \$135,000 of the general fund—state appropriation for fiscal year 2024 and \$135,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 111, Laws of 2021 (learning assistance program).

(r) \$1,152,000 of the general fund—state appropriation for fiscal year 2024 and \$1,157,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 164, Laws of 2021 (institutional ed./release).

(s) \$553,000 of the general fund—state appropriation for fiscal year 2024 and \$553,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to develop and implement a mathematics pathways pilot to modernize algebra II. The office should use research and engage stakeholders to develop a revised and expanded course.

(t) \$367,000 of the general fund—state appropriation for fiscal year 2024, \$3,348,000 of the general fund—state appropriation for fiscal year 2025, and \$2,981,000 of the elementary and secondary school emergency relief III account—federal appropriation are provided solely for implementation of chapter 107, Laws of 2022 (language access in schools).

(u) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the superintendent to establish a media literacy and digital citizenship ambassador program to promote the integration of media literacy and digital citizenship instruction.

(v) \$294,000 of the general fund—state appropriation for fiscal year 2024 and \$294,000 of the general fund—state appropriation for fiscal year 2025 provided solely for implementation of chapter 9, Laws of 2022 (school consultation/tribes).

(w) \$50,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office to consult with one or two public high schools that offer established courses in the early childhood development and services career pathway and develop model materials that may be employed by other school districts with an interest in establishing or expanding similar instructional offerings to students. The model materials must be developed by January 1, 2024.

(x) \$62,000 of the general fund—state appropriation for fiscal year 2024 and \$62,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the creation of a deliberative democratic climate change education program in public high schools based on the Washington student climate assembly pilot program. The office must use the funding to develop and promote a full curriculum for student climate assemblies that can be replicated in public high schools across the state and to fund a part-time statewide coordinator position to oversee program outreach and implementation. By January 1, 2025, the office must collect and evaluate feedback from teachers, students, local government employees, and elected officials participating in the pilot program and report to the legislature on options to improve, expand, and extend the program.

(y) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to contract with a nongovernmental agency to coordinate and serve as a fiscal agent and to cover direct costs of the project education impact workgroup to achieve educational parity for students experiencing foster care and/or homelessness, consistent with chapter 233, Laws of 2020. The office must contract with a nongovernmental agency with experience coordinating administrative and fiscal support for project education impact.

(z) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to contract with a community-based youth development nonprofit organization for a pilot program to provide behavioral health support for youth and trauma-informed, culturally responsive staff training.

(aa) \$533,000 of the general fund—state appropriation for fiscal year 2024 and \$198,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to conduct a cost analysis and feasibility study on the development of an online high school and beyond plan platform. The office must submit the analysis and feasibility study to the governor and the education policy and fiscal committees of the legislature by September 1, 2024.

(bb) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office to contract for a feasibility study for the creation of a maritime academy on the Olympic peninsula. The study must include the scope, location, design, and budget for the construction of the maritime academy. The study must include plans to address systems, policies, and practices that address disparities of historically marginalized communities in the maritime industry. A preliminary report is due to the legislature by December 1, 2023, with the final feasibility study due to the legislature by June 3, 2024. Funding provided in this subsection may be matched by a nonprofit organization that provides students with accredited career and technical education for maritime vessel operations and maritime curriculum to high schools in Jefferson, Clallam, Kitsap, King, Mason, Pierce, Island, and Snohomish counties.

(cc) \$74,000 of the general fund—state appropriation for fiscal year 2024 and \$69,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1701 (institutional ed. programs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(dd) \$141,000 of the general fund—state appropriation for fiscal year 2024 and \$130,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1308 (graduation pathway options). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(ee) \$525,000 of the general fund—state appropriation for fiscal year 2024 and \$525,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1332 (tribes/K-12 instruction). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse. Of the amounts provided in this subsection, \$250,000 in fiscal year 2024 and \$250,000 in fiscal year 2025 are provided solely for grants to school districts.

(ff) \$73,000 of the general fund—state appropriation for fiscal year 2024 and \$72,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1346 (purple star award). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(gg) \$228,000 of the general fund—state appropriation for fiscal year 2024 and \$14,772,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1479 (student restraint, isolation). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse. The legislature may consider future funding for school districts based on the staff professional development plans and timelines submitted to the office by January 30, 2024, as required under the bill.

(hh) \$563,000 of the general fund—state appropriation for fiscal year 2024 and \$5,363,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1565 (prof. education workforce). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse. Funding in this subsection is sufficient to support five teacher residency cohorts with 17 residents per cohort.

(ii) \$419,000 of the general fund—state appropriation for fiscal year 2024 and \$238,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1550 (transition to kindergarten). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(jj) \$8,144,000 of the Washington state opportunity pathways account—state appropriation is provided solely for support to small school districts and public schools receiving allocations under chapters 28A.710 and 28A.715 RCW that have less than 800 enrolled students, are located in urban or suburban areas, and budgeted for less than \$20,000 per pupil in general fund expenditures in the 2022-23 school year. For eligible school districts and schools, the superintendent of public instruction must allocate an amount equal to the lesser of amount 1 or amount 2, as provided in (jj)(i) and (ii) of this subsection, multiplied by the school district or school's budgeted enrollment in the 2022-23 school year.

(i) Amount 1 is \$1,550.

(ii) Amount 2 is \$20,000 minus the school district or school's budgeted general fund expenditures per pupil in the 2022-23 school year.

(5) CAREER CONNECTED LEARNING

(a) \$852,000 of the workforce education investment account—state appropriation is provided solely for expanding career connected learning as provided in RCW 28C.30.020.

(b) \$960,000 of the workforce education investment account—state appropriation is provided solely for increasing the funding per full-time equivalent for career launch programs as described in RCW 28A.700.130. In the 2023-2025 fiscal biennium, for career launch enrollment exceeding the funding provided in this subsection, funding is provided in section 504 of this act.

(c) \$3,600,000 of the workforce education investment account—state appropriation is provided solely for the office of the superintendent of public instruction to administer grants to skill centers for nursing programs to purchase or upgrade simulation laboratory equipment.

(d) \$3,500,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1013 (regional apprenticeship prgs). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 502. FOR THE STATE BOARD OF EDUCATION**

General Fund—State Appropriation (FY 2024)	\$3,907,000
General Fund—State Appropriation (FY 2025)	\$6,605,000
Washington Opportunity Pathways Account—State Appropriation	\$332,000
<b>TOTAL APPROPRIATION</b>	<b>\$10,844,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,798,000 of the general fund—state appropriation for fiscal year 2024 and \$1,798,000 of the general fund—state appropriation for fiscal year 2025 are for the operation and expenses of the state board of education.

(2) \$2,109,000 of the general fund—state appropriation for fiscal year 2024 and \$4,807,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to the state board of education for implementation of mastery-based learning in school district demonstration sites. The state board of education shall require grant recipients to report on impacts and participate in a collaborative to share best practices. The funds must be used for grants to school districts, charter schools, or state tribal education compact schools established under chapter 28A.715 RCW; professional development of educators; development of a resource suite for school districts statewide; evaluation of the demonstration project; implementation and policy support provided by the state board of education and other partners; and a report outlining findings and recommendations to the governor and education committees of the legislature by December 31, 2025. Grants for mastery-based learning may be made in partnership with private matching funds.

**NEW SECTION. Sec. 503. FOR THE PROFESSIONAL EDUCATOR STANDARDS BOARD**

General Fund—State Appropriation (FY 2024)	\$22,626,000
General Fund—State Appropriation (FY 2025)	\$22,538,000
<b>TOTAL APPROPRIATION</b>	<b>\$45,164,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,831,000 of the general fund—state appropriation for fiscal year 2024 and \$1,831,000 of the general fund—state appropriation for fiscal year 2025 are for the operation and expenses of the Washington professional educator standards board including implementation of chapter 172, Laws of 2017 (educator prep. data/PESB).

(2) (a) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to improve preservice teacher training and funding of alternate routes to certification programs administered by the professional educator standards board.

(b) Within the amounts provided in this subsection (2), up to \$500,000 of the general fund—state appropriation for fiscal year 2024 and up to \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to public or private colleges of education in Washington state to develop models and share best practices for increasing the classroom teaching experience of preservice training programs.

(3) \$1,005,000 of the general fund—state appropriation for fiscal year 2024 and \$1,001,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the recruiting Washington teachers program with priority given to programs that support bilingual teachers, teachers from populations that are underrepresented, and English language learners. Of the amounts provided in this subsection (3), \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation and expansion of the bilingual educator initiative pilot project established under RCW 28A.180.120.

(4) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply).

(5) \$17,535,000 of the general fund—state appropriation for fiscal year 2024 and \$17,535,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators). Of the amounts provided in this subsection: \$16,873,000 of the general fund—state appropriation for fiscal year 2024 and \$16,873,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to districts to provide two days of training per school year in the paraeducator certificate program to all paraeducators. Funds in this subsection are provided solely for reimbursement to school districts that provide paraeducators with two days of training in the paraeducator certificate program in each of the 2022-23 and 2023-24 school years. Funding provided in this subsection is sufficient for new paraeducators to receive four days of training in the paraeducator certificate program during their first year.

(6) \$85,000 of the general fund—state appropriation for fiscal year 2024 and \$28,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the board to review national certification opportunities for educational staff associates through the relevant national associations for their profession and through the national board for professional teaching standards. The board must compare the standards and processes for achieving these certifications, including an analysis of how educational staff associate positions' national certification aligns with school roles and the professional expertise of school-based education staff associates. The board must submit the comparison report to the education committees of the legislature by October 1, 2024.

(7) \$147,000 of the general fund—state appropriation for fiscal year 2024 and \$158,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1009 (military spouse employment). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(8) \$15,000 of the general fund—state appropriation for fiscal year 2024 and \$13,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1113 (prof. educator reprimands). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(9) \$179,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1377 (continuing education/K-12). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(10) \$1,008,000 of the general fund—state appropriation for fiscal year 2024 and \$1,072,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1565 (prof. education workforce). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(11) \$71,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the professional educator standards board and the paraeducator board to collaborate with the office of the superintendent of public instruction to report on a plan to align bilingual education and English language learner endorsement standards and to determine language assessment requirements for multilingual teachers and paraeducators. The report is due to the legislature by September 1, 2023.



General Fund—State Appropriation (FY 2024) . . . . .	\$9,963,542,000
General Fund—State Appropriation (FY 2025) . . . . .	\$10,078,427,000
General Fund—Federal Appropriation . . . . .	\$41,848,000
Education Legacy Trust Account—State Appropriation . . . . .	\$1,538,730,000
Elementary and Secondary School Emergency Relief III Account—Federal Appropriation . . . . .	\$20,000,000
Workforce Education Investment Account—State Appropriation . . . . .	\$19,145,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$21,661,692,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2023-24 and 2024-25 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 504 and 505 of this act, excluding (c) of this subsection.

(c) From July 1, 2023, to August 31, 2023, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 504 and 505, chapter 297, Laws of 2022, as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2023-24 and 2024-25 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2023-24 and 2024-25 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school, including those at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:

Grade	RCW 28A.150.260	2023-24 School Year	2024-25 School Year
Grade K		17.00	17.00
Grade 1		17.00	17.00
Grade 2		17.00	17.00
Grade 3		17.00	17.00
Grade 4		27.00	27.00
Grades 5-6		27.00	27.00
Grades 7-8		28.53	28.53
Grades 9-12		28.74	28.74

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 19. Certificated instructional staff units provided for skills centers that exceed the minimum requirements of RCW 28A.150.260 achieve class size reductions under RCW 28A.400.007 and are part of the state's program of basic education.

(ii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iii) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260, as amended by chapter 109, Laws of 2022, and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii)(A) For qualifying high-poverty schools in the 2023-24 school year, at which more than 50 percent of the students were eligible for free and reduced-price meals in the prior school year, in addition to the allocation under (d)(i) of this subsection, the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school as follows:

	Elementary	Middle	High
Guidance counselors	0.167	0.167	0.157

(B) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2023-24 School Year	2024-25 School Year
Career and Technical Education	3.65	3.91
Skill Center	3.98	4.25

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2023-24 and 2024-25 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistant principals, and other certificated building level administrators:

Prototypical School Building:

Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors:

Career and Technical Education students. . . . .	1.025
Skill Center students. . . . .	1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2023-24 and 2024-25 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2023-24 and 2024-25 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.48 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 12.30 percent in the 2023-24 school year and 12.46 percent in the 2024-25 school year for career and technical education students, and 17.63 percent in the 2023-24 school year and 17.80 percent in the 2024-25 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 22.98 percent in the 2023-24 school year and 17.23 percent in the 2024-25 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 22.94 percent in the 2023-24 school year and 22.94 percent in the 2024-25 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on the number of benefit units determined as follows: Except for nonrepresented employees of educational service districts, the number of calculated benefit units determined below. Calculated benefit units are staff units multiplied by the benefit allocation factors established in the collective bargaining agreement referenced in section 911 of this act. These factors are intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent employees may be calculated on the basis of 630 hours of work per year, with no individual employee counted as more than one full-time equivalent. The number of benefit units is determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section multiplied by 1.02; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.43.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2023-24 School Year	2024-25 School Year
Technology	\$178.98	\$182.72
Utilities and Insurance	\$416.26	\$425.01
Curriculum and Textbooks	\$164.48	\$167.94
Other Supplies	\$326.54	\$333.40
Library Materials	\$22.65	\$23.13
Instructional Professional Development for Certificated and Classified Staff	\$25.44	\$25.97
Facilities Maintenance	\$206.22	\$210.55
Security and Central Office	\$142.87	\$145.87
TOTAL MSOC/STUDENT FTE	\$1,483.44	\$1,514.59

(ii) For the 2023-24 school year and 2024-25 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school

district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(iii) Within the amount provided in (a)(i) of this subsection (8), allocations for MSOC technology in excess of RCW 28A.150.260 are not part of the state's basic education.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,724.62 for the 2023-24 school year and \$1,760.84 for the 2024-25 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,724.62 for the 2023-24 school year and \$1,760.84 for the 2024-25 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2023-24 School Year	2024-25 School Year
Technology	\$44.04	\$44.97
Curriculum and Textbooks	\$48.06	\$49.06
Other Supplies	\$94.07	\$96.04
Library Materials	\$6.05	\$6.18
Instructional Professional Development for Certified and Classified Staff	\$8.01	\$8.18
TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE	\$200.23	\$204.43

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2023-24 and 2024-25 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2023, to August 31, 2023, are adjusted to reflect provisions of chapter 297, Laws of 2022, as amended (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

(12) ALL DAY KINDERGARTEN PROGRAMS

\$734,619,000 of the general fund—state appropriation for fiscal year 2024 and \$885,714,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to fund all day kindergarten programs in all schools in the 2023-24 school year and 2024-25 school year, pursuant to RCW 28A.150.220 and 28A.150.315. Beginning in the 2024-25 school year, funding for students admitted early to kindergarten under exceptions to the uniform entry qualifications under RCW 28A.225.160 must be limited to children deemed by the local educational service district, using multiple objective criteria, to be likely to be "successful in kindergarten."

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2024 and 2025 as follows:

(a) \$650,000 of the general fund—state appropriation for fiscal year 2024 and \$650,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund—state appropriation for fiscal year 2024 and \$436,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-

work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Funding in this section is sufficient to fund a maximum of 1.2 FTE enrollment for career launch students pursuant to RCW 28A.700.130. Expenditures for this purpose must come first from the appropriations provided in section 501(5) of this act; funding for career launch enrollment exceeding those appropriations is provided in this section. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by January 1, 2024. The report must include the total FTE enrollment for career launch students, the FTE enrollment for career launch students that exceeded the appropriations provided in section 501(5) of this act, and the amount expended from this section for those students.

(18) (a) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.6 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.6 FTE, the office of the superintendent of public instruction:

(i) Must adopt rules to fund the participating student's enrollment in running start courses provided by the institution of higher education during the summer academic term; and

(ii) May average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and the institution of higher education.

(iii) In consultation with the state board for community and technical colleges, the participating institutions of higher education, the student achievement council, and the education data center, must annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(b) Within the amounts appropriated in this section, sufficient funds are provided to implement Second Substitute House Bill No. 1316 (dual credit program access).

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (13) of this section shall be reduced in increments of twenty percent per year.

(20) (a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2023-2025 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

(22) \$41,848,000 of the general fund—federal appropriation (CRRSA/GEER) and \$20,000,000 of the elementary and secondary school emergency relief III account—federal appropriation are provided solely for enrollment funding for transitional kindergarten as defined in Second Substitute House Bill No. 1550 (transition to kindergarten) in the 2023-24 school year. Enrollment funding for transitional kindergarten is not part of the state's statutory program of basic education. The superintendent shall not allocate funding for enrollment in transitional kindergarten in the 2024-25 school year.

**NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.260, and under section 504 of this act: For the 2023-24 school year and the 2024-25 school year salary allocations for certificated instructional staff, certificated administrative staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

Statewide Minimum Salary Allocation

Staff Type	2023-24 School Year	2024-25 School Year
Certificated Instructional	\$75,419	\$78,360
Certificated Administrative	\$111,950	\$116,316
Classified	\$54,103	\$56,213

(2) For the purposes of this section, "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on March 24, 2023, at 6:09 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 22.34 percent for school year 2023-24 and 16.59 percent for school year 2024-25 for certificated instructional and certificated administrative staff and 19.44 percent for school year 2023-24 and 19.44 percent for the 2024-25 school year for classified staff.

(4) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW 28A.400.200, as amended by chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education).

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund—State Appropriation (FY 2024)	\$418,501,000
General Fund—State Appropriation (FY 2025)	\$895,637,000
Workforce Education Investment Account—State Appropriation	\$537,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,314,675,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The salary increases provided in this section are 3.7 percent for the 2023-24 school year, and 3.9 percent for the 2024-25 school year, the annual inflationary adjustments pursuant to RCW 28A.400.205.

(2) (a) In addition to salary allocations, the appropriations in this section include funding for professional learning as defined in RCW 28A.415.430, 28A.415.432, and 28A.415.434. Funding for this purpose is calculated as the equivalent of three days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

(b) Of the funding provided for professional learning in this section, the equivalent of one day of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in the 2023-24 school year must be used to train school district staff on cultural competency, diversity, equity, or inclusion, as required in chapter 197, Laws of 2021.

(3) (a) The appropriations in this section include associated incremental fringe benefit allocations at 22.34 percent for the 2023-24 school year and 16.59 percent for the 2024-25 school year for certificated instructional and certificated administrative staff and 19.44 percent for the 2023-24 school year and 19.44 percent for the 2024-25 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in sections 504 and 505 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 504 and 505 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 504, 505, and 506 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

(4) The appropriations in this section are sufficient to fund the collective bargaining agreement referenced in section 911 of this act and reflect the incremental change in cost of allocating rates as follows: For the 2023-24 school year, \$1,116 per month and for the 2024-25 school year, \$1,178 per month.

(5) When bargaining for funding for school employees health benefits for the 2023-2025 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group

health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(6) The rates specified in this section are subject to revision each year by the legislature.

(7) \$1,723,000 of the general fund—state appropriation for fiscal year 2024 and \$5,125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1436 (special education funding). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(8) \$46,648,000 of the general fund—state appropriation for fiscal year 2024 and \$211,674,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1732 (K-12 inflation adjustments). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund—State Appropriation (FY 2024) . . . . .	\$750,749,000
General Fund—State Appropriation (FY 2025) . . . . .	\$749,332,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$1,500,081,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) (a) For the 2023-24 and 2024-25 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2023, to August 31, 2023, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 507, chapter 297, Laws of 2022, as amended.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2024 and up to \$10,000,000 of the general fund—state appropriation for fiscal year 2025 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$939,000 of the general fund—state appropriation for fiscal year 2024 and a maximum of \$939,000 of the general fund—state appropriation for fiscal year 2025 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) Subject to available funds under this section, school districts may provide student transportation for summer skills center programs.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(8) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(9) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

**NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL FOOD SERVICES**

General Fund—State Appropriation (FY 2024) . . . . .	\$40,760,000
General Fund—State Appropriation (FY 2025) . . . . .	\$79,857,000
General Fund—Federal Appropriation . . . . .	\$565,678,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$686,295,000</b>

The appropriations in this section are subject to the following conditions and limitations:



(1) \$11,548,000 of the general fund—state appropriation for fiscal year 2024 and \$11,548,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades pre-kindergarten through twelfth grades who are eligible for reduced-price lunch as required in chapter 74, Laws of 2021 (reduced-price lunch copays);

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced-price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

(2) The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in subsection (1) (a) through (c) of this section.

(3) The superintendent of public instruction shall provide the department of health with the following data, where available, for all nutrition assistance programs that are funded by the United States department of agriculture and administered by the office of the superintendent of public instruction. The superintendent must provide the report for the preceding federal fiscal year by February 1, 2024, and February 1, 2025. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(4) (a) \$21,167,000 of the general fund—state appropriation for fiscal year 2024, \$28,500,000 of the general fund—federal appropriation (CRRSA), and \$52,167,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for reimbursements to school districts for schools and groups of schools required to participate in the federal community eligibility program under section 1, chapter 7, Laws of 2022 (schools/comm. eligibility) for meals not reimbursed at the federal free meal rate.

(b) \$119,000 of the general fund—state appropriation for fiscal year 2024 and \$119,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 271, Laws of 2018 (school meal payment) to increase the number of schools participating in the federal community eligibility program and to support breakfast after the bell programs authorized by the legislature that have adopted the community eligibility provision, and for staff at the office of the superintendent of public instruction to implement section 1, chapter 7, Laws of 2022 (schools/comm. eligibility).

(5) \$7,426,000 of the general fund—state appropriation for fiscal year 2024 and \$16,023,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1238 (free school meals). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2024) . . . . .	\$1,604,313,000
General Fund—State Appropriation (FY 2025) . . . . .	\$1,686,922,000
General Fund—Federal Appropriation . . . . .	\$529,429,000
Education Legacy Trust Account—State Appropriation . . . . .	\$54,694,000
Elementary and Secondary School Emergency Relief III Account—Federal Appropriation . . . . .	\$67,042,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$3,942,400,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 504 and 506 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2) (a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.
- (b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting as follows:
- (i) Through the 2023-24 school year, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.
- (ii) Beginning in the 2024-25 school year, as required under section 4 of Engrossed Substitute House Bill No. 1436 (special education funding).
- (3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (4)(a) For the 2023-24 and 2024-25 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390, except that the calculation of the base allocation also includes allocations provided under section 504(2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.
- (b) From July 1, 2023, to August 31, 2023, the superintendent shall allocate funding to school district programs for special education students as provided in section 509, chapter 297, Laws of 2022, as amended.
- (5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be:
- (i) In the 2023-24 school year, the lesser of the district's actual enrollment percent or 14 percent.
- (ii) In the 2024-25 school year, the lesser of the district's actual enrollment percent or 14.5 percent.
- (6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.
- (7) \$106,931,000 of the general fund—state appropriation for fiscal year 2024, \$106,931,000 of the general fund—state appropriation for fiscal year 2025, and \$7,807,000 of the elementary and secondary school emergency relief III account—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.
- (a) For the 2023-24 and 2024-25 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (education).
- (b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.
- (8) A maximum of \$1,250,000 may be expended from the general fund—state appropriations to fund teachers and aides at Seattle children's hospital. This amount is in lieu of money provided through the home and hospital allocation and the special education program.
- (9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.
- (10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.
- (11) \$87,000 of the general fund—state appropriation for fiscal year 2024, \$87,000 of the general fund—state appropriation for fiscal year 2025, and \$214,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.
- (12) \$7,000,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for the office of the superintendent of public instruction to provide an allocation to school districts for extension of transition services for students with disabilities who turned age 21 during the 2013-24 or 2024-25 school years, did not graduate with a regular diploma, and require recovery services on or after July 1, 2021, as determined by the student's individualized education plan team. The extension of these services does not reduce or supplant any other services for which the individual would

be eligible. Allocations for this purpose may not exceed the amounts provided in this subsection. The office of the superintendent of public instruction may adopt formulas and procedures to define a per-student amount to be provided to students that meet the criteria, so that allocations do not exceed amounts provided in this subsection. Amounts provided in this subsection are outside the state's program of basic education.

(13) (a) \$13,538,000 of the general fund—federal appropriation (ARPA) is provided solely for allocations from federal funding as authorized in section 2014, the American rescue plan act of 2021, P.L. 117-2.

(b) \$1,777,000 of the general fund—federal appropriation (ARPA) is provided solely for providing preschool services to qualifying special education students under section 619 of the federal individuals with disabilities education act, pursuant to section 2002, the American rescue plan act of 2021, P.L. 117-2.

(14) \$5,000,000 of the general fund—state appropriation for fiscal year 2025 and \$5,000,000 of the elementary and secondary school emergency relief III account—federal appropriation are provided solely for the office of the superintendent of public instruction to support professional development in inclusionary practices for classroom teachers as required in Engrossed Substitute House Bill No. 1436 (special education funding). The primary form of support to public school classroom teachers must be for mentors who are experts in best practices for inclusive education, differentiated instruction, and individualized instruction. Funding for mentors must be prioritized to the public schools with the highest percentage of students with individualized education programs aged three through 21 who spend the least amount of time in general education classrooms.

(15) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for reimbursements for initial special education evaluations and individualized education programs during summer months under Substitute House Bill No. 1109 (special education funding). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(16) \$47,235,000 of the elementary and secondary school emergency relief III account—federal appropriation and \$77,759,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for increases to the excess cost multiplier and the enrollment limit under Engrossed Substitute House Bill No. 1436 (special education funding). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund—State Appropriation (FY 2024) . . . . .	\$36,103,000
General Fund—State Appropriation (FY 2025) . . . . .	\$35,220,000
Elementary and Secondary School Emergency Relief III	
Account—Federal Appropriation . . . . .	\$5,000,000
Workforce Education Investment Account—State	
Appropriation . . . . .	\$2,700,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$79,023,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) Funding in this section is provided for regional professional development related to English language arts curriculum and instructional strategies aligned with common core state standards. Each educational service district shall use this funding solely for salary and benefits for certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(4) Funding in this section is provided for regional technical support for the K-20 telecommunications network to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(5) Funding in this section is provided for a corps of nurses located at the educational service districts, to be dispatched in coordination with the office of the superintendent of public instruction, to provide direct care to students, health education, and training for school staff. In fiscal years 2024 and 2025, allocations for the corps of nurses is sufficient to provide one day per week of nursing services for all second-class school districts.

(6) Funding in this section is provided for staff and support at the nine educational service districts to provide a network of support for school districts to develop and implement comprehensive suicide prevention and behavioral health supports for students.

(7) Funding in this section is provided for staff and support at the nine educational service districts to provide assistance to school districts with comprehensive safe schools planning, conducting needs assessments, school safety and security trainings, coordinating appropriate crisis and emergency response and recovery, and developing threat assessment and crisis intervention teams. In fiscal years 2024 and 2025, allocations for staff and support for regional safety centers are increased to 3 full-time equivalent certificated instructional staff for each regional safety center.

(8) Funding in this section is provided for regional English language arts coordinators to provide professional development of teachers and principals around the new early screening for dyslexia requirements.

(9) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

(10) \$2,169,000 of the general fund—state appropriation for fiscal year 2024 and \$2,169,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for each educational service district to provide technology consultation, procurement, and training required under chapter 301, Laws of 2021 (schools/computers & devices).

(11) \$1,009,000 of the general fund—state appropriation for fiscal year 2024 and \$1,009,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 87, Laws of 2022 (ed. service district funding).

(12) \$2,700,000 of the workforce education investment account—state appropriation is provided solely for the nine educational service districts for the cost of employing one full-time equivalent employee to support the expansion of career connected learning.

(13) \$325,000 of the general fund—state appropriation for fiscal year 2024 and \$325,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Puget Sound educational service district 121 to administer a Washington state capitol civic engagement grant program for the Auburn, Federal Way, Highline, Kent, Renton, and Tukwila public school districts. Grant recipients must use the grant awards to transport one grade of either fourth or fifth grade students to the Washington state capitol campus for a day of civic engagement, which may include a capitol tour, mock legislative committee hearings, presentations on the legislative process, meet and greets with legislative members, and other related activities. If funding remains after all eligible school districts have received grant awards, the remaining funding may be used to support the program for high school students within the eligible school districts. Of the amounts provided in this subsection, \$5,000 of the general fund—state appropriation for fiscal year 2024 and \$5,000 of the general fund—state appropriation for fiscal year 2025 are provided for the Puget Sound educational service district to administer the grant program.

(14) \$5,000,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely to continue behavioral health regional services grants to support school districts with the least access to behavioral health services.

(15) \$2,800,000 of the general fund—state appropriation for fiscal year 2024 and \$2,800,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the educational service districts to expand and maintain student behavioral health and mental health services.

(16) \$643,000 of the general fund—state appropriation for fiscal year 2024 and \$643,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for educational service districts 121 and 101 to coordinate with local mental health agencies and local school districts to arrange for in-school placements of social worker associates licensed under RCW 18.225.145 and masters in social work candidates enrolled in an accredited university program who commit to working as school social workers, and to coordinate clinical supervision for approved supervisors that meet the requirements as defined in rule by the department of health to provide the necessary supervision to the social worker associates and masters in social work candidates.

**NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE**

General Fund—State Appropriation (FY 2024)	\$235,469,000
General Fund—State Appropriation (FY 2025)	\$211,159,000
<b>TOTAL APPROPRIATION</b>	<b>\$446,628,000</b>

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2024)	\$15,163,000
General Fund—State Appropriation (FY 2025)	\$14,748,000
<b>TOTAL APPROPRIATION</b>	<b>\$29,911,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$701,000 of the general fund—state appropriation for fiscal year 2024 and \$701,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) Within the amounts provided in this section, funding is provided to increase the capacity of institutional education programs to differentiate instruction to meet students' unique educational needs, including students with individualized educational plans. Those needs may include but are not limited to one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility. Allocations of amounts for this purpose in a school year must be based on 45 percent of full-time enrollment in institutional education receiving a differentiated instruction amount per pupil equal to the total statewide allocation generated by the distribution formula under RCW 28A.150.260 (4) (a), (5), (6), and (8) and the allocation under RCW 28A.150.415, per the statewide full-time equivalent enrollment in common schools.

(7) \$200,000 of the general fund—state appropriation in fiscal year 2024 and \$200,000 of the general fund—state appropriation in fiscal year 2025 are provided solely to support two student records coordinators to manage the transmission of academic records for each of the long-term juvenile institutions. One coordinator is provided for each of the following: The Issaquah school district for the Echo Glen children's center and for the Chehalis school district for Green Hill academic school.

(8) Ten percent of the funds allocated for the institution may be carried over from one year to the next.

(9) \$588,000 of the general fund—state appropriation for fiscal year 2024 and \$897,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one educational advocate to each institution with enrollments above 40 full-time equivalent students in addition to any educational advocates supported by federal funding. Educational advocates will provide the following supports to students enrolled in or just released from institutional education programs:

(a) Advocacy for institutional education students to eliminate barriers to educational access and success;

(b) Consultation with juvenile rehabilitation staff to develop educational plans for and with participating youth;

(c) Monitoring educational progress of participating students;

(d) Providing participating students with school and local resources that may assist in educational access and success upon release from institutional education facilities; and

(e) Coaching students and caregivers to advocate for educational needs to be addressed at the school district upon return to the community.

(10) Within the amounts provided in this section, funding is provided to increase materials, supplies, and operating costs by \$85 per pupil for technology supports for institutional education programs. This funding is in addition to general education materials, supplies, and operating costs provided to institutional education programs, which exclude formula costs supported by the institutional facilities.

(11) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support instruction in cohorts of students grouped by similar age and academic levels.

**NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund—State Appropriation (FY 2024) . . . . .	\$34,328,000
General Fund—State Appropriation (FY 2025) . . . . .	\$33,180,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$67,508,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2023-24 and 2024-25 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 505 and 506 of this act.

(b) From July 1, 2023, to August 31, 2023, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 513, chapter 297, Laws of 2022, as amended.

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MISCELLANEOUS—EVERY STUDENT SUCCEEDS ACT**

General Fund—Federal Appropriation. . . . .	\$9,802,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$9,802,000</b>

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS**

General Fund—State Appropriation (FY 2024). . . . .	\$143,213,000
General Fund—State Appropriation (FY 2025). . . . .	\$141,642,000
General Fund—Federal Appropriation. . . . .	\$95,467,000
General Fund—Private/Local Appropriation. . . . .	\$1,450,000
Education Legacy Trust Account—State Appropriation. . . . .	\$1,648,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$383,420,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) ACCOUNTABILITY

(a) \$26,975,000 of the general fund—state appropriation for fiscal year 2024, \$26,975,000 of the general fund—state appropriation for fiscal year 2025, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(b) \$14,352,000 of the general fund—state appropriation for fiscal year 2024 and \$14,352,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 159, Laws of 2013 (K-12 education - failing schools).

(2) EDUCATOR CONTINUUM

(a) \$78,533,000 of the general fund—state appropriation for fiscal year 2024 and \$76,936,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$6,206 per teacher in the 2023-24 school year and a bonus of \$6,336 per teacher in the 2024-25 school year;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2023-24 and 2024-25 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after fully exhausting all years of candidacy as set by the national board for professional teaching standards are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(b) \$3,418,000 of the general fund—state appropriation for fiscal year 2024 and \$3,418,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(c) \$477,000 of the general fund—state appropriation for fiscal year 2024 and \$477,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$810,000 of the general fund—state appropriation for fiscal year 2024 and \$810,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, educational service districts, and others as the independent organization shall identify.

(e) \$12,500,000 of the general fund—state appropriation for fiscal year 2024 and \$12,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a beginning educator support program (BEST). The program shall prioritize first year educators in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning educator aligned with professional certification; release time for mentors and new educators to work together; and educator observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators. Of the amounts provided in this subsection, \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support first year educators in the mentoring program.

(f) \$4,000,000 of the general fund—state appropriation for fiscal year 2024 and \$4,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund—State Appropriation (FY 2024) . . . . .	\$243,792,000
General Fund—State Appropriation (FY 2025) . . . . .	\$237,141,000
General Fund—Federal Appropriation. . . . .	\$107,124,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$588,057,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2023-24 and 2024-25 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2023-24 and 2024-25; (ii) additional instruction of 3.0000 hours per week in school years 2023-24 and 2024-25 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 505 and 506 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2023, to August 31, 2023, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 516, chapter 297, Laws of 2022, as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: 1.69 percent for school year 2023-24 and 1.75 percent for school year 2024-25.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund—state appropriation for fiscal year 2024 and \$35,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to track current and former transitional bilingual program students.

(6) \$1,461,000 of the general fund—state appropriation in fiscal year 2024 and \$1,916,000 of the general fund—state appropriation in fiscal year 2025 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

**NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 2024) . . . . .	\$480,858,000
General Fund—State Appropriation (FY 2025) . . . . .	\$470,211,000
General Fund—Federal Appropriation . . . . .	\$533,487,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$1,484,556,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) (i) For the 2023-24 and 2024-25 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a). In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2023-24 and 2024-25 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2023-24 and 2024-25 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 505 and 506 of this act.

(ii) From July 1, 2023, to August 31, 2023, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 517, chapter 297, Laws of 2022, as amended.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the school year period defined under RCW 28A.150.260(10)(a). A school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2023-24 and 2024-25 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

**NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS**

Statewide Average Allocations		
Per Annual Average Full-Time Equivalent Student		
Basic Education Program	2023-24	2024-25
	School Year	School Year
General Apportionment	\$10,630	\$10,810
Pupil Transportation	\$722	\$746
Special Education Programs	\$11,620	\$11,897
Institutional Education Programs	\$27,798	\$27,865
Programs for Highly Capable Students	\$673	\$671
Transitional Bilingual Programs	\$1,615	\$1,586
Learning Assistance Program	\$1,047	\$1,044



**NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocation purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) When adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act.

(4) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(5) Appropriations in sections 504 and 506 of this act for insurance benefits under chapter 41.05 RCW are provided solely for the superintendent to allocate to districts for employee health benefits as provided in section 911 of this act. The superintendent may not allocate, and districts may not expend, these amounts for any other purpose beyond those authorized in section 911 of this act.

(6) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

**NEW SECTION. Sec. 520. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS**

Washington Opportunity Pathways Account—State	
Appropriation. . . . .	\$189,508,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$189,508,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

(2) \$429,000 of the Washington opportunity pathways account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1436 (special education funding). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(3) \$3,312,000 of the Washington opportunity pathways account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1732 (K-12 inflation adjustments). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 521. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION**

Washington Opportunity Pathways Account—State	
Appropriation. . . . .	\$23,000
Charter Schools Oversight Account—State	
Appropriation. . . . .	\$4,488,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$4,511,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

(2) \$28,000 of the charter schools oversight account—state appropriation is provided solely to the Washington state charter school commission to enable each charter school to participate in the governance training required under chapter 197, Laws of 2021 (schools/equity training).

(3) \$238,000 of the charter schools oversight account—state appropriation is provided solely for office of the attorney general legal services related to litigation challenging the commission's authority to oversee and regulate charter schools.

**NEW SECTION. Sec. 522. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GRANTS AND PASS THROUGH FUNDING**

General Fund—State Appropriation (FY 2024). . . . .	\$71,464,000
General Fund—State Appropriation (FY 2025). . . . .	\$81,346,000

General Fund—Federal Appropriation. . . . .	\$121,569,000
Elementary and Secondary School Emergency Relief III Account—Federal Appropriation. . . . .	\$836,297,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$1,110,676,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$29,000 of the general fund—state appropriation for fiscal year 2024 and \$29,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for global compensation changes.

(2) GRADUATION SUCCESS AND PREPARATION FOR POSTSECONDARY PATHWAYS

(a) \$4,894,000 of the general fund—state appropriation for fiscal year 2024 and \$4,894,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to administer programs and grants which increase equitable access to dual credit programs, including subsidizing or eliminating student costs for dual credit courses or exams. By November 2024, the office shall submit a report to relevant committees of the legislature describing options for entering into statewide agreements with dual credit exam companies that will reduce the overall costs for all students and eliminate costs for students who are low income.

(b) \$2,752,000 of the general fund—state appropriation for fiscal year 2024 and \$2,752,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, \$1,075,000 of the 2024 appropriation and \$1,075,000 of the 2025 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts provided in this subsection (2)(b), \$800,000 of the fiscal year 2024 appropriation and \$800,000 of the fiscal year 2025 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(c) \$135,000 of the general fund—state appropriation for fiscal year 2024 and \$135,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(d) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2024, a high school must have offered a foundational project lead the way course during the 2022-23 school year. The 2024 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2023-24 school year. To be eligible for funding in 2025, a high school must have offered a foundational project lead the way course during the 2023-24 school year. The 2025 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2024-25 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(e) \$2,627,000 of the general fund—state appropriation for fiscal year 2024 and \$2,627,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for annual startup, expansion, or maintenance of core plus programs in maritime, construction, and aerospace and advanced manufacturing programs. To be eligible for funding to start up, maintain, or expand programs under (i) through (iii) of this subsection (2)(e), the skills center, high schools, and middle schools must be selected through a competitive grant process administered by the office of the superintendent of public instruction in consultation with the advisory committee established in (vi) of this subsection (2)(e). The office and the education research and data center shall report annually student participation and long-term outcome data. Within the amounts provided in this subsection (2)(e):

(i) \$900,000 of the general fund—state appropriation for fiscal year 2024 and \$900,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in aerospace and advanced manufacturing programs.

(ii) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in construction programs.

(iii) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in maritime programs.

(iv) For (i) through (iii) of this subsection (2)(e), when the grant demand does not align with the specified allocation, the superintendent may allocate funding toward sector areas that meet criteria based on agreement from industry sector representatives.

(v) \$527,000 of the general fund—state appropriation for fiscal year 2024 and \$527,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to administer, evaluate, and promote programs under (i) through (iii) of this subsection (2)

(e) based on industry sector recommendations, including contracts with sector-specific entities to expand sector-specific employer engagement programs, increase work placement opportunities, validate credentials necessary for direct employment, and provide professional development to support schools, teachers, and students. Professional development must include pedagogy-based learning to increase English language arts, mathematics, and science outcomes through core plus programming.

(vi) The office shall collaborate with industry sector leadership from the core plus program areas and a representative from a statewide business and manufacturing association to inform the administration and continual improvement of core plus programs, review data and outcomes, recommend program improvements, ensure core plus programs reflect current industry competencies, and identify appropriate program credentials.

(f) \$4,940,000 of the general fund—state appropriation for fiscal year 2024 and \$4,940,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(g) \$1,454,000 of the general fund—state appropriation for fiscal year 2024 and \$1,454,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(h) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for an education and workforce pathway pilot program at the northwest career and technical academy. The pilot program will oversee a pathway including high schools, skills centers, community and technical colleges, and employers that results in students earning a high school diploma and an associate in technical arts degree, while maintaining summer employment.

(i) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to distribute after-exit running start grants to school districts that identify running start students that have exceeded maximum enrollment under running start formulas and high school graduates who have 15 or fewer college credits to earn before meeting associate degree requirements for instruction not funded under section 504(18) of this act. High school graduates who meet these requirements are eligible to receive funds from these grants for fees to the community and technical college to earn up to 15 college credits during the summer academic term following their high school graduation.

(j) \$25,000 of the general fund—state appropriation for fiscal year 2024 and \$25,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a skill center located in Vancouver, Washington to support the center's criminal justice and fire science programs.

(k) \$1,250,000 of the general fund—state appropriation for fiscal year 2024 and \$1,250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to conduct summer open doors pilots with up to 12 dropout reengagement programs to support summer programming. To select pilot participants, the office must prioritize schools and programs that work with postresident youth as defined in RCW 28A.190.005. Amounts provided in this subsection must be used to support programming during the summer months and are in addition to funding generated by enrollment under state funding formulas.

### (3) CURRICULUM DEVELOPMENT, DISSEMINATION, AND SUPPORTS

(a) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for project citizen and we the people: The citizen and the constitution programs sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle and high school students. Of the amounts provided, \$15,000 of the general fund—state appropriation for fiscal year 2024 and \$15,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for awarding a travel grant to the winner of the we the people: The citizen and the constitution state competition.

(b) \$373,000 of the general fund—state appropriation for fiscal year 2024 and \$373,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 127, Laws of 2018 (civics education). Of the amounts provided in this subsection (3)(b), \$10,000 of the general fund—state appropriation for fiscal year 2024 and \$10,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grant programs to school districts to help cover travel costs associated with civics education competitions.

(c) \$55,000 of the general fund—state appropriation for fiscal year 2024 and \$55,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and

technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(d) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(e) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated \$1,000,000 is provided solely for community-based nonprofits including tribal education organizations to partner with public schools for next generation science standards.

(f) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(g) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities, including instructional material purchases, teacher and principal professional development, and school and community engagement events. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(h) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(i) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. The office of the superintendent of public instruction may award up to \$500,000 each year, without a matching requirement, to districts with greater than fifty percent of students eligible for free and reduced-price meals. All other awards must be equally matched by private sources for the program, including gifts, grants, or endowments.

(j) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to contract with a qualified 501(c)(3) nonprofit community-based organization physically located in Washington state that has at least 18 years of experience collaborating with the office and school districts statewide to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(k) \$62,000 of the general fund—state appropriation for fiscal year 2024 and \$62,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(l) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(m) \$85,000 of the general fund—state appropriation for fiscal year 2024 and \$85,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the centrum program at Fort Worden state park.

(n) \$20,000,000 of the general fund—state appropriation for fiscal year 2024, \$22,500,000 of the general fund—state appropriation for fiscal year 2025, and \$2,500,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(3), the American rescue plan act of 2021, P.L. 117-2, are provided solely for the office to administer an outdoor learning grant program to develop and support outdoor educational experiences for students in Washington public schools. A portion of the amount provided must be used to provide outdoor educational opportunities for people with disabilities. The office may consult with the Washington recreation and conservation office on outdoor learning program grants. Of the amounts provided in this subsection (3)(n):

(i) \$195,000 of the general fund—state appropriation for fiscal year 2024 and \$195,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to implement chapter 112, Laws of 2022 (outdoor learning grant prg.).

(ii) \$3,905,000 of the general fund—state appropriation for fiscal year 2024 and \$3,905,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the outdoor learning grant program, which consists of two types of grants:

(A) Allocation-based grants for school districts to develop or support outdoor educational experiences; and

(B) Competitive grants for outdoor education providers that are designed to support existing capacity and to increase future capacity for outdoor learning experiences.

(iii) \$15,900,000 of the general fund—state appropriation for fiscal year 2024, \$18,400,000 of the general fund—state appropriation for fiscal year 2025, and \$2,500,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(3), the American rescue plan act of 2021, P.L. 117-2, are provided solely for the outdoor education experiences program. The office must prioritize providing the program to fifth and sixth grade students in high poverty schools, expanding to other fifth and sixth grade students subject to available funds.

(iv) The office must include a review no later than November 1, 2024, based on the Western Washington University report required in section 1607(9) of this act and any applicable statutory changes made subsequent to this act.

(o) \$3,205,000 of the general fund—state appropriation for fiscal year 2024 and \$3,205,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to promote the financial literacy of students. Of the amounts provided in this subsection:

(i) \$1,205,000 of the general fund—state appropriation for fiscal year 2024 and \$1,205,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the financial literacy public-private partnership.

(ii) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the grant program created in chapter 238, Laws of 2022 (student financial literacy) which provides grants to school districts for integrating financial literacy education into professional development for certificated staff.

(p)(i) \$1,522,000 of the general fund—state appropriation for fiscal year 2024, \$4,725,000 of the general fund—state appropriation for fiscal year 2025, and \$3,203,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, are provided solely for dual language grants to grow capacity for high quality dual language learning. Grant funding may be used for new and existing dual language programs, heritage language programs for immigrant and refugee students, and indigenous language programs for native students. Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for tribal language grants.

(ii) Each grant recipient must convene an advisory board to guide the development and continuous improvement of its dual language program, including but not limited to: Determining which schools and languages will be prioritized; conducting outreach to the community; and addressing enrollment considerations and the hiring of staff. At least half the members of the board must be parents of English learner students, current or former English learner students, or other community members with relevant lived experience. The other members of the board must represent teachers, students, school leaders, governing board members, youth, and community-based organizations that support English learners.

(q) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to administer grants to school districts for a plant-based school meals pilot program. Grants may be used for food supplies, delivery costs, equipment purchases, education, and other expenditures to increase access to plant-based school meals. Grant awards to school districts may not exceed \$10,000 per district and may only be distributed to school districts that have not received funding for the pilot program previously.

(r) \$500,000 of the general fund—state appropriation for fiscal year 2025 and \$500,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, are provided solely for the office to contract with an organization that works with educators to secure salmon eggs, offer learning opportunities as the fry develop, and assist when students release their fry into local creeks and lakes. Funding may only be used for new programs located in elementary schools that are eligible for high-poverty allocations from the learning assistance program. Of the amounts provided in this subsection, the office may use no more than \$35,000 each fiscal year for office administration costs related to the contract.

(s) \$750,000 of the general fund—state appropriation for fiscal year 2025 and \$750,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, are provided solely for the office to contract with a nonprofit organization that supports Washington teachers in implementing lessons of the Holocaust for the expansion of comprehensive Holocaust and genocide education.

(t) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for transitional support grants to school districts to support schools that incur costs transitioning from Native American school mascots, logos, or team names under chapter 301, Laws of 2021. In awarding grants under this subsection, the office must prioritize maximizing the number of schools that receive grant awards and address the most immediate school needs in order to comply with chapter 301, Laws of 2021, and must prioritize applications that are narrowly tailored to address specific compliance issues. School districts receiving funding to comply with the requirements of chapter 301, Laws of 2021 must use the methods that are the least costly and that leave intact existing facilities, including interiors and flooring, to the greatest extent possible. Grants awarded under this section may not be used for general maintenance or improvements of school facilities.

(4) ELIMINATING INEQUITABLE STUDENT OUTCOMES

(a) \$5,895,000 of the general fund—state appropriation for fiscal year 2024, \$7,000,000 of the general fund—state appropriation for fiscal year 2025, and \$1,105,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(3), the American rescue plan act of 2021, P.L. 117-2, are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (foster youth edu. outcomes). The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(i) Of the amount provided in this subsection (4)(a), \$446,000 of the general fund—state appropriation for fiscal year 2024 and \$446,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(ii) Of the amount provided in this subsection (4)(a), \$1,015,000 of the general fund—state appropriation for fiscal year 2024 and \$1,015,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(iii) Of the amounts provided in this subsection (4)(a), \$684,000 of the general fund—state appropriation for fiscal year 2024 and \$684,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the demonstration site established with funding provided in the 2017-2019 omnibus appropriations act, chapter 1, Laws of 2017, 3rd sp. sess., as amended.

(iv) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the demonstration site established with funding provided in this act.

(v) \$55,000 of the general fund—state appropriation for fiscal year 2024 and \$55,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for maintaining and implementing the data sharing agreement between the office, the department of children, youth, and families, and the contractors to support targeted service delivery, program evaluation, and statewide education outcomes measurement for students served under this section.

(b) \$1,200,000 of the general fund—state appropriation for fiscal year 2024, \$2,500,000 of the general fund—state appropriation for fiscal year 2025, and \$1,300,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, are provided solely for implementation of chapter 157, Laws of 2016 (homeless students).

(c) \$36,000 of the general fund—state appropriation for fiscal year 2024 and \$36,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for chapter 212, Laws of 2014 (homeless student educational outcomes).

(d) \$750,000 of the general fund—state appropriation for fiscal year 2024, \$1,000,000 of the general fund—state appropriation for fiscal year 2025, and \$250,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds

attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, are provided solely for contracts with Washington state based nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. An applicant requesting funding under this subsection must successfully demonstrate to the office that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring school youth for at least 20 years in the state prior to application.

(e) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to contract with an organization to create an after-school and summer learning program in the city of Federal Way. The program shall provide comprehensive, culturally competent academic support and cultural enrichment for primarily latinx, spanish-speaking, low-income sixth, seventh, and eighth grade students. The department must contract with an organization with over forty years of experience that serves the latino community in Seattle and King county and has previously established an after-school and summer learning program.

(f) \$850,000 of the general fund—state appropriation for fiscal year 2024 and \$850,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to create and administer a grant program for districts to reduce associated student body fees or participation fees for students who are eligible to participate in the federal free and reduced-price meals program. The office must distribute grants for the 2023-24 school year to school districts by August 10, 2023, and grants for the 2024-25 school year by August 1, 2024.

(i) Grant awards must be prioritized in the following order:

(A) High schools implementing the United States department of agriculture community eligibility provision;

(B) High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal free and reduced-price meals program; and

(C) High schools located in school districts enrolling 5,000 or fewer students.

(ii) High schools that do not comply with the data collection and reporting requirements in RCW 28A.320.540 are not eligible for grant funding.

(iii) The office of the superintendent of public instruction shall award grants that are the lesser of the cost of the high school's associated student body card multiplied by the number of students eligible for the free or reduced-price meals program that purchased a student body card in either 2022-23 or 2023-24 school year, whichever is higher, or \$10,000.

(iv) The office may award additional funding if:

(A) The appropriations provided are greater than the total amount of funding requested at the end of the application cycle; and

(B) The applicant shows a demonstrated need for additional support.

(g) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to contract with a Washington-based nonprofit organization to promote equitable access in science, technology, engineering, and math education for historically underserved students and communities. The nonprofit shall provide a system of science educational programming specifically for migrant and bilingual students, including teacher professional development, culturally responsive classroom resources that are aligned with Washington state science and environmental and sustainability learning standards, and implementation support. At least 50 percent of the funding provided in this subsection must serve schools and school districts in eastern Washington. The nonprofit organization must have experience developing and implementing science and environmental science programming and resources for migrant and bilingual students.

(h) \$500,000 of the general fund—state appropriation for fiscal year 2024, \$750,000 of the general fund—state appropriation for fiscal year 2025, and \$250,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization serving opportunity youth in Pierce, King and Snohomish counties. The organization must assist traditionally underrepresented students on nontraditional educational pathways by providing mentorship and technical assistance in navigating higher education and financial aid. The office may require the recipient of these funds to report the impacts of the efforts in alignment with the measures of the Washington school improvement framework.

(i) \$1,399,000 of the general fund—state appropriation for fiscal year 2024 and \$1,399,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for school districts to support youth who are truant under chapter 28A.225 RCW or at risk of becoming truant, and for costs associated with filing or serving petitions under RCW 28A.225.030.

(j) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to school districts and educational service districts operating institutional education programs for youth in state long-term juvenile institutions to provide access to computer science elective courses created in chapter 234, Laws of 2022 (computer science instruction).

(k) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely

for grants to school districts, charter schools, and state-tribal education compact schools to establish K-12 intensive tutoring programs. Grants shall be used to recruit, train, and hire tutors to provide one-on-one tutoring services to K-12 students experiencing learning loss as a result of the COVID-19 pandemic. The tutors must receive training in proven tutoring models to ensure their effectiveness in addressing learning loss.

(l) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 180, Laws of 2017 (Washington Aim program).

(m) (i) \$216,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to administer a peer support competitive grant program in Washington public schools. The office must award grants to eligible school districts starting in the 2023-24 school year. Programs should be designed to be primarily youth-led and aim to increase youth school engagement and support personal/cultural identities, and reduce risks associated with depression, school violence, and bullying. Successful grantees may consult with Washington teen link and the natural helper program in the development of the grant criteria, and the development of training material support. Program components should include:

- (A) Identification of trusted peers and staff who other students confide in;
- (B) Development or adaption of training materials;
- (C) Intensive training for peer and staff supporters;
- (D) Avenues to advertise peer support communication strategies; and
- (E) Participant and program evaluations.

(ii) School districts may also use funds to develop a sister school rapid trauma response strategy. Under this component, successful applicants reach out to other schools also receiving a peer support grant to develop a trauma response plan that quickly organizes students and staff to contact peers within those schools during times of school trauma and offer support.

(iii) The office shall evaluate the program to share best practices and for consideration by other school districts.

(n) \$75,000 of the general fund—state appropriation for fiscal year 2024, \$175,000 of the general fund—state appropriation for fiscal year 2025, and \$100,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, are provided solely for the office to contract with a nonprofit organization to develop and provide a Latino youth-on-youth gang violence prevention program for students. The program must target Latino students ages 11 through 17 who are either involved in or at risk of becoming involved in a gang or in gang activities. Eligible youth must be enrolled in either the Moses Lake or Federal Way school districts. The nonprofit organization must have at least 15 years of experience serving Latino communities and promoting advocacy and must provide social kindergarten through 12th grade social emotional learning, mental health wraparound services, and parent engagement programs in Washington.

(o) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to administer the technology grant program established under chapter 301, Laws of 2021.

(p) \$675,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the office to contract with an organization located in SeaTac, Washington to provide wraparound social services and expand and maintain existing education and family engagement programs that serve students and their families in the Federal Way and Highline public school districts. The work of the organization must focus on housing and social services, education, and economic development for African immigrant and refugee communities.

(q) \$150,000 of the general fund—state appropriation for fiscal year 2025 and \$150,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, are provided solely for the office to contract with a nonprofit organization located in Everett, Washington to provide arts and culture programs to 500 low-income children and youth from diverse racial and ethnic backgrounds to close the education achievement gap in Snohomish county by improving student and youth confidence and improving mental health outcomes.

(r) \$360,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the Shelton School District to contract with an organization that provides a free early childhood music education to teach music literacy and key skills to prepare children for success in school. The organization must provide Spanish, Mam, and Q'anjob'al versions of the early learning music education program during the 2023-24 school year.

(5) EDUCATOR GROWTH AND DEVELOPMENT

(a) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(b) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office to contract with the association of Washington school principals to



provide support, mentoring, mediation, and professional learning services to school principals and assistant principals in the greater Seattle area.

(6) FEDERAL GRANTS FOR COVID-19 RECOVERY

(a) \$4,791,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, is provided solely to administer a grant program for community-based organizations to collaborate with school districts to support learning recovery and acceleration.

(b) \$102,002,000 of the general fund—federal appropriation (CRRSA/ESSER) from funds attributable to subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M is provided solely for subgrants to local education agencies. Total subgrants awarded under this subsection (6)(b), section 1517(47)(b) of this act, and section 12, chapter 3, Laws of 2021 may not exceed the federal amounts provided under subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(c) \$17,577,000 of the general fund—federal appropriation (CRRSA/GEER) is provided solely to provide emergency assistance to nonpublic schools, as authorized in section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. Total funds provided under this subsection (6)(c), section 1517(47)(c)(i) of this act, and section 13, chapter 3, Laws of 2021 may not exceed the federal amounts provided in section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(d) \$671,375,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(2) the American rescue plan act of 2021, P.L. 117-2, for subgrants to local education agencies. Total subgrants awarded under this subsection (6)(d) and section 1517(47)(d) of this act may not exceed the federal amounts provided under subsection 2001(e)(2), the American rescue plan act of 2021, P.L. 117-2.

(e) \$123,373,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(1), the American rescue plan act of 2021, P.L. 117-2, for subgrants to local education agencies to address learning loss. Total subgrants awarded under this subsection (6)(e) and section 1517(47)(e) of this act may not exceed the federal amounts provided under subsection 2001(e)(2), the American rescue plan act of 2021, P.L. 117-2, and may not exceed the funding authorized in section 1517(47)(e) of this act.

(f) \$7,800,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(3), the American rescue plan act of 2021, P.L. 117-2, is provided solely to support evidence-based comprehensive afterschool programs. Total elementary and secondary school emergency relief III account—federal appropriation provided under this subsection (6)(f), subsections (3)(n) and (4)(a) of this section, and section 1517(47)(g) of this act, may not exceed the federal amounts provided under subsection 2001(f)(3), the American rescue plan act of 2021, P.L. 117-2.

(g)(i) \$8,428,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the purposes of identifying children and youth experiencing homelessness and providing children and youth experiencing homelessness with:

(A) Wrap-around services due to the challenges of the COVID-19 public health emergency; and

(B) Assistance needed to enable children and youth experiencing homelessness to attend school and participate fully in school activities.

(ii) Total funds provided under this subsection (6)(g) and section 1517(47)(n) of this act may not exceed the federal amounts provided in subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2.

(h) \$1,990,000 of the general fund—federal appropriation (CRRSA/ESSER) and \$8,098,000 of the elementary and secondary school emergency relief III account—federal appropriation are provided solely for the office of the superintendent of public instruction to administer grants for the purposes of learning recovery and acceleration. Allowable uses of the funds are limited to:

(i) One-time contracts for classified, certificated, or administrative staff who will provide tiered academic and social-emotional supports to students most impacted by the disruption of in-person learning, including locating and reengaging students who have disengaged from school, one-on-one and small-group instruction, and other intensive learning supports;

(ii) Professional learning for educators focused on learning recovery and acceleration, including assessing student learning and social-emotional needs, transitioning to standards-based curricula and grading, adopting competency or mastery-based options specifically for credit retrieval purposes, and family and student engagement strategies;

(iii) Procuring assessment or data systems that provide actionable just-in-time data regarding student progress throughout the school year; and

(iv) Direct supports to students to improve school engagement and accelerate learning.

(i) \$173,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(2), the American rescue plan act of 2021, P.L. 117-2, is provided solely for grants to entities or organizations to provide

outdoor education summer enrichment programs to youth. Recipients must prioritize activities or programs that:

- (i) Promote students connecting socially with their classmates;
- (ii) Encourage students to engage in physical activity; and
- (iii) Support families who have struggled with child care needs.

(j) \$143,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, is provided solely for grants for supplies, equipment, staffing, and services to increase access to summer meals and safe school meals in the 2023-24 school year and summer prior to the start of the school year.

(k) \$1,383,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, is provided solely for grants to school districts to expand career and technical education graduation pathway options, including career-connected learning opportunities. Total funds provided under this subsection (6)(k) and section 1517(47)(i) of this act for the same purpose may not exceed the funding authorized in section 1517(47)(i) of this act.

**NEW SECTION. Sec. 523. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITION TO KINDERGARTEN PROGRAMS**

General Fund—State Appropriation (FY 2025) . . . . .	\$58,102,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$58,102,000</b>

The appropriation in this section is subject to the following conditions and limitations: The office of the superintendent of public instruction must distribute to authorized school districts an amount per eligible child enrolled in a transition to kindergarten program as identified in Second Substitute House Bill No. 1550 (transition to kindergarten). Funding provided in this section is sufficient to support 5,077 transition to kindergarten full-time equivalent students during the 2024-25 school year. If the bill is not enacted by June 30, 2023, the amount provided in this section shall lapse.

(End of part)

**PART VI  
HIGHER EDUCATION**

**NEW SECTION. Sec. 601.** The appropriations in sections 605 through 611 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 605 through 611 of this act.

(2) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the office of financial management for inclusion in the agency's data warehouse. Uniform reporting procedures shall be established by the office of financial management's office of the state human resources director for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(4)(a) For employees under the jurisdiction of chapter 41.56 or 41.80 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(b) For each institution of higher education receiving appropriations under sections 606 through 611 of this act:

(i) The only allowable salary increases are those associated with normally occurring promotions and increases related to faculty and staff retention and as provided in Part IX of this act.

(ii) Institutions may provide salary increases from sources other than general fund appropriations and tuition revenues to instructional and research faculty, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under chapter 41.80 RCW. It is the intent of the legislature that salary increases provided under this subsection (4)(b)(ii) not increase state general fund support or impact tuition expenditures by an institution unless the legislature so determines.

(iii) Funding for salary increases provided under (b)(ii) of this subsection and RCW 41.76.035 and 28B.52.035 on or after July 1, 2019, must be excluded from the general fund and tuition salary base when calculating state funding for future general wage or other salary increases on or after July 1, 2019. In order to facilitate this funding policy, each institution shall report to the office of financial management on the details of locally

authorized salary increases granted under (b)(ii) of this subsection and RCW 41.76.035 and 28B.52.035 with its 2023-2025 biennium budget submittal. At a minimum, the report must include the total cost of locally authorized increases by fiscal year, a description of the locally authorized provision, and the long-term source of funds that is anticipated to cover the cost.

(5) Within funds appropriated to institutions in sections 605 through 611 of this act, teacher preparation programs shall meet the requirements of RCW 28B.10.710 to incorporate information on the culture, history, and government of American Indian people in this state by integrating the curriculum developed and made available free of charge by the office of the superintendent of public instruction into existing programs or courses and may modify that curriculum in order to incorporate elements that have a regionally specific focus.

(6) Each institution of higher education must include the phone number of a campus, local, state, or national suicide, crisis, or counseling hotline on the back of newly issued student and faculty identification cards.

(7)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

- (i) The number of Washington college grant and college bound recipients;
  - (ii) Persistence and completion rates of Washington college grant recipients and college bound recipients, disaggregated by institution of higher education;
  - (iii) Washington college grant recipient grade point averages; and
  - (iv) Washington college grant and college bound scholarship program costs.
- (b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

**NEW SECTION. Sec. 602.** (1) Within the amounts appropriated in this act, each institution of higher education shall seek to:

- (a) Maintain and to the extent possible increase enrollment opportunities at campuses;
- (b) Maintain and to the extent possible increase enrollment opportunities at university centers and other partnership programs that enable students to earn baccalaureate degrees on community college campuses; and
- (c) Eliminate and consolidate programs of study for which there is limited student or employer demand, or that are not areas of core academic strength for the institution, particularly when such programs duplicate offerings by other in-state institutions.

(2) For purposes of monitoring and reporting statewide enrollment, the University of Washington and Washington State University shall notify the office of financial management of the number of full-time student equivalent enrollments for each of their campuses.

**NEW SECTION. Sec. 603. PUBLIC BACCALAUREATE INSTITUTIONS**

(1) The state universities, the regional universities, and The Evergreen State College must accept the transfer of college-level courses taken by students under RCW 28A.600.290 or 28A.600.300 if a student seeking a transfer of the college-level courses has been admitted to the state university, the regional university, or The Evergreen State College, and if the college-level courses are recognized as transferrable by the admitting institution of higher education.

(2) Appropriations in sections 606 through 611 of this act are sufficient to implement 2023-25 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80 RCW.

(3) Within amounts appropriated to institutions in 606 through 611 of this act, institutions shall employ at least one full-time mental health counselor licensed under chapter 18.225 RCW or mental health outreach and service coordination position, who has experience working with active members of the military or military veterans, to work with student, faculty, and staff veterans, as well as their spouses and dependents, through the institution's veteran resource center.

(4) For institutions of higher education receiving funding for cybersecurity and nursing academic programs for students in sections 605 through 611 of this act, each institution must coordinate with the student achievement council as provided in section 612(4) of this act and submit a progress report on new or expanded cybersecurity and nursing academic programs, including the number of students enrolled.

**NEW SECTION. Sec. 604. STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

Appropriations in section 605 of this act are sufficient to implement 2023-25 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80 RCW and as set forth in part IX of this act.

**NEW SECTION. Sec. 605. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund—State Appropriation (FY 2024)	\$885,282,000
General Fund—State Appropriation (FY 2025)	\$929,498,000
Community/Technical College Capital Projects	
Account—State Appropriation	\$21,368,000

Education Legacy Trust Account—State Appropriation. . . . .	\$162,851,000
Workforce Education Investment Account—State Appropriation. . . . .	\$349,417,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$2,348,416,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,261,000 of the general fund—state appropriation for fiscal year 2024 and \$33,261,000 of the general fund—state appropriation for fiscal year 2025 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2024 and at least 7,170 full-time equivalent students in fiscal year 2025.

(2) \$5,000,000 of the general fund—state appropriation for fiscal year 2024, \$5,000,000 of the general fund—state appropriation for fiscal year 2025, and \$5,450,000 of the education legacy trust account—state appropriation are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature under RCW 43.01.036 regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund—state appropriation for fiscal year 2024 and \$425,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for Seattle Central College's expansion of allied health programs.

(4) \$5,250,000 of the general fund—state appropriation for fiscal year 2024 and \$5,250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the student achievement initiative.

(5) \$1,610,000 of the general fund—state appropriation for fiscal year 2024, \$1,610,000 of the general fund—state appropriation for fiscal year 2025, and \$904,000 of the workforce education investment account—state appropriation are provided solely for the mathematics, engineering, and science achievement program.

(6) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(8) \$23,748,000 of the general fund—state appropriation for fiscal year 2024 and \$24,270,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) \$157,000 of the general fund—state appropriation for fiscal year 2024 and \$157,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Wenatchee Valley college wildfire prevention program.

(12) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Puget Sound welcome back center at Highline College to create a grant program for internationally trained individuals seeking employment in the behavioral health field in Washington state.

(13) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(14) \$216,000 of the general fund—state appropriation for fiscal year 2024 and \$216,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the opportunity center for employment and education at North Seattle College.

(15) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for Highline College to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(16) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for Peninsula College to maintain the annual cohorts of the specified programs as follows:

- (a) Medical assisting, 40 students;
- (b) Nursing assistant, 60 students; and
- (c) Registered nursing, 32 students.

(17) \$338,000 of the general fund—state appropriation for fiscal year 2024 and \$338,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington state labor education and research center at South Seattle College.

(18) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the aerospace and advanced manufacturing center of excellence hosted by Everett Community College to develop a semiconductor and electronics manufacturing branch in Vancouver.

(19) \$1,500,000 of the general fund—state appropriation for fiscal year 2024, \$1,500,000 of the general fund—state appropriation for fiscal year 2025, and \$75,847,000 of the workforce education investment account—state appropriation are provided solely for statewide implementation of guided pathways at each of the state's community and technical colleges or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(20) \$15,220,000 of the workforce education investment account—state appropriation is provided solely for college operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(21) \$15,220,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(22) \$40,800,000 of the workforce education investment account—state appropriation is provided solely to continue to fund nurse educator salaries.

(23) \$40,000,000 of the workforce education investment account—state appropriation is provided to continue to fund high-demand program faculty salaries, including but not limited to nurse educators, other health-related professions, information technology, computer science, and trades.

(24) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for the state board for community and technical colleges to expand high-demand and career launch enrollments, as provided under RCW 28C.30.020. Within the amounts provided in this subsection (24):

(a) \$6,000,000 of the amounts in this subsection (24) are for expansion of career launch enrollments, as provided under RCW 28C.30.020.

(b) \$2,000,000 of the amounts in this subsection (24) are for expansion of enrollments in high demand programs. These programs include, but are not limited to, allied health, computer and information science, manufacturing, and other fields identified by the state board for community and technical colleges.

(c) The state board for community and technical colleges may transfer amounts between (a) and (b) of this subsection if either program does not have sufficient demand to spend the allocated funding. Any transfer must be approved by the state board for community and technical colleges and the office of financial management.

(25) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for the emergency assistance grant program in RCW 28B.50.295.

(26) \$2,048,000 of the general fund—state appropriation for fiscal year 2024, \$1,119,000 of the general fund—state appropriation for fiscal year 2025, and \$4,221,000 of the workforce education investment account—state appropriation are provided solely for implementation of chapter 275, Laws of 2021 (diversity, etc./higher education).

(27) \$20,473,000 of the workforce education investment account—state appropriation is provided solely for implementation of chapter 272, Laws of 2021 (equity and access in higher education).

(28)(a) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to promote workforce development in trucking and trucking-related supply chain industries and the school bus driving industry by expanding the number of registered apprenticeships, preapprenticeships, and trucking related training programs; and providing support for registered apprenticeships or programs in trucking and trucking-related supply chain industries and the school bus driving industry.

(b) Grants awarded under this subsection may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training spaces and locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations to include foster care and homeless transition populations;

(iii) Curriculum development and instructor training for driving, repair, and service of technological advancements facing the industries;

(iv) Tuition assistance for commercial vehicle driver training, mechanical, and support functions that support the trucking industry and the school bus driving industry; and

(v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant if it is a nonprofit, nongovernmental, or institution of primary or higher education that provides training opportunities, including apprenticeships, preapprenticeships, preemployment training, commercial vehicle driver training, or vocational training related to mechanical and support functions that support the trucking industry or the school bus driving industry; or incumbent worker training to prepare workers for the trucking and trucking-related supply chain industries or the school bus driving industry. Preference will be given to entities in compliance with government approved or accredited programs. Reporting requirements, as determined by the board, shall be required.

(d) The board may use up to five percent of funds for administration of grants.

(29) \$3,200,000 of the workforce education investment account—state appropriation is provided solely for grants for nursing programs to purchase or upgrade simulation laboratory equipment.

(30) (a) \$9,336,000 of the workforce education investment account—state appropriation is provided solely to expand cybersecurity academic enrollments by 500 FTE students.

(b) The state board for community and technical colleges must coordinate with the student achievement council as provided in section 612(4) of this act to submit a progress report on the new or expanded cybersecurity academic programs, including the number of students enrolled.

(31) \$410,000 of the workforce education investment account—state appropriation is provided solely to establish a center for excellence in cybersecurity.

(32) \$2,068,000 of the general fund—state appropriation for fiscal year 2024 and \$2,068,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for legal services related to litigation by employees within the community and technical college system challenging the denial of retirement and sick leave benefits. The cases include *Wolf v. State and SBCTC*, *Rush v. State and SBCTC* (retirement), and *Rush v. State and SBCTC* (sick leave).

(33) \$4,000,000 of the general fund—state appropriation for fiscal year 2024 and \$4,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to expand the opportunity grant program to provide health care workforce grants for students.

(34) \$2,720,000 of the general fund—state appropriation for fiscal year 2024 and \$2,720,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for each community and technical college to contract with a community-based organization to assist with financial aid access and support in communities.

(35) \$6,456,000 of the workforce education investment account—state appropriation is provided solely for the expansion of existing programming to accommodate refugees and immigrants who have arrived in Washington state on or after July 1, 2021, and are eligible for federal refugee resettlement services, including those from Afghanistan and Ukraine.

(36) \$2,160,000 of the general fund—state appropriation for fiscal year 2024, \$2,160,000 of the general fund—state appropriation for fiscal year 2025, and \$3,600,000 of the workforce education investment account—state appropriation are provided solely for nursing education, to increase the number of nursing slots by at least 200 new slots in the 2023-2025 fiscal biennium.

(37) \$36,624,000 of the workforce education investment account—state appropriation is provided solely to enhance workforce support and higher educational opportunities.

(38) \$30,000,000 of the workforce education investment account—state appropriation is provided solely for workforce program support. Of the amounts provided in this subsection, \$15,000,000 is for fiscal year 2024 and \$15,000,000 is for fiscal year 2025. Of these amounts:

(a) \$100,000 in fiscal year 2024 and \$100,000 in fiscal year 2025 is for Seattle Colleges' apparel academy.

(b) \$500,000 in fiscal year 2024 and \$500,000 in fiscal year 2025 is for Seattle Colleges' culinary academy.

(c) \$500,000 in fiscal year 2024 and \$500,000 in fiscal year 2025 is for Seattle Colleges' wood technology program.

(d) \$100,000 in fiscal year 2024 and \$100,000 in fiscal year 2025 is for the Bellingham Technical College maritime apprenticeship program.

(e) \$1,000,000 in fiscal year 2024 and \$1,100,000 in fiscal year 2025 is for the Skagit Valley College dental therapy education program.

(f) (i) \$428,000 in fiscal year 2024 and \$427,000 in fiscal year 2025 is for the Seattle Central College for partnership with the Seattle maritime academy. Seattle Central College must enter into a memorandum of agreement with Washington state ferries. Funding may not be expended until Seattle Central College certifies to the office of financial management that a memorandum of agreement with Washington state ferries has been executed. The memorandum of agreement must address:

(A) The shared use of training and other facilities and implementation of joint training opportunities where practicable;

(B) Development of a joint recruitment plan aimed at increasing enrollment of women and people of color, with specific strategies to recruit existing community and technical college students, maritime skills center students, high school students from maritime programs, foster care graduates, and former juvenile rehabilitation and adult incarcerated individuals; and

(C) Development of a training program and recruitment plan and a five-year operational plan.

(ii) The joint training program and recruitment plan and the five-year operational plan must be submitted to the appropriate policy and fiscal committees of the legislature by December 1, 2023.

(39) \$200,000 of the workforce education investment account—state appropriation is provided solely for the state board for community and technical colleges to work with interested parties, such as local law enforcement agencies, the department of corrections, representatives of county or city jail facilities, the Washington state patrol, Washington community and technical colleges, and other organizations and entities as appropriate to assess the recruitment and retention challenges for their agencies and develop recommendations to meet the workforce needs. These recommendations should focus on education and training programs that meet the needs of law enforcement and corrections agencies and must include an outreach strategy designed to inform and attract students in non-traditional program pathways. The assessment and recommendations shall be provided in a report to the governor and the appropriate committees of the legislature by October 1, 2024.

(40) \$180,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the state board for community and technical colleges to work with law enforcement, corrections, Washington community and technical college professionals, and other organizations and entities as appropriate to develop and implement an exploratory course for individuals who are interested in learning more about law enforcement and corrections careers. Course content should include topics such as criminological scholarship, race, and modern policing, the history of race in policing, and should incorporate work site experiential learning visits to criminal justice commission and department of corrections facilities. The course shall be available beginning in the fall term of the 2024 academic year and would continue subject to availability of funding.

(41) \$12,000,000 of the workforce education investment account—state appropriation is provided solely to support the continued diversity, equity, and inclusion efforts of institutions.

(42) \$1,360,000 of the workforce education investment account—state appropriation is provided solely for implementation of chapter 166, Laws of 2022 (apprenticeships and higher ed).

(43) \$200,000 of the workforce education investment account—state appropriation is provided solely for the Everett Community College parent leadership training institute to recruit and train new course instructors to build additional capacity.

(44) \$6,139,000 of the general fund—state appropriation for fiscal year 2024 and \$11,100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation support.

(45) \$180,000 of the general fund—state appropriation for fiscal year 2025 and \$400,000 of the workforce education investment account—state appropriation are provided solely for Renton Technical College. Of the amounts provided in this subsection:

(a) \$400,000 of the workforce education investment account—state appropriation is for the college to award full tuition and fees to students who attend the college and graduated high school in the school district where the main campus is located. Eligible students must complete a free application for federal student aid or the Washington application for state financial aid. A report on the number of students utilizing the funding must be submitted to the appropriate committees of the legislature by January 15, 2024.

(b) \$180,000 of the general fund—state appropriation for fiscal year 2025 is for continuing outreach and participation in running start and adult education programs.

(46)(a) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the state board to administer a pilot program to increase career and technical education dual credit participation and credential attainment in professional technical programs. The state board, in collaboration with the office of the superintendent of public instruction, must select up to three community colleges to participate in the pilot program during the 2023-24 and 2024-25 academic years. The three colleges must be located within the same educational service district and must be located in a county with a population between 115,000 and 150,000. Funding provided within this subsection is sufficient to cover the costs incurred by school districts in the region of the colleges participating in the career and technical education dual credit grant program, including:

(i) Subsidized out-of-pocket costs to students and families for supplies, textbooks, materials, and credit transcription fees;

(ii) Outreach to prospective students and students who have completed career and technical education dual credit courses and are eligible to receive postsecondary credit to encourage participation and credit transcription;

(iii) Costs associated with staff or teacher time dedicated to curriculum alignment or the development of articulation agreements; and

(iv) Equipment and supplies for career and technical education dual credit courses required to meet postsecondary learning objectives.

(b) By June 30, 2025, the state board, in collaboration with the office of the superintendent of public instruction, must report to the appropriate committees of the legislature with findings and recommendations regarding scalable implementation strategies for expanding the pilot program statewide. The state board must establish a stakeholder committee that is representative of students, faculty, staff, and agency representatives to inform this work. The report must include recommendations on the following topics:

- (i) Course articulation and development of model articulation agreements;
- (ii) Data collection and reporting;
- (iii) Credit transcription and transfer;
- (iv) Student advising and career guidance supports;
- (v) Alignment of career and technical education dual credit programs with credential pathways and in-demand career fields;
- (vi) Funding for industry-recognized credentials;
- (vii) Identification of priority courses and programs; and
- (viii) Evaluation of the statewide enrollment and data system, and recommendations for improvements to or replacement of the system to reflect articulation agreement data, student data, and transcription information to support data validity, credit portability, and program improvement.

(47) \$500,000 of the workforce education investment account—state appropriation is provided solely for Olympic College to partner with regional high schools for college in the high school courses on-site at one or more regional high schools.

(48) \$6,340,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 606. FOR THE UNIVERSITY OF WASHINGTON**

General Fund—State Appropriation (FY 2024)	\$417,724,000
General Fund—State Appropriation (FY 2025)	\$425,782,000
Aquatic Lands Enhancement Account—State Appropriation	\$1,646,000
Climate Commitment Account—State Appropriation	\$3,150,000
Natural Climate Solutions Account—State Appropriation	\$820,000
Statewide 988 Behavioral Health Crisis Response Line Account—State Appropriation	\$1,213,000
University of Washington Building Account—State Appropriation	\$1,546,000
Education Legacy Trust Account—State Appropriation	\$37,448,000
Economic Development Strategic Reserve Account—State Appropriation	\$3,110,000
Biotoxin Account—State Appropriation	\$613,000
Dedicated Cannabis Account—State Appropriation (FY 2024)	\$350,000
Dedicated Cannabis Account—State Appropriation (FY 2025)	\$360,000
Accident Account—State Appropriation	\$8,128,000
Medical Aid Account—State Appropriation	\$7,697,000
Workforce Education Investment Account—State Appropriation	\$78,077,000
Geoduck Aquaculture Research Account—State Appropriation	\$414,000
<b>TOTAL APPROPRIATION</b>	<b>\$988,078,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$49,289,000 of the general fund—state appropriation for fiscal year 2024 and \$50,374,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(3) \$8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to maintain the number of residency slots available in Washington.

(4) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(5) \$14,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(6) \$3,062,000 of the economic development strategic reserve account—state appropriation is provided solely to support the joint center for aerospace innovation technology.

(7) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.



(8) \$7,345,000 of the general fund—state appropriation for fiscal year 2024 and \$7,345,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(9) \$2,625,000 of the general fund—state appropriation for fiscal year 2024 and \$2,625,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(10) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

(11) \$1,200,000 of the general fund—state appropriation for fiscal year 2024, \$1,200,000 of the general fund—state appropriation for fiscal year 2025, and \$1,200,000 of the workforce education investment account—state appropriation are provided solely for the adult psychiatry residency program at the University of Washington to offer additional residency positions that are approved by the accreditation council for graduate medical education.

(12) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—appropriation for fiscal year 2025 are provided solely for the University of Washington's psychiatry integrated care training program.

(13) \$427,000 of the general fund—state appropriation for fiscal year 2024, \$427,000 of the general fund—state appropriation for fiscal year 2025, and \$426,000 of the workforce education investment account—state appropriation are provided solely for child and adolescent psychiatry residency positions that are approved by the accreditation council for graduate medical education, as provided in RCW 28B.20.445.

(14) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the University of Washington School of Dentistry to support its role as a major oral health provider to individuals covered by medicaid and the uninsured.

(15) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the pre-law pipeline and social justice program at the University of Washington-Tacoma.

(16) \$226,000 of the general fund—state appropriation for fiscal year 2024 and \$226,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the university's neurology department to create a telemedicine program to disseminate dementia care best practices to primary care practitioners using the project ECHO model. The program shall provide a virtual connection for providers and content experts and include didactics, case conferences, and an emphasis on practice transformation and systems-level issues that affect care delivery. The initial users of this program shall include referral sources in health care systems and clinics, such as the university's neighborhood clinics and Virginia Mason Memorial in Yakima with a goal of adding 15 to 20 providers from smaller clinics and practices per year.

(17) \$102,000 of the general fund—state appropriation for fiscal year 2024 and \$102,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the university's center for international trade in forest products.

(18) \$650,000 of the general fund—state appropriation for fiscal year 2024 and \$650,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Latino center for health.

(19) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a firearm policy research program. The program will:

- (a) Support investigations of firearm death and injury risk factors;
- (b) Evaluate the effectiveness of state firearm laws and policies;
- (c) Assess the consequences of firearm violence; and
- (d) Develop strategies to reduce the toll of firearm violence to citizens of the state.

(20) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the climate impacts group in the college of the environment.

(21) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the college of education to collaborate with teacher preparation programs and the office of the superintendent of public instruction to develop open access climate science educational curriculum for use in teacher preparation programs.

(22) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Harry Bridges center for labor studies. The center shall work in collaboration with the state board for community and technical colleges.

(23) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(24) \$8,000,000 of the workforce education investment account—state appropriation is provided solely to maintain degree production in the college of engineering at the Seattle campus.

(25) \$3,448,000 of the workforce education investment account—state appropriation is provided solely to expand the Washington state academic redshirt program on the Seattle campus and establish a program on the Bothell campus. A report on the metrics of the program must be submitted to the appropriate committees of the legislature by December 1, 2024.

(26) \$2,700,000 of the workforce education investment account—state appropriation is provided solely to maintain degree capacity and undergraduate enrollments in engineering, mathematics, and science programs to support the biomedical innovation partnership zone at the Bothell campus.

(27) \$3,268,000 of the workforce education investment account—state appropriation is provided solely to maintain bachelor of science programs in mechanical and civil engineering to support increased student and local employer demand for graduates in these fields at the Tacoma campus.

(28) \$150,000 of the general fund—state appropriation for fiscal year 2024, \$150,000 of the general fund—state appropriation for fiscal year 2025, and \$946,000 of the workforce education investment account—state appropriation are provided solely for Washington mathematics, engineering, science achievement programs to provide enrichment opportunities in mathematics, engineering, science, and technology to students who are traditionally underrepresented in these programs.

(29) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a community care coordinator for transitional-age youth for the doorway project in partnership with the Seattle campus.

(30) \$12,000,000 of the workforce education investment account—state appropriation is provided solely for the expansion of the Paul G. Allen school of computer science and engineering in order to award an additional 100 degrees per year focusing on traditionally underrepresented students. A report on the program graduation rates, waitlist for entry into the program, time to degree completion, and degrees awarded must be submitted to the appropriate committees of the legislature June 30, 2024, and June 30, 2025.

(31) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to expand a series of online courses related to behavioral health and student well-being that are currently offered at the Bothell campus for school district staff. The standards for the courses must be consistent with knowledge, skill, and performance standards related to mental health and well-being of public school students. The online courses must provide:

(a) Foundational knowledge in behavioral health, mental health, and mental illness;

(b) Information on how to assess, intervene upon, and refer behavioral health and intersection of behavioral health and substance use issues; and

(c) Approaches to promote health and positively influence student health behaviors.

(32) To ensure transparency and accountability, in the 2023-2025 fiscal biennium the University of Washington shall comply with any and all financial and accountability audits by the Washington state auditor including any and all audits of university services offered to the general public, including those offered through any public-private partnership, business venture, affiliation, or joint venture with a public or private entity, except the government of the United States. The university shall comply with all state auditor requests for the university's financial and business information including the university's governance and financial participation in these public-private partnerships, business ventures, affiliations, or joint ventures with a public or private entity. In any instance in which the university declines to produce the information to the state auditor, the university will provide the state auditor a brief summary of the documents withheld and a citation of the legal or contractual provision that prevents disclosure. The summaries must be compiled into a report by the state auditor and provided on a quarterly basis to the legislature.

(33) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Burke museum of natural history and culture to make education programs offered by the museum accessible to more students across Washington, especially students in underserved schools and locations. The funding shall be used for:

(a) Increasing the number of students who participate in Burke education programs at reduced or no cost, including virtual programs;

(b) Providing bus reimbursement for students visiting the museum on field trips and to support travel to bring museum programs across the state;

(c) Staff who will form partnerships with school districts to serve statewide communities more efficiently and equitably, including through the Burkemobile program; and

(d) Support of tribal consultation work, including expanding Native programming, and digitization of Native collections.

(34) \$410,000 of the general fund—state appropriation for fiscal year 2024 and \$410,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the

university's center for human rights. The appropriation must be used to supplement, not supplant, other funding sources for the center for human rights.

(35) \$143,000 of the general fund—state appropriation for fiscal year 2024 and \$143,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to the University of Washington for the establishment and operation of the state forensic anthropologist. The university shall work in conjunction with and provide the full funding directly to the King county medical examiner's office to support the statewide work of the state forensic anthropologist.

(36) \$64,000 of the general fund—state appropriation for fiscal year 2024 and \$64,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(37) \$443,000 of the general fund—state appropriation for fiscal year 2024 and \$443,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the creation of the center for environmental forensic science.

(38) \$1,250,000 of the general fund—state appropriation for fiscal year 2024 and \$1,250,000 of the general fund—state appropriation are provided solely for the community-engagement test to facilitate clean energy transitions by partnering with communities, utilities, and project developers.

(39) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for staffing and operational expenditures related to the battery fabrication testbed.

(40) \$505,000 of the general fund—state appropriation for fiscal year 2024 and \$505,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for pharmacy behavioral health. The University of Washington school of pharmacy/medicine pharmacy services will hire two residency training positions and one behavioral health faculty to create a residency program focused on behavioral health.

(41) \$1,242,000 of the general fund—state appropriation for fiscal year 2024, \$1,242,000 of the general fund—state appropriation for fiscal year 2025, and \$742,000 of the workforce education investment account—state appropriation are provided solely for an increase in the number of nursing slots and graduates in the already established accelerated bachelor of science in nursing program. Of the amounts provided in this subsection, \$273,000 of the general fund—state appropriation for fiscal year 2024 and \$273,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Tacoma school of nursing and healthcare leadership.

(42) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the memory and brain wellness center to support the statewide expansion of the dementia friends program.

(43) \$77,000 of the general fund—state appropriation for fiscal year 2024 and \$77,000 of the general fund—state appropriation are provided solely to maintain a data repository to assist the state and all political subdivisions with evaluating whether and to what extent existing laws and practices with respect to voting and elections are consistent with public policy, implementing best practices in voting and elections, and to investigate potential infringements upon the right to vote.

(44) \$122,000 of the general fund—state appropriation for fiscal year 2024 and \$122,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for sexual assault nurse examiner training.

(45) Within existing resources, the institution must resume a mentoring, organization, and social support for autism inclusion on campus program. The program must focus on academic coaching, peer-mentoring, support for social interactions, and career preparation.

(46) \$6,318,000 of the general fund—state appropriation for fiscal year 2024 and \$11,008,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation support.

(47) \$712,000 of the general fund—state appropriation for fiscal year 2024 and \$4,183,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the behavioral health teaching faculty physician and facility support.

(48) \$200,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to develop a framework for research to help determine inequities in poverty, access to service, language, barriers, and access to justice for individuals of Middle Eastern descent.

(49) \$3,000,000 of the climate commitment account—state appropriation is provided solely for the development of an energy transformation strategy to modernize the energy infrastructure and better align the institution's sustainability values at the Seattle campus.

(50) \$194,000 of the general fund—state appropriation for fiscal year 2024 and \$138,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of Engrossed Substitute House Bill No. 1282 (public building materials). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(51) \$2,140,000 of the workforce education investment account—state appropriation is provided solely for increasing enrollments in computing and engineering programs at the Tacoma campus.

(52) \$4,326,000 of the workforce education investment account—state appropriation is provided solely for the expansion of the regional initiatives in dental education (RIDE) program.

(53) (a) \$800,000 of the workforce education investment account—state appropriation is provided solely for the colab for community and behavioral health policy to collaborate with the Latino center for health and allies in healthier systems for health and abundance in youth to pilot test a culturally responsive training curricula for an expanded children's mental health workforce in community behavioral health sites. Community and lived experience stakeholders, representing communities of color, must make up over half of the project team. The pilot implementation shall include expansion of:

(i) The clinical training of both a lived experience workforce and licensed workforce to provide culturally responsive and evidence-informed mental health services focused on families, children, and youth;

(ii) An implementation plan that allows for local flexibility and local community input; and

(iii) An evaluation plan that will yield information about the potential success in implementation statewide and the improved experiences of those seeking mental health services.

(b) The project team must report its findings and recommendations to the appropriate committees of the legislature in compliance with RCW 43.01.036 by June 30, 2025.

(54) \$520,000 of the natural climate solutions account—state appropriation is provided solely for the biological response to ocean acidification to advance high-priority biological experiments to better understand the relationship between marine organisms and ocean acidification.

(55) \$300,000 of the natural climate solutions account—state appropriation is provided solely for monitoring assistance at the Washington ocean acidification center.

(56) \$108,000 of the general fund—state appropriation for fiscal year 2024 and \$108,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continued implementation of chapter 191, Laws of 2022 (E2SHB 1181).

(57) \$2,083,000 of the general fund—state appropriation for fiscal year 2024 and \$2,083,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continued implementation of chapter 272, Laws of 2021 (E2SSB 5194).

(58) \$225,000 of the general fund—state appropriation for fiscal year 2024 and \$201,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continued implementation of RCW 49.60.525 (racial restrictions/review).

(59) \$205,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to organize and facilitate the difficult to discharge task force described in section 135(11) of this act and its operations, including any associated ad hoc subgroups through October 31, 2023.

(60) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the additions, drug and alcohol institute to continue cannabis and public health impact research. Funding may be used to develop resources regarding the connection between first episode psychosis and cannabis use.

(61) \$2,224,000 of the workforce education investment account—state appropriation is provided solely for program support and student scholarships for the expansion of the master of arts in applied child and adolescent psychology program. Of the amounts provided in this subsection:

(a) \$1,116,000 of the workforce education investment account—state appropriation is provided solely for program support at the Seattle site.

(b) \$1,108,000 of the workforce education investment account—state appropriation is provided solely for student scholarships at the Seattle site.

(62) \$800,000 of the workforce education investment account—state appropriation is provided solely for the development and implementation of a program to support pathways from prison to the university's Tacoma campus. The university shall collaborate with formerly incarcerated women, Tacoma Community College, the freedom education project Puget Sound, the women's village, the state board for community and technical colleges, and the department of corrections, in development and implementation of the pathways program.

(63) \$250,000 of the workforce education investment account—state appropriation is provided solely for the startup program.

(64) \$1,397,000 of the workforce education investment account—state appropriation is provided solely for increased student support services at the Tacoma campus.

(65) \$798,000 of the workforce education investment account—state appropriation is provided solely for continued implementation of diversity, equity, inclusion, and antiracism professional development for faculty and staff, student training, and campus climate assessments pursuant to chapter 275, Laws of 2021 (E2SSB 5227).

(66) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for support and promotion of a long-term care nursing residency program and externship.

(67) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for nanocellulose based research to produce a replacement for cellophane and clear plastic products with one made with plant materials that is biodegradable.

(68) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for continuation of the collaborative for the advancement of telemedicine, hosted by the institution's telehealth services.

(69) \$100,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the center for health workforce studies to continue a program to track dental workforce trends, needs, and enhancements to better serve the increasing population and demand for access to adequate oral health care. The center shall continue the program in consultation with dental stakeholders including, but not limited to, provider associations and oral health philanthropic leaders. The workforce reporting program is to be considered a public-private partnership. The institutions may accept matching funds from interested stakeholders to help facilitate and administer the workforce reporting program. Information generated by the dental workforce reporting program shall be made available on the center's website in a deidentified, aggregate format.

(70) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for planning student studios to assist cities and counties with planning projects. Assistance shall focus on students and supporting faculty to facilitate on-site learning with cities and counties.

(71) The institution must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(72) \$586,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(73) \$364,000 of the general fund—state appropriation for fiscal year 2024 and \$364,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1745 (diversity clinical trials). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(74) \$150,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(75) \$1,213,000 of the statewide 988 behavioral health crisis response account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1134 (988 system). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(76) \$225,000 of the general fund—state appropriation for fiscal year 2024 and \$225,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue financial student assistance in public service oriented graduate and professional degree programs, referred to as "fee-based" programs, whose tuition for public service degrees is over \$18,000 per year. Programs shall create mechanisms to prioritize assistance to traditionally underrepresented students, specifically those who have expressed a commitment to service in the physician assistant, community oriented public health, or social work programs. The institution may offer financial assistance for students that volunteer or work with public health agencies, including as contact tracers.

**NEW SECTION. Sec. 607. FOR WASHINGTON STATE UNIVERSITY**

General Fund—State Appropriation (FY 2024)	\$269,284,000
General Fund—State Appropriation (FY 2025)	\$272,180,000
Climate Commitment Account—State Appropriation	\$8,321,000
Washington State University Building Account—State Appropriation	\$792,000
Education Legacy Trust Account—State Appropriation	\$33,995,000
Model Toxics Control Operating Account—State Appropriation	\$2,076,000
Dedicated Cannabis Account—State Appropriation (FY 2024)	\$188,000
Dedicated Cannabis Account—State Appropriation (FY 2025)	\$194,000
Workforce Education Investment Account—State Appropriation	\$45,991,000
<b>TOTAL APPROPRIATION</b>	<b>\$633,021,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$90,000 of the general fund—state appropriation for fiscal year 2024 and \$90,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each

program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) \$7,000,000 of the general fund—state appropriation for fiscal year 2024, \$7,000,000 of the general fund—state appropriation for fiscal year 2025, and \$22,800,000 of the workforce education investment account—state appropriation are provided solely for the continued development and operations of a medical school program in Spokane.

(6) \$135,000 of the general fund—state appropriation for fiscal year 2024 and \$135,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a honey bee biology research position.

(7) \$35,037,000 of the general fund—state appropriation for fiscal year 2024 and \$35,808,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(8) \$580,000 of the general fund—state appropriation for fiscal year 2024 and \$580,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(9) \$630,000 of the general fund—state appropriation for fiscal year 2024 and \$630,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(10) \$1,370,000 of the general fund—state appropriation for fiscal year 2024 and \$1,370,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(11) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(12) \$1,154,000 of the general fund—state appropriation for fiscal year 2024 and \$1,154,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(13) \$376,000 of the general fund—state appropriation for fiscal year 2024 and \$376,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for chapter 202, Laws of 2017 (children's mental health).

(14) \$585,000 of the general fund—state appropriation for fiscal year 2024 and \$585,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 159, Laws of 2017 (elk hoof disease).

(15) \$2,076,000 of the model toxics control operating account—state appropriation is provided solely for the university's soil health initiative and its network of long-term agroecological research and extension (LTARE) sites. The network must include a Mount Vernon REC site.

(16) \$42,000 of the general fund—state appropriation for fiscal year 2024 and \$42,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(17) \$33,000 of the general fund—state appropriation for fiscal year 2024 and \$33,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for compensation funding for Western Washington University employees that work on the Washington State University Everett campus.

(18) \$327,000 of the general fund—state appropriation for fiscal year 2024 and \$327,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for pharmacy behavioral health. Washington State University college of pharmacy and pharmaceutical sciences will hire two residency training positions and one behavioral health faculty to create a residency program focused on behavioral health.

(19) \$1,819,000 of the general fund—state appropriation for fiscal year 2024 and \$3,383,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation support.

(20) \$608,000 of the general fund—state appropriation for fiscal year 2024 and \$608,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the Washington state academy of sciences to provide support for core operations and to accomplish

its mission of providing science in the service of Washington, pursuant to its memorandum of understanding with the university.

(21) \$188,000 of the general fund—state appropriation for fiscal year 2024 and \$188,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for stormwater research to study the long-term efficacy of green stormwater infrastructure that incorporates compost to remove pollutants.

(22) \$4,112,000 of the workforce education investment account—state appropriation is provided solely to establish a bachelor's degree in cybersecurity operations.

(23) \$68,000 of the general fund—state appropriation for fiscal year 2024 and \$68,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 212, Laws of 2022 (community solar projects).

(24) \$7,721,000 of the climate commitment account—state appropriation is provided solely for the creation of the institute for northwest energy futures.

(25) \$3,910,000 of the workforce education investment account—state appropriation is provided solely for increasing nursing salaries at the institution.

(26) \$476,000 of the workforce education investment account—state appropriation is provided solely for nursing program equipment.

(27) \$2,521,000 of the workforce education investment account—state appropriation is provided solely for the establishment of a bachelor of science in public health degree at the Pullman, Spokane, and Vancouver campuses.

(28) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for increasing the base funding for the William D. Ruckleshaus Center.

(29) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for test sites on grass breeding to be established to research and design ideal soil infill types for regional locations, drainage, and management practices.

(30) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the energy program for residential energy code education and support, including training, hotline support to the building industry, and information material and web resources.

(31) \$1,596,000 of the workforce education investment account—state appropriation is provided solely for the creation of a bachelor's and master's degree in social work at the Tri-Cities campus.

(32) \$2,000,000 of the workforce education investment account—state appropriation is provided solely for the expansion of rural physician residencies.

(33) The institution must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(34) \$496,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(35) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1391 (energy in buildings). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(36) \$77,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute House Bill No. 1390 (district energy systems). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(37) \$600,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting), for a least-conflict pumped storage siting project.

(38)(a) \$800,000 of the general fund—state appropriation for fiscal year 2024 and \$700,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the development and implementation of a Native American scholarship program during the 2023-2025 biennium. Of the amounts in this subsection, no more than \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 may be spent on administration; development of the program; support services for students; outreach regarding the program; and technical support for application.

(b) "Eligible student" means a member of a federally recognized Indian tribe located within the United States who files a free application for federal student aid (FAFSA) and enrolls in an undergraduate degree program. Eligible students need to maintain satisfactory academic progress during the 2023-2025 biennium to remain eligible for the scholarship. The institution shall determine award priorities based on tribal consultation. Awards must be distributed to students no later than May of each fiscal year.

(c) The institution must submit a report to the appropriate committees of the legislature by June 30, 2025. The report must include: The number of eligible students; the number of students who receive a scholarship; how recipients were determined; and how many members of federally recognized Indian tribes in Washington received scholarships versus members of federally recognized Indian tribes from other states.

**NEW SECTION. Sec. 608. FOR EASTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2024)	\$63,325,000
General Fund—State Appropriation (FY 2025)	\$63,918,000
Education Legacy Trust Account—State Appropriation	\$16,838,000
Workforce Education Investment Account—State Appropriation	\$19,930,000
<b>TOTAL APPROPRIATION</b>	<b>\$164,011,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$350,000 of the general fund—state appropriation for fiscal year 2024 and at least \$350,000 of the general fund—state appropriation for fiscal year 2025 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) \$12,586,000 of the general fund—state appropriation for fiscal year 2024 and \$12,862,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(6) \$2,274,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(7) \$2,636,000 of the workforce education investment account—state appropriation is provided solely to maintain a computer engineering degree program in the college of science, technology, engineering, and math.

(8) \$300,000 of the workforce education investment account—state appropriation is provided solely to establish a center for inclusive excellence for faculty and staff.

(9) \$523,000 of the general fund—state appropriation for fiscal year 2024 and \$930,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation support.

(10) \$4,598,000 of the workforce education investment account—state appropriation is provided solely to expand faculty and staff to create a cohort of 80 students in the bachelor of nursing program.

(11) \$235,000 of the general fund—state appropriation for fiscal year 2024 and \$241,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continued implementation of RCW 49.60.525 (racial restrictions/review).

(12) \$500,000 of the workforce education investment account—state appropriation is provided solely for the establishment of a university mathematics, engineering, and science achievement program.

(13) \$838,000 of the workforce education investment account—state appropriation is provided solely for campus security personnel in Spokane and an additional police officer at the Cheney campus.

(14) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for planning student studios to assist cities and counties with planning projects. Assistance shall focus on students and supporting faculty to facilitate on-site learning with cities and counties.

(15) \$156,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(16) \$35,000 of the general fund—state appropriation for fiscal year 2024 and \$10,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1028 (crime victims and witnesses). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 609. FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2024)	\$65,860,000
General Fund—State Appropriation (FY 2025)	\$66,641,000
Central Washington University Capital Projects Account—State Appropriation	\$76,000
Education Legacy Trust Account—State Appropriation	\$19,076,000
Workforce Education Investment Account—State Appropriation	\$8,519,000



TOTAL APPROPRIATION..... \$160,172,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$14,186,000 of the general fund—state appropriation for fiscal year 2024 and \$14,498,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(5) \$2,236,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) \$1,050,000 of the workforce education investment account—state appropriation is provided solely to increase the number of certified K-12 teachers.

(7) \$736,000 of the workforce education investment account—state appropriation is provided solely to maintain mental health counseling positions.

(8) \$587,000 of the general fund—state appropriation for fiscal year 2024 and \$1,074,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation support.

(9) \$1,406,000 of the workforce education investment account—state appropriation is provided solely for student success. Students will receive discipline specific tutoring programs, peer assisted learning sessions, and academic success coaching.

(10) \$967,000 of the workforce education investment account—state appropriation is provided solely to develop and implement grow your own residency programs in high need areas of elementary, bilingual, special education, and English language learners.

(11) \$844,000 of the workforce education investment account—state appropriation is provided solely for dual language expansion programs in Yakima and Des Moines.

(12) \$168,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(13) \$25,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute House Bill No. 1028 (crime victims and witnesses). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(14) \$57,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute House Bill No. 1390 (district energy systems). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 610. FOR THE EVERGREEN STATE COLLEGE**

General Fund—State Appropriation (FY 2024) . . . . . \$36,808,000

General Fund—State Appropriation (FY 2025) . . . . . \$35,163,000

The Evergreen State College Capital Projects

Account—State Appropriation. . . . . \$80,000

Education Legacy Trust Account—State Appropriation. . . . . \$5,450,000

Workforce Education Investment Account—State

Appropriation. . . . . \$6,239,000

TOTAL APPROPRIATION..... \$83,740,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,315,000 of the general fund—state appropriation for fiscal year 2024 and \$4,410,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(4) \$3,771,000 of the general fund—state appropriation for fiscal year 2024 and \$2,445,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington state institute for public policy to initiate, sponsor, conduct, and publish research that is directly useful to policymakers and manage reviews and evaluations

of technical and scientific topics as they relate to major long-term issues facing the state. Within the amounts provided in this subsection (4):

(a) \$1,665,000 of the amounts in fiscal year 2024 and \$1,685,000 of the amounts in fiscal year 2025 are provided for administration and core operations.

(b) \$1,229,000 of the amounts in fiscal year 2024 and \$529,000 of the amounts in fiscal year 2025 are provided solely for ongoing and continuing studies on the Washington state institute for public policy's work plan.

(c) \$291,000 of the amount in fiscal year 2024 is provided solely for a literature review, program mapping, and quantitative analysis regarding the impact of the volunteer guardian ad litem program in dependency cases. The study must examine the structural racism and inequities in the dependency system, and must include an analysis of potential solutions. The study must be submitted to the appropriate committees of the legislature by June 30, 2024.

(d) \$150,000 of the amount for fiscal year 2024 is provided solely for the institute to update the report prepared pursuant to section 5, chapter 231, laws of 2007 (permitting requirements). At a minimum, the report must include input from cities, counties, building industries, and building officials. The report must identify best practices on how local government could modify or improve their services in issuing permits. The report is due to the appropriate committees of the legislature by June 30, 2024.

(e) (i) \$154,000 of the amount for fiscal year 2024 is provided solely for the institute to examine the costs associated with conservation district elections under current law, and the projected costs and benefits for shifting conservation district election to be held on general election ballots under Title 29A RCW. The examination must include, to the extent that the data allows:

(A) An analysis of the amount of money that each conservation district spends on holding elections for supervisors under current law, and a description of the funding sources that each conservation district utilizes to fund its elections;

(B) Information about voter turnout in each conservation district supervisor election in at least the past six years and up to the past 20 years, if the conservation district has such data, as well as a calculation of the total cost per ballot cast that each conservation district spent in those elections;

(C) A projection of the costs that would be expected to be incurred by each county and each conservation district for its supervisor elections if the district were to hold its supervisor elections on general election ballots under the processes and procedures in Title 29A RCW, including:

(I) Switching all supervisor positions to elected positions; and

(II) Changing term lengths to four years, with terms staggered such that elections are held every two years, to align with the elections for other local government officials;

(D) A projection of the costs that would be expected to be incurred by each county and each conservation district for its supervisor elections if, in addition to the changes described in (e)(i)(C) of this subsection, the conservation districts were divided into zones such that each zone is represented by a single supervisor, rather than electing each supervisor at-large throughout the district; and

(E) An overall description of potential nonmonetary costs and benefits associated with switching conservation district supervisor elections to the general election ballots under Title 29A RCW and incorporating the changes described in (e)(i)(C) and (D) of this subsection.

(ii) A preliminary report which contains any available information to date must be completed by December 1, 2023. A final report must be completed by June 30, 2024, and submitted in accordance with RCW 43.01.036 to the standing committees of the house of representatives and the senate with jurisdiction over elections and conservation district issues.

(f) \$100,000 of the amounts for fiscal year 2024 and \$100,000 of the amounts for fiscal year 2025 are provided solely for the institute to conduct a review of all assessments and charges imposed on individuals incarcerated in department of corrections facilities and their family members and its effect on the financial status of incarcerated individuals. The review must include, at a minimum:

(i) An evaluation of all costs incurred by incarcerated individuals for items that include but are not limited to:

(A) Food;

(B) Commissary items;

(C) Personal hygiene items;

(D) Electronic devices and services, tablets, digital stamps, and downloadable media and services such as music, movies, and other programs;

(E) Stationary, mail, and postage;

(F) Communication devices such as telephones, local and nonlocal telephone services, and video chat services;

(G) Clothing and shoes;

(H) Copayments for medical, dental, and optometry visits, care, and medication;

(I) Eyeglasses;

(J) Gym, television services, and any other recreational activities;

(K) Educational and vocational classes, programming, and related materials; and

(L) Any and all items and services charged to incarcerated persons under RCW 72.09.450 and 72.09.470 including, but not limited to, a complete list of any other item that an individual was or could have been charged for while incarcerated;

(ii) A complete itemized list of: (A) All items in (f)(i) of this subsection; (B) the cost of each item and service purchased by the department or negotiated with a vendor in (f)(i) of this subsection; (C) the resale or purchased price charged to incarcerated individuals and their family members for the same items in (f)(i) of this subsection; (D) the revenue or profit retained or reinvested by the department for each individual item in (f)(i) of this subsection; (E) the cost of items and services listed in (f)(i) of this subsection compared to comparable items and services that are not provided through correctional industries; and (F) an assessment of the prices charged for the items and services listed in (f)(i) of this subsection as compared to comparable items and services provided by other companies and vendors that do not service prisons;

(iii) A complete list of all items including, but not limited to, clothing and personal hygiene items, that are distributed monthly free of charge: (A) To all incarcerated individuals irrespective of their financial status; and (B) solely to indigent inmates as defined in RCW 72.09.015 provided the individual remains in indigent status during his or her period of incarceration;

(iv) The average annual debt incurred by an individual while incarcerated. This includes debt solely recorded and posted by the department for debt incurred between the individual's first day of confinement within the department of corrections through the individual's day of release from incarceration from prison;

(v) The average debt owed by incarcerated individuals to the department for items and services under (f)(i) of this subsection upon release from confinement;

(vi) The average amount paid by incarcerated individuals to the department for items and services under (f)(i) of this subsection during their period of confinement;

(vii) A list of the: (A) Required deductions from wages and gratuities earned pursuant to RCW 72.09.100 through 72.09.111; (B) required deductions from the funds received, by the department on behalf of an incarcerated person from outside sources, in addition to an incarcerated individual's wages or gratuities pursuant to RCW 72.09.480; and (C) wages and gratuities earned by an incarcerated individual and any funds received, by the department on behalf of an incarcerated person, from outside sources for specific items listed in (f)(i) of this subsection that are exempt from statutory deductions;

(viii) The average amount of funds remaining in an incarcerated individual's savings account at the time of his or her release from confinement; and

(ix) A review and evaluation of the fines, fees, and commission generated from any of the items and services listed in (f)(i) of this subsection that are used in the department's budget.

The institute must provide a final report to the governor and the appropriate committees of the legislature by September 30, 2024.

(g) (i) \$50,000 of the amount for fiscal year 2024 is provided solely for the institute to study the contracting practices for goods and services, and manufactured products, made or offered by correctional industries to state agencies and various political subdivisions within the state. A cost benefit analysis must be included in the report which must:

(A) Determine the costs of all contracts utilizing the labor of incarcerated individuals providing services or the manufacture of goods for state entities and other political subdivisions;

(B) Compare the cost savings to the state of Washington that is projected when those goods and services are procured from or produced by corrections industries and not private businesses engaged in a competitive bidding process with the state and its various political subdivisions;

(C) Provide a detailed break out of total number of labor positions that are offered to incarcerated individuals, ranked from least skilled to most skilled and the rate per hour of the gratuities the individuals are given monthly for this labor, including the amount if the gratuity given to incarcerated individuals was the federal or state mandated minimum wage;

(D) Provide a detailed listing of all commissary items purchased by and offered for sale to individuals incarcerated within the facilities operated by the department of corrections. This listing of individual items must also include the wholesale price from outside vendors that correction industries pays for each line item offered to incarcerated individuals, and the price charged to the incarcerated individual for those items; and

(E) Provide a comprehensive list of all positions offered by corrections industries that provide substantive training and labor ready skills for individuals to assume positions in the workforce outside of incarceration; and to the extent the data allows, provide the number of individuals who have positions upon release that were obtained with skills obtained through work at correctional industries.

(ii) The institute must submit a report to the appropriate committees of the legislature by June 30, 2024, in compliance with RCW 43.01.036.

(h) \$132,000 of the amounts in fiscal year 2024 and \$131,000 of the amounts in fiscal year 2025 are provided solely for the institute to conduct a study of the Washington jail system and juvenile justice facilities, in consultation with the Washington state association of counties. The analysis must include, but is not limited to, diversion or alternative programs, booking, incarceration alternatives, behavioral health treatment including competence evaluations and restoration services, and release and reentry. The institute must submit a final report to the appropriate committees of the legislature by December 1, 2024.

(i) Notwithstanding other provisions in this subsection, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2023-25 work plan as necessary to efficiently manage workload.

(5) \$2,636,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) \$670,000 of the workforce education investment account—state appropriation is provided solely to maintain enrollment capacity in psychology programs.

(7) \$600,000 of the workforce education investment account—state appropriation is provided solely to increase student success by maintaining support for a student precollege immersion program and the Evergreen first-year experience.

(8) \$1,637,000 of the workforce education investment account—state appropriation is provided solely for student enrollment and retention support. Funding is provided for hiring a student advisor and underserved student specialist to provide student support and administrative support for the native pathways program. Funding is also provided to support students in science, technology, engineering, and math programs.

(9) \$554,000 of the workforce education investment account—state appropriation is provided solely for the expansion of corrections education offerings to currently incarcerated students and the expansion of reentry services.

(10) \$142,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(11) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1291 (academic employee bargaining). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(12) \$6,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute House Bill No. 1028 (crime victims and witnesses). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 611. FOR WESTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2024) . . . . .	\$95,340,000
General Fund—State Appropriation (FY 2025) . . . . .	\$97,553,000
Western Washington University Capital Projects	
Account—State Appropriation . . . . .	\$1,424,000
Education Legacy Trust Account—State Appropriation . . . . .	\$13,831,000
Workforce Education Investment Account—State	
Appropriation . . . . .	\$20,387,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$228,535,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$19,580,000 of the general fund—state appropriation for fiscal year 2024 and \$20,010,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) \$700,000 of the general fund—state appropriation for fiscal year 2024 and \$700,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(5) \$1,306,000 of the general fund—state appropriation for fiscal year 2024 and \$1,306,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the university to develop a new program in marine, coastal, and watershed sciences.

(6) \$886,000 of the general fund—state appropriation for fiscal year 2024 and \$886,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the university to reduce tuition rates for four-year degree programs offered in partnership with Olympic college—Bremerton, Olympic college—Poulsbo, and Peninsula college—Port Angeles that are currently above state-funded resident undergraduate tuition rates.

(7) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(8) \$2,256,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(9) \$3,426,000 of the workforce education investment account—state appropriation is provided solely to maintain access to science, technology, engineering, and mathematics degrees.

(10) \$1,016,000 of the workforce education investment account—state appropriation is provided solely to establish an academic curriculum in ethnic studies.

(11) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for planning student studios to assist cities and counties with planning projects. Assistance shall focus on students and supporting faculty to facilitate on-site learning with cities and counties.

(12) \$500,000 of the workforce education investment account—state appropriation is provided solely for the student civic leaders initiative.

(13) \$1,610,000 of the general fund—state appropriation for fiscal year 2024 and \$2,844,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation support.

(14) \$4,000,000 of the workforce education investment account—state appropriation is provided solely for the western on the peninsulas expansion. This includes new two for two degrees programs such as industrial engineering, data science and sociology, and master of social work programs.

(15) \$2,799,000 of the workforce education investment account—state appropriation is provided solely for expanded remedial math and additional English 101 courses, as well first year seminars, and disability accommodation counselors. Of the amounts provided in this subsection for first year seminars, \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided for the university to develop a student orientation program for students receiving the Washington college grant, focusing on first-generation and traditionally underrepresented students. The program may include evidence-based student success metrics, peer support, and mentorship following orientation. The program proposal must be submitted to the legislature by December 1, 2023 for implementation in the 2024-2025 academic year.

(16) \$100,000 of the workforce education investment account—state appropriation is provided solely for mental health first aid training for faculty.

(17) \$150,000 of the workforce education investment account—state appropriation is provided solely for the small business development center to increase technical assistance to black, indigenous, and other people of color small business owners in Whatcom county.

(18) \$694,000 of the workforce education investment account—state appropriation is provided to establish a master of social work program.

(19) \$2,478,000 of the workforce education investment account—state appropriation is provided solely for expansion of bilingual educators education.

(20) \$156,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(21) \$23,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute House Bill No. 1028 (crime victims and witnesses). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(22) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1291 (academic employee bargaining). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 612. FOR THE STUDENT ACHIEVEMENT COUNCIL—POLICY COORDINATION AND ADMINISTRATION**

General Fund—State Appropriation (FY 2024) . . . . .	\$10,058,000
General Fund—State Appropriation (FY 2025) . . . . .	\$9,311,000
General Fund—Federal Appropriation . . . . .	\$20,959,000
Washington Student Loan Account—State Appropriation . . . . .	\$130,000,000
Workforce Education Investment Account—State Appropriation . . . . .	\$9,936,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$180,264,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$126,000 of the general fund—state appropriation for fiscal year 2024 and \$126,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the consumer protection unit.

(2) The student achievement council must ensure that all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW provide the data needed to analyze and evaluate the effectiveness of state financial aid programs. This data must be promptly transmitted to the education data center so that it is available and easily accessible.

(3) \$179,000 of the general fund—state appropriation for fiscal year 2024 and \$179,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the complete Washington program.

(4) Within existing resources, the council must submit a final report on the new or expanded cybersecurity and nursing academic programs that receive funding in sections 605 through 611 of this act, including the number of students enrolled. The council must coordinate with the institutions of higher education and the state board for community and technical colleges. The report must be submitted to the appropriate committees of the legislature, pursuant to RCW 43.01.036, by December 1, 2024.

(5) \$2,800,000 of the workforce education investment account—state appropriation is provided solely for the Washington student achievement council to contract with a statewide nonprofit organization located in King county to expand college services to support underserved students and improve college retention and completion rates.

(6) \$46,000 of the general fund—state appropriation for fiscal year 2024 and \$46,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the state of Washington's annual dues to the education commission of the state.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for an education assessment to be conducted related to the educational needs of northeast Washington. This assessment will help to identify higher education opportunities. The Washington state achievement council may contract with a private entity to conduct this study.

(8) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for an implementation review of the passport to careers program. The review must include short and long-term recommendations to improve the reach and effectiveness of the passport program. The review must include consultation with organizations serving foster youth, the state board of community and technical colleges, public four-year institutions, and other organizations involved in the passport to college and passport to apprenticeship programs. Amounts provided in this subsection may be used to provide stipends for youth participating in the review who are receiving funds from passport programs or are eligible to receive funds from passport programs. The review must be submitted to the appropriate committees of the legislature by June 30, 2024.

(9) \$130,000,000 of the Washington student loan account—state appropriation is provided solely for the implementation of chapter 206, Laws of 2022 (student loan program).

(10) \$16,000,000 of the general fund—federal appropriation is provided solely for the good jobs challenge grant expenditure authority.

(11) \$200,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for contraception vending machines for students and staff stocked with emergency contraceptive medication and other forms of contraception, including condoms, at discreet and geographically accessible locations, such as gender-neutral restrooms and student union buildings, and locations that are accessible on weekends and after 5:00 p.m. The council must distribute \$10,000 to each public four-year institution and community and technical college who apply on a first-come, first-served basis.

(12) \$1,150,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(13) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the council to provide grants to law schools in the state who offer a law clinic focusing on crime victim support.

**NEW SECTION. Sec. 613. FOR THE STUDENT ACHIEVEMENT COUNCIL—OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund—State Appropriation (FY 2024) . . . . .	\$315,042,000
General Fund—State Appropriation (FY 2025) . . . . .	\$314,786,000
General Fund—Federal Appropriation . . . . .	\$12,133,000
General Fund—Private/Local Appropriation . . . . .	\$300,000
Education Legacy Trust Account—State Appropriation . . . . .	\$85,488,000
Washington Opportunity Pathways Account—State Appropriation . . . . .	\$78,914,000
Aerospace Training Student Loan Account—State Appropriation . . . . .	\$218,000
Workforce Education Investment Account—State Appropriation . . . . .	\$237,184,000
Health Professionals Loan Repayment and Scholarship Program Account—State Appropriation . . . . .	\$11,720,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$1,055,785,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,834,000 of the general fund—state appropriation for fiscal year 2024 and \$7,835,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for student financial aid payments under the state work study program, including up to four percent administrative allowance for the state work study program.

(2) \$276,416,000 of the general fund—state appropriation for fiscal year 2024, \$276,416,000 of the general fund—state appropriation for fiscal year 2025, \$175,823,000 of the workforce education investment account—state appropriation, \$69,639,000 of the education legacy trust fund—state appropriation, and \$67,654,000 of the Washington opportunity pathways account—state appropriation are provided solely for the Washington college grant program as provided in RCW 28B.92.200.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2023-2025 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) \$1,165,000 of the general fund—state appropriation for fiscal year 2024, \$1,165,000 of the general fund—state appropriation for fiscal year 2025, \$15,849,000 of the education legacy trust account—state appropriation, and \$11,260,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall not consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010.

(5) \$6,999,000 of the general fund—state appropriation for fiscal year 2024 and \$6,999,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2024 and 2025 for this purpose.

(6) \$3,800,000 of the general fund—state appropriation for fiscal year 2024 and \$3,800,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current number and amount of awards for the program in the 2025-2027 fiscal biennium on the basis of these contractual obligations.

(7) \$5,800,000 of the general fund—state appropriation in fiscal year 2024 and \$5,800,000 of the general fund—state appropriation in fiscal year 2025 are provided solely to meet the state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(8) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the rural jobs state match.

(9) \$55,254,000 of the workforce education investment account—state appropriation is provided solely for an annual bridge grant of \$500 to eligible students. A student is eligible for a grant if the student receives a maximum college grant award and does not receive the college bound scholarship program under chapter 28B.118 RCW. Bridge grant funding provides supplementary financial support to low-income students to cover higher education expenses.

(10) \$500,000 of the workforce education investment account—state appropriation is provided solely for the behavioral health apprenticeship stipend pilot program, with stipends of \$3,000 available to students. The pilot program is intended to provide a stipend to assist students in high-demand programs for costs associated with completing a program, including child care, housing, transportation, and food.

(11) \$2,000,000 of the workforce education investment account—state appropriation is provided solely for the national guard grant program.

(12) \$2,000,000 of the workforce education investment account—state appropriation is provided solely for educator conditional scholarship and loan repayment programs established in chapter 28B.102 RCW. Dual language educators must receive priority.

(13) \$10,000,000 of the health professionals loan repayment and scholarship program account—state appropriation is provided solely to increase loans within the Washington health corps.

(14) \$1,156,000 of the workforce education investment account—state appropriation is provided solely for implementation of House Bill No. 1232 (college bound scholarship).

**NEW SECTION. Sec. 614. FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund—State Appropriation (FY 2024)	\$4,764,000
General Fund—State Appropriation (FY 2025)	\$4,183,000
General Fund—Federal Appropriation	\$55,685,000
General Fund—Private/Local Appropriation	\$212,000
Climate Commitment Account—State Appropriation	\$904,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	\$250,000
Workforce Education Investment Account—State Appropriation	\$6,714,000
<b>TOTAL APPROPRIATION</b>	<b>\$72,712,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$240,000 of the general fund—state appropriation for fiscal year 2024 and \$240,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the health workforce council of the state workforce training and education coordinating board. In partnership with the office of the governor, the health workforce council shall continue to assess workforce shortages across behavioral health disciplines and incorporate the recommended action plan completed in 2020.

(2) \$150,000 of the workforce education investment account—state appropriation is provided solely to support the workforce education investment accountability and oversight board established in RCW 28C.18.200.

(3) \$250,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for an accredited osteopathic medical school to purchase necessary equipment to support the education and training of community-focused occupational therapists.

(4) \$1,564,000 of the workforce education investment account—state appropriation is provided solely for updating the agency's interactive career and education exploration platform, career bridge.

(5) \$5,000,000 of the workforce education investment account—state appropriation is provided solely for the workforce board to award grants for the purposes of providing apprenticeship, industry certifications and wraparound student supports to workers pursuing job advancement and enhancement through college readiness, apprenticeship, degree, certification, or professional development opportunities in the health care field. Grant recipients must be labor-management partnerships established under section 302 of the labor-management relations act, 29 U.S.C. Sec. 186 that demonstrate adequate funding match and competency in the provision of student supports, or employers who can demonstrate service serving greater than 50 percent medicaid populations who can demonstrate that they will use the grant to join or establish a labor-management partnership dedicated to the purposes of this section. Preference must be given to applications that demonstrate an ability to support students from racially diverse backgrounds, and that are focused on in-demand fields with career ladders to living wage jobs. Grant recipients must use the funds to provide services including, but not limited to, development and implementation of apprenticeship and industry certifications, benefits administration, tuition assistance, counseling and navigation, tutoring and test preparation, instructor/mentor training, materials and technology for students, childcare, and travel costs.

(6) \$92,000 of the general fund—state appropriation for fiscal year 2024 and \$92,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for an information technology FTE to collaborate with other state workforce agencies to help identify a governance structure that provides strategic direction on cross-organizational information technology projects.

(7) The workforce board must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(8) \$54,000 of the general fund—state appropriation for fiscal year 2024 and \$30,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1724 (behavioral health workforce). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(9) \$904,000 of the climate commitment account—state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1176 (climate-ready communities), which creates a clean energy technology workforce advisory committee. The agency must conduct a study in fiscal year 2024 of the feasibility of a transition to retirement program to ensure income and medical and retirement benefits are not interrupted for workers close to retirement that face job loss or transition because of clean energy technology sector changes.

**NEW SECTION. Sec. 615. FOR THE STATE SCHOOL FOR THE BLIND**



General Fund—State Appropriation (FY 2024) . . . . .	\$10,462,000
General Fund—State Appropriation (FY 2025) . . . . .	\$10,603,000
General Fund—Private/Local Appropriation . . . . .	\$34,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$21,099,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the school to offer to students enrolled in grades six through twelve for full-time instructional services at the Vancouver campus or online with the opportunity to participate in a minimum of 1,080 hours of instruction and the opportunity to earn 24 high school credits.

**NEW SECTION. Sec. 616. FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

General Fund—State Appropriation (FY 2024) . . . . .	\$17,016,000
General Fund—State Appropriation (FY 2025) . . . . .	\$17,022,000
General Fund—Private/Local Appropriation . . . . .	\$3,050,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$37,088,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the center to offer students ages three through twenty-one enrolled at Washington School for the Deaf the opportunity to participate in a minimum of 1,080 hours of instruction and the opportunity to earn 24 high school credits.

**NEW SECTION. Sec. 617. FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund—State Appropriation (FY 2024) . . . . .	\$6,939,000
General Fund—State Appropriation (FY 2025) . . . . .	\$7,106,000
General Fund—Federal Appropriation . . . . .	\$2,183,000
General Fund—Private/Local Appropriation . . . . .	\$184,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$16,412,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$151,000 of the general fund—state appropriation for fiscal year 2024 and \$137,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to hire a temporary collections technician to maintain and repair public art in the state art collection.
- (2) \$1,368,000 of the general fund—state appropriation for fiscal year 2024 and \$1,367,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the establishment of a tribal cultural affairs program. Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to support tribal cultural, arts, and creative programs.
- (3) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to implement a pilot program for in-person and online arts programming, targeting adults and families impacted by housing instability, mental health challenges, and trauma.
- (4) \$489,000 of the general fund—state appropriation for fiscal year 2024 and \$654,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1639 (Billy Frank Jr. statue). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 618. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2024) . . . . .	\$5,044,000
General Fund—State Appropriation (FY 2025) . . . . .	\$5,175,000
Local Museum Account—Washington State Historical Society—Private/Local Appropriation . . . . .	\$70,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$10,289,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$90,000 of the general fund—state appropriation for fiscal year 2024 and \$88,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for an assistant curator at the Washington state history museum.
- (2) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an organization that works with and connects museums in Washington as part of the Washington museums connect initiative. The Washington museums connect initiative created an inventory of rural, volunteer, and multidiscipline museums and place-based heritage groups in 2022 to connect at-risk museums to a statewide funding and operational network.
- (a) The contracted organization must:

(i) Submit to the department a report regarding funding needs for the museums and place-based heritage groups identified in the statewide inventory created in the first phase of the initiative;

(ii) Submit to the department a strategic plan assessing opportunities for the entities identified in the statewide inventory to access local, state, and national funding; and

(iii) Distribute to the entities identified in the inventory information regarding opportunities to apply for local, state, and national funding for the duration of the contract.

(b) The report and strategic plan are due by June 30, 2025.

(3) \$4,000 of the general fund—state appropriation for fiscal year 2024, \$4,000 of the general fund—state appropriation for fiscal year 2025, and \$70,000 of the local museum account—Washington state historical society—private/local appropriation are provided solely for implementation of Second Substitute House Bill No. 1639 (Billy Frank Jr. statue). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(4) \$99,000 of the general fund—state appropriation for fiscal year 2024 and \$242,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington state historical society to partner with statewide organizations specializing in the preservation of Washington state aviation history to organize a centennial celebration of the first round-the-world flight that captures the narratives and contributions of Washingtonians to the history of aviation.

**NEW SECTION. Sec. 619. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2024) . . . . .	\$4,198,000
General Fund—State Appropriation (FY 2025) . . . . .	\$4,208,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$8,406,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$103,000 of the general fund—state appropriation for fiscal year 2024 and \$103,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a director of support services.

(2) \$52,000 of the general fund—state appropriation for fiscal year 2024 and \$52,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for temporary information technology staff to replace the society's contracted information technology support.

(End of part)

**PART VII  
SPECIAL APPROPRIATIONS**

**NEW SECTION. Sec. 701. FOR THE OFFICE OF FINANCIAL MANAGEMENT—INFORMATION TECHNOLOGY INVESTMENT POOL**

General Fund—State Appropriation (FY 2024) . . . . .	\$11,086,000
General Fund—State Appropriation (FY 2025) . . . . .	\$6,506,000
General Fund—Federal Appropriation . . . . .	\$1,553,000
Other Appropriated Funds . . . . .	\$3,279,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$22,424,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for expenditure into the information technology investment revolving account created in RCW 43.41.433. Amounts in the account are provided solely for the information technology projects shown in LEAP omnibus document IT-2023, dated March 27, 2023, which is hereby incorporated by reference. To facilitate the transfer of moneys from other funds and accounts that are associated with projects contained in LEAP omnibus document IT-2023, dated March 27, 2023, the state treasurer is directed to transfer moneys from other funds and accounts to the information technology investment revolving account in accordance with schedules provided by the office of financial management. Restricted federal funds may be transferred only to the extent permitted by law, and will otherwise remain outside the information technology investment account. The projects affected remain subject to the other provisions of this section.

(2) Agencies must apply to the office of the chief information officer for certification and release of funding for each gate of the project. When the office of the chief information officer certifies the key deliverables of the gate have been met and a current technology budget is approved, it must notify the office of financial management and the fiscal committees of the legislature. The office of financial management may not approve funding for the certified project gate any earlier than ten business days from the date of notification to the fiscal committees of the legislature.

(3)(a) Allocations and allotments of information technology investment revolving account must be made for discrete stages of projects as determined by the technology budget approved by the office of the chief information officer and office of financial management.

(b) Fifteen percent of total funding allocated by the office of financial management, or another amount as defined jointly by the office of financial management and the office of the

chief information officer, will be retained in the account, but remain allocated to that project. The retained funding will be released to the agency only after successful completion of that stage of the project. For the one Washington project, the amount retained is increased to at least twenty percent of total funding allocated for any stage of that project.

(4) (a) Each project must have a technology budget. The technology budget must have the detail by fiscal month for the 2023-2025 fiscal biennium. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out, as well as at least five years of maintenance and operations costs.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit an updated technology budget, if changes occurred, to include detailed financial information to the office of financial management and the office of the chief information officer. The technology budget must describe the total cost of the project, as well as maintenance and operations costs, to include and identify at least:

(i) Fund sources:

(A) If the project is funded from the information technology revolving account, the technology budget must include a worksheet that provides the fund sources that were transferred into the account by fiscal year;

(B) If the project is by a central service agency, and funds are driven out by the central service model, the technology budget must provide a statewide impact by agency by fund as a worksheet in the technology budget file;

(ii) Full time equivalent staffing level to include job classification assumptions;

(iii) Discrete financial budget codes to include at least the appropriation index and program index;

(iv) Object and subobject codes of expenditures;

(v) Anticipated deliverables;

(vi) Historical budget and expenditure detail by fiscal year; and

(vii) Maintenance and operations costs by fiscal year for at least five years as a separate worksheet.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(5) (a) Each project must have an investment plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

(ii) The office of the chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discrete financial coding for the project.

(6) Projects with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the chief information officer, except for the one Washington project which must be divided into the following discrete subprojects: Core financials, expanding financials and procurement, budget, and human resources. Each subproject must have a technology budget and investment plan as provided in this section.

(7) (a) The office of the chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

(i) Project changes each fiscal month;

(ii) Noting if the project has a completed market requirements document, and when it was completed;

(iii) Financial status of information technology projects under oversight;

(iv) Coordination with agencies;

(v) Monthly quality assurance reports, if applicable;

(vi) Monthly office of the chief information officer status reports;

(vii) Historical project budget and expenditures through fiscal year 2021;

(viii) Budget and expenditures each fiscal month;

(ix) Estimated annual maintenance and operations costs by fiscal year; and

(x) Posting monthly project status assessments on scope, schedule, budget, and overall by the:

(A) Office of the chief information officer;

(B) Agency project team; and

(C) Quality assurance vendor, if applicable to the project.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can display subproject detail. This includes coalition projects that are active.

(8) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(9) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently to the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(10) The office of the chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(11) The office of the chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the chief information officer must report on July 1 and December 1 each calendar year any suspension or termination of a project in the previous six month period to the legislative fiscal committees.

(12) The office of the chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the chief information officer must report on July 1 and December 1 each calendar year any additional projects to be subjected to this section that were identified in the previous six month period to the legislative fiscal committees.

(13) Any cost to administer or implement this section for projects listed in subsection (1) of this section, must be paid from the information technology investment revolving account. For any other information technology project made subject to the conditions, limitations, and review of this section, the cost to implement this section must be paid from the funds for that project.

(14) The resident identity and access management modernization project of the consolidated technology services agency is subject to the conditions, limitations, and review in this section.

**NEW SECTION. Sec. 702. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund—State Appropriation (FY 2024)	\$1,419,429,000
General Fund—State Appropriation (FY 2025)	\$1,549,473,000
State Building Construction Account—State	
Appropriation	\$14,092,000
Watershed Restoration and Enhancement Bond Account—	
State Appropriation	\$204,000
State Taxable Building Construction Account—State	
Appropriation	\$876,000
Debt-Limit Reimbursable Bond Retirement Account—	
State Appropriation	\$119,000
<b>TOTAL APPROPRIATION</b>	<b>\$2,984,193,000</b>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

**NEW SECTION. Sec. 703. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT NOT SUBJECT TO THE DEBT LIMIT**

General Fund—State Appropriation (FY 2025)	\$1,136,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,136,000</b>

The appropriation in this section is subject to the following conditions and limitations: The general fund appropriation is provided solely for expenditure into the nondebt limit general fund bond retirement account for debt service on bonds issued pursuant to House Bill No. 1149 (housing/capital expenditures). If the bill is not enacted by June 30, 2023, or if the referendum bill is not approved by the voters at the 2023 general election, the amount provided in this section shall lapse.

**NEW SECTION. Sec. 704. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

Nondebt-Limit Reimbursable Bond Retirement Account—	
State Appropriation . . . . .	\$51,730,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$51,730,000</b>

The appropriation in this section is subject to the following conditions and limitations: The general fund appropriation is for expenditure into the nondebt limit general fund bond retirement account.

**NEW SECTION. Sec. 705. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund—State Appropriation (FY 2024) . . . . .	\$1,400,000
General Fund—State Appropriation (FY 2025) . . . . .	\$1,400,000
State Building Construction Account—State Appropriation . . . . .	\$2,821,000
Watershed Restoration and Enhancement Bond Account— State Appropriation . . . . .	\$44,000
State Taxable Building Construction Account—State Appropriation . . . . .	\$176,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$5,841,000</b>

**NEW SECTION. Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT—GOVERNOR'S EMERGENCY FUNDING**

General Fund—State Appropriation (FY 2024) . . . . .	\$3,500,000
General Fund—State Appropriation (FY 2025) . . . . .	\$3,500,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$7,000,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the critically necessary work of any state agency in the event of an emergent or unforeseen circumstance. Prior to the allocation of funding from this subsection (1), the requesting agency and the office of financial management must comply with the provisions of RCW 43.88.250.
- (2) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for individual assistance consistent with RCW 38.52.030(9) during an emergency proclaimed by the governor, as defined in RCW 38.52.010. The office of financial management must notify the fiscal committees of the legislature of the receipt by the governor or adjutant general of each application or request for individual assistance from the amounts provided in this subsection (2). The office of financial management may not approve or release funding for 10 business days from the date of notification to the fiscal committees of the legislature.

**NEW SECTION. Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT—EDUCATION TECHNOLOGY REVOLVING ACCOUNT**

General Fund—State Appropriation (FY 2024) . . . . .	\$9,000,000
General Fund—State Appropriation (FY 2025) . . . . .	\$9,000,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$18,000,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the education technology revolving account for the purpose of covering ongoing operational and equipment replacement costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

**NEW SECTION. Sec. 708. FOR THE OFFICE OF FINANCIAL MANAGEMENT—O'BRIEN BUILDING IMPROVEMENT**

General Fund—State Appropriation (FY 2024) . . . . .	\$2,585,000
General Fund—State Appropriation (FY 2025) . . . . .	\$2,584,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$5,169,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the enterprise services account for payment of principal, interest, and financing expenses associated with the certificate of participation for the O'Brien building improvement, project number 20081007.

**NEW SECTION. Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CHERBERG BUILDING REHABILITATION**

General Fund—State Appropriation (FY 2024) . . . . .	\$550,000
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General Fund—State Appropriation (FY 2025). . . . . \$552,000  
**TOTAL APPROPRIATION..... \$1,102,000**

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the enterprise services account for payment of principal, interest, and financing expenses associated with the certificate of participation for the Cherberg building improvements, project number 2002-1-005.

**NEW SECTION. Sec. 710. FOR THE STATE TREASURER—COUNTY PUBLIC HEALTH ASSISTANCE**

General Fund—State Appropriation (FY 2024). . . . . \$36,386,000  
 General Fund—State Appropriation (FY 2025). . . . . \$36,386,000  
**TOTAL APPROPRIATION..... \$72,772,000**

The appropriations in this section are subject to the following conditions and limitations: The state treasurer shall distribute the appropriations to the following counties and health districts in the amounts designated to support public health services, including public health nursing:

<b>Health District</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>2023-2025 Biennium</b>
Adams County Integrated Health Care Services	\$121,213	\$121,213	\$242,426
Asotin County Health District	\$159,890	\$159,890	\$319,780
Benton-Franklin Health District	\$1,614,337	\$1,614,337	\$3,228,674
Chelan-Douglas Health District	\$399,634	\$399,634	\$799,268
Clallam County Health and Human Services Department	\$291,401	\$291,401	\$582,802
Clark County Public Health	\$1,767,341	\$1,767,341	\$3,534,682
Skamania County Community Health	\$111,327	\$111,327	\$222,654
Columbia County Health District	\$119,991	\$119,991	\$239,982
Cowlitz County Health and Human Services	\$477,981	\$477,981	\$955,962
Garfield County Health District	\$93,154	\$93,154	\$186,308
Grant County Health District	\$297,761	\$297,761	\$595,522
Grays Harbor Public Health and Social Services	\$335,666	\$335,666	\$671,332
Island County Health Department	\$255,224	\$255,224	\$510,448
Jefferson County Public Health	\$184,080	\$184,080	\$368,160
Public Health - Seattle & King County	\$12,685,521	\$12,685,521	\$25,371,042
Kitsap Public Health District	\$997,476	\$997,476	\$1,994,952
Kittitas County Public Health	\$198,979	\$198,979	\$397,958
Klickitat County Public Health	\$153,784	\$153,784	\$307,568
Lewis County Public Health and Social Services	\$263,134	\$263,134	\$526,268
Lincoln County Health Department	\$113,917	\$113,917	\$227,834
Mason County Public Health and Human Services	\$227,448	\$227,448	\$454,896
Okanogan County Public Health	\$169,882	\$169,882	\$339,764
Pacific County Health and Human Services	\$169,075	\$169,075	\$338,150
Tacoma-Pierce County Health Department	\$4,143,169	\$4,143,169	\$8,286,338
San Juan County Health and Community Services	\$126,569	\$126,569	\$253,138
Skagit County Health Department	\$449,745	\$449,745	\$899,490
Snohomish Health District	\$3,433,291	\$3,433,291	\$6,866,582
Spokane Regional Health District	\$2,877,318	\$2,877,318	\$5,754,636
Northeast Tri-County Health District	\$249,303	\$249,303	\$498,606
Thurston County Public Health and Social Services	\$1,046,897	\$1,046,897	\$2,093,794

Wahkiakum County Health and Human Services	\$93,181	\$93,181	\$186,362
Walla Walla County Department of Community Health	\$302,173	\$302,173	\$604,346
Whatcom County Health Department	\$1,214,301	\$1,214,301	\$2,428,602
Whitman County Health Department	\$189,355	\$189,355	\$378,710
Yakima Health District	\$1,052,482	\$1,052,482	\$2,104,964
TOTAL APPROPRIATIONS	\$36,386,000	\$36,386,000	\$72,772,000

**NEW SECTION. Sec. 711. FOR THE STATE TREASURER—COUNTY CLERK LEGAL FINANCIAL OBLIGATION GRANTS**

General Fund—State Appropriation (FY 2024)	\$541,000
General Fund—State Appropriation (FY 2025)	\$441,000
<b>TOTAL APPROPRIATION</b>	<b>\$982,000</b>

The appropriations in this section are subject to the following conditions and limitations: By October 1st of each fiscal year, the state treasurer shall distribute the appropriations to the following county clerk offices in the amounts designated as grants for the collection of legal financial obligations pursuant to RCW 2.56.190:

<b>County Clerk</b>	<b>FY 2024</b>	<b>FY 2025</b>
Adams County Clerk	\$2,103	\$1,714
Asotin County Clerk	\$2,935	\$2,392
Benton County Clerk	\$18,231	\$14,858
Chelan County Clerk	\$7,399	\$6,030
Clallam County Clerk	\$5,832	\$4,753
Clark County Clerk	\$32,635	\$26,597
Columbia County Clerk	\$384	\$313
Cowlitz County Clerk	\$16,923	\$13,792
Douglas County Clerk	\$3,032	\$2,471
Ferry County Clerk	\$422	\$344
Franklin County Clerk	\$5,486	\$4,471
Garfield County Clerk	\$243	\$198
Grant County Clerk	\$10,107	\$8,237
Grays Harbor County Clerk	\$8,659	\$7,057
Island County Clerk	\$3,059	\$2,493
Jefferson County Clerk	\$1,859	\$1,515
King County Court Clerk	\$119,290	\$97,266
Kitsap County Clerk	\$22,242	\$18,127
Kittitas County Clerk	\$3,551	\$2,894
Klickitat County Clerk	\$2,151	\$1,753
Lewis County Clerk	\$10,340	\$8,427

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Lincoln Clerk	County	\$724	\$590
Mason County Clerk		\$5,146	\$4,194
Okanogan Clerk	County	\$3,978	\$3,242
Pacific Clerk	County	\$2,411	\$1,965
Pend County Clerk	Oreille	\$611	\$498
Pierce Clerk	County	\$77,102	\$62,837
San Juan Clerk	County	\$605	\$493
Skagit Clerk	County	\$11,059	\$9,013
Skamania Clerk	County	\$1,151	\$938
Snohomish Clerk	County	\$38,143	\$31,086
Spokane Clerk	County	\$44,825	\$36,578
Stevens Clerk	County	\$2,984	\$2,432
Thurston Clerk	County	\$22,204	\$18,096
Wahkiakum Clerk	County	\$400	\$326
Walla Walla Clerk	County	\$4,935	\$4,022
Whatcom Clerk	County	\$20,728	\$16,893
Whitman Clerk	County	\$2,048	\$1,669
Yakima Clerk	County	\$25,063	\$20,426
TOTAL		\$541,00	\$441,00
APPROPRIATIONS		0	0

NEW SECTION. **Sec. 712. BELATED CLAIMS**

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. **Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT—FOUNDATIONAL PUBLIC HEALTH SERVICES**

General Fund—State Appropriation (FY 2024)	\$140,599,000
General Fund—State Appropriation (FY 2025)	\$140,599,000
Foundational Public Health Services Account—State Appropriation	\$43,032,000
<b>TOTAL APPROPRIATION</b>	<b>\$324,230,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for distribution as provided in RCW 43.70.515 and 82.25.015.

NEW SECTION. **Sec. 714. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COMMON SCHOOL CONSTRUCTION ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$600,000
General Fund—State Appropriation (FY 2025)	\$600,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,200,000</b>



The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the common school construction account—state on July 1, 2023, and July 1, 2024, for an interest payment pursuant to RCW 90.38.130.

**NEW SECTION. Sec. 715. FOR THE OFFICE OF FINANCIAL MANAGEMENT—NATURAL RESOURCES REAL PROPERTY REPLACEMENT ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$300,000
General Fund—State Appropriation (FY 2025)	\$300,000
<b>TOTAL APPROPRIATION</b>	<b>\$600,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the natural resources real property replacement account—state on July 1, 2023, and July 1, 2024, for an interest payment pursuant to RCW 90.38.130.

**NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT—ANDY HILL CANCER RESEARCH ENDOWMENT FUND MATCH TRANSFER ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$684,000
<b>TOTAL APPROPRIATION</b>	<b>\$684,000</b>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the Andy Hill cancer research endowment fund match transfer account per RCW 43.348.080 to fund the Andy Hill cancer research endowment program. Matching funds using the amounts appropriated in this section may not be used to fund new grants that exceed two years in duration.

**NEW SECTION. Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT—NORTHEAST WASHINGTON WOLF-LIVESTOCK MANAGEMENT ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$456,000
General Fund—State Appropriation (FY 2025)	\$456,000
<b>TOTAL APPROPRIATION</b>	<b>\$912,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the northeast Washington wolf-livestock management account for the deployment of nonlethal wolf deterrence resources as provided in chapter 16.76 RCW.

**NEW SECTION. Sec. 718. FOR THE OFFICE OF FINANCIAL MANAGEMENT—STATE HEALTH CARE AFFORDABILITY ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$55,000,000
General Fund—State Appropriation (FY 2025)	\$30,000,000
<b>TOTAL APPROPRIATION</b>	<b>\$85,000,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriations are provided solely for expenditure into the state health care affordability account created in RCW 43.71.130.
- (2) It is the intent of the legislature to continue the policy of expending \$5,000,000 into the account each fiscal year in future biennia for the purpose of funding premium assistance for customers ineligible for federal premium tax credits who meet the eligibility criteria established in section 214(4)(a) of this act. Future expenditures into the account are contingent upon approval of the applicable waiver described in section 214(4)(b) of this act.

**NEW SECTION. Sec. 719. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT: JUVENILE CODE REVISIONS**

General Fund—State Appropriation (FY 2024)	\$331,000
General Fund—State Appropriation (FY 2025)	\$331,000
<b>TOTAL APPROPRIATION</b>	<b>\$662,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

**NEW SECTION. Sec. 720. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT: REPEAT OFFENDERS**

General Fund—State Appropriation (FY 2024)	\$226,000
General Fund—State Appropriation (FY 2025)	\$226,000

TOTAL APPROPRIATION..... \$452,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section, or so much thereof as may be necessary, are provided solely for expenditure into the county criminal justice assistance account. The treasurer shall make quarterly distributions from the county criminal justice assistance account of the amounts provided in this section in accordance with RCW 82.14.310 for the purposes of reimbursing local jurisdictions for increased costs incurred as a result of the mandatory arrest of repeat offenders pursuant to chapter 35, Laws of 2013 2nd sp. sess. The appropriations and distributions made under this section constitute appropriate reimbursement for costs for any new programs or increased level of services for the purposes of RCW 43.135.060.

**NEW SECTION. Sec. 721. FOR THE OFFICE OF FINANCIAL MANAGEMENT—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT: REPEAT OFFENDERS**

General Fund—State Appropriation (FY 2024) . . . . . \$133,000  
General Fund—State Appropriation (FY 2025) . . . . . \$133,000  
TOTAL APPROPRIATION..... \$266,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section, or so much thereof as may be necessary, are appropriated for expenditure into the municipal criminal justice assistance account. The treasurer shall make quarterly distributions from the municipal criminal justice assistance account of the amounts provided in this section in accordance with RCW 82.14.320 and 82.14.330, for the purposes of reimbursing local jurisdictions for increased costs incurred as a result of the mandatory arrest of repeat offenders pursuant to chapter 35, Laws of 2013 2nd sp. sess. The appropriations and distributions made under this section constitute appropriate reimbursement for costs for any new programs or increased level of services for the purposes of RCW 43.135.060.

**NEW SECTION. Sec. 722. FOR THE OFFICE OF FINANCIAL MANAGEMENT—INDIAN HEALTH IMPROVEMENT REINVESTMENT ACCOUNT**

General Fund—State Appropriation (FY 2024) . . . . . \$708,000  
General Fund—State Appropriation (FY 2025) . . . . . \$708,000  
TOTAL APPROPRIATION..... \$1,416,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the Indian health improvement reinvestment account created in RCW 43.71B.040.

**NEW SECTION. Sec. 723. FOR THE OFFICE OF FINANCIAL MANAGEMENT—OUTDOOR EDUCATION ACCOUNT**

General Fund—State Appropriation (FY 2024) . . . . . \$2,250,000  
General Fund—State Appropriation (FY 2025) . . . . . \$2,250,000  
TOTAL APPROPRIATION..... \$4,500,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the outdoor education and recreation program account for the purposes identified in RCW 79A.05.351.

**NEW SECTION. Sec. 724. FOR THE OFFICE OF FINANCIAL MANAGEMENT—UNIVERSAL COMMUNICATIONS SERVICES ACCOUNT**

General Fund—State Appropriation (FY 2024) . . . . . \$5,000,000  
TOTAL APPROPRIATION..... \$5,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the universal communications services account created in RCW 80.36.690.

**NEW SECTION. Sec. 725. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON CAREER AND COLLEGE PATHWAYS INNOVATION CHALLENGE PROGRAM ACCOUNT**

General Fund—State Appropriation (FY 2024) . . . . . \$6,000,000  
General Fund—State Appropriation (FY 2025) . . . . . \$6,000,000  
TOTAL APPROPRIATION..... \$12,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the Washington career and college pathways innovation challenge program account created in RCW 28B.120.040 to implement chapter 244, Laws of 2022 (innovation challenge program). The student achievement council must report to the governor and appropriate committees of the legislature on the uses of the general fund moneys deposited in the account by December 1 of each fiscal year of the biennium.

**NEW SECTION. Sec. 726. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON INTERNET CRIMES AGAINST CHILDREN ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$1,135,000
General Fund—State Appropriation (FY 2025)	\$1,135,000
<b>TOTAL APPROPRIATION</b>	<b>\$2,270,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the Washington internet crimes against children account created in RCW 43.101.435.

**NEW SECTION. Sec. 727. FOR THE OFFICE OF FINANCIAL MANAGEMENT—LANDLORD MITIGATION PROGRAM ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$4,000,000
<b>TOTAL APPROPRIATION</b>	<b>\$4,000,000</b>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the landlord mitigation program account created in RCW 43.31.615.

**NEW SECTION. Sec. 728. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

(1) The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(2) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund—State Appropriation (FY 2024)	\$88,500,000
General Fund—State Appropriation (FY 2025)	\$92,300,000
<b>TOTAL APPROPRIATION</b>	<b>\$180,800,000</b>

(3) There is appropriated for contributions to the judicial retirement system:

General Fund—State Appropriation (FY 2024)	\$6,300,000
General Fund—State Appropriation (FY 2025)	\$6,000,000
<b>TOTAL APPROPRIATION</b>	<b>\$12,300,000</b>

(4) There is appropriated for contributions to the judges' retirement system:

General Fund—State Appropriation (FY 2024)	\$300,000
General Fund—State Appropriation (FY 2025)	\$300,000
<b>TOTAL APPROPRIATION</b>	<b>\$600,000</b>

**NEW SECTION. Sec. 729. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

There is appropriated for state contributions to the volunteer firefighters' and reserve officers' relief and pension principal fund: Volunteer Firefighters' and Reserve Officers'

Administrative Account—State Appropriation	\$18,704,000
<b>TOTAL APPROPRIATION</b>	<b>\$18,704,000</b>

**NEW SECTION. Sec. 730. FOR THE OFFICE OF FINANCIAL MANAGEMENT—SHARED TENANT MICROSOFT 365 TO CENTRAL SERVICES MODEL**

General Fund—State Appropriation (FY 2024)	(\$10,819,000)
General Fund—State Appropriation (FY 2025)	(\$10,830,000)
General Fund—Federal Appropriation	(\$6,620,000)
General Fund—Private/Local Appropriation	(\$712,000)
Other Appropriated Funds	(\$9,656,000)
<b>TOTAL APPROPRIATION</b>	<b>(\$38,637,000)</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is adjusted to coordinate with the allocation of base funding for Microsoft 365 licenses to agencies on the state shared tenant through the central service model, as reflected in adjustments to the consolidated technology services agency's billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 90J-2023, dated March 27, 2023, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 731. FOR THE OFFICE OF FINANCIAL MANAGEMENT—SECRETARY OF STATE ARCHIVES AND RECORDS MANAGEMENT**

General Fund—State Appropriation (FY 2024)	\$336,000
General Fund—State Appropriation (FY 2025)	\$340,000
General Fund—Federal Appropriation	\$215,000
General Fund—Private/Local Appropriation	\$29,000
Other Appropriated Funds	\$338,000

**TOTAL APPROPRIATION..... \$1,258,000**

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the secretary of state's billing authority for archives and records management. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92C-2023, dated March 27, 2023, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 732. FOR THE OFFICE OF FINANCIAL MANAGEMENT—STATE AUDITOR AUDIT SERVICES**

General Fund—State Appropriation (FY 2024) . . . . .	\$292,000
General Fund—State Appropriation (FY 2025) . . . . .	\$380,000
General Fund—Federal Appropriation . . . . .	\$217,000
General Fund—Private/Local Appropriation . . . . .	\$13,000
Other Appropriated Funds . . . . .	\$298,000

**TOTAL APPROPRIATION..... \$1,200,000**

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the state auditor's billing authority for state agency auditing services. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92D-2023, dated March 27, 2023, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 733. FOR THE OFFICE OF FINANCIAL MANAGEMENT—OFFICE OF ATTORNEY GENERAL LEGAL SERVICES**

General Fund—State Appropriation (FY 2024) . . . . .	\$13,084,000
General Fund—State Appropriation (FY 2025) . . . . .	\$15,563,000
General Fund—Federal Appropriation . . . . .	\$5,671,000
General Fund—Private/Local Appropriation . . . . .	\$206,000
Other Appropriated Funds . . . . .	\$15,568,000

**TOTAL APPROPRIATION..... \$50,092,000**

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the office of the attorney general's billing authority for legal services. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92E-2023, dated March 27, 2023, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 734. FOR THE OFFICE OF FINANCIAL MANAGEMENT—ADMINISTRATIVE HEARINGS**

General Fund—State Appropriation (FY 2024) . . . . .	\$3,357,000
General Fund—State Appropriation (FY 2025) . . . . .	\$2,046,000
General Fund—Federal Appropriation . . . . .	\$4,715,000
Other Appropriated Funds . . . . .	\$7,858,000

**TOTAL APPROPRIATION..... \$17,976,000**

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the office of administrative hearing's billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92G-2023, dated March 27, 2023, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 735. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONSOLIDATED TECHNOLOGY SERVICES CENTRAL SERVICES**

General Fund—State Appropriation (FY 2024) . . . . .	\$17,495,000
General Fund—State Appropriation (FY 2025) . . . . .	\$18,544,000
General Fund—Federal Appropriation . . . . .	\$10,925,000
General Fund—Private/Local Appropriation . . . . .	\$1,114,000
Other Appropriated Funds . . . . .	\$16,963,000

**TOTAL APPROPRIATION..... \$65,041,000**

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the consolidated technology services agency's billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92J-2023, dated March 27, 2023, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 736. FOR THE OFFICE OF FINANCIAL MANAGEMENT—DEPARTMENT OF ENTERPRISE SERVICES CENTRAL SERVICES**

General Fund—State Appropriation (FY 2024) . . . . .	\$4,440,000
General Fund—State Appropriation (FY 2025) . . . . .	\$4,668,000
General Fund—Federal Appropriation . . . . .	\$1,603,000

General Fund—Private/Local Appropriation. . . . .	\$139,000
Other Appropriated Funds. . . . .	\$4,946,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$15,796,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the department of enterprise services' billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92K-2023, dated March 27, 2023, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 737. FOR THE OFFICE OF FINANCIAL MANAGEMENT—OFFICE OF FINANCIAL MANAGEMENT CENTRAL SERVICES**

General Fund—State Appropriation (FY 2024). . . . .	\$41,138,000
General Fund—State Appropriation (FY 2025). . . . .	\$24,289,000
General Fund—Federal Appropriation. . . . .	\$2,226,000
General Fund—Private/Local Appropriation. . . . .	\$1,766,000
Other Appropriated Funds. . . . .	\$21,647,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$91,066,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the office of financial management's billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92R-2023, dated March 27, 2023, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 738. FOR THE OFFICE OF FINANCIAL MANAGEMENT—OFFICE OF THE GOVERNOR CENTRAL SERVICES**

General Fund—State Appropriation (FY 2024). . . . .	\$6,346,000
General Fund—State Appropriation (FY 2025). . . . .	\$6,269,000
General Fund—Federal Appropriation. . . . .	\$3,280,000
General Fund—Private/Local Appropriation. . . . .	\$292,000
Other Appropriated Funds. . . . .	\$4,916,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$21,103,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to new billing authority for central service functions provided by the office of the governor. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92W-2023, dated March 27, 2023, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 739. FOR THE OFFICE OF FINANCIAL MANAGEMENT—SELF-INSURANCE LIABILITY PREMIUM**

General Fund—State Appropriation (FY 2024). . . . .	\$8,137,000
General Fund—State Appropriation (FY 2025). . . . .	\$8,150,000
General Fund—Federal Appropriation. . . . .	\$3,812,000
General Fund—Private/Local Appropriation. . . . .	\$15,000
Other Appropriated Funds. . . . .	\$514,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$20,628,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the department of enterprise services' self-insurance liability premium billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92X-2023, dated March 27, 2023, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 740. FOR THE OFFICE OF FINANCIAL MANAGEMENT—AFFORDABLE HOUSING FOR ALL ACCOUNT**

General Fund—State Appropriation (FY 2024). . . . .	\$18,500,000
General Fund—State Appropriation (FY 2025). . . . .	\$18,500,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$37,000,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the affordable housing for all account created in RCW 43.185C.190 for operations, maintenance, and services for permanent supportive housing as defined in RCW 36.70A.030.

**NEW SECTION. Sec. 741. FOR THE OFFICE OF FINANCIAL MANAGEMENT—BEHAVIORAL HEALTH LOAN REPAYMENT PROGRAM ACCOUNT**

Washington Student Loan Account—State Appropriation. . . . .	\$10,000,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$10,000,000</b>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the behavioral health loan repayment program account created in RCW 28B.115.135.

**NEW SECTION. Sec. 742. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CANNABIS REVENUE DISTRIBUTIONS**

Dedicated Cannabis Account—State Appropriation (FY 2024)	(\$1,069,000)
Dedicated Cannabis Account—State Appropriation (FY 2025)	(\$909,000)
<b>TOTAL APPROPRIATION</b>	<b>(\$1,978,000)</b>

The appropriations in this section are subject to the following conditions and limitations: The office of financial management must reduce allotments for affected state agencies by the amounts in this section, which reflect changes in the March forecast for cannabis revenue and distributions, in accordance with RCW 69.50.540.

**NEW SECTION. Sec. 743. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CRIME VICTIM AND WITNESS ASSISTANCE ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$4,100,000
General Fund—State Appropriation (FY 2025)	\$4,100,000
<b>TOTAL APPROPRIATION</b>	<b>\$8,200,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the state crime victim and witness assistance account created in Engrossed Substitute House Bill No. 1169 (legal financial obligations). If the bill is not enacted by June 30, 2023, the amount appropriated in this section shall lapse.

**NEW SECTION. Sec. 744. FOR THE OFFICE OF FINANCIAL MANAGEMENT—DEVELOPMENTAL DISABILITIES COMMUNITY SERVICES ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$1,000,000
General Fund—State Appropriation (FY 2025)	\$1,000,000
<b>TOTAL APPROPRIATION</b>	<b>\$2,000,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the developmental disabilities community services account (Dan Thompson memorial community services account) for the purposes identified in RCW 71A.20.170.

**NEW SECTION. Sec. 745. FOR THE OFFICE OF FINANCIAL MANAGEMENT—DNA DATABASE ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$603,000
General Fund—State Appropriation (FY 2025)	\$603,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,206,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the state DNA database account created in Engrossed Substitute House Bill No. 1169 (legal financial obligations). If the bill is not enacted by June 30, 2023, the amount appropriated in this section shall lapse.

**NEW SECTION. Sec. 746. FOR THE OFFICE OF FINANCIAL MANAGEMENT—FIREARMS BACKGROUND CHECK SYSTEM ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$5,069,000
<b>TOTAL APPROPRIATION</b>	<b>\$5,069,000</b>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the state firearms background check system account created in RCW 43.43.590.

**NEW SECTION. Sec. 747. FOR THE OFFICE OF FINANCIAL MANAGEMENT—HEALTH PROFESSIONAL LOAN REPAYMENT AND SCHOLARSHIP PROGRAM FUND**

Washington Student Loan Account—State Appropriation	\$10,000,000
<b>TOTAL APPROPRIATION</b>	<b>\$10,000,000</b>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the health professional loan repayment and scholarship program fund created in RCW 28B.115.130.

**NEW SECTION. Sec. 748. FOR THE OFFICE OF FINANCIAL MANAGEMENT—HOME VISITING SERVICES ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$12,247,000
General Fund—State Appropriation (FY 2025)	\$14,347,000
<b>TOTAL APPROPRIATION</b>	<b>\$26,594,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the home visiting services account for the home visiting program.

**NEW SECTION. Sec. 749. FOR THE OFFICE OF FINANCIAL MANAGEMENT—HORSE RACING COMMISSION OPERATING ACCOUNT**

Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation. . . . .	\$1,300,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$1,300,000</b>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the horse racing commission operating account created in RCW 67.16.280.

**NEW SECTION. Sec. 750. FOR THE OFFICE OF FINANCIAL MANAGEMENT—JUDICIAL INFORMATION SYSTEMS ACCOUNT**

General Fund—State Appropriation (FY 2024). . . . .	\$8,750,000
General Fund—State Appropriation (FY 2025). . . . .	\$8,750,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$17,500,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the judicial information systems account created in RCW 2.68.020.

**NEW SECTION. Sec. 751. FOR THE OFFICE OF FINANCIAL MANAGEMENT—JUDICIAL STABILIZATION TRUST ACCOUNT**

General Fund—State Appropriation (FY 2024). . . . .	\$8,387,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$8,387,000</b>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the judicial stabilization trust account created in RCW 43.79.505.

**NEW SECTION. Sec. 752. FOR THE OFFICE OF FINANCIAL MANAGEMENT—MEDICATION FOR PEOPLE LIVING WITH HIV REBATE REVENUE ACCOUNT**

General Fund—Private/Local Appropriation. . . . .	\$43,000,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$43,000,000</b>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the medication for people living with HIV rebate revenue account created in Engrossed Substitute Senate Bill No. 5142 (HIV medication rebate revenue). If the bill is not enacted by June 30, 2023, the amount appropriated in this section shall lapse.

**NEW SECTION. Sec. 753. FOR THE OFFICE OF FINANCIAL MANAGEMENT—OPERATING SUBACCOUNT OF THE COMMUNITY PRESERVATION AND DEVELOPMENT AUTHORITY ACCOUNT**

General Fund—State Appropriation (FY 2024). . . . .	\$3,336,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$3,336,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the operating subaccount of the community preservation and development authority account.

**NEW SECTION. Sec. 754. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON STATE LEADERSHIP BOARD ACCOUNT**

General Fund—State Appropriation (FY 2024). . . . .	\$905,000
General Fund—State Appropriation (FY 2025). . . . .	\$895,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$1,800,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the Washington state leadership board account created in RCW 43.388.020.

**NEW SECTION. Sec. 755. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—SOCIAL SERVICE SPECIALIST HOME VISITS**

General Fund—State Appropriation (FY 2024). . . . .	\$4,231,000
General Fund—State Appropriation (FY 2025). . . . .	\$4,283,000
General Fund—Federal Appropriation. . . . .	\$3,854,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$12,368,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the governor or the governor's designee to negotiate an amendment to the collective bargaining agreements covering home visits by social service specialists. Funding is sufficient for a 10 percent premium for home visits, and is subject to an agreement between the state and the exclusive collective bargaining representative of the social service specialists.

**NEW SECTION. Sec. 756. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS—MILITARY SERVICE CREDIT**

General Fund—State Appropriation (FY 2024). . . . .	\$250,000
General Fund—State Appropriation (FY 2025). . . . .	\$250,000

TOTAL APPROPRIATION..... \$500,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the increased contribution rate requirements associated with the enactment of Substitute House Bill No. 1007 (military service credit). If the bill is not enacted by June 30, 2023, the amounts provided by this section shall lapse.

**NEW SECTION. Sec. 757. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS—POSTRETIREMENT EMPLOYMENT**

General Fund—State Appropriation (FY 2024) . . . . . \$650,000  
 General Fund—State Appropriation (FY 2025) . . . . . \$650,000  
 TOTAL APPROPRIATION..... \$1,300,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the increased contribution rate requirements associated with the enactment of Substitute House Bill No. 1056 (postretirement employment). If the bill is not enacted by June 30, 2023, the amounts provided by this section shall lapse.

**NEW SECTION. Sec. 758. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS—PUBLIC SAFETY TELECOMMUNICATORS**

General Fund—State Appropriation (FY 2024) . . . . . \$600,000  
 General Fund—State Appropriation (FY 2025) . . . . . \$700,000  
 TOTAL APPROPRIATION..... \$1,300,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the increased contribution rate requirements associated with the enactment of House Bill No. 1055 (public safety telecommunicators). If the bill is not enacted by June 30, 2023, the amounts provided by this section shall lapse.

**NEW SECTION. Sec. 759. COMPENSATION—CLASSIFICATION ADJUSTMENTS**

General Fund—State Appropriation (FY 2024) . . . . . \$7,850,000  
 General Fund—State Appropriation (FY 2025) . . . . . \$7,902,000  
 General Fund—Federal Appropriation. . . . . \$3,541,000  
 General Fund—Private/Local Appropriation. . . . . \$624,000  
 Other Appropriated Funds. . . . . \$3,851,000  
 TOTAL APPROPRIATION..... \$23,768,000

The appropriations in this section are subject to the following conditions and limitations: Appropriations to state agencies include funding for adjustments to targeted nonrepresented classified employee job classes, shift premiums, and facility-based premiums. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 760. COMPENSATION—UPDATED PEBB RATE (HIGHER EDUCATION INSTITUTIONS) —INSURANCE BENEFITS**

General Fund—State Appropriation (FY 2025) . . . . . \$7,489,000  
 Other Appropriated Funds. . . . . \$299,000  
 TOTAL APPROPRIATION..... \$7,788,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for adjustments to the health benefit funding rate for general government state agencies, and is subject to the conditions and limitations in part IX of this act. Appropriations in this act for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 761. COMPENSATION—UPDATED PEBB RATE—INSURANCE BENEFITS**

General Fund—State Appropriation (FY 2025) . . . . . \$15,288,000  
 General Fund—Federal Appropriation. . . . . \$4,150,000  
 General Fund—Private/Local Appropriation. . . . . \$299,000  
 Other Appropriated Funds. . . . . \$6,059,000  
 TOTAL APPROPRIATION..... \$25,796,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for adjustments to the health benefit funding rate for general government state agencies, and is subject to the conditions and limitations in part IX of this act. Appropriations in this act for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 762. COMPENSATION—VACCINE BOOSTER INCENTIVE—NONREPRESENTED EMPLOYEES**

General Fund—State Appropriation (FY 2024) . . . . . \$7,326,000



General Fund—Federal Appropriation. . . . .	\$1,705,000
General Fund—Private/Local Appropriation. . . . .	\$131,000
Other Appropriated Funds. . . . .	\$2,864,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$12,026,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for vaccine booster incentives for nonrepresented employees in general government state agencies, and is subject to the conditions and limitations in part IX of this act. Appropriations in this act for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

NEW SECTION.      **Sec. 763.      COMPENSATION—RECOGNITION AND RETENTION LUMP-SUM—NONREPRESENTED EMPLOYEES**

General Fund—State Appropriation (FY 2024). . . . .	\$8,615,000
General Fund—Federal Appropriation. . . . .	\$1,970,000
General Fund—Private/Local Appropriation. . . . .	\$153,000
Other Appropriated Funds. . . . .	\$3,302,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$14,040,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is provided for recognition and retention lump sum payments for nonrepresented employees employed on or before July 1, 2022, and continuously employed through July 1, 2023, in general government state agencies, and is subject to the conditions and limitations in part IX of this act. Appropriations in this act for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

NEW SECTION.      **Sec. 764.      NONREPRESENTED GENERAL WAGE INCREASES—GENERAL GOVERNMENT EMPLOYEES**

General Fund—State Appropriation (FY 2024). . . . .	\$36,153,000
General Fund—State Appropriation (FY 2025). . . . .	\$64,521,000
General Fund—Federal Appropriation. . . . .	\$22,892,000
General Fund—Private/Local Appropriation. . . . .	\$1,616,000
Other Appropriated Funds. . . . .	\$42,704,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$167,886,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for general government state employee compensation increases to employees who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475, subject to the conditions and limitations in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

NEW SECTION.      **Sec. 765.      NONREPRESENTED GENERAL WAGE INCREASES—HIGHER EDUCATION EMPLOYEES**

General Fund—State Appropriation (FY 2024). . . . .	\$35,906,000
General Fund—State Appropriation (FY 2025). . . . .	\$63,638,000
Other Appropriated Funds. . . . .	\$3,197,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$102,741,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for higher education state employee compensation increases to employees who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475, subject to the conditions and limitations in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

NEW SECTION.      **Sec. 766.      COLLECTIVE BARGAINING AGREEMENT—ASSISTANT ATTORNEYS GENERAL/WFSE**

General Fund—State Appropriation (FY 2024). . . . .	\$974,000
General Fund—State Appropriation (FY 2025). . . . .	\$1,671,000
General Fund—Federal Appropriation. . . . .	\$254,000
Other Appropriated Funds. . . . .	\$16,349,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$19,248,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the 2023-2025 agreement reached between the governor and the Washington assistant attorneys general/Washington federation of state employees and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

NEW SECTION.      **Sec. 767.      COLLECTIVE BARGAINING AGREEMENT—COALITION OF UNIONS**

General Fund—State Appropriation (FY 2024). . . . .	\$6,858,000
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General Fund—State Appropriation (FY 2025)	\$8,113,000
General Fund—Federal Appropriation	\$1,179,000
General Fund—Private/Local Appropriation	\$954,000
Other Appropriated Funds	\$10,160,000
<b>TOTAL APPROPRIATION</b>	<b>\$27,264,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the coalition of unions for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 768. COLLECTIVE BARGAINING AGREEMENT—COMMUNITY COLLEGE COALITION—WFSE**

General Fund—State Appropriation (FY 2024)	\$5,541,000
General Fund—State Appropriation (FY 2025)	\$6,839,000
Other Appropriated Funds	\$919,000
<b>TOTAL APPROPRIATION</b>	<b>\$13,299,000</b>

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the governor on behalf of the community college coalition and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 769. COLLECTIVE BARGAINING AGREEMENT—DFW SERGEANTS ASSOCIATION/TEAMSTERS 760**

General Fund—State Appropriation (FY 2024)	\$188,000
General Fund—State Appropriation (FY 2025)	\$204,000
General Fund—Federal Appropriation	\$18,000
General Fund—Private/Local Appropriation	\$46,000
Other Appropriated Funds	\$339,000
<b>TOTAL APPROPRIATION</b>	<b>\$795,000</b>

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the governor and the department of fish and wildlife sergeants association/teamsters 760 under the provisions of chapter 41.56 RCW for the 2023-2025 fiscal biennium. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 770. COLLECTIVE BARGAINING AGREEMENT—FISH AND WILDLIFE ENFORCEMENT OFFICERS GUILD**

General Fund—State Appropriation (FY 2024)	\$735,000
General Fund—State Appropriation (FY 2025)	\$757,000
General Fund—Federal Appropriation	\$137,000
General Fund—Private/Local Appropriation	\$76,000
Other Appropriated Funds	\$1,167,000
<b>TOTAL APPROPRIATION</b>	<b>\$2,872,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the fish and wildlife enforcement officers guild and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 771. COLLECTIVE BARGAINING AGREEMENT—PTE LOCAL 17**

General Fund—State Appropriation (FY 2024)	\$17,000
General Fund—State Appropriation (FY 2025)	\$19,000
<b>TOTAL APPROPRIATION</b>	<b>\$36,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the professional and technical employees local 17 for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 772. COLLECTIVE BARGAINING AGREEMENT—SEIU HEALTHCARE 1199NW GENERAL GOVERNMENT**

General Fund—State Appropriation (FY 2024)	\$25,548,000
General Fund—State Appropriation (FY 2025)	\$27,829,000
General Fund—Federal Appropriation	\$13,286,000
General Fund—Private/Local Appropriation	\$1,075,000

Health Professions Account—State Appropriation. . . . .	\$448,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$68,186,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the service employees international union healthcare 1199nw and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 773. COLLECTIVE BARGAINING AGREEMENT—TEAMSTERS LOCAL 117—DEPARTMENT OF CORRECTIONS**

General Fund—State Appropriation (FY 2024). . . . .	\$66,446,000
General Fund—State Appropriation (FY 2025). . . . .	\$79,589,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$146,035,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the teamsters 117 department of corrections for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 774. COLLECTIVE BARGAINING AGREEMENT—WAFWP**

General Fund—State Appropriation (FY 2024). . . . .	\$2,884,000
General Fund—State Appropriation (FY 2025). . . . .	\$3,168,000
General Fund—Federal Appropriation. . . . .	\$3,574,000
General Fund—Private/Local Appropriation. . . . .	\$1,802,000
Other Appropriated Funds. . . . .	\$2,613,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$14,041,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the Washington association of fish and wildlife professionals for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 775. COLLECTIVE BARGAINING AGREEMENT—WFSE**

General Fund—State Appropriation (FY 2024). . . . .	\$148,595,000
General Fund—State Appropriation (FY 2025). . . . .	\$165,072,000
General Fund—Federal Appropriation. . . . .	\$118,764,000
General Fund—Private/Local Appropriation. . . . .	\$4,391,000
Other Appropriated Funds. . . . .	\$131,818,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$568,640,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the Washington federation of state employees general government for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 776. COLLECTIVE BARGAINING AGREEMENT—WFSE ADMINISTRATIVE LAW JUDGES**

Administrative Hearings Revolving Account—State Appropriation. . . . .	\$2,103,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$2,103,000</b>

The appropriation in this section is subject to the following conditions and limitations: Funding is for the agreement reached for the 2023-2025 fiscal biennium between the governor and the Washington federation of state employees administrative law judges and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 777. COLLECTIVE BARGAINING AGREEMENT—WPEA GENERAL GOVERNMENT**

General Fund—State Appropriation (FY 2024). . . . .	\$7,542,000
General Fund—State Appropriation (FY 2025). . . . .	\$8,723,000
General Fund—Federal Appropriation. . . . .	\$1,214,000
General Fund—Private/Local Appropriation. . . . .	\$28,000
Other Appropriated Funds. . . . .	\$6,913,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$24,420,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the Washington public employees association general government for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the

amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 778. COLLECTIVE BARGAINING AGREEMENT—WPEA HIGHER EDUCATION COMMUNITY COLLEGE COALITION**

General Fund—State Appropriation (FY 2024)	\$5,514,000
General Fund—State Appropriation (FY 2025)	\$5,869,000
Other Appropriated Funds	\$153,000
<b>TOTAL APPROPRIATION</b>	<b>\$11,536,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the Washington public employees association community college coalition for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 779. COLLECTIVE BARGAINING AGREEMENT—WSP LIEUTENANTS AND CAPTAINS ASSOCIATION**

General Fund—State Appropriation (FY 2024)	\$240,000
General Fund—State Appropriation (FY 2025)	\$339,000
<b>TOTAL APPROPRIATION</b>	<b>\$579,000</b>

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for the 2023-2025 fiscal biennium. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 780. COLLECTIVE BARGAINING AGREEMENT—WSP TROOPERS ASSOCIATION**

General Fund—State Appropriation (FY 2024)	\$623,000
General Fund—State Appropriation (FY 2025)	\$821,000
General Fund—Federal Appropriation	\$37,000
Dedicated Cannabis Account—State Appropriation (FY 2024)	\$116,000
Dedicated Cannabis Account—State Appropriation (FY 2025)	\$153,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,750,000</b>

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter 41.56 RCW for the 2023-2025 fiscal biennium. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 781. COLLECTIVE BARGAINING AGREEMENT—CENTRAL WASHINGTON UNIVERSITY —PSE**

General Fund—State Appropriation (FY 2024)	\$79,000
General Fund—State Appropriation (FY 2025)	\$81,000
<b>TOTAL APPROPRIATION</b>	<b>\$160,000</b>

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between Central Washington University and the public school employees under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 782. COLLECTIVE BARGAINING AGREEMENT—CENTRAL WASHINGTON UNIVERSITY —WFSE**

General Fund—State Appropriation (FY 2024)	\$131,000
General Fund—State Appropriation (FY 2025)	\$133,000
<b>TOTAL APPROPRIATION</b>	<b>\$264,000</b>

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between Central Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 783. COLLECTIVE BARGAINING AGREEMENT—EASTERN WASHINGTON UNIVERSITY —PSE**

General Fund—State Appropriation (FY 2024)	\$66,000
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General Fund—State Appropriation (FY 2025) . . . . .	\$117,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$183,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between Eastern Washington University and the public school employees and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

NEW SECTION.    **Sec. 784. COLLECTIVE BARGAINING AGREEMENT—EASTERN WASHINGTON UNIVERSITY**  
**—WFESE**

General Fund—State Appropriation (FY 2024) . . . . .	\$768,000
General Fund—State Appropriation (FY 2025) . . . . .	\$1,056,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$1,824,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between Eastern Washington University and the Washington federation of state employees and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

NEW SECTION.    **Sec. 785. COLLECTIVE BARGAINING AGREEMENT—EASTERN WASHINGTON UNIVERSITY**  
**—WFESE UNIFORMED PERSONNEL**

General Fund—State Appropriation (FY 2024) . . . . .	\$23,000
General Fund—State Appropriation (FY 2025) . . . . .	\$53,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$76,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between Eastern Washington University and the Washington federation of state employees—uniformed personnel and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

NEW SECTION.    **Sec. 786. COLLECTIVE BARGAINING AGREEMENT—HIGHLINE COMMUNITY COLLEGE—**  
**WPEA**

General Fund—State Appropriation (FY 2024) . . . . .	\$340,000
General Fund—State Appropriation (FY 2025) . . . . .	\$403,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$743,000</b>

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between Highline Community College and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

NEW SECTION.    **Sec. 787. COLLECTIVE BARGAINING AGREEMENT—THE EVERGREEN STATE COLLEGE—**  
**WFESE CLASSIFIED**

General Fund—State Appropriation (FY 2024) . . . . .	\$978,000
General Fund—State Appropriation (FY 2025) . . . . .	\$856,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$1,834,000</b>

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between The Evergreen State College and the Washington federation of state employees supervisory and nonsupervisory units under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

NEW SECTION.    **Sec. 788. COLLECTIVE BARGAINING AGREEMENT—THE EVERGREEN STATE COLLEGE—**  
**WFESE CLASSIFIED LAW ENFORCEMENT**

General Fund—State Appropriation (FY 2024) . . . . .	\$27,000
General Fund—State Appropriation (FY 2025) . . . . .	\$57,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$84,000</b>

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between The Evergreen State College and the Washington federation of state employees classified law enforcement unit under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 789. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—SEIU 925**

General Fund—State Appropriation (FY 2024)	\$1,538,000
General Fund—State Appropriation (FY 2025)	\$1,886,000
Other Appropriated Funds	\$106,000
<b>TOTAL APPROPRIATION</b>	<b>\$3,530,000</b>

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the University of Washington and the service employees international union local 925 under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 790. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—TEAMSTERS LOCAL 117 POLICE**

General Fund—State Appropriation (FY 2024)	\$75,000
General Fund—State Appropriation (FY 2025)	\$166,000
<b>TOTAL APPROPRIATION</b>	<b>\$241,000</b>

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the University of Washington and the teamsters local 117 police under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 791. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—WFSE LOCALS 1488 & 3488**

General Fund—State Appropriation (FY 2024)	\$1,241,000
General Fund—State Appropriation (FY 2025)	\$1,511,000
<b>TOTAL APPROPRIATION</b>	<b>\$2,752,000</b>

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the University of Washington and the Washington federation of state employees locals 1488 and 3488 under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 792. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—WFSE POLICE MANAGEMENT**

General Fund—State Appropriation (FY 2024)	\$47,000
General Fund—State Appropriation (FY 2025)	\$97,000
<b>TOTAL APPROPRIATION</b>	<b>\$144,000</b>

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the University of Washington and the Washington federation of state employees police management bargaining unit under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 793. COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—INTERNATIONAL UNION OF OPERATING ENGINEERS**

General Fund—State Appropriation (FY 2024)	\$14,000
General Fund—State Appropriation (FY 2025)	\$23,000
<b>TOTAL APPROPRIATION</b>	<b>\$37,000</b>

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the Washington State University and the international union of operating engineers under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 794. COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—WFSE**

General Fund—State Appropriation (FY 2024)	\$97,000
General Fund—State Appropriation (FY 2025)	\$172,000
<b>TOTAL APPROPRIATION</b>	<b>\$269,000</b>

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the Washington State University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state

agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 795. COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—  
WSU POLICE GUILD BARGAINING UNIT 4**

General Fund—State Appropriation (FY 2024)	\$105,000
General Fund—State Appropriation (FY 2025)	\$173,000
<b>TOTAL APPROPRIATION</b>	<b>\$278,000</b>

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the Washington State University and the WSU police guild bargaining unit 4 under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 796. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY  
—FOP UNIT F**

General Fund—State Appropriation (FY 2024)	\$28,000
General Fund—State Appropriation (FY 2025)	\$43,000
<b>TOTAL APPROPRIATION</b>	<b>\$71,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between Western Washington University and the fraternal order of police—unit F and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 797. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY  
—FOP UNIT G**

General Fund—State Appropriation (FY 2024)	\$12,000
General Fund—State Appropriation (FY 2025)	\$19,000
<b>TOTAL APPROPRIATION</b>	<b>\$31,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between Western Washington University and the fraternal order of police—unit G and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 798. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY  
—PSE UNIT D**

General Fund—State Appropriation (FY 2024)	\$227,000
General Fund—State Appropriation (FY 2025)	\$329,000
<b>TOTAL APPROPRIATION</b>	<b>\$556,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between Western Washington University and the public school employees—unit D and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 799. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY  
—PSE UNIT PTE**

General Fund—State Appropriation (FY 2024)	\$505,000
General Fund—State Appropriation (FY 2025)	\$743,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,248,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between Western Washington University and the public school employees—unit PTE and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

**NEW SECTION. Sec. 7100. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY  
—WFSE UNIT A**

General Fund—State Appropriation (FY 2024)	\$231,000
General Fund—State Appropriation (FY 2025)	\$342,000
<b>TOTAL APPROPRIATION</b>	<b>\$573,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between Western Washington University and the Washington federation of state employees—unit A and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

NEW SECTION. **Sec. 7101. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY**  
**—WFSE UNIT B**

General Fund—State Appropriation (FY 2024) . . . . .	\$181,000
General Fund—State Appropriation (FY 2025) . . . . .	\$241,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$422,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between Western Washington University and the Washington federation of state employees—unit B and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

NEW SECTION. **Sec. 7102. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY**  
**—WFSE UNIT E**

General Fund—State Appropriation (FY 2024) . . . . .	\$43,000
General Fund—State Appropriation (FY 2025) . . . . .	\$58,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$101,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between Western Washington University and the Washington federation of state employees—unit E and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

NEW SECTION. **Sec. 7103. COLLECTIVE BARGAINING AGREEMENT—YAKIMA VALLEY COMMUNITY COLLEGE—WPEA**

General Fund—State Appropriation (FY 2024) . . . . .	\$383,000
General Fund—State Appropriation (FY 2025) . . . . .	\$459,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$842,000</b>

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between Yakima Valley Community College and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document compensation adjustments, dated March 9, 2023, to fund the provisions of this agreement.

(End of part)

**PART VIII**  
**OTHER TRANSFERS AND APPROPRIATIONS**

NEW SECTION. **Sec. 801. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions . . . . .	\$13,766,000
General Fund Appropriation for prosecuting attorney distributions . . . . .	\$8,284,000
General Fund Appropriation for boating safety and education distributions . . . . .	\$4,272,000
General Fund Appropriation for public utility district excise tax distributions . . . . .	\$71,825,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies . . . . .	\$4,947,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distributions . . . . .	\$140,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties . . . . .	\$82,143,000
County Criminal Justice Assistance Appropriation . . . . .	\$129,509,000
Municipal Criminal Justice Assistance Appropriation . . . . .	\$51,247,000
City-County Assistance Appropriation . . . . .	\$45,960,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution . . . . .	\$89,385,000
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation . . . . .	\$9,587,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians . . . . .	\$6,893,000
Liquor Revolving Account Appropriation for liquor profits distribution . . . . .	\$98,876,000
General Fund Appropriation for other tax distributions . . . . .	\$104,000
Dedicated Cannabis Account Appropriation for	



Cannabis Excise Tax distributions pursuant to Engrossed Second Substitute Senate Bill No. 5796 (cannabis revenue) . . . . .	\$50,472,000
General Fund Appropriation for Habitat Conservation Program distributions. . . . .	\$5,754,000
General Fund Appropriation for payment in lieu of taxes to counties under Department of Fish and Wildlife Program. . . . .	\$4,496,000
Puget Sound Taxpayer Accountability Account Appropriation for distribution to counties in amounts not to exceed actual deposits into the account and attributable to those counties' share pursuant to RCW 43.79.520.. . . .	\$27,990,000
Manufacturing and Warehousing Job Centers Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistributions effect of sourcing law changes pursuant to chapter 83, Laws of 2021 (warehousing & manufacturing jobs).. . . .	\$7,780,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$713,430,000</b>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 802. FOR THE STATE TREASURER—FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation. . . . .	\$2,065,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$2,065,000</b>

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2023-2025 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**NEW SECTION. Sec. 803. FOR THE STATE TREASURER—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation. . . . .	\$1,377,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$1,377,000</b>

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2023-2025 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**NEW SECTION. Sec. 804. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION**

General Fund Appropriation for federal flood control funds distribution. . . . .	\$68,000
General Fund Appropriation for federal grazing fees distribution. . . . .	\$56,000
General Fund Appropriation for federal military fees distribution. . . . .	\$1,172,000
Forest Reserve Fund Appropriation for federal forest reserve fund distribution. . . . .	\$29,502,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$30,798,000</b>

**NEW SECTION. Sec. 805. FOR THE STATE TREASURER—TRANSFERS**

Dedicated Cannabis Account: For transfer to the basic health plan trust account, the lesser of the amount determined pursuant to RCW 69.50.540

or this amount for fiscal year 2024, \$280,000,000 and this amount for fiscal year 2025, \$290,000,000. . . . .	\$570,000,000
Dedicated Cannabis Account: For transfer to the state general fund, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2024, \$170,000,000 and this amount for fiscal year 2025, \$180,000,000. . . . .	\$350,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2024. . . . .	\$92,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2025. . . . .	\$92,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the tobacco arbitration payment to the tobacco settlement account, for fiscal year 2024. . . . .	\$24,500,000
State Treasurer's Service Account: For transfer to the state general fund, \$5,000,000 for fiscal year 2024 and \$5,000,000 for fiscal year 2025. . . . .	\$10,000,000
General Fund: For transfer to the fair fund under RCW 15.76.115, \$3,500,000 for fiscal year 2024 and \$3,500,000 for fiscal year 2025. . . . .	\$7,000,000
Financial Services Regulation Account: For transfer to the state general fund, \$3,500,000 for fiscal year 2024 and \$3,500,000 for fiscal year 2025. . . . .	\$7,000,000
General Fund: For transfer to the home security fund, \$44,500,000 for fiscal year 2024 and \$4,500,000 for fiscal year 2025. . . . .	\$49,000,000
General Fund: For transfer to the wildfire response, forest restoration, and community resilience account, solely for the implementation of chapter 298, Laws of 2021 (2SHB 1168) (long-term forest health), \$50,000,000 for fiscal year 2024 and \$50,000,000 for fiscal year 2025. . . . .	\$100,000,000
General Fund: For transfer to the state drought preparedness account, \$2,000,000 for fiscal year 2024. . . . .	\$2,000,000
General Fund: For transfer to the emergency drought response account, \$2,500,000 for fiscal year 2024. . . . .	\$2,500,000
General Fund: For transfer to the Washington auto theft prevention authority account, \$551,000 for fiscal year 2024 and \$551,000 for fiscal year 2025. . . . .	\$1,102,000
Business License Account: For transfer to the state general fund, \$7,200,000 for fiscal year 2025. . . . .	\$7,200,000
General Fund: For transfer to the manufacturing and warehousing job centers account, \$4,320,000 for fiscal year 2024 and \$3,460,000 for fiscal year 2025. . . . .	\$7,780,000
Long-Term Services and Supports Trust Account: For transfer to the state general fund as full repayment of the long-term services program start-up costs and interest for fiscal year 2024. . . . .	\$63,936,000
General Fund: For transfer to the forest resiliency account trust fund, \$4,000,000 for fiscal year 2024. . . . .	\$4,000,000
Water Pollution Control Revolving Administration Account: For transfer to the water pollution control revolving account, \$6,000,000 for fiscal year 2024. . . . .	\$6,000,000
From auction proceeds received under RCW 70A.65.100(7)(b): For transfer to the air quality and health disparities improvement account, \$12,000,000 for fiscal year 2024. . . . .	\$12,000,000
From auction proceeds received under RCW	

70A.65.100(7)(b): For transfer to the climate investment account, in an amount not to exceed the remaining auction proceeds exclusive of the transfer to carbon emissions reduction account, \$588,824,000 for fiscal year 2024. . . . .	\$588,824,000
From auction proceeds received under RCW 70A.65.100(7)(c): For transfer to the air quality and health disparities improvement account, \$12,000,000 for fiscal year 2025. . . . .	\$12,000,000
From auction proceeds received under RCW 70A.65.100(7)(c): For transfer to the climate investment account, in an amount not to exceed the remaining auction proceeds exclusive of the transfer to carbon emissions reduction account, \$523,344,000 for fiscal year 2025. . . . .	\$523,344,000
Climate Investment Account: For transfer to the carbon emissions reduction account, \$200,000,000 for fiscal year 2025, no earlier than June 1, 2025. . . . .	\$200,000,000

(End of part)

**PART IX  
MISCELLANEOUS**

**NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS**

The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 2021-2023 fiscal biennium.

**NEW SECTION. Sec. 902. EMERGENCY FUND ALLOCATIONS**

Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. An appropriation is not necessary to effect such repayment.

**NEW SECTION. Sec. 903. STATUTORY APPROPRIATIONS**

In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and firefighters' retirement system plan 2 and bond retirement and interest, including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94, 39.96, and 39.98 RCW or any proper bond covenant made under law.

**NEW SECTION. Sec. 904. BOND EXPENSES**

In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 905. VOLUNTARY RETIREMENT AND SEPARATION**

(1) As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may implement either a voluntary retirement or separation program, or both, that is cost neutral or results in cost savings, including costs to the state pension systems, over a two-year period following the commencement of the program, provided that such a program is approved by the director of financial management. Agencies participating in this authorization may offer voluntary retirement and/or separation incentives and options according to procedures and guidelines established by the office of financial management in consultation with the department of retirement systems. The options may include, but are not limited to, financial incentives for voluntary separation or retirement. An employee does not have a contractual right to a financial incentive offered under this section. The office of financial management and the department of retirement systems may review and monitor incentive offers. Agencies are required to submit a report by the date established by the office of financial management in the guidelines required in this section to the legislature and the office of financial management on the outcome of their approved incentive program. The report should include information on the details of the program, including the incentive payment amount for each

participant, the total cost to the state, and the projected or actual net dollar savings over the two-year period.

(2) The department of retirement systems may collect from employers the actuarial cost of any incentive provided under this program, or any other incentive to retire provided by employers to members of the state's pension systems, for deposit in the appropriate pension account.

**NEW SECTION. Sec. 906. COMPENSATION—REVISE PENSION CONTRIBUTION RATES**

The appropriations in this act for school districts and state agencies, including institutions of higher education, are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to agency appropriations to reflect pension contribution rates adopted by the pension funding council and the law enforcement officers' and firefighters' retirement system plan 2 board.

**NEW SECTION. Sec. 907. COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED**

Nothing in this act prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of this section.

**NEW SECTION. Sec. 908. COLLECTIVE BARGAINING AGREEMENTS**

(1) Sections 908 through 911 of this act represent the results of the 2023-2025 fiscal biennium collective bargaining process required under the provisions of chapters 41.80, 41.56, and 74.39A RCW. Provisions of the collective bargaining agreements with state employees contained in section 909 of this act are subject to legislative approval under chapter 41.80 or 41.56 RCW.

(2) The collective bargaining agreements contained in Part IX of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided. Funding is not provided for compensation and fringe benefit provisions not presented to the legislature by the end of the 2023 legislative session.

(3) Collective bargaining agreements that are not required to be approved by the legislature under RCW 41.80.010(4)(c)(ii)(A) are not rejected but are left to the institutions delegated to manage those bargained relationships under state employee collective bargaining law. The following agreements are not rejected, but do not require legislative approval:

- (a) Service employees international union local 1199, research/hall health;
- (b) Service employees international union local 1199, Harborview medical center/airlift northwest;
- (c) Service employees international union local 1199, UW medical center—northwest;
- (d) Washington state nurses association, UW medical center—northwest; and
- (e) Washington state nurses association, UW medical center—Montlake.

**NEW SECTION. Sec. 909. COLLECTIVE BARGAINING AGREEMENTS—AGREEMENTS REQUIRING LEGISLATIVE APPROVAL**

(1) In accordance with chapters 41.80 and 41.56 RCW, agreements have been reached between the governor and organizations representing state employee bargaining units and nonstate employee bargaining units for the 2023-2025 fiscal biennium and funding is provided in this act for agreements and awards as presented to the legislature during the 2023 legislative session with the following organizations:

- (a) Washington federation of state employees, general government;
- (b) Teamsters local 117, department of corrections;
- (c) Washington public employees association, general government;
- (d) Teamsters 117, department of enterprise services;
- (e) Service employees international union, healthcare 1199NW;
- (f) Professional and technical engineers, local 17;
- (g) Washington association of fish and wildlife professionals;
- (h) The coalition of unions;
- (i) Association of Washington assistant attorneys general;
- (j) Washington federation of state employees, administrative law judges;
- (k) Washington state patrol troopers association;
- (l) Washington state patrol lieutenants and captains association;
- (m) Fish and wildlife officers guild;
- (n) Teamsters 760, fish and wildlife sergeants;
- (o) Washington federation of state employees, higher education community college coalition;
- (p) Washington public employees association, higher education community college coalition;
- (q) Service employees international union local 925, family child care providers;
- (r) Adult family home council, adult family home providers; and
- (s) Washington federation of state employees, language access providers.

(2) In accordance with chapters 41.80 and 41.56 RCW, agreements have been reached between institutions of higher education and employee organizations representing state employee

bargaining units for the 2023-2025 fiscal biennium and funding is provided in Part VI of this act for agreements and awards with the following organizations:

- (a) University of Washington:
  - (i) Washington federation of state employees;
  - (ii) Service employees international union local 925;
  - (iii) Teamsters local 117, police; and
  - (iv) Washington federation of state employees, police management;
- (b) Washington State University:
  - (i) Washington federation of state employees;
  - (ii) Police guild; and
  - (iii) International union of operating engineers;
- (c) Central Washington University:
  - (i) Washington federation of state employees; and
  - (ii) Public school employees;
- (d) The Evergreen State College:
  - (i) Washington federation of state employees; and
  - (ii) Washington federation of state employees, uniformed personnel;
- (e) Western Washington University:
  - (i) Washington federation of state employees; and
  - (ii) Fraternal order of police, lodge no. 24;
- (f) Eastern Washington University:
  - (i) Washington federation of state employees;
  - (ii) Washington federation of state employees, uniformed personnel; and
  - (iii) Public school employees;
- (g) Yakima Valley College: Washington public employees' association; and
- (h) Highline College: Washington public employees' association.

**NEW SECTION. Sec. 910. COMPENSATION—INSURANCE BENEFITS**

(1)(a) An agreement was reached for the 2023-2025 fiscal biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2023-2025 collective bargaining agreement, which maintains the provisions of the prior agreement.

(b) Appropriations for state agencies in this act are sufficient for represented employees outside the coalition for health benefits.

(c) Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education.

(2) The appropriations for state agencies in this act are subject to the following conditions and limitations:

(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$1,130 per eligible employee for fiscal year 2024. For fiscal year 2025, the monthly employer funding rate shall not exceed \$1,184 per eligible employee. These rates are sufficient to cover, effective January 1, 2025, carving vision benefits out of medical plans into stand-alone vision insurance.

(b) The board shall collect a \$25 per month surcharge payment from members who use tobacco products and a surcharge payment of not less than \$50 per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment if directed by the legislature.

(c) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2024 and 2025, the subsidy shall be up to \$183 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(d) School districts and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(i) For each full-time employee, \$74.56 per month beginning September 1, 2023, and \$83.52 beginning September 1, 2024; and

(ii) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$74.56 each month beginning September 1, 2023, and \$83.52 beginning September 1, 2024, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection do not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

**NEW SECTION. Sec. 911. COMPENSATION—SCHOOL EMPLOYEES—INSURANCE BENEFITS**

An agreement was reached for the 2023-2025 biennium between the governor and the school employee coalition under the provisions of chapters 41.56 and 41.59 RCW. Appropriations in this act for allocations to school districts are sufficient to implement the provisions of the 2023-2025 collective bargaining agreement, which maintains the provisions of the prior agreement, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, school employees' benefits board administration, retiree remittance, and the uniform medical plan, shall not exceed \$1,116 per eligible employee in the 2023-24 school year. For the 2024-25 school year, the monthly employer funding rate shall not exceed \$1,178 per eligible employee. Employers will contribute one hundred percent of the retiree remittance defined in section 506 of this act, which is included as part of the above monthly employer funding rate.

(a) These rates are sufficient to cover, effective January 1, 2024:

(i) Offering a diabetes management program in the uniform medical plan; and

(ii) The following in the uniform dental plan:

(A) Increasing the temporomandibular joint (TMJ) benefit to \$1,000 annually and \$5,000 per lifetime;

(B) Eliminating the deductible for children up to age 15;

(C) Covering composite filings on posterior teeth; and

(D) Increasing plan coverage of crowns to 70 percent.

(b) These rates include funding to cover, effective January 1, 2025, increasing the stand-alone vision insurance benefit to \$200 every 2 years.

(2) The additional contributions in subsection (1) of this section above fulfill the requirements to reduce member costs in provision 1.3 of the school employees health care funding agreement.

(3) For the purposes of distributing insurance benefits, certificated staff units as determined in section 504 of this act will be multiplied by 1.02 and classified staff units as determined in section 504 of this act will be multiplied by 1.43.

(4) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the school employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.740. The board shall collect a \$25 per month surcharge payment from members who use tobacco products and a surcharge payment of not less than \$50 per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment if directed by the legislature.

(5) The health care authority shall deposit any moneys received on behalf of the school employees' medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the school employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

**NEW SECTION. Sec. 912. GENERAL WAGE INCREASES AND LUMP SUM PAYMENTS**

(1)(a) Appropriations for state agency employee compensation in this act are sufficient to provide general wage increases to state agency employees and employees of institutions of higher education, who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475.

(b) Appropriations for state agency employee compensation in this act are sufficient to provide a retention lump sum payment and a lump sum COVID-19 booster incentive to state agency employees who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475.

(2) Funding is provided for a four percent general wage increase effective July 1, 2023, for all classified employees as specified in subsection (1)(a) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a four percent salary increase effective July 1, 2023, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(3) Funding is provided for a three percent general wage increase effective July 1, 2024, for all classified employees as specified in subsection (1)(a) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a three percent salary increase effective July 1, 2024, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(4) Funding is provided for a retention lump sum payment of \$1,000 for all employees as specified in subsection (1)(b) of this section who were employed on or before July 1, 2022, and continuously employed through July 1, 2023.

(5) Funding is provided for a COVID-19 booster incentive payment of \$1,000 for all employees as specified in subsection (1)(b) of this section who provide verification, beginning January 1, 2023, through December 31, 2023, that they are up-to-date with the COVID-19 vaccine booster.

**NEW SECTION. Sec. 913. COMPENSATION—PENSION CONTRIBUTIONS**

Appropriations in part VII of this act include funding for an increase in pension contribution rates for several state pension systems as provided in this section.

(1) Appropriations include funding for the contribution rate impact of enacting Substitute House Bill No. 1056 (postretirement employment), including a 0.01 percent increase in employer contributions to the teachers' retirement system.

(2) Appropriations include funding for the contribution rate impacts of enacting Substitute House Bill No. 1007 (military service credit) in the law enforcement officers' and firefighters' retirement system of 0.01 percent and the Washington state patrol retirement system of 0.13 percent.

(3) Appropriations include funding for the contribution rate impacts of enacting House Bill No. 1055 (public safety telecommunicators), including a 0.13 percent increase in the public safety employees' retirement system.

**NEW SECTION. Sec. 914. PENSION RATE ADJUSTMENT**

Appropriations to state agencies are adjusted for the termination in fiscal year 2025 of the portion of the employer contribution rate for the teachers' retirement system that is used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the teachers' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009, as provided in House Bill No. 1201 (minimum contribution rates for plan 1 unfunded liability). If the bill is not enacted by June 30, 2023, this section is null and void.

**NEW SECTION. Sec. 915. OFFICE SPACE USE REDUCTION**

In response to the COVID-19 pandemic, Washington state agencies rapidly implemented telework for employees whose job duties did not require on-site presence. This shift in state government operations has led to agencies' reevaluation of the amount of physical office space they will require as they implement hybrid work environments and adopt expanded telework opportunities.

(1) To meet the goal of efficient use of state funds and office space, state agencies, institutions of higher education, and separately elected officials must adhere to the office of financial management's statewide space use policy, data integrity and system access policy, inventory policy, and the human resource management system data validation guide to ensure space use data is complete, accurate, and consistent for reporting and analysis.

(2) Institutions of higher education and separately elected officials with leases expiring in fiscal years 2024 and 2025 must work toward reducing leased office space a minimum of 20 percent upon lease renewal or when requesting office relocation. Reductions in lease costs will be reflected in subsequent budgets.

(3) It is the intent of the legislature that agencies, institutions of higher education, and separately elected officials with leases expiring in fiscal years 2026 and 2027 work to reduce their office space portfolio a minimum of 30 percent upon lease renewal or when requesting office relocation. The reductions in costs will be reflected in subsequent budgets.

(4) Agencies must:

(a) Work with the office of financial management facilities oversight and the department of enterprise services to backfill office space and reduce full leases;

(b) Update monthly the office of financial management's facilities portfolio management tool to maximize collocation opportunities and better inform decision making;

(c) Update telework and employee location data monthly in the human resource management system to reflect office space use and needs; and

(d) Maintain a telework policy in accordance with executive order 16-07, building a modern work environment.

(5) The anticipated general fund savings from office space reduction in fiscal years 2024 and 2025 is \$5,260,000.

(6) The anticipated general fund savings from office space reduction in fiscal years 2026 and 2027 is \$14,557,000.

**NEW SECTION. Sec. 916.** The Washington state missing and murdered indigenous women and people task force is established.

(1) The task force is composed of members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The governor's office of Indian affairs shall appoint five representatives from federally recognized Indian tribes in Washington state.

(d) The president of the senate and the speaker of the house of representatives jointly shall appoint the following:

(i) One member representing the Seattle Indian health board;

(ii) One member representing the NATIVE project;

(iii) One member representing Northwest Portland area Indian health board;

(iv) One member representing the American Indian health commission;

(v) Two indigenous women or family members of indigenous women that have experienced gender-based violence;

(vi) One member representing the governor's office of Indian affairs;  
 (vii) The chief of the Washington state patrol or his or her representative;  
 (viii) One member representing the Washington state office of the attorney general;  
 (ix) One member representing the Washington association of sheriffs and police chiefs;  
 (x) One member representing the Washington state association of counties;  
 (xi) One member representing the association of Washington cities;  
 (xii) One member representing the Washington association of prosecuting attorneys; and  
 (xiii) One representative of the Washington association of criminal defense lawyers.  
 (e) Where feasible, the task force may invite and consult with:  
 (i) An agent representing the federal bureau of investigation;  
 (ii) An agent representing the office of the United States attorneys;  
 (iii) Federally recognized tribes located in a state adjacent to Washington state; and  
 (iv) Any experts or professionals involved and having expertise in the topic of missing and murdered indigenous women and people.

(2) The legislative members shall convene the initial meeting of the task force no later than the end of 2023 and thereafter convene:

(a) A minimum of two subsequent meetings annually. The membership shall select the task force's cochair, which must include one legislator and one nonlegislative member; and

(b) One summit annually with the state agencies involved with the task force under subsection (1) of this section, federally recognized Indian tribes in Washington state, federally recognized tribes located in a state adjacent to Washington state, and urban Indian organizations.

(3) The task force shall review the laws and policies relating to missing and murdered American Indian and Alaska Native people. The task force shall review current policies and develop recommendations for the purpose of:

(a) Assessing systemic causes behind gender-based violence including patterns and underlying historical, social and economic, institutional, and cultural factors which may contribute to disproportionately high levels of gender-based violence that occur against American Indian and Alaska Native people and ways to improve cross-border coordination between law enforcement and federally recognized tribes that share a state border with Washington state;

(b) Assessing data tracking and reporting practices relating to gender-based violence against American Indian and Alaska Native people in Washington state;

(c) Making recommendations and best practices for improving:

(i) The collection and reporting of data by tribal, local, and state law enforcement agencies to more effectively understand and address issues of gender-based violence facing American Indian and Alaska Native people; and

(ii) Jurisdictional and data sharing issues on tribal reservation land and urban areas that impact gender-based violence against American Indian and Alaska Native people;

(d) Reviewing prosecutorial trends and practices relating to crimes of gender-based violence against American Indian and Alaska Native people in Washington state;

(e) Identifying barriers to providing more state resources in tracking gender-based violence against American Indian and Alaska Native people and reducing the incidences of gender-based violence;

(f) Assessing and identifying state resources to support programs and services for survivors, families of survivors, and tribal and urban Indian service providers working with American Indian and Alaska Native people that have experienced gender-based violence; and

(g) Identifying and making recommendations for increasing state resources for trainings on culturally attuned best practices for working with American Indian and Alaska Native communities for tribal, local, and state law enforcement personnel in Washington state.

(4) The task force, with the assistance of the Washington state office of the attorney general, must consult with federally recognized tribes in Washington state and in states bordering Washington state, and engage with urban Indian organizations to submit a status report including any initial findings, recommendations, and progress updates to the governor and the appropriate committees of the legislature by December 1, 2023, and a final report by June 1, 2025.

(5) (a) The office of the attorney general administers and provides staff support to the task force, organizes the summit, and oversees the development of the two task force reports. The office of the attorney general may contract for the summit.

(b) The Washington state office of the attorney general may, when deemed necessary by the task force, retain consultants to provide data analysis, research, recommendations, and other services to the task force for the purposes provided in subsection (3) of this section.

(c) The Washington state office of the attorney general may share and exchange information received or created on behalf of the task force with other states, federally recognized Indian tribes, urban Indian organizations, and other national groups working on missing and murdered indigenous women and people issues.

(6) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) To ensure that the task force has diverse and inclusive representation of those affected by its work, task force members whose participation in the task force may be hampered by financial hardship may apply for a stipend in an amount not to exceed \$100 for each day during which the member attends an official meeting of the task force or performs



statutorily prescribed duties approved by the office of the attorney general. A person shall not receive compensation for a day of service under this section if the person:

(a) Occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and

(b) Receives any compensation from such government for working that day. The office of the attorney general, by staffing the task force, is authorized to assess eligibility for the stipend as limited by available financial resources.

**NEW SECTION. Sec. 917.** (1) During the 2023-2025 fiscal biennium, the health care authority, department of commerce, department of corrections, and department of children, youth, and families must revise their agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(a) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed.

(b) Vendors may allow differentials in compensation for their workers based in good faith on any of the following: A seniority system, a merit system, a system that measures earnings by quantity or quality of production, a bona fide job-related factor or factors, or a bona fide regional difference in compensation levels.

(c) A bona fide job-related factor or factors may include, but is not limited to, education, training, or experience, that is consistent with business necessity, not based on or derived from a gender-based differential, and accounts for the entire differential.

(d) A bona fide regional difference in compensation level must be consistent with business necessity, not based on or derived from a gender-based differential, and account for the entire differential.

(2) The provision must allow for the termination of the contract if the agency or the department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(3) Agencies must implement this provision with any new contract and at the time of renewal of any existing contract.

(4) The department of enterprise services must revise its master contracts with vendors, including cooperative purchasing agreements under RCW 39.26.060, in accordance with this section. Any cost incurred by the department of enterprise services to implement this section must be recouped from the fees charged to master contract vendors.

**NEW SECTION. Sec. 918.** (1) The Washington state housing finance commission must submit an interim and a final report to the appropriate committees of the legislature on efforts taken by the commission to stabilize rents for tenants of affordable housing units financed through federal low-income housing tax credits allocated by the commission, and other housing finance programs administered by the commission as applicable. Rent stabilization efforts may include, but are not limited to, limiting or mitigating the impacts of rent increases for tenants of qualifying units. The commission must submit the interim report by December 1, 2023, and the final report by December 1, 2024.

(2) This section expires June 30, 2025.

**Sec. 919.** RCW 16.76.030 and 2021 c 334 s 960 are each amended to read as follows:

(1) The northeast Washington wolf-livestock management account is created as a nonappropriated account in the custody of the state treasurer. All receipts, any legislative appropriations, private donations, or any other private or public source directed to the northeast Washington wolf-livestock management grant must be deposited into the account. Expenditures from the account may be used only for the deployment of nonlethal wolf deterrence resources as described in RCW 16.76.020. Only the director may authorize expenditures from the account in consultation with the advisory board created in RCW 16.76.020. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Interest earned by deposits in the account must be retained in the account.

(2) The advisory board created in RCW 16.76.020 may solicit and receive gifts and grants from public and private sources for the purposes of RCW 16.76.020.

(3) During the 2021-2023 and 2023-2025 fiscal ~~(biennium)~~ biennia, expenditures from the account may be used for wolf-livestock management as well as for grants to the sheriffs' offices of Stevens and Ferry counties for providing a local wildlife specialist to aid the department of fish and wildlife in the management of wolves.

**Sec. 920.** RCW 19.02.210 and 2016 sp.s. c 36 s 916 are each amended to read as follows:

The business license account is created in the state treasury. Unless otherwise indicated in RCW 19.02.075, all receipts from handling and business license delinquency fees must be deposited into the account. Moneys in the account may be spent only after appropriation beginning in fiscal year 1993. Expenditures from the account may be used only to administer the business licensing service program. During the 2015-2017 fiscal biennium, moneys from the business license account may be used for operations of the department of revenue. During the 2023-2025 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the business license account to the state general fund.

**Sec. 921.** RCW 28B.76.526 and 2020 c 357 s 911 are each amended to read as follows:

The Washington opportunity pathways account is created in the state treasury. Expenditures from the account may be used only for programs in chapter 28A.710 RCW (charter schools), chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington award for vocational excellence), chapter 28B.92 RCW (Washington college grant program), chapter 28B.105 RCW (GET ready for math and science scholarship), chapter 28B.117 RCW (passport to careers), chapter 28B.118 RCW (college bound scholarship), and chapter 43.216 RCW (early childhood education and assistance program). During the 2019-2021, 2021-2023, and 2023-2025 fiscal ~~((biennium))~~ biennia, the account may also be appropriated for public schools funded under chapters 28A.150 and 28A.715 RCW.

**Sec. 922.** RCW 28B.92.205 and 2022 c 297 s 949 are each amended to read as follows:

In addition to other eligibility requirements outlined in this chapter, students who demonstrate financial need are eligible to receive the Washington college grant. Financial need is as follows:

(1) Until academic year 2020-21, students with family incomes between zero and fifty percent of the state median family income, adjusted for family size, shall receive the maximum Washington college grant as defined in RCW 28B.92.030. Grants for students with incomes between fifty-one and seventy percent of the state median family income, adjusted for family size, shall be prorated at the following percentages of the maximum Washington college grant amount:

(a) Seventy percent for students with family incomes between fifty-one and fifty-five percent of the state median family income;

(b) Sixty-five percent for students with family incomes between fifty-six and sixty percent of the state median family income;

(c) Sixty percent for students with family incomes between sixty-one and sixty-five percent of the state median family income; and

(d) Fifty percent for students with family incomes between sixty-six and seventy percent of the state median family income.

(2) ~~((Beginning with))~~ During academic years 2020-21 and 2021-22, ((except during the 2022-23 academic year,)) students with family incomes between zero and fifty-five percent of the state median family income, adjusted for family size, shall receive the maximum Washington college grant as defined in RCW 28B.92.030. Students with family incomes greater than fifty-five percent of the state median family income shall receive the percent of the Washington college grant pursuant to subsections (1)(b) through (d) of this subsection.

(3) During the 2022-23 academic year, students with family incomes between zero and 60 percent of the state median family income, adjusted for family size, shall receive the maximum Washington college grant. During the 2023-24 academic year, students with family incomes between zero and sixty-five percent of the state median family income, adjusted for family size, shall receive the maximum Washington college grant. Grants for students with incomes ~~((between fifty-six))~~ greater than the state median income amount at which the student receives the maximum Washington college grant and one hundred percent of the state median family income, adjusted for family size, shall be prorated at the following percentages of the maximum Washington college grant amount:

(a) ~~((Seventy percent for students with family incomes between fifty-six and sixty percent of the state median family income, except during the 2022-23 academic year;~~

~~((b))~~ Sixty percent for students with family incomes between sixty-one and sixty-five percent of the state median family income, except during the 2023-24 academic year;

~~((c))~~ (b) Fifty percent for students with family incomes between sixty-six and seventy percent of the state median family income;

~~((d))~~ (c) Twenty-four and one-half percent for students with family incomes between seventy-one and seventy-five percent of the state median family income; and

~~((e))~~ (d) Ten percent for students with family incomes between seventy-six and one hundred percent of the state median family income.

(4) Beginning with academic year 2024-25, students with family incomes between zero and sixty-five percent of the state median family income, adjusted for family size, shall receive the maximum Washington college grant as defined in RCW 28B.92.030. Grants for students with income between sixty-six and one hundred percent of the state median family income, adjusted for family size, shall be prorated at the following percentages of the maximum Washington college grant amount:

(a) Sixty percent for students with family incomes between sixty-six and seventy percent of the state median family income;

(b) Thirty percent for students with family incomes between seventy-one and eighty percent of the state median family income; and

(c) Ten percent for students with family incomes between eighty-one and one hundred percent of the state median family income.

**Sec. 923.** RCW 28B.115.070 and 2022 c 276 s 4 are each amended to read as follows:

(1) After June 1, 1992, the department, in consultation with the office and the department of social and health services, shall:

(a) Determine eligible credentialed health care professions for the purposes of the health professional loan repayment and scholarship program and the behavioral health loan repayment program authorized by this chapter. Eligibility shall be based upon an assessment that determines that there is a shortage or insufficient availability of a credentialed

profession so as to jeopardize patient care and pose a threat to the public health and safety. The department shall consider the relative degree of shortages among professions when determining eligibility. The department may add or remove professions from eligibility based upon the determination that a profession is no longer in shortage. Should a profession no longer be eligible, participants or eligible students who have received scholarships shall be eligible to continue to receive scholarships or loan repayments until they are no longer eligible or until their service obligation has been completed;

(b) Determine health professional shortage areas for each of the eligible credentialed health care professions; and

(c) Determine underserved behavioral health areas for each of the eligible credentialed health care professions.

(2) The office, in consultation with the department, shall determine selection criteria for nurse educators and approved nursing programs.

(3) For the 2023-2025 fiscal biennium, consideration for eligibility for loan repayment shall also be given to chiropractors and psychiatric mental health nurse practitioners.

**Sec. 924.** RCW 43.09.475 and 2022 c 157 s 14 are each amended to read as follows:

The performance audits of government account is hereby created in the custody of the state treasurer. Revenue identified in RCW 82.08.020(5) and 82.12.0201 shall be deposited in the account. Money in the account shall be used to fund the performance audits and follow-up performance audits under RCW 43.09.470 and shall be expended by the state auditor in accordance with chapter 1, Laws of 2006. Only the state auditor or the state auditor's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The performance audits of government account may be appropriated for the joint legislative audit and review committee, the legislative evaluation and accountability program committee, and for the office of financial management's performance audit and compliance audit activities. During the 2019-2021 (~~and~~), 2021-2023, and 2023-2025 fiscal biennia, the performance audits of government account may be appropriated for the superintendent of public instruction, the ~~((department of fish and wildlife))~~office of the governor, and audits of school districts. In addition, during the 2019-2021 and 2021-2023 fiscal biennia the account may be used to fund the office of financial management's contract for the compliance audit of the state auditor and audit activities at the department of revenue.

**Sec. 925.** RCW 43.43.837 and 2022 c 297 s 954 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in order to determine the character, competence, and suitability of any applicant or service provider to have unsupervised access, the secretary of the department of social and health services and the secretary of the department of children, youth, and families may require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation at any time, but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application, and:

(a) Is an applicant or service provider providing services to children or people with developmental disabilities under RCW 74.15.030;

(b) Is an individual sixteen years of age or older who: (i) Is not under the placement and care authority of the department of children, youth, and families; and (ii) resides in an applicant or service provider's home, facility, entity, agency, or business or who is authorized by the department of children, youth, and families to provide services to children under RCW 74.15.030;

(c) Is an individual who is authorized by the department of social and health services to provide services to people with developmental disabilities under RCW 74.15.030; or

(d) Is an applicant or service provider providing in-home services funded by:

(i) Medicaid personal care under RCW 74.09.520;

(ii) Community options program entry system waiver services under RCW 74.39A.030;

(iii) Chore services under RCW 74.39A.110; or

(iv) Other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services.

(2) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January 7, 2012, are subject to background checks under RCW 74.39A.056.

(3) To satisfy the shared background check requirements provided for in RCW 43.216.270 and 43.20A.710, the department of children, youth, and families and the department of social and health services shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. Neither department may share the federal background check results with any other state agency or person.

(4) The secretary of the department of children, youth, and families shall require a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation when the department seeks to approve an applicant or service provider for a foster or adoptive placement of children in accordance with federal and state law. Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the department of children, youth, and families for applicant and service providers providing foster care as required in RCW 74.15.030.

(5) Any secure facility operated by the department of social and health services or the department of children, youth, and families under chapter 71.09 RCW shall require applicants and service providers to undergo a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation.

(6) Service providers and service provider applicants, except for those long-term care workers exempted in subsection (2) of this section, who are required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law or program rules when:

(a) A fingerprint-based background check is pending; and

(b) The applicant or service provider is not disqualified based on the immediate result of the background check.

(7) Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the applicable department for applicants or service providers providing:

(a) Services to people with a developmental disability under RCW 74.15.030;

(b) In-home services funded by medicaid personal care under RCW 74.09.520;

(c) Community options program entry system waiver services under RCW 74.39A.030;

(d) Chore services under RCW 74.39A.110;

(e) Services under other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services or the department of children, youth, and families;

(f) Services in, or to residents of, a secure facility under RCW 71.09.115; and

(g) For fiscal years 2023 and 2024, applicants for child care and early learning services to children under RCW 43.216.270.

(8) Service providers licensed under RCW 74.15.030 must pay fees charged by the Washington state patrol and the federal bureau of investigation for conducting fingerprint-based background checks.

(9) Department of children, youth, and families service providers licensed under RCW 74.15.030 may not pass on the cost of the background check fees to their applicants unless the individual is determined to be disqualified due to the background information.

(10) The department of social and health services and the department of children, youth, and families shall develop rules identifying the financial responsibility of service providers, applicants, and the department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a Washington state patrol or federal bureau of investigation fingerprint-based background check.

(11) For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department of social and health services, department of children, youth, and families, or service provider employee, volunteer, student, intern, researcher, contractor, or any other individual who will or may have unsupervised access because of the nature of the work or services he or she provides. "Applicant" includes but is not limited to any individual who will or may have unsupervised access and is:

(i) Applying for a license or certification from the department of social and health services or the department of children, youth, and families;

(ii) Seeking a contract with the department of social and health services, the department of children, youth, and families, or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer;

(iv) An individual that a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered; or

(v) A department of social and health services or department of children, youth, and families applicant who will or may work in a department-covered position.

(b) "Authorized" means the department of social and health services or the department of children, youth, and families grants an applicant, home, or facility permission to:

(i) Conduct licensing, certification, or contracting activities;

(ii) Have unsupervised access to vulnerable adults, juveniles, and children;

(iii) Receive payments from a department of social and health services or department of children, youth, and families program; or

(iv) Work or serve in a department of social and health services or department of children, youth, and families-covered position.

(c) "Secretary" means the secretary of the department of social and health services.

(d) "Secure facility" has the meaning provided in RCW 71.09.020.

(e) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department of social and health services or the department of children, youth, and families to provide services to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered.

**Sec. 926.** RCW 43.79.555 and 2022 c 157 s 5 are each amended to read as follows:

The Washington rescue plan transition account is created in the state treasury. Moneys in the account may be spent only after appropriation. Revenues to the account consist of moneys directed by the legislature to the account. Allowable uses of moneys in the account include responding to the impacts of the COVID-19 pandemic including those related to education, human services, health care, and the economy. In addition, the legislature may appropriate from the account to continue activities begun with, or augmented with, COVID-19 related federal funding. During the 2023-2025 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the Washington rescue plan transition account to the general fund.

**Sec. 927.** RCW 43.101.200 and 2021 c 334 s 977 and 2021 c 323 s 31 are each reenacted and amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) Except as provided in RCW 43.101.170, the commission shall provide the aforementioned training and shall have the sole authority to do so. The commission shall provide necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week, except during the ~~((2017-2019, 2019-2021, and))~~ 2021-2023 and 2023-2025 fiscal biennia when the employing, county, city, or state law enforcement agency shall reimburse the commission for twenty-five percent of the cost of training its personnel. Additionally, to the extent funds are provided for this purpose, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his or her training period.

**Sec. 928.** RCW 43.320.110 and 2021 c 334 s 982 are each amended to read as follows:

(1) There is created in the custody of the state treasurer a local fund known as the "financial services regulation fund" which shall consist of all moneys received by the divisions of the department of financial institutions, except as provided in subsection (2) of this section.

(2) The division of securities shall deposit thirteen percent of all moneys received, except as provided in RCW 43.320.115 and subsection (3) of this section, and which shall be used for the purchase of supplies and necessary equipment; the payment of salaries, wages, and utilities; the establishment of reserves; and other incidental costs required for the proper regulation of individuals and entities subject to regulation by the department.

(3) The division of securities shall deposit one hundred percent of all moneys received that are attributable to increases in fees implemented by rule pursuant to RCW 21.20.340(15).

(4) Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

(5) During the 2017-2019 fiscal biennium, the legislature may transfer from the financial services regulation fund to the state general fund such amounts as reflect the excess fund balance of the fund. During the 2017-2019 and 2021-2023 fiscal biennia, moneys from the financial services regulation fund may be appropriated for the family prosperity account program at the department of commerce and for the operations of the department of revenue.

(6)(a) Beginning in the 2020-2021 fiscal year, the state treasurer shall annually transfer from the fund to the student loan advocate account created in RCW 28B.77.008, the greater of one hundred seventy-five thousand dollars or twenty percent of the annual assessment derived from student education loan servicing.

(b) The department must provide information to the state treasurer regarding the amount of the annual assessment derived from student education loan servicing.

(7) The director's obligations or duties under chapter 62, Laws of 2018 are subject to section 21, chapter 62, Laws of 2018.

(8) During the 2019-2021 and 2023-2025 fiscal ~~((biennium))~~ biennia, moneys in the financial services regulation fund may be appropriated for the operations of the department of revenue. ~~((It is the intent of the legislature to continue this policy in subsequent biennia.))~~

(9) During the ~~((2019-2021 and))~~ 2021-2023 and 2023-2025 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the financial services regulation fund to the general fund.

**Sec. 929.** RCW 43.380.020 and 2021 c 334 s 984 and 2021 c 243 s 12 are each reenacted to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington statewide reentry council is created and located within the department for the purpose of promoting successful reentry of offenders after incarceration.

(2) Through the executive director that may be appointed by the council, the department shall administer the council by:

- (a) Providing the council and its executive director use of the department's facilities; and
- (b) Managing grants and other funds received, used, and disbursed by the council.

**Sec. 930.** RCW 70A.65.030 and 2022 c 182 s 104 and 2022 c 181 s 13 are each reenacted and amended to read as follows:

(1) ~~((Each))~~ Except as provided in subsection (4) of this section, each year or biennium, as appropriate, when allocating funds from the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in RCW 46.68.500, or the climate active transportation account created in RCW 46.68.490, or administering grants or programs funded by the accounts, agencies shall conduct an environmental justice assessment consistent with the requirements of RCW 70A.02.060 and establish a minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities through: (a) The direct reduction of environmental burdens in overburdened communities; (b) the reduction of disproportionate, cumulative risk from environmental burdens, including those associated with climate change; (c) the support of community led project development, planning, and participation costs; or (d) meeting a community need identified by the community that is consistent with the intent of this chapter or RCW 70A.02.010.

(2) The allocation of funding under subsection (1) of this section must adhere to the following principles, additional to the requirements of RCW 70A.02.080: (a) Benefits and programs should be directed to areas and targeted to vulnerable populations and overburdened communities to reduce statewide disparities; (b) investments and benefits should be made roughly proportional to the health disparities that a specific community experiences, with a goal of eliminating the disparities; (c) investments and programs should focus on creating environmental benefits, including eliminating health burdens, creating community and population resilience, and raising the quality of life of those in the community; and (d) efforts should be made to balance investments and benefits across the state and within counties, local jurisdictions, and unincorporated areas as appropriate to reduce disparities by location and to ensure efforts contribute to a reduction in disparities that exist based on race or ethnicity, socioeconomic status, or other factors.

(3) ~~((State))~~ Except as provided in subsection (4) of this section, state agencies allocating funds or administering grants or programs from the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in RCW 46.68.500, or the climate active transportation account created in RCW 46.68.490, must:

(a) Report annually to the environmental justice council created in RCW 70A.02.110 regarding progress toward meeting environmental justice and environmental health goals;

(b) Consider recommendations by the environmental justice council; and

(c)(i) If the agency is not a covered agency subject to the requirements of chapter 70A.02 RCW, create and adopt a community engagement plan to describe how it will engage with overburdened communities and vulnerable populations in allocating funds or administering grants or programs from the climate investment account.

(ii) The plan must include methods for outreach and communication with those who face barriers, language or otherwise, to participation.

(4) During the 2023-2025 fiscal biennium:

(a) The requirement of subsection (1) of this section to conduct an environmental justice assessment applies only to covered agencies as defined in RCW 70A.02.010 and to significant agency actions as defined in RCW 70A.02.010.

(b) Agencies shall coordinate with the department and the office of financial management to achieve total statewide spending from the accounts listed in subsection (1) of this section of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities as otherwise described in subsection (1)(a) through (d) of this section and in accordance with RCW 70A.65.230.

(c) The requirements of subsection (3)(c) of this section for agencies other than covered agencies to create and adopt community engagement plans apply only to executive branch agencies and institutions of higher education, as defined in RCW 28B.10.016, receiving total appropriations of more than \$2,000,000 for the 2023-2025 fiscal biennium from the accounts listed in subsection (1) of this section.

**Sec. 931.** RCW 70A.65.250 and 2022 c 253 s 2 are each amended to read as follows:

(1)(a) The climate investment account is created in the state treasury. Except as otherwise provided in chapter 316, Laws of 2021, all receipts from the auction of allowances authorized in this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation.

(b) Projects or activities funded from the account must meet high labor standards, including family sustaining wages, providing benefits including health care and employer-contributed retirement plans, career development opportunities, and maximize access to economic benefits from such projects for local workers and diverse businesses. Each contracting entity's proposal must be reviewed for equity and opportunity improvement efforts, including: (i) Employer paid sick leave programs; (ii) pay practices in relation to living wage indicators such as the federal poverty level; (iii) efforts to evaluate pay equity based on gender identity, race, and other protected status under Washington law; (iv) facilitating career development opportunities, such as apprenticeship programs, internships, job-shadowing, and on-the-job training; and (v) employment assistance and employment barriers for justice affected individuals.

(2) Moneys in the account may be used only for projects and programs that achieve the purposes of the greenhouse gas emissions cap and invest program established under this chapter and for tribal capacity grants under RCW 70A.65.305. Moneys in the account as described in this subsection must first be appropriated for the administration of the requirements of this chapter, in an amount not to exceed five percent of the total receipt of funds from allowance auction proceeds under this chapter. Beginning July 1, ((2024))2023, and annually thereafter, the state treasurer shall distribute funds in the account that exceed the amounts appropriated for the purposes of this subsection (2) as follows:

(a) Seventy-five percent of the moneys to the climate commitment account created in RCW 70A.65.260; and

(b) Twenty-five percent of the moneys to the natural climate solutions account created in RCW 70A.65.270.

(3) The allocations specified in subsection (2)(a) and (b) of this section must be reviewed by the legislature on a biennial basis based on the changing needs of the state in meeting its clean economy and greenhouse gas reduction goals in a timely, economically advantageous, and equitable manner.

(4) During the 2023-2025 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the climate investment account to the carbon emissions reduction account.

**Sec. 932.** RCW 70A.65.260 and 2022 c 179 s 17 are each amended to read as follows:

(1) The climate commitment account is created in the state treasury. The account must receive moneys distributed to the account from the climate investment account created in RCW 70A.65.250. Moneys in the account may be spent only after appropriation. Projects, activities, and programs eligible for funding from the account must be physically located in Washington state and include, but are not limited to, the following:

(a) Implementing the working families tax rebate in RCW 82.08.0206;

(b) Supplementing the growth management planning and environmental review fund established in RCW 36.70A.490 for the purpose of making grants or loans to local governments for the purposes set forth in RCW 43.21C.240, 43.21C.031, 36.70A.500, and 36.70A.600, for costs associated with RCW 36.70A.610, and to cover costs associated with the adoption of optional elements of comprehensive plans consistent with RCW 43.21C.420;

(c) Programs, activities, or projects that reduce and mitigate impacts from greenhouse gases and copollutants in overburdened communities, including strengthening the air quality monitoring network to measure, track, and better understand air pollution levels and trends and to inform the analysis, monitoring, and pollution reduction measures required in RCW 70A.65.020;

(d) Programs, activities, or projects that deploy renewable energy resources, such as solar and wind power, and projects to deploy distributed generation, energy storage, demand-side technologies and strategies, and other grid modernization projects;

(e) Programs, activities, or projects that increase the energy efficiency or reduce greenhouse gas emissions of industrial facilities including, but not limited to, proposals to implement combined heat and power, district energy, or on-site renewables, such as solar and wind power, to upgrade the energy efficiency of existing equipment, to reduce process emissions, and to switch to less emissions intensive fuel sources;

(f) Programs, activities, or projects that achieve energy efficiency or emissions reductions in the agricultural sector including:

(i) Fertilizer management;

(ii) Soil management;

(iii) Bioenergy;

(iv) Biofuels;

(v) Grants, rebates, and other financial incentives for agricultural harvesting equipment, heavy-duty trucks, agricultural pump engines, tractors, and other equipment used in agricultural operations;

(vi) Grants, loans, or any financial incentives to food processors to implement projects that reduce greenhouse gas emissions;

(vii) Renewable energy projects;

(viii) Farmworker housing weatherization programs;

(ix) Dairy digester research and development;

(x) Alternative manure management; and

(xi) Eligible fund uses under RCW 89.08.615;

(g) Programs, activities, or projects that increase energy efficiency in new and existing buildings, or that promote low carbon architecture, including use of newly emerging alternative building materials that result in a lower carbon footprint in the built environment over the life cycle of the building and component building materials;

(h) Programs, activities, or projects that promote the electrification and decarbonization of new and existing buildings, including residential, commercial, and industrial buildings;

(i) Programs, activities, or projects that improve energy efficiency, including district energy, and investments in market transformation of high efficiency electric appliances and equipment for space and water heating;

(j) Clean energy transition and assistance programs, activities, or projects that assist affected workers or people with lower incomes during the transition to a clean energy economy, or grow and expand clean manufacturing capacity in communities across Washington state including, but not limited to:

(i) Programs, activities, or projects that directly improve energy affordability and reduce the energy burden of people with lower incomes, as well as the higher transportation fuel burden of rural residents, such as bill assistance, energy efficiency, and weatherization programs;

(ii) Community renewable energy projects that allow qualifying participants to own or receive the benefits of those projects at reduced or no cost;

(iii) Programs, activities, or other worker-support projects for bargaining unit and nonsupervisory fossil fuel workers who are affected by the transition away from fossil fuels to a clean energy economy. Worker support may include, but is not limited to: (A) Full wage replacement, health benefits, and pension contributions for every worker within five years of retirement; (B) full wage replacement, health benefits, and pension contributions for every worker with at least one year of service for each year of service up to five years of service; (C) wage insurance for up to five years for workers reemployed who have more than five years of service; (D) up to two years of retraining costs, including tuition and related costs, based on in-state community and technical college costs; (E) peer counseling services during transition; (F) employment placement services, prioritizing employment in the clean energy sector; and (G) relocation expenses;

(iv) Direct investment in workforce development, via technical education, community college, institutions of higher education, apprenticeships, and other programs including, but not limited to:

(A) Initiatives to develop a forest health workforce established under RCW 76.04.521; and

(B) Initiatives to develop new education programs, emerging fields, or jobs pertaining to the clean energy economy;

(v) Transportation, municipal service delivery, and technology investments that increase a community's capacity for clean manufacturing, with an emphasis on communities in greatest need of job creation and economic development and potential for commute reduction;

(k) Programs, activities, or projects that reduce emissions from landfills and waste-to-energy facilities through diversion of organic materials, methane capture or conversion strategies, installation of gas collection devices and gas control systems, monitoring and reporting of methane emissions, or other means, prioritizing funding needed for any activities by local governments to comply with chapter 70A.540 RCW;

(l) Carbon dioxide removal projects, programs, and activities; and

(m) Activities to support efforts to mitigate and adapt to the effects of climate change affecting Indian tribes, including capital investments in support of the relocation of Indian tribes located in areas at heightened risk due to anticipated sea level rise, flooding, or other disturbances caused by climate change. The legislature intends to dedicate at least \$50,000,000 per biennium from the account for purposes of this subsection.

(2) Moneys in the account may not be used for projects or activities that would violate tribal treaty rights or result in significant long-term damage to critical habitat or ecological functions. Investments from this account must result in long-term environmental benefits and increased resilience to the impacts of climate change.

(3) During the 2023-2025 fiscal biennium, the legislature may appropriate moneys from the climate commitment account for activities related to environmental justice, including implementation of chapter 314, Laws of 2021.

**Sec. 933.** RCW 71.24.580 and 2022 c 297 s 964 and 2022 c 157 s 18 are each reenacted and amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance use disorder treatment and treatment support services for offenders with a substance use disorder that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; (b) the provision of substance use disorder treatment services and treatment support services for nonviolent offenders within a drug court program and, during the 2021-2023 and the 2023-2025 fiscal ~~((biennium))~~ biennia, for 180 days following graduation from the drug court program; and (c) the administrative and overhead costs associated with the operation of a drug court. Amounts provided in this subsection must be used for treatment and recovery support services for criminally involved offenders and authorization of these services shall not be subject to determinations of medical necessity. During the 2019-2021 and 2021-2023 fiscal biennia, funding from the criminal justice treatment account may be used to provide treatment and support services through the conclusion of an individual's treatment plan to



individuals participating in a drug court program as of February 24, 2021, if that individual wishes to continue treatment following dismissal of charges they were facing under RCW 69.50.4013(1). Such participation is voluntary and contingent upon substantial compliance with drug court program requirements. The legislature may appropriate from the account for municipal drug courts and increased treatment options. During the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the criminal justice treatment account to the home security fund account created in RCW 43.185C.060. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance use disorder treatment program, including but not limited to the recovery support and other programmatic elements outlined in RCW 2.30.030 authorizing therapeutic courts; and

(b) "Treatment support" includes transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4) (a) For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the department for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the authority from the criminal justice treatment account shall be distributed as specified in this subsection. The authority may retain up to three percent of the amount appropriated under subsection (4)(b) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the authority from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The authority, in consultation with the department of corrections, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance use disorder treatment providers, and any other person deemed by the authority to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the authority from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The authority shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, and substance use disorder treatment providers. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The submitted plan should incorporate current evidence-based practices in substance use disorder treatment. The funds shall be used solely to provide approved alcohol and substance use disorder treatment pursuant to RCW 71.24.560 and treatment support services. No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) If a region or county uses criminal justice treatment account funds to support a therapeutic court, the therapeutic court must allow the use of all medications approved by the federal food and drug administration for the treatment of opioid use disorder as deemed medically appropriate for a participant by a medical professional. If appropriate medication-assisted treatment resources are not available or accessible within the jurisdiction, the health care authority's designee for assistance must assist the court with acquiring the resource.

(10) Counties must meet the criteria established in RCW 2.30.030(3).

(11) The authority shall annually review and monitor the expenditures made by any county or group of counties that receives appropriated funds distributed under this section. Counties shall repay any funds that are not spent in accordance with the requirements of its contract with the authority.

**Sec. 934.** RCW 74.46.561 and 2022 c 297 s 966 are each amended to read as follows:

(1) The legislature adopts a new system for establishing nursing home payment rates beginning July 1, 2016. Any payments to nursing homes for services provided after June 30, 2016, must be based on the new system. The new system must be designed in such a manner as to decrease administrative complexity associated with the payment methodology, reward nursing homes providing care for high acuity residents, incentivize quality care for residents of nursing homes, and establish minimum staffing standards for direct care.

(2) The new system must be based primarily on industry-wide costs, and have three main components: Direct care, indirect care, and capital.

(3) The direct care component must include the direct care and therapy care components of the previous system, along with food, laundry, and dietary services. Direct care must be paid at a fixed rate, based on one hundred percent or greater of statewide case mix neutral median costs, but for fiscal year 2023 shall be capped so that a nursing home provider's direct care rate does not exceed ~~((165))~~118 percent of its base year's direct care allowable costs except if the provider is below the minimum staffing standard established in RCW 74.42.360(2), except for fiscal years 2024 and 2025 when the direct care rate must not exceed 165 percent of the base year's direct care allowable costs except if the provider is below the minimum staffing standards established in RCW 74.42.360(2). The legislature intends to remove the cap on direct care rates by June 30, 2027. Direct care must be performance-adjusted for acuity every six months, using case mix principles. Direct care must be regionally adjusted using countywide wage index information available through the United States department of labor's bureau of labor statistics. There is no minimum occupancy for direct care. The direct care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(4) The indirect care component must include the elements of administrative expenses, maintenance costs, and housekeeping services from the previous system. A minimum occupancy assumption of ninety percent must be applied to indirect care, except during fiscal year 2023 when the minimum occupancy assumption must be 75 percent and except during the 2023-2025 fiscal biennium when the minimum occupancy assumption must be 80 percent. Indirect care must be paid at a fixed rate, based on ninety percent or greater of statewide median costs. The indirect care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(5) The capital component must use a fair market rental system to set a price per bed. The capital component must be adjusted for the age of the facility, and must use a minimum occupancy assumption of ninety percent.

(a) Beginning July 1, 2016, the fair rental rate allocation for each facility must be determined by multiplying the allowable nursing home square footage in (c) of this subsection by the RSMeans rental rate in (d) of this subsection and by the number of licensed beds yielding the gross unadjusted building value. An equipment allowance of ten percent must be added to the unadjusted building value. The sum of the unadjusted building value and equipment allowance must then be reduced by the average age of the facility as determined by (e) of this subsection using a depreciation rate of one and one-half percent. The depreciated building and equipment plus land valued at ten percent of the gross unadjusted building value before depreciation must then be multiplied by the rental rate at seven and one-half percent to yield an allowable fair rental value for the land, building, and equipment.

(b) The fair rental value determined in (a) of this subsection must be divided by the greater of the actual total facility census from the prior full calendar year or imputed census based on the number of licensed beds at ninety percent occupancy.

(c) For the rate year beginning July 1, 2016, all facilities must be reimbursed using four hundred square feet. For the rate year beginning July 1, 2017, allowable nursing facility square footage must be determined using the total nursing facility square footage as reported on the Medicaid cost reports submitted to the department in compliance with this chapter. The maximum allowable square feet per bed may not exceed four hundred fifty.

(d) Each facility must be paid at eighty-three percent or greater of the median nursing facility RSMeans construction index value per square foot. The department may use updated RSMeans construction index information when more recent square footage data becomes available. The statewide value per square foot must be indexed based on facility zip code by multiplying the statewide value per square foot times the appropriate zip code based index. For the purpose of implementing this section, the value per square foot effective July 1, 2016, must be set so that the weighted average fair rental value rate is not less than ten dollars and eighty cents per patient day. The capital component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(e) The average age is the actual facility age reduced for significant renovations. Significant renovations are defined as those renovations that exceed two thousand dollars per bed in a calendar year as reported on the annual cost report submitted in accordance with this chapter. For the rate beginning July 1, 2016, the department shall use renovation data back to 1994 as submitted on facility cost reports. Beginning July 1, 2016, facility ages must be reduced in future years if the value of the renovation completed in any year exceeds

two thousand dollars times the number of licensed beds. The cost of the renovation must be divided by the accumulated depreciation per bed in the year of the renovation to determine the equivalent number of new replacement beds. The new age for the facility is a weighted average with the replacement bed equivalents reflecting an age of zero and the existing licensed beds, minus the new bed equivalents, reflecting their age in the year of the renovation. At no time may the depreciated age be less than zero or greater than forty-four years.

(f) A nursing facility's capital component rate allocation must be rebased annually, effective July 1, 2016, in accordance with this section and this chapter.

(g) For the purposes of this subsection (5), "RSMMeans" means building construction costs data as published by Gordian.

(6) A quality incentive must be offered as a rate enhancement beginning July 1, 2016.

(a) An enhancement no larger than five percent and no less than one percent of the statewide average daily rate must be paid to facilities that meet or exceed the standard established for the quality incentive. All providers must have the opportunity to earn the full quality incentive payment.

(b) The quality incentive component must be determined by calculating an overall facility quality score composed of four to six quality measures. For fiscal year 2017 there shall be four quality measures, and for fiscal year 2018 there shall be six quality measures. Initially, the quality incentive component must be based on minimum data set quality measures for the percentage of long-stay residents who self-report moderate to severe pain, the percentage of high-risk long-stay residents with pressure ulcers, the percentage of long-stay residents experiencing one or more falls with major injury, and the percentage of long-stay residents with a urinary tract infection. Quality measures must be reviewed on an annual basis by a stakeholder work group established by the department. Upon review, quality measures may be added or changed. The department may risk adjust individual quality measures as it deems appropriate.

(c) The facility quality score must be point based, using at a minimum the facility's most recent available three-quarter average centers for medicare and medicaid services quality data. Point thresholds for each quality measure must be established using the corresponding statistical values for the quality measure point determinants of eighty quality measure points, sixty quality measure points, forty quality measure points, and twenty quality measure points, identified in the most recent available five-star quality rating system technical user's guide published by the centers for medicare and medicaid services.

(d) Facilities meeting or exceeding the highest performance threshold (top level) for a quality measure receive twenty-five points. Facilities meeting the second highest performance threshold receive twenty points. Facilities meeting the third level of performance threshold receive fifteen points. Facilities in the bottom performance threshold level receive no points. Points from all quality measures must then be summed into a single aggregate quality score for each facility.

(e) Facilities receiving an aggregate quality score of eighty percent of the overall available total score or higher must be placed in the highest tier (tier V), facilities receiving an aggregate score of between seventy and seventy-nine percent of the overall available total score must be placed in the second highest tier (tier IV), facilities receiving an aggregate score of between sixty and sixty-nine percent of the overall available total score must be placed in the third highest tier (tier III), facilities receiving an aggregate score of between fifty and fifty-nine percent of the overall available total score must be placed in the fourth highest tier (tier II), and facilities receiving less than fifty percent of the overall available total score must be placed in the lowest tier (tier I).

(f) The tier system must be used to determine the amount of each facility's per patient day quality incentive component. The per patient day quality incentive component for tier IV is seventy-five percent of the per patient day quality incentive component for tier V, the per patient day quality incentive component for tier III is fifty percent of the per patient day quality incentive component for tier V, and the per patient day quality incentive component for tier II is twenty-five percent of the per patient day quality incentive component for tier V. Facilities in tier I receive no quality incentive component.

(g) Tier system payments must be set in a manner that ensures that the entire biennial appropriation for the quality incentive program is allocated.

(h) Facilities with insufficient three-quarter average centers for medicare and medicaid services quality data must be assigned to the tier corresponding to their five-star quality rating. Facilities with a five-star quality rating must be assigned to the highest tier (tier V) and facilities with a one-star quality rating must be assigned to the lowest tier (tier I). The use of a facility's five-star quality rating shall only occur in the case of insufficient centers for medicare and medicaid services minimum data set information.

(i) The quality incentive rates must be adjusted semiannually on July 1 and January 1 of each year using, at a minimum, the most recent available three-quarter average centers for medicare and medicaid services quality data.

(j) Beginning July 1, 2017, the percentage of short-stay residents who newly received an antipsychotic medication must be added as a quality measure. The department must determine the quality incentive thresholds for this quality measure in a manner consistent with those outlined in (b) through (h) of this subsection using the centers for medicare and medicaid services quality data.

(k) Beginning July 1, 2017, the percentage of direct care staff turnover must be added as a quality measure using the centers for medicare and medicaid services' payroll-based journal and nursing home facility payroll data. Turnover is defined as an employee departure. The department must determine the quality incentive thresholds for this quality measure using

data from the centers for medicare and medicaid services' payroll-based journal, unless such data is not available, in which case the department shall use direct care staffing turnover data from the most recent medicaid cost report.

(7) Reimbursement of the safety net assessment imposed by chapter 74.48 RCW and paid in relation to medicaid residents must be continued.

(8)(a) The direct care and indirect care components must be rebased in even-numbered years, beginning with rates paid on July 1, 2016. Rates paid on July 1, 2016, must be based on the 2014 calendar year cost report. On a percentage basis, after rebasing, the department must confirm that the statewide average daily rate has increased at least as much as the average rate of inflation, as determined by the skilled nursing facility market basket index published by the centers for medicare and medicaid services, or a comparable index. If after rebasing, the percentage increase to the statewide average daily rate is less than the average rate of inflation for the same time period, the department is authorized to increase rates by the difference between the percentage increase after rebasing and the average rate of inflation.

(b) It is the intention of the legislature that direct and indirect care rates paid in fiscal year 2022 will be rebased using the calendar year 2019 cost reports. For fiscal year 2021, in addition to the rates generated by (a) of this subsection, an additional adjustment is provided as established in this subsection (8)(b). Beginning May 1, 2020, and through June 30, 2021, the calendar year costs must be adjusted for inflation by a twenty-four month consumer price index, based on the most recently available monthly index for all urban consumers, as published by the bureau of labor statistics. It is also the intent of the legislature that, starting in fiscal year 2022, a facility-specific rate add-on equal to the inflation adjustment that facilities received solely in fiscal year 2021, must be added to the rate. For fiscal year 2024, the direct care and indirect care components shall be rebased to the 2021 calendar year cost report.

(c) To determine the necessity of regular inflationary adjustments to the nursing facility rates, by December 1, 2020, the department shall provide the appropriate policy and fiscal committees of the legislature with a report that provides a review of rates paid in 2017, 2018, and 2019 in comparison to costs incurred by nursing facilities.

(9) The direct care component provided in subsection (3) of this section is subject to the reconciliation and settlement process provided in RCW 74.46.022(6). Beginning July 1, 2016, pursuant to rules established by the department, funds that are received through the reconciliation and settlement process provided in RCW 74.46.022(6) must be used for technical assistance, specialized training, or an increase to the quality enhancement established in subsection (6) of this section. The legislature intends to review the utility of maintaining the reconciliation and settlement process under a price-based payment methodology, and may discontinue the reconciliation and settlement process after the 2017-2019 fiscal biennium.

(10) Compared to the rate in effect June 30, 2016, including all cost components and rate add-ons, no facility may receive a rate reduction of more than one percent on July 1, 2016, more than two percent on July 1, 2017, or more than five percent on July 1, 2018. To ensure that the appropriation for nursing homes remains cost neutral, the department is authorized to cap the rate increase for facilities in fiscal years 2017, 2018, and 2019.

**Sec. 935.** RCW 79.64.040 and 2021 c 334 s 994 are each amended to read as follows:

(1) The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the moneys received from all leases, sales, contracts, licenses, permits, easements, and rights-of-way issued by the department and affecting state lands and aquatic lands, except as provided in RCW 79.64.130, provided that no deduction shall be made from the proceeds from agricultural college lands.

(2) Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.15.100, 79.15.080, and 79.11.150 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section.

(3) Except as otherwise provided in subsection (5) of this section, the deductions authorized under this section shall not exceed twenty-five percent of the moneys received by the department in connection with any one transaction pertaining to state lands and aquatic lands other than second-class tide and shore lands and the beds of navigable waters, and fifty percent of the moneys received by the department pertaining to second-class tide and shore lands and the beds of navigable waters.

(4) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

(5) During the 2015-2017, 2017-2019, 2019-2021, ~~((and))~~ 2021-2023, and 2023-2025 fiscal biennia, the board may increase the twenty-five percent limitation up to thirty-two percent.

**Sec. 936.** RCW 79.64.110 and 2021 c 334 s 995 and 2021 c 145 s 3 are each reenacted and amended to read as follows:

(1) Any moneys derived from the lease of state forestlands or from the sale of valuable materials, oils, gases, coal, minerals, or fossils from those lands, except as provided in RCW 79.64.130, or the appraised value of these resources when transferred to a public agency under RCW 79.22.060, except as provided in RCW 79.22.060(4), must be distributed as follows:

(a) For state forestlands acquired through RCW 79.22.040 or by exchange for lands acquired through RCW 79.22.040:

(i) The expense incurred by the state for administration, reforestation, and protection, not to exceed twenty-five percent, which rate of percentage shall be determined by the board, must be returned to the forest development account created in RCW 79.64.100. During the 2017-2019, 2019-2021, ~~((and))~~ 2021-2023, and 2023-2025 fiscal biennia, the board may increase the twenty-five percent limitation up to twenty-seven percent.

(ii) Any balance remaining must be paid to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board. Payments made under this subsection are to be paid, distributed, and prorated, except as otherwise provided in this section, to the various funds in the same manner as general taxes are paid and distributed during the year of payment. However, in order to test county flexibility in distributing state forestland revenue, a county may in its discretion pay, distribute, and prorate payments made under this subsection of moneys derived from state forestlands acquired by exchange between July 28, 2019, and June 30, 2020, for lands acquired through RCW 79.22.040, within the same county, in the same manner as general taxes are paid and distributed during the year of payment for the former state forestlands that were subject to the exchange.

(iii) Any balance remaining, paid to a county with a population of less than sixteen thousand, must first be applied to the reduction of any indebtedness existing in the current expense fund of the county during the year of payment.

(iv) With regard to moneys remaining under this subsection (1)(a), within seven working days of receipt of these moneys, the department shall certify to the state treasurer the amounts to be distributed to the counties. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date.

(b) For state forestlands acquired through RCW 79.22.010 or by exchange for lands acquired through RCW 79.22.010, except as provided in RCW 79.64.120:

(i) Fifty percent shall be placed in the forest development account.

(ii) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board, and according to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 (1) and (2) and the levy rate for any school district enrichment levies. With regard to the portion to be distributed to the counties, the department shall certify to the state treasurer the amounts to be distributed within seven working days of receipt of the money. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date. The money distributed to the county must be paid, distributed, and prorated to the various other funds in the same manner as general taxes are paid and distributed during the year of payment.

(2) A school district may transfer amounts deposited in its debt service fund pursuant to this section into its capital projects fund as authorized in RCW 28A.320.330.

**Sec. 937.** RCW 79A.25.210 and 2021 c 334 s 997 are each amended to read as follows:

The firearms range account is hereby created in the state general fund. Moneys in the account shall be subject to legislative appropriation and shall be used for purchase and development of land, construction or improvement of range facilities, including fixed structure construction or remodeling, equipment purchase, safety or environmental improvements, noise abatement, and liability protection for public and nonprofit firearm range training and practice facilities.

Grant funds shall not be used for expendable shooting supplies, or normal operating expenses. In making grants, the board shall give priority to projects for noise abatement or safety improvement. Grant funds shall not supplant funds for other organization programs.

The funds will be available to nonprofit shooting organizations, school districts, and state, county, or local governments on a match basis. All entities receiving matching funds must be open on a regular basis and usable by law enforcement personnel or the general public who possess Washington concealed pistol licenses or Washington hunting licenses or who are enrolled in a firearm safety class.

Applicants for a grant from the firearms range account shall provide matching funds in either cash or in-kind contributions. The match must represent one dollar in value for each one dollar of the grant except that in the case of a grant for noise abatement or safety improvements the match must represent one dollar in value for each two dollars of the grant. In-kind contributions include but are not limited to labor, materials, and new property. Existing assets and existing development may not apply to the match.

Applicants other than school districts or local or state government must be registered as a nonprofit or not-for-profit organization with the Washington secretary of state. The organization's articles of incorporation must contain provisions for the organization's structure, officers, legal address, and registered agent.

Organizations requesting grants must provide the hours of range availability for public and law enforcement use. The fee structure will be submitted with the grant application.

Any nonprofit organization or agency accepting a grant under this program will be required to pay back the entire grant amount to the firearms range account if the use of the range facility is discontinued less than ten years after the grant is accepted.

Entities receiving grants must make the facilities for which grant funding is received open for hunter safety education classes and firearm safety classes on a regular basis for no fee.

Government units or school districts applying for grants must open their range facility on a regular basis for hunter safety education classes and firearm safety classes.

The board shall adopt rules to implement chapter 195, Laws of 1990, pursuant to chapter 34.05 RCW. During the 2017-2019 and 2019-2021 fiscal biennia, expenditures from the firearms range account may be used to implement chapter 74, Laws of 2017 (SHB 1100) (concealed pistol licenses) and chapter 282, Laws of 2017 (SB 5268) (concealed pistol license notices). During the 2021-2023 and 2023-2025 fiscal ~~((biennium))~~ biennia, expenditures from the firearms range account may be used to implement chapter 74, Laws of 2017 (SHB 1100) (concealed pistol licenses).

(End of part)

**PART XI  
GENERAL GOVERNMENT  
SUPPLEMENTAL**

**Sec. 1101.** 2022 c 297 s 101 (uncodified) is amended to read as follows:

**FOR THE HOUSE OF REPRESENTATIVES**

General Fund—State Appropriation (FY 2022) . . . . .	\$46,838,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$53,280,000</del> ))
	<u>\$53,080,000</u>
<b>TOTAL APPROPRIATION</b> .....	<b><u>(\$100,118,000)</u></b>
	<u>\$99,918,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a work group to continue the house of representatives' examination of employment practices and policies and to develop options and recommendations for the house of representatives.

(a) The work group is composed of the following members:

- (i) Two legislative assistants from each of the two largest caucuses of the house of representatives;
- (ii) One nonsupervisory staff and one supervisory staff from each of the two largest caucuses of the house of representatives;
- (iii) One committee assistant, one coordinator, one analyst or counsel, and one administrative staff from the house of representatives office of program research;
- (iv) One nonsupervisory staff and one supervisory staff from the house of representatives administration;
- (v) The chief clerk of the house of representatives or their designee; and
- (vi) The house of representatives human resource director.

(b) Staff who wish to be appointed to the work group must submit an application to the office of human resources. The house of representatives human resource officer shall make recommendations to the house of representatives executive rules committee who shall then confirm appointments to the work group.

(c) The chief clerk of the house of representatives shall contract for an external facilitator to staff and assist the work group. The facilitator must have a background or experience in organizational development. The chief clerk may also contract for legal services and other expert services, as necessary, to assist the work group.

(d) The work group shall consider issues related to employment practices and policies including, but not limited to:

- (i) The supervisory structure of employees;
- (ii) Workplace terms and conditions; and
- (iii) Professional development.

(e) The expenses of the work group must be paid from the amount appropriated in this section subject to approval by the house of representatives executive rules committee.

(f) The work group must report its findings and recommendations to the house of representatives executive rules committee by December 1, 2022.

(g) If Engrossed Substitute House Bill No. 2124 is enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

**Sec. 1102.** 2022 c 297 s 102 (uncodified) is amended to read as follows:

**FOR THE SENATE**

General Fund—State Appropriation (FY 2022) . . . . .	\$33,755,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$41,625,000</del> ))
	<u>\$41,425,000</u>
<b>TOTAL APPROPRIATION</b> .....	<b><u>(\$75,380,000)</u></b>
	<u>\$75,180,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$260,000 of the general fund—state appropriation for fiscal year 2022 and \$270,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the payment of membership dues to the council of state governments, the national conference of state legislatures, the pacific northwest economic region, the pacific fisheries legislative task force, and the western legislative forestry task force.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a work group to continue the senate's examination of employment practices and policies and to develop options and recommendations for the senate.

(a) The work group is composed of the following 17 members:

(i) Two legislative assistants from each of the two largest caucuses of the senate;

(ii) One nonsupervisory staff and one supervisory staff from each of the two largest caucuses of the senate;

(iii) One committee assistant, one coordinator, one analyst or counsel, and one administrative staff from senate committee services;

(iv) One nonsupervisory staff and one supervisory staff from senate administration;

(v) The secretary of the senate or their designee; and

(vi) The senate human resource director and senate diversity, equity, and inclusion coordinator.

(b) Staff who wish to be appointed to the work group must submit an application to the office of human resources. The senate human resource officer shall make recommendations to the senate facilities and operations committee who shall then confirm appointments to the work group.

(c) The secretary of the senate shall contract for an external facilitator to staff and assist the work group. The facilitator must have a background or experience in organizational development. The secretary may also contract for legal services and other expert services, as necessary, to assist the work group.

(d) The work group shall consider issues related to employment practices and policies including, but not limited to:

(i) The supervisory structure of employees;

(ii) Workplace terms and conditions; and

(iii) Professional development.

(e) The expenses of the work group must be paid from the amount appropriated in this section subject to approval by the senate facilities and operations committee.

(f) The work group must report its findings and recommendations to the senate facilities and operations committee by December 1, 2022.

(g) If Engrossed Substitute House Bill No. 2124 is enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

**Sec. 1103.** 2022 c 297 s 103 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

General Fund—State Appropriation (FY 2022) . . . . .	\$342,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$296,000</del> ))
	<u>\$288,000</u>
Performance Audits of Government Account—State Appropriation . . . . .	(( <del>\$10,036,000</del> ))
	<u>\$10,031,000</u>
<b>TOTAL APPROPRIATION</b> . . . . .	<b>((<del>\$10,674,000</del>))</b>
	<b><u>\$10,661,000</u></b>

The appropriations in this section (~~is~~)are subject to the following conditions and limitations:

(1) \$273,000 of the general fund—state appropriation for fiscal year 2022 and \$244,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5405 (racial equity analyses).

(2) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2021-2023 work plan as necessary to efficiently manage workload.

(3) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000 of the general fund—state appropriation for fiscal year 2023 are provided to implement House Bill No. 1296 (behavioral health service organizations).

(4) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000 of the general fund—state appropriation for fiscal year 2023 are provided to implement Second Substitute House Bill No. 1033 (employment training program).

(5) \$50,000 of the performance audits of government account—state appropriation is for implementation of Engrossed Substitute Senate Bill No. 5268 (developmental disability services). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(6) Sufficient funding is appropriated in this section to conduct performance audits related to state agency programs and services to address the needs of farmworkers. The audits will assess how the agency is administering the programs and enforcing the relevant laws and provide recommendations to improve service delivery and effectiveness for the protection and needs farmworkers. The committee must incorporate the performance audits in this subsection into its work plan and must provide annual progress reports on their status. The committee may prioritize its work based on available resources and staff capacity, and may contract for services as necessary, to complete the following performance audits:

(a) The department of labor and industries' programs and responsibilities to investigate and enforce:

- (i) Wage and hour laws applicable to farmworkers;
- (ii) Workplace health and safety standards applicable to farmworkers; and
- (iii) Laws prohibiting harassment, discrimination, and retaliation against farmworkers for, among other things, asserting their rights regarding health and safety standards and wage and hour laws;

(b) The employment security department's administration of the H-2A program; and

(c) The department of health's administration of laws and rules related to pesticide safety that are intended to protect farmworkers from hazardous exposures.

(7) \$42,000 of the performance audits of government account—state appropriation is for implementation of Second Substitute Senate Bill No. 5649 (family and medical leave). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(8) \$13,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000 of the general fund—state appropriation for fiscal year 2023 are for the implementation of Engrossed Substitute House Bill No. 1643 (affordable housing/REET). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(9) \$36,000 of the general fund—state appropriation for fiscal year 2023 is for the implementation of Engrossed Second Substitute House Bill No. 1015 (equitable access to credit). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((+12))~~ (10) (a) The joint legislative audit and review committee shall conduct a performance audit of the department of health's oversight of hospital data reporting, inspections, and complaints. The study must explore:

(i) The types of data that hospitals are required to collect and report to state and federal regulatory entities, hospitals' compliance with these reporting requirements, and the department's enforcement and use of such reporting. This data includes: Hospital financial data, patient discharge data, charity care data, adverse health events and incidents notification and reporting, and community health needs, assessments, and benefits implementation strategies;

(ii) The type and frequency of hospital inspections conducted by state and federal regulatory entities, and hospitals' correction of any deficiencies; and

(iii) The hospital facility complaint process, including how consumers may file complaints, how the department investigates complaints, and how hospitals resolve any violations.

(b) The committee must incorporate the performance audit in this subsection into its work plan and prioritize its work based on available resources and staff capacity.

~~((+13))~~ (11) \$17,000 of the performance audits of government account—state appropriation is for implementation of Senate Bill No. 5713 (limited equity cooperative housing). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((+15))~~ (12) \$17,000 of the performance audits of government account—state appropriation is for implementation of Engrossed Substitute Senate Bill No. 5714 (solar canopies tax deferral). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1104.** 2021 c 334 s 109 (uncodified) is amended to read as follows:

**FOR THE REDISTRICTING COMMISSION**

General Fund—State Appropriation (FY 2022) . . . . .	\$1,633,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$22,000)</del>
	<u>\$132,000</u>
<b>TOTAL APPROPRIATION</b> . . . . .	<b><del>(\$1,655,000)</del></b>
	<b><u>\$1,765,000</u></b>

The appropriations in this section ~~((is))~~ are subject to the following conditions and limitations: The entire general fund—state appropriation for fiscal year 2023 is provided solely for the payment of expenses associated with the cessation of the commission's operations. The secretary of the senate and chief clerk of the house of representatives may jointly authorize the expenditure of these funds.

**Sec. 1105.** 2021 c 334 s 110 (uncodified) is amended to read as follows:

**LEGISLATIVE AGENCIES**

In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, joint transportation committee, office of the state actuary, joint legislative systems committee, statute law committee, redistricting commission, office of state legislative labor relations, and office of legislative support services.

**Sec. 1106.** 2022 c 297 s 113 (uncodified) is amended to read as follows:

**FOR THE COURT OF APPEALS**

General Fund—State Appropriation (FY 2022) . . . . .	\$21,709,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$22,673,000)</del>



	<u>\$22,833,000</u>
TOTAL APPROPRIATION.....	(( <u>\$44,382,000</u> ))
	<u>\$44,542,000</u>

**Sec. 1107.** 2022 c 297 s 114 (uncodified) is amended to read as follows:

**FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund—State Appropriation (FY 2022) . . . . .	\$86,711,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <u>\$118,611,000</u> ))
	<u>\$118,666,000</u>
General Fund—Federal Appropriation . . . . .	\$3,994,000
General Fund—Private/Local Appropriation . . . . .	\$681,000
Judicial Stabilization Trust Account—State Appropriation . . . . .	\$119,442,000
Judicial Information Systems Account—State Appropriation . . . . .	\$61,471,000
TOTAL APPROPRIATION.....	(( <u>\$390,910,000</u> ))
	<u>\$390,965,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The distributions made under this section and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2)(a) \$7,000,000 of the general fund—state appropriation for fiscal year 2022 and \$7,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for distribution to county juvenile court administrators for the costs associated with processing and case management of truancy, children in need of services, and at-risk youth referrals. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula must neither reward counties with higher than average per-petition/referral processing costs nor shall it penalize counties with lower than average per-petition/referral processing costs.

(b) Each fiscal year during the 2021-2023 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than 60 days after a fiscal year ends. These reports are informational in nature and are not for the purpose of distributing funds.

(3) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for providing all courts with an electronic demographic survey for jurors who begin a jury term. The survey must collect data on each juror's race, ethnicity, age, sex, employment status, educational attainment, and income, as well as any other data approved by order of the chief justice of the Washington state supreme court. This electronic data gathering must be conducted and reported in a manner that preserves juror anonymity. The administrative office of the courts shall provide this demographic data in a report to the governor and the appropriate committees of the legislature, and publish a copy of the report on a publicly available internet address by June 30, 2023.

(4)(a) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the center for court research at the administrative office of the courts to review the number and types of young individuals placed on electronic home monitoring over a 10 year time period. The center for court research shall work in collaboration with the Washington state partnership council on juvenile justice and the juvenile block grant proviso committee (which includes a representative from the juvenile rehabilitation administration, the office of the administrator of the courts, the office of financial management, and the juvenile courts) to identify the number of individuals under the age of 26 that have been placed on electronic home monitoring by the department of children, youth, and families and the number of individuals placed on electronic home monitoring by or through juvenile courts from the year 2010 through 2020. At a minimum, the study must identify:

- (i) How electronic home monitoring is defined and used by each entity;
- (ii) The various types of electronic home monitoring services and the equipment used by each entity;
- (iii) Whether the type of electronic home monitoring equipment used is different depending upon the age or type of the offender;
- (iv) Whether the state or local entity provides the supervision and monitoring of individuals placed on electronic home monitoring or whether the supervision and monitoring are contracted services;
- (v) By age, demographics, ethnicity, and race, the number of individuals that participated on electronic home monitoring each year;
- (vi) By age, the offense committed that resulted in the individual being placed on electronic home monitoring, and the average duration of time individuals spent on electronic home monitoring; and

- (vii) Whether electronic home monitoring was used as an alternative to or in lieu of incarceration or whether electronic home monitoring was used in addition to incarceration.
- (b) The center for court research must complete a preliminary report by June 30, 2022, and submit a final report to the appropriate committees of the legislature by June 30, 2023.
- (5) \$44,500,000 of the judicial stabilization trust account—state appropriation is provided solely to assist counties with costs of complying with the *State v. Blake* decision that arise from the county's role in operating the state's criminal justice system, including resentencing, vacating prior convictions for simple drug possession, and certifying refunds of legal financial obligations and collections costs. The office shall contract with counties for judicial, clerk, and prosecution expenses for these purposes.
- (6) \$46,750,000 of the judicial stabilization trust account—state appropriation is provided solely to establish a legal financial obligation aid pool for counties to refund legal financial obligations and collection costs previously paid by defendants whose convictions have been vacated by court order due to the *State v. Blake* ruling. Once a direct refund process is established, superior court clerks or district court administrators must certify, and send to the office, the amount of any refund ordered by the court.
- (7) \$1,665,000 of the general fund—state appropriation for fiscal year 2022 and \$749,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1320 (civil protection orders).
- (8) \$68,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel-dependency).
- (9) \$110,000 of the general fund—state appropriation for fiscal year 2022 and \$165,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of House Bill No. 1167 (Thurston county superior court judge).
- (10) \$1,094,000 of the general fund—state appropriation for fiscal year 2022 and \$1,094,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the statewide fiscal impact on Thurston county courts. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.
- (11) \$4,505,000 of the general fund—state appropriation for fiscal year 2022 and \$7,505,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5160 (landlord-tenant relations), including the management of an eviction resolution pilot program. By June 30, 2022, the administrative office of the courts shall provide to the legislature a detailed report of eviction resolution program expenditures and outcomes including but not limited to the number of individuals served by dispute resolution centers in the program, the average cost of resolution proceedings, and the number of qualified individuals who applied but were unable to be served by dispute resolution centers due to lack of funding or other reasons. Funding under this subsection for the eviction resolution pilot program is not subject to or conditioned upon adoption of a standing judicial order of an individual superior court.
- (12) \$325,000 of the general fund—state appropriation for fiscal year 2022 and \$304,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5331 (early childhood court program).
- (13) \$44,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5226 (license suspensions/traffic).
- (14) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and \$3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for distribution to local courts for costs associated with the court-appointed attorney and visitor requirements set forth in the uniform guardianship act in chapter 11.130 RCW. If the amount provided in this subsection is insufficient to fully fund the local court costs, distributions must be reduced on a proportional basis to ensure that expenditures remain within the available funds provided in this subsection. No later than December 31, 2022, the administrative office of the courts will provide a report on distributions to local courts including, but not limited to, the amount provided to each court, the number of guardianship cases funded at each court, costs segregated by attorney appointments and court visitor appointments, the amount of any pro rata reductions, and a recommendation on how to forecast distributions for potential future funding by the legislature.
- (15) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$3,185,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for lease expenses and costs to relocate staff from the temple of justice to another workspace if the omnibus capital appropriation act provides funding for improvements to the heating, ventilation, lighting, and plumbing improvements to the temple of justice. Staff from the administrative office of the courts shall work with the department of enterprise services and the office of financial management to acquire temporary space in a state owned facility that meets the needs of the supreme court. If a state facility cannot be found, the court may acquire temporary workspace as it chooses.
- (16) \$63,000 of the general fund—state appropriation for fiscal year 2022 and \$251,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to facilitate and coordinate the scheduling of resentencing hearings for individuals impacted by the *State v. Blake* decision.
- (17) \$830,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to address data quality issues across Washington state court management systems.

(18) \$2,050,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for assistance to trial courts across the state to address the trial court backlog created by the pandemic through the use of pro tem judges and backlog coordinators.

(19) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for audio visual upgrades in courtrooms across the state.

(20) \$2,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for distribution to the trial courts to address impacts of the COVID-19 pandemic.

(21) \$4,900,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the administrative office of the courts to provide grant funding for the creation of new therapeutic courts or the expansion of services being provided to an existing therapeutic court. For purposes of this subsection, "therapeutic court" has the meaning defined in RCW 2.30.020. Funding provided under this subsection may not supplant existing funds utilized for this purpose.

(22) \$2,469,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the administrative office of the courts to support community justice counselors and community coordinators that work with municipal and district court drug and therapeutic court programs. The community justice counselors and community coordinators are responsible for working with court participants to ensure connection to community services and existing resources to support completion of court requirements. Funding must be used for a minimum of four municipal court programs, with at least two programs located east of the Cascade mountains and two programs located west of the Cascade mountains, including Spokane county and Snohomish county. Funding may also be used for additional supports for participants, including bus passes and other transportation assistance, basic cell phones and phone cards, and translation services. Counties and cities that receive funding must provide a report back to the administrative office of the courts that shows how funds were expended.

(23) \$520,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to establish pilot self-help centers in two courthouses, one on each side of the state.

(24) \$82,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5490 (interbranch advisory committee). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(25) \$341,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5575 (superior court judges in Snohomish county). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(26) \$116,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5788 (minor guardianship). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(27) \$26,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1773 (assisted outpatient treatment). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(28) \$502,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1901 (civil protection orders). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(29) \$2,025,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for activities of the office relating to the resentencing of individuals and refund of legal financial obligations and costs associated with the *State v. Blake* ruling. In addition to contracting with cities and counties for the disbursement of funds appropriated for resentencing costs, the office must:

(a) Collaborate with superior court clerks, district court administrators, and municipal court administrators to prepare comprehensive reports, based on available court records, of all cause numbers impacted by *State v. Blake* going back to 1971; and

(b) Establish a process to locate and notify individuals of available refunds and notify those individuals of the application process necessary to claim the refund and issue payment from the legal financial obligation aid pool upon submission and approval of applications. The office shall continue to reimburse counties for any legal and financial obligation refunds made pursuant to a court order pending the implementation of a direct refund process.

(30) \$131,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a court policy analyst position to support the district and municipal court judges' association. The court policy analyst position must assist with the development, implementation, monitoring, and evaluation of district and municipal court programs, court operations, and court costs that relate to the *State v. Blake* decision.

(31) \$11,500,000 of the judicial stabilization trust account—state appropriation is provided solely to assist cities with costs of complying with the *State v. Blake* ruling that arise from the city's role in operating the municipal criminal justice system, including resentencing, vacating prior convictions for simple drug possession, and certifying refunds of legal financial obligations and collections costs. The office shall contract with cities for judicial, clerk, prosecution, and defense expenses for these purposes.

(32) \$10,000,000 of the judicial stabilization trust account—state appropriation is provided solely to establish a legal financial obligation aid pool for cities to refund legal financial obligations and collection costs previously paid by defendants whose convictions have been vacated by court order due to the *State v. Blake* ruling. Once a direct refund

process is established, municipal administrators must certify, and send to the office, the amount of any refund ordered by the court.

(33) \$1,892,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for distribution to counties to help cover the cost of electronic monitoring with victim notification technology when an individual seeking a protection order requests electronic monitoring with victim notification technology from the court and the respondent is unable to pay.

(34) \$266,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for pass-through funding to the Washington association of child advocate programs to hire and coordinate AmeriCorps members to assist in community-based recruitment activities to promote child advocates and the need for volunteers, develop and distribute recruitment materials, and assist volunteers in preparing for required training. No later than June 30, 2023, the Washington association of child advocate programs must submit a report to the appropriate committees of the legislature on the efficacy of the program in recruiting volunteers.

(35) \$1,785,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 response expenditures in fiscal year 2022. This funding expires December 31, 2021.

**Sec. 1108.** 2022 c 297 s 116 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund—State Appropriation (FY 2022) . . . . .	\$41,710,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$51,001,000</del> ))
	<u>\$52,393,000</u>
General Fund—Federal Appropriation . . . . .	\$379,000
Judicial Stabilization Trust Account—State Appropriation . . . . .	\$1,464,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>((<del>\$94,554,000</del>))</b>
	<u><b>\$95,946,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2022 and an amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2023 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) The office of civil legal aid shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for child representation services.

(3) \$568,000 of the general fund—state appropriation for fiscal year 2022 is appropriated solely to continue and expand civil legal representation for tenants in eviction cases.

(4) Up to \$165,000 of the general fund—state appropriation for fiscal year 2022 may be used to wind down the children's representation study authorized in section 28, chapter 20, Laws of 2017 3rd sp. sess.

(5) \$5,440,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue civil legal assistance to individuals and families directly and indirectly affected by the COVID-19 pandemic and its related health, social, economic, legal, and related consequences.

(6) \$159,000 of the general fund—state appropriation for fiscal year 2022 and \$1,511,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency).

(7) \$11,122,000 of the general fund—state appropriation for fiscal year 2022 and \$12,957,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5160 (landlord-tenant relations), including representation of indigent tenants in unlawful detainer cases. By June 30, 2022, the department shall provide to the legislature a detailed report of program expenditures and outcomes including but not limited to the number of individuals served, the average cost of a representation case, and the number of qualified individuals who qualified for but were unable to receive representation for funding or other reasons.

(8) \$600,000 of the general fund—state appropriation for fiscal year 2022 and \$2,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue and expand online automated plain language forms, outreach, education, technical assistance, and legal assistance to help resolve civil matters relating to legal financial obligations and vacating the sentences of defendants whose convictions or sentences are affected by the *State v. Blake* decision.

(9) \$78,000 of the general fund—state appropriation for fiscal year 2022 and \$313,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of civil legal aid to cover the cost of contract adjustments necessary to conform attorney contracting practices with applicable caseload standards established by the supreme court commission on children in foster care.

(10) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to support civil legal information, advice, and representation to tenants at risk of eviction and against whom an unlawful detainer action has not yet been commenced.

(11) \$350,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the office of civil legal aid to establish a legal advice phone line to provide guidance and legal advice for kinship caregivers. The phone line must be staffed by two FTE contracted attorneys that have experience with kinship care, guardianship statutes, the child welfare system, and issues relating to legal custody.

(12) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of legal aid to expand civil legal aid services for survivors of domestic violence, including legal services for protection order proceedings, family law cases, immigration assistance, and other civil legal issues arising from or related to the domestic violence they experienced.

(13) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of civil legal aid to expand the statewide reentry legal aid project as established in section 115(12), chapter 357, Laws of 2020.

**Sec. 1109.** 2022 c 297 s 117 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE GOVERNOR**

General Fund—State Appropriation (FY 2022) . . . . .	(( <del>\$11,766,000</del> ))
	<u>\$11,726,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$16,207,000</del> ))
	<u>\$19,392,000</u>
Economic Development Strategic Reserve Account—State Appropriation . . . . .	\$5,000,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>((<del>\$32,973,000</del>))</b>
	<b><u>\$36,118,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$917,000 of the general fund—state appropriation for fiscal year 2022 and \$1,146,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the education ombuds.

(2) ~~(\$3,545,000)~~ \$5,316,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement the provisions of chapter 332, Laws of 2020 (state equity office).

(3) \$123,000 of the general fund—state appropriation for fiscal year 2022 and \$118,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5119 (individuals in custody).

(4) \$180,000 of the general fund—state appropriation for fiscal year 2022 and \$209,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act).

(5) \$33,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of the education ombuds to support the language access work group that is reconvened and expanded in section 501(3)(g) of this act.

(6) (a) \$20,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the Washington state LGBTQ commission, in collaboration with the health care authority, department of health, advocates for people living with HIV in Washington, consumers, and medical professionals with expertise in serving the medicaid population living with HIV, to consider and develop recommendations regarding:

(i) Access to HIV antiretroviral drugs on the medicaid drug formulary, including short- and long-term fiscal implications of eliminating current prior authorization and fail-first requirements;

(ii) Impact of drug access on public health and the statewide goal of reducing HIV transmissions; and

(iii) Maximizing pharmaceutical drug rebates for HIV antiretroviral drugs.

(b) The commission shall submit a brief report with recommendations to the appropriate committees of the legislature by November 1, 2021.

(7) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the cost to support the blue ribbon commission on the intersection of the criminal justice and behavioral health crisis systems that will be established by governor executive order.

(8) Within the amounts appropriated in this section, the Washington state office of equity must cofacilitate the Washington digital equity forum, as provided in section 129(70) of this act, with the statewide broadband office.

(9) \$80,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of equity to develop resources and provide technical assistance to state agencies on best practices on how to engage communities regarding equity and inclusion when creating equitable budget and policy recommendations.

(10) \$350,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$25,000)~~ \$59,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to complete an analysis on options to replace the benefits of the four lower Snake river dams as part of a comprehensive salmon recovery strategy for the Columbia and Snake river basins. The analysis shall be completed by July 30, 2022.

~~((+12+))~~ ((11)) \$50,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$250,000)~~ \$519,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for the governor to invite federally recognized tribes, legislative leadership, local governments, agricultural producers, commercial and recreational fisher organizations, business organizations, salmon recovery organizations, forestry and agriculture organizations, and environmental organizations to participate in a process facilitated by an independent entity to develop recommendations on proposed changes in policy and spending priorities to improve riparian habitat to ensure salmon and steelhead recovery.

(a) The recommendations must include:

(i) Ideas for improvements to land use planning and development that ensure the protection and recovery of salmon;

(ii) Standards to protect areas adjacent to streams and rivers;

(iii) Standards to restore areas adjacent to streams and rivers;

(iv) Financial incentives for landowners to protect and restore streamside habitat;

(v) Recommendations to improve salmon recovery program coordination among state agencies; and

(vi) Recommendations for additional changes when voluntary measures and financial incentives do not achieve streamside protection and restoration.

(b) Preliminary recommendations shall be submitted to the legislature and governor by October 1, 2022, with a final report by November 1, 2022.

(c) The office of the governor may contract for an independent facilitator. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

~~((13))~~ (12) \$207,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of equity to address additional workload created by legislation enacted during the 2021 legislative session.

~~((14))~~ (13) \$609,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of equity to establish and support a community engagement board.

~~((16))~~ (14) \$175,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1723 (digital equity act). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1110.** 2022 c 297 s 120 (uncodified) is amended to read as follows:

**FOR THE SECRETARY OF STATE**

General Fund—State Appropriation (FY 2022) . . . . .	\$22,662,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>((49,118,000))</del>
	<u>\$55,360,000</u>
General Fund—Federal Appropriation . . . . .	<del>((12,894,000))</del>
	<u>\$13,399,000</u>
Public Records Efficiency, Preservation, and Access	
Account—State Appropriation . . . . .	\$10,606,000
Charitable Organization Education Account—State	
Appropriation . . . . .	\$1,367,000
Washington State Library Operations Account—State	
Appropriation . . . . .	\$14,607,000
Local Government Archives Account—State	
Appropriation . . . . .	\$10,937,000
Election Account—Federal Appropriation . . . . .	\$4,401,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation . . . . .	\$405,000
Personnel Service Account—State Appropriation . . . . .	\$1,276,000
<b>TOTAL APPROPRIATION</b> . . . . .	<del>((128,273,000))</del>
	<u>\$135,020,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,498,000 of the general fund—state appropriation for fiscal year 2022 and ~~((12,196,000))~~ \$17,696,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those costs that the secretary of state validates as eligible for reimbursement.

(2) (a) \$3,051,500 of the general fund—state appropriation for fiscal year 2022 and \$3,051,500 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2021-2023 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for humanities Washington speaker's bureau community conversations.

(5) \$114,000 of the general fund—state appropriation for fiscal year 2022 and \$114,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for election reconciliation reporting. Funding provides for one staff to compile county reconciliation reports, analyze the data, and to complete an annual statewide election reconciliation report for every state primary and general election. The report must be submitted annually on July 31, beginning July 31, 2021, to legislative policy and fiscal committees. The annual report must include statewide analysis and by county analysis on the reasons for ballot rejection and an analysis of the ways ballots are received, counted, rejected and cure data that can be used by policymakers to better understand election administration.

(6) \$546,000 of the general fund—state appropriation for fiscal year 2022 and \$546,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staff dedicated to the maintenance and operations of the voter registration and election management system. These staff will manage database upgrades, database maintenance, system training and support to counties, and the triage and customer service to system users.

(7) \$626,000 of the public records efficiency, preservation, and access account—state appropriation is provided solely for additional project staff to pack, catalog, and move the states archival collection in preparation for the move to the new library archives building that will be located in Tumwater.

(8) Within existing resources, the office of the secretary of state must research and evaluate availability of online trainings to include, but not be limited to, job-related, educational, and information technology trainings that are available free of charge. The office must compare those to the online trainings available from the Microsoft linked in academy. The office must report the comparative findings to fiscal committees of the legislature by September 1, 2022.

(9) \$251,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute Senate Bill No. 5034 (nonprofit corporations).

(10) \$269,000 of the government archives account—state appropriation is provided solely for implementation of Senate Bill No. 5019 (recording standards commission).

(11) \$1,000,000 of the general fund—federal appropriation (ARPA) is provided solely for humanities Washington to provide grants to humanities organizations in Washington state pursuant to the American rescue plan act of 2021, P.L. 117-2. Of the amounts provided in this subsection:

(a) Forty percent must be used for grants to state humanities organizations' programming and general operating expenses to cover up to 100 percent of the costs of the programs which the grants support, to prevent, prepare for, respond to, and recover from coronavirus; and

(b) Sixty percent must be used for direct grants, and relevant administrative expenses, that support humanities organizations' programming and general operating expenses to cover up to 100 percent of the costs of the programs which the grants support, to prevent, prepare for, respond to, and recover from coronavirus.

(12) \$3,600,000 of the general fund—federal appropriation (ARPA) is provided to the state library as the designated state library administrative agency solely to administer and distribute institute of museum and library services grants to museums, tribal partners, and libraries for eligible expenses and services. Pursuant to federal directive, no more than four percent of distributed funds may be held for grant administration.

(13) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for educational outreach related to voter registration, voting, and elections; and to improve access to voting and the election process.

(14) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with humanities Washington to expand the prime time family reading program.

(15) \$8,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for:

(a) Funding the security operations center, including identified needs for expanded operations, systems, technology tools, training resources;

(b) Additional staff dedicated to the cyber and physical security of election operations at the office and county election offices;

(c) Expanding security assessments, threat monitoring, enhanced security training; and

(d) Providing grants to county partners to address identified threats and expand existing grants and contracts with other public and private organizations such as the Washington military department, national guard, private companies providing cyber security, and county election offices.

(16) \$1,276,000 of the personnel service account—state appropriation is provided solely for administration of the productivity board established in chapter 41.60 RCW. The secretary of state shall convene the first meeting of the board by September 1, 2022. By June 30, 2023, the board must provide the legislature and all other state agencies with a topical list of all productivity awards granted in fiscal year 2023 for the purpose of providing agencies with the opportunity to adopt or modify for agency use the suggestions identified by awardees.

(17) \$405,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for TVW equipment upgrades, including new encoders and router cards, and a refresh of its robotics system.

(18) \$55,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for upgrading technology and usefulness of a conference room in the main office of the secretary of state with modern telecommunications tools and technology and increasing privacy.

(19) \$25,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementing a voter registration system in conjunction with the department of licensing, department of social and health services, health benefit exchange, and county election officials by December 31, 2023, that uses information and documentation already presented by eligible agency customers to automatically transmit information necessary for voter registration and voter registration updates, and enables applicants to make a decision about voter registration and any necessary corrections by returning a notice mailed by election officials. The proposal shall consider upgraded systems implemented in Colorado and other states to enact this change in their voter registration system in 2022. Recommendations must be developed with the full participation of community organizations that work in support of civic engagement. The secretary shall present their recommendations, and any barriers to their implementation, to the legislature by December 1, 2022.

(20) \$2,534,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to counties to support voter registration and voting within county jails. Grants may be used to develop and implement a plan to increase voting amongst the jail population, create voting materials specific to the jail population, purchase supplies and equipment for voting in jails, and provide direct staffing in jails to support voting activities. Each county grantee must submit a postelection report by February 1, 2023, to the secretary of state detailing the use of grant funding, evaluation of the grant's overall effectiveness in achieving its objective to increase voter registration and voting of the jailed population, and recommendations regarding best practices and law changes, if needed. Of the amounts provided in this subsection, up to \$100,000 may be used for the office of the secretary of state to compile the reports received in this subsection into a single report. The report must include an analysis of the county grant projects, including recommended policies and procedures for county jails regarding inmate voting. The report must be delivered to the governor and legislature by June 30, 2023.

(21) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided to the state library to develop a digital literacy assessment tool and protocol to be used by organizations that provide digital literacy support; conduct a baseline assessment of digital readiness for a representative sample of Washington residents; and publish the assessment tool, protocol, and baseline assessment findings on the state library website for public use by June 1, 2023. The office must also submit a report to the governor and legislature by June 1, 2023, that describes the tool, protocol, and assessment findings.

(22) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office to contract with the University of Washington Evans school of public policy and governance to review the data used in the 2022 state auditor's performance audit titled "evaluating Washington's ballot rejection rates," which found that voters from certain counties, younger voters, male voters, Black voters, Native American voters, and Latino voters were more likely to have their ballots rejected. The review must include an analysis of: (a) Voter interaction with the vote-by-mail and ballot return process; (b) circumstances in which voted returned ballots are not accepted due to signature mismatch, including whether the ballot was rejected due to late return, a signature by another person, a blank signature line, a different name used, or the signature could not conclude that the voter was the signatory; (c) processes used by county election offices to allow voters to cure ballots; (d) methods in which counties collect, maintain, and update voter signatures on file; (e) communication with voters concerning how to prepare and return a voted ballot for counting; (f) best practices for curing rejected signatures; and (e) education and outreach methods emphasizing the importance of voter signatures on voted returned ballots with a focus on increasing successful voting. The results of the analysis must be reported to the governor and the appropriate committees of the legislature by October 15, 2022.

(23) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1835 (postsecondary enrollment). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(24) \$1,000 is for implementation of Engrossed Substitute House Bill No. 1357 (voters' pamphlets overseas).



Sec. 1111. 2022 c 297 s 121 (uncodified) is amended to read as follows:

**FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund—State Appropriation (FY 2022)	\$943,000
General Fund—State Appropriation (FY 2023)	(( <del>\$1,159,000</del> ))
	<u>\$999,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$2,102,000</del>))</b>
	<u><b>\$1,942,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the governor's office of Indian affairs to engage in a process to develop recommendations on improving executive and legislative tribal relationships. In developing the recommendations, the governor's office of Indian affairs may contract with a third party facilitator.

(a) The governor's office of Indian affairs or the contracted third party must host and facilitate discussions between the executive branch, the legislative branch, and Indian tribes as defined in RCW 43.376.010 to develop the recommendations.

(b) By December 20, 2021, the governor's office of Indian affairs must submit a report of recommendations to the Governor and legislature in accordance with RCW 43.01.036. At a minimum, the report should include recommendations on:

(i) An examination of government-to-government relationship with Indian tribes as in chapter 43.376 RCW;

(ii) The consultation processes; and

(iii) Training to be provided to state agencies and the legislature.

(3)(a) \$350,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the governor's office of Indian affairs to expand capacity of the office to improve state and local executive and tribal relationships. Funds must be used to support:

(i) Consultation with tribes and local governments on implementation of the climate commitment act and growth management act;

(ii) Government-to-government engagement on natural resources, environment, and infrastructure;

(iii) Consultation with tribes and local governments on tribal legal definitions;

(iv) Early engagement on legislative and executive consultation and dispute resolution policy and processes with all agencies; and

(v) Coordination with a third party to facilitate roundtable meetings for agencies, tribes, and stakeholders to assess and provide recommendations in a report for streamlining statewide salmon recovery planning, policy, programs, and budgets. The report should be provided to the appropriate committees in the legislature by June 30, 2023.

(b) The legislature intends to provide additional funding for activities under this subsection (3) in the next fiscal biennium.

Sec. 1112. 2022 c 297 s 122 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2022)	\$554,000
General Fund—State Appropriation (FY 2023)	(( <del>\$857,000</del> ))
	<u>\$537,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$1,411,000</del>))</b>
	<u><b>\$1,091,000</b></u>

Sec. 1113. 2022 c 297 s 126 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund—State Appropriation (FY 2022)	\$22,392,000
General Fund—State Appropriation (FY 2023)	(( <del>\$27,543,000</del> ))
	<u>\$25,107,000</u>
General Fund—Federal Appropriation	\$21,913,000
Public Service Revolving Account—State Appropriation	\$4,331,000
New Motor Vehicle Arbitration Account—State Appropriation	\$1,781,000
Medicaid Fraud Penalty Account—State Appropriation	\$6,098,000
Child Rescue Fund—State Appropriation	\$80,000
Legal Services Revolving Account—State Appropriation	(( <del>\$340,402,000</del> ))
	<u>\$341,735,000</u>
Local Government Archives Account—State Appropriation	\$1,045,000
Tobacco Prevention and Control Account—State Appropriation	\$275,000

TOTAL APPROPRIATION.....(~~\$425,860,000~~)  
\$424,757,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs and ranking members of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) \$161,000 of the general fund—state appropriation for fiscal year 2022 and \$161,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the civil rights unit to provide additional services in defense and protection of civil and constitutional rights for people in Washington.

(5) \$8,392,000 of the legal services revolving account—state appropriation is provided solely for child welfare and permanency staff.

(6) \$617,000 of the general fund—state appropriation for fiscal year 2022 and \$617,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for multi-year arbitrations of the state's diligent enforcement of its obligations to receive amounts withheld from tobacco master settlement agreement payments.

(7) \$1,600,000 of the legal services revolving fund—state appropriation is provided solely for the office to compel the United States department of energy to meet Hanford cleanup deadlines.

(8) \$28,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5022 (recycling, waste and litter).

(9) \$584,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5051 (peace & correction officers).

(10) \$122,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5096 (capital gains tax).

(11) \$256,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5097 (paid leave coverage).

(12) \$284,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment).

(13) \$395,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5141 (environmental justice task force).

(14) \$1,198,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5163 (conditionally released SVPs).

(15) ~~\$218,000~~ \$218,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$5,107,000)~~ \$918,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data).

(16) ~~\$693,000~~ \$750,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$1,750,000)~~ \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of a program for receiving and responding to tips from the public regarding risks or potential risks to the safety or well-being of youth, called the YES tip line program. Risks to safety or well-being may include, but are not limited to, harm or threats of harm to self or others, sexual abuse, assault, rape, bullying or cyberbullying, substance use, and criminal acts. Any person contacting the YES tip line, whether for themselves or for another person, must receive timely assistance and not be turned away. The program must operate within the guidelines of this subsection.

(a) During the development and implementation of the YES tip line program the attorney general shall convene an advisory committee consisting of representatives from the Washington state patrol, the department of health, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the Washington association of educational service districts, and other participants the attorney general appoints.

(b) The attorney general shall develop and implement policies and processes for:

- (i) Assessing tips based on the level of severity, urgency, and assistance needed using best triage practices including the YES tip line;
  - (ii) Risk assessment for referral of persons contacting the YES tip line to service providers;
  - (iii) Threat assessment that identifies circumstances requiring the YES tip line to alert law enforcement, mental health services, or other first responders immediately when immediate emergency response to a tip is warranted;
  - (iv) Referral and follow-up on tips to schools or postsecondary institution teams, local crisis services, law enforcement, and other entities;
  - (v) YES tip line information data retention and reporting requirements;
  - (vi) Ensuring the confidentiality of persons submitting a tip and to allow for disclosure when necessary to respond to a specific emergency threat to life; and
  - (vii) Systematic review, analysis, and reporting by the YES tip line program of YES tip line data including, but not limited to, reporting program utilization and evaluating whether the YES tip line is being implemented equitably across the state.
- (c) The YES tip line shall be operated by a vendor selected by the attorney general through a competitive contracting process. The attorney general shall ensure that the YES tip line program vendor and its personnel are properly trained and resourced. The contract must require the vendor to be bound confidentiality policies developed by the office. The contract must also provide that the state of Washington owns the data and information produced from the YES tip line and that vendor must comply with the state's data retention, use, and security requirements.
- (d) The YES tip line program must develop and maintain a reference and best practices tool kit for law enforcement and mental health officials that identifies statewide and community mental health resources, services, and contacts, and provides best practices and strategies for investigators to use in investigating cases and assisting youths and their parents and guardians.
- (e) The YES tip line program must promote and market the program and YES tip line to youth, families, community members, schools, and others statewide to build awareness of the program's resources and the YES tip line. Youth perspectives must be included and consulted in tip line development and implementation including creating marketing campaigns and materials required for the YES tip line program. The insights of youth representing marginalized and minority communities must be prioritized for their invaluable insight. The attorney general may determine the criteria for honorariums and award youth who participate in the tip line development and implementation an honorarium of up to \$200 per day.
- (f) In addition to honorarium amounts, youth are eligible for reasonable allowances for reimbursement, lodging, and travel expenses as provided in RCW 43.03.050 and 43.03.060.
- (g) Nothing in this subsection creates an employment relationship, or any membership or qualification in any state or other publicly supported retirement system, due to the payment of an honorarium or lodging and travel expenses provided under this subsection where such a relationship, membership, or qualification did not already exist. (17) \$196,000 of the legal services revolving account—state appropriation is provided solely to provide staff support to the joint legislative task force on jail standards created in section 957 of this act.
- (18) \$38,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1148 (acute care hospitals).
- (19) \$294,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1259 (women & minority contracting).
- (20) \$1,207,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency).
- (21) \$28,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1089 (law enforcement audits).
- (22) \$123,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon).
- (23) \$2,080,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1194 (parent-child visitation).
- (24) \$121,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1073 (paid leave coverage).
- (25) \$247,000 of the general fund—state appropriation for fiscal year 2022 and \$247,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1310 (uses of force by officers).
- (26) \$25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1109 (victims of sexual assault).
- (27) \$146,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5172 (agricultural overtime).
- (28) \$275,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the

office of the attorney general to support the Washington state missing and murdered indigenous women and people task force created in section 943 of this act.

(29) \$5,743,000 of the legal services revolving fund—state appropriation is provided solely for additional legal services to address additional legal services necessary for dependency actions where the state and federal Indian child welfare act apply. The office must report to the fiscal committees of the legislature within 90 days of the close of fiscal year 2023 the following information for new cases initiated in fiscal year 2023 to measure quantity and use of this funding:

(a) The number and proportion of cases where the state and federal Indian child welfare act (ICWA) applies as compared to non-ICWA new cases;

(b) The amount of time spent advising on, preparing for court, and litigating issues and elements related to ICWA's requirements as compared to the amount of time advising on, preparing for court, and litigating issues and elements that are not related to ICWA's requirements;

(c) The length of state and federal Indian child welfare act cases as compared to non-ICWA cases measured by time or number of court hearings; and

(d) Any other information or metric the office determines is appropriate to measure the quantity and use of the funding in this subsection.

(30) \$470,000 of the general fund—state appropriation for fiscal year 2022 and \$280,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for legal services in *Wahkiakum School District v. State*.

(31) \$1,910,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office to pass through to King county to adequately fund and retain its prosecution services pursuant to chapter 71.09 RCW in King county.

(32) \$728,000 of the general fund—state appropriation for fiscal year 2022 and \$693,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for legal services related to the voting rights case *Palmer, et al v. State*.

(33) \$752,000 of the general fund—state appropriation for fiscal year 2023 and \$119,000 of the legal services revolving account—state appropriation are provided solely for implementation of Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(34) \$33,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1815 (catalytic converter theft). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(35) \$65,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1747 (child relative placements). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(36) \$17,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1286 (psychology compact). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(37) \$133,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1735 (use of force). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(38) (a) \$125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a study regarding state and local responses to acts or potential acts of domestic terrorism in Washington state.

(b) In conducting the study, the office must review laws and policies regarding domestic terrorism, including but not limited to:

(i) Federal, state, and local laws regarding acts of domestic terrorism, including how a criminal incident is determined to be an act of domestic terrorism;

(ii) State and local data collection, tracking, and reporting practices as related to acts of domestic terrorism; and

(iii) State and local policies regarding responding to acts of domestic terrorism.

(c) By December 15, 2022, the office must submit a report to the appropriate committees of the legislature that includes but is not limited to:

(i) A summary of current laws and policies as identified in (b) of this subsection;

(ii) Recommended best practices for:

(A) Standardizing and improving data collection, tracking, and reporting on acts of domestic terrorism at the state and local level; and

(B) Strengthening law enforcement, prosecutorial, and other local government responses to a potential act of domestic terrorism; and

(iii) Recommendations for any statutory changes that may be necessary for clarity and consistency.

(d) The office may consult with experts or professionals involved or having expertise in the topic of domestic terrorism to complete the study.

(39) \$58,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to support the sexual assault forensic examination best practices advisory group. The office of the attorney general shall reconvene a sexual assault forensic examination best practices advisory group to continue the work of the previous sexual assault forensic examination best practices advisory group as established in section 1, chapter 93, Laws of 2019. The advisory group must review best practice models for managing all aspects of sexual assault investigations and for reducing the number of untested sexual assault kits in Washington state. The advisory group must meet no less than twice annually.

(40) \$25,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5761 (wage and salary information). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(41) The attorney general must deposit the state's portion of any proceeds received during the 2021-2023 fiscal biennium from the settlement with Purdue Pharma and the Sackler families into the state general fund to be appropriated for opioid abatement programs and services.

**Sec. 1114.** 2022 c 297 s 128 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

General Fund—State Appropriation (FY 2022) . . . . .	\$201,157,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$550,623,000</del> ))
	<u>\$544,329,000</u>
General Fund—Federal Appropriation . . . . .	(( <del>\$1,450,865,000</del> ))
	<u>\$1,277,481,000</u>
General Fund—Private/Local Appropriation . . . . .	\$9,083,000
Public Works Assistance Account—State Appropriation . . . . .	\$8,420,000
Lead Paint Account—State Appropriation . . . . .	\$112,000
Building Code Council Account—State Appropriation . . . . .	\$17,000
Liquor Excise Tax Account—State Appropriation . . . . .	\$1,316,000
Home Security Fund Account—State Appropriation . . . . .	\$326,423,000
Affordable Housing for All Account—State Appropriation . . . . .	\$105,264,000
Financial Fraud and Identity Theft Crimes Investigation and Prosecution Account—State Appropriation . . . . .	\$2,678,000
Low-Income Weatherization and Structural Rehabilitation Assistance Account—State Appropriation . . . . .	\$1,400,000
Statewide Tourism Marketing Account—State Appropriation . . . . .	\$3,034,000
Community and Economic Development Fee Account—State Appropriation . . . . .	\$4,252,000
Growth Management Planning and Environmental Review Fund—State Appropriation . . . . .	\$5,802,000
Liquor Revolving Account—State Appropriation . . . . .	\$5,921,000
Washington Housing Trust Account—State Appropriation . . . . .	\$20,773,000
Prostitution Prevention and Intervention Account— State Appropriation . . . . .	\$146,000
Public Facility Construction Loan Revolving Account— State Appropriation . . . . .	\$1,278,000
Model Toxics Control Stormwater Account—State Appropriation . . . . .	\$100,000
Dedicated Marijuana Account—State Appropriation (FY 2022) . . . . .	\$1,813,000
Dedicated Marijuana Account—State Appropriation (FY 2023) . . . . .	\$3,200,000
Andy Hill Cancer Research Endowment Fund Match Transfer Account—State Appropriation . . . . .	\$50,281,000
Community Preservation and Development Authority Account—State Appropriation . . . . .	\$2,500,000
Economic Development Strategic Reserve Account—State Appropriation . . . . .	\$2,798,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation . . . . .	(( <del>\$937,440,000</del> ))
	<u>\$895,162,000</u>
Apple Health and Homes Account—State Appropriation . . . . .	\$8,740,000
Electric Vehicle Incentive Account—State Appropriation . . . . .	\$25,000,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>((<del>\$3,730,436,000</del>))</b>
	<b><u>\$3,508,480,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and \$7,096,000 of the general fund—state appropriation for fiscal year 2023 are provided solely

for a grant to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) \$4,304,000 of the general fund—state appropriation for fiscal year 2022 and \$4,304,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for associate development organizations. During the 2021-2023 biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086. The department must distribute the funding as follows:

(a) For associate development organizations serving urban counties, which are counties other than rural counties as defined in RCW 82.14.370, a locally matched allocation of up to \$1.00 per capita, totaling no more than \$300,000 per organization; and

(b) For associate development organizations in rural counties, as defined in RCW 82.14.370, a \$1.00 per capita allocation with a base allocation of \$75,000.

(7) \$5,907,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(8) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(9) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(10) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the northwest agriculture business center.

(11) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(12) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$1,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(13) \$643,000 of the general fund—state appropriation for fiscal year 2022 and \$643,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(14) \$1,000,000 of the home security fund—state appropriation, \$2,000,000 of the Washington housing trust account—state appropriation, and \$1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(15) \$2,000,000 of the home security fund—state appropriation is provided solely for the administration of the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(16)(a) \$1,980,000 of the general fund—state appropriation for fiscal year 2022 and \$1,980,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (i) shared permanent supportive housing; (ii) independent permanent supportive housing; and (iii) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

(b) Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(17) \$557,000 of the general fund—state appropriation for fiscal year 2022 and \$557,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to design and administer the achieving a better life experience program.

(18) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(19) \$1,070,000 of the general fund—state appropriation for fiscal year 2022 \$1,070,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the small business export assistance program. The department must ensure that at least one employee is located outside the city of Seattle for purposes of assisting rural businesses with export strategies.

(20) \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(21) \$2,200,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with organizations and attorneys to provide either legal representation or referral services for legal representation, or both, to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under any contract entered into pursuant to this subsection must be determined to be indigent under standards developed under chapter 10.101 RCW. Of the amounts provided in this section, \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000,000 of the general fund—state appropriation for fiscal year 2023 must be used for pro bono or low bono legal services to assist indigent Washington residents, who were temporarily paroled into the United States in 2021 or 2022, with asylum applications or other matters related to adjusting immigration status.

(22) (a) \$37,000,000 of the affordable housing for all account—state appropriation is provided solely for grants to support the building operation, maintenance, and service costs of permanent supportive housing projects or units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding that:

(i) Is dedicated as permanent supportive housing units;

(ii) Is occupied by low-income households with incomes at or below thirty percent of the area median income; and

(iii) Requires a supplement to rent income to cover ongoing property operating, maintenance, and service expenses.

(b) Permanent supportive housing projects receiving federal operating subsidies that do not fully cover the operation, maintenance, and service costs of the projects are eligible to receive grants as described in this subsection.

(c) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(23) \$7,000,000 of the home security fund—state appropriation is provided solely for the office of homeless youth prevention and protection programs to:

(a) Expand outreach, services, and housing for homeless youth and young adults including but not limited to secure crisis residential centers, crisis residential centers, and HOPE beds, so that resources are equitably distributed across the state;

(b) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(c) Support the development of an integrated services model, increase performance outcomes, and enable providers to have the necessary skills and expertise to effectively operate youth programs.

(24) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to fund program models that prevent youth from exiting public systems into homelessness.

(25) \$2,408,000 of the general fund—state appropriation for fiscal year 2022 and \$5,592,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to build infrastructure and services to support a continuum of interventions, including but not limited to prevention, crisis response, and long-term housing, to reduce youth homelessness in communities identified as part of the anchor community initiative.

(26) \$2,125,000 of the general fund—state appropriation for fiscal year 2022 and \$2,125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for youth under the age of 18. Young adult housing includes, but is not limited to, rental assistance and case management for young adults ages 18 to 24. The department shall submit an annual report to the legislature on the use of the funds. The first report is due June 30, 2022, and each June 30th thereafter. The report shall include but is not limited to:

(a) A breakdown of expenditures by program and expense type, including the cost per bed;

(b) The number of youth and young adults helped by each program;

(c) The number of youth and young adults on the waiting list for programs, if any; and

(d) Any other metric or measure the department deems appropriate to evaluate the effectiveness of the use of the funds.

(27) \$62,720,000 of the general fund—state appropriation for fiscal year 2022, \$65,330,000 of the general fund—state appropriation for fiscal year 2023, and \$2,610,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for the essential needs and housing support program and related services. The department may use a portion of the funds provided in this subsection to continue the pilot program established in section 127(106) of chapter 357, Laws of 2020, by providing grants to participating counties who request additional funding in order to continue serving participating and eligible clients.

(28) \$1,436,000 of the general fund—state appropriation for fiscal year 2022 and \$1,436,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. Sector leads established by the department must include the industries of: (a) Aerospace; (b) clean technology and renewable and nonrenewable energy; (c) wood products and other natural resource industries; (d) information and communication technology; (e) life sciences and global health; (f) maritime; and (g) military and defense. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(29) The department must develop a model ordinance for cities and counties to utilize for siting community based behavioral health facilities.

(30) \$198,000 of the general fund—state appropriation for fiscal year 2022 and \$198,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to retain a behavioral health facilities siting administrator within the department to coordinate development of effective behavioral health housing options and provide technical assistance in siting of behavioral health treatment facilities statewide to aide in the governor's plan to discharge individuals from the state psychiatric hospitals into community settings. This position must work closely with the local government legislative authorities, planning departments, behavioral health providers, health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building behavioral health treatment and infrastructure capacity in addition to ongoing supportive housing benefits.

(31) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with an entity located in the Beacon hill/Chinatown international district area of Seattle to provide low income housing, low income housing support services, or both. To the extent practicable, the chosen location must be colocated with other programs supporting the needs of children, the elderly, or persons with disabilities.

(32) \$1,500,000 of the general fund—state appropriation for fiscal year 2022, \$4,740,000 of the general fund—state appropriation for fiscal year 2023 and \$4,500,000 of the home security fund—state appropriation are provided solely for the consolidated homeless grant program.

(a) Of the amounts provided in this subsection, \$4,500,000 of the home security fund—state appropriation is provided solely for permanent supportive housing targeted at those families who are chronically homeless and where at least one member of the family has a disability. The department will also connect these families to medicaid supportive services.

(b) Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for diversion services for those families and individuals who are at substantial risk of losing stable housing or who have recently become homeless and are determined to have a high probability of returning to stable housing.

(c) Of the amounts provided in this subsection, \$3,240,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for up to nine months of rental assistance for individuals enrolled in the foundational community supports initiative who are transitioning off of benefits under RCW 74.04.805 due to increased income or other changes in eligibility. The health care authority, department of social and health services, and department of commerce shall collaborate on this effort.

(33) \$50,281,000 of the Andy Hill cancer research endowment fund match transfer account—state appropriation is provided solely for the Andy Hill cancer research endowment program. Amounts provided in this subsection may be used for grants and administration costs.

(34) \$550,000 of the general fund—state appropriation for fiscal year 2022 and \$550,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the operations of the long-term care ombudsman program.

(35) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to produce the biennial report identifying a list of projects to address incompatible developments near military installations as provided in RCW 43.330.520.



(36) \$35,000,000 of the home security fund—state appropriation is provided solely for increasing local temporary shelter capacity. The amount provided in this subsection is subject to the following conditions and limitations:

(a) A city or county applying for grant funding shall submit a sheltering proposal that aligns with its local homeless housing plan under RCW 43.185C.050. This proposal must include at a minimum:

(i) A strategy for outreach to bring currently unsheltered individuals into shelter;

(ii) Strategies for connecting sheltered individuals to services including but not limited to: Behavioral health, chemical dependency, education or workforce training, employment services, and permanent supportive housing services;

(iii) An estimate on average length of stay;

(iv) An estimate of the percentage of persons sheltered who will exit to permanent housing destinations and an estimate of those that are expected to return to homelessness;

(v) An assessment of existing shelter capacity in the jurisdiction, and the net increase in shelter capacity that will be funded with the state grant; and

(vi) Other appropriate measures as determined by the department.

(b) Eligible uses of funds include shelter operations, shelter maintenance, shelter rent, loan repayment, case management, navigation to other services, efforts to address potential impacts of shelters on surrounding neighborhoods, capital improvements and construction, and outreach directly related to bringing unsheltered people into shelter. The department shall coordinate with local governments to encourage cost-sharing through local matching funds.

(c) The department shall not reimburse more than \$10,000 per shelter bed prior to occupancy, for costs associated with creating additional shelter capacity or improving existing shelters to improve occupancy rates and successful outcomes. Eligible costs prior to occupancy include acquisition, construction, equipment, staff costs, and other costs directly related to creating additional shelter capacity.

(d) For the purposes of this subsection "shelter" means any facility, the primary purpose of which is to provide space for homeless in general or for specific populations of homeless. The shelter must: Be structurally sound to protect occupants from the elements and not pose any threat to health or safety, have means of natural or mechanical ventilation, and be accessible to persons with disabilities, and the site must have hygiene facilities, which must be accessible but do not need to be in the structure.

(37) \$950,000 of the general fund—state appropriation for fiscal year 2022 and \$1,064,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer a transitional housing pilot program for nondependent homeless youth. In developing the pilot program, the department will work with the adolescent unit within the department of children, youth, and families, which is focused on cross-system challenges impacting youth, including homelessness.

(38) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish representation in key international markets that will provide the greatest opportunities for increased trade and investment for small businesses in the state of Washington. Prior to entering into any contract for representation, the department must consult with associate development organizations and other organizations and associations that represent small business, rural industries, and disadvantaged business enterprises.

(39) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish an identification assistance and support program to assist homeless persons in collecting documentation and procuring an identicard issued by the department of licensing. This program may be operated through a contract for services. The program shall operate in one county west of the crest of the Cascade mountain range with a population of one million or more and one county east of the crest of the Cascade mountain range with a population of five hundred thousand or more.

(40) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth prevention and protection programs to create a centralized diversion fund to serve homeless or at-risk youth and young adults, including those who are unsheltered, exiting inpatient programs, or in school. Funding provided in this subsection may be used for short-term rental assistance, offsetting costs for first and last month's rent and security deposits, transportation costs to go to work, and assistance in obtaining photo identification or birth certificates.

(41) \$100,000 of the model toxics control stormwater account—state appropriation is provided solely for planning work related to stormwater runoff at the aurora bridge and I-5 ship canal bridge. Planning work may include, but is not limited to, coordination with project partners, community engagement, conducting engineering studies, and staff support.

(42) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to assist people with limited incomes in urban areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

(43) \$1,500,000 of the community preservation and development authority account—state/operating appropriation is provided solely for the operations of the Pioneer Square-International District community preservation and development authority established in RCW 43.167.060.

(44) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants and associated technical assistance and administrative costs to foster collaborative partnerships that expand child care capacity in communities. Eligible applicants include nonprofit organizations, school districts, educational service districts, and local governments. These funds may be expended only after the approval of the director of the department of commerce and must be used to support planning and activities that help communities address the shortage of child care, prioritizing partnerships serving in whole or in part areas identified as child care access deserts.

(45) (~~(\$278,476,000)~~)\$228,476,000 of the general fund—federal appropriation (ARPA) and (~~(\$403,000,000)~~)\$383,000,000 of the coronavirus state fiscal recovery account—federal appropriation are provided solely for the department to administer an emergency rental assistance program. The department shall distribute funding in the form of grants to local housing providers. In making distributions, the department must consider the number of unemployed persons and renters in each jurisdiction served by the provider as well as consider any funding that jurisdiction, including cities within each county, received directly from the federal government for emergency rental assistance. Of the amounts provided in this subsection:

(a) (~~(\$278,476,000)~~)\$228,476,000 of the general fund—federal appropriation (ARPA) is provided solely for grants to provide emergency rental and utility assistance pursuant to P.L. 117-2. A provider may use up to 14.5 percent of the grant award provided under this subsection for administrative costs and the remainder must be used for financial assistance as defined in P.L. 117-2. Unless otherwise prohibited under federal guidance, a housing provider may provide financial assistance for an eligible household's rent and rental arrears of up to 150 percent of the fair market rent for the area in which the household resides, as determined by the department of housing and urban development.

(b) (i) (~~(\$403,000,000)~~)\$383,000,000 of the coronavirus state fiscal recovery account—federal appropriation is provided solely for grants to provide emergency rental and utility assistance, subject to (b)(ii) of this subsection. Providers must make rental payments directly to landlords and utility payments directly to utility providers. To be eligible for assistance under this subsection, households must, at a minimum, have an income at or below 80 percent of the area median income and must have a missed or partially paid rent payment. The department may establish additional eligibility criteria to target these resources to households most likely to become homeless if they do not receive rental assistance. A provider may provide financial assistance for an eligible household's rent and rental arrears of up to 150 percent of the fair market rent for the area in which the household resides, as determined by the department of housing and urban development.

(ii) From the amount provided in (b) of this subsection, each local housing provider must subgrant with community organizations that serve historically disadvantaged populations within their jurisdiction. Subgrants may be used for program outreach and assisting community members in applying for assistance under (a) and (b) of this subsection. The amount of the subgrant must be at least five percent of the total funding each provider received under (a) and (b) of this subsection.

(c) The department may retain up to 0.5 percent of the amounts provided in this subsection for administration of the program.

(46) \$7,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to provide grants to entities that provide digital navigator services, devices, and subscriptions. These services must include but are not limited to one-on-one assistance for people with limited access to services, including individuals seeking work, families supporting students, English language learners, medicaid clients, people experiencing poverty, and elders. Of the amounts provided in this subsection, the department must prioritize allocating \$1,500,000 as grants or portions of grants that serve medicaid clients.

(47) \$240,000 of the general fund—state appropriation for fiscal year 2022, \$240,000 of the general fund—state appropriation for fiscal year 2023, and \$1,000,000 of the community preservation and development authority account—state appropriation are provided solely for the operations of the Central district community preservation and development authority established in RCW 43.167.070.

(48) \$607,000 of the general fund—state appropriation for fiscal year 2022 and \$607,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to assist homeowners at risk of foreclosure pursuant to chapter 61.24 RCW. Funding provided in this section may be used for activities to prevent mortgage or tax lien foreclosure, housing counselors, a foreclosure prevention hotline, legal services for low-income individuals, mediation, and other activities that promote homeownership. The department may contract with other foreclosure fairness program state partners to carry out this work.

(49) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit entity located in Seattle that focuses on poverty reduction and racial equity to convene and staff a poverty reduction workgroup steering committee comprised of individuals that have lived experience with poverty. Funding provided in this section may be used to reimburse steering committee members for travel, child care, and other costs associated with participation in the steering committee.

(50) \$29,255,000 of the general fund—federal appropriation (CRF) and \$284,200,000 of the general fund—federal appropriation (CRRSA), not to exceed the amount appropriated in section 3, chapter 3, Laws of 2021, that is unobligated at the end of fiscal year 2021, are provided solely for rental assistance and housing and are subject to the same terms and conditions as the appropriation in section 3, chapter 3, Laws of 2021, as amended in section 1905 of this act.

(51) \$4,800,000 of the general fund—federal appropriation (CRF), not to exceed the amount appropriated in section 4, chapter 3, Laws of 2021, that is unobligated at the end of fiscal year 2021, is provided solely for working Washington grants and is subject to the same terms and conditions as the appropriation in section 4, chapter 3, Laws of 2021.

(52) \$1,147,000 of the general fund—state appropriation for fiscal year 2022 and \$1,629,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the statewide broadband office established in RCW 43.330.532.

(53) \$450,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization for an initiative to advance affordable housing projects and education centers on public or tax-exempt land. The department must award the grant to an organization with an office located in the city of Seattle that has experience in catalyzing early learning and affordable housing developments. The grant recipient must use the funding to:

(a) Implement strategies to accelerate development of affordable housing projects with space for early learning centers or community space on underutilized tax-exempt properties;

(b) Analyze the suitability of properties for affordable housing, early learning centers, or community space through completing due diligence, conceptual design, and financial analysis activities;

(c) Organize community partners and build capacity to develop these sites, as well as coordinate negotiations among partners and public owners;

(d) Facilitate collaboration and co-development between affordable housing, early learning centers, or community space; and

(e) Catalyze the redevelopment of at least 10 sites to create approximately 1,500 affordable homes.

(54) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in King county to operate a hunger relief response program serving individuals living in permanent supportive housing.

(55) \$75,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a nonprofit organization located in the city of Federal Way that conducts collaborative policy development and provides access to resources and consultation to historically disadvantaged communities. The grant funding must be used for capacity-building activities to support community-based organizations serving youth and young adults in the city of Federal Way.

(56) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for capacity-building grants through the Latino community fund for emergency response services, educational programs, and human services support for children and families in rural and underserved communities.

(57) \$12,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a single contract with the non-profit statewide tourism marketing organization that is party to the contract pursuant to RCW 43.384.020. The funds will be used to assist recovery for tourism-related businesses, generate tourism demand for Washington communities and businesses, and sustain recovery market share with competing Western states. The department and the contractor shall submit a report to the legislature June 30, 2022, and June 30, 2023.

(58) \$354,000 of the general fund—state appropriation for fiscal year 2022 and \$354,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the Port Gamble S'Klallam tribe for a reentry program providing tailored support services to moderate-needs and high-needs individuals leaving local or tribal incarceration, with the goals of reducing criminal recidivism and fostering community wellbeing. Services may be provided to clients pre-release and post-release.

(59) \$217,000 of the general fund—state appropriation for fiscal year 2022 and \$477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization serving King and Snohomish counties for a program conducted in partnership with King county serving criminal justice-involved individuals who have experienced domestic, sexual, or gender-based violence. The grant recipient may use the funding for costs including but not limited to legal advocacy, outreach, connecting clients to housing and other resources, data analytics, and staffing.

(60) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the city of Kent to contract with one or more nonprofit organizations to serve community immersion law enforcement trainees through mentorship or community-based placement, or both.

(61) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to administer a competitive grant process to award funding to

licensed youth shelters, HOPE centers, and crisis residential centers to provide behavioral health support services for youth in crisis, and to increase funding for current grantees.

(62) \$310,000 of the general fund—state appropriation for fiscal year 2022 and \$640,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit located in King county that develops training and support for low-income individuals, with a focus on women and people of color, to move into the construction industry for living wage jobs. The grant funding must be used to develop a pre-apprenticeship program that, through the construction of units, integrates housing and workforce development in service of the following goals:

(a) Creating a blueprint to integrating workforce development and housing for local jurisdictions;

(b) Providing construction training to underserved populations;

(c) Creating a pathway for trainees to enter construction careers; and

(d) Addressing the systemic effects of sexism and racism in housing, wealth, education, training, employment, and career development.

(63) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization operating an emergency shelter located in the Yakima valley for case management, outreach, and other homeless services.

(64) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization for activities to advance affordable housing. The grant recipient must be an organization that partners in equitable, transit-oriented development. The grant recipient must use the funding to:

(a) Facilitate partnerships to enable equitable transit-oriented development across the Puget Sound region that builds housing at scale; and

(b) Assist the cities of Tacoma, Renton, and Everett, as well as other cities, in:

(i) Creating or updating local subarea plans to be consistent with the regional growth strategy for future population growth to be near high capacity transit and to facilitate development within the station area that will produce a mix of affordable housing;

(ii) Ensuring equitable transit-oriented development processes and outcomes that minimize displacement; and

(iii) Identifying strategies for land acquisition and assembly around high capacity transit stations that will result in a mix of housing.

(65) \$700,000 of the general fund—state appropriation for fiscal year 2022 and \$3,700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a nonprofit organization whose sole purpose is to provide grants, capacity building, and technical assistance support to a network of microenterprise development organizations. The microenterprise development organizations will support rural and urban Black, indigenous and people of color owned businesses, veteran owned businesses, and limited resourced and other hard to serve businesses with five or fewer employees throughout the state with business training, technical assistance, and microloans.

(66) \$1,175,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to support implementation of the 2021 state energy strategy as it pertains to emissions from energy use in new and existing buildings, including measures to support local government emission reductions, workforce measures, and utility electrification benefits.

(67) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to identify and develop effective interventions and responses to primary and secondary workplace trauma experienced by direct service staff who work in homeless shelters, homeless outreach, and permanent supportive housing. The department must collect data through methods such as surveys, interviews, and small group conversations, and engage interested parties, including but not limited to direct service staff. The department may contract with a third party to complete the work required in this subsection. By June 1, 2023, the department shall submit a report identifying interventions and providing recommendations to the appropriate committees of the legislature.

(68) (a) \$340,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with the University of Washington college of built environments to create a database and reporting system for promoting transparency on procurement of building materials that make up the primary structure and enclosure used for state-funded construction projects. The department and university may use publicly available information and data sources as well as consult with outside experts to create the database. The database may include fields for environmental product declarations, product quantity, manufacturer location, global warming potential, health certifications, supplier codes of conduct, and working conditions.

(b) When developing the reporting system required under (a) of this subsection, the department and the University of Washington must conduct a case study analysis. In conducting the analysis, the department and the university must identify up to 10 case studies of publicly funded projects and analyze considerations including but not limited to cost impacts, materials procured, embodied carbon contribution to reducing greenhouse gas emissions, and supply chain considerations. By January 1, 2022, the department and the university shall submit a progress report on the case study analysis to the legislature. By

November 1, 2022, the department and the university shall submit a final report to the legislature with findings from the case study analysis and recommendations for the reporting system based on lessons learned.

(69) \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to provide job readiness skills and training to traditionally underrepresented populations to support the transition to a registered apprenticeship, trade training, or employment. The grant recipient must be a nonprofit organization serving traditionally underrepresented populations in King and Pierce counties, with a focus on youth development programs. The grant funding must be used for activities including but not limited to counseling and training in support of the goals of:

(a) Minimizing barriers to transitioning to an apprenticeship, trade training program, or employment for participants;

(b) Increasing participants' workforce and life balance skills; and

(c) Increasing participants' specialized skills and knowledge in targeted industries, including construction, urban agriculture, and maritime trades.

(70) (a) \$51,000 of the general fund—state appropriation for fiscal year 2022 and \$121,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the statewide broadband office to cofacilitate the Washington digital equity forum with the Washington state office of equity.

(b) Of the amounts provided in this subsection, \$70,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1723 (telecommunications access). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection (70)(b) shall lapse.

(71) \$500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to law enforcement agencies to implement group violence intervention strategies in areas with high rates of gun violence. Grant funding will be awarded to two sites, with priority given to Yakima county and south King county. The sites must be located in areas with high rates of gun violence, include collaboration with the local leaders and community members, use data to identify the individuals most at risk to perpetrate gun violence for interventions, and include a component that connects individuals to services. In selecting the sites, the department must give priority to sites meeting these criteria that also can leverage existing local or federal resources.

(72) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract for a business recovery program serving the city of Federal Way and surrounding area. The contract recipient must be a nongovernmental organization located in the city of Federal Way whose primary focus is the economic development of the city of Federal Way and surrounding area. The contract funding must be used for:

(a) Business development training and education for small businesses located in or serving the city of Federal Way and surrounding area, with a focus on Black, indigenous, and people of color-owned, women-owned, and veteran-owned businesses;

(b) Workforce programming for skill set development, especially as related to business retention and expansion; and

(c) Research and collection of economic baseline data for the city of Federal Way and surrounding area for the development of data-driven programming, with a focus on key economic recovery indicators.

(73) \$202,000 of the general fund—state appropriation for fiscal year 2022 and \$89,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to provide emergency housing, permanent supportive housing, and wraparound services focusing on Black transgender and nonbinary individuals who are currently experiencing or at risk of homelessness. The grant recipient must be a nonprofit organization with locations in the cities of Seattle and Tacoma that provides legal and other services for LGBTQ individuals in Washington. The grant recipient may subgrant or subcontract with other organizations to provide emergency housing, permanent supportive housing, and wraparound services.

(74) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit for a smart buildings education program to educate building owners and operators on smart building practices and technologies, including the development of onsite and digital trainings that detail how to operate residential and commercial facilities in an energy efficient manner. The grant recipient must be located in a city with a population of more than 700,000 and must serve anyone within Washington with an interest in better understanding energy efficiency in commercial and institutional buildings.

(75) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish a sector lead position for the creative industries, including but not limited to the performing arts, literary arts, music, and film. The sector lead must work with interested parties to further the goals of creating economic development opportunities, retaining and growing jobs, and supporting small business development and expansion within the creative industries.

(76) \$221,920,000 of the home security fund—state appropriation and \$58,400,000 of the affordable housing for all account—state appropriation are provided solely for

implementation of Engrossed Second Substitute House Bill No. 1277 (housing/revenue source). Of the amounts provided in this subsection:

(a) \$88,768,000 of the home security fund—state appropriation is provided solely to implement the eviction prevention rental assistance program created in the bill; and

(b) \$133,152,000 of the home security fund—state appropriation is provided solely for project-based vouchers and related services, rapid rehousing, housing acquisition, and supportive services for individuals and families accessing vouchers and rapid rehousing. Of the total amount provided in this subsection, at least \$20,000,000 must be used for hotel and motel vouchers, rapid rehousing, and supportive services for individuals and families accessing vouchers and rapid rehousing.

(77) \$59,000 of the general fund—state appropriation for fiscal year 2022 and \$696,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers).

(78) \$163,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and \$159,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1443 (cannabis industry/equity).

(79) \$298,000 of the general fund—state appropriation for fiscal year 2022 and \$404,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1220 (emergency shelters & housing).

(80) \$121,000 of the general fund—state appropriation for fiscal year 2022 and \$668,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.).

(81) \$21,000 of the general fund—state appropriation for fiscal year 2022 and \$42,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon).

(82) \$42,000 of the general fund—state appropriation for fiscal year 2022 and \$42,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1168 (long-term forest health).

(83) \$2,798,000 of the economic development strategic reserve account manufacturing cluster acceleration subaccount—state appropriation is provided solely for implementation of Substitute House Bill No. 1170 (manufacturing).

(84) \$174,000,000 of the general fund—federal appropriation (ARPA) and \$4,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a homeowner assistance program to provide mortgage, foreclosure, and other assistance to eligible homeowners pursuant to P.L. 117-2. The department may subgrant or contract with other entities to provide assistance under the program. Of the amount provided in this subsection, \$2,000,000 of the general fund—federal appropriation (ARPA) and \$4,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for foreclosure assistance.

(85) \$9,864,000 of the general fund—state appropriation for fiscal year 2022 and \$9,864,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for long-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served. By December 1, 2021, and December 1, 2022, the department must submit a report identifying the expenditures and number of individuals receiving long-term rental supports through the agency budget broken out by region, treatment need, and the demographics of those served during the prior fiscal year.

(86) (a) \$70,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to provide grants to small businesses through the working Washington grant program.

(b) Of the amount provided in this subsection, \$42,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to assist businesses maintain their operations. To be eligible for a grant under this subsection, the business must:

(i) Apply for or have applied for the grant;

(ii) Have not reported annual gross receipts of more than \$5,000,000 in calendar year 2019;

(iii) Have expenses that are necessary to continue business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(iv) Self-attest that the expense is not funded by any other government or private entity;

(v) Have experienced a reduction in business income or activity related to COVID-19 or state or local actions in response to COVID-19; and

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives.

(c) Of the amount provided in this subsection, \$28,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to assist the reopening of

businesses that temporarily totally closed their operations. To be eligible for a grant under this subsection, the business must:

- (i) Apply for the grant;
- (ii) Have not reported annual gross receipts of more than \$5,000,000 in calendar year 2019;
- (iii) Demonstrate the business was actively engaged in business, and as a result of the governor's proclamations 20-25.8, issued on November 15, 2020, through 20-25.12 ("stay safe-stay healthy"), temporarily totally closed operations. Demonstration of active engagement in business can be given through but is not limited to taxable activity reported to the department of revenue. The department may use other methods to determine if this criterion has been met;
- (iv) Have expenses that are necessary to reopen business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;
- (v) Self-attest that the expense is not funded by any other government or private entity; and
- (vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives.

(d) Grant awards are subject to the availability of amounts appropriated in this subsection. The department must conduct outreach to underrepresented and unserved communities observed from prior rounds of awards. The department must ensure equitable distributions of grant funding, including considerations for geographic location and businesses owned by members of historically disadvantaged communities.

(e)(i) Eligible businesses may receive up to a \$75,000 grant.

(ii) If a business was awarded one or more working Washington small business grants after February 1, 2021, the grant award under this subsection may be reduced to reflect the amounts received from previous working Washington small business grants. The department may prioritize businesses and nonprofit organizations that have not yet received a grant under the working Washington small business grant program.

(f) For purposes of this subsection, reopening costs include, but are not limited to:

- (i) Upgrading physical workplaces to adhere to new safety or sanitation standards;
- (ii) Procuring required personal protective supplies for employees and business patrons and clients;
- (iii) Updating business plans;
- (iv) Employee costs, including payroll, training, and onboarding;
- (v) Rent, lease, mortgage, insurance, and utility payments; and
- (vi) Securing inventory, supplies, and services for operations.

(g) Nonprofit organizations are eligible to receive funding under (b) or (c) of this subsection if they have a primary business activity that has been impacted as described in (b)(v) or (c)(iii) of this subsection.

(h) The department is authorized to shift funding among the purposes in (b) and (c) of this subsection based on overutilization or underutilization of the different types of grants.

(i) Of the total amount provided in this subsection, \$45,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for grants under (b) or (c) of this subsection to eligible businesses and nonprofit organizations in the arts, heritage, and science sectors, including those that operate live entertainment venues. The department must develop criteria for successful applications under this subsection in combination with the Washington state arts commission.

(87) (~~(\$138,000,000)~~) \$38,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to implement small business capital access and other credit support programs under the state small business credit initiative, pursuant to P.L. 117-2. The department may contract with other entities to implement the capital access program and other credit support programs. The department is highly encouraged to use local nonprofit community development financial institutions to deliver access to credit to the maximum extent allowed by federal law, rules, and guidelines. The department must apply for the maximum possible allocation of federal funding under P.L. 117-2, including but not limited to funds set aside for extremely small businesses and business enterprises owned and controlled by socially and economically disadvantaged individuals. The funding provided in this section also includes federal funds allocated to the state for technical assistance to businesses. The department must ensure businesses owned and controlled by socially and economically disadvantaged individuals, as defined in P.L. 117-2, have equitable access to program services.

(88)(a) \$6,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to create a grant program to reimburse local governments for eligible costs of providing emergency noncongregate sheltering during the COVID-19 public health emergency.

(b) A city or county is eligible to apply for grant funding if it:

(i) Applies to the federal emergency management agency public assistance program for reimbursement of costs to provide emergency non-congregate sheltering; and

(ii) Incurs eligible costs.

(c) Eligible costs are costs to provide emergency noncongregate sheltering that:

(i) Were deemed eligible for reimbursement in the federal emergency management agency policy 104-009-18, version 3, titled *FEMA emergency non-congregate sheltering during the COVID-19 public health emergency (interim)* and dated January 29, 2021; and

(ii) Are incurred by the applicant beginning January 21, 2021, through September 30, 2021.

(d) The department must give priority to applicants who demonstrate use of funds received under P.L. 117-2 for the acquisition, development, and operation of noncongregate sheltering.

(e) The department must coordinate with the military department to confirm that grant recipients have applied to the federal emergency management agency public assistance program for costs identified in their grant application.

(f) For the purposes of this subsection, "noncongregate sheltering" means sheltering provided in locations where each individual or household has living space that offers some level of privacy such as hotels, motels, or dormitories.

(89)(a) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to conduct a comprehensive equity review of state capital grant programs administered by the department. The department may, in consultation with interested parties identified in ~~((subsection))~~ (d) of this ~~((section))~~ subsection, contract with a consultant to assist with the community engagement and review necessary to complete this review process.

(b) The purposes of this comprehensive equity review are: To reduce barriers to historically underserved populations' participation in the capital grant programs; to redress inequities in existing capital grant policies and programs; and to improve the equitable delivery of resources and benefits in these programs.

(c) In completing the comprehensive equity review required under this section, the department shall: (i) Identify changes to policy and operational norms and practices in furtherance of the equity review purposes identified in (b) of this subsection; (ii) identify new investments and programs that prioritize populations and communities that have been historically underserved by capital grant policies and programs; and (iii) include consideration of historic and systemic barriers that may arise due to any of the following factors: (A) Race; (B) ethnicity; (C) religion; (D) income; (E) geography; (F) disability; and (G) educational attainment.

(d) The department must collaborate with the Washington state commission on African American affairs; the Washington state commission on Asian Pacific American affairs; the Washington state commission on Hispanic affairs; the governor's office of Indian affairs; the governor's committee on disability issues and employment; the office of equity; the office of minority and women's business enterprises; the environmental justice council if established by passage of Engrossed Second Substitute Senate Bill No. 5141; and other interested parties as appropriate to develop and conduct a community engagement process to inform the review.

(e) The department shall complete the comprehensive equity review under this section and submit a final report, containing all of the elements and considerations specified in this section, to the legislature by June 30, 2022.

(90) ~~(((\$23,444,000))~~ \$56,000 of the general fund—federal appropriation (ARPA) is provided solely for the HOME investment partnerships program pursuant to P.L. 117-2. ~~((Of the amount provided in this subsection, \$18,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to issue competitive financial assistance to eligible organizations under RCW 43.185A.040 for the acquisition and development of noncongregate shelter units, subject to the following conditions and limitations:~~

~~(a) Grants provided under this subsection may be used to acquire real property for quick conversion into noncongregate shelter units or for renovation and building update costs associated with establishment of the acquired facilities. Grants provided under this subsection may not be used for operating or maintenance costs associated with providing housing, supportive services, or debt service. For the purposes of this subsection, "noncongregate" shelter units means units provided in locations where each individual or household has living space that offers some level of privacy, such as hotels, motels, or dormitories.~~

~~(b) Units acquired or developed under this subsection must serve qualifying individuals or families as defined in P.L. 117-2.~~

~~(c) The department must establish criteria for the issuance of the grants, which must follow the guidelines and compliance requirements of the housing trust fund program and the federal HOME investment partnership program. The criteria must include:~~

~~(i) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;~~

~~(ii) A detailed estimate of the costs associated with the acquisition and any updates or improvements necessary to make the property habitable for its intended use;~~

~~(iii) A detailed estimate of the costs associated with opening the units; and~~

~~(iv) A financial plan demonstrating the ability to maintain and operate the property and support its intended tenants throughout the end of the grant contract.~~

~~(d) The department must provide a progress report on its website by November 1, 2022. The report must include:~~

~~(i) The total number of applications and amount of funding requested; and~~

~~(ii) A list and description of the projects approved for funding including state funding, total project cost, number of units, and anticipated completion date.~~

~~(e) The funding in this subsection is not subject to the 90 day application periods in RCW 43.185.070 or 43.185A.050.)~~

(91) \$391,000 of the general fund—state appropriation for fiscal year 2022 and \$391,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Pacific county to operate or participate in a drug task force to enhance coordination and intelligence while facilitating multijurisdictional criminal investigations.



(92) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a nonprofit organization providing housing services in western Washington to conduct a master planning process for the development of a family-centered drug treatment and housing program. The grant recipient must be a nonprofit organization that has experience administering a comparable program in another region of the state. The program must provide housing units for families with members who have substance use disorders and who are involved in the child welfare system, and services including but not limited to case management, counseling, substance use disorder treatment, and parenting skills classes. The program site must be located within or in close proximity to King county, and include living quarters for families, space for services, and childcare and play areas for children. The nonprofit must include housing developers, service providers, and other interested parties in the master planning process. By December 31, 2021, the nonprofit must submit the plan to the department, the senate ways and means committee, and the house capital budget committee.

(93) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to assist fathers transitioning from incarceration to family reunification. The grant recipient must have experience contracting with the department of corrections to support offender betterment projects and the department of social and health services to provide access and visitation services.

(94) \$4,000,000 of the general fund—state appropriation for fiscal year 2022 and \$6,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to community organizations that serve historically disadvantaged populations to conduct outreach and assist community members in applying for state and federal assistance programs, including but not limited to those administered by the departments of social and health services; commerce; and children, youth, and families. By June 31, 2023, the department must provide to the appropriate committees of the legislature a detailed report of the activities funded in this subsection. The report must include, but is not limited to:

(a) A list of grant recipients, their location, and the grant amount each received;

(b) Input from grantees on best practices for engagement with populations experiencing systemic inequities;

(c) Suggestions from the department and grant recipients on how to engage populations experiencing systemic inequities with future programming; and

(d) Other information and recommendations on need for this type of outreach work in future grant programs.

(95) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to accelerate implementation of the low-income rural home rehabilitation program by contracting with up to seven home rehabilitation agencies, as defined under WAC 365-175-030, in a variety of regions of the state. Funding provided in this subsection may be used by home rehabilitation agencies for program support in order to increase the number of households participating in the program. Home rehabilitation agencies receiving funding under this subsection must provide the department with a summary of their direct and indirect costs associated with implementing the program.

(96) \$450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for pre-development activities for state-operated or contracted residential or supportive housing facilities at the Pacific hospital preservation and development authority buildings three through ten in Seattle, to help carry out Washington state's plans for new community-based residential facilities, including supportive housing. The facilities may be used for behavioral health, long-term care, developmentally disabled community housing, recovery residences, state-operated living alternatives, group homes, or family-centered substance use disorder recovery housing. The amounts provided in this subsection may be used for concept development, planning, lease payments, and other related expenses for pre-development of state- or nonprofit-operated residential facilities identified by the health care authority or the departments of social and health services, children, youth, and families, and commerce. The department is authorized to enter into a short-term lease, with an option to enter into a multiyear extension, for the Pacific hospital preservation and development authority quarters buildings three through ten.

(97) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization dedicated to supporting forest health restoration located in Okanogan county for work toward a biochar research and demonstration project and initial efforts toward full-size operation of an industrial-sized facility in the Methow valley.

(98) \$6,800,000 of the general fund—state appropriation for fiscal year 2022 and \$15,700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to ensure continuity of crime victim services impacted by reductions in federal victims of crime act funding and help address increased demand for crime victim services attributable to the COVID-19 pandemic. The department shall consult with crime victim service providers and other stakeholders to inform a plan to invest any amount above what is required to maintain existing services in immediate, short-term needs and in a manner that is consistent with the office of crime victims advocacy's state plan.

(99)(a) \$115,000 of the general fund—state appropriation for fiscal year 2022 and \$335,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to appoint and maintain an aviation and aerospace advisory committee to generally advise the director of the department and the secretary of the department of

transportation on matters related to aviation and aerospace in Washington state. The advisory committee must develop recommendations regarding operating budget and capital budget requests relating to aviation and aerospace needs, and strategies to enhance the safe and effective use of public use airports and aerospace facilities in Washington state. The aviation and aerospace advisory committee must also advise the director and secretary, or their designees, and make recommendations on the following matters:

(i) Employment of emerging aviation and aerospace technologies to include unmanned, autonomous, and alternative propulsion systems;

(ii) New, changed, or proposed federal regulations;

(iii) Industry needs to remain nationally and internationally competitive;

(iv) Policy considerations;

(v) Funding priorities and capital project needs;

(vi) Methods to reduce greenhouse gas emissions;

(vii) Workforce development needs and opportunities;

(viii) Multimodal requirements; and

(ix) Other matters pertaining to the aviation and aerospace industries as the aviation and aerospace advisory committee deems appropriate.

(b) The director of the department of commerce, or the director's designee, shall appoint members to the aviation and aerospace advisory committee including, at a minimum:

(i) Two county commissioners, one from east of the crest of the Cascade mountains and one from west of the crest of the Cascade mountains;

(ii) An owner of an aviation company and an owner of an aerospace company or their representatives;

(iii) The director of the aviation division of the department of transportation, or the director's designee;

(iv) Two individuals who are top executive officials of a commercial service airport, typically with the title of chief executive officer, airport director, or executive director, one from an airport located east of the crest of the Cascade mountains and one from an airport located west of the crest of the Cascade mountains;

(v) Advisory members from the federal aviation administration;

(vi) The aerospace lead from the department of commerce or a representative of the department;

(vii) A representative of a statewide environmental organization;

(viii) A representative of the military department;

(ix) A representative of the state board for community and technical colleges;

(x) Representatives from airport associations;

(xi) Representatives from an aviation and aerospace educational program; and

(xii) Representatives from both aviation and aerospace associations.

(c) The director of the department and the secretary of the department of transportation, or their designees, shall serve as the administrative cochair of the aviation and aerospace advisory committee.

(d) The department must provide staff support for all aviation and aerospace advisory committee meetings.

(e) The aviation and aerospace advisory committee must meet at the call of the administrative cochair for any purpose that directly relates to the duties set forth in (a) of this subsection, or as otherwise requested by the director, secretary, or their designees as the administrative cochair.

(f) In consultation with the aviation and aerospace advisory committee, the department must develop a strategic plan for the department's aerospace, aviation, and airport economic development program. The strategic plan should identify: (i) Changing market conditions in the aerospace industry; (ii) emerging opportunities to diversify and grow Washington's aerospace sector; and (iii) strategies and action steps to build on the state's core strengths in aerospace infrastructure and workforce expertise to diversify and grow employment in Washington's aerospace sector. The department must submit the strategic plan to the appropriate committees of the legislature by June 30, 2023.

(g) The cochair may seek recommendations and input from the aviation and aerospace advisory committee to inform the legislature on aviation and aerospace issues.

(100)(a) \$270,000 of the general fund—state appropriation for fiscal year 2022 and \$30,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to convene a work group on reducing racial disparities in Washington state homeownership rates. The goals of the work group are to assess perspectives on housing and lending laws, policies, and practices; facilitate discussion among interested parties; and develop budgetary, administrative policy, and legislative recommendations.

(b) The director of the department, or the director's designee, must chair the work group. The department must, in consultation with the Washington state office of equity and the governor's office of Indian affairs, appoint a minimum of twelve members to the work group representing groups including but not limited to:

(i) Organizations and state entities led by and serving Black, indigenous, and people of color;

(ii) State or local government agencies with expertise in housing and lending laws;

(iii) Associations representing cities and housing authorities; and

(iv) Professionals from private-sector industries including but not limited to banks, credit unions, mortgage brokers, and housing developers.

(c) The department must convene the first meeting of the work group by August 1, 2021. The department must submit a final report to the governor and appropriate committees of the legislature by August 1, 2022. The final report must:

(i) Evaluate the distribution of state affordable housing funds and its impact on the creation of homeownership units serving Black, indigenous, and people of color;

(ii) Evaluate the eligibility requirements, access, and use of state-funded down payment assistance funds, and their impact on homeownership rate disparities;

(iii) Review barriers preventing Black, indigenous, and people of color from accessing credit and loans through traditional banks for residential loans; and

(iv) Provide budgetary, administrative policy, and legislative recommendations to increase ownership unit development and access to credit.

(101) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to convene a task force to make recommendations regarding needed reforms to the state's growth policy framework, including the growth management act, state environmental policy act, and other statutes related to growth, change, economic development, housing, social equity, and environmental conservation. The process will build upon the findings, concepts, and recommendations in recent state-funded reports, including the "road map to Washington's future" issued by the William D. Ruckelshaus center in 2019, the report of the environmental justice task force issued in 2020, and "updating Washington's growth policy framework" issued by the University of Washington in 2021. The task force must involve diverse perspectives including but not limited to representatives of counties, cities, special districts, the real estate, building, and agricultural industries, planning and environmental organizations, tribal governments, and state agencies. Special effort must be made to include in these discussions the lived experiences and perspectives of people and communities who have too often been excluded from public policy decision-making and unevenly impacted by those decisions. The work group must report on its activities and recommendations prior to the 2022 and 2023 legislative sessions.

(102) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in the city of Seattle for providing resident services and on-site programming for affordable housing residents in Delridge, supporting local youth with leadership pathways, and other community development initiatives that improve the health and well-being of southwest Seattle residents.

(103) \$61,000 of the general fund—state appropriation for fiscal year 2022 and \$31,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for San Juan county health and community services to enter into an agreement with the United States geological survey to evaluate available groundwater, surface water, and meteorological data for the county, complete recharge estimations for the county, and update the water balance for the county.

(104) \$140,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to contract with businesses ending slavery and trafficking for a human trafficking initiative.

(a) Of the amounts provided in this subsection, \$60,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to extend job readiness services and employment opportunities for survivors of human trafficking and persons at risk of human trafficking, in near-airport communities in south King county.

(b) Of the amounts provided in this subsection, \$80,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to develop a national awareness campaign. The campaign will increase signage in seaports, airports, and near-airport communities so that people who are vulnerable to trafficking or experiencing human trafficking can access assistance through the national human trafficking hotline.

(105) \$278,000 of the general fund—state appropriation for fiscal year 2022 and \$277,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization within the city of Tacoma for social services and educational programming to assist Latino and indigenous communities in honoring heritage and culture, becoming proficient in civic education, and overcoming barriers to social, political, racial, economic, and cultural community development.

(106) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to provide college accredited courses through alternative methods to disadvantaged adults, such as those experiencing homelessness, who are low-income, come from generational poverty, or have a disabling condition, including those that are further impacted by systemic racism, who do not believe they can be successful or have not yet contemplated college for their future with the intent of engaging these individuals in further education to increase their lifelong wage potential.

(107)(a) \$151,000 of the general fund—state appropriation for fiscal year 2022 and \$532,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit organization with demonstrated expertise in the creative arts and strategic planning to establish a Washington state creative economy work group that within two years, and with the advice of the work group, develops a strategic plan to improve the Washington state creative economy that can be rolled out in incremental phases to reach identified economic, social justice, and business development goals.

(b) The goal of the strategic plan must be to ensure that the state of Washington is competitive with respect to attracting creative economy business, retaining talent within the state, and developing marketable content that can be exported for national and international consumption and monetization. The strategic plan must address support for the creative community within historically marginalized communities, as well as the creative economy at large, and take into account the diverse interests, strengths, and needs of Washington's population on both sides of the Cascade mountains.

(c) The chair of the work group must be the director of the nonprofit organization contracted with by the department or the director's designee, and must have significant experience working as an artist, producer, or director and in business development, including drafting business plans and multidisciplinary planning documents. The chair must appoint representatives to the work group who represent the range of demographic diversity across the state of Washington, including:

- (i) A representative from the Washington state association of counties;
- (ii) A representative from the association of Washington cities;
- (iii) A representative from the Washington state arts commission;
- (iv) A representative from the Washington state labor council;
- (v) A representative from the banking industry with experience in matters involving the federal small business administration;
- (vi) An appropriate number of representatives from the Washington state arts community including, but not limited to, the following sectors:
  - (A) Film, television, and video production;
  - (B) Recorded audio and music production;
  - (C) Animation production;
  - (D) Video game development;
  - (E) Live theater, orchestra, dance, and opera;
  - (F) Live music performance;
  - (G) Visual arts, including sculpture, painting, graphic design, and photography;
  - (H) Production facilities, such as film and television studios; and
  - (I) Live music or performing arts venues;
- (vii) A representative from a certified public accounting firm or other company with experience in financial modeling and in the creative arts;
- (viii) A representative selected by the Washington state commission on African American affairs, the Washington state commission on Hispanic affairs, the governor's office of Indian affairs, and the Washington state commission on Asian Pacific American affairs to represent the entities on the work group;
- (ix) A representative of a federally recognized Indian tribe with a reservation located east of the crest of the Cascade mountains;
- (x) A representative of a federally recognized Indian tribe with a reservation located west of the crest of the Cascade mountains; and
- (xi) Other state agency representatives or stakeholder group representatives, at the discretion of the work group, for the purpose of participating in specific topic discussions.

(d) In developing the strategic plan for the Washington state creative economy, the work group must:

- (i) Identify existing studies of aspects affecting the creative economy, including studies relating to tax issues, legislation, finance, population and demographics, and employment;
- (ii) Conduct a comparative analysis with other jurisdictions that have successfully developed creative economy plans and programs, including the states of Georgia and New Mexico, and the provinces of British Columbia and Ontario, Canada;
- (iii) Conduct in-depth interviews to identify best practices for structuring a strategic plan for the state of Washington;
- (iv) Evaluate existing banking models for financing creative economy projects in the private sector and develop a financial model to promote investment in Washington's creative economy;
- (v) Evaluate existing state and county tax incentives and make recommendations for improvements to support the creative economy;
- (vi) Identify the role that counties and cities play with respect to the strategic plan, and identify specific counties and cities that may need or want a stronger creative economy;
- (vii) Identify opportunities for synergies with new business models and the integration of new technologies; and
- (viii) Identify the role that state education programs in the creative arts play in the creative economy and with respect to advancing the strategic plan.

(e) The department of commerce shall facilitate the timely transmission of information and documents from all appropriate state departments and agencies to the nonprofit organization contracted under this subsection. The work group must report its findings and recommendations to the appropriate committees of the legislature by December 1, 2022. The contracted nonprofit must administer the expenses of the work group.

(108) \$153,000 of the general fund—state appropriation for fiscal year 2022 and \$147,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit museum and science and technology center located in the city of Seattle that provides youth educational programming related to discovery, experimentation, and critical thinking in the sciences for a maker and innovation lab and to develop and operate new experiential learning opportunities.

(109) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to contract with a statewide association that supports a network of local asset building coalitions for programs to increase the financial stability of low-income Washingtonians adversely affected economically by COVID-19 through increasing participation in earned income tax credit refunds, the Washington retirement marketplace, and programs that build personal savings.

(110) \$971,000 of the general fund—state appropriation for fiscal year 2022 and \$3,561,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to continue starting up the Washington state office of firearm safety and violence prevention, including the creation of a state and federal grant funding plan to direct resources to cities that are most impacted by community violence. Of the amounts provided in this subsection:

(a) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community-based violence prevention and intervention services to individuals identified through the King county shots fired social network analysis. The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by June 30, 2023.

(b)(i) \$450,000 of the general fund—state appropriation for fiscal year 2022 and \$1,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant program through the office of firearm safety and violence prevention for evidence-based services to youth who are at high risk to perpetrate gun violence and who reside in areas with high rates of gun violence. Priority shall be given to:

(A) One site serving in Yakima county, one site in south King county, one site in Federal Way, and one site in Tacoma;

(B) Sites that partner with the University of Washington public behavioral health & justice policy division to deliver culturally relevant family integrated transition services through use of credible messenger advocates;

(C) Sites that partner with the University of Washington Harborview firearm injury and policy research program for social impact evaluation; and

(D) Sites that partner an organization focused on evidence-based implementation management identified by the department.

(ii) The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by June 30, 2023.

(111) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct a study and report to the legislature on city and county implementation of the multifamily housing property tax exemption. The report must:

(a) Review whether cities have practices in five areas:

(i) Evaluating the financial feasibility and total costs of proposed developments under the exemption;

(ii) Monitoring rent, occupancy, and demographics of tenants of exempt housing;

(iii) Identifying direct or indirect displacement risks, and changes in income and rent distributions associated with new housing development, and plans and approaches;

(iv) Identifying practices that encourage permanent affordable rental opportunities; and

(v) Monitoring whether the exemption assists cities in meeting goals under the growth management act;

(b) Identify at least five case studies on a range of cities and provide analysis:

(i) Comparing the rent in income restricted units to market rate units in the same development and to the surrounding area;

(ii) Comparing the anticipated impact on rents and project budgets, and on public benefit under eight-year, 12-year, and 20-year property tax exemption scenarios;

(iii) Looking at permanent affordable rentals; and

(iv) Evaluating changes in income distribution, rent distribution, commute/location, and displacement risks in areas with exempt housing; and

(c) Estimate other state and local tax revenue generated by new housing developments and how it compares to the property tax exemption.

(112) \$195,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to Spokane county for costs related to redistricting activities required by chapter 36.32 RCW.

(113) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit organization to provide tiny homes for veterans.

(114) \$170,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to perform an analysis of the property operations and maintenance costs and tenant supportive services costs for affordable housing projects that receive funding from the Washington housing trust fund. The projects to be analyzed must include, but are not limited to, permanent supportive housing and youth housing taking into consideration housing projects that have been in service for a sufficient time that actual costs can be determined. The analysis shall include a categorized overview of the expenses and fund sources related to the maintenance, operations, and supportive services necessary for the affordable housing projects to be successful in housing the intended population, as well as identify other available funding sources for these costs. The analysis must also explore the timing and

alignment challenges for pairing operational and supportive services funding with the initial capital investments, and make recommendations relating to any benchmarks that can be established regarding future costs that would impact the operating budget, and about the state's role in planning, support, and oversight to ensure long-term sustainability of these projects. The department may hire a consultant to conduct this study. The department shall report its findings and recommendations to the office of financial management and the appropriate committees of the legislature by December 1, 2022.

(115) \$157,000 of the general fund—state appropriation for fiscal year 2022 and \$154,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5383 (public telecom services).

(116) \$1,555,000 of the general fund—state appropriation for fiscal year 2022 and \$1,592,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force).

(117) \$946,000 of the general fund—state appropriation for fiscal year 2022 and \$921,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5368 (rural economic development).

(118) \$114,000 of the general fund—state appropriation for fiscal year 2022 and \$110,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5287 (affordable housing incentives).

(119) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$1,026,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Senate Bill No. 5345 (industrial waste program). Of the amounts provided in this subsection, \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$951,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to local industrial waste symbiosis projects as provided in the bill.

(120) \$700,000 of the general fund—state appropriation for fiscal year 2022 and \$1,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5353 (law enforcement community engagement). Of the amounts provided in this subsection, \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$950,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants awarded under this bill.

(121) \$66,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Second Substitute Senate Bill No. 5183 (nonfatal strangulation).

(122) \$40,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute Senate Bill No. 5126 (climate commitment).

(123) \$2,500,000 of the general fund—state appropriation for fiscal year 2022 and \$2,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer a competitive grant program for grants to community-based programs to provide reentry services for formerly incarcerated persons and supports to facilitate successful transitions to the community. The department must work in collaboration with the statewide reentry council to administer the program. Applicants must provide a project proposal to the department as a part of the application process. Grant awards provided under this subsection may be used for costs including but not limited to housing, case management and navigators, employment services, family reunification, and legal services to respond to collateral impacts of reentry. The department must award at least 30 percent of the funding provided in this subsection to applicants located in rural counties.

(124) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer grants to diaper banks for the purchase of diapers, wipes, and other essential baby products, for distribution to families in need. The department must give priority to providers serving or located in marginalized, low-income communities or communities of color; and providers that help support racial equity.

(125) (a) \$5,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to provide grant funds to Clallam county to support the preservation of private marine transportation activities and jobs associated with such activities that have been directly impacted by the closure of the United States-Canada border during the COVID-19 pandemic.

(b) To be eligible for a grant from the county under this subsection the business must:

(i) Apply for or have applied for the grant from the county;

(ii) Have expenses that are necessary to continue business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(iii) Provide documentation to demonstrate that the expense is not funded by any other government or private entity;

(iv) Demonstrate the business was actively engaged in business, and as a result of the border closures the business temporarily totally closed operations;

(v) Have experienced at least a significant reduction in business income or activity related to United States-Canada border closures;

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public regulations including health and safety measures;

(vii) Demonstrate significant economic contribution of their business to the state and local economy; and

(viii) Be a majority United States owned entity operating a United States flag vessel registered and operated under the laws of the United States.

(c) Grant funds may be used only for expenses incurred on or after March 1, 2020. Eligible expenses for grant funds include:

- (i) Upgrading physical workplaces to adhere to new safety or sanitation standards;
- (ii) Procuring required personal protective supplies for employees and business patrons and clients;
- (iii) Updating business plans;
- (iv) Employee costs, including payroll, training, and onboarding;
- (v) Rent, lease, mortgage, insurance, and utility payments;
- (vi) Securing inventory, supplies, and services for operations; and
- (vii) Maintenance and operations costs associated with vessel operations.

(d) The county must submit a report to the department by June 30, 2022, outlining the use of funds, specific expenditures of the grantees, and revenue and expenses of the grantees including additional government or private funds or grants received.

(126) \$1,162,000 of the general fund—state appropriation for fiscal year 2022 and \$2,109,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to publish the guidelines and guidance set forth in (a), (b), and (c) of this subsection. The department shall publish the guidelines and guidance described in (a), (b), and (c) of this subsection no later than June 30, 2023. From amounts provided in this subsection, pursuant to an interagency agreement, the department shall provide funding to the department of ecology, the department of health, the department of fish and wildlife, the department of natural resources, the department of health, and the emergency management division of the military department to fund activities that support the work specified in (a), (b) and (c) of this subsection.

(a) The department, in consultation with the department of ecology, the department of health, and the department of transportation, shall publish guidelines that provide a set of actions counties and cities may take, under existing statutory authority, through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce greenhouse gas emissions in order to achieve the statewide greenhouse gas emissions reductions set forth in RCW 70A.45.020(1), allowing for consideration of the emissions reductions achieved through the adoption of statewide programs. The guidelines must prioritize reductions in communities that have experienced disproportionate harm due to air pollution and may draw upon the most recent health disparities data from the department of health to identify high pollution areas and disproportionately burdened communities.

(b) The department, in consultation with the department of transportation, shall publish guidelines that specify a set of actions counties and cities may take through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce per capita vehicle miles traveled, including measures that are designed to be achievable throughout the state, including in small cities and rural cities.

(c) The department shall develop, in collaboration with the department of ecology, the department of fish and wildlife, the department of natural resources, the department of health, and the emergency management division of the military department, as well as any federally recognized tribe who chooses to voluntarily participate, guidance that creates a model climate change and resiliency element that may be used by counties, cities, and multiple-county planning regions for developing and implementing climate change and resiliency plans and policies subject to the following provisions:

(i) The model element should provide guidance on identifying, designing, and investing in infrastructure that supports community resilience to climate impacts, including the protection, restoration, and enhancement of natural infrastructure as well as traditional infrastructure and protecting natural areas resilient to climate impacts, as well as areas of vital habitat for safe passage and species migration;

(ii) The model element should provide guidance on identifying and addressing natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, wildfires, and other effects of reasonably anticipated changes to temperature and precipitation patterns;

(iii) The model element must recognize and promote as many cobenefits of climate resilience as possible, such as salmon recovery, ecosystem services, and supporting treaty rights; and

(iv) The model element must prioritize actions in communities that will disproportionately suffer from compounding environmental impacts and will be most impacted by natural hazards due to climate change and may draw upon the most recent health disparities data from the department of health to identify disproportionately burdened communities.

(d) If the department publishes any subsequent updates to the guidelines published pursuant to (a) or (b) of this subsection, the department shall include in any such update a determination of whether adequate progress has been made toward the statewide greenhouse gas and per capita vehicle miles traveled reduction goals. If adequate progress is not being made, the department must identify in any updates to the guidelines what additional measures cities and counties may take in order to make further progress.

(e) The department, in the course of implementing this subsection, shall provide and prioritize options that support housing diversity and that assist counties and cities in meeting greenhouse gas emissions reduction and other requirements established under chapter 70A.45 RCW.

(127) \$240,000 of the general fund—state appropriation for fiscal year 2022 and \$95,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the

department to collaborate with the department of children, youth, and families to jointly convene and facilitate a child care collaborative task force to continue the work of the task force created in chapter 368, Laws of 2019 (2SHB 1344) to establish a true cost of quality of child care. The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by November 1, 2022.

(128) \$10,000,000 of the Washington housing trust account—state appropriation is provided solely for housing that serves people with intellectual and developmental disabilities.

(129) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department for grants for updating and implementing comprehensive plans and development regulations in order to implement the requirements of the growth management act.

(a) In allocating grant funding to local jurisdictions, awards must be based on a formula, determined by the department, to ensure that grants are distributed equitably among cities and counties. Grants will be used primarily to fund the review and update requirements for counties and cities required by RCW 36.70A.130. Funding provided on this formula basis shall cover additional county and city costs, if applicable, to implement chapter 254, Laws of 2021 (Engrossed Second Substitute House Bill No. 1220).

(b) Within the amounts not utilized under (a) of this subsection, the department shall establish a competitive grant program to implement requirements of the growth management act.

(c) Up to \$500,000 per biennium may be allocated toward growth management policy research and development or to assess the ongoing effectiveness of existing growth management policy.

(d) The department must develop a process for consulting with local governments, affected stakeholders, and the legislature to establish emphasis areas for competitive grant distribution and for research priorities. The department must complete a report on emphasis areas and research priorities by June 30, 2023.

(130) \$87,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1914 (motion picture program). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(131) \$4,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to the city of Seattle for deposit into the Skagit environmental endowment fund to support the protection of the headwaters of the Skagit river watershed through the acquisition of land, mining, and/or timber rights. This grant must be matched by nonstate sources.

(132) (a) \$45,050,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a targeted grant program to transition persons residing on state-owned rights-of-way to safer housing opportunities, with an emphasis on permanent housing solutions. Eligible grant recipients include local governments and nonprofit organizations operating to provide housing or services. Recipients may use grant funding to provide outreach, housing, transportation, and other services needed to assist individuals residing on public rights-of-way with moving into housing.

(b) Prior to awarding grants under (a) of this subsection, the department must work with the department of transportation, representatives of local governments, and representatives of nonprofit housing and homeless services providers to determine the process and criteria that will be used to award grants. Grant criteria must include, but are not limited to:

(i) Whether a site where the grantee will conduct outreach and engagement has been identified by the department of transportation as a location where individuals residing on the public right-of-way are in specific circumstances or physical locations that expose them to especially or imminently unsafe conditions, including but not limited to active construction zones and risks of landslides, or when the location of an individual poses a significant threat to the safety of others;

(ii) Local government readiness and capacity to enter into and fulfill the grant requirements as applicable; and

(iii) Other criteria as identified by the department.

(c) When awarding grants under (a) of this subsection, the department must prioritize applicants that focus on permanent housing solutions.

(d) Grant recipients under (a) of this subsection must enter into a memorandum of understanding with the department, and other state agencies if applicable, as a condition of receiving funds. Memoranda of understanding must specify the responsibilities of the grant recipients and the state agencies, and must include specific measurable outcomes for each entity signing the memorandum. The department must publish all signed memoranda on the department's website and must publish an update on outcomes for each memorandum at least every 60 days. At a minimum, outcomes must include:

(i) The number of people living on the right-of-way whom the parties engage;

(ii) The demographics of those engaged;

(iii) The type and duration of engagement with individuals living on rights-of-way;

(iv) The types of housing options that were offered;

(v) The number of individuals who accepted offered housing;

(vi) The types of assistance provided to move individuals into offered housing;

(vii) Any services and benefits in which an individual was successfully enrolled; and

(viii) The housing outcomes of individuals who were placed into housing six months and one year after placement.

(e) Grant recipients under (a) of this subsection may not transition individuals from public rights-of-way unless they in good faith offer individuals a housing option that is safer than their current living situation. The department must establish criteria regarding the safety, accessibility, and habitability of housing options to be offered by grant



recipients to ensure that such options are a meaningful improvement over an individual's current living situation and that grant recipients provide options that are well-matched to an individual's assessed needs.

(f) The department must submit a preliminary report to the appropriate policy and fiscal committees of the legislature by December 15, 2022, and a full report by September 30, 2023. The reports must identify barriers to housing and gaps in services that prevented or otherwise impacted the housing outcomes of individuals engaged by the grantees, and policy and budgetary recommendations to improve the transition of individuals residing on public rights-of-way to permanent housing.

(133) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with a consultant to study incorporating the unincorporated communities of Fredrickson, Midland, North Clover Creek-Collins, Parkland, Spanaway, Summit-Waller, and Summit View into a single city. The study must include, but not be limited to, the impacts of incorporation on the local tax base, crime, homelessness, infrastructure, public services, and behavioral health services, in the listed communities. The department must submit the study to the office of financial management and the appropriate committees of the legislature by June 1, 2023.

(134) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to develop a community reinvestment plan to guide the distribution of grants from the community reinvestment account created in section 947 of this act.

(a) The department shall, in partnership with the office of equity, and "by and for community organizations" as defined by the office of equity, develop a community reinvestment plan for how funds would be distributed to address racial, economic, and social disparities in communities across the state created by the historical design and enforcement of state and federal criminal laws and penalties for drug possession. The community reinvestment plan should address funding in the following areas:

(i) Economic development, which includes addressing wealth disparities to promote asset building such as home ownership and expanding access to financial resources including, but not limited to, grants and loans for small businesses and entrepreneurs, financial literacy training, and other small business training and support activities;

(ii) Civil and criminal legal assistance to provide postconviction relief and case assistance, including the expungement of criminal records and vacation of criminal convictions;

(iii) Community-based violence intervention and prevention services; and

(iv) Reentry services to facilitate successful transitions for persons formerly incarcerated in an adult correctional facility or juvenile residential facility in Washington.

(b) The plan must include a timeline for regular review by the department and the office of equity, criteria for eligible communities and programs, development of accountability measures to ensure that distribution and use of funding meets intended purposes, and tracking of outcomes for the funds. At a minimum, the plan must address how the community reinvestment account funding will:

(i) Produce significant long-term economic benefits to the state, a region of the state, or a particular community in the state;

(ii) Result in significant long-term economic benefits in the form of new jobs, job retention, increased personal wealth, or higher incomes for citizens of the state or a particular community in the state; and

(iii) Ensure that:

(A) Projects or programs do not require continuing state support;

(B) An expenditure will not supplant private investment;

(C) An expenditure is accompanied by additional public or private investment; and

(D) Nonprofit, faith-based, and grassroots organizations are prioritized for funding.

(c) In developing the plan, the department is encouraged to incorporate existing and ongoing work from relevant task forces and work groups including, but not limited to, the social equity in cannabis task force, the reentry council, and the homeownership disparities work group.

(d) The department shall submit a preliminary report to the governor and relevant committees of the legislature by December 1, 2022. A final report on the implementation plan must be submitted to the governor and relevant committees of the legislature by June 30, 2023.

(135) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct outreach activities for the working families tax exemption established in RCW 82.08.0206 and the federal earned income tax credit. Of the amounts provided in this subsection:

(a) \$6,860,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to community-based organizations to conduct outreach activities and application assistance for individuals eligible for the working families tax exemption. In awarding the funds, the department must award grants to at least two community-based organizations in each county. Of the amounts provided in this subsection (135)(a), 25 percent must be used for outreach activities serving tribal and urban Indian communities, communities of color, and households in rural areas.

(b) \$2,860,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to community-based organizations to conduct outreach activities and application assistance for individuals eligible for the working families tax exemption who file or may be eligible to file using a valid individual taxpayer identification number.

Grant recipients may also use grant funds to assist individuals in obtaining valid individual tax identification numbers.

(c) \$280,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide oversight, technical assistance, and training for grant recipients; conduct language access activities; create a statewide outreach plan; and for other administrative costs.

(136) \$5,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for grants to nonprofit arts, heritage, science, and culture organizations for costs associated with COVID-19 testing and safety monitoring required by state and local governments and by union contracts. To receive a grant under this section, an applicant must certify that they have reported annual gross receipts of greater than \$5,000,000 in calendar year 2019, and that they applied for but did not receive funding from a state or federal source for the same eligible costs.

(137) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to provide programming that offers pathways to higher education and career opportunities in the arts, entertainment, and related creative industries for youth and young adults in south King county, with a focus on low-income individuals and historically disadvantaged populations. The grant recipient must be a nonprofit organization headquartered in the city of Federal Way that: Has experience working with BIPOC communities; serves youth and young adults through programs focused on cultivating creative talents through the professional entertainment and arts industries; can directly facilitate the placement of program participants in industry-related internships and job opportunities; and can demonstrate a working relationship or strategic partnerships with global commercial entertainment and digital arts industry experts, networks, and companies in areas such as music, film, television, and fashion. The organization may use the grant for activities including, but not limited to, workshops and other events that support the goal of improving the business and professional skills of youth and young adults interested in the arts and entertainment industries.

~~((139))~~ (138) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department of commerce to develop a report on the behavioral health and long-term care facilities and residential settings that provide services within the continuum of care for individuals who are discharged from state psychiatric hospitals. For the purposes of this subsection, "continuum of care" means transitional housing or residential placements that provide supportive services and skill development needed for individuals to be permanently housed, and permanent supportive housing or residential placements that provide individuals with an appropriate place to live with services available as needed. The report must map the geographic location of each facility or residential setting, and it must highlight geographic gaps in service availability. In preparing the report, the department must coordinate with the department of social and health services, the department of health, and the health care authority. The department must submit its report to the governor and appropriate legislative committees no later than December 1, 2022.

~~((140))~~ (139) \$5,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to establish a grant program to assist businesses and nonprofits that are dependent to maintain their operations on the economic activity created through conventions hosted in Washington state. The amount provided under this subsection is subject to the following conditions and limitations:

(a) To be eligible for a grant under this subsection, a business must:

(i) Apply for or have applied for the grant;

(ii) Have not reported annual gross receipts of more than \$100,000,000 in calendar year 2019;

(iii) Have expenses that are necessary to continue business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(iv) Self-attest that the expense is not funded by any other government or private entity;

(v) Have experienced a reduction in business income or activity related to COVID-19 or state or local actions in response to COVID-19;

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives; and

(vii) Have met one or more of the following criteria:

(A) Hosted a convention in Washington state;

(B) Provided support services to conventions in Washington state; or

(C) Depended on the function of conventions to sell goods and services in Washington state.

(b) (i) Eligible businesses may receive a grant of up to \$500,000 for revenue lost due to a cancellation or a reduction of participants in a convention hosted in Washington state in 2020 or 2021.

(ii) To receive a grant under this subsection, eligible businesses must provide the department with:

(A) Financial records from 2019 that provide a basis for revenue received from convention activity in Washington state prior to the COVID-19 pandemic; and

(B) Financial records from 2020 and 2021 that show a reduction in gross revenue received from convention activity in Washington state during the COVID-19 pandemic.

(iii) If a business received one or more working Washington small business grants, the grant awarded under this subsection must be reduced to reflect the amounts received from previous working Washington small business grants.

(c) Nonprofit organizations are eligible to receive funding under this subsection if they have a primary business activity that has been impacted as described in (a)(v) of this subsection.

(d) The department may use up to 10 percent of the amount provided in this subsection for administrative costs.

~~((141))~~ (140) \$325,000 of the general fund—state appropriation for fiscal year 2022 and \$325,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in the city of Redmond that serves Latino low-income, immigrant, and Spanish-speaking communities in King and Snohomish counties through arts and culture events and community services. Grant funding may be used to expand existing programs including, but not limited to, rent assistance, vaccination assistance, COVID-19 outreach, microbusiness support, and other community services.

~~((142))~~ (141) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a program to build capacity and promote the development of nonprofit community land trust organizations in the state. Funds shall be granted by the department to one or more nonprofit organizations with technical expertise on community land trusts. These funds shall be used to provide technical assistance and training to help community land trusts increase the production of affordable housing.

~~((143))~~ (142) \$900,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to conduct community outreach and culturally relevant training on prevention of digital fraud and other consumer fraud, with a focus on serving low-income, rural, and BIPOC communities. The grant recipient must be the Washington state affiliate of a national nonprofit organization that provides services, research, and advocacy for individuals aged 50 and up. Funding may be used to expand existing consumer fraud education programs; partner with locally trusted community-based organizations to provide public awareness of digital and other consumer fraud; and conduct research to capture baseline data regarding digital and fraud literacy in Washington state.

~~((144))~~ (143) \$631,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the developmental disabilities council's efforts to partner with racially diverse communities across the state and to build the capacity of a coalition of intellectual and developmental disabilities self-advocates and advocates. Of the amounts provided in this subsection:

(a) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the developmental disabilities council to enter into a contract with a nonprofit organization led by individuals who are Black, indigenous, or people of color to facilitate the development and implementation of recommendations on ways to reduce barriers to services and improve access to services for individuals with intellectual and developmental disabilities who are from immigrant communities, communities of color, and other underserved communities. The contract must require the nonprofit organization to prepare a racial equity plan for ongoing policy development within the intellectual and developmental disabilities service delivery system for submittal to the developmental disabilities council. The developmental disabilities council must submit the plan to the governor and appropriate legislative committees no later than June 30, 2023.

(b) \$131,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one full-time equivalent policy analyst to manage the developmental disabilities council's overall policy development and diversity, equity, and inclusion efforts. The policy analyst shall serve as a liaison between self-advocates, advocates, community members, and the nonprofit organization under contract in (a) of this subsection.

~~((145))~~ (144) \$584,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a dispute resolution center located in the city of Seattle and serving King county to develop a basic mediation training curriculum for organizations that serve communities in south King county, with a focus on organizations serving and operated by members of historically disadvantaged communities. The grant recipient may use the funding for activities including, but not limited to, conducting a needs assessment, developing and designing the curriculum, engaging subject matter experts, and conducting training sessions.

~~((146))~~ (145) \$45,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the eviction prevention rental assistance program created in RCW 43.185C.185.

~~((147))~~ (146) \$4,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant program to community-based organizations that provide services for survivors of domestic violence. Grant recipients may use funding for domestic violence survivor advocates to provide case management, safety planning, and other services for survivors, and as flexible funding to meet the immediate needs of survivors of domestic violence.

~~((148) — \$15,000,000)~~ (147) \$1,800,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to expand the small business resiliency network program. Program expansion activities may include:

(a) Providing funding for new or existing network partners to provide wraparound services and support to assist small business owners, including support in accessing financing; and

(b) Establishing a credit repair pilot program by contracting with community foundations and nonprofit credit unions with existing character-based lending programs to provide credit

counseling and other services to build or improve credit for small businesses and entrepreneurs who are unable to access conventional lending.

~~((149))~~ (148) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$290,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization that operates a resource center in the city of Ferndale to expand social services programs. Eligible social services programs include, but are not limited to, basic needs supports for low-income and vulnerable families; emergency preparedness programs that connect community volunteers to opportunities to assist community members during emergencies; and conducting antiracist events and learning opportunities in order to build community.

~~((150))~~ (149) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of firearm safety and violence prevention for programs relating to firearm removals in domestic violence cases. Programs may include:

(a) Grants for local law enforcement agencies to coordinate the removal of firearms pursuant to RCW 9.41.800 and 9.41.801 in civil and criminal domestic violence cases at a regional level; and

(b) Activities to increase statewide adherence to RCW 9.41.800 and 9.41.801, including, but not limited to, technical assistance, training, and collecting data from local law enforcement agencies relating to firearm removals in cases where a court orders the surrender of weapons.

~~((151) \$55,000,000)~~ (150) \$52,922,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to administer stipends to eligible homeless service provider employees for their immediate economic needs and to conduct a homeless service provider workforce study.

(a) Of the amount provided in this subsection:

(i) ~~((27,250,000))~~ \$26,230,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a stipend payment of up to \$2,000 for eligible homeless service provider employees with an income at or below 80 percent of the area median income. An individual who works for two or more eligible entities in an eligible position may only receive one stipend under this subsection.

(ii) ~~((27,250,000))~~ \$26,192,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a second stipend payment of up to \$2,000 for individuals who received an initial stipend payment under (i) of this subsection ~~((151))~~ (150) (a) and who are still employed at the same eligible entity six months after receipt of the first stipend payment. An individual who works for two or more eligible entities in an eligible position may only receive one stipend under this subsection.

(iii) (A) \$500,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to contract with a third-party entity to conduct a study on the workforce needs of nonprofit organizations employing eligible homeless service provider employees, with the goal of developing state-level strategies for improving workforce retention among organizations providing homeless services.

(B) The study must examine topics including, but not limited to, pay and benefits; training and supervision; caseloads; safety and morale; and other factors impacting hiring and retention.

(C) The study must examine the potential impact on workforce retention of inflationary increases for administrative allowances and other automatic escalators on state-funded homelessness service contracts, including contracts administered by the office of homeless youth.

(D) The study must include a pay equity and comparable worth analysis that compares eligible homeless service provider positions with jobs with similar complexity, difficulty, and educational and skill requirements in the public and private sectors that were deemed essential during the COVID-19 pandemic.

(E) In conducting the study, the third-party entity must consult with eligible homeless service provider employees; employees of eligible entities with lived experience of homelessness; and organizations led by or serving BIPOC populations.

(F) The department must report the results of the study, including any policy recommendations, to the appropriate committees of the legislature by September 30, 2023.

(b) The department must contract with an entity located in Washington state to administer the stipend payments in (a)(i) and (ii) of this subsection. The entity must demonstrate an ability to efficiently administer stipend payments statewide by showing successful administration of similar programs; an ability to adhere to federal tax requirements, including sending stipend recipients 1099 or other required tax forms; and an ability to track and report on demographic data of stipend recipients and fulfill other reporting requirements as determined by the department. The entity must conduct marketing and outreach for the program by September 1, 2022, and begin administering stipend payments under (a)(i) of this subsection by October 1, 2022. The administrator must pay the stipends on a first-come, first-served basis and there is no individual entitlement to receive a stipend.

(c) The department is authorized to shift funding among the purposes in (a)(i) and (ii) of this subsection based on the level of demonstrated need.

(d) The department may retain up to five percent of the funding allocated under (a) of this subsection for administrative costs.

(e) The administrating entity selected under (b) of this subsection may use up to 15 percent of the funding allocated under (a)(i) and (ii) of this subsection for administrative costs and up to five percent of the funding allocated under (a)(i) and (ii) of this subsection for outreach and marketing costs.

(f) For the purposes of this subsection:

(i) "Eligible homeless service provider employee" means an individual currently employed on a full-time or part-time basis at an eligible entity that works directly on-site with persons experiencing homelessness or residents of transitional or permanent supportive housing. This includes, but is not limited to, emergency shelter and transitional housing staff; street outreach workers; caseworkers; peer advisors; reception and administrative support staff; maintenance and custodial staff; and individuals providing direct services for homeless youth and young adults. This does not include executive and senior administrative employees of an eligible entity. Nothing in this subsection creates an employment relationship, or any membership or qualification in any state or other publicly supported retirement system, due to the payment of a stipend.

(ii) "Eligible entity" means an organization with whom state agencies or local governments grant or subcontract to provide homeless services under their homeless housing program as defined in RCW 43.185C.010.

(iii) "Immediate economic needs" means costs including, but not limited to, rent or mortgage payments; utilities and other household bills; medical expenses; student loan payments; transportation-related costs; child care-related costs; behavioral health-related costs; and other basic necessities.

~~((152))~~ (151) (a) \$100,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to administer a business assistance program for qualifying hospitality industry businesses that have been negatively impacted by the COVID-19 public health emergency or its negative economic impacts. The department must administer the program under appropriate agreements. For the purposes of this subsection, "qualifying hospitality industry businesses" means restaurants, hotels, motels, and other businesses in the hospitality industry as determined by the department.

(b) Of the amount provided in this subsection, \$15,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for grants to reimburse lodging establishments that have experienced losses during the state's eviction moratorium pursuant to the governor's proclamations. The department must work with impacted lodging establishments to develop criteria for the administration of this grant program. The department will verify actual eligible losses to be reimbursed. Actual eligible losses include room charges not paid by persons who stayed during the moratorium, any legal expenses incurred by lodging establishments as a result of the moratorium, and any repair expenses directly attributed to damages to rooms. For the purposes of this subsection ~~((152))~~ (151) (b), "lodging establishment" means a hotel, motel, or similar establishment taxable by the state under chapter 82.08 RCW that has 40 or more lodging units.

~~((153))~~ (152) \$3,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for housing assistance for victims of human trafficking. The department must allocate funding through contracts with service providers that have current contracts with the office of crime victims advocacy to provide services for victims of human trafficking. A provider must use at least 80 percent of contracted funds for rental payments to landlords and the remainder for other program operation costs, including services addressing barriers to acquiring housing that are common for victims of human trafficking.

~~((154))~~ (153) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization operating a low-barrier emergency shelter located in the town of Wapato serving Native and non-Native chronically homeless individuals. Grant funds must be used to provide daytime services such as meals and hygiene services; case management; outreach; and other homeless services.

~~((155))~~ (154) \$75,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with a nonprofit organization in Kitsap county to provide services for families experiencing domestic violence. Amounts provided in this subsection must be used to expand supports for survivors and their children fleeing immediately dangerous situations, including emergency shelter, case management, housing advocacy, child care, mental health services, and resources and referrals. The nonprofit organization must be located in Kitsap county and must operate a state-certified domestic violence shelter.

~~((156))~~ (155) \$3,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to the city of Kent for operational improvements and other actions to improve safety and reduce train noise, with the goal of increasing quality of life and facilitating transit-oriented living in downtown Kent.

~~((157))~~ (156) (a) \$750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to establish a lifeline support system pilot project to assist individuals who have experienced or are at risk of entering into public systems of care. Public systems of care include office of homeless youth prevention and protection shelter and housing programs, the juvenile justice system, dependency under chapter 13.34 RCW, and inpatient behavioral health treatment.

(b) (i) The lifeline must function as a no-wrong-door access point for support and connections to services for qualifying individuals who require assistance to overcome a life challenge that could escalate into a crisis, or who are in need of general mentorship and counsel. The lifeline support system must facilitate and promote partnerships across state agencies, federally recognized tribes, counties, and community-based providers to coordinate trauma-informed and culturally responsive services for youth and young adults and their supports. The department is authorized to implement lifeline services through contracts with community partners and nonprofit organizations.

(ii) The department must establish a lifeline fund. Moneys in the fund can be used to assist community partners and nonprofit organizations to implement lifeline services when they cannot identify an existing resource to resolve a beneficiary need. The department must establish an application process and criteria for the fund.

(c) The department and a nonprofit organization, selected by the office of homeless youth, shall coconvene a work group that will design a lifeline support services system and framework for statewide implementation. This group shall have an inaugural meeting no later than August 31, 2022, and have a design ready no later than October 31, 2022. By December 31, 2022, the department, with assistance from the work group, must provide a report to the appropriate committees of the legislature on approaches to continue this pilot project in the 2023-2025 fiscal biennium.

(d) By June 30, 2023, the department, with assistance from the nonprofit organization that coconvened the work group, shall provide a report to the legislature describing the success and shortcomings of the lifeline support system, as well as other data such as request-for-service conclusions and the demographics of beneficiaries. The report must include a recommendation for how the state can permanently establish the lifeline.

~~((+158))~~ (157) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization that provides services to survivors of domestic violence in north and east King county. Grant funding may be used for services including, but not limited to, staffing support for emergency and advocacy services and costs to expand emergency and transitional housing services for survivors of domestic violence with the greatest safety risks and highest barriers to acquiring safe housing.

~~((+159))~~ (158) \$850,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization for costs to operate a low-barrier homeless shelter and provide housing intervention and placement services. The grant recipient must be a nonprofit organization that provides permanent supportive housing services, provides homeless services for youth and young adults, and operates a low-barrier homeless shelter for women over the age of 18 in the city of Spokane.

~~((+160))~~ (159) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with a nonprofit to provide technical assistance to manufactured home community resident organizations who wish to convert the park in which they reside to resident ownership, pursuant to RCW 59.22.039. Technical assistance includes, but is not limited to, assistance with prepurchase efforts and resident outreach and engagement activities prior to filing an intent to purchase.

~~((+161))~~ (160) \$900,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with one or more community-based organizations to administer a homeownership assistance program for low-income households who have been displaced from their manufactured/mobile homes due to the closure or conversion of a mobile home park or manufactured housing community in south King county. The program may offer services including credit counseling; financial education courses; assistance in locating, understanding, and preparing necessary financial and legal documentation for homeownership; outreach and engagement services, including in-language services; and other technical support to prepare households for homeownership.

~~((+162))~~ (161) \$185,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to provide advocacy, translation, emergency housing, and other services for victims of domestic violence, with a focus on serving members of the Latino and indigenous communities. The grant recipient must be a community-based nonprofit organization located in the city of Tacoma that provides educational programs, crisis intervention, family outreach services, arts and culture programming, and advocacy with a focus on serving Latino and indigenous communities.

~~((+163))~~ (162) \$1,400,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with the municipal research and services center, in coordination with the Washington procurement technical assistance center, to provide training and technical assistance to local governments and contractors on public works contracting. Training topics may include utilization of supplemental bidding criteria, utilization of alternate public works, contracting, cost estimating, obtaining performance and payment bonds, and increasing participation of women-owned and minority-owned businesses.

~~((+164))~~ (163) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization in the city of Tacoma that provides on-water marine science and maritime programs, as well as mentoring and community service opportunities, for youth and young adults. Grant funding must be used to expand program participation of youth and young adults from underserved and underrepresented communities.

~~((+165))~~ (164) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to the city of Poulsbo to expand the service capacity of the fire cares behavioral health mobile outreach program.

~~((+166))~~ (165) \$600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for concept development, design, and planning of state-operated or contracted residential housing facilities and services at the Pacific hospital preservation and development authority quarters buildings three through ten in Seattle. The residential housing facilities may be used for recovery residences, group care, transitional housing, supportive housing, or family-centered substance use disorder recovery housing. Of the amounts provided in this subsection:

(a) \$375,000 of the general fund—state appropriation for fiscal year 2023 is for lease payments for the Pacific hospital preservation and development authority quarters buildings three through ten.

(b) \$75,000 of the general fund—state appropriation for fiscal year 2023 is for the department to convene a work group to develop a programming plan for utilization of the repurposed quarters buildings three through ten, subject to the following requirements:

(i) The department must contract with a nonprofit organization to facilitate the work group. The nonprofit organization must be located in the city of Seattle with experience working with systems of care, including foster care, juvenile justice, and behavioral health, and have statewide experience as an advocate, provider, and convener of programming needs for youth and young adults.

(ii) The work group must include members representing the department of children, youth, and families; the health care authority; social service providers led by and serving people of color; social service providers whose leadership represent and who serve LGBTQ youth and young adults; and persons with lived experience.

(iii) By December 31, 2022, the department must submit a report to the appropriate committees of the legislature with recommendations on housing and program models, service arrays, and estimates of operation costs.

~~((167) \$34,500,000)~~ (166) \$27,500,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a small business innovation and competitiveness fund program to spur small business recovery, startup, and growth, with a focus on initiatives that will serve BIPOC entrepreneurs and small businesses located in underserved, low-income, and rural areas.

(a) The department must competitively award grants to nonprofit organizations that work with or provide assistance to small businesses.

(b) Grant funding may be used for activities such as:

(i) Small business incubator programs;

(ii) Small business accelerator programs;

(iii) Local procurement initiatives;

(iv) Small business competitiveness programs focused on hiring and retention;

(v) Improvements and repairs to physical workplaces, including in response to public health guidelines or acts of vandalism; and

(vi) Other initiatives as determined by the department.

(c) The department may require applicants to provide a description of how proposed initiatives will benefit small businesses and entrepreneurs that are not members of the recipient organization, if applicable.

(d) The department may encourage, but may not require, a local one-to-one match of state funding awarded under the program.

(e) The department may establish regional targets or other benchmarks to ensure equitable geographic distribution of funding. If regional targets or benchmarks are adopted, the department must assess and report to the legislature on the program's performance by June 1, 2023.

(f) In developing the program, the department must consult with economic development professionals and small business support organizations. The department may consult with other interested parties at its discretion.

~~((168))~~ (167) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract for technical assistance services for small businesses owned or operated by members of historically disadvantaged populations located in western Washington, with a focus on Black-owned small businesses. The contract recipient must be a business in the arts, entertainment, and media services sector based in the city of Federal Way and with experience working with BIPOC communities. Technical assistance includes but is not limited to services such as: Business and intellectual property development; franchise development and expansion; digital and social media marketing and brand development; community outreach; opportunities to meet potential strategic partners or corporate sponsors; executive workshops; networking events; small business coaching; and start-up assistance.

~~((169))~~ (168) \$97,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to examine actual and potential school director compensation, including salaries, per diem rates, expense reimbursements, and health care benefits for the purpose of determining what changes in statute or practice, if any, would be necessary to align provisions governing school director compensation with those governing the compensation of other elected officials with comparable duties and responsibilities.

(a) The examination required by this subsection, at a minimum, must address:

(i) The duties and responsibilities of school directors and to what extent those duties, and the factors relevant to their completion, may have changed in the previous 10 years;

(ii) Demographic data about school district boards of directors and the communities they represent for the purpose of understanding the diversity of school district boards of directors and whether that diversity reflects the communities they serve;

(iii) The significant variances in school district budgets, student enrollments, tax bases, and revenues;

(iv) Options for periodically updating school director compensation, including the frequency and timing of potential compensation reviews, potential entities that may be qualified to conduct the reviews, and considerations related to inflationary indices or other measures that reflect cost-of-living changes; and

(v) Options for funding the actual and potential costs of school director compensation, including salaries, per diem amounts, expense reimbursements, and health care benefits.

(b) In completing the examination required by this subsection, the department shall consult with interested parties, including the office of the superintendent of public

instruction, the Washington state school directors' association, the Washington association of school administrators, and educational service districts.

(c) The department shall, in accordance with RCW 43.01.036, report its findings and recommendations to the governor, the superintendent of public instruction, and the committees of the legislature with jurisdiction over fiscal matters and K-12 education by January 6, 2023.

~~((170))~~ (169) \$175,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to the south King fire and rescue district located in south King county to implement a workforce development initiative, with the goals of increasing recruitment and retention of employees from south King county communities and increasing the diversity of the district's workforce.

~~((171))~~ (170) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract for a diversity, equity, and inclusion initiative focused on youth sports and other activities, with an emphasis on basketball. The contract recipient must be a nongovernmental entity that serves as a resource for professional, amateur, collegiate, and youth sports organizations and venues in the greater Seattle region. Contract funding may be used to provide engagement and support for Washington state youth basketball organizations, with a focus on organizations in the Puget Sound region, and to provide assistance for activities including sport academies, youth leagues and sport camps, promotion of community basketball events, scholarships, and an equity in sports summit.

~~((172))~~ (171) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$850,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in the city of Seattle that provides legal assistance and representation to survivors of sexual and gender-based violence to expand their current services, including but not limited to legal assistance and representation; technical assistance for advocates, providers, and attorneys; community education and trainings; and other legal support services. In providing services, the grant recipient must protect the privacy, safety, and civil rights of survivors and utilize trauma-informed practices and equity principles.

~~((173))~~ (172) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract for a small business assistance program serving the city of Silverdale and central Kitsap county. The contract recipient must be a nongovernmental organization located in the city of Silverdale whose primary focus is the economic development of the city of Silverdale and central Kitsap county. The contract funding must be used to provide financial assistance in the form of grants or loans and other entrepreneurship opportunities for small businesses that have experienced a loss of business income or activity or have been otherwise economically disadvantaged during the COVID-19 pandemic. The contract recipient must conduct targeted outreach and education to ensure small businesses owned by members of historically marginalized communities are aware of business assistance opportunities available through the program.

~~((174))~~ (173) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization for activities that will improve access to child care in southwest Washington, including but not limited to activities to begin using a shared services model for regional child care providers, and to convene a short-term work group on expanding child care access and affordability in the region. The grant recipient must be a nonprofit organization located in the city of Vancouver that is the lead organization in a collaborative partnership to expand child care capacity in southwest Washington.

~~((175))~~ (174) \$135,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to provide sexual assault prevention programming to middle and high schools in the Tacoma school district. The grant recipient must be a nonprofit organization serving the city of Tacoma that provides education, intervention, and social advocacy programs for victims of sexual assault, domestic violence, human trafficking, and other forms of abuse.

~~((176))~~ (175) \$80,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a grant to a nonprofit organization for information technology needs, including, but not limited to, hardware, software, and other subscriptions, so that the recipient may continue and expand services to address poverty. The grant recipient must be a nonprofit organization that works with public, private, and nonprofit partners to address poverty in Snohomish county, with a focus on serving families with young children.

~~((178))~~ (176) \$27,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the landlord mitigation program created in RCW 43.31.605(1). Of the amount provided in this subsection, \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is for program claims made pursuant to Substitute House Bill No. 1593 (landlord mitigation/victims).

~~((179))~~ (177) \$1,161,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1571 (indigenous persons/services). Of the amount provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants awarded under Substitute House Bill No. 1571. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((180))~~ (178) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute House Bill No. 1629 (aerial



imaging technology). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((181))~~ (179) \$486,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1717 (tribal participation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((182))~~ (180) \$953,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1723 (telecommunications access). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((183))~~ (181) \$155,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1724 (supportive housing resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((184))~~ (182) (a) \$7,790,000 of the apple health and homes account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1866 (supportive housing). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(b) Of the amount provided in this subsection, \$6,500,000 of the apple health and homes account—state appropriation is provided solely for permanent supportive housing services including operations, maintenance, and service costs of permanent supportive housing units; project-based vouchers; rental subsidies; and provider grants. These funds shall not be used for costs that are eligible for coverage through the foundational community supports program established pursuant to the health care authority's federal medicaid transformation project waiver.

~~((185))~~ (183) \$4,434,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1905 (homelessness/youth discharge). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. Of the amount provided in this subsection:

(a) \$1,600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for flexible funding administered by the office of homeless youth to support persons under the age of 25 exiting publicly funded systems of care that need discrete support or funding to secure safe housing;

(b) \$625,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to counties to administer housing stability for youth in crisis programs; and

(c) \$2,018,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for system of care grants. Of this amount, \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to assist young adults discharging from inpatient behavioral health treatment facilities to obtain housing.

~~((186))~~ (184) (a) \$20,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a small business disaster recovery financial assistance program to provide resources to small businesses that have sustained physical damage or economic loss due to a natural or other comparable disaster.

(b) The department may provide financial assistance in the form of grants to eligible businesses. Grant funds may be used for payroll, utilities and rent, marketing and advertising, building improvements or repairs, replacing damaged inventory and equipment, and other operations and business expenses.

(c) A business is eligible to apply for financial assistance through the program if they provide documentation to the department of:

(i) Annual gross receipts of \$5,000,000 or less; and

(ii) A reduction in business income or activity as a result of a natural disaster such as a flood, earthquake, or wildfire, or a comparable disaster such as major utility disruptions resulting in property damage or prolonged outages.

(d) A department must provide assistance to an eligible business within three months of receiving an application.

(e) The department must coordinate with local economic development entities in conducting outreach to small businesses in order to increase awareness and understanding of the program.

(f) Of the amounts provided in this subsection, \$10,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for financial assistance for eligible businesses located in northwest Washington.

~~((187))~~ (185) \$214,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1015 (equitable access to credit). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((188))~~ (186) (a) \$950,000 of the apple health and homes account—state appropriation is provided solely for a grant to a nonprofit organization for an initiative to advance supportive housing projects, including those funded through the apple health and homes program created in Engrossed Substitute House Bill No. 1866 (supportive housing). The department is directed to extend the contract of the grantee of the 2021 request for qualifications and quotations advancing affordable housing and education centers due to the recipient's national experience with programs to sustain and rapidly expand housing for persons experiencing homelessness or at risk of homelessness, and who are, thereby, inherently impacted by COVID-19.

(b) The grant recipient must use the funding to:

(i) Partner with state, regional, and local public entities, nonprofit housing developers, and service providers to develop a broad range of housing types for supportive housing;

(ii) Provide technical assistance on the constructive alignment of yet-to-be-secured state or local capital funds, and other services, for the construction, acquisition, refurbishment, redevelopment, master leasing of properties for noncongregate housing, or conversion of units from nonresidential to residential, of dwelling units for supportive housing;

(iii) Analyze the suitability of properties and sites, including existing buildings for supportive housing, through completing due diligence, conceptual design, and financial analysis activities, applying and implementing an equity lens in site selection, program planning, development, and operations;

(iv) Advise and collaborate with the office of health and homes to prepare projects for capital funding;

(v) Advise on supportive housing best practices;

(vi) Advise on service delivery for vulnerable populations;

(vii) Advise on local community engagement, especially with populations with lived experience of homelessness; and

(viii) Subcontract for specialized predevelopment services as needed.

~~((189))~~ (187) \$7,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to administer grants to eligible cities for actions relating to adopting ordinances that would authorize middle housing types on at least 30 percent of lots currently zoned as single family residential.

(a) For the purposes of this subsection, a city is eligible to receive a grant if:

(i) The city is required to plan under RCW 36.70A.040; and

(ii) The city is required to take action on or before June 30, 2024, to review and, if needed, revise its comprehensive plan and development regulations pursuant to RCW 36.70A.130(5)(a).

(b) Grant recipients must use grant funding for costs to conduct at least three of the following activities:

(i) Analyzing comprehensive plan policies and municipal code to determine the extent of amendments required to meet the goal of authorizing middle housing types on at least 30 percent of lots currently zoned as single family residential;

(ii) Preparing informational material for the public;

(iii) Conducting outreach, including with the assistance of community-based organizations, to inform and solicit feedback from a representative group of renters and owner-occupied households in residential neighborhoods, and from for-profit and nonprofit residential developers;

(iv) Drafting proposed amendments to zoning ordinances for consideration by the city planning commission and city council;

(v) Holding city planning commission public hearings;

(vi) Publicizing and presenting the city planning commission's recommendations to the city council; and

(vii) Holding city council public hearings on the planning commission's recommendations.

(c) Before updating their zoning ordinances, a city must use a racial equity analysis and establish antidisplacement policies as required under RCW 36.70A.070(2)(e) through (h) to ensure there will be no net displacement of very low, low, or moderate-income households, as defined in RCW 43.63A.510, or individuals from racial, ethnic, and religious communities which have been subject to discriminatory housing policies in the past.

(d) The department shall prioritize applicants who:

(i) Aim to authorize middle housing types in the greatest proportion of zones; and

(ii) Subcontract with multiple community-based organizations that represent different vulnerable populations in overburdened communities, as defined in RCW 70A.02.010, that have traditionally been disparately impacted by planning and zoning policies and practices, to engage in eligible activities as described in (b) of this subsection.

(e) For the purposes of this subsection, "middle housing types" include duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, courtyard apartments, cottage housing, and stacked flats.

~~((190))~~ (188) (a) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to administer an energy efficient housing pilot program with the goal of reducing energy consumption and related expenses for low-income agricultural workers in the Yakima valley. Funding must be distributed in the form of grants to community-based organizations, with priority given to organizations with a proven track record of assisting agricultural workers.

(b) Grant recipients may use the funds awarded under (a) of this subsection to conduct the following activities for eligible housing:

(i) Install photovoltaic solar panel systems, solar water heating systems, and battery backups;

(ii) Replace energy inefficient appliances with energy star certified appliances;

(iii) Replace existing lighting with light emitting diode lighting; and

(iv) Conduct weatherization of homes and other residences.

(c) Eligible housing includes:

(i) Homes owned and occupied by agricultural workers; and

(ii) Homes, apartments, and other residential facilities providing rental housing to agricultural workers, provided that the owners of the facilities pass the savings in energy costs to agricultural worker tenants and commit to the use of the facilities as agricultural worker housing for 15 years as a condition of accepting assistance as described in (b) of this subsection.

(d) For the purposes of this subsection, "agricultural workers" means workers on farms and workers performing packing or processing work of agricultural products. "Agricultural workers" does not mean the owners of agricultural enterprises.

~~((191))~~ (189) (a) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with a community-based nonprofit organization located in the Yakima valley to develop a community consortium for the purpose of developing and implementing strategies for the prevention of gang violence in Yakima county.

(b) The consortium must include representation from community-based organizations, gang-involved youth, law enforcement agencies, and state agencies involved in juvenile justice.

(c) The consortium must develop after-school activities such as counseling, tutoring, and computer literacy for gang-involved youth, in conjunction with local school districts.

(d) The consortium must, in conjunction with a public radio station, conduct a Spanish-language public radio media outreach campaign with the aim of linking gang-involved youth with employment, educational, and training opportunities. In conducting the outreach campaign, the consortium may work with schools, grassroots organizations, faith-based groups, law enforcement, families, and juvenile justice agencies.

(e) In developing its outreach and intervention activities, the consortium may facilitate workshops and conferences, either in person or virtual, with educators, parents, and youth.

(f) By June 30, 2023, the department must provide a report to the appropriate committees of the legislature. The report must include:

(i) A description of the gang violence prevention programs conducted by the consortium and how they were implemented;

(ii) A description of any virtual community events, workshops, and conferences held; and

(iii) The number of individuals who participated in or received services through the programs conducted by the consortium, including any relevant demographic data for those individuals.

~~((192))~~ (190) (a) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to administer grants to strengthen family resource center services and increase capacity statewide. Grant funding may be used: For an organization to provide new services in order to meet the statutory requirements of a family resource center, as defined in RCW 43.216.010; to increase capacity or enhance service provision at current family resource centers, including but not limited to direct staffing and administrative costs; and to conduct data collection, evaluation, and continuous quality improvement activities. The department may award an amount from \$30,000 up to \$200,000 per grant recipient.

(b) Eligible applicants for a grant under (a) of this subsection include current family resource centers, as defined in RCW 43.330.010, or organizations in the process of becoming qualified as family resource centers. Applicants must affirm their ability and willingness to serve all families requesting services in order to receive a grant. Applicants must currently be or agree to become a member of a statewide family resource center network during the grant award period in order to receive a grant.

(c) The department must co-convene an advisory group with the department of children, youth, and families that includes representatives from family resource centers; parents, caregivers, and individuals who have used family resource center services; and other stakeholders as determined by the department. The department must develop application guidelines and award funding to eligible applicants in consultation with the department of children, youth, and families and the advisory group. Advisory group members representing family resource centers or other organizations that apply for grant funding may not participate in the process of determining grant award recipients.

(d) In distributing grant funding, the department must, to the extent it is practicable, award 75 percent of funding to organizations located west of the crest of the Cascade mountains, and 25 percent of funding to organizations located east of the crest of the Cascade mountains.

(e) By July 1, 2023, grant recipients must submit a report to the department on the use of grant funding, including but not limited to progress in attaining status as a family resource center, if applicable; the number and type of services offered to families; demographic and income data for families served; and family postservice outcomes. By September 1, 2023, the department must submit a report to the legislature on topics including but not limited to the grant application process; needs identified by family resource centers; and use of funds by grant recipients.

~~((193))~~ (191) (a) \$2,800,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of firearm safety and violence prevention for a healthy youth and violence prevention initiative with the goal of preventing violence, decreasing engagement with the juvenile justice system, and encouraging health and well-being for youth and young adults ages 12 to 24. As part of the initiative, the office must partner with community-based organizations to serve as regional coordinators who will:

(i) Connect youth and young adults ages 12 to 24 who are most vulnerable to violence with programs that provide services including, but not limited to, street outreach, youth employment and preapprenticeship programs, case management, behavioral health services, and other services as appropriate; and

(ii) Assist local governments, service providers, and nonprofit organizations in accessing and leveraging federal, state, and local funding for violence prevention and related services.

(b) In developing the healthy youth and violence prevention initiative, the office must consult with interested parties including members of the legislature, community members with expertise in public health strategies to address youth violence, and people impacted by youth and young adult violence.

(c) Of the amount provided in this subsection:

(i) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant for a demonstration program serving south King county. The grant recipient must be a nonprofit health system currently administering a violence prevention initiative in King and Pierce counties. The grant recipient may subgrant or subcontract funds to programs providing services as described in (a)(i) of this subsection.

(ii) \$600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for planning grants for future programs serving Pierce county, Yakima county, and the city of Vancouver. Grant recipients must be community-based nonprofit organizations.

(iii) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to develop a database and reporting system for regional coordinators to report program outcomes for service providers receiving grants or subgrants through the initiative. The database must be accessible to and utilized by all organizations serving as regional coordinators. In developing the database fields, the office must, to the extent it is feasible, use categories identified as part of the developmental assets framework developed by the Search Institute.

~~((194))~~ (192) (a) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct an evaluation of the costs for cities and counties to review and revise their comprehensive plans to ensure compliance with chapter 36.70A RCW. The evaluation must include, at a minimum, the costs for each general jurisdiction size and type, and the costs to complete various types of planning requirements, including:

(i) Meeting the requirements of a new goal in RCW 36.70A.020;

(ii) Meeting the requirements of a new comprehensive plan element in RCW 36.70A.070;

(iii) Updating a critical areas ordinance;

(iv) Updating a shoreline master program ordinance;

(v) Making a minor update of a comprehensive plan element;

(vi) Making a complex update of a comprehensive plan element;

(vii) Updating a development regulation; and

(viii) Implementing a new development regulation.

(b) The department must consult with the Washington state association of counties and the association of Washington cities in conducting the evaluation.

(c) The department must submit a report of the results of the evaluation to the legislature by December 1, 2022.

~~((195))~~ (193) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide support to a public-private partnership that leverages private sector leadership and is composed of multiple interests, including public and private project developers, manufacturers and end users, research institutions, academia, government, and communities around the state, to develop and submit a competitive application for the federal department of energy regional clean hydrogen hubs grant. The application must focus on the sectors of the economy that are hardest to decarbonize, including industry, heavy transportation, maritime, and aviation.

~~((196))~~ (194) \$3,335,000 of the general fund—state appropriation for fiscal year 2022 and \$2,223,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to counties to stabilize newly arriving refugees from the 2022 Ukraine-Russia conflict.

~~((197))~~ (195) \$50,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for digital equity and broadband access programs. Programs funded under this subsection may include programs to fulfill the recommendations of the Washington digital equity forum; programs to conduct activities identified by the statewide broadband office when developing the digital equity plan required as part of the state digital equity capacity grant program created in P.L. 117-58; and programs to increase broadband access for low-income and rural communities, including through low-orbit satellite broadband networks.

~~((198))~~ (196) (a) \$25,000,000 of the electric vehicle incentive account—state appropriation is provided solely for the department to implement programs and incentives that promote the purchase of or conversion to alternative fuel vehicles. The department must work with the interagency electric vehicle coordinating council created in Engrossed Substitute Senate Bill No. 5974 (transportation resources) to develop and implement alternative fuel vehicle programs and incentives.

(b) In developing and implementing programs and incentives under this subsection, the department must prioritize programs and incentives that:

(i) Will serve individuals living in an overburdened community, as defined in RCW 70A.02.010;

(ii) Will serve individuals who are in greatest need of this assistance in order to reduce the carbon emissions and other environmental impacts of their current mode of transportation in the overburdened community in which they live; and

(iii) Will serve low-income communities, communities with the greatest health disparities, and communities of color that are most likely to receive the greatest health

benefits from the programs through a reduction in greenhouse gas emissions and other pollutants that will result in improved groundwater and stormwater quality, improved air quality, and reductions in noise pollution.

~~((199))~~ (197) \$100,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for grants for public and private water, sewer, garbage, electric, and natural gas utilities to address low-income customer arrearages compounded by the COVID-19 pandemic and the related economic downturn that were accrued between March 1, 2020, and December 31, 2021.

(a) By May 27, 2022, each utility that wishes to participate, must opt-in to the grant program by providing the department the following information:

(i) Current arrearage balances for residential customers as of March 31, 2022; and

(ii) Available information on arrearage balances of low-income customers, including customers who received assistance from the low-income home energy assistance program, low-income water assistance program, or ratepayer-funded assistance programs between April 1, 2020, and March 31, 2022, as of March 31, 2022. If a utility does not have access to information regarding customer participation in these programs, the department must distribute funding to the community action program serving the same service area as the utility instead of the utility.

(b) In determining the amount of funding each utility may receive, the department must consider:

(i) Each participating utility's proportion of the aggregate amount of arrearages among all participating utilities;

(ii) Utility service areas that are situated in locations experiencing disproportionate environmental health disparities;

(iii) American community survey poverty data; and

(iv) Whether the utility has leveraged other fund sources to reduce customer arrearages.

(c) The department may retain up to one percent of the funding provided in this subsection to administer the program.

(d) Each utility shall disburse funds directly to customer accounts (~~by December 31, 2022~~). Funding shall only be distributed to customers that have participated in the low-income home energy assistance program, low-income water assistance program, or ratepayer-funded assistance programs.

(e) Utilities may, but are not required to, work with other utilities or use community action agencies to administer these funds following the eligibility criteria for the low-income home energy assistance program and the low-income household water assistance program.

(f) By March 1, 2023, each utility who opted into the grant program must report to the department, utilities and transportation commission, and state auditor on how the funds were utilized and how many customers were supported.

(g) Utilities may account for and recover in rates administrative costs associated with the disbursement of funds provided in this subsection.

~~((200))~~ (198) \$4,092,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5566 (independent youth housing). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((201))~~ (199) \$7,300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase funding for the community services block grant program. Distribution of these funds to community action agencies shall prioritize racial equity and undoing inequity from historic underinvestment in Black, indigenous, and people of color and rural communities.

~~((202))~~ (200) \$1,124,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to expand health care access points with increased services from the Tubman center for health and freedom to address disparate health outcomes of Black Washingtonians.

~~((203))~~ (201) \$3,335,000 of the general fund—state appropriation for fiscal year 2022 and \$2,223,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to Snohomish county to stabilize newly arriving refugees from the 2021 Afghanistan conflict.

~~((204))~~ (202) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a peer-led community and hospitality space located in south King county to expand services for women engaging in the sex trade.

~~((205))~~ (203) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to develop a K-12 school building ventilation technical assistance, outreach, and education program. The grant recipient must be located in a city with a population of more than 700,000 and must have experience administering a statewide technical assistance, outreach, and education program for building operators.

~~((206))~~ (204) \$500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a Tacoma-based nonprofit dental clinic with a location in unincorporated Pierce county to continue to provide dental services to low-income youth.

~~((207))~~ (205) \$120,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit resource center in King county that provides sexual assault advocacy services, therapy services, and prevention and outreach to begin a three-year, multigrade sexual violence prevention program in the Renton school district.

~~((208))~~ (206) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a Tacoma-based nonprofit multicultural center to support the operations of food bank networks and to be reimbursed for equipment purchased for preventative maintenance on food bank network buildings.

~~((209))~~ (207) \$500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a Kent-based, community-based nonprofit organization that serves culturally and linguistically diverse families of persons with developmental and intellectual disabilities for predevelopment funds to accelerate the production of new affordable housing and a multicultural community center.

~~((210))~~ (208) \$400,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a Tacoma-based business center that supports women and minority-owned businesses to expand outreach in underserved communities, providing targeted assistance where needed. Funding may also be used to collaborate the department, the Washington economic development association, and others to develop a more effective and efficient service delivery system for Washington's women and minority-owned small businesses.

~~((211))~~ (209) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a business center that provides confidential, no-cost, one-on-one, client-centered assistance to small businesses to expand outreach in underserved communities, especially Black, indigenous, and people of color-owned businesses, providing targeted assistance where needed. Funding may also be used to collaborate the department, the Washington economic development association, and others to develop a more effective and efficient service delivery system for Washington's women and minority-owned small businesses.

~~((212))~~ (210) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of homeless youth prevention and protection programs to colead a prevention work group with the department of children, youth, and families. The work group must focus on preventing youth and young adult homelessness and other related negative outcomes. The work group shall consist of members representing the department of social and health services, the employment security department, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the interagency work group on homelessness, community-based organizations, and young people and families with lived experience of housing instability, child welfare involvement, justice system involvement, or inpatient behavioral health involvement.

(a) The work group shall help guide implementation of:

(i) The state's strategic plan on prevention of youth homelessness;

(ii) Chapter 157, Laws of 2018 (SSB 6560);

(iii) Chapter 312, Laws of 2019 (E2SSB 5290);

(iv) Efforts to reform family reconciliation services; and

(v) Other state initiatives addressing the prevention of youth homelessness.

(b) The office of homeless youth prevention and protection programs must use the amounts provided in this subsection to contract with a community-based organization to support the involvement with the work group of young people and families with lived experience of housing instability, child welfare involvement, justice system involvement, or inpatient behavioral health involvement. The community-based organization must serve and be substantially governed by marginalized populations. The amounts provided in this subsection must supplement private funding to support the work group.

~~((213))~~ (211) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a maritime education nonprofit that will support outreach, recruitment, and maritime educational experiences at the new maritime high school in the highline public school district including developing mentorship and internship programs. Funds may be used to support the school's growth to full enrollment of 400 students, to pursue enrollment that reflects the diversity of the district, to aid recruitment activities that will include partnering with regional middle schools including hands-on learning experiences on vessels, and to support curriculum that gives students STEM skills and pathways to maritime careers, including in the sciences, vessel operations and design, and marine construction.

~~((214))~~ (212) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to strengthen capacity of the keep Washington working act work group established in RCW 43.330.510.

~~((215))~~ (213) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the transportation demand management program at the canyon park subarea in the city of Bothell.

~~((216))~~ (214) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to report how the department will collect demographic and geographic information from organizations who receive direct or indirect grants from the department.

(a) The department may contract to complete the report. The department must collaborate with the one Washington enterprise resource planning team to determine what demographic and geographic data elements would be consistent with data elements in the extended financials and procurement phase of one Washington.

(b) The report must also include accurate cost and time estimates needed to collect the demographic and geographic information from department grantees and their subgrantees. The department must consult with the office of equity to ensure that demographic tracking information can be used to help create an accurate definition of "by and for organizations."

The department must report to the legislature by June 30, 2023. The report must include, but is not limited to, the following information:

(i) The cost and time required for the department to revise current grant agreements to collect demographic and geographic data;

(ii) The cost and time required for the department to incorporate the collection of demographic and geographic data into future grant agreements;

(iii) The cost and time required for the department to align demographic and geographic data points to the one Washington program to serve as a data collection system and repository of demographic and geographic data on all department grant agreements;

(iv) In addition to the one Washington program, an analysis of other information technology systems that can serve as a unified single data collection system and repository for demographic and geographic data on all department grant agreements. This analysis should compare and contrast the efficiency and effectiveness of each system with the capabilities, cost, and timeliness of using the one Washington program for this purpose; and

(v) Recommendations on grants that should be excluded from the responsibility to collect demographic and geographic data.

~~((217))~~ (215) \$88,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a Seattle-based nonprofit that teaches math using hands-on learning experiences and collaborates with community partners to create equity-based, culturally relevant math education opportunities.

~~((218))~~ (216) \$20,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to provide a grant to a public facility district created under chapter 36.100 RCW that can document losses of more than \$200,000,000 in cumulative anticipated tax, event, and marketing revenues in 2020, 2021, and 2022, including lost revenue due to cancellations or a reduction of participants in conventions that would have been hosted in Washington state, less grants or loans from federal and state government programs. Eligible public facilities districts may receive a maximum \$20,000,000 grant. Public facility districts must provide the department with financial records that document the lost revenue to be eligible to receive a grant.

~~((219))~~ (217) \$7,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase existing grantee contracts providing rental or housing subsidy and services for eligible tenants in housing and homeless programs. The department will work with stakeholders and grantees to increase current contracts and distribute funds to account for increases in housing and services costs across the state.

~~((220))~~ (218) (a) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct a cost-benefit analysis on the use of agrivoltaic and green roof systems on projected new buildings with a floor area of 10,000 square feet or larger to be developed over the next 20 years in communities of 50,000 or greater. The department shall consult with the department of ecology, private sector representatives, and an organization that has experience conducting cost-benefit analyses on green roofing. The cost-benefit analysis must include:

(i) The impact of widespread green and agrivoltaic roof installation on stormwater runoff and water treatment facilities in communities with a population of greater than 50,000;

(ii) Potential water quality and peak flow benefits of widespread green and agrivoltaic roof installation;

(iii) Public health impacts;

(iv) Air quality impacts;

(v) Reductions in fossil fuel use for buildings with agrivoltaic systems;

(vi) Energy efficiency of buildings with agrivoltaic systems;

(vii) Job creation; and

(viii) Agrivoltaic installation and maintenance costs.

(b) The department shall submit the report to the energy policy and fiscal committees of the legislature by June 30, 2023, that includes, but is not limited to:

(i) The results of the cost-benefit analysis in (a) of this subsection;

(ii) Recommendations on how agrivoltaic and green roofs can be integrated into new and existing building code requirements related to stormwater codes, energy codes, and the transition away from natural gas;

(iii) An examination of existing programs at the city and county level in Washington state;

(iv) A description of the policy components and framework for green and agrivoltaic roof policies and related incentive programs; and

(v) Incentive recommendations for building owners who cover more than 50 percent of the roof surface with a green or agrivoltaic roof.

~~((221))~~ \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a community-based organization in Whatcom county for a program that connects local food producers with retail and wholesale consumers.

~~((222))~~ (219) \$60,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to Yakima county to contract with a Yakima-based nonprofit organization to complete the planning and development of a community wildfire protection plan.

~~((223))~~ (220) \$1,091,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5910 (hydrogen). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((224))~~ (221) \$1,637,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5722 (greenhouse gases/

buildings). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((225))~~ (222) \$8,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to build a mapping and forecasting tool that provides locations and information on charging and refueling infrastructure as required in chapter 300, Laws of 2021. The department shall collaborate with the interagency electric vehicle coordinating council established in Engrossed Substitute Senate Bill No. 5974 (transportation resources) when developing the tool and must work to meet benchmarks established in Engrossed Substitute Senate Bill No. 5974 (transportation resources).

~~((226))~~ (223) \$69,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant program for the development of electric vehicle charging infrastructure in rural areas, office buildings, multifamily housing, ports, schools and school districts, and state and local government offices.

(a) Grants in this subsection are provided solely for projects that provide a benefit to the public through development, demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state.

(b) Projects that receive funds under this subsection must be implemented by local governments, federally recognized tribal governments, or by public and private electrical utilities that serve retail customers in the state. Grant funding must be used for level 2 or higher charging infrastructure.

(c) The department must give preference to projects that provide level 3 or higher charging infrastructure.

(d) The department of commerce must coordinate with other electrification programs, including projects the department of transportation is developing, to determine the most effective distribution of the systems. The department must also collaborate with the interagency electric vehicle coordinating council established in Engrossed Substitute Senate Bill No. 5974 (transportation resources) to implement this subsection and must work to meet benchmarks established in Engrossed Substitute Senate Bill No. 5974 (transportation resources).

~~((227))~~ (224) \$37,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to increase solar deployment and installation of battery storage in community buildings to enhance grid resiliency and provide backup power for critical needs, such as plug load and refrigeration for medication, during outages or to provide incentives to support electric utility demand response programs that include customer-sited solar and battery storage systems. Eligible uses of the amounts provided in this subsection include, but are not limited to, planning and predevelopment work with vulnerable, highly impacted, and rural communities. For the purposes of this subsection "community buildings" means K-12 schools, community colleges, community centers, recreation centers, libraries, tribal buildings, government buildings, and other publicly owned infrastructure.

~~((228))~~ (225) \$20,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant program to provide solar and battery storage community solar projects for public assistance organizations serving low-income communities. Eligible uses of the amounts provided in this subsection include, but are not limited to, planning and predevelopment work with vulnerable, highly impacted, and rural communities.

(a) Grants are not to exceed ~~(((\$20,000 per community solar project and are not to exceed))~~ 100 percent of the cost of the project, taking into account any federal tax credits or other federal or nonfederal grants or incentives that the ~~((program))~~ project is benefiting from.

(b) Priority must be given to projects sited on "preferred sites" such as rooftops, structures, existing impervious surfaces, landfills, brownfields, previously developed sites, irrigation canals and ponds, stormwater collection ponds, industrial areas, dual-use solar projects that ensure ongoing agricultural operations, and other sites that do not displace critical habitat or productive farmland.

(c) For the purposes of this subsection "low-income" has the same meaning as provided in RCW 19.405.020 and "community solar project" means a solar energy system that: Has a direct current nameplate capacity that is greater than 12 kilowatts but no greater than ~~((199))~~ 1,000 kilowatts; and has, at minimum, either two subscribers or one low-income service provider subscriber.

~~((229))~~ (226) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5758 (condominium conversions). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((231))~~ (227) \$1,054,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5974 (transportation resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((232))~~ (228) \$200,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a grant to a Tacoma-based automotive museum as businesses assistance to address COVID-19 pandemic impacts to revenues from decreased attendance and loss of other revenue generating opportunities.

~~((233))~~ (229) \$63,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5544 (blockchain



work group). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

((234)) (230) (a) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to develop strategies for cooperation with governmental agencies of Finland, including higher education institutions, and organizations around the following:

(i) 5G connectivity, end-user applications utilizing new connectivity, and 6G;

(ii) Safety, efficiency, and green transformation of ports and other logistics including digitalization and connectivity; and

(iii) Green transformation of transport, including circular economy solutions for batteries.

(b) By June 30, 2023, the department must provide a report on the use of funds in this subsection, any key metrics and deliverables, and any recommendations for further opportunities for collaboration.

(231) \$270,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization headquartered in Mount Vernon for costs to operate and provide homeless services at a low-barrier emergency temporary homeless center located in Burlington.

**Sec. 1115.** 2022 c 297 s 129 (uncodified) is amended to read as follows:

**FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund—State Appropriation (FY 2022)	\$908,000
General Fund—State Appropriation (FY 2023)	(((\$1,001,000))
	<u>\$1,068,000</u>
Lottery Administrative Account—State Appropriation	\$50,000
<b>TOTAL APPROPRIATION</b>	<b>(((\$1,959,000))</b> <b><u>\$2,026,000</u></b>

**Sec. 1116.** 2022 c 297 s 130 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund—State Appropriation (FY 2022)	\$16,482,000
General Fund—State Appropriation (FY 2023)	\$21,640,000
General Fund—Federal Appropriation	\$33,352,000
General Fund—Private/Local Appropriation	(((\$531,000))
	<u>\$923,000</u>
<u>Climate Investment Account—State Appropriation</u>	<u>\$83,000</u>
Economic Development Strategic Reserve Account—State Appropriation	\$333,000
Workforce Education Investment Account—State Appropriation	\$100,000
Personnel Service Account—State Appropriation	\$18,813,000
Higher Education Personnel Services Account—State Appropriation	\$1,497,000
Statewide Information Technology System Development Revolving Account—State Appropriation	\$97,432,000
Office of Financial Management Central Service Account—State Appropriation	\$22,453,000
Statewide Information Technology System Maintenance and Operations Revolving Account—State Appropriation	\$4,609,000
Performance Audits of Government Account—State Appropriation	\$692,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	\$1,560,000
<b>TOTAL APPROPRIATION</b>	<b>(((\$219,494,000))</b> <b><u>\$219,969,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of Washington college grant and college bound recipients;

(ii) Persistence and completion rates of Washington college grant recipients and college bound recipients, disaggregated by institution of higher education;

(iii) Washington college grant recipients grade point averages; and

(iv) Washington college grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(2) \$100,000 of the workforce education investment account—state appropriation is provided solely to the office of financial management to implement career connected learning.

(3) (a) \$97,428,000 of the information technology system development revolving account—state appropriation, \$4,609,000 of the information technology system maintenance and operations revolving account—state appropriation, \$162,000 of the personnel services account—state appropriation, and \$162,000 of the office of financial management central services account—state appropriation are provided solely for the one Washington enterprise resource planning statewide program. Of this amount:

(i) \$7,756,000 of the information technology system development revolving account—state appropriation is provided solely for an organizational change management pool to pay for phase 1A (agency financial reporting system replacement—core financials) state agency organizational change management resources. The office of financial management will manage the pool, authorize funds, and track costs by agency by fiscal month;

(ii) \$22,000,000 of the information technology system development revolving account—state appropriation is provided solely for a technology pool to pay for phase 1A (agency financial reporting system replacement—core financials) state agency costs due to work associated with impacted financial systems and interfaces. The office of financial management will manage the pool, authorize funds, and track costs by agency by fiscal month;

(iii) \$1,326,000 of the information technology system development revolving account—state appropriation is provided solely for three dedicated information technology consultant staff to be contracted from the office of the chief information officer. These staff will work with state agencies to ensure preparation and timely decommission of information technology systems that will no longer be necessary post implementation of phase 1A (agency financial reporting system replacement—core financials);

(iv) \$4,609,000 of the information technology system maintenance and operations revolving account—state appropriation is provided solely for maintenance and operations costs for phase 1A (agency financial reporting system replacement—core financials), which will begin in fiscal year 2023;

(v) \$9,153,000 of the information technology system development revolving account—state appropriation is provided solely for phase 1B (procurement and extended financials) in fiscal year 2023;

(vi) \$162,000 of the personnel services account—state appropriation is provided solely for a dedicated staff for phase 2 (human resources) coordination; and

(vii) \$162,000 of the office of financial management central services account—state appropriation is provided solely for a dedicated staff for phase 3 (budget) coordination.

(b) Beginning July 1, 2021, the office of financial management shall provide written quarterly reports, within 30 calendar days of the end of each fiscal quarter, to legislative fiscal committees and the legislative evaluation and accountability program committee to include how funding was spent compared to the budget spending plan for the prior quarter by fiscal month and what the ensuing quarter budget will be by fiscal month. All reporting must be separated by phase of one Washington subprojects. The written report must also include:

(i) A list of quantifiable deliverables accomplished and the associated expenditures by each deliverable by fiscal month;

(ii) A report on the contract full time equivalent charged compared to the budget spending plan by month for each contracted vendor and what the ensuing contract equivalent budget spending plan assumes by fiscal month;

(iii) A report identifying each state agency that applied for and received organizational change management pool resources, the staffing equivalent used, and the cost by fiscal month by agency compared to budget spending plan;

(iv) A report identifying each state agency that applied for and received technology pool resources, the staffing equivalent used, and the cost by fiscal month by agency compared to the budget spending plan;

(v) A report on budget spending plan by fiscal month by phase compared to actual spending by fiscal month; and

(vi) A report on current financial office performance metrics that at least 10 state agencies use, to include the monthly performance data, starting July 1, 2021.

(c) Prior to spending any funds, the director of financial management must agree to the spending and sign off on the spending.

(d) This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(4) \$250,000 of the office of financial management central services account—state appropriation is provided solely for a dedicated information technology budget staff for the work associated with statewide information technology projects that are under the oversight of the office of the chief information officer. The staff will be responsible for providing a monthly financial report after each fiscal month close to fiscal staff of the senate ways and means and house appropriations committees to reflect at least:

(a) Fund balance of the information technology pool account after each fiscal month close;

(b) Amount by information technology project, differentiated if in the technology pool or the agency budget, of what funding has been approved to date and for the last fiscal month;

(c) Amount by agency of what funding has been approved to date and for the last fiscal month;

(d) Total amount approved to date, differentiated if in the technology pool or the agency budget, and for the last fiscal month;

(e) A projection for the information technology pool account by fiscal month through the 2021-2023 fiscal biennium close, and a calculation spent to date as a percentage of the total appropriation;

(f) A projection of each information technology project spending compared to budget spending plan by fiscal month through the 2021-2023 fiscal biennium, and a calculation of amount spent to date as a percentage of total project cost; and

(g) A list of agencies and projects that have not yet applied for nor been approved for funding by the office of financial management.

(5) \$6,741,000 of the personnel service account—state appropriation is provided solely for administration of orca pass benefits included in the 2021-2023 collective bargaining agreements and provided to nonrepresented employees. The office of financial management must bill each agency for that agency's proportionate share of the cost of orca passes. The payment from each agency must be deposited into the personnel service account and used to purchase orca passes. The office of financial management may consult with the Washington state department of transportation in the administration of these benefits.

(6) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(7)(a) The office of financial management statewide leased facilities oversight team must identify opportunities to reduce statewide leased facility space given the change in business practices since 2020 whereby many state employees were mostly working remotely and may continue to do so going forward, or at least more state employees are anticipated to work remotely than in calendar year 2019.

(b) The office of financial management will work to identify opportunities for downsizing office space and increased collocation by state agencies, especially for any leases that will be up for renewal effective July 1, 2022, through June 30, 2024.

(c) The office of financial management must, in collaboration with the department of enterprise services, identify and make recommendations on reduction in leased office space by agency for fiscal years 2024 and 2025. The analysis must include detailed information on any reduced costs, such as lease contract costs, and include at least:

(i) Agency name;

(ii) Lease contract number and term (start and end date);

(iii) Contract amount by fiscal year; and

(iv) Current and future projected collocated agency tenants.

(d) The office of financial management must submit a report responsive to (a), (b), and (c) of this subsection to fiscal and appropriate policy committees of the legislature by June 30, 2022.

(8) \$105,000 of the general fund—state appropriation for fiscal year 2022 and \$68,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5163 (conditionally released sexually violent predators).

(9) \$79,000 of the general fund—state appropriation for fiscal year 2022 and \$79,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staffing for the sentencing guidelines commission.

(10) \$45,000 of the general fund—state appropriation for fiscal year 2022 and \$113,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the work of the office of financial management to conduct a feasibility study and make recommendations regarding the establishment of a system for streamlining the vacation of criminal conviction records in section 953 of this act.

(11)(a) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of financial management to provide recommendations, as described in (b) of this subsection, on the procedure for providing an equity impact statement for legislative proposals, and content and format requirements for the equity impact statement.

(b) By July 1, 2022, the office of financial management must submit a report to the governor, appropriate committees of the legislature, and statutory commissions that details recommendations on:

(i) The procedure for providing an equity impact statement for legislative proposals;

(ii) The format and content requirements for the equity impact statement;

(iii) A plan, including information technology additions or revisions, necessary to provide equity impact statements;

(iv) Recommendations on which office or agency should be principally responsible for coordinating the provision of equity impact statements with state agencies; and

(v) Recommendations on any policy changes needed to implement the provision of equity impact statements.

(c) For the purpose of implementing this subsection, the office of financial management may contract with an entity or entities that have expertise in equity impact assessments.

(d) The office of financial management must consult with the governor's interagency council on health disparities and the office of equity in developing the procedures, and content and format requirements.

(e) For purposes of this subsection, "statutory commission" means the Washington state commission on African American affairs established in chapter 43.113 RCW, the Washington state commission on Asian Pacific American affairs established in chapter 43.117 RCW, the Washington state commission on Hispanic affairs established in chapter 43.115 RCW, the

Washington state women's commission established in chapter 43.119 RCW, the Washington state LGBTQ commission established in chapter 43.114 RCW, and the human rights commission established in chapter 49.60 RCW. (12) \$785,000 of the general fund—state appropriation for fiscal year 2022 and \$960,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1267 (police use of force).

(13) \$172,000 of the general fund—state appropriation for fiscal year 2022 and \$167,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release).

(14) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of financial management to assist the health care authority, the department of social and health services, and the department of health in coordinating efforts to transform the behavioral health system and improve the collection and availability of data. Within these amounts, the office must provide direction and ensure coordination between state agencies in the forecasting of forensic and long-term civil commitment beds, transition of civil long-term inpatient capacity from state hospital to community settings, and efforts to improve the behavioral health crisis response system. Sufficient funding within this section is provided for the staff support and other costs related to the crisis response improvement strategy committee established in section 104 of Engrossed Second Substitute House Bill No. 1477 (national 988 system).

(15) \$40,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of financial management to review and report on vendor rates for services provided to low-income individuals at the department of children, youth, and families, the department of corrections, and the department of social and health services. ~~((The))~~ A status report must be submitted to the governor and the appropriate committees of the legislature by December 1, 2022. A final report must be submitted to the governor and the appropriate committees of the legislature by April 3, 2023, and must include review of, at least:

- (a) The current rates for services by vendor;
- (b) A history of increases to the rates since fiscal year 2010 by vendor;
- (c) A comparison of how the vendor increases and rates compare to inflation; and
- (d) A summary of the billing methodology for the vendor rates.

(16) \$35,000 of the general fund—state appropriation for fiscal year 2022 and \$86,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1867 (dual credit program data). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(17)(a) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with a third-party facilitator to convene an applicant background check work group. The purpose of the work group is to review existing requirements and processes for conducting applicant background checks for impacted individuals, and to provide a feasibility study and implementation plan for establishing a state office to centrally manage criminal background check processes for impacted individuals.

(b) For the purposes of this subsection, "impacted individuals" means applicants for state employment, current state employees, and individuals for whom an applicant background check is required as a condition of employment or to provide state services, including but not limited to individuals subject to the requirements of RCW 26.44.240, 28A.400.303, 43.43.830 through 43.43.845, 43.101.095, 43.216.270, 74.15.030, and 74.39A.056.

(c) The director of the office, or the director's designee, must chair the work group. The chair must appoint representatives to the work group including but not limited to:

- (i) A representative of the department of social and health services;
- (ii) A representative of the department of children, youth, and families;
- (iii) A representative of the Washington state patrol;
- (iv) A representative of the department of corrections;
- (v) A representative of the office of the superintendent of public instruction; and
- (vi) Other state agency representatives or representatives of interested parties, at the discretion of the chair, who have expertise in topics considered by the work group.

(d) By December 1, 2022, the work group must submit a preliminary feasibility study and implementation plan for a state central background check office to the governor and appropriate committees of the legislature. By June 1, 2023, the work group must submit a final feasibility study and implementation plan to the governor and appropriate committees of the legislature. In developing the feasibility study and implementation plan, the work group must include the following:

(i) A review of current background check requirements and processes for impacted individuals, including:

(A) A list of all state positions and purposes that require a criminal background check as a condition of employment, certification, licensure, or unsupervised access to vulnerable persons;

(B) An analysis of any "character, suitability, and competence" components that are required in addition to an applicant background check, including whether such components are warranted and whether they result in unrealistic and unnecessary barriers or result in disproportionate negative outcomes for members of historically disadvantaged communities; and

(C) A review of current costs of applicant background checks for state agencies and impacted individuals, including a comparison of current vendor contracts for fingerprint background checks; and

(ii) A proposal and implementation plan to establish a central state office to manage applicant background check processes. In developing the proposal, the work group must consider policy and budgetary factors including, but not limited to:

(A) Cost structure and sharing for impacted agencies, including any cost savings that may occur from transitioning to a centralized criminal background check process;

(B) Information technology needs for the new office and individual agencies, including any necessary information sharing agreements;

(C) Staffing;

(D) Comparable solutions and processes in other states;

(E) Potential usage of the federal rap back system, including steps necessary to join the system and associated costs and benefits;

(F) Processes and considerations to make criminal background check results portable for impacted individuals;

(G) Steps necessary to meet federal regulatory requirements and ensure federal approval of state criminal background check processes;

(H) The impact of the proposed process changes for impacted individuals who are members of historically disadvantaged populations; and

(I) Any statutory changes that may be necessary to ensure clarity and consistency.

(18) \$337,000 of the general fund—state appropriation for fiscal year 2022, \$763,000 of the general fund—state appropriation for fiscal year 2023, and \$1,560,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for staff and contract costs to conduct activities related to the receipt, coordination, and tracking of federal funds.

(19) \$193,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5847 (public employee PSLF info.). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(20) \$20,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of financial management to conduct a comprehensive study on student access to health care, including behavioral health care, at Washington's public institutions of higher education. The comprehensive study must also include students enrolled in state registered apprenticeship programs. The study must be conducted in collaboration with the health benefit exchange, the health care authority, the state board for community and technical colleges, the council of presidents, and the student achievement council.

(a) The community and technical colleges and the four-year institutions of higher education will make the following data for the 2022–23 academic year available to the office of financial management, the state board of community and technical colleges, and the student achievement council:

(i) The health insurance status of enrolled students;

(ii) The minimum requirements for enrolled students related to health insurance coverage;

(iii) Health insurance or health care coverage options available from the school;

(iv) A description of health care services and facilities available on campus for students, including type of providers, and ways students can access these services;

(v) Out-of-pocket costs associated with accessing or using on-campus health care services and facilities;

(vi) Student demographic information regarding utilization of on-campus health care services and facilities;

(vii) Barriers to accessing on-campus health care services and facilities;

(viii) How the college or university helps students obtain health care services not offered on campus; and

(ix) Information related to partnerships with off-campus health care providers or facilities to provide services to currently enrolled students.

(b) The office of financial management shall make reasonable efforts to provide the following information:

(i) The health insurance status of students enrolled in the 2022–23 academic year;

(ii) The minimum level of health insurance coverage, if any, community and technical colleges and four-year institutions of higher education require for students;

(iii) The types of health insurance schools provide for enrolled students;

(iv) The types of health care services available on campus, including primary care and specialty care, such as emergency services and behavioral health care resources;

(v) A description of health care services available in the communities around campuses, including emergency services and behavioral health providers;

(vi) Data collection gaps that exist related to student health insurance coverage and utilization of health care resources;

(vii) On-campus primary care and specialty care services that are common on school campuses; and

(viii) Other important information in addressing health insurance access and care for students at public institutions of higher education, including issues around equity.

(c) The legislature expects the office of financial management to submit a report to the appropriate health and education committees of the legislature. The final report must include a summary of the data reviewed by the office, including information specific to each type of campus and school, when available, and recommendations for the legislature and public

institutions of higher education for improving student health care coverage and access to health care services, including for students enrolled in state registered apprenticeship programs.

(21) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5649 (family and medical leave). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(22) (a) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$201,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to evaluate the effectiveness, utilization, and outcomes of the voluntary incentive programs for landowners and of existing regulatory programs responsible for protecting and restoring areas along streams and rivers toward achieving a science-based standard for a fully functioning riparian ecosystem. To accomplish the evaluation, the office must:

(i) Contract with an independent entity for the analysis. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW; and

(ii) Assist agencies with funding and advice to gather and provide the data necessary for the analysis.

(b) A preliminary report is due to the governor and the appropriate committees of the legislature by September 1, 2022, to inform the development of recommendations to be contained in a final report due by December 1, 2022.

(23) \$1,326,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for additional staff for information technology and payroll support for the office of independent investigations, which was created by chapter 318, Laws of 2021 (Engrossed Substitute House Bill No. 1267).

(24) Within existing resources, the education research and data center shall submit to the student achievement council the data received from institutions of higher education as described in RCW 28B.118.090. The data shall be submitted by June 30, 2022, and June 30, 2023, and include the most recent data received from institutions of higher education.

(25) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5793 (state boards, etc./ stipends). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(26) \$83,000 of the climate investment account—state appropriation is provided solely for the agency to complete an analysis of laws regulating greenhouse gas emission as required by RCW 70A.65.200(10).

**Sec. 1117.** 2022 c 297 s 133 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund—State Appropriation (FY 2022)	\$538,000
General Fund—State Appropriation (FY 2023)	(((\$694,000))
	<u>\$534,000</u>
TOTAL APPROPRIATION	(((\$1,232,000))
	<u>\$1,072,000</u>

**Sec. 1118.** 2022 c 297 s 134 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2022)	\$585,000
General Fund—State Appropriation (FY 2023)	(((\$1,350,000))
	<u>\$1,190,000</u>
TOTAL APPROPRIATION	(((\$1,935,000))
	<u>\$1,775,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission on African American affairs to contract with a Washington state based organization that focuses on the health of African Americans to conduct a Black community health needs assessment. The assessment must include the following activities:

(i) Lead and produce a statewide community assets mapping project to identify institutions, providers, and nongovernmental organizations that contribute to or have impact on Black well-being;

(ii) Collect and organize Black community health needs data and information; and

(iii) Identify priorities for additional phases of work.

(b) By June 30, 2023, the commission shall submit a report to the legislature with findings and recommended solutions that will inform the structure and establishment of an African American health board network.

**Sec. 1119.** 2022 c 297 s 135 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS**

General Fund—State Appropriation (FY 2023)	\$609,000
Department of Retirement Systems Expense Account—	
State Appropriation	(((\$74,308,000))

	<u>\$74,618,000</u>
TOTAL APPROPRIATION.....	<u>(\$74,917,000)</u>
	<u>\$75,227,000</u>

The appropriations in this section (~~is~~)are subject to the following conditions and limitations:

- (1) \$6,007,000 of the department of retirement systems expense account—state appropriation is provided solely for pension system modernization, and is subject to the conditions, limitations, and review requirements of section 701 of this act.
- (2) \$619,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Senate Bill No. 5367 (inactive retirement accounts).
- (3) \$7,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5399 (universal health care commission).
- (4) \$286,000 of the department of retirement systems—state appropriation is provided solely for implementation of Senate Bill No. 5021 (effects of expenditure reduction).
- (5) \$48,000 of the department of retirement systems—state appropriation is provided solely for implementation of Senate Bill No. 5676 (PERS/TRS 1 benefit increase). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.
- (6) \$82,000 of the department of retirement systems—state appropriation is provided solely for implementation of House Bill No. 1669 (PSERS disability benefits). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.
- (7) \$609,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to implement a Roth individual retirement plan option in the deferred compensation program, including implementation of Engrossed House Bill No. 1752 (deferred compensation/Roth).
- (8) \$310,000 of the department of retirement systems—state appropriation is provided solely for implementation of chapter 110, Laws of 2022 (work in retirement/schools).

**Sec. 1120.** 2022 c 297 s 136 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF REVENUE**

General Fund—State Appropriation (FY 2022) . . . . .	(( <del>\$172,407,000</del> ))
	<u>\$172,339,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$415,510,000</del> ))
	<u>\$404,500,000</u>
Timber Tax Distribution Account—State Appropriation . . . . .	\$7,616,000
Business License Account—State Appropriation . . . . .	\$21,071,000
Waste Reduction, Recycling, and Litter Control Account—State Appropriation . . . . .	\$173,000
Model Toxics Control Operating Account—State Appropriation . . . . .	\$119,000
Financial Services Regulation Account—State Appropriation . . . . .	\$5,000,000
TOTAL APPROPRIATION.....	(( <del>\$621,896,000</del> ))
	<u>\$610,818,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,056,000 of the general fund—state appropriation for fiscal year 2022 and \$409,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement 2021 revenue legislation.
- (2)(a) \$1,303,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to facilitate a tax structure work group, initially created within chapter 1, Laws of 2017 3rd sp. sess. (SSB 5883) and hereby reauthorized.
  - (b)(i) Members serving on the tax structure work group as of the effective date of this section may continue serving on the work group. Any member not wishing to continue serving on the tax structure work group must provide written notice to the work group and the vacancy must be filled as provided in (c) of this subsection.
    - (ii) The work group must include the following voting members:
      - (A) The president of the senate must appoint two members from each of the two largest caucuses of the senate;
      - (B) The speaker of the house of representatives must appoint two members from each of the two largest caucuses of the house of representatives; and
      - (C) The governor must appoint one member who represents the office of the governor.
    - (iii) The work group must include the following nonvoting members:
      - (A) One representative of the department of revenue;
      - (B) One representative of the association of Washington cities; and
      - (C) One representative of the Washington state association of counties.
  - (c) Elected officials not reelected to their respective offices may be relieved of their responsibilities on the tax structure work group. Vacancies on the tax structure work group must be filled within 60 days of notice of the vacancy. The work group must choose a chair or cochair from among its legislative membership. The chair is, or cochair is, responsible for convening the meetings of the work group no less than quarterly each year. Recommendations of the work group may be approved by a simple majority vote. All work group

members may have a representative attend meetings of the tax structure work group in lieu of the member, but voting by proxy is not permitted. Staff support for the work group must be provided by the department. The department may engage one or more outside consultants to assist in providing support for the work group. Members of the work group must serve without compensation but may be reimbursed for travel expenses under RCW 44.04.120, 43.03.050, and 43.03.060.

(d) The duties of the work group are to:

(i) By December 1, 2019, convene no less than one meeting to elect a chair, or cochair, and conduct other business of the work group;

(ii) By December 31, 2020, the department and technical advisory group must prepare a summary report of their preliminary findings and alternatives described in (f) of this subsection;

(iii) By May 31, 2021, the work group must:

(A) Hold no less than one meeting in Olympia or virtually to review the preliminary findings described in (f) of this subsection. At least one meeting must engage stakeholder groups, as described in (e)(i) of this subsection;

(B) Begin to plan strategies to engage taxpayers and key stakeholder groups to encourage participation in the public meetings described in (f) of this subsection;

(C) Present the summary report described in (d)(ii) of this subsection in compliance with RCW 43.01.036 to the appropriate committees of the legislature;

(D) Be available to deliver a presentation to the appropriate committees of the legislature including the elements described in (e)(ii) of this subsection; and

(E) Finalize the logistics of the engagement strategies described in (d)(iv) of this subsection;

(iv) After the conclusion of the 2021 legislative session, the work group must:

(A) Hold no less than five public meetings organized by geographic region (in person or online) with special consideration for regional geographies throughout the state, rural areas, and border communities;

(B) Participate in no less than 10 existing meetings of various associations, community-based organizations, nonprofits, and similar groups in order to engage low-income and middle-income taxpayers, communities of color, senior citizens, and people with disabilities;

(C) Participate in no less than 10 existing meetings of various business and agricultural associations, chambers of commerce, ports, associate development organizations, and similar groups in order to engage small, start-up, and low-margin businesses, and other businesses;

(D) Hold no less than three listening sessions in a language other than English to engage taxpayers who speak languages including, but not limited to, Spanish, Vietnamese, Russian, and Somali;

(E) Present the findings described in (f) of this subsection and alternatives to the state's current tax structure at the public meetings utilizing a range of methods that account for different learning styles including, but not limited to, written documents, videos, animations, and graphics;

(F) Provide an opportunity at the public and other meetings for taxpayers to engage in a conversation about the state tax structure including, but not limited to, providing feedback on possible recommendations for changes to the state tax structure and asking questions about the report and findings and alternatives to the state's current tax structure presented by the work group;

(G) Utilize methods to collect taxpayer feedback before, during, or after the public meetings that may include, but is not limited to: Small group discussions, in-person written surveys, in-person visual surveys, online surveys, written testimony, and public testimony;

(H) Encourage legislators to inform their constituents about the public meetings that occur within and near their legislative districts (whether in person or online);

(I) Inform local elected officials about the public meetings that occur within and near their communities (whether in person or online);

(J) Summarize the feedback that taxpayers and other stakeholders communicated during the public meetings and other public engagement methods, and submit a final summary report, in accordance with RCW 43.01.036, to the appropriate committees of the legislature. This report may be submitted as an appendix or update to the summary report described in (d)(ii) of this subsection; and

(K) To the degree it is practicable, conduct analysis of the current tax structure and proposed alternatives to estimate the impact on taxpayers, including tax paid as a share of household income for various racial and ethnic groups as reported in the most current census data available, American community survey, or other similar data sources;

(v) During the 2022 legislative session, the work group must:

(A) Present the findings and reports described in (d)(ii) of this subsection to the appropriate committees of the legislature; and

(B) Be available to deliver a presentation to or participate in a work session for the appropriate committees of the legislature, or both;

(vi) Between the conclusion of the 2022 legislative session and December 31, 2022, the work group is directed to finalize policy recommendations and develop legislation to implement modifications to the tax structure, informed by the findings described in (d)(ii) of this subsection and the feedback received from taxpayers as reflected in the report described in (d)(iv) of this subsection. Legislative proposals recommended by the work group may not collectively result in a loss of revenue to the state as compared to the November 2022 biennial revenue forecast published by the economic and revenue forecast council. In making the recommendations, the work group must be guided by the following principles for a well designed tax system: Equity, adequacy, stability, and transparency;



- (vii) During the 2023 legislative session, it is the intent of the legislature to consider the proposal described in (d)(vi) of this subsection;
- (viii) If the proposal is not adopted during the 2023 legislative session, the work group is directed to host no less than three public meetings to collect feedback on the legislation proposed in the 2023 session, and may also collect feedback on other proposals under consideration by the work group, subject to the availability of funds in the 2023-2025 biennial budget. The work group is directed to modify the proposal to address the feedback collected during the public meetings;
- (ix) During the 2024 legislative session, it is the intent of the legislature to consider the modified proposal described in (d)(iv) of this subsection; and
- (x) By December 31, 2024, subject to the availability of funds in the 2023-2025 biennial budget, the work group is directed to submit a final report that is a compilation of all other reports previously submitted since July 1, 2019, and may include additional content to summarize final activities of the tax structure work group and related legislation, in compliance with RCW 43.01.036, to the appropriate committees of the legislature.
- (e)(i) The stakeholder groups referenced by (d)(iii)(A) of this subsection must include, at a minimum, organizations and individuals representing the following:
- (A) Small, start-up, or low-margin business owners and employees or associations expressly dedicated to representing these businesses, or both; and
- (B) Individual taxpayers with income at or below 100 percent of area median income in their county of residence or organizations expressly dedicated to representing low-income and middle-income taxpayers, or both;
- (ii) The presentation referenced in (d)(iii)(D) of this subsection must include the following elements:
- (A) The findings and alternatives included in the summary report described in (d)(ii) of this subsection; and
- (B) The preliminary plan to engage taxpayers directly in a robust conversation about the state's tax structure, including presenting the findings described in (f) of this subsection and alternatives to the state's current tax structure, and collecting feedback to inform development of recommendations.
- (f) The duties of the department, with assistance of one or more technical advisory groups, are to:
- (i) With respect to the final report of findings and alternatives submitted by the Washington state tax structure study committee to the legislature under section 138, chapter 7, Laws of 2001 2nd sp. sess.:
- (A) Update the data and research that informed the recommendations and other analysis contained in the final report;
- (B) Estimate how much revenue all the revenue replacement alternatives recommended in the final report would have generated for the 2017-2019 fiscal biennium if the state had implemented the alternatives on January 1, 2003;
- (C) Estimate the tax rates necessary to implement all recommended revenue replacement alternatives in order to achieve the revenues generated during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council;
- (D) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities, for (f)(i)(B) and (C) of this subsection; and
- (E) Estimate how much revenue would have been generated in the 2017-2019 fiscal biennium if the incremental revenue alternatives recommended in the final report would have been implemented on January 1, 2003, excluding any recommendations implemented before May 21, 2019;
- (ii) With respect to the recommendations in the final report of the 2018 tax structure work group:
- (A) Conduct economic modeling or comparable analysis of replacing the business and occupation tax with an alternative, such as corporate income tax or margins tax, and estimate the impact on taxpayers, such as tax paid as a share of total business revenue for various business activities, assuming the same revenues generated by business and occupation taxes during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and
- (B) Estimate how much revenue would have been generated for the 2017-2019 fiscal biennium if the one percent revenue growth limit on regular property taxes was replaced with a limit based on population growth and inflation if the state had implemented this policy on January 1, 2003;
- (iii) Analyze our economic competitiveness with border states:
- (A) Estimate the revenues that would have been generated during the 2017-2019 fiscal biennium, had Washington adopted the tax structure of those states, assuming the economic tax base for the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and
- (B) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities for (f)(iii)(A) of this subsection;
- (iv) Analyze our economic competitiveness in the context of a national and global economy, provide comparisons of the effective state and local tax rate of the tax structure during the 2017-2019 fiscal biennium and various alternatives under consideration, as they compare to other states and the federal government, as well as consider implications of recent changes to federal tax law;

(v) Conduct, to the degree it is practicable, tax incidence analysis of the various alternatives under consideration to account for the impacts of tax shifting, such as business taxes passed along to consumers and property taxes passed along to renters;

(vi) Present findings and alternatives, to the degree it is practicable, by geographic area, in addition to statewide; and

(vii) Conduct other analysis as directed by the work group.

(3) \$292,000 of the general fund—state appropriation for fiscal year 2022 and \$162,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 4, Laws of 2021 (SHB 1095) (emergency assistance/tax).

(4) \$212,000 of the general fund—state appropriation for fiscal year 2022 and \$33,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1477 (national 988 system).

(5) \$213,000 of the general fund—state appropriation for fiscal year 2022 and \$55,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5000 (hydrogen/electric vehicles).

(6) \$2,489,000 of the general fund—state appropriation for fiscal year 2022 and \$4,189,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5096 (capital gains tax).

(7) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$11,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Senate Bill No. 5220 (salmon recovery grants/tax).

(8) \$7,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5251 (tax and revenue laws).

(9) \$115,000 of the general fund—state appropriation for fiscal year 2022 and \$44,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5396 (farmworker housing/tax).

(10) \$97,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1480 (liquor licensee privileges).

(11) \$4,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Senate Bill No. 5454 (prop. tax/natural disasters).

(12) \$5,567,000 of the general fund—state appropriation for fiscal year 2022 and \$245,997,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1297 (working families tax exempt.). Of the total amounts provided in this subsection:

(a) \$5,567,000 of the general fund—state appropriation for fiscal year 2022 and \$13,997,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for administration of the working families tax exemption program; and

(b) (~~(\$232,000,000)~~)\$221,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for remittances under the working families tax exemption program.

(13) From within the department's administrative expenditures from the unclaimed personal property account, the department must provide a report by December 1, 2022, to the governor and the legislature on the unclaimed property program. The report must include:

(a) Annual data for the years 2012 through 2022, that includes:

(i) The number of items of unclaimed property received by the program and the number of holders of unclaimed property who submitted items to the program; and

(ii) The top 10 holders who submitted unclaimed property and the percentage of those holders' submissions that have been subsequently claimed;

(b) Historic data since the inception of the program that shows:

(i) The cumulative number of all unclaimed property items and the aggregate, median, and mean value of those items at the end of each calendar year;

(ii) The annual number of unclaimed property items valued at less than \$75 and the percentage of these items for which the department made contact with a claimant that year; and

(iii) The annual number of direct mail contacts to prospective claimants made by the department and the resulting number of claims made within the following three months; and

(c) Customer service data for the period of December 1, 2020, through December 1, 2022, that includes:

(i) The average length of time between a claim was filed and when it was paid;

(ii) The number and percentage of claims initiated online but not able to be paid to the claimant and the reasons, by percentage, for the failure to successfully pay the claim; and

(iii) The monthly website traffic for the unclaimed property website.

(14) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement 2022 revenue legislation. Funding in this subsection is sufficient to implement legislation for which the department has administrative costs.

(15) \$146,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(16) \$108,000 of the general fund—state appropriation for fiscal year 2022 and \$157,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute House Bill No. 1015 (equitable access to credit). If

the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(17) \$141,000 of the general fund—state appropriation for fiscal year 2022 and \$190,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Substitute House Bill No. 1643 (affordable housing/REET). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(18) \$197,000 of the general fund—state appropriation for fiscal year 2022 and \$245,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Substitute House Bill No. 1846 (data centers tax preference). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(19) \$433,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement Engrossed Substitute Senate Bill No. 5531 (uniform unclaimed property). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(20) \$617,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the agency to relocate staff in the Bothell office to a more affordable location that has a lower lease cost than the current facility.

((22)) (21) \$189,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement Engrossed Substitute Senate Bill No. 5980 (B&O tax credits). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1121.** 2022 c 297 s 137 (uncodified) is amended to read as follows:

**FOR THE BOARD OF TAX APPEALS**

General Fund—State Appropriation (FY 2022)	\$2,621,000
General Fund—State Appropriation (FY 2023)	<del>(\$2,721,000)</del>
	<u>\$2,776,000</u>
<b>TOTAL APPROPRIATION</b>	<b><del>(\$5,342,000)</del></b>
	<b><u>\$5,397,000</u></b>

**Sec. 1122.** 2022 c 297 s 141 (uncodified) is amended to read as follows:

**FOR THE LIQUOR AND CANNABIS BOARD**

General Fund—State Appropriation (FY 2022)	\$407,000
General Fund—State Appropriation (FY 2023)	<del>(\$1,612,000)</del>
	<u>\$1,277,000</u>
General Fund—Federal Appropriation	\$3,083,000
General Fund—Private/Local Appropriation	\$75,000
Dedicated Marijuana Account—State Appropriation (FY 2022)	\$11,846,000
Dedicated Marijuana Account—State Appropriation (FY 2023)	\$12,500,000
Liquor Revolving Account—State Appropriation	<del>(\$100,265,000)</del>
	<u>\$91,934,000</u>
<b>TOTAL APPROPRIATION</b>	<b><del>(\$129,788,000)</del></b>
	<b><u>\$121,122,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The liquor and cannabis board may require electronic payment of the cannabis excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(2) Of the liquor revolving account—state appropriation, ~~(\$20,754,000)~~ \$13,754,000 is provided solely for the modernization of regulatory systems and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) \$1,441,000 of the liquor revolving account—state appropriation is provided solely for the implementation of chapter 48, Laws of 2021 (E2SHB 1480) (liquor licensee privileges).

(4) \$58,000 of the liquor revolving account—state appropriation is provided solely for the implementation of chapter 6, Laws of 2021 (ESSB 5272) (liquor & cannabis board fees).

(5) \$38,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 is provided solely to implement Engrossed Substitute House Bill No. 1443 (cannabis industry/equity).

(6) \$316,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementing House Bill No. 1859 (cannabis analysis labs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(7) \$20,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 is provided solely for implementing Second Substitute House Bill No. 1210 (cannabis terminology). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(8) The appropriations in this section include sufficient funding for implementation of Third Substitute House Bill No. 1359 (liquor license fees).

(9) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the board, in consultation with the office of equity and community organizations, to select a third-party contractor to prioritize applicants in the cannabis social equity program under RCW 69.50.335.

((+12)) (10) \$27,000 of the liquor revolving account—state appropriation is provided solely for implementation of Senate Bill No. 5940 (liquor licenses). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

((+13)) (11) \$123,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5796 (dedicated cannabis distributions).

**Sec. 1123.** 2022 c 297 s 142 (uncodified) is amended to read as follows:

**FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

General Fund—State Appropriation (FY 2022)	\$515,000
General Fund—State Appropriation (FY 2023)	(((\$1,502,000))
	<u>\$1,210,000</u>
General Fund—Private/Local Appropriation	(((\$8,564,000))
	<u>\$8,081,000</u>
Public Service Revolving Account—State Appropriation	(((\$44,196,000))
	<u>\$44,256,000</u>
Public Service Revolving Account—Federal Appropriation	\$100,000
Pipeline Safety Account—State Appropriation	(((\$3,593,000))
	<u>\$3,537,000</u>
Pipeline Safety Account—Federal Appropriation	\$3,241,000
<b>TOTAL APPROPRIATION</b>	<b>(((\$61,711,000))</b>
	<b><u>\$60,940,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$800,000 of the public service revolving account—state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

(2) \$137,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act).

(3) \$179,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5295 (gas & electric rates).

(4) (a) \$251,000 of the general fund—state appropriation for fiscal year 2022 and \$199,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to examine feasible and practical pathways for investor-owned electric and natural gas utilities to contribute their share to greenhouse gas emissions reductions as described in RCW 70A.45.020, and the impacts of energy decarbonization on residential and commercial customers and the electrical and natural gas utilities that serve them.

(b) The examination required in (a) of this subsection must identify and consider:

(i) How natural gas utilities can decarbonize;

(ii) The impacts of increased electrification on the ability of electric utilities to deliver services to current natural gas customers reliably and affordably;

(iii) The ability of electric utilities to procure and deliver electric power to reliably meet that load;

(iv) The impact on regional electric system resource adequacy, and the transmission and distribution infrastructure requirements for such a transition;

(v) The costs and benefits to residential and commercial customers, including environmental, health, and economic benefits;

(vi) Equity considerations and impacts to low-income customers and highly impacted communities; and

(vii) Potential regulatory policy changes to facilitate decarbonization of the services that gas companies provide while ensuring customer rates are fair, just, reasonable, and sufficient.

(c) The commission may require data and analysis from investor-owned natural gas and electric utilities, and consumer owned utilities may submit data to the commission to inform the investigation. The results of the examination must be reported to the appropriate legislative committees by June 1, 2023.

(5) \$76,000 of the public service revolving account—state appropriation is provided solely to implement Engrossed Third Substitute House Bill No. 1091 (transportation fuel/ carbon).

(6) \$36,000 of the public service revolving account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1114 (urban heat island mitigation).

(7) \$667,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1723 (digital equity act). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(8) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the commission to coordinate with the office of the insurance commissioner to

study the issue of utility liability insurance and report its findings to the governor and the appropriate committees of the legislature by June 1, 2023.

(9) \$68,000 of the public service revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5974 (transportation resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(10) \$92,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5678 (energy project orders). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(11) ~~(\$358,000)~~ \$202,000 of the general fund—state appropriation for fiscal year 2023 and ~~(\$56,000 of the pipeline safety account—state appropriation)~~ \$60,000 of the public service revolving account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5910 (hydrogen). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

**Sec. 1124.** 2022 c 297 s 143 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund—State Appropriation (FY 2022)	\$10,422,000
General Fund—State Appropriation (FY 2023)	\$13,291,000
General Fund—Federal Appropriation	\$132,559,000
Enhanced 911 Account—State Appropriation	\$54,034,000
Disaster Response Account—State Appropriation	<del>(\$75,553,000)</del>
	\$63,546,000
Disaster Response Account—Federal Appropriation	<del>(\$1,068,847,000)</del>
	\$1,668,646,000
Military Department Rent and Lease Account—State Appropriation	\$1,000,000
Military Department Active State Service Account— State Appropriation	\$400,000
Oil Spill Prevention Account—State Appropriation	\$1,040,000
Worker and Community Right to Know Fund—State Appropriation	\$1,919,000
<b>TOTAL APPROPRIATION</b>	<del>(\$1,359,065,000)</del>
	<b>\$1,946,857,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees by February 1st and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2021-2023 biennium based on current revenue and expenditure patterns.

(2) \$40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) \$11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.

(4) \$784,000 of the disaster response account—state appropriation is provided solely for fire suppression training, equipment, and supporting costs to national guard soldiers and airmen.

(5) \$200,000 of the military department rental and lease account—state appropriation is provided solely for maintenance staff.

(6) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$700,000 of the disaster response account—state appropriation are provided solely for grants to assist eligible individuals and families with the purchase of household appliances, home repair, and home replacement including construction, building materials, site preparation, and permitting fees. The maximum grant to an eligible individual or household is \$2,500. Grants will be awarded on a first-come, first-serve basis subject to availability of amounts provided in this subsection. For purposes of this subsection, "household appliance" means a machine that assists with household functions such as cooking, cleaning and food preservation. To be eligible, an individual or family must:

(a) Be a resident of Douglas, Okanogan, Pierce, or Whitman county;

(b) Have suffered damage to their home or was displaced from a rental unit used as their primary residence due to a wildfire occurring in fiscal year 2021;

(c) Not have or have inadequate private insurance to cover the cost of household appliance replacement;

(d) Not qualify for individual assistance through the federal emergency management agency; and

(e) Meet one of the following criteria:

(i) Is disabled;

(ii) Has a household income equal to or less than 80 percent of county median household income;

(iii) The home qualified for the property tax exemption program in RCW 84.36.379 through 84.36.389; or

(iv) The home qualified for the property tax deferral program in chapter 84.38 RCW.

(7) \$2,136,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to administer the emergency management performance grants according to federal laws and guidelines.

(8) \$3,808,000 of the disaster response account—state appropriation and \$46,039,000 of the disaster response account—federal appropriation are provided solely for agency costs for acquiring personal protective equipment as listed in LEAP omnibus document 2021-FEMA PPE, dated April 24, 2021. The department must coordinate with the agencies who have costs listed in LEAP omnibus document 2021-FEMA PPE, dated April 24, 2021, to ensure application to the federal emergency management agency for reimbursement.

(9) (a) \$251,000 of the general fund—state appropriation for fiscal year 2022 and \$775,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the military department to facilitate a task force to conduct a comprehensive after-action review of the statewide pandemic response and recovery.

(b) The task force is composed of the following members:

(i) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(ii) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(iii) The secretary of the department of health, or the secretary's designee;

(iv) The adjutant general of the military department, or the adjutant general's designee;

(v) The commissioner of the employment security department, or the commissioner's designee;

(vi) The director of the department of financial institutions, or the director's designee;

(vii) The insurance commissioner, or the commissioner's designee;

(viii) The secretary of the department of social and health services, or the secretary's designee;

(ix) The superintendent of public instruction, or the superintendent's designee;

(x) The director of the department of labor and industries, or the director's designee;

(xi) The director of the department of commerce, or the director's designee;

(xii) The director of the department of enterprise services, or the director's designee;

(xiii) The secretary of the department of transportation, or the secretary's designee;

(xiv) The director of the department of licensing, or the director's designee;

(xv) The director of the office of financial management, or the director's designee;

(xvi) The director of the health care authority, or the director's designee;

(xvii) The executive director of the pharmacy quality assurance commission, or the executive director's designee;

(xviii) One member representing the Washington association of sheriffs and police chiefs;

(xix) One member representing the association of Washington businesses; and

(xx) Additional members to be appointed by the governor, as follows:

(A) One member representing the office of the governor;

(B) One member representing the association of Washington cities;

(C) One member representing the Washington state association of counties;

(D) One member representing emergency and transitional housing providers;

(E) One member representing a statewide association representing physicians;

(F) One member representing a statewide association representing nurses;

(G) One member representing a statewide association representing hospitals;

(H) One member representing community health centers;

(I) Two members representing local public health officials;

(J) Two members representing local emergency management agencies, one member located west of the crest of the Cascade mountains and one member located east of the crest of the Cascade mountains;

(K) At least one member representing federally recognized tribes;

(L) Up to 10 members representing demographic groups that have been disproportionately impacted by the COVID-19 pandemic, that include, but are not limited to, individuals of different race, class, gender, ethnicity, and immigration status;

(M) One member representing leisure and hospitality industries;

(N) One member representing education services; and

(O) One member representing manufacturing and trade industries.

(c) The adjutant general, or the adjutant general's designee, and the secretary of the department of health, or the secretary's designee, shall cochair the task force and convene its initial meeting.

(d) (i) The task force shall conduct the comprehensive after-action review of the COVID-19 pandemic response in accordance with established national standards for emergency or disaster after-action reviews. In order to improve the response to and recovery from future pandemics, the task force shall develop lessons learned and make recommendations that include, but are not limited to, the following:

(A) Aspects of the COVID-19 response that may inform future pandemic and all-hazards responses;

(B) Emergency responses that would benefit the business community and workers during a pandemic;

(C) Standards regarding flexible rent and repayment plans for residential and commercial tenants during a pandemic;

(D) Whether establishing regional emergency management agencies would benefit Washington state emergency response to future pandemics;

(E) Gaps and needs for volunteers to support medical professionals in performing their pandemic emergency response functions within Washington state;

(F) Gaps and needs for tools to measure the scale of an impact caused by a pandemic and tailoring the pandemic response to affected regions based on the scale of the impact in those regions;

(G) Gaps and needs in health care system capacity and case tracking, monitoring, control, isolation and quarantine, and deploying medical supplies and personnel; and

(H) Implementing guidelines for school closures during a pandemic.

(ii) The topics identified in (i) of this subsection (9)(d) are intended to be illustrative but not exhaustive. The task force should consider issues relating to equity, disparities, and discrimination in each topic it studies and for which it makes recommendations.

(e) The military department must provide staff support for the task force. The military department may employ staff and contracted support to fulfill the requirements of this subsection.

(f) The task force shall consult with owners of small businesses, epidemiologists, and representatives of immigrant communities.

(g) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses in accordance with chapter 43.03 RCW.

(h) The task force shall report its initial findings and recommendations to the governor and the appropriate committees of the legislature by June 30, 2022. The task force shall report its final findings and recommendations to the governor and the appropriate committees of the legislature by June 30, 2023.

(10)(a) Within amounts appropriated in this act, the department must coordinate with the department of commerce in the administration of the grant program created in section 129(88) of this act.

(b) If the federal emergency management agency provides reimbursement for any portion of the costs incurred by a city or county that were paid for using state grant funding provided under section 129(88) of this act, the military department shall remit the reimbursed funds to the state general fund.

(c) The department must provide technical assistance for the public assistance program application process to applicants to the grant program created in section 129(88) of this act.

(11) \$438,000 of the disaster response account—state appropriation is provided solely for a dedicated access and functional needs program manager, access and functional need services, and a dedicated tribal liaison to assist with disaster preparedness and response.

(12) \$275,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide a grant to the Ruckelshaus center to compare traditional decision making systems with other decision making structures and provide recommendations for future emergency responses.

(13) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract for the development of a plan for a state-level disaster individual assistance program. The program should be modeled after successful programs in other states and be linked to complimentary programs at agencies such as the departments of commerce and social and health services, and the office of the governor. The fully developed program will detail the establishment, operations, and maintenance of a state-level disaster individual assistance program. A report detailing findings and recommendations for creating the program shall be delivered to the appropriate legislative committees by June 30, 2023.

(14) \$15,000 of the enhanced 911 account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5555 (safety telecommunicators). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(15) \$7,500,000 of the disaster response account—state appropriation is provided solely for the department to make grants for individual assistance to those impacted by extreme weather events and natural disasters in fiscal year 2022 and fiscal year 2023.

(16) ~~(\$4,853,000)~~ \$816,000 of the disaster response account—state appropriation is provided solely for the department to use as matching funds for the federal emergency management agency building resilient infrastructure and communities (BRIC) grant program.

**Sec. 1125.** 2022 c 297 s 146 (uncodified) is amended to read as follows:

**FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' and Reserve Officers'

Administrative Account—State Appropriation. . . . . ~~(\$4,978,000)~~

\$2,575,000

TOTAL APPROPRIATION..... ~~(\$4,978,000)~~

\$2,575,000

The appropriation in this section is subject to the following conditions and limitations: ~~(\$3,930,000)~~ \$1,527,000 of the volunteer firefighters' and reserve officers' administrative

account—state appropriation is provided solely for a benefits management system, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

**Sec. 1126.** 2022 c 297 s 147 (uncodified) is amended to read as follows:

**FOR THE FORENSIC INVESTIGATION COUNCIL**

Death Investigations Account—State Appropriation. . . . .	(( <del>\$754,000</del> ))
	<u>\$770,000</u>
<b>TOTAL APPROPRIATION</b> .....	<b>((<del>\$754,000</del>))</b>
	<b><u>\$770,000</u></b>

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$250,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(b) Of the amounts provided in this subsection, \$30,000 of the death investigations account—state appropriation is provided solely for the Adams county crime lab to investigate a double homicide that occurred in fiscal year 2021.

(2) \$210,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

(3) Within the amount appropriated in this section, the forensic investigation council may enter into an interagency agreement with the department of enterprise services for the department to provide services related to public records requests, to include responding to, or assisting the council in responding to, public disclosure requests received by the council.

**Sec. 1127.** 2022 c 297 s 148 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

General Fund—State Appropriation (FY 2022). . . . .	\$7,016,000
General Fund—State Appropriation (FY 2023). . . . .	(( <del>\$12,516,000</del> ))
	<u>\$13,280,000</u>
General Fund—Private/Local Appropriation. . . . .	\$102,000
Building Code Council Account—State Appropriation. . . . .	\$2,277,000
<b>TOTAL APPROPRIATION</b> .....	<b>((<del>\$21,911,000</del>))</b>
	<b><u>\$22,675,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,151,000 of the general fund—state appropriation for fiscal year 2022 and ((~~\$6,127,000~~)) \$6,741,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the payment of facilities and services charges to include campus rent, parking, security, contracts, public and historic facilities charges, financial cost recovery, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(3) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2022 and \$1,300,000 in fiscal year 2023.

(4) Within existing resources, beginning October 31, 2021, the department, in collaboration with consolidated technology services, must provide a report to the governor and fiscal committees of the legislative by October 31 of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that same calendar year, and must also include any contract that was active since July 1 of the previous calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, contract term start and end dates, contract dollar amount in total, and contract dollar amounts by state fiscal year. The report must also include, by contract, the contract spending projections by state fiscal year for each ensuing state fiscal year through the contract term, and note the type of service delivered. The list of contracts must be provided electronically in Excel and be sortable by all field requirements. The report must also include trend analytics on information technology contracts, and recommendations for reducing costs where possible.



(5) \$162,000 of the general fund—state appropriation in fiscal year 2022 and \$162,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to waive rent fees and charges through June 30, 2023, for vendors who are blind business enterprise program licensees by the department of services for the blind and who lease space and operate food service businesses, inclusive of delis, cafeterias, and espresso stands, in state government buildings.

(6) Within existing resources, the state building code council, in collaboration with the LGBTQ commission, must develop a plan to incorporate into future Washington state building codes options for the design and construction of inclusive bathroom facilities that are consistent with a person's own gender expression or gender identity. Coordination must begin by September 1, 2021, and a preliminary report of the plan is due by September 1, 2022.

(7)(a) The department must work with the office of financial management to identify leases that will be up for renewal effective July 1, 2022, through June 30, 2024.

(b) The department must collaborate with the office of financial management on reduction in leased office space by agency for fiscal years 2024 and 2025.

(8)(a) The department must work collaboratively with at least each state agency that has fleet vehicles to discuss the agency need for the number of fleet vehicles each agency has as of July 1, 2021. The department must identify and report, at least:

(i) The count of fleet vehicles by agency by type, and the cost by fund source by fiscal year for fiscal year 2019, 2020, 2021, 2022, and 2023 for agency fleet vehicles;

(ii) The mileage data by agency by fleet vehicle for fiscal year 2019, 2020, and 2021, and the estimates for fiscal year 2022 and 2023; and

(iii) The business justification for the amount of fleet vehicles in fiscal year 2022 and 2023, by agency, given the change in business practice from in-person to remote work and video conferencing that began in 2020.

(b) The department must submit the report to fiscal and appropriate policy committees of the legislature by December 1, 2021.

(9)(a) The department must examine the motor pool fleet to determine the need for the number of vehicles. The department must identify, at least:

(i) The count of motor pool vehicles by type;

(ii) The cost recovery needed by fiscal year for fiscal year 2021, 2022, and 2023. This must include the anticipated recovery by fund source by fiscal year for fiscal year 2021, 2022, and 2023;

(iii) The mileage data by motor pool vehicle for fiscal year 2019, 2020, and 2021, and the estimates for 2022 and 2023; and

(iv) The business justification for the amount of motor vehicles in fiscal year 2022 and 2023, given the change in business practice from in-person to remote work and video conferencing.

(b) The department must report to fiscal and appropriate policy committees of the legislature by December 1, 2021.

(10) \$69,000 of the building code council account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1184 (risk-based water quality standards).

(11)(a) \$654,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department, in collaboration with the state efficiency and environmental performance program, to:

(i) Prepare a zero emission vehicle implementation strategy, to include standard metrics and reporting requirements, for the department's managed vehicles, as outlined in executive order 21-04, to include at least passenger vehicles and maintenance vehicles;

(ii) Prepare a zero emission vehicle implementation strategy in collaboration with state agencies, to include standard metrics and reporting requirements, for state-owned agency fleet vehicles, as outlined in executive order 21-04, to include at least passenger vehicles and maintenance vehicles;

(iii) Collect and report on what vehicles from (a)(i) and (ii) of this subsection are covered under executive order 21-04 as EV ready, and at what interval by fiscal year and at what cost by vehicle make and model;

(iv) Identify current barriers to EV replacement strategies and outline strategies to overcome these barriers for (a)(i) and (ii) of this subsection and report on these discretely;

(v) Identify optimal charging hub locations by fiscal year for (a)(i) and (ii) of this subsection and the estimated costs to do so by fiscal year;

(vi) Prepare a comprehensive fleet transition schedule for (a)(i) and (ii) of this subsection;

(vii) Create implementation plan templates for use by state agencies; and

(viii) Estimate fiscal impacts of EV costs by vehicle type compared to the base funding that was used to purchase or lease the vehicles being replaced for (a)(i) and (ii) of this subsection.

(b) The department must submit a preliminary report responsive to (a)(i) through (viii) of this subsection by April 30, 2023, to the fiscal committees of the legislature, and a final report by June 30, 2023.

(12) \$2,952,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for zero emission electric vehicle supply equipment infrastructure at state-owned facilities to accommodate charging station installation. The electric vehicle charging equipment must allow for the collection of usage data and must be coordinated with the state efficiency and environmental performance program. The department must prioritize locations

based on state efficiency and environmental performance location priorities, and at least where zero emission fleet vehicles are scheduled to be purchased in fiscal year 2023. The department must report when and where the equipment was installed, usage data at each charging station, and the state agencies and state facilities that benefit from the installation of the charging station to the fiscal committees of the legislature by June 30, 2023, for those installed in fiscal year 2023, and each fiscal year thereafter if further funding is provided. The department shall collaborate with the interagency electric vehicle coordinating council established in Engrossed Substitute Senate Bill No. 5974 (transportation resources) to implement this subsection and must work to meet benchmarks established in Engrossed Substitute Senate Bill No. 5974 (transportation resources).

**Sec. 1128.** 2022 c 297 s 150 (uncodified) is amended to read as follows:

**FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY**

General Fund—State Appropriation (FY 2022) . . . . .	\$581,000
General Fund—State Appropriation (FY 2023) . . . . .	(((\$631,000))
	<u>\$531,000</u>
Consolidated Technology Services Revolving Account—	
State Appropriation . . . . .	\$60,113,000
<b>TOTAL APPROPRIATION</b> .....	<b>(((\$61,325,000))</b>
	<u><b>\$61,225,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$11,598,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of the chief information officer. Of this amount:

(a) \$2,000,000 of the consolidated technology services revolving account—state appropriation is provided solely for experienced information technology project managers to provide critical support to agency IT projects that are under oversight from the office of the chief information officer. The staff or vendors will:

- (i) Provide master level project management guidance to agency IT stakeholders;
- (ii) Consider statewide best practices from the public and private sectors, independent review and analysis, vendor management, budget and timing quality assurance and other support of current or past IT projects in at least Washington state and share these with agency IT stakeholders and legislative fiscal staff at least twice annually and post these to the statewide IT dashboard; and
- (iii) Provide independent recommendations to legislative fiscal committees by December of each calendar year on oversight of IT projects to include opportunities for accountability and performance metrics.

(b) \$2,960,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of privacy and data protection.

(2) \$12,168,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

- (a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and
- (b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4)(a) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures must include the following:

- (i) The agency's priority ranking of each information technology request;
- (ii) The estimated cost by fiscal year and by fund for the current biennium;
- (iii) The estimated cost by fiscal year and by fund for the ensuing biennium;
- (iv) The estimated total cost for the current and ensuing biennium;
- (v) The total cost by fiscal year, by fund, and in total, of the information technology project since it began;
- (vi) The estimated cost by fiscal year and by fund over all biennia through implementation and close out and into maintenance and operations;
- (vii) The estimated cost by fiscal year and by fund for service level agreements once the project is implemented;
- (viii) The estimated cost by fiscal year and by fund for agency staffing for maintenance and operations once the project is implemented; and
- (ix) The expected fiscal year when the agency expects to complete the request.

(b) The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(5) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(6) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(7) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

(8) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(9) \$4,330,000 of the consolidated technology services revolving account—state appropriation is provided solely for the creation and ongoing delivery of information technology services tailored to the needs of small agencies. The scope of services must include, at a minimum, full-service desktop support, service assistance, security, and consultation.

(10) \$23,150,000 of the consolidated technology services revolving account—state appropriation is provided solely for the procurement and distribution of Microsoft 365 licenses which must include advanced security features and cloud-based private branch exchange capabilities for state agencies. The office must report annually to fiscal committees of the legislature beginning December 31, 2021, and each December 31 thereafter, on the count and type of licenses distributed by consolidated technology services to each state agency. The report must also separately report on the count and type of Microsoft 365 licenses that state agencies have in addition to those that are distributed by consolidated technology services so that the total count, type of license, and cost is known for statewide Microsoft 365 licenses.

(11)(a) The statewide information technology dashboard elements must include, at a minimum, the:

- (i) Start date of the project;
- (ii) End date of the project, when the project will close out and implementation will commence;
- (iii) Term of the project in state fiscal years across all biennia to reflect the start of the project through the end of the project;
- (iv) Total project cost from start date through the end date of the project in total dollars, and a subtotal of near general fund outlook;
- (v) Near general fund outlook budget and actual spending in total dollars and by fiscal month for central service agencies that bill out project costs;
- (vi) Start date of maintenance and operations;
- (vii) Estimated annual state fiscal year cost of maintenance and operations after implementation and close out;
- (viii) Actual spending by state fiscal year and in total for state fiscal years that have closed;
- (ix) Date a feasibility study was completed; and
- (x) A list of funding received by fiscal year by enacted session law, and how much was received citing chapter law as a list of funding provided by fiscal year.

(b) The office of the chief information officer may recommend additional elements to include but must have agreement with legislative fiscal committees and the office of financial management prior to including additional elements.

(c) The agency must ensure timely posting of project data on the statewide information technology dashboard for at least each project funded in the budget and under oversight to include, at a minimum, posting on the dashboard:

- (i) The budget funded level by project for each project under oversight within 30 calendar days of the budget being signed into law;
- (ii) The project historical expenditures through fiscal year 2021, by December 31, 2021, for all projects that started prior to July 1, 2021;
- (iii) The project historical expenditures through fiscal year 2022, by December 31, 2022, for all projects that started prior to July 1, 2022; and
- (iv) Whether each project has completed a feasibility study.

(12) Within existing resources, consolidated technology services must collaborate with the department of enterprise services on the annual contract report that provides information technology contract information. Consolidated technology services will:

- (a) Provide data to the department of enterprise services annually beginning September 1, 2021, and each September 1 of each year; and
- (b) Provide analysis on contract information for all agencies comparing spending across state fiscal years by, at least, the contract spending towers.

(13) \$12,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of the chief information officer who must convene a work group to examine how automated decision making systems can best be reviewed before adoption and while in operation and be periodically audited to ensure that such systems are fair, transparent, accountable and do not improperly advantage or disadvantage Washington residents.

- (a) The work group must be composed of:

(i) A representative of the department of children, youth, and families;  
(ii) A representative of the department of corrections;  
(iii) A representative of the department of social and health services;  
(iv) A representative of the department of enterprise services;  
(v) At least two representatives from universities or research institutions who are experts in the design and effect of an algorithmic system; and  
(vi) At least five representatives from advocacy organizations that represent communities that are disproportionately vulnerable to being harmed by algorithmic bias, including but not limited to, African American, Hispanic American, Native American, and Asian American communities, religious minorities, people with disabilities, and other vulnerable communities.

(b) The purpose of the work group is to develop recommendations for changes in state law and policy regarding the development, procurement, and use of automated decision systems by public agencies. The work group must examine:

(i) When state agency use of automated decision making systems should be prohibited;  
(ii) When state agency use of artificial intelligence-enabled profiling systems should be prohibited;  
(iii) Changes in the procurement of automated decision systems, including when the procurement must receive prior approval by the office of chief information officer;  
(iv) How to review, identify, and audit systems to ensure that the system prior to procurement and after placed into service does not discriminate against an individual, or treat an individual less favorably than another, in whole or in part, on the basis of one or more factors enumerated in RCW 49.60.010;  
(v) How to provide public notice when an automated decision system is in use and how to appeal such decisions;  
(vi) How automated decision system data should be stored and whether such data should be shared outside the system; and  
(vii) Other issues determined by the office of chief information officer or the department of enterprise services that are necessary to govern state agency procurement and use of automated decision systems.

(c) To demonstrate the impacts of its recommendations, the work group must select one of following automated decision making systems and describe how their implementation would affect the procurement of a new system and the use the existing system:

(i) The department of children, youth, and families system used to determine risk in the family child welfare system;  
(ii) The department of corrections system used to determine risk for purposes of evaluating early release and/or sentencing; or  
(iii) The department of social and health services system used for hospital admissions.

(d) The work group shall meet at least four times, or more frequently to accomplish its work. The office of the chief information officer must lead the work group. Each of the state agencies identified in (a) of this subsection must provide staff support to the work group and its activities.

(e) The work group must submit a report to the fiscal committees of the legislature and the governor no later than December 1, 2021.

(f) For purposes of this subsection, "automated decision system" or "system" means any algorithm, including one incorporating machine learning or other artificial intelligence techniques, that uses data-based analysis or calculations to make or support government decisions, judgments, or conclusions that cause a Washington resident to be treated differently than another Washington resident in the nature or amount of governmental interaction with that individual including, without limitation, benefits, protections, required payments, penalties, regulations, timing, application, or process requirements.

(14) \$81,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1274 (cloud computing solutions).

(15)(a) \$381,000 of the general fund—state appropriation for fiscal year 2022 and \$343,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the chief information officer to provide a common platform for hosting existing state data on natural hazards risks into a comprehensive, multihazard, statewide, geospatial data portal to assist with state hazard risk and resilience mapping and analysis. In performing this work, the office of the chief information officer will:

(i) Coordinate with the state emergency management division, office of the insurance commissioner, University of Washington climate impacts group and Washington sea grant, Washington State University water research center, and the state departments of ecology, health, natural resources, and transportation on the project scope, user needs, and deliverables;

(ii) Organize data in standardized and compatible formats including temporal data, where able; and

(iii) Address credentialing for secure access to protect sensitive data needed for risk analyses.

(b) By December 1, 2022, in consultation with the governor's office and the other agencies listed above, the office of the chief information officer will provide a progress report to the relevant legislative committees on the development of the platform and data sharing agreements.

(c) By June 1, 2023, in consultation with the governor's office and the other agencies listed above, the office of the chief information officer will provide a final report with

recommendations for further enhancing natural hazards resiliency by using data to inform the development of a statewide resilience strategy.

(d) This subsection is subject to the conditions, limitations, and review of section 701 of this act.

(16) \$1,493,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5432 (cybersecurity/state gov.).

(17) \$4,333,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of the enterprise cloud computing program as outlined in the December 2020 Washington state cloud readiness report. Funding provided includes, but is not limited to, cloud service broker resources, cloud center of excellence, cloud management tools, a network assessment, cybersecurity governance, and a cloud security roadmap.

(18) \$2,375,000 of the consolidated technology services revolving account—state appropriation is provided solely for the implementation of the recommendations of the cloud transition task force report to include:

(a) Establishing a cloud readiness program to help agencies plan and prepare for transitioning to cloud computing;

(b) Establishing the cloud retraining program to provide a coordinated approach to skills development and retraining; and

(c) Staffing to define career pathways and core competencies for the state's information technology workforce.

(End of part)

**PART XII  
HUMAN SERVICES  
SUPPLEMENTAL**

**Sec. 1201.** 2022 c 297 s 201 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6) (a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care

authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, support the adoption of a cohesive technology and data architecture, and maximize federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(8) (a) The appropriations to the department of social and health services in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, ~~((2022))~~2023, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year ~~((2022))~~2023 among programs and subprograms after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year ~~((2022))~~2023 in response to the COVID-19 pandemic or caseload forecasts and utilization assumptions in the long-term care, developmental disabilities, and public assistance programs, the department may transfer state appropriations that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(9) The department may not transfer appropriations for the developmental disabilities program to any other program or subprograms of the department of social and health services.

**Sec. 1202.** 2022 c 297 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM**

(1) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2022)	\$395,156,000
General Fund—State Appropriation (FY 2023)	(( <del>\$477,498,000</del> ))
	<u>\$540,342,000</u>
General Fund—Federal Appropriation	(( <del>\$183,198,000</del> ))
	<u>\$178,946,000</u>
General Fund—Private/Local Appropriation	(( <del>\$15,528,000</del> ))
	<u>\$13,392,000</u>
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	\$5,961,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$1,077,341,000</del>))</b>
	<b><u>\$1,133,797,000</u></b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$311,000 of the general fund—state appropriation for fiscal year 2022 and \$310,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (1)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) \$45,000 of the general fund—state appropriation for fiscal year 2022 and \$45,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$19,000 of the general fund—state appropriation for fiscal year 2022 and \$19,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas.

(e) \$135,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to maintain an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(f) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to track compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health entities and other organizations responsible for resource management services for the person is notified of this determination; and (iii) the date on which either the individual is transitioned to the community or has been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health entities and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2021, and December 1, 2022.

(g) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) By the first day of each December during the biennium, the department, in coordination with the health care authority, must submit a report to the office of financial management and the appropriate committees of the legislature which summarizes how the predictive modeling tool has been implemented and includes the following: (A) The numbers of individuals identified by the tool as having a high risk of future criminal justice involvement; (B) the method and frequency for which the department is providing lists of high-risk clients to contracted managed care organizations and behavioral health administrative services organizations; (C) a summary of how the managed care organizations and behavioral health administrative services organizations are utilizing the data to improve the coordination of care for the identified individuals; and (D) a summary of the administrative data to identify whether implementation of the tool is resulting in increased access and service levels and lower recidivism rates for high-risk clients at the state and regional level.

(ii) The department must provide staff support for the forensic and long-term civil commitment bed forecast which must be conducted under the direction of the office of financial management. The forecast methodology, updates, and methodology changes must be conducted in coordination with staff from the department, the health care authority, the office of financial management, and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities, which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for estimating the number of beds needed to meet the demand for civil and forensic state hospital services. Factors should include identification of need for the services and analysis of the effect of community investments in behavioral health services and other types of beds that may reduce the need for long-term civil commitment needs. The forecast must be updated each February, June, and November during the biennium and the department must submit a report to the legislature and the appropriate committees of the legislature summarizing the updated forecast based on the caseload forecast council's schedule for entitlement program forecasts.

(h) \$5,049,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$5,075,000)~~)\$5,761,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, forensic navigators, crisis diversion and supports, education and training, and workforce development.

(i) \$7,147,000 of the general fund—state appropriation for fiscal year 2022 and \$7,147,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to maintain implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of competency evaluators that began in fiscal year 2016 pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(j) \$71,690,000 of the general fund—state appropriation for fiscal year 2022, \$77,825,000 of the general fund—state appropriation for fiscal year 2023, and \$2,541,000 of the general fund—federal appropriation are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services) and the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. These amounts must be used to maintain increases that were implemented between fiscal year 2016 and fiscal year 2021, and further increase the number of forensic beds at western state hospital during the 2021–2023 fiscal biennium. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need.

(k) \$76,029,000 of the general fund—state appropriation for fiscal year 2022 and \$65,875,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to continue to implement an acuity based staffing tool at western state hospital and eastern state hospital in collaboration with the hospital staffing committees. The staffing tool must be used to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must evaluate interrater reliability of the tool within each hospital and between the two hospitals. The department must also continue to update, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan that looks at all positions and functions of the facilities.

(i) Within the amounts provided in this section, the department must establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services.

(ii) By December 1, 2021, and December 1, 2022, the department must submit reports to the office of financial management and the appropriate committees of the legislature that provide a comparison of monthly spending, staffing levels, overtime, and use of locums for the prior year compared to allotments and to the recommended state hospital staffing model. The format for these reports must be developed in consultation with staff from the office of financial management and the appropriate committees of the legislature. The reports must include a summary of the results of the evaluation of the interrater reliability in use of the staffing acuity tool and an update from the hospital staffing committees.

(iii) Monthly staffing levels and related expenditures at the state hospitals must not exceed official allotments without prior written approval from the director of the office of financial management. In the event the director of the office of financial management approves an increase in monthly staffing levels and expenditures beyond what is budgeted, notice must be provided to the appropriate committees of the legislature within 30 days of such approval. The notice must identify the reason for the authorization to exceed budgeted staffing levels and the time frame for the authorization. Extensions of authorizations under this subsection must also be submitted to the director of the office of financial management for written approval in advance of the expiration of an authorization. The office of financial management must notify the appropriate committees of the legislature of any extensions of authorizations granted under this subsection within 30 days of granting such authorizations and identify the reason and time frame for the extension.

(l) \$4,681,000 of the general fund—state appropriation for fiscal year 2022 and \$10,581,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement strategies to improve patient and staff safety at eastern and western state hospitals. These amounts must be used for continuing to implement a new intensive care model program at western state hospital and maintaining prior investments in training and other safety-related staff support at both hospitals. A report must be submitted by December 1, 2021, and December 1, 2022, which includes a description of the violence reduction or safety strategy, a profile of the types of patients being served, the staffing model being used, and outcomes associated with each strategy. The outcomes section should include tracking data on facility-wide metrics related to patient and staff safety as well as individual outcomes related to the patients served.

(m) \$2,593,000 of the general fund—state appropriation for fiscal year 2022 and \$2,593,000 of the general fund—state appropriation for fiscal year 2023 are provided solely



for the department to increase services to patients found not guilty by reason of insanity under the *Ross v. Lashway* settlement agreement.

(n) Within the amounts provided in this subsection, the department must develop and submit an annual state hospital performance report for eastern and western state hospitals. Each measure included in the performance report must include baseline performance data, agency performance targets, and performance for the most recent fiscal year. The performance report must include a one page dashboard as well as charts for each fiscal and quality of care measure broken out by hospital and including but not limited to (i) monthly FTE expenditures compared to allotments; (ii) monthly dollar expenditures compared to allotments; (iii) monthly FTE expenditures per thousand patient bed days; (iv) monthly dollar expenditures per thousand patient bed days; (v) percentage of FTE expenditures for overtime; (vi) average length of stay by category of patient; (vii) average monthly civil wait list; (viii) average monthly forensic wait list; (ix) rate of staff assaults per thousand patient bed days; (x) rate of patient assaults per thousand patient bed days; (xi) average number of days to release after a patient has been determined to be clinically ready for discharge; and (xii) average monthly vacancy rates for key clinical positions. The department must submit the state hospital performance report to the office of financial management and the appropriate committees of the legislature by the first day of each December of the biennium.

(o) \$3,773,000 of the general fund—state appropriation for fiscal year 2022, \$4,099,000 of the general fund—state appropriation for fiscal year 2023, and \$4,772,000 of the general fund—federal appropriation are provided solely to open a new unit at the child study treatment center which shall serve up to 18 children.

(p) \$159,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to prepare for opening a 16 bed facility located in Clark county to provide long-term inpatient care beds as defined in RCW 71.24.025. The department must use this facility to provide treatment services for individuals who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward opening the new facility.

(q) \$3,875,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to operate the Maple Lane campus.

(r) \$1,382,000 of the general fund—state appropriation for fiscal year 2022(~~(7)~~) and \$5,092,000 of the general fund—state appropriation for fiscal year 2023(~~(7) and \$5,092,000 of the general fund—federal appropriation~~) is provided solely for the department to operate a 16 bed facility on the Maple Lane campus to provide long-term inpatient care beds as defined in RCW 71.24.025. The facility must have the capacity to provide treatment services to individuals committed under chapter 71.05 RCW including individuals who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, providing a description of the protocol and a status update on progress toward opening the new facility.

(~~(7)~~) (s) \$4,316,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to operate the Columbia cottage at Maple Lane as a 30 bed facility to serve individuals who have been acquitted of a crime by reason of insanity and subsequently ordered to receive treatment services under RCW 10.77.120. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward the opening of Columbia cottage.

(~~(7)~~) (t) Within the amounts provided in this section, the department is provided funding to operate civil long-term inpatient beds at the state hospitals as follows:

(i) Funding is sufficient for the department to operate 192 civil beds at eastern state hospital in both fiscal year 2022 and fiscal year 2023.

(ii) Funding for civil beds at western state hospital is reduced during this period to allow for a phased reduction of six wards from 467 to 287 civil beds.

(iii) The closure of western state hospital civil wards shall be implemented according to the following schedule: (A) First ward closure by July 1, 2021; (B) second ward closure by November 1, 2021; (C) third ward closure by March 1, 2022; (D) fourth ward closure by July 1, 2022; (E) fifth ward closure by (~~November 1, 2022~~) January 1, 2023; and (F) sixth ward closure by (~~April 1, 2023~~) June 30, 2023.

(iv) The department shall fully operate funded civil capacity at eastern state hospital, including reopening and operating civil beds that are not needed for eastern Washington residents to provide services for western Washington residents.

(v) The department shall coordinate with the health care authority toward development of the plan for increasing community capacity for long-term inpatient services required under section 215(67) of this act.

(vi) It is the intent of the legislature to close additional civil wards at western state hospital during the 2023-2025 fiscal biennium.

(vii) It is the intent of the legislature to stop using western state hospital buildings 17, 19, 20, and 21, which were built before the 1950s, for patient care by fiscal year 2027.

((+)) (u) \$360,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to implement Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). The amount in this subsection is provided solely for the department's costs associated with providing access to and following up on referrals from behavioral health consumer advocates in state operated mental health facilities. The department must track the number of monthly cases in which access to behavioral health consumer advocates was provided for patients in state operated mental health facilities and the number of these which resulted in subsequent follow-up investigation by the department. The department must submit a preliminary report to the office of financial management and the appropriate committees of the legislature on the number of monthly cases and follow-up investigations by December 1, 2022, and a final report by June 30, 2023.

((+)) (v) \$1,190,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5664 (forensic competency programs). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

((+)) (w) \$36,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1890 (children behavioral health). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

((+)) (x) \$455,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for western state hospital's vocational rehabilitation program and eastern state hospital's work readiness program to pay patients working in the programs an hourly wage that is equivalent to the state's minimum hourly wage under RCW 49.46.020.

((+)) (y) \$487,000 of the general fund—state appropriation for fiscal year 2022 and \$601,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for design and planning activities for the new forensic hospital being constructed on the grounds of western state hospital.

((+)) (z) \$88,000 of the general fund—state appropriation for fiscal year 2022 and \$2,920,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for relocation, storage, and other costs associated with building demolition on the western state hospital campus.

((+)) (aa) \$34,289,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021, and December 31, 2021, for public safety and health employees whose services are presumed to be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

(bb) \$2,730,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide additional competency evaluation services for in-jail competency evaluations and community-based evaluations.

(cc) \$1,779,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide behavioral health and stabilization services at the King county south correctional entity for individuals charged with misdemeanor or lower-level felony offenses that are awaiting admission to the state hospitals.

(2) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2022)	\$5,885,000
General Fund—State Appropriation (FY 2023)	\$6,079,000
General Fund—Federal Appropriation	\$409,000
<b>TOTAL APPROPRIATION</b>	<b>\$12,373,000</b>

**Sec. 1203.** 2022 c 297 s 203 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2022)	\$704,242,000
General Fund—State Appropriation (FY 2023)	(((\$1,113,004,000))
	<u>\$971,031,000</u>
General Fund—Federal Appropriation	(((\$2,303,783,000))
	<u>\$2,363,429,000</u>
General Fund—Private/Local Appropriation	\$4,058,000
Developmental Disabilities Community Services	
Account—State Appropriation	(((\$52,000,000))
	<u>\$21,880,000</u>
<b>TOTAL APPROPRIATION</b>	<b>(((\$4,177,087,000))</b>
	<u><b>\$4,064,640,000</b></u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2022 and \$225 per bed beginning in fiscal year 2023. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 must be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2022 and \$116 per bed beginning in fiscal year 2023.

(iii) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2022 and \$359 per bed beginning in fiscal year 2023.

(c) (i) \$2,648,000 of the general fund—state appropriation for fiscal year 2022, \$8,946,000 of the general fund—state appropriation for fiscal year 2023, and \$16,665,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 946 of this act.

(ii) \$8,764,000 of the general fund—state appropriation for fiscal year 2023 and \$11,156,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for fiscal year 2023, as provided in section 939 of this act.

(d) (i) \$291,000 of the general fund—state appropriation for fiscal year 2022, \$992,000 of the general fund—state appropriation for fiscal year 2023, and \$1,844,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(ii) \$953,000 of the general fund—state appropriation for fiscal year 2023 and \$1,214,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(e) (i) \$540,000 of the general fund—state appropriation for fiscal year 2022, \$860,000 of the general fund—state appropriation for fiscal year 2023, and \$1,881,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 948 of this act.

(ii) \$1,389,000 of the general fund—state appropriation for fiscal year 2023 and \$1,278,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for fiscal year 2023, as provided in section 941 of this act.

(f) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(g) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(h) Sufficient appropriations are provided to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (h)

(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each

placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (h)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(i) Sufficient appropriations are provided for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(j) \$4,000 of the general fund—state appropriation for fiscal year 2022, \$37,000 of the general fund—state appropriation for fiscal year 2023, and \$42,000 of the general fund—federal appropriation are provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(k) The department will work with the health care authority and Washington state's managed care organizations to establish recommendations for clients who live in the community to access the developmental disabilities administration's facility-based professionals to receive care covered under the state plan. If feasible, these recommendations should detail how to enable facility-based professionals to deliver services at mobile or brick-and-mortar clinical settings in the community. The department must submit its recommendations to the appropriate legislative committees no later than December 1, 2022.

(l) The department of social and health services must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(m) \$300,000 of the general fund—state appropriation for fiscal year 2023 and \$226,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers).

(n) \$408,000 of the general fund—state appropriation for fiscal year 2022, \$416,000 of the general fund—state appropriation for fiscal year 2023, and \$474,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1061 (child welfare/developmental disability).

(o) \$3,474,000 of the general fund—state appropriation for fiscal year 2022, \$88,692,000 of the general fund—state appropriation for fiscal year 2023, and \$92,530,000 of the general fund—federal appropriation are provided solely to increase rates for community residential service providers offering supported living, group home, group training home, and licensed staff residential services to individuals with developmental disabilities. Of the amounts provided in this subsection (o):

(i) \$3,474,000 of the general fund—state appropriation for fiscal year 2022, \$11,423,000 of the general fund—state appropriation for fiscal year 2023, and \$15,262,000 of the general fund—federal appropriation are provided solely to increase the provider rate by 2.0 percent effective January 1, 2022, and by an additional 2.0 percent effective January 1, 2023. Both 2.0 percent rate increases must be used to support providers' ability to maintain direct care staff wages above the statewide minimum wage.

(ii) \$77,269,000 of the general fund—state appropriation for fiscal year 2023 and \$77,268,000 of the general fund—federal appropriation are provided solely to increase the provider rate effective July 1, 2022. It is the intent of the legislature that contracted providers use the funding provided in this subsection (1)(o)(ii) to provide hourly wage increases for direct care workers.

(p) The annual certification renewal fee for community residential service businesses is \$859 per client in fiscal year 2022 and \$859 per client in fiscal year 2023. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(q) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of \$485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(r) \$39,000 of the general fund—state appropriation for fiscal year 2022, \$49,000 of the general fund—state appropriation for fiscal year 2023, and \$131,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2021.

(s) \$1,705,000 of the general fund—state appropriation for fiscal year 2022, \$1,688,000 of the general fund—state appropriation for fiscal year 2023, and \$1,465,000 of the general fund—federal appropriation are provided solely for the development and implementation of 13 enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(t) \$2,025,000 of the general fund—state appropriation for fiscal year 2022 and \$2,006,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development and implementation of 13 community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(u) \$43,535,000 of the general fund—state appropriation for fiscal year 2022, \$47,243,000 of the general fund—state appropriation for fiscal year 2023, and \$152,070,000 of the general fund—federal appropriation are provided solely for rate add-ons for contracted service providers to address the increased costs associated with serving clients during the COVID-19 pandemic. Beginning July 1, 2022, the rate add-ons shall be reduced by 20 percent every two fiscal quarters.

(v) \$78,000 of the general fund—state appropriation for fiscal year 2022, \$75,000 of the general fund—state appropriation for fiscal year 2023, and \$113,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5284 (subminimum wage/disabilities).

(w) Funding in this section is sufficient to implement chapter 352, laws of 2020 (developmental disabilities budgeting), including a review of the no-paid services caseload and to update the information to accurately reflect a current headcount of eligible persons and the number of persons contacted who are currently interested in receiving a paid service. It is the intent of the legislature that the department will, as required in chapter 252, laws of 2020 (developmental disabilities budgeting), submit a report of this information to the governor and the appropriate committees of the legislature by December 1, 2021. It is also the intent of the legislature that the necessary paid services identified with completion of this report will be adequately funded by the conclusion of fiscal year 2024.

(x) \$1,387,000 of the general fund—state appropriation for fiscal year 2022, \$2,641,000 of the general fund—state appropriation for fiscal year 2023, and \$4,250,000 of the general fund—federal appropriation are provided solely to increase the capacity of the children's intensive in-home behavioral supports waiver by 100 slots.

(y) \$19,648,000 of the general fund—state appropriation for fiscal year 2023 and \$25,006,000 of the general fund—federal appropriation are provided solely for the purposes of settling all claims in the two related cases *Liang et al v. Washington DSHS et al*, Thurston county superior court case no. 20-2-02506-34 and *SEIU 775 v. Washington DSHS et al*, Thurston county superior court case no. 18-2-05584-34, Washington supreme court case no. 99658-8. The expenditure of these amounts is contingent upon the release of all claims in both cited cases, and total settlement costs shall not exceed the amounts provided in this subsection and section 204(45) of this act. If the settlement agreement is not fully executed and approved by the Thurston county superior court by June 30, 2023, the amounts provided in this subsection shall lapse.

(z) \$205,000 of the general fund—state appropriation for fiscal year 2022, \$232,000 of the general fund—state appropriation for fiscal year 2023, and \$590,000 of the general fund—federal appropriation are provided solely for the department of social and health services to examine the capabilities of the community residential settings and services; to improve cross-system coordination; and to begin the process of redesigning state-operated intermediate care facilities to function as short-term crisis stabilization and intervention. Of the amounts provided in this subsection (1)(z):

(i) \$159,000 of the general fund—state appropriation for fiscal year 2022, \$186,000 of the general fund—state appropriation for fiscal year 2023, and \$310,000 of the general fund—federal appropriation are provided solely for the department of social and health services to:

(A) Beginning with the governor's budget proposal submitted in December 2022, submit a budget request for expenditures associated with anticipated demand for services under the individual and family services waiver, the basic plus waiver, and the number of individuals who are expected to reside in state-operated living alternatives for consideration by the governor and the legislature for inclusion in maintenance level budgets;

(B) Examine the need for community respite beds to serve eligible individuals and stabilization, assessment, and intervention beds to provide crisis stabilization services for individuals with complex behavioral needs. A preliminary report must be submitted no later than October 1, 2022, with a final report submitted no later than October 1, 2023, to the governor and the appropriate committees of the legislature that estimates the number of beds needed in fiscal years 2023 through 2025, recommends geographic locations of these beds, provides options for contracting with community providers for these beds, provides options for utilizing existing intermediate care facilities to meet these needs, and recommends whether or not an increase to respite hours is needed;

(C) Contract with a private vendor for a study of medicaid rates for contracted community residential service providers. The study must be submitted to the governor and the appropriate committees of the legislature no later than December 1, 2023, and must include:

(I) A recommendation of rates needed for facilities to cover their costs and adequately recruit, train, and retain direct care professionals;

(II) Recommendations for an enhanced rate structure, including when and for whom this rate structure would be appropriate; and

(III) An assessment of options for an alternative, opt-in rate structure for contracted supported living providers who voluntarily serve individuals with complex behaviors, complete additional training, and submit to additional monitoring;

(D) Submit by October 1, 2022, a five-year plan to phase-in the appropriate level of funding and staffing to achieve case management ratios of one case manager to no more than 35 clients. The five-year plan must include:

(I) An analysis of current procedures to hire and train new staff within the developmental disabilities administration of the department of social and health services;

(II) Identification of any necessary changes to these procedures to ensure a more efficient and timely process for hiring and training staff; and

(III) Identification of the number of new hires needed on an annual basis to achieve the phased implementation included in the five-year plan;

(E) Collaborate with appropriate stakeholders to develop uniform quality assurance metrics that are applied across community residential settings, intermediate care facilities, and state-operated nursing facilities and submit a report of these activities to the governor and the legislature no later than June 30, 2023;

(F) Collaborate with the developmental disabilities council to improve cross-system coordination and submit a report of the activities and any recommendations for policy or fiscal changes to the governor and the legislature no later than October 1, 2022, for consideration in the 2023 legislative session that describes collaborating with the developmental disabilities council to:

(I) Coordinate collaboration efforts among relevant stakeholders to develop and disseminate best practices related to serving individuals with cooccurring intellectual and developmental disabilities and mental health conditions;

(II) Work with Washington state's apprenticeship and training council, colleges, and universities to establish medical, dental, nursing, and direct care apprenticeship programs that would address gaps in provider training and overall competence;

(III) Devise options for consideration by the governor and the legislature to prioritize funding for housing for individuals with intellectual and developmental disabilities when a lack of affordable housing is the barrier preventing an individual from moving to a least restrictive community setting; and

(IV) Coordinate collaboration efforts among relevant stakeholders to examine existing law with regard to guardianship and protective proceedings and make any necessary recommendations for changes to existing law to ensure that guardianship or other protective proceedings are designed to provide individuals with intellectual and developmental disabilities with the decision making support they require to live as independently as possible in the least restrictive environment, including consideration of mechanisms that enable regular payment for services rendered by these legal representatives when appropriate; and

(G) Develop procedures that ensure that placement in an intermediate care facility is temporary and submit a report of these efforts, including any necessary recommendations for policy or fiscal changes, to the governor and the legislature for consideration in the 2022 legislative session no later than November 1, 2021, that describes the development of procedures that ensure that:

(I) Clear, written, and verbal information is provided to the individual and their family member that explains that placement in the intermediate care facility is temporary and what constitutes continuous aggressive active treatment and its eligibility implications;

(II) Discharge planning begins immediately upon placement of an individual within the intermediate care facility and that the individual and their family member is provided clear descriptions of all placement options and their requirements;

(III) When crisis stabilization services are available in the community, the individual is presented with the option to receive services in the community prior to placement in an intermediate care facility; and

(IV) When the individual has not achieved crisis stabilization after 60 days of initial placement in the intermediate care facility, the department of social and health services must convene the individual's team of care providers including, but not limited to, the individual's case manager, the individual's community-based providers, and, if applicable, the individual's managed care organization to review and make any necessary changes to the individual's crisis stabilization care plan.

(ii) Reporting dates in this subsection (1)(z) are modified by Engrossed Substitute Senate Bill No. 5268 (dev. disability services).

(iii) \$46,000 of the general fund—state appropriation in fiscal year 2022, \$46,000 of the general fund—state appropriation in fiscal year 2023, and \$280,000 of the general fund—federal appropriation are provided solely to establish peer mentors to connect each client in an intermediate care facility with a mentor to assist in their transition planning. No later than November 1, 2021, the department of social and health services must submit a report describing these efforts and make any necessary recommendations for policy or fiscal changes to the governor and the legislature for consideration in the 2022 legislative session. (aa) Appropriations provided in this section are sufficient to implement Substitute Senate Bill No. 5258 (consumer directed employers).

(bb) \$63,000 of the general fund—state appropriation for fiscal year 2022, \$13,000 of the general fund—state appropriation for fiscal year 2023, and \$77,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1411 (health care workforce).

(cc) \$123,000 of the general fund—state appropriation for fiscal year 2023 and \$156,000 of the general fund—federal appropriation are provided solely to make up for a gap in the employer tax rates paid to agency providers. Funds must be used to ensure wages and benefits of home care agency workers who provide direct care are increased to satisfy wage parity requirements set forth in RCW 74.39A.310, except in situations where agency providers covered the gap in the tax rate by reducing agency administrative expenses.

(dd) \$80,000 of the general fund—state appropriation for fiscal year 2023 and \$61,000 of the general fund—federal appropriation are provided solely for the department to hire one full-time employee to provide advice, evaluations, and recommendations on technological tools to clients, providers, and case managers.

(ee) (i) \$2,172,000 of the general fund—state appropriation for fiscal year 2023 and \$1,666,000 of the general fund—federal appropriation are provided solely to establish transition coordination teams to coordinate transitions of care for clients who move from one care setting to another. No later than December 1, 2022, the department of social and health services shall submit a preliminary report to the appropriate committees of the legislature that details how the funds were utilized and the associated outcomes including but not limited to:

(A) A detailed reporting of the number of clients served, the settings in which clients received care, and the progress made toward increasing stability of client placements;

(B) A comparison of these outcomes against the outcomes achieved in prior fiscal years;

(C) A description of lessons learned since the transition coordination teams were first implemented, including an identification of what processes were improved to reduce the timelines for completion; and

(D) Recommendations for changes necessary to the transition coordination teams to improve increasing stability of client placements.

(ii) It is the intent of the legislature that the department of social and health services submit annual reports of this information beginning in fiscal year 2024.

(ff) \$204,000 of the general fund—state appropriation for fiscal year 2022, \$1,511,000 of the general fund—state appropriation for fiscal year 2023, and \$988,000 of the general fund—federal appropriation are provided solely for service rate increases paid to contracted providers of community engagement, supported parenting, and respite services. No later than December 1, 2022, the department of social and health services shall submit a preliminary report to the appropriate committees of the legislature that details how the funds were utilized and the associated outcomes, including a detailed accounting of utilization of services and any changes in the utilization as a result of this funding. The department shall submit a final report of this information no later than June 30, 2023. The department shall also conduct a comprehensive study of the current rate structure paid to supported employment and community inclusion providers. No later than October 1, 2022, the department must submit to the governor and the appropriate committees of the legislature a report of this study that includes, but is not limited to, the following:

(i) An overview of the current system and how it operates, including an overview of the current rate structure;

(ii) A description of the organizational components and costs associated with the delivery of supported employment and community inclusion services that achieve client outcomes;

(iii) A recommendation of the rates needed for providers to cover their costs and maintain the infrastructure required to achieve and support client outcomes; and

(iv) A recommendation for a methodology to utilize in the future for regularly analyzing costs associated with service delivery and the rate adjustments, and associated frequency of these adjustments, needed to ensure that services achieve client outcomes.

(gg) \$1,413,000 of the general fund—state appropriation for fiscal year 2023 and \$1,084,000 of the general fund—federal appropriation are provided solely to hire additional staff to reduce the timeline for completion of financial eligibility determinations. No later than December 31, 2022, the department of social and health services shall submit a preliminary report to the appropriate committees of the legislature that details how the funds were utilized and the associated outcomes, including, but not limited to, a description of how the timeline for completion of these determinations has changed. A final report of this information must be submitted no later than June 30, 2023.

(hh) \$228,000 of the general fund—state appropriation for fiscal year 2023 and \$284,000 of the general fund—federal appropriation are provided solely to increase funding of the assisted living medicaid methodology established in RCW 74.39A.032 to 68 percent of full methodology funding, effective July 1, 2022.

(ii) \$1,719,000 of the general fund—state appropriation for fiscal year 2023 and \$49,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5268 (dev. disability services). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(jj) \$2,581,000 of the general fund—state appropriation for fiscal year 2023 and \$2,060,000 of the general fund—federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5819 (DDA no-paid caseload). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(kk) \$54,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement Second Substitute House Bill No. 1890 (children behavioral health). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(ll) \$8,428,000 of the general fund—state appropriation for fiscal year 2023 and \$5,179,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1980 (concurrent services). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(mm) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with an organization that provides benefits planning training to attorneys and other professionals to help them assist individuals with developmental disabilities with retaining state and federal benefits while working.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2022)	\$110,829,000
General Fund—State Appropriation (FY 2023)	(( <del>\$135,393,000</del> ))
	<u>\$111,373,000</u>
General Fund—Federal Appropriation	(( <del>\$253,002,000</del> ))
	<u>\$265,871,000</u>
General Fund—Private/Local Appropriation	(( <del>\$27,043,000</del> ))
	<u>\$28,172,000</u>
<b>TOTAL APPROPRIATION</b>	<b><u>(\$526,267,000)</u></b>
	<b><u>\$516,245,000</u></b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund—state appropriation for fiscal year 2022 and \$495,000 of the general fund—state appropriation for fiscal year 2023 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) The residential habilitation centers may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(d) \$3,000 of the general fund—state appropriation for fiscal year 2022 and \$21,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a cost of living increase adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(e) The department is directed to develop a plan to reduce the footprint of the Rainier residential habilitation center campus and other property facilities taking into consideration recommendations of the Ruckleshaus residential habilitation center work group report and the department's Rainier school master plan.

(i) The plan must include the following:

(A) Input from interested stakeholders to ensure a thoughtful, safe, and well-supported residential transition to the community;

(B) An outline for maintaining a state-operated safety net for individuals who transition to the community and who may later be in crisis or who need a greater level of care;

(C) Barriers to successful community transitions and how to mitigate those;

(D) A report of stakeholder feedback received and how it was incorporated or not into the plan; and

(E) A proposed timeline to implement the plan and a target date for reducing the footprint of Rainier if the plan is followed.

(ii) The stakeholders must include, at minimum: Individuals who reside or have resided at Rainier within the last two decades, families and guardians of individuals who reside or have resided at Rainier, the city of Buckley, and current or former staff at Rainier and their respective labor organizations.

(iii) The department must confer with and have approval from the governor's office prior to submission of the plan. A final plan shall be submitted to the governor and the appropriate committees of the legislature no later than June 30, 2023.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2022)	\$2,717,000
General Fund—State Appropriation (FY 2023)	(( <del>\$2,940,000</del> ))
	<u>\$3,565,000</u>
General Fund—Federal Appropriation	(( <del>\$3,233,000</del> ))
	<u>\$3,702,000</u>
<b>TOTAL APPROPRIATION</b>	<b><u>(\$8,890,000)</u></b>
	<b><u>\$9,984,000</u></b>

(4) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2022)	\$94,000
General Fund—State Appropriation (FY 2023)	\$66,000
General Fund—Federal Appropriation	\$1,125,000
<b>TOTAL APPROPRIATION</b>	<b><u>\$1,285,000</u></b>

**Sec. 1204.** 2022 c 297 s 204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022)	\$1,344,251,000
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General Fund—State Appropriation (FY 2023) . . . . .	(\$2,049,486,000)
	<u>\$1,776,015,000</u>
General Fund—Federal Appropriation. . . . .	(\$4,913,077,000)
	<u>\$5,023,871,000</u>
General Fund—Private/Local Appropriation. . . . .	(\$37,804,000)
	<u>\$45,841,000</u>
Traumatic Brain Injury Account—State Appropriation. . . . .	\$5,586,000
Skilled Nursing Facility Safety Net Trust Account—	
State Appropriation. . . . .	\$133,360,000
Long-Term Services and Supports Trust Account—State	
Appropriation. . . . .	\$15,003,000
<b>TOTAL APPROPRIATION.....</b>	<b>(\$8,498,567,000)</b>
	<u><b>\$8,343,927,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate may not exceed \$259.84 for fiscal year 2022 and may not exceed \$319.82 for fiscal year 2023.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2022 and \$225 per bed beginning in fiscal year 2023. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2022 and \$116 per bed beginning in fiscal year 2023.

(c) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2022 and \$359 per bed beginning in fiscal year 2023.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state-only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4)(i) \$6,113,000 of the general fund—state appropriation for fiscal year 2022, \$19,799,000 of the general fund—state appropriation for fiscal year 2023, and \$37,161,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 946 of this act.

(ii) \$18,787,000 of the general fund—state appropriation for fiscal year 2023 and \$23,910,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for fiscal year 2023, as provided in section 939 of this act.

(5)(i) \$1,941,000 of the general fund—state appropriation for fiscal year 2022, \$6,439,000 of the general fund—state appropriation for fiscal year 2023, and \$12,064,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(ii) \$6,028,000 of the general fund—state appropriation for fiscal year 2023 and \$7,669,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(6) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(7) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$900 for each facility.

(8) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

- (a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.
- (i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;
- (ii) A member from the office of the governor, appointed by the governor;
- (iii) The secretary of the department of social and health services or his or her designee;
- (iv) The director of the health care authority or his or her designee;
- (v) A member from disability rights Washington and a member from the office of long-term care ombuds;
- (vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and
- (vii) Other agency directors or designees as necessary.
- (b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington and to serve people with disabilities, including state budget and policy options, and may conduct, but are not limited to, the following tasks:
- (i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;
- (ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;
- (iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;
- (iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;
- (v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;
- (vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;
- (vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and
- (viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.
- (c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.
- (d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Meetings of the task force must be scheduled and conducted in accordance with the rules of both the senate and the house of representatives. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.
- (9) Appropriations in this section are sufficient to fund discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.
- (10) Appropriations in this section are sufficient to fund financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.
- (11) The department shall continue to administer tailored support for older adults and medicaid alternative care as described in initiative 2 of the 1115 demonstration waiver. This initiative will be funded by the health care authority through the medicaid quality improvement program. The secretary in collaboration with the director of the health care authority shall report to the office of financial management all expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested. The department shall not increase general fund—state expenditures on this initiative.
- (12) (i) \$3,378,000 of the general fund—state appropriation for fiscal year 2022, \$5,561,000 of the general fund—state appropriation for fiscal year 2023, and \$11,980,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 948 of this act.
- (ii) \$8,922,000 of the general fund—state appropriation for fiscal year 2023 and \$8,212,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for fiscal year 2023, as provided in section 941 of this act.

(13) \$1,761,000 of the general fund—state appropriation for fiscal year 2022, \$1,761,000 of the general fund—state appropriation for fiscal year 2023, and \$4,162,000 of the general fund—federal appropriation are provided solely for case managers at the area agencies on aging to coordinate care for medicaid clients with mental illness who are living in their own homes. Work shall be accomplished within existing standards for case management and no requirements will be added or modified unless by mutual agreement between the department of social and health services and area agencies on aging.

(14) Appropriations provided in this section are sufficient for the department to contract with an organization to provide educational materials, legal services, and attorney training to support persons with dementia. The funding provided in this subsection must be used for:

(a) An advance care and legal planning toolkit for persons and families living with dementia, designed and made available online and in print. The toolkit should include educational topics including, but not limited to:

(i) The importance of early advance care, legal, and financial planning;

(ii) The purpose and application of various advance care, legal, and financial documents;

(iii) Dementia and capacity;

(iv) Long-term care financing considerations;

(v) Elder and vulnerable adult abuse and exploitation;

(vi) Checklists such as "legal tips for caregivers," "meeting with an attorney," and "life and death planning;"

(vii) Standardized forms such as general durable power of attorney forms and advance health care directives; and

(viii) A selected list of additional resources.

(b) Webinars about the dementia legal and advance care planning toolkit and related issues and topics with subject area experts. The subject area expert presenters must provide their services in-kind, on a volunteer basis.

(c) Continuing legal education programs for attorneys to advise and assist persons with dementia. The continuing education programs must be offered at no cost to attorneys who make a commitment to participate in the pro bono program.

(d) Administrative support costs to develop intake forms and protocols, perform client intake, match participating attorneys with eligible clients statewide, maintain records and data, and produce reports as needed.

(15) Appropriations provided in this section are sufficient to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, assisted living facility beds, adult residential care beds, and specialized dementia beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(16) No later than December 31, 2021, the department of social and health services and the health care authority shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

(17) The annual certification renewal fee for community residential service businesses is \$859 per client in fiscal year 2022 and \$859 per client in fiscal year 2023. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(18) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of \$485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(19) \$261,000 of the general fund—state appropriation for fiscal year 2022, \$320,000 of the general fund—state appropriation for fiscal year 2023, and \$861,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2021.

(20) The department of social and health services must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(21) \$1,458,000 of the general fund—state appropriation for fiscal year 2022 and \$1,646,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide personal care services for up to 20 clients who are not United States citizens and who are ineligible for medicaid upon their discharge from an acute care hospital. The department must prioritize the funding provided in this subsection for such clients in acute care hospitals who are also on the department's wait list for services.

(22) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community-based dementia education and support activities in two areas of the state, including dementia resource catalyst staff and direct services for people with dementia and their caregivers.

(23) \$237,000 of the general fund—state appropriation for fiscal year 2022, \$226,000 of the general fund—state appropriation for fiscal year 2023, and \$572,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1218 (long-term care residents).

(24) \$4,329,000 of the general fund—state appropriation for fiscal year 2022 and \$4,329,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(25) \$85,981,000 of the general fund—state appropriation for fiscal year 2022, \$85,463,000 of the general fund—state appropriation for fiscal year 2023, and \$292,979,000 of the general fund—federal appropriation are provided solely for rate add-ons for contracted service providers to address the increased costs associated with serving clients during the COVID-19 pandemic. Beginning July 1, 2022, the rate add-ons shall be reduced by 20 percent every two fiscal quarters.

(26) \$11,609,000 of the general fund—state appropriation for fiscal year 2023 and \$11,609,000 of the general fund—federal appropriation are provided solely to increase the fixed rate paid for skilled nursing facility medicaid direct care to one hundred and five percent of statewide case mix neutral median costs.

(27) Within the amounts provided in this section, the department of social and health services must develop a statewide agency emergency preparedness plan with which to respond to future public health emergencies.

(28) The traumatic brain injury council shall collaborate with other state agencies in their efforts to address traumatic brain injuries to ensure that efforts are complimentary and continue to support the state's broader efforts to address this issue.

(29) \$1,858,000 of the general fund—state appropriation for fiscal year 2022 and \$1,857,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operation of the volunteer services program. Funding must be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(30) \$479,000 of the general fund—state appropriation for fiscal year 2022 and \$479,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(31) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(32) \$1,344,000 of the general fund—state appropriation for fiscal year 2022 and \$1,344,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the kinship care support program.

(33) \$7,938,000 of the general fund—state appropriation for fiscal year 2022, \$13,412,000 of the general fund—state appropriation for fiscal year 2023, and \$22,456,000 of the general fund—federal appropriation are provided solely for nursing home services and emergent building costs at the transitional care center of Seattle. No later than December 1, 2022, the department must submit to the appropriate fiscal committees of the legislature a report that includes, but is not limited to:

(a) An itemization of the costs associated with providing direct care services to residents and managing and caring for the facility; and

(b) An examination of the impacts of this facility on clients and providers of the long-term care and medical care sectors of the state that includes, but is not limited to:

(i) An analysis of areas that have realized cost containment or savings as a result of this facility;

(ii) A comparison of individuals transitioned from hospitals to this facility compared to other skilled nursing facilities over the same period of time; and

(iii) Impacts of this facility on lengths of stay in acute care hospitals, other skilled nursing facility, and transitions to home and community-based settings.

(34) \$58,000 of the general fund—state appropriation for fiscal year 2022 and \$90,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5229 (health equity continuing education).

(35) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for fall prevention training. The department of social and health services will provide one-time grant funding to an association representing long-term care facilities to develop and provide fall prevention training for long-term care facilities. The training must include information about environmental modifications to help reduce falls, tools to assess an individual's risk for falling, and evidence-based interventions for reducing falls amongst individuals with dementia or cognitive impairments. The training must be offered at no cost and made available online for the general public to access at any time. The recipient of the grant funds must work with the department of social and health services and the department of health on developing and promoting the training.

(36) \$4,504,000 of the general fund—state appropriation for fiscal year 2022, \$9,072,000 of the general fund—state appropriation for fiscal year 2023, and \$452,000 of the general fund—federal appropriation are provided solely for behavioral health personal care services for individuals with exceptional care needs due to their psychiatric diagnosis as determined through the department's CARE assessment and for three full-time positions to coordinate with the health care authority and medicaid managed care organizations for the care of these individuals. Future caseload and per capita changes for behavioral health personal care services will be incorporated into the department's medicaid forecast. The department shall coordinate with the authority for purposes of developing and submitting to the centers for medicare and medicaid, a 1915(i) state plan.

(37) Within existing appropriations, and no later than December 31, 2021, the department of social and health services must work with stakeholders to consider modifications to current practices that address the current challenges adult family homes are facing with acquiring and maintaining liability insurance coverage. In consultation with stakeholders, the department of social and health services must:

(a) Transition language contained in citation and enforcement actions to plain talk language that helps insurers and consumers understand the nature of the regulatory citations; and

(b) Display the severity and resolution of citation and enforcement actions in plain talk language for consumers and insurers to better understand the nature of the situation.

(38) \$435,000 of the general fund—state appropriation for fiscal year 2022 and \$435,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue the current pilot project in Pierce county to provide personal care services to homeless seniors and people with disabilities from the time the person presents at a shelter to the time they become eligible for medicaid and to establish two new pilot project sites in King county, one site in Clark county, and one site in Spokane county. The department of social and health services shall submit a report by December 1, 2022, to the governor and appropriate legislative committees that addresses the following for each site:

(a) The number of people served in the pilot;

(b) The number of people served in the pilot who transitioned to medicaid personal care;

(c) The number of people served in the pilot who found stable housing; and

(d) Any additional information or data deemed relevant by the contractors or the department of social and health services.

(39) \$3,063,000 of the general fund—state appropriation for fiscal year 2022 and \$4,517,000 of the general fund—federal appropriation is provided solely to offset COVID-19 related cost impacts on the in-home medicaid long-term care case management program operated by area agencies on aging.

(40) Appropriations provided in this section are sufficient to implement Substitute Senate Bill No. 5258 (consumer directed employers).

(41) \$69,000 of the general fund—state appropriation for fiscal year 2022, \$65,000 of the general fund—state appropriation for fiscal year 2023, and \$98,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute Senate Bill No. 5163 (conditionally released sexually violent predators).

(42) \$75,000 of the general fund—state appropriation for fiscal year 2022, \$54,000 of the general fund—state appropriation for fiscal year 2023, and \$130,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1411 (health care workforce).

(43) \$15,000 of the general fund—state appropriation for fiscal year 2022, \$111,000 of the general fund—state appropriation for fiscal year 2023, and \$61,000 of the general fund—federal appropriation are provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(44) \$12,890,000 of the general fund—state appropriation for fiscal year 2023 and \$12,891,000 of the general fund—federal appropriation are provided solely to adjust the minimum occupancy assumption used to calculate the indirect care median to 75 percent.

(45) \$38,265,000 of the general fund—state appropriation for fiscal year 2023 and \$48,666,000 of the general fund—federal appropriation are provided solely for the purposes of settling all claims in the two related cases *Liang et al v. Washington DSHS et al*, Thurston county superior court case no. 20-2-02506-34 and *SEIU 775 v. Washington DSHS et al*, Thurston county superior court case no. 18-2-05584-34, Washington supreme court case no. 99658-8. The expenditure of these amounts is contingent upon the release of all claims in both cited cases, and total settlement costs shall not exceed the amounts provided in this

subsection and section 203(1)(y) of this act. If the settlement agreement is not fully executed and approved by the Thurston county superior court by June 30, 2023, the amounts provided in this subsection shall lapse.

(46) \$799,000 of the general fund—state appropriation for fiscal year 2023 and \$1,016,000 of the general fund—federal appropriation are provided solely to make up for a gap in the employer tax rates paid to agency providers. Funds must be used to ensure wages and benefits of home care agency workers who provide direct care are increased to satisfy wage parity requirements set forth in RCW 74.39A.310, except in situations where agency providers covered the gap in the tax rate by reducing agency administrative expenses.

(47) \$133,000 of the general fund—state appropriation for fiscal year 2022, \$181,000 of the general fund—state appropriation for fiscal year 2023, and \$313,000 of the general fund—federal appropriation are provided solely to continue the overpayment resolution team through the 2021-2023 fiscal biennium. No later than June 30, 2023, the department shall submit to the appropriate committees of the legislature a report describing the work undertaken by this team and the associated outcomes.

(48) \$1,081,000 of the general fund—state appropriation for fiscal year 2023 and \$1,200,000 of the general fund—federal appropriation are provided solely to increase rates by 20 percent for in-home private duty nursing agencies and to increase rates by 10 percent for private duty nursing adult family homes effective July 1, 2022.

(49) \$1,750,000 of the general fund—state appropriation for fiscal year 2023 and \$350,000 of the general fund—federal appropriation are provided solely for area agency on aging care coordinators stationed in acute care hospitals to help transition clients ready for hospital discharge into home and community-based settings. Care coordinators shall keep data on numbers of patients discharged and readmission impacts and report that information to the department of social and health services.

(50) \$23,000 of the general fund—state appropriation for fiscal year 2022, \$15,879,000 of the general fund—state appropriation for fiscal year 2023, and \$17,378,000 of the general fund—federal appropriation are provided solely to increase funding of the assisted living medicaid methodology established in RCW 74.39A.032 and of the specialized dementia care rate methodology to 68 percent of full methodology funding, effective July 1, 2022.

(a) Of the amounts provided in this subsection, \$23,000 of the general fund—state appropriation for fiscal year 2022, \$39,000 of the general fund—state appropriation for fiscal year 2023, and \$62,000 of the general fund—federal appropriation are provided solely for a one-time project staff position at the department to develop and submit a report to the governor and appropriate legislative committees no later than December 30, 2022. The report must include a review and summary of discharge regulations and notification requirements for assisted living providers and include recommendations related to disclosure of providers' terms and conditions for medicaid acceptance.

(b) Following the submission of the report in (a) of this subsection and through the end of the 2021-2023 fiscal biennium, the department shall regularly review and report on medicaid resident utilization of and access to assisted living facilities.

(51) \$12,000,000 of the general fund—state appropriation for fiscal year 2023 and \$12,000,000 of the general fund—federal appropriation are provided solely to increase the rate paid for area agency on aging case management services by 23 percent.

(52) \$68,000 of the general fund—state appropriation for fiscal year 2023 and \$67,000 of the general fund—federal appropriation are provided solely for implementation of Senate Bill No. 5866 (medicaid LTSS/tribes). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(53) \$24,138,000 of the general fund—state appropriation for fiscal year 2023 and \$24,138,000 of the general fund—federal appropriation are provided solely to increase skilled nursing facility medicaid rates in order to increase low-wage direct and indirect care worker wages by up to four dollars per hour effective July 1, 2022. Funding provided in this subsection is provided for purposes of wage equity.

(a) Of the amounts provided in this subsection, \$21,910,000 of the general fund—state appropriation for fiscal year 2023 and \$21,910,000 of the general fund—federal appropriation are provided solely to increase the fixed rate paid for direct care to no less than 111 percent of statewide case mix neutral median costs to increase low-wage direct care worker wages by up to four dollars per hour effective July 1, 2022. For the purpose of this subsection, "low-wage direct care workers" means certified nursing assistants, dietary workers, laundry workers, and other workers who provide direct care to patients and who have no managerial roles. The department shall determine each facility-specific wage equity funding amount in the direct care rate component by comparing the rate at 105 percent of the direct care median to the rate at 111 percent of the direct care median, and by multiplying the rate difference by the actual paid medicaid days over the July 1, 2022, through June 30, 2023 period.

(b) Of the amounts provided in this subsection, \$2,229,000 of the general fund—state appropriation for fiscal year 2023 and \$2,228,000 of the general fund—federal appropriation are provided solely to increase the fixed rate paid for indirect care to no less than 92 percent of statewide median costs to increase low-wage indirect care worker wages by up to four dollars per hour effective July 1, 2022. For the purpose of this subsection, "low-wage indirect care workers" means central supply workers and housekeeping workers. The department shall determine each facility-specific wage equity funding amount for the indirect care rate component by comparing the rate at 90 percent of the indirect care median to the rate at 92

percent of the indirect care median, and by multiplying the rate difference by the actual paid medicaid days over the July 1, 2022, through June 30, 2023 period.

(c) Working with stakeholders, the department shall develop and adopt rules to establish a verification process for each skilled nursing facility provider to demonstrate how the provider has used its wage equity funding to increase wages for low-wage workers by up to four dollars per hour, and for the department to recover any funding difference between each provider's wage equity funding and the amount of wage equity funding that the provider utilizes to increase low-wage worker wages. The verification process must use wages paid as of December 31, 2021, as the base wage to compare providers' wage spending in the designated job categories to the facility-specific amounts of wage equity funding provided in (a) and (b) of this subsection, excluding any amounts adjusted by settlement. The verification and recovery process in this subsection is a distinct and separate process from the settlement process described in RCW 74.46.022.

(d) It is the intent of the legislature that wage equity funding provided in this subsection be carried forward into the department's appropriation for the 2023-2025 fiscal biennium.

(54) \$350,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a study of the feasibility of placing individuals under the jurisdiction of the department of corrections in nursing home facilities licensed or to be licensed by the department to better meet the client's care needs. By October 1, 2022, in collaboration with the department of corrections and the health care authority, the department must submit a preliminary report to the governor and the relevant fiscal and policy committees of the legislature. At a minimum, the preliminary report must review the medical, behavioral health, and long-term care needs of the individuals and assess whether the state could obtain and be eligible for federal funding for providing health care and long-term care services for individuals under the jurisdiction of the department of corrections placed in nursing home facilities. By June 30, 2023, the department, in collaboration with the department of corrections, must submit a final report to the governor and the relevant fiscal and policy committees of the legislature. The final report shall:

(a) Assess the relevant characteristics and needs of the potential patient population;

(b) Assess the feasibility, daily operating costs, staffing needs, and other relevant factors of potential locations or contractors, including the Maple Lane corrections center, for placement of long-term care individuals under the jurisdiction of the department of corrections for a potential nursing home facility to be licensed by the department;

(c) A cost-benefit analysis of placing individuals under the jurisdiction of department of corrections clients in potential facilities identified in subsection (b) of this subsection, including the possibility or absence of federal funding for operations. The department of corrections must provide daily operating costs of prisons where these individuals may be coming from, the fiscal year 2021 daily costs per incarcerated individual assigned to the sage living unit, and the costs associated with electronic home monitoring costs per individual. This analysis shall take into account both state-run and privately contracted options;

(d) Assess the ability of potential facilities identified in subsection (b) of this subsection to better meet clients' medical and personal needs; and

(e) Assess the ability to provide medicaid funded services to meet the health care needs of these individuals.

(55) \$438,000 of the general fund—state appropriation for fiscal year 2023 and \$558,000 of the general fund—federal appropriation are provided solely to increase the rates paid for adult day health and adult day care providers effective July 1, 2022, by the amount of the temporary rate add-on in effect through June 30, 2022.

(56) \$900,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand the availability of home-delivered meals for eligible long-term care clients.

(57) \$82,000 of the general fund—state appropriation for fiscal year 2023 and \$82,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1980 (concurrent services). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(58) The long-term services and supports trust commission established in RCW 50B.04.030 must submit the results of the following activities, including any legislative recommendations, to the governor and appropriate legislative committees no later than January 1, 2023:

(a) The commission shall develop options for allowing persons who become qualified individuals and subsequently move outside of Washington to access benefits in another state if they meet the minimum assistance requirements to become an eligible beneficiary. The commission must include consideration of options for conducting eligibility determinations for qualified individuals who subsequently move outside of Washington, alternative forms of benefits for out-of-state eligible beneficiaries, methods of cross-state coordination on long-term services and supports providers, and timing implications of extending benefits to out-of-state eligible beneficiaries with respect to short-term program implementation and long-term collaboration with other states establishing similar programs.

(b) The commission shall develop options for requiring the ongoing verification of the maintenance of long-term care insurance coverage by persons who have received an exemption under RCW 50B.04.085, including consideration of procedures that minimize administrative burden, minimize negative impact on long-term services and supports trust account solvency, and incentivize maintenance of coverage.

(c) The commission shall develop options for providing workers who have received exemptions based on having private long-term care insurance pursuant to RCW 50B.04.085 an opportunity to rescind their exemption and permanently reenter the long-term services and supports trust program.

**Sec. 1205.** 2022 c 297 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022) . . . . .	\$393,972,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$511,507,000</del> ))
	<u>\$552,937,000</u>
General Fund—Federal Appropriation . . . . .	(( <del>\$1,658,341,000</del> ))
	<u>\$1,759,106,000</u>
General Fund—Private/Local Appropriation . . . . .	\$5,274,000
Domestic Violence Prevention Account—State Appropriation . . . . .	\$2,404,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation . . . . .	(( <del>\$345,399,000</del> ))
	<u>\$355,870,000</u>
<b>TOTAL APPROPRIATION</b> .....	<b>((<del>\$2,916,897,000</del>))</b>
	<b><u>\$3,069,563,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) ~~(\$122,583,000)~~ \$129,548,000 of the general fund—state appropriation for fiscal year 2022, and ~~(\$860,217,000)~~ \$855,217,000 of the general fund—federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b) ~~(\$366,071,000)~~ \$394,373,000 of the amounts in (a) of this subsection is for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance. Of the amounts provided in this subsection (1) (b):

(i) \$7,776,000 of the general fund—state appropriation for fiscal year 2022, \$9,729,000 of the general fund—state appropriation for fiscal year 2023, and \$27,226,000 of the general fund—federal appropriation are provided solely for the department to increase the temporary assistance for needy family grant standard by 15 percent, effective July 1, 2021.

(ii) \$10,744,000 of the general fund—federal appropriation of the amounts in (a) of this subsection are provided solely for the department to provide cash assistance to households who have exceeded the 60 month time limit in the temporary assistance for needy families program, pursuant to RCW 74.08A.010(5), through June 30, 2022. Because funding for this specific purpose is provided only through fiscal year 2022, pursuant to section 4 of Second Substitute Senate Bill No. 5214, the bill takes effect 90 days after final adjournment of the legislative session in which it is enacted.

(iii) \$9,950,000 of the general fund—state appropriation for fiscal year 2023 and \$2,126,000 of the general fund—federal appropriation are provided solely for the department to provide cash assistance to households who have exceeded the 60 month time limit in the temporary assistance for needy families program, pursuant to RCW 74.08A.010(5), through June 30, 2023.

(iv) \$217,000 of the general fund—state appropriation for fiscal year 2022 and \$863,000 of the general fund—federal appropriation are provided solely for costs in state fiscal year 2022 that are associated with the temporary suspension of the mid-certification review and extension of the eligibility review between November 2020 and June 2021 for the temporary assistance for needy families program.

(v) \$50,000 of the general fund—federal appropriation is provided solely to increase the monthly payment standard for households with nine or more assistance unit members that are receiving temporary assistance for needy families or state family assistance benefits, effective July 1, 2022.

(c) ~~(\$176,446,000)~~ \$161,855,000 of the amounts in (a) of this subsection is for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Within amounts provided in this subsection (1) (c), the department shall implement the working family support program.



(i) \$5,952,000 of the general fund—state appropriation for fiscal year 2022 and \$157,000 of the general fund—federal appropriation of the amounts in (a) of this subsection are provided solely for the WorkFirst services costs associated with the expansion of the 60 month time limit in the temporary assistance for needy families program for households described in RCW 74.08A.010(5).

(ii) \$2,474,000 of the amounts provided in this subsection (1)(c) is for enhanced transportation assistance. The department must prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(iii) \$378,000 of the general fund—state appropriation for fiscal year 2022 and \$568,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for WorkFirst services costs associated with the implementation of chapter 320, Laws of 2020 (revising economic assistance programs).

(iv) \$748,000 of the general fund—state appropriation for fiscal year 2022, \$760,000 of the general fund—state appropriation for fiscal year 2023, and \$1,706,000 of the general fund—federal appropriation are provided solely for WorkFirst services costs associated with the implementation of chapter 338, Laws of 2020 (improving access to temporary assistance for needy families).

(v) \$7,230,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the WorkFirst costs associated with the extension of the 60 month time limit through June 30, 2023.

(d) Of the amounts in (a) of this subsection, (~~(\$318,402,000)~~)\$307,083,000 of the general fund—federal appropriation is for the working connections child care program under RCW 43.216.020 within the department of children, youth, and families. The department is the lead agency for and recipient of the federal temporary assistance for needy families grant. A portion of this grant must be used to fund child care subsidies expenditures at the department of children, youth, and families.

(i) The department of social and health services shall work in collaboration with the department of children, youth, and families to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families.

(ii) Effective September 30, 2022, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(e) Of the amounts in (a) of this subsection, \$68,496,000 of the general fund—federal appropriation is for child welfare services within the department of children, youth, and families.

(f) Of the amounts in (a) of this subsection, (~~(\$122,836,000)~~)\$122,409,000 is for WorkFirst administration and overhead. Of the amounts provided in this subsection (1)(f):

(i) \$399,000 of the general fund—state appropriation for fiscal year 2022 and \$805,000 of the general fund—state appropriation for fiscal year 2023 of the amounts in (a) of this subsection are provided solely for administrative and overhead costs associated with the expansion of the 60 month time limit through June 30, 2023 in the temporary assistance for needy families program for households described in RCW 74.08A.010(5).

(ii) \$43,000 of the general fund—state appropriation in fiscal year 2022 and \$43,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for administrative and overhead costs associated with the implementation of chapter 320, Laws of 2020 (revising economic assistance programs).

(iii) \$1,215,000 of the general fund—federal appropriation is provided solely for administrative and overhead costs associated with the implementation of chapter 338, Laws of 2020 (improving access to temporary assistance for needy families).

(iv) \$512,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for administrative and overhead costs associated with the implementation of Second Substitute Senate Bill No. 5214 (economic assistance programs). The department is directed to use the funding provided in this subsection to make information technology changes necessary to provide the high-unemployment time-limit extension approved under the bill beginning July 1, 2022.

(v) \$489,000 of the general fund—federal appropriation is provided solely for administrative and overhead costs associated with the implementation of Substitute Senate Bill No. 5838 (diaper subsidy/TANF). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(g)(i) The department shall submit quarterly expenditure reports to the governor, the fiscal committees of the legislature, and the legislative WorkFirst poverty reduction oversight task force under RCW 74.08A.341. In addition to these requirements, the department

must detail any fund transfers across budget units identified in (a) through (e) of this subsection. The department shall not initiate any services that require expenditure of state general fund moneys that are not consistent with policies established by the legislature.

(ii) The department may transfer up to ten percent of funding between budget units identified in (b) through (f) of this subsection. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst poverty reduction oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst poverty reduction oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort;

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements; and

(vii) Proposed and enacted federal law changes affecting maintenance of effort or the participation rate, what impact these changes have on Washington's temporary assistance for needy families program, and the department's plan to comply with these changes.

(i) In the 2021-2023 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (a) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) \$2,545,000 of the general fund—state appropriation for fiscal year 2022 and \$2,546,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On January 1, 2022, and January 1, 2023, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(8) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operational support of the Washington information network 211 organization.

(9) \$609,000 of the general fund—state appropriation for fiscal year 2022 and \$380,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of section 2, chapter 9, Laws of 2021 (SHB 1151) (public assistance), a state-funded cash benefit program and transitional food assistance program for households with children that are recipients of the supplemental nutrition assistance program of the food

assistance program but are not recipients of the temporary assistance for needy families program.

(10) \$377,000 of the general fund—state appropriation for fiscal year 2022 and \$377,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the consolidated emergency assistance program.

(11) \$77,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to conduct a study, jointly with the poverty reduction work group, on the feasibility of implementing a universal basic income pilot program. The study must include research of other universal basic income programs, recommendations for a pilot in Washington, a cost-benefit analysis, operational costs, and an implementation plan that includes a strategy to ensure pilot participants who voluntarily quit a public assistance program to enroll in the universal basic income pilot will not experience gaps in service upon completion of the pilot. The department shall submit recommendations required by this section to the governor and appropriate legislative committees no later than June 1, 2022.

(12) \$251,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for costs in state fiscal year 2022 that are associated with the temporary suspension of mid-certification reviews and extension of the eligibility review between November 2020 and June 2021 for the aged, blind, or disabled program.

(13) \$388,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for costs in fiscal year 2022 that are associated with the temporary suspension of mid-certification reviews and extension of the eligibility review between November 2020 and June 2021 for the food assistance program.

(14) ~~(\$5,399,000)~~ \$487,000 of the general fund—state appropriation for fiscal year 2023 and \$15,870,000 of the coronavirus state fiscal recovery account—federal appropriation is provided solely for the department to increase benefits for the food assistance program to maintain parity with benefits provided under the supplemental nutrition assistance program, for the period of July 1, 2021, through ~~(January 31, 2022)~~ February 28, 2023.

(15) \$340,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the Washington immigrant relief fund, a disaster assistance program to provide grants to eligible persons. Administrative costs may not exceed 10 percent of the funding in this subsection.

(a) A person is eligible for a grant who:

(i) Lives in Washington state;

(ii) Is at least 18 years of age;

(iii) After January 1, 2021, and before June 30, 2023, has been significantly affected by the coronavirus pandemic, such as loss of employment or significant reduction in work hours, contracting the coronavirus, having to self-quarantine as a result of exposure to the coronavirus, caring for a family member who contracted the coronavirus, or being unable to access childcare for children impacted by school or childcare closures; and

(iv) Is not eligible to receive federal economic impact (stimulus) payments or unemployment insurance benefits due to the person's immigration status.

(b) The department may not deny a grant to a person on the basis that another adult in the household is eligible for federal economic impact (stimulus) payments or unemployment insurance benefits or that the person previously received a grant under the program. However, a person may not receive more than three grants.

(c) The department's duty to provide grants is subject to the availability of the amounts specified in this subsection, and the department must prioritize grants to persons who are most in need of financial assistance using factors that include, but are not limited to: (i) Having an income at or below 250 percent of the federal poverty level; (ii) being the primary or sole income earner of household; (iii) experiencing housing instability; and (iv) having contracted or being at high risk of contracting the coronavirus.

(d) The department may contract with one or more entities to administer the program. If the department engages in a competitive contracting process for administration of the program, experience in administering similar programs must be given weight in the selection process to expedite the delivery of benefits to eligible applicants.

(16) \$204,000 of the general fund—state appropriation for fiscal year 2022 and \$22,766,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to provide a one-time or short-term cash benefit to families eligible for pandemic emergency assistance under section 9201 of the American rescue plan act of 2021, P.L. 117-2, and to offer an equivalent benefit to eligible state family assistance or food assistance program recipients.

(17) \$88,000 of the general fund—state appropriation for fiscal year 2022 and \$89,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 90, Laws of 2021 (SSB 5068) (postpartum period/Medicaid).

(18) \$41,000 of the general fund—state appropriation for fiscal year 2022, \$81,000 of the general fund—state appropriation for fiscal year 2023, and \$237,000 of the general fund—federal appropriation are provided solely for implementation of Substitute House Bill No. 1416 (insurers/child support coll.).

(19) \$11,884,000 of the general fund—state appropriation for fiscal year 2022 and \$15,248,000 of the general fund—federal appropriation are provided solely to cover the variance in total child support arrears collected in fiscal year 2022 compared to the total arrears collected in fiscal year 2021.

(20) \$36,860,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase the grant standard for the aged, blind, or disabled program to a maximum

of \$417 per month for a one-person grant and \$528 for a two-person grant effective September 1, 2022.

(21) \$513,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to eliminate the mid-certification review for blind or disabled participants in the aged, blind, or disabled program, effective July 1, 2022.

(22) \$195,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand the aged, blind, or disabled program's clothing, personal maintenance, and necessary incidentals grant to individuals between the ages of 21 and 64 who are residing in a public mental institution, effective September 1, 2022.

(23) \$207,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement House Bill No. 1748 (human trafficking/ABD prog.). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(24) \$560,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement a state-funded employment and training program for recipients of the state's food assistance program, effective July 1, 2022.

(25) \$219,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement Substitute Senate Bill No. 5785 (transitional food assistance). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(26) \$95,000 of the general fund—state appropriation for fiscal year 2023 and \$61,000 of the general fund—federal appropriation are provided solely to remove the asset limit test for the medicare savings plan program in collaboration with the health care authority, effective January 1, 2023.

(27) \$207,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for system upgrades necessary for the anticipated expansion of medicaid equivalent health care coverage to uninsured adults with income up to 138 percent of the federal poverty level regardless of immigration status in collaboration with the health care authority. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(28) \$8,489,000 of the general fund—state appropriation for fiscal year 2022 and \$19,909,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with nonprofit organizations to provide services to refugees and immigrants that have arrived in Washington state on or after July 1, 2021, and are eligible for federal refugee resettlement services, including those from Afghanistan and Ukraine. The services shall include, but are not limited to, emergency, temporary, and long-term housing and assistance with food, transportation, accessing childhood education services, applying for benefits and immigrant services, education and employment support, and social services navigation.

(29) \$750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide funding to domestic violence services providers in Washington state that receive funding through the domestic violence services program and provide shelter services. The funding to each entity shall be proportionate, based upon bed capacity. This funding shall be in addition to any other funds previously provided to or scheduled to be provided under a contract with the domestic violence services program in the 2021-2023 fiscal biennium.

(30) \$1,000 of the general fund—state appropriation for fiscal year 2023 is for the implementation of Engrossed Second Substitute House Bill No. 2075 (DSHS service requirements).

(31) \$211,000 of the general fund—state appropriation for fiscal year 2022, \$5,727,000 of the general fund—state appropriation for fiscal year 2023, and \$13,762,000 of the general fund—federal appropriation are provided solely for the integrated eligibility and enrollment modernization project to create a comprehensive application and benefit status tracker for multiple programs and to establish a foundational platform. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(32) \$27,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5729 (hearing deadlines/good cause). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1206.** 2022 c 297 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2022) . . . . .	\$17,363,000
General Fund—State Appropriation (FY 2023) . . . . .	(((\$24,443,000))
	<u>\$24,449,000</u>
General Fund—Federal Appropriation . . . . .	(((\$109,830,000))
	<u>\$109,821,000</u>
<b>TOTAL APPROPRIATION</b> . . . . .	<b>(((\$151,636,000))</b>
	<b><u>\$151,633,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1061 (child welfare/dev disability).

(2) \$5,087,000 of the general fund—state appropriation for fiscal year 2023 and \$235,000 of the general fund—federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5790 (community support services). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

**Sec. 1207.** 2022 c 297 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM**

General Fund—State Appropriation (FY 2022)	\$65,051,000
General Fund—State Appropriation (FY 2023)	(( <del>\$69,743,000</del> ))
	<u>\$75,012,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$134,794,000</del>))</b>
	<u>\$140,063,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(2) \$1,204,000 of the general fund—state appropriation for fiscal year 2022 and \$1,079,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for specialized equipment and additional medical staff to provide more capacity to deliver care to individuals housed at the total confinement facility. No later than November 1, 2023, the department shall report to the legislature on the number of individuals treated on the island that previously would have been transported off the island for treatment.

(3) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the increased costs for personal computers leased through the department of enterprise services.

(4) \$6,768,000 of the general fund—state appropriation for fiscal year 2022 and \$4,496,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5163 (conditionally released SVPs).

**Sec. 1208.** 2022 c 297 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022)	\$41,169,000
General Fund—State Appropriation (FY 2023)	(( <del>\$45,628,000</del> ))
	<u>\$46,566,000</u>
General Fund—Federal Appropriation	(( <del>\$53,582,000</del> ))
	<u>\$60,088,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$140,379,000</del>))</b>
	<u>\$147,823,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2022, and February 1, 2023. The report must provide:

- (a) The number of people in Washington who are eligible for the program;
- (b) The number of people in Washington who participated in the program;
- (c) The average annual participation rate in the program;
- (d) Participation rates by geographic distribution; and
- (e) The annual federal funding of the program in Washington.

(2) (a) \$3,000 of the general fund—state appropriation for fiscal year 2022, \$5,000 of the general fund—state appropriation for fiscal year 2023, and \$8,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium.

(b) \$20,000 of the general fund—state appropriation for fiscal year 2023 and \$11,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for fiscal year 2023 as provided in section 938 of this act.

(3) By October 1, 2021, the department must submit a report to the fiscal committees of the legislature detailing shortcomings of the previously funded electronic health records system and contract, the clinical validity of existing software, approaches to mitigate the shortcomings of previously funded system, and a recommended approach to establishing a comprehensive electronic health records system at state facilities in the future.

(4) \$39,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Substitute House Bill No. 1411 (health care workforce).

(5) \$364,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the creation of a program director position and a project manager position tasked

with ensuring an enterprise-wide approach to poverty reduction across Washington. These positions will convene and facilitate the poverty reduction subcommittee, track agency progress on poverty reduction efforts to build a stronger continuum of care, coordinate budget and policy proposals, and ensure that recommendations incorporate data prepared by the poverty reduction technical advisory group.

(6) \$461,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create a poverty reduction technical advisory group that is tasked with developing a statewide measurement and data framework that can help inform future budget and policy decisions. This group must also track the state's progress towards creating a just and equitable future. This group must collaborate with communities experiencing poverty and the state office of equity to ensure their input is factored into the analysis of data.

(7) \$75,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department, in collaboration with the Washington state health care authority, to study the cost and benefit of adopting available options to expand medicare savings programs and classic medicaid programs, including categorically needy and medically needy, to promote affordable care, premiums, and cost-sharing for medicare enrollees. The cost analysis must identify available federal funding for each option. The department shall consider options that create affordability comparable to affordable care act programs available to adults without medicare, as well as intermediate options that move toward comparability. The study must analyze equity impacts of each option, considering gender, race, and ethnicity. The department shall submit the study and recommendations to the fiscal and health care committees of the legislature, as well as the joint legislative-executive committee on planning for aging and disability issues, by November 1, 2022.

(8) \$75,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to design and conduct a study describing the service experiences and characteristics of persons receiving medicaid-funded long-term services and supports and persons receiving services related to developmental or intellectual disabilities, and associated social and health services expenditures. Where feasible, this analysis shall include service experiences and expenditures of these populations within and across medicaid-funded long-term services and supports, medicaid-funded medical programs, medicaid-funded behavioral health programs, and medicare programs in Washington state. The department analysis shall be developed in consultation with relevant stakeholders, including but not limited to the Washington state health care authority. The department shall submit a final study report to the governor and appropriate committees of the legislature by December 31, 2022.

(9) \$65,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to prepare an annual report in consultation with the department of commerce on the projected demand for permanent supportive housing. This report is to be submitted to the appropriate committees of the legislature by December 1, 2022.

**Sec. 1209.** 2022 c 297 s 209 (uncodified) is amended to read as follows:

<b>FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM</b>	
General Fund—State Appropriation (FY 2022) . . . . .	\$68,048,000
General Fund—State Appropriation (FY 2023) . . . . .	(((\$60,750,000))
	<u>\$57,643,000</u>
General Fund—Federal Appropriation . . . . .	(((\$55,969,000))
	<u>\$55,802,000</u>
<b>TOTAL APPROPRIATION</b> . . . . .	<b>(((\$184,767,000))</b>
	<u><b>\$181,493,000</b></u>

The appropriations in this section are subject to the following conditions and limitations: Within the amounts appropriated in this section, the department must extend master property insurance to all buildings owned by the department valued over \$250,000 and to all locations leased by the department with contents valued over \$250,000.

**Sec. 1210.** 2022 c 297 s 210 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY**

(1)(a) During the 2021-2023 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

(b) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

(2) The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing

appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) (a) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(b) The health care authority must submit a report on November 1, 2021, and annually thereafter, to the fiscal committees of the legislature. The report must include, at a minimum:

(i) A list of active coalition projects as of July 1st of the fiscal year. This must include all current and ongoing coalition projects, which coalition agencies are involved in these projects, and the funding being expended on each project, including in-kind funding. For each project, the report must include which federal requirements each coalition project is working to satisfy, and when each project is anticipated to satisfy those requirements; and

(ii) A list of coalition projects that are planned in the current and following fiscal year. This must include which coalition agencies are involved in these projects, including the anticipated in-kind funding by agency, and if a budget request will be submitted for funding. This must reflect all funding required by fiscal year and by fund source and include the budget outlook period.

(4) The appropriations to the health care authority in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, ~~((2022))~~2023, unless prohibited by this act, the authority may transfer general fund—state appropriations for fiscal year 2022 among programs after approval by the director of the office of financial management. The authority must notify the fiscal committees of the legislature prior to receiving approval from the director of the office of financial management. To the extent that appropriations in sections 211 through 215 of this act are insufficient to fund actual expenditures in excess of caseload forecast and utilization assumptions or for expenses in response to the COVID-19 pandemic, the authority may transfer general fund—state appropriations for fiscal year ~~((2022))~~2023 that are provided solely for a specified purpose. The authority may not transfer funds, including for expenses in response to the COVID-19 pandemic in fiscal year ~~((2022))~~2023, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this section. The written notification must include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications and transfers.

**Sec. 1211.** 2022 c 297 s 211 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—MEDICAL ASSISTANCE**

General Fund—State Appropriation (FY 2022)	\$2,391,518,000
General Fund—State Appropriation (FY 2023)	<del>((2,600,611,000))</del>
	<u>\$2,757,521,000</u>
General Fund—Federal Appropriation	<del>((13,934,556,000))</del>
	<u>\$15,566,628,000</u>
General Fund—Private/Local Appropriation	<del>((465,890,000))</del>
	<u>\$452,226,000</u>
Emergency Medical Services and Trauma Care Systems	
Trust Account—State Appropriation	\$15,086,000
Hospital Safety Net Assessment Account—State	
Appropriation	<del>((685,383,000))</del>
	<u>\$685,724,000</u>
Dedicated Marijuana Account—State Appropriation	
(FY 2022)	\$26,063,000
Dedicated Marijuana Account—State Appropriation	
(FY 2023)	<del>((27,241,000))</del>
	<u>\$21,078,000</u>
Medical Aid Account—State Appropriation	\$540,000
Telebehavioral Health Access Account—State	

Appropriation. . . . .	\$8,034,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation. . . . .	\$59,600,000
Ambulance Transport Fund—State Appropriation. . . . .	\$14,317,000
<b>TOTAL APPROPRIATION.....</b>	<b>(\$20,228,839,000)</b>
	<b>\$21,998,335,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in subsections (2), (3), and (4) of this section until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (a) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (b) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (c) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (d) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. The authority shall submit an application to the centers for medicaid and medicare services to extend the duration of the medicaid transformation waiver under healthier Washington as described in subsections (2), (3), and (4) of this section by one year. If not extended, by federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement. The demonstration period for the waiver as described in subsections (2), (3), and (4) of this section concludes (~~December 31, 2022~~) June 30, 2023.

(2) (a) No more than (~~(\$78,409,000)~~) \$93,107,000 of the general fund—federal appropriation and no more than (~~(\$66,264,000)~~) \$88,826,000 of the general fund—local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration wavier under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund—state expenditures under this initiative. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than (~~(\$198,909,000)~~) \$315,678,000 of the general fund—federal appropriation and no more than (~~(\$81,245,000)~~) \$128,939,000 of the general fund—private/local appropriation may be expended for the medicaid quality improvement program. Under federal regulations, the medicaid quality improvement program is authorized and allows states to design quality improvement programs for the medicaid population in ways that support the state's quality goals. Medicaid quality improvement program payments will not count against the medicaid transformation demonstration waiver spending limits and are excluded from the waiver's budget neutrality calculation. Apple health managed care organizations and their partnering providers will receive medicaid quality improvement program payments as they meet designated milestones. Partnering providers and apple health managed care organizations will work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority shall only utilize the medicaid quality improvement program to support the transformation waiver and shall not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program does not create an entitlement. The authority shall not increase general fund—state, federal, or private/local expenditures under this program. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.



(3) No more than ~~((\$26,837,000))~~ \$46,739,000 of the general fund—federal appropriation and ~~((\$26,839,000))~~ \$46,742,000 of the general fund—local appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington as well as administrative expenses for initiative 3. The authority shall contract and provide funding to the department of social and health services to administer initiative 2. The director in cooperation with the secretary of the department of social and health services shall report to the office of financial management all of the expenditures of this section and shall provide such fiscal data in the time, manner, and form requested. The authority shall not increase general fund—state expenditures on this initiative.

(4) No more than ~~((\$28,680,000))~~ \$41,915,000 of the general fund—federal appropriation and no more than ~~((\$12,992,000))~~ \$20,310,000 of the general fund—local appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(5) The authority shall submit an application to the centers for medicare and medicaid services to renew the 1115 demonstration waiver for an additional five years as described in subsections (2), (3), and (4) of this section. The authority may not accept or expend any federal funds received under an 1115 demonstration waiver except as described in this section unless the legislature has appropriated the federal funding. To ensure compliance with legislative requirements and terms and conditions of the waiver, the authority shall implement the renewal of the 1115 demonstration waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the renewal of the 1115 demonstration waiver ~~((as set forth in subsections (6), (7), and (8) of this section))~~ requires sound, consistent, timely, and transparent oversight and analytic review in addition to lack of redundancy with other established measures. The patient must be considered first and foremost in the implementation and execution of the demonstration waiver. To accomplish these goals, the authority shall develop consistent performance measures that focus on population health and health outcomes. The authority shall limit the number of projects that accountable communities of health may participate in under initiative 1 to a maximum of six and shall seek to develop common performance measures when possible. The joint select committee on health care oversight will evaluate the measures chosen: (a) For effectiveness and appropriateness; and (b) to provide patients and health care providers with significant input into the implementation of the demonstration waiver to promote improved population health and patient health outcomes. In cooperation with the department of social and health services, the authority shall consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget to the joint select committee on health care oversight prior to submitting these waivers for federal approval. Prior to final approval or acceptance of funds by the authority, the authority shall submit the special terms and conditions as submitted to the centers for medicare and medicaid services and the anticipated budget for the duration of the renewed waiver to the governor, the joint select committee on health care, and the fiscal committees of the legislature. By federal standard any programs created or funded by this waiver do not create an entitlement. The demonstration period for the waiver ~~((as described in subsections (6), (7), and (8) of this section))~~ renewal begins ~~((January))~~ July 1, 2023.

(6) ~~((a))~~ ~~\$32,432,000 of the general fund federal appropriation and \$40,296,000 of the general fund local appropriation are provided solely for accountable communities of health described in initiative 1 of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. In renewing this initiative, the authority shall consider local input regarding community needs and shall limit total local projects to no more than six. To provide transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not supplement the amounts provided in this subsection with any general fund state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the fiscal committees of the legislature all expenditures under this subsection and provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.~~

~~((b))~~ ~~\$110,778,000 of the general fund federal appropriation and \$45,248,000 of the general fund private/local appropriation are provided solely for the medicaid quality improvement program and this is the maximum amount that may be expended for this purpose. Medicaid quality improvement program payments do not count against the 1115 demonstration waiver spending limits and are excluded from the waiver's budget neutrality calculation. The authority may provide medicaid quality improvement program payments to apple health managed care organizations and their partnering providers as they meet designated milestones. Partnering providers and apple health managed care organizations must work together to achieve medicaid quality improvement program goals according to the performance period~~

timelines and reporting deadlines as set forth by the authority. The authority may only use the medicaid quality improvement program to support initiatives 1, 2, and 3 as described in the 1115 demonstration waiver and may not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program do not constitute an entitlement for clients or providers. The authority shall not supplement the amounts provided in this subsection with any general fund state, general fund federal, or general fund local moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(c) In collaboration with the accountable communities of health, the authority will submit a report to the governor and the joint select committee on health care oversight describing how each of the accountable community of health's work aligns with the community needs assessment no later than December 1, 2022.

(d) Performance measures and payments for accountable communities of health shall reflect accountability measures that demonstrate progress toward transparent, measurable, and meaningful goals that have an impact on improved population health and improved health outcomes, including a path to financial sustainability. While these goals may have variation to account for unique community demographics, measures should be standardized when possible.

~~(7) \$19,902,000 of the general fund federal appropriation and \$19,903,000 of the general fund local appropriation are provided solely for long term support services as described in initiative 2 of the 1115 demonstration waiver as well as administrative expenses for initiative 3 and this is the maximum amount that may be expended for this purpose. The authority shall contract with and provide funding to the department of social and health services to administer initiative 2. The director in cooperation with the secretary of the department of social and health services shall report to the office of financial management all of the expenditures of this section and shall provide such fiscal data in the time, manner, and form requested. The authority shall not supplement the amounts provided in this subsection with any general fund state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section.~~

~~(8) (a) \$13,235,000 of the general fund federal appropriation and \$7,318,000 of the general fund local appropriation are provided solely for supported housing and employment services described in initiative 3a and 3b of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third-party administrator. The authority and the department, in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not supplement the amounts provided in this subsection with any general fund state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.~~

~~(b) The authority and the department shall seek additional flexibilities for housing supports through the centers for medicare and medicaid services and shall coordinate with the office of financial management and the department of commerce to ensure that services are not duplicated.~~

~~(c) The director shall report to the joint select committee on health care oversight no less than quarterly on utilization and caseload statistics for both supportive housing and employment services and its progress toward increasing uptake and availability for these services.~~

~~(9)) \$202,000 of the general fund state appropriation for fiscal year 2023 is provided solely for supported employment services and \$208,000 of the general fund state appropriation for fiscal year 2023 is provided solely for supported housing services, similar to the services described in initiatives 3a and 3b of the 1115 demonstration waiver to individuals who are ineligible for medicaid. Under these initiatives, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its third-party administrator. Before authorizing services, eligibility for initiative 3a or 3b of the 1115 demonstration waiver must first be determined.~~

~~((10)) (7) The authority shall submit a plan to preserve the waiver that allows for the full cost of stays in institutions for mental diseases to be included in managed care rates by November 1, 2021, to the appropriate committees of the legislature.~~

~~((11)) (8) The authority shall submit a plan to preserve the waiver allowing for full federal financial participation for medical clients in mental health facilities classified as institutions for mental diseases by November 1, 2021, to the appropriate committees of the legislature.~~

~~((12)) (9) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).~~

~~((13))~~ (10) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

~~((14))~~ (11) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

~~((15))~~ (12) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

~~((16))~~ (13) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

~~((17))~~ (14) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

~~((18))~~ (15) \$3,733,000 of the general fund—state appropriation for fiscal year 2022, ~~(\$4,261,000)~~ \$3,785,000 of the general fund—state appropriation for fiscal year 2023, and ~~(\$9,050,000)~~ \$9,553,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

~~((19))~~ (16) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

~~((20))~~ (17) \$7,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

~~((21))~~ (18) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2021-2023 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2021, and by November 1, 2022, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2022 and fiscal year 2023, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. For the purpose of determining the amount of any state grant under this subsection, payments will include the federal portion of medicaid program supplemental payments received by the hospitals. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2021-2023 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2019-2021 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no

additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$425,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$391,000)~~ \$273,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for state grants for the participating hospitals.

~~((22))~~ (19) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

~~((23))~~ (20) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

~~((24))~~ (21) The authority shall submit reports to the governor and the legislature by September 15, 2021, and no later than September 15, 2022, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

~~((25))~~ (22) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

~~((26))~~ (23) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

~~((27))~~ (24) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

~~((28))~~ (25) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

~~((29))~~ (26) \$90,000 of the general fund—state appropriation for fiscal year 2022, \$90,000 of the general fund—state appropriation for fiscal year 2023, and \$180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program. By November 15, 2022, the authority shall submit a report to the appropriate committees to the legislature that provides, at a minimum, information about the number of calls received by the nonprofit organization in the previous year, the amount of time spent on each call, comparisons to previous years, where available, and information about what data is collected related to this service.

~~((30))~~ (27) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

~~((31))~~ (28) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

~~((32))~~ (29) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

~~((33))~~ (30) The authority shall use revenue appropriated from the dedicated ~~((marijuana fund))~~ cannabis account for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

~~((34))~~ (31) Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority.

~~((35))~~ (32) Sufficient amounts are appropriated in this section for the authority to provide a medicaid equivalent adult dental benefit to clients enrolled in the medical care service program.

~~((36))~~ (33) During the 2021-2023 fiscal biennium, sufficient amounts are provided in this section for the authority to provide services identical to those services covered by the Washington state family planning waiver program as of August 2018 to individuals who:

(a) Are over nineteen years of age;

(b) Are at or below two hundred and sixty percent of the federal poverty level as established in WAC 182-505-0100;

(c) Are not covered by other public or private insurance; and

(d) Need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.

~~((37))~~ (34) Sufficient amounts are appropriated within this section for the authority to incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.320 RCW into contracts with managed care organizations that provide services to clients. The authority is directed to:

(a) Contract with an external quality improvement organization to annually analyze the performance of managed care organizations providing services to clients under this chapter based on seven performance measures. The analysis required under this subsection must:

(i) Measure managed care performance in four common measures across each managed care organization, including:

(A) At least one common measure must be weighted towards having the potential to impact managed care costs; and

(B) At least one common measure must be weighted towards population health management, as defined by the measure; and

(ii) Measure managed care performance in an additional three quality focus performance measures specific to a managed care organization. Quality focus performance measures chosen by the authority must:

(A) Be chosen from the statewide common measure set;

(B) Reflect specific measures where a managed care organization has poor performance; and

(C) Be substantive and clinically meaningful in promoting health status.

(b) The authority shall set the four common measures to be analyzed across all managed care organizations.

(c) The authority shall set three quality focus performance measures specific to each managed care organization. The authority must determine performance measures for each managed care organization based on the criteria established in (a)(ii) of this subsection.

(d) By September 15, 2021, and annually thereafter, the authority shall notify each managed care organization of the performance measures for the organization for the subsequent plan year.

(e) Two percent of the total plan year funding appropriated to each managed care organization that provides services to clients under chapter 70.320 RCW shall be withheld. At least seventy-five percent of the withhold shall be held contingent on each managed care organization's performance on the seven performance measures identified in this section. Each managed care organization may earn back the annual withhold if the external quality improvement organization finds that the managed care organization:

(i) Made statistically significant improvement in the seven performance measures as compared to the preceding plan year; or

(ii) Scored in the top national medicaid quartile of the performance measures.

(f) The amount of withhold annually paid to each managed care organization shall be proportional to findings of statistically significant improvement or top national medicaid quartile scoring by a managed care organization.

(g) For no more than two of the four quality focus performance measures, the authority may use an alternate methodology to approximate top national medicaid quartile performance where top quartile performance data is unavailable.

(h) For the purposes of this subsection, "external quality improvement organization" means an organization that meets the competence and independence requirements under 42 C.F.R. Sec. 438.354, as it existed on the effective date of this section.

~~((38))~~ (35) (a) The authority shall ensure that appropriate resources are dedicated to implementing the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report. Additionally, the authority shall:

(i) Work to ensure the efficient operations of the managed care plans, including but not limited to, a deconflicting process for audits with and among the managed care plans and the medicaid fraud division at the attorney general's office, to ensure the authority staff perform central audits of cases that appear across multiple managed care plans, versus the audits performed by the individual managed care plans or the fraud division; and

(ii) Remain accountable for operating in an effective and efficient manner, including performing program integrity activities that ensure high value in the medical assistance program in general and in medicaid managed care specifically;

(A) Work with its contracted actuary and the medicaid forecast work group to develop methods and metrics related to managed care program integrity activity that shall be incorporated into annual rate setting; and

(B) Work with the medicaid forecast work group to ensure the results of program integrity activity are incorporated into the rate setting process in a transparent, timely, measurable, quantifiable manner.

(b) The authority shall submit a report to the governor and appropriate committees of the legislature by October 1, 2021, that includes, but is not limited to:

(i) Specific, quantified actions that have been taken, to date, related to the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report; and

(ii) Specific, quantified information regarding the steps taken toward (a) (i), (iii), and (iv) of this subsection.

~~((39))~~ (36) No later than December 31, 2021, the health care authority, in partnership with the department of social and health services as described in section 204(16) of this act, shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

~~((40))~~ (37) \$2,786,000 of the general fund—state appropriation for fiscal year 2022, \$3,714,000 of the general fund—state appropriation for fiscal year 2023, and \$11,009,000 of the general fund—federal appropriation are provided solely to maintain and increase access for behavioral health services through increased provider rates. The rate increases are effective October 1, 2021, and must be applied to the following codes for children and adults enrolled in the medicaid program: 90832, 90833, 90834, 90837, H0004, H0036, H2015, H2021, H0023, 90836, 90838, 96156, 96158, 96159, 96164, 96165, 96167, 96168, 96170, 96171, 90845, 90846, 90847, 90849, 90853, 90785, and 90791. The authority may use a substitute code in the event that any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection the authority must:

(a) Implement this rate increase in accordance with the process established in chapter 285, Laws of 2020 (EHB 2584) (behavioral health rates);

(b) Raise the state fee-for-service rates for these codes by up to 15 percent, except that the state medicaid rate may not exceed the published medicare rate or an equivalent relative value unit rate if a published medicare rate is not available;

(c) Require in contracts with managed care organizations that, beginning October 2021, managed care organizations pay no lower than the fee-for-service rate for these codes, and adjust managed care capitation rates accordingly; and

(d) Not duplicate rate increases provided in subsections ~~((41) and (42))~~ (38) and (39) of this section.

~~((41))~~ (38) \$19,664,000 of the general fund—state appropriation for fiscal year 2022, \$26,218,000 of the general fund—state appropriation for fiscal year 2023, and \$77,996,000 of the general fund—federal appropriation are provided solely to maintain and increase access for primary care services for medicaid-enrolled patients through increased provider rates beginning October 1, 2021. Within the amounts provided in this subsection the authority must:

(a) Increase the medical assistance rates for adult primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 15 percent above medical assistance rates in effect on January 1, 2019;

(b) Increase the medical assistance rates for pediatric primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 21 percent above medical assistance rates in effect on January 1, 2019;

(c) Increase the medical assistance rates for pediatric critical care, neonatal critical care, and neonatal intensive care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 21 percent above medical assistance rates in effect on January 1, 2019;

(d) Apply reimbursement rates required under this subsection to payment codes in a manner consistent with the temporary increase in medicaid reimbursement rates under federal rules and guidance in effect on January 1, 2014, implementing the patient protection and affordable care act, except that the authority may not require provider attestations;

(e) Pursue state plan amendments to require medicaid managed care organizations to increase rates under this subsection through adoption of a uniform percentage increase for network providers pursuant to 42 C.F.R. Sec. 438.6(c)(1)(iii)(B), as existing on January 1, 2019; and

(f) Not duplicate rate increases provided in subsections ~~((40) and (42))~~ (37) and (39) of this section.

~~((42))~~ (39) \$2,233,000 of the general fund—state appropriation for fiscal year 2022, \$2,977,000 of the general fund—state appropriation for fiscal year 2023, and \$10,871,000 of the general fund—federal appropriation are provided solely to increase provider rates to

maintain and increase access for family planning services for patients seeking services through department of health sexual and reproductive health program family planning providers. The rate increases are effective October 1, 2021, and must be applied to the following codes for eligible apple health and family planning only clients seeking services through department of health sexual and reproductive health program providers: 36415, 36416, 55250, 57170, 58340, 58600, 58605, 58611, 58615, 58670, 58671, 59840, 59841, 59850, 59851, 59852, 59855, 59856, 59857, 76817, 81025, 84702, 84703, 86631, 86632, 86901, 87110, 87270, 87320, 87490, 87491, 87590, 87591, 87624, 87625, 87800, 87810, 88141, 88142, 88143, 88147, 88148, 88150, 88152, 88153, 88164, 88165, 88166, 88167, 88174, 88175, 96372, 99071, 99201, 99202, 99203, 99204, 99211, 99212, 99213, 99214, 99384, 99385, 99386, 99394, 99395, 99396, 99401, and S0199. The authority may use a substitute code if any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection the authority must:

(a) Increase the family planning rates for services that are included on and reimbursed solely at the existing family planning fee schedule on a fee-for-service basis, as well as through managed care plans, by at least 162 percent above family planning fee schedule rates in effect on January 1, 2021;

(b) Pursue state plan amendments to require medicaid managed care organizations to increase rates under this subsection through adoption of a uniform percentage increase for network providers pursuant to 42 C.F.R. Sec. 438.6(c)(1)(iii)(B), as existing on January 1, 2021; and

(c) Not duplicate rate increases provided in subsections ~~((40) and (41))~~ (37) and (38) of this section.

~~((43))~~ (40) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall reconcile on an annual basis with rural health clinics.

(b) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with rural health clinics during the fiscal year close process following generally accepted accounting practices.

~~((44))~~ (41) (a) The authority in collaboration with the office of financial management and representatives from fiscal committees of the legislature shall conduct an evaluation of the APM4 model to determine its cost effectiveness and impact on patient outcomes and report its findings and recommendations to the appropriate committees of the legislature by November 15, 2022.

(b) The authority shall not enter into any future value-based arrangements with federally qualified health centers or rural health clinics prior to receiving approval from the office of financial management and the appropriate committees of the legislature.

(c) The authority shall not modify the reconciliation process or the APM4 program with federally qualified health centers or rural health clinics without notification to and the opportunity to comment from the office of financial management.

(d) The authority shall require all managed care organizations to provide information to the authority to account for all payments to federally qualified health centers to include how payments are made, including any additional payments and whether there is a sub-capitation arrangement or value-based purchasing arrangement.

(e) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall reconcile on an annual basis with federally qualified health centers contracting under APM4.

(f) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with federally qualified health centers contracting under APM4 during the fiscal year close process following generally accepted accounting practices.

~~((45))~~ (42) Within the amounts appropriated in this section, the authority is to include allergen control bed and pillow covers as part of the durable medical equipment benefit for children with an asthma diagnosis enrolled in medical assistance programs.

~~((46))~~ (43) Within the amounts appropriated in this section, the authority shall reimburse for maternity services provided by doulas.

~~((47))~~ (44) \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—federal appropriation are provided solely for evaluation of the Washington rural health access preservation pilot program.

~~((48))~~ (45) \$160,000 of the general fund—state appropriation for fiscal year 2022 and \$1,440,000 of the general fund—federal appropriation are provided solely for health care interoperability costs and are subject to the conditions, limitations, and review provided in section 701 of this act.

~~((49))~~ (46) \$275,000 of the general fund—state appropriation for fiscal year 2022, ~~(\$160,000)~~ \$605,000 of the general fund—state appropriation for fiscal year 2023, and ~~(\$3,913,000)~~ \$7,608,000 of the general fund—federal appropriation are provided solely for modular replacement costs of the ProviderOne pharmacy point of sale system and are subject to the conditions, limitations, and review provided in section 701 of this act.

~~((50))~~ (47) \$484,000 of the general fund—state appropriation for fiscal year 2022 and \$466,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5399 (universal health care commission).

~~((51))~~ (48) \$654,000 of the general fund—state appropriation for fiscal year 2022, \$655,000 of the general fund—state appropriation for fiscal year 2023, and \$2,154,000 of the general fund—federal appropriation are provided solely for the authority to increase the

nonemergency medical transportation broker administrative rate to ensure access to health care services for medicaid patients.

~~((52))~~ (49) \$1,715,000 of the general fund—state appropriation for fiscal year 2022, \$1,804,000 of the general fund—state appropriation for fiscal year 2023, and \$6,647,000 of the general fund—federal appropriation are provided solely to increase the rates paid to rural hospitals that meet the criteria in (a) through (e) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to 150 percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2023, and return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018. Hospitals participating in the certified public expenditures program may not receive increased reimbursement for inpatient services. Hospitals qualifying for this rate increase must:

(a) Be certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013;

(b) Have had less than 150 acute care licensed beds in fiscal year 2011;

(c) Have a level III adult trauma service designation from the department of health as of January 1, 2014;

(d) Be owned and operated by the state or a political subdivision; and

(e) Accept single bed certification patients pursuant to RCW 71.05.745 by July 1, 2022. If the hospitals qualifying for this rate increase do not accept single bed certification patients by July 1, 2022, the authority must discontinue this rate increase after October 1, 2022, and must return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018.

~~((53))~~ (50) \$100,000 of the general fund—state appropriation for fiscal year 2022, \$100,000 of the general fund—state appropriation for fiscal year 2023, and \$200,000 of the general fund—federal appropriation are provided solely for pass through funding for a citizens of the compact of free association (COFA) community member led organization through a Washington state based organization contract as outlined in RCW 43.71A.030 to provide additional supports to COFA community members statewide who are seeking access to health coverage and health care services. The amounts provided in this subsection for fiscal year 2022 must be distributed no later than October 1, 2021. The amounts provided in this subsection for fiscal year 2023 must be distributed no later than October 1, 2022.

~~((54))~~ (51) The authority shall collaborate with the Washington state LGBTQ commission, the department of health, advocates for people living with HIV in Washington, consumers, and medical professionals with expertise in serving the medicaid population living with HIV, to consider and develop recommendations regarding:

(a) Access to HIV antiretroviral drugs on the medicaid drug formulary, including short- and long-term fiscal implications of eliminating current prior authorization and fail-first requirements;

(b) Impact of drug access on public health and the statewide goal of reducing HIV transmissions; and

(c) Maximizing pharmaceutical drug rebates for HIV antiretroviral drugs.

~~((55))~~ (52) \$22,000 of the general fund—state appropriation for fiscal year 2022, \$22,000 of the general fund—state appropriation for fiscal year 2023, and \$134,000 of the general fund—federal appropriation are provided solely to implement Substitute Senate Bill No. 5157 (behavioral disorders/justice).

~~((56))~~ (53) Within the amounts appropriated in this section, the authority shall extend the oral health connections pilot project in Spokane, Thurston, and Cowlitz counties. The authority shall continue to work in collaboration with a state-based oral health foundation to jointly develop and implement the program. The purpose of the pilot is to test the effect that enhanced dental benefits for medicaid clients with diabetes and pregnant clients have on access to dental care, health outcomes, and medical care costs. The pilot program must continue to include enhanced reimbursement rates for participating dental providers, including denturists licensed under chapter 18.30 RCW, and an increase in the allowable number of periodontal treatments to up to four per calendar year. The authority has the option of extending pilot program eligibility to dually eligible medicaid clients who are diabetic or pregnant and to pregnant medicaid clients under the age of 20. The authority has the option of adjusting the pilot program benefit design and fee schedule based on previous findings, within amounts appropriated in this section. Diabetic or pregnant medicaid clients who are receiving dental care within the pilot regions, regardless of location of the service within the pilot regions, are eligible for the increased number of periodontal treatments. The state-based oral health foundation shall continue to partner with the authority and provide wraparound services to link patients to care. The authority and foundation shall provide a joint report to the appropriate committees of the legislature on October 1, 2021, outlining the findings of the original three-year pilot program, and on December 1, 2022, outlining the progress of the extended pilot program.

~~((57))~~ (54) (a) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—federal appropriation are provided solely for contracting with the office of equity to implement chapter 293, Laws of 2020 (baby, child dentistry access). By November 15, 2021, the authority shall submit a report to the appropriate committees to the legislature describing its progress implementing chapter 293, Laws of 2020 (baby, child dentistry access) and chapter 242, Laws of 2020 (access to baby and child dentistry for children with disabilities).



(b) \$200,000 of the general fund—state appropriation for fiscal year 2023 and \$200,000 of the general fund—federal appropriation are provided solely for the authority to contract with access to baby and child dentistry local programs for the purpose of maintaining and expanding capacity for local program coordinators. The goals of this contracting include, but are not limited to, reducing racial and ethnic disparities in access to care and oral health outcomes, increasing the percentage of medicaid-enrolled children under the age of two accessing dental care, and continued provider engagement and outreach. The authority may contract with the office of equity and other statewide and local equity partners to provide training and identify activities and deliverables.

~~((58))~~ (55) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—federal appropriation are provided solely for contracting by the health care authority to further the development and implementation of its Washington primary care transformation initiative, intended to increase team-based primary care and the percentage of overall health care spending in the state devoted to primary care. By October 1, 2021, the authority must update the legislature on the status of the initiative, including any fiscal impacts of this initiative, potential implementation barriers, and needed legislation.

~~((59))~~ (56) Sufficient funds are provided to continue reimbursing dental health aid therapists for services performed in tribal facilities for medicaid clients. The authority must leverage any federal funding that may become available as a result of appeal decisions from the centers for medicare and medicaid services or the United States court of appeals for the ninth circuit.

~~((60))~~ (57) \$149,000 of the general fund—state appropriation for fiscal year 2022 and \$140,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans).

~~((61))~~ (58) Within the amount appropriated within this section, the authority shall implement the requirements of Substitute Senate Bill No. 5068 (postpartum period/medicaid) and the American rescue plan act of 2021, P.L. 117-2, in extending health care coverage during the postpartum period. The authority shall make every effort to expedite and complete eligibility determinations for individuals who are likely eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act to ensure the state is receiving maximum federal match. This includes, but is not limited to, working with managed care organizations to provide continuous outreach in various modalities until the individual's eligibility determination is completed. Beginning June 1, 2022, the authority must submit quarterly reports to the caseload forecast work group on the number of individuals who are likely eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act but are waiting for the authority to complete eligibility determination, the number of individuals who were likely eligible but are now receiving health care coverage with the maximum federal match under Title XIX or Title XXI of the federal social security act, and outreach activities including the work with managed care organizations.

~~((62))~~ (59) \$10,695,000 of the general fund—state appropriation for fiscal year 2022, \$10,695,000 of the general fund—state appropriation for fiscal year 2023, and \$54,656,000 of the general fund—federal appropriation are provided solely to maintain and increase access for adult dental services for medicaid enrolled patients through increased provider rates beginning July 1, 2021. Within the amounts provided in this subsection, the authority must increase the medical assistance rates for adult dental services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis up to 100 percent above medical assistance rates in effect on January 1, 2019.

~~((63))~~ (60) \$551,000 of the general fund—state appropriation for fiscal year 2022, \$770,000 of the general fund—state appropriation for fiscal year 2023, and \$3,288,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5195 (opioid overdose medication).

~~((64))~~ (61) The authority must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in the LEAP omnibus document HCBS-2021.

~~((65))~~ (62) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to continue a public-private partnership with a state-based oral health foundation to connect medicaid patients to dental services and reduce barriers to accessing care. The authority shall submit a progress report to the appropriate committees of the legislature by June 30, 2022.

~~((66))~~ (63) (a) \$35,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the authority to distribute grants for the provision of health care services for uninsured and underinsured individuals, regardless of immigration status. Grants provided under this subsection must be used for the direct care of uninsured and underinsured individuals under 200 percent of the federal poverty level, including on-site care as well as referrals to and payment for services provided off-site, for:

- (i) The testing, assessment, or treatment of the severe acute respiratory syndrome coronavirus 2 (COVID-19), including facility and provider fees;
- (ii) Primary and preventive care;
- (iii) Behavioral health services;

(iv) Oral health care;

(v) Assessment, treatment, and management of acute or chronic conditions, including but not limited to the cost of laboratory, prescription medications, specialty care, therapies, radiology, and other diagnostics; and

(vi) Outreach and education needed to inform patients and prospective patients that care is available free of charge.

(b) To be eligible for a grant under this subsection, a federally qualified health center, rural health clinic, free clinic, public hospital district, behavioral health provider or facility, behavioral health administrative service organization, or community-based organization must apply for a grant and agree to not:

(i) Bill individuals for any portion of the services provided that involve the use of amounts appropriated in this section; or

(ii) Use the amounts provided in this subsection for services for which other funds are available, such as federal funds from the families first coronavirus response act and the American rescue plan act.

(c) Grants provided under this subsection may be used to provide on-site care, care delivered via telehealth, and referrals to and payments for services provided off-site. Recipients may use funds distributed in this subsection to reimburse other providers or facilities for the cost of care. Only free clinics may use grants provided under this subsection to cover general operating costs, including staffing, supplies, and equipment purchases.

(d) The agency shall employ fund allocation approaches that engage community residents, organizations, and leaders in identifying priorities and implementing projects and initiatives that reflect community values and priorities. At a minimum, this must include consultation with community health boards and organizations that advocate for access to health care for uninsured state residents.

(e) Recipients of the amounts provided in this subsection must submit reports to the authority on the use of grant funds, including data about utilization of services. The authority shall prepare and post on its website an annual report detailing the amount of funds disbursed and aggregating information submitted by recipients.

(f) The authority may retain no more than three percent of the amounts provided in this subsection for administrative costs.

(g) As used in this subsection, "free clinics" mean private, nonprofit, community, or faith-based organizations that provide medical, dental, and mental health services at little or no cost to uninsured and underinsured people through the use of volunteer health professionals, community volunteers, and partnerships with other health providers.

~~((67))~~ (64) \$123,000 of the general fund—state appropriation for fiscal year 2022, \$46,000 of the general fund—state appropriation for fiscal year 2023, and \$743,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute House Bill No. 1348 (incarcerated persons/medical).

~~((68))~~ (65) \$1,350,000 of the general fund—state appropriation for fiscal year 2023 and \$2,570,000 of the general fund—federal appropriation are provided solely for the implementation of House Bill No. 1096 (nonmedicare plans).

~~((69))~~ (66) Within the amounts provided in this section, sufficient funding is provided for the authority to implement Second Substitute House Bill No. 1325 (behavioral health/youth).

~~((70))~~ (67) \$184,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1196 (audio-only telemedicine).

~~((71))~~ (68) \$232,000 of the general fund—state appropriation for fiscal year 2022, \$300,000 of the general fund—state appropriation for fiscal year 2023, and \$599,000 of the general fund—federal appropriation are provided solely for reimbursement for a social worker as part of the medical assistance home health benefit.

~~((72))~~ (69) \$1,303,000 of the general fund—state appropriation for fiscal year 2022 and \$285,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5203 (generic prescription drugs).

~~((73))~~ (70) \$18,669,000 from the Indian health improvement reinvestment account is provided solely for Indian health improvement advisory plan projects, programs, and activities authorized by RCW 43.71B.030.

~~((74))~~ (71) \$434,000 of the general fund—state appropriation for fiscal year 2022 and \$489,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to partner with the department of social and health services to create surge capacity in acute care hospitals by supporting non-citizens who are both in acute care hospitals awaiting discharge and on the department of social and health services waitlist for services. The amounts provided in this subsection are for the authority to cover the cost of medical assistance for 20 new non-citizen clients.

~~((75))~~ (72) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$25,000 of the general fund—federal appropriation are provided solely for the authority to develop an implementation plan to incorporate medical and psychiatric respite care as statewide medicaid benefits. The plan must include an analysis of the cost effectiveness of providing medical and psychiatric respite care benefits for medicaid enrollees. In developing the plan, the authority shall consult with interested stakeholders, including medicaid managed care organizations, community health centers, organizations providing respite care,

and hospitals. Amounts provided in this subsection may be used for staff support and one-time contracting. No later than January 15, 2022, the authority shall report its findings to the relevant committees of the legislature, the office of the governor, and the office of financial management.

~~((76))~~ (73) \$281,000 of the general fund—state appropriation for fiscal year 2022, \$192,000 of the general fund—state appropriation for fiscal year 2023, and \$803,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5304 (reentry services).

~~((77))~~ (74) (a) The authority shall assess the feasibility and fiscal impacts of an 1115 medicaid waiver to extend continuous eligibility for apple health covered children ages zero through five as a component of school readiness. The authority may seek support for the analysis. Prior to submitting the waiver application, the authority shall provide a status update no later than September 30, 2021, to the governor and fiscal committees of the legislature.

(b) \$6,090,000 of the general fund—state appropriation for fiscal year 2023 and \$6,125,000 of the general fund—federal appropriation are provided solely for the authority to extend continuous eligibility for apple health to children ages zero to six with income at or below 215 percent of the federal poverty level. The centers for medicare and medicaid services must approve the 1115 medicaid waiver prior to the implementation of this policy.

~~((78))~~ (75) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the perinatal support warm line to provide peer support, resources, and referrals to new and expectant parents and people in the emotional transition to parenthood experiencing, or at risk of, postpartum depression or other mental health issues.

~~((79))~~ (76) Sufficient funding is provided to remove the asset test from the medicare savings program review process.

~~((80))~~ (77) \$77,000 of the general fund—state appropriation for fiscal year 2022 and \$286,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1728 (insulin work group reauth.). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((81))~~ (78) Sufficient funding is provided to eliminate the mid-certification review process for the aged, blind, or disabled and housing and essential needs referral programs.

~~((82))~~ (79) \$103,000 of the general fund—state appropriation for fiscal year 2022, \$253,000 of the general fund—state appropriation for fiscal year 2023, and \$2,724,000 of the general fund—federal appropriation are provided solely for the authority to procure an electronic consent management solution for patients and health care providers to exchange health-related information and are subject to the conditions, limitations, and review requirements of section 701 of this act.

~~((83))~~ (80) \$1,788,000 of the general fund—state appropriation for fiscal year 2022, \$1,788,000 of the general fund—state appropriation for fiscal year 2023, and \$994,000 of the general fund—federal appropriation are provided solely for electronic health record expansion that must be based on the operational and technical needs necessary to implement the national 988 system and are subject to the conditions, limitations, and review requirements of section 701 of this act. As a condition of funding under this subsection, the authority must complete all reporting required under RCW 71.24.898.

~~((84))~~ (81) \$3,250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to make information technology system and provider network upgrades necessary for the anticipated expansion of medicaid equivalent health care coverage for uninsured adults with incomes up to 138 percent of the federal poverty level regardless of immigration status ~~((in collaboration with the department of social and health services and is subject to the conditions, limitations, and review provided in section 701 of this act))~~.

~~((85))~~ (82) \$10,406,000 of the general fund—state appropriation for fiscal year 2023 and \$10,715,000 of the general fund—federal appropriation are provided solely to maintain and increase access for children's dental services for medicaid enrolled patients through increased provider rates beginning January 1, 2023. Within the amounts provided in this subsection, the authority must increase the medical assistance rates for children's dental services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis as follows:

(a) Increase the rates for codes for the access to baby and child dentistry (ABCD) program by 40 percent;

(b) Increase the rates for codes for children's dental program rates for persons aged zero to 20 years old that have a corresponding ABCD code to the current ABCD code rate, plus an additional 10 percent rate increase; and

(c) Increase the rates for codes for children's dental program rates for persons aged zero to 20 years old without a corresponding ABCD code to 70 percent of the medical assistance rates on a fee-for-service basis for adult dental services in effect on January 1, 2022. This increase does not apply to codes with rates already greater than 70 percent of the adult dental services rate.

~~((86))~~ (83) \$250,000 of the general fund—state appropriation for fiscal year 2023 and \$250,000 of the general fund—federal appropriation are provided solely for the authority to conduct a feasibility study for planning, design, implementation, and administration of a case management solution that supports acquisition, storage, and retrieval of data and data analysis pursuant to *Trueblood, et al. v. Department of Social and Health Services, et al.*,

United States district court for the western district of Washington, cause no. 14-cv-00178-MJP.

~~((87))~~ (84) \$56,000 of the general fund—state appropriation for fiscal year 2022 and \$1,548,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for health information technology and evaluations necessary to support the 1115 demonstration waiver as it relates to institutions for mental diseases and are subject to the conditions, limitations, and review requirements of section 701 of this act.

~~((88))~~ (85) \$272,000 of the general fund—state appropriation for fiscal year 2023 and \$149,000 of the general fund—federal appropriation are provided solely to align services provided through both fee-for-service and managed care to the bright futures guidelines, or a comparable schedule, for early and periodic screening, diagnosis, and treatment beginning January 1, 2023.

~~((89))~~ (86) \$3,174,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5745 (personal needs allowance). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((90))~~ (87) \$297,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5589 (primary care spending). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((91))~~ (88) \$1,460,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5532 (Rx drug affordability board). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((92))~~ (89) \$61,000 of the general fund—state appropriation for fiscal year 2023 and \$183,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute Senate Bill No. 5736 (minors/behavioral health). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((93))~~ (90) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to design a standardized payment methodology for a palliative care benefit for the state medicaid program and the employee and retiree benefits programs. The authority may contract with a third party to design the palliative care model and complete the work required in this subsection.

~~((94))~~ (91) Within the amounts appropriated in this section, the authority shall develop a state plan amendment, rules, and payment policies; complete necessary system changes related to payment processing and provider enrollment; and update managed care contracts and provider communications in anticipation of providing an adult acupuncture benefit.

~~((95))~~ (92) Within the amounts appropriated in this section, the authority shall develop a state plan amendment, rules, and payment policies; complete necessary system changes related to payment processing and provider enrollment; and update managed care contracts and provider communications in anticipation of providing an adult chiropractic benefit.

~~((96))~~ (93) \$640,000 of the general fund—state appropriation for fiscal year 2023 and \$655,000 of the general fund—federal appropriation are provided solely for a 20 percent rate increase, effective January 1, 2023, for in-home private duty nursing agencies.

~~((97))~~ (94) \$180,000 of the general fund—state appropriation for fiscal year 2023 and \$187,000 of the general fund—federal appropriation are provided solely for a 10 percent rate increase, effective January 1, 2023, for private duty nursing in medically intensive children's group home settings.

~~((98))~~ (95) \$140,000 of the general fund—state appropriation for fiscal year 2023 and \$266,000 of the general fund—federal appropriation are provided solely for a 10 percent rate increase, effective January 1, 2023, for home health services.

~~((99))~~ (96) (a) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to provide a report on psilocybin services wellness and opportunities in consultation with stakeholders as described in this subsection.

(b) The director of the authority, or the director's designee, must chair the stakeholder group.

(c) The stakeholder group must include, but not be limited to, the following members:

- (i) The secretary of the department of health or the secretary's designee;
- (ii) The director of the liquor and cannabis board or the director's designee;
- (iii) The director of the department of agriculture or the director's designee; and
- (iv) As appointed by the director of the authority, or the director's designee:

(A) A military veteran, or representative of an organization that advocates on behalf of military veterans, with knowledge of psilocybin;

(B) Up to two recognized indigenous practitioners with knowledge of the use of psilocybin or other psychedelic compounds in their communities;

(C) An individual with expertise in disability rights advocacy;

(D) A member of the nursing profession with knowledge of psilocybin;

(E) A psychologist with knowledge of psilocybin;

(F) A mental health counselor, marriage and family therapist, or social worker with knowledge of psilocybin;

(G) A physician with knowledge of psilocybin;

(H) A health researcher with expertise in health equity;

- (I) A representative of the cannabis industry with knowledge of regulation of cannabis businesses in Washington;
- (J) An advocate from the LGBTQIA community with knowledge of the experience of behavioral health issues within that community;
- (K) A member of the psychedelics medicine alliance of Washington; and
- (L) Up to two members with lived experience of utilizing psilocybin.
- (d) The authority must convene the first meeting of the stakeholder group no later than June 30, 2022.
- (e) The authority must provide a preliminary brief report to the governor and appropriate committees of the legislature by December 1, 2022, focusing on (f) (i), (ii), and (iii) of this subsection, and a final report by December 1, 2023. The authority may form subcommittees within the stakeholder group and adopt procedures necessary to facilitate its work.
- (f) The duties of the authority in consultation with the stakeholder group shall include, but not be limited to, the following activities:
- (i) Review the Oregon health authority's proposed rules for the regulation of psilocybin and assess the impact the adoption of substantially similar laws and rules or Senate Bill No. 5660 would have in Washington state, and identify specific areas where a different approach may be necessary or desirable;
- (ii) Review systems and procedures established by the liquor and cannabis board to monitor manufacturing, testing, and tracking of cannabis to determine suitability and adaptations required for use with psilocybin if Washington adopts legislation substantially similar to the Oregon psilocybin services act or Senate Bill No. 5660;
- (iii) Review the social opportunity program proposed in Senate Bill No. 5660 for the purpose of recommending improvements or enhancements to promote equitable access to a potential legal psilocybin industry within an operable administrative framework;
- (iv) Assess functional requirements of Senate Bill No. 5660 that would exceed the expertise and capacity of the department of health and identify opportunities for development or collaboration with other state agencies and entities to meet the requirements; and
- (v) Discuss options to integrate licensed behavioral health professionals into the practice of psilocybin therapy under the framework of Senate Bill No. 5660 where appropriate.
- (g) The department of health, liquor and cannabis board, and department of agriculture must provide subject matter expertise and support to stakeholder group and any subcommittee meetings of the stakeholder group. For the department of health, subject matter expertise includes an individual or individuals with knowledge and experience with rulemaking, with the regulation of health professionals, and with the regulation of health facilities.
- (h) Meetings of the stakeholder group under this section shall be open to participation by members of the public.
- (i) Stakeholder group members participating on behalf of an employer, governmental entity, or other organization are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.
- ~~((+100))~~ (97) \$24,600,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the authority to provide one-time funding to community health centers paid under either APM3 or APM4 that experienced overpayments because of COVID-19 service-related reductions or had funds withheld due to missing targeted benchmarks because of extraordinary community pandemic response needs in calendar year 2020.
- ~~((+101))~~ (98) \$250,000 of the general fund—state appropriation for fiscal year 2023 and \$250,000 of the general fund—federal appropriation are provided solely for project management and contracting to assist the authority with post-eligibility review planning in anticipation of the end of the COVID-19 public health emergency.
- ~~((+102))~~ (99) \$40,000 of the general fund—state appropriation for fiscal year 2022, \$40,000 of the general fund—state appropriation for fiscal year 2023, \$80,000 of the general fund—federal appropriation, and \$320,000 of the telebehavioral access account—state appropriation are provided solely for additional staff support for the mental health referral service for children and teens.
- ~~((+103))~~ (100) (a) \$2,087,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to establish a two-year grant program for reimbursement for services to patients up to age 18 provided by community health workers in primary care clinics whose patients are significantly comprised of pediatric patients enrolled in medical assistance under chapter 74.09 RCW beginning January 1, 2023. Community health workers funded under this subsection may provide outreach, informal counseling, and social supports for health-related social needs. The authority shall seek a state plan amendment or federal demonstration waiver should they determine these services are eligible for federal matching funds. Within the amounts provided within this subsection, the authority will provide an initial report to the governor and appropriate committees of the legislature by January 1, 2024, and a final report by January 1, 2025. The report shall include, but not be limited to, the quantitative impacts of the grant program, how many community health workers are participating in the grant program, how many clinics these community health workers represent, how many clients are being served, and evaluation of any measurable health outcomes identified in the planning period prior to January 2023.
- (b) In collaboration with key stakeholders including pediatric primary care clinics and medicaid managed care organizations, the authority shall explore longer term, sustainable reimbursement options for the integration of community health workers in primary care to

address the health-related social needs of families, including approaches to incorporate federal funding.

~~((104))~~ (101) (a) No more than \$156,707,000 of the general fund—federal appropriation and no more than \$60,942,000 of the general fund—local appropriation may be expended for an outpatient directed payment program.

(b) The authority shall:

(i) Design the program to support the state's access and other quality of care goals and to not increase general fund—state expenditures;

(ii) Seek approval from the centers for medicare and medicaid services to create a medicaid outpatient directed payment program for hospital outpatient services provided to medicaid program managed care recipients by University of Washington medical center and harborview medical center;

(iii) Upon approval, direct managed care organizations to make payments to eligible providers at levels required to ensure enrollees have timely access to critical high-quality care as allowed under 42 C.F.R. 438.6(c); and

(iv) Increase medicaid payments for hospital outpatient services provided by University of Washington medical center and harborview medical center to the average payment received from commercial payers.

(c) Any incremental costs incurred by the authority in the development, implementation, and maintenance of this program shall be the responsibility of the participating hospitals.

(d) Participating hospitals shall retain the full amount of payments provided under this program.

(e) Participating hospitals will provide the local funds to fund the required nonfederal contribution.

(f) This program shall be effective as soon as administratively possible.

~~((106))~~ (102) \$16,000 of the general fund—state appropriation for fiscal year 2022, \$31,000 of the general fund—state appropriation for fiscal year 2023, and \$420,000 of the general fund—federal appropriation are provided solely for a technology solution for an authoritative client identifier, or master person index, for state programs within the health and human services coalition to uniformly identify clients across multiple service delivery systems. The coalition will clearly identify all state programs impacted by and all fund sources used in development and implementation of this project. This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

~~((107))~~ (103) \$5,000 of the general fund—state appropriation for fiscal year 2022, \$22,000 of the general fund—state appropriation for fiscal year 2023, and \$75,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute Senate Bill No. 5664 (forensic competency hearings). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((108))~~ (104) (a) \$3,735,000 of the general fund—state appropriation for fiscal year 2023 and \$14,075,000 of the general fund—federal appropriation are provided solely for the authority to provide coverage for all federal food and drug administration-approved HIV antiviral drugs without prior authorization beginning January 1, 2023.

(b) Beginning January 1, 2023, upon initiation or renewal of a contract with the authority to administer a medicaid managed care plan, a managed health care system shall provide coverage without prior authorization for all federal food and drug administration-approved HIV antiviral drugs.

(c) By December 1, 2022, and annually thereafter, the authority must submit to the fiscal committees of the legislature the projected and actual expenditures and percentage of medicaid clients who switch to a new drug class without prior authorization as described in (a) and (b) of this subsection.

~~((109))~~ (105) (a) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority, in consultation with the office of the insurance commissioner, to complete an analysis of the cost to implement a fertility treatment benefit as described in the department of health's December 2021 mandated benefit sunrise review.

(b) The authority must contract with one or more consultants to:

(i) Obtain utilization and cost data from the state to provide an estimate of aggregate utilization and cost impacts of fertility treatment coverage for medicaid recipients, expressed as total annual cost and as a per member per month cost for plan years 2024 through 2027; and

(ii) Obtain utilization and cost data from the public employees benefits board and school employees benefits board programs to provide an estimate of aggregate utilization and cost impacts of fertility treatment coverage, expressed as total annual cost and as a per member per month cost for plan years 2024 through 2027.

(c) The analysis must include, but is not limited to, a utilization and cost analysis of each of the following services:

(i) Infertility diagnosis;

(ii) Fertility medications;

(iii) Intrauterine insemination;

(iv) In vitro fertilization; and

(v) Egg freezing.

(d) The authority must report the findings of the analysis to the governor and appropriate committees of the legislature by June 30, 2023.

~~((110))~~ (106) (a) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one-time grants for eligible clinics to establish behavioral health

integration in primary care clinics for children and adolescents. The authority may award grants of up to \$200,000 per clinic.

(b) Recipients may use grants under this subsection for:

- (i) Training to create operational workflows that promote team-based care and evidence-based practices;
  - (ii) System development to implement universal screening of patients using standardized assessment tools;
  - (iii) Development of a registry to track patient outcomes;
  - (iv) Behavioral health professional recruitment and retainment;
  - (v) Psychiatric supervision recruitment and retainment for consultation services for the behavioral health integration program;
  - (vi) Partnership development with community mental health centers for referral of patients with higher level needs;
  - (vii) Information technology infrastructure, including electronic health record adjustments and registry creation; and
  - (viii) Physical space modifications to accommodate additional staff.
- (c) To be eligible for grants under this subsection, clinics must have:
- (i) At least 35 percent of their total patients enrolled in medicaid. Priority for funding must be given to clinics with the highest proportion of patients enrolled in medicaid;
  - (ii) A primary care advocate or proponent of the behavioral health integration program;
  - (iii) Support for the behavioral health integration program at the highest level of clinic leadership;
  - (iv) An arrangement for psychiatric consultation and supervision;
  - (v) A team-based approach to care, including the primary care provider, behavioral health professional, psychiatric consultant, patient, and patient's family; and
  - (vi) A plan to:
    - (A) Hire a behavioral health professional to be located within the clinic;
    - (B) Create a registry that monitors patient engagement and symptom improvement;
    - (C) Implement universal screening for behavioral health needs;
    - (D) Provide care coordination with schools, emergency departments, hospitals, and other points of care; and
    - (E) Ensure closed-loop referrals to specialty behavioral health care when indicated, as well as engagement in specialty treatment as clinically indicated.

~~((111))~~ (107) \$55,000 of the general fund—state appropriation for fiscal year 2023 and \$122,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1860 (behavioral health discharge). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((112))~~ (108) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Bree collaborative to support collaborative learning and targeted technical assistance for quality improvement initiatives.

~~((113))~~ (109) (a) \$500,000 of the general fund—state appropriation for fiscal year 2023 and \$1,500,000 of the general fund—federal appropriation are provided solely for the authority, in consultation with the health and human services enterprise coalition, community-based organizations, health plans, accountable communities of health, and safety net providers, to determine the cost and implementation impacts of a statewide community information exchange (CIE). A CIE platform must serve as a tool for addressing the social determinants of health, defined as nonclinical community and social factors such as housing, food security, transportation, financial strain, and interpersonal safety, that affect health, functioning, and quality-of-life outcomes.

(b) Prior to issuing a request for proposals or beginning this project, the authority must work with stakeholders in (a) of this subsection to determine which platforms already exist within the Washington public and private health care system to determine interoperability needs and fiscal impacts to both the state and impacted providers and organizations that will be using a single statewide community information exchange platform.

(c) This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

~~((114))~~ (110) \$226,000 of the general fund—state appropriation for fiscal year 2023, \$1,072,000 of the general fund—private/local appropriation, and \$2,588,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1866 (supportive housing). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((115))~~ (111) \$8,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one-time bridge grants to hospitals in financial distress. To qualify for these grants, a hospital must:

- (a) Be located in Washington;
- (b) Serve individuals enrolled in state and federal medical assistance programs;
- (c) Continue to maintain a medicaid population at similar utilization levels as in calendar year 2021;
- (d) Be necessary for an adequate provider network for the medicaid program;
- (e) Demonstrate a plan for long-term financial sustainability; and
- (f) Meet one of the following criteria:
  - (i) Lack adequate cash-on-hand to remain financially solvent;
  - (ii) Have experienced financial losses during hospital fiscal year 2021; or

(iii) Be at risk of bankruptcy.

((~~116~~)) (112) The authority shall consider evidence-based recommendations from the Oregon health evidence review commission when making coverage decisions for the treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute-onset neuropsychiatric syndrome.

**Sec. 1212.** 2022 c 297 s 214 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—HEALTH BENEFIT EXCHANGE**

General Fund—State Appropriation (FY 2022)	\$4,881,000
General Fund—State Appropriation (FY 2023)	(( <del>\$9,547,000</del> ))
	<u>\$7,959,000</u>
General Fund—Federal Appropriation	(( <del>\$54,032,000</del> ))
	<u>\$54,371,000</u>
Health Benefit Exchange Account—State Appropriation	(( <del>\$80,860,000</del> ))
	<u>\$80,110,000</u>
State Health Care Affordability Account—State Appropriation	(( <del>\$55,000,000</del> ))
	<u>\$25,000,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$204,320,000</del>))</b>
	<b><u>\$172,321,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(2) (a) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation, one-half the health benefit exchange account—state appropriation, and one-half the health care affordability account—state appropriation to the exchange. By July 15, 2021, the authority shall make the payments of the general fund—federal appropriation (CRRSA) and the general fund—federal appropriation (ARPA) to the exchange.

(b) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(c) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(3) (a) \$146,000 of the general fund—state appropriation for fiscal year 2022 and \$554,000 of the general fund—federal appropriation are provided solely for the exchange, in close consultation with the health and human services enterprise coalition (coalition), to develop a report on the next steps required for information technology solutions for an integrated health and human services eligibility solution. The report must include, but is not limited to a:

(i) Technical approach and architecture;

(ii) Roadmap and implementation plan for modernizing and integrating the information technology eligibility and enrollment system for including, but not limited to, medicaid, basic food, child care assistance, cash assistance, and other health and human service program benefits, beginning with classic medicaid; and

(iii) Discussion of how an integrated health and human services solution would:

(A) Comply with federal requirements;

(B) Maximize efficient use of staff time;

(C) Support accurate and secure client eligibility information;

(D) Improve the client enrollment experience; and

(E) Provide other notable coalition agency impacts.

(b) The exchange, in coordination with the coalition, must submit the report to the governor and appropriate committees of the legislature by January 15, 2022.

(4) \$1,634,000 of the health benefit exchange account—state appropriation and \$592,000 of the general fund—federal appropriation are provided solely for healthplanfinder enhancement activities. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(5) \$1,324,000 of the health benefit exchange account—state appropriation and \$2,740,000 of the general fund—federal appropriation are provided solely for the modernizing healthplanfinder project. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(6) \$250,000 of the general fund—federal appropriation (CRRSA) and \$150,000 of the general fund—federal appropriation (ARPA) are provided solely for pass-through funding to one or more lead navigator organizations to promote access to health services through



outreach and insurance plan enrollment assistance for employees working in a licensed child care facility.

(7) (a) \$1,171,000 of the general fund—federal appropriation (CRRSA) and \$2,595,000 of the general fund—federal appropriation (ARPA) are provided solely for the exchange to implement a health care insurance premium assistance program for employees who work in licensed child care facilities. The general fund—federal appropriation (CRRSA) must be expended by September 30, 2022.

(b) An individual is eligible for the child care premium assistance program for the remainder of the plan year if the individual:

(i) Is an employee working in a licensed child care facility;

(ii) Enrolls in a silver standardized health plan under RCW 43.71.095;

(iii) Prior to January 1, 2024, has income that is less than 300 percent of the federal poverty level;

(iv) Applies for and accepts all federal advance premium tax credits for which he or she may be eligible before receiving any state premium assistance;

(v) Is ineligible for minimum essential coverage through medicare, a federal or state medical assistance program administered by the health care authority under chapter 74.09 RCW, or for premium assistance under RCW 43.71A.020; and

(vi) Meets other eligibility criteria as established by the exchange.

(c) Subject to the availability of amounts provided in this subsection, the exchange shall pay the premium cost for a qualified health plan for an individual who is eligible for the child care premium assistance program under (b) of this subsection.

(d) The exchange may disqualify a participant from the program if the participant:

(i) No longer meets the eligibility criteria in (b) of this subsection;

(ii) Fails, without good cause, to comply with procedural or documentation requirements established by the exchange in accordance with (e) of this subsection;

(iii) Fails, without good cause, to notify the exchange of a change of address in a timely manner;

(iv) Voluntarily withdraws from the program; or

(v) Performs an act, practice, or omission that constitutes fraud, and, as a result, an insurer rescinds the participant's policy for the qualified health plan.

(e) The exchange shall establish:

(i) Procedural requirements for eligibility and continued participation in any premium assistance program under this section, including participant documentation requirements that are necessary to administer the program; and

(ii) Procedural requirements for facilitating payments to and from carriers.

(f) The program must be implemented no later than November 1, 2021.

(g) No later than October 1, 2022, the exchange shall submit a report to the governor and appropriate committees of the legislature on the implementation of the child care premium assistance program including, but not limited to:

(i) The number of individuals participating in the program to date; and

(ii) The actual costs of the program to date, including agency administrative costs.

(h) Within the amounts provided in this subsection, the exchange may create an outreach program to help employees who work in licensed child care facilities enroll in the premium assistance program, beginning for plan year 2023, as established in chapter 246, Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5377) (standardized health plans).

(i) The health care insurance premium assistance program for employees who work in licensed child care facilities is effective through plan year 2023.

(8) \$136,000 of the general fund—state appropriation for fiscal year 2022, \$136,000 of the general fund—state appropriation for fiscal year 2023, \$254,000 of the health benefit exchange account—state appropriation, and \$274,000 of the general fund—federal appropriation are provided solely for pass through funding in the annual amount of \$100,000 for the lead navigator organization in the four regions with the highest concentration of COFA citizens to:

(a) Support a staff position for someone from the COFA community to provide enrollment assistance to the COFA community beyond the scope of the current COFA program; and

(b) Support COFA community led outreach and enrollment activities that help COFA citizens obtain and access health and dental coverage.

(9) \$142,000 of the general fund—state appropriation for fiscal year 2022 and \$538,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute Senate Bill No. 5068 (postpartum period/medicaid) and section 9812 of the American rescue plan act of 2021.

(10) \$8,162,000 of the health benefit exchange account—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans).

(11) ~~(\$50,000,000)~~ \$20,000,000 of the state health care affordability account—state appropriation is provided solely for the exchange to administer a premium assistance program, beginning for plan year 2023, as established in ~~((Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans))~~) RCW 43.71.110, and this is the maximum amount the exchange may expend for this purpose. An individual is eligible for the premium assistance provided if the individual: (a) Has income up to 250 percent of the federal poverty level; and (b) meets other eligibility criteria as established in ~~((section 1(4)(a) of Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans))~~) RCW 43.71.110.

(12) (a) Within amounts appropriated in this section, the exchange, in close consultation with the authority and the office of the insurance commissioner, shall explore opportunities

to facilitate enrollment of Washington residents who do not qualify for non-emergency medicaid or federal affordability programs in a state-funded program no later than plan year 2024.

(b) If an opportunity to apply to the secretary of health and human services under 42 U.S.C. Sec. 18052 for a waiver is identified or other federal flexibilities are available, the exchange, in collaboration with the office of the insurance commissioner and the authority may develop an application to be submitted by the authority. If an application is submitted, the authority must notify the chairs and ranking minority members of the appropriate policy and fiscal committees of the legislature.

(c) Any application submitted under this subsection must meet all federal public notice and comment requirements under 42 U.S.C. Sec. 18052(a)(4)(B), including public hearings to ensure a meaningful level of public input.

(d) ~~(\$2,891,000)~~ \$1,891,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$1,000,000)~~ \$700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for system updates and community-led engagement activities necessary to implement the waiver.

(13) \$733,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for system upgrades necessary for the anticipated expansion of medicaid equivalent health care coverage to uninsured adults with income up to 138 percent of the federal poverty level regardless of immigration status in collaboration with the health care authority.

(14) ~~(\$1,000,000)~~ \$700,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one-time activities to promote continuous coverage for individuals losing coverage through Washington apple health at the end of the COVID-19 public health emergency.

(15) \$20,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the exchange, in collaboration with the state board of community and technical colleges, the student achievement council, and the council of presidents, to provide educational resources and ongoing assister training to support the operations of a pilot program to help connect students, including those enrolled in state registered apprenticeship programs, with health care coverage.

(16) \$5,000,000 of the state health care affordability account—state appropriation is provided solely to provide premium assistance for ~~((customers))~~ individuals ineligible for federal premium tax credits who meet the eligibility criteria established in subsection (11)

(a) of this section, and is contingent upon approval of the ~~((applicable))~~ waiver described in ~~((subsection (12)(b) of this section))~~ RCW 43.71.120.

**Sec. 1213.** 2022 c 297 s 215 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—COMMUNITY BEHAVIORAL HEALTH PROGRAM**

General Fund—State Appropriation (FY 2022)	\$687,270,000
General Fund—State Appropriation (FY 2023)	<del>(\$914,234,000)</del>
	<u>\$886,627,000</u>
General Fund—Federal Appropriation	<del>(\$2,876,776,000)</del>
	<u>\$3,107,133,000</u>
General Fund—Private/Local Appropriation	<del>(\$37,675,000)</del>
	<u>\$37,788,000</u>
Criminal Justice Treatment Account—State	
Appropriation	\$21,988,000
Problem Gambling Account—State Appropriation	\$2,113,000
Dedicated Marijuana Account—State Appropriation	
(FY 2022)	\$28,493,000
Dedicated Marijuana Account—State Appropriation	
(FY 2023)	\$28,493,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation	\$131,000,000
<b>TOTAL APPROPRIATION</b>	<del>(\$4,728,042,000)</del>
	<u>\$4,930,905,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) For the purposes of this section, "behavioral health entities" means managed care organizations and behavioral health administrative services organizations that reimburse providers for behavioral health services.

(2) Within the amounts appropriated in this section, funding is provided for implementation of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. In addition to amounts provided solely for implementation of the settlement agreement, class members must have access to supports and services funded throughout this section for which they meet eligibility and medical necessity requirements. The authority must include language in contracts that requires regional behavioral health entities to develop and implement plans for improving access to timely and appropriate treatment for individuals with behavioral health needs and current or prior criminal justice involvement who are eligible for services under these contracts.

(3) \$23,271,000 of the general fund—state appropriation for fiscal year 2022, \$30,514,000 of the general fund—state appropriation for fiscal year 2023, and \$11,503,000 of the general

fund—federal appropriation are provided solely to continue the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The authority, in collaboration with the department of social and health services and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(4) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 and \$219,000 of the general fund—federal appropriation are provided solely to continue diversion grant programs funded through contempt fines pursuant to *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The authority must consult with the plaintiffs and court monitor to determine, within the amounts provided, which of the programs will continue to receive funding through this appropriation. The programs shall use this funding to provide assessments, mental health treatment, substance use disorder treatment, case management, employment, and other social services. By June 30, 2023, the authority, in consultation with the plaintiffs and the court monitor, must submit a report to the office of financial management and the appropriate fiscal committees of the legislature which includes: Identification of the programs that receive funding through this subsection; a narrative description of each program model; the number of individuals being served by each program on a monthly basis; metrics or outcomes reported as part of the contracts; and recommendations related to further support of these programs in the 2023-2025 fiscal biennium.

(5) \$12,359,000 of the general fund—state appropriation for fiscal year 2022, \$12,359,000 of the general fund—state appropriation for fiscal year 2023, and \$23,444,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health entities to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health entities with PACT teams, the authority shall consider the differences between behavioral health entities in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health entities which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under subsection (7) of this section. The authority and behavioral health entities shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(6) \$3,520,000 of the general fund—federal appropriation is provided solely for the authority to maintain a pilot project to incorporate peer bridging staff into behavioral health regional teams that provide transitional services to individuals returning to their communities.

(7) \$95,822,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$116,633,000)~~) \$119,677,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health entity spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health entities as follows:

(a) \$72,275,000 of the general fund—state appropriation for fiscal year 2022 and \$88,275,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with behavioral health administrative service organizations for behavioral health treatment services not covered under the medicaid program. Within these amounts, behavioral health administrative service organizations must provide a two percent rate increase to providers receiving state funds for nonmedicaid services under this section effective July 1, 2021, and a seven percent rate increase effective January 1, 2023.

(b) \$23,547,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$28,358,000)~~) \$31,402,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with medicaid managed care organizations for wraparound services to medicaid enrolled individuals that are not covered under the medicaid program and for the state share of costs for exceptional medicaid behavioral health personal care services. Within the amounts provided in this subsection:

(i) Medicaid managed care organizations must provide a two percent rate increase to providers receiving state funding for nonmedicaid services under this section effective July 1, 2021, and a seven percent rate increase effective January 1, 2023.

(ii) The authority shall assure that managed care organizations reimburse the department of social and health services aging and long term support administration for the general fund—state cost of exceptional behavioral health personal care services for medicaid enrolled individuals who require these because of a psychiatric disability. Funding for the federal share of these services is separately appropriated to the department of social and health services.

(c) The authority shall coordinate with the department of social and health services to develop and submit to the centers for medicare and medicaid services an application to provide a 1915(i) state plan home and community-based services benefit. The application shall be developed to allow for the delivery of wraparound supportive behavioral health services

for individuals with mental illnesses who also have a personal care need. The waiver shall be developed to standardize coverage and administration, improve the current benefit design, and clarify roles in administration of the behavioral health personal care services benefit. By December 1, 2021, the authority, in coordination with the department of social and health services, must submit a report to the office of financial management and the appropriate committees of the legislature which provides the following:

(i) A description of the new benefit design developed for the waiver, including a description of the services to be provided and the responsibility for payment under the waiver;

(ii) Estimates of the number of individuals to be served annually under the new waiver and the estimated state and federal fiscal costs for the managed care organizations and the department of social and health services;

(iii) A comparison estimate of the number of individuals to receive behavioral health personal care services annually under the current benefit structure and the estimated state and federal fiscal costs for the managed care organizations and the department of social and health services; and

(iv) A status update on the development and submission of the waiver with an estimated timeline for approval and implementation of the new wraparound services benefit.

(d) The authority must require behavioral health administrative service organizations to submit information related to reimbursements to counties made for involuntary treatment act judicial services and submit a report to the office of financial management and the appropriate committees of the legislature with complete fiscal year 2022 reimbursements by December 1, 2022.

(8) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health entities for children's long-term inpatient facility services.

(9) \$1,204,000 of the general fund—state appropriation for fiscal year 2022 and \$1,204,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

(10) Behavioral health entities may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health entities may use a portion of the state funds allocated in accordance with subsection (7) of this section to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(11) \$2,291,000 of the general fund—state appropriation for fiscal year 2022 and \$2,291,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health entities on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(12) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(13) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health administrative service organization contracts and include contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health administrative service organization reserves do not exceed maximum levels. The authority must monitor revenue and expenditure reports and must require a behavioral health administrative service organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health administrative service organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the entity in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the entity has come into substantial compliance with an approved excess reserve corrective action plan. By June 30, 2023, the authority must submit to the office of financial management and the appropriate committees of the legislature, the minimum and maximum reserve levels established in contract for each of the behavioral health administrative service organizations for fiscal year 2024.

(14) During the 2021-2023 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and pregnant and parenting women case management providers.

(15) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for

pregnant, post-partum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the authority by request; and (b) indirect charges for administering the program must not exceed ten percent of the total contract amount.

(16) \$3,500,000 of the general fund—federal appropriation is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(17) Within the amounts provided in this section, behavioral health entities must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health entities must require that behavioral health entities include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(18) The criminal justice treatment account—state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with behavioral health entities to administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). Funding from the criminal justice treatment account may be used to provide treatment and support services through the conclusion of an individual's treatment plan to individuals participating in a drug court program as of February 24, 2021, if that individual wishes to continue treatment following dismissal of charges they were facing under RCW 69.50.4013(1). Such participation is voluntary and contingent upon substantial compliance with drug court program requirements. The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2021.

(19) \$6,858,000 of the general fund—state appropriation for fiscal year 2022, \$6,858,000 of the general fund—state appropriation for fiscal year 2023, and \$8,046,000 of the general fund—federal appropriation are provided solely to maintain crisis triage or stabilization centers that were originally funded in the 2017-2019 fiscal biennium. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(20) \$9,795,000 of the general fund—state appropriation for fiscal year 2022, \$10,015,000 of the general fund—state appropriation for fiscal year 2023, and \$15,025,000 of the general fund—federal appropriation are provided solely for the operation of secure withdrawal management and stabilization facilities. The authority may not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities. Within these amounts, funding is provided to increase the fee for service rate for these facilities up to \$650 per day. The authority must require in contracts with behavioral health entities that, beginning in calendar year 2020, they pay no lower than the fee for service rate. The authority must coordinate with regional behavioral health entities to identify and implement purchasing strategies or regulatory changes that increase access to services for individuals with complex behavioral health needs at secure withdrawal management and stabilization facilities.

(21) \$23,090,000 of the general fund—state appropriation for fiscal year 2022, \$23,090,000 of the general fund—state appropriation for fiscal year 2023, and \$92,444,000 of the general fund—federal appropriation are provided solely to maintain the enhancement of community-based behavioral health services that was initially funded in fiscal year 2019. Twenty percent of the general fund—state appropriation amounts for each regional service area must be contracted to the behavioral health administrative services organizations and used to increase their nonmedicaid funding allocations and the remainder must be provided to the medicaid managed care organizations providing apple health integrated managed care. The medicaid funding is intended to maintain increased rates for behavioral health services provided by licensed and certified community behavioral health agencies as defined by the department of health. For the behavioral health administrative services organizations, this funding must be allocated to each region based upon the population of the region. For managed care organizations, this funding must be provided through the behavioral health portion of the medicaid integrated managed care capitation rates. The authority must require the managed care organizations to provide a report that details the methodology the managed care organization used to distribute this funding to their contracted behavioral health providers. The report submitted by behavioral health administrative service organizations and managed care organizations must identify mechanisms employed to disperse the funding as well as estimated impacts to behavioral health providers in the community. The authority must submit a report to the legislature by December 1st of each year of the biennium, summarizing the information regarding the distribution of the funding provided under this subsection.

(22) \$1,401,000 of the general fund—state appropriation for fiscal year 2022, \$1,401,000 of the general fund—state appropriation for fiscal year 2023, and \$3,210,000 of the general fund—federal appropriation are provided solely for the implementation of intensive behavioral health treatment facilities within the community behavioral health service system pursuant to chapter 324, Laws of 2019 (2SHB 1394).

(23) (a) \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for:

(i) A memorandum of understanding with the department of children, youth, and families to provide substance abuse treatment programs;

(ii) A contract with the Washington state institute for public policy to conduct a cost-benefit evaluation of the implementations of chapter 3, Laws of 2013 (Initiative Measure No. 502);

(iii) Designing and administering the Washington state healthy youth survey and the Washington state young adult behavioral health survey;

(iv) Maintaining increased services to pregnant and parenting women provided through the parent child assistance program;

(v) Grants to the office of the superintendent of public instruction for life skills training to children and youth;

(vi) Maintaining increased prevention and treatment service provided by tribes and federally recognized American Indian organization to children and youth;

(vii) Maintaining increased residential treatment services for children and youth;

(viii) Training and technical assistance for the implementation of evidence-based, research based, and promising programs which prevent or reduce substance use disorder;

(ix) Expenditures into the home visiting services account; and

(x) Grants to community-based programs that provide prevention services or activities to youth.

(b) The authority must allocate the amounts provided in (a) of this subsection amongst the specific activities proportionate to the fiscal year 2021 allocation.

(24) (a) \$1,125,000 of the general fund—state appropriation for fiscal year 2022 and \$1,125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Spokane behavioral health entities to implement services to reduce utilization and the census at eastern state hospital. Such services must include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

(b) At least annually, the Spokane county behavioral health entities shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(25) \$1,850,000 of the general fund—state appropriation for fiscal year 2022, \$1,850,000 of the general fund—state appropriation for fiscal year 2023, and \$13,312,000 of the general fund—federal appropriation are provided solely for substance use disorder peer support services included in behavioral health capitation rates in accordance with section 213(5) (ss), chapter 299, Laws of 2018. The authority shall require managed care organizations to provide access to peer support services for individuals with substance use disorders transitioning from emergency departments, inpatient facilities, or receiving treatment as part of hub and spoke networks.

(26) \$1,256,000 of the general fund—state appropriation for fiscal year 2022, \$1,256,000 of the general fund—state appropriation for fiscal year 2023, and \$2,942,000 of the general fund—federal appropriation are provided solely for the authority to maintain an increase in the number of residential beds for pregnant and parenting women originally funded in the 2019-2021 fiscal biennium.

(27) \$1,423,000 of the general fund—state appropriation for fiscal year 2022, \$1,423,000 of the general fund—state appropriation for fiscal year 2023, and \$5,908,000 of the general fund—federal appropriation are provided solely for the authority to continue to implement discharge wraparound services for individuals with complex behavioral health conditions transitioning or being diverted from admission to psychiatric inpatient programs. The authority must coordinate with the department of social and health services in establishing the standards for these programs.

(28) \$350,000 of the general fund—federal appropriation is provided solely to contract with a nationally recognized recovery residence organization and to provide technical assistance to operators of recovery residences seeking certification in accordance with chapter 264, Laws of 2019 (2SHB 1528).

(29) \$500,000 of the general fund—state appropriation for fiscal year 2022, \$500,000 of the general fund—state appropriation for fiscal year 2023, and \$1,000,000 of the general fund—federal appropriation are provided solely for the authority to maintain a memorandum of understanding with the criminal justice training commission to provide funding for community grants pursuant to chapter 378, Laws of 2019 (2SHB 1767).

(30) \$3,396,000 of the general fund—state appropriation for fiscal year 2022, \$3,396,000 of the general fund—state appropriation for fiscal year 2023, and \$16,200,000 of the general fund—federal appropriation are provided solely for support of and to continue to increase clubhouse programs across the state. The authority shall work with the centers for medicare and medicaid services to review opportunities to include clubhouse services as an optional "in lieu of" service in managed care organization contracts in order to maximize federal participation. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the status of efforts to implement clubhouse programs and receive federal approval for including these services in managed care organization contracts as an optional "in lieu of" service by December 1, 2022.

(31) \$947,000 of the general fund—state appropriation for fiscal year 2022, \$947,000 of the general fund—state appropriation for fiscal year 2023, and \$1,896,000 of the general fund—federal appropriation are provided solely for the authority to implement a statewide plan to implement evidence-based coordinated specialty care programs that provide early identification and intervention for psychosis in behavioral health agencies in accordance with chapter 360, Laws of 2019 (2SSB 5903).

(32) \$708,000 of the general fund—state appropriation for fiscal year 2022, \$708,000 of the general fund—state appropriation for fiscal year 2023, and \$1,598,000 of the general fund—federal appropriation are provided solely for implementing mental health peer respite centers and a pilot project to implement a mental health drop-in center in accordance with chapter 324, Laws of 2019 (2SHB 1394).

(33) \$800,000 of the general fund—state appropriation for fiscal year 2022, \$800,000 of the general fund—state appropriation for fiscal year 2023, and \$1,452,000 of the general fund—federal appropriation are provided solely for the authority to implement the recommendations of the state action alliance for suicide prevention, to include suicide assessments, treatment, and grant management.

(34) \$446,000 of the general fund—state appropriation for fiscal year 2022, \$446,000 of the general fund—state appropriation for fiscal year 2023, and \$178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(35) As an element of contractual network adequacy requirements and reporting, the authority shall direct managed care organizations to make all reasonable efforts to develop or maintain contracts with provider networks that leverage local, federal, or philanthropic funding to enhance effectiveness of medicaid-funded integrated care services. These networks must promote medicaid clients' access to a system of services that addresses additional social support services and social determinants of health as defined in RCW 43.20.025 in a manner that is integrated with the delivery of behavioral health and medical treatment services.

(36) \$500,000 of the problem gambling account—state appropriation is provided solely for the authority to contract for a problem gambling adult prevalence study. The prevalence study must review both statewide and regional results about beliefs and attitudes toward gambling, gambling behavior and preferences, and awareness of treatment services. The study should also estimate the level of risk for problem gambling and examine correlations with broader behavioral and mental health measures. The health care authority shall submit results of the prevalence study to the problem gambling task force and the legislature by June 30, 2022.

(37) \$9,000,000 of the criminal justice treatment account—state appropriation is provided solely for the authority to maintain funding for new therapeutic courts created or expanded during fiscal year 2021, or to maintain the fiscal year 2021 expansion of services being provided to an already existing therapeutic court that engages in evidence-based practices, to include medication assisted treatment in jail settings pursuant to RCW 71.24.580. Funding provided under this subsection shall not supplant existing funds utilized for this purpose.

(38) In establishing, re-basing, enhancing, or otherwise updating medicaid rates for behavioral health services, the authority and contracted actuaries shall use a transparent process that provides an opportunity for medicaid managed care organizations, behavioral health administrative service organizations, and behavioral health provider agencies, and their representatives, to review and provide data and feedback on proposed rate changes within their region or regions of service operation. The authority and contracted actuaries shall transparently incorporate the information gained from this process and make adjustments allowable under federal law when appropriate.

(39) The authority shall seek input from representatives of the managed care organizations (MCOs), licensed community behavioral health agencies, and behavioral health administrative service organizations to develop specific metrics related to behavioral health outcomes under integrated managed care. These metrics must include, but are not limited to: (a) Revenues and expenditures for community behavioral health programs, including medicaid and nonmedicaid funding; (b) access to services, service denials, and utilization by state plan modality; (c) claims denials and record of timely payment to providers; (d) client demographics; and (e) social and recovery measures and managed care organization performance measures. The authority must work with managed care organizations and behavioral health administrative service organizations to integrate these metrics into an annual reporting

structure designed to evaluate the performance of the behavioral health system in the state over time. The authority must submit a report by June 30, 2023, outlining the specific metrics implemented. Thereafter, the authority shall submit the report for the preceding calendar year to the governor and appropriate committees of the legislature on or before December 30th of each year detailing the implemented metrics and relevant performance outcomes for the prior calendar year.

(40) \$3,377,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$8,027,000)~~)\$4,952,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to implement pilot programs for intensive outpatient services and partial hospitalization services for certain children and adolescents.

(a) The effective date of the pilot sites is January 1, 2021.

(b) The two pilots must be contracted with a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population east of the crest of the Cascade mountains and a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population west of the crest of the Cascade mountains.

(c) The authority must establish minimum standards, eligibility criteria, authorization and utilization review processes, and payment methodologies for the pilot programs in contract.

(d) Eligibility for the pilot sites is limited pursuant to the following:

(i) Children and adolescents discharged from an inpatient hospital treatment program who require the level of services offered by the pilot programs in lieu of continued inpatient treatment;

(ii) Children and adolescents who require the level of services offered by the pilot programs in order to avoid inpatient hospitalization; and

(iii) Services may not be offered if there are less costly alternative community based services that can effectively meet the needs of an individual referred to the program.

(e) The authority must collect data on the pilot sites and work with the actuaries responsible for establishing managed care rates for medicaid enrollees to develop and submit a report to the office of financial management and the appropriate committees of the legislature. A preliminary report must be submitted by December 1, 2021, and a final report must be submitted by December 1, 2022. The reports must include the following information:

(i) A narrative description of the services provided at each pilot site and identification of any specific gaps the sites were able to fill in the current continuum of care;

(ii) Clinical outcomes and estimated reductions in psychiatric inpatient costs associated with each of the pilot sites;

(iii) Recommendations for whether either or both of the pilot models should be expanded statewide; whether modifications should be made to the models to better address gaps in the continuum identified through the pilot sites, whether the models could be expanded to community behavioral health providers, and whether statewide implementation should be achieved through a state plan amendment or some other mechanism for leveraging federal medicaid match; and

(iv) Actuarial projections on the statewide need for services related to the pilot sites and estimated costs of adding each of the services to the medicaid behavioral health benefit for children and adolescents and adults.

(f) Of the amounts provided in this subsection, \$2,850,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand the number of pilot sites to a third location. The criteria in (c) and (d) of this subsection shall also apply to this pilot site. Data from this pilot site must be incorporated into the final report required in (e) of this subsection.

(41)(a) \$100,000 of the general fund—federal appropriation is provided solely for the authority to convene a task force to examine impacts and changes proposed to the use of criminal background checks in employment in behavioral health settings, with the goal of reducing barriers to developing and retaining a robust behavioral health workforce, while maintaining patient safety measures. The task force membership must include representatives from:

(i) The office of the attorney general;

(ii) The department of health;

(iii) The department of social and health services;

(iv) The office of the governor; and

(v) Others appointed by the authority, including behavioral health employers and those with lived experience.

(b) The task force shall consider any relevant information and recommendations made available by the work group created under Substitute House Bill No. 1411 (health care workforce).

(c) By December 1, 2021, the authority must submit a report of the task force's recommendations to the governor and the appropriate committees of the legislature.

(42) \$6,042,000 of the general fund—state appropriation for fiscal year 2022, \$561,000 of the general fund—state appropriation for fiscal year 2023, and \$35,415,000 of the general fund—federal appropriation (CRSSA) are provided solely to promote the recovery of individuals with substance use disorders through expansion of substance use disorder services. The authority shall implement this funding to promote integrated, whole-person care to individuals with opioid use disorders, stimulant use disorders, and other substance use



disorders. The authority shall use this funding to support evidence-based and promising practices as follows:

(a) \$11,170,000 of the general fund—federal appropriation (CRSSA) is provided solely for treatment services to low-income individuals with substance use disorders who are not eligible for services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of \$9,070,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, mobile opioid use disorder treatment programs, law enforcement assisted diversion programs, contingency management interventions, modified assertive community treatment, trauma informed care, crisis respite, and for reimbursement of one-time start-up operating costs for opening new beds in withdrawal management treatment programs.

(b) \$2,407,000 of the general fund state—appropriation for fiscal year 2022, \$561,000 of the general fund—state appropriation for fiscal year 2023, and \$3,245,000 of the general fund—federal appropriation (CRSSA) are provided solely for outreach programs that link individuals with substance use disorders to treatment options to include medication for opioid use disorder. The authority must contract for these services with programs that use interdisciplinary teams, which include peer specialists, to engage and facilitate linkage to treatment for individuals in community settings such as homeless encampments, shelters, emergency rooms, harm reduction programs, churches, community service offices, food banks, libraries, legal offices, and other settings where individuals with substance use disorders may be engaged. The services must be coordinated with emergency housing assistance and other services administered by the authority to promote access to a full continuum of treatment and recovery support options.

(c) \$1,535,000 of the general fund—state appropriation for fiscal year 2022 and \$10,417,000 of the general fund—federal appropriation (CRSSA) are provided solely for substance use disorder recovery support services not covered by the medicaid program including, but not limited to, emergency housing, recovery housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(d) \$1,100,000 of the general fund—state appropriation for fiscal year 2022 and \$1,750,000 of the general fund—federal appropriation (CRSSA) are provided solely for efforts to support the recovery of American Indians and Alaska natives with substance use disorders. This funding may be used for grants to urban Indian organizations, tribal opioid prevention media campaigns, and support for government to government communication, planning, and implementation of opioid use disorder related projects.

(e) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a public awareness campaign to educate youth and young adults with opioid use disorders about harm reduction, secondary prevention, overdose awareness, fentanyl, and naloxone.

(f) \$7,083,000 of the general fund—federal appropriation (CRSSA) is provided solely for community services grants that support the implementation and evaluation of substance use disorder prevention services.

(g) Up to \$1,750,000 of the general fund—federal appropriation (CRSSA) may be used for the authority's administrative costs associated with services funded in this subsection (42).

(43) \$3,109,000 of the general fund—state appropriation for fiscal year 2022 and \$3,109,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for short-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served. By December 1, 2021, and December 1, 2022, the authority must submit a report identifying the expenditures and number of individuals receiving short-term rental supports through the agency budget during the prior fiscal year broken out by region, treatment need, and the demographics of those served, including but not limited to age, country of origin within racial/ethnic categories, gender, and immigration status.

(44) Within the amounts provided in this section, sufficient funding is provided for the authority to implement requirements to provide up to five sessions of intake and assessment pursuant to Second Substitute House Bill No. 1325 (behavioral health/youth).

(45) \$19,000,000 of the general fund—federal appropriation (CRSSA) and \$1,600,000 of the general fund—federal appropriation (ARPA) are provided solely to promote the recovery of individuals with mental health disorders through expansion of mental health services. The authority shall implement this funding to promote integrated, whole-person care through evidence based and promising practices as follows:

(a) \$7,303,000 of the general fund—federal appropriation (CRSSA) is provided solely for treatment services to low-income individuals with mental health disorders who are not eligible for services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of \$6,150,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, law enforcement assisted diversion programs, modified assertive community treatment, and trauma informed care.

(b) \$6,344,000 of the general fund—federal appropriation (CRSSA) is provided solely for mental health recovery support services not covered by the medicaid program including, but not limited to, supportive housing, emergency housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(c) \$961,000 of the general fund—federal appropriation (CRSSA) is provided solely for efforts to support the recovery of American Indians and Alaska natives with mental health disorders.

(d) \$1,346,000 of the general fund—federal appropriation (CRSSA) is provided solely to enhance crisis services and may be used for crisis respite care.

(e) \$2,307,000 of the general fund—federal appropriation (CRSSA) is provided solely for the expansion of first episode psychosis programs.

(f) Up to \$961,000 of the general fund—federal appropriation (CRSSA) may be used for the authority's administrative costs associated with services funded in this subsection.

(46) The authority must pursue opportunities for shifting state costs to the state's unused allocation of federal institutions for mental disease disproportionate share hospital funding. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, which identifies any activities the authority has implemented or identified to shift state costs to the unused federal funds and an analysis of the fiscal impacts for these activities and options.

(47) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to implement one-time behavioral health workforce pilot programs and training support grants pursuant to Engrossed Second Substitute House Bill No. 1504 (workforce education development act). Of these amounts, \$440,000 of the general fund—state appropriation for fiscal year 2022 and \$440,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the three behavioral health workforce pilot programs and \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for training support grants.

(48) \$1,400,000 of the general fund—state appropriation for fiscal year 2022 and \$3,600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to expand efforts to provide opioid use disorder medication in city, county, regional, and tribal jails. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, on the allocation of the fiscal year 2021 funding within this subsection. The authority must provide a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, on the allocation of the fiscal year 2022 funding and the expenditures and number of individuals served in fiscal year 2021 by location.

(49) \$500,000 of the general fund—federal appropriation is provided solely to establish an emotional support network program for individuals employed as peer specialists. The authority must contract for these services which shall include, but not be limited to, facilitating support groups for peer specialists, support for the recovery journeys of the peer specialists themselves, and targeted support for the secondary trauma inherent in peer work.

(50) \$1,800,000 of the general fund—federal appropriation is provided solely for the authority to contract on a one-time basis with the University of Washington behavioral health institute to continue and enhance its efforts related to training and workforce development. The behavioral health institute shall develop and disseminate model programs and curricula to address the treatment needs of individuals with substance use disorders and cooccurring disorders. The behavioral health institute shall provide consultation and training to behavioral health agencies in order to improve the delivery of evidence-based and promising practices and overall quality of care. Training for providers may include technical assistance related to payment models, integration of peers, team-based care, utilization reviews, care transitions, and the infusion of recovery and resiliency into programming and culture. Additionally, the behavioral health institute shall provide continued access to telehealth training and support, including innovative digital health content. The behavioral health institute shall evaluate behavioral health inequities in Washington and create a center of excellence to address behavioral health inequity, including the need for a more diverse workforce. The behavioral health institute shall offer an annual conference on race, equity, and social justice and create a learning management system to provide access to training for publicly funded behavioral health providers across a range of topics. Specific curricula to be developed within the amounts provided in this subsection must include:

(a) A training for law enforcement officers focused on understanding substance use disorder and the recovery process and options and procedures for diversion from the criminal legal system for individuals with substance use disorder, to be developed in consultation with the criminal justice training commission; and

(b) A curriculum for correctional officers and community corrections officers focused on motivational interviewing, recovery coaching, and trauma informed care, developed in consultation with the department of corrections.

(51) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the north sound behavioral health administrative services organization to provide trauma-informed counseling services to children and youth in Whatcom county schools. The services must be provided by licensed behavioral health professionals who have training in the

provision of trauma-informed care. The behavioral health administrative services organization must request, from the office of the superintendent of public instruction, a listing of the Whatcom county schools that are eligible for high-poverty allocations from the learning assistance program and prioritize services in these schools.

(52) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided on a one-time basis solely for the authority to contract with the north sound behavioral health administrative services organization to establish the Whatcom county crisis stabilization center as a pilot project for diversion from the criminal justice system to appropriate community based treatment. The pilot shall allow for police officers to place involuntary holds for up to 12 hours for persons placed at the facility in accordance with RCW 10.31.110. The amounts provided must be used to pay for the cost of services at the site not covered under the medicaid program. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, including the following information:

(a) The total number of individuals served in the crisis stabilization center broken out by those served on a voluntary basis versus those served under involuntary treatment holds placed pursuant to RCW 10.31.110;

(b) A summary of the outcomes for each of the groups identified in (a) of this subsection; and

(c) Identification of methods to incentivize or require managed care organizations to implement payment models for crisis stabilization providers that recognize the need for the facilities to operate at full staffing regardless of fluctuations in daily census.

(53) \$1,250,000 of the general fund—state appropriation for fiscal year 2022 and \$1,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with the King county behavioral health administrative services organization to maintain children's crisis outreach response system services that were previously funded through the department of children, youth, and families. The authority, in consultation with the behavioral health administrative services organization, medicaid managed care organizations, and the actuaries responsible for developing medicaid managed care rates, must work to maximize federal funding provided for the children's crisis outreach response system program and submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, on the status of these efforts and the associated savings in state funds.

(54) \$881,000 of the general fund—state appropriation for fiscal year 2022 and \$881,000 of the general fund—state for fiscal year 2023 are provided on a one-time basis solely for maintaining and increasing resources for peer support programs and for the authority to contract with an organization to assist with the recruitment of individuals to work as behavioral health peers with a specific focus on black, indigenous, and people of color communities. The authority must submit a preliminary report to the office of financial management and the appropriate committees of the legislature on the status of these efforts by December 1, 2021, and a final report including identification of the number and demographics of individuals recruited into behavioral health peer positions by December 1, 2022.

(55) \$250,000 of the general fund—federal appropriation is provided solely for the authority to provide crisis response training to behavioral health peer specialists. The authority must use these amounts to contract for the development of a specialized 40 hour crisis response training curriculum for behavioral health peer specialists and to conduct a minimum of one statewide training session during fiscal year 2022 and one statewide training session during fiscal year 2023. The training shall focus on preparing behavioral health peer specialists to work with individuals in crisis, including providing peer services in emergency departments, as corresponders with law enforcement, and as part of mobile crisis teams. The training sessions must be offered free of charge to the participants and may be offered either virtually or in person as determined by the authority. By December 1, 2022, the authority must submit a report to the office of financial management and the appropriate committees of the legislature on the peer crisis response curriculum and the number of individuals that received training.

(56) \$500,000 of the general fund—federal appropriation is provided solely for the authority to contract on a one-time basis with the University of Washington alcohol and drug abuse institute to develop policy solutions in response to the public health challenges of high tetrahydrocannabinol potency cannabis. The institute must use this funding to: Conduct individual interviews with stakeholders and experts representing different perspectives, facilitate joint meetings with stakeholders to identify areas of common ground and consensus, and develop recommendations for state policies related to cannabis potency and mitigating detrimental health impacts. The authority must submit the following reports to the office of financial management and the appropriate committees of the legislature:

(a) An initial report must be submitted by December 31, 2021, and shall summarize progress made to date, preliminary policy recommendations, and next steps; and

(b) A final report must be submitted by December 31, 2022, and shall summarize the analysis conducted by the institute, the process and stakeholders involved, an inventory of relevant cannabis policies in other states, and recommendations for policy changes to reduce the negative impacts of high potency cannabis in Washington state.

(57) \$8,197,000 of the general fund—state appropriation for fiscal year 2022, \$8,819,000 of the general fund—state appropriation for fiscal year 2023, and \$38,025,000 of the general fund—federal appropriation are provided solely to continue in the 2021-2023 fiscal biennium

the two percent increase to medicaid reimbursement for community behavioral health providers contracted through managed care organizations that was provided in April 2021. The authority must employ mechanisms such as directed payment or other options allowable under federal medicaid law to assure the funding is used by the managed care organizations for a two percent provider rate increase as intended and verify this pursuant to the process established in chapter 285, Laws of 2020 (EHB 2584). The rate increase shall be implemented to all behavioral health inpatient, residential, and outpatient providers receiving payment for services under this section contracted through the medicaid managed care organizations.

(58) \$17,128,000 of the general fund—state appropriation for fiscal year 2023 and \$32,861,000 of the general fund—federal appropriation are provided solely to implement a 7 percent increase to medicaid reimbursement for community behavioral health providers contracted through managed care organizations to be effective January 1, 2023. The authority must employ mechanisms such as directed payment or other options allowable under federal medicaid law to assure the funding is used by the managed care organizations for a 7 percent provider rate increase as intended and verify this pursuant to the process established in chapter 285, Laws of 2020 (EHB 2584). The rate increase shall be implemented to all behavioral health inpatient, residential, and outpatient providers contracted through the medicaid managed care organizations. Providers receiving rate increases under other subsections of this section must be excluded from the rate increase directed in this subsection.

(59) \$1,307,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$5,217,000)~~) \$1,838,000 of the general fund—state appropriation for fiscal year 2023, and (~~(\$6,524,000)~~) \$3,145,000 of the general fund—federal appropriation are provided solely to increase the number of beds and rates for community children's long-term inpatient program providers. The number of funded beds is increased on a phased in basis to (62 beds by the end of fiscal year 2022 and to 72 beds) 46 beds by the end of fiscal year 2023. The rates are increased ((by two percent effective July 1, 2021, and by an additional 4.5 percent effective January 1, 2023)) from a per diem rate of \$857 to \$1,030 for existing and new beds effective January 1, 2023.

(60) \$117,000 of the general fund—state appropriation for fiscal year 2022, \$251,000 of the general fund—state appropriation for fiscal year 2023, and \$265,000 of the general fund—federal appropriation are provided solely to increase rates for parent child assistance program providers by two percent effective July 1, 2021, and by an additional 4.5 percent effective January 1, 2023.

(61) \$205,000 of the general fund—state appropriation for fiscal year 2022 and \$205,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with the Washington state behavioral health institute to engage consumers, the University of Washington evidence based practice institute, and other stakeholders to review current and emerging data and research and make recommendations regarding best practices for virtual behavioral health services to children from prenatal stages through age 25. This work shall focus on the development of services and supports that deliver clinically-effective outcomes for children and families and identify safeguards for "in-person," "audio-video," and "audio only" modes. The review conducted by the institute shall include the collection and analysis of data about clinical efficacy of behavioral health services and supports through virtual modes and methods for determining and maximizing the health benefits of the different modes. The authority shall submit data required for this research to the behavioral health institute in accordance with federal and state laws regarding client protected information. The department shall submit the following reports to the office of financial management and the appropriate committees of the legislature:

(a) A preliminary report on the 2022 workplan by December 31, 2021;

(b) An initial report with recommendations for standards of care and best practices for behavioral health services by June 30, 2022; and

(c) A final report with additional refined recommendations and a research agenda and proposed budget for fiscal year 2024 and beyond by December 31, 2022.

(62) The authority must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(63) \$150,000 of the general fund—federal appropriation is provided solely for training of behavioral health consumer advocates. Beginning in July 2022, the authority must enter into a memorandum of understanding with the department of commerce to provide support for training of behavioral health consumer advocates pursuant to Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers).

(64) \$5,000,000 of the general fund—federal appropriation is provided solely for the authority to maintain funding for grants to law enforcement assisted diversion programs outside of King county established pursuant to chapter 314, Laws of 2019 (SSB 5380). By December 1, 2023, the authority, in coordination with the law enforcement assisted diversion national support bureau, must collect information and submit a report to the office of financial management and the appropriate committees of the legislature on the grant program including a description of the program model or models used and the number, demographic information, and measurable outcomes of the individuals served with the funding provided under this subsection.

(65) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with a statewide mental health nonprofit organization that provides free community and school-based mental health education and support programs for consumers and families. The contractor must use this funding to provide access to programs tailored to peers living with mental illness as well as family members of people with mental illness and the community at large. Services provided by the contracted program shall include education, support, and assistance to reduce isolation and help consumers and families understand the services available in their communities.

(66) \$13,374,000 of the general fund—state appropriation for fiscal year 2022, \$15,474,000 of the general fund—state appropriation for fiscal year 2023, and \$13,743,000 of the general fund—federal appropriation are provided solely for increasing local behavioral health mobile crisis response team capacity and ensuring each region has at least one adult and one children and youth mobile crisis team that is able to respond to calls coming into the 988 crisis hotline.

(a) In prioritizing this funding, the health care authority shall assure that a minimum of six new children and youth mobile crisis teams are created and that there is one children and youth mobile crisis team in each region by the end of fiscal year 2022.

(b) In implementing funding for adult and youth mobile crisis response teams, the authority must establish standards in contracts with managed care organizations and behavioral health administrative services organizations for the services provided by these teams.

(c) Of these amounts, \$3,000,000 of the general fund—state appropriation for fiscal year 2023 and \$1,012,000 of the general fund—federal appropriation are provided solely to increase capacity for mobile crisis services in King county. These amounts must supplement and not supplant funding to the county previously allocated by the authority under this subsection.

(67) ~~(\$37,628,000)~~ \$38,835,000 of the general fund—state appropriation for fiscal year 2022, ~~(\$44,606,000)~~ \$48,600,000 of the general fund—federal appropriation are provided solely for the authority to contract with community hospitals or freestanding evaluation and treatment centers to provide long-term inpatient care beds as defined in RCW 71.24.025. Within these amounts, the authority must meet the requirements for reimbursing counties for the judicial services for patients being served in these settings in accordance with RCW 71.05.730. The authority must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities. Of the amounts in this subsection, sufficient amounts are provided in fiscal year 2022 and fiscal year 2023 for the authority to reimburse community hospitals and nonhospital residential treatment centers serving clients in long-term inpatient care beds as defined in RCW 71.24.025 as follows:

(a) For a hospital licensed under chapter 70.41 RCW that requires a hospital specific medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients because the hospital has completed a medicare cost report, the authority shall analyze the most recent medicare cost report of the hospital after a minimum of 200 medicaid inpatient psychiatric days. The authority shall establish the inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at 100 percent of the allowable cost of care, based on the most recent medicare cost report of the hospital.

(b) For a hospital licensed under chapter 70.41 RCW that has not completed a medicare cost report with more than 200 medicaid inpatient psychiatric days, the authority shall establish the medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at the higher of the hospital's current medicaid inpatient psychiatric rate; or the annually updated statewide average of the medicaid inpatient psychiatric per diem payment rate of all acute care hospitals licensed under chapter 70.41 RCW providing long-term civil commitment services.

(c) For a hospital licensed under chapter 71.12 RCW and currently providing long-term civil commitment services, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at \$940 plus adjustments that may be needed to capture costs associated with long-term psychiatric patients that are not allowable on the medicare cost report or reimbursed separately. The hospital may provide the authority with supplemental data to be considered and used to make appropriate adjustments to the medicaid inpatient psychiatric per diem payment rate of the hospital. Adjustment of costs may include:

(i) Costs associated with professional services and fees not accounted for in the hospital's medicare cost report or reimbursed separately;

(ii) Costs associated with the hospital providing the long-term psychiatric patient access to involuntary treatment court services that are not reimbursed separately; and

(iii) Other costs associated with caring for long-term psychiatric patients that are not reimbursed separately.

(d) For a hospital licensed under chapter 71.12 RCW that requires an initial medicaid inpatient psychiatric per diem payment rate for long-term civil commitment services because it has not yet completed a medicare cost report, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at the higher of:

(i) The hospital's current medicaid inpatient psychiatric rate; or

(ii) The annually updated statewide average of the medicaid long-term inpatient psychiatric per diem payment rate of all freestanding psychiatric hospitals licensed under chapter 71.12 RCW providing long-term civil commitment services.

(e) For nonhospital residential treatment centers certified to provide long-term inpatient care beds as defined in RCW 71.24.025, the authority shall increase the fiscal year 2021 rate by three percent each year of the biennium.

(f) Beginning in fiscal year 2023, provider payments for vacant bed days shall not exceed six percent of their annual contracted bed days.

(g) The legislature intends to recognize the additional costs associated with student teaching related to long-term civil commitment patients to be provided in a new teaching hospital expected to open during the 2023-2025 fiscal biennium.

(h) The authority, in coordination with the department of social and health services, the office of the governor, the office of financial management, and representatives from medicaid managed care organizations, behavioral health administrative service organizations, and community providers, must develop and implement a plan to continue the expansion of civil community long-term inpatient capacity. The plan shall identify gaps and barriers in the current array of community long-term inpatient beds in serving higher need individuals including those committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The plan shall identify strategies to overcome these barriers including, but not limited to, potential rate enhancements for high needs clients. The authority must submit its implementation plan to the office of financial management and the appropriate fiscal committees of the legislature by December 1, 2021, and submit a status update on the implementation plan by October 15, 2022.

(68) (a) \$31,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided on a one-time basis solely for the authority to provide assistance payments to behavioral health providers serving medicaid and state-funded clients. In prioritizing the allocation of this funding, the authority must take the following into account:

(i) The differential impact the pandemic has had on different types of providers;

(ii) Other state and federal relief funds providers have received or are eligible to apply for; and

(iii) Equitable distribution of assistance including consideration of geographic location and providers serving members of historically disadvantaged communities.

(b) To be eligible for assistance, the behavioral health providers must:

(i) Have experienced lost revenue or increased expenses that are a result of the COVID-19 public health emergency;

(ii) Self-attest that the lost revenue or expenses are not funded by any other government or private entity;

(iii) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives; and

(iv) Agree to comply with federal guidance on the use of coronavirus state and local fiscal recovery funds.

(c) Provider assistance is subject to the availability of amounts provided in this subsection.

(69) (a) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a one-time grant to Island county to fund a pilot program to improve behavioral health outcomes for young people in rural communities. In administering the pilot program, Island county shall coordinate with school districts, community groups, and health care providers to increase access to behavioral health programs for children and youth aged birth to 24 years of age. The grant funds shall be used to coordinate and expand behavioral health services. The grant funding must not be used to supplant funding from existing programs. No more than 10 percent of the funds may be used for administrative costs incurred by Island county in administering the program. Services that may be provided with the grant funding include, but are not limited to:

(i) Support for children and youth with significant behavioral health needs to address learning loss caused by COVID-19 and remote learning;

(ii) School based behavioral health education, assessment, and brief treatment;

(iii) Screening and referral of children and youth to long-term treatment services;

(iv) Behavioral health supports provided by community agencies serving youth year-round;

(v) Expansion of mental health first aid, a program designed to prepare adults who regularly interact with youth for how to help people in both crisis and noncrisis mental health situations;

(vi) Peer support services; and

(vii) Compensation for the incurred costs of clinical supervisors and internships.

(b) The authority, in coordination with Island county, must submit the following reports to the legislature:

(i) By December 1, 2022, a report summarizing how the funding was used and providing the number of children and youth served by the pilot during fiscal year 2022; and

(ii) By December 1, 2023, a report summarizing how the funding was used and providing the number of children and youth served by the pilot during fiscal year 2023.

(70) State general fund appropriations in this section and in sections 219 and 221 of this act are made to address the harms caused to the state and its citizens by the opioid epidemic, and these include appropriations of \$13,466,000 attributable to the settlement in *State v. McKinsey & Co., Inc.*

(71) (~~(\$260,000 of the general fund—state appropriation for fiscal year 2022, \$3,028,000 of the general fund—state appropriation for fiscal year 2023, and \$3,028,000 of the general fund—federal appropriation are provided solely for the authority to contract for a twelve bed children's long-term inpatient program facility specializing in the provision of~~

~~habilitative mental health services for children and youth with intellectual or developmental disabilities who have intensive behavioral health support needs. The authority must provide a report to the office of financial management and the appropriate committees of the legislature providing data on the demand and utilization of this facility by June 30, 2023.~~

~~(72))~~ \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to continue the University of Washington's project extension for community health care outcomes (ECHO) for:

(a) Telecommunication consultation with local physicians to discuss medications appropriate to patients who have developmental disabilities and behavioral issues; and

(b) Training to both behavioral health and developmental disabilities professionals to support individuals with both developmental disabilities and behavioral health needs.

~~((73)—\$1,991,000))~~ (72) \$2,104,000 of the general fund—federal appropriation and ~~((73)—\$1,147,000))~~ \$1,260,000 of the general fund—local appropriation are provided solely for supported housing and employment services described in initiative 3a and 3b of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures above appropriated levels for this specific purpose. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

~~((74))~~ (73) (a) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the authority to convene a work group to develop a recommended teaching clinic enhancement rate for behavioral health agencies training and supervising students and those seeking their certification or license. This work should include: Developing standards for classifying a behavioral health agency as a teaching clinic; a cost methodology to determine a teaching clinic enhancement rate; and a timeline for implementation. The work group must include representatives from:

(i) The department of health;

(ii) The office of the governor;

(iii) The Washington workforce training and education board;

(iv) The Washington council for behavioral health;

(v) Licensed and certified behavioral health agencies; and

(vi) Higher education institutions.

(b) By October 15, 2021, the health care authority must submit a report of the work group's recommendations to the governor and the appropriate committees of the legislature.

~~((75))~~ (74) \$343,000 of the general fund—state appropriation for fiscal year 2022, \$344,000 of the general fund—state appropriation for fiscal year 2023, and \$687,000 of the general fund—federal appropriation are provided solely for increasing services to pregnant and parenting women provided through the parent child assistance program.

~~((76))~~ (75) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for maintaining and increasing the capabilities of a tool to track medication assisted treatment provider capacity.

~~((77))~~ (76) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to support substance use disorder family navigators across the state.

~~((78))~~ (77) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to support recovery cafes across the state.

~~((79))~~ (78) \$69,000 of the general fund—state appropriation for fiscal year 2022, \$63,000 of the general fund—state appropriation for fiscal year 2023, and \$198,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5071 (civil commitment transition).

~~((80))~~ (79) \$200,000 of the general fund—state appropriation for fiscal year 2022, \$195,000 of the general fund—state appropriation for fiscal year 2023, and \$755,000 of the general fund—federal appropriation are provided solely for a grant program to award funding to fire departments in the state of Washington to implement safe station pilot programs. Programs that combine the safe station approach with fire department mobile integrated health programs such as the community assistance referral and education services program under RCW 35.21.930 are encouraged. Certified substance use disorder peer specialists may be employed in a safe station pilot program if the authority determines that a plan is in place to provide appropriate levels of supervision and technical support. Safe station pilot programs shall collaborate with behavioral health administrative services organizations, local crisis providers, and other stakeholders to develop a streamlined process for referring safe station clients to the appropriate level of care. Funding for pilot programs under this subsection shall be used for new or expanded programs and may not be used to supplant existing funding.

~~((81))~~ (80) \$71,000 of the general fund—state appropriation for fiscal year 2022, \$66,000 of the general fund—state appropriation for fiscal year 2023, and \$136,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5195 (opioid overdose medication).

~~((82))~~ (81) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the authority to evaluate options for a medicaid waiver to provide respite care for youth with behavioral health challenges while avoiding adverse impacts with respite waivers at the department of social and health services developmental disabilities administration and the department of children, youth, and families.

~~((83))~~ (82) \$2,000,000 of the general fund—federal appropriation is provided solely for grants to law enforcement and other first responders to include a mental health professional on the team of personnel responding to emergencies.

~~((84))~~ (83) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the city of Arlington in partnership with the North County regional fire authority for a mobile integrated health pilot project. The project shall provide mobile integrated health services for residents who cannot navigate resources through typical methods through brief therapeutic intervention, biopsychosocial assessment and referral, and community care coordination.

~~((85))~~ (84) \$26,000 of the general fund—state appropriation for fiscal year 2022, \$26,000 of the general fund—state appropriation for fiscal year 2023, and \$48,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 1196 (audio only telemedicine).

~~((86))~~ (85) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute Senate Bill No. 5073 (involuntary commitment).

~~((87))~~ (86) \$349,000 of the general fund—state appropriation for fiscal year 2022, \$1,849,000 of the general fund—state appropriation for fiscal year 2023, and \$942,000 of the general fund—federal appropriation are provided solely for the authority to contract for services at two distinct 16 bed programs in a facility located in Clark county to provide long-term inpatient care beds as defined in RCW 71.24.025. The beds must be used to provide treatment services for individuals who have been involuntarily committed to long-term inpatient treatment pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The authority, in coordination with the department of social and health services, must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward opening the new facility.

~~((88))~~ (87) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$956,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for wraparound with intensive services for youth ineligible for medicaid as outlined in the settlement agreement under *AGC v. Washington State Health Care Authority*, Thurston county superior court no. 21-2-00479-34.

~~((89))~~ (88) \$38,230,000 of the general fund—state appropriation for fiscal year 2022 and \$18,188,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for claims for services rendered to medicaid eligible clients admitted to institutions of mental disease that were determined to be unallowable for federal reimbursement due to medicaid's institutions for mental disease exclusion rules. Of these amounts, \$20,042,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for belated claims for services that were rendered prior to fiscal year 2022.

~~((90))~~ (89) \$6,010,000 of the general fund—state appropriation for fiscal year 2023 and \$990,000 of the general fund—federal appropriation are provided solely for the authority, in coordination with the department of health, to deploy an opioid awareness campaign and to contract with syringe service programs and other service settings assisting people with substance use disorders to: Prevent and respond to overdoses; provide other harm reduction services and supplies, including but not limited to distributing naloxone, fentanyl, and other drug testing supplies; and for expanding contingency management services. The authority is encouraged to use these funds to leverage federal funding for this purpose to expand buying power. The authority should prioritize funds for naloxone distribution for programs or settings that are least likely to be able to bill medicaid. Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to deploy an opioid awareness campaign targeted at youth to increase the awareness of the dangers of fentanyl. Any moneys deposited into the general fund pursuant to section 126(41) of this act from the Purdue Pharma and Sackler family settlement must be used for the purposes of this subsection.

~~((91))~~ (90) \$2,382,000 of the general fund—state appropriation for fiscal year 2023 and \$6,438,000 of the general fund—federal appropriation are provided solely ~~((for a transition to bundled payment arrangement methodology for opioid treatment providers. Within these amounts, providers will receive a rate increase through the new methodology and the))~~ to increase rates for opioid treatment program services provided through medicaid managed care contracts. The authority must direct medicaid managed care organizations, to the extent



allowed under federal medicaid law, to adopt a value based bundled payment methodology in contracts with opioid treatment providers. This increase is effective January 1, 2023.

~~((92))~~ (91) \$2,387,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to support the creation of a bridge period for individuals also enrolled in the foundational community supports initiative who are transitioning from benefits under RCW 74.04.805 due to increased income or other changes in eligibility. The authority, department of social and health services, and department of commerce shall collaborate on this effort.

~~((93))~~ (92) \$1,574,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to contract with a program to provide medical respite care for individuals with behavioral health needs. The program must serve individuals with significant behavioral health needs and medical issues who do not require hospitalization but are unable to provide adequate self-care for their medical conditions. The program must prioritize services to individuals with complex medical and behavioral health issues who are homeless or who were recently discharged from a hospital setting. The services must meet quality standards and best practices developed by the national health care for the homeless council and may include, but are not limited to, medical oversight and health education; care transitions; and discharge planning to and from primary care, inpatient hospital, emergency rooms, and supportive housing. In selecting the contractor, the authority must prioritize projects that demonstrate the active involvement of an established medical provider that is able to leverage federal medicaid funding in the provision of these services. The authority must work with the medicaid managed care organizations to encourage their participation and assist the plans and the contractor in identifying mechanisms for appropriate use of medicaid reimbursement in this setting.

~~((94))~~ (93) \$490,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create a master leasing incentive program with specific emphasis on *Trueblood* programs. The authority shall also create a toolkit for use by landlords serving special populations. The authority and department of commerce shall collaborate on this effort.

~~((95))~~ (94) \$664,000 of the general fund—state appropriation for fiscal year 2023 and \$154,000 of the general fund—federal appropriation are provided solely for the authority to contract for three regional behavioral health mobile crisis response teams focused on supported housing to prevent individuals with behavioral health conditions at high risk of losing housing from becoming homeless, identify and prioritize serving the most vulnerable people experiencing homelessness, and increase alternative housing options to include short-term alternatives which may temporarily deescalate situations where there is high risk of a household from becoming homeless.

~~((96))~~ (95) \$6,027,000 of the general fund—state appropriation for fiscal year 2023 and \$2,009,000 of the general fund—federal appropriation are provided solely to create and expand access to no barrier, and low-barrier programs using a housing first model designed to assist and stabilize housing supports for adults with behavioral health conditions. Housing supports and services shall be made available with no requirement for treatment for their behavioral health condition and must be individualized to the needs of the individual. The authority and department of commerce shall collaborate on this effort. The authority and department of commerce shall collaborate on this effort and must submit a preliminary report to the office of financial management and the appropriate committees of the legislature by December 31, 2022.

~~((97))~~ (96) \$775,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create a rental voucher and bridge program and implement strategies to reduce instances where an individual leaves a state operated behavioral or private behavioral health facility directly into homelessness. The authority must prioritize this funding for individuals being discharged from state operated behavioral health facilities.

~~((98))~~ (97) \$200,000 of the general fund—state appropriation for fiscal year 2022, \$200,000 of the general fund—state appropriation for fiscal year 2023, and \$400,000 of the general fund—federal appropriation are provided solely for the authority to contract for a behavioral health comparison rate study. The study must be conducted to examine provider resources involved in developing individual covered behavioral health services and to establish benchmark payment rates that reflect the reasonable and necessary costs associated with the delivery of behavioral health services. The study must include an evaluation of actual medicaid managed care organization payment rates to the benchmark rates and summarize the results of this evaluation. The study must be conducted in a manner so that the benchmark comparison rates are incorporated into a full behavioral health fee schedule that can be used for assessing the costs associated with expansion of services, rate increases, and medicaid managed care plan state directed payments. The authority must provide a preliminary report on the study to the office of financial management and the appropriate committees of the legislature by June 30, 2023.

~~((99))~~ (98) \$382,000 of the general fund—state appropriation for fiscal year 2023 and \$254,000 of the general fund—federal appropriation are provided solely for the authority, in collaboration with the department of social and health services research and data analysis division, to implement community behavioral health service data into the existing executive management information system. Of these amounts, \$288,000 of the general fund—state appropriation for fiscal year 2023 and \$192,000 of the general fund—federal appropriation are provided solely for the authority to reimburse the research and data analysis division for staff costs associated with this project. The data elements shall be incorporated into the monthly executive management information system reports on a phased-in basis, allowing

for elements which are readily available to be incorporated in the initial phase, and elements which require further definition and data collection changes to be incorporated in a later phase. The authority must collaborate with the research and data analysis division to ensure data elements are clearly defined and must include requirements in medicaid managed care organization and behavioral health administrative services organization contracts to provide the data in a consistent and timely manner for inclusion into the system. The community behavioral health executive management system information data elements must include, but are not limited to: Psychiatric inpatient bed days; evaluation and treatment center bed days; long-term involuntary community psychiatric inpatient bed days; children's long-term inpatient bed days; substance use disorder inpatient, residential, withdrawal evaluation and management, and secure withdrawal evaluation and management bed days; crisis triage and stabilization services bed days; mental health residential bed days; mental health and substance use disorder outpatient treatment services; opioid substitution and medication assisted treatment services; program of assertive treatment team services; wraparound with intensive services; mobile outreach crisis services; recovery navigator team services; foundational community supports housing and employment services; projects for assistance in transition from homelessness services; housing and recovery through peer services; other housing services administered by the authority; mental health and substance use disorder peer services; designated crisis responder investigations and outcomes; involuntary commitment hearings and outcomes; pregnant and parenting women case management services; and single bed certifications and no available bed reports. Wherever possible and practical, the data must include historical monthly counts and shall be broken out to distinguish services to medicaid and nonmedicaid individuals and children and adults. The authority and the research and data analysis division must consult with the office of financial management and staff from the fiscal committees of the legislature on the development and implementation of the community behavioral health data elements.

~~((100))~~ (99) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to contract with a consultant to develop a Washington state behavioral health service delivery guide. The guide must include, but is not limited to, information on the service modalities, facilities, and providers that make up Washington's behavioral health delivery system. The authority must consult with behavioral health stakeholders and is permitted to enter into a data sharing agreement necessary to facilitate the production of the guide. The authority must publish the guide for the public and submit the guide to the office of financial management and the appropriate committees of the legislature by December 1, 2023.

~~((101))~~ (100) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to conduct a study on involuntary treatment access barriers related to transportation issues. The study must assess: Challenges ambulance companies and emergency responders have in billing medicaid for involuntary transportation services; whether current transportation rates are a barrier to access and if so what type of increase is needed to address this; and the possibility of creating a specialized type of involuntary transportation provider. The authority must also modify the current unavailable detention facilities report to identify whether the reason a bed was not available was due to: Transportation issues; all beds being full at the facility; staffing shortages; inability of facilities with available beds to meet the behavioral needs of the patient; inability of facilities with available beds to meet the medical needs of the patient; or other specified reasons. The authority must submit a report to the office of financial management and the appropriate committees of the legislature with findings and recommendations from the study by December 31, 2022.

~~((102))~~ (101) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to increase contracts for recovery navigator services established in chapter 311, Laws of 2021 (ESB 5476). These amounts must be allocated to increase funding for recovery navigator services in King, Pierce, and Snohomish counties. These amounts must supplement and not supplant funding allocated, pursuant to section 22(1), chapter 311, Laws of 2021, to the regional behavioral health administrative services organizations serving those counties.

~~((103))~~ (102) \$4,213,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to support efforts by counties and cities to implement local response teams. Of these amounts:

(a) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to provide a grant to the association of Washington cities to assist cities with the costs of implementing alternative response teams. This funding must be used to reimburse cities for documented costs associated with creating co-responder teams within different alternative diversion models including law enforcement assisted diversion programs, community assistance referral and education programs, and as part of mobile crisis teams. Cities are encouraged to partner with each other to create a regional response model. In awarding these funds, the association must prioritize applicants with demonstrated capacity for facility-based crisis triage and stabilization services. The association and authority must collect and report information regarding the number of facility-based crisis stabilization and triage beds available in the locations receiving funding through this subsection and submit a report to the office of financial management and the appropriate committees of the legislature with this information by December 1, 2022.

(b) \$2,213,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Whatcom county to establish an alternative response base station. Within these amounts: \$1,477,000 is provided solely for facility renovation and equipment; \$149,000 is

provided solely for acquisition of an alternative response transport vehicle; and \$587,000 is provided solely for operating expenses, including personnel, maintenance, and utility expenses.

~~((104))~~ (103) \$100,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for, on a one-time basis, the authority to address behavioral health treatment access issues resulting from workforce shortages and impacts of the COVID-19 public health emergency. This funding must be used to provide one-time assistance payments to nonhospital-based community behavioral health treatment providers receiving payment for medicaid services contracted through the medicaid managed care organizations or behavioral health administrative service organizations. The authority shall begin distributing funding under this subsection as soon as possible, and shall complete the distribution of funds by October 1, 2022. The authority must distribute funding in accordance with the following requirements:

(a) The authority must enter into appropriate agreements with recipients to ensure that this stabilization funding is used for purposes of this subsection. Prior to the receipt of funds, providers must agree to expend these assistance payments by June 30, 2023.

(b) Allocation methodologies must be administratively efficient and based on previous medicaid utilization, modeled after prior nongrant-based allocations, so that funding can be distributed more timely than through grant or application-based allocations. The authority must consider individuals served through medicaid and behavioral health administrative service organizations contracts in its allocation methodology.

(c) Providers must use the funding for immediate workforce retention and recruitment needs or costs incurred due to the COVID-19 public health emergency. Funds may also be used to support other needed investments to help stabilize the community behavioral health workforce including, but not limited to, childcare stipends, student loan repayment, tuition assistance, relocation expenses, or other recruitment efforts to begin adding new staff and rebuilding lost capacity.

(d) By December 1, 2022, the authority must submit an accounting to the office of financial management and the appropriate committees of the legislature that includes a list of all recipients of funding under this subsection and the amount of funding received.

(e) Within the amounts appropriated in this subsection, the authority may utilize up to \$200,000 to conduct a qualitative analysis of how recipients utilized funds for workforce retention and recruitment, which may include hiring a consultant and a survey of selected recipients. The authority must report on the findings of the qualitative analysis to the office of financial management and the appropriate committees of the legislature by December 1, 2023.

~~((105))~~ (104) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to contract with the University of Washington addictions, drug, and alcohol institute. This funding must be used to develop, refine, and pilot a new, advanced, evidence-based training for law enforcement to improve interactions with individuals who use drugs. The training must be developed so it can be adapted and used statewide to decrease stigmatizing beliefs among law enforcement through positive contact with people who use drugs and improve officer well-being and effectiveness by providing skills and techniques to address the drug overdose epidemic. The institute must develop and refine this training, leveraging prior work, and in partnership with a steering committee that includes people with lived or living experience of substance use disorder and criminal legal involvement, researchers, clinicians, law enforcement officers, and others. The training must complement, but not duplicate, existing curricula already provided by the criminal justice training commission. The institute must pilot the advanced training in a subset of regional law enforcement agencies and evaluate its acceptability and feasibility through participant interviews and pretraining and posttraining ratings of stigmatizing beliefs. The institute must incorporate feedback from the pilot training sessions into a final training program that it must make available to law enforcement agencies across the state.

~~((106))~~ (105) \$300,000 of the general fund—state appropriation for fiscal year 2023 and \$300,000 of the general fund—federal appropriation are provided on a one-time basis solely for the authority to explore the development and implementation of a sustainable, alternative payment model for comprehensive community behavioral health services, including the certified community behavioral health clinic (CCBHC) model. Funding must be used to secure actuarial expertise; conduct research into national data and other state models, including obtaining resources and expertise from the national council for mental well-being CCBHC success center; and engage stakeholders, including representatives of licensed community behavioral health agencies and medicaid managed care organizations, in the process. The authority must provide a preliminary report to the office of financial management and the appropriate committees of the legislature with findings, recommendations, and preliminary cost estimates by December 31, 2022. The study must include:

(a) Overviews of alternate payment models and options and considerations for implementing the certified community behavioral health clinic model within Washington state;

(b) An analysis of the impact of expanding alternate payment models on the state's behavioral health systems;

(c) Relevant federal regulations and options to implement alternate payment models under those regulations;

(d) Options for payment rate designs;

(e) An analysis of the benefits and potential challenges in integrating the CCBHC reimbursement model within an integrated managed care environment;

(f) Actuarial analysis on the costs for implementing alternative payment model options, including opportunities for leveraging federal funding; and

(g) Recommendations to the legislature on a pathway for statewide implementation.

~~((107))~~ (106) \$60,000 of the general fund—state appropriation for fiscal year 2023 is provided on a one-time basis solely for the authority to provide a grant to develop an integrative cultural healing model to be implemented and managed by the Confederated Tribes of the Colville Reservation. For the purposes of this subsection, "integrative cultural healing model" means a behavioral health model developed for and by tribal and urban-based Native American partners in eastern Washington. Grant funds must be used for staff costs for implementing the model; acquisition of cultural tools, materials, and other group facilitation supplies; securing access to outdoor environments in traditional places of gathering foods, medicines, and materials; salaries for training time; and stipends, travel, and mileage reimbursement to support the participation of local elders or knowledge keepers.

~~((108) \$1,135,000 of the general fund state appropriation for fiscal year 2023 and \$568,000 of the general fund federal appropriation are provided solely to develop and operate a 16-bed substance use disorder inpatient facility in Grays Harbor county that specializes in treating pregnant and parenting women using a family preservation model. The authority must contract for these services through behavioral health entities in a manner that allows leveraging of federal medicaid funds to pay for a portion of the costs. The authority must consult with the department of children, youth, and families in the implementation of this funding. The facility must allow families to reside together while a parent is receiving treatment. Of these amounts, \$568,000 may be used for documented startup costs including the recruitment, hiring, and training of staff.~~

~~(109))~~ (107) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided on a one-time basis solely for the authority to provide a grant to the city of Snoqualmie to pilot behavioral health emergency response and coordination services through a regional behavioral health coordinator. The regional behavioral health coordinator shall be a licensed mental health or substance use disorder professional who works directly with and accompanies law enforcement officers and fire and rescue first responders to help respond to crises involving persons with behavioral health needs. The coordinator shall plan, implement, and coordinate services related to crisis response and social service needs with the city of Snoqualmie, the city of North Bend, the Snoqualmie police and fire departments, and the eastside fire and rescue agency serving North Bend, and local community services, school districts, hospitals, and crisis response systems provided by King county for the region. The coordinator shall support the social services needs identified through police and fire response in the lower Snoqualmie valley and serve as a liaison between law enforcement, first responders, and persons accessing or requesting emergency services with social service needs. The authority shall collect information on the pilot project and, in coordination with the city of Snoqualmie, must submit a report to the office of financial management and the appropriate committees of the legislature by December 31, 2023, summarizing the services provided through the grant funds and identifying recommendations on how to implement effective, integrated, coordinated behavioral health emergency response and community care services. The authority must also provide the report to the criminal justice training commission, the Washington association of sheriffs and police chiefs, and the Washington fire commissioners association.

~~((110))~~ (108) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided on a one-time basis solely for the authority to conduct a study and provide data regarding challenges to receiving behavioral health services in rural communities. The study by the authority must review timely access to behavioral health services in rural areas including: (a) Designated crisis responder response times; (b) the availability of behavioral health inpatient and outpatient services; (c) wait times for hospital beds; and (d) the availability of adult and youth mobile crisis teams. The study must include recommendations on strategies to improve access to behavioral health services in rural areas in the short-term as the state works to develop and implement the recommendations of the crisis response improvement strategy committee established in chapter 302, Laws of 2021. The authority must submit a report to the office of financial management and the appropriate committees of the legislature with a summary of the data, findings, and recommendations by December 1, 2022.

~~((111))~~ (109) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to contract for services with a statewide recovery community organization. The authority must award this funding to an organization that: (a) Has experience building the capacity of the recovery community to advance substance use recovery and mental health wellness by catalyzing public understanding and shaping public policy; (b) is led and governed by representatives of local communities of recovery; (c) centers the voices of people with lived experience who are touched by addiction and mental health challenges, and harnesses the power of story to drive change in the mental health and addiction treatment systems; and (d) provides free community education, skills trainings, events, and a conference in order to increase the understanding of issues around behavioral health and recovery. Services provided by the contracted program must include education, support, and assistance to increase connection of the recovery community, recovery capital, and knowledge about recovery and mental health resources. In conducting this work, the contractor must engage diverse individuals in recovery, impacted families, and providers from all regions of the state and leverage the assistance of affiliated groups and organizations. The organization must also prioritize diversity, equity, and justice in their work to eradicate health disparities of marginalized communities.

~~((112))~~ (110) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to provide a one-time grant to a nonprofit organization to establish a program to provide pro bono counseling and behavioral health services to uninsured individuals with incomes below 300 percent of the federal poverty level. The grantee must have experience in leveraging local and philanthropic funding to coordinate pro bono health care services within Washington. The authority must provide the funding pursuant to an appropriate agreement for documented capacity-building to begin providing pro bono counseling and behavioral health services no later than April 1, 2023. The agreement must require the grantee to seek, document, and report to the authority on efforts to leverage local, federal, or philanthropic funding to provide sustained operational support for the program.

~~((113))~~ (111) \$2,148,000 of the general fund—state appropriation for fiscal year 2023 and \$499,000 of the general fund—federal appropriation are provided solely for the authority to contract for youth inpatient navigator services in four regions of the state. The services must be provided through clinical response teams that receive referrals for children and youth inpatient services and manage a process to coordinate placements and alternative community treatment plans. Of these amounts, \$445,000 of the general fund—state appropriation and \$79,000 of the general fund—federal appropriation are provided solely to contract for services through an existing program located in Pierce county.

~~((114))~~ (112) \$1,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with a licensed youth residential psychiatric substance abuse and mental health agency located in Clark and Spokane counties for reopening evaluation and treatment units, increasing staff capacity, treating patients with cooccurring substance use and acute mental health disorders, and expanding outpatient services for young adults ages 18 through 24.

~~((115))~~ (113) \$4,377,000 of the general fund—state appropriation for fiscal year 2023 and \$919,000 of the general fund—federal appropriation are provided solely for implementation of Substitute House Bill No. 1773 (assisted outpatient treatment). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((116))~~ (114) \$257,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1800 (behavioral health/minors). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((117))~~ (115) \$115,000 of the general fund—state appropriation for fiscal year 2023 and \$218,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1860 (behavioral health discharge). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((118))~~ (116) \$563,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the children and youth behavioral health work group to consider and develop longer term strategies and recommendations regarding the delivery of behavioral health services for children, transitioning youth, and their caregivers and meet the requirements of Second Substitute House Bill No. 1890 (children behavioral health).

~~((119))~~ (117) \$427,000 of the general fund—state appropriation for fiscal year 2023 and \$183,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1905 (homelessness/youth discharge). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((120))~~ (118) \$759,000 of the general fund—state appropriation for fiscal year 2023 and \$759,000 of the general fund—federal appropriation are provided solely for the authority to extend continuous eligibility for apple health to children ages zero to six with income at or below 215 percent of the federal poverty level. The centers for medicare and medicaid services must approve the 1115 medicaid waiver prior to the implementation of this policy.

~~((121))~~ (119) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase contingency management resources in accordance with chapter 311, Laws of 2021 (ESB 5476).

~~((122))~~ (120) \$79,000 of the general fund—state appropriation for fiscal year 2023 and \$78,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1866 (supportive housing). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((123))~~ (121) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for bridge funding grants to community behavioral health agencies participating in federal certified community behavioral health clinic expansion grant programs to sustain their continued level of operations following expiration of federal grant funding during the planning process for adoption of the certified community behavioral health clinic model statewide.

~~((124))~~ (122) \$12,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5664 (forensic competency programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((125))~~ (123) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to contract with worldbridgers for a peer workforce expansion pilot project to increase certified peer support counselors in Clark county.

~~((126))~~ (124) \$48,000 of the general fund—state appropriation for fiscal year 2023 and \$49,000 of the general fund—federal appropriation are provided solely for the authority to create a short-term residential crisis stabilization program (RCSP) for youth with severe

behavioral health diagnoses. It is the intent of the legislature to fund the contracted costs of these facilities beginning in the 2023-2025 fiscal biennium.

((+127)) (125) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide information and support related to safe housing and support services for youth exiting inpatient mental health and/or substance use disorder facilities to stakeholders, inpatient treatment facilities, young people, and other community providers that serve unaccompanied youth and young adults.

((+128)) (126) \$2,825,000 of the general fund—state appropriation for fiscal year 2023 and \$797,000 of the general fund—federal appropriation are provided solely for the authority to contract with opioid treatment providers to purchase five mobile methadone units and to contract for the operations of those units to fill treatment gaps statewide.

((+130)) (127) \$3,990,000 of the general fund—state appropriation for fiscal year 2023 is provided solely with the downtown emergency service center to contract for three behavioral health response teams in King county. These teams must collaborate with regional outreach teams and agencies throughout King county and follow up with individuals after an acute crisis episode for up to three months to establish long-term community linkages and referrals to behavioral health treatment.

**Sec. 1214.** 2022 c 297 s 216 (uncodified) is amended to read as follows:

**FOR THE HUMAN RIGHTS COMMISSION**

General Fund—State Appropriation (FY 2022) . . . . .	\$3,220,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$3,630,000)</del>
	<u>\$3,947,000</u>
General Fund—Federal Appropriation . . . . .	\$2,706,000
<b>TOTAL APPROPRIATION</b> . . . . .	<del><b>(\$9,556,000)</b></del>
	<u><b>\$9,873,000</b></u>

The appropriations in this section are subject to the following conditions and limitations: \$1,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Senate Bill No. 5027 (television closed captions).

**Sec. 1215.** 2022 c 297 s 218 (uncodified) is amended to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund—State Appropriation (FY 2022) . . . . .	\$38,905,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$51,034,000)</del>
	<u>\$50,695,000</u>
General Fund—Private/Local Appropriation . . . . .	\$8,016,000
Death Investigations Account—State Appropriation . . . . .	\$1,598,000
Municipal Criminal Justice Assistance Account—State Appropriation . . . . .	\$460,000
Washington Auto Theft Prevention Authority Account— State Appropriation . . . . .	\$10,667,000
Washington Internet Crimes Against Children Account— State Appropriation . . . . .	\$2,270,000
24/7 Sobriety Account—State Appropriation . . . . .	\$20,000
<b>TOTAL APPROPRIATION</b> . . . . .	<del><b>(\$112,970,000)</b></del>
	<u><b>\$112,631,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) \$3,393,000 of the general fund—state appropriation for fiscal year 2022 and \$5,317,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for 75 percent of the costs of providing 9.5 additional statewide basic law enforcement trainings in fiscal year 2022 and 13.5 additional statewide basic law enforcement trainings in fiscal year 2023. This provides a total of 19.5 classes in fiscal year 2022 and 23.5 classes in fiscal year 2023. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least three classes must be held in Spokane each year.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) \$2,270,000 of the Washington internet crimes against children account—state appropriation is provided solely for the implementation of chapter 84, Laws of 2015.

(5) \$4,000,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the mental health field response team program administered by the Washington association of sheriffs and police chiefs. The association must distribute \$7,000,000 in grants to the

phase one and phase two regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP. The association must submit an annual report to the Governor and appropriate committees of the legislature by September 1st of each year of the biennium. The report shall include best practice recommendations on law enforcement and behavioral health field response and include outcome measures on all grants awarded.

(6) \$899,000 of the general fund—state appropriation for fiscal year 2022 and \$899,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for crisis intervention training for the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP.

(7) \$1,598,000 of the death investigations account—state appropriation is provided solely for the commission to provide 240 hours of medicolegal forensic investigation training to coroners and medical examiners to meet the recommendations of the national commission on forensic science for certification and accreditation.

(8) \$13,000 of the general fund—state appropriation for fiscal year 2022, \$26,000 of the general fund—state appropriation for fiscal year 2023, and \$12,000 of the general fund—local appropriation are provided solely for an increase in vendor rates on the daily meals provided to basic law enforcement academy recruits during their training.

(9) (a) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement chapter 378, Laws of 2019 (alternatives to arrest/jail).

(b) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for evaluation of grant-funded programs under chapter 378, Laws of 2019 (alternatives to arrest/jail).

(10) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington association of sheriffs and police chiefs to administer the sexual assault kit initiative project under RCW 36.28A.430, to assist multidisciplinary community response teams seeking resolutions to cases tied to previously unsubmitted sexual assault kits, and to provide support to survivors of sexual assault offenses. The commission must report to the governor and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations by June 30, 2022, on the number of sexual assault kits that have been tested, the number of kits remaining to be tested, the number of sexual assault cases that had hits to other crimes, the number of cases that have been reinvestigated, the number of those cases that were reinvestigated using state funding under this appropriation, and the local jurisdictions that were a recipient of a grant under the sexual assault kit initiative project.

(11) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$20,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a helmet distribution program in order to reduce traumatic brain injuries throughout the state. Of these amounts:

(a) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the Washington fire chiefs association to provide helmets to persons contacted by an official of a local fire department for not wearing a helmet while riding a skateboard or bicycle; and

(b) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies to provide helmets to persons contacted by an official of a local law enforcement agency for not wearing a helmet while riding a skateboard or bicycle.

(12) \$307,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for chapter 294, Laws of 2020 (critical stress management programs).

(13) \$727,000 of the general fund—state appropriation for fiscal year 2022, \$727,000 of the general fund—state appropriation for fiscal year 2023, and \$248,000 of the general fund—local appropriation are provided solely for chapter 119, Laws of 2020 (correctional officer certification).

(14) \$406,000 of the general fund—state appropriation for fiscal year 2022 and \$408,000 of the general fund—state appropriation for fiscal year 2023 are provided to the Washington association of sheriffs and police chiefs solely to establish a behavioral health support and suicide prevention program for law enforcement officers. The program will begin with grants to three pilot locations and will leverage access to mental health professionals, critical stress management, and resiliency training.

(15) \$1,883,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$1,986,000)~~ \$2,051,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5051 (peace officer oversight).

(16) \$474,000 of the general fund—state appropriation for fiscal year 2022 and \$446,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute Senate Bill No. 5066 (officer duty to intervene).

(17) \$151,000 of the general fund—state appropriation for fiscal year 2022 and \$148,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to support

the participation of the Washington association of sheriffs and police chiefs in the joint legislative task force on jail standards created in section 957 of this act.

(18) \$374,000 of the general fund—state appropriation for fiscal year 2022 and \$296,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1267 (office of independent investigations).

(19) \$31,000 of the general fund—state appropriation for fiscal year 2022 and \$31,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute House Bill No. 1088 (impeachment disclosures).

(20) \$269,000 of the general fund—state appropriation for fiscal year 2022 and \$261,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of House Bill No. 1001 (law enforcement professional development).

(21) \$25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics and equipment).

(22) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (use of force).

(23) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$25,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1109 (victims of sexual assault).

(24) \$30,000 of the general fund—state appropriation for fiscal year 2022 and \$30,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for additional grants to local jurisdictions to investigate instances where a purchase or transfer of a firearm was attempted by an individual who is prohibited from owning or possessing a firearm.

(25) \$2,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the criminal justice training commission to provide grant funding to local law enforcement agencies to support law enforcement wellness programs. Of the amount provided in this subsection:

(a) \$1,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the commission to provide grants to local law enforcement agencies for the purpose of establishing officer wellness programs. Grants provided under this subsection may be used for, but not limited to building resilience, injury prevention, peer support programs, physical fitness, proper nutrition, stress management, suicide prevention, and physical or behavioral health services. The commission must consult with a representative from the Washington association of sheriffs and police chiefs and a representative of the Washington state fraternal order of police and the Washington council of police and sheriffs in the development of the grant program.

(b) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington association of sheriffs and police chiefs to establish and coordinate an online or mobile-based application for any Washington law enforcement officer; 911 operator or dispatcher; and any other current or retired employee of a Washington law enforcement agency, and their families, to anonymously access on-demand wellness techniques, suicide prevention, resilience, physical fitness, nutrition, and other behavioral health and wellness supports.

(26) \$290,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for academy training for limited authority Washington peace officers employed by the Washington state gambling commission, Washington state liquor and cannabis board, Washington state parks and recreation commission, department of natural resources, and the office of the insurance commissioner.

(a) Up to 30 officers must be admitted to attend the basic law enforcement academy and up to 30 officers must be admitted to attend basic law enforcement equivalency academy.

(b) Allocation of the training slots amongst the agencies must be based on the earliest application date to the commission. Training does not need to commence within six months of employment.

(c) The state agencies must reimburse the commission for the actual cost of training.

(27) \$1,575,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies for training of chapter 324, Laws of 2021 (permissible uses of force).

(28) \$2,150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies for training of chapter 321, Laws of 2021 (duty to intervene).

(29) \$525,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies for training required under Substitute House Bill No. 1735 (use of force by peace officers). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(30) \$1,050,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies for training required under Engrossed Substitute House Bill No. 2037 (use of force by peace officers). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((32))~~ (31) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for body camera grant funding to local law enforcement agencies.



(a) The Washington association of sheriffs and police chiefs shall develop and implement a body-worn camera grant program. The purpose of the program is to assist law enforcement agencies to establish and expand body-worn camera programs.

(b) Law enforcement agencies may use the grants for: (i) The initial purchase, maintenance, and replacement of body-worn cameras; (ii) ongoing costs related to the maintenance and storage of data recorded by body-worn cameras; (iii) costs associated with public records requests for body-worn camera footage; and (iv) hiring of personnel necessary to operate a body-worn camera program.

(c) The Washington association of sheriffs and police chiefs shall develop and implement a grant application process and review applications from agencies based on locally developed proposals to establish or expand body-worn camera programs.

(d) Law enforcement agencies that are awarded grants must:

(i) Comply with the provisions of chapter 10.109 RCW;

(ii) Demonstrate the ability to redact body-worn camera footage consistent with RCW 42.56.240 and other applicable provisions;

(iii) Provide training to officers who will wear body-worn cameras and other personnel associated with implementation of the body-worn camera program; and

(iv) Agree to comply with any data collection and reporting requirements that are established by the Washington association of sheriffs and police chiefs.

(e) The Washington association of sheriffs and police chiefs must submit an annual report regarding the grant program to the governor and appropriate committees of the legislature by December 1st of each year the program is funded. The report must be submitted in compliance with RCW 43.01.036.

((33)) (32) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the criminal justice training commission to support an instructor to teach a model use of force and deescalation tactics training to local peace officers across the state. The goal is to establish and disseminate a standard use of force training program that is uniform throughout the state for currently employed peace officers.

**Sec. 1216.** 2022 c 297 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund—State Appropriation (FY 2022)	\$12,070,000
General Fund—State Appropriation (FY 2023)	(( <del>\$27,358,000</del> ))
	<u>\$26,304,000</u>
General Fund—Federal Appropriation	\$20,839,000
Asbestos Account—State Appropriation	\$598,000
Electrical License Account—State Appropriation	(( <del>\$59,225,000</del> ))
	<u>\$59,298,000</u>
Farm Labor Contractor Account—State Appropriation	\$28,000
Worker and Community Right to Know Fund—State Appropriation	\$1,062,000
Construction Registration Inspection Account—State Appropriation	(( <del>\$30,231,000</del> ))
	<u>\$28,869,000</u>
Public Works Administration Account—State Appropriation	(( <del>\$11,420,000</del> ))
	<u>\$11,422,000</u>
Manufactured Home Installation Training Account— State Appropriation	(( <del>\$424,000</del> ))
	<u>\$425,000</u>
Accident Account—State Appropriation	(( <del>\$383,862,000</del> ))
	<u>\$385,405,000</u>
Accident Account—Federal Appropriation	\$16,071,000
Medical Aid Account—State Appropriation	(( <del>\$383,187,000</del> ))
	<u>\$383,255,000</u>
Medical Aid Account—Federal Appropriation	\$3,617,000
Plumbing Certificate Account—State Appropriation	(( <del>\$3,481,000</del> ))
	<u>\$3,484,000</u>
Pressure Systems Safety Account—State Appropriation	(( <del>\$4,800,000</del> ))
	<u>\$4,805,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$958,273,000</del>))</b>
	<b><u>\$957,552,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,363,000 of the accident account—state appropriation and \$4,363,000 of the medical aid account—state appropriation are provided solely for the labor and industries workers' compensation information system replacement project. This subsection is subject to the conditions, limitations, and review provided in section 701 of this act. The department must:

(a) Submit a report by August 1, 2021, on the quantifiable deliverables accomplished in fiscal years 2020 and 2021 and the amount spent by each deliverable in each of the following subprojects:

(i) Business readiness;

(ii) Change readiness;

- (iii) Commercial off the shelf procurement;
- (iv) Customer access;
- (v) Program foundations;
- (vi) Independent assessment; and
- (vii) In total by fiscal year;

(b) Submit quarterly data within 30 calendar days of the end of each quarter, effective July 1, 2021, on:

(i) All of the quantifiable deliverables accomplished by subprojects identified in (a)(i) through (vi) of this subsection and in total and the associated expenditures by each deliverable by fiscal month;

(ii) The contract full time equivalent charged by subprojects identified in (a)(i) through (vi) of this subsection, and in total, compared to the budget spending plan by month for each contracted vendor and what the ensuing contract equivalent budget spending plan by subprojects identified in (a)(i) through (vi) of this subsection, and in total, assumes by fiscal month;

(iii) The performance metrics by subprojects identified in (a)(i) through (vi) of this subsection, and in total, that are currently used, including monthly performance data; and

(iv) The risks identified independently by at least the quality assurance vendor and the office of the chief information officer, and how the project:

(A) Has mitigated each risk; and

(B) Is working to mitigate each risk, and when it will be mitigated;

(c) Submit the reports in (a) and (b) of this subsection to fiscal and policy committees of the legislature; and

(d) Receive an additional gated project sign off by the office of financial management, effective September 1, 2021. Prior to spending any project funding in this subsection each quarter, there is an additional gate of approval required for this project. The director of financial management must agree that the project shows accountability, effective and appropriate use of the funding, and that risks are being mitigated to the spending and sign off on the spending for the ensuing quarter.

(2) \$250,000 of the medical aid account—state appropriation and \$250,000 of the accident account—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must produce annual progress reports through the year 2022 or until the tools are fully developed and deployed. The annual progress report must be submitted to the governor and legislature by December 1st of each year such report is due.

(3) \$258,000 of the accident account—state appropriation and \$258,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries safety and health assessment research for prevention program to conduct research to prevent the types of work-related injuries that require immediate hospitalization. The department will develop and maintain a tracking system to identify and respond to all immediate in-patient hospitalizations and will examine incidents in defined high-priority areas, as determined from historical data and public priorities. The research must identify and characterize hazardous situations and contributing factors using epidemiological, safety-engineering, and human factors/ergonomics methods. The research must also identify common factors in certain types of workplace injuries that lead to hospitalization. The department must submit a report to the governor and appropriate legislative committees by August 30, 2021, and annually thereafter, summarizing work-related immediate hospitalizations and prevention opportunities, actions that employers and workers can take to make workplaces safer, and ways to avoid severe injuries.

(4)(a) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to promote workforce development in aerospace and aerospace related supply chain industries by: Expanding the number of registered apprenticeships, preapprenticeships, and aerospace-related programs; and providing support for registered apprenticeships or programs in aerospace and aerospace-related supply chain industries.

(b) Grants awarded under this section may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training space and lab locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations;

(iii) Curriculum development and instructor training for industry experts;

(iv) Tuition assistance for degrees in engineering and high-demand degrees that support the aerospace industry; and

(v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant under this subsection if it is a nonprofit, nongovernmental, or institution of higher education that provides training opportunities, including apprenticeships, preapprenticeships, preemployment training, aerospace-related

degree programs, or incumbent worker training to prepare workers for the aerospace and aerospace-related supply chain industries.

(d) The department may use up to 5 percent of these funds for administration of these grants.

(5) \$3,632,000 of the accident account—state appropriation and \$876,000 of the medical aid account—state appropriation are provided solely for the creation of an agriculture compliance unit within the division of occupational safety and health. The compliance unit will perform compliance inspections and provide bilingual outreach to agricultural workers and employers.

(6) (~~(\$2,849,000)~~) \$1,467,000 of the construction registration inspection account—state appropriation, (~~(\$152,000)~~) \$78,000 of the accident account—state appropriation, and (~~(\$31,000)~~) \$16,000 of the medical aid account—state appropriation are provided solely for the conveyance management system replacement project and are subject to the conditions, limitations, and review provided in section 701 of this act.

(7) (a) \$4,044,000 of the medical aid account—state appropriation is provided solely for the implementation of the provider credentialing system project and is subject to the conditions, limitations, and review provided in section 701 of this act.

(b) \$336,000 of the medical aid account—state appropriation is provided solely for the maintenance and operation of the provider credentialing project.

(8) \$530,000 of the accident account—state appropriation and \$94,000 of the medical aid account—state appropriation are provided solely for the department to conduct infectious disease rule making to ensure the state has general guidelines to follow in the case of an infectious disease outbreak and to provide education and outreach.

(9) \$334,000 of the accident account—state appropriation and \$60,000 of the medical aid account—state appropriation are provided solely for the maintenance and operating costs of the isolated worker protection information technology project.

(10) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to analyze patients who are maintained on chronic opioids. The department must submit a report of its findings to the governor and the appropriate committees of the legislature no later than October 1, 2023. The report shall include analysis of patient data, describing the characteristics of patients who are maintained on chronic opioids and their clinical needs, and a preliminary evaluation of potential interventions to improve care and reduce harms in this population.

(11) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to an organization in Pierce county experienced in providing peer-to-peer training, in order to develop and implement a program aimed at reducing workplace sexual harassment in the agricultural sector, with the following deliverables:

(a) Peer-to-peer training and evaluation of sexual harassment training curriculum; and

(b) The building of a statewide network of peer trainers as farmworker leaders whose primary purpose is to prevent workplace sexual harassment and assault through leadership, education, and other tools.

(12) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a work group to investigate how to make Washington's industrial insurance system easier to access for employers and hiring entities to provide industrial insurance coverage for domestic workers.

(a) Domestic workers include, but are not limited to: Housecleaners, nannies, gardeners, and day laborers, including but not limited to those who may perform maintenance or repair work in or about the private home of the employer or hiring entity.

(b) The work group shall make recommendations to the governor and appropriate legislative committees on legislative, regulatory, or other changes that would make the industrial insurance system easier for day laborers and their employers to access. This work group will also explore the possible role of intermediary nonprofit organizations that assist and refer domestic workers and day laborers.

(c) The work group shall be comprised of the following representatives, to be appointed by the governor by July 1, 2021:

(i) Two representatives who are directly impacted domestic workers who work for private home employers or hiring entities;

(ii) Two representatives who are directly impacted day laborers who work for private home employers or hiring entities;

(iii) Two representatives from unions, workers' centers, or intermediary nonprofit organizations that assist and/or refer such directly impacted workers;

(iv) Two employer or hiring entity representatives who directly employ or hire single domestic workers in private homes;

(v) One employer or hiring entity representative who directly employs or hires day laborers in a private home;

(vi) One representative from a nonprofit organization that educates and organizes household employers; and

(vii) Representatives from the department, serving in an ex officio capacity.

(d) The department shall convene the work group by August 1, 2021, and shall meet at least once every two months and may meet remotely in order to accommodate the involvement of domestic worker and day laborer representatives.

(e) The work group shall deliver its report and recommendations to the governor and the appropriate committees of the legislature no later than November 4, 2022.

(13) \$237,000 of the accident account—state appropriation and \$184,000 of the medical aid account—state appropriation are provided solely for costs associated with the implementation of Engrossed Substitute Senate Bill No. 5115 (health emergency/labor).

(14) \$1,228,000 of the accident account—state appropriation and \$217,000 of the medical aid account—state appropriation are provided solely for costs associated with the implementation of Engrossed Substitute Senate Bill No. 5172 (agricultural overtime).

(15) \$760,000 of the general fund—state appropriation for fiscal year 2022 and \$1,393,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5183 (nonfatal strangulation).

(16) (~~(\$367,000)~~) \$2,000 of the accident account—state appropriation and (~~(\$366,000)~~) \$3,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5190 (health care workers/benefits).

(17) \$1,626,000 of the accident account—state appropriation and \$288,000 of the medical aid account—state appropriation are provided solely for the purpose of providing a temporary 7.5 percent increase to the base rate of pay for the compliance field positions in the following job classifications: Safety and health specialist 3, safety and health specialist 4, industrial hygienist 3, and industrial hygienist 4, who are responsible for inspections, investigations, and enforcement related to the COVID-19 pandemic, not including consultation staff within these classifications. The increase shall be effective July 1, 2021, until June 30, 2023. Expenditure of the amount provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this subsection.

(18) \$298,000 of the accident account—state appropriation and \$53,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 1097 (increasing worker protections).

(19) \$1,360,000 of the accident account—state appropriation and \$240,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries, in coordination with the Washington state apprenticeship training council, to establish behavioral health apprenticeship programs. The behavioral health apprenticeship programs shall be administered by the Washington state apprenticeship training council. The amounts provided in this subsection must be used to compensate behavioral health providers for the incurred operating costs associated with the apprenticeship program, including apprentice compensation, staff support and supervision of apprentices, development of on-the-job training catalogs for apprentices, and provider incentives for implementing a behavioral health apprenticeship program. In awarding this funding, special preference must be given to small or rural behavioral health providers and those that serve higher percentages of individuals from black, indigenous, and people of color communities.

(20) \$65,000 of the accident account—state appropriation and \$66,000 of the medical aid account—state appropriation are provided solely for the implementation of Substitute House Bill No. 1455 (social security/L&I & ESD).

(21) \$584,000 of the accident account—state appropriation and \$584,000 of the medical aid account—state appropriation are provided solely for costs associated with staff overtime affiliated with the state emergency operations center. Prior to utilizing these funds, the department of labor and industries must collaborate with the military department to determine if any overtime costs may be eligible for reimbursement from the federal emergency management agency.

(22) \$961,000 of the accident account—state appropriation and \$169,000 of the medical aid account—state appropriation are provided solely for enhancements to the apprenticeship registration and tracking computer system to align data collection with federal regulations and to create functionality that allows for web-based document uploading. This project is subject to the conditions, limitations, and review provided in section 701 of this act.

(23) \$350,000 of the accident account—state appropriation and \$350,000 of the medical aid account—state appropriation are provided solely for the completion of the licensing and certification administrators IT project to meet the implementation requirements of chapter 277, Laws of 2020 (SHB 2409). This project is subject to the conditions, limitations, and review provided in section 701 of this act.

(24) \$897,000 of the medical aid account—state appropriation is provided solely to cover the overhead rent costs to increase the number of labor and industry vocational specialists embedded in WorkSource offices and to implement a comprehensive quality-assurance team to ensure the continuous improvement of vocational services for injured workers through the workers' compensation program.

(25) \$821,000 of the public works administration account—state appropriation is provided solely to expand capacity to investigate and enforce prevailing-wage complaints.

(26) \$794,000 of the public works administration account—state appropriation is provided solely for planning and requirements gathering to make system improvements to the prevailing wage program information technology system. Of the amount in this subsection, \$300,000 is for two permanent information technology developers to maintain the system. This project is subject to the conditions, limitations, and review provided in section 701 of this act.

(27) \$2,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create and administer a grant program intended to modernize the technology and remote learning infrastructure within existing state registered apprenticeship programs as provided in Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If

the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. Grant applications must include a plan to sustain the investment over time. Up to five percent of the total amount provided in this subsection can be used to cover administrative expenses.

(28) \$4,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create and administer a grant program intended to upgrade apprenticeship program equipment to better replicate conditions on the job during the training of apprentices as provided in Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. The grant program is limited to state registered apprenticeship programs. Up to five percent of the total within this subsection can be used to cover administrative expenses.

(29) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create and administer a grant program intended to provide wraparound support services to mitigate barriers to beginning or participating in state registered apprenticeship programs as provided in Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. Up to five percent of the amount provided in this subsection may be used to cover administrative expenses.

(30) \$12,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for vouchers to cover the cost of driver's education courses for minors enrolled in a state registered apprenticeship program as provided in Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(31) \$205,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to start conducting a four-year retention study of state registered apprentices as provided in Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. The study shall include the collection of data from all apprentices three months into their apprenticeship to understand challenges and barriers they face towards program participation. The aggregate data by trade must be displayed on a publicly available dashboard. Study data must be provided with apprenticeship coordinators to implement an early response to connect apprentices with needed supports. The department shall submit an annual report to the governor and appropriate legislative committees beginning June 30, 2023.

(32) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to explore requirements needed to create a centralized technical support system for new nontraditional apprenticeship programs to help applicants navigate and start the process.

(33) \$207,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5814 (child abuse/medical evaluation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(34) \$191,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(35) \$454,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5714 (solar canopies tax deferral). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(36) (~~(\$412,000)~~) \$350,000 of the accident account—state appropriation and (~~(\$73,000)~~) \$61,000 of the medical aid account—state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5761 (wage and salary information). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(37) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization that will support development, outreach, and recruitment to provide job readiness skills and apprenticeship training to public school paraeducators to support college degree attainment to become certified public teachers. The grant recipient must be a nonprofit organization serving classified public school employees statewide.

(38) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create a certified nursing assistant model joint labor-management apprenticeship program to address the certified nursing assistant staffing crisis in skilled nursing facilities by improving workforce recruitment and retention, reducing barriers to entry, and restoring the pipeline of entry level health care professionals into skilled nursing facilities.

(39) \$2,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the crime victims' compensation program to pay for medical exams for suspected victims of domestic violence. Neither the hospital, medical facility, nor victim is to pay for the cost of the medical exam. This funding must not supplant existing funding for sexual assault medical exams. If the cost of medical exams exceeds the funding provided in this subsection, the program shall not reduce the reimbursement rates for medical providers seeking reimbursement for other claimants, and instead the program shall return to paying for domestic violence medical exams after insurance.

(40) \$454,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1988 (clean tech. tax deferrals). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(41) \$6,000,000 of the driver resource center fund nonappropriated account—state appropriation, (~~(\$313,000)~~)\$2,177,000 of the accident account—state appropriation, and (~~(\$57,000)~~)\$386,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

**Sec. 1217.** 2022 c 297 s 221 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) The appropriations in this section are subject to the following conditions and limitations:

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys that are unrelated to the coronavirus response and not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys that are unrelated to the coronavirus response, those moneys must be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. In response to any request by the department for general fund—state appropriation to backfill a loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

(2) HEADQUARTERS

General Fund—State Appropriation (FY 2022)	\$4,094,000
General Fund—State Appropriation (FY 2023)	\$4,199,000
Charitable, Educational, Penal, and Reformatory	
Institutions Account—State Appropriation	\$10,000
<b>TOTAL APPROPRIATION</b>	<b>\$8,303,000</b>

(3) FIELD SERVICES

General Fund—State Appropriation (FY 2022)	\$8,200,000
General Fund—State Appropriation (FY 2023)	\$9,313,000
General Fund—Federal Appropriation	\$9,116,000
General Fund—Private/Local Appropriation	\$6,730,000
Veteran Estate Management Account—Private/Local	
Appropriation	\$717,000
<b>TOTAL APPROPRIATION</b>	<b>\$34,076,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$449,000 of the general fund—state appropriation for fiscal year 2022 and \$449,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for supporting the statewide plan to reduce suicide among service members, veterans, and their families. No later than December 1, 2022, the department must submit to the appropriate fiscal committees of the legislature a report that describes how the funding provided in this subsection was spent, including the numbers of individuals served and the types of services provided.

(b) \$233,000 of the general fund—state appropriation for fiscal year 2022 and \$233,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the traumatic brain injury program to reduce homelessness, domestic violence, and intimate partner violence impacts to the behavioral health system and justice system. No later than December 1, 2022, the department must submit to the appropriate fiscal committees of the legislature a report that describes how the funding provided in this subsection was spent, including the numbers of individuals served and the types of services provided.

(c) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for two veterans service officers, one located in eastern Washington and one located in western Washington, in fiscal year 2022 and for four veterans service officers in fiscal year 2023. In fiscal year 2023, two veterans service officers must be located in eastern Washington and two veterans service officers must be located in western Washington.

(d) \$677,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (veterans & military suicide). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(e) \$57,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with an entity that provides accredited peer support training for both veterans and community service members. The funding provided in this subsection is in addition to the department's existing appropriation for its in-house peer support program. No later than June 30, 2023, the department must report to the legislature regarding the number of peer supporters trained pursuant to the contract under this subsection.

(4) STATE VETERANS HOMES PROGRAM

General Fund—State Appropriation (FY 2022)	\$16,346,000
General Fund—State Appropriation (FY 2023)	<del>(\$23,581,000)</del>
	<u>\$25,321,000</u>
General Fund—Federal Appropriation	<del>(\$110,588,000)</del>
	<u>\$111,151,000</u>
General Fund—Private/Local Appropriation	\$18,635,000
<b>TOTAL APPROPRIATION</b>	<del>(\$169,150,000)</del>
	<u>\$171,453,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) If the department receives additional unanticipated federal resources that are unrelated to the coronavirus response at any point during the remainder of the 2021-2023 fiscal biennium, an equal amount of general fund—state must be placed in unallotted status so as not to exceed the total appropriation level specified in this subsection. The department may submit as part of the policy level budget submittal documentation required by RCW 43.88.030 a request to maintain the general fund—state resources that were unallotted as required by this subsection.

(b) \$234,000 of the general fund—state appropriation for fiscal year 2022 and \$222,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Substitute House Bill No. 1218 (long-term care residents).

(5) CEMETERY SERVICES

General Fund—State Appropriation (FY 2022)	\$85,000
General Fund—State Appropriation (FY 2023)	\$124,000
General Fund—Federal Appropriation	\$710,000
<b>TOTAL APPROPRIATION</b>	<u>\$919,000</u>

**Sec. 1218.** 2022 c 297 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General Fund—State Appropriation (FY 2022)	\$112,474,000
General Fund—State Appropriation (FY 2023)	<del>(\$133,094,000)</del>
	<u>\$189,133,000</u>
General Fund—Federal Appropriation	<del>(\$577,500,000)</del>
	<u>\$576,177,000</u>
General Fund—Private/Local Appropriation	<del>(\$248,316,000)</del>
	<u>\$248,332,000</u>
Hospital Data Collection Account—State Appropriation	\$472,000
Health Professions Account—State Appropriation	<del>(\$157,658,000)</del>
	<u>\$159,886,000</u>
Aquatic Lands Enhancement Account—State Appropriation	\$637,000
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation	\$10,105,000
Safe Drinking Water Account—State Appropriation	\$7,237,000
Drinking Water Assistance Account—Federal Appropriation	\$20,908,000
Waterworks Operator Certification Account—State Appropriation	\$2,006,000
Drinking Water Assistance Administrative Account— State Appropriation	\$1,634,000
Site Closure Account—State Appropriation	\$186,000
Biotoxin Account—State Appropriation	\$1,727,000
Model Toxics Control Operating Account—State Appropriation	<del>(\$7,750,000)</del>
	<u>\$7,823,000</u>
Medical Test Site Licensure Account—State Appropriation	\$3,275,000
Secure Drug Take-Back Program Account—State Appropriation	\$1,435,000
Youth Tobacco and Vapor Products Prevention Account—	

State Appropriation. . . . .	\$3,242,000
Dedicated Marijuana Account—State Appropriation (FY 2022). . . . .	\$10,584,000
Dedicated Marijuana Account—State Appropriation (FY 2023). . . . .	\$11,800,000
Public Health Supplemental Account—Private/Local Appropriation. . . . .	\$3,702,000
Accident Account—State Appropriation. . . . .	\$368,000
Medical Aid Account—State Appropriation. . . . .	\$57,000
Statewide 988 Behavioral Health Crisis Response Line Account—State Appropriation. . . . .	(( <del>\$10,280,000</del> )) \$5,056,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation. . . . .	\$144,364,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>((<del>\$1,470,811,000</del>))</b> <b><u>\$1,522,620,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2021-2023 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt license and certification fees in fiscal years 2022 and 2023 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) Within the amounts appropriated in this section, and in accordance with RCW 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(5) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2022 and 2023 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(6) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.



(7) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(8) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(9) \$26,855,000 of the general fund—local appropriation is provided solely for the department to provide core medical services, case management, and support services for individuals living with human immunodeficiency virus.

(10) \$17,000 of the health professions account—state appropriation is provided solely for the implementation of Senate Bill No. 5018 (acupuncture and eastern med.)

(11) \$703,000 of the general fund—state appropriation for fiscal year 2022 and \$703,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5052 (health equity zones).

(12) \$79,000 of the general fund—state appropriation for fiscal year 2022 and \$76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5119 (individuals in custody).

(13) \$873,000 of the general fund—state appropriation for fiscal year 2022 and \$1,577,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (env. justice task force recs).

(14) \$13,000 of the general fund—state appropriation for fiscal year 2022 and \$13,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5195 (opioid overdose medication).

(15) \$187,000 of the health professions account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5229 (health equity continuing ed.).

(16) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to the Pierce county center for dispute resolution to convene a task force, staffed by the Pierce county center for dispute resolution, to review and make recommendations on bringing the current practice of dental therapy on tribal lands to a statewide scale, and on the practice, supervision, and practice settings needed to maximize the effectiveness of dental therapy. The Pierce county center for dispute resolution must submit a report to the legislature by December 1, 2021.

(a) Members of the task force must include:

(i) Three representatives from different organizations that represent individuals or underserved communities, including but not limited to children, seniors, African Americans, Latino Americans, Native Americans, Pacific Islander Americans, and low income and rural communities;

(ii) One member of the dental quality assurance commission;

(iii) One representative from the University of Washington school of dentistry;

(iv) One member from the Washington state dental association;

(v) One member from the Washington state dental hygienists' association;

(vi) One dental therapist;

(vii) One dentist who has or is currently supervising a dental therapist or therapists;

(viii) One representative from a dental only integrated delivery system;

(ix) One representative from an urban Indian health clinic;

(x) One representative from a federally qualified health center or the Washington association for community health;

(xi) One representative from a dental therapy education program;

(xii) One representative from a Washington tribe that currently employs dental therapists; and

(xiii) One representative from a labor union representing care providers that has experience providing dental coverage and promoting dental care among their members.

(b) In addition, members of the task force may include members from the legislature as follows:

(i) The president of the senate may appoint one member from each of the two largest caucuses of the senate; and

(ii) The speaker of the house of representatives may appoint one member from each of the two largest caucuses of the house of representatives.

(17) \$492,000 of the general fund—state appropriation for fiscal year 2022 and \$492,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate with local health jurisdictions to establish and maintain comprehensive group B programs to ensure safe drinking water. These funds shall be used to support the costs of the development and adoption of rules, policies, and procedures, and for technical assistance, training, and other program-related costs.

(18) \$96,000 of the general fund—state appropriation for fiscal year 2022 and \$92,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community outreach to prepare culturally and linguistically appropriate hepatitis B information in a digital format to be distributed to ethnic and cultural leaders and organizations to share with foreign-born and limited or non-English speaking community networks.

(19) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue the collaboration between the local public health jurisdiction, related accountable communities of health, and health care providers to reduce potentially preventable hospitalizations in Pierce county. This collaboration will build from the first three years of the project, planning to align care coordination efforts across health care systems and support the related accountable communities of health initiatives, including innovative, collaborative models of care. Strategies to reduce costly hospitalizations include the following: (a) Working with partners to prevent chronic disease; (b) improving heart failure rates; (c) incorporating community health workers as part of the health care team and improving care coordination; (d) supporting the COVID-19 response with improved access to immunizations; and (e) the use of community health workers to provide necessary resources to prevent hospitalization of people who are in isolation and quarantine. By December 15, 2022, the members of the collaboration shall report to the legislature regarding the effectiveness of each of the strategies identified in this subsection. In addition, the report shall describe the most significant challenges and make further recommendations for reducing costly hospitalizations.

(20) (a) \$65,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a task force, chaired by the secretary of the department, implemented by August 1, 2021, to assist with the development of a "parks Rx" health and wellness pilot program that can be implemented in the Puget Sound, eastern Washington, and southwest Washington regions of Washington state.

(b) Members of the task force must include:

(i) The secretary of health, or the secretary's designee;

(ii) The following members to be appointed by the secretary of health:

(A) Two representatives of local parks and recreation agencies, from recommendations by the Washington recreation and park association;

(B) Two representatives of health care providers and community health workers, from recommendations by the association of Washington healthcare plans from recommendations by the department community health worker training program;

(C) Two representatives from drug-free health care professions, one representing the interests of state associations representing chiropractors and one representing the interests of physical therapists and athletic trainers from recommendations by their respective state associations;

(D) Two representatives from hospital and health systems, from recommendations by the Washington state hospital association;

(E) Two representatives of local public health agencies, from recommendations by the Washington state association of local public health officials; and

(F) Two representatives representing health carriers, from recommendations from the association of Washington healthcare plans; and

(iii) A representative from the Washington state parks, as designated by the Washington state parks and recreation commission.

(c) The secretary of health or the secretary's designee must chair the task force created in this subsection. Staff support for the task force must be provided by the department of health.

(d) The task force shall establish an ad hoc advisory committee in each of the three pilot regions for purposes of soliciting input on the design and scope of the parks Rx program. Advisory committee membership may not exceed 16 persons and must include diverse representation from the pilot regions, including those experiencing significant health disparities.

(e) The task force must meet at least once bimonthly through June 2022.

(f) The duties of the task force are to advise the department of health on issues including but not limited to developing:

(i) A process to establish the pilot program described in this subsection around the state with a focused emphasis on diverse communities and where systematic inequities and discrimination have negatively affected health outcomes;

(ii) Model agreements that would enable insurers to offer incentives to public, nonprofit, and private employers to create wellness programs that offer employees a discount on health insurance in exchange for a certain usage level of outdoor parks and trails for recreation and physical activity; and

(iii) Recommendations on ways in which a public-private partnership approach may be utilized to fund the implementation of the pilot program described in this subsection.

(g) The members of the task force are encouraged to consider grant funding and outside funding options that can be used toward the pilot program.

(h) The department of health must report findings and recommendations of the task force to the governor and relevant committees of the legislature in compliance with RCW 43.01.036 by September 1, 2022.

(21) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a work group to make recommendations concerning funding and policy initiatives to address the spread of sexually transmitted infections in Washington.

(a) The work group membership must include, but is not limited to, the following members appointed by the governor:

(i) A representative from the department of health office of infectious disease;

- (ii) A representative from the pharmacy quality assurance commission;
  - (iii) A representative from the Washington medical commission;
  - (iv) A representative from an organization representing health care providers;
  - (v) A representative from a local health jurisdiction located east of the crest of the Cascade mountains;
  - (vi) A representative from a local health jurisdiction located west of the crest of the Cascade mountains;
  - (vii) At least one representative from an organization working to address health care access barriers for LGBTQ populations;
  - (viii) At least one representative from an organization working to address health care access barriers for communities of color; and
  - (ix) At least one representative from an organization working to address health care access barriers for justice involved individuals.
- (b) Staff support for the work group shall be provided by the department of health.
- (c) The work group shall submit a report to the legislature by December 1, 2022, that includes recommendations to: (i) Eradicate congenital syphilis and hepatitis B by 2030; (ii) control the spread of gonorrhea, syphilis, and chlamydia; (iii) end the need for confirmatory syphilis testing by the public health laboratory; and (d) expand access to PrEP and PEP.
- (d) Recommendations provided by the work group must be prioritized based on need and available funding.
- (22) \$236,000 of the general fund—state appropriation for fiscal year 2022 and \$236,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute House Bill No. 1152 (comprehensive public health districts).
- (23) \$332,000 of the general fund—state appropriation for fiscal year 2022 and \$1,885,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish and operate regional shared service centers, regional health officers, and regional coordinators, as follows:
- (a) The role and duties of the regional shared service centers shall be determined by the department and may include the coordination and facilitation of shared delivery of services under the foundational public health services, the implementation of Engrossed Second Substitute Senate Bill No. 5052 (health equity zones), and the development of relationships with other regional bodies, such as accountable communities of health.
  - (b) Regional health officers and regional coordinators must be employees of the department. The department may seek to colocate these employees with local health jurisdictions or other government agencies.
  - (c) The regional health officers shall be deputies of the state health officer. Regional health officers may: (i) Work in partnership with local health jurisdictions, the department, the state board of health, and federally recognized Indian tribes to provide coordination across counties; (ii) provide support to local health officers and serve as an alternative for local health officers during vacations and other absences, emergencies, and vacancies; and (iii) provide mentorship and training to new local health officers.
  - (d) A regional health officer must meet the same qualifications as local health officers provided in RCW 70.05.050.
- (24) \$34,000 of the general fund—state appropriation for fiscal year 2022 and \$58,000 of the general fund—local appropriation are provided solely for implementation of Second Substitute House Bill No. 1148 (acute care hospitals).
- (25) \$832,000 of the general fund—local appropriation and \$554,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers).
- (26) \$21,000 of the health professions account—state appropriation is provided solely for implementation of House Bill No. 1063 (behav. health credentials).
- (27) \$374,000 of the general fund—state appropriation for fiscal year 2022 and \$362,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1443 (cannabis industry/equity).
- (28) \$97,000 of the general fund—local appropriation is provided solely for implementation of House Bill No. 1031 (birth cert., stillbirth).
- (29) \$17,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1007 (supervised exp./distance).
- (30) \$1,188,000 of the general fund—state appropriation for fiscal year 2022, \$2,488,000 of the general fund—state appropriation for fiscal year 2023, and \$64,000 of the hospital data collection account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1272 (health system transparency). Of the amounts provided in this subsection, \$2,000,000 of general fund—state appropriation is for assistance to 37 rural hospitals that are required to comply with the provisions under the bill.
- (31) \$71,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1129 (international medical grads).
- (32) \$2,809,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1139 (lead in drinking water).
- (33) \$17,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute House Bill No. 1383 (respiratory care).

(34) \$92,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1184 (risk-based water standards).

(35) \$516,000 of the general fund—state appropriation for fiscal year 2022 and \$1,873,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1225 (school-based health centers).

(36) \$301,000 of the secure drug take-back program account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1161 (drug take-back programs).

(37) \$22,000 of the general fund—state appropriation for fiscal year 2022 and \$78,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed House Bill No. 1311 (SUD apprenticeships/certs).

(38) \$17,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of House Bill No. 1378 (medical assistants).

(39) Within amounts appropriated in this section from the health professions account, the Washington nursing commission shall contract with the state auditor's office to conduct a performance audit, specifically addressing the length of time required to license individuals who come from other states. The audit should address the obstacles contributing to any delay and make recommendations for improvement.

(40) Within amounts appropriated in this section from the health professions account, the Washington medical commission shall contract with the state auditor's office to conduct a performance audit, which must address the length of time required to license individuals and comparatively analyze disciplinary processes with those of other states. The audit should address the obstacles contributing to inefficiencies and make recommendations for improvement.

(41) Within amounts appropriated in this section, the Washington nursing commission must hire sufficient staff to process applications for nursing licenses so that the time required for processing does not exceed seven days.

(42) \$600,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima Valley to develop a Spanish language public radio media campaign aimed at providing education on the COVID-19 pandemic through an outreach program. The goal of the radio media campaign is to reach residents considered "essential workers," including but not limited to farmworkers, and provide information on best practices for limiting exposure, preventing transmission, and seeking treatment for COVID-19. The nonprofit organization must coordinate with medical professionals and other stakeholders on the content of the radio media campaign. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2021. A final report to the legislature must be submitted no later than June 30, 2023. Both reports must include: (a) A description of the outreach program and its implementation; (b) the number of individuals reached through the outreach program; and (c) any relevant demographic data regarding those individuals.

(43) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$725,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington poison center. This funding is provided in addition to funding pursuant to RCW 69.50.540.

(44) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima Valley to develop a Spanish-language public radio media campaign aimed at preventing opioid use disorders through education outreach programs. The goal of the radio media campaign is reaching underserved populations, who may have limited literacy and who may experience cultural and informational isolation, to address prevention, education and treatment for opioid users or those at risk for opioid use. The nonprofit organization must coordinate with stakeholders who are engaged in promoting healthy and educated choices about drug use and abuse to host four workshops and two conferences that present the latest research and best practices. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2022. A final report must be submitted to the legislature no later than June 30, 2023. Both reports must include: (a) A description of the outreach programs and their implementation; (b) a description of the workshops and conferences held; (c) the number of individuals who participated in or received services in relation to the outreach programs; and (d) any relevant demographic data regarding those individuals.

(45) \$2,122,000 of the general fund—state appropriation for fiscal year 2022 and \$2,122,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the ongoing operations and maintenance of the prescription monitoring program maintained by the department.

(46) \$2,325,000 of the general fund—state appropriation for fiscal year 2022 and \$2,625,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for:

(a) Staffing by the department, the department of veterans affairs, and the department of corrections to expand statewide suicide prevention efforts, which efforts include suicide prevention efforts for military service members and veterans and incarcerated persons;

- (b) A suicide prevention public awareness campaign to provide education regarding the signs of suicide, interventions, and resources for support;
- (c) Additional staffing for call centers to support the increased volume of calls to suicide hotlines;
- (d) Training for first responders to identify and respond to individuals experiencing suicidal ideation;
- (e) Support for tribal suicide prevention efforts;
- (f) Strengthening behavioral health and suicide prevention efforts in the agricultural sector;
- (g) Support for the three priority areas of the governor's challenge regarding identifying suicide risk among service members and their families, increasing the awareness of resources available to service members and their families, and lethal means safety planning;
- (h) Expansion of training for community health workers to include culturally informed training for suicide prevention;
- (i) Coordination with the office of the superintendent of public instruction; and
- (j) Support for the suicide prevention initiative housed in the University of Washington.
- (47) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the fruit and vegetable incentive program.
- (48) \$474,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Substitute House Bill No. 1218 (long-term care residents).
- (49) \$1,779,000 of the health professions account—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 1504 (workforce education development act).
- (50) \$627,000 of the general fund—state appropriation for fiscal year 2022 and \$627,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement the recommendations from the community health workers task force to provide statewide leadership, training, and integration of community health workers with insurers, health care providers, and public health systems.
- (51) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for one-time grants to family planning clinics that are at risk of imminent closure, did not receive a paycheck protection program loan, and are ineligible for funding through the coronavirus aid, relief, and economic security (CARES) act or the coronavirus response and relief supplemental appropriations act of 2021 (CRRSA).
- (52) \$450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the nursing care quality assurance commission, in collaboration with the workforce training and education coordinating board and the department of labor and industries, to plan a home care aide to nursing assistant certified to licensed practical nurse (HCA-NAC-LPN) apprenticeship pathway. The plan must provide the necessary groundwork for the launch of at least three licensed practical nurse apprenticeship programs in the next phase of work. The plan for the apprenticeship programs must include programs in at least three geographically disparate areas of the state experiencing high levels of long-term care workforce shortages for corresponding health professions and incorporate the participation of local workforce development councils for implementation.
- (53) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$23,000 of the health professions account—state appropriation are provided solely to implement Senate Bill No. 5124 (colon hydrotherapy).
- (54) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$3,000,000)~~ \$6,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington nursing commission to manage a grant process to incentivize nurses to supervise nursing students in health care settings. The goal of the grant program is to create more clinical placements for nursing students to complete required clinical hours to earn their nursing degree and related licensure.
- (55) \$761,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington nursing commission to continue to implement virtual nursing assistant training and testing modalities, create an apprenticeship pathway into nursing for nursing assistants, implement rule changes to support a career path for nursing assistants, and collaborate with the workforce training and educational coordinating board on a pilot project to transform the culture and practice in long term care settings. The goal of these activities is to expand the nursing workforce for long term care settings.
- ~~((+57+))~~ (56) \$212,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5821 (cardiac & stroke response). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.
- ~~((+58+))~~ (57) \$41,000 of the general fund—state appropriation for fiscal year 2022 and \$777,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of House Bill No. 1859 (cannabis analysis labs). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.
- ~~((+59+))~~ (58) \$223,000 of the general fund—state appropriation for fiscal year 2022 and \$186,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to test for lead in child care facilities to prevent child lead exposure and to research, identify, and connect facilities to financial resources available for remediation costs.

~~((60))~~ (59) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide a grant to a statewide community based environmental justice organization to establish an environmental justice community participation fund. The participation fund must allocate the funding as grants to community-based organizations serving vulnerable populations in highly impacted communities in rural and urban areas for the purpose of supporting their communities' access, understanding, and participation in environmental justice council deliberations and the implementation of chapter 70A.02 RCW.

~~((61))~~ (60) \$2,488,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for additional resources for the department to issue provider credentials within seven calendar days of receiving a complete application.

~~((62))~~ (61) \$532,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to create a program within the office of drinking water to offer engineering assistance to nonfluoridated water systems with over 5,000 connections. The program will assist water systems to plan for future community water fluoridation.

~~((63))~~ (62) \$74,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute House Bill No. 1881 (birth doulas). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((64))~~ (63) \$121,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to expand access to the smoking cessation quitline, implement electronic referrals to the quitline, and provide grants to develop messaging related to smoking cessation.

~~((65))~~ (64) \$7,400,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for one-time grants to providers of abortion care that participate in the department's family planning and reproductive health program and which experienced drops in patient visit volume during the pandemic in order to maintain the availability of services for low-income Washingtonians.

~~((66))~~ (65) \$268,000 of the health professions account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5753 (board & commission sizes). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((67))~~ (66) \$166,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct an oral health equity assessment. The department must use available data and community needs assessments to identify unmet oral health needs and develop recommendations to advance positive oral health outcomes while reducing inequities through increased access to community water fluoridation. The department must consult with the state office of equity and may collaborate with public health oral health care providers and community-based organizations to conduct the assessment and develop recommendations. The department must submit the oral health equity assessment report and recommendations to the appropriate committees of the legislature by June 30, 2023.

~~((68))~~ (67) \$14,000 of the health professions account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5496 (health prof. monitoring). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((69))~~ (68) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to convene a nonregulatory stakeholder forum to discuss solutions to per- and polyfluoroalkyl substances (PFAS) chemical contamination of surface and groundwater.

~~((70))~~ (69) \$19,088,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the costs of public health data systems and are subject to the conditions, limitations, and review requirements of section 701 of this act.

~~((71))~~ (70) \$814,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to expand grants to establish new school-based health centers and to add behavioral health capacity to existing school-based health centers.

~~((72))~~ (71) \$54,000 of the general fund—state appropriation for fiscal year 2022 and \$1,300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate and lead a multi-agency approach to youth suicide prevention and intervention.

~~((73))~~ (72) \$654,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department, in collaboration with an organization that represents pediatric care needs in Washington state, to establish a curriculum and provide training for community health workers in primary care clinics whose patients are significantly comprised of pediatric patients enrolled in medical assistance under chapter 74.09 RCW, beginning January 1, 2023, in support of the health care authority's two-year grant program. The department will coordinate ongoing curriculum development meetings with the relational health training work group.

~~((74))~~ (73) \$1,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to the greater Columbia accountable community of health to develop and implement an innovative emergency medical services program to bridge the gap of unmet health care needs in the community.

~~((75))~~ (74) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to cancer pathways to provide statewide education and support for adults, children, and families impacted by cancer, including support groups, camps for kids impacted by cancer, and risk reduction education for teens.

~~((76))~~ (75) \$66,956,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department's continued vaccine administration efforts, including mass vaccination sites where needed and pass-through contracts with local health jurisdictions. If the federal emergency management agency reimbursement at full cost for eligible activities is renewed beyond June 30, 2022, the department must conserve this appropriation and maximize the use of federal reimbursements. The legislature intends this funding to be sufficient to cover the department's vaccine administration activities through January 1, 2023. By October 1, 2022, the department must submit a report to the health care and fiscal committees of the legislature detailing a cost-based COVID-19 vaccine administration fiscal response plan for the remainder of the 2021-2023 fiscal biennium as well as any vaccine administration costs the department projects into the 2023-2025 fiscal biennium. This report must include a funding strategy for specific agency COVID-19 vaccine administration initiatives, including, but not limited to, mass vaccination sites, primary care provider outreach, mobile vaccination administration, and outreach. This report must also include specific and itemized individual local health jurisdiction initiatives in which the department has or plans to request funding from the legislature on behalf of the local health jurisdiction.

~~((77))~~ (76) \$58,320,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to respond to the COVID-19 pandemic through means including diagnostic testing, case investigation, outbreak response, care coordination, community outreach, operational and technical support, disease surveillance, client services, and support for local health jurisdictions and tribes. If the federal emergency management agency reimbursement at full cost for eligible activities is renewed beyond June 30, 2022, the department must conserve this appropriation and maximize the use of federal reimbursements. The legislature intends this funding to be sufficient to cover the department's response through January 1, 2023, at which point the legislature plans to reevaluate the scope of the public health threat posed by COVID-19. By October 1, 2022, the department must submit a report to the health care and fiscal committees of the legislature detailing a cost-based COVID-19 fiscal response plan for the remainder of the 2021-2023 fiscal biennium as well as any costs the department projects into the 2023-2025 fiscal biennium. This report must include a funding strategy for specific agency COVID-19 response initiatives, including, but not limited to, mass testing sites, testing contracts, laboratory and scientific analysis, and other agency initiatives in response to the pandemic. This report must also include specific and itemized individual local health jurisdiction initiatives in which the department has or plans to request funding from the legislature on behalf of the local health jurisdiction.

(77) \$38,520,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to respond to the COVID-19 pandemic and continue vaccination administration efforts. The department must conserve this appropriation and maximize the use of federal reimbursements, including seeking federal emergency management agency reimbursement for eligible activities.

(78) \$5,517,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to respond to the monkey pox virus. The department must conserve this appropriation and maximize the use of federal reimbursements.

~~((78))~~ (79) \$85,000 of the health professions account—state appropriation is provided solely for the implementation of Senate Bill No. 5518 (OT licensure compact). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((79))~~ (80) \$91,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5702 (donor human milk coverage). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((80))~~ (81) \$22,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5765 (midwifery). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(82) \$39,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5974 (transportation resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(83) \$428,000 of the general fund—state appropriation for fiscal year 2022 and \$855,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the continued operations of the Washington medical coordination center.

(84) \$17,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct a survey of home care and home health agencies as defined in RCW 70.127.010, to gather financial information for tax or fee planning purposes, including but not limited to total by service line. Any such financial information reported must be de-identified so it does not identify individual recipients of care. The department shall provide this information to the department of social and health services and service employees international union 775 for analysis upon completion of the survey.

(85) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct a mass public awareness campaign targeted at alerting the public to the dangers caused by methamphetamines and fentanyl, including outreach to both youth and adults aimed at preventing addiction and overdose deaths.

~~((87))~~ (86) \$25,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide a grant to a community organization in

Greenwater to establish temporary portable toilets to be accessible to tourists and other individuals traveling on state route 410.

~~((88))~~ (87) \$552,000 of the health professions account—state appropriation is provided solely for implementation of chapter 203, Laws of 2021 (long-term services/emergency).

~~((89))~~ (88) \$48,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 and \$7,000 of the general fund—private/local appropriation are provided solely to implement Second Substitute House Bill No. 1210 (cannabis terminology). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((90))~~ (89) \$88,000 of the general fund—state appropriation for fiscal year 2023 and \$44,000 of the hospital data collection account—state appropriation are provided solely for implementation of Substitute House Bill No. 1616 (charity care). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((91))~~ (90) \$17,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1675 (dialysate & dialysis devices). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((92))~~ (91) \$40,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1074 (fatality reviews). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((93))~~ (92) \$44,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 1739 (hospital policies/pathogens). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((94))~~ (93) \$17,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1124 (nurse delegation/glucose). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((95))~~ (94) \$243,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1286 (psychology compact). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((96))~~ (95) (a) \$125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with the department of environmental and occupational health sciences within the University of Washington to develop a report to the legislature regarding school environmental health policies, recommendations, and standards. In developing the report, the department of environmental and occupational health sciences shall collaborate with other school of public health programs within the University of Washington, the department of health, and the department of ecology.

(b) The report shall include:

(i) A review of policies and regulations in other states pertaining to environmental health in K-12 schools;

(ii) Literature and recommendations for exposure standards and remediation levels which are protective of health and safety for students in schools;

(iii) A summarization of activities, such as inspections, management, control levels, and remediation of a variety of contaminants and issues, including PCBs, lead, asbestos, poor ventilation, and mold; and

(iv) Recommendations for next steps for policies and standards in Washington schools.

(c) The report is due by December 31, 2022.

~~((97))~~ (96) \$680,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to establish a stipend program for licensed nurses to receive reimbursement of up to \$2,500 to cover eligible expenses incurred in order to complete the training necessary to become a certified sexual assault nurse examiner.

~~((98))~~ (97) \$408,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to establish a grant program for hospitals to obtain the services of a certified sexual assault nurse examiner from other sources if the hospital does not have those services available internally.

~~((99))~~ (98) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for tobacco, vapor product, and nicotine control, cessation, treatment and prevention, and other substance use prevention and education, with an emphasis on community-based strategies. These strategies must include programs that consider the disparate impacts of nicotine addiction on specific populations, including youth and racial or other disparities.

~~((100))~~ (99) \$550,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a one-time contract with the Yakima neighborhood health services to increase the number of certified and licensed health professionals practicing in community health centers serving low-income and rural populations. The amounts provided in this subsection must be used to support faculty, training, and scholarship costs for a newly established, one-year advanced registered nurse practitioner (ARNP) residency program in Yakima.

~~((101))~~ (100) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the child profile health promotion notification system. Pursuant to the department's recommendation in its December 2020 report, which reviewed its processes for efficiencies and possible technological advances to reduce costs, the department must further explore how to integrate a fee to support the program in the future. A report regarding the department's further exploration of a fee to support the program is due to the legislature by December 15, 2022.



~~((102))~~ (101) This section includes a general fund—federal appropriation (CRF) that is provided solely for COVID-19 response activities including staffing, increased travel, equipment, and grants to local health jurisdictions and tribes, and to manage hospital capacity issues. This funding expires December 31, 2021.

~~((103))~~ (102) \$1,000 of the general fund—state appropriation for fiscal year 2022 and \$117,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of chapter 316, Laws of 2021 (climate commitment act).

~~((104))~~ (103) \$1,084,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5796 (cannabis revenue).

~~((105))~~ (104) \$34,000 of the general fund—private/local appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5695 (DOC body scanner pilot). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(105) \$7,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to providers of abortion care that participate in the department's sexual and reproductive health program and are experiencing an increase in clients seeking abortion services resulting from the decision in *Dobbs v. Jackson Women's Health Organization*, which changed abortion access nationally, to maintain the availability of services for low-income people in Washington, and for abortion care training.

(106) \$316,000 of the health professions account—state appropriation and \$16,000 of the general fund—private/local appropriation are provided solely for the behavioral health agency program for licensure and regulatory activities.

(107) \$1,323,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the breast, cervical, and colon screening program, comprehensive cancer community partnerships, and Washington state cancer registry.

(108) \$38,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of chapter 204, Laws of 2022 (truck drivers/restrooms).

(109) \$1,912,000 of the health professions account—state appropriation is provided solely for the regulation of health professions.

(110) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the completion of work identified in the state opioid response plan related to maternal and infant health.

(111) \$73,000 of the model toxics control operating account—state appropriation is provided solely for implementation of chapter 264, Laws of 2022 (chemicals/consumer products).

(112) \$315,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to operate the universal development screening system.

(113) \$64,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1724 (behavioral health workforce). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**Sec. 1219.** 2022 c 297 s 223 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF CORRECTIONS**

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, ~~((2022))~~2023, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year ~~((2022))~~2023 among programs after approval by the director of the office of financial management. The department of corrections must notify the fiscal committees of the legislature prior to receiving approval from the director of financial management. To the extent that appropriations under this section are insufficient to fund actual expenditures in excess of caseload forecast assumptions or for expenses in response to the COVID-19 pandemic, the department may transfer general fund—state appropriations for fiscal year ~~((2022))~~2023 that are provided solely for a specified purpose. The department may not transfer funds, including for expenses in response to the COVID-19 pandemic in fiscal year ~~((2022))~~2023, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this section. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES	
General Fund—State Appropriation (FY 2022)	\$79,197,000
General Fund—State Appropriation (FY 2023)	<del>((89,195,000))</del>
	<u>\$89,850,000</u>
General Fund—Federal Appropriation	\$400,000
<b>TOTAL APPROPRIATION</b>	<b><del>((168,792,000))</del></b>
	<b><u>\$169,447,000</u></b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,135,000 of the general fund—state appropriation for fiscal year 2022 and \$1,731,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expansion of reentry supports and transition services for incarcerated individuals including development and implementation of a coaching model approach to supervision, and staffing must provide expanded reentry and discharge services to include, but not limited to, transition services, preemployment testing, enhanced health care discharge planning, housing voucher assistance, cognitive behavioral interventions, educational programming, and community partnership programs.

(b) Within the amounts provided in (a) of this subsection, \$100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to develop an implementation plan for a community supervision coaching model to begin in fiscal year 2023. The department must solicit input from incarcerated individuals, family members of incarcerated individuals, experts in supervision and reentry, community stakeholder and advocacy groups, and impacted labor organizations. The plan shall propose appropriate policies and procedures for the coaching model, including ongoing training and organizational culture assessments. During development of the plan, the department must consider potential inequities that may arise from any changes or additional requirements of supervision resulting from the model and mitigate those concerns to the greatest extent possible in its final plan. This plan must be submitted to the office of financial management prior to implementation.

(c) Within the amounts provided in (a) of this subsection, \$706,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of the plan to be developed under (b) of this subsection and for the department to submit an initial report to the legislature on the progress of implementation of the coaching supervision model by no later than February 1, 2023.

(d) \$17,000 of the general fund—state appropriation for fiscal year 2022 and \$17,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5304 (providing reentry services to persons releasing from state and local institutions).

(e) \$197,000 of the general fund—state appropriation for fiscal year 2022 and \$187,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data).

(f) (i) \$779,000 of the general fund—state appropriation for fiscal year 2022 and \$817,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increasing access to educational opportunities for incarcerated individuals.

(ii) Of the amounts provided in (f) (i) of this subsection, \$680,000 of the general fund—state appropriation for fiscal year 2022 and \$285,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.).

(g) (~~(\$1,116,000)~~) \$734,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month in fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(h) \$609,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staff and vendor costs to transform correctional culture in prisons and work releases, and to improve health and safety for all, through additional training. The prison rape elimination act compliance specialists must be among the first staff trained.

(i) \$130,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a human resource consultant to implement Second Substitute Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(j) \$70,000 of the general fund—state appropriation for fiscal year 2022 and \$223,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1956 (incarcerated individuals/PRA). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(k) \$12,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1818 (reentry and rehabilitation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2022) . . . . .	\$450,287,000
General Fund—State Appropriation (FY 2023) . . . . .	( <del>(\$683,573,000)</del> )
	<u>\$702,597,000</u>

General Fund—Federal Appropriation. . . . .	(( <u>\$161,465,000</u> ))
	<u>\$163,126,000</u>
General Fund—Private/Local Appropriation. . . . .	\$335,000
Washington Auto Theft Prevention Authority Account— State Appropriation. . . . .	(( <u>\$4,468,000</u> ))
	<u>\$2,078,000</u>
Coronavirus State Fiscal Recovery Fund—Federal Appropriation. . . . .	\$28,409,000
<b>TOTAL APPROPRIATION</b> .....	<b>((<u>\$1,328,537,000</u>))</b>
	<b><u>\$1,346,832,000</u></b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may contract for local jail beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The department shall not pay a rate greater than \$85 per day per offender excluding the costs of department of corrections provided services, including evidence-based substance abuse programming, dedicated department of corrections classification staff on-site for individualized case management, transportation of offenders to and from department of corrections facilities, and gender responsive training for jail staff. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as close medium or lower security offenders. Programming provided for offenders held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meets standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) \$574,000 of the general fund—state appropriation for fiscal year 2022 and \$671,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester. Additional funds are provided for a stationary engineer and a custodian.

(c) Funding in this subsection is sufficient for the department to track and report to the legislature on the changes in working conditions and overtime usage as a result of increased funding provided for custody relief and health care delivery by December 1, 2022.

(d) \$39,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics, equip).

(e) ((~~\$2,000,000~~)) \$1,045,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month in fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(f) \$714,000 of the general fund—state appropriation for fiscal year 2022 and \$695,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for dedicated prison rape elimination act compliance specialists. Of the amount provided in this subsection, one compliance specialist staff must be provided at each of the following prisons:

- (i) Monroe correctional center;
- (ii) Larch correctional center;
- (iii) Olympic correctional center;
- (iv) Cedar creek correctional center;
- (v) Washington corrections center for women; and
- (vi) Mission creek corrections center for women.

(g) \$2,750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for three body scanners, correctional officer staffing, corrections specialist staffing, a drug recovery system, body scanner training, and body scanner installation costs to implement Second Substitute Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(h) \$5,962,000 of the general fund—state appropriation for fiscal year 2022 and \$9,106,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to restore graduated reentry reductions made in the 2021-2023 biennial operating budget.

(i) \$28,409,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for expenses incurred in response to the COVID-19 pandemic during fiscal year 2022.

(j) \$1,251,000 of the general fund—state appropriation for fiscal year 2022 and \$1,294,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reentry investments to include reentry and discharge staffing. The staffing must provide expanded reentry and discharge services to include, but not limited to, transition services, pre-employment testing, enhanced health care discharge planning, cognitive behavioral interventions, educational programming, and community partnership programs.

(k) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to collaborate with the department of social and health services to conduct a study of the feasibility of placing long-term care individuals under the jurisdiction of the department in nursing home facilities licensed or to be licensed by the department of social and health services to better meet the client's care needs. The department of corrections must provide daily operating costs of prisons where these individuals may be coming from, the fiscal year 2021 daily costs per incarcerated individual assigned to the sage living unit, and the costs associated with electronic home monitoring costs per individual.

(l) \$160,072,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021, and December 31, 2021, for public safety and health employees whose services are presumed to be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

(3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2022)	\$161,098,000
General Fund—State Appropriation (FY 2023)	(( <del>\$222,989,000</del> ))
	<u>\$215,780,000</u>
General Fund—Federal Appropriation	(( <del>\$29,733,000</del> ))
	<u>\$29,988,000</u>
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	\$8,480,000
<b>TOTAL APPROPRIATION</b>	<b><u>(\$422,300,000)</u></b> <b><u>\$415,346,000</u></b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall contract with local and tribal governments for jail capacity to house offenders who violate the terms of their community supervision. A contract rate increase may not exceed five percent each year. The department may negotiate to include medical care of offenders in the contract rate if medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff. If medical care of offender is included in the contract rate, the contract rate may exceed five percent to include the cost of that service.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

(c) \$1,749,000 of the general fund—state appropriation for fiscal year 2022 and \$10,536,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reentry investments to include reentry and discharge staffing. The staffing must provide expanded reentry and discharge services to include, but not limited to, transition services, preemployment testing, housing voucher assistance, cognitive behavioral interventions, educational programming, and community partnership programs. Of this amount \$7,394,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of the plan to be developed under subsection (1)(b) of this section.

(d) Within existing resources the department must update the response to violations and new criminal activity policy to reflect the savings assumed in this section as related to mandatory maximum confinement sanctions.

(e) \$661,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$725,000)~~ \$1,900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increased costs associated with the relocation of leased facilities. The department shall engage in ongoing strategies to reduce the need for relocating facilities and when necessary contract only with lessors with rates that align with comparable market rates in the area.

(f) \$59,000 of the general fund—state appropriation for fiscal year 2022 and \$23,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5071 (civil commitment transition).

(g) ~~\$450,000~~ \$450,000 of the general fund—state appropriation for fiscal year 2022 ~~(+)~~ and \$285,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for conducting a community corrections caseload study. The department of corrections shall

contract with an independent third party to provide a comprehensive review of the community corrections staffing model and develop an updated staffing model for use by the department of corrections. The updated model must include additional time and flexibility for community corrections officers to focus on case management, engagement, and interventions. The department of corrections shall submit a report, including a summary of the review and update, to the governor and appropriate committees of the legislature by ((July 1, 2022)) December 31, 2022.

(h) ((~~\$2,521,000~~)) \$1,948,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month in fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(i) Within the amounts provided in this subsection (3) for work release programs, the department will operate the Helen B. Ratcliff work release facility.

(j) \$1,810,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1818 (reentry and rehabilitation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(k) \$1,930,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for expenses incurred in response to the COVID-19 pandemic during fiscal year 2022.

(l) \$29,733,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021, and December 31, 2021, for public safety and health employees whose services are presumed to be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2022) . . . . .	\$8,757,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$9,097,000</del> ))
	<u>\$12,241,000</u>
TOTAL APPROPRIATION . . . . .	(( <del>\$17,854,000</del> ))
	<u>\$20,998,000</u>

(5) INTERAGENCY PAYMENTS

General Fund—State Appropriation (FY 2022) . . . . .	\$58,192,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$51,865,000</del> ))
	<u>\$52,758,000</u>

Coronavirus State Fiscal Recovery Fund—Federal Appropriation . . . . .	\$267,000
TOTAL APPROPRIATION . . . . .	(( <del>\$110,324,000</del> ))
	<u>\$111,217,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$21,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discreet organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date, which the department must report on. The report must include the budgeted and actual tolling staffing levels by fiscal month in fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(b) \$192,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for medical staffing in prisons for patient centered care and behavioral health care to increase access to care and expanded screening of individuals in prison facilities to include chronic illnesses, infectious disease, diabetes, heart disease, serious mental health, and behavioral health services.

(c) \$4,000 of the general fund—state appropriation for fiscal year 2022 and \$9,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an electronic health records system solution and is subject to the conditions, limitations, and review requirements of section 701 of this act. The department must collaborate with the Washington state department of veterans affairs on the development of the system's business requirements.

(d) \$19,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(e) \$26,000 of the general fund—state appropriation for fiscal year 2022 and \$161,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reentry investments to include reentry and discharge staffing. The staffing must provide expanded reentry and discharge services to include, but not limited to, transition services, pre-employment testing, enhanced health care discharge planning, housing voucher assistance, cognitive behavioral interventions, educational programming, and community partnership programs.

(f) \$4,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1956 (incarcerated individuals/PRA). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(g) \$2,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1818 (reentry and rehabilitation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(6) OFFENDER CHANGE

General Fund—State Appropriation (FY 2022) . . . . .	\$73,267,000
General Fund—State Appropriation (FY 2023) . . . . .	( <del>(\$84,376,000)</del> )
	<u>\$87,108,000</u>
General Fund—Federal Appropriation . . . . .	( <del>(\$4,303,000)</del> )
	<u>\$4,914,000</u>
<b>TOTAL APPROPRIATION</b> . . . . .	<b>(<del>(\$161,946,000)</del>)</b>
	<b><u>\$165,289,000</u></b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) The department of corrections shall collaborate with the state health care authority to explore ways to utilize federal medicaid funds as a match to fund residential substance use disorder treatment-based alternative beds under RCW 9.94A.664 under the drug offender sentencing alternative program and residential substance use disorder treatment beds that serve individuals on community custody. The department of corrections must complete a report and submit its findings and recommendations to the appropriate committees of the legislature by December 15, 2021.

(c) \$3,106,000 of the general fund—state appropriation for fiscal year 2022 and \$3,106,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the housing voucher program.

(d) \$3,300,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for temporary court facilities, staffing, and to provide release assistance, including limited housing and food assistance, and other costs associated with individuals resentenced or ordered released from confinement as a result of the *State v. Blake* decision.

(e)(i) \$1,001,000 of the general fund—state appropriation for fiscal year 2022 and \$675,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increasing access to educational opportunities for incarcerated individuals.

(ii) Of the amounts provided in (e)(i) of this subsection, \$272,000 of the general fund—state appropriation for fiscal year 2022 and \$247,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.).

(f) \$784,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for reentry support items such as disposable cell phones, prepaid phone cards, hygiene kits, housing vouchers, and release medications associated with individuals resentenced or ordered released from confinement as a result of policies or court decisions including, but not limited to, the *State v. Blake* decision.

(g) \$1,268,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for resentencing and reentry staffing associated with individuals resentenced or ordered released from confinement as a result of policies or court decisions including, but not limited to, the *State v. Blake* decision.

(h) \$438,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for program specialist staffing for increased comprehensive assessments and treatments, and substance use disorder treatment to implement Second Substitute Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(i) \$4,508,000 of the general fund—state appropriation for fiscal year 2022 and \$7,893,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reentry investments to include reentry and discharge staffing. The staffing must provide

expanded reentry and discharge services to include, but not limited to cognitive behavioral interventions and educational programming.

(j) \$121,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department of corrections to collaborate with the Washington state board for community and technical colleges and the department of licensing to develop a prerelease commercial driving license training pilot program.

(k) \$655,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1818 (reentry and rehabilitation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(l) \$1,168,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand library services to incarcerated individuals in adult correctional facilities. The department of corrections must work in conjunction with the Washington state library to provide additional library materials, collections, and one additional library staff position at each of the nine institutional library service branches located throughout the state. Library materials and collections include but are not limited to Washington state newspapers, current consumer medical information, and other current reference collections that will support the department's reentry efforts in supporting the recovery and personal growth of incarcerated individuals.

(m) \$320,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for two contracted parent navigator positions. One parent navigator must be located at the Washington correction center for women and one parent navigator position must be located at the Airway Heights corrections center or another state correctional facility that houses incarcerated male individuals and is selected by the department of corrections as a more suitable fit for a parent navigator. The parent navigators must have lived experience in navigating the child welfare system. The parent navigators must provide guidance and support to incarcerated individuals towards family reunification, including, but not limited to, how to access services, navigating the court system, assisting with guardianship arrangements, and facilitating visitation with their children. The goal of the parent navigator programs is to assist incarcerated parents involved in dependency or child welfare cases to maintain connections with their children and to assist these individuals in successfully transitioning and reuniting with their families upon release from incarceration. As part of the parent navigation program, the department of corrections must also review and provide a report to the legislature on the effectiveness of the program that includes the number of incarcerated individuals that received assistance from the parent navigators and that tracks outcomes of the parenting navigator program. A preliminary report must be submitted to the legislature by June 30, 2023, with the expectation that a final report be funded in the 2023-2025 fiscal biennium budget and submitted by December 1, 2024. Of the amounts provided in this subsection, \$20,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department's review and preliminary report on the effectiveness of the parent navigator program.

(n) \$4,088,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021, and December 31, 2021, for public safety and health employees whose services are presumed to be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

(7) HEALTH CARE SERVICES

General Fund—State Appropriation (FY 2022)	\$134,471,000
General Fund—State Appropriation (FY 2023)	(( <del>\$205,666,000</del> ))
	<u>\$206,986,000</u>
General Fund—Federal Appropriation	(( <del>\$47,507,000</del> ))
	<u>\$48,348,000</u>
General Fund—Private/Local Appropriation	\$2,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	\$11,968,000
<b>TOTAL APPROPRIATION</b>	<b><u>(\$399,614,000)</u></b>
	<u>\$401,775,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison medical facilities may use funds appropriated in this subsection to purchase goods, supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

(b) \$183,000 of the general fund—state appropriation for fiscal year 2022 and \$167,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5304 (providing reentry services to persons releasing from state and local institutions).

(c) \$13,947,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase medical staffing in prisons for patient centered care and behavioral health care. Funding must be used to increase access to care and expanded screening of individuals in prison facilities to include chronic illnesses, infectious disease, diabetes, heart disease, serious mental health, and behavioral health services.

(d) \$999,000 of the general fund—state appropriation for fiscal year 2022 and \$1,030,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for medical

staff, telehealth carts, necessary technology costs, and the build out of 64 dedicated teleservice rooms that will allow for legal and medical telepresence at all 12 prison facilities.

(e) \$77,000 of the general fund—state appropriation for fiscal year 2022 and \$900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an electronic health records system solution and is subject to the conditions, limitations, and review requirements of section 701 of this act. The department must collaborate with the Washington state department of veterans affairs on the development of the system's business requirements.

(f) \$829,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for nursing staff for dry cell watch at Washington corrections center for men to implement Second Substitute Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(g) \$5,395,000 of the general fund—state appropriation for fiscal year 2022 and \$8,239,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to restore graduated reentry reductions in the 2021-2023 biennial operating budget.

(h) \$11,968,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for expenses incurred in response to the COVID-19 pandemic during fiscal year 2022.

(i) \$613,000 of the general fund—state appropriation for fiscal year 2022 and \$1,069,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reentry investments to include reentry and discharge staffing. The staffing must provide expanded reentry and discharge services to include, but not limited to, enhanced health care discharge planning.

(j) The department of corrections must prepare a report on and an analysis of its medical staffing.

(i) The report must identify barriers relating to incarcerated individuals receiving timely treatment.

(ii) The report must specifically include a chart that shows:

(A) The incarcerated population caseloads from fiscal year 2019 through the first quarter of fiscal year 2023. The incarcerated caseloads must be shown by each of the department's individual 12 institutions;

(B) The number of funded, unfunded, and contracted-equivalent medical/health care staff at each institution, by major position type that includes, but is not limited to, physicians, psychologists, psychiatrists, registered nurses, supervising nursing staff, medical assistants, patient service representatives, medical directors, clinical pharmacists, and medical adjudicators;

(C) The caseloads for health care staff that shows the ratio of each medical staff position referenced in (j)(ii)(B) of this subsection to incarcerated individuals by institution;

(D) The number of funded medical staffing vacancies referenced in (j)(ii)(B) of this subsection by institution and quarter in fiscal year 2022 through the first quarter of fiscal year 2023; and

(E) A staffing model that shows the number of additional health care staff needed by position referenced in (j)(ii)(B) of this subsection for each institution.

(iii) The department must submit a final report to the appropriate committees of the legislature by October 30, 2022.

(k) \$46,107,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021, and December 31, 2021, for public safety and health employees whose services are presumed to be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

**Sec. 1220.** 2022 c 297 s 225 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund—State Appropriation (FY 2022) . . . . .	\$3,448,000
General Fund—State Appropriation (FY 2023) . . . . .	\$11,356,000
General Fund—Federal Appropriation . . . . .	(((\$337,132,000))
	<u>\$298,674,000</u>
General Fund—Private/Local Appropriation . . . . .	\$37,325,000
Unemployment Compensation Administration Account—	
Federal Appropriation . . . . .	(((\$444,688,000))
	<u>\$426,241,000</u>
Administrative Contingency Account—State	
Appropriation . . . . .	\$27,029,000
Employment Service Administrative Account—State	
Appropriation . . . . .	\$68,128,000
Family and Medical Leave Insurance Account—State	
Appropriation . . . . .	\$145,594,000
Workforce Education Investment Account—State	
Appropriation . . . . .	\$11,283,000
Long-Term Services and Supports Trust Account—State	
Appropriation . . . . .	\$35,902,000
Coronavirus State Fiscal Recovery Fund—Federal	



Appropriation. . . . .	(( <u>\$66,128,000</u> ))
	<u>\$50,510,000</u>
Unemployment Insurance Relief Account—State	
Appropriation. . . . .	\$500,000,000
<b>TOTAL APPROPRIATION</b> .....	<b>((<u>\$1,688,013,000</u>))</b>
	<u>\$1,615,490,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) \$30,458,000 of the long-term services and supports trust account—state appropriation is provided solely for implementation of the long-term services and support trust program. Of this amount, \$10,932,833 is ((provided)) for implementation of the long-term services and support trust program information technology project and is subject to the conditions, limitations, and review provided in section 701 of this act.

(3) Within existing resources, the department must reassess its ongoing staffing and funding needs for the paid family medical leave program and submit documentation of the updated need to the governor and appropriate committees of the legislature by September 1, 2021, and annually thereafter.

(4) \$101,000 of the employment service administrative account—state appropriation is provided solely for information technology enhancements necessary for implementation of job title reporting and is subject to the conditions, limitations, and review provided in section 701 of this act.

(5)(a) Within existing resources, the department shall coordinate outreach and education to paid family and medical leave benefit recipients with a statewide family resource, referral, and linkage system that connects families with children prenatal through age five and residing in Washington state to appropriate services and community resources. This coordination shall include but is not limited to placing information about the statewide family resource, referral, and linkage system on the paid family and medical leave program web site and in printed materials, and conducting joint events.

(b) Within existing resources, by December 1, 2021, and each year thereafter, the department shall submit a report to the governor and the appropriate committees of the legislature concerning the ability for the paid family and medical leave program and a statewide family resource, referral, and linkage system to provide integrated services to eligible beneficiaries. The report shall include an analysis of any statutory changes needed to allow information and data to be shared between the statewide family resource, referral, and linkage system and the paid family and medical leave program.

(6) Within existing resources, the department shall report the following to the legislature and the governor by September 30, 2021, and each year thereafter:

(a) An inventory of the department's programs, services, and activities, identifying federal, state, and other funding sources for each;

(b) Federal grants received by the department, segregated by line of business or activity, for the most recent five fiscal years, and the applicable rules;

(c) State funding available to the department, segregated by line of business or activity, for the most recent five fiscal years;

(d) A history of staffing levels by line of business or activity, identifying sources of state or federal funding, for the most recent five fiscal years;

(e) A projected spending plan for the employment services administrative account and the administrative contingency account. The spending plan must include forecasted revenues and estimated expenditures under various economic scenarios.

(7) \$3,264,000 of the employment services administrative account—state appropriation is provided solely for the continuation of the office of agricultural and seasonal workforce services.

(8) \$476,000 of the unemployment compensation administration account—federal appropriation is provided solely for the department to implement chapter 2, Laws of 2021 (unemployment insurance). If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection (8).

(9)(a) \$875,000 of the general fund—state appropriation for fiscal year 2022 and \$8,260,000 of the workforce education investment account—state appropriation are provided solely for career connected learning grants as provided in RCW 28C.30.050.

(b) \$3,000,000 of the workforce education investment account—state appropriation is provided solely for career connect learning grants to sector intermediaries. Up to five percent of the amount in this subsection may be used for administrative expenses associated with the sector intermediary grant program.

(10) \$1,222,000 of the employment services administrative account—state appropriation and \$1,500,000 of the family and medical leave insurance account—state appropriation are provided solely for the maintenance and operation of the disaster recovery continuity of operations information technology project.

(11) \$80,000 of the employment services administrative account—state appropriation is provided solely for the department to produce a report on the feasibility of replicating the existing unemployment insurance program to serve individuals not eligible for unemployment

insurance due to immigration status. The study shall identify programmatic differences that would mitigate barriers to access and reduce fear of participation and identify the operational and caseload costs associated with the replication. If using a replica of the unemployment insurance program conflicts with federal law, the study shall assess the operational and caseload costs of similar social net programs that serve individuals regardless of their citizenship status. The departments shall jointly submit recommendations required by this section to the governor and appropriate legislative committees no later than November 5, 2021. The department shall:

(a) Work with the departments of labor and industries, social and health services, and commerce and the office of the governor;

(b) Convene and meet at least three times with a group of eight to ten external stakeholders comprised of representatives from geographically diverse immigrant advocacy groups, labor organizations with a state-wide presence, workers' rights groups, and legal and policy advocacy groups focused on immigration and employment law; and

(c) Hold at least one listening session with community members.

(12) \$31,288,000 of the coronavirus state fiscal recovery fund—federal appropriation, \$2,684,000 of the general fund—federal appropriation (CRF), and (~~(\$13,063,000)~~)\$11,063,000 of the unemployment compensation administration account—federal appropriation are provided solely for the department to address the impacts of COVID-19 on the state unemployment system in order to prevent and detect fraud, promote equitable access to the unemployment insurance system, and ensure the timely payment of unemployment insurance benefits. Of the amounts provided in this subsection:

(a) \$22,346,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to address an anticipated increase in the unemployment insurance appeals caseload.

(b) \$6,223,000 of the unemployment compensation account—federal appropriation is provided solely for the department to ensure adequate security measures are in place to prevent unemployment insurance fraud and cases are investigated in a timely manner.

(c) \$4,465,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to migrate and upgrade the unemployment insurance customer call center phone system to a cloud-based system. Prior to executing a contract, the department shall consult with the office of the chief information officer. The department must ensure that the project plan, timeline with quantifiable deliverables, and budget by fiscal year by fund, to include ongoing costs by fiscal year, are adhered to. The department shall report on the status of the project to the office of financial management and the relevant committees of the legislature by December 1, 2021.

(d) \$4,477,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to process the unemployment insurance claimant backlog and to make program changes that enhance user experience in order to reduce claimant errors.

(e) \$1,417,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with the national guard to assist the department with its unemployment insurance claims backlog.

(f) \$1,267,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with a vendor to provide fact-finding services related to unemployment insurance claims.

(g) (~~(\$6,840,000)~~)\$4,840,000 of the unemployment compensation administration account—federal appropriation is provided solely for the department to implement the federal United States department of labor equity grant. This grant includes improving the translation of notices sent to claimants as part of their unemployment insurance claims into any of the 10 languages most frequently spoken in the state and other language, demographic, and geographic equity initiatives approved by the grantor. The department must also ensure that letters, alerts, and notices produced manually or by the department's unemployment insurance technology system are written in plainly understood language and evaluated for ease of claimant comprehension before they are approved for use.

(13) \$10,000,000 of the unemployment compensation administration account—federal appropriation is provided solely for the department to make information technology improvements to improve user experience and increase security to prevent unemployment insurance fraud. If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection. This subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(14) Within existing resources, the department shall report to the legislature by September 2, 2021, the following information pertaining to the unemployment insurance program:

(a) The number of full time equivalent employees of the department who were working in the unemployment insurance program, including those who were reassigned internally to the unemployment insurance program, the number of full time equivalent employees that were contracted by the department from other state agencies, and the number of contractors or consultants engaged by the department, on a monthly basis beginning March 1, 2020, through the latest available month;

(b) A projection of full-time equivalent staffing or contractor needs that would be affordable within anticipated base and above-base federal unemployment administrative revenues;

(c) A spending plan for anticipated federal unemployment revenues other than base or above-base revenues, including any proposed additional full-time equivalent staff, consultants, contractors, or other investments related to helping the department reduce the backlog of unemployment insurance claims, appeals, denials, overpayments, and other claimant issues; and

(d) A budget for the unemployment insurance program, showing expenditures by object and fund source, for fiscal years 2022 and 2023, along with any projected shortfalls in revenues.

(15) \$797,000 of the general fund—state appropriation for fiscal year 2022, \$1,874,000 of the general fund—state appropriation for fiscal year 2023, and \$979,000 of the family medical leave insurance account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5097 (paid leave coverage).

(16) \$90,000 of the unemployment account—federal appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5190 (health care workers/benefits).

(17) \$5,322,000 of the unemployment account—federal appropriation is provided solely for the department to implement Engrossed Substitute Senate Bill No. 5193 (unemployment ins. system).

(18) (~~(\$34,840,000)~~) \$19,222,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1073 (paid leave coverage).

(19) \$500,000,000 of the unemployment insurance relief fund—state appropriation is provided solely for the implementation of unemployment insurance relief provided pursuant to Engrossed Substitute Senate Bill No. 5478 (unemployment insurance). The department is directed to implement the bill within existing resources.

(20) \$1,806,000 of the long-term services and supports trust account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1323 (long-term services trust).

(21) \$1,075,000 of the unemployment account—federal appropriation is provided solely for the implementation of Substitute House Bill No. 1455 (social security/L&I & ESD).

(22) (~~(\$10,571,000)~~) \$5,285,000 of the unemployment compensation administration account—federal appropriation is provided solely for administration costs related to the federal unemployment insurance programs extended under the American rescue plan act of 2021, P.L. 117-2.

(23) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the North Central educational service district 171 to support the development of industry and education partnerships and expand career awareness, exploration and preparation activities for youth in Grant county.

(24) \$4,843,000 of the employment service administrative account—state appropriation is provided solely for the replacement of the WorkSource integrated technology platform. The replacement system must support the workforce administration statewide to ensure adoption of the United States department of labor's integrated service delivery model and program performance requirements for the state's workforce innovation and opportunity act and other federal grants. This subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(25) \$6,208,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the continuation of the economic security for all program. The department must collect quarterly data on the number of participants that participate in the program, the costs associated with career, training, and other support services provided, and progress made towards self-sufficiency. The department must provide a report to the governor and the legislature on December 1, 2022, and June 1, 2023, that includes an analysis of the program, a summary of the quarterly data collected, and associated recommendations for program delivery.

(26) \$1,720,000 of the family and medical leave insurance account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5649 (family and medical leave). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(27) \$702,000 of the unemployment compensation administration account—federal appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5873 (unemployment insurance). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(28) \$262,000 of the employment services administrative account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5847 (public employee PSLF info). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(29) \$140,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one full-time employee to provide casework on behalf of constituents who contact their legislators to escalate unresolved claims.

(30) \$1,691,000 of the general fund—state appropriation for fiscal year 2022 and \$3,049,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to temporarily hire additional staff during the COVID-19 pandemic if existing resources are not sufficient to manage unemployment insurance program claims and backlogs. Prior to hiring additional staff under this subsection, the department must consult with the office of financial management.

(31) \$3,105,000 of the general fund—federal appropriation is provided solely for the implementation of the quality jobs, equity strategy, and training (QUEST) grant to enhance the workforce system's ongoing efforts to support employment equity and employment recovery from the COVID-19 pandemic. The funds are for partnership development, community outreach, business engagement, and comprehensive career and training services.

**Sec. 1221.** 2022 c 297 s 226 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—GENERAL**

(1)(a) The appropriations to the department of children, youth, and families in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of children, youth, and families shall initially be allotted as required by this act. The department shall seek approval from the office of financial management prior to transferring moneys between sections of this act except as expressly provided in this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose. However, after May 1, ((2022))2023, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year ((2022))2023 among programs after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2022 caseload forecasts and utilization assumptions in the foster care, adoption support, child protective services, working connections child care, and the juvenile rehabilitation programs or in response to the COVID-19 pandemic, the department may transfer appropriations that are provided solely for a specified purpose.

(2) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation.

(3) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department are subject to technical oversight by the office of the chief information officer.

**Sec. 1222.** 2022 c 297 s 227 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—CHILDREN AND FAMILIES SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022)	\$374,129,000
General Fund—State Appropriation (FY 2023)	(( <del>\$456,485,000</del> ))
	<u>\$428,061,000</u>
General Fund—Federal Appropriation	(( <del>\$486,218,000</del> ))
	<u>\$491,735,000</u>
General Fund—Private/Local Appropriation	\$2,824,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	\$5,500,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$1,325,156,000</del>))</b> <b><u>\$1,302,249,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$748,000 of the general fund—state appropriation for fiscal year 2022 and \$748,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract. No later than December 1, 2021, the department must, in consultation with the health care authority, report to the appropriate legislative committees on potential options to maximize federal funding for the center, including any potential for the center to bill managed care organizations for services provided to medicaid recipients.

(2) \$453,000 of the general fund—state appropriation for fiscal year 2022 and \$722,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the costs of hub home foster and kinship families that provide a foster care delivery model that includes a hub home. Use of the hub home model is intended to support foster parent retention, provide support to biological families, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(a) \$453,000 of the general fund—state appropriation for fiscal year 2022 and \$572,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the costs of hub home foster and kinship family constellations, and for a contract with an organization with expertise in implementing the hub home model with fidelity to provide technical assistance to hub home families and the department.

(b) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to support long-term implementation of the hub home model, including integrating the hub home model within the department's current and future service array and multiyear expansion planning. The department shall submit a preliminary report to the governor and appropriate legislative committees by December 1, 2022, and a final report to the governor and appropriate legislative committees by June 30, 2023, that details its progress and plans for long-term implementation of the hub home model.

(3) \$579,000 of the general fund—state appropriation for fiscal year 2022 and \$579,000 of the general fund—state appropriation for fiscal year 2023 and \$110,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(4) \$1,245,000 of the general fund—state appropriation for fiscal year 2022 and \$1,245,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for services provided through children's advocacy centers.

(5) In fiscal year 2022 and in fiscal year 2023, the department shall provide a tracking report for social service specialists and corresponding social services support staff to the office of financial management, and the appropriate policy and fiscal committees of the legislature. The report shall detail progress toward meeting the targeted 1:18 caseload ratio standard for child and family welfare services caseload-carrying staff and targeted 1:8 caseload ratio standard for child protection services caseload carrying staff. To the extent to which the information is available, the report shall include the following information identified separately for social service specialists doing case management work, supervisory work, and administrative support staff, and identified separately by job duty or program, including but not limited to intake, child protective services investigations, child protective services family assessment response, and child and family welfare services:

(a) Total full time equivalent employee authority, allotments and expenditures by region, office, classification and band, and job duty or program;

(b) Vacancy rates by region, office, and classification and band; and

(c) Average length of employment with the department, and when applicable, the date of exit for staff exiting employment with the department by region, office, classification and band, and job duty or program.

(6) \$94,000 of the general fund—state appropriation for fiscal year 2022 and \$94,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(7) (a) \$539,000 of the general fund—state appropriation for fiscal year 2022, \$1,000,000 of the general fund—state appropriation for fiscal year 2023, \$656,000 of the general fund private/local appropriation, and \$252,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, regions where backlogs of youth that have formerly requested educational outreach services exist, or youth with high educational needs. The department is encouraged to use private matching funds to maintain educational advocacy services.

(b) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(8) \$375,000 of the general fund—state appropriation for fiscal year 2022, \$375,000 of the general fund—state appropriation for fiscal year 2023, and \$112,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature regarding these strategies by November 1, 2022. The report shall include the number and percentage of parents requiring supervised visitation and the number and percentage of parents with unsupervised visitation, prior to reunification.

(9) For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to

the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(10) \$2,230,000 of the general fund—state appropriation for fiscal year 2022, \$2,230,000 of the general fund—state appropriation for fiscal year 2023, and \$156,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(11) \$197,000 of the general fund—state appropriation for fiscal year 2022 and \$197,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(12) \$6,195,000 of the general fund—state appropriation for fiscal year 2022, \$6,195,000 of the general fund—state appropriation for fiscal year 2023, and \$1,188,000 of the general fund—federal appropriation are provided solely for the department to operate emergent placement and enhanced emergent placement contracts.

(a) The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments and shall submit as part of the budget submittal documentation required by RCW 43.88.030 any costs associated with increases in the number of emergent placement contract beds after the effective date of this section that cannot be sustained within existing appropriations.

(b) Beginning October 1, 2021, and every quarter thereafter, the department shall publish on its website the rates or fees paid for emergent placement contracts, the number of beds retained, and the number of beds purchased. If the department determines that there is a need to increase the rates or fees paid or the number of beds retained or purchased under this subsection, the secretary shall request authorization from the office of financial management and notify the fiscal committees of the legislature.

(13) Beginning January 1, 2022, and continuing through the 2021-2023 fiscal biennium, the department must provide semi-annual reports to the governor and appropriate legislative committees that includes the number of in-state behavioral rehabilitation services providers and licensed beds, the number of out-of-state behavioral rehabilitation services placements, and a comparison of these numbers to the same metrics expressed as an average over the prior six months. The report shall identify separately beds with the enhanced behavioral rehabilitation services rate. Effective January 1, 2022, and to the extent the information is available, the report will include the same information for emergency placement services beds and enhanced emergency placement services beds.

(14) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing the supportive visitation model that utilizes trained visit navigators to provide a structured and positive visitation experience for children and their parents.

(15) \$600,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for enhanced adoption placement services for legally free children in state custody, through a partnership with a national nonprofit organization with private matching funds. These funds must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children with high needs.

(16) The department of children, youth, and families shall make foster care maintenance payments to programs where children are placed with a parent in a residential program for substance abuse treatment. These maintenance payments are considered foster care maintenance payments for purposes of forecasting and budgeting at maintenance level as required by RCW 43.88.058.

(17) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with one or more nonprofit, nongovernmental organizations to purchase and deliver concrete goods to low-income families.

(18) \$5,500,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for one-time \$250 per child grants to families on behalf of up to 22,000 children who may be at risk of child welfare system involvement and have experienced economic impacts of the COVID-19 pandemic.

(19) The department is authorized to use the amounts provided in this section for services and maintenance payments to former dependent youth as authorized and directed in the supporting foster youth and families through the pandemic act, P.L. 116-260, division X.

(20) \$387,000 of the general fund—state appropriation for fiscal year 2022, \$393,000 of the general fund—state appropriation for fiscal year 2023, and \$143,000 of the general fund—federal appropriation are provided solely to increase all fees paid to child-placing agencies by 7.5 percent, effective July 1, 2021.

(21)(a) \$739,000 of the general fund—state appropriation for fiscal year 2022, \$702,000 of the general fund—state appropriation for fiscal year 2023, and \$482,000 of the general fund—federal appropriation are provided solely for the department of children, youth, and families to create and implement a new approach to transition planning for young people

preparing to exit the child welfare system and juvenile rehabilitation institutions, pursuant to the recommendations in the *improving stability for youth exiting systems of care* report submitted in January 2020 as required by RCW 43.330.720. The department must engage young people, caregivers, providers, and other stakeholders in the creation and implementation of the approach by:

(i) Providing one statewide adolescent transitions program manager and six adolescent liaisons, one in each region of the department, who are dedicated to supporting the transition planning approaches developed by the department, providing program oversight, and supporting improved outcomes for adolescents during the transition to adulthood; and

(ii) Strengthening the administration and competency of the independent living program and direct independent living services. No later than June 1, 2022, the department must centralize administration of its independent living program and develop a framework for service delivery, including best practice recommendations. The framework must be codesigned with adolescents, caregivers, providers, and stakeholders. No later than June 30, 2022, the department must develop and launch a competitive request for proposal process to solicit bidders to provide independent living services under the new framework.

(b) No later than November 30, 2022, the department must report to the governor and appropriate legislative committees on the implementation of the new approach to transition planning, the new independent living framework, and the state's capacity to provide high-quality transition services, including independent living services, to youth and young adults exiting the child welfare system and juvenile rehabilitation institutions. The report must identify any remaining service gaps that prevent statewide implementation and address the additional resources needed to improve outcomes for young people exiting these systems of care.

(22) \$2,400,000 of the general fund—state appropriation for fiscal year 2022 and \$2,400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(23) The appropriations in this section include sufficient funding for continued implementation of chapter 80, Laws of 2018 (2SSB 6453) (kinship caregiver legal support).

(24) The appropriations in this section include sufficient funding to implement chapter 51, Laws of 2020 (SHB 2873) (families in conflict).

(25) \$511,000 of the general fund—state appropriation for fiscal year 2023 and \$153,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1219 (youth counsel/dependency).

(26) \$219,000 of the general fund—state appropriation for fiscal year 2022, \$208,000 of the general fund—state appropriation for fiscal year 2023, and \$295,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1061 (child welfare/developmental disability).

(27) \$451,000 of the general fund—state appropriation for fiscal year 2022 and \$662,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a community organization with expertise in the LifeSet case management model to serve youth and adults currently being served in or exiting the foster care, juvenile justice, and mental health systems to successfully transition to adulthood.

(28) \$326,000 of the general fund—state appropriation for fiscal year 2022, \$326,000 of the general fund—state appropriation for fiscal year 2023, and \$148,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1194 (parent-child visitation).

(29) \$499,000 of the general fund—state appropriation for fiscal year 2022, \$499,000 of the general fund—state appropriation for fiscal year 2023, and \$310,000 of the general fund—federal appropriation are provided solely to expand the family connections program in ~~((two))~~eight areas of the state in which the program is not already established as of the effective date of this section. One expansion site must be located west of the crest of the Cascade mountain range and the other expansion site must be located east of the crest of the Cascade mountain range. The program expansion must follow the family connections program model pursuant to RCW 74.13.715. To operate the ~~((two))~~eight expansion sites, the department must contract with a community-based organization that has experience working with the foster care population and administering the family connections program.

(30) \$25,000 of the general fund—state appropriation for fiscal year 2023 and \$25,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to implement Engrossed Second Substitute House Bill No. 1227 (child abuse allegations).

(31) If the department receives an allocation of federal funding through an unanticipated receipt, the department shall not expend more than what was approved or for another purpose than what was approved by the governor through the unanticipated receipt process pursuant to RCW 43.79.280.

(32) \$1,513,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a new behavioral rehabilitation services facility in Vancouver.

(33) \$449,000 of the general fund—state appropriation for fiscal year 2022, \$1,203,000 of the general fund—state appropriation for fiscal year 2023, and \$353,000 of the general fund—federal appropriation are provided solely for the department to revise and update its policies, procedures, and the state Title IV-E plan to reflect that it is appropriate to only refer child welfare cases to the department of social and health services division of child support enforcement when the court has found a child to have been abandoned by their parent or guardian as defined in RCW 13.34.030.

(34) \$800,000 of the general fund—state appropriation for fiscal year 2023 and \$200,000 of the general fund—federal appropriation are provided solely for the department to contract for a child welfare workload study, which must include an evaluation of workload impacts required by state and federal law and make recommendations for staffing models and system improvements.

(a) The study must consider, but is not limited to, enacted laws and forthcoming legislation related to child welfare such as the keeping families together act, chapter 211, Laws of 2021, and the family first prevention services act.

(b) The study must include, at a minimum, all child welfare case-carrying workers including but not limited to: Child protective services, child welfare case workers, and child welfare licensing staff, including foster care assessment, safety and monitoring, and child protective services licensing.

(c) The study must evaluate the workload impacts related to changes in the application of the federal Indian child welfare act, 25 U.S.C. Secs. 1901-1963 and the Washington state Indian child welfare act, chapter 13.38 RCW as required by *In re Dependency of G.J.A., A.R.A., S.S.A., J.J.A., and V.A.*, 197 Wn.2d 868 (2021) and *In re Dependency of Z.J.G. and M.E.J.G.*, 196 Wn.2d 152 (2020).

(d) The department must establish a steering committee inclusive of members who are familiar with public child welfare practice and who have had substantial experience with similar studies. The steering committee members will be appointed by the agency secretary and must include internal and external members.

(e) A final report must also include recommendations to streamline internal processes; to more equitably allocate staff and contracted resources statewide; to reduce workload through technology; to reduce staff attrition; and to increase direct service time. The report must be submitted to the governor and appropriate fiscal committees of the legislature by June 30, 2023.

(35) Within the amounts provided in this section, sufficient funding is provided for the department to contract with a community organization to administer monthly stipends to young adults who were impacted by the federal moratorium that prohibited states from discharging them from extended foster care due to age through September 30, 2021, and young adults who age out of extended foster care between October 1, 2021, and June 30, 2023. To the extent feasible, the organization must administer the monthly stipends at consistent amounts per young adult each month.

(36) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract for a systems assessment of state and federally funded services and benefits for young adults enrolled in or exiting extended foster care and make recommendations to improve the continuum of supports for the extended foster care population to support successful transitions to independent adulthood.

(a) The systems assessment must include, but is not limited to, the following:

(i) A survey of state and federally funded services and benefits, and the utilization of such services and benefits, including but not limited to economic services, housing programs and payment vouchers, independent living programs, educational supports, and access to postsecondary opportunities, including vocational training and placement programs, legal services, navigation assistance, and peer mentoring. The survey must examine how these services and benefits contribute to a continuum of supports for young adults enrolled in extended foster care and those who have exited since September 2021;

(ii) A young adult needs assessment, including collecting data on young adults enrolled in extended foster care and those who have exited since September 2021. The needs assessment must also gauge young adults' awareness of and ability to access the available services and benefits;

(iii) Identification of gaps or redundancies within the existing array of state and federally funded programs serving the extended foster care population;

(iv) Identification of funding sources or programs that could be used to address any gaps in the array of services and benefits available; and

(v) An assessment of the various data systems currently used or capable of being used to report on the young adult population served by the extended foster care program. The data assessment must include a discussion of any system limitations and recommendations to support future data tracking of outcomes for this population.

(b) The department and contractor must engage with state agencies administering relevant programs, contracted organizations serving the extended foster care population, and young adults currently in extended foster care and those who have exited since September 2021 to conduct the systems assessment. A status update must be submitted to the governor and appropriate fiscal and policy committees of the legislature by November 30, 2022. A final report must be submitted to the governor and appropriate fiscal and policy committees by June 30, 2023.

(37) \$492,000 of the general fund—state appropriation for fiscal year 2023 and \$133,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1747 (child relative placements). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(38) \$3,920,000 of the general fund—state appropriation for fiscal year 2022, \$15,679,000 of the general fund—state appropriation for fiscal year 2023, and \$4,302,000 of the general fund—federal appropriation are provided solely to, effective April 1, 2022, increase the hourly rate for contracted visitation providers, implement standards regarding Indian child welfare act quality enhancement and compliance in visitation contracts, and reimburse visitation providers for mileage travelled between zero and 60 miles. It is the intent of the



legislature that contracted visitation providers use funding provided in this subsection to increase hourly wages for visitation workers.

(39) \$767,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the child welfare housing assistance pilot program authorized in RCW 74.13.802.

(40) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the provision of SafeCare, an evidence-based parenting program, for families in Grays Harbor county.

(41) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to establish and implement two play-and-learn groups for families in Grays Harbor county.

(42) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with a clinic that treats prenatal substance exposure in children up to age 13 and that primarily serves families from Snohomish and King counties. It is the intent of the legislature that the department's contract with the clinic prioritize children for services who are at risk of being removed from their family home, who were recently reunified with their family following an out-of-home placement, who have experienced multiple out-of-home placements and are at risk of additional placements, and any other priority populations identified by the department.

(43) \$1,926,000 of the general fund—state appropriation for fiscal year 2022, \$7,704,000 of the general fund—state appropriation for fiscal year 2023, and \$3,745,000 of the general fund—federal appropriation are provided solely to increase the monthly rate paid to contracted behavioral rehabilitation services facilities to \$16,861.91 per youth, effective April 1, 2022. It is the intent of the legislature that the department's vendor contracts specify that the funding provided in this subsection is to increase the hourly wage for direct care workers, with the intent of the legislature to achieve at least \$25.00.

(44) \$650,000 of the general fund—state appropriation for fiscal year 2022, \$2,598,000 of the general fund—state appropriation for fiscal year 2023, and \$1,263,000 of the general fund—federal appropriation are provided solely to increase the monthly rate paid for contracted behavioral rehabilitation services therapeutic foster care to \$10,126.92 per youth, effective April 1, 2022. It is the intent of the legislature that the department's vendor contracts specify that funding provided in this subsection is provided to increase pass-through payments to therapeutic foster care homes.

(45) \$8,440,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase the reimbursement rates for combined in-home services providers as recommended in the October 2021 combined in-home services cost study.

(46) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$275,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for improving the financial capability of dependent youth.

(a) The department shall develop a report with recommendations of how to improve access to private, self-controlled bank accounts for dependent youth ages 14 and up as well as other strategies for improving financial capability of dependent youth. The department must consult with stakeholders on development of the recommendations and report. The report shall include but is not limited to an analysis of the following:

- (i) The documentation and information necessary for youth to establish bank accounts;
- (ii) Appropriate mechanisms to support youth in establishing the accounts;
- (iii) Issues related to compliance with current state and federal laws that could impact the availability of accounts and release of funds; and
- (iv) Data on the number of dependent youth, including youth in extended foster care, ages 14 and up with private, self-controlled bank accounts.

(b) The report must include recommendations on how to ensure statewide access to high quality, developmentally, and culturally appropriate financial education for dependent youth ages 12 and up.

(c) The report must include recommendations for statutory or policy changes, including the number of youth who have established a private self-controlled bank account, to implement the recommendations of the report.

(d) The analysis and recommendations are due to the appropriate committees of the legislature by December 1, 2022, in compliance with RCW 43.01.036.

(46) \$568,000 of the general fund—state appropriation for fiscal year 2023 and \$78,000 of the general fund—federal appropriation is provided solely for the phase-in of the settlement agreement under *D.S. et al. v. Department of Children, Youth, and Families et al.*, United States district court for the western district of Washington, cause no. 2:21-cv-00113-BJR. The department must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to monitoring and implementation.

(47) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization in Spokane that has experience administering a family-centered drug treatment and housing program for families experiencing substance use disorder. The amount provided in this subsection is intended to support the existing program while the department works to develop a sustainable model of the program and expand to new regions of the state.

**Sec. 1223.** 2022 c 297 s 228 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—JUVENILE REHABILITATION PROGRAM**  
General Fund—State Appropriation (FY 2022) . . . . . \$123,463,000

General Fund—State Appropriation (FY 2023) . . . . .	(\$131,424,000))
	<u>\$129,834,000</u>
General Fund—Federal Appropriation. . . . .	\$694,000
General Fund—Private/Local Appropriation. . . . .	(\$166,000))
	<u>\$254,000</u>
Washington Auto Theft Prevention Authority Account— State Appropriation. . . . .	(\$196,000))
	<u>\$98,000</u>
<b>TOTAL APPROPRIATION.....</b>	<b>(\$255,943,000))</b>
	<u><b>\$254,343,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,841,000 of the general fund—state appropriation for fiscal year 2022 and \$2,841,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to county juvenile courts for the programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the department of children, youth, and families for funding for program-specific participation and the department shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(2) \$1,537,000 of the general fund—state appropriation for fiscal year 2022 and \$1,537,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expansion of the juvenile justice treatments and therapies in department of children, youth, and families programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The department may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(3) (a) \$6,198,000 of the general fund—state appropriation for fiscal year 2022 and \$6,198,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(b) The department of children, youth, and families shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4) (a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The department of children, youth, and families shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for the assessment of low, moderate, and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency and mental health disposition alternative; and (vi) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the department of children, youth, and families and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(c) The department of children, youth, and families and the juvenile courts shall establish a block grant funding oversight committee with equal representation from the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the department of children, youth, and families and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (d) (ii) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(d) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the department of children, youth, and families and the Washington state institute for public policy related to program and outcome data. The department of children, youth, and families and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(4) \$645,000 of the general fund—state appropriation for fiscal year 2022 and \$645,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for funding of the teamchild project.

(5) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant program focused on criminal street gang prevention and intervention. The department of children, youth, and families may award grants under this subsection. The department of children, youth, and families shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the department of children, youth, and families on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(6) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(7) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to county juvenile courts to establish alternative detention facilities similar to the proctor house model in Jefferson county, Washington, that will provide less restrictive confinement alternatives to youth in their local communities. County juvenile courts shall apply to the department of children, youth, and families for funding and each entity receiving funds must report to the department on the number and types of youth serviced, the services provided, and the impact of those services on the youth and the community.

(8) \$432,000 of the general fund—state appropriation for fiscal year 2022 and \$432,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

(9) \$100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to assess the juvenile court assessment tool. The juvenile rehabilitation program shall contract with the Washington state institute for public policy to review the standardized juvenile court assessment tool to access whether it accurately determines eligibility criteria and properly assigns youth to programs that meet their needs. The institute must work in collaboration with the juvenile block grant proviso committee.

(10)(a) \$773,000 of the general fund—state appropriation for fiscal year 2022 and \$986,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1186 (concerning juvenile rehabilitation community transition services).

(b) Of the amounts provided in (a) of this subsection, \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$105,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for housing vouchers.

(11) \$128,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release).

(12) \$122,000 of the general fund—state appropriation for fiscal year 2022 and \$123,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5118 (supporting successful reentry).

(13) Sufficient funding is provided within this section for implementation of Engrossed Second Substitute Senate Bill No. 5304 (reentry services/state and local institutions).

(14) Within existing resources, the department shall evaluate the Martin hall juvenile detention facility located in Medical Lake as an option for increased capacity needs for the juvenile rehabilitation program.

(15) \$711,000 of the general fund—state appropriation for fiscal year 2022 and \$848,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 2050 (parent pay/child detention). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(16)(a) The block grant oversight committee, as defined in RCW 13.40.511, shall work in collaboration with the Washington state institute for public policy, the University of Washington's evidence-based practice institute, and the children and family and early learning divisions of the department of children, youth, and families to develop recommendations for the expansion of community juvenile accountability programs funded through juvenile court block grant funding provided by the juvenile rehabilitation division of the department of children, youth, and families and the juvenile courts. The committee's recommendations shall include consideration of the expansion of:

- (i) Block grant funding to community juvenile programs that provide services to juveniles assessed as low risk;
  - (ii) Block grant funding to community juvenile programs that provide services that are not solely focused on reducing recidivism;
  - (iii) Available block grant funding needed to complete evaluations of programs such that more programs may be evaluated to be classified as evidence-based; and
  - (iv) Classifications used by the Washington state institute for public policy to demonstrate the effectiveness of programs provided by juvenile court.
- (b) The block grant oversight committee must report its findings and recommendations to the appropriate committees of the legislature by November 1, 2022.
- (17) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the juvenile rehabilitation administration to contract with a peer navigator program that currently mentors and assists with the needs of justice-involved youth and young adults who are from the city of Federal Way and who are currently residing at the Green Hill school. The mentorship program must provide peer coaching and support by aiding in the personal and professional development of incarcerated youth and young adults through life skills, job readiness, youth leadership, and results-based projects.
- (18) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$156,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for two juvenile education-security staff positions for juvenile rehabilitation's GED education programs. One education-security position must be located at the Echo Glen children's center to assist with the open doors program and one education-security position must be located at the Green Hill school. The goal of the education-security positions is to provide dependable, daily education opportunities for students participating in the GED programs located at the respective institutional facilities. The education-security positions are responsible for providing daily escort to and from the classroom for students attending school and for providing classroom management during the period while students are attending classes.
- (19) \$2,100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for maintaining staffing levels at juvenile rehabilitation facilities independent from fluctuating caseloads.
- (20) The department of children, youth, and families—juvenile rehabilitation must cease new placements at the Naselle youth camp, with the goal of closing the camp by June 30, 2023. It is the intention of the legislature after the closure to transfer management of the Naselle youth camp land and facilities to the department of natural resources in the 2023-2025 fiscal biennium and develop the facilities into an outdoor school. The department must assist the department of natural resources and the office of the superintendent of public instruction with the proposal on the use of the Naselle youth camp for an outdoor school as needed pursuant to section 310 of this act.
- (21) \$1,000 of the general fund—state appropriation for fiscal year 2023 is for implementation of Senate Bill No. 5657 (juvenile instit./comp sci).

**Sec. 1224.** 2022 c 297 s 229 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—EARLY LEARNING PROGRAM**

General Fund—State Appropriation (FY 2022)	\$327,631,000
General Fund—State Appropriation (FY 2023)	(( <del>\$402,195,000</del> ))
	<u>\$406,756,000</u>
General Fund—Federal Appropriation	(( <del>\$1,070,579,000</del> ))
	<u>\$1,106,032,000</u>
General Fund—Private/Local Appropriation	\$100,000
Education Legacy Trust Account—State Appropriation	\$28,172,000
Home Visiting Services Account—State Appropriation	\$25,579,000
Home Visiting Services Account—Federal Appropriation	\$29,776,000
Washington Opportunity Pathways Account—State Appropriation	\$80,000,000
Workforce Education Investment Account—State Appropriation	\$8,482,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$1,972,514,000</del>))</b>
	<b><u>\$2,012,528,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) (a) \$82,040,000 of the general fund—state appropriation for fiscal year 2022, \$132,776,000 of the general fund—state appropriation for fiscal year 2023, \$24,070,000 of the education legacy trust account—state appropriation, \$80,000,000 of the opportunity pathways account—state appropriation, and \$25,452,000 of the general fund—federal appropriation (CRRSA/GEER) are provided solely for the early childhood education and assistance program. These amounts shall support at least 15,162 slots in fiscal year 2022 and 16,278 slots in fiscal year 2023. Of the total slots in each fiscal year, 100 slots must be reserved for foster children to receive school-year-round enrollment.
- (b) Of the amounts provided in this subsection, \$14,930,000 of the general fund—state appropriation for fiscal year 2023 and \$14,889,000 of the general fund—federal appropriation (CRRSA/GEER) are for a slot rate increase of ten percent beginning July 1, 2021. The funding provided in this subsection is sufficient for the department to increase rates according to

inflation, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.), beginning in fiscal year 2023 and annually thereafter.

(c) Of the amounts provided in this subsection, \$2,664,000 of the general fund—state appropriation for fiscal year 2023 is provided to convert 777 part day slots to full day slots in fiscal year 2023.

(d) Of the amounts provided in this subsection, \$409,000 of the general fund—state appropriation for fiscal year 2022 and \$859,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a \$54 per slot quality support rate, which will increase by 1.5 percent annually beginning in fiscal year 2024.

(e) Of the amounts provided in this subsection, \$1,358,000 of the general fund—state appropriation for fiscal year 2022 and \$4,612,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide early childhood education and assistance program services during summer 2022 to 2,212 (~~part~~) school day program slots, including 2,011 slots in an in-person learning program and 201 slots provided other additional services.

(f) The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(3) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies.

(4) The legislature recognizes that the federal government has provided substantial additional funding through the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. and the American rescue plan act of 2021, P.L. 117-2. The purpose of the additional federal funding is to ensure access to affordable child care and to stabilize and support child care providers from the effects of the COVID-19 pandemic. The legislature intends with the passage of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.) to implement these federal purposes by expanding eligibility for subsidized child care, reducing parent copayments, increasing provider base rates to recognize increased costs, and providing other financial support to stabilize the child care sector to remain open or to reopen. The legislature finds that the state lacked the fiscal capacity to make these investments and the additional federal funding has provided the opportunity to supplement state funding to expand and accelerate child care access, affordability, and provider support as the state navigates the COVID-19 pandemic and its aftermath.

(5) \$39,723,000 of the general fund—state appropriation in fiscal year 2022, (~~(\$54,505,000)~~) \$34,062,000 of the general fund—state appropriation in fiscal year 2023, \$8,482,000 of the workforce education investment account—state appropriation, (~~(\$293,375,000)~~) \$242,980,000 of the general fund—federal appropriation, \$59,893,000 of the general fund—federal appropriation (CARES), \$98,723,000 of the general fund—federal appropriation (CRRSA), and \$153,814,000 of the general fund—federal appropriation (ARPA) are provided solely for the working connections child care program under RCW 43.216.135. Of the amounts provided in this subsection:

(a) The department of children, youth, and families shall work in collaboration with the department of social and health services to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families. Effective December 1, 2022, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(b) \$6,390,000 is for the compensation components of the 2021-2023 collective bargaining agreement covering family child care providers as provided in section 947 of this act. Of the amounts provided in this subsection:

(i) \$4,410,000 is for a 35 cent per hour per child rate increase for family, friends, and neighbor providers (FFNs) beginning July 1, 2022;

(ii) \$854,000 is to increase the rate paid to providers who reach level 3.5 of the state's early achievers quality rating system by two percent beginning July 1, 2021; and

(iii) \$1,126,000 is to increase the nonstandard hour care rate by \$10.00 per child per month beginning July 1, 2021.

(c) \$42,562,000 of the general fund—federal appropriation (ARPA) and \$2,785,000 of the general fund—federal appropriation (CRRSA) are provided solely for the implementation of an agreement reached between the governor and the service employees international union local 925 for a cost of care rate enhancement for family child care providers under the provisions of chapter 41.56 RCW for fiscal year 2023 as provided in section 940 of this act.

(d) \$45,935,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a 16 percent subsidy base rate enhancement for child care centers for fiscal year 2023.

(e) It is the intent of the legislature to continue to rebase child care provider subsidy base rates to the 85th percentile of market in subsequent fiscal biennia.

(f) \$59,893,000 of the general fund—federal appropriation (CARES), \$65,925,000 of the general fund—federal appropriation (CRRSA), and \$99,918,000 of the general fund—federal appropriation (ARPA) are provided solely for enhancements to the working connections child care (~~(connections)~~) program, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). Of the amounts provided in this subsection:

(i) \$28,759,000 of the general fund—federal appropriation (CARES), \$11,993,000 of the general fund—federal appropriation (CRRSA), and \$35,979,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of reduced household child care monthly copayments. For households at or below 50 percent of the state median income, copayments are capped at \$115 through January 1, 2022, and \$90 from January 1, 2022, through fiscal year 2023. For households at or below 60 percent of the state median income, copayments are capped at \$115 through June 30, 2023.

(ii) \$31,134,000 of the general fund—federal appropriation (CARES), \$40,195,000 of the general fund—federal appropriation (CRRSA), and \$45,476,000 of the general fund—federal appropriation (ARPA) are provided solely to increase subsidy base rates to the 85th percentile of market for child care providers. The state and the representative for family child care providers must enter into bargaining over the implementation of subsidy rate increases, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

(iii) \$3,930,000 of the general fund—federal appropriation (CRRSA) and \$4,903,000 of the general fund—federal appropriation (ARPA) are provided solely to waive work requirements for student parents utilizing the working connections child care program.

(iv) \$6,726,000 of the general fund—federal appropriation (CRRSA) and \$10,633,000 of the general fund—federal appropriation (ARPA) are provided solely to expand eligibility for the working connections child care program to households at or below 60 percent of state median income, beginning October 1, 2021.

(v) \$1,549,000 of the general fund—federal appropriation (CRRSA) and \$982,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to implement an infant rate enhancement for child care providers.

(g) \$21,215,000 of the general fund—federal appropriation (CRRSA) is provided solely for enrollment based payments from April 2022 through June 2022.

(h) On July 1, 2021, and July 1, 2022, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(i) A summary of the number of overpayments that occurred;

(ii) The reason for each overpayment;

(iii) The total cost of overpayments;

(iv) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(v) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(6) Within available amounts, the department in consultation with the office of financial management shall report enrollments and active caseload for the working connections child care program to the governor and the legislative fiscal committees and the legislative-executive WorkFirst poverty reduction oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(7) \$623,000 of the general fund—state appropriation for fiscal year 2022, \$935,000 of the general fund—state appropriation for fiscal year 2023, and \$6,701,000 of the general fund—federal appropriation are provided solely for the seasonal child care program.

(8) \$871,000 of the general fund—state appropriation for fiscal year 2022 and \$871,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department of children, youth, and families to contract with a countywide nonprofit organization with early childhood expertise in Pierce county for a pilot project to prevent child abuse and neglect using nationally recognized models.

(a) The nonprofit organization must continue to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(b) The nonprofit organization must offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore,

it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by September 1, 2022.

(9)(a) \$5,899,000 of the general fund—state appropriation for fiscal year 2022 and \$8,382,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall pursue opportunities to leverage other funding to continue and expand ECLIPSE services. Priority for services shall be given to children referred from the department.

(b) Of the amounts provided in this subsection (9), \$1,246,000 of the general fund—state appropriation for fiscal year 2022 and \$3,719,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the expansion of ECLIPSE services, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). Funding provided for the expansion of services is intended to serve new geographic areas not currently served by ECLIPSE services.

(10) The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In a bi-annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements.

(11) \$1,728,000 of the general fund—state appropriation for fiscal year 2022 and \$1,728,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(12) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(13) \$4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(14) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(15) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 202, Laws of 2017 (children's mental health).

(16) Within existing resources, the department shall implement chapter 409, Laws of 2019 (early learning access).

(17)(a) \$7,355,000 of the general fund—state appropriation for fiscal year 2022, \$11,126,000 of the general fund—state appropriation for fiscal year 2023, \$11,032,000 of the general fund—federal appropriation (CRRSA), and \$9,632,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). The legislature intends for the appropriations provided in this subsection to stabilize and support child care providers and early learning contractors and to expand families' access to affordable, quality child care and early learning during and after the COVID-19 public health emergency. Of the amounts provided in this subsection:

(i) \$2,535,000 of the general fund—state appropriation for fiscal year 2022, \$2,535,000 of the general fund—state appropriation for fiscal year 2023, and \$4,604,000 of the general fund—federal appropriation (CRRSA) are provided solely for the implementation of complex needs funds.

(ii) \$966,000 of the general fund—federal appropriation (CRRSA) and \$1,836,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of trauma-informed care supports.

(iii) \$180,000 of the general fund—state appropriation for fiscal year 2022 and \$3,200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement dual language rate enhancements.

(iv) \$671,000 of the general fund—state appropriation for fiscal year 2022, \$656,000 of the general fund—state appropriation for fiscal year 2023, and \$3,982,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of equity grants.

(v) \$773,000 of the general fund—state appropriation for fiscal year 2022, \$958,000 of the general fund—state appropriation for fiscal year 2023, \$1,500,000 of the general fund—federal appropriation (CRRSA), and \$900,000 of the general fund—federal appropriation (ARPA) are provided solely for infant and early childhood mental health consultation.

(vi) \$365,000 of the general fund—federal appropriation (CRRSA) and \$495,000 of the general fund—federal appropriation (ARPA) are provided solely for the expansion of family, friend, and neighbor child care play and learn groups.

(vii) \$930,000 of the general fund—state appropriation for fiscal year 2022, \$1,075,000 of the general fund—state appropriation for fiscal year 2023, \$3,597,000 of the general fund—federal appropriation (CRRSA), and \$2,419,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of trainings, early achievers scholarships, and other professional development activities. Amounts provided in this subsection may be used to contract with a nonprofit organization that provides relationship-based professional development support to family, friend, and neighbor, child care center, and licensed family care providers.

(viii) \$1,585,000 of the general fund—state appropriation for fiscal year 2022 and \$2,196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to expand the birth-to-three early childhood education and assistance program.

(ix) \$421,000 of the general fund—state appropriation for fiscal year 2022 and \$408,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to collaborate with the department of commerce on technical assistance to employers interested in providing child care to employees.

(b) The state and the representative for family child care providers must enter into bargaining over the implementation of grants and rate increases included in this proviso, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

(18) \$265,000 of the general fund—state appropriation for fiscal year 2022 and \$265,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a statewide family resource and referral linkage system, with coordinated access point of resource navigators who will connect families with children prenatal through age five with services, programs, and community resources through a facilitated referral and linkage process.

(19) (a) \$414,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to establish a pilot project to determine the feasibility of a child care license category for multi-site programs operating under one owner or one entity. The department shall adopt rules to implement the pilot project and may waive or adapt licensing requirements when necessary to allow for the operation of a new license category. Pilot participants must include, at least:

- (i) One governmental agency;
- (ii) One nonprofit organization; and
- (iii) One for-profit private business.

(b) New or existing license child care providers may participate in the pilot. When selecting and approving pilot project locations, the department shall aim to select a mix of rural, urban, and suburban locations. By July 1, 2024, the department shall submit to the relevant committees of the legislature recommendations on whether to permanently implement this license category and what, if any, changes are needed to law to accomplish this.

(20) (a) \$2,771,000 of the home visiting account—state appropriation for fiscal year 2022, \$5,299,000 of the home visiting account—state appropriation for fiscal year 2023, and \$3,000,000 of the general fund—federal appropriation (ARPA) are provided to expand home visiting services, enhance data collection, and support the local implementing agencies providing home visiting services. The department shall:

(i) Contract with local implementing agencies to expand home visiting services by October 1, 2021; and

(ii) Provide semiannual updates to the home visiting advisory committee established in RCW 43.216.130 that includes an updated number of families served in home visiting programs and a status of the home visiting services account balance.

(iii) The home visiting advisory committee established in RCW 43.216.130 shall make recommendations to the department and the legislature by June 1, 2022, containing strategies for supporting home visiting providers and serving additional families. Recommendations should include, but are not limited to, strategies in the 2019 report to the legislature *Opportunities and Considerations for Expanding Home Visiting Services in Washington State*, such as enhancing data system collections and reporting, professional development supports, and rate adjustments to reimburse for the true cost of service delivery.

(b) Of the amounts provided in (a) of this subsection, \$2,528,000 of the home visiting account—state appropriation for fiscal year 2023 and \$3,000,000 of the general fund—federal appropriation (ARPA) are ~~((provided))~~ for additional home visiting services in order to implement Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.).

(21) The appropriations in this section are sufficient funding to implement section 29 of Substitute Senate Bill No. 5151 (foster care & child care).

(22) (a) \$390,600 of the general fund—federal appropriation (ARPA) and \$9,400,000 of the general fund—federal appropriation (CARES) are provided solely for the department to distribute grants to child care providers to stabilize the child care industry as part of the state's response to the COVID-19 public health emergency. Child care providers are eligible for grants if they are eligible for child care development fund moneys or if they are licensed, regulated, or registered within the state. The funding provided in this subsection must be expended consistent with federal law. Of the amounts provided in this subsection:

(i) ~~((\$27,342,000))~~ \$14,342,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to administer the grant program, including but not limited to costs related to creating and administering the online grant application, providing



technical assistance and support for applying for and accessing the grants, publicizing the availability of the grants, and processing applications on a rolling basis.

(ii) \$11,718,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to contract with an organization to provide language access support to child care providers during the grant application process, including but not limited to translation services, community-based support related to the grant application process, and other grant application support.

(iii) \$351,540,000 of the general fund—federal appropriation (ARPA) and \$9,400,000 of the general fund—federal appropriation (CARES) are provided solely for child care stabilization grants to eligible child care providers as defined in section 2202 of the American rescue plan act of 2021 (ARPA). In applying for grants, child care providers are expected to meet the certification requirements defined in section 2202(d)(2)(D)(i) of ARPA. To the extent practicable, at least 10 percent of each grant awarded to an eligible child care provider must be used for compensation increases to employees working at a provider's facility. The department must make its best efforts to distribute 75 percent of the funding provided in this subsection by January 1, 2022, with the remaining 25 percent distributed by June 30, 2022. To the extent practicable, the department must prioritize: Providers in child care deserts; providers serving or located in marginalized, low-income communities or communities of color; and providers that help support racial equity across the state. In processing applications, to the extent practicable the department must also prioritize grant applications that include funding for the following purposes:

- (A) Rent or mortgage payments;
- (B) Copayment or tuition waivers for families receiving care, including refunds or credits to families who are not attending but are paying tuition in order to maintain a child's spot in the facility;
- (C) Child care for historically disadvantaged populations;
- (D) Child care during the summer months;
- (E) Child care during nonstandard hours;
- (F) Child care for school-age children;
- (G) Outreach to families who may have stopped attending due to cost;
- (H) Mental health supports for children and employees;
- (I) Broadband access for child care providers that care for school-age children; and
- (J) Personnel costs, including compensation, benefits, health care premium pay, or paid leave.

(iv) \$13,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to administer noncompetitive workforce retention grants that will provide a one-time payment to on-site workers at providers meeting the licensing requirements outlined in (a) of this subsection (22) and who previously applied for a child care stabilization grant. The one-time payments will be the same amount for each worker. The department must make its best effort to distribute the funding by October 31, 2022.

(b) Nothing in this subsection changes the department's responsibility to collectively bargain over mandatory subjects consistent with RCW 41.56.028(3) or limits the legislature's authority to make programmatic modifications to licensed child care and early learning programs consistent with legislative reservation of rights under RCW 41.56.028(4)(d).

(23) \$500,000 of the general fund—federal appropriation (CARES) is provided solely for the department to hire two temporary language access coordinators with specialties in Spanish and Somali to address immediate language access needs at the department related to COVID-19 child care relief and recovery in department programs, including but not limited to:

- (a) Translation of department materials;
- (b) Outreach to community organizations serving multilingual children and families regarding department programs;
- (c) Webinars and other technical assistance provided in Spanish and Somali for department programs; and

(d) Other means of increasing language access and equity for early learning providers and caregivers in health and safety, licensing and regulations, and public funding opportunities for programs offered by the department.

(24) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$30,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to convene a work group that assesses and provides recommendations for creating new infrastructures and funding streams that support youth development. The work group must include representatives from community-based organizations providing youth development programs, including expanded learning, mentoring, school age child care, and wrap around supports and integrated student support. The department must report its findings and recommendations to the governor and legislature by September 1, 2022. The report must include the following recommendations:

- (a) Programmatic changes for breaking down silos and barriers for youth programming between state agencies;
- (b) The appropriate program within the department to develop meaningful youth-level, research-based prevention and promotion outcomes, and to support community-based organizations providing those outcomes;
- (c) The establishment of a state grant program to provide quality youth development opportunities for children and youth ages five through high school graduation; and
- (d) Strategies to increase access to youth development programs for prioritized populations such as children of color, foster children, children experiencing homelessness, and children involved in the justice system.

(25) \$5,548,000 of the general fund—federal appropriation (ARPA) is provided solely for allocations from federal funding as authorized in section 2014, the American rescue plan act of 2021, P.L. 117-2.

(26) (a) The department must provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license-exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(b) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(c) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(d) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data every March for the previous school year.

(e) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(27) Funding in this section is sufficient for the department to collaborate with the department of commerce to jointly convene and facilitate a child care collaborative task force to continue the work of the task force created in chapter 368, Laws of 2019 (2SHB 1344) to establish a true cost of quality of child care. The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by November 1, 2022.

(28) \$900,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to provide early childhood education and assistance program services during July and August of 2021 to address learning loss and to meet the unique educational and other needs of 468 children whose enrollment was interrupted or delayed due to the COVID-19 public health emergency.

(29) \$260,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to implement an infant and early childhood mental health consultation initiative to support tribal child care and early learning programs. Funding may be used to provide culturally congruent infant and early childhood mental health supports for tribal child care, tribal early childhood education and assistance program, and tribal head start providers. The department must consult with federally recognized tribes which may include round tables through the Indian policy early learning committee.

(30) \$640,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to help expand and support family, friend, or neighbor caregivers with a focus on the provision of play and learn groups. Funding provided in this subsection may be used for the department to:

(a) Fund consistent staffing across the state's six geographic regions to support the needs of family, friend, or neighbor caregivers;

(b) Contract with a statewide child care resource and referral program to sustain and expand the number of facilitated play groups to meet the needs of communities statewide;

(c) Support existing infrastructure for organizations that have developed the three existing play and learn program models so they have capacity to provide training, technical assistance, evaluation, data collection, and other support needed for implementation; and

(d) Provide direct implementation support to community-based organizations that offer play and learn groups.

(31) \$1,267,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to pay the application and fingerprint processing fees on behalf of child care providers to reduce the time involved to complete background checks.

(32) \$900,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington communities for children for costs to complete its work pursuant to a federal preschool development grant that expires at the end of calendar year 2022. Allowable costs are only those incurred from January 2023 through June 2023.

**Sec. 1225.** 2022 c 297 s 230 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—PROGRAM SUPPORT**

General Fund—State Appropriation (FY 2022)	\$192,655,000
General Fund—State Appropriation (FY 2023)	(((\$207,977,000))
	<u>\$231,197,000</u>
General Fund—Federal Appropriation	(((\$190,601,000))
	<u>\$168,612,000</u>
General Fund—Private/Local Appropriation	(((\$459,000))
	<u>\$579,000</u>
Education Legacy Trust Account—State Appropriation	\$180,000

Home Visiting Services Account—State Appropriation. . . . .	\$472,000
Home Visiting Services Account—Federal Appropriation. . . . .	\$380,000
<b>TOTAL APPROPRIATION.....</b>	<b>(\$592,724,000)</b>
	<u>\$594,075,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a Washington state mentoring organization to continue its public-private partnerships providing technical assistance and training to mentoring programs that serve at-risk youth.

(2) (a) \$1,000 of the general fund—state appropriation for fiscal year 2022, \$1,000 of the general fund—state appropriation for fiscal year 2023, and \$2,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 945 of this act.

(b) \$6,000 of the general fund—state appropriation for fiscal year 2023 and \$2,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for fiscal year 2023 as provided in section 938 of this act.

(3) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a full-time employee to coordinate policies and programs to support pregnant and parenting individuals receiving chemical dependency or substance use disorder treatment.

(4) \$505,000 of the general fund—state appropriation for fiscal year 2022 and \$505,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to collaborate with the office of the superintendent of public instruction to complete a report with options and recommendations for administrative efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies and consistent with implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care dev. exp.). The report, due September 1, 2022, shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings with inclusive facilities and operations, fiscal modeling, statutory changes needed to achieve administrative efficiencies, and all other requirements of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.).

(5) Within existing resources, the department shall submit a brief report to the governor and appropriate legislative committees by December 1, 2022, outlining options for creating a new dedicated account for adoption support that will meet 42 U.S.C. Sec. 473 requirements. The report shall include a methodology for calculating savings in a manner that can be incorporated into the adoption support forecast budget process, statutory needs, and expenditure guidelines for the account.

(6) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a statewide nonprofit with demonstrated capability of partnering with state agencies and community organizations to develop public-facing regionalized data dashboards and reports to support the goals of the department and the early learning advisory council, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early learning dev. exp.).

(7) \$2,500,000 of the general fund—state appropriation for fiscal year 2022, \$2,500,000 of the general fund—state appropriation for fiscal year 2023, and \$5,000,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1227 (child abuse allegations).

(8) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$20,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5118 (reentry).

(9) \$6,532,000 of the general fund—state appropriation for fiscal year 2022, \$7,385,000 of the general fund—state appropriation for fiscal year 2023, and \$6,083,000 of the general fund—federal appropriation (CRRSA) are provided solely for the department to migrate the social service payment system to a cloud-based payment system in order to implement child care stabilization grants, child care subsidy rate enhancements, and other payments intended to support child care providers during and after the COVID-19 public health emergency, to implement changes to the social service payment system necessary to implement these payments, and for other improvements necessary for the successful implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). The amounts in this section are subject to the conditions, limitations, and review provided in section 701 of this act.

(10) \$250,000 of the general fund—federal appropriation (CARES) is provided solely for the department to develop or contract to develop a language access plan that addresses equity and access for immigrant, multilingual providers, caregivers, and families. The plan must be submitted to the appropriate committees of the legislature by June 30, 2022. The plan must include, but is not limited to, the following:

(a) A needs assessment and staffing recommendation for program accessibility at the department for individuals with limited English and a geographic landscape analysis of

language needs for providers, caregivers, and families in their interactions with the department;

(b) A review of successful language access policies and practices in public agencies to effectively address the needs of non-English speaking families, providers, and other stakeholders;

(c) An alignment of best practices across the department in multilingual workforce development;

(d) A framework for proactive community engagement to provide child care providers, early learning providers, or families that speak languages other than English access to information and support in navigating English-dominant state resources at the department;

(e) Recommendations for a continuous improvement model of measuring progress and success in language access at the department; and

(f) Compliance with federal and state laws at the department.

(11) \$40,000 of the general fund—federal appropriation (CRRSA) is provided solely for the department to establish a process for informing, upon clearance of required background checks, employees of licensed family home, center-based, and outdoor nature-based childcares about available financial supports and options for accessing health coverage. On at least an annual basis, no less than 45 days before the start of open-enrollment, the department must share with the health benefits exchange (exchange) and designated navigator organizations, but no additional third-party entity, workforce data identifying licensed childcare employees for the sole purpose of outreach, enrollment, verification, and other program implementation activities identified by the exchange. The department must share with the exchange and designated navigator organizations, but no additional third-party entity, workforce data identifying newly licensed childcare employees on an ongoing basis as needed during the plan year for the sole purpose of outreach, enrollment, verification, and other program implementation activities identified by the exchange.

(12) \$1,494,000 of the general fund—federal appropriation is provided solely for the department to implement the family first prevention services act requirements, including technology enhancements to support the automated assessments, data quality, and reporting requirements. Funding provided in this subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(13) \$267,000 of the general fund—state appropriation for fiscal year 2022, \$717,000 of the general fund—state appropriation for fiscal year 2023, and \$223,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency).

(14) \$85,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed/release).

(15) \$848,000 of the general fund—state appropriation for fiscal year 2022, \$848,000 of the general fund—state appropriation for fiscal year 2023, and \$384,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1194 (parent-child visitation).

(16) \$1,292,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to expand its housing pilot to two additional sites. The housing pilot will serve hard-to-place foster youth who are at least 16 years old with housing and intensive case management.

(17) \$32,000 of the general fund—state appropriation for fiscal year 2022, \$64,000 of the general fund—state appropriation for fiscal year 2023, and \$24,000 of the general fund—federal appropriation are provided solely for the extraordinary litigation expenses of the attorney general's office related to the case of *D.S., et al. v. DCYF*, United States district court western district of Washington case no. 2:21-cv-00111-BJR.

(18) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with a nonprofit organization to provide culturally relevant support services to children and families when a child is removed from their parents due to potential abuse or neglect as defined in RCW 26.44.020(1). The nonprofit organization must have experience providing culturally relevant support services to children and families through daycare, the early childhood education and assistance program, and department of social and health services contracted services.

(19) \$65,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1747 (child relative placements). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(20) \$341,000 of the general fund—state appropriation for fiscal year 2023 and \$85,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1905 (homelessness/youth discharge). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(21) \$26,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2068 (imagination library). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(22) \$30,000 of the general fund—state appropriation for fiscal year 2022 and \$70,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department of children, youth, and families to partner with the department of commerce to codesign community-based family reconciliation services to assess and stabilize youth and families in crisis through primary prevention services. The codesign team shall include youth and families with lived experience, tribes, child welfare professionals, community-based

providers, and representatives from state and local agencies, including the department of social and health services, the health care authority, the office of the superintendent of public instruction, the employment security department, and juvenile court administrators. The codesign team must develop a community-based family reconciliation services program model that addresses entry points to services, program eligibility, utilization of family assessments, provision of concrete economic supports, referrals to and utilization of in-home services, and the identification of trauma-informed and culturally responsive practices. Preliminary recommendations from the codesign team must be submitted to the governor and appropriate legislative committees no later than December 1, 2022, with the annual family reconciliation services data required under RCW 13.32A.045.

(23) \$83,000 of the general fund—state appropriation for fiscal year 2023 and \$12,000 of the general fund—federal appropriation is provided solely for the phase-in of the settlement agreement under D.S. et al. v. Department of Children, Youth, and Families et al., United States district court for the western district of Washington, cause no. 2:21-cv-00113-BJR. The department must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to monitoring and implementation.

(End of part)

**PART XIII  
NATURAL RESOURCES  
SUPPLEMENTAL**

**Sec. 1301.** 2022 c 297 s 301 (uncodified) is amended to read as follows:

**FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund—State Appropriation (FY 2022)	\$752,000
General Fund—State Appropriation (FY 2023)	(( <del>\$845,000</del> ))
	<u>\$1,195,000</u>
General Fund—Federal Appropriation	\$32,000
General Fund—Private/Local Appropriation	\$1,374,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$3,003,000</del>))</b>
	<u><b>\$3,353,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$94,000 of the general fund—state appropriation for fiscal year 2022 and \$94,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a land use planner to provide land use planning services dedicated to Klickitat county. Because the activities of the land use planner are solely for the benefit of Washington state, Oregon is not required to provide matching funds for this activity.

(2) \$88,000 of the general fund—state appropriation for fiscal year 2022, \$125,000 of the general fund—state appropriation for fiscal year 2023, and \$213,000 of the general fund—private/local appropriation are provided solely for the access database replacement project, and is subject to the conditions, limitations, and review provided in section 701 of this act.

**Sec. 1302.** 2022 c 297 s 303 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM**

General Fund—Federal Appropriation	(( <del>\$754,000</del> ))
	<u>\$951,000</u>
Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State Appropriation	(( <del>\$957,000</del> ))
	<u>\$952,000</u>
Pollution Liability Insurance Program Trust Account— State Appropriation	(( <del>\$1,427,000</del> ))
	<u>\$1,422,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$3,138,000</del>))</b>
	<u><b>\$3,325,000</b></u>

**Sec. 1303.** 2022 c 297 s 304 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund—State Appropriation (FY 2022)	\$29,496,000
General Fund—State Appropriation (FY 2023)	(( <del>\$33,312,000</del> ))
	<u>\$33,914,000</u>
General Fund—Federal Appropriation	\$7,154,000
Winter Recreation Program Account—State Appropriation	\$4,906,000
Millersylvania Park Current Account—State Appropriation	\$5,000
ORV and Nonhighway Vehicle Account—State Appropriation	\$387,000

Snowmobile Account—State Appropriation. . . . .	\$5,682,000
Aquatic Lands Enhancement Account—State Appropriation. . . . .	\$367,000
Parks Renewal and Stewardship Account—State Appropriation. . . . .	(((\$142,302,000)) \$143,710,000
Parks Renewal and Stewardship Account—Private/Local Appropriation. . . . .	\$420,000
<b>TOTAL APPROPRIATION</b> .....	<b>(((\$224,031,000)) \$226,041,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$129,000 of the general fund—state appropriation for fiscal year 2022 and \$129,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) \$406,000 of the general fund—state appropriation for fiscal year 2022, \$322,000 of the general fund—state appropriation for fiscal year 2023, and \$88,000 of the parks renewal and stewardship account—state appropriation are provided solely for operating budget impacts from capital budget projects funded in the 2019-2021 fiscal biennium.

(4) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$464,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an update to the Seashore conservation area survey and plan.

(5) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to hire a diversity, equity, and inclusion coordinator to expand the diversity of the agency's workforce.

(6) \$85,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the facilitation of a work group that includes representation from the state parks and recreation commission, the commission on African American affairs, and stakeholders with expertise of the black experience in outdoor recreation to identify barriers to inclusion and develop recommendations to increase participation of Black Washingtonians in the state parks system and other outdoor recreation spaces and public parks. The work group will be selected by the governor's office and will consist of at least twelve participants representing diverse geographic, socioeconomic, and experiential backgrounds. The parks commission will enter into an interagency agreement with the commission on African American affairs to procure a contractor to facilitate the work group and develop a report with recommendations. The amount provided in this subsection may also be used for a survey or focus group to assess the needs of Black Washingtonians related to state parks and outdoor recreation. The work group will submit a report to the governor's office and appropriate committees of the legislature no later than April 1, 2022.

(7) \$7,900,000 of the general fund—state appropriation for fiscal year 2022 and \$7,900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to increase customer service, conduct more custodial maintenance, expand interpretive services, accelerate work on preventative maintenance and improve the conditions of park facilities, and expand public safety.

(8) \$90,000 of the general fund—state appropriation for fiscal year 2022 and \$6,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data).

(9) \$76,000 of the general fund—state appropriation for fiscal year 2022 and \$757,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to address needs identified in the "2017 vulnerability assessment" conducted by the climate impacts group.

(10) \$114,000 of the general fund—state appropriation for fiscal year 2022 and \$705,000 of the general fund—state appropriation for 2023 are provided solely for the commission to dedicate resources to government-to-government consultations with Indian tribes and implement executive order 21-02, archaeological and cultural resources.

(11)(a) \$160,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with a statewide trail maintenance and hiking nonprofit organization to provide the emerging leaders program: expanding equity in the outdoors. The goal of the program is expanding both the number and diversity of trained, qualified individuals available for employment in the outdoor recreation and natural resource management sectors.

(b) The program must demonstrate a commitment to diversity, equity, and inclusion by providing a safe and supportive environment for individuals of diverse backgrounds, including those who have been historically underrepresented in the outdoor recreation and natural resource sectors, such as indigenous people and people of color.

(c) The program must provide both technical outdoor skills training and professional development opportunities that include, but are not limited to, outdoor leadership, representation in the outdoors, and team building.

(12) \$1,250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to address the maintenance backlog associated with providing recreation on lands

managed by the commission. Allowable uses include, but are not limited to, general maintenance of facilities and grounds, equipment, and construction materials, and maintenance of trails and trailheads, restrooms, campgrounds, picnic sites, water access areas, signs, kiosks, and access roads. The commission is encouraged to partner with nonprofit organizations in the maintenance of public lands.

(13) \$5,500,000 of the parks renewal and stewardship account—state appropriation is provided solely for the commission to replace major equipment that has been used for over 15 years. The commission must prioritize selecting electric motors over gasoline engines when the option is available and the machinery is compatible for the intended task.

**Sec. 1304.** 2022 c 297 s 305 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

General Fund—State Appropriation (FY 2022)	\$4,273,000
General Fund—State Appropriation (FY 2023)	(((\$29,175,000))
	<u>\$4,175,000</u>
General Fund—Federal Appropriation	\$4,329,000
General Fund—Private/Local Appropriation	\$24,000
Aquatic Lands Enhancement Account—State Appropriation	\$385,000
Firearms Range Account—State Appropriation	\$37,000
Recreation Resources Account—State Appropriation	\$4,355,000
NOVA Program Account—State Appropriation	\$1,486,000
Youth Athletic Facility Nonappropriated Account— State Appropriation	\$181,000
<del>((Salmon Recovery Account—State Appropriation</del>	<del>\$75,000,000))</del>
<b>TOTAL APPROPRIATION</b>	<b><u>(\$119,245,000)</u></b> <b><u>\$19,245,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to pass through to the Spokane tribe of Indians for a pilot study of salmon migratory behavior and survival upstream of the Chief Joseph and Grand Coulee dams.

(2) (a) \$375,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to conduct a comprehensive equity review of state grant programs administered by the office. The office may, in consultation with the interested parties identified in (d) of this subsection, contract with a consultant to assist with the community engagement and review necessary to complete this review process.

(b) The purposes of this comprehensive equity review are:

(i) To reduce barriers to historically underserved populations' participation in recreation and conservation office grant programs;

(ii) To redress inequities in existing recreation and conservation office policies and programs; and

(iii) To improve the equitable delivery of resources and benefits in these programs.

(c) In completing the comprehensive equity review required under this section, the office shall:

(i) Identify changes to policy and operational norms and practices in furtherance of the equity review purposes identified in (b) of this subsection;

(ii) Identify new investments and programs that prioritize populations and communities that have been historically underserved by conservation and recreation policies and programs; and

(iii) Include consideration of historic and systemic barriers that may arise due to any of the following factors: Race, ethnicity, religion, income, geography, disability, and educational attainment.

(d) The office must collaborate with: (i) The Washington state commission on African American affairs; (ii) the Washington state commission on Asian Pacific American affairs; (iii) the Washington state commission on Hispanic affairs; (iv) the governor's office of Indian affairs; (v) the governor's committee on disability issues and employment; (vi) the office of equity; (vii) the office of minority and women's business enterprises; (viii) the environmental justice council if established by passage of Engrossed Second Substitute Senate Bill No. 5141; and (ix) other interested parties as appropriate to develop and conduct a community engagement process to inform the review.

(e) The office must complete the comprehensive equity review under this section and submit a final report, containing all of the elements and considerations specified in this section, to the legislature by June 30, 2022.

(3) \$76,000 of the general fund—state appropriation for fiscal year 2022 and \$76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects).

(4) \$200,000 of the general fund—federal appropriation, \$12,000 of the general fund—private/local appropriation, and \$116,000 of the aquatic lands enhancement account—state appropriation are provided solely for the implementation of Senate Bill No. 5063 (invasive species council expiration).

(5) \$37,000 of the firearms range account—state appropriation is provided solely to the recreation and conservation funding board for administration of the firearms range grant program as described in RCW 79A.25.210.

(6) \$4,355,000 of the recreation resources account—state appropriation is provided solely to the recreation and conservation funding board for administrative and coordinating costs of the recreation and conservation office and the board as described in RCW 79A.25.080(1).

(7) \$1,486,000 of the NOVA program account—state appropriation is provided solely to the recreation and conservation funding board for administration of the nonhighway and off-road vehicle activities program as described in chapter 46.09 RCW.

(8) \$1,809,000 of the general fund—state appropriation for fiscal year 2022 and \$1,809,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization with a mission for salmon and steelhead restoration to install near-term solutions to prevent steelhead mortality at the Hood Canal bridge.

(9) \$140,000 of the general fund—state appropriation for fiscal year 2022 and \$140,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the governor's salmon recovery office to coordinate ongoing recovery efforts of southern resident orcas and monitor progress toward implementation of recommendations from the governor's southern resident killer whale task force.

(10) \$175,000 of the youth athletic facility nonappropriated account—state appropriation is provided solely for a task force to consider ways to improve equitable access to K-12 schools' fields and athletic facilities and local parks agency facilities with the goal of increasing physical activity for youth and families. The task force shall be created and managed by the recreation and conservation office. A portion of the funds must be used to inventory K-12 school fields and athletic facilities and park agency facilities, and for joint use agreements for these facilities. The task force participants must represent geographic diversity and must include representatives from the office of the superintendent of public instruction, the Washington association of school administrators, the association of Washington principals, and the Washington recreation and parks association; participants with a background in public health; and stakeholders who represent diverse communities and communities of color. The task force shall consider joint use agreements, partnerships, improved scheduling practices with local parks agencies including facility rental fees, and other strategies, and submit a report with best practices and policy recommendations to the recreation and conservation funding board. A final report from the board must be submitted to the governor's office and legislature no later than February 1, 2022.

(11) \$209,000 of the general fund—state appropriation for fiscal year 2022 and \$209,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to contract for implementation of the Nisqually watershed stewardship plan.

(12) \$30,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office to facilitate the transfer of management authority over the project known as the beach lake conservation area from the current owner to a tribal government or local public government entity. If the current owner does not accept the offer to transfer management authority, then the office must pursue all legal means to enforce the right of public access consistent with the deed restrictions as set forth in the contract PSAR #15-1045. The amount provided in this subsection is intended to secure daily public access, during daylight hours, with minimal closures to the beach lake conservation area.

(13) \$345,000 of the general fund—state appropriation for fiscal year 2022 and \$345,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the connections program to provide outdoor learning experiences and virtual learning support for vulnerable youth in the Blaine and Mount Baker school districts. Of the amounts provided in this subsection, \$25,000 in each fiscal year is provided solely for an organization in Whatcom county that increases access to environmental education.

(14) \$139,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the governor's salmon recovery office to implement the governor's salmon recovery strategy update by convening the natural resources sub-cabinet on a regular basis and developing biennial statewide work priorities with a recommended budget for salmon recovery pursuant to RCW 77.85.030(4)(e) that align with tribal priorities and regional salmon recovery plans. The office shall submit the biennial implementation plan to the governor's office and the office of financial management no later than October 31, 2022.

(15) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the governor's salmon recovery office to provide a grant to the Spokane Tribe of Indians for purposes of forming a Spokane river watershed lead entity pursuant to RCW 77.85.050(1) and developing a habitat restoration strategy to support reintroduction of salmon upstream of Chief Joseph and Grand Coulee dams.

(16) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for motorized and nonmotorized boater education and outreach on Lake Union, with a specific goal of preventing boat and airplane conflicts on the lake during peak recreation season, given the provisions of United States coast guard navigation rules that seaplanes must in general keep well clear of other vessels. The office may grant funding to local or federal government agencies or nonprofit organizations. The office must publish a publicly available summary report by June 30, 2023, on funding recipients, uses of the funding, and the successes and failures of programs funded. Funding provided in this subsection may not be used to preclude



or restrict public use of Lake Union, including recreational, commercial, or tribal use of the waters of the state.

~~((17) \$50,000,000 of the salmon recovery account state appropriation is provided solely for the salmon recovery board to provide grants for projects valued at greater than \$5,000,000 each that will benefit salmon recovery.~~

~~(18) \$25,000,000 of the salmon recovery account state appropriation is provided solely for the salmon recovery board to provide grants for watershed projects typically valued at less than \$5,000,000 each that will benefit salmon recovery.~~

~~(19) \$25,000,000 of the general fund state appropriation for fiscal year 2023 is provided solely for the office to provide a grant for the Duckabush estuary restoration project.)~~

**Sec. 1305.** 2022 c 297 s 306 (uncodified) is amended to read as follows:

**FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE**

General Fund—State Appropriation (FY 2022)	\$2,735,000
General Fund—State Appropriation (FY 2023)	(( <del>\$2,981,000</del> ))
	<u>\$3,006,000</u>
Climate Investment Account—State Appropriation	\$311,000
<b>TOTAL APPROPRIATION</b>	<b><u>(\$5,716,000)</u></b> <b><u>\$6,052,000</u></b>

**Sec. 1306.** 2022 c 297 s 307 (uncodified) is amended to read as follows:

**FOR THE CONSERVATION COMMISSION**

General Fund—State Appropriation (FY 2022)	\$11,189,000
General Fund—State Appropriation (FY 2023)	\$19,405,000
General Fund—Federal Appropriation	\$2,482,000
General Fund—Private/Local Appropriation	\$100,000
Public Works Assistance Account—State Appropriation	\$8,464,000
Model Toxics Control Operating Account—State Appropriation	\$1,110,000
<del>((Salmon Recovery Account—State Appropriation</del>	<del>\$15,000,000))</del>
<b>TOTAL APPROPRIATION</b>	<b><u>(\$57,750,000)</u></b> <b><u>\$42,750,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 and \$100,000 of the general fund—private/local appropriation are provided solely for the sustainable farms and fields program created in RCW 89.08.615 to provide technical assistance, education, and outreach to promote carbon storage and reduce greenhouse gas emissions. Grant funds may be used to promote cover crops, cost-share opportunities such as purchases of equipment, seeds, soil amendments, and development of conservation plans that increase carbon storage and reduce greenhouse gas emissions.

(2) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for conservation district technical assistance, project cultural resources review, project engineering, agency administration, and cost-share grants to landowners for recovery from wildfire damage, including, but not limited to, rebuilding fences, seeding unstable slopes, controlling weeds, and planting shrubs and trees for wildlife habitat.

(3) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to:

(a) Enter into an agreement with the department of ecology for a water bank in Okanogan county, which must focus solely on retaining agricultural water rights for use by other agricultural producers in the watershed of origin; and

(b) Report to the appropriate committees of the legislature by December 31, 2022, on the effectiveness of the Okanogan water bank at retaining agricultural water rights, and the potential for developing additional water banks in Washington using this model.

(4) \$8,464,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(5) \$170,000 of the general fund—state appropriation for fiscal year 2022 and \$170,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to continue to convene and facilitate a food policy forum.

(6) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to share evenly with conservation districts to increase assistance to landowners to achieve environmental stewardship and agricultural sustainability.

(7) \$23,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health).

(8) \$1,300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the commission to develop a riparian plant propagation program of native trees and shrubs to implement riparian restoration projects that meet riparian zone requirements

established by the department of fish and wildlife. Plants will be made available for free or at a reduced cost to restoration projects.

(9) ~~\$2,000,000 of the general fund—state appropriation for fiscal year 2023 ((and \$5,000,000 of the salmon recovery account—state appropriation are))~~ is provided solely for the purposes of the conservation reserve enhancement program, including additional project management and cost-share funding.

(10) (a) \$125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to provide a grant to the King county conservation district for a pilot program to reduce the impacts of artificial lighting on or near the water (on-water lighting) on the behavior of salmon and other aquatic life in Lake Sammamish. The grant funding may be used for:

- (i) Supporting local efforts to develop a model ordinance to reduce on-water lighting impacts on salmon for new and existing construction;
- (ii) Education and outreach on the impacts of on-water lighting;
- (iii) Development of methods to reduce the impacts of on-water lighting; and
- (iv) A contract with the United States geologic survey to conduct a baseline survey of artificial light levels, including light location and intensity along the Lake Sammamish nearshore, artificial light hotspots, and a survey report.

(b) The department must report to the appropriate committees of the legislature by June 30, 2023, on the use of the funding in this subsection and the resulting reductions in on-water lighting.

(11) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 2051 (agricultural disaster assist). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(12) \$60,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the commission to grant to the Washington resource conservation and development council to complete a community wildfire protection plan.

(13) \$2,700,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the commission to make available to local conservation districts for project engineering services to enable permit and design work for conservation projects.

~~((14) \$10,000,000 of the salmon recovery account—state appropriation is provided solely for the commission to provide grants for riparian restoration projects with landowners.))~~

**Sec. 1307.** 2022 c 297 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund—State Appropriation (FY 2022) . . . . .	(( <del>\$99,986,000</del> ))
	<u>\$99,706,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$153,153,000</del> ))
	<u>\$153,712,000</u>
General Fund—Federal Appropriation. . . . .	(( <del>\$133,906,000</del> ))
	<u>\$133,920,000</u>
General Fund—Private/Local Appropriation. . . . .	(( <del>\$64,980,000</del> ))
	<u>\$64,982,000</u>
ORV and Nonhighway Vehicle Account—State Appropriation. . . . .	\$678,000
Aquatic Lands Enhancement Account—State Appropriation. . . . .	(( <del>\$12,663,000</del> ))
	<u>\$12,746,000</u>
Recreational Fisheries Enhancement Account—State Appropriation. . . . .	(( <del>\$3,363,000</del> ))
	<u>\$3,466,000</u>
Warm Water Game Fish Account—State Appropriation. . . . .	\$3,481,000
Eastern Washington Pheasant Enhancement Account— State Appropriation. . . . .	\$865,000
Limited Fish and Wildlife Account—State Appropriation. . . . .	(( <del>\$39,217,000</del> ))
	<u>\$39,229,000</u>
Special Wildlife Account—State Appropriation. . . . .	\$2,911,000
Special Wildlife Account—Federal Appropriation. . . . .	\$520,000
Special Wildlife Account—Private/Local Appropriation. . . . .	\$3,688,000
Wildlife Rehabilitation Account—State Appropriation. . . . .	\$661,000
Ballast Water and Biofouling Management Account— State Appropriation. . . . .	\$10,000
Regional Fisheries Enhancement Salmonid Recovery Account—Federal Appropriation. . . . .	\$5,001,000
Oil Spill Prevention Account—State Appropriation. . . . .	\$1,219,000
Aquatic Invasive Species Management Account—State Appropriation. . . . .	\$1,037,000
Model Toxics Control Operating Account—State Appropriation. . . . .	\$2,979,000
Fish, Wildlife, and Conservation Account—State Appropriation. . . . .	(( <del>\$77,589,000</del> ))

	<u>\$77,795,000</u>
Oyster Reserve Land Account—State Appropriation. . . . .	\$524,000
((Salmon Recovery Account—State Appropriation. . . . .	<del>\$3,000,000</del> ))
<b>TOTAL APPROPRIATION. . . . .</b>	<b><u>(\$611,431,000)</u></b>
	<b><u>\$609,130,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$45,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics, equip).

(2) \$29,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (uses of force by officers).

(3) \$534,000 of the general fund—state appropriation for fiscal year 2022 and \$472,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects).

(4) \$1,777,000 of the general fund—state appropriation for fiscal year 2022 and \$1,777,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to grant to the northwest Indian fisheries commission for hatchery operations that are prioritized to increase prey abundance for southern resident orcas, including \$200,000 per fiscal year for tagging and marking costs, and the remainder to grant to tribes in the following amounts per fiscal year: \$150,000 for the Quinault Indian Nation, \$199,000 for the Tulalip Tribes, \$268,000 for the Quileute Tribe, \$186,000 for the Puyallup Tribe, \$122,000 for the Port Gamble S'Klallam Tribe, \$25,000 for the Muckleshoot Indian Tribe, \$207,000 for the Squaxin Island Tribe, \$142,000 for the Skokomish Indian Tribe, and \$278,000 for the Lummi Nation. It is the intent of the legislature to continue this funding in future biennia.

(5) \$330,000 of the general fund—state appropriation for fiscal year 2022 and \$330,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide to the Yakama Nation for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. It is the intent of the legislature to continue this funding in future biennia.

(6) \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to grant to public utility districts for additional hatchery production that is prioritized to increase prey abundance for southern resident orcas. It is the intent of the legislature to continue this funding in future biennia.

(7) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the department for hatchery maintenance.

(8) \$3,139,000 of the general fund—state appropriation for fiscal year 2022 and \$467,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(9) \$503,000 of the general fund—state appropriation for fiscal year 2022, \$503,000 of the general fund—state appropriation for fiscal year 2023, and \$440,000 of the general fund—federal appropriation are provided solely for county assessments.

(10) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(11) \$555,000 of the general fund—state appropriation for fiscal year 2022 and \$558,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operating budget impacts from capital budget projects funded in the 2019-2021 and 2021-2023 fiscal biennia.

(12) \$477,000 of the general fund—state appropriation for fiscal year 2022 and \$477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to develop conflict mitigation strategies for wolf recovery and staff resources in northeast Washington for response to wolf-livestock conflicts. The department must provide focus on minimizing wolf-livestock issues in the Kettle range. The department is discouraged from the use of firearms from helicopters for removing wolves.

(13) \$251,000 of the general fund—state appropriation for fiscal year 2022 and \$251,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for suppression, eradication, and monitoring of northern pike in the Columbia river. The department must work with the Spokane Tribe of Indians, the Confederated Tribes of the Colville Reservation, and the Kalispel Tribe of Indians on identifying appropriate actions to reduce threats to anadromous salmon from invasive northern pike.

(14) \$753,000 of the general fund—state appropriation for fiscal year 2022 and \$753,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expanded management of pinniped populations on the lower Columbia river and its tributaries with the goal of increasing chinook salmon abundance and prey availability for southern resident orcas.

(15) \$1,262,000 of the general fund—state appropriation for fiscal year 2022 and \$1,262,000 of the general fund—state appropriation for fiscal year 2023 are provided solely

for the costs for the department to maintain shellfish sanitation activities necessary to implement its memorandum of understanding with the department of health to ensure the state is compliant with its federal obligations under the model ordinance of the national shellfish sanitation program.

(16) \$603,000 of the general fund—state appropriation for fiscal year 2022 and \$603,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to create a statewide permittee assistance program as part of hydraulic project approvals, in which department staff collaborate with landowners during construction to help resolve risks of permit noncompliance.

(17) \$470,000 of the general fund—state appropriation for fiscal year 2022 and \$470,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to expand efforts to survey the diets of seals and sea lions in Puget Sound and identify nonlethal management actions to deter them from preying on salmon and steelhead.

(18) \$518,000 of the general fund—state appropriation for fiscal year 2022 and \$519,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to continue to provide policy and scientific support to the department of ecology regarding surface and groundwater management issues as part of implementing chapter 90.94 RCW streamflow restoration.

(19) \$271,000 of the general fund—state appropriation for fiscal year 2022 and \$271,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 291, Laws of 2019 (southern resident orca whales—protection from vessels), contracts with nonprofit organizations to monitor vessel traffic and educate boaters to be whale wise, and participation in other orca recovery efforts.

(20) Within amounts appropriated in this section, the department, in coordination with statewide law enforcement agencies, must provide a report to the legislature by January, 2022 on the number of cougars reported to the department as harvested by local government law enforcement agencies, training opportunities provided to local law enforcement agencies, and how cougar removals by local enforcement agencies impact the department's cougar management strategies.

(21) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement priority actions in the state pinto abalone recovery plan. Of the amounts provided, \$85,000 each fiscal year must be used to locate, monitor, and safeguard wild populations of pinto abalone along the strait of Juan de Fuca, outer coast, and San Juan islands and the remaining amounts must be granted to the Puget Sound restoration fund to increase production, diversity, and resilience of out-planted abalone.

(22) \$315,000 of the general fund—state appropriation for fiscal year 2022 and \$315,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to research and monitor the impacts of polychlorinated biphenyls (PCB) on indicator species. The department must coordinate with the department of ecology on implementation of this subsection.

(23) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct an evaluation of the forest practices adaptive management program. The evaluation will be carried out generally consistent with the proposal provided to the timber, fish, and wildlife (TFW) policy committee in January 2020 titled *Assessing Changes in Uncertainty During Adaptive Management: A Case Study of the Washington State Forest Practices Habitat Conservation Plan*. To the extent practicable, the evaluation shall satisfy the cooperative monitoring, evaluation, and research five-year peer review process as required in WAC 222-12-045(2)(f), and support other ongoing forest practices adaptive management program evaluation and improvement efforts. The department shall consult with TFW policy caucus participants during the evaluation and provide for public review and comment of the draft report. A progress report shall be delivered to TFW policy participants and appropriate committees of the legislature by December 31, 2022, and a final report by June 30, 2023.

(24) \$1,175,000 of the general fund—state appropriation for fiscal year 2022 and \$1,175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to restore shrubsteppe habitat and associated wildlife impacted by wildfires.

(a) This funding is intended for the restoration of habitat on public lands as well as private lands by landowners who are willing to participate. The restoration effort must be coordinated with other natural resource agencies and interested stakeholders.

(b) Restoration actions may include: (i) Increasing the availability of native plant materials; (ii) increasing the number of certified and trained personnel for implementation at scale; (iii) support for wildlife-friendly fencing replacement; (iv) support for private landowners/ranchers to defer wildland grazing and allow natural habitat regeneration; and (v) species-specific recovery actions.

(c) The department must submit a progress report to the appropriate committees of the legislature on the investments made under this subsection by December 1, 2022, with a final report submitted by September 1, 2023.

(d) Within the amounts provided in this subsection, \$250,000 must be used by the department to form a collaborative group process representing diverse stakeholders and facilitated by a neutral third-party to develop a long-term strategy for shrubsteppe conservation and fire preparedness, response, and restoration to meet the needs of the state's shrubsteppe wildlife and human communities. The collaborative may serve as providing

expertise and advice to the wildland fire advisory committee administered by the department of natural resources and build from the wildland fire 10-year strategic plan. Components to be addressed by the collaborative include the restoration actions described in (b) of this subsection and on spatial priorities for shrubsteppe conservation, filling gaps in fire coverage, management tools to reduce fire-prone conditions on public and private lands, and identifying and making recommendations on any other threats. Any reports and findings resulting from the collaborative may be included in the report specified in (c) of this subsection.

(25) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with the Washington state academy of sciences to provide policymakers with a report on current evidence on pinniped predation of salmon, with an emphasis on Washington's portion of the Salish sea and Washington's outer coast. The academy must provide an independent study that reviews the existing science regarding pinniped predation of salmonids, including what is known about pinniped predation of salmonids, and with what level of certainty; where the knowledge gaps are; where additional research is needed; how the science may inform decisionmakers; and assessment of the scientific and technical aspects of potential management actions. Early in this process, the academy must convene separate meetings with comanagers and scientists to share relevant research and data and provide context for the academy's work.

(26) \$198,000 of the general fund—state appropriation for fiscal year 2022 and \$70,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health).

(27) \$21,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Substitute Senate Bill No. 5273 (shoreline armoring).

(28) \$44,000 of the general fund—state appropriation for fiscal year 2022 and \$24,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute Senate Bill No. 5381 (fish passage project permits).

(29) \$132,000 of the general fund—state appropriation for fiscal year 2022 and \$48,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5452 (electric-assisted bicycles).

(30) \$600,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to conduct a pilot project to test New Zealand style elk fencing, similar to the style used by the United States Department of Agriculture at the Starkey Experimental Forest and Range, including materials and construction techniques, and determine the cost and effectiveness of the fence design in reducing damage to school property and agricultural lands within the range of the north Cascades elk herd. The department of fish and wildlife shall work with at least one agricultural property owner in Skagit county with property abutting state highway 20 and one school district located in Skagit county with enrollment of less than 650 students that volunteer to build and test the elk fence design and, in compliance with RCW 43.01.036, report back to the natural resources committees of the legislature by November 1, 2022, on the results of the pilot project.

(31) \$155,000 of the general fund—state appropriation for fiscal year 2022 and \$310,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement strategies to control against chronic wasting disease in native species of the state.

(32) \$841,000 of the fish, wildlife and conservation account—state appropriation, \$430,000 of the general fund—state appropriation for fiscal year 2022, and \$411,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to work with stakeholders to improve steelhead spawning estimates for improved fishing regulations such that enhanced conservation and equitable fisheries are established.

(33) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to assist local jurisdictions in responding to cougar related public safety issues. The funding is available to a local jurisdiction if they have a signed agreement with the department that recognizes cougar management authority is vested in the department and provides criteria to determine if a cougar creates an actionable public safety risk eligible for financial assistance. For the purposes of this subsection, a cougar presence on private property alone does not create an actionable public safety risk.

(34) \$90,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to complete the final phase of the Cowlitz river salmon and steelhead hook mortality study. No less than \$60,000 of the amount provided in this subsection is provided for the original contractor of the study to complete their work. A final report shall be provided to the appropriate committees of the legislature by December 31, 2022.

(35) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an external facilitator to seek solutions through a collaborative process using the department's wolf advisory group.

(36) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to develop a plan to protect native and hatchery produced steelhead for each river system of Grays harbor, Willapa bay, and coastal Olympic peninsula. The plan must adequately protect those fisheries for healthy runs year-after-year as well as provide reasonable

fishing opportunities. The plan must include active stakeholder input and include an outreach strategy sufficient to keep conservation and angler interests well informed of proposed changes in advance of annual fishing seasons. The plan must be reported to the appropriate committees of the legislature by December 1, 2022.

(37) \$600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to implement executive order 21-02, archaeological and cultural resources.

(38) \$313,000 of the general fund—state appropriation for fiscal year 2022 and \$408,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to perform forage fish spawning surveys in Puget Sound.

(39) \$294,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to complete rule making related to chapter 77.57 RCW, fishways, flow, and screening.

(40) \$402,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide technical assistance and permitting guidance on solar facility proposals with the intent of limiting impacts to threatened and endangered species and critical and sensitive habitat areas, including shrubsteppe.

(41) \$1,297,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to increase technical assistance to local jurisdictions to better integrate salmon recovery plans into growth management comprehensive plans and critical areas ordinances.

~~((43))~~ (42) \$3,802,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to monitor recreational salmon and steelhead harvest in freshwater streams and rivers in Puget Sound and along the Washington coast.

~~((44))~~ (43) \$2,116,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to monitor salmon harvest from the ocean and Puget Sound.

~~((45))~~ (44) \$994,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to monitor salmon harvest from commercial fisheries.

~~((46))~~ (45) \$226,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a marine fisheries compliance liaison to collaborate with other law enforcement partners on commercial and recreational fisheries issues.

~~((47))~~ (46) \$1,283,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for additional law enforcement officers for marine and freshwater fisheries compliance.

~~((48))~~ (47) \$372,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to develop and implement a mobile-based electronic catch record card system for statewide marine and freshwater fisheries.

~~((49))~~ (48) \$852,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide additional capacity to the attorney general's office to prosecute environmental crimes. The department must provide an annual report by December 1st of each year, to the appropriate committees of the legislature, on the progress made in prosecuting environmental crimes.

~~((50))~~ (49) \$4,283,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to develop a monitoring and evaluation program for salmon and steelhead hatcheries in western Washington with the goal to improve survival of hatchery fish to adult returns and adaptively manage hatchery programs to better achieve management goals, including rebuilding natural populations for conservation purposes and increasing fishing opportunities.

~~((51))~~ (50) \$2,392,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to conduct fish in/fish out monitoring for the purposes of measuring freshwater systems salmon productivity for purposes of salmon recovery.

~~((52))~~ (51) \$1,040,000 of the general fund—state appropriation for fiscal year 2023 and \$295,000 of the limited fish and wildlife account are provided solely to monitor recreational shellfish harvest in Puget Sound.

~~((53))~~ (52) \$710,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to monitor recreational Dungeness crab harvest along the Washington coast.

~~((54))~~ (53) \$360,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to complete a statewide prioritization of fish passage barriers in collaboration with regional salmon recovery organizations.

~~((55))~~ (54) \$494,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to participate in hydropower licensing efforts for the purposes of mitigating impacts to salmon and other fish and wildlife species as a result of new or renewing federal and nonfederal hydropower facilities.

~~((56))~~ (55) \$90,000 of the general fund—state appropriation for fiscal year 2022 and \$166,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to complete the following activities:

(a) By December 1, 2022, and consistent with RCW, the department must submit a report to the legislature that assesses how to incorporate a net ecological gain standard into state land use, development, and environmental laws and rules to achieve a goal of better statewide performance on endangered species recovery and ecological health. The report must address each environmental, development, or land use law or rule where the existing standard is less protective of ecological integrity than the standard of net ecological gain, including the shoreline management act (chapter 90.58 RCW), the growth management act (chapter 36.70A RCW), construction projects in state waters (chapter 77.55 RCW), and the model toxics control act.

(b) In developing the report under this section, the department must consult with the appropriate local governments, state agencies, federally recognized Indian tribes, and stakeholders with subject matter expertise on environmental, land use, and development laws including but not limited to cities, counties, ports, the department of ecology, and the department of commerce.

(c) The report must include:

(i) Development of a definition, objectives, and goals for the standard of net ecological gain;

(ii) An assessment and comparison analysis of opportunities and challenges, including legal issues and costs on state and local governments to achievement of overall net ecological gain through both:

(A) Implementation of a standard of net ecological gain under different environmental, development, and land use laws; and

(B) An enhanced approach to implementing and monitoring no net loss in existing environmental, development, and land use laws;

(iii) Recommendations on funding, incentives, technical assistance, legal issues, monitoring, and use of scientific data, and other applicable considerations to the integration of needs to assess progress made toward achieving net ecological gain into each environmental, development, and land use law or rule; and

(iv) An assessment of how applying a standard of net ecological gain in the context of each environmental, land use, or development law is likely to achieve substantial additional environmental or social cobenefits.

~~((57))~~ (56) \$70,000 of the general fund—state appropriation for fiscal year 2022 and \$997,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to assess the status of current riparian ecosystems, beginning with areas where sufficient information exists to conduct the assessment. The assessment must include identifying any gaps in vegetated cover relative to a science-based standard for a fully functioning riparian ecosystem and comparing the status and gaps to water temperature impairments, known fish passage barriers, and status of salmonid stocks.

~~((58))~~ (57) \$70,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for removal efforts for invasive bullfrogs and habitat preservation for species threatened by the bullfrogs, including the western pond turtle, Oregon spotted frog, and northern leopard frog.

~~((59))~~ (58) \$95,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for research on shell disease in western pond turtles.

~~((60))~~ (59) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to address the maintenance backlog associated with providing recreation on lands managed by the department. Allowable uses include, but are not limited to, maintenance, repair, or replacement of trails, toilet facilities, roads, parking lots, campgrounds, picnic sites, water access areas, signs, kiosks, and gates. The department is encouraged to partner with nonprofit organizations in the maintenance of public lands.

~~((61))~~ (60) \$60,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute House Bill No. 1753 (climate funding/tribes). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((62))~~ (61) \$39,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1735 (peace officers/use of force). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((63))~~ (62) \$16,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (veterans & military suicide). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((65))~~ (63) \$14,400,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to reduce the number of nontribal commercial gillnet fishing licenses on the Columbia river through a voluntary buy-back program.

(a) Until November 30, 2022, the department may pay up to \$25,000 each for licenses that have been inactive since 2019 and up to \$120,000 each for licenses that have been active since 2019. After November 30, 2022, the department may pay up to \$20,000 each for licenses that have been inactive since 2019 and up to \$96,000 each for licenses that have been active since 2019. It is the intent of the legislature that this will be the last appropriation made to buy back licenses for the Columbia river gillnet fishery.

(b) For all licenses purchased, the department shall calculate the reduced impacts to wild and endangered stocks based on the most recent five-year average of harvest and reserve those impacts for conservation through increased wild salmonid escapement or mark-selective fisheries capable of harvesting surplus hatchery-reared salmon where needed to meet federal genetic protection requirements for wild salmon populations in a manner consistent with state-tribal fishery management agreements.

(c) The department must make recommendations to the legislature for any necessary changes in statute, regulations, or program funding levels to transition lower Columbia river mainstem gillnet fisheries to alternative, selective fishing gears, including pound nets or other gears capable of benefitting wild salmon conservation through mark-selective harvest practices. The recommendation must be submitted to the appropriate committees of the legislature by December 1, 2022.

~~((66))~~ (64) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department, in consultation with the department of ecology, the department of natural resources, the Colville confederated tribes, the Okanogan PUD, and other interested entities to analyze the steps required, including coordination and ownership, associated with the possible removal of Enloe dam and analyze options for sediment removal in order to restore the Similkameen river, minimize impacts downriver, and allow access to over 300 miles of habitat for federally-threatened steelhead and other native salmonids. Any contract required to fulfill this analysis is exempt from the competitive procurement requirements in chapter 39.26 RCW. A report of the department's findings, analysis, and recommendations for funding or further considerations for the Enloe dam removal must be made to the appropriate committees of the legislature by December 1, 2022.

~~((67))~~ (65) \$2,472,000 of the general fund—state appropriation in fiscal year 2022 and \$6,096,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for the department to implement eradication and control measures on European green crabs through coordination and grants with partner organizations. The department must provide quarterly progress reports on the success and challenges of the measures to the appropriate committees of the legislature by December 1, 2022.

~~((68))~~ (66) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to increase the support of regional fish enhancement groups.

~~((69))~~ (67) \$75,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to install elk fencing in the Skagit river valley to help mitigate crop damage.

~~((70))~~ ~~\$3,000,000 of the salmon recovery account state appropriation for fiscal year 2023 is provided solely for the department to provide grants and coordinate with the tribes of the upper Columbia river to reintroduce Chinook salmon.~~

~~((71))~~ (68) The legislature intends to fund the monitoring items contained in subsections ~~((43) through (45) and (50) through (53))~~ (42) through (44) and (49) through (52) of this section through fiscal year 2025. A brief status report of the data collected and findings from each monitoring item funded in this section is due to the appropriate committees of the legislature by December 1st of each fiscal year through 2025.

~~((73))~~ ~~\$3,510,000~~ (69) \$2,410,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants for the following activities:

(a) ~~(\$900,000 for the Lummi Nation to make infrastructure updates at the Skoekum hatchery;~~

~~(b))~~ \$250,000 for the Confederated Tribes of the Colville Reservation to upgrade heating, ventilation, and air conditioning systems at the Colville trout hatchery, and to acquire a hatchery fish transport truck with aquaculture adaptations;

~~((e))~~ (b) \$230,000 for the Yakama Nation to incorporate rearing vessels at the Cle Elum facility and to build circular covers at the lower Yakima facility;

~~((d))~~ (c) \$1,180,000 to the Puyallup Tribe to build an augmentation well at Voights creek hatchery, upgrade the water supply system and alarms at the Clarks creek hatchery, and convert rearing ponds into eight raceways at Diru creek chum hatchery;

~~((e))~~ (d) \$600,000 to the Suquamish Tribe to install an abatement pond at Grovers creek hatchery and replace raceways at Gorst coho raceways; and

~~((f))~~ (e) \$350,000 to the Jamestown S'Klallam Tribe to upgrade water supply systems at Point Whitney and expand shellfish seed production capacity at the shellfish hatchery in Kona.

**Sec. 1308.** 2022 c 297 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund—State Appropriation (FY 2022) . . . . .	\$215,075,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$118,842,000)</del>
	<u>\$214,627,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$52,453,000)</del>
	<u>\$102,752,000</u>
General Fund—Private/Local Appropriation . . . . .	<del>(\$3,188,000)</del>
	<u>\$6,034,000</u>
Forest Development Account—State Appropriation . . . . .	<del>(\$55,326,000)</del>
	<u>\$55,590,000</u>
ORV and Nonhighway Vehicle Account—State Appropriation . . . . .	\$7,366,000
Surveys and Maps Account—State Appropriation . . . . .	\$2,232,000
Aquatic Lands Enhancement Account—State Appropriation . . . . .	\$9,132,000
Resource Management Cost Account—State Appropriation . . . . .	<del>(\$113,787,000)</del>
	<u>\$114,323,000</u>
Surface Mining Reclamation Account—State Appropriation . . . . .	\$4,291,000
Disaster Response Account—State Appropriation . . . . .	\$23,181,000
Forest and Fish Support Account—State Appropriation . . . . .	\$11,492,000
Aquatic Land Dredged Material Disposal Site Account— State Appropriation . . . . .	\$405,000
Natural Resources Conservation Areas Stewardship	



Account—State Appropriation. . . . .	\$286,000
Forest Fire Protection Assessment Nonappropriated	
Account—State Appropriation. . . . .	\$191,000
State Forest Nursery Revolving Nonappropriated	
Account—State Appropriation. . . . .	\$75,000
Access Road Revolving Nonappropriated Account—State	
Appropriation. . . . .	\$233,000
Forest Practices Application Account—State	
Appropriation. . . . .	\$2,080,000
Air Pollution Control Account—State Appropriation. . . . .	\$907,000
Forest Health Revolving Nonappropriated Account—	
State Appropriation. . . . .	\$240,000
Model Toxics Control Operating Account—State	
Appropriation. . . . .	\$14,515,000
Wildfire Response, Forest Restoration, and Community	
Resilience Account—State Appropriation. . . . .	\$87,107,000
NOVA Program Account—State Appropriation. . . . .	\$807,000
Derelict Vessel Removal Account—State Appropriation. . . . .	\$6,317,000
Community Forest Trust Account—State Appropriation. . . . .	\$52,000
Agricultural College Trust Management Account—State	
Appropriation. . . . .	\$4,039,000
Natural Resources Federal Lands Revolving	
Nonappropriated Account—State Appropriation. . . . .	\$16,000
Salmon Recovery Account—State Appropriation. . . . .	(((\$7,000,000))
	<u>\$2,000,000</u>
<b>TOTAL APPROPRIATION. . . . .</b>	<b>(((\$740,635,000))</b>
	<u><b>\$885,365,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,857,000 of the general fund—state appropriation for fiscal year 2022 and \$1,857,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board.

(2) \$43,316,000 of the general fund—state appropriation for fiscal year 2022 and \$87,107,000 of the wildfire response, forest restoration, and community resilience account—state appropriation are provided solely for the implementation of Second Substitute House Bill No. 1168 (long-term forest health).

(3) \$873,000 of the general fund—state appropriation for fiscal year 2022 and \$1,816,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1216 (urban and community forestry).

(4) \$176,000 of the forest development account—state appropriation, \$164,000 of the aquatic lands enhancement account—state appropriation, \$377,000 of the resource management cost account—state appropriation, and \$22,000 of the agricultural college trust management account—state appropriation are provided solely for the implementation of Substitute House Bill No. 1355 (noxious weeds).

(5) \$12,000 of the aquatic lands enhancement account—state appropriation and \$10,000 of the resource management cost account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects).

(6) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the small forest landowner office, in order to restore staffing capacity reduced during the great recession and to support small forest landowners, including assistance related to forest and fish act regulations.

(7) \$1,583,000 of the general fund—state appropriation for fiscal year 2022 and \$1,515,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(8) \$112,582,000 of the general fund—state appropriation for fiscal year 2022, (((\$20,668,000))\$116,453,000 of the general fund—state appropriation for fiscal year 2023, and \$16,050,000 of the disaster response account—state appropriation are provided solely for emergency response, including fire suppression. The department shall provide a monthly report to the office of financial management and the appropriate fiscal and policy committees of the legislature with an update of fire suppression costs incurred and the number and type of wildfires suppressed.

(9) \$2,823,000 of the general fund—state appropriation for fiscal year 2023 and \$66,000 of the disaster response account—state appropriation are provided solely for indirect and administrative expenses related to fire suppression. It is the intent of the legislature that

the amount of state general fund and disaster response account appropriations to support administrative expenses for fire suppression will be phased in through fiscal year 2025.

(10) \$5,500,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. Of the amount provided in this subsection, \$500,000 is contingent upon receipts under RCW 82.04.261 exceeding eight million dollars per biennium. If receipts under RCW 82.04.261 are more than eight million dollars but less than eight million five hundred thousand dollars for the biennium, an amount equivalent to the difference between actual receipts and eight million five hundred thousand dollars shall lapse.

(11) Consistent with the recommendations of the *Wildfire Suppression Funding and Costs (18-02)* report of the joint legislative audit and review committee, the department shall submit a report to the governor and legislature by December 1, 2021, and December 1, 2022, describing the previous fire season. At a minimum, the report shall provide information for each wildfire in the state, including its location, impact by type of land ownership, the extent it involved timber or range lands, cause, size, costs, and cost-share with federal agencies and nonstate partners. The report must also be posted on the agency's website.

(12) \$4,206,000 of the aquatic land enhancement account—state appropriation is provided solely for the removal of creosote pilings and debris from the marine environment and to continue monitoring zooplankton and eelgrass beds on state-owned aquatic lands managed by the department. Actions will address recommendations to recover the southern resident orca population and to monitor ocean acidification as well as help implement the Puget Sound action agenda.

(13) \$448,000 of the general fund—state appropriation for fiscal year 2022 and \$448,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate with the Olympic natural resources center to study emerging ecosystem threats such as Swiss needlecast disease, conduct field trials for long-term ecosystem productivity and T3 watershed experiments, and engage stakeholders through learning-based collaboration. The department may retain up to \$30,000 in one fiscal year to conduct Swiss needlecast surveys.

(14) \$185,000 of the general fund—state appropriation for fiscal year 2022 and \$185,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for compensation to the trust beneficiaries and department for lost revenue from leases to amateur radio operators who use space on the department managed radio towers for their equipment. The department is authorized to lease sites at the rate of up to one hundred dollars per year, per site, per lessee. The legislature makes this appropriation to fulfill the remaining costs of the leases at market rate per RCW 79.13.510.

(15) The appropriations in this section include sufficient funding for the department to review its burn permit fee schedule, and to develop options and recommendations on changes to the fee schedule to meet the requirement in RCW 70A.15.5020. The agency must report on options and recommendations to the office of financial management and the appropriate committees of the legislature by September 1, 2021.

(16) \$569,000 of the model toxics control operating account—state appropriation is provided solely to implement recommendations in the aerial herbicides in forestlands report submitted to the legislature in December 2019 from the aerial herbicide application working group. Specific work will include researching alternatives to chemicals for control of unwanted competing vegetation, compliance monitoring of aerial herbicides application, and updating the pesticide board manual.

(17) \$925,000 of the general fund—state appropriation for fiscal year 2022 and \$779,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to undertake geologic research to understand the geology and hydrology of the Columbia basin with regard to geothermal and groundwater resources. Funding must also be used for outreach and education to industries and regional communities to increase awareness of underground resources, how to access and use them, and the regulatory processes for doing so.

(18) \$77,000 of the general fund—state appropriation for fiscal year 2022, \$90,000 of the general fund—state appropriation for fiscal year 2023, \$82,000 of the forest development account—state appropriation, \$10,000 of the ORV and nonhighway vehicle account—state appropriation, \$19,000 of the aquatic lands enhancement account—state appropriation, \$189,000 of the resource management cost account—state appropriation, \$7,000 of the surface mining reclamation account—state appropriation, \$9,000 of the forest and fish support account—state appropriation, \$43,000 of the forest fire protection assessment nonappropriated account—state appropriation, \$13,000 of the state forest nursery revolving nonappropriated account—state appropriation, \$45,000 of the access road revolving nonappropriated account—state appropriation, \$26,000 of the forest health revolving nonappropriated account—state appropriation, and \$9,000 of the model toxics control operating account—state appropriation are provided solely for the department to move its data center currently located in the natural resources building to the state data center located in the Jefferson building as required by office of the chief information officer policy 184 and RCW 43.105.375. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(19) \$466,000 of the general fund—state appropriation for fiscal year 2022, \$189,000 of the general fund—state appropriation for fiscal year 2023, \$404,000 of the forest development account—state appropriation, \$254,000 of the aquatic lands enhancement account—

state appropriation, \$836,000 of the resource management cost account—state appropriation, \$27,000 of the surface mining reclamation account—state appropriation, \$148,000 of the forest fire protection assessment nonappropriated account—state appropriation, \$62,000 of the state forest nursery revolving nonappropriated account—state appropriation, \$188,000 of the access road revolving nonappropriated account—state appropriation, \$214,000 of the forest health revolving nonappropriated account—state appropriation, and \$16,000 of the natural resources federal lands revolving nonappropriated account—state appropriation are provided solely for the department to replace the NaturE revenue and leasing administration system and integrate with the new One Washington financial system. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(20)(a) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to maintain existing administrative facility infrastructure operated by the six regions of the department.

(b) The department's allocation of this appropriation and existing expenditure authority in certain other funds will be spread equitably across agency funds based on a model of positions by program or activity that utilize existing facility spaces within the agency's operating regions. The remaining costs at each site will remain the burden of existing management fund distribution. Department allocation of funds in this appropriation will be trackable by region and by project code.

(c) This appropriation is provided solely for the maintenance of existing administrative infrastructure, inclusive of ordinary maintenance, preventive maintenance, and maintenance services and inspections, minor repairs, system component replacement, and the delivery of utility and facility services.

(d) The department must provide a comparison of quarterly agency allotments and expenditures relating to this subsection, including a summary of the maintenance work for all regional facilities subject to this section to the office of financial management beginning in October 2021.

(21) \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement a pilot project to evaluate the costs and benefits of marketing and selling specialty forest products including cedar salvage, alder, and other hardwood products. The pilot project must include: Identifying suitable areas for hardwood or cedar sales within the administrative areas of the Olympic and Pacific Cascade regions, preparing and conducting sales, and evaluating the costs and benefits from conducting the sales.

(a) The pilot project must include an evaluation that:

(i) Determines if revenues from the sales are sufficient to cover the costs of preparing and conducting the sales;

(ii) Identifies and evaluates factors impacting the sales, including regulatory constraints, staffing levels, or other limitations;

(iii) Compares the specialty sales to other timber sales that combine the sale of cedar and hardwoods with other species;

(iv) Evaluates the bidder pool for the pilot sales and other factors that impact the costs and revenues received from the sales; and

(v) Evaluates the current and future prices and market trends for cedar salvage and hardwood species.

(b) The department must work with affected stakeholders and report to the appropriate committees of the legislature with the results of the pilot project and make recommendation for any changes to statute by June 30, 2023.

(22) \$112,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Senate Bill No. 5158 (utility wildland fire cmte.).

(23) \$407,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to complete development of a programmatic safe harbor agreement, and the associated environmental analysis and draft enrollment language for inclusion in the forest practices rules. Within the amount provided in this subsection, the department must provide \$182,000 to the department of fish and wildlife to assist in the development of the programmatic safe harbor agreement. The department must provide a report to the appropriate committees of the legislature by December 15, 2021, on the status of the rule making and the resources needed to implement the rule effective October 1, 2022.

(24) Within amounts appropriated in this section, the department on behalf of the forest practices board must provide an update to the natural resource policy committees of the legislature on the progress of its projects, including progress made to address recommendations from the 2021 state auditor's report on the adaptive management program, by December 1, 2021, and December 1, 2022.

(25) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to grant to local law enforcement agencies to assist in enforcing vessel registration laws. Funding is also provided for a pilot recycling project with a nonprofit maritime education center that has the capacity to coordinate with a local port and local businesses that can accommodate vessel waste material.

(26) Within amounts appropriated in this section, the department, acting in its capacity as the agency responsible for implementing Washington state's section 10 permit under the endangered species act for aquatic species, and for ensuring maintenance of clean water act

assurances granted by the department of ecology, must report to the legislature by no later than June 30, 2022, on the status of forest practices board activities related to: (a) Permanent water typing rulemaking and associated board manual development and (b) rulemaking and associated board manual development regarding the protection of type N streams.

(27) Within amounts appropriated in this section, the department, in collaboration with motorized and nonmotorized outdoor recreation stakeholders, must submit to the appropriate committees of the legislature recommendations for the use of NOVA account appropriations, by September 30, 2022.

(28) \$2,336,000 of the general fund—state appropriation for fiscal year 2022 and \$1,591,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations).

(29) \$36,000 of the general fund—state appropriation for fiscal year 2022 and \$36,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health).

(30) \$180,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5452 (electric-assisted bicycles).

(31) \$1,765,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to:

(a) Replace the statewide forest practices permit database system. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act; and

(b) Provide a recommendation for ways that the forest products industry could help cover the cost of the new forest practice online system. The recommendation must include proposed changes to the fees that are paid for forest practice applications and notifications, as well as a description and table that illustrates the operating costs of the program and how those costs are covered by fund source including fee revenue. The recommendation must be reported to the fiscal committees of the legislature by December 1, 2021, and may be included as a decision package to the office of financial management for consideration in the governor's proposed 2022 supplemental operating budget.

(32) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement a pilot project to evaluate the costs and benefits of entering into such stewardship agreements with individual neighboring landowners who would take on the responsibility for protecting small segments of shared boundary with department managed lands. The pilot project must include identifying the legal limits and bounds of such stewardship agreements, identifying suitable areas, preparing and entering into shared stewardship agreements, and evaluating the costs and benefits of these agreements.

(a) The pilot project evaluation must include:

(i) A determination of an appropriate mechanism for the sale of valuable materials from state trust lands harvested under a stewardship agreement;

(ii) Identification of regulatory constraints, staffing levels necessary to administer a statewide program, and other limitations; and

(iii) Identification of legal risk and insurance and indemnification requirements that may be necessary on the part of private individuals entering into these agreements.

(b) The pilot project must include agreements on at least the Teanaway or Klickitat Community Forests and on state trust lands in the vicinity of the town of Darrington, Washington. The department of natural resources must work with affected stakeholders and report to the appropriate committees of the legislature with the results of the pilot project and any recommendations for changes and statewide implementation by July 1, 2023.

(33) \$134,000 of the general fund—state appropriation for fiscal year 2022 and \$134,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to grant non-tribal outcome-based performance participation grants for implementation of the forest practices adaptive management program. Of the amounts provided in this subsection, \$54,000 per fiscal year is provided for grants to the Washington farm forestry association and \$80,000 per fiscal year is provided for grants to the Washington state association of counties.

(34) \$488,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of chapter 316, Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5126) (climate commitment act).

(35) \$3,481,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to collect and refresh statewide lidar data.

(36) Within amounts appropriated in this section, the department must improve performance of the forest practices adaptive management program by implementing recommendations made by the state auditor's office in its January 2021 performance audit of the program.

(37) \$450,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct a targeted analysis of the current and projected impact from drought and opportunities for drought resilience on department owned and managed uplands and agricultural lands.

(38) \$225,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to hire a watershed steward to expedite salmon recovery actions and projects, including education, with a primary focus on agency owned and managed uplands and aquatic lands.

(39)(a) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a pilot project to improve salmon habitat across the department's aquatic, commercial, industrial, and agricultural lands. Of the amount provided in this subsection:

(i) \$2,000,000 is provided solely to improve nearshore habitat by accelerating restoration of state-owned aquatic lands; and

(ii) \$3,000,000 is provided solely to improve riparian function, including riparian planting and riparian set-asides on state-owned lands.

(b) The department must consult with federally recognized tribes and partner with relevant state agencies and local governments in implementing this pilot.

(c) The department must provide a report on the cost, monitoring, and effectiveness of investments in salmon habitat improvements to the office of financial management and the appropriate committees of the legislature by June 30, 2023.

(40) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to address the maintenance backlog associated with providing recreation on lands managed by the department. Allowable uses include, but are not limited to, maintenance, repair, or replacement of trails, toilet facilities, roads, campgrounds, picnic sites, water access areas, signs, kiosks, and gates. The department is encouraged to partner with nonprofit organizations in the maintenance of public lands.

(41) \$4,284,000 of the derelict vessel removal account—state appropriation is provided solely for implementation of House Bill No. 1700 (derelict vessel removal). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(42) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the purpose of establishing demonstration areas for wildfire ready neighbors, a wildland fire resiliency outreach, assessment, and education program, in portions of Pierce, Mason, and Thurston counties. Wildfire ready neighbor demonstration areas must be located where there is a demonstrated high risk of wildland fire, a mix of suburban and small private forestland ownership, and significant areas of wildland urban interface. Further, demonstration areas must be selected by employing principles of environmental justice and equity, with an effort to select areas for inclusion that have a significant proportion of vulnerable populations and "highly impacted communities" as defined by RCW 19.405.020.

(43) The department, in coordination with the office of the superintendent of public instruction, must provide recommendations on the development of an outdoor school at the site of the Naselle youth camp. The department must consider, at a minimum, the suitability of the current facilities, operating and capital budget needs and estimated costs, any potential transfers of land ownership or management, partnership opportunities, and other potential procedural or operational challenges and proposed solutions. The department must submit a proposal to the appropriate committees of the legislature by December 31, 2022.

~~(44) (\$5,000,000 of the salmon recovery account state appropriation is provided solely for the department to purchase easements under the forestry riparian easement program, pursuant to RCW 76.13.120.~~

~~(45))~~ \$1,149,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the implementation of Second Substitute Senate Bill No. 5619 (kelp & eelgrass conservation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((46))~~ (45) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to continue convening the work group pertaining to making improvements to the trust land transfer program. Of the amount provided in this subsection, up to \$75,000 may be used for completing a trust land transfer project in Jefferson county.

~~((47))~~ (46) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide a grant to a nonprofit organization that will offer environmental education and career development skills training in nature for youth and young adults from south King county.

~~((48))~~ (47)(a) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to purchase state forestland, as described in RCW 79.22.010, to begin a program to benefit counties who have lost revenue from existing state forestlands encumbered by wildlife species listed as endangered or threatened by the federal endangered species act. The department must transfer the appropriated amount into the natural resources real property replacement account in accordance with RCW 79.17.210 to purchase state forestlands.

(b) Of the amounts provided in this subsection:

(i) \$5,000,000 must be used to purchase state forestland for the benefit of Clallam county and Jefferson county; and

(ii) \$5,000,000 must be used to purchase state forestland for the benefit of Pacific county, Skamania county, and Wahkiakum county.

(c) The purchased forestlands shall be owned and managed by the department as state forest transfer lands and shall be placed in trust for the benefit of the counties. The purchase of these state forestlands is not limited to lands within the geographic bounds of the counties listed in this subsection.

(d) The purchase of state forestlands must be made in concurrence with the Washington state association of counties before a transaction is finalized.

(e) The department shall work with the Washington state association of counties to determine if any statutory changes are necessary to address issues regarding beneficiary revenue distribution or any other fiscal matters related to state forestlands. The department

and the Washington state association of counties shall report to the legislature on any needed statutory changes by December 31, 2022.

((+49-)) (48) \$2,000,000 of the salmon recovery account—state appropriation is provided solely for an increase in the Puget Sound corp program to employ work crews statewide to carry out aquatic recreation, natural areas, resource protection, and urban forestry projects.

((+50-)) (49) \$167,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to advance research and cooperation with governmental agencies of Finland and Finnish organizations to implement sustainable forestry practices. The department must report to the appropriate committees of the legislature, by June 30, 2023, on how the funding was used, what kinds of research and cooperation were accomplished, and make recommendations for further opportunities for collaboration.

**Sec. 1309.** 2022 c 297 s 311 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

General Fund—State Appropriation (FY 2022)	\$28,418,000
General Fund—State Appropriation (FY 2023)	(( <del>\$43,910,000</del> ))
	<u>\$47,213,000</u>
General Fund—Federal Appropriation	(( <del>\$40,631,000</del> ))
	<u>\$46,021,000</u>
General Fund—Private/Local Appropriation	\$193,000
Aquatic Lands Enhancement Account—State Appropriation	\$2,743,000
Water Quality Permit Account—State Appropriation	\$73,000
Model Toxics Control Operating Account—State Appropriation	\$9,545,000
Dedicated Marijuana Account—State Appropriation (FY 2022)	\$628,000
Dedicated Marijuana Account—State Appropriation (FY 2023)	\$635,000
Northeast Washington Wolf-Livestock Management Nonappropriated Account—State Appropriation	\$1,042,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	\$148,045,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$275,863,000</del>))</b> <b><u>\$284,556,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$103,045,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to develop a state alternative to the United States department of agriculture farmers to families food box program and provide resources for hunger relief organizations, including organizations that serve BIPOC and other socially disadvantaged communities.

(2) \$5,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the farm-to-school program under RCW 15.64.060.

(3) \$8,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for local food system infrastructure and market access grants, prioritized for women, minority, and small business owners.

(4) \$9,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a grant program to improve food supply chain infrastructure and market access for farms, food processors, and food distributors.

(5) (a) \$90,000 of the general fund—state appropriation for fiscal year 2022 and \$90,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate with the office of equity, the conservation commission, underrepresented farmers and ranchers, organizations that represent historically underrepresented farmers and ranchers, farmworkers, and labor advocates to:

(i) Ensure inclusion of historically underrepresented farmers and ranchers in the agricultural industry;

(ii) Evaluate related boards, commissions, and advisory panels to ensure inclusion of historically underrepresented farmers and ranchers;

(iii) Include historically underrepresented farmers and ranchers in the development, implementation, and enforcement of food and agriculture laws, rules, regulations, policies, and programs; and

(iv) Consider ways to increase engagement in agricultural education and workforce development opportunities by communities who have been historically underrepresented in agriculture.

(b) The department must report to the governor and legislature, in accordance with RCW 43.01.036, by October 31, 2022, on its activities and efforts to include historically underrepresented farmers and ranchers. The report must describe the department's efforts to serve historically underrepresented farmers and ranchers, identify existing gaps and financial barriers to land ownership and obtaining equipment, and must include recommendations to improve outreach to and services for historically underrepresented farmers and ranchers.

(6) \$4,936,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$938,000)~~) \$4,121,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing a Japanese beetle monitoring and eradication program in central Washington.

(7) \$6,605,445 of the general fund—state appropriation for fiscal year 2022, \$23,230,905 of the general fund—state appropriation for fiscal year 2023, and \$23,000,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for implementing the emergency food assistance program as defined in RCW 43.23.290.

(8) \$170,000 of the general fund—state appropriation for fiscal year 2022 and \$170,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue a shellfish coordinator position. The shellfish coordinator assists the industry with complying with regulatory requirements and will work with regulatory agencies to identify ways to streamline and make more transparent the permit process for establishing and maintaining shellfish operations.

(9) \$194,000 of the general fund—state appropriation for fiscal year 2022, \$194,000 of the general fund—state appropriation for fiscal year 2023, and \$1,134,000 of the general fund—federal appropriation are provided solely for implementing a Vespa mandarinia eradication program.

(10) \$1,042,000 of the northeast Washington wolf-livestock management nonappropriated account—state appropriation is provided solely for the department to conduct the following:

(a) Fund the northeast Washington wolf-livestock management grant program as provided in RCW 16.76.020, at \$432,000. Funds from the grant program must be used only for the deployment of nonlethal deterrence, specifically with the goal to reduce the likelihood of cattle being injured or killed by wolves by deploying proactive, preventative methods that have a good probability of producing effective results. Grant proposals will be assessed partially on this intent. Grantees who use funds for range riders or herd monitoring must deploy this tool in a manner so that targeted areas with cattle are visited daily or near daily. Grantees must collaborate with other entities providing prevention efforts resulting in coordinated wolf-livestock conflict deterrence efforts, both temporally and spatially, therefore providing well-timed and placed preventative coverage on the landscape. The department retains the final decision-making authority over disbursement of funds. Annual reports from grantees will be assessed for how well grant objectives were met and used to decide whether future grant funds will be awarded to past grantees.

(b) Contract with the northeast Washington wolf-cattle collaborative, a nonprofit organization, for \$410,000 for range riders to conduct proactive deterrence activities with the goal to reduce the likelihood of cattle being injured or killed by wolves. The contract must provide that the organization share all relevant information with the department of fish and wildlife in a timely manner to aid in wolf management decisions. Additionally, range riders must document their activities with geo-referenced photo points and provide written description of their efforts to the department of fish and wildlife by December 31, 2021, and December 31, 2022. Work is to be conducted solely on United States forest service grazing allotments and adjoining private lands in the Kettle mountains in Ferry county. This includes an area from the northern boundary of the Colville Confederated Tribes reservation, west of the Columbia river north to state route 20, and then west of United States route 395 to the Canadian border, and from the northern boundary of the Colville Confederated Tribes reservation east of state highway 21 to the Canadian border. Also included are federal grazing allotments and adjoining private lands in the Vulcan mountain area, an area which is north of the Kettle river where it enters the United States at Midway, British Columbia and leaves the United States near Danville, Washington. Of the amount provided in this subsection, \$90,000 may be contracted for range rider deterrence activities in Pend Oreille, Stevens, or Ferry counties.

(c) Within the amounts provided in this subsection, the department must provide \$120,000 in fiscal year 2022 and \$80,000 in fiscal year 2023 to the sheriffs offices of Ferry and Stevens counties for providing a local wildlife specialist to aid the department of fish and wildlife in the management of wolves in northeast Washington.

(11) \$1,400,000 of the model toxics control operating account—state appropriation is provided solely for research grants to assist with development of an integrated pest management plan to find a suitable replacement for imidacloprid to address burrowing shrimp in Willapa bay and Grays harbor and facilitate continued shellfish cultivation on tidelands. In selecting research grant recipients for this purpose, the department must incorporate the advice of the Willapa-Grays harbor working group formed from the settlement agreement with the department of ecology signed on October 15, 2019. Up to eight percent of the total amount provided may be used by the departments of agriculture, commerce, ecology, and natural resources to cover overhead expenses relating to their continued participation in the working group for the 2021-2023 fiscal biennium.

(12) \$323,000 of the general fund—state appropriation for fiscal year 2022 and \$477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations).

(13) \$78,000 of the general fund—state appropriation for fiscal year 2022 and \$276,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health).

(14) \$2,000,000 of the general fund—federal appropriation, not to exceed the amount appropriated in section 11, chapter 3, Laws of 2021, that is unobligated at the end of fiscal

year 2021, is provided solely to assist hunger relief organizations to achieve food security and is subject to the same terms and conditions as the appropriation in section 11, chapter 3, Laws of 2021.

(15) \$168,000 of the general fund—state appropriation for fiscal year 2022 and \$168,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to assist small and midsize farms and small and midsize processors in exploring options to expand capacity for processing meat or meat and poultry for sale and direct marketing efforts. In carrying out this duty, the department must:

(a) Assist farms in complying with federal, state, and local rules and regulations as they apply to direct marketing of meat and poultry products;

(b) Assist in developing infrastructure including, but not limited to, custom meat facilities and slaughter facilities inspected by the United States department of agriculture as appropriate to increase direct marketing opportunities for farms;

(c) Assist processors in complying with federal, state, and local rules and regulations as they apply to processing meat and poultry and the marketing of meat and poultry;

(d) Assist in developing, in consultation with Washington State University extension, training opportunities or apprenticeship opportunities for slaughterers or inspectors;

(e) Provide information on direct marketing opportunities for farms;

(f) Identify and help reduce market barriers facing farms in direct marketing;

(g) Identify and help reduce barriers facing processors in operating slaughter facilities;

(h) Assist in developing and submitting proposals to grant programs to assist farm direct marketing efforts; and

(i) Perform other functions that will assist farms in directly marketing their meat and poultry products.

(16) \$1,832,000 of the general fund—state appropriation for fiscal year 2022 and \$1,832,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department, in consultation with the state conservation commission, to develop a grant program to provide funding to conservation districts or other entities to provide access to meat and poultry processing and inspection. In addition to other funding needs to provide access to meat and poultry processing and inspection, grant funding may be used to establish a mobile slaughter unit or to provide needed infrastructure to provide for the retail sale of meat or poultry. The department must conduct outreach to gain input from other entities, such as conservation districts, Washington State University and the food policy forum in developing the grant program described in this subsection.

(17) \$156,000 of the general fund—state appropriation for fiscal year 2022 and \$213,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5192 (electric vehicle equipment).

(18) \$366,000 of the general fund—state appropriation for fiscal year 2022 and \$366,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to support the department's emergency management planning responsibilities related to agricultural systems, radiological preparedness and response, foodborne outbreaks, food security, and other emergency management responsibilities.

(19) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for rulemaking for a voluntary cannabis certification program that is consistent with the department's existing organics program, as authorized by chapter 317, Laws of 2017 (ESSB 5131).

(20) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a community-based organization in Whatcom county for the food and farm finder program, which connects local food producers with retail and wholesale consumers.

(21) \$81,000 of the general fund—state appropriation for fiscal year 2022 and \$139,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a hemp in food task force and a hemp commission task force.

(a) Of the amounts provided in this subsection, \$75,000 in fiscal year 2022 and \$125,000 in fiscal year 2023 are for a hemp in food task force. The department must appoint task force members representing relevant state agencies, the scientific community, and stakeholder organizations. The department must provide staff support for the task force and contract for relevant scientific expertise. The department must report to the appropriate committees of the legislature with recommendations for the regulation of hemp in food by December 1, 2022.

(b) Of the amounts provided in this subsection, \$6,000 in fiscal year 2022 and \$14,000 in fiscal year 2023 are for a hemp commission task force. The department must appoint task force members representing relevant state agencies, the scientific community, and stakeholder organizations, including the hemp industry. The department must provide staff support for the task force. The department must report to the appropriate committees of the legislature with recommendations for the creation of a commodity commission for hemp by December 1, 2022.

(22) \$790,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 1859 (cannabis analysis labs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(23) \$301,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1799 (organic materials management). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.



(24) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to support local and regional markets and for agricultural infrastructure development in southwest Washington.

(25) \$9,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5544 (blockchain work group). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(26) \$9,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5974 (transportation resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1310.** 2022 c 297 s 312 (uncodified) is amended to read as follows:

**FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL**

General Fund—State Appropriation (FY 2023)	(( <u>\$776,000</u> ))
	<u>\$912,000</u>
Energy Facility Site Evaluation Council Account—	
Private/Local Appropriation	(( <u>\$13,116,000</u> ))
	<u>\$13,397,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<u>\$13,892,000</u>))</b>
	<b><u>\$14,309,000</u></b>

The appropriations in this section are subject to the following conditions and limitations: \$208,000 of the general fund—state appropriation for fiscal year 2023 and \$8,333,000 of the energy facility site evaluation council account—private/local appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1812 (energy facility site council). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(End of part)

**PART XIV  
TRANSPORTATION  
SUPPLEMENTAL**

**Sec. 1401.** 2022 c 297 s 402 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

General Fund—State Appropriation (FY 2022)	\$66,750,000
General Fund—State Appropriation (FY 2023)	(( <u>\$68,712,000</u> ))
	<u>\$69,285,000</u>
General Fund—Federal Appropriation	\$16,766,000
General Fund—Private/Local Appropriation	\$3,091,000
Death Investigations Account—State Appropriation	(( <u>\$8,794,000</u> ))
	<u>\$8,852,000</u>
County Criminal Justice Assistance Account—State	
Appropriation	(( <u>\$4,622,000</u> ))
	<u>\$4,645,000</u>
Municipal Criminal Justice Assistance Account—State	
Appropriation	(( <u>\$1,681,000</u> ))
	<u>\$1,691,000</u>
Fire Service Trust Account—State Appropriation	\$131,000
Vehicle License Fraud Account—State Appropriation	\$119,000
Disaster Response Account—State Appropriation	(( <u>\$12,500,000</u> ))
	<u>\$27,080,000</u>
Fire Service Training Account—State Appropriation	(( <u>\$12,797,000</u> ))
	<u>\$12,497,000</u>
Model Toxics Control Operating Account—State	
Appropriation	\$591,000
Fingerprint Identification Account—State	
Appropriation	\$12,956,000
Dedicated Marijuana Account—State Appropriation	
(FY 2022)	\$2,423,000
Dedicated Marijuana Account—State Appropriation	
(FY 2023)	\$2,423,000
Washington Internet Crimes Against Children Account—	
State Appropriation	\$1,000,000
<b>TOTAL APPROPRIATION</b>	<b>((<u>\$215,356,000</u>))</b>
	<b><u>\$230,300,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) ((\$12,500,000))\$27,080,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in

response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(2) \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for the Washington state patrol to partner with multi-jurisdictional drug and gang task forces to detect, deter, and dismantle criminal organizations involved in criminal activity including diversion of cannabis from the legalized market and the illicit production and distribution of cannabis and cannabis-related products in Washington state.

(3) \$643,000 of the general fund—state appropriation for fiscal year 2022 and \$643,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for addressing a backlog of toxicology tests in the toxicology laboratory.

(4) \$356,000 of the general fund—state appropriation for fiscal year 2022, \$356,000 of the general fund—state appropriation for fiscal year 2023, and \$298,000 of the death investigations account—state appropriations are provided solely for increased supply and maintenance costs for the crime laboratory division and toxicology laboratory division.

(5) \$510,000 of the county criminal justice assistance account—state appropriation is provided solely for the Washington state patrol to support local police, sheriffs' departments, and multiagency task forces in the prosecution of criminals. However, the office of financial management must reduce the allotment of the amount provided in this subsection if allotment of the full appropriation will put the account into deficit.

(6)(a) \$700,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(b) The joint apprenticeship training committee shall submit a report to the fiscal committees of the legislature by December 1, 2022, describing how the funding appropriated in this section was spent during the biennium. At a minimum, the report shall include information about the number of individuals that completed the training, the level of training or type of training being taught, the total cost of training everyone through completion, the percentage of passage rate for trainees, and the geographic location of the fire department sponsoring the trainee.

(7) \$316,000 of the general fund—state appropriation for fiscal year 2023 and \$1,000,000 of the Washington internet crimes against children account—state appropriation are provided solely for the missing and exploited children's task force within the patrol to help prevent possible abuse to children and other vulnerable citizens from sexual abuse.

(8) \$1,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Substitute Senate Bill No. 5055 (law enforcement grievances), which changes methods for selecting an arbitrator for labor disputes involving law enforcement disciplinary matters.

(9) \$213,000 of the general fund—state appropriation for fiscal year 2022 and \$163,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute House Bill No. 1223 (custodial interrogations).

(10) \$1,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics and equipment).

(11) \$2,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (use of force).

(12) \$1,334,000 of the general fund—state appropriation for fiscal year 2022 and \$2,373,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for facility and staff costs associated with construction of a second toxicology laboratory facility in Federal Way. The Washington state patrol must provide a report on the progress of the toxicology lab construction semiannually to the fiscal committees of the legislature with a final report due 90 days after completion of the project. The report must include, but is not limited to:

- (a) A detailed list of expenditures so far;
- (b) A detailed list of expenditure yet to be made before the completion of the project;
- (c) An updated project timeline with expected end date; and
- (d) Other project details that the Washington state patrol finds important to relay.

(13) \$213,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the Washington state patrol to outsource death investigation cases to reduce the current backlog of cases awaiting toxicology testing.

(14) \$1,320,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for an enhanced forensic capabilities pilot program that provides expedited DNA technology and forensic services to assist in the processing of crime scene evidence, expediting investigative leads, and reducing the backlog of other cases. To ensure readiness to proceed with implementation, the Washington state patrol must identify needed resources, complete prebidding, and develop a competitive procurement process by July 1, 2022. The Washington state patrol must complete a preliminary report by December 2, 2022, describing major milestones and achievements of the program to date and submit a final report to the appropriate committees of the legislature by June 30, 2023. The preliminary report must include, but is not limited to, the following:

(a) Protocols on the operation and use of the program while maintaining civil liberties and protecting individual privacy;

(b) A description of how expedited DNA technology and forensic services will tie into the current operations of the state patrol's existing crime lab; and

(c) Details of how the Washington state patrol will protect individual privacy and civil liberties in relation to the program described in this subsection.

(15) \$94,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2057 (state patrol workforce). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(16) \$191,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1725 (missing indigenous persons). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(17) \$330,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1735 (peace officers/use of force). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

((20)) (18) \$441,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to process the backlog of court orders and dispositions. By June 30, 2023, the department must provide a report to the appropriate legislative committees that describes any continued staffing needs for this purpose.

((21)) (19) \$1,000 of the general fund—state appropriation for fiscal year 2023 is for implementation of Engrossed Fourth Substitute House Bill No. 1412 (legal financial obligations).

(End of part)

**PART XV  
EDUCATION  
SUPPLEMENTAL**

**Sec. 1501.** 2022 c 297 s 501 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

General Fund—State Appropriation (FY 2022)	\$31,995,000
General Fund—State Appropriation (FY 2023)	((41,420,000))
	<u>\$41,366,000</u>
General Fund—Federal Appropriation	\$106,299,000
General Fund—Private/Local Appropriation	\$8,064,000
Washington Opportunity Pathways Account—State Appropriation	\$8,609,000
Dedicated Marijuana Account—State Appropriation (FY 2022)	\$520,000
Dedicated Marijuana Account—State Appropriation (FY 2023)	\$550,000
Performance Audits of Government Account—State Appropriation	\$213,000
Workforce Education Investment Account—State Appropriation	\$7,420,000
Elementary and Secondary School Emergency Relief III Account—Federal Appropriation	\$7,116,000
<b>TOTAL APPROPRIATION</b>	<b>((212,206,000))</b>
	<u><b>\$212,152,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) **BASE OPERATIONS AND EXPENSES OF THE OFFICE**

(a) \$15,228,000 of the general fund—state appropriation for fiscal year 2022 and ((17,635,000)) \$17,585,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(iii) By October 31st of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in section 501, chapter 415, Laws of 2019 and sections 515 and 522 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(iv) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the

observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(v) Districts shall annually report to the office of the superintendent of public instruction on: (A) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (B) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(vi) The office of the superintendent of public instruction shall provide statewide oversight and coordination to the regional nursing corps program supported through the educational service districts.

(vii) Within the amounts provided in this subsection (1)(a), \$318,000 of the general fund—state appropriation for fiscal year 2022 and \$310,000 of the general fund—state appropriation for fiscal year 2023 are for 2.0 FTE to support multi-tiered systems of support (MTSS) data management and implementation activities.

(viii) Within the amounts provided in this subsection (1)(a), \$79,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a contract to assess the feasibility, specifications, and cost estimates for full development and implementation of a MTSS database.

(ix) Within the amounts provided in this subsection (1)(a), \$53,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with regional and/or national experts to train the MTSS staff and staff from the center on the improvement of student learning on MTSS implementation science and evidence-based practices as distinct but complementary to the Washington integrated student supports protocol.

(x) Within amounts provided in this subsection (1)(a), \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a climate science curriculum staff position within the office of the superintendent of public instruction and to integrate climate change content into the Washington state learning standards across subject areas and grade levels. The office shall develop materials and resources that accompany the updated learning standards that encourage school districts to develop interdisciplinary units focused on climate change that include authentic learning experiences, that integrate a range of perspectives, and that are action oriented.

(xi) Within the amounts provided in this subsection (1)(a), sufficient funding is provided for the office to implement House Bill No. 1833 (school meals/electronic info).

(xii) Within the amounts provided in this subsection (1)(a), sufficient funding is provided for the office to implement House Bill No. 1834 (student absences/mental health).

(b) \$1,217,000 of the general fund—state appropriation for fiscal year 2022 and \$1,217,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for maintenance of the apportionment system, including technical staff and the data governance working group.

(c) \$494,000 of the general fund—state appropriation for fiscal year 2022 and \$494,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(d) \$61,000 of the general fund—state appropriation for fiscal year 2022 and \$61,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(e) \$61,000 of the general fund—state appropriation for fiscal year 2022 and \$96,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(f) \$268,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(g) Within amounts appropriated in this section, the office of the superintendent of public instruction and the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(h) \$123,000 of the general fund—state appropriation for fiscal year 2022 and \$123,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(i) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(j) \$14,000 of the general fund—state appropriation for fiscal year 2022 and \$14,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(k) \$131,000 of the general fund—state appropriation for fiscal year 2022, \$131,000 of the general fund—state appropriation for fiscal year 2023, and \$213,000 of the performance audits of government account—state appropriation are provided solely for the office of the

superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(l) \$117,000 of the general fund—state appropriation for fiscal year 2022 and \$117,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 3, Laws of 2015 1st sp. sess. (computer science).

(m) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(n) \$385,000 of the general fund—state appropriation for fiscal year 2022 and \$385,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government. The professional development must be done in collaboration with school district administrators and school directors. Funding in this subsection is sufficient for the office, the Washington state school directors' association government-to-government task force, and the association of educational service districts to collaborate with the tribal leaders congress on education to develop a tribal consultation training and schedule. The tribal consultation training and schedule must be developed by January 1, 2022.

(o) \$205,000 of the general fund—state appropriation for fiscal year 2022 and \$1,205,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership. The amounts provided in this subsection are sufficient for implementation of Second Substitute Senate Bill No. 5720 (student financial literacy). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(p) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state.

(q) \$481,000 of the general fund—state appropriation for fiscal year 2022 and \$481,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(r) Districts shall report to the office the results of each collective bargaining agreement for certificated staff within their district using a uniform template as required by the superintendent, within thirty days of finalizing contracts. The data must include but is not limited to: Minimum and maximum base salaries, supplemental salary information, and average percent increase for all certificated instructional staff. Within existing resources by December 1st of each year, the office shall produce a report for the legislative evaluation and accountability program committee summarizing the district level collective bargaining agreement data.

(s) \$4,631,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for administrative costs related to the management of federal funds provided for COVID-19 response and other emergency needs.

(t) \$70,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of the superintendent of public instruction to provide centralized support and coordination, including supervision and training, for social workers hired by or contracting with school districts.

(u) \$2,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If this bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(v) \$72,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for IT project funding for a contract to assess the feasibility, specifications, and cost estimates for full development and implementation of the school apportionment system.

(2) DATA SYSTEMS

(a) \$1,802,000 of the general fund—state appropriation for fiscal year 2022 and \$1,802,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(b) \$281,000 of the general fund—state appropriation for fiscal year 2022 and \$281,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures

and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) \$450,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

(3) WORK GROUPS

(a) \$335,000 of the general fund—state appropriation for fiscal year 2022 and \$335,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 206, Laws of 2018 (career and college readiness).

(b) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(c) \$118,000 of the general fund—state appropriation for fiscal year 2022 and \$118,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 75, Laws of 2018 (dyslexia).

(d) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 386, Laws of 2019 (social emotional learning).

(e) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to collaborate with the department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long term strategies that align and integrate high-quality early learning programs administered by both agencies and consistent with implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). The report, due September 1, 2022, shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings with inclusive facilities and operations, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies.

(f) \$107,000 of the general fund—state appropriation for fiscal year 2022 and \$107,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to support the children and youth behavioral health work group created in chapter 130, Laws of 2020 (child. mental health wk. grp).

(g) \$310,000 of the general fund—state appropriation for fiscal year 2022 and \$249,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development and implementation of a language access technical assistance program for school districts and to reconvene an expanded work group under section 2, chapter 256, Laws of 2019. The activities of and resources provided by the language access technical assistance program must align with the recommendations in the October 2020 report of the language access work group created by section 2, chapter 256, Laws of 2019 in order to improve awareness and fulfillment of language access rights for families in educational settings. The work group under this subsection shall, by December 1, 2021, report to the appropriate committees of the legislature recommendations for standards, training, testing, and credentialing for spoken and sign language interpreters for students' families and for collecting information related to language access services in schools and school districts. Within the amounts provided in this subsection, the office must provide a report to the appropriate committees of the legislature by December 1, 2021. The report shall include, at a minimum, information regarding the different languages in which students and students' families prefer to communicate by each school district.

(h) (i) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the superintendent of public instruction to convene a work group to identify trauma informed strategies, approaches, and curricula for supporting students in distress and with challenging behaviors that prioritize relational safety. Stipends may be provided for work group members who are representing families and individuals as experts with lived experiences to compensate for time and travel to meetings. The work group at a minimum must include the following:

(A) One representative from the department of children, youth, and families with expertise on inclusion, equitable access, trauma informed practices, and relational safety in education settings;

(B) One representative from an organization representing youth with intellectual and developmental disabilities;

(C) Individuals representing youth with communication disorders, students or young adults who have lived experience with restraint and isolation, and students or adults who are survivors of the school-to-prison pipeline;

(D) One representative from an organization working to eliminate racial inequities in education;

(E) One representative from an organization working to eliminate disparities for families and students with a native language other than English;

(F) One representative from an organization working to improve inclusive practices in Washington that works with families and communities;

(G) One member of an organization representing youth in foster care;

(H) One member of an organization representing youth experiencing homelessness; and

(I) An administrator, teacher, and paraeducator professional with experience working in or around a self-contained behavior program.

(ii) The work group shall submit a report to the education committees of the legislature, the governor's office, and the education ombuds by December 1, 2022. The report must include a list of approved crisis response protocols and deescalation techniques for schools that are trauma informed and prioritize relational safety, recommended elements needed to improve access to mental health supports for all students, building-based strategies to enhance fidelity to multi-tiered systems of support and student behavior plans for students with challenging behaviors and strategies to track and reduce/eliminate restraint and isolation use, and best practices for implementation of identified strategies, with recommendations for district compliance and tracking mechanisms.

#### (4) STATEWIDE PROGRAMS

(a) \$2,590,000 of the general fund—state appropriation for fiscal year 2022 and \$2,590,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(b) \$703,000 of the general fund—state appropriation for fiscal year 2022 and \$703,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 72, Laws of 2016 (educational opportunity gap).

(c) \$950,000 of the general fund—state appropriation for fiscal year 2022 and \$950,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(d) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for chapter 102, Laws of 2014 (biliteracy seal).

(e)(i) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for school bullying and harassment prevention activities.

(ii) \$15,000 of the general fund—state appropriation for fiscal year 2022 and \$15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 240, Laws of 2016 (school safety).

(iii) \$570,000 of the general fund—state appropriation for fiscal year 2022 and \$570,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide statewide support and coordination for the regional network of behavioral health, school safety, and threat assessment established in chapter 333, Laws of 2019 (school safety and well-being). Within the amounts provided in this subsection (4)(e)(iii), \$200,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to schools or school districts for planning and integrating tiered suicide prevention and behavioral health supports. Grants must be awarded first to districts demonstrating the greatest need and readiness. Grants may be used for intensive technical assistance and training, professional development, and evidence-based suicide prevention training.

(iv) \$196,000 of the general fund—state appropriation for fiscal year 2022 and \$196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the school safety center within the office of the superintendent of public instruction.

(A) Within the amounts provided in this subsection (4)(e)(iv), \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a school safety program to provide school safety training for all school administrators and school safety personnel. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety.

(B) Within the amounts provided in this subsection (4)(e)(iv), \$96,000 of the general fund—state appropriation for fiscal year 2022 and \$96,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for administration of the school safety center. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information web site.

(f)(i) \$162,000 of the general fund—state appropriation for fiscal year 2022 and \$162,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for youth suicide prevention activities.

(ii) \$76,000 of the general fund—state appropriation for fiscal year 2022 and \$76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 64, Laws of 2018 (sexual abuse of students).

(g)(i) \$280,000 of the general fund—state appropriation for fiscal year 2022, \$280,000 of the general fund—state appropriation for fiscal year 2023, and \$1,070,000 of the dedicated marijuana account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, \$520,000 of the dedicated marijuana account—state appropriation for fiscal year 2022, and \$550,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for the building bridges statewide program.

(ii) \$293,000 of the general fund—state appropriation for fiscal year 2022 and \$293,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(iii) \$178,000 of the general fund—state appropriation for fiscal year 2022 and \$178,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 291, Laws of 2017 (truancy reduction efforts).

(h) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

(i) \$358,000 of the general fund—state appropriation for fiscal year 2022 and \$358,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 221, Laws of 2019 (CTE course equivalencies).

(j) \$196,000 of the general fund—state appropriation for fiscal year 2022 and \$196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 252, Laws of 2019 (high school graduation reqs.).

(k) \$60,000 of the general fund—state appropriation for fiscal year 2022, \$60,000 of the general fund—state appropriation for fiscal year 2023, and \$680,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply). Of the amounts provided in this subsection, \$680,000 of the general fund—federal appropriation is provided solely for title II SEA state-level activities to implement section 103, chapter 295, Laws of 2019 relating to the regional recruiters program.

(l) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a tribal liaison at the office of the superintendent of public instruction to facilitate access to and support enrollment in career connected learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

(m) \$57,000 of the general fund—state appropriation for fiscal year 2022 and \$57,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 288, Laws of 2020 (school meals at no cost).

(n) \$269,000 of the general fund—state appropriation for fiscal year 2022 and \$142,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 353, Laws of 2020 (innovative learning pilot).

(o) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide statewide coordination towards multicultural, culturally responsive, and anti-racist education to support academically, socially, and culturally literate learners. The office must engage community members and key interested parties to:

(i) Develop a clear definition and framework for African American studies to guide instruction in grades seven through twelve;

(ii) Develop a plan for aligning African American studies across all content areas; and

(iii) Identify professional development opportunities for educators and administrators to build capacity in creating high-quality learning environments centered in belonging and racial equity, anti-racist approaches, and asset-based methodologies that pull from all students' cultural funds of knowledge.

(p) \$275,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to convene and provide staff support to the K-12 basic education compensation advisory committee established in section 951 of this act.

(q) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to develop resources, share best practices, and



provide technical assistance for school districts to support implementation of comprehensive, culturally responsive, and high-quality civics education. Within amounts provided in this subsection, the office shall administer competitive grant awards of up to \$1,500 per first class school district and \$750 per second class school district to support in-service training and the development or adoption of curriculum and instructional materials. The office shall utilize a portion of this funding to assess the learning outcomes related to civic education curriculum and to support related assessments that gauge the degree to which high quality civic education is taking place in school districts throughout the state.

(r) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide technical assistance to school districts through the center for the improvement of student learning. The technical assistance must support the implementation of trauma-informed practices, policies, and procedures, including implementation of social emotional learning programs, multi-tiered systems of support, and other evidence-based programs that improve school climate and student emotional wellbeing.

(s) \$49,000 of the general fund—state appropriation for fiscal year 2022 and \$49,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1214 (K-12 safety & security serv.).

(t) \$35,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute House Bill No. 1363 (secondary trauma/K-12).

(u) \$140,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1208 (learning assistance program).

(v) \$505,000 of the general fund—state appropriation for fiscal year 2022 and \$486,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release).

(w) \$60,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of the superintendent of public instruction to evaluate and implement best practices and procedures for ensuring that student lunch periods include a seated lunch duration of at least 20 minutes. The office of the superintendent of public instruction shall, through an application-based process, select six public schools to serve as demonstration sites. Of the amounts provided in this subsection:

(i) \$30,000 of the general fund—state appropriation is provided solely for annual grant awards of \$5,000 each provided to the six school districts selected to serve as school demonstration sites;

(ii) \$20,000 of the general fund—state appropriation is provided solely for the office to hire a consultant with expertise in nutrition programs to oversee the demonstration projects and provide technical support; and

(iii) \$10,000 of the general fund—state appropriation is provided solely for the office to provide technical support to the demonstration sites and report its findings and recommendations to the education committees of the house of representatives and the senate by October 1, 2022.

(x) \$27,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute Senate Bill No. 5030 (school counseling programs).

(y) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$16,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.).

(z) \$553,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of the superintendent of public instruction to develop and implement a mathematics pathways pilot to modernize algebra II. The office should use research and engage stakeholders to develop a revised and expanded course.

~~((bb))~~ (aa) \$3,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract for regional multitiered systems of support (MTSS) implementation specialists during the 2022-23 school year to help districts administer the MTSS assessments and adopt evidence-based strategies that address the specific academic, social, emotional, and behavioral health needs of students exacerbated by the pandemic. Funding may also be used for the specialists to provide MTSS training and technical assistance to help school districts and educational service districts connect students with appropriate supports to improve student outcomes and reduce educational opportunity gaps.

~~((cc))~~ (bb) \$367,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1153 (language access in schools). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((dd))~~ (cc) \$8,341,000 of the Washington state opportunity pathways account—state appropriation is provided solely for support to small school districts and public schools receiving allocations under chapters 28A.710 and 28A.715 RCW that have less than 800 enrolled students, are located in urban or suburban areas, and budgeted for less than \$18,000 per pupil in general fund expenditures in the 2021-22 school year. For eligible school districts and schools, the superintendent of public instruction must allocate an amount equal to the lesser of ~~((dd))~~ (cc) (i) or (ii) of this subsection multiplied by the school district or school's budgeted enrollment in the 2021-22 school year.

(i) The state local effort assistance threshold in RCW 28A.500.015 in the 2022 calendar year.

(ii) \$18,000 minus the school district or school's budgeted general fund expenditures per pupil in the 2021-22 school year.

~~((ee))~~ (dd) (i) \$80,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to assist sexual assault survivors in Washington public schools. Funding provided in this subsection must be used by the office to:

(A) Research best practices for a victim-centered, trauma-informed approach to responding to sexual assault and supporting survivors in schools;

(B) Conduct listening sessions across the state for the purpose of assessing challenges with responding to sexual assault and supporting survivors in schools;

(C) Update model protocols for responding to sexual assault and supporting survivors in schools;

(D) Develop a plan for deploying victim-centered, trauma-informed training for school administrators and counselors, based on best practices for responding to sexual assault and supporting survivors in schools and informed by the requirements of title IX of the education amendments of 1972; and

(E) Review current legal requirements mandating that educators and staff report suspected sexual assault and assess whether changes to those requirements should be made to align them with best practices for responding to sexual assault and supporting survivors in schools.

(ii) The office must consult with the department of children, youth, and families, law enforcement professionals, national and state organizations supporting the interests of sexual assault survivors, victims' advocates, educators, school administrators, school counselors, and sexual assault survivors.

(iii) The office must submit to the governor and the appropriate committees of the legislature a preliminary report by December 1, 2022. It is the intent of the legislature to provide funding for the office to submit a final report, including a summary of its findings and recommendations, by October 1, 2023.

~~((ff))~~ (ee) \$25,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to create and distribute promotional and educational materials to school districts for Americans of Chinese descent history month.

~~((gg))~~ (ff) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the superintendent to contract with a community-based youth development nonprofit organization for a pilot program to provide behavioral health support for youth and trauma-informed, culturally responsive staff training.

~~((hh))~~ (gg) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the superintendent to establish a media literacy and digital citizenship ambassador program to promote the integration of media literacy and digital citizenship instruction.

~~((ii))~~ (hh) \$294,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5252 (school consultation/tribes). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(5) CAREER CONNECTED LEARNING

(a) \$852,000 of the workforce education investment account—state appropriation is provided solely for expanding career connected learning as provided in RCW 28C.30.020.

(b) \$960,000 of the workforce education investment account—state appropriation is provided solely for increasing the funding per full-time equivalent for career launch programs as described in RCW 28A.700.130. In the 2021-2023 fiscal biennium, for career launch enrollment exceeding the funding provided in this subsection, funding is provided in section 504 of this act.

(c) \$500,000 of the workforce education investment account—state appropriation is provided solely for the Federal Way school district to establish pre-apprenticeship pathways and career connected learning programs in the skilled trades in Federal Way.

(d) \$1,500,000 of the workforce education investment account—state is provided solely for Marysville school district to collaborate with Arlington school district, Everett Community College, other local school districts, local labor unions, local Washington state apprenticeship and training council registered apprenticeship programs, and local industry groups to continue the regional apprenticeship pathways program.

(e) \$3,600,000 of the workforce education investment account—state appropriation is provided solely for the office of the superintendent of public instruction to administer grants to skill centers for nursing programs to purchase or upgrade simulation laboratory equipment.

**Sec. 1502.** 2022 c 297 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT**

General Fund—State Appropriation (FY 2022)	\$9,481,252,000
General Fund—State Appropriation (FY 2023)	<del>(\$9,975,955,000)</del>
	<u>\$8,937,617,000</u>
General Fund—Federal Appropriation	\$204,000
Education Legacy Trust Account—State Appropriation	\$1,608,115,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation	<del>(\$280,875,000)</del>
	<u>\$258,048,000</u>

TOTAL APPROPRIATION..... (~~\$20,346,401,000~~)  
\$20,285,236,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2021-22 and 2022-23 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 504 and 505 of this act, excluding (c) of this subsection.

(c) From July 1, 2021, to August 31, 2021, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 503 and 504, chapter 357, Laws of 2020, as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2021-22 and 2022-23 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2021-22 and 2022-23 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school, including those at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:

Grade	RCW 28A.150.260	2021-22 School Year	2022-23 School Year
Grade K		17.00	17.00
Grade 1		17.00	17.00
Grade 2		17.00	17.00
Grade 3		17.00	17.00
Grade 4		27.00	27.00
Grades 5-6		27.00	27.00
Grades 7-8		28.53	28.53
Grades 9-12		28.74	28.74

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 19. Certificated instructional staff units provided for skills centers that exceed the minimum requirements of RCW 28A.150.260 achieve class size reductions under RCW 28A.400.007 and are part of the state's program of basic education.

(ii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iii) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260, as amended by Second Substitute House Bill No. 1664 (schools/support funding), and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii)(A) For the twenty schools with the lowest overall school score for all students in the 2018-19 school year, as determined by the Washington school improvement framework among elementary schools, middle schools, and other schools not serving students up to twelfth grade, having enrollments greater than one hundred fifty students, in addition to the allocation under (d)(i) of this subsection the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school in the 2021-22 school year as follows:

	Elementary	Middle
Guidance counselors	0.307	0.512

To receive additional allocations under this subsection (2)(d)(ii)(A), a school eligible to receive the allocation must have demonstrated actual staffing for guidance counselors for its prototypical school level that meets or exceeds the staffing for guidance counselors in (d)(i) of this subsection and this subsection (2)(d)(ii)(A) for its prototypical school level. School districts must distribute the additional guidance counselors allocation in this subsection to the schools that generate the allocation. The enhancement within this subsection is not part of the state's program of basic education.

(B) For qualifying high-poverty schools in the 2022-23 school year, at which more than 50 percent of the students were eligible for free and reduced-price meals in the prior school year, in addition to the allocation under (d)(i) of this subsection, the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school as follows:

	Elementary	Middle	High
Guidance counselors	0.333	0.333	0.333

(C) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2021-22 School Year	2022-23 School Year
Career and Technical Education	3.07	3.35
Skill Center	3.41	3.69

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2021-22 and 2022-23 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistant principals, and other certificated building level administrators:

Prototypical School Building:

Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors:

Career and Technical Education students. . . . .	1.025
Skill Center students. . . . .	1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2021-22 and 2022-23 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2021-22 and 2022-23 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.48 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 12.58 percent in the 2021-22 school year and ((12.11))12.04 percent in the 2022-23 school year for career and technical education students, and 17.92 percent in the 2021-22 school year and ((17.42))17.35 percent in the 2022-23 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 22.71 percent in the 2021-22 school year and 22.98 percent in the 2022-23 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 22.75 percent in the 2021-22 school year and ((22.80))22.94 percent in the 2022-23 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on the number of benefit units determined as follows: Except for nonrepresented employees of educational service districts, the number of calculated benefit units determined below. Calculated benefit units are staff units multiplied by the benefit allocation factors established in the collective bargaining agreement referenced in section 934 of this act. These factors are intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent employees may be calculated on the basis of 630 hours of work per year, with no individual employee counted as more than one full-time equivalent. The number of benefit units is determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section multiplied by 1.02; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.43.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2021-22 School Year	2022-23 School Year
Technology	\$140.84	\$173.59
Utilities and Insurance	\$382.70	\$403.75

Curriculum and Textbooks	\$151.22	\$159.54
Other Supplies	\$299.50	\$316.73
Library Materials	\$21.54	\$21.97
Instructional Professional Development for Certificated and Classified Staff	\$23.39	\$24.67
Facilities Maintenance	\$189.59	\$200.02
Security and Central Office	\$131.35	\$138.57
TOTAL MSOC/STUDENT FTE	\$1,340.13	\$1,438.84

(ii) For the 2021-22 school year and 2022-23 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(iii) Within the amount provided in (a)(i) of this subsection (8), allocations for MSOC technology in excess of RCW 28A.150.260 are not part of the state's basic education.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,585.55 for the 2021-22 school year and \$1,672.76 for the 2022-23 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,585.55 for the 2021-22 school year and \$1,672.76 for the 2022-23 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2021-22 School Year	2022-23 School Year
Technology	\$40.50	\$42.72
Curriculum and Textbooks	\$44.18	\$46.61
Other Supplies	\$86.06	\$90.79
Library Materials	\$5.99	\$6.32
Instructional Professional Development for Certificated and Classified Staff	\$7.36	\$7.77
TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE	\$184.09	\$194.21

#### (9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2021-22 and 2022-23 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

#### (10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2021, to August 31, 2021, are adjusted to reflect provisions of chapter 357, Laws of 2020, as amended (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

#### (11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

#### (12) ALL DAY KINDERGARTEN PROGRAMS

((a)) Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2021-22 school year and 2022-23 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or

delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2022 and 2023 as follows:

(a) \$650,000 of the general fund—state appropriation for fiscal year 2022 and \$650,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund—state appropriation for fiscal year 2022 and \$436,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Funding in this section is sufficient to fund a maximum of 1.2 FTE enrollment for career launch students pursuant to RCW 28A.700.130. Expenditures for this purpose must come first from the appropriations provided in section 501(5) of this act; funding for career launch enrollment exceeding those appropriations is provided in this section. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by January 1, 2022. The report must include the total FTE enrollment for career launch students, the FTE enrollment for career launch students that exceeded the appropriations provided in section 501(5) of this act, and the amount expended from this section for those students.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system. The office of the superintendent of public instruction must adopt rules to fund the participating student's enrollment in running start courses during the summer term.

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (13) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2021-2023 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

(22) \$16,211,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to ensure that school districts receive at least \$500 per pupil for COVID-19 relief funding when combined with federal relief dollars. These funds are one-time allocations to school districts and may be used according to the allowable uses defined in section 2001(2)(e) of the American rescue plan act of 2021, P.L. 117-2. Prior to receiving funds, a school district must submit an academic and student well-being recovery plan to the office of the superintendent of public instruction as required in section 12(3), chapter 3, Laws of 2021, and must also report progress on implementing the plan in a manner identified by the superintendent.



(a) The office of the superintendent of public instruction must calculate a relief per pupil amount for each district defined as: The quotient from dividing the total funding allocated to each district from the federal relief funds, as defined in (b) of this subsection, by a school district's total enrollment as defined in (c) of this subsection. A school district with a relief per pupil amount less than \$500 shall receive the difference between \$500 and the relief per pupil amount, multiplied by the school district's total enrollment.

(b) For the purposes of this subsection, federal relief funds allocated to school districts include:

(i) Subgrants authorized under section 18003, the coronavirus aid, relief, and economic security act, P.L. 116-136;

(ii) Subgrants authorized under section 313, the coronavirus response and relief supplemental appropriations act, P.L. 116-260; and

(iii) Subgrants authorized under section 2001, the American rescue plan act of 2021, P.L. 117-2.

(c) For the purposes of this subsection, a school district's total enrollment means the district's 2019-20 school year annual average full-time equivalent student enrollment, excluding full-time equivalent student enrollments for which funds are separately calculated and allocated under RCW 28A.232.020, 28A.600.310(4), 28A.245.020, and 28A.175.110.

(d) For the purposes of this subsection, this subsection applies to state-tribal compact schools established under chapter 28A.715 RCW.

(23) \$14,859,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for enrollment stabilization allocations required in section 1519 of this act.

(24) \$566,000 of the general fund—state appropriation for fiscal year 2022, \$250,000 of the general fund—state appropriation for fiscal year 2023, and \$204,000 of the general fund—federal appropriation (CRRSA/ESSER) are provided solely for an enrollment stabilization allocation for the Washington youth academy national guard youth challenge program. Federal funding is provided in response to the COVID-19 pandemic as authorized in subsection 313(e), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(25) (~~(\$280,875,000)~~)\$258,048,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for enrollment stabilization allocations pursuant to Substitute House Bill No. 1590 (enrollment stabilization). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(26) (~~(\$145,489,000)~~)\$87,469,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1664 (schools/support funding). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1503.** 2022 c 297 s 505 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.260, and under section 504 of this act: For the 2021-22 school year and the 2022-23 school year salary allocations for certificated instructional staff, certificated administrative staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

Statewide Minimum Salary Allocation

Staff Type	2021-22 School Year	2022-23 School Year
Certificated Instructional	\$68,937	\$72,728
Certificated Administrative	\$102,327	\$107,955
Classified	\$49,453	\$52,173

(2) For the purposes of this section, "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on February 18, 2022, at 6:09 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 22.07 percent for school year 2021-22 and 22.34 percent for school year 2022-23 for certificated instructional and certificated administrative staff and 19.25 percent for school year 2021-22 and (~~(19.30)~~)19.44 percent for the 2022-23 school year for classified staff.

(4) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW 28A.400.200, as amended by chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education).

**Sec. 1504.** 2022 c 297 s 506 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund—State Appropriation (FY 2022)	\$97,080,000
General Fund—State Appropriation (FY 2023)	(( <del>\$580,811,000</del> ))
	<u>\$572,305,000</u>
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	\$1,720,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$679,611,000</del>))</b> <b><u>\$671,105,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The salary increases provided in this section are 2.0 percent for the 2021-22 school year, and 5.5 percent for the 2022-23 school year, the annual inflationary adjustments pursuant to RCW 28A.400.205.

(2) (a) In addition to salary allocations, the appropriations in this section include funding for professional learning as defined in RCW 28A.415.430, 28A.415.432, and 28A.415.434. Funding for this purpose is calculated as the equivalent of three days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

(b) Of the funding provided for professional learning in this section, the equivalent of one day of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in the 2021-22 school year must be used to train school district staff on cultural competency, diversity, equity, or inclusion, as required in chapter 197, Laws of 2021.

(3) (a) The appropriations in this section include associated incremental fringe benefit allocations at 22.07 percent for the 2021-22 school year and 22.34 percent for the 2022-23 school year for certificated instructional and certificated administrative staff and 19.25 percent for the 2021-22 school year and 19.30 percent for the 2022-23 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in sections 504 and 505 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 504 and 505 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 504, 505, and 506 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

(4) The appropriations in this section are sufficient to fund the collective bargaining agreement referenced in section 934 of this act and reflect the incremental change in cost of allocating rates as follows: For the 2021-22 school year, \$968 per month and for the 2022-23 school year, \$1,026 per month.

(5) When bargaining for funding for school employees health benefits for the 2021-2023 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(6) The rates specified in this section are subject to revision each year by the legislature.

**Sec. 1505.** 2022 c 297 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund—State Appropriation (FY 2022)	\$605,160,000
General Fund—State Appropriation (FY 2023)	(( <del>\$672,475,000</del> ))
	<u>\$729,427,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$1,277,635,000</del>))</b> <b><u>\$1,334,587,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) (a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW

28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 506, chapter 357, Laws of 2020, as amended.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2022 and up to \$10,000,000 of the general fund—state appropriation for fiscal year 2023 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$939,000 of the general fund—state appropriation for fiscal year 2022 and a maximum of \$939,000 of the general fund—state appropriation for fiscal year 2023 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) Subject to available funds under this section, school districts may provide student transportation for summer skills center programs.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(8) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(9) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

(10) The superintendent must provide student transportation allocations for the 2021-22 school year equal to the greater of allocations provided in the 2019-20 school year or the student transportation allocations calculated under RCW 28A.160.192. These allocations satisfy the formula requirements for transportation allocations under RCW 28A.160.192.

(11) \$29,745,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for transportation emergency allocations required in section 1504(12) of this act.

(12)(a) \$13,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the superintendent to provide transportation safety net funding to school districts with a demonstrated need for additional transportation funding for special passengers. Transportation safety net awards shall only be provided when a school district's allowable transportation expenditures attributable to serving special passengers exceeds the amount allocated under subsection (2)(a) of this section and any excess transportation costs reimbursed by federal, state, tribal, or local child welfare agencies.

(b) To be eligible for additional transportation safety net award funding, the school district must report, in accordance with statewide accounting guidance, the amount of the excess costs and the specific activities or services provided to special passengers that created the excess costs. The office of the superintendent of public instruction must request from school districts an application for transportation safety net funding no later than May 1st. The application must contain the school district's anticipated excess costs through the end of the current school year.

(c) Transportation safety net awards allocated under this subsection are not part of the state's program of basic education.

**Sec. 1506.** 2022 c 297 s 508 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL FOOD SERVICES**

General Fund—State Appropriation (FY 2022) . . . . .	\$11,667,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$33,334,000</del> ))
	<u>\$59,834,000</u>
General Fund—Federal Appropriation. . . . .	(( <del>\$573,246,000</del> ))
	<u>\$788,702,000</u>
<b>TOTAL APPROPRIATION</b> .....	<b>((<del>\$618,247,000</del>))</b>
	<b><u>\$860,203,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$11,548,000 of the general fund—state appropriation for fiscal year 2022 and \$11,548,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades pre-kindergarten through twelfth grades who are

eligible for reduced-price lunch as required in Engrossed House Bill No. 1342 (reduced-price lunch copays);

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced-price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

(2) The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in subsection (1)(a) through (c) of this section.

(3) The superintendent of public instruction shall provide the department of health with the following data, where available, for all nutrition assistance programs that are funded with the United States department of agriculture and administered by the office of the superintendent of public instruction. The superintendent must provide the report for the preceding federal fiscal year by February 1, 2022, and February 1, 2023. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(4) (a) (~~(\$21,500,000)~~) \$48,167,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for reimbursements to school districts for schools and groups of schools required to participate in the federal community eligibility program under section 1, chapter 7, Laws of 2022 (schools/comm. eligibility) for meals not reimbursed at the federal free meal rate. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(b) \$119,000 of the general fund—state appropriation for fiscal year 2022 and \$286,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 271, Laws of 2018 (school meal payment) to increase the number of schools participating in the federal community eligibility program and to support breakfast after the bell programs authorized by the legislature that have adopted the community eligibility provision, and for staff at the office of the superintendent of public instruction to implement section 1, chapter 7, Laws of 2022 (schools/comm. eligibility).

(5) \$14,200,000 of the general fund—federal appropriation (CRRSA) is provided solely for emergency costs for child nutrition programs provided under section 722 of P.L. 116-260, the consolidated appropriations act, 2021, title VII, chapter 3 to school food programs.

(6) (~~(\$18,223,000)~~) \$27,073,000 of the general fund—federal appropriation is provided solely for reimbursement of local education agencies expenditures for the acquisition of unprocessed or minimally processed domestic food products from the United States department of agriculture supply chain assistance funds authorized by the commodity credit corporation charter act of 2021.

(7) \$3,645,000 of the general fund—federal appropriation is provided solely for food assistance purchases of domestic local foods for distribution to schools from the United States department of agriculture local food for schools cooperative agreement program authorized by the commodity credit corporation charter act of 2021.

**Sec. 1507.** 2022 c 297 s 509 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2022) . . . . .	\$1,464,854,000
General Fund—State Appropriation (FY 2023) . . . . .	( <del>(\$1,459,576,000)</del> )
	<u>\$1,487,468,000</u>
General Fund—Federal Appropriation . . . . .	\$571,229,000
Education Legacy Trust Account—State Appropriation . . . . .	\$54,694,000
Elementary and Secondary School Emergency Relief III Account—Federal Appropriation . . . . .	\$7,000,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>(<del>(\$3,557,353,000)</del>)</b> <b><u>\$3,585,245,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 504 and 506 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2) (a) The superintendent of public instruction shall ensure that:

- (i) Special education students are basic education students first;
  - (ii) As a class, special education students are entitled to the full basic education allocation; and
  - (iii) Special education students are basic education students for the entire school day.
- (b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.
- (3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (4) (a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390, except that the calculation of the base allocation also includes allocations provided under section 504 (2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.
- (b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 357, Laws of 2020, as amended.
- (5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.
- (6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.
- (7) \$76,334,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$91,192,000)~~) \$106,931,000 of the general fund—state appropriation for fiscal year 2023, and \$29,574,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.
- (a) For the 2021-22 and 2022-23 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (education).
- (b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.
- (8) A maximum of \$1,250,000 may be expended from the general fund—state appropriations to fund teachers and aides at Seattle children's hospital. This amount is in lieu of money provided through the home and hospital allocation and the special education program.
- (9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.
- (10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.
- (11) \$88,000 of the general fund—state appropriation for fiscal year 2022, \$87,000 of the general fund—state appropriation for fiscal year 2023, and \$214,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.
- (12) \$5,000,000 of the general fund—state appropriation for fiscal year 2022, \$12,000,000 of the general fund—state appropriation for fiscal year 2023, and \$7,000,000 of the elementary and secondary school emergency relief III account—federal appropriation are provided solely for the office of the superintendent of public instruction to provide an allocation to school districts for extension of transition services for students with disabilities who turned age 21 during the 2019-20 or 2020-21 school years, did not graduate with a regular diploma, and require recovery services on or after July 1, 2021, as determined by the student's individualized education plan team. The extension of these services does not reduce or supplant any other services for which the individual would be eligible. Allocations for this purpose may not exceed the amounts provided in this subsection. The office of the superintendent of public instruction may adopt formulas and procedures to define a per-student amount to be provided to students that meet the criteria, so that allocations do not

exceed amounts provided in this subsection. Amounts provided in this subsection are outside the state's program of basic education.

(13)(a) \$52,704,000 of the general fund—federal appropriation (ARPA) is provided solely for allocations from federal funding as authorized in section 2014, the American rescue plan act of 2021, P.L. 117-2.

(b) \$4,411,000 of the general fund—federal appropriation (ARPA) is provided solely for providing preschool services to qualifying special education students under section 619 of the federal individuals with disabilities education act, pursuant to section 2002, the American rescue plan act of 2021, P.L. 117-2.

(14) \$7,000,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to support professional development in inclusionary practices for classroom teachers. The primary form of support to public school classroom teachers must be for mentors who are experts in best practices for inclusive education, differentiated instruction, and individualized instruction. Funding for mentors must be prioritized to the public schools with the highest percentage of students with individualized education programs aged three through 21 who spend the least amount of time in general education classrooms.

**Sec. 1508.** 2022 c 297 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund—State Appropriation (FY 2022) . . . . .	\$28,636,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$30,886,000</del> ))
	<u>\$30,678,000</u>
<b>TOTAL APPROPRIATION</b> . . . . .	<b>((<del>\$59,522,000</del>))</b>
	<b><u>\$59,314,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) Funding in this section is provided for regional professional development related to English language arts curriculum and instructional strategies aligned with common core state standards. Each educational service district shall use this funding solely for salary and benefits for certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(4) Funding in this section is provided for regional technical support for the K-20 telecommunications network to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(5) Funding in this section is provided for a corps of nurses located at the educational service districts, to be dispatched in coordination with the office of the superintendent of public instruction, to provide direct care to students, health education, and training for school staff. Beginning in fiscal year 2022, allocations for the corps of nurses is sufficient to provide one day per week of nursing services for all second-class school districts.

(6) Funding in this section is provided for staff and support at the nine educational service districts to provide a network of support for school districts to develop and implement comprehensive suicide prevention and behavioral health supports for students.

(7) Funding in this section is provided for staff and support at the nine educational service districts to provide assistance to school districts with comprehensive safe schools planning, conducting needs assessments, school safety and security trainings, coordinating appropriate crisis and emergency response and recovery, and developing threat assessment and crisis intervention teams. Beginning in fiscal year 2022, allocations for staff and support for regional safety centers are increased to 3 full-time equivalent certificated instructional staff for each regional safety center.

(8) Funding in this section is provided for regional English language arts coordinators to provide professional development of teachers and principals around the new early screening for dyslexia requirements.

(9) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

(10) \$2,150,000 of the general fund—state appropriation for fiscal year 2022 and \$2,169,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for each educational service district to provide technology consultation, procurement, and training required under Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices).

(11) \$1,009,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5539 (ed. service district funding). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1509.** 2022 c 297 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE**

General Fund—State Appropriation (FY 2022)	\$272,986,000
General Fund—State Appropriation (FY 2023)	(((\$250,542,000))
	<u>\$255,216,000</u>
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation	\$63,909,000
<b>TOTAL APPROPRIATION</b>	<b>(((\$587,437,000))</b>
	<b><u>\$592,111,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$63,909,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for enrollment stabilization local effort assistance funding as required in Substitute House Bill No. 1590 (enrollment stabilization). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(2) \$23,047,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for local effort assistance adjustments as shown in LEAP document 4, as developed by the legislative evaluation and accountability program committee on March 24, 2023, at 6:09 hours.

**Sec. 1510.** 2022 c 297 s 512 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2022)	\$14,074,000
General Fund—State Appropriation (FY 2023)	(((\$13,894,000))
	<u>\$14,787,000</u>
<b>TOTAL APPROPRIATION</b>	<b>(((\$27,968,000))</b>
	<b><u>\$28,861,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$701,000 of the general fund—state appropriation for fiscal year 2022 and \$701,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) \$1,944,000 of the general fund—state appropriation for fiscal year 2022 and \$2,090,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to increase the capacity of institutional education programs to differentiate instruction to meet students' unique educational needs, including students with individualized educational plans. Those needs may include but are not limited to one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility. Allocations of amounts for this purpose in a school year must be based on 45 percent of full-time enrollment in institutional education receiving a differentiated instruction amount per pupil equal to the total statewide allocation generated by the distribution formula under RCW 28A.150.260 (4) (a), (5), (6), and (8) and the allocation under RCW 28A.150.415, per the statewide full-time equivalent enrollment in common schools.

(7) \$300,000 of the general fund—state appropriation in fiscal year 2022 and \$300,000 of the general fund—state appropriation in fiscal year 2023 are provided solely to support three student records coordinators to manage the transmission of academic records for each of the long-term juvenile institutions. One coordinator is provided for each of the following: The Issaquah school district for the Echo Glen children's center, the Chehalis school district for Green Hill academic school, and the Naselle-Grays River Valley school district for Naselle youth camp school.

(8) Ten percent of the funds allocated for the institution may be carried over from one year to the next.

(9) \$588,000 of the general fund—state appropriation for fiscal year 2022 and \$897,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one educational advocate to each institution with enrollments above 40 full-time equivalent students beginning in the 2021-22 school year in addition to any educational advocates supported by federal funding. Educational advocates will provide the following supports to students enrolled in or just released from institutional education programs:

(a) Advocacy for institutional education students to eliminate barriers to educational access and success;

(b) Consultation with juvenile rehabilitation staff to develop educational plans for and with participating youth;

(c) Monitoring educational progress of participating students;

(d) Providing participating students with school and local resources that may assist in educational access and success upon release from institutional education facilities; and

(e) Coaching students and caregivers to advocate for educational needs to be addressed at the school district upon return to the community.

(10) \$49,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to increase materials, supplies, and operating costs by \$85 per pupil beginning in the 2021-22 school year for technology supports for institutional education programs. This funding is in addition to general education materials, supplies, and operating costs provided to institutional education programs, which exclude formula costs supported by the institutional facilities.

(11) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to support instruction in cohorts of students grouped by similar age and academic levels.

**Sec. 1511.** 2022 c 297 s 513 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund—State Appropriation (FY 2022)	\$31,926,000
General Fund—State Appropriation (FY 2023)	(((\$32,176,000))
	<u>\$32,153,000</u>
<b>TOTAL APPROPRIATION</b>	<b>(((\$64,102,000))</b>
	<u><b>\$64,079,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 505 and 506 of this act.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 357, Laws of 2020, as amended.

**Sec. 1512.** 2022 c 297 s 515 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS**

General Fund—State Appropriation (FY 2022)	\$134,083,000
General Fund—State Appropriation (FY 2023)	(((\$138,519,000))
	<u>\$134,042,000</u>
General Fund—Federal Appropriation	\$96,683,000
General Fund—Private/Local Appropriation	\$1,450,000
Education Legacy Trust Account—State Appropriation	\$1,642,000
<b>TOTAL APPROPRIATION</b>	<b>(((\$372,377,000))</b>
	<u><b>\$367,900,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ACCOUNTABILITY



(a) \$26,975,000 of the general fund—state appropriation for fiscal year 2022, \$26,975,000 of the general fund—state appropriation for fiscal year 2023, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(b) \$14,352,000 of the general fund—state appropriation for fiscal year 2022 and \$14,352,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 159, Laws of 2013 (K-12 education - failing schools).

(2) EDUCATOR CONTINUUM

(a) \$71,644,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$75,805,000)~~ \$71,328,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,705 per teacher in the 2021-22 school year and a bonus of \$6,019 per teacher in the 2022-23 school year;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2021-22 and 2022-23 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after fully exhausting all years of candidacy as set by the national board for professional teaching standards are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(b) \$3,418,000 of the general fund—state appropriation for fiscal year 2022 and \$3,418,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(c) \$477,000 of the general fund—state appropriation for fiscal year 2022 and \$477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$810,000 of the general fund—state appropriation for fiscal year 2022 and \$810,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, educational service districts, and others as the independent organization shall identify.

(e) \$10,500,000 of the general fund—state appropriation for fiscal year 2022 and \$10,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a beginning educator support program (BEST). The program shall prioritize first year educators in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning educator aligned with professional certification; release time for mentors and new educators to work together; and educator observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(f) \$4,000,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

**Sec. 1513.** 2022 c 297 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund—State Appropriation (FY 2022)	\$217,022,000
General Fund—State Appropriation (FY 2023)	(( <del>\$218,054,000</del> ))
	<u>\$227,384,000</u>
General Fund—Federal Appropriation	(( <del>\$102,242,000</del> ))
	<u>\$108,183,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$537,318,000</del>))</b>
	<b><u>\$552,589,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2021-22 and 2022-23; (ii) additional instruction of 3.0000 hours per week in school years 2021-22 and 2022-23 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 505 and 506 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 357, Laws of 2020, as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: 1.89 percent for school year 2021-22 and ((~~1.88~~)) 1.78 percent for school year 2022-23.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund—state appropriation for fiscal year 2022 and \$35,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to track current and former transitional bilingual program students.

(6) \$1,185,000 of the general fund—state appropriation in fiscal year 2022 and \$1,185,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

**Sec. 1514.** 2022 c 297 s 517 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 2022)	\$449,472,000
General Fund—State Appropriation (FY 2023)	(( <del>\$447,888,000</del> ))
	<u>\$424,536,000</u>
General Fund—Federal Appropriation	\$533,481,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	(( <del>\$26,382,000</del> ))
	<u>\$9,200,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$1,457,223,000</del>))</b>
	<b><u>\$1,416,689,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the

basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2021-22 and 2022-23 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2021-22 and 2022-23 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 505 and 506 of this act.

(ii) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 357, Laws of 2020, as amended.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2021-22 and 2022-23 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

(6) In addition to funding allocated under RCW 28A.150.260(10), the superintendent must allocate the following additional learning assistance program amounts to school districts from the coronavirus state fiscal recovery fund—federal appropriation:

(a) High poverty-based allocations in the 2022-23 school year for schools not eligible in the 2022-23 school year that were eligible for high poverty allocation in the previous school year.

(b) Allocations necessary to increase a school district's allocations under RCW 28A.150.260(10)(a)(i) up to an amount that would be generated based on the district's percentage of October headcount in grades K-12 eligible for free or reduced-price lunch in the 2019-20 school year if greater than the percentage allowed under RCW 28A.150.260(10)(a)(i).

**Sec. 1515.** 2022 c 297 s 518 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS**

Statewide Average Allocations		
Per Annual Average Full-Time Equivalent Student		
	2021-22	2022-23
	School Year	School Year
Basic Education Program		
General Apportionment	\$9,405	(((\$10,098)) \$10,094
Pupil Transportation	\$623	(((\$644)) \$698
Special Education Programs	\$9,976	(((\$10,812)) \$10,916
Institutional Education Programs	\$26,347	(((\$27,779)) \$27,973
Programs for Highly Capable Students	\$611	(((\$645)) \$644
Transitional Bilingual Programs	\$1,442	(((\$1,509)) \$1,551
Learning Assistance Program	\$964	(((\$1,011)) \$1,003

**Sec. 1516.** 2022 c 297 s 520 (uncodified) is amended to read as follows:  
**FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS**

Washington Opportunity Pathways Account—State	
Appropriation. . . . .	(((\$145,786,000)) \$135,998,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation. . . . .	\$1,667,000
<b>TOTAL APPROPRIATION.....</b>	<b><u>(\$147,453,000)</u></b>
	<b><u>\$137,665,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

(2) \$23,000 of the Washington opportunity pathways account—state appropriation is provided solely for enrollment stabilization allocations required in section 1519 of this act.

(3) \$147,000 of the Washington opportunity pathways account—state appropriation is provided solely for transportation emergency allocations required in section 1516(3) of this act.

(4) \$1,667,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for enrollment stabilization allocations pursuant to Substitute House Bill No. 1590 (enrollment stabilization). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1517.** 2022 c 297 s 522 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GRANTS AND PASS THROUGH FUNDING**

General Fund—State Appropriation (FY 2022). . . . .	\$80,493,000
General Fund—State Appropriation (FY 2023). . . . .	\$78,255,000
General Fund—Federal Appropriation. . . . .	<del>(\$989,995,000)</del>
	<u>\$948,147,000</u>

Elementary and Secondary School Emergency Relief

III—Federal Appropriation. . . . .	<del>(\$1,850,527,000)</del>
	<u>\$1,757,387,000</u>

<b>TOTAL APPROPRIATION.....</b>	<b><u>(\$2,999,270,000)</u></b>
	<b><u>\$2,864,282,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,894,000 of the general fund—state appropriation for fiscal year 2022 and \$4,894,000 of the general fund—state appropriation for fiscal year 2023 are provided for the office of the superintendent of public instruction to administer programs and grants which increase equitable access to dual credit programs, including subsidizing or eliminating student costs for dual credit courses or exams. By November 2022, the office shall submit a report to relevant committees of the legislature describing options for entering into statewide agreements with dual credit exam companies that will reduce the overall costs for all students and eliminate costs for students who are low income.

(2)(a) \$2,752,000 of the general fund—state appropriation for fiscal year 2022 and \$2,752,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, \$1,075,000 of the 2022 appropriation and \$1,075,000 of the 2023 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts provided in this subsection, \$800,000 of the fiscal year 2022 appropriation and \$800,000 of the fiscal year 2023 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(b) \$135,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(c) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2022, a high school must have offered a foundational project lead the way course during the 2020-21 school year. The 2022 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2021-22 school year. To be eligible for funding in 2023, a high school must have offered a foundational project lead the way course during the 2021-22 school year. The 2023 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2022-23 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(d) \$2,127,000 of the general fund—state appropriation for fiscal year 2022 and \$2,127,000 of the general fund—state appropriation for fiscal year 2023 are provided solely

for annual startup, expansion, or maintenance of core plus programs in maritime, construction, and aerospace and advanced manufacturing programs. To be eligible for funding to start up, maintain, or expand programs under (i) through (iii) of this subsection (d), the skills center and high schools must be selected through a competitive grant process administered by the office of the superintendent of public instruction in consultation with the advisory committee established in (vi) of this subsection (d). The office and the education research and data center shall report annually student participation and long-term outcome data. Within the amounts provided in this subsection:

(i) \$900,000 of the general fund—state appropriation for fiscal year 2022 and \$900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in aerospace and advanced manufacturing programs.

(ii) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in construction programs.

(iii) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in maritime programs.

(iv) For (i) through (iii) of this subsection (d), when the grant demand does not align with the specified allocation, the superintendent may allocate funding toward sector areas that meet criteria based on agreement from industry sector representatives.

(v) \$527,000 of the general fund—state appropriation for fiscal year 2022 and \$527,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to administer, evaluate, and promote programs under (i) through (iii) of this subsection (d) based on industry sector recommendations, including contracts with sector-specific entities to expand sector-specific employer engagement programs, increase work placement opportunities, validate credentials necessary for direct employment, and provide professional development to support schools, teachers, and students. The office may also contract with an entity with experience promoting core plus programming across industry sectors and education providers to expand awareness and adoption of core plus programs.

(vi) The office shall convene and manage an advisory committee of industry sector leadership from the core plus program areas and a representative from a statewide business and manufacturing association to inform the administration and continual improvement of core plus programs, including grant determinations, reviewing data and outcomes, recommending program improvements, and ensuring the use of qualified contractors. The committee will advise the superintendent on appropriate credentials, industry-based competencies, and programs of study for high-demand sectors represented in these program areas.

(3) (a) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for project citizen and we the people: The citizen and the constitution programs sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle and high school students. Of the amounts provided, \$15,000 of the general fund—state appropriation for fiscal year 2022 and \$15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for awarding a travel grant to the winner of the we the people: The citizen and the constitution state competition.

(b) \$373,000 of the general fund—state appropriation for fiscal year 2022 and \$373,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 127, Laws of 2018 (civics education). Of the amounts provided in this subsection (3) (b), \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grant programs to school districts to help cover travel costs associated with civics education competitions.

(4) (a) \$55,000 of the general fund—state appropriation for fiscal year 2022 and \$55,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(b) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(c) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated

\$1,000,000 is provided solely for community-based nonprofits including tribal education organizations to partner with public schools for next generation science standards.

(5) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(6) \$5,895,000 of the general fund—state appropriation for fiscal year 2022 and \$5,895,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (foster youth edu. outcomes). The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(a) Of the amount provided in this subsection (6), \$446,000 of the general fund—state appropriation for fiscal year 2022 and \$446,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection (6), \$1,015,000 of the general fund—state appropriation for fiscal year 2022 and \$1,015,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) Of the amounts provided in this subsection (6), \$684,000 of the general fund—state appropriation for fiscal year 2022 and \$684,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established with funding provided in the 2017-2019 omnibus appropriations act, chapter 1, Laws of 2017, 3rd sp. sess., as amended.

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established with funding provided in this act.

(e) \$55,000 of the general fund—state appropriation for fiscal year 2022 and \$55,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for maintaining and implementing the data sharing agreement between the office, the department of children, youth, and families, and the contractors to support targeted service delivery, program evaluation, and statewide education outcomes measurement for students served under this section.

(7)(a) \$1,200,000 of the general fund—state appropriation for fiscal year 2022 and \$1,200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 157, Laws of 2016 (homeless students).

(b) \$36,000 of the general fund—state appropriation for fiscal year 2022 and \$36,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for chapter 212, Laws of 2014 (homeless student educational outcomes).

(8) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(9)(a) \$1,425,000 of the general fund—state appropriation for fiscal year 2022 and \$1,425,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for dual language grants to grow capacity for high quality dual language learning. Grant funding may be used for new and existing dual language programs, heritage language programs for immigrant and refugee students, and indigenous language programs for native students.

(b) Each grant recipient must convene an advisory board to guide the development and continuous improvement of its dual language program, including but not limited to: Determining which schools and languages will be prioritized; conducting outreach to the community; and addressing enrollment considerations and the hiring of staff. At least half the members of the board must be parents of English learner students or current or former English learner students. The other members of the board must represent teachers, students, school leaders, governing board members, youth, and community-based organizations that support English learners.

(10)(a) \$4,940,000 of the general fund—state appropriation for fiscal year 2022 and \$4,940,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$1,454,000 of the general fund—state appropriation for fiscal year 2022 and \$1,454,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007. The office may require the recipient of these funds to report

the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(c) \$362,000 of the general fund—state appropriation for fiscal year 2022 and \$362,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 180, Laws of 2017 (Washington Aim program).

(11)(a) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities, including instructional material purchases, teacher and principal professional development, and school and community engagement events. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b)(i) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and \$3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a statewide information technology academy program. This public-private partnership will provide educational software, as well as information technology certification and software training opportunities for students and staff in public schools for the 2021-22 and 2022-23 school years only. The office must evaluate other options that may be available in the state for a future public-private partnership to deliver similar services to students and staff of public schools at no cost to the state.

(ii) The office must require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework. The report must include the number of students served disaggregated by gender, race, ethnicity, and free-and-reduced lunch eligibility as well as the number of industry certificates attained by type of certificate.

(c) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. The office of the superintendent of public instruction may award up to \$500,000 each year, without a matching requirement, to districts with greater than fifty percent of students eligible for free and reduced-price meals. All other awards must be equally matched by private sources for the program, including gifts, grants, or endowments.

(e) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a qualified 501(c)(3) nonprofit community-based organization physically located in Washington state that has at least 18 years of experience collaborating with the office and school districts statewide to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(f) \$62,000 of the general fund—state appropriation for fiscal year 2022 and \$62,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(g) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(12) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the centrum program at Fort Worden state park.

(13) (a) \$788,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracts with Washington state based nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged high school students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. The mentoring must include a focus on college readiness, career exploration and social-emotional learning. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring high school youth for at least twenty years in the state prior to application.

(b) Of the amounts provided in this subsection, \$38,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office to contract with a Washington-based nonprofit organization that provides one-to-one mentoring through a volunteer-supported network for disadvantaged youth facing academic and personal challenges to provide supportive services for youth who are experiencing mental and behavioral health crises due to the pandemic. Funding may also be used to assist youth mentors, and for staff who provide services to youth and their families and are experiencing secondary trauma. The organization must be affiliated with a national volunteer-supported mentoring network and have been providing one-to-one volunteer mentoring programs for at least 20 years in the state.

(14) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with an organization to create an after-school and summer learning program in the city of Federal Way. The program shall provide comprehensive, culturally competent academic support and cultural enrichment for primarily latinx, spanish-speaking, low-income sixth, seventh, and eighth grade students. The department must contract with an organization with over forty years of experience that serves the latino community in Seattle and King county and has previously established an after-school and summer learning program.

(15) \$850,000 of the general fund—state appropriation for fiscal year 2022 and \$850,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to create and administer a grant program for districts to reduce associated student body fees or participation fees for students who are eligible to participate in the federal free and reduced-price meals program. The office must distribute grants for the 2021-22 school year to school districts by August 10, 2021, and grants for the 2022-23 school year by August 1, 2022.

(a) Grant awards must be prioritized in the following order:

(i) High schools implementing the United States department of agriculture community eligibility provision;

(ii) High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal free and reduced-price meals program; and

(iii) High schools located in school districts enrolling 5,000 or fewer students.

(b) High schools that do not comply with the data collection and reporting requirements in RCW 28A.320.540 are not eligible for grant funding.

(c) The office of the superintendent of public instruction shall award grants that are the lesser of the cost of the high school's associated student body card multiplied by the number of students eligible for the free or reduced-price meals program that purchased a student body card in either 2018-19 or 2019-20 school year, whichever is higher, or \$10,000.

(d) The office may award additional funding if:

(i) The appropriations provided are greater than the total amount of funding requested at the end of the application cycle; and

(ii) The applicant shows a demonstrated need for additional support.

(16) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the south Kitsap school district to codevelop a pilot strategy to increase completion rates for the free application for federal student aid (FAFSA).

(17) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a Washington-based nonprofit organization to promote equitable access in science, technology, engineering, and math education for historically underserved students and communities. The nonprofit shall provide a system of science educational programming specifically for migrant and bilingual students, including teacher professional development, culturally responsive classroom resources that are aligned with Washington state science and environmental and sustainability learning standards, and implementation support. At least 50 percent of the funding provided in this subsection must serve schools and school districts in eastern Washington. The nonprofit organization must have experience developing and implementing science and environmental science programming and resources for migrant and bilingual students.

(18) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization serving opportunity youth in Pierce, King and Snohomish counties. The organization must



assist traditionally underrepresented students on nontraditional educational pathways by providing mentorship and technical assistance in navigating higher education and financial aid. The office may require the recipient of these funds to report the impacts of the efforts in alignment with the measures of the Washington school improvement framework.

(19) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to administer a grants program for school districts to acquire and use research-based, social emotional learning curricula in accordance with the state social emotional learning standards. The office must prioritize school districts that do not have existing research based social emotional learning programs and that are also eligible for high-poverty allocations from the learning assistance program.

(20) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with a nonprofit organization that specializes in using e-sports to engage students in seven career clusters to bring team-based, career related e-sports programs to each high school in the Battle Ground, Evergreen, and Vancouver school districts. Any funding remaining may be used for e-sports programs in the middle schools of the three school districts.

(21) \$1,399,000 of the general fund—state appropriation for fiscal year 2022 and \$1,399,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for school districts to support youth who are truant under chapter 28A.225 RCW or at risk of becoming truant, and for costs associated with filing or serving petitions under RCW 28A.225.030.

(22) The general fund—state appropriations in this section for fiscal year 2022 have been reduced by \$24,000 to reflect global compensation savings. The office of financial management, in consultation with the office of the superintendent of public instruction, shall adjust allotments from the appropriations in this section, including allotments of amounts provided solely for a specific purpose, to reflect the reduction to the overall appropriation.

(23) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with an organization that works with educators to secure salmon eggs, offer learning opportunities as the fry develop, and assist when students release their fry into local creeks and lakes. Funding may only be used for new programs located in elementary schools that are eligible for high-poverty allocations from the learning assistance program. Of the amounts provided in this subsection, the office may use no more than \$35,000 each fiscal year for office administration costs related to the contract.

(24) \$9,850,000 of the general fund—state appropriation for fiscal year 2022 and \$9,850,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to administer the technology grant program established under Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices).

(25) \$199,000 of the general fund—state appropriation for fiscal year 2022 and \$247,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the media literacy and digital citizenship grant program created in Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices). Total grant awards may not exceed \$150,000. Of the amounts provided in this subsection, \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for two regional conferences.

(26) \$70,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the southwest boys & girls club to provide community mentoring, academic intervention, and culturally specific supports through the "be great-graduate initiative" for a cohort of White Center youth identified as high risk.

(27) \$236,000 of the general fund—state appropriation for fiscal year 2022 and \$14,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to support teachers with costs associated with becoming certified, endorsed, or licensed in computer science including, but not limited to, professional development, training, licensure exams, courses in pedagogy, and courses in computer science content. Entities eligible for these funds include, but are not limited to, individual teachers, local education agencies, approved professional learning providers, and institutions of higher education located in Washington state.

(28) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Highline school district to contract with an organization to offer pre-apprenticeship opportunities for at least two cohorts of students each year in south King county during the summer months of 2021, 2022, and 2023. Students from the Highline school district and neighboring school districts in south King county are eligible for the program.

(29) \$255,000 of the general fund—state appropriation for fiscal year 2022 and \$255,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the continuation of the math improvement pilot program. The entirety of the funds appropriated for fiscal year 2022 must be disbursed by the office to the recipients of the grants no later than August 1, 2021, and the entirety of the funds appropriated for fiscal year 2023 must be disbursed by the office to the recipients of the grants no later than August 1, 2022. Of the amounts provided in the subsection:

(a) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Spokane school district.

(b) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Chehalis school district.

(c) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Bremerton school district.

(30) Within existing resources, the office shall develop recommendation to the legislature to merge the grant programs and specific appropriations of pass-through funding for certain activities or entities in this section into a competitive grant funding process in future biennia. A competitive process must allocate funding using the following five separate categories:

(a) Student supports and safety. Programs under this category will support the mental, social-emotional, and physical safety of students;

(b) Educator growth and development. Programs under this category will support the recruitment and retention of educators, and support their continual professional growth;

(c) Curricula development, dissemination, and supports. Programs under this category will support the development, implementation, and continuous improvement of curricula and other programs specific to state learning standards and content areas;

(d) Eliminating inequitable student outcomes. Programs under this category will increase outcomes for specific student groups, including students experiencing homelessness or foster care; and

(e) Graduation success and preparation for postsecondary pathways. Programs under this category will increase access to graduation pathways aligned with students' postsecondary goals and support for each student to graduate ready to achieve those goals. These may include dual credit programs; dropout prevention, intervention, and reengagement programs; core plus programs; and other high demand career and technical education programs.

(31) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the south Kitsap school district for the controls programmer apprenticeship program.

(32) \$800,000 of the general fund—state appropriation for fiscal year 2022 and \$5,300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for transitional support grants to school districts to support schools that incur costs transitioning from Native American school mascots, logos, or team names under section 3 of Substitute House Bill No. 1356 (Native American names, etc.).

(33) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to administer an outdoor learning grant program to develop and support outdoor educational experiences for students in Washington public schools. The office must award grants to eligible school districts and outdoor education program providers starting in the 2022-23 school year. The office may consult with the Washington recreation and conservation office on outdoor learning program grants. Of the amounts provided in this subsection:

(a) \$195,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to implement Second Substitute House Bill No. 2078 (outdoor learning grant prg.). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(b) \$3,903,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the outdoor learning grant program, which consists of two types of grants:

(i) Allocation-based grants for school districts to develop or support outdoor educational experiences; and

(ii) Competitive grants for outdoor education providers that are designed to support existing capacity and to increase future capacity for outdoor learning experiences.

(c) \$5,902,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the outdoor education experiences program. The office must prioritize providing the program to fifth and sixth grade students in high poverty schools, expanding to other fifth and sixth grade students subject to available funds.

(34) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for an education and workforce pathway pilot program at the northwest career and technical academy. The pilot program will oversee a pathway including high schools, skills centers, community and technical colleges, and employers that results in students earning a high school diploma and an associate in technical arts degree, while maintaining summer employment.

(35) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of the superintendent of public instruction to administer grants to school districts for a plant-based school meals pilot program. Grant recipients may use the funding for food supplies, delivery costs, equipment purchases, education, and other expenditures to increase access to plant-based school meals. Grant awards to school districts may not exceed \$10,000 per district.

(36) \$148,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to provide before and after-school programming to low-income elementary school students in the Tukwila school district. Funding in this subsection may be distributed to the

Tukwila school district or to local before or after-school program providers that provide child care for low-income elementary school students in the school district.

(37) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Tacoma school district to identify specific career-relevant coursework and facility needs for the development of a comprehensive maritime-focused career and technical education program in the south Puget Sound area. Funding must be used by the district to engage with the maritime industry in and around the port of Tacoma to conduct a workforce training gap analysis. The district must also coordinate with the office, the state board of education, and the workforce training board to create the relevant curriculum and identify facility needs to establish a new marine trades program.

(38) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract with an organization to expand the senior support initiative that helps high school seniors in the Tacoma school district navigate their postsecondary pathway options. The organization may provide support to Tacoma school district seniors through academic supports, financial aid and scholarships, college entry and communication, workforce entry and apprenticeships, housing, child care, and other basic needs. The organization must be a foundation focused on students that coordinates the efforts of parents, youth, community, and policymakers across multiple sectors to address equity gaps facing children and youth in the Tacoma school district.

(39) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract with a nonprofit organization to develop and provide a Latino youth-on-youth gang violence prevention program for students. The program must target Latino students ages 11 through 17 who are either involved in or at risk of becoming involved in a gang or in gang activities. Eligible students must be enrolled in either the Moses Lake or Federal Way school districts. The nonprofit organization must have at least 15 years of experience serving Latino communities and promoting advocacy and must provide kindergarten through 12th grade social emotional learning, mental health wraparound services, and parent engagement programs in Washington.

(40) (a) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to administer a pilot program to subsidize eligible dual or concurrent enrollment course costs for students who qualify for free or reduced-price meals and are participating in dual enrollment courses offered by one of three community colleges designated by the office and the state board of community and technical colleges. Eligible dual enrollment course programs include the running start and college in the high school programs. One of the community colleges must be located in a county with a population greater than 125,000 but less than 150,000.

(b) The office must subsidize the course costs by transmitting to each of the three institutions of higher education \$1,000 per full-time equivalent student during the 2022-23 academic year. For eligible students who qualify for free or reduced-price meals and are enrolled in running start courses, the pilot program must subsidize:

(i) Any student-voted fees, technology fees, course fees, laboratory fees, or other fees required for enrollment, up to 17 credits per quarter, that were not waived by the institution of higher education under RCW 28A.600.310; and

(ii) Textbooks and other course materials required by the institution of higher education.

(c) Any funds remaining after the office subsidizes the costs included in (b) of this subsection may be used to subsidize waived fees or transportation costs for eligible students who qualify for free or reduced-price meals and are enrolled in running start courses.

(d) The office must submit a preliminary report to the legislature by June 30, 2023, on the results of the pilot program. It is the intent of the legislature to provide funding for a final report due to the legislature by August 31, 2023.

(41) \$468,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract with a nonprofit organization to establish a workforce pilot program with the Vancouver school district that provides targeted training to expand the school district's candidate pool for school bus drivers and paraeducators. The nonprofit organization must be based in Vancouver, Washington and must have experience assisting individuals in becoming economically self-sufficient by providing resources, training, and job placement opportunities. By June 30, 2023, the office will collaborate with the nonprofit organization and the Vancouver school district to submit a report to the legislature with results of the workforce pilot program and recommendations for expanding the program.

(42) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract with the association of Washington school principals to provide support, mentoring, mediation, and professional learning services to school principals and assistant principals in the greater Seattle area.

(43) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to school districts and educational service districts operating institutional education programs for youth in state long-term juvenile institutions to provide access to computer science elective courses created in Senate Bill No. 5657 (computer science instruction). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(44) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the grant program created in Second Substitute Senate Bill No. 5720 (student financial literacy) which provides grants to school districts for integrating financial literacy education into professional development for certificated staff. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(45) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to school districts, charter schools, and state-tribal education compact schools to establish K-12 intensive tutoring programs. Grants shall be used to recruit, train, and hire tutors to provide one-on-one tutoring services to K-12 students experiencing learning loss as a result of the COVID-19 pandemic. The tutors must receive training in proven tutoring models to ensure their effectiveness in addressing learning loss.

(46) \$3,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to distribute after-exit running start grants to school districts that identify running start students that have exceeded maximum enrollment under running start formulas and high school graduates who have 15 or fewer college credits to earn before meeting associate degree requirements for instruction not funded under section 504(18) of this act. High school graduates who meet these requirements are eligible to receive funds from these grants for fees to the community and technical college to earn up to 15 college credits during the summer academic term following their high school graduation.

(47) FEDERAL GRANTS FOR COVID-19 RECOVERY

(a) \$12,885,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely to administer a grant program for community-based organizations to collaborate with school districts to support learning recovery and acceleration.

(b) \$742,367,000 of the general fund—federal appropriation (CRRSA/ESSER) from funds attributable to subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M is provided solely for subgrants to local education agencies. Total subgrants awarded under this subsection (47)(b) and section 12, chapter 3, Laws of 2021 may not exceed the federal amounts provided under subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(c)(i) \$46,263,000 of the general fund—federal appropriation (CRRSA/GEER) is provided solely to provide emergency assistance to nonpublic schools, as authorized in section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. Total funds provided under this subsection (47)(c)(i) and section 13, chapter 3, Laws of 2021 may not exceed the federal amounts provided in section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(ii) (~~(\$43,708,000)~~) \$1,860,000 of the general fund—federal appropriation (ARPA) is provided solely to provide emergency assistance to nonpublic schools, as authorized in section 2002, the American rescue plan act of 2021, P.L. 117-2.

(d) \$1,333,801,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(2) the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies.

(e) \$333,450,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(1), the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies to address learning loss. Total funds provided under this subsection (47)(e) and section 1518(33)(b) of this act for the same purpose may not exceed the funding authorized in this subsection (47)(e).

(f) \$18,525,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(2), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to entities or organizations to provide outdoor education summer enrichment programs to youth. Recipients must prioritize activities or programs that:

- (i) Promote students connecting socially with their classmates;
- (ii) Encourage students to engage in physical activity; and
- (iii) Support families who have struggled with child care needs.

(g) \$18,525,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(3), the American rescue plan act of 2021, P.L. 117-2 is provided solely to support evidence-based comprehensive afterschool programs.

(h) \$10,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to districts to expand the number of dual language classrooms in early grades and professional development to accelerate literacy gains in early grades, especially for English learners.

(i) \$4,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to school districts to expand career and technical education graduation pathway options, including career-connected learning opportunities.

(j) \$4,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants for supplies, equipment, staffing, and services to increase access to summer meals and safe school meals in the 2021-22 school year and summer prior to the start of the school year.

(k) \$60,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely to support a technical advisory workgroup to explore and recommend residency options for pre-service educators, with a focus on educators of color and bilingual speakers and how the apportionment system could support a teacher residency initiative. The workgroup will provide preliminary recommendations by November 1, 2021, and final recommendations by November 1, 2022.

(l) \$78,172,000 of the general fund—federal appropriation is provided solely for allocations from federal funding in response to the COVID-19 pandemic as authorized in section 18003, the coronavirus aid, relief, and economic security act, P.L. 116-136, division B. Total funds provided under this subsection (47)(l) and amounts expended in the 2019-2021 fiscal biennium for the same purpose may not exceed the federal amounts provided in section 18003, the coronavirus response and relief supplemental appropriation act, P.L. 116-136, division B.

(m) \$10,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the office of the superintendent of public instruction to contract with the Washington school principals' education foundation to support pandemic related learning loss through outdoor learning and overnight camp experiences. The association, in consultation with the office, must provide grants to school districts that partner with an accredited residential outdoor school to provide up to 20,000 fifth and sixth grade students with up to five days of outdoor learning at an overnight camp. Prioritization must be given to schools that have been identified for improvement and students who are most impacted by opportunity gaps as determined by measures of the Washington school improvement framework. Outdoor schools must provide curriculum that is aligned to state learning standards and provide opportunities for accelerated learning, including career connected learning in field based environmental science, technology, engineering, and math. Funds may be used by residential outdoor schools for operational activities necessary for reopening.

(n) \$12,141,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the purposes of identifying children and youth experiencing homelessness and providing children and youth experiencing homelessness with:

- (i) Wrap-around services due to the challenges of the COVID-19 public health emergency; and
- (ii) Assistance needed to enable children and youth experiencing homelessness to attend school and participate fully in school activities.

(o) \$27,375,000 of the general fund—state appropriation for fiscal year 2022((7))and \$79,485,000 of the general fund—federal appropriation (CRRSA/ESSER)((, and \$93,140,000 of the elementary and secondary school emergency relief III account—federal appropriation)) are provided solely for the office of the superintendent of public instruction to administer grants for the purposes of learning recovery and acceleration. Allowable uses of the funds are limited to:

- (i) One-time contracts for classified, certificated, or administrative staff who will provide tiered academic and social-emotional supports to students most impacted by the disruption of in-person learning, including locating and reengaging students who have disengaged from school, one-on-one and small-group instruction, and other intensive learning supports;
- (ii) Professional learning for educators focused on learning recovery and acceleration, including assessing student learning and social-emotional needs, transitioning to standards-based curricula and grading, adopting competency or mastery-based options specifically for credit retrieval purposes, and family and student engagement strategies;
- (iii) Procuring assessment or data systems that provide actionable just-in-time data regarding student progress throughout the school year; and
- (iv) Direct supports to students to improve school engagement and accelerate learning.

(End of part)

**PART XVI  
HIGHER EDUCATION  
SUPPLEMENTAL**

**Sec. 1601.** 2022 c 297 s 602 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund—State Appropriation (FY 2022)	\$744,893,000
General Fund—State Appropriation (FY 2023)	(( <del>\$832,406,000</del> ))
	<u>\$834,821,000</u>
Community/Technical College Capital Projects	
Account—State Appropriation	\$22,436,000
Education Legacy Trust Account—State Appropriation	\$159,900,000
Workforce Education Investment Account—State	
Appropriation	\$237,295,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$1,996,930,000</del>))</b>

\$1,999,345,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,261,000 of the general fund—state appropriation for fiscal year 2022 and \$33,261,000 of the general fund—state appropriation for fiscal year 2023 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2022 and at least 7,170 full-time equivalent students in fiscal year 2023.

(2) \$5,000,000 of the general fund—state appropriation for fiscal year 2022, \$5,000,000 of the general fund—state appropriation for fiscal year 2023, and \$5,450,000 of the education legacy trust account—state appropriation are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature under RCW 43.01.036 regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund—state appropriation for fiscal year 2022 and \$425,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Seattle Central College's expansion of allied health programs.

(4)(a) \$5,250,000 of the general fund—state appropriation for fiscal year 2022 and \$5,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the student achievement initiative.

(b) By December 1, 2021, the state board for community and technical colleges must report to the appropriate committees of the legislature an update on the student achievement initiative including, but not limited to, the following:

(i) Annual change in student achievement initiative funds by institution;

(ii) Student achievement initiative funds awarded by college by performance funding category including basic skills, first 15 and 30 credits, retention, and completion;

(iii) Impact of guided pathways implementation on student achievement initiative awards; and

(iv) Any additional private or foundation dollars invested in the student achievement initiative.

(5) \$1,610,000 of the general fund—state appropriation for fiscal year 2022, and \$1,610,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the mathematics, engineering, and science achievement program.

(6) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(8) \$21,428,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$21,920,000)~~ \$23,056,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) \$157,000 of the general fund—state appropriation for fiscal year 2022 and \$157,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Wenatchee Valley college wildfire prevention program.

(12) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Puget Sound welcome back center at Highline College to create a grant program for internationally trained individuals seeking employment in the behavioral health field in Washington state.

(13) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(14) (a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in section 701 of this act.

(15) \$216,000 of the general fund—state appropriation for fiscal year 2022 and \$216,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the opportunity center for employment and education at North Seattle College.

(16) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Highline College to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(17) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Peninsula College to maintain the annual cohorts of the specified programs as follows:

- (a) Medical assisting, 40 students;
- (b) Nursing assistant, 60 students; and
- (c) Registered nursing, 32 students.

(18) \$338,000 of the general fund—state appropriation for fiscal year 2022 and \$338,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state labor education and research center at South Seattle College.

(19) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the aerospace and advanced manufacturing center of excellence hosted by Everett Community College to develop a semiconductor and electronics manufacturing branch in Vancouver.

(20) \$15,220,000 of the workforce education investment account—state appropriation is provided solely for college operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(21) \$15,220,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(22) \$1,500,000 of the general fund—state appropriation for fiscal year 2022, \$1,500,000 of the general fund—state appropriation for fiscal year 2023, and \$75,847,000 of the workforce education investment account—state appropriation are provided solely for statewide implementation of guided pathways at each of the state's community and technical colleges or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(23) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal 2023 are provided solely for a reentry navigator position at Olympic College to assist formerly incarcerated people gain admittance into college. A report shall be submitted to the legislature by December 1, 2022, on admittance rates on formerly incarcerated individuals, effective methods of contact and engagement of formerly incarcerated individuals, and how guided pathways can be assisted with reentry navigator positions.

(24) \$40,800,000 of the workforce education investment account—state appropriation is provided solely to continue to fund nurse educator salaries.

(25) \$40,000,000 of the workforce education investment account—state appropriation is provided to continue to fund high-demand program faculty salaries, including but not limited to nurse educators, other health-related professions, information technology, computer science, and trades.

(26) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for the state board for community and technical colleges to expand high-demand and career launch enrollments, as provided under RCW 28C.30.020. Within the amounts provided in this subsection (26):

(a) \$6,000,000 of the amounts in this subsection (26) are provided for expansion of career launch enrollments, as provided under RCW 28C.30.020.

(b) \$2,000,000 of the amounts in this subsection (26) are provided for expansion of enrollments in high demand programs. These programs include, but are not limited to, allied health, computer and information science, manufacturing, and other fields identified by the state board for community and technical colleges.

(c) The state board for community and technical colleges may transfer amounts between (a) and (b) of this subsection (26) if either program does not have sufficient demand to spend the allocated funding. Any transfer must be approved by the state board for community and technical colleges and the office of financial management.

(27) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the state board for community and technical colleges to support the completion of the English 101 curriculum review to remove barriers to student success. A report should be submitted to the appropriate committees of the legislature under RCW 43.01.036 by June 30, 2023, or upon the completion of the English 101 review to report on lessons learned, best practices, and recommendations for completion of additional curricula reviews.

(28) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for the emergency assistance grant program in RCW 28B.50.295.

(29) \$10,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the state board for community and technical colleges to coordinate with the Washington student achievement council task force as described in section 609(6) of this act to provide the following running start data for fiscal year 2019, fiscal year 2020, and fiscal year 2021, for each community and technical college:

(a) The total number of running start students served by headcount and full-time equivalent;

(b) The total amount of running start revenue received through apportionment as allocated with the running start rate by the office of the superintendent of public instruction through local school districts;

(c) Course completion rates for running start students;

(d) A list of courses by two-digit classification of instructional program code and the number of running start students in each course;

(e) A list of career and technical education area courses and the number of running start students in each course;

(f) The number of students at each community or technical college receiving complete fee waivers as required by RCW 28A.600.310(3)(a); and

(g) The method used by each college to determine running start fee waiver eligibility, including any policies adopted by the college or its program.

(30) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$91,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.).

(31) \$516,000 of the general fund—state appropriation for fiscal year 2022 and \$516,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1166 (college students pilot).

(32) \$350,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools).

(33) \$2,048,000 of the general fund—state appropriation for fiscal year 2022 and \$1,119,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education).

(34) \$15,848,000 of the workforce education investment account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5194 (equity and access in higher education).

(35)(a) \$2,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to promote workforce development in trucking and trucking-related supply chain industries and the school bus driving industry by expanding the number of registered apprenticeships, pre-apprenticeships, and trucking related training programs; and providing support for registered apprenticeships or programs in trucking and trucking-related supply chain industries and the school bus driving industry.

(b) Grants awarded under this subsection may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training spaces and locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations to include foster care and homeless transition populations;

(iii) Curriculum development and instructor training for driving, repair and service of technological advancements facing the industries;

(iv) Tuition assistance for commercial vehicle driver training, mechanical, and support functions that support the trucking industry and the school bus driving industry; and

(v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant if it is a nonprofit, nongovernmental, or institution of primary or higher education that provides training opportunities, including apprenticeships, pre-apprenticeships, pre-employment training, commercial vehicle driver training, vocational training related to mechanical and support functions that support the trucking industry or the school bus driving industry; or incumbent worker training to prepare workers for the trucking and trucking-related supply chain industries or the school bus driving industry. Preference will be given to entities in compliance with government approved or accredited programs. Reporting requirements, as determined by the board, shall be required.

(d) The board may use up to 5 percent of funds for administration of grants.



(36) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for grants for nursing programs to purchase or upgrade simulation laboratory equipment.

(37) (a) \$7,018,000 of the workforce education investment account—state appropriation is provided solely to expand cybersecurity academic enrollments by 500 FTE students.

(b) The state board for community and technical colleges must coordinate with the student achievement council as provided in section 609(17) of this act to submit a progress report on the new or expanded cybersecurity academic programs, including the number of students enrolled.

(38) \$205,000 of the workforce education investment account—state appropriation is provided solely to establish a center for excellence in cybersecurity.

(39) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$3,497,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for legal services related to litigation by employees within the community and technical college system challenging the denial of retirement and sick leave benefits. The cases include *Wolf v. State and SBCTC*, *Rush v. State and SBCTC* (retirement), and *Rush v. State and SBCTC* (sick leave).

(40) \$7,000,000 of the general fund—state appropriation for fiscal year 2023 and \$1,000,000 of the workforce education investment account—state appropriation are provided solely to expand the opportunity grant program to provide health care workforce grants for students.

(41) \$2,720,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for each community and technical college to contract with a community-based organization to assist with financial aid access and support in communities.

(42) In addition to the homeless student assistance pilot program sites funded in subsection (31) of this section, \$2,932,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the expansion of the program in RCW 28B.50.916 to all community colleges.

(43) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 and \$1,728,000 of the workforce education investment account—state appropriation (~~is~~) are provided solely for the expansion of existing programming to accommodate refugees and immigrants who have arrived in Washington state on or after July 1, 2021, and are eligible for federal refugee resettlement services, including those from Afghanistan and Ukraine.

(44) \$4,146,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(45) (a) \$3,760,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for nursing education, to increase the number of nursing slots for academic year 2022-23 by at least 50 and build capacity for at least 200 new slots in the 2023-2025 biennium, and to purchase two simulation vans.

(b) Of the amount provided in this subsection, \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for community and technical colleges who enroll new cohorts of at least 25 nursing students in the 2023 spring academic quarter.

(c) The state board for community and technical colleges must coordinate with the student achievement council as provided in section 609(17) of this act to submit a progress report on the new or expanded nursing academic programs, including the number of students enrolled per program.

(46) (a) \$75,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the state board in collaboration with the dental industry to report on strategies to support and transform the education and training of the dental hygiene and dental assistant professions.

(b) The report shall include, but is not limited to, recommendations on the following topics:

- (i) Examining options to enhance workforce diversity;
- (ii) Reducing barriers to entry; and
- (iii) Proposing changes for education program sustainability.

(c) The state board must solicit input and collaborate on the report with a representative from a dental association, a representative from a hygienist association, an expert in dental hygiene education, a representative from the dental assistant profession, and a representative from the dental benefits industry.

(d) The report must be submitted to the legislature pursuant to RCW 43.01.036 by December 1, 2022.

(47) \$30,000 of the general fund—state appropriation for fiscal year 2022 and \$243,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Renton Technical College to establish a pilot program to increase outreach and participation in running start and adult education programs. A report on participation rates and student engagement must be submitted to the appropriate committees of the legislature pursuant to RCW 43.01.036 by December 1, 2022.

(48) \$1,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the development of a climate solutions and climate justice curriculum.

(49) (a) \$80,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a pilot program to help students, including those enrolled in state registered apprenticeship programs, connect with health care coverage. The state board for community and technical colleges must provide resources for up to two community or technical colleges, one

on the east side and one on the west side of the Cascade mountains, to hire or train an employee to:

- (i) Provide information to students and college staff about available health insurance options;
- (ii) Develop culturally relevant materials and conduct outreach for historically marginalized and underserved student populations to assist these populations in their knowledge of access to low cost or free health insurance plans;
- (iii) Provide ongoing technical assistance to students about health insurance options or health insurance application process; and
- (iv) Provide technical assistance to students as a health benefit exchange certified assister, to help students understand, shop, apply, and enroll in health insurance through Washington health planfinder.

(b) Participation in the exchange assister program is contingent on fulfilling applicable contracting, security, and other program requirements.

(c) The legislature expects the state board, in collaboration with the student achievement council and the health benefit exchange, to report to the appropriate committees of the legislature information about barriers students, including those enrolled in state registered apprenticeship programs, encountered to accessing health insurance coverage; and to provide recommendations on how to improve student access to health coverage based on data gathered from the pilot program.

(50) \$331,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(51) \$170,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount in this subsection shall lapse.

(52) \$36,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2019 (careers in retail). If the bill is not enacted by June 30, 2022, the amount in this subsection shall lapse.

(53) \$1,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1835 (postsecondary enrollment). If the bill is not enacted by June 30, 2022, the amount in this subsection shall lapse.

**Sec. 1602.** 2022 c 297 s 603 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

General Fund—State Appropriation (FY 2022)	\$391,802,000
General Fund—State Appropriation (FY 2023)	(( <del>\$423,726,000</del> ))
	<u>\$525,981,000</u>
Aquatic Lands Enhancement Account—State	
Appropriation	\$1,630,000
University of Washington Building Account—State	
Appropriation	\$1,546,000
Education Legacy Trust Account—State Appropriation	\$37,020,000
Economic Development Strategic Reserve Account—State	
Appropriation	\$3,101,000
Biotoxin Account—State Appropriation	\$609,000
Dedicated Marijuana Account—State Appropriation	
(FY 2022)	\$263,000
Dedicated Marijuana Account—State Appropriation	
(FY 2023)	\$325,000
Accident Account—State Appropriation	\$7,988,000
Medical Aid Account—State Appropriation	\$7,564,000
Workforce Education Investment Account—State	
Appropriation	\$52,333,000
Geoduck Aquaculture Research Account—State	
Appropriation	\$22,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$927,929,000</del>))</b>
	<b><u>\$1,030,184,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$44,474,000 of the general fund—state appropriation for fiscal year 2022 and ((~~\$45,497,000~~)) \$47,854,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(3) \$8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to maintain the number of residency slots available in Washington.

(4) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(5) \$14,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(6) \$3,062,000 of the economic development strategic reserve account—state appropriation is provided solely to support the joint center for aerospace innovation technology.

(7) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(8) \$7,345,000 of the general fund—state appropriation for fiscal year 2022 and \$7,345,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(9) \$2,625,000 of the general fund—state appropriation for fiscal year 2022 and \$2,625,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(10) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

(11) \$1,200,000 of the general fund—state appropriation for fiscal year 2022 and \$1,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the adult psychiatry residency program at the University of Washington to offer additional residency positions that are approved by the accreditation council for graduate medical education.

(12) \$172,000 of the general fund—state appropriation for fiscal year 2022 and \$172,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-prey dynamics of species that currently have established populations in the area.

(a) The study objectives shall include:

(i) Determination of whether wolves have started to recolonize a 5,000 square kilometer study area in the south Cascades of Washington, and if so, an assessment of their distribution over the landscape as well as their health and pregnancy rates;

(ii) Baseline data collection, if wolves have not yet established pack territories in this portion of the state, that will allow for the assessment of how the functional densities and diets of wolves across the landscape will affect the densities and diets in the following predators and prey: Coyote, cougar, black bear, bobcat, red fox, wolverine, elk, white tailed deer, mule deer, moose, caribou, and snowshoe hare;

(iii) Examination of whether the microbiome of each species changes as wolves start to occupy suitable habitat; and

(iv) An assessment of the use of alternative wildlife monitoring tools to cost-effectively monitor size of the wolf population over the long-term.

(b) A report on the findings of the study shall be shared with the Washington department of fish and wildlife.

(13) (a) \$20,000,000 of the general fund—state appropriation for fiscal year 2022 and \$20,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to support the operations and teaching mission of the Harborview Medical Center and the University of Washington Medical Center.

(b) By December 1, 2022, the University of Washington must report to the appropriate committees of the legislature the impact of the funding in (a) of this subsection on the fiscal position of Harborview medical center and the University of Washington medical center in the 2021-2023 fiscal biennium. To ensure transparency, consistency, accuracy, and clarity, the report must:

(i) Follow generally accepted accounting principles;

(ii) Use generally accepted terms and define those terms;

(iii) Provide data on revenue and expenses, using standard formats already in existence, such as comprehensive hospital abstract reporting system (CHARS) data, and delineated by functional areas of state government;

(iv) Incorporate wherever possible publicly available data, as a public institution including, but not limited to, the following sources:

(A) CHARS;

(B) Comprehensive annual financial reports; and

- (C) The most recent independent auditor report, including financial statements connected to the report; and
- (v) Provide supporting documentation.
- (14) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—appropriation for fiscal year 2023 are provided solely for the University of Washington's psychiatry integrated care training program.
- (15) \$426,000 of the general fund—state appropriation for fiscal year 2022 and \$640,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for child and adolescent psychiatry residency positions that are approved by the accreditation council for graduate medical education, as provided in RCW 28B.20.445.
- (16) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the University of Washington School of Dentistry to support its role as a major oral health provider to individuals covered by medicaid and the uninsured.
- (17) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the pre-law pipeline and social justice program at the University of Washington-Tacoma.
- (18) \$226,000 of the general fund—state appropriation for fiscal year 2022 and \$226,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university's neurology department to create a telemedicine program to disseminate dementia care best practices to primary care practitioners using the project ECHO model. The program shall provide a virtual connection for providers and content experts and include didactics, case conferences, and an emphasis on practice transformation and systems-level issues that affect care delivery. The initial users of this program shall include referral sources in health care systems and clinics, such as the university's neighborhood clinics and Virginia Mason Memorial in Yakima with a goal of adding 15 to 20 providers from smaller clinics and practices per year.
- (19) \$102,000 of the general fund—state appropriation for fiscal year 2022 and \$102,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university's center for international trade in forest products.
- (20) \$625,000 of the general fund—state appropriation for fiscal year 2022 and \$625,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Latino center for health.
- (21) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a firearm policy research program. The program will:
- (a) Support investigations of firearm death and injury risk factors;
  - (b) Evaluate the effectiveness of state firearm laws and policies;
  - (c) Assess the consequences of firearm violence; and
  - (d) Develop strategies to reduce the toll of firearm violence to citizens of the state.
- (22) \$463,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the climate impacts group in the college of the environment.
- (23) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the climate impacts group in the college of the environment to provide an updated climate impacts risk assessment designed to inform future updates to the statewide climate resilience strategy. The group must coordinate with the office of the governor to refine the scope of assessment. The final report and associated deliverables must be completed and submitted to the governor and appropriate committees of the legislature by December 15, 2022.
- (24) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the college of education to collaborate with teacher preparation programs and the office of the superintendent of public instruction to develop open access climate science educational curriculum for use in teacher preparation programs.
- (25) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Harry Bridges center for labor studies. The center shall work in collaboration with the state board for community and technical colleges.
- (26) \$21,461,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.
- (27) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.
- (28) \$8,000,000 of the workforce education investment account—state appropriation is provided solely to maintain degree production in the college of engineering at the Seattle campus.
- (29) \$1,000,000 of the workforce education investment account—state appropriation is provided solely to maintain the Washington state academic redshirt program.

(30) \$2,700,000 of the workforce education investment account—state appropriation is provided solely to maintain degree capacity and undergraduate enrollments in engineering, mathematics, and science programs to support the biomedical innovation partnership zone at the Bothell campus.

(31) \$3,268,000 of the workforce education investment account—state appropriation is provided solely to maintain bachelor of science programs in mechanical and civil engineering to support increased student and local employer demand for graduates in these fields at the Tacoma campus.

(32) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Washington mathematics, engineering, science achievement programs to provide enrichment opportunities in mathematics, engineering, science, and technology to students who are traditionally underrepresented in these programs.

(33) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a community care coordinator for transitional-age youth for the doorway project in partnership with the Seattle campus.

(34) \$6,000,000 of the workforce education investment account—state appropriation is provided solely for the expansion of the Paul G. Allen school of computer science and engineering in order to award an additional 100 degrees per year focusing on traditionally underrepresented students. A report on degrees awarded must be submitted to the appropriate committees of the legislature June 30, 2022, and June 30, 2023.

(35) \$45,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the community immersion law enforcement project at the Tacoma campus.

(36) (a) \$200,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for research to determine the use and effectiveness of restorative justice, including for hate crime victims and individuals who commit hate crimes. Researchers shall engage in listening sessions with impacted communities, which must include tribal governments and community-based organizations. Researchers shall consult with judges, prosecutors, defense attorneys, victim advocates, impacted communities, and community based restorative justice agencies to inform whether restorative justice would be an effective public policy option to:

- (i) Provide healing support for individual hate crime victims and their communities;
- (ii) Provide accountability processes for individuals who commit hate crimes;
- (iii) Provide opportunities for individuals who commit hate crimes to learn about the impact of their crimes and repair the damage;
- (iv) Repair interpersonal and communal relationships;
- (v) Reduce hate crime offender recidivism; and
- (vi) Determine if restorative justice could be equally available to all victims and communities.

(b) The researcher shall provide a report to the relevant committees of the legislature under RCW 43.01.036 by December 1, 2021. The report must include best practice recommendations for establishing a restorative justice program and required data collection to address hate crimes in Washington. The report shall include how restorative justice recommendations can be implemented in conjunction with the recommendations of the hate crime advisory working group established in RCW 43.10.300.

(37) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for scholarships to students in the applied child and adolescent psychology masters program. Priority should be given to traditionally underrepresented students and those students who are bilingual.

(38) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to expand a series of online courses related to behavioral health and student well-being that are currently offered at the Bothell campus for school district staff. The standards for the courses must be consistent with knowledge, skill, and performance standards related to mental health and well-being of public school students. The online courses must provide:

- (a) Foundational knowledge in behavioral health, mental health, and mental illness;
- (b) Information on how to assess, intervene upon, and refer behavioral health and intersection of behavioral health and substance use issues; and
- (c) Approaches to promote health and positively influence student health behaviors.

(39) To ensure transparency and accountability, in the 2021-2023 fiscal biennium the University of Washington shall comply with any and all financial and accountability audits by the Washington state auditor including any and all audits of university services offered to the general public, including those offered through any public-private partnership, business venture, affiliation, or joint venture with a public or private entity, except the government of the United States. The university shall comply with all state auditor requests for the university's financial and business information including the university's governance and financial participation in these public-private partnerships, business ventures, affiliations, or joint ventures with a public or private entity. In any instance in which the university declines to produce the information to the state auditor, the university will provide the state auditor a brief summary of the documents withheld and a citation of the legal or contractual provision that prevents disclosure. The summaries must be compiled into a report by the state auditor and provided on a quarterly basis to the legislature.

(40) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department of environmental and occupational health sciences to provide an air quality report. The report will study the relationship between indoor and outdoor ultrafine

particle air quality at sites with vulnerable populations, such as schools or locations underneath flight paths within 10 miles of Sea-Tac airport. The report recommendations must include an item addressing filtration systems at select locations with vulnerable populations. The report shall be submitted to the house environment and energy committee and the senate environment, energy and technology committee by December 15, 2021.

(41) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Burke museum of natural history and culture to make education programs offered by the museum accessible to more students across Washington, especially students in underserved schools and locations. The funding shall be used for:

(a) Increasing the number of students who participate in Burke education programs at reduced or no cost, including virtual programs;

(b) Providing bus reimbursement for students visiting the museum on field trips and to support travel to bring museum programs across the state; and

(c) Staff who will form partnerships with school districts to serve statewide communities more efficiently and equitably, including through the Burkemobile program.

(42) (a) \$100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the center for cannabis research at the university to collaborate with the Washington State University collaboration on cannabis policy, research, and outreach to create frameworks for future studies. Each framework will include the length of time to complete, research licenses necessary, cost, literature review of national and international research, and a scope of work to be completed. The following frameworks shall be compiled in a report:

(i) Measuring and assessing impairment due to cannabis use; and

(ii) Correlation between age of use, dosage of use, and appearance of occurrence of cannabis induced psychosis.

(b) The report on the frameworks must be submitted to the appropriate committees of the legislature by December 1, 2021.

(43) \$205,000 of the general fund—state appropriation for fiscal year 2022 and \$410,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university's center for human rights. The appropriation must be used to supplement, not supplant, other funding sources for the center for human rights.

(44) \$143,000 of the general fund—state appropriation for fiscal year 2022 and \$143,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the University of Washington for the establishment and operation of the state forensic anthropologist. The university shall work in conjunction with and provide the full funding directly to the King county medical examiner's office to support the statewide work of the state forensic anthropologist.

(45) \$450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to the University of Washington school of medicine for the development of simulation training devices at the Harborview medical center's paramedic training program.

(46) \$64,000 of the general fund—state appropriation for fiscal year 2022 and \$64,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(47) \$557,000 of the general fund—state appropriation for fiscal year 2022 and \$443,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation of the center for environmental forensic science.

(48) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the college of education to partner with school districts to continue the math improvement pilot program.

(49) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university to conduct monitoring and research related to Puget Sound kelp conservation and recovery.

(50) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to expand online tutorial and link to web-based, continuing education funded by the centers for disease control for training for the primary care health workforce regarding the protocols for perinatal monitoring, birth-dose immunization, early diagnosis, linkage to care, and treatment for persons diagnosed with chronic hepatitis B or hepatitis using a telehealth model operated by the University of Washington.

(a) Training shall:

(i) Focus on increased provider proficiency and increased number of trained providers in areas with high rates of reported cases of hepatitis B or hepatitis, including regions with high incidence of drug use or upward trend of children who have not received hepatitis B virus vaccinations according to centers for disease control recommendations; and

(ii) Provide access to:

(A) University of Washington medicine specialists in infectious diseases, hepatology, and addiction medicine;

(B) Brief updates on evidence-based strategies to diagnose, treat, and manage acute and chronic hepatitis B, acute and chronic hepatitis C, or coinfections;

(C) Continuing medical education credits per hour of participation; and

(D) Phone consultation with specialists during nonscheduled time for patients who experience complications.

(b) All digital and hardcopy training, educational, and outreach materials for this program must be culturally relevant and linguistically diverse.

(51) (a) \$108,000 of the general fund—state appropriation for fiscal year 2022 and \$52,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the University of Washington Evans school of public policy and governance to conduct a boater safety analysis, including, but not limited to, the following:

(i) The prevalence of boating fatalities and rescues in Washington state;

(ii) A comparison of Washington's rates of fatalities and rescues to other states; and

(iii) Recommendations of effective and collective ways to increase boater safety in the state.

(b) The Evans school may convene stakeholders to analyze data and make recommendations. By December 31, 2022, the Evans school must submit a report of findings and recommendations to the appropriate committees of the legislature.

(52) \$736,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1272 (health system transparency).

(53) \$159,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools).

(54) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1335 (racial restrictions/review).

(55) \$24,000 of the general fund—state appropriation for fiscal year 2022 and \$25,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1196 (audio-only telemedicine).

(56) \$69,000 of the general fund—state appropriation for fiscal year 2022 and \$69,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5194 (equity and access in higher education).

(57) \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recs).

(58) \$146,000 of the general fund—state appropriation for fiscal year 2022 and \$158,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education).

(59) \$422,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of chapter 6, Laws of 2021 (Engrossed Substitute Senate Bill No. 5272).

(60) The appropriations in this section include sufficient funding for the implementation of chapter 96, Laws of 2021 (Substitute Senate Bill No. 5228).

(61) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$1,782,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act).

(62) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an increase in financial student assistance in public service oriented graduate and professional degree programs, referred to as "fee-based" programs, whose tuition for public service degrees is over \$18,000 per year. Programs shall create mechanisms to prioritize assistance to traditionally underrepresented students, specifically those who have expressed a commitment to service in the physician assistant, community oriented public health, or social work programs. The institution may offer financial assistance for students that volunteer or work with public health agencies, including as contact tracers.

(63) \$1,250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the community-engagement test to facilitate clean energy transitions by partnering with communities, utilities, and project developers.

(64) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for staffing and operational expenditures related to the battery fabrication testbed.

(65) \$621,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for maintenance and operation costs for the Milgard hall at University of Washington—Tacoma.

(66) \$505,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for pharmacy behavioral health. The University of Washington school of pharmacy/medicine pharmacy services will hire two residency training positions and one behavioral health faculty to create a residency program focused on behavioral health.

(67) \$3,777,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(68) \$225,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the center for health workforce studies to develop a program to track dental workforce trends, needs, and enhancements to better serve the increasing population and demand for access to adequate oral health care. The center shall develop the program in consultation with dental stakeholders, including, but not limited to, provider associations and oral health philanthropic leaders. The workforce reporting program is to be considered a public-private partnership. The institutions may accept matching funds from interested stakeholders to help facilitate and administer the workforce reporting program. The program shall:

(a) Provide ongoing assessment of the supply and distribution of, and demand for, the state's oral health workforce;

(b) Conduct studies to describe the demographic, education, and practice characteristics of occupations engaged in providing oral health care and to improve understanding of workplace factors that influence workforce recruitment and retention; and

(c) Display and disseminate findings through a public facing website dashboard, in a deidentified and aggregate format, and through findings briefs accessible from the website, among other methods of dissemination.

(69) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the institution to contract with a nonprofit organization to provide a report on the community inventory to help align the Washington park arboretum planning with the diverse needs and priorities of the community.

(70) \$1,242,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for an increase in the number of nursing slots and graduates in the already established accelerated bachelor of science in nursing program. Of the amounts provided in this subsection, \$273,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Tacoma school of nursing and healthcare leadership.

(71) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the memory and brain wellness center to support the statewide expansion of the dementia friends program.

(72) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a \$2,500 monthly stipend to students during the 20-week training period of the business certificate program at the Bothell campus established in partnership with the MLK Gandhi empowerment initiative. The business certificate program must consist of two cohorts of 20 students.

(73) \$455,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the startup program within the school of computer science and engineering.

(74) (a) \$400,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the colab for community and behavioral health policy to work in collaboration with the Latino center for health and allies in healthier systems for health & abundance in youth to convene a community coalition and design team to develop recommendations for the expansion of culturally responsive community mental health services focused on children and adolescents in Washington. Community and lived experience stakeholders, representing communities of color, must make up over half of the team. The coalition's recommendations shall address:

(i) Expansion of clinical training for a lived experience workforce to provide culturally responsive and evidence-informed mental health services focused on families, children, and youth;

(ii) An implementation plan that allows for local flexibility and local community input; and

(iii) An evaluation plan that will yield information about the success in implementation statewide and the improved experiences of those seeking mental health services.

(b) The coalition must report its findings and recommendations to the appropriate committees of the legislature by December 15, 2022.

(75) (a) \$89,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to establish a data repository to assist the state and all political subdivisions with evaluating whether and to what extent existing laws and practices with respect to voting and elections are consistent with public policy, implementing best practices in voting and elections, and to investigate potential infringements upon the right to vote.

(b) The operation of the repository shall be the responsibility of the director of the repository who shall be employed by the University of Washington with doctoral level expertise in demography, statistical analysis, and electoral systems. The director shall be appointed by the governor. The director shall appoint necessary staff to implement and maintain the repository.

(c) The repository shall maintain in electronic format at least the following data and records, where available, for at least the previous 12-year period:

(i) Estimates of the total population, voting age population, and citizen voting age population by race, ethnicity, and language-minority groups, broken down to the election district and precinct level on a year-by-year basis for every political subdivision in the state, based on data from the United States census bureau, American community survey, or data of comparable quality collected by a public office;

(ii) Election results at the precinct level for every statewide election and every election in every political subdivision;

(iii) Regularly updated voter registration lists, voter history files, voting center locations, ballot drop box locations, and student engagement hub locations for every election in every political subdivision;



- (iv) Contemporaneous maps, descriptions of boundaries, and shapefiles for election districts and precincts;
- (v) Ballot rejection lists, curing lists, and reasoning for ballot rejection for every election in every political subdivision;
- (vi) Apportionment plans for every election in every political subdivision; and
- (vii) Any other data that the director deems advisable.
- (d) The director shall update the data in the repository no later than 30 business days after certification of each election as required by RCW 29A.60.190 or 29A.60.250.
- (e) Except for any data, information, or estimates that identifies individual voters, the data, information, and estimates maintained by the repository shall be posted online and made available to the public at no cost.
- (f) The repository shall prepare any estimates made pursuant to this section by applying the most advanced, peer-reviewed, and validated methodologies.
- (g) On or before January 1, 2023, the repository shall publish on its website and transmit to the state for dissemination to county auditors secretary of a list of political subdivisions required pursuant to section 203 of the federal voting rights act to provide assistance to members of language-minority groups and each language in which those political subdivisions are required to provide assistance. Each county auditor shall transmit the list described herein to all political subdivisions within their jurisdiction.
- (h) Upon the certification of election results and the completion of the voter history file after each election, the secretary of state shall transmit copies of:
- (i) Election results at the election district level;
  - (ii) Contemporaneous voter registration lists;
  - (iii) Voter history files;
  - (iv) Maps, descriptions, and shapefiles for election districts; and
  - (v) Lists of voting centers and student engagement hubs.
- (i) Staff at the repository may provide nonpartisan technical assistance to political subdivisions, scholars, and the general public seeking to use the resources of the repository.
- (76) \$122,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for sexual assault nurse examiner training.
- (77) Within the amounts appropriated in this section, the University of Washington must explore pathways for providing direct admissions to the nursing programs at the Seattle campus. By December 1, 2022, the university must report pursuant to RCW 43.01.036 to the appropriate committees of the legislature recommendations for direct admissions, including a timeline for implementation and estimated costs.
- (78) \$232,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the center for environmental forensic science for the procurement of an AccuTOF DART mass spectrometry system to perform rapid forensic wood identification to combat illegal logging and associated trade.
- (79) \$167,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the center for an informed public for research to identify new technologies and strategies to resist strategic misinformation in collaboration with Finnish higher education institutions and organizations. By June 30, 2023, the center must submit a report pursuant to RCW 43.01.036 to the appropriate committees of the legislature on the use of funds, key metrics and deliverables, and recommendations for further opportunities for collaboration.
- (80) \$18,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.
- (81) \$277,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Substitute Senate Bill No. 5644 (behavior health co-response). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.
- (82) \$15,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Engrossed Substitute Senate Bill No. 5874 (military student residency). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.
- ~~((84))~~ (83) \$121,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.
- ~~((85))~~ (84) \$16,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (veterans & military suicide). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.
- ~~((86))~~ (85) (a) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the institution to conduct a study, in consultation with the department of health and with approval from the Washington state institutional review board, of the ability of Washington residents to make use of the rights established in chapter 70.245 RCW to achieve full access to the Washington death with dignity act. The institution and department shall enter into a signed data sharing agreement for the purpose of the study. Pursuant to RCW 42.56.070, 42.56.360, and 70.245.150, the data sharing agreement must specify that data shared or obtained in the course of this study are not subject to public disclosure. The study shall review the extent to which there are barriers to achieving full access to the Washington death with dignity act.

(b) The department shall provide to the institution the data requested on deaths of all Washington residents and legal next of kin by August 1, 2022.

(c) By December 1, 2022, the institution shall report its findings to the governor and appropriate committees of the legislature under RCW 43.01.036. Pursuant to RCW 42.56.070, 42.56.360, and 70.245.150, the report must protect the confidentiality of the subjects of any data that it receives while conducting its research, including the names of any patients and health care providers.

(86) \$100,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for labor costs, to sustain clinical operations, to maintain safety net care, and to continue medical training activities at the University of Washington medical center and harborview medical center.

**Sec. 1603.** 2022 c 297 s 604 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE UNIVERSITY**

General Fund—State Appropriation (FY 2022)	\$246,492,000
General Fund—State Appropriation (FY 2023)	(( <del>\$264,669,000</del> ))
	<u>\$266,170,000</u>
General Fund—Federal Appropriation	\$500,000
Washington State University Building Account—State Appropriation	\$792,000
Education Legacy Trust Account—State Appropriation	\$33,995,000
Model Toxics Control Operating Account—State Appropriation	\$2,076,000
Dedicated Marijuana Account—State Appropriation (FY 2022)	\$138,000
Dedicated Marijuana Account—State Appropriation (FY 2023)	\$175,000
Workforce Education Investment Account—State Appropriation	\$31,736,000
Waste Reduction, Recycling, and Litter Control Account—State Appropriation	\$331,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$580,904,000</del>))</b> <b><u>\$582,405,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$90,000 of the general fund—state appropriation for fiscal year 2022 and \$90,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) \$7,000,000 of the general fund—state appropriation for fiscal year 2022, \$7,000,000 of the general fund—state appropriation for fiscal year 2023, and \$22,800,000 of the workforce education investment account—state appropriation are provided solely for the continued development and operations of a medical school program in Spokane.

(6) \$135,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a honey bee biology research position.

(7) ~~\$31,614,000~~ of the general fund—state appropriation for fiscal year 2022 and ~~((~~\$32,341,000~~))~~ \$34,016,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(8) \$580,000 of the general fund—state appropriation for fiscal year 2022 and \$580,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(9) \$630,000 of the general fund—state appropriation for fiscal year 2022 and \$630,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(10) \$1,370,000 of the general fund—state appropriation for fiscal year 2022 and \$1,370,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(11) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(12) \$1,154,000 of the general fund—state appropriation for fiscal year 2022 and \$1,154,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(13) \$376,000 of the general fund—state appropriation for fiscal year 2022 and \$376,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(14) \$585,000 of the general fund—state appropriation for fiscal year 2022 and \$585,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

(15)(a) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the joint center for deployment and research in earth abundant materials.

(b) By December 1, 2021, the joint center for deployment and research in earth abundant materials must report to the appropriate committees of the legislature on the center's research grant program, including but not limited to the following:

(i) The annual amount of funding available for the grant program, including any private or foundation dollars;

(ii) The average award amount per project;

(iii) The educational impact of funded projects on high schools and community and technical colleges; and

(iv) The impact of project findings on technologies in Washington using earth-abundant materials.

(16) \$2,076,000 of the model toxics control operating account—state appropriation is provided solely for the university's soil health initiative and its network of long-term agroecological research and extension (LTARE) sites. The network must include a Mount Vernon REC site.

(17) \$6,880,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(18) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$20,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of clean technology to convene a sustainable aviation biofuels work group to further the development of sustainable aviation fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in sustainable aviation biofuels research, development, production, and utilization. The work group must provide a report including any pertinent recommendations to the governor and appropriate committees of the legislature by December 1, 2022.

(19) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Washington State University's energy program to launch a least-conflict priority solar siting pilot project in the Columbia basin of eastern and central Washington. This program shall engage all relevant stakeholders to identify priority areas where there is the least amount of potential conflict in the siting of utility scale PV solar and to develop a map highlighting these areas. The program shall also compile the latest information on opportunities for dual-use and colocation of PV solar with other land values. The appropriation is the maximum amount the department may expend for this purpose.

(20) \$42,000 of the general fund—state appropriation for fiscal year 2022 and \$42,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(21) \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$215,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the William D. Ruckelshaus center to partner with the Washington State University for the continued work of the Washington state criminal sentencing task force established in section 944 of this act.

(22)(a) \$85,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the William D. Ruckelshaus center to conduct a situation assessment to gauge the prospects for a collaborative approach to integration of leadership, aligning roles and responsibilities, and increasing efficiency and responsiveness of the state's K-12 education governance structure. The assessment must:

(i) Identify issues, challenges, and opportunities related to administration and governance of K-12 education in Washington state;

- (ii) Consist of interviews with representatives of state-funded K-12 education agencies, boards, commissions, and other relevant entities identified by the center;
- (iii) Explore potential opportunities for the integration, alignment, and/or consolidation of roles and responsibilities of entities; and
- (iv) Identify key areas of focus.
- (b) The center must report the assessment's findings and recommendations to the education committees of the legislature by March 31, 2022, with a preliminary report by February 1, 2022, as to whether circumstances support the convening and facilitation of a collaborative work group.
- (23) (a) \$331,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the university to conduct an organic waste study to:
- (i) Assess local and state government compost usage in projects and buy-back programs under RCW 43.19A.120 and 43.19A.130 including but not limited to participation, effectiveness, and amount and types of usage of compost; and
- (ii) Develop a model to estimate carbon sequestration from organic waste-derived soil amendment application to soil, and identify technologies, methods, and potential funding for carbon sequestration from Washington's organic wastes including but not limited to the potential inclusion of these materials in carbon markets and trading.
- (b) The university must submit a report on the assessment's findings and model development to the appropriate committees of the legislature by December 31, 2022.
- (24) \$500,000 of the general fund—federal appropriation (CRRSA) is provided solely to support farm stress programs in response to the COVID-19 pandemic, as authorized in section 766, division N, consolidated appropriations act, 2021, P.L. 116-260.
- (25) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon).
- (26) \$86,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools).
- (27) \$101,000 of the general fund—state appropriation for fiscal year 2022 and \$101,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education).
- (28) \$281,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of chapter 6, Laws of 2021 (Engrossed Substitute Senate Bill No. 5272).
- (29) The appropriations in this section include sufficient funding for the implementation of chapter 96, Laws of 2021 (Substitute Senate Bill No. 5228).
- (30) \$224,000 of the general fund—state appropriation for fiscal year 2022 and \$221,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5253 (pollinator health).
- (31) \$1,718,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act).
- (32) \$412,000 from the institutions of higher education—grant and contracts account is provided solely for implementation of Substitute Senate Bill No. 5317 (pesticide registration).
- (33) \$33,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for compensation funding for Western Washington University employees that work on the Washington State University Everett campus.
- (34) \$341,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for pharmacy behavioral health. Washington State University college of pharmacy and pharmaceutical sciences will hire two residency training positions and one behavioral health faculty to create a residency program focused on behavioral health.
- (35) \$1,337,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.
- (36) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington state commission on pesticide registration to fund research to develop alternatives for growers currently using organophosphate pesticides.
- (37) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for residential energy code education and support, including training, hotline support to the building industry, and informational material and web resources. The energy program shall engage stakeholders in a discussion of overall enforcement support and work to identify workforce development needs and opportunities.
- (38) \$750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington state academy of sciences to provide support for core operations and to accomplish its mission of providing science in the service of Washington, pursuant to its memorandum of understanding with the university.
- ~~((+40+))~~ (39) \$188,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for stormwater research to study the long-term efficacy of green stormwater infrastructure that incorporates compost to remove pollutants.

((41)) (40) \$2,056,000 of the workforce education investment account—state appropriation is provided solely to establish a bachelor's degree in cybersecurity operations.

((42)) (41) \$80,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

((43)) (42) \$135,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1814 (community solar projects). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

((44)) (43) \$121,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

((45)) (44) \$122,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 1622 (sex. assault nurse education). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

((46)) (45) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Washington State University to partner with a nonprofit entity based in Olympia that focuses on sustainable infrastructure solutions to develop recommendations for increasing the economic value and sustainability of Washington's agricultural sector through the use of industrial symbiosis principles, to connect agriculture producers and processors with partners to achieve synergies through systems-based resource sharing resulting in economic benefits and value creation for all participants, through sustainable resource recovery and optimization of energy, water, and organic waste streams. By June 30, 2023, the Washington State University must report recommendations to the appropriate committees of the legislature pursuant to RCW 43.01.036.

Sec. 1604. 2022 c 297 s 605 (uncodified) is amended to read as follows:

**FOR EASTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2022)	\$58,296,000
General Fund—State Appropriation (FY 2023)	<del>(\$61,496,000)</del>
	<u>\$62,098,000</u>
Education Legacy Trust Account—State Appropriation	\$16,838,000
Workforce Education Investment Account—State Appropriation	\$15,244,000
<b>TOTAL APPROPRIATION</b>	<del><b>(\$151,874,000)</b></del>
	<u><b>\$152,476,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$200,000 of the general fund—state appropriation for fiscal year 2022 and at least \$200,000 of the general fund—state appropriation for fiscal year 2023 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) ~~\$11,356,000~~ \$12,219,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$11,617,000)~~ of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(6) \$56,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a comprehensive analysis of the deep lake watershed involving land owners, ranchers, lake owners, one or more conservation districts, the department of ecology, and the department of natural resources.

(7) \$2,274,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(8) \$2,636,000 of the workforce education investment account—state appropriation is provided solely to maintain a computer engineering degree program in the college of science, technology, engineering, and math.

(9) \$45,000 of the general fund—state appropriation for fiscal year 2022 and \$45,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and

training specifically related to working with active members of the military or military veterans.

(10) \$300,000 of the workforce education investment account—state appropriation is provided solely to establish a center for inclusive excellence for faculty and staff.

(11) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increasing dual credit options, to address issues of equity in higher education access.

(12) \$110,000 of the general fund—state appropriation for fiscal year 2022 and \$110,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a new summer bridge program.

(13) \$27,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools).

(14) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1335 (racial restrictions/review).

(15) \$121,000 of the general fund—state appropriation for fiscal year 2022 and \$121,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education).

(16) \$548,000 of the workforce education investment account—state appropriation is provided solely for a professional masters of science cyber operations degree option.

(17) \$2,262,000 of the workforce education investment account—state appropriation is provided solely to establish a bachelor of science in cybersecurity degree option through the computer science program.

(18) \$1,054,000 of the workforce education investment account—state appropriation is provided solely for the implementation of a coordinated care network that will help to maximize the collaboration of various student support services to create wraparound care for students to address obstacles to degree completion. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(19) \$262,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(20) \$6,170,000 of the workforce education investment account—state appropriation is provided solely to establish a bachelor of science in nursing program.

(21) \$68,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(22) \$43,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1605.** 2022 c 297 s 606 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2022) . . . . .	\$60,220,000
General Fund—State Appropriation (FY 2023) . . . . .	( <del>(\$64,057,000)</del> )
	<u>\$64,823,000</u>
Central Washington University Capital Projects	
Account—State Appropriation . . . . .	\$76,000
Education Legacy Trust Account—State Appropriation . . . . .	\$19,076,000
Workforce Education Investment Account—State	
Appropriation . . . . .	\$5,071,000
<b>TOTAL APPROPRIATION</b> . . . . .	<del>(\$148,500,000)</del>
	<u>\$149,266,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) ~~(\$13,094,000)~~ \$13,773,000 of the general fund—state appropriation for fiscal year 2022 and \$12,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(5) \$2,236,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) \$1,050,000 of the workforce education investment account—state appropriation is provided solely to increase the number of certified K-12 teachers.

(7) \$736,000 of the workforce education investment account—state appropriation is provided solely to maintain mental health counseling positions.

(8) \$240,000 of the general fund—state appropriation for fiscal year 2022 and \$240,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for two (~~psychologists~~) counselor positions to increase access to mental health counseling for traditionally underrepresented students.

(9) \$52,000 of the general fund—state appropriation for fiscal year 2022 and \$52,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health (~~counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans~~) outreach and service coordination position with knowledge of issues relevant to veterans.

(10) \$155,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement chapter 295, Laws of 2019 (educator workforce supply).

(11) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to establish a bachelor of science in computer science at the university's Des Moines center.

(12) \$31,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools).

(13) \$131,000 of the general fund—state appropriation for fiscal year 2022 and \$131,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education).

(14) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$16,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data).

(15) \$613,000 of the workforce education investment account—state appropriation is provided solely for expanding cybersecurity capacity by adding additional faculty resources in the department of computer science.

(16) \$293,000 of the workforce education investment account—state appropriation is provided solely for a peer mentoring program. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(17) \$325,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(18) \$143,000 of the workforce education investment account—state appropriation is provided solely for the creation of an extended orientation program to help promote retention of underserved students. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(19) \$20,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(20) \$55,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for community collaborations to document and preserve the Roslyn cemetery.

**Sec. 1606.** 2022 c 297 s 607 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

General Fund—State Appropriation (FY 2022) . . . . .	\$32,123,000
General Fund—State Appropriation (FY 2023) . . . . .	( <del>(\$35,611,000)</del> )
	<u>\$35,650,000</u>
The Evergreen State College Capital Projects	
Account—State Appropriation . . . . .	\$80,000
Education Legacy Trust Account—State Appropriation . . . . .	\$5,450,000
Workforce Education Investment Account—State	
Appropriation . . . . .	\$3,906,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>(<del>(\$77,170,000)</del>)</b>
	<u><b>\$77,209,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,893,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$3,983,000)~~) \$4,189,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(4) \$2,760,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$3,560,000)~~) \$3,393,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public policy to initiate, sponsor, conduct, and publish research that is directly useful to policymakers and manage reviews and evaluations of technical and scientific topics as they relate to major long-term issues facing the state. Within the amounts provided in this subsection (4):

(a) \$1,391,000 of the amounts in fiscal year 2022 and \$1,399,000 of the amounts in fiscal year 2023 are provided for administration and core operations.

(b) \$828,000 of the amounts in fiscal year 2022 and (~~(\$937,000)~~) \$863,000 of the amounts in fiscal year 2023 are provided solely for ongoing and continuing studies on the Washington state institute for public policy's work plan.

(c) \$60,000 of the amounts in fiscal year 2022 are provided solely to the Washington state institute for public policy for the continued work and research on behalf of the domestic violence risk assessment work group.

(d) \$25,000 of the amounts in fiscal year 2022 and \$40,000 of the amounts in fiscal year 2023 are provided solely to the Washington state institute for public policy for the continued work and research on behalf of the Washington state criminal sentencing task force established in section 944 of this act.

(e)(i) \$14,000 of the amounts in fiscal year 2022 and \$76,000 of the amounts in fiscal year 2023 are provided solely for the Washington state institute for public policy to study net nanny and similar fictitious victim sting operations. The study must:

(A) Describe the current research on net nanny-type sting operations, including any evidence of their effectiveness in deterring or reducing crime, their costs, and the potential advantages or drawbacks of their use in crime prevention; and

(B) Compare the characteristics of individuals convicted under net nanny stings with individuals convicted of child sex offenses through other avenues.

(ii) The Washington state patrol shall provide the Washington state institute for public policy with the data necessary to conduct the analysis in (e)(i)(B) of this subsection. A net nanny sting operation is a collaborative operation that includes local, state, and federal law enforcement that targets the arrest and prosecution of individuals involved in child abuse and exploitation using the internet by using a fictitious victim. By June 30, 2023, the institute must submit results from the study to the appropriate committees of the legislature.

(f) \$124,000 of the general fund—state appropriation for fiscal year 2022 and \$76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public policy to study legal financial obligations as defined in RCW 9.94A.030.

(i) The study should explore the following topics:

(A) The amount of legal and financial obligations imposed over the last three years;

(B) The total amounts outstanding and the total amounts collected annually, including annual collection rates; including all restitution, costs, fees, fines, penalty assessments, and interest, disaggregated;

(C) Statutes which allow for the imposition of legal and financial obligations;

(D) The percentage of the judicial branch's budget which has been supported by legal and financial obligations since the system's inception;

(E) The programs funded by legal financial obligations; and

(F) How other states fund their court system including but not limited to whether they use legal financial obligations to provide support.

(ii) The study should recommend to the legislature potential methods and processes to delink court related funding and other county and local funding from the collection of legal financial obligations and to provide such funding through other means.

(iii) The Washington state institute for public policy may solicit input for the study from interested parties to include but not be limited to the Washington state association of counties, the Washington state association of county officials, the Washington state association of prosecuting attorneys, superior court judges, civil legal aid, civil rights attorneys, disability rights advocates, crime victim advocates, persons formerly incarcerated, advocates for persons who are currently or formerly incarcerated, academic researchers, persons with expertise analyzing data on legal financial obligations, the Washington state minority and justice commission, and the administrative office of the courts.

(iv) An initial report is due to the legislature by December 1, 2021, with a supplemental and final report due to the legislature by December 1, 2022.

(g) \$7,000 of the general fund—state appropriation for fiscal year 2022 and \$68,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the institute to review available research literature to investigate and describe any relationship between early substance abuse of cannabis, opioids, or cocaine and mental health disorders in young adults; and any relationship between nutrition and mental health disorders in young adults. The institute shall report its findings to the legislature no later than December 1, 2022.



(h) (i) \$102,000 of the amounts in fiscal year 2022 and \$73,000 of the amounts in fiscal year 2023 are provided solely for the Washington state institute for public policy to partner with a context expert to conduct a wilderness therapy research review. The University of Washington evidence-based practice institute and Washington State University impact center must assist the institute in identifying a content expert. For the review, the institute must:

(A) Identify wilderness therapy program models related to behavioral health which have a treatment approach which is well defined or definable and have a strong evidence base to be added to reporting guides for being identified as an evidence-based practice for mental health, including identification of target populations for these programs;

(B) Identify wilderness/adventure program models available for prevention services which are cost beneficial; and

(C) Assess the interest and likelihood of support for programs of this nature among relevant interest groups, such as state prevention coalitions and tribes, if such programs were listed as approved cost beneficial prevention programs by the division of behavioral health and recovery and the Washington state health care authority.

(ii) The institute must submit to the appropriate committees of the legislature a report on (h) (i) (A) and (B) of this subsection by June 30, 2022, and a report on (h) (i) (C) of this subsection by December 1, 2022.

(i) \$15,000 of the amounts in fiscal year 2022 and (~~(\$286,000)~~) \$233,000 of the amounts in fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5304 (reentry services/state and local institutions).

(j) \$48,000 of the amounts in fiscal year 2022 and \$89,000 of the amounts in fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5194 (equity and access in higher education).

(k) (i) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public policy to conduct a cost-benefit analysis for an exclusive or partial American steel requirement for future contracts and subcontracts authorized in the capital budget. The cost-benefit analysis must, to the extent feasible:

(A) Compare existing types and uses of steel to America made steel alternatives, including evaluation of quality;

(B) Examine benefits to Washington workers and the Washington economy;

(C) Examine lifecycle and embodied carbon greenhouse gas emissions;

(D) Identify requirements for purchasing American steel that minimize costs and maximize benefits; and

(E) Evaluate American steel requirements or preferences in other states.

(ii) The institute may solicit input for the analysis from representatives of interested parties to include, but not be limited to, the construction and manufacturing sectors, organized labor in the construction and manufacturing sectors, cities, counties, American steel manufacturing companies, environmental advocacy organizations, and appropriate state agencies.

(iii) The institute must submit a final report to the appropriate committees of the legislature by December 1, 2022.

(l) \$47,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.).

(m) \$71,000 of the amounts in fiscal year 2022 and \$91,000 of the amounts in fiscal year 2023 are provided solely for implementation of chapter 314, Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141) (env. justice task force recs).

(n) \$125,000 of the amounts in fiscal year 2023 is provided solely for an evaluation of student participation in transitional kindergarten programs across the state. By December 31, 2023, the institute shall report the results of its evaluation to the appropriate legislative committees; the governor; the office of the superintendent of public instruction; and the department of children, youth, and families. It is the intent of the legislature to provide funding in the 2023-2025 fiscal biennium budget for the institute to complete the report by December 31, 2023. For the evaluation, to the extent data is available, the institute shall collect data regarding:

(i) The number of districts providing transitional kindergarten programs, including the number of classrooms and students in the program per district;

(ii) The number of children participating in transitional kindergarten programs across the state, disaggregated by demographic information such as race, gender, and income level;

(iii) The number of children participating in transitional kindergarten programs that attended prekindergarten previous to transitional kindergarten;

(iv) The number of children participating in transitional kindergarten who received early learning services through the early childhood education and assistance program;

(v) The number of children participating in transitional kindergarten with an individualized education plan;

(vi) An analysis of how school districts select and prioritize children for enrollment in transitional kindergarten;

(vii) The differences in teacher preparation, certification, and classroom instruction for transitional kindergarten compared to the early childhood education and assistance program;

(viii) The identification of why school districts offer transitional kindergarten, the early childhood education and assistance program, and other early learning programs such as traditional or developmental prekindergarten, and the funding sources used; and

(ix) The use of transitional kindergarten in other states in comparison to Washington state, and any outcome data available.

(o) (i) \$62,000 of the amounts for fiscal year 2023 is provided solely for a comprehensive study to assess specific needs of farmworkers in the state in order to help policymakers determine whether those needs are being met by state administered programs, policies, and statutes. The institute must consult with farmworker advocacy organizations, state agencies administering programs and policies impacting farmworkers, and nonprofit organizations that work directly with farmworkers.

(ii) As part of its information gathering, the institute must hear from farmworkers, either directly or through the nonprofit organizations, regarding farmworkers' experiences and working conditions. These personal, real-life experiences from farmworkers must be based on informal interviews or surveys conducted by Latino nonprofit organizations that have well-established connections and relationships with farmworkers.

(iii) The study must focus on needs related to health and safety in the workplace, payment of wages, and preventing harassment and discrimination of, and retaliation against, farmworkers for asserting their rights regarding health and safety standards, wage and hour laws, and access to services.

(iv) The study must include:

(A) An examination of how the relevant state agencies coordinate with each other and federal agencies in administrating and enforcing the various laws, policies, and programs, and of the agencies' education and outreach to farmworkers regarding farmworkers' rights and protections;

(B) A review of available data from, and research of, programs that are intended to increase health and safety outcomes for farmworkers and that are intended to provide farmworkers access to services and benefits; and

(C) Options on ways to improve agency coordination and the effectiveness of reviewed programs.

(v) It is the intent of the legislature to provide funding in the 2023-2025 fiscal biennium budget for the institute to complete the report by June 30, 2025, with a preliminary report submitted by December 1, 2023.

(p) (~~(\$116,000)~~) \$76,000 of the amounts in fiscal year 2023 is provided solely for the Washington state institute for public policy to undertake a study on the nature and scope of the underground economy and to recommend what policy changes, if any, are needed to address the underground economy in the construction industry, including whether greater cohesion and transparency among state agencies is needed. The report must address the extent of and projected costs to the state and workers of the underground economy. The legislature expects the institute (must) to submit a report to the appropriate committees of the legislature by (December 1, 2022) September 30, 2023.

(q) Notwithstanding other provisions in this subsection, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2021-23 work plan as necessary to efficiently manage workload.

(5) \$2,636,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) \$670,000 of the workforce education investment account—state appropriation is provided solely to maintain enrollment capacity in psychology programs.

(7) \$600,000 of the workforce education investment account—state appropriation is provided solely to increase student success by maintaining support for a student precollege immersion program and The Evergreen first-year experience.

(8) \$213,000 of the general fund—state appropriation for fiscal year 2022 and \$213,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for additional faculty to support Native American and indigenous programs.

(9) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the native pathways program for an assistant director.

(10) \$110,000 of the general fund—state appropriation for fiscal year 2022 and \$110,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to establish a new tribal liaison position.

(11) \$39,000 of the general fund—state appropriation for fiscal year 2022 and \$39,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(12) \$7,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools).

(13) \$236,000 of the general fund—state appropriation for fiscal year 2022 and \$220,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education).

(14) \$158,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(15) \$142,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for student mental health and wellness. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(16) \$196,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for additional laboratory, art, and media lab sections.

(17) \$600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to develop and expand current corrections education programs offered in department of corrections facilities. The college shall appoint a project implementation team, collaborate with stakeholders to plan student success programs and curriculum which lead to transferable credit, associate and bachelor's degrees, and other workforce credentials, and train faculty and staff on working with incarcerated populations.

(18) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of chapter 329, Laws of 2021 (Substitute House Bill No. 1223) (custodial interrogations).

(19) \$27,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1607.** 2022 c 297 s 608 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2022) . . . . .	\$84,528,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$91,203,000</del> ))
	<u>\$92,139,000</u>
<b>Western Washington University Capital Projects</b>	
Account—State Appropriation . . . . .	\$1,424,000
Education Legacy Trust Account—State Appropriation . . . . .	\$13,831,000
Workforce Education Investment Account—State Appropriation . . . . .	\$8,727,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>((<del>\$199,713,000</del>))</b>
	<u><b>\$200,649,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$17,667,000 of the general fund—state appropriation for fiscal year 2022 and ((~~\$18,073,000~~)) \$19,009,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to recruit and retain high quality and diverse graduate students.

(5) \$494,000 of the general fund—state appropriation for fiscal year 2022 and \$548,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for critical support services to ensure traditionally underrepresented students receive the same opportunities for academic success as their peers.

(6) \$700,000 of the general fund—state appropriation for fiscal year 2022 and \$700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(7) \$1,306,000 of the general fund—state appropriation for fiscal year 2022 and \$1,306,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university to develop a new program in marine, coastal, and watershed sciences.

(8) \$886,000 of the general fund—state appropriation for fiscal year 2022 and \$886,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university to reduce tuition rates for four-year degree programs offered in partnership with Olympic college—Bremerton, Olympic college—Poulsbo, and Peninsula college—Port Angeles that are currently above state-funded resident undergraduate tuition rates.

(9) \$90,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the university to assess the feasibility and benefits of expanding outdoor residential school programs to equitably serve either all fifth and sixth grade students, or only fifth or only sixth grade students statewide. The study shall explore the equity

concerns exacerbated by the COVID-19 pandemic in the areas of outdoor recreation and outdoor learning experiences, with a focus on using physical activity and exposure to natural settings as a strategy for improving health disparities and accelerating learning for historically underserved populations. The study must also consider programs and facilities at outdoor residential schools, youth camps, and state parks and assess the impact of COVID-19 on these institutions, and recommend strategies to preserve and expand capacity for outdoor school. The university shall submit a report to the office of the governor, the office of the superintendent of public instruction, and the education committees of the legislature summarizing the assessment and making recommendations no later than September 30, 2021.

(10) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(11) \$2,256,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(12) \$3,426,000 of the workforce education investment account—state appropriation is provided solely to maintain access to science, technology, engineering, and mathematics degrees.

(13) \$1,016,000 of the workforce education investment account—state appropriation is provided solely to establish an academic curriculum in ethnic studies.

(14) \$48,000 of the general fund—state appropriation for fiscal year 2022 and \$48,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(15) \$530,000 of the general fund—state appropriation for fiscal year 2022 and \$530,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation and implementation of two bilingual educator programs in the south King county region, including a bilingual elementary education degree program and a secondary education degree program. At full implementation, each cohort shall support up to 25 students per year.

(16) \$40,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools).

(17) \$353,000 of the general fund—state appropriation for fiscal year 2022 and \$153,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education).

(18) \$5,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data).

(19) \$769,000 of the workforce education investment account—state appropriation is provided solely for upgrading Cyber Range equipment and software.

(20) \$1,260,000 of the workforce education investment account—state appropriation is provided solely for student support services that include resources for outreach and financial aid support, retention initiatives including targeted support for underserved student populations, mental health support, and initiatives aimed at addressing learning disruption due to the global pandemic. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for student support services.

(21) \$461,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for establishing a new master of science program in nursing.

(22) \$433,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the registered nurse to bachelors in nursing program.

(23) \$767,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(24) \$30,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a review of how existing homeowners' associations, condominium associations, associations of apartment owners, and common interest communities in Washington can incorporate accessory dwelling units. The review shall include an examination of the governing documents of these associations and communities to determine how accessory dwelling units are explicitly or implicitly restricted and what the overall impact is on the state's housing supply from such restrictions. By June 30, 2023, in compliance with RCW 43.01.036, the institution must submit a report detailing its findings to the appropriate committees of the legislature.

(25) \$66,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1608.** 2022 c 297 s 609 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—POLICY COORDINATION AND ADMINISTRATION**

General Fund—State Appropriation (FY 2022) . . . . .	\$7,777,000
General Fund—State Appropriation (FY 2023) . . . . .	\$12,583,000
General Fund—Federal Appropriation . . . . .	\$4,941,000

General Fund—Private/Local Appropriation. . . . .	\$150,000
Workforce Education Investment Account—State Appropriation. . . . .	\$6,427,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b><u>(\$31,728,000)</u></b> <b><u>\$31,878,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$126,000 of the general fund—state appropriation for fiscal year 2022 and \$126,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the consumer protection unit.

(2) \$500,000 of the workforce education investment account—state appropriation is provided solely to implement a marketing and communications agenda as required in RCW 28C.30.040(1)(c).

(3) \$115,000 of the workforce education investment account—state appropriation is provided solely for the Washington student loan refinancing program as provided in chapter 28B.94 RCW.

(4) \$575,000 of the general fund—state appropriation for fiscal year 2022 and \$575,000 of the general fund—state appropriation for fiscal year 2023 are provided to increase the number of high school seniors and college bound scholars that complete the free application for federal student aid and the Washington application for state financial aid through digital engagement tools, expanded training, and increased events for high school students.

(5) The student achievement council must ensure that all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW provide the data needed to analyze and evaluate the effectiveness of state financial aid programs. This data must be promptly transmitted to the education data center so that it is available and easily accessible.

(6) \$25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the Washington student achievement council to convene and coordinate a task force to propose strategies to eliminate financial and nonfinancial barriers to low-income students participating in running start, college in the high school, advanced placement, international baccalaureate, Cambridge, and career and technical education dual credit programs. The task force shall submit a report to the appropriate committees of the legislature by December 1, 2021. The report must include:

(a) Strategies to address the following financial and nonfinancial barriers to students:

(i) Per credit tuition fees and any other fees charged for college in the high school and career and technical education dual credit courses;

(ii) Books, fees, and any other direct costs charged to running start students when enrolling in college courses; and

(iii) Exam fees and other charges to students enrolling in exam-based dual credit courses;

(b) Recommendations on student supports to close equity gaps in dual credit access, participation, and success;

(c) Recommendations to improve and increase communication with students and families regarding the awareness, access, and completion of dual credit;

(d) Expanding access to dual credit opportunities for students in career and technical education pathways; and

(e) Running start data for fiscal year 2019, fiscal year 2020, and fiscal year 2021 for each community and technical college as described in section 602(29) of this act.

(7) \$29,000 of the general fund—state appropriation for fiscal year 2022 and \$29,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.).

(8) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$16,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute Senate Bill No. 5249 (mastery-based learning).

(9) \$1,000,000 of the workforce education investment account—state appropriation is provided solely for the career launch grant pool for the public four-year institutions.

(10) \$3,600,000 of the workforce education investment account—state appropriation is provided solely for a grant pool dedicated to nursing programs to purchase or upgrade simulation laboratory equipment.

(11) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the student achievement council to convene and coordinate the development of education and training programs for employees, focusing on correctional officers and medical staff, of the department of corrections to be provided through a contract with The Evergreen State College. Education and training programs must be designed collaboratively to best meet the needs of the department of corrections.

(12) \$850,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for administrative support services to carry out duties and responsibilities necessary for recipients of the Washington college grant who are enrolled in a state registered apprenticeship program.

(13) \$246,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand the homeless student assistance pilot program by two additional public four-year institutions of higher education. The institutions participating in the pilot program are subject to the same requirements as in RCW 28B.50.916. Of the amounts in this subsection,

\$30,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for administration.

(14) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a Pierce county school district to expand a current program assisting high school seniors to identify a postsecondary pathway through a data driven approach.

(15)(a) \$80,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a pilot program to help students, including those enrolled in state registered apprenticeship programs, connect with health care coverage. The student achievement council, in cooperation with the council of presidents, must provide resources for up to two four-year colleges or universities, one on the east side and one on the west side of the Cascade mountains, to hire or train an employee to:

(i) Provide information to students and college and university staff about available health insurance options;

(ii) Develop culturally relevant materials and conduct outreach for historically marginalized and underserved student populations to assist these populations in their knowledge of access to low cost or free health insurance plans;

(iii) Provide ongoing technical assistance to students about health insurance options or health insurance application process; and

(iv) Provide technical assistance to students as a health benefit exchange certified assister, to help students understand, shop, apply, and enroll in health insurance through Washington health planfinder.

(b) Participation in the exchange assister program is contingent on fulfilling applicable contracting, security, and other program requirements.

(c) The legislature expects the council, in collaboration with the council of presidents and the health benefit exchange, to report to the appropriate committees of the legislature information about barriers students, including those enrolled in state registered apprenticeship programs, encountered to accessing health insurance coverage; and to provide recommendations on how to improve student and staff access to health coverage based on data gathered from the pilot program.

(16) \$25,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington student achievement council to convene stakeholders from institutions of higher education, students, and community-based organizations to develop recommendations regarding residency statutes with the goal of ensuring consistent application of residency statutes and clarifying pathways to being a Washington resident student with a focus on ensuring equity to accessing student residency. By December 1, 2022, the council must submit a report with recommendations to the appropriate committees of the legislature pursuant to RCW 43.01.036.

(17) \$10,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the council to submit a progress report on the new or expanded cybersecurity and nursing academic programs that receive funding in sections 602 through 608 of this act, including the number of students enrolled. The council must coordinate with the institutions of higher education and the state board for community and technical colleges as provided in sections 601(4), 602(37), and 602(45) of this act. The progress report must be submitted to the appropriate committees of the legislature, pursuant to RCW 43.01.036, by June 30, 2023, and a final report is expected by December 1, 2024.

(18) \$2,800,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to a nonprofit organization located in King county to expand college services to support underserved students impacted by the pandemic and improve college retention and completion rates.

(19) \$275,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(20) \$137,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5847 (public employee PLSF info). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(21) \$1,200,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1835 (postsecondary enrollment). No more than \$200,000 of the amounts provided in this subsection may be used for administration. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(22) ~~(\$150,000 of the Washington student loan account—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1736 (state student loan program). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.~~

~~(23))~~ If Second Substitute Senate Bill No. 5789 (innovation challenge program) is enacted by June 30, 2022, community-based organizations that receive state funding under subsection (18) of this section and section 602(41) of this act are not eligible for Washington career and college pathways innovation challenge program grant funding for the same purpose.

~~(23) \$150,000 of the general fund—private/local appropriation is provided solely for the skills-driven states demonstration project grant awarded by the national governor's association.~~

**Sec. 1609.** 2022 c 297 s 610 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund—State Appropriation (FY 2022)	\$274,216,000
General Fund—State Appropriation (FY 2023)	(( <del>\$224,541,000</del> ))
	<u>\$234,093,000</u>
General Fund—Federal Appropriation	\$14,096,000
General Fund—Private/Local Appropriation	\$300,000
Education Legacy Trust Account—State Appropriation	\$85,488,000
Washington Opportunity Pathways Account—State Appropriation	(( <del>\$223,786,000</del> ))
	<u>\$221,033,000</u>
Aerospace Training Student Loan Account—State Appropriation	\$217,000
Workforce Education Investment Account—State Appropriation	(( <del>\$248,456,000</del> ))
	<u>\$220,847,000</u>
Health Professionals Loan Repayment and Scholarship Program Account—State Appropriation	\$1,720,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$1,072,820,000</del>))</b>
	<b><u>\$1,052,010,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,834,000 of the general fund—state appropriation for fiscal year 2022 and \$7,835,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for student financial aid payments under the state work study program, including up to four percent administrative allowance for the state work study program.

(2) \$236,416,000 of the general fund—state appropriation for fiscal year 2022, \$176,416,000 of the general fund—state appropriation for fiscal year 2023, ((~~\$218,824,000~~)) \$191,215,000 of the workforce education investment account—state appropriation, \$69,639,000 of the education legacy trust fund—state appropriation, and \$207,654,000 of the Washington opportunity pathways account—state appropriation are provided solely for the Washington college grant program as provided in RCW 28B.92.200.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2021-2023 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) \$1,165,000 of the general fund—state appropriation for fiscal year 2022, \$1,165,000 of the general fund—state appropriation for fiscal year 2023, \$15,849,000 of the education legacy trust account—state appropriation, and ((~~\$16,132,000~~)) \$13,379,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall not consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010.

(5) \$6,999,000 of the general fund—state appropriation for fiscal year 2022 and \$6,999,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2022 and 2023 for this purpose.

(6) \$2,981,000 of the general fund—state appropriation for fiscal year 2022 and ((~~\$8,551,000~~)) \$17,904,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(7) \$3,800,000 of the general fund—state appropriation for fiscal year 2022 and \$3,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other

program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current number and amount of awards for the program in the 2023-2025 fiscal biennium on the basis of these contractual obligations.

(8) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for behavioral health loan repayment program grants, pursuant to chapter 302, Laws of 2019 (2SHB 1668) (Washington health corps).

(9) \$4,125,000 of the general fund—state appropriation for fiscal year 2022 and \$6,125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. The amount provided in this subsection is provided solely to increase loans within the behavioral health program.

(10) \$2,000,000 of the workforce education investment account—state appropriation is provided solely for the future teachers conditional scholarship and loan repayment program established in chapter 28B.102 RCW.

(11) \$2,000,000 of the general fund—federal appropriation (ARPA) is provided solely for ARPA anticipated state grants for the national health service corps.

(12) \$1,279,000 of the general fund—state appropriation for fiscal year 2022 and \$1,313,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington award for vocational excellence. \$175,000 of the general fund—state appropriation for fiscal year 2023 shall be used for administration.

(13) \$258,000 of the general fund—state appropriation for fiscal year 2022 and \$258,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1166 (college students pilot).

(14) \$500,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$206,000)~~ \$405,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a state match associated with the rural jobs program.

(15) \$27,627,000 of the workforce education investment account—state appropriation is provided solely for an annual bridge grant of \$500 to eligible students. A student is eligible for a grant if the student receives a maximum college grant award and does not receive the college bound scholarship program under chapter 28B.118 RCW. Bridge grant funding provides supplementary financial support to low-income students to cover higher education expenses.

(16) \$3,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 2007 (nurse educator loans). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1610.** 2022 c 297 s 612 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

General Fund—State Appropriation (FY 2022) . . . . .	\$9,278,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$9,939,000)</del>
	<u>\$10,130,000</u>
General Fund—Private/Local Appropriation . . . . .	\$34,000
<b>TOTAL APPROPRIATION</b> .....	<b><del>(\$19,251,000)</del></b>
	<b><u>\$19,442,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the school to offer to students enrolled in grades six through twelve for full-time instructional services at the Vancouver campus or online with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$24,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1153 (language access in schools). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1611.** 2022 c 297 s 613 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

General Fund—State Appropriation (FY 2022) . . . . .	\$15,108,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$16,104,000)</del>
	<u>\$16,404,000</u>
<b>TOTAL APPROPRIATION</b> .....	<b><del>(\$31,212,000)</del></b>
	<b><u>\$31,512,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the center to offer students ages three through twenty-one enrolled at Washington School for the Deaf the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.



(2) \$225,000 of the general fund—state appropriation in fiscal year 2022 and \$225,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for the center for deaf and hard of hearing youth to develop or expand a mentoring program for persons employed as educational interpreters in public schools. Funding provided under this section is provided solely for recruiting, hiring, and training persons to be employed by Washington sensory disability services who must provide mentoring services in different geographic regions of the state, with the dual goals of providing services, beginning with the 2021-22 school year, to any requesting school district; and assisting persons in the timely and successful achievement of performance standards for educational interpreters.

(3) \$5,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1153 (language access in schools). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1612.** 2022 c 297 s 614 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund—State Appropriation (FY 2022)	\$2,760,000
General Fund—State Appropriation (FY 2023)	(( <del>\$4,788,000</del> ))
	<u>\$4,815,000</u>
General Fund—Federal Appropriation	\$3,169,000
General Fund—Private/Local Appropriation	\$143,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	\$2,000,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$12,860,000</del>))</b> <b><u>\$12,887,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$79,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creative districts program.

(2) \$1,000,000 of the general fund—federal appropriation (ARPA) is provided solely for grants to arts organizations for programing and general operating expenses pursuant to section 2021 of the American rescue plan act of 2021, P.L. 117-2.

(3) ((~~\$1,000,000~~))\$2,000,000 of the coronavirus state fiscal recovery fund—federal appropriation for fiscal year 2022 ((and ~~\$1,000,000~~ of the coronavirus state fiscal recovery fund—federal appropriation for fiscal year 2023 are))is provided solely for the Washington state arts commission to stabilize, recover, and preserve the state's arts and cultural organizations in light of pandemic conditions. From these amounts, the commission may distribute relief, response, and recovery grants to arts and cultural organizations statewide, subject to appropriate agreements.

(4) \$71,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a business network in the Goldendale area to continue an arts-based revitalization and transformation project in downtown Goldendale.

**Sec. 1613.** 2022 c 297 s 615 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2022)	\$4,270,000
General Fund—State Appropriation (FY 2023)	(( <del>\$4,878,000</del> ))
	<u>\$4,957,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$9,148,000</del>))</b> <b><u>\$9,227,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$210,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington state historical society to partner with a statewide organization specializing in the preservation of Washington state Jewish history to establish a new archive that captures the narratives and primary source materials of Jewish Washingtonians. This new archive must create the capacity to capture a 15-year backlog of hundreds of narratives and materials of Jewish Washingtonians, as well as unlimited new submissions, with the future goal of making these materials available to the public and linking to existing Jewish archival collections at the University of Washington.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with an organization that works with and connects museums in Washington state to create an inventory of heritage organizations across the state as the first phase of a Washington museums connect initiative.

**Sec. 1614.** 2022 c 297 s 616 (uncodified) is amended to read as follows:

**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2022)	\$3,481,000
General Fund—State Appropriation (FY 2023)	\$4,095,000
General Fund—Federal Appropriation	<u>\$250,000</u>

TOTAL APPROPRIATION.....((~~\$7,576,000~~))  
\$7,826,000

The appropriations in this section are subject to the following conditions and limitations: \$250,000 of the general fund—federal appropriation for fiscal year 2023 is provided solely for the collection management system replacement project.

(End of part)

**PART XVII  
 SPECIAL APPROPRIATIONS  
 SUPPLEMENTAL**

**Sec. 1701.** 2022 c 297 s 702 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**  
 General Fund—State Appropriation (FY 2022) . . . . . \$1,265,240,000  
 General Fund—State Appropriation (FY 2023) . . . . . ((~~\$1,342,278,000~~))  
\$1,344,276,000  
 State Building Construction Account—State  
 Appropriation. . . . . ((~~\$19,323,000~~))  
\$12,323,000  
 Columbia River Basin Water Supply Development  
 Account—State Appropriation. . . . . ((~~\$13,000~~))  
\$25,000  
 Watershed Restoration and Enhancement Bond Account—  
 State Appropriation. . . . . \$181,000  
 State Taxable Building Construction Account—State  
 Appropriation. . . . . \$467,000  
 Debt-Limit Reimbursable Bond Retirement Account—  
 State Appropriation. . . . . \$511,000  
 TOTAL APPROPRIATION.....((~~\$2,628,013,000~~))  
\$2,623,023,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

**Sec. 1702.** 2022 c 297 s 703 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**  
 General Fund—State Appropriation (FY 2022) . . . . . \$1,400,000  
 General Fund—State Appropriation (FY 2023) . . . . . \$1,400,000  
 State Building Construction Account—State  
 Appropriation. . . . . \$4,249,000  
 Columbia River Basin Water Supply Development  
 Account—State Appropriation. . . . . ((~~\$3,000~~))  
\$6,000  
 Watershed Restoration and Enhancement Bond Account—  
 State Appropriation. . . . . \$39,000  
 State Taxable Building Construction Account—State  
 Appropriation. . . . . ((~~\$94,000~~))  
\$112,000  
 TOTAL APPROPRIATION.....((~~\$7,185,000~~))  
\$7,206,000

**Sec. 1703.** 2022 c 297 s 704 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—EMERGENCY FUND**  
 General Fund—State Appropriation (FY 2022) . . . . . \$1,100,000  
 General Fund—State Appropriation (FY 2023) . . . . . ((~~\$1,000,000~~))  
\$1,500,000  
 TOTAL APPROPRIATION.....((~~\$2,100,000~~))  
\$2,600,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

**Sec. 1704.** 2022 c 297 s 713 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—CORONAVIRUS RELIEF FUNDS**  
 General Fund—Federal Appropriation. . . . . ((~~\$5,711,000~~))  
\$6,211,000  
 TOTAL APPROPRIATION.....((~~\$5,711,000~~))

\$6,211,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (CRF) is provided solely to the office of financial management for allocation to state agencies for costs eligible to be paid from the coronavirus relief fund created by section 5001, the coronavirus aid, relief, and economic security act, P.L. 116-136, division A and where funding is provided elsewhere in this act for those costs using a funding source other than the coronavirus relief fund. For any agency receiving an allocation under this section, the office must place an equal amount of the agency's state or other federal source appropriation authority in unallotted reserve status, and those amounts may not be expended. In determining the use of amounts appropriated in this section, the office of financial management shall prioritize the preservation of state general fund moneys and federal state fiscal recovery fund moneys. The office must report on the use of the amounts appropriated in this section to the fiscal committees of the legislature monthly until all coronavirus relief fund moneys are expended or the unexpended moneys returned to the federal government, whichever is earlier.

Sec. 1705. 2022 c 297 s 714 (uncodified) is amended to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2022 or fiscal year 2023, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims.

These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

(1) William J. Damson, claim number 9991006839. . . . .	\$14,880
(2) David Ziller, claim number 9991006721. . . . .	\$13,257
(3) Caleb B. Cline, claim number 9991006671. . . . .	\$23,367
(4) Julaine D. Pettis, claim number 9991005948. . . . .	\$20,000
(5) Jaydra Erchul Johnson, claim number 9991005804. . . . .	\$8,270
(6) Christopher Lundvall, claim number 9991007205. . . . .	\$45,022
(7) Carlos Cervantes, claim number 9991007388. . . . .	\$6,298
(8) Jarel Jones-White, claim number 9991007721. . . . .	\$3,665
(9) Terry G. Enger, claim number 9991010634. . . . .	\$6,575
(10) James B. Copenhaver, claim number 9991010466. . . . .	\$47,755
(11) Jason Koester, claim number 9991010340. . . . .	\$25,128
(12) Michael Chambers, claim number 9991010113. . . . .	\$13,230
(13) Gerhardt Reiss, claim number 9991010024. . . . .	\$12,157
(14) Samuel Swanberg, claim number 9991010013. . . . .	\$44,269
(15) Darnell Jones, claim number 9991009681. . . . .	\$25,000
(16) Heath Wolfe, claim number 9991009301. . . . .	\$4,380
(17) Derwin R. Honeycutt, claim number 9991008512. . . . .	\$19,557
(18) Heegap Lee, claim number 9991008437. . . . .	\$21,584
(19) Ryan A. Leenders, claim number 9991008439. . . . .	\$52,328
(20) Jami McKague, claim number 9991012007. . . . .	\$15,000

Sec. 1706. 2022 c 297 s 723 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—FAMILY AND MEDICAL LEAVE INSURANCE ACCOUNT

General Fund—State Appropriation (FY 2023). . . . .	(\$350,000,000)
	\$200,000,000
TOTAL APPROPRIATION. . . . .	(\$350,000,000)
	\$200,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the family and medical leave insurance account created in RCW 50A.05.070 ((on June 30, 2023. The office of financial management may only expend the amount necessary to keep the family and medical leave insurance account from being in a deficit at the close of the fiscal biennium, after certification from the employment security department)).

Sec. 1707. 2022 c 297 s 726 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—JUDICIAL INFORMATION SYSTEMS ACCOUNT

General Fund—State Appropriation (FY 2022). . . . .	\$11,306,000
General Fund—State Appropriation (FY 2023). . . . .	(\$6,224,000)
	\$15,924,000
TOTAL APPROPRIATION. . . . .	(\$17,530,000)
	\$27,230,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the judicial information systems account created in RCW 2.68.020.

Sec. 1708. 2022 c 297 s 731 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—SALMON RECOVERY ACCOUNT**

General Fund—State Appropriation (FY 2023) . . . . .	(( \$100,000,000 ))
	<u>\$125,000,000</u>
<b>TOTAL APPROPRIATION</b> .....	<b>(( \$100,000,000 ))</b>
	<u>\$125,000,000</u>

The appropriation in this section is subject to the following conditions and limitations:  
 The appropriation is provided solely for expenditure into the salmon recovery account created in RCW 77.85.170.

NEW SECTION. **Sec. 1709.** 2021 c 334 s 747 (uncodified) is repealed.

(End of part)

**PART XVIII  
 OTHER TRANSFERS AND APPROPRIATIONS  
 SUPPLEMENTAL**

**Sec. 1801.** 2022 c 297 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions . . . . .	(( \$12,107,000 ))
	<u>\$12,486,000</u>
General Fund Appropriation for prosecuting attorney distributions . . . . .	\$7,975,000
General Fund Appropriation for boating safety and education distributions . . . . .	(( \$6,395,000 ))
	<u>\$5,014,000</u>
General Fund Appropriation for public utility district excise tax distributions . . . . .	(( \$67,206,000 ))
	<u>\$99,351,000</u>
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies . . . . .	(( \$3,303,000 ))
	<u>\$5,927,000</u>
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distributions . . . . .	(( \$140,000 ))
	<u>\$158,000</u>
Timber Tax Distribution Account Appropriation for distribution to "timber" counties . . . . .	\$77,324,000
County Criminal Justice Assistance Appropriation . . . . .	(( \$115,238,000 ))
	<u>\$115,845,000</u>
Municipal Criminal Justice Assistance Appropriation . . . . .	(( \$45,587,000 ))
	<u>\$45,904,000</u>
City-County Assistance Appropriation . . . . .	\$56,205,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution . . . . .	(( \$87,317,000 ))
	<u>\$89,098,000</u>
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation . . . . .	\$8,690,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians . . . . .	\$6,036,000
Liquor Revolving Account Appropriation for liquor profits distribution . . . . .	\$98,876,000
General Fund Appropriation for other tax distributions . . . . .	(( \$102,000 ))
	<u>\$104,000</u>
General Fund Appropriation for Cannabis Excise Tax distributions . . . . .	\$20,000,000
Dedicated (( <del>Marijuana</del> )Cannabis) Cannabis Account Appropriation for Cannabis Excise Tax distributions pursuant to Engrossed Second Substitute Senate Bill No. 5796 (cannabis revenue) . . . . .	(( \$25,243,000 ))
	<u>\$22,442,000</u>
General Fund Appropriation for Habitat Conservation Program distributions . . . . .	(( \$5,754,000 ))
	<u>\$4,754,000</u>
General Fund Appropriation for payment in lieu of taxes to counties under Department of Fish and Wildlife Program . . . . .	(( \$4,040,000 ))
	<u>\$4,078,000</u>
Puget Sound Taxpayer Accountability Account	

Appropriation for distribution to counties in amounts not to exceed actual deposits into the account and attributable to those counties' share pursuant to RCW 43.79.520.. . . . .	\$51,983,000
Manufacturing and Warehousing Job Centers Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistributions effect of sourcing law changes pursuant to Engrossed Substitute House Bill No. 1521 (warehousing & manufacturing jobs).. . . . .	\$12,150,000
<b>TOTAL APPROPRIATION</b> .....	<b><del>(\$711,671,000)</del> \$744,400,000</b>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**Sec. 1802.** 2022 c 297 s 802 (uncodified) is amended to read as follows:

<b>FOR THE STATE TREASURER—FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT</b>	
Impaired Driving Safety Appropriation. . . . .	<del>(\$2,015,000)</del> \$1,530,000
<b>TOTAL APPROPRIATION</b> .....	<b><del>(\$2,015,000)</del> \$1,530,000</b>

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2021-2023 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 1803.** 2022 c 297 s 803 (uncodified) is amended to read as follows:

<b>FOR THE STATE TREASURER—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT</b>	
Impaired Driving Safety Appropriation. . . . .	<del>(\$1,343,000)</del> \$1,020,000
<b>TOTAL APPROPRIATION</b> .....	<b><del>(\$1,343,000)</del> \$1,020,000</b>

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2021-2023 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 1804.** 2022 c 297 s 804 (uncodified) is amended to read as follows:

<b>FOR THE STATE TREASURER—TRANSFERS</b>	
Dedicated Marijuana Account: For transfer to the basic health plan trust account, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2022, \$265,000,000 and this amount for fiscal year 2023, \$268,000,000. . . . .	\$533,000,000
Dedicated Marijuana Account: For transfer to the state general fund, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2022, \$202,000,000 and this amount for fiscal year 2023, <del>(\$200,000,000)</del> \$170,000,000. . . . .	<del>(\$402,000,000)</del> \$372,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to	

the tobacco settlement account for fiscal year 2022. . . . .	\$90,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2023. . . . .	\$90,000,000
<del>((Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the tobacco arbitration payment to the tobacco settlement account, for fiscal year 2023. . . . .</del>	<del>\$8,000,000))</del>
State Treasurer's Service Account: For transfer to the state general fund, \$5,000,000 for fiscal year 2022 and \$5,000,000 for fiscal year 2023. . . . .	\$10,000,000
General Fund: For transfer to the fair fund under RCW 15.76.115, \$2,750,000 for fiscal year 2022 and \$2,750,000 for fiscal year 2023. . . . .	\$5,500,000
Financial Services Regulation Account: For transfer to the state general fund, \$3,500,000 for fiscal year 2022 and \$3,500,000 for fiscal year 2023. . . . .	\$7,000,000
Marine Resources Stewardship Trust Account: For transfer to the aquatic lands enhancement account, up to \$40,000 for fiscal year 2022. . . . .	\$40,000
Water Pollution Control Revolving Administration Account: For transfer to the water pollution control revolving account, \$6,000,000 for fiscal year 2022. . . . .	\$6,000,000
General Fund: For transfer to the home security fund, \$4,500,000 for fiscal year 2022 and \$4,500,000 for fiscal year 2023. . . . .	\$9,000,000
Gambling Revolving Account: For transfer to the state general fund as repayment of the loan pursuant to chapter 127, Laws of 2020 (sports wagering/compacts), \$3,000,000 for fiscal year 2022 and the lesser of the remaining amount determined by the treasurer for full repayment of the \$6,000,000 transferred from the general fund in the 2019-2021 fiscal biennium with any related interest, or this amount for fiscal year 2023 \$3,500,000. . . . .	\$6,500,000
School Employees' Insurance Account: For transfer to the general fund as repayment of the remainder of the loans for start costs for the school employees benefit program, \$15,615,000 for fiscal year 2022. . . . .	\$15,615,000
General Fund: For transfer to the manufacturing and warehousing jobs centers account \$6,750,000 for fiscal year 2022 and \$5,400,000 for fiscal year 2023 pursuant to Engrossed Substitute House Bill No. 1521 (warehousing & manufacturing jobs). . . . .	\$12,150,000
General Fund: For transfer to the Washington housing trust fund, \$10,000,000 for fiscal year 2022. . . . .	\$10,000,000
General Fund: For transfer to the forest resiliency account trust fund, \$6,000,000 for fiscal year 2022. . . . .	\$6,000,000
Streamlined Sales and Use Tax Mitigation Account: For transfer to the general fund, \$3,186,000 or as much thereof that represents the balance in the account for fiscal year 2022. . . . .	\$3,186,000
General Fund: For transfer to the municipal criminal justice assistance account for fiscal year 2022. . . . .	\$761,000
General Fund: For transfer to the wildfire response, forest restoration, and community resilience account, solely for the implementation of chapter 298, Laws of 2021 (2SHB 1168) (long-term forest health), \$12,475,000 for fiscal year 2022 and \$74,632,000 for fiscal year 2023. . . . .	\$87,107,000
General Fund: For transfer to the state drought preparedness and response account, \$4,500,000 for fiscal year 2022 and \$4,500,000 for fiscal year 2023. . . . .	\$9,000,000

General Fund: For transfer to the Washington rescue plan transition account, \$1,100,000,000 for fiscal year 2023. . . . .	\$1,100,000,000
<u>Washington Rescue Plan Transition Account: For transfer to the state general fund, \$1,803,000,000 for fiscal year 2023. . . . .</u>	<u>\$1,803,000,000</u>
General Fund: For transfer to the disaster response account, \$89,217,000 for fiscal year 2023. . . . .	\$89,217,000
General Fund: For transfer to the Washington auto theft prevention authority account, \$2,439,000 for fiscal year 2023. . . . .	\$2,439,000
<u>From auction proceeds received under RCW 70A.65.100(7)(a): For transfer to the air quality and health disparities improvement account, \$1,000,000 for fiscal year 2023. . . . .</u>	<u>\$1,000,000</u>
<u>From auction proceeds received under RCW 70A.65.100(7)(a): For transfer to the climate investment account, in an amount not to exceed the remaining auction proceeds exclusive of the transfer to the carbon emissions reduction account, \$355,404,000 for fiscal year 2023. . . . .</u>	<u>\$355,404,000</u>

(End of part)

**PART XIX  
MISCELLANEOUS  
SUPPLEMENTAL**

**Sec. 1901.** RCW 70A.65.030 and 2022 c 182 s 104 and 2022 c 181 s 13 are each reenacted and amended to read as follows:

(1) Each year or biennium, as appropriate, when allocating funds from the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in RCW 46.68.500, or the climate active transportation account created in RCW 46.68.490, or administering grants or programs funded by the accounts, agencies shall conduct an environmental justice assessment consistent with the requirements of RCW 70A.02.060 and establish a minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities through: (a) The direct reduction of environmental burdens in overburdened communities; (b) the reduction of disproportionate, cumulative risk from environmental burdens, including those associated with climate change; (c) the support of community led project development, planning, and participation costs; or (d) meeting a community need identified by the community that is consistent with the intent of this chapter or RCW 70A.02.010.

(2) The allocation of funding under subsection (1) of this section must adhere to the following principles, additional to the requirements of RCW 70A.02.080: (a) Benefits and programs should be directed to areas and targeted to vulnerable populations and overburdened communities to reduce statewide disparities; (b) investments and benefits should be made roughly proportional to the health disparities that a specific community experiences, with a goal of eliminating the disparities; (c) investments and programs should focus on creating environmental benefits, including eliminating health burdens, creating community and population resilience, and raising the quality of life of those in the community; and (d) efforts should be made to balance investments and benefits across the state and within counties, local jurisdictions, and unincorporated areas as appropriate to reduce disparities by location and to ensure efforts contribute to a reduction in disparities that exist based on race or ethnicity, socioeconomic status, or other factors.

(3) ~~((State))~~ Except as provided in subsection (4) of this section, state agencies allocating funds or administering grants or programs from the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in RCW 46.68.500, or the climate active transportation account created in RCW 46.68.490, must:

(a) Report annually to the environmental justice council created in RCW 70A.02.110 regarding progress toward meeting environmental justice and environmental health goals;

(b) Consider recommendations by the environmental justice council; and

(c)(i) If the agency is not a covered agency subject to the requirements of chapter 70A.02 RCW, create and adopt a community engagement plan to describe how it will engage with overburdened communities and vulnerable populations in allocating funds or administering grants or programs from the climate investment account.

(ii) The plan must include methods for outreach and communication with those who face barriers, language or otherwise, to participation.

(4) During the 2021-2023 fiscal biennium, the requirements of subsection (3)(c) of this section for agencies other than covered agencies to create and adopt community engagement plans apply only to executive branch agencies and institutions of higher education, as defined in RCW 28B.10.016, receiving total appropriations of more than \$2,000,000 for the 2021-2023 fiscal biennium from the accounts listed in subsection (1) of this section.

**Sec. 1902.** RCW 74.46.561 and 2022 c 297 s 966 are each amended to read as follows:

(1) The legislature adopts a new system for establishing nursing home payment rates beginning July 1, 2016. Any payments to nursing homes for services provided after June 30, 2016, must be based on the new system. The new system must be designed in such a manner as to decrease administrative complexity associated with the payment methodology, reward nursing homes providing care for high acuity residents, incentivize quality care for residents of nursing homes, and establish minimum staffing standards for direct care.

(2) The new system must be based primarily on industry-wide costs, and have three main components: Direct care, indirect care, and capital.

(3) The direct care component must include the direct care and therapy care components of the previous system, along with food, laundry, and dietary services. Direct care must be paid at a fixed rate, based on one hundred percent or greater of statewide case mix neutral median costs, but for fiscal year 2023 shall be capped so that a nursing home provider's direct care rate does not exceed ~~((165))~~ one hundred eighteen percent of its base year's direct care allowable costs except if the provider is below the minimum staffing standard established in RCW 74.42.360(2), except during fiscal year 2023 when the direct care must not exceed one hundred sixty-five percent of the base year's direct care allowable costs except if the provider is below the minimum staffing standards established in RCW 74.42.360(2). The legislature intends to remove the cap on direct care rates by June 30, 2027. Direct care must be performance-adjusted for acuity every six months, using case mix principles. Direct care must be regionally adjusted using countywide wage index information available through the United States department of labor's bureau of labor statistics. There is no minimum occupancy for direct care. The direct care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(4) The indirect care component must include the elements of administrative expenses, maintenance costs, and housekeeping services from the previous system. A minimum occupancy assumption of ninety percent must be applied to indirect care, except during fiscal year 2023 when the minimum occupancy assumption must be 75 percent. Indirect care must be paid at a fixed rate, based on ninety percent or greater of statewide median costs. The indirect care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(5) The capital component must use a fair market rental system to set a price per bed. The capital component must be adjusted for the age of the facility, and must use a minimum occupancy assumption of ninety percent.

(a) Beginning July 1, 2016, the fair rental rate allocation for each facility must be determined by multiplying the allowable nursing home square footage in (c) of this subsection by the RSMeans rental rate in (d) of this subsection and by the number of licensed beds yielding the gross unadjusted building value. An equipment allowance of ten percent must be added to the unadjusted building value. The sum of the unadjusted building value and equipment allowance must then be reduced by the average age of the facility as determined by (e) of this subsection using a depreciation rate of one and one-half percent. The depreciated building and equipment plus land valued at ten percent of the gross unadjusted building value before depreciation must then be multiplied by the rental rate at seven and one-half percent to yield an allowable fair rental value for the land, building, and equipment.

(b) The fair rental value determined in (a) of this subsection must be divided by the greater of the actual total facility census from the prior full calendar year or imputed census based on the number of licensed beds at ninety percent occupancy.

(c) For the rate year beginning July 1, 2016, all facilities must be reimbursed using four hundred square feet. For the rate year beginning July 1, 2017, allowable nursing facility square footage must be determined using the total nursing facility square footage as reported on the medicaid cost reports submitted to the department in compliance with this chapter. The maximum allowable square feet per bed may not exceed four hundred fifty.

(d) Each facility must be paid at eighty-three percent or greater of the median nursing facility RSMeans construction index value per square foot. The department may use updated RSMeans construction index information when more recent square footage data becomes available. The statewide value per square foot must be indexed based on facility zip code by multiplying the statewide value per square foot times the appropriate zip code based index. For the purpose of implementing this section, the value per square foot effective July 1, 2016, must be set so that the weighted average fair rental value rate is not less than ten dollars and eighty cents per patient day. The capital component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(e) The average age is the actual facility age reduced for significant renovations. Significant renovations are defined as those renovations that exceed two thousand dollars per bed in a calendar year as reported on the annual cost report submitted in accordance with this chapter. For the rate beginning July 1, 2016, the department shall use renovation data back to 1994 as submitted on facility cost reports. Beginning July 1, 2016, facility ages must be reduced in future years if the value of the renovation completed in any year exceeds two thousand dollars times the number of licensed beds. The cost of the renovation must be



divided by the accumulated depreciation per bed in the year of the renovation to determine the equivalent number of new replacement beds. The new age for the facility is a weighted average with the replacement bed equivalents reflecting an age of zero and the existing licensed beds, minus the new bed equivalents, reflecting their age in the year of the renovation. At no time may the depreciated age be less than zero or greater than forty-four years.

(f) A nursing facility's capital component rate allocation must be rebased annually, effective July 1, 2016, in accordance with this section and this chapter.

(g) For the purposes of this subsection (5), "RSMeans" means building construction costs data as published by Gordian.

(6) A quality incentive must be offered as a rate enhancement beginning July 1, 2016.

(a) An enhancement no larger than five percent and no less than one percent of the statewide average daily rate must be paid to facilities that meet or exceed the standard established for the quality incentive. All providers must have the opportunity to earn the full quality incentive payment.

(b) The quality incentive component must be determined by calculating an overall facility quality score composed of four to six quality measures. For fiscal year 2017 there shall be four quality measures, and for fiscal year 2018 there shall be six quality measures. Initially, the quality incentive component must be based on minimum data set quality measures for the percentage of long-stay residents who self-report moderate to severe pain, the percentage of high-risk long-stay residents with pressure ulcers, the percentage of long-stay residents experiencing one or more falls with major injury, and the percentage of long-stay residents with a urinary tract infection. Quality measures must be reviewed on an annual basis by a stakeholder work group established by the department. Upon review, quality measures may be added or changed. The department may risk adjust individual quality measures as it deems appropriate.

(c) The facility quality score must be point based, using at a minimum the facility's most recent available three-quarter average centers for medicare and medicaid services quality data. Point thresholds for each quality measure must be established using the corresponding statistical values for the quality measure point determinants of eighty quality measure points, sixty quality measure points, forty quality measure points, and twenty quality measure points, identified in the most recent available five-star quality rating system technical user's guide published by the centers for medicare and medicaid services.

(d) Facilities meeting or exceeding the highest performance threshold (top level) for a quality measure receive twenty-five points. Facilities meeting the second highest performance threshold receive twenty points. Facilities meeting the third level of performance threshold receive fifteen points. Facilities in the bottom performance threshold level receive no points. Points from all quality measures must then be summed into a single aggregate quality score for each facility.

(e) Facilities receiving an aggregate quality score of eighty percent of the overall available total score or higher must be placed in the highest tier (tier V), facilities receiving an aggregate score of between seventy and seventy-nine percent of the overall available total score must be placed in the second highest tier (tier IV), facilities receiving an aggregate score of between sixty and sixty-nine percent of the overall available total score must be placed in the third highest tier (tier III), facilities receiving an aggregate score of between fifty and fifty-nine percent of the overall available total score must be placed in the fourth highest tier (tier II), and facilities receiving less than fifty percent of the overall available total score must be placed in the lowest tier (tier I).

(f) The tier system must be used to determine the amount of each facility's per patient day quality incentive component. The per patient day quality incentive component for tier IV is seventy-five percent of the per patient day quality incentive component for tier V, the per patient day quality incentive component for tier III is fifty percent of the per patient day quality incentive component for tier V, and the per patient day quality incentive component for tier II is twenty-five percent of the per patient day quality incentive component for tier V. Facilities in tier I receive no quality incentive component.

(g) Tier system payments must be set in a manner that ensures that the entire biennial appropriation for the quality incentive program is allocated.

(h) Facilities with insufficient three-quarter average centers for medicare and medicaid services quality data must be assigned to the tier corresponding to their five-star quality rating. Facilities with a five-star quality rating must be assigned to the highest tier (tier V) and facilities with a one-star quality rating must be assigned to the lowest tier (tier I). The use of a facility's five-star quality rating shall only occur in the case of insufficient centers for medicare and medicaid services minimum data set information.

(i) The quality incentive rates must be adjusted semiannually on July 1 and January 1 of each year using, at a minimum, the most recent available three-quarter average centers for medicare and medicaid services quality data.

(j) Beginning July 1, 2017, the percentage of short-stay residents who newly received an antipsychotic medication must be added as a quality measure. The department must determine the quality incentive thresholds for this quality measure in a manner consistent with those outlined in (b) through (h) of this subsection using the centers for medicare and medicaid services quality data.

(k) Beginning July 1, 2017, the percentage of direct care staff turnover must be added as a quality measure using the centers for medicare and medicaid services' payroll-based journal and nursing home facility payroll data. Turnover is defined as an employee departure. The department must determine the quality incentive thresholds for this quality measure using data from the centers for medicare and medicaid services' payroll-based journal, unless such

data is not available, in which case the department shall use direct care staffing turnover data from the most recent medicaid cost report.

(7) Reimbursement of the safety net assessment imposed by chapter 74.48 RCW and paid in relation to medicaid residents must be continued.

(8)(a) The direct care and indirect care components must be rebased in even-numbered years, beginning with rates paid on July 1, 2016. Rates paid on July 1, 2016, must be based on the 2014 calendar year cost report. On a percentage basis, after rebasing, the department must confirm that the statewide average daily rate has increased at least as much as the average rate of inflation, as determined by the skilled nursing facility market basket index published by the centers for medicare and medicaid services, or a comparable index. If after rebasing, the percentage increase to the statewide average daily rate is less than the average rate of inflation for the same time period, the department is authorized to increase rates by the difference between the percentage increase after rebasing and the average rate of inflation.

(b) It is the intention of the legislature that direct and indirect care rates paid in fiscal year 2022 will be rebased using the calendar year 2019 cost reports. For fiscal year 2021, in addition to the rates generated by (a) of this subsection, an additional adjustment is provided as established in this subsection (8)(b). Beginning May 1, 2020, and through June 30, 2021, the calendar year costs must be adjusted for inflation by a twenty-four month consumer price index, based on the most recently available monthly index for all urban consumers, as published by the bureau of labor statistics. It is also the intent of the legislature that, starting in fiscal year 2022, a facility-specific rate add-on equal to the inflation adjustment that facilities received solely in fiscal year 2021, must be added to the rate.

(c) To determine the necessity of regular inflationary adjustments to the nursing facility rates, by December 1, 2020, the department shall provide the appropriate policy and fiscal committees of the legislature with a report that provides a review of rates paid in 2017, 2018, and 2019 in comparison to costs incurred by nursing facilities.

(9) The direct care component provided in subsection (3) of this section is subject to the reconciliation and settlement process provided in RCW 74.46.022(6). Beginning July 1, 2016, pursuant to rules established by the department, funds that are received through the reconciliation and settlement process provided in RCW 74.46.022(6) must be used for technical assistance, specialized training, or an increase to the quality enhancement established in subsection (6) of this section. The legislature intends to review the utility of maintaining the reconciliation and settlement process under a price-based payment methodology, and may discontinue the reconciliation and settlement process after the 2017-2019 fiscal biennium.

(10) Compared to the rate in effect June 30, 2016, including all cost components and rate add-ons, no facility may receive a rate reduction of more than one percent on July 1, 2016, more than two percent on July 1, 2017, or more than five percent on July 1, 2018. To ensure that the appropriation for nursing homes remains cost neutral, the department is authorized to cap the rate increase for facilities in fiscal years 2017, 2018, and 2019.

**NEW SECTION. Sec. 1903.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 1904.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Rude moved the adoption of amendment (546) to the striking amendment (517):

On page 13, line 22, increase the general fund-state appropriation for fiscal year 2024 by \$1,500,000

On page 14, line 23, increase the general fund-state appropriation for fiscal year 2025 by \$1,500,000

On page 14, line 32, correct the total.

On page 17, after line 3, insert the following:

"(12) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5311 (special education funding) to delegate

and certify special education ombuds to serve each K-12 educational service district. If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse."

On page 85, line 12, increase the general fund-state appropriation for fiscal year 2024 by \$100,000

On page 85, line 31, correct the total.

On page 93, after line 19, insert the following:

"(14) \$100,000 of the general fund-state appropriation for fiscal year 2024 is provided solely for the office of financial management to collect information from all state agencies and institutions of higher education on expenditures for diversity, equity, and inclusion programs and initiatives, including on staffing for such programs and initiatives, in the most recent

fiscal year for which data is available. The office of financial management must compile the information into a report and submit the report to the appropriate legislative committees no later than January 1, 2024."

On page 395, line 29, decrease the general fund-state appropriation for fiscal year 2024 by \$231,694,000

On page 395, line 30, decrease the general fund-state appropriation for fiscal year 2025 by \$58,321,000

On page 395, line 37, correct the total.

On page 400, line 23, after "rate of" strike "22.98" and insert "17.73"

On page 400, line 24, after "year and" strike "17.23" and insert "17.73"

On page 400, line 26, after "rate of" strike "22.94" and insert "21.94"

On page 400, line 27, after "year and" strike "22.94" and insert "21.44"

On page 409, line 17, after "rate of" strike "22.34" and insert "17.09"

On page 409, at the beginning of line 18, strike "16.59" and insert "17.09"

On page 409, line 19, after "staff and" strike "19.44" and insert "18.44"

On page 409, line 20, after "2023-24 and" strike "19.44" and insert "17.94"

On page 409, line 30, increase the general fund-state appropriation for fiscal year 2024 by \$533,598,000

On page 409, line 31, decrease the general fund-state appropriation for fiscal year 2025 by \$2,760,000

On page 409, line 34, correct the total.

On page 410, line 1, after "section are" strike "3.7" and insert "3.1"

On page 410, line 2, after "year, and" strike "3.9" and insert "2.1"

On page 410, line 20, after "allocations at" strike "22.34" and insert "17.09"

On page 410, line 21, after "year and" strike "16.59" and insert "17.09"

On page 410, at the beginning of line 23, strike "19.44" and insert "18.44"

On page 410, line 23, after "year and" strike "19.44" and insert "17.94"

On page 411, beginning on line 26, strike all of subsection (8) and insert the following:

"(8) \$608,312,000 of the general fund—state appropriation for fiscal year 2024 and \$154,123,000 of the general fund—state appropriation for fiscal year 2025 are

provided solely to support students who are not meeting standard on the state math or English language arts assessment by providing 20 extended learning days of instruction in the 2023-24 school year for students to address learning loss from the COVID-19 pandemic and increase the number of students meeting academic standards. The superintendent of public instruction must study and analyze the academic results of the additional instruction days in the 2023-34 school year and provide any conclusion and recommendations to the Legislature regarding potential benefits of continuing extended learning opportunities or year-round school in the form of improved academic performance and student assessment scores."

On page 411, line 34, increase the general fund-state appropriation for fiscal year 2024 by \$57,171,000

On page 411, line 35, decrease the general fund-state appropriation for fiscal year 2025 by \$16,598,000

On page 411, line 36, correct the total.

On page 413, after line 14, insert the following:

"(10) \$57,171,000 of the general fund—state appropriation for fiscal year 2024 and \$16,598,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support additional pupil transportation services for 20 additional days of instruction in the 2023-24 school year to support students who are not meeting academic standards."

On page 415, line 11, increase the general fund-state appropriation for fiscal year 2024 by \$68,192,000

On page 415, line 12, increase the general fund-state appropriation for fiscal year 2025 by \$102,011,000

On page 415, line 17, correct the total.

On page 416, beginning on line 8, after "accounting" strike all material through "year" on line 9

On page 416, beginning on line 12, strike all of subsection (2)(b)(ii)

On page 417, line 6, after "(7)" strike "\$106,931,000" and insert "\$111,000,000"

On page 419, beginning on line 3, after "teachers" strike "as required in Engrossed Substitute House Bill No. 1436 (special education funding)"

On page 419, beginning on line 20, after "appropriation and" strike all material through "solely" on line 22 and insert "general fund-state funding in this section are"

On page 419, beginning on line 23, after "Engrossed" strike "Substitute House Bill

No. 1436" and insert "Second Substitute Senate Bill 5311"

On page 419, line 28, decrease the general fund-state appropriation for fiscal year 2024 by \$845,000

On page 419, line 29, increase the general fund-state appropriation for fiscal year 2025 by \$19,000

On page 419, line 34, correct the total.

On page 423, line 8, decrease the general fund-state appropriation for fiscal year 2024 by \$196,000

On page 423, line 9, decrease the general fund-state appropriation for fiscal year 2025 by \$113,000

On page 423, line 10, correct the total.

On page 425, line 21, decrease the general fund-state appropriation for fiscal year 2024 by \$1,012,000

On page 425, line 22, decrease the general fund-state appropriation for fiscal year 2025 by \$198,000

On page 425, line 23, correct the total.

On page 426, line 13, decrease the general fund-state appropriation for fiscal year 2024 by \$3,370,000

On page 426, line 14, increase the general fund-state appropriation for fiscal year 2025 by \$330,000

On page 426, line 18, correct the total.

On page 429, line 15, decrease the general fund-state appropriation for fiscal year 2024 by \$7,125,000

On page 429, line 16, decrease the general fund-state appropriation for fiscal year 2025 by \$1,389,000

On page 429, line 18, correct the total.

On page 430, line 31, decrease the general fund-state appropriation for fiscal year 2024 by \$14,167,000

On page 430, line 32, decrease the general fund-state appropriation for fiscal year 2025 by \$2,760,000

On page 430, line 34, correct the total.

On page 433, line 25, increase the Washington opportunity pathways account-state appropriation by \$22,814,000

On page 433, line 26, correct the total.

On page 433, line 35, after "(2)" strike "\$429,000" and insert "\$700,000"

On page 433, at the beginning of line 37, strike "Substitute House Bill No. 1436" and insert "Second Substitute Senate Bill 5311"

On page 434, beginning on line 3, strike all of subsection (3)

On page 434, line 32, increase the general fund-state appropriation for fiscal year 2024 by \$25,000,000

On page 434, line 33, decrease the general fund-state appropriation for fiscal year 2025 by \$25,000,000

On page 434, line 37, correct the total.

On page 452, after line 4, insert the following:

"(s) \$25,000,000 of the general fund—state appropriation for fiscal year 2024 and \$25,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to support targeted high-quality tutoring and rigorous extended learning programs. Funding priority shall be given to school districts, charter schools, and state-tribal education compact schools that have the lowest percentage of students meeting standard on the state math or English language arts assessment."

On page 520, beginning on line 18, strike all of section 703

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 543, after line 18, insert the following:

**"NEW SECTION. Sec. 763. COMPENSATION—VACCINE BOOSTER INCENTIVE—PARTICIPATION ASSUMPTION**

General Fund—State Appropriation (FY 2024) . . . . . (\$19,286,000)

The appropriations in this section are subject to the following conditions and limitations: Funding is for reductions in the expected cost of vaccine booster incentives for both represented and nonrepresented employees in general government state agencies. The underlying budget assumes an 80 percent participation rate in the incentive, far higher than the 44 percent rate of the population of Washington. This act assumes participation in the vaccine booster incentive program will be 50 percent. Agency allotments shall be adjusted for general fund-state amounts appropriated in part VII of this act for unused vaccine booster incentive payment, and those amounts placed in unallotted status and remain unexpended."

On page 558, after line 35, insert the following:

**"NEW SECTION. Sec. 7104. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS—PLAN 1 UNFUNDED LIABILITY**

General Fund—State Appropriation (FY 2024) . . . . . (\$32,685,000)

General Fund—State Appropriation (FY 2025) . . . . . (\$48,666,000)

General	Fund-Federal
Appropriation. . . . .	
(\$17,550,000)	
General	Fund-Local
Appropriation. . . . .	
(\$1,249,000)	
TOTAL	
APPROPRIATION. . . . .	
(\$128,786,000)	

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the increased contribution rate requirements associated with the enactment of Engrossed Substitute Senate Bill No. 5294 (minimum contribution rates for plan 1 unfunded liability). If the bill is not enacted by June 30, 2023, this section is null and void.

**NEW SECTION. Sec. 7105.** From appropriations in this act to state agencies, including institutions of higher education, for the 2023-25 fiscal biennium, the office of financial management shall reduce general fund-state allotments by \$38,089,000 for fiscal year 2024 and \$38,090,000 for fiscal year 2025 to reflect elimination of funding increases for diversity, equity, and inclusion initiatives and programs, pursuant to allotment schedules prepared by the office of financial management. The allotment reductions under this section must be placed in unallotted status and remain unexpended."

On page 574, line 10, after "provided in" strike "House bill No. 1201" and insert "Engrossed Substitute Senate Bill No. 5294"

On page 1273, beginning on line 8, strike all of section 1709 and insert the following:

"**Sec. 1709.** 2021 c 334 s 747 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER—TEACHERS' RETIREMENT SYSTEM PLAN 1 FUND**  
 General Fund—State Appropriation (FY 2023).  
 ((\$800,000,000))  
\$250,000,000  
 TOTAL APPROPRIATION. . . . ((\$800,000,000))  
\$250,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—state appropriation is provided solely for expenditure on June 30, 2023, into the teachers' retirement system plan 1 fund, to be applied to the unfunded actuarial accrued liability."

Correct the title.

On page 1280, after line 5, insert the following:

"Washington Student Loan Account: For transfer to the state general fund, \$150,000,000 for fiscal year 2023.....\$150,000,000"

Representatives Rude, Stokesbary, Walsh and McClintock spoke in favor of the adoption of the amendment to the striking amendment.

Representative Bergquist spoke against the adoption of the amendment to the striking amendment.

**MOTION**

On motion of Representative Leavitt, Representative Berry was excused.

Representatives Couture, Graham, Corry and Wilcox spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Slatter and Leavitt spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (546) to the striking amendment (517) and the amendment was not adopted by the following vote: Yeas, 42; Nays, 54; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Excused: Representatives Berry and Kretz

Amendment (546) to the striking amendment (517) was not adopted.

Representative Santos moved the adoption of amendment (537) to the striking amendment (517):

On page 23, line 22, increase the general fund-state appropriation for fiscal year 2024 by \$125,000

On page 23, line 23, increase the general fund-state appropriation for fiscal year 2025 by \$125,000

On page 23, line 24, correct the total.

On page 23, line 27, after "(1) (a)" strike "\$63,000" and insert "\$125,000"

On page 23, line 28, after "and" strike "\$62,000" and insert "\$125,000"

On page 24, line 6, after "(2) (a)" strike "\$63,000" and insert "\$125,000"

On page 24, line 7, after "and" strike "\$62,000" and insert "\$125,000"

Representatives Santos and Rude spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (537) to the striking amendment (517) was adopted.

Representative Walsh moved the adoption of amendment (534) to the striking amendment (517):

On page 36, line 17, decrease the general fund-state appropriation for fiscal year 2025 by \$20,500,000

On page 36, line 28, decrease the coronavirus state fiscal recovery fund-federal appropriation by \$20,500,000

On page 36, after line 37, insert the following:

"Encampment Cleanup Account-State  
Appropriation . . . \$500,000,000"

On page 36, line 38, correct the total.

On page 48, line 27, after "(35)" strike "\$76,000,000" and insert "\$55,500,000"

On page 48, line 28, after "2025 and" strike "\$76,000,000" and insert "\$55,500,000"

On page 63, after line 9, insert the following:

"(74) (a) \$500,000,000 of the encampment cleanup account-state appropriation is provided solely for the department to provide grants to local governments for costs associated with responding to and preventing encampments, and other activities to address and prevent homelessness. The department must provide grants to counties who enact an ordinance as described in (b) of this subsection. Counties must subgrant with any cities within the county that enact an ordinance as described in (b) of this subsection. In making subgrants, counties must distribute funds based on the city's relative share of unsheltered homeless individuals living in the county.

(b) A local government is eligible to receive a grant under (a) of this subsection if it enacts an ordinance making it unlawful for any person to camp for the purposes of habitation on public property within 500 feet of:

(i) Public or private elementary or secondary schools;

(ii) School walk areas, as determined under rules promulgated by the superintendent of public instruction pursuant to RCW 28A.150.290;

(iii) Child day care centers, as defined in RCW 43.216.010;

(iv) Public parks, as defined in RCW 69.50.435; and

(v) County courthouses.

(c) A local government must submit a copy of the ordinance enacted pursuant to (b) of this subsection to the department in order to receive grant funding.

(d) Grantees must first use funding awarded under (a) of this subsection for actions to enforce an ordinance as described in (b) of this subsection, including, but not limited to, costs to clear garbage, debris, or hazardous materials, and costs to prevent future encampments from forming in areas protected under the enacted ordinance. Grantees may also use funding for other activities to address and prevent homelessness, including providing housing

and supportive services for homeless individuals and families.

(e) The department must distribute funds awarded under (a) of this subsection to eligible counties on a first-come, first-served basis.

(f) Of the amounts provided in this subsection, \$2,000,000 of the encampment cleanup account-state appropriation is provided solely for the department to administer the program and create and maintain a data dashboard with performance metrics regarding encampment sites addressed by grantees. The dashboard must allow for viewing data at a statewide level and by county. The dashboard must include the following metrics:

(i) The number and location of encampment sites;

(ii) The number of individuals living in an encampment site who received an offer of shelter before a local government took action to close the site; and

(iii) Total expenditures, by fund source and by type of expenditure, for closing encampment sites.

(g) For the purposes of this subsection, "public property" means any street, alley, sidewalk, parking space, pedestrian or transit mall, bike path, greenway, or any other structure or area encompassed within the public right-of-way; any park, parkway, mountain park, or other recreation facility; or any other grounds, buildings, fixtures, or other facilities owned or leased by the state or any public owner, regardless of whether such public property is vacant or occupied and actively used for any public purpose."

On page 85, line 12, increase the general fund-state appropriation for fiscal year 2024 by \$100,000

On page 85, line 31, correct the total.

On page 93, after line 19, insert the following:

"(14) \$100,000 of the general fund-state appropriation for fiscal year 2024 is provided solely for the office of financial management to collect information from all state agencies and institutions of higher education on expenditures for diversity, equity, and inclusion programs and initiatives, including on staffing for such programs and initiatives, in the most recent fiscal year for which data is available. The office of financial management must compile the information into a report and submit the report to the appropriate legislative committees no later than January 1, 2024."

On page 395, line 29, decrease the general fund-state appropriation for fiscal year 2024 by \$231,694,000

On page 395, line 30, decrease the general fund-state appropriation for fiscal year 2025 by \$58,321,000

On page 395, line 37, correct the total.

On page 400, line 23, after "rate of" strike "22.98" and insert "17.73"

On page 400, line 24, after "year and" strike "17.23" and insert "17.73"

On page 400, line 26, after "rate of" strike "22.94" and insert "21.94"

On page 400, line 27, after "year and" strike "22.94" and insert "21.44"

On page 409, line 17, after "rate of" strike "22.34" and insert "17.09"

On page 409, at the beginning of line 18, strike "16.59" and insert "17.09"

On page 409, line 19, after "staff and" strike "19.44" and insert "18.44"

On page 409, line 20, after "2023-24 and" strike "19.44" and insert "17.94"

On page 409, line 30, decrease the general fund-state appropriation for fiscal year 2024 by \$10,990,000

On page 409, line 31, decrease the general fund-state appropriation for fiscal year 2025 by \$2,409,000

On page 409, line 34, correct the total.

On page 410, line 20, after "allocations at" strike "22.34" and insert "17.09"

On page 410, line 21, after "year and" strike "16.59" and insert "17.09"

On page 410, at the beginning of line 23, strike "19.44" and insert "18.44"

On page 410, line 23, after "year and" strike "19.44" and insert "17.94"

On page 415, line 11, decrease the general fund-state appropriation for fiscal year 2024 by \$32,730,000

On page 415, line 12, decrease the general fund-state appropriation for fiscal year 2025 by \$8,465,000

On page 415, line 17, correct the total.

On page 419, line 28, decrease the general fund-state appropriation for fiscal year 2024 by \$845,000

On page 419, line 29, increase the general fund-state appropriation for fiscal year 2025 by \$19,000

On page 419, line 34, correct the total.

On page 423, line 8, decrease the general fund-state appropriation for fiscal year 2024 by \$273,000

On page 423, line 9, decrease the general fund-state appropriation for fiscal year 2025 by \$127,000

On page 423, line 10, correct the total.

On page 425, line 21, decrease the general fund-state appropriation for fiscal year 2024 by \$1,012,000

On page 425, line 22, decrease the general fund-state appropriation for fiscal year 2025 by \$198,000

On page 425, line 23, correct the total.

On page 426, line 13, decrease the general fund-state appropriation for fiscal year 2024 by \$3,370,000

On page 426, line 14, increase the general fund-state appropriation for fiscal year 2025 by \$330,000

On page 426, line 18, correct the total.

On page 429, line 15, decrease the general fund-state appropriation for fiscal year 2024 by \$7,125,000

On page 429, line 16, decrease the general fund-state appropriation for fiscal year 2025 by \$1,389,000

On page 429, line 18, correct the total.

On page 430, line 31, decrease the general fund-state appropriation for fiscal year 2024 by \$14,167,000

On page 430, line 32, decrease the general fund-state appropriation for fiscal year 2025 by \$2,760,000

On page 430, line 34, correct the total.

On page 433, line 25, decrease the Washington opportunity pathways account-state appropriation by \$2,329,000

On page 433, line 26, correct the total.

On page 493, line 7, decrease the general fund-state appropriation for fiscal year 2024 by \$21,977,000

On page 493, line 8, decrease the general fund-state appropriation for fiscal year 2025 by \$21,977,000

On page 493, line 14, correct the total.

On page 543, after line 18, insert the following:

**"NEW SECTION. Sec. 763. COMPENSATION—VACCINE BOOSTER INCENTIVE—PARTICIPATION ASSUMPTION**

General Fund—State Appropriation (FY 2024). . . . .(\$19,286,000)

The appropriations in this section are subject to the following conditions and limitations: Funding is for reductions in the expected cost of vaccine booster incentives for both represented and nonrepresented employees in general government state agencies. The underlying budget assumes an 80 percent participation rate in the incentive, far higher than the 44 percent rate of the population of Washington. This act assumes participation

in the vaccine booster incentive program will be 50 percent. Agency allotments shall be adjusted for general fund-state amounts appropriated in part VII of this act for unused vaccine booster incentive payment, and those amounts placed in unallotted status and remain unexpended."

Renumber the remaining sections consecutively and correct any references accordingly.

On page 558, after line 35, insert the following:

**"NEW SECTION. Sec. 7104. FOR THE OFFICE OF FINANCIAL MANAGEMENT—ENCAMPMENT CLEANUP ACCOUNT**

General Fund—State Appropriation (FY 2024). \$250,000,000  
General Fund—State Appropriation (FY 2025). \$250,000,000  
TOTAL APPROPRIATION. . . . . \$500,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the encampment cleanup account created in section 928 of this act.

**NEW SECTION. Sec. 7105.**

From appropriations in this act to state agencies, including institutions of higher education, for the 2023-25 fiscal biennium, the office of financial management shall reduce general fund-state allotments by \$38,089,000 for fiscal year 2024 and \$38,090,000 for fiscal year 2025 to reflect elimination of funding increases for diversity, equity, and inclusion initiatives and programs, pursuant to allotment schedules prepared by the office of financial management. The allotment reductions under this section must be placed in unallotted status and remain unexpended.

**NEW SECTION. Sec. 7106. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS—PLAN 1 UNFUNDED LIABILITY**

General Fund—State Appropriation (FY 2024) . . . . . (\$32,685,000)  
General Fund—State Appropriation (FY 2025) . . . . . (\$48,666,000)  
General . . . . . Fund-Federal  
Appropriation. . . . . (\$17,550,000)  
General . . . . . Fund-Local  
Appropriation. . . . . (\$1,249,000)  
TOTAL  
APPROPRIATION. . . . . (\$128,786,000)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the increased contribution rate requirements associated with the enactment of Engrossed Substitute Senate Bill No. 5294 (minimum contribution rates for plan 1 unfunded liability). If the bill is not enacted by June 30, 2023, this section is null and void."

On page 574, line 10, after "provided in" strike "House bill No. 1201" and insert "Engrossed Substitute Senate Bill No. 5294"

On page 589, after line 32, insert the following:

**"NEW SECTION. Sec. 928.** A new section is added to chapter 43.185C RCW to read as follows:

The encampment cleanup account is created in the state treasury. Revenues to the account consist of appropriations and transfers made to the account by the legislature and all other moneys directed for deposit into the account. Moneys in the account may only be spent after appropriation. Expenditures from the account may be used by the department of commerce for grants to local governments for costs associated with responding to and preventing encampments, and other activities to address and prevent homelessness."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1273, beginning on line 8, strike all of section 1709 and insert the following:

**"Sec. 1709.** 2021 c 334 s 747 (unmodified) is amended to read as follows:

**FOR THE STATE TREASURER—TEACHERS' RETIREMENT SYSTEM PLAN 1 FUND**

General Fund—State Appropriation (FY 2023). ((\$800,000,000))  
\$250,000,000  
TOTAL APPROPRIATION. . . . ((\$800,000,000))  
\$250,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—state appropriation is provided solely for expenditure on June 30, 2023, into the teachers' retirement system plan 1 fund, to be applied to the unfunded actuarial accrued liability."

On page 1280, after line 5, insert the following:

"Washington Student Loan Account: For transfer to the state general fund, \$150,000,000 for fiscal year 2023.....\$150,000,000"

Correct the title.

Representatives Walsh, Jacobsen, Eslick, Caldier and Couture spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Peterson and Alvarado spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (534) to the striking amendment (517) and the amendment was not adopted by the following vote: Yeas, 42; Nays, 55; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry,



Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatte, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Excused: Representative Berry

Amendment (534) to the striking amendment (517) was not adopted.

Representative Ryu moved the adoption of amendment (519) to the striking amendment (517):

On page 68, line 23, increase the general fund-state appropriation for fiscal year 2024 by \$2,500,000

On page 68, line 24, increase the general fund-state appropriation for fiscal year 2025 by \$2,500,000

On page 69, line 4, correct the total.

On page 74, after line 3, insert the following:

"(24) \$2,500,000 of the general fund-state appropriation for fiscal year 2024 and \$2,500,000 of the general fund-state appropriation for fiscal year 2025 are provided solely for activities related to securing federal funding from programs created by or funded through federal legislation including, but not limited to, the inflation reduction act, P.L. 117-169; the chips and science act, P.L. 117-167; and the infrastructure investment and jobs act, P.L. 117-58. Funding provided under this subsection may be used to support regional and locally led initiatives seeking federal funding, to provide technical support for application development and grant writing, to conduct economic analysis of various sectors, and other activities the department deems necessary for the state and partners with the state to compete for federal funds."

Representatives Ryu and Volz spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (519) to the striking amendment (517) was adopted.

Representative Dent moved the adoption of amendment (548) to the striking amendment (517):

On page 68, line 23, increase the general fund-state appropriation for fiscal year 2024 by \$225,000

On page 68, line 24, increase the general fund-state appropriation for fiscal year 2025 by \$225,000

On page 69, line 4, correct the total.

On page 74, after line 3, insert the following:

"(24)(a) \$225,000 of the general fund-state appropriation for fiscal year 2024 and \$225,000 of the general fund-state appropriation for fiscal year 2025 are provided solely for the department to appoint and convene an aviation and aerospace advisory committee to advise the director of the department on matters related to aerospace and aviation in Washington.

(b) The aerospace and aviation advisory committee must provide a first report to the appropriate standing committees of the legislature by June 30, 2024, and a final report by June 30, 2025. The reports must identify specific policy and fiscal recommendations that build off the state's core strengths and respond to emerging opportunities for unmanned, autonomous, space, and future propulsion systems, and to enhance the economic performance and safe and efficient use of public use airports and aerospace facilities in the state. The recommendations may address the following areas:

(i) Research and development activities, review of trends analysis, and economic forecasts for relevant industry sectors;

(ii) New, changed, or proposed federal and state regulations and initiatives of the legislature, governor, and state agencies;

(iii) Infrastructure and multimodal investment needs and priority recommendations for state and federal level programs;

(iv) Strategy and policy analysis and recommendations for domestic and international air service retention and recruitment, and growth of corporate and general aviation business opportunities;

(v) Strategy and policy recommendations for retention, growth, and recruitment of aviation and aerospace industry businesses;

(vi) Strategy and policy recommendations to improve economic development opportunities for airports, including industry gap analysis for national and international competition;

(vii) Workforce development gaps, including state education system deficiencies and needs, as identified by the aerospace and advanced materials manufacturing pipeline advisory committee;

(viii) Carbon reduction strategies and land use requirements;

(ix) Export assistance and supply chain development; and

(x) Other matters as the advisory committee deems appropriate.

(c) The advisory committee must conduct workforce marketing, including outreach to students and workers about potential employment and other opportunities in the aviation and aerospace sector, to inform the recommendations identified under (b) of this subsection.

(d) The director of the department, or the director's designee, shall appoint members to the advisory committee, including:

(i) Two local elected leaders, one from east of the crest of the Cascade mountains and one from west of the crest of the Cascade mountains;

(ii) An executive level representative from a Washington state-based aerospace employer or their designee;

(iii) An executive level representative from a Washington state-based aviation company;

(iv) The director of the aviation division of the department of transportation, or the director's designee;

(v) The aerospace lead from the department;

(vi) Two executive officials of a commercial service airport, one from an airport east of the crest of the Cascade mountains and one from an airport west of the crest of the Cascade mountains;

(vii) One representative from each of the following:

(A) The state board for community and technical colleges;

(B) The military department;

(C) A statewide environmental organization;

(D) An airport association;

(E) A labor organization with a relevant apprenticeship program;

(F) An aviation association; and

(G) An aerospace association; and

(viii) Other representatives as deemed appropriate by the director.

(e) The director shall request participation from the federal aviation administration on the advisory committee.

(f) The director of the department, or the director's designee, shall serve as the administrative chair of the advisory committee.

(g) The committee must meet at the call of the administrative chair.

(h) The department must provide staff support for all advisory committee meetings."

Representatives Dent and Christian spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ryu spoke against the adoption of the amendment to the striking amendment.

Amendment (548) to the striking amendment (517) was not adopted.

Representative Stokesbary moved the adoption of amendment (528) to the striking amendment (517):

On page 85, line 12, increase the general fund-state appropriation for fiscal year 2024 by \$100,000

On page 85, line 31, correct the total.

On page 93, after line 19, insert the following:

"(14) \$100,000 of the general fund-state appropriation for fiscal year 2024 is provided solely for the office of financial management to collect information from all state agencies and institutions of higher education on expenditures for diversity, equity, and inclusion programs and initiatives, including on staffing for such programs and initiatives, in the most recent fiscal year for which data is available. The office of financial management must compile the information into a report and submit the

report to the appropriate legislative committees no later than January 1, 2024."

On page 96, line 26, increase the general fund-state appropriation for fiscal year 2024 by \$200,000,000

On page 96, line 27, increase the general fund-state appropriation for fiscal year 2025 by \$200,000,000

On page 96, line 36, correct the total.

On page 98, after line 7, insert the following:

"(7) \$200,000,000 of the general fund-state appropriation for fiscal year 2024 and \$200,000,000 of the general fund-state appropriation for fiscal year 2025 are provided solely for the department to provide a \$500 payment in fiscal year 2024 and a \$500 payment in fiscal year 2025 for each individual who is eligible for a working families' tax credit under RCW 82.08.0206."

On page 395, line 29, decrease the general fund-state appropriation for fiscal year 2024 by \$231,694,000

On page 395, line 30, decrease the general fund-state appropriation for fiscal year 2025 by \$58,321,000

On page 395, line 37, correct the total.

On page 400, line 23, after "rate of" strike "22.98" and insert "17.73"

On page 400, line 24, after "year and" strike "17.3" and insert "17.73"

On page 400, line 26, after "rate of" strike "22.94" and insert "21.94"

On page 400, line 27, after "year and" strike "22.94" and insert "21.44"

On page 409, line 17, after "rate of" strike "22.34" and insert "17.09"

On page 409, at the beginning of line 18, strike "16.59" and insert "17.09"

On page 409, line 19, after "staff and" strike "19.44" and insert "18.44"

On page 409, line 20, after "2023-24 and" strike "19.44" and insert "17.94"

On page 409, line 30, decrease the general fund-state appropriation for fiscal year 2024 by \$10,990,000

On page 409, line 31, decrease the general fund-state appropriation for fiscal year 2025 by \$2,409,000

On page 409, line 34, correct the total.

On page 410, line 20, after "allocations at" strike "22.34" and insert "17.09"

On page 410, line 21, after "year and" strike "16.59" and insert "17.09"

On page 410, at the beginning of line 23, strike "19.44" and insert "18.44"

On page 410, line 23, after "year and" strike "19.44" and insert "17.94"

On page 415, line 11, decrease the general fund-state appropriation for fiscal year 2024 by \$32,730,000

On page 415, line 12, decrease the general fund-state appropriation for fiscal year 2025 by \$8,465,000

On page 415, line 17, correct the total.

On page 419, line 28, decrease the general fund-state appropriation for fiscal year 2024 by \$845,000

On page 419, line 29, increase the general fund-state appropriation for fiscal year 2025 by \$19,000

On page 419, line 34, correct the total.

On page 423, line 8, decrease the general fund-state appropriation for fiscal year 2024 by \$273,000

On page 423, line 9, decrease the general fund-state appropriation for fiscal year 2025 by \$127,000

On page 423, line 10, correct the total.

On page 425, line 21, decrease the general fund-state appropriation for fiscal year 2024 by \$1,012,000

On page 425, line 22, decrease the general fund-state appropriation for fiscal year 2025 by \$198,000

On page 425, line 23, correct the total.

On page 426, line 13, decrease the general fund-state appropriation for fiscal year 2024 by \$3,370,000

On page 426, line 14, increase the general fund-state appropriation for fiscal year 2025 by \$330,000

On page 426, line 18, correct the total.

On page 429, line 15, decrease the general fund-state appropriation for fiscal year 2024 by \$7,125,000

On page 429, line 16, decrease the general fund-state appropriation for fiscal year 2025 by \$1,389,000

On page 429, line 18, correct the total.

On page 430, line 31, decrease the general fund-state appropriation for fiscal year 2024 by \$14,167,000

On page 430, line 32, decrease the general fund-state appropriation for fiscal year 2025 by \$2,760,000

On page 430, line 34, correct the total.

On page 433, line 25, decrease the Washington opportunity pathways account-state appropriation by \$2,329,000

On page 433, line 26, correct the total.

On page 493, line 7, decrease the general fund-state appropriation for fiscal year 2024 by \$21,977,000

On page 493, line 8, decrease the general fund-state appropriation for fiscal year 2025 by \$21,977,000

On page 493, line 14, correct the total.

On page 543, after line 18, insert the following:

**"NEW SECTION. Sec. 763. COMPENSATION—VACCINE BOOSTER INCENTIVE—PARTICIPATION ASSUMPTION**

General Fund—State Appropriation (FY 2024) . . . . . (\$19,286,000)

The appropriations in this section are subject to the following conditions and limitations: Funding is for reductions in the expected cost of vaccine booster incentives for both represented and nonrepresented employees in general government state agencies. The underlying budget assumes an 80 percent participation rate in the incentive, far higher than the 44 percent rate of the population of Washington. This act assumes participation in the vaccine booster incentive program will be 50 percent. Agency allotments shall be adjusted for general fund-state amounts appropriated in part VII of this act for unused vaccine booster incentive payment, and those amounts placed in unallotted status and remain unexpended."

Re-number the remaining sections consecutively, and correct any references accordingly.

On page 558, after line 35, insert the following:

**"NEW SECTION. Sec. 7104. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS—PLAN 1 UNFUNDED LIABILITY**

General Fund—State Appropriation (FY 2024) . . . . . (\$32,685,000)

General Fund—State Appropriation (FY 2025) . . . . . (\$48,666,000)

General Fund—Federal Appropriation . . . . . (\$17,550,000)

General Fund—Local Appropriation . . . . . (\$1,249,000)

TOTAL APPROPRIATION . . . . . (\$128,786,000)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the increased contribution rate requirements associated with the enactment of Engrossed Substitute Senate Bill No. 5294 (minimum contribution rates for plan 1 unfunded

liability). If the bill is not enacted by June 30, 2023, this section is null and void.

**NEW SECTION. Sec. 7105.** From appropriations in this act to state agencies, including institutions of higher education, for the 2023-25 fiscal biennium, the office of financial management shall reduce general fund-state allotments by \$38,089,000 for fiscal year 2024 and \$38,090,000 for fiscal year 2025 to reflect elimination of funding increases for diversity, equity, and inclusion initiatives and programs, pursuant to allotment schedules prepared by the office of financial management. The allotment reductions under this section must be placed in unallotted status and remain unexpended."

On page 574, line 10, after "provided in" strike "House bill No. 1201" and insert "Engrossed Substitute Senate Bill No. 5294"

On page 1273, beginning on line 8, strike all of section 1709 and insert the following:

**"Sec. 1709.** 2021 c 334 s 747 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER—TEACHERS' RETIREMENT SYSTEM PLAN 1 FUND**  
 General Fund—State Appropriation (FY 2023).  
 ((\$800,000,000))  
 \$250,000,000  
 TOTAL APPROPRIATION. . . . ((\$800,000,000))  
 \$250,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—state appropriation is provided solely for expenditure on June 30, 2023, into the teachers' retirement system plan 1 fund, to be applied to the unfunded actuarial accrued liability."

Correct the title.

On page 1280, after line 5, insert the following:

"Washington Student Loan Account: For transfer to the state general fund, \$150,000,000 for fiscal year 2023.....\$150,000,000"

Representatives Stokesbary and Barnard spoke in favor of the adoption of the amendment to the striking amendment.

Representative Slatter spoke against the adoption of the amendment to the striking amendment.

Amendment (528) to the striking amendment (517) was not adopted.

Representative Steele moved the adoption of amendment (531) to the striking amendment (517):

On page 85, line 12, increase the general fund-state appropriation for fiscal year 2024 by \$100,000

On page 85, line 31, correct the total.

On page 93, after line 19, insert the following:

"(14) \$100,000 of the general fund-state appropriation for fiscal year 2024 is provided solely for the office of financial management to collect information from all state agencies and institutions of higher education on expenditures for diversity, equity, and inclusion programs and initiatives, including on staffing for such programs and initiatives, in the most recent fiscal year for which data is available. The office of financial management must compile the information into a report and submit the report to the appropriate legislative committees no later than January 1, 2024."

On page 170, line 16, increase the general fund-state appropriation for fiscal year 2024 by \$66,822,000

On page 170, line 17, increase the general fund-state appropriation for fiscal year 2025 by \$113,895,000

On page 170, line 34, correct the total.

On page 194, line 26, after "(77)" strike all material through "subdivision" on page 195, line 8, and insert the following:

"\$66,822,000 of the general fund—state appropriation for fiscal year 2024, \$133,643,000 of the general fund—state appropriation for fiscal year 2025, and \$434,433,000 of the general fund—federal appropriation are provided solely for an increase in medicaid reimbursement rates for professional services, beginning July 1, 2024, as follows: Service categories including intense outpatient, emergency room, inpatient and outpatient surgery, inpatient visits, maternity, office administered drugs, diagnostics, opioid treatment programs, low-level behavioral health, office or home consults, and other physician services are increased to 100 percent of medicare rates in effect January 1, 2021"

On page 395, line 29, decrease the general fund-state appropriation for fiscal year 2024 by \$231,694,000

On page 395, line 30, decrease the general fund-state appropriation for fiscal year 2025 by \$58,321,000

On page 395, line 37, correct the total.

On page 400, line 23, after "rate of" strike "22.98" and insert "17.73"

On page 400, line 24, after "year and" strike "17.3" and insert "17.73"

On page 400, line 26, after "rate of" strike "22.94" and insert "21.94"

On page 400, line 27, after "year and" strike "22.94" and insert "21.44"

On page 409, line 17, after "rate of" strike "22.34" and insert "17.09"

On page 409, at the beginning of line 18, strike "16.59" and insert "17.09"

On page 409, line 19, after "staff and" strike "19.44" and insert "18.44"

On page 409, line 20, after "2023-24 and" strike "19.44" and insert "17.94"

On page 409, line 30, decrease the general fund-state appropriation for fiscal year 2024 by \$10,990,000

On page 409, line 31, decrease the general fund-state appropriation for fiscal year 2025 by \$2,409,000

On page 409, line 34, correct the total.

On page 410, line 20, after "allocations at" strike "22.34" and insert "17.09"

On page 410, line 21, after "year and" strike "16.59" and insert "17.09"

On page 410, at the beginning of line 23, strike "19.44" and insert "18.44"

On page 410, line 23, after "year and" strike "19.44" and insert "17.94"

On page 415, line 11, decrease the general fund-state appropriation for fiscal year 2024 by \$32,730,000

On page 415, line 12, decrease the general fund-state appropriation for fiscal year 2025 by \$8,465,000

On page 415, line 17, correct the total.

On page 419, line 28, decrease the general fund-state appropriation for fiscal year 2024 by \$845,000

On page 419, line 29, increase the general fund-state appropriation for fiscal year 2025 by \$19,000

On page 419, line 34, correct the total.

On page 423, line 8, decrease the general fund-state appropriation for fiscal year 2024 by \$273,000

On page 423, line 9, decrease the general fund-state appropriation for fiscal year 2025 by \$127,000

On page 423, line 10, correct the total.

On page 425, line 21, decrease the general fund-state appropriation for fiscal year 2024 by \$1,012,000

On page 425, line 22, decrease the general fund-state appropriation for fiscal year 2025 by \$198,000

On page 425, line 23, correct the total.

On page 426, line 13, decrease the general fund-state appropriation for fiscal year 2024 by \$3,370,000

On page 426, line 14, increase the general fund-state appropriation for fiscal year 2025 by \$330,000

On page 426, line 18, correct the total.

On page 429, line 15, decrease the general fund-state appropriation for fiscal year 2024 by \$7,125,000

On page 429, line 16, decrease the general fund-state appropriation for fiscal year 2025 by \$1,389,000

On page 429, line 18, correct the total.

On page 430, line 31, decrease the general fund-state appropriation for fiscal year 2024 by \$14,167,000

On page 430, line 32, decrease the general fund-state appropriation for fiscal year 2025 by \$2,760,000

On page 430, line 34, correct the total.

On page 433, line 25, decrease the Washington opportunity pathways account-state appropriation by \$2,329,000

On page 433, line 26, correct the total.

On page 493, line 7, decrease the general fund-state appropriation for fiscal year 2024 by \$21,977,000

On page 493, line 8, decrease the general fund-state appropriation for fiscal year 2025 by \$21,977,000

On page 493, line 14, correct the total.

On page 543, after line 18, insert the following:

**"NEW SECTION. Sec. 763. COMPENSATION—VACCINE BOOSTER INCENTIVE—PARTICIPATION ASSUMPTION**

General Fund—State Appropriation (FY 2024). . . . .(\$19,286,000)

The appropriations in this section are subject to the following conditions and limitations: Funding is for reductions in the expected cost of vaccine booster incentives for both represented and nonrepresented employees in general government state agencies. The underlying budget assumes an 80 percent participation rate in the incentive, far higher than the 44 percent rate of the population of Washington. This act assumes participation in the vaccine booster incentive program will be 50 percent. Agency allotments shall be adjusted for general fund-state amounts appropriated in part VII of this act for unused vaccine booster incentive payment, and those amounts placed in unallotted status and remain unexpended."

Renumber the remaining sections consecutively, and correct any references accordingly.

On page 558, after line 35, insert the following:

**"NEW SECTION. Sec. 7104. From appropriations in this act to state**

agencies, including institutions of higher education, for the 2023-25 fiscal biennium, the office of financial management shall reduce general fund-state allotments by \$38,089,000 for fiscal year 2024 and \$38,090,000 for fiscal year 2025 to reflect elimination of funding increases for diversity, equity, and inclusion initiatives and programs, pursuant to allotment schedules prepared by the office of financial management. The allotment reductions under this section must be placed in unallotted status and remain unexpended.

\$150,000,000 for fiscal year 2023.....\$150,000,000"

Representatives Steele, Corry, Jacobsen, Schmick and Graham spoke in favor of the adoption of the amendment to the striking amendment.

Representative Macri spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (531) to the striking amendment (517) and the amendment was not adopted by the following vote: Yeas, 42; Nays, 55; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Berquist, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Excused: Representative Berry

Amendment (531) to the striking amendment (517) was not adopted.

Representative Corry moved the adoption of amendment (538) to the striking amendment (517):

On page 85, line 12, increase the general fund-state appropriation for fiscal year 2024 by \$100,000

On page 85, line 31, correct the total.

On page 93, after line 19, insert the following:

"(14) \$100,000 of the general fund-state appropriation for fiscal year 2024 is provided solely for the office of financial management to collect information from all state agencies and institutions of higher education on expenditures for diversity, equity, and inclusion programs and initiatives, including on staffing for such programs and initiatives, in the most recent fiscal year for which data is available. The office of financial management must compile the information into a report and submit the report to the appropriate legislative committees no later than January 1, 2024."

On page 323, after line 37, insert the following:

"(39) Appropriations in this section and the outlook for this biennium assume passage of House Bill No....(H-1846.1/23) (delaying the ECEAP entitlement date by one year)."

On page 378, line 5, decrease the general fund-state appropriation for fiscal year 2024 by \$563,000

Table with 4 columns: NEW SECTION., Sec., 7105., FOR THE DEPARTMENT OF RETIREMENT SYSTEMS— CONTRIBUTIONS TO RETIREMENT SYSTEMS—PLAN 1 UNFUNDED LIABILITY. Rows include General Fund—State Appropriation (FY 2024), General Fund—State Appropriation (FY 2025), General Fund—Federal Appropriation, and General Fund—Local Appropriation.

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the increased contribution rate requirements associated with the enactment of Engrossed Substitute Senate Bill No. 5294 (minimum contribution rates for plan 1 unfunded liability). If the bill is not enacted by June 30, 2023, this section is null and void."

On page 574, line 10, after "provided in" strike "House bill No. 1201" and insert "Engrossed Substitute Senate Bill No. 5294"

On page 1273, beginning on line 8, strike all of section 1709 and insert the following:

"Sec. 1709. 2021 c 334 s 747 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TEACHERS' RETIREMENT SYSTEM PLAN 1 FUND

Table with 2 columns: Description and Amount. Rows include General Fund—State Appropriation (FY 2023), TOTAL APPROPRIATION, and another General Fund—State Appropriation (FY 2023).

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—state appropriation is provided solely for expenditure on June 30, 2023, into the teachers' retirement system plan 1 fund, to be applied to the unfunded actuarial accrued liability."

Correct the title.

On page 1280, after line 5, insert the following:

"Washington Student Loan Account: For transfer to the state general fund,

On page 378, line 6, decrease the general fund-state appropriation for fiscal year 2025 by \$5,363,000

On page 378, line 21, correct the total.

On page 391, beginning on line 3, strike all of subsection (hh)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 393, line 5, decrease the general fund-state appropriation for fiscal year 2024 by \$1,008,000

On page 393, line 6, decrease the general fund-state appropriation for fiscal year 2025 by \$1,072,000

On page 393, line 7, correct the total.

On page 395, beginning on line 13, strike all of subsection (10)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 395, line 29, decrease the general fund-state appropriation for fiscal year 2024 by \$231,694,000

On page 395, line 30, decrease the general fund-state appropriation for fiscal year 2025 by \$58,321,000

On page 395, line 37, correct the total.

On page 400, line 23, after "rate of" strike "22.98" and insert "17.73"

On page 400, line 24, after "year and" strike "17.23" and insert "17.73"

On page 400, line 26, after "rate of" strike "22.94" and insert "21.94"

On page 400, line 27, after "year and" strike "22.94" and insert "21.44"

On page 409, line 17, after "rate of" strike "22.34" and insert "17.09"

On page 409, at the beginning of line 18, strike "16.59" and insert "17.09"

On page 409, line 19, after "staff and" strike "19.44" and insert "18.44"

On page 409, line 20, after "2023-24 and" strike "19.44" and insert "17.94"

On page 409, line 30, decrease the general fund-state appropriation for fiscal year 2024 by \$57,161,000

On page 409, line 31, decrease the general fund-state appropriation for fiscal year 2025 by \$207,665,000

On page 409, line 34, correct the total.

On page 410, line 1, after "section are" strike "3.7" and insert "3.1"

On page 410, line 2, after "year, and" strike "3.9" and insert "2.1"

On page 410, line 20, after "allocations at" strike "22.34" and insert "17.09"

On page 410, line 21, after "year and" strike "16.59" and insert "17.09"

On page 410, at the beginning of line 23, strike "19.44" and insert "18.44"

On page 410, line 23, after "year and" strike "19.44" and insert "17.94"

On page 411, beginning on line 26, strike all of subsection (8)

On page 415, line 11, decrease the general fund-state appropriation for fiscal year 2024 by \$33,730,000

On page 415, line 12, decrease the general fund-state appropriation for fiscal year 2025 by \$8,465,000

On page 415, line 17, correct the total.

On page 419, line 28, decrease the general fund-state appropriation for fiscal year 2024 by \$845,000

On page 419, line 29, increase the general fund-state appropriation for fiscal year 2025 by \$19,000

On page 419, line 34, correct the total.

On page 423, line 8, decrease the general fund-state appropriation for fiscal year 2024 by \$279,000

On page 423, line 9, decrease the general fund-state appropriation for fiscal year 2025 by \$157,000

On page 423, line 10, correct the total.

On page 425, line 21, decrease the general fund-state appropriation for fiscal year 2024 by \$1,102,000

On page 425, line 22, decrease the general fund-state appropriation for fiscal year 2025 by \$198,000

On page 425, line 23, correct the total.

On page 426, line 13, decrease the general fund-state appropriation for fiscal year 2024 by \$3,370,000

On page 426, line 14, increase the general fund-state appropriation for fiscal year 2025 by \$330,000

On page 426, line 18, correct the total.

On page 429, line 15, decrease the general fund-state appropriation for fiscal year 2024 by \$7,125,000

On page 429, line 16, decrease the general fund-state appropriation for fiscal year 2025 by \$1,389,000

On page 429, line 18, correct the total.

On page 430, line 31, decrease the general fund-state appropriation for fiscal year 2024 by \$14,167,000

On page 430, line 32, decrease the general fund-state appropriation for fiscal year 2025 by \$2,760,000

On page 430, line 34, correct the total.

On page 433, line 25, decrease the Washington opportunity pathways account-state appropriation by \$5,595,000

On page 433, line 26, correct the total.

On page 434, beginning on line 3, strike all of subsection (3)

On page 491, line 19, decrease the workforce education investment account-state appropriation by \$967,000

On page 491, line 20, correct the total.

On page 493, line 7, decrease the general fund-state appropriation for fiscal year 2024 by \$21,977,000

On page 493, line 8, decrease the general fund-state appropriation for fiscal year 2025 by \$21,977,000

On page 493, line 14, correct the total.

On page 505, line 26, decrease the workforce education investment account-state appropriation by \$21,051,000

On page 505, line 29, correct the total.

On page 506, line 3, after "2025," strike "\$175,823,000" and insert "\$154,772,000"

On page 520, beginning on line 18, strike all of section 703

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 543, after line 18, insert the following:

**"NEW SECTION. Sec. 763. COMPENSATION—VACCINE BOOSTER INCENTIVE—PARTICIPATION ASSUMPTION**

General Fund—State Appropriation (FY 2024) . . . . . (\$19,286,000)

The appropriations in this section are subject to the following conditions and limitations: Funding is for reductions in the expected cost of vaccine booster incentives for both represented and nonrepresented employees in general government state agencies. The underlying budget assumes an 80 percent participation rate in the incentive, far higher than the 44 percent rate of the population of

Washington. This act assumes participation in the vaccine booster incentive program will be 50 percent. Agency allotments shall be adjusted for general fund-state amounts appropriated in part VII of this act for unused vaccine booster incentive payment, and those amounts placed in unallotted status and remain unexpended."

Renumber the remaining sections consecutively, and correct any references accordingly.

On page 558, after line 35, insert the following:

**"NEW SECTION. Sec. 7104.** From appropriations in this act to state agencies, including institutions of higher education, for the 2023-25 fiscal biennium, the office of financial management shall reduce general fund-state allotments by \$38,089,000 for fiscal year 2024 and \$38,090,000 for fiscal year 2025 to reflect elimination of funding increases for diversity, equity, and inclusion initiatives and programs, pursuant to allotment schedules prepared by the office of financial management. The allotment reductions under this section must be placed in unallotted status and remain unexpended.

**NEW SECTION. Sec. 7105. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS—PLAN 1 UNFUNDED LIABILITY**

General Fund—State Appropriation (FY 2024) . . . . .	(\$32,685,000)
General Fund—State Appropriation (FY 2025) . . . . .	(\$48,666,000)
General Fund—Federal Appropriation . . . . .	(\$17,550,000)
General Fund—Local Appropriation . . . . .	(\$1,249,000)
TOTAL APPROPRIATION . . . . .	(\$128,786,000)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the increased contribution rate requirements associated with the enactment of Engrossed Substitute Senate Bill No. 5294 (minimum contribution rates for plan 1 unfunded liability). If the bill is not enacted by June 30, 2023, this section is null and void."

On page 564, after line 13, insert the following:

"General Fund: For transfer to the Budget Stabilization Account on June 30, 2025.....\$1,555,000,000"

On page 574, line 10, after "provided in" strike "House bill No. 1201" and insert "Engrossed Substitute Senate Bill No. 5294"

On page 581, beginning on line 18, strike all of section 922



Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1273, beginning on line 8, strike all of section 1709 and insert the following:

"Sec. 1709. 2021 c 334 s 747 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TEACHERS' RETIREMENT SYSTEM PLAN 1 FUND**

General Fund—State Appropriation (FY 2023).

(((\$800,000,000))

\$250,000,000

TOTAL APPROPRIATION. . . . ((\$800,000,000))

\$250,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—state appropriation is provided solely for expenditure on June 30, 2023, into the teachers' retirement system plan 1 fund, to be applied to the unfunded actuarial accrued liability."

On page 1280, after line 5, insert the following:

"Washington Student Loan Account: For transfer to the state general fund, \$150,000,000 for fiscal year 2023.....\$150,000,000"

Correct the title.

Representatives Corry and Stokesbary spoke in favor of the adoption of the amendment to the striking amendment.

Representative Cortes spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (538) to the striking amendment (517) and the amendment was not adopted by the following vote: Yeas, 41; Nays, 56; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Excused: Representative Berry

Amendment (538) to the striking amendment (517) was not adopted.

Representative Volz moved the adoption of amendment (533) to the striking amendment (517):

On page 85, line 12, increase the general fund-state appropriation for fiscal year 2024 by \$100,000

On page 85, line 31, correct the total.

On page 93, after line 19, insert the following:

"(14) \$100,000 of the general fund-state appropriation for fiscal year 2024 is provided solely for the office of financial management to collect information from all state agencies and institutions of higher education on expenditures for diversity, equity, and inclusion programs and initiatives, including on staffing for such programs and initiatives, in the most recent fiscal year for which data is available. The office of financial management must compile the information into a report and submit the report to the appropriate legislative committees no later than January 1, 2024."

Representatives Volz and Timmons spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (533) to the striking amendment (517) was adopted.

Representative Stokesbary moved the adoption of amendment (530) to the striking amendment (517):

On page 109, line 34, increase the general fund-state appropriation for fiscal year 2024 by \$25,000

On page 109, line 35, increase the general fund-state appropriation for fiscal year 2025 by \$25,000

On page 110, line 1, correct the total.

On page 116, after line 12, insert the following:

"(17) \$25,000 of the general fund-state appropriation for fiscal year 2024 and \$25,000 of the general fund-state appropriation for fiscal year 2025 are provided solely for the implementation of House Bill No. . . . (H-1854.1/23) (TikTok on state computers). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse."

Representatives Stokesbary and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Stonier spoke against the adoption of the amendment to the striking amendment.

Amendment (530) to the striking amendment (517) was not adopted.

Representative Abbarno moved the adoption of amendment (545) to the striking amendment (517):

On page 140, beginning on line 11, strike all material through "\$44,301,000" on line 12

On page 140, line 13, correct the total.

On page 155, after line 34, insert the following:

"(48) The amounts appropriated in this section reflect savings attributable to House Bill No. 1011 (long-term care/ repeal)."

On page 294, beginning line 12, strike all material through "\$40,401,000" on line 13

On page 294, line 14, correct the total.

On page 294, beginning on line 20, strike all of subsection (2) and insert the following:

"(2) The amounts appropriated in this section reflect savings attributable to House Bill No. 1011 (long-term care/ repeal)."

On page 298, beginning on line 8, strike all of subsection (19)

On page 298, beginning on line 14, strike all of subsection (20)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 493, line 7, decrease the general fund-state appropriation for fiscal year 2024 by \$21,977,000

On page 493, line 8, decrease the general fund-state appropriation for fiscal year 2025 by \$21,977,000

On page 493, line 14, correct the total.

On page 543, after line 18, insert the following:

**"NEW SECTION. Sec. 763. COMPENSATION—  
VACCINE BOOSTER INCENTIVE—PARTICIPATION  
ASSUMPTION**

General Fund—State Appropriation (FY 2024) . . . . .(\$19,286,000)

The appropriations in this section are subject to the following conditions and limitations: Funding is for reductions in the expected cost of vaccine booster incentives for both represented and nonrepresented employees in general government state agencies. The underlying budget assumes an 80 percent participation rate in the incentive, far higher than the 44 percent rate of the population of Washington. This act assumes participation in the vaccine booster incentive program will be 50 percent. Agency allotments shall be adjusted for general fund-state amounts appropriated in part VII of this act for unused vaccine booster incentive payment, and those amounts placed in unallotted status and remain unexpended."

Renumber the remaining sections consecutively, and correct any references accordingly.

On page 563, beginning on line 18, strike all material through "\$63,936,000" on line 22

Representative Abbarno spoke in favor of the adoption of the amendment to the striking amendment.

Representative Chopp spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (545) to the striking amendment (517) and the amendment was not adopted by the following vote: Yeas, 42; Nays, 55; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Excused: Representative Berry

Amendment (545) to the striking amendment (517) was not adopted.

Representative Corry moved the adoption of amendment (521) to the striking amendment (517):

On page 190, line 34, after "(65)" strike all material through "bankruptcy" on page 191, line 13, and insert the following:

"(a) \$8,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for one-time bridge grants to hospitals in financial distress.

(b) To qualify for these grants, a hospital must:

- (i) Be located in Washington;
- (ii) Serve individuals enrolled in state and federal medical assistance programs;
- (iii) Continue to maintain a medicaid population at similar utilization levels as in calendar year 2022;
- (iv) Be necessary for an adequate provider network for the medicaid program;
- (v) Demonstrate a plan for long-term financial sustainability; and
- (vi) Meet one of the following criteria:
  - (A) Lack adequate cash-on-hand to remain financially solvent;
  - (B) Have experienced financial losses during hospital fiscal year 2022; or
  - (C) Be at risk of bankruptcy.

(c) Of the amounts appropriated in this subsection, \$4,000,000 must be distributed to a hospital that meets the qualifications in subsection (b) and is located on tribal land"

Representatives Corry and Tharinger spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (521) to the striking amendment (517) was adopted.

Representative Chambers moved the adoption of amendment (551) to the striking amendment (517):

On page 247, line 27, increase the general fund-state appropriation for fiscal year 2024 by \$146,470,000

On page 247, line 28, increase the general fund-state appropriation for fiscal year 2024 by \$5,000,000

On page 248, line 2, correct the total.

On page 254, after line 2 insert the following:

"(21) \$4,500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the criminal justice training commission to award one-time law enforcement new-hire funding totaling \$10,000 per new law enforcement officer hired to each local law enforcement agency, subject to the availability of amounts appropriated for this specific purpose. The commission must distribute funding to each local law enforcement agency to be used as sign-on bonuses for each new law enforcement officer who is hired by a local law enforcement agency and has completed the basic law enforcement academy. The commission shall begin distributing funds no later than December 1, 2023.

(22) \$112,310,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the criminal justice training commission to award law enforcement one-time retention funding totaling \$10,000 per retained law enforcement officer to each local law enforcement agency, subject to the availability of amounts appropriated for this specific purpose. The commission must distribute funding to each local law enforcement agency to be used as one-time retention bonuses for each currently employed law enforcement officer provided such officer remains employed with their hiring law enforcement agency for at least one year. The commission shall begin distributing funds no later than December 1, 2023.

(23) (a) \$24,660,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to the criminal justice training commission for body camera grants to support the equipment purchase and video storage costs, and the public records requests, associated with law enforcement body camera programs.

(b) From amounts provided by the commission, the Washington association of sheriffs and police chiefs must distribute one-time grants to local law enforcement agencies to support the equipment purchase and video storage costs associated with law enforcement body camera programs, and any costs associated with public records requests for body camera footage. Subject to the availability of amounts appropriated for this specific purpose, no more than \$90,000 in law enforcement body camera grant funding may be awarded to a single local law enforcement agency. The association shall select grant recipients and begin

distributing funds no later than December 1, 2023.

(24) \$5,000,000 of the general fund—state appropriation for fiscal year 2024 and \$5,000,000 of the general fund-state appropriation for fiscal year 2025 are provided solely for the criminal justice training commission to fund the Washington auto theft prevention authority."

On page 348, line 18, increase the general fund-state appropriation for fiscal year 2024 by \$2,000,000

On page 349, line 15, correct the total.

On page 358, after line 27 insert the following:

"(47) \$500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department of fish and wildlife to use and distribute \$10,000 per fish and wildlife officer position hired as sign-on bonuses for each new officer who is hired by the department and who has completed the basic law enforcement academy.

(48) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department of fish and wildlife to award one-time retention bonuses totaling \$10,000 per currently employed fish and wildlife officer provided such officer remains employed with the department for at least one year. The department must enter into collective bargaining agreements as needed to implement this subsection."

On page 376, line 5, increase the general fund-state appropriation for fiscal year 2024 by \$6,820,000

On page 376, line 22, correct the total.

On page 377, after line 28 insert the following:

"(8) \$1,080,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the Washington state patrol to use and distribute \$10,000 per trooper hired as sign-on bonuses for each new state patrol officer who is hired by the Washington state patrol and who has completed the Washington state patrol academy.

(9) \$5,740,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the Washington state patrol to award as one-time retention bonuses totaling \$10,000 per currently employed state patrol trooper provided such officer remains employed with their hiring law enforcement agency for at least one year. The Washington state patrol must enter into collective bargaining agreements as needed to implement this subsection."

On page 543, after line 18, insert the following:

**"NEW SECTION. Sec. 763. COMPENSATION—VACCINE BOOSTER INCENTIVE—PARTICIPATION ASSUMPTION**

General Fund—State Appropriation (FY 2024). . . . .(\$19,286,000)

The appropriations in this section are subject to the following conditions and limitations: Funding is for reductions in the expected cost of vaccine booster incentives for both represented and nonrepresented employees in general government state agencies. The underlying budget assumes an 80 percent participation rate in the incentive, far higher than the 44 percent rate of the population of Washington. This act assumes participation in the vaccine booster incentive program will be 50 percent. Agency allotments shall be adjusted for general fund-state amounts appropriated in part VII of this act for unused vaccine booster incentive payment, and those amounts placed in unallotted status and remain unexpended."

Re-number the remaining sections consecutively, and correct any references accordingly.

On page 1280, after line 5, insert the following:

"Washington Student Loan Account: For transfer to the state general fund, \$150,000,000 for fiscal year 2023.....\$150,000,000"

Representatives Chambers, McEntire, Couture, Graham, Klicker, Christian, Hutchins, Orcutt and Jacobsen spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Reeves and Stonier spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (551) to the striking amendment (517) and the amendment was not adopted by the following vote: Yeas, 44; Nays, 53; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Excused: Representative Berry

Amendment (551) to the striking amendment (517) was not adopted.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

Representative Fosse moved the adoption of amendment (520) to the striking amendment (517):

On page 254, line 21, increase the electrical license account-state appropriation by \$2,537,000

On page 255, line 5, correct the total.

On page 262, line 16, after "(20)" strike "\$4,165,000" and insert "\$6,702,000"

On page 262, line 18, after "construction" strike "inspectors" and insert "inspector, electrical construction inspector lead, electrical inspection field supervisor/technical specialist, and electrical plans examiner"

Representatives Fosse and Robertson spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (520) to the striking amendment (517) was adopted.

Representative Maycumber moved the adoption of amendment (532) to the striking amendment (517):

On page 265, line 16, increase the general fund-state appropriation for fiscal year 2024 by \$900,000

On page 265, line 17, increase the general fund-state appropriation for fiscal year 2025 by \$900,000

On page 265, line 22, correct the total.

On page 265, line 25, after "(a)" strike "\$300,000" and insert "\$600,000"

On page 265, line 26, after "and" strike "\$300,000" and insert "\$600,000"

On page 265, line 28, after "Island" strike "county and Walla

Walla county" and insert "county, Walla Walla county, Clallam county, and Stevens county."

On page 265, after line 34, insert the following:

"(c) \$600,000 of the general fund-state appropriation for fiscal year 2024 and \$600,000 of the general fund-state appropriation for fiscal year 2025 are provided solely for the department to provide grants to four counties of the state in order to expand veteran service officer programs in rural areas."

Representatives Maycumber and Shavers spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (532) to the striking amendment (517) was adopted.

Representative Dye moved the adoption of amendment (536) to the striking amendment (517):

On page 291, line 29, after "(b)" insert "(i)"

On page 291, after line 32, insert the following:

"(ii) The department of corrections, through correctional industries, shall conduct a feasibility study and develop a plan for implementing a wild horse training, holding, and farrier program at a corrections center. The program must be designed in partnership with the federal bureau of land management wild horse and

burro program, for the purpose of assisting incarcerated persons with developing occupational, vocational, and life skills."

Representatives Dye and Simmons spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (536) to the striking amendment (517) was adopted.

Representative Schmick moved the adoption of amendment (525) to the striking amendment (517):

On page 367, line 36, increase the general fund--state appropriation for fiscal year 2024 by \$50,000,000

On page 368, line 13, decrease the coronavirus state fiscal recovery fund--federal appropriation by \$50,000,000

On page 368, line 14, correct the total.

On page 368, line 17, after "(1)" strike all material through "appropriation" on line 19 and insert "\$44,499,000 of the general fund--state appropriation for fiscal year 2024 and \$22,000,000 of the general fund--state appropriation for fiscal year 2025"

On page 368, line 31, after "(4)" strike all material through "\$15,000,000" on line 32 and insert "\$5,501,000 of the general fund--state appropriation for fiscal year 2024, \$15,000,000 of the general fund--state appropriation for fiscal year 2025, and \$9,499,000"

On page 374, after line 24, insert the following:

"Coronavirus State Fiscal Recovery Fund--Federal Appropriation... \$50,000,000"

On page 374, line 25, correct the total.

On page 376, after line 3, insert the following:

"(7) \$50,000,000 of the coronavirus state fiscal recovery fund--federal appropriation is provided solely for the department to implement a farm fuel program for users of exempt fuel specified in RCW 70A.65.080(7)(e) to implement the exemption in chapter 70A.65 RCW for the use of fuel used exclusively for agricultural purposes by a farm fuel user. The department must implement the farm fuel program in a manner consistent with the implementation of refunds provided for exemptions under chapter 82.38 RCW. The department may retain up to five percent of the money appropriated under this subsection for purposes of implementing this program. Payments provided under this section must be paid at a rate of forty-nine cents per gallon of exempt special fuel, and at a rate of forty-one cents per gallon for motor vehicle fuel. The department must pay claims by farm fuel users for fuel that is purchased on or after January 1, 2023, and used for an exempt purpose as specified in RCW 70A.65.080(7)(e). The department may adopt procedures to ensure that payments are made only for claims related to the use of farm fuel that has not been treated as exempt under chapter 70A.65 RCW by suppliers in

possession of the fuel prior to the purchase of the fuel by the farm fuel user."

Representatives Schmick, Dye, Klicker, Dent, Orcutt, Gohner and Graham spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Fitzgibbon and Reed spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (525) to the striking amendment (517) and the amendment was not adopted by the following vote: Yeas, 44; Nays, 53; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Excused: Representative Berry

Amendment (525) to the striking amendment (517) was not adopted.

Representative Rude moved the adoption of amendment (544) to the striking amendment (517):

On page 408, line 30, after "(1)" insert "(a)"

On page 409, line 2, after "Document 3" insert ", except as provided in (b) of this subsection"

On page 409, after line 10, insert the following:

"(b) For the 2023-24 school year, any school district with a lower 2023-24 regionalization or experience factor in LEAP Document 3 than it received in the 2022-23 school year, must continue to receive the 2022-23 regionalization factor, adjusted for experience."

On page 409, line 30, increase the general fund--state appropriation for fiscal year 2024 by \$18,094,000

On page 409, line 31, increase the general fund--state appropriation for fiscal year 2025 by \$5,253,000

On page 409, line 34, correct the total.

Representatives Rude and Caldier spoke in favor of the adoption of the amendment to the striking amendment.

Representative Bergquist spoke against the adoption of the amendment to the striking amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 44 - YEAS; 53 - NAYS.

Amendment (544) to the striking amendment (517) was not adopted.

Representative Stokesbary moved the adoption of amendment (549) to the striking amendment (517):

On page 409, line 30, decrease the general fund-state appropriation for fiscal year 2024 by \$47,931,000

On page 409, line 31, decrease the general fund-state appropriation for fiscal year 2025 by \$205,535,000

On page 409, line 34, correct the total.

On page 410, line 1, after "section are" strike "3.7" and insert "3.1"

On page 410, line 2, after "year, and" strike "3.9" and insert "2.1"

On page 411, beginning on line 26, strike all of subsection (8)

On page 423, line 8, decrease the general fund-state appropriation for fiscal year 2024 by \$6,000

On page 423, line 9, decrease the general fund-state appropriation for fiscal year 2025 by \$29,000

On page 423, line 10, correct the total.

On page 433, line 25, decrease the Washington opportunity pathways account-state appropriation by \$3,287,000

On page 433, line 26, correct the total.

On page 434, beginning on line 3, strike all of subsection (3)

On page 558, after line 35, insert the following:

**"NEW SECTION. Sec. 7104. FOR THE OFFICE OF FINANCIAL MANAGEMENT—LIABILITY ACCOUNT**  
 General Fund—State Appropriation (FY 2024). \$99,222,000  
 General Fund—State Appropriation (FY 2025). \$96,434,000  
 TOTAL APPROPRIATION. . . . . \$195,656,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the liability account created in RCW 4.92.130 for implementation of Second Substitute House Bill No. 1618 (childhood sexual abuse/SOL). If the bill is not enacted by June 30, 2023, the amounts provided in this section shall lapse. Amounts provided in this section are sufficient to pay for claims and legal defense costs pursuant to the bill.

**NEW SECTION. Sec. 7105. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CHILDHOOD SEXUAL ABUSE VICTIMS COMPENSATION FUND ACCOUNT**

General Fund—State Appropriation (FY 2024). \$473,529,000  
 TOTAL APPROPRIATION. . . . . \$473,529,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the childhood sexual abuse victims compensation fund account created in section 925 of this act for the purpose of paying liability settlements and judgments relating to retroactive claims brought against public agencies, as defined in RCW 4.24.470."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 584, after line 24, insert the following:

**"NEW SECTION. Sec. 925.** A new section is added to chapter 43.19 RCW to read as follows:

(1) The childhood sexual abuse victims compensation fund account is created in the custody of the state treasurer. Revenues to the account consist of appropriations and transfers by the legislature and all other moneys directed for deposit into the account. Expenditures from the account may only be used for the purpose of paying liability settlements and judgements relating to retroactive claims brought against public agencies, as defined in RCW 4.24.470. Only the director of the department of enterprise services or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under 43.88 RCW, but an appropriation is not required for expenditures.

(2) For the purposes of this section, a "retroactive claim" means a claim or action that is brought under RCW 4.16.340 on or after the effective date of Second Substitute House Bill No. 1618 (childhood sexual abuse/SOL), but that would have been time-barred by RCW 4.16.340 as it existed the date before the effective date of Second Substitute House Bill No. 1618 (childhood sexual abuse/SOL)."

Renumber the remaining sections consecutively and correct internal references accordingly.

Correct the title.

Representatives Stokesbary and Griffey spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ormsby spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (549) to the striking amendment (517) and the amendment was not adopted by the following vote: Yeas, 44; Nays, 53; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry,

Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Excused: Representative Berry

Amendment (549) to the striking amendment (517) was not adopted.

Representative Stokesbary moved the adoption of amendment (529) to the striking amendment (517):

On page 434, line 32, increase the general fund-state appropriation for fiscal year 2024 by \$18,008,000

On page 434, line 33, increase the general fund-state appropriation for fiscal year 2025 by \$18,008,000

On page 434, line 37, correct the total.

On page 435, beginning on line 7, strike all of subsection (a) and insert the following:

"(a) \$22,902,000 of the general fund--state appropriation for fiscal year 2024 and \$22,902,000 of the general fund--state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to administer grants to fully subsidize the cost of dual credit programs for students who are low income. Of the amounts provided in this subsection:

(i) \$9,953,000 of the general fund--state appropriation for fiscal year 2024 and \$9,953,000 of the general fund--state appropriation for fiscal year 2025 are for the office to subsidize the cost of running start courses for students who are low income. Funding provided in this subsection may be used for textbooks and other course materials required, and for any student-voted fees, technology fees, course fees, laboratory fees, or other fees required for enrollment in running start courses;

(ii) \$9,694,000 of the general fund--state appropriation for fiscal year 2024 and \$9,694,000 of the general fund--state appropriation for fiscal year 2025 are for the office to subsidize the cost of college in the high school tuition fees permitted under RCW 28A.600.287 for students who are low income;

(iii) \$2,824,000 of the general fund--state appropriation for fiscal year 2024 and \$2,824,000 of the general fund--state appropriation for fiscal year 2025 are for the office to subsidize the cost for student fees related to exam registration and administration for students who are low income taking advanced placement exams, international baccalaureate exams, and Cambridge international exams; and

(iv) \$180,000 of the general fund--state appropriation for fiscal year 2024 and

\$180,000 of the general fund--state appropriation for fiscal year 2025 are for the office to subsidize transcription fees assessed by institutions of higher education for career and technical education dual credit courses for students who are low income."

On page 493, line 7, decrease the general fund-state appropriation for fiscal year 2024 by \$21,977,0000

On page 493, line 8, decrease the general fund-state appropriation for fiscal year 2024 by \$21,977,0000

On page 493, line 14, correct the total.

Representative Stokesbary spoke in favor of the adoption of the amendment to the striking amendment.

Representative Slatter spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (529) to the striking amendment (517) and the amendment was not adopted by the following vote: Yeas, 43; Nays, 54; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Excused: Representative Berry

Amendment (529) to the striking amendment (517) was not adopted.

Representative Caldier moved the adoption of amendment (526) to the striking amendment (517):

On page on 540, after line 24, insert the following:

**"NEW SECTION. Sec. 755. FOR THE STATE TREASURER--COUNTY MENTAL HEALTH TAX MATCH**

General Fund--State Appropriation (FY 2024)... \$219,334,000

General Fund--State Appropriation (FY 2025)... \$219,334,000

TOTAL APPROPRIATION... \$438,668,000

The appropriations in this section are subject to the following conditions and limitations: The state treasurer shall distribute the appropriations as matching funds to counties which have imposed the sales and use tax for chemical dependency services, mental health treatment, or therapeutic court programs under RCW 82.14.460. The state treasurer must distribute the amounts provided in this section to counties on July 1 of each fiscal year in the same proportion as tax revenues

received by counties through the sales and use tax under RCW 82.14.460 in the previous full calendar year, as determined by the department of revenue."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Caldier and Hutchins spoke in favor of the adoption of the amendment to the striking amendment.

Representative Leavitt spoke against the adoption of the amendment to the striking amendment.

Amendment (526) to the striking amendment (517) was not adopted.

Representative Ormsby moved the adoption of amendment (542) to the striking amendment (517):

On page 562, line 23, after "general fund," strike "\$5,000,000" and insert "\$15,000,000"

On page 562, line 24, after "2024 and" strike "\$5,000,000" and insert "\$15,000,000"

On page 562, line 24, after, after "year 2025" strike "\$10,000,000" and insert "\$30,000,000"

Representatives Ormsby and Stokesbary spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (542) to the striking amendment (517) was adopted.

Representative Ormsby moved the adoption of amendment (541) to the striking amendment (517):

On page 562, line 24, after "year 2025" insert "--it is the intent of the legislature to continue this policy in the subsequent biennium"

On page 562, line 31, after "2025" insert "--it is the intent of the legislature to continue this policy in the subsequent biennium"

On page 588, line 25, strike all of section 926.

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1281, line 4, insert the following:

**"Sec. 1901.** RCW 43.79.555 and 2022 c 157 s 5 are each amended to read as follows:

The Washington rescue plan transition account is created in the state treasury. Moneys in the account may be spent only after appropriation. Revenues to the account consist of moneys directed by the legislature to the account. Allowable uses of moneys in the account include responding to the impacts of the COVID-19 pandemic including those related to education, human services, health care, and the economy. In addition, the legislature may appropriate from the account to continue activities begun with, or augmented with, COVID-19 related federal funding. During the 2021-2023 fiscal biennium, the legislature

may direct the state treasurer to make transfers of moneys in the Washington rescue plan transition account to the general fund."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Ormsby and Stokesbary spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (541) to the striking amendment (517) was adopted.

Representative Caldier moved the adoption of amendment (527) to the striking amendment (517):

On page 611, after line 30, insert the following:

**"Sec. 938.** RCW 41.05.011 and 2019 c 411 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the Washington state health care authority.

(2) "Board" means the public employees' benefits board established under RCW 41.05.055 and the school employees' benefits board established under RCW 41.05.740.

(3) "Dependent care assistance program" means a benefit plan whereby employees and school employees may pay for certain employment related dependent care with pretax dollars as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 129 or other sections of the internal revenue code.

(4) "Director" means the director of the authority.

(5) "Emergency service personnel killed in the line of duty" means law enforcement officers and firefighters as defined in RCW 41.26.030, members of the Washington state patrol retirement fund as defined in RCW 43.43.120, and reserve officers and firefighters as defined in RCW 41.24.010 who die as a result of injuries sustained in the course of employment as determined consistent with Title 51 RCW by the department of labor and industries.

(6) (a) "Employee" for the public employees' benefits board program includes all employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature. Pursuant to contractual agreement with the authority, "employee" may also include: (i) Employees of a county, municipality, or other political subdivision of the state and members of the legislative authority of any county, city, or town who are elected to office after February 20, 1970, if the legislative authority of the county, municipality, or other political subdivision of the state submits application materials to the authority to provide any of its insurance programs by contract with the



authority, as provided in RCW 41.04.205 and 41.05.021(1)(g); (ii) employees of employee organizations representing state civil service employees, at the option of each such employee organization; (iii) through December 31, 2019, employees of a school district if the authority agrees to provide any of the school districts' insurance programs by contract with the authority as provided in RCW 28A.400.350; (iv) employees of a tribal government, if the governing body of the tribal government seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1) (f) and (g); (v) employees of the Washington health benefit exchange if the governing board of the exchange established in RCW 43.71.020 seeks and receives approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1) (g) and (n); and (vi) through December 31, 2019, employees of a charter school established under chapter 28A.710 RCW. "Employee" does not include: Adult family home providers; unpaid volunteers; patients of state hospitals; inmates; employees of the Washington state convention and trade center as provided in RCW 41.05.110; students of institutions of higher education as determined by their institution; and any others not expressly defined as employees under this chapter or by the authority under this chapter.

(b) Effective January 1, 2020, "school employee" for the school employees' benefits board program includes:

(i) All employees of school districts and charter schools established under chapter 28A.710 RCW;

(ii) Represented employees of educational service districts; and

(iii) Effective January 1, 2024, all employees of educational service districts.

(7) "Employee group" means employees of a similar employment type, such as administrative, represented classified, nonrepresented classified excluding such employees in educational service districts until December 31, 2023, confidential, represented certificated, or nonrepresented certificated excluding such employees in educational service districts until December 31, 2023, within a school employees' benefits board organization.

(8) (a) "Employer" for the public employees' benefits board program means the state of Washington.

(b) "Employer" for the school employees' benefits board program means school districts and educational service districts and charter schools established under chapter 28A.710 RCW.

(9) "Employer group" means those counties, municipalities, political subdivisions, the Washington health benefit exchange, tribal governments, employee organizations representing state civil service employees, and through December 31, 2019, school districts, charter schools, and through December 31, 2023, educational service districts obtaining employee benefits through a contractual agreement with the authority to participate in benefit

plans developed by the public employees' benefits board.

(10) (a) "Employing agency" for the public employees' benefits board program means a division, department, or separate agency of state government, including an institution of higher education; a county, municipality, or other political subdivision; and a tribal government covered by this chapter.

(b) "Employing agency" for the school employees' benefits board program means school districts, educational service districts, and charter schools.

(11) "Faculty" means an academic employee of an institution of higher education whose workload is not defined by work hours but whose appointment, workload, and duties directly serve the institution's academic mission, as determined under the authority of its enabling statutes, its governing body, and any applicable collective bargaining agreement.

(12) "Flexible benefit plan" means a benefit plan that allows employees and school employees to choose the level of health care coverage provided and the amount of employee or school employee contributions from among a range of choices offered by the authority.

(13) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.

(14) "Medical flexible spending arrangement" means a benefit plan whereby state and school employees may reduce their salary before taxes to pay for medical expenses not reimbursed by insurance as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(15) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the salary reduction plan.

(16) "Plan year" means the time period established by the authority.

(17) "Premium payment plan" means a benefit plan whereby public employees may pay their share of group health plan premiums with pretax dollars as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(18) "Public employee" has the same meaning as employee and school employee.

(19) "Retired or disabled school employee" means:

(a) Persons who separated from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district, educational service district, or charter school on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32, 41.35, or 41.40 RCW;

(c) Persons who separate from employment with a school district, educational service district, or charter school due to a total and permanent disability, and are eligible

to receive a deferred retirement allowance under chapter 41.32, 41.35, or 41.40 RCW.

(20) "Salary" means a state or school employee's monthly salary or wages.

(21) "Salary reduction plan" means a benefit plan whereby public employees may agree to a reduction of salary on a pretax basis to participate in the dependent care assistance program, medical flexible spending arrangement, or premium payment plan offered pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(22) "School employees' benefits board organization" means a public school district or educational service district or charter school established under chapter 28A.710 RCW that is required to participate in benefit plans provided by the school employees' benefits board.

(23) "School year" means school year as defined in RCW 28A.150.203(11).

(24) "Seasonal employee" means a state employee hired to work during a recurring, annual season with a duration of three months or more, and during the 2023-25 fiscal biennium employees of the legislature the duration of the regular legislative session for that year, and anticipated to return each season to perform similar work.

(25) "Separated employees" means persons who separate from employment with an employer as defined in:

(a) RCW 41.32.010(17) on or after July 1, 1996; or

(b) RCW 41.35.010 on or after September 1, 2000; or

(c) RCW 41.40.010 on or after March 1, 2002;

and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan 3 as defined in RCW 41.32.010(33), the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010, or the public employees' retirement system plan 3 as defined in RCW 41.40.010.

(26) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(27) "Tribal government" means an Indian tribal government as defined in section 3(32) of the employee retirement income security act of 1974, as amended, or an agency or instrumentality of the tribal government, that has government offices principally located in this state.

**Sec. 1.** RCW 41.05.065 and 2018 c 260 s 12 are each amended to read as follows:

(1) The public employees' benefits board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents

on the best basis possible with relation both to the welfare of the employees and to the state. However, liability insurance shall not be made available to dependents.

(2) The public employees' benefits board shall develop employee benefit plans that include comprehensive health care benefits for employees. In developing these plans, the public employees' benefits board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to a cost-efficient method for prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers;

(e) Effective coordination of benefits; and

(f) Minimum standards for insuring entities.

(3) To maintain the comprehensive nature of employee health care benefits, benefits provided to employees shall be substantially equivalent to the state employees' health benefit plan in effect on January 1, 1993. Nothing in this subsection shall prohibit changes or increases in employee point-of-service payments or employee premium payments for benefits or the administration of a high deductible health plan in conjunction with a health savings account. The public employees' benefits board may establish employee eligibility criteria which are not substantially equivalent to employee eligibility criteria in effect on January 1, 1993.

(4) Except if bargained for under chapter 41.80 RCW, the public employees' benefits board shall design benefits and determine the terms and conditions of employee and retired or disabled school employee participation and coverage, including establishment of eligibility criteria subject to the requirements of this chapter. Employer groups obtaining benefits through contractual agreement with the authority for employees defined in RCW 41.05.011(6)(a)(i) through (vi) may contractually agree with the authority to benefits eligibility criteria which differs from that determined by the public employees' benefits board. The eligibility criteria established by the public employees' benefits board shall be no more restrictive than the following:

(a) Except as provided in (b) through (e) of this subsection, an employee is eligible for benefits from the date of employment if the employing agency anticipates he or she

will work an average of at least eighty hours per month and for at least eight hours in each month for more than six consecutive months. An employee determined ineligible for benefits at the beginning of his or her employment shall become eligible in the following circumstances:

(i) An employee who works an average of at least eighty hours per month and for at least eight hours in each month and whose anticipated duration of employment is revised from less than or equal to six consecutive months to more than six consecutive months becomes eligible when the revision is made.

(ii) An employee who works an average of at least eighty hours per month over a period of six consecutive months and for at least eight hours in each of those six consecutive months becomes eligible at the first of the month following the six-month averaging period.

(b) A seasonal employee is eligible for benefits from the date of employment if the employing agency anticipates that he or she will work an average of at least eighty hours per month and for at least eight hours in each month of the season. A seasonal employee determined ineligible at the beginning of his or her employment who works an average of at least eighty hours per month over a period of six consecutive months and at least eight hours in each of those six consecutive months becomes eligible at the first of the month following the six-month averaging period. A benefits-eligible seasonal employee who works a season of less than nine months shall not be eligible for the employer contribution during the off season unless the seasonal employee is an employee of the legislature whose seasonal qualification is through working during the regular legislative session, but may continue enrollment in benefits during the off season by self-paying for the benefits. A benefits-eligible seasonal employee who works a season of nine months or more, or during the 2023-25 fiscal biennium who works for the legislature during regular legislative sessions, is eligible for the employer contribution through the off season following each season worked.

(c) Faculty are eligible as follows:

(i) Faculty who the employing agency anticipates will work half-time or more for the entire instructional year or equivalent nine-month period are eligible for benefits from the date of employment. Eligibility shall continue until the beginning of the first full month of the next instructional year, unless the employment relationship is terminated, in which case eligibility shall cease the first month following the notice of termination or the effective date of the termination, whichever is later.

(ii) Faculty who the employing agency anticipates will not work for the entire instructional year or equivalent nine-month period are eligible for benefits at the beginning of the second consecutive quarter or semester of employment in which he or she is anticipated to work, or has actually worked, half-time or more. Such an employee shall continue to receive uninterrupted employer contributions for benefits if the

employee works at least half-time in a quarter or semester. Faculty who the employing agency anticipates will not work for the entire instructional year or equivalent nine-month period, but who actually work half-time or more throughout the entire instructional year, are eligible for summer or off-quarter or off-semester coverage. Faculty who have met the criteria of this subsection (4)(c)(ii), who work at least two quarters or two semesters of the academic year with an average academic year workload of half-time or more for three quarters or two semesters of the academic year, and who have worked an average of half-time or more in each of the two preceding academic years shall continue to receive uninterrupted employer contributions for benefits if he or she works at least half-time in a quarter or semester or works two quarters or two semesters of the academic year with an average academic workload each academic year of half-time or more for three quarters or two semesters. Eligibility under this section ceases immediately if this criteria is not met.

(iii) Faculty may establish or maintain eligibility for benefits by working for more than one institution of higher education. When faculty work for more than one institution of higher education, those institutions shall prorate the employer contribution costs, or if eligibility is reached through one institution, that institution will pay the full employer contribution. Faculty working for more than one institution must alert his or her employers to his or her potential eligibility in order to establish eligibility.

(iv) The employing agency must provide written notice to faculty who are potentially eligible for benefits under this subsection (4)(c) of their potential eligibility.

(v) To be eligible for maintenance of benefits through averaging under (c)(ii) of this subsection, faculty must provide written notification to his or her employing agency or agencies of his or her potential eligibility.

(vi) For the purposes of this subsection (4)(c):

(A) "Academic year" means summer, fall, winter, and spring quarters or summer, fall, and spring semesters;

(B) "Half-time" means one-half of the full-time academic workload as determined by each institution; except that for community and technical college faculty, half-time academic workload is calculated according to RCW 28B.50.489.

(d) A legislator is eligible for benefits on the date his or her term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible for benefits on the date his or her term begins or they take the oath of office, whichever occurs first.

(e) A justice of the supreme court and judges of the court of appeals and the superior courts become eligible for benefits on the date he or she takes the oath of office.

(f) Except as provided in (c)(i) and (ii) of this subsection, eligibility ceases for any employee the first of the month following termination of the employment relationship.

(g) In determining eligibility under this section, the employing agency may disregard training hours, standby hours, or temporary changes in work hours as determined by the authority under this section.

(h) Insurance coverage for all eligible employees begins on the first day of the month following the date when eligibility for benefits is established. If the date eligibility is established is the first working day of a month, insurance coverage begins on that date.

(i) Eligibility for an employee whose work circumstances are described by more than one of the eligibility categories in (a) through (e) of this subsection shall be determined solely by the criteria of the category that most closely describes the employee's work circumstances.

(j) Except for an employee eligible for benefits under (b) or (c)(ii) of this subsection, an employee who has established eligibility for benefits under this section shall remain eligible for benefits each month in which he or she is in pay status for eight or more hours, if (i) he or she remains in a benefits-eligible position and (ii) leave from the benefits-eligible position is approved by the employing agency. A benefits-eligible seasonal employee is eligible for the employer contribution in any month of his or her season in which he or she is in pay status eight or more hours during that month. Eligibility ends if these conditions are not met, the employment relationship is terminated, or the employee voluntarily transfers to a noneligible position.

(k) For the purposes of this subsection, the public employees' benefits board shall define "benefits-eligible position."

(5) The public employees' benefits board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems.

(6)(a) For any open enrollment period following August 24, 2011, the public employees' benefits board shall offer a health savings account option for employees that conforms to section 223, Part VII of subchapter B of chapter 1 of the internal revenue code of 1986. The public employees' benefits board shall comply with all applicable federal standards related to the establishment of health savings accounts.

(b) By November 30, 2015, and each year thereafter, the authority shall submit a report to the relevant legislative policy and fiscal committees that includes the following:

(i) Public employees' benefits board health plan cost and service utilization trends for the previous three years, in total and for each health plan offered to employees;

(ii) For each health plan offered to employees, the number and percentage of employees and dependents enrolled in the plan, and the age and gender demographics of enrollees in each plan;

(iii) Any impact of enrollment in alternatives to the most comprehensive plan, including the high deductible health plan with a health savings account, upon the cost of health benefits for those employees who have chosen to remain enrolled in the most comprehensive plan.

(7) Notwithstanding any other provision of this chapter, for any open enrollment period following August 24, 2011, the public employees' benefits board shall offer a high deductible health plan in conjunction with a health savings account developed under subsection (6) of this section.

(8) Employees shall choose participation in one of the health care benefit plans developed by the public employees' benefits board and may be permitted to waive coverage under terms and conditions established by the public employees' benefits board.

(9) The public employees' benefits board shall review plans proposed by insuring entities that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The public employees' benefits board may approve any such plan for payroll deduction by insuring entities holding a valid certificate of authority in the state of Washington and which the public employees' benefits board determines to be in the best interests of employees and the state. The public employees' benefits board shall adopt rules setting forth criteria by which it shall evaluate the plans.

(10) Before January 1, 1998, the public employees' benefits board shall make available one or more fully insured long-term care insurance plans that comply with the requirements of chapter 48.84 RCW. Such programs shall be made available to eligible employees, retired employees, and retired school employees as well as eligible dependents which, for the purpose of this section, includes the parents of the employee or retiree and the parents of the spouse of the employee or retiree. Employees of local governments, political subdivisions, and tribal governments not otherwise enrolled in the public employees' benefits board sponsored medical programs may enroll under terms and conditions established by the director, if it does not jeopardize the financial viability of the public employees' benefits board's long-term care offering.

(a) Participation of eligible employees or retired employees and retired school employees in any long-term care insurance plan made available by the public employees' benefits board is voluntary and shall not be subject to binding arbitration under chapter 41.56 RCW. Participation is subject to reasonable underwriting guidelines and eligibility rules established by the public employees' benefits board and the health care authority.

(b) The employee, retired employee, and retired school employee are solely responsible for the payment of the premium rates developed by the health care authority. The health care authority is authorized to charge a reasonable administrative fee in addition to the premium charged by the long-term care insurer, which shall include the health care

authority's cost of administration, marketing, and consumer education materials prepared by the health care authority and the office of the insurance commissioner.

(c) To the extent administratively possible, the state shall establish an automatic payroll or pension deduction system for the payment of the long-term care insurance premiums.

(d) The public employees' benefits board and the health care authority shall establish a technical advisory committee to provide advice in the development of the benefit design and establishment of underwriting guidelines and eligibility rules. The committee shall also advise the public employees' benefits board and authority on effective and cost-effective ways to market and distribute the long-term care product. The technical advisory committee shall be comprised, at a minimum, of representatives of the office of the insurance commissioner, providers of long-term care services, licensed insurance agents with expertise in long-term care insurance, employees, retired employees, retired school employees, and other interested parties determined to be appropriate by the public employees' benefits board.

(e) The health care authority shall offer employees, retired employees, and retired school employees the option of purchasing long-term care insurance through licensed agents or brokers appointed by the long-term care insurer. The authority, in consultation with the public employees' benefits board, shall establish marketing procedures and may consider all premium components as a part of the contract negotiations with the long-term care insurer.

(f) In developing the long-term care insurance benefit designs, the public employees' benefits board shall include an alternative plan of care benefit, including adult day services, as approved by the office of the insurance commissioner.

(g) The health care authority, with the cooperation of the office of the insurance commissioner, shall develop a consumer education program for the eligible employees, retired employees, and retired school employees designed to provide education on the potential need for long-term care, methods of financing long-term care, and the availability of long-term care insurance products including the products offered by the public employees' benefits board.

(11) The public employees' benefits board may establish penalties to be imposed by the authority when the eligibility determinations of an employing agency fail to comply with the criteria under this chapter."

Correct the title.

#### POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (527) to the striking amendment (517) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5187.

#### SPEAKER'S RULING

"The bill before us is the operating budget bill. It makes appropriations for the 2023-2025 biennium for the operation of state government and its various agencies and institutions.

The scope and object of a budget bill does not extend to permanent changes in substantive law. One of the factors to be considered in determining whether a provision is substantive law is whether it affects statutory rights or obligations.

Amendment (527) modifies the definition of "seasonal employee" under chapter 45.01 RCW. It has the effect of qualifying an additional class of individuals for year-round coverage and employer contributions under the Public Employees' Benefits Board program.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

Representative Ormsby moved the adoption of amendment (543) to the striking amendment (517):

On page 1279, at the beginning of line 30, strike "\$1,803,000,000" and insert "\$1,860,470,000"

On page 1279, line 30, after "year 2023" strike "\$1,803,000,000" and insert "\$1,860,470,000"

With the consent of the House, amendment (543) was withdrawn.

Representative Ormsby spoke in favor of the adoption of the striking amendment as amended.

Representative Stokesbary spoke against the adoption of the striking amendment as amended.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 57 - YEAS; 40 - NAYS.

The striking amendment (517), as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Gregerson, Macri, Bergquist and Fitzgibbon spoke in favor of the passage of the bill.

Representatives Stokesbary, Chambers, Corry and Wilcox spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5187, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5187, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Calder, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Berry

ENGROSSED SUBSTITUTE SENATE BILL NO. 5187, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### **POINT OF PERSONAL PRIVILEGE**

Representative Ormsby thanked his colleagues on the Appropriations Committee, the caucus staff, Office of Program Research staff and all staff who assist in developing the Operating Budget.

#### **POINT OF PERSONAL PRIVILEGE**

Representative Stokesbary echoed the remarks by Representative Ormsby to thank the members and staff who worked on the Operating Budget for all their hard work.

#### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Orwall presiding) asked the members to recognize the staff who worked on the Operating Budget.

The Speaker assumed the chair.

#### **SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

HOUSE BILL NO. 1004  
 HOUSE BILL NO. 1017  
 SUBSTITUTE HOUSE BILL NO. 1077  
 SUBSTITUTE HOUSE BILL NO. 1088  
 SUBSTITUTE HOUSE BILL NO. 1165  
 ENGROSSED HOUSE BILL NO. 1209  
 HOUSE BILL NO. 1265  
 HOUSE BILL NO. 1287  
 HOUSE BILL NO. 1290  
 ENGROSSED HOUSE BILL NO. 1336  
 SUBSTITUTE HOUSE BILL NO. 1352  
 HOUSE BILL NO. 1419  
 HOUSE BILL NO. 1481  
 HOUSE BILL NO. 1420  
 HOUSE BILL NO. 1514  
 HOUSE BILL NO. 1544  
 SUBSTITUTE HOUSE BILL NO. 1572  
 HOUSE BILL NO. 1657  
 SUBSTITUTE HOUSE BILL NO. 1620  
 HOUSE BILL NO. 1645  
 HOUSE BILL NO. 1656

The Speaker called upon Representative Orwall to preside.

There being no objection, the House adjourned until 9:55 a.m., Tuesday, April 4, 2023, the 86th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## EIGHTY SIXTH DAY

House Chamber, Olympia, Tuesday, April 4, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Bronoske presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

E2SSB 5199 by Senate Committee on Ways & Means (originally sponsored by Mullet, Conway, Dozier, Holy, Keiser, Lovelett, Nguyen, Shewmake and Valdez)

AN ACT Relating to tax relief for newspaper publishers; amending RCW 82.04.260, 35.102.150, 82.04.460, and 82.08.806; adding a new section to chapter 82.04 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

SSB 5218 by Senate Committee on Ways & Means (originally sponsored by Padden, Mullet and Torres)

AN ACT Relating to providing a sales and use tax exemption for mobility enhancing equipment for use by or for a complex needs patient; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating new sections.

Referred to Committee on Finance.

E2SSB 5258 by Senate Committee on Ways & Means (originally sponsored by Shewmake, Gildon, Billig, Lias, Lovick, Nguyen, Nobles, Randall and Wellman)

AN ACT Relating to increasing the supply and affordability of condominium units and townhouses as an option for homeownership; amending RCW 64.35.105, 64.50.010, 64.50.020, 64.50.040, 64.90.250, 64.90.605, 64.90.645, 82.45.010, 82.45.010, 82.45.230, 82.02.060, 58.17.060, and 64.55.160; reenacting and amending RCW 64.38.010; adding a new section to chapter 82.45 RCW; creating new sections; providing effective dates; and providing expiration dates.

Referred to Committee on Appropriations.

SB 5277 by Senators Wilson, L., Dozier, Lovelett, Lovick, Muzzall, Shewmake, Torres, Wagoner and Warnick

AN ACT Relating to extending tax preferences for dairy, fruit and vegetable, and seafood processors; amending RCW 82.04.4268, 82.04.4266, 82.04.4269, and 82.04.260; creating a new section; and providing expiration dates.

Referred to Committee on Finance.

ESSB 5293 by Senate Committee on Ways & Means (originally sponsored by Rolfes, Robinson, Kuderer, Nobles and Van De Wege)

AN ACT Relating to accounts; amending RCW 43.41.450, 41.06.280, 41.06.285, 82.25.015, 41.05.120, 28A.505.130,

70A.65.250, 43.84.092, and 43.84.092; reenacting and amending RCW 43.79.567; reenacting RCW 43.330.365; adding new sections to chapter 43.79 RCW; adding a new section to chapter 38.52 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

March 31, 2023

HB 1850

Prime Sponsor, Representative Macri:  
Concerning the hospital safety net program.  
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; and Couture.

Referred to Committee on Rules for second reading

March 30, 2023

SB 5031

Prime Sponsor, Senator Wellman:  
Concerning safety net award distributions.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.150.392 and 2019 c 387 s 2 are each amended to read as follows:

(1)(a) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A.150.390.

(b) If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need.

(2) Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall award additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas.

(b) In the determination of need, the committee shall consider additional available revenues from federal sources.

(c) Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(d) In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state revenues related to services for students eligible for special education and all federal revenues from federal impact aid, medicaid, and the individuals with disabilities education act-Part B and appropriate special projects. Awards associated with (e) and (f) of this subsection shall not exceed the total of a district's specific determination of need.

(e) The committee shall then consider the extraordinary high cost needs of one or more individual students eligible for and receiving special education. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(f) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services, which may include consideration of proximity to group homes, military bases, and regional hospitals. Safety net awards under this subsection (2) (f) shall be adjusted to reflect amounts awarded under (e) of this subsection.

(g) The committee shall then consider the extraordinary high cost needs of one or more individual students eligible for and receiving special education served in residential schools as defined in RCW ((28A.190.020)) 28A.190.005, programs for juveniles under the department of corrections, and programs for juveniles operated by city and county jails to the extent they are providing a secondary program of education.

(h) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(i) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter 318, Laws of 1999.

(j) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(3) The superintendent of public instruction shall adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. By December 1, 2018, the

superintendent shall review and revise the rules to achieve full and complete implementation of the requirements of this subsection and subsection (4) of this section including revisions to rules that provide additional flexibility to access community impact awards. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school districts in preparing and submitting special education safety net applications.

(4) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(5) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(6) Beginning in the 2023-24 school year, the office of the superintendent of public instruction must distribute safety net awards to school districts on a quarterly basis if the following criteria are met:

(a) The safety net award is provided for a high-need student that receives special education services from an approved nonpublic agency located outside of the state of Washington;

(b) The school district successfully applied for and received a safety net award for the high-need student in a prior school year and the student's placement has not changed since that safety net award was granted;

(c) The safety net award is provided to a school district with fewer than 3,000 annual full-time equivalent enrolled students; and

(d) The school district meets all other safety net award eligibility requirements as determined by the safety net oversight committee.

(7) Beginning in the 2019-20 school year, a high-need student is eligible for safety



net awards from state funding under subsection (2) (e) and (g) of this section if the student's individualized education program costs exceed two and three-tenths times the average per-pupil expenditure as defined in Title 20 U.S.C. Sec. 7801, the every student succeeds act of 2015."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 1, 2023

2SSB 5046 Prime Sponsor, Ways & Means: Concerning postconviction access to counsel. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

March 30, 2023

SB 5070 Prime Sponsor, Senator Nobles: Concerning victims of nonfatal strangulation. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

March 31, 2023

SB 5104 Prime Sponsor, Senator Salomon: Surveying Puget Sound marine shoreline habitat. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Environment & Energy.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that marine nearshore habitat in Puget Sound is important for the recovery of threatened and endangered species of salmon, orcas, and marine birds. Critical nearshore components include forage fish spawning

habitat, submerged aquatic vegetation, benthic substrate, adjacent upland vegetation, and the geomorphic processes that support a healthy ecosystem and food web. Establishing and regularly updating a publicly available baseline survey and map of general shoreline conditions, including the presence, location, and condition of nearshore development, is a critical tool for regulatory planning and restoration and mitigation opportunity identification by state agencies, local jurisdictions, tribal governments, and nongovernmental organizations.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21A RCW to read as follows:

(1) The department must conduct and maintain a baseline survey of Puget Sound marine shorelines that utilizes new technology to capture georeferenced oblique aerial and 360 degree on-the-water imagery. Nothing in this section creates a requirement for the department to perform change analysis. However, the software used must have the capacity for change analysis review. These identified technologies are intended to be a minimum requirement and the department may utilize and incorporate additional tools and technologies as they become available. The survey must document and map existing general shoreline conditions, structures, and structure conditions. This information must be available to the public and incorporated into state geographic information system mapping with visual personally identifiable information removed from on-the-water imagery prior to posting.

(2) The initial marine oblique aerial and on-the-water imagery must be completed and publicly available by December 31, 2024, and updated on a regular two-year cycle thereafter. The survey to document and map existing shoreline conditions, structures, and structure conditions must be completed and publicly available by June 30, 2025, and updated on a regular two-year cycle thereafter.

(3) For the purposes of this section, "Puget Sound" means Puget Sound and related inland salt waters of the state of Washington inside the boundary line between Washington and British Columbia, the Strait of Juan de Fuca, Hood Canal, and the San Juan Islands.

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Senn; Simmons; Slatter; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation.  
Signed by Representatives Couture; Sandlin; and Schmick.

Referred to Committee on Rules for second reading

March 31, 2023

E2SSB 5144 Prime Sponsor, Ways & Means: Providing for responsible environmental management of batteries. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Environment & Energy.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** INTENT. The legislature finds that:

(1) It is in the public interest of the citizens of Washington to encourage the recovery and reuse of materials, such as metals, that replace the output of mining and other extractive industries.

(2) Without a dedicated battery stewardship program, battery user confusion regarding proper disposal options will continue to persist.

(3) Ensuring the proper handling, recycling, and end-of-life management of used batteries prevents the release of toxic materials into the environment and removes materials from the waste stream that, if mishandled, may present safety concerns to workers, such as by igniting fires at solid waste handling facilities. For this reason, batteries should not be placed into commingled recycling containers or disposed of via traditional garbage collection containers.

(4) Jurisdictions around the world have successfully implemented battery stewardship laws that have helped address the challenges posed by the end-of-life management of batteries. Because it is difficult for customers to differentiate between types and chemistries of batteries, it is the best practice for battery stewardship programs to collect all battery types and chemistries. Furthermore, it is appropriate for larger batteries used in emerging market sectors such as electric vehicles, solar power arrays, and data centers, to be managed to ensure environmentally positive outcomes similar to those achieved by a battery stewardship program, both because of the potential economic value of large batteries used for these purposes and the anticipated profusion of these larger batteries as these market sectors mature.

NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) (a) "Battery-containing product" means a product that contains or is packaged with rechargeable or primary batteries that are covered batteries.

(b) A "battery-containing product" does not include a covered electronic product

under an approved plan implemented under chapter 70A.500 RCW.

(2) "Battery management hierarchy" means a management system of covered batteries prioritized in descending order as follows:

(a) Waste prevention and reduction;

(b) Reuse, when reuse is appropriate;

(c) Recycling, as defined in this chapter; and

(d) Other means of end-of-life management, which may only be utilized after demonstrating to the department that it is not feasible to manage the batteries under the higher priority options in (a) through (c) of this subsection.

(3) "Battery stewardship organization" means a producer that directly implements a battery stewardship plan required under this chapter or a nonprofit organization designated by a producer or group of producers to implement a battery stewardship plan required under this chapter.

(4) "Collection rate" means a percentage, by weight, that a battery stewardship organization collects that is calculated by dividing the total weight of primary and rechargeable batteries collected during the previous calendar year by the average annual weight of primary and rechargeable batteries that were estimated to have been sold in the state by all producers participating in an approved battery stewardship plan during the previous three calendar years.

(5) (a) "Covered battery" means a portable battery or, beginning January 1, 2029, a medium format battery.

(b) "Covered battery" does not include:

(i) A battery contained within a medical device, as specified in Title 21 U.S.C. Sec. 321(h) as it existed as of the effective date of this section, that is not designed and marketed for sale or resale principally to consumers for personal use;

(ii) A battery that contains an electrolyte as a free liquid;

(iii) A lead acid battery weighing greater than 11 pounds;

(iv) A battery subject to the provisions of RCW 70A.205.505 through 70A.205.530; and

(v) A battery in a battery-containing product that is not intended or designed to be easily removable from the battery-containing product.

(6) "Department" means the department of ecology.

(7) "Easily removable" means designed by the manufacturer to be removable by the user of the product with no more than commonly used household tools.

(8) "Environmentally sound management practices" means practices that: (a) Comply with all applicable laws and rules to protect workers, public health, and the environment; (b) provide for adequate recordkeeping, tracking, and documenting of the fate of materials within the state and beyond; and (c) include comprehensive liability coverage for the battery stewardship organization, including environmental liability coverage that is commercially practicable.

(9) "Final disposition" means the final processing of a collected battery to produce usable end products, at the point where the battery has been reduced to its constituent parts, reusable portions made available for

use, and any residues handled as wastes in accordance with applicable law.

(10) "Large format battery" means:

(a) A rechargeable battery that weighs more than 25 pounds or has a rating of more than 2,000 watt-hours; or

(b) A primary battery that weighs more than 25 pounds.

(11) "Medium format battery" means the following primary or rechargeable covered batteries:

(a) For rechargeable batteries, a battery weighing more than 11 pounds or has a rating of more than 300 watt-hours, or both, and no more than 25 pounds and has a rating of no more than 2,000 watt-hours;

(b) For primary batteries, a battery weighing more than 4.4 pounds but not more than 25 pounds.

(12) "Portable battery" means the following primary or rechargeable covered batteries:

(a) For rechargeable batteries, a battery weighing no more than 11 pounds and has a rating of no more than 300 watt-hours;

(b) For primary batteries, a battery weighing no more than 4.4 pounds.

(13) "Primary battery" means a battery that is not capable of being recharged.

(14)(a) "Producer" means the following person responsible for compliance with requirements under this chapter for a covered battery or battery-containing product sold, offered for sale, or distributed in or into this state:

(i) For covered batteries:

(A) If the battery is sold under the brand of the battery manufacturer, the producer is the person that manufactures the battery;

(B) If the battery is sold under a retail brand or under a brand owned by a person other than the manufacturer, the producer is the brand owner;

(C) If there is no person to which (a)(i)(A) or (B) of this subsection applies, the producer is the person that is the licensee of a brand or trademark under which the battery is used in a commercial enterprise, sold, offered for sale, or distributed in or into this state, whether or not the trademark is registered in this state;

(D) If there is no person described in (a)(i)(A) through (C) of this subsection within the United States, the producer is the person who is the importer of record for the battery into the United States for use in a commercial enterprise that sells, offers for sale, or distributes the battery in this state;

(E) If there is no person described in (a)(i)(A) through (D) of this subsection with a commercial presence within the state, the producer is the person who first sells, offers for sale, or distributes the battery in or into this state.

(ii) For covered battery-containing products:

(A) If the battery-containing product is sold under the brand of the product manufacturer, the producer is the person that manufactures the product;

(B) If the battery-containing product is sold under a retail brand or under a brand owned by a person other than the

manufacturer, the producer is the brand owner;

(C) If there is no person to which (a)(ii)(A) or (B) of this subsection applies, the producer is the person that is the licensee of a brand or trademark under which the product is used in a commercial enterprise, sold, offered for sale, or distributed in or into this state, whether or not the trademark is registered in this state;

(D) If there is no person described in (a)(ii)(A) through (C) of this subsection within the United States, the producer is the person who is the importer of record for the product into the United States for use in a commercial enterprise that sells, offers for sale, or distributes the product in this state;

(E) If there is no person described in (a)(ii)(A) through (D) of this subsection with a commercial presence within the state, the producer is the person who first sells, offers for sale, or distributes the product in or into this state;

(F) A producer does not include any person who only manufactures, sells, offers for sale, distributes, or imports into the state a battery-containing product if the only batteries used by the battery-containing product are supplied by a producer that has joined a registered battery stewardship organization as the producer for that covered battery under this chapter. Such a producer of covered batteries that are included in a battery-containing product must provide written certification of that membership to both the producer of the covered battery-containing product and the battery stewardship organization of which the battery producer is a member.

(b) A person is the "producer" of a covered battery or covered battery-containing product sold, offered for sale, or distributed in or into this state, as defined in (a) of this subsection, except where another party has contractually accepted responsibility as a responsible producer and has joined a registered battery stewardship organization as the producer for that covered battery or covered battery-containing product under this chapter.

(15) "Program" means a program implemented by a battery stewardship organization consistent with an approved battery stewardship plan.

(16) "Rechargeable battery" means a battery that contains one or more voltaic or galvanic cells, electrically connected to produce electric energy, designed to be recharged.

(17) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than:

(a) Combustion;

(b) Incineration;

(c) Energy generation;

(d) Fuel production; or

(e) Beneficial reuse in the construction and operation of a solid waste landfill, including use of alternative daily cover.

(18) "Recycling efficiency rate" means the ratio of the weight of covered battery components and materials recycled by a program operator from covered batteries to

the weight of those covered batteries collected by the program operator.

(19) "Retailer" means a person who sells covered batteries or battery-containing products in or into this state or offers or otherwise makes available covered batteries or battery-containing products to a customer, including other businesses, for use by the customer in this state.

(20) "Urban area" means an area delineated by the United States census bureau, based on a minimum threshold of 2,000 housing units or 5,000 people, as of January 1, 2023.

**NEW SECTION. Sec. 3. REQUIREMENT THAT PRODUCERS IMPLEMENT A STEWARDSHIP PLAN.** Beginning January 1, 2027:

(1) Each producer selling, making available for sale, or distributing covered batteries or battery-containing products in or into the state of Washington shall participate in an approved Washington state battery stewardship plan through participation in and appropriate funding of a battery stewardship organization; and

(2) A producer that does not participate in a battery stewardship organization and battery stewardship plan may not sell covered batteries or battery-containing products covered by this chapter in or into Washington.

**NEW SECTION. Sec. 4. ROLE OF RETAILERS.** (1) Beginning July 1, 2027, for portable batteries, and July 1, 2029, for medium format batteries, a retailer may not sell, offer for sale, distribute, or otherwise make available for sale a covered battery or battery-containing product unless the producer of the covered battery or battery-containing product certifies to the retailer that the producer participates in a battery stewardship organization whose plan has been approved by the department.

(2) A retailer is in compliance with the requirements of subsection (1) of this section and is not subject to penalties under section 12 of this act as long as the website made available by the department under section 11 of this act lists, as of the date a product is made available for retail sale, a producer or brand of covered battery or battery-containing product sold by the retailer as being a participant in an approved plan or the implementer of an approved plan.

(3) Retailers of covered batteries or battery-containing products are not required to make retail locations available to serve as collection sites for a stewardship program operated by a battery stewardship organization. Retailers that serve as a collection site must comply with the requirements for collection sites, consistent with section 8 of this act.

(4) A retailer may not sell, offer for sale, distribute, or otherwise make available for sale covered batteries, unless those batteries are marked consistent with the requirements of section 14 of this act. A producer of a battery-containing product containing a covered battery must certify to the retailers of their product that the battery contained in the battery-containing

product is marked consistent with the requirements of section 14 of this act. A retailer may rely on this certification for purposes of compliance under this subsection.

(5) A retailer selling or offering covered batteries or battery-containing products for sale in Washington may provide information, provided to the retailer by the battery stewardship organization, regarding available end-of-life management options for covered batteries collected by the battery stewardship organization. The information that a battery stewardship organization must make available to retailers for voluntary use by retailers must include, but is not limited to, in-store signage, written materials, and other promotional materials that retailers may use to inform customers of the available end-of-life management options for covered batteries collected by the battery stewardship organization.

(6) Retailers, producers, or battery stewardship organizations may not charge a specific point-of-sale fee to consumers to cover the administrative or operational costs of the battery stewardship organization or the battery stewardship program.

**NEW SECTION. Sec. 5. STEWARDSHIP PLAN COMPONENTS.** (1) By July 1, 2026, or within six months of the adoption of rules under section 11 of this act, whichever comes later, each battery stewardship organization must submit a plan for covered portable batteries to the department for approval. Within 24 months of the date of the initial adoption of rules under this chapter by the department, each battery stewardship organization must submit a plan for covered medium format batteries to the department for approval. A battery stewardship organization may submit a plan at any time to the department for review and approval. The department must review and may approve a plan based on whether it contains and adequately addresses the following components:

(a) Lists and provides contact information for each producer, battery brand, and battery-containing product brand covered in the plan;

(b) Proposes performance goals, consistent with section 6 of this act, including establishing performance goals for each of the next three upcoming calendar years of program implementation;

(c) Describes how the battery stewardship organization will make retailers aware of their obligation to sell only covered batteries and battery-containing products of producers participating in an approved plan;

(d) Describes the education and communications strategy being implemented to effectively promote participation in the approved covered battery stewardship program and provide the information necessary for effective participation of consumers, retailers, and others;

(e) Describes how the battery stewardship organization will make available to retailers, for voluntary use, in-store signage, written materials, and other promotional materials that retailers may use

to inform customers of the available end-of-life management options for covered batteries collected by the battery stewardship organization;

(f) Lists promotional activities to be undertaken, and the identification of consumer awareness goals and strategies that the program will employ to achieve these goals after the program begins to be implemented;

(g) Includes collection site safety training procedures related to covered battery collection activities at collection sites, including appropriate protocols to reduce risks of spills or fires and response protocols in the event of a spill or fire, and a protocol for safe management of damaged batteries that are returned to collection sites;

(h) Describes the method to establish and administer a means for fully funding the program in a manner that equitably distributes the program's costs among the producers that are part of the battery stewardship organization. For producers that elect to meet the requirements of this chapter individually, without joining a battery stewardship organization, the plan must describe the proposed method to establish and administer a means for fully funding the program;

(i) Describes the financing methods used to implement the plan, consistent with section 7 of this act, including how producer fees and fee modulation will incorporate design for recycling and resource conservation as objectives, and a template reimbursement agreement, developed in consultation with local governments and other program stakeholders;

(j) Describes how the program will collect all covered battery chemistries and brands on a free, continuous, convenient, visible, and accessible basis, and consistent with the requirements of section 8 of this act, including a description of how the statewide convenience standard will be met and a list of collection sites, including the address and latitude and longitude of collection sites;

(k) Describes the criteria to be used in the program to determine whether an entity may serve as a collection site for discarded batteries under the program;

(l) Establishes collection goals for each of the first three years of implementation of the battery stewardship plan that are based on the estimated total weight of primary and rechargeable covered batteries that have been sold in the state in the previous three calendar years by the producers participating in the battery stewardship plan;

(m) Identifies proposed brokers, transporters, processors, and facilities to be used by the program for the final disposition of batteries and how collected batteries will be managed in:

(i) An environmentally sound and socially just manner at facilities operating with human health and environmental protection standards that are broadly equivalent to or better than those required in the United States and other countries that are members of the battery stewardship organization for economic cooperation and development; and

(ii) A manner consistent with the battery management hierarchy, including how each proposed facility used for the final disposition of batteries will recycle or otherwise manage batteries;

(n) Details how the program will achieve a recycling efficiency rate, calculated consistent with section 10 of this act, of at least 60 percent for rechargeable batteries and at least 70 percent for primary batteries;

(o) Proposes goals for increasing public awareness of the program, including subgoals applicable to public awareness of the program in vulnerable populations and overburdened communities identified by the department under chapter 70A.02 RCW, and describes how the public education and outreach components of the program under section 9 of this act will be implemented; and

(p) Specifies procedures to be employed by a local government seeking to coordinate with a battery stewardship organization pursuant to section 8(4)(c) of this act.

(2) If required by the department, a battery stewardship organization must submit a new plan to the department for approval:

(a) If there are significant changes to the methods of collection, transport, or end-of-life management of covered batteries under section 8 of this act that are not provided for in the plan. The department may, by rule, identify the types of significant changes that require a new plan to be submitted to the department for approval. For purposes of this subsection, adding or removing a processor or transporter under the plan is not considered a significant change that requires a plan resubmittal;

(b) To address the novel inclusion of medium format batteries or large format batteries as covered batteries under the plan; and

(c) No less than every five years.

(3) If required by the department, a battery stewardship organization must provide plan amendments to the department for approval:

(a) When proposing changes to the performance goals under section 6 of this act based on the up-to-date experience of the program;

(b) When there is a change to the method of financing plan implementation under section 7 of this act. This does not include changes to the fees or fee structure established in the plan; or

(c) When adding or removing a processor or transporter, as part of a quarterly update submitted to the department.

(4) As part of a quarterly update, a battery stewardship organization must notify the department after a producer begins or ceases to participate in a battery stewardship organization. The quarterly update submitted to the department must also include a current list of the producers and brands participating in the plan.

(5) No earlier than five years after the initial approval of a plan, the department may require a battery stewardship organization to submit a revised plan, which may include improvements to the collection site network or increased expenditures

dedicated to education and outreach if the approved plan has not met the performance goals under section 6 of this act.

**NEW SECTION. Sec. 6. STEWARDSHIP PROGRAM COMPONENTS—PERFORMANCE GOALS.** (1) Each battery stewardship plan must include performance goals that measure, on an annual basis, the achievements of the program. Performance goals must take into consideration technical feasibility and economic practicality in achieving continuous, meaningful progress in improving:

(a) The rate of battery collection for recycling in Washington;

(b) The recycling efficiency of the program; and

(c) Public awareness of the program.

(2) The performance goals established in each battery stewardship plan must include, but are not limited to:

(a) Target collection rates;

(b) Target recycling efficiency rates of at least 60 percent for rechargeable batteries and at least 70 percent for primary batteries; and

(c) Goals for public awareness, convenience, and accessibility that meet or exceed the minimum requirements established in section 8 of this act.

**NEW SECTION. Sec. 7. STEWARDSHIP PROGRAM COMPONENTS—FUNDING.** (1) Each battery stewardship organization must ensure adequate funding is available to fully implement approved battery stewardship plans, including the implementation of aspects of the plan addressing:

(a) Battery collection, transporting, and processing;

(b) Education and outreach;

(c) Program evaluation; and

(d) Payment of the administrative fees to the department under section 11 of this act.

(2) A battery stewardship organization implementing a battery stewardship plan on behalf of producers must develop, and continually improve over the years of program implementation, a system to collect charges from participating producers to cover the costs of plan implementation in an environmentally sound and socially just manner that encourages the use of design attributes that reduce the environmental impacts of covered batteries, such as through the use of eco-modulated fees. Examples of fee structures that meet the requirements of this subsection include using eco-modulated fees to:

(a) Encourage designs intended to facilitate reuse and recycling;

(b) Encourage the use of recycled content;

(c) Discourage the use of problematic materials that increase system costs of managing covered batteries; and

(d) Encourage other design attributes that reduce the environmental impacts of covered batteries.

(3)(a) Except for costs incurred by a local government or local government facility exercising the authority specified in section 8(4)(c) of this act, each battery

stewardship organization is responsible for all costs of participating covered battery collection, transportation, processing, education, administration, agency reimbursement, recycling, and end-of-life management in accordance with the battery management hierarchy and environmentally sound management practices.

(b) Each battery stewardship organization must meet the collection goals as specified in section 5 of this act.

(c) A battery stewardship organization is not authorized to reduce or cease collection, education and outreach, or other activities implemented under an approved plan based on achievement of program performance goals.

(4)(a) Except for costs incurred by a local government or local government facility exercising the authority granted by section 8(4)(c) of this act, a battery stewardship organization must reimburse local governments for demonstrable costs, as defined by rules adopted by the department, incurred as a result of a local government facility or solid waste handling facility serving as a collection site for a program including, but not limited to, associated labor costs and other costs associated with accessibility and collection site standards such as storage.

(b) Except as to the costs of containers and other materials and services requirements addressed by a local government or local government facility exercising the authority granted by section 8(4)(c) of this act, a battery stewardship organization shall at a minimum provide collection sites with appropriate containers for covered batteries subject to its program, training, signage, safety guidance, and educational materials, at no cost to the collection sites.

(c) A battery stewardship organization must include in its battery stewardship plan a template of the service agreement and any other forms, contracts, or other documents for use in distribution of reimbursements. The service agreement template must be developed with local government input. The entities seeking or receiving reimbursement from the battery stewardship organization are not required to use the template agreement included in the program plan and are not limited to the terms of the template agreement included in the program plan.

**NEW SECTION. Sec. 8. STEWARDSHIP PROGRAM COMPONENTS—COLLECTION AND MANAGEMENT REQUIREMENTS.** (1) Battery stewardship organizations implementing a battery stewardship plan must provide for the collection of all covered batteries, including all chemistries and brands of covered batteries, on a free, continuous, convenient, visible, and accessible basis to any person, business, government agency, or nonprofit organization. Except as provided in subsection (2)(b) of this section, each battery stewardship plan must allow any person, business, government agency, or nonprofit organization to discard each chemistry and brand of covered battery at each collection site that counts towards the

satisfaction of the collection site criteria in subsection (3) of this section.

(2)(a) Except for local government collection described in subsection (4)(c) of this section, for each collection site utilized by the program, each battery stewardship organization must provide suitable collection containers for covered batteries that are segregated from other solid waste or make mutually agreeable alternative arrangements for the collection of batteries at the site. The location of collection containers at each collection site used by the program must be within view of a responsible person and must be accompanied by signage made available to the collection site by the battery stewardship organization that informs customers regarding the end-of-life management options for batteries provided by the collection site under this chapter. Each collection site must adhere to the operations manual and other safety information provided to the collection site by the battery stewardship organization.

(b) Medium format batteries may only be collected at household hazardous waste collection sites or other sites that are staffed by persons who are certified to handle and ship hazardous materials under federal regulations adopted by the United States department of transportation pipeline and hazardous materials safety administration.

(c)(i) Damaged and defective batteries are intended to be collected at collection sites staffed by persons trained to handle and ship those batteries.

(ii) Each battery stewardship organization must provide for collection of damaged and defective batteries in each county of the state, either through collection sites or collection events with qualified staff as specified in (c)(i) of this subsection. Collection events should be provided periodically throughout the year where practicable, but must be provided at least once per year at a minimum, in each county in which there are not permanent collection sites providing for the collection of damaged and defective batteries.

(iii) As used in this subsection, "damaged and defective batteries" means batteries that have been damaged or identified by the manufacturer as being defective for safety reasons, that have the potential of producing a dangerous evolution of heat, fire, or short circuit, as referred to in 49 C.F.R. Sec. 173.185(f) as of January 1, 2023, or as updated by the department by rule to maintain consistency with federal standards.

(3)(a) Each battery stewardship organization implementing a battery stewardship plan shall ensure statewide collection opportunities for all covered batteries. Battery stewardship organizations shall coordinate activities with other program operators, including covered battery collection and recycle programs and electronic waste recyclers, with regard to the proper management or recycling of collected covered batteries, for purposes of providing the efficient delivery of services and avoiding unnecessary duplication of

effort and expense. Statewide collection opportunities must be determined by geographic information modeling that considers permanent collection sites. A program may rely, in part, on collection events to supplement the permanent collection services required in (a) and (b) of this subsection. However, only permanent collection services specified in (a) and (b) of this subsection qualify towards the satisfaction of the requirements of this subsection.

(b) For portable batteries, each battery stewardship organization must provide statewide collection opportunities that include, but are not limited to, the provision of:

(i) At least one permanent collection site for portable batteries within a 15 mile radius for at least 95 percent of Washington residents;

(ii) The establishment of collection sites that are accessible and convenient to overburdened communities identified by the department under chapter 70A.02 RCW, in an amount that is roughly proportional to the number and population of overburdened communities identified by the department under chapter 70A.02 RCW relative to the population or size of the state as a whole;

(iii) At least one permanent collection site for portable batteries in addition to those required in (b)(i) of this subsection for every 30,000 residents of each urban area in this state. For the purposes of compliance with this subsection (3)(b)(iii), a battery stewardship organization and the department may rely upon new or updated designations of urban locations by the United States census bureau that are determined by the department to be similar to the definition of urban areas in section 2 of this act;

(iv) Collection opportunities for portable batteries at special locations where batteries are often spent and replaced, such as supervised locations at parks with stores and campgrounds; and

(v) Service to areas without a permanent collection site, including service to island and geographically isolated communities without a permanent collection site.

(c) For medium format batteries, a battery stewardship organization must provide statewide collection opportunities that include, but are not limited to, the provision of:

(i) At least 25 permanent collection sites in Washington;

(ii) Reasonable geographic dispersion of collection sites throughout the state;

(iii) A collection site in each county of at least 200,000 persons, as determined by the most recent population estimate of the office of financial management;

(iv) The establishment of collection sites that are accessible to public transit and that are convenient to overburdened communities identified by the department under chapter 70A.02 RCW; and

(v) Service to areas without a permanent collection site, including service to island and geographically isolated communities. A battery stewardship organization must ensure that there is a collection site or annual collection event in each county of the

state. Collection events should be provided periodically throughout the year where practicable, but must be provided at least once per year at a minimum in each county in which there are not permanent collection sites providing for the collection of damaged and defective batteries.

(4) (a) Battery stewardship programs must use existing public and private waste collection services and facilities, including battery collection sites that are established through other battery collection services, transporters, consolidators, processors, and retailers, where cost-effective, mutually agreeable, and otherwise practicable.

(b) (i) Battery stewardship programs must use as a collection site for covered batteries any retailer, wholesaler, municipality, solid waste management facility, or other entity that meets the criteria for collection sites in the approved plan, upon the submission of a request by the entity to the battery stewardship organization to serve as a collection site.

(ii) Battery stewardship programs must use as a site for a collection event for covered batteries any retailer, wholesaler, municipality, solid waste management facility, or other entity that meets the criteria for collection events in the approved plan, upon the submission of a request by the entity to the battery stewardship organization to serve as a site for a collection event. A signed agreement between a battery stewardship organization and the entity requesting to hold a collection event must be established at least 60 days prior to any collection of covered batteries under a stewardship program. All costs associated with collection events initiated by an entity other than a battery stewardship organization are the sole responsibility of the entity unless otherwise agreed upon by a battery stewardship organization. A collection event under this subsection (4) (b) (ii) must allow any person to discard each chemistry and brand of covered battery at the collection event.

(c) (i) A local government facility may collect batteries at its own expense through a collection site or temporary collection event that is not a collection site or event under the program implemented by a battery stewardship organization. A local government facility that collects covered batteries under this subsection must, in accordance with procedures set forth in battery stewardship organization plans approved by the department:

(A) Notify battery stewardship organizations of the local government facility's decision to operate a collection site that is not a collection site under a program established under this chapter;

(B) Collect each chemistry and brand of covered battery at its collection site or sites;

(C) Collect, sort, and package collected materials in a manner that meets the standards established in a battery stewardship organization plan approved by the department;

(D) Either provide the collected batteries to the battery stewardship organization in lawful transportation containers for it to transfer the collected batteries at a processing facility the battery stewardship organization has approved, or transport to, or arrange for the transportation of collected batteries for processing at a facility that a battery stewardship organization has approved under a plan approved by the department.

(ii) A local government facility that collects materials at a collection site or temporary collection event operating outside of a battery stewardship program must also report, to a battery stewardship organization, information necessary for the battery stewardship organization to fulfill its reporting obligations under section 10 of this act. A battery stewardship organization may count materials collected by a local government facility under this subsection (4) (c) towards the achievement of performance requirements established in section 6 of this act.

(d) A battery stewardship organization may suspend or terminate a collection site or service that does not adhere to the collection site criteria in the approved plan or that poses an immediate health and safety concern.

(5) (a) Stewardship programs are not required to provide for the collection of battery-containing products.

(b) Stewardship programs are not required to provide for the collection of batteries that:

(i) Are not easily removable from the product other than by the manufacturer; and

(ii) Remain contained in a battery-containing product at the time of delivery to a collection site.

(c) Stewardship programs are required to provide for the collection of loose batteries.

(d) Stewardship programs are not required to provide for the collection of batteries still contained in covered electronic products under chapter 70A.500 RCW.

(6) Batteries collected by the program must be managed consistent with the battery management hierarchy. Lower priority end-of-life battery management options on the battery management hierarchy may be used by a program only when a battery stewardship organization documents to the department that all higher priority battery management options on the battery management hierarchy are not technologically feasible or economically practical.

**NEW SECTION. Sec. 9. STEWARDSHIP PROGRAM COMPONENTS—EDUCATION AND OUTREACH REQUIREMENTS.** (1) Each battery stewardship organization must carry out promotional activities in support of plan implementation including, but not limited to, the development:

(a) And maintenance of a website;

(b) And distribution of periodic press releases and articles;

(c) And placement of advertisements for use on social media or other relevant media platforms;



(d) Of promotional materials about the program and the restriction on the disposal of covered batteries in section 15 of this act to be used by retailers, government agencies, and nonprofit organizations;

(e) And distribution of collection site safety training procedures that are in compliance with state law to collection sites to help ensure proper management of covered batteries at collection sites; and

(f) And implementation of outreach and educational resources targeted to overburdened communities and vulnerable populations identified by the department under chapter 70A.02 RCW that are conceptually, linguistically, and culturally accurate for the communities served and reach the state's diverse ethnic populations, including through meaningful consultation with communities that bear disproportionately higher levels of adverse environmental and social justice impacts.

(2) Each battery stewardship organization must provide:

(a) Consumer-focused educational promotional materials to each collection site used by the program and accessible by customers of retailers that sell covered batteries or battery-containing products; and

(b) Safety information related to covered battery collection activities to the operator of each collection site, including appropriate protocols to reduce risks of spills or fires and response protocols in the event of a spill or fire.

(3) (a) Each battery stewardship organization must provide educational materials to the operator of each collection site for the management of recalled batteries, which are not intended to be part of collection as provided under section 8 of this act, to help facilitate transportation and processing of recalled batteries.

(b) A battery stewardship organization may seek reimbursement from the producer of the recalled battery for expenses incurred in the collection, transportation, or processing of those batteries.

(4) Upon request by a retailer, the battery stewardship organization must provide the retailer educational materials describing collection opportunities for batteries.

(5) If multiple battery stewardship organizations are implementing plans approved by the department, the battery stewardship organizations must coordinate in carrying out their education and outreach responsibilities under this section and must include in their annual reports to the department under section 10 of this act a summary of their coordinated education and outreach efforts.

(6) During the first year of program implementation and every five years thereafter, each battery stewardship organization must carry out a survey of public awareness regarding the requirements of the program established under this chapter, including the provisions of section 15 of this act. Each battery stewardship organization must share the results of the public awareness surveys with the department.

**NEW SECTION. Sec. 10. REPORTING REQUIREMENTS.** (1) By June 1, 2028, and each June 1st thereafter, each battery stewardship organization must submit an annual report to the department covering the preceding calendar year of battery stewardship plan implementation. The report must include:

(a) An independent financial assessment of a program implemented by the battery stewardship organization, including a breakdown of the program's expenses, such as collection, recycling, education, and overhead, when required by the department;

(b) A summary financial statement documenting the financing of a battery stewardship organization's program and an analysis of program costs and expenditures, including an analysis of the program's expenses, such as collection, transportation, recycling, education, and administrative overhead. The summary financial statement must be sufficiently detailed to provide transparency that funds collected from producers as a result of their activities in Washington are spent on program implementation in Washington. Battery stewardship organizations implementing similar battery stewardship programs in multiple states may submit a financial statement including all covered states, as long as the statement breaks out financial information pertinent to Washington;

(c) The weight, by chemistry, of covered batteries collected under the program;

(d) The weight of materials recycled from covered batteries collected under the program, in total, and by method of battery recycling;

(e) A calculation of the recycling efficiency rates, as measured consistent with subsection (2) of this section;

(f) For each facility used for the final disposition of batteries, a description of how the facility recycled or otherwise disposed of batteries and battery components;

(g) The weight and chemistry of batteries sent to each facility used for the final disposition of batteries. The information in this subsection (1)(g) may be approximated for program operations in Washington based on extrapolations of national or regional data for programs in operation in multiple states;

(h) The collection rate achieved under the program, including a description of how this collection rate was calculated;

(i) The estimated aggregate sales, by weight and chemistry, of batteries and batteries contained in or with battery-containing products sold in Washington by participating producers for each of the previous three calendar years;

(j) A description of the manner in which the collected batteries were managed and recycled, including a discussion of best available technologies and the recycling efficiency rate;

(k) A description of education and outreach efforts supporting plan implementation including, but not limited to, a summary of education and outreach provided to consumers, collection sites, manufacturers, distributors, and retailers

by the program operator for the purpose of promoting the collection and recycling of covered batteries, a description of how that education and outreach met the requirements of section 9 of this act, samples of education and outreach materials, a summary of coordinated education and outreach efforts with any other battery stewardship organizations implementing a plan approved by the department, and a summary of any changes made during the previous calendar year to education and outreach activities;

(l) A list of all collection sites and accompanying latitude and longitude data and an address for each listed site, and an up-to-date map indicating the location of all collection sites used to implement the program, with links to appropriate websites where there are existing websites associated with a site;

(m) A description of methods used to collect, transport, and recycle covered batteries by the battery stewardship organization;

(n) A summary on progress made towards the program performance goals established under section 6 of this act, and an explanation of why performance goals were not met, if applicable; and

(o) An evaluation of the effectiveness of education and outreach activities.

(2) The weight of batteries or recovered resources from those batteries must only be counted once and may not be counted by more than one battery stewardship organization.

(3) In addition to the requirements of subsection (1) of this section, with respect to each facility used in the processing or disposition of batteries collected under the program, the battery stewardship organization must report:

(a) Whether the facility is located domestically, in an organization for economic cooperation and development country, or in a country that meets organization for economic cooperation and development operating standards; and

(b) What facilities processed the batteries, including a summary of any violations of environmental or labor laws and regulations over the previous three years at each facility.

(4) If a battery stewardship organization has disposed of covered batteries through energy recovery, incineration, or landfilling during the preceding calendar year of program implementation, the annual report must specify the steps that the battery stewardship organization will take to make the recycling of covered batteries cost-effective, where possible, or to otherwise increase battery recycling rates achieved by the battery stewardship organization.

(5) A producer or battery stewardship organization that submits information or records to the department under this chapter may request that the information or records be made available only for the confidential use of the department, the director of the department, or the appropriate division of the department. The director of the department must consider the request and if this action is not detrimental to the public interest and is otherwise in accordance with the policies and purposes of chapter 43.21A

RCW, the director must grant the request for the information to remain confidential as authorized in RCW 43.21A.160.

NEW SECTION. **Sec. 11. FEE AND DEPARTMENT OF ECOLOGY ROLE.** (1) The department must adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter. The department must by rule establish fees, to be paid annually by a battery stewardship organization, that are adequate to cover the department's full costs of implementing, administering, and enforcing this chapter and allocates costs between battery stewardship organizations, if applicable. If the department adopts rules that require producers of certain large format batteries or other battery categories addressed in section 16 of this act to participate in a battery stewardship organization regulated by the department, the department may establish fees to be paid annually by a battery stewardship organization that are adequate to cover the department's full costs of implementing, administering, and enforcing the requirements of this chapter applicable to those batteries. All fees must be based on costs related to implementing, administering, and enforcing this chapter, not to exceed expenses incurred by the department for these activities.

(2) The responsibilities of the department in implementing, administering, and enforcing this chapter include, but are not limited to:

(a) Reviewing submitted stewardship plans and plan amendments and making determinations as to whether to approve the plan or plan amendment;

(i) The department must provide a letter of approval for the plan or plan amendment if it provides for the establishment of a stewardship program that meets the requirements of sections 3 through 9 of this act;

(ii) If a plan or plan amendment is rejected, the department must provide the reasons for rejecting the plan to the battery stewardship organization. The battery stewardship organization must submit a new plan within 60 days after receipt of the letter of disapproval; and

(iii) When a plan or an amendment to an approved plan is submitted under this section, the department shall make the proposed plan or amendment available for public review and comment for at least 30 days;

(b) Reviewing annual reports submitted under section 10 of this act within 90 days of submission to ensure compliance with that section;

(c) (i) Maintaining a website that lists producers and their brands that are participating in an approved plan, and that makes available to the public each plan, plan amendment, and annual report received by the department under this chapter;

(ii) Upon the date the first plan is approved, the department must post on its website a list of producers and their brands for which the department has approved a plan. The department must update the list of producers and brands participating under an

approved program plan based on information provided to the department from battery stewardship organizations; and

(d) Providing technical assistance to producers and retailers related to the requirements of this chapter and issuing orders or imposing civil penalties authorized under section 12 of this act where the technical assistance efforts do not lead to compliance by a producer or retailer.

(3) Beginning January 1, 2032, and every five years thereafter, after consultation with battery stewardship organizations, the department may by rule increase the minimum recycling efficiency rates established in section 6 of this act based on the most economically and technically feasible processes and methodology available.

**NEW SECTION. Sec. 12. PENALTIES AND CIVIL ACTION PROVISIONS.** (1)(a) A battery stewardship organization implementing an approved plan may bring a civil action or actions to recover costs, damages, and fees, as specified in this section, from a producer who sells or otherwise makes available in Washington covered batteries, battery-containing products, or large format batteries not included in an approved plan in violation of the requirements of this chapter. An action under this section may be brought against one or more defendants. An action may only be brought against a defendant producer when the stewardship program incurs costs in Washington, including reasonable incremental administrative and program promotional costs, in excess of \$1,000 to collect, transport, and recycle or otherwise dispose of the covered batteries, battery-containing products, or large format batteries of a nonparticipating producer.

(b) A battery stewardship organization may bring a civil action against a producer of a recalled battery to recover costs associated with handling a recalled battery.

(c) A battery stewardship organization implementing an approved stewardship plan may bring a civil action against another battery stewardship organization that under performs on its battery collection obligations under this chapter by failing to collect and provide for the end-of-life management of batteries in an amount roughly equivalent to costs imposed on the plaintiff battery stewardship organization by virtue of the failures of the defendants, plus legal fees and expenses.

(d) The remedies provided in this subsection are in addition to the enforcement authority of the department and do not limit and are not limited by a decision by the department to impose a civil penalty or issue an order under subsection (2) of this section. The department is not required to audit, participate in, or provide assistance to a battery stewardship organization pursuing a civil action authorized under this subsection.

(2)(a) The department may administratively impose a civil penalty on a person who violates this chapter in an amount of up to \$1,000 per violation per day.

(b) The department may administratively impose a civil penalty of up to \$10,000 per violation per day on a person for repeated violations of this chapter or failure to comply with an order issued under (c) of this subsection.

(c) Whenever on the basis of any information the department determines that a person has violated or is in violation of this chapter, the department may issue an order requiring compliance. A person who fails to take corrective action as specified in a compliance order is liable for a civil penalty as provided in (b) of this subsection, without receiving a written warning prescribed in (e) of this subsection.

(d) A person who is issued an order or incurs a penalty under this section may appeal the order or penalty to the pollution control hearings board established by chapter 43.21B RCW.

(e) Prior to imposing penalties under this section, the department must provide a producer, retailer, or battery stewardship organization with a written warning for the first violation by the producer, retailer, or battery stewardship organization of the requirements of this chapter. The written warning must inform a producer, retailer, or battery stewardship organization that it must participate in an approved plan or otherwise come into compliance with the requirements of this chapter within 30 days of the notice. A producer, retailer, or battery stewardship organization that violates a provision of this chapter after the initial written warning may be assessed a penalty as provided in this subsection.

(3) Penalties levied under subsection (2) of this section must be deposited in the model toxics control operating account created in RCW 70A.305.180.

(4) No penalty may be assessed on an individual or resident for the improper disposal of covered batteries as described in section 15 of this act in a noncommercial or residential setting.

**NEW SECTION. Sec. 13. RESPONSIBLE BATTERY MANAGEMENT ACCOUNT.** The responsible battery management account is created in the custody of the state treasurer. All receipts from fees paid under this chapter must be deposited in the account. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Moneys in the account may be used solely by the department for administering, implementing, and enforcing the requirements of this chapter. Funds in the account may not be diverted for any purpose or activity other than those specified in this section.

**NEW SECTION. Sec. 14. MARKING REQUIREMENTS FOR BATTERIES.** (1) Beginning January 1, 2028, a producer or retailer may only sell, distribute, or offer for sale in or into Washington a large format battery, covered battery, or battery-containing product that contains a battery that is

designed or intended to be easily removable from the product, if the battery is:

(a) Marked with an identification of the producer of the battery, unless the battery is less than one-half inch in diameter or does not contain a surface whose length exceeds one-half inch; and

(b) Beginning January 1, 2030, marked with proper labeling to ensure proper collection and recycling, by identifying the chemistry of the battery and including an indication that the battery should not be disposed of as household waste.

(2) A producer shall certify to its customers, or to the retailer if the retailer is not the customer, that the requirements of this section have been met, as provided in section 4 of this act.

(3) The department may amend, by rule, the requirements of subsection (1) of this section to maintain consistency with the labeling requirements or voluntary standards for batteries established in federal law.

**NEW SECTION. Sec. 15. GENERAL BATTERY DISPOSAL AND COLLECTION REQUIREMENTS.** Effective July 1, 2027, for portable batteries and July 1, 2029, for medium format batteries, or the first date on which an approved plan begins to be implemented under this chapter by a battery stewardship organization, whichever comes first:

(1) All persons must dispose of unwanted covered batteries through one of the following disposal options:

(a) Disposal using the collection sites established by or included in the programs created by this chapter;

(b) For covered batteries generated by persons that are regulated generators of covered batteries under federal or state hazardous or solid waste laws, disposal in a manner consistent with the requirements of those laws; or

(c) Disposal using local government collection facilities that collect batteries consistent with section 8(4)(c) of this act.

(2)(a) A fee may not be charged at the time unwanted covered batteries are delivered or collected for management.

(b) All covered batteries may only be collected, transported, and processed in a manner that meets the standards established for a battery stewardship organization in a plan approved by the department, unless the batteries are being managed as described in subsection (1)(b) of this section.

(3) A person may not place covered batteries in waste containers for disposal at incinerators, waste to energy facilities, or landfills.

(4) A person may not place covered batteries in or on a container for mixed recyclables unless there is a separate location or compartment for the covered battery that complies with local government collection standards or guidelines.

(5) An owner or operator of a solid waste facility may not be found in violation of this section if the facility has posted in a conspicuous location a sign stating that covered batteries must be managed through collection sites established by a battery stewardship organization and are not accepted for disposal.

(6) A solid waste collector may not be found in violation of this section for a covered battery placed in a disposal container by the generator of the covered battery.

**NEW SECTION. Sec. 16. DEPARTMENT ASSESSMENT OF LARGE FORMAT BATTERIES, MEDICAL DEVICES, LEAD ACID BATTERIES, AND BATTERY-CONTAINING PRODUCTS AND THEIR BATTERIES.** (1) By July 1, 2027, the department must complete an assessment of the opportunities and challenges associated with the end-of-life management of batteries that are not covered batteries, including:

(a) Large format batteries;

(b) Lead acid batteries that are greater than 11 pounds or are subject to the provisions of RCW 70A.205.505 through 70A.205.530;

(c) Batteries contained in medical devices, as specified in Title 21 U.S.C. Sec. 360c as it existed as of the effective date of this section that are not designed and marketed for sale or resale principally to consumers for personal use; and

(d) Batteries not intended or designed to be easily removed by a customer that are contained in battery-containing products, including medical devices, and in electronic products that are not covered electronic products managed under an approved plan implemented under chapter 70A.500 RCW.

(2) The department must consult with the department of commerce and interested stakeholders in completing the assessment, including consultation with overburdened communities and vulnerable populations identified by the department under chapter 70A.02 RCW. The assessment must identify any needed adjustments to the stewardship program requirements established in this chapter that are necessary to maximize public health, safety, and environmental benefits, such as battery reuse.

(3) The assessment must consider:

(a) The different categories and uses of batteries and battery-containing products listed in subsection (1) of this section;

(b) The current economic value and reuse or recycling potential of large format batteries or large format battery components and a summary of studies examining the environmental and equity implications of displacing demand for new rare earth materials, critical materials, and other conflict materials through the reuse and recycling of batteries;

(c) The current methods by which unwanted batteries and battery-containing products listed in subsection (1) of this section are managed in Washington and nearby states and provinces;

(d) Challenges posed by the potential collection, management, and transport of batteries and battery-containing products listed in subsection (1) of this section, including challenges associated with removing batteries that were not intended or designed to be easily removable from products, other than by the manufacturer; and

(e) Which criteria of this chapter should apply to batteries and battery-containing products listed in subsection (1) of this

section in a manner that is identical or analogous to the requirements applicable to covered batteries.

(4) By October 1, 2027, the department must submit a report to the appropriate committees of the legislature containing the findings of the assessment required in this section.

**NEW SECTION. Sec. 17. DEPARTMENT OF ECOLOGY RECOMMENDATIONS FOR MANAGEMENT OF ELECTRIC VEHICLE BATTERIES.** (1) By November 30, 2023, the department of ecology must submit a report to the appropriate committees of the legislature on preliminary policy recommendations for the collection and management of electric vehicle batteries. By April 30, 2024, the department of ecology must report to the appropriate committees of the legislature on final policy recommendations for the collection and management of electric vehicle batteries.

(2) In developing the recommendations under subsection (1) of this section, the department of ecology must:

(a) Solicit input from representatives of automotive wrecking and salvage yards, solid waste collection and processing companies, local governments, environmental organizations, electric vehicle manufacturers, and any other interested parties; and

(b) Examine best practices in other states and jurisdictions.

**NEW SECTION. Sec. 18. ANTITRUST.** Producers or battery stewardship organizations acting on behalf of producers that prepare, submit, and implement a battery stewardship program plan pursuant to this chapter and who are thereby subject to regulation by the department are granted immunity from state laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade and commerce, for the limited purpose of planning, reporting, and operating a battery stewardship program, including:

(1) The creation, implementation, or management of a battery stewardship organization and any battery stewardship plan regardless of whether it is submitted, denied, or approved;

(2) The determination of the cost and structure of a battery stewardship plan; and

(3) The types or quantities of batteries being recycled or otherwise managed pursuant to this chapter.

**NEW SECTION. Sec. 19. AUTHORITY OF THE UTILITIES AND TRANSPORTATION COMMISSION.** Nothing in this chapter changes or limits the authority of the Washington utilities and transportation commission to regulate collection of solid waste, including curbside collection of residential recyclable materials, nor does this chapter change or limit the authority of a city or town to provide the service itself or by contract under RCW 81.77.020.

**Sec. 20.** RCW 43.21B.110 and 2022 c 180 s 812 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 12 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, section 12 of this act, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**Sec. 21.** RCW 43.21B.300 and 2022 c 180 s 813 are each amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 12 of this act, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within 30 days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts regarding all such applications in such reasonable manner and

under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority 30 days after the date of receipt by the person penalized of the notice imposing the penalty or 30 days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) (~~Thirty~~) 30 days after receipt of the notice imposing the penalty;

(b) (~~Thirty~~) 30 days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) (~~Thirty~~) 30 days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within 30 days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within 30 days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70A.15.3160, the disposition of which shall be governed by that provision, RCW 70A.245.040 and 70A.245.050, which shall be credited to the recycling enhancement account created in RCW 70A.245.100, RCW 70A.300.090 and section 12 of this act, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, RCW 70A.65.200, which shall be credited to the climate investment account created in RCW 70A.65.250, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 70A.355.070, which shall be credited to the underground storage tank account created by RCW 70A.355.090.

**NEW SECTION. Sec. 22.** A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to the receipts of a battery stewardship organization formed under chapter 70A.---

RCW (the new chapter created in section 23 of this act) from charges to participating producers under a battery stewardship program as provided in section 7 of this act.

(2) This section is not subject to the requirements of RCW 82.32.805 and 82.32.808 and is not subject to an expiration date.

(3) The definitions in section 2 of this act apply throughout this section unless the context clearly requires otherwise.

**NEW SECTION. Sec. 23. CODIFICATION.** Sections 1 through 16, 18, and 19 of this act constitute a new chapter in Title 70A RCW.

**NEW SECTION. Sec. 24. SEVERABILITY.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

March 30, 2023

SSB 5189

Prime Sponsor, Health & Long Term Care: Establishing behavioral health support specialists. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that a behavioral health support specialist is a new member of the workforce in Washington state trained in the competencies developed by the University of Washington behavioral health support specialist clinical training program. The behavioral health support specialist clinical training program is characterized by brief, evidence-based interventions delivered to the intensity and expected duration of the behavioral health problem. The approach features routine outcome monitoring and regular, outcome-focused supervision. Use of behavioral health support specialists in Washington is expected to improve access to behavioral health services and ease workforce shortages while helping behavioral health professionals work at the top of their scope of practice.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means a person 18 years of age or older.

(2) "Applicant" means a person who completes the required application, pays the required fee, is at least 18 years of age, and meets any background check requirements and uniform disciplinary act requirements.

(3) "Behavioral health" is a term that encompasses mental health, substance use, and co-occurring disorders.

(4) "Behavioral health support specialist" means a person certified to deliver brief, evidence-based interventions with a scope of practice that includes behavioral health under the supervision of a Washington state credentialed provider who has the ability to assess, diagnose, and treat identifiable mental and behavioral health conditions as part of their scope of practice. A behavioral health support specialist does not have within their scope of practice the ability to make diagnoses but does track and monitor treatment response and outcomes using measurement-based care.

(5) "Department" means the department of health.

(6) "Registered apprenticeship" means an apprenticeship program approved by the Washington state apprenticeship and training council according to chapter 49.04 RCW.

(7) "Secretary" means the secretary of health or the secretary's designee.

**NEW SECTION. Sec. 3.** The department shall collaborate with the University of Washington department of psychiatry and behavioral sciences and consult with other stakeholders to develop rules to implement this chapter by January 1, 2025, which shall be consistent with the University of Washington behavioral health support specialist clinical training program guidelines, and shall include appropriate standards for approval of educational programs for behavioral health support specialists, which shall include a practicum component and may be integrated into a bachelor's degree program or structured as a postbaccalaureate continuing education program or registered apprenticeship in combination with an approved bachelor's degree or postbaccalaureate certificate.

**NEW SECTION. Sec. 4.** A person may not represent themselves as a behavioral health support specialist without being certified by the department.

**NEW SECTION. Sec. 5.** Nothing in this chapter shall be construed to prohibit or restrict delivery of behavioral health interventions by an individual otherwise regulated under this title and performing services within their authorized scope of practice.

**NEW SECTION. Sec. 6.** In addition to any other authority provided by law, the secretary has the authority to:

(1) Adopt rules under chapter 34.05 RCW necessary to implement this chapter. Any rules adopted shall be in consultation with the University of Washington;

(2) Establish all certification, examination, and renewal fees in accordance with RCW 43.70.250;

(3) Establish forms and procedures necessary to administer this chapter;

(4) Issue certifications to applicants who have met the education, which may include registered apprenticeships, practicum, and examination requirements for certification and to deny a certification to applicants who do not meet the requirements;

(5) Develop, administer, and supervise the grading and taking of an examination for applicants for certification;

(6) Adopt rules requiring completion of 20 hours of continuing education every two years after initial certification for certification renewal;

(7) Maintain the official record of all applicants and certification holders; and

(8) Establish by rule the procedures for an appeal of an examination failure.

**NEW SECTION. Sec. 7.** The uniform disciplinary act, chapter 18.130 RCW, governs uncertified practice, the issuance and denial of certification, and the discipline of persons certified under this chapter. The secretary shall be the disciplinary authority under this chapter.

**NEW SECTION. Sec. 8.** The secretary shall issue a certification to any applicant who demonstrates to the satisfaction of the secretary that the applicant meets the following requirements:

(1) Graduation from a bachelor's degree program;

(2) Successful completion of a behavioral health support specialist program that is approved to meet standards consistent with the University of Washington behavioral health support specialist clinical training program guidelines, including a supervised clinical practicum with demonstrated clinical skills in core competencies; and

(3) Successful completion of an approved jurisprudential examination.

**NEW SECTION. Sec. 9.** (1) The date and location of examinations shall be established by the secretary. Applicants who have been found by the secretary to meet the other requirements for certification shall be scheduled for the next examination following the filing of the application. The secretary shall establish by rule the examination application deadline.

(2) The secretary or the secretary's designee shall examine each applicant, by means determined to be most effective, on subjects appropriate to the scope of practice, as applicable. Such examinations shall be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) The examination papers, all grading of the papers, and the grading of any practical work shall be preserved for a

period of not less than one year after the secretary has made and published the decisions. All examinations shall be conducted using fair and wholly impartial methods.

(4) The secretary may approve an examination prepared or administered by a private testing agency or association of licensing agencies for use by an applicant in meeting the certification requirements.

**NEW SECTION. Sec. 10.** Applications for certification shall be submitted on forms provided by the secretary. The secretary may require any information and documentation which reasonably relates to the need to determine whether the applicant meets the criteria for certification provided for in this chapter and chapter 18.130 RCW. Each applicant shall pay a fee determined by the secretary under RCW 43.70.250. The fee shall accompany the application.

**NEW SECTION. Sec. 11.** The health care authority shall take any steps which are necessary and proper to ensure that the services of behavioral health support specialists are covered under the state medicaid program by January 1, 2025.

**NEW SECTION. Sec. 12.** A new section is added to chapter 48.43 RCW to read as follows:

By July 1, 2025, every carrier shall provide access to services provided by behavioral health support specialists in a manner sufficient to meet the network access standards set forth in rules established by the office of the insurance commissioner.

**Sec. 13.** RCW 18.130.040 and 2021 c 179 s 7 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) Acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;



(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates— independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xiv) Substance use disorder professionals, substance use disorder professional trainees, or co-occurring disorder specialists certified under chapter 18.205 RCW;

(xv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xviii) Surgical technologists registered under chapter 18.215 RCW;

(xix) Recreational therapists under chapter 18.230 RCW;

(xx) Animal massage therapists certified under chapter 18.240 RCW;

(xxi) Athletic trainers licensed under chapter 18.250 RCW;

(xxii) Home care aides certified under chapter 18.88B RCW;

(xxiii) Genetic counselors licensed under chapter 18.290 RCW;

(xxiv) Reflexologists certified under chapter 18.108 RCW;

(xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW; ~~(and)~~

(xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW; and

(xxvii) Behavioral health support specialists certified under chapter 18.--- RCW (the new chapter created in section 15 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, and certifications issued under chapter 18.350 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;

(viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The Washington medical commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW;

(xv) The board of naturopathy established in chapter 18.36A RCW, governing licenses and certifications issued under that chapter; and

(xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

**Sec. 14.** RCW 18.130.040 and 2022 c 217 s 5 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) Acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates— independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xiv) Substance use disorder professionals, substance use disorder professional trainees, or co-occurring disorder specialists certified under chapter 18.205 RCW;

(xv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xviii) Surgical technologists registered under chapter 18.215 RCW;

(xix) Recreational therapists under chapter 18.230 RCW;

(xx) Animal massage therapists certified under chapter 18.240 RCW;

(xxi) Athletic trainers licensed under chapter 18.250 RCW;

(xxii) Home care aides certified under chapter 18.88B RCW;

(xxiii) Genetic counselors licensed under chapter 18.290 RCW;

(xxiv) Reflexologists certified under chapter 18.108 RCW;

(xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW;

(xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW; ~~((and))~~

(xxvii) Birth doula certified under chapter 18.47 RCW; and

(xxviii) Behavioral health support specialists certified under chapter 18.--- RCW (the new chapter created in section 15 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, and certifications issued under chapter 18.350 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;

(viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The Washington medical commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW;

(xv) The board of naturopathy established in chapter 18.36A RCW, governing licenses and certifications issued under that chapter; and

(xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

NEW SECTION. Sec. 15. Sections 1 through 11 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 16. Section 13 of this act expires October 1, 2023.

NEW SECTION. Sec. 17. Section 14 of this act takes effect October 1, 2023."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

March 31, 2023

SSB 5208 Prime Sponsor, State Government & Elections: Updating the process for online voter registration by allowing voter applicants to provide the last four digits of social security number for authentication. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on State Government & Tribal Relations. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris; and Rude.

Referred to Committee on Rules for second reading

March 31, 2023

E2SSB 5236 Prime Sponsor, Ways & Means: Concerning hospital staffing standards. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Couture; Dye; Harris; Schmick; and Steele.

Referred to Committee on Rules for second reading

March 31, 2023

SB 5242 Prime Sponsor, Senator Cleveland: Prohibiting cost sharing for abortion. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

March 31, 2023

ESSB 5301 Prime Sponsor, Housing: Concerning housing programs administered by the department of commerce. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.185.010 and 1991 c 356 s 1 are each amended to read as follows:

The legislature finds that current economic conditions, federal housing policies and declining resources at the federal, state, and local level adversely affect the ability of low and very low-income persons to obtain safe, decent, and affordable housing.

The legislature further finds that members of over ~~((one hundred twenty thousand households live in housing units which are overcrowded, lack plumbing, are otherwise threatening to health and safety, and have rents and utility payments which exceed thirty percent of their income))~~ 150,000 households pay more than 50 percent of their income for rent and housing costs.

The legislature further finds that minorities, rural households, and migrant farmworkers require housing assistance at a rate which significantly exceeds their proportion of the general population.

The legislature further finds that one of the most dramatic housing needs is that of persons needing special housing-related services, such as ~~((the mentally ill))~~ individuals with mental illness, recovering alcoholics, frail elderly persons, families with members who have disabilities, and single parents. These services include medical assistance, counseling, chore services, and child care.

The legislature further finds that ~~((housing assistance programs in the past have often failed to help those in greatest need))~~ state investments in affordable housing, as enabled by the legislature in 1986, have exceeded \$1,800,000,000 to provide over 55,000 units of safe and affordable housing to low-income individuals.

~~((The legislature declares that it is in the public interest to establish a continuously renewable resource known as the housing trust fund and housing assistance program to assist low and very low-income citizens in meeting their basic housing needs, and that the needs of very low-income citizens should be given priority and that whenever feasible, assistance should be in the form of loans.))~~

"**Sec. 2.** RCW 43.185.030 and 2016 sp.s. c 36 s 936 are each amended to read as follows:

There is hereby created in the state treasury an account to be known as the Washington housing trust fund. The housing

trust fund shall include revenue from the sources established by this chapter, appropriations by the legislature, private contributions, repayment of loans, and all other sources. ~~((During the 2015-2017 fiscal biennium, the legislature may transfer from the Washington housing trust fund to the home security fund account and to the state general fund such amounts as reflect the excess balance in the fund.))~~

**Sec. 3.** RCW 43.185.050 and 2021 c 332 s 7032 and 2021 c 130 s 5 are each reenacted and amended to read as follows:

(1) The department must use moneys from the housing trust fund and other legislative appropriations to finance in whole or in part any loan~~((s))~~ or grant projects that will provide affordable housing for persons and families with special housing needs and ~~((with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located))~~ who are low-income households.

(2) At least thirty percent of these moneys used in any given funding cycle must be for the benefit of projects located in rural areas of the state as defined by the department. If the department determines that it has not received an adequate number of suitable applications for rural projects during any given funding cycle, the department may allocate unused moneys for projects in nonrural areas of the state.

~~((2))~~ (3) The department must prioritize allocating at least, but not limited to, 10 percent of these moneys used in any given funding cycle to organizations that serve and are substantially governed by individuals disproportionately impacted by homelessness, including black, indigenous, and other people of color and, lesbian, gay, bisexual, queer, transgender, and other gender-diverse individuals.

(4) Activities eligible for assistance from the housing trust fund and other legislative appropriations include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of low and very low-income housing units;

(b) ~~((Rent subsidies;~~

~~(c) Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;~~

~~(d) Technical))~~ Preconstruction technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations;

~~((e))~~ (c) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;

~~((f))~~ (d) Shelters ~~((and related services))~~ for the homeless, including emergency shelters and overnight youth shelters;

~~((g) Mortgage subsidies, including temporary rental and mortgage payment subsidies to prevent homelessness;~~

~~(h) Mortgage insurance guarantee or payments for eligible projects;~~

~~(i) Down payment or closing cost assistance for eligible first-time home buyers;~~

~~(j))~~ (e) Down payment or closing costs assistance for low-income first-time home buyers;

(f) Acquisition of housing units for the purpose of preservation as low-income ~~((or very low-income))~~ housing;

~~((k))~~ (g) Projects making affordable housing projects more accessible to ~~((families))~~ low-income households with members who have disabilities; and

~~((l))~~ (h) Remodeling and improvements as required to meet building code, licensing requirements, or legal operations to residential properties owned and operated by an entity eligible under RCW 43.185A.040, which were transferred as described in RCW 82.45.010(3)(t) by the parent of a child with developmental disabilities.

~~((3) Preference must be given for projects that include an early learning facility, as defined in RCW 43.31.565.~~

~~(4))~~ (5) (a) Legislative appropriations from capital bond proceeds may be used ~~((only))~~ for the costs of projects authorized under subsection ~~((2)(a), (i), and (j))~~ (4) of this section, ~~((and not for the administrative costs of the department,))~~ except ~~((that during the 2021-2023 fiscal biennium, the))~~ for costs of subsection (4)(c) of this section.

(b) The department may use up to three percent of the appropriations from capital bond proceeds or other new appropriations for affordable housing investments for administrative costs associated with application, distribution, and project development activities of the affordable housing ~~((assistance))~~ program.

(c) Reappropriations must not be included in the calculation of the annual funds available for determining the administrative costs.

~~((5))~~ (6) (a) Moneys received from repayment of housing trust fund loans ~~((from appropriations from capital bond proceeds))~~ or other affordable housing appropriations may be used for all activities necessary for the proper functioning of the affordable housing ~~((assistance))~~ program ~~((except for activities authorized under subsection (2)(b) and (c) of this section)),~~ including, but not limited to, providing preservation funding, as provided in section 12 of this act, and preconstruction technical assistance as provided in RCW 43.185.080 (as recodified by this act).

~~((6) Administrative costs associated with application, distribution, and project development activities of the department may not exceed three percent of the annual funds available for the housing assistance program. Reappropriations must not be included in the calculation of the annual funds available for determining the administrative costs.~~

~~(7))~~ (b) Administrative costs associated with compliance and monitoring activities of the department may not exceed ~~((one-quarter))~~ four-tenths of one percent annually of the contracted amount of state investment

in ~~((the housing assistance program))~~ affordable housing programs.

**Sec. 4.** RCW 43.185.070 and 2019 c 325 s 5013 are each amended to read as follows:

(1) During each calendar year in which funds from the housing trust fund or other legislative appropriations are available for use by the department for the affordable housing (assistance) program, the department must announce to all known interested parties, and ~~((through major media throughout the state))~~ on its website, a grant and loan application period of at least ~~((ninety))~~ 60 days' duration. This announcement must be made as often as the director deems appropriate for proper utilization of resources. The department must then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department as provided in RCW 43.185.050 (as recodified by this act).

(2) In awarding funds under this chapter, the department must:

(a) Provide for a geographic distribution on a statewide basis; and

(b) ~~((Until June 30, 2013, consider))~~ Consider the total cost and per-unit cost of each project for which an application is submitted for funding ~~((under RCW 43.185.050(2) (a) and (j))~~), as compared to similar housing projects constructed or renovated within the same geographic area.

(3) ~~((The department, with advice and input from the affordable housing advisory board established in RCW 43.185B.020, or a subcommittee of the affordable housing advisory board, must report recommendations for awarding funds in a cost-effective manner. The report must include an implementation plan, timeline, and any other items the department identifies as important to consider to the legislature by December 1, 2012.~~

(4) ~~The department must give first priority to applications for projects and activities which utilize existing privately owned housing stock including privately owned housing stock purchased by nonprofit public development authorities and public housing authorities as created in chapter 35.82 RCW. As used in this subsection, privately owned housing stock includes housing that is acquired by a federal agency through a default on the mortgage by the private owner. Such projects and activities must be evaluated under subsection (5) of this section. Second priority must be given to activities and projects which utilize existing publicly owned housing stock.)~~ All projects and activities must be evaluated by some or all of the criteria under subsection ~~((5))~~ (6) of this section, and similar projects and activities shall be evaluated under the same criteria.

(4) The department must use a separate application form for applications to provide homeownership opportunities and evaluate homeownership project applications as allowed under chapter 43.185A RCW.

(5) The department must collaborate with public entities that finance affordable housing, including the housing finance commission, cities, and counties, in

conducting joint application reviews and coordinate funding decisions in a timely manner.

(6) The department must give preference for applications based on some or all of the criteria under this subsection, and similar projects and activities must be evaluated under the same criteria:

(a) The degree of leveraging of other funds that will occur;

(b) The degree of commitment from programs to provide necessary habilitation and support services for projects focusing on special needs populations;

(c) Recipient contributions to total project costs, including allied contributions from other sources such as professional, craft and trade services, and lender interest rate subsidies;

(d) Local government project contributions in the form of infrastructure improvements, and others;

(e) Projects that encourage ownership, management, and other project-related responsibility opportunities;

(f) Projects that demonstrate a strong probability of serving the original target group or income level for a period of at least ~~((twenty-five))~~ 40 years;

(g) The applicant has the demonstrated ability, stability and resources to implement the project;

(h) Projects which demonstrate serving the greatest need;

(i) Projects that provide housing for persons and families with the lowest incomes;

(j) Projects serving special needs populations which ~~((are under))~~ fulfill statutory mandates to develop community housing;

(k) Project location and access to employment centers in the region or area;

(l) Projects that provide employment and training opportunities for disadvantaged youth under a youthbuild or youthbuild-type program as defined in RCW 50.72.020;

(m) Project location and access to available public transportation services; ~~((and))~~

(n) Projects involving collaborative partnerships between local school districts and either public housing authorities or nonprofit housing providers, that help children of low-income families succeed in school. To receive this preference, the local school district must provide an opportunity for community members to offer input on the proposed project at the first scheduled school board meeting following submission of the grant application to the department;

(o) The degree of funding that has already been committed to the project by nonstate entities;

(p) Projects that demonstrate a strong readiness to proceed to construction; and

(q) Projects that include a licensed early learning facility.

(7) Once the department has determined the prioritization of applications, the department must award funding projects at a sufficient level to complete the financing package necessary for an applicant to move forward with the affordable housing project.

(8) The department may not establish a maximum per-applicant award.

**Sec. 5.** RCW 43.185.074 and 1987 c 513 s 11 are each amended to read as follows:

The director shall designate grant and loan applications for approval and for funding under the revenue from remittances made pursuant to RCW ~~((18.85.310. These applications shall then be reviewed for final approval by the broker's trust account board created by RCW 18.85.500.~~

~~The director shall submit to the broker's trust account board within any fiscal year only such applications which in their aggregate total funding requirements do not exceed the revenue to the housing trust fund [fund] from remittances made pursuant to RCW 18.85.310 for the previous fiscal year)) 18.85.285.~~

**Sec. 6.** RCW 43.185.080 and 1991 c 356 s 6 are each amended to read as follows:

(1) The department may use moneys from the housing trust fund and other legislative appropriations, ~~((but not appropriations from capital bond proceeds,))~~ to provide preconstruction technical assistance to eligible recipients seeking to construct, rehabilitate, or finance housing-related services for very low and low-income persons. The department shall emphasize providing preconstruction technical assistance services to rural areas and small cities and towns, to nonprofits serving marginalized communities without a history of receiving housing trust fund or other affordable housing investments, and to other nonprofit community organizations led by and for black, indigenous, and persons of color. The department may contract with private and nonprofit organizations to provide this technical assistance. The department may contract for any of the following services:

(a) Financial planning and packaging for housing projects, including alternative ownership programs, such as limited equity partnerships and syndications;

(b) Project design, architectural planning, and siting;

(c) Compliance with planning requirements;

(d) Securing matching resources for project development;

(e) Maximizing local government contributions to project development in the form of land donations, infrastructure improvements, waivers of development fees, locally and state-managed funds, zoning variances, or creative local planning;

(f) Coordination with local planning, economic development, and environmental, social service, and recreational activities;

(g) Construction and materials management; and

(h) Project maintenance and management.

(2) The department shall publish requests for proposals which specify contract performance standards, award criteria, and contractor requirements. In evaluating proposals, the department shall consider the ability of the contractor to provide technical assistance to low and very low-income persons and to persons with special housing needs.

**Sec. 7.** RCW 43.185A.010 and 2013 c 145 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affordable housing" means residential housing for rental occupancy which, as long as the same is occupied by low-income households, requires payment of monthly housing costs, including utilities other than telephone, of no more than thirty percent of the ~~((family's))~~ household's income. The department must adopt policies for residential homeownership housing, occupied by low-income households, which specify the percentage of family income that may be spent on monthly housing costs, including utilities other than telephone, to qualify as affordable housing.

(2) "Contracted amount" ~~((has the same meaning as provided in RCW 43.185.020))~~ means the aggregate amount of all state funding for which the department has monitoring and compliance responsibility.

(3) "Department" means the department of commerce.

(4) "Director" means the director of the department of commerce.

(5) "First-time home buyer" means ~~((an individual or his or her spouse or domestic partner who have not owned a home during the three-year period prior to purchase of a home))~~;

(a) An individual or the individual's spouse who has had no ownership in a principal residence during the three-year period ending on the date of purchase of the property;

(b) A single parent who has only owned a home with a former spouse while married;

(c) An individual who is a displaced homemaker as defined in 24 C.F.R. Sec. 93.2 as it exists on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, and has only owned a home with a spouse;

(d) An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations; or

(e) An individual who has only owned a property that is determined by a licensed building inspector as being uninhabitable.

(6) "Low-income household" means a single person, family or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the project is located.

**Sec. 8.** RCW 43.185A.020 and 1995 c 399 s 103 are each amended to read as follows:

The affordable housing program is created in the department for the purpose of developing and preserving affordable housing and coordinating public and private resources targeted to meet the affordable housing needs of low-income households in the state of Washington. The program shall be developed and administered by the department with advice and input from the affordable housing advisory board established in RCW 43.185B.020.

**Sec. 9.** RCW 43.185A.060 and 1991 c 356 s 15 are each amended to read as follows:

The department shall adopt policies to ensure that the state's interest will be protected upon either the sale or change of use of projects financed in whole or in part under RCW ~~((43.185A.030(2) (a), (b), (c), (d), and (e)))~~ 43.185.050(4) (as recodified by this act). These policies may include, but are not limited to: (1) Requiring payment to the state of a share of the appreciation in the project in proportion to the state's contribution to the project; (2) requiring a lump-sum repayment of the loan or grant upon the sale or change of use of the project; or (3) requiring a deferred payment of principal or principal and interest on loans after a specified time period. The policies must require projects to remain as affordable housing for a minimum of 40 years except for projects that provide homes for low-income first-time home buyers, which must remain affordable for a minimum of 25 years.

**Sec. 10.** RCW 43.185A.070 and 1991 c 356 s 16 are each amended to read as follows:

~~(The)~~ (1) To the extent funds are appropriated for this purpose, the director shall monitor the activities of recipients of grants and loans under this chapter to determine compliance with the terms and conditions set forth in its application or stated by the department in connection with the grant or loan.

(2) Personally identifiable information of occupants or prospective tenants of affordable housing or the street address of the residential real property occupied or applied for by tenants or prospective tenants of affordable housing, obtained by the department of commerce during monitoring activities or contract administration are exempt from inspection and copying under section 11 of this act.

**NEW SECTION. Sec. 11.** A new section is added to chapter 42.56 RCW to read as follows:

Information obtained by the department of commerce under chapter 43.185A RCW during monitoring activities or contract administration that reveals the name or other personal information of occupants or prospective tenants of affordable housing, or the street address of the residential real property occupied or applied for by tenants or prospective tenants of affordable housing, is exempt from disclosure under this chapter.

**NEW SECTION. Sec. 12.** A new section is added to chapter 43.185A RCW to read as follows:

(1) In order to maintain the long-term viability of affordable housing, using funding from the housing trust fund account established under RCW 43.185.030 (as recodified by this act) or from other legislative appropriations, the department may make competitive grant or loan awards to projects in need of major building

improvements, preservation repairs, or system replacements.

(2) The department must solicit and review applications and evaluate projects based on the following criteria:

(a) The age of the property, with priority given to buildings that are more than 15 years old;

(b) The population served, with priority given to projects serving persons or families with the lowest incomes;

(c) The degree to which the applicant demonstrates that the improvements will result in a reduction of operating or utility costs, or both;

(d) The potential for additional years added to the affordability commitment period of the property; and

(e) Other criteria that the department considers necessary to achieve the purpose of the housing trust fund program.

(3) The department must require an award recipient to submit a property capital needs assessment, in a form acceptable to the department, prior to contract execution.

**NEW SECTION. Sec. 13.** A new section is added to chapter 43.185A RCW to read as follows:

(1) The department must report on its website on an annual basis, for each funding cycle:

(a) The number of homeownership and multifamily rental projects funded;

(b) The percentage of funding allocated to homeownership and multifamily rental projects; and

(c) For both homeownership and multifamily rental projects, the total number of households being served at up to 80 percent of the area median income, up to 50 percent of the area median income, and up to 30 percent of the area median income.

(2) All housing trust fund loan or grant recipients, except for those receiving preservation awards under section 12 of this act, must provide certified final development cost reports to the department in a form acceptable to the department. The department must use the certified final development cost reports data as part of its cost containment policy and to report to the legislature. Beginning December 1, 2023, and continuing every odd-numbered year, the department must provide the appropriate committees of the legislature with a report of its final cost data for each project funded through the housing trust fund. Such cost data must, at a minimum, include:

(a) Total development cost per unit for each project completed within the past two complete fiscal years; and

(b) Descriptive statistics such as average and median per unit costs, regional cost variation, and other costs that the department deems necessary to improve cost controls and enhance understanding of development costs.

(3) The department must coordinate with the housing finance commission to identify relevant development costs data and ensure that the measures are consistent across relevant agencies.

**Sec. 14.** RCW 18.85.311 and 2008 c 23 s 38 are each amended to read as follows:

Remittances received by the state treasurer pursuant to RCW 18.85.285 shall be divided between the housing trust fund created by RCW 43.185.030 (as recodified by this act), which shall receive seventy-five percent and the real estate education program account created by RCW 18.85.321, which shall receive twenty-five percent.

**Sec. 15.** RCW 31.04.025 and 2015 c 229 s 20 are each amended to read as follows:

(1) Each loan made to a resident of this state by a licensee, or persons subject to this chapter, is subject to the authority and restrictions of this chapter.

(2) This chapter does not apply to the following:

(a) Any person doing business under, and as permitted by, any law of this state or of the United States relating to banks, savings banks, trust companies, savings and loan or building and loan associations, or credit unions;

(b) Entities making loans under chapter 19.60 RCW (pawnbroking);

(c) Entities conducting transactions under chapter 63.14 RCW (retail installment sales of goods and services), unless credit is extended to purchase merchandise certificates, coupons, open or closed loop stored value, or other similar items issued and redeemable by a retail seller other than the retail seller extending the credit;

(d) Entities making loans under chapter 31.45 RCW (check cashers and sellers);

(e) Any person making a loan primarily for business, commercial, or agricultural purposes unless the loan is secured by a lien on the borrower's primary dwelling;

(f) Any person selling property owned by that person who provides financing for the sale when the property does not contain a dwelling and when the property serves as security for the financing. This exemption is available for five or fewer transactions in a calendar year. This exemption is not available to individuals subject to the federal S.A.F.E. act or any person in the business of constructing or acting as a contractor for the construction of residential dwellings;

(g) Any person making loans made to government or government agencies or instrumentalities or making loans to organizations as defined in the federal truth in lending act;

(h) Entities making loans under chapter ~~((43.185))~~43.185A RCW (housing trust fund);

(i) Entities making loans under programs of the United States department of agriculture, department of housing and urban development, or other federal government program that provides funding or access to funding for single-family housing developments or grants to low-income individuals for the purchase or repair of single-family housing;

(j) Nonprofit housing organizations making loans, or loans made, under housing programs that are funded in whole or in part by federal or state programs if the primary purpose of the programs is to assist low-income borrowers with purchasing or

repairing housing or the development of housing for low-income Washington state residents;

(k) Entities making loans which are not residential mortgage loans under a credit card plan;

(l) Individuals employed by a licensed residential mortgage loan servicing company engaging in activities related to servicing, unless licensing is required by federal law or regulation; and

(m) Entities licensed under chapter 18.44 RCW that process payments on seller-financed loans secured by liens on real or personal property.

(3) The director may, at his or her discretion, waive applicability of the consumer loan company licensing provisions of this chapter to other persons, not including individuals subject to the S.A.F.E. act, making or servicing loans when the director determines it necessary to facilitate commerce and protect consumers.

(4) The burden of proving the application for an exemption or exception from a definition, or a preemption of a provision of this chapter, is upon the person claiming the exemption, exception, or preemption.

(5) The director may adopt rules interpreting this section.

**Sec. 16.** RCW 39.35D.080 and 2005 c 12 s 12 are each amended to read as follows:

Except as provided in this section, affordable housing projects funded out of the state capital budget are exempt from the provisions of this chapter. On or before July 1, 2008, the department of ~~((community, trade, and economic development))~~commerce shall identify, implement, and apply a sustainable building program for affordable housing projects that receive housing trust fund (under chapter ~~((43.185))~~43.185A RCW) funding in a state capital budget. The department of ~~((community, trade, and economic development))~~commerce shall not develop its own sustainable building standard, but shall work with stakeholders to adopt an existing sustainable building standard or criteria appropriate for affordable housing. Any application of the program to affordable housing, including any monitoring to track the performance of either sustainable features or energy standards or both, is the responsibility of the department of ~~((community, trade, and economic development))~~commerce. Beginning in 2009 and ending in 2016, the department of ~~((community, trade, and economic development))~~commerce shall report to the department as required under RCW 39.35D.030 (3) (b).

**Sec. 17.** RCW 43.63A.680 and 1993 c 478 s 19 are each amended to read as follows:

(1) The department may develop and administer a home-matching program for the purpose of providing grants and technical assistance to eligible organizations to operate local home-matching programs. For purposes of this section, "eligible organizations" are those organizations eligible to receive assistance through the Washington housing trust fund, chapter ~~((43.185))~~43.185A RCW.



(2) The department may select up to five eligible organizations for the purpose of implementing a local home-matching program. The local home-matching programs are designed to facilitate: (a) Intergenerational homesharing involving older homeowners sharing homes with younger persons; (b) homesharing arrangements that involve an exchange of services such as cooking, housework, gardening, or babysitting for room and board or some financial consideration such as rent; and (c) the more efficient use of available housing.

(3) In selecting local pilot programs under this section, the department shall consider:

(a) The eligible organization's ability, stability, and resources to implement the local home-matching program;

(b) The eligible organization's efforts to coordinate other support services needed by the individual or family participating in the local home-matching program; and

(c) Other factors the department deems appropriate.

(4) The eligible organizations shall establish criteria for participation in the local home-matching program. The eligible organization shall make a determination of eligibility regarding the individuals' or families' participation in the local home-matching program. The determination shall include, but is not limited to a verification of the individual's or family's history of making rent payments in a consistent and timely manner.

**Sec. 18.** RCW 43.79.201 and 2016 sp.s. c 36 s 930 are each amended to read as follows:

(1) The charitable, educational, penal and reformatory institutions account is hereby created, in the state treasury, into which account there shall be deposited all moneys arising from the sale, lease or transfer of the land granted by the United States government to the state for charitable, educational, penal and reformatory institutions by section 17 of the enabling act, or otherwise set apart for such institutions, except all moneys arising from the sale, lease, or transfer of that certain one hundred thousand acres of such land assigned for the support of the University of Washington by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893.

(2) If feasible, not less than one-half of all income to the charitable, educational, penal, and reformatory institutions account shall be appropriated for the purpose of providing housing, including repair and renovation of state institutions, for persons with mental illness or developmental disabilities, or youth who are blind, deaf, or otherwise disabled. If moneys are appropriated for community-based housing, the moneys shall be appropriated to the department of commerce for the housing assistance program under chapter ~~((43-185))~~ 43.185A RCW. During the 2015-2017 fiscal biennium, the legislature may transfer from the charitable, educational, penal and reformatory

institutions account to the state general fund such amounts as reflect excess fund balance of the account.

**Sec. 19.** RCW 43.185C.200 and 2007 c 483 s 604 are each amended to read as follows:

(1) The department of ~~((community, trade, and economic development))~~ commerce shall establish a pilot program to provide grants to eligible organizations, as described in RCW ~~((43.185.060))~~ 43.185A.040, to provide transitional housing assistance to offenders who are reentering the community and are in need of housing.

(2) There shall be a minimum of two pilot programs established in two counties. The pilot programs shall be selected through a request for proposal process and in consultation with the department of corrections. The department shall select the pilot sites by January 1, 2008.

(3) The pilot program shall:

(a) Be operated in collaboration with the community justice center existing in the location of the pilot site;

(b) Offer transitional supportive housing that includes individual support and mentoring available on an ongoing basis, life skills training, and close working relationships with community justice centers and community corrections officers. Supportive housing services can be provided directly by the housing operator, or in partnership with community-based organizations;

(c) In providing assistance, give priority to offenders who are designated as high risk or high needs as well as those determined not to have a viable release plan by the department of corrections;

(d) Optimize available funding by utilizing cost-effective community-based shared housing arrangements or other noninstitutional living arrangements; and

(e) Provide housing assistance for a period of time not to exceed twelve months for a participating offender.

(4) The department may also use up to twenty percent of the funding appropriated in the operating budget for this section to support the development of additional supportive housing resources for offenders who are reentering the community.

(5) The department shall:

(a) Collaborate with the department of corrections in developing criteria to determine who will qualify for housing assistance; and

(b) Gather data, and report to the legislature by November 1, 2008, on the number of offenders seeking housing, the number of offenders eligible for housing, the number of offenders who receive the housing, and the number of offenders who commit new crimes while residing in the housing to the extent information is available.

(6) The department of corrections shall collaborate with organizations receiving grant funds to:

(a) Help identify appropriate housing solutions in the community for offenders;

(b) Where possible, facilitate an offender's application for housing prior to discharge;

(c) Identify enhancements to training provided to offenders prior to discharge that may assist an offender in effectively transitioning to the community;

(d) Maintain communication between the organization receiving grant funds, the housing provider, and corrections staff supervising the offender; and

(e) Assist the offender in accessing resources and services available through the department of corrections and a community justice center.

(7) The state, department of ~~((community, trade, and economic development))~~ commerce, department of corrections, local governments, local housing authorities, eligible organizations as described in RCW ~~((43.185.060))~~ 43.185A.040, and their employees are not liable for civil damages arising from the criminal conduct of an offender solely due to the placement of an offender in housing provided under this section or the provision of housing assistance.

(8) Nothing in this section allows placement of an offender into housing without an analysis of the risk the offender may pose to that particular community or other residents.

**Sec. 20.** RCW 43.185C.210 and 2020 c 155 s 1 are each amended to read as follows:

(1) The transitional housing operating and rent program is created in the department to assist individuals and families who are homeless or who are at risk of becoming homeless to secure and retain safe, decent, and affordable housing. The department shall provide grants to eligible organizations, as described in RCW ~~((43.185.060))~~ 43.185A.040, to provide assistance to program participants. The eligible organizations must use grant moneys for:

(a) Rental assistance, which includes security or utility deposits, first and last month's rent assistance, and eligible moving expenses to be determined by the department;

(b) Case management services designed to assist program participants to secure and retain immediate housing and to transition into permanent housing and greater levels of self-sufficiency;

(c) Operating expenses of transitional housing facilities that serve homeless families with children; and

(d) Administrative costs of the eligible organization, which must not exceed limits prescribed by the department.

(2) Eligible to receive assistance through the transitional housing operating and rent program are:

(a) Families with children who are homeless or who are at risk of becoming homeless and who have household incomes at or below fifty percent of the median household income for their county;

(b) Families with children who are homeless or who are at risk of becoming homeless and who are receiving services under chapter 13.34 RCW;

(c) Individuals or families without children who are homeless or at risk of becoming homeless and who have household incomes at or below thirty percent of the median household income for their county;

(d) Individuals or families who are homeless or who are at risk of becoming homeless and who have a household with an adult member who has a mental health or chemical dependency disorder; and

(e) Individuals or families who are homeless or who are at risk of becoming homeless and who have a household with an adult member who is an offender released from confinement within the past eighteen months.

(3) All program participants must be willing to create and actively participate in a housing stability plan for achieving permanent housing and greater levels of self-sufficiency.

(4) Data on all program participants must be entered into and tracked through the Washington homeless client management information system as described in RCW 43.185C.180. For eligible organizations serving victims of domestic violence or sexual assault, compliance with this subsection must be accomplished in accordance with 42 U.S.C. Sec. 11383(a)(8).

(5) The department may develop rules, requirements, procedures, and guidelines as necessary to implement and operate the transitional housing operating and rent program.

(6) The department shall produce an annual transitional housing operating and rent program report that must be included in the department's homeless housing strategic plan as described in RCW 43.185C.040. The report must include performance measures to be determined by the department that address, at a minimum, the following issue areas:

(a) The success of the program in helping program participants transition into permanent affordable housing and achieve self-sufficiency or increase their levels of self-sufficiency, which shall be defined by the department based upon the costs of living, including housing costs, needed to support: (i) One adult individual; and (ii) two adult individuals and one preschool-aged child and one school-aged child;

(b) The financial performance of the program related to efficient program administration by the department and program operation by selected eligible organizations, including an analysis of the costs per program participant served;

(c) The quality, completeness, and timeliness of the information on program participants provided to the Washington homeless client management information system database; and

(d) The satisfaction of program participants in the assistance provided through the program.

**Sec. 21.** RCW 47.12.063 and 2022 c 186 s 710 are each amended to read as follows:

(1) It is the intent of the legislature to continue the department's policy giving priority consideration to abutting property owners in agricultural areas when disposing

of property through its surplus property program under this section.

(2) Whenever the department determines that any real property owned by the state of Washington and under the jurisdiction of the department is no longer required for transportation purposes and that it is in the public interest to do so, the department may sell the property or exchange it in full or part consideration for land or building improvements or for construction of highway improvements at fair market value to any person through the solicitation of written bids through public advertising in the manner prescribed under RCW 47.28.050 or in the manner prescribed under RCW 47.12.283.

(3) The department may forego the processes prescribed by RCW 47.28.050 and 47.12.283 and sell the real property to any of the following entities or persons at fair market value:

(a) Any other state agency;

(b) The city or county in which the property is situated;

(c) Any other municipal corporation;

(d) Regional transit authorities created under chapter 81.112 RCW;

(e) The former owner of the property from whom the state acquired title;

(f) In the case of residentially improved property, a tenant of the department who has resided thereon for not less than six months and who is not delinquent in paying rent to the state;

(g) Any abutting private owner but only after each other abutting private owner (if any), as shown in the records of the county assessor, is notified in writing of the proposed sale. If more than one abutting private owner requests in writing the right to purchase the property within 15 days after receiving notice of the proposed sale, the property shall be sold at public auction in the manner provided in RCW 47.12.283;

(h) To any other owner of real property required for transportation purposes;

(i) In the case of property suitable for residential use, any nonprofit organization dedicated to providing affordable housing to very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510 and is eligible to receive assistance through the Washington housing trust fund created in chapter ~~((43.185))~~ 43.185A RCW;

(j) During the 2021-2023 fiscal biennium, any nonprofit organization that identifies real property to be sold or conveyed as a substitute for real property owned by the nonprofit within the city of Seattle to be redeveloped for the purpose of affordable housing; or

(k) A federally recognized Indian tribe within whose reservation boundary the property is located.

(4) When selling real property pursuant to RCW 47.12.283, the department may withhold or withdraw the property from an auction when requested by one of the entities or persons listed in subsection (3) of this section and only after the receipt of a nonrefundable deposit equal to 10 percent of the fair market value of the real property or \$5,000, whichever is less. This subsection does not prohibit the department from exercising its discretion to withhold

or withdraw the real property from an auction if the department determines that the property is no longer surplus or chooses to sell the property through one of the other means listed in subsection (2) of this section. If a transaction under this subsection is not completed within 60 days, the real property must be put back up for sale.

(5) Sales to purchasers may, at the department's option, be for cash, by real estate contract, or exchange of land or highway improvements. Transactions involving the construction of improvements must be conducted pursuant to chapter 47.28 RCW and Title 39 RCW, as applicable, and must comply with all other applicable laws and rules.

(6) Conveyances made pursuant to this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(7) Unless otherwise provided, all moneys received pursuant to the provisions of this section less any real estate broker commissions paid pursuant to RCW 47.12.320 shall be deposited in the motor vehicle fund.

(8) The department may not enter into equal value exchanges or property acquisitions for building improvements without first consulting with the office of financial management and the joint transportation committee.

**Sec. 22.** RCW 59.24.060 and 1995 c 399 s 159 are each amended to read as follows:

The department of ~~((community, trade, and economic development))~~ commerce may receive such gifts, grants, or endowments from public or private sources, as may be made from time to time, in trust or otherwise, to be used by the department of ~~((community, trade, and economic development))~~ commerce for its programs, including the rental security deposit guarantee program. Funds from the housing trust fund, chapter ~~((43.185))~~ 43.185A RCW, up to one hundred thousand dollars, may be used for the rental security deposit guarantee program by the department of ~~((community, trade, and economic development))~~ commerce, local governments, and nonprofit organizations, provided all the requirements of this chapter and chapter ~~((43.185))~~ 43.185A RCW are met.

**Sec. 23.** RCW 82.14.400 and 2020 c 139 s 24 are each amended to read as follows:

(1) Upon the joint request of a metropolitan park district, a city with a population of more than one hundred fifty thousand, and a county legislative authority in a county with a national park and a population of more than five hundred thousand and less than one million five hundred thousand, the county must submit an authorizing proposition to the county voters, fixing and imposing a sales and use tax in accordance with this chapter for the purposes designated in subsection (4) of this section and identified in the joint request. Such proposition must be placed on a ballot for a special or general election to be held no later than one year after the date of the joint request.

(2) The proposition is approved if it receives the votes of a majority of those voting on the proposition.

(3) The tax authorized in this section is in addition to any other taxes authorized by law and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax must equal no more than one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(4) Moneys received from any tax imposed under this section must be used solely for the purpose of providing funds for:

(a) Costs associated with financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, reequipping, or improvement of zoo, aquarium, and wildlife preservation and display facilities that are currently accredited by the American zoo and aquarium association; or

(b) Those costs associated with (a) of this subsection and costs related to parks located within a county described in subsection (1) of this section.

(5) The department must perform the collection of such taxes on behalf of the county at no cost to the county. In lieu of the charge for the administration and collection of local sales and use taxes under RCW 82.14.050 from which the county is exempt under this subsection (5), a percentage of the tax revenues authorized by this section equal to one-half of the maximum percentage provided in RCW 82.14.050 must be transferred annually to the department of commerce, or its successor agency, from the funds allocated under subsection (6)(b) of this section for a period of twelve years from the first date of distribution of funds under subsection (6)(b) of this section. The department of commerce, or its successor agency, must use funds transferred to it pursuant to this subsection (5) to provide, operate, and maintain community-based housing under chapter ~~(43.185)~~ 43.185A RCW for individuals with mental illness.

(6) If the joint request and the authorizing proposition include provisions for funding those costs included within subsection (4)(b) of this section, the tax revenues authorized by this section must be allocated annually as follows:

(a) Fifty percent to the zoo and aquarium advisory authority; and

(b) Fifty percent to be distributed on a per capita basis as set out in the most recent population figures for unincorporated and incorporated areas only within that county, as determined by the office of financial management, solely for parks, as follows: To any metropolitan park district, to cities and towns not contained within a metropolitan park district, and the remainder to the county. Moneys received under this subsection (6)(b) by a county may not be used to replace or supplant existing per capita funding.

(7) Funds must be distributed annually by the county treasurer to the county, and cities and towns located within the county,

in the manner set out in subsection (6)(b) of this section.

(8) Prior to expenditure of any funds received by the county under subsection (6)(b) of this section, the county must establish a process which considers needs throughout the unincorporated areas of the county in consultation with community advisory councils established by ordinance.

(9) By December 31, 2005, and thereafter, the county or any city with a population greater than eighty thousand must provide at least one dollar match for every two dollars received under this section.

(10) Properties subject to a memorandum of agreement between the federal bureau of land management, the advisory council on historic preservation, and the Washington state historic preservation officer have priority for funding from money received under subsection (6)(b) of this section for implementation of the stipulations in the memorandum of agreement.

(a) At least one hundred thousand dollars of the first four years of allocations under subsection (6)(b) of this section, to be matched by the county or city with one dollar for every two dollars received, must be used to implement the stipulations of the memorandum of agreement and for other historical, archaeological, architectural, and cultural preservation and improvements related to the properties.

(b) The amount in (a) of this subsection must come equally from the allocations to the county and to the city in which the properties are located, unless otherwise agreed to by the county and the city.

(c) The amount in (a) of this subsection may not be construed to displace or be offered in lieu of any lease payment from a county or city to the state for the properties in question.

**Sec. 24.** RCW 82.45.100 and 2010 1st sp.s. c 23 s 211 are each amended to read as follows:

(1) Payment of the tax imposed under this chapter is due and payable immediately at the time of sale, and if not paid within one month thereafter will bear interest from the time of sale until the date of payment.

(a) Interest imposed before January 1, 1999, is computed at the rate of one percent per month.

(b) Interest imposed after December 31, 1998, is computed on a monthly basis at the rate as computed under RCW 82.32.050(2). The rate so computed must be adjusted on the first day of January of each year for use in computing interest for that calendar year. The department must provide written notification to the county treasurers of the variable rate on or before December 1st of the year preceding the calendar year in which the rate applies.

(2) In addition to the interest described in subsection (1) of this section, if the payment of any tax is not received by the county treasurer or the department of revenue, as the case may be, within one month of the date due, there is assessed a penalty of five percent of the amount of the tax; if the tax is not received within two months of the date due, there will be

assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received within three months of the date due, there will be assessed a total penalty of twenty percent of the amount of the tax. The payment of the penalty described in this subsection is collectible from the seller only, and RCW 82.45.070 does not apply to the penalties described in this subsection.

(3) If the tax imposed under this chapter is not received by the due date, the transferee is personally liable for the tax, along with any interest as provided in subsection (1) of this section, unless an instrument evidencing the sale is recorded in the official real property records of the county in which the property conveyed is located.

(4) If upon examination of any affidavits or from other information obtained by the department or its agents it appears that all or a portion of the tax is unpaid, the department must assess against the taxpayer the additional amount found to be due plus interest and penalties as provided in subsections (1) and (2) of this section. The department must notify the taxpayer by mail, or electronically as provided in RCW 82.32.135, of the additional amount and the same becomes due and must be paid within thirty days from the date of the notice, or within such further time as the department may provide.

(5) No assessment or refund may be made by the department more than four years after the date of sale except upon a showing of:

(a) Fraud or misrepresentation of a material fact by the taxpayer;

(b) A failure by the taxpayer to record documentation of a sale or otherwise report the sale to the county treasurer; or

(c) A failure of the transferor or transferee to report the sale under RCW 82.45.090(2).

(6) Penalties collected on taxes due under this chapter under subsection (2) of this section and RCW 82.32.090 (2) through (8) must be deposited in the housing trust fund as described in chapter ~~((43.185))~~ 43.185A RCW.

**Sec. 25.** RCW 43.185B.020 and 2022 c 266 s 53 and 2022 c 165 s 8 are each reenacted and amended to read as follows:

(1) The department shall establish the affordable housing advisory board to consist of ~~((23))~~ 25 members.

(a) The following ~~((20))~~ 22 members shall be appointed by the governor:

(i) Two representatives of the residential construction industry;

(ii) Two representatives of the home mortgage lending profession;

(iii) One representative of the real estate sales profession;

(iv) One representative of the apartment management and operation industry;

(v) One representative of the for-profit housing development industry;

(vi) One representative of for-profit rental housing owners;

(vii) One representative of the nonprofit housing development industry;

(viii) One representative of homeless shelter operators;

(ix) One representative of lower-income persons;

(x) One representative of special needs populations;

(xi) One representative of public housing authorities as created under chapter 35.82 RCW;

(xii) Two representatives of the Washington association of counties, one representative shall be from a county that is located east of the crest of the Cascade mountains;

(xiii) Two representatives of the association of Washington cities, one representative shall be from a city that is located east of the crest of the Cascade mountains;

(xiv) One representative to serve as chair of the affordable housing advisory board;

(xv) One representative of organizations that operate site-based permanent supportive housing and deliver onsite supportive housing services; ~~((and))~~

(xvi) One representative at large; ~~((and~~ ~~(xvi)))~~ (xvii) One representative from a unit owners' association as defined in RCW 64.34.020 or 64.90.010; and

(xviii) One representative from an interlocal housing collaboration as established under chapter 39.34 RCW.

(b) The following three members shall serve as ex officio, nonvoting members:

(i) The director or the director's designee;

(ii) The executive director of the Washington state housing finance commission or the executive director's designee; and

(iii) The secretary of social and health services or the secretary's designee.

(2)(a) The members of the affordable housing advisory board appointed by the governor shall be appointed for four-year terms, except that the chair shall be appointed to serve a two-year term. The terms of five of the initial appointees shall be for two years from the date of appointment and the terms of six of the initial appointees shall be for three years from the date of appointment. The governor shall designate the appointees who will serve the two-year and three-year terms. The members of the advisory board shall serve without compensation, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(b) The governor, when making appointments to the affordable housing advisory board, shall make appointments that reflect the cultural diversity of the state of Washington.

(3) The affordable housing advisory board shall serve as the department's principal advisory body on housing and housing-related issues, and replaces the department's existing boards and task forces on housing and housing-related issues.

(4) The affordable housing advisory board shall meet regularly and may appoint technical advisory committees, which may include members of the affordable housing advisory board, as needed to address specific issues and concerns.

(5) The department, in conjunction with the Washington state housing finance commission and the department of social and

health services, shall supply such information and assistance as are deemed necessary for the advisory board to carry out its duties under this section.

(6) The department shall provide administrative and clerical assistance to the affordable housing advisory board.

NEW SECTION. **Sec. 26.** (1) RCW 43.185.010, 43.185.030, 43.185.050, 43.185.070, 43.185.074, and 43.185.080 are each recodified as sections in chapter 43.185A RCW.

(2) RCW 43.185.110 is recodified as a section in chapter 43.185B RCW.

NEW SECTION. **Sec. 27.** The following acts or parts of acts are each repealed:

(1) RCW 43.185.015 (Housing assistance program) and 1995 c 399 s 100 & 1991 c 356 s 2;

(2) RCW 43.185.020 (Definitions) and 2013 c 145 s 1, 2009 c 565 s 37, 1995 c 399 s 101, & 1986 c 298 s 3;

(3) RCW 43.185.060 (Eligible organizations) and 2019 c 325 s 5012, 2014 c 225 s 61, 1994 c 160 s 2, 1991 c 295 s 1, & 1986 c 298 s 7;

(4) RCW 43.185.076 (Low-income housing grants and loans—Approval—License education programs) and 1988 c 286 s 3 & 1987 c 513 s 10;

(5) RCW 43.185.090 (Compliance monitoring) and 1986 c 298 s 10;

(6) RCW 43.185.100 (Rule-making authority) and 1987 c 513 s 2 & 1986 c 298 s 11;

(7) RCW 43.185.120 (Protection of state's interest) and 1991 c 356 s 7;

(8) RCW 43.185.130 (Application process—Distribution procedure) and 2006 c 349 s 3;

(9) RCW 43.185.140 (Findings—Review of all housing properties—Energy audits) and 2009 c 379 s 301;

(10) RCW 43.185.910 (Conflict with federal requirements—1991 c 356) and 1991 c 356 s 8;

(11) RCW 43.185A.030 (Activities eligible for assistance) and 2013 c 145 s 5 & 2011 1st sp.s. c 50 s 954;

(12) RCW 43.185A.050 (Grant and loan application process—Report) and 2013 c 145 s 6, 2012 c 235 s 2, & 1991 c 356 s 14;

(13) RCW 43.185A.080 (Rules) and 1991 c 356 s 17;

(14) RCW 43.185A.090 (Application process—Distribution procedure) and 2006 c 349 s 4;

(15) RCW 43.185A.100 (Housing programs and services—Review of reporting requirements—Report to the legislature) and 2006 c 349 s 11;

(16) RCW 43.185A.110 (Affordable housing land acquisition revolving loan fund program) and 2017 c 274 s 1, 2008 c 112 s 1, & 2007 c 428 s 2;

(17) RCW 43.185A.120 (Affordable housing and community facilities rapid response loan program) and 2008 c 112 s 2; and

(18) RCW 43.185A.900 (Short title) and 1991 c 356 s 9."

Correct the title.

Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Eslick; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

March 31, 2023

SB 5324

Prime Sponsor, Senator Conway: Concerning the defense community compatibility account. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.330.515 and 2019 c 404 s 1 are each amended to read as follows:

(1) The defense community compatibility account is created in the state treasury. Revenues to the account consist of appropriations by the legislature, private contributions, and all other sources deposited in the account.

(2)(a) Expenditures from the account may only be used for grants to local governments, federally recognized Indian tribes, or entities who have entered into an agreement with a military installation in the state under the United States department of defense readiness and environmental protection integration program for purposes of the programs established in subsection (3) of this section, including administrative expenses. (~~Priority must be given for grant applications accompanied by express support from nonprofit community or neighborhood-based organizations, public development authorities, federally recognized Indian tribes in the state, or other community partners.~~) Only the director or the director's designee(✓) may authorize expenditures. In order for the director or the director's designee to authorize an expenditure for the purpose identified in subsection (3) of this section, both (~~federal~~) nonstate and applicant funds must be committed to the same purposes or project as the state expenditure.

(3) of this section, including administrative expenses. (~~Priority must be given for grant applications accompanied by express support from nonprofit community or neighborhood-based organizations, public development authorities, federally recognized Indian tribes in the state, or other community partners.~~) Only the director or the director's designee(✓) may authorize expenditures. In order for the director or the director's designee to authorize an expenditure for the purpose identified in subsection (3) of this section, both (~~federal~~) nonstate and applicant funds must be committed to the same purposes or project as the state expenditure.

(b) An applicant must submit an application to the department in order to be eligible for funding under this subsection, and the department may not expend money on a project for which an applicant has not applied to the department to carry out the project.

(3)(a) The department may expend moneys from the account to provide state funds for capital projects identified by applicants to address incompatible development connected to Washington state military installations. For purposes of this section, "incompatible development" includes land development and military operations that impact the economy, environment, or quality of life opportunities for local communities.

(b) The department must evaluate and rank applications using objective criteria such as a community cost-benefit analysis, must consider recommendations from a citizens advisory commission comprised of representatives of community stakeholders impacted by military installations or their operations, must hold public hearings at least ninety days prior to any funding decision, and may consider the degree to which each project is compatible with the criteria established in the United States department of defense's readiness and environmental protection integration program. When ranking applications, the department must give priority to grant applications:

(i) That have secured federal or other nonstate funding for the project;

(ii) That leverage a higher proportion of federal or other nonstate funding;

(iii) In which the federal grant requires state match in a timely manner; or

(iv) Accompanied by express support from nonprofit community or neighborhood-based organizations, public development authorities, federally recognized Indian tribes in the state, or other community partners.

(c) Eligible projects may include:

(i) Acquisition of real property or real property interests to eliminate an existing incompatible use;

(ii) Projects to jointly assist in the recovery or protection of endangered species dependent on military installation property for habitat;

(iii) Projects ~~((or programs))~~ to increase the availability of housing affordable to enlisted military personnel and nonmilitary residents in the local community;

(iv) Projects to retrofit existing uses to increase their compatibility with existing or future military operations;

(v) Projects to enable local communities heavily dependent on a nearby military installation to diversify the local economy so as to reduce the economic dependence on the military base;

(vi) Projects that aid communities to replace jobs lost in the event of a reduction of the military presence; and

(vii) Projects that improve or enhance aspects of the local economy, environment, or quality of life impacted by the presence of military activities.

(4) The department may adopt rules to implement this section.

**Sec. 2.** RCW 43.330.520 and 2021 c 332 s 7039 are each amended to read as follows:

(1) The department must produce a biennial report identifying a list of projects to address incompatible developments near military installations.

(a) The list must include a description of each project, the estimated cost of the project, the amount of recommended state funding, and the amount of any federal or local funds documented to be available to be used for the project.

(b) Projects on the list must be prioritized with consideration given to:

(i) The recommendations of the recent United States department of defense base realignment and closure (BRAC) processes, joint land use studies, or other federally initiated land use processes; and

(ii) Whether a branch of the United States armed forces has identified the project as increasing the viability of military installations for current or future missions.

(c) The department may consult with the commanders of United States military installations in Washington to understand impacts and identify the viability of community identified projects to reduce incompatibility.

(2) The department must submit the report to appropriate committees of the house of representatives and the senate, including the joint committee on veterans' and military affairs and the house of representatives capital budget committee, by ~~((January 1, 2020))~~ November 1, 2024, and every two years thereafter.

~~((3) For the 2021-2023 fiscal biennium, the department shall develop the report in subsection (2) of this section by November 1, 2022, rather than by January 1, 2022-))"~~

Correct the title.

Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Eslick; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

March 30, 2023

SSB 5396

Prime Sponsor, Health & Long Term Care:  
Concerning cost sharing for diagnostic and supplemental breast examinations. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) In 1989 the legislature enacted Substitute House Bill No. 1074 requiring disability insurers, group disability insurers, health care service contractors, health maintenance organizations, and plans offered to public employees that provide benefits for hospital or medical care to provide benefits for screening and diagnostic mammography services.

(2) In 2010 the United States congress enacted the patient protection and affordable care act, which required coverage of certain preventative care services including screening mammograms with no cost sharing.

(3) In 2013 the Washington state office of the insurance commissioner adopted rules establishing the essential health benefits

benchmark plan, which listed diagnostic and screening mammogram services as state benefit requirements under preventative and wellness services.

(4) In 2018 the legislature enacted Senate Bill No. 5912 which directed the office of the insurance commissioner to clarify that the existing mandates for mammography included coverage for tomosynthesis, also known as three-dimensional mammography, under the same terms and conditions allowed for mammography.

(5) The legislature intends to establish that the requirements for coverage of mammography services predated the affordable care act and are already included in the state's essential health benefits benchmark plan. Furthermore, the legislature intends to prohibit cost sharing for certain types of breast examinations.

**NEW SECTION. Sec. 2.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, for nongrandfathered health plans issued or renewed on or after January 1, 2024, that include coverage of supplemental breast examinations and diagnostic breast examinations, health carriers may not impose cost sharing for such examinations.

(2) For a health plan that provides coverage of supplemental breast examinations and diagnostic breast examinations and is offered as a qualifying health plan for a health savings account, the health carrier shall establish the plan's cost sharing for the coverage of the services described in this section at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions from their health savings account under internal revenue service laws and regulations.

(3) For purposes of this section:

(a) "Diagnostic breast examination" means a medically necessary and appropriate examination of the breast, including an examination using diagnostic mammography, digital breast tomosynthesis, also called three dimensional mammography, breast magnetic resonance imaging, or breast ultrasound, that is used to evaluate an abnormality:

(i) Seen or suspected from a screening examination for breast cancer; or

(ii) Detected by another means of examination.

(b) "Supplemental breast examination" means a medically necessary and appropriate examination of the breast, including an examination using breast magnetic resonance imaging or breast ultrasound, that is: (i) Used to screen for breast cancer when there is no abnormality seen or suspected; and

(ii) Based on personal or family medical history, or additional factors that may increase the individual's risk of breast cancer.

**Sec. 3.** RCW 48.20.393 and 1994 sp.s. c 9 s 728 are each amended to read as follows:

Each disability insurance policy issued or renewed after January 1, 1990, that

provides coverage for hospital or medical expenses shall provide coverage for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the nursing care quality assurance commission pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard policy provisions, other than the cost-sharing prohibition provided in section 2 of this act, that are applicable to other benefits ((such as deductible or copayment provisions)). This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

**Sec. 4.** RCW 48.21.225 and 1994 sp.s. c 9 s 731 are each amended to read as follows:

Each group disability insurance policy issued or renewed after January 1, 1990, that provides coverage for hospital or medical expenses shall provide coverage for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the nursing care quality assurance commission pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard policy provisions, other than the cost-sharing prohibition provided in section 2 of this act, that are applicable to other benefits ((such as deductible or copayment provisions)). This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

**Sec. 5.** RCW 48.44.325 and 1994 sp.s. c 9 s 734 are each amended to read as follows:

Each health care service contract issued or renewed after January 1, 1990, that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the nursing care quality assurance commission pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard contract provisions, other than the cost-sharing prohibition provided in section 2 of this act, that are applicable to other benefits ((such as deductible or copayment provisions)). This section does not limit



the authority of a contractor to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

**Sec. 6.** RCW 48.46.275 and 1994 sp.s. c 9 s 735 are each amended to read as follows:

Each health maintenance agreement issued or renewed after January 1, 1990, that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the nursing care quality assurance commission pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

All services must be provided by the health maintenance organization or rendered upon referral by the health maintenance organization. This section shall not be construed to prevent the application of standard agreement provisions, other than the cost-sharing prohibition provided in section 2 of this act, that are applicable to other benefits ((such as deductible or copayment provisions)). This section does not limit the authority of a health maintenance organization to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; and Sandlin.

Referred to Committee on Rules for second reading

March 31, 2023

ESSB 5466 Prime Sponsor, Transportation: Promoting transit-oriented development. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended by Committee on Housing. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Alvarado; Bateman; Farivar; Fosse; Kloba; Leavitt; Morgan; Orwall; Peterson; Reed; Rule; Shavers and Stearns.

MINORITY recommendation: Do not pass. Signed by Representatives Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant

Ranking Minority Member; Cheney; Christian; Couture; Dye; Eslick; Maycumber; McClintock; Mosbrucker; and Waters.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the third order of business.

#### MESSAGE FROM THE SENATE

Tuesday, April 4, 2023

Mme. Speaker:

The President has signed:

HOUSE BILL NO. 1004  
HOUSE BILL NO. 1017  
SUBSTITUTE HOUSE BILL NO. 1077  
SUBSTITUTE HOUSE BILL NO. 1088  
SUBSTITUTE HOUSE BILL NO. 1165  
ENGROSSED HOUSE BILL NO. 1209  
HOUSE BILL NO. 1265  
HOUSE BILL NO. 1287  
HOUSE BILL NO. 1290  
ENGROSSED HOUSE BILL NO. 1336  
SUBSTITUTE HOUSE BILL NO. 1352  
HOUSE BILL NO. 1419  
HOUSE BILL NO. 1420  
HOUSE BILL NO. 1481  
HOUSE BILL NO. 1514  
HOUSE BILL NO. 1544  
SUBSTITUTE HOUSE BILL NO. 1572  
SUBSTITUTE HOUSE BILL NO. 1620  
HOUSE BILL NO. 1645  
HOUSE BILL NO. 1656  
HOUSE BILL NO. 1657

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the fifth order of business.

#### FIRST SUPPLEMENTAL REPORT OF STANDING COMMITTEES

April 4, 2023

HB 1846

Prime Sponsor, Representative Fey:  
Addressing vessel procurement at the  
Washington state ferries. Reported by  
Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

April 4, 2023

HB 1851 Prime Sponsor, Representative Callan: Implementing the first approach skills training program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

HB 1853 Prime Sponsor, Representative Fey: Making certain corrective changes resulting from the enactment of chapter 182, Laws of 2022 (transportation resources). Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Berry; Bronoske; Chapman; Cortes; Doglio; Duerr; Entenman; Hackney; Mena; Ramel; Ramos; Taylor and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Hutchins, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Goehner; Griffey; Klicker; Orcutt; Schmidt; Volz; and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Low, Assistant Ranking Minority Member; and Dent.

Referred to Committee on Rules for second reading

April 4, 2023

ESB 5015 Prime Sponsor, Senator Fortunato: Reestablishing the productivity board. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

2SSB 5048 Prime Sponsor, Ways & Means: Eliminating college in the high school fees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Postsecondary Education & Workforce.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.10 RCW to read as follows:

(1) Beginning on September 1, 2023, institutions of higher education must provide enrollment and registration in college in the high school courses in which a student is eligible to receive college credit available at no cost for students in the ninth, 10th, 11th, or 12th grade at public high schools.

(2) Beginning with the 2023-2025 omnibus operating appropriation act, the legislature must pass an omnibus operating appropriations act that appropriates to the state board of community and technical colleges and each of the public four-year institutions of higher education state funding for college in high school courses administered at public secondary schools.

(3) State appropriations for the college in the high school program to the institutions of higher education shall be calculated as follows: The total college in the high school courses administered in the prior academic year, funded at \$300 per student up to a maximum rate of:

(a) \$6,000 per college in the high school course administered by a state university as defined in RCW 28B.10.016;

(b) \$5,000 per college in the high school course administered by a regional university or the state college; or

(c) \$3,500 per college in the high school course administered by a community or technical college.

(4) Beginning with fiscal year 2025 the rate per college in the high school course administered must be adjusted annually for inflation as measured by the consumer price index.

(5) State appropriations must be based on the total number of college in the high school courses administered by an institution of higher education for the academic year immediately prior to the current fiscal year. The state appropriation is based on course administration data submitted annually by October 15th to the office of financial management and legislative fiscal staff.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Community or technical college" has the same meaning as provided for under RCW 28B.50.030.

(b) "Course" means a class taught under a contract between an institution of higher education and a single high school teacher on an articulated subject in which the student is eligible to receive college credit.

(c) "High school" means a public school, as defined in RCW 28A.150.010, that serves students in any of grades nine through 12.

(d) "Institutions of higher education" has the same meaning as provided for under RCW 28B.10.016.

(e) "College in the high school" is the program created under RCW 28A.600.287.

Sec. 2. RCW 28A.600.287 and 2021 c 71 s 1 are each amended to read as follows:

(1) College in the high school is a dual credit program located on a high school campus or in a high school environment in which a high school student is able to earn both high school and college credit by completing college level courses with a passing grade. A college in the high school program must meet the accreditation requirements in RCW 28B.10.035 and the requirements in this section.

(2) A college in the high school program may include both academic and career and technical education.

(3) Ninth, 10th, 11th, and 12th grade students, and students who have not yet received a high school diploma or its equivalent and are eligible to be in the ninth, 10th, 11th, or 12th grades, may participate in a college in the high school program.

(4) A college in the high school program must be governed by a local contract between an institution of higher education and a school district, charter school, or state-tribal compact school, in compliance with the rules adopted by the superintendent of public instruction under this section. The local contract must include the qualifications for students to enroll in a program course.

(5) ~~((a))~~ An institution of higher education may charge tuition fees per credit to each student enrolled in a program course as established in this subsection (5).

(b) (i) ~~The maximum per college credit tuition fee for a program course is \$65 per college credit adjusted for inflation using the implicit price deflator for that fiscal year, using fiscal year 2021 as the base, as compiled by the bureau of labor statistics, United States department of labor for the state of Washington.~~

(ii) ~~Annually by July 1st, the office of the superintendent of public instruction must calculate the maximum per college credit tuition fee and post the fee on its website.~~

(c) ~~The funds received by an institution of higher education under this subsection (5) are not tuition or operating fees and may be retained by the institution of higher education.~~

(6) Enrollment information on persons registered under this section must be maintained by the institution of higher education separately from other enrollment information and may not be included in official enrollment reports, nor may such persons be considered in any enrollment statistics that would affect higher education budgetary determinations.

(7) (6) Each school district, charter school, and state-tribal compact school must award high school credit to a student enrolled in a program course if the student successfully completes the course. If no comparable course is offered by the school district, charter school, or state-tribal compact school, the chief administrator shall determine how many credits to award for the successful completion of the program course. The determination must be made in writing before the student enrolls in the program course. The awarded credit must be applied toward graduation requirements and subject area requirements. Evidence of

successful completion of each program course must be included in the student's high school records and transcript.

~~((8) An))~~ (7) Each institution of higher education ((must award)) offering college in the high school must:

(a) Award college credit to a student enrolled in a program course ((if the student successfully completes the course. The awarded college credit must be applied toward general education requirements or degree requirements at the institution of higher education. Evidence of successful completion of each program course must be included in the student's college transcript)) and provide evidence of completion of each program course on the student's college transcript;

(b) Grant undergraduate college credit as appropriate and applicable to the student's degree requirements; and

(c) Provide course equivalencies for college in the high school courses and policy for awarding credit on the institution's website.

~~((9))~~ (8) (a) A high school that offers a college in the high school program must provide general information about the program to all students in grades eight through 12 and to the parents and guardians of those students.

(b) A high school that offers a college in the high school program must include the following information about program courses in a notification to parents and guardians of students in grades eight through 12, including by email and in beginning of the year packets, and in the high school catalogue or equivalent:

(i) ~~There is no fee for students to enroll in a program course ((to earn only high school credit. Fees apply for students who choose to enroll in a program course to earn both high school and college credit;~~

(ii) ~~A description and breakdown of the fees charged to students to earn college credit;~~

(iii) ~~A description of fee payment and financial assistance options available to students; and~~

(iv)) for high school credit or for students to enroll in a program course for both high school and college credit; and

(ii) A notification that ((paying fee)) enrolling in a program course for college credit automatically starts an official college transcript with the institution of higher education offering the program course regardless of student performance in the program course, and that college credit earned upon successful completion of a program course may count only as elective credit if transferred to another institution of higher education.

~~((10))~~ (9) Full-time and part-time faculty at institutions of higher education, including adjunct faculty, are eligible to teach program courses.

~~((11) Students enrolled in a program course may pay college in the high school fees with advanced college tuition payment program tuition units at a rate set by the advanced college tuition payment program governing body under chapter 28B.95 RCW.~~

(12) (10) The superintendent of public instruction shall adopt rules for the

administration of this section. The rules must be jointly developed by the superintendent of public instruction, the state board for community and technical colleges, the student achievement council, and the public baccalaureate institutions. The association of Washington school principals must be consulted during the rules development. The rules must outline quality and eligibility standards that are informed by nationally recognized standards or models. In addition, the rules must encourage the maximum use of the program and may not narrow or limit the enrollment options.

(13) The definitions in this subsection apply throughout this section ~~((-))~~, unless the context clearly requires otherwise:

(a) "Charter school" means a school established under chapter 28A.710 RCW.

(b) "High school" means a public school, as defined in RCW 28A.150.010, that serves students in any of grades nine through 12.

(c) "Institution of higher education" has the same meaning as in RCW 28B.10.016, and also means a public tribal college located in Washington and accredited by the northwest commission on colleges and universities or another accrediting association recognized by the United States department of education.

(d) "Program course" means a college course offered in a high school under a college in the high school program.

(e) "State-tribal compact school" means a school established under chapter 28A.715 RCW.

**Sec. 3.** RCW 28B.76.730 and 2021 c 71 s 6 are each amended to read as follows:

(1) The legislature recognizes that dual credit programs reduce both the cost and time of attendance to obtain a postsecondary degree. The legislature intends to reduce barriers and increase access to postsecondary educational opportunities for low-income students by removing the financial barriers for dual enrollment programs for students.

(2) The office, in consultation with the institutions of higher education and the office of the superintendent of public instruction, shall create the Washington dual enrollment scholarship pilot program. The office shall administer the Washington dual enrollment scholarship pilot program and may adopt rules as necessary.

(3) Eligible students are those who meet the following requirements:

(a) Qualify for the free or reduced-price lunch program;

(b) Are enrolled in one or more dual credit programs, as defined in RCW 28B.15.821, such as ~~((college in the high school and))~~ running start; and

(c) Have at least a 2.0 grade point average.

(4) Subject to availability of amounts appropriated for this specific purpose, beginning with the 2019-20 academic year, the office may award scholarships to eligible students. The scholarship award must be as follows ~~((-))~~

~~((-))~~ for eligible students enrolled in running start:

~~((i))~~ (a) Mandatory fees, as defined in RCW 28A.600.310(2), prorated based on credit load;

~~((ii))~~ (b) Course fees or laboratory fees as determined appropriate by college or university policies to pay for specified course related costs;

~~((iii))~~ (c) A textbook voucher to be used at the institution of higher education's bookstore where the student is enrolled. For every credit per quarter the student is enrolled, the student shall receive a textbook voucher for ten dollars, up to a maximum of fifteen credits per quarter, or the equivalent, per year; and

~~((iv))~~ (d) Apprenticeship materials as determined appropriate by the college or university to pay for specific course-related material costs, which may include occupation-specific tools, work clothes, rain gear, or boots.

~~((b) An eligible student enrolled in a college in the high school program may receive a scholarship for tuition fees as set forth under RCW 28A.600.287-))~~

(5) The Washington dual enrollment scholarship pilot program must apply after the fee waivers for low-income students under RCW 28A.600.310 ~~((and subsidies under RCW 28A.600.290))~~ are provided for.

NEW SECTION. Sec. 4. RCW 28A.600.290 (College in the high school program—Funding) and 2021 c 71 s 2, 2015 c 202 s 3, 2012 c 229 s 801, & 2009 c 450 s 3 are each repealed.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Corry, Assistant Ranking Minority Member; Chandler; Couture; Dye; Harris; and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

April 1, 2023

SB 5066

Prime Sponsor, Senator Short: Concerning health care benefit managers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff;

Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Steele and Tharinger.

ownership. Reported by Committee on Appropriations

Referred to Committee on Rules for second reading

March 31, 2023

SSB 5078 Prime Sponsor, Ways & Means: Protecting public safety by establishing duties of firearm industry members. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

April 4, 2023

E2SSB 5080 Prime Sponsor, Ways & Means: Expanding and improving the social equity in cannabis program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Regulated Substances & Gaming. Signed by Representatives Ormsby, Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Rude; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Bergquist, Vice Chair; and Harris.

Referred to Committee on Rules for second reading

April 4, 2023

SB 5084 Prime Sponsor, Senator Braun: Creating a separate fund for the purposes of self-insured pensions and assessments. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 3, 2023

SSB 5096 Prime Sponsor, Business, Financial Services, Gaming & Trade: Concerning employee

MAJORITY recommendation: Do pass as amended by Committee on Innovation, Community & Economic Development, & Veterans. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

2SSB 5103 Prime Sponsor, Ways & Means: Concerning payment to acute care hospitals for difficult to discharge medicaid patients. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.09.520 and 2022 c 255 s 4 are each amended to read as follows:

(1) The term "medical assistance" may include the following care and services subject to rules adopted by the authority or department: (a) Inpatient hospital services; (b) outpatient hospital services; (c) other laboratory and X-ray services; (d) nursing facility services; (e) physicians' services, which shall include prescribed medication and instruction on birth control devices; (f) medical care, or any other type of remedial care as may be established by the secretary or director; (g) home health care services; (h) private duty nursing services; (i) dental services; (j) physical and occupational therapy and related services; (k) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; (l) personal care services, as provided in this section; (m) hospice services; (n) other diagnostic, screening, preventive, and rehabilitative services; and (o) like services when furnished to a child by a school district in a manner consistent with the requirements of this chapter. For the purposes of this section, neither the authority nor the department may cut off any prescription medications, oxygen supplies, respiratory services, or other life-sustaining medical services or supplies.

"Medical assistance," notwithstanding any other provision of law, shall not include routine foot care, or dental services delivered by any health care provider, that are not mandated by Title XIX of the social security act unless there is a specific appropriation for these services.

(2) The department shall adopt, amend, or rescind such administrative rules as are necessary to ensure that Title XIX personal

care services are provided to eligible persons in conformance with federal regulations.

(a) These administrative rules shall include financial eligibility indexed according to the requirements of the social security act providing for medicaid eligibility.

(b) The rules shall require clients be assessed as having a medical condition requiring assistance with personal care tasks. Plans of care for clients requiring health-related consultation for assessment and service planning may be reviewed by a nurse.

(c) The department shall determine by rule which clients have a health-related assessment or service planning need requiring registered nurse consultation or review. This definition may include clients that meet indicators or protocols for review, consultation, or visit.

(3) The department shall design and implement a means to assess the level of functional disability of persons eligible for personal care services under this section. The personal care services benefit shall be provided to the extent funding is available according to the assessed level of functional disability. Any reductions in services made necessary for funding reasons should be accomplished in a manner that assures that priority for maintaining services is given to persons with the greatest need as determined by the assessment of functional disability.

(4) Effective July 1, 1989, the authority shall offer hospice services in accordance with available funds.

(5) For Title XIX personal care services administered by the department, the department shall contract with area agencies on aging or may contract with a federally recognized Indian tribe under RCW 74.39A.090(3):

(a) To provide case management services to individuals receiving Title XIX personal care services in their own home; and

(b) To reassess and reauthorize Title XIX personal care services or other home and community services as defined in RCW 74.39A.009 in home or in other settings for individuals consistent with the intent of this section:

(i) Who have been initially authorized by the department to receive Title XIX personal care services or other home and community services as defined in RCW 74.39A.009; and

(ii) Who, at the time of reassessment and reauthorization, are receiving such services in their own home.

(6) In the event that an area agency on aging or federally recognized Indian tribe is unwilling to enter into or satisfactorily fulfill a contract or an individual consumer's need for case management services will be met through an alternative delivery system, the department is authorized to:

(a) Obtain the services through competitive bid; and

(b) Provide the services directly until a qualified contractor can be found.

(7) Subject to the availability of amounts appropriated for this specific purpose, the authority may offer medicare

part D prescription drug copayment coverage to full benefit dual eligible beneficiaries.

(8) Effective January 1, 2016, the authority shall require universal screening and provider payment for autism and developmental delays as recommended by the bright futures guidelines of the American academy of pediatrics, as they existed on August 27, 2015. This requirement is subject to the availability of funds.

(9) Subject to the availability of amounts appropriated for this specific purpose, effective January 1, 2018, the authority shall require provider payment for annual depression screening for youth ages twelve through eighteen as recommended by the bright futures guidelines of the American academy of pediatrics, as they existed on January 1, 2017. Providers may include, but are not limited to, primary care providers, public health nurses, and other providers in a clinical setting. This requirement is subject to the availability of funds appropriated for this specific purpose.

(10) Subject to the availability of amounts appropriated for this specific purpose, effective January 1, 2018, the authority shall require provider payment for maternal depression screening for mothers of children ages birth to six months. This requirement is subject to the availability of funds appropriated for this specific purpose.

(11) Subject to the availability of amounts appropriated for this specific purpose, the authority shall:

(a) Allow otherwise eligible reimbursement for the following related to mental health assessment and diagnosis of children from birth through five years of age:

(i) Up to five sessions for purposes of intake and assessment, if necessary;

(ii) Assessments in home or community settings, including reimbursement for provider travel; and

(b) Require providers to use the current version of the DC:0-5 diagnostic classification system for mental health assessment and diagnosis of children from birth through five years of age.

(12)(a) The authority shall require or provide payment to the hospital for any day of a hospital stay in which an adult or child patient enrolled in medical assistance, including home and community services or with a medicaid managed care organization, under this chapter:

(i) Does not meet the criteria for acute inpatient level of care as defined by the authority;

(ii) Meets the criteria for discharge, as defined by the authority or department, to any appropriate placement including, but not limited to:

(A) A nursing home licensed under chapter 18.51 RCW;

(B) An assisted living facility licensed under chapter 18.20 RCW;

(C) An adult family home licensed under chapter 70.128 RCW; or

(D) A setting in which residential services are provided or funded by the developmental disabilities administration of

the department, including supported living as defined in RCW 71A.10.020; and

(iii) Is not discharged from the hospital because placement in the appropriate location described in (a)(ii) of this subsection is not available.

(b) The authority shall adopt rules identifying which services are included in the payment described in (a) of this subsection and which services may be billed separately, including specific revenue codes or services required on the inpatient claim.

(c) Allowable medically necessary services performed during a stay described in (a) of this subsection shall be billed by and paid to the hospital separately. Such services may include but are not limited to hemodialysis, laboratory charges, and x-rays.

(d) Pharmacy services and pharmaceuticals shall be billed by and paid to the hospital separately.

(e) The requirements of this subsection do not alter requirements for billing or payment for inpatient care.

(f) The authority shall adopt, amend, or rescind such administrative rules as necessary to facilitate calculation and payment of the amounts described in this subsection, including for clients of medicaid managed care organizations.

(g) The authority shall adopt rules requiring medicaid managed care organizations to establish specific and uniform administrative and review processes for payment under this subsection.

(h) For patients meeting the criteria in (a)(ii)(A) of this subsection, hospitals must utilize swing beds or skilled nursing beds to the extent the services are available within their facility and the associated reimbursement methodology prior to the billing under the methodology in (a) of this subsection, if the hospital determines that such swing bed or skilled nursing bed placement is appropriate for the patient's care needs, the patient is appropriate for the existing patient mix, and appropriate staffing is available."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 3, 2023

SSB 5114 Prime Sponsor, Human Services: Supporting adults with lived experience of sex trafficking. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Davis; Dye; Fitzgibbon;

Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 3, 2023

2SSB 5120 Prime Sponsor, Ways & Means: Establishing crisis relief centers in Washington state. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 3, 2023

ESSB 5124 Prime Sponsor, Human Services: Supporting guardianships and voluntary placement with nonrelative kin. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

2SSB 5128 Prime Sponsor, Ways & Means: Concerning jury diversity. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Dye; Harris; Schmick; and Steele.

Referred to Committee on Rules for second reading

April 4, 2023

ESB 5130 Prime Sponsor, Senator Frame: Concerning assisted outpatient treatment. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Civil Rights & Judiciary.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.05.148 and 2022 c 210 s 3 are each amended to read as follows:

(1) A person is in need of assisted outpatient treatment if the court finds by clear, cogent, and convincing evidence pursuant to a petition filed under this section that:

(a) The person has a behavioral health disorder;

(b) Based on a clinical determination and in view of the person's treatment history and current behavior, at least one of the following is true:

(i) The person is unlikely to survive safely in the community without supervision and the person's condition is substantially deteriorating; or

(ii) The person is in need of assisted outpatient treatment in order to prevent a relapse or deterioration that would be likely to result in grave disability or a likelihood of serious harm to the person or to others;

(c) The person has a history of lack of compliance with treatment for his or her behavioral health disorder that has:

(i) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating hospitalization of the person, or the person's receipt of services in a forensic or other mental health unit of a state correctional facility or local correctional facility, provided that the 36-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the 36-month period;

(ii) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating emergency medical care or hospitalization for behavioral health-related medical conditions including overdose, infected abscesses, sepsis, endocarditis, or other maladies, or a significant factor in behavior which resulted in the person's incarceration in a state or local correctional facility; or

(iii) Resulted in one or more violent acts, threats, or attempts to cause serious physical harm to the person or another within the 48 months prior to the filing of the petition, provided that the 48-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred during the 48-month period;

(d) Participation in an assisted outpatient treatment program would be the least restrictive alternative necessary to ensure the person's recovery and stability; and

(e) The person will benefit from assisted outpatient treatment.

(2) The following individuals may directly file a petition for less restrictive alternative treatment on the basis that a person is in need of assisted outpatient treatment:

(a) The director of a hospital where the person is hospitalized or the director's designee;

(b) The director of a behavioral health service provider providing behavioral health care or residential services to the person or the director's designee;

(c) The person's treating mental health professional or substance use disorder professional or one who has evaluated the person;

(d) A designated crisis responder;

(e) A release planner from a corrections facility; or

(f) An emergency room physician.

(3) A court order for less restrictive alternative treatment on the basis that the person is in need of assisted outpatient treatment may be effective for up to 18 months, unless the person is currently detained for inpatient treatment for 14 days or more under RCW 71.05.240 or 71.05.320, in which case the order may be effective for 90 days if the person is currently detained for 14 days of treatment, or 180 days if the person is currently detained for 90 or 180 days of treatment. The petitioner must personally interview the person, unless the person refuses an interview, to determine whether the person will voluntarily receive appropriate treatment.

(4) The petitioner must allege specific facts based on personal observation, evaluation, or investigation, and must consider the reliability or credibility of any person providing information material to the petition.

(5) The petition must include:

(a) A statement of the circumstances under which the person's condition was made known and the basis for the opinion, from personal observation or investigation, that the person is in need of assisted outpatient treatment. The petitioner must state which specific facts come from personal observation and specify what other sources of information the petitioner has relied upon to form this belief;

(b) A declaration from a physician, physician assistant, advanced registered nurse practitioner, ~~((or))~~ the person's treating mental health professional or substance use disorder professional, or in the case of a person enrolled in treatment in a behavioral health agency, the person's behavioral health case manager, who has examined the person no more than 10 days prior to the submission of the petition and who is willing to testify in support of the petition, or who alternatively has made appropriate attempts to examine the person within the same period but has not been successful in obtaining the person's cooperation, and who is willing to testify to the reasons they believe that the person meets the criteria for assisted outpatient treatment ~~((If the declaration is provided by the person's treating mental health professional or substance use disorder professional, it must be cosigned by a supervising physician, physician assistant, or advanced registered nurse practitioner who certifies that they have reviewed the declaration))~~);



(c) The declarations of additional witnesses, if any, supporting the petition for assisted outpatient treatment;

(d) The name of an agency, provider, or facility that agrees to provide less restrictive alternative treatment if the petition is granted by the court; and

(e) If the person is detained in a state hospital, inpatient treatment facility, jail, or correctional facility at the time the petition is filed, the anticipated release date of the person and any other details needed to facilitate successful reentry and transition into the community.

(6)(a) Upon receipt of a petition meeting all requirements of this section, the court shall fix a date for a hearing:

(i) No sooner than three days or later than seven days after the date of service or as stipulated by the parties or, upon a showing of good cause, no later than 30 days after the date of service; or

(ii) If the respondent is hospitalized at the time of filing of the petition, before discharge of the respondent and in sufficient time to arrange for a continuous transition from inpatient treatment to assisted outpatient treatment.

(b) A copy of the petition and notice of hearing shall be served, in the same manner as a summons, on the petitioner, the respondent, the qualified professional whose affidavit accompanied the petition, a current provider, if any, and a surrogate decision maker or agent under chapter 71.32 RCW, if any.

(c) If the respondent has a surrogate decision maker or agent under chapter 71.32 RCW who wishes to provide testimony at the hearing, the court shall afford the surrogate decision maker or agent an opportunity to testify.

(d) The respondent shall be represented by counsel at all stages of the proceedings.

(e) If the respondent fails to appear at the hearing after notice, the court may conduct the hearing in the respondent's absence; provided that the respondent's counsel is present.

(f) If the respondent has refused to be examined by the qualified professional whose affidavit accompanied the petition, the court may order a mental examination of the respondent. The examination of the respondent may be performed by the qualified professional whose affidavit accompanied the petition. If the examination is performed by another qualified professional, the examining qualified professional shall be authorized to consult with the qualified professional whose affidavit accompanied the petition.

(g) If the respondent has refused to be examined by a qualified professional and the court finds reasonable grounds to believe that the allegations of the petition are true, the court may issue a written order directing a peace officer who has completed crisis intervention training to detain and transport the respondent to a provider for examination by a qualified professional. A respondent detained pursuant to this subsection shall be detained no longer than necessary to complete the examination and in no event longer than 24 hours.

(7) If the petition involves a person whom the petitioner or behavioral health administrative services organization knows, or has reason to know, is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the behavioral health administrative services organization shall notify the tribe and Indian health care provider. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible.

(8) A petition for assisted outpatient treatment filed under this section shall be adjudicated under RCW 71.05.240.

(9) ~~((After January 1, 2023, a))~~ A petition for assisted outpatient treatment must be filed on forms developed by the administrative office of the courts.

**Sec. 2.** RCW 71.05.365 and 2022 c 210 s 19 are each amended to read as follows:

When a person has been involuntarily committed for treatment to a hospital for a period of 90 or 180 days, and the superintendent or professional person in charge of the hospital determines that the person no longer requires active psychiatric treatment at an inpatient level of care, the behavioral health administrative services organization, managed care organization, or agency providing oversight of long-term care or developmental disability services that is responsible for resource management services for the person must work with the hospital to develop an individualized discharge plan ~~((, including whether a petition should be filed for less restrictive alternative treatment on the basis that the person is in need of assisted outpatient treatment,))~~ and arrange for a transition to the community in accordance with the person's individualized discharge plan within 14 days of the determination.

**Sec. 3.** RCW 71.05.590 and 2022 c 210 s 23 are each amended to read as follows:

(1) ~~((Either an))~~ An agency or facility designated to monitor or provide less restrictive alternative treatment services under a ~~((less restrictive alternative))~~ court order or conditional release, or a designated crisis responder, may take action to enforce, modify, or revoke ~~((a))~~ the less restrictive alternative treatment order or conditional release ~~((order. The))~~ if the agency, facility, or designated crisis responder ~~((must determine))~~ determines that:

(a) The person is failing to adhere to the terms and conditions of the order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to

the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be directed to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the entity requesting the hearing and issue an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To detain the person for up to 12 hours for evaluation at an agency, facility providing services under the court order, triage facility, crisis stabilization unit, emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility with available space, or an approved substance use disorder treatment program with available space. The purpose of the evaluation is to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when, based on clinical judgment, temporary detention is appropriate. The agency, facility, or designated crisis responder may request assistance from a peace officer for the purposes of temporary detention under this subsection (2)(d). This subsection does not limit the ability or obligation of the agency, facility, or designated crisis responder to pursue revocation procedures under subsection (5) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (5) of this section.

(3) A court may supervise a person on an order for less restrictive alternative treatment or a conditional release. While the person is under the order, the court may:

(a) Require appearance in court for periodic reviews; and

(b) Modify the order after considering input from the agency or facility designated to provide or facilitate services. The court may not remand the person into inpatient

treatment except as provided under subsection (5) of this section, but may take actions under subsection (2)(a) through (d) of this section.

(4) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(5)(a) A designated crisis responder or the secretary of the department of social and health services may, upon their own motion or upon request of the facility or agency designated to provide outpatient care, cause a person to be detained in an evaluation and treatment facility, available secure withdrawal management and stabilization facility with adequate space, or available approved substance use disorder treatment program with adequate space in or near the county in which he or she is receiving outpatient treatment for the purpose of a hearing for revocation of a less restrictive alternative treatment order or conditional release order under this chapter. The designated crisis responder or secretary of the department of social and health services shall file a petition for revocation within 24 hours and serve the person, their guardian, if any, and their attorney. A hearing for revocation of a less restrictive alternative treatment order or conditional release order may be scheduled without detention of the person.

(b) A person detained under this subsection (5) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the order for less restrictive alternative treatment or conditional release should be revoked, modified, or retained. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may withdraw its petition for revocation at any time before the court hearing.

(c) A person detained under this subsection (5) has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the order or conditional release; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm;

and, if any of the above conditions apply, whether it is appropriate for the court to reinstate or modify the person's less restrictive alternative treatment order or conditional release (~~(order)~~) or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period must be for 14 days from the revocation hearing if the less restrictive alternative treatment order or conditional release (~~(order)~~) was based on a petition under RCW 71.05.148, 71.05.160, or 71.05.230. The person must return to less restrictive alternative treatment under the order at the end of the 14-day period unless a petition for further treatment is filed under RCW 71.05.320 or the person accepts voluntary treatment. If the court orders detention for inpatient treatment and the less restrictive alternative treatment order or conditional release (~~(order)~~) was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the order must be converted to days of inpatient treatment. A court may not detain a person for inpatient treatment to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program under this subsection unless there is a facility or program available with adequate space for the person.

(6) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

**Sec. 4.** RCW 71.05.590 and 2022 c 210 s 24 are each amended to read as follows:

(1) (~~(Either an)~~) An agency or facility designated to monitor or provide less restrictive alternative treatment services under a (~~(less restrictive alternative)~~) court order or conditional release, or a designated crisis responder, may take action to enforce, modify, or revoke ((a)) the less restrictive alternative treatment order or conditional release (~~(order. The)~~) if the agency, facility, or designated crisis responder (~~(must determine)~~) determines that:

(a) The person is failing to adhere to the terms and conditions of the order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public

in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be directed to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist (~~(the)~~) the entity requesting the hearing and issue an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To detain the person for up to 12 hours for evaluation at an agency, facility providing services under the court order, triage facility, crisis stabilization unit, emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program. The purpose of the evaluation is to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when, based on clinical judgment, temporary detention is appropriate. The agency, facility, or designated crisis responder may request assistance from a peace officer for the purposes of temporary detention under this subsection (2)(d). This subsection does not limit the ability or obligation of the agency, facility, or designated crisis responder to pursue revocation procedures under subsection (5) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (5) of this section.

(3) A court may supervise a person on an order for less restrictive alternative treatment or a conditional release. While the person is under the order, the court may:

(a) Require appearance in court for periodic reviews; and

(b) Modify the order after considering input from the agency or facility designated to provide or facilitate services. The court may not remand the person into inpatient treatment except as provided under subsection (5) of this section, but may take

actions under subsection (2)(a) through (d) of this section.

(4) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(5)(a) A designated crisis responder or the secretary of the department of social and health services may, upon their own motion or upon request of the facility or agency designated to provide outpatient care, cause a person to be detained in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in or near the county in which he or she is receiving outpatient treatment for the purpose of a hearing for revocation of a less restrictive alternative treatment order or conditional release (~~order~~) under this chapter. The designated crisis responder or secretary of the department of social and health services shall file a petition for revocation within 24 hours and serve the person, their guardian, if any, and their attorney. A hearing for revocation of a less restrictive alternative treatment order or conditional release (~~order~~) may be scheduled without detention of the person.

(b) A person detained under this subsection (5) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the order for less restrictive alternative treatment or conditional release should be revoked, modified, or retained. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may withdraw its petition for revocation at any time before the court hearing.

(c) A person detained under this subsection (5) has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the order or conditional release; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether it is appropriate for the court to reinstate or modify the person's less

restrictive alternative treatment order or conditional release (~~order~~) or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period must be for 14 days from the revocation hearing if the less restrictive alternative treatment order or conditional release (~~order~~) was based on a petition under RCW 71.05.148, 71.05.160, or 71.05.230. The person must return to less restrictive alternative treatment under the order at the end of the 14-day period unless a petition for further treatment is filed under RCW 71.05.320 or the person accepts voluntary treatment. If the court orders detention for inpatient treatment and the less restrictive alternative treatment order or conditional release (~~order~~) was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the order must be converted to days of inpatient treatment.

(6) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

**Sec. 5.** RCW 71.34.020 and 2021 c 264 s 26 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a minor should be examined or treated as a patient in a hospital.

(2) "Adolescent" means a minor thirteen years of age or older.

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to, atypical antipsychotic medications.

(5) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health as meeting standards adopted under chapter 71.24 RCW.

(6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a minor patient.

(7) "Authority" means the Washington state health care authority.

(8) "Behavioral health administrative services organization" has the same meaning as provided in RCW 71.24.025.

(9) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder.

(10) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(11) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(12) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(13) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms.

(14) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105.

(15) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, such as a residential treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization.

(16) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(17) "Department" means the department of social and health services.

(18) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(19) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter.

(20) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant

working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department.

(21) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(22) "Director" means the director of the authority.

(23) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(24) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the state or federal agency does not require licensure or certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(25) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(26) "Gravely disabled minor" means a minor who, as a result of a behavioral health disorder, (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(27) "Habilitative services" means those services provided by program personnel to assist minors in acquiring and maintaining life skills and in raising their levels of physical, behavioral, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

(28) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.34.910.

(29) "History of one or more violent acts" refers to the period of time five years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term substance use disorder treatment facility, or in confinement as a result of a criminal conviction.

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which states:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(31) (a) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment facility licensed or certified by the department of health as an evaluation and treatment facility for minors, secure withdrawal management and stabilization facility for minors, or approved substance use disorder treatment program for minors.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "inpatient treatment" has the meaning included in (a) of this subsection and any other residential treatment facility licensed under chapter 71.12 RCW.

(32) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(33) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter.

(34) "Kinship caregiver" has the same meaning as in RCW 74.13.031(19) (a).

(35) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130.

(36) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor as a program of individualized treatment in a less restrictive setting than inpatient treatment (~~that~~). This term includes the services described in RCW 71.34.755, including residential treatment, and treatment pursuant to an assisted outpatient treatment order under RCW 71.34.815.

(37) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(38) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a minor upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm

will be inflicted by a minor upon another individual, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a minor upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The minor has threatened the physical safety of another and has a history of one or more violent acts.

(39) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(40) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder.

(41) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a mental disorder or substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a disability, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(42) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(43) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, social worker, and such other mental health professionals as defined by rules adopted by the secretary of the department of health under this chapter.

(44) "Minor" means any person under the age of eighteen years.

(45) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed or certified behavioral health agencies as identified by RCW 71.24.025.

(46) (a) "Parent" has the same meaning as defined in RCW 26.26A.010, including either parent if custody is shared under a joint custody agreement, or a person or agency judicially appointed as legal guardian or custodian of the child.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "parent" also includes a person to whom a parent defined in (a) of this subsection has given a signed authorization to make health care decisions for the adolescent, a stepparent who is involved in caring for the adolescent, a kinship caregiver who is involved in caring for the adolescent, or another relative who is responsible for the health care of the adolescent, who may be required to provide a

declaration under penalty of perjury stating that he or she is a relative responsible for the health care of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises between individuals authorized to act as a parent for the purpose of RCW 71.34.600 through 71.34.670, the disagreement must be resolved according to the priority established under RCW 7.70.065(2)(a).

(47) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(48) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW.

(49) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

(50) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(51) "Psychiatric nurse" means a registered nurse who has experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional.

(52) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(53) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(54) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(55) "Release" means legal termination of the commitment under the provisions of this chapter.

(56) "Resource management services" has the meaning given in chapter 71.24 RCW.

(57) "Responsible other" means the minor, the minor's parent or estate, or any other

person legally responsible for support of the minor.

(58) "Secretary" means the secretary of the department or secretary's designee.

(59) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health.

(60) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(61) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(62) "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment.

(63) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(64) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW.

(65) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction

over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties.

(66) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, the department of health, the authority, behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, the department of health, the authority, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(67) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility.

(68) "Video" means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology.

(69) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

(70) "In need of assisted outpatient treatment" refers to a minor who meets the criteria for assisted outpatient treatment established under RCW 71.34.815.

**Sec. 6.** RCW 71.34.020 and 2021 c 264 s 28 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a minor should be examined or treated as a patient in a hospital.

(2) "Adolescent" means a minor thirteen years of age or older.

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or

discontinued, and impairment of health or disruption of social or economic functioning.

(4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to, atypical antipsychotic medications.

(5) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health as meeting standards adopted under chapter 71.24 RCW.

(6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a minor patient.

(7) "Authority" means the Washington state health care authority.

(8) "Behavioral health administrative services organization" has the same meaning as provided in RCW 71.24.025.

(9) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder.

(10) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(11) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(12) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(13) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms.

(14) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105.

(15) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, such as a residential treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals



experiencing an acute crisis without the use of long-term hospitalization.

(16) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(17) "Department" means the department of social and health services.

(18) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(19) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter.

(20) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department.

(21) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(22) "Director" means the director of the authority.

(23) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(24) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the state or federal agency does not require licensure or certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(25) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(26) "Gravely disabled minor" means a minor who, as a result of a behavioral health disorder, (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(27) "Habilitative services" means those services provided by program personnel to assist minors in acquiring and maintaining life skills and in raising their levels of physical, behavioral, social, and vocational

functioning. Habilitative services include education, training for employment, and therapy.

(28) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.34.910.

(29) "History of one or more violent acts" refers to the period of time five years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term substance use disorder treatment facility, or in confinement as a result of a criminal conviction.

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which states:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(31) (a) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment facility licensed or certified by the department of health as an evaluation and treatment facility for minors, secure withdrawal management and stabilization facility for minors, or approved substance use disorder treatment program for minors.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "inpatient treatment" has the meaning included in (a) of this subsection and any other residential treatment facility licensed under chapter 71.12 RCW.

(32) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(33) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter.

(34) "Kinship caregiver" has the same meaning as in RCW 74.13.031(19)(a).

(35) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130.

(36) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor as a program of individualized treatment in a less restrictive setting than inpatient treatment ~~((that))~~. This term includes the services described in RCW 71.34.755, including residential treatment, and treatment pursuant to an assisted outpatient treatment order under RCW 71.34.815.

(37) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(38) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a minor upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a minor upon another individual, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a minor upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The minor has threatened the physical safety of another and has a history of one or more violent acts.

(39) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(40) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder.

(41) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a mental disorder or substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a disability, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(42) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(43) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, social worker, and such other mental health professionals as defined by rules adopted by the secretary of the department of health under this chapter.

(44) "Minor" means any person under the age of eighteen years.

(45) "Outpatient treatment" means any of the nonresidential services mandated under

chapter 71.24 RCW and provided by licensed or certified behavioral health agencies as identified by RCW 71.24.025.

(46)(a) "Parent" has the same meaning as defined in RCW 26.26A.010, including either parent if custody is shared under a joint custody agreement, or a person or agency judicially appointed as legal guardian or custodian of the child.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "parent" also includes a person to whom a parent defined in (a) of this subsection has given a signed authorization to make health care decisions for the adolescent, a stepparent who is involved in caring for the adolescent, a kinship caregiver who is involved in caring for the adolescent, or another relative who is responsible for the health care of the adolescent, who may be required to provide a declaration under penalty of perjury stating that he or she is a relative responsible for the health care of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises between individuals authorized to act as a parent for the purpose of RCW 71.34.600 through 71.34.670, the disagreement must be resolved according to the priority established under RCW 7.70.065(2)(a).

(47) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(48) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW.

(49) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

(50) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(51) "Psychiatric nurse" means a registered nurse who has experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional.

(52) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(53) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(54) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(55) "Release" means legal termination of the commitment under the provisions of this chapter.

(56) "Resource management services" has the meaning given in chapter 71.24 RCW.

(57) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(58) "Secretary" means the secretary of the department or secretary's designee.

(59) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health.

(60) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior.

(61) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(62) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program

offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(63) "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment.

(64) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(65) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW.

(66) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties.

(67) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, the department of health, the authority, behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, the department of health, the authority, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(68) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility.

(69) "Video" means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology.

(70) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

(71) "In need of assisted outpatient treatment" refers to a minor who meets the criteria for assisted outpatient treatment established under RCW 71.34.815.

**Sec. 7.** RCW 71.34.740 and 2020 c 302 s 92 are each amended to read as follows:

(1) A ~~((commitment))~~ hearing shall be held within ~~((one hundred twenty))~~ 120 hours of the minor's admission, excluding Saturday, Sunday, and holidays, or if the hearing is held on a petition filed under RCW 71.34.815, the hearing shall be held at a time scheduled under that section, unless a continuance is ordered under RCW 71.34.735.

(2) The ~~((commitment))~~ hearing shall be conducted at the superior court or an appropriate place at the facility in which the minor is being detained.

(3) At the ~~((commitment))~~ hearing, the evidence in support of the petition shall be presented by the county prosecutor.

(4) The minor shall be present at the ~~((commitment))~~ hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present at the hearing.

(5) If the parents are opposed to the petition, they may be represented at the hearing and shall be entitled to court-appointed counsel if they are indigent.

(6) At the ~~((commitment))~~ hearing, the minor shall have the following rights:

(a) To be represented by an attorney;

(b) To present evidence on his or her own behalf;

(c) To question persons testifying in support of the petition.

(7) If the ~~((hearing))~~ petition is ~~((for commitment))~~ for mental health treatment, the court at the time of the ~~((commitment))~~ hearing and before an order ~~((of commitment))~~ making findings is entered shall inform the minor both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.34.730 will result in the loss of his or her firearm rights if the minor is subsequently ~~((detained for))~~ ordered to receive involuntary treatment under this section.

(8) If the minor has received medication within ~~((twenty-four))~~ 24 hours of the hearing, the court shall be informed of that fact and of the probable effects of the medication.

(9) For a ~~((fourteen-day))~~ 14-day commitment, the court must find by a preponderance of the evidence that:

(a) The minor has a behavioral health disorder and presents a likelihood of serious harm or is gravely disabled;

(b) The minor is in need of evaluation and treatment of the type provided by the inpatient evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program to which continued inpatient care is sought or is in need of less restrictive alternative

treatment found to be in the best interests of the minor or others;

(c) The minor is unwilling or unable in good faith to consent to voluntary treatment; and

(d) If commitment is for a substance use disorder, there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the minor.

(10) ~~(a)~~ If the court finds that the minor meets the criteria for a ~~((fourteen-day))~~ 14-day commitment, the court shall either authorize commitment of the minor for inpatient treatment or for less restrictive alternative treatment upon such conditions as are necessary. If the court determines that the minor does not meet the criteria for a ~~((fourteen-day))~~ 14-day commitment, the minor shall be released.

(b) If the court finds by clear, cogent, and convincing evidence that the minor is in need of assisted outpatient treatment pursuant to a petition filed under RCW 71.34.815, the court shall order an appropriate less restrictive course of treatment for up to 18 months.

(11) (a) Nothing in this section prohibits the professional person in charge of the facility from releasing the minor at any time, when, in the opinion of the professional person in charge of the facility, further inpatient treatment is no longer necessary. The release may be subject to reasonable conditions if appropriate.

(b) Whenever a minor is released under this section, the professional person in charge shall within three days, notify the court in writing of the release.

(12) A minor who has been committed for fourteen days shall be released at the end of that period unless a petition for ~~((one hundred eighty-day))~~ 180-day commitment is pending before the court.

**Sec. 8.** RCW 71.34.740 and 2020 c 302 s 93 are each amended to read as follows:

(1) A ~~((commitment))~~ hearing shall be held within ~~((one hundred twenty))~~ 120 hours of the minor's admission, excluding Saturday, Sunday, and holidays, or if the hearing is held on a petition filed under RCW 71.34.815, the hearing shall be held at a time scheduled under that section, unless a continuance is ordered under RCW 71.34.735.

(2) The ~~((commitment))~~ hearing shall be conducted at the superior court or an appropriate place at the facility in which the minor is being detained.

(3) At the ~~((commitment))~~ hearing, the evidence in support of the petition shall be presented by the county prosecutor.

(4) The minor shall be present at the ~~((commitment))~~ hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present at the hearing.

(5) If the parents are opposed to the petition, they may be represented at the hearing and shall be entitled to court-appointed counsel if they are indigent.

(6) At the ~~((commitment))~~ hearing, the minor shall have the following rights:

(a) To be represented by an attorney;  
 (b) To present evidence on his or her own behalf;

(c) To question persons testifying in support of the petition.

(7) If the ~~((hearing))~~ petition is for ~~((commitment for))~~ mental health treatment, the court at the time of the ~~((commitment))~~ hearing and before an order ~~((of commitment))~~ making findings is entered shall inform the minor both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.34.730 will result in the loss of his or her firearm rights if the minor is subsequently ~~((detained for))~~ ordered to receive involuntary treatment under this section.

(8) If the minor has received medication within ~~((twenty-four))~~ 24 hours of the hearing, the court shall be informed of that fact and of the probable effects of the medication.

(9) For a ~~((fourteen-day))~~ 14-day commitment, the court must find by a preponderance of the evidence that:

(a) The minor has a behavioral health disorder and presents a likelihood of serious harm or is gravely disabled;

(b) The minor is in need of evaluation and treatment of the type provided by the inpatient evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program to which continued inpatient care is sought or is in need of less restrictive alternative treatment found to be in the best interests of the minor or others; and

(c) The minor is unwilling or unable in good faith to consent to voluntary treatment.

(10) (a) If the court finds that the minor meets the criteria for a ~~((fourteen-day))~~ 14-day commitment, the court shall either authorize commitment of the minor for inpatient treatment or for less restrictive alternative treatment upon such conditions as are necessary. If the court determines that the minor does not meet the criteria for a ~~((fourteen-day))~~ 14-day commitment, the minor shall be released.

(b) If the court finds by clear, cogent, and convincing evidence that the minor is in need of assisted outpatient treatment pursuant to a petition filed under RCW 71.34.815, the court shall order an appropriate less restrictive course of treatment for up to 18 months.

(11) (a) Nothing in this section prohibits the professional person in charge of the facility from releasing the minor at any time, when, in the opinion of the professional person in charge of the facility, further inpatient treatment is no longer necessary. The release may be subject to reasonable conditions if appropriate.

(b) Whenever a minor is released under this section, the professional person in charge shall within three days, notify the court in writing of the release.

(12) A minor who has been committed for fourteen days shall be released at the end of that period unless a petition for ~~((one hundred eighty-day))~~ 180-day commitment is pending before the court.

**Sec. 9.** RCW 71.34.780 and 2020 c 302 s 97 are each amended to read as follows:

(1) An agency or facility designated to monitor or provide less restrictive alternative treatment services to a minor under a court order or conditional release may take a range of actions to enforce the terms of the order or conditional release in the event the minor is not adhering to the terms or is experiencing substantial deterioration, decompensation, or a likelihood of serious harm. Such actions may include:

(a) Counseling the minor and offering incentives for compliance;

(b) Increasing the intensity of services;  
(c) Petitioning the court to review the minor's compliance and optionally modify the terms of the order or conditional release while the minor remains in outpatient treatment;

(d) To request assistance from a peace officer for temporarily detaining the minor for up to 12 hours for evaluation at a crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, facility providing services under a court order, or emergency department to determine if revocation or enforcement proceedings under this section are necessary and appropriate to stabilize the minor, if there has been a pattern of noncompliance or failure of reasonable attempts at outreach and engagement; or

(e) Initiation of revocation proceedings under subsection (2) of this section.

(2) If the professional person in charge of an outpatient treatment program, a designated crisis responder, or the director or secretary, as appropriate, determines that a minor is failing to adhere to the conditions of ~~((the))~~ a court order for less restrictive alternative treatment or the conditions ~~((for the))~~ of a conditional release, or that substantial deterioration in the minor's functioning has occurred, the designated crisis responder, or the director or secretary, as appropriate, may order that the minor be taken into custody and transported to an inpatient evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program. A secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the minor must be available.

~~((2))~~ (3) (a) The designated crisis responder, director, or secretary, as appropriate, shall file the order of apprehension and detention and serve it upon the minor and notify the minor's parent and the minor's attorney, if any, of the detention within two days of return. At the time of service the minor shall be informed of the right to a hearing and to representation by an attorney. The designated crisis responder or the director or secretary, as appropriate, may modify or rescind the order of apprehension and detention at any time prior to the hearing.

(b) If the minor is involuntarily detained for revocation at an evaluation and treatment facility, secure withdrawal

management and stabilization facility, or approved substance use disorder treatment program in a different county from where the minor was initially detained, the facility or program may file the order of apprehension, serve it on the minor and notify the minor's parents and the minor's attorney at the request of the designated crisis responder.

~~((3))~~(4) A petition for revocation of less restrictive alternative treatment shall be filed by the designated crisis responder or the director, secretary, or facility, as appropriate, with the court in the county where the minor is detained. The court shall conduct the hearing in that county. A petition for revocation of conditional release must be filed in the county where the minor is detained. A petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation. The hearing shall be held within seven days of the minor's return. The issues to be determined are whether the minor did or did not adhere to the conditions of the less restrictive alternative treatment or conditional release, or whether the minor's routine functioning has substantially deteriorated, and, if so, whether the conditions of less restrictive alternative treatment or conditional release should be modified or, subject to subsection ~~((4))~~(5) of this section, whether the ~~(minor)~~ court should ~~(be returned to)~~ order the minor's detention for inpatient treatment. Pursuant to the determination of the court, the minor shall be returned to less restrictive alternative treatment or conditional release on the same or modified conditions or shall be ~~(returned to)~~ detained for inpatient treatment. If the minor is ~~(returned to)~~ detained for inpatient treatment, RCW 71.34.760 regarding the director's placement responsibility shall apply. The hearing may be waived by the minor and the minor ~~(returned to)~~ detained for inpatient treatment or returned to less restrictive alternative treatment or conditional release on the same or modified conditions. If the court orders detention for inpatient treatment, the treatment period must be for 14 days from the revocation hearing if the less restrictive alternative treatment order was based on a petition under RCW 71.34.740 or 71.34.815. The minor must return to less restrictive alternative treatment under the order at the end of the 14-day period unless a petition for further treatment is filed under RCW 71.34.750 or the minor accepts voluntary treatment. If the court orders detention for inpatient treatment and the less restrictive alternative treatment order or conditional release was based on a petition under RCW 71.34.750, the number of days remaining on the less restrictive alternative treatment order or conditional release must be converted to days of inpatient treatment.

~~((4))~~(5) A court may not order the ~~(return)~~ placement of a minor to inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is a secure withdrawal

management and stabilization facility or approved substance use disorder treatment program available with adequate space for the minor.

**Sec. 10.** RCW 71.34.780 and 2020 c 302 s 98 are each amended to read as follows:

(1) An agency or facility designated to monitor or provide less restrictive alternative treatment services to a minor under a court order or conditional release may take a range of actions to enforce the terms of the order or conditional release in the event the minor is not adhering to the terms or is experiencing substantial deterioration, decompensation, or a likelihood of serious harm. Such actions may include:

(a) Counseling the minor and offering incentives for compliance;

(b) Increasing the intensity of services;

(c) Petitioning the court to review the minor's compliance and optionally modify the terms of the order or conditional release while the minor remains in outpatient treatment;

(d) To request assistance from a peace officer for temporarily detaining the minor for up to 12 hours for evaluation at a crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, facility providing services under a court order, or emergency department to determine if revocation or enforcement proceedings under this section are necessary and appropriate to stabilize the minor, if there has been a pattern of noncompliance or failure of reasonable attempts at outreach and engagement; or

(e) Initiation of revocation proceedings under subsection (2) of this section.

(2) If the professional person in charge of an outpatient treatment program, a designated crisis responder, or the director or secretary, as appropriate, determines that a minor is failing to adhere to the conditions of ~~(the)~~ a court order for less restrictive alternative treatment or the conditions ~~(for the)~~ of conditional release, or that substantial deterioration in the minor's functioning has occurred, the designated crisis responder, or the director or secretary, as appropriate, may order that the minor be taken into custody and transported to an inpatient evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program.

~~((2))~~(3)(a) The designated crisis responder, director, or secretary, as appropriate, shall file the order of apprehension and detention and serve it upon the minor and notify the minor's parent and the minor's attorney, if any, of the detention within two days of return. At the time of service the minor shall be informed of the right to a hearing and to representation by an attorney. The designated crisis responder or the director or secretary, as appropriate, may modify or rescind the order of apprehension and detention at any time prior to the hearing.

(b) If the minor is involuntarily detained for revocation at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the minor was initially detained, the facility or program may file the order of apprehension, serve it on the minor and notify the minor's parents and the minor's attorney at the request of the designated crisis responder.

~~((3))~~(4) A petition for revocation of less restrictive alternative treatment shall be filed by the designated crisis responder or the director, secretary, or facility, as appropriate, with the court in the county where the minor is detained. The court shall conduct the hearing in that county. A petition for revocation of conditional release must be filed in the county where the minor is detained. A petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation. The hearing shall be held within seven days of the minor's return. The issues to be determined are whether the minor did or did not adhere to the conditions of the less restrictive alternative treatment or conditional release, or whether the minor's routine functioning has substantially deteriorated, and, if so, whether the conditions of less restrictive alternative treatment or conditional release should be modified or whether the ~~(minor)~~ court should ~~((be returned to))~~ order the minor's detention for inpatient treatment. Pursuant to the determination of the court, the minor shall be returned to less restrictive alternative treatment or conditional release on the same or modified conditions or shall be ~~((returned to))~~ detained for inpatient treatment. If the minor is ~~((returned to))~~ detained for inpatient treatment, RCW 71.34.760 regarding the director's placement responsibility shall apply. The hearing may be waived by the minor and the minor ~~((returned to))~~ detained for inpatient treatment or returned to less restrictive alternative treatment or conditional release on the same or modified conditions. If the court orders detention for inpatient treatment, the treatment period must be for 14 days from the revocation hearing if the less restrictive alternative treatment order was based on a petition under RCW 71.34.740 or 71.34.815. The minor must return to less restrictive alternative treatment under the order at the end of the 14-day period unless a petition for further treatment is filed under RCW 71.34.750 or the minor accepts voluntary treatment. If the court orders detention for inpatient treatment and the less restrictive alternative treatment order or conditional release was based on a petition under RCW 71.34.750, the number of days remaining on the less restrictive alternative treatment order or conditional release must be converted to days of inpatient treatment.

**Sec. 11.** RCW 71.34.815 and 2022 c 210 s 4 are each amended to read as follows:

(1) An adolescent is in need of assisted outpatient treatment if the court finds by clear, cogent, and convincing evidence in response to a petition filed under this section that:

(a) The adolescent has a behavioral health disorder;

(b) Based on a clinical determination and in view of the adolescent's treatment history and current behavior, at least one of the following is true:

(i) The adolescent is unlikely to survive safely in the community without supervision and the adolescent's condition is substantially deteriorating; or

(ii) The adolescent is in need of assisted outpatient treatment in order to prevent a relapse or deterioration that would be likely to result in grave disability or a likelihood of serious harm to the adolescent or to others;

(c) The adolescent has a history of lack of compliance with treatment for his or her behavioral health disorder that has:

(i) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating hospitalization of the adolescent, or the adolescent's receipt of services in a forensic or other mental health unit of a state ~~((correctional))~~ juvenile rehabilitation facility or local ~~((correctional))~~ juvenile detention facility, provided that the 36-month period shall be extended by the length of any hospitalization or incarceration of the adolescent that occurred within the 36-month period;

(ii) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating emergency medical care or hospitalization for behavioral health-related medical conditions including overdose, infected abscesses, sepsis, endocarditis, or other maladies, or a significant factor in behavior which resulted in the adolescent's incarceration in a state or local correctional facility; or

(iii) Resulted in one or more violent acts, threats, or attempts to cause serious physical harm to the adolescent or another within the 48 months prior to the filing of the petition, provided that the 48-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred during the 48-month period;

(d) Participation in an assisted outpatient treatment program would be the least restrictive alternative necessary to ensure the adolescent's recovery and stability; and

(e) The adolescent will benefit from assisted outpatient treatment.

(2) The following individuals may directly file a petition for less restrictive alternative treatment on the basis that an adolescent is in need of assisted outpatient treatment:

(a) The director of a hospital where the adolescent is hospitalized or the director's designee;

(b) The director of a behavioral health service provider providing behavioral health

care or residential services to the adolescent or the director's designee;

(c) The adolescent's treating mental health professional or substance use disorder professional or one who has evaluated the person;

(d) A designated crisis responder;

(e) A release planner from a juvenile detention or rehabilitation facility; or

(f) An emergency room physician.

(3) A court order for less restrictive alternative treatment on the basis that the adolescent is in need of assisted outpatient treatment may be effective for up to 18 months, unless the adolescent is currently detained for inpatient treatment for 14 days or more under RCW 71.34.740 or 71.34.750, in which case the order may be effective for 180 days. The petitioner must personally interview the adolescent, unless the adolescent refuses an interview, to determine whether the adolescent will voluntarily receive appropriate treatment.

(4) The petitioner must allege specific facts based on personal observation, evaluation, or investigation, and must consider the reliability or credibility of any person providing information material to the petition.

(5) The petition must include:

(a) A statement of the circumstances under which the adolescent's condition was made known and the basis for the opinion, from personal observation or investigation, that the adolescent is in need of assisted outpatient treatment. The petitioner must state which specific facts come from personal observation and specify what other sources of information the petitioner has relied upon to form this belief;

(b) A declaration from a physician, physician assistant, or advanced registered nurse practitioner, ~~((or))~~ the adolescent's treating mental health professional or substance use disorder professional, or in the case of a person enrolled in treatment in a behavioral health agency, the person's behavioral health case manager, who has examined the adolescent no more than 10 days prior to the submission of the petition and who is willing to testify in support of the petition, or who alternatively has made appropriate attempts to examine the adolescent within the same period but has not been successful in obtaining the adolescent's cooperation, and who is willing to testify to the reasons they believe that the adolescent meets the criteria for assisted outpatient treatment ~~((. If the declaration is provided by the adolescent's treating mental health professional or substance use disorder professional, it must be cosigned by a supervising physician, physician assistant, or advanced registered nurse practitioner who certifies that they have reviewed the declaration))~~;

(c) The declarations of additional witnesses, if any, supporting the petition for assisted outpatient treatment;

(d) The name of an agency, provider, or facility that agrees to provide less restrictive alternative treatment if the petition is granted by the court; and

(e) If the adolescent is detained in a state hospital, inpatient treatment facility, or juvenile detention or

rehabilitation facility at the time the petition is filed, the anticipated release date of the adolescent and any other details needed to facilitate successful reentry and transition into the community.

(6) (a) Upon receipt of a petition meeting all requirements of this section, the court shall fix a date for a hearing:

(i) No sooner than three days or later than seven days after the date of service or as stipulated by the parties or, upon a showing of good cause, no later than 30 days after the date of service; or

(ii) If the adolescent is hospitalized at the time of filing of the petition, before discharge of the adolescent and in sufficient time to arrange for a continuous transition from inpatient treatment to assisted outpatient treatment.

(b) A copy of the petition and notice of hearing shall be served, in the same manner as a summons, on the petitioner, the adolescent, the qualified professional whose affidavit accompanied the petition, a current provider, if any, and a surrogate decision maker or agent under chapter 71.32 RCW, if any.

(c) If the adolescent has a surrogate decision maker or agent under chapter 71.32 RCW who wishes to provide testimony at the hearing, the court shall afford the surrogate decision maker or agent an opportunity to testify.

(d) The adolescent shall be represented by counsel at all stages of the proceedings.

(e) If the adolescent fails to appear at the hearing after notice, the court may conduct the hearing in the adolescent's absence; provided that the adolescent's counsel is present.

(f) If the adolescent has refused to be examined by the qualified professional whose affidavit accompanied the petition, the court may order a mental examination of the adolescent. The examination of the adolescent may be performed by the qualified professional whose affidavit accompanied the petition. If the examination is performed by another qualified professional, the examining qualified professional shall be authorized to consult with the qualified professional whose affidavit accompanied the petition.

(g) If the adolescent has refused to be examined by a qualified professional and the court finds reasonable grounds to believe that the allegations of the petition are true, the court may issue a written order directing a peace officer who has completed crisis intervention training to detain and transport the adolescent to a provider for examination by a qualified professional. An adolescent detained pursuant to this subsection shall be detained no longer than necessary to complete the examination and in no event longer than 24 hours. All papers in the court file must be provided to the adolescent's designated attorney.

(7) If the petition involves an adolescent whom the petitioner or behavioral health administrative services organization knows, or has reason to know, is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the behavioral health administrative services organization shall



notify the tribe and Indian health care provider. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible.

(8) A petition for assisted outpatient treatment filed under this section shall be adjudicated under RCW 71.34.740.

(9) ~~((After January 1, 2023, a))~~ A petition for assisted outpatient treatment must be filed on forms developed by the administrative office of the courts.

NEW SECTION. **Sec. 12.** Sections 3, 7, and 9 of this act expire July 1, 2026.

NEW SECTION. **Sec. 13.** Sections 4, 8, and 10 of this act take effect July 1, 2026.

**Sec. 14.** 2021 c 264 s 29 (uncodified) is amended to read as follows:

(1) Sections 64 and 81, chapter 302, Laws of 2020 ~~((and, until July 1, 2022, section 27, chapter 264, Laws of 2021 and, beginning July 1, 2022)),~~ section 28, chapter 264, Laws of 2021, and section 6, chapter . . . , Laws of 2023 (section 6 of this act) take effect when the average wait time for children's long-term inpatient placement admission is 30 days or less for two consecutive quarters.

(2) The health care authority must provide written notice of the effective date of sections 64 and 81, chapter 302, Laws of 2020 ~~((and))~~, section((s 27 and)) 28, chapter 264, Laws of 2021, and section 6, chapter . . . , Laws of 2023 (section 6 of this act) to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority.

NEW SECTION. **Sec. 15.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Davis; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Connors; Couture; Dye; Rude; and Schmick.

Referred to Committee on Rules for second reading

April 1, 2023

SB 5131

Prime Sponsor, Senator Wilson, C.:  
Concerning money received by the department of corrections on behalf of inmates from family or other outside sources

for the purchase of commissary items.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 72.09.480 and 2015 c 238 s 1 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply to this section.

(a) "Cost of incarceration" means the cost of providing an inmate with shelter, food, clothing, transportation, supervision, and other services and supplies as may be necessary for the maintenance and support of the inmate while in the custody of the department, based on the average per inmate costs established by the department and the office of financial management.

(b) "Minimum term of confinement" means the minimum amount of time an inmate will be confined in the custody of the department, considering the sentence imposed and adjusted for the total potential earned early release time available to the inmate.

(c) "Program" means any series of courses or classes necessary to achieve a proficiency standard, certificate, or postsecondary degree.

(2) When an inmate, except as provided in subsections (4) ~~((and (8)))~~ through (10) of this section, receives any funds in addition to his or her wages or gratuities, except settlements or awards resulting from legal action, the additional funds shall be subject to the following deductions and the priorities established in chapter 72.11 RCW:

(a) Five percent to the crime victims' compensation account provided in RCW 7.68.045;

(b) Ten percent to a department personal inmate savings account;

(c) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court;

(d) Twenty percent for any child support owed under a support order;

(e) Twenty percent to the department to contribute to the cost of incarceration; and

(f) Twenty percent for payment of any civil judgment for assault for all inmates who are subject to a civil judgment for assault in any Washington state court or federal court.

(3) When an inmate, except as provided in subsection ~~((9))~~ (10) of this section, receives any funds from a settlement or award resulting from a legal action, the additional funds shall be subject to the deductions in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11 RCW.

(4) When an inmate who is subject to a child support order receives funds from an inheritance, the deduction required under subsection (2)(e) and (f) of this section shall only apply after the child support obligation has been paid in full.

(5) The amount deducted from an inmate's funds under subsection (2) of this section shall not exceed the department's total cost

of incarceration for the inmate incurred during the inmate's minimum or actual term of confinement, whichever is longer.

(6)(a) The deductions required under subsection (2) of this section shall not apply to funds received by the department from an offender or from a third party on behalf of an offender for payment of education or vocational programs or postsecondary education degree programs as provided in RCW 72.09.460 and 72.09.465.

(b) The deductions required under subsection (2) of this section shall not apply to funds received by the department from a third party, including but not limited to a nonprofit entity on behalf of the department's education, vocation, or postsecondary education degree programs.

(7) The deductions required under subsection (2) of this section shall not apply to any money received by the department, on behalf of an inmate, from family or other outside sources for the payment of postage expenses. Money received under this subsection may only be used for the payment of postage expenses and may not be transferred to any other account or purpose. Money that remains unused in the inmate's postage fund at the time of release shall be subject to the deductions outlined in subsection (2) of this section.

(8) The deductions required under subsection (2) of this section do not apply to any money received by the department on behalf of an inmate from family or other outside sources for the payment of certain medical expenses. Money received under this subsection may only be used for the payment of medical expenses associated with the purchase of eyeglasses, over-the-counter medications, and offender copayments. Funds received specifically for these purposes may not be transferred to any other account or purpose. Money that remains unused in the inmate's medical fund at the time of release is subject to deductions under subsection (2) of this section.

(9) The deductions required under subsection (2) of this section do not apply to any money received by the department on behalf of an inmate from family or other outside sources for the purchase of commissary items. Money received under this subsection may only be used for the purchase of items on the facility commissary list. The amount received by each inmate under this subsection may not exceed the monthly allowance for commissary purchases as allowed by the department. Funds received specifically for these purposes may not be transferred to any other fund, account, or purpose. Money that remains unused in the inmate's commissary fund at the time of release is subject to deductions under subsection (2) of this section.

(10) Inmates sentenced to life imprisonment without possibility of release or sentenced to death under chapter 10.95 RCW receives funds, deductions are required under subsection (2) of this section, with the exception of a personal inmate savings account under subsection (2)(b) of this section.

~~((10))~~ (11) The secretary of the department of corrections, or his or her designee, may exempt an inmate from a

personal inmate savings account under subsection (2)(b) of this section if the inmate's earliest release date is beyond the inmate's life expectancy.

~~((11))~~ (12) The interest earned on an inmate savings account created as a result of the plan in section 4, chapter 325, Laws of 1999 shall be exempt from the mandatory deductions under this section and RCW 72.09.111.

~~((12))~~ (13) Nothing in this section shall limit the authority of the department of social and health services division of child support, the county clerk, or a restitution recipient from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 9.94A, 26.23, 74.20, or 74.20A RCW including, but not limited to, the collection of moneys received by the inmate from settlements or awards resulting from legal action.

NEW SECTION. Sec. 2. A new section is added to chapter 72.09 RCW to read as follows:

The department shall allow any person who is an immediate family member of one or more inmates to send money for commissary purchases to such inmates without requiring approval from the superintendent of the applicable facility or facilities."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Steele and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

2SSB 5134

Prime Sponsor, Ways & Means: Concerning reentry services and supports. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Community Safety, Justice, & Reentry.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that successful rehabilitation and reentry has a positive impact on reduced recidivism rates and increased community safety. The legislature further finds that the success of individuals releasing from confinement in correctional institutions can be increased through access to supportive services, medical assistance, and other necessities. The legislature recognizes that the mortality rate in the first 72 hours following release from confinement is on average 18 times higher than the general population. The legislature further finds that access to basic human needs like food, medication, clothing, transportation, and shelter are necessary supports for most individuals exiting confinement. Therefore, the legislature resolves to enhance

recovery, reduce recidivism, and improve public safety by providing increased access to supportive services and assistance following release from confinement.

**Sec. 2.** RCW 72.02.100 and 2022 c 29 s 2 are each amended to read as follows:

(1) Any person serving a sentence for a term of confinement in a state correctional facility for convicted felons, pursuant to court commitment, who is thereafter released upon an order of parole of the indeterminate sentence review board, or who is discharged from custody upon expiration of sentence, or who is ordered discharged from custody by a court of appropriate jurisdiction, shall be entitled to retain his or her earnings from labor or employment while in confinement and shall be supplied by the superintendent of the state correctional facility with suitable and presentable clothing, the sum of no less than \$40 for subsistence, and transportation by the least expensive method of public transportation not to exceed the cost of \$100 to his or her place of residence or the place designated in his or her parole plan, or to the place from which committed if such person is being discharged on expiration of sentence, or discharged from custody by a court of appropriate jurisdiction: PROVIDED, That up to ~~((60 additional dollars))~~ an additional \$60 may be made available to the parolee for necessary personal and living expenses upon application to and approval by such person's community corrections officer. If in the opinion of the superintendent suitable arrangements have been made to provide the person to be released with suitable clothing and/or the expenses of transportation, the superintendent may consent to such arrangement. If the superintendent has reasonable cause to believe that the person to be released has ample funds, with the exception of earnings from labor or employment while in confinement, to assume the expenses of clothing, transportation, or the expenses for which payments made pursuant to this section or RCW 72.02.110 or any one or more of such expenses, the person released shall be required to assume such expenses.

(2)(a) The department of corrections may provide temporary housing assistance for a person being released from any state correctional facility through the use of rental vouchers, for a period not to exceed six months, if the department finds that such assistance will support the person's release into the community by preventing housing instability or homelessness. The department's authority to provide vouchers under this section is independent of its authority under RCW 9.94A.729; however, a person may not receive a combined total of rental vouchers in excess of six months for each release from a state correctional facility.

(b) The department shall establish policies for prioritizing funds available for housing vouchers under this section for persons at risk of releasing homeless or becoming homeless without assistance while taking into account risk to reoffend.

**Sec. 3.** RCW 72.09.270 and 2021 c 200 s 3 are each amended to read as follows:

(1) The department of corrections shall develop an individual reentry plan as defined in RCW 72.09.015 for every incarcerated individual who is committed to the jurisdiction of the department except:

(a) Incarcerated individuals who are sentenced to life without the possibility of release or sentenced to death under chapter 10.95 RCW; and

(b) Incarcerated individuals who are subject to the provisions of 8 U.S.C. Sec. 1227.

(2) The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements of this section.

(3) In developing individual reentry plans, the department shall assess all incarcerated individuals using standardized and comprehensive tools to identify the criminogenic risks, programmatic needs, and educational and vocational skill levels for each incarcerated individual. The assessment tool should take into account demographic biases, such as culture, age, and gender, as well as the needs of the incarcerated individual, including any learning disabilities, substance abuse or mental health issues, and social or behavior challenges.

(4)(a) The initial assessment shall be conducted as early as sentencing, but, whenever possible, no later than forty-five days of being sentenced to the jurisdiction of the department of corrections.

(b) The incarcerated individual's individual reentry plan shall be developed as soon as possible after the initial assessment is conducted, but, whenever possible, no later than sixty days after completion of the assessment, and shall be periodically reviewed and updated as appropriate.

(5) The individual reentry plan shall, at a minimum, include:

(a) A plan to maintain contact with the incarcerated individual's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate to facilitate successful reunification with the incarcerated individual's children and family;

(b) An individualized portfolio for each incarcerated individual that includes the incarcerated individual's education achievements, certifications, employment, work experience, skills, and any training received prior to and during incarceration; and

(c) A plan for the incarcerated individual during the period of incarceration through reentry into the community that addresses the needs of the incarcerated individual including education, employment, substance abuse treatment, mental health treatment, family reunification, and other areas which are needed to facilitate a successful reintegration into the community.

(6)(a) ~~((Prior to))~~ Within one year prior to the release or discharge of any incarcerated individual, the department shall develop an individual discharge plan

and provide reentry linkage case management services as follows:

(i) Evaluate the incarcerated individual's behavioral health and physical health needs and, to the extent possible, connect the incarcerated individual with ((existing services and resources that meet those needs)) relevant services, treatment programs, medication-assisted treatment, tribal and urban health clinics, and behavioral health services, and other resources based on the individual's evaluated needs;

(ii) Assist the incarcerated individual with obtaining identification upon release;

(iii) Assist the incarcerated individual with submitting applications for applicable state and federal government assistance and benefits programs on behalf of the incarcerated individual;

(iv) Prepare a 90-day supply of any necessary prescribed medications to be provided upon release, through a combination of a 30-day supply of in-hand medications and 60-day supply of prescriptions, when clinically appropriate, to ensure continuity of care and that medications are readily available for the incarcerated individual upon release; and

((+ii)) (v) Connect the incarcerated individual with a community justice center and/or community transition coordination network in the area in which the incarcerated individual will be residing once released from the correctional system if one exists.

(b) If the department recommends partial confinement in an incarcerated individual's individual reentry plan, the department shall maximize the period of partial confinement for the incarcerated individual as allowed pursuant to RCW 9.94A.728 to facilitate the incarcerated individual's transition to the community.

(7) The department shall establish mechanisms for sharing information from individual reentry plans to those persons involved with the incarcerated individual's treatment, programming, and reentry, when deemed appropriate. When feasible, this information shall be shared electronically.

(8) (a) In determining the county of discharge for an incarcerated individual released to community custody, the department may approve a residence location that is not in the incarcerated individual's county of origin if the department determines that the residence location would be appropriate based on any court-ordered condition of the incarcerated individual's sentence, victim safety concerns, and factors that increase opportunities for successful reentry and long-term support including, but not limited to, location of family or other sponsoring persons or organizations that will support the incarcerated individual, ability to complete an educational program that the incarcerated individual is enrolled in, availability of appropriate programming or treatment, and access to housing, employment, and prosocial influences on the person in the community.

(b) In implementing the provisions of this subsection, the department shall approve residence locations in a manner that

will not cause any one county to be disproportionately impacted.

(c) If the incarcerated individual is not returned to his or her county of origin, the department shall provide the law and justice council of the county in which the incarcerated individual is placed with a written explanation.

(d) (i) For purposes of this section, except as provided in (d) (ii) of this subsection, the incarcerated individual's county of origin means the county of the incarcerated individual's residence at the time of the incarcerated individual's first felony conviction in Washington state.

(ii) If the incarcerated individual is a homeless person as defined in RCW 43.185C.010, or the incarcerated individual's residence is unknown, then the incarcerated individual's county of origin means the county of the incarcerated individual's first felony conviction in Washington state.

(9) Nothing in this section creates a vested right in programming, education, or other services.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Couture; Davis; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; and Dye.

Referred to Committee on Rules for second reading

March 31, 2023

ESSB 5217

Prime Sponsor, Labor & Commerce: Concerning the state's ability to regulate certain industries and risk classifications to prevent musculoskeletal injuries and disorders. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

April 4, 2023

2SSB 5225

Prime Sponsor, Ways & Means: Increasing access to the working connections child care program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Dye; Rude; and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; and Steele.

Referred to Committee on Rules for second reading

April 3, 2023

SB 5228

Prime Sponsor, Senator Dhingra: Providing occupational therapy services for persons with behavioral health disorders. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 3, 2023

SSB 5238

Prime Sponsor, Ways & Means: Expanding collective bargaining for employees who are enrolled in academic programs at public institutions of higher education. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Dye; Sandlin; and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representative Connors.

Referred to Committee on Rules for second reading

April 4, 2023

E2SSB 5243

Prime Sponsor, Ways & Means: Concerning high school and beyond planning. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 3, 2023

SSB 5256

Prime Sponsor, Human Services: Making permanent and expanding the child welfare housing assistance program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

2SSB 5263

Prime Sponsor, Ways & Means: Concerning access to psilocybin services by individuals 21 years of age and older. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Couture; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Dye; and Harris.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; and Steele.

Referred to Committee on Rules for second reading

April 3, 2023

2SSB 5268

Prime Sponsor, Ways & Means: Addressing equity and efficiencies in public works procurement including modifying small works roster requirements. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

2SSB 5269

Prime Sponsor, Ways & Means: Concerning  
Washington state manufacturing. Reported  
by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting  
clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature  
finds and declares that:

(1) In 2021, Washington state set an aspirational goal in statute to double manufacturing jobs, firms, and the participation of women and minorities in the ownership of manufacturing firms. To create and maintain unity around the state manufacturing growth target, chapter 64, Laws of 2021 sought to foster a partnership between business and labor. It established a manufacturing council with membership that was intentionally balanced equally between business and labor and represented the geographic and demographic diversity of the state. The manufacturing council was tasked with advising the department of commerce on policy recommendations to strengthen the manufacturing sector by 2030 and submitting reports to the legislature every two years containing those recommendations.

(2) The legislature intends for an independent assessment of growth opportunities in clean manufacturing to be considered by the manufacturing council. Furthermore, the legislature intends that a state industrial strategy that incorporates any input from the independent assessment not be published in any form or considered the state strategy until there is consensus of the manufacturing council on the recommendations and policies to be included in that strategy.

(3) Washington state, with its strong climate commitments, highly skilled workforce, and existing world-class manufacturing base is well positioned to be a global leader in clean manufacturing.

(4) A strong state and domestic manufacturing sector can provide stable, high-wage jobs and is a prerequisite to achieving Washington state's statutory commitment to net zero greenhouse gas emissions by 2050.

(5) All Washingtonians deserve the opportunity of a high-road manufacturing career. In building the Washington manufacturing workforce pipeline, the state should fully leverage the transferable skills of our existing manufacturing workforce and develop a comprehensive, in-state pipeline with wraparound services and equitable opportunities to ensure that every Washingtonian has a fair shake at a manufacturing career and intergenerational well-being and career growth opportunities.

(6) A holistic and coordinated state industrial strategy that seeks simultaneously to transform and revitalize Washington state's manufacturing base is

vital to prevent the leakage of jobs and carbon pollution.

(7) Washington has demonstrated a deep commitment to growing manufacturing. In 2021, the legislature set a goal of doubling the state's manufacturing base over 10 years. In 2022, the legislature created tax incentives and updated siting and permitting practices to accelerate the in-state production of clean energy product manufacturing. Developing a statewide industrial strategy is an important complement to accelerate progress and maximize the benefit of new tax incentives and siting and permitting practices.

(8) The bipartisan infrastructure act and inflation reduction act present a once in a generation opportunity to rapidly transform and grow Washington's manufacturing base in a way that advances the state's climate goals. The state has an important role to play in ensuring that Washington fully leverages federal funding opportunities and that the benefits are shared equitably.

(9) Washington must take steps to ensure that the transformation and growth of the state's manufacturing base simultaneously addresses and does not contribute to the disproportionate burden of pollution on overburdened communities.

NEW SECTION. **Sec. 2.** (1) The department of commerce must perform an independent assessment of opportunities for Washington to capture new and emerging industries that align with statewide greenhouse gas reduction limits and strengthen its existing manufacturing base. By October 1, 2024, and in compliance with RCW 43.01.036, the department of commerce shall submit the independent assessment to the appropriate committees of the legislature, and shall submit the assessment to the state manufacturing council established in RCW 43.330.762.

(2) By June 1, 2025, the department of commerce must develop a proactive state industrial strategy that seeks to strengthen and transform Washington's existing manufacturing base and capture new and emerging industries. The strategy should be informed by the independent assessment required by subsection (1) of this section. The manufacturing council convened pursuant to RCW 43.330.762 shall advise and consult on the development of the strategy.

(3) The independent assessment must include, but is not limited to:

(a) Assessing how the transition to net-zero emissions by 2050 will impact the potential futures of manufacturing in Washington, including identifying specific opportunities for Washington to actively seek investment in new and emerging industries and to transform and strengthen the state's existing manufacturing base to meet the needs of a net-zero economy, taking into account the Washington's existing key sectors, job quality, and regional diversity;

(b) Assessing the needs of Washington's existing manufacturers, including supply chain challenges and resources required to meet the statutory greenhouse gas emissions reductions in RCW 70A.45.020;

(c) Identifying opportunities to build and maximize the environmental and economic benefits of a circular economy for both new and existing industries in building out and strengthening Washington's manufacturing base;

(d) Identifying what is required to attract new private investment and transform and strengthen Washington's existing manufacturing base, including needs related to:

(i) Transportation and port infrastructure;

(ii) Supply chains;

(iii) Workforce; and

(iv) Energy;

(e) Identifying opportunities to support minority and women-owned firms and small and medium-sized firms in capturing new and emerging industries;

(f) Identifying existing and potential future gaps in the state's manufacturing sector that inhibit in-state manufacturers from producing the necessary goods, services, and infrastructure to transition to the net-zero economy and attract new investment in the state to accelerate the in-state production of clean energy product manufacturing; and

(g) Evaluating opportunities for the state's use of public ownership investment in developed and emerging manufacturing industries to address the existing and potential future gaps identified in (f) of this subsection. This evaluation shall provide recommendations on the highest and best uses of public resources as part of the state industrial strategy as provided in subsection (2) of this section.

(4) The workforce assessment referenced in subsection (3)(d)(iii) of this section should: (a) Catalogue and examine how to maximize the use of the existing manufacturing workforce's transferable skills; (b) address any remaining skills gaps and identify opportunities to build a manufacturing workforce pipeline that ensures all current and future Washingtonians have fair access to a manufacturing career by sector; and (c) ensure equitable and accessible pathways and advancement opportunities in manufacturing by sector.

(5) The energy assessment referenced in subsection (3)(d)(iv) of this section should include the quantity, price, and location of electricity necessary to decarbonize and grow Washington's existing manufacturing base and capture new and emerging industries.

(6) The independent assessment will not replace but may inform the work of the manufacturing council created in RCW 43.330.762 to advise and consult on the department of commerce's recommendations to achieve the goals established in RCW 43.330.760.

**NEW SECTION. Sec. 3.** (1) The department of commerce must appoint an industrial policy advisor to ensure that Washington state fully leverages available federal funding for manufacturing to meet the state's economic development goals in RCW 43.330.760 and the statutory greenhouse

gas emissions reductions in RCW 70A.45.020 and guide the implementation of the state industrial strategy created pursuant to section 2 of this act.

(2) The industrial policy advisor must:

(a) Track federal and other funding opportunities to transform and strengthen existing Washington manufacturers and promote the growth of new and emerging industries;

(b) Alert Washington manufacturers to relevant federal and other funding opportunities;

(c) Support Washington manufacturers in applying for federal and other funding opportunities and in completing required reporting;

(d) Work to ensure that Washington's pursuit of its goals in RCW 43.330.760 and 70A.45.020 are aligned and mutually reinforcing;

(e) Foster interagency and coordination and collaboration, including with the department of commerce sector leads, on manufacturing-related policymaking and activities, including both climate and economic development manufacturing-related policymaking;

(f) Coordinate with the workforce innovation sector lead, particularly with respect to building the manufacturing workforce pipeline; and

(g) Provide quarterly reports to the manufacturing council created in RCW 43.330.762.

(3) The industry policy advisor may also:

(a) Form expert committees with industry representatives to develop sector-specific strategies for attracting new investment and transforming and strengthening existing manufacturing consistent with the industrial strategy created pursuant to section 2 of this act;

(b) Assist local governments with economic plans to attract new investment and transform and strengthen existing manufacturing consistent with the industrial strategy created pursuant to section 2 of this act; and

(c) Support communities negatively impacted by the closure or relocation of manufacturing facilities by supporting efforts to attract new investment consistent with the industrial strategy created pursuant to section 2 of this act and facilitate the movement of existing skilled manufacturing workers into new industrial sectors.

**NEW SECTION. Sec. 4.** This act may be known and cited as the Washington clean manufacturing leadership act.

**NEW SECTION. Sec. 5.** Section 2 of this act is added to chapter 43.330 RCW and codified with the subchapter heading of "MANUFACTURING AND RESEARCH AND DEVELOPMENT SECTOR PROMOTION."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority

Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

E2SSB 5278 Prime Sponsor, Ways & Means:  
Implementing audit recommendations to reduce barriers to home care aide certification. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Postsecondary Education & Workforce. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

SB 5282 Prime Sponsor, Senator Valdez: Authorizing vehicle dealers to file a report of sale. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.12.650 and 2016 c 86 s 1 are each amended to read as follows:

(1) **Releasing interest.** An owner releasing interest in a vehicle shall:

(a) Sign the release of interest section provided on the certificate of title or on a release of interest document or form approved by the department;

(b) Give the certificate of title or most recent evidence of ownership to the person gaining the interest in the vehicle;

(c) Give the person gaining interest in the vehicle an odometer disclosure statement if one is required; and

(d) Report the vehicle sold as provided in subsection (2) of this section.

(2) **Report of sale.** An owner shall notify the department, county auditor or other agent, or subagent appointed by the director in writing within five business days after a vehicle is or has been:

(a) Sold;

(b) Given as a gift to another person;

(c) Traded, either privately or to a dealership;

(d) Donated to charity;

(e) Turned over to an insurance company or wrecking yard; or

(f) Disposed of.

(3) **Report of sale properly filed.** A report of sale is properly filed if it is received by the department, county auditor or other agent, or subagent appointed by the director within five business days after the date of sale or transfer and it includes:

(a) The date of sale or transfer;

(b) The owner's full name and complete, current address;

(c) The full name and complete, current address of the person acquiring the vehicle, including street name and number, and apartment number if applicable, or post office box number, city or town, and postal code;

(d) The vehicle identification number and license plate number;

(e) A date or stamp by the department showing it was received on or before the fifth business day after the date of sale or transfer; and

(f) Payment of the fees required under RCW 46.17.050.

(4) **Report of sale - administration.** (a) The department shall:

(i) Provide or approve reports of sale forms;

(ii) Provide a system enabling an owner to submit reports of sale electronically;

(iii) Immediately update the department's vehicle record when a report of sale has been filed;

(iv) Provide instructions on release of interest forms that allow the seller of a vehicle to release their interest in a vehicle at the same time a financial institution, as defined in RCW 30A.22.040, releases its lien on the vehicle; and

(v) Send a report to the department of revenue that lists vehicles for which a report of sale has been received but no transfer of ownership has taken place. The department shall send the report once each quarter.

(b) A report of sale is not proof of a completed vehicle transfer for purposes of the collection of expenses related to towing, storage, and auction of an abandoned vehicle in situations where there is no evidence indicating the buyer knew of or was a party to acceptance of the vehicle transfer. A contract signed by the prior owner and the new owner, a certificate of title, a receipt, a purchase order or wholesale order, or other legal proof or record of acceptance of the vehicle by the new owner may be provided to establish legal responsibility for the abandoned vehicle.

(5) **Report of sale - licensed dealers.** A vehicle dealer as defined in RCW 46.70.011 may, but is not required to, file a report of sale on behalf of an owner who trades in, sells, or otherwise transfers ownership of a vehicle to the dealer. A vehicle dealer who files on behalf of an owner shall collect and remit the fees required under RCW 46.17.050 from the owner in addition to any other fees charged to or owed by the customer.

(6)(a) **Transferring ownership.** A person who has recently acquired a vehicle by purchase, exchange, gift, lease, inheritance, or legal action shall apply to the department, county auditor or other agent, or subagent appointed by the director for a new certificate of title within ((fifteen))15 days of delivery of the vehicle. A secured party who has possession of the certificate of title shall either:

(i) Apply for a new certificate of title on behalf of the owner and pay the fee required under RCW 46.17.100; or



(ii) Provide all required documents to the owner, as long as the transfer was not a breach of its security agreement, to allow the owner to apply for a new certificate of title.

(b) Compliance with this subsection does not affect the rights of the secured party.

~~((+6))~~ **(7) Certificate of title delivered to secured party.** The certificate of title must be kept by or delivered to the person who becomes the secured party when a security interest is reserved or created at the time of the transfer of ownership. The parties must comply with RCW 46.12.675.

~~((+7))~~ **(8) Penalty for late transfer.** A person who has recently acquired a motor vehicle by purchase, exchange, gift, lease, inheritance, or legal action who does not apply for a new certificate of title within ~~((fifteen))~~ **15** calendar days of delivery of the vehicle is charged a penalty, as described in RCW 46.17.140, when applying for a new certificate of title. It is a misdemeanor to fail or neglect to apply for a transfer of ownership within ~~((forty-five))~~ **45** days after delivery of the vehicle. The misdemeanor is a single continuing offense for each day that passes regardless of the number of days that have elapsed following the ~~((forty-five-day))~~ **45-day** time period.

~~((+8))~~ **(9) Penalty for late transfer - exceptions.** The penalty is not charged if the delay in application is due to at least one of the following:

(a) The department requests additional supporting documents;

(b) The department, county auditor or other agent, or subagent fails to perform or is neglectful;

(c) The owner is prevented from applying due to an illness or extended hospitalization;

(d) The legal owner fails or neglects to release interest;

(e) The owner did not know of the filing of a report of sale by the previous owner and signs an affidavit to the fact; or

(f) The department finds other conditions exist that adequately explain the delay.

~~((+9))~~ **(10) Review and issue.** The department shall review applications for certificates of title and issue certificates of title when it has determined that all applicable provisions of law have been complied with.

~~((+10))~~ **(11) Rules.** The department may adopt rules as necessary to implement this section."

Correct the title.

Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

March 31, 2023

SSB 5286

Prime Sponsor, Labor & Commerce:  
Modifying the premium provisions of the paid family and medical leave program.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 3, 2023

2SSB 5290

Prime Sponsor, Ways & Means: Concerning consolidating local permit review processes.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 36.70B.140 and 1995 c 347 s 418 are each amended to read as follows:

(1) A local government by ordinance or resolution may exclude the following project permits from the provisions of RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130: Landmark designations, street vacations, or other approvals relating to the use of public areas or facilities, or other project permits, whether administrative or quasi-judicial, that the local government by ordinance or resolution has determined present special circumstances that warrant a review process or time periods for approval which are different from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130.

(2) A local government by ordinance or resolution also may exclude the following project permits from the provisions of RCW 36.70B.060 and 36.70B.110 through 36.70B.130: Lot line or boundary adjustments and building and other construction permits, or similar administrative approvals, categorically exempt from environmental review under chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits.

(3) A local government must exclude project permits for interior alterations from site plan review, provided that the interior alterations do not result in the following:

(a) Additional sleeping quarters or bedrooms;

(b) Nonconformity with federal emergency management agency substantial improvement thresholds; or

(c) Increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.

(4) Nothing in this section exempts interior alterations from otherwise

applicable building, plumbing, mechanical, or electrical codes.

(5) For purposes of this section, "interior alterations" include construction activities that do not modify the existing site layout or its current use and involve no exterior work adding to the building footprint.

**NEW SECTION. Sec. 2.** A new section is added to chapter 36.70B RCW to read as follows:

(1) Subject to the availability of funds appropriated for this specific purpose, the department of commerce must establish a consolidated permit review grant program. The department may award grants to any local government that provides, by ordinance, resolution, or other action, a commitment to the following building permit review consolidation requirements:

(a) Issuing final decisions on residential permit applications within 45 business days or 90 calendar days.

(i) To achieve permit review within the stated time periods, a local government must provide consolidated review for building permit applications. This may include an initial technical peer review of the application for conformity with the requirements of RCW 36.70B.070 by all departments, divisions, and sections of the local government with jurisdiction over the project.

(ii) A local government may contract with a third-party business to conduct the consolidated permit review or as additional inspection staff. Any funds expended for such a contract may be eligible for reimbursement under this act.

(iii) Local governments are authorized to use grant funds to contract outside assistance to audit their development regulations to identify and correct barriers to housing development.

(b) Establishing an application fee structure that would allow the jurisdiction to continue providing consolidated permit review within 45 business days or 90 calendar days.

(i) A local government may consult with local building associations to develop a reasonable fee system.

(ii) A local government must determine, no later than August 1, 2023, the specific fee structure needed to provide permit review within the time periods specified in this subsection (1)(b).

(2) A jurisdiction that is awarded a grant under this section must provide a quarterly report to the department of commerce. The report must include the average and maximum time for permit review during the jurisdiction's participation in the grant program.

(3) If a jurisdiction is unable to successfully meet the terms and conditions of the grant, the jurisdiction must enter a 90-day probationary period. If the jurisdiction is not able to meet the requirements of this section by the end of the probationary period, the jurisdiction is no longer eligible to receive grants under this section.

(4) For the purposes of this section, "residential permit" means a permit issued by a city or county that satisfies the conditions of RCW 19.27.015(5) and is within the scope of the international residential code, as adopted in accordance with chapter 19.27 RCW.

**NEW SECTION. Sec. 3.** A new section is added to chapter 36.70B RCW to read as follows:

(1) Subject to the availability of funds appropriated for this specific purpose, the department of commerce must establish a grant program for local governments to update their permit review process from paper filing systems to software systems capable of processing digital permit applications, virtual inspections, electronic review, and with capacity for video storage.

(2) The department of commerce may only provide a grant under this section to a city if the city allows for the development of at least two units per lot on all lots zoned predominantly for residential use within its jurisdiction.

**NEW SECTION. Sec. 4.** A new section is added to chapter 36.70B RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department of commerce must convene a digital permitting process work group to examine potential license and permitting software for local governments to encourage streamlined and efficient permit review.

(2) The department of commerce, in consultation with the association of Washington cities and Washington state association of counties, shall appoint members to the work group representing groups including but not limited to:

- (a) Cities and counties;
- (b) Building industries; and
- (c) Building officials.

(3) The department of commerce must convene the first meeting of the work group by August 1, 2023. The department must submit a final report to the governor and the appropriate committees of the legislature by August 1, 2024. The final report must:

(a) Evaluate the existing need for digital permitting systems, including impacts on existing digital permitting systems that are already in place;

(b) Review barriers preventing local jurisdictions from accessing or adopting digital permitting systems;

(c) Evaluate the benefits and costs associated with a statewide permitting software system; and

(d) Provide budgetary, administrative policy, and legislative recommendations to increase the adoption of or establish a statewide system of digital permit review.

**Sec. 5.** RCW 36.70B.020 and 1995 c 347 s 402 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Closed record appeal" means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

(2) "Local government" means a county, city, or town.

(3) "Open record hearing" means a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government's record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution. An open record hearing may be held prior to a local government's decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.

(4) "Project permit" or "project permit application" means any land use or environmental permit or license required from a local government for a project action, including but not limited to (~~building permits,~~) subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones (~~authorized by a comprehensive plan or subarea plan~~) which do not require a comprehensive plan amendment, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

(5) "Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

**Sec. 6.** RCW 36.70B.070 and 1995 c 347 s 408 are each amended to read as follows:

(1) (a) Within (~~twenty-eight~~) 28 days after receiving a project permit application, a local government planning pursuant to RCW 36.70A.040 shall (~~mail or~~) provide (~~in person~~) a written determination to the applicant (~~, stating~~).

(b) The written determination must state either:

~~((a))~~ (i) That the application is complete; or

~~((b))~~ (ii) That the application is incomplete and that the procedural submission requirements of the local government have not been met. The determination shall outline what is necessary to make the application procedurally complete.

(c) The number of days shall be calculated by counting every calendar day.

(d) To the extent known by the local government, the local government shall identify other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application.

(2) A project permit application is complete for purposes of this section when it meets the procedural submission requirements of the local government (~~and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently~~), as outlined on the project permit application. Additional information or studies may be required or project modifications may be undertaken subsequent to the procedural review of the application by the local government. The determination of completeness shall not preclude the local government from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur. However, if the procedural submission requirements, as outlined on the project permit application have been provided, the need for additional information or studies may not preclude a completeness determination.

(3) The determination of completeness may include or be combined with the following (~~as optional information~~):

(a) A preliminary determination of those development regulations that will be used for project mitigation;

(b) A preliminary determination of consistency, as provided under RCW 36.70B.040; (~~or~~)

(c) Other information the local government chooses to include; or

(d) The notice of application pursuant to the requirements in RCW 36.70B.110.

(4) (a) An application shall be deemed procedurally complete on the 29th day after receiving a project permit application under this section if the local government does not provide a written determination to the applicant that the application is procedurally incomplete as provided in subsection (1)(b)(ii) of this section. When the local government does not provide a written determination, they may still seek additional information or studies as provided for in subsection (2) of this section.

(b) Within (~~fourteen~~) 14 days after an applicant has submitted to a local government additional information identified by the local government as being necessary for a complete application, the local

government shall notify the applicant whether the application is complete or what additional information is necessary.

(c) The notice of application shall be provided within 14 days after the determination of completeness pursuant to RCW 36.70B.110.

**Sec. 7.** RCW 36.70B.080 and 2004 c 191 s 2 are each amended to read as follows:

(1)(a) Development regulations adopted pursuant to RCW 36.70A.040 must establish and implement time periods for local government actions for each type of project permit application and provide timely and predictable procedures to determine whether a completed project permit application meets the requirements of those development regulations. The time periods for local government actions for each type of complete project permit application or project type should not exceed ~~((one hundred twenty days, unless the local government makes written findings that a specified amount of additional time is needed to process specific complete project permit applications or project types))~~ those specified in this section.

~~((The))~~(b) For project permits submitted after January 1, 2025, the development regulations must, for each type of permit application, specify the contents of a completed project permit application necessary for the complete compliance with the time periods and procedures.

~~((2-))~~(c) A jurisdiction may exclude certain permit types and timelines for processing project permit applications as provided for in RCW 36.70B.140.

(d) The time periods for local government action to issue a final decision for each type of complete project permit application or project type subject to this chapter should not exceed the following time periods unless modified by the local government pursuant to this section or RCW 36.70B.140:

(i) For project permits which do not require public notice under RCW 36.70B.110, a local government must issue a final decision within 65 days of the determination of completeness under RCW 36.70B.070;

(ii) For project permits which require public notice under RCW 36.70B.110, a local government must issue a final decision within 100 days of the determination of completeness under RCW 36.70B.070; and

(iii) For project permits which require public notice under RCW 36.70B.110 and a public hearing, a local government must issue a final decision within 170 days of the determination of completeness under RCW 36.70B.070.

(e) A jurisdiction may modify the provisions in (d) of this subsection to add permit types not identified, change the permit names or types in each category, address how consolidated review time periods may be different than permits submitted individually, and provide for how projects of a certain size or type may be differentiated. Unless otherwise provided for the consolidated review of more than one permit, the time period for a final decision shall be the longest of the permit time

periods identified in (d) of this subsection or as amended by a local government.

(f) If a local government does not adopt an ordinance or resolution modifying the provisions in (d) of this subsection, the time periods in (d) of this subsection apply.

(g) The number of days an application is in review with the county or city shall be calculated from the day completeness is determined under RCW 36.70B.070 to the date a final decision is issued on the project permit application. The number of days shall be calculated by counting every calendar day and the following time periods:

(i) Any period between the day that the county or city has notified the applicant, in writing, that additional information is required to further process the application and the day when responsive information is resubmitted by the applicant;

(ii) Any period after an applicant informs the local government, in writing, that they would like to temporarily suspend review of the project permit application until the time that the applicant notifies the local government, in writing, that they would like to resume the application. A local government may set conditions for the temporary suspension of a permit application; and

(iii) Any period after an administrative appeal is filed until the administrative appeal is resolved and any additional time period provided by the administrative appeal has expired.

(h) The time periods for a local government to process a permit shall start over if an applicant proposes a change in use that adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of procedural completeness for the new use, as required by the local government under RCW 36.70B.070.

(i) If, at any time, an applicant informs the local government, in writing, that the applicant would like to temporarily suspend the review of the project for more than 60 days, or if an applicant is not responsive for more than 60 consecutive days after the county or city has notified the applicant, in writing, that additional information is required to further process the application, an additional 30 days may be added to the time periods for local government action to issue a final decision for each type of project that is subject to this chapter. Any written notice from the local government to the applicant that additional information is required to further process the application must include a notice that nonresponsiveness for 60 consecutive days may result in 30 days being added to the time for review. For the purposes of this subsection, "nonresponsiveness" means that an applicant is not making demonstrable progress on providing additional requested information to the local government, or that there is no ongoing communication from the applicant to the local government on the applicant's ability or willingness to provide the additional information.

(j) Annual amendments to the comprehensive plan are not subject to the requirements of this section.

(k) A county's or city's adoption of a resolution or ordinance to implement this subsection shall not be subject to appeal under chapter 36.70A RCW unless the resolution or ordinance modifies the time periods provided in (d) of this subsection by providing for a review period of more than 170 days for any project permit.

(l)(i) When permit time periods provided for in (d) of this subsection, as may be amended by a local government, and as may be extended as provided for in (i) of this subsection, are not met, a portion of the permit fee must be refunded to the applicant as provided in this subsection. A local government may provide for the collection of only 80 percent of a permit fee initially, and for the collection of the remaining balance if the permitting time periods are met. The portion of the fee refunded for missing time periods shall be:

(A) 10 percent if the final decision of the project permit application was made after the applicable deadline but the period from the passage of the deadline to the time of issuance of the final decision did not exceed 20 percent of the original time period; or

(B) 20 percent if the period from the passage of the deadline to the time of the issuance of the final decision exceeded 20 percent of the original time period.

(ii) Except as provided in RCW 36.70B.160, the provisions in this subsection (1)(l) are not applicable to cities and counties which have implemented at least three of the options in RCW 36.70B.160(1) (a) through (j) at the time an application is deemed procedurally complete.

(2)(a) Counties subject to the requirements of RCW 36.70A.215 and the cities within those counties that have populations of at least ((twenty thousand))20,000 must, for each type of permit application, identify the total number of project permit applications for which decisions are issued according to the provisions of this chapter. For each type of project permit application identified, these counties and cities must establish and implement a deadline for issuing a notice of final decision as required by subsection (1) of this section and minimum requirements for applications to be deemed complete under RCW 36.70B.070 as required by subsection (1) of this section.

(b) Counties and cities subject to the requirements of this subsection also must prepare an annual performance report((s)) that ((include, at a minimum, the following information for each type of project permit application identified in accordance with the requirements of (a) of this subsection:

(i) Total number of complete applications received during the year;

(ii) Number of complete applications received during the year for which a notice of final decision was issued before the deadline established under this subsection;

(iii) Number of applications received during the year for which a notice of final decision was issued after the deadline established under this subsection;

(iv) Number of applications received during the year for which an extension of

time was mutually agreed upon by the applicant and the county or city;

(v) Variance of actual performance, excluding applications for which mutually agreed time extensions have occurred, to the deadline established under this subsection during the year; and

(vi) The mean processing time and the number standard deviation from the mean.

(c) Counties and cities subject to the requirements of this subsection must:

(i) Provide notice of and access to the annual performance reports through the county's or city's website; and

(ii) Post electronic facsimiles of the annual performance reports through the county's or city's website. Postings on a county's or city's website indicating that the reports are available by contacting the appropriate county or city department or official do not comply with the requirements of this subsection.

If a county or city subject to the requirements of this subsection does not maintain a website, notice of the reports must be given by reasonable methods, including but not limited to those methods specified in RCW 36.70B.110(4).

(3))includes information outlining time periods for certain permit types associated with housing. The report must provide:

(i) Permit time periods for certain permit processes in the county or city in relation to those established under this section, including whether the county or city has established shorter time periods than those provided in this section;

(ii) The total number of decisions issued during the year for the following permit types: Preliminary subdivisions, final subdivisions, binding site plans, permit processes associated with the approval of multifamily housing, and construction plan review for each of these permit types when submitted separately;

(iii) The total number of decisions for each permit type which included consolidated project permit review, such as concurrent review of a rezone or construction plans;

(iv) The total number of days from a submittal to a decision being issued. This shall be calculated from the day completeness is determined under RCW 36.70B.070 to the date a decision is issued on the application. The number of days shall be calculated by counting every calendar day;

(v) The total number of days the application was in review with the county or city. This shall be calculated from the day completeness is determined under RCW 36.70B.070 to the date a final decision is issued on the application. The number of days shall be calculated by counting every calendar day. The days the application is in review with the county or city does not include time periods between where the county or city has notified the applicant, in writing, that additional information is required to further process the application and when that information is submitted by the applicant. Time periods shall also be stopped when an applicant informs the local government, in writing, that they would like to temporarily suspend review of the project permit application; and

(vi) The total number of days the permit is the responsibility of the applicant, including days the county or city is waiting for additional information.

(c) Counties and cities subject to the requirements of this subsection must:

(i) Post the annual performance report through the county's or city's website; and

(ii) Submit the annual performance report to the department of commerce by March 1st each year.

(d) No later than July 1st each year, the department of commerce shall publish a report which includes the annual performance report data for each county and city subject to the requirements of this subsection and a list of those counties and cities whose time periods are shorter than those provided for in this section.

The annual report must also include key metrics and findings from the information collected.

(e) The initial annual report required under this subsection must be submitted to the department of commerce by March 1, 2025, and must include information from permitting in 2024.

(3) Nothing in this section prohibits a county or city from extending a deadline for issuing a decision for a specific project permit application for any reasonable period of time mutually agreed upon by the applicant and the local government.

((4) The department of community, trade, and economic development shall work with the counties and cities to review the potential implementation costs of the requirements of subsection (2) of this section. The department, in cooperation with the local governments, shall prepare a report summarizing the projected costs, together with recommendations for state funding assistance for implementation costs, and provide the report to the governor and appropriate committees of the senate and house of representatives by January 1, 2005-))

**Sec. 8.** RCW 36.70B.160 and 1995 c 347 s 420 are each amended to read as follows:

(1) Each local government is encouraged to adopt further project review and code provisions to provide prompt, coordinated review and ensure accountability to applicants and the public((, including expedited review for project permit applications for projects that are consistent with adopted development regulations and within the capacity of systemwide infrastructure improvements))by:

(a) Expediting review for project permit applications for projects that are consistent with adopted development regulations;

(b) Imposing reasonable fees, consistent with RCW 82.02.020, on applicants for permits or other governmental approvals to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW. The fees imposed may not include a fee for the cost of processing administrative appeals. Nothing in this subsection limits the

ability of a county or city to impose a fee for the processing of administrative appeals as otherwise authorized by law;

(c) Entering into an interlocal agreement with another jurisdiction to share permitting staff and resources;

(d) Maintaining and budgeting for on-call permitting assistance for when permit volumes or staffing levels change rapidly;

(e) Having new positions budgeted that are contingent on increased permit revenue;

(f) Adopting development regulations which only require public hearings for permit applications that are required to have a public hearing by statute;

(g) Adopting development regulations which make preapplication meetings optional rather than a requirement of permit application submittal;

(h) Adopting development regulations which make housing types an outright permitted use in all zones where the housing type is permitted;

(i) Adopting a program to allow for outside professionals with appropriate professional licenses to certify components of applications consistent with their license; or

(j) Meeting with the applicant to attempt to resolve outstanding issues during the review process. The meeting must be scheduled within 14 days of a second request for corrections during permit review. If the meeting cannot resolve the issues and a local government proceeds with a third request for additional information or corrections, the local government must approve or deny the application upon receiving the additional information or corrections.

(2)(a) After January 1, 2026, a county or city must adopt additional measures under subsection (1) of this section at the time of its next comprehensive plan update under RCW 36.70A.130 if it meets the following conditions:

(i) The county or city has adopted at least three project review and code provisions under subsection (1) of this section more than five years prior; and

(ii) The county or city is not meeting the permitting deadlines established in RCW 36.70B.080 at least half of the time over the period since its most recent comprehensive plan update under RCW 36.70A.130.

(b) A city or county that is required to adopt new measures under (a) of this subsection but fails to do so becomes subject to the provisions of RCW 36.70B.080(1)(1), notwithstanding RCW 36.70B.080(1)(1)(ii).

((2))((3)) (3) Nothing in this chapter is intended or shall be construed to prevent a local government from requiring a preapplication conference or a public meeting by rule, ordinance, or resolution.

((3))((4)) (4) Each local government shall adopt procedures to monitor and enforce permit decisions and conditions.

((4))((5)) (5) Nothing in this chapter modifies any independent statutory authority for a government agency to appeal a project permit issued by a local government.

**NEW SECTION. Sec. 9.** A new section is added to chapter 36.70B RCW to read as follows:

(1) The department of commerce shall develop and provide technical assistance and guidance to counties and cities in setting fee structures under RCW 36.70B.160(1) to ensure that the fees are reasonable and sufficient to recover true costs. The guidance must include information on how to utilize growth factors or other measures to reflect cost increases over time.

(2) When providing technical assistance under subsection (1) of this section, the department of commerce must prioritize local governments that have implemented at least three of the options in RCW 36.70B.160(1).

**Sec. 10.** RCW 36.70B.110 and 1997 c 429 s 48 and 1997 c 396 s 1 are each reenacted and amended to read as follows:

(1) Not later than April 1, 1996, a local government planning under RCW 36.70A.040 shall provide a notice of application to the public and the departments and agencies with jurisdiction as provided in this section. If a local government has made a threshold determination under chapter 43.21C RCW concurrently with the notice of application, the notice of application may be combined with the threshold determination and the scoping notice for a determination of significance. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application. Nothing in this section or this chapter prevents a lead agency, when it is a project proponent or is funding a project, from conducting its review under chapter 43.21C RCW or from allowing appeals of procedural determinations prior to submitting a project permit ((application)).

(2) The notice of application shall be provided within ((fourteen))14 days after the determination of completeness as provided in RCW 36.70B.070 and, except as limited by the provisions of subsection (4) (b) of this section, ((shall))must include the following in whatever sequence or format the local government deems appropriate:

(a) The date of application, the date of the notice of completion for the application, and the date of the notice of application;

(b) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070 ((or 36.70B.090));

(c) The identification of other permits not included in the application to the extent known by the local government;

(d) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, such as a city land use bulletin, the location where the application and any studies can be reviewed;

(e) A statement of the public comment period, which shall be not less than fourteen nor more than thirty days following the date of notice of application, and statements of the right of any person to

comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. A local government may accept public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit;

(f) The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application;

(g) A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency as provided in RCW 36.70B.030(2) and 36.70B.040; and

(h) Any other information determined appropriate by the local government.

(3) If an open record predecision hearing is required for the requested project permits, the notice of application shall be provided at least fifteen days prior to the open record hearing.

(4) A local government shall use reasonable methods to give the notice of application to the public and agencies with jurisdiction and may use its existing notice procedures. A local government may use different types of notice for different categories of project permits or types of project actions. If a local government by resolution or ordinance does not specify its method of public notice, the local government shall use the methods provided for in (a) and (b) of this subsection. Examples of reasonable methods to inform the public are:

(a) Posting the property for site-specific proposals;

(b) Publishing notice, including at least the project location, description, type of permit(s) required, comment period dates, and location where the notice of application required by subsection (2) of this section and the complete application may be reviewed, in the newspaper of general circulation in the general area where the proposal is located or in a local land use newsletter published by the local government;

(c) Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;

(d) Notifying the news media;

(e) Placing notices in appropriate regional or neighborhood newspapers or trade journals;

(f) Publishing notice in agency newsletters or sending notice to agency mailing lists, either general lists or lists for specific proposals or subject areas; and

(g) Mailing to neighboring property owners.

(5) A notice of application shall not be required for project permits that are categorically exempt under chapter 43.21C RCW, unless an open record predecision hearing is required or an open record appeal hearing is allowed on the project permit decision.

(6) A local government shall integrate the permit procedures in this section with ((its)) environmental review under chapter 43.21C RCW as follows:

(a) Except for a threshold determination and except as otherwise expressly allowed in this section, the local government may not issue a decision or a recommendation on a project permit until the expiration of the public comment period on the notice of application.

(b) If an open record predecision hearing is required, the local government shall issue its threshold determination at least fifteen days prior to the open record predecision hearing.

(c) Comments shall be as specific as possible.

(d) A local government is not required to provide for administrative appeals of its threshold determination. If provided, an administrative appeal (~~(shall)~~)must be filed within fourteen days after notice that the determination has been made and is appealable. Except as otherwise expressly provided in this section, the appeal hearing on a threshold determination (~~(of nonsignificance shall)~~)must be consolidated with any open record hearing on the project permit.

(7) At the request of the applicant, a local government may combine any hearing on a project permit with any hearing that may be held by another local, state, regional, federal, or other agency, if:

(a) The hearing is held within the geographic boundary of the local government; and

(b) (~~The joint hearing can be held within the time periods specified in RCW 36.70B.090 or the~~)The applicant agrees to the schedule in the event that additional time is needed in order to combine the hearings. All agencies of the state of Washington, including municipal corporations and counties participating in a combined hearing, are hereby authorized to issue joint hearing notices and develop a joint format, select a mutually acceptable hearing body or officer, and take such other actions as may be necessary to hold joint hearings consistent with each of their respective statutory obligations.

(8) All state and local agencies shall cooperate to the fullest extent possible with the local government in holding a joint hearing if requested to do so, as long as:

(a) The agency is not expressly prohibited by statute from doing so;

(b) Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and

(c) The agency has received the necessary information about the proposed project from the applicant to hold its hearing at the same time as the local government hearing.

(9) A local government is not required to provide for administrative appeals. If provided, an administrative appeal of the project decision and of any environmental determination issued at the same time as the project decision, shall be filed within fourteen days after the notice of the decision or after other notice that the decision has been made and is appealable. The local government shall extend the appeal period for an additional seven days, if state or local rules adopted pursuant to chapter 43.21C RCW allow public comment on a

determination of nonsignificance issued as part of the appealable project permit decision.

(10) The applicant for a project permit is deemed to be a participant in any comment period, open record hearing, or closed record appeal.

(11) Each local government planning under RCW 36.70A.040 shall adopt procedures for administrative interpretation of its development regulations.

NEW SECTION. **Sec. 11.** The department of commerce shall develop a template for counties and cities subject to the requirements in RCW 36.70B.080, which will be utilized for reporting data.

NEW SECTION. **Sec. 12.** The department of commerce shall develop a plan to provide local governments with appropriately trained staff to provide temporary support or hard to find expertise for timely processing of residential housing permit applications. The plan shall include consideration of how local governments can be provided with staff that have experience with providing substitute staff support or that possess expertise in permitting policies and regulations in the local government's geographic area or with jurisdictions of the local government's size or population. The plan and a proposal for implementation shall be presented to the legislature by December 1, 2023.

NEW SECTION. **Sec. 13.** Section 7 of this act takes effect January 1, 2025."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

E2SSB 5311 Prime Sponsor, Ways & Means: Concerning special education funding formula. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that students receiving special education services are entitled, under both federal and state law, to a free appropriate public education that enables their full participation.

The legislature also finds that a cap or enrollment limit on the number of students receiving special education services that generate state special education funding is



not consistent with the state's duty to provide a free appropriate public education. An enrollment limit that fails to provide equity for all students with disabilities affects all students in public schools.

The legislature further finds that school districts pay for special education services with local funding, creating an inequitable situation for school districts and students. The legislature supports a system of funding that does not require school districts to generate local funding to meet their obligation to provide special education services.

The legislature finds that along with reliable and sufficient state funding, receiving special education services in the least restrictive environment possible is crucial to student success. A recent large-scale study found that students who spend at least 80 percent of their day in a general education setting improved their reading scores by 24 points and math scores by 18 points compared to peers with similar disabilities in less inclusive settings.

The legislature finds that the documented prevalence of disabilities amongst children, particularly amongst vulnerable populations and communities with disparately poor health outcomes and access to health services, indicates that the state should improve access to evaluations for disabilities.

The legislature finds that special education is fully part of the state's statutory program of basic education that is deemed by the legislature to implement Article IX, section 1 of the state Constitution.

The legislature, therefore, intends to fully fund special education services by removing the 13.5 percent cap, eliminating the cap entirely in the 2027-28 school year, and increasing the tiered special education multipliers for elementary and secondary students, thereby giving every school district a funding increase.

The legislature intends to require a comprehensive study of funding and services for students with disabilities completed prior to the 2025 legislative session to understand if the state is appropriately identifying students with disabilities, identify funding and service gaps, and ensure that funding provided by the state to school districts, charter schools, and other entities for services are being used to meet the needs of students with disabilities.

**Sec. 2.** RCW 28A.150.390 and 2020 c 90 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW 28A.150.260 (4)(a), (5), (6), and (8) and 28A.150.415.

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages three and four and those five year olds not yet enrolled in kindergarten who are eligible for and receiving special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.15;

(b)(i) Subject to the limitation in (b)(ii) of this subsection (2), a district's annual average enrollment of resident students who are eligible for and receiving special education, excluding students ages three and four and those five year olds not yet enrolled in kindergarten, multiplied by the district's base allocation per full-time equivalent student, multiplied by the special education cost multiplier rate of:

(A) ~~((In the 2019-20 school year, 0.995 for students eligible for and receiving special education.~~

~~(B) Beginning in the 2020-21 school year, either:~~

~~(I) 1.0075 for)) For students eligible for and receiving special education and reported to be in the general education setting for ((eighty)) 80 percent or more of the school day(, or~~  
~~(II) 0.995 for):~~

(I) In the 2023-24 school year, 1.035;

(II) In the 2024-25 school year, 1.04;

(III) In the 2025-26 school year, 1.043;

(IV) Beginning in the 2026-27 school year, 1.059; or

(B) For students eligible for and receiving special education and reported to be in the general education setting for less than ((eighty)) 80 percent of the school day:

(I) In the 2023-24 school year, 1.02;

(II) In the 2024-25 school year, 1.025;

(III) In the 2025-26 school year, 1.028;

(IV) Beginning in the 2026-27 school year, 1.043.

(ii) ~~((If)) Through the 2026-27 school year, if the enrollment percent exceeds ((thirteen and five-tenths percent)) the funded enrollment limit, the excess cost allocation calculated under (b)(i) of this subsection must be adjusted by multiplying the allocation by ((thirteen and five-tenths percent)) the funded enrollment limit divided by the enrollment percent.~~

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 (4)(a), (5), (6), and (8) and the allocation under RCW 28A.150.415, to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident annual average enrollment of students who are eligible for and receiving special education, excluding students ages three and four and those five year olds not yet enrolled in kindergarten and students enrolled in institutional

education programs, as a percent of the district's annual average full-time equivalent basic education enrollment.

(d) "Funded enrollment limit" means:

(i) Through the 2022-23 school year, 13.5 percent;

(ii) In the 2023-24 school year, 14 percent;

(iii) In the 2024-25 school year, 14.5 percent;

(iv) In the 2025-26 and 2026-27 school years, 15 percent;

(v) Beginning in the 2027-28 school year, all students eligible for and receiving special education must generate excess cost allocations under this section.

**Sec. 3.** RCW 28A.150.392 and 2019 c 387 s 2 are each amended to read as follows:

(1)(a) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A.150.390.

(b) If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need.

(2) Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall award additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas.

(b) In the determination of need, the committee shall consider additional available revenues from federal sources.

(c) Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(d) In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state revenues related to services for students eligible for special education and all federal revenues from federal impact aid, medicaid, and the individuals with disabilities education act-Part B and appropriate special projects. Awards associated with (e) and (f) of this subsection shall not exceed the total of a district's specific determination of need.

(e) The committee shall then consider the extraordinary high cost needs of one or more individual students eligible for and receiving special education. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(f) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services, which may include consideration of proximity to group homes,

military bases, and regional hospitals. Safety net awards under this subsection (2)(f) shall be adjusted to reflect amounts awarded under (e) of this subsection.

(g) The committee shall then consider the extraordinary high cost needs of one or more individual students eligible for and receiving special education served in residential schools as defined in RCW ((28A.190.020)) 28A.190.005, programs for juveniles under the department of corrections, and programs for juveniles operated by city and county jails to the extent they are providing a secondary program of education.

(h) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(i) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter 318, Laws of 1999.

(j) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(3) The superintendent of public instruction shall adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. By December 1, 2018, the superintendent shall review and revise the rules to achieve full and complete implementation of the requirements of this subsection and subsection (4) of this section including revisions to rules that provide additional flexibility to access community impact awards. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school districts in preparing and submitting special education safety net applications.

(4) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(5) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(6) Beginning in the ~~((2019-20))~~ 2023-24 school year, a high-need student is eligible for safety net awards from state funding under subsection (2)(e) and (g) of this section if the student's individualized education program costs exceed two and ~~((three))~~ two-tenths times the average per-pupil expenditure as defined in Title 20 U.S.C. Sec. 7801, the every student succeeds act of 2015.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.150 RCW to read as follows:

Beginning July 1, 2025:

(1) It is the policy of the state that for purposes of state funding allocations, students eligible for and receiving special education generate the full basic education allocation under RCW 28A.150.260 and, as a class, are to receive the benefits of this allocation for the entire school day, as defined in RCW 28A.150.203, whether the student is placed in the general education setting or another setting.

(2) The superintendent of public instruction must maintain a full cost method of excess cost accounting to account for expenditures beyond amounts provided through the special education funding formula under RCW 28A.150.390. This method of accounting must shift the following portions of a school district's general apportionment revenue for students eligible for and receiving special education to the school district's special education program for expenditure.

(a) A percentage of a school district's base allocation as defined in RCW 28A.150.390(3) for students eligible for and receiving special education based on their percentage of time served in a special education setting;

(b) To the extent that state special education expenditures in the previous year exceeded state funding provided for that year under RCW 28A.150.390, 28A.150.392, and methods for redirecting general apportionment revenue based on the students' percentage of time served in a special education setting, up to 50 percent of the school district's base allocation as defined in RCW 28A.150.390(3) for students eligible for and receiving special education combining portions under (a) of this subsection.

(3) Unless otherwise prohibited by law, nothing in this section prohibits school districts from using other funding and state allocations above the amounts provided under RCW 28A.150.390 and subsection (2) of this section to serve students eligible for and receiving special education.

(4) The legislature must review any findings and recommendations from the report and audit required under section 6 of this act and adjust formulas in this section as appropriate.

NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.155 RCW to read as follows:

(1) The superintendent of public instruction shall annually review data from local education agencies, including the percentage of students receiving special education services, to ensure there is not a disproportionate identification of students, as defined by the superintendent of public instruction in accordance with federal requirements of the individuals with disabilities education act, 20 U.S.C. Sec. 1400.

(2) The office of the superintendent of public instruction shall provide technical assistance to school districts experiencing issues related to disproportionality and will make available professional development opportunities statewide to support local education agencies, schools, and community partners in promoting inclusionary teaching practices within a multitiered system of supports framework to help safeguard against over-identification and other issues related to disproportionality.

NEW SECTION. **Sec. 6.** (1) The joint legislative audit and review committee and the state auditor must collaborate to conduct a performance audit of the state's system of providing special education services to students with disabilities. The joint legislative audit and review committee and the state auditor may divide responsibility for the work and reporting required in this section as appropriate, and contract with qualified third-party researchers or higher education institutions to perform any aspect of the report and audit. The report and audit must address:

(a) The prevalence of disabilities and whether the provisions and funding for evaluating students and providing services reflects the prevalence of disabilities, including whether any populations are disparately underevaluated or underserved;

(b) The degree to which changes in funding formulas intended to encourage increased inclusion are successful and whether the state and school districts are utilizing best practices to improve inclusion;

(c) Whether the changes in evaluation timelines or increases in the funded enrollment limit have resulted in funding for students who do not have disabilities or in excess of districts' costs to serve students with disabilities;

(d) Whether districts are appropriately accounting for and reporting use of basic education allocations for students with disabilities, including if statutory expectations for use of funds are being met;

(e) The amount of funding from levies or other local sources that school districts continue to utilize under current accounting methodologies in order to meet obligations to provide free and appropriate public education to students with disabilities, the degree to which funding shortfalls will continue following planned increases in multipliers, proposed changes to accounting methodologies, and the elimination of a cap on the percent of students for whom the

state provides funding; and, options for additional changes to funding formulas to eliminate shortfalls in state funding for special education; and

(f) How the state may improve recruitment and retention of certificated educators, instructional aides, or paraeducators and professionals serving students with disabilities.

(2) To develop the appropriate scope, define study questions, and select one or more contractors to complete the performance audit and report, the joint legislative audit and review committee and state auditor shall consult with the office of the superintendent of public instruction, the office of the education ombuds, organizations representing and serving students with disabilities, the Washington state special education advisory council, and labor organizations representing educators providing educational services to students with disabilities in developing study questions and choosing appropriate contractors. To address the study questions, the joint legislative audit and review committee and the state auditor may conduct the audit at a sample of school districts as needed.

(3) The performance audit required by this section must include charter schools to the same extent as school districts.

(4) Upon request, the office of financial management and any state or local agency must provide the joint legislative audit and review committee and the state auditor with education records necessary to conduct the performance audit required under this section. The joint legislative audit and review committee and the state auditor shall be considered authorized representatives of relevant state education authorities, including the superintendent of public instruction and the department of children, youth, and families, for the purpose of accessing records for this evaluation. The office of financial management and any state or local agency must provide records within four months from the date of an initial request. The office of financial management or agencies contributing data to the education research and data center must notify the joint legislative audit and review committee and the state auditor's office in writing if they determine a request does not comply with the federal educational rights and privacy act, no later than 21 days after the initial request.

(5) Prior to the 2024 legislative session, the joint legislative audit and review committee and the state auditor must identify a lead agency for each element of the report and audit defined in subsection (1)(a) through (f) of this section and any aspects of the study that are being conducted by contractors. These designations must be provided to the governor and the committees of the legislature with jurisdiction over fiscal matters and special education by December 31, 2023.

(6) The joint legislative audit and review committee and the state auditor must, in accordance with RCW 43.01.036, report the study's findings and recommendations to the governor and the committees of the legislature with jurisdiction over fiscal

matters and special education by November 30, 2024.

(7) This section expires August 1, 2025.

NEW SECTION. **Sec. 7.** Sections 2 and 3 of this act take effect September 1, 2023.

NEW SECTION. **Sec. 8.** Section 4 of this act takes effect July 1, 2025.

NEW SECTION. **Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

E2SSB 5315 Prime Sponsor, Ways & Means: Concerning nonpublic agencies operating special education programs for students with disabilities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Education.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1)(a) The legislature finds that the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq. establishes duties for the state education agency, which is the office of the superintendent of public instruction in Washington, with respect to students with disabilities who are placed in a private school or facility by a school district or other public agency as a means of providing special education and related services.

(b) Since 2006, the federal implementing regulations of the federal individuals with disabilities education act have required that the office of the superintendent of public instruction ensure that a student with a disability who is placed in a private school or facility by a school district or other public agency:

(i) Is provided special education and related services in conformance with an individualized education program that meets the requirements of federal law and at no cost to the student's parents;

(ii) Is provided an education that meets the standards that apply to education provided by a school district or other public agency; and

(iii) Has all of the rights of a student with a disability who is served by a school district or other public agency.

(c) Since 2006, the federal implementing regulations of the federal individuals with disabilities education act have required that the office of the superintendent of public instruction, in implementing the requirements described in (b) of this subsection (1):

(i) Monitor compliance through procedures such as written reports, on-site visits, and parent questionnaires;

(ii) Disseminate copies of applicable standards to each private school and facility to which a school district or other public agency placed a student with a disability; and

(iii) Provide an opportunity for those private schools and facilities to participate in the development and revision of state standards that apply to them.

(2) The legislature acknowledges that it has not codified the requirements described in subsection (1) of this section into state statute. Therefore, the legislature intends to codify the duty and authority of the superintendent of public instruction to establish standards for approving, monitoring, and investigating education centers, which are private schools and facilities that contract with school districts to provide special education and related services to students with disabilities placed in the education center by a school district. The legislature also intends to codify the requirement that these standards must ensure that any students with disabilities placed in an education center by a school district have the same rights, protections, and access to special education and related services that they would have if served by a school district.

**Sec. 2.** RCW 28A.155.090 and 2007 c 115 s 11 are each amended to read as follows:

The superintendent of public instruction shall have the duty and authority, through the administrative section or unit for the education of children with disabling conditions, to:

(1) Assist school districts in the formation of programs to meet the needs of children with disabilities;

(2) Develop interdistrict cooperation programs for children with disabilities as authorized in RCW 28A.225.250;

(3) Provide, upon request, to parents or guardians of children with disabilities, information as to the special education programs for students with disabilities offered within the state;

(4) Assist, upon request, the parent or guardian of any child with disabilities in the placement of any child with disabilities who is eligible for but not receiving special educational services for children with disabilities;

(5) Approve school district and agency programs as being eligible for special excess cost financial aid to students with disabilities;

(6) Establish standards for approving, monitoring, and investigating education centers, as defined in RCW 28A.205.010, that contract with school districts under RCW 28A.155.060 to provide special education and related services to children with

disabilities placed in the education center by a school district. The standards must ensure that any children with disabilities placed in the education center by a school district have the same rights, protections, and access to special education and related services that they would have if served by a school district;

(7) Consistent with the provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160, and part B of the federal individuals with disabilities education improvement act, administer administrative hearings and other procedures to ensure procedural safeguards of children with disabilities; and

~~((7))~~ (8) Promulgate such rules as are necessary to implement part B of the federal individuals with disabilities education improvement act or other federal law providing for special education services for children with disabilities and the several provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160 and to ensure appropriate access to and participation in the general education curriculum and participation in statewide assessments for all students with disabilities.

**Sec. 3.** RCW 28A.205.010 and 2006 c 263 s 408 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) ~~((As used in this chapter, unless the context thereof shall clearly indicate to the contrary:))~~

"Education center" means ~~((any private school operated on a profit or nonprofit basis which))~~ a private in-state school or facility operated on a profit or nonprofit basis, or any out-of-state school or facility, that contracts with a school district to provide special education and related services to students with disabilities placed in the education center by the school district and that does the following:

(a) Is devoted to the teaching of basic academic skills, including specific attention to improvement of student motivation for achieving, and employment orientation~~((-))~~;

(b) Operates on a clinical, client centered basis. This shall include, but not be limited to, performing diagnosis of individual educational abilities, determination and setting of individual goals, prescribing and providing individual courses of instruction therefor, and evaluation of each individual client's progress in his or her educational program~~((-))~~; and

(c) Conducts courses of instruction by ~~((professionally trained personnel certificated by the Washington professional educator standards board according to rules adopted for the purposes of this chapter and providing, for certification purposes, that a year's teaching experience in an education center shall be deemed equal to a year's teaching experience in a common or private school))~~ licensed teachers.

(2) (~~For purposes of this chapter, basic academic skills shall~~) "Basic academic skills" must include the study of mathematics, speech, language, reading and composition, science, history, literature, and political science or civics (~~it shall not include courses of a vocational training nature and shall not include courses deemed nonessential to the accrediting or the approval of private schools under RCW 28A.305.130.~~

(3) ~~The superintendent of public instruction shall certify an education center only upon application and (a) determination that such school comes within the definition thereof as set forth in subsection (1) of this section and (b) demonstration on the basis of actual educational performance of such applicants' students which shows after consideration of their students' backgrounds, educational gains that are a direct result of the applicants' educational program. Such certification may be withdrawn if the superintendent finds that a center fails to provide adequate instruction in basic academic skills. No education center certified by the superintendent of public instruction pursuant to this section shall be deemed a common school under RCW 28A.150.020 or a private school for the purposes of RCW 28A.195.010 through 28A.195.050).~~

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.205 RCW to read as follows:

(1) The office of the superintendent of public instruction may approve an applicant as an education center only after a determination that:

(a) The applicant meets the definition of an education center under RCW 28A.205.010; and

(b) The students of the applicant have made educational gains that are a direct result of the applicant's educational program, where the determination is based on the actual educational performance of the students, after considering each student's background.

(2) The office of the superintendent of public instruction may suspend, revoke, or refuse to renew approval of an education center if the education center fails to provide adequate instruction in basic academic skills, fails to adhere to federal laws, especially civil rights laws, fails to comply with health and safety requirements, or fails to comply with provisions of its contract with a school district.

(3) The office of the superintendent of public instruction must prohibit approved education centers from charging tuition or fees to students placed in the education center by a school district.

(4) The office of the superintendent of public instruction must encourage school districts to cooperate with education centers.

(5) An education center approved by the office of the superintendent of public instruction under this section is not a common school under RCW 28A.150.020.

(6) The approval of an education center that is a private school in Washington approved by the state board of education under chapter 28A.195 RCW is limited to the program of special education and related services provided to students with disabilities placed in the education center by the school district.

**Sec. 5.** RCW 28A.155.060 and 2007 c 115 s 6 are each amended to read as follows:

(1) For the purpose of carrying out the provisions of RCW 28A.155.020 through 28A.155.050, the board of directors of every school district shall be authorized to contract with (~~agencies approved by the superintendent of public instruction for operating special education programs for students with disabilities. Approval standards for such agencies shall conform substantially with those of special education programs in the common schools~~) education centers approved under subsection (2) of this section to provide special education and related services to students with disabilities placed in the education center by the school district.

(2)(a) The office of the superintendent of public instruction must create an application process to approve education centers to contract with school districts to provide special education and related services to students with disabilities placed in the education center by a school district. Education centers may be approved for a period of up to three years.

(b) To qualify for approval, an education center must, at a minimum, meet the following requirements:

(i) Acknowledge that it can meet all contract elements established in subsection (3)(a) of this section;

(ii)(A) For an education center operating as a school, either obtain approval by the state board of education under chapter 28A.195 RCW to operate as a private school in Washington or obtain approval by the state education agency of the state in which the education center is located; and (B) for education centers that operate a program of education within a nonschool facility, comply with facility licensing requirements of the state in which the education center is located;

(iii) Employ or contract with: At least one licensed teacher with a special education endorsement; other licensed teachers; and related services staff who meet the licensing requirements for their profession;

(iv) Meet applicable fire codes of the local or state fire marshal and applicable health and safety standards;

(v) Demonstrate through audits that it is financially stable and has accounting systems that allow for separation of school district funds, including financial safeguards in place to track revenues and expenditures associated with contracted placements to ensure that funds are used to provide special education services to students;

(vi) Demonstrate that it has procedures in place that address staff hiring and contracting, including checking personal and

professional references for employees, conducting criminal background checks in accordance with RCW 28A.400.303, and scheduling regular staff evaluations that address staff competencies;

(vii) Demonstrate that staff of the education center are regularly trained on the following topics:

(A) Constitutional and civil rights of children in schools;

(B) Child and adolescent development;

(C) Trauma-informed approaches to working with youth;

(D) Recognizing and responding to youth mental health issues;

(E) Educational rights of students with disabilities, the relationship of disability to behavior, and best practices for interacting with students with disabilities;

(F) Cultural competency, diversity, equity, and inclusion, including best practices for interacting with students from particular backgrounds, including English learner, LGBTQ, immigrant, female, and nonbinary students. The terms "cultural competency," "diversity," "equity," and "inclusion" have the same meanings as in RCW 28A.415.443;

(G) De-escalation techniques when working with youth or groups of youth;

(H) Student isolation and restraint requirements under RCW 28A.600.485;

(I) The federal family educational rights and privacy act (Title 20 U.S.C. Sec. 1232g) requirements including limits on access to and dissemination of student records for noneducational purposes; and

(J) Restorative justice principles and practices; and

(viii) Maintain a policy of nondiscrimination and provide procedural safeguards for students eligible for special education services and their families.

(c) Before approving an application under this subsection, the office of the superintendent of public instruction must conduct an on-site visit to ensure that an education center's facilities, staffing levels, and procedural safeguards are sufficient to provide a safe and appropriate learning environment for students with disabilities placed in the education center by a school district.

(d) The office of the superintendent of public instruction may suspend, revoke, or refuse to renew its approval of an education center if the education center:

(i) Fails to maintain approval standards or fails to comply with all school district contract elements established in subsection (3)(a) of this section;

(ii) Violates the rights of students with disabilities placed in the education center by a school district; or

(iii) Refuses to implement any corrective actions ordered by the office of the superintendent of public instruction.

(e) The office of the superintendent of public instruction must use the data collected to produce the report required under section 7 of this act to identify issues of noncompliance with approval standards and contract elements established in subsection (3)(a) of this section.

(f) The office of the superintendent of public instruction must notify the state

board of education if any education center that is also a private school approved by the state board of education under chapter 28A.195 RCW is investigated for noncompliance, is directed to complete corrective action, or fails to maintain approval under this subsection. The state board of education must notify the office of the superintendent of public instruction of any unresolved concerns, deficiencies, or deviations related to an education center that is also a private school approved by the state board of education under chapter 28A.195 RCW.

(g)(i) The office of the superintendent of public instruction must develop and publish on its website a complaint process for individuals to report noncompliance or violations of student rights at education centers.

(ii) The office of the superintendent of public instruction must use the complaint process to identify and address patterns of misconduct at education centers, including issuing corrective action or revoking approval under this subsection.

(3)(a) A school district that chooses to contract with an education center as authorized under subsection (1) of this section must enter into a written contract with the education center to establish the responsibilities of the school district and the education center and set forth the rights of students with disabilities placed in the education center by the school district as a means of providing special education and related services. The contract must include, at a minimum, the following elements:

(i) The names of the parties involved and the name of the student or students with disabilities placed in the education center by the school district;

(ii) The locations and settings of the services to be provided;

(iii) A description of the services to be provided, including access to state learning standards adopted under RCW 28A.655.070;

(iv) The total contract cost and applicable charge and reimbursement systems, including billing and payment procedures;

(v) Acknowledgment that the education center is responsible for full reimbursement to the school district of any overpayments determined to have been made by the school district;

(vi) Acknowledgment that the education center has a list of each qualified staff member providing special education and related services and a copy of the license or credential that qualifies each staff member to provide those services;

(vii) Acknowledgment that the school district and education center have clearly established their respective responsibilities and processes for data collection and reporting for students;

(viii) Acknowledgment that the education center must comply with student isolation and restraint requirements under RCW 28A.600.485;

(ix) Acknowledgment that the education center must notify the school district and the office of the superintendent of public instruction of any program, staffing, or facility changes that may affect the

agency's ability to provide contracted services;

(x) Acknowledgment that the education center must comply with all relevant Washington state and federal laws that are applicable to the school district; and

(xi) Acknowledgment that the school district must provide the office of the superintendent of public instruction with the opportunity to review the contract and related documentation upon request.

(b) A school district contracting with an education center must conduct an annual on-site visit to ensure that an education center's facilities, staffing levels, and procedural safeguards are sufficient to provide a safe and appropriate learning environment and meet the unique needs of the students with disabilities placed in the education center by the school district.

(c) A school district contracting with an education center must remain responsible for ensuring that the students with disabilities placed in the education center by the school district are:

(i) Provided a free appropriate public education in accordance with the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq. and this chapter;

(ii) Provided with special education and related services at no cost to the student's parents and in conformance with an individualized education program as required by law, including evaluations and individualized education program team meetings that meet all applicable requirements;

(iii) Provided with an opportunity to participate in Washington state and school district assessments and an opportunity to fulfill the requirements to receive a Washington state diploma; and

(iv) Provided at least the minimum instructional hours and days required under RCW 28A.150.220.

(d) A school district contracting with an education center must report to the office of the superintendent of public instruction and the office of the state auditor any concerns the school district has about overbilling by an education center.

(e) A school district must provide the following documents to the parents or guardians of the student being served by an education center:

(i) A summary of the school district and education center's responsibilities and processes for reporting incidents of student isolation and restraint under RCW 28A.600.485; and

(ii) A copy of the complaint process published under subsection (2)(g) of this section.

(4) For the purpose of this section, "education center" means an education center, as defined in RCW 28A.205.010, approved by the office of the superintendent of public instruction under subsection (2) of this section.

**Sec. 6.** RCW 28A.155.210 and 2013 c 202 s 3 are each amended to read as follows:

~~A ((school that is required to develop an)) student's individualized education~~

~~program ((as required by federal law)) must include ((within the plan)) procedures for notification of a parent or guardian regarding the use of restraint or isolation under RCW 28A.600.485. If a student is served by an education center under RCW 28A.155.060, the student's individualized education program must also specify any additional procedures required to ensure the education center fully complies with RCW 28A.600.485.~~

**NEW SECTION. Sec. 7.** A new section is added to chapter 28A.155 RCW to read as follows:

(1) Beginning December 1, 2023, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction must annually submit a report to the education committees of the legislature regarding student placements at education centers under RCW 28A.155.060. A summary of the report, including a link to the full report content, must also be posted on the office of the superintendent of public instruction's website. The report must include:

(a) The academic progress of students receiving special education services from education centers, using the results of the two most recent state assessments;

(b) The graduation rates of students who have received special education services from education centers;

(c) The rate at which students receiving special education services from education centers return to their resident school districts;

(d) Data on student restraint and isolation incidents, discipline, and attendance at education centers; and

(e) Any corrective action or change in an education center's approval status, as ordered by the office of the superintendent of public instruction.

(2) The data published under subsection (1) of this section must be disaggregated by education center when it is possible to do so without disclosing, directly or indirectly, a student's personally identifiable information as protected under the federal family educational rights and privacy act (Title 20 U.S.C. Sec. 1232g).

**NEW SECTION. Sec. 8.** The following acts or parts of acts are each repealed:

(1) RCW 28A.205.020 (Common school dropouts—Reimbursement) and 1999 c 348 s 3, 1997 c 265 s 7, 1993 c 211 s 2, 1990 c 33 s 181, 1979 ex.s. c 174 s 1, & 1977 ex.s. c 341 s 2;

(2) RCW 28A.205.030 (Reentry of prior dropouts into common schools, rules—Eligibility for test to earn a high school equivalency certificate) and 2013 c 39 s 6;

(3) RCW 28A.205.040 (Fees—Rules—Priority for payment—Review of records) and 2013 c 39 s 7, 2006 c 263 s 412, 1999 c 348 s 4, 1990 c 33 s 183, 1979 ex.s. c 174 s 2, & 1977 ex.s. c 341 s 4;

(4) RCW 28A.205.070 (Allocation of funds—Criteria—Duties of superintendent) and 2006 c 263 s 409, 1993 c 211 s 6, 1990 c 33 s 185, & 1985 c 434 s 3;



(5) RCW 28A.205.080 (Legislative findings—Distribution of funds—Cooperation with school districts) and 1997 c 265 s 8, 1993 c 211 s 7, 1990 c 33 s 186, & 1987 c 518 s 220; and

(6) RCW 28A.205.090 (Inclusion of education centers program in biennial budget request—Quarterly plans—Funds—Payment) and 1993 c 211 s 8, 1990 c 33 s 187, & 1985 c 434 s 4.

**NEW SECTION. Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

**SB 5316** Prime Sponsor, Senator Wilson, C.:  
Concerning background check and licensing fees for programs administered by the department of children, youth, and families.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.43.837 and 2022 c 297 s 954 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in order to determine the character, competence, and suitability of any applicant or service provider to have unsupervised access, the secretary of the department of social and health services and the secretary of the department of children, youth, and families may require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation at any time, but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application, and:

(a) Is an applicant or service provider providing services to children or people with developmental disabilities under RCW 74.15.030;

(b) Is an individual sixteen years of age or older who: (i) Is not under the placement and care authority of the department of children, youth, and families; and (ii) resides in an applicant or service provider's home, facility, entity, agency, or business or who is authorized by the department of children, youth, and families

to provide services to children under RCW 74.15.030;

(c) Is an individual who is authorized by the department of social and health services to provide services to people with developmental disabilities under RCW 74.15.030; or

(d) Is an applicant or service provider providing in-home services funded by:

(i) Medicaid personal care under RCW 74.09.520;

(ii) Community options program entry system waiver services under RCW 74.39A.030;

(iii) Chore services under RCW 74.39A.110; or

(iv) Other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services.

(2) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January 7, 2012, are subject to background checks under RCW 74.39A.056.

(3) To satisfy the shared background check requirements provided for in RCW 43.216.270 and 43.20A.710, the department of children, youth, and families and the department of social and health services shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. Neither department may share the federal background check results with any other state agency or person.

(4) The secretary of the department of children, youth, and families shall require a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation when the department seeks to approve an applicant or service provider for a foster or adoptive placement of children in accordance with federal and state law. Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the department of children, youth, and families for ~~((applicant))~~ foster care and child care applicants and service providers ~~((providing foster care as required in RCW 74.15.030))~~.

(5) Any secure facility operated by the department of social and health services or the department of children, youth, and families under chapter 71.09 RCW shall require applicants and service providers to undergo a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation.

(6) Service providers and service provider applicants, except for those long-term care workers exempted in subsection (2) of this section, who are required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law or program rules when:

(a) A fingerprint-based background check is pending; and

(b) The applicant or service provider is not disqualified based on the immediate result of the background check.

(7) Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the applicable department for applicants or service providers providing:

(a) Services to people with a developmental disability under RCW 74.15.030;

(b) In-home services funded by medicaid personal care under RCW 74.09.520;

(c) Community options program entry system waiver services under RCW 74.39A.030;

(d) Chore services under RCW 74.39A.110;

(e) Services under other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services or the department of children, youth, and families; and

(f) Services in, or to residents of, a secure facility under RCW 71.09.115 (~~and~~

~~(g) For fiscal year 2023, applicants for child care and early learning services to children under RCW 43.216.270)).~~

~~(8) ((Service providers licensed under RCW 74.15.030 must pay fees charged by the Washington state patrol and the federal bureau of investigation for conducting fingerprint-based background checks.~~

~~(9) Department of children, youth, and families service providers licensed under RCW 74.15.030 may not pass on the cost of the background check fees to their applicants unless the individual is determined to be disqualified due to the background information.~~

~~(10))~~ The department of social and health services and the department of children, youth, and families shall develop rules identifying the financial responsibility of service providers, applicants, and the department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a Washington state patrol or federal bureau of investigation fingerprint-based background check.

~~((11))~~ (9) For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department of social and health services, department of children, youth, and families, or service provider employee, volunteer, student, intern, researcher, contractor, or any other individual who will or may have unsupervised access because of the nature of the work or services he or she provides. "Applicant" includes but is not limited to any individual who will or may have unsupervised access and is:

(i) Applying for a license or certification from the department of social and health services or the department of children, youth, and families;

(ii) Seeking a contract with the department of social and health services, the department of children, youth, and families, or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer;

(iv) An individual that a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered; or

(v) A department of social and health services or department of children, youth, and families applicant who will or may work in a department-covered position.

(b) "Authorized" means the department of social and health services or the department of children, youth, and families grants an applicant, home, or facility permission to:

(i) Conduct licensing, certification, or contracting activities;

(ii) Have unsupervised access to vulnerable adults, juveniles, and children;

(iii) Receive payments from a department of social and health services or department of children, youth, and families program; or

(iv) Work or serve in a department of social and health services or department of children, youth, and families-covered position.

(c) "Secretary" means the secretary of the department of social and health services.

(d) "Secure facility" has the meaning provided in RCW 71.09.020.

(e) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department of social and health services or the department of children, youth, and families to provide services to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered.

**Sec. 2.** RCW 43.216.270 and 2022 c 297 s 960 are each amended to read as follows:

(1)(a) In determining whether an individual is of appropriate character, suitability, and competence to provide child care and early learning services to children, the department may consider the history of past involvement of child protective services or law enforcement agencies with the individual for the purpose of establishing a pattern of conduct, behavior, or inaction with regard to the health, safety, or welfare of a child. No report of child abuse or neglect that has been destroyed or expunged under RCW

26.44.031 may be used for such purposes. No unfounded or inconclusive allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a provider licensed under this chapter.

(b) The department may not deny or delay a license to provide child care and early learning services under this chapter to an individual solely because of a founded finding of physical abuse or negligent treatment or maltreatment involving the individual revealed in the background check process or solely because the individual's child was found by a court to be dependent as a result of a finding that the individual abused or neglected their child pursuant to RCW 13.34.030(6)(b) when that founded finding or court finding is accompanied by a certificate of parental improvement as defined in chapter 74.13 RCW related to the same incident.

(2) In order to determine the suitability of individuals newly applying for an agency license, new licensees, their new employees, and other persons who newly have unsupervised access to children in child care, shall be fingerprinted.

(a) The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history record check.

(b) ~~((i))~~ All individuals applying for first-time agency licenses, all new employees, and other persons who have not been previously qualified by the department to have unsupervised access to children in child care must be fingerprinted and obtain a criminal history record check pursuant to this section.

~~((ii) Except during fiscal year 2023, persons required to be fingerprinted and obtain a criminal history record check pursuant to this section must pay for the cost of this check as follows: The fee established by the Washington state patrol for the criminal background history check, including the cost of obtaining the fingerprints; and a fee paid to the department for the cost of administering the individual-based/portable background check clearance registry. The fee paid to the department must be deposited into the individual-based/portable background check clearance account established in RCW 43.216.273. The licensee may, but need not, pay these costs on behalf of a prospective employee or reimburse the prospective employee for these costs. The licensee and the prospective employee may share these costs.))~~

(c) The secretary shall use the fingerprint criminal history record check information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children.

(d) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

(e) No later than July 1, 2013, all agency licensees holding licenses prior to July 1, 2012, persons who were employees

before July 1, 2012, and persons who have been qualified by the department before July 1, 2012, to have unsupervised access to children in child care, must submit a new background application to the department. ~~((The department must require persons submitting a new background application pursuant to this subsection (2)(e) to pay a fee to the department for the cost of administering the individual-based/portable background check clearance registry. This fee must be paid into the individual-based/portable background check clearance account established in RCW 43.216.273. The licensee may, but need not, pay these costs on behalf of a prospective employee or reimburse the prospective employee for these costs. The licensee and the prospective employee may share these costs.))~~

(f) The department shall issue a background check clearance card or certificate to the applicant if after the completion of a background check the department concludes the applicant is qualified for unsupervised access to children in child care. The background check clearance card or certificate is valid for ~~((three))~~ five years from the date of issuance. A valid card or certificate must be accepted by a potential employer as proof that the applicant has successfully completed a background check as required under this chapter. For purposes of renewal of the background clearance card or certificate, all agency licensees holding a license, persons who are employees, and persons who have been previously qualified by the department, must submit a new background application to the department on a date to be determined by the department. ~~((Except during fiscal year 2023, fee requirements applicable to this section also apply to background clearance renewal applications.))~~

(g) The original applicant for an agency license, licensees, their employees, and other persons who have unsupervised access to children in child care shall submit a new background check application to the department, on a form and by a date as determined by the department.

(h) ~~((The payment requirements applicable to (a) through (g) of this subsection do not apply to persons who:~~

~~(i) Provide regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours;~~

~~(ii) Receive child care subsidies; and~~

~~(iii) Are exempt from licensing under this chapter.~~

~~((i))~~ The applicant and agency shall maintain on-site for inspection a copy of the background check clearance card or certificate.

~~((j))~~ (i) Individuals who have been issued a background check clearance card or certificate shall report nonconviction and conviction information to the department within twenty-four hours of the event constituting the nonconviction or conviction information.

~~((\*)~~) (j) The department shall investigate and conduct a redetermination of an applicant's or licensee's background clearance if the department receives a complaint or information from individuals, a law enforcement agency, or other federal, state, or local government agency. Subject to the requirements contained in RCW 43.216.325 and 43.216.327 and based on a determination that an individual lacks the appropriate character, suitability, or competence to provide child care or early learning services to children, the department may: (i) Invalidate the background card or certificate; or (ii) suspend, modify, or revoke any license authorized by this chapter.

(3) To satisfy the shared background check requirements of the department of children, youth, and families, the office of the superintendent of public instruction, and the department of social and health services, each department shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow these departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. These departments may not share the federal background check results with any other state agency or person.

(4) Individuals who have completed a fingerprint background check as required by the office of the superintendent of public instruction, consistent with RCW 28A.400.303, and have been continuously employed by the same school district or educational service district, can meet the requirements in subsection (2) of this section by providing a true and accurate copy of their Washington state patrol and federal bureau of investigation background check report results to the department or if the school district or the educational service district provides an affidavit to the department that the individual has been authorized to work by the school district or educational service district after completing a record check consistent with RCW 28A.400.303. The department may require that additional background checks be completed that do not require additional fingerprinting ~~((and, except during fiscal year 2023, may charge a fee for these additional background checks))~~.

**Sec. 3.** RCW 43.216.271 and 2021 c 304 s 12 are each amended to read as follows:

~~((Subject to appropriation, the))~~ The department shall maintain an individual-based or portable background check clearance registry. Any individual seeking a child care license or employment in any child care facility or outdoor nature-based child care program licensed or regulated under current law shall submit a background application on a form prescribed by the department in rule.

**NEW SECTION. Sec. 4.** The following acts or parts of acts are each repealed:

(1) RCW 43.216.272 (Fee for developing and administering individual-based/portable background check clearance registry) and

2017 3rd sp.s. c 6 s 208 & 2011 c 295 s 4; and

(2) RCW 43.216.273 (Individual-based/portable background check clearance account) and 2017 3rd sp.s. c 6 s 209 & 2011 c 295 s 5.

**NEW SECTION. Sec. 5.** 2021 c 304 s 34 (uncodified) is repealed.

**NEW SECTION. Sec. 6.** Section 5 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**NEW SECTION. Sec. 7.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Rude; Ryu; Senn; Simmons; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; Dye; Harris; Sandlin; and Schmick.

Referred to Committee on Rules for second reading

April 4, 2023

**SSB 5318**

Prime Sponsor, Human Services: Limiting estate recovery. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Harris; and Rude.

Referred to Committee on Rules for second reading

April 3, 2023

**ESB 5341**

Prime Sponsor, Senator Muzzall: Creating a location-based branding and promotion program for Washington food and agricultural products. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary,

Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 3, 2023

SSB 5353 Prime Sponsor, Agriculture, Water, Natural Resources & Parks: Concerning the voluntary stewardship program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

ESB 5355 Prime Sponsor, Senator Wilson, C.: Mandating instruction on sex trafficking prevention and identification for students in grades seven through 12. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 1, 2023

SSB 5358 Prime Sponsor, State Government & Elections: Expanding veterans' services and programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Steele and Tharinger.

Referred to Committee on Rules for second reading

April 3, 2023

E2SSB 5367 Prime Sponsor, Ways & Means: Concerning the regulation of products containing THC. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Regulated Substances & Gaming. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking

Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

SB 5369 Prime Sponsor, Senator Billig: Reassessing standards for polychlorinated biphenyls in consumer products. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Environment & Energy.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that polychlorinated biphenyls, or PCBs, are a hazardous chemical class that have been identified as carcinogenic, a developmental toxicant, toxic to aquatic organisms, and persistent and bioaccumulative. According to the United States environmental protection agency, PCBs are probable human carcinogens and may have serious and potential effects on the immune system, reproductive system, nervous system, and endocrine system.

(2) Humans and other organisms can be exposed to PCBs in a number of ways. PCBs can be released into the environment from hazardous waste sites, illegal dumping, or disposal of PCB wastes or PCB-containing products in areas or landfills not designed to handle hazardous waste, leaks, or releases from electrical transformers containing PCBs, and wastewater discharges. Once PCBs are released, the chemicals do not readily break down in the environment and can cycle for long periods between air, water, and soil. PCBs can accumulate in leaves and above-ground parts of plants and food crops, and they are also taken up into the bodies of small organisms and fish, resulting in potential exposure for people and organisms that ingest the fish.

(3) In 1979, the United States banned the production of PCBs under the toxic substances control act. However, the United States environmental protection agency's regulations implementing the toxic substances control act for PCBs allow some inadvertent generation of PCBs to occur in excluded manufacturing processes. These manufacturing by-product PCBs have been identified in wastewater, sediments, and air in numerous locations and have been positively identified in the testing of new products.

(4) The legislature finds that the state has done much to address PCB contamination, including cleanup, permitting, stormwater management, and fish advisories. In addition, the United States environmental protection agency, Washington state, and the Spokane tribe of Indians have established PCB water quality standards to protect human health and the environment. These standards are critical for addressing release and

exposure from legacy and nonlegacy PCBs. However, the standards cannot be achieved with currently available water treatment technology if the waste stream continues to include new sources of PCBs allowable under the toxic substances control act at levels measured in products such as paints, inks, and pigments that are billions of times higher than applicable water quality standards. While the United States environmental protection agency has restored a human health criteria standard of seven parts per quadrillion in Washington waters, the toxic substances control act limit for PCBs in products is an annual average of 25 parts per million, with a maximum 50 parts per million adjusted total PCBs. Therefore, the legislature finds that nonlegacy PCB contamination may most effectively be managed upstream at the product and process source as opposed to downstream facilities at the end of the product life cycle. The toxic substances control act standard for inadvertent PCBs does not reflect current science on limits needed to protect human health and the environment and is overdue for revision.

(5) While previous industry analysis of toxic substances control act rule making has asserted negative impacts and infeasibility in disallowing by-product PCBs, the legislature finds that safer, feasible, and available alternatives to PCB-containing paints and printing inks now exist, as determined by the department in its June 2022 *Safer Products for Washington* report. Moreover, since safer and available products and processes to produce paints and printing inks do exist, the legislature finds that use of manufacturing processes resulting in products with PCB by-products is not inadvertent, but intentional, and constitutes a use of the chemical within the product.

(6) Therefore, the legislature intends to direct the department to petition the United States environmental protection agency to reassess its PCB regulations under the toxic substances control act and to prohibit the use of chlorine-based pigment manufacturing processes, which result in the generation of PCBs.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology.

(2) "Manufacturer" means any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a product or is an importer or domestic distributor of a product sold or offered for sale in or into the state.

(3) "Paint and printing ink" includes, but is not limited to, building paint for indoor and outdoor use, spray paint, children's paint, road paint, and printing inks used in paper and packaging.

(4) "PCBs" or "polychlorinated biphenyls" means chemical forms that consist of two benzene rings joined together and containing

one to 10 chlorine atoms attached to the benzene rings.

(5) "Retail establishment" includes any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides merchandise, goods, or materials directly to a customer.

**NEW SECTION. Sec. 3.** (1) The department must petition the United States environmental protection agency to reassess its regulations on excluded manufacturing processes from prohibitions on manufacturing, processing, distribution in commerce, and use of PCBs and PCB items under 40 C.F.R. Sec. 761.3 for the purpose of eliminating or reducing the presence of PCBs in consumer products.

(2) In petitioning the United States environmental protection agency, the department must include legislative findings under this chapter and information on:

(a) Health effects of PCBs;

(b) Release and exposure of PCBs including, but not limited to, concentrations of PCBs measured in consumer products and in state waters, soils, and fish tissue;

(c) Safer alternatives for consumer products that contain PCBs, including the availability and feasibility of alternatives; and

(d) Other relevant data or findings as determined by the department.

(3) The department is not required to generate new data and may use previously compiled data and findings developed in the performance of duties under this chapter.

(4) The department may consult with the department of health and other relevant state agencies in developing the petition under this section.

(5) To the extent practicable, the department must seek completion of the petition review by January 1, 2025.

**NEW SECTION. Sec. 4.** (1) (a) (i) Beginning January 1, 2025, a manufacturer or wholesaler may not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state any paint or printing ink that contains chlorine-based pigments.

(ii) Beginning January 1, 2026, a retail establishment may not knowingly sell or knowingly offer for sale for use in this state any paint or printing ink that contains chlorine-based pigments.

(b) (i) Beginning no later than 12 months after the adoption of rules under subsection (3) of this section, a manufacturer or wholesaler may not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state a product identified under subsection (3) of this section.

(ii) Beginning no later than 24 months after the adoption of rules under subsection (3) of this section, a retail establishment may not knowingly sell or knowingly offer for sale any paint or printing ink that contains chlorine-based pigments.

(2) Upon a demand by the department, a person must demonstrate to the department that a product is in compliance with the requirements of subsection (1) of this

section through the submission to the department of:

(a) Testing data indicating that a chlorine-based manufacturing process was not used in the manufacture of the pigments contained in the paint, printing ink, or other product; or

(b) Information pertaining to pigment manufacturing processes demonstrating that chlorine was not used in the manufacturing of pigments contained in the paint, printing ink, or other product.

(3) The department may, by rule, identify products that, as a result of the inclusion of pigments in the product, contain PCBs that were inadvertently generated in the making of the pigment. The department may require products identified under this subsection to demonstrate the absence of chlorine-based pigments in a product in a manner consistent with subsection (2) of this section. The department must initiate a rule-making process under this subsection by October 1, 2023.

(4) The prohibitions in subsection (1) of this section do not apply to:

(a) Paint manufactured, reused, or recycled from paint collected under chapter 70A.515 RCW; or

(b) The sale of any previously owned products containing inadvertently generated PCBs made in casual or isolated sales as defined in RCW 82.04.040, or by a nonprofit organization.

(5)(a) The department may exempt a product or category of product from the prohibitions in subsection (1) of this section upon determining that a product or category of product is not capable of being manufactured in a manner that does not rely on the inclusion of chlorine-based pigments, and upon determining that allowing for the continued manufacture of product or category of product containing a chlorine-based pigment would not result in meaningful impacts to human health, the environment, or the ability of entities regulated under chapter 90.48 RCW to comply with water quality standards.

(b) The department may, in its discretion, extend the compliance deadline in subsection (1) of this section for a product or category of product for which a person annually demonstrates to the department by October 1st of a given year that the prohibition is not technically feasible for the person to comply with.

(6) The department may not administer or enforce the requirements of this section if:

(a) A court of competent jurisdiction determines that federal regulations preempt the requirements; or

(b) The requirement does not align with any regulation established by the United States environmental protection agency adopted after the effective date of this section.

(7) If the requirements of this section are determined by a court of competent jurisdiction to be preempted by federal regulations, the department is directed to adopt a rule, within 18 months of the determination of preemption, to establish a reporting requirement for the use of chlorine-based pigment manufacturing processes or the PCB content of any

combination of paints, printing inks, or products identified by the department under subsection (3) of this section.

NEW SECTION.

**Sec. 5.** (1) The department may adopt rules to implement, administer, and enforce the requirements of this chapter.

(2) The department may impose a civil penalty for a violation of any requirement of this chapter in an amount not to exceed \$5,000 for each violation in the case of a first offense. Persons who are repeat violators are subject to a civil penalty not to exceed \$10,000 for each repeat offense. The department must issue at least one notice of violation by certified mail prior to assessing a penalty and the department may only impose a penalty on a manufacturer or retail establishment that has not met the requirements of this chapter 60 days following the date the written notification of the violation was sent. The department may not collect a penalty from a retail establishment for a product that the retail establishment demonstrates to the department was in the possession of the retail establishment as of the effective date of the restrictions on manufacture, sale, and distribution under section 4(1) (a)(i) or (b)(i) of this act.

(3) Any penalty provided for in this section, and any order issued by the department under this chapter, may be appealed to the pollution control hearings board.

(4) All penalties collected under this chapter must be deposited in the model toxics control operating account created in RCW 70A.305.180.

**Sec. 6.** RCW 43.21B.110 and 2022 c 180 s 812 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 5 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its

jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 8.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation.  
Signed by Representative Harris.

Referred to Committee on Rules for second reading

April 4, 2023

ESSB 5371

Prime Sponsor, Agriculture, Water, Natural Resources & Parks: Protecting southern resident orcas from vessels. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Agriculture and Natural Resources.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) It is the intent of the legislature to support the recovery of endangered southern resident orcas by reducing underwater noise and disturbance from vessels, which is one of the three main threats to the population's recovery, along with availability of their preferred prey, Chinook salmon, and contaminants in their food and environment. In particular, the legislature intends to protect southern resident orcas from those boaters who intentionally harass, chase, and torment the whales.

(2) The legislature further finds that the state has a compelling interest in protecting the iconic southern resident orca from extinction by acting to implement recovery activities and adaptively managing the southern resident orca recovery effort



using best available science. Studies conducted by the national oceanic and atmospheric administration have indicated that southern resident orcas significantly reduced their foraging behavior when moving vessels were observed within 1,000 yards, and even up to 1,640 yards, of the whale.

(3) In 2019, the governor's southern resident orca task force produced 49 recommendations to address the three major threats to the population's recovery. While many investments have been made and implementation is ongoing, increased and sustained efforts are needed to advance salmon recovery, address water quality and contaminants in the environment, and reduce underwater noise and physical disturbance of orcas as they attempt to forage, communicate, and rest.

(4) The legislature finds that the threats to orcas are interrelated and they are inexorably linked with salmon recovery. Salmon face a diverse array of threats throughout their life cycle including the threat posed by pinnipeds, such as seals and sea lions, which are protected under federal law, but nevertheless pose a significant threat to salmon and orca recovery through ongoing and excessive predation. Salmon also face fish passage barriers, stormwater runoff, and spills from wastewater treatment plants, among other threats. It is in the best interest of all the people of Washington, including federally recognized tribes and private landowners, to increase the population of salmon and to ensure the survivability of salmon against all threats.

(5) The legislature directed the department of fish and wildlife to produce a report on the effectiveness of regulations designed to address underwater noise and disturbance from commercial whale watching and recreational vessels. The legislature received the first of three mandated reports in November of 2022, and it contained an assessment of the most recent science demonstrating the negative impact of vessels on southern resident orca foraging behavior and foraging success.

(6) While it takes time to see results from efforts to increase prey availability and reduce contaminants, reducing noise and disturbance from vessels can provide immediate support for the southern resident orcas by increasing their likelihood of successful foraging.

**Sec. 2.** RCW 77.15.740 and 2019 c 291 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, it is unlawful for a person to:

(a) Cause a vessel or other object to approach, in any manner, within ~~((three hundred))~~ 1,000 yards of a southern resident orca ~~((whale))~~;

(b) Position a vessel to be in the path of a southern resident orca ~~((whale))~~ at any point located within ~~((four hundred))~~ 1,000 yards of the whale. This includes intercepting a southern resident orca ~~((whale))~~ by positioning a vessel so that the prevailing wind or water current carries the vessel into the path of the whale at any

point located within ~~((four hundred))~~ 1,000 yards of the whale;

(c) Position a vessel behind a southern resident orca ~~((whale))~~ at any point located within ~~((four hundred))~~ 1,000 yards;

(d) Fail to disengage the transmission of a vessel that is within ~~((three hundred))~~ 400 yards of a southern resident orca ~~((whale))~~;

(e) Cause a vessel or other object to exceed a speed greater than seven knots over ground at any point located within ~~((one-half nautical mile (one thousand thirteen yards))~~) 1,000 yards of a southern resident orca ~~((whale))~~; or

(f) Feed a southern resident orca ~~((whale))~~.

(2) A person is exempt from subsection (1) of this section if that person is:

(a) Operating a federal government vessel in the course of official duties, or operating a state, tribal, or local government vessel when engaged in official duties involving law enforcement, search and rescue, or public safety;

(b) Operating a vessel in conjunction with a vessel traffic service as a vessel traffic service user established under 33 C.F.R. and following a traffic separation scheme, or complying with a vessel traffic service or captain of the port measure ~~((of))~~ or direction, or complying with the rules of the road or taking actions to ensure safety. This also includes ~~((support vessels escorting ships in the traffic lanes))~~ vessel transits departing the lanes for safety reasons or to approach or depart a dock or anchorage area, including support vessels escorting or assisting vessels, such as tug boats;

(c) Engaging in an activity, including scientific research or oil spill response, pursuant to the conditions of a permit or other authorization from the national marine fisheries service ~~((and))~~ or the department;

(d) Lawfully engaging in a treaty Indian or commercial fishery that is actively setting, retrieving, or closely tending fishing gear. Commercial fishing vessels in transit are not exempt from subsection (1) of this section;

(e) Conducting vessel operations necessary to avoid an imminent and serious threat to a person, vessel, or the environment, including when necessary for overall safety of navigation and to comply with state and federal navigation requirements; or

(f) Engaging in rescue or clean-up efforts of a beached southern resident orca ~~((whale))~~ overseen, coordinated, or authorized by a volunteer stranding network.

(3) For the purpose of this section, "vessel" includes aircraft while on the surface of the water, and every description of watercraft on the water that is used or capable of being used as a means of transportation on the water. However, "vessel" does not include inner tubes, air mattresses, sailboards, and small rafts, or flotation devices or toys customarily used by swimmers.

(4)(a) A violation of this section is a natural resource infraction punishable under chapter 7.84 RCW and carries a fine of five hundred dollars, not including statutory assessments added pursuant to RCW 3.62.090.

(b) A person who qualifies for an exemption under subsection (2) of this section may offer that exemption as an affirmative defense, which that person must prove by a preponderance of the evidence.

~~((5) The enforcement actions required of the department from this section are subject to the availability of amounts appropriated for this specific purpose)(c) The department may choose to offer educational materials in lieu of issuing an infraction, at the officer's discretion.~~

~~(d) An officer may not issue an infraction to the operator of a vessel that is within 400 yards of a southern resident orca who has immediately disengaged the transmission of the vessel pursuant to subsection (1)(d) of this section and waits for the whale to leave the vicinity.~~

~~(5) The department must post signs at public boat launches and marinas that provide information regarding the vessel setbacks and speed limits required by this section. However, the requirements of this section apply whether or not a sign is present and the absence of a sign is not a defense to any violation of this section.~~

~~(6) The department shall conduct outreach and education regarding regulations and best practices for recreational boating in waters inhabited by southern resident orcas, including best practices for avoiding or minimizing encounters closer than 1,000 yards from a southern resident orca consistent with the recommendations of the work group established in section 5 of this act. This may include the advancement and proliferation of tools for notifying boaters of southern resident orca presence, identifying orca ecotypes, and estimating distance on the water.~~

**NEW SECTION. Sec. 3.** A new section is added to chapter 77.15 RCW to read as follows:

(1) It is unlawful for an operator of a motorized commercial whale watching vessel licensed under RCW 77.65.615 to:

(a) Approach, in any manner, within 1,000 yards of a southern resident orca;

(b) Position a vessel to be in the path of a southern resident orca at any point located within 1,000 yards of the whale. This includes intercepting a southern resident orca by positioning a vessel so that the prevailing wind or water current carries the vessel into the path of the whale at any point located within 1,000 yards of the whale;

(c) Fail to disengage the transmission of a vessel that is within 400 yards of a southern resident orca; or

(d) Cause a vessel or other object to exceed a speed greater than seven knots over ground at any point located within 1,000 yards of a southern resident orca.

(2) If an operator of a motorized commercial whale watching vessel enters within 1,000 yards of a group of southern resident orcas, after taking reasonable measures to determine whether the whales were southern resident orcas, and then identifies the whales as southern resident orcas, the operator must:

(a) Immediately safely reposition the vessel to be 1,000 yards or farther from the southern resident orcas;

(b) Immediately after repositioning the vessel, report the location of the southern resident orca or orcas to the WhaleReport application for the whale report alert system, or to a successor transboundary notification system designated by the department that is adopted by the international shipping community in the Salish Sea; and

(c) Accurately log the incident, including measures taken to determine whether the whales were southern resident orcas, and submit the log to the department within 24 hours of the incident.

**NEW SECTION. Sec. 4.** A new section is added to chapter 77.12 RCW to read as follows:

If the population of southern resident orcas reaches a threshold of 70 individuals or fewer, the department must provide a report to the legislature within one year of the threshold being met, consistent with RCW 43.01.036, that includes a study of how mandatory 1,000-yard setbacks for all vessels has been enforced and identifies gaps and solutions to support any improvements, the use of data science with respect to southern resident orca pod health, and evidence-based plans to address southern resident orca pod health.

**NEW SECTION. Sec. 5.** (1) The department of fish and wildlife must convene a diverse work group including, but not limited to, representatives from nongovernmental organizations, recreational boaters, the commercial whale watching industry, commercial fishers, ports and marinas, relevant government entities, tribes, and the southern resident orca research community to inform the development of outreach and education strategies to implement RCW 77.15.740(4). A report summarizing the work of the work group and the department of fish and wildlife's outreach strategies must be included in the 2024 adaptive management report identified in RCW 77.65.620(5). The department of fish and wildlife must conduct intensive outreach and education in fiscal year 2024 and the first half of 2025 to implement the work group outreach recommendations.

(2) In coordination with the work group established in this section, the department of fish and wildlife must conduct education and outreach regarding compliance with the 1,000-yard setback from southern resident orcas established in RCW 77.15.740.

(3) The department of fish and wildlife must assess and report on the effectiveness of the mandatory 1,000-yard setback and recommendations for any further legislative action needed to protect southern resident orcas from the effects of vessels in the 2024 adaptive management report identified in RCW 77.65.620(5).

(4) This section expires June 30, 2025.

**Sec. 6.** RCW 77.65.615 and 2021 c 284 s 1 are each amended to read as follows:

(1) A commercial whale watching business license is required for commercial whale watching businesses. The annual fee for a commercial whale watching business license is ~~((two hundred dollars))~~ \$200 in addition to the annual application fee of ~~((seventy-five dollars))~~ \$70.

(2) The annual ~~((fees))~~ application for a commercial whale watching business license as described in subsection (1) of this section must ~~((include fees for))~~ list each motorized or sailing vessel ~~((or vessels as follows:~~

~~((a) One to twenty-four passengers, three hundred twenty-five dollars;~~

~~((b) Twenty-five to fifty passengers, five hundred twenty-five dollars;~~

~~((c) Fifty-one to one hundred passengers, eight hundred twenty-five dollars;~~

~~((d) One hundred one to one hundred fifty passengers, one thousand eight hundred twenty-five dollars; and~~

~~((e) One hundred fifty-one passengers or greater, two thousand dollars)) to be covered under the business license.~~

(3) The holder of a commercial whale watching business license for motorized or sailing vessels required under subsection (2) of this section may ~~((substitute the vessel designated))~~ designate an additional vessel on the license ~~((, or designate a vessel if none has previously been designated,))~~ if the license holder ~~((:~~

~~((a) Surrenders the previously issued license to the department;~~

~~((b) Submits))~~ submits to the department an application that identifies the ~~((currently designated vessel, the))~~ vessel proposed to be designated ~~((,))~~ and any other information required by the department ~~((, and~~

~~((c) Pays to the department a fee of thirty-five dollars and an application fee of one hundred five dollars)).~~

(4) ~~((Unless the business license holder owns all vessels identified on the application described in subsection (3) (b) of this section, the department may not change the vessel designation on the license more than once per calendar year.~~

~~((5))~~ A commercial whale watching operator license is required for commercial whale watching operators. A person may operate a motorized or sailing commercial whale watching vessel designated on a commercial whale watching business license only if:

(a) The person holds a commercial whale watching operator license issued by the director; and

(b) The person is designated as an operator on the underlying commercial whale watching business license.

~~((6))~~ (5) No individual may hold more than one commercial whale watching operator license. An individual who holds an operator license may be designated as an operator on an unlimited number of commercial whale watching business licenses.

~~((7))~~ (6) The annual application fee for a commercial whale watching operator license is ~~((one hundred dollars in addition to an annual application fee of seventy-five dollars))~~ \$25.

(7) A paddle tour business license is required for businesses conducting paddle tours. The annual fee for a paddle tour

business license is \$200 in addition to the annual application fee of \$70.

(8) A person may conduct ~~((commercial whale watching via))~~ guided ~~((kayak))~~ paddle tours only if:

(a) The person holds a ~~((kayak))~~ paddle guide license issued by the director; and

(b) The person is designated as a ~~((kayak))~~ guide on the underlying ~~((commercial whale watching))~~ paddle tour business license.

(9) No individual may hold more than one ~~((kayak))~~ paddle guide license. An individual who holds a ~~((kayak))~~ paddle guide license may be designated on an unlimited number of ~~((commercial whale watching))~~ paddle tour business licenses.

(10) The annual application fee for a ~~((kayak))~~ paddle guide license is \$25 ~~((in addition to an annual application fee of \$25)).~~

(11) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Commercial whale watching" means the act of taking, or offering to take, passengers aboard a motorized or sailing vessel ~~((or guided kayak tour in order))~~ to view marine mammals in their natural habitat for a fee.

(b) "Commercial whale watching business" means a business that engages in the activity of commercial whale watching.

(c) "Commercial whale watching business license" means a department-issued license to operate a commercial whale watching business.

(d) "Commercial whale watching license" means a commercial whale watching business license ~~((,))~~ or a commercial whale watching operator license ~~((, or a kayak guide license))~~ as defined in this section.

(e) "Commercial whale watching operator" means a person who operates a motorized or sailing vessel engaged in the business of whale watching.

(f) "Commercial whale watching operator license" means a department-issued license to operate a commercial motorized or sailing vessel on behalf of a commercial whale watching business.

(g) "Commercial whale watching vessel" means any vessel that is being used as a means of transportation for individuals to engage in commercial whale watching.

(h) "~~((kayak))~~ Paddle guide" means a person who conducts guided ~~((kayak))~~ tours on behalf of a ~~((commercial whale watching))~~ paddle tour business.

(i) "~~((kayak))~~ Paddle guide license" means a department-issued license to conduct commercial guided ~~((kayak))~~ paddle tours on behalf of a ~~((commercial whale watching))~~ paddle tour business.

(j) "Paddle tour business" means a business that conducts paddle tours.

(k) "Paddle tour" means the act of guiding or offering to take people aboard nonmotorized or human-powered vessels, such as kayaks or paddle boards, on a trip, tour, or guided lesson that involves viewing marine mammals in their natural habitat for a fee.

(12) The residency and business requirements of RCW 77.65.040 (2) and (3) do not apply to Canadian individuals or

corporations applying for and holding Washington commercial whale watching licenses defined in this section.

(13) The license and application fees in this section ~~((are waived for calendar years 2021 and 2022))~~ may be waived for organizations whose relevant commercial whale watching or marine paddle tour activities are solely for bona fide nonprofit educational purposes.

**Sec. 7.** RCW 77.15.815 and 2019 c 291 s 4 are each amended to read as follows:

(1) This section applies only to persons and activities defined in RCW 77.65.615, including commercial whale watching and paddle tours.

(2) A person is guilty of unlawfully engaging in commercial whale watching in the second degree if the person conducts commercial whale watching activities and:

(a) Does not have and possess all licenses and permits required under this title; or

(b) Violates any department rule regarding ~~((the operation of a))~~ commercial whale watching ~~((vessel near a southern resident orca whale)).~~

~~((2))~~(3) A person is guilty of engaging in commercial whale watching in the first degree if the person commits the act described in subsection ~~((1))~~(2) of this section and the violation occurs within ~~((one year of the date of a prior conviction under this section))~~ five years of any of the following:

(a) The date of a prior conviction under this section;

(b) The date of a finding of guilt or plea of guilty pursuant to an amended information, criminal complaint or citation, or infraction for any violation that was originally charged as a violation of this section, regardless of whether the imposition of the sentence is deferred or the penalty is suspended; or

(c) The date of any disposition of a case arising from an act originally charged as a violation of this section, whereby the offender enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms or conditions.

~~((3))~~(4) (a) Unlawful commercial whale watching in the second degree is a misdemeanor.

(b) Unlawful commercial whale watching in the first degree is a gross misdemeanor. ~~((Upon conviction))~~ In addition to the appropriate criminal penalties, the director shall ~~((deny applications submitted by the person for a commercial whale watching license or alternate operator license for two years from the date of conviction))~~ revoke any operator license, business license, or both, and order a suspension of the person's privilege to engage in commercial whale watching for two years.

(5) A person is guilty of unlawfully engaging in a paddle tour in the second degree if the person conducts paddle tour activities and:

(a) Does not have and possess all licenses and permits required under this title; or

(b) Violates any department rule regarding the operation of paddle tours in marine waters.

(6) A person is guilty of unlawfully engaging in a paddle tour in the first degree if the person commits an act described in subsection (5) of this section and the violation occurs within five years of the date of any of the following:

(a) The date of a prior conviction under this section;

(b) The date of a finding of guilt or plea of guilty pursuant to an amended information, criminal complaint or citation, or infraction for any violation that was originally charged as a violation of this section, regardless of whether the imposition of sentence is deferred or the penalty is suspended; or

(c) The date of any disposition of a case arising from an act originally charged as a violation of this section, whereby the offender enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms and conditions.

(7) (a) Unlawful engagement in a paddle tour in the second degree is a misdemeanor.

(b) Unlawful engagement in a paddle tour in the first degree is a gross misdemeanor. In addition to appropriate criminal penalties, the director shall revoke any paddle guide license, business license, or both, and order a suspension of the person's privilege to conduct paddle tours in marine waters for two years."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Senn; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Couture; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Connors.

Referred to Committee on Rules for second reading

April 1, 2023

SSB 5386

Prime Sponsor, Housing: Reducing administrative complexity by increasing transparency of revenue flows for activities funded by document recording fees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 36.22 RCW to read as follows:

(1) A surcharge of \$183 per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. The following are exempt from this surcharge:

(a) Assignments or substitutions of previously recorded deeds of trust;

(b) Documents recording a birth, marriage, divorce, or death;

(c) Any recorded documents otherwise exempted from a recording fee or additional surcharges under state law;

(d) Marriage licenses issued by the county auditor; and

(e) Documents recording a federal, state, county, city, or water-sewer district, or wage lien or satisfaction of lien.

(2) Funds collected pursuant to this section must be distributed and used as follows:

(a) One percent of the total funds collected shall be retained by the county auditor for its fee collection activities;

(b) 30 percent of the total funds collected shall be retained by the county and used by the county as provided in subsection (3) of this section;

(c) 54.1 percent of the total funds collected shall be transmitted to the state treasurer to be deposited in the home security fund account created in RCW 43.185C.060 and shall be used by the department of commerce as provided in subsection (4) of this section;

(d) 13.1 percent of the total funds collected shall be transmitted to the state treasurer to be deposited in the affordable housing for all account created in RCW 43.185C.190 and shall be used by the department of commerce as provided in subsection (5) of this section;

(e) 1.8 percent of the total funds collected shall be transmitted to the state treasurer to be deposited in the landlord mitigation program account created in RCW 43.31.615 and shall be used by the department of commerce as provided in subsection (6) of this section.

(3) The county shall use their portion of the collected funds as follows:

(a) Up to 10 percent for the county's administration and local distribution of the funds collected from the surcharge in this section, and administrative costs related to the county's homeless housing plan;

(b) At least 75 percent will be retained and used by the county to accomplish the purposes of its local homeless housing plan pursuant to chapter 484, Laws of 2005. For each city in the county that elects as authorized in RCW 43.185C.080 to operate its own local homeless housing program, a percentage of the surcharge assessed under this subsection equal to the percentage of the city's local portion of the real estate excise tax collected by the county shall be transmitted at least quarterly to the city treasurer, without any deduction for county administrative costs, for use by the city for program costs which directly contribute to the goals of the city's local homeless housing plan; of the funds received by the city, it may use up to 10 percent for administrative costs for its homeless housing program;

(c) At least 15 percent will be retained and used by the county for eligible housing activities, as described in this subsection, that serve extremely low and very low-income households in the county and the cities within a county according to an interlocal agreement between the county and the cities within the county consistent with countywide and local housing needs and policies. A priority must be given to eligible housing activities that serve extremely low-income households with incomes at or below 30 percent of the area median income. Eligible housing activities to be funded are limited to:

(i) Acquisition, construction, or rehabilitation of housing projects or units within housing projects that are affordable to very low-income households with incomes at or below 50 percent of the area median income, including units for homeownership, rental units, seasonal and permanent farmworker housing units, units reserved for victims of human trafficking and their families, and single room occupancy units;

(ii) Supporting building operation and maintenance costs of housing projects or units within housing projects eligible to receive housing trust funds, that are affordable to very low-income households with incomes at or below 50 percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses;

(iii) Rental assistance vouchers for housing units that are affordable to very low-income households with incomes at or below 50 percent of the area median income, including rental housing vouchers for victims of human trafficking and their families, to be administered by a local public housing authority or other local organization that has an existing rental assistance voucher program, consistent with or similar to the United States department of housing and urban development's section 8 rental assistance voucher program standards; and

(iv) Operating costs for emergency shelters and licensed overnight youth shelters.

(4) The department of commerce shall use the funds from the document recording fee or other fund sources deposited in the home security fund account as follows, except that the department of commerce shall provide counties with the right of first refusal to receive grant funds distributed under (b) of this subsection (4). If a county refuses the funds or does not respond within a time frame established by the department, the department shall make good faith efforts to identify one or more suitable alternative grantees operating within that county. The alternative grantee shall distribute the funds in a manner that is in compliance with this chapter. Funding provided through the office of homeless youth prevention and protection programs created in RCW 43.330.705 is exempt from the county first refusal requirement.

(a) Up to 10 percent for administration of the programs established in chapter 43.185C RCW and in conformance with this subsection (4), including the costs of creating and implementing strategic plans,

collecting and evaluating data, measuring and reporting performance, providing technical assistance to local governments, providing training to entities delivering services, and developing and maintaining stakeholder relationships;

(b) At least 90 percent for homelessness assistance grant programs administered by the department, including but not limited to: Temporary rental assistance; eviction prevention rental assistance per RCW 43.185C.185; emergency shelter and transitional housing operations and maintenance; outreach; diversion; HOPE and crisis residential centers; young adult housing; homeless services and case management for adult, family, youth, and young adult homeless populations and those at risk of homelessness; project-based vouchers for nonprofit housing providers or public housing authorities; tenant-based rent assistance; housing services; rapid rehousing; emergency housing; acquisition; operations; maintenance; and service costs for permanent supportive housing as defined in RCW 36.70A.030 for individuals with disabilities. Grantees may also use these funds in partnership with permanent supportive housing programs administered by the office of apple health and homes created in RCW 43.330.181. Priority for use must be given to purposes intended to house persons who are chronically homeless or to maintain housing for individuals with disabilities and prior experiences of homelessness, including families with children.

(5) The department of commerce shall use the funds from the document recording fee or other fund sources deposited in the affordable housing for all account as follows:

(a) Up to 10 percent for program administration and technical assistance necessary for the delivery programs and activities under this subsection (5);

(b) At least 90 percent for the following:

(i) Grants for building operation and maintenance costs of housing projects, or units within housing projects, that are in the state's housing trust fund portfolio, are affordable to extremely low-income households with incomes at or below 30 percent of the area median income, and require a supplement to rent income to cover ongoing operating expenses;

(ii) Grants to support the building operations, maintenance, and supportive service costs for permanent supportive housing projects, or units within housing projects, that have received or will receive funding from the housing trust fund or other public capital funding programs. The supported projects or units must be dedicated as permanent supportive housing as defined in RCW 36.70A.030, be occupied by extremely low-income households with incomes at or below 30 percent of the area median income, and require a supplement to rent income to cover ongoing property operations, maintenance, and supportive services expenses.

(6) The department of commerce shall use the funds from the document recording fee or other fund sources deposited in the landlord mitigation program account to administer the

landlord mitigation program as established in RCW 43.31.605. The department of commerce may use up to 10 percent of these funds for program administration and the development and maintenance of a database necessary to administer the program.

**Sec. 2.** RCW 43.185C.010 and 2019 c 124 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means the individual who has the daily administrative responsibility of a crisis residential center.

(2) "Child in need of services petition" means a petition filed in juvenile court by a parent, child, or the department of children, youth, and families seeking adjudication of placement of the child.

(3) "Community action agency" means a nonprofit private or public organization established under the economic opportunity act of 1964.

(4) "Crisis residential center" means a secure or semi-secure facility established pursuant to chapter 74.13 RCW.

(5) "Department" means the department of commerce.

(6) "Director" means the director of the department of commerce.

(7) "Home security fund account" means the state treasury account receiving (~~the state's portion of~~) income from revenue (~~from the sources established by RCW 36.22.179 and 36.22.1791~~) under section 1(2)(c) of this act, and all other sources directed to the homeless housing and assistance program.

(8) "Homeless housing grant program" means the vehicle by which competitive grants are awarded by the department, utilizing moneys from the home security fund account, to local governments for programs directly related to housing homeless individuals and families, addressing the root causes of homelessness, preventing homelessness, collecting data on homeless individuals, and other efforts directly related to housing homeless persons.

(9) "Homeless housing plan" means the five-year plan developed by the county or other local government to address housing for homeless persons.

(10) "Homeless housing program" means the program authorized under this chapter as administered by the department at the state level and by the local government or its designated subcontractor at the local level.

(11) "Homeless housing strategic plan" means the five-year plan developed by the department, in consultation with the interagency council on homelessness, the affordable housing advisory board, and the state advisory council on homelessness.

(12) "Homeless person" means an individual living outside or in a building not meant for human habitation or which they have no legal right to occupy, in an emergency shelter, or in a temporary housing program which may include a transitional and supportive housing program if habitation time limits exist. This definition includes

substance abusers, people with mental illness, and sex offenders who are homeless.

(13) "HOPE center" means an agency licensed by the secretary of the department of children, youth, and families to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days.

(14) "Housing authority" means any of the public corporations created by chapter 35.82 RCW.

(15) "Housing continuum" means the progression of individuals along a housing-focused continuum with homelessness at one end and homeownership at the other.

(16) "Interagency council on homelessness" means a committee appointed by the governor and consisting of, at least, policy level representatives of the following entities: (a) The department of commerce; (b) the department of corrections; (c) the department of children, youth, and families; (d) the department of veterans affairs; and (e) the department of health.

(17) "Local government" means a county government in the state of Washington or a city government, if the legislative authority of the city affirmatively elects to accept the responsibility for housing homeless persons within its borders.

(18) "Local homeless housing task force" means a voluntary local committee created to advise a local government on the creation of a local homeless housing plan and participate in a local homeless housing program. It must include a representative of the county, a representative of the largest city located within the county, at least one homeless or formerly homeless person, such other members as may be required to maintain eligibility for federal funding related to housing programs and services and if feasible, a representative of a private nonprofit organization with experience in low-income housing.

(19) "Long-term private or public housing" means subsidized and unsubsidized rental or owner-occupied housing in which there is no established time limit for habitation of less than two years.

(20) "Performance measurement" means the process of comparing specific measures of success against ultimate and interim goals.

(21) "Secure facility" means a crisis residential center, or portion thereof, that has locking doors, locking windows, or a secured perimeter, designed and operated to prevent a child from leaving without permission of the facility staff.

(22) "Semi-secure facility" means any facility including, but not limited to, crisis residential centers or specialized

foster family homes, operated in a manner to reasonably assure that youth placed there will not run away. Pursuant to rules established by the facility administrator, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center.

(23) "Staff secure facility" means a structured group care facility licensed under rules adopted by the department of children, youth, and families with a ratio of at least one adult staff member to every two children.

(24) "Street outreach services" means a program that provides services and resources either directly or through referral to street youth and unaccompanied young adults as defined in RCW 43.330.702. Services including crisis intervention, emergency supplies, case management, and referrals may be provided through community-based outreach or drop-in centers.

(25) "Washington homeless census" means an annual statewide census conducted as a collaborative effort by towns, cities, counties, community-based organizations, and state agencies, with the technical support and coordination of the department, to count and collect data on all homeless individuals in Washington.

(26) "Washington homeless client management information system" means a database of information about homeless individuals in the state used to coordinate resources to assist homeless clients to obtain and retain housing and reach greater levels of self-sufficiency or economic independence when appropriate, depending upon their individual situations.

**Sec. 3.** RCW 43.185C.045 and 2021 c 214 s 3 are each amended to read as follows:

(1) By December 1st of each year, the department must provide an update on the state's homeless housing strategic plan and its activities for the prior fiscal year. The report must include, but not be limited to, the following information:

(a) An assessment of the current condition of homelessness in Washington state and the state's performance in meeting the goals in the state homeless housing strategic plan;

(b) A report on the results of the annual homeless point-in-time census conducted statewide under RCW 43.185C.030;

(c) The amount of federal, state, local, and private funds spent on homelessness assistance, categorized by funding source and the following major assistance types:

(i) Emergency shelter;

(ii) Homelessness prevention and rapid rehousing;

(iii) Permanent housing;

(iv) Permanent supportive housing;

(v) Transitional housing;

(vi) Services only; and

(vii) Any other activity in which more than five hundred thousand dollars of category funds were expended;

(d) A report on the expenditures, performance, and outcomes of state funds distributed through the consolidated homeless grant program, including the grant recipient, award amount expended, use of the funds, counties served, and households served;

(e) A report on state and local homelessness document recording fee expenditure by county, including the total amount of fee spending, percentage of total spending from fees, and number of people served by major assistance type(~~, and amount of expenditures for private rental housing payments required in RCW 36.22.179~~);

(f) A report on the expenditures, performance, and outcomes of the essential needs and housing support program meeting the requirements of RCW 43.185C.220;

(g) A report on the expenditures, performance, and outcomes of the independent youth housing program meeting the requirements of RCW 43.63A.311;

(h) A county-level report on the expenditures, performance, and outcomes of the eviction prevention rental assistance program under RCW 43.185C.185. The report must include, but is not limited to:

(i) The number of adults without minor children served in each county;

(ii) The number of households with adults and minor children served in each county; and

(iii) The number of unaccompanied youth and young adults who are being served in each county; and

(i) A county-level report on the expenditures, performance, and outcomes of the rapid rehousing, project-based vouchers, and housing acquisition programs under ((RCW 36.22.176))section 1 of this act. The report must include, but is not limited to:

(i) The number of persons who are unsheltered receiving shelter through a project-based voucher in each county;

(ii) The number of units acquired or built via rapid rehousing and housing acquisition in each county; and

(iii) The number of adults without minor children, households with adults and minor children, unaccompanied youth, and young adults who are being served by the programs under ((RCW 36.22.176))section 1 of this act in each county.

(2) The report required in subsection (1) of this section must be posted to the department's website and may include links to updated or revised information contained in the report.

(3) Any local government receiving state funds for homelessness assistance or state or local homelessness document recording fees under ((RCW 36.22.178, 36.22.179, or 36.22.1791))section 1 of this act must provide an annual report on the current condition of homelessness in its

jurisdiction, its performance in meeting the goals in its local homeless housing plan, and any significant changes made to the plan. The annual report must be posted on the department's website. Along with each local government annual report, the department must produce and post information on the local government's homelessness spending from all sources by project during the prior state fiscal year in a format similar to the department's report under subsection (1)(c) of this section. If a local government fails to report or provides an inadequate or incomplete report, the department must take corrective action, which may include withholding state funding for homelessness assistance to the local government to enable the department to use such funds to contract with other public or nonprofit entities to provide homelessness assistance within the jurisdiction.

**Sec. 4.** RCW 43.185C.060 and 2021 c 334 s 980 and 2021 c 214 s 4 are each reenacted and amended to read as follows:

(1) The home security fund account is created in the state treasury, subject to appropriation. ((The state's portion of the surcharge established in RCW 36.22.179 and 36.22.1791 and 36.22.176 must be deposited in the account.)) Expenditures from the account may be used only for ((homeless housing)) programs as described in this chapter ((, including the eviction prevention rental assistance program established in RCW 43.185C.185)).

(2)(a) By December 15, 2021, the department, in consultation with stakeholder groups specified in RCW 43.185C.185(2)(c), must create a set of performance metrics for each county receiving funding under ((RCW 36.22.176))section 1(4)(b) of this act. The metrics must target actions within a county's control that will prevent and reduce homelessness, such as increasing the number of permanent supportive housing units and increasing or maintaining an adequate number of noncongregate shelter beds.

(b)(i) Beginning July 1, 2023, and by July 1st every two years thereafter, the department must award funds ((for project-based vouchers for nonprofit housing providers and related services, rapid rehousing, and housing acquisition under RCW 36.22.176))under section 1(4)(b) of this act to eligible grantees in a manner that ((15)) percent of funding is distributed as a performance-based allocation based on performance metrics created under (a) of this subsection, in addition to any base allocation of funding for the county.

(ii) Any county that demonstrates that it has met or exceeded the majority of the target actions to prevent and reduce homelessness over the previous two years must receive the remaining 15 percent performance-based allocation. Any county that fails to meet or exceed the majority of target actions to prevent and reduce homelessness must enter into a corrective action plan with the department. To receive its performance-based allocation, a county must agree to undertake the corrective actions outlined in the corrective action plan and any reporting and monitoring deemed



necessary by the department. Any county that fails to meet or exceed the majority of targets for two consecutive years after entering into a corrective action plan may be subject to a reduction in the performance-based portion of the funds received in (b)(i) of this subsection, at the discretion of the department in consultation with stakeholder groups specified in RCW 43.185C.185(2)(c). Performance-based allocations unspent due to lack of compliance with a corrective action plan created under this subsection (2)(b) may be distributed to other counties that have met or exceeded their target actions.

(3) The department must distinguish allotments from the account made to carry out the activities in RCW 43.330.167, 43.330.700 through 43.330.715, 43.330.911, 43.185C.010, and 43.185C.250 through 43.185C.320(, and 36.22.179(1)(b)).

~~(4) ((The office of financial management must secure an independent expenditure review of state funds received under RCW 36.22.179(1)(b) on a biennial basis. The purpose of the review is to assess the consistency in achieving policy priorities within the private market rental housing segment for housing persons experiencing homelessness. The independent reviewer must notify the department and the office of financial management of its findings. The first biennial expenditure review, for the 2017-2019 fiscal biennium, is due February 1, 2020. Independent reviews conducted thereafter are due February 1st of each even-numbered year.~~

~~(5))~~ During the 2019-2021 and 2021-2023 fiscal biennia, expenditures from the account may also be used for shelter capacity grants.

**Sec. 5.** RCW 43.185C.070 and 2005 c 484 s 11 are each amended to read as follows:

(1) During each calendar year in which moneys from the ~~((homeless housing))~~ home security fund account are available for use by the department for the homeless housing grant program, the department shall announce to all Washington counties, participating cities, and through major media throughout the state, a grant application period of at least ninety days' duration. This announcement will be made as often as the director deems appropriate for proper utilization of resources. The department shall then promptly grant as many applications as will utilize available funds, less appropriate administrative costs of the department as described in ~~((RCW 36.22.179))~~ section 1(4)(a) of this act.

(2) The department will develop, with advice and input from the affordable housing advisory board established in RCW 43.185B.020, criteria to evaluate grant applications.

(3) The department may approve applications only if they are consistent with the local and state homeless housing program strategic plans. The department may give preference to applications based on some or all of the following criteria:

(a) The total homeless population in the applicant local government service area, as

reported by the most recent annual Washington homeless census;

(b) Current local expenditures to provide housing for the homeless and to address the underlying causes of homelessness as described in RCW 43.185C.005;

(c) Local government and private contributions pledged to the program in the form of matching funds, property, infrastructure improvements, and other contributions; and the degree of leveraging of other funds from local government or private sources for the program for which funds are being requested, to include recipient contributions to total project costs, including allied contributions from other sources such as professional, craft and trade services, and lender interest rate subsidies;

(d) Construction projects or rehabilitation that will serve homeless individuals or families for a period of at least twenty-five years;

(e) Projects which demonstrate serving homeless populations with the greatest needs, including projects that serve special needs populations;

(f) The degree to which the applicant project represents a collaboration between local governments, nonprofit community-based organizations, local and state agencies, and the private sector, especially through its integration with the coordinated and comprehensive plan for homeless families with children required under RCW 43.63A.650;

(g) The cooperation of the local government in the annual Washington homeless census project;

(h) The commitment of the local government and any subcontracting local governments, nonprofit organizations, and for-profit entities to employ a diverse workforce;

(i) The extent, if any, that the local homeless population is disproportionate to the revenues collected under this chapter and ~~((RCW 36.22.178 and 36.22.179))~~ section 1 of this act; and

(j) Other elements shown by the applicant to be directly related to the goal and the department's state strategic plan.

**Sec. 6.** RCW 43.185C.080 and 2005 c 484 s 12 are each amended to read as follows:

(1) Only a local government is eligible to receive a homeless housing grant from the ~~((homeless housing))~~ home security fund account. Any city may assert responsibility for homeless housing within its borders if it so chooses, by forwarding a resolution to the legislative authority of the county stating its intention and its commitment to operate a separate homeless housing program. The city shall then receive a percentage of the surcharge assessed under ~~((RCW 36.22.179))~~ section 1(2)(b) of this act equal to the percentage of the city's local portion of the real estate excise tax collected by the county. A participating city may also then apply separately for homeless housing program grants. A city choosing to operate a separate homeless housing program shall be responsible for complying with all of the same requirements as counties and shall adopt a local homeless

housing plan meeting the requirements of this chapter for county local plans. However, the city may by resolution of its legislative authority accept the county's homeless housing task force as its own and based on that task force's recommendations adopt a homeless housing plan specific to the city.

(2) Local governments applying for homeless housing funds may subcontract with any other local government, housing authority, community action agency or other nonprofit organization for the execution of programs contributing to the overall goal of ending homelessness within a defined service area. All subcontracts shall be consistent with the local homeless housing plan adopted by the legislative authority of the local government, time limited, and filed with the department and shall have specific performance terms. While a local government has the authority to subcontract with other entities, the local government continues to maintain the ultimate responsibility for the homeless housing program within its borders.

(3) A county may decline to participate in the program authorized in this chapter by forwarding to the department a resolution adopted by the county legislative authority stating the intention not to participate. A copy of the resolution shall also be transmitted to the county auditor and treasurer. If such a resolution is adopted, all of the funds otherwise due to the county under RCW 43.185C.060 shall be remitted monthly to the state treasurer for deposit in the ~~((homeless housing))~~ home security fund account, without any reduction by the county for collecting or administering the funds. Upon receipt of the resolution, the department shall promptly begin to identify and contract with one or more entities eligible under this section to create and execute a local homeless housing plan for the county meeting the requirements of this chapter. The department shall expend all of the funds received from the county under this subsection to carry out the purposes of chapter 484, Laws of 2005 in the county, provided that the department may retain six percent of these funds to offset the cost of managing the county's program.

(4) A resolution by the county declining to participate in the program shall have no effect on the ability of each city in the county to assert its right to manage its own program under this chapter, and the county shall monthly transmit to the city the funds due under this chapter.

**Sec. 7.** RCW 43.185C.185 and 2021 c 214 s 2 are each amended to read as follows:

(1) The eviction prevention rental assistance program is created in the department to prevent evictions by providing resources to households most likely to become homeless or suffer severe health consequences, or both, after an eviction, while promoting equity by prioritizing households, including communities of color, disproportionately impacted by public health emergencies and by homelessness and housing instability. The department must provide grants to eligible organizations, as described in RCW 43.185.060, to provide

assistance to program participants. The eligible organizations must use grant moneys for:

(a) Rental assistance, including rental arrears and future rent if needed to stabilize the applicant's housing and prevent their eviction;

(b) Utility assistance for households if needed to prevent an eviction; and

(c) Administrative costs of the eligible organization, which must not exceed limits prescribed by the department.

(2) Households eligible to receive assistance through the eviction prevention rental assistance program are those:

(a) With incomes at or below 80 percent of the county area median income;

(b) Who are families with children, living in doubled up situations, young adults, senior citizens, and others at risk of homelessness or significant physical or behavioral health complications from homelessness; and

(c) That meet any other eligibility requirements as established by the department after consultation with stakeholder groups, including persons at risk of homelessness due to unpaid rent, representatives of communities of color, homeless service providers, landlord representatives, local governments that administer homelessness assistance, a statewide association representing cities, a statewide association representing counties, a representative of homeless youth and young adults, and affordable housing advocates.

(3) A landlord may assist an eligible household in applying for assistance through the eviction prevention rental assistance program or may apply for assistance on an eligible household's behalf.

(4)(a) Eligible grantees must actively work with organizations rooted in communities of color to assist and serve marginalized populations within their communities.

(b) At least 10 percent of the grant total must be subgranted to organizations that serve and are substantially governed by marginalized populations to pay the costs associated with program outreach, assistance completing applications for assistance, rent assistance payments, activities that directly support the goal of improving access to rent assistance for people of color, and related costs. Upon request by an eligible grantee or the county or city in which it exists, the department must provide a list of organizations that serve and are substantially governed by marginalized populations, if known.

(c) An eligible grantee may request an exemption from the department from the requirements under (b) of this subsection. The department must consult with the stakeholder group established under subsection (2)(c) of this section before granting an exemption. An eligible grantee may request an exemption only if the eligible grantee:

(i) Is unable to subgrant with an organization that serves and is substantially governed by marginalized populations; or

(ii) Provides the department with a plan to spend 10 percent of the grant total in a

manner that the department determines will improve racial equity for historically underserved communities more effectively than a subgrant.

(5) The department must ensure equity by developing performance measures and benchmarks that promote both equitable program access and equitable program outcomes. Performance measures and benchmarks must be developed by the department in consultation with stakeholder groups, including persons at risk of homelessness due to unpaid rent, representatives of communities of color, homeless service providers, landlord representatives, local governments that administer homelessness assistance, a statewide association representing cities, a statewide association representing counties, a representative of homeless youth and young adults, and affordable housing advocates. Performance measures and benchmarks must also ensure that the race and ethnicity of households served under the program are proportional to the numbers of people at risk of homelessness in each county for each of the following groups:

- (a) Black or African American;
- (b) American Indian and Alaska Native;
- (c) Native Hawaiian or other Pacific Islander;
- (d) Hispanic or Latinx;
- (e) Asian;
- (f) Other multiracial.

(6) The department may develop additional rules, requirements, procedures, and guidelines as necessary to implement and operate the eviction prevention rental assistance program.

(7)(a) The department must award funds under this section to eligible grantees in a manner that is proportional to the amount of revenue collected under ~~((RCW 36.22.176))~~ section 1 of this act from the county being served by the grantee.

(b) The department must provide counties with the right of first refusal to receive grant funds distributed under this subsection. If a county refuses the funds or does not respond within a time frame established by the department, the department must identify an alternative grantee. The alternative grantee must distribute the funds in a manner that is in compliance with this chapter.

**Sec. 8.** RCW 43.185C.190 and 2021 c 334 s 981 and 2021 c 214 s 5 are each reenacted and amended to read as follows:

The affordable housing for all account is created in the state treasury, subject to appropriation. ~~((The state's portion of the surcharges established in RCW 36.22.178 and 36.22.176 shall be deposited in the account.))~~ Expenditures from the account may only be used for ~~((affordable housing programs, including operations, maintenance, and services as described in RCW 36.22.176(1)(a))~~ allowable uses as described in section 1(5) of this act. During the 2021-2023 fiscal biennium, expenditures from the account may be used for operations, maintenance, and services for permanent supportive housing as defined in RCW 36.70A.030. It is the intent of the

legislature to continue this policy in future biennia.

**Sec. 9.** RCW 36.18.010 and 2022 c 141 s 2 are each amended to read as follows:

Except as otherwise ordered by the court pursuant to RCW 4.24.130, county auditors or recording officers shall collect the following fees for their official services:

(1) For recording instruments, for the first page eight and one-half by ~~((fourteen))~~ 14 inches or less, five dollars; for each additional page eight and one-half by ~~((fourteen))~~ 14 inches or less, one dollar. The fee for recording multiple transactions contained in one instrument will be calculated for each transaction requiring separate indexing as required under RCW 65.04.050 as follows: The fee for each title or transaction is the same fee as the first page of any additional recorded document; the fee for additional pages is the same fee as for any additional pages for any recorded document; the fee for the additional pages may be collected only once and may not be collected for each title or transaction;

(2) For preparing and certifying copies, for the first page eight and one-half by ~~((fourteen))~~ 14 inches or less, three dollars; for each additional page eight and one-half by ~~((fourteen))~~ 14 inches or less, one dollar;

(3) For preparing noncertified copies, for each page eight and one-half by ~~((fourteen))~~ 14 inches or less, one dollar;

(4) For administering an oath or taking an affidavit, with or without seal, two dollars;

(5) For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund plus an additional ten dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

(6) For searching records per hour, eight dollars;

(7) For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

(8) For recording of miscellaneous records not listed above, for the first page eight and one-half by ~~((fourteen))~~ 14 inches or less, five dollars; for each additional page eight and one-half by ~~((fourteen))~~ 14 inches or less, one dollar;

(9) For modernization and improvement of the recording and indexing system, a surcharge as provided in RCW 36.22.170;

(10) For recording an emergency nonstandard document as provided in RCW 65.04.047, ~~((fifty dollars))~~ \$50, in addition to all other applicable recording fees;

(11) For recording instruments, a three dollar surcharge to be deposited into the Washington state library operations account created in RCW 43.07.129;

(12) For recording instruments, a two dollar surcharge to be deposited into the Washington state library-archives building account created in RCW 43.07.410 until the financing contract entered into by the secretary of state for the Washington state library-archives building is paid in full;

~~(13) ((For recording instruments, a surcharge as provided in RCW 36.22.178; and~~

~~(14)) For recording instruments, ((except for documents recording a birth, marriage, divorce, or death or any documents otherwise exempted from a recording fee under state law, a) the surcharge as provided in ((RCW 36.22.179)) section 1 of this act.~~

**Sec. 10.** RCW 59.18.030 and 2021 c 212 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Active duty" means service authorized by the president of the United States, the secretary of defense, or the governor for a period of more than 30 consecutive days.

(2) "Certificate of inspection" means an unsworn statement, declaration, verification, or certificate made in accordance with the requirements of chapter 5.50 RCW by a qualified inspector that states that the landlord has not failed to fulfill any substantial obligation imposed under RCW 59.18.060 that endangers or impairs the health or safety of a tenant, including (a) structural members that are of insufficient size or strength to carry imposed loads with safety, (b) exposure of the occupants to the weather, (c) plumbing and sanitation defects that directly expose the occupants to the risk of illness or injury, (d) not providing facilities adequate to supply heat and water and hot water as reasonably required by the tenant, (e) providing heating or ventilation systems that are not functional or are hazardous, (f) defective, hazardous, or missing electrical wiring or electrical service, (g) defective or hazardous exits that increase the risk of injury to occupants, and (h) conditions that increase the risk of fire.

(3) "Commercially reasonable manner," with respect to a sale of a deceased tenant's personal property, means a sale where every aspect of the sale, including the method, manner, time, place, and other terms, must be commercially reasonable. If commercially reasonable, a landlord may sell the tenant's property by public or private proceedings, by one or more contracts, as a unit or in parcels, and at any time and place and on any terms.

(4) "Comprehensive reusable tenant screening report" means a tenant screening report prepared by a consumer reporting agency at the direction of and paid for by the prospective tenant and made available

directly to a prospective landlord at no charge, which contains all of the following:

(a) A consumer credit report prepared by a consumer reporting agency within the past 30 days; (b) the prospective tenant's criminal history; (c) the prospective tenant's eviction history; (d) an employment verification; and (e) the prospective tenant's address and rental history.

(5) "Criminal history" means a report containing or summarizing (a) the prospective tenant's criminal convictions and pending cases, the final disposition of which antedates the report by no more than seven years, and (b) the results of a sex offender registry and United States department of the treasury's office of foreign assets control search, all based on at least seven years of address history and alias information provided by the prospective tenant or available in the consumer credit report.

(6) "Designated person" means a person designated by the tenant under RCW 59.18.590.

(7) "Distressed home" has the same meaning as in RCW 61.34.020.

(8) "Distressed home conveyance" has the same meaning as in RCW 61.34.020.

(9) "Distressed home purchaser" has the same meaning as in RCW 61.34.020.

(10) "Dwelling unit" is a structure or that part of a structure which is used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, including but not limited to single-family residences and units of multiplexes, apartment buildings, and mobile homes.

(11) "Eviction history" means a report containing or summarizing the contents of any records of unlawful detainer actions concerning the prospective tenant that are reportable in accordance with state law, are lawful for landlords to consider, and are obtained after a search based on at least seven years of address history and alias information provided by the prospective tenant or available in the consumer credit report.

(12) "Gang" means a group that: (a) Consists of three or more persons; (b) has identifiable leadership or an identifiable name, sign, or symbol; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

(13) "Gang-related activity" means any activity that occurs within the gang or advances a gang purpose.

(14) "Immediate family" includes state registered domestic partner, spouse, parents, grandparents, children, including foster children, siblings, and in-laws.

(15) "In danger of foreclosure" means any of the following:

(a) The homeowner has defaulted on the mortgage and, under the terms of the mortgage, the mortgagee has the right to accelerate full payment of the mortgage and repossess, sell, or cause to be sold the property;

(b) The homeowner is at least 30 days delinquent on any loan that is secured by the property; or

(c) The homeowner has a good faith belief that he or she is likely to default on the

mortgage within the upcoming four months due to a lack of funds, and the homeowner has reported this belief to:

- (i) The mortgagee;
- (ii) A person licensed or required to be licensed under chapter 19.134 RCW;
- (iii) A person licensed or required to be licensed under chapter 19.146 RCW;
- (iv) A person licensed or required to be licensed under chapter 18.85 RCW;
- (v) An attorney-at-law;
- (vi) A mortgage counselor or other credit counselor licensed or certified by any federal, state, or local agency; or
- (vii) Any other party to a distressed property conveyance.

(16) "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and in addition means any person designated as representative of the owner, lessor, or sublessor including, but not limited to, an agent, a resident manager, or a designated property manager.

(17) "Mortgage" is used in the general sense and includes all instruments, including deeds of trust, that are used to secure an obligation by an interest in real property.

(18) "Orders" means written official military orders, or any written notification, certification, or verification from the service member's commanding officer, with respect to the service member's current or future military status.

(19) "Owner" means one or more persons, jointly or severally, in whom is vested:

- (a) All or any part of the legal title to property; or
- (b) All or part of the beneficial ownership, and a right to present use and enjoyment of the property.

(20) "Permanent change of station" means: (a) Transfer to a unit located at another port or duty station; (b) change in a unit's home port or permanent duty station; (c) call to active duty for a period not less than 90 days; (d) separation; or (e) retirement.

(21) "Person" means an individual, group of individuals, corporation, government, or governmental agency, business trust, estate, trust, partnership, or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(22) "Premises" means a dwelling unit, appurtenances thereto, grounds, and facilities held out for the use of tenants generally and any other area or facility which is held out for use by the tenant.

(23) "Property" or "rental property" means all dwelling units on a contiguous quantity of land managed by the same landlord as a single, rental complex.

(24) "Prospective landlord" means a landlord or a person who advertises, solicits, offers, or otherwise holds a dwelling unit out as available for rent.

(25) "Prospective tenant" means a tenant or a person who has applied for residential housing that is governed under this chapter.

(26) "Qualified inspector" means a United States department of housing and urban development certified inspector; a Washington state licensed home inspector; an

American society of home inspectors certified inspector; a private inspector certified by the national association of housing and redevelopment officials, the American association of code enforcement, or other comparable professional association as approved by the local municipality; a municipal code enforcement officer; a Washington licensed structural engineer; or a Washington licensed architect.

(27) "Reasonable attorneys' fees," where authorized in this chapter, means an amount to be determined including the following factors: The time and labor required, the novelty and difficulty of the questions involved, the skill requisite to perform the legal service properly, the fee customarily charged in the locality for similar legal services, the amount involved and the results obtained, and the experience, reputation and ability of the lawyer or lawyers performing the services.

(28) "Reasonable manner," with respect to disposing of a deceased tenant's personal property, means to dispose of the property by donation to a not-for-profit charitable organization, by removal of the property by a trash hauler or recycler, or by any other method that is reasonable under the circumstances.

(29) "Rent" or "rental amount" means recurring and periodic charges identified in the rental agreement for the use and occupancy of the premises, which may include charges for utilities. Except as provided in RCW 59.18.283(3), these terms do not include nonrecurring charges for costs incurred due to late payment, damages, deposits, legal costs, or other fees, including attorneys' fees.

(30) "Rental agreement" or "lease" means all agreements which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit.

(31) "Service member" means an active member of the United States armed forces, a member of a military reserve component, or a member of the national guard who is either stationed in or a resident of Washington state.

(32) A "single-family residence" is a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit, it shall be deemed a single-family residence if it has direct access to a street and shares neither heating facilities nor hot water equipment, nor any other essential facility or service, with any other dwelling unit.

(33) "Subsidized housing" refers to rental housing for very low-income or low-income households that is a dwelling unit operated directly by a public housing authority or its affiliate, or that is insured, financed, or assisted in whole or in part through one of the following sources:

(a) A federal program or state housing program administered by the department of commerce or the Washington state housing finance commission;

(b) A federal housing program administered by a city or county government;

(c) An affordable housing levy authorized under RCW 84.52.105; or

(d) The surcharges authorized in (~~RCW 36.22.178 and 36.22.179~~) section 1 of this act and any of the surcharges authorized in chapter 43.185C RCW.

(34) A "tenant" is any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement.

(35) "Tenant representative" means:

(a) A personal representative of a deceased tenant's estate if known to the landlord;

(b) If the landlord has no knowledge that a personal representative has been appointed for the deceased tenant's estate, a person claiming to be a successor of the deceased tenant who has provided the landlord with proof of death and an affidavit made by the person that meets the requirements of RCW 11.62.010(2);

(c) In the absence of a personal representative under (a) of this subsection or a person claiming to be a successor under (b) of this subsection, a designated person; or

(d) In the absence of a personal representative under (a) of this subsection, a person claiming to be a successor under (b) of this subsection, or a designated person under (c) of this subsection, any person who provides the landlord with reasonable evidence that he or she is a successor of the deceased tenant as defined in RCW 11.62.005. The landlord has no obligation to identify all of the deceased tenant's successors.

(36) "Tenant screening" means using a consumer report or other information about a prospective tenant in deciding whether to make or accept an offer for residential rental property to or from a prospective tenant.

(37) "Tenant screening report" means a consumer report as defined in RCW 19.182.010 and any other information collected by a tenant screening service.

(38) "Transitional housing" means housing units owned, operated, or managed by a nonprofit organization or governmental entity in which supportive services are provided to individuals and families that were formerly homeless, with the intent to stabilize them and move them to permanent housing within a period of not more than twenty-four months, or longer if the program is limited to tenants within a specified age range or the program is intended for tenants in need of time to complete and transition from educational or training or service programs.

**Sec. 11.** RCW 84.36.560 and 2020 c 273 s 1 are each amended to read as follows:

(1) The real and personal property owned or used by a nonprofit entity in providing rental housing for qualifying households or used to provide space for the placement of a mobile home for a qualifying household within a mobile home park is exempt from taxation if:

(a) The benefit of the exemption inures to the nonprofit entity;

(b) At least seventy-five percent of the occupied dwelling units in the rental housing or lots in a mobile home park are occupied by a qualifying household; and

(c) The rental housing or lots in a mobile home park were insured, financed, or assisted in whole or in part through one or more of the following sources:

(i) A federal or state housing program administered by the department of commerce;

(ii) A federal housing program administered by a city or county government;

(iii) An affordable housing levy authorized under RCW 84.52.105;

(iv) The surcharges authorized by (~~RCW 36.22.178 and 36.22.179~~) section 1 of this act and any of the surcharges authorized in chapter 43.185C RCW; or

(v) The Washington state housing finance commission, provided that the financing is for a mobile home park cooperative or a manufactured housing cooperative, as defined in RCW 59.20.030, or a nonprofit entity.

(2) If less than seventy-five percent of the occupied dwelling units within the rental housing or lots in the mobile home park are occupied by qualifying households, the rental housing or mobile home park is eligible for a partial exemption on the real property and a total exemption of the housing's or park's personal property as follows:

(a) A partial exemption is allowed for each dwelling unit in the rental housing or for each lot in a mobile home park occupied by a qualifying household.

(b) The amount of exemption must be calculated by multiplying the assessed value of the property reasonably necessary to provide the rental housing or to operate the mobile home park by a fraction. The numerator of the fraction is the number of dwelling units or lots occupied by qualifying households as of December 31st of the first assessment year in which the rental housing or mobile home park becomes operational or on January 1st of each subsequent assessment year for which the exemption is claimed. The denominator of the fraction is the total number of dwelling units or lots occupied as of December 31st of the first assessment year the rental housing or mobile home park becomes operational and January 1st of each subsequent assessment year for which exemption is claimed.

(3) If a currently exempt rental housing unit or mobile home lot in a mobile home park was occupied by a qualifying household at the time the exemption was granted and the income of the household subsequently rises above the threshold set in subsection (7)(e) of this section but remains at or below eighty percent of the median income, the exemption will continue as long as the housing continues to meet the certification requirements listed in subsection (1) of this section. For purposes of this section, median income, as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located, shall be adjusted for family size. However, if a dwelling unit or a lot becomes vacant and is subsequently re-rented, the income of the new household must be at or

below the threshold set in subsection (7)(e) of this section to remain exempt from property tax.

(4) If at the time of initial application the property is unoccupied, or subsequent to the initial application the property is unoccupied because of renovations, and the property is not currently being used for the exempt purpose authorized by this section but will be used for the exempt purpose within two assessment years, the property shall be eligible for a property tax exemption for the assessment year in which the claim for exemption is submitted under the following conditions:

(a) A commitment for financing to acquire, construct, renovate, or otherwise convert the property to provide housing for qualifying households has been obtained, in whole or in part, by the nonprofit entity claiming the exemption from one or more of the sources listed in subsection (1)(c) of this section;

(b) The nonprofit entity has manifested its intent in writing to construct, remodel, or otherwise convert the property to housing for qualifying households; and

(c) Only the portion of property that will be used to provide housing or lots for qualifying households shall be exempt under this section.

(5) To be exempt under this section, the property must be used exclusively for the purposes for which the exemption is granted, except as provided in RCW 84.36.805.

(6) The nonprofit entity qualifying for a property tax exemption under this section may agree to make payments to the city, county, or other political subdivision for improvements, services, and facilities furnished by the city, county, or political subdivision for the benefit of the rental housing. However, these payments shall not exceed the amount last levied as the annual tax of the city, county, or political subdivision upon the property prior to exemption.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Group home" means a single-family dwelling financed, in whole or in part, by one or more of the sources listed in subsection (1)(c) of this section. The residents of a group home shall not be considered to jointly constitute a household, but each resident shall be considered to be a separate household occupying a separate dwelling unit. The individual incomes of the residents shall not be aggregated for purposes of this exemption;

(b) "Mobile home lot" or "mobile home park" means the same as these terms are defined in RCW 59.20.030;

(c) "Occupied dwelling unit" means a living unit that is occupied by an individual or household as of December 31st of the first assessment year the rental housing becomes operational or is occupied by an individual or household on January 1st of each subsequent assessment year in which the claim for exemption is submitted. If the housing facility is comprised of three or fewer dwelling units and there are any unoccupied units on January 1st, the

department shall base the amount of the exemption upon the number of occupied dwelling units as of December 31st of the first assessment year the rental housing becomes operational and on May 1st of each subsequent assessment year in which the claim for exemption is submitted;

(d) "Rental housing" means a residential housing facility or group home that is occupied but not owned by qualifying households;

(e)(i) "Qualifying household" means a single person, family, or unrelated persons living together whose income is at or below fifty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located and in effect as of January 1st of the year the application for exemption is submitted;

(ii) Beginning July 1, 2021, "qualifying household" means a single person, family, or unrelated persons living together whose income is at or below sixty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located and in effect as of January 1st of the year the application for exemption is submitted; and

(f) "Nonprofit entity" means a:

(i) Nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code;

(ii) Limited partnership where a nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority created under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210(2)(a) is a general partner;

(iii) Limited liability company where a nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority established under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210(2)(a) is a managing member; or

(iv) Mobile home park cooperative or a manufactured housing cooperative, as defined in RCW 59.20.030.

**Sec. 12.** RCW 84.36.675 and 2022 c 93 s 2 are each amended to read as follows:

(1) The real property owned by a limited equity cooperative that provides owned housing for low-income households is exempt from property taxation if:

(a) The benefit of the exemption inures to the limited equity cooperative and its members;

(b) At least 85 percent of the occupied dwelling units in the limited equity cooperative is occupied by members of the limited equity cooperative determined as of

January 1st of each assessment year for which the exemption is claimed;

(c) At least 95 percent of the property for which the exemption is sought is used for dwelling units or other noncommercial uses available for use by the members of the limited equity cooperative; and

(d) The housing was insured, financed, or assisted, in whole or in part, through one or more of the following sources:

(i) A federal or state housing program administered by the department of commerce;

(ii) A federal or state housing program administered by the federal department of housing and urban development;

(iii) A federal housing program administered by a city or county government;

(iv) An affordable housing levy authorized under RCW 84.52.105;

(v) The surcharges authorized by ((RCW 36.22.178 and 36.22.179)) section 1 of this act and any of the surcharges authorized in chapter 43.185C RCW; or

(vi) The Washington state housing finance commission.

(2) If less than 100 percent of the dwelling units within the limited equity cooperative is occupied by low-income households, the limited equity cooperative is eligible for a partial exemption on the real property. The amount of exemption must be calculated by multiplying the assessed value of the property owned by the limited equity cooperative by a fraction. The numerator of the fraction is the number of dwelling units occupied by low-income households as of January 1st of each assessment year for which the exemption is claimed, and the denominator of the fraction is the total number of dwelling units as of such date.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Cooperative" has the meaning provided in RCW 64.90.010.

(b)(i) "Limited equity cooperative" means a cooperative subject to the Washington uniform common interest ownership act under chapter 64.90 RCW that owns the real property for which an exemption is sought under this section and for which, following the completion of the development or redevelopment of such real property:

(A) Members are prevented from selling their ownership interests other than to a median-income household; and

(B) Members are prevented from selling their ownership interests for a sales price that exceeds the sum of:

(I) The sales price they paid for their ownership interest;

(II) The cost of permanent improvements they made to the dwelling unit during their ownership;

(III) Any special assessments they paid to the limited equity cooperative during their ownership to the extent utilized to make permanent improvements to the building or buildings in which the dwelling units are located; and

(IV) A three percent annual noncompounded return on the above amounts.

(ii) For the purposes of this subsection (3)(b), "sales price" is the total consideration paid or contracted to be paid

to the seller or to another for the seller's benefit.

(c) "Low-income household" means a single person, family, or unrelated persons living together whose income is at or below 80 percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the housing is located and in effect as of January 1st of the year in which the determination is to be made as to whether the single person, family, or unrelated persons living together qualify as a low-income household.

(d) "Median-income household" means a single person, family, or unrelated persons living together whose income is at or below 100 percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the housing is located and in effect as of January 1st of the year in which the determination is to be made as to whether the single person, family, or unrelated persons living together qualify as a median-income household.

(e) "Members" of a limited equity cooperative means individuals or entities that have an ownership interest in the limited equity cooperative that entitles them to occupy and sell a dwelling unit in the limited equity cooperative.

NEW SECTION. **Sec. 13.** The following acts or parts of acts are each repealed:

(1) RCW 36.22.176 (Recorded document surcharge—Use) and 2022 c 216 s 7 & 2021 c 214 s 1;

(2) RCW 36.22.178 (Affordable housing for all surcharge—Permissible uses) and 2021 c 214 s 7, 2019 c 136 s 1, 2018 c 66 s 5, 2011 c 110 s 1, 2007 c 427 s 1, 2005 c 484 s 18, & 2002 c 294 s 2;

(3) RCW 36.22.179 (Surcharge for local homeless housing and assistance—Use) and 2021 c 214 s 8, 2019 c 136 s 2, 2018 c 85 s 2, 2017 3rd sp.s. c 16 s 5, 2014 c 200 s 1, 2012 c 90 s 1, 2011 c 110 s 2, 2009 c 462 s 1, 2007 c 427 s 4, & 2005 c 484 s 9;

(4) RCW 36.22.1791 (Additional surcharge for local homeless housing and assistance—Use) and 2021 c 214 s 9, 2019 c 136 s 3, 2011 c 110 s 3, & 2007 c 427 s 5;

(5) RCW 43.185C.061 (Home security fund account—Exemptions from set aside) and 2015 c 69 s 27; and

(6) RCW 43.185C.215 (Transitional housing operating and rent account) and 2008 c 256 s 2.

NEW SECTION. **Sec. 14.** Section 12 of this act expires January 1, 2033."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Steele and Tharinger.



Referred to Committee on Rules for second reading

April 4, 2023

SSB 5388 Prime Sponsor, Health & Long Term Care: Concerning improving diversity in clinical trials. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

April 3, 2023

SB 5390 Prime Sponsor, Senator Shewmake: Establishing a programmatic safe harbor agreement on forestlands. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

SSB 5415 Prime Sponsor, Law & Justice: Concerning public defense services for persons committed as not guilty by reason of insanity. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Simmons; Slatter; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Senn.

Referred to Committee on Rules for second reading

April 4, 2023

2SSB 5425 Prime Sponsor, Ways & Means: Concerning fire protection sprinkler system contractors. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Labor & Workplace Standards. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair;

Gregerson, Vice Chair; Macri, Vice Chair; Berg; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Schmick; and Steele.

Referred to Committee on Rules for second reading

April 4, 2023

2SSB 5438 Prime Sponsor, Ways & Means: Facilitating supportive relationships with family and significant individuals within the behavioral health system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

E2SSB 5440 Prime Sponsor, Ways & Means: Providing timely competency evaluations and restoration services to persons suffering from behavioral health disorders. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Civil Rights & Judiciary.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that defendants referred for services related to competency to stand trial requiring admission into a psychiatric facility are currently facing unprecedented wait times in jail for admission. The situation has been exacerbated by closure of forensic beds and workforce shortages related to COVID-19, and treatment capacity limits related to social distancing requirements. Moreover, a backlog of criminal prosecutions that were held back during the first two years of the pandemic due to capacity limitations in courts, prosecuting attorneys offices, and jails, are now being filed, causing a surge in demand for competency services which exceeds the state's capacity to make a timely response. In partial consequence, as of January 2023, wait times for admission to western state hospital for competency services, directed to be completed within seven days by order of the United States district court for western Washington, have risen to over ten months, while wait times for admission to eastern state hospital for

the same services have risen to over five months. The state's forensic bed capacity forecast model indicates that if the state continues to receive competency referrals from local superior, district, and municipal courts at the same volume, the state will rapidly fall farther behind.

The legislature further finds that historical investments and policy changes have been made in behavioral health services over the past five years, designed to both increase capacity to provide competency to stand trial services and to reduce the need for them by creating opportunities for diversion, prevention, and improved community health. New construction at western state hospital is expected to result in the opening of 58 forensic psychiatric beds in the first quarter of 2023, while emergency community hospital contracts are expected to allow for the discharge or transfer of over 50 civil conversion patients occupying forensic state hospital beds over the same period. Sixteen beds for civil conversion patients will open at Maple Lane school in the first quarter of 2023, with 30 additional beds for patients acquitted by reason of insanity expected to open by late 2023 or early 2024. Over a longer time period, 350 forensic beds are planned to open within a new forensic hospital on western state hospital campus between 2027 and 2029. Policy and budget changes have increased capacity for assisted outpatient treatment, 988 crisis response, use of medication for opioid use disorders in jails and community settings, reentry services, and mental health advance directives, and created new behavioral health facility types, supportive housing, and supportive employment services. Forensic navigator services, outpatient competency restoration programs, and other specialty forensic services are now available and continuing to be deployed in phase two *Trueblood* settlement regions.

The legislature further finds that despite these investments there is a need for everyone to come together to find solutions to both reduce demand for forensic services and to increase their supply. The state needs collaboration from local governments and other entities to identify any and all facilities that can be used to provide services to patients connected to the forensic system, to reduce the flow of competency referrals coming from municipal, district, and superior courts, and to improve availability and effectiveness of behavioral health services provided outside the criminal justice system.

**Sec. 2.** RCW 10.77.010 and 2022 c 288 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

- (1) "Admission" means acceptance based on medical necessity, of a person as a patient.
- (2) "Authority" means the Washington state health care authority.
- (3) "Clinical intervention specialist" means a licensed professional with prescribing authority who is employed by or contracted with the department to provide direct services, enhanced oversight and

monitoring of the behavioral health status of in-custody defendants who have been referred for evaluation or restoration services related to competency to stand trial and who coordinate treatment options with forensic navigators, the department, and jail health services.

~~((4))~~ (4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

~~((4))~~ (5) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

~~((5))~~ (6) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

~~((6))~~ (7) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

~~((7))~~ (8) "Department" means the state department of social and health services.

~~((8))~~ (9) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

~~((9))~~ (10) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

~~((10))~~ (11) "Developmental disabilities professional" means a person who has specialized training and ~~((three years of))~~ experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

~~((11))~~ (12) "Developmental disability" means the condition as defined in RCW 71A.10.020 ~~((5))~~.

~~((12))~~ (13) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

~~((13))~~ (14) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

~~((14))~~ (15) "Genuine doubt as to competency" means that there is reasonable cause to believe, based upon actual interactions with or observations of the defendant or information provided by counsel, that a defendant is incompetent to stand trial.

(16) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of

physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct.

((+15-)) (17) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

((+16-)) (18) "Immediate family member" means a spouse, child, stepchild, parent, stepparent, grandparent, sibling, or domestic partner.

((+17-)) (19) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

((+18-)) (20) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

((+19-)) (21) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

((+20-)) (22) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW;

(c) A psychiatric advanced registered nurse practitioner, as defined in RCW 71.05.020; or

(d) A social worker with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

((+21-)) (23) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

((+22-)) (24) "Secretary" means the secretary of the department of social and health services or his or her designee.

((+23-)) (25) "Treatment" means any currently standardized medical or mental health procedure including medication.

((+24-)) (26) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others.

((+25-)) (27) "Violent act" means behavior that: (a) (i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

**Sec. 3.** RCW 10.77.060 and 2022 c 288 s 2 are each amended to read as follows:

(1) (a) Whenever a defendant has pleaded not guilty by reason of insanity, ~~((or there is reason to doubt his or her competency,))~~ the court on its own motion or on the motion of any party shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.

(b) (i) Whenever there is a doubt as to competency, the court on its own motion or on the motion of any party shall first review the allegations of incompetency. The court shall make a determination of whether sufficient facts have been provided to form a genuine doubt as to competency based on information provided by counsel, judicial colloquy, or direct observation of the defendant. If a genuine doubt as to competency exists, the court shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.

((ii)) Nothing in this subsection (1)(b) is intended to require a waiver of attorney-client privilege. Defense counsel may meet the requirements under this subsection (1)(b) by filing a declaration stating that they have reason to believe that a competency evaluation is necessary, and stating the basis on which the defendant is believed to be incompetent, without further detail required.

((c)) The signed order of the court shall serve as authority for the evaluator to be given access to all records held by any mental health, medical, long-term services or supports, educational, or correctional facility that relate to the present or past mental, emotional, or physical condition of the defendant. If the court is advised by any party that the defendant may have a developmental disability, the evaluation must be performed by a developmental disabilities professional and the evaluator shall have access to records of the developmental disabilities administration of the department. If the court is advised by any party that the defendant may have dementia or another relevant neurocognitive disorder, the evaluator shall have access to records of the aging and long-term support administration of the department.

((+e))(d) The evaluator shall assess the defendant in a jail, detention facility, in the community, or in court to determine whether a period of inpatient commitment will be necessary to complete an accurate evaluation. If inpatient commitment is needed, the signed order of the court shall serve as authority for the evaluator to request the jail or detention facility to transport the defendant to a hospital or secure mental health facility for a period of commitment not to exceed fifteen days from the time of admission to the facility. Otherwise, the evaluator shall complete the evaluation.

((+d))(e) The court may commit the defendant for evaluation to a hospital or secure mental health facility without an assessment if: (i) The defendant is charged with murder in the first or second degree; (ii) the court finds that it is more likely than not that an evaluation in the jail will be inadequate to complete an accurate evaluation; or (iii) the court finds that an evaluation outside the jail setting is necessary for the health, safety, or welfare of the defendant. The court shall not order an initial inpatient evaluation for any purpose other than a competency evaluation.

((+e))(f) The order shall indicate whether, in the event the defendant is committed to a hospital or secure mental health facility for evaluation, all parties agree to waive the presence of the defendant or to the defendant's remote participation at a subsequent competency hearing or presentation of an agreed order if the recommendation of the evaluator is for continuation of the stay of criminal proceedings, or if the opinion of the evaluator is that the defendant remains incompetent and there is no remaining restoration period, and the hearing is held prior to the expiration of the authorized commitment period.

((+f))(g) When a defendant is ordered to be evaluated under this subsection (1), or when a party or the court determines at first appearance that an order for evaluation under this subsection will be requested or ordered if charges are pursued, the court may delay granting bail until the defendant has been evaluated for competency or sanity and appears before the court. Following the evaluation, in determining bail the court shall consider: (i) Recommendations of the evaluator regarding the defendant's competency, sanity, or diminished capacity; (ii) whether the defendant has a recent history of one or more violent acts; (iii) whether the defendant has previously been acquitted by reason of insanity or found incompetent; (iv) whether it is reasonably likely the defendant will fail to appear for a future court hearing; and (v) whether the defendant is a threat to public safety.

((h)) If the defendant ordered to be evaluated under this subsection (1) is charged with a serious traffic offense under RCW 9.94A.030, or a felony version of a serious traffic offense, the prosecutor may make a motion to modify the defendant's conditions of release to include a condition prohibiting the defendant from driving during the pendency of the competency evaluation period.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the evaluation authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the evaluation shall include the following:

(a) A description of the nature of the evaluation;

(b) A diagnosis or description of the current mental status of the defendant;

(c) If the defendant suffers from a mental disease or defect, or has a developmental disability, an opinion as to competency;

(d) If the defendant suffers from an intellectual or developmental disability, traumatic brain injury, or dementia, an opinion as to restorability;

(e) If the defendant has indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, and an evaluation and report by an expert or professional person has been provided concluding that the defendant was criminally insane at the time of the alleged offense, an opinion as to the defendant's sanity at the time of the act, and an opinion as to whether the defendant presents a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control

by the court or other persons or institutions, provided that no opinion shall be rendered under this subsection (3)(~~(d)~~) (e) unless the evaluator or court determines that the defendant is competent to stand trial;

~~((e))~~ (f) When directed by the court, if an evaluation and report by an expert or professional person has been provided concluding that the defendant lacked the capacity at the time of the offense to form the mental state necessary to commit the charged offense, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

~~((f))~~ (g) An opinion as to whether the defendant should be evaluated by a designated crisis responder under chapter 71.05 RCW.

(4) The secretary may execute such agreements as appropriate and necessary to implement this section and may choose to designate more than one evaluator.

(5) In the event that a person remains in jail more than 21 days after service on the department of a court order to transport the person to a facility designated by the department for inpatient competency restoration treatment, upon the request of any party and with notice to all parties, the department shall perform a competency to stand trial status check to determine if the circumstances of the person have changed such that the court should authorize an updated competency evaluation. The status update shall be provided to the parties and the court. Status updates may be provided at reasonable intervals.

(6) If a finding of the competency evaluation under this section or under RCW 10.77.084 is that the individual is not competent due to an intellectual or developmental disability, dementia, or traumatic brain injury, the evaluator shall notify the department, which shall refer the individual to the developmental disabilities administration or the aging and long-term support administration of the department for review of eligibility for services. Information about availability of services must be provided to the forensic navigator.

(7) If the expert or professional person appointed to perform a competency evaluation in the community is not able to complete the evaluation after two attempts at scheduling with the defendant, the department shall submit a report to the court and parties and include a date and time for another evaluation which must be at least four weeks later. The court shall provide notice to the defendant of the date and time of the evaluation. If the defendant fails to appear at that appointment, the court shall issue a warrant for the failure to appear and recall the order for competency evaluation.

**Sec. 4.** RCW 10.77.068 and 2022 c 288 s 3 are each amended to read as follows:

(1)(a) The legislature establishes a performance target of seven days or fewer to extend an offer of admission to a defendant in pretrial custody for inpatient competency evaluation or inpatient competency

restoration services, when access to the services is legally authorized.

(b) The legislature establishes a performance target of 14 days or fewer for the following services related to competency to stand trial, when access to the services is legally authorized:

(i) To complete a competency evaluation in jail and distribute the evaluation report; and

(ii) To extend an offer of admission to a defendant ordered to be committed to ~~((a state hospital))~~ the department for placement in a facility operated by or contracted by the department following dismissal of charges based on incompetency to stand trial under RCW 10.77.086.

(c) The legislature establishes a performance target of 21 days or fewer to complete a competency evaluation in the community and distribute the evaluation report.

(2)(a) A maximum time limit of seven days as measured from the department's receipt of the court order, or a maximum time limit of 14 days as measured from signature of the court order, whichever is shorter, is established to complete the services specified in subsection (1)(a) of this section, subject to the limitations under subsection (9) of this section.

(b) A maximum time limit of 14 days as measured from the department's receipt of the court order, or a maximum time limit of 21 days as measured from signature of the court order, whichever is shorter, is established to complete the services specified in subsection (1)(b) of this section, subject to the limitations under subsection (9) of this section.

(3) The legislature recognizes that these targets may not be achievable in all cases, but intends for the department to manage, allocate, and request appropriations for resources in order to meet these targets whenever possible without sacrificing the accuracy and quality of competency services.

(4) It shall be a defense to an allegation that the department has exceeded the maximum time limits for completion of competency services described in subsection (2) of this section if the department can demonstrate by a preponderance of the evidence that the reason for exceeding the maximum time limits was outside of the department's control including, but not limited to, the following circumstances:

(a) Despite a timely request, the department has not received necessary medical information regarding the current medical status of a defendant;

(b) The individual circumstances of the defendant make accurate completion of an evaluation of competency to stand trial dependent upon review of mental health, substance use disorder, or medical history information which is in the custody of a third party and cannot be immediately obtained by the department, provided that completion shall not be postponed for procurement of information which is merely supplementary;

(c) Additional time is needed for the defendant to no longer show active signs and symptoms of impairment related to substance

use so that an accurate evaluation may be completed;

(d) The defendant is medically unavailable for competency evaluation or admission to a facility for competency restoration;

(e) Completion of the referral requires additional time to accommodate the availability or participation of counsel, court personnel, interpreters, or the defendant;

(f) The defendant asserts legal rights that result in a delay in the provision of competency services; or

(g) An unusual spike in the receipt of evaluation referrals or in the number of defendants requiring restoration services has occurred, causing temporary delays until the unexpected excess demand for competency services can be resolved.

(5) The department shall provide written notice to the court when it will not be able to meet the maximum time limits under subsection (2) of this section and identify the reasons for the delay and provide a reasonable estimate of the time necessary to complete the competency service. Good cause for an extension for the additional time estimated by the department shall be presumed absent a written response from the court or a party received by the department within seven days.

(6) The department shall:

(a) Develop, document, and implement procedures to monitor the clinical status of defendants admitted to a state hospital for competency services that allow the state hospital to accomplish early discharge for defendants for whom clinical objectives have been achieved or may be achieved before expiration of the commitment period;

(b) Investigate the extent to which patients admitted to a state hospital under this chapter overstay time periods authorized by law and take reasonable steps to limit the time of commitment to authorized periods; and

(c) Establish written standards for the productivity of forensic evaluators and utilize these standards to internally review the performance of forensic evaluators.

(7) Following any quarter in which a state hospital has failed to meet one or more of the performance targets or maximum time limits under subsection (1) or (2) of this section, the department shall report to the executive and the legislature the extent of this deviation and describe any corrective action being taken to improve performance. This report shall be made publicly available. An average may be used to determine timeliness under this subsection.

(8) The department shall report annually to the legislature and the executive on the timeliness of services related to competency to stand trial and the timeliness with which court referrals accompanied by charging documents, discovery, and criminal history information are provided to the department relative to the signature date of the court order. The report must be in a form that is accessible to the public and that breaks down performance by county.

(9) This section does not create any new entitlement or cause of action related to

the timeliness of competency to stand trial services, nor can it form the basis for contempt sanctions under chapter 7.21 RCW or a motion to dismiss criminal charges.

**Sec. 5.** RCW 10.77.074 and 2019 c 326 s 2 are each amended to read as follows:

(1) Subject to the limitations described in subsection (2) of this section, a court may appoint an impartial forensic navigator employed by or contracted by the department to assist individuals who have been referred for competency evaluation and shall appoint a forensic navigator in circumstances described under section 10 of this act.

(2) A forensic navigator must assist the individual to access services related to diversion and community outpatient competency restoration. The forensic navigator must assist the individual, prosecuting attorney, defense attorney, and the court to understand the options available to the individual and be accountable as an officer of the court for faithful execution of the responsibilities outlined in this section.

(3) The duties of the forensic navigator include, but are not limited to, the following:

(a) To collect relevant information about the individual, including behavioral health services and supports available to the individual that might support placement in outpatient restoration, diversion, or some combination of these;

(b) To meet with, interview, and observe the individual;

(c) To assess the individual for appropriateness for assisted outpatient treatment under chapter 71.05 RCW;

(d) To present information to the court in order to assist the court in understanding the treatment options available to the individual to support the entry of orders for diversion from the forensic mental health system or for community outpatient competency restoration, ((and)) to facilitate that transition; ((and

(e) To provide regular updates to the court and parties of the status of the individual's participation in diversion services and be responsive to inquiries by the parties about treatment status;

(f) When the individual is ordered to receive community outpatient restoration, to provide services to the individual including:

(i) Assisting the individual with attending appointments and classes relating to outpatient competency restoration;

(ii) Coordinating access to housing for the individual;

(iii) Meeting with the individual on a regular basis;

(iv) Providing information to the court concerning the individual's progress and compliance with court-ordered conditions of release, which may include appearing at court hearings to provide information to the court;

(v) Coordinating the individual's access to community case management services and mental health services;

(vi) Assisting the individual with obtaining prescribed medication and

encouraging adherence with prescribed medication;

(vii) Assessing the individual for appropriateness for assisted outpatient treatment under chapter 71.05 RCW and coordinating the initiation of an assisted outpatient treatment order if appropriate as part of a diversion program plan;

(viii) Planning for a coordinated transition of the individual to a case manager in the community behavioral health system;

~~((viii))~~ (ix) Attempting to follow-up with the individual to check whether the meeting with a community-based case manager took place;

~~((ix))~~ (x) When the individual is a high utilizer, attempting to connect the individual with high utilizer services; and

~~((x))~~ (xi) Attempting to check up on the individual at least once per month for up to sixty days after coordinated transition to community behavioral health services, without duplicating the services of the community-based case manager;

(g) If the individual is an American Indian or Alaska Native who receives medical, behavioral health, housing, or other supportive services from a tribe within this state, to notify and coordinate with the tribe and Indian health care provider. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible.

(4) Forensic navigators may submit ~~((nonclinical))~~ recommendations to the court regarding treatment and restoration options for the individual, which the court may consider and weigh in conjunction with the recommendations of all of the parties.

(5) Forensic navigators shall be deemed officers of the court for the purpose of immunity from civil liability.

(6) The signed order for competency evaluation from the court shall serve as authority for the forensic navigator to be given access to all records held by a behavioral health, educational, or law enforcement agency or a correctional facility that relates to an individual. Information that is protected by state or federal law, including health information, shall not be entered into the court record without the consent of the individual or their defense attorney.

(7) Admissions made by the individual in the course of receiving services from the forensic navigator may not be used against the individual in the prosecution's case in chief.

(8) A court may not issue an order appointing a forensic navigator unless the department certifies that there is adequate forensic navigator capacity to provide these services at the time the order is issued.

**Sec. 6.** RCW 10.77.084 and 2016 sp.s. c 29 s 410 are each amended to read as follows:

(1)(a) If at any time during the pendency of an action and prior to judgment the court finds, following a report as provided in RCW 10.77.060, a defendant is incompetent, the

court shall order the proceedings against the defendant be stayed except as provided in subsection (4) of this section. Beginning October 1, 2023, if the defendant is charged with a serious traffic offense under RCW 9.94A.030, or a felony version of a serious traffic offense, the court may order the clerk to transmit an order to the department of licensing for revocation of the defendant's driver's license for a period of one year.

(b) The court may order a defendant who has been found to be incompetent to undergo competency restoration treatment at a facility designated by the department if the defendant is eligible under RCW 10.77.086 or 10.77.088. At the end of each competency restoration period or at any time a professional person determines competency has been, or is unlikely to be, restored, the defendant shall be returned to court for a hearing, except that if the opinion of the professional person is that the defendant remains incompetent and the hearing is held before the expiration of the current competency restoration period, the parties may agree to waive the defendant's presence, to remote participation by the defendant at a hearing, or to presentation of an agreed order in lieu of a hearing. The facility shall promptly notify the court and all parties of the date on which the competency restoration period commences and expires so that a timely hearing date may be scheduled.

(c) The court's order for inpatient restoration, shall specify whether the department has the authority to change the defendant's placement to a step-down facility or outpatient competency restoration program if the department determines that such placement is clinically appropriate given the defendant's progress in restoration services.

(d) If, following notice and hearing or entry of an agreed order under (b) of this subsection, the court finds that competency has been restored, the court shall lift the stay entered under (a) of this subsection. If the court finds that competency has not been restored, the court shall dismiss the proceedings without prejudice, except that the court may order a further period of competency restoration treatment if it finds that further treatment within the time limits established by RCW 10.77.086 or 10.77.088 is likely to restore competency, and a further period of treatment is allowed under RCW 10.77.086 or 10.77.088.

~~((d))~~ (e) If at any time during the proceeding the court finds, following notice and hearing, a defendant is not likely to regain competency, the court shall dismiss the proceedings without prejudice and refer the defendant for civil commitment evaluation or proceedings if appropriate under RCW 10.77.065, 10.77.086, or 10.77.088.

(f) Beginning October 1, 2023, if the court issues an order directing revocation of the defendant's driver's license under (a) of this subsection, and the court subsequently finds that the defendant's competency has been restored, the court shall order the clerk to transmit an order to the department of licensing for reinstatement of the defendant's driver's

license. The court may direct the clerk to transmit an order reinstating the defendant's driver's license before the end of one year for good cause upon the petition of the defendant.

(2) If the defendant is referred for evaluation by a designated crisis responder under this chapter, the designated crisis responder shall provide prompt written notification of the results of the evaluation and whether the person was detained. The notification shall be provided to the court in which the criminal action was pending, the prosecutor, the defense attorney in the criminal action, and the facility that evaluated the defendant for competency.

(3) The fact that the defendant is unfit to proceed does not preclude any pretrial proceedings which do not require the personal participation of the defendant.

(4) A defendant receiving medication for either physical or mental problems shall not be prohibited from standing trial, if the medication either enables the defendant to understand the proceedings against him or her and to assist in his or her own defense, or does not disable him or her from so understanding and assisting in his or her own defense.

(5) At or before the conclusion of any commitment period provided for by this section, the facility providing evaluation and treatment shall provide to the court a written report of evaluation which meets the requirements of RCW 10.77.060(3). For defendants charged with a felony, the report following the second competency restoration period or first competency restoration period if the defendant's incompetence is determined to be solely due to a developmental disability or the evaluator concludes that the defendant is not likely to regain competency must include an assessment of the defendant's future dangerousness which is evidence-based regarding predictive validity.

**Sec. 7.** RCW 10.77.086 and 2022 c 288 s 4 are each amended to read as follows:

(1) If the defendant is charged with a felony and determined to be incompetent, until he or she has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, but in any event for a period of no longer than 90 days, the court shall commit the defendant to the custody of the secretary for inpatient competency restoration, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties.

(a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

(i) Adhere to medications or receive prescribed intramuscular medication;

(ii) Abstain from alcohol and unprescribed drugs; and

(iii) Comply with urinalysis or breathalyzer monitoring if needed.

(b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration.

(c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management. The court may order regular urinalysis testing. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

(d) If a defendant fails to comply with the restrictions of the outpatient restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under (d)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the



defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the conditions of release of the defendant and anticipated release from treatment and issue appropriate orders.

(e) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient competency restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

(2) For a defendant whose highest charge is a class C felony, or a class B felony that is not classified as violent under RCW 9.94A.030, the maximum time allowed for the initial competency restoration period is 45 days if the defendant is referred for inpatient competency restoration, or 90 days if the defendant is referred for outpatient competency restoration, provided that if the outpatient competency restoration placement is terminated and the defendant is subsequently admitted to an inpatient facility, the period of inpatient treatment during the first competency restoration period under this subsection shall not exceed 45 days.

(3) If the court determines or the parties agree before the initial competency restoration period or at any subsequent stage of the proceedings that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo an initial or further period of competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection (5) of this section.

(4) On or before expiration of the initial competency restoration period the court shall conduct a hearing to determine whether the defendant is now competent to stand trial. If the court finds by a preponderance of the evidence that the defendant is incompetent to stand trial, the court may order an extension of the competency restoration period for an additional period of 90 days, but the court must at the same time set a date for a new hearing to determine the defendant's competency to stand trial before the expiration of this second restoration period. The defendant, the defendant's attorney, and the prosecutor have the right to demand that the hearing be before a jury. No extension shall be ordered for a second or third competency restoration period if the defendant's incompetence has been determined by the secretary to be solely the

result of a developmental disability which is such that competence is not reasonably likely to be regained during an extension.

(5) At the hearing upon the expiration of the second competency restoration period, or at the end of the first competency restoration period if the defendant is ineligible for a second or third competency restoration period under subsection (4) of this section, if the jury or court finds that the defendant is incompetent to stand trial, the court shall dismiss the charges without prejudice and order the defendant to be committed to ~~((a state hospital))~~ the department for placement in a facility operated or contracted by the department for up to 120 hours if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services and up to 72 hours if the defendant engaged in inpatient competency restoration services starting from admission to the facility, excluding Saturdays, Sundays, and holidays, for evaluation for the purpose of filing a civil commitment petition under chapter 71.05 RCW. However, the court shall not dismiss the charges if the court or jury finds that: (a) The defendant (i) is a substantial danger to other persons; or (ii) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and (b) there is a substantial probability that the defendant will regain competency within a reasonable period of time. If the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months.

(6) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

**Sec. 8.** RCW 10.77.086 and 2022 c 288 s 4 are each amended to read as follows:

(1) If the defendant is charged with a felony that is not a qualifying class C felony and determined to be incompetent, until he or she has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, but in any event for a period of no longer than 90 days, the court shall commit the defendant to the custody of the secretary for inpatient competency restoration, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties.

(2) (a) If the defendant is charged with a qualifying class C felony as their highest charge and determined to be incompetent, and the court finds that there is a diversion program available to accept the defendant as recommended by a forensic navigator, the court shall dismiss the proceedings without prejudice and refer the defendant to the recommended diversion program, except that if the court has previously determined that a diversion program under section 10 of this

act is not appropriate, the forensic navigator does not recommend diversion, or the prosecutor objects to the dismissal and provides notice of a motion for an order for competency restoration treatment, then the court shall schedule a hearing within seven days.

(b) (i) At the hearing, the prosecuting attorney must establish that there is a compelling state interest to order competency restoration treatment for the defendant. The court may consider prior criminal history, prior history in treatment, prior history of violence, the quality and severity of the pending charges, and any history that suggests whether competency restoration treatment is likely to be successful, in addition to the factors listed under RCW 10.77.092. If the prosecuting attorney proves by a preponderance of the evidence that there is a compelling state interest in ordering competency restoration treatment, then the court shall issue an order in accordance with (c) of this subsection.

(ii) If the defendant is subject to an order under chapter 71.05 RCW or proceedings under chapter 71.05 RCW have been initiated, there is a rebuttable presumption that there is no compelling state interest in ordering competency restoration treatment. Beginning October 1, 2023, if the defendant is charged with a serious traffic offense under RCW 9.94A.030, or a felony version of a serious traffic offense, the court may order the clerk to transmit an order to the department of licensing for revocation of the defendant's driver's license for a period of one year. The court shall direct the clerk to transmit an order to the department of licensing reinstating the defendant's driver's license if the defendant is subsequently restored to competency and may do so at any time before the end of one year for good cause upon the petition of the defendant.

(c) If a court finds pursuant to (b) of this subsection that there is a compelling state interest in pursuing competency restoration treatment or the court has previously determined that a diversion program under section 10 of this act is not appropriate for the defendant, the court shall order the defendant to receive outpatient competency restoration consistent with the recommendation of the forensic navigator, unless the court finds that an order for outpatient competency restoration is inappropriate considering the health and safety of the defendant and risks to public safety. If the court does not order the defendant to receive outpatient competency restoration, the court shall commit the defendant to the department for placement in a facility operated or contracted by the department for inpatient competency restoration.

(3) (a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

(i) Adhere to medications or receive prescribed intramuscular medication;

(ii) Abstain from alcohol and unprescribed drugs; and

(iii) Comply with urinalysis or breathalyzer monitoring if needed.

(b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration.

(c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management. The court may order regular urinalysis testing. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

(d) If a defendant fails to comply with the restrictions of the outpatient restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under (d) (i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency

restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the conditions of release of the defendant and anticipated release from treatment and issue appropriate orders.

(e) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient competency restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

~~((2-))~~ (4) (a) For a defendant whose highest charge is a class C felony that is not a qualifying class C felony, or a class B felony that is not classified as violent under RCW 9.94A.030, the maximum time allowed for the initial competency restoration period is 45 days if the defendant is referred for inpatient competency restoration, or 90 days if the defendant is referred for outpatient competency restoration, provided that if the outpatient competency restoration placement is terminated and the defendant is subsequently admitted to an inpatient facility, the period of inpatient treatment during the first competency restoration period under this subsection shall not exceed 45 days.

~~((3-))~~ (b) For a defendant whose highest charge is a qualifying class C felony, the maximum time allowed for competency restoration is 45 days if the defendant is referred for inpatient competency restoration, or 90 days if the defendant is referred for outpatient competency restoration. The court may order any combination of inpatient and outpatient competency restoration under this subsection, but the total period of inpatient competency restoration may not exceed 45 days.

(c) For any defendant with a felony charge that is admitted for competency restoration with an accompanying court order for involuntary medication under RCW 10.77.092, and the defendant is found not competent to stand trial following that period of restoration, charges shall be dismissed pursuant to subsection (7) of this section.

(5) If the court determines or the parties agree before the initial competency restoration period or at any subsequent stage of the proceedings that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo an initial or further period of competency

restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection ~~((5-))~~ (7) of this section.

~~((4-0a))~~ (6) For a defendant charged with a felony that is not a qualifying class C felony, on or before expiration of the initial competency restoration period the court shall conduct a hearing to determine whether the defendant is now competent to stand trial. If the court finds by a preponderance of the evidence that the defendant is incompetent to stand trial, the court may order an extension of the competency restoration period for an additional period of 90 days, but the court must at the same time set a date for a new hearing to determine the defendant's competency to stand trial before the expiration of this second restoration period. The defendant, the defendant's attorney, and the prosecutor have the right to demand that the hearing be before a jury. No extension shall be ordered for a second or third competency restoration period if the defendant's incompetence has been determined by the secretary to be solely the result of ~~((a))~~ an intellectual or developmental disability, dementia, or traumatic brain injury which is such that competence is not reasonably likely to be regained during an extension.

~~((5-At))~~ (7) (a) Except as provided in (b) of this subsection, at the hearing upon the expiration of the second competency restoration period, or at the end of the first competency restoration period if the defendant is ineligible for a second or third competency restoration period under subsection (4) or (6) of this section, if the jury or court finds that the defendant is incompetent to stand trial, the court shall dismiss the charges without prejudice and order the defendant to be committed to ~~((a state hospital))~~ the department for placement in a facility operated or contracted by the department for up to 120 hours if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services, and up to 72 hours if the defendant engaged in inpatient competency restoration services starting from admission to the facility, excluding Saturdays, Sundays, and holidays, for evaluation for the purpose of filing a civil commitment petition under chapter 71.05 RCW. ~~((However,))~~ If at the time the order to dismiss the charges without prejudice is entered by the court the defendant is already in a facility operated or contracted by the department, the 72-hour or 120-hour period shall instead begin upon department receipt of the court order.

(b) For a defendant charged with a felony that is not a qualifying class C felony, the court shall not dismiss the charges if the court or jury finds that: ~~((a-))~~ (i) The defendant ~~((i-))~~ (A) is a substantial danger to other persons; or ~~((i-))~~ (B) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and ~~((b-))~~ (ii) there is a substantial probability that the defendant will regain competency within a reasonable

period of time. If the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months.

~~((6))~~(8) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

(9) "Qualifying class C felony" means any class C felony offense except: (a) Assault in the third degree under RCW 9A.36.031(1) (d) or (f); (b) felony physical control of a vehicle under RCW 46.61.504(6); (c) felony hit and run resulting in injury under RCW 46.52.020(4) (b); (d) hate crime offense under RCW 9A.36.080; (e) any class C felony offense with a domestic violence designation; (f) any class C felony sex offense as defined in RCW 9.94A.030; and (g) any class C felony offense with a sexual motivation allegation.

**Sec. 9.** RCW 10.77.088 and 2022 c 288 s 5 are each amended to read as follows:

(1) If the defendant is charged with a nonfelony crime which is a serious offense as identified in RCW 10.77.092 and found by the court to be not competent, then the court:

(a) Shall dismiss the proceedings without prejudice and detain the defendant ~~((for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW))~~ pursuant to subsection (5) of this section, unless the prosecutor objects to the dismissal and provides notice of a motion for an order for competency restoration treatment, in which case the court shall schedule a hearing within seven days.

(b)(i) At the hearing, the prosecuting attorney must establish that there is a compelling state interest to order competency restoration treatment for the defendant. The court may consider prior criminal history, prior history in treatment, prior history of violence, the quality and severity of the pending charges, any history that suggests whether competency restoration treatment is likely to be successful, in addition to the factors listed under RCW 10.77.092. If the prosecuting attorney proves by a preponderance of the evidence that there is a compelling state interest in ordering competency restoration treatment, then the court shall issue an order in accordance with subsection (2) of this section.

(ii) If the defendant is subject to an order under chapter 71.05 RCW or proceedings under chapter 71.05 RCW have been initiated, there is a rebuttable presumption that there is no compelling state interest in ordering competency restoration treatment. Beginning October 1, 2023, if the defendant is charged with a serious traffic offense under RCW 9.94A.030, the court may order the clerk to transmit an order to the department of licensing for revocation of the defendant's driver's license for a period of one year.

The court shall direct the clerk to transmit an order to the department of licensing reinstating the defendant's driver's license if the defendant is subsequently restored to competency, and may do so at any time before the end of one year for good cause upon the petition of the defendant.

(2)(a) If a court finds pursuant to subsection (1)(b) of this section that there is a compelling state interest in pursuing competency restoration treatment, the court shall ~~((commit the defendant to the custody of the secretary for inpatient competency restoration, or may alternatively))~~ order the defendant to receive outpatient competency restoration ~~((based on a recommendation from a forensic navigator and input from the parties))~~ consistent with the recommendation of the forensic navigator, unless the court finds that an order for outpatient competency restoration is inappropriate considering the health and safety of the defendant and risks to public safety.

~~((a))~~(b) To be eligible for an order for outpatient competency restoration, a defendant must be ~~((clinically appropriate and be))~~ willing to:

(i) Adhere to medications or receive prescribed intramuscular medication;  
(ii) Abstain from alcohol and unprescribed drugs; and  
(iii) Comply with urinalysis or breathalyzer monitoring if needed.

~~((b))~~(c) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration under subsection (3) of this section.

~~((c))~~(d) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management. The court may order regular urinalysis testing. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

~~((d))~~(e) If a defendant fails to comply with the restrictions of the outpatient competency restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration. The outpatient competency

restoration program shall coordinate with the authority, the department, and any law enforcement personnel under ~~((+@+))~~ (e) (i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the conditions of release of the defendant and anticipated release from treatment and issue appropriate orders.

~~((+e))~~ (f) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

(g) If the court does not order the defendant to receive outpatient competency restoration under (a) of this subsection, the court shall commit the defendant to the department for placement in a facility operated or contracted by the department for inpatient competency restoration.

(3) The placement under subsection (2) of this section shall not exceed 29 days if the defendant is ordered to receive inpatient competency restoration, and shall not exceed 90 days if the defendant is ordered to receive outpatient competency restoration. The court may order any combination of this

subsection, but the total period of inpatient competency restoration may not exceed 29 days.

(4) If the court has determined or the parties agree that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection (5) of this section.

(5) (a) If the proceedings are dismissed under RCW 10.77.084 and the defendant was on conditional release at the time of dismissal, the court shall order the designated crisis responder within that county to evaluate the defendant pursuant to chapter 71.05 RCW. The evaluation may be conducted in any location chosen by the professional.

(b) If the defendant was in custody and not on conditional release at the time of dismissal, the defendant shall be detained and sent to an evaluation and treatment facility for up to 120 hours if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services and up to 72 hours if the defendant engaged in inpatient competency restoration services, excluding Saturdays, Sundays, and holidays, for evaluation for purposes of filing a petition under chapter 71.05 RCW. The 120-hour or 72-hour period shall commence upon the next nonholiday weekday following the court order and shall run to the end of the last nonholiday weekday within the 120-hour or 72-hour period.

(6) If the defendant is charged with a nonfelony crime that is not a serious offense as defined in RCW 10.77.092 and found by the court to be not competent, the court may stay or dismiss proceedings and detain the defendant for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW. The court must give notice to all parties at least 24 hours before the dismissal of any proceeding under this subsection, and provide an opportunity for a hearing on whether to dismiss the proceedings.

(7) If at any time the court dismisses charges under subsections (1) through (6) of this section, the court shall make a finding as to whether the defendant has a history of one or more violent acts. If the court so finds, the defendant is barred from the possession of firearms until a court restores his or her right to possess a firearm under RCW 9.41.047. The court shall state to the defendant and provide written notice that the defendant is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

(8) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program

and is in addition to reasonable time for transport to or from the facility.

**NEW SECTION. Sec. 10.** A new section is added to chapter 10.77 RCW to read as follows:

(1) In counties with a forensic navigator program, a forensic navigator shall:

(a) Meet, interview, and observe all defendants charged with a qualifying class C felony as defined in RCW 10.77.086(9) or a nonfelony who have had two or more competency evaluations in the preceding 24 months on separate charges or cause numbers and determine the defendants' willingness to engage with services under this section; and

(b) Provide a diversion program plan to the parties in each case that includes a recommendation for a diversion program to defense counsel and the prosecuting attorney. Services under a diversion program may include a referral for assisted outpatient treatment under chapter 71.05 RCW.

(2) If the parties agree on the diversion program recommended by the forensic navigator, the prosecutor shall request dismissal of the criminal charges.

(3) If the parties do not agree on the diversion program, the defense may move the court for an order dismissing the criminal charges without prejudice and referring the defendant to the services described in the diversion program. The court shall hold a hearing on this motion within 10 days. The court shall grant the defense motion if it finds by a preponderance of the evidence that the defendant is amenable to the services described in the diversion program and can safely receive services in the community.

(4) Individuals who receive a dismissal of charges and referral to services described in a diversion program shall have a forensic navigator assigned to assist them for up to six months while engaging in the services described in the diversion program. The forensic navigator shall provide monthly status updates to the court and the parties regarding the individual's status in the diversion program.

(5) Forensic navigators shall collaborate with available *Trueblood* settlement diversion programs if they are accessible in the geographic location where criminal charges are currently filed.

**Sec. 11.** RCW 10.77.092 and 2014 c 10 s 2 are each amended to read as follows:

(1) For purposes of determining whether a court may authorize involuntary medication for the purpose of competency restoration pursuant to RCW 10.77.084 and for maintaining the level of restoration in the jail following the restoration period, a pending charge involving any one or more of the following crimes is a serious offense per se in the context of competency restoration:

(a) Any violent offense, sex offense, (~~serious traffic offense,~~) and most serious offense, as those terms are defined in RCW 9.94A.030;

(b) Any felony offense (~~(, except nonfelony counterfeiting offenses,)~~)

included in crimes against persons in RCW 9.94A.411;

(c) Any felony offense contained in chapter 9.41 RCW (firearms and dangerous weapons);

(d) Any felony or gross misdemeanor offense listed as domestic violence in RCW 10.99.020;

(e) Any felony offense listed as a harassment offense in chapter 9A.46 RCW;

(f) Any violation of chapter 69.50 RCW that is a class B felony; (~~(or)~~)

(g) Any gross misdemeanor violation of RCW 46.61.502 or 46.61.504;

(h) Any gross misdemeanor offense with a sexual motivation allegation; or

(i) Any city or county ordinance or statute that is equivalent to an offense referenced in this subsection.

(2) Anytime the secretary seeks a court order authorizing the involuntary medication for purposes of competency restoration pursuant to RCW 10.77.084, the secretary's petition must also seek authorization to continue involuntary medication for purposes of maintaining the level of restoration in the jail or juvenile detention facility following the restoration period.

(3)(a) In a particular case, a court may determine that a pending charge not otherwise defined as serious by state or federal law or by a city or county ordinance is, nevertheless, a serious offense within the context of competency restoration treatment when the conduct in the charged offense falls within the standards established in (b) of this subsection.

(b) To determine that the particular case is a serious offense within the context of competency restoration, the court must consider the following factors and determine that one or more of the following factors creates a situation in which the offense is serious:

(i) The charge includes an allegation that the defendant actually inflicted bodily or emotional harm on another person or that the defendant created a reasonable apprehension of bodily or emotional harm to another;

(ii) The extent of the impact of the alleged offense on the basic human need for security of the citizens within the jurisdiction;

(iii) The number and nature of related charges pending against the defendant;

(iv) The length of potential confinement if the defendant is convicted; and

(v) The number of potential and actual victims or persons impacted by the defendant's alleged acts.

**NEW SECTION. Sec. 12.** A new section is added to chapter 10.77 RCW to read as follows:

(1) When an individual has a prescription for an antipsychotic, antidepressant, antiepileptic, or other drug prescribed to the individual to treat a serious mental illness by a state hospital or other state facility or a behavioral health agency or other certified medical provider, and the individual is medically stable on the drug, a jail or juvenile detention facility shall continue prescribing the prescribed drug and

may not require the substitution of a different drug in a given therapeutic class, except under the following circumstances:

(a) The substitution is for a generic version of a name brand drug and the generic version is chemically identical to the name brand drug; or

(b) The drug cannot be prescribed for reasons of drug recall or removal from the market, or medical evidence indicating no therapeutic effect of the drug.

(2) This section includes but is not limited to situations in which the individual returns to a jail or juvenile detention facility directly after undergoing treatment at a state hospital, behavioral health agency, outpatient competency restoration program, or prison.

(3) The department shall establish a program to reimburse jails and juvenile detention facilities for the costs of any drugs the jail or juvenile detention facility does not otherwise have available and must continue prescribing under this section.

**NEW SECTION. Sec. 13.** A new section is added to chapter 10.77 RCW to read as follows:

(1) Following a competency evaluation under RCW 10.77.060, individuals who are found not competent to stand trial and not restorable due to an intellectual or developmental disability, dementia, or traumatic brain injury, shall not be referred for competency restoration services unless the highest current criminal charge is a violent offense or sex offense as defined in RCW 9.94A.030. A defendant with a prior finding under this subsection may only be referred for competency restoration services if the highest charge under the new proceedings is a violent offense or sex offense as defined in RCW 9.94A.030.

(2) The department shall develop a process for connecting individuals who have been found not competent to stand trial due to an intellectual or developmental disability, dementia, or traumatic brain injury to available wraparound services and supports, which may include residential supports. The process shall include provisions for individuals who are current clients of the department's developmental disabilities administration or aging and long-term support administration and for individuals who are not current clients of the department.

(a) For current clients of the developmental disabilities administration and aging and long-term support administration, the department's assigned case manager shall:

(i) Coordinate with the individual's services providers to determine if the individual can return to the same or like services, or determine appropriate new services. This shall include updating the individual's service plan and identifying and coordinating potential funding for any additional supports to stabilize the individual in any setting funded by the developmental disabilities administration or aging and long-term support administration so that the individual does not lose

existing services, including submitting any exceptions to rule for additional services;

(ii) Conduct a current service eligibility assessment and send referral packets to all service providers for services for which the individual is eligible; and

(iii) Connect with the individual's assigned forensic navigator and determine if the individual is eligible for any diversion, supportive housing, or case management programs as a *Trueblood* class member, and assist the individual to access these services.

(b) For individuals who have not established eligibility for the department's support services, the department shall:

(i) Conduct an eligibility determination for services and send referral packets to service providers for all relevant services for which the individual is eligible. This process must include identifying and coordinating funding for any additional supports that are needed to stabilize the individual in any setting funded by the developmental disabilities administration or aging and long-term support administration, including submitting any necessary exceptions to rule for additional services; and

(ii) Connect with the individual's assigned forensic navigator and determine if the individual is eligible for any diversion, supportive housing, or case management programs as a *Trueblood* class member, if additional specialized services are available to supplement diversion program services, and assist the individual to access these services.

(3) The department shall offer to transition the individual in services either directly from the jail or as soon thereafter as may be practicable, without maintaining the individual at an inpatient facility for longer than is clinically necessary. Nothing in this subsection prohibits the department from returning the individual to their home or to another less restrictive setting if such setting is appropriate, which may include provision of supportive services to help the person maintain stability. The individual is not required to accept developmental disabilities administration, aging and long-term support administration, or other diversionary services as a condition of having the individual's criminal case dismissed without prejudice, provided the individual meets the criteria of subsection (1) of this section.

(4) Subject to the availability of funds appropriated for this specific purpose, the department shall develop a program for individuals who have been involved with the criminal justice system and who have been found under RCW 10.77.084 as incompetent to stand trial and not restorable due to an intellectual or developmental disability, traumatic brain injury, or dementia and who do not meet criteria under other programs in this section. The program must involve wraparound services and housing supports appropriate to the needs of the individual. It is sufficient to meet the criteria for participation in this program if the individual has recently been the subject of criminal charges that were dismissed without

prejudice and was found incompetent to stand trial due to an intellectual or developmental disability, traumatic brain injury, or dementia.

**NEW SECTION. Sec. 14.** The University of Washington shall implement a pilot project to provide short-term stabilization and transition support for individuals found incompetent to stand trial due to an intellectual or developmental disability who are or have been *Trueblood* class members. The project will be implemented in three phases, beginning December 1, 2023, using an interdisciplinary approach across various settings and overlapping with existing resources, including those available to *Trueblood* class members and services and supports they are eligible to receive from the department of social and health services. The department of social and health services shall collaborate with the University of Washington on this project, including assistance in identifying resources available to class members and determination of eligibility. By November 30, 2026, the University of Washington shall submit a report to the appropriate fiscal and policy committees of the legislature on the pilot project, including the pilot project's outcomes, data analysis, evaluation, and recommendations for improvement. In addition, the University of Washington shall report on the background of current and former *Trueblood* class members with intellectual and developmental disabilities. The department of social and health services shall share data as needed to assist in report development.

**NEW SECTION. Sec. 15.** Subject to the availability of funds appropriated for this specific purpose, the health care authority shall require the programs it contracts with to increase compensation for staff in outpatient competency restoration programs to provide compensation at competitive levels to improve recruitment and allow for the full implementation of outpatient competency restoration programs.

**NEW SECTION. Sec. 16.** A new section is added to chapter 10.77 RCW to read as follows:

An outpatient competency restoration program must include access to a prescriber.

**NEW SECTION. Sec. 17.** A new section is added to chapter 10.77 RCW to read as follows:

Subject to the security and background investigation requirements of the jail, jails shall allow clinical intervention specialists to have access to individuals who are referred to receive services under this chapter and to all records relating to the health or conduct of the individual while incarcerated. Clinical intervention specialists shall support jail health services in providing direct services, enhanced oversight and monitoring of the behavioral health status of participating individuals. Clinical intervention specialists shall work collaboratively with

jail health services to ensure appropriate prescriptions, medication compliance monitoring, and access to supportive behavioral health services to the individuals. Clinical intervention specialists shall coordinate with forensic navigators and the department to assist forensic navigators in making recommendations for appropriate placements, which may include recommendations for participation in an outpatient competency restoration program or a diversion program designed for the needs of the individual. The clinical intervention specialist shall notify the department if a participating individual appears to have stabilized in their behavioral health such that a new competency evaluation is appropriate to reassess the individual's need for competency restoration treatment.

**NEW SECTION. Sec. 18.** A new section is added to chapter 10.77 RCW to read as follows:

The department shall collect data so that information can be retrieved based on unique individuals, their complete Washington criminal history and referrals for forensic services.

**NEW SECTION. Sec. 19.** A new section is added to chapter 10.77 RCW to read as follows:

(1) The department shall coordinate with cities, counties, hospitals, and other public and private entities to identify locations that may be commissioned or renovated for use in treating clients committed to the department for competency evaluation, competency restoration, civil conversion, or treatment following acquittal by reason of insanity.

(2) The department may provide capital grants to entities to accomplish the purposes described in subsection (1) of this section subject to provision of funding provided for this specific purpose.

**NEW SECTION. Sec. 20.** (1) By January 2, 2024, the health care authority shall implement a pilot project in phase one *Trueblood* settlement regions, by creating three behavioral health crisis systems regional coordinator positions in the Pierce, southwest, and Spokane behavioral health administrative services organization regions. The purpose of the pilot project is to support and assist key participants across the various local voluntary, involuntary, and forensic behavioral health systems to better understand the intersection of these systems, their essential role in and across the system, and how to effectively navigate impacted individuals to the best options based on their circumstances and needs, including by increasing the utilization of assisted outpatient treatment, outpatient competency restoration services, and diversion programs for people living with behavioral health conditions who are involved or likely to have involvement with the criminal legal system.



(2) In carrying out this pilot project, the behavioral health crisis systems regional coordinator shall familiarize themselves with key cross-system participants within the region, including but not limited to:

(a) Department of social and health services personnel and contractors, including those implementing the responsibilities outlined in chapter 10.77 RCW and Titles 71, 71A, and 74 RCW;

(b) Health care authority personnel and contractors, including those implementing the responsibilities outlined in chapter 10.77 RCW and Title 71 RCW;

(c) Behavioral health administrative services organization personnel and contractors implementing the functions outlined in RCW 71.24.045;

(d) Managed care organizations, including personnel implementing the responsibilities outlined in chapter 71.24 RCW and Title 74 RCW;

(e) Participants in the criminal legal system, including: Municipal, district, and superior court personnel; prosecutors; defense counsel representing people for whom there is a doubt as to competency; law enforcement agency personnel; and municipal and county jails;

(f) Local governments and tribal governments located within the region; and

(g) Community-based wraparound service providers, including housing and other supports for people involved in the behavioral health or criminal legal systems.

(3) The behavioral health crisis systems regional coordinators shall develop a robust understanding of the local voluntary, involuntary, and forensic behavioral health systems within the county or counties located within the behavioral health administrative services organization's region, including all system actors, policies, procedures, and programs across the state-operated and regional behavioral health, criminal legal, local government, and social services systems. The behavioral health crisis systems regional coordinators shall also:

(a) Identify challenges within these systems and develop strategies for improved coordination and access to services across systems;

(b) Work with local jurisdictions and the behavioral health administrative services organization, including the assisted outpatient treatment program coordinator established in RCW 71.24.045, to establish or improve assisted outpatient treatment programs, including increased utilization of assisted outpatient treatment for expanded populations;

(c) Work with local jurisdictions and the behavioral health administrative services organization to increase utilization of arrest and jail diversion programs;

(d) Work with local jurisdictions and the behavioral health administrative services organization to increase utilization of outpatient competency restoration program services; and

(e) Provide recommendations on statutory and regulatory changes needed to improve coordination and access to services across behavioral health systems to the joint

legislative and executive committee on behavioral health established within the office of financial management in the omnibus appropriations act for the 2023-2025 biennium.

(4) By September 30, 2025, the health care authority shall provide a preliminary report to the appropriate fiscal and policy committees of the legislature on the progress and outcomes of the pilot project, including steps taken to address identified challenges and improve coordination and access to behavioral health services within each region, and steps taken to establish or improve access to, and expanded utilization of, assisted outpatient treatment, arrest and jail diversion program services, and outpatient competency restoration program services within each region. The report shall also include any recommended statutory changes that are needed to facilitate improved coordination and access to services across behavioral health systems. The authority shall submit a final report by September 1, 2026.

(5) The health care authority, the department of social and health services, and regional managed care organizations shall provide the behavioral health crisis systems regional coordinators with any information that supports the systems improvement work of the behavioral health crisis systems regional coordinator.

(6) This section expires June 30, 2027.

**Sec. 21.** RCW 10.77.065 and 2019 c 325 s 5006 are each amended to read as follows:

(1)(a)(i) The expert conducting the evaluation shall provide his or her report and recommendation to the court in which the criminal proceeding is pending. For a competency evaluation of a defendant who is released from custody, if the evaluation cannot be completed within twenty-one days due to a lack of cooperation by the defendant, the evaluator shall notify the court that he or she is unable to complete the evaluation because of such lack of cooperation.

(ii) A copy of the report and recommendation shall be provided to the designated crisis responder, the prosecuting attorney, the defense attorney, and the professional person at the local correctional facility where the defendant is being held, or if there is no professional person, to the person designated under (a)(iv) of this subsection. Upon request, the evaluator shall also provide copies of any source documents relevant to the evaluation to the designated crisis responder.

(iii) Any facility providing inpatient services related to competency shall discharge the defendant as soon as the facility determines that the defendant is competent to stand trial. Discharge shall not be postponed during the writing and distribution of the evaluation report. Distribution of an evaluation report by a facility providing inpatient services shall ordinarily be accomplished within two working days or less following the final evaluation of the defendant. If the defendant is discharged to the custody of a local correctional facility, the local

correctional facility must continue the medication regimen prescribed by the facility, when clinically appropriate, unless the defendant refuses to cooperate with medication and an involuntary medication order by the court has not been entered.

(iv) If there is no professional person at the local correctional facility, the local correctional facility shall designate a professional person as defined in RCW 71.05.020 or, in cooperation with the behavioral health administrative services organization, a professional person at the behavioral health administrative services organization to receive the report and recommendation.

(v) Upon commencement of a defendant's evaluation in the local correctional facility, the local correctional facility must notify the evaluator of the name of the professional person, or person designated under (a)(iv) of this subsection, to receive the report and recommendation.

(b) If the evaluator concludes, under RCW 10.77.060(3)((~~f~~))(g), the person should be evaluated by a designated crisis responder under chapter 71.05 RCW, the court shall order such evaluation be conducted prior to release from confinement when the person is acquitted or convicted and sentenced to confinement for twenty-four months or less, or when charges are dismissed pursuant to a finding of incompetent to stand trial.

(2) The designated crisis responder shall provide written notification within twenty-four hours of the results of the determination whether to commence proceedings under chapter 71.05 RCW. The notification shall be provided to the persons identified in subsection (1)(a) of this section.

(3) The prosecuting attorney shall provide a copy of the results of any proceedings commenced by the designated crisis responder under subsection (2) of this section to the secretary.

(4) A facility conducting a civil commitment evaluation under RCW 10.77.086((~~4~~))(7) or 10.77.088((~~1~~)(~~e~~)(~~ii~~))(5)(b) that makes a determination to release the person instead of filing a civil commitment petition must provide written notice to the prosecutor and defense attorney at least twenty-four hours prior to release. The notice may be given by email, facsimile, or other means reasonably likely to communicate the information immediately.

(5) The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services under this chapter may also be disclosed to the courts solely to prevent the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

**Sec. 22.** RCW 71.05.280 and 2022 c 210 s 15 are each amended to read as follows:

At the expiration of the fourteen-day period of intensive treatment, a person may be committed for further treatment pursuant to RCW 71.05.320 if:

(1) Such person after having been taken into custody for evaluation and treatment

has threatened, attempted, or inflicted: (a) Physical harm upon the person of another or himself or herself, or substantial damage upon the property of another, and (b) as a result of a behavioral health disorder presents a likelihood of serious harm; or

(2) Such person was taken into custody as a result of conduct in which he or she attempted or inflicted physical harm upon the person of another or himself or herself, or substantial damage upon the property of others, and continues to present, as a result of a behavioral health disorder, a likelihood of serious harm; or

(3) Such person has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.086((~~4~~))(7), and has committed acts constituting a felony, and as a result of a behavioral health disorder, presents a substantial likelihood of repeating similar acts.

(a) In any proceeding pursuant to this subsection it shall not be necessary to show intent, willfulness, or state of mind as an element of the crime;

(b) For any person subject to commitment under this subsection where the charge underlying the finding of incompetence is for a felony classified as violent under RCW 9.94A.030, the court shall determine whether the acts the person committed constitute a violent offense under RCW 9.94A.030; or

(4) Such person is gravely disabled.

**Sec. 23.** RCW 71.05.290 and 2022 c 210 s 16 are each amended to read as follows:

(1) At any time during a person's 14-day intensive treatment period, the professional person in charge of a treatment facility or his or her professional designee or the designated crisis responder may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2)(a)(i) The petition shall summarize the facts which support the need for further commitment and shall be supported by affidavits based on an examination of the patient and signed by:

(A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(B) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner.

(b) The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter. If less restrictive alternative treatment is sought, the petition shall set forth any

recommendations for less restrictive alternative treatment services.

(3) If a person has been determined to be incompetent pursuant to RCW 10.77.086(~~((4))~~) (7), then the professional person in charge of the treatment facility or his or her professional designee or the designated crisis responder may directly file a petition for 180-day treatment under RCW 71.05.280(3), or for 90-day treatment under RCW 71.05.280 (1), (2), or (4). No petition for initial detention or 14-day detention is required before such a petition may be filed.

**Sec. 24.** RCW 71.05.300 and 2020 c 302 s 43 are each amended to read as follows:

(1) The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. The clerk shall set a trial setting date as provided in RCW 71.05.310 on the next judicial day after the date of filing the petition and notify the designated crisis responder. The designated crisis responder shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, the prosecuting attorney, and the behavioral health administrative services organization administrator, and provide a copy of the petition to such persons as soon as possible. The behavioral health administrative services organization administrator or designee may review the petition and may appear and testify at the full hearing on the petition.

(2) The attorney for the detained person shall advise him or her of his or her right to be represented by an attorney, his or her right to a jury trial, and, if the petition is for commitment for mental health treatment, his or her loss of firearm rights if involuntarily committed. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, physician assistant, psychiatric advanced registered nurse practitioner, psychologist, psychiatrist, or other professional person, designated by the detained person to examine and testify on behalf of the detained person.

(3) The court may, if requested, also appoint a professional person as defined in RCW 71.05.020 to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a person with a developmental disability who has been determined to be incompetent pursuant to RCW 10.77.086(~~((4))~~) (7), the appointed professional person under this section shall be a developmental disabilities professional.

**Sec. 25.** RCW 71.05.425 and 2021 c 264 s 19 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before conditional release,

final release, authorized leave under RCW 71.05.325(2), or transfer to a facility other than a state mental hospital, the superintendent shall send written notice of conditional release, release, authorized leave, or transfer of a person committed under RCW 71.05.280(3) or 71.05.320(4)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(~~((4))~~) (7) to the following:

(i) The chief of police of the city, if any, in which the person will reside;

(ii) The sheriff of the county in which the person will reside; and

(iii) The prosecuting attorney of the county in which the criminal charges against the committed person were dismissed.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed under RCW 71.05.280(3) or 71.05.320(4)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(~~((4))~~) (7):

(i) The victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.086(~~((4))~~) (7) preceding commitment under RCW 71.05.280(3) or 71.05.320(4)(c) or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the person in any court proceedings;

(iii) Any person specified in writing by the prosecuting attorney. Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter; and

(iv) The chief of police of the city, if any, and the sheriff of the county, if any, which had jurisdiction of the person on the date of the applicable offense.

(c) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical transfers.

(d) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2) If a person committed under RCW 71.05.280(3) or 71.05.320(4)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(~~((4))~~) (7) escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person escaped and in which the person resided immediately before the person's arrest and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed. If previously requested, the superintendent shall also notify the witnesses and the victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.086(~~((4))~~) (7) preceding commitment under RCW 71.05.280(3) or 71.05.320(4) or the victim's next of kin if the crime was a homicide. In addition,

the secretary shall also notify appropriate parties pursuant to RCW 70.02.230(2)(o). If the person is recaptured, the superintendent shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department of social and health services learns of such recapture.

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parent or legal guardian of the child.

(4) The superintendent shall send the notices required by this chapter to the last address provided to the department of social and health services by the requesting party. The requesting party shall furnish the department of social and health services with a current address.

(5) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Next of kin" means a person's spouse, state registered domestic partner, parents, siblings, and children;

(d) "Felony harassment offense" means a crime of harassment as defined in RCW 9A.46.060 that is a felony.

**Sec. 26.** RCW 71.09.025 and 2009 c 409 s 2 are each amended to read as follows:

(1)(a) When it appears that a person may meet the criteria of a sexually violent predator as defined in RCW 71.09.020(~~((16))~~), the agency with jurisdiction shall refer the person in writing to the prosecuting attorney of the county in which an action under this chapter may be filed pursuant to RCW 71.09.030 and the attorney general, three months prior to:

(i) The anticipated release from total confinement of a person who has been convicted of a sexually violent offense;

(ii) The anticipated release from total confinement of a person found to have committed a sexually violent offense as a juvenile;

(iii) Release of a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial pursuant to RCW 10.77.086(~~((4))~~) (7); or

(iv) Release of a person who has been found not guilty by reason of insanity of a sexually violent offense pursuant to RCW 10.77.020(3).

(b) The agency shall provide the prosecuting agency with all relevant information including but not limited to the following information:

(i) A complete copy of the institutional records compiled by the department of corrections relating to the person, and any such out-of-state department of corrections' records, if available;

(ii) A complete copy, if applicable, of any file compiled by the indeterminate sentence review board relating to the person;

(iii) All records relating to the psychological or psychiatric evaluation and/or treatment of the person;

(iv) A current record of all prior arrests and convictions, and full police case reports relating to those arrests and convictions; and

(v) A current mental health evaluation or mental health records review.

(c) The prosecuting agency has the authority, consistent with RCW 72.09.345(~~((3))~~) (4), to obtain all records relating to the person if the prosecuting agency deems such records are necessary to fulfill its duties under this chapter. The prosecuting agency may only disclose such records in the course of performing its duties pursuant to this chapter, unless otherwise authorized by law.

(d) The prosecuting agency has the authority to utilize the inquiry judge procedures of chapter 10.27 RCW prior to the filing of any action under this chapter to seek the issuance of compulsory process for the production of any records necessary for a determination of whether to seek the civil commitment of a person under this chapter. Any records obtained pursuant to this process may only be disclosed by the prosecuting agency in the course of performing its duties pursuant to this chapter, or unless otherwise authorized by law.

(2) The agency, its employees, and officials shall be immune from liability for any good-faith conduct under this section.

(3) As used in this section, "agency with jurisdiction" means that agency with the authority to direct the release of a person serving a sentence or term of confinement and includes the department of corrections, the indeterminate sentence review board, and the department of social and health services.

**Sec. 27.** RCW 71.09.030 and 2009 c 409 s 3 are each amended to read as follows:

(1) A petition may be filed alleging that a person is a sexually violent predator and stating sufficient facts to support such allegation when it appears that: (a) A person who at any time previously has been convicted of a sexually violent offense is about to be released from total confinement; (b) a person found to have committed a sexually violent offense as a juvenile is about to be released from total confinement; (c) a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial is about to be released, or has been released, pursuant to RCW 10.77.086(~~((4))~~) (7); (d) a person who has been found not guilty by reason of insanity of a sexually violent offense is about to be released, or has been released, pursuant to RCW 10.77.020(3), 10.77.110 (1) or (3), or 10.77.150; or (e) a person who at any time previously has been convicted of a sexually violent offense and has since been released from total confinement and has committed a recent overt act.

(2) The petition may be filed by:

(a) The prosecuting attorney of a county in which:

(i) The person has been charged or convicted with a sexually violent offense;

(ii) A recent overt act occurred involving a person covered under subsection (1)(e) of this section; or

(iii) The person committed a recent overt act, or was charged or convicted of a criminal offense that would qualify as a recent overt act, if the only sexually violent offense charge or conviction occurred in a jurisdiction other than Washington; or

(b) The attorney general, if requested by the county prosecuting attorney identified in (a) of this subsection. If the county prosecuting attorney requests that the attorney general file and prosecute a case under this chapter, then the county shall charge the attorney general only the fees, including filing and jury fees, that would be charged and paid by the county prosecuting attorney, if the county prosecuting attorney retained the case.

**Sec. 28.** RCW 71.09.060 and 2009 c 409 s 6 are each amended to read as follows:

(1) The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. In determining whether or not the person would be likely to engage in predatory acts of sexual violence if not confined in a secure facility, the fact finder may consider only placement conditions and voluntary treatment options that would exist for the person if unconditionally released from detention on the sexually violent predator petition. The community protection program under RCW 71A.12.230 may not be considered as a placement condition or treatment option available to the person if unconditionally released from detention on a sexually violent predator petition. When the determination is made by a jury, the verdict must be unanimous.

If, on the date that the petition is filed, the person was living in the community after release from custody, the state must also prove beyond a reasonable doubt that the person had committed a recent overt act. If the state alleges that the prior sexually violent offense that forms the basis for the petition for commitment was an act that was sexually motivated as provided in RCW 71.09.020(~~((15)-(e))~~) (18)(c), the state must prove beyond a reasonable doubt that the alleged sexually violent act was sexually motivated as defined in RCW 9.94A.030.

If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the department of social and health services for placement in a secure facility operated by the department of social and health services for control, care, and treatment until such time as: (a) The person's condition has so changed that the person no longer meets the definition of a sexually violent predator; or (b) conditional release to a less restrictive alternative as set forth in RCW 71.09.092 is in the best interest of the person and conditions can be imposed that would adequately protect the community.

If the court or unanimous jury decides that the state has not met its burden of proving that the person is a sexually violent predator, the court shall direct the person's release.

If the jury is unable to reach a unanimous verdict, the court shall declare a mistrial and set a retrial within forty-five days of the date of the mistrial unless the prosecuting agency earlier moves to dismiss the petition. The retrial may be continued upon the request of either party accompanied by a showing of good cause, or by the court on its own motion in the due administration of justice provided that the respondent will not be substantially prejudiced. In no event may the person be released from confinement prior to retrial or dismissal of the case.

(2) If the person charged with a sexually violent offense has been found incompetent to stand trial, and is about to be or has been released pursuant to RCW 10.77.086(~~((4))~~) (7), and his or her commitment is sought pursuant to subsection (1) of this section, the court shall first hear evidence and determine whether the person did commit the act or acts charged if the court did not enter a finding prior to dismissal under RCW 10.77.086(~~((4))~~) (7) that the person committed the act or acts charged. The hearing on this issue must comply with all the procedures specified in this section. In addition, the rules of evidence applicable in criminal cases shall apply, and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged, the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on his or her own behalf, the extent to which the evidence could be reconstructed without the assistance of the person, and the strength of the prosecution's case. If, after the conclusion of the hearing on this issue, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, it shall enter a final order, appealable by the person, on that issue, and may proceed to consider whether the person should be committed pursuant to this section.

(3) Except as otherwise provided in this chapter, the state shall comply with RCW 10.77.220 while confining the person. During all court proceedings where the person is present, the person shall be detained in a secure facility. If the proceedings last more than one day, the person may be held in the county jail for the duration of the proceedings, except the person may be returned to the department's custody on weekends and court holidays if the court deems such a transfer feasible. The county shall be entitled to reimbursement for the cost of housing and transporting the person pursuant to rules adopted by the secretary. The department shall not place the person, even temporarily, in a facility on the grounds of any state mental facility or

regional habilitation center because these institutions are insufficiently secure for this population.

(4) A court has jurisdiction to order a less restrictive alternative placement only after a hearing ordered pursuant to RCW 71.09.090 following initial commitment under this section and in accord with the provisions of this chapter.

**NEW SECTION. Sec. 29.** Sections 6, 7, and 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

**NEW SECTION. Sec. 30.** (1) Section 7 of this act expires when section 8 of this act takes effect.

(2) The department of social and health services shall provide written notice of the expiration date of section 7 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department.

**NEW SECTION. Sec. 31.** Section 13 of this act takes effect December 1, 2023.

**NEW SECTION. Sec. 32.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Ryu; Schmick; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; and Dye.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Connors; Couture; Rude; Sandlin; and Steele.

Referred to Committee on Rules for second reading

April 3, 2023

SSB 5453

Prime Sponsor, Law & Justice: Concerning female genital mutilation. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

2SSB 5454

Prime Sponsor, Ways & Means: Concerning industrial insurance coverage for posttraumatic stress disorders affecting registered nurses. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Labor & Workplace Standards.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 51.08.142 and 2020 c 234 s 1 are each amended to read as follows:

(1) Except as provided in ~~((subsection))~~ subsections (2) and (3) of this section, the department shall adopt a rule pursuant to chapter 34.05 RCW that claims based on mental conditions or mental disabilities caused by stress do not fall within the definition of occupational disease in RCW 51.08.140.

(2)(a) Except as provided in (b) and (c) of this subsection, the rule adopted under subsection (1) of this section shall not apply to occupational disease claims resulting from posttraumatic stress disorders of firefighters as defined in RCW 41.26.030(17) (a), (b), (c), and (h) and firefighters, including supervisors, employed on a full-time, fully compensated basis as a firefighter of a private sector employer's fire department that includes over fifty such firefighters, and law enforcement officers as defined in RCW 41.26.030(19) (b), (c), and (e), and public safety telecommunicators who receive calls for assistance and dispatch emergency services.

(b) For firefighters as defined in RCW 41.26.030(17) (a), (b), (c), and (h) and firefighters, including supervisors, employed on a full-time, fully compensated basis as a firefighter of a private sector employer's fire department that includes over fifty such firefighters, and law enforcement officers as defined in RCW 41.26.030(19) (b), (c), and (e) hired after June 7, 2018, and public safety telecommunicators hired after June 11, 2020, (a) of this subsection only applies if the firefighter or law enforcement officer or public safety telecommunicator, as a condition of employment, has submitted to a psychological examination administered by a psychiatrist licensed in the state of Washington under chapter 18.71 RCW or a psychologist licensed in the state of Washington under chapter 18.83 RCW that ruled out the presence of posttraumatic stress disorder from preemployment exposures. If the employer does not provide the psychological examination, (a) of this subsection applies.

(c) Posttraumatic stress disorder for purposes of ~~((this subsection))~~ subsections (2) and (3) of this section is not considered an occupational disease if the disorder is directly attributed to

disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or similar action taken in good faith by an employer.

(d) "Public safety telecommunicators" means individuals who receive and respond to telephone or other electronic requests for emergency assistance, such as law enforcement, fire, and medical services, and dispatch appropriate emergency responders.

(3)(a) Except as provided in this subsection, the rule adopted under subsection (1) of this section shall not apply to occupational disease claims resulting from posttraumatic stress disorders of direct care registered nurses as defined in section 2 of this act.

(b) The limitation in subsection (2)(c) of this section also applies to this subsection (3).

(c) This subsection (3) applies only to a direct care registered nurse who has posttraumatic stress disorder that develops or manifests itself after the individual has been employed on a fully compensated basis as a direct care registered nurse in Washington state for at least 90 consecutive days.

NEW SECTION. Sec. 2. A new section is added to chapter 51.32 RCW to read as follows:

(1) In the case of direct care registered nurses covered under this title who are employed on a fully compensated basis, there exists a prima facie presumption that posttraumatic stress disorder is an occupational disease under RCW 51.08.140. This section applies only to a direct care registered nurse who has posttraumatic stress disorder that develops or manifests itself after the individual has been employed on a fully compensated basis as a direct care registered nurse in Washington state for at least 90 consecutive days.

(2) The presumption may be rebutted by a preponderance of the evidence.

(3) The presumption extends to a claimant following termination of employment for a period of three calendar months for each year the claimant was a direct care registered nurse employed on a fully compensated basis, but may not extend more than 60 months following the last date of employment.

(4)(a) When a determination involving the presumption established under this section is appealed to the board of industrial insurance appeals and the final decision allows the claim for benefits, the board of industrial insurance appeals shall order that all reasonable costs of the appeal, including attorneys' fees and witness fees, be paid to the claimant or his or her beneficiary by the opposing party.

(b) When determination involving the presumption established under this section is appealed to any court and the final decision allows the claim for benefits, the court shall order that all reasonable costs of the appeal, including attorneys' fees and witness fees, be paid to the claimant or his or her beneficiary by the opposing party.

(c) When reasonable costs of the appeal must be paid by the department under this

section in a state fund case, the costs shall be paid from the accident fund and charged to the costs of the claim.

(5) For purposes of this section, "direct care registered nurse" means an individual licensed as a nurse under chapter 18.79 RCW who provides direct care to patients.

NEW SECTION. Sec. 3. This act takes effect January 1, 2024."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading

April 4, 2023

SB 5487

Prime Sponsor, Senator King: Concerning parking at rest areas. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.38.020 and 2019 c 436 s 1 are each amended to read as follows:

(1) Except where specifically authorized by the department, it is unlawful for any person or persons to stop, stand, or park any vehicle, including but not limited to trailers, campers, and motorcycles, for more than eight hours within a ~~((twenty-four))~~ 24 hour period, or for any person or persons to camp or to maintain a camp, tent, or other sleeping accommodation or facility, in any safety rest area within the limits of the right-of-way of interstate highways or other state highways or in other areas of state or interstate highways as designated in RCW 47.12.250. The department may also designate zones within a safety rest area with shorter parking time limits for the purposes of maximum efficiency and safety. Commercial vehicles may park up to an hour beyond federally mandated rest periods.

(2) Except where specifically authorized by the department, it is unlawful for any person or persons to stop, stand, or park any disabled vehicle, including but not limited to trailers, campers, and motorcycles, in any safety rest area for more than ~~((forty-eight))~~ 48 hours, after which time the vehicle is subject to mandatory impoundment under RCW 46.55.080(1).

(3) The department shall post appropriate signage ~~((consistent with RCW 46.55.070(1)))~~ at all safety rest areas regarding the

parking time limits in this section. The signage shall be posted near each entrance and on the property in a clearly conspicuous and visible location to all who park on such property, and shall clearly indicate:

(a) When a vehicle may be impounded as an unauthorized vehicle; and

(b) A phone number for contacting the law enforcement agency or the department to locate the impounded vehicle.

(4) The Washington state patrol shall enforce this section consistent with RCW 46.55.080(1), and to the maximum extent practicable."

Correct the title.

Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

April 4, 2023

SB 5497 Prime Sponsor, Senator Wilson, L.:  
Concerning medicaid expenditures. Reported  
by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature intends to ensure that the medicaid program is operating under sound fiscal stewardship. This requires dedicated program integrity efforts focused on paying the right dollar amount to the right provider for the right reason. Strengthening program integrity efforts helps to ensure that every medicaid dollar stretches as far as possible for those insured through medicaid.

(2) The legislature finds that the health care authority is responsible for overseeing all of Washington's medicaid programs, including those administered by other state agencies. Effective oversight by the health care authority will advance the legislature's objective of ensuring that the right services are delivered to the right person at the right time with measurable outcomes.

**Sec. 2.** RCW 74.04.050 and 2011 1st sp.s. c 15 s 64 are each amended to read as follows:

(1) The department is designated as the single state agency to administer the following public assistance programs:

(a) Temporary assistance ~~((to [for]))~~ for needy families;

(b) Child welfare services; and

(c) Any other programs of public assistance for which provision for federal grants or funds may from time to time be made, except as otherwise provided by law.

(2) The authority is hereby designated as the single state agency to administer the medical services programs established under chapter 74.09 RCW, including the state children's health insurance program, Titles XIX and XXI of the federal social security act of 1935, as amended. As the state's medicaid agency, the authority is responsible for providing reasonable oversight of all medicaid program integrity activities required by federal regulation. The authority shall establish and maintain effective internal control over any state agency that receives medicaid funding in compliance with federal regulation.

(3) The department and the authority are hereby empowered and authorized to cooperate in the administration of such federal laws, consistent with the public assistance laws of this state, as may be necessary to qualify for federal funds.

(4) The state hereby accepts and assents to all the present provisions of the federal law under which federal grants or funds, goods, commodities, and services are extended to the state for the support of programs referenced in this section, and to such additional legislation as may subsequently be enacted as is not inconsistent with the purposes of this title, authorizing public welfare and assistance activities. The provisions of this title shall be so administered as to conform with federal requirements with respect to eligibility for the receipt of federal grants or funds.

(5) The department and the authority shall periodically make application for federal grants or funds and submit such plans, reports and data, as are required by any act of congress as a condition precedent to the receipt of federal funds for such assistance. The department and the authority shall make and enforce such rules and regulations as shall be necessary to insure compliance with the terms and conditions of such federal grants or funds.

NEW SECTION. **Sec. 3.** A new section is added to chapter 74.09 RCW to read as follows:

(1) The authority shall provide administrative oversight for all funds received under the medical assistance program, as codified in Title XIX of the federal social health security act, the state children's health insurance program, as codified in Title XXI of the federal social security act, and any other federal medicaid funding to ensure that:

(a) All funds are spent according to federal and state laws and regulations;

(b) Delivery of services aligns with federal statutes and regulations;

(c) Corrective action plans are put in place if expenditures or services do not align with federal requirements; and

(d) Sound fiscal stewardship of medicaid funding in all agencies where medicaid funding is provided.

(2) The authority shall develop a strategic plan and performance measures for medicaid program integrity. The strategic plan must include stated strategic goals, agreed-upon objectives, performance



measures, and a system to monitor progress and hold responsible parties accountable. In developing the strategic plan, the authority shall create a management information and reporting strategy with performance measures and management reports.

(3) The authority shall oversee the medicaid program resources of any state agency expending medicaid funding, including but not limited to:

(a) Regularly reviewing delegated work;

(b) Jointly reviewing required reports on terminated or sanctioned providers, compliance data, and application data;

(c) Requiring assurances that operational functions have been implemented;

(d) Reviewing audits performed on the sister state agency; and

(e) Assisting with risk assessments, setting goals, and developing policies and procedures.

(4) The authority shall develop and maintain a single, statewide medicaid fraud and abuse prevention plan consistent with the national medicaid fraud and abuse initiative or current federal best practice as recognized by the centers for medicare and medicaid services.

(5) The authority must follow best practices for identifying improper medicaid spending when implementing its program integrity activities, including but not limited to:

(a) Conducting risk assessments or evaluating leads with established risk factors;

(b) Relying on data analytics to generate leads;

(c) Conducting a preliminary review of incoming leads, which includes analyzing data about the lead and may include reviewing records such as billing histories;

(d) Determining the credibility of all allegations of potential fraud prior to referral to the state's medicaid fraud control unit;

(e) Analyzing all leads under review by the state's managed care organizations;

(f) Working with federally recognized experts that help state integrity programs improve their data analytics and identify potential fraud across medicare and medicaid such as unified program integrity contractors; and

(g) Maintaining a current fraud and abuse detection system.

**NEW SECTION. Sec. 4.** A new section is added to chapter 74.09 RCW to read as follows:

(1) Beginning January 1, 2024, the authority's contracts with managed care organizations must clearly detail each party's requirements for maintaining program integrity and the consequences the managed care organizations face if they do not meet the requirements. The contract must ensure the penalties are adequate to ensure compliance.

(2) The authority shall follow leading program integrity practices as recommended by the centers for medicare and medicaid services, including but not limited to:

(a) Monthly reporting and quarterly meetings with managed care organizations to

discuss program integrity issues and findings as well as trends in fraud and other improper payments;

(b) Financial penalties for failure to fulfill program integrity requirements, including liquidated damages and sanctions;

(c) Directly auditing providers and:

(i) Recovering overpayments from the providers; or

(ii) Assessing liquidated damages against the managed care organizations;

(d) Ensuring recoveries and liquidated damages resulting from overpayments are properly accounted for and applied to managed care encounters to ensure accurate future rate setting; and

(e) Ensuring all contracts with managed care organizations are updated as appropriate to reflect program integrity requirements."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

SSB 5499

Prime Sponsor, Health & Long Term Care: Concerning the multistate nurse licensure compact. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Fitzgibbon.

Referred to Committee on Rules for second reading

April 4, 2023

2SSB 5502

Prime Sponsor, Ways & Means: Ensuring access to substance use disorder treatment. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Community Safety, Justice, & Reentry.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.733 and 2021 c 266 s 1 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, an offender may not participate in the graduated reentry program under this subsection unless he or she has served at

least six months in total confinement in a state correctional facility.

(i) An offender subject to (a) of this subsection may serve no more than the final five months of the offender's term of confinement in partial confinement as home detention as part of the graduated reentry program developed by the department.

(ii) Home detention under (a) of this subsection may not be imposed for individuals subject to a deportation order, civil commitment, or the interstate compact for adult offender supervision under RCW 9.94A.745.

(b) For offenders who meet the requirements of (b)(iii) of this subsection, an offender may not participate in the graduated reentry program unless he or she has served at least four months in total confinement in a state correctional facility.

(i) An offender under this subsection (1)(b) may serve no more than the final 18 months of the offender's term of confinement in partial confinement as home detention as part of the graduated reentry program developed by the department.

(ii) Home detention under this subsection (1)(b) may not be imposed for individuals subject to a deportation order or subject to the jurisdiction of the indeterminate sentence review board.

(iii) Home detention under this subsection (1)(b) may not be imposed for offenders currently serving a term of confinement for the following offenses:

(A) Any sex offense;

(B) Any violent offense; or

(C) Any crime against a person offense in accordance with the categorization of crimes against persons outlined in RCW 9.94A.411(2).

(2) The secretary of the department may transfer an offender from a department correctional facility to home detention in the community if it is determined that the graduated reentry program is an appropriate placement and must assist the offender's transition from confinement to the community.

(3) The department and its officers, agents, and employees are not liable for the acts of offenders participating in the graduated reentry program unless the department or its officers, agents, and employees acted with willful and wanton disregard.

(4)(a) All offenders placed on home detention as part of the graduated reentry program must provide an approved residence and living arrangement prior to transfer to home detention.

(b) The department may not transfer an offender to participate in the graduated reentry program until the department has conducted a comprehensive assessment for substance use disorder. If the offender is assessed to have a substance use disorder, the department shall assist the offender in enrolling in substance use disorder treatment services at the level deemed appropriate by the assessment. Offenders transferred to participate in the graduated reentry program must begin receiving substance use disorder treatment services as soon as practicable after transfer to avoid

any delays in treatment. Substance use disorder treatment services shall include, as deemed necessary by the assessment, access to medication-assisted treatment and counseling programs. Upon transfer to the graduated reentry program, when clinically appropriate, individuals must be provided with access to self-administered fentanyl testing supplies and medications designed to reverse the effects of opioid overdose.

(5) While in the community on home detention as part of the graduated reentry program, the department must:

(a) Require the offender to be placed on electronic home monitoring;

(b) Require the offender to participate in programming and treatment that the department shall assign based on an offender's assessed need; and

(c) Assign a community corrections officer who will monitor the offender's compliance with conditions of partial confinement and programming requirements.

(6) The department retains the authority to return any offender serving partial confinement in the graduated reentry program to total confinement for any reason including, but not limited to, the offender's noncompliance with any sentence requirement.

(7) The department may issue rental vouchers for a period not to exceed six months for those transferring to partial confinement under this section if an approved address cannot be obtained without the assistance of a voucher.

(8) In the selection of offenders to participate in the graduated reentry program, and in setting, modifying, and enforcing the requirements of the graduated reentry program, the department is deemed to be performing a quasi-judicial function.

(9) The department shall publish a monthly report on its website with the number of offenders who were transferred during the month to home detention as part of the graduated reentry program. The department shall submit an annual report by December 1st to the appropriate committees of the legislature with the number of offenders who were transferred to home detention as part of the graduated reentry program during the prior year.

(10)(a) Beginning July 1, 2023, the following data must be collected and posted to the department's website on a monthly basis:

(i) The number of offenders who were transferred to the graduated reentry program who were assessed to have a substance use disorder during the prior calendar month; and

(ii) The number of offenders in the graduated reentry program who received during the prior 12 months:

(A) Outpatient substance use disorder treatment;

(B) Inpatient substance use disorder treatment; and

(C) Both outpatient and inpatient substance use disorder treatment.

(b) Beginning July 1, 2023, the health care authority must report monthly to the department on the number of offenders in the graduated reentry program who received substance use disorder outpatient treatment,

while in the community, during the prior 12 months.

(11) The department must share data with the health care authority on offenders participating in the graduated reentry program.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

SSB 5504 Prime Sponsor, Transportation: Addressing open motor vehicle safety recalls. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This act requires an official motor vehicle inspection facility or licensed private inspection facility to provide written notice to the owner of a motor vehicle being inspected for all open safety recalls applicable to the motor vehicle at the time the motor vehicle is inspected. The recall notice must include a description of each open safety recall and a statement that each open safety recall may be repaired by certain motor vehicle dealers at no cost to the owner, except in certain circumstances. This act requires the department of licensing to provide written notice to the owner of a motor vehicle, at the time a vehicle is registered or upon mailing a motor vehicle's registration renewal notice, of all open safety recalls applicable to the motor vehicle. The recall notice is to include a statement that each open safety recall may be repaired by certain motor vehicle dealers at no cost to the owner, except in certain circumstances.

Nothing in this act may alter the liability of any motor vehicle manufacturer or motor vehicle dealer approved by a manufacturer to repair an open safety recall.

NEW SECTION. Sec. 2. A new section is added to chapter 46.32 RCW to read as follows:

(1) During a motor vehicle inspection, an official inspection facility, or licensed private inspection facility, shall check

information made available by the national highway traffic safety administration to determine whether the motor vehicle being inspected is subject to an open safety recall. If the vehicle is subject to one or more open safety recalls, the official inspection facility or licensed private inspection facility, shall provide the owner of the motor vehicle, at the time of inspection, written notice of all open safety recalls applicable to the motor vehicle. The recall notice must include the following:

(a) A description of each open safety recall; and

(b) A statement that each open safety recall may be repaired by a motor vehicle dealer approved by the manufacturer of the motor vehicle at no cost to the owner of the motor vehicle, except as provided in 49 U.S.C. Sec. 30120.

(2) Nothing in this section alters the liability of any motor vehicle manufacturer or motor vehicle dealer approved by the manufacturer to repair an open safety recall.

(3) (a) The chief of the Washington state patrol and the chief of the Washington state patrol's designees, for the purposes of discharging their duties pursuant to this act are not liable for any act or omission related to the provision of an open safety recall notice and are immune from any related civil suit or action.

(b) For the purposes of discharging their duties pursuant to this act, a private inspection facility or its owner and employees are not liable to any person for any act or omission related to the open safety recall notice provided pursuant to this section, except for cases of gross negligence.

(4) For the purposes of this section, "open safety recall" means a safety-related recall, for which notification by a manufacturer is required to be provided under 49 U.S.C. Secs. 30118 and 30119, that necessitates repairs or modifications to a motor vehicle by an authorized motor vehicle dealer. "Open safety recall" does not include: Recalls related to defects or failures to comply with requirements relating to labeling or notification in a motor vehicle's owner's manual; or recalls where the remedy is for the manufacturer to repurchase the motor vehicle or otherwise provide financial compensation to the owner of the motor vehicle.

NEW SECTION. Sec. 3. A new section is added to chapter 46.16A RCW to read as follows:

(1) (a) The department shall, before issuing a motor vehicle registration or mailing a motor vehicle registration renewal notice, check information made available by the national highway traffic safety administration to determine whether the motor vehicle is subject to an open safety recall. For a vehicle that is subject to one or more open safety recalls, the department shall provide the owner of the motor vehicle written notice of all open safety recalls applicable to the motor vehicle. The recall notice must be provided at the time the

vehicle is registered as well as be included in any registration renewal notices sent to consumers by the department. The renewal notice must include a statement that the vehicle has one or more open safety recalls that may be repaired by a motor vehicle dealer approved by the manufacturer of the motor vehicle at no cost to the owner of the motor vehicle, except as provided in 49 U.S.C. Sec. 30120.

(b) The department shall include as part of any reminder notices sent to consumers before the expiration of their registration a notice that their vehicle has one or more open safety recalls and that each open safety recall may be repaired by a motor vehicle dealer approved by the manufacturer of the motor vehicle at no cost to the owner of the motor vehicle, except as provided in 49 U.S.C. Sec. 30120.

(2) Nothing in this section alters the liability of any motor vehicle manufacturer or motor vehicle dealer approved by the manufacturer to repair an open safety recall.

(3) The director and director's designees including, pursuant to RCW 46.01.140, county auditors, agents, and subagents, for the purposes of discharging their duties pursuant to this act are not liable for any act or omission related to the provision of an open safety recall notice and are immune from any related civil suit or action, consistent with RCW 46.01.310.

(4) For the purposes of this section, "open safety recall" means a safety-related recall, for which notification by a manufacturer is required to be provided under 49 U.S.C. Secs. 30118 and 30119, that necessitates repairs or modifications to a motor vehicle by an authorized motor vehicle dealer. "Open safety recall" does not include: Recalls related to defects or failures to comply with requirements relating to labeling or notification in a motor vehicle's owner's manual; or recalls where the remedy is for the manufacturer to repurchase the motor vehicle or otherwise provide financial compensation to the owner of the motor vehicle.

NEW SECTION. **Sec. 4.** This act takes effect July 1, 2024."

Correct the title.

Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

April 4, 2023

ESSB 5515 Prime Sponsor, Human Services: Protecting children from child abuse and neglect. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Human Services, Youth, & Early Learning.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

2SSB 5518 Prime Sponsor, Ways & Means: Concerning cybersecurity. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

SSB 5523 Prime Sponsor, Higher Education & Workforce Development: Addressing the forensic pathologist shortage. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** Forensic pathologists are medically trained doctors who perform autopsies. For the last decade, there has been a persistent shortage in forensic pathologists both locally and nationally and this problem has only grown worse. It is the intent of the legislature to incentivize people to enter the profession by alleviating the student loan burden for medically trained forensic pathologists.

**Sec. 2.** RCW 28B.115.020 and 2022 c 276 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Approved nursing program" means a nursing educational program that leads to a degree or licensure in nursing that is approved by the nursing care quality assurance commission under RCW 18.79.070 and is located at an institution of higher education that is authorized to participate in state financial aid programs under chapter 28B.92 RCW.

(2) "Council" means the Washington state forensic investigations council created in chapter 43.103 RCW.

(3) "Credentialed health care profession" means a health care profession regulated by a disciplining authority in the state of Washington under RCW 18.130.040 or by the pharmacy quality assurance commission under

chapter 18.64 RCW and designated by the department in RCW 28B.115.070 as a profession having shortages of credentialed health care professionals in the state.

~~((3))~~ (4) "Credentialed health care professional" means a person regulated by a disciplining authority in the state of Washington to practice a health care profession under RCW 18.130.040 or by the pharmacy quality assurance commission under chapter 18.64 RCW.

~~((4))~~ (5) "Department" means the state department of health.

~~((5))~~ (6) "Eligible education and training programs" means education and training programs approved by the department that lead to eligibility for a credential as a credentialed health care professional.

~~((6))~~ (7) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses determined by the office.

~~((7))~~ (8) "Eligible student" means a student who has been accepted into an eligible education or training program and has a declared intention to serve in a health professional shortage area upon completion of the education or training program.

~~((8))~~ (9) "Forgiven" or "to forgive" or "forgiveness" means to render health care services in a health professional shortage area, an underserved behavioral health area, or as a nurse educator in the state of Washington in lieu of monetary repayment.

~~((9))~~ (10) "Health professional shortage areas" means those areas where credentialed health care professionals are in short supply as a result of geographic maldistribution or as the result of a short supply of credentialed health care professionals in specialty health care areas and where vacancies exist in serious numbers that jeopardize patient care and pose a threat to the public health and safety. The department shall determine health professional shortage areas as provided for in RCW 28B.115.070. In making health professional shortage area designations in the state the department may be guided by applicable federal standards for "health manpower shortage areas," and "medically underserved areas," and "medically underserved populations."

~~((10))~~ (11) "Identified shortage areas" means those areas where qualified forensic pathologists are in short supply because of geographic maldistribution or where vacancies exist that may compromise death investigations. The council, with assistance from the department, shall determine shortage areas.

(12) "Loan repayment" means a loan that is paid in full or in part if the participant:

(a) Renders health care services in a health professional shortage area or an underserved behavioral health area as defined by the department; ~~((e\*))~~

(b) Teaches as a nurse educator for an approved nursing program; or

(c) Renders services as a qualified board-certified forensic pathologist as determined by the department.

~~((11))~~ (13) "Nonshortage rural area" means a nonurban area of the state of Washington that has not been designated as a rural physician shortage area. The department shall identify the nonshortage rural areas of the state.

~~((12))~~ (14) "Nurse educator" means an individual with an advanced nursing degree beyond a bachelor's degree that teaches nursing curriculum and is a faculty member for an approved nursing program.

~~((13))~~ (15) "Office" means the office of student financial assistance.

~~((14))~~ (16) "Participant" means:

(a) A credentialed health care professional who has received a loan repayment award and has commenced practice as a credentialed health care provider in a designated health professional shortage area or an underserved behavioral health area;

(b) A nurse educator teaching in an approved nursing program; ~~((e\*))~~

(c) An eligible student who has received a scholarship under this program; or

(d) A board-certified forensic pathologist who has commenced working in or is committed to working in identified shortage areas in the state of Washington for the pathologist's required service obligation.

~~((15))~~ (17) "Required service obligation" means an obligation by the participant to:

(a) Provide health care services in a health professional shortage area or an underserved behavioral health area for a period to be established as provided for in this chapter; ~~((e\*))~~

(b) Teach as a nurse educator for a period to be established as provided for in this chapter; or

(c) Provide services as a board-certified forensic pathologist in identified shortage areas as determined by the council.

~~((16))~~ (18) "Rural physician shortage area" means rural geographic areas where primary care physicians are in short supply as a result of geographic maldistributions and where their limited numbers jeopardize patient care and pose a threat to public health and safety. The department shall designate rural physician shortage areas.

~~((17))~~ (19) "Satisfied" means paid-in-full.

~~((18))~~ (20) "Scholarship" means a loan that is forgiven in whole or in part if the recipient renders health care services in a health professional shortage area or an underserved behavioral health area.

~~((19))~~ (21) "Sponsoring community" means a rural hospital or hospitals as authorized in chapter 70.41 RCW, a rural health care facility or facilities as authorized in chapter 70.175 RCW, or a city or county government or governments.

~~((20))~~ (22) "Underserved behavioral health area" means a geographic area, population, or facility that has a shortage of health care professionals providing behavioral health services, as determined by the department.

**Sec. 3.** RCW 28B.115.030 and 2022 c 276 s 2 are each amended to read as follows:

The Washington health corps is the state's initiative to encourage health care professionals to work in underserved communities. In exchange for service, the health care professional receives assistance with higher education, in the form of loan repayment or a conditional scholarship. The Washington health corps consists of the health professional loan repayment and scholarship program, the behavioral health loan repayment program, ~~((and))~~ the nurse educator loan repayment program, and the forensic pathology loan repayment program.

(1) The health professional loan repayment and scholarship program is established for credentialed health professionals and residents serving in health professional shortage areas.

(2) The behavioral health loan repayment program is established for credentialed health professionals serving in underserved behavioral health areas.

(3) The nurse educator loan repayment program is established for nurse educators teaching for approved nursing programs.

(4) The forensic pathology loan repayment program is established for board-certified forensic pathologists providing services for counties in identified shortage areas.

(5) The office is the administrator of the programs under the Washington health corps. In administering the programs, the office shall:

(a)(i) Select credentialed health care professionals and residents to participate in the loan repayment portion and in the scholarship portion of the health professional loan repayment and scholarship program;

(ii) Select credentialed health care participants to participate in the behavioral health loan repayment program; ~~((and))~~

(iii) Select nurse educators to participate in the nurse educator loan repayment program; and

(iv) Select board-certified forensic pathologists to participate in the forensic pathology loan repayment program;

(b) Adopt rules and develop guidelines to administer the programs;

(c) Collect and manage repayments from participants who do not meet their service obligations under this chapter;

(d) Publicize the program, particularly to maximize participation among individuals in shortage and underserved areas and among populations expected to experience the greatest growth in the workforce;

(e) Solicit and accept grants and donations from public and private sources for the programs;

(f) Use a competitive procurement to contract with a fund-raiser to solicit and accept grants and donations from private sources for the programs. The fund-raiser shall be paid on a contingency fee basis on a sliding scale but must not exceed ~~((fifteen))~~ 15 percent of the total amount raised for the programs each year. The fund-raiser shall not be a registered state lobbyist; and

(g) Develop criteria for a contract for service in lieu of the service obligation where appropriate, that may be a combination of service and payment.

**Sec. 4.** RCW 28B.115.040 and 2019 c 302 s 4 are each amended to read as follows:

(1) The department may provide technical assistance to rural communities desiring to become sponsoring communities for the purposes of identification of prospective students for the health professional loan repayment and scholarship program, assisting prospective students to apply to an eligible education and training program, making formal agreements with prospective students to provide credentialed health care services in the community, forming agreements between rural communities in a service area to share credentialed health care professionals, and fulfilling any matching requirements.

(2) The department, in consultation with the council and other pertinent stakeholders, may provide technical assistance to counties desiring to become sponsoring communities for the purposes of identification of prospective students for the forensic pathology loan repayment program, assisting prospective students to apply to an eligible education and training program, making formal agreements with prospective students to provide services as a board-certified forensic pathologist, forming agreements between rural and underserved counties in a service area to share credentialed forensic pathology professionals, and fulfilling any matching requirements.

(3) From the amounts appropriated to the department, the department shall enter into a contract for a two-year marketing plan with the Washington association of coroners and medical examiners for the sole purpose of marketing Washington state to potential board-certified forensic pathologists. The marketing plan must include, but is not limited to, a focus on rural and underserved counties. Payment for administrative expenses may not exceed two percent of the appropriated funds.

**Sec. 5.** RCW 28B.115.050 and 2022 c 276 s 3 are each amended to read as follows:

The office shall establish a planning committee to assist it in developing criteria for the selection of participants for the Washington health corps program. The office shall include on the planning committee representatives of the department, the department of social and health services, appropriate representatives from health care facilities, provider groups, consumers, the state board for community and technical colleges, the superintendent of public instruction, institutions of higher education, representatives from the behavioral health and public health fields, the council, and other appropriate public and private agencies and organizations. The criteria may require that some of the participants meet the definition of financial need under RCW 28B.92.030.

**Sec. 6.** RCW 28B.115.070 and 2022 c 276 s 4 are each amended to read as follows:

(1) After June 1, 1992, the department, in consultation with the office and the department of social and health services, shall:

(a) Determine eligible credentialed health care professions for the purposes of the health professional loan repayment and scholarship program and the behavioral health loan repayment program authorized by this chapter. Eligibility shall be based upon an assessment that determines that there is a shortage or insufficient availability of a credentialed profession so as to jeopardize patient care and pose a threat to the public health and safety. The department shall consider the relative degree of shortages among professions when determining eligibility. The department may add or remove professions from eligibility based upon the determination that a profession is no longer in shortage. Should a profession no longer be eligible, participants or eligible students who have received scholarships shall be eligible to continue to receive scholarships or loan repayments until they are no longer eligible or until their service obligation has been completed;

(b) Determine health professional shortage areas for each of the eligible credentialed health care professions; and

(c) Determine underserved behavioral health areas for each of the eligible credentialed health care professions.

(2) The office, in consultation with the department, shall determine selection criteria for nurse educators and approved nursing programs.

(3) The office, in consultation with the department and the council, shall determine selection criteria for board-certified forensic pathologists.

**Sec. 7.** RCW 28B.115.080 and 2022 c 276 s 5 are each amended to read as follows:

(1) After June 1, 1992, the office, in consultation with the department and the department of social and health services, shall:

~~((1-))~~ (a) Establish the annual award amount for each credentialed health care profession which shall be based upon an assessment of reasonable annual eligible expenses involved in training and education for each credentialed health care profession for both the health professional loan repayment and scholarship program and the behavioral health loan repayment program. The annual award amount may be established at a level less than annual eligible expenses. The annual award amount shall be established by the office for each eligible health profession. The awards shall not be paid for more than a maximum of five years per individual;

~~((2-))~~ (b) Determine any scholarship awards for prospective physicians in such a manner to require the recipients declare an interest in serving in rural areas of the state of Washington. Preference for scholarships shall be given to students who reside in a rural physician shortage area or a nonshortage rural area of the state prior to admission to the eligible education and training program in medicine. Highest preference shall be given to students seeking admission who are recommended by sponsoring communities and who declare the intent of serving as a physician in a rural

area. The office may require the sponsoring community located in a nonshortage rural area to financially contribute to the eligible expenses of a medical student if the student will serve in the nonshortage rural area;

~~((3-))~~ (c) Establish the required service obligation for each credentialed health care profession, which shall be no less than three years or no more than five years, for the health professional loan repayment and scholarship program and the behavioral health loan repayment program. The required service obligation may be based upon the amount of the scholarship or loan repayment award such that higher awards involve longer service obligations on behalf of the participant;

~~((4-))~~ (d) Establish the annual award amount and the required service obligation for nurse educators participating in the nurse educator loan repayment program. The annual award amount shall be based upon an assessment of reasonable annual eligible expenses involved in training and education. The awards shall not be paid for more than a maximum of five years per individual. The required service obligation shall be no less than three years or no more than five years. The required service obligation may be based upon the amount of the loan repayment award such that higher awards involve longer service obligations on behalf of the participant;

~~((5-))~~ (e) Determine eligible education and training programs for purposes of the scholarship portion of the health professional loan repayment and scholarship program; and

~~((6-))~~ (f) Honor loan repayment and scholarship contract terms negotiated between the office and participants prior to May 21, 1991, concerning loan repayment and scholarship award amounts and service obligations authorized under this chapter or chapter 70.180 RCW.

(2) The department and the council, with the office, shall establish the annual loan repayment amount for each eligible board-certified forensic pathologist, based upon an assessment of reasonable eligible expenses involved in training and education up to \$25,000 annually. The awards may not be paid for more than a total of four years per participant. The required service obligation must be four years. The annual award amount shall be established by the office.

**Sec. 8.** RCW 28B.115.110 and 2022 c 276 s 7 are each amended to read as follows:

Participants in the Washington health corps who are awarded loan repayments shall receive payment for the purpose of repaying educational loans secured while attending a program of health professional training which led to a credential as a credentialed health professional in the state of Washington.

(1) Participants shall agree to meet the required service obligation.

(2) Repayment shall be limited to eligible educational and living expenses as determined by the office and shall include principal and interest.

(3) Loans from both government and private sources may be repaid by the program. Participants shall agree to allow the office access to loan records and to acquire information from lenders necessary to verify eligibility and to determine payments. Loans may not be renegotiated with lenders to accelerate repayment.

(4) Repayment of loans established pursuant to the Washington health corps shall begin no later than ~~((ninety))~~ 90 days after the individual has become a participant. Payments shall be made quarterly, or more frequently if deemed appropriate by the office, to the participant until the loan is repaid or the participant becomes ineligible due to discontinued service in a health professional shortage area, an underserved behavioral health area, ~~((or))~~ as a nurse educator at an approved nursing program after the required service obligation when eligibility discontinues, or as a board-certified forensic pathologist in an identified shortage area, whichever comes first.

(5) Should the participant discontinue service in a health professional shortage area, an underserved behavioral health area, ~~((or))~~ as a nurse educator at an approved nursing program, or as a board-certified forensic pathologist in an identified shortage area, payments against the loans of the participants shall cease to be effective on the date that the participant discontinues service.

(6) Except for circumstances beyond their control, participants who serve less than the required service obligation shall be obligated to repay to the program an amount equal to the unsatisfied portion of the service obligation, or the total amount paid by the program on their behalf, whichever is less. This amount is due and payable immediately. Participants who are unable to pay the full amount due shall enter into a payment arrangement with the office, including an arrangement for payment of interest. The maximum period for repayment is ~~((ten))~~ 10 years. The office shall determine the applicability of this subsection. The interest rate shall be determined by the office and be established by rule.

(7) The office is responsible for the collection of payments made on behalf of participants from the participants who discontinue service before completion of the required service obligation. The office shall exercise due diligence in such collection, maintaining all necessary records to ensure that the maximum amount of payment made on behalf of the participant is recovered. Collection under this section shall be pursued using the full extent of the law, including wage garnishment if necessary.

(8) The office shall not be held responsible for any outstanding payments on principal and interest to any lenders once a participant's eligibility expires.

(9) The office shall temporarily or, in special circumstances, permanently defer the requirements of this section for eligible students as defined in RCW 28B.10.017.

(10) The office shall establish an appeal process by rule.

**Sec. 9.** RCW 28B.115.130 and 2022 c 276 s 8 are each amended to read as follows:

(1) Any funds appropriated by the legislature for the health professional loan repayment and scholarship program ~~((and))~~, the nurse educator loan repayment program, the forensic pathology loan repayment program, or any other public or private funds intended for loan repayments or scholarships under these programs shall be placed in the account created by this section.

(2) The health professional loan repayment and scholarship program fund is created in custody of the state treasurer. All receipts from the program shall be deposited into the fund. Only the office, or its designee, may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION.

**Sec. 10.** (1) The department of health shall contract with the Washington association of coroners and medical examiners to: Conduct a study of the critical shortage of board-certified forensic pathologists and recommend to the legislature what steps the state can take to foster a robust forensic pathology community. The study must cover issues related to Conrad 30 J-1 visa waivers and measures to encourage enrollment in the University of Washington and Washington State University forensic pathology residency programs. This study must also include recommendations on how to create two new forensic pathology fellow slots, one in conjunction with the University of Washington and one in conjunction with Washington State University. The Washington association of coroners and medical examiners shall directly report its findings and recommendations to the governor and the appropriate committees of the legislature by October 1, 2024.

(2) This section expires August 1, 2025.

**Sec. 11.** RCW 68.50.104 and 2021 c 127 s 8 are each amended to read as follows:

(1) The cost of autopsy shall be borne by the county in which the autopsy is performed, except when requested by the department of labor and industries, in which case, the department shall bear the cost of such autopsy.

(2)(a) Except as provided in (b) of this subsection, when the county bears the cost of an autopsy, it shall be reimbursed from the death investigations account, established by RCW 43.79.445, as follows:

(i) Up to ~~((forty))~~ 40 percent of the cost of contracting for the services of a pathologist to perform an autopsy;

(ii) Up to 30 percent of the salary of pathologists who are primarily engaged in performing autopsies and are (A) county coroners or county medical examiners, or (B) employees of a county coroner or county medical examiner; ~~((and))~~



(iii) (~~One hundred~~) 100 percent of the cost of autopsies conducted under RCW 70.54.450; and

(iv) Up to 40 percent of the cost of transportation of remains to and from facilities accredited pursuant to RCW 36.24.210 for the purpose of autopsy services.

(b) When the county bears the cost of an autopsy of a child under the age of three whose death was sudden and unexplained, the county shall be reimbursed for the expenses of the autopsy when the death scene investigation and the autopsy have been conducted under RCW 43.103.100 (4) and (5), and the autopsy has been done at a facility designed for the performance of autopsies.

(3) Payments from the account shall be made pursuant to biennial appropriation: PROVIDED, That no county may reduce funds appropriated for this purpose below 1983 budgeted levels.

(4) Where the county coroner's office or county medical examiner's office is not accredited pursuant to RCW 36.24.210, or a coroner, medical examiner, or other medicolegal investigative employee is not certified as required by RCW 36.24.205 and 43.101.480, the state treasurer's office shall withhold 25 percent of autopsy reimbursement funds until accreditation under RCW 36.24.210 or compliance with RCW 36.24.205 and 43.101.480 is achieved."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

SB 5531

Prime Sponsor, Senator King: Concerning special use permits for milk product haulers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Taylor; Volz; Walsh and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Berry.

Referred to Committee on Rules for second reading

April 4, 2023

2SSB 5532

Prime Sponsor, Ways & Means: Providing enhanced payment to low volume, small rural hospitals. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that promoting a financially viable health care system in all parts of the state is a critical interest. The federal centers for medicare and medicaid services has recognized the crucial role hospitals play in providing care in rural areas by creating the sole community hospital program, which allows certain small rural hospitals to receive enhanced payments for medicare services. The state of Washington has created a similar program based on the federal criteria. The legislature further finds that some small, rural, low volume hospitals provide vital services to the communities they serve, but are not eligible for the federal or state programs. The legislature therefore finds that creating a similar reimbursement system for the state's medicaid program for small, rural, low volume hospitals will promote the long-term financial viability of the rural health care system in those communities.

**Sec. 2.** RCW 74.09.5225 and 2017 c 198 s 1 are each amended to read as follows:

(1) Payments for recipients eligible for medical assistance programs under this chapter for services provided by hospitals, regardless of the beneficiary's managed care enrollment status, shall be made based on allowable costs incurred during the year, when services are provided by a rural hospital certified by the centers for medicare and medicaid services as a critical access hospital, unless the critical access hospital is participating in the Washington rural health access preservation pilot described in subsection (2)(b) of this section. Any additional payments made by the authority for the healthy options program shall be no more than the additional amounts per service paid under this section for other medical assistance programs.

(2)(a) Beginning on July 24, 2005, except as provided in (b) of this subsection, a moratorium shall be placed on additional hospital participation in critical access hospital payments under this section. However, rural hospitals that applied for certification to the centers for medicare and medicaid services prior to January 1, 2005, but have not yet completed the process or have not yet been approved for certification, remain eligible for medical assistance payments under this section.

(b)(i) The purpose of the Washington rural health access preservation pilot is to develop an alternative service and payment system to the critical access hospital authorized under section 1820 of the social security act to sustain essential services in rural communities.

(ii) For the purposes of state law, any rural hospital approved by the department of health for participation in critical access hospital payments under this section that participates in the Washington rural health access preservation pilot identified by the state office of rural health and ceases to participate in critical access hospital

payments may renew participation in critical access hospital associated payment methodologies under this section at any time.

(iii) The Washington rural health access preservation pilot is subject to the following requirements:

(A) In the pilot formation or development, the department of health, health care authority, and Washington state hospital association will identify goals for the pilot project before any hospital joins the pilot project;

(B) Participation in the pilot is optional and no hospital may be required to join the pilot;

(C) Before a hospital enters the pilot program, the health care authority must provide information to the hospital regarding how the hospital could end its participation in the pilot if the pilot is not working in its community;

(D) Payments for services delivered by public health care service districts participating in the Washington rural health access preservation pilot to recipients eligible for medical assistance programs under this chapter must be based on an alternative, value-based payment methodology established by the authority. Subject to the availability of amounts appropriated for this specific purpose, the payment methodology must provide sufficient funding to sustain essential services in the areas served, including but not limited to emergency and primary care services. The methodology must adjust payment amounts based on measures of quality and value, rather than volume. As part of the pilot, the health care authority shall encourage additional payers to use the adopted payment methodology for services delivered by the pilot participants to individuals insured by those payers;

(E) The department of health, health care authority, and Washington state hospital association will report interim progress to the legislature no later than December 1, 2018, and will report on the results of the pilot no later than six months following the conclusion of the pilot. The reports will describe any policy changes identified during the course of the pilot that would support small critical access hospitals; and

(F) Funds appropriated for the Washington rural health access preservation pilot will be used to help participating hospitals transition to a new payment methodology and will not extend beyond the anticipated three-year pilot period.

(3)(a) Beginning January 1, 2015, payments for recipients eligible for medical assistance programs under this chapter for services provided by a hospital, regardless of the beneficiary's managed care enrollment status, shall be increased to one hundred twenty-five percent of the hospital's fee-for-service rates, when services are provided by a rural hospital that:

(i) Was certified by the centers for medicare and medicaid services as a sole community hospital as of January 1, 2013;

(ii) Had a level III adult trauma service designation from the department of health as of January 1, 2014;

(iii) Had less than one hundred fifty acute care licensed beds in fiscal year 2011; and

(iv) Is owned and operated by the state or a political subdivision.

(b) The enhanced payment rates under this subsection shall be considered the hospital's medicaid payment rate for purposes of any other state or private programs that pay hospitals according to medicaid payment rates.

(c) Hospitals participating in the certified public expenditures program may not receive the increased reimbursement rates provided in this subsection (3) for inpatient services.

(4) Beginning July 1, 2024, through December 31, 2028, payments for recipients eligible for medical assistance programs under this chapter for acute care services provided by a hospital, regardless of the beneficiary's managed care enrollment status, shall be increased to 120 percent of the hospital's fee-for-service rate for inpatient services and 200 percent of the hospital's fee-for-service rate for outpatient services, when services are provided by a hospital that:

(a) Is not currently designated as a critical access hospital, and does not meet current federal eligibility requirements for designation as a critical access hospital;

(b) Has medicaid inpatient days greater than 50 percent of all hospital inpatient days as reported on the hospital's most recently filed medicare cost report with the state; and

(c) Is located on the land of a federally recognized Indian tribe.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2023.

NEW SECTION. Sec. 4. (1) This act expires on the date that the federal centers for medicare and medicaid services approves the hospital safety net program as required by RCW 74.60.150(1)(a), including section 4(3)(e), chapter . . . (Substitute House Bill No. 1850 (hospital safety net assessment)), Laws of 2023.

(2) The health care authority must provide written notice of the expiration date of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary,

Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

ESB 5534 Prime Sponsor, Senator Randall: Concerning workforce education investment accountability and oversight board staffing changes. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

E2SSB 5536 Prime Sponsor, Ways & Means: Concerning controlled substances, counterfeit substances, and legend drug possession and treatment. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Community Safety, Justice, & Reentry.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that substance use disorder is a treatable brain disease from which people can and do recover. When individuals in active addiction are provided with access to quality outreach, treatment, and recovery support services, recovery is not only possible, but probable. Solutions to the addiction crisis must not only address criminal legal responses, but must be data-driven and evidence-based, and must represent public health best practices, working directly with people who use drugs to prevent overdose and infectious disease transmission, and improve the physical, mental, and social well-being of those served. The state must follow principles of harm reduction, comprising practical strategies aimed at reducing negative consequences associated with drug use, including safer use of supplies as well as care settings, staffing, and interactions that are person-centered, supportive, and welcoming.

The legislature recognizes that substance use disorder is commonly treated in a variety of settings, including primary care, addiction medicine, mental health agencies, and substance use disorder treatment providers. Because medications such as buprenorphine and methadone are the clinical best practice for the treatment of opioid

use disorder, individuals seeking treatment for addiction to heroin, fentanyl, and other opioids frequently seek recovery via primary care, addiction medicine, and opioid treatment programs.

The legislature finds that the recommendations of the substance use recovery services advisory committee reflect diligent work by individuals with a range of professional and personal experience, who brought that experience to the committee, and whose expertise is reflected in the recommendations.

**Part I - Prohibiting Knowing Possession of a Controlled Substance, Counterfeit Substance, or Legend Drug**

**Sec. 2.** RCW 69.50.4011 and 2003 c 53 s 332 are each amended to read as follows:

(1) Except as authorized by this chapter, it is unlawful for any person to ~~((create, deliver, or possess a counterfeit substance))~~:

(a) Create or deliver a counterfeit substance;

(b) Knowingly possess a counterfeit substance; or

(c) Knowingly possess and use a counterfeit substance in a public place by injection, inhalation, ingestion, or any other means.

(2) Any person who violates subsection (1)(a) of this section with respect to:

(a) A counterfeit substance classified in Schedule I or II which is a narcotic drug, or flunitrazepam classified in Schedule IV, is guilty of a class B felony and upon conviction may be imprisoned for not more than ~~((ten))~~ 10 years, fined not more than ~~((twenty-five thousand dollars))~~ \$25,000, or both;

(b) A counterfeit substance which is methamphetamine, is guilty of a class B felony and upon conviction may be imprisoned for not more than ~~((ten))~~ 10 years, fined not more than ~~((twenty-five thousand dollars))~~ \$25,000, or both;

(c) Any other counterfeit substance classified in Schedule I, II, or III, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

(d) A counterfeit substance classified in Schedule IV, except flunitrazepam, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

(e) A counterfeit substance classified in Schedule V, is guilty of a class C felony punishable according to chapter 9A.20 RCW.

(3)(a) A violation of subsection (1)(b) or (c) of this section is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services through the recovery navigator program established under RCW 71.24.115 or a comparable program including, but not limited to, arrest and jail alternative programs established under RCW 36.28A.450 and law enforcement assisted diversion programs established under RCW 71.24.589.

(b) In lieu of jail booking and referral to the prosecutor, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for

receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the recovery navigator program established under RCW 71.24.115.

(c) Upon arraignment for a violation of subsection (1)(b) or (c) of this section, the court shall determine whether the defendant has been advised by the defendant's counsel about the pretrial diversion opportunity described in section 10 of this act.

(d) For the purposes of this section, "public place" has the same meaning as defined in RCW 66.04.010, but the exclusions in RCW 66.04.011 do not apply.

**Sec. 3.** RCW 69.50.4013 and 2022 c 16 s 86 are each amended to read as follows:

(1) ~~((It))~~ Except as otherwise authorized by this chapter, it is unlawful for any person to:

(a) Knowingly possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice (~~(, or except as otherwise authorized by this chapter))~~; or

(b) Knowingly possess and use a controlled substance in a public place by injection, inhalation, ingestion, or any other means, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice.

(2)(a) Except as provided in RCW 69.50.4014 or 69.50.445, ~~((any person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW))~~ a violation of subsection (1)(a) or (b) of this section is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services through the recovery navigator program established under RCW 71.24.115 or a comparable program including, but not limited to, arrest and jail alternative programs established under RCW 36.28A.450 and law enforcement assisted diversion programs established under RCW 71.24.589.

(b) In lieu of jail booking and referral to the prosecutor, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the recovery navigator program established under RCW 71.24.115.

(c) Upon arraignment for a violation of subsection (1)(a) or (b) of this section, the court shall determine whether the defendant has been advised by the defendant's counsel about the pretrial diversion opportunity described in section 10 of this act.

(3)(a) The possession, by a person ~~((twenty-one))~~<sup>21</sup> years of age or older, of useable cannabis, cannabis concentrates, or cannabis-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section, this chapter, or any other provision of Washington state law.

(b) The possession of cannabis, useable cannabis, cannabis concentrates, and cannabis-infused products being physically transported or delivered within the state, in amounts not exceeding those that may be established under RCW 69.50.385(3), by a licensed employee of a common carrier when performing the duties authorized in accordance with RCW 69.50.382 and 69.50.385, is not a violation of this section, this chapter, or any other provision of Washington state law.

(4)(a) The delivery by a person ~~((twenty-one))~~<sup>21</sup> years of age or older to one or more persons ~~((twenty-one))~~<sup>21</sup> years of age or older, during a single ~~((twenty-four))~~<sup>24</sup> hour period, for noncommercial purposes and not conditioned upon or done in connection with the provision or receipt of financial consideration, of any of the following cannabis products, is not a violation of this section, this chapter, or any other provisions of Washington state law:

(i) One-half ounce of useable cannabis;

(ii) Eight ounces of cannabis-infused product in solid form;

(iii) ~~((Thirty-six))~~<sup>36</sup> ounces of cannabis-infused product in liquid form; or

(iv) Three and one-half grams of cannabis concentrates.

(b) The act of delivering cannabis or a cannabis product as authorized under this subsection (4) must meet one of the following requirements:

(i) The delivery must be done in a location outside of the view of general public and in a nonpublic place; or

(ii) The cannabis or cannabis product must be in the original packaging as purchased from the cannabis retailer.

(5) No person under ~~((twenty-one))~~<sup>21</sup> years of age may ~~((possess,))~~ manufacture, sell, ~~((or))~~ distribute, or knowingly possess cannabis, cannabis-infused products, or cannabis concentrates, regardless of THC concentration. This does not include qualifying patients with a valid authorization.

(6) The possession by a qualifying patient or designated provider of cannabis concentrates, useable cannabis, cannabis-infused products, or plants in accordance with chapter 69.51A RCW is not a violation of this section, this chapter, or any other provision of Washington state law.

(7) For the purposes of this section, "public place" has the same meaning as defined in RCW 66.04.010, but the exclusions in RCW 66.04.011 do not apply.

**Sec. 4.** RCW 69.50.4014 and 2022 c 16 s 88 are each amended to read as follows:

(1) Except as provided in RCW 69.50.401(2)(c) or as otherwise authorized by this chapter, any person found guilty of knowing possession of ~~((forty))~~<sup>40</sup> grams or less of cannabis is guilty of a misdemeanor.

The prosecutor is encouraged to divert such cases for assessment, treatment, or other services through the recovery navigator program established under RCW 71.24.115 or a comparable program including, but not limited to, arrest and jail alternative programs established under RCW 36.28A.450 and law enforcement assisted diversion programs established under RCW 71.24.589.

(2) In lieu of jail booking and referral to the prosecutor, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the recovery navigator program established under RCW 71.24.115.

(3) Upon arraignment for violation of this section, the court shall determine whether the defendant has been advised by the defendant's counsel about the pretrial diversion opportunity described in section 10 of this act.

**Sec. 5.** RCW 69.41.030 and 2020 c 80 s 41 are each amended to read as follows:

(1) It shall be unlawful for any person to sell ~~(or)~~ or deliver any legend drug, or knowingly possess any legend drug, or knowingly possess and use any legend drug in a public place by injection, inhalation, ingestion, or any other means, except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, a pharmacist licensed under chapter 18.64 RCW to the extent permitted by drug therapy guidelines or protocols established under RCW 18.64.011 and authorized by the commission and approved by a practitioner authorized to prescribe drugs, a physician assistant under chapter 18.71A RCW when authorized by the Washington medical commission, or any of the following professionals in any province of Canada that shares a common border with the state of Washington or in any state of the United States: A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed advanced registered

nurse practitioner, a licensed physician assistant, or a veterinarian licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouse operator, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the health care authority from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health care practitioners: PROVIDED FURTHER, That nothing in this chapter prohibits possession or delivery of legend drugs by an authorized collector or other person participating in the operation of a drug take-back program authorized in chapter 69.48 RCW.

(2)(a) A violation of this section involving the sale, delivery, or possession with intent to sell or deliver is a class B felony punishable according to chapter 9A.20 RCW.

(b) A violation of this section involving knowing possession is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

(c) A violation of this section involving knowing possession and use in a public place is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services through the recovery navigator program established under RCW 71.24.115 or a comparable program including, but not limited to, arrest and jail alternative programs established under RCW 36.28A.450 and law enforcement assisted diversion programs established under RCW 71.24.589.

(d) In lieu of jail booking and referral to the prosecutor for a violation of this section involving knowing possession, or knowing possession and use in a public place, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the recovery navigator program established under RCW 71.24.115.

(e) Upon arraignment for a violation of this section involving knowing possession, or knowing possession and use in a public place, the court shall determine whether the defendant has been advised by the defendant's counsel about the pretrial diversion opportunity described in section 10 of this act.

(3) For the purposes of this section, "public place" has the same meaning as defined in RCW 66.04.010, but the exclusions in RCW 66.04.011 do not apply.

**Sec. 6.** RCW 69.50.509 and 1987 c 202 s 228 are each amended to read as follows:

If, upon the sworn complaint of any person, it shall be made to appear to any judge of the superior court, district court, or municipal court that there is probable cause to believe that any controlled substance is being used, manufactured, sold, bartered, exchanged, administered, dispensed, delivered, distributed, produced, knowingly possessed, given away, furnished or otherwise disposed of or kept in violation of the provisions of this chapter, such judge shall, with or without the approval of the prosecuting attorney, issue a warrant directed to any law enforcement officer of the state, commanding him or her to search the premises designated and described in such complaint and warrant, and to seize all controlled substances there found, together with the vessels in which they are contained, and all implements, furniture and fixtures used or kept for the illegal manufacture, sale, barter, exchange, administering, dispensing, delivering, distributing, producing, possessing, giving away, furnishing or otherwise disposing of such controlled substances, and to safely keep the same, and to make a return of said warrant within three days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the returns shall so state. The provisions of RCW 10.31.030 as now or hereafter amended shall apply to actions taken pursuant to this chapter.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.43 RCW to read as follows:

Subject to the availability of funds appropriated for this specific purpose, the Washington state patrol bureau of forensic laboratory services shall aim to complete the necessary analysis for any evidence submitted for a suspected violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) within 45 days of receipt of the request for analysis.

The Washington state patrol bureau of forensic laboratory services' failure to comply with this section shall not constitute grounds for dismissal of a criminal charge.

## Part II - Relating to Drug Paraphernalia

**Sec. 8.** RCW 69.50.4121 and 2022 c 16 s 92 are each amended to read as follows:

(1) Every person who sells (~~or gives,~~) or permits to be sold (~~or given~~) to any person any drug paraphernalia in any form commits a class I civil infraction under chapter 7.80 RCW. For purposes of this subsection, "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting,

manufacturing, compounding, converting, producing, processing, preparing, (~~testing, analyzing,~~) packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance other than cannabis. Drug paraphernalia includes, but is not limited to objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cocaine into the human body, such as:

- (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
- (b) Water pipes;
- (c) Carburetion tubes and devices;
- (d) Smoking and carburetion masks;
- (e) Miniature cocaine spoons and cocaine vials;
- (f) Chamber pipes;
- (g) Carburetor pipes;
- (h) Electric pipes;
- (i) Air-driven pipes; and
- (j) Ice pipes or chillers.

(2) It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

(3) Nothing in subsection (1) of this section prohibits (~~legal~~) distribution (~~of injection~~) or use of public health supplies including, but not limited to, syringe equipment, smoking equipment, or drug testing equipment, through public health (~~and~~) programs, community-based HIV prevention programs, outreach, shelter, and housing programs, and pharmacies. Public health and syringe service program staff taking samples of substances and using drug testing equipment for the purpose of analyzing the composition of the substances or detecting the presence of certain substances are acting legally and are exempt from arrest and prosecution under RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c).

**NEW SECTION. Sec. 9.** A new section is added to chapter 69.50 RCW to read as follows:

The state of Washington hereby fully occupies and preempts the entire field of drug paraphernalia regulation within the boundaries of the state including regulation of the use, selling, giving, delivery, and possession of drug paraphernalia. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to drug paraphernalia that are specifically authorized by state law and are consistent with this chapter. Such local ordinances must have the same penalty as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law may not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such city, town, county, or municipality.

**Part III - Providing Opportunities for Pretrial Diversion and Vacating Convictions**

NEW SECTION. **Sec. 10.** A new section is added to chapter 69.50 RCW to read as follows:

(1) Nothing in this section prevents the defendant, with the consent of the prosecuting attorney as required by RCW 2.30.030, from seeking to resolve charges under RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) through available therapeutic courts or other alternatives to prosecution. Nothing in this section prevents the defendant or the prosecuting attorney from seeking or agreeing to, or the court from ordering, any other resolution of charges or terms of supervision that suit the circumstances of the defendant's situation and advance stabilization, recovery, crime reduction, and justice.

(2) Any defendant charged with a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) may make a motion to participate in pretrial diversion and agree to waive his or her right to a speedy trial if the motion is granted, subject to the following:

(a) In all cases, the court may not grant the motion unless the prosecuting attorney consents to the defendant's participation in pretrial diversion. The prosecuting attorney is strongly encouraged to agree to diversion in any case where the defendant is only charged with a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c), and in any case where the only additional charge or charges against the defendant are for other nonfelony offenses that are not crimes against persons.

(b) In any case where the defendant is only charged with a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c), and the defendant has not been convicted of any offenses committed after the effective date of this section, the court shall grant the motion, continue the hearing, and refer the defendant to an applicable program.

(c) In any case where the defendant does not meet the criteria described in (b) of this subsection, the court may grant the motion, continue the hearing, and refer the defendant to an applicable program.

(3) Prior to granting the defendant's motion to participate in pretrial diversion under this section, the court shall provide the defendant and the defendant's counsel with the following information:

(a) A full description of the procedures for pretrial diversion;

(b) A general explanation of the roles and authorities of the probation department, the prosecuting attorney, the applicable program, and the court in the process;

(c) A clear statement that the court may grant pretrial diversion with respect to any offense under RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) that is charged, provided that the defendant pleads not guilty to the charge or charges and waives his or her right to a speedy trial, and that upon the defendant's

successful completion of pretrial diversion, as specified in subsection (1)(d) of this section, and motion of the defendant, prosecuting attorney, court, or probation department, the court must dismiss the charge or charges against the defendant;

(d) A clear statement that if the defendant has not made substantial progress with treatment or services provided that are appropriate to the defendant's circumstances or, if applicable, community restitution, the prosecuting attorney may make a motion to terminate pretrial diversion and schedule further proceedings as otherwise provided in this section;

(e) An explanation of criminal record retention and disposition resulting from participation in pretrial diversion and the defendant's rights relative to answering questions about his or her arrest and pretrial diversion following successful completion;

(f) A clear statement that under federal law it is unlawful for any person who is an unlawful user of or addicted to any controlled substance to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition, or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce; and

(g) A clear statement that if the defendant's biopsychosocial assessment results in a written report recommending no treatment or services, completion of pretrial diversion will instead be based on the defendant's completion of an amount of community restitution to be determined by the court, but not to exceed 120 hours of community restitution.

(4) The applicable program must make a written report to the court stating its findings and recommendations after the biopsychosocial assessment if the defendant decides to continue pursuing pretrial diversion. The report shall be filed under seal with the court, and a copy of the report shall be given to the prosecuting attorney, defendant, and defendant's counsel. The report and its copies are confidential and exempt from disclosure under chapter 42.56 RCW. The court shall endeavor to avoid public discussion of the circumstances, history, or diagnoses that could stigmatize the defendant.

(5) Subject to the availability of funds appropriated for this specific purpose, the biopsychosocial assessment and recommended services or treatment must be provided at no cost for individuals who have been found to be indigent by the court.

(6) Once the biopsychosocial assessment has been filed with the court, if the report indicates the individual has a substance use disorder, the court shall inform the individual that under federal law the individual may not possess any firearm or ammunition. The court shall thereafter sign an order of ineligibility to possess firearms as required by RCW 9.41.800 and shall require the individual to surrender all firearms in accordance with RCW 9.41.804.

(7) If the report does not recommend any treatment or services, the defendant must

instead complete an amount of community restitution as determined by the court, but not to exceed 120 hours of community restitution, in order to complete pretrial diversion.

(8) No statement, or any information procured therefrom relating to the charge for which the defendant is receiving services, made by the defendant to any treatment or service provider, that is made during the course of any biopsychosocial assessment or services provided by the applicable program, and before the reporting of the findings and recommendations to the court, may be admissible in any action or proceeding brought subsequent to the investigation.

(9) A defendant's participation in pretrial diversion under this section does not constitute a conviction, a stipulation to facts, or an admission of guilt for any purpose.

(10) At the time that pretrial diversion is granted, any bail bond on file by or on behalf of the defendant must be exonerated, and the court must enter an order so directing.

(11)(a) If it appears to the prosecuting attorney that the defendant is not meaningfully engaging in the recommended treatment or services or, if applicable, the community restitution, the prosecuting attorney may make a motion for termination from pretrial diversion.

(b) After notice to the defendant, the court must hold a hearing to determine whether pretrial diversion shall be terminated.

(c) If the court finds that the defendant is not meaningfully engaging in the recommended treatment or services or, if applicable, the community restitution, the court must schedule the matter for further proceedings.

(d) If the defendant successfully completes pretrial diversion, including in one of the following ways, the charge or charges under RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) must be dismissed:

(i) If the written report prepared by the applicable program included recommended treatment or services, the defendant successfully completes pretrial diversion by having six months of meaningful engagement with assessment and recommended treatment or services and progress toward recovery goals, as reflected by a written status update from the applicable program; or

(ii) If the written report prepared by the applicable program did not include recommended treatment or services, the defendant successfully completes pretrial diversion by completing the community restitution described under subsection (7) of this section and submitting proof of completion to the court.

(12) For the purposes of this section, "applicable program" means the recovery navigator program established under RCW 71.24.115 or a comparable program including, but not limited to, arrest and jail alternative programs established under RCW 36.28A.450 and law enforcement assisted diversion programs established under RCW 71.24.589.

NEW SECTION. **Sec. 11.** A new section is added to chapter 69.50 RCW to read as follows:

(1) Prior to sentencing any person convicted of violating RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c), the court shall inform the person that under federal law it is unlawful for any person who is an unlawful user of or addicted to any controlled substance to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition, or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(2) In courts of limited jurisdiction, if an individual who is convicted of a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) agrees as a condition of probation to obtain a biopsychosocial assessment by an applicable program and participate in any recommended treatment or services, or, if the applicable program recommends no treatment or services, to complete court-ordered community restitution, the court shall sentence the individual to a term of confinement of up to 90 days, all of which shall be suspended for a period not to exceed one year.

(3) A biopsychosocial assessment shall be prepared by an applicable program. A copy of the assessment shall be forwarded to the court and filed under seal. Based on the assessment, the court shall determine whether the person shall be required to complete a course in an alcohol and drug information school licensed or certified by the department of health or more sustained services provided by a licensed behavioral health care provider, peer counseling program, or other case management program.

(a) Once the assessment has been filed with the court, if the report indicates the individual has a substance use disorder, the court shall inform the individual that under federal law the individual may not possess any firearm or ammunition. The court shall thereafter sign an order of ineligibility to possess firearms as required by RCW 9.41.800.

(b) Once the assessment has been filed with the court, if the report does not recommend any treatment or services, the court shall order the defendant to complete an amount of community restitution not to exceed 120 hours as a term of probation.

(c) The assessment shall include the following:

(i) Available background on the defendant's circumstances, barriers, and past service history, if any;

(ii) Nature of barriers and challenges;

(iii) Recommendations for services available in the individual's community that are likely to work with the individual and provide relevant support;

(iv) A statement of unavailability if there are no known suitable services presently available in the individual's community that would meaningfully assist the individual; and

(v) Approximate cost of the services if not publicly provided.



(4) A person subject to biopsychosocial assessment and treatment or services shall be required by the court to meaningfully engage in more sustained services provided by a licensed behavioral health care provider, peer counseling program, or other case management program, as determined by the court.

(5) If the court directs a service plan after receiving an individual's assessment, the court shall confirm with the individual's indicated service provider that the service provider consents to providing the court with occasional updates on the individual's progress on a schedule acceptable to the court. The updates must be provided at least monthly.

(6) Subject to the availability of funds appropriated for this purpose, the recommended treatment or services as ordered by the court shall be provided at no cost for sentenced individuals who have been found to be indigent by the court.

(7) As a condition of probation, the sentenced individual must meaningfully engage with the treatment or services recommendations of the biopsychosocial assessment.

(8) (a) If it appears to the prosecuting attorney that the sentenced individual is not meaningfully engaging in the recommended treatment or services, or, if applicable, not completing the court-ordered community restitution, the prosecuting attorney shall make a motion for a hearing to consider sanctions. After notice to the sentenced individual, the court shall hold a hearing to determine if a sanction or revocation of the individual's suspended sentence, or any part thereof, is warranted under RCW 3.50.340 or 3.66.069.

(b) The court may not sanction an individual for failing to comply with the recommended treatment or services if the court finds the sentenced individual has made reasonable efforts to comply with the recommended treatment but cannot comply either due to a lack of available treatment or services or, for sentenced individuals found to be indigent by the court, due to a lack of funding for treatment or services.

(c) At the hearing, if the court finds by a preponderance of the evidence that the sentenced individual has willfully abandoned or demonstrated a consistent failure to meaningfully engage in the recommended treatment or services, or, if applicable, is failing to complete the court-ordered community restitution, the court shall use its discretion in determining an appropriate sanction.

(9) An individual sentenced under subsection (2) of this section may vacate their conviction for a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) as follows:

(a) If the individual has successfully completed the recommended treatment or services, or, if applicable, the court-ordered community restitution, the individual must file proof of successful completion with the court. Upon verification of such proof, the court must terminate probation and enter an order vacating the individual's conviction.

(b) Regardless of whether the individual has completed recommended treatment or services, or the court-ordered community restitution, if the individual has had no additional arrests, charges, or criminal convictions in the one year after the individual's conviction for a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c), the prosecutor shall make a motion to the court for an order vacating the individual's conviction, and the court shall terminate probation and enter an order vacating the individual's conviction.

(10) For the purposes of this section, "applicable program" means the recovery navigator program established under RCW 71.24.115 or a comparable program including, but not limited to, arrest and jail alternative programs established under RCW 36.28A.450 and law enforcement assisted diversion programs established under RCW 71.24.589.

**Sec. 12.** RCW 9.96.060 and 2022 c 16 s 7 are each amended to read as follows:

(1) When vacating a conviction under this section, the court effectuates the vacation by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information, indictment, complaint, or citation against the applicant and vacating the judgment and sentence.

(2) Every person convicted of a misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the requirements of this subsection, the court may in its discretion vacate the record of conviction. Except as provided in subsections (3), (4), ~~((and))~~ (5), and (6) of this section and section 11 of this act, an applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present:

(a) The applicant has not completed all of the terms of the sentence for the offense;

(b) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal or tribal court, at the time of application;

(c) The offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense;

(d) The offense was a violation of RCW 46.61.502 (driving while under the influence), 46.61.504 (actual physical control while under the influence), 9.91.020 (operating a railroad, etc. while intoxicated), or the offense is considered a "prior offense" under RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug violation within ten years of the date of arrest for the prior offense or less than ten years has elapsed since the date of the arrest for the prior offense;

(e) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132;

(f) The applicant was convicted of a misdemeanor or gross misdemeanor offense as defined in RCW 10.99.020, or the court determines after a review of the court file that the offense was committed by one family or household member against another or by one intimate partner against another, or the court, after considering the damage to person or property that resulted in the conviction, any prior convictions for crimes defined in RCW 10.99.020, or for comparable offenses in another state or in federal court, and the totality of the records under review by the court regarding the conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:

(i) The applicant has not provided written notification of the vacation petition to the prosecuting attorney's office that prosecuted the offense for which vacation is sought, or has not provided that notification to the court;

(ii) The applicant has two or more domestic violence convictions stemming from different incidents. For purposes of this subsection, however, if the current application is for more than one conviction that arose out of a single incident, none of those convictions counts as a previous conviction;

(iii) The applicant has signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction; or

(iv) Less than five years have elapsed since the person completed the terms of the original conditions of the sentence, including any financial obligations and successful completion of any treatment ordered as a condition of sentencing;

(g) For any offense other than those described in (f) of this subsection, less than three years have passed since the person completed the terms of the sentence, including any financial obligations;

(h) The offender has been convicted of a new crime in this state, another state, or federal or tribal court in the three years prior to the vacation application; or

(i) The applicant is currently restrained by a domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order which restrains one party from contacting the other party or was previously restrained by such an order and was found to have committed one or more violations of the order in the five years prior to the vacation application.

(3) If the applicant is a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030, or the prosecutor applies on behalf of the state, the sentencing court may vacate the record of conviction if the

application satisfies the requirements of RCW 9.96.080. When preparing or filing the petition, the prosecutor is not deemed to be providing legal advice or legal assistance on behalf of the victim, but is fulfilling an administrative function on behalf of the state in order to further their responsibility to seek to reform and improve the administration of criminal justice. A record of conviction vacated using the process in RCW 9.96.080 is subject to subsections ~~((4) and)~~ (7) and (8) of this section.

(4) Every person convicted prior to January 1, 1975, of violating any statute or rule regarding the regulation of fishing activities, including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070, 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240 who claimed to be exercising a treaty Indian fishing right, may apply to the sentencing court for vacation of the applicant's record of the misdemeanor, gross misdemeanor, or felony conviction for the offense. If the person is deceased, a member of the person's family or an official representative of the tribe of which the person was a member may apply to the court on behalf of the deceased person. Notwithstanding the requirements of RCW 9.94A.640, the court shall vacate the record of conviction if:

(a) The applicant is a member of a tribe that may exercise treaty Indian fishing rights at the location where the offense occurred; and

(b) The state has been enjoined from taking enforcement action of the statute or rule to the extent that it interferes with a treaty Indian fishing right as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and any posttrial orders of those courts, or any other state supreme court or federal court decision.

(5) Every person convicted of a misdemeanor cannabis offense, who was ~~((twenty-one))~~ 21 years of age or older at the time of the offense, may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. A misdemeanor cannabis offense includes, but is not limited to: Any offense under RCW 69.50.4014, from July 1, 2004, onward, and its predecessor statutes, including RCW 69.50.401(e), from March 21, 1979, to July 1, 2004, and RCW 69.50.401(d), from May 21, 1971, to March 21, 1979, and any offense under an equivalent municipal ordinance. If an applicant qualifies under this subsection, the court shall vacate the record of conviction.

(6) (a) If an individual convicted of a violation or violations of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) successfully completes the recommended treatment or services and files proof of completion with the court, the prosecutor shall make a motion to vacate the individual's conviction or convictions. Upon verification that the individual successfully completed the treatment program or services, the court shall grant the motion and vacate the conviction or convictions.

(b) Regardless of whether the individual has completed the recommended treatment or services, if the individual has had no additional criminal arrests, charges, or convictions in the one year after the individual's conviction for a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c), the prosecutor shall make a motion to the court for an order vacating the individual's conviction, and the court shall grant the motion and enter an order vacating the individual's conviction.

(7) A person who is a family member of a homicide victim may apply to the sentencing court on the behalf of the victim for vacation of the victim's record of conviction for prostitution under RCW 9A.88.030. If an applicant qualifies under this subsection, the court shall vacate the victim's record of conviction.

~~((7))~~ (8)(a) Except as provided in (c) of this subsection, once the court vacates a record of conviction under this section, the person shall be released from all penalties and disabilities resulting from the offense and the fact that the person has been convicted of the offense shall not be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated under this section may state that he or she has never been convicted of that crime. However, nothing in this section affects the requirements for restoring a right to possess a firearm under RCW 9.41.040. Except as provided in (b) of this subsection, nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(b) When a court vacates a record of domestic violence as defined in RCW 10.99.020 under this section, the state may not use the vacated conviction in a later criminal prosecution unless the conviction was for: (i) Violating the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going on to the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle (RCW 10.99.040, 10.99.050, 26.09.300, 26.26B.050, 26.44.063, 26.44.150, or 26.52.070, or any of the former RCW 26.50.060, 26.50.070, 26.50.130, and 74.34.145); (ii) stalking (RCW 9A.46.110); or (iii) a domestic violence protection order or vulnerable adult protection order entered under chapter 7.105 RCW. A vacated conviction under this section is not considered a conviction of such an offense for the purposes of 27 C.F.R. 478.11.

(c) A conviction vacated on or after July 28, 2019, qualifies as a prior conviction for the purpose of charging a present recidivist offense as defined in RCW 9.94A.030 occurring on or after July 28, 2019.

~~((8))~~ (9) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

~~((9))~~ (10) For the purposes of this section, "cannabis" has the meaning provided in RCW 69.50.101.

NEW SECTION. Sec. 13. A new section is added to chapter 2.56 RCW to read as follows:

(1) The administrative office of the courts shall collect data and information related to the utilization and outcomes of pretrial diversions pursuant to section 10 of this act, convictions pursuant to section 11 of this act, and motions for vacating convictions pursuant to RCW 9.96.060(6), including but not limited to the following:

(a) The recidivism rate for persons who either participated in a pretrial diversion pursuant to section 10 of this act, or who were sentenced pursuant to section 11 of this act and agreed as a condition of probation to obtain a biopsychosocial assessment and participate in recommended treatment or services;

(b) The number of pretrial diversions offered pursuant to section 10 of this act and whether such diversions were terminated, were successfully completed and resulted in a dismissal, or are still ongoing;

(c) Aggregated and disaggregated demographic data for pretrial diversions pursuant to section 10 of this act, that identifies trends or disparities in utilization or outcomes based on race, ethnicity, gender, gender expression or identity, disability status, age, and any other appropriate characteristics as determined by the administrative office of the courts;

(d) Statistical data comparing the relative utilization and outcomes of pretrial diversions pursuant to section 10 of this act in specific courts and in different regions of Washington;

(e) The number of people convicted of a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c);

(f) The number of people sentenced pursuant to section 11 of this act who agreed as a condition of probation to obtain a biopsychosocial assessment and participate in recommended treatment or services;

(g) Aggregated and disaggregated demographic data for people convicted of a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b)

or (c), that identifies trends or disparities in sentencing for and vacating of such convictions based on race, ethnicity, gender, gender expression or identity, disability status, age, and any other appropriate characteristics as determined by the administrative office of the courts; and

(h) Statistical data comparing the sentences imposed pursuant to section 11 of this act, and the convictions vacated pursuant to RCW 9.96.060(6), in specific courts and in different regions of Washington.

(2) The administrative office of the courts shall, in cooperation with the Washington state patrol and the Washington association of sheriffs and police chiefs, collect data and information related to reported violations of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, and 69.41.030(2) (b) or (c) responded to by law enforcement, including but not limited to the following:

(a) Whether such violations were deferred to treatment in lieu of further legal system involvement, or referred to the prosecuting attorney for potential charges;

(b) The number of such violations involving repeat offenders; and

(c) The number of such violations involving persons who previously participated in pretrial diversion pursuant to section 10 of this act, or who were previously sentenced pursuant to section 11 of this act and agreed as a condition of probation to obtain a biopsychosocial assessment and participate in recommended treatment or services.

(3) Beginning August 1, 2024, and on August 1st of every year thereafter, the administrative office of the courts shall submit an annual report to the legislature containing the data and information described in subsections (1) and (2) of this section.

#### **Part IV - Opioid Treatment Rural Access and Expansion**

**Sec. 14.** RCW 36.70A.200 and 2021 c 265 s 2 are each amended to read as follows:

(1)(a) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, opioid treatment programs including both mobile and fixed-site medication units, recovery residences, harm reduction programs excluding safe injection sites, and inpatient facilities including substance ~~(abuse)~~ use disorder treatment facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020.

(b) Unless a facility is expressly listed in (a) of this subsection, essential public facilities do not include facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings but are not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense. Facilities included under this subsection (1)(b) shall not include facilities detaining persons under RCW 71.09.020 ~~((+6) or (15))~~ (7) or (16) or chapter 10.77 or 71.05 RCW.

(c) The department of children, youth, and families may not attempt to site new community facilities as defined in RCW 72.05.020 east of the crest of the Cascade mountain range unless there is an equal or greater number of sited community facilities as defined in RCW 72.05.020 on the western side of the crest of the Cascade mountain range.

(d) For the purpose of this section, "harm reduction programs" means programs that emphasize working directly with people who use drugs to prevent overdose and infectious disease transmission, improve the physical, mental, and social well-being of those served, and offer low threshold options for accessing substance use disorder treatment and other services.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17A.005, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70A.135.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(3); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action.

**Sec. 15.** RCW 71.24.589 and 2019 c 314 s 29 are each amended to read as follows:

(1) Subject to funds appropriated by the legislature, the authority shall ~~((implement a pilot project))~~ administer a grant program for law enforcement assisted diversion which shall adhere to law enforcement assisted diversion core principles recognized by the law enforcement assisted diversion national support bureau, the efficacy of which have been demonstrated in peer-reviewed research studies.

(2) ~~((Under the pilot project, the))~~ The authority must partner with the law enforcement assisted diversion national support bureau to award ((a contract)) contracts, subject to appropriation, for ((two or more geographic areas)) jurisdictions in the state of Washington for law enforcement assisted diversion. Cities, counties, and tribes ((may compete for participation in a pilot project)), subdivisions thereof, public development authorities, and community-based organizations demonstrating support from necessary public partners, may serve as the lead agency applying for funding. Funds may be used to scale existing projects, and to invite additional jurisdictions to launch law enforcement assisted diversion programs.

(3) The ~~((pilot projects))~~ program must provide for securing comprehensive technical assistance from law enforcement assisted diversion implementation experts to develop and implement a law enforcement assisted diversion program ((in the pilot project's geographic areas)) in a way that ensures fidelity to the research-based law enforcement assisted diversion model. Sufficient funds must be allocated from grant program funds to secure technical assistance for the authority and for the implementing jurisdictions.

(4) The key elements of a law enforcement assisted diversion ~~((pilot project))~~ program must include:

(a) Long-term case management for individuals with substance use disorders;

(b) Facilitation and coordination with community resources focusing on overdose prevention;

(c) Facilitation and coordination with community resources focused on the prevention of infectious disease transmission;

(d) Facilitation and coordination with community resources providing physical and behavioral health services;

(e) Facilitation and coordination with community resources providing medications for the treatment of substance use disorders;

(f) Facilitation and coordination with community resources focusing on housing, employment, and public assistance;

(g) ~~((Twenty-four))~~ 24 hours per day and seven days per week response to law enforcement for arrest diversions; and

(h) Prosecutorial support for diversion services.

(5) No civil liability may be imposed by any court on the state or its officers or employees, an appointed or elected official, public employee, public agency as defined in RCW 4.24.470, combination of units of government and its employees as provided in RCW 36.28A.010, nonprofit community-based organization, tribal government entity, tribal organization, or urban Indian organization, based on the administration of a law enforcement assisted diversion program or activities carried out within the purview of a grant received under this program except upon proof of bad faith or gross negligence.

**Sec. 16.** RCW 71.24.590 and 2019 c 314 s 30 are each amended to read as follows:

(1) When making a decision on an application for licensing or certification of ~~((a))~~ an opioid treatment program, the department shall:

(a) Consult with the county legislative authorities in the area in which an applicant proposes to locate a program and the city legislative authority in any city in which an applicant proposes to locate a program;

(b) License or certify only programs that will be sited in accordance with the appropriate county or city land use ordinances. Counties and cities may require conditional use permits with reasonable conditions for the siting of programs only to the extent that such reasonable conditional use requirements applied to opioid treatment programs are similarly applied to other essential public facilities and health care settings. Pursuant to RCW 36.70A.200, no local comprehensive plan or development regulation may preclude the siting of essential public facilities;

(c) Not discriminate in its licensing or certification decision on the basis of the corporate structure of the applicant;

(d) Consider the size of the population in need of treatment in the area in which the program would be located and license or certify only applicants whose programs meet the necessary treatment needs of that population;

(e) Consider the availability of other certified opioid treatment programs near the area in which the applicant proposes to locate the program;

(f) Consider the transportation systems that would provide service to the program and whether the systems will provide reasonable opportunities to access the program for persons in need of treatment;

(g) Consider whether the applicant has, or has demonstrated in the past, the capability to provide the appropriate services to assist the persons who utilize the program in meeting goals established by the legislature in RCW 71.24.585. The department shall prioritize licensing or

certification to applicants who have demonstrated such capability and are able to measure their success in meeting such outcomes (~~+~~

~~(h) Hold one public hearing in the community in which the facility is proposed to be located. The hearing shall be held at a time and location that are most likely to permit the largest number of interested persons to attend and present testimony. The department shall notify all appropriate media outlets of the time, date, and location of the hearing at least three weeks in advance of the hearing).~~

(2) ~~((A) No city or county legislative authority may impose a maximum capacity for ((a) an opioid treatment program ((of not less than three hundred fifty participants if necessary to address specific local conditions cited by the county)).~~

(3) A program applying for licensing or certification from the department and a program applying for a contract from a state agency that has been denied the licensing or certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial.

(4) Opioid treatment programs may order, possess, dispense, and administer medications approved by the United States food and drug administration for the treatment of opioid use disorder, alcohol use disorder, tobacco use disorder, and reversal of opioid overdose. For an opioid treatment program to order, possess, and dispense any other legend drug, including controlled substances, the opioid treatment program must obtain additional licensure as required by the department, except for patient-owned medications.

(5) Opioid treatment programs may accept, possess, and administer patient-owned medications.

(6) Registered nurses and licensed practical nurses may dispense up to a ~~((thirty-one))~~ 31 day supply of medications approved by the United States food and drug administration for the treatment of opioid use disorder to patients of the opioid treatment program, under an order or prescription and in compliance with 42 C.F.R. Sec. 8.12.

(7) For the purpose of this chapter, "opioid treatment program" means a program that:

(a) Engages in the treatment of opioid use disorder with medications approved by the United States food and drug administration for the treatment of opioid use disorder and reversal of opioid overdose, including methadone; and

(b) Provides a comprehensive range of medical and rehabilitative services.

(8) A mobile or fixed-site medication unit may be established as part of a licensed opioid treatment program.

**NEW SECTION. Sec. 17.** A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to funds appropriated for this specific purpose, a program is established in the department to fund the construction costs necessary to start up substance use disorder treatment and

services programs and recovery housing in regions of the state that currently lack access to such programs.

(2) This funding must be used to increase the number of substance use disorder treatment and services programs and recovery housing in underserved areas such as central and eastern Washington and rural areas.

**NEW SECTION. Sec. 18.** RCW 10.31.115 (Drug possession—Referral to assessment and services) and 2021 c 311 s 13 are each repealed.

#### **Part V - Funding, Promotion, and Training for Recovery Residences**

**NEW SECTION. Sec. 19.** A new section is added to chapter 71.24 RCW to read as follows:

Subject to the availability of funds appropriated for this specific purpose, the authority shall:

(1) Make sufficient funding available to support establishment of an adequate and equitable stock of recovery residences in each region of the state;

(2) Establish a voucher program to allow accredited recovery housing operators to hold bed space for individuals who are waiting for treatment or who have returned to use and need a place to stay while negotiating a return to stable housing;

(3) Conduct outreach to underserved and rural areas to support the development of recovery housing, including adequate resources for women, LGBTQIA+ communities, and youth; and

(4) Develop a training for housing providers by January 1, 2024, to assist them with providing appropriate service to LGBTQIA+ communities, including consideration of topics like harassment, communication, antiracism, diversity, and gender affirming behavior, and ensure applicants for grants or loans related to recovery residences receive access to the training.

**Sec. 20.** RCW 84.36.043 and 1998 c 174 s 1 are each amended to read as follows:

(1) The real and personal property used by a nonprofit organization in providing emergency or transitional housing for low-income homeless persons as defined in RCW 35.21.685 or 36.32.415 or victims of domestic violence who are homeless for personal safety reasons is exempt from taxation if:

(a) The charge, if any, for the housing does not exceed the actual cost of operating and maintaining the housing; and

(b) (i) The property is owned by the nonprofit organization; or

(ii) The property is rented or leased by the nonprofit organization and the benefit of the exemption inures to the nonprofit organization.

(2) The real and personal property used by a nonprofit organization in maintaining an approved recovery residence registered under RCW 41.05.760 is exempt from taxation if:

(a) The charge for the housing does not exceed the actual cost of operating and maintaining the housing; and

(b) (i) The property is owned by the nonprofit organization; or

(ii) The property is rented or leased by the nonprofit organization and the benefit of the exemption inures to the nonprofit organization.

(3) As used in this section:

(a) "Homeless" means persons, including families, who, on one particular day or night, do not have decent and safe shelter nor sufficient funds to purchase or rent a place to stay.

(b) "Emergency housing" means a project that provides housing and supportive services to homeless persons or families for up to sixty days.

(c) "Transitional housing" means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

((3)) (d) "Recovery residence" has the same meaning as under RCW 41.05.760.

(4) The exemption in subsection (2) of this section applies to taxes levied for collection in calendar years 2024 through 2033.

(5) This exemption is subject to the administrative provisions contained in RCW 84.36.800 through 84.36.865.

**NEW SECTION. Sec. 21.**

(1) This section is the tax preference performance statement for the tax preference contained in section 20, chapter . . ., Laws of 2023 (section 20 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to provide tax relief for certain businesses or individuals, as indicated in RCW 82.32.808(2)(e).

(3) By exempting property used by nonprofit organizations maintaining approved recovery residences, it is the legislature's specific public policy objective to maximize funding for recovery residences to the extent possible, thereby increasing availability of such residences.

(4) To measure the effectiveness of the tax exemption provided in section 20 of this act in achieving the specific public policy objectives described in subsection (3) of this section, the joint legislative audit and review committee must evaluate:

(a) Annual changes in the total number of parcels qualifying for the exemption under section 20 of this act;

(b) The amount of annual property tax relief resulting from the tax exemption under section 20 of this act;

(c) The average annual number of people housed at recovery residences located on property qualifying for the exemption under section 20 of this act;

(d) The annualized amount charged for housing at recovery residences located on property qualifying for the exemption under section 20 of this act and the annualized estimated increase in the charge for housing if the properties had not been eligible for the exemption; and

(e) The annual amount of expenditures by nonprofits to maintain recovery residences located on property qualifying for the exemption under section 20 of this act.

(5) The legislature intends to extend the expiration date of the property tax exemption under section 20 of this act if the review by the joint legislative audit and review committee finds that:

(a) The number of properties qualifying for the exemption under section 20 of this act has increased;

(b) The number of individuals using recovery housing located on property qualifying for the exemption under section 20 of this act has increased; and

(c) The amount charged for recovery housing is reasonably consistent with the actual cost of operating and maintaining the housing.

(6) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to:

(a) Initial applications for the tax exemption under section 20 of this act as approved by the department of revenue under RCW 84.36.815;

(b) Annual financial statements prepared by nonprofit entities claiming the tax exemption under section 20 of this act;

(c) Filings with the federal government to maintain federal tax exempt status by nonprofit organizations claiming the tax exemption under section 20 of this act; and

(d) Any other data necessary for the evaluation under subsection (4) of this section.

**Part VI - Training for Parents of Children with Substance Use Disorder and Caseworkers Within the Department of Children, Youth, and Families**

**NEW SECTION. Sec. 22.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority, in consultation with the department of children, youth, and families, shall develop a training for parents of adolescents and transition age youth with substance use disorders by June 30, 2024, which training must build on and be consistent and compatible with existing training developed by the authority for families impacted by substance use disorder, and addressing the following:

(a) Science and education related to substance use disorders and recovery;

(b) Adaptive and functional communication strategies for communication with a loved one about their substance use disorder, including positive communication skills and strategies to influence motivation and behavioral change;

(c) Self-care and means of obtaining support;

(d) Means to obtain opioid overdose reversal medication when appropriate and instruction on proper use; and

(e) Suicide prevention.

(2) The authority and the department of children, youth, and families shall make this training publicly available, and the department of children, youth, and families must promote the training to licensed foster parents and caregivers, including any tribally licensed foster parents and tribal caregivers.

**NEW SECTION. Sec. 23.** A new section is added to chapter 43.216 RCW to read as follows:

The department shall provide opioid overdose reversal medication and training in the use of such medication to all department staff whose job duties require in-person service or case management for child welfare or juvenile rehabilitation clients.

### Part VII - Recovery Navigator Programs

**NEW SECTION. Sec. 24.** To support recovery navigator programs, the health care authority must develop and implement a data integration platform by June 30, 2024, to serve as a common database available for diversion efforts across the state, to serve as a data collection and management tool for practitioners, and to assist in standardizing definitions and practices. If possible, the health care authority must leverage and interact with existing platforms already in use in efforts funded by the authority. The health care authority must establish a quality assurance process for behavioral health administrative services organizations, and employ data validation for fields in the data collection workbook. The health care authority must engage and consult with the law enforcement assisted diversion national support bureau on data integration approaches, platforms, quality assurance protocols, and validation practices.

**NEW SECTION. Sec. 25.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall contract with the Washington state institute for public policy to conduct a study of the long-term effectiveness of the recovery navigator program under RCW 71.24.115 with reports due by June 30th in the years 2028, 2033, and 2038. The Washington state institute for public policy shall collaborate with the authority, the law enforcement assisted diversion national support bureau, and the substance use recovery services advisory committee under RCW 71.24.546 on the topic of data collection and to determine the parameters of the report, which shall include recommendations, if any, for modification and improvement of the recovery navigator program. The law enforcement assisted diversion national support bureau may supplement the report with additional recommendations to improve the recovery navigator program by enhancing its ability to provide a viable, accepted, community-

based care alternative to jail and prosecution. The authority shall cooperate with the Washington state institute for public policy to provide data for this report.

(2) The authority shall establish an expedited preapproval process by August 1, 2023, which allows requests for the use of data to be forwarded to the Washington state institutional review board without delay when the request is made by the Washington state institute for public policy for the purpose of completing a study that has been directed by the legislature.

**Sec. 26.** RCW 71.24.115 and 2021 c 311 s 2 are each amended to read as follows:

(1) Each behavioral health administrative services organization shall ((establish a))provide funds and certain administrative support for recovery navigator ((program))programs. The programs, while supported with funding from the behavioral health administrative services organizations, must be overseen and directed by policy coordinating groups comprised, in alignment with the core principles, of local executive and legislative officials, public safety agencies, including police and prosecutors, and civil rights, public defense, and human services organizations. Project management for recovery navigator programs shall be provided by an entity independent of the behavioral health administrative services organization, which, by its mission and position, is able to implement the collective direction of the governing policy coordinating group. Where there are existing law enforcement assisted diversion programs or programs operating with high fidelity in alignment with the core principles, recovery navigator program funding should support these programs to achieve greater scale, rather than supporting parallel programs in the same jurisdictions.

(2) The recovery navigator programs shall be organized on a scale that permits meaningful direction from and coordination with local law enforcement and municipal agencies. Multiple jurisdictions may be served together in a single program if the governing structure includes the public officials necessary under the law enforcement assisted diversion model and they agree to participate in a single program. The ((program))programs shall provide community-based outreach, intake, assessment, and connection to services and, as appropriate, long-term intensive case management and recovery coaching services, to youth and adults with substance use disorder, including for persons with co-occurring substance use disorders and mental health conditions, who are referred to the program from diverse sources and shall facilitate and coordinate connections to a broad range of community resources for youth and adults with substance use disorder, including treatment and recovery support services. Recovery navigator programs must serve and prioritize individuals who are actually or potentially exposed to the criminal legal system related to unlawful



behavior connected to drug activity or other behavioral health issues.

~~((2))~~ (3) The authority shall ~~(establish)~~ revise its uniform program standards for behavioral health administrative services organizations to follow in the design of their recovery navigator programs, following consultation with an organization with both significant experience with the implementation in Washington and nationally of, and technical assistance regarding, the law enforcement assisted diversion programs as described in RCW 71.24.589, including fidelity assessment, and recognized as the entity responsible for protecting the registered trademark of law enforcement assisted diversion, such as the law enforcement assisted diversion national support bureau, to enhance fidelity with the core principles. The uniform program standards must be modeled with fidelity upon the components of the law enforcement assisted diversion program and address project management, field engagement, biopsychosocial assessment, intensive case management and care coordination, stabilization housing when available and appropriate, and, as necessary, legal system coordination for participants' nondiverted legal cases that may precede or follow referral to the program. The uniform program standards must be revised to incorporate the law enforcement assisted diversion framework for police diversion prior to arrest, without arrest, and postarrest but prior to jail booking and referral for prosecution, and for ongoing case conferencing with law enforcement, prosecutors, community stakeholders, and program case managers. The authority must adopt the uniform program standards with fidelity from the components of the law enforcement assisted diversion program ~~((to accommodate an expanded population of))~~ following guidance from the consulting organization identified in this subsection (3). The uniform standards must provide for a range of program referral channels to serve persons with substance use disorders, including persons with co-occurring substance use disorders and mental health conditions, and ~~((allow for referrals from a broad range of sources))~~ must require prioritization of those who are or likely will be exposed to the criminal legal system related to their behavioral health issues. In addition to accepting referrals from law enforcement, the uniform program standards must provide guidance for accepting referrals ~~((on behalf of persons with substance use disorders, including persons with co-occurring substance use disorders and mental health conditions))~~ of individuals who otherwise could be exposed to the criminal legal system, from various sources including, but not limited to, self-referral, family members of the individual, emergency department personnel, persons engaged with serving homeless persons, including those living unsheltered or in encampments, fire department personnel, emergency medical service personnel, community-based organizations, members of the business community, harm reduction program personnel, faith-based organization staff, and other sources within the criminal

legal system, ((as outlined)) so that individuals are engaged as early as possible within the sequential intercept model. In developing response time requirements within the statewide program standards, the authority shall require, subject to the availability of amounts appropriated for this specific purpose, that responses to referrals from law enforcement occur immediately for in-custody referrals and shall strive for rapid response times to other appropriate settings such as emergency departments.

~~((3))~~ (4) Subject to the availability of amounts appropriated for this specific purpose, the authority shall provide funding to each behavioral health administrative services organization for the ~~((development of its))~~ continuation of and, as required by this section, the revisions to and reorganization of the recovery navigator ((program)) programs they fund. ~~((Before receiving funding for implementation and ongoing administration, each))~~ No behavioral health administrative services organization ((must submit)) may receive funds after January 1, 2024, unless it has submitted a program plan that demonstrates the ability to fully comply with the revised statewide program standards and is approved by the authority. If contracts for project managers and service providers must be reprocured in order to comply with the revised standards, that process must be completed by July 1, 2024, to receive continued funding. The authority shall determine whether to approve each plan or request for revisions. The authority shall establish a schedule for the regular review of recovery navigator programs funded by behavioral health administrative services ((organizations' programs)) organizations. The authority must confer with the consulting organization identified in subsection (3) of this section when making determinations regarding plan approval and any need for revisions and must include the organization in any regular reviews of recovery navigator programs. The authority shall arrange for technical assistance to be provided to the authority, behavioral health administrative services organizations, contracted providers, and independent stakeholders and partners, such as prosecuting attorneys and law enforcement, by the ((LEAD national support bureau to all behavioral health administrative services organizations)) consulting organization identified in subsection (3) of this section, which may provide technical assistance directly to recovery navigator program contractors, stakeholders, and partners.

~~((4))~~ (5) Each behavioral health administrative services organization must have a substance use disorder regional administrator for its recovery navigator program. The regional administrator shall be responsible for assuring compliance with program standards, including staffing standards, and shall consult with the consulting organization identified in subsection (3) of this section to assist in assessing compliance with the standards. Each recovery navigator program must maintain a sufficient number of

appropriately trained personnel for providing intake and referral services, conducting comprehensive biopsychosocial assessments, providing intensive case management services, and making warm handoffs to treatment and recovery support services along the continuum of care. Program staff must include people both with lived experience with substance use disorder and people with clinical expertise necessary to the provision of skilled care and a supervisor of a care team, to the extent possible. The substance use disorder regional administrator must assure that staff who are conducting intake and referral services and field assessments are paid a livable and competitive wage and have appropriate initial training and receive continuing education.

~~((+5))~~ (6) Each recovery navigator program must submit quarterly reports to the authority with information identified by the authority and the substance use recovery services advisory committee. The reports must be provided to the substance use recovery services advisory committee for discussion at meetings following the submission of the reports. The committee is strongly encouraged to invite the consulting organization identified in subsection (3) of this section to participate in presenting these reports to the committee.

(7) No civil liability may be imposed by any court on the state or its officers or employees, an appointed or elected official, public employee, public agency as defined in RCW 4.24.470, combination of units of government and its employees as provided in RCW 36.28A.010, nonprofit community-based organization, tribal government entity, tribal organization, or urban Indian organization, based on the administration of a recovery navigator program except upon proof of bad faith or gross negligence.

(8) For the purposes of this section, the term "core principles" means the core principles of a law enforcement assisted diversion program, as established by the law enforcement assisted diversion national support bureau in its toolkit, as it existed on May 1, 2023.

#### **Part VIII - Establishing a Pilot Program for Health Engagement Hubs**

NEW SECTION. Sec. 27. A new section is added to chapter 71.24 RCW to read as follows:

(1)(a) The authority shall implement a pilot program for health engagement hubs by August 1, 2024. The pilot program will test the functionality and operability of health engagement hubs, including whether and how to incorporate and build on existing medical, harm reduction, treatment, and social services in order to create an all-in-one location where people who use drugs can access such services.

(b) Subject to amounts appropriated, the authority shall establish pilot programs on at least two sites, with one site located in an urban area and one located in a rural area.

(c) The authority shall report on the pilot program results, including

recommendations for expansion, and rules and payment structures, to the legislature no later than August 1, 2026.

(2) A health engagement hub is intended to:

(a) Serve as an all-in-one location where people who use drugs can access a range of medical, harm reduction, treatment, and social services;

(b) Be affiliated with existing syringe service programs, federally qualified health centers, community health centers, overdose prevention sites, safe consumption sites, patient-centered medical homes, tribal behavioral health programs, peer run organizations such as clubhouses, services for unhoused people, supportive housing, and opioid treatment programs including mobile and fixed-site medication units established under an opioid treatment program, or other appropriate entity;

(c) Provide referrals or access to methadone and other medications for opioid use disorder;

(d) Function as a patient-centered medical home by offering high-quality, cost-effective patient-centered care, including wound care;

(e) Provide harm reduction services and supplies;

(f) Provide linkage to housing, transportation, and other support services; and

(g) Be open to youth as well as adults.

#### **Part IX - Education and Employment Pathways**

NEW SECTION. Sec. 28. A new section is added to chapter 71.24 RCW to read as follows:

Subject to funding provided for this specific purpose, the authority shall establish a grant program for providers of employment, education, training, certification, and other supportive programs designed to provide persons recovering from a substance use disorder with employment and education opportunities. The grant program shall employ a low-barrier application and give priority to programs that engage with black, indigenous, persons of color, and other historically underserved communities.

#### **Part X - Providing a Statewide Directory of Recovery Services**

NEW SECTION. Sec. 29. A new section is added to chapter 71.24 RCW to read as follows:

Subject to funding provided for this specific purpose, the authority must collaborate with the department and the department of social and health services to expand the Washington recovery helpline and the recovery readiness asset tool to provide a dynamically updated statewide behavioral health treatment and recovery support services mapping tool that includes a robust resource database for those seeking services and a referral system to be incorporated within the locator tool to help facilitate the connection between an individual and a facility that is currently accepting new

referrals. The tool must include dual interface capability, one for public access and one for internal use and management.

**Part XI - Investing Adequately in Statewide Diversion Services**

NEW SECTION. **Sec. 30.** A new section is added to chapter 71.24 RCW to read as follows:

Subject to the availability of funds appropriated for this specific purpose, the authority shall:

(1) Continue and expand efforts to provide opioid use disorder medication in city, county, regional, and tribal jails;

(2) Provide support funds to new and established recovery support services including department of health certified clubhouses throughout the state;

(3) Award grants to an equivalent number of crisis services providers to the west and the east of the Cascade mountains, to establish and expand 23-hour crisis relief center capacity;

(4) Maintain a memorandum of understanding with the criminal justice training commission to provide ongoing funding for community grants pursuant to RCW 36.28A.450; and

(5) Provide ongoing grants to law enforcement assistant diversion programs under RCW 71.24.589.

**Part XII - Streamlining Substance Use Disorder Treatment Intakes**

NEW SECTION. **Sec. 31.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall convene a work group to recommend changes to systems, policies, and processes related to intake, screening, and assessment for substance use disorder services, with the goal to broaden the workforce capable of administering substance use disorder assessments and to make the assessment process as brief as possible, including only what is necessary to manage utilization and initiate care. The intake shall be low barrier, person-centered, and amenable to administration in diverse health care settings and by a range of health care professionals. The intake assessment shall consider the person's self-identified needs and preferences when evaluating direction of treatment and may include different components based on the setting, context, and past experience with the client.

(2) The work group must include care providers, payors, people who use drugs, individuals in recovery from substance use disorder, and other individuals recommended by the authority. The work group shall present its recommendations to the governor and appropriate committees of the legislature by December 1, 2024.

**Sec. 32.** RCW 18.64.600 and 2020 c 244 s 2 are each amended to read as follows:

(1) The license of location for a pharmacy licensed under this chapter may be

extended to a remote dispensing site where technology is used to dispense medications (~~approved by the United States food and drug administration~~) used for the treatment of opioid use disorder or its symptoms.

(2) In order for a pharmacy to use remote dispensing sites, a pharmacy must register each separate remote dispensing site with the commission.

(3) The commission shall adopt rules that establish minimum standards for remote dispensing sites registered under this section. The minimum standards shall address who may retrieve medications for opioid use disorder stored in or at a remote dispensing site pursuant to a valid prescription or chart order. The minimum standards must require the pharmacy be responsible for stocking and maintaining a perpetual inventory of the medications for opioid use disorder stored in or at the registered remote dispensing site. The dispensing technology may be owned by either the pharmacy or the registered remote dispensing site.

(4) The secretary may adopt rules to establish a reasonable fee for obtaining and renewing a registration issued under this section.

(5) The registration issued under this section will be considered as part of the pharmacy license issued under RCW 18.64.043. If the underlying pharmacy license is not active, then the registration shall be considered inoperable by operation of law.

**Part XIII - Miscellaneous Provisions**

NEW SECTION. **Sec. 33.** Section 7 of this act takes effect January 1, 2025.

**Sec. 34.** 2021 c 311 s 29 (uncodified) is amended to read as follows:

Sections 8 through 10(~~(7)~~) and 12(~~(7-15, and 16)~~) of this act expire July 1, 2023.

NEW SECTION. **Sec. 35.** Sections 2 through 6, 8 through 12, and 34 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2023.

NEW SECTION. **Sec. 36.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 37.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli;

Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Rude.

Referred to Committee on Rules for second reading

April 4, 2023

SB 5550 Prime Sponsor, Senator Liias: Addressing workforce development issues, including cultural issues, at the Washington state ferries. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Griffey; Hackney; Mena; Ramel; Ramos; Taylor and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Goehner; Klicker; Orcutt; Volz; and Walsh.

Referred to Committee on Rules for second reading

April 4, 2023

2SSB 5555 Prime Sponsor, Ways & Means: Creating the profession of certified peer specialists. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that peers play a critical role along the behavioral health continuum of care, from outreach to treatment to recovery support. Peers deal in the currency of hope and motivation and are incredibly adept at supporting people with behavioral health challenges on their recovery journeys. Peers represent the only segment of the behavioral health workforce where there is not a shortage, but a surplus of willing workers. Peers, however, are presently limited to serving only medicaid recipients and working only in community behavioral health agencies. As a result, youth and adults with commercial insurance have no access to peer services. Furthermore, peers who work in other settings, such as emergency departments and behavioral health urgent care, cannot bill insurance for their services.

(2) Therefore, it is the intent of the legislature to address the behavioral health workforce crisis, expand access to peer services, eliminate financial barriers to

professional licensing, and honor the contributions of the peer profession by creating the profession of certified peer specialists.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advisory committee" means the Washington state certified peer specialist advisory committee established under section 4 of this act.

(2) "Approved supervisor" means:

(a) Until July 1, 2028, a behavioral health provider, as defined in RCW 71.24.025 with at least two years of experience working in a behavioral health practice that employs peer specialists as part of treatment teams; or

(b) A certified peer specialist who has completed:

(i) At least 1,500 hours of work as a fully certified peer specialist engaged in the practice of peer support services, with at least 500 hours attained through the joint supervision of peers in conjunction with another approved supervisor; and

(ii) The training developed by the health care authority under section 13 of this act.

(3) "Certified peer specialist" means a person certified under this chapter to engage in the practice of peer support services.

(4) "Certified peer specialist trainee" means an individual working toward the supervised experience and written examination requirements to become a certified peer specialist under this chapter.

(5) "Department" means the department of health.

(6) "Practice of peer support services" means the provision of interventions by either a person in recovery from a mental health condition or substance use disorder, or both, or the parent or legal guardian of a youth who is receiving or has received behavioral health services. The client receiving the interventions receives them from a person with a similar lived experience as either a person in recovery from a mental health condition or substance use disorder, or both, or the parent or legal guardian of a youth who is receiving or has received behavioral health services. The person provides the interventions through the use of shared experiences to assist a client in the acquisition and exercise of skills needed to support the client's recovery. Interventions may include activities that assist clients in accessing or engaging in treatment and in symptom management; promote social connection, recovery, and self-advocacy; provide guidance in the development of natural community supports and basic daily living skills; and support clients in engagement, motivation, and maintenance related to achieving and maintaining health and wellness goals.

(7) "Secretary" means the secretary of health.

NEW SECTION. **Sec. 3.** In addition to any other authority, the secretary has the authority to:

(1) Adopt rules under chapter 34.05 RCW necessary to implement this chapter;

(2) Establish all certification, examination, and renewal fees for certified peer specialists in accordance with RCW 43.70.110 and 43.70.250;

(3) Establish forms and procedures necessary to administer this chapter;

(4) Issue certificates to applicants who have met the education, training, and examination requirements for obtaining a certificate and to deny a certificate to applicants who do not meet the requirements;

(5) Coordinate with the health care authority to confirm an applicants' successful completion of the certified peer specialist education course offered by the health care authority under section 13 of this act and successful passage of the associated oral examination as proof of eligibility to take a qualifying written examination for applicants for obtaining a certificate;

(6) Establish practice parameters consistent with the definition of the practice of peer support services;

(7) Provide staffing and administrative support to the advisory committee;

(8) Determine which states have credentialing requirements equivalent to those of this state, and issue certificates to applicants credentialed in those states without examination;

(9) Define and approve any supervised experience requirements for certification;

(10) Assist the advisory committee with the review of peer counselor apprenticeship program applications in the process of being approved and registered under chapter 49.04 RCW;

(11) Adopt rules implementing a continuing competency program; and

(12) Establish by rule the procedures for an appeal of an examination failure.

NEW SECTION. **Sec. 4.** (1) The Washington state certified peer specialist advisory committee is established.

(2)(a) The advisory committee shall consist of 11 members. Nine members must be certified peer specialists. Those nine members shall be inclusive of mental health peers, substance use disorder peers, community-based peers, peers who work in clinical settings, youth peers, adult peers, parent or family peers, and peer supervisors. One member must represent community behavioral health agencies. One member must represent the public at large and may not be a credentialed behavioral health provider. The advisory committee shall be reflective of the community who receives peer services, including people who are Black, indigenous, people of color, and individuals who identify as LGBTQ. All members of the advisory committee must be residents of Washington state. Members may not hold an office in a professional association for peer specialists or be employed by the state. A majority of the members currently serving shall constitute a quorum.

(b) The members shall be appointed by the secretary to serve three-year terms which may be renewed. Initial members shall be appointed to staggered terms which may be less than three years. Initial membership may vary from the requirements in (a) of this subsection to account for the lack of an available credential for certified peer specialists at the time the advisory committee is established. The advisory committee shall select a chair and vice chair.

(3) The department and the health care authority, as appropriate, are encouraged to adopt recommendations as submitted by the advisory committee on topics related to the administration of this chapter and provide their rationale for any formal recommendations of the advisory committee that either agency does not adopt, including:

(a) Advice and recommendations regarding the establishment or implementation of rules related to this chapter;

(b) Advice, recommendations, and consultation regarding professional boundaries, customary practices, and other aspects of peer support as it relates to complaints, investigations, and other disciplinary actions;

(c) Assistance and recommendations to enhance patient and client education;

(d) Assistance and recommendations regarding the written and oral examination to become a certified peer specialist and the examiners conducting the examinations, including recommendations to assure that the examinations, and the manner in which the examinations are administered, are culturally appropriate;

(e) Assistance and recommendations regarding any continuing education and continuing competency programs administered under the provisions of this chapter;

(f) Advice and guidance regarding criteria for certification based on prior experience as a peer specialist attained before July 1, 2025, as described in section 7(2) of this act;

(g) Recommendations for additional supports that may help those practicing as peer counselors as of the effective date of this section to become certified peer specialists;

(h) Advice and guidance on the feasibility and design of a two-phase certification program for peer specialists;

(i) Review of existing health care authority policies and procedures related to peer counselors;

(j) Advice on approving additional education and training entities, other than the health care authority, to conduct the course of instruction in section 13(1)(a) of this act to expand availability of the course, particularly among black, indigenous, people of color, and individuals who identify as LGBTQ;

(k) Advice on approving additional testing entities, other than the health care authority to administer the written and oral examination, including entities owned by black, indigenous, and people of color;

(l) Advice on long-term planning and growth for the future advancement of the peer specialist profession;

(m) Recommendations on recruitment and retention in the peer specialist profession, including among black, indigenous, people of color, and individuals who identify as LGBTQ; and

(n) Recommendations on strategies to eliminate financial barriers to licensing as a certified peer specialist.

(4) Committee members are immune from suit in an action, civil or criminal, based on the department's disciplinary proceedings or other official acts performed in good faith.

(5) Committee members shall be compensated in accordance with RCW 43.03.240, including travel expenses in carrying out his or her authorized duties in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 5.** Beginning July 1, 2025, except as provided in section 13 of this act, the decision of a person practicing peer support services to become certified under this chapter is voluntary. A person may not use the title certified peer specialist unless the person holds a credential under this chapter.

**NEW SECTION. Sec. 6.** Nothing in this chapter may be construed to prohibit or restrict:

(1) An individual who holds a credential issued by this state, other than as a certified peer specialist or certified peer specialist trainee, to engage in the practice of an occupation or profession without obtaining an additional credential from the state. The individual may not use the title certified peer specialist unless the individual holds a credential under this chapter; or

(2) The practice of peer support services by a person who is employed by the government of the United States while engaged in the performance of duties prescribed by the laws of the United States.

**NEW SECTION. Sec. 7.** (1) Beginning July 1, 2025, except as provided in subsections (2) and (3) of this section, the secretary shall issue a certificate to practice as a certified peer specialist to any applicant who demonstrates to the satisfaction of the secretary that the applicant meets the following requirements:

(a) Submission of an attestation to the department that the applicant self-identifies as:

(i) A person with one or more years of recovery from a mental health condition, substance use disorder, or both; or

(ii) The parent or legal guardian of a youth who is receiving or has received behavioral health services;

(b) Successful completion of the education course developed and offered by the health care authority under section 13 of this act;

(c) Successful passage of an oral examination administered by the health care authority upon completion of the education course offered by the health care authority under section 13 of this act;

(d) Successful passage of a written examination administered by the health care authority upon completion of the education course offered by the health care authority under section 13 of this act;

(e) Successful completion of an experience requirement of at least 1,000 supervised hours as a certified peer specialist trainee engaged in the volunteer or paid practice of peer support services, in accordance with the standards in section 8 of this act; and

(f) Payment of the appropriate fee required under this chapter.

(2) The secretary, with the recommendation of the advisory committee, shall establish criteria for the issuance of a certificate to engage in the practice of peer support services based on prior experience as a peer specialist attained before July 1, 2025. The criteria shall establish equivalency standards necessary to be deemed to have met the requirements of subsection (1) of this section. An applicant under this subsection shall have until July 1, 2026, to complete any standards in which the applicant is determined to be deficient.

(3) The secretary, with the recommendation of the advisory committee, shall issue a certificate to engage in the practice of peer support services based on completion of an apprenticeship program registered and approved under chapter 49.04 RCW and reviewed by the advisory committee under section 3 of this act.

(4) A certificate to engage in the practice of peer support services is valid for two years. A certificate may be renewed upon demonstrating to the department that the certified peer specialist has successfully completed 30 hours of continuing education approved by the department. As part of the continuing education requirement, every six years the applicant must submit proof of successful completion of at least three hours of suicide prevention training and at least six hours of coursework in professional ethics and law, which may include topics under RCW 18.130.180.

**NEW SECTION. Sec. 8.** (1) Beginning July 1, 2025, the secretary shall issue a certificate to practice as a certified peer specialist trainee to any applicant who demonstrates to the satisfaction of the secretary that:

(a) The applicant meets the requirements of section 7 (1)(a), (b), (c), (d), and (4) of this act and is working toward the supervised experience requirements to become a certified peer specialist under this chapter; or

(b) The applicant is enrolled in an apprenticeship program registered and approved under chapter 49.04 RCW and approved by the secretary under section 3 of this act.

(2) An applicant seeking to become a certified peer specialist trainee under this section shall submit to the secretary for approval an attestation, in accordance with rules adopted by the department, that the certified peer specialist trainee is actively pursuing the supervised experience

requirements of section 7(1)(d) of this act. This attestation must be updated with the trainee's annual renewal.

(3) A certified peer specialist trainee certified under this section may practice only under the supervision of an approved supervisor. Supervision may be provided through distance supervision. Supervision may be provided by an approved supervisor who is employed by the same employer that employs the certified peer specialist trainee or by an arrangement made with a third-party approved supervisor to provide supervision, or a combination of both types of approved supervisors.

(4) A certified peer specialist trainee certificate is valid for one year and may only be renewed four times.

**NEW SECTION. Sec. 9.** (1) The date and location of written examinations must be established by the health care authority. Applicants who have been found by the health care authority to meet other requirements for obtaining a certificate must be scheduled for the next examination following the filing of the application. The health care authority shall establish by rule the examination application deadline.

(2) The health care authority shall administer written examinations to each applicant, by means determined most effective, on subjects appropriate to the scope of practice, as applicable. The examinations must be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) The examination materials, all grading of the materials, and the grading of any practical work must be preserved for a period of not less than one year after the health care authority has made and published the decisions. All examinations must be conducted under fair and wholly impartial methods.

(4) Any applicant failing to make the required grade in the first written examination may take up to three subsequent written examinations as the applicant desires upon prepaying a fee determined by the health care authority for each subsequent written examination. Upon failing four written examinations, the health care authority may invalidate the original application and require remedial education before the person may take future written examinations.

(5) The health care authority may approve a written examination prepared or administered by a private organization that credentials and renews credentials for peer counselors, or an association of credentialing agencies, for use by an applicant in meeting the credentialing requirements.

**NEW SECTION. Sec. 10.** The secretary shall establish, by rule, the requirements and fees for renewal of a certificate issued pursuant to this chapter. Fees must be established in accordance with RCW 43.70.110 and 43.70.250. Failure to renew the certificate invalidates the certificate and all privileges granted by the certificate.

If a certificate has lapsed for a period longer than three years, the person shall demonstrate competence to the satisfaction of the secretary by completing continuing competency requirements or meeting other standards determined by the secretary.

**NEW SECTION. Sec. 11.** (1) The department, in consultation with the advisory committee, shall conduct an assessment and submit a report to the governor and the committees of the legislature with jurisdiction over health policy issues by December 1, 2027.

(2) The report in subsection (1) of this section shall provide:

(a) An analysis of the adequacy of the supply of certified peer specialists serving as approved supervisors pursuant to section 2(2)(b) of this act with respect to the ability to meet the anticipated supervision needs of certified peer specialist trainees upon the expiration of behavioral health providers serving as approved supervisors pursuant to section 2(2)(a) of this act;

(b) An assessment of whether or not it is necessary to extend the expiration of behavioral health providers serving as approved supervisors pursuant to section 2(2)(a) of this act in order to meet the anticipated supervision needs of certified peer specialist trainees;

(c) Recommendations for increasing the supply of certified peer specialists serving as approved supervisors pursuant to section 2(2)(b) of this act, including any potential modifications to the requirements to become an approved supervisor; and

(d) Recommendations for alternative methods of providing supervision to certified peer specialist trainees, including options for team-based supervision that incorporate supervision from both behavioral health providers serving as approved supervisors pursuant to section 2(2)(a) of this act and certified peer specialists serving as approved supervisors pursuant to section 2(2)(b) of this act.

**NEW SECTION. Sec. 12.** The uniform disciplinary act, chapter 18.130 RCW, governs uncertified practice of peer support services, the issuance and denial of certificates, and the discipline of certified peer specialists and certified peer specialist trainees under this chapter.

**NEW SECTION. Sec. 13.** A new section is added to chapter 71.24 RCW to read as follows:

(1)(a) By January 1, 2025, the authority must develop a course of instruction to become a certified peer specialist under chapter 18.--- RCW (the new chapter created in section 22 of this act). The course must be approximately 80 hours in duration and based upon the curriculum offered by the authority in its peer counselor training as of the effective date of this section, as well as additional instruction in the principles of recovery coaching and suicide prevention. The authority shall establish a peer engagement process to receive suggestions regarding subjects to be covered

in the 80-hour curriculum beyond those addressed in the peer counselor training curriculum and recovery coaching and suicide prevention curricula, including the cultural appropriateness of the 80-hour training. The education course must be taught by certified peer specialists. The education course must be offered by the authority with sufficient frequency to accommodate the demand for training and the needs of the workforce. The authority must establish multiple configurations for offering the education course, including offering the course as an uninterrupted course with longer class hours held on consecutive days for students seeking accelerated completion of the course and as an extended course with reduced daily class hours, possibly with multiple days between classes, to accommodate students with other commitments. Upon completion of the education course, the student must pass an oral examination administered by the course trainer.

(b) The authority shall develop an expedited course of instruction that consists of only those portions of the curriculum required under (a) of this subsection that exceed the authority's certified peer counselor training curriculum as it exists on the effective date of this section. The expedited training shall focus on assisting persons who completed the authority's certified peer counselor training as it exists on the effective date of this section to meet the education requirements for certification under section 7 of this act.

(2) By January 1, 2025, the authority must develop a training course for certified peer specialists providing supervision to certified peer specialist trainees under section 8 of this act.

(3)(a) By July 1, 2025, the authority shall offer a 40-hour specialized training course in peer crisis response services for individuals employed as peers who work with individuals who may be experiencing a behavioral health crisis. When offering the training course, priority for enrollment must be given to certified peer specialists employed in a crisis-related setting, including entities identified in (b) of this subsection. The training shall incorporate best practices for responding to 988 behavioral health crisis line calls, as well as processes for co-response with law enforcement when necessary.

(b) Beginning July 1, 2025, any entity that uses certified peer specialists as peer crisis responders, may only use certified peer specialists who have completed the training course established by (a) of this subsection. A behavioral health agency that uses certified peer specialists to work as peer crisis responders must maintain the records of the completion of the training course for those certified peer specialists who provide these services and make the records available to the state agency for auditing or certification purposes.

(4) By July 1, 2025, the authority shall offer a course designed to inform licensed or certified behavioral health agencies of the benefits of incorporating certified peer specialists and certified peer specialist trainees into their clinical staff and best

practices for incorporating their services. The authority shall encourage entities that hire certified peer specialists and certified peer specialist trainees, including licensed or certified behavioral health agencies, hospitals, primary care offices, and other entities, to have appropriate staff attend the training by making it available in multiple formats.

(5) The authority shall:

(a) Hire clerical, administrative, investigative, and other staff as needed to implement this section to serve as examiners for any practical oral or written examination and assure that the examiners are trained to administer examinations in a culturally appropriate manner and represent the diversity of applicants being tested. The authority shall adopt procedures to allow for appropriate accommodations for persons with a learning disability, other disabilities, and other needs and assure that staff involved in the administration of examinations are trained on those procedures;

(b) Develop oral and written examinations required under this section. The initial examinations shall be adapted from those used by the authority as of the effective date of this section and modified pursuant to input and comments from the Washington state peer specialist advisory committee. The authority shall assure that the examinations are culturally appropriate;

(c) Prepare, grade, and administer, or supervise the grading and administration of written examinations for obtaining a certificate;

(d) Approve entities to provide the educational courses required by this section and approve entities to prepare, grade, and administer written examinations for the educational courses required by this section. In establishing approval criteria, the authority shall consider the recommendations of the Washington state peer specialist advisory committee;

(e) Develop examination preparation materials and make them available to students enrolled in the courses established under this section in multiple formats, including specialized examination preparation support for students with higher barriers to passing the written examination; and

(f) The authority shall administer, through contract, a program to link eligible persons in recovery from behavioral health challenges who are seeking employment as peers with employers seeking to hire peers, including certified peer specialists. The authority must contract for this program with an organization that provides peer workforce development, peer coaching, and other peer supportive services. The contract must require the organization to create and maintain a statewide database which is easily accessible to eligible persons in recovery who are seeking employment as peers and potential employers seeking to hire peers, including certified peer specialists. The program must be fully implemented by July 1, 2024.

(6) For the purposes of this section, the term "peer crisis responder" means a peer specialist certified under chapter 18.---



RCW (the new chapter created in section 22 of this act) who has completed the training under subsection (3) of this section whose job involves responding to behavioral health emergencies, including those dispatched through a 988 crisis hotline or the 911 system.

**NEW SECTION. Sec. 14.** A new section is added to chapter 71.24 RCW to read as follows:

Behavioral health agencies must reduce the caseload for approved supervisors who are providing supervision to certified peer specialist trainees seeking certification under chapter 18.--- RCW (the new chapter created in section 22 of this act), in accordance with standards established by the Washington state certified peer specialist advisory committee.

**NEW SECTION. Sec. 15.** A new section is added to chapter 71.24 RCW to read as follows:

(1) Beginning January 1, 2027, a person who engages in the practice of peer support services and who bills a health carrier or medical assistance or whose employer bills a health carrier or medical assistance for those services must hold an active credential as a certified peer specialist or certified peer specialist trainee under chapter 18.--- RCW (the new chapter created in section 22 of this act).

(2) A person who is registered as an agency-affiliated counselor under chapter 18.19 RCW who engages in the practice of peer support services and whose agency, as defined in RCW 18.19.020, bills medical assistance for those services must hold a certificate as a certified peer specialist or certified peer specialist trainee under chapter 18.--- RCW (the new chapter created in section 22 of this act) no later than January 1, 2027.

**NEW SECTION. Sec. 16.** A new section is added to chapter 48.43 RCW to read as follows:

By July 1, 2026, each carrier shall provide access to services provided by certified peer specialists and certified peer specialist trainees in a manner sufficient to meet the network access standards set forth in rules established by the office of the insurance commissioner.

**Sec. 17.** RCW 18.130.040 and 2021 c 179 s 7 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) Acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates— independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xiv) Substance use disorder professionals, substance use disorder professional trainees, or co-occurring disorder specialists certified under chapter 18.205 RCW;

(xv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xviii) Surgical technologists registered under chapter 18.215 RCW;

(xix) Recreational therapists under chapter 18.230 RCW;

(xx) Animal massage therapists certified under chapter 18.240 RCW;

(xxi) Athletic trainers licensed under chapter 18.250 RCW;

(xxii) Home care aides certified under chapter 18.88B RCW;

(xxiii) Genetic counselors licensed under chapter 18.290 RCW;

(xxiv) Reflexologists certified under chapter 18.108 RCW;

(xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW; ~~((and))~~

(xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW; and

(xxvii) Certified peer specialists and certified peer specialist trainees under chapter 18.--- RCW (the new chapter created in section 22 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, and certifications issued under chapter 18.350 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;

(viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The Washington medical commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW;

(xv) The board of naturopathy established in chapter 18.36A RCW, governing licenses and certifications issued under that chapter; and

(xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

**Sec. 18.** RCW 18.130.040 and 2022 c 217 s 5 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) Acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates— independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xiv) Substance use disorder professionals, substance use disorder professional trainees, or co-occurring disorder specialists certified under chapter 18.205 RCW;

(xv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xviii) Surgical technologists registered under chapter 18.215 RCW;

(xix) Recreational therapists under chapter 18.230 RCW;

(xx) Animal massage therapists certified under chapter 18.240 RCW;

(xxi) Athletic trainers licensed under chapter 18.250 RCW;

(xxii) Home care aides certified under chapter 18.88B RCW;

(xxiii) Genetic counselors licensed under chapter 18.290 RCW;

(xxiv) Reflexologists certified under chapter 18.108 RCW;

(xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW;

(xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW; (~~and~~)

(xxvii) Birth doula certified under chapter 18.47 RCW; and

(xxviii) Certified peer specialists and certified peer specialist trainees under chapter 18.--- RCW (the new chapter created in section 22 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, and certifications issued under chapter 18.350 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;

(viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The Washington medical commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW;

(xv) The board of naturopathy established in chapter 18.36A RCW, governing licenses and certifications issued under that chapter; and

(xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

**Sec. 19.** RCW 18.130.175 and 2022 c 43 s 10 are each amended to read as follows:

(1) In lieu of disciplinary action under RCW 18.130.160 and if the disciplining authority determines that the unprofessional conduct may be the result of an applicable impairing or potentially impairing health condition, the disciplining authority may refer the license holder to a physician health program or a voluntary substance use disorder monitoring program approved by the disciplining authority.

The cost of evaluation and treatment shall be the responsibility of the license holder, but the responsibility does not preclude payment by an employer, existing insurance coverage, or other sources. Evaluation and treatment shall be provided by providers approved by the entity or the commission. The disciplining authority may also approve the use of out-of-state programs. Referral of the license holder to the physician health program or voluntary substance use disorder monitoring program shall be done only with the consent of the license holder. Referral to the physician health program or voluntary substance use disorder monitoring program may also include probationary conditions for a designated period of time. If the license holder does not consent to be referred to the program or does not successfully complete the program, the disciplining authority may take appropriate action under RCW 18.130.160 which includes suspension of the license unless or until the disciplining authority, in consultation with the director of the applicable program, determines the license holder is able to practice safely. The secretary shall adopt uniform rules for the evaluation by the disciplining authority of return to substance use or program violation on the part of a license holder in the program. The evaluation shall encourage program participation with additional conditions, in lieu of disciplinary action, when the disciplining authority determines that the license holder is able to continue to practice with reasonable skill and safety.

(2) In addition to approving the physician health program or the voluntary substance use disorder monitoring program that may receive referrals from the disciplining authority, the disciplining authority may establish by rule requirements for participation of license holders who are not being investigated or monitored by the disciplining authority. License holders voluntarily participating in the approved programs without being referred by the disciplining authority shall not be subject to disciplinary action under RCW 18.130.160 for their impairing or potentially impairing health condition, and shall not have their participation made known to the disciplining authority, if they meet the requirements of this section and the program in which they are participating.

(3) The license holder shall sign a waiver allowing the program to release information to the disciplining authority if the licensee does not comply with the requirements of this section or is unable to practice with reasonable skill or safety. The physician health program or voluntary

substance use disorder program shall report to the disciplining authority any license holder who fails to comply with the requirements of this section or the program or who, in the opinion of the program, is unable to practice with reasonable skill or safety. License holders shall report to the disciplining authority if they fail to comply with this section or do not complete the program's requirements. License holders may, upon the agreement of the program and disciplining authority, reenter the program if they have previously failed to comply with this section.

(4) Program records including, but not limited to, case notes, progress notes, laboratory reports, evaluation and treatment records, electronic and written correspondence within the program, and between the program and the participant or other involved entities including, but not limited to, employers, credentialing bodies, referents, or other collateral sources, relating to license holders referred to or voluntarily participating in approved programs are confidential and exempt from disclosure under chapter 42.56 RCW and shall not be subject to discovery by subpoena or admissible as evidence except:

(a) To defend any civil action by a license holder regarding the restriction or revocation of that individual's clinical or staff privileges, or termination of a license holder's employment. In such an action, the program will, upon subpoena issued by either party to the action, and upon the requesting party seeking a protective order for the requested disclosure, provide to both parties of the action written disclosure that includes the following information:

(i) Verification of a health care professional's participation in the physician health program or voluntary substance use disorder monitoring program as it relates to aspects of program involvement at issue in the civil action;

(ii) The dates of participation;

(iii) Whether or not the program identified an impairing or potentially impairing health condition;

(iv) Whether the health care professional was compliant with the requirements of the physician health program or voluntary substance use disorder monitoring program; and

(v) Whether the health care professional successfully completed the physician health program or voluntary substance use disorder monitoring program; and

(b) Records provided to the disciplining authority for cause as described in subsection (3) of this section. Program records relating to license holders mandated to the program, through order or by stipulation, by the disciplining authority or relating to license holders reported to the disciplining authority by the program for cause, must be released to the disciplining authority at the request of the disciplining authority. Records held by the disciplining authority under this section are exempt from chapter 42.56 RCW and are not subject to discovery by subpoena except by the license holder.

(5) This section does not affect an employer's right or ability to make employment-related decisions regarding a license holder. This section does not restrict the authority of the disciplining authority to take disciplinary action for any other unprofessional conduct.

(6) A person who, in good faith, reports information or takes action in connection with this section is immune from civil liability for reporting information or taking the action.

(a) The immunity from civil liability provided by this section shall be liberally construed to accomplish the purposes of this section, and applies to both license holders and students and trainees when students and trainees of the applicable professions are served by the program. The persons entitled to immunity shall include:

(i) An approved physician health program or voluntary substance use disorder monitoring program;

(ii) The professional association affiliated with the program;

(iii) Members, employees, or agents of the program or associations;

(iv) Persons reporting a license holder as being possibly impaired or providing information about the license holder's impairment; and

(v) Professionals supervising or monitoring the course of the program participant's treatment or rehabilitation.

(b) The courts are strongly encouraged to impose sanctions on program participants and their attorneys whose allegations under this subsection are not made in good faith and are without either reasonable objective, substantive grounds, or both.

(c) The immunity provided in this section is in addition to any other immunity provided by law.

(7) In the case of a person who is applying to be a substance use disorder professional or substance use disorder professional trainee certified under chapter 18.205 RCW, an agency affiliated counselor registered under chapter 18.19 RCW, or a peer specialist or peer specialist trainee certified under chapter 18.--- RCW (the new chapter created in section 22 of this act), if the person is:

(a) Less than one year in recovery from a substance use disorder, the duration of time that the person may be required to participate in an approved substance use disorder monitoring program may not exceed the amount of time necessary for the person to achieve one year in recovery; or

(b) At least one year in recovery from a substance use disorder, the person may not be required to participate in the approved substance use disorder monitoring program.

(8) ~~((In the case of a person who is applying to be an agency affiliated counselor registered under chapter 18.19 RCW and practices or intends to practice as a peer counselor in an agency, as defined in RCW 18.19.020, if the person is:~~

~~(a) Less than one year in recovery from a substance use disorder, the duration of time that the person may be required to participate in the approved substance use disorder monitoring program may not exceed~~

~~the amount of time necessary for the person to achieve one year in recovery; or~~

~~(b) At least one year in recovery from a substance use disorder, the person may not be required to participate in the approved substance use disorder monitoring program))The provisions of subsection (7) of this section apply to any person employed as a peer specialist as of July 1, 2025, participating in a program under this section as of July 1, 2025, and applying to become a certified peer specialist under section 7 of this act, regardless of when the person's participation in a program began. To this extent, subsection (7) of this section applies retroactively, but in all other respects it applies prospectively.~~

**Sec. 20.** RCW 43.43.842 and 2021 c 215 s 150 are each amended to read as follows:

(1)(a) The secretary of social and health services and the secretary of health shall adopt additional requirements for the licensure or relicensure of agencies, facilities, and licensed individuals who provide care and treatment to vulnerable adults, including nursing pools registered under chapter 18.52C RCW. These additional requirements shall ensure that any person associated with a licensed agency or facility having unsupervised access with a vulnerable adult shall not be the respondent in an active vulnerable adult protection order under chapter 7.105 RCW, nor have been: (i) Convicted of a crime against children or other persons as defined in RCW 43.43.830, except as provided in this section; (ii) convicted of crimes relating to financial exploitation as defined in RCW 43.43.830, except as provided in this section; or (iii) found in any disciplinary board final decision to have abused a vulnerable adult as defined in RCW 43.43.830.

(b) A person associated with a licensed agency or facility who has unsupervised access with a vulnerable adult shall make the disclosures specified in RCW 43.43.834(2). The person shall make the disclosures in writing, sign, and swear to the contents under penalty of perjury. The person shall, in the disclosures, specify all crimes against children or other persons, all crimes relating to financial exploitation, and all crimes relating to drugs as defined in RCW 43.43.830, committed by the person.

(2) The rules adopted under this section shall permit the licensee to consider the criminal history of an applicant for employment in a licensed facility when the applicant has one or more convictions for a past offense and:

(a) The offense was simple assault, assault in the fourth degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) The offense was prostitution, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) The offense was theft in the third degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(d) The offense was theft in the second degree, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(e) The offense was forgery, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(f) The department of social and health services reviewed the employee's otherwise disqualifying criminal history through the department of social and health services' background assessment review team process conducted in 2002, and determined that such employee could remain in a position covered by this section; or

(g) The otherwise disqualifying conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure.

The offenses set forth in (a) through (g) of this subsection do not automatically disqualify an applicant from employment by a licensee. Nothing in this section may be construed to require the employment of any person against a licensee's judgment.

(3) The rules adopted pursuant to subsection (2) of this section may not allow a licensee to automatically deny an applicant with a conviction for an offense set forth in subsection (2) of this section for a position as a substance use disorder professional or substance use disorder professional trainee certified under chapter 18.205 RCW, as an agency affiliated counselor registered under chapter 18.19 RCW practicing as a peer counselor in an agency or facility, or as a peer specialist or peer specialist trainee certified under chapter 18.--- RCW (the new chapter created in section 22 of this act), if:

(a) At least one year has passed between the applicant's most recent conviction for an offense set forth in subsection (2) of this section and the date of application for employment;

(b) The offense was committed as a result of the applicant's substance use or untreated mental health symptoms; and

(c) The applicant is at least one year in recovery from a substance use disorder, whether through abstinence or stability on medication-assisted therapy, or in recovery from a mental health disorder.

~~(4) ((The rules adopted pursuant to subsection (2) of this section may not allow a licensee to automatically deny an applicant with a conviction for an offense set forth in subsection (2) of this section for a position as an agency affiliated counselor registered under chapter 18.19 RCW practicing as a peer counselor in an agency or facility if:~~

~~(a) At least one year has passed between the applicant's most recent conviction for an offense set forth in subsection (2) of this section and the date of application for employment;~~

~~(b) The offense was committed as a result of the person's substance use or untreated mental health symptoms; and~~

~~(c) The applicant is at least one year in recovery from a substance use disorder, whether through abstinence or stability on medication-assisted therapy, or in recovery from mental health challenges.~~

(5)) In consultation with law enforcement personnel, the secretary of social and health services and the secretary of health shall investigate, or cause to be investigated, the conviction record and the protection proceeding record information under this chapter of the staff of each agency or facility under their respective jurisdictions seeking licensure or relicensure. An individual responding to a criminal background inquiry request from his or her employer or potential employer shall disclose the information about his or her criminal history under penalty of perjury. The secretaries shall use the information solely for the purpose of determining eligibility for licensure or relicensure. Criminal justice agencies shall provide the secretaries such information as they may have and that the secretaries may require for such purpose.

**Sec. 21.** RCW 43.70.250 and 2019 c 415 s 966 are each amended to read as follows:

(1) It shall be the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business.

(2) The secretary shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations, or businesses administered by the department. Any and all fees or assessments, or both, levied on the state to cover the costs of the operations and activities of the interstate health professions licensure compacts with participating authorities listed under chapter 18.130 RCW shall be borne by the persons who hold licenses issued pursuant to the authority and procedures established under the compacts. In fixing said fees, the secretary shall set the fees for each program at a sufficient level to defray the costs of administering that program and the cost of regulating licensed volunteer medical workers in accordance with RCW 18.130.360, except as provided in RCW 18.79.202. In no case may the secretary (~~increase a licensing fee for an ambulatory surgical facility licensed under chapter 70.230 RCW during the 2019-2021 fiscal biennium, nor may he or she commence the adoption of rules to increase a licensing fee during the 2019-2021 fiscal biennium~~) impose any certification, examination, or renewal fee upon a person seeking certification as a certified peer specialist trainee under chapter 18.--- RCW (the new chapter created in section 22 of this act) or, between July 1, 2025, and July 1, 2030, impose a certification, examination, or renewal fee of more than

\$100 upon any person seeking certification as a certified peer specialist under chapter 18.--- RCW (the new chapter created in section 22 of this act).

(3) All such fees shall be fixed by rule adopted by the secretary in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. **Sec. 22.** Sections 1 through 12 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. **Sec. 23.** Section 17 of this act expires October 1, 2023.

NEW SECTION. **Sec. 24.** Section 18 of this act takes effect October 1, 2023.

NEW SECTION. **Sec. 25.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Davis; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Couture; Dye; and Schmick.

Referred to Committee on Rules for second reading

April 4, 2023

E2SSB 5580 Prime Sponsor, Ways & Means: Improving maternal health outcomes. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 74.09 RCW to read as follows:

(1) By no later than January 1, 2025, the authority shall create a postdelivery and transitional care program that allows for extended postdelivery hospital care for people with a substance use disorder at the time of delivery. The authority shall:

(a) Allow for up to five additional days of hospitalization stay for the birth parent;

(b) Provide the birth parent access to integrated care and medical services including, but not limited to, access to clinical health, medication management, behavioral health, addiction medicine,

specialty consultations, and psychiatric providers;

(c) Provide the birth parent access to social work support which includes coordination with the department of children, youth, and families to develop a plan for safe care;

(d) Allow dedicated time for health professionals to assist in facilitating early bonding between the birth parent and infant by helping the birth parent recognize and respond to their infant's cues; and

(e) Establish provider requirements and pay only those qualified providers for the services provided through the program.

(2) In administering the program, the authority shall seek any available federal financial participation under the medical assistance program, as codified at Title XIX of the federal social security act, the state children's health insurance program, as codified at Title XXI of the federal social security act, and any other federal funding sources that are now available or may become available.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.09 RCW to read as follows:

(1) Subject to the amounts appropriated for this specific purpose, the authority shall update the maternity support services program to address perinatal outcomes and increase equity and healthier birth outcomes. By January 1, 2025, the authority shall:

(a) Update current screening tools to be culturally relevant, include current risk factors, ensure the tools address health equity, and include questions identifying various social determinants of health that impact a healthy birth outcome and improve health equity;

(b) Ensure care coordination, including sharing screening tools with the patient's health care providers as necessary;

(c) Develop a mechanism to collect the results of the maternity support services screenings and evaluate the outcomes of the program. At minimum, the program evaluation shall:

(i) Identify gaps, strengths, and weaknesses of the program; and

(ii) Make recommendations for how the program may improve to better align with the authority's maternal and infant health initiatives; and

(d) Increase the allowable benefit and reimbursement rates with the goal of increasing utilization of services to all eligible maternity support services clients who choose to receive the services.

(2) The authority shall adopt rules to implement this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 74.09 RCW to read as follows:

By November 1, 2023, the income standards for a pregnant person eligible for Washington apple health pregnancy coverage shall have countable income equal to or below 210 percent of the federal poverty level.

**Sec. 4.** RCW 74.09.830 and 2021 c 90 s 2 are each amended to read as follows:

(1) The authority shall extend health care coverage from 60 days postpartum to one year postpartum for pregnant or postpartum persons who, on or after the expiration date of the federal public health emergency declaration related to COVID-19, are receiving postpartum coverage provided under this chapter.

(2) By June 1, 2022, the authority must:

(a) Provide health care coverage to postpartum persons who reside in Washington state, have countable income equal to or below 193 percent of the federal poverty level, and are not otherwise eligible under Title XIX or Title XXI of the federal social security act; and

(b) Ensure all persons approved for pregnancy or postpartum coverage at any time are continuously eligible for postpartum coverage for 12 months after the pregnancy ends regardless of whether they experience a change in income during the period of eligibility.

(3) By November 1, 2023, the income standards for a postpartum person eligible for Washington apple health pregnancy or postpartum coverage shall have countable income equal to or below 210 percent of the federal poverty level.

(4) Health care coverage under this section must be provided during the 12-month period beginning on the last day of the pregnancy.

((4)) (5) The authority shall not provide health care coverage under this section to individuals who are eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act. Health care coverage for these individuals shall be provided by a program that is funded by Title XIX or Title XXI of the federal social security act. Further, the authority shall make every effort to expedite and complete eligibility determinations for individuals who are presumptively eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act to ensure the state is receiving the maximum federal match. This includes, but is not limited to, working with the managed care organizations to provide continuous outreach in various modalities until the individual's eligibility determination is completed. Beginning January 1, 2022, the authority must submit quarterly reports to the caseload forecast work group on the number of individuals who are presumptively eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act but are awaiting for the authority to complete eligibility determination, the number of individuals who were presumptively eligible but are now receiving health care coverage with the maximum federal match under Title XIX or Title XXI of the federal social security act, and outreach activities including the work with managed care organizations.

((5)) (6) To ensure continuity of care and maximize the efficiency of the program, the amount and scope of health care services provided to individuals under this section must be the same as that provided to

pregnant and postpartum persons under medical assistance, as defined in RCW 74.09.520.

((+6+)) (7) In administering this program, the authority must seek any available federal financial participation under the medical assistance program, as codified at Title XIX of the federal social security act, the state children's health insurance program, as codified at Title XXI of the federal social security act, and any other federal funding sources that are now available or may become available. This includes, but is not limited to, ensuring the state is receiving the maximum federal match for individuals who are presumptively eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act by expediting completion of the individual's eligibility determination.

((+7+)) (8) Working with stakeholder and community organizations and the Washington health benefit exchange, the authority must establish a comprehensive community education and outreach campaign to facilitate applications for and enrollment in the program or into a more appropriate program where the state receives maximum federal match. Subject to the availability of amounts appropriated for this specific purpose, the education and outreach campaign must provide culturally and linguistically accessible information to facilitate participation in the program, including but not limited to enrollment procedures, program services, and benefit utilization.

((+8+)) (9) Beginning January 1, 2022, the managed care organizations contracted with the authority to provide postpartum coverage must annually report to the legislature on their work to improve maternal health for enrollees, including but not limited to postpartum services offered to enrollees, the percentage of enrollees utilizing each postpartum service offered, outreach activities to engage enrollees in available postpartum services, and efforts to collect eligibility information for the authority to ensure the enrollee is in the most appropriate program for the state to receive the maximum federal match.

NEW SECTION. **Sec. 5.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

E2SSB 5582

Prime Sponsor, Ways & Means: Reducing barriers and expanding educational opportunities to increase the supply of nurses in Washington. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 4, 2023

ESSB 5583

Prime Sponsor, Transportation: Improving young driver safety. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 46.20 RCW to read as follows:

(1)(a) Beginning July 1, 2025, to obtain a driver's license under this section, a person at least 18 years of age but under 21 years of age must, in addition to other skills and examination requirements as prescribed by the department, satisfactorily complete one of the driver training education course options provided in (c) of this subsection.

(b) Beginning July 1, 2028, a person at least 21 years of age but under 25 years of age must, in addition to other skills and examination requirements as prescribed by the department, satisfactorily complete one of the driver training education course options provided in (c) of this subsection.

(c) To satisfy the driver training education course requirements under (a) or (b) of this subsection, a person must complete one of the following:

(i) A driver training education course as defined in RCW 28A.220.020;

(ii) A driver training education course as defined by the department and offered by a driver training school licensed under chapter 46.82 RCW;

(iii) A condensed traffic safety education course as defined by the department and offered by a driver training school licensed under chapter 46.82 RCW; or

(iv) An online, self-paced condensed traffic safety education course as defined by the department and offered by a driver training school licensed under chapter 46.82 RCW. A person that satisfactorily completes an online, self-paced condensed traffic safety education course under this subsection (1)(a)(iv) must complete at least three hours of behind-the-wheel instruction.

(d) The course offered by a school district or an approved private school must be part of a traffic safety education



program authorized by the office of the superintendent of public instruction and certified under chapter 28A.220 RCW. The course offered by a driver training school and the online, self-paced condensed traffic safety education course must meet the standards established by the department under chapter 46.82 RCW.

(2) To meet the traffic safety education requirement for a motorcycle endorsement, the applicant must successfully complete a motorcycle safety education course that meets the standards established by the department.

(3)(a) The department may waive the driver training education course requirement for a driver's license under subsection (1) of this section if the applicant demonstrates to the department's satisfaction that:

(i) He or she was unable to take or complete a driver training education course;

(ii) A need exists for the applicant to operate a motor vehicle; and

(iii) He or she has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property.

(b) The department may adopt rules to implement this subsection (3) in concert with the supervisor of the traffic safety education section of the office of the superintendent of public instruction.

(4) The department may waive the driver training education course requirement if the applicant was licensed to drive a motor vehicle or motorcycle from a reciprocal jurisdiction outside this state or provides proof that they have had education, from a reciprocal jurisdiction, equivalent to that required under this section.

(5) The department is required to provide broad and accessible public outreach and education, to begin no later than January 1, 2025, to communicate to Washington state residents the driver training education requirements mandated under this section and to provide tools to assist them in accessing driver training education courses, condensed traffic safety education courses, and online, self-paced condensed traffic safety education courses, that satisfy the requirements of subsection (1) of this section.

(6) The department must provide updates on the implementation of these new requirements, including an assessment of progress made by the department on preparations for the new requirements taking effect and public and private resource availability for the expansion of driver training education requirements. These updates are required to include the total number of licensed driver training schools and traffic safety education programs in the state, by geographical region; the number of licensed driver trainer school instructors; the number of licensed driver trainer instructors; and plans for satisfying the public outreach and education requirements of subsection (5) of this section. These updates must be provided to the transportation committees of the legislature by January 2, 2024, and January 2, 2025.

(7) The department, in coordination with the Washington state traffic safety

commission, must provide an annual report to the transportation committees of the legislature by July 1, 2027, and July 1, 2028. The annual reports must include updates on program implementation related to the new requirements; traffic safety impacts resulting from the new requirements; and feedback that the department has received from the public on the new requirements, including through public outreach efforts.

**Sec. 2.** RCW 46.20.075 and 2011 c 60 s 44 are each amended to read as follows:

(1) An intermediate license authorizes the holder to drive a motor vehicle under the conditions specified in this section. An applicant for an intermediate license must be at least ~~((sixteen))~~ 16 years of age and:

(a) Have possessed a valid instruction permit for a period of not less than six months;

(b) Have passed a driver licensing examination administered by the department;

(c) Have passed a course of driver's education in accordance with the standards established in RCW 46.20.100;

(d) Present certification by his or her parent, guardian, or employer to the department stating (i) that the applicant has had at least ~~((fifty))~~ 50 hours of driving experience, ~~((ten))~~ 10 of which were at night, during which the driver was supervised by a person at least ~~((twenty-one))~~ 21 years of age who has had a valid driver's license for at least three years, and (ii) that the applicant has not been issued a notice of traffic infraction or cited for a traffic violation that is pending at the time of the application for the intermediate license;

(e) Not have been convicted of or found to have committed a traffic violation within the last six months before the application for the intermediate license; and

(f) Not have been adjudicated for an offense involving the use of alcohol or drugs during the period the applicant held an instruction permit.

(2) For the first six months after the issuance of an intermediate license or until the holder reaches ~~((eighteen))~~ 18 years of age, whichever occurs first, the holder of the license may not operate a motor vehicle that is carrying any passengers under the age of ~~((twenty))~~ 20 who are not members of the holder's immediate family as defined in RCW 42.17A.005. For the remaining period of the intermediate license, the holder may not operate a motor vehicle that is carrying more than three passengers who are under the age of ~~((twenty))~~ 20 who are not members of the holder's immediate family.

(3) The holder of an intermediate license may not operate a motor vehicle between the hours of 1 a.m. and 5 a.m. except (a) when the holder is accompanied by ((a parent, guardian, or)) a licensed driver who is at least ((twenty-five)) 25 years of age, or (b) for school, religious, or employment activities for the holder or a member of the holder's immediate family as defined in RCW 42.17A.005.

(4) The holder of an intermediate license may not operate a moving motor vehicle while using a wireless communications device

unless the holder is using the device to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property.

(5) It is a traffic infraction for the holder of an intermediate license to operate a motor vehicle in violation of the restrictions imposed under this section.

(6) Except for a violation of subsection (4) of this section, enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this title or an equivalent local ordinance or some other offense.

(7) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if necessary for agricultural purposes.

(8) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if, for the ~~((twelve-month))~~ 12-month period following the issuance of the intermediate license, he or she:

(a) Has not been involved in an accident involving only one motor vehicle;

(b) Has not been involved in an accident where he or she was cited in connection with the accident or was found to have caused the accident;

(c) Has not been involved in an accident where no one was cited or was found to have caused the accident; and

(d) Has not been convicted of or found to have committed a traffic offense described in chapter 46.61 RCW or violated restrictions placed on an intermediate licensee under this section.

**Sec. 3.** RCW 46.20.100 and 2017 c 197 s 7 are each amended to read as follows:

(1) **Application.** The application of a person under the age of ~~((eighteen))~~ 18 years for a driver's license or a motorcycle endorsement must be signed by a parent or guardian with custody of the minor. If the person under the age of ~~((eighteen))~~ 18 has no father, mother, or guardian, then the application must be signed by the minor's employer.

(2) **Traffic safety education requirement.** For a person under the age of ~~((eighteen))~~ 18 years to obtain a driver's license, he or she must meet the traffic safety education requirements of this subsection.

(a) To meet the traffic safety education requirement for a driver's license, the applicant must satisfactorily complete a driver training education course as defined in RCW 28A.220.020 for a course offered by a school district or approved private school, or as defined by the department of licensing for a course offered by a driver training school licensed under chapter 46.82 RCW. The course offered by a school district or an approved private school must be part of a traffic safety education program authorized by the office of the superintendent of public instruction and certified under chapter 28A.220 RCW. The course offered by a driver training school must meet the standards established by the department of licensing under chapter 46.82 RCW. The

driver training education course may be provided by:

(i) A secondary school within a school district or approved private school that establishes and maintains an approved and certified traffic safety education program under chapter 28A.220 RCW; or

(ii) A driver training school licensed under chapter 46.82 RCW that is annually approved by the department of licensing.

(b) To meet the traffic safety education requirement for a motorcycle endorsement, the applicant must successfully complete a motorcycle safety education course that meets the standards established by the department of licensing.

(c) The department may waive the driver training education course requirement for a driver's license if the applicant demonstrates to the department's satisfaction that:

(i) He or she was unable to take or complete a driver training education course;

(ii) A need exists for the applicant to operate a motor vehicle; and

(iii) He or she has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property.

The department may adopt rules to implement this subsection (2)(c) in concert with the supervisor of the traffic safety education section of the office of the superintendent of public instruction.

(d) The department may waive the driver training education course requirement if the applicant was licensed to drive a motor vehicle or motorcycle from a reciprocal jurisdiction outside this state ~~((and))~~ or provides proof that he or she has had education equivalent, from a reciprocal jurisdiction, to that required under this subsection.

**Sec. 4.** RCW 46.82.280 and 2017 c 197 s 8 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Behind-the-wheel instruction" means instruction in an approved driver training school instruction vehicle according to and inclusive of the required curriculum. Behind-the-wheel instruction is characterized by driving experience.

(2) "Classroom" means a space dedicated to and used exclusively by a driver training instructor for the instruction of students. With prior department approval, a branch office classroom may be located within alternative facilities, such as a public or private library, school, community college, college or university, or a business training facility.

(3) "Classroom instruction" means that portion of a traffic safety education course that is characterized by in-person classroom-based student instruction or virtual classroom-based student instruction with a live instructor using the required curriculum conducted by or under the direct supervision of a licensed instructor or licensed instructors. Classroom instruction may include self-paced, online components as

authorized and certified by the department of licensing.

~~((4))~~ (6) "Condensed traffic safety education course" means a course of instruction in traffic safety education, intended for novice drivers at least 18 years of age but under 25 years of age, approved and licensed by the department of licensing that consists of at least eight hours of classroom instruction and three hours of behind-the-wheel instruction that follows the approved curriculum as determined in rule.

~~((5))~~ (7) "Director" means the director of the department of licensing of the state of Washington.

~~((5))~~ (6) "Driver training education course" means a course of instruction in traffic safety education approved and licensed by the department of licensing that consists of classroom and behind-the-wheel instruction that follows the approved curriculum.

~~((6))~~ (7) "Driver training school" means a commercial driver training school engaged in the business of giving instruction, for a fee, in the operation of automobiles.

~~((7))~~ (8) "Enrollment" means the collecting of a fee or the signing of a contract for a driver training education course. "Enrollment" does not include the collecting of names and contact information for enrolling students once a driver training school is licensed to instruct.

~~((8))~~ (9) "Fraudulent practices" means any conduct or representation on the part of a driver training school owner or instructor including:

(a) Inducing anyone to believe, or to give the impression, that a license to operate a motor vehicle or any other license granted by the director may be obtained by any means other than those prescribed by law, or furnishing or obtaining the same by illegal or improper means, or requesting, accepting, or collecting money for such purposes;

(b) Operating a driver training school without a license, providing instruction without an instructor's license, verifying enrollment prior to being licensed, misleading or false statements on applications for a commercial driver training school license or instructor's license or on any required records or supporting documentation;

(c) Failing to fully document and maintain all required driver training school records of instruction, school operation, and instructor training;

(d) Issuing a driver training course certificate without requiring completion of the necessary behind-the-wheel and classroom instruction.

~~((9))~~ (10) "Instructor" means any person employed by or otherwise associated with a driver training school to instruct persons in the operation of an automobile.

~~((10))~~ (11) "Owner" means an individual, partnership, corporation, association, or other person or group that holds a substantial interest in a driver training school.

~~((11))~~ (12) "Person" means any individual, firm, corporation, partnership, or association.

~~((12))~~ (13) "Place of business" means a designated location at which the business of a driver training school is transacted or its records are kept.

~~((13))~~ (14) "Student" means any person enrolled in an approved driver training course.

~~((14))~~ (15) "Substantial interest holder" means a person who has actual or potential influence over the management or operation of any driver training school. Evidence of substantial interest includes, but is not limited to, one or more of the following:

(a) Directly or indirectly owning, operating, managing, or controlling a driver training school or any part of a driver training school;

(b) Directly or indirectly profiting from or assuming liability for debts of a driver training school;

(c) Is an officer or director of a driver training school;

(d) Owning ~~((ten))~~ 10 percent or more of any class of stock in a privately or closely held corporate driver training school, or five percent or more of any class of stock in a publicly traded corporate driver training school;

(e) Furnishing ~~((ten))~~ 10 percent or more of the capital, whether in cash, goods, or services, for the operation of a driver training school during any calendar year; or

(f) Directly or indirectly receiving a salary, commission, royalties, or other form of compensation from the activity in which a driver training school is or seeks to be engaged.

**Sec. 5.** RCW 46.82.330 and 2017 c 197 s 10 are each amended to read as follows:

(1) The application for an instructor's license shall document the applicant's fitness, knowledge, skills, and abilities to teach the classroom and behind-the-wheel instruction portions of a driver training education program in a commercial driver training school.

(2) An applicant shall be eligible to apply for an original instructor's certificate if the applicant possesses and meets the following qualifications and conditions:

(a) Has been licensed to drive for five or more years and possesses a current and valid Washington driver's license or is a resident of a jurisdiction immediately adjacent to Washington state and possesses a current and valid license issued by such jurisdiction, and does not have on his or her driving record any of the violations or penalties set forth in (a)(i), (ii), or (iii) of this subsection. The director shall have the right to examine the driving record of the applicant from the department of licensing and from other jurisdictions and from these records determine if the applicant has had:

(i) Not more than one moving traffic violation within the preceding twelve months or more than two moving traffic violations in the preceding ~~((twenty-four))~~ 24 months;

(ii) No drug or alcohol-related traffic violation or incident within the preceding three years. If there are two or more drug

or alcohol-related traffic violations in the applicant's driving history, the applicant is no longer eligible to be a driving instructor; and

(iii) No driver's license suspension, cancellation, revocation, or denial within the preceding two years, or no more than two of these occurrences in the preceding five years;

(b) Is a high school graduate or the equivalent and at least ~~((twenty-one))~~ 21 years of age;

(c) Has completed an acceptable application on a form prescribed by the director;

(d) Has satisfactorily completed a course of instruction in the training of drivers acceptable to the director that is no less than ~~((sixty))~~ 60 hours in length and includes instruction in classroom and behind-the-wheel teaching methods and supervised practice behind-the-wheel teaching of driving techniques; and

(e) Has paid an examination fee as set by rule of the department and has successfully completed an instructor's examination.

(3) The department may develop rules to establish alternative pathways to licensure to substitute for subsection (2) of this section provided the alternative pathways enable the department to assess the applicant's fitness, knowledge, skill, and ability to teach the classroom and behind-the-wheel instruction portions of a driver training education program and behind-the-wheel instructor certification include behind-the-wheel teaching methods and supervised practice behind-the-wheel teaching of driving techniques.

**NEW SECTION. Sec. 6.** A new section is added to chapter 46.82 RCW to read as follows:

(1) The department must publish on its website an interactive map of all driver training education course providers and providers of a traffic safety education program as defined in RCW 28A.220.020, including driver, motorcyclist, and commercial driver training and testing providers certified by the department. The interactive map, at a minimum, must provide training and testing provider names, locations, contact information, course and program pricing, and services offered by language.

(2) Each driving training education course and traffic safety education program provider must report course and program pricing to the department on an annual basis.

**NEW SECTION. Sec. 7.** A new section is added to chapter 46.82 RCW to read as follows:

(1) Beginning July 1, 2025, and subject to the availability of funds appropriated in the omnibus transportation appropriations act for this specific purpose, the department must establish a program to provide vouchers to cover the average cost of driver training education courses for novice drivers who reside in low-income households.

(2) In consultation with the Washington traffic safety commission, the department shall adopt rules establishing eligibility criteria and application and award procedures, and any other necessary rules, for implementing this section.

(3) An applicant who has previously received financial support to complete a driver training program under RCW 74.13.338(2)(b) or 49.04.290 is deemed ineligible for a voucher under this section.

(4) A driver training school may not increase driver training education course costs or fees to offset any voucher amounts provided by school applicants.

(5) By January 1, 2024, the department shall provide to the appropriate committees of the legislature an implementation plan for the voucher program. On a biennial basis beginning June 30, 2026, the department shall report to the appropriate committees of the legislature the following:

(a) The income criteria used to determine voucher awards for driver training education courses;

(b) The number of applicants for driver training education vouchers annually by county;

(c) The number of vouchers awarded annually by county;

(d) The number of vouchers redeemed annually by county;

(e) The dollar amount of vouchers redeemed annually by county; and

(f) The community average income of voucher recipients during the reporting period.

(6) For the purposes of this section, "novice driver" means a person who has not previously obtained a license to drive a motor vehicle.

**NEW SECTION. Sec. 8.** A new section is added to chapter 28A.220 RCW to read as follows:

(1) Beginning July 1, 2025, and subject to the availability of funds appropriated in the omnibus transportation appropriations act for this specific purpose, including for program development and implementation activities, the superintendent of public instruction must establish a grant program to allow schools to initiate or reinstate traffic safety education programs as part of their course offerings, as well as to support existing traffic safety education programs in schools.

(2) The superintendent shall adopt rules establishing eligibility criteria, and the grant application and award procedures, for implementing this section. The eligibility criteria must prioritize school districts in overburdened communities as defined in RCW 70A.02.010 and school districts with above average concentrations of students eligible for free or reduced-price lunches. The superintendent must include as a condition of grant eligibility agreement by the school district to provide the office of the superintendent of public instruction with the information, in a form and manner specified by the office, required by the office to comply with subsection (3) of this section.

(3) By January 1, 2024, the superintendent shall provide to the appropriate committees of the legislature an implementation plan for the grant program. On a biennial basis beginning June 30, 2026, the superintendent shall report to the appropriate committees of the legislature on the following:

(a) The grant amounts provided to each school district or school;

(b) The number of school districts or schools offering traffic safety education programs;

(c) The number of students receiving traffic safety instruction in those programs;

(d) The number of students eligible for free or reduced-price lunch receiving traffic safety instruction in those programs; and

(e) An assessment of the equity impacts in overburdened communities resulting from this section.

NEW SECTION. Sec. 9. A new section is added to chapter 28A.220 RCW to read as follows:

Subject to the availability of funds appropriated in the omnibus transportation appropriations act for this specific purpose, the legislature encourages educational service districts to facilitate the coordination between school districts or secondary schools of a school district and driver training schools to increase access to driver training education courses by students who reside within the boundaries of the applicable school district.

NEW SECTION. Sec. 10. A new section is added to chapter 42.56 RCW to read as follows:

Any recipient income data collected by the department of licensing as part of the driver training education course voucher program established under section 7 of this act is exempt from disclosure under this chapter.

NEW SECTION. Sec. 11. A new section is added to chapter 43.06D RCW to read as follows:

Subject to the availability of funds appropriated in the omnibus transportation appropriations act for this specific purpose, the office shall prepare an assessment of opportunities to improve access to driver training education for young drivers to meet the requirements of section 1 of this act. The assessment must address potential obstacles to meeting this requirement including, but not limited to, obstacles for young drivers for whom the cost of driver training education may pose a hardship, obstacles related to accessibility for young drivers who reside in rural areas, and obstacles for young drivers whose primary language is not English. The assessment must also recommend strategies through which these potential obstacles may be mitigated.

NEW SECTION. Sec. 12. A new section is added to chapter 39.19 RCW to read as follows:

Subject to the availability of funds appropriated in the omnibus transportation appropriations act for this specific purpose, the office shall develop a program to foster the development of women, minority-owned, and veteran-owned licensed driver training schools in the state, including through instruction on topics relevant to owning and operating a licensed driver training school.

Sec. 13. RCW 46.20.1201 and 2021 c 240 s 13 are each amended to read as follows:

(1) An additional \$1 fee shall be imposed on each application for an original or renewal of a regular driver's license, regular identicard, enhanced driver's license, or enhanced identicard. The entire amount of the fee shall be used to pay for processing costs for driver's license issuance and reinstatements, and information technology upgrades and the ongoing costs to maintain the driver's license and identicard record and issuance system.

(2) Beginning October 1, 2023, an additional \$7.50 fee shall be imposed on each application for an original or renewal of a regular driver's license, regular identicard, enhanced driver's license, or enhanced identicard. The department shall forward all funds accruing under this ~~((section))~~ subsection to the state treasurer who shall deposit the moneys ~~((to the credit of the highway safety fund))~~ as specified in RCW 46.68.041.

Sec. 14. RCW 46.20.055 and 2021 c 158 s 3 are each amended to read as follows:

(1) Driver's instruction permit. The department may issue a driver's instruction permit online or in person with or without a photograph to an applicant who has successfully passed all parts of the examination other than the driving test, provided the information required by RCW 46.20.091, paid an application fee of ~~((twenty-five dollars))~~ \$25, and meets the following requirements:

(a) Is at least ~~((fifteen and one-half))~~ 15.5 years of age; or

(b) Is at least ~~((fifteen))~~ 15 years of age and:

(i) Has submitted a proper application; and

(ii) Is enrolled in a driver training education course offered as part of a traffic safety education program authorized by the office of the superintendent of public instruction and certified under chapter 28A.220 RCW or offered by a driver training school licensed and inspected by the department of licensing under chapter 46.82 RCW, that includes practice driving.

(2) Waiver of written examination for instruction permit. The department may waive the written examination, if, at the time of application, an applicant is enrolled in a driver training education course or condensed traffic safety education course as defined in RCW 46.82.280 ~~((or 28A.220.020)).~~

The department may require proof of registration in such a course as it deems necessary.

(3) **Effect of instruction permit.** A person holding a driver's instruction permit may drive a motor vehicle, other than a motorcycle, upon the public highways if:

(a) The person has immediate possession of the permit;

(b) The person is not using a wireless communications device, unless the person is using the device to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property; and

(c) A driver training education course instructor who meets the qualifications of chapter 46.82 or 28A.220 RCW, or a licensed driver with at least five years of driving experience, occupies the seat beside the driver.

(4) **Term of instruction permit.** A driver's instruction permit is valid for one year from the date of issue.

(a) The department may issue one additional one-year permit.

(b) The department may issue a third driver's permit if it finds after an investigation that the permittee is diligently seeking to improve driving proficiency.

(c) A person applying for an additional instruction permit must submit the application to the department and pay an application fee of ~~((twenty-five dollars))~~ \$25 for each issuance.

**Sec. 15.** RCW 46.68.041 and 2022 c 182 s 210 are each amended to read as follows:

(1) Except as provided in subsections (2) ~~((and (3)))~~ through (4) of this section, the department must forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who must deposit such moneys to the credit of the highway safety fund.

(2) Fifty-six percent of each fee collected by the department under RCW 46.20.311 (1)(e)(ii), (2)(b)(ii), and (3)(b) must be deposited in the impaired driving safety account.

(3) Fifty percent of the revenue from the fees imposed under RCW 46.20.200(2) must be deposited in the move ahead WA flexible account created in RCW 46.68.520.

(4) Beginning October 1, 2023, \$7.50 of the fee imposed under RCW 46.20.1201 must be deposited into the driver's education safety improvement account created in section 16 of this act.

**NEW SECTION. Sec. 16.** A new section is added to chapter 46.20 RCW to read as follows:

The driver's education safety improvement account is created in the state treasury. A portion of the fee imposed under RCW 46.20.1201 must be deposited in the account. The account may also receive a portion of the revenue from traffic infraction fines as designated by the legislature. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used for the support of driver education programs and activities that

primarily serve people under the age of 25, including for efforts to increase young driver access to driver education.

**Sec. 17.** RCW 43.84.092 and 2022 c 182 s 403 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river

basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the driver's education safety improvement account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget

Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund

shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 18.** RCW 43.84.092 and 2022 c 182 s 404 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the

Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal, and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the driver's education safety improvement account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal



justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving

administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 19.** Section 17 of this act expires July 1, 2024.

NEW SECTION. **Sec. 20.** Section 18 of this act takes effect July 1, 2024."

Correct the title.

Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Barkis, Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Doglio; Duerr; Entenman; Hackney; Mena; Ramel; Ramos; Taylor and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt; Volz; and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Paul, Vice Chair; Timmons, Vice Chair; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Dent; Goehner; Griffey; and Klicker.

Referred to Committee on Rules for second reading

April 1, 2023

ESB 5592

Prime Sponsor, Senator Hunt: Requiring semiautomatic external defibrillator at fitness centers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70.54 RCW to read as follows:

(1) The owner of a fitness center shall acquire and maintain at least one semiautomatic external defibrillator on premises.

(2) The fitness center must comply with the requirements of RCW 70.54.310, including instruction of personnel on the use of the defibrillator, maintenance of the defibrillator, and notification of the local emergency medical services organization about the location of the defibrillator.

(3) An employee of a fitness center who has completed the instruction required under RCW 70.54.310 may render emergency care or treatment using a semiautomatic external defibrillator on the fitness center premises.

(4) A person who uses a semiautomatic external defibrillator at the scene of an emergency is immune from civil liability pursuant to RCW 70.54.310.

(5) (a) "Fitness center" means any premises used for recreation, instruction, training, physical exercise, body building, weight loss, figure development, martial arts, or other similar activity, that offers access on a membership basis.

(b) "Fitness center" does not include: (i) Public common schools, private schools approved under RCW 28A.195.010, and public or private institutions of higher education; and (ii) private facilities operated out of a home that do not offer memberships.

**NEW SECTION. Sec. 2.** This act takes effect January 1, 2025."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Rude; and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Connors; Couture; Dye; Harris; Sandlin; and Steele.

Referred to Committee on Rules for second reading

April 3, 2023

2SSB 5593

Prime Sponsor, Ways & Means: Improving equity in the transfer of student data between K-12 schools and institutions of higher education. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Education.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Institutions of higher education must enter into data-sharing agreements with the office of the superintendent of public instruction to facilitate the transfer of

high school student directory information collected under section 2 of this act for the purposes of informing Washington high school students of postsecondary educational opportunities available in the state.

(2) Data-sharing agreements entered into under this section must provide for the sharing of student enrollment and outcome information from institutions of higher education, including institutions of higher education that are participating in data-sharing agreements under subsection (5) of this section, to the office of the superintendent of public instruction. Information provided in accordance with this subsection (2) must include the statewide student identifier for each student. To the extent possible, the office of the superintendent of public instruction shall transmit student enrollment information to the enrolled students' host districts for the current year.

(3) (a) Data-sharing agreements entered into by a community college or technical college as defined in RCW 28B.50.030 are limited to informing Washington high school students of postsecondary educational opportunities available within a college's service district as enumerated in RCW 28B.50.040.

(b) The state board for community and technical colleges may coordinate with all of the community and technical colleges to develop a single data-sharing agreement between the community and technical colleges and the office of the superintendent of public instruction.

(4) Agreements entered into under this section must obligate institutions that will receive information through an agreement to maintain the statewide student identifier for each student.

(5) (a) Four-year, not-for-profit institutions of higher education that are authorized to participate in state financial aid programs under chapter 28B.92 RCW and not subject to subsection (1) of this section may enter into data-sharing agreements with the office of the superintendent of public instruction to facilitate the transfer of high school student directory information collected under section 2 of this act for the purposes of informing Washington high school students of postsecondary educational opportunities available in the state.

(b) An institution of higher education that enters into a data-sharing agreement under this subsection (5) must, as part of the agreement, pledge to comply with state and federal nondiscrimination laws applicable to hiring and admissions practices. If the office of the superintendent of public instruction determines that the institution of higher education, after the establishment of the data-sharing agreement, has not complied with state and federal nondiscrimination laws applicable to hiring and admissions practices, the office of the superintendent of public instruction may suspend or terminate the agreement.

(6) For the purposes of this section, "statewide student identifier" means the statewide student identifier required by RCW 28A.320.175 that is included in the

longitudinal student data system established under RCW 28A.300.500.

(7) For the purposes of this section, "directory information" has the same meaning as in section 2 of this act.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.150 RCW to read as follows:

(1) Beginning in 2023, each school district that operates a high school shall annually transmit directory information for all enrolled high school students to the office of the superintendent of public instruction by November 1st.

(2) The office of the superintendent of public instruction must hold the high school student directory information collected under this section and make the information available for institutions of higher education.

(3) By no later than the beginning of the 2025-26 school year, the office of the superintendent of public instruction shall identify a process for making information provided in accordance with section 1(2) of this act on a student's enrollment in an institution of higher education available to the student's school district. The process identified under this subsection (3) must require that information provided to school districts include the statewide student identifier for each student.

(4) In transmitting student information under this section, school districts must comply with the consent procedures under RCW 28A.605.030, the federal family educational and privacy rights act of 1974 (20 U.S.C. Sec. 1232g), and all applicable rules and regulations.

(5) The student directory information data collected under this section is solely for the following purposes:

(a) College awareness and admissions at institutions of higher education; and

(b) Providing enrollment and outcome information to the office of the superintendent of public instruction and to school districts related to students from their respective school district under subsection (3) of this section.

(6) For the purposes of this section:

(a) "Directory information" means the names, addresses, email addresses, and telephone numbers of students and their parents or legal guardians;

(b) "Institutions of higher education" has the same meaning as in RCW 28B.10.016. However, for purposes of data-sharing agreements authorized under section 1(5) of this act, "institutions of higher education" means four-year, not-for-profit institutions of higher education that are authorized to participate in state financial aid programs under chapter 28B.92 RCW and are not subject to section 1(1) of this act; and

(c) "Statewide student identifier" has the same meaning as in section 1 of this act."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking

Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Pollet.

Referred to Committee on Rules for second reading

April 4, 2023

SB 5683

Prime Sponsor, Senator Kauffman: Concerning child-specific foster care licenses for placement of Indian children. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 1, 2023

SSB 5687

Prime Sponsor, Ways & Means: Creating and supporting postsecondary wrestling grant programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Couture; Davis; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chandler; Connors; Dye; Rude; Sandlin; and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representative Steele.

Referred to Committee on Rules for second reading

April 4, 2023

SSB 5753

Prime Sponsor, Transportation: Concerning a roadway construction cooperative agreement between the department of transportation and the Lummi Nation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 47.20 RCW to read as follows:

(1) The department is authorized to enter into a cooperative agreement with the governing authority of the Lummi Nation and appropriate agencies of the United States for the location, design, right-of-way acquisition, construction, and maintenance of a public road beginning on Rural Avenue

at the southern boundary of the Ferndale city limits, traveling across the property held in tribal trust status by the United States for the Lummi Nation, and connect to the approximate location of where the Ferndale city limits intersect Kope Road. The new road segment shall be named after construction is concluded.

(2) The definitions in this subsection apply throughout this section and sections 2 and 3 of this act unless context clearly requires otherwise.

(a) "Agreement" means the cooperative agreement between the department, the governing authority of the Lummi Nation, and agencies of the United States, as authorized by subsection (1) of this section.

(b) "Roadway" means the public road segment constructed pursuant to the agreement authorized by subsection (1) of this section.

NEW SECTION. **Sec. 2.** A new section is added to chapter 47.20 RCW to read as follows:

The department is authorized to determine the location of the roadway in consultation with and approval by the governing authority of the Lummi Nation. The department may then proceed with the design, acquisition of right-of-way, and construction of the roadway. After construction of the roadway is complete, the Lummi Nation shall be responsible for the operation and maintenance and future improvement of the roadway as a public road.

NEW SECTION. **Sec. 3.** A new section is added to chapter 47.20 RCW to read as follows:

The cooperative agreement shall allow the department to request a temporary construction easement from the Lummi Nation for the purpose of constructing the new road. The cooperative agreement shall also reserve to the governing authority of the Lummi Nation authority to construct road intersections or grade separation crossings of the roadway, in accordance with applicable laws. The agreement may also authorize the governing authority of the Lummi Nation to convey to the United States an easement to construct, maintain, and repair roadway improvements if such an easement is required by regulations of the bureau of Indian affairs."

Correct the title.

Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Griffey; Hackney; Klicker; Mena; Ramel; Ramos; Taylor and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt; and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives Goehner; and Walsh.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's supplemental committee report under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 10:00 a.m., Wednesday, April 5, 2023, the 87th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## EIGHTY SEVENTH DAY

House Chamber, Olympia, Wednesday, April 5, 2023

The House was called to order at 10:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Julien Bancroft-Connors and Bethany Pham. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Rabbi Molly Weisel, Temple B'nai Torah, Bellevue.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4637**, by Representatives Taylor, Ryu, Schmidt, Leavitt, Chapman, Duerr, Pollet, Caldier, Paul, Kloba, Macri, Callan, Robertson, Gregerson, Street, and Barnard

WHEREAS, Many Washington citizens have literally given the gift of life by donating organs, eyes, and tissues; and

WHEREAS, It is essential that all citizens are aware of the opportunity to save and heal the lives of others through organ, eye, and tissue donation and transplantation; and

WHEREAS, There are nearly one hundred six thousand courageous Americans awaiting a life-saving organ transplant, with twenty-two individuals losing their lives every day because of the shortage of organs for transplant; and

WHEREAS, Every ten minutes, a person is added to the national organ transplant waiting list; and

WHEREAS, One organ donor can save the lives of up to eight people and heal many more through cornea and tissue donation; and

WHEREAS, Families receive comfort through the grieving process with the knowledge that through organ, eye, and tissue donation, another person's life has been saved or healed; and

WHEREAS, Organ donation offers transplant recipients a second chance at life, enabling them to be with their families and maintain a higher quality of life; and

WHEREAS, The families of organ, eye, and tissue donors receive gratitude from grateful recipients whose lives have been saved by transplantation; and

WHEREAS, The example set by those who choose to donate reflects the character and compassion of these individuals, whose voluntary choice saves the lives of others; and

WHEREAS, April is the month designated by organ donation organizations across the country to strive to make life possible by educating and motivating individuals to register their decision to be an organ, eye, and tissue donor;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor April as National Donate Life Month to remember those who have donated and celebrate the lives of the recipients.

HOUSE RESOLUTION NO. 4637 was adopted.

There being no objection, the House advanced to the fourth order of business.

**INTRODUCTION & FIRST READING**

**HB 1854** by Representatives Bateman, Thai, Riccelli, Fitzgibbon, Bergquist, Macri, Berry, Ryu, Peterson, Senn, Doglio, Santos, Street, Alvarado, Cortes, Lekanoff, Shavers, Farivar, Walen,

Taylor, Orwall, Kloba, Hackney, Fosse, Simmons, Pollet, Bronoske, Stonier, Ramos, Rule, Gregerson, Ormsby, Leavitt, Springer, Stearns, Goodman, Slatter, Fey, Duerr, Tharinger, Wylie, Ortiz-Self and Timmons

AN ACT Relating to protecting access to abortion medications by authorizing the department of corrections to acquire, sell, deliver, distribute, and dispense abortion medications; amending RCW 18.64.046; adding a new section to chapter 72.09 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Appropriations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

**SENATE CONCURRENT RESOLUTION NO. 8407**, by **Senators Pedersen and Short**

**Adopting joint rules.**

The concurrent resolution was read the second time.

Representative Fitzgibbon moved adoption of SENATE CONCURRENT RESOLUTION NO. 8407.

Representatives Fitzgibbon and Kretz spoke in favor of the adoption of the resolution.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final passage.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Concurrent Resolution No. 8407.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Concurrent Resolution No. 8407, and the concurrent resolution passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SENATE CONCURRENT RESOLUTION NO. 8407, having received the necessary constitutional majority, was adopted.

**SUBSTITUTE SENATE BILL NO. 5547, by Senate Committee on Health & Long Term Care (originally sponsored by Robinson, Muzzall, Hasegawa and Mullet)**

**Concerning nursing pool transparency.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Riccelli and Hutchins spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5547.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5547, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE SENATE BILL NO. 5547, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5702, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Trudeau, Nobles, Dhingra, Hunt, Liias, Lovelett, Nguyen, Pedersen, Saldaña, Valdez and Wilson, C.)**

**Expanding the students experiencing homelessness and foster youth pilot program.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. For Committee amendment, see Journal, Day 78, Monday, March 27, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Leavitt, Ortiz-Self and Reeves spoke in favor of the passage of the bill.

Representatives Stokesbary, Graham, Walsh and Chambers spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5702, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5702, as amended by the House, and the bill passed the House by the following vote: Yeas, 60; Nays, 38; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Jacobsen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

ENGROSSED SUBSTITUTE SENATE BILL NO. 5702, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5081, by Senate Committee on Human Services (originally sponsored by Nobles, Trudeau, Dhingra, Frame, Hasegawa, Keiser, Lovick, Nguyen, Saldaña, Salomon, Shewmake, Stanford, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, J.)**

**Concerning victim notification.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Community Safety, Justice, & Reentry was adopted. For Committee amendment, see Journal, Day 78, Monday, March 27, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goodman, Mosbrucker and Graham spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5081, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5081, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE SENATE BILL NO. 5081, as amended by the House, having received the necessary constitutional majority, was declared passed.

### RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which ENGROSSED SUBSTITUTE SENATE BILL NO. 5702 passed the House.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5702, on reconsideration.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5702, as amended by the House, on reconsideration, and the bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

ENGROSSED SUBSTITUTE SENATE BILL NO. 5702, as amended by the House, on reconsideration, having received the necessary constitutional majority, was declared passed.

### ENGROSSED SENATE BILL NO. 5336, by Senators Cleveland, Wilson, L., Frame and Mullet

#### Concerning population criteria for the main street trust fund tax credit.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rule and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5336.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5336, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt,

Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

ENGROSSED SENATE BILL NO. 5336, having received the necessary constitutional majority, was declared passed.

### SUBSTITUTE SENATE BILL NO. 5176, by Senate Committee on Labor & Commerce (originally sponsored by Stanford, Billig, Keiser and Van De Wege)

#### Concerning unemployment insurance benefits for officers of employee-owned cooperatives.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Berry and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5176.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5176, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE SENATE BILL NO. 5176, having received the necessary constitutional majority, was declared passed.

### SUBSTITUTE SENATE BILL NO. 5586, by Senate Committee on Labor & Commerce (originally sponsored by King, Robinson and Wellman)

#### Concerning employees' paid family or medical leave data.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Labor & Workplace Standards was adopted. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Robertson and Berry spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5586, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5586, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE SENATE BILL NO. 5586, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5229, by Senate Committee on Ways & Means (originally sponsored by Frame, Warnick, Kuderer, Lovelett, Nobles, Randall, Salomon, Shewmake and Torres)**

**Accelerating rural job growth and promoting economic recovery across Washington through site readiness grants.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Berg and Volz spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5229.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5229, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE SENATE BILL NO. 5229, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5113, by Senators Warnick, Randall, Holy and Nguyen**

**Concerning faculty in dental schools.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ybarra and Leavitt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5113.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5113, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SENATE BILL NO. 5113, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5170, by Senate Committee on State Government & Elections (originally sponsored by Hunt, Kuderer, Wilson, J., Hasegawa and Wilson, C.)**

**Concerning funding and expenditures for legislative organizations by legislators who serve as elected leaders of those organizations.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ramos and Orcutt spoke in favor of the passage of the bill.

Representative Abbarno spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5170.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5170, and the bill passed the House by the following vote: Yeas, 85; Nays, 13; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Chopp, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu,



Sandlin, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Caldier, Cheney, Christian, Corry, Graham, Harris, Hutchins, McClintock, McEntire, Schmidt, Volz and Walsh

SUBSTITUTE SENATE BILL NO. 5170, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5385, by Senators Liias, Holy, Saldaña, Shewmake and Wilson, C.**

**Concerning work performed by institutions of higher education.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leavitt and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5385.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5385, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SENATE BILL NO. 5385, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5512, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Holy, Liias, Rivers, Salomon, Wilson, J., Schoesler, Torres, Wilson, L., MacEwen, Dozier, Wagoner, Warnick, Gildon, McCune, Short, King, Braun, Muzzall, Nguyen, Billig and Boehnke)**

**Adding financial transparency reporting requirements to the public four-year dashboard.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ybarra and Slatter spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5512.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5512, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

ENGROSSED SUBSTITUTE SENATE BILL NO. 5512, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5320, by Senate Committee on Labor & Commerce (originally sponsored by Saldaña, Keiser, King, Randall and Wilson, C.)**

**Concerning journey level electrician certifications of competency.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doglio and Schmidt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5320.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5320, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

ENGROSSED SUBSTITUTE SENATE BILL NO. 5320, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5101, by Senate Committee on Human Services (originally sponsored by Saldaña, Warnick, Dhingra, Kuderer, Nguyen, Nobles, Shewmake and Wilson, C.)**

**Concerning extraordinary medical placement for incarcerated individuals at the department of corrections.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Community Safety, Justice, & Reentry was adopted. For Committee amendment, see Journal, Day 78, Monday, March 27, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Simmons spoke in favor of the passage of the bill.

Representative Mosbrucker spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5101, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5101, as amended by the House, and the bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

SUBSTITUTE SENATE BILL NO. 5101, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

**SENATE BILL NO. 5153, by Senators Valdez, Hunt, Nguyen and Wilson, C.**

**Concerning uniform disclosure of records related to future voters and making conforming amendments related to participation of future voters in state primaries.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on State Government & Tribal Relations was adopted. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Ramos spoke in favor of the passage of the bill.

Representative Abbarno spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5153, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5153, as amended by the House, and the bill passed the House by the following vote: Yeas, 76; Nays, 22; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Connors, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Hutchins, Kloba, Leavitt, Lekanoff, Macri, Maycumber, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barnard, Chambers, Chandler, Christian, Corry, Dent, Dye, Harris, Jacobsen, Klicker, Kretz, Low, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Stokesbary, Walsh, Waters and Wilcox

SENATE BILL NO. 5153, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5111, by Senate Committee on Labor & Commerce (originally sponsored by Keiser, Conway, Kuderer, Randall and Robinson)**

**Concerning payments for accrued and unused sick leave for certain construction workers.**

The bill was read the second time.

Representative Robertson moved the adoption of amendment (563):

On page 3, at the beginning of line 25, strike "upon" and insert "at the end of the established pay period, pursuant to RCW 49.48.010(2), following the worker's"

Representatives Robertson and Berry spoke in favor of the adoption of the amendment.

Amendment (563) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Berry and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5111, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5111, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse,

Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

ENGROSSED SUBSTITUTE SENATE BILL NO. 5111, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5186, by Senate Committee on Labor & Commerce (originally sponsored by Liias, Billig, Dhingra, Hunt, Keiser, Lovick, Nguyen, Nobles, Stanford, Valdez, Wellman and Wilson, C.)**

**Requiring antidiscrimination clauses in public contracting.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on State Government & Tribal Relations was adopted. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Stearns and Abbarno spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5186, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5186, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

ENGROSSED SUBSTITUTE SENATE BILL NO. 5186, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5088, by Senators Keiser and King**

**Adding references to contractor registration and licensing laws in workers' compensation, public works, and prevailing wage statutes.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fosse and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5088.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5088, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SENATE BILL NO. 5088, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5604, by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Robinson, Nguyen and Stanford)**

**Concerning county sales and use taxes for mental health and housing.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Duerr and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5604.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5604, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE SENATE BILL NO. 5604, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5538, by Senate Committee on Ways & Means (originally sponsored by Cleveland, Dhingra and Wilson, C.)**

**Concerning postretirement employment in nursing positions for a state agency.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Simmons spoke in favor of the passage of the bill.

Representative Stokesbary spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5538.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5538, and the bill passed the House by the following vote: Yeas, 87; Nays, 11; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Barnard, Christian, Couture, Dent, Dye, McEntire, Sandlin, Schmick, Stokesbary, Walsh and Ybarra

SUBSTITUTE SENATE BILL NO. 5538, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5163, by Senators Rivers, Dhingra, Hasegawa, Keiser, Kuderer, Mullet and Muzzall**

**Removing the sunset provisions on the medicaid fraud false claims act.**

The bill was read the second time.

Representative Walsh moved the adoption of amendment (562):

On page 1, beginning on line 4, strike all of section 1 and insert the following:

"**Sec. 1.** RCW 74.66.130 and 2012 c 241 s 213 are each amended to read as follows:

Beginning November 15, 2012, and annually thereafter, the attorney general in consultation with the health care authority must report results of implementing the medicaid fraud false claims act. This report must include:

(1) The number of attorneys assigned to qui tam initiated actions;

(2) The number of cases brought by qui tam actions and indicate how many cases are brought by the attorney general and how many by the qui tam relator without attorney general participation;

(3) The results of any actions brought under subsection (2) of this section, delineated by cases brought by the attorney general and cases brought by the qui tam relator without attorney general participation;

(4) The amount of recoveries attributable to the medicaid false claims; (~~and~~)

(5) The rate of return for each dollar paid out to qui tam relators; and

(6) Information on the costs, attorneys' fees, and any other expenses incurred by defendants in investigating and defending against qui tam actions, to the extent this information is provided to the attorney general or health care authority.

**Sec. 2.** RCW 43.131.419 and 2016 c 147 s 1 are each amended to read as follows:

The qui tam provisions of the medicaid fraud false claims act as established under chapter 74.66 RCW shall be terminated on June 30, (~~2023~~) 2030, as provided in RCW 43.131.420.

**Sec. 3.** RCW 43.131.420 and 2016 c 147 s 2 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, (~~2024~~) 2031:

(1) RCW 74.66.050 and 2012 c 241 s 205;

(2) RCW 74.66.060 and 2012 c 241 s 206;

(3) RCW 74.66.070 and 2012 c 241 s 207;

(4) RCW 74.66.080 and 2012 c 241 s 208;

and

(5) RCW 74.66.130 and 2012 c 241 s 213."

ReNUMBER the remaining section consecutively and correct any internal references accordingly.

Correct the title.

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

Amendment (562) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hansen and Cheney spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5163.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5163, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy,

Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Caldier, McEntire and Walsh

SENATE BILL NO. 5163, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5165, by Senate Committee on Environment, Energy & Technology (originally sponsored by Nguyen, Mullet, Boehnke, Frame, Hasegawa, Keiser, Nobles and Stanford)**

**Concerning electric power system transmission planning.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Environment & Energy was adopted. For Committee amendment, see Journal, Day 78, Monday, March 27, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Doglio and Dye spoke in favor of the passage of the bill.

Representative Ybarra spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5165, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5165, as amended by the House, and the bill passed the House by the following vote: Yeas, 70; Nays, 28; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Connors, Cortes, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Chambers, Chandler, Cheney, Christian, Corry, Couture, Dent, Goehner, Graham, Griffey, Harris, Jacobsen, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters and Ybarra

SUBSTITUTE SENATE BILL NO. 5165, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5294, by Senate Committee on Ways & Means (originally sponsored by Rolfes and Van De Wege)**

**Concerning actuarial funding of state retirement systems.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. For Committee amendment, see Journal, Day 79, Tuesday, March 28, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Ormsby and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5294, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5294, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

ENGROSSED SUBSTITUTE SENATE BILL NO. 5294, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5304, by Senate Committee on Human Services (originally sponsored by Saldaña, Nguyen, Nobles, Valdez and Wilson, C.)**

**Testing individuals who provide language access to state services.**

The bill was read the second time.

With the consent of the House, amendment (559) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cortes and Eslick spoke in favor of the passage of the bill.

Representative Dent spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5304.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5304, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr,

Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Dent, Graham, Volz and Walsh

SUBSTITUTE SENATE BILL NO. 5304, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5460, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Warnick and Van De Wege)**

**Concerning collection of assessments for irrigation and rehabilitation districts.**

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (555):

On page 1, beginning on line 8, after "litigation" strike all material through "The" on line 9 and insert "regarding the way the district collected assessments. The district was assessing a total amount of \$1.00 per \$1,000.00 of assessed value within the district, including \$0.25 per \$1,000.00 of assessed value pursuant to statutory provisions for irrigation and rehabilitation districts and an additional \$0.75 per \$1,000.00 of assessed value pursuant to statutory provisions for irrigation districts. The court found that the method of collection under the statutory provisions for irrigation districts was an invalid tax. Therefore, the"

On page 1, line 11, after "funding" insert ", limited to \$1.00 per \$1,000.00 of assessed value within the district,"

Representatives Orcutt and Berg spoke in favor of the adoption of the amendment.

Amendment (555) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Dent, Duerr and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5460, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5460, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney,

Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE SENATE BILL NO. 5460, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:00 a.m., Thursday, April 6, 2023, the 88th Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## EIGHTY EIGHTH DAY

House Chamber, Olympia, Thursday, April 6, 2023

The House was called to order at 9:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Caitlin Grygorcewicz and Pieter Meengs. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Dr. Joseph Castleberry, President of Northwest University, Kirkland.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4621**, by Representatives Riccelli, Taylor, Leavitt, Ryu, Orwall, Santos, Robertson, Mena, Rule, Ortiz-Self, Barkis, Goodman, Reed, Bronoske, Callan, Sandlin, Paul, Street, Dent, Reeves, Schmidt, Fosse, Chapman, Mosbrucker, Cortes, Duerr, Stonier, Tharinger, Entenman, Chambers, Stearns, Jacobsen, Orcutt, Walen, Morgan, Peterson, Fey, Timmons, Macri, Pollet, and Barnard

WHEREAS, Bill Russell was one of the greatest basketball players of all time and was a trailblazer for the National Basketball Association and basketball as a sport; and

WHEREAS, At the peak of his Hall of Fame athletic career, Bill Russell was also a leading advocate for civil rights who inspired future generations of NBA players to promote social justice; and

WHEREAS, Bill Russell was born February 12, 1934, in Monroe, Louisiana, where his family faced the racism common in the segregated South, and when Bill was eight years old his family moved to Oakland, California; and

WHEREAS, Bill Russell accepted a scholarship to play basketball at the University of San Francisco, where he had two other Black players as teammates, and while they were often targets of racial jabs, Russell said he never permitted himself to be a victim; and

WHEREAS, While Bill Russell played at USF, the team called the Dons went to two NCAA championships in 1955 and 1956, and he also starred on the gold medal-winning United States basketball team at the 1956 Olympic Games in Melbourne, Australia; and

WHEREAS, In one of the most important sports transactions in American history, Bill Russell was the second overall pick in the 1956 NBA Draft, being drafted to the St. Louis Hawks then traded to the Boston Celtics; and

WHEREAS, From 1956 to 1969, Bill Russell led the Celtics to eight consecutive NBA championships from 1959 to 1966, with his court savvy and defensive skills changing how the game was played; and

WHEREAS, The 6-foot-10-inch center earned the nickname "Secretary of Defense," winning the title of NBA's most valuable player five times and being named an All-Star 12 times; and

WHEREAS, In 1966 he became the first Black head coach in the NBA, both coaching and playing for the Celtics until 1969; and

WHEREAS, Former U.S. Senator Bill Bradley, who as a member of the New York Knicks played against Bill Russell in the 1960s, viewed him as "the smartest player ever to play the game and the epitome of a team leader"; and

WHEREAS, In 1972 the NBA retired his number 6 jersey, and it remains the only number to become retired league-wide; and

WHEREAS, Bill Russell was hailed in 1996 as one of the NBA's 50 greatest players, and in 2009, the trophy for the Most Valuable Player of the NBA Finals was named in his honor; and

WHEREAS, Standing alongside his many achievements on the hardwood are his efforts as a civil rights activist; and

WHEREAS, In 1963 he took part in the March on Washington for Jobs and Freedom and was front row at Dr. Martin Luther King Jr.'s famous "I Have a Dream" speech; and

WHEREAS, Bill Russell also spent time in Mississippi after civil rights activist Medgar Evers was murdered, and would later create an integrated basketball camp with Evers' brother, Charles, in Jackson, Mississippi; and

WHEREAS, Bill Russell was awarded the Presidential Medal of Freedom in 2011 by President Barack Obama, for standing up for the rights and dignity of all; and

WHEREAS, Bill Russell's ties to the state of Washington date to 1973, when he became the general manager and coach for the Seattle SuperSonics; and

WHEREAS, Bill Russell called Mercer Island home from 1973 until his passing on July 31, 2022, having chosen the community because of the quality of its school system;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor the life and accomplishments of longtime Washington resident Bill Russell both inside and outside the arena, and extend its condolences to his widow Jeannine and his three children.

HOUSE RESOLUTION NO. 4621 was adopted.

There being no objection, the House advanced to the third order of business.

## MESSAGES FROM THE SENATE

Wednesday, April 5, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1048  
 SUBSTITUTE HOUSE BILL NO. 1069  
 ENGROSSED HOUSE BILL NO. 1210  
 SUBSTITUTE HOUSE BILL NO. 1254  
 ENGROSSED HOUSE BILL NO. 1274  
 SECOND SUBSTITUTE HOUSE BILL NO. 1522  
 HOUSE BILL NO. 1624

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Wednesday, April 5, 2023

Mme. Speaker:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5338

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

Wednesday, April 5, 2023

Mme. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5338

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**SUBSTITUTE SENATE BILL NO. 5300, by Senate Committee on Health & Long Term Care (originally sponsored by Dhingra, Billig, Cleveland, Frame, Hasegawa, Hunt, Keiser, Kuderer, Lovelett, Nguyen, Nobles, Randall, Rivers, Robinson, Shewmake, Valdez, Wellman and Wilson, C.)**

**Concerning continuity of coverage for prescription drugs prescribed for the treatment of behavioral health conditions.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Health Care & Wellness was adopted. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Bateman and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5300, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5300, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE SENATE BILL NO. 5300, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5252, by Senators Valdez, Padden, Kuderer, Nobles and Wilson, C.**

**Making modifications necessary to comply with federal regulations regarding dissemination of federal bureau of investigation criminal history record information.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Human Services, Youth, & Early Learning was before the House for purpose of amendment. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

Representative Goodman moved the adoption of amendment (565) to the committee striking amendment:

On page 7, line 11 of the striking amendment, after "71A.12 RCW;" strike "or"

On page 7, line 13 of the striking amendment, after "section" insert "; or

(h) Is applying for employment or is already employed at any residential habilitation center or other state-operated program for individuals with developmental disabilities under chapter 71A.20 RCW"

On page 9, at the beginning of line 25 of the striking amendment, strike "~~((4)) Service providers~~)" and insert "~~((4))~~ (7) Service providers"

On page 9, beginning on line 29 of the striking amendment, after "families" strike "~~((service providers licensed))~~ licensees" and insert "service providers licensed"

On page 9, beginning on line 31 of the striking amendment, after "their" strike "~~((applicants))~~ employees" and insert "applicants"

Representatives Goodman and Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (565) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goodman and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5252, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5252, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons,



Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SENATE BILL NO. 5252, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5077, by Senate Committee on Law & Justice (originally sponsored by Pedersen and Wagoner)**

**Concerning the uniform commercial code.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Civil Rights & Judiciary was before the House for purpose of amendment. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

Representative Walsh moved the adoption of amendment (569) to the committee striking amendment:

Beginning on page 1, line 4, after "Sec. 101." strike all material through "2024." on page 134, line 1 and insert the following:

"RCW 62A.1-201 and 2012 c 214 s 109 are each amended to read as follows:

(a) Unless the context otherwise requires, words or phrases defined in this section, or in the additional definitions contained in other articles of this title that apply to particular articles or parts thereof, have the meanings stated.

(b) Subject to definitions contained in other articles of this title that apply to particular articles or parts thereof:

(1) "Action," in the sense of a judicial proceeding, includes recoupment, counterclaim, set-off, suit in equity, and any other proceeding in which rights are determined.

(2) "Aggrieved party" means a party entitled to pursue a remedy.

(3) "Agreement," as distinguished from "contract," means the bargain of the parties in fact, as found in their language or inferred from other circumstances, including course of performance, course of dealing, or usage of trade as provided in RCW 62A.1-303.

(4) "Bank" means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, and trust company.

(5) "Bearer" means a person in control of a negotiable electronic document of title or a person in possession of a negotiable instrument, negotiable tangible document of title, or certificated security that is payable to bearer or indorsed in blank.

(6) "Bill of lading" means a document of title evidencing the receipt of goods for shipment issued by a person engaged in the business of directly or indirectly transporting or forwarding goods. The term does not include a warehouse receipt.

(7) "Branch" includes a separately incorporated foreign branch of a bank.

(8) "Burden of establishing" a fact means the burden of persuading the trier of fact that the existence of the fact is more probable than its nonexistence.

(9) "Buyer in ordinary course of business" means a person that buys goods in good faith, without knowledge that the sale violates the rights of another person in the

goods, and in the ordinary course from a person, other than a pawnbroker, in the business of selling goods of that kind. A person buys goods in the ordinary course if the sale to the person comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller's own usual or customary practices. A person that sells oil, gas, or other minerals at the wellhead or minehead is a person in the business of selling goods of that kind. A buyer in ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire goods or documents of title under a preexisting contract for sale. Only a buyer that takes possession of the goods or has a right to recover the goods from the seller under Article 2 of this title may be a buyer in ordinary course of business. "Buyer in ordinary course of business" does not include a person that acquires goods in a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(10) "Conspicuous," with reference to a term, means so written, displayed, or presented that, based on the totality of the circumstances, a reasonable person against which it is to operate ought to have noticed it. Whether a term is "conspicuous" or not is a decision for the court. (~~Conspicuous terms include the following:~~

~~(A) A heading in capitals equal to or greater in size than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same or lesser size; and~~

~~(B) Language in the body of a record or display in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from surrounding text of the same size by symbols or other marks that call attention to the language.)~~

(11) "Consumer" means an individual who enters into a transaction primarily for personal, family, or household purposes.

(12) "Contract," as distinguished from "agreement," means the total legal obligation that results from the parties' agreement as determined by this title as supplemented by any other applicable laws.

(13) "Creditor" includes a general creditor, a secured creditor, a lien creditor, and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor's or assignor's estate.

(14) "Defendant" includes a person in the position of defendant in a counterclaim, cross-claim, or third-party claim.

(15) "Delivery," with respect to an electronic document of title, means voluntary transfer of control and, with respect to an instrument, a tangible document of title, or an authoritative tangible copy of a record evidencing chattel paper, means voluntary transfer of possession.

(16) "Document of title" means a record (i) that in the regular course of business or financing is treated as adequately evidencing that the person in possession or

control of the record is entitled to receive, control, hold, and dispose of the record and the goods the record covers and (ii) that purports to be issued by or addressed to a bailee and to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass. The term includes a bill of lading, transport document, dock warrant, dock receipt, warehouse receipt, and order for delivery of goods. An electronic document of title means a document of title evidenced by a record consisting of information stored in an electronic medium. A tangible document of title means a document of title evidenced by a record consisting of information that is inscribed on a tangible medium.

(16A) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(17) "Fault" means a default, breach, or wrongful act or omission.

(18) "Fungible goods" means:

(A) Goods of which any unit, by nature or usage of trade, is the equivalent of any other like unit; or

(B) Goods that by agreement are treated as equivalent.

(19) "Genuine" means free of forgery or counterfeiting.

(20) "Good faith," except as otherwise provided in Article 5 of this title, means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(21) "Holder" with respect to a negotiable instrument, means:

(A) The person in possession of a negotiable instrument that is payable either to bearer or to an identified person that is the person in possession;

(B) The person in possession of a negotiable tangible document of title if the goods are deliverable either to bearer or to the order of the person in possession; or

(C) The person in control, other than pursuant to RCW 62A.7-106(g), of a negotiable electronic document of title.

(22) "Insolvency proceeding" includes an assignment for the benefit of creditors or other proceeding intended to liquidate or rehabilitate the estate of the person involved.

(23) "Insolvent" means:

(A) Having generally ceased to pay debts in the ordinary course of business other than as a result of bona fide dispute;

(B) Being unable to pay debts as they become due; or

(C) Being insolvent within the meaning of federal bankruptcy law.

(24) "Money" means a medium of exchange that is currently authorized or adopted by a domestic or foreign government. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more countries.

(25) "Organization" means a person other than an individual.

(26) "Party," as distinguished from "third party," means a person that has engaged in a transaction or made an agreement subject to this title.

(27) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, ~~((public corporation,))~~ or any other legal or commercial entity. The term includes a protected series, however denominated, of an entity if the protected series is established under law other than this title that limits, or limits if conditions specified under the law are satisfied, the ability of a creditor of the entity or of any other protected series of the entity to satisfy a claim from assets of the protected series.

(28) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain by use of either an interest rate specified by the parties if that rate is not manifestly unreasonable at the time the transaction is entered into or, if an interest rate is not so specified, a commercially reasonable rate that takes into account the facts and circumstances at the time the transaction is entered into.

(29) "Purchase" means taking by sale, lease, discount, negotiation, mortgage, pledge, lien, security interest, issue or reissue, gift, or any other voluntary transaction creating an interest in property.

(30) "Purchaser" means a person that takes by purchase.

(31) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(32) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(33) "Representative" means a person empowered to act for another, including an agent, an officer of a corporation or association, and a trustee, executor, or administrator of an estate.

(34) "Right" includes remedy.

(35) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. "Security interest" includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible, or a promissory note in a transaction that is subject to Article 9A of this title. "Security interest" does not include the special property interest of a buyer of goods on identification of those goods to a contract for sale under RCW 62A.2-401, but a buyer may also acquire a "security interest" by complying with Article 9A of this title. Except as otherwise provided in RCW 62A.2-505, the right of a seller or lessor of goods under Article 2 or 2A of this title to retain or acquire possession of the goods is not a "security interest," but a seller or lessor may also acquire a "security interest" by complying with Article 9A of this title. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer under RCW 62A.2-401 is limited in effect to a reservation of a "security interest." Whether a transaction in the form of a lease creates a "security

interest" is determined pursuant to RCW 62A.1-203.

(36) ~~"Send,"~~ in connection with a ~~((writing))~~ record ~~((r))~~ or ~~((notice))~~ notification, means:

(A) To deposit in the mail ~~((or))~~, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for ~~((and properly addressed and, in the case of an instrument, to an address specified thereon or otherwise agreed, or if there be none))~~, addressed to any address reasonable under the circumstances; or

(B) ~~((In any other way to cause to be received any record or notice within the time it would have arrived if properly sent))~~ to cause the record or notification to be received within the time it would have been received if properly sent under (36) (A) of this subsection.

(37) ~~((("Signed" includes using any symbol executed or adopted with present intention to adopt or accept a writing.))~~ "Sign" means, with present intent to authenticate or adopt a record:

(A) Execute or adopt a tangible symbol; or

(B) Attach to or logically associate with the record an electronic symbol, sound, or process.

"Signed," "signing," and "signature" have corresponding meanings.

(38) "State" means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(39) "Surety" includes a guarantor or other secondary obligor.

(40) "Term" means a portion of an agreement that relates to a particular matter.

(41) "Unauthorized signature" means a signature made without actual, implied, or apparent authority. The term includes a forgery.

(42) "Warehouse receipt" means a document of title issued by a person engaged in the business of storing goods for hire.

(43) "Writing" includes printing, typewriting, or any other intentional reduction to tangible form. "Written" has a corresponding meaning.

**Sec. 102.** RCW 62A.1-306 and 2012 c 214 s 120 are each amended to read as follows:

A claim or right arising out of an alleged breach may be discharged in whole or in part without consideration by agreement of the aggrieved party in ~~((an authenticated))~~ a signed record.

## PART II

**Sec. 201.** RCW 62A.2-102 and 1965 ex.s. c 157 s 2-102 are each amended to read as follows:

~~((Unless the context otherwise requires, this Article applies to transactions in goods; it does not apply to any transaction which although in the form of an unconditional contract to sell or present sale is intended to operate only as a~~

~~security transaction nor does this Article impair or repeal any statute regulating sales to consumers, farmers or other specified classes of buyers.))~~ (1) Unless the context otherwise requires, and except as provided in subsection (3) of this section, this Article applies to transactions in goods and, in the case of a hybrid transaction, it applies to the extent provided in subsection (2) of this section.

(2) In a hybrid transaction:

(a) If the sale-of-goods aspects do not predominate, only the provisions of this Article which relate primarily to the sale-of-goods aspects of the transaction apply, and the provisions that relate primarily to the transaction as a whole do not apply.

(b) If the sale-of-goods aspects predominate, this Article applies to the transaction but does not preclude application in appropriate circumstances of other law to aspects of the transaction which do not relate to the sale of goods.

(3) This Article does not:

(a) Apply to a transaction that, even though in the form of an unconditional contract to sell or present sale, operates only to create a security interest; or

(b) Impair or repeal a statute regulating sales to consumers, farmers, or other specified classes of buyers.

**Sec. 202.** RCW 62A.2-106 and 1965 ex.s. c 157 s 2-106 are each amended to read as follows:

(1) In this Article unless the context otherwise requires "contract" and "agreement" are limited to those relating to the present or future sale of goods. "Contract for sale" includes both a present sale of goods and a contract to sell goods at a future time. A "sale" consists in the passing of title from the seller to the buyer for a price (RCW 62A.2-401). A "present sale" means a sale which is accomplished by the making of the contract.

(2) Goods or conduct including any part of a performance are "conforming" or conform to the contract when they are in accordance with the obligations under the contract.

(3) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the contract otherwise than for its breach. On "termination" all obligations which are still executory on both sides are discharged but any right based on prior breach or performance survives.

(4) "Cancellation" occurs when either party puts an end to the contract for breach by the other and its effect is the same as that of "termination" except that the canceling party also retains any remedy for breach of the whole contract or any unperformed balance.

(5) "Hybrid transaction" means a single transaction involving a sale of goods and:

(a) The provision of services;

(b) A lease of other goods; or

(c) A sale, lease, or license of property other than goods.

**Sec. 203.** RCW 62A.2-201 and 2013 c 23 s 126 are each amended to read as follows:

(1) Except as otherwise provided in this section, a contract for the sale of goods for the price of ~~((five hundred dollars))~~ \$500 or more is not enforceable by way of action or defense unless there is ~~((some writing))~~ a record sufficient to indicate that a contract for sale has been made between the parties and signed by the party against whom enforcement is sought or by ~~((his or her))~~ the party's authorized agent or broker. A ~~((writing))~~ record is not insufficient because it omits or incorrectly states a term agreed upon but the contract is not enforceable under this ~~((paragraph))~~ subsection beyond the quantity of goods shown in ~~((such writing))~~ the record.

(2) Between merchants if within a reasonable time a ~~((writing))~~ record in confirmation of the contract and sufficient against the sender is received and the party receiving it has reason to know its contents, it satisfies the requirements of subsection (1) of this section against ~~((such))~~ the party unless ~~((written))~~ notice in a record of objection to its contents is given within ~~((ten))~~ 10 days after it is received.

(3) A contract which does not satisfy the requirements of subsection (1) of this section but which is valid in other respects is enforceable:

(a) If the goods are to be specially manufactured for the buyer and are not suitable for sale to others in the ordinary course of the seller's business and the seller, before notice of repudiation is received and under circumstances which reasonably indicate that the goods are for the buyer, has made either a substantial beginning of their manufacture or commitments for their procurement; or

(b) If the party against whom enforcement is sought admits in his or her pleading, testimony, or otherwise in court that a contract for sale was made, but the contract is not enforceable under this provision beyond the quantity of goods admitted; or

(c) With respect to goods for which payment has been made and accepted or which have been received and accepted (RCW 62A.2-606).

**Sec. 204.** RCW 62A.2-202 and 2012 c 214 s 803 are each amended to read as follows:

Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a ~~((writing))~~ record intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented:

(a) By course of performance, course of dealing, or usage of trade (RCW 62A.1-303); and

(b) By evidence of consistent additional terms unless the court finds the ~~((writing))~~ record to have been intended also as a complete and exclusive statement of the terms of the agreement.

**Sec. 205.** RCW 62A.2-203 and 1965 ex.s. c 157 s 2-203 are each amended to read as follows:

The affixing of a seal to a ~~((writing))~~ record evidencing a contract for sale or an offer to buy or sell goods does not constitute the ~~((writing))~~ record a sealed instrument and the law with respect to sealed instruments does not apply to such contract or offer.

**Sec. 206.** RCW 62A.2-205 and 1965 ex.s. c 157 s 2-205 are each amended to read as follows:

An offer by a merchant to buy or sell goods in a signed ~~((writing))~~ record which by its terms gives assurance that it will be held open is not revocable, for lack of consideration, during the time stated or if no time is stated for a reasonable time, but in no event may such period of irrevocability exceed three months; but any such term of assurance on a form supplied by the offeree must be separately signed by the offeror.

**Sec. 207.** RCW 62A.2-209 and 1965 ex.s. c 157 s 2-209 are each amended to read as follows:

(1) An agreement modifying a contract within this Article needs no consideration to be binding.

(2) A signed agreement which excludes modification or rescission except by a signed writing or other signed record cannot be otherwise modified or rescinded, but except as between merchants such a requirement on a form supplied by the merchant must be separately signed by the other party.

(3) The requirements of the statute of frauds section of this Article (RCW 62A.2-201) must be satisfied if the contract as modified is within its provisions.

(4) Although an attempt at modification or rescission does not satisfy the requirements of subsection (2) or (3) it can operate as a waiver.

(5) A party who has made a waiver affecting an executory portion of the contract may retract the waiver by reasonable notification received by the other party that strict performance will be required of any term waived, unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

### PART III

**Sec. 301.** RCW 62A.2A-102 and 1993 c 230 s 2A-102 are each amended to read as follows:

(1) This Article applies to any transaction, regardless of form, that creates a lease and, in the case of a hybrid lease, it applies to the extent provided in subsection (2) of this section.

(2) In a hybrid lease:  
(a) If the lease-of-goods aspects do not predominate:

(i) Only the provisions of this Article which relate primarily to the lease-of-goods aspects of the transaction apply, and the

provisions that relate primarily to the transaction as a whole do not apply;

(ii) RCW 62A.2A-209 applies if the lease is a finance lease; and

(iii) RCW 62A.2A-407 applies to the promises of the lessee in a finance lease to the extent the promises are consideration for the right to possession and use of the leased goods; and

(b) If the lease-of-goods aspects predominate, this Article applies to the transaction, but does not preclude application in appropriate circumstances of other law to aspects of the lease which do not relate to the lease of goods.

**Sec. 302.** RCW 62A.2A-103 and 2012 c 214 s 902 are each amended to read as follows:

(1) In this Article unless the context otherwise requires:

(a) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him or her is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. "Buying" may be for cash, or by exchange of other property, or on secured or unsecured credit, and includes acquiring goods or documents of title under a preexisting contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(b) "Cancellation" occurs when either party puts an end to the lease contract for default by the other party.

(c) "Commercial unit" means such a unit of goods as by commercial usage is a single whole for purposes of lease and division of which materially impairs its character or value on the market or in use. A commercial unit may be a single article, as a machine, or a set of articles, as a suite of furniture or a line of machinery, or a quantity, as a gross or carload, or any other unit treated in use or in the relevant market as a single whole.

(d) "Conforming" goods or performance under a lease contract means goods or performance that are in accordance with the obligations under the lease contract.

(e) "Consumer lease" means a lease that a lessor regularly engaged in the business of leasing or selling makes to a lessee who is an individual who takes under the lease primarily for a personal, family, or household purpose, if the total payments to be made under the lease contract, excluding payments for options to renew or buy, do not exceed twenty-five thousand dollars.

(f) "Fault" means wrongful act, omission, breach, or default.

(g) "Finance lease" means a lease with respect to which:

(i) The lessor does not select, manufacture, or supply the goods;

(ii) The lessor acquires the goods or the right to possession and use of the goods in connection with the lease; and

(iii) Only in the case of a consumer lease, either:

(A) The lessee receives a copy of the contract by which the lessor acquired the goods or the right to possession and use of the goods before signing the lease contract;

(B) The lessee's approval of the contract by which the lessor acquired the goods or the right to possession and use of the goods is a condition to effectiveness of the lease contract; or

(C) The lessee, before signing the lease contract, receives an accurate and complete statement designating the promises and warranties, and any disclaimers of warranties, limitations or modifications of remedies, or liquidated damages, including those of a third party, such as the manufacturer of the goods, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods.

(h) "Goods" means all things that are movable at the time of identification to the lease contract, or are fixtures (RCW 62A.2A-309), but the term does not include money, documents, instruments, accounts, chattel paper, general intangibles, or minerals or the like, including oil and gas, before extraction. The term also includes the unborn young of animals.

(h.1) "Hybrid lease" means a single transaction involving a lease of goods and:

(i) The provision of services;

(ii) A sale of other goods; or

(iii) A sale, lease, or license of property other than goods.

(i) "Installment lease contract" means a lease contract that authorizes or requires the delivery of goods in separate lots to be separately accepted, even though the lease contract contains a clause "each delivery is a separate lease" or its equivalent.

(j) "Lease" means a transfer of the right to possession and use of goods for a term in return for consideration, but a sale, including a sale on approval or a sale or return, or retention or creation of a security interest is not a lease. Unless the context clearly indicates otherwise, the term includes a sublease.

(k) "Lease agreement" means the bargain, with respect to the lease, of the lessor and the lessee in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this Article. Unless the context clearly indicates otherwise, the term includes a sublease agreement.

(l) "Lease contract" means the total legal obligation that results from the lease agreement as affected by this Article and any other applicable rules of law. Unless the context clearly indicates otherwise, the term includes a sublease contract.

(m) "Leasehold interest" means the interest of the lessor or the lessee under a lease contract.

(n) "Lessee" means a person who acquires the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessee.

(o) "Lessee in ordinary course of business" means a person who in good faith

and without knowledge that the lease to him or her is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods, leases in ordinary course from a person in the business of selling or leasing goods of that kind but does not include a pawnbroker. "Leasing" may be for cash, or by exchange of other property, or on secured or unsecured credit and includes acquiring goods or documents of title under a preexisting lease contract but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(p) "Lessor" means a person who transfers the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessor.

(q) "Lessor's residual interest" means the lessor's interest in the goods after expiration, termination, or cancellation of the lease contract.

(r) "Lien" means a charge against or interest in goods to secure payment of a debt or performance of an obligation, but the term does not include a security interest.

(s) "Lot" means a parcel or a single article that is the subject matter of a separate lease or delivery, whether or not it is sufficient to perform the lease contract.

(t) "Merchant lessee" means a lessee that is a merchant with respect to goods of the kind subject to the lease.

(u) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain. The discount is determined by the interest rate specified by the parties if the rate was not manifestly unreasonable at the time the transaction was entered into; otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the transaction was entered into.

(v) "Purchase" includes taking by sale, lease, mortgage, security interest, pledge, gift, or any other voluntary transaction creating an interest in goods.

(w) "Sublease" means a lease of goods the right to possession and use of which was acquired by the lessor as a lessee under an existing lease.

(x) "Supplier" means a person from whom a lessor buys or leases goods to be leased under a finance lease.

(y) "Supply contract" means a contract under which a lessor buys or leases goods to be leased.

(z) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the lease contract otherwise than for default.

(2) Other definitions applying to this Article or to specified Parts thereof, and the sections in which they appear are:

"Accessions."	RCW 62A.2A-310.
"Construction mortgage."	RCW 62A.2A-309.
"Encumbrance."	RCW 62A.2A-309.
"Fixtures."	RCW 62A.2A-309.

"Fixture filing."	RCW 62A.2A-309.
"Purchase money lease."	RCW 62A.2A-309.

(3) The following definitions in other articles apply to this Article:

"Account."	RCW 62A.9A-102.
"Between merchants."	RCW 62A.2-104.
"Buyer."	RCW 62A.2-103.
"Chattel paper."	RCW 62A.9A-102.
"Consumer goods."	RCW 62A.9A-102.
"Document."	RCW 62A.9A-102.
"Entrusting."	RCW 62A.2-403.
"General intangible."	RCW 62A.9A-102.
"Instrument."	RCW 62A.9A-102.
"Merchant."	RCW 62A.2-104(1).
"Mortgage."	RCW 62A.9A-102.
"Pursuant to commitment."	RCW 62A.9A-102.
"Receipt."	RCW 62A.2-103.
"Sale."	RCW 62A.2-106.
"Sale on approval."	RCW 62A.2-326.
"Sale or return."	RCW 62A.2-326.
"Seller."	RCW 62A.2-103.

(4) In addition, Article 1 of this title contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Sec. 303.** RCW 62A.2A-107 and 1993 c 230 s 2A-107 are each amended to read as follows:

Any claim or right arising out of an alleged default or breach of warranty may be discharged in whole or in part without consideration by a (~~written~~) waiver or renunciation in a signed ((and)) record delivered by the aggrieved party.

**Sec. 304.** RCW 62A.2A-201 and 1993 c 230 s 2A-201 are each amended to read as follows:

(1) A lease contract is not enforceable by way of action or defense unless:

(a) The total payments to be made under the lease contract, excluding payments for options to renew or buy, are less than one thousand dollars; or

(b) There is a (~~writing~~) record, signed by the party against whom enforcement is sought or by that party's authorized agent, sufficient to indicate that a lease contract has been made between the parties and to describe the goods leased and the lease term.

(2) Any description of leased goods or of the lease term is sufficient and satisfies subsection (1)(b) of this section, whether or not it is specific, if it reasonably identifies what is described.

(3) A (~~writing~~) record is not insufficient because it omits or incorrectly

states a term agreed upon, but the lease contract is not enforceable under subsection (1)(b) of this section beyond the lease term and the quantity of goods shown in the ~~((writing))~~ record.

(4) A lease contract that does not satisfy the requirements of subsection (1) of this section, but which is valid in other respects, is enforceable:

(a) If the goods are to be specially manufactured or obtained for the lessee and are not suitable for lease or sale to others in the ordinary course of the lessor's business, and the lessor, before notice of repudiation is received and under circumstances that reasonably indicate that the goods are for the lessee, has made either a substantial beginning of their manufacture or commitments for their procurement;

(b) If the party against whom enforcement is sought admits in that party's pleading, testimony, or otherwise in court that a lease contract was made, but the lease contract is not enforceable under this provision beyond the quantity of goods admitted; or

(c) With respect to goods that have been received and accepted by the lessee.

(5) The lease term under a lease contract referred to in subsection (4) of this section is:

(a) If there is a ~~((writing))~~ record signed by the party against whom enforcement is sought or by that party's authorized agent specifying the lease term, the term so specified;

(b) If the party against whom enforcement is sought admits in that party's pleading, testimony, or otherwise in court a lease term, the term so admitted; or

(c) A reasonable lease term.

**Sec. 305.** RCW 62A.2A-202 and 1993 c 230 s 2A-202 are each amended to read as follows:

Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a ~~((writing))~~ record intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented:

(1) By course of dealing or usage of trade or by course of performance; and

(2) By evidence of consistent additional terms unless the court finds the ~~((writing))~~ record to have been intended also as a complete and exclusive statement of the terms of the agreement.

**Sec. 306.** RCW 62A.2A-203 and 1993 c 230 s 2A-203 are each amended to read as follows:

The affixing of a seal to a ~~((writing))~~ record evidencing a lease contract or an offer to enter into a lease contract does not render the ~~((writing))~~ record a sealed instrument and the law with respect to sealed instruments does not apply to the lease contract or offer.

**Sec. 307.** RCW 62A.2A-205 and 1993 c 230 s 2A-205 are each amended to read as follows:

An offer by a merchant to lease goods to or from another person in a signed ~~((writing))~~ record that by its terms gives assurance it will be held open is not revocable, for lack of consideration, during the time stated or, if no time is stated, for a reasonable time, but in no event may the period of irrevocability exceed three months. Any such term of assurance on a form supplied by the offeree must be separately signed by the offeror.

**Sec. 308.** RCW 62A.2A-208 and 1993 c 230 s 2A-208 are each amended to read as follows:

(1) An agreement modifying a lease contract needs no consideration to be binding.

(2) A signed lease agreement that excludes modification or rescission except by a signed ~~((writing))~~ record may not be otherwise modified or rescinded, but, except as between merchants, such a requirement as a form supplied by a merchant must be separately signed by the other party.

(3) Although an attempt at modification or rescission does not satisfy the requirements of subsection (2) of this section, it may operate as a waiver.

(4) A party who has made a waiver affecting an executory portion of a lease contract may retract the waiver by reasonable notification received by the other party that strict performance will be required of any term waived, unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

#### PART IV

**Sec. 401.** RCW 62A.3-104 and 1993 c 229 s 6 are each amended to read as follows:

(a) Except as provided in subsections (c) and (d), "negotiable instrument" means an unconditional promise or order to pay a fixed amount of money, with or without interest or other charges described in the promise or order, if it:

(1) Is payable to bearer or to order at the time it is issued or first comes into possession of a holder;

(2) Is payable on demand or at a definite time; and

(3) Does not state any other undertaking or instruction by the person promising or ordering payment to do any act in addition to the payment of money, but the promise or order may contain (i) an undertaking or power to give, maintain, or protect collateral to secure payment, (ii) an authorization or power to the holder to confess judgment or realize on or dispose of collateral, ~~((or))~~ (iii) a waiver of the benefit of any law intended for the advantage or protection of an obligor, (iv) a term that specifies the law that governs the promise or order, or (v) an undertaking to resolve in a specified forum a dispute concerning the promise or order.

(b) "Instrument" means a negotiable instrument.

(c) An order that meets all of the requirements of subsection (a), except subsection (a)(1), and otherwise falls within the definition of "check" in subsection (f) is a negotiable instrument and a check.

(d) A promise or order other than a check is not an instrument if, at the time it is issued or first comes into possession of a holder, it contains a conspicuous statement, however expressed, to the effect that the promise or order is not negotiable or is not an instrument governed by this Article.

(e) An instrument is a "note" if it is a promise and is a "draft" if it is an order. If an instrument falls within the definition of both "note" and "draft," a person entitled to enforce the instrument may treat it as either.

(f) "Check" means (i) a draft, other than a documentary draft, payable on demand and drawn on a bank, or (ii) a cashier's check or teller's check. An instrument may be a check even though it is described on its face by another term, such as "money order."

(g) "Cashier's check" means a draft with respect to which the drawer and drawee are the same bank or branches of the same bank.

(h) "Teller's check" means a draft drawn by a bank (i) on another bank, or (ii) payable at or through a bank.

(i) "Traveler's check" means an instrument that (i) is payable on demand, (ii) is drawn on or payable at or through a bank, (iii) is designated by the term "traveler's check" or by a substantially similar term, and (iv) requires, as a condition to payment, a countersignature by a person whose specimen signature appears on the instrument.

(j) "Certificate of deposit" means an instrument containing an acknowledgment by a bank that a sum of money has been received by the bank and a promise by the bank to repay the sum of money. A certificate of deposit is a note of the bank.

**Sec. 402.** RCW 62A.3-105 and 1993 c 229 s 7 are each amended to read as follows:

(a) "Issue" means ~~((the))~~:

(1) The first delivery of an instrument by the maker or drawer, whether to a holder or nonholder, for the purpose of giving rights on the instrument to any person; or

(2) If agreed by the payee, the first transmission by the drawer to the payee of an image of an item and information derived from the item that enables the depository bank to collect the item by transferring or presenting under federal law an electronic check.

(b) An unissued instrument, or an unissued incomplete instrument that is completed, is binding on the maker or drawer, but nonissuance is a defense. An instrument that is conditionally issued or is issued for a special purpose is binding on the maker or drawer, but failure of the condition or special purpose to be fulfilled is a defense.

(c) "Issuer" applies to issued and unissued instruments and means a maker or drawer of an instrument.

**Sec. 403.** RCW 62A.3-401 and 1993 c 229 s 41 are each amended to read as follows:

~~((a))~~ A person is not liable on an instrument unless ~~((i))~~ (a) the person signed the instrument, or ~~((ii))~~ (b) the person is represented by an agent or representative who signed the instrument and the signature is binding on the represented person under RCW 62A.3-402.

~~((b) A signature may be made (i) manually or by means of a device or machine, and (ii) by the use of any name, including a trade or assumed name, or by a word, mark, or symbol executed or adopted by a person with present intention to authenticate a writing.))~~

**Sec. 404.** RCW 62A.3-604 and 1993 c 229 s 74 are each amended to read as follows:

(a) A person entitled to enforce an instrument, with or without consideration, may discharge the obligation of a party to pay the instrument (i) by an intentional voluntary act, such as surrender of the instrument to the party, destruction, mutilation, or cancellation of the instrument, cancellation or striking out of the party's signature, or the addition of words to the instrument indicating discharge, or (ii) by agreeing not to sue or otherwise renouncing rights against the party by a signed writing. The obligation of a party to pay a check is not discharged solely by destruction of the check in connection with a process in which information is extracted from the check and an image of the check is made and, subsequently, the information and image are transmitted for payment.

(b) Cancellation or striking out of an indorsement pursuant to subsection (a) does not affect the status and rights of a party derived from the indorsement.

## PART V

**Sec. 501.** RCW 62A.4A-103 and 2013 c 118 s 2 are each amended to read as follows:

(a) In this Article:

(1) "Payment order" means an instruction of a sender to a receiving bank, transmitted orally ~~((, electronically))~~ or in ~~((writing))~~ a record, to pay, or to cause another bank to pay, a fixed or determinable amount of money to a beneficiary if:

(i) The instruction does not state a condition to payment to the beneficiary other than time of payment;

(ii) The receiving bank is to be reimbursed by debiting an account of, or otherwise receiving payment from, the sender; and

(iii) The instruction is transmitted by the sender directly to the receiving bank or to an agent, funds-transfer system, or communication system for transmittal to the receiving bank.

(2) "Beneficiary" means the person to be paid by the beneficiary's bank.

(3) "Beneficiary's bank" means the bank identified in a payment order in which an account of the beneficiary is to be credited pursuant to the order or which otherwise is to make payment to the beneficiary if the



order does not provide for payment to an account.

(4) "Receiving bank" means the bank to which the sender's instruction is addressed.

(5) "Sender" means the person giving the instruction to the receiving bank.

(b) If an instruction complying with subsection (a)(1) of this section is to make more than one payment to a beneficiary, the instruction is a separate payment order with respect to each payment.

(c) A payment order is issued when it is sent to the receiving bank.

**Sec. 502.** RCW 62A.4A-201 and 1991 sp.s. c 21 s 4A-201 are each amended to read as follows:

"Security procedure" means a procedure established by agreement of a customer and a receiving bank for the purpose of (1) verifying that a payment order or communication amending or canceling a payment order is that of the customer, or (2) detecting error in the transmission or the content of the payment order or communication. A security procedure may impose an obligation on the receiving bank or the customer and may require the use of algorithms or other codes, identifying words (( $\oplus$ ), numbers, symbols, sounds, biometrics, encryption, callback procedures, or similar security devices. Comparison of a signature on a payment order or communication with an authorized specimen signature of the customer or requiring a payment order to be sent from a known email address, IP address, or telephone number is not by itself a security procedure.

**Sec. 503.** RCW 62A.4A-202 and 2013 c 118 s 6 are each amended to read as follows:

(a) A payment order received by the receiving bank is the authorized order of the person identified as sender if that person authorized the order or is otherwise bound by it under the law of agency.

(b) If a bank and its customer have agreed that the authenticity of payment orders issued to the bank in the name of the customer as sender will be verified pursuant to a security procedure, a payment order received by the receiving bank is effective as the order of the customer, whether or not authorized, if (i) the security procedure is a commercially reasonable method of providing security against unauthorized payment orders, and (ii) the bank proves that it accepted the payment order in good faith and in compliance with the bank's obligations under the security procedure and any ((written)) agreement or instruction of the customer, evidenced by a record, restricting acceptance of payment orders issued in the name of the customer. The bank is not required to follow an instruction that violates a ((written)) an agreement with the customer, evidenced by a record, or notice of which is not received at a time and in a manner affording the bank a reasonable opportunity to act on it before the payment order is accepted.

(c) Commercial reasonableness of a security procedure is a question of law to be determined by considering the wishes of the customer expressed to the bank, the

circumstances of the customer known to the bank, including the size, type, and frequency of payment orders normally issued by the customer to the bank, alternative security procedures offered to the customer, and security procedures in general use by customers and receiving banks similarly situated. A security procedure is deemed to be commercially reasonable if (i) the security procedure was chosen by the customer after the bank offered, and the customer refused, a security procedure that was commercially reasonable for that customer, and (ii) the customer expressly agreed in ((writing)) a record to be bound by any payment order, whether or not authorized, issued in its name, and accepted by the bank in compliance with the bank's obligations under the security procedure chosen by the customer.

(d) The term "sender" in this Article includes the customer in whose name a payment order is issued if the order is the authorized order of the customer under subsection (a) of this section, or it is effective as the order of the customer under subsection (b) of this section.

(e) This section applies to amendments and cancellations of payment orders to the same extent it applies to payment orders.

(f) Except as provided in this section and RCW 62A.4A-203(a)(1), rights and obligations arising under this section or RCW 62A.4A-203 may not be varied by agreement.

**Sec. 504.** RCW 62A.4A-203 and 2013 c 118 s 7 are each amended to read as follows:

(a) If an accepted payment order is not, under RCW 62A.4A-202(a), an authorized order of a customer identified as sender, but is effective as an order of the customer pursuant to RCW 62A.4A-202(b), the following rules apply.

(1) By express ((written)) agreement evidenced by a record, the receiving bank may limit the extent to which it is entitled to enforce or retain payment of the payment order.

(2) The receiving bank is not entitled to enforce or retain payment of the payment order if the customer proves that the order was not caused, directly or indirectly, by a person (i) entrusted at any time with duties to act for the customer with respect to payment orders or the security procedure, or (ii) who obtained access to transmitting facilities of the customer or who obtained, from a source controlled by the customer and without authority of the receiving bank, information facilitating breach of the security procedure, regardless of how the information was obtained or whether the customer was at fault. Information includes any access device, computer software, or the like.

(b) This section applies to amendments of payment orders to the same extent it applies to payment orders.

**Sec. 505.** RCW 62A.4A-207 and 2013 c 118 s 11 are each amended to read as follows:

(a) Subject to subsection (b) of this section, if, in a payment order received by

the beneficiary's bank, the name, bank account number, or other identification of the beneficiary refers to a nonexistent or unidentifiable person or account, no person has rights as a beneficiary of the order and acceptance of the order cannot occur.

(b) If a payment order received by the beneficiary's bank identifies the beneficiary both by name and by an identifying or bank account number and the name and number identify different persons, the following rules apply:

(1) Except as otherwise provided in subsection (c) of this section, if the beneficiary's bank does not know that the name and number refer to different persons, it may rely on the number as the proper identification of the beneficiary of the order. The beneficiary's bank need not determine whether the name and number refer to the same person.

(2) If the beneficiary's bank pays the person identified by name or knows that the name and number identify different persons, no person has rights as beneficiary except the person paid by the beneficiary's bank if that person was entitled to receive payment from the originator of the funds transfer. If no person has rights as beneficiary, acceptance of the order cannot occur.

(c) If (i) a payment order described in subsection (b) of this section is accepted, (ii) the originator's payment order described the beneficiary inconsistently by name and number, and (iii) the beneficiary's bank pays the person identified by number as permitted by subsection (b)(1) of this section, the following rules apply:

(1) If the originator is a bank, the originator is obliged to pay its order.

(2) If the originator is not a bank and proves that the person identified by number was not entitled to receive payment from the originator, the originator is not obliged to pay its order unless the originator's bank proves that the originator, before acceptance of the originator's order, had notice that payment of a payment order issued by the originator might be made by the beneficiary's bank on the basis of an identifying or bank account number even if it identifies a person different from the named beneficiary. Proof of notice may be made by any admissible evidence. The originator's bank satisfies the burden of proof if it proves that the originator, before the payment order was accepted, signed a ~~((writing))~~ record stating the information to which the notice relates.

(d) In a case governed by subsection (b)

(1) of this section, if the beneficiary's bank rightfully pays the person identified by number and that person was not entitled to receive payment from the originator, the amount paid may be recovered from that person to the extent allowed by the law governing mistake and restitution as follows:

(1) If the originator is obliged to pay its payment order as stated in subsection (c) of this section, the originator has the right to recover.

(2) If the originator is not a bank and is not obliged to pay its payment order, the originator's bank has the right to recover.

**Sec. 506.** RCW 62A.4A-208 and 2013 c 118 s 12 are each amended to read as follows:

(a) This subsection applies to a payment order identifying an intermediary bank or the beneficiary's bank only by an identifying number.

(1) The receiving bank may rely on the number as the proper identification of the intermediary or beneficiary's bank and need not determine whether the number identifies a bank.

(2) The sender is obliged to compensate the receiving bank for any loss and expenses incurred by the receiving bank as a result of its reliance on the number in executing or attempting to execute the order.

(b) This subsection applies to a payment order identifying an intermediary bank or the beneficiary's bank both by name and an identifying number if the name and number identify different persons.

(1) If the sender is a bank, the receiving bank may rely on the number as the proper identification of the intermediary or beneficiary's bank if the receiving bank, when it executes the sender's order, does not know that the name and number identify different persons. The receiving bank need not determine whether the name and number refer to the same person or whether the number refers to a bank. The sender is obliged to compensate the receiving bank for any loss and expenses incurred by the receiving bank as a result of its reliance on the number in executing or attempting to execute the order.

(2) If the sender is not a bank and the receiving bank proves that the sender, before the payment order was accepted, had notice that the receiving bank might rely on the number as the proper identification of the intermediary or beneficiary's bank even if it identifies a person different from the bank identified by name, the rights and obligations of the sender and the receiving bank are governed by subsection (b)(1) of this section, as though the sender were a bank. Proof of notice may be made by any admissible evidence. The receiving bank satisfies the burden of proof if it proves that the sender, before the payment order was accepted, signed a ~~((writing))~~ record stating the information to which the notice relates.

(3) Regardless of whether the sender is a bank, the receiving bank may rely on the name as the proper identification of the intermediary or beneficiary's bank if the receiving bank, at the time it executes the sender's order, does not know that the name and number identify different persons. The receiving bank need not determine whether the name and number refer to the same person.

(4) If the receiving bank knows that the name and number identify different persons, reliance on either the name or the number in executing the sender's payment order is a breach of the obligation stated in RCW 62A.4A-302(a)(1).

**Sec. 507.** RCW 62A.4A-210 and 2013 c 118 s 14 are each amended to read as follows:

(a) A payment order is rejected by the receiving bank by a notice of rejection transmitted to the sender orally (~~(or electronically)~~) or in (~~(writing)~~) a record. A notice of rejection need not use any particular words and is sufficient if it indicates that the receiving bank is rejecting the order or will not execute or pay the order. Rejection is effective when the notice is given if transmission is by a means that is reasonable in the circumstances. If notice of rejection is given by a means that is not reasonable, rejection is effective when the notice is received. If an agreement of the sender and receiving bank establishes the means to be used to reject a payment order, (i) any means complying with the agreement is reasonable and (ii) any means not complying is not reasonable unless no significant delay in receipt of the notice resulted from the use of the noncomplying means.

(b) This subsection applies if a receiving bank other than the beneficiary's bank fails to execute a payment order despite the existence on the execution date of a withdrawable credit balance in an authorized account of the sender sufficient to cover the order. If the sender does not receive notice of rejection of the order on the execution date and the authorized account of the sender does not bear interest, the bank is obliged to pay interest to the sender on the amount of the order for the number of days elapsing after the execution date to the earlier of the day the order is canceled pursuant to RCW 62A.4A-211(d) or the day the sender receives notice or learns that the order was not executed, counting the final day of the period as an elapsed day. If the withdrawable credit balance during that period falls below the amount of the order, the amount of interest is reduced accordingly.

(c) If a receiving bank suspends payments, all unaccepted payment orders issued to it are deemed rejected at the time the bank suspends payments.

(d) Acceptance of a payment order precludes a later rejection of the order. Rejection of a payment order precludes a later acceptance of the order.

**Sec. 508.** RCW 62A.4A-211 and 2013 c 118 s 15 are each amended to read as follows:

(a) A communication of the sender of a payment order canceling or amending the order may be transmitted to the receiving bank orally (~~(or electronically)~~) or in (~~(writing)~~) a record. If a security procedure is in effect between the sender and the receiving bank, the communication is not effective to cancel or amend the order unless the communication is verified pursuant to the security procedure or the bank agrees to the cancellation or amendment.

(b) Subject to subsection (a) of this section, a communication by the sender canceling or amending a payment order is effective to cancel or amend the order if notice of the communication is received at a time and in a manner affording the receiving

bank a reasonable opportunity to act on the communication before the bank accepts the payment order.

(c) After a payment order has been accepted, cancellation or amendment of the order is not effective unless the receiving bank agrees or a funds-transfer system rule allows cancellation or amendment without agreement of the bank.

(1) With respect to a payment order accepted by a receiving bank other than the beneficiary's bank, cancellation or amendment is not effective unless a conforming cancellation or amendment of the payment order issued by the receiving bank is also made.

(2) With respect to a payment order accepted by the beneficiary's bank, cancellation or amendment is not effective unless the order was issued in execution of an unauthorized payment order, or because of a mistake by a sender in the funds transfer which resulted in the issuance of a payment order (i) that is a duplicate of a payment order previously issued by the sender, (ii) that orders payment to a beneficiary not entitled to receive payment from the originator, or (iii) that orders payment in an amount greater than the amount the beneficiary was entitled to receive from the originator. If the payment order is canceled or amended, the beneficiary's bank is entitled to recover from the beneficiary any amount paid to the beneficiary to the extent allowed by the law governing mistake and restitution.

(d) An unaccepted payment order is canceled by operation of law at the close of the fifth funds-transfer business day of the receiving bank after the execution date or payment date of the order.

(e) A canceled payment order cannot be accepted. If an accepted payment order is canceled, the acceptance is nullified and no person has any right or obligation based on the acceptance. Amendment of a payment order is deemed to be cancellation of the original order at the time of amendment and issue of a new payment order in the amended form at the same time.

(f) Unless otherwise provided in an agreement of the parties or in a funds-transfer system rule, if the receiving bank, after accepting a payment order, agrees to cancellation or amendment of the order by the sender or is bound by a funds-transfer system rule allowing cancellation or amendment without the bank's agreement, the sender, whether or not cancellation or amendment is effective, is liable to the bank for any loss and expenses, including reasonable attorneys' fees, incurred by the bank as a result of the cancellation or amendment or attempted cancellation or amendment.

(g) A payment order is not revoked by the death or legal incapacity of the sender unless the receiving bank knows of the death or of an adjudication of incapacity by a court of competent jurisdiction and has reasonable opportunity to act before acceptance of the order.

(h) A funds-transfer system rule is not effective to the extent it conflicts with subsection (c) (2) of this section.

**Sec. 509.** RCW 62A.4A-305 and 2013 c 118 s 21 are each amended to read as follows:

(a) If a funds transfer is completed but execution of a payment order by the receiving bank in breach of RCW 62A.4A-302 results in delay in payment to the beneficiary, the bank is obliged to pay interest to either the originator or the beneficiary of the funds transfer for the period of delay caused by the improper execution. Except as provided in subsection (c) of this section, additional damages are not recoverable.

(b) If execution of a payment order by a receiving bank in breach of RCW 62A.4A-302 results in (i) noncompletion of the funds transfer, (ii) failure to use an intermediary bank designated by the originator, or (iii) issuance of a payment order that does not comply with the terms of the payment order of the originator, the bank is liable to the originator for its expenses in the funds transfer and for incidental expenses and interest losses, to the extent not covered by subsection (a) of this section, resulting from the improper execution. Except as provided in subsection (c) of this section, additional damages are not recoverable.

(c) In addition to the amounts payable under subsections (a) and (b) of this section, damages, including consequential damages, are recoverable to the extent provided in an express (~~written~~) agreement of the receiving bank, evidenced by a record.

(d) If a receiving bank fails to execute a payment order it was obliged by express agreement to execute, the receiving bank is liable to the sender for its expenses in the transaction and for incidental expenses and interest losses resulting from the failure to execute. Additional damages, including consequential damages, are recoverable to the extent provided in an express (~~written~~) agreement of the receiving bank, evidenced by a record, but are not otherwise recoverable.

(e) Reasonable attorneys' fees are recoverable if demand for compensation under subsection (a) or (b) of this section is made and refused before an action is brought on the claim. If a claim is made for breach of an agreement under subsection (d) of this section and the agreement does not provide for damages, reasonable attorneys' fees are recoverable if demand for compensation under subsection (d) of this section is made and refused before an action is brought on the claim.

(f) Except as stated in this section, the liability of a receiving bank under subsections (a) and (b) of this section may not be varied by agreement.

## PART VI

**Sec. 601.** RCW 62A.5-104 and 2012 c 214 s 1702 are each amended to read as follows:

A letter of credit, confirmation, advice, transfer, amendment, or cancellation may be issued in any form that is a signed record (~~and is authenticated (i) by a signature or (ii) in accordance with the agreement of the~~

~~parties or the standard practice referred to in RCW 62A.5-108(e)).~~

**Sec. 602.** RCW 62A.5-116 and 2012 c 214 s 1712 are each amended to read as follows:

(a) The liability of an issuer, nominated person, or adviser for action or omission is governed by the law of the jurisdiction chosen by an agreement in the form of a record signed (~~or otherwise authenticated~~) by the affected parties (~~in the manner provided in RCW 62A.5-104~~) or by a provision in the person's letter of credit, confirmation, or other undertaking. The jurisdiction whose law is chosen need not bear any relation to the transaction.

(b) Unless subsection (a) of this section applies, the liability of an issuer, nominated person, or adviser for action or omission is governed by the law of the jurisdiction in which the person is located. The person is considered to be located at the address indicated in the person's undertaking. If more than one address is indicated, the person is considered to be located at the address from which the person's undertaking was issued.

(c) For the purpose of jurisdiction, choice of law, and recognition of interbranch letters of credit, but not enforcement of a judgment, all branches of a bank are considered separate juridical entities and a bank is considered to be located at the place where its relevant branch is considered to be located under this subsection.

~~((e))~~(d) A branch of a bank is considered to be located at the address indicated in the branch's undertaking. If more than one address is indicated, the branch is considered to be located at the address from which the undertaking was issued.

(e) Except as otherwise provided in this subsection, the liability of an issuer, nominated person, or adviser is governed by any rules of custom or practice, such as the Uniform Customs and Practice for Documentary Credits, to which the letter of credit, confirmation, or other undertaking is expressly made subject. If (i) this Article would govern the liability of an issuer, nominated person, or adviser under subsection (a) or (b) of this section, (ii) the relevant undertaking incorporates rules of custom or practice, and (iii) there is conflict between this Article and those rules as applied to that undertaking, those rules govern except to the extent of any conflict with the nonvariable provisions specified in RCW 62A.5-103(c).

~~((d))~~(f) If there is conflict between this Article and Article 3, 4, 4A, or 9A, this Article governs.

~~((e))~~(g) The forum for settling disputes arising out of an undertaking within this Article may be chosen in the manner and with the binding effect that governing law may be chosen in accordance with subsection (a) of this section.

## PART VII

**Sec. 701.** RCW 62A.7-102 and 2012 c 214 s 202 are each amended to read as follows:

(a) In this Article, unless the context otherwise requires:

(1) "Bailee" means a person that by a warehouse receipt, bill of lading, or other document of title acknowledges possession of goods and contracts to deliver them.

(2) "Carrier" means a person that issues a bill of lading.

(3) "Consignee" means a person named in a bill of lading to which or to whose order the bill promises delivery.

(4) "Consignor" means a person named in a bill of lading as the person from which the goods have been received for shipment.

(5) "Delivery order" means a record that contains an order to deliver goods directed to a warehouse, carrier, or other person that in the ordinary course of business issues warehouse receipts or bills of lading.

(6) [Reserved.]

(7) "Goods" means all things that are treated as movable for the purposes of a contract for storage or transportation.

(8) "Issuer" means a bailee that issues a document of title or, in the case of an unaccepted delivery order, the person that orders the possessor of goods to deliver. The term includes a person for which an agent or employee purports to act in issuing a document if the agent or employee has real or apparent authority to issue documents, even if the issuer did not receive any goods, the goods were misdescribed, or in any other respect the agent or employee violated the issuer's instructions.

(9) "Person entitled under the document" means the holder, in the case of a negotiable document of title, or the person to which delivery of the goods is to be made by the terms of, or pursuant to instructions in a record under, a nonnegotiable document of title.

(10) [Reserved.]

(11) (~~"Sign" means, with present intent to authenticate or adopt a record:~~

~~(A) To execute or adopt a tangible symbol; or~~

~~(B) To attach to or logically associate with the record an electronic sound, symbol, or process.)) [Reserved.]~~

(12) "Shipper" means a person that enters into a contract of transportation with a carrier.

(13) "Warehouse" means a person engaged in the business of storing goods for hire.

(b) Definitions in other articles applying to this Article and the sections in which they appear are:

(1) "Contract for sale", RCW 62A.2-106;

(2) "Lessee in ordinary course of business," RCW 62A.2A-103; and

(3) "Receipt" of goods, RCW 62A.2-103.

(c) In addition, Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Sec. 702.** RCW 62A.7-106 and 2012 c 214 s 206 are each amended to read as follows:

(a) A person has control of an electronic document of title if a system employed for evidencing the transfer of interests in the

electronic document reliably establishes that person as the person to which the electronic document was issued or transferred.

(b) A system satisfies subsection (a) of this section, and a person (~~is deemed to have~~)has control of an electronic document of title, if the document is created, stored, and (~~assigned~~)transferred in (~~such~~) a manner that:

(1) A single authoritative copy of the document exists which is unique, identifiable, and, except as otherwise provided in (4), (5), and (6) of this subsection, unalterable;

(2) The authoritative copy identifies the person asserting control as:

(A) The person to which the document was issued; or

(B) If the authoritative copy indicates that the document has been transferred, the person to which the document was most recently transferred;

(3) The authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

(4) Copies or amendments that add or change an identified (~~assignee~~)transferee of the authoritative copy can be made only with the consent of the person asserting control;

(5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(6) Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

(c) A system satisfies subsection (a) of this section, and a person has control of an electronic document of title, if an authoritative electronic copy of the document, a record attached to or logically associated with the electronic copy, or a system in which the electronic copy is recorded:

(1) Enables the person readily to identify each electronic copy as either an authoritative copy or a nonauthoritative copy;

(2) Enables the person readily to identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as the person to which each authoritative electronic copy was issued or transferred; and

(3) Gives the person exclusive power, subject to subsection (d) of this section, to:

(A) Prevent others from adding or changing the person to which each authoritative electronic copy has been issued or transferred; and

(B) Transfer control of each authoritative electronic copy.

(d) Subject to subsection (e) of this section, a power is exclusive under subsection (c) (3) (A) and (B) of this section even if:

(1) The authoritative electronic copy, a record attached to or logically associated with the authoritative electronic copy, or a system in which the authoritative electronic copy is recorded limits the use of the document of title or has a protocol that is

programmed to cause a change, including a transfer or loss of control; or

(2) The power is shared with another person.

(e) A power of a person is not shared with another person under subsection (d)(2) of this section and the person's power is not exclusive if:

(1) The person can exercise the power only if the power also is exercised by the other person; and

(2) The other person:

(A) Can exercise the power without exercise of the power by the person; or

(B) Is the transferor to the person of an interest in the document of title.

(f) If a person has the powers specified in subsection (c)(3)(A) and (B) of this section, the powers are presumed to be exclusive.

(g) A person has control of an electronic document of title if another person, other than the transferor to the person of an interest in the document:

(1) Has control of the document and acknowledges that it has control on behalf of the person; or

(2) Obtains control of the document after having acknowledged that it will obtain control of the document on behalf of the person.

(h) A person that has control under this section is not required to acknowledge that it has control on behalf of another person.

(i) If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this Article or Article 9 of this title otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.

## **PART VIII**

**Sec. 801.** RCW 62A.8-102 and 2012 c 214 s 1401 are each amended to read as follows:

(1) In this Article:

(a) "Adverse claim" means a claim that a claimant has a property interest in a financial asset and that it is a violation of the rights of the claimant for another person to hold, transfer, or deal with the financial asset.

(b) "Bearer form," as applied to a certificated security, means a form in which the security is payable to the bearer of the security certificate according to its terms but not by reason of an indorsement.

(c) "Broker" means a person defined as a broker or dealer under the federal securities laws, but without excluding a bank acting in that capacity.

(d) "Certificated security" means a security that is represented by a certificate.

(e) "Clearing corporation" means:

(i) A person that is registered as a "clearing agency" under the federal securities laws;

(ii) A federal reserve bank; or

(iii) Any other person that provides clearance or settlement services with respect to financial assets that would require it to register as a clearing agency

under the federal securities laws but for an exclusion or exemption from the registration requirement, if its activities as a clearing corporation, including adoption of rules, are subject to regulation by a federal or state governmental authority.

(f) "Communicate" means to:

(i) Send a signed (~~writing~~) record; or

(ii) Transmit information by any mechanism agreed upon by the persons transmitting and receiving the information.

(g) "Entitlement holder" means a person identified in the records of a securities intermediary as the person having a security entitlement against the securities intermediary. If a person acquires a security entitlement by virtue of RCW 62A.8-501(2) (b) or (c), that person is the entitlement holder.

(h) "Entitlement order" means a notification communicated to a securities intermediary directing transfer or redemption of a financial asset to which the entitlement holder has a security entitlement.

(i) "Financial asset," except as otherwise provided in RCW 62A.8-103, means:

(i) A security;

(ii) An obligation of a person or a share, participation, or other interest in a person or in property or an enterprise of a person, which is, or is of a type, dealt in or traded on financial markets, or which is recognized in any area in which it is issued or dealt in as a medium for investment; or

(iii) Any property that is held by a securities intermediary for another person in a securities account if the securities intermediary has expressly agreed with the other person that the property is to be treated as a financial asset under this Article.

As context requires, the term means either the interest itself or the means by which a person's claim to it is evidenced, including a certificated or uncertificated security, a security certificate, or a security entitlement.

(j) [Reserved.]

(k) "Indorsement" means a signature that alone or accompanied by other words is made on a security certificate in registered form or on a separate document for the purpose of assigning, transferring, or redeeming the security or granting a power to assign, transfer, or redeem it.

(l) "Instruction" means a notification communicated to the issuer of an uncertificated security which directs that the transfer of the security be registered or that the security be redeemed.

(m) "Registered form," as applied to a certificated security, means a form in which:

(i) The security certificate specifies a person entitled to the security; and

(ii) A transfer of the security may be registered upon books maintained for that purpose by or on behalf of the issuer, or the security certificate so states.

(n) "Securities intermediary" means:

(i) A clearing corporation; or

(ii) A person, including a bank or broker, that in the ordinary course of its business maintains securities accounts for others and is acting in that capacity.

(o) "Security," except as otherwise provided in RCW 62A.8-103, means an obligation of an issuer or a share, participation, or other interest in an issuer or in property or an enterprise of an issuer:

(i) Which is represented by a security certificate in bearer or registered form, or the transfer of which may be registered upon books maintained for that purpose by or on behalf of the issuer;

(ii) Which is one of a class or series or by its terms is divisible into a class or series of shares, participations, interests, or obligations; and

(iii) Which:

(A) Is, or is of a type, dealt in or traded on securities exchanges or securities markets; or

(B) Is a medium for investment and by its terms expressly provides that it is a security governed by this Article.

(p) "Security certificate" means a certificate representing a security.

(q) "Security entitlement" means the rights and property interest of an entitlement holder with respect to a financial asset specified in Part 5 of this Article.

(r) "Uncertificated security" means a security that is not represented by a certificate.

(2) ~~((Other))~~ The following definitions ((applying to)) in this Article and ~~((the sections in which they appear are))~~ other articles apply to this Article:

Appropriate person	RCW 62A.8-107
Control	RCW 62A.8-106
Delivery	RCW 62A.8-301
Investment company security	RCW 62A.8-103
Issuer	RCW 62A.8-201
Overissue	RCW 62A.8-210
Protected purchaser	RCW 62A.8-303
Securities account	RCW 62A.8-501

(3) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

(4) The characterization of a person, business, or transaction for purposes of this Article does not determine the characterization of the person, business, or transaction for purposes of any other law, regulation, or rule.

**Sec. 802.** RCW 62A.8-106 and 2000 c 250 s 9A-816 are each amended to read as follows:

(1) A purchaser has "control" of a certificated security in bearer form if the certificated security is delivered to the purchaser.

(2) A purchaser has "control" of a certificated security in registered form if the certificated security is delivered to the purchaser, and:

(a) The certificate is indorsed to the purchaser or in blank by an effective indorsement; or

(b) The certificate is registered in the name of the purchaser, upon original issue or registration of transfer by the issuer.

(3) A purchaser has "control" of an uncertificated security if:

(a) The uncertificated security is delivered to the purchaser; or

(b) The issuer has agreed that it will comply with instructions originated by the purchaser without further consent by the registered owner.

(4) A purchaser has "control" of a security entitlement if:

(a) The purchaser becomes the entitlement holder;

(b) The securities intermediary has agreed that it will comply with entitlement orders originated by the purchaser without further consent by the entitlement holder; or

(c) Another person ((has control of the security entitlement on behalf of the purchaser or, having previously acquired control of the security entitlement, acknowledges that it has control on behalf of the purchaser)), other than the transferor to the purchaser of an interest in the security entitlement:

(i) Has control of the security entitlement and acknowledges that it has control on behalf of the purchaser; or

(ii) Obtains control of the security entitlement after having acknowledged that it will obtain control of the security entitlement on behalf of the purchaser.

(5) If an interest in a security entitlement is granted by the entitlement holder to the entitlement holder's own securities intermediary, the securities intermediary has control.

(6) A purchaser who has satisfied the requirements of subsection (3) or (4) of this section has control even if the registered owner in the case of subsection (3) of this section or the entitlement holder in the case of subsection (4) of this section retains the right to make substitutions for the uncertificated security or security entitlement, to originate instructions or entitlement orders to the issuer or securities intermediary, or otherwise to deal with the uncertificated security or security entitlement.

(7) An issuer or a securities intermediary may not enter into an agreement of the kind described in subsection (3)(b) or (4)(b) of this section without the consent of the registered owner or entitlement holder, but an issuer or a securities intermediary is not required to enter into such an agreement even though the registered owner or entitlement holder so directs. An issuer or securities intermediary that has entered into such an agreement is not required to confirm the existence of the agreement to another party unless requested to do so by the registered owner or entitlement holder.

(8) A person that has control under this section is not required to acknowledge that it has control on behalf of a purchaser.

(9) If a person acknowledges that it has or will obtain control on behalf of a

purchaser, unless the person otherwise agrees or law other than this Article or Article 9A of this title otherwise provides, the person does not owe any duty to the purchaser and is not required to confirm the acknowledgment to any other person.

**Sec. 803.** RCW 62A.8-110 and 2001 c 32 s 14 are each amended to read as follows:

(1) The local law of the issuer's jurisdiction, as specified in subsection (4) of this section, governs:

- (a) The validity of a security;
- (b) The rights and duties of the issuer with respect to registration of transfer;
- (c) The effectiveness of registration of transfer by the issuer;
- (d) Whether the issuer owes any duties to an adverse claimant to a security; and
- (e) Whether an adverse claim can be asserted against a person to whom transfer of a certificated or uncertificated security is registered or a person who obtains control of an uncertificated security.

(2) The local law of the securities intermediary's jurisdiction, as specified in subsection (5) of this section, governs:

- (a) Acquisition of a security entitlement from the securities intermediary;
- (b) The rights and duties of the securities intermediary and entitlement holder arising out of a security entitlement;
- (c) Whether the securities intermediary owes any duties to an adverse claimant to a security entitlement; and
- (d) Whether an adverse claim can be asserted against a person who acquires a security entitlement from the securities intermediary or a person who purchases a security entitlement or interest therein from an entitlement holder.

(3) The local law of the jurisdiction in which a security certificate is located at the time of delivery governs whether an adverse claim can be asserted against a person to whom the security certificate is delivered.

(4) "Issuer's jurisdiction" means the jurisdiction under which the issuer of the security is organized or, if permitted by the law of that jurisdiction, the law of another jurisdiction specified by the issuer. An issuer organized under the law of this state may specify the law of another jurisdiction as the law governing the matters specified in subsection (1)(b) through (e) of this section.

(5) The following rules determine a "securities intermediary's jurisdiction" for purposes of this section:

(a) If an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that a particular jurisdiction is the securities intermediary's jurisdiction for purposes of this part, this Article, or Article 62A.9A RCW, that jurisdiction is the securities intermediary's jurisdiction.

(b) If (a) of this subsection does not apply and an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that the agreement is

governed by the law of a particular jurisdiction, that jurisdiction is the securities intermediary's jurisdiction.

(c) If neither (a) nor (b) of this subsection applies, and an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that the securities account is maintained at an office in a particular jurisdiction, that jurisdiction is the securities intermediary's jurisdiction.

(d) If (a), (b), and (c) of this subsection do not apply, the securities intermediary's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the entitlement holder's account is located.

(e) If (a), (b), (c), and (d) of this subsection do not apply, the securities intermediary's jurisdiction is the jurisdiction in which the chief executive office of the securities intermediary is located.

(6) A securities intermediary's jurisdiction is not determined by the physical location of certificates representing financial assets, or by the jurisdiction in which is organized the issuer of the financial asset with respect to which an entitlement holder has a security entitlement, or by the location of facilities for data processing or other recordkeeping concerning the account.

(7) The local law of the issuer's jurisdiction or the securities intermediary's jurisdiction governs a matter or transaction specified in subsection (1) or (2) of this section even if the matter or transaction does not bear any relation to the jurisdiction.

**Sec. 804.** RCW 62A.8-303 and 1995 c 48 s 29 are each amended to read as follows:

(1) "Protected purchaser" means a purchaser of a certificated or uncertificated security, or of an interest therein, who:

- (a) Gives value;
- (b) Does not have notice of any adverse claim to the security; and
- (c) Obtains control of the certificated or uncertificated security.

(2) ~~((In addition to acquiring the rights of a purchaser, a))~~ A protected purchaser also acquires its interest in the security free of any adverse claim.

## PART IX

**Sec. 901.** RCW 62A.9A-102 and 2012 c 214 s 1502 are each amended to read as follows:

(a) **Article 9A definitions.** In this Article:

(1) "Accession" means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost.

(2) (A) "Account," except as used in "account for," "account statement," "account to," "commodity account" in (14) of this subsection, "customer's account," "deposit



account" in (29) of this subsection, "on account of," and "statement of account," means a right to payment of a monetary obligation, whether or not earned by performance, (i) for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of, (ii) for services rendered or to be rendered, (iii) for a policy of insurance issued or to be issued, (iv) for a secondary obligation incurred or to be incurred, (v) for energy provided or to be provided, (vi) for the use or hire of a vessel under a charter or other contract, (vii) arising out of the use of a credit or charge card or information contained on or for use with the card, or (viii) as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state. The term includes health-care-insurance receivables.

(B) The term does not include (i) ~~((rights to payment evidenced by chattel paper or an instrument))~~ chattel paper, (ii) commercial tort claims, (iii) deposit accounts, (iv) investment property, (v) letter-of-credit rights or letters of credit, ~~((or))~~ (vi) rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card, or (vii) rights to payment evidenced by an instrument.

(3) "Account debtor" means a person obligated on an account, chattel paper, or general intangible. The term does not include persons obligated to pay a negotiable instrument, even if the negotiable instrument ~~((constitutes part of))~~ evidences chattel paper.

(4) "Accounting," except as used in "accounting for," means a record:

(A) ~~((Authenticated))~~ Signed by a secured party;

(B) Indicating the aggregate unpaid secured obligations as of a date not more than ~~((thirty-five))~~ 35 days earlier or ~~((thirty-five))~~ 35 days later than the date of the record; and

(C) Identifying the components of the obligations in reasonable detail.

(5) "Agricultural lien" means an interest, other than a security interest, in farm products:

(A) Which secures payment or performance of an obligation for:

(i) Goods or services furnished in connection with a debtor's farming operation; or

(ii) Rent on real property leased by a debtor in connection with its farming operation;

(B) Which is created by statute in favor of a person that:

(i) In the ordinary course of its business, furnished goods or services to a debtor in connection with a debtor's farming operation; or

(ii) Leased real property to a debtor in connection with the debtor's farming operation; and

(C) Whose effectiveness does not depend on the person's possession of the personal property.

(6) "As-extracted collateral" means:

(A) Oil, gas, or other minerals that are subject to a security interest that:

(i) Is created by a debtor having an interest in the minerals before extraction; and

(ii) Attaches to the minerals as extracted; or

(B) Accounts arising out of the sale at the wellhead or minehead of oil, gas, or other minerals in which the debtor had an interest before extraction.

(7) ~~((("Authenticate" means:~~

~~(A) To sign; or~~

~~(B) With present intent to adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol, or process.))~~ [Reserved.]

(7A) "Assignee," except as used in "assignee for benefit of creditors," means a person (i) in whose favor a security interest that secures an obligation is created or provided for under a security agreement, whether or not the obligation is outstanding or (ii) to which an account, chattel paper, payment intangible, or promissory note has been sold. The term includes a person to which a security interest has been transferred by a secured party.

(7B) "Assignor" means a person that (i) under a security agreement creates or provides for a security interest that secures an obligation or (ii) sells an account, chattel paper, payment intangible, or promissory note. The term includes a secured party that has transferred a security interest to another person.

(8) "Bank" means an organization that is engaged in the business of banking. The term includes savings banks, savings and loan associations, credit unions, and trust companies.

(9) "Cash proceeds" means proceeds that are money, checks, deposit accounts, or the like.

(10) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. The term includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.

(11) "Chattel paper" means ~~((a record or records that evidence both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods, or a lease of specific goods and license of software used in the goods. In this subsection, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary~~

~~obligation with respect to software used in the goods. The term "chattel paper" does not include (i) charters or other contracts involving the use or hire of a vessel or (ii) records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper);~~

(A) A right to payment of a monetary obligation secured by specific goods, if the right to payment and security agreement are evidenced by a record; or

(B) A right to payment of a monetary obligation owed by a lessee under a lease agreement with respect to specific goods and a monetary obligation owed by the lessee in connection with the transaction giving rise to the lease, if:

(i) The right to payment and lease agreement are evidenced by a record; and

(ii) The predominant purpose of the transaction giving rise to the lease was to give the lessee the right to possession and use of the goods.

The term does not include a right to payment arising out of a charter or other contract involving the use or hire of a vessel or a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card.

(12) "Collateral" means the property subject to a security interest or agricultural lien. The term includes:

(A) Proceeds to which a security interest attaches;

(B) Accounts, chattel paper, payment intangibles, and promissory notes that have been sold; and

(C) Goods that are the subject of a consignment.

(13) "Commercial tort claim" means a claim arising in tort with respect to which:

(A) The claimant is an organization; or

(B) The claimant is an individual, and the claim:

(i) Arose in the course of the claimant's business or profession; and

(ii) Does not include damages arising out of personal injury to, or the death of, an individual.

(14) "Commodity account" means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer.

(15) "Commodity contract" means a commodity futures contract, an option on a commodity futures contract, a commodity option, or another contract if the contract or option is:

(A) Traded on or subject to the rules of a board of trade that has been designated as a contract market for such a contract pursuant to federal commodities laws; or

(B) Traded on a foreign commodity board of trade, exchange, or market, and is carried on the books of a commodity intermediary for a commodity customer.

(16) "Commodity customer" means a person for which a commodity intermediary carries a commodity contract on its books.

(17) "Commodity intermediary" means a person that:

(A) Is registered as a futures commission merchant under federal commodities law; or

(B) In the ordinary course of its business, provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law.

(18) "Communicate" means:

(A) To send a written or other tangible record;

(B) To transmit a record by any means agreed upon by the persons sending and receiving the record; or

(C) In the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule.

(19) "Consignee" means a merchant to which goods are delivered in a consignment.

(20) "Consignment" means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:

(A) The merchant:

(i) Deals in goods of that kind under a name other than the name of the person making delivery;

(ii) Is not an auctioneer; and

(iii) Is not generally known by its creditors to be substantially engaged in selling the goods of others;

(B) With respect to each delivery, the aggregate value of the goods is one thousand dollars or more at the time of delivery;

(C) The goods are not consumer goods immediately before delivery; and

(D) The transaction does not create a security interest that secures an obligation.

(21) "Consignor" means a person that delivers goods to a consignee in a consignment.

(22) "Consumer debtor" means a debtor in a consumer transaction.

(23) "Consumer goods" means goods that are used or bought for use primarily for personal, family, or household purposes.

(24) "Consumer-goods transaction" means a consumer transaction in which:

(A) An individual incurs a consumer obligation; and

(B) A security interest in consumer goods secures the obligation.

(25) "Consumer obligation" means an obligation which:

(A) Is incurred as part of a transaction entered into primarily for personal, family, or household purposes; and

(B) Arises from an extension of credit, or commitment to extend credit, in an aggregate amount not exceeding forty thousand dollars, or is secured by personal property used or expected to be used as a principal dwelling.

"Consumer obligor" means an obligor who is an individual and who incurred a consumer obligation.

(26) "Consumer transaction" means a transaction in which (i) an individual incurs a consumer obligation, (ii) a security interest secures the obligation, and (iii) the collateral is held or acquired primarily for personal, family, or household

purposes. The term includes consumer-goods transactions.

(27) "Continuation statement" means an amendment of a financing statement which:

(A) Identifies, by its file number, the initial financing statement to which it relates; and

(B) Indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement.

(28) "Debtor" means:

(A) A person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor;

(B) A seller of accounts, chattel paper, payment intangibles, or promissory notes; or

(C) A consignee.

(29) "Deposit account" means a demand, time, savings, passbook, or similar account maintained with a bank. The term does not include investment property or accounts evidenced by an instrument.

(30) "Document" means a document of title or a receipt of the type described in RCW 62A.7-201(b).

(31) (~~"Electronic chattel paper" means chattel paper evidenced by a record or records consisting of information stored in an electronic medium.~~) [Reserved.]

(31A) "Electronic money" means money in an electronic form.

(32) "Encumbrance" means a right, other than an ownership interest, in real property. The term includes mortgages and other liens on real property.

(33) "Equipment" means goods other than inventory, farm products, or consumer goods.

(34) "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are:

(A) Crops grown, growing, or to be grown, including:

(i) Crops produced on trees, vines, and bushes; and

(ii) Aquatic goods produced in aquacultural operations;

(B) Livestock, born or unborn, including aquatic goods produced in aquacultural operations;

(C) Supplies used or produced in a farming operation; or

(D) Products of crops or livestock in their unmanufactured states.

(35) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.

(36) "File number" means the number assigned to an initial financing statement pursuant to RCW 62A.9A-519(a).

(37) "Filing office" means an office designated in RCW 62A.9A-501 as the place to file a financing statement.

(38) "Filing-office rule" means a rule adopted pursuant to RCW 62A.9A-526.

(39) "Financing statement" means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement.

(40) "Fixture filing" means the filing of a financing statement covering goods that are or are to become fixtures and satisfying RCW 62A.9A-502 (a) and (b). The term

includes the filing of a financing statement covering goods of a transmitting utility which are or are to become fixtures.

(41) "Fixtures" means goods that have become so related to particular real property that an interest in them arises under real property law.

(42) "General intangible" means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or other minerals before extraction. The term includes payment intangibles and software.

(43) [Reserved.]

(44) "Goods" means all things that are movable when a security interest attaches. The term includes (i) fixtures, (ii) standing timber that is to be cut and removed under a conveyance or contract for sale, (iii) the unborn young of animals, (iv) crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes, and (v) manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if (i) the program is associated with the goods in such a manner that it customarily is considered part of the goods, or (ii) by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction or a manufactured home converted to real property under chapter 65.20 RCW.

(45) "Governmental unit" means a subdivision, agency, department, county, parish, municipality, or other unit of the government of the United States, a state, or a foreign country. The term includes an organization having a separate corporate existence if the organization is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States.

(46) "Health-care-insurance receivable" means an interest in or claim under a policy of insurance which is a right to payment of a monetary obligation for health-care goods or services provided.

(47) "Instrument" means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary indorsement or assignment. The term does not include (i) investment property, (ii) letters of credit, (iii) writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card, (iv) writings that do not contain a

promise or order to pay, ((~~or~~)) (v) writings that are expressly nontransferable or nonassignable, or (vi) writings that evidence chattel paper.

(48) "Inventory" means goods, other than farm products, which:

(A) Are leased by a person as lessor;

(B) Are held by a person for sale or lease or to be furnished under a contract of service;

(C) Are furnished by a person under a contract of service; or

(D) Consist of raw materials, work in process, or materials used or consumed in a business.

(49) "Investment property" means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account.

(50) "Jurisdiction of organization," with respect to a registered organization, means the jurisdiction under whose law the organization is formed or organized.

(51) "Letter-of-credit right" means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. The term does not include the right of a beneficiary to demand payment or performance under a letter of credit.

(52) "Lien creditor" means:

(A) A creditor that has acquired a lien on the property involved by attachment, levy, or the like;

(B) An assignee for benefit of creditors from the time of assignment;

(C) A trustee in bankruptcy from the date of the filing of the petition; or

(D) A receiver in equity from the time of appointment.

(53) "Manufactured home" means a manufactured home or mobile home as defined in RCW 46.04.302.

(54) [Reserved.]

(54A) "Money" has the meaning in RCW 62A.1-201(b)(24), but does not include (i) a deposit account or (ii) money in an electronic form that cannot be subjected to control under section 904 of this act.

(55) "Mortgage" means a consensual interest in real property, including fixtures, which secures payment or performance of an obligation.

(56) "New debtor" means a person that becomes bound as debtor under RCW 62A.9A-203(d) by a security agreement previously entered into by another person.

(57) "New value" means (i) money, (ii) money's worth in property, services, or new credit, or (iii) release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation.

(58) "Noncash proceeds" means proceeds other than cash proceeds.

(59) "Obligor" means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, (i) owes payment or other performance of the obligation, (ii) has provided property other than the collateral to secure payment or other performance of the obligation, or (iii) is otherwise

accountable in whole or in part for payment or other performance of the obligation. The term does not include issuers or nominated persons under a letter of credit.

(60) "Original debtor", except as used in RCW 62A.9A-310(c), means a person that, as debtor, entered into a security agreement to which a new debtor has become bound under RCW 62A.9A-203(d).

(61) "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation.

(62) "Person related to," with respect to an individual, means:

(A) The spouse or state registered domestic partner of the individual;

(B) A brother, brother-in-law, sister, or sister-in-law of the individual;

(C) An ancestor or lineal descendant of the individual or the individual's spouse or state registered domestic partner; or

(D) Any other relative, by blood or by marriage or other law, of the individual or the individual's spouse or state registered domestic partner who shares the same home with the individual.

(63) "Person related to," with respect to an organization, means:

(A) A person directly or indirectly controlling, controlled by, or under common control with the organization;

(B) An officer or director of, or a person performing similar functions with respect to, the organization;

(C) An officer or director of, or a person performing similar functions with respect to, a person described in (63)(A) of this subsection;

(D) The spouse or state registered domestic partner of an individual described in (63)(A), (B), or (C) of this subsection; or

(E) An individual who is related by blood or by marriage or other law to an individual described in (63)(A), (B), (C), or (D) of this subsection and shares the same home with the individual.

(64) "Proceeds", except as used in RCW 62A.9A-609(b), means the following property:

(A) Whatever is acquired upon the sale, lease, license, exchange, or other disposition of collateral;

(B) Whatever is collected on, or distributed on account of, collateral;

(C) Rights arising out of collateral;

(D) To the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, the collateral; or

(E) To the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, the collateral.

(65) "Promissory note" means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.

(66) "Proposal" means a record ((authenticated))signed by a secured party,

which includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to RCW 62A.9A-620, 62A.9A-621, and 62A.9A-622.

(67) "Public-finance transaction" means a secured transaction in connection with which:

(A) Debt securities are issued;

(B) All or a portion of the securities issued have an initial stated maturity of at least twenty years; and

(C) The debtor, obligor, secured party, account debtor or other person obligated on collateral, assignor or assignee of a secured obligation, or assignor or assignee of a security interest is a state or a governmental unit of a state.

(68) "Public organic record" means a record that is available to the public for inspection and is:

(A) A record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States which amends or restates the initial record;

(B) An organic record of a business trust consisting of the record initially filed with a state and any record filed with the state which amends or restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or

(C) A record consisting of legislation enacted by the legislature of a state or the congress of the United States which forms or organizes an organization, any record amending the legislation, and any record filed with or issued by the state or the United States which amends or restates the name of the organization.

(69) "Pursuant to commitment," with respect to an advance made or other value given by a secured party, means pursuant to the secured party's obligation, whether or not a subsequent event of default or other event not within the secured party's control has relieved or may relieve the secured party from its obligation.

(70) "Record," except as used in "for record," "of record," "record or legal title," and "record owner," means information that is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

(71) "Registered organization" means an organization formed or organized solely under the law of a single state or the United States by the filing of a public organic record with, the issuance of a public organic record by, or the enactment of legislation by the state or the United States. The term includes a business trust that is formed or organized under the law of a single state if a statute of the state governing business trusts requires that the business trust's organic record be filed with the state.

(72) "Secondary obligor" means an obligor to the extent that:

(A) The obligor's obligation is secondary; or

(B) The obligor has a right of recourse with respect to an obligation secured by

collateral against the debtor, another obligor, or property of either.

(73) "Secured party" means:

(A) A person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;

(B) A person that holds an agricultural lien;

(C) A consignor;

(D) A person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold;

(E) A trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for; or

(F) A person that holds a security interest arising under RCW 62A.2-401, 62A.2-505, 62A.2-711(3), 62A.2A-508(5), 62A.4-210, or 62A.5-118.

(74) "Security agreement" means an agreement that creates or provides for a security interest.

(75) (~~"Send," in connection with a record or notification, means:~~

~~(A) To deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or~~

~~(B) To cause the record or notification to be received within the time that it would have been received if properly sent under~~ (75) (A) of this subsection.) [Reserved.]

(76) "Software" means a computer program and any supporting information provided in connection with a transaction relating to the program. The term does not include a computer program that is included in the definition of goods.

(77) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(78) "Supporting obligation" means a letter-of-credit right or secondary obligation that supports the payment or performance of an account, chattel paper, a document, a general intangible, an instrument, or investment property.

(79) (~~"Tangible chattel paper" means chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium.~~) [Reserved.]

(79A) "Tangible money" means money in a tangible form.

(80) "Termination statement" means an amendment of a financing statement which:

(A) Identifies, by its file number, the initial financing statement to which it relates; and

(B) Indicates either that it is a termination statement or that the identified financing statement is no longer effective.

(81) "Transmitting utility" means a person primarily engaged in the business of:

(A) Operating a railroad, subway, street railway, or trolley bus;

(B) Transmitting communications electrically, electromagnetically, or by light;

(C) Transmitting goods by pipeline or sewer; or

(D) Transmitting or producing and transmitting electricity, steam, gas, or water.

(b) **Definitions in other articles.**

"Control" as provided in RCW 62A.7-106 and the following definitions in other articles apply to this Article:

"Applicant."	RCW 62A.5-102.
"Beneficiary."	RCW 62A.5-102.
"Broker."	RCW 62A.8-102.
"Certificated security."	RCW 62A.8-102.
"Check."	RCW 62A.3-104.
"Clearing corporation."	RCW 62A.8-102.
"Contract for sale."	RCW 62A.2-106.
"Customer."	RCW 62A.4-104.
"Entitlement holder."	RCW 62A.8-102.
"Financial asset."	RCW 62A.8-102.
"Holder in due course."	RCW 62A.3-302.
"Issuer" with respect to documents of title.	RCW 62A.7-102.
"Issuer" with respect to a letter of credit or letter-of-credit right.	RCW 62A.5-102.
"Issuer" with respect to a security.	RCW 62A.8-201.
"Lease."	RCW 62A.2A-103.
"Lease agreement."	RCW 62A.2A-103.
"Lease contract."	RCW 62A.2A-103.
"Leasehold interest."	RCW 62A.2A-103.
"Lessee."	RCW 62A.2A-103.
"Lessee in ordinary course of business."	RCW 62A.2A-103.
"Lessor."	RCW 62A.2A-103.
"Lessor's residual interest."	RCW 62A.2A-103.
"Letter of credit."	RCW 62A.5-102.
"Merchant."	RCW 62A.2-104.
"Negotiable instrument."	RCW 62A.3-104.
"Nominated person."	RCW 62A.5-102.
"Note."	RCW 62A.3-104.
"Proceeds of a letter of credit."	RCW 62A.5-114.
"Protected purchaser."	RCW 62A.8-303.

"Prove."	RCW 62A.3-103.
"Sale."	RCW 62A.2-106.
"Securities account."	RCW 62A.8-501.
"Securities intermediary."	RCW 62A.8-102.
"Security."	RCW 62A.8-102.
"Security certificate."	RCW 62A.8-102.
"Security entitlement."	RCW 62A.8-102.
"Uncertificated security."	RCW 62A.8-102.

(c) **Article 1 definitions and principles.**

Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Sec. 902.** RCW 62A.9A-104 and 2001 c 32 s 17 are each amended to read as follows:

(a) **Requirements for control.** A secured party has control of a deposit account if:

(1) The secured party is the bank with which the deposit account is maintained;

(2) The debtor, secured party, and bank have agreed in ~~((an authenticated))~~ a signed record that the bank will comply with instructions originated by the secured party directing disposition of the funds in the deposit account without further consent by the debtor; ((or))

(3) The secured party becomes the bank's customer with respect to the deposit account; or

(4) Another person, other than the debtor:

(A) Has control of the deposit account and acknowledges that it has control on behalf of the secured party; or

(B) Obtains control of the deposit account after having acknowledged that it will obtain control of the deposit account on behalf of the secured party.

(b) **Debtor's right to direct disposition.** A secured party that has satisfied subsection (a) of this section has control, even if the debtor retains the right to direct the disposition of funds from the deposit account.

**Sec. 903.** RCW 62A.9A-105 and 2011 c 74 s 102 are each amended to read as follows:

(a) **General rule: Control of electronic copy of record evidencing chattel paper.** ~~((A secured party has control of electronic chattel paper if a system employed for evidencing the transfer of interests in the chattel paper reliably establishes the secured party as the person to which the chattel paper was assigned.~~

~~(b) **Specific facts giving control.** A system satisfies subsection (a) of this section if the record or records comprising the chattel paper are created, stored, and assigned in such a manner that:~~

~~(1) A single authoritative copy of the record or records exists which is unique, identifiable and, except as otherwise provided in (4), (5), and (6) of this subsection, unalterable;~~

~~(2) The authoritative copy identifies the secured party as the assignee of the record or records;~~

~~(3) The authoritative copy is communicated to and maintained by the secured party or its designated custodian;~~

~~(4) Copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the secured party;~~

~~(5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and~~

~~(6) Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.) A purchaser has control of an authoritative electronic copy of a record evidencing chattel paper if a system employed for evidencing the assignment of interests in the chattel paper reliably establishes the purchaser as the person to which the authoritative electronic copy was assigned.~~

~~(b) **Single authoritative copy.** A system satisfies subsection (a) of this section if the record or records evidencing the chattel paper are created, stored, and assigned in a manner that:~~

~~(1) A single authoritative copy of the record or records exists which is unique, identifiable, and, except as otherwise provided in (4), (5), and (6) of this subsection, unalterable;~~

~~(2) The authoritative copy identifies the purchaser as the assignee of the record or records;~~

~~(3) The authoritative copy is communicated to and maintained by the purchaser or its designated custodian;~~

~~(4) Copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the purchaser;~~

~~(5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and~~

~~(6) Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.~~

~~(c) **One or more authoritative copies.** A system satisfies subsection (a) of this section, and a purchaser has control of an authoritative electronic copy of a record evidencing chattel paper, if the electronic copy, a record attached to or logically associated with the electronic copy, or a system in which the electronic copy is recorded:~~

~~(1) Enables the purchaser readily to identify each electronic copy as either an authoritative copy or a nonauthoritative copy;~~

~~(2) Enables the purchaser readily to identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as the assignee of the authoritative electronic copy; and~~

~~(3) Gives the purchaser exclusive power, subject to subsection (d) of this section, to:~~

~~(A) Prevent others from adding or changing an identified assignee of the authoritative electronic copy; and~~

~~(B) Transfer control of the authoritative electronic copy.~~

~~(d) **Meaning of exclusive.** Subject to subsection (e) of this section, a power is exclusive under subsection (c)(3)(A) and (B) of this section even if:~~

~~(1) The authoritative electronic copy, a record attached to or logically associated with the authoritative electronic copy, or a system in which the authoritative electronic copy is recorded limits the use of the authoritative electronic copy or has a protocol programmed to cause a change, including a transfer or loss of control; or~~

~~(2) The power is shared with another person.~~

~~(e) **When power not shared with another person.** A power of a purchaser is not shared with another person under subsection (d)(2) of this section and the purchaser's power is not exclusive if:~~

~~(1) The purchaser can exercise the power only if the power also is exercised by the other person; and~~

~~(2) The other person:~~

~~(A) Can exercise the power without exercise of the power by the purchaser; or~~

~~(B) Is the transferor to the purchaser of an interest in the chattel paper.~~

~~(f) **Presumption of exclusivity of certain powers.** If a purchaser has the powers specified in subsection (c)(3)(A) and (B) of this section, the powers are presumed to be exclusive.~~

~~(g) **Obtaining control through another person.** A purchaser has control of an authoritative electronic copy of a record evidencing chattel paper if another person, other than the transferor to the purchaser of an interest in the chattel paper:~~

~~(1) Has control of the authoritative electronic copy and acknowledges that it has control on behalf of the purchaser; or~~

~~(2) Obtains control of the authoritative electronic copy after having acknowledged that it will obtain control of the electronic copy on behalf of the purchaser.~~

**NEW SECTION. Sec. 904.** A new section is added to chapter 62A.9A RCW to read as follows:

**SECTION 9-105A: CONTROL OF ELECTRONIC MONEY.** (a) **General rule: Control of electronic money.** A person has control of electronic money if:

(1) The electronic money, a record attached to or logically associated with the electronic money, or a system in which the electronic money is recorded gives the person:

(A) Power to avail itself of substantially all the benefit from the electronic money; and

(B) Exclusive power, subject to subsection (b) of this section, to:

(i) Prevent others from availing themselves of substantially all the benefit from the electronic money; and

(ii) Transfer control of the electronic money to another person or cause another person to obtain control of other electronic money as a result of the transfer of the electronic money; and

(2) The electronic money, a record attached to or logically associated with the

electronic money, or a system in which the electronic money is recorded enables the person readily to identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as having the powers under (1) of this subsection.

(b) **Meaning of exclusive.** Subject to subsection (c) of this section, a power is exclusive under subsection (a)(1)(B)(i) and (ii) of this section even if:

(1) The electronic money, a record attached to or logically associated with the electronic money, or a system in which the electronic money is recorded limits the use of the electronic money or has a protocol programmed to cause a change, including a transfer or loss of control; or

(2) The power is shared with another person.

(c) **When power not shared with another person.** A power of a person is not shared with another person under subsection (b)(2) of this section and the person's power is not exclusive if:

(1) The person can exercise the power only if the power also is exercised by the other person; and

(2) The other person:

(A) Can exercise the power without exercise of the power by the person; or

(B) Is the transferor to the person of an interest in the electronic money.

(d) **Presumption of exclusivity of certain powers.** If a person has the powers specified in subsection (a)(1)(B)(i) and (ii) of this section, the powers are presumed to be exclusive.

(e) **Control through another person.** A person has control of electronic money if another person, other than the transferor to the person of an interest in the electronic money:

(1) Has control of the electronic money and acknowledges that it has control on behalf of the person; or

(2) Obtains control of the electronic money after having acknowledged that it will obtain control of the electronic money on behalf of the person.

**NEW SECTION. Sec. 905.** A new section is added to chapter 62A.9A RCW to read as follows:

SECTION 9-107B: NO REQUIREMENT TO ACKNOWLEDGE OR CONFIRM; NO DUTIES. (a) **No requirement to acknowledge.** A person that has control under RCW 62A.9A-104 or 62A.9A-105 or section 904 of this act is not required to acknowledge that it has control on behalf of another person.

(b) **No duties or confirmation.** If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this article otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.

**Sec. 906.** RCW 62A.9A-203 and 2012 c 214 s 1503 are each amended to read as follows:

(a) **Attachment.** A security interest attaches to collateral when it becomes

enforceable against the debtor with respect to the collateral, unless an agreement expressly postpones the time of attachment.

(b) **Enforceability.** Except as otherwise provided in subsections (c) through (i) of this section, a security interest is enforceable against the debtor and third parties with respect to the collateral only if:

(1) Value has been given;

(2) The debtor has rights in the collateral or the power to transfer rights in the collateral to a secured party; and

(3) One of the following conditions is met:

(A) The debtor has ~~((authenticated))~~ signed a security agreement that provides a description of the collateral and, if the security interest covers timber to be cut, a description of the land concerned;

(B) The collateral is not a certificated security and is in the possession of the secured party under RCW 62A.9A-313 pursuant to the debtor's security agreement;

(C) The collateral is a certificated security in registered form and the security certificate has been delivered to the secured party under RCW 62A.8-301 pursuant to the debtor's security agreement; ~~((or))~~

(D) The collateral is deposit accounts, ~~((electronic chattel paper,))~~ electronic documents, electronic money, investment property, or letter-of-credit rights, ~~((or electronic documents,))~~ and the secured party has control under RCW 62A.7-106, 62A.9A-104, 62A.9A-105, 62A.9A-106, or 62A.9A-107 or section 904 of this act pursuant to the debtor's security agreement; or

(E) The collateral is chattel paper and the secured party has possession and control under section 920 of this act pursuant to the debtor's security agreement.

(c) **Other UCC provisions.** Subsection (b) of this section is subject to RCW 62A.4-210 on the security interest of a collecting bank, RCW 62A.5-118 on the security interest of a letter-of-credit issuer or nominated person, RCW 62A.9A-110 on a security interest arising under Article 2 or 2A, and RCW 62A.9A-206 on security interests in investment property.

(d) **When person becomes bound by another person's security agreement.** A person becomes bound as debtor by a security agreement entered into by another person if, by operation of law other than this Article or by contract:

(1) The security agreement becomes effective to create a security interest in the person's property; or

(2) The person becomes generally obligated for the obligations of the other person, including the obligation secured under the security agreement, and acquires or succeeds to all or substantially all of the assets of the other person.

(e) **Effect of new debtor becoming bound.** If a new debtor becomes bound as debtor by a security agreement entered into by another person:

(1) The agreement satisfies subsection (b)(3) of this section with respect to existing or after-acquired property of the



new debtor to the extent the property is described in the agreement; and

(2) Another agreement is not necessary to make a security interest in the property enforceable.

(f) **Proceeds and supporting obligations.** The attachment of a security interest in collateral gives the secured party the rights to proceeds provided by RCW 62A.9A-315 and is also attachment of a security interest in a supporting obligation for the collateral.

(g) **Lien securing right to payment.** The attachment of a security interest in a right to payment or performance secured by a security interest or other lien on personal or real property is also attachment of a security interest in the security interest, mortgage, or other lien.

(h) **Security entitlement carried in securities account.** The attachment of a security interest in a securities account is also attachment of a security interest in the security entitlements carried in the securities account.

(i) **Commodity contracts carried in commodity account.** The attachment of a security interest in a commodity account is also attachment of a security interest in the commodity contracts carried in the commodity account.

**Sec. 907.** RCW 62A.9A-204 and 2000 c 250 s 9A-204 are each amended to read as follows:

(a) **After-acquired collateral.** Except as otherwise provided in subsection (b) of this section, a security agreement may create or provide for a security interest in after-acquired collateral.

(b) **When after-acquired property clause not effective.** ((A)) Subject to subsection (b.1) of this section, a security interest does not attach, under a term constituting an after-acquired property clause, to:

(1) Consumer goods, other than an accession when given as additional security, unless the debtor acquires rights in them within ten days after the secured party gives value; or

(2) A commercial tort claim.

(b.1) **Limitation on subsection (b).** Subsection (b) of this section does not prevent a security interest from attaching:

(1) To consumer goods as proceeds under RCW 62A.9A-315(a) or commingled goods under RCW 62A.9A-336(c);

(2) To a commercial tort claim as proceeds under RCW 62A.9A-315(a); or

(3) Under an after-acquired property clause to property that is proceeds of consumer goods or a commercial tort claim.

(c) **Future advances and other value.** A security agreement may provide that collateral secures, or that accounts, chattel paper, payment intangibles, or promissory notes are sold in connection with, future advances or other value, whether or not the advances or value are given pursuant to commitment.

**Sec. 908.** RCW 62A.9A-207 and 2012 c 214 s 1504 are each amended to read as follows:

(a) **Duty of care when secured party in possession.** Except as otherwise provided in subsection (d) of this section, a secured party shall use reasonable care in the custody and preservation of collateral in the secured party's possession. In the case of chattel paper or an instrument, reasonable care includes taking necessary steps to preserve rights against prior parties unless otherwise agreed.

(b) **Expenses, risks, duties, and rights when secured party in possession.** Except as otherwise provided in subsection (d) of this section, if a secured party has possession of collateral:

(1) Reasonable expenses, including the cost of insurance and payment of taxes or other charges, incurred in the custody, preservation, use, or operation of the collateral are chargeable to the debtor and are secured by the collateral;

(2) The risk of accidental loss or damage is on the debtor to the extent of a deficiency in any effective insurance coverage;

(3) The secured party shall keep the collateral identifiable, but fungible collateral may be commingled; and

(4) The secured party may use or operate the collateral:

(A) For the purpose of preserving the collateral or its value;

(B) As permitted by an order of a court having competent jurisdiction; or

(C) Except in the case of consumer goods, in the manner and to the extent agreed by the debtor.

(c) **Duties and rights when secured party in possession or control.** Except as otherwise provided in subsection (d) of this section, a secured party having possession of collateral or control of collateral under RCW 62A.7-106, 62A.9A-104, 62A.9A-105, 62A.9A-106, or 62A.9A-107 or section 904 of this act:

(1) May hold as additional security any proceeds, except money or funds, received from the collateral;

(2) Shall apply money or funds received from the collateral to reduce the secured obligation, unless remitted to the debtor; and

(3) May create a security interest in the collateral.

(d) **Buyer of certain rights to payment.** If the secured party is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor:

(1) Subsection (a) of this section does not apply unless the secured party is entitled under an agreement:

(A) To charge back uncollected collateral; or

(B) Otherwise to full or limited recourse against the debtor or a secondary obligor based on the nonpayment or other default of an account debtor or other obligor on the collateral; and

(2) Subsections (b) and (c) of this section do not apply.

**Sec. 909.** RCW 62A.9A-208 and 2012 c 214 s 1505 are each amended to read as follows:

(a) **Applicability of section.** This section applies to cases in which there is no outstanding secured obligation and the secured party is not committed to make advances, incur obligations, or otherwise give value.

(b) **Duties of secured party after receiving demand from debtor.** Within ~~((ten))~~ 10 days after receiving ~~((an authenticated))~~ a signed demand by the debtor:

(1) A secured party having control of a deposit account under RCW 62A.9A-104(a)(2) shall send to the bank with which the deposit account is maintained ~~((an authenticated statement))~~ a signed record that releases the bank from any further obligation to comply with instructions originated by the secured party;

(2) A secured party having control of a deposit account under RCW 62A.9A-104(a)(3) shall:

(A) Pay the debtor the balance on deposit in the deposit account; or

(B) Transfer the balance on deposit into a deposit account in the debtor's name;

(3) ~~((A secured party, other than a buyer, having control of electronic chattel paper under RCW 62A.9A-105 shall:~~

~~(A) Communicate the authoritative copy of the electronic chattel paper to the debtor or its designated custodian;~~

~~(B) If the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic chattel paper is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and~~

~~(C) Take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party)) A secured party, other than a buyer, having control under RCW 62A.9A-105 of an authoritative electronic copy of a record evidencing chattel paper shall transfer control of the electronic copy to the debtor or a person designated by the debtor;~~

(4) A secured party having control of investment property under RCW 62A.8-106(4)

(b) or 62A.9A-106(b) shall send to the securities intermediary or commodity intermediary with which the security entitlement or commodity contract is maintained ~~((an authenticated))~~ a signed record that releases the securities intermediary or commodity intermediary from any further obligation to comply with entitlement orders or directions originated by the secured party;

(5) A secured party having control of a letter-of-credit right under RCW 62A.9A-107 shall send to each person having an unfulfilled obligation to pay or deliver proceeds of the letter of credit to the secured party ~~((an authenticated))~~ a signed release from any further obligation to pay or deliver proceeds of the letter of credit to the secured party; ~~((and))~~

~~(6) ((A secured party having control of an electronic document shall:~~

~~(A) Give control of the electronic document to the debtor or its designated custodian;~~

~~(B) If the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic document is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and~~

~~(C) Take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party)) A secured party having control under RCW 62A.7-106 of an authoritative electronic copy of an electronic document of title shall transfer control of the electronic copy to the debtor or a person designated by the debtor; and~~

~~(7) A secured party having control under section 904 of this act of electronic money shall transfer control of the electronic money to the debtor or a person designated by the debtor.~~

**Sec. 910.** RCW 62A.9A-209 and 2011 c 74 s 707 are each amended to read as follows:

(a) **Applicability of section.** Except as otherwise provided in subsection (c) of this section, this section applies if:

(1) There is no outstanding secured obligation; and

(2) The secured party is not committed to make advances, incur obligations, or otherwise give value.

(b) **Duties of secured party after receiving demand from debtor.** Within ~~((ten))~~ 10 days after receiving ~~((an authenticated))~~ a signed demand by the debtor, a secured party shall send to an account debtor that has received notification under RCW 62A.9A-406(a) of an assignment to the secured party as assignee ~~((under RCW 62A.9A-406(a) an authenticated))~~ a signed record that releases the account debtor from any further obligation to the secured party.

(c) **Inapplicability to sales.** This section does not apply to an assignment constituting the sale of an account, chattel paper, or payment intangible.

**Sec. 911.** RCW 62A.9A-210 and 2000 c 250 s 9A-210 are each amended to read as follows:

(a) **Definitions.** In this section:

(1) "Request" means a record of a type described in (2), (3), or (4) of this subsection.

(2) "Request for an accounting" means a record ~~((authenticated))~~ signed by a debtor requesting that the recipient provide an accounting of the unpaid obligations secured by collateral and reasonably identifying the transaction or relationship that is the subject of the request.

(3) "Request regarding a list of collateral" means a record ~~((authenticated))~~ signed by a debtor requesting that the recipient approve or correct a list of what the debtor believes to be the collateral securing an obligation and reasonably identifying the transaction or relationship that is the subject of the request.

(4) "Request regarding a statement of account" means a record ~~((authenticated))~~ signed by a debtor requesting that the recipient approve or correct a statement indicating what the debtor believes to be the aggregate amount of unpaid obligations secured by collateral as of a specified date and reasonably identifying the transaction or relationship that is the subject of the request.

(b) **Duty to respond to requests.** Subject to subsections (c), (d), (e), and (f) of this section, a secured party, other than a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor, shall comply with a request within fourteen days after receipt:

(1) In the case of a request for an accounting, by ~~((authenticating))~~ signing and sending to the debtor an accounting; and

(2) In the case of a request regarding a list of collateral or a request regarding a statement of account, by ~~((authenticating))~~ signing and sending to the debtor an approval or correction.

(c) **Request regarding list of collateral; statement concerning type of collateral.** A secured party that claims a security interest in all of a particular type of collateral owned by the debtor may comply with a request regarding a list of collateral by sending to the debtor ~~((an authenticated))~~ a signed record including a statement to that effect within ~~((fourteen))~~ 14 days after receipt.

(d) **Request regarding list of collateral; no interest claimed.** A person that receives a request regarding a list of collateral, claims no interest in the collateral when it receives the request, and claimed an interest in the collateral at an earlier time shall comply with the request within ~~((fourteen))~~ 14 days after receipt by sending to the debtor ~~((an authenticated))~~ a signed record:

(1) Disclaiming any interest in the collateral; and

(2) If known to the recipient, providing the name and mailing address of any assignee of, or successor to, the recipient's interest in the collateral.

(e) **Request for accounting or regarding statement of account; no interest in obligation claimed.** A person that receives a request for an accounting or a request regarding a statement of account, claims no interest in the obligations when it receives the request, and claimed an interest in the obligations at an earlier time shall comply with the request within fourteen days after receipt by sending to the debtor ~~((an authenticated))~~ a signed record:

(1) Disclaiming any interest in the obligations; and

(2) If known to the recipient, providing the name and mailing address of any assignee

of, or successor to, the recipient's interest in the obligations.

(f) **Charges for responses.** A debtor is entitled without charge to one response to a request under this section during any six-month period. The secured party may require payment of a charge not exceeding twenty-five dollars for each additional response.

**Sec. 912.** RCW 62A.9A-301 and 2012 c 214 s 1506 are each amended to read as follows:

Except as otherwise provided in RCW 62A.9A-303 through 62A.9A-306, the following rules determine the law governing perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral:

(1) Except as otherwise provided in this section, while a debtor is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral.

(2) While collateral is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a possessory security interest in that collateral.

(3) Except as otherwise provided in subsection (4) of this section, while ~~((tangible))~~ negotiable tangible documents, goods, instruments, or tangible money ~~((, or tangible chattel paper))~~ is located in a jurisdiction, the local law of that jurisdiction governs:

(A) Perfection of a security interest in the goods by filing a fixture filing;

(B) Perfection of a security interest in timber to be cut; and

(C) The effect of perfection or nonperfection and the priority of a nonpossessory security interest in the collateral.

(4) The local law of the jurisdiction in which the wellhead or minehead is located governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in as-extracted collateral.

**Sec. 913.** RCW 62A.9A-304 and 2000 c 250 s 9A-304 are each amended to read as follows:

(a) **Law of bank's jurisdiction governs.** The local law of a bank's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a deposit account maintained with that bank even if the transaction does not bear any relation to the bank's jurisdiction.

(b) **Bank's jurisdiction.** The following rules determine a bank's jurisdiction for purposes of this part:

(1) If an agreement between the bank and the debtor governing the deposit account expressly provides that a particular jurisdiction is the bank's jurisdiction for purposes of this part, this Article, or the Uniform Commercial Code, that jurisdiction is the bank's jurisdiction.

(2) If (1) of this subsection does not apply and an agreement between the bank and its customer governing the deposit account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the bank's jurisdiction.

(3) If neither (1) nor (2) of this subsection applies and an agreement between the bank and its customer governing the deposit account expressly provides that the deposit account is maintained at an office in a particular jurisdiction, that jurisdiction is the bank's jurisdiction.

(4) If (1) through (3) of this subsection do not apply, the bank's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the customer's account is located.

(5) If (1) through (4) of this subsection do not apply, the bank's jurisdiction is the jurisdiction in which the chief executive office of the bank is located.

**Sec. 914.** RCW 62A.9A-305 and 2001 c 32 s 23 are each amended to read as follows:

(a) **Governing law: General rules.** Except as otherwise provided in subsection (c) of this section, the following rules apply:

(1) While a security certificate is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in the certificated security represented thereby.

(2) The local law of the issuer's jurisdiction as specified in RCW 62A.8-110(4) governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in an uncertificated security.

(3) The local law of the securities intermediary's jurisdiction as specified in RCW 62A.8-110(5) governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a security entitlement or securities account.

(4) The local law of the commodity intermediary's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a commodity contract or commodity account.

(5) (2), (3), and (4) of this subsection apply even if the transaction does not bear any relation to the jurisdiction.

(b) **Commodity intermediary's jurisdiction.** The following rules determine a commodity intermediary's jurisdiction for purposes of this part:

(1) If an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that a particular jurisdiction is the commodity intermediary's jurisdiction for purposes of this part, this Article, or the Uniform Commercial Code, that jurisdiction is the commodity intermediary's jurisdiction.

(2) If (1) of this subsection does not apply and an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that the agreement is governed by the law of a particular jurisdiction, that

jurisdiction is the commodity intermediary's jurisdiction.

(3) If neither (1) nor (2) of this subsection applies and an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that the commodity account is maintained at an office in a particular jurisdiction, that jurisdiction is the commodity intermediary's jurisdiction.

(4) If (1) through (3) of this subsection do not apply, the commodity intermediary's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the commodity customer's account is located.

(5) If (1) through (4) of this subsection do not apply, the commodity intermediary's jurisdiction is the jurisdiction in which the chief executive office of the commodity intermediary is located.

(c) **When perfection governed by law of jurisdiction where debtor located.** The local law of the jurisdiction in which the debtor is located governs:

(1) Perfection of a security interest in investment property by filing;

(2) Automatic perfection of a security interest in investment property created by a broker or securities intermediary; and

(3) Automatic perfection of a security interest in a commodity contract or commodity account created by a commodity intermediary.

**NEW SECTION. Sec. 915.** A new section is added to chapter 62A.9A RCW to read as follows:

SECTION 9-306A: LAW GOVERNING PERFECTION AND PRIORITY OF SECURITY INTERESTS IN CHATTEL PAPER. (a) **Chattel paper evidenced by authoritative electronic copy.** Except as provided in subsection (d) of this section, if chattel paper is evidenced only by an authoritative electronic copy of the chattel paper or is evidenced by an authoritative electronic copy and an authoritative tangible copy, the local law of the chattel paper's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in the chattel paper, even if the transaction does not bear any relation to the chattel paper's jurisdiction.

(b) **Chattel paper's jurisdiction.** The following rules determine the chattel paper's jurisdiction under this section:

(1) If the authoritative electronic copy of the record evidencing chattel paper, or a record attached to or logically associated with the electronic copy and readily available for review, expressly provides that a particular jurisdiction is the chattel paper's jurisdiction for purposes of this part, this Article, or this title, that jurisdiction is the chattel paper's jurisdiction.

(2) If (1) of this subsection does not apply and the rules of the system in which the authoritative electronic copy is recorded are readily available for review and expressly provide that a particular jurisdiction is the chattel paper's jurisdiction for purposes of this part, this

Article, or this title, that jurisdiction is the chattel paper's jurisdiction.

(3) If (1) and (2) of this subsection do not apply and the authoritative electronic copy, or a record attached to or logically associated with the electronic copy and readily available for review, expressly provides that the chattel paper is governed by the law of a particular jurisdiction, that jurisdiction is the chattel paper's jurisdiction.

(4) If (1), (2), and (3) of this subsection do not apply and the rules of the system in which the authoritative electronic copy is recorded are readily available for review and expressly provide that the chattel paper or the system is governed by the law of a particular jurisdiction, that jurisdiction is the chattel paper's jurisdiction.

(5) If (1) through (4) of this subsection do not apply, the chattel paper's jurisdiction is the jurisdiction in which the debtor is located.

(c) **Chattel paper evidenced by authoritative tangible copy.** If an authoritative tangible copy of a record evidences chattel paper and the chattel paper is not evidenced by an authoritative electronic copy, while the authoritative tangible copy of the record evidencing chattel paper is located in a jurisdiction, the local law of that jurisdiction governs:

(1) Perfection of a security interest in the chattel paper by possession under section 920 of this act; and

(2) The effect of perfection or nonperfection and the priority of a security interest in the chattel paper.

(d) **When perfection governed by law of jurisdiction where debtor located.** The local law of the jurisdiction in which the debtor is located governs perfection of a security interest in chattel paper by filing.

**Sec. 916.** RCW 62A.9A-310 and 2012 c 214 s 1508 are each amended to read as follows:

(a) **General rule: Perfection by filing.** Except as otherwise provided in subsections (b) and (d) of this section and RCW 62A.9A-312(b), a financing statement must be filed to perfect all security interests and agricultural liens.

(b) **Exceptions: Filing not necessary.** The filing of a financing statement is not necessary to perfect a security interest:

(1) That is perfected under RCW 62A.9A-308 (d), (e), (f), or (g);

(2) That is perfected under RCW 62A.9A-309 when it attaches;

(3) In property subject to a statute, regulation, or treaty described in RCW 62A.9A-311(a);

(4) In goods in possession of a bailee which is perfected under RCW 62A.9A-312(d) (1) or (2);

(5) In certificated securities, documents, goods, or instruments which is perfected without filing, control, or possession under RCW 62A.9A-312 (e), (f), or (g);

(6) In collateral in the secured party's possession under RCW 62A.9A-313;

(7) In a certificated security which is perfected by delivery of the security certificate to the secured party under RCW 62A.9A-313;

(8) In deposit accounts, ~~((electronic chattel paper,))~~ electronic documents, investment property, or letter-of-credit rights which is perfected by control under RCW 62A.9A-314;

(8.1) In chattel paper which is perfected by possession and control under section 920 of this act;

(9) In proceeds which is perfected under RCW 62A.9A-315; or

(10) That is perfected under RCW 62A.9A-316.

(c) **Assignment of perfected security interest.** If a secured party assigns a perfected security interest or agricultural lien, a filing under this Article is not required to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

(d) **Further exception: Filing not necessary for handler's lien.** The filing of a financing statement is not necessary to perfect the agricultural lien of a handler on orchard crops as provided in RCW 60.11.020(3).

**Sec. 917.** RCW 62A.9A-312 and 2012 c 214 s 1509 are each amended to read as follows:

(a) **Perfection by filing permitted.** A security interest in chattel paper, ~~((negotiable documents,))~~ instruments, ~~((or))~~ investment property, or negotiable documents may be perfected by filing.

(b) **Control or possession of certain collateral.** Except as otherwise provided in RCW 62A.9A-315 (c) and (d) for proceeds:

(1) A security interest in a deposit account may be perfected only by control under RCW 62A.9A-314;

(2) And except as otherwise provided in RCW 62A.9A-308(d), a security interest in a letter-of-credit right may be perfected only by control under RCW 62A.9A-314; ~~((and))~~

(3) A security interest in tangible money may be perfected only by the secured party's taking possession under RCW 62A.9A-313; and

(4) A security interest in electronic money may be perfected only by control under RCW 62A.9A-314.

(c) **Goods covered by negotiable document.** While goods are in the possession of a bailee that has issued a negotiable document covering the goods:

(1) A security interest in the goods may be perfected by perfecting a security interest in the document; and

(2) A security interest perfected in the document has priority over any security interest that becomes perfected in the goods by another method during that time.

(d) **Goods covered by nonnegotiable document.** While goods are in the possession of a bailee that has issued a nonnegotiable document covering the goods, a security interest in the goods may be perfected by:

(1) Issuance of a document in the name of the secured party;

(2) The bailee's receipt of notification of the secured party's interest; or

(3) Filing as to the goods.

(e) **Temporary perfection: New value.** A security interest in certificated securities, negotiable documents, or instruments is perfected without filing or the taking of possession or control for a period of twenty days from the time it attaches to the extent that it arises for new value given under ~~((an authenticated))~~ a signed security agreement.

(f) **Temporary perfection: Goods or documents made available to debtor.** A perfected security interest in a negotiable document or goods in possession of a bailee, other than one that has issued a negotiable document for the goods, remains perfected for twenty days without filing if the secured party makes available to the debtor the goods or documents representing the goods for the purpose of:

(1) Ultimate sale or exchange; or

(2) Loading, unloading, storing, shipping, transshipping, manufacturing, processing, or otherwise dealing with them in a manner preliminary to their sale or exchange.

(g) **Temporary perfection: Delivery of security certificate or instrument to debtor.** A perfected security interest in a certificated security or instrument remains perfected for twenty days without filing if the secured party delivers the security certificate or instrument to the debtor for the purpose of:

(1) Ultimate sale or exchange; or

(2) Presentation, collection, enforcement, renewal, or registration of transfer.

(h) **Expiration of temporary perfection.** After the twenty-day period specified in subsection (e), (f), or (g) of this section expires, perfection depends upon compliance with this Article.

**Sec. 918.** RCW 62A.9A-313 and 2012 c 214 s 1511 are each amended to read as follows:

(a) **Perfection by possession or delivery.** Except as otherwise provided in subsection (b) of this section, a secured party may perfect a security interest in ~~((tangible negotiable documents,))~~ goods, instruments, negotiable tangible documents, or tangible money ~~((, or tangible chattel paper))~~ by taking possession of the collateral. A secured party may perfect a security interest in certificated securities by taking delivery of the certificated securities under RCW 62A.8-301.

(b) **Goods covered by certificate of title.** With respect to goods covered by a certificate of title issued by this state, a secured party may perfect a security interest in the goods by taking possession of the goods only in the circumstances described in RCW 62A.9A-316(d).

(c) **Collateral in possession of person other than debtor.** With respect to collateral other than certificated securities and goods covered by a document, a secured party takes possession of collateral in the possession of a person other than the debtor, the secured party, or a lessee of the collateral from the debtor in the ordinary course of the debtor's business, when:

(1) The person in possession ~~((authenticates))~~ signs a record acknowledging that it holds possession of the collateral for the secured party's benefit; or

(2) The person takes possession of the collateral after having ~~((authenticated))~~ signed a record acknowledging that it will hold possession of the collateral for the secured party's benefit.

(d) **Time of perfection by possession; continuation of perfection.** If perfection of a security interest depends upon possession of the collateral by a secured party, perfection occurs ~~((=))~~ not earlier than the time the secured party takes possession and continues only while the secured party retains possession.

(e) **Time of perfection by delivery; continuation of perfection.** A security interest in a certificated security in registered form is perfected by delivery when delivery of the certificated security occurs under RCW 62A.8-301 and remains perfected by delivery until the debtor obtains possession of the security certificate.

(f) **Acknowledgment not required.** A person in possession of collateral is not required to acknowledge that it holds possession for a secured party's benefit.

(g) **Effectiveness of acknowledgment; no duties or confirmation.** If a person acknowledges that it holds possession for the secured party's benefit:

(1) The acknowledgment is effective under subsection (c) of this section or RCW 62A.8-301(1), even if the acknowledgment violates the rights of a debtor; and

(2) Unless the person otherwise agrees or law other than this Article otherwise provides, the person does not owe any duty to the secured party and is not required to confirm the acknowledgment to another person.

(h) **Secured party's delivery to person other than debtor.** A secured party having possession of collateral does not relinquish possession by delivering the collateral to a person other than the debtor or a lessee of the collateral from the debtor in the ordinary course of the debtor's business if the person was instructed before the delivery or is instructed contemporaneously with the delivery:

(1) To hold possession of the collateral for the secured party's benefit; or

(2) To redeliver the collateral to the secured party.

(i) **Effect of delivery under subsection (h) of this section; no duties or confirmation.** A secured party does not relinquish possession, even if a delivery under subsection (h) of this section violates the rights of a debtor. A person to which collateral is delivered under subsection (h) of this section does not owe any duty to the secured party and is not required to confirm the delivery to another person unless the person otherwise agrees or law other than this Article otherwise provides.

**Sec. 919.** RCW 62A.9A-314 and 2012 c 214 s 1512 are each amended to read as follows:

(a) **Perfection by control.** A security interest in ~~((investment property, deposit accounts, letter-of-credit rights, electronic chattel paper, or electronic documents))~~ deposit accounts, electronic documents, electronic money, investment property, or letter-of-credit rights may be perfected by control of the collateral under RCW 62A.7-106, 62A.9A-104, ~~((62A.9A-105,))~~ 62A.9A-106, or 62A.9A-107 or section 904 of this act.

(b) **Specified collateral: Time of perfection by control; continuation of perfection.** A security interest in ~~((deposit accounts, electronic chattel paper, letter-of-credit rights, or electronic documents))~~ deposit accounts, electronic documents, electronic money, or letter-of-credit rights is perfected by control under RCW 62A.7-106, 62A.9A-104, ~~((62A.9A-105,))~~ or 62A.9A-107 or section 904 of this act not earlier than the time when the secured party obtains control and remains perfected by control only while the secured party retains control.

(c) **Investment property: Time of perfection by control; continuation of perfection.** A security interest in investment property is perfected by control under RCW 62A.9A-106 ~~((from))~~ not earlier than the time the secured party obtains control and remains perfected by control until:

(1) The secured party does not have control; and

(2) One of the following occurs:

(A) If the collateral is a certificated security, the debtor has or acquires possession of the security certificate;

(B) If the collateral is an uncertificated security, the issuer has registered or registers the debtor as the registered owner; or

(C) If the collateral is a security entitlement, the debtor is or becomes the entitlement holder.

**NEW SECTION. Sec. 920.** A new section is added to chapter 62A.9A RCW to read as follows:

SECTION 9-314A: PERFECTION BY POSSESSION AND CONTROL OF CHATTEL PAPER. (a) **Perfection by possession and control.** A secured party may perfect a security interest in chattel paper by taking possession of each authoritative tangible copy of the record evidencing the chattel paper and obtaining control of each authoritative electronic copy of the electronic record evidencing the chattel paper.

(b) **Time of perfection; continuation of perfection.** A security interest is perfected under subsection (a) of this section not earlier than the time the secured party takes possession and obtains control and remains perfected under subsection (a) of this section only while the secured party retains possession and control.

(c) **Application of RCW 62A.9A-313 to perfection by possession of chattel paper.** RCW 62A.9A-313 (c) and (f) through (i) applies to perfection by possession of an

authoritative tangible copy of a record evidencing chattel paper.

**Sec. 921.** RCW 62A.9A-316 and 2011 c 74 s 203 are each amended to read as follows:

(a) **General rule: Effect on perfection of change in governing law.** A security interest perfected pursuant to the law of the jurisdiction designated in RCW 62A.9A-301(1) or 62A.9A-305(c) or section 915 of this act remains perfected until the earliest of:

(1) The time perfection would have ceased under the law of that jurisdiction;

(2) The expiration of four months after a change of the debtor's location to another jurisdiction; or

(3) The expiration of one year after a transfer of collateral to a person that thereby becomes a debtor and is located in another jurisdiction.

(b) **Security interest perfected or unperfected under law of new jurisdiction.** If a security interest described in subsection (a) of this section becomes perfected under the law of the other jurisdiction before the earliest time or event described in subsection (a) of this section, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earliest time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(c) **Possessory security interest in collateral moved to new jurisdiction.** A possessory security interest in collateral, other than goods covered by a certificate of title and as-extracted collateral consisting of goods, remains continuously perfected if:

(1) The collateral is located in one jurisdiction and subject to a security interest perfected under the law of that jurisdiction;

(2) Thereafter the collateral is brought into another jurisdiction; and

(3) Upon entry into the other jurisdiction, the security interest is perfected under the law of the other jurisdiction.

(d) **Goods covered by certificate of title from this state.** Except as otherwise provided in subsection (e) of this section, a security interest in goods covered by a certificate of title which is perfected by any method under the law of another jurisdiction when the goods become covered by a certificate of title from this state remains perfected until the security interest would have become unperfected under the law of the other jurisdiction had the goods not become so covered.

(e) **When subsection (d) security interest becomes unperfected against purchasers.** A security interest described in subsection (d) of this section becomes unperfected as against a purchaser of the goods for value and is deemed never to have been perfected as against a purchaser of the goods for value if the applicable requirements for perfection under RCW 62A.9A-311(b) or 62A.9A-313 are not satisfied before the earlier of:

(1) The time the security interest would have become unperfected under the law of the

other jurisdiction had the goods not become covered by a certificate of title from this state; or

(2) The expiration of four months after the goods had become so covered.

(f) **Change in jurisdiction of chattel paper, bank, issuer, nominated person, securities intermediary, or commodity intermediary.** A security interest in chattel paper, deposit accounts, letter-of-credit rights, or investment property which is perfected under the law of the chattel paper's jurisdiction, the bank's jurisdiction, the issuer's jurisdiction, a nominated person's jurisdiction, the securities intermediary's jurisdiction, or the commodity intermediary's jurisdiction, as applicable, remains perfected until the earlier of:

(1) The time the security interest would have become unperfected under the law of that jurisdiction; or

(2) The expiration of four months after a change of the applicable jurisdiction to another jurisdiction.

(g) **Subsection (f) of this section security interest perfected or unperfected under law of new jurisdiction.** If a security interest described in subsection (f) of this section becomes perfected under the law of the other jurisdiction before the earlier of the time or the end of the period described in subsection (f) of this section, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier of that time or the end of that period, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(h) **Effect on filed financing statement of change in governing law.** The following rules apply to collateral to which a security interest attaches within four months after the debtor changes its location to another jurisdiction:

(1) A financing statement filed before the change pursuant to the law of the jurisdiction designated in RCW 62A.9A-301(1) or 62A.9A-305(c) is effective to perfect a security interest in the collateral if the financing statement would have been effective to perfect a security interest in the collateral had the debtor not changed its location.

(2) If a security interest perfected by a financing statement that is effective under (1) of this subsection (h) becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in RCW 62A.9A-301(1) or 62A.9A-305(c) or the expiration of the four-month period, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(i) **Effect of change in governing law on financing statement filed against original debtor.** If a financing statement naming an original debtor is filed pursuant to the law

of the jurisdiction designated in RCW 62A.9A-301(1) or 62A.9A-305(c) and the new debtor is located in another jurisdiction, the following rules apply:

(1) The financing statement is effective to perfect a security interest in collateral acquired by the new debtor before, and within four months after, the new debtor becomes bound under RCW 62A.9A-203(d), if the financing statement would have been effective to perfect a security interest in the collateral had the collateral been acquired by the original debtor.

(2) A security interest perfected by the financing statement and which becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in RCW 62A.9A-301(1) or 62A.9A-305(c) or the expiration of the four-month period remains perfected thereafter. A security interest that is perfected by the financing statement but which does not become perfected under the law of the other jurisdiction before the earlier time or event becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

**Sec. 922.** RCW 62A.9A-317 and 2012 c 214 s 1514 are each amended to read as follows:

(a) **Conflicting security interests and rights of lien creditors.** A security interest or agricultural lien is subordinate to the rights of:

(1) A person entitled to priority under RCW 62A.9A-322; and

(2) Except as otherwise provided in subsection (e) of this section, a person that becomes a lien creditor before the earlier of the time:

(A) The security interest or agricultural lien is perfected; or

(B) One of the conditions specified in RCW 62A.9A-203(b)(3) is met and a financing statement covering the collateral is filed.

(b) **Buyers that receive delivery.** Except as otherwise provided in subsection (e) of this section, a buyer, other than a secured party, of (~~tangible chattel paper, tangible documents,~~) goods, instruments, tangible documents, or a certificated security takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(c) **Lessees that receive delivery.** Except as otherwise provided in subsection (e) of this section, a lessee of goods takes free of a security interest or agricultural lien if the lessee gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(d) **Licensees and buyers of certain collateral.** (~~(A) Subject to subsections (f) and (g) of this section, a licensee of a general intangible or a buyer, other than a secured party, of collateral other than ((tangible chattel paper, tangible documents,))~~) electronic money, goods,



instruments, tangible documents, or a certificated security takes free of a security interest if the licensee or buyer gives value without knowledge of the security interest and before it is perfected.

(e) **Purchase-money security interest.** Except as otherwise provided in RCW 62A.9A-320 and 62A.9A-321, if a person files a financing statement with respect to a purchase-money security interest before or within twenty days after the debtor receives delivery of the collateral, the security interest takes priority over the rights of a buyer, lessee, or lien creditor which arise between the time the security interest attaches and the time of filing.

(f) **Buyers of chattel paper.** A buyer, other than a secured party, of chattel paper takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and:

(1) Receives delivery of each authoritative tangible copy of the record evidencing the chattel paper; and

(2) If each authoritative electronic copy of the record evidencing the chattel paper can be subjected to control under RCW 62A.9A-105, obtains control of each authoritative electronic copy.

(g) **Buyers of electronic documents.** A buyer of an electronic document takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and, if each authoritative electronic copy of the document can be subjected to control under RCW 62A.7-106, obtains control of each authoritative electronic copy.

**Sec. 923.** RCW 62A.9A-323 and 2000 c 250 s 9A-323 are each amended to read as follows:

(a) **When priority based on time of advance.** Except as otherwise provided in subsection (c) of this section, for purposes of determining the priority of a perfected security interest under RCW 62A.9A-322(a) (1), perfection of the security interest dates from the time an advance is made to the extent that the security interest secures an advance that:

(1) Is made while the security interest is perfected only:

(A) Under RCW 62A.9A-309 when it attaches; or

(B) Temporarily under RCW 62A.9A-312 (e), (f), or (g); and

(2) Is not made pursuant to a commitment entered into before or while the security interest is perfected by a method other than under RCW 62A.9A-309 or 62A.9A-312 (e), (f), or (g).

(b) **Lien creditor.** Except as otherwise provided in subsection (c) of this section, a security interest is subordinate to the rights of a person that becomes a lien creditor to the extent that the security interest secures an advance made more than forty-five days after the person becomes a lien creditor unless the advance is made:

(1) Without knowledge of the lien; or

(2) Pursuant to a commitment entered into without knowledge of the lien.

(c) **Buyer of receivables.** Subsections (a) and (b) of this section do not apply to a security interest held by a secured party that is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor.

(d) **Buyer of goods.** Except as otherwise provided in subsection (e) of this section, a buyer of goods (~~(other than a buyer in ordinary course of business)~~) takes free of a security interest to the extent that it secures advances made after the earlier of:

(1) The time the secured party acquires knowledge of the buyer's purchase; or

(2) Forty-five days after the purchase.

(e) **Advances made pursuant to commitment: Priority of buyer of goods.** Subsection (d) of this section does not apply if the advance is made pursuant to a commitment entered into without knowledge of the buyer's purchase and before the expiration of the forty-five day period.

(f) **Lessee of goods.** Except as otherwise provided in subsection (g) of this section, a lessee of goods (~~(, other than a lessee in ordinary course of business,)~~) takes the leasehold interest free of a security interest to the extent that it secures advances made after the earlier of:

(1) The time the secured party acquires knowledge of the lease; or

(2) Forty-five days after the lease contract becomes enforceable.

(g) **Advances made pursuant to commitment: Priority of lessee of goods.** Subsection (f) of this section does not apply if the advance is made pursuant to a commitment entered into without knowledge of the lease and before the expiration of the forty-five day period.

**Sec. 924.** RCW 62A.9A-324 and 2000 c 250 s 9A-324 are each amended to read as follows:

(a) **General rule: Purchase-money priority.** Except as otherwise provided in subsection (g) of this section, a perfected purchase-money security interest in goods other than inventory or livestock has priority over a conflicting security interest in the same goods, and, except as otherwise provided in RCW 62A.9A-327, a perfected security interest in its identifiable proceeds also has priority, if the purchase-money security interest is perfected when the debtor receives possession of the collateral or within twenty days thereafter.

(b) **Inventory purchase-money priority.** Subject to subsection (c) of this section and except as otherwise provided in subsection (g) of this section, a perfected purchase-money security interest in inventory has priority over a conflicting security interest in the same inventory, has priority over a conflicting security interest in chattel paper or an instrument constituting proceeds of the inventory and in proceeds of the chattel paper, if so provided in RCW 62A.9A-330, and, except as otherwise provided in RCW 62A.9A-327, also has priority in identifiable cash proceeds of the inventory to the extent the identifiable cash proceeds are received on

or before the delivery of the inventory to a buyer, if:

(1) The purchase-money security interest is perfected when the debtor receives possession of the inventory;

(2) The purchase-money secured party sends ~~((an authenticated))~~ a signed notification to the holder of the conflicting security interest;

(3) The holder of the conflicting security interest receives the notification within five years before the debtor receives possession of the inventory; and

(4) The notification states that the person sending the notification has or expects to acquire a purchase-money security interest in inventory of the debtor and describes the inventory.

(c) **Holders of conflicting inventory security interests to be notified.** Subsections (b)(2) through (4) of this section apply only if the holder of the conflicting security interest had filed a financing statement covering the same types of inventory:

(1) If the purchase-money security interest is perfected by filing, before the date of the filing; or

(2) If the purchase-money security interest is temporarily perfected without filing or possession under RCW 62A.9A-312(f), before the beginning of the twenty-day period thereunder.

(d) **Livestock purchase-money priority.** Subject to subsection (e) of this section and except as otherwise provided in subsection (g) of this section, a perfected purchase-money security interest in livestock that are farm products has priority over a conflicting security interest in the same livestock, and, except as otherwise provided in RCW 62A.9A-327, a perfected security interest in their identifiable proceeds and identifiable products in their unmanufactured states also has priority, if:

(1) The purchase-money security interest is perfected when the debtor receives possession of the livestock;

(2) The purchase-money secured party sends ~~((an authenticated))~~ a signed notification to the holder of the conflicting security interest;

(3) The holder of the conflicting security interest receives the notification within six months before the debtor receives possession of the livestock; and

(4) The notification states that the person sending the notification has or expects to acquire a purchase-money security interest in livestock of the debtor and describes the livestock.

(e) **Holders of conflicting livestock security interests to be notified.** Subsections (d)(2) through (4) of this section apply only if the holder of the conflicting security interest had filed a financing statement covering the same types of livestock:

(1) If the purchase-money security interest is perfected by filing, before the date of the filing; or

(2) If the purchase-money security interest is temporarily perfected without filing or possession under RCW

62A.9A-312(f), before the beginning of the twenty-day period thereunder.

(f) **Software purchase-money priority.** Except as otherwise provided in subsection (g) of this section, a perfected purchase-money security interest in software has priority over a conflicting security interest in the same collateral, and, except as otherwise provided in RCW 62A.9A-327, a perfected security interest in its identifiable proceeds also has priority, to the extent that the purchase-money security interest in the goods in which the software was acquired for use has priority in the goods and proceeds of the goods under this section.

(g) **Conflicting purchase-money security interests.** If more than one security interest qualifies for priority in the same collateral under subsection (a), (b), (d), or (f) of this section:

(1) A security interest securing an obligation incurred as all or part of the price of the collateral has priority over a security interest securing an obligation incurred for value given to enable the debtor to acquire rights in or the use of collateral; and

(2) In all other cases, RCW 62A.9A-322(a) applies to the qualifying security interests.

**Sec. 925.** RCW 62A.9A-330 and 2000 c 250 s 9A-330 are each amended to read as follows:

(a) **Purchaser's priority: Security interest claimed merely as proceeds.** A purchaser of chattel paper has priority over a security interest in the chattel paper which is claimed merely as proceeds of inventory subject to a security interest if:

(1) In good faith and in the ordinary course of the purchaser's business, the purchaser gives new value ~~((and))~~ takes possession of each authoritative tangible copy of the record evidencing the chattel paper ~~((or))~~, and obtains control ~~((of))~~ under RCW 62A.9A-105 of each authoritative electronic copy of the record evidencing the chattel paper ~~((under RCW 62A.9A-105))~~; and

(2) The ~~((chattel paper does))~~ authoritative copies of the record evidencing the chattel paper do not indicate that ~~((it))~~ the chattel paper has been assigned to an identified assignee other than the purchaser.

(b) **Purchaser's priority: Other security interests.** A purchaser of chattel paper has priority over a security interest in the chattel paper which is claimed other than merely as proceeds of inventory subject to a security interest if the purchaser gives new value ~~((and))~~ takes possession of each authoritative tangible copy of the record evidencing the chattel paper ~~((or))~~, and obtains control ~~((of))~~ under RCW 62A.9A-105 of each authoritative electronic copy of the record evidencing the chattel paper ~~((under RCW 62A.9A-105))~~ in good faith, in the ordinary course of the purchaser's business, and without knowledge that the purchase violates the rights of the secured party.

(c) **Chattel paper purchaser's priority in proceeds.** Except as otherwise provided in RCW

62A.9A-327, a purchaser having priority in chattel paper under subsection (a) or (b) of this section also has priority in proceeds of the chattel paper to the extent that:

(1) RCW 62A.9A-322 provides for priority in the proceeds; or

(2) The proceeds consist of the specific goods covered by the chattel paper or cash proceeds of the specific goods, even if the purchaser's security interest in the proceeds is unperfected.

(d) **Instrument purchaser's priority.** Except as otherwise provided in RCW 62A.9A-331(a), a purchaser of an instrument has priority over a security interest in the instrument perfected by a method other than possession if the purchaser gives value and takes possession of the instrument in good faith and without knowledge that the purchase violates the rights of the secured party.

(e) **Holder of purchase-money security interest gives new value.** For purposes of subsections (a) and (b) of this section, the holder of a purchase-money security interest in inventory gives new value for chattel paper constituting proceeds of the inventory.

(f) **Indication of assignment gives knowledge.** For purposes of subsections (b) and (d) of this section, if the authoritative copies of the record evidencing chattel paper or an instrument indicate that the chattel paper or instrument has been assigned to an identified secured party other than the purchaser, a purchaser of the chattel paper or instrument has knowledge that the purchase violates the rights of the secured party.

**Sec. 926.** RCW 62A.9A-332 and 2000 c 250 s 9A-332 are each amended to read as follows:

(a) **Transferee of tangible money.** A transferee of tangible money takes the money free of a security interest ~~((unless the transferee acts))~~ if the transferee receives possession of the money without acting in collusion with the debtor in violating the rights of the secured party.

(b) **Transferee of funds from deposit account.** A transferee of funds from a deposit account takes the funds free of a security interest in the deposit account ~~((unless the transferee acts))~~ if the transferee receives possession of the money without acting in collusion with the debtor in violating the rights of the secured party.

(c) **Transferee of electronic money.** A transferee of electronic money takes the money free of a security interest if the transferee obtains control of the money without acting in collusion with the debtor in violating the rights of the secured party.

**Sec. 927.** RCW 62A.9A-334 and 2001 c 32 s 32 are each amended to read as follows:

(a) **Security interest in fixtures under this Article.** A security interest under this Article may be created in goods that are fixtures or may continue in goods that become fixtures. A security interest does

not exist under this Article in ordinary building materials incorporated into an improvement on land.

(b) **Security interest in fixtures under real-property law.** This Article does not prevent creation of an encumbrance upon fixtures under real property law.

(c) **General rule: Subordination of security interest in fixtures.** In cases not governed by subsections (d) through (h) of this section, a security interest in fixtures is subordinate to a conflicting interest of an encumbrancer or owner of the related real property other than the debtor.

(d) **Fixtures purchase-money priority.** Except as otherwise provided in subsection (h) of this section, a perfected security interest in fixtures has priority over a conflicting interest of an encumbrancer or owner of the real property if the debtor has an interest of record in, or is in possession of, the real property and:

(1) The security interest is a purchase-money security interest;

(2) The interest of the encumbrancer or owner arises before the goods become fixtures; and

(3) The security interest is perfected by a fixture filing before the goods become fixtures or within twenty days thereafter.

(e) **Priority of security interest in fixtures over interests in real property.** A perfected security interest in fixtures has priority over a conflicting interest of an encumbrancer or owner of the real property if:

(1) The debtor has an interest of record in the real property or is in possession of the real property and the security interest:

(A) Is perfected by a fixture filing before the interest of the encumbrancer or owner is of record; and

(B) Has priority over any conflicting interest of a predecessor in title of the encumbrancer or owner;

(2) Before the goods become fixtures, the security interest is perfected by any method permitted by this Article and the fixtures are readily removable:

(A) Factory or office machines;

(B) Equipment that is not primarily used or leased for use in the operation of the real property; or

(C) Replacements of domestic appliances that are consumer goods; or

(3) The conflicting interest is a lien on the real property obtained by legal or equitable proceedings after the security interest was perfected by any method permitted by this Article.

(f) **Priority based on consent, disclaimer, or right to remove.** A security interest in fixtures, whether or not perfected, has priority over a conflicting interest of an encumbrancer or owner of the real property if:

(1) The encumbrancer or owner has, in ~~((an authenticated))~~ a signed record, consented to the security interest or disclaimed an interest in the goods as fixtures; or

(2) The debtor has a right to remove the goods as against the encumbrancer or owner.

(g) **Continuation of subsection (f)(2) priority.** The priority of the security interest under subsection (f)(2) of this

section continues for a reasonable time if the debtor's right to remove the goods as against the encumbrancer or owner terminates.

(h) **Priority of construction mortgage.** A mortgage is a construction mortgage to the extent that it secures an obligation incurred for the construction of an improvement on land, including the acquisition cost of the land, if a recorded record of the mortgage so indicates. Except as otherwise provided in subsections (e) and (f) of this section, a security interest in fixtures is subordinate to a construction mortgage if a record of the mortgage is recorded before the goods become fixtures and the goods become fixtures before the completion of the construction. A mortgage has this priority to the same extent as a construction mortgage to the extent that it is given to refinance a construction mortgage.

(i) **Priority of security interest in crops.** A perfected security interest in crops growing on real property has priority over a conflicting interest of an encumbrancer or owner of the real property if the debtor has an interest of record in or is in possession of the real property.

(j) **Subsection (i) prevails.** Subsection (i) of this section prevails over inconsistent provisions of any other statute except RCW 60.11.050.

**Sec. 928.** RCW 62A.9A-341 and 2000 c 250 s 9A-341 are each amended to read as follows:

Except as otherwise provided in RCW 62A.9A-340(c), and unless the bank otherwise agrees in ~~((an authenticated))~~ a signed record, a bank's rights and duties with respect to a deposit account maintained with the bank are not terminated, suspended, or modified by:

(1) The creation, attachment, or perfection of a security interest in the deposit account;

(2) The bank's knowledge of the security interest; or

(3) The bank's receipt of instructions from the secured party.

**Sec. 929.** RCW 62A.9A-404 and 2000 c 250 s 9A-404 are each amended to read as follows:

(a) **Assignee's rights subject to terms, claims, and defenses; exceptions.** Unless an account debtor has made an enforceable agreement not to assert defenses or claims, and subject to subsections (b) through (e) of this section, the rights of an assignee are subject to:

(1) All terms of the agreement between the account debtor and assignor and any defense or claim in recoupment arising from the transaction that gave rise to the contract; and

(2) Any other defense or claim of the account debtor against the assignor which accrues before the account debtor receives a notification of the assignment ~~((authenticated))~~ signed by the assignor or the assignee.

(b) **Account debtor's claim reduces amount owed to assignee.** Subject to subsection (c)

of this section, and except as otherwise provided in subsection (d) of this section, the claim of an account debtor against an assignor may be asserted against an assignee under subsection (a) of this section only to reduce the amount the account debtor owes.

(c) **Rule for individual under other law.** This section is subject to law other than this Article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(d) **Omission of required statement in consumer transaction.** In a consumer transaction, if a record evidences the account debtor's obligation, law other than this Article requires that the record include a statement to the effect that the account debtor's recovery against an assignee with respect to claims and defenses against the assignor may not exceed amounts paid by the account debtor under the record, and the record does not include such a statement, the extent to which a claim of an account debtor against the assignor may be asserted against an assignee is determined as if the record included such a statement.

(e) **Inapplicability to health-care-insurance receivable.** This section does not apply to an assignment of a health-care-insurance receivable.

**Sec. 930.** RCW 62A.9A-406 and 2011 c 74 s 301 are each amended to read as follows:

(a) **Discharge of account debtor; effect of notification.** Subject to subsections (b) through ~~((j))~~ (k) of this section, an account debtor on an account, chattel paper, or a payment intangible may discharge its obligation by paying the assignor until, but not after, the account debtor receives a notification, ~~((authenticated))~~ signed by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.

(b) **When notification ineffective.** Subject to subsection (h) of this section, notification is ineffective under subsection (a) of this section:

(1) If it does not reasonably identify the rights assigned;

(2) To the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this Article; or

(3) At the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:

(A) Only a portion of the account, chattel paper, or payment intangible has been assigned to that assignee;

(B) A portion has been assigned to another assignee; or

(C) The account debtor knows that the assignment to that assignee is limited.

(c) **Proof of assignment.** Subject to subsection (h) of this section, if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection (a) of this section.

(d) **Term restricting assignment generally ineffective.** In this subsection, "promissory note" includes a negotiable instrument that evidences chattel paper. Except as otherwise provided in subsections (e) and (k) of this section and RCW 62A.2A-303 and 62A.9A-407, and subject to subsections (h) and (j) of this section, a term in an agreement between an account debtor and an assignor or in a promissory note is ineffective to the extent that it:

(1) Prohibits, restricts, or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account, chattel paper, payment intangible, or promissory note; or

(2) Provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account, chattel paper, payment intangible, or promissory note.

(e) **Inapplicability of subsection (d) of this section to certain sales.** Subsection (d) of this section does not apply to the sale of a payment intangible or promissory note, other than a sale pursuant to a disposition under RCW 62A.9A-610 or an acceptance of collateral under RCW 62A.9A-620.

(f) [Reserved.]

(g) **Subsection (b) (3) of this section not waivable.** Subject to subsection (h) of this section, an account debtor may not waive or vary its option under subsection (b) (3) of this section.

(h) **Rule for individual under other law.** This section is subject to law other than this Article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(i) **Inapplicability to health-care-insurance receivable.** This section does not apply to an assignment of a health-care-insurance receivable.

(j) (1) **Inapplicability of subsection (d) of this section to certain transactions.** After July 1, 2003, subsection (d) of this section does not apply to the assignment or transfer of or creation of a security interest in:

(A) A claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. Sec. 104(a) (1) or (2); or

(B) A claim or right to receive benefits under a special needs trust as described in 42 U.S.C. Sec. 1396p(d) (4).

(2) This subsection will not affect a transfer of structured settlement payment rights under chapter 19.205 RCW.

(k) Inapplicability to interests in certain entities. Subsection (d) of this section does not apply to a security interest in an ownership interest in a general partnership, limited partnership, or limited liability company.

**Sec. 931.** RCW 62A.9A-408 and 2011 c 74 s 302 are each amended to read as follows:

(a) **Term restricting assignment generally ineffective.** Except as otherwise provided in subsections (b) and (f) of this section, a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or a general intangible, including a contract, permit, license, or franchise, and which term prohibits, restricts, or requires the consent of the person obligated on the promissory note or the account debtor to, the assignment or transfer of, or creation, attachment, or perfection of a security interest in, the promissory note, health-care-insurance receivable, or general intangible, is ineffective to the extent that the term:

(1) Would impair the creation, attachment, or perfection of a security interest; or

(2) Provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.

(b) **Applicability of subsection (a) of this section to sales of certain rights to payment.** Subsection (a) of this section applies to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or promissory note, other than a sale pursuant to a disposition under RCW 62A.9A-610 or an acceptance of collateral under RCW 62A.9A-620.

(c) **Legal restrictions on assignment generally ineffective.** ((A) Except as otherwise provided in subsection (f) of this section, a rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, person obligated on a promissory note, or account debtor to the assignment or transfer of, or creation of a security interest in, a promissory note, health-care-insurance receivable, or general intangible, including a contract, permit, license, or franchise between an account debtor and a debtor, is ineffective to the extent that the rule of law, statute, or regulation:

(1) Would impair the creation, attachment, or perfection of a security interest; or

(2) Provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the

promissory note, health-care-insurance receivable, or general intangible.

(d) **Limitation on ineffectiveness under subsections (a) and (c) of this section.** To the extent that a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or general intangible or a rule of law, statute, or regulation described in subsection (c) of this section would be effective under law other than this Article but is ineffective under subsection (a) or (c) of this section, the creation, attachment, or perfection of a security interest in the promissory note, health-care-insurance receivable, or general intangible:

(1) Is not enforceable against the person obligated on the promissory note or the account debtor;

(2) Does not impose a duty or obligation on the person obligated on the promissory note or the account debtor;

(3) Does not require the person obligated on the promissory note or the account debtor to recognize the security interest, pay or render performance to the secured party, or accept payment or performance from the secured party;

(4) Does not entitle the secured party to use or assign the debtor's rights under the promissory note, health-care-insurance receivable, or general intangible, including any related information or materials furnished to the debtor in the transaction giving rise to the promissory note, health-care-insurance receivable, or general intangible;

(5) Does not entitle the secured party to use, assign, possess, or have access to any trade secrets or confidential information of the person obligated on the promissory note or the account debtor; and

(6) Does not entitle the secured party to enforce the security interest in the promissory note, health-care-insurance receivable, or general intangible.

(e) (1) **Inapplicability of subsections (a) and (c) of this section to certain payment intangibles.** After July 1, 2003, subsections (a) and (c) of this section do not apply to the assignment or transfer of or creation of a security interest in:

(A) A claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. Sec. 104(a)(1) or (2); or

(B) A claim or right to receive benefits under a special needs trust as described in 42 U.S.C. Sec. 1396p(d)(4).

(2) This subsection will not affect a transfer of structured settlement payment rights under chapter 19.205 RCW.

(f) **Inapplicability to interests in certain entities.** This section does not apply to a security interest in an ownership interest in a general partnership, limited partnership, or limited liability company.

(g) **"Promissory note."** In this section, "promissory note" includes a negotiable instrument that evidences chattel paper.

**Sec. 932.** RCW 62A.9A-509 and 2001 c 32 s 36 are each amended to read as follows:

(a) **Person entitled to file record.** A person may file an initial financing statement, amendment that adds collateral covered by a financing statement, or amendment that adds a debtor to a financing statement only if:

(1) The debtor authorizes the filing in ~~((an authenticated))~~ a signed record or pursuant to subsection (b) or (c) of this section; or

(2) The person holds an agricultural lien that has become effective at the time of filing and the financing statement covers only collateral in which the person holds an agricultural lien.

(b) **Security agreement as authorization.** By ~~((authenticating))~~ signing or becoming bound as debtor by a security agreement, a debtor or new debtor authorizes the filing of an initial financing statement, and an amendment, covering:

(1) The collateral described in the security agreement; and

(2) Property that becomes collateral under RCW 62A.9A-315(a)(2), whether or not the security agreement expressly covers proceeds.

(c) **Acquisition of collateral as authorization.** By acquiring collateral in which a security interest or agricultural lien continues under RCW 62A.9A-315(a)(1), a debtor authorizes the filing of an initial financing statement, and an amendment, covering the collateral and property that becomes collateral under RCW 62A.9A-315(a)(2).

(d) **Person entitled to file certain amendments.** A person may file an amendment other than an amendment that adds collateral covered by a financing statement or an amendment that adds a debtor to a financing statement only if:

(1) The secured party of record authorizes the filing; or

(2) The amendment is a termination statement for a financing statement as to which the secured party of record has failed to file or send a termination statement as required by RCW 62A.9A-513 (a) or (c), the debtor authorizes the filing, and the termination statement indicates that the debtor authorized it to be filed.

(e) **Multiple secured parties of record.** If there is more than one secured party of record for a financing statement, each secured party of record may authorize the filing of an amendment under subsection (d) of this section.

**Sec. 933.** RCW 62A.9A-513 and 2001 c 32 s 37 are each amended to read as follows:

(a) **Consumer goods.** A secured party shall cause the secured party of record for a financing statement to file a termination statement for the financing statement if the financing statement covers consumer goods and:

(1) There is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value; or

(2) The debtor did not authorize the filing of the initial financing statement.

(b) **Time for compliance with subsection (a) of this section.** To comply with subsection (a) of this section, a secured party shall cause the secured party of record to file the termination statement:

(1) Within one month after there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value; or

(2) If earlier, within ~~((twenty))~~ 20 days after the secured party receives ~~((an authenticated))~~ a signed demand from a debtor.

(c) **Other collateral.** In cases not governed by subsection (a) of this section, within ~~((twenty))~~ 20 days after a secured party receives ~~((an authenticated))~~ a signed demand from a debtor, the secured party shall cause the secured party of record for a financing statement to send to the debtor a termination statement for the financing statement or file the termination statement in the filing office if:

(1) Except in the case of a financing statement covering accounts or chattel paper that has been sold or goods that are the subject of a consignment, there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value;

(2) The financing statement covers accounts or chattel paper that has been sold but as to which the account debtor or other person obligated has discharged its obligation;

(3) The financing statement covers goods that were the subject of a consignment to the debtor but are not in the debtor's possession; or

(4) The debtor did not authorize the filing of the initial financing statement.

(d) **Effect of filing termination statement.** Except as otherwise provided in RCW 62A.9A-510, upon the filing of a termination statement with the filing office, the financing statement to which the termination statement relates ceases to be effective. Except as otherwise provided in RCW 62A.9A-510, for purposes of RCW 62A.9A-519(g), 62A.9A-522(a), and 62A.9A-523(c), the filing with the filing office of a termination statement relating to a financing statement that indicates that the debtor is a transmitting utility also causes the effectiveness of the financing statement to lapse.

**Sec. 934.** RCW 62A.9A-601 and 2012 c 214 s 1518 are each amended to read as follows:

(a) **Rights of secured party after default.** After default, a secured party has the rights provided in this part and, except as otherwise provided in RCW 62A.9A-602, those provided by agreement of the parties. A secured party:

(1) May reduce a claim to judgment, foreclose, or otherwise enforce the claim, security interest, or agricultural lien by any available judicial procedure; and

(2) If the collateral is documents, may proceed either as to the documents or as to the goods they cover.

(b) **Rights and duties of secured party in possession or control.** A secured party in possession of collateral or control of collateral under RCW 62A.7-106, 62A.9A-104, 62A.9A-105, 62A.9A-106, or 62A.9A-107 or section 904 of this act has the rights and duties provided in RCW 62A.9A-207.

(c) **Rights cumulative; simultaneous exercise.** The rights under subsections (a) and (b) of this section are cumulative and may be exercised simultaneously.

(d) **Rights of debtor and obligor.** Except as otherwise provided in subsection (g) of this section and RCW 62A.9A-605, after default, a debtor and an obligor have the rights provided in this part and by agreement of the parties.

(e) **Lien of levy after judgment.** If a secured party has reduced its claim to judgment, the lien of any levy that may be made upon the collateral by virtue of an execution based upon the judgment relates back to the earliest of:

(1) The date of perfection of the security interest or agricultural lien in the collateral;

(2) The date of filing a financing statement covering the collateral; or

(3) Any date specified in a statute under which the agricultural lien was created.

(f) **Execution sale.** A sale pursuant to an execution is a foreclosure of the security interest or agricultural lien by judicial procedure within the meaning of this section. A secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this Article.

(g) **Consignor or buyer of certain rights to payment.** Except as otherwise provided in RCW 62A.9A-607(c), this part imposes no duties upon a secured party that is a consignor or is a buyer of accounts, chattel paper, payment intangibles, or promissory notes.

(h) **Enforcement restrictions.** All rights and remedies provided in this part with respect to promissory notes or an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or a general intangible, including a contract, permit, license, or franchise, are subject to RCW 62A.9A-408 to the extent applicable.

**Sec. 935.** RCW 62A.9A-608 and 2001 c 32 s 41 are each amended to read as follows:

(a) **Application of proceeds, surplus, and deficiency if obligation secured.** If a security interest or agricultural lien secures payment or performance of an obligation, the following rules apply:

(1) A secured party shall apply or pay over for application the cash proceeds of collection or enforcement under RCW 62A.9A-607 in the following order to:

(A) The reasonable expenses of collection and enforcement and, to the extent provided for by agreement and not prohibited by law, reasonable attorneys' fees and legal expenses incurred by the secured party;

(B) The satisfaction of obligations secured by the security interest or agricultural lien under which the collection or enforcement is made; and

(C) The satisfaction of obligations secured by any subordinate security interest in or other lien on the collateral subject to the security interest or agricultural lien under which the collection or enforcement is made if the secured party receives ~~((an authenticated))~~ a signed demand for proceeds before distribution of the proceeds is completed.

(2) If requested by a secured party, a holder of a subordinate security interest or other lien shall furnish reasonable proof of the interest or lien within a reasonable time. Unless the holder complies, the secured party need not comply with the holder's demand under (1)(C) of this subsection.

(3) A secured party need not apply or pay over for application noncash proceeds of collection and enforcement under RCW 62A.9A-607 unless the failure to do so would be commercially unreasonable. A secured party that applies or pays over for application noncash proceeds shall do so in a commercially reasonable manner.

(4) A secured party shall account to and pay a debtor for any surplus, and the obligor is liable for any deficiency.

**(b) No surplus or deficiency in sales of certain rights to payment.** If the underlying transaction is a sale of accounts, chattel paper, payment intangibles, or promissory notes, the debtor is not entitled to any surplus, and the obligor is not liable for any deficiency.

**Sec. 936.** RCW 62A.9A-611 and 2011 c 74 s 724 are each amended to read as follows:

(a) **"Notification date."** In this section, "notification date" means the earlier of the date on which:

(1) A secured party sends to the debtor and any secondary obligor an ~~((authenticated))~~ a signed notification of disposition; or

(2) The debtor and any secondary obligor waive the right to notification.

**(b) Notification of disposition required.** Except as otherwise provided in subsection (d) of this section, a secured party that disposes of collateral under RCW 62A.9A-610 shall send to the persons specified in subsection (c) of this section a reasonable ~~((authenticated))~~ signed notification of disposition.

**(c) Persons to be notified.** To comply with subsection (b) of this section, the secured party shall send ~~((an authenticated))~~ a signed notification of disposition to:

(1) The debtor;

(2) Any secondary obligor; and

(3) If the collateral is other than consumer goods:

(A) Any other secured party or lienholder that, ~~((ten))~~ 10 days before the notification date, held a security interest in or other lien on the collateral perfected by the filing of a financing statement that:

(i) Identified the collateral;

(ii) Was indexed under the debtor's name as of that date; and

(iii) Was filed in the office in which to file a financing statement against the

debtor covering the collateral as of that date; and

(B) Any other secured party that, ~~((ten))~~ 10 days before the notification date, held a security interest in the collateral perfected by compliance with a statute, regulation, or treaty described in RCW 62A.9A-311(a).

**(d) Subsection (b) of this section inapplicable: Perishable collateral; recognized market.** Subsection (b) of this section does not apply if the collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a recognized market.

**(e) Compliance with subsection (c)(3)(A) of this section.** A secured party complies with the requirement for notification prescribed by subsection (c)(3)(A) of this section if:

(1) Not later than ~~((twenty))~~ 20 days or earlier than ~~((thirty))~~ 30 days before the notification date, the secured party requests, in a commercially reasonable manner, information concerning financing statements indexed under the debtor's name in the office indicated in subsection (c)(3)(A) of this section; and

(2) Before the notification date, the secured party:

(A) Did not receive a response to the request for information; or

(B) Received a response to the request for information and sent ~~((an authenticated))~~ a signed notification of disposition to each secured party or other lienholder named in that response whose financing statement covered the collateral.

**Sec. 937.** RCW 62A.9A-613 and 2001 c 32 s 42 are each amended to read as follows:

**(a) Contents and form of notification.** Except in a consumer-goods transaction, the following rules apply:

(1) The contents of a notification of disposition are sufficient if the notification:

(A) Describes the debtor and the secured party;

(B) Describes the collateral that is the subject of the intended disposition;

(C) States the method of intended disposition;

(D) States that the debtor is entitled to an accounting of the unpaid indebtedness and states the charge, if any, for an accounting; and

(E) States the time and place of a public disposition or the time after which any other disposition is to be made.

(2) Whether the contents of a notification that lacks any of the information specified in subsection (1) of this section are nevertheless sufficient is a question of fact.

(3) The contents of a notification providing substantially the information specified in subsection (1) of this section are sufficient, even if the notification includes:

(A) Information not specified by subsection (1) of this section; or

(B) Minor errors that are not seriously misleading.



(4) A particular phrasing of the notification is not required.

(5) The following form of notification and the form appearing in RCW 62A.9A-614(a) (3), when completed in accordance with the instructions in subsection (b) of this section and RCW 62A.9A-614(b), each provides sufficient information:

**NOTIFICATION OF DISPOSITION OF COLLATERAL**

~~((To:            [Name of debtor, obligor, or other person to which the notification is sent]~~

~~From:            [Name, address, and telephone number of secured party]~~

~~Name of Debtor(s):            [Include only if debtor(s) are not an addressee]~~

~~{For a public disposition:}~~

~~We will sell [or lease or license, as applicable] the            [describe collateral]            [to the highest qualified bidder] in public as follows:~~

~~Day and Date:~~

~~Time:~~

~~Place:~~

~~{For a private disposition:}~~

~~We will sell [or lease or license, as applicable] the            [describe collateral]            privately sometime after            [day and date]           .~~

~~You are entitled to an accounting of the unpaid indebtedness secured by the property that we intend to sell [or lease or license, as applicable] [for a charge of \$           ]. You may request an accounting by calling us at            [telephone number]           .)~~

~~To:            (Name of debtor, obligor, or other person to which the notification is sent)~~

~~From:            (Name, address, and telephone number of secured party)~~

~~{1} Name of any debtor that is not an addressee: (Name of each debtor)~~

~~{2} We will sell (describe collateral) (to the highest qualified bidder) at public sale. A sale could include a lease or license. The sale will be held as follows:~~

~~(Date)~~

~~(Time)~~

~~(Place)~~

~~{3} We will sell (describe collateral) at private sale sometime after (date). A sale could include a lease or license.~~

~~{4} You are entitled to an accounting of the unpaid indebtedness secured by the property that we intend to sell or, as applicable, lease or license.~~

~~{5} If you request an accounting you must pay a charge of \$(amount).~~

~~{6} You may request an accounting by calling us at (telephone number).~~

~~[End of Form]~~

~~(b) **Instructions for form of notification.** The following instructions apply to the form of notification in subsection (a) (5) of this section:~~

~~(1) The instructions in this subsection refer to the numbers in braces before items in the form of notification in subsection (a) (5) of this section. Do not include the numbers or braces in the notification. The numbers and braces are used only for the purpose of these instructions.~~

~~(2) Include and complete item {1} only if there is a debtor that is not an addressee~~

~~of the notification and list the name or            names.~~

~~{3} Include and complete either item {2}, if the notification relates to a public disposition of the collateral, or item {3}, if the notification relates to a private disposition of the collateral. If item {2} is included, include the words "to the highest qualified bidder" only if applicable.~~

~~{4} Include and complete items {4} and {6}.~~

~~{5} Include and complete item {5} only if the sender will charge the recipient for an accounting.~~

**Sec. 938.** RCW 62A.9A-614 and 2000 c 250 s 9A-614 are each amended to read as follows:

**(a) Contents and form of notification.** In a consumer-goods transaction, the following rules apply:

(1) A notification of disposition must provide the following information:

(A) The information specified in RCW 62A.9A-613(a)(1);

(B) A description of any liability for a deficiency of the person to which the notification is sent;

(C) A telephone number from which the amount that must be paid to the secured party to redeem the collateral under RCW 62A.9A-623 is available; and

(D) A telephone number or mailing address from which additional information concerning the disposition and the obligation secured is available.

(2) A particular phrasing of the notification is not required.

(3) The following form of notification, when completed            in accordance with the instructions in subsection (b) of this section, provides sufficient information:

~~((            [Name and address of secured party]                       [Date]            )~~

**NOTICE OF OUR PLAN TO SELL PROPERTY**

           [Name and address of any obligor who is also a debtor]           

Subject:            [Identification of Transaction]           

We have your            [describe collateral]           , because you broke promises in our agreement.

~~{For a public disposition:}~~  
We will sell            [describe collateral]            at public sale. A sale could include a lease or license. The sale will be held as follows:

Date:           

Time:           

Place:           

You may attend the sale and bring bidders if you want.

~~{For a private disposition:}~~  
We will sell            [describe collateral]            at private sale sometime after            [date]           . A sale could include a lease or license.

The money that we get from the sale (after paying our costs) will reduce the amount you owe. If we get less money than you owe, you            [will or will not, as applicable]            still owe us the difference. If we get more money than you owe, you will get the extra

money, unless we must pay it to someone else.

You can get the property back at any time before we sell it by paying us the full amount you owe (not just the past due payments), including our expenses. To learn the exact amount you must pay, call us at \_\_\_\_\_ [telephone number] \_\_\_\_\_.

If you want us to explain to you in writing how we have figured the amount that you owe us, you may call us at \_\_\_\_\_ [telephone number] \_\_\_\_\_ [or write us at \_\_\_\_\_ [secured party's address] \_\_\_\_\_] and request a written explanation. [We will charge you \$ \_\_\_\_\_ for the explanation if we sent you another written explanation of the amount you owe us within the last six months.]

If you need more information about the sale call us at \_\_\_\_\_ [telephone number] \_\_\_\_\_ [or write us at \_\_\_\_\_ [secured party's address] \_\_\_\_\_].

We are sending this notice to the following other people who have an interest in \_\_\_\_\_ [describe collateral] \_\_\_\_\_ or who owe money under your agreement:

\_\_\_\_\_  
[Names of all other debtors and obligors, if any] \_\_\_\_\_)

\_\_\_\_\_  
(Name and address of secured party)  
\_\_\_\_\_  
(Date)

#### **NOTICE OF OUR PLAN TO SELL PROPERTY**

(Name and address of any obligor who is also a debtor) \_\_\_\_\_

Subject: (Identify transaction)

We have your \_\_\_\_\_ (describe collateral) \_\_\_\_\_, because you broke promises in our agreement.

{1} We will sell (describe collateral) at public sale. A sale could include a lease or license. The sale will be held as follows:

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Time)

\_\_\_\_\_  
(Place)

You may attend the sale and bring bidders if you want.

{2} We will sell (describe collateral) at private sale sometime after (date). A sale could include a lease or license.

{3} The money that we get from the sale, after paying our costs, will reduce the amount you owe. If we get less money than you owe, you (will or will not, as applicable) still owe us the difference. If we get more money than you owe, you will get the extra money, unless we must pay it to someone else.

{4} You can get the property back at any time before we sell it by paying us the full amount you owe, not just the past due payments, including our expenses. To learn the exact amount you must pay, call us at (telephone number).

{5} If you want us to explain to you in (writing) (writing or in (description of electronic record)) (description of electronic record) how we have figured the amount that you owe us, {6} call us at (telephone number) (or) (write us at (secured party's address)) (or contact us by (description of electronic communication method)) {7} and request (a written explanation) (a written explanation or an explanation in (description of electronic

record)) (an explanation in (description of electronic record)).

{8} We will charge you \$ (amount) for the explanation if we sent you another written explanation of the amount you owe us within the last six months.

{9} If you need more information about the sale (call us at (telephone number)) (or) (write us at (secured party's address)) (or contact us by (description of electronic communication method)).

{10} We are sending this notice to the following other people who have an interest in (describe collateral) or who owe money under your agreement:

\_\_\_\_\_  
(Names of all other debtors and obligors, if any)

#### **[End of Form]**

(b) **Instructions for form of notification.** The following instructions apply to the form of notification in subsection (a)(3) of this section:

(1) The instructions in this subsection refer to the numbers in braces before items in the form of notification in subsection (a)(3) of this section. Do not include the numbers or braces in the notification. The numbers and braces are used only for the purpose of these instructions.

(2) Include and complete either item {1}, if the notification relates to a public disposition of the collateral, or item {2}, if the notification relates to a private disposition of the collateral.

(3) Include and complete items {3}, {4}, {5}, {6}, and {7}.

(4) In item {5}, include and complete any one of the three alternative methods for the explanation—writing, writing or electronic record, or electronic record.

(5) In item {6}, include the telephone number. In addition, the sender may include and complete either or both of the two additional alternative methods of communication—writing or electronic communication—for the recipient of the notification to communicate with the sender. Neither of the two additional methods of communication is required to be included.

(6) In item {7}, include and complete the method or methods for the explanation—writing, writing or electronic record, or electronic record—included in item {5}.

(7) Include and complete item {8} only if a written explanation is included in item {5} as a method for communicating the explanation and the sender will charge the recipient for another written explanation.

(8) In item {9}, include either the telephone number or the address or both the telephone number and the address. In addition, the sender may include and complete the additional method of communication—electronic communication—for the recipient of the notification to communicate with the sender. The additional method of electronic communication is not required to be included.

(9) If item {10} does not apply, insert "None" after "agreement".

((4+)) (c) (1) A notification in the form of (([subsection])) subsection (a)(3) of this section is sufficient, even if additional information appears at the end of the form.

~~((5))~~ (2) A notification in the form of ~~((subsection))~~ subsection (a)(3) of this section is sufficient, even if it includes errors in information not required by ~~((subsection))~~ subsection (a)(1) of this section, unless the error is misleading with respect to rights arising under this Article.

~~((6))~~ (3) If a notification under this section is not in the form of ~~((subsection))~~ subsection (a)(3) of this section, law other than this Article determines the effect of including information not required by ~~((subsection))~~ subsection (a)(1) of this section.

**Sec. 939.** RCW 62A.9A-615 and 2001 c 32 s 43 are each amended to read as follows:

(a) **Application of proceeds.** A secured party shall apply or pay over for application the cash proceeds of disposition under RCW 62A.9A-610 in the following order to:

(1) The reasonable expenses of retaking, holding, preparing for disposition, processing, and disposing, and, to the extent provided for by agreement and not prohibited by law, reasonable attorneys' fees and legal expenses incurred by the secured party;

(2) The satisfaction of obligations secured by the security interest or agricultural lien under which the disposition is made;

(3) The satisfaction of obligations secured by any subordinate security interest in or other subordinate lien on the collateral if:

(A) The secured party receives from the holder of the subordinate security interest or other lien ~~((an authenticated))~~ a signed demand for proceeds before distribution of the proceeds is completed; and

(B) In a case in which a consignor has an interest in the collateral, the subordinate security interest or other lien is senior to the interest of the consignor; and

(4) A secured party that is a consignor of the collateral if the secured party receives from the consignor ~~((an authenticated))~~ a signed demand for proceeds before distribution of the proceeds is completed.

(b) **Proof of subordinate interest.** If requested by a secured party, a holder of a subordinate security interest or other lien shall furnish reasonable proof of the interest or lien within a reasonable time. Unless the holder does so, the secured party need not comply with the holder's demand under subsection (a)(3) of this section.

(c) **Application of noncash proceeds.** A secured party need not apply or pay over for application noncash proceeds of disposition under RCW 62A.9A-610 unless the failure to do so would be commercially unreasonable. A secured party that applies or pays over for application noncash proceeds shall do so in a commercially reasonable manner.

(d) **Surplus or deficiency if obligation secured.** If the security interest under which a disposition is made secures payment or performance of an obligation, after making the payments and applications

required by subsection (a) of this section and permitted by subsection (c) of this section:

(1) Unless subsection (a)(4) of this section requires the secured party to apply or pay over cash proceeds to a consignor, the secured party shall account to and pay a debtor for any surplus; and

(2) The obligor is liable for any deficiency.

(e) **No surplus or deficiency in sales of certain rights to payment.** If the underlying transaction is a sale of accounts, chattel paper, payment intangibles, or promissory notes:

(1) The debtor is not entitled to any surplus; and

(2) The obligor is not liable for any deficiency.

(f) [Reserved.]

(g) **Cash proceeds received by junior secured party.** A secured party that receives cash proceeds of a disposition in good faith and without knowledge that the receipt violates the rights of the holder of a security interest or other lien that is not subordinate to the security interest or agricultural lien under which the disposition is made:

(1) Takes the cash proceeds free of the security interest or other lien;

(2) Is not obligated to apply the proceeds of the disposition to the satisfaction of obligations secured by the security interest or other lien; and

(3) Is not obligated to account to or pay the holder of the security interest or other lien for any surplus.

**Sec. 940.** RCW 62A.9A-616 and 2000 c 250 s 9A-616 are each amended to read as follows:

(a) **Definitions.** In this section:

(1) "Explanation" means a ~~((writing))~~ record that:

(A) States the amount of the surplus or deficiency;

(B) Provides an explanation in accordance with subsection (c) of this section of how the secured party calculated the surplus or deficiency;

(C) States, if applicable, that future debits, credits, charges, including additional credit service charges or interest, rebates, and expenses may affect the amount of the surplus or deficiency; and

(D) Provides a telephone number or mailing address from which additional information concerning the transaction is available.

(2) "Request" means a record:

(A) ~~((Authenticated))~~ Signed by a debtor or consumer obligor;

(B) Requesting that the recipient provide an explanation; and

(C) Sent after disposition of the collateral under RCW 62A.9A-610.

(b) **Explanation of calculation.** In a consumer-goods transaction in which the debtor is entitled to a surplus or a consumer obligor is liable for a deficiency under RCW 62A.9A-615, the secured party shall:

(1) Send an explanation to the debtor or consumer obligor, as applicable, after the disposition and:

(A) Before or when the secured party accounts to the debtor and pays any surplus or first makes (~~written~~) demand in a record on the consumer obligor after the disposition for payment of the deficiency; and

(B) Within (~~fourteen~~) 14 days after receipt of a request; or

(2) In the case of a consumer obligor who is liable for a deficiency, within (~~fourteen~~) 14 days after receipt of a request, send to the consumer obligor a record waiving the secured party's right to a deficiency.

(c) **Required information.** To comply with subsection (a)(1)(B) of this section, (~~a writing~~) an explanation must provide the following information in the following order:

(1) The aggregate amount of obligations secured by the security interest under which the disposition was made, and, if the amount reflects a rebate of unearned interest or credit service charge, an indication of that fact, calculated as of a specified date:

(A) If the secured party takes or receives possession of the collateral after default, not more than thirty-five days before the secured party takes or receives possession; or

(B) If the secured party takes or receives possession of the collateral before default or does not take possession of the collateral, not more than thirty-five days before the disposition;

(2) The amount of proceeds of the disposition;

(3) The aggregate amount of the obligations after deducting the amount of proceeds;

(4) The amount, in the aggregate or by type, and types of expenses, including expenses of retaking, holding, preparing for disposition, processing, and disposing of the collateral, and attorneys' fees secured by the collateral which are known to the secured party and relate to the current disposition;

(5) The amount, in the aggregate or by type, and types of credits, including rebates of interest or credit service charges, to which the obligor is known to be entitled and which are not reflected in the amount in (1) of this subsection; and

(6) The amount of the surplus or deficiency.

(d) **Substantial compliance.** A particular phrasing of the explanation is not required. An explanation complying substantially with the requirements of subsection (a) of this section is sufficient, even if it includes minor errors that are not seriously misleading.

(e) **Charges for responses.** A debtor or consumer obligor is entitled without charge to one response to a request under this section during any six-month period in which the secured party did not send to the debtor or consumer obligor an explanation pursuant to subsection (b)(1) of this section. The secured party may require payment of a charge not exceeding twenty-five dollars for each additional response.

**Sec. 941.** RCW 62A.9A-619 and 2000 c 250 s 9A-619 are each amended to read as follows:

(a) **"Transfer statement."** In this section, "transfer statement" means a record (~~authenticated~~) signed by a secured party stating:

(1) That the debtor has defaulted in connection with an obligation secured by specified collateral;

(2) That the secured party has exercised its post-default remedies with respect to the collateral;

(3) That, by reason of the exercise, a transferee has acquired the rights of the debtor in the collateral; and

(4) The name and mailing address of the secured party, debtor, and transferee.

(b) **Effect of transfer statement.** A transfer statement entitles the transferee to the transfer of record of all rights of the debtor in the collateral specified in the statement in any official filing, recording, registration, or certificate-of-title system covering the collateral. If a transfer statement is presented with the applicable fee and request form to the official or office responsible for maintaining the system, the official or office shall:

(1) Accept the transfer statement;

(2) Promptly amend its records to reflect the transfer; and

(3) If applicable, issue a new appropriate certificate of title in the name of the transferee.

(c) **Transfer not a disposition; no relief of secured party's duties.** A transfer of the record or legal title to collateral to a secured party under subsection (b) of this section or otherwise is not of itself a disposition of collateral under this Article and does not of itself relieve the secured party of its duties under this Article.

**Sec. 942.** RCW 62A.9A-620 and 2000 c 250 s 9A-620 are each amended to read as follows:

(a) **Conditions to acceptance in satisfaction.** A secured party may accept collateral in full or partial satisfaction of the obligation it secures only if:

(1) The debtor consents to the acceptance under subsection (c) of this section;

(2) The secured party does not receive, within the time set forth in subsection (d) of this section, a notification of objection to the proposal (~~authenticated~~) signed by:

(A) A person to which the secured party was required to send a proposal under RCW 62A.9A-621; or

(B) Any other person, other than the debtor, holding an interest in the collateral subordinate to the security interest that is the subject of the proposal; and

(3) Subsection (e) of this section does not require the secured party to dispose of the collateral or the debtor waives the requirement pursuant to RCW 62A.9A-624.

(b) **Purported acceptance ineffective.** A purported or apparent acceptance of collateral under this section is ineffective unless:

(1) The secured party consents to the acceptance in ~~((an authenticated))~~ a signed record or sends a proposal to the debtor; and

(2) The conditions of subsection (a) of this section are met.

(c) **Debtor's consent.** For purposes of this section:

(1) A debtor consents to an acceptance of collateral in partial satisfaction of the obligation it secures only if the debtor agrees to the terms of the acceptance in a record ~~((authenticated))~~ signed after default; and

(2) A debtor consents to an acceptance of collateral in full satisfaction of the obligation it secures only if the debtor agrees to the terms of the acceptance in a record ~~((authenticated))~~ signed after default or the secured party:

(A) Sends to the debtor after default a proposal that is unconditional or subject only to a condition that collateral not in the possession of the secured party be preserved or maintained;

(B) In the proposal, proposes to accept collateral in full satisfaction of the obligation it secures; and

(C) Does not receive a notification of objection ~~((authenticated))~~ signed by the debtor within ~~((twenty))~~ 20 days after the proposal is sent.

(d) **Effectiveness of notification.** To be effective under subsection (a)(2) of this section, a notification of objection must be received by the secured party:

(1) In the case of a person to which the proposal was sent pursuant to RCW 62A.9A-621, within ~~((twenty))~~ 20 days after notification was sent to that person; and

(2) In other cases:

(A) Within ~~((twenty))~~ 20 days after the last notification was sent pursuant to RCW 62A.9A-621; or

(B) If a notification was not sent, before the debtor consents to the acceptance under subsection (c) of this section.

(e) **Mandatory disposition of consumer goods.** A secured party that has taken possession of collateral shall dispose of the collateral pursuant to RCW 62A.9A-610 within the time specified in subsection (f) of this section if:

(1) Sixty percent of the cash price has been paid in the case of a purchase-money security interest in consumer goods; or

(2) Sixty percent of the principal amount of the obligation secured has been paid in the case of a nonpurchase-money security interest in consumer goods.

(f) **Compliance with mandatory disposition requirement.** To comply with subsection (e) of this section, the secured party shall dispose of the collateral:

(1) Within ninety days after taking possession; or

(2) Within any longer period to which the debtor and all secondary obligors have agreed in an agreement to that effect entered into and ~~((authenticated))~~ signed after default.

**Sec. 943.** RCW 62A.9A-621 and 2011 c 74 s 725 are each amended to read as follows:

(a) **Persons to which proposal to be sent.**

A secured party that desires to accept collateral in full or partial satisfaction of the obligation it secures shall send its proposal to:

(1) Any other secured party or lienholder that, ~~((ten))~~ 10 days before the debtor consented to the acceptance, held a security interest in or other lien on the collateral perfected by the filing of a financing statement that:

(A) Identified the collateral;

(B) Was indexed under the debtor's name as of that date; and

(C) Was filed in the office or offices in which to file a financing statement against the debtor covering the collateral as of that date; and

(2) Any other secured party that, ~~((ten))~~ 10 days before the debtor consented to the acceptance, held a security interest in the collateral perfected by compliance with a statute, regulation, or treaty described in RCW 62A.9A-311(a).

(b) **Proposal to be sent to secondary obligor in partial satisfaction.** A secured party that desires to accept collateral in partial satisfaction of the obligation it secures shall send its proposal to any secondary obligor in addition to the persons described in subsection (a) of this section.

**Sec. 944.** RCW 62A.9A-624 and 2000 c 250 s 9A-624 are each amended to read as follows:

(a) **Waiver of disposition notification.** A debtor may waive the right to notification of disposition of collateral under RCW 62A.9A-611 only by an agreement to that effect entered into and ~~((authenticated))~~ signed after default.

(b) **Waiver of mandatory disposition.** A debtor may waive the right to require disposition of collateral under RCW 62A.9A-620(e) only by an agreement to that effect entered into and ~~((authenticated))~~ signed after default.

(c) **Waiver of redemption right.** Except in a consumer-goods transaction, a debtor or secondary obligor may waive the right to redeem collateral under RCW 62A.9A-623 only by an agreement to that effect entered into and ~~((authenticated))~~ signed after default.

## PART X

**NEW SECTION. Sec. 1001.** Nothing in this act may be construed to support, endorse, create, or implement a national digital currency.

**NEW SECTION. Sec. 1002.** This act takes effect January 1, 2024."

Correct the title.

Representative Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Hansen spoke against the adoption of the amendment to the committee striking amendment.

Amendment (569) to the committee striking amendment was not adopted.

The committee striking amendment by the Committee on Civil Rights & Judiciary was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hansen and Cheney spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5077, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5077, as amended by the House, and the bill passed the House by the following vote: Yeas, 70; Nays, 28; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Connors, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Klicker, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Caldier, Chambers, Chandler, Christian, Corry, Couture, Dent, Dye, Graham, Griffey, Harris, Hutchins, Jacobsen, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Sandlin, Schmick, Schmidt, Walsh, Waters and Ybarra

SUBSTITUTE SENATE BILL NO. 5077, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5175, by Senators Wellman, Mullet, Hunt and Wilson, C.**

**Concerning written contracts between school boards and principals.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Education was adopted. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Santos, Harris and Rude spoke in favor of the passage of the bill.

Representatives McEntire and Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5175, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5175, as amended by the House, and the bill passed the House by the following vote: Yeas, 84; Nays, 14; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Caldier, Chandler, Christian, Couture, Dye, Graham, Griffey, Hutchins, McEntire, Orcutt, Schmick, Schmidt, Volz and Walsh

ENGROSSED SENATE BILL NO. 5175, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5437, by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by MacEwen and Hunt)**

**Concerning vacancies of the governing body of special purpose districts.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Local Government was before the House for purpose of amendment. For Committee amendment, see Journal, Day 79, Tuesday, March 28, 2023.

Representative Duerr moved the adoption of amendment (568) to the committee striking amendment:

On page 2, beginning on line 19 of the striking amendment, after "\$5,000,000,000" strike all material through "57.12" on line 22 and insert "and a regional fire protection service authority created under chapter 52.26"

Representatives Duerr and Goehner spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (568) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goehner and Duerr spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5437, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5437, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse,

Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE SENATE BILL NO. 5437, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

### SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1048  
 SUBSTITUTE HOUSE BILL NO. 1069  
 ENGROSSED HOUSE BILL NO. 1210  
 SUBSTITUTE HOUSE BILL NO. 1254  
 ENGROSSED HOUSE BILL NO. 1274  
 SECOND SUBSTITUTE HOUSE BILL NO. 1522  
 HOUSE BILL NO. 1624  
 SUBSTITUTE SENATE BILL NO. 5338

The Speaker called upon Representative Orwall to preside.

There being no objection, the House advanced to the eighth order of business.

### MOTIONS

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1850  
 SENATE BILL NO. 5066  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5082  
 SENATE BILL NO. 5084  
 SUBSTITUTE SENATE BILL NO. 5096  
 SECOND SUBSTITUTE SENATE BILL NO. 5120  
 SENATE BILL NO. 5131  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5144  
 SUBSTITUTE SENATE BILL NO. 5189  
 SECOND SUBSTITUTE SENATE BILL NO. 5225  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5236  
 SECOND SUBSTITUTE SENATE BILL NO. 5269  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5278  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5284  
 SENATE BILL NO. 5324  
 ENGROSSED SENATE BILL NO. 5341  
 SENATE BILL NO. 5390  
 SUBSTITUTE SENATE BILL NO. 5433  
 SUBSTITUTE SENATE BILL NO. 5499  
 SECOND SUBSTITUTE SENATE BILL NO. 5518  
 SUBSTITUTE SENATE BILL NO. 5581  
 ENGROSSED SENATE BILL NO. 5691  
 SENATE BILL NO. 5070  
 ENGROSSED SENATE BILL NO. 5130  
 SECOND SUBSTITUTE SENATE BILL NO. 5134  
 SUBSTITUTE SENATE BILL NO. 5238  
 SENATE BILL NO. 5242  
 SUBSTITUTE SENATE BILL NO. 5286  
 SENATE BILL NO. 5316  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5367  
 SUBSTITUTE SENATE BILL NO. 5415

SUBSTITUTE SENATE BILL NO. 5453  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5528  
 SUBSTITUTE SENATE BILL NO. 5720  
 SENATE BILL NO. 5347  
 SUBSTITUTE SENATE BILL NO. 5396  
 SENATE BILL NO. 5069

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the suspension calendar:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5124  
 SUBSTITUTE SENATE BILL NO. 5114  
 SUBSTITUTE SENATE BILL NO. 5256

The Speaker assumed the chair.

There being no objection, the House reverted to the third order of business.

### MESSAGES FROM THE SENATE

Wednesday, April 5, 2023

Mme. Speaker:

The Senate has passed:

HOUSE BILL NO. 1023  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1051  
 HOUSE BILL NO. 1259

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the sixth order of business.

### SECOND READING

**SUBSTITUTE SENATE BILL NO. 5399, by Senate Committee on Business, Financial Services, Gaming & Trade (originally sponsored by Mullet and Dozier)**

#### Concerning future listing right purchase contracts.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Consumer Protection & Business was adopted. For Committee amendment, see Journal, Day 79, Tuesday, March 28, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hackney and Corry spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5399, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5399, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse,

Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE SENATE BILL NO. 5399, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5236, by Senate Committee on Ways & Means (originally sponsored by Robinson, Keiser, Conway, Frame, Hunt, Kauffman, Lovelett, Nguyen, Nobles, Pedersen, Shewmake, Stanford, Trudeau, Valdez and Wilson, C.)**

**Concerning hospital staffing standards.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Riccelli, Connors and Fosse spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5236.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5236, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Dent, Dye, McEntire, Orcutt, Schmick and Walsh

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5236, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5499, by Senate Committee on Health & Long Term Care (originally sponsored by Mullet, Rivers, King, Cleveland, Braun, Muzzall, Gildon, Hunt and Padden)**

**Concerning the multistate nurse licensure compact.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leavitt, Ybarra and Volz spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5499.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5499, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Berry, Fitzgibbon, Fosse and Pollet

SUBSTITUTE SENATE BILL NO. 5499, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Orwall to preside.

There being no objection, the House reverted to the third order of business.

**MESSAGE FROM THE SENATE**

Wednesday, April 5, 2023

Mme. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5742  
SENATE BILL NO. 5763  
SENATE BILL NO. 5765

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

**SUBSTITUTE SENATE BILL NO. 5189, by Senate Committee on Health & Long Term Care (originally sponsored by Trudeau, Wagoner, Conway, Dhingra and Wilson, C.)**

**Establishing behavioral health support specialists.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Bateman and Schmick spoke in favor of the passage of the bill.



The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5189, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5189, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE SENATE BILL NO. 5189, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5672, by Senate Committee on Ways & Means (originally sponsored by Wilson, L., Rolfes, Conway, Dozier, Gildon, Kuderer and Nobles)**

**Concerning the Washington auto theft prevention authority account.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. For Committee amendment, see Journal, Day 78, Monday, March 27, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Chambers and Gregerson spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5672, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5672, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE SENATE BILL NO. 5672, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5131, by Senators Wilson, C., Frame, Hasegawa, Kuderer, Nguyen, Nobles, Saldaña and Stanford**

**Concerning money received by the department of corrections on behalf of inmates from family or other outside sources for the purchase of commissary items.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was not adopted. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simmons and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5131.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5131, and the bill passed the House by the following vote: Yeas, 71; Nays, 27; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barnard, Chandler, Cheney, Christian, Connors, Corry, Dent, Dye, Goehner, Graham, Jacobsen, Klicker, Kretz, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh and Wilcox

SENATE BILL NO. 5131, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5084, by Senators Braun, Keiser and Mullet**

**Creating a separate fund for the purposes of self-insured pensions and assessments.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cheney and Berry spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5084.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5084, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SENATE BILL NO. 5084, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5390, by Senators Shewmake, Warnick, Rolfes, Stanford, Nguyen and Wilson, C.**

**Establishing a programmatic safe harbor agreement on forestlands.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Springer and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5390.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5390, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SENATE BILL NO. 5390, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5152, by Senate Committee on State Government & Elections (originally sponsored by Valdez, Hunt, Kuderer, Liias, Nguyen and Wilson, C.)**

**Defining synthetic media in campaigns for elective office, and providing relief for candidates and campaigns.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on State Government & Tribal Relations was before the House for purpose of amendment. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

Representative Low moved the adoption of amendment (576) to the committee striking amendment:

On page 1, line 21 of the striking amendment, after "may" strike "seek" and insert "bring a cause of action against the person or entity who sponsored, with actual malice, the electioneering communication containing the synthetic media or a medium in accordance with section 3 of this act. Such candidate may:

(a) Seek"

On page 1, beginning on line 22 of the striking amendment, after "media" strike all material through "bring" on line 25 and insert "; and

(b) Bring"

On page 1, line 30 of the striking amendment, after "(4)" insert "(a)"

On page 2, line 1 of the striking amendment, after "disclosure" strike "stating" and insert "as described under (b) of this subsection or a digital content provenance authenticity as described under (c) of this subsection.

(b) For the inclusion of a disclosure statement to qualify as an affirmative defense under (a) of this subsection, disclosures must state"

On page 2, at the beginning of line 3 of the striking amendment, strike "(a)" and insert "(i)"

On page 2, at the beginning of line 10 of the striking amendment, strike "(b)" and insert "(ii)"

On page 2, after line 15 of the striking amendment, insert the following:

"(c) For the inclusion of a digital content provenance authenticity to qualify as an affirmative defense under (a) of this subsection, the synthetic media must use open technical standards specification which enables the synthetic media to be labeled with cryptographically secured metadata visible to show the origin of the media, all edits made to the media, and whether artificial intelligence was used to generate the content of or any edits to the media."

On page 2, line 31 of the striking amendment, after "communication" strike "it disseminates" and insert "containing synthetic media and disseminates it with actual malice"

On page 2, line 33 of the striking amendment, after "changes" insert ", with actual malice,"

Representative Low spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Ramos spoke against the adoption of the amendment to the committee striking amendment.

Amendment (576) to the committee striking amendment was not adopted.

Representative Low moved the adoption of amendment (577) to the committee striking amendment:

On page 2, beginning on line 19 of the striking amendment, after "(6)" strike all material through "determined" on line 20 and insert "Courts are encouraged to determine matters under this section expeditiously"

Representatives Low and Ramos spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (577) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Ramos and Low spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

#### MOTION

On motion of Representative Ramel, Representative Reeves was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5152, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5152, as amended by the House, and the bill passed the House by the following vote: Yeas, 67; Nays, 30; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Hansen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Caldier, Chambers, Chandler, Cheney, Christian, Corry, Dye, Goehner, Graham, Harris, Hutchins, Jacobsen, Klicker, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Reeves

ENGROSSED SUBSTITUTE SENATE BILL NO. 5152, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5324, by Senators Conway, Nobles, Lovick, Fortunato, Hunt, Wagoner, Randall and Wilson, C.**

**Concerning the defense community compatibility account.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Capital Budget was adopted. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Shavers, Chambers and Volz spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5324, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5324, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Reeves

SENATE BILL NO. 5324, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5144, by Senate Committee on Ways & Means (originally sponsored by Stanford, Nguyen, Cleveland, Frame, Hasegawa, Hunt, Keiser, Kuderer, Lovelett, Nobles, Pedersen, Rolfes, Valdez and Wilson, C.)**

**Providing for responsible environmental management of batteries.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

Representative Street moved the adoption of amendment (581) to the committee striking amendment:

On page 22, beginning on line 20, after "applicable." strike all material through "batteries." on line 27

On page 23, line 39, after "batteries" strike "," and insert "or"

On page 24, line 1, after "products" strike ", or large format batteries"

On page 24, line 8, after "batteries" strike "," and insert "or"

On page 24, line 9, after "products" strike ", or large format batteries"

Representatives Street and Dye spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (581) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Street spoke in favor of the passage of the bill.

Representatives Dye and Couture spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5144, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5144, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Reeves

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5144, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5269, by Senate Committee on Ways & Means (originally sponsored by Shewmake, Keiser, Nguyen, Randall, Valdez and Wellman)**

#### Concerning Washington state manufacturing.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Ryu, Chambers, Ybarra and Volz spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5269, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5269, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives McEntire and Walsh

Excused: Representative Reeves

SECOND SUBSTITUTE SENATE BILL NO. 5269, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5518, by Senate Committee on Ways & Means (originally sponsored by Boehnke, Stanford, MacEwen, Muzzall, Fortunato, Frame, Kuderer, Valdez, Warnick and Wellman)**

#### Concerning cybersecurity.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Abbarno and Ramos spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5518.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5518, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Reeves

SECOND SUBSTITUTE SENATE BILL NO. 5518, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

### SIGNED BY THE SPEAKER

The Speaker signed the following bills:

HOUSE BILL NO. 1023  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1051  
 HOUSE BILL NO. 1259

The Speaker called upon Representative Orwall to preside.

## SECOND READING

**HOUSE BILL NO. 1850, by Representatives Macri, Schmick, Tharinger, Stokesbary, Ormsby, Bergquist, Schmidt, Chopp, Berg, Bronoske and Thai**

### Concerning the hospital safety net program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1850 was substituted for House Bill No. 1850 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1850 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Macri and Schmick spoke in favor of the passage of the bill.

## MOTION

On motion of Representative Ramel, Representative Wylie was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1850.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1850, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Ybarra and Mme. Speaker

Voting Nay: Representatives Chandler, McEntire, Orcutt and Walsh

Excused: Representatives Reeves and Wylie

SUBSTITUTE HOUSE BILL NO. 1850, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5070, by Senators Nobles, Dhingra, Frame, Hasegawa, Nguyen and Wilson, C.**

### Concerning victims of nonfatal strangulation.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5070.

## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5070, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Excused: Representatives Reeves and Wylie

SENATE BILL NO. 5070, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5286, by Senate Committee on Labor & Commerce (originally sponsored by Robinson, King, Keiser, Liias, Stanford, Wellman and Wilson, C.)**

### Modifying the premium provisions of the paid family and medical leave program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Berry and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5286.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5286, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Excused: Representatives Reeves and Wylie

SUBSTITUTE SENATE BILL NO. 5286, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5066, by Senators Short, Rolfes, Cleveland and Conway**

**Concerning health care benefit managers.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmick and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5066.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5066, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Excused: Representatives Reeves and Wylie

SENATE BILL NO. 5066, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5000, by Senators Wagoner, Boehnke, Braun, Conway, Dozier, Frame, Gildon, Hasegawa, Holy, King, Kuderer, MacEwen, Mullet, Muzzall, Pedersen, Rivers, Rolfes, Schoesler, Short, Torres, Warnick, Wellman, Wilson, J. and Wilson, L.**

**Recognizing contributions of Americans of Chinese descent.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on State Government & Tribal Relations was adopted. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Abbarno, Ramos and Wilcox spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5000, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5000, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Voting Nay: Representatives Ryu and Santos

Excused: Representatives Reeves and Wylie

SENATE BILL NO. 5000, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5453, by Senate Committee on Law & Justice (originally sponsored by Keiser, Dhingra, Cleveland, Nguyen, Saldaña and Valdez)**

**Concerning female genital mutilation.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stonier and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5453.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5453, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Voting Nay: Representative Entenman

Excused: Representatives Reeves and Wylie

SUBSTITUTE SENATE BILL NO. 5453, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5238, by Senate Committee on Ways & Means (originally sponsored by Saldaña, Randall, Conway, Frame, Hasegawa, Hunt, Keiser, Kuderer, Lovelett, Nguyen, Nobles, Shewmake, Stanford, Valdez and Wilson, C.)**

**Expanding collective bargaining for employees who are enrolled in academic programs at public institutions of higher education.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Berry and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5238.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5238, and the bill passed the House by the following vote: Yeas, 72; Nays, 24; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox and Mme. Speaker

Voting Nay: Representatives Abbarno, Caldier, Chambers, Chandler, Christian, Connors, Corry, Couture, Dent, Dye, Graham, Griffey, Hutchins, Klicker, McClintock, Orcutt, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh and Ybarra

Excused: Representatives Reeves and Wylie

SUBSTITUTE SENATE BILL NO. 5238, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute Senate Bill No. 5238.

Representative Jacobsen, 25th District

### SECOND READING

**SUBSTITUTE SENATE BILL NO. 5542, by Senate Committee on Law & Justice (originally sponsored by Wilson, J., Rolfes, Fortunato, Shewmake, Hunt, Wilson, C., Cleveland, Lovick, Valdez, Padden, Gildon, Braun, Lovelett, Nguyen, Salomon and Wilson, L.)**

**Preventing the destruction of electric vehicle supply equipment.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Walsh and Walen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5542.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5542, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse,

Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Excused: Representatives Reeves and Wylie

SUBSTITUTE SENATE BILL NO. 5542, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:00 a.m., Friday, April 7, 2023, the 89th Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## EIGHTY NINTH DAY

House Chamber, Olympia, Friday, April 7, 2023

The House was called to order at 9:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Moe Alkhazraji and Zainab Khan. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Allen Jones, Motion Church, Puyallup.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4638**, by Representatives Corry, Ormsby, Riccelli, Schmick, Dye, Graham, Schmidt, Sandlin, Christian, Chandler, Ybarra, Dent, and Barnard

WHEREAS, The House of Representatives, on behalf of the people, recognize and honor the life and achievements of William D. "Bill" Hyslop, a Spokane native who served twice as United States Attorney for Eastern Washington; and

WHEREAS, Bill was born on March 22, 1951, the son of Thomas and Catherine Hyslop; and

WHEREAS, Bill graduated from Shadle Park High School, later attending Washington State University, graduating in 1973, and then earning his law degree from Gonzaga University in 1980. He was a lifelong Cougar fan and president of the WSU Alumni Association; and

WHEREAS, Bill practiced law with great distinction in Spokane for more than 40 years, with the firm of Lukins & Annis; and

WHEREAS, Bill was appointed to serve as United States Attorney for the Eastern District of Washington by President George H. W. Bush, serving from 1991 to 1993, and then was appointed a second time when President Donald Trump named him to the post from 2019 to 2021; and

WHEREAS, Bill was actively engaged in the civic process. He spent countless hours working for improvements in education on the federal and state level; and

WHEREAS, Bill earnestly believed that everyone should have equal access to the justice system, and that access to justice was a nonpartisan issue of concern for all human beings. He served on the board of Legal Foundation of Washington — which promotes accessibility to the judicial system and legal services for low-income individuals; and

WHEREAS, Bill served as chair of the Council on Public Defense, calling for a rule change to the Washington State Supreme Court to impose caseload standards for public defenders — putting Washington state at the forefront of ensuring criminal justice defendants receive fair representation; and

WHEREAS, Bill dedicated decades of service to local and state bar associations, including the Board of Governors, receiving the Smithmoore P. Myers Professionalism Award in 2008, an honor only bestowed upon those who exhibit the utmost integrity in the legal profession; Bill was honored to serve as the Spokane County Bar President in 1999 and the President of the Washington State Bar Association in 2015. His service was always achieved with grace, dignity, and honor; and

WHEREAS, Bill loved Spokane and Washington state, contributing countless hours to several community efforts, including the arena replacement, and the Spokane Public Schools capital improvement campaign, remaining active in his community even after his retirement; and

WHEREAS, Bill was a proud supporter of local law enforcement and a passionate advocate for opioid fentanyl awareness in Eastern Washington, helping found the Spokane Alliance for Fentanyl Education; and

WHEREAS, Bill expressed a deep-seated thankfulness and gratitude for life. He was a steadfast family man who took great delight in spending time with his wife, children, and grandchildren; and

WHEREAS, Bill died unexpectedly on Sunday, September 11, 2022; and

WHEREAS, Bill humbly served others throughout his life as a beloved family member, loyal friend, and dedicated public servant; and

WHEREAS, Bill leaves behind his wife, Deborah, and children Jeffrey and Kathleen, as well as three grandchildren, who all adored him;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, on behalf of the people of the State of Washington, recognize and honor the life and work of William D. "Bill" Hyslop; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives and to William "Bill" Hyslop's family.

There being no objection, HOUSE RESOLUTION NO. 4638 was adopted.

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4639**, by Representative Couture

WHEREAS, As Washingtonians, we owe a debt of gratitude to all members of the armed forces, but in particular, the few remaining members of the greatest generation who served in World War II; and

WHEREAS, One of those individuals is Shelton's Burton Stoltz, turning 95 years old this month; his dedication to service and commitment to hard work, solidifies his status as one of the best among us; and

WHEREAS, Mr. Stoltz was born near Ennis, Montana on April 11th, 1928; and

WHEREAS, Mr. Stoltz enlisted in the Navy in 1943, serving with distinction in the Pacific campaign during World War II, earning the following medals: Asiatic-Pacific Campaign, The American Theater Campaign, Navy Good Conduct, and World War II Victory medal, finally being honorably discharged in 1949; and

WHEREAS, Mr. Stoltz returned to his family ranch, ensuring the country's food security for 25 years, subsequently moving to Washington State and pursuing a career as the entrepreneur of a mechanic's shop for five years, eventually to be employed and retire from Lang's Manufacturing in Redmond, Washington after 15 years of service. He then continued his career at Pioneer Elementary in Shelton, Washington, where he ensured proper maintenance and sanitation for school children for an additional 20 years into his 80s; and

WHEREAS, Burton Stoltz retired for a second time and spent eight years in the Pioneer Elementary school reading to children, helping inspire the next generation;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express its thanks and deepest appreciation to Mr. Burton Stoltz for his life of dedication and service as a World War II veteran, and an honorable Washingtonian and American; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Burton Stoltz, and his daughter, Susan Wichers.



There being no objection, HOUSE RESOLUTION NO. 4639 was adopted.

There being no objection, the House advanced to the third order of business.

**MESSAGES FROM THE SENATE**

Thursday, April 6, 2023

Mme. Speaker:

The Senate has passed:

- HOUSE BILL NO. 1030
- HOUSE BILL NO. 1031
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1073
- SUBSTITUTE HOUSE BILL NO. 1255
- SUBSTITUTE HOUSE BILL NO. 1275
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1311
- HOUSE BILL NO. 1370
- SUBSTITUTE HOUSE BILL NO. 1590
- HOUSE BILL NO. 1707
- HOUSE BILL NO. 1792

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Thursday, April 6, 2023

Mme. Speaker:

The President has signed:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1048
- SUBSTITUTE HOUSE BILL NO. 1069
- ENGROSSED HOUSE BILL NO. 1210
- SUBSTITUTE HOUSE BILL NO. 1254
- ENGROSSED HOUSE BILL NO. 1274
- SECOND SUBSTITUTE HOUSE BILL NO. 1522
- HOUSE BILL NO. 1624

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Thursday, April 6, 2023

Mme. Speaker:

The President has signed:

- SENATE BILL NO. 5088
- SENATE BILL NO. 5113
- SENATE BILL NO. 5163
- SUBSTITUTE SENATE BILL NO. 5170
- SUBSTITUTE SENATE BILL NO. 5176
- SUBSTITUTE SENATE BILL NO. 5229
- SUBSTITUTE SENATE BILL NO. 5304
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5320
- ENGROSSED SENATE BILL NO. 5336
- SENATE BILL NO. 5385
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5512
- SUBSTITUTE SENATE BILL NO. 5538
- SUBSTITUTE SENATE BILL NO. 5547
- SUBSTITUTE SENATE BILL NO. 5604

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Thursday, April 6, 2023

Mme. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8407

and the same is herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the fourth order of business.

**INTRODUCTION & FIRST READING**

SSB 5742 by Senate Committee on Transportation (originally sponsored by Kauffman, Lias and Lovick)

AN ACT Relating to codifying certain existing grant programs at the department of transportation; adding new sections to chapter 47.66 RCW; adding new sections to chapter 47.76 RCW; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

SB 5763 by Senators Lias, King, Shewmake and Holy

AN ACT Relating to increasing existing bond authority for 2015 connecting Washington projects and improvements; amending RCW 47.10.889; and creating a new section.

Referred to Committee on Transportation.

SB 5765 by Senators Lias, King, Cleveland and Holy

AN ACT Relating to tolling authorization for the Interstate 5 bridge replacement project; amending RCW 43.84.092 and 43.84.092; reenacting and amending RCW 47.56.810; adding new sections to chapter 47.56 RCW; creating new sections; repealing RCW 47.56.892; providing an effective date; providing a contingent effective date; and providing an expiration date.

Referred to Committee on Transportation.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5528, by Senate Committee on Labor & Commerce (originally sponsored by Stanford)**

**Concerning retainage requirements for private construction projects.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Labor & Workplace Standards was adopted. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Berry and Schmidt spoke in favor of the passage of the bill.

**MOTIONS**

On motion of Representative Ramel, Representative Ortiz-Self was excused.

On motion of Representative Griffey, Representative Volz was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5528, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5528, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Volz

ENGROSSED SUBSTITUTE SENATE BILL NO. 5528, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5347, by Senators Wagoner, Pedersen, Dhingra, Kuderer and Wilson, C.**

#### Concerning access to abstract driving records.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Barkis and Donaghy spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5347.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5347, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Volz

SENATE BILL NO. 5347, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5278, by Senate Committee on Ways & Means (originally sponsored by Wilson, L., Fortunato, Lovick, Muzzall, Robinson, Shewmake, Torres, Warnick and Wilson, C.)**

#### Implementing audit recommendations to reduce barriers to home care aide certification.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Postsecondary Education & Workforce was adopted. For Committee amendment, see Journal, Day 79, Tuesday, March 28, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Chambers and Alvarado spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5278, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5278, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Volz

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5278, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5242, by Senators Cleveland, Robinson, Dhingra, Frame, Hasegawa, Hunt, Keiser, Lovelett, Nobles, Pedersen, Randall, Saldaña, Salomon, Stanford, Valdez, Wellman and Wilson, C.**

#### Prohibiting cost sharing for abortion.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Bateman spoke in favor of the passage of the bill.

Representative Barnard spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5242.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5242, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Calder, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Ortiz-Self and Volz

SENATE BILL NO. 5242, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5396, by Senate Committee on Health & Long Term Care (originally sponsored by Wilson, L., Boehnke, Frame, Hunt, Kauffman, Kuderer, Rivers, Rolfes, Shewmake, Valdez and Warnick)**

**Concerning cost sharing for diagnostic and supplemental breast examinations.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Walen spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5396, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5396, as amended by the House, and the bill passed the House by the following vote: Yeas, 90; Nays, 6; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Eslick, Jacobsen, McEntire, Orcutt, Schmick and Walsh

Excused: Representatives Ortiz-Self and Volz

SUBSTITUTE SENATE BILL NO. 5396, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5367, by Senate Committee on Ways & Means (originally sponsored by Robinson, Schoesler, Conway, Dozier, Keiser, Saldaña and Wellman)**

**Concerning the regulation of products containing THC.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Regulated Substances & Gaming was before the House for purpose of amendment. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

Representative Reeves moved the adoption of amendment (578) to the committee striking amendment:

On page 12, line 13, after "chapter" insert "or as permitted under an agreement between the state and a tribe entered into under RCW 43.06.490"

On page 12, line 17, after "(2)" strike "Any" and insert "Except as permitted under an agreement between the state and a tribe entered into under RCW 43.06.490, any"

Representatives Reeves and Chambers spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (578) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Chambers and Wylie spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5367, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5367, as amended by the House, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street,

Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives McEntire, Morgan and Walsh  
Excused: Representatives Ortiz-Self and Volz

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5367, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5365, by Senate Committee on Labor & Commerce (originally sponsored by Saldaña, Lías, Billig, Dhingra, Hunt, Lovelett, Nguyen, Pedersen, Randall, Robinson, Stanford, Valdez, Wellman and Wilson, C.)**

**Preventing use of vapor and tobacco products by minors.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Regulated Substances & Gaming was before the House for purpose of amendment. For Committee amendment, see Journal, Day 78, Monday, March 27, 2023.

Representative Reeves moved the adoption of amendment (580) to the committee striking amendment:

On page 2, beginning on line 18 of the striking amendment, strike all of subsection (3)

On page 2, beginning on line 36 of the striking amendment, strike all of subsection (3)

On page 6, line 16 of the striking amendment, after "(b)" insert "Any enforcement officer who detains a person for the purpose of enforcing the provisions of this chapter and RCW 26.28.080 and 82.24.500 must collect the following information for each fiscal year since 2018:

(i) The total number of interactions where an enforcement officer detained a person;

(ii) Information on the nature of each interaction, including the duration of the interaction, the justification for the interaction, the number of such persons who were under 18 years of age, the number of such persons who were over 18 but under 21 years of age, and whether any citation or warning was issued;

(iii) How many interactions converted to administrative violation notices; and

(iv) How many of the interactions and administrative violation notices converted to retailer education and violations.

(c) The board must compile the information collected pursuant to (b) of this subsection, along with any associated demographic data in the possession of the board, and conduct a comparative analysis of all interactions of enforcement officers with persons detained for the purpose of enforcing Title 66 RCW and chapter 69.50 RCW into a statewide report and provide the report to the appropriate committees of the legislature by December 1, 2023, and annually thereafter.

(d) All enforcement officers of the board who enforce the provisions of this section and will have interactions with persons under the age of 18 years old must begin receiving training from the United States department of justice office of juvenile

justice and delinquency prevention prior to July 1, 2024.

(e)"

On page 8, line 9 of the striking amendment, after "(b)" insert "Any enforcement officer who detains a person for the purpose of enforcing the provisions of this chapter and RCW 26.28.080 and 82.24.500 must collect the following information for each fiscal year since 2018:

(i) The total number of interactions where an enforcement officer detained a person;

(ii) Information on the nature of each interaction, including the duration of the interaction, the justification for the interaction, the number of such persons who were under 18 years of age, the number of such persons who were over 18 but under 21 years of age, and whether any citation or warning was issued;

(iii) How many interactions converted to administrative violation notices; and

(iv) How many of the interactions and administrative violation notices converted to retailer education and violations.

(c) The board must compile the information collected pursuant to (b) of this subsection, along with any associated demographic data in the possession of the board, and conduct a comparative analysis of all interactions of enforcement officers with persons detained for the purpose of enforcing Title 66 RCW and chapter 69.50 RCW into a statewide report and provide the report to the appropriate committees of the legislature by December 1, 2023, and annually thereafter.

(d) All enforcement officers of the board who enforce the provisions of this section and will have interactions with persons under the age of 18 years old must begin receiving training from the United States department of justice office of juvenile justice and delinquency prevention prior to July 1, 2024.

(e)"

Representatives Reeves and Chambers spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (580) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Kloba spoke in favor of the passage of the bill.

Representative Chambers spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5365, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5365, as amended by the House, and the

bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Ortiz-Self and Volz

ENGROSSED SUBSTITUTE SENATE BILL NO. 5365, as amended by the House, having received the necessary constitutional majority, was declared passed.

### RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5367, as amended by the House, passed the House.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5367, as amended by the House, on reconsideration.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5367, as amended by the House, on reconsideration, and the bill passed the House by the following vote: Yeas, 90; Nays, 6; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chandler, McEntire, Mena, Morgan, Schmidt and Walsh

Excused: Representatives Ortiz-Self and Volz

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5367, as amended by the House, on reconsideration, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5581, by Senate Committee on Health & Long Term Care (originally sponsored by Muzzall, Robinson, Braun, Rivers, Warnick, Cleveland, Hasegawa, Kuderer, Lovelett, Shewmake, Wilson, C., Wilson, J. and Wilson, L.)**

**Developing strategies to reduce or eliminate deductibles for maternal support services and postpartum care.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Health Care & Wellness was before the

House for purpose of amendment. For Committee amendment, see Journal, Day 75, Friday, March 24, 2023.

Representative Bateman moved the adoption of amendment (582) to the committee striking amendment:

On page 1, line 4 of the striking amendment, after "commissioner" insert ", in consultation with health carriers, health care providers, and consumers in this state,"

Representatives Bateman and Schmick spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (582) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Schmick, Bateman and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5581, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5581, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Volz

SUBSTITUTE SENATE BILL NO. 5581, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5284, by Senate Committee on State Government & Elections (originally sponsored by Nguyen, Billig, Frame, Hunt, Keiser, Kuderer, Shewmake and Wilson, C.)**

**Concerning campaign finance disclosure.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on State Government & Tribal Relations was before the House for purpose of amendment. For Committee amendment, see Journal, Day 75, Friday, March 24, 2023.

Representative Pollet moved the adoption of amendment (583) to the committee striking amendment:

On page 13, beginning on line 19, after "received" strike all material through "way" on line 25 and insert "~~((a certification from any partnership, association, corporation, organization, or other combination of persons making a contribution reportable under this section that:~~

~~(i) The contribution is not financed in any part by a foreign national; and~~

~~(ii) Foreign nationals are not involved in making decisions regarding the contribution in any way))all of the certifications regarding foreign nationals that are required under RCW 42.17A.418, or a statement that no contributions were large enough to require a certification"~~

On page 14, after line 27, insert the following:

**"Sec. 8.** RCW 42.17A.418 and 2020 c 152 s 10 are each amended to read as follows:

(1) Each candidate or political committee that has accepted ~~((a contribution))~~one or more contributions in an election cycle that in the aggregate exceed the threshold amount in subsection (4) of this section, and each out-of-state committee that has accepted ((a contribution))one or more contributions in an election cycle reportable under RCW 42.17A.250 that in the aggregate exceed that same threshold, from a partnership, association, corporation, organization, or other combination of persons, must receive a certification from ~~((each))~~the contributor that:

(a) ~~The ((contribution is))~~contributions are not financed in any part by a foreign national; and

(b) Foreign nationals are not involved in making decisions regarding the contributions in any way.

(2) The certifications must be maintained for a period of no less than three years after the date of the applicable election.

(3) At the request of the commission, each candidate or committee required to comply with subsection (1) of this section must provide to the commission copies of the certifications maintained under this section.

(4) The threshold amount to trigger the requirement for foreign national certifications in this section is the sum of the contribution limits to a candidate for legislative office for the primary plus for the general election, as provided in RCW 42.17A.405(2).

**Sec. 9.** RCW 42.17A.240 and 2020 c 152 s 3 are each amended to read as follows:

Each report required under RCW 42.17A.235 (1) through (4) must be certified as correct by the treasurer and the candidate and shall disclose the following, except an incidental committee only must disclose and certify as correct the information required under subsections (2)(d) and (7) of this section:

(1) The funds on hand at the beginning of the period;

(2) The name and address of each person who has made one or more contributions during the period, together with the money value and date of each contribution and the aggregate value of all contributions

received from each person during the campaign, or in the case of a continuing political committee, the current calendar year, with the following exceptions:

(a) Pledges in the aggregate of less than one hundred dollars from any one person need not be reported;

(b) Income that results from a fund-raising activity conducted in accordance with RCW 42.17A.230 may be reported as one lump sum, with the exception of that portion received from persons whose names and addresses are required to be included in the report required by RCW 42.17A.230;

(c) Contributions of no more than twenty-five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum if the treasurer maintains a separate and private list of the name, address, and amount of each such contributor;

(d) Payments received by an incidental committee from any one person need not be reported unless the person is one of the committee's ten largest sources of payments received, including any persons tied as the tenth largest source of payments received, during the current calendar year, and the value of the cumulative payments received from that person during the current calendar year is ten thousand dollars or greater. For payments to incidental committees from multiple persons received in aggregated form, any payment of more than ten thousand dollars from any single person must be reported, but the aggregated payment itself may not be reported. The commission may suspend or modify reporting requirements for payments received by an incidental committee in cases of manifestly unreasonable hardship under this chapter;

(e) Payments from private foundations organized under section 501(c)(3) of the internal revenue code to an incidental committee do not have to be reported if:

(i) The private foundation is contracting with the incidental committee for a specific purpose other than election campaign purposes;

(ii) Use of the funds for election campaign purposes is explicitly prohibited by contract; and

(iii) Funding from the private foundation represents less than twenty-five percent of the incidental committee's total budget;

(f) Commentary or analysis on a ballot proposition by an incidental committee is not considered a contribution if it does not advocate specifically to vote for or against the ballot proposition; and

(g) The money value of contributions of postage is the face value of the postage;

(3) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, including the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(4) All other contributions not otherwise listed or exempted;

(5) A statement that the candidate or political committee has received ~~((a certification from any partnership,~~

~~association, corporation, organization, or other combination of persons making a contribution to the candidate or political committee that:~~

~~(a) The contribution is not financed in any part by a foreign national; and~~

~~(b) Foreign nationals are not involved in making decisions regarding the contribution in any way)all of the certifications regarding foreign nationals that are required under RCW 42.17A.418, or a statement that no contributions were large enough to require a certification;~~

(6) The name and address of each candidate or political committee to which any transfer of funds was made, including the amounts and dates of the transfers;

(7) The name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars during the period covered by this report, the amount, date, and purpose of each expenditure, and the total sum of all expenditures. An incidental committee only must report on expenditures, made and reportable as contributions as defined in RCW 42.17A.005, to election campaigns. For purposes of this subsection, commentary or analysis on a ballot proposition by an incidental committee is not considered an expenditure if it does not advocate specifically to vote for or against the ballot proposition;

(8) The name, address, and electronic contact information of each person to whom an expenditure was made for soliciting or procuring signatures on an initiative or referendum petition, the amount of the compensation to each person, and the total expenditures made for this purpose. Such expenditures shall be reported under this subsection in addition to what is required to be reported under subsection (7) of this section;

(9) (a) The name and address of any person and the amount owed for any debt with a value of more than seven hundred fifty dollars that has not been paid for any invoices submitted, goods received, or services performed, within five business days during the period within thirty days before an election, or within ten business days during any other period.

(b) For purposes of this subsection, debt does not include regularly recurring expenditures of the same amount that have already been reported at least once and that are not late or outstanding;

(10) The surplus or deficit of contributions over expenditures;

(11) The disposition made in accordance with RCW 42.17A.430 of any surplus funds; and

(12) Any other information required by the commission by rule in conformance with the policies and purposes of this chapter.

**Sec. 10.** RCW 42.17A.250 and 2020 c 152 s 4 are each amended to read as follows:

(1) An out-of-state political committee organized for the purpose of supporting or opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW 42.17A.205 through 42.17A.240 shall report as required

in this section when it makes an expenditure supporting or opposing a Washington state candidate or political committee. The committee shall file with the commission a statement disclosing:

(a) Its name and address;

(b) The purposes of the out-of-state committee;

(c) The names, addresses, and titles of its officers or, if it has no officers, the names, addresses, and the titles of its responsible leaders;

(d) The name, office sought, and party affiliation of each candidate in the state of Washington whom the out-of-state committee is supporting or opposing and, if the committee is supporting or opposing the entire ticket of any party, the name of the party;

(e) The ballot proposition supported or opposed in the state of Washington, if any, and whether the committee is in favor of or opposed to that proposition;

(f) The name and address of each person residing in the state of Washington or corporation that has a place of business in the state of Washington who has made one or more contributions in the aggregate of more than twenty-five dollars to the out-of-state committee during the current calendar year, together with the money value and date of the contributions;

(g) The name, address, and employer of each person or corporation residing outside the state of Washington who has made one or more contributions in the aggregate of more than two thousand five hundred fifty dollars to the out-of-state committee during the current calendar year, together with the money value and date of the contributions. Annually, the commission must modify the two thousand five hundred fifty dollar limit in this subsection based on percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the bureau of economic analysis of the federal department of commerce;

(h) The name and address of each person in the state of Washington to whom an expenditure was made by the out-of-state committee with respect to a candidate or political committee in the aggregate amount of more than fifty dollars, the amount, date, and purpose of the expenditure, and the total sum of the expenditures;

(i) A statement that the out-of-state committee has received ~~((a certification from any partnership, association, corporation, organization, or other combination of persons making a contribution reportable under this section that:~~

~~(i) The contribution is not financed in any part by a foreign national; and~~

~~(ii) Foreign nationals are not involved in making decisions regarding the contribution in any way))all of the certifications regarding foreign nationals that are required under RCW 42.17A.418, or a statement that no contributions were large enough to require a certification; and~~

(j) Any other information as the commission may prescribe by rule in keeping with the policies and purposes of this chapter.

(2) Each statement shall be filed no later than the tenth day of the month following any month in which a contribution or other expenditure reportable under subsection (1) of this section is made. An out-of-state committee incurring an obligation to file additional statements in a calendar year may satisfy the obligation by timely filing reports that supplement previously filed information."

Representatives Pollet and Abbarno spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (583) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Ramos and Abbarno spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5284, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5284, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

ENGROSSED SUBSTITUTE SENATE BILL NO. 5284, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5415, by Senate Committee on Law & Justice (originally sponsored by Trudeau, Pedersen, Dhingra, Saldaña, Valdez and Wilson, C.)**

**Concerning public defense services for persons committed as not guilty by reason of insanity.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Farivar and Cheney spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5415.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5415, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Senn

Excused: Representative Ortiz-Self

SUBSTITUTE SENATE BILL NO. 5415, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

#### MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SUBSTITUTE SENATE BILL NO. 5087  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5112  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5197  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5217  
 SENATE BILL NO. 5452  
 HOUSE BILL NO. 1851  
 HOUSE BILL NO. 1853  
 SECOND SUBSTITUTE SENATE BILL NO. 5128  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5243  
 SENATE BILL NO. 5369  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5515  
 SENATE BILL NO. 5531  
 SENATE BILL NO. 5550  
 SECOND SUBSTITUTE SENATE BILL NO. 5593  
 SENATE BILL NO. 5683  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5080  
 SECOND SUBSTITUTE SENATE BILL NO. 5454  
 SECOND SUBSTITUTE SENATE BILL NO. 5268  
 ENGROSSED SENATE BILL NO. 5534  
 SUBSTITUTE SENATE BILL NO. 5078  
 SENATE BILL NO. 5282  
 SECOND SUBSTITUTE SENATE BILL NO. 5290  
 SUBSTITUTE SENATE BILL NO. 5145  
 SUBSTITUTE SENATE BILL NO. 5353  
 SECOND SUBSTITUTE SENATE BILL NO. 5502  
 SECOND SUBSTITUTE SENATE BILL NO. 5532  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5582

The Speaker assumed the chair.

#### SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SENATE BILL NO. 5088  
 SENATE BILL NO. 5113  
 SENATE BILL NO. 5163  
 SUBSTITUTE SENATE BILL NO. 5170



SUBSTITUTE SENATE BILL NO. 5176  
 SUBSTITUTE SENATE BILL NO. 5229  
 SUBSTITUTE SENATE BILL NO. 5304  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5320  
 ENGROSSED SENATE BILL NO. 5336  
 SENATE BILL NO. 5385  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5512  
 SUBSTITUTE SENATE BILL NO. 5538  
 SUBSTITUTE SENATE BILL NO. 5547  
 SUBSTITUTE SENATE BILL NO. 5604  
 SENATE CONCURRENT RESOLUTION NO. 8407

The Speaker called upon Representative Orwall to preside.

There being no objection, the House reverted to the third order of business.

#### MESSAGES FROM THE SENATE

Friday, April 7, 2023

Mme. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1323  
 HOUSE BILL NO. 1712  
 HOUSE BILL NO. 1730

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Friday, April 7, 2023

Mme. Speaker:

The President has signed:

HOUSE BILL NO. 1023  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1051  
 HOUSE BILL NO. 1259

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the sixth order of business.

#### SECOND READING

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5045, by Senate Committee on Ways & Means (originally sponsored by Kuderer, Dhingra, Holy, Hunt, Liias, Nguyen, Nobles, Randall, Rolfes, Shewmake, Wellman and Wilson, C.)**

**Incentivizing rental of accessory dwelling units to low-income households.**

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (560):

On page 3, after line 4, insert the following:

"(d) This subsection (2) does not apply to any state property tax levy."

Representatives Orcutt, Walsh and Orcutt (again) spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 42 - YEAS; 54 - NAYS.

Amendment (560) was not adopted.

Representative Peterson moved the adoption of amendment (585):

On page 3, after line 4, insert the following:

"(d) A county legislative authority that has opted to exempt accessory dwelling units under this subsection (2) shall establish policies to assist and support tenants upon expiration of an exemption granted under this subsection."

Representatives Peterson and Klicker spoke in favor of the adoption of the amendment.

Amendment (585) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Peterson and Kloba spoke in favor of the passage of the bill.

Representatives Klicker, Orcutt, Walsh and Jacobsen spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5045, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5045, as amended by the House, and the bill passed the House by the following vote: Yeas, 59; Nays, 38; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Senn, Volz, Walsh, Waters, Wilcox and Ybarra  
 Excused: Representative Ortiz-Self

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5045, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5531, by Senators King, Shewmake and Nobles**

**Concerning special use permits for milk product haulers.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Low, Timmons, Corry and Hackney spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5531.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5531, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Barkis, Barnard, Bateman, Bergquist, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Alvarado, Berg, Berry and Reed  
Excused: Representative Ortiz-Self

SENATE BILL NO. 5531, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5454, by Senate Committee on Ways & Means (originally sponsored by Cleveland, Robinson, King, Keiser, Van De Wege, Conway, Kuderer, Liias, Nguyen, Shewmake, Stanford and Valdez)**

**Concerning industrial insurance coverage for posttraumatic stress disorders affecting registered nurses.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Macri spoke in favor of the passage of the bill.

Representative Connors spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5454, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5454, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Stearns, Stonier, Street, Taylor, Tharinger, Timmons, Wylie and Mme. Speaker

Voting Nay: Representatives Barkis, Barnard, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye,

Entenman, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Springer, Steele, Stokesbary, Thai, Volz, Walen, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Ortiz-Self

SECOND SUBSTITUTE SENATE BILL NO. 5454, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5683, by Senators Kauffman, Hasegawa, Kuderer, Liias, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Saldaña, Schoesler, Stanford, Valdez and Wilson, C.**

**Concerning child-specific foster care licenses for placement of Indian children.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stearns and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5683.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5683, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SENATE BILL NO. 5683, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1851, by Representatives Callan, Macri, Bergquist and Gregerson**

**Implementing the first approach skills training program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1851 was substituted for House Bill No. 1851 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1851 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Callan and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1851.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1851, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1851, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5582, by Senate Committee on Ways & Means (originally sponsored by Holy, Randall, Rivers, Robinson, Dozier, King, Conway, Shewmake, Padden, Lovick, Gildon, Muzzall, Lovelett, Mullet, Nobles, Saldaña, Valdez, Van De Wege, Wellman, Wilson, C. and Wilson, L.)**

**Reducing barriers and expanding educational opportunities to increase the supply of nurses in Washington.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ybarra and Slatter spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5582.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5582, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5582, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5720, by Senate Committee on Business, Financial Services, Gaming & Trade (originally sponsored by Stanford)**

**Concerning risk mitigation in property insurance.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Consumer Protection & Business was before the House for purpose of amendment. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

Representative Santos moved the adoption of amendment (587) to the committee striking amendment:

On page 2, beginning on line 24 of the striking amendment, strike all of subsection (8)

Correct any internal references accordingly.

Representatives Santos and Corry spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (587) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Santos and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5720, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5720, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SUBSTITUTE SENATE BILL NO. 5720, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5369, by Senators Billig, Padden, Short, Shewmake, Schoesler, Lovelett, Conway, Boehnke,**

**Salomon, Nguyen, Van De Wege, Wagoner, Dhingra, Dozier, Hasegawa, Hunt, Keiser, Randall, Torres and Valdez**

**Reassessing standards for polychlorinated biphenyls in consumer products.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Doglio and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5369, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5369, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SENATE BILL NO. 5369, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

HOUSE BILL NO. 1030  
HOUSE BILL NO. 1031  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1073  
SUBSTITUTE HOUSE BILL NO. 1255  
SUBSTITUTE HOUSE BILL NO. 1275  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1311  
SUBSTITUTE HOUSE BILL NO. 1323  
HOUSE BILL NO. 1370  
SUBSTITUTE HOUSE BILL NO. 1590  
HOUSE BILL NO. 1707  
HOUSE BILL NO. 1712  
HOUSE BILL NO. 1730  
HOUSE BILL NO. 1792

The Speaker called upon Representative Orwall to preside.

**SECOND READING**

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5112, by Senate Committee on Transportation (originally sponsored by Hunt, Hasegawa, Kuderer, Valdez, Wilson, C. and Wilson, J.)**

**Updating processes related to voter registration.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Transportation was adopted. For Committee amendment, see Journal, Day 85, Monday, April 3, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Ramos spoke in favor of the passage of the bill.

Representatives Abbarno, Hutchins, Chambers and Christian spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5112, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5112, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Ortiz-Self

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5112, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5173, by Senate Committee on Law & Justice (originally sponsored by Stanford, Hasegawa, Kuderer, Pedersen, Saldaña and Trudeau)**

**Concerning property exempt from execution.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Civil Rights & Judiciary was before the House for purpose of amendment. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

With the consent of the House, amendments (570), (571), (572) and (573) were withdrawn.

Representative Hansen moved the adoption of amendment (597) to the committee striking amendment:

On page 4, beginning on line 3, after "(3)" strike all material through "issue" on line 36 and insert "In the case of married persons, each spouse is entitled to the exemptions provided in this section, which



There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Senn and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5515, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5515, as amended by the House, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Christian, Graham, Jacobsen and Schmidt

Excused: Representative Ortiz-Self

ENGROSSED SUBSTITUTE SENATE BILL NO. 5515, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5452, by Senators Shewmake, Billig, Hasegawa, Kuderer, Liias, Nguyen, Pedersen, Saldaña and Valdez**

**Authorizing impact fee revenue to fund improvements to bicycle and pedestrian facilities.**

The bill was read the second time.

Representative Jacobsen moved the adoption of amendment (518):

On page 2, line 2, after "options." insert "The legislature intends for property owners only to be charged impact fees for routes accessible by walking or bicycling from their homes."

On page 3, after line 20, insert the following:

"Sec. 1. RCW 82.02.050 and 2015 c 241 s 1 are each amended to read as follows:

(1) It is the intent of the legislature:

(a) To ensure that adequate facilities are available to serve new growth and development;

(b) To promote orderly growth and development by establishing standards by which counties, cities, and towns may require, by ordinance, that new growth and development pay a proportionate share of the cost of new facilities needed to serve new growth and development; and

(c) To ensure that impact fees are imposed through established procedures and criteria so that specific developments do

not pay arbitrary fees or duplicative fees for the same impact.

(2) Counties, cities, and towns that are required or choose to plan under RCW 36.70A.040 are authorized to impose impact fees on development activity as part of the financing for public facilities, provided that the financing for system improvements to serve new development must provide for a balance between impact fees and other sources of public funds and cannot rely solely on impact fees.

(3) (a) (i) Counties, cities, and towns collecting impact fees must, by September 1, 2016, adopt and maintain a system for the deferred collection of impact fees for single-family detached and attached residential construction. The deferral system must include a process by which an applicant for a building permit for a single-family detached or attached residence may request a deferral of the full impact fee payment. The deferral system offered by a county, city, or town under this subsection (3) must include one or more of the following options:

(A) Deferring collection of the impact fee payment until final inspection;

(B) Deferring collection of the impact fee payment until certificate of occupancy or equivalent certification; or

(C) Deferring collection of the impact fee payment until the time of closing of the first sale of the property occurring after the issuance of the applicable building permit.

(ii) Counties, cities, and towns utilizing the deferral process required by this subsection (3) (a) may withhold certification of final inspection, certificate of occupancy, or equivalent certification until the impact fees have been paid in full.

(iii) The amount of impact fees that may be deferred under this subsection (3) must be determined by the fees in effect at the time the applicant applies for a deferral.

(iv) Unless an agreement to the contrary is reached between the buyer and seller, the payment of impact fees due at closing of a sale must be made from the seller's proceeds. In the absence of an agreement to the contrary, the seller bears strict liability for the payment of the impact fees.

(b) The term of an impact fee deferral under this subsection (3) may not exceed eighteen months from the date of building permit issuance.

(c) Except as may otherwise be authorized in accordance with (f) of this subsection (3), an applicant seeking a deferral under this subsection (3) must grant and record a deferred impact fee lien against the property in favor of the county, city, or town in the amount of the deferred impact fee. The deferred impact fee lien, which must include the legal description, tax account number, and address of the property, must also be:

(i) In a form approved by the county, city, or town;

(ii) Signed by all owners of the property, with all signatures acknowledged as required for a deed, and recorded in the county where the property is located;

(iii) Binding on all successors in title after the recordation; and

(iv) Junior and subordinate to one mortgage for the purpose of construction upon the same real property granted by the person who applied for the deferral of impact fees.

(d)(i) If impact fees are not paid in accordance with a deferral authorized by this subsection (3), and in accordance with the term provisions established in (b) of this subsection (3), the county, city, or town may institute foreclosure proceedings in accordance with chapter 61.12 RCW.

(ii) If the county, city, or town does not institute foreclosure proceedings for unpaid school impact fees within forty-five days after receiving notice from a school district requesting that it do so, the district may institute foreclosure proceedings with respect to the unpaid impact fees.

(e)(i) Upon receipt of final payment of all deferred impact fees for a property, the county, city, or town must execute a release of deferred impact fee lien for the property. The property owner at the time of the release, at his or her expense, is responsible for recording the lien release.

(ii) The extinguishment of a deferred impact fee lien by the foreclosure of a lien having priority does not affect the obligation to pay the impact fees as a condition of final inspection, certificate of occupancy, or equivalent certification, or at the time of closing of the first sale.

(f) A county, city, or town with an impact fee deferral process on or before April 1, 2015, is exempt from the requirements of this subsection (3) if the deferral process delays all impact fees and remains in effect after September 1, 2016.

(g)(i) Each applicant for a single-family residential construction permit, in accordance with his or her contractor registration number or other unique identification number, is entitled to annually receive deferrals under this subsection (3) for the first twenty single-family residential construction building permits per county, city, or town. A county, city, or town, however, may elect, by ordinance, to defer more than twenty single-family residential construction building permits for an applicant. If the county, city, or town collects impact fees on behalf of one or more school districts for which the collection of impact fees could be delayed, the county, city, or town must consult with the district or districts about the additional deferrals. A county, city, or town considering additional deferrals must give substantial weight to recommendations of each applicable school district regarding the number of additional deferrals. If the county, city, or town disagrees with the recommendations of one or more school districts, the county, city, or town must provide the district or districts with a written rationale for its decision.

(ii) For purposes of this subsection (3)(g), an "applicant" includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.

(h) Counties, cities, and towns may collect reasonable administrative fees to implement this subsection (3) from permit applicants who are seeking to delay the payment of impact fees under this subsection (3).

(i) In accordance with RCW \*44.28.812 and 43.31.980, counties, cities, and towns must cooperate with and provide requested data, materials, and assistance to the department of commerce and the joint legislative audit and review committee.

(4) The impact fees:

(a) Shall only be imposed for system improvements that are reasonably related to the new development;

(b) Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development; ~~((and))~~

(c) Shall be used for system improvements that will reasonably benefit the new development; and

(d) Shall only be imposed on new development to pay for a bicycle and pedestrian facility designed with multimodal commuting as an intended use when there is a bikeable or walkable route connecting the bicycle and pedestrian facility and the new development.

(5)(a) Impact fees may be collected and spent only for the public facilities defined in RCW 82.02.090 which are addressed by a capital facilities plan element of a comprehensive land use plan adopted pursuant to the provisions of RCW 36.70A.070 or the provisions for comprehensive plan adoption contained in chapter 36.70, 35.63, or 35A.63 RCW. After the date a county, city, or town is required to adopt its development regulations under chapter 36.70A RCW, continued authorization to collect and expend impact fees is contingent on the county, city, or town adopting or revising a comprehensive plan in compliance with RCW 36.70A.070, and on the capital facilities plan identifying:

(i) Deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time;

(ii) Additional demands placed on existing public facilities by new development; and

(iii) Additional public facility improvements required to serve new development.

(b) If the capital facilities plan of the county, city, or town is complete other than for the inclusion of those elements which are the responsibility of a special district, the county, city, or town may impose impact fees to address those public facility needs for which the county, city, or town is responsible."

Correct the title.

Representative Jacobsen spoke in favor of the adoption of the amendment.

Representative Duerr spoke against the adoption of the amendment.

Amendment (518) was not adopted.

Representative Goehner moved the adoption of amendment (552):

On page 2, after line 2, insert the following:

"It is the intent of the legislature to assist local governments to avoid inequitable treatment. A local government may not require a property owner to install bicycle and pedestrian facilities within or abutting the property and also to pay impact fees for bicycle and pedestrian facilities that are not located on the property. To avoid this, the local government must provide a credit."

On page 3, after line 20, insert the following:

"Sec. 1. RCW 82.02.060 and 2021 c 72 s 1 are each amended to read as follows:

The local ordinance by which impact fees are imposed:

(1) Shall include a schedule of impact fees which shall be adopted for each type of development activity that is subject to impact fees, specifying the amount of the impact fee to be imposed for each type of system improvement. The schedule shall be based upon a formula or other method of calculating such impact fees. In determining proportionate share, the formula or other method of calculating impact fees shall incorporate, among other things, the following:

(a) The cost of public facilities necessitated by new development;

(b) An adjustment to the cost of the public facilities for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or proratable to the particular system improvement;

(c) The availability of other means of funding public facility improvements;

(d) The cost of existing public facilities improvements; and

(e) The methods by which public facilities improvements were financed;

(2) May provide an exemption for low-income housing, and other development activities with broad public purposes, including development of an early learning facility, from these impact fees, provided that the impact fees for such development activity shall be paid from public funds other than impact fee accounts;

(3) (a) May not impose an impact fee on development activities of an early learning facility greater than that imposed on commercial retail or commercial office development activities that generate a similar number, volume, type, and duration of vehicle trips;

(b) When a facility or development has more than one use, the limitations in this subsection (3) or the exemption applicable to an early learning facility in subsections (2) and (4) of this section only apply to that portion that is developed as an early learning facility. The impact fee assessed on an early learning facility in such a development or facility may not exceed the

least of the impact fees assessed on comparable businesses in the facility or development;

(4) May provide an exemption from impact fees for low-income housing or for early learning facilities. Local governments that grant exemptions for low-income housing or for early learning facilities under this subsection (4) may either: Grant a partial exemption of not more than eighty percent of impact fees, in which case there is no explicit requirement to pay the exempted portion of the fee from public funds other than impact fee accounts; or provide a full waiver, in which case the remaining percentage of the exempted fee must be paid from public funds other than impact fee accounts, except as provided in (b) of this subsection. These exemptions are subject to the following requirements:

(a) An exemption for low-income housing granted under subsection (2) of this section or this subsection (4) must be conditioned upon requiring the developer to record a covenant that, except as provided otherwise by this subsection, prohibits using the property for any purpose other than for low-income housing. At a minimum, the covenant must address price restrictions and household income limits for the low-income housing, and that if the property is converted to a use other than for low-income housing, the property owner must pay the applicable impact fees in effect at the time of conversion;

(b) An exemption for early learning facilities granted under subsection (2) of this section or this subsection (4) may be a full waiver without an explicit requirement to pay the exempted portion of the fee from public funds other than impact fee accounts if the local government requires the developer to record a covenant that requires that at least 25 percent of the children and families using the early learning facility qualify for state subsidized child care, including early childhood education and assistance under chapter 43.216 RCW, and that provides that if the property is converted to a use other than for an early learning facility, the property owner must pay the applicable impact fees in effect at the time of conversion, and that also provides that if at no point during a calendar year does the early learning facility achieve the required percentage of children and families qualified for state subsidized child care using the early learning facility, the property owner must pay 20 percent of the impact fee that would have been imposed on the development had there not been an exemption within 90 days of the local government notifying the property owner of the breach, and any balance remaining thereafter shall be a lien on the property; and

(c) Covenants required by (a) and (b) of this subsection must be recorded with the applicable county auditor or recording officer. A local government granting an exemption under subsection (2) of this section or this subsection (4) for low-income housing or an early learning facility may not collect revenue lost through granting an exemption by increasing impact fees unrelated to the exemption. A school



district who receives school impact fees must approve any exemption under subsection (2) of this section or this subsection (4);

(5) Shall provide a credit for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the developer, to facilities that are identified in the capital facilities plan and that are required by the county, city, or town as a condition of approving the development activity;

(6) Shall provide a credit for the value of any bicycle and pedestrian facilities installed or provided by the developer or property owner that are on or abutting the development against any impact fee assessed in whole or in part to pay for bicycle and pedestrian facilities that were designed with multimodal commuting as an intended use;

(7) Shall allow the county, city, or town imposing the impact fees to adjust the standard impact fee at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that impact fees are imposed fairly;

~~((7))~~(8) Shall include a provision for calculating the amount of the fee to be imposed on a particular development that permits consideration of studies and data submitted by the developer to adjust the amount of the fee;

~~((8))~~(9) Shall establish one or more reasonable service areas within which it shall calculate and impose impact fees for various land use categories per unit of development; and

~~((9))~~(10) May provide for the imposition of an impact fee for system improvement costs previously incurred by a county, city, or town to the extent that new growth and development will be served by the previously constructed improvements provided such fee shall not be imposed to make up for any system improvement deficiencies.

For purposes of this section, "low-income housing" means housing with a monthly housing expense, that is no greater than thirty percent of eighty percent of the median family income adjusted for family size, for the county where the project is located, as reported by the United States department of housing and urban development.

For the purposes of this section, "early learning facility" has the same meaning as in RCW 43.31.565."

Correct the title.

Representative Goehner spoke in favor of the adoption of the amendment.

Representative Duerr spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 41 - YEAS; 54 - NAYS.

Amendment (552) was not adopted.

Representative Griffey moved the adoption of amendment (564):

On page 2, line 2, after "options." insert "In providing this increased flexibility, it is not the intent of the legislature to authorize a local government to impose an impact fee on a property owner more than once for the same facility."

On page 3, after line 20, insert the following:

"Sec. 1. RCW 82.02.100 and 2011 c 331 s 3 are each amended to read as follows:

(1) A person required to pay a fee pursuant to RCW 43.21C.060 for system improvements shall not be required to pay an impact fee under RCW 82.02.050 through 82.02.090 for those same system improvements.

(2) A person installing a residential fire sprinkler system in a single-family home shall not be required to pay the fire operations portion of the impact fee. The exempted fire operations impact fee shall not include the proportionate share related to the delivery of emergency medical services.

(3) A person required to pay an impact fee for a bicycle and pedestrian facility designed with multimodal commuting as an intended use that qualifies as a public facility under RCW 82.02.090(7)(a) may not be assessed any additional impact fee for the same facility, regardless of whether the facility would also qualify as a public facility under RCW 82.02.090(7)(b), (c), or (d)."

Correct the title.

Representative Griffey spoke in favor of the adoption of the amendment.

Representative Duerr spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 41 - YEAS; 53 - NAYS.

Amendment (564) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Duerr spoke in favor of the passage of the bill.

Representatives Goehner, Christian and Jacobsen spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5452.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5452, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns,

Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Ortiz-Self

SENATE BILL NO. 5452, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5197, by Senate Committee on Housing (originally sponsored by Kuderer, Saldaña, Frame, Nguyen, Nobles, Wellman and Wilson, C.)**

**Addressing landlord-tenant relations by providing technical changes to eviction notice forms and modifying certain eviction processes.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Housing was adopted. For Committee amendment, see Journal, Day 73, Wednesday, March 22, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Peterson spoke in favor of the passage of the bill.

Representatives Barkis, Jacobsen and Christian spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5197, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5197, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters and Ybarra

Excused: Representative Ortiz-Self

ENGROSSED SUBSTITUTE SENATE BILL NO. 5197, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute Senate Bill No. 5197.

Representative Wilcox, 2nd District

#### SECOND READING

**SECOND SUBSTITUTE SENATE BILL NO. 5128, by Senate Committee on Ways & Means (originally sponsored by Trudeau, Dhingra, Billig, Hasegawa, Hunt, Kuderer, Pedersen, Stanford, Valdez, Wellman and Wilson, C.)**

**Concerning jury diversity.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Civil Rights & Judiciary was adopted. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hansen and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5128, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5128, as amended by the House, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chandler, Corry, Dye, Goehner, Graham, Jacobsen, Schmick and Steele  
Excused: Representative Ortiz-Self

SECOND SUBSTITUTE SENATE BILL NO. 5128, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

There being no objection, the House reverted to the third order of business.

#### MESSAGE FROM THE SENATE

Friday, April 7, 2023

Mme. Speaker:

The President has signed:

SENATE BILL NO. 5066  
SENATE BILL NO. 5070  
SENATE BILL NO. 5084  
SENATE BILL NO. 5131

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5236  
SUBSTITUTE SENATE BILL NO. 5238

SUBSTITUTE SENATE BILL NO. 5286  
 SENATE BILL NO. 5390  
 SUBSTITUTE SENATE BILL NO. 5453  
 SUBSTITUTE SENATE BILL NO. 5499  
 SECOND SUBSTITUTE SENATE BILL NO. 5518  
 SUBSTITUTE SENATE BILL NO. 5542

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**SECOND SUBSTITUTE SENATE BILL NO. 5134, by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Dhingra, Frame, Hasegawa, Kuderer, Nguyen, Nobles, Randall, Saldaña and Wellman)**

### Concerning reentry services and supports.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

Representative Ormsby moved the adoption of amendment (599) to the committee striking amendment:

On page 1, beginning on line 18 of the striking amendment, strike all of section 2

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Ormsby and Mosbrucker spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (599) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Davis and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5134, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5134, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson,

Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
 Excused: Representative Ortiz-Self

SECOND SUBSTITUTE SENATE BILL NO. 5134, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5550, by Senators Liias, Randall, Valdez, Lovick, Wilson, C., Lovelett, Kauffman, Shewmake, Hasegawa, Hunt, Keiser, Nguyen, Nobles, Robinson and Van De Wege**

**Addressing workforce development issues, including cultural issues, at the Washington state ferries.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Paul and Barkis spoke in favor of the passage of the bill.

There being no objection, the House deferred action on SENATE BILL NO. 5550, and the bill held its place on the third reading calendar.

**SENATE BILL NO. 5282, by Senators Valdez, MacEwen, Gildon, Liias and Nguyen**

**Authorizing vehicle dealers to file a report of sale.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Transportation was adopted. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Timmons and Hutchins spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5282, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5282, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SENATE BILL NO. 5282, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**SECOND SUBSTITUTE SENATE BILL NO. 5120, by Senate Committee on Ways & Means (originally sponsored by Dhingra, Wagoner, Braun, Frame, Hasegawa, Keiser, Kuderer, Nguyen, Nobles, Pedersen, Randall, Saldaña, Shewmake, Stanford, Warnick, Wellman and Wilson, C.)**

**Establishing crisis relief centers in Washington state.**

The bill was read the second time.

Representative Ormsby moved the adoption of the striking amendment (589):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.24.025 and 2021 c 302 s 402 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "988 crisis hotline" means the universal telephone number within the United States designated for the purpose of the national suicide prevention and mental health crisis hotline system operating through the national suicide prevention lifeline.

(2) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program licensed or certified by the department as meeting standards adopted under this chapter.

(5) "Authority" means the Washington state health care authority.

(6) "Available resources" means funds appropriated for the purpose of providing community behavioral health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services,

resource management services, community support services, and other behavioral health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(7) "Behavioral health administrative services organization" means an entity contracted with the authority to administer behavioral health services and programs under RCW 71.24.381, including crisis services and administration of chapter 71.05 RCW, the involuntary treatment act, for all individuals in a defined regional service area.

(8) "Behavioral health aide" means a counselor, health educator, and advocate who helps address individual and community-based behavioral health needs, including those related to alcohol, drug, and tobacco abuse as well as mental health problems such as grief, depression, suicide, and related issues and is certified by a community health aide program of the Indian health service or one or more tribes or tribal organizations consistent with the provisions of 25 U.S.C. Sec. 16161 and RCW 43.71B.010 (7) and (8).

(9) "Behavioral health provider" means a person licensed under chapter 18.57, 18.71, 18.71A, 18.83, 18.205, 18.225, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(10) "Behavioral health services" means mental health services, substance use disorder treatment services, and co-occurring disorder treatment services as described in this chapter and chapter 71.36 RCW (~~and substance use disorder treatment services as described in this chapter~~) that, depending on the type of service, are provided by licensed or certified behavioral health agencies, behavioral health providers, or integrated into other health care providers.

(11) "Child" means a person under the age of eighteen years.

(12) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the authority by rule consistent with Public Law 92-603, as amended.

(13) "Clubhouse" means a community-based program that provides rehabilitation services and is licensed or certified by the department.

(14) "Community behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and conducted to prevent or treat

substance use disorder, mental illness, or both in the community behavioral health system.

(15) "Community behavioral health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental disorders, substance use disorders, or both, as defined under RCW 71.05.020 and receive funding from public sources.

(16) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally or behaviorally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health administrative services organizations.

(17) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(18) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a behavioral health administrative services organization, or two or more of the county authorities specified in this subsection which have entered into an agreement to establish a behavioral health administrative services organization.

(19) "Crisis call center hub" means a state-designated center participating in the national suicide prevention lifeline network to respond to statewide or regional 988 calls that meets the requirements of RCW 71.24.890.

(20) "Crisis stabilization services" means services such as 23-hour crisis (~~stabilization units based on the living room model~~) relief centers, crisis stabilization units (~~as provided in RCW 71.05.020, triage facilities as provided in RCW 71.05.020~~), short-term respite facilities, peer-run respite services, and same-day walk-in behavioral health services, including within the overall crisis system components that operate like hospital emergency departments that accept all walk-ins, and ambulance, fire, and police drop-offs, or determine the need for involuntary hospitalization of an individual.

(21) "Department" means the department of health.

(22) "Designated crisis responder" has the same meaning as in RCW 71.05.020.

(23) "Director" means the director of the authority.

(24) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(25) "Early adopter" means a regional service area for which all of the county authorities have requested that the authority purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380 ~~((+6))~~ (7).

(26) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (27) of this section.

(27) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(28) "Indian health care provider" means a health care program operated by the Indian health service or by a tribe, tribal organization, or urban Indian organization as those terms are defined in the Indian health care improvement act (25 U.S.C. Sec. 1603).

(29) "Intensive behavioral health treatment facility" means a community-based specialized residential treatment facility for individuals with behavioral health conditions, including individuals discharging from or being diverted from state and local hospitals, whose impairment or behaviors do not meet, or no longer meet, criteria for involuntary inpatient commitment under chapter 71.05 RCW, but whose care needs cannot be met in other community-based placement settings.

(30) "Licensed or certified behavioral health agency" means:

(a) An entity licensed or certified according to this chapter or chapter 71.05 RCW;

(b) An entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and

having a current agreement with the department; or

(c) An entity with a tribal attestation that it meets state minimum standards for a licensed or certified behavioral health agency.

(31) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(32) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(33) "Managed care organization" means an organization, having a certificate of authority or certificate of registration from the office of the insurance commissioner, that contracts with the authority under a comprehensive risk contract to provide prepaid health care services to enrollees under the authority's managed care programs under chapter 74.09 RCW.

(34) "Mental health peer-run respite center" means a peer-run program to serve individuals in need of voluntary, short-term, noncrisis services that focus on recovery and wellness.

(35) Mental health "treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services or the authority, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, or by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by a person providing treatment services for the entities listed in this subsection, or a treatment facility if the notes or records are not available to others.

(36) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (2), (12), (44), and (45) of this section.

(37) "Mobile rapid response crisis team" means a team that provides professional on-site community-based intervention such as outreach, de-escalation, stabilization, resource connection, and follow-up support for individuals who are experiencing a behavioral health crisis, that shall include certified peer counselors as a best practice to the extent practicable based on workforce availability, and that meets standards for response times established by the authority.

(38) "Recovery" means a process of change through which individuals improve their health and wellness, live a self-directed

life, and strive to reach their full potential.

(39) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (27) of this section but does not meet the full criteria for evidence-based.

(40) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, residential treatment facilities, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(41) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(42) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined by a behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated crisis responders, evaluation and treatment facilities, and others as determined by the behavioral health administrative services

organization or managed care organization, as applicable.

(43) "Secretary" means the secretary of the department of health.

(44) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(45) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health administrative services organization or managed care organization, if applicable, to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(46) "State minimum standards" means minimum requirements established by rules adopted and necessary to implement this chapter by:

(a) The authority for:

(i) Delivery of mental health and substance use disorder services; and

(ii) Community support services and resource management services;

(b) The department of health for:

(i) Licensed or certified behavioral health agencies for the purpose of providing mental health or substance use disorder programs and services, or both;

(ii) Licensed behavioral health providers for the provision of mental health or substance use disorder services, or both; and

(iii) Residential services.

(47) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(48) "Tribe," for the purposes of this section, means a federally recognized Indian tribe.

(49) "23-hour crisis relief center" means a community-based facility or portion of a facility serving adults, which is authorized by the department of health to participate in the pilot project in section 2 of this act and open 24 hours a day, seven days a week, offering access to mental health and substance use care for no more than 23 hours and 59 minutes at a time per patient, and which accepts all behavioral health crisis walk-ins drop-offs from first responders, and individuals referred through the 988 system regardless of behavioral health acuity, and meets the requirements under section 2 of this act.

(50) "Crisis stabilization unit" has the same meaning as under RCW 71.05.020.

(51) "First responders" includes ambulance, fire, mobile rapid response crisis team, coresponder team, designated crisis responder, fire department mobile integrated health team, community assistance referral and education services program under RCW 35.21.930, and law enforcement personnel.

**NEW SECTION. Sec. 2.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The secretary shall authorize up to five 23-hour crisis relief centers that meet state minimum standards to participate in a pilot program between January 1, 2024, and January 1, 2029. The participating 23-hour crisis relief centers shall be located in different geographic areas of the state with varying levels of population density. The department shall create guidelines for participation in the pilot program, in consultation with the authority, by January 1, 2024.

(2) The guidelines, at a minimum, must require the participating 23-hour crisis relief center to:

(a) Offer walk-in options and drop-off options for first responders and persons referred through the 988 system, without a requirement for medical clearance for these individuals. The facility must be structured to have the capacity to accept admissions 90 percent of the time when the facility is not at its full capacity, and to have a no-

refusal policy for law enforcement, with instances of declined admission and the reasons for the declines tracked and made available to the department;

(b) Provide services to address mental health and substance use crisis issues;

(c) Maintain capacity to screen for physical health needs, deliver minor wound care for nonlife-threatening wounds, and provide care for most minor physical or basic health needs that can be addressed without need for medical diagnosis or health care prescriber orders, with an identified pathway to transfer the person to more medically appropriate services if needed;

(d) Be staffed 24 hours a day, seven days a week, with a multidisciplinary team capable of meeting the needs of individuals experiencing all levels of crisis in the community, which includes access to a prescriber and the ability to dispense medications appropriate for participating 23-hour crisis relief center clients;

(e) Screen all individuals for suicide risk and engage in comprehensive suicide risk assessment and planning when clinically indicated;

(f) Screen all individuals for violence risk and engage in comprehensive violence risk assessment and planning when clinically indicated;

(g) Limit patient stays to a maximum of 23 hours and 59 minutes except for patients waiting on a designated crisis responder evaluation or making an imminent transition to another setting as part of an established aftercare plan. Exceptions to the time limit made under this subsection shall not cause a participating 23-hour crisis relief center to be classified as a residential treatment facility under RCW 71.12.455;

(h) Maintain relationships with entities capable of providing for reasonably anticipated ongoing service needs of clients, unless the licensee itself provides sufficient services; and

(i) When appropriate, coordinate connection to ongoing care.

(3) The guidelines, at a minimum, must develop standards for determining medical stability before an emergency medical services drop-off.

(4) The guidelines must include standards for the number of recliner chairs that may be authorized in a participating 23-hour crisis relief center and the appropriate variance for temporarily exceeding that number in order to provide the no-refusal policy for law enforcement.

(5) The department shall specify physical environment standards for the construction review process that are responsive to the unique characteristics of the types of interventions used to provide care for all levels of acuity in facilities operating under the 23-hour crisis relief center pilot project model.

(6) The department shall coordinate with the authority and department of social and health services to establish guidelines that prohibit facilities that are licensed or required to be licensed under chapter 18.51, 18.20, 70.97, 72.36, or 70.128 RCW from discharging or transferring a resident to a participating 23-hour crisis relief center.

(7) The department shall coordinate with the authority to establish guidelines that prohibit a hospital that is licensed under chapter 70.41 RCW from discharging or transferring a patient to a participating 23-hour crisis relief center unless the hospital has a formal relationship with the participating 23-hour crisis relief center.

(8) The authority shall take steps necessary to make participating 23-hour crisis relief center services, including on-site physical health care, eligible for medicaid billing to the maximum extent allowed by federal law.

(9) The department shall conduct an assessment of the 23-hour crisis relief center pilot program with information related to: the number of clients served; the extent to which clients entered as self-referrals, were brought in by a first responder, or were referred through the 988 system; the physical health needs of the clients upon arrival; the average length of stay of the clients; and the subsequent destination of the clients following their stay at the participating 23-hour crisis relief center. The department shall submit a report to the governor and each chamber of the legislature by December 1, 2029, with findings from the assessment and recommendations on whether the 23-hour crisis relief centers should be made permanent, statewide implementation, and any changes to the operational standards for the 23-hour crisis relief centers to better meet the needs of the clients.

**Sec. 3.** RCW 71.05.020 and 2022 c 210 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;



(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to: Hospitals licensed under chapter 70.41 RCW; evaluation and treatment facilities as defined in this section; community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025; licensed or certified behavioral health agencies under RCW 71.24.037; facilities conducting competency evaluations and restoration under chapter 10.77 RCW; approved substance use disorder treatment programs as defined in this section; secure withdrawal management and stabilization facilities as defined in this section; and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025;

(12) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(13) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization, or to determine the need for involuntary commitment of an individual;

(14) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(15) "Department" means the department of health;

(16) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(17) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(18) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(19) "Developmental disability" means that condition defined in RCW 71A.10.020 ~~((+5))~~ (6);

(20) "Director" means the director of the authority;

(21) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(22) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(23) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(24) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(25) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to

the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(26) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(27) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(28) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(29) "In need of assisted outpatient treatment" refers to a person who meets the criteria for assisted outpatient treatment established under RCW 71.05.148;

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(31) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(32) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(33) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(34) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585. This term includes: Treatment pursuant to a less restrictive alternative treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant to a conditional release under RCW 71.05.340; and treatment pursuant to an

assisted outpatient treatment order under RCW 71.05.148;

(35) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(36) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(37) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(38) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(39) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(40) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(41) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(42) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(43) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(44) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced

practice psychiatric and mental health nursing;

(45) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(46) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(47) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(48) "Release" means legal termination of the commitment under the provisions of this chapter;

(49) "Resource management services" has the meaning given in chapter 71.24 RCW;

(50) "Secretary" means the secretary of the department of health, or his or her designee;

(51) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(52) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(53) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related

problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(54) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(55) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(56) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

~~(57) ("Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;~~

~~(58))~~ "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

~~((59))~~ (58) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property;

(59) "23-hour crisis relief center" has the same meaning as under RCW 71.24.025.

**Sec. 4.** RCW 71.05.020 and 2022 c 210 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to: Hospitals licensed under chapter 70.41 RCW; evaluation and treatment facilities as defined in this section; community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025; licensed or certified behavioral health agencies under RCW 71.24.037; facilities conducting competency evaluations and restoration under chapter 10.77 RCW; approved substance use disorder treatment programs as defined in this section; secure withdrawal management and stabilization facilities as defined in this section; and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025;

(12) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(13) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization, or to determine the need for involuntary commitment of an individual;

(14) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(15) "Department" means the department of health;

(16) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(17) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(18) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(19) "Developmental disability" means that condition defined in RCW 71A.10.020 ~~((45))~~ (6);

(20) "Director" means the director of the authority;

(21) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(22) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(23) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with

other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(24) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(25) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(26) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(27) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(28) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(29) "In need of assisted outpatient treatment" refers to a person who meets the criteria for assisted outpatient treatment established under RCW 71.05.148;

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(31) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(32) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(33) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(34) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585. This term includes: Treatment pursuant to a less restrictive alternative treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant to a conditional release under RCW 71.05.340; and treatment pursuant to an assisted outpatient treatment order under RCW 71.05.148;

(35) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(36) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(37) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(38) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(39) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced

registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(40) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(41) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(42) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(43) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(44) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(45) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(46) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(47) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(48) "Release" means legal termination of the commitment under the provisions of this chapter;

(49) "Resource management services" has the meaning given in chapter 71.24 RCW;

(50) "Secretary" means the secretary of the department of health, or his or her designee;

(51) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private

agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(52) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior;

(53) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(54) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(55) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(56) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(57) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information

contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

~~(58) ("Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;~~

~~(59))~~ "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

~~((60))~~ (59) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property;

(60) "23-hour crisis relief center" has the same meaning as under RCW 71.24.025.

**Sec. 5.** RCW 71.05.050 and 2020 c 302 s 9 are each amended to read as follows:

(1) Nothing in this chapter shall be construed to limit the right of any person to apply voluntarily to any public or private agency or practitioner for treatment of a behavioral health disorder, either by direct application or by referral. Any person voluntarily admitted for inpatient treatment to any public or private agency shall be released immediately upon his or her request. Any person voluntarily admitted for inpatient treatment to any public or private agency shall orally be advised of the right to immediate discharge, and further advised of such rights in writing as are secured to them pursuant to this chapter and their rights of access to attorneys, courts, and other legal redress. Their condition and status shall be reviewed at least once each one hundred eighty days for evaluation as to the need for further treatment or possible discharge, at which time they shall again be advised of their right to discharge upon request.

(2) If the professional staff of any public or private agency or hospital regards a person voluntarily admitted who requests discharge as presenting, as a result of a behavioral health disorder, an imminent

likelihood of serious harm, or is gravely disabled, they may detain such person for sufficient time to notify the designated crisis responder of such person's condition to enable the designated crisis responder to authorize such person being further held in custody or transported to an evaluation and treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program pursuant to the provisions of this chapter, which shall in ordinary circumstances be no later than the next judicial day.

(3) If a person is brought to the emergency room of a public or private agency or hospital for observation or treatment, the person refuses voluntary admission, and the professional staff of the public or private agency or hospital regard such person as presenting as a result of a behavioral health disorder an imminent likelihood of serious harm, or as presenting an imminent danger because of grave disability, they may detain such person for sufficient time to notify the designated crisis responder of such person's condition to enable the designated crisis responder to authorize such person being further held in custody or transported to an evaluation treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program pursuant to the conditions in this chapter, but which time shall be no more than six hours from the time the professional staff notify the designated crisis responder of the need for evaluation, not counting time periods prior to medical clearance.

(4) If a person is brought to or accepted at a 23-hour crisis relief center while participating in the pilot project in section 2 of this act and thereafter refuses to stay voluntarily, and the professional staff of the participating 23-hour crisis relief center regard the person as presenting as a result of a behavioral health disorder an imminent likelihood of serious harm, or presenting as an imminent danger because of grave disability, they may detain the person for sufficient time to enable the designated crisis responder to complete an evaluation, and, if involuntary commitment criteria are met, authorize the person being further held in custody or transported to a hospital emergency department, evaluation and treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program pursuant to the provisions of this chapter, but which time shall be no more than 12 hours from the time the professional staff notify the designated crisis responder of the need for evaluation.

(5) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated crisis responder has totally disregarded the requirements of this section.

**Sec. 6.** RCW 71.05.150 and 2022 c 210 s 5 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, ~~((triage facility))~~ 23-hour crisis relief center while participating in the pilot project in section 2 of this act, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. As part of the assessment, the designated crisis responder must attempt to ascertain if the person has executed a mental health advance directive under chapter 71.32 RCW. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) A superior court judge may issue a warrant to detain a person with a behavioral health disorder to a designated evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for a period of not more than one hundred twenty hours for evaluation and treatment upon request of a designated crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of the judge that:

(i) There is probable cause to support the petition; and

(ii) The person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) A court may not issue an order to detain a person to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is an available secure withdrawal management and stabilization facility or approved substance use disorder

treatment program that has adequate space for the person.

(e) If the court does not issue an order to detain a person pursuant to this subsection (2), the court shall issue an order to dismiss the initial petition.

(3) The designated crisis responder shall then serve or cause to be served on such person and his or her guardian, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within one hundred twenty hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

(5) Tribal court orders for involuntary commitment shall be recognized and enforced in accordance with superior court civil rule 82.5.

(6) In any investigation and evaluation of an individual under this section or RCW 71.05.153 in which the designated crisis responder knows, or has reason to know, that the individual is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the designated crisis responder shall notify the tribe and Indian health care provider regarding whether or not a petition for initial detention or involuntary outpatient treatment will be filed. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan



as soon as possible but no later than three hours subject to the requirements in RCW 70.02.230(2)(ee) and (3). A designated crisis responder may restrict the release of information as necessary to comply with 42 C.F.R. Part 2.

**Sec. 7.** RCW 71.05.150 and 2022 c 210 s 6 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, ~~((triage facility))~~ 23-hour crisis relief center while participating in the pilot project in section 2 of this act, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. As part of the assessment, the designated crisis responder must attempt to ascertain if the person has executed a mental health advance directive under chapter 71.32 RCW. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) A superior court judge may issue a warrant to detain a person with a behavioral health disorder to a designated evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for a period of not more than one hundred twenty hours for evaluation and treatment upon request of a designated crisis responder whenever it appears to the satisfaction of the judge that:

(i) There is probable cause to support the petition; and

(ii) The person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) If the court does not issue an order to detain a person pursuant to this

subsection (2), the court shall issue an order to dismiss the initial petition.

(3) The designated crisis responder shall then serve or cause to be served on such person and his or her guardian, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within one hundred twenty hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

(5) Tribal court orders for involuntary commitment shall be recognized and enforced in accordance with superior court civil rule 82.5.

(6) In any investigation and evaluation of an individual under this section or RCW 71.05.153 in which the designated crisis responder knows, or has reason to know, that the individual is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the designated crisis responder shall notify the tribe and Indian health care provider regarding whether or not a petition for initial detention or involuntary outpatient treatment will be filed. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible but no later than three hours subject to the requirements in RCW 70.02.230(2)(ee) and (3). A designated crisis responder may restrict the release of

information as necessary to comply with 42 C.F.R. Part 2.

**Sec. 8.** RCW 71.05.153 and 2021 c 264 s 3 and 2021 c 125 s 1 are each reenacted and amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a behavioral health disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility if available with adequate space for the person, or approved substance use disorder treatment program if available with adequate space for the person, for not more than one hundred twenty hours as described in RCW 71.05.180.

(2) (a) Subject to (b) of this subsection, a peace officer may take or cause such person to be taken into custody and immediately delivered to a ~~((triage facility,))~~ crisis stabilization unit, 23-hour crisis relief center while participating in the pilot project in section 2 of this act, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under ~~((the following circumstances:))~~

~~((i) Pursuant to))~~ subsection (1) of this section ~~((+))~~ or

~~((ii) When))~~ when he or she has reasonable cause to believe that such person is suffering from a behavioral health disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(b) A peace officer's delivery of a person, to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is subject to the availability of a secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the person.

(3) Persons delivered to a crisis stabilization unit, 23-hour crisis relief center while participating in the pilot project in section 2 of this act, evaluation and treatment facility, emergency department of a local hospital, ~~((triage facility that has elected to operate as an involuntary facility,))~~ secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection (2) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

(4) Within three hours after arrival at an emergency department, not counting time periods prior to medical clearance, the

person must be examined by a mental health professional or substance use disorder professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. In conjunction with this evaluation, the facility where the patient is located must inquire as to a person's veteran status or eligibility for veterans benefits and, if the person appears to be potentially eligible for these benefits, inquire whether the person would be amenable to treatment by the veterans health administration compared to other relevant treatment options. This information must be shared with the designated crisis responder. If the person has been identified as being potentially eligible for veterans health administration services and as being amenable for those services, and if appropriate in light of all reasonably available information about the person's circumstances, the designated crisis responder must first refer the person to the veterans health administration for mental health or substance use disorder treatment at a facility capable of meeting the needs of the person including, but not limited to, the involuntary treatment options available at the Seattle division of the VA Puget Sound health care system. If the person is accepted for treatment by the veterans health administration, and is willing to accept treatment by the veterans health administration as an alternative to other available treatment options, the designated crisis responder, the veterans health administration, and the facility where the patient is located will work to make arrangements to have the person transported to a veterans health administration facility. As part of the assessment, the designated crisis responder must attempt to ascertain if the person has executed a mental health advance directive under chapter 71.32 RCW. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the behavioral health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

(5) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated crisis responder has totally disregarded the requirements of this section.

**Sec. 9.** RCW 71.05.153 and 2021 c 264 s 4 and 2021 c 125 s 2 are each reenacted and amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a behavioral health disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, for not more than one hundred twenty hours as described in RCW 71.05.180.

(2) A peace officer may take or cause such person to be taken into custody and immediately delivered to a ~~((triage facility,))~~ crisis stabilization unit, 23-hour crisis relief center while participating in the pilot project in section 2 of this act, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under ~~((the following circumstances:~~

~~(a) Pursuant to))~~ subsection (1) of this section ~~((+))~~ or

~~((b) When))~~ when he or she has reasonable cause to believe that such person is suffering from a behavioral health disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(3) Persons delivered to a crisis stabilization unit, 23-hour crisis relief center while participating in the pilot project in section 2 of this act, evaluation and treatment facility, emergency department of a local hospital, ~~((triage facility that has elected to operate as an involuntary facility,))~~ secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection (2) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

(4) Within three hours after arrival at an emergency department, not counting time periods prior to medical clearance, the person must be examined by a mental health professional or substance use disorder professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. In conjunction with this evaluation, the facility where the patient is located must inquire as to a person's veteran status or eligibility for veterans benefits and, if the person appears to be potentially eligible for these benefits, inquire whether the person would be amenable

to treatment by the veterans health administration compared to other relevant treatment options. This information must be shared with the designated crisis responder. If the person has been identified as being potentially eligible for veterans health administration services and as being amenable for those services, and if appropriate in light of all reasonably available information about the person's circumstances, the designated crisis responder must first refer the person to the veterans health administration for mental health or substance use disorder treatment at a facility capable of meeting the needs of the person including, but not limited to, the involuntary treatment options available at the Seattle division of the VA Puget Sound health care system. If the person is accepted for treatment by the veterans health administration, and is willing to accept treatment by the veterans health administration as an alternative to other available treatment options, the designated crisis responder, the veterans health administration, and the facility where the patient is located will work to make arrangements to have the person transported to a veterans health administration facility. As part of the assessment, the designated crisis responder must attempt to ascertain if the person has executed a mental health advance directive under chapter 71.32 RCW. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the behavioral health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

(5) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated crisis responder has totally disregarded the requirements of this section.

**Sec. 10.** RCW 71.05.590 and 2022 c 210 s 23 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative treatment order or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be directed to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the entity requesting the hearing and issue an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To detain the person for up to 12 hours for evaluation at an agency, facility providing services under the court order, (~~triage facility,~~) crisis stabilization unit, 23-hour crisis relief center while participating in the pilot project in section 2 of this act, emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility with available space, or an approved substance use disorder treatment program with available space. The purpose of the evaluation is to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when, based on clinical judgment, temporary detention is appropriate. The agency, facility, or designated crisis responder may request assistance from a peace officer for the purposes of temporary detention under this subsection (2)(d). This subsection does not limit the ability or obligation of the agency, facility, or designated crisis responder to pursue revocation procedures

under subsection (5) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (5) of this section.

(3) A court may supervise a person on an order for less restrictive alternative treatment or a conditional release. While the person is under the order, the court may:

(a) Require appearance in court for periodic reviews; and

(b) Modify the order after considering input from the agency or facility designated to provide or facilitate services. The court may not remand the person into inpatient treatment except as provided under subsection (5) of this section, but may take actions under subsection (2)(a) through (d) of this section.

(4) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(5)(a) A designated crisis responder or the secretary of the department of social and health services may, upon their own motion or upon request of the facility or agency designated to provide outpatient care, cause a person to be detained in an evaluation and treatment facility, available secure withdrawal management and stabilization facility with adequate space, or available approved substance use disorder treatment program with adequate space in or near the county in which he or she is receiving outpatient treatment for the purpose of a hearing for revocation of a less restrictive alternative treatment order or conditional release order under this chapter. The designated crisis responder or secretary of the department of social and health services shall file a petition for revocation within 24 hours and serve the person, their guardian, if any, and their attorney. A hearing for revocation of a less restrictive alternative treatment order or conditional release order may be scheduled without detention of the person.

(b) A person detained under this subsection (5) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the order for less restrictive alternative treatment or conditional release should be revoked, modified, or retained. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may withdraw its petition for revocation at any time before the court hearing.

(c) A person detained under this subsection (5) has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the

filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether it is appropriate for the court to reinstate or modify the person's less restrictive alternative treatment order or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period must be for 14 days from the revocation hearing if the less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.148, 71.05.160, or 71.05.230. If the court orders detention for inpatient treatment and the less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the order must be converted to days of inpatient treatment. A court may not detain a person for inpatient treatment to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program under this subsection unless there is a facility or program available with adequate space for the person.

(6) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

**Sec. 11.** RCW 71.05.590 and 2022 c 210 s 24 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative treatment order or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be directed to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist ~~((the))~~ the entity requesting the hearing and issue an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To detain the person for up to 12 hours for evaluation at an agency, facility providing services under the court order, ~~((trriage facility,))~~ crisis stabilization unit, 23-hour crisis relief center while participating in the pilot project in section 2 of this act, emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program. The purpose of the evaluation is to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when, based on clinical judgment, temporary detention is appropriate. The agency, facility, or designated crisis responder may request assistance from a peace officer for the purposes of temporary detention under this subsection (2)(d). This subsection does not limit the ability or obligation of the agency, facility, or designated crisis responder to pursue revocation procedures under subsection (5) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (5) of this section.

(3) A court may supervise a person on an order for less restrictive alternative treatment or a conditional release. While the person is under the order, the court may:

(a) Require appearance in court for periodic reviews; and

(b) Modify the order after considering input from the agency or facility designated to provide or facilitate services. The court may not remand the person into inpatient treatment except as provided under subsection (5) of this section, but may take actions under subsection (2)(a) through (d) of this section.

(4) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(5)(a) A designated crisis responder or the secretary of the department of social and health services may, upon their own motion or upon request of the facility or agency designated to provide outpatient care, cause a person to be detained in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in or near the county in which he or she is receiving outpatient treatment for the purpose of a hearing for revocation of a less restrictive alternative treatment order or conditional release order under this chapter. The designated crisis responder or secretary of the department of social and health services shall file a petition for revocation within 24 hours and serve the person, their guardian, if any, and their attorney. A hearing for revocation of a less restrictive alternative treatment order or conditional release order may be scheduled without detention of the person.

(b) A person detained under this subsection (5) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the order for less restrictive alternative treatment or conditional release should be revoked, modified, or retained. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may withdraw its petition for revocation at any time before the court hearing.

(c) A person detained under this subsection (5) has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with

a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether it is appropriate for the court to reinstate or modify the person's less restrictive alternative treatment order or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period must be for 14 days from the revocation hearing if the less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.148, 71.05.160, or 71.05.230. If the court orders detention for inpatient treatment and the less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the order must be converted to days of inpatient treatment.

(6) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

**Sec. 12.** RCW 71.34.020 and 2021 c 264 s 26 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a minor should be examined or treated as a patient in a hospital.

(2) "Adolescent" means a minor thirteen years of age or older.

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to, atypical antipsychotic medications.

(5) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health as meeting standards adopted under chapter 71.24 RCW.

(6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a minor patient.

(7) "Authority" means the Washington state health care authority.

(8) "Behavioral health administrative services organization" has the same meaning as provided in RCW 71.24.025.

(9) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder.

(10) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(11) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(12) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(13) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms.

(14) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105.

(15) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, such as a residential treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization, or to determine the need for involuntary commitment of an individual.

(16) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(17) "Department" means the department of social and health services.

(18) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(19) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter.

(20) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working

with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department.

(21) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(22) "Director" means the director of the authority.

(23) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(24) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the state or federal agency does not require licensure or certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(25) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(26) "Gravely disabled minor" means a minor who, as a result of a behavioral health disorder, (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(27) "Habilitative services" means those services provided by program personnel to assist minors in acquiring and maintaining life skills and in raising their levels of physical, behavioral, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

(28) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.34.910.

(29) "History of one or more violent acts" refers to the period of time five years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term substance use disorder treatment facility, or in confinement as a result of a criminal conviction.

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other

professionals as a team, for a person with developmental disabilities, which states:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(31)(a) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment facility licensed or certified by the department of health as an evaluation and treatment facility for minors, secure withdrawal management and stabilization facility for minors, or approved substance use disorder treatment program for minors.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "inpatient treatment" has the meaning included in (a) of this subsection and any other residential treatment facility licensed under chapter 71.12 RCW.

(32) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(33) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter.

(34) "Kinship caregiver" has the same meaning as in RCW 74.13.031(19)(a).

(35) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130.

(36) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor as a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.34.755, including residential treatment.

(37) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(38) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a minor upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a minor upon another

individual, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a minor upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The minor has threatened the physical safety of another and has a history of one or more violent acts.

(39) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(40) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder.

(41) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a mental disorder or substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a disability, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(42) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(43) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, social worker, and such other mental health professionals as defined by rules adopted by the secretary of the department of health under this chapter.

(44) "Minor" means any person under the age of eighteen years.

(45) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed or certified behavioral health agencies as identified by RCW 71.24.025.

(46)(a) "Parent" has the same meaning as defined in RCW 26.26A.010, including either parent if custody is shared under a joint custody agreement, or a person or agency judicially appointed as legal guardian or custodian of the child.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "parent" also includes a person to whom a parent defined in (a) of this subsection has given a signed authorization to make health care decisions for the adolescent, a stepparent who is involved in caring for the adolescent, a kinship caregiver who is involved in caring for the adolescent, or another relative who is responsible for the health care of the adolescent, who may be required to provide a declaration under penalty of perjury stating



that he or she is a relative responsible for the health care of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises between individuals authorized to act as a parent for the purpose of RCW 71.34.600 through 71.34.670, the disagreement must be resolved according to the priority established under RCW 7.70.065(2)(a).

(47) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(48) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW.

(49) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

(50) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(51) "Psychiatric nurse" means a registered nurse who has experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional.

(52) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(53) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(54) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(55) "Release" means legal termination of the commitment under the provisions of this chapter.

(56) "Resource management services" has the meaning given in chapter 71.24 RCW.

(57) "Responsible other" means the minor, the minor's parent or estate, or any other

person legally responsible for support of the minor.

(58) "Secretary" means the secretary of the department or secretary's designee.

(59) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health.

(60) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(61) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(62) "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment.

(63) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(64) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW.

(65) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction

over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties.

(66) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, the department of health, the authority, behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, the department of health, the authority, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

~~(67) ("Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility.~~

~~(68))~~ "Video" means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology.

~~((69))~~ (68) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

**Sec. 13.** RCW 71.34.020 and 2021 c 264 s 28 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a minor should be examined or treated as a patient in a hospital.

(2) "Adolescent" means a minor thirteen years of age or older.

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to, atypical antipsychotic medications.

(5) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health as meeting standards adopted under chapter 71.24 RCW.

(6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a minor patient.

(7) "Authority" means the Washington state health care authority.

(8) "Behavioral health administrative services organization" has the same meaning as provided in RCW 71.24.025.

(9) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder.

(10) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(11) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(12) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(13) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms.

(14) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105.

(15) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, such as a residential treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization, or to determine the need for involuntary commitment of an individual.

(16) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(17) "Department" means the department of social and health services.

(18) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(19) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter.

(20) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department.

(21) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(22) "Director" means the director of the authority.

(23) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(24) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the state or federal agency does not require licensure or certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(25) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(26) "Gravely disabled minor" means a minor who, as a result of a behavioral health disorder, (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(27) "Habilitative services" means those services provided by program personnel to assist minors in acquiring and maintaining life skills and in raising their levels of physical, behavioral, social, and vocational functioning. Habilitative services include

education, training for employment, and therapy.

(28) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.34.910.

(29) "History of one or more violent acts" refers to the period of time five years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term substance use disorder treatment facility, or in confinement as a result of a criminal conviction.

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which states:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(31) (a) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment facility licensed or certified by the department of health as an evaluation and treatment facility for minors, secure withdrawal management and stabilization facility for minors, or approved substance use disorder treatment program for minors.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "inpatient treatment" has the meaning included in (a) of this subsection and any other residential treatment facility licensed under chapter 71.12 RCW.

(32) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(33) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter.

(34) "Kinship caregiver" has the same meaning as in RCW 74.13.031(19) (a).

(35) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130.

(36) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor as a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.34.755, including residential treatment.

(37) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(38) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a minor upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a minor upon another individual, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a minor upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The minor has threatened the physical safety of another and has a history of one or more violent acts.

(39) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(40) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder.

(41) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a mental disorder or substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a disability, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(42) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(43) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, social worker, and such other mental health professionals as defined by rules adopted by the secretary of the department of health under this chapter.

(44) "Minor" means any person under the age of eighteen years.

(45) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed or certified behavioral health agencies as identified by RCW 71.24.025.

(46) (a) "Parent" has the same meaning as defined in RCW 26.26A.010, including either parent if custody is shared under a joint custody agreement, or a person or agency judicially appointed as legal guardian or custodian of the child.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "parent" also includes a person to whom a parent defined in (a) of this subsection has given a signed authorization to make health care decisions for the adolescent, a stepparent who is involved in caring for the adolescent, a kinship caregiver who is involved in caring for the adolescent, or another relative who is responsible for the health care of the adolescent, who may be required to provide a declaration under penalty of perjury stating that he or she is a relative responsible for the health care of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises between individuals authorized to act as a parent for the purpose of RCW 71.34.600 through 71.34.670, the disagreement must be resolved according to the priority established under RCW 7.70.065(2)(a).

(47) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(48) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW.

(49) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

(50) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(51) "Psychiatric nurse" means a registered nurse who has experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional.

(52) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(53) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(54) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(55) "Release" means legal termination of the commitment under the provisions of this chapter.

(56) "Resource management services" has the meaning given in chapter 71.24 RCW.

(57) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(58) "Secretary" means the secretary of the department or secretary's designee.

(59) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health.

(60) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior.

(61) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(62) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of

initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(63) "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment.

(64) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(65) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW.

(66) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties.

(67) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, the department of health, the authority, behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, the department of health, the authority, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

~~(68) ("Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility.~~

~~(69))~~ "Video" means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology.

~~((70))~~ (69) "Violent act" means behavior that resulted in homicide,

attempted suicide, injury, or substantial loss or damage to property.

**Sec. 14.** RCW 71.34.351 and 2020 c 302 s 67 are each amended to read as follows:

A peace officer may take or authorize a minor to be taken into custody and immediately delivered to an appropriate (~~(triage facility,)~~) crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital when he or she has reasonable cause to believe that such minor is suffering from a behavioral health disorder and presents an imminent likelihood of serious harm or is gravely disabled. Until July 1, 2026, a peace officer's delivery of a minor to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is subject to the availability of a secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the minor.

**Sec. 15.** RCW 71.05.755 and 2019 c 325 s 3014 are each amended to read as follows:

(1) The authority shall promptly share reports it receives under RCW 71.05.750 with the responsible behavioral health administrative services organization or managed care organization, if applicable. The behavioral health administrative services organization or managed care organization, if applicable, receiving this notification must attempt to engage the person in appropriate services for which the person is eligible and report back within seven days to the authority.

(2) The authority shall track and analyze reports submitted under RCW 71.05.750. The authority must initiate corrective action when appropriate to ensure that each behavioral health administrative services organization or managed care organization, if applicable, has implemented an adequate plan to provide evaluation and treatment services. Corrective actions may include remedies under the authority's contract with such entity. An adequate plan may include development of less restrictive alternatives to involuntary commitment such as (~~(crisis triage,)~~) crisis diversion, voluntary treatment, or prevention programs reasonably calculated to reduce demand for evaluation and treatment under this chapter.

**Sec. 16.** RCW 71.24.890 and 2021 c 302 s 102 are each amended to read as follows:

(1) Establishing the state crisis call center hubs and enhancing the crisis response system will require collaborative work between the department and the authority within their respective roles. The department shall have primary responsibility for establishing and designating the crisis call center hubs. The authority shall have primary responsibility for developing and implementing the crisis response system and services to support the work of the crisis call center hubs. In any instance in which one agency is identified as the lead, the expectation is that agency will be

communicating and collaborating with the other to ensure seamless, continuous, and effective service delivery within the statewide crisis response system.

(2) The department shall provide adequate funding for the state's crisis call centers to meet an expected increase in the use of the call centers based on the implementation of the 988 crisis hotline. The funding level shall be established at a level anticipated to achieve an in-state call response rate of at least 90 percent by July 22, 2022. The funding level shall be determined by considering standards and cost per call predictions provided by the administrator of the national suicide prevention lifeline, call volume predictions, guidance on crisis call center performance metrics, and necessary technology upgrades.

(3) The department shall adopt rules by July 1, 2023, to establish standards for designation of crisis call centers as crisis call center hubs. The department shall collaborate with the authority and other agencies to assure coordination and availability of services, and shall consider national guidelines for behavioral health crisis care as determined by the federal substance abuse and mental health services administration, national behavioral health accrediting bodies, and national behavioral health provider associations to the extent they are appropriate, and recommendations from the crisis response improvement strategy committee created in RCW 71.24.892.

(4) The department shall designate crisis call center hubs by July 1, 2024. The crisis call center hubs shall provide crisis intervention services, triage, care coordination, referrals, and connections to individuals contacting the 988 crisis hotline from any jurisdiction within Washington 24 hours a day, seven days a week, using the system platform developed under subsection (5) of this section.

(a) To be designated as a crisis call center hub, the applicant must demonstrate to the department the ability to comply with the requirements of this section and to contract to provide crisis call center hub services. The department may revoke the designation of any crisis call center hub that fails to substantially comply with the contract.

(b) The contracts entered shall require designated crisis call center hubs to:

(i) Have an active agreement with the administrator of the national suicide prevention lifeline for participation within its network;

(ii) Meet the requirements for operational and clinical standards established by the department and based upon the national suicide prevention lifeline best practices guidelines and other recognized best practices;

(iii) Employ highly qualified, skilled, and trained clinical staff who have sufficient training and resources to provide empathy to callers in acute distress, de-escalate crises, assess behavioral health disorders and suicide risk, triage to system partners, and provide case management and documentation. Call center staff shall be trained to make every effort to resolve cases in the least restrictive environment

and without law enforcement involvement whenever possible. Call center staff shall coordinate with certified peer counselors to provide follow-up and outreach to callers in distress as available. It is intended for transition planning to include a pathway for continued employment and skill advancement as needed for experienced crisis call center employees;

(iv) Collaborate with the authority, the national suicide prevention lifeline, and veterans crisis line networks to assure consistency of public messaging about the 988 crisis hotline; and

(v) Provide data and reports and participate in evaluations and related quality improvement activities, according to standards established by the department in collaboration with the authority.

(c) The department and the authority shall incorporate recommendations from the crisis response improvement strategy committee created under RCW 71.24.892 in its agreements with crisis call center hubs, as appropriate.

(5) The department and authority must coordinate to develop the technology and platforms necessary to manage and operate the behavioral health crisis response and suicide prevention system. The technologies developed must include:

(a) A new technologically advanced behavioral health and suicide prevention crisis call center system platform using technology demonstrated to be interoperable across crisis and emergency response systems used throughout the state, such as 911 systems, emergency medical services systems, and other nonbehavioral health crisis services, for use in crisis call center hubs designated by the department under subsection (4) of this section. This platform, which shall be fully funded by July 1, 2023, shall be developed by the department and must include the capacity to receive crisis assistance requests through phone calls, texts, chats, and other similar methods of communication that may be developed in the future that promote access to the behavioral health crisis system; and

(b) A behavioral health integrated client referral system capable of providing system coordination information to crisis call center hubs and the other entities involved in behavioral health care. This system shall be developed by the authority.

(6) In developing the new technologies under subsection (5) of this section, the department and the authority must coordinate to designate a primary technology system to provide each of the following:

(a) Access to real-time information relevant to the coordination of behavioral health crisis response and suicide prevention services, including:

(i) Real-time bed availability for all behavioral health bed types and recliner chairs, including but not limited to crisis stabilization services, ~~((triage facilities,))~~ 23-hour crisis relief centers while participating in the pilot project in section 2 of this act, psychiatric inpatient, substance use disorder inpatient, withdrawal management, peer-run respite centers, and crisis respite services, inclusive of both voluntary and involuntary

beds, for use by crisis response workers, first responders, health care providers, emergency departments, and individuals in crisis; and

(ii) Real-time information relevant to the coordination of behavioral health crisis response and suicide prevention services for a person, including the means to access:

(A) Information about any less restrictive alternative treatment orders or mental health advance directives related to the person; and

(B) Information necessary to enable the crisis call center hub to actively collaborate with emergency departments, primary care providers and behavioral health providers within managed care organizations, behavioral health administrative services organizations, and other health care payers to establish a safety plan for the person in accordance with best practices and provide the next steps for the person's transition to follow-up noncrisis care. To establish information-sharing guidelines that fulfill the intent of this section the authority shall consider input from the confidential information compliance and coordination subcommittee established under RCW 71.24.892;

(b) The means to request deployment of appropriate crisis response services, which may include mobile rapid response crisis teams, co-responder teams, designated crisis responders, fire department mobile integrated health teams, or community assistance referral and educational services programs under RCW 35.21.930, according to best practice guidelines established by the authority, and track local response through global positioning technology; ~~((and))~~

(c) The means to track the outcome of the 988 call to enable appropriate follow up, cross-system coordination, and accountability, including as appropriate: (i) Any immediate services dispatched and reports generated from the encounter; (ii) the validation of a safety plan established for the caller in accordance with best practices; (iii) the next steps for the caller to follow in transition to noncrisis follow-up care, including a next-day appointment for callers experiencing urgent, symptomatic behavioral health care needs; and (iv) the means to verify and document whether the caller was successful in making the transition to appropriate noncrisis follow-up care indicated in the safety plan for the person, to be completed either by the care coordinator provided through the person's managed care organization, health plan, or behavioral health administrative services organization, or if such a care coordinator is not available or does not follow through, by the staff of the crisis call center hub;

(d) A means to facilitate actions to verify and document whether the person's transition to follow up noncrisis care was completed and services offered, to be performed by a care coordinator provided through the person's managed care organization, health plan, or behavioral health administrative services organization, or if such a care coordinator is not available or does not follow through, by the staff of the crisis call center hub;

(e) The means to provide geographically, culturally, and linguistically appropriate services to persons who are part of high-risk populations or otherwise have need of specialized services or accommodations, and to document these services or accommodations; and

(f) When appropriate, consultation with tribal governments to ensure coordinated care in government-to-government relationships, and access to dedicated services to tribal members.

(7) To implement this section the department and the authority shall collaborate with the state ((enhanced)) 911 coordination office, emergency management division, and military department to develop technology that is demonstrated to be interoperable between the 988 crisis hotline system and crisis and emergency response systems used throughout the state, such as 911 systems, emergency medical services systems, and other nonbehavioral health crisis services, as well as the national suicide prevention lifeline, to assure cohesive interoperability, develop training programs and operations for both 911 public safety telecommunicators and crisis line workers, develop suicide and other behavioral health crisis assessments and intervention strategies, and establish efficient and equitable access to resources via crisis hotlines.

(8) The authority shall:

(a) Collaborate with county authorities and behavioral health administrative services organizations to develop procedures to dispatch behavioral health crisis services in coordination with crisis call center hubs to effectuate the intent of this section;

(b) Establish formal agreements with managed care organizations and behavioral health administrative services organizations by January 1, 2023, to provide for the services, capacities, and coordination necessary to effectuate the intent of this section, which shall include a requirement to arrange next-day appointments for persons contacting the 988 crisis hotline experiencing urgent, symptomatic behavioral health care needs with geographically, culturally, and linguistically appropriate primary care or behavioral health providers within the person's provider network, or, if uninsured, through the person's behavioral health administrative services organization;

(c) Create best practices guidelines by July 1, 2023, for deployment of appropriate and available crisis response services by crisis call center hubs to assist 988 hotline callers to minimize nonessential reliance on emergency room services and the use of law enforcement, considering input from relevant stakeholders and recommendations made by the crisis response improvement strategy committee created under RCW 71.24.892;

(d) Develop procedures to allow appropriate information sharing and communication between and across crisis and emergency response systems for the purpose of real-time crisis care coordination including, but not limited to, deployment of crisis and outgoing services, follow-up

care, and linked, flexible services specific to crisis response; and

(e) Establish guidelines to appropriately serve high-risk populations who request crisis services. The authority shall design these guidelines to promote behavioral health equity for all populations with attention to circumstances of race, ethnicity, gender, socioeconomic status, sexual orientation, and geographic location, and include components such as training requirements for call response workers, policies for transferring such callers to an appropriate specialized center or subnetwork within or external to the national suicide prevention lifeline network, and procedures for referring persons who access the 988 crisis hotline to linguistically and culturally competent care.

**Sec. 17.** RCW 10.31.110 and 2021 c 311 s 6 are each amended to read as follows:

(1) When a police officer has reasonable cause to believe that the individual has committed acts constituting a crime, and the individual is known by history or consultation with the behavioral health administrative services organization, managed care organization, crisis hotline, local crisis services providers, or community health providers to have a mental disorder or substance use disorder, in addition to existing authority under state law or local policy, as an alternative to arrest, the arresting officer is authorized and encouraged to:

(a) Take the individual to a crisis stabilization unit as defined in RCW 71.05.020. Individuals delivered to a crisis stabilization unit pursuant to this section may be held by the facility for a period of up to twelve hours. The individual must be examined by a mental health professional or substance use disorder professional within three hours of arrival;

(b) Take the individual to a ~~((triage facility))~~ 23-hour crisis relief center as defined in RCW ~~((71.05.020))~~ 71.24.025 while participating in the pilot project in section 2 of this act. An individual delivered to a ~~((triage facility which has elected to operate as an involuntary facility))~~ 23-hour crisis relief center may be held up to a period of twelve hours. The individual must be examined by a mental health professional or substance use disorder professional within three hours of arrival;

(c) Refer the individual to a designated crisis responder for evaluation for initial detention and proceeding under chapter 71.05 RCW;

(d) Release the individual upon agreement to voluntary participation in outpatient treatment;

(e) Refer the individual to youth, adult, or geriatric mobile crisis response services, as appropriate; or

(f) Refer the individual to the regional entity responsible to receive referrals in lieu of legal system involvement, including the recovery navigator program described in RCW 71.24.115.

(2) If the individual is released to the community from the facilities in subsection (1)(a) through (c) of this section, the



mental health provider or substance use disorder professional shall make reasonable efforts to inform the arresting officer of the planned release prior to release if the arresting officer has specifically requested notification and provided contact information to the provider.

(3) In deciding whether to refer the individual to treatment under this section, the police officer must be guided by local law enforcement diversion guidelines for behavioral health developed and mutually agreed upon with the prosecuting authority with an opportunity for consultation and comment by the defense bar and disability community. These guidelines must address, at a minimum, the length, seriousness, and recency of the known criminal history of the individual, the mental health history of the individual, if available, the substance use disorder history of the individual, if available, the opinions of a mental health professional, if available, the opinions of a substance use disorder professional, if available, and the circumstances surrounding the commission of the alleged offense. The guidelines must include a process for clearing outstanding warrants or referring the individual for assistance in clearing outstanding warrants, if any, and issuing a new court date, if appropriate, without booking or incarcerating the individual or disqualifying the individual from referral to treatment under this section, and define the circumstances under which such action is permissible. Referrals to services, care, and treatment for substance use disorder must be made in accordance with protocols developed for the recovery navigator program described in RCW 71.24.115.

(4) Any agreement to participate in treatment or services in lieu of jail booking or referring a case for prosecution shall not require individuals to stipulate to any of the alleged facts regarding the criminal activity as a prerequisite to participation in the alternative response described in this section. Any agreement is inadmissible in any criminal or civil proceeding. Such agreements do not create immunity from prosecution for the alleged criminal activity.

(5) If there are required terms of participation in the services or treatment to which an individual was referred under this section, and if the individual violates such terms and is therefore no longer participating in services:

(a) The behavioral health or service provider shall inform the referring law enforcement agency of the violation, if consistent with the terms of the program and applicable law; and

(b) The original charges may be filed or referred to the prosecutor, as appropriate, and the matter may proceed accordingly, unless filing or referring the charges is inconsistent with the terms of a local diversion program or a recovery navigator program described in RCW 71.24.115.

(6) The police officer is immune from liability for any good faith conduct under this section.

(1) If the defendant is charged with a felony and determined to be incompetent, until he or she has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, but in any event for a period of no longer than 90 days, the court shall commit the defendant to the custody of the secretary for inpatient competency restoration, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties.

(a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

(i) Adhere to medications or receive prescribed intramuscular medication;

(ii) Abstain from alcohol and unprescribed drugs; and

(iii) Comply with urinalysis or breathalyzer monitoring if needed.

(b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration.

(c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management. The court may order regular urinalysis testing. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

(d) If a defendant fails to comply with the restrictions of the outpatient restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under (d)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was

absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, or emergency department of a local hospital (~~(, or triage facility)~~) for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the conditions of release of the defendant and anticipated release from treatment and issue appropriate orders.

(e) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient competency restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

(2) For a defendant whose highest charge is a class C felony, or a class B felony that is not classified as violent under RCW 9.94A.030, the maximum time allowed for the initial competency restoration period is 45 days if the defendant is referred for inpatient competency restoration, or 90 days if the defendant is referred for outpatient competency restoration, provided that if the outpatient competency restoration placement is terminated and the defendant is subsequently admitted to an inpatient facility, the period of inpatient treatment during the first competency restoration period under this subsection shall not exceed 45 days.

(3) If the court determines or the parties agree before the initial competency restoration period or at any subsequent stage of the proceedings that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo an initial or further period of competency restoration treatment, in which case the court shall order that the defendant be

referred for evaluation for civil commitment in the manner provided in subsection (5) of this section.

(4) On or before expiration of the initial competency restoration period the court shall conduct a hearing to determine whether the defendant is now competent to stand trial. If the court finds by a preponderance of the evidence that the defendant is incompetent to stand trial, the court may order an extension of the competency restoration period for an additional period of 90 days, but the court must at the same time set a date for a new hearing to determine the defendant's competency to stand trial before the expiration of this second restoration period. The defendant, the defendant's attorney, and the prosecutor have the right to demand that the hearing be before a jury. No extension shall be ordered for a second or third competency restoration period if the defendant's incompetence has been determined by the secretary to be solely the result of a developmental disability which is such that competence is not reasonably likely to be regained during an extension.

(5) At the hearing upon the expiration of the second competency restoration period, or at the end of the first competency restoration period if the defendant is ineligible for a second or third competency restoration period under subsection (4) of this section, if the jury or court finds that the defendant is incompetent to stand trial, the court shall dismiss the charges without prejudice and order the defendant to be committed to a state hospital for up to 120 hours if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services and up to 72 hours if the defendant engaged in inpatient competency restoration services starting from admission to the facility, excluding Saturdays, Sundays, and holidays, for evaluation for the purpose of filing a civil commitment petition under chapter 71.05 RCW. However, the court shall not dismiss the charges if the court or jury finds that: (a) The defendant (i) is a substantial danger to other persons; or (ii) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and (b) there is a substantial probability that the defendant will regain competency within a reasonable period of time. If the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months.

(6) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

**Sec. 19.** RCW 10.77.088 and 2022 c 288 s 5 are each amended to read as follows:

(1) If the defendant is charged with a nonfelony crime which is a serious offense as identified in RCW 10.77.092 and found by the court to be not competent, then the court:

(a) Shall dismiss the proceedings without prejudice and detain the defendant for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW, unless the prosecutor objects to the dismissal and provides notice of a motion for an order for competency restoration treatment, in which case the court shall schedule a hearing within seven days.

(b) At the hearing, the prosecuting attorney must establish that there is a compelling state interest to order competency restoration treatment for the defendant. The court may consider prior criminal history, prior history in treatment, prior history of violence, the quality and severity of the pending charges, any history that suggests whether competency restoration treatment is likely to be successful, in addition to the factors listed under RCW 10.77.092. If the prosecuting attorney proves by a preponderance of the evidence that there is a compelling state interest in ordering competency restoration treatment, then the court shall issue an order in accordance with subsection (2) of this section.

(2) If a court finds pursuant to subsection (1)(b) of this section that there is a compelling state interest in pursuing competency restoration treatment, the court shall commit the defendant to the custody of the secretary for inpatient competency restoration, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties.

(a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

(i) Adhere to medications or receive prescribed intramuscular medication;

(ii) Abstain from alcohol and unprescribed drugs; and

(iii) Comply with urinalysis or breathalyzer monitoring if needed.

(b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration under subsection (3) of this section.

(c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management. The court may order regular urinalysis testing. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with

respect to the defendant to the department and, if applicable, the forensic navigator.

(d) If a defendant fails to comply with the restrictions of the outpatient competency restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under (d)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, or emergency department of a local hospital (~~or triage facility~~) for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the conditions of release of the defendant and anticipated release from treatment and issue appropriate orders.

(e) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the

guidance and control of a professional person identified in the court order.

(3) The placement under subsection (2) of this section shall not exceed 29 days if the defendant is ordered to receive inpatient competency restoration, and shall not exceed 90 days if the defendant is ordered to receive outpatient competency restoration. The court may order any combination of this subsection, but the total period of inpatient competency restoration may not exceed 29 days.

(4) If the court has determined or the parties agree that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection (5) of this section.

(5)(a) If the proceedings are dismissed under RCW 10.77.084 and the defendant was on conditional release at the time of dismissal, the court shall order the designated crisis responder within that county to evaluate the defendant pursuant to chapter 71.05 RCW. The evaluation may be conducted in any location chosen by the professional.

(b) If the defendant was in custody and not on conditional release at the time of dismissal, the defendant shall be detained and sent to an evaluation and treatment facility for up to 120 hours if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services and up to 72 hours if the defendant engaged in inpatient competency restoration services, excluding Saturdays, Sundays, and holidays, for evaluation for purposes of filing a petition under chapter 71.05 RCW. The 120-hour or 72-hour period shall commence upon the next nonholiday weekday following the court order and shall run to the end of the last nonholiday weekday within the 120-hour or 72-hour period.

(6) If the defendant is charged with a nonfelony crime that is not a serious offense as defined in RCW 10.77.092 and found by the court to be not competent, the court may stay or dismiss proceedings and detain the defendant for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW. The court must give notice to all parties at least 24 hours before the dismissal of any proceeding under this subsection, and provide an opportunity for a hearing on whether to dismiss the proceedings.

(7) If at any time the court dismisses charges under subsections (1) through (6) of this section, the court shall make a finding as to whether the defendant has a history of one or more violent acts. If the court so finds, the defendant is barred from the possession of firearms until a court restores his or her right to possess a firearm under RCW 9.41.047. The court shall state to the defendant and provide written notice that the defendant is barred from the possession of firearms and that the

prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

(8) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

**Sec. 20.** RCW 48.43.005 and 2022 c 263 s 2 are each reenacted and amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Adverse benefit determination" means a denial, reduction, or termination of, or a failure to provide or make payment, in whole or in part, for a benefit, including a denial, reduction, termination, or failure to provide or make payment that is based on a determination of an enrollee's or applicant's eligibility to participate in a plan, and including, with respect to group health plans, a denial, reduction, or termination of, or a failure to provide or make payment, in whole or in part, for a benefit resulting from the application of any utilization review, as well as a failure to cover an item or service for which benefits are otherwise provided because it is determined to be experimental or investigational or not medically necessary or appropriate.

(3) "Air ambulance service" has the same meaning as defined in section 2799A-2 of the public health service act (42 U.S.C. Sec. 300gg-112) and implementing federal regulations in effect on March 31, 2022.

(4) "Allowed amount" means the maximum portion of a billed charge a health carrier will pay, including any applicable enrollee cost-sharing responsibility, for a covered health care service or item rendered by a participating provider or facility or by a nonparticipating provider or facility.

(5) "Applicant" means a person who applies for enrollment in an individual health plan as the subscriber or an enrollee, or the dependent or spouse of a subscriber or enrollee.

(6) "Balance bill" means a bill sent to an enrollee by a nonparticipating provider or facility for health care services provided to the enrollee after the provider or facility's billed amount is not fully reimbursed by the carrier, exclusive of permitted cost-sharing.

(7) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(8) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(e).

(9) "Basic health plan services" means that schedule of covered health services, including the description of how those

benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(10) "Behavioral health emergency services provider" means emergency services provided in the following settings:

(a) A crisis stabilization unit as defined in RCW 71.05.020;

(b) A 23-hour crisis relief center as defined in RCW 71.24.025;

(c) An evaluation and treatment facility that can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department of health;

~~((e-))~~ (d) An agency certified by the department of health under chapter 71.24 RCW to provide outpatient crisis services;

~~((d) A triage facility as defined in RCW 71.05.020;)~~

(e) An agency certified by the department of health under chapter 71.24 RCW to provide medically managed or medically monitored withdrawal management services; or

(f) A mobile rapid response crisis team as defined in RCW 71.24.025 that is contracted with a behavioral health administrative services organization operating under RCW 71.24.045 to provide crisis response services in the behavioral health administrative services organization's service area.

(11) "Board" means the governing board of the Washington health benefit exchange established in chapter 43.71 RCW.

(12)(a) For grandfathered health benefit plans issued before January 1, 2014, and renewed thereafter, "catastrophic health plan" means:

(i) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand seven hundred fifty dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand five hundred dollars, both amounts to be adjusted annually by the insurance commissioner; and

(ii) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least six thousand dollars, both amounts to be adjusted annually by the insurance commissioner.

(b) In July 2008, and in each July thereafter, the insurance commissioner shall adjust the minimum deductible and out-of-pocket expense required for a plan to qualify as a catastrophic plan to reflect the percentage change in the consumer price index for medical care for a preceding twelve months, as determined by the United States department of labor. For a plan year beginning in 2014, the out-of-pocket limits

must be adjusted as specified in section 1302(c)(1) of P.L. 111-148 of 2010, as amended. The adjusted amount shall apply on the following January 1st.

(c) For health benefit plans issued on or after January 1, 2014, "catastrophic health plan" means:

(i) A health benefit plan that meets the definition of catastrophic plan set forth in section 1302(e) of P.L. 111-148 of 2010, as amended; or

(ii) A health benefit plan offered outside the exchange marketplace that requires a calendar year deductible or out-of-pocket expenses under the plan, other than for premiums, for covered benefits, that meets or exceeds the commissioner's annual adjustment under (b) of this subsection.

(13) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(14) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(15) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(16) "Dependent" means, at a minimum, the enrollee's legal spouse and dependent children who qualify for coverage under the enrollee's health benefit plan.

(17) "Emergency medical condition" means a medical, mental health, or substance use disorder condition manifesting itself by acute symptoms of sufficient severity including, but not limited to, severe pain or emotional distress, such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical, mental health, or substance use disorder treatment attention to result in a condition (a) placing the health of the individual, or with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy, (b) serious impairment to bodily functions, or (c) serious dysfunction of any bodily organ or part.

(18) "Emergency services" means:

(a)(i) A medical screening examination, as required under section 1867 of the social security act (42 U.S.C. Sec. 1395dd), that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate that emergency medical condition;

(ii) Medical examination and treatment, to the extent they are within the capabilities of the staff and facilities available at the hospital, as are required under section 1867 of the social security act (42 U.S.C. Sec. 1395dd) to stabilize the patient. Stabilize, with respect to an

emergency medical condition, has the meaning given in section 1867(e)(3) of the social security act (42 U.S.C. Sec. 1395dd(e)(3)); and

(iii) Covered services provided by staff or facilities of a hospital after the enrollee is stabilized and as part of outpatient observation or an inpatient or outpatient stay with respect to the visit during which screening and stabilization services have been furnished. Poststabilization services relate to medical, mental health, or substance use disorder treatment necessary in the short term to avoid placing the health of the individual, or with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part;

(b)(i) A screening examination that is within the capability of a behavioral health emergency services provider including ancillary services routinely available to the behavioral health emergency services provider to evaluate that emergency medical condition;

(ii) Examination and treatment, to the extent they are within the capabilities of the staff and facilities available at the behavioral health emergency services provider, as are required under section 1867 of the social security act (42 U.S.C. Sec. 1395dd) or as would be required under such section if such section applied to behavioral health emergency services providers, to stabilize the patient. Stabilize, with respect to an emergency medical condition, has the meaning given in section 1867(e)(3) of the social security act (42 U.S.C. Sec. 1395dd(e)(3)); and

(iii) Covered behavioral health services provided by staff or facilities of a behavioral health emergency services provider after the enrollee is stabilized and as part of outpatient observation or an inpatient or outpatient stay with respect to the visit during which screening and stabilization services have been furnished. Poststabilization services relate to mental health or substance use disorder treatment necessary in the short term to avoid placing the health of the individual, or with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

(19) "Employee" has the same meaning given to the term, as of January 1, 2008, under section 3(6) of the federal employee retirement income security act of 1974.

(20) "Enrollee point-of-service cost-sharing" or "cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(21) "Essential health benefit categories" means:

- (a) Ambulatory patient services;
- (b) Emergency services;
- (c) Hospitalization;
- (d) Maternity and newborn care;

(e) Mental health and substance use disorder services, including behavioral health treatment;

(f) Prescription drugs;

(g) Rehabilitative and habilitative services and devices;

(h) Laboratory services;

(i) Preventive and wellness services and chronic disease management; and

(j) Pediatric services, including oral and vision care.

(22) "Exchange" means the Washington health benefit exchange established under chapter 43.71 RCW.

(23) "Final external review decision" means a determination by an independent review organization at the conclusion of an external review.

(24) "Final internal adverse benefit determination" means an adverse benefit determination that has been upheld by a health plan or carrier at the completion of the internal appeals process, or an adverse benefit determination with respect to which the internal appeals process has been exhausted under the exhaustion rules described in RCW 48.43.530 and 48.43.535.

(25) "Grandfathered health plan" means a group health plan or an individual health plan that under section 1251 of the patient protection and affordable care act, P.L. 111-148 (2010) and as amended by the health care and education reconciliation act, P.L. 111-152 (2010) is not subject to subtitles A or C of the act as amended.

(26) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(27) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 or 70.230 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(28) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting

in the course and scope of his or her employment.

(29) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(30) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020, and includes "issuers" as that term is used in the patient protection and affordable care act (P.L. 111-148).

(31) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 or 48.83 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Coverage supplemental to the coverage provided under chapter 55, Title 10, United States Code;

(d) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(e) Disability income;

(f) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(g) Workers' compensation coverage;

(h) Accident only coverage;

(i) Specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered as an independent, noncoordinated benefit;

(j) Employer-sponsored self-funded health plans;

(k) Dental only and vision only coverage;

(l) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner;

(m) Civilian health and medical program for the veterans affairs administration (CHAMPVA); and

(n) Stand-alone prescription drug coverage that exclusively supplements medicare part D coverage provided through an employer group waiver plan under federal social security act regulation 42 C.F.R. Sec. 423.458(c).

(32) "Individual market" means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

(33) "In-network" or "participating" means a provider or facility that has contracted with a carrier or a carrier's contractor or subcontractor to provide health care services to enrollees and be reimbursed by the carrier at a contracted

rate as payment in full for the health care services, including applicable cost-sharing obligations.

(34) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(35) "Nonemergency health care services performed by nonparticipating providers at certain participating facilities" means covered items or services other than emergency services with respect to a visit at a participating health care facility, as provided in section 2799A-1(b) of the public health service act (42 U.S.C. Sec. 300gg-111(b)), 45 C.F.R. Sec. 149.30, and 45 C.F.R. Sec. 149.120 as in effect on March 31, 2022.

(36) "Open enrollment" means a period of time as defined in rule to be held at the same time each year, during which applicants may enroll in a carrier's individual health benefit plan without being subject to health screening or otherwise required to provide evidence of insurability as a condition for enrollment.

(37) "Out-of-network" or "nonparticipating" means a provider or facility that has not contracted with a carrier or a carrier's contractor or subcontractor to provide health care services to enrollees.

(38) "Out-of-pocket maximum" or "maximum out-of-pocket" means the maximum amount an enrollee is required to pay in the form of cost-sharing for covered benefits in a plan year, after which the carrier covers the entirety of the allowed amount of covered benefits under the contract of coverage.

(39) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(40) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(41)(a) "Protected individual" means:

(i) An adult covered as a dependent on the enrollee's health benefit plan, including an individual enrolled on the health benefit plan of the individual's registered domestic partner; or

(ii) A minor who may obtain health care without the consent of a parent or legal guardian, pursuant to state or federal law.

(b) "Protected individual" does not include an individual deemed not competent to provide informed consent for care under RCW 11.88.010(1)(e).

(42) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(43) "Sensitive health care services" means health services related to reproductive health, sexually transmitted diseases, substance use disorder, gender dysphoria, gender affirming care, domestic violence, and mental health.

(44) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that employed an average of at least one but no more than fifty employees, during the previous calendar year and employed at least one employee on the first day of the plan year, is not formed primarily for purposes of buying health insurance, and in which a bona fide employer-employee relationship exists. In determining the number of employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. A self-employed individual or sole proprietor who is covered as a group of one must also: (a) Have been employed by the same small employer or small group for at least twelve months prior to application for small group coverage, and (b) verify that he or she derived at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year, except a self-employed individual or sole proprietor in an agricultural trade or business, must have derived at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year.

(45) "Special enrollment" means a defined period of time of not less than thirty-one days, triggered by a specific qualifying event experienced by the applicant, during which applicants may enroll in the carrier's individual health benefit plan without being subject to health screening or otherwise required to provide evidence of insurability as a condition for enrollment.

(46) "Standard health questionnaire" means the standard health questionnaire designated under chapter 48.41 RCW.

(47) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(48) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

NEW SECTION. **Sec. 21.** The department of health shall convert the license or certification of any facility licensed or certified by the department to operate as a crisis triage facility to a license or certification for the facility to operate as a crisis stabilization unit by the start of the next licensing or certification period following the effective date of this section.

NEW SECTION. **Sec. 22.** When making guidelines under section 2 of this act, the department of health shall consult with stakeholders including, but not limited to: The Washington council for behavioral health; WAADAC, the voice for Washington state addiction professionals persons with lived experience of behavioral health crisis; family members with lived experience of caring for someone in behavioral health crisis; the Washington state hospital association; the American college of emergency physicians; behavioral health administrative services organizations; the Washington association of designated crisis responders; the Washington association of sheriffs and police chiefs; and an individual or entity representing emergency medical services.

NEW SECTION. **Sec. 23.** RCW 71.24.647 (Standards for certification or licensure of triage facilities) and 2018 c 201 s 4056 are each repealed.

NEW SECTION. **Sec. 24.** Sections 6, 8, and 10 of this act expire July 1, 2026.

NEW SECTION. **Sec. 25.** Sections 7, 9, and 11 of this act take effect July 1, 2026.

**Sec. 26.** 2022 c 210 s 31 (uncodified) is amended to read as follows:

(1) Sections 4 and 28, chapter 302, Laws of 2020, sections 13 and 14, chapter 263, Laws of 2021, section 23, chapter 264, Laws of 2021, (~~and~~) sections 2 and 10, chapter 210, Laws of 2022, and section 4, chapter . . . , Laws of 2023 (section 4 of this act) take effect when monthly single-bed certifications authorized under RCW 71.05.745 fall below 200 reports for 3 consecutive months.

(2) The health care authority must provide written notice of the effective date of sections 4 and 28, chapter 302, Laws of 2020, sections 13 and 14, chapter 263, Laws of 2021, section 23, chapter 264, Laws of 2021, (~~and~~) sections 2 and 10, chapter 210, Laws of 2022, and section 4, chapter . . . , Laws of 2023 (section 4 of this act) to affected parties, the chief clerk of the house of representatives, the



secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority.

**Sec. 27.** 2021 c 264 s 29 (uncodified) is amended to read as follows:

(1) Sections 64 and 81, chapter 302, Laws of 2020 (~~and, until July 1, 2022, section 27, chapter 264, Laws of 2021 and, beginning July 1, 2022~~), section 28, chapter 264, Laws of 2021, and section 13, chapter . . . , Laws of 2023 (section 13 of this act) take effect when the average wait time for children's long-term inpatient placement admission is 30 days or less for two consecutive quarters.

(2) The health care authority must provide written notice of the effective date of sections 64 and 81, chapter 302, Laws of 2020 (~~and sections 27 and~~), section 28, chapter 264, Laws of 2021, and section 13, chapter . . . , Laws of 2023 (section 13 of this act) to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority."

Correct the title.

Representatives Ormsby and Schmick spoke in favor of the adoption of the striking amendment.

The striking amendment (589) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Orwall and Schmick spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5120, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5120, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SECOND SUBSTITUTE SENATE BILL NO. 5120, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5087, by Senate Committee on Law & Justice (originally sponsored by Pedersen, Mullet, Billig, Dhingra, Frame, Hasegawa, Hunt,**

**Kauffman, Kuderer, Liias, Lovelett, Nobles, Saldaña, Stanford and Wellman)**

**Removing language from the Revised Code of Washington that has been identified by the justices of the supreme court or judges of the superior courts as defects and omissions in the laws pursuant to Article IV, section 25 of the Washington state Constitution.**

The bill was read the second time.

Representative Graham moved the adoption of amendment (496):

On page 24, after line 29, insert the following:

"NEW SECTION. Sec. 39. The secretary of state shall submit sections 20 and 21 of this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Correct the title.

Representatives Graham, Graham (again) and Walsh spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (496) was not adopted.

Representative Walsh moved the adoption of amendment (593):

On page 12, beginning on line 16, strike all of sections 20 and 21

Re-number the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Walsh and Graham spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (593) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hansen spoke in favor of the passage of the bill.

Representatives Walsh, Graham, Corry, Hutchins and Cheney spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5087.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5087, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio,

Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Ortiz-Self

SUBSTITUTE SENATE BILL NO. 5087, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute Senate Bill No. 5087.

Representative Goehner, 12th District

There being no objection, the House advanced to the eighth order of business.

### MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SUBSTITUTE SENATE BILL NO. 5127  
 SENATE BILL NO. 5459  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5231  
 SENATE BILL NO. 5280  
 SENATE BILL NO. 5228  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5334  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5440  
 SUBSTITUTE SENATE BILL NO. 5561  
 SUBSTITUTE SENATE BILL NO. 5753  
 SUBSTITUTE SENATE BILL NO. 5389  
 SENATE BILL NO. 5606  
 SECOND SUBSTITUTE SENATE BILL NO. 5555  
 SECOND SUBSTITUTE SENATE BILL NO. 5425  
 SENATE BILL NO. 5283  
 ENGROSSED SENATE BILL NO. 5355  
 SUBSTITUTE SENATE BILL NO. 5504  
 SUBSTITUTE SENATE BILL NO. 5491  
 SUBSTITUTE SENATE BILL NO. 5523  
 SENATE BILL NO. 5331  
 SENATE BILL NO. 5155  
 SUBSTITUTE SENATE BILL NO. 5261  
 SENATE BILL NO. 5497  
 ENGROSSED SENATE BILL NO. 5015  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5371

The Speaker called upon Representative Bronoske to preside.

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5082, by Senate Committee on State Government & Elections (originally sponsored by Kuderer, Hunt, Conway, Dhingra, Frame, Hasegawa, Nguyen, Nobles, Pedersen, Rolfes, Valdez, Van De Wege, Wellman and Wilson, C.)**

**Encouraging electoral participation and making ballots more meaningful by abolishing advisory votes.**

The bill was read the second time.

With the consent of the House, amendments (606), (608), (610) and (611) were withdrawn.

Representative Orcutt moved the adoption of amendment (605):

On page 1, beginning on line 8, beginning with "**STATEMENT**" strike all material through "**II**" on page 2, line 3

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 2, line 4, after "**VOTES**" insert "**AND ENACTMENT OF TAX INCREASE CONSENT VOTES**"

NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.72 RCW to read as follows:

(1) For every legislative action raising taxes as defined by RCW 43.135.034 that is not referred to the people by a referendum petition found to be sufficient under RCW 29A.72.250, a measure for a tax increase consent vote is required and shall be placed on the next general election ballot under this chapter. Each tax being increased is subject to a separate vote.

(2) By August 1 of each year, the attorney general must send written notice to the secretary of state of any tax increase subject to a tax increase consent vote. The secretary of state must assign a serial number to the measure within five business days and transmit a copy to the attorney general.

(3) Within five business days of receipt from the secretary of state, the attorney general must formulate a short description of the tax increase consent vote. The description may not exceed thirty-three words and is not subject to appeal. The description must be formulated and displayed on the ballot as follows: "The legislature imposed, without a vote of the people, (identification of tax and description of increase), costing (most up-to-date ten-year cost projection, expressed in dollars and rounded to the nearest million) in its first ten years, for government spending. This tax increase should be ..."

(4) Voters shall be given the option to choose "Repealed" or "Maintained."

(5) After the short description is completed, the attorney general must transmit it to the secretary of state for filing.

(6) If the majority of voters select "Repealed" in a tax increase consent vote under this section, the tax increase may not be implemented or enforced by the state."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 3, line 4, after ";" insert "and"

On page 3, line 5, after "((" insert "))\_."

On page 3, at the beginning of line 6, strike "~~(11)~~" and insert "(11) ("

On page 3, line 20, after "address))" insert "The requirements in this section do not apply to tax increase consent votes. Instead, two pages in the voters' pamphlet shall be provided to each tax increase consent vote, which must include:

(a) The short description of the tax increase consent vote;

(b) The tax increase's most up-to-date ten-year cost projection, including a year-by-year breakdown, by the office of financial management under RCW 43.135.031, and

(c) The names of legislators and how they voted on the tax increase upon final passage, along with the legislators' office email address and phone number, and party affiliation"

On page 3, line 35, after "people.))" insert "This section does not apply to tax increase consent votes."

On page 4, line 11, after ".))" insert "Tax increase consent votes shall also receive a serial number of a separate series under this section."

On page 4, beginning on line 20, after "measures" strike all material through "people))" on line 21 and insert "and serial numbers and short descriptions of (~~measures submitted for an advisory vote of the people~~) tax increase consent votes"

On page 4, beginning on line 29, after "measures" strike all material through "people))" on line 30 and insert "and measures for (~~an advisory vote of the people~~) a tax increase consent vote"

On page 5, beginning on line 3, after "votes" strike all material through "(7))" on line 4 and insert ") tax increase consent votes;

(7)"

On page 5, line 14, after "PART" strike "III" and insert "II"

On page 5, line 22, after "29A.32.070" insert ", and each tax increase consent vote"

Correct the title.

### POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (605) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5082.

### SPEAKER'S RULING

"The title of the bill is an act relating to encouraging electoral participation and making ballots more meaningful by abolishing advisory votes.

The bill repeals provisions related to the process by which Washington citizens may participate in an advisory vote on whether a tax increase passed by the state Legislature may be repealed or maintained. The vote is non-binding and occurs at the next general election.

Amendment (605) requires a tax increase consent vote at the next general election if the state Legislature raises taxes. The state

may not implement or enforce any tax increase if a majority of voters choose to repeal the tax increase subject to such a vote.

The purpose of the bill is to repeal provisions related to advisory votes on state legislative tax increases. However, the amendment restores a process for voting on state legislative tax increases.

Therefore, the Speaker finds the amendment is beyond the scope and object of the bill.

The point of order is well taken."

Representative Walsh moved the adoption of amendment (609):

On page 4, beginning on line 26, after "numbers" strike ", ballot titles, and public investment impact disclosures" and insert "and ballot titles"

On page 5, line 10, after "9;" strike "and"

On page 5, after line 13, insert the following:

"(4) RCW 29A.72.027 (Public investment impact disclosures) and 2022 c 114 s 2; and

(5) RCW 29A.72.028 (Public investment impact disclosures—Appeal to superior court) and 2022 c 114 s 6.

**Sec. 8.** RCW 29A.72.050 and 2022 c 114 s 3 are each amended to read as follows:

(1) The ballot title for an initiative to the people, an initiative to the legislature, a referendum bill, or a referendum measure consists of: (a) A statement of the subject of the measure; (b) a concise description of the measure; and (c) a question in the form prescribed in this section for the ballot measure in question. The statement of the subject of a measure must be sufficiently broad to reflect the subject of the measure, sufficiently precise to give notice of the measure's subject matter, and not exceed ten words. The concise description must contain no more than thirty words, be a true and impartial description of the measure's essential contents, clearly identify the proposition to be voted on, and not, to the extent reasonably possible, create prejudice either for or against the measure.

(2) (~~If a public investment impact disclosure is required under RCW 29A.72.027, the disclosure must appear in the middle of the ballot title, after the concise description and before the question. The disclosure is not, however, considered part of the ballot title and is not subject to any of the legal requirements for ballot titles under this chapter.~~

~~(3))~~ For an initiative to the people, or for an initiative to the legislature for which the legislature has not proposed an alternative, the ballot title (~~and public investment impact disclosure, if applicable,~~) must be displayed on the ballot substantially as follows:

"Initiative Measure No. . . . concerns (statement of subject). This measure would (concise description). (~~Public investment~~

~~impact disclosure, if applicable~~.) Should this measure be enacted into law?

Yes . . . . .   
No . . . . .

((4)) (3) For an initiative to the legislature for which the legislature has proposed an alternative, the ballot title ~~((and public investment impact disclosure, if applicable,))~~ must be displayed on the ballot substantially as follows:

"Initiative Measure Nos. . . . and . . . .B concern (statement of subject).

Initiative Measure No. . . . . would (concise description). ~~((Public investment impact disclosure, if applicable))~~

As an alternative, the legislature has proposed Initiative Measure No. . . . .B, which would (concise description). ~~((Public investment impact disclosure, if applicable))~~

1. Should either of these measures be enacted into law?

Yes . . . . .   
No . . . . .

2. Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?

Measure No. . . . .   
or  
Measure No. . . . .

((5)) (4) For a referendum bill submitted to the people by the legislature, the ballot issue ~~((and public investment impact disclosure, if applicable,))~~ must be displayed on the ballot substantially as follows:

"The legislature has passed . . . . Bill No. . . . concerning (statement of subject). This bill would (concise description). ~~((Public investment impact disclosure, if applicable))~~ Should this bill be:

Approved . . . . .   
Rejected . . . . .

((6)) (5) For a referendum measure by state voters on a bill the legislature has passed, the ballot issue ~~((and public investment impact disclosure, if applicable,))~~ must be displayed on the ballot substantially as follows:

"The legislature passed . . . . Bill No. . . . concerning (statement of subject) and voters have filed a sufficient referendum petition on this bill. This bill would (concise description). ~~((Public investment impact disclosure, if applicable))~~ Should this bill be:

Approved . . . . .   
Rejected . . . . .

((7)) (6) The legislature may specify the statement of subject or concise description, or both, in a referendum bill that it refers to the people. The legislature may specify the concise description for an alternative it submits for an initiative to the legislature. If the legislature fails to specify these matters,

the attorney general shall prepare the material that was not specified. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal.

The attorney general shall specify the statement of subject and concise description for an initiative to the people, an initiative to the legislature, and a referendum measure. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Walsh and Abbarno spoke in favor of the adoption of the amendment.

Representative Reed spoke against the adoption of the amendment.

Amendment (609) was not adopted.

Representative Volz moved the adoption of amendment (607):

On page 7, after line 24, insert the following:

**"PART IV  
REFERENDUM CLAUSE**

NEW SECTION. **Sec. 10.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Correct the title.

Representatives Volz, Volz (again), Walsh, Orcutt, Graham and Chambers spoke in favor of the adoption of the amendment.

Representative Reeves spoke against the adoption of the amendment.

Amendment (607) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Walen, Reeves and Reed spoke in favor of the passage of the bill.

Representatives Abbarno, Orcutt, McEntire, Dye, Chambers, Hutchins, Harris, Walsh and Maycumber spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5082.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5082, and the bill passed the House by the following vote: Yeas, 54; Nays, 43; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes,

Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Ortiz-Self

ENGROSSED SUBSTITUTE SENATE BILL NO. 5082, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

### SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SENATE BILL NO. 5066  
 SENATE BILL NO. 5070  
 SENATE BILL NO. 5084  
 SENATE BILL NO. 5131  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5236  
 SUBSTITUTE SENATE BILL NO. 5238  
 SUBSTITUTE SENATE BILL NO. 5286  
 SENATE BILL NO. 5390  
 SUBSTITUTE SENATE BILL NO. 5453  
 SUBSTITUTE SENATE BILL NO. 5499  
 SECOND SUBSTITUTE SENATE BILL NO. 5518  
 SUBSTITUTE SENATE BILL NO. 5542

The Speaker called upon Representative Orwall to preside.

### SECOND READING

**SENATE BILL NO. 5228, by Senators Dhingra, Hunt, Keiser, Lovelett, Lovick, Nguyen, Valdez and Wilson, C.**

**Providing occupational therapy services for persons with behavioral health disorders.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bateman and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5228.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5228, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier,

Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SENATE BILL NO. 5228, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5243, by Senate Committee on Ways & Means (originally sponsored by Wellman, Hunt, Kuderer, Nobles and Wilson, C.)**

### Concerning high school and beyond planning.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Education was before the House for purpose of amendment. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

Representative Stonier moved the adoption of amendment (624) to the committee striking amendment:

On page 14, beginning on line 25 of the striking amendment, after "also" strike all material through "tool" on line 29 and insert "ensure that the universal platform will permit transition plans required by RCW 28A.155.220 to be incorporated into the universal platform in a manner that eliminates the need to create duplicate or substantially similar transition plans in other electronic or non-electronic formats"

Representatives Stonier and Couture spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (624) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Berg and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5243, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5243, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier,

Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Ortiz-Self

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5243, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5331, by Senators Conway, Saldaña, Keiser, Lovelett and Wilson, C.**

**Concerning job search requirements for unemployment insurance benefits.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Berry and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5331.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5331, and the bill passed the House by the following vote: Yeas, 82; Nays, 15; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Caldier, Chandler, Corry, Dent, Dye, Graham, Jacobsen, McClintock, McEntire, Mosbrucker, Orcutt, Sandlin, Schmick and Walsh

Excused: Representative Ortiz-Self

SENATE BILL NO. 5331, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5753, by Senate Committee on Transportation (originally sponsored by Shewmake and Lovelett)**

**Concerning a roadway construction cooperative agreement between the department of transportation and the Lummi Nation.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Transportation was before the House for purpose of amendment. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

Representative Goehner moved the adoption of amendment (622) to the committee striking amendment:

On page 1, at the beginning of line 8 of the striking amendment, strike "right-of-way acquisition,"

On page 1, beginning on line 28 of the striking amendment, after "design" strike ", acquisition of right-of-way,"

Representatives Goehner and Timmons spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (622) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Timmons and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5753, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5753, as amended by the House, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Christian, Jacobsen, McEntire, Orcutt and Walsh

Excused: Representative Ortiz-Self

SUBSTITUTE SENATE BILL NO. 5753, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5497, by Senators Wilson, L. and Rolfe**

**Concerning medicaid expenditures.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Schmick and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5497, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5497, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SENATE BILL NO. 5497, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5015, by Senators Fortunato, Gildon, Kuderer and Valdez**

**Reestablishing the productivity board.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Abbarno and Ramos spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5015.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5015, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

ENGROSSED SENATE BILL NO. 5015, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5217, by Senate Committee on Labor & Commerce (originally sponsored by Dhingra, Kauffman, Keiser, Kuderer, Lovelett, Nguyen, Nobles, Pedersen, Valdez and Wilson, C.)**

**Concerning the state's ability to regulate certain industries and risk classifications to prevent musculoskeletal injuries and disorders.**

The bill was read the second time.

Representative Schmidt moved the adoption of amendment (613):

On page 5, line 4, after "(3)(a)" insert "Prior to adopting rules related to musculoskeletal injuries or disorders, the department must contract with an independent third party to prepare an economic impact statement for all impacted businesses as part of the rule making process.

(b) The economic impact statement must:

(i) Include a brief description of the industries or risk classifications that will be required to comply with the rule; the reporting, recordkeeping, and other compliance requirements of the proposed rule; and the kinds of professional services that a business is likely to need in order to comply with such requirements;

(ii) Analyze the costs of compliance for businesses required to comply with the proposed rule, including costs of equipment, supplies, labor, professional services, and increased administrative costs;

(iii) Estimate any loss of sales or revenue by businesses required to comply with the rule, and the cost per: Employee, hour of labor, or \$100 of sales;

(iv) Estimate the number of businesses that will move out of state and jobs that will be lost as the result of required compliance with the proposed rule; and

(v) Include the steps taken by the department to reduce the costs of the rule on businesses, or reasonable justification for not doing so, and a description of how the department will involve impacted businesses in the development of the rule.

(c) To obtain information for purposes of this subsection, the department may survey a representative sample of affected businesses or trade associations, and should, whenever possible, appoint a committee to assist in the accurate assessment of the economic impact of a proposed rule and the means to reduce the costs imposed on businesses.

(d) The department must post the economic impact statement on the department's website and provide a copy of the statement to any person upon request.

(4) (a) "

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Schmidt spoke in favor of the adoption of the amendment.

Representative Bronoske spoke against the adoption of the amendment.

Amendment (613) was not adopted.

Representative Connors moved the adoption of amendment (616):

On page 5, beginning on line 4, after "(3)(a)" strike all material through "period" on line 9 and insert "Rules providing standards may only be adopted for industries or risk classifications under this section when both of the following conditions are met:

(i) Compensable workers' compensation claims involved musculoskeletal injuries and disorders at a rate greater than two times the overall state workers' compensation compensable claim rate for musculoskeletal injuries and disorders over a recent five-year period; and

(ii) The rate for the industry or risk classification has not decreased each year over a recent five-year period prior to the department beginning the rule making process"

Representatives Connors and Abbarno spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (616) and the amendment was not adopted by the following vote: Yeas, 46; Nays, 51; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Springer, Steele, Stokesbary, Timmons, Volz, Walen, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Wylie and Mme. Speaker

Excused: Representative Ortiz-Self

Amendment (616) was not adopted.

Representative Connors moved the adoption of amendment (614):

On page 5, line 5, after "where" insert ": (i) "

On page 5, line 9, after "period" insert "; and (ii) the industry or risk classification has had technical assistance documents for at least five years, created by the department specifically for that industry or risk classification. An employer may not be found in violation of the rules if the employer was relying on the department's most recent technical assistance documents or advice from a technical assistance consultation to comply with the rules"

Representatives Connors, Walsh and Orcutt spoke in favor of the adoption of the amendment.

Representative Doglio spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (614) and the amendment was not adopted by the following vote: Yeas, 45; Nays, 52; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Springer, Steele, Stokesbary, Timmons, Volz, Walen, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Wylie and Mme. Speaker

Excused: Representative Ortiz-Self

Amendment (614) was not adopted.

Representative Robertson moved the adoption of amendment (618):

On page 5, line 37, after "(4)" insert "When the department adopts a specific rule for an industry or risk classification related to preventing musculoskeletal injuries and disorders, the rule may not take effect until after the adjournment of the regular legislative session immediately following the adoption of the rule making order (CR-103P), in order to allow the legislature the opportunity to require the expansion, limitation, or other modification to the final rule on musculoskeletal injuries and disorders.

(5) "

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 6, at the beginning of line 23, strike "120" and insert "365"

Representative Robertson spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (618) was not adopted.

Representative Chambers moved the adoption of amendment (617):

On page 6, line 6, after "including" insert "the least burdensome and least costly"

Representative Chambers spoke in favor of the adoption of the amendment.

Representative Fosse spoke against the adoption of the amendment.

Amendment (617) was not adopted.

Representative Walsh moved the adoption of amendment (615):

On page 7, after line 35, insert the following:



"NEW SECTION. Sec. 6. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Correct the title.

Representatives Walsh and Abbarno spoke in favor of the adoption of the amendment.

Representative Bronoske spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (615) and the amendment was not adopted by the following vote: Yeas, 44; Nays, 53; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Excused: Representative Ortiz-Self

Amendment (615) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

### COLLOQUY

**Representative Robertson:** "Thank you Madame Speaker. I rise to ask if the Chair of the Labor and Workplace Standards Committee will yield to a question."

**Speaker:** "Will the good member from the 36th yield to a question from the member from the 31st?"

**Representative Berry:** "Yes."

**Representative Robertson:** "The bill repeals a law prohibiting the Department of Labor and Industries from adopting rules related ergonomics and musculoskeletal disorders. The bill also authorizes the Department to adopt rules related to preventing musculoskeletal injuries and disorders subject to certain limits.

My question relates to the Department's rulemaking authority. Does the bill authorize the Department to adopt more than one set of rules within a 12-month period for more than one industry or risk classification that did not previously have rules imposed on it?"

**Representative Berry:** "Thank you for the question, good member from the 31st.

The bill does not limit the Department of Labor and Industries' authority to amend rules related to preventing musculoskeletal injuries and disorders it has already adopted.

However, Section (4), Subsection (2)(a) of the bill does limit the Department's authority to adopt no more than one set of rules

within a 12-month period related to preventing musculoskeletal injuries and disorders for one industry or risk classification that did not previously have rules imposed on it.

Therefore, in response to your question, the bill does not authorize the Department to adopt more than one set of rules within a 12-month period for one industry or risk classification that did not previously have rules imposed on it."

Representative Bronoske spoke in favor of the passage of the bill.

Representatives Robertson, Schmidt, Chambers, Christian and Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5217.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5217, and the bill passed the House by the following vote: Yeas, 51; Nays, 46; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Simmons, Slatter, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Schmidt, Shavers, Springer, Steele, Stokesbary, Timmons, Volz, Walen, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Ortiz-Self

ENGROSSED SUBSTITUTE SENATE BILL NO. 5217, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

### RECONSIDERATION

There being no objection, the House will reconsider the vote by which ENGROSSED SUBSTITUTE SENATE BILL NO. 5173 passed the House.

### THIRD READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5173, by Senate Committee on Law & Justice (originally sponsored by Stanford, Hasegawa, Kuderer, Pedersen, Saldaña and Trudeau)**

#### Concerning property exempt from execution.

The bill was read the third time.

There being no objection, the rules were suspended, and ENGROSSED SUBSTITUTE SENATE BILL NO. 5173 was returned to second reading for the purpose of amendment.

There being no objection, the House reconsidered the committee striking amendment by the Committee on Civil Rights & Judiciary that is before the House for purpose of amendment. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

There being no objection, amendment (597) to the committee striking amendment, on reconsideration, was adopted.

There being no objection, amendment (516) to the committee striking amendment, on reconsideration, was not adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, on reconsideration, was placed on final passage.

Representative Hansen spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5173, as amended by the House, on reconsideration.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5173, as amended by the House, on reconsideration, and the bill passed the House by the following vote: Yeas, 65; Nays, 32; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Hutchins, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Chambers, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Graham, Griffey, Harris, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Ortiz-Self

ENGROSSED SUBSTITUTE SENATE BILL NO. 5173, as amended by the House, on reconsideration, having received the necessary constitutional majority, was declared passed.

### RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which SUBSTITUTE SENATE BILL NO. 5087 passed the House.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5087, on reconsideration.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5087, on reconsideration, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer,

Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Ortiz-Self

SUBSTITUTE SENATE BILL NO. 5087, on reconsideration, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:00 a.m., Monday, April 10, 2023, the 92nd Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

NINETY SECOND DAY

House Chamber, Olympia, Monday, April 10, 2023

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Anagha Tanaja and Greyson Booker. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Rabbi Dana Benson, Temple Beth Am, Seattle.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4640**, by Representative McClintock

WHEREAS, It is the policy of the Washington State House of Representatives to recognize excellence in every field of endeavor; and

WHEREAS, Sandra Bedrosian Sermone has received the 2022 Gold Presidential Volunteer Service Award. Founded in 2003 by the President's Council on Service and Civic Participation, the President's Volunteer Service Awards are a distinctive honor bestowed in recognition of extraordinary voluntary contributions. The Gold award is presented to adults volunteering 250 hours or more; and

WHEREAS, Sermone has dedicated her volunteer efforts to support those whose lives have been impacted by Activity-Dependent Neuroprotective Protein (ADNP) Syndrome, a rare and complex neuro-developmental genetic disorder caused by a change in the ADNP gene. The syndrome is estimated to be one of the top single gene causes of Autism and can affect the neurological, cardiovascular, endocrine, immune, musculoskeletal, gastrointestinal, and kidney, urinary, and respiratory systems, as well as muscle tone (hypotonia), vision, hearing, growth, feeding, and sleep; and

WHEREAS, In 2016, Sermone founded the ADNP Kids Research Foundation, a nonprofit organization supporting children and families impacted by ADNP syndrome which has connected with approximately 450 families and raised two million dollars towards a cure for ADNP syndrome, the highest single contributor to ADNP syndrome research worldwide; and

WHEREAS, In the year 2022, Sermone volunteered at the foundation for one thousand hours, which equates to working a part-time job without pay;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and congratulate Sandra Bedrosian Sermone on receiving the 2022 Gold Presidential Volunteer Service Award and congratulate her and the volunteers she leads for their contribution in aiding those who suffer because of ADNP syndrome; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Sandra Bedrosian Sermone.

HOUSE RESOLUTION NO. 4640 was adopted.

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Orwall presiding) recognized Trooper Dean Atkinson Jr. of the Washington State Patrol in Walla Walla, and asked the Chamber to join her in thanking him for his

extraordinary service and in wishing him all the best in his continued recovery.

There being no objection, the House advanced to the third order of business.

**MESSAGES FROM THE SENATE**

Friday, April 7, 2023

Mme. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1355  
SUBSTITUTE HOUSE BILL NO. 1577  
SUBSTITUTE HOUSE BILL NO. 1658

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Saturday, April 8, 2023

Mme. Speaker:

The Senate has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1032  
SUBSTITUTE HOUSE BILL NO. 1085  
SUBSTITUTE HOUSE BILL NO. 1177  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1361  
SUBSTITUTE HOUSE BILL NO. 1406  
HOUSE BILL NO. 1763

and the same are herewith transmitted.

Sarah Bannister, Secretary

Saturday, April 8, 2023

Mme. Speaker:

The President has signed:

HOUSE BILL NO. 1030  
HOUSE BILL NO. 1031  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1073  
SUBSTITUTE HOUSE BILL NO. 1255  
SUBSTITUTE HOUSE BILL NO. 1275  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1311  
SUBSTITUTE HOUSE BILL NO. 1323  
HOUSE BILL NO. 1370  
SUBSTITUTE HOUSE BILL NO. 1590  
HOUSE BILL NO. 1707  
HOUSE BILL NO. 1712  
HOUSE BILL NO. 1730  
HOUSE BILL NO. 1792

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Saturday, April 8, 2023

Mme. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 5015  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5082  
 SUBSTITUTE SENATE BILL NO. 5087  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5217  
 SENATE BILL NO. 5228  
 SENATE BILL NO. 5242  
 SENATE BILL NO. 5331  
 SENATE BILL NO. 5347  
 SUBSTITUTE SENATE BILL NO. 5415  
 SENATE BILL NO. 5452  
 SENATE BILL NO. 5531  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5582  
 SENATE BILL NO. 5683

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**SUBSTITUTE SENATE BILL NO. 5389, by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Rivers, Robinson, Van De Wege, Conway, Holy, Schoesler, Wilson, L., Lovick, Randall and Wilson, C.)**

### Concerning the practice of optometry.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Health Care & Wellness was before the House for purpose of amendment. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

Representative Schmick moved the adoption of amendment (626) to the committee striking amendment:

On page 2, line 3 of the striking amendment, after "bodies" strike "by any means"

On page 2, line 4 of the striking amendment, after "tissue" strike "by any means"

On page 2, line 7 of the striking amendment, after "system," insert "non-laser"

On page 3, line 26 of the striking amendment, after "(r)" insert "Suturing;  
(s)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 3, beginning on line 36 of the striking amendment, after "States" strike "office of education or the council on postsecondary" and insert "~~((office of education or the council on postsecondary))~~ department of education or the council on higher education"

On page 4, beginning on line 7 of the striking amendment, after "States" strike "office of education or the council on postsecondary" and insert "~~((office of~~

~~education or the council on postsecondary))~~ department of education or the council on higher education"

On page 4, line 17 of the striking amendment, after "States" strike "office of education or the council on postsecondary" and insert "~~((office of education or the council on postsecondary))~~ department of education or the council on higher education"

On page 4, beginning on line 27 of the striking amendment, after "States" strike "office of education or the council on postsecondary" and insert "~~((office of education or the council on postsecondary))~~ department of education or the council on higher education"

On page 5, line 5 of the striking amendment, after "board" strike "in collaboration with the medical commission"

On page 5, beginning on line 8 of the striking amendment, after "States" strike "office of education or the council on postsecondary" and insert "department of education or the council on higher education"

On page 8, beginning on line 31 of the striking amendment, after "(1)" strike all material through "procedures." on line 35 and insert "The board shall develop a process for an optometrist that has received an endorsement to perform advanced procedures authorized under RCW 18.53.010 to submit information to the board on the outcome, including any complication or adverse event, of every advanced procedure that the optometrist completed in the previous year. An optometrist with a license endorsement must file this information in the manner determined by the board at the time of license renewal. All information submitted under this subsection is confidential and may not be disclosed under chapter 42.56 RCW.

(2) By December 1, 2024, and annually thereafter, the board in coordination with the department of health must analyze and report on the outcomes of the advanced procedures authorized in RCW 18.53.010 during the previous year. The report should include any complications or adverse events related to the performance of advanced procedures. The data should be aggregated and not identify any individual provider or facility and may not reveal any confidential information."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 8, line 37 of the striking amendment, after "expires" strike "August 1, 2027" and insert "December 31, 2028"

Representatives Schmick and Riccelli spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Caldier spoke against the adoption of the amendment to the committee striking amendment.

Amendment (626) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Stonier, Schmick and Harris spoke in favor of the passage of the bill.

Representative Caldier spoke against the passage of the bill.

### MOTIONS

On motion of Representative Ramel, Representative Berry was excused.

On motion of Representative Griffey, Representative Chandler was excused.

Representatives Dent and Graham spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5389, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5389, as amended by the House, and the bill passed the House by the following vote: Yeas, 81; Nays, 15; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Callan, Chambers, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Bronoske, Caldier, Chapman, Cheney, Dent, Doglio, Graham, Jacobsen, Kretz, Leavitt, McClintock, Orwall, Stokesbary, Walsh and Ybarra

Excused: Representatives Berry and Chandler

SUBSTITUTE SENATE BILL NO. 5389, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5561, by Senate Committee on Law & Justice (originally sponsored by Conway, Pedersen, Lovick, Dhingra, Hasegawa, Liias, Saldaña, Valdez and Wagoner)**

**Extending the expiration date of the law enforcement community engagement grant project.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman, Stokesbary and Rule spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5561.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5561, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Berry and Chandler

SUBSTITUTE SENATE BILL NO. 5561, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5504, by Senate Committee on Transportation (originally sponsored by Saldaña, Liias, Valdez and Wilson, C.)**

**Addressing open motor vehicle safety recalls.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Transportation was adopted. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Paul and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5504, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5504, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Berry and Chandler

SUBSTITUTE SENATE BILL NO. 5504, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5261, by Senate Committee on Labor & Commerce (originally sponsored by Braun)**

**Concerning cemetery authority permit, license, or endorsement deadlines.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Corry, Walen and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5261.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5261, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Berry and Chandler

SUBSTITUTE SENATE BILL NO. 5261, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5268, by Senate Committee on Ways & Means (originally sponsored by Hasegawa, Warnick, Hunt, Keiser, Kuderer, Nguyen, Nobles, Saldaña, Valdez, Wagoner and Wilson, C.)**

**Addressing equity and efficiencies in public works procurement including modifying small works roster requirements.**

The bill was read the second time.

Representative Pollet moved the adoption of amendment (596):

On page 28, line 19, after "area." insert "A state agency or authorized local government utilizing direct contracting pursuant to this subsection must rotate through the contractors on the appropriate small works roster and must, when qualified contractors are available from the roster who may perform the work or deliver the services within the budget described in the notice or request for proposals, utilize different contractors on different projects."

On page 28, after line 23, insert the following:

"(iii) The state agency or authorized local government must notify small, minority, women, or veteran-owned businesses on the applicable roster when direct contracting is utilized."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Pollet and Volz spoke in favor of the adoption of the amendment.

Amendment (596) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Tharinger and Barnard spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5268, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5268, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Berry and Chandler

SECOND SUBSTITUTE SENATE BILL NO. 5268, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5231, by Senate Committee on Law & Justice (originally sponsored by Salomon, Dhingra, Hasegawa, Hunt, Nobles, Pedersen, Valdez and Wilson, C.)**

**Concerning the issuance of emergency domestic violence no-contact orders.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Civil Rights & Judiciary was adopted. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hansen and Cheney spoke in favor of the passage of the bill.

Representatives Walsh and Graham spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5231, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5231, as amended by the House, and the bill passed the House by the following vote: Yeas, 63; Nays, 33; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Barnard, Bateman, Berg, Bergquist, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Leavitt, Lekanoff, Macri, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Caldier, Chambers, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McEntire, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Berry and Chandler

ENGROSSED SUBSTITUTE SENATE BILL NO. 5231, as amended by the House, having received the necessary constitutional majority, was declared passed.

### SENATE BILL NO. 5283, by Senator Van De Wege

**Authorizing the state board of registration for professional engineers and land surveyors to waive the fundamentals examination for professional engineer or professional land surveyor comity applicants.**

The bill was read the second time.

Representative Walen moved the adoption of amendment (567):

On page 1, line 19, after "board" strike "may" and insert "shall"

Representatives Walen and Corry spoke in favor of the adoption of the amendment.

Amendment (567) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Chapman and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5283, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5283, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye,

Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

SENATE BILL NO. 5283, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5491, by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Salomon, Shewmake, Frame, Liias and Stanford)**

**Allowing for residential buildings of a certain height to be served by a single exit under certain conditions.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Housing was adopted. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Peterson and Klicker spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5491, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5491, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Slatter

Excused: Representative Chandler

SUBSTITUTE SENATE BILL NO. 5491, as amended by the House, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute Senate Bill No. 5491.  
Representative Slatter, 48th District

### SECOND READING

**ENGROSSED SENATE BILL NO. 5355, by Senators Wilson, C., Kuderer, Lovelett, Nguyen, Randall, Valdez and Wellman**

**Mandating instruction on sex trafficking prevention and identification for students in grades seven through 12.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Education was before the House for purpose of amendment. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

Representative Rude moved the adoption of amendment (595) to the committee striking amendment:

On page 2, line 28 of the striking amendment, after "prevention" strike all material through "through" and insert ". The instruction may be offered beginning in grade seven, but each student must be offered the instruction at least once before completing grade"

Representatives Rude and Santos spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (595) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Santos, Jacobsen, Graham and Stonier spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5355, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5355, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

ENGROSSED SENATE BILL NO. 5355, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5534, by Senators Randall, Holy, Nobles and Wellman**

**Concerning workforce education investment accountability and oversight board staffing changes.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Slatter and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5534.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5534, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

ENGROSSED SENATE BILL NO. 5534, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

#### SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SECOND SUBSTITUTE HOUSE BILL NO. 1032  
 SUBSTITUTE HOUSE BILL NO. 1085  
 SUBSTITUTE HOUSE BILL NO. 1177  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1361  
 SUBSTITUTE HOUSE BILL NO. 1406  
 HOUSE BILL NO. 1763  
 ENGROSSED SENATE BILL NO. 5015  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5082  
 SUBSTITUTE SENATE BILL NO. 5087  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5217  
 SENATE BILL NO. 5228  
 SENATE BILL NO. 5242  
 SENATE BILL NO. 5331  
 SENATE BILL NO. 5347  
 SUBSTITUTE SENATE BILL NO. 5415  
 SENATE BILL NO. 5452  
 SENATE BILL NO. 5531  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5582  
 SENATE BILL NO. 5683

The Speaker called upon Representative Orwall to preside.

There being no objection, the House advanced to the eighth order of business.

#### MOTION



There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SECOND SUBSTITUTE SENATE BILL NO. 5046  
 SUBSTITUTE SENATE BILL NO. 5208  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5599  
 SENATE JOINT MEMORIAL NO. 8005  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5583  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5174  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5466  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5634  
 SECOND SUBSTITUTE SENATE BILL NO. 5048  
 SUBSTITUTE SENATE BILL NO. 5405  
 SUBSTITUTE SENATE BILL NO. 5448

There being no objection, the House reverted to the sixth order of business.

## SECOND READING

**SECOND SUBSTITUTE SENATE BILL NO. 5290, by Senate Committee on Ways & Means (originally sponsored by Mullet, Kuderer, Fortunato, Liias, Nobles, Saldaña and Wilson, C.)**

### Concerning consolidating local permit review processes.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

Representative Duerr moved the adoption of amendment (628) to the committee striking amendment:

On page 2, beginning on line 36 of the striking amendment, after "than" strike "August 1, 2023" and insert "July 1, 2024"

On page 8, line 13 of the striking amendment, after "day and" insert "excluding"

On page 9, at the beginning of line 2 of the striking amendment, insert "permit"

On page 9, beginning on line 35 of the striking amendment, after "provisions in" strike "this subsection (1)(l)" and insert "subsection (1)(i) of this section"

On page 11, beginning on line 21 of the striking amendment, after "(iv) The" strike all material through "issued" on line 22 and insert "average number of days from a submittal to a decision being issued for the project permit types listed in subsection (2)(a)(ii) of this section"

On page 11, beginning on line 26 of the striking amendment, after "(v) The" strike all material through "city" on line 27 and insert "total number of days each project permit application of a type listed in subsection (2)(a)(ii) of this section was in review with the county or city"

On page 11, beginning on line 31 of the striking amendment, after "include" strike all material through "information" on line

40 and insert "the time periods in subsections (1)(g)(i)-(iii) of this section.  
(vi) The total number of days that were excluded from the time period calculation under subsection (1)(g)(i)-(iii) of this section for each project permit application of a type listed in subsection (2)(a)(ii) of this section"

Representatives Duerr and Goehner spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (628) to the committee striking amendment was adopted.

Representative Pollet moved the adoption of amendment (627) to the committee striking amendment:

On page 8, line 2 of the striking amendment, after "differentiated" insert ", including by differentiating between residential and non-residential permits"

Representatives Pollet and Goehner spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (627) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Duerr, Goehner and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5290, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5290, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cory, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SECOND SUBSTITUTE SENATE BILL NO. 5290, as amended by the House, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1853, by Representative Fey

**Making certain corrective changes resulting from the enactment of chapter 182, Laws of 2022 (transportation resources).**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1853 was substituted for House Bill No. 1853 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1853 was read the second time.

Representative Fey moved the adoption of amendment (598):

On page 2, beginning on line 15, beginning with "registered" strike all material through "exempt" on line 16 and insert "~~(registered under RCW 46.16A.455(3))~~ subject to the fee under RCW 46.17.355"

On page 2, beginning on line 17, after "revenue" strike all material through "46.17.355" on line 18 and insert "generated from ((the license plate technology fee imposed on vehicles registered under RCW 46.16A.455(3)) subsection (2) of this section"

On page 2, beginning on line 28, after "vehicle" strike all material through "exempt" on line 29 and insert "~~(registered under RCW 46.16A.455(3))~~ subject to the fee under RCW 46.17.355"

On page 2, beginning on line 30, after "revenue" strike all material through "46.17.355" on line 31 and insert "generated from ((the license service fee imposed on vehicles registered under RCW 46.16A.455(3)) subsection (2) of this section"

Representatives Fey and Barkis spoke in favor of the adoption of the amendment.

Amendment (598) was adopted.

Representative Riccelli moved the adoption of amendment (592):

On page 22, line 25, after "ensure" insert "low-barrier"

Representatives Riccelli and Barkis spoke in favor of the adoption of the amendment.

Amendment (592) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Fey spoke in favor of the passage of the bill.

Representative Barkis spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1853.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1853, and the bill passed the House by the following vote: Yeas, 54; Nays, 44; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp,

Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5078, by Senate Committee on Ways & Means (originally sponsored by Pedersen, Dhingra, Frame, Hasegawa, Hunt, Keiser, Kuderer, Lias, Nguyen, Nobles, Rolfes, Saldaña, Stanford, Trudeau, Valdez and Wellman)**

**Protecting public safety by establishing duties of firearm industry members.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Civil Rights & Judiciary was before the House for purpose of amendment. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

Representative Walsh moved the adoption of amendment (631) to the committee striking amendment:

On page 2, line 11 of the striking amendment, after "ensure that" strike "the attorney general and"

On page 5, beginning on line 3 of the striking amendment, after "parties." strike all material through "RCW." on line 6

On page 5, beginning on line 7 of the striking amendment, strike all of subsection (10)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 5, beginning on line 37 of the striking amendment, after "section" strike "and commence a legal action in response to a violation of this section"

On page 6, beginning on line 10 of the striking amendment, after "impair" strike all material through "An" on line 13 and insert "an"

On page 6, line 17 of the striking amendment, after "party," strike "including" and insert "excluding"

Representative Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Hansen spoke against the adoption of the amendment to the committee striking amendment.

Amendment (631) to the committee striking amendment was not adopted.

Representative Walsh moved the adoption of amendment (629) to the committee striking amendment:

On page 2, after line 14 of the striking amendment, insert the following:

"(6) The legislature intends to exclude non-profit organizations that exist to promote outdoor recreation, including shooting sports, from the requirements of this act."

On page 2, line 23 of the striking amendment, after "person." insert "'Firearm industry member" does not include non-profit organizations that exist to promote outdoor recreation, including shooting sports, regardless of whether such organizations qualify for an exemption from taxation pursuant to Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended."

On page 2, line 37 of the striking amendment, after "law." insert "'Firearm trafficker" does not include a person who participates in charitable fundraising activities that involve the auction or raffle of a firearm."

On page 4, line 1 of the striking amendment, after "product" insert "or one who participates in charitable fundraising activities that involve the auction or raffle of a firearm"

Representatives Connors, Walsh and Abbarno spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Hansen spoke against the adoption of the amendment to the committee striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (629) to the committee striking amendment and the amendment was not adopted by the following vote: Yeas, 45; Nays, 53; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Timmons, Volz, Walen, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Wylie and Mme. Speaker

Amendment (629) to the committee striking amendment was not adopted.

Representative Walsh moved the adoption of amendment (633) to the committee striking amendment:

On page 4, beginning on line 23 of the striking amendment, after "that is" strike

all material through "Designed" on line 24 and insert "designed"

On page 4, beginning on line 26 of the striking amendment, after "products" strike all material through "firearms" on line 29

Representatives Walsh and Graham spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Hansen spoke against the adoption of the amendment to the committee striking amendment.

Amendment (633) to the committee striking amendment was not adopted.

Representative Walsh moved the adoption of amendment (634) to the committee striking amendment:

On page 4, beginning on line 31 of the striking amendment, after "(8)" strike all material through "RCW" on line 38 and insert "For actions brought by the attorney general to enforce this section, the legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. For actions brought by the attorney general to enforce this section, a violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for purposes of applying the consumer protection act, chapter 19.86 RCW. Only the attorney general can bring an action under the consumer protection act, chapter 19.86 RCW, to enforce this section"

On page 5, beginning on line 36 of the striking amendment, strike all of subsection (12)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 6, line 17 of the striking amendment, after "available to" strike "any party, including"

Representatives Walsh and Graham spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Hansen spoke against the adoption of the amendment to the committee striking amendment.

Amendment (634) to the committee striking amendment was not adopted.

Representative Walsh moved the adoption of amendment (635) to the committee striking amendment:

On page 6, after line 18 of the striking amendment, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 9.41 RCW to read as follows:

(1) No person may create, produce, publish, or distribute any commercial advertising content, intended to be displayed in social media, film, or print, that portrays any unlawful use of a firearm under the laws of this state.

(2) The attorney general, or any citizen or resident of this state, may bring a civil action in any superior court within any county of this state where commercial advertising content is created, produced, published, or distributed in violation of this section, to enjoin any ongoing or future violation, and to seek and obtain actual damages, nominal damages, and reasonable attorney's fees and costs."

Renumber the remaining sections consecutively and correct any internal references accordingly.

### POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (635) to the committee striking amendment to SUBSTITUTE SENATE BILL NO. 5078.

### SPEAKER'S RULING

"The title of Substitute Senate Bill 5078 is narrow and specific – an act relating to protecting public safety by establishing duties of firearm industry members engaged in the sale, manufacturing, distribution, importing, or marketing of firearms, ammunition, component parts, or accessories, to adopt and implement reasonable controls to prevent the diversion of firearms and related products to straw purchasers, firearm traffickers, unauthorized individuals, and individuals who pose a risk to themselves or others, to prohibit such firearm industry members from creating or maintaining a public nuisance, and providing for investigation and enforcement by the attorney general.

Amendment (635) prohibits certain commercial advertising content and establishes a civil cause of action for a violation of this restriction.

The Speaker therefore finds and rules that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

Representative Walsh moved the adoption of amendment (632) to the committee striking amendment:

On page 5, beginning on line 14 of the striking amendment, strike all of subsection (11)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Hansen spoke against the adoption of the amendment to the committee striking amendment.

Amendment (632) to the committee striking amendment was not adopted.

Representative Walsh moved the adoption of amendment (630) to the committee striking amendment:

On page 1, beginning on line 5 of the striking amendment, after "firearms" strike all material through "exacerbate" on line 7 and insert "and exacerbates"

On page 1, beginning on line 12 of the striking amendment, strike all of subsection (2)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 4, beginning on line 8 of the striking amendment, strike all of subsection (3)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 4, line 30 of the striking amendment, strike all of subsection (7)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 4, beginning on line 39 of the striking amendment, strike all of subsection (9)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 6, beginning on line 1 of the striking amendment, after "pursuant to" strike "(a) RCW 7.48.200 and 7.48.210, to seek damages, abatement, or any other remedy available for a public nuisance, or (b) "

On page 6, beginning on line 7 of the striking amendment, after "purpose to" strike "engage in a public nuisance or otherwise"

Representatives Walsh, Graham, McEntire, Orcutt and Christian spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Hansen spoke against the adoption of the amendment to the committee striking amendment.

Amendment (630) to the committee striking amendment was not adopted.

There being no objection, the committee striking amendment by the Committee on Civil Rights & Judiciary was adopted. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Hansen spoke in favor of the passage of the bill.

Representatives Walsh, Cheney, Orcutt, Abbarno, Graham, Christian and McEntire spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5078, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5078, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio,

Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

SUBSTITUTE SENATE BILL NO. 5078, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5436, by Senate Committee on Law & Justice (originally sponsored by Wilson, J., Dozier and Fortunato)**

**Concerning transfers of firearms to museums and historical societies.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Civil Rights & Judiciary was adopted. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Walsh and Hansen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5436, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5436, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE SENATE BILL NO. 5436, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5714, by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Wagoner and Wilson, L.)**

**Concerning payments made for property taxes or special assessments by an automated check processing service.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Local Government was adopted. For Committee amendment, see Journal, Day 79, Tuesday, March 28, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Orcutt and Duerr spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5714, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5714, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE SENATE BILL NO. 5714, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

#### SECOND READING

**SECOND SUBSTITUTE SENATE BILL NO. 5046, by Senate Committee on Ways & Means (originally sponsored by Saldaña, Nguyen, Trudeau, Wilson, C., Dhingra, Frame, Kuderer, Nobles, Pedersen and Valdez)**

**Concerning postconviction access to counsel.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simmons and Goodman spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5046.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5046, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

SECOND SUBSTITUTE SENATE BILL NO. 5046, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5459, by Senators Hunt, Kuderer, Valdez and Wilson, C.**

**Concerning requests for records containing election information.**

The bill was read the second time.

Representative McClintock moved the adoption of amendment (652):

On page 5, line 5, after "litigation." insert "However, the information in a cast vote record is not exempt from disclosure if it can be provided in a manner that preserves the confidentiality of voters' choices on their ballots."

Representative McClintock spoke in favor of the adoption of the amendment.

Representative Ramos spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Bronoske presiding) divided the House. The result was 40 - YEAS; 57 - NAYS.

Amendment (652) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ramos spoke in favor of the passage of the bill.

Representatives Christian and Abbarno spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5459.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5459, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes,

Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

SENATE BILL NO. 5459, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5208, by Senate Committee on State Government & Elections (originally sponsored by Trudeau, King, Hunt, Nobles, Randall, Keiser, Kuderer, Lovick, Saldaña, Hasegawa, Liias, Conway, Frame, Nguyen, Pedersen, Stanford, Valdez, Wellman and Wilson, C.)**

**Updating the process for online voter registration by allowing voter applicants to provide the last four digits of social security number for authentication.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on State Government & Tribal Relations was adopted. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Ramos spoke in favor of the passage of the bill.

Representatives Abbarno, Christian and Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5208, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5208, as amended by the House, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

SUBSTITUTE SENATE BILL NO. 5208, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5634, by Senate Committee on Ways & Means (originally sponsored by Conway, Keiser, Hasegawa, Nguyen, Nobles and Stanford)**

**Concerning problem gambling.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stearns and Chambers spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5634.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5634, and the bill passed the House by the following vote: Yeas, 71; Nays, 27; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, Hutchins, Kloba, Kretz, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Chandler, Christian, Couture, Dent, Eslick, Graham, Griffey, Jacobsen, Klicker, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Timmons, Volz, Walsh and Ybarra

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5634, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5155, by Senators Wagoner and Dhingra**

**Concerning the court of appeals.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Walsh and Hansen spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5155.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5155, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian,

Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SENATE BILL NO. 5155, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5080, by Senate Committee on Ways & Means (originally sponsored by Saldaña, Conway, Frame, Hasegawa, Kuderer, Lovelett, Nguyen, Nobles and Stanford)**

**Expanding and improving the social equity in cannabis program.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Regulated Substances & Gaming was before the House for purpose of amendment. For Committee amendment, see Journal, Day 74, Thursday, March 23, 2023.

Representative Chambers moved the adoption of amendment (639) to the committee striking amendment:

On page 2, line 15 of the striking amendment, after "owned" strike ";" and" and insert "~~(; and)~~ or be a business that is a current cannabis license holder;"

On page 2, line 16 of the striking amendment, after "requirements" insert "; and

(d) Not enter into an ownership agreement with, or have an ownership interest in, a social equity applicant or licensee who the contractor supports and advises under this subsection (4), during the period of time the contractor is on the roster of mentors and during the two years immediately after the contractor is on the roster of mentors"

Representative Chambers spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Wylie spoke against the adoption of the amendment to the committee striking amendment.

Amendment (639) to the committee striking amendment was not adopted.

Representative Chambers moved the adoption of amendment (640) to the committee striking amendment:

Beginning on page 8, line 39, after "retailer licenses" strike ", cannabis processor licenses, and cannabis producer licenses"

On page 9, beginning on line 7, after "retailer license" strike ", cannabis processor license, or cannabis producer license"

On page 9, beginning on line 9, after "(b)" strike all material through "(b)" on

line 16 and insert "In addition to the cannabis retailer licenses that may be issued under (a)"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 9, line 20, after "retailer licenses" strike "and cannabis producer licenses"

On page 9, beginning on line 32, after "cannabis retail" strike all material through "applicable," on line 34 and insert "business activities"

On page 9, beginning on line 35, after "retailer license" strike ", cannabis producer license, or cannabis processor license"

On page 10, beginning on line 8, after "for a" strike all material through "license" on line 10 and insert "retail license"

On page 12, beginning on line 33, after "retailer" strike ", producer, and processor"

On page 27, beginning on line 30, after "capacity" strike all material through "act" on line 32

Representative Chambers spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Wylie spoke against the adoption of the amendment to the committee striking amendment.

Amendment (640) to the committee striking amendment was not adopted.

Representative Chambers moved the adoption of amendment (638) to the committee striking amendment:

On page 9, beginning on line 27 of the striking amendment, after

"subsection," strike "beginning January 1, 2024, and until July 1, 2032, the board may issue up to 52 cannabis retailer licenses for the social equity program" and insert "beginning July 1, 2026, and until July 1, 2032, the board may issue up to 52 cannabis retailer licenses for the social equity program, so long as the cannabis retailer licenses are issued on a time frame consistent with the recommendation in the report required under section 7 of this act. The board shall issue or reissue all cannabis retailer licenses under (a) of this subsection (1) that are available on the effective date of this section before the board issues cannabis retailer licenses under (d) of this this subsection (1)"

On page 27, line 33 of the striking amendment, after "(2)" insert "The joint legislative audit and review committee must examine the retail cannabis market including the total number of licensed cannabis retailers, the distribution of licensed cannabis retailers throughout the state, and the impact on the cannabis market of the issuance and reissuance of cannabis retailer

licenses through the cannabis social equity program's licensing application window that is open from March 1, 2023, through April 27, 2023. The joint legislative audit and review committee must include a recommendation on the timing of the issuance of the up to 52 new cannabis retailer licenses authorized to be issued in the cannabis social equity program under RCW 69.50.335(1)(d), to ensure the issuance of the new cannabis retailer licenses beginning July 1, 2026, is consistent with market growth, demand, and capacity.

(3)"

On page 27, line 34 of the striking amendment, after "results of" strike "their review" and insert "the review, examinations, and recommendation required under this section"

Representative Chambers spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Wylie spoke against the adoption of the amendment to the committee striking amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Bronoske presiding) divided the House. The result was 40 - YEAS; 56 - NAYS.

Amendment (638) to the committee striking amendment was not adopted.

There being no objection, the committee striking amendment by the Committee on Regulated Substances & Gaming was adopted. For Committee amendment, see Journal, Day 74, Thursday, March 23, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wylie and Morgan spoke in favor of the passage of the bill.

Representative Chambers spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5080, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5080, as amended by the House, and the bill passed the House by the following vote: Yeas, 60; Nays, 38; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Kretz, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Bergquist, Caldier, Chambers, Chandler, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh and Ybarra



ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5080, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5502, by Senate Committee on Ways & Means (originally sponsored by Gildon, Boehnke, Torres, Wilson, J. and Wilson, L.)**

**Ensuring access to substance use disorder treatment.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Mosbrucker and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5502, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5502, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SECOND SUBSTITUTE SENATE BILL NO. 5502, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5381, by Senate Committee on State Government & Elections (originally sponsored by Braun, Pedersen, Boehnke, Conway, Dhingra, Hunt, Keiser, King, Kuderer, Nguyen, Randall, Saldaña, Warnick, Wilson, C. and Wilson, J.)**

**Concerning letters of recommendation or congratulations sent by legislators.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Abbarno and Ramos spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5381.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5381, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE SENATE BILL NO. 5381, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5124, by Senate Committee on Human Services (originally sponsored by Trudeau, Randall, Dhingra, Frame, Kauffman, Kuderer, Nguyen, Wellman and Wilson, C.)**

**Supporting guardianships and voluntary placement with nonrelative kin.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Entenman and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5124.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5124, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

ENGROSSED SUBSTITUTE SENATE BILL NO. 5124, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

There being no objection, the House advanced to the eighth order of business.

**MOTION**

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

ENGROSSED SENATE BILL NO. 5022  
 SENATE BILL NO. 5031  
 SENATE BILL NO. 5104  
 SUBSTITUTE SENATE BILL NO. 5191  
 SECOND SUBSTITUTE SENATE BILL NO. 5263  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5267  
 SUBSTITUTE SENATE BILL NO. 5386  
 SENATE BILL NO. 5403  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5536

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

There being no objection, the House reverted to the third order of business.

**MESSAGE FROM THE SENATE**

Monday, April 10, 2023

Mme. Speaker:

The Senate has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1013  
 HOUSE BILL NO. 1046  
 SECOND SUBSTITUTE HOUSE BILL NO. 1122  
 SUBSTITUTE HOUSE BILL NO. 1171  
 SECOND SUBSTITUTE HOUSE BILL NO. 1204  
 HOUSE BILL NO. 1237  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1251  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329  
 HOUSE BILL NO. 1334  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1394  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1469  
 SUBSTITUTE HOUSE BILL NO. 1501  
 SECOND SUBSTITUTE HOUSE BILL NO. 1728

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

**SUBSTITUTE SENATE BILL NO. 5523, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Dhingra, Conway, Nobles, Shewmake, Trudeau and Wilson, C.)**

**Addressing the forensic pathologist shortage.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Slatter, Ybarra and Graham spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5523, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5523, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE SENATE BILL NO. 5523, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5532, by Senate Committee on Ways & Means (originally sponsored by King, Cleveland, Lovelett, Warnick and Wellman)**

**Providing enhanced payment to low volume, small rural hospitals.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Mosbrucker and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5532, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5532, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SECOND SUBSTITUTE SENATE BILL NO. 5532, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5174, by Senate Committee on Ways & Means (originally sponsored by Wellman, Conway, Dhingra, Frame, Hunt, Kuderer, Lovelett, Rolfes, Valdez, Warnick and Wilson, C.)**

**Providing adequate and predictable student transportation.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. For Committee amendment, see Journal, Day 78, Monday, March 27, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Stonier spoke in favor of the passage of the bill.

Representatives Stokesbary, Caldier and McClintock spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5174, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5174, as amended by the House, and the bill passed the House by the following vote: Yeas, 60; Nays, 38; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barnard, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5174, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5127, by Senate Committee on State Government & Elections (originally sponsored by Wilson, C., Lovelett, Hasegawa, Hunt, Kuderer, Nobles, Saldaña, Stanford, Van De Wege and Wellman)**

**Clarifying school districts' ability to redact personal information related to a student.**

The bill was read the second time.

Representative Abbarno moved the adoption of amendment (650):

On page 2, line 24, after "correspondence" insert ". However, any records pertaining to a student must be disclosed if the records are requested for

purposes of potential civil or criminal litigation"

Representative Abbarno spoke in favor of the adoption of the amendment.

Representative Ramos spoke against the adoption of the amendment.

Amendment (650) was not adopted.

Representative Christian moved the adoption of amendment (651):

On page 2, line 24, after "correspondence" insert ". However, any records pertaining to a student must be disclosed to the student's parent or legal guardian upon request"

Representatives Christian and Walsh spoke in favor of the adoption of the amendment.

Representative Ramos spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Bronoske presiding) divided the House. The result was 39 - YEAS; 55 - NAYS.

Amendment (651) was not adopted.

Representative Walsh moved the adoption of amendment (649):

On page 2, beginning on line 22, after "(iii)" strike all material through "(iv)" on line 25

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 3, line 4, after "(4)" insert "For a student enrolled or previously enrolled in a local education agency, the following information contained in any records, including correspondence, pertaining to the student: the student's address, last name, date of birth, personal phone number, email address, and identification numbers, and any financial information unique to the student.

(5)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Stearns spoke against the adoption of the amendment.

Amendment (649) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ramos spoke in favor of the passage of the bill.

Representatives Abbarno, Walsh and Christian spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5127.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5127, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

SUBSTITUTE SENATE BILL NO. 5127, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5448, by Senate Committee on Labor & Commerce (originally sponsored by MacEwen, Mullet, Nguyen and Shewmake)**

**Concerning liquor licensee privileges for the delivery of alcohol.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Regulated Substances & Gaming was adopted. For Committee amendment, see Journal, Day 78, Monday, March 27, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Chambers and Reeves spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5448, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5448, as amended by the House, and the bill passed the House by the following vote: Yeas, 80; Nays, 18; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Bateman, Berg, Berry, Bronoske, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Cortes, Couture, Doglio, Donaghy, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Graham, Gregerson, Griffey, Hackney, Hansen, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ortiz-Self, Orwall, Paul, Peterson, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Sandlin, Santos, Schmick, Schmidt, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Barnard, Bergquist, Callan, Chopp, Davis, Dent, Duerr, Dye, Goodman, Harris, Leavitt, Ormsby, Pollet, Ramel, Ramos, Ryu, Senn and Thai

SUBSTITUTE SENATE BILL NO. 5448, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

The House resumed consideration of SENATE BILL NO. 5550 on third reading.

### THIRD READING

**SENATE BILL NO. 5550, by Senators Liias, Randall, Valdez, Lovick, Wilson, C., Lovelett, Kauffman, Shewmake, Hasegawa, Hunt, Keiser, Nguyen, Nobles, Robinson and Van De Wege**

**Addressing workforce development issues, including cultural issues, at the Washington state ferries.**

The bill was read the third time.

There being no objection, the rules were suspended, and SENATE BILL NO. 5550 was returned to second reading for the purpose of amendment.

Representative Corry moved the adoption of amendment (623):

On page 4, after line 21, insert the following:

"NEW SECTION. **Sec. 3.** A new section is added to chapter 47.60 RCW to read as follows:

(1) Washington state ferries may not require any person hired on or after the effective date of this section, or any prospective employee or applicant, as a condition of employment, to present proof that the person has received a vaccine for COVID-19 or any variant thereof.

(2) Any rule, order, or directive that requires a person hired by Washington state ferries on or after the effective date of this section or any prospective employee or applicant, to be vaccinated against COVID-19 as a condition of employment is unenforceable.

(3) For the purposes of this section "COVID-19" means a respiratory disease caused by the acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

NEW SECTION. **Sec. 4.** Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Corry and Barkis spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (623) and the amendment was not adopted by the following vote: Yeas, 41; Nays, 57; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Amendment (623) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Entenman spoke in favor of the passage of the bill.

Representatives Barkis, Christian and Graham spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5550.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5550, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Christian, Connors, Graham, Jacobsen, Kretz, McEntire and Walsh

SENATE BILL NO. 5550, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

### MOTION

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the second reading calendar:

### ENGROSSED SENATE BILL NO. 5352

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

### ENGROSSED SENATE BILL NO. 5352, by Senators Lovick, MacEwen, Cleveland, Conway, Gildon, Holy, Hunt, Mullet, Rolfes, Salomon, Short, Torres, Van De Wege, Warnick and Wilson, L.

#### Concerning vehicular pursuits.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Community Safety, Justice, & Reentry was adopted. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goodman and Rule spoke in favor of the passage of the bill.

Representatives Chambers, Entenman, McEntire and Reed spoke against the passage of the bill.

### MOTION

On motion of Representative Ramel, Representative Ortiz-Self was excused.

Representatives Hackney, Cheney, Stonier and Mosbrucker spoke in favor of the passage of the bill.

Representatives Graham, Farivar, Couture, Jacobsen and Maycumber spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5352, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5352, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1

Voting Yea: Representatives Barnard, Berg, Bergquist, Bronoske, Callan, Chandler, Chapman, Cheney, Christian, Connors, Cortes, Davis, Dent, Donaghy, Duerr, Eslick, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Hackney, Hansen, Klicker, Kloba, Leavitt, Lekanoff, Low, McClintock, Mosbrucker, Orcutt, Orwall, Paul, Peterson, Ramel, Ramos, Reeves, Riccelli, Rule, Ryu, Sandlin, Schmick, Schmidt, Senn, Shavers, Simmons, Springer, Stearns, Steele, Stonier, Tharinger, Timmons, Walen, Waters, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Alvarado, Barkis, Bateman, Berry, Caldier, Chambers, Chopp, Corry, Couture, Doglio, Dye, Entenman, Farivar, Graham, Gregerson, Griffey, Harris, Hutchins, Jacobsen, Kretz, Macri, Maycumber, McEntire, Mena, Morgan, Ormsby, Pollet, Reed, Robertson, Rude, Santos, Slatter, Stokesbary, Street, Taylor, Thai, Volz, Walsh and Wilcox  
Excused: Representative Ortiz-Self

ENGROSSED SENATE BILL NO. 5352, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:00 a.m., Tuesday, April 11, 2023, the 93rd Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## NINETY THIRD DAY

House Chamber, Olympia, Tuesday, April 11, 2023

The House was called to order at 10:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Raquel Rohrer and Yuti Thakor. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Josh Hall, Spokane First Assembly.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eighth order of business.

**MOTIONS**

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1846

There being no objection, SUBSTITUTE SENATE BILL NO. 5256 was moved from the House Suspension Calendar to the House Second Reading Calendar.

There being no objection, the House reverted to the sixth order of business.

**SECOND READING**

**SUBSTITUTE SENATE BILL NO. 5386, by Senate Committee on Housing (originally sponsored by Robinson, Kuderer, Saldaña and Wilson, C.)**

**Reducing administrative complexity by increasing transparency of revenue flows for activities funded by document recording fees.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Alvarado and Klicker spoke in favor of the passage of the bill.

**MOTION**

On motion of Representative Ramel, Representative Ortiz-Self was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5386, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5386, as amended by the House, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Jacobsen, McEntire, Orcutt and Walsh

Excused: Representative Ortiz-Self

SUBSTITUTE SENATE BILL NO. 5386, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5031, by Senators Wellman, Braun, Dhingra, Hunt, Kuderer, Nguyen, Nobles and Wilson, C.**

**Concerning safety net award distributions.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

Representative Stonier moved the adoption of amendment (602) to the committee striking amendment:

On page 3, line 38 of the striking amendment, after "fewer than" strike "3,000" and insert "2,000"

Representative Stonier spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Low, Orcutt, Eslick, McClintock and Harris spoke against the adoption of the amendment to the committee striking amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Bronoske presiding) divided the House. The result was 53 - YEAS; 41 - NAYS.

Amendment (602) to the committee striking amendment was adopted.

Division was demanded and the demand was sustained. The Speaker (Representative Bronoske presiding) divided the House. The result was 54 - YEAS; 41 - NAYS.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Stonier spoke in favor of the passage of the bill.

Representatives Rude, Orcutt and Couture spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5031, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5031, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Ortiz-Self

SENATE BILL NO. 5031, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5191, by Senate Committee on Law & Justice (originally sponsored by Stanford, Dozier and Gildon)**

**Reforming the real estate agency law.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Consumer Protection & Business was adopted. For Committee amendment, see Journal, Day 75, Friday, March 24, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Ryu and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5191, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5191, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy,

Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Ortiz-Self

SUBSTITUTE SENATE BILL NO. 5191, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5374, by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Short, Lovelett, Shewmake and Torres)**

**Concerning the adoption of county critical area ordinances by cities.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goehner and Duerr spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5374.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5374, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Ortiz-Self

SUBSTITUTE SENATE BILL NO. 5374, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5371, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Lovelett, Shewmake, Hasegawa, Hunt, Keiser, Kuderer, Nguyen, Pedersen, Randall, Robinson, Rolfes, Saldaña, Valdez, Wellman and Wilson, C.)**

**Protecting southern resident orcas from vessels.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

With the consent of the House, amendment (673) was withdrawn.

Representative Dent moved the adoption of amendment (674) to the committee striking amendment:

Beginning on page 1, after line 2, strike all material through "years." on page 11, line 3, and insert the following:

**"NEW SECTION. Sec. 1.** (1) It is the intent of the legislature to support the recovery of endangered southern resident orcas by reducing underwater noise and disturbance from vessels, which is one of the three main threats to the population's recovery, along with availability of their preferred prey, Chinook salmon, and contaminants in their food and environment. In particular, the legislature intends to protect southern resident orcas from those boaters who intentionally harass, chase, and torment the whales.

(2) The legislature further finds that the state has a compelling interest in protecting the iconic southern resident orca from extinction by acting to implement recovery activities and adaptively managing the southern resident orca recovery effort using best available science. Studies conducted by the national oceanic and atmospheric administration have indicated that southern resident orcas significantly reduced their foraging behavior when moving vessels were observed within 1,000 yards of the whale, with females being more likely than males to reduce their foraging activities when vessels were within an average of 400 yards.

(3) In 2019, the governor's southern resident orca task force produced 49 recommendations to address the three major threats to the population's recovery. While many investments have been made and implementation is ongoing, increased and sustained efforts are needed to advance salmon recovery, address water quality and contaminants in the environment, and reduce underwater noise and physical disturbance of orcas as they attempt to forage, communicate, and rest.

(4) The legislature finds that the threats to orcas are interrelated and they are inexorably linked with salmon recovery. Salmon face a diverse array of threats throughout their life cycle including the threat posed by pinnipeds, such as seals and sea lions, which are protected under federal law, but nevertheless pose a significant threat to salmon and orca recovery through ongoing and excessive predation. Salmon also face fish passage barriers, stormwater runoff, and spills from wastewater treatment plants, among other threats. It is in the best interest of all the people of Washington, including federally recognized tribes and private landowners, to increase the population of salmon and to ensure the survivability of salmon against all threats.

(5) The legislature directed the department of fish and wildlife to produce a report on the effectiveness of regulations designed to address underwater noise and disturbance from commercial whale watching and recreational vessels. The legislature

received the first of three mandated reports in November of 2022, and it contained an assessment of the most recent science demonstrating the negative impact of vessels on southern resident orca foraging behavior and foraging success.

(6) While it takes time to see results from efforts to increase prey availability and reduce contaminants, reducing noise and disturbance from vessels can provide immediate support for the southern resident orcas by increasing their likelihood of successful foraging.

**Sec. 2.** RCW 77.15.740 and 2019 c 291 s 1 are each amended to read as follows:

(1) ~~((Except))~~ Beginning January 1, 2025, except as provided in subsection (2) of this section, it is unlawful for a person to:

(a) Cause a vessel or other object to approach, in any manner, within ~~((three hundred))~~ 1,000 yards of a southern resident orca ~~((whale))~~;

(b) Position a vessel to be in the path of a southern resident orca ~~((whale))~~ at any point located within ~~((four hundred))~~ 1,000 yards of the whale. This includes intercepting a southern resident orca ~~((whale))~~ by positioning a vessel so that the prevailing wind or water current carries the vessel into the path of the whale at any point located within ~~((four hundred))~~ 1,000 yards of the whale;

(c) Position a vessel behind a southern resident orca ~~((whale))~~ at any point located within ~~((four hundred))~~ 1,000 yards;

(d) Fail to disengage the transmission of a vessel that is within ~~((three hundred))~~ 400 yards of a southern resident orca ~~((whale))~~;

(e) Cause a vessel or other object to exceed a speed greater than seven knots over ground at any point located within ~~((one-half nautical mile (one thousand thirteen yards))~~ 1,000 yards of a southern resident orca ~~((whale))~~; or

(f) Feed a southern resident orca ~~((whale))~~.

(2) A person is exempt from subsection (1) of this section if that person is:

(a) Operating a federal government vessel in the course of official duties, or operating a state, tribal, or local government vessel when engaged in official duties involving law enforcement, search and rescue, or public safety;

(b) Operating a vessel in conjunction with a vessel traffic service as a vessel traffic service user established under 33 C.F.R. and following a traffic separation scheme, or complying with a vessel traffic service or captain of the port measure ~~((ef))~~ or direction, or complying with the rules of the road or taking actions to ensure safety. This also includes ~~((support vessels escorting ships in the traffic lanes))~~ vessel transits departing the lanes for safety reasons or to approach or depart a dock or anchorage area, including support vessels escorting or assisting vessels, such as tug boats;

(c) Engaging in an activity, including scientific research or oil spill response, pursuant to the conditions of a permit or other authorization from the national marine fisheries service ~~((and))~~ or the department;



(d) Lawfully engaging in a treaty Indian or commercial fishery that is actively setting, retrieving, or closely tending fishing gear. Commercial fishing vessels in transit are not exempt from subsection (1) of this section;

(e) Conducting vessel operations necessary to avoid an imminent and serious threat to a person, vessel, or the environment, including when necessary for overall safety of navigation and to comply with state and federal navigation requirements; or

(f) Engaging in rescue or clean-up efforts of a beached southern resident orca ((whale)) overseen, coordinated, or authorized by a volunteer stranding network.

(3) For the purpose of this section, "vessel" includes aircraft while on the surface of the water, and every description of watercraft on the water that is used or capable of being used as a means of transportation on the water. However, "vessel" does not include inner tubes, air mattresses, sailboards, and small rafts, or flotation devices or toys customarily used by swimmers.

(4) (a) A violation of this section is a natural resource infraction punishable under chapter 7.84 RCW and carries a fine of five hundred dollars, not including statutory assessments added pursuant to RCW 3.62.090.

(b) A person who qualifies for an exemption under subsection (2) of this section may offer that exemption as an affirmative defense, which that person must prove by a preponderance of the evidence.

~~((5) The enforcement actions required of the department from this section are subject to the availability of amounts appropriated for this specific purpose)) (c) The department may choose to offer educational materials in lieu of issuing an infraction, at the officer's discretion.~~

(d) An officer may not issue an infraction to the operator of a vessel that is within 400 yards of a southern resident orca who has immediately disengaged the transmission of the vessel pursuant to subsection (1)(d) of this section and waits for the whale to leave the vicinity.

(5) The department must post signs at public boat launches and marinas that provide information regarding the vessel setbacks and speed limits required by this section. However, the requirements of this section apply whether or not a sign is present and the absence of a sign is not a defense to any violation of this section.

(6) The department shall conduct outreach and education regarding regulations and best practices for recreational boating in waters inhabited by southern resident orcas, including best practices for avoiding or minimizing encounters closer than 1,000 yards from a southern resident orca consistent with the recommendations of the work group established in section 6 of this act. This may include the advancement and proliferation of tools for notifying boaters of southern resident orca presence, identifying orca ecotypes, and estimating distance on the water.

(7) If the operator of a motorized commercial whale watching vessel enters within 1,000 yards of a group of southern

resident orcas, after taking reasonable measures to determine whether the whales are southern resident orcas, and then identifies the whales as southern resident orcas, the operator must:

(a) Immediately safely reposition the vessel to be 1,000 yards or farther from the southern resident orcas; and

(b) Immediately after repositioning the vessel, report the location of the southern resident orca or orcas to the WhaleReport application for the whale report alert system, or to a successor transboundary notification system designated by the department that is adopted by the international shipping community in the Salish Sea.

(8) The operator of a motorized commercial whale watching vessel may voluntarily log the incident, including measures taken to determine whether the whales were southern resident orcas, and submit the log to the department within 24 hours of the incident.

NEW SECTION. Sec. 3. A new section is added to chapter 77.12 RCW to read as follows:

The department must coordinate with the department of licensing and the parks and recreation commission to mail information regarding the required vessel setbacks and speed limits required by RCW 77.15.740, and whale warning flags, upon issuance or renewal of a vessel registration pursuant to chapter 88.02 RCW.

NEW SECTION. Sec. 4. The department of fish and wildlife must develop a transboundary and statewide plan to implement the vessel distance regulations in RCW 77.15.740, with input from British Columbia and international whale organizations. The department of fish and wildlife must submit a report to the legislature, in accordance with RCW 43.01.036, by January 1, 2025, that includes progress on plan development and a plan for implementation.

NEW SECTION. Sec. 5. A new section is added to chapter 77.12 RCW to read as follows:

If the population of southern resident orcas reaches a threshold of 70 individuals or fewer, the department must provide a report to the legislature within one year of the threshold being met, consistent with RCW 43.01.036, that includes a study of how mandatory 1,000-yard setbacks for all vessels has been enforced and identifies gaps and solutions to support any improvements, the use of data science with respect to southern resident orca pod health, and evidence-based plans to address southern resident orca pod health.

NEW SECTION. Sec. 6. (1) The department of fish and wildlife must convene a diverse work group including, but not limited to, representatives from nongovernmental organizations, recreational boaters, the commercial whale watching industry, commercial fishers, ports and

marinas, relevant government entities, tribes, and the southern resident orca research community to inform the development of outreach and education strategies to implement RCW 77.15.740(4). A report summarizing the work of the work group and the department of fish and wildlife's outreach strategies must be included in the 2024 adaptive management report identified in RCW 77.65.620(5). The department of fish and wildlife must conduct intensive outreach and education in fiscal year 2024 and the first half of 2025 to implement the work group outreach recommendations.

(2) In coordination with the work group established in this section, the department of fish and wildlife must conduct education and outreach regarding compliance with the 1,000-yard setback from southern resident orcas established in RCW 77.15.740.

(3) The department of fish and wildlife must assess and report on the effectiveness of the mandatory 1,000-yard setback and recommendations for any further legislative action needed to protect southern resident orcas from the effects of vessels in the 2024 adaptive management report identified in RCW 77.65.620(5).

(4) This section expires June 30, 2025.

**Sec. 7.** RCW 77.65.615 and 2021 c 284 s 1 are each amended to read as follows:

(1) A commercial whale watching business license is required for commercial whale watching businesses. The annual fee for a commercial whale watching business license is ~~((two hundred dollars))~~ \$200 in addition to the annual application fee of ~~((seventy-five dollars))~~ \$70.

(2) The annual ~~((fees))~~ application for a commercial whale watching business license as described in subsection (1) of this section must ~~((include fees for))~~ list each motorized or sailing vessel ~~((or vessels as follows:~~

~~((a) One to twenty-four passengers, three hundred twenty-five dollars;~~

~~((b) Twenty-five to fifty passengers, five hundred twenty-five dollars;~~

~~((c) Fifty-one to one hundred passengers, eight hundred twenty-five dollars;~~

~~((d) One hundred one to one hundred fifty passengers, one thousand eight hundred twenty-five dollars; and~~

~~((e) One hundred fifty-one passengers or greater, two thousand dollars)) to be covered under the business license.~~

(3) The holder of a commercial whale watching business license for motorized or sailing vessels required under subsection (2) of this section may ~~((substitute the vessel designated))~~ designate an additional vessel on the license ~~((, or designate a vessel if none has previously been designated,))~~ if the license holder ~~((:~~

~~((a) Surrenders the previously issued license to the department;~~

~~((b) Submits))~~ submits to the department an application that identifies the ~~((currently designated vessel, the))~~ vessel proposed to be designated ~~((,))~~ and any other information required by the department ~~((, and~~

~~((c) Pays to the department a fee of thirty-five dollars and an application fee of one hundred five dollars)).~~

~~((4) ((Unless the business license holder owns all vessels identified on the application described in subsection (3) (b) of this section, the department may not change the vessel designation on the license more than once per calendar year.~~

~~((5))~~ A commercial whale watching operator license is required for commercial whale watching operators. A person may operate a motorized or sailing commercial whale watching vessel designated on a commercial whale watching business license only if:

(a) The person holds a commercial whale watching operator license issued by the director; and

(b) The person is designated as an operator on the underlying commercial whale watching business license.

~~((4))~~ (5) No individual may hold more than one commercial whale watching operator license. An individual who holds an operator license may be designated as an operator on an unlimited number of commercial whale watching business licenses.

~~((7))~~ (6) The annual application fee for a commercial whale watching operator license is ~~((one hundred dollars in addition to an annual application fee of seventy-five dollars))~~ \$25.

(7) A paddle tour business license is required for businesses conducting paddle tours. The annual fee for a paddle tour business license is \$200 in addition to the annual application fee of \$70.

(8) A person may conduct ~~((commercial whale watching via))~~ guided ~~((kayak))~~ paddle tours only if:

(a) The person holds a ~~((kayak))~~ paddle guide license issued by the director; and

(b) The person is designated as a ~~((kayak))~~ guide on the underlying ~~((commercial whale watching))~~ paddle tour business license.

(9) No individual may hold more than one ~~((kayak))~~ paddle guide license. An individual who holds a ~~((kayak))~~ paddle guide license may be designated on an unlimited number of ~~((commercial whale watching))~~ paddle tour business licenses.

(10) The annual application fee for a ~~((kayak))~~ paddle guide license is \$25 ~~((in addition to an annual application fee of \$25)).~~

(11) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Commercial whale watching" means the act of taking, or offering to take, passengers aboard a motorized or sailing vessel ~~((or guided kayak tour in order))~~ to view marine mammals in their natural habitat for a fee.

(b) "Commercial whale watching business" means a business that engages in the activity of commercial whale watching.

(c) "Commercial whale watching business license" means a department-issued license to operate a commercial whale watching business.

(d) "Commercial whale watching license" means a commercial whale watching business license ~~((,))~~ or a commercial whale watching operator license ~~((, or a kayak guide license))~~ as defined in this section.

(e) "Commercial whale watching operator" means a person who operates a motorized or sailing vessel engaged in the business of whale watching.

(f) "Commercial whale watching operator license" means a department-issued license to operate a commercial motorized or sailing vessel on behalf of a commercial whale watching business.

(g) "Commercial whale watching vessel" means any vessel that is being used as a means of transportation for individuals to engage in commercial whale watching.

(h) "~~((Kayak))~~ Paddle guide" means a person who conducts guided ~~((kayak))~~ tours on behalf of a ~~((commercial whale watching))~~ paddle tour business.

(i) "~~((Kayak))~~ Paddle guide license" means a department-issued license to conduct commercial guided ~~((kayak))~~ paddle tours on behalf of a ~~((commercial whale watching))~~ paddle tour business.

(j) "Paddle tour business" means a business that conducts paddle tours.

(k) "Paddle tour" means the act of guiding or offering to take people aboard nonmotorized or human-powered vessels, such as kayaks or paddle boards, on a trip, tour, or guided lesson that involves viewing marine mammals in their natural habitat for a fee.

(12) The residency and business requirements of RCW 77.65.040 (2) and (3) do not apply to Canadian individuals or corporations applying for and holding Washington commercial whale watching licenses defined in this section.

(13) The license and application fees in this section ~~((are waived for calendar years 2021 and 2022))~~ may be waived for organizations whose relevant commercial whale watching or marine paddle tour activities are solely for bona fide nonprofit educational purposes.

**Sec. 8.** RCW 77.15.815 and 2019 c 291 s 4 are each amended to read as follows:

(1) This section applies only to persons and activities defined in RCW 77.65.615, including commercial whale watching and paddle tours.

(2) A person is guilty of unlawfully engaging in commercial whale watching in the second degree if the person conducts commercial whale watching activities and:

(a) Does not have and possess all licenses and permits required under this title; or

(b) Violates any department rule regarding ~~((the operation of a))~~ commercial whale watching ~~((vessel near a southern resident orca whale)).~~

~~((2))~~ (3) A person is guilty of engaging in commercial whale watching in the first degree if the person commits the act described in subsection ~~((1))~~ (2) of this section and the violation occurs within ~~((one year of the date of a prior conviction under this section))~~ five years of any of the following:

(a) The date of a prior conviction under this section;

(b) The date of a finding of guilt or plea of guilty pursuant to an amended information, criminal complaint or citation,

or infraction for any violation that was originally charged as a violation of this section, regardless of whether the imposition of the sentence is deferred or the penalty is suspended; or

(c) The date of any disposition of a case arising from an act originally charged as a violation of this section, whereby the offender enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms or conditions.

~~((3))~~ (4) (a) Unlawful commercial whale watching in the second degree is a misdemeanor.

(b) Unlawful commercial whale watching in the first degree is a gross misdemeanor. ~~((Upon conviction))~~ In addition to the appropriate criminal penalties, the director shall ~~((deny applications submitted by the person for a commercial whale watching license or alternate operator license for two years from the date of conviction))~~ revoke any operator license, business license, or both, and order a suspension of the person's privilege to engage in commercial whale watching for two years.

(5) A person is guilty of unlawfully engaging in a paddle tour in the second degree if the person conducts paddle tour activities and:

(a) Does not have and possess all licenses and permits required under this title; or

(b) Violates any department rule regarding the operation of paddle tours in marine waters.

(6) A person is guilty of unlawfully engaging in a paddle tour in the first degree if the person commits an act described in subsection (5) of this section and the violation occurs within five years of the date of any of the following:

(a) The date of a prior conviction under this section;

(b) The date of a finding of guilt or plea of guilty pursuant to an amended information, criminal complaint or citation, or infraction for any violation that was originally charged as a violation of this section, regardless of whether the imposition of sentence is deferred or the penalty is suspended; or

(c) The date of any disposition of a case arising from an act originally charged as a violation of this section, whereby the offender enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms and conditions.

(7) (a) Unlawful engagement in a paddle tour in the second degree is a misdemeanor.

(b) Unlawful engagement in a paddle tour in the first degree is a gross misdemeanor. In addition to appropriate criminal penalties, the director shall revoke any paddle guide license, business license, or both, and order a suspension of the person's privilege to conduct paddle tours in marine waters for two years.

**NEW SECTION. Sec. 9.** Section 2 of this act takes effect January 1, 2025."

Correct the title.

Representatives Dent and Lekanoff spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (674) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Lekanoff, Dent, Graham and Wilcox spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5371, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5371, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Orcutt and Schmick  
Excused: Representative Ortiz-Self

ENGROSSED SUBSTITUTE SENATE BILL NO. 5371, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5263, by Senate Committee on Ways & Means (originally sponsored by Salomon, Rivers, Saldaña, Nobles, Lovick, Lovelett, Hunt, Hasegawa, Mullet, Trudeau, Robinson, Pedersen, Wellman, Muzzall, Wilson, C., Kuderer, Keiser, Liias, Van De Wege, Billig, Conway and Frame)**

**Concerning access to psilocybin services by individuals 21 years of age and older.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Health Care & Wellness was adopted. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Macri, Schmick, Couture, Riccelli and Orcutt spoke in favor of the passage of the bill.

Representatives Dye and Harris spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5263, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5263, as amended by the House, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Barnard, Caldier, Christian, Connors, Dye, Goehner, Harris, Schmidt, Steele and Timmons  
Excused: Representative Ortiz-Self

SECOND SUBSTITUTE SENATE BILL NO. 5263, as amended by the House, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Second Substitute Senate Bill No. 5263.

Representative McClintock, 18th District

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Second Substitute Senate Bill No. 5263.

Representative Mosbrucker, 14th District

### SECOND READING

**SENATE BILL NO. 5104, by Senators Salomon, Rolfes, Liias, Nobles, Pedersen and Stanford**

**Surveying Puget Sound marine shoreline habitat.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

With the consent of the House, amendments (665) and (667) were withdrawn.

Representative Couture moved the adoption of amendment (668) to the committee striking amendment:

On page 2, after line 10 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 3.** A new section is added to chapter 43.21A to read as follows:

The department shall maintain a record of all civil or criminal investigations or enforcement actions in which the department is a participant that utilize georeferenced imagery or surveys produced pursuant to section 2 of this act.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.300 to read as follows:

The department shall maintain a record of all civil or criminal investigations or enforcement actions in which the department is a participant that utilize georeferenced imagery or surveys produced pursuant to section 2 of this act."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Couture and Doglio spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (668) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Doglio, Couture and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5104, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5104, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SENATE BILL NO. 5104, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5353, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Wagoner, Van De Wege, Dozier, Salomon, Short, Warnick and Wilson, J.)**

#### Concerning the voluntary stewardship program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goehner and Duerr spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5353.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5353, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Bronoske, Fey and Leavitt

Excused: Representative Ortiz-Self

SUBSTITUTE SENATE BILL NO. 5353, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5256, by Senate Committee on Human Services (originally sponsored by Saldaña, Wilson, C., Frame, Hasegawa, Hunt, Kuderer, Lovelett, Lovick, Nguyen, Nobles, Robinson, Valdez and Wellman)**

#### Making permanent and expanding the child welfare housing assistance program.

The bill was read the second time.

With the consent of the House, amendment (590) was withdrawn.

Representative Senn moved the adoption of amendment (672):

On page 3, beginning on line 18, beginning with "~~((+))~~" strike all material through "~~purpose-~~" on line 20 and insert "(8) The child welfare housing assistance (~~pilot~~) program established in this section is subject to the availability of funds appropriated for this purpose.

(("

Representatives Senn and Eslick spoke in favor of the adoption of the amendment.

Amendment (672) was adopted.

Representative Walsh moved the adoption of the striking amendment (603):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 74.13.802 and 2022 c 297 s 965 are each amended to read as follows:

(1) Beginning July 1, 2020, the department shall establish a child welfare housing assistance pilot program, which provides housing vouchers, rental assistance, navigation, and other support services to eligible families.

(a) The department shall operate or contract for the operation of the child welfare housing assistance pilot program under subsection (3) of this section in one county west of the crest of the Cascade mountain range and one county east of the crest of the Cascade mountain range.

(b) The child welfare housing assistance pilot program is intended to shorten the time that children remain in out-of-home care.

(2) A parent with a child who is dependent pursuant to chapter 13.34 RCW and whose primary remaining barrier to reunification is the lack of appropriate housing is eligible for the child welfare housing assistance pilot program.

(3) The department shall contract with an outside entity or entities to operate the child welfare housing assistance pilot program. If no outside entity or entities are available to operate the program or specific parts of the program, the department may operate the program or the specific parts that are not operated by an outside entity.

(4) Families may be referred to the child welfare housing assistance pilot program by a caseworker, an attorney, a guardian ad litem as defined in chapter 13.34 RCW, a parent ally as defined in RCW 2.70.060, an office of public defense social worker, or the court.

(5) The department shall consult with a stakeholder group that must include, but is not limited to, the following:

- (a) Parent allies;
- (b) Parent attorneys and social workers managed by the office of public defense parent representation program;
- (c) The department of commerce;
- (d) Housing experts;
- (e) Community-based organizations;
- (f) Advocates; and
- (g) Behavioral health providers.

(6) The stakeholder group established in subsection (5) of this section shall begin meeting after July 28, 2019, and assist the department in design of the child welfare housing assistance pilot program in areas including, but not limited to:

- (a) Equitable racial, geographic, ethnic, and gender distribution of program support;
- (b) Eligibility criteria;
- (c) Creating a definition of homeless for purposes of eligibility for the program; and
- (d) Options for program design that include outside entities operating the entire program or specific parts of the program.

(7) By ~~((December))~~ November 1, ~~((2021))~~ 2024, the department shall report outcomes for the child welfare housing assistance pilot program to the ~~((oversight board for children, youth, and families established pursuant to RCW 43.216.015. The))~~ legislature. At a minimum, the report must include ~~((racial, geographic, ethnic, and gender distribution of program support))~~:

(a) The number of families anticipated to be served by the expansion of the program provided in section 2, chapter . . . , Laws of 2023 (section 2 of this act); and

(b) The estimated cost savings provided through expansion of the program provided in

section 2, chapter . . . , Laws of 2023 (section 2 of this act).

(8) The child welfare housing assistance pilot program established in this section is subject to the availability of funds appropriated for this purpose.

~~((9) This section expires June 30, 2023.))~~

**Sec. 2.** RCW 74.13.802 and 2023 c . . . s 1 (section 1 of this act) are each amended to read as follows:

(1) ~~((Beginning July 1, 2020))~~ Within funds appropriated for this specific purpose, the department shall ~~((establish))~~ administer a child welfare housing assistance ~~((pilot))~~ program, which provides housing vouchers, rental assistance, navigation, and other support services to eligible families.

(a) The department shall operate or contract for the operation of the child welfare housing assistance ~~((pilot))~~ program under subsection (3) of this section in one ~~((county))~~ or more counties west of the crest of the Cascade mountain range and one ~~((county))~~ or more counties east of the crest of the Cascade mountain range.

(b) The child welfare housing assistance ~~((pilot))~~ program is intended to reduce the need for foster care placement and to shorten the time that children remain in out-of-home care when placement is necessary.

(2) ~~((A parent with a child who is dependent pursuant to chapter 13.34 RCW and whose primary remaining barrier to reunification is the lack of appropriate housing is eligible for the child welfare housing assistance pilot program.))~~ The following families are eligible for assistance from the child welfare housing assistance program:

(a) A parent with a child who is dependent pursuant to chapter 13.34 RCW and a lack of appropriate housing is a remaining barrier to reunification; and

(b) A parent of a child who is a candidate for foster care as defined in RCW 26.44.020 and whose housing instability is a barrier to the child remaining in the home.

(3) The department shall contract with an outside entity or entities, who must have a demonstrated understanding of the importance of stable housing for children and families involved or at risk of being involved with the child welfare system, to operate the child welfare housing assistance ~~((pilot))~~ program. If no outside entity or entities are available to operate the program or specific parts of the program, the department may operate the program or the specific parts that are not operated by an outside entity.

(4) Families may be referred to the child welfare housing assistance ~~((pilot))~~ program by a department caseworker, an attorney, a guardian ad litem as defined in chapter 13.34 RCW, a parent ally as defined in RCW 2.70.060, an office of public defense social worker, or the court.

(5) The department shall consult with a stakeholder group that must include, but is not limited to, the following:

- (a) Parent allies;

(b) Parent attorneys and social workers managed by the office of public defense parent representation program;

- (c) The department of commerce;
- (d) Housing experts;
- (e) Community-based organizations;
- (f) Advocates; and
- (g) Behavioral health providers.

(6) The stakeholder group established in subsection (5) of this section shall begin meeting after July 28, 2019, and assist the department in design of the child welfare housing assistance (~~(pilot)~~) program in areas including, but not limited to:

- (a) Equitable racial, geographic, ethnic, and gender distribution of program support;
- (b) Eligibility criteria;
- (c) Creating a definition of homeless for purposes of eligibility for the program; and
- (d) Options for program design that include outside entities operating the entire program or specific parts of the program.

(7) ~~((By))~~ Beginning November 1, 2024, the department shall annually report outcomes for the child welfare housing assistance pilot program to the legislature. At a minimum, when available, the report must include the following information:

(a) ~~((The number of families anticipated to be served by the expansion of the program provided in section 2, chapter . . ., Laws of 2023 (section 2 of this act))~~ Distribution of the child welfare housing assistance program by race, geography, ethnicity, and gender including a discussion of whether this distribution was equitable; and

(b) ~~((The estimated cost savings provided through expansion of the program provided in section 2, chapter . . ., Laws of 2023 (section 2 of this act))~~ Any recommendations for legislative changes to the child welfare housing assistance program.

~~((~~(8)~~ The child welfare housing assistance pilot program established in this section is subject to the availability of funds appropriated for this purpose.))~~

NEW SECTION. Sec. 3. Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2023.

NEW SECTION. Sec. 4. Section 2 of this act takes effect July 1, 2025."

Correct the title.

Representative Walsh spoke in favor of the adoption of the striking amendment.

Representative Senn spoke against the adoption of the striking amendment.

The striking amendment (603) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Rule and Eslick spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5256, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5256, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Graham, McEntire and Walsh  
Excused: Representative Ortiz-Self

SUBSTITUTE SENATE BILL NO. 5256, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

### INTRODUCTION & FIRST READING

HB 1855 by Representatives Riccelli, Bateman and Macri

AN ACT Relating to preserving coverage of preventative services without cost sharing; and amending RCW 48.43.047.

Referred to Committee on Health Care & Wellness.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the sixth order of business.

### SECOND READING

HOUSE BILL NO. 1846, by Representatives Fey, Barkis, Lekanoff, Ramel, Hutchins, Tharinger and Caldier

Addressing vessel procurement at the Washington state ferries.

The bill was read the second time.

Representative Fey moved the adoption of the striking amendment (693):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Washington's marine highways provide vital transportation links between communities. Citizens, businesses, and visitors depend on the state's ferry system to provide safe, dependable auto and passenger service in

order to conduct daily life and commerce activities. To maintain the integrity of this vital transportation link and to preserve the everyday conduct of individual and commercial activities, the state must act immediately to procure new hybrid-electric vessels in a timely and efficient manner.

**NEW SECTION. Sec. 2.** A new section is added to chapter 47.60 RCW to read as follows:

(1)(a) The department shall contract for the acquisition of up to five new hybrid diesel-electric ferry vessels that can carry up to 144 vehicles, using a one or two contract procurement approach to potentially accelerate vessel delivery.

(b) The Washington state ferries shall make available the design for the 144 vehicle hybrid electric Olympic class vessel to potential bidders. Incentives may be awarded by the department to bidders who offer design modifications that:

(i) Lower the minimum number of crew needed to staff the vessel in accordance with United States coast guard requirements;

(ii) Incorporate materials, technologies, or other features that lower life-cycle maintenance and operations costs;

(iii) Accelerate the proposed delivery schedule; or

(iv) Make other improvements determined to be beneficial by the department. The Washington state ferries may allow for exceptions of the 144 vehicle capacity of the vessel design in cases where efficiencies outlined in (b)(i) or (ii) of this subsection are met.

(2)(a) The contract or contracts must be for a minimum of two vessels, with options for up to five vessels in total, and are exempt from the requirements set forth in RCW 47.60.810 through 47.60.824.

(b) The contract or contracts may employ the following procurement methods:

(i) Design-build procedure as authorized under chapter 39.10 RCW;

(ii) Design-bid-build as authorized under chapter 39.04 RCW or an equivalent process allowed in statute as determined by the department; or

(iii) Lease with an option to buy in accordance with RCW 47.60.010. The terms of any plan to pursue a lease with an option to buy agreement must be approved by the governor and appropriate committees of the legislature and are subject to the availability of amounts appropriated for this specific purpose.

(c) To the extent possible, the department shall establish and apply evaluation criteria beyond low price to meet best value objectives.

(d) The department must award a credit of 13 percent of the bid price for bid proposals for vessels constructed in the state of Washington, which must be adjusted to reflect the proportion of the construction of the vessels that occurs within the state. This credit represents the:

(i) Amount of economic and revenue loss to the state of Washington from constructing vessels outside the state of Washington, as

indicated by the Washington institute for public policy study regarding Washington state ferry vessel procurement dated December 2016; and

(ii) Additional costs of transport, potential delay, and owner oversight incurred for construction at shipyards located outside the state of Washington.

(e) The department must require that contractors meet the requirements of RCW 39.04.320 regarding apprenticeships or other state law or federal law equivalents, where such equivalents exist.

(f) The department must require that contractors meet the requirements of chapter 90.48 RCW regarding water pollution control or other state law or federal law equivalents, where such equivalents exist.

(3) For contracts eligible for the use of federal funds, contractors must comply with federal disadvantaged business enterprise targets as outlined by the federal agency awarding funds.

(4) Contractors located in the state of Washington must meet the requirements of RCW 47.60.835, the small business enterprise enforceable goals program.

(5) The department shall employ third-party experts that report to the Washington state ferries to serve as a supplementary resource. The third-party experts contracted by the Washington state ferries shall:

(a) Perform project quality oversight and report to the transportation committees of the legislature and the office of financial management on a semiannual basis on project schedule, risks, and project budget;

(b) Assist with the management of change order requests;

(c) Advise on contract and technical matters; and

(d) Possess knowledge of and experience with inland waterways, Puget Sound vessel operations, the propulsion system of the new vessels, and Washington state ferries operations.

**Sec. 3.** RCW 47.60.810 and 2019 c 431 s 1 are each amended to read as follows:

(1) ~~((The))~~ Except as otherwise provided in section 2 of this act, the department shall use a modified request for proposals process when purchasing new auto ferries, except for new 144-auto ferries purchased through an option on a contract executed before July 6, 2015, whereby the prevailing shipbuilder and the department engage in a design and build partnership for the design and construction of the auto ferries. The process consists of the three phases described in subsection (3) of this section.

(2) Throughout the three phases described in subsection (3) of this section, the department shall employ an independent owner's representative to serve as a third-party intermediary between the department and the proposers, and subsequently the successful proposer. However, this representative shall serve only during the development and construction of the first vessel constructed as part of a new class of vessels developed after July 6, 2015. The independent owner's representative shall:



(a) Serve as the department's primary advocate and communicator with the proposers and successful proposer;

(b) Perform project quality oversight;

(c) Manage any change order requests;

(d) Ensure that the contract is adhered to and the department's best interests are considered in all decisions; and

(e) Possess knowledge of and experience with inland waterways, Puget Sound vessel operations, the propulsion system of the new vessels, and Washington state ferries operations.

(3) The definitions in this subsection apply throughout RCW 47.60.812 through 47.60.822.

(a) "Phase one" means the evaluation and selection of proposers to participate in development of technical proposals in phase two.

(b) "Phase two" means the preparation of technical proposals by the selected proposers in consultation with the department.

(c) "Phase three" means the submittal and evaluation of bids, the award of the contract to the successful proposer, and the design and construction of the auto ferries.

(4) The department may modify an existing option contract executed prior to July 6, 2015, to allow for the purchase of up to five additional 144-auto ferries, for a total of nine 144-auto ferries. The department must execute a new modification to an existing option contract for each of the additional five ferries.

**Sec. 4.** RCW 47.60.835 and 2019 c 431 s 2 are each amended to read as follows:

(1) ~~((To increase small business participation in ferry vessel procurement))~~ In the absence of federal funding and the applicability of the disadvantaged business enterprise program, to increase race and gender-neutral participation of small and diverse businesses in ferry procurement, the Washington state department of transportation's office of equal opportunity and civil rights shall develop and monitor a state small business enterprise enforceable goals program. Pursuant to this program, the office shall establish contract goals for ferry vessel procurement. The contract goal is defined as a percentage of the contract award amount that the prime contractor must meet by subcontracting with small business enterprises. The enforceable goal for all ferry vessel procurement contracts will be set by the office. Prime contractors unable to meet the enforceable ((goal))goals must submit evidence of good faith efforts to meet the contract ((goal))goals to the small business enterprise enforceable goals program. The department, in collaboration with the office of equal opportunities and civil rights will develop contractual remedies should the contractor not make good faith efforts.

(2) Small business enterprises intending to benefit from the small business enterprise enforceable goals program established in subsection (1) of this section must meet the definition of "small business" in RCW 39.26.010 and must be

certified as a "small business enterprise" by the Washington state office of minority and women's business enterprises. Prime contractors will enter all subcontractor payments into the office's diversity management and compliance system. The office of equal opportunity and civil rights shall monitor program performance.

**Sec. 5.** RCW 47.60.010 and 2015 3rd sp.s. c 14 s 2 are each amended to read as follows:

The department is authorized to acquire by lease, charter, contract, purchase, condemnation, or construction, and partly by any or all of such means, and to thereafter operate, improve, and extend, a system of ferries on and crossing Puget Sound and any of its tributary waters and connections thereof, and connecting with the public streets and highways in the state. However, any new vessel planning, construction, purchase, analysis, or design work must be consistent with RCW 47.60.810, except as otherwise provided in section 2 of this act. The system of ferries shall include such boats, vessels, wharves, docks, approaches, landings, franchises, licenses, and appurtenances as shall be determined by the department to be necessary or desirable for efficient operation of the ferry system and best serve the public. Subject to RCW 47.56.820, the department may in like manner acquire by purchase, condemnation, or construction and include in the ferry system such toll bridges, approaches, and connecting roadways as may be deemed by the department advantageous in channeling traffic to points served by the ferry system. In addition to the powers of acquisition granted by this section, the department is empowered to enter into any contracts, agreements, or leases with any person, firm, or corporation and to thereby provide, on such terms and conditions as it shall determine, for the operation of any ferry or ferries or system thereof, whether acquired by the department or not.

The authority of the department to sell and lease back any state ferry, for federal tax purposes only, as authorized by 26 U.S.C., Sec. 168(f)(8) is confirmed. Legal title and all incidents of legal title to any ferry sold and leased back (except for the federal tax benefits attributable to the ownership thereof) shall remain in the state of Washington.

**Sec. 6.** RCW 47.56.030 and 2015 3rd sp.s. c 14 s 7 are each amended to read as follows:

(1) Except as permitted under chapter 47.29 or 47.46 RCW:

(a) Unless otherwise delegated, and subject to RCW 47.56.820, the department of transportation shall have full charge of the planning, analysis, and construction of all toll bridges and other toll facilities including the Washington state ferries, and the operation and maintenance thereof.

(b) The transportation commission shall determine and establish the tolls and charges thereon.

(c) Unless otherwise delegated, and subject to RCW 47.56.820, the department

shall have full charge of planning, analysis, and design of all toll facilities. The department may conduct the planning, analysis, and design of toll facilities as necessary to support the legislature's consideration of toll authorization.

(d) The department shall utilize and administer toll collection systems that are simple, unified, and interoperable. To the extent practicable, the department shall avoid the use of toll booths. The department shall set the statewide standards and protocols for all toll facilities within the state, including those authorized by local authorities.

(e) Except as provided in this section, the department shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract in the manner of state highway construction immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable. The department is authorized to negotiate contracts for any amount without bid under (e)(i) and (ii) of this subsection:

(i) Emergency contracts, in order to make repairs to ferries or ferry terminal facilities or removal of such facilities whenever continued use of ferries or ferry terminal facilities constitutes a real or immediate danger to the traveling public or precludes prudent use of such ferries or facilities; and

(ii) Single source contracts for vessel dry dockings, when there is clearly and legitimately only one available bidder to conduct dry dock-related work for a specific class or classes of vessels. The contracts may be entered into for a single vessel dry docking or for multiple vessel dry dockings for a period not to exceed two years.

(f) Any new vessel planning, construction, purchase, analysis, or design work must be consistent with RCW 47.60.810, except as otherwise provided in section 2 of this act.

(2) The department shall proceed with the procurement of materials, supplies, services, and equipment needed for the support, maintenance, and use of a ferry, ferry terminal, or other facility operated by Washington state ferries, in accordance with chapter 43.19 RCW except as follows:

(a) When the secretary of the department of transportation determines in writing that the use of invitation for bid is either not practicable or not advantageous to the state and it may be necessary to make competitive evaluations, including technical or performance evaluations among acceptable proposals to complete the contract award, a contract may be entered into by use of a competitive sealed proposals method, and a formal request for proposals solicitation. Such formal request for proposals solicitation shall include a functional description of the needs and requirements of the state and the significant factors.

(b) When purchases are made through a formal request for proposals solicitation the contract shall be awarded to the responsible proposer whose competitive sealed proposal is determined in writing to be the most advantageous to the state taking

into consideration price and other evaluation factors set forth in the request for proposals. No significant factors may be used in evaluating a proposal that are not specified in the request for proposals. Factors that may be considered in evaluating proposals include but are not limited to: Price; maintainability; reliability; commonality; performance levels; life-cycle cost if applicable under this section; cost of transportation or delivery; delivery schedule offered; installation cost; cost of spare parts; availability of parts and service offered; and the following:

(i) The ability, capacity, and skill of the proposer to perform the contract or provide the service required;

(ii) The character, integrity, reputation, judgment, experience, and efficiency of the proposer;

(iii) Whether the proposer can perform the contract within the time specified;

(iv) The quality of performance of previous contracts or services;

(v) The previous and existing compliance by the proposer with laws relating to the contract or services;

(vi) Objective, measurable criteria defined in the request for proposal. These criteria may include but are not limited to items such as discounts, delivery costs, maintenance services costs, installation costs, and transportation costs; and

(vii) Such other information as may be secured having a bearing on the decision to award the contract.

(c) When purchases are made through a request for proposal process, proposals received shall be evaluated based on the evaluation factors set forth in the request for proposal. When issuing a request for proposal for the procurement of propulsion equipment or systems that include an engine, the request for proposal must specify the use of a life-cycle cost analysis that includes an evaluation of fuel efficiency. When a life-cycle cost analysis is used, the life-cycle cost of a proposal shall be given at least the same relative importance as the initial price element specified in the request of proposal documents. The department may reject any and all proposals received. If the proposals are not rejected, the award shall be made to the proposer whose proposal is most advantageous to the department, considering price and the other evaluation factors set forth in the request for proposal.

NEW SECTION. **Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Fey and Barkis spoke in favor of the adoption of the striking amendment.

The striking amendment (693) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey and Barkis spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1846.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1846, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmic, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Christian, Graham, Jacobsen and Orcutt

Excused: Representative Ortiz-Self

ENGROSSED HOUSE BILL NO. 1846, having received the necessary constitutional majority, was declared passed.

With the consent of the House, ENGROSSED HOUSE BILL NO. 1846 was immediately transmitted to the Senate.

### SECOND READING

**SUBSTITUTE SENATE BILL NO. 5182, by Senate Committee on State Government & Elections (originally sponsored by Nguyen, Hunt, Boehnke, Keiser, MacEwen, Nobles, Shewmake, Trudeau, Wilson, C. and Wilson, J.)**

#### Concerning procedures and deadlines for candidate filing.

The bill was read the second time.

Representative Goehner moved the adoption of amendment (604):

On page 1, at the beginning of line 9, insert "(1)"

On page 1, at the beginning of line 15, strike "(1)" and insert "((+1)) (a)"

On page 1, at the beginning of line 18, strike "(2)" and insert "((+2)) (b)"

On page 1, after line 21, insert the following:

"(2) Candidates shall file their declaration electronically using a system described in RCW 29A.24.040 or by mail pursuant to RCW 29A.24.081. However, between the hours of 4:00 p.m. and 5:00 p.m. on the last day to file declarations of candidacy, candidates may not file their declaration electronically and may instead file in

person at their county auditor's office if they were unable to submit a declaration online and provide an attestation that they were unable to submit a declaration online prior to 4:00 p.m. on the last day of candidate filing. County auditors who receive in person declarations of candidacy pursuant to this subsection shall transmit the declaration and filing fee to the appropriate filing officer in accordance with RCW 29A.24.070.

(3)"

On page 2, line 11, after "through" strike "((4:00)) 5:00" and insert "4:00"

Representative Goehner spoke in favor of the adoption of the amendment.

Representative Ramos spoke against the adoption of the amendment.

Amendment (604) was not adopted.

Representative Christian moved the adoption of amendment (557):

On page 2, line 20, after "court" insert "The secretary of state shall establish contingency plans, consistent with this subsection, to support candidate filing for state legislative candidates who have not yet filed their declaration of candidacy in the case that a localized or system-wide internet outage or a disruption to the secretary of state's candidate filing website occurs during the two hours immediately preceding the filing deadline. The secretary of state shall immediately process all filings received pursuant to the contingency plan"

Representatives Christian and Ramos spoke in favor of the adoption of the amendment.

Amendment (557) was adopted.

Representative Stokesbary moved the adoption of amendment (594):

On page 6, line 27, after "29A.24.050." insert "The rule adopted by the secretary must provide a process and deadline for a candidate to amend their candidate statement for the general election voters' pamphlet when, after the primary election, the name of a write-in candidate will appear on the general election ballot for that office."

On page 7, line 17, after "RCW 29A.24.050;" insert "and

The process and deadline for a candidate to amend their candidate statement for the general election voters' pamphlet when, after the primary election, the name of a write-in candidate will appear on the general election ballot for that office;"

On page 7, after line 19, insert the following:

"**Sec. 11.** RCW 29A.24.311 and 2018 c 187 s 2 are each amended to read as follows:

(1) Any person who desires to be a write-in candidate shall file a declaration of candidacy with the officer designated in RCW 29A.24.070 not later than 8:00 p.m. on the day of the primary or election. A write-in

declaration of candidacy is timely if filed by this deadline. No votes shall be counted for a write-in candidate who has not properly filed a write-in declaration of candidacy.

(2) Votes cast for write-in candidates who have filed such declarations of candidacy need only specify the name of the candidate in the appropriate location on the ballot in order to be counted.

(3) No person may file as a write-in candidate where:

(a) At a general election, the person attempting to file either filed as a write-in candidate for the same office at the preceding primary or the person's name was printed on the ballot for the same office at the preceding primary;

(b) The person attempting to file as a write-in candidate has already filed a valid write-in declaration for that primary or election;

(c) The name of the person attempting to file is already printed on the ballot as a candidate for another office, unless the other office is precinct committee officer or a temporary elected position, such as charter review board member or freeholder;

(d) The office filed for is precinct committee officer.

(4) The declaration of candidacy shall be similar to that required by RCW 29A.24.031. No write-in candidate filing under this section may be included in any voters' pamphlet produced under chapter 29A.32 RCW unless that candidate qualifies to have his or her name printed on the general election ballot. The legislative authority of any jurisdiction producing a local voters' pamphlet under chapter 29A.32 RCW may provide, by ordinance, for the inclusion of write-in candidates in such pamphlets. If the name of a write-in candidate will appear on the general election ballot a current candidate for that same office may amend their candidate statement for inclusion in the general election voters' pamphlet in accordance with rules adopted under section 9 of this act or RCW 29A.32.230."

Correct the title.

Representatives Stokesbary, Corry, Stokesbary (again), Wilcox and Harris spoke in favor of the adoption of the amendment.

Representative Stearns spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Bronoske presiding) divided the House. The result was 42 - YEAS; 51 - NAYS.

Amendment (594) was not adopted.

Representative Corry moved the adoption of amendment (621):

On page 7, after line 19, insert the following:

"**Sec. 11.** RCW 29A.24.075 and 2013 c 11 s 25 are each amended to read as follows:

(1) A person filing a declaration of candidacy for an office shall, at the time of filing, be a registered voter and possess

the qualifications specified by law for persons who may be elected to the office.

(2) Excluding the office of precinct committee officer or a temporary elected position such as a charter review board member or freeholder, no person may file for more than one office.

(3) The name of a candidate for an office (~~shall~~) may not appear on a ballot for that office unless, except for judge of the superior court and as provided in RCW 3.50.057, the candidate is, at the time the candidate's declaration of candidacy is filed, properly registered to vote in the geographic area represented by the office. For the purposes of this section, each geographic area in which registered voters may cast ballots for an office is represented by that office. If a person elected to an office must be nominated from a district or similar division of the geographic area represented by the office, the name of a candidate for the office (~~shall~~) may not appear on a primary ballot for that office unless the candidate is, at the time the candidate's declaration of candidacy is filed, properly registered to vote in that district or division. The officer with whom declarations of candidacy must be filed under this title shall review each such declaration filed regarding compliance with this subsection.

(4) The filing officer may not submit the name of a candidate for an office for inclusion on the ballot if, pursuant to this section, at the time that the candidate's declaration of candidacy is filed, the candidate is not properly registered to vote in the geographic area represented by the office or does not possess the qualifications specified by law for persons who may be elected to the office. If the filing officer finds that the candidate is unqualified to hold the office:

(a) In a case in which a primary must be conducted for the office and has already occurred:

(i) If ballots for the general election for the office have not been ordered by the county auditor, the candidate who received the third greatest number of votes for the office at the primary shall qualify as a candidate for general election and that candidate's name shall be printed on the ballot for the office in lieu of the name of the disqualified candidate.

(ii) If general election ballots for the office have been so ordered, votes cast for the disqualified candidate at the general election for the office may not be counted for that office.

(b) In a case in which a primary must be conducted for the office but has not yet occurred:

(i) If ballots for the primary election for the office have not been ordered by the county auditor, the name of the disqualified candidate may not appear on the primary election ballot for the office.

(ii) If primary election ballots for the office have been so ordered, votes cast for the disqualified candidate at the primary election for the office may not be counted for that office.

(c) In a case in which a primary is not conducted for the office:

(i) If ballots for the general election for the office have not been ordered by the county auditor, the name of the disqualified candidate may not appear on the general election ballot for the office.

(ii) If general election ballots for the office have been so ordered, votes cast for the disqualified candidate at the general election for the office may not be counted for that office.

(d) If the disqualified candidate is the only candidate to have filed for the office during a regular or special filing period for the office, a void in candidacy for the office exists.

(5) The requirements of voter registration and residence within the geographic area of a district do not apply to candidates for congressional office. Qualifications for the United States congress are specified in the United States Constitution.

**Sec. 12.** RCW 29A.36.101 and 2013 c 11 s 41 are each amended to read as follows:

Except as provided in RCW 29A.24.075, for the candidates for president and vice president, or for a partisan or nonpartisan office for which no primary is required, the names of all candidates who, under this title, filed a declaration of candidacy must appear on the appropriate ballot at the primary throughout the jurisdiction for which they filed."

Correct the title.

Representatives Corry, Stokesbary, Hutchins and Harris spoke in favor of the adoption of the amendment.

Representative Ramos spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Bronoske presiding) divided the House. The result was 40 - YEAS; 51 - NAYS.

Amendment (621) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Ramos spoke in favor of the passage of the bill.

Representative Christian spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5182, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5182, as amended by the House, and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter,

Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Ortiz-Self

SUBSTITUTE SENATE BILL NO. 5182, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5457, by Senators Short, Lovelett, Kuderer and Shewmake**

**Implementing growth management task force legislative recommendations regarding small cities.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goehner and Duerr spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5457.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5457, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SENATE BILL NO. 5457, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5425, by Senate Committee on Ways & Means (originally sponsored by Salomon, Keiser, Boehnke, Wilson, J. and Conway)**

**Concerning fire protection sprinkler system contractors.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Labor & Workplace Standards was adopted. For Committee amendment, see Journal, Day 79, Tuesday, March 28, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Berry and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5425, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5425, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Jacobsen  
Excused: Representative Ortiz-Self

SECOND SUBSTITUTE SENATE BILL NO. 5425, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5341, by Senators Muzzall, Shewmake, Van De Wege, Torres, Warnick, Kuderer, Liias, Stanford and Wilson, C.**

**Creating a location-based branding and promotion program for Washington food and agricultural products.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dent and Morgan spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5341.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5341, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

ENGROSSED SENATE BILL NO. 5341, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5287, by Senators Wilson, J., Nguyen, Hasegawa, Lovelett, Lovick, Nobles, Schoesler and Wellman**

**Concerning a study on the recycling of wind turbine blades.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Environment & Energy was adopted. For Committee amendment, see Journal, Day 74, Thursday, March 23, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Walsh and Doglio spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5287, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5287, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SENATE BILL NO. 5287, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5145, by Senate Committee on Law & Justice (originally sponsored by Short, Salomon, McCune and Warnick)**

**Clarifying existing law regarding liability protections associated with public recreational use of lands or waters under a hydroelectric license issued by the federal energy regulatory commission.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ybarra and Farivar spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5145.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5145, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SUBSTITUTE SENATE BILL NO. 5145, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5433, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Muzzall, Shewmake, Liias, Lovelett, MacEwen, Nguyen and Salomon)**

**Concerning the removal of derelict aquatic structures and restoration of aquatic lands.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dent and Reeves spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5433.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5433, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SUBSTITUTE SENATE BILL NO. 5433, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5225, by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Conway, Frame, Hasegawa, Hunt, Keiser, Lovelett, Nguyen, Salomon, Shewmake, Stanford and Valdez)**

**Increasing access to the working connections child care program.**

The bill was read the second time.

Representative Walsh moved the adoption of amendment (586):

On page 4, line 15, after "benefits" insert ", however preference for benefits must be given to applicants and consumers who have provided verification that the child for which benefits are sought is a United States citizen, United States national, qualified alien, or nonqualified alien who meets Washington state residency requirements, as those terms are defined in rule"

Representatives Walsh, Dent and Orcutt spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

Amendment (586) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Senn, Eslick, Abbarno and Dent spoke in favor of the passage of the bill.

Representatives Walsh and Couture spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5225.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5225, and the bill passed the House by the following vote: Yeas, 81; Nays, 16; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Christian, Connors, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Hutchins, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Cheney, Corry, Couture, Dye, Goehner, Graham, Griffey, Jacobsen, Klicker, McClintock, McEntire, Rude, Schmick, Schmidt, Volz and Walsh

Excused: Representative Ortiz-Self

SECOND SUBSTITUTE SENATE BILL NO. 5225, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

There being no objection, the House advanced to the eighth order of business.

#### MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5301  
 SENATE BILL NO. 5350  
 SUBSTITUTE SENATE BILL NO. 5398  
 SENATE BILL NO. 5058  
 SECOND SUBSTITUTE SENATE BILL NO. 5412  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5447

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

SECOND SUBSTITUTE HOUSE BILL NO. 1013  
 HOUSE BILL NO. 1046  
 SECOND SUBSTITUTE HOUSE BILL NO. 1122  
 SUBSTITUTE HOUSE BILL NO. 1171  
 SECOND SUBSTITUTE HOUSE BILL NO. 1204  
 HOUSE BILL NO. 1237  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1251  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329  
 HOUSE BILL NO. 1334  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1394  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1469  
 SUBSTITUTE HOUSE BILL NO. 1501  
 SECOND SUBSTITUTE HOUSE BILL NO. 1728

The Speaker called upon Representative Orwall to preside.

There being no objection, the House reverted to the third order of business.

**MESSAGE FROM THE SENATE**

Tuesday, April 11, 2023

Mme. Speaker:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1032  
 SUBSTITUTE HOUSE BILL NO. 1085  
 SUBSTITUTE HOUSE BILL NO. 1177  
 SUBSTITUTE HOUSE BILL NO. 1355  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1361  
 SUBSTITUTE HOUSE BILL NO. 1406  
 SUBSTITUTE HOUSE BILL NO. 1577  
 SUBSTITUTE HOUSE BILL NO. 1658  
 HOUSE BILL NO. 1763

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

**SENATE BILL NO. 5280, by Senators Frame, Boehnke, Hunt, Kuderer, Lovelett, Lovick, Nguyen, Nobles, Saldaña, Wellman and Wilson, C.**

**Concerning the duty of clergy to report child abuse or neglect.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Human Services, Youth, & Early Learning was before the House for purpose of amendment. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

Representative Walsh moved the adoption of amendment (683) to the committee striking amendment:

On page 1, after line 2 of the striking amendment, insert the following:

"NEW SECTION. Sec. This act shall be interpreted and enforced narrowly and, to the greatest extent possible, following standards analogous to those applicable to the attorney-client privilege established under RCW 5.60.060."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Walsh and Robertson spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Taylor spoke against the adoption of the amendment to the committee striking amendment.

Amendment (683) to the committee striking amendment was not adopted.

Representative Dent moved the adoption of amendment (579) to the committee striking amendment:

On page 2, line 38 of the striking amendment, after "imam," strike "elder,"

On page 6, line 3 of the striking amendment, after "practitioner," strike "member of the clergy,"

On page 8, line 3 of the striking amendment, after "(g)" insert "(i) The reporting requirement in (a) of this subsection also applies to members of the clergy, except with regard to information that a member of the clergy obtains in the member's professional character as a religious or spiritual advisor when the information is obtained solely as a result of a confession made pursuant to the clergy-penitent privilege as provided in RCW 5.60.060(3), and the member of the clergy is authorized to hear such confession, and has a duty under the discipline, tenets, doctrine, or custom of the member's church, religious denomination, religious body, spiritual community, or sect to keep the confession secret. The clergy-penitent privilege does not apply and the member of the clergy shall report child abuse or neglect if the member of the clergy has received the information from any source other than from a confession.

(ii) Nothing in this subsection (1)(g) limits a member of the clergy's duty to report child abuse or neglect when the member of the clergy is acting in some other capacity that would otherwise require them to make a report.

(h)"

On page 15, after line 15 of the striking amendment, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 44.28 RCW to read as follows:

(1) The joint committee must review the individuals who are required to report child abuse or neglect as provided under RCW 26.44.030 and provide recommendations regarding:

(a) Whether there should be any modification to those identified as mandated reporters; and



(b) Whether the individuals identified as mandated reporters should be required to report child abuse and neglect information obtained solely as a result of a privileged communication as provided under RCW 5.60.060.

(2) The joint committee must report its findings required under this section to the appropriate committees of the legislature by December 1, 2023.

(3) This section expires June 30, 2024."

Representatives Dent and Chambers spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Senn spoke against the adoption of the amendment to the committee striking amendment.

### MOTION

On motion of Representative Leavitt, Representative Santos was excused.

Amendment (579) to the committee striking amendment was not adopted.

Representative Eslick moved the adoption of amendment (556) to the committee striking amendment:

On page 6, line 3 of the striking amendment, after "practitioner," strike "member of the clergy,"

On page 8, line 3 of the striking amendment, after "(g)" insert "(i) The reporting requirement in (a) of this subsection also applies to members of the clergy, except with regard to information that a member of the clergy obtains in the member's professional character as a religious or spiritual advisor when the information is obtained solely as a result of a confession made pursuant to the clergy-penitent privilege as provided in RCW 5.60.060(3), and the member of the clergy is authorized to hear such confession, and has a duty under the discipline, tenets, doctrine, or custom of the member's church, religious denomination, religious body, spiritual community, or sect to keep the confession secret. The clergy-penitent privilege does not apply and the member of the clergy shall report child abuse or neglect if the member of the clergy has received the information from any source other than from a confession.

(ii) Nothing in this subsection (1)(g) limits a member of the clergy's duty to report child abuse or neglect when the member of the clergy is acting in some other capacity that would otherwise require them to make a report.

(h)"

Representatives Eslick, Walsh, Ybarra, Klicker, Graham and Chambers spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Taylor, Barnard, Rude and Couture spoke against the adoption of the amendment to the committee striking amendment.

Amendment (556) to the committee striking amendment was not adopted.

Representative Walsh moved the adoption of amendment (575) to the committee striking amendment:

On page 6, line 3 of the striking amendment, after "practitioner," strike "member of the clergy,"

On page 8, line 3 of the striking amendment, after "(g)" insert "(i) The reporting requirement in (a) of this subsection also applies to members of the clergy, except with regard to information that a member of the clergy obtains in the member's professional character as a religious or spiritual advisor when the information is obtained solely in the context of a penitential communication.

(ii) For purposes of this subsection (1)(g) of this section, "penitential communication" means a communication that is:

(A) Communicated through spoken word;

(B) Made privately to a member of the clergy;

(C) Intended by the communicant to be an act of contrition or a matter of conscience;

(D) Intended by both parties to be confidential at the time the communication is made; and

(E) Made in the manner and context that places the member of the clergy specifically and strictly under a level of confidentiality that is considered inviolate by religious doctrine of the member of the clergy.

(iii) A member of the clergy shall report child abuse or neglect if the member of the clergy has received the child abuse or neglect information from any source other than from a penitential communication.

(iv) Nothing in this subsection (1)(g) limits a member of the clergy's duty to report child abuse or neglect when the member of the clergy is acting in some other capacity that would otherwise require them to make a report.

(h)"

Representatives Walsh, Eslick and Dent spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Cortes spoke against the adoption of the amendment to the committee striking amendment.

### MOTION

On motion of Representative Griffey, Representative Waters was excused.

Representative Chambers spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (575) to the committee striking amendment was not adopted.

Representative Walsh moved the adoption of amendment (574) to the committee striking amendment:

On page 8, line 3 of the striking amendment, after "(g)" insert "The reporting requirement in (a) of this subsection also applies to attorneys. No privilege, including the attorney-client privilege described in RCW 5.60.060(2), relieves

attorneys from the reporting requirement under this subsection.  
(h)"

### POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (574) to the committee striking amendment to SENATE BILL NO. 5280.

### SPEAKER'S RULING

"The title of Senate Bill 5280 is an act relating to the duty of clergy to report child abuse or neglect.

The bill requires members of the clergy to report child abuse or neglect if there is reasonable cause to believe that a child has suffered abuse or neglect. Amendment (574) extends this reporting requirement to attorneys.

The Speaker therefore finds and rules that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

Representative Dent moved the adoption of amendment (558) to the committee striking amendment:

On page 1 of the striking amendment, strike all material after line 2 and insert the following:

"NEW SECTION. Sec. A new section is added to chapter 44.28 RCW to read as follows:

(1) The joint committee must review the individuals who are required to report child abuse or neglect as provided under RCW 26.44.030 and provide recommendations regarding:

(a) Whether there should be any modification to those identified as mandated reporters; and

(b) Whether the individuals identified as mandated reporters should be required to report child abuse and neglect information obtained solely as a result of a privileged communication as provided under RCW 5.60.060.

(2) The joint committee must report its findings required under this section to the appropriate committees of the legislature by December 1, 2023.

(3) This section expires June 30, 2024."

Correct the title.

Representatives Dent, Chambers, Eslick and Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Senn and Barnard spoke against the adoption of the amendment to the committee striking amendment.

Amendment (558) to the committee striking amendment was not adopted.

There being no objection, the committee striking by the Committee on Human Services, Youth, & Early Learning was adopted. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Walen, Couture, Senn, Christian, Rude, Barnard and Stonier spoke in favor of the passage of the bill.

Representatives Eslick, Chambers, Graham, Ybarra, Jacobsen, Dye, Klicker, Walsh and Dent spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5280, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5280, as amended by the House, and the bill passed the House by the following vote: Yeas, 75; Nays, 20; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chopp, Christian, Connors, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Kloba, Kretz, Leavitt, Lekanoff, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Ryu, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Chambers, Chandler, Chapman, Cheney, Corry, Dent, Dye, Eslick, Graham, Jacobsen, Klicker, Low, McClintock, Orcutt, Sandlin, Schmick, Volz, Walsh and Ybarra

Excused: Representatives Ortiz-Self, Santos and Waters

SENATE BILL NO. 5280, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5440, by Senate Committee on Ways & Means (originally sponsored by Dhingra, Nguyen, Saldaña, Valdez, Van De Wege and Wilson, C.)**

**Providing timely competency evaluations and restoration services to persons suffering from behavioral health disorders.**

The bill was read the second time.

There being no objection, the committee striking by the Committee on Civil Rights & Judiciary was not adopted. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

There being no objection, the committee striking by the Committee on Appropriations was not adopted. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

With the consent of the House, amendment (669) was withdrawn.

Representative Farivar moved the adoption of the striking amendment (688):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that defendants referred for services related to competency to stand trial requiring admission into a psychiatric facility are currently facing unprecedented wait times in jail for admission. The situation has been exacerbated by closure of forensic beds and workforce shortages related to COVID-19, and treatment capacity

limits related to social distancing requirements. Moreover, a backlog of criminal prosecutions that were held back during the first two years of the pandemic due to capacity limitations in courts, prosecuting attorneys offices, and jails, are now being filed, causing a surge in demand for competency services which exceeds the state's capacity to make a timely response. In partial consequence, as of January 2023, wait times for admission to western state hospital for competency services, directed to be completed within seven days by order of the United States district court for western Washington, have risen to over ten months, while wait times for admission to eastern state hospital for the same services have risen to over five months. The state's forensic bed capacity forecast model indicates that if the state continues to receive competency referrals from local superior, district, and municipal courts at the same volume, the state will rapidly fall farther behind.

The legislature further finds that historical investments and policy changes have been made in behavioral health services over the past five years, designed to both increase capacity to provide competency to stand trial services and to reduce the need for them by creating opportunities for diversion, prevention, and improved community health. New construction at western state hospital is expected to result in the opening of 58 forensic psychiatric beds in the first quarter of 2023, while emergency community hospital contracts are expected to allow for the discharge or transfer of over 50 civil conversion patients occupying forensic state hospital beds over the same period. Sixteen beds for civil conversion patients will open at Maple Lane school in the first quarter of 2023, with 30 additional beds for patients acquitted by reason of insanity expected to open by late 2023 or early 2024. Over a longer time period, 350 forensic beds are planned to open within a new forensic hospital on western state hospital campus between 2027 and 2029. Policy and budget changes have increased capacity for assisted outpatient treatment, 988 crisis response, use of medication for opioid use disorders in jails and community settings, reentry services, and mental health advance directives, and created new behavioral health facility types, supportive housing, and supportive employment services. Forensic navigator services, outpatient competency restoration programs, and other specialty forensic services are now available and continuing to be deployed in phase two *Trueblood* settlement regions.

The legislature further finds that despite these investments there is a need for everyone to come together to find solutions to both reduce demand for forensic services and to increase their supply. The state needs collaboration from local governments and other entities to identify any and all facilities that can be used to provide services to patients connected to the forensic system, to reduce the flow of competency referrals coming from municipal, district, and superior courts, and to improve availability and effectiveness of

behavioral health services provided outside the criminal justice system.

**Sec. 2.** RCW 10.77.010 and 2022 c 288 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Authority" means the Washington state health care authority.

(3) "Clinical intervention specialist" means a licensed professional with prescribing authority who is employed by or contracted with the department to provide direct services, enhanced oversight and monitoring of the behavioral health status of in-custody defendants who have been referred for evaluation or restoration services related to competency to stand trial and who coordinate treatment options with forensic navigators, the department, and jail health services.

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

~~((4))~~(5) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

~~((5))~~(6) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

~~((6))~~(7) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

~~((7))~~(8) "Department" means the state department of social and health services.

~~((8))~~(9) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

~~((9))~~(10) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

~~((10))~~(11) "Developmental disabilities professional" means a person who has specialized training and ~~((three years of))~~ experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

~~((11))~~(12) "Developmental disability" means the condition as defined in RCW 71A.10.020 ~~((5))~~.

~~((12))~~(13) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

~~((13))~~(14) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane,

consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

~~((14))~~ (15) "Genuine doubt as to competency" means that there is reasonable cause to believe, based upon actual interactions with or observations of the defendant or information provided by counsel, that a defendant is incompetent to stand trial.

(16) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct.

~~((15))~~ (17) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

~~((16))~~ (18) "Immediate family member" means a spouse, child, stepchild, parent, stepparent, grandparent, sibling, or domestic partner.

~~((17))~~ (19) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

~~((18))~~ (20) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

~~((19))~~ (21) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

~~((20))~~ (22) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW;

(c) A psychiatric advanced registered nurse practitioner, as defined in RCW 71.05.020; or

(d) A social worker with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

~~((21))~~ (23) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

~~((22))~~ (24) "Secretary" means the secretary of the department of social and health services or his or her designee.

~~((23))~~ (25) "Treatment" means any currently standardized medical or mental health procedure including medication.

~~((24))~~ (26) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others.

~~((25))~~ (27) "Violent act" means behavior that: (a) (i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

**Sec. 3.** RCW 10.77.060 and 2022 c 288 s 2 are each amended to read as follows:

(1) (a) Whenever a defendant has pleaded not guilty by reason of insanity, ~~((or there is reason to doubt his or her competency,))~~ the court on its own motion or on the motion of any party shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.

(b)(i) Whenever there is a doubt as to competency, the court on its own motion or on the motion of any party shall first review the allegations of incompetency. The court shall make a determination of whether sufficient facts have been provided to form a genuine doubt as to competency based on information provided by counsel, judicial colloquy, or direct observation of the defendant. If a genuine doubt as to competency exists, the court shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.

(ii) Nothing in this subsection (1)(b) is intended to require a waiver of attorney-client privilege. Defense counsel may meet the requirements under this subsection (1)(b) by filing a declaration stating that they have reason to believe that a competency evaluation is necessary, and stating the basis on which the defendant is believed to be incompetent, without further detail required.

(c) The signed order of the court shall serve as authority for the evaluator to be given access to all records held by any mental health, medical, long-term services or supports, educational, or correctional facility that relate to the present or past mental, emotional, or physical condition of the defendant. If the court is advised by any party that the defendant may have a developmental disability, the evaluation must be performed by a developmental disabilities professional and the evaluator shall have access to records of the developmental disabilities administration of the department. If the court is advised by any party that the defendant may have dementia or another relevant neurocognitive disorder, the evaluator shall have access to records of the aging and long-term support administration of the department.

((e)) (d) The evaluator shall assess the defendant in a jail, detention facility, in the community, or in court to determine whether a period of inpatient commitment will be necessary to complete an accurate evaluation. If inpatient commitment is needed, the signed order of the court shall serve as authority for the evaluator to request the jail or detention facility to transport the defendant to a hospital or secure mental health facility for a period of commitment not to exceed fifteen days from the time of admission to the facility. Otherwise, the evaluator shall complete the evaluation.

((d)) (e) The court may commit the defendant for evaluation to a hospital or secure mental health facility without an assessment if: (i) The defendant is charged with murder in the first or second degree; (ii) the court finds that it is more likely than not that an evaluation in the jail will be inadequate to complete an accurate evaluation; or (iii) the court finds that an evaluation outside the jail setting is necessary for the health, safety, or welfare of the defendant. The court shall not order an initial inpatient evaluation for any purpose other than a competency evaluation.

((e)) (f) The order shall indicate whether, in the event the defendant is committed to a hospital or secure mental health facility for evaluation, all parties agree to waive the presence of the defendant or to the defendant's remote participation at a subsequent competency hearing or presentation of an agreed order if the recommendation of the evaluator is for continuation of the stay of criminal proceedings, or if the opinion of the evaluator is that the defendant remains incompetent and there is no remaining restoration period, and the hearing is held prior to the expiration of the authorized commitment period.

((f)) (g) When a defendant is ordered to be evaluated under this subsection (1), or when a party or the court determines at first appearance that an order for evaluation under this subsection will be requested or ordered if charges are pursued, the court may delay granting bail until the defendant has been evaluated for competency or sanity and appears before the court. Following the evaluation, in determining bail the court shall consider: (i) Recommendations of the evaluator regarding the defendant's competency, sanity, or diminished capacity; (ii) whether the defendant has a recent history of one or more violent acts; (iii) whether the defendant has previously been acquitted by reason of insanity or found incompetent; (iv) whether it is reasonably likely the defendant will fail to appear for a future court hearing; and (v) whether the defendant is a threat to public safety.

(h) If the defendant ordered to be evaluated under this subsection (1) is charged with a serious traffic offense under RCW 9.94A.030, or a felony version of a serious traffic offense, the prosecutor may make a motion to modify the defendant's conditions of release to include a condition prohibiting the defendant from driving during the pendency of the competency evaluation period.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the evaluation authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the evaluation shall include the following:

(a) A description of the nature of the evaluation;

(b) A diagnosis or description of the current mental status of the defendant;

(c) If the defendant ~~((suffers from))~~ has a mental disease or defect, or has a developmental disability, an opinion as to competency;

(d) If the defendant has indicated his or her intention to rely on the defense of

insanity pursuant to RCW 10.77.030, and an evaluation and report by an expert or professional person has been provided concluding that the defendant was criminally insane at the time of the alleged offense, an opinion as to the defendant's sanity at the time of the act, and an opinion as to whether the defendant presents a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, provided that no opinion shall be rendered under this subsection (3)(d) unless the evaluator or court determines that the defendant is competent to stand trial;

(e) When directed by the court, if an evaluation and report by an expert or professional person has been provided concluding that the defendant lacked the capacity at the time of the offense to form the mental state necessary to commit the charged offense, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant should be evaluated by a designated crisis responder under chapter 71.05 RCW.

(4) The secretary may execute such agreements as appropriate and necessary to implement this section and may choose to designate more than one evaluator.

(5) In the event that a person remains in jail more than 21 days after service on the department of a court order to transport the person to a facility designated by the department for inpatient competency restoration treatment, upon the request of any party and with notice to all parties, the department shall perform a competency to stand trial status check to determine if the circumstances of the person have changed such that the court should authorize an updated competency evaluation. The status update shall be provided to the parties and the court. Status updates may be provided at reasonable intervals.

(6) If a finding of the competency evaluation under this section or under RCW 10.77.084 is that the individual is not competent due to an intellectual or developmental disability, dementia, or traumatic brain injury, the evaluator shall notify the department, which shall refer the individual to the developmental disabilities administration or the aging and long-term support administration of the department for review of eligibility for services. Information about availability of services must be provided to the forensic navigator.

(7) If the expert or professional person appointed to perform a competency evaluation in the community is not able to complete the evaluation after two attempts at scheduling with the defendant, the department shall submit a report to the court and parties and include a date and time for another evaluation which must be at least four weeks later. The court shall provide notice to the defendant of the date and time of the evaluation. If the defendant fails to appear at that appointment, the court shall issue a

warrant for the failure to appear and recall the order for competency evaluation.

**Sec. 4.** RCW 10.77.068 and 2022 c 288 s 3 are each amended to read as follows:

(1)(a) The legislature establishes a performance target of seven days or fewer to extend an offer of admission to a defendant in pretrial custody for inpatient competency evaluation or inpatient competency restoration services, when access to the services is legally authorized.

(b) The legislature establishes a performance target of 14 days or fewer for the following services related to competency to stand trial, when access to the services is legally authorized:

(i) To complete a competency evaluation in jail and distribute the evaluation report; and

(ii) To extend an offer of admission to a defendant ordered to be committed to ~~((a state hospital))~~ the department for placement in a facility operated by or contracted by the department following dismissal of charges based on incompetency to stand trial under RCW 10.77.086.

(c) The legislature establishes a performance target of 21 days or fewer to complete a competency evaluation in the community and distribute the evaluation report.

(2)(a) A maximum time limit of seven days as measured from the department's receipt of the court order, or a maximum time limit of 14 days as measured from signature of the court order, whichever is shorter, is established to complete the services specified in subsection (1)(a) of this section, subject to the limitations under subsection (9) of this section.

(b) A maximum time limit of 14 days as measured from the department's receipt of the court order, or a maximum time limit of 21 days as measured from signature of the court order, whichever is shorter, is established to complete the services specified in subsection (1)(b) of this section, subject to the limitations under subsection (9) of this section.

(3) The legislature recognizes that these targets may not be achievable in all cases, but intends for the department to manage, allocate, and request appropriations for resources in order to meet these targets whenever possible without sacrificing the accuracy and quality of competency services.

(4) It shall be a defense to an allegation that the department has exceeded the maximum time limits for completion of competency services described in subsection (2) of this section if the department can demonstrate by a preponderance of the evidence that the reason for exceeding the maximum time limits was outside of the department's control including, but not limited to, the following circumstances:

(a) Despite a timely request, the department has not received necessary medical information regarding the current medical status of a defendant;

(b) The individual circumstances of the defendant make accurate completion of an evaluation of competency to stand trial dependent upon review of mental health,

substance use disorder, or medical history information which is in the custody of a third party and cannot be immediately obtained by the department, provided that completion shall not be postponed for procurement of information which is merely supplementary;

(c) Additional time is needed for the defendant to no longer show active signs and symptoms of impairment related to substance use so that an accurate evaluation may be completed;

(d) The defendant is medically unavailable for competency evaluation or admission to a facility for competency restoration;

(e) Completion of the referral requires additional time to accommodate the availability or participation of counsel, court personnel, interpreters, or the defendant;

(f) The defendant asserts legal rights that result in a delay in the provision of competency services; or

(g) An unusual spike in the receipt of evaluation referrals or in the number of defendants requiring restoration services has occurred, causing temporary delays until the unexpected excess demand for competency services can be resolved.

(5) The department shall provide written notice to the court when it will not be able to meet the maximum time limits under subsection (2) of this section and identify the reasons for the delay and provide a reasonable estimate of the time necessary to complete the competency service. Good cause for an extension for the additional time estimated by the department shall be presumed absent a written response from the court or a party received by the department within seven days.

(6) The department shall:

(a) Develop, document, and implement procedures to monitor the clinical status of defendants admitted to a state hospital for competency services that allow the state hospital to accomplish early discharge for defendants for whom clinical objectives have been achieved or may be achieved before expiration of the commitment period;

(b) Investigate the extent to which patients admitted to a state hospital under this chapter overstay time periods authorized by law and take reasonable steps to limit the time of commitment to authorized periods; and

(c) Establish written standards for the productivity of forensic evaluators and utilize these standards to internally review the performance of forensic evaluators.

(7) Following any quarter in which a state hospital has failed to meet one or more of the performance targets or maximum time limits under subsection (1) or (2) of this section, the department shall report to the executive and the legislature the extent of this deviation and describe any corrective action being taken to improve performance. This report shall be made publicly available. An average may be used to determine timeliness under this subsection.

(8) The department shall report annually to the legislature and the executive on the timeliness of services related to competency

to stand trial and the timeliness with which court referrals accompanied by charging documents, discovery, and criminal history information are provided to the department relative to the signature date of the court order. The report must be in a form that is accessible to the public and that breaks down performance by county.

(9) This section does not create any new entitlement or cause of action related to the timeliness of competency to stand trial services, nor can it form the basis for contempt sanctions under chapter 7.21 RCW or a motion to dismiss criminal charges.

**Sec. 5.** RCW 10.77.074 and 2019 c 326 s 2 are each amended to read as follows:

(1) Subject to the limitations described in subsection (2) of this section, a court may appoint an impartial forensic navigator employed by or contracted by the department to assist individuals who have been referred for competency evaluation and shall appoint a forensic navigator in circumstances described under section 10 of this act.

(2) A forensic navigator must assist the individual to access services related to diversion and community outpatient competency restoration. The forensic navigator must assist the individual, prosecuting attorney, defense attorney, and the court to understand the options available to the individual and be accountable as an officer of the court for faithful execution of the responsibilities outlined in this section.

(3) The duties of the forensic navigator include, but are not limited to, the following:

(a) To collect relevant information about the individual, including behavioral health services and supports available to the individual that might support placement in outpatient restoration, diversion, or some combination of these;

(b) To meet with, interview, and observe the individual;

(c) To assess the individual for appropriateness for assisted outpatient treatment under chapter 71.05 RCW;

(d) To present information to the court in order to assist the court in understanding the treatment options available to the individual to support the entry of orders for diversion from the forensic mental health system or for community outpatient competency restoration, ~~((and))~~ to facilitate that transition; ~~((and~~

~~(d))~~ (e) To provide regular updates to the court and parties of the status of the individual's participation in diversion services and be responsive to inquiries by the parties about treatment status;

(f) When the individual is ordered to receive community outpatient restoration, to provide services to the individual including:

(i) Assisting the individual with attending appointments and classes relating to outpatient competency restoration;

(ii) Coordinating access to housing for the individual;

(iii) Meeting with the individual on a regular basis;

(iv) Providing information to the court concerning the individual's progress and compliance with court-ordered conditions of release, which may include appearing at court hearings to provide information to the court;

(v) Coordinating the individual's access to community case management services and mental health services;

(vi) Assisting the individual with obtaining prescribed medication and encouraging adherence with prescribed medication;

(vii) Assessing the individual for appropriateness for assisted outpatient treatment under chapter 71.05 RCW and coordinating the initiation of an assisted outpatient treatment order if appropriate as part of a diversion program plan;

(viii) Planning for a coordinated transition of the individual to a case manager in the community behavioral health system;

~~((viii))~~ (ix) Attempting to follow-up with the individual to check whether the meeting with a community-based case manager took place;

~~((ix))~~ (x) When the individual is a high utilizer, attempting to connect the individual with high utilizer services; and

~~((x))~~ (xi) Attempting to check up on the individual at least once per month for up to sixty days after coordinated transition to community behavioral health services, without duplicating the services of the community-based case manager;

(g) If the individual is an American Indian or Alaska Native who receives medical, behavioral health, housing, or other supportive services from a tribe within this state, to notify and coordinate with the tribe and Indian health care provider. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible.

(4) Forensic navigators may submit ~~((nonclinical))~~ recommendations to the court regarding treatment and restoration options for the individual, which the court may consider and weigh in conjunction with the recommendations of all of the parties.

(5) Forensic navigators shall be deemed officers of the court for the purpose of immunity from civil liability.

(6) The signed order for competency evaluation from the court shall serve as authority for the forensic navigator to be given access to all records held by a behavioral health, educational, or law enforcement agency or a correctional facility that relates to an individual. Information that is protected by state or federal law, including health information, shall not be entered into the court record without the consent of the individual or their defense attorney.

(7) Admissions made by the individual in the course of receiving services from the forensic navigator may not be used against the individual in the prosecution's case in chief.

(8) A court may not issue an order appointing a forensic navigator unless the department certifies that there is adequate

forensic navigator capacity to provide these services at the time the order is issued.

**Sec. 6.** RCW 10.77.084 and 2016 sp.s. c 29 s 410 are each amended to read as follows:

(1)(a) If at any time during the pendency of an action and prior to judgment the court finds, following a report as provided in RCW 10.77.060, a defendant is incompetent, the court shall order the proceedings against the defendant be stayed except as provided in subsection (4) of this section. Beginning October 1, 2023, if the defendant is charged with a serious traffic offense under RCW 9.94A.030, or a felony version of a serious traffic offense, the court may order the clerk to transmit an order to the department of licensing for revocation of the defendant's driver's license for a period of one year.

(b) The court may order a defendant who has been found to be incompetent to undergo competency restoration treatment at a facility designated by the department if the defendant is eligible under RCW 10.77.086 or 10.77.088. At the end of each competency restoration period or at any time a professional person determines competency has been, or is unlikely to be, restored, the defendant shall be returned to court for a hearing, except that if the opinion of the professional person is that the defendant remains incompetent and the hearing is held before the expiration of the current competency restoration period, the parties may agree to waive the defendant's presence, to remote participation by the defendant at a hearing, or to presentation of an agreed order in lieu of a hearing. The facility shall promptly notify the court and all parties of the date on which the competency restoration period commences and expires so that a timely hearing date may be scheduled.

(c) If, following notice and hearing or entry of an agreed order under (b) of this subsection, the court finds that competency has been restored, the court shall lift the stay entered under (a) of this subsection. If the court finds that competency has not been restored, the court shall dismiss the proceedings without prejudice, except that the court may order a further period of competency restoration treatment if it finds that further treatment within the time limits established by RCW 10.77.086 or 10.77.088 is likely to restore competency, and a further period of treatment is allowed under RCW 10.77.086 or 10.77.088.

(d) If at any time during the proceeding the court finds, following notice and hearing, a defendant is not likely to regain competency, the court shall dismiss the proceedings without prejudice and refer the defendant for civil commitment evaluation or proceedings if appropriate under RCW 10.77.065, 10.77.086, or 10.77.088.

(e) Beginning October 1, 2023, if the court issues an order directing revocation of the defendant's driver's license under (a) of this subsection, and the court subsequently finds that the defendant's competency has been restored, the court shall order the clerk to transmit an order to the department of licensing for



reinstatement of the defendant's driver's license. The court may direct the clerk to transmit an order reinstating the defendant's driver's license before the end of one year for good cause upon the petition of the defendant.

(2) If the defendant is referred for evaluation by a designated crisis responder under this chapter, the designated crisis responder shall provide prompt written notification of the results of the evaluation and whether the person was detained. The notification shall be provided to the court in which the criminal action was pending, the prosecutor, the defense attorney in the criminal action, and the facility that evaluated the defendant for competency.

(3) The fact that the defendant is unfit to proceed does not preclude any pretrial proceedings which do not require the personal participation of the defendant.

(4) A defendant receiving medication for either physical or mental problems shall not be prohibited from standing trial, if the medication either enables the defendant to understand the proceedings against him or her and to assist in his or her own defense, or does not disable him or her from so understanding and assisting in his or her own defense.

(5) At or before the conclusion of any commitment period provided for by this section, the facility providing evaluation and treatment shall provide to the court a written report of evaluation which meets the requirements of RCW 10.77.060(3). For defendants charged with a felony, the report following the second competency restoration period or first competency restoration period if the defendant's incompetence is determined to be solely due to a developmental disability or the evaluator concludes that the defendant is not likely to regain competency must include an assessment of the defendant's future dangerousness which is evidence-based regarding predictive validity.

**Sec. 7.** RCW 10.77.086 and 2022 c 288 s 4 are each amended to read as follows:

(1) If the defendant is charged with a felony and determined to be incompetent, until he or she has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, but in any event for a period of no longer than 90 days, the court shall commit the defendant to the custody of the secretary for inpatient competency restoration, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties.

(a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

- (i) Adhere to medications or receive prescribed intramuscular medication;
- (ii) Abstain from alcohol and unprescribed drugs; and
- (iii) Comply with urinalysis or breathalyzer monitoring if needed.

(b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration.

(c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management. The court may order regular urinalysis testing. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

(d) If a defendant fails to comply with the restrictions of the outpatient restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under (d)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the

defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the conditions of release of the defendant and anticipated release from treatment and issue appropriate orders.

(e) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient competency restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

(2) For a defendant whose highest charge is a class C felony, or a class B felony that is not classified as violent under RCW 9.94A.030, the maximum time allowed for the initial competency restoration period is 45 days if the defendant is referred for inpatient competency restoration, or 90 days if the defendant is referred for outpatient competency restoration, provided that if the outpatient competency restoration placement is terminated and the defendant is subsequently admitted to an inpatient facility, the period of inpatient treatment during the first competency restoration period under this subsection shall not exceed 45 days.

(3) If the court determines or the parties agree before the initial competency restoration period or at any subsequent stage of the proceedings that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo an initial or further period of competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection (5) of this section.

(4) On or before expiration of the initial competency restoration period the court shall conduct a hearing to determine whether the defendant is now competent to stand trial. If the court finds by a preponderance of the evidence that the defendant is incompetent to stand trial, the court may order an extension of the competency restoration period for an additional period of 90 days, but the court must at the same time set a date for a new hearing to determine the defendant's competency to stand trial before the expiration of this second restoration period. The defendant, the defendant's attorney, and the prosecutor have the right to demand that the hearing be before a jury. No extension shall be ordered for a second or third competency restoration period if the defendant's incompetence has been determined by the secretary to be solely the

result of a developmental disability which is such that competence is not reasonably likely to be regained during an extension.

(5) ~~((A+))~~ (a) Except as provided in (b) of this subsection, at the hearing upon the expiration of the second competency restoration period, or at the end of the first competency restoration period if the defendant is ineligible for a second or third competency restoration period under subsection (4) of this section, if the jury or court finds that the defendant is incompetent to stand trial, the court shall dismiss the charges without prejudice and order the defendant to be committed to ((a state hospital)) the department for placement in a facility operated or contracted by the department for up to 120 hours if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services and up to 72 hours if the defendant engaged in inpatient competency restoration services starting from admission to the facility, excluding Saturdays, Sundays, and holidays, for evaluation for the purpose of filing a civil commitment petition under chapter 71.05 RCW. ~~((However, the))~~ If at the time the order to dismiss the charges without prejudice is entered by the court the defendant is already in a facility operated or contracted by the department, the 72-hour or 120-hour period shall instead begin upon department receipt of the court order.

(b) The court shall not dismiss the charges if the court or jury finds that: ((+)) (i) The defendant ((+)) (A) is a substantial danger to other persons; or ((+)) (B) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and ((+)) (ii) there is a substantial probability that the defendant will regain competency within a reasonable period of time. If the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months.

(6) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

**Sec. 8.** RCW 10.77.086 and 2022 c 288 s 4 are each amended to read as follows:

(1) If the defendant is charged with a felony that is not a qualifying class C felony and determined to be incompetent, until he or she has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, but in any event for a period of no longer than 90 days, the court shall commit the defendant to the custody of the secretary for inpatient competency restoration, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties.

(2) (a) For a defendant who is determined to be incompetent and whose highest charge

is a qualifying class C felony, the court shall first consider all available and appropriate alternatives to inpatient competency restoration. If such placement does not exist, is not appropriate, or is not available in a timely manner, the court shall commit the defendant to the custody of the secretary for inpatient competency restoration. Available and appropriate alternatives includes diversion to a community-based program and dismissal of charges, commitment under chapter 71.05 RCW, or outpatient competency restoration.

(b) If the defendant is subject to an order under chapter 71.05 RCW or proceedings under chapter 71.05 RCW have been initiated, there is a rebuttable presumption that there is no compelling state interest in ordering competency restoration treatment.

(3)(a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

(i) Adhere to medications or receive prescribed intramuscular medication;

(ii) Abstain from alcohol and unprescribed drugs; and

(iii) Comply with urinalysis or breathalyzer monitoring if needed.

(b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration.

(c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management. The court may order regular urinalysis testing. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

(d) If a defendant fails to comply with the restrictions of the outpatient restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under (d)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time

period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the conditions of release of the defendant and anticipated release from treatment and issue appropriate orders.

(e) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient competency restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

~~((2))~~ (4)(a) For a defendant whose highest charge is a class C felony that is not a qualifying class C felony, or a class B felony that is not classified as violent under RCW 9.94A.030, the maximum time allowed for the initial competency restoration period is 45 days if the defendant is referred for inpatient competency restoration, or 90 days if the defendant is referred for outpatient competency restoration, provided that if the outpatient competency restoration placement is terminated and the defendant is subsequently admitted to an inpatient facility, the period of inpatient treatment during the first competency restoration period under this subsection shall not exceed 45 days.

~~((3))~~ (b) For a defendant whose highest charge is a qualifying class C felony, the maximum time allowed for competency

restoration is 45 days if the defendant is referred for inpatient competency restoration, or 90 days if the defendant is referred for outpatient competency restoration. The court may order any combination of inpatient and outpatient competency restoration under this subsection, but the total period of inpatient competency restoration may not exceed 45 days.

(c) For any defendant with a felony charge that is admitted for competency restoration with an accompanying court order for involuntary medication under RCW 10.77.092, and the defendant is found not competent to stand trial following that period of restoration, charges shall be dismissed pursuant to subsection (7) of this section.

(5) If the court determines or the parties agree before the initial competency restoration period or at any subsequent stage of the proceedings that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo an initial or further period of competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection ((+5)) (7) of this section.

((+4) On) (6) For a defendant charged with a felony that is not a qualifying class C felony, on or before expiration of the initial competency restoration period the court shall conduct a hearing to determine whether the defendant is now competent to stand trial. If the court finds by a preponderance of the evidence that the defendant is incompetent to stand trial, the court may order an extension of the competency restoration period for an additional period of 90 days, but the court must at the same time set a date for a new hearing to determine the defendant's competency to stand trial before the expiration of this second restoration period. The defendant, the defendant's attorney, and the prosecutor have the right to demand that the hearing be before a jury. No extension shall be ordered for a second or third competency restoration period if the defendant's incompetence has been determined by the secretary to be solely the result of ((a)) an intellectual or developmental disability, dementia, or traumatic brain injury which is such that competence is not reasonably likely to be regained during an extension.

((+5) At) (7) (a) Except as provided in (b) of this subsection, at the hearing upon the expiration of the second competency restoration period, or at the end of the first competency restoration period if the defendant is ineligible for a second or third competency restoration period under subsection (4) or (6) of this section, if the jury or court finds that the defendant is incompetent to stand trial, the court shall dismiss the charges without prejudice and order the defendant to be committed to ((a state hospital)) the department for placement in a facility operated or contracted by the department for up to 120 hours if the defendant has not undergone

competency restoration services or has engaged in outpatient competency restoration services, and up to 72 hours if the defendant engaged in inpatient competency restoration services starting from admission to the facility, excluding Saturdays, Sundays, and holidays, for evaluation for the purpose of filing a civil commitment petition under chapter 71.05 RCW. ~~((However,))~~ If at the time the order to dismiss the charges without prejudice is entered by the court the defendant is already in a facility operated or contracted by the department, the 72-hour or 120-hour period shall instead begin upon department receipt of the court order.

(b) For a defendant charged with a felony that is not a qualifying class C felony, the court shall not dismiss the charges if the court or jury finds that: ((+a)) (i) The defendant ((+i)) (A) is a substantial danger to other persons; or ((+ii)) (B) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and ((+b)) (ii) there is a substantial probability that the defendant will regain competency within a reasonable period of time. If the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months.

((+6)) (8) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

(9) "Qualifying class C felony" means any class C felony offense except: (a) Assault in the third degree under RCW 9A.36.031(1)(d) or (f); (b) felony physical control of a vehicle under RCW 46.61.504(6); (c) felony hit and run resulting in injury under RCW 46.52.020(4)(b); (d) hate crime offense under RCW 9A.36.080; (e) any class C felony offense with a domestic violence designation; (f) any class C felony sex offense as defined in RCW 9.94A.030; and (g) any class C felony offense with a sexual motivation allegation.

**Sec. 9.** RCW 10.77.088 and 2022 c 288 s 5 are each amended to read as follows:

(1) If the defendant is charged with a nonfelony crime which is a serious offense as identified in RCW 10.77.092 and found by the court to be not competent, then the court:

(a) Shall dismiss the proceedings without prejudice and detain the defendant ~~((for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW))~~ pursuant to subsection (5) of this section, unless the prosecutor objects to the dismissal and provides notice of a motion for an order for competency restoration treatment, in which case the court shall schedule a hearing within seven days.

(b) (i) At the hearing, the prosecuting attorney must establish that there is a compelling state interest to order

competency restoration treatment for the defendant. The court may consider prior criminal history, prior history in treatment, prior history of violence, the quality and severity of the pending charges, any history that suggests whether competency restoration treatment is likely to be successful, in addition to the factors listed under RCW 10.77.092. If the prosecuting attorney proves by a preponderance of the evidence that there is a compelling state interest in ordering competency restoration treatment, then the court shall issue an order in accordance with subsection (2) of this section.

(ii) If the defendant is subject to an order under chapter 71.05 RCW or proceedings under chapter 71.05 RCW have been initiated, there is a rebuttable presumption that there is no compelling state interest in ordering competency restoration treatment. Beginning October 1, 2023, if the defendant is charged with a serious traffic offense under RCW 9.94A.030, the court may order the clerk to transmit an order to the department of licensing for revocation of the defendant's driver's license for a period of one year. The court shall direct the clerk to transmit an order to the department of licensing reinstating the defendant's driver's license if the defendant is subsequently restored to competency, and may do so at any time before the end of one year for good cause upon the petition of the defendant.

(2)(a) If a court finds pursuant to subsection (1)(b) of this section that there is a compelling state interest in pursuing competency restoration treatment, the court shall ~~((commit the defendant to the custody of the secretary for inpatient competency restoration, or may alternatively))~~ order the defendant to receive outpatient competency restoration ~~((based on a recommendation from a forensic navigator and input from the parties))~~ consistent with the recommendation of the forensic navigator, unless the court finds that an order for outpatient competency restoration is inappropriate considering the health and safety of the defendant and risks to public safety.

~~((a))~~(b) To be eligible for an order for outpatient competency restoration, a defendant must be ~~((clinically appropriate and be))~~ willing to:

(i) Adhere to medications or receive prescribed intramuscular medication;

(ii) Abstain from alcohol and unprescribed drugs; and

(iii) Comply with urinalysis or breathalyzer monitoring if needed.

~~((b))~~(c) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration under subsection (3) of this section.

~~((e))~~(d) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority,

must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management. The court may order regular urinalysis testing. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

~~((d))~~(e) If a defendant fails to comply with the restrictions of the outpatient competency restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under ~~((d))~~(e)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the

conditions of release of the defendant and anticipated release from treatment and issue appropriate orders.

~~((+e))~~(f) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

(g) If the court does not order the defendant to receive outpatient competency restoration under (a) of this subsection, the court shall commit the defendant to the department for placement in a facility operated or contracted by the department for inpatient competency restoration.

(3) The placement under subsection (2) of this section shall not exceed 29 days if the defendant is ordered to receive inpatient competency restoration, and shall not exceed 90 days if the defendant is ordered to receive outpatient competency restoration. The court may order any combination of this subsection, but the total period of inpatient competency restoration may not exceed 29 days.

(4) If the court has determined or the parties agree that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection (5) of this section.

(5)(a) If the proceedings are dismissed under RCW 10.77.084 and the defendant was on conditional release at the time of dismissal, the court shall order the designated crisis responder within that county to evaluate the defendant pursuant to chapter 71.05 RCW. The evaluation may be conducted in any location chosen by the professional.

(b) If the defendant was in custody and not on conditional release at the time of dismissal, the defendant shall be detained and sent to an evaluation and treatment facility for up to 120 hours if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services and up to 72 hours if the defendant engaged in inpatient competency restoration services, excluding Saturdays, Sundays, and holidays, for evaluation for purposes of filing a petition under chapter 71.05 RCW. The 120-hour or 72-hour period shall commence upon the next nonholiday weekday following the court order and shall run to the end of the last nonholiday weekday within the 120-hour or 72-hour period.

(6) If the defendant is charged with a nonfelony crime that is not a serious offense as defined in RCW 10.77.092 and found by the court to be not competent, the court may stay or dismiss proceedings and detain the defendant for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05

RCW. The court must give notice to all parties at least 24 hours before the dismissal of any proceeding under this subsection, and provide an opportunity for a hearing on whether to dismiss the proceedings.

(7) If at any time the court dismisses charges under subsections (1) through (6) of this section, the court shall make a finding as to whether the defendant has a history of one or more violent acts. If the court so finds, the defendant is barred from the possession of firearms until a court restores his or her right to possess a firearm under RCW 9.41.047. The court shall state to the defendant and provide written notice that the defendant is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

(8) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

NEW SECTION. Sec. 10. A new section is added to chapter 10.77 RCW to read as follows:

(1) In counties with a forensic navigator program, a forensic navigator shall:

(a) Meet, interview, and observe all defendants charged with a qualifying class C felony as defined in RCW 10.77.086(9) or a nonfelony who have had two or more competency evaluations in the preceding 24 months on separate charges or cause numbers and determine the defendants' willingness to engage with services under this section; and

(b) Provide a diversion program plan to the parties in each case that includes a recommendation for a diversion program to defense counsel and the prosecuting attorney. Services under a diversion program may include a referral for assisted outpatient treatment under chapter 71.05 RCW.

(2) If the parties agree on the diversion program recommended by the forensic navigator, the prosecutor shall request dismissal of the criminal charges.

(3)(a) For defendants charged with a nonfelony, if the parties do not agree on the diversion program, the defense may move the court for an order dismissing the criminal charges without prejudice and referring the defendant to the services described in the diversion program. The court shall hold a hearing on this motion within 10 days. The court shall grant the defense motion if it finds by a preponderance of the evidence that the defendant is amenable to the services described in the diversion program and can safely receive services in the community.

(b)(i) For defendants charged with a qualifying class C felony as defined in RCW 10.77.086, if the parties do not agree on the diversion program, the defense may move the court for an order referring the defendant for a 30-day trial period in the diversion program with periodic monitoring

reports provided to the court and parties. The court shall hold a hearing on this motion within 10 days. The court shall grant the motion if it finds by a preponderance of the evidence that the defendant is amenable to the services described in the diversion program and likely to engage in the program.

(ii) Following the 30-day trial period, if the court finds by a preponderance of the evidence that the defendant meaningfully engaged in the diversion program, the court shall dismiss the criminal charges without prejudice and refer the defendant to the services described in the diversion program.

(4) Individuals who receive a dismissal of charges and referral to services described in a diversion program shall have a forensic navigator assigned to assist them for up to six months while engaging in the services described in the diversion program. The forensic navigator shall provide monthly status updates to the parties regarding the individual's status in the diversion program.

(5) Forensic navigators shall collaborate with available *Trueblood* settlement diversion programs if they are accessible in the geographic location where criminal charges are currently filed.

**Sec. 11.** RCW 10.77.092 and 2014 c 10 s 2 are each amended to read as follows:

(1) For purposes of determining whether a court may authorize involuntary medication for the purpose of competency restoration pursuant to RCW 10.77.084 and for maintaining the level of restoration in the jail following the restoration period, a pending charge involving any one or more of the following crimes is a serious offense per se in the context of competency restoration:

(a) Any violent offense, sex offense, serious traffic offense, and most serious offense, as those terms are defined in RCW 9.94A.030;

(b) Any offense, except nonfelony counterfeiting offenses, included in crimes against persons in RCW 9.94A.411;

(c) Any offense contained in chapter 9.41 RCW (firearms and dangerous weapons);

(d) Any offense listed as domestic violence in RCW 10.99.020;

(e) Any offense listed as a harassment offense in chapter 9A.46 RCW, except for criminal trespass in the first or second degree;

(f) Any violation of chapter 69.50 RCW that is a class B felony; or

(g) Any city or county ordinance or statute that is equivalent to an offense referenced in this subsection.

(2) Anytime the secretary seeks a court order authorizing the involuntary medication for purposes of competency restoration pursuant to RCW 10.77.084, the secretary's petition must also seek authorization to continue involuntary medication for purposes of maintaining the level of restoration in the jail or juvenile detention facility following the restoration period.

(3)(a) In a particular case, a court may determine that a pending charge not otherwise defined as serious by state or federal law or by a city or county ordinance

is, nevertheless, a serious offense within the context of competency restoration treatment when the conduct in the charged offense falls within the standards established in (b) of this subsection.

(b) To determine that the particular case is a serious offense within the context of competency restoration, the court must consider the following factors and determine that one or more of the following factors creates a situation in which the offense is serious:

(i) The charge includes an allegation that the defendant actually inflicted bodily or emotional harm on another person or that the defendant created a reasonable apprehension of bodily or emotional harm to another;

(ii) The extent of the impact of the alleged offense on the basic human need for security of the citizens within the jurisdiction;

(iii) The number and nature of related charges pending against the defendant;

(iv) The length of potential confinement if the defendant is convicted; and

(v) The number of potential and actual victims or persons impacted by the defendant's alleged acts.

**NEW SECTION. Sec. 12.** A new section is added to chapter 10.77 RCW to read as follows:

(1) When an individual has a prescription for an antipsychotic, antidepressant, antiepileptic, or other drug prescribed to the individual to treat a serious mental illness by a state hospital or other state facility or a behavioral health agency or other certified medical provider, and the individual is medically stable on the drug, a jail or juvenile detention facility shall continue prescribing the prescribed drug and may not require the substitution of a different drug in a given therapeutic class, except under the following circumstances:

(a) The substitution is for a generic version of a name brand drug and the generic version is chemically identical to the name brand drug; or

(b) The drug cannot be prescribed for reasons of drug recall or removal from the market, or medical evidence indicating no therapeutic effect of the drug.

(2) This section includes but is not limited to situations in which the individual returns to a jail or juvenile detention facility directly after undergoing treatment at a state hospital, behavioral health agency, outpatient competency restoration program, or prison.

(3) The department shall establish a program to reimburse jails and juvenile detention facilities for the costs of any drugs the jail or juvenile detention facility does not otherwise have available and must continue prescribing under this section.

**NEW SECTION. Sec. 13.** A new section is added to chapter 10.77 RCW to read as follows:

(1) Following a competency evaluation under RCW 10.77.060, individuals who are found not competent to stand trial and not

restorable due to an intellectual or developmental disability, dementia, or traumatic brain injury, shall not be referred for competency restoration services unless the highest current criminal charge is a violent offense or sex offense as defined in RCW 9.94A.030. A defendant with a prior finding under this subsection may only be referred for competency restoration services if the highest charge under the new proceedings is a violent offense or sex offense as defined in RCW 9.94A.030.

(2) The department shall develop a process for connecting individuals who have been found not competent to stand trial due to an intellectual or developmental disability, dementia, or traumatic brain injury to available wraparound services and supports in community-based settings, which may include residential supports. The process shall include provisions for individuals who are current clients of the department's developmental disabilities administration or aging and long-term support administration and for individuals who are not current clients of the department.

(a) For current clients of the developmental disabilities administration and aging and long-term support administration, the department's assigned case manager shall:

(i) Coordinate with the individual's services providers to determine if the individual can return to the same or like services, or determine appropriate new community-based services. This shall include updating the individual's service plan and identifying and coordinating potential funding for any additional supports to stabilize the individual in community-based settings funded by the developmental disabilities administration or aging and long-term support administration so that the individual does not lose existing services, including submitting any exceptions to rule for additional services;

(ii) Conduct a current service eligibility assessment and send referral packets to all community-based service providers for services for which the individual is eligible; and

(iii) Connect with the individual's assigned forensic navigator and determine if the individual is eligible for any diversion, supportive housing, or case management programs as a *Trueblood* class member, and assist the individual to access these services.

(b) For individuals who have not established eligibility for the department's support services, the department shall:

(i) Conduct an eligibility determination for services and send referral packets to service providers for all relevant community-based services for which the individual is eligible. This process must include identifying and coordinating funding for any additional supports that are needed to stabilize the individual in any community-based setting funded by the developmental disabilities administration or aging and long-term support administration, including submitting any necessary exceptions to rule for additional services; and

(ii) Connect with the individual's assigned forensic navigator and determine if the individual is eligible for any diversion, supportive housing, or case management programs as a *Trueblood* class member, if additional specialized services are available to supplement diversion program services, and assist the individual to access these services.

(3) The department shall offer to transition the individual in services either directly from the jail or as soon thereafter as may be practicable, without maintaining the individual at an inpatient facility for longer than is clinically necessary. Nothing in this subsection prohibits the department from returning the individual to their home or to another less restrictive setting if such setting is appropriate, which may include provision of supportive services to help the person maintain stability. The individual is not required to accept developmental disabilities administration, aging and long-term support administration, or other diversionary services as a condition of having the individual's criminal case dismissed without prejudice, provided the individual meets the criteria of subsection (1) of this section.

(4) Subject to the availability of funds appropriated for this specific purpose, the department shall develop a program for individuals who have been involved with the criminal justice system and who have been found under RCW 10.77.084 as incompetent to stand trial and not restorable due to an intellectual or developmental disability, traumatic brain injury, or dementia and who do not meet criteria under other programs in this section. The program must involve wraparound services and housing supports appropriate to the needs of the individual. It is sufficient to meet the criteria for participation in this program if the individual has recently been the subject of criminal charges that were dismissed without prejudice and was found incompetent to stand trial due to an intellectual or developmental disability, traumatic brain injury, or dementia.

**NEW SECTION. Sec. 14.** The University of Washington shall implement a pilot project to provide short-term stabilization and transition support for individuals found incompetent to stand trial due to an intellectual or developmental disability who are or have been *Trueblood* class members. The project will be implemented in three phases, beginning December 1, 2023, using an interdisciplinary approach across various settings and overlapping with existing resources, including those available to *Trueblood* class members and services and supports they are eligible to receive from the department of social and health services. The department of social and health services shall collaborate with the University of Washington on this project, including assistance in identifying resources available to class members and determination of eligibility. By November 30, 2026, the University of Washington shall submit a report to the appropriate fiscal and policy committees of the legislature on



the pilot project, including the pilot project's outcomes, data analysis, evaluation, and recommendations for improvement. In addition, the University of Washington shall report on the background of current and former *Trueblood* class members with intellectual and developmental disabilities. The department of social and health services shall share data as needed to assist in report development.

**NEW SECTION. Sec. 15.** Subject to the availability of funds appropriated for this specific purpose, the health care authority shall require the programs it contracts with to increase compensation for staff in outpatient competency restoration programs to provide compensation at competitive levels to improve recruitment and allow for the full implementation of outpatient competency restoration programs.

**NEW SECTION. Sec. 16.** A new section is added to chapter 10.77 RCW to read as follows:

An outpatient competency restoration program must include access to a prescriber.

**NEW SECTION. Sec. 17.** A new section is added to chapter 10.77 RCW to read as follows:

(1) Subject to the security and background investigation requirements of the jail, jails shall allow clinical intervention specialists to have access to individuals who are referred to receive services under this chapter and to all records relating to the health or conduct of the individual while incarcerated. Clinical intervention specialists shall support jail health services in providing direct services, enhanced oversight and monitoring of the behavioral health status of participating individuals. Clinical intervention specialists shall work collaboratively with jail health services to ensure appropriate prescriptions, medication compliance monitoring, and access to supportive behavioral health services to the individuals. Clinical intervention specialists shall coordinate with forensic navigators and the department to assist forensic navigators in making recommendations for appropriate placements, which may include recommendations for participation in an outpatient competency restoration program or a diversion program designed for the needs of the individual. The clinical intervention specialist shall notify the department if a participating individual appears to have stabilized in their behavioral health such that a new competency evaluation is appropriate to reassess the individual's need for competency restoration treatment.

(2) The department shall establish a memorandum of understanding and any contracts needed with the jail to address the terms and conditions of allowing access to defendants and their records subject to the requirements of this section.

**NEW SECTION. Sec. 18.** A new section is added to chapter 10.77 RCW to read as follows:

The department shall collect data so that information can be retrieved based on unique individuals, their complete Washington criminal history and referrals for forensic services.

**NEW SECTION. Sec. 19.** A new section is added to chapter 10.77 RCW to read as follows:

(1) The department shall coordinate with cities, counties, hospitals, and other public and private entities to identify locations that may be commissioned or renovated for use in treating clients committed to the department for competency evaluation, competency restoration, civil conversion, or treatment following acquittal by reason of insanity.

(2) The department may provide capital grants to entities to accomplish the purposes described in subsection (1) of this section subject to provision of funding provided for this specific purpose.

**NEW SECTION. Sec. 20.** (1) By January 1, 2024, the health care authority shall implement a pilot project in phase one *Trueblood* settlement regions, by creating three behavioral health crisis systems regional coordinator positions in the Pierce, southwest, and Spokane behavioral health administrative services organization regions. The purpose of the pilot project is to support and assist key participants across the various local voluntary, involuntary, and forensic behavioral health systems to better understand the intersection of these systems, their essential role in and across the system, and how to effectively navigate impacted individuals to the best options based on their circumstances and needs, including by increasing the utilization of assisted outpatient treatment, outpatient competency restoration services, and diversion programs for people living with behavioral health conditions who are involved or likely to have involvement with the criminal legal system.

(2) In carrying out this pilot project, the behavioral health crisis systems regional coordinator shall familiarize themselves with key cross-system participants within the region, including but not limited to:

(a) Department of social and health services personnel and contractors, including those implementing the responsibilities outlined in chapter 10.77 RCW and Titles 71, 71A, and 74 RCW;

(b) Health care authority personnel and contractors, including those implementing the responsibilities outlined in chapter 10.77 RCW and Title 71 RCW;

(c) Behavioral health administrative services organization personnel and contractors implementing the functions outlined in RCW 71.24.045;

(d) Managed care organizations, including personnel implementing the responsibilities outlined in chapter 71.24 RCW and Title 74 RCW;

(e) Participants in the criminal legal system, including: Municipal, district, and superior court personnel; prosecutors; defense counsel representing people for whom there is a doubt as to competency; law enforcement agency personnel; and municipal and county jails;

(f) Local governments and tribal governments located within the region; and

(g) Community-based wraparound service providers, including housing and other supports for people involved in the behavioral health or criminal legal systems.

(3) The behavioral health crisis systems regional coordinators shall develop a robust understanding of the local voluntary, involuntary, and forensic behavioral health systems within the county or counties located within the behavioral health administrative services organization's region, including all system actors, policies, procedures, and programs across the state-operated and regional behavioral health, criminal legal, local government, and social services systems. The behavioral health crisis systems regional coordinators shall also:

(a) Identify challenges within these systems and develop strategies for improved coordination and access to services across systems;

(b) Work with local jurisdictions and the behavioral health administrative services organization, including the assisted outpatient treatment program coordinator established in RCW 71.24.045, to establish or improve assisted outpatient treatment programs, including increased utilization of assisted outpatient treatment for expanded populations;

(c) Work with local jurisdictions and the behavioral health administrative services organization to increase utilization of arrest and jail diversion programs;

(d) Work with local jurisdictions and the behavioral health administrative services organization to increase utilization of outpatient competency restoration program services; and

(e) Provide recommendations on statutory and regulatory changes needed to improve coordination and access to services across behavioral health systems to the joint legislative and executive committee on behavioral health established within the office of financial management in the omnibus appropriations act for the 2023-2025 biennium.

(4) By September 30, 2025, the health care authority shall provide a preliminary report to the appropriate fiscal and policy committees of the legislature on the progress and outcomes of the pilot project, including steps taken to address identified challenges and improve coordination and access to behavioral health services within each region, and steps taken to establish or improve access to, and expanded utilization of, assisted outpatient treatment, arrest and jail diversion program services, and outpatient competency restoration program services within each region. The report shall also include any recommended statutory changes that are needed to facilitate improved coordination and access to services across behavioral health systems. The

authority shall submit a final report by September 1, 2026.

(5) The health care authority, the department of social and health services, and regional managed care organizations shall provide the behavioral health crisis systems regional coordinators with any information that supports the systems improvement work of the behavioral health crisis systems regional coordinator.

(6) This section expires June 30, 2027.

**Sec. 21.** RCW 10.77.065 and 2019 c 325 s 5006 are each amended to read as follows:

(1)(a)(i) The expert conducting the evaluation shall provide his or her report and recommendation to the court in which the criminal proceeding is pending. For a competency evaluation of a defendant who is released from custody, if the evaluation cannot be completed within twenty-one days due to a lack of cooperation by the defendant, the evaluator shall notify the court that he or she is unable to complete the evaluation because of such lack of cooperation.

(ii) A copy of the report and recommendation shall be provided to the designated crisis responder, the prosecuting attorney, the defense attorney, and the professional person at the local correctional facility where the defendant is being held, or if there is no professional person, to the person designated under (a)(iv) of this subsection. Upon request, the evaluator shall also provide copies of any source documents relevant to the evaluation to the designated crisis responder.

(iii) Any facility providing inpatient services related to competency shall discharge the defendant as soon as the facility determines that the defendant is competent to stand trial. Discharge shall not be postponed during the writing and distribution of the evaluation report. Distribution of an evaluation report by a facility providing inpatient services shall ordinarily be accomplished within two working days or less following the final evaluation of the defendant. If the defendant is discharged to the custody of a local correctional facility, the local correctional facility must continue the medication regimen prescribed by the facility, when clinically appropriate, unless the defendant refuses to cooperate with medication and an involuntary medication order by the court has not been entered.

(iv) If there is no professional person at the local correctional facility, the local correctional facility shall designate a professional person as defined in RCW 71.05.020 or, in cooperation with the behavioral health administrative services organization, a professional person at the behavioral health administrative services organization to receive the report and recommendation.

(v) Upon commencement of a defendant's evaluation in the local correctional facility, the local correctional facility must notify the evaluator of the name of the professional person, or person designated

under (a) (iv) of this subsection, to receive the report and recommendation.

(b) If the evaluator concludes, under RCW 10.77.060(3)(f), the person should be evaluated by a designated crisis responder under chapter 71.05 RCW, the court shall order such evaluation be conducted prior to release from confinement when the person is acquitted or convicted and sentenced to confinement for twenty-four months or less, or when charges are dismissed pursuant to a finding of incompetent to stand trial.

(2) The designated crisis responder shall provide written notification within twenty-four hours of the results of the determination whether to commence proceedings under chapter 71.05 RCW. The notification shall be provided to the persons identified in subsection (1)(a) of this section.

(3) The prosecuting attorney shall provide a copy of the results of any proceedings commenced by the designated crisis responder under subsection (2) of this section to the secretary.

(4) A facility conducting a civil commitment evaluation under RCW 10.77.086(~~((4))~~) (7) or 10.77.088(~~((1)(e))~~) (5)(b) that makes a determination to release the person instead of filing a civil commitment petition must provide written notice to the prosecutor and defense attorney at least twenty-four hours prior to release. The notice may be given by email, facsimile, or other means reasonably likely to communicate the information immediately.

(5) The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services under this chapter may also be disclosed to the courts solely to prevent the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

**Sec. 22.** RCW 71.05.280 and 2022 c 210 s 15 are each amended to read as follows:

At the expiration of the fourteen-day period of intensive treatment, a person may be committed for further treatment pursuant to RCW 71.05.320 if:

(1) Such person after having been taken into custody for evaluation and treatment has threatened, attempted, or inflicted: (a) Physical harm upon the person of another or himself or herself, or substantial damage upon the property of another, and (b) as a result of a behavioral health disorder presents a likelihood of serious harm; or

(2) Such person was taken into custody as a result of conduct in which he or she attempted or inflicted physical harm upon the person of another or himself or herself, or substantial damage upon the property of others, and continues to present, as a result of a behavioral health disorder, a likelihood of serious harm; or

(3) Such person has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.086(~~((4))~~) (7), and has committed acts constituting a felony, and as a result of a behavioral health disorder, presents a substantial likelihood of repeating similar acts.

(a) In any proceeding pursuant to this subsection it shall not be necessary to show intent, willfulness, or state of mind as an element of the crime;

(b) For any person subject to commitment under this subsection where the charge underlying the finding of incompetence is for a felony classified as violent under RCW 9.94A.030, the court shall determine whether the acts the person committed constitute a violent offense under RCW 9.94A.030; or

(4) Such person is gravely disabled.

**Sec. 23.** RCW 71.05.290 and 2022 c 210 s 16 are each amended to read as follows:

(1) At any time during a person's 14-day intensive treatment period, the professional person in charge of a treatment facility or his or her professional designee or the designated crisis responder may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2)(a)(i) The petition shall summarize the facts which support the need for further commitment and shall be supported by affidavits based on an examination of the patient and signed by:

(A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(B) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner.

(b) The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter. If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(3) If a person has been determined to be incompetent pursuant to RCW 10.77.086(~~((4))~~) (7), then the professional person in charge of the treatment facility or his or her professional designee or the designated crisis responder may directly file a petition for 180-day treatment under RCW 71.05.280(3), or for 90-day treatment under RCW 71.05.280 (1), (2), or (4). No petition for initial detention or 14-day detention is required before such a petition may be filed.

**Sec. 24.** RCW 71.05.300 and 2020 c 302 s 43 are each amended to read as follows:

(1) The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of

intensive treatment. The clerk shall set a trial setting date as provided in RCW 71.05.310 on the next judicial day after the date of filing the petition and notify the designated crisis responder. The designated crisis responder shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, the prosecuting attorney, and the behavioral health administrative services organization administrator, and provide a copy of the petition to such persons as soon as possible. The behavioral health administrative services organization administrator or designee may review the petition and may appear and testify at the full hearing on the petition.

(2) The attorney for the detained person shall advise him or her of his or her right to be represented by an attorney, his or her right to a jury trial, and, if the petition is for commitment for mental health treatment, his or her loss of firearm rights if involuntarily committed. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, physician assistant, psychiatric advanced registered nurse practitioner, psychologist, psychiatrist, or other professional person, designated by the detained person to examine and testify on behalf of the detained person.

(3) The court may, if requested, also appoint a professional person as defined in RCW 71.05.020 to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a person with a developmental disability who has been determined to be incompetent pursuant to RCW 10.77.086((4)) (7), the appointed professional person under this section shall be a developmental disabilities professional.

**Sec. 25.** RCW 71.05.425 and 2021 c 264 s 19 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before conditional release, final release, authorized leave under RCW 71.05.325(2), or transfer to a facility other than a state mental hospital, the superintendent shall send written notice of conditional release, release, authorized leave, or transfer of a person committed under RCW 71.05.280(3) or 71.05.320(4)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086((4)) (7) to the following:

(i) The chief of police of the city, if any, in which the person will reside;

(ii) The sheriff of the county in which the person will reside; and

(iii) The prosecuting attorney of the county in which the criminal charges against the committed person were dismissed.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed

under RCW 71.05.280(3) or 71.05.320(4)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086((4)) (7):

(i) The victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.086((4)) (7) preceding commitment under RCW 71.05.280(3) or 71.05.320(4)(c) or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the person in any court proceedings;

(iii) Any person specified in writing by the prosecuting attorney. Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter; and

(iv) The chief of police of the city, if any, and the sheriff of the county, if any, which had jurisdiction of the person on the date of the applicable offense.

(c) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical transfers.

(d) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2) If a person committed under RCW 71.05.280(3) or 71.05.320(4)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086((4)) (7) escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person escaped and in which the person resided immediately before the person's arrest and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed. If previously requested, the superintendent shall also notify the witnesses and the victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.086((4)) (7) preceding commitment under RCW 71.05.280(3) or 71.05.320(4) or the victim's next of kin if the crime was a homicide. In addition, the secretary shall also notify appropriate parties pursuant to RCW 70.02.230(2)(o). If the person is recaptured, the superintendent shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department of social and health services learns of such recapture.

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parent or legal guardian of the child.

(4) The superintendent shall send the notices required by this chapter to the last address provided to the department of social and health services by the requesting party. The requesting party shall furnish the department of social and health services with a current address.

(5) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Next of kin" means a person's spouse, state registered domestic partner, parents, siblings, and children;

(d) "Felony harassment offense" means a crime of harassment as defined in RCW 9A.46.060 that is a felony.

**Sec. 26.** RCW 71.09.025 and 2009 c 409 s 2 are each amended to read as follows:

(1)(a) When it appears that a person may meet the criteria of a sexually violent predator as defined in RCW 71.09.020(~~((+16))~~), the agency with jurisdiction shall refer the person in writing to the prosecuting attorney of the county in which an action under this chapter may be filed pursuant to RCW 71.09.030 and the attorney general, three months prior to:

(i) The anticipated release from total confinement of a person who has been convicted of a sexually violent offense;

(ii) The anticipated release from total confinement of a person found to have committed a sexually violent offense as a juvenile;

(iii) Release of a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial pursuant to RCW 10.77.086(~~((+4))~~) (7); or

(iv) Release of a person who has been found not guilty by reason of insanity of a sexually violent offense pursuant to RCW 10.77.020(3).

(b) The agency shall provide the prosecuting agency with all relevant information including but not limited to the following information:

(i) A complete copy of the institutional records compiled by the department of corrections relating to the person, and any such out-of-state department of corrections' records, if available;

(ii) A complete copy, if applicable, of any file compiled by the indeterminate sentence review board relating to the person;

(iii) All records relating to the psychological or psychiatric evaluation and/or treatment of the person;

(iv) A current record of all prior arrests and convictions, and full police case reports relating to those arrests and convictions; and

(v) A current mental health evaluation or mental health records review.

(c) The prosecuting agency has the authority, consistent with RCW 72.09.345(~~((+3))~~) (4), to obtain all records relating to the person if the prosecuting agency deems such records are necessary to fulfill its duties under this chapter. The prosecuting agency may only disclose such records in the course of performing its duties pursuant to this chapter, unless otherwise authorized by law.

(d) The prosecuting agency has the authority to utilize the inquiry judge procedures of chapter 10.27 RCW prior to the

filing of any action under this chapter to seek the issuance of compulsory process for the production of any records necessary for a determination of whether to seek the civil commitment of a person under this chapter. Any records obtained pursuant to this process may only be disclosed by the prosecuting agency in the course of performing its duties pursuant to this chapter, or unless otherwise authorized by law.

(2) The agency, its employees, and officials shall be immune from liability for any good-faith conduct under this section.

(3) As used in this section, "agency with jurisdiction" means that agency with the authority to direct the release of a person serving a sentence or term of confinement and includes the department of corrections, the indeterminate sentence review board, and the department of social and health services.

**Sec. 27.** RCW 71.09.030 and 2009 c 409 s 3 are each amended to read as follows:

(1) A petition may be filed alleging that a person is a sexually violent predator and stating sufficient facts to support such allegation when it appears that: (a) A person who at any time previously has been convicted of a sexually violent offense is about to be released from total confinement; (b) a person found to have committed a sexually violent offense as a juvenile is about to be released from total confinement; (c) a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial is about to be released, or has been released, pursuant to RCW 10.77.086(~~((+4))~~) (7); (d) a person who has been found not guilty by reason of insanity of a sexually violent offense is about to be released, or has been released, pursuant to RCW 10.77.020(3), 10.77.110 (1) or (3), or 10.77.150; or (e) a person who at any time previously has been convicted of a sexually violent offense and has since been released from total confinement and has committed a recent overt act.

(2) The petition may be filed by:

(a) The prosecuting attorney of a county in which:

(i) The person has been charged or convicted with a sexually violent offense;

(ii) A recent overt act occurred involving a person covered under subsection (1)(e) of this section; or

(iii) The person committed a recent overt act, or was charged or convicted of a criminal offense that would qualify as a recent overt act, if the only sexually violent offense charge or conviction occurred in a jurisdiction other than Washington; or

(b) The attorney general, if requested by the county prosecuting attorney identified in (a) of this subsection. If the county prosecuting attorney requests that the attorney general file and prosecute a case under this chapter, then the county shall charge the attorney general only the fees, including filing and jury fees, that would be charged and paid by the county

prosecuting attorney, if the county prosecuting attorney retained the case.

**Sec. 28.** RCW 71.09.060 and 2009 c 409 s 6 are each amended to read as follows:

(1) The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. In determining whether or not the person would be likely to engage in predatory acts of sexual violence if not confined in a secure facility, the fact finder may consider only placement conditions and voluntary treatment options that would exist for the person if unconditionally released from detention on the sexually violent predator petition. The community protection program under RCW 71A.12.230 may not be considered as a placement condition or treatment option available to the person if unconditionally released from detention on a sexually violent predator petition. When the determination is made by a jury, the verdict must be unanimous.

If, on the date that the petition is filed, the person was living in the community after release from custody, the state must also prove beyond a reasonable doubt that the person had committed a recent overt act. If the state alleges that the prior sexually violent offense that forms the basis for the petition for commitment was an act that was sexually motivated as provided in RCW 71.09.020(~~((+15)-(e))~~) (18) (c), the state must prove beyond a reasonable doubt that the alleged sexually violent act was sexually motivated as defined in RCW 9.94A.030.

If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the department of social and health services for placement in a secure facility operated by the department of social and health services for control, care, and treatment until such time as: (a) The person's condition has so changed that the person no longer meets the definition of a sexually violent predator; or (b) conditional release to a less restrictive alternative as set forth in RCW 71.09.092 is in the best interest of the person and conditions can be imposed that would adequately protect the community.

If the court or unanimous jury decides that the state has not met its burden of proving that the person is a sexually violent predator, the court shall direct the person's release.

If the jury is unable to reach a unanimous verdict, the court shall declare a mistrial and set a retrial within forty-five days of the date of the mistrial unless the prosecuting agency earlier moves to dismiss the petition. The retrial may be continued upon the request of either party accompanied by a showing of good cause, or by the court on its own motion in the due administration of justice provided that the respondent will not be substantially prejudiced. In no event may the person be released from confinement prior to retrial or dismissal of the case.

(2) If the person charged with a sexually violent offense has been found incompetent to stand trial, and is about to be or has

been released pursuant to RCW 10.77.086(~~((+4))~~) (7), and his or her commitment is sought pursuant to subsection (1) of this section, the court shall first hear evidence and determine whether the person did commit the act or acts charged if the court did not enter a finding prior to dismissal under RCW 10.77.086(~~((+4))~~) (7) that the person committed the act or acts charged. The hearing on this issue must comply with all the procedures specified in this section. In addition, the rules of evidence applicable in criminal cases shall apply, and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged, the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on his or her own behalf, the extent to which the evidence could be reconstructed without the assistance of the person, and the strength of the prosecution's case. If, after the conclusion of the hearing on this issue, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, it shall enter a final order, appealable by the person, on that issue, and may proceed to consider whether the person should be committed pursuant to this section.

(3) Except as otherwise provided in this chapter, the state shall comply with RCW 10.77.220 while confining the person. During all court proceedings where the person is present, the person shall be detained in a secure facility. If the proceedings last more than one day, the person may be held in the county jail for the duration of the proceedings, except the person may be returned to the department's custody on weekends and court holidays if the court deems such a transfer feasible. The county shall be entitled to reimbursement for the cost of housing and transporting the person pursuant to rules adopted by the secretary. The department shall not place the person, even temporarily, in a facility on the grounds of any state mental facility or regional habilitation center because these institutions are insufficiently secure for this population.

(4) A court has jurisdiction to order a less restrictive alternative placement only after a hearing ordered pursuant to RCW 71.09.090 following initial commitment under this section and in accord with the provisions of this chapter.

**NEW SECTION. Sec. 29.** Sections 7 and 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

**NEW SECTION. Sec. 30.** (1) Section 7 of this act expires when section 8 of this act takes effect.

(2) The department of social and health services shall provide written notice of the expiration date of section 7 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department.

NEW SECTION. **Sec. 31.** Section 13 of this act takes effect December 1, 2023.

NEW SECTION. **Sec. 32.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Farivar and Walsh spoke in favor of the adoption of the striking amendment.

The striking amendment (688) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Farivar and Cheney spoke in favor of the passage of the bill.

Representatives Walsh and Graham spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5440, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5440, as amended by the House, and the bill passed the House by the following vote: Yeas, 61; Nays, 34; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Corry, Couture, Dent, Dye, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Sandlin, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Ortiz-Self, Santos and Waters

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5440, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5536, by Senate Committee on Ways & Means (originally sponsored by Robinson, Lovick, Rolfes, Mullet, Dhingra, Billig, Hasegawa, Keiser, Kuderer, Liias, Lovelett, Nobles, Randall, Stanford, Wellman and Wilson, C.)**

**Concerning controlled substances, counterfeit substances, and legend drug possession and treatment.**

The bill was read the second time.

With the consent of the House, amendment (679) was withdrawn.

Representative Taylor moved the adoption of the striking amendment (664):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that substance use disorder is a treatable brain disease from which people can and do recover. When individuals in active addiction are provided with access to quality outreach, treatment, and recovery support services, recovery is not only possible, but probable. Solutions to the addiction crisis must not only address criminal legal responses, but must be data-driven and evidence-based, and must represent public health best practices, working directly with people who use drugs to prevent overdose and infectious disease transmission, and improve the physical, mental, and social well-being of those served. The state must follow principles of harm reduction, comprising practical strategies aimed at reducing negative consequences associated with drug use, including safer use of supplies as well as care settings, staffing, and interactions that are person-centered, supportive, and welcoming.

The legislature recognizes that substance use disorder is commonly treated in a variety of settings, including primary care, addiction medicine, mental health agencies, and substance use disorder treatment providers. Because medications such as buprenorphine and methadone are the clinical best practice for the treatment of opioid use disorder, individuals seeking treatment for addiction to heroin, fentanyl, and other opioids frequently seek recovery via primary care, addiction medicine, and opioid treatment programs.

The legislature finds that the process of recovery, as described by the national substance abuse and mental health administration, is highly personal and occurs via many pathways. It may include clinical treatment, medications, faith-based approaches, peer support, family support, self-care, and other approaches. Recovery is characterized by continual growth and improvement in one's health and wellness and managing setbacks. Because setbacks are a natural part of life, resilience becomes a key component of recovery.

The legislature finds that the recommendations of the substance use recovery services advisory committee reflect diligent work by individuals with a range of professional and personal experience, who brought that experience to the committee, and whose expertise is reflected in the recommendations.

**Part I - Prohibiting Knowing Possession of a Controlled Substance, Counterfeit Substance, or Legend Drug**

**Sec. 2.** RCW 69.50.4011 and 2003 c 53 s 332 are each amended to read as follows:

(1) Except as authorized by this chapter, it is unlawful for any person to ~~((create, deliver, or possess a counterfeit substance))~~:

(a) Create or deliver a counterfeit substance;

(b) Knowingly possess a counterfeit substance; or

(c) Knowingly possess and use a counterfeit substance in a public place by injection, inhalation, ingestion, or any other means.

(2) Any person who violates subsection (1)(a) of this section with respect to:

(a) A counterfeit substance classified in Schedule I or II which is a narcotic drug, or flunitrazepam classified in Schedule IV, is guilty of a class B felony and upon conviction may be imprisoned for not more than ~~((ten))10~~ years, fined not more than ~~((twenty-five thousand dollars))\$25,000~~, or both;

(b) A counterfeit substance which is methamphetamine, is guilty of a class B felony and upon conviction may be imprisoned for not more than ~~((ten))10~~ years, fined not more than ~~((twenty-five thousand dollars))\$25,000~~, or both;

(c) Any other counterfeit substance classified in Schedule I, II, or III, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

(d) A counterfeit substance classified in Schedule IV, except flunitrazepam, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

(e) A counterfeit substance classified in Schedule V, is guilty of a class C felony punishable according to chapter 9A.20 RCW.

(3)(a) A violation of subsection (1)(b) or (c) of this section is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services through the recovery navigator program established under RCW 71.24.115 or a comparable program including, but not limited to, arrest and jail alternative programs established under RCW 36.28A.450 and law enforcement assisted diversion programs established under RCW 71.24.589.

(b) In lieu of jail booking and referral to the prosecutor, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the recovery navigator program established under RCW 71.24.115.

(c) Upon arraignment for a violation of subsection (1)(b) or (c) of this section, the court shall determine whether the defendant has been advised by the defendant's counsel about the pretrial diversion opportunity described in section 10 of this act.

(d) For the purposes of this section, "public place" has the same meaning as defined in RCW 66.04.010, but the exclusions in RCW 66.04.011 do not apply.

**Sec. 3.** RCW 69.50.4013 and 2022 c 16 s 86 are each amended to read as follows:

(1) ~~((It))~~ Except as otherwise authorized by this chapter, it is unlawful for any person to:

(a) Knowingly possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice ~~((, or except as otherwise authorized by this chapter))~~; or

(b) Knowingly possess and use a controlled substance in a public place by injection, inhalation, ingestion, or any other means, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice.

(2)(a) Except as provided in RCW 69.50.4014 or 69.50.445, ~~((any person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW))~~ a violation of subsection (1)(a) or (b) of this section is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services through the recovery navigator program established under RCW 71.24.115 or a comparable program including, but not limited to, arrest and jail alternative programs established under RCW 36.28A.450 and law enforcement assisted diversion programs established under RCW 71.24.589.

(b) In lieu of jail booking and referral to the prosecutor, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the recovery navigator program established under RCW 71.24.115.

(c) Upon arraignment for a violation of subsection (1)(a) or (b) of this section, the court shall determine whether the defendant has been advised by the defendant's counsel about the pretrial diversion opportunity described in section 10 of this act.

(3)(a) The possession, by a person ~~((twenty-one))21~~ years of age or older, of useable cannabis, cannabis concentrates, or cannabis-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section, this chapter, or any other provision of Washington state law.

(b) The possession of cannabis, useable cannabis, cannabis concentrates, and cannabis-infused products being physically transported or delivered within the state, in amounts not exceeding those that may be established under RCW 69.50.385(3), by a licensed employee of a common carrier when performing the duties authorized in accordance with RCW 69.50.382 and 69.50.385, is not a violation of this section, this chapter, or any other provision of Washington state law.



(4) (a) The delivery by a person (~~(twenty-one)~~) 21 years of age or older to one or more persons (~~(twenty-one)~~) 21 years of age or older, during a single (~~(twenty-four)~~) 24 hour period, for noncommercial purposes and not conditioned upon or done in connection with the provision or receipt of financial consideration, of any of the following cannabis products, is not a violation of this section, this chapter, or any other provisions of Washington state law:

- (i) One-half ounce of useable cannabis;
- (ii) Eight ounces of cannabis-infused product in solid form;
- (iii) (~~(Thirty-six)~~) 36 ounces of cannabis-infused product in liquid form; or
- (iv) Three and one-half grams of cannabis concentrates.

(b) The act of delivering cannabis or a cannabis product as authorized under this subsection (4) must meet one of the following requirements:

- (i) The delivery must be done in a location outside of the view of general public and in a nonpublic place; or
- (ii) The cannabis or cannabis product must be in the original packaging as purchased from the cannabis retailer.

(5) No person under (~~(twenty-one)~~) 21 years of age may (~~(possess,)~~) manufacture, sell, (~~(or)~~) distribute, or knowingly possess cannabis, cannabis-infused products, or cannabis concentrates, regardless of THC concentration. This does not include qualifying patients with a valid authorization.

(6) The possession by a qualifying patient or designated provider of cannabis concentrates, useable cannabis, cannabis-infused products, or plants in accordance with chapter 69.51A RCW is not a violation of this section, this chapter, or any other provision of Washington state law.

(7) For the purposes of this section, "public place" has the same meaning as defined in RCW 66.04.010, but the exclusions in RCW 66.04.011 do not apply.

**Sec. 4.** RCW 69.50.4014 and 2022 c 16 s 88 are each amended to read as follows:

(1) Except as provided in RCW 69.50.401(2)(c) or as otherwise authorized by this chapter, any person found guilty of knowing possession of (~~(forty)~~) 40 grams or less of cannabis is guilty of a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services through the recovery navigator program established under RCW 71.24.115 or a comparable program including, but not limited to, arrest and jail alternative programs established under RCW 36.28A.450 and law enforcement assisted diversion programs established under RCW 71.24.589.

(2) In lieu of jail booking and referral to the prosecutor, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the

recovery navigator program established under RCW 71.24.115.

(3) Upon arraignment for violation of this section, the court shall determine whether the defendant has been advised by the defendant's counsel about the pretrial diversion opportunity described in section 10 of this act.

**Sec. 5.** RCW 69.41.030 and 2020 c 80 s 41 are each amended to read as follows:

(1) It shall be unlawful for any person to sell(~~(or)~~)or deliver any legend drug, or knowingly possess any legend drug, or knowingly possess and use any legend drug in a public place by injection, inhalation, ingestion, or any other means, except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, a pharmacist licensed under chapter 18.64 RCW to the extent permitted by drug therapy guidelines or protocols established under RCW 18.64.011 and authorized by the commission and approved by a practitioner authorized to prescribe drugs, a physician assistant under chapter 18.71A RCW when authorized by the Washington medical commission, or any of the following professionals in any province of Canada that shares a common border with the state of Washington or in any state of the United States: A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed advanced registered nurse practitioner, a licensed physician assistant, or a veterinarian licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouse operator, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the health care authority from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health

care practitioners: PROVIDED FURTHER, That nothing in this chapter prohibits possession or delivery of legend drugs by an authorized collector or other person participating in the operation of a drug take-back program authorized in chapter 69.48 RCW.

(2)(a) A violation of this section involving the sale, delivery, or possession with intent to sell or deliver is a class B felony punishable according to chapter 9A.20 RCW.

(b) A violation of this section involving knowing possession is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

(c) A violation of this section involving knowing possession and use in a public place is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services through the recovery navigator program established under RCW 71.24.115 or a comparable program including, but not limited to, arrest and jail alternative programs established under RCW 36.28A.450 and law enforcement assisted diversion programs established under RCW 71.24.589.

(d) In lieu of jail booking and referral to the prosecutor for a violation of this section involving knowing possession, or knowing possession and use in a public place, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the recovery navigator program established under RCW 71.24.115.

(e) Upon arraignment for a violation of this section involving knowing possession, or knowing possession and use in a public place, the court shall determine whether the defendant has been advised by the defendant's counsel about the pretrial diversion opportunity described in section 10 of this act.

(3) For the purposes of this section, "public place" has the same meaning as defined in RCW 66.04.010, but the exclusions in RCW 66.04.011 do not apply.

**Sec. 6.** RCW 69.50.509 and 1987 c 202 s 228 are each amended to read as follows:

If, upon the sworn complaint of any person, it shall be made to appear to any judge of the superior court, district court, or municipal court that there is probable cause to believe that any controlled substance is being used, manufactured, sold, bartered, exchanged, administered, dispensed, delivered, distributed, produced, knowingly possessed, given away, furnished or otherwise disposed of or kept in violation of the provisions of this chapter, such judge shall, with or without the approval of the prosecuting attorney, issue a warrant directed to any law enforcement officer of the state, commanding him or her to search the premises designated and

described in such complaint and warrant, and to seize all controlled substances there found, together with the vessels in which they are contained, and all implements, furniture and fixtures used or kept for the illegal manufacture, sale, barter, exchange, administering, dispensing, delivering, distributing, producing, possessing, giving away, furnishing or otherwise disposing of such controlled substances, and to safely keep the same, and to make a return of said warrant within three days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the returns shall so state. The provisions of RCW 10.31.030 as now or hereafter amended shall apply to actions taken pursuant to this chapter.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.43 RCW to read as follows:

Subject to the availability of funds appropriated for this specific purpose, the Washington state patrol bureau of forensic laboratory services shall aim to complete the necessary analysis for any evidence submitted for a suspected violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) within 45 days of receipt of the request for analysis.

The Washington state patrol bureau of forensic laboratory services' failure to comply with this section shall not constitute grounds for dismissal of a criminal charge.

## Part II - Relating to Drug Paraphernalia

**Sec. 8.** RCW 69.50.4121 and 2022 c 16 s 92 are each amended to read as follows:

(1) Every person who sells (~~(or gives,)~~) or permits to be sold (~~(or given)~~) to any person any drug paraphernalia in any form commits a class I civil infraction under chapter 7.80 RCW. For purposes of this subsection, "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, (~~(testing, analyzing,)~~) packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance other than cannabis. Drug paraphernalia includes, but is not limited to objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cocaine into the human body, such as:

(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(b) Water pipes;

(c) Carburetion tubes and devices;

- (d) Smoking and carburetion masks;
- (e) Miniature cocaine spoons and cocaine vials;
- (f) Chamber pipes;
- (g) Carburetor pipes;
- (h) Electric pipes;
- (i) Air-driven pipes; and
- (j) Ice pipes or chillers.

(2) It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

(3) Nothing in subsection (1) of this section prohibits ~~((legal))~~ distribution ~~((of injection))~~ or use of public health supplies including, but not limited to, syringe equipment, smoking equipment, or drug testing equipment, through public health ~~((and))~~ programs, community-based HIV prevention programs, outreach, shelter, and housing programs, and pharmacies. Public health and syringe service program staff taking samples of substances and using drug testing equipment for the purpose of analyzing the composition of the substances or detecting the presence of certain substances are acting legally and are exempt from arrest and prosecution under RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c).

**NEW SECTION. Sec. 9.** A new section is added to chapter 69.50 RCW to read as follows:

The state of Washington hereby fully occupies and preempts the entire field of drug paraphernalia regulation within the boundaries of the state including regulation of the use, selling, giving, delivery, and possession of drug paraphernalia. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to drug paraphernalia that are specifically authorized by state law and are consistent with this chapter. Such local ordinances must have the same penalty as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law may not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such city, town, county, or municipality.

### **Part III - Providing Opportunities for Pretrial Diversion and Vacating Convictions**

**NEW SECTION. Sec. 10.** A new section is added to chapter 69.50 RCW to read as follows:

(1) Nothing in this section prevents the defendant, with the consent of the prosecuting attorney as required by RCW 2.30.030, from seeking to resolve charges under RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) through available therapeutic courts or other alternatives to prosecution. Nothing in this section prevents the defendant or the prosecuting attorney from seeking or agreeing to, or the court from ordering, any other resolution of charges or

terms of supervision that suit the circumstances of the defendant's situation and advance stabilization, recovery, crime reduction, and justice.

(2) Any defendant charged with a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) may make a motion to participate in pretrial diversion and agree to waive his or her right to a speedy trial if the motion is granted, subject to the following:

(a) In any case where the defendant is only charged with a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c), and the defendant has not been convicted of any offenses committed after the effective date of this section, the court shall grant the motion, continue the hearing, and refer the defendant to an applicable program.

(b) In any case where the defendant does not meet the criteria described in (a) of this subsection, the court may grant the motion, continue the hearing, and refer the defendant to an applicable program.

(c) In all cases, the court may not grant the motion unless the prosecuting attorney consents to the defendant's participation in pretrial diversion. The prosecuting attorney is strongly encouraged to agree to diversion in any case where the defendant is only charged with a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c), and in any case where the only additional charge or charges against the defendant are for other nonfelony offenses that are not crimes against persons.

(3) Prior to granting the defendant's motion to participate in pretrial diversion under this section, the court shall provide the defendant and the defendant's counsel with the following information:

(a) A full description of the procedures for pretrial diversion;

(b) A general explanation of the roles and authorities of the probation department, the prosecuting attorney, the applicable program, and the court in the process;

(c) A clear statement that the court may grant pretrial diversion with respect to any offense under RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) that is charged, provided that the defendant pleads not guilty to the charge or charges and waives his or her right to a speedy trial, and that upon the defendant's successful completion of pretrial diversion, as specified in subsection (13) of this section, and motion of the defendant, prosecuting attorney, court, or probation department, the court must dismiss the charge or charges against the defendant;

(d) A clear statement that if the defendant has not made substantial progress with treatment or services provided that are appropriate to the defendant's circumstances or, if applicable, community service, the prosecuting attorney may make a motion to terminate pretrial diversion and schedule further proceedings as otherwise provided in this section;

(e) An explanation of criminal record retention and disposition resulting from participation in pretrial diversion and the defendant's rights relative to answering

questions about his or her arrest and pretrial diversion following successful completion;

(f) A clear statement that under federal law it is unlawful for any person who is an unlawful user of or addicted to any controlled substance to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition, or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce; and

(g) A clear statement that if the defendant's biopsychosocial assessment results in a written report recommending no treatment or services, completion of pretrial diversion will instead be based on the defendant's completion of an amount of community service to be determined by the court, but not to exceed 120 hours of community service.

(4) The applicable program must make a written report to the court stating its findings and recommendations after the biopsychosocial assessment if the defendant decides to continue pursuing pretrial diversion. The report shall be filed under seal with the court, and a copy of the report shall be given to the prosecuting attorney, defendant, and defendant's counsel. The report and its copies are confidential and exempt from disclosure under chapter 42.56 RCW. The court shall endeavor to avoid public discussion of the circumstances, history, or diagnoses that could stigmatize the defendant.

(5) Subject to the availability of funds appropriated for this specific purpose, the biopsychosocial assessment and recommended services or treatment must be provided at no cost for defendants who have been found to be indigent by the court.

(6) Once the biopsychosocial assessment has been filed with the court, if the report indicates the defendant has a substance use disorder, the court shall inform the defendant that under federal law the defendant may not possess any firearm or ammunition. The court shall thereafter sign an order of ineligibility to possess firearms as required by RCW 9.41.800 and shall require the defendant to surrender all firearms in accordance with RCW 9.41.804.

(7) If the report recommends any treatment or services, the applicable program shall provide the court with regular written status updates on the defendant's progress on a schedule acceptable to the court. The updates must be provided at least monthly and filed under seal with the court, with copies given to the prosecuting attorney, defendant, and defendant's counsel. The updates and their copies are confidential and exempt from disclosure under chapter 42.56 RCW. The court shall endeavor to avoid public discussion of the circumstances, history, or diagnoses that could stigmatize the defendant.

(8) If the report does not recommend any treatment or services, the defendant must instead complete an amount of community service as determined by the court, but not to exceed 120 hours of community service, in order to complete pretrial diversion.

(9) No statement, or any information procured therefrom relating to the charge for which the defendant is receiving services, made by the defendant to any treatment or service provider, that is made during the course of any biopsychosocial assessment or services provided by the applicable program, and before the reporting of the findings and recommendations to the court, may be admissible in any action or proceeding brought subsequent to the investigation.

(10) A defendant's participation in pretrial diversion under this section does not constitute a conviction, a stipulation to facts, or an admission of guilt for any purpose.

(11) At the time that pretrial diversion is granted, any bail bond on file by or on behalf of the defendant must be exonerated, and the court must enter an order so directing.

(12)(a) If it appears to the prosecuting attorney that the defendant is not substantially complying with the recommended treatment or services as reflected by a written status update from the applicable program, or, if applicable, the defendant is not completing the community service, the prosecuting attorney may make a motion for termination from pretrial diversion.

(b) After notice to the defendant, the court must hold a hearing to determine whether pretrial diversion shall be terminated.

(c) At the hearing, the court must consider the following factors:

(i) The nature of the alleged noncompliance;

(ii) Whether the defendant received written notice of the noncompliance;

(iii) Whether the noncompliance was willful in nature; and

(iv) Any other mitigating circumstances, including, but not limited to, the defendant's efforts and due diligence, the availability of services in the geographic area, and the treatment and services offered to the defendant.

(d) The defendant shall have the right to present evidence at the hearing, including the right to present a defense, present witnesses, and cross-examine any witnesses.

(e) The prosecutor has the burden of establishing by clear and convincing evidence that the noncompliance was willful, and that the defendant should be terminated from pretrial diversion.

(f) If the court finds that the defendant is not substantially complying with the recommended treatment or services or, if applicable, the defendant is not completing the community service, the court must schedule the matter for further proceedings.

(13) If the defendant successfully completes pretrial diversion, including in one of the following ways, the charge or charges under RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) must be dismissed:

(a) If the written report prepared by the applicable program included recommended treatment or services, the defendant successfully completes pretrial diversion by having six months of substantial compliance with assessment and recommended treatment or

services and progress toward recovery goals as reflected by a written status update from the applicable program; or

(b) If the written report prepared by the applicable program did not include recommended treatment or services, the defendant successfully completes pretrial diversion by completing the community service described under subsection (8) of this section and submitting proof of completion to the court.

(14) Beginning January 1, 2024, the prosecuting attorney shall input data and information in the statewide pretrial diversion tracking and reporting system under section 14 of this act for each case where the defendant participates in pretrial diversion under this section, including but not limited to the following:

(a) Whether the pretrial diversion was terminated, was successfully completed and resulted in a dismissal, or is still ongoing;

(b) The race, ethnicity, gender, gender expression or identity, disability status, and age of the defendant; and

(c) Any other appropriate data and information as determined by the administrative office of the courts.

(15) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Applicable program" means the recovery navigator program established under RCW 71.24.115, arrest and jail alternative programs established under RCW 36.28A.450, or law enforcement assisted diversion programs established under RCW 71.24.589.

(b) "Substantial compliance" means a defendant actively engaging with or making himself or herself available to treatment and services. The defendant is not in substantial compliance if he or she willfully abandons treatment and services.

**NEW SECTION. Sec. 11.** A new section is added to chapter 69.50 RCW to read as follows:

(1) Prior to sentencing any person convicted of violating RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c), the court shall inform the person that under federal law it is unlawful for any person who is an unlawful user of or addicted to any controlled substance to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition, or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(2) In courts of limited jurisdiction, if an individual who is convicted of a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) agrees as a condition of probation to obtain a biopsychosocial assessment by an applicable program and participate in any recommended treatment or services, or, if the applicable program recommends no treatment or services, to complete court-ordered community service, the court shall sentence the individual to a term of confinement of up to 90 days, all of which

shall be suspended for a period not to exceed two years.

(3) A biopsychosocial assessment shall be prepared by an applicable program. A copy of the assessment shall be forwarded to the court and filed under seal. Based on the assessment, the court shall determine whether the person shall be required to complete a course in an alcohol and drug information school licensed or certified by the department of health or more sustained services provided by a licensed behavioral health care provider, peer counseling program, or other case management program.

(a) Once the assessment has been filed with the court, if the report indicates the individual has a substance use disorder, the court shall inform the individual that under federal law the individual may not possess any firearm or ammunition. The court shall thereafter sign an order of ineligibility to possess firearms as required by RCW 9.41.800.

(b) Once the assessment has been filed with the court, if the report does not recommend any treatment or services, the court shall order the defendant to complete an amount of community service not to exceed 120 hours as a term of probation.

(c) The assessment shall include the following:

(i) Available background on the defendant's circumstances, barriers, and past service history, if any;

(ii) Nature of barriers and challenges;

(iii) Recommendations for services available in the individual's community that are likely to work with the individual and provide relevant support;

(iv) A statement of unavailability if there are no known suitable services presently available in the individual's community that would meaningfully assist the individual; and

(v) Approximate cost of the services if not publicly provided.

(4) A person subject to biopsychosocial assessment and treatment or services shall be required by the court to substantially comply with more sustained services provided by a licensed behavioral health care provider, peer counseling program, or other case management program, as determined by the court.

(5) If the court directs a service plan after receiving an individual's assessment, the applicable program must provide the court with regular written status updates on the individual's progress on a schedule acceptable to the court. The updates must be provided at least monthly and filed under seal with the court, with copies given to the prosecuting attorney, the individual, and the individual's counsel. The updates and their copies are confidential and exempt from disclosure under chapter 42.56 RCW. The court shall endeavor to avoid public discussion of the circumstances, history, or diagnoses that could stigmatize the individual.

(6) Subject to the availability of funds appropriated for this purpose, the recommended treatment or services as ordered by the court shall be provided at no cost for sentenced individuals who have been found to be indigent by the court.

(7) As a condition of probation, the sentenced individual must substantially comply with the treatment or services recommendations of the biopsychosocial assessment.

(8)(a) If it appears to the prosecuting attorney that the sentenced individual is not substantially complying with the recommended treatment or services as reflected by a written status update from the applicable program, or, if applicable, the individual is not completing the court-ordered community service, the prosecuting attorney shall make a motion for a hearing to consider sanctions. After notice to the sentenced individual, the court shall hold a hearing to determine if a sanction or revocation of the individual's suspended sentence, or any part thereof, is warranted under RCW 3.50.340 or 3.66.069.

(b) At the hearing, the court must consider the following factors:

(i) The nature of the alleged noncompliance;

(ii) Whether the individual received written notice of the noncompliance;

(iii) Whether the noncompliance was willful in nature; and

(iv) Any other mitigating circumstances, including, but not limited to, the individual's efforts and due diligence, the availability of services in the geographic area, and the treatment and services offered to the individual.

(c) The individual shall have the right to present evidence at the hearing, including the right to present a defense, present witnesses, and cross-examine any witnesses.

(d) The prosecutor has the burden of establishing by clear and convincing evidence that the noncompliance was willful, and that the individual should be sanctioned.

(e) The court may not sanction an individual for failing to comply with the recommended treatment or services if the court finds the sentenced individual has made reasonable efforts to comply with the recommended treatment but cannot comply either due to a lack of available treatment or services or, for sentenced individuals found to be indigent by the court, due to a lack of funding for treatment or services.

(f) At the hearing, if the court finds by a preponderance of the evidence that the sentenced individual has willfully abandoned or demonstrated a consistent failure to substantially comply with the recommended treatment or services, or, if applicable, is failing to complete the court-ordered community service, the court shall use its discretion in determining an appropriate sanction.

(9) An individual sentenced under subsection (2) of this section may vacate their conviction for a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) as follows:

(a) If the individual has six months of substantial compliance with assessment and recommended treatment or services and progress toward recovery goals as reflected by a written status update from the applicable program, or, if applicable, the

individual completes the court-ordered community service and files proof of completion with the court, the prosecutor shall make a motion to vacate the person's conviction or convictions and, upon verification of the written status update or the proof of completion of community service, the court shall terminate probation and enter an order vacating the individual's conviction; or

(b) If the individual has had no additional arrests, charges, or criminal convictions in the two years after the individual's conviction for a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c), the prosecutor shall make a motion to the court to vacate the individual's conviction, and the court shall terminate probation and enter an order vacating the individual's conviction.

(10) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Applicable program" means the recovery navigator program established under RCW 71.24.115, arrest and jail alternative programs established under RCW 36.28A.450, or law enforcement assisted diversion programs established under RCW 71.24.589.

(b) "Substantial compliance" means an individual actively engaging with or making himself or herself available to treatment and services. The individual is not in substantial compliance if he or she willfully abandons treatment and services.

**Sec. 12.** RCW 9.96.060 and 2022 c 16 s 7 are each amended to read as follows:

(1) When vacating a conviction under this section, the court effectuates the vacation by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information, indictment, complaint, or citation against the applicant and vacating the judgment and sentence.

(2) Every person convicted of a misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the requirements of this subsection, the court may in its discretion vacate the record of conviction. Except as provided in subsections (3), (4), ~~((and))~~ (5), and (6) of this section and section 11 of this act, an applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present:

(a) The applicant has not completed all of the terms of the sentence for the offense;

(b) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal or tribal court, at the time of application;

(c) The offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense;

(d) The offense was a violation of RCW 46.61.502 (driving while under the influence), 46.61.504 (actual physical control while under the influence), 9.91.020 (operating a railroad, etc. while intoxicated), or the offense is considered a "prior offense" under RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug violation within ten years of the date of arrest for the prior offense or less than ten years has elapsed since the date of the arrest for the prior offense;

(e) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132;

(f) The applicant was convicted of a misdemeanor or gross misdemeanor offense as defined in RCW 10.99.020, or the court determines after a review of the court file that the offense was committed by one family or household member against another or by one intimate partner against another, or the court, after considering the damage to person or property that resulted in the conviction, any prior convictions for crimes defined in RCW 10.99.020, or for comparable offenses in another state or in federal court, and the totality of the records under review by the court regarding the conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:

(i) The applicant has not provided written notification of the vacation petition to the prosecuting attorney's office that prosecuted the offense for which vacation is sought, or has not provided that notification to the court;

(ii) The applicant has two or more domestic violence convictions stemming from different incidents. For purposes of this subsection, however, if the current application is for more than one conviction that arose out of a single incident, none of those convictions counts as a previous conviction;

(iii) The applicant has signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction; or

(iv) Less than five years have elapsed since the person completed the terms of the original conditions of the sentence, including any financial obligations and successful completion of any treatment ordered as a condition of sentencing;

(g) For any offense other than those described in (f) of this subsection, less than three years have passed since the person completed the terms of the sentence, including any financial obligations;

(h) The offender has been convicted of a new crime in this state, another state, or federal or tribal court in the three years prior to the vacation application; or

(i) The applicant is currently restrained by a domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order which restrains

one party from contacting the other party or was previously restrained by such an order and was found to have committed one or more violations of the order in the five years prior to the vacation application.

(3) If the applicant is a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030, or the prosecutor applies on behalf of the state, the sentencing court may vacate the record of conviction if the application satisfies the requirements of RCW 9.96.080. When preparing or filing the petition, the prosecutor is not deemed to be providing legal advice or legal assistance on behalf of the victim, but is fulfilling an administrative function on behalf of the state in order to further their responsibility to seek to reform and improve the administration of criminal justice. A record of conviction vacated using the process in RCW 9.96.080 is subject to subsections ~~((4) and)~~ (7) and (8) of this section.

(4) Every person convicted prior to January 1, 1975, of violating any statute or rule regarding the regulation of fishing activities, including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070, 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240 who claimed to be exercising a treaty Indian fishing right, may apply to the sentencing court for vacation of the applicant's record of the misdemeanor, gross misdemeanor, or felony conviction for the offense. If the person is deceased, a member of the person's family or an official representative of the tribe of which the person was a member may apply to the court on behalf of the deceased person. Notwithstanding the requirements of RCW 9.94A.640, the court shall vacate the record of conviction if:

(a) The applicant is a member of a tribe that may exercise treaty Indian fishing rights at the location where the offense occurred; and

(b) The state has been enjoined from taking enforcement action of the statute or rule to the extent that it interferes with a treaty Indian fishing right as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and any posttrial orders of those courts, or any other state supreme court or federal court decision.

(5) Every person convicted of a misdemeanor cannabis offense, who was ~~((twenty-one))~~ 21 years of age or older at the time of the offense, may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. A misdemeanor cannabis offense includes, but is not limited to: Any offense under RCW 69.50.4014, from July 1, 2004, onward, and its predecessor statutes, including RCW 69.50.401(e), from March 21, 1979, to July 1, 2004, and RCW 69.50.401(d), from May 21, 1971, to March 21, 1979, and any offense under an equivalent municipal ordinance. If an applicant qualifies under this subsection, the court shall vacate the record of conviction.

(6) If a person convicted of violating RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) has had no additional criminal arrests, charges, or convictions in the two years after the person's conviction or convictions for violating RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c), the prosecutor shall make a motion to vacate the individual's conviction or convictions, and the court shall grant the motion and enter an order vacating the individual's conviction or convictions.

(7) A person who is a family member of a homicide victim may apply to the sentencing court on the behalf of the victim for vacation of the victim's record of conviction for prostitution under RCW 9A.88.030. If an applicant qualifies under this subsection, the court shall vacate the victim's record of conviction.

~~((7))~~ (8)(a) Except as provided in (c) of this subsection, once the court vacates a record of conviction under this section, the person shall be released from all penalties and disabilities resulting from the offense and the fact that the person has been convicted of the offense shall not be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated under this section may state that he or she has never been convicted of that crime. However, nothing in this section affects the requirements for restoring a right to possess a firearm under RCW 9.41.040. Except as provided in (b) of this subsection, nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(b) When a court vacates a record of domestic violence as defined in RCW 10.99.020 under this section, the state may not use the vacated conviction in a later criminal prosecution unless the conviction was for: (i) Violating the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going on to the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle (RCW 10.99.040, 10.99.050, 26.09.300, 26.26B.050, 26.44.063, 26.44.150, or 26.52.070, or any of the former RCW 26.50.060, 26.50.070, 26.50.130, and 74.34.145); (ii) stalking (RCW 9A.46.110); or (iii) a domestic violence protection order or vulnerable adult protection order entered under chapter 7.105 RCW. A vacated conviction under this section is not considered a conviction of such an offense for the purposes of 27 C.F.R. 478.11.

(c) A conviction vacated on or after July 28, 2019, qualifies as a prior conviction for the purpose of charging a present recidivist offense as defined in RCW 9.94A.030 occurring on or after July 28, 2019.

~~((8))~~ (9) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

~~((9))~~ (10) For the purposes of this section, "cannabis" has the meaning provided in RCW 69.50.101.

NEW SECTION. Sec. 13. A new section is added to chapter 2.56 RCW to read as follows:

(1) The administrative office of the courts shall collect data and information related to the utilization and outcomes of pretrial diversions pursuant to section 10 of this act, convictions pursuant to section 11 of this act, and motions for vacating convictions pursuant to RCW 9.96.060(6), including but not limited to the following:

(a) The recidivism rate for persons who either participated in a pretrial diversion pursuant to section 10 of this act, or who were sentenced pursuant to section 11 of this act and agreed as a condition of probation to obtain a biopsychosocial assessment and participate in recommended treatment or services;

(b) The number of pretrial diversions granted pursuant to section 10 of this act and whether such diversions were terminated, were successfully completed and resulted in a dismissal, or are still ongoing;

(c) The number of people convicted of a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c);

(d) Statistical data comparing the sentences imposed pursuant to section 11 of this act, and the convictions vacated pursuant to RCW 9.96.060(6), in specific courts and in different regions of Washington;

(e) The number of charged violations of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, and 69.41.030(2) (b) or (c) involving repeat offenders; and

(f) The number of charged violations of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, and 69.41.030(2) (b) or (c) involving persons who previously participated in pretrial diversion pursuant to section 10 of this act, or who were previously sentenced pursuant to section 11 of this act and agreed as a condition of probation to obtain a biopsychosocial assessment and participate in recommended treatment or services.

(2) Beginning January 1, 2024, the administrative office of the courts shall collect the following additional data and



information from the statewide pretrial diversion tracking and reporting system created under section 14 of this act:

(a) Aggregated and disaggregated demographic data for pretrial diversions under section 10 of this act, that identifies trends or disparities in utilization or outcomes based on race, ethnicity, gender, gender expression or identity, disability status, age, and any other appropriate characteristics as determined by the administrative office of the courts; and

(b) Statistical data comparing the relative utilization and outcomes of pretrial diversions pursuant to section 10 of this act in specific courts and in different regions of Washington.

(3) Beginning August 1, 2024, and on August 1st of every year thereafter, the administrative office of the courts shall submit an annual report to the legislature containing the data and information described in subsections (1) and (2) of this section.

(4) For the purposes of this section, "recidivism" means a person's subsequent conviction for any criminal offense within three years of the person successfully completing a pretrial diversion under section 10 of this act, or completing the terms of a sentence under section 11 of this act where the person agreed as a condition of probation to obtain a biopsychosocial assessment and participate in recommended treatment or services.

**NEW SECTION. Sec. 14.** A new section is added to chapter 2.56 RCW to read as follows:

(1) By January 1, 2024, subject to the availability of funds appropriated for this specific purpose, the administrative office of the courts shall establish and maintain a statewide pretrial diversion tracking and reporting system for pretrial diversions under section 10 of this act.

(2) The system must allow prosecuting attorneys to input data and information related to the utilization and outcomes of pretrial diversions under section 10 of this act, including but not limited to the following:

(a) Whether such diversions were terminated, were successfully completed and resulted in a dismissal, or are still ongoing;

(b) The race, ethnicity, gender, gender expression or identity, disability status, and age of defendants who participate in pretrial diversion; and

(c) Any other appropriate data and information as determined by the administrative office of the courts.

#### **Part IV - Opioid Treatment Rural Access and Expansion**

**Sec. 15.** RCW 36.70A.200 and 2021 c 265 s 2 are each amended to read as follows:

(1)(a) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public

facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, opioid treatment programs including both mobile and fixed-site medication units, recovery residences, harm reduction programs excluding safe injection sites, and inpatient facilities including substance ((abuse))use disorder treatment facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020.

(b) Unless a facility is expressly listed in (a) of this subsection, essential public facilities do not include facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings but are not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense. Facilities included under this subsection (1)(b) shall not include facilities detaining persons under RCW 71.09.020 ~~((4) or (15))~~ (7) or (16) or chapter 10.77 or 71.05 RCW.

(c) The department of children, youth, and families may not attempt to site new community facilities as defined in RCW 72.05.020 east of the crest of the Cascade mountain range unless there is an equal or greater number of sited community facilities as defined in RCW 72.05.020 on the western side of the crest of the Cascade mountain range.

(d) For the purpose of this section, "harm reduction programs" means programs that emphasize working directly with people who use drugs to prevent overdose and infectious disease transmission, improve the physical, mental, and social well-being of those served, and offer low threshold options for accessing substance use disorder treatment and other services.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17A.005, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70A.135.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(3); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action.

**Sec. 16.** RCW 71.24.589 and 2019 c 314 s 29 are each amended to read as follows:

(1) Subject to funds appropriated by the legislature, the authority shall ~~((implement a pilot project))~~ administer a grant program for law enforcement assisted diversion which shall adhere to law enforcement assisted diversion core principles recognized by the law enforcement assisted diversion national support bureau, the efficacy of which have been demonstrated in peer-reviewed research studies.

(2) ~~((Under the pilot project, the))~~ The authority must partner with the law enforcement assisted diversion national support bureau to award ((a contract)) contracts, subject to appropriation, for ((two or more geographic areas)) jurisdictions in the state of Washington for law enforcement assisted diversion. Cities, counties, and tribes ((may compete for participation in a pilot project)), subdivisions thereof, public development authorities, and community-based organizations demonstrating support from necessary public partners, may serve as the lead agency applying for funding. Funds may be used to scale existing projects, and to invite additional jurisdictions to launch law enforcement assisted diversion programs.

(3) ~~The ((pilot projects))~~ program must provide for securing comprehensive technical assistance from law enforcement assisted diversion implementation experts to develop and implement a law enforcement assisted diversion program ((in the pilot project's geographic areas)) in a way that ensures fidelity to the research-based law enforcement assisted diversion model. Sufficient funds must be allocated from grant program funds to secure technical assistance for the authority and for the implementing jurisdictions.

(4) The key elements of a law enforcement assisted diversion ~~((pilot project))~~ program must include:

(a) Long-term case management for individuals with substance use disorders;

(b) Facilitation and coordination with community resources focusing on overdose prevention;

(c) Facilitation and coordination with community resources focused on the prevention of infectious disease transmission;

(d) Facilitation and coordination with community resources providing physical and behavioral health services;

(e) Facilitation and coordination with community resources providing medications for the treatment of substance use disorders;

(f) Facilitation and coordination with community resources focusing on housing, employment, and public assistance;

(g) ~~((Twenty-four))~~ 24 hours per day and seven days per week response to law enforcement for arrest diversions; and

(h) Prosecutorial support for diversion services.

(5) No civil liability may be imposed by any court on the state or its officers or employees, an appointed or elected official, public employee, public agency as defined in RCW 4.24.470, combination of units of government and its employees as provided in RCW 36.28A.010, nonprofit community-based organization, tribal government entity, tribal organization, or urban Indian organization, based on the administration of a law enforcement assisted diversion program or activities carried out within the purview of a grant received under this program except upon proof of bad faith or gross negligence.

**Sec. 17.** RCW 71.24.590 and 2019 c 314 s 30 are each amended to read as follows:

(1) When making a decision on an application for licensing or certification of ~~((a))~~ an opioid treatment program, the department shall:

(a) Consult with the county legislative authorities in the area in which an applicant proposes to locate a program and the city legislative authority in any city in which an applicant proposes to locate a program;

(b) License or certify only programs that will be sited in accordance with the appropriate county or city land use ordinances. Counties and cities may require conditional use permits with reasonable conditions for the siting of programs only to the extent that such reasonable conditional use requirements applied to opioid treatment programs are similarly applied to other essential public facilities and health care settings. Pursuant to RCW 36.70A.200, no local comprehensive plan or development regulation may preclude the siting of essential public facilities;

(c) Not discriminate in its licensing or certification decision on the basis of the corporate structure of the applicant;

(d) Consider the size of the population in need of treatment in the area in which the program would be located and license or

certify only applicants whose programs meet the necessary treatment needs of that population;

(e) Consider the availability of other certified opioid treatment programs near the area in which the applicant proposes to locate the program;

(f) Consider the transportation systems that would provide service to the program and whether the systems will provide reasonable opportunities to access the program for persons in need of treatment;

(g) Consider whether the applicant has, or has demonstrated in the past, the capability to provide the appropriate services to assist the persons who utilize the program in meeting goals established by the legislature in RCW 71.24.585. The department shall prioritize licensing or certification to applicants who have demonstrated such capability and are able to measure their success in meeting such outcomes (~~+~~

~~(h) Hold one public hearing in the community in which the facility is proposed to be located. The hearing shall be held at a time and location that are most likely to permit the largest number of interested persons to attend and present testimony. The department shall notify all appropriate media outlets of the time, date, and location of the hearing at least three weeks in advance of the hearing).~~

(2) ~~((A) No city or county legislative authority may impose a maximum capacity for ((a) an opioid treatment program ((of not less than three hundred fifty participants if necessary to address specific local conditions cited by the county)).~~

(3) A program applying for licensing or certification from the department and a program applying for a contract from a state agency that has been denied the licensing or certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial.

(4) Opioid treatment programs may order, possess, dispense, and administer medications approved by the United States food and drug administration for the treatment of opioid use disorder, alcohol use disorder, tobacco use disorder, and reversal of opioid overdose. For an opioid treatment program to order, possess, and dispense any other legend drug, including controlled substances, the opioid treatment program must obtain additional licensure as required by the department, except for patient-owned medications.

(5) Opioid treatment programs may accept, possess, and administer patient-owned medications.

(6) Registered nurses and licensed practical nurses may dispense up to a ~~((thirty-one))~~ 31 day supply of medications approved by the United States food and drug administration for the treatment of opioid use disorder to patients of the opioid treatment program, under an order or prescription and in compliance with 42 C.F.R. Sec. 8.12.

(7) For the purpose of this chapter, "opioid treatment program" means a program that:

(a) Engages in the treatment of opioid use disorder with medications approved by

the United States food and drug administration for the treatment of opioid use disorder and reversal of opioid overdose, including methadone; and

(b) Provides a comprehensive range of medical and rehabilitative services.

(8) A mobile or fixed-site medication unit may be established as part of a licensed opioid treatment program.

NEW SECTION. Sec. 18. A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to funds appropriated for this specific purpose, a program is established in the department to fund the construction costs necessary to start up substance use disorder treatment and services programs and recovery housing in regions of the state that currently lack access to such programs.

(2) This funding must be used to increase the number of substance use disorder treatment and services programs and recovery housing in underserved areas such as central and eastern Washington and rural areas.

NEW SECTION. Sec. 19. RCW 10.31.115 (Drug possession—Referral to assessment and services) and 2021 c 311 s 13 are each repealed.

#### **Part V - Funding, Promotion, and Training for Recovery Residences**

NEW SECTION. Sec. 20. A new section is added to chapter 71.24 RCW to read as follows:

Subject to the availability of funds appropriated for this specific purpose, the authority shall:

(1) Make sufficient funding available to support establishment of an adequate and equitable stock of recovery residences in each region of the state;

(2) Establish a voucher program to allow accredited recovery housing operators to hold bed space for individuals who are waiting for treatment or who have returned to use and need a place to stay while negotiating a return to stable housing;

(3) Conduct outreach to underserved and rural areas to support the development of recovery housing, including adequate resources for women, LGBTQIA+ communities, Black, indigenous, and other people of color communities, immigrant communities, and youth; and

(4) Develop a training for housing providers by January 1, 2024, to assist them with providing appropriate service to LGBTQIA+ communities, Black, indigenous, and other people of color communities, and immigrant communities, including consideration of topics like harassment, communication, antiracism, diversity, and gender affirming behavior, and ensure applicants for grants or loans related to recovery residences receive access to the training.

Sec. 21. RCW 84.36.043 and 1998 c 174 s 1 are each amended to read as follows:

(1) The real and personal property used by a nonprofit organization in providing emergency or transitional housing for low-income homeless persons as defined in RCW 35.21.685 or 36.32.415 or victims of domestic violence who are homeless for personal safety reasons is exempt from taxation if:

(a) The charge, if any, for the housing does not exceed the actual cost of operating and maintaining the housing; and

(b)(i) The property is owned by the nonprofit organization; or

(ii) The property is rented or leased by the nonprofit organization and the benefit of the exemption inures to the nonprofit organization.

(2) The real and personal property used by a nonprofit organization in maintaining an approved recovery residence registered under RCW 41.05.760 is exempt from taxation if:

(a) The charge for the housing does not exceed the actual cost of operating and maintaining the housing; and

(b)(i) The property is owned by the nonprofit organization; or

(ii) The property is rented or leased by the nonprofit organization and the benefit of the exemption inures to the nonprofit organization.

(3) As used in this section:

(a) "Homeless" means persons, including families, who, on one particular day or night, do not have decent and safe shelter nor sufficient funds to purchase or rent a place to stay.

(b) "Emergency housing" means a project that provides housing and supportive services to homeless persons or families for up to sixty days.

(c) "Transitional housing" means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

((3-)) (d) "Recovery residence" has the same meaning as under RCW 41.05.760.

(4) The exemption in subsection (2) of this section applies to taxes levied for collection in calendar years 2024 through 2033.

(5) This exemption is subject to the administrative provisions contained in RCW 84.36.800 through 84.36.865.

**NEW SECTION.**

**Sec. 22.**

(1) This section is the tax preference performance statement for the tax preference contained in section 21, chapter . . . , Laws of 2023 (section 21 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to provide tax relief for certain businesses or individuals, as indicated in RCW 82.32.808 (2) (e) .

(3) By exempting property used by nonprofit organizations maintaining approved recovery residences, it is the legislature's specific public policy objective to maximize funding for recovery residences to the extent possible, thereby increasing availability of such residences.

(4) To measure the effectiveness of the tax exemption provided in section 21 of this act in achieving the specific public policy objectives described in subsection (3) of this section, the joint legislative audit and review committee must evaluate:

(a) Annual changes in the total number of parcels qualifying for the exemption under section 21 of this act;

(b) The amount of annual property tax relief resulting from the tax exemption under section 21 of this act;

(c) The average annual number of people housed at recovery residences located on property qualifying for the exemption under section 21 of this act;

(d) The annualized amount charged for housing at recovery residences located on property qualifying for the exemption under section 21 of this act and the annualized estimated increase in the charge for housing if the properties had not been eligible for the exemption; and

(e) The annual amount of expenditures by nonprofits to maintain recovery residences located on property qualifying for the exemption under section 21 of this act.

(5) The legislature intends to extend the expiration date of the property tax exemption under section 21 of this act if the review by the joint legislative audit and review committee finds that:

(a) The number of properties qualifying for the exemption under section 21 of this act has increased;

(b) The number of individuals using recovery housing located on property qualifying for the exemption under section 21 of this act has increased; and

(c) The amount charged for recovery housing is reasonably consistent with the actual cost of operating and maintaining the housing.

(6) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to:

(a) Initial applications for the tax exemption under section 21 of this act as approved by the department of revenue under RCW 84.36.815;

(b) Annual financial statements prepared by nonprofit entities claiming the tax exemption under section 21 of this act;

(c) Filings with the federal government to maintain federal tax exempt status by nonprofit organizations claiming the tax exemption under section 21 of this act; and

(d) Any other data necessary for the evaluation under subsection (4) of this section.

**Part VI – Training for Parents of Children with Substance Use Disorder and Caseworkers Within the Department of Children, Youth, and Families**

**NEW SECTION. Sec. 23.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority, in consultation with the department of children, youth, and families, shall develop a training for parents of adolescents and transition age youth with substance use disorders by June 30, 2024, which training must build on and be consistent and compatible with existing training developed by the authority for families impacted by substance use disorder, and addressing the following:

(a) Science and education related to substance use disorders and recovery;

(b) Adaptive and functional communication strategies for communication with a loved one about their substance use disorder, including positive communication skills and strategies to influence motivation and behavioral change;

(c) Self-care and means of obtaining support;

(d) Means to obtain opioid overdose reversal medication when appropriate and instruction on proper use; and

(e) Suicide prevention.

(2) The authority and the department of children, youth, and families shall make this training publicly available, and the department of children, youth, and families must promote the training to licensed foster parents and caregivers, including any tribally licensed foster parents and tribal caregivers.

**NEW SECTION. Sec. 24.** A new section is added to chapter 43.216 RCW to read as follows:

The department shall provide opioid overdose reversal medication and training in the use of such medication to all department staff whose job duties require in-person service or case management for child welfare or juvenile rehabilitation clients.

## Part VII - Recovery Navigator Programs

**NEW SECTION. Sec. 25.** To support recovery navigator programs, the health care authority must develop and implement a data integration platform by June 30, 2024, to serve as a common database available for diversion efforts across the state, to serve as a data collection and management tool for practitioners, and to assist in standardizing definitions and practices. If possible, the health care authority must leverage and interact with existing platforms already in use in efforts funded by the authority. The health care authority must establish a quality assurance process for behavioral health administrative services organizations, and employ data validation for fields in the data collection workbook. The health care authority must engage and consult with the law enforcement assisted diversion national support bureau on data integration approaches, platforms, quality assurance protocols, and validation practices.

**NEW SECTION. Sec. 26.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall contract with the Washington state institute for public policy to conduct a study of the long-term effectiveness of the recovery navigator program under RCW 71.24.115 with reports due by June 30th in the years 2028, 2033, and 2038. The Washington state institute for public policy shall collaborate with the authority, the law enforcement assisted diversion national support bureau, and the substance use recovery services advisory committee under RCW 71.24.546 on the topic of data collection and to determine the parameters of the report, which shall include recommendations, if any, for modification and improvement of the recovery navigator program. The law enforcement assisted diversion national support bureau may supplement the report with additional recommendations to improve the recovery navigator program by enhancing its ability to provide a viable, accepted, community-based care alternative to jail and prosecution. The authority shall cooperate with the Washington state institute for public policy to provide data for this report.

(2) The authority shall establish an expedited preapproval process by August 1, 2023, which allows requests for the use of data to be forwarded to the Washington state institutional review board without delay when the request is made by the Washington state institute for public policy for the purpose of completing a study that has been directed by the legislature.

**Sec. 27.** RCW 71.24.115 and 2021 c 311 s 2 are each amended to read as follows:

(1) Each behavioral health administrative services organization shall establish ((a)) recovery navigator ((program))programs with the goal of providing law enforcement and other criminal legal system personnel with a credible alternative to further legal system involvement for criminal activity that stems from unmet behavioral health needs or poverty. The programs shall work to improve community health and safety by reducing individuals' involvement with the criminal legal system through the use of specific human services tools and in coordination with community input. Each program must include a dedicated project manager and be governed by a policy coordinating group comprised, in alignment with the core principles, of local executive and legislative officials, public safety agencies, including police and prosecutors, and civil rights, public defense, and human services organizations.

(2) The recovery navigator programs shall be organized on a scale that permits meaningful engagement, collaboration, and coordination with local law enforcement and municipal agencies through the policy coordinating groups. The ((program))programs shall provide community-based outreach, intake, assessment, and connection to services and, as appropriate, long-term intensive case management and recovery coaching services, to youth and adults with

substance use disorder, including for persons with co-occurring substance use disorders and mental health conditions, who are referred to the program from diverse sources and shall facilitate and coordinate connections to a broad range of community resources for youth and adults with substance use disorder, including treatment and recovery support services. Recovery navigator programs must serve and prioritize individuals who are actually or potentially exposed to the criminal legal system with respect to unlawful behavior connected to substance use or other behavioral health issues.

~~((2) The)~~ (3) By December 31, 2023, the authority shall ~~((establish))~~ revise its uniform program standards for behavioral health administrative services organizations to follow in the design of their recovery navigator programs to achieve fidelity with the core principles. The uniform program standards must be modeled upon the components of the law enforcement assisted diversion program and address project management, field engagement, biopsychosocial assessment, intensive case management and care coordination, stabilization housing when available and appropriate, and, as necessary, legal system coordination for participants' legal cases that may precede or follow referral to the program. The uniform program standards must incorporate the law enforcement assisted diversion framework for diversion at multiple points of engagement with the criminal legal system, including prearrest, prebooking, prefiling, and for ongoing case conferencing with law enforcement, prosecutors, community stakeholders, and program case managers. The authority must adopt the uniform program standards from the components of the law enforcement assisted diversion program to accommodate an expanded population of persons with substance use disorders, including persons with co-occurring substance use disorders and mental health conditions, ~~((and allow))~~ provide for referrals from a broad range of sources, and require prioritization of those who are or likely will be exposed to the criminal legal system related to their behavioral health challenges. In addition to accepting referrals from law enforcement and courts of limited jurisdiction, the uniform program standards must provide guidance for accepting referrals on behalf of persons with substance use disorders, including persons with co-occurring substance use disorders and mental health conditions, from various sources including, but not limited to, self-referral, family members of the individual, emergency department personnel, persons engaged with serving homeless persons, including those living unsheltered or in encampments, fire department personnel, emergency medical service personnel, community-based organizations, members of the business community, harm reduction program personnel, faith-based organization staff, and other sources within the criminal legal system, ~~((as outlined))~~ so that individuals are engaged as early as possible within the sequential intercept model. In developing response time requirements within the statewide program

standards, the authority shall require, subject to the availability of amounts appropriated for this specific purpose, that responses to referrals from law enforcement occur immediately for in-custody referrals and shall strive for rapid response times to other appropriate settings such as emergency departments and courts of limited jurisdiction.

~~((3))~~ (4) Subject to the availability of amounts appropriated for this specific purpose, the authority shall provide funding to each behavioral health administrative services organization for the ~~((development of its))~~ continuation of and, as required by this section, the revisions to and reorganization of the recovery navigator ((program)) programs they fund. Before receiving funding for implementation and ongoing administration, each behavioral health administrative services organization must submit a program plan that demonstrates the ability to fully comply with statewide program standards. The authority shall establish a schedule for the regular review of recovery navigator programs funded by behavioral health administrative services ((organizations' programs)) organizations. The authority shall arrange for technical assistance to be provided by the LEAD national support bureau to all behavioral health administrative services organizations, the authority, contracted providers, and independent stakeholders and partners, such as prosecuting attorneys and law enforcement.

~~((4))~~ (5) Each behavioral health administrative services organization must have a substance use disorder regional administrator for its recovery navigator program. The regional administrator shall be responsible for assuring compliance with program standards, including staffing standards. Each recovery navigator program must maintain a sufficient number of appropriately trained personnel for providing intake and referral services, conducting comprehensive biopsychosocial assessments, providing intensive case management services, and making warm handoffs to treatment and recovery support services along the continuum of care. Program staff must include people with lived experience with substance use disorder to the extent possible. The substance use disorder regional administrator must assure that staff who are conducting intake and referral services and field assessments are paid a livable and competitive wage and have appropriate initial training and receive continuing education.

~~((5))~~ (6) Each recovery navigator program must submit quarterly reports to the authority with information identified by the authority and the substance use recovery services advisory committee. The reports must be provided to the substance use recovery services advisory committee for discussion at meetings following the submission of the reports.

(7) (a) The criminal justice training commission, in consultation with the authority and other key stakeholders, shall conduct an assessment of the current status toward achieving the statewide implementation of recovery navigator

programs in fidelity with core principles. The assessment shall consider:

(i) The results of the law enforcement assisted diversion standards fidelity index analysis, conducted by an independent research scientist with expertise in law enforcement assisted diversion evaluation, including findings with respect to each standard assessed, for each recovery navigator program, in each behavioral health administrative services organization region;

(ii) Reports on utilization of technical support from the law enforcement assisted diversion national support bureau by recovery navigator program contractors, the authority, and behavioral health administrative services organizations; and

(iii) Barriers to achieving fidelity to core principles.

(b) By December 1, 2023, the criminal justice training commission shall submit to the governor and both chambers of the legislature a report of its findings and recommendations on administrative and legislative steps that will facilitate the achievement of the statewide adoption of recovery navigator programs operating in fidelity with core principles.

(8) No civil liability may be imposed by any court on the state or its officers or employees, an appointed or elected official, public employee, public agency as defined in RCW 4.24.470, combination of units of government and its employees as provided in RCW 36.28A.010, nonprofit community-based organization, tribal government entity, tribal organization, or urban Indian organization, based on the administration of a recovery navigator program except upon proof of bad faith or gross negligence.

(9) For the purposes of this section, the term "core principles" means the core principles of a law enforcement assisted diversion program, as established by the law enforcement assisted diversion national support bureau in its toolkit, as it existed on May 1, 2023.

#### **Part VIII - Establishing a Pilot Program for Health Engagement Hubs**

NEW SECTION. Sec. 28. A new section is added to chapter 71.24 RCW to read as follows:

(1)(a) The authority shall implement a pilot program for health engagement hubs by August 1, 2024. The pilot program will test the functionality and operability of health engagement hubs, including whether and how to incorporate and build on existing medical, harm reduction, treatment, and social services in order to create an all-in-one location where people who use drugs can access such services.

(b) Subject to amounts appropriated, the authority shall establish pilot programs on at least two sites, with one site located in an urban area and one located in a rural area.

(c) The authority shall report on the pilot program results, including recommendations for expansion, and rules and payment structures, to the legislature no later than August 1, 2026.

(2) A health engagement hub is intended to:

(a) Serve as an all-in-one location where people who use drugs can access a range of medical, harm reduction, treatment, and social services;

(b) Be affiliated with existing syringe service programs, federally qualified health centers, community health centers, overdose prevention sites, safe consumption sites, patient-centered medical homes, tribal behavioral health programs, peer run organizations such as clubhouses, services for unhoused people, supportive housing, and opioid treatment programs including mobile and fixed-site medication units established under an opioid treatment program, or other appropriate entity;

(c) Provide referrals or access to methadone and other medications for opioid use disorder;

(d) Function as a patient-centered medical home by offering high-quality, cost-effective patient-centered care, including wound care;

(e) Provide harm reduction services and supplies;

(f) Provide linkage to housing, transportation, and other support services; and

(g) Be open to youth as well as adults.

#### **Part IX - Education and Employment Pathways**

NEW SECTION. Sec. 29. A new section is added to chapter 71.24 RCW to read as follows:

Subject to funding provided for this specific purpose, the authority shall establish a grant program for providers of employment, education, training, certification, and other supportive programs designed to provide persons recovering from a substance use disorder with employment and education opportunities. The grant program shall employ a low-barrier application and give priority to programs that engage with black, indigenous, persons of color, and other historically underserved communities.

#### **Part X - Providing a Statewide Directory of Recovery Services**

NEW SECTION. Sec. 30. A new section is added to chapter 71.24 RCW to read as follows:

Subject to funding provided for this specific purpose, the authority must collaborate with the department and the department of social and health services to expand the Washington recovery helpline and the recovery readiness asset tool to provide a dynamically updated statewide behavioral health treatment and recovery support services mapping tool that includes a robust resource database for those seeking services and a referral system to be incorporated within the locator tool to help facilitate the connection between an individual and a facility that is currently accepting new referrals. The tool must include dual interface capability, one for public access and one for internal use and management.

**Part XI - Investing Adequately in Statewide Diversion Services**

NEW SECTION. **Sec. 31.** A new section is added to chapter 71.24 RCW to read as follows:

Subject to the availability of funds appropriated for this specific purpose, the authority shall:

(1) Continue and expand efforts to provide opioid use disorder medication in city, county, regional, and tribal jails;

(2) Provide support funds to new and established recovery support services including clubhouses throughout the state;

(3) Award grants to an equivalent number of crisis services providers to the west and the east of the Cascade mountains, to establish and expand 23-hour crisis relief center capacity;

(4) Maintain a memorandum of understanding with the criminal justice training commission to provide ongoing funding for community grants pursuant to RCW 36.28A.450; and

(5) Provide ongoing grants to law enforcement assistant diversion programs under RCW 71.24.589.

**Part XII - Streamlining Substance Use Disorder Treatment Assessments**

NEW SECTION. **Sec. 32.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall convene a work group to recommend changes to systems, policies, and processes related to intake, screening, and assessment for substance use disorder services, with the goal to broaden the workforce capable of administering substance use disorder assessments and to make the assessment process as brief as possible, including only what is necessary to manage utilization and initiate care. The assessment shall be low barrier, person-centered, and amenable to administration in diverse health care settings and by a range of health care professionals. The assessment shall consider the person's self-identified needs and preferences when evaluating direction of treatment and may include different components based on the setting, context, and past experience with the client.

(2) The work group must include care providers, payors, people who use drugs, individuals in recovery from substance use disorder, and other individuals recommended by the authority. The work group shall present its recommendations to the governor and appropriate committees of the legislature by December 1, 2024.

**Sec. 33.** RCW 18.64.600 and 2020 c 244 s 2 are each amended to read as follows:

(1) The license of location for a pharmacy licensed under this chapter may be extended to a remote dispensing site where technology is used to dispense medications (~~(approved by the United States food and drug administration)~~used for the treatment of opioid use disorder or its symptoms.)

(2) In order for a pharmacy to use remote dispensing sites, a pharmacy must register each separate remote dispensing site with the commission.

(3) The commission shall adopt rules that establish minimum standards for remote dispensing sites registered under this section. The minimum standards shall address who may retrieve medications for opioid use disorder stored in or at a remote dispensing site pursuant to a valid prescription or chart order. The minimum standards must require the pharmacy be responsible for stocking and maintaining a perpetual inventory of the medications for opioid use disorder stored in or at the registered remote dispensing site. The dispensing technology may be owned by either the pharmacy or the registered remote dispensing site.

(4) The secretary may adopt rules to establish a reasonable fee for obtaining and renewing a registration issued under this section.

(5) The registration issued under this section will be considered as part of the pharmacy license issued under RCW 18.64.043. If the underlying pharmacy license is not active, then the registration shall be considered inoperable by operation of law.

**Part XIII - Miscellaneous Provisions**

NEW SECTION. **Sec. 34.** Section 7 of this act takes effect January 1, 2025.

**Sec. 35.** 2021 c 311 s 29 (uncodified) is amended to read as follows:

Sections 8 through 10(~~(7)~~)and 12(~~(7-15,~~  
~~and 16)~~) of this act expire July 1, 2023.

NEW SECTION. **Sec. 36.** Sections 2 through 6, 8 through 12, and 35 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2023.

NEW SECTION. **Sec. 37.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 38.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Walsh moved the adoption of amendment (715) to the striking amendment (664):

On page 2, line 14 of the striking amendment, after "substance;" insert "or"



On page 2, beginning on line 15 of the striking amendment, after "substance" strike all material through "means" on line 17

On page 2, line 37 of the striking amendment, after "(1)(b)" strike "or (c)"

On page 3, line 15 of the striking amendment, after "(1)(b)" strike "or (c)"

On page 3, beginning on line 19 of the striking amendment, strike all of subsection (3)(d)

On page 3, beginning on line 25 of the striking amendment, after "person to" strike all material through "Knowingly" on line 26 and insert "knowingly"

On page 3, beginning on line 30 of the striking amendment, after "~~chapter~~")" strike all material through "practice" on line 35

On page 3, beginning on line 38 of the striking amendment, after "violation" strike all material through "(b)" on line 39

On page 4, line 16 of the striking amendment, after "violation" strike "of subsection (1)(a) or (b)"

On page 5, beginning on line 22 of the striking amendment, strike all of subsection (7)

On page 6, beginning on line 13 of the striking amendment, after "possess any legend drug" strike all material through "means," on line 15

On page 7, beginning on line 23 of the striking amendment, strike all of subsection (2)(c)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 7, beginning on line 32 of the striking amendment, after "possession," strike all material through "place," on line 33

On page 8, line 2 of the striking amendment, after "possession," strike "or knowing possession and use in a public place,"

On page 8, beginning on line 6 of the striking amendment, strike all of subsection (3)

On page 9, beginning on line 2 of the striking amendment, after "violation of" strike all material through "69.41.030(2)(b) or (c)" on line 3 and insert "RCW 69.50.4011(1)(b), 69.50.4013, 69.50.4014, or 69.41.030(2)(b)"

On page 10, beginning on line 13 of the striking amendment, after "prosecution under" strike all material through "(c)" on line 15 and insert "RCW 69.50.4011(1)(b), 69.50.4013, 69.50.4014, or 69.41.030(2)(b)"

On page 10, beginning on line 37 of the striking amendment, after "charges under" strike all material through "(c)" on page 11, line 1 and insert "RCW 69.50.4011(1)(b), 69.50.4013, 69.50.4014, or 69.41.030(2)(b)"

On page 11, beginning on line 8 of the striking amendment, after "violation of" strike all material through "69.41.030(2)(b) or (c)" and insert "RCW 69.50.4011(1)(b), 69.50.4013, 69.50.4014, or 69.41.030(2)(b)"

On page 11, beginning on line 14 of the striking amendment, after "violation of" strike all material through "(c)" on line 15 and insert "RCW 69.50.4011(1)(b), 69.50.4013, 69.50.4014, or 69.41.030(2)(b)"

On page 11, beginning on line 27 of the striking amendment, after "violation of" strike all material through "(c)" on line 28 and insert "RCW 69.50.4011(1)(b), 69.50.4013, 69.50.4014, or 69.41.030(2)(b)"

On page 11, beginning on line 39 of the striking amendment, after "offense under" strike all material through "(c)" on line 40 and insert "RCW 69.50.4011(1)(b), 69.50.4013, 69.50.4014, or 69.41.030(2)(b)"

On page 14, beginning on line 27 of the striking amendment, after "RCW" strike all material through "(c)" on line 28 and insert "69.50.4011(1)(b), 69.50.4013, 69.50.4014, or 69.41.030(2)(b)"

On page 15, beginning on line 25 of the striking amendment, after "violating" strike all material through "(c)" on line 27 and insert "RCW 69.50.4011(1)(b), 69.50.4013, 69.50.4014, or 69.41.030(2)(b)"

On page 15, beginning on line 34 of the striking amendment, after "violation of" strike all material through "(c)" on line 35 and insert "RCW 69.50.4011(1)(b), 69.50.4013, 69.50.4014, or 69.41.030(2)(b)"

On page 18, beginning on line 15 of the striking amendment, after "violation of" strike all material through "(b) or (c)" on line 16 and insert "RCW 69.50.4011(1)(b), 69.50.4013, 69.50.4014, or 69.41.030(2)(b)"

On page 18, beginning on line 30 of the striking amendment, after "violation of" strike all material through "(c)" on line 31 and insert "RCW 69.50.4011(1)(b), 69.50.4013, 69.50.4014, or 69.41.030(2)(b)"

On page 22, beginning on line 14 of the striking amendment, after "violating" strike all material through "(b) or (c)" on line 15 and insert "RCW 69.50.4011(1)(b), 69.50.4013, 69.50.4014, or 69.41.030(2)(b)"

On page 22, beginning on line 17 of the striking amendment, after "violating" strike all material through "(c)" on line 19 and insert "RCW 69.50.4011(1)(b), 69.50.4013, 69.50.4014, or 69.41.030(2)(b)"

On page 24, beginning on line 14 of the striking amendment, after "violation of" strike all material through "(c)" on line 16

and insert "RCW 69.50.4011(1)(b), 69.50.4013, 69.50.4014, or 69.41.030(2)(b)"

On page 24, beginning on line 21 of the striking amendment, after "violations of" strike all material through "(b) or (c)" on line 22 and insert "RCW 69.50.4011(1)(b), 69.50.4013, 69.50.4014, or 69.41.030(2)(b)"

On page 24, beginning on line 24 of the striking amendment, after "violations of" strike all material through "(b) or (c)" on line 25 and insert "RCW 69.50.4011(1)(b), 69.50.4013, 69.50.4014, or 69.41.030(2)(b)"

Representatives Walsh and Walsh (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representative Goodman spoke against the adoption of the amendment to the striking amendment.

Amendment (715) to the striking amendment (664) was not adopted.

Representative Mosbrucker moved the adoption of amendment (713) to the striking amendment (664):

On page 2, line 37 of the striking amendment, after "(1)(b)" strike "or (c)"

On page 2, at the beginning of line 38 of the striking amendment, strike "a misdemeanor" and insert "a gross misdemeanor"

On page 3, line 6 of the striking amendment, after "(b)" insert "A violation of subsection (1)(c) of this section is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services through the recovery navigator program established under RCW 71.24.115 or a comparable program including, but not limited to, arrest and jail alternative programs established under RCW 36.28A.450 and law enforcement assisted diversion programs established under RCW 71.24.589."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 3, at the beginning of line 39 of the striking amendment, strike "or (b) of this section is a misdemeanor" and insert "of this section is a gross misdemeanor, and a violation of subsection (1)(b) of this section is a misdemeanor"

On page 15, line 34 of the striking amendment, after "violation of" strike "RCW 69.50.4011(1)(b) or (c), 69.50.4013," and insert "RCW 69.50.4011(1)(c), 69.50.4013(1)(b),"

On page 16, line 2 of the striking amendment, after "years." insert "In courts of limited jurisdiction, if an individual who is convicted of a violation of RCW 69.50.4011(1)(b) or 69.50.4013(1)(a) agrees as a condition of probation to obtain a biopsychosocial assessment by an applicable program and participate in any recommended treatment or services, or, if the applicable

program recommends no treatment or services, to complete court-ordered community service, the court shall sentence the individual to a term of confinement of up to 364 days, all of which shall be suspended for a period not to exceed two years."

Representatives Mosbrucker, Cheney, Maycumber and Mosbrucker (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Simmons and Goodman spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (713) to the striking amendment (664) and the amendment was not adopted by the following vote: Yeas, 44; Nays, 51; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Lekanoff, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Excused: Representatives Ortiz-Self, Santos and Waters

Amendment (713) to the striking amendment (664) was not adopted.

Representative Walsh moved the adoption of amendment (714) to the striking amendment (664):

On page 10, line 6 of the striking amendment, after "syringe equipment" strike ", smoking equipment,"

Representatives Walsh and Goodman spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (714) to the striking amendment (664) was adopted.

Representative Eslick moved the adoption of amendment (718) to the striking amendment (664):

On page 12, beginning on line 25 of the striking amendment, after "services," strike all material through "service" on line 28 and insert "the defendant shall not be eligible to continue with pretrial diversion and the court must schedule the matter for further proceedings"

On page 13, beginning on line 21 of the striking amendment, after "defendant" strike all material through "diversion" on line 23 and insert "shall not be eligible to continue with pretrial diversion and the court must schedule the matter for further proceedings"

On page 13, beginning on line 40 of the striking amendment, after "program" strike

all material through "service" on page 14, line 1

On page 14, beginning on line 22 of the striking amendment, after "services" through all material through "service" on line 23

On page 14, beginning on line 25 of the striking amendment, after "diversion" strike all material through "court" on line 39 and insert "by having six months of substantial compliance with assessment and recommended treatment or services and progress toward recovery goals as reflected by a written status update from the applicable program, the court must dismiss the charge or charges under RCW 69.50.4011(1)(b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2)(b) or (c)"

On page 15, beginning on line 37 of the striking amendment, after "services" strike all material through "service" on line 39

On page 16, beginning on line 18 of the striking amendment, after "services, the" strike all material through "probation" on line 20 and insert "individual shall not be eligible to continue with the agreed condition of probation described in subsection (2) of this section, and the prosecutor must make a motion to modify the conditions of the individual's probation"

On page 17, beginning on line 17 of the striking amendment, after "program" strike all material through "service" on line 18

On page 18, beginning on line 11 of the striking amendment, after "services" strike all material through "service" on line 12

On page 18, beginning on line 21 of the striking amendment, after "program" strike all material through "court" on line 23

Representative Eslick spoke in favor of the adoption of the amendment to the striking amendment.

Representative Simmons spoke against the adoption of the amendment to the striking amendment.

Amendment (718) to the striking amendment (664) was not adopted.

Representative Cheney moved the adoption of amendment (705) to the striking amendment (664):

On page 12, line 29 of the striking amendment, after "(4)" insert "If the court grants the defendant's motion to participate in pretrial diversion, the defendant may waive his or her right to counsel during the diversion period. A defendant who waives his or her right to counsel may request to have counsel reappointed if the prosecuting attorney makes a motion for termination from pretrial diversion as described in subsection (13) of this section.  
(5)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Cheney and Goodman spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (705) to the striking amendment (664) was adopted.

Representative Griffey moved the adoption of amendment (710) to the striking amendment (664):

On page 14, line 22 of the striking amendment, after "services" insert ", the defendant willfully abandoned treatment or services at any point prior to completion,"

Representative Griffey spoke in favor of the adoption of the amendment to the striking amendment.

Representative Taylor spoke against the adoption of the amendment to the striking amendment.

Amendment (710) to the striking amendment (664) was not adopted.

Representative Barnard moved the adoption of amendment (716) to the striking amendment (664):

On page 14, beginning on line 31 of the striking amendment, after "diversion by" strike all material through "program" on line 34 and insert "successfully completing all recommended treatment and services"

On page 18, beginning on line 18 of the striking amendment, after "individual" strike all material through "program" on line 21 and insert "successfully completes all recommended treatment and services"

Representatives Barnard, Jacobsen and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Davis spoke against the adoption of the amendment to the striking amendment.

Amendment (716) to the striking amendment (664) was not adopted.

Representative Maycumber moved the adoption of amendment (679) to the striking amendment (664):

On page 15, beginning on line 19 of the striking amendment, after "defendant" strike all material through "services" on line 22 and insert "is complying with the essential requirements of the treatment and services, including, but not limited to, the following:

- (i) Attendance;
- (ii) Abstention from the use or possession and use of controlled substances, counterfeit substances, and legend drugs;
- (iii) Active participation in treatment and services; and
- (iv) No subsequent arrests for criminal behavior"

On page 19, beginning on line 1 of the striking amendment, after "individual" strike all material through "services" on line 4 and insert "is complying with the essential requirements of the treatment and services, including, but not limited to, the following:

- (i) Attendance;

- (ii) Abstention from use or possession and use of controlled substances, counterfeit substances, and legend drugs;
- (iii) Active participation in treatment and services; and
- (iv) No subsequent arrests for criminal behavior"

Representatives Maycumber, Barnard, Orcutt, Graham, Walsh and Christian spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Simmons and Goodman spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (679) to the striking amendment (664) and the amendment was not adopted by the following vote: Yeas, 45; Nays, 50; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Tharinger, Timmons, Volz, Walsh, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Senn, Simmons, Slatler, Springer, Stearns, Stonier, Street, Taylor, Thai, Walen, Wylie and Mme. Speaker

Excused: Representatives Ortiz-Self, Santos and Waters

Amendment (679) to the striking amendment (664) was not adopted.

Representative Graham moved the adoption of amendment (721) to the striking amendment (664):

On page 16, line 3 of the striking amendment, after "(3)" insert "In courts of limited jurisdiction, if an individual convicted of a violation of RCW 69.50.4011(1)(b) or (c), 69.50.4013, or 69.41.030(2)(b) or (c) where the legend drug is classified as schedule II substance under RCW 69.50.206 refuses to obtain a biopsychosocial assessment and participate in any recommended treatment or services as a condition of probation, the court shall sentence the individual to a term of imprisonment not less than 21 days.

(4)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 18, beginning on line 12 of the striking amendment, after "shall" strike all material through "sanction" on line 13 and insert "reinstate a portion of the individual's suspended sentence as follows:

(i) For an individual's first instance of being sanctioned under this section, the court shall use its discretion in determining an appropriate amount of time of the individual's suspended sentence to

reinstate given the facts and circumstances of the particular case;

(ii) For an individual's second instance of being sanctioned under this section, the court shall reinstate no less than 21 days of the individual's suspended sentence; and

(iii) For an individual's third or subsequent instance of being sanctioned under this section, the court shall reinstate no less than 45 days of the individual's suspended sentence"

Representatives Graham and Jacobsen spoke in favor of the adoption of the amendment to the striking amendment.

Representative Simmons spoke against the adoption of the amendment to the striking amendment.

Amendment (721) to the striking amendment (664) was not adopted.

Representative Taylor moved the adoption of amendment (695) to the striking amendment (664):

On page 18, line 8 of the striking amendment, after "finds by" strike "a preponderance of the" and insert "clear and convincing"

Representative Taylor spoke in favor of the adoption of the amendment to the striking amendment.

Representative Cheney spoke against the adoption of the amendment to the striking amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 56 - YEAS; 39 - NAYS.

Amendment (695) to the striking amendment (664) was adopted.

Representative Griffey moved the adoption of amendment (711) to the striking amendment (664):

On page 26, line 34 of the striking amendment, after "services." insert ""Harm reduction programs" do not include programs or activities that facilitate, promote, or otherwise condone the use of drugs."

Representative Griffey spoke in favor of the adoption of the amendment to the striking amendment.

Representative Davis spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (711) to the striking amendment (664) and the amendment was not adopted by the following vote: Yeas, 41; Nays, 54; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba,

Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker  
Excused: Representatives Ortiz-Self, Santos and Waters

Amendment (711) to the striking amendment (664) was not adopted.

Representative Schmick moved the adoption of amendment (694) to the striking amendment (664):

On page 36, line 11 of the striking amendment, after "RCW 71.24.115" insert "and the law enforcement assisted diversion programs established under RCW 71.24.589"

On page 36, line 12 of the striking amendment, after "due by" strike "June 30th in the years 2028, 2033, and 2038" and insert "December 31st in the years 2024, 2026, and 2028"

On page 36, beginning on line 14 of the striking amendment, after "authority" strike all material through "bureau," on line 15

On page 36, beginning on line 19 of the striking amendment, after "program" strike all material through "bureau" on line 20 and insert "and the law enforcement assisted diversion model. The authority"

On page 36, line 21 of the striking amendment, after "program" insert "and the law enforcement assisted diversion programs"

On page 36, beginning on line 22 of the striking amendment, after "enhancing" strike all material through "alternative" on line 23 and insert "the ability of each to provide viable, accepted, community-based care alternatives, in both urban and rural communities,"

Representatives Schmick and Taylor spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (694) to the striking amendment (664) was adopted.

Representative Reeves moved the adoption of amendment (719) to the striking amendment (664):

On page 43, after line 36 of the striking amendment, insert the following:

**"Part XIII - Health Care Authority  
Comprehensive Data Reporting Requirements**

NEW SECTION. **Sec. 34.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority is responsible for providing regular assessments of the prevalence of substance use disorders and interactions of persons with substance use disorder with service providers, nonprofit service providers, first responders, health care facilities, and law enforcement agencies. Beginning in 2026, the annual report required in subsection (3)(a) of this section shall include a comprehensive assessment of the information described in this subsection for the prior calendar year.

(2)(a) The authority shall identify the types and sources of data necessary to implement the appropriate means and methods of gathering data to provide the information required in subsection (1) of this section.

(b) The authority must provide a preliminary inventory report to the governor and the legislature by December 1, 2023, and a final inventory report by December 1, 2024. The reports must:

(i) Identify existing types and sources of data available to the authority to provide the information required in subsection (1) of this section and what data are necessary but currently unavailable to the authority;

(ii) Include recommendations for new data connections, new data sharing authority, and sources of data that are necessary to provide the information required in subsection (1) of this section; and

(iii) Include recommendations, including any necessary legislation, regarding the development of reporting mechanisms between the authority and service providers, nonprofit service providers, health care facilities, law enforcement agencies, and other state agencies to gather the information required in subsection (1) of this section.

(3)(a) Beginning July 1, 2024, and each July 1st thereafter until July 1, 2028, the authority shall provide an implementation report to the governor and the legislature regarding recovery residences, recovery navigator programs, the health engagement pilot programs, and the law enforcement assisted diversion grants program. The report shall include:

(i) The number of contracts awarded to law enforcement assisted diversion programs, including the amount awarded in the contract, and the names and service locations of contract recipients;

(ii) The location of recovery residences, recovery navigator programs, health engagement hub pilot programs, and law enforcement assisted diversion programs;

(iii) The scope and nature of services provided by recovery navigator programs, health engagement hub pilot programs, and law enforcement assisted diversion programs;

(iv) The number of individuals served by recovery residences, recovery navigator programs, health engagement hub pilot programs, and law enforcement assisted diversion programs;

(v) If known, demographic data concerning the utilization of these services by overburdened and underrepresented communities; and

(vi) The number of grants awarded to providers of employment, education, training, certification, and other supportive programs, including the amount awarded in each grant and the names of provider grant recipients, as provided for in section 29 of this act.

(b) The data obtained by the authority under this section shall be integrated with the Washington state institute for public policy report under section 26 of this act.

(4) Beginning in the July 1, 2027, report in subsection (3)(a) of this section, the authority shall provide:

(a) The results and effectiveness of the authority's collaboration with the department of health and the department of social and health services to expand the Washington recovery helpline and recovery readiness asset tool to provide a dynamically updated statewide behavioral health treatment and recovery support services mapping tool, including the results and effectiveness with respect to overburdened and underrepresented communities, in accordance with section 30 of this act;

(b) The results and effectiveness of the authority's development and implementation of a data integration platform to support recovery navigator programs and to serve as a common database available for diversion efforts across the state, including the results and effectiveness with respect to overburdened and underrepresented communities, as provided in section 25 of this act;

(c) The effectiveness and outcomes of training developed and provided by the authority in consultation with the department of children, youth, and families, as provided in section 23 of the act; and

(d) The effectiveness and outcomes of training developed by the authority for housing providers, as provided in section 20(4) of the act."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 43, line 37 of the striking amendment, strike "**Part XIII**" and insert "**Part XIV**"

Representatives Reeves and Mosbrucker spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (719) to the striking amendment (664) was adopted.

Representative Graham moved the adoption of amendment (709) to the striking amendment (664):

On page 44, line 10 of the striking amendment, after "effect" strike "July 1, 2023" and insert "immediately"

Representatives Graham and Taylor spoke in favor of the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (709) to the striking amendment (664) and the amendment was adopted by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street,

Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self, Santos and Waters

Amendment (709) to the striking amendment (664) was adopted.

Representative Cheney moved the adoption of amendment (712) to the striking amendment (664):

On page 44, after line 10 of the striking amendment, insert the following:

"**NEW SECTION. Sec. 37.** The changes in this act, including but not limited to those that will result in additional costs to municipal courts to offer and facilitate pretrial diversions for defendants charged with a violation of RCW 69.50.4011(1)(b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2)(b) or (c), constitute a new program or increased level of service on political subdivisions of the state, and the provisions of RCW 43.135.060 apply."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Cheney spoke in favor of the adoption of the amendment to the striking amendment.

Representative Macri spoke against the adoption of the amendment to the striking amendment.

Amendment (712) to the striking amendment (664) was not adopted.

Representative Cheney moved the adoption of amendment (720) to the striking amendment (664):

On page 3, beginning on line 15 of the striking amendment, strike all of subsection (3)(c)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 4, beginning on line 16 of the striking amendment, strike all of subsection (2)(c)

On page 6, beginning on line 6 of the striking amendment, strike all of subsection (3)

On page 8, beginning on line 1 of the striking amendment, strike all of subsection (2)(e)

Representatives Cheney and Taylor spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (720) to the striking amendment (664) was adopted.

Representative Maycumber moved the adoption of amendment (717) to the striking amendment (664):

On page 10, beginning on line 16 of the striking amendment, strike all of section 9

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Maycumber and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Simmons spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (717) to the striking amendment (664) and the amendment was not adopted by the following vote: Yeas, 44; Nays, 51; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Senn, Simmons, Slatler, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Excused: Representatives Ortiz-Self, Santos and Waters

Amendment (717) to the striking amendment (664) was not adopted.

Representatives Taylor and Mosbrucker spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (664), as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goodman, Davis, Stearns and Simmons spoke in favor of the passage of the bill.

Representatives Griffey, Christian, Jacobsen, McEntire, Maycumber, Mosbrucker and Eslick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5536, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5536, as amended by the House, and the bill passed the House by the following vote: Yeas, 54; Nays, 41; Absent, 0; Excused, 3

Voting Yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Cheney, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Senn, Shavers, Simmons, Slatler, Springer, Stearns, Stonier, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Alvarado, Barkis, Barnard, Caldier, Chambers, Chopp, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Farivar, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Macri, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Street, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Ortiz-Self, Santos and Waters

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5536, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:00 a.m., Wednesday, April 12, 2023, the 94th Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## NINETY FOURTH DAY

House Chamber, Olympia, Wednesday, April 12, 2023

The House was called to order at 10:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Simone Reck and Jack Flores. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Chuck Slocum, Penninsula Lutheran Church, Gig Harbor.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4635**, by Representatives Leavitt, Bronoske, Eslick, Tharinger, Ryu, Chambers, Barnard, Kloba, Rule, and Slatter

WHEREAS, The Curtis Senior High School Girls Bowling Team has had an outstanding season, demonstrating great sportsmanship, teamwork, and dedication; and

WHEREAS, The team has won ten games this season and advanced to third place in the South Puget Sound League (SPSL); and

WHEREAS, The team placed second in the SPSL League Tournament; and

WHEREAS, The team won the Washington Interscholastic Activities Association State Tournament (WIAA) for the first time in school history; and

WHEREAS, The individual players Sienna Stoner and Megan Lelli have demonstrated exceptional sportsmanship throughout the tournament; and

WHEREAS, The team has represented the school with pride and perseverance during several difficult and close games; and

WHEREAS, The team has inspired their fellow students and brought the community together in support of their efforts; and

WHEREAS, The team has demonstrated tremendous perseverance and commitment to achieving their goals, including overcoming obstacles and challenges, and exhibiting resilience in the face of adversity; and

WHEREAS, The coaching staff of the Curtis Senior High School Girls Bowling Team has provided exemplary leadership, guidance, and mentorship to the players, instilling in them a sense of discipline, hard work, and commitment;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives hereby congratulate the Curtis Senior High School Girls Bowling Team for their outstanding achievements and extend its warmest appreciation to the players, coaches, and support staff for their hard work, dedication, and outstanding sportsmanship throughout the season; and

BE IT FURTHER RESOLVED, That the Washington State House of Representatives recognize the successes and accomplishments of the Curtis Senior High School Girls Bowling Team as a source of pride and inspiration for the entire school community; and

BE IT FURTHER RESOLVED, That the Washington State House of Representatives commend the team for their excellent performance, sportsmanship, and leadership, and for representing their school and community with distinction and honor; and wish the team continued success and look forward to their future accomplishments both on and off the bowling lanes.

There being no objection, HOUSE RESOLUTION NO. 4635 was adopted.

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4634**, by Representatives Leavitt, Bronoske, Eslick, Tharinger, Ryu, Chambers, Barnard, Kloba, Rule, and Slatter

WHEREAS, The Curtis Senior High School Boys Varsity Basketball Team has had an outstanding season to win their second consecutive state basketball championship in the South Puget Sound League (SPSL) and West Central District (WCD); and

WHEREAS, The team has a combined win-loss record off 55 wins and six losses over the last two seasons; and

WHEREAS, The team has the most wins in school history with 28 wins; and

WHEREAS, The team has demonstrated great ambition, sportsmanship, and dedication in achieving the title of returning champions and ranking 36 in the nation; and

WHEREAS, The team has demonstrated an unwavering commitment to continuing Curtis Senior High School's rich history as state champions; and

WHEREAS, The team has served as positive role models for their school and the community by donating over 2,000 pounds of food to local food banks; and

WHEREAS, The coaching staff of the Curtis Senior High School Boys Varsity Basketball Team has provided exemplary leadership, guidance, and mentorship to the players, instilling in them a sense of discipline, hard work, and commitment;

NOW, THEREFORE, BE IT RESOLVED, That the Washington House of Representatives hereby congratulate the Curtis Senior High School Boys Varsity Basketball Team for their outstanding achievements and extend its warmest appreciation to the players, coaches, support staff, and families who have contributed to the success of the team; and

BE IT FURTHER RESOLVED, That the Washington House of Representatives recognize the successes and accomplishments of the Curtis Senior High School Boys Varsity Basketball Team as a source of pride and inspiration for the entire school community; and

BE IT FURTHER RESOLVED, That the Washington House of Representatives commend the team for their excellent performance, sportsmanship, and leadership, and for representing their school and community with distinction and honor; and wish the team continued success and look forward to their future accomplishments both on and off the court.

There being no objection, HOUSE RESOLUTION NO. 4634 was adopted.

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Bronoske presiding) recognized the Curtis High School state championship teams and asked the Chamber to acknowledge their achievements.

There being no objection, the House advanced to the third order of business.

**MESSAGE FROM THE SENATE**

Tuesday, April 11, 2023

Mme. Speaker:



The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1175  
 SUBSTITUTE HOUSE BILL NO. 1213  
 HOUSE BILL NO. 1232  
 SECOND SUBSTITUTE HOUSE BILL NO. 1322  
 HOUSE BILL NO. 1536  
 HOUSE BILL NO. 1552  
 SUBSTITUTE HOUSE BILL NO. 1570  
 HOUSE BILL NO. 1742  
 SUBSTITUTE HOUSE BILL NO. 1753  
 SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4001

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**SUBSTITUTE SENATE BILL NO. 5114, by Senate Committee on Human Services (originally sponsored by Wilson, C., Trudeau, Frame, Hasegawa, Kuderer, Liias, Lovelett, Nguyen, Nobles, Pedersen, Randall, Saldaña, Stanford, Valdez, Warnick and Wellman)**

### Supporting adults with lived experience of sex trafficking.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orwall and Eslick spoke in favor of the passage of the bill.

## MOTIONS

On motion of Representative Ramel, Representatives Hackney and Ortiz-Self were excused.

On motion of Representative Griffey, Representative Dye was excused.

Representatives Walsh and Christian spoke in favor of the passage of the bill.

Representative Graham spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5114.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5114, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Graham  
 Excused: Representatives Dye, Hackney and Ortiz-Self

SUBSTITUTE SENATE BILL NO. 5114, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5130, by Senators Frame, Dhingra, Nobles, Pedersen, Randall and Wilson, C.**

### Concerning assisted outpatient treatment.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

Representative Cheney moved the adoption of amendment (588) to the committee striking amendment:

On page 5, after line 7, insert the following:

"**Sec. 2.** RCW 71.05.240 and 2022 c 210 s 12 are each amended to read as follows:

(1) If a petition is filed for up to 14 days of involuntary treatment, 90 days of less restrictive alternative treatment, or 18 months of less restrictive alternative treatment under RCW 71.05.148, the court shall hold a probable cause hearing within 120 hours of the initial detention under RCW 71.05.180, or at a time scheduled under RCW 71.05.148.

(2) If the petition is for mental health treatment, the court or the prosecutor at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3) If the person or his or her attorney alleges, prior to the commencement of the hearing, that the person has in good faith volunteered for treatment, the petitioner must show, by preponderance of the evidence, that the person has not in good faith volunteered for appropriate treatment. In order to qualify as a good faith volunteer, the person must abide by procedures and a treatment plan as prescribed by a treatment facility and professional staff.

(4) (a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that a person detained for behavioral health treatment, as the result of a behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed 14 days in a facility licensed or certified to provide treatment by the department or under RCW 71.05.745.

(b) A court may only order commitment to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program if there is an available facility with adequate space for the person.

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that a person detained for behavioral health treatment, as the result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for up to ninety days.

(d) If the court finds by ~~((a preponderance of the))~~ clear, cogent, and convincing evidence that a person subject to a petition under RCW 71.05.148, as the result of a behavioral health disorder, is in need of assisted outpatient treatment, the court shall order an appropriate less restrictive alternative course of treatment for up to 18 months.

(5) An order for less restrictive alternative treatment must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the treatment recommendations of the behavioral health service provider.

(6) The court shall notify the person orally and in writing that if involuntary treatment is sought beyond the 14-day inpatient or 90-day less restrictive treatment period, the person has the right to a full hearing or jury trial under RCW 71.05.310. If the commitment is for mental health treatment, the court shall notify the person orally and in writing that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

(7) If the court does not issue an order to detain or commit a person under this section, the court shall issue an order to dismiss the petition.

(8) Nothing in this section precludes the court from subsequently modifying the terms of an order for less restrictive alternative treatment under RCW 71.05.590(3).

**Sec. 3.** RCW 71.05.240 and 2022 c 210 s 13 are each amended to read as follows:

(1) If a petition is filed for up to 14 days of involuntary treatment, 90 days of less restrictive alternative treatment, or 18 months of less restrictive alternative treatment under RCW 71.05.148, the court shall hold a probable cause hearing within 120 hours of the initial detention under RCW 71.05.180, or at a time scheduled under RCW 71.05.148.

(2) If the petition is for mental health treatment, the court or the prosecutor at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good

faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3) If the person or his or her attorney alleges, prior to the commencement of the hearing, that the person has in good faith volunteered for treatment, the petitioner must show, by preponderance of the evidence, that the person has not in good faith volunteered for appropriate treatment. In order to qualify as a good faith volunteer, the person must abide by procedures and a treatment plan as prescribed by a treatment facility and professional staff.

(4)(a) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that a person detained for behavioral health treatment, as the result of a behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility licensed or certified to provide treatment by the department or under RCW 71.05.745.

(b) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that a person detained for behavioral health treatment, as the result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for up to ninety days.

(c) If the court finds by ~~((a preponderance of the))~~ clear, cogent, and convincing evidence that a person subject to a petition under RCW 71.05.148, as the result of a behavioral health disorder, is in need of assisted outpatient treatment, the court shall order an appropriate less restrictive alternative course of treatment for up to 18 months.

(5) An order for less restrictive alternative treatment must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the treatment recommendations of the behavioral health service provider.

(6) The court shall notify the person orally and in writing that if involuntary treatment is sought beyond the 14-day inpatient or 90-day less restrictive treatment period, such person has the right to a full hearing or jury trial under RCW 71.05.310. If the commitment is for mental health treatment, the court shall also notify the person orally and in writing that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

(7) If the court does not issue an order to detain or commit a person under this section, the court shall issue an order to dismiss the petition.

(8) Nothing in this section precludes the court from subsequently modifying the terms of an order for less restrictive alternative treatment under RCW 71.05.590(3)."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

On page 43, line 36, after "Sections" insert "2,"

On page 44, line 1, after "Sections" insert "3,"

Representatives Cheney and Farivar spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (588) to the committee striking amendment was adopted.

Representative Stonier moved the adoption of amendment (600) to the committee striking amendment:

On page 44, after line 17 of the striking amendment, insert the following:

"**NEW SECTION. Sec. 15.** This act takes effect July 1, 2025."

Renumber the remaining section consecutively and correct any internal references accordingly.

Representatives Stonier and Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (600) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Farivar spoke in favor of the passage of the bill.

Representatives Walsh and Jacobsen spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5130, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5130, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hansen, Harris, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Hackney and Ortiz-Self

ENGROSSED SENATE BILL NO. 5130, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5593, by Senate Committee on Ways & Means (originally sponsored by Lias, Holy, Mullet, Lovick and Wilson, C.)**

**Improving equity in the transfer of student data between K-12 schools and institutions of higher education.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was not adopted. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

With the consent of the House, amendment (591) was withdrawn.

There being no objection, the committee striking amendment by the Committee on Education was before the House for purpose of amendment. For Committee amendment, see Journal, Day 73, Wednesday, March 22, 2023.

With the consent of the House, amendment (625) was withdrawn.

Representative Rude moved the adoption of amendment (687) to the committee striking amendment:

On page 1, line 13 of the striking amendment, after "education" insert ", including institutions of higher education that are participating in data-sharing agreements under subsection (5) of this section,"

On page 1, after line 32 of the striking amendment, insert the following:

"(5) Four-year, not-for-profit institutions of higher education that are authorized to participate in state financial aid programs under chapter 28B.92 RCW, were founded in or before 1910 or are located on tribal land and are minority-serving institutions, and are not subject to subsection (1) of this section may enter into data-sharing agreements with the office of the superintendent of public instruction to facilitate the transfer of high school student directory information collected under section 2 of this act for the purposes of informing Washington high school students of postsecondary educational opportunities available in the state."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 2, line 16 of the striking amendment, after "education" strike all material through "RCW 28B.10.016"

On page 2, line 33 of the striking amendment, after "education" strike all material through "RCW 28B.10.016"

On page 2, beginning on line 38 of the striking amendment, after "section" strike all material through "guardians" on page 3, line 3 and insert ":

(a) "Directory information" means the names, addresses, email addresses, and telephone numbers of students and their parents or legal guardians;

(b) "Institutions of higher education" has the same meaning as in RCW 28B.10.016. However, for purposes of data-sharing agreements authorized under section 1(5) of this act, "institutions of higher education" means four-year, not-for-profit institutions of higher education that: Are authorized to participate in state financial aid programs under chapter 28B.92 RCW; were founded in or before 1910 or are located on tribal land and are minority-serving institutions; and are not subject to section 1(1) of this act;

(c) "Statewide student identifier" has the same meaning as in section 1 of this act"

Representatives Rude, Corry, Couture, Volz, Jacobsen, Chambers, McEntire, Christian, Griffey, Volz (again), Ybarra, Harris, Chambers (again) and Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Santos, Paul and Pollet spoke against the adoption of the amendment to the committee striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (687) to the committee striking amendment and the amendment was not adopted by the following vote: Yeas, 45; Nays, 52; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Riccelli, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Stonier, Volz, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Excused: Representative Ortiz-Self

Amendment (687) to the committee striking amendment was not adopted.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

Representative Stearns moved the adoption of amendment (670) to the committee striking amendment:

On page 1, line 13, after "education" insert ", including federally designated minority serving institutions of higher education that are participating in data-

sharing agreements under subsection (4) of this section,"

On page 1, after line 29, insert the following:

"(4) Federally designated minority serving institutions of higher education that are bachelor degree-granting institutions and not subject to subsection (1) of this section may enter into data-sharing agreements with the office of the superintendent of public instruction to facilitate the transfer of high school student directory information collected under section 2 of this act for the purpose of informing Washington high school students of postsecondary educational opportunities available in the state."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 2, line 16, after "education" strike ", as defined under RCW 28B.10.016" and insert "in accordance with section 1 of this act"

On page 2, line 32, after "(a)" strike "College" and insert "Providing information related to college"

On page 2, line 33, after "education" strike ", as defined under RCW 28B.10.016" and insert "in accordance with section 1 of this act"

Beginning on page 2, line 38, after "section" strike all material through "guardians" on page 3, line 3 and insert ":

(a) "Directory information" means the names, addresses, email addresses, and telephone numbers of students and their parents or legal guardians; and

(b) "Statewide student identifier" has the same meaning as in section 1 of this act"

Representatives Stearns and Rude spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Sandlin and Christian spoke against the adoption of the amendment to the committee striking amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 60 - YEAS; 37 - NAYS.

Amendment (670) to the committee striking amendment was adopted.

Representative Santos moved the adoption of amendment (612) to the committee striking amendment:

On page 2, line 9, after "in" strike "2023" and insert "2024"

Representatives Santos and Rude spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (612) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Santos, Rude and Leavitt spoke in favor of the passage of the bill.

Representative Christian spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5593, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5593, as amended by the House, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Chandler, Christian, Dent, Dye, Graham, Low, Orcutt and Ybarra

Excused: Representative Ortiz-Self

SECOND SUBSTITUTE SENATE BILL NO. 5593, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5069, by Senators Rivers, Keiser, King, Stanford, Conway, Holy and Van De Wege**

**Allowing interstate cannabis agreements.**

The bill was read the second time.

Representative Wylie moved the adoption of amendment (584):

On page 2, at the beginning of line 2, strike "health under RCW 15.125.020 and" and insert "agriculture under RCW 15.125.020, by the department of health under RCW"

Representatives Wylie and Chambers spoke in favor of the adoption of the amendment.

Amendment (584) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wylie and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5069, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5069, as amended by the House, and the bill passed the House by the following vote: Yeas, 71; Nays, 26; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Cortes, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Lekanoff, Low, Macri, McEntire, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barnard, Christian, Connors, Corry, Couture, Davis, Dent, Dye, Goehner, Graham, Griffey, Klicker, Kretz, Leavitt, Maycumber, McClintock, Mosbrucker, Orcutt, Robertson, Schmidt, Steele, Stokesbary, Volz, Walsh and Wilcox

Excused: Representative Ortiz-Self

SENATE BILL NO. 5069, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5606, by Senators Lovick, Conway, Keiser, Valdez and Wilson, C.**

**Deterring illegal racing.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hackney, Walsh, Abbarno, Jacobsen, Griffey, Sandlin, Chambers, Cheney, Corry, McEntire, Dent, Low, Harris, Connors, Barkis, Christian, Couture, Volz and Ybarra spoke in favor of the passage of the bill.

Representative Graham spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5606.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5606, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chapman, Graham, Ramos and Santos

Excused: Representative Ortiz-Self

SENATE BILL NO. 5606, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5583, by Senate Committee on Transportation (originally sponsored**

by Liias, Wilson, C., Kauffman, Valdez, Lovelett, Lovick, Nguyen and Nobles)

**Improving young driver safety.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Transportation was not adopted. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

Representative Donaghy moved the adoption of the striking amendment (684):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The department of licensing shall develop a comprehensive implementation plan for the expansion of the current driver training education requirement to obtain a driver's license to persons between the ages of 18 and 24. The target date for implementation of the new driver training education expansion is July 1, 2026. The driver training education expansion plan must be provided to the transportation committees of the legislature by October 1, 2024, and must include, but need not be limited to, the following:

(1) Consideration of courses that could satisfy the new driver training education requirement, including a condensed course option and a self-paced, online course option, with attention to the educational value, monetary and time costs required, and possible accessibility constraints for each course option considered;

(2) An assessment of public and private resources necessary to support the new driver training education requirement to ensure sufficient course availability and accessibility. The assessment must include, but need not be limited to, an inventory of the current number, and an estimate of the increased number required to meet the anticipated need, of the following:

(a) Licensed driver training schools and traffic safety education programs in the state, by geographical region;

(b) Licensed driver training school and traffic safety education instructors;

(c) Licensed driver trainer instructors; and

(d) Driver training education course spaces available per year, by course option and for both classroom and behind-the-wheel instruction;

(3) In consultation with the office of equity, evaluation of access to driver training education courses and consideration of opportunities to improve access to driver training education for young drivers. The assessment must address, but should not be limited to, potential obstacles for young drivers for whom the cost of driver training education may pose a hardship, obstacles related to accessibility for young drivers who reside in rural areas, and obstacles for young drivers whose primary language is not English. The assessment must also include strategies that can be used to mitigate these potential obstacles, including possible exceptions to, or substitutions

for, a driver training education requirement in cases where access-related obstacles cannot be overcome, such as when a behind-the-wheel driver training program may not be available within a reasonable distance of a person's residence;

(4) A plan for broad and accessible public outreach and education to communicate to Washington state residents new driver training education requirements, including a plan for the development of tools to assist residents in accessing driver training education courses that meet the new requirements;

(5) Collaboration with educational service districts to determine the extent to which educational service districts can facilitate the coordination between school districts or secondary schools of a school district and driver training schools to increase access to driver training education courses by students who reside within the boundaries of an applicable school district;

(6) An examination of opportunities to address the financial need of persons for whom the cost of driver training education courses licensed by the department of licensing may pose a hardship, through a voucher or other financial assistance program. The examination must include quantified estimates of the extent to which the cost of driver training education could pose a significant obstacle, as well as possible approaches to help reduce or eliminate this obstacle;

(7) An examination, in consultation with the office of the superintendent of public instruction, of opportunities to address the financial need of students for whom the cost of driver training education offered as part of a traffic safety education program may pose a hardship, through a grant or other financial assistance program. The examination must include quantified estimates of the extent to which the cost of driver training education could pose a significant obstacle, as well as possible approaches to help reduce or eliminate this obstacle; and

(8) An assessment of approaches used by other states that require driver training by persons age 18 and older, including examination of how this has impacted traffic safety in the state and the extent to which the requirement may have decreased access to driver's licenses, including through examination of the rate of driver's license holders by age and other demographic characteristics compared to that of neighboring, or otherwise similarly situated, states.

**Sec. 2.** RCW 46.20.075 and 2011 c 60 s 44 are each amended to read as follows:

(1) An intermediate license authorizes the holder to drive a motor vehicle under the conditions specified in this section. An applicant for an intermediate license must be at least (~~sixteen~~) 16 years of age and:

(a) Have possessed a valid instruction permit for a period of not less than six months;

(b) Have passed a driver licensing examination administered by the department;

(c) Have passed a course of driver's education in accordance with the standards established in RCW 46.20.100;

(d) Present certification by his or her parent, guardian, or employer to the department stating (i) that the applicant has had at least ~~((fifty))~~ 50 hours of driving experience, ~~((ten))~~ 10 of which were at night, during which the driver was supervised by a person at least ~~((twenty-one))~~ 21 years of age who has had a valid driver's license for at least three years, and (ii) that the applicant has not been issued a notice of traffic infraction or cited for a traffic violation that is pending at the time of the application for the intermediate license;

(e) Not have been convicted of or found to have committed a traffic violation within the last six months before the application for the intermediate license; and

(f) Not have been adjudicated for an offense involving the use of alcohol or drugs during the period the applicant held an instruction permit.

(2) For the first six months after the issuance of an intermediate license or until the holder reaches ~~((eighteen))~~ 18 years of age, whichever occurs first, the holder of the license may not operate a motor vehicle that is carrying any passengers under the age of ~~((twenty))~~ 20 who are not members of the holder's immediate family ~~((as defined in RCW 42.17A.005))~~. For the remaining period of the intermediate license, the holder may not operate a motor vehicle that is carrying more than three passengers who are under the age of ~~((twenty))~~ 20 who are not members of the holder's immediate family.

(3) The holder of an intermediate license may not operate a motor vehicle between the hours of 1 a.m. and 5 a.m. except (a) when the holder is accompanied by ~~((a parent, guardian, or))~~ a licensed driver who is at least ~~((twenty-five))~~ 25 years of age, or (b) for school, religious, or employment activities for the holder or a member of the holder's immediate family as defined in this section.

(4) The holder of an intermediate license may not operate a moving motor vehicle while using a wireless communications device unless the holder is using the device to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property.

(5) It is a traffic infraction for the holder of an intermediate license to operate a motor vehicle in violation of the restrictions imposed under this section.

(6) Except for a violation of subsection (4) of this section, enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this title or an equivalent local ordinance or some other offense.

(7) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if necessary for agricultural purposes.

(8) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if, for the

~~((twelve-month))~~ 12-month period following the issuance of the intermediate license, he or she:

(a) Has not been involved in an accident involving only one motor vehicle;

(b) Has not been involved in an accident where he or she was cited in connection with the accident or was found to have caused the accident;

(c) Has not been involved in an accident where no one was cited or was found to have caused the accident; and

(d) Has not been convicted of or found to have committed a traffic offense described in chapter 46.61 RCW or violated restrictions placed on an intermediate licensee under this section.

(9) For the purposes of this section, "immediate family" means an individual's spouse or domestic partner, child, stepchild, grandchild, parent, stepparent, grandparent, brother, half-brother, sister, or half-sister of the individual, including foster children living in the household, and the spouse or the domestic partner of any such person, and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half-brother, sister, or half-sister of the individual's spouse or domestic partner, and the spouse or the domestic partner of any such person.

**Sec. 3.** RCW 46.82.280 and 2017 c 197 s 8 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Behind-the-wheel instruction" means instruction in an approved driver training school instruction vehicle according to and inclusive of the required curriculum. Behind-the-wheel instruction is characterized by driving experience.

(2) "Classroom" means a space dedicated to and used exclusively by a driver training instructor for the instruction of students. With prior department approval, a branch office classroom may be located within alternative facilities, such as a public or private library, school, community college, college or university, or a business training facility.

(3) "Classroom instruction" means that portion of a traffic safety education course that is characterized by in-person classroom-based student instruction or virtual classroom-based student instruction with a live instructor using the required curriculum conducted by or under the direct supervision of a licensed instructor or licensed instructors. Classroom instruction may include self-paced, online components as authorized and certified by the department of licensing.

(4) "Director" means the director of the department of licensing of the state of Washington.

(5) "Driver training education course" means a course of instruction in traffic safety education approved and licensed by the department of licensing that consists of classroom and behind-the-wheel instruction that follows the approved curriculum.

(6) "Driver training school" means a commercial driver training school engaged in

the business of giving instruction, for a fee, in the operation of automobiles.

(7) "Enrollment" means the collecting of a fee or the signing of a contract for a driver training education course. "Enrollment" does not include the collecting of names and contact information for enrolling students once a driver training school is licensed to instruct.

(8) "Fraudulent practices" means any conduct or representation on the part of a driver training school owner or instructor including:

(a) Inducing anyone to believe, or to give the impression, that a license to operate a motor vehicle or any other license granted by the director may be obtained by any means other than those prescribed by law, or furnishing or obtaining the same by illegal or improper means, or requesting, accepting, or collecting money for such purposes;

(b) Operating a driver training school without a license, providing instruction without an instructor's license, verifying enrollment prior to being licensed, misleading or false statements on applications for a commercial driver training school license or instructor's license or on any required records or supporting documentation;

(c) Failing to fully document and maintain all required driver training school records of instruction, school operation, and instructor training;

(d) Issuing a driver training course certificate without requiring completion of the necessary behind-the-wheel and classroom instruction.

(9) "Instructor" means any person employed by or otherwise associated with a driver training school to instruct persons in the operation of an automobile.

(10) "Owner" means an individual, partnership, corporation, association, or other person or group that holds a substantial interest in a driver training school.

(11) "Person" means any individual, firm, corporation, partnership, or association.

(12) "Place of business" means a designated location at which the business of a driver training school is transacted or its records are kept.

(13) "Student" means any person enrolled in an approved driver training course.

(14) "Substantial interest holder" means a person who has actual or potential influence over the management or operation of any driver training school. Evidence of substantial interest includes, but is not limited to, one or more of the following:

(a) Directly or indirectly owning, operating, managing, or controlling a driver training school or any part of a driver training school;

(b) Directly or indirectly profiting from or assuming liability for debts of a driver training school;

(c) Is an officer or director of a driver training school;

(d) Owning ~~((ten))~~ 10 percent or more of any class of stock in a privately or closely held corporate driver training school, or five percent or more of any class of stock

in a publicly traded corporate driver training school;

(e) Furnishing ~~((ten))~~ 10 percent or more of the capital, whether in cash, goods, or services, for the operation of a driver training school during any calendar year; or

(f) Directly or indirectly receiving a salary, commission, royalties, or other form of compensation from the activity in which a driver training school is or seeks to be engaged.

**Sec. 4.** RCW 46.82.330 and 2017 c 197 s 10 are each amended to read as follows:

(1) The application for an instructor's license shall document the applicant's fitness, knowledge, skills, and abilities to teach the classroom and behind-the-wheel instruction portions of a driver training education program in a commercial driver training school.

(2) An applicant shall be eligible to apply for an original instructor's certificate if the applicant possesses and meets the following qualifications and conditions:

(a) Has been licensed to drive for five or more years and possesses a current and valid Washington driver's license or is a resident of a jurisdiction immediately adjacent to Washington state and possesses a current and valid license issued by such jurisdiction, and does not have on his or her driving record any of the violations or penalties set forth in (a)(i), (ii), or (iii) of this subsection. The director shall have the right to examine the driving record of the applicant from the department of licensing and from other jurisdictions and from these records determine if the applicant has had:

(i) Not more than one moving traffic violation within the preceding twelve months or more than two moving traffic violations in the preceding ~~((twenty-four))~~ 24 months;

(ii) No drug or alcohol-related traffic violation or incident within the preceding three years. If there are two or more drug or alcohol-related traffic violations in the applicant's driving history, the applicant is no longer eligible to be a driving instructor; and

(iii) No driver's license suspension, cancellation, revocation, or denial within the preceding two years, or no more than two of these occurrences in the preceding five years;

(b) Is a high school graduate or the equivalent and at least ~~((twenty-one))~~ 21 years of age;

(c) Has completed an acceptable application on a form prescribed by the director;

(d) Has satisfactorily completed a course of instruction in the training of drivers acceptable to the director that is no less than ~~((sixty))~~ 60 hours in length and includes instruction in classroom and behind-the-wheel teaching methods and supervised practice behind-the-wheel teaching of driving techniques; and

(e) Has paid an examination fee as set by rule of the department and has successfully completed an instructor's examination.



(3) The department may develop rules to establish alternative pathways to licensure to substitute for subsection (2) of this section provided the alternative pathways enable the department to assess the applicant's fitness, knowledge, skill, and ability to teach the classroom and behind-the-wheel instruction portions of a driver training education program, and provided behind-the-wheel instructor certification include behind-the-wheel teaching methods and supervised practice behind-the-wheel teaching of driving techniques.

**NEW SECTION. Sec. 5.** A new section is added to chapter 46.82 RCW to read as follows:

(1) By January 1, 2025, the department must publish on its website an interactive map of all driver training education course providers and providers of a traffic safety education program as defined in RCW 28A.220.020, including driver, motorcyclist, and commercial driver training and testing providers certified by the department. The interactive map, at a minimum, must provide training and testing provider names, locations, contact information, course and program pricing, and services offered by language.

(2) Each driving training education course and traffic safety education program provider must report course and program pricing to the department on an annual basis.

**NEW SECTION. Sec. 6.** A new section is added to chapter 39.19 RCW to read as follows:

The office shall develop a program to foster the development of women, minority-owned, and veteran-owned licensed driver training schools in the state, including through instruction on topics relevant to owning and operating a licensed driver training school, and shall report to the transportation committees of the legislature by October 1, 2024, with an update on program implementation and administration."

Correct the title.

Representatives Donaghy and Hutchins spoke in favor of the adoption of the striking amendment.

The striking amendment (684) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Donaghy, Hutchins, Jacobsen and Christian spoke in favor of the passage of the bill.

Representative Caldier spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5583, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5583, as amended by the House, and the

bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Caldier, Rude, Volz and Walsh  
Excused: Representative Ortiz-Self

ENGROSSED SUBSTITUTE SENATE BILL NO. 5583, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

There being no objection, the House reverted to the third order of business.

**MESSAGES FROM THE SENATE**

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed:

HOUSE BILL NO. 1230  
HOUSE BILL NO. 1575  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1678

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1084  
SUBSTITUTE HOUSE BILL NO. 1132  
SECOND SUBSTITUTE HOUSE BILL NO. 1176  
HOUSE BILL NO. 1221  
HOUSE BILL NO. 1407  
SUBSTITUTE HOUSE BILL NO. 1435  
SECOND SUBSTITUTE HOUSE BILL NO. 1477  
HOUSE BILL NO. 1512  
SECOND SUBSTITUTE HOUSE BILL NO. 1580  
HOUSE BILL NO. 1684  
HOUSE BILL NO. 1772

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Wednesday, April 12, 2023

Mme. Speaker:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1013  
HOUSE BILL NO. 1046  
SECOND SUBSTITUTE HOUSE BILL NO. 1122

SUBSTITUTE HOUSE BILL NO. 1171  
 SECOND SUBSTITUTE HOUSE BILL NO. 1204  
 HOUSE BILL NO. 1237  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1251  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329  
 HOUSE BILL NO. 1334  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1394  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1469  
 SUBSTITUTE HOUSE BILL NO. 1501  
 SECOND SUBSTITUTE HOUSE BILL NO. 1728

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**SECOND SUBSTITUTE SENATE BILL NO. 5555, by Senate Committee on Ways & Means (originally sponsored by Randall, Dhingra, Hasegawa, Keiser, Nguyen, Nobles, Valdez and Wilson, C.)**

### Creating the profession of certified peer specialists.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

Representative Chambers moved the adoption of amendment (656) to the committee striking amendment:

On page 9, after line 35 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 12.** (1) The department, in coordination with the health care authority and in consultation with the Washington state institute for public policy, shall conduct a cost-benefit analysis of the use of certified peer specialists in behavioral health treatment teams for persons with behavioral health conditions. The analysis shall monitor medical assistance clients at up to five behavioral health agencies between January 1, 2026, and December 31, 2026, and measure the outcomes for those clients whose care included a certified peer specialist providing peer support services. The outcomes to be considered shall include those measured by the Washington state institute for public policy in its prior studies on peer supports. In addition to other taxpayer costs, the analysis of the costs shall include costs associated with payments for peer support services to medical assistance clients and taxpayer support for certified peer specialist training and licensing costs that are not covered by fees charged to certified peer specialists. The analysis shall consider the effect of peer support services on the areas considered by the Washington state institute for public policy in its prior studies on peer supports, including crime, employment, hospitalization, emergency department visits, homelessness, and behavioral health services.

(2) The department shall submit a report of the findings of the cost-benefit analysis in subsection (1) of this section to the

governor and the committees of the legislature with jurisdiction over health matters by October 1, 2027."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 26, line 36 of the striking amendment, after "through" strike "12" and insert "13"

Correct the title.

Representative Chambers spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Davis spoke against the adoption of the amendment to the committee striking amendment.

Amendment (656) to the committee striking amendment was not adopted.

The committee striking amendment by the Committee on Appropriations was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Davis and Eslick spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5555, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5555, as amended by the House, and the bill passed the House by the following vote: Yeas, 63; Nays, 34; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp, Corry, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barnard, Caldier, Chambers, Cheney, Christian, Connors, Couture, Dent, Dye, Goehner, Graham, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Steele, Stokesbary, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Ortiz-Self

SECOND SUBSTITUTE SENATE BILL NO. 5555, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5392, by Senators Schoesler and Pedersen**

### Concerning overpayments for certain matters.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Walsh, Hansen and Christian spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5392.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5392, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Walen  
Excused: Representative Ortiz-Self

SENATE BILL NO. 5392, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5301, by Senate Committee on Housing (originally sponsored by Mullet, Kuderer, Nguyen and Wilson, C.)**

**Concerning housing programs administered by the department of commerce.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Capital Budget was adopted. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Alvarado and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5301, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5301, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier,

Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Ortiz-Self

ENGROSSED SUBSTITUTE SENATE BILL NO. 5301, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5058, by Senators Padden, Pedersen, Billig, Fortunato, Holy, Short and Wilson, L.**

**Exempting buildings with 12 or fewer units that are no more than two stories from the definition of multiunit residential building.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Walsh, Hansen, Riccelli, Schmidt and Christian spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5058.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5058, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SENATE BILL NO. 5058, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5316, by Senators Wilson, C., Billig and Nobles**

**Concerning background check and licensing fees for programs administered by the department of children, youth, and families.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

Representative Senn moved the adoption of amendment (601) to the committee striking amendment:

On page 9, beginning on line 14 of the striking amendment, strike all of sections 5 and 6

Renumber the remaining section consecutively and correct any internal references accordingly.

Representatives Senn and Eslick spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (601) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Senn, Eslick and Corry spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5316, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5316, as amended by the House, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Christian, Dye, Graham, Klicker, Low, McEntire, Schmick, Schmidt, Volz and Walsh

Excused: Representative Ortiz-Self

SENATE BILL NO. 5316, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5398, by Senate Committee on Human Services (originally sponsored by MacEwen and Wilson, L.)**

#### Concerning domestic violence funding allocation.

The bill was read the second time.

Representative Couture moved the adoption of amendment (561):

On page 2, line 1, after "December 1," strike all material through "formulation" and insert "2024, the work group shall develop funding"

On page 2, line 5, after "regarding" strike "to implement the formula" and insert "whether to implement the funding"

On page 2, line 8, after "July 1," strike "2024" and insert "2025"

On page 2, line 9, after "August 1," strike "2024" and insert "2025"

Representatives Couture and Senn spoke in favor of the adoption of the amendment.

Amendment (561) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Eslick, Senn and Griffey spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5398, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5398, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SUBSTITUTE SENATE BILL NO. 5398, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5323, by Senators MacEwen, Conway, Lovick, Mullet and Randall**

#### Concerning the department of veterans affairs.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Volz and Reeves spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5323.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5323, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude,

Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Walsh  
Excused: Representative Ortiz-Self

SENATE BILL NO. 5323, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5350, by Senators Conway, Hasegawa, Lovick, Robinson, Wagoner, Pedersen, Keiser, Randall, Van De Wege, Liias, Cleveland, Frame, Hawkins, Holy, Hunt, Kuderer, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Saldaña, Shewmake, Stanford, Trudeau, Valdez, Warnick, Wilson, C. and Wilson, L.**

**Providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. For Committee amendment, see Journal, Day 79, Tuesday, March 28, 2023.

With the consent of the House, amendment (653) was withdrawn.

Representative Orcutt moved the adoption of amendment (654) to the committee striking amendment:

On page 1, beginning on line 7 of the striking amendment after ";" providing" strike "a one-time cost-of-living adjustment helps" and insert "two cost-of-living adjustments is intended to help"

On page 2, line 14 of the striking amendment, after "(5)" insert "Beneficiaries who are receiving a monthly benefit from the teachers' retirement system plan 1 on July 1, 2023, shall receive, effective July 1, 2024, an increase to their monthly benefit of three percent multiplied by the beneficiaries' monthly benefit, not to exceed \$110.00.

(6)"

On page 2, line 38 of the striking amendment, after "(5)" insert "Beneficiaries who are receiving a monthly benefit from the public employees' retirement system plan 1 on July 1, 2023, shall receive, effective July 1, 2024, an increase to their monthly benefit of three percent multiplied by the beneficiaries' monthly benefit, not to exceed \$110.00.

(6)"

Representative Orcutt spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Fitzgibbon spoke against the adoption of the amendment to the committee striking amendment.

Amendment (654) to the committee striking amendment was not adopted.

The committee striking by the Committee on Appropriations was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Leavitt and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5350, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5350, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SENATE BILL NO. 5350, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

#### MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5001  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5315  
SUBSTITUTE SENATE BILL NO. 5687

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

#### MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SECOND SUBSTITUTE SENATE BILL NO. 5103  
SUBSTITUTE SENATE BILL NO. 5156  
SUBSTITUTE SENATE BILL NO. 5358

There being no objection, the House reverted to the sixth order of business.

#### SECOND READING

**SECOND SUBSTITUTE SENATE BILL NO. 5048, by Senate Committee on Ways & Means (originally sponsored by Mullet, Rolfes, Billig, Hasegawa, Hawkins, Holy, Liias, Nguyen, Pedersen, Valdez, Wagoner, Warnick, Wellman and Wilson, C.)**

**Eliminating college in the high school fees.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

With the consent of the House, amendment (686) was withdrawn.

Representative Corry moved the adoption of amendment (685) to the committee striking amendment:

On page 2, line 4 of the striking amendment, after "(6)" insert

"Subject to the availability of amounts appropriated for this specific purpose, the student achievement council shall select one private not-for-profit four-year institution of higher education to participate in a pilot program to provide ten college in the high school courses consistent with this act. The institution selected should have demonstrated experience in offering college in the high school programs at public high schools in Washington.

(a) State appropriations for the college in the high school pilot program to the institution of higher education selected under this subsection shall be calculated as follows: Up to ten college in the high school courses, funded at a rate of \$6,000 per college in the high school course administered by the institution.

(b) The student achievement council shall administer the pilot program.

(c) The pilot program expires on June 30, 2025.

(7) "

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 2, line 15 of the striking amendment, after "RCW" strike "28B.10.016" and insert "28B.92.030(4) "

On page 5, line 18 of the striking amendment, after "RCW" strike "28B.10.016" and insert "~~((28B.10.016))~~ 28B.92.030(4)"

Representative Corry spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Slatter spoke against the adoption of the amendment to the committee striking amendment.

Amendment (685) to the committee striking amendment was not adopted.

Representative Corry moved the adoption of amendment (741) to the committee striking amendment:

On page 5, at the beginning of line 11 of the striking amendment, strike "(13)" and insert "~~((13))~~ (11)(a) State universities, regional universities, and the state college, as defined in RCW 28B.10.016, offering college in the high school courses shall coordinate with an organization representing the presidents of the public four-year institutions of higher education,

and the community and technical colleges offering college in the high school courses shall coordinate with the state board for community and technical colleges to each prepare a report, each disaggregated by institution of higher education, that includes:

(i) Data about student participation rates, award of high school credit, award of postsecondary credit at an institution of higher education, academic performance, and subsequent enrollment in an institution of higher education;

(ii) Geographic data on college in the high school courses, including the name, number, location of courses, and student enrollment disaggregated by school districts and high schools;

(iii) Data on college in the high school student demographics, including race, ethnicity, gender, and receipt of free or reduced-price lunch; and

(iv) Recommendations on additional categories of data reporting and disaggregation.

(b) Beginning September 1, 2024, and each year thereafter, the reports must be submitted to the appropriate committees of the legislature in accordance with RCW 43.01.036.

(12) "

Representatives Corry and Slatter spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (741) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Paul and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5048, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5048, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SECOND SUBSTITUTE SENATE BILL NO. 5048, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5412, by Senate Committee on Transportation (originally sponsored by Salomon, Liias, Kuderer, Lovelett, Mullet and Pedersen)**

**Reducing local governments' land use permitting workloads.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Local Government was before the House for purpose of amendment. For Committee amendment, see Journal, Day 79, Tuesday, March 28, 2023.

With the consent of the House, amendment (696) was withdrawn.

Representative Duerr moved the adoption of amendment (737) to the committee striking amendment:

On page 2, beginning on line 17, after "chapter." strike all material through "The" on line 29 and insert "For purposes of this section, "middle housing" has the same meaning as in RCW 36.70A.030 as amended by chapter . . . (Engrossed Second Substitute House Bill No. 1110), Laws of 2023. Jurisdictions shall satisfy the following criteria prior to the adoption of the categorical exemption under this subsection (3):

(a) The city or county shall find the"

On page 2, beginning on line 35, after "or" strike all material through "adoption" on line 37 and insert "county has prepared environmental analysis that considers the proposed use or density and intensity of use in the area proposed for an exemption under this section and analyzes multimodal transportation impacts, including impacts to neighboring jurisdictions, transit facilities, and the state transportation system.

(i) Such environmental analysis shall include documentation that the requirements for environmental analysis, protection, and mitigation for impacts to elements of the environment have been adequately addressed for the development exempted. The requirements may be addressed in locally adopted comprehensive plans, subarea plans, adopted development regulations, other applicable local ordinances and regulations, or applicable state and federal regulations. The city, town, or county must document its consultation with the department of transportation on impacts to state-owned transportation facilities including consideration of whether mitigation is necessary for impacts to transportation facilities.

(ii) Before finalizing the environmental analysis pursuant to (b)(i) of this subsection (3), the local government shall provide a minimum of 60 days' notice to affected tribes, relevant state agencies, other jurisdictions that may be impacted, and the public. If a local government identifies that mitigation measures are necessary to address specific probable

adverse impacts, the local government must address those impacts by requiring mitigation identified in the environmental analysis pursuant to this subsection (3)(b) through locally adopted comprehensive plans, subarea plans, development regulations, or other applicable local ordinances and regulations. Mitigation measures shall be detailed in an associated environmental determination.

(iii) The categorical exemption is effective 30 days following action by a local government pursuant to (b)(ii) of this subsection (3)."

On page 2, line 38, after "(4)" insert "one or more residential housing or middle housing units within a city west of the crest of the Cascade mountains with a population of 700,000 or more are categorically exempt from the requirements of this chapter.

(5)"

Correct any internal references accordingly.

On page 3, line 1, after "43.21C.110(1)(a)." insert "Nothing in this section shall invalidate categorical exemptions or environmental review procedures adopted by a local government under a planned action pursuant to RCW 43.21C.440."

Representatives Duerr and Goehner spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (737) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Duerr and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5412, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5412, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cory, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Ramel, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Pollet and Ramos

Excused: Representative Ortiz-Self

SECOND SUBSTITUTE SENATE BILL NO. 5412, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE JOINT MEMORIAL NO. 8001, by Senators Hasegawa, Kuderer, Wellman, Nguyen, Keiser, Conway, Dhingra, Frame, Hunt, Lias, Lovelett, Nobles, Saldaña, Stanford, Trudeau and Wilson, C.**

**Concerning a national infrastructure bank.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hackney spoke in favor of the passage of the bill.

Representative Corry spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Joint Memorial No. 8001.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8001, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Ortiz-Self

SENATE JOINT MEMORIAL NO. 8001, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5330, by Senators Torres, Muzzall, Shewmake, Van De Wege, Warnick, Kuderer and Lovick**

**Concerning the Washington pesticide application act.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dent and Reeves spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5330.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5330, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SENATE BILL NO. 5330, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5687, by Senate Committee on Ways & Means (originally sponsored by Van De Wege)**

**Creating and supporting postsecondary wrestling grant programs.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ybarra, Slatter and McClintock spoke in favor of the passage of the bill.

Representatives Orcutt and Jacobsen spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5687.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5687, and the bill passed the House by the following vote: Yeas, 80; Nays, 17; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Cheney, Chopp, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Barnard, Caldier, Chambers, Christian, Connors, Corry, Dye, Graham, Hutchins, Jacobsen, McEntire, Orcutt, Rude, Sandlin, Schmick, Steele and Walsh

Excused: Representative Ortiz-Self

SUBSTITUTE SENATE BILL NO. 5687, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5001, by Senate Committee on Transportation (originally sponsored by Hawkins, Hunt, Nguyen and Wilson, J.)**



**Concerning public facility districts created by at least two city or county legislative authorities.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Local Government was before the House for purpose of amendment. For Committee amendment, see Journal, Day 82, Friday, March 31, 2023.

Representative Orcutt moved the adoption of amendment (554) to the committee striking amendment:

On page 9, after line 20, insert the following:

"**Sec. 4.** RCW 35.57.030 and 1999 c 165 s 3 are each amended to read as follows:

(1) To carry out the purpose of this chapter, a public facilities district may issue general obligation bonds, not to exceed an amount, together with any outstanding nonvoter-approved general obligation indebtedness, equal to one-half of one percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015. A facilities district additionally may issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015, when authorized by the voters of the public facilities district pursuant to Article VIII, section 6 of the state Constitution, and to provide for the retirement thereof by taxes authorized in chapter 165, Laws of 1999.

(2) General obligation bonds may be issued with a maturity of up to thirty years, and shall be issued and sold in accordance with the provisions of chapter 39.46 RCW.

(3) The general obligation bonds may be payable from the operating revenues of the public facilities district in addition to the tax receipts of the district.

(4) A public facilities district formed under RCW 35.57.010(1)(f) may not issue bonds under this section after July 1, 2023, if doing so would cause the scheduled annual principal and interest payments on the aggregate debt issued by the district under this section in any fiscal year to equal or exceed 80 percent of the annual tax revenue that the district projects, on or prior to the date of issuance of the bonds, to collect in such fiscal year under the sales and use tax authorized in RCW 82.14.048. Nothing in this section limits the amount of revenue that a public facilities district may use to make principal and interest payments on the aggregate debt issued by the district under this section."

Representatives Orcutt and Berg spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (554) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goehner and Doglio spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5001, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5001, as amended by the House, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Graham, Jacobsen, Leavitt, Orcutt, Volz and Walsh

Excused: Representative Ortiz-Self

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5001, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5315, by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Billig, Hasegawa, Keiser, Kuderer, Nguyen, Nobles, Pedersen and Valdez)**

**Concerning nonpublic agencies operating special education programs for students with disabilities.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Education was not adopted. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

There being no objection, the committee striking amendment by the Committee on Appropriations was not adopted. For Committee amendment, see Journal, Day 86, Tuesday, April 4, 2023.

Representative Santos moved the adoption of the striking amendment (739):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) (a) (i) The legislature finds that the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq., establishes duties for the state education agency, which is the office of the

superintendent of public instruction in Washington, with respect to students with disabilities who are placed in a private school or facility by a school district or other public agency as a means of providing special education and related services.

(ii) Since 2006, the federal implementing regulations of the federal individuals with disabilities education act have required that the office of the superintendent of public instruction ensure that a student with a disability who is placed in a private school or facility by a school district or other public agency:

(A) Is provided special education and related services in conformance with an individualized education program that meets the requirements of federal law and at no cost to the student's parents;

(B) Is provided an education that meets the standards that apply to education provided by a school district or other public agency; and

(C) Has all of the rights of a student with a disability who is served by a school district or other public agency.

(iii) Since 2006, the federal implementing regulations of the federal individuals with disabilities education act have required that the office of the superintendent of public instruction, in implementing the requirements described in (a)(ii) of this subsection:

(A) Monitor compliance through procedures such as written reports, on-site visits, and parent questionnaires;

(B) Disseminate copies of applicable standards to each private school and facility to which a school district or other public agency has placed a student with a disability; and

(C) Provide an opportunity for those private schools and facilities to participate in the development and revision of state standards that apply to them.

(iv) The federal implementing regulations of the federal individuals with disabilities education act require the state to monitor implementation of the individuals with disabilities education act to improve educational results and functional outcomes for all students with disabilities. The state must use indicators to measure school district performance, identify areas of noncompliance, and use appropriate enforcement mechanisms, such as technical assistance, corrective action, or withholding funds.

(b) The legislature acknowledges that it has not codified the requirements described in (a) of this subsection into state statute. Therefore, the legislature intends to codify the duty and authority of the superintendent of public instruction to establish standards for approving, monitoring, and investigating education centers, which are private schools and facilities, approved by the office of the superintendent of public instruction, that contract with school districts to provide special education and related services to students with disabilities placed in the education centers by school districts. The legislature also intends to codify the requirement that these standards must ensure that any students with disabilities placed

in education centers by school districts have the same rights, protections, and access to special education and related services that they would have if served by school districts.

(2)(a)(i) The federal implementing regulations of the federal individuals with disabilities education act specify that, when a school district or other public agency has placed a student with disabilities in a private school or facility, responsibility for compliance with the federal individuals with disabilities education act remains with the school district or other public agency and with the office of the superintendent of public instruction.

(ii) State statute permits school districts to contract with private schools or facilities approved by the office of the superintendent of public instruction to operate special education programs for students with disabilities and specifies that the approval standards must conform substantially to those of special education programs in the school districts.

(iii) Rules of the office of the superintendent of public instruction specify the minimum elements of the written contract that must be made between a school district and the private school or facility. In addition, these rules specify that the school district remains responsible for ensuring that any student placed in the private school or facility is provided a free appropriate public education in conformance with the individualized education program developed by the school district.

(b) The legislature intends to codify the responsibilities of school districts placing students with disabilities in education centers, including specifying minimum contract and parent notification requirements.

(3) In addition, the legislature intends to ensure accountability is properly exercised and shared by directing the state auditor to conduct a performance audit of the system for overseeing education centers that provide special education services to students with disabilities, as well as requiring school districts contracting with education centers to report concerns about education overbilling to the office of the superintendent of public instruction and the office of the state auditor.

**Sec. 2.** RCW 28A.155.090 and 2007 c 115 s 11 are each amended to read as follows:

The superintendent of public instruction shall have the duty and authority, through the administrative section or unit for the education of children with ~~((disabling conditions))~~ disabilities, to:

(1) Assist school districts in the formation of programs to meet the needs of children with disabilities;

(2) Develop interdistrict cooperation programs for children with disabilities as authorized in RCW 28A.225.250;

(3) Provide, upon request, to parents or guardians of children with disabilities, information as to the special education

programs for students with disabilities offered within the state;

(4) Assist, upon request, the parent or guardian of any child with disabilities in the placement of any child with disabilities who is eligible for but not receiving special educational services for children with disabilities;

(5) Approve school district and agency programs as being eligible for special excess cost financial aid to students with disabilities;

(6) Establish standards for approving, monitoring, and investigating education centers, as defined in section 3 of this act, that contract with school districts under RCW 28A.155.060 to provide special education and related services to children with disabilities. The standards must ensure that any children with disabilities placed in education centers by school districts have the same rights, protections, and access to special education and related services that they would have if served by a school district;

(7) Consistent with the provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160, and part B of the federal individuals with disabilities education improvement act, administer administrative hearings and other procedures to ensure procedural safeguards of children with disabilities; and

~~((7))~~ (8) Promulgate such rules as are necessary to implement part B of the federal individuals with disabilities education improvement act or other federal law providing for special education services for children with disabilities and the several provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160 and to ensure appropriate access to and participation in the general education curriculum and participation in statewide assessments for all students with disabilities.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.205 RCW to read as follows:

(1) "Education center" as used in this chapter means one of the following types of entities approved by the office of the superintendent of public instruction to contract with school districts to provide specific types of educational programs and related services to students whose needs are not being met by their resident school district:

(a) A private school in Washington approved by the state board of education under chapter 28A.195 RCW;

(b) An out-of-state public or private school; or

(c) A licensed facility, such as a hospital or mental health or behavioral health treatment facility.

(2) An education center is not a common school as defined in RCW 28A.150.020.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.205 RCW to read as follows:

(1) The office of the superintendent of public instruction may approve schools and

facilities to operate as education centers for a period of up to three years. For schools and facilities with multiple locations, the office of the superintendent of public instruction must approve each location independently.

(2) The office of the superintendent of public instruction shall establish a process for schools and facilities to apply for approval to operate specific types of educational programs and related services as education centers.

(3) To qualify for approval or reapproval, an applicant must, at a minimum, meet the following requirements:

(a) Offer a program of basic education that will provide:

(i) Opportunities for students to meet the goals of RCW 28A.150.210, in accordance with an individual assessment of student strengths and needs as determined by the placing school districts, and any other requirements established by contract; and

(ii) Opportunities for students in grades nine through 12 to either meet high school graduation requirements under RCW 28A.230.090 or to earn a high school equivalency certificate under RCW 28B.50.536 or laws of the state in which the applicant is located;

(b) Maintain applicable facility licenses and applicable agency approvals of the state in which the applicant is located;

(c) Employ or contract with teachers and related services staff who meet the licensing requirements of the state in which the applicant is located;

(d) Meet applicable fire codes of the local fire marshal or the fire marshal of the state in which the applicant is located;

(e) Meet applicable health and safety standards of the local jurisdiction and state in which the applicant is located;

(f) Demonstrate through audits that the applicant is financially stable and has accounting systems that allow for separation of school district funds, including financial safeguards in place to track revenues and expenditures associated with contracted placements to ensure that funds are used to provide education and related services to students placed in the school or facility by the school district;

(g) Demonstrate that the applicant has procedures in place that address staff employment and contracting, including checking personal and professional references, conducting state and federal criminal background checks, and conducting regular staff evaluations that address staff competencies;

(h) Provide assurance that the applicant will meet all requirements of this chapter applicable to education centers during the period of approval;

(i) Maintain a policy of nondiscrimination and provide procedural safeguards for students and their families; and

(j) Pass an on-site inspection conducted by the office of the superintendent of public instruction that confirms that the health and safety of the facilities, the staffing qualifications and levels, and the procedural safeguards are sufficient to

provide a safe and appropriate learning environment for students.

(4) The office of the superintendent of public instruction must prohibit education centers from charging tuition or fees to students placed in the education center by a school district.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28A.205 RCW to read as follows:

(1) On its webpage related to education centers, the office of the superintendent of public instruction shall publish guidelines for individuals to report education centers for noncompliance with local, state, or federal laws or for violation of students rights. At a minimum, the guidelines must include instructions for submitting complaints to the resident school district and for using the special education community complaint processes, when applicable.

(2) The office of the superintendent of public instruction shall monitor and investigate education centers and the school districts contracting with education centers for compliance with the requirements of this chapter using data and other information submitted by school districts and education centers, information gathered during on-site visits, complaints, and other information and data.

(3) The office of the superintendent of public instruction may suspend, revoke, or refuse to renew approval of an education center if the education center:

(a) Fails to maintain approval standards under section 4 of this act;

(b) Violates the rights of students placed in the education center by a school district;

(c) Fails to adhere to applicable local, state, and federal laws, including health, safety, and civil rights laws;

(d) Fails to comply with contract requirements under section 6 of this act; or

(e) Refuses to implement any corrective actions ordered by the office of the superintendent of public instruction.

**NEW SECTION. Sec. 6.** A new section is added to chapter 28A.205 RCW to read as follows:

(1) Each school district that chooses to contract with an education center must enter into a written contract with the education center to establish the responsibilities of the school district and the education center and set forth the rights of students placed in the education center by the school district.

(2) The contract must, at a minimum, include the following elements:

(a) The names of the parties involved and the name of the student placed in the education center by the school district;

(b) The locations and settings of the education and related services to be provided;

(c) (i) A description of the opportunities for the student to meet a program of basic education that meets the goals of RCW 28A.150.210, in accordance with an individual assessment of student strengths

and needs initially performed by the placing school districts and updated by the education center; and

(ii) When applicable, a description of the opportunities for the student to either meet high school graduation requirements under RCW 28A.230.090 or to earn a high school equivalency certificate under RCW 28B.50.536 or laws of the state in which the education center is located;

(d) A schedule, of at least once per academic term, for the education center to provide to the school district student progress reports. The progress reports must describe how the student is meeting personalized learning outcomes;

(e) The total contract cost and applicable charge and reimbursement systems, including billing and payment procedures;

(f) Acknowledgment that the education center is responsible for full reimbursement to the school district of any overpayments determined to have been made by the school district;

(g) Acknowledgment that the education center has a list of staff members providing the education and related services and a copy of the license that qualifies each staff member to provide the services;

(h) Acknowledgment that staff of the education center are regularly trained on the following topics:

(i) The constitutional and civil rights of students in schools;

(ii) Child and adolescent development;

(iii) Trauma-informed approaches to working with children and youth;

(iv) Cultural competency, diversity, equity, and inclusion, including best practices for interacting with students from particular backgrounds, including English learner, LGBTQ, immigrant, female, and nonbinary students. For the purposes of this subsection, "cultural competency," "diversity," "equity," and "inclusion" have the same meanings as in RCW 28A.415.443;

(v) Student isolation and restraint requirements under RCW 28A.600.485; and

(vi) The federal family educational rights and privacy act (Title 20 U.S.C. Sec. 1232g) requirements including limits on access to and dissemination of student records for noneducational purposes;

(i) Acknowledgment that the school district and education center have clearly established their respective responsibilities and processes for student data collection and reporting;

(j) Acknowledgment that the education center will promptly submit to the school district any complaints it receives;

(k) Acknowledgment that the education center will submit other information required by the school district or the office of the superintendent of public instruction;

(l) Acknowledgment that the education center must comply with student isolation and restraint requirements under RCW 28A.600.485;

(m) Acknowledgment that the education center must provide notifications to the school district and the office of the superintendent of public instruction as required under section 8 of this act; and

(n) Acknowledgment that the school district must provide the office of the superintendent of public instruction with the opportunity to review the contract and related documentation upon request.

(3) Each school district contracting with an education center to provide special education and related services to students with disabilities placed in education centers by school districts must additionally include the elements described in RCW 28A.155.060 in the written contract.

(4) Each school district contracting with an education center shall report to the office of the superintendent of public instruction and the office of the Washington state auditor any concerns the school district has about overbilling by an education center.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28A.205 RCW to read as follows:

Each school district contracting with an education center shall provide the following documents to the parents or guardians of each student placed in the education center by the school district:

(1) A summary of the school district and education center's responsibilities and processes for reporting incidents of student isolation and restraint under RCW 28A.600.485; and

(2) A copy of the school district's and the education center's complaint processes and, if applicable, instructions for accessing the office of the superintendent of public instruction's special education community complaint processes.

**NEW SECTION. Sec. 8.** A new section is added to chapter 28A.205 RCW to read as follows:

(1)(a) An education center shall notify the office of the superintendent of public instruction and every school district with which it contracts of any major program changes that occur during the approval period, including adding or eliminating services or changing the type of programs available to students.

(b) The office of the superintendent of public instruction shall review these program changes with affected school districts to determine whether the education center remains able to provide the contracted services.

(2) An education center shall promptly notify the office of the superintendent of public instruction, every school district with which it contracts, and every parent or guardian of an affected student of any conditions that would affect the education center's ability to continue to provide the contracted services.

(3) An education center shall promptly notify the office of the superintendent of public instruction and every school district with which it contracts of any complaints it receives regarding services to students, as well as any law enforcement incident reports involving the education center and its enrolled students.

**NEW SECTION. Sec. 9.** A new section is added to chapter 28A.205 RCW to read as follows:

(1) The office of the superintendent of public instruction shall notify the state board of education if any education center that is also a private school approved by the state board of education under chapter 28A.195 RCW is investigated for noncompliance, is directed to complete corrective action, or fails to maintain approval under section 4 of this act.

(2) The state board of education shall notify the office of the superintendent of public instruction of any unresolved concerns, deficiencies, or deviations related to an education center that is also a private school approved by the state board of education under chapter 28A.195 RCW.

**NEW SECTION. Sec. 10.** A new section is added to chapter 28A.205 RCW to read as follows:

The office of the superintendent of public instruction shall adopt rules under chapter 34.05 RCW for the implementation of this chapter.

**Sec. 11.** RCW 28A.155.060 and 2007 c 115 s 6 are each amended to read as follows:

(1) For the purpose of carrying out the provisions of RCW 28A.155.020 through 28A.155.050, the board of directors of every school district shall be authorized to contract with ~~((agencies approved by the superintendent of public instruction for operating special education programs for students with disabilities. Approval standards for such agencies shall conform substantially with those of special education programs in the common schools))~~ education centers approved under section 4 of this act to provide special education and related services to students with disabilities placed in education centers by school districts.

(2) A school district contracting with an education center under this section must enter into a written contract with the education center as required under section 6 of this act, and additionally include the following elements in the contract:

(a) An agreement by the education center to employ or contract with at least one licensed teacher with a special education endorsement;

(b) Acknowledgment that the staff of the education center are regularly trained on the following topics:

(i) Recognizing and responding to student mental health issues; and

(ii) Educational rights of students with disabilities, the relationship of disability to behavior, and best practices for interacting with students with disabilities; and

(c) Acknowledgment that the education center must comply with all relevant Washington state and federal laws that are applicable to the school district.

(3) A school district contracting with an education center under this section shall remain responsible for ensuring that the students with disabilities placed in the education center by the school district are:

(a) Provided a free appropriate public education in accordance with the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq. and this chapter;

(b) Provided with special education and related services at no cost to the student's parents and in conformance with an individualized education program as required by law, including evaluations and individualized education program team meetings that meet all applicable requirements; and

(c) Provided with an opportunity to participate in Washington state and school district assessments.

(4) For the purposes of this section, "education center" has the same meaning as in section 3 of this act.

**Sec. 12.** RCW 28A.155.210 and 2013 c 202 s 3 are each amended to read as follows:

A ~~((school that is required to develop an))~~ student's individualized education program ~~((as required by federal law))~~ must include ~~((within the plan))~~ procedures for notification of a parent or guardian regarding the use of restraint or isolation under RCW 28A.600.485. If a student is placed in an education center under RCW 28A.155.060, the student's individualized education program must also specify any additional procedures required to ensure the education center fully complies with RCW 28A.600.485.

**NEW SECTION. Sec. 13.** A new section is added to chapter 28A.155 RCW to read as follows:

(1) Beginning December 1, 2023, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction shall annually submit a report to the education committees of the legislature regarding student placements at education centers under RCW 28A.155.060. A summary of the report, including a link to the full report content, must also be posted on the office of the superintendent of public instruction's website. The report must include:

(a) The academic progress of students receiving special education services from education centers, using the results of the two most recent state assessments;

(b) The graduation rates of students who have received special education services from education centers;

(c) The rate at which students receiving special education services from education centers return to their resident school districts;

(d) Data on student restraint and isolation incidents, discipline, and attendance at education centers; and

(e) Any corrective action or change in an education center's approval status, as ordered by the office of the superintendent of public instruction.

(2) The data published under subsection (1) of this section must be disaggregated by education centers when it is possible to do so without disclosing, directly or indirectly, a student's personally identifiable information as protected under

the federal family educational rights and privacy act (Title 20 U.S.C. Sec. 1232g).

**NEW SECTION. Sec. 14.** (1) The state auditor shall conduct a performance audit of the approval, monitoring, and investigation of education centers as defined in section 3 of this act and school districts that contract with education centers under RCW 28A.155.060. As appropriate, the state auditor shall make recommendations for improving the system for overseeing education centers that provide special education and related services to students with disabilities placed in the education center by a school district. The state auditor may conduct the performance audit at a sample of school districts and education centers as needed.

(2) By November 30, 2026, and in compliance with RCW 43.01.036, the state auditor shall report the performance audit's findings and recommendations to the governor and the education committees of the legislature.

(3) This section expires August 1, 2027.

**NEW SECTION. Sec. 15.** The following acts or parts of acts are each repealed:

(1) RCW 28A.205.010 ("Education center," "basic academic skills," defined—Certification as education center and withdrawal of certification) and 2006 c 263 s 408, 2005 c 497 s 214, 1999 c 348 s 2, 1993 c 211 s 1, 1990 c 33 s 180, 1983 c 3 s 38, & 1977 ex.s. c 341 s 1;

(2) RCW 28A.205.020 (Common school dropouts—Reimbursement) and 1999 c 348 s 3, 1997 c 265 s 7, 1993 c 211 s 2, 1990 c 33 s 181, 1979 ex.s. c 174 s 1, & 1977 ex.s. c 341 s 2;

(3) RCW 28A.205.030 (Reentry of prior dropouts into common schools, rules—Eligibility for test to earn a high school equivalency certificate) and 2013 c 39 s 6;

(4) RCW 28A.205.040 (Fees—Rules—Priority for payment—Review of records) and 2013 c 39 s 7, 2006 c 263 s 412, 1999 c 348 s 4, 1990 c 33 s 183, 1979 ex.s. c 174 s 2, & 1977 ex.s. c 341 s 4;

(5) RCW 28A.205.050 (Rules) and 2005 c 497 s 215, 1995 c 335 s 201, 1993 c 211 s 4, 1990 c 33 s 184, & 1977 ex.s. c 341 s 5;

(6) RCW 28A.205.070 (Allocation of funds—Criteria—Duties of superintendent) and 2006 c 263 s 409, 1993 c 211 s 6, 1990 c 33 s 185, & 1985 c 434 s 3;

(7) RCW 28A.205.080 (Legislative findings—Distribution of funds—Cooperation with school districts) and 1997 c 265 s 8, 1993 c 211 s 7, 1990 c 33 s 186, & 1987 c 518 s 220; and

(8) RCW 28A.205.090 (Inclusion of education centers program in biennial budget request—Quarterly plans—Funds—Payment) and 1993 c 211 s 8, 1990 c 33 s 187, & 1985 c 434 s 4."

Correct the title.

Representatives Santos and Couture spoke in favor of the adoption of the striking amendment.

The striking amendment (739) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Santos and Couture spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5315, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5315, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5315, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5103, by Senate Committee on Ways & Means (originally sponsored by Muzzall, Cleveland and Rivers)**

**Concerning payment to acute care hospitals for difficult to discharge medicaid patients.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. For Committee amendment, see Journal, Day 94, Wednesday, April 12, 2023.

Representative Riccelli moved the adoption of amendment (682) to the committee striking amendment:

On page 5, after line 13 of the striking amendment, insert the following:

"**NEW SECTION. Sec. 2.** By December 1, 2023, the health care authority shall submit a report to the fiscal committees of the legislature containing information about the rate established in RCW 74.09.520(12) and the services that are included in the rate."

Representatives Riccelli and Schmick spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (682) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Schmick and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5103, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5103, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SECOND SUBSTITUTE SENATE BILL NO. 5103, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5358, by Senate Committee on State Government & Elections (originally sponsored by Gildon, Nobles, Conway, Holy, Lovelett, Nguyen, Randall, Torres, Wagoner, Wellman, Wilson, C. and Wilson, L.)**

**Expanding veterans' services and programs.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chambers, Shavers and Christian spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5358.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5358, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SUBSTITUTE SENATE BILL NO. 5358, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5156, by Senate Committee on Labor & Commerce (originally sponsored by Torres, Dhingra, Hasegawa, Hunt, Muzzall, Nobles, Randall, Rolfes, Schoesler, Shewmake, Wagoner, Warnick, Wellman and Wilson, L.)**

**Expanding the farm internship program.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Labor & Workplace Standards was before the House for purpose of amendment. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

Representative Connors moved the adoption of amendment (666) to the committee striking amendment:

On page 1, line 22 of the striking amendment, after "(2)" insert "(a)"

On page 1, line 23 of the striking amendment, after "section." insert the following:  
"(b)"

On page 1, line 26 of the striking amendment, after "who" insert ", in addition to meeting the farm's qualifications applicable to all intern applicants, also"

On page 1, line 28 of the striking amendment, after "farmworker." insert "If a farm is employing only one intern and the farm does not receive any applications from individuals who meet the criteria set forth in this subsection, the requirement of this subsection does not apply. If a farm is employing more than one intern, the farm must employ at least one intern who meets the criteria set forth in this subsection."

On page 2, beginning on line 22 of the striking amendment, after "(e)" strike all material through "application" on line 24 and insert "If subsection (2)(b) of this section applies, the farm has included in the application either: (i)"

On page 2, line 28 of the striking amendment, after "farmworker;" insert "or (ii) an attestation that the farm is employing only one intern and the farm did not receive any applications from individuals who meet the criteria set forth in subsection (2)(b) of this section"

Representatives Connors and Berry spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (666) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Connors and Berry spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5156, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5156, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SUBSTITUTE SENATE BILL NO. 5156, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5403, by Senators Schoesler, Wellman, Torres, Boehnke, Muzzall, Dozier, Kuderer, Randall, Wilson, C. and Wilson, L.**

**Establishing school district depreciation subfunds for the purposes of preventative maintenance.**

The bill was read the second time.

With the consent of the House, amendment (663) was withdrawn.

Representative Santos moved the adoption of amendment (697):

On page 3, line 10, after "(e)" strike "A" and insert "For school districts of the second class as defined by RCW 28A.300.065, a"

On page 3, at the beginning of line 12, insert "second class"

On page 3, line 21, after "districts" insert "of the second class"

Representatives Santos and Rude spoke in favor of the adoption of the amendment.

Amendment (697) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Dye and Santos spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5403, as amended by the House.



**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5403, as amended by the House, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Bergquist, Berry, Bronoske, Caldier, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Street, Taylor, Thai, Tharinger, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Berg, Callan, Leavitt, Ramel, Rule, Shavers, Stonier and Timmons

Excused: Representative Ortiz-Self

SENATE BILL NO. 5403, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5599, by Senate Committee on Human Services (originally sponsored by Liias, Wilson, C., Dhingra, Lovelett, Nguyen and Randall)**

**Supporting youth and young adults seeking protected health care services.**

The bill was read the second time.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

**MOTION**

On motion of Representative Griffey, Representative Sandlin was excused.

There being no objection, the committee striking amendment by the Committee on Human Services, Youth, & Early Learning was before the House for purpose of amendment. For Committee amendment, see Journal, Day 80, Wednesday, March 29, 2023.

With the consent of the House, amendments (659), (701) and (703) were withdrawn.

Representative Couture moved the adoption of amendment (671) to the committee striking amendment:

On page 1, line 3 of the striking amendment, after "**Sec. 1.**" insert "(1)"

On page 1, after line 14 of the striking amendment, insert the following:

"(2) The legislature finds that, based on the United States Supreme Court ruling in *Troxel v. Granville*, 530 U.S. 57 (2000), the Constitution permits a State to interfere with the right of parents to rear their children only to prevent harm or potential harm to a child. Any legislation that goes further fails that standard because it requires no threshold showing of harm."

Representative Couture spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Taylor spoke against the adoption of the amendment to the committee striking amendment.

Amendment (671) to the committee striking amendment was not adopted.

Representative Griffey moved the adoption of amendment (699) to the committee striking amendment:

On page 1, line 3 of the striking amendment, after "**Sec. 1.**" insert "(1)"

On page 1, after line 14 of the striking amendment, insert the following:

"(2) The legislature finds that parental or guardian oversight for youth with medical or mental health conditions is important to ensure follow through with homecare instructions and to offer guidance. The brains of youth are still developing and the support of older family members is essential in preventing unnecessary harm."

Representatives Griffey and Caldier spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Macri spoke against the adoption of the amendment to the committee striking amendment.

Amendment (699) to the committee striking amendment was not adopted.

Representative Goehner moved the adoption of amendment (706) to the committee striking amendment:

On page 1, line 3 of the striking amendment, after "**Sec. 1.**" insert "(1)"

On page 1, after line 14 of the striking amendment, insert the following:

"(2) The legislature finds that close family bonds are essential for the positive mental health outcomes in transgender youth. Having a support system ensures safety, emotional support, and a sense of belonging for youth who are at a particularly vulnerable time in their lives."

Representative Goehner spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Cortes spoke against the adoption of the amendment to the committee striking amendment.

Amendment (706) to the committee striking amendment was not adopted.

Representative Chambers moved the adoption of amendment (707) to the committee striking amendment:

On page 1, line 3 of the striking amendment, after "**Sec. 1.**" insert "(1)"

On page 1, after line 14 of the striking amendment, insert the following:

"(2) The legislature finds that parents serve as role models and buffers for youths who may be embarking on life-altering or dangerous journeys. The Constitutional right to parent stems from a desire to protect our youth and offer invaluable guidance."

Representative Chambers spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Rule spoke against the adoption of the amendment to the committee striking amendment.

Amendment (707) to the committee striking amendment was not adopted.

Representative Jacobsen moved the adoption of amendment (698) to the committee striking amendment:

On page 2, line 32 of the striking amendment, after "minor" insert "age 16 or 17"

On page 7, line 27 of the striking amendment, after "child" insert "age 16 or 17"

On page 8, line 3 of the striking amendment, after "youth" insert "age 16 or 17"

On page 8, line 16 of the striking amendment, after "youth" insert "who is age 16 or 17"

Representatives Jacobsen, Walsh and Couture spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Senn spoke against the adoption of the amendment to the committee striking amendment.

Amendment (698) to the committee striking amendment was not adopted.

Representative Walsh moved the adoption of amendment (702) to the committee striking amendment:

On page 2, line 33 of the striking amendment, after "services" insert "and the parent has provided permission for the shelter or organization not to notify the parent"

Representatives Walsh, Walsh (again) and Caldier spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Senn spoke against the adoption of the amendment to the committee striking amendment.

Amendment (702) to the committee striking amendment was not adopted.

Representative Rule moved the adoption of amendment (692) to the committee striking amendment:

On page 2, line 37 of the striking amendment, after "(3)" insert "(a)"

On page 2, after line 40 of the striking amendment, insert the following:

"(b) When the department receives a report under subsection (1) of this section for a minor who is seeking or receiving protected health care services, it shall:

(i) Offer to make referrals on behalf of the minor for appropriate behavioral health services; and

(ii) Offer services designed to resolve the conflict and accomplish a reunification of the family."

Representatives Rule and Couture spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (692) to the committee striking amendment was adopted.

Representative Corry moved the adoption of amendment (708) to the committee striking amendment:

On page 2, beginning on line 27 of the striking amendment, after "to" strike all material through "Circumstances" on line 29 and insert ", circumstances"

On page 2, beginning on line 31 of the striking amendment, after "26.44.020" strike all material through "74.09.875" on line 36

On page 8, beginning on line 16 of the striking amendment, after "means" strike all material through "74.09.875" on line 21 and insert "there are circumstances that indicate that notifying the parent or legal guardian will subject the minor to abuse or neglect as defined in RCW 26.44.020"

Representatives Corry, Maycumber and Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Macri spoke against the adoption of the amendment to the committee striking amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Bronoske presiding) divided the House. The result was 38 - YEAS; 56 - NAYS.

Amendment (708) to the committee striking amendment was not adopted.

Representative Couture moved the adoption of amendment (658) to the committee striking amendment:

On page 2, beginning on line 34 of the striking amendment, after "means" strike all material through "74.09.875" on line 36 and insert "abortion as defined in RCW 9.02.170 and gender-affirming treatment.

(e) "Gender-affirming treatment" means age-appropriate counseling and support services for youth and young adults experiencing gender dysphoria"

On page 8, beginning on line 19 of the striking amendment, after "means" strike all material through "74.09.875" on line 21 and insert "abortion as defined in RCW 9.02.170 and gender-affirming treatment.

(E) "Gender-affirming treatment" means age-appropriate counseling and support services for youth and young adults experiencing gender dysphoria"

With the consent of the House, amendment (658) was withdrawn.

Representative Dent moved the adoption of amendment (700) to the committee striking amendment:

On page 3, beginning on line 10 of the striking amendment, strike all of Section 3

Representatives Dent and Corry spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Callan spoke against the adoption of the amendment to the committee striking amendment.

Amendment (700) to the committee striking amendment was not adopted.

Representative Couture moved the adoption of amendment (742) to the committee striking amendment:

On page 9, after line 32 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 4.**

(1) The office of homeless youth prevention and protection programs shall contract with an outside entity to:

(a) Gather data regarding the number of unsheltered homeless youth under age 18 in Washington state; and

(b) Develop recommendations for supporting unsheltered homeless youth under age 18 in Washington state.

(2) By July 1, 2024, and in compliance with RCW 43.01.036, the office of homeless youth prevention and protection programs shall submit the information and recommendations described in subsection (1) of this section to the appropriate committees of the legislature."

Representatives Couture and Cortes spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (742) to the committee striking amendment was adopted.

Representative Walsh moved the adoption of amendment (662) to the committee striking amendment:

On page 9, after line 32, insert the following:

**"Sec. 4.** RCW 26.44.020 and 2021 c 215 s 142 and 2021 c 67 s 3 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child forensic interview" means a developmentally sensitive and legally sound method of gathering factual information regarding allegations of child abuse, child neglect, or exposure to violence. This interview is conducted by a competently trained, neutral professional utilizing techniques informed by research and best practice as part of a larger investigative process.

(4) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective

services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(5) "Child protective services section" means the child protective services section of the department.

(6) "Child who is a candidate for foster care" means a child who the department identifies as being at imminent risk of entering foster care but who can remain safely in the child's home or in a kinship placement as long as services or programs that are necessary to prevent entry of the child into foster care are provided, and includes but is not limited to a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement. The term includes a child for whom there is reasonable cause to believe that any of the following circumstances exist:

(a) The child has been abandoned by the parent as defined in RCW 13.34.030 and the child's health, safety, and welfare is seriously endangered as a result;

(b) The child has been abused or neglected as defined in this chapter and the child's health, safety, and welfare is seriously endangered as a result;

(c) There is no parent capable of meeting the child's needs such that the child is in circumstances that constitute a serious danger to the child's development;

(d) The child is otherwise at imminent risk of harm.

(7) "Children's advocacy center" means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185.

(8) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(9) "Court" means the superior court of the state of Washington, juvenile department.

(10) "Department" means the department of children, youth, and families.

(11) "Experiencing homelessness" means lacking a fixed, regular, and adequate nighttime residence, including circumstances such as sharing the housing of other persons

due to loss of housing, economic hardship, fleeing domestic violence, or a similar reason as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

(12) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(13) "Family assessment response" means a way of responding to certain reports of child abuse or neglect made under this chapter using a differential response approach to child protective services. The family assessment response shall focus on the safety of the child, the integrity and preservation of the family, and shall assess the status of the child and the family in terms of risk of abuse and neglect including the parent's or guardian's or other caretaker's capacity and willingness to protect the child and, if necessary, plan and arrange the provision of services to reduce the risk and otherwise support the family. No one is named as a perpetrator, and no investigative finding is entered in the record as a result of a family assessment.

(14) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(15) "Inconclusive" means the determination following an investigation by the department of social and health services, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(16) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(17) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(18) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(19) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present

danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, experiencing homelessness, lack of adequate affirmation of a child, or exposure to domestic violence as defined in RCW 7.105.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(20) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(21) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(22) "Prevention and family services and programs" means specific mental health prevention and treatment services, substance abuse prevention and treatment services, and in-home parent skill-based programs that qualify for federal funding under the federal family first prevention services act, P.L. 115-123. For purposes of this chapter, prevention and family services and programs are not remedial services or family reunification services as described in RCW 13.34.025(2).

(23) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(24) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(25) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(26) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(27) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(28) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or

families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(29) "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur."

Representatives Walsh, Schmidt, Dye, Chambers, Hutchins, Walsh (again), Caldier and Abbarno spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Senn and Taylor spoke against the adoption of the amendment to the committee striking amendment.

Amendment (662) to the committee striking amendment was not adopted.

Representative Eslick moved the adoption of amendment (657) to the committee striking amendment:

On page 1 of the striking amendment, strike all material after line 2 and insert the following:

**"NEW SECTION. Sec.**

(1) The office of homeless youth prevention and protection programs shall contract with an outside entity to:

(a) Gather data regarding the number of unsheltered homeless youth in Washington state; and

(b) Develop recommendations for supporting unsheltered homeless youth in Washington state.

(2) By December 1, 2023, and in compliance with RCW 43.01.036, the office of homeless youth prevention and protection programs shall submit the information and recommendations described in subsection (1) of this section to the appropriate committees of the legislature.

Correct the title."

Representative Eslick spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Senn spoke against the adoption of the amendment to the committee striking amendment.

Amendment (657) to the committee striking amendment was not adopted.

Representative Couture moved the adoption of amendment (660) to the committee striking amendment:

Beginning on page 1, line 3, strike all material through "programs." on page 9, line 32 and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that unsheltered homelessness for youth poses a serious threat to their health and safety. The Trevor project has found that one in three transgender youth report attempting suicide. Homelessness amongst transgender youth can further endanger an already at-risk population. The legislature further finds that youth accessing shelter

face additional risk and dangers. Youth seeking certain medical services are especially at risk and vulnerable. Therefore, the legislature intends to create a process where these youth and their families are connected with appropriate counseling services and the payment for those services is provided either by a family's existing health insurance or by the department of children, youth, and families.

**Sec. 2.** RCW 13.32A.030 and 2020 c 51 s 1 are each reenacted and amended to read as follows:

As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child by any person under circumstances that indicate the child's health, welfare, and safety is harmed, excluding conduct permitted under RCW 9A.16.100. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Administrator" means the individual who has the daily administrative responsibility of a crisis residential center, or his or her designee.

(3) "At-risk youth" means a juvenile:  
(a) Who is absent from home for at least seventy-two consecutive hours without consent of his or her parent;

(b) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or any other person; or

(c) Who has a substance abuse problem for which there are no pending criminal charges related to the substance abuse.

(4) "Child," "juvenile," "youth," and "minor" mean any unemancipated individual who is under the chronological age of eighteen years.

(5) "Child in need of services" means a juvenile:

(a) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or any other person;

(b) Who has been reported to law enforcement as absent without consent for at least twenty-four consecutive hours on two or more separate occasions from the home of either parent, a crisis residential center, an out-of-home placement, or a court-ordered placement; and

(i) Has exhibited a serious substance abuse problem; or

(ii) Has exhibited behaviors that create a serious risk of harm to the health, safety, or welfare of the child or any other person;

(c)(i) Who is in need of: (A) Necessary services, including food, shelter, health care, clothing, or education; or (B) services designed to maintain or reunite the family;

(ii) Who lacks access to, or has declined to use, these services; and

(iii) Whose parents have evidenced continuing but unsuccessful efforts to maintain the family structure or are unable

or unwilling to continue efforts to maintain the family structure; or

(d) Who is a "sexually exploited child."

(6) "Child in need of services petition" means a petition filed in juvenile court by a parent, child, or the department seeking adjudication of placement of the child.

(7) "Crisis residential center" means a secure or semi-secure facility established pursuant to chapter 74.13 RCW.

(8) "Custodian" means the person or entity that has the legal right to custody of the child.

(9) "Department" means the department of children, youth, and families.

(10) "Extended family member" means an adult who is a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child.

(11) "Family reconciliation services" means services provided by culturally relevant, trauma-informed community-based entities under contract with the department, or provided directly by the department, designed to assess and stabilize the family with the goal of resolving crisis and building supports, skills, and connection to community networks and resources including, but not limited to:

(a) Referrals for services for suicide prevention, psychiatric or other medical care, psychological care, behavioral health treatment, legal assistance, or educational assistance;

(b) Parent training;

(c) Assistance with conflict management or dispute resolution; or

(d) Other social services, as appropriate to meet the needs of the child and the family.

(12) "Gender-affirming treatment" means health services or products that support and affirm an individual's gender identity, including social, psychological, behavioral, and medical or surgical interventions. Gender-affirming care services include, but are not limited to, evaluation and treatments for gender dysphoria, gender-affirming hormone therapy, and gender-affirming surgical procedures.

(13) "Guardian" means the person or agency that (a) has been appointed as the guardian of a child in a legal proceeding other than a proceeding under chapter 13.34 RCW, and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under chapter 13.34 RCW.

~~((13))~~ (14) "Multidisciplinary team" means a group formed to provide assistance and support to a child who is an at-risk youth or a child in need of services and his or her parent. The team must include the parent, a department caseworker, a local government representative when authorized by the local government, and when appropriate, members from the mental health and substance abuse disciplines. The team may also include, but is not limited to, the following persons: Educators, law enforcement personnel, probation officers, employers, church persons, tribal members, therapists, medical personnel, social

service providers, placement providers, and extended family members. The team members must be volunteers who do not receive compensation while acting in a capacity as a team member, unless the member's employer chooses to provide compensation or the member is a state employee.

~~((14))~~ (15) "Out-of-home placement" means a placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

~~((15))~~ (16) "Parent" means the parent or parents who have the legal right to custody of the child. "Parent" includes custodian or guardian.

~~((16))~~ (17) "Protected health care services" means gender-affirming treatment and reproductive health care services that are lawful in the state of Washington.

(18) "Reproductive health care services" means all services, care, or products of a medical, surgical, psychiatric, therapeutic, mental health, behavioral health, diagnostic, preventative, rehabilitative, supportive, counseling, referral, prescribing, or dispensing nature relating to the human reproductive system including, but not limited to, all services, care, and products relating to pregnancy, assisted reproduction, contraception, miscarriage management, or the termination of a pregnancy, including self-managed terminations.

(19) "Secure facility" means a crisis residential center, or portion thereof, that has locking doors, locking windows, or a secured perimeter, designed and operated to prevent a child from leaving without permission of the facility staff.

~~((17))~~ (20) "Semi-secure facility" means any facility, including but not limited to crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away. Pursuant to rules established by the department, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center.

~~((18))~~ (21) "Sexually exploited child" means any person under the age of eighteen who is a victim of the crime of commercial sex abuse of a minor under RCW 9.68A.100, promoting commercial sexual abuse of a minor under RCW 9.68A.101, or promoting travel for commercial sexual abuse of a minor under RCW 9.68A.102.

~~((19))~~ (22) "Staff secure facility" means a structured group care facility

licensed under rules adopted by the department with a ratio of at least one adult staff member to every two children.

~~((20))~~ (23) "Temporary out-of-home placement" means an out-of-home placement of not more than fourteen days ordered by the court at a fact-finding hearing on a child in need of services petition.

**Sec. 3.** RCW 13.32A.082 and 2013 c 4 s 2 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, any person, unlicensed youth shelter, or runaway and homeless youth program that, without legal authorization, provides shelter to a minor and that knows at the time of providing the shelter that the minor is away from a lawfully prescribed residence or home without parental permission, shall promptly report the location of the child to the parent, the law enforcement agency of the jurisdiction in which the person lives, or the department.

(b)(i) If a licensed overnight youth shelter, or another licensed organization with a stated mission to provide services to homeless or runaway youth and their families, shelters a child and knows at the time of providing the shelter that the child is away from a lawfully prescribed residence or home without parental permission, it must contact the youth's parent within seventy-two hours, but preferably within twenty-four hours, following the time that the youth is admitted to the shelter or other licensed organization's program. The notification must include the whereabouts of the youth, a description of the youth's physical and emotional condition, and the circumstances surrounding the youth's contact with the shelter or organization. If there are compelling reasons not to notify the parent, the shelter or organization must instead notify the department. If the shelter or organization shelters a youth and the shelter or organization is aware that the youth is seeking or receiving protected health care services, the shelter or organization shall notify the department so that the department can connect the youth and family with appropriate counseling services as described under section 4 of this act.

(ii) At least once every eight hours after learning that a youth receiving services or shelter under this section is away from home without permission, the shelter or organization staff must consult the information that the Washington state patrol makes publicly available under RCW 43.43.510(2). If the youth is publicly listed as missing, the shelter or organization must immediately notify the department of its contact with the youth listed as missing. The notification must include a description of the minor's physical and emotional condition and the circumstances surrounding the youth's contact with the shelter or organization.

(c) Reports required under this section may be made by telephone or any other reasonable means.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Shelter" means the person's home or any structure over which the person has any control.

(b) "Promptly report" means to report within eight hours after the person has knowledge that the minor is away from a lawfully prescribed residence or home without parental permission.

(c) "Compelling reasons" include, but are not limited to, circumstances that indicate that notifying the parent or legal guardian will subject the minor to abuse or neglect as defined in RCW 26.44.020.

(3) When the department receives a report under subsection (1) of this section, it shall make a good faith attempt to notify the parent that a report has been received and offer services designed to resolve the conflict and accomplish a reunification of the family.

(4) Nothing in this section prohibits any person, unlicensed youth shelter, or runaway and homeless youth program from immediately reporting the identity and location of any minor who is away from a lawfully prescribed residence or home without parental permission more promptly than required under this section.

**NEW SECTION. Sec. 4.** A new section is added to chapter 13.32A RCW to read as follows:

(1) The department, in coordination with the health care authority and managed care organizations, shall:

(a) Identify appropriate counseling services for youth seeking or receiving protected health care services and their family members;

(b) Develop and implement a referral system to connect youth and families with a child seeking or receiving protected health care services who are referred to the department under RCW 13.32A.082 with appropriate counseling services; and

(c) Provide payment for appropriate counseling services for youth seeking or receiving protected health care services and their family members if those counseling services are not covered by the youth or family member's medical assistance program under chapter 74.09 RCW or a private health plan according to rules established under subsection (2) of this section.

(2) The department has the authority to develop rules to implement this section, including rules to determine:

(a) Whether the department should provide payment for counseling services for a youth or family member because they are not enrolled in a medical assistance program under chapter 74.09 RCW or do not have health insurance coverage that will cover the counseling services; and

(b) The appropriate frequency and length of counseling services for which the department will provide payment."

Representatives Couture and Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Cortes spoke against the adoption of the amendment to the committee striking amendment.

Amendment (660) to the committee striking amendment was not adopted.

Division was demanded and the demand was sustained. The Speaker (Representative Bronoske presiding) divided the House. The result was 58 - YEAS; 36 - NAYS.

The committee striking amendment, as amended, was adopted.

The Speaker assumed the chair.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

### COLLOQUY

**Representative McClintock:** “Thank you Madame Speaker. I rise to ask if the Chair of the Human Services, Youth, and Early Learning Committee will yield to a question?”

**Speaker:** “Will the good member from the 41st yield to a question from the member from the 18th?”

**Representative Senn:** “Yes.”

**Representative McClintock:** “Current law requires a youth shelter or other similar organization to notify a parent or legal guardian of a minor’s entry into the shelter or other similar organization, except in cases where there are “compelling reasons” not to provide such notice and instead notify the Department of Children Youth and Families. RCW 13.32A.082(2)(c) currently provides that compelling reasons “include, but are not limited to,” potential abuse or neglect of the minor by the parent or legal guardian.

The bill adds seeking or receiving “protected health care services” to the definition of “compelling reasons.” “Protected health care services” under the bill means gender affirming treatment as defined in RCW 74.09.675 and reproductive health care services as defined in RCW 74.09.875.

Given the language “including but not limited to” in existing law, my question is this: Is the intent of the bill to expand the “compelling reasons” for which a parent or legal guardian does not receive notice of the minor’s entry into a youth shelter or similar organization beyond seeking or receiving ‘protected health care services’?”

**Representative Senn:** “Thank you for the question, good member from the 18th. No. The intent of this bill is to expand the ‘compelling reasons’ not to notify the parent or legal guardian of the minor’s entry into a youth shelter or other similar organization and instead notify the Department only to circumstances in which the minor seeks or receives “protected health care services” as specified in the bill.”

Representatives Senn, Rule, Macri, Thai, Stonier and Taylor spoke in favor of the passage of the bill.

Representatives Eslick, Abbarno, Chambers, Graham, Corry, Schmidt, Jacobsen, Low, Cortes, Walsh, Rude, Christian, Barnard, Dent, Hutchins, Cheney and Couture spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5599, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5599, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Ortiz-Self and Sandlin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5599, as amended by the House, having received the necessary constitutional majority, was declared passed.

### SPEAKER’S PRIVILEGE

The Speaker thanked the members of the body for the robust debate over the last few days as today was the last day to pass opposite house bills. The Speaker also acknowledged and thanked the entire legislative staff for all of their hard work and asked the Chamber to acknowledge them.

There being no objection, the House adjourned until 1:00 p.m., Thursday, April 13, 2023, the 95th Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk



HOUSE JOURNAL  
OF THE  
SIXTY-EIGHTH LEGISLATURE  
OF THE  
STATE OF WASHINGTON  
AT  
OLYMPIA, THE STATE CAPITOL

2023 Regular Session  
Convened January 9, 2023  
Adjourned Sine Die April 24, 2023  
2023 Special Session  
Convened May 16, 2023  
Adjourned Sine Die May 16, 2023

VOLUME 3



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**Laurie Jenkins**, Speaker  
**Tina Orwall**, Speaker Pro Tempore  
**Bernard Dean**, Chief Clerk

Compiled and edited by Gary Holt, House Journal Clerk

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SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

NINETY FIFTH DAY

House Chamber, Olympia, Thursday, April 13, 2023

The House was called to order at 1:00 p.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Shriya Sundar and Jonah Fox. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Greg Appleby, Leavenworth Church of the Nazarene.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Orwall presiding) was pleased to recognize Principal Michele Appleby and students from the Upper Valley Christian School in the 12th Legislative District and asked them to stand and be recognized.

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4643**, by Representatives Mosbrucker, Ryu, Thai, Hutchins, Leavitt, Gregerson, Eslick, Goehner, Orwall, Reeves, Timmons, Sandlin, Walen, Duerr, Berry, Pollet, McClintock, and Ybarra

WHEREAS, The people of Washington state share a rich cultural history and a strong bond with our global neighbors in Taiwan; and

WHEREAS, Taiwanese Americans have profoundly impacted our state and continue to further the democratic values that define Washington state as an international beacon of opportunity and prosperity; and

WHEREAS, Washingtonians recognize the generations of resilience, sacrifice, and hope demonstrated by Taiwanese immigrants and their descendants in their innumerable contributions to our communities; and

WHEREAS, Washington state enjoys a more vibrant heritage and economy from the bilateral cultivation of these deep ties with Taiwan; and

WHEREAS, The investment of Taiwanese companies in Washington state has produced abundant growth in trade and jobs in the agriculture, manufacturing, and technology sectors; and

WHEREAS, Taiwanese companies have invested in Washington state's workforce, helping to create more than 15,000 skilled labor jobs in industries ranging from semiconductor technology, airlines, and harbor shipping to the development and manufacture of high quality fiber optic components and video microscopes;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the mutual friendship, history, and successes shared between the people of Washington state and the people of Taiwan and hereby honor the past, present, and ongoing nature of this valued partnership.

There being no objection, HOUSE RESOLUTION NO. 4643 was adopted.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

There being no objection, the House advanced to the third order of business.

**MESSAGES FROM THE SENATE**

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed:

- HOUSE BILL NO. 1008
- HOUSE BILL NO. 1055
- HOUSE BILL NO. 1128
- HOUSE BILL NO. 1197
- HOUSE BILL NO. 1218
- SUBSTITUTE HOUSE BILL NO. 1234
- SUBSTITUTE HOUSE BILL NO. 1236
- SUBSTITUTE HOUSE BILL NO. 1247
- HOUSE BILL NO. 1262
- HOUSE BILL NO. 1416
- SECOND SUBSTITUTE HOUSE BILL NO. 1452
- SUBSTITUTE HOUSE BILL NO. 1457
- HOUSE BILL NO. 1563
- HOUSE BILL NO. 1626
- HOUSE BILL NO. 1679
- HOUSE BILL NO. 1695
- HOUSE BILL NO. 1750

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Wednesday, April 12, 2023

Mme. Speaker:

The President has signed:

- SECOND SUBSTITUTE SENATE BILL NO. 5046
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5124
- SUBSTITUTE SENATE BILL NO. 5127
- SUBSTITUTE SENATE BILL NO. 5145
- SENATE BILL NO. 5155
- SECOND SUBSTITUTE SENATE BILL NO. 5225
- SUBSTITUTE SENATE BILL NO. 5261
- ENGROSSED SENATE BILL NO. 5341
- SUBSTITUTE SENATE BILL NO. 5353
- SUBSTITUTE SENATE BILL NO. 5374
- SUBSTITUTE SENATE BILL NO. 5381
- SUBSTITUTE SENATE BILL NO. 5433
- SENATE BILL NO. 5457
- SENATE BILL NO. 5459
- ENGROSSED SENATE BILL NO. 5534
- SENATE BILL NO. 5550
- SUBSTITUTE SENATE BILL NO. 5561
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5634

and the same are herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the seventh order of business.

**THIRD READING**

## MESSAGE FROM THE SENATE

Wednesday, April 5, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1002, with the following amendment(s): 1002 AMS LAW S2365.3

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.10.901 and 1993 c 514 s 2 are each amended to read as follows:

(1) No student, or other person in attendance at any public or private institution of higher education, or any other postsecondary educational institution, may ~~((conspire to engage in hazing or participate in hazing of))~~ intentionally haze another.

(2) ~~((A))~~ (a) Except as provided in (b) of this subsection, a violation of subsection (1) of this section is a gross misdemeanor, punishable as provided under RCW 9A.20.021.

(b) A violation of subsection (1) of this section that causes substantial bodily harm, as defined in RCW 9A.04.110, to another person is a class C felony.

(3) Any student organization, association, or student living group that ~~((knowingly))~~ permits hazing is strictly liable for ~~((harm))~~ damages caused to persons or property resulting from hazing. If the student organization, association, or student living group is a corporation whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

Sec. 2. RCW 9.94A.411 and 2021 c 215 s 98 are each amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

(i) It has not been enforced for many years; and

(ii) Most members of society act as if it were no longer in existence; and

(iii) It serves no deterrent or protective purpose in today's society; and

(iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimis Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not

the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

(a) STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.670.

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

- Aggravated Murder (RCW 10.95.020)
- 1st Degree Murder (RCW 9A.32.030)
- 2nd Degree Murder (RCW 9A.32.050)
- 1st Degree Manslaughter (RCW 9A.32.060)
- 2nd Degree Manslaughter (RCW 9A.32.070)
- 1st Degree Kidnapping (RCW 9A.40.020)
- 2nd Degree Kidnapping (RCW 9A.40.030)
- 1st Degree Assault (RCW 9A.36.011)
- 2nd Degree Assault (RCW 9A.36.021)
- 3rd Degree Assault (RCW 9A.36.031)
- 4th Degree Assault (if a violation of RCW 9A.36.041(3))
  - 1st Degree Assault of a Child (RCW 9A.36.120)
  - 2nd Degree Assault of a Child (RCW 9A.36.130)
  - 3rd Degree Assault of a Child (RCW 9A.36.140)
- 1st Degree Rape (RCW 9A.44.040)
- 2nd Degree Rape (RCW 9A.44.050)
- 3rd Degree Rape (RCW 9A.44.060)
- 1st Degree Rape of a Child (RCW 9A.44.073)
- 2nd Degree Rape of a Child (RCW 9A.44.076)
- 3rd Degree Rape of a Child (RCW 9A.44.079)
- 1st Degree Robbery (RCW 9A.56.200)
- 2nd Degree Robbery (RCW 9A.56.210)
- 1st Degree Arson (RCW 9A.48.020)
- 1st Degree Burglary (RCW 9A.52.020)
- 1st Degree Identity Theft (RCW 9.35.020(2))
- 2nd Degree Identity Theft (RCW 9.35.020(3))

- 1st Degree Extortion (RCW 9A.56.120)
  - 2nd Degree Extortion (RCW 9A.56.130)
  - 1st Degree Criminal Mistreatment (RCW 9A.42.020)
  - 2nd Degree Criminal Mistreatment (RCW 9A.42.030)
  - 1st Degree Theft from a Vulnerable Adult (RCW 9A.56.400(1))
  - 2nd Degree Theft from a Vulnerable Adult (RCW 9A.56.400(2))
  - Indecent Liberties (RCW 9A.44.100)
  - Incest (RCW 9A.64.020)
  - Vehicular Homicide (RCW 46.61.520)
  - Vehicular Assault (RCW 46.61.522)
  - 1st Degree Child Molestation (RCW 9A.44.083)
  - 2nd Degree Child Molestation (RCW 9A.44.086)
  - 3rd Degree Child Molestation (RCW 9A.44.089)
  - 1st Degree Promoting Prostitution (RCW 9A.88.070)
  - Intimidating a Juror (RCW 9A.72.130)
  - Communication with a Minor (RCW 9.68A.090)
  - Intimidating a Witness (RCW 9A.72.110)
  - Intimidating a Public Servant (RCW 9A.76.180)
  - Bomb Threat (if against person) (RCW 9.61.160)
  - Unlawful Imprisonment (RCW 9A.40.040)
  - Promoting a Suicide Attempt (RCW 9A.36.060)
  - Criminal Mischief (if against person) (RCW 9A.84.010)
  - Stalking (RCW 9A.46.110)
  - Custodial Assault (RCW 9A.36.100)
  - Domestic Violence Court Order Violation (RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, ~~((26.10.220,))~~ 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145)
  - Counterfeiting (if a violation of RCW 9.16.035(4))
  - Felony Driving a Motor Vehicle While Under the Influence of Intoxicating Liquor or Any Drug (RCW 46.61.502(6))
  - Felony Physical Control of a Motor Vehicle While Under the Influence of Intoxicating Liquor or Any Drug (RCW 46.61.504(6))
  - Felony Hazing (RCW 28B.10.901(2)(b))
- CRIMES AGAINST PROPERTY/OTHER CRIMES
- 2nd Degree Arson (RCW 9A.48.030)
  - 1st Degree Escape (RCW 9A.76.110)
  - 2nd Degree Escape (RCW 9A.76.120)
  - 2nd Degree Burglary (RCW 9A.52.030)
  - 1st Degree Theft (RCW 9A.56.030)
  - 2nd Degree Theft (RCW 9A.56.040)
  - 1st Degree Perjury (RCW 9A.72.020)
  - 2nd Degree Perjury (RCW 9A.72.030)
  - 1st Degree Introducing Contraband (RCW 9A.76.140)
  - 2nd Degree Introducing Contraband (RCW 9A.76.150)
  - 1st Degree Possession of Stolen Property (RCW 9A.56.150)
  - 2nd Degree Possession of Stolen Property (RCW 9A.56.160)
  - Bribery (RCW 9A.68.010)
  - Bribing a Witness (RCW 9A.72.090)
  - Bribe received by a Witness (RCW 9A.72.100)
  - Bomb Threat (if against property) (RCW 9.61.160)

1st Degree Malicious Mischief (RCW 9A.48.070)  
 2nd Degree Malicious Mischief (RCW 9A.48.080)  
 1st Degree Reckless Burning (RCW 9A.48.040)  
 Taking a Motor Vehicle without Authorization (RCW 9A.56.070 and 9A.56.075)  
 Forgery (RCW 9A.60.020)  
 2nd Degree Promoting Prostitution (RCW 9A.88.080)  
 Tampering with a Witness (RCW 9A.72.120)  
 Trading in Public Office (RCW 9A.68.040)  
 Trading in Special Influence (RCW 9A.68.050)  
 Receiving/Granting Unlawful Compensation (RCW 9A.68.030)  
 Bigamy (RCW 9A.64.010)  
 Eluding a Pursuing Police Vehicle (RCW 46.61.024)  
 Willful Failure to Return from Furlough  
 Escape from Community Custody  
 Criminal Mischief (if against property) (RCW 9A.84.010)  
 1st Degree Theft of Livestock (RCW 9A.56.080)  
 2nd Degree Theft of Livestock (RCW 9A.56.083)

ALL OTHER UNCLASSIFIED FELONIES

Selection of Charges/Degree of Charge

(i) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

(A) Will significantly enhance the strength of the state's case at trial; or

(B) Will result in restitution to all victims.

(ii) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

(A) Charging a higher degree;

(B) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

(b) GUIDELINES/COMMENTARY:

(i) Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

(A) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;

(B) The completion of necessary laboratory tests; and

(C) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a

decision to prosecute is made, and specify what the investigation needs to include.

(ii) Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

(A) Probable cause exists to believe the suspect is guilty; and

(B) The suspect presents a danger to the community or is likely to flee if not apprehended; or

(C) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

(iii) Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

(A) Polygraph testing;

(B) Hypnosis;

(C) Electronic surveillance;

(D) Use of informants.

(iv) Prefiling Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

(v) Prefiling Discussions with Victim(s)

Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before the filing of charges. The discussions may be considered by the prosecutor in charging and disposition decisions, and should be considered before reaching any agreement with the defendant regarding these decisions.

**Sec. 3.** RCW 9.94A.515 and 2022 c 231 s 13 are each amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	Trafficking 1 (RCW 9A.40.100(1))
XII	Malicious explosion 2 (RCW 70.74.280(2))
I	



	Malicious placement of an explosive 1 (RCW 70.74.270(1))		intoxicating liquor or any drug (RCW 79A.60.050)
XII	Assault 1 (RCW 9A.36.011)		Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
	Assault of a Child 1 (RCW 9A.36.120)		Malicious placement of an explosive 2 (RCW 70.74.270(2))
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))		Robbery 1 (RCW 9A.56.200)
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)		Sexual Exploitation (RCW 9.68A.040)
	Rape 1 (RCW 9A.44.040)	VII	Arson 1 (RCW 9A.48.020)
	Rape of a Child 1 (RCW 9A.44.073)	I	Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
	Trafficking 2 (RCW 9A.40.100(3))		Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
XI	Manslaughter 1 (RCW 9A.32.060)		Manslaughter 2 (RCW 9A.32.070)
	Rape 2 (RCW 9A.44.050)		Promoting Prostitution 1 (RCW 9A.88.070)
	Rape of a Child 2 (RCW 9A.44.076)		Theft of Ammonia (RCW 69.55.010)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)	VII	Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))
	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)		Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))
X	Child Molestation 1 (RCW 9A.44.083)		Burglary 1 (RCW 9A.52.020)
	Criminal Mistreatment 1 (RCW 9A.42.020)		Child Molestation 2 (RCW 9A.44.086)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))		Civil Disorder Training (RCW 9A.48.120)
	Kidnapping 1 (RCW 9A.40.020)		Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
	Leading Organized Crime (RCW 9A.82.060(1)(a))		Drive-by Shooting (RCW 9A.36.045)
	Malicious explosion 3 (RCW 70.74.280(3))		False Reporting 1 (RCW 9A.84.040(2)(a))
	Sexually Violent Predator Escape (RCW 9A.76.115)		Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)		Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))
	Assault of a Child 2 (RCW 9A.36.130)		Introducing Contraband 1 (RCW 9A.76.140)
	Explosive devices prohibited (RCW 70.74.180)		
	Hit and Run—Death (RCW 46.52.020(4)(a))		
	Homicide by Watercraft, by being under the influence of		

Malicious placement of an explosive 3 (RCW 70.74.270(3))	Unlawful Storage of Ammonia (RCW 69.55.020)
Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))	V Abandonment of Dependent Person 2 (RCW 9A.42.070)
Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)	Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))	Air bag diagnostic systems (RCW 46.37.660(2)(c))
Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))	Air bag replacement requirements (RCW 46.37.660(1)(c))
Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))	Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
Use of a Machine Gun or Bump-fire Stock in Commission of a Felony (RCW 9.41.225)	Child Molestation 3 (RCW 9A.44.089)
Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)	Criminal Mistreatment 2 (RCW 9A.42.030)
VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))	Custodial Sexual Misconduct 1 (RCW 9A.44.160)
Bribery (RCW 9A.68.010)	Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
Incest 1 (RCW 9A.64.020(1))	Domestic Violence Court Order Violation (RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, <del>(26.10.220)</del> , 26.26B.050, <del>(26.50.110)</del> ) or 26.52.070( <del>(, _____ or 74.34.145)</del> )
Intimidating a Judge (RCW 9A.72.160)	Extortion 1 (RCW 9A.56.120)
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)	Extortionate Extension of Credit (RCW 9A.82.020)
Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))	Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))	Incest 2 (RCW 9A.64.020(2))
Rape of a Child 3 (RCW 9A.44.079)	Kidnapping 2 (RCW 9A.40.030)
Theft of a Firearm (RCW 9A.56.300)	Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))
Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))	Perjury 1 (RCW 9A.72.020)
	Persistent prison misbehavior (RCW 9.94.070)
	Possession of a Stolen Firearm (RCW 9A.56.310)
	Rape 3 (RCW 9A.44.060)

Rendering Assistance 1 (RCW 9A.76.070)	Criminal (RCW 9A.76.070)	Indecent Exposure to Person Under Age 14 (subsequent sex offense) (RCW 9A.88.010)
Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))		Influencing Outcome of Sporting Event (RCW 9A.82.070)
Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))		Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)		Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))
Sexually Violating Human Remains (RCW 9A.44.105)		Residential Burglary (RCW 9A.52.025)
Stalking (RCW 9A.46.110)		Robbery 2 (RCW 9A.56.210)
Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)		Theft of Livestock 1 (RCW 9A.56.080)
IV Arson 2 (RCW 9A.48.030)		Threats to Bomb (RCW 9.61.160)
Assault 2 (RCW 9A.36.021)		Trafficking in Stolen Property 1 (RCW 9A.82.050)
Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))		Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))		Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
Assault by Watercraft (RCW 79A.60.060)		Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)		Unlawful transaction of insurance business (RCW 48.15.023(3))
Cheating 1 (RCW 9.46.1961)		Unlicensed practice as an insurance professional (RCW 48.17.063(2))
Commercial Bribery (RCW 9A.68.060)		Use of Proceeds of Criminal Profiteering (RCW 9A.82.080(1) and (2))
Counterfeiting (RCW 9.16.035(4))		Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
Driving While Under the Influence (RCW 46.61.502(6))		Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
Endangerment with a Controlled Substance (RCW 9A.42.100)		
Escape 1 (RCW 9A.76.110)		
Hate Crime (RCW 9A.36.080)		
Hit and Run—Injury (RCW 46.52.020(4)(b))		
Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))		
Identity Theft 1 (RCW 9.35.020(2))		

Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))  
 ((~~Willful Failure to Return from Furlough (RCW 72.66.060)~~))

III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))

Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Custodial Assault (RCW 9A.36.100)

Cyber Harassment (RCW 9A.90.120(2)(b))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

False Reporting 2 (RCW 9A.84.040(2)(b))

Harassment (RCW 9A.46.020)

Hazing (RCW 28B.10.901(2)(b))

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Malicious Injury to Railroad Property (RCW 81.60.070)

Manufacture of Untraceable Firearm with Intent to Sell (RCW 9.41.190)

Manufacture or Assembly of an Undetectable Firearm or Untraceable Firearm (RCW 9.41.325)

Mortgage Fraud (RCW 19.144.080)

Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)

Organized Retail Theft 1 (RCW 9A.56.350(2))

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun, Bump-Fire Stock, Undetectable Firearm, or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))

Theft of Livestock 2 (RCW 9A.56.083)

Theft with the Intent to Resell 1 (RCW 9A.56.340(2))

Trafficking in Stolen Property 2 (RCW 9A.82.055)

Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful Misbranding of Fish or Shellfish 1 (RCW 77.140.060(3))

Unlawful possession of firearm in the second degree (RCW 9.41.040(2))

Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))

Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))

Unlawful Use of a Nondesigned Vessel (RCW 77.15.530(4))

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

	<del>((Willful Failure to Return from Work Release (RCW 72.65.070)))</del>		at \$5,000 or more) (RCW 9A.56.096(5) (a))
II	Commercial Fishing Without a License 1 (RCW 77.15.500(3) (b))		Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
	Computer Trespass 1 (RCW 9A.90.040)		Trafficking in Insurance Claims (RCW 48.30A.015)
	Counterfeiting (RCW 9.16.035(3))		Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4) (a))
	Electronic Data Service Interference (RCW 9A.90.060)		Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
	Electronic Data Tampering 1 (RCW 9A.90.080)		Unlawful Practice of Law (RCW 2.48.180)
	Electronic Data Theft (RCW 9A.90.100)		Unlawful Purchase or Use of a License (RCW 77.15.650(3) (b))
	Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))		Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3) (a))
	Escape from Community Custody (RCW 72.09.310)		Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
	Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)		Voyeurism 1 (RCW 9A.44.115)
	Health Care False Claims (RCW 48.80.030)	I	Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
	Identity Theft 2 (RCW 9.35.020(3))		False Verification for Welfare (RCW 74.08.055)
	Improperly Obtaining Financial Information (RCW 9.35.010)		Forgery (RCW 9A.60.020)
	Malicious Mischief 1 (RCW 9A.48.070)		Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
	Organized Retail Theft 2 (RCW 9A.56.350(3))		Malicious Mischief 2 (RCW 9A.48.080)
	Possession of Stolen Property 1 (RCW 9A.56.150)		Mineral Trespass (RCW 78.44.330)
	Possession of a Stolen Vehicle (RCW 9A.56.068)		Possession of Stolen Property 2 (RCW 9A.56.160)
	Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))		Reckless Burning 1 (RCW 9A.48.040)
	Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)		Spotlighting Big Game 1 (RCW 77.15.450(3) (b))
	Theft 1 (RCW 9A.56.030)		Suspension of Department Privileges 1 (RCW 77.15.670(3) (b))
	Theft of a Motor Vehicle (RCW 9A.56.065)		Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
	Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued		Theft 2 (RCW 9A.56.040)
			Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))

Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at \$750 or more but less than \$5,000) (RCW 9A.56.096(5)(b))

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)

Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))

~~((Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))))~~

Vehicle Prowl 1 (RCW 9A.52.095)

Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))

(3) Telephone harassment (RCW 9.61.230);

(4) Assault in the first degree (RCW 9A.36.011);

(5) Assault of a child in the first degree (RCW 9A.36.120);

(6) Assault in the second degree (RCW 9A.36.021);

(7) Assault of a child in the second degree (RCW 9A.36.130);

(8) Assault in the fourth degree (RCW 9A.36.041);

(9) Reckless endangerment (RCW 9A.36.050);

(10) Extortion in the first degree (RCW 9A.56.120);

(11) Extortion in the second degree (RCW 9A.56.130);

(12) Coercion (RCW 9A.36.070);

(13) Burglary in the first degree (RCW 9A.52.020);

(14) Burglary in the second degree (RCW 9A.52.030);

(15) Criminal trespass in the first degree (RCW 9A.52.070);

(16) Criminal trespass in the second degree (RCW 9A.52.080);

(17) Malicious mischief in the first degree (RCW 9A.48.070);

(18) Malicious mischief in the second degree (RCW 9A.48.080);

(19) Malicious mischief in the third degree (RCW 9A.48.090);

(20) Kidnapping in the first degree (RCW 9A.40.020);

(21) Kidnapping in the second degree (RCW 9A.40.030);

(22) Unlawful imprisonment (RCW 9A.40.040);

(23) Rape in the first degree (RCW 9A.44.040);

(24) Rape in the second degree (RCW 9A.44.050);

(25) Rape in the third degree (RCW 9A.44.060);

(26) Indecent liberties (RCW 9A.44.100);

(27) Rape of a child in the first degree (RCW 9A.44.073);

(28) Rape of a child in the second degree (RCW 9A.44.076);

(29) Rape of a child in the third degree (RCW 9A.44.079);

(30) Child molestation in the first degree (RCW 9A.44.083);

(31) Child molestation in the second degree (RCW 9A.44.086);

(32) Child molestation in the third degree (RCW 9A.44.089);

(33) Stalking (RCW 9A.46.110);

(34) Cyber harassment (RCW 9A.90.120);

(35) Residential burglary (RCW 9A.52.025);

(36) Violation of a temporary, permanent, or final protective order issued pursuant to chapter 9A.44, 9A.46, 10.99, or 26.09 RCW or any of the former chapters 7.90, 10.14, and 26.50 RCW, or violation of a domestic violence protection order, sexual assault protection order, or antiharassment protection order issued under chapter 7.105 RCW;

(37) Unlawful discharge of a laser in the first degree (RCW 9A.49.020); ~~((and))~~

(38) Unlawful discharge of a laser in the second degree (RCW 9A.49.030); and

(39) Felony hazing (RCW 28B.10.901(2)(b)).

**Sec. 4.** RCW 9A.46.060 and 2022 c 231 s 15 are each amended to read as follows:

As used in this chapter, "harassment" may include but is not limited to any of the following crimes:

- (1) Harassment (RCW 9A.46.020);
- (2) Hate crime (RCW 9A.36.080);

NEW SECTION. **Sec. 5.** This act may be known and cited as the Sam Martinez stop hazing law."

On page 1, line 1 of the title, after "hazing;" strike the remainder of the title and insert "amending RCW 28B.10.901, 9.94A.411, 9.94A.515, and 9A.46.060; creating a new section; and prescribing penalties."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1002 and advanced the bill, as amended by the Senate, to final passage.

Representatives Leavitt and Mosbrucker spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1002, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1002, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 1; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Chandler

HOUSE BILL NO. 1002, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Monday, April 10, 2023

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1009, with the following amendment(s): 1009-S2 AMS WM S2942.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** This act may be known and cited as the military spouse employment act.

NEW SECTION. **Sec. 2.** The legislature finds that the lives of military spouses are dominated by frequent deployments and

relocations, and one-third of military families move each year. Many military families depend on two incomes, and military spouses tend to be better educated than the civilian population, with approximately 34 to 50 percent working in fields that require a professional license. The length of time to credential after a move is a significant employment barrier, with one study finding 20 percent of military spouses waited at least 10 months for a license after moving to a new state. This wait contributes to higher rates of unemployment or underemployment for military spouses when compared to their civilian counterparts. Given the fiscal and economic constraints of military families and the readiness considerations of the department of defense, the legislature intends to help alleviate the career turmoil military spouses face while serving in our state.

NEW SECTION. **Sec. 3.** A new section is added to chapter 18.340 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means any agency, board, commission, or other authority for issuance of a license, certificate, registration, or permit under this title. "Authority" does not include the department of labor and industries, or the department of financial institutions with respect to escrow agent licensure under chapter 18.44 RCW.

(2) "License" means a license, certificate, registration, or permit to perform professional services.

**Sec. 4.** RCW 18.340.020 and 2011 2nd sp.s. c 5 s 2 are each amended to read as follows:

(1) (~~For the purposes of this section, "authority" means any board, commission, or other authority for issuance of a license, certificate, registration, or permit under this title.~~

~~(2) To the extent resources are available:)~~

(a) Each authority shall establish procedures to expedite the issuance of a license(~~, certificate, registration, or permit to perform professional services~~) regulated by each such authority to a person:

(i) Who is (~~certified or~~) licensed, certified, or registered, or has a permit in another state to perform professional services in that state; and

(ii) Whose spouse is the subject of a military transfer to Washington( ~~and~~

~~(iii) Who left employment in the other state to accompany the person's spouse to Washington).~~

(b) The procedure must include a process for issuing the person a license(~~, certificate, registration, or permit, if, in the opinion of the authority, the requirements for licensure, certification, registration, or obtaining a permit of such other state are substantially equivalent to that required in Washington~~) within 30 days of receiving a completed application. A completed application means that the

authority has received all supporting materials, related application fees, fingerprints, and required documentation associated with a criminal background check.

~~((e))~~(2) Each authority in this title shall develop a method and adopt rules to authorize a person who meets the criteria in ~~((a)(i) through (iii) of)~~ this ~~((subsection))~~section to perform services regulated by the authority in Washington by issuing the person a temporary license~~(, certificate, registration, or permit)~~within 30 days of receiving a completed application. A completed application means that the authority has received a copy of the certificate issued by the other state for a certificated education professional, related application fees, fingerprints, and required documentation associated with a criminal background check. The license may be issued for a limited period of time of no less than 180 days to allow the person to perform services regulated by the authority while completing any specific additional requirements in Washington that are not related to training or practice standards of the profession that were not required in the other state in which the person is licensed, certified, or registered, or has a permit.

(3) Nothing in this section requires the authority to issue a ~~((temporary))~~ license~~(, certificate, registration, or permit)~~ if the standards of the other state are substantially unequal to Washington standards.

~~((d))~~(4) An applicant must state in the application that ~~((he or she))~~the applicant:

~~((i))~~(a) Has requested verification from the other state or states that the person is currently licensed, certified, registered, or has a permit; and

~~((ii))~~(b) Is not subject to any pending investigation, charges, or disciplinary action by the regulatory body of the other state or states.

~~((e))~~(5) If the authority finds reasonable cause to believe that an applicant falsely affirmed or stated either of the requirements under ~~((d)(i) or (ii) of this))~~ subsection (4)(a) or (b) of this section, the authority may summarily suspend the license~~(, certificate, registration, or permit)~~ pending an investigation or further action to discipline or revoke the license~~(, certificate, registration, or permit)~~.

**NEW SECTION. Sec. 5.** A new section is added to chapter 18.340 RCW to read as follows:

(1) Each authority must identify a contact or coordinator within the authority to assist military spouse applicants and licensees.

(2) Each authority must provide training to each board or commission member on the culture of military spouses, the military spouse experience, and issues related to military spouse career paths. Board or commission members appointed on or before October 1, 2023, must complete the training by January 1, 2024. Board or commission members appointed after October 1, 2023, must complete the training within 90 days after appointment. The department of

veterans affairs shall create an internet-based training that may be used by each authority to satisfy this requirement.

(3) Each authority is encouraged to:

(a) Appoint a military spouse to serve on its licensing board or commission;

(b) Conduct a review of the authority's licensing application process for military spouses and identify barriers to military spouse employment; and

(c) Review licensing fees and related expenses and identify possible ways to reduce costs for military spouses.

**NEW SECTION. Sec. 6.** A new section is added to chapter 18.340 RCW to read as follows:

(1) The employment security department, the department of health, the department of licensing, and the department of veterans affairs shall each maintain a military spouse assistance web page containing, at a minimum:

(a) Each authority's rules and procedures, including any required fees, related to the licensing of military spouses;

(b) Contact information for each authority's military spouse contact or coordinator; and

(c) Links to the military spouse assistance web pages of other agencies.

(2) A direct link to the agency's military spouse assistance web page must be displayed on the agency's home page.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28A.410 RCW to read as follows:

The agency responsible for educator certification shall, as set forth in chapter 18.340 RCW:

(1) Adopt rules for expedited professional certification for military spouses;

(2) Identify a contact or coordinator to assist military spouse applicants and licensees;

(3) Provide training to each board member on the culture of military spouses, the military spouse experience, and issues related to military spouse career paths; and

(4) Maintain a military spouse assistance web page.

**NEW SECTION. Sec. 8.** A new section is added to chapter 43.60A RCW to read as follows:

(1) The department, the employment security department, and the department of commerce shall consult local chambers of commerce, associate development organizations, and businesses to initiate a demonstration campaign to increase military spouse employment. This campaign may include partnerships with chambers of commerce that result in business owners sharing, with the local chamber of commerce, information on the number of military spouses employed and the local chambers of commerce providing this information to the department.

(2) Participants in the campaign are encouraged to work with the Washington state military transition council and county



veterans' advisory boards under RCW 73.08.035.

(3) Funding for the campaign shall be established from existing resources.

(4) For the purposes of this section, "military spouse" means any person married or previously married to a military service member, irrespective of the length of the marriage, during the military service member's service in any branch of the United States armed forces as an active duty service member, reservist, or national guard member.

**NEW SECTION. Sec. 9.** A new section is added to chapter 38.42 RCW to read as follows:

(1) The spouse of a service member may terminate an employment contract without penalty at any time after the service member receives military service orders for a permanent change of station if:

(a) The spouse provides written notice, including email, to the employer of the termination under this section; and

(b) The spouse provides written proof to the employer of the official orders showing that the service member has received military orders for a permanent change of station.

(2) Termination of an employment contract under this section is effective on the day notice is given under subsection (1) of this section or on a date mutually agreed to by the parties to the employment contract.

(3) An employer may not impose any penalty for termination of an employment contract under this section.

(4) For purposes of this section:

(a) "Employment contract" means a contract that establishes the terms of employment or other professional relationship with the spouse of a service member. "Employment contract" does not include an independent contractor agreement.

(b) "Penalty" means any fee or cost or liability for breach of contract or any other adverse consequence imposed by the employer. "Penalty" does not include any requirements established by state or federal law.

(5) This section applies prospectively only and not retroactively. It applies only to employment contracts entered into on or after the effective date of this section.

(6) Nothing in this section shall be construed as altering the terms, conditions, or practices contained in any collective bargaining agreement in effect on the effective date of this section until the expiration date of such agreement.

**Sec. 10.** RCW 73.04.150 and 2017 c 184 s 1 are each amended to read as follows:

(1) There is hereby created a joint committee on veterans' and military affairs. The committee shall consist of: (a) Eight members of the senate appointed by the president of the senate, four of whom shall be members of the majority party and four of whom shall be members of the minority party; and (b) eight members of the house of representatives appointed by the speaker, four of whom shall be members of the majority party and four of whom shall be

members of the minority party. Members of the committee shall be appointed before the close of the 2005 legislative session, and before the close of each regular session during an odd-numbered year thereafter.

(2) Each member's term of office shall run from the close of the session in which he or she was appointed until the close of the next regular session held in an odd-numbered year. If a successor is not appointed during a session, the member's term shall continue until the member is reappointed or a successor is appointed. The term of office for a committee member who does not continue as a member of the senate or house of representatives shall cease upon the convening of the next session of the legislature during an odd-numbered year after the member's appointment, or upon the member's resignation, whichever is earlier. Vacancies on the committee shall be filled by appointment in the same manner as described in subsection (1) of this section. All such vacancies shall be filled from the same political party and from the same house as the member whose seat was vacated.

(3) The committee shall establish an executive committee of four members, two of whom are members of the senate and two of whom are members of the house of representatives. The executive committee shall appoint one cochair from the two executive committee members who are senators and one cochair from the two executive committee members who are representatives. The two cochairs shall be from different political parties and their terms of office shall run from the close of the session in which they are appointed until the close of the next regular session in an odd-numbered year. The executive committee is responsible for performing all general administrative and personnel duties assigned to it in the rules and procedures adopted by the joint committee, as well as other duties delegated to it by the joint committee.

(4) The joint committee on veterans' and military affairs has the following powers and duties:

(a) To study veterans' issues, active military forces issues, and national guard and reserve component issues, and make recommendations to the legislature; and

(b) To study structure and administration of the department of veterans affairs and the military department, and make recommendations to the legislature.

(5) The joint committee shall adopt rules and procedures for its orderly operation. The joint committee may create subcommittees to perform duties under this section.

(6) The regulating authorities for the department of licensing (~~and~~), the department of health, and the professional educator standards board shall file reports to the legislature (~~biennially and the Washington state military transition council~~) annually beginning January 1, ~~((2018))~~ 2024, and appear annually before the joint committee on veterans' and military affairs, to provide updates on progress in their efforts to implement the requirements of chapter 18.340 RCW, chapter 32, Laws of 2011, ~~((and))~~ chapter 351, Laws of 2011 ~~((By January 1, 2018, the department of labor and industries and the professional educator~~

~~standards board must each submit a report to the legislature, including an assessment on how its licensing, certification, and apprenticeship programs apply training and experience acquired by military members and their spouses outside of Washington, and recommendations about whether such programs should be included in the reporting schedule within this subsection)), and section 6 of this act.~~

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1028, with the following amendment(s): 1028-S2 AMS LAW S2359.3

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 11.** Section 4 of this act takes effect October 1, 2023."

On page 1, line 1 of the title, after "employment;" strike the remainder of the title and insert "amending RCW 18.340.020 and 73.04.150; adding new sections to chapter 18.340 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 43.60A RCW; adding a new section to chapter 38.42 RCW; creating new sections; and providing an effective date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1009 and advanced the bill, as amended by the Senate, to final passage.

Representatives Leavitt and Volz spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Ramel, Representative Ortiz-Self was excused.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1009, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1009, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SECOND SUBSTITUTE HOUSE BILL NO. 1009, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.10 RCW to read as follows:

(1) (a) The sexual assault forensic examination best practices advisory group is established within the office of the attorney general for the purpose of reviewing best practice models for managing all aspects of sexual assault investigations and for reducing the number of untested sexual assault kits in Washington state.

(i) The caucus leaders from the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The caucus leaders from the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The attorney general, in consultation with the legislative members of the advisory group, shall appoint:

(A) One member representing each of the following:

(I) The Washington state patrol;

(II) The Washington association of sheriffs and police chiefs;

(III) The Washington association of prosecuting attorneys;

(IV) The Washington defender association or the Washington association of criminal defense lawyers;

(V) The Washington association of cities;

(VI) The Washington association of county officials;

(VII) The Washington coalition of sexual assault programs;

(VIII) The office of crime victims advocacy;

(IX) The Washington state hospital association;

(X) The office of the attorney general; and

(XI) The criminal justice training commission;

(B) Two members representing survivors of sexual assault;

(C) One member who is a sexual assault nurse examiner;

(D) Two members who are law enforcement officers, one from a rural area and one from an urban area of the state;

(E) One member who is a prosecuting attorney serving in a county in a rural area of the state; and

(F) Two members who are community-based advocates, one from a rural area and one from an urban area of the state.

(b) When appointing members under (a) (iii)(D) of this subsection, the office of the attorney general shall solicit recommendations from statewide labor organizations representing law enforcement officers.

(2) The duties of the advisory group include, but are not limited to:

(a) Researching the best practice models both in state and from other states for collaborative responses to victims of sexual assault from the point the sexual assault kit is collected to the conclusion of the investigation and prosecution of a case, and providing recommendations regarding any existing gaps in Washington and resources that may be necessary to address those gaps;

(b) Researching and making recommendations on opportunities to increase access to, and availability of, critical sexual assault nurse examiner services;

(c) Monitoring the testing of the backlog of sexual assault kits and the supply chain and distribution of sexual assault kits;

(d) Monitoring implementation of state and federal legislative changes;

(e) Collaborating with the legislature, state agencies, medical facilities, and local governments to implement reforms pursuant to federal grant requirements; and

(f) Making recommendations for institutional reforms necessary to prevent sexual assault and improve the experiences of sexual assault survivors in the criminal justice system.

(3) The office of the attorney general shall administer and provide staff support to the advisory group.

(4) Legislative members of the advisory group must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The advisory group must meet no less than twice annually.

(6) The advisory group shall report its findings and recommendations to the appropriate committees of the legislature and the governor by December 15th of each year.

(7) This section expires July 1, 2026.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall administer a grant program for establishing a statewide resource prosecutor for sexual assault cases.

(2) The grant recipient must be a statewide organization or association representing prosecuting attorneys. The grant recipient shall hire a resource prosecutor for the following purposes:

(a) To provide technical assistance and research to prosecutors for prosecuting sexual assault cases;

(b) To provide additional training and resources to prosecutors to support a trauma-informed, victim-centered approach to prosecuting sexual assault cases;

(c) To meet regularly with law enforcement agencies and prosecutors to explain legal issues and prosecutorial approaches to sexual assault cases and

provide and receive feedback to improve case outcomes;

(d) To consult with the commission, the office of the attorney general, and the sexual assault forensic examination best practices advisory group under section 1 of this act with respect to developing and implementing best practices for prosecuting sexual assault cases across the state; and

(e) To comply with other requirements established by the commission under this section.

(3) The commission may, in consultation with the sexual assault forensic examination best practices advisory group under section 1 of this act, establish additional appropriate conditions for any grant awarded under this section. The commission may adopt necessary policies and procedures to implement and administer the grant program, including monitoring the use of grant funds and compliance with the grant requirements.

**Sec. 3.** RCW 43.101.272 and 2019 c 93 s 5 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall provide ongoing specialized, intensive, and integrative training for persons responsible for investigating sexual assault ((eases))and other gender-based violence involving adult victims, and the highest ranking supervisors and commanders overseeing sexual assault and other gender-based violence investigations. The training must be based on a victim-centered, trauma-informed approach to responding to sexual assault. Among other subjects, the training must include content on the neurobiology of trauma and trauma-informed interviewing, counseling, and investigative techniques.

(2) The training must: Be based on research-based practices and standards; offer participants an opportunity to practice interview skills and receive feedback from instructors; minimize the trauma of all persons who are interviewed during abuse investigations; provide methods of reducing the number of investigative interviews necessary whenever possible; assure, to the extent possible, that investigative interviews are thorough, objective, and complete; recognize needs of special populations; recognize the nature and consequences of victimization; require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; address record retention and retrieval; address documentation of investigative interviews; and educate investigators on the best practices for notifying victims of the results of forensic analysis of sexual assault kits and other significant events in the investigative process, including for active investigations and cold cases.

(3) In developing the training, the commission shall seek advice from the Washington association of sheriffs and police chiefs, the Washington coalition of sexual assault programs, and experts on sexual assault, gender-based violence, and the neurobiology of trauma. The commission

shall consult with the Washington association of prosecuting attorneys in an effort to design training containing consistent elements for all professionals engaged in interviewing and interacting with sexual assault victims in the criminal justice system.

(4) ~~((The commission shall develop the training and begin offering it by July 1, 2018.))~~ Officers assigned to regularly investigate sexual assault and other gender-based violence involving adult victims and the highest ranking supervisors and commanders overseeing those investigations shall complete the training within one year of being assigned ~~((or by July 1, 2020, whichever is later)).~~

**Sec. 4.** RCW 43.101.276 and 2017 c 290 s 5 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall develop peace officer training on a victim-centered, trauma-informed approach to interacting with victims and responding to ~~((sexual assault))~~ calls involving gender-based violence. The curriculum must: Be ~~((designed for commissioned patrol officers not regularly assigned to investigate sexual assault cases; be))~~ designed for deployment and use within individual law enforcement agencies; include features allowing for it to be used in different environments, which may include multimedia or video components; and allow for law enforcement agencies to host it in small segments at different times over several days or weeks, including roll calls. The training must include components on available resources for victims including, but not limited to, material on and references to community-based victim advocates.

(2) In developing the training, the commission shall seek advice from the Washington association of sheriffs and police chiefs, the Washington coalition of sexual assault programs, and experts on sexual assault, gender-based violence, and the neurobiology of trauma.

(3) ~~((Beginning in 2018, all law enforcement agencies shall annually host the training for commissioned peace officers. All law enforcement agencies shall, to the extent feasible, consult with and feature local community-based victim advocates during the training.))~~ All peace officers shall complete the training under this section at least once every three years.

**Sec. 5.** RCW 43.101.278 and 2021 c 118 s 3 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall conduct an annual case review program. The program must review case files from law enforcement agencies and prosecuting attorneys selected by the commission in order to identify changes to training and investigatory practices necessary to optimize outcomes in sexual assault investigations and prosecutions involving adult victims. The program must include:

(a) An evaluation of whether current training and practices foster a trauma-informed, victim-centered approach to victim interviews and that identifies best practices and current gaps in training and assesses the integration of the community resiliency model;

(b) A comparison of cases involving investigators and interviewers who have participated in training to cases involving investigators and interviewers who have not participated in training;

(c) A comparison of cases involving prosecutors who have participated in the training described in section 6 of this act to cases involving prosecutors who have not participated in such training;

(d) Randomly selected cases for a systematic review to assess whether current practices conform to national best practices for a multidisciplinary approach to investigating and prosecuting sexual assault cases and interacting with survivors; and

~~((d))~~ (e) An analysis of the impact that race and ethnicity have on sexual assault case outcomes.

(2) The case review program may review and access files, including all reports and recordings, pertaining to closed cases involving allegations of adult sexual assault only. Any law enforcement agency or prosecuting attorney selected for the program by the commission shall make requested case files and other documents available to the commission, provided that the case files are not linked to ongoing, open investigations and that redactions may be made where appropriate and necessary. Agencies and prosecuting attorneys shall include available information on the race and ethnicity of all sexual assault victims in the relevant case files provided to the commission. Case files and other documents must be made available to the commission according to appropriate deadlines established by the commission in consultation with the agency or prosecuting attorney.

(3) If a law enforcement agency has not participated in the training under RCW 43.101.272 ~~((by July 1, 2022))~~ or 43.101.276 within the previous 24 months, the commission may prioritize the agency for selection to participate in the program under this section.

(4) In designing and conducting the program, the commission shall consult and collaborate with experts in trauma-informed and victim-centered training, experts in sexual assault investigations and prosecutions, victim advocates, and other stakeholders identified by the commission. The commission may form a multidisciplinary working group for the purpose of carrying out the requirements of this section.

(5) The commission shall submit a report with a summary of its work to the governor and the appropriate committees of the legislature by December 1st of each year.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific

purpose, the commission shall, in partnership with the special resource prosecutor under section 2 of this act, develop and conduct specialized, intensive, and integrative training for persons responsible for prosecuting sexual assault cases involving adult victims.

(2) The training must:

(a) Use a victim-centered, trauma-informed approach to prosecuting sexual assaults including, but not limited to, the following goals: Recognizing the nature and consequences of victimization; prioritizing the safety and well-being of victims; and recognizing the needs of special populations;

(b) Include content on the neurobiology of trauma and trauma-informed interviewing, counseling, investigative, and prosecution techniques;

(c) Offer participants an opportunity to practice interview and trial skills, including receiving feedback from instructors;

(d) Share best practices for communicating with victims throughout the criminal justice process;

(e) Include additional content relevant to and informed by best practices for improving outcomes in sexual assault prosecutions, as deemed appropriate by the commission;

(f) Take into account the training under RCW 43.101.272 in order to provide consistent and complimentary training for investigators and prosecutors;

(g) Be designed to qualify for some continuing legal education credits through the Washington state bar association; and

(h) Be offered at least once per calendar year and be deployed in different locations across the state, or through some other broadly accessible means, in order to improve access to the training for prosecutors serving in small offices or rural areas.

**Sec. 7.** RCW 43.43.754 and 2021 c 215 s 149 are each amended to read as follows:

(1) A biological sample must be collected for purposes of DNA identification analysis from:

(a) Every adult or juvenile individual convicted of a felony, or adjudicated of an offense which if committed by an adult would be a felony, or any of the following crimes (or equivalent juvenile offenses):

(i) Assault in the fourth degree where domestic violence as defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041, 9.94A.030);

(ii) Assault in the fourth degree with sexual motivation (RCW 9A.36.041, 9.94A.835);

(iii) Communication with a minor for immoral purposes (RCW 9.68A.090);

(iv) Custodial sexual misconduct in the second degree (RCW 9A.44.170);

(v) Failure to register (chapter 9A.44 RCW);

(vi) Harassment (RCW 9A.46.020);

(vii) Patronizing a prostitute (RCW 9A.88.110);

(viii) Sexual misconduct with a minor in the second degree (RCW 9A.44.096);

(ix) Stalking (RCW 9A.46.110);

(x) Indecent exposure (RCW 9A.88.010);

(xi) Violation of a sexual assault protection order granted under chapter 7.105 RCW or former chapter 7.90 RCW; and

(b) Every adult or juvenile individual who is required to register under RCW 9A.44.130.

(2)(a) A municipal jurisdiction may also submit any biological sample to the laboratory services bureau of the Washington state patrol for purposes of DNA identification analysis when:

(i) The sample was collected from a defendant upon conviction for a municipal offense where the underlying ordinance does not adopt the relevant state statute by reference but the offense is otherwise equivalent to an offense in subsection (1)(a) of this section;

(ii) The equivalent offense in subsection (1)(a) of this section was an offense for which collection of a biological sample was required under this section at the time of the conviction; and

(iii) The sample was collected on or after June 12, 2008, and before January 1, 2020.

(b) When submitting a biological sample under this subsection, the municipal jurisdiction must include a signed affidavit from the municipal prosecuting authority of the jurisdiction in which the conviction occurred specifying the state crime to which the municipal offense is equivalent.

(3) Law enforcement may submit to the forensic laboratory services bureau of the Washington state patrol, for purposes of DNA identification analysis, any lawfully obtained biological sample within its control from a deceased offender who was previously convicted of an offense under subsection (1)(a) of this section, regardless of the date of conviction.

(4) If the Washington state patrol crime laboratory already has a DNA sample from an individual for a qualifying offense, a subsequent submission is not required to be submitted.

(5) Biological samples shall be collected in the following manner:

(a) (i) (A) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who do not serve a term of confinement in a department of corrections facility or a department of children, youth, and families facility, and are serving a term of confinement in a city or county jail facility, the city or county jail facility shall be responsible for obtaining the biological samples prior to the person's release from confinement.

(B) Each city and county jail facility must adopt and implement a policy that collects biological samples from persons convicted of an offense listed in subsection (1)(a) of this section as soon as practicable during the person's term of confinement.

(ii) If the biological sample is not collected prior to the person's release from confinement, the responsible city or county jail facility shall notify the sentencing court within three business days of the person's release that it has released the

person without collecting the person's biological sample, and provide the reason for releasing the person without collecting a biological sample. Within 10 days of receiving notice of the person's release, the sentencing court shall schedule a compliance hearing. The jail shall serve or cause to be served notice to the person of the compliance hearing and shall file proof of service with the sentencing court. A representative of the jail shall attend the compliance hearing and obtain the person's biological sample at the hearing. The court may, in its discretion, require the jail to pay attorneys' fees and court costs associated with scheduling and attending the compliance hearing.

(b) The local police department or sheriff's office shall be responsible for obtaining the biological samples for:

(i) Persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who do not serve a term of confinement in a department of corrections facility, department of children, youth, and families facility, or a city or county jail facility; and

(ii) Persons who are required to register under RCW 9A.44.130.

(c) (i) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who are serving or who are to serve a term of confinement in a department of corrections facility or a department of children, youth, and families facility, the facility holding the person shall be responsible for obtaining the biological samples as part of the intake process. If the facility did not collect the biological sample during the intake process, then the facility shall collect the biological sample as soon as is practicable prior to the person's release from confinement. For those persons incarcerated before June 12, 2008, who have not yet had a biological sample collected, priority shall be given to those persons who will be released the soonest.

(ii) If the biological sample is not collected prior to the person's release from confinement, the responsible department of corrections facility or department of children, youth, and families facility shall notify the sentencing court within three business days of the person's release that it has released the person without collecting the person's biological sample. Within 10 days of receiving notice of the person's release, the sentencing court shall schedule a compliance hearing. The responsible department of corrections facility or department of children, youth, and families facility shall serve or cause to be served notice to the person of the compliance hearing and shall file proof of service with the sentencing court. A representative of the responsible department of corrections facility or department of children, youth, and families facility shall attend the compliance hearing and obtain the person's biological sample at the hearing. The court may, in its discretion, require the responsible department of corrections facility or department of children, youth,

and families facility to pay attorneys' fees and court costs associated with scheduling and attending the compliance hearing.

(d) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who will not serve a term of confinement, the court shall: Order the person to ~~((report to the local police department or sheriff's office as provided under subsection (5)(b)(i) of this section within a reasonable period of time established by the court in order to provide a biological sample))~~ be administratively booked at a city or county jail facility for the sole purpose of providing a biological sample; or if the local police department or sheriff's office has a protocol for collecting the biological sample in the courtroom, order the person to immediately provide the biological sample to the local police department or sheriff's office before leaving the presence of the court. The court must further inform the person that refusal to provide a biological sample is a gross misdemeanor under this section.

(e) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, the court shall create and implement a biological sample collection protocol. The court shall order the biological samples at the time of sentencing. The court shall inform the person that refusal to provide a biological sample is a gross misdemeanor under this section. If the biological sample is not collected at the time of sentencing, then the biological sample shall be collected pursuant to (a) through (d) of this subsection (5), and the court shall schedule a compliance hearing within 10 days of the sentencing to ensure that the biological sample has been collected.

(6) Any biological sample taken pursuant to RCW 43.43.752 through 43.43.758 may be retained by the forensic laboratory services bureau, and shall be used solely for the purpose of providing DNA or other tests for identification analysis and prosecution of a criminal offense or for the identification of human remains or missing persons. Nothing in this section prohibits the submission of results derived from the biological samples to the federal bureau of investigation combined DNA index system.

(7) The forensic laboratory services bureau of the Washington state patrol is responsible for testing performed on all biological samples that are collected under this section, to the extent allowed by funding available for this purpose. Known duplicate samples may be excluded from testing unless testing is deemed necessary or advisable by the director.

(8) This section applies to:

(a) All adults and juveniles to whom this section applied prior to June 12, 2008;

(b) All adults and juveniles to whom this section did not apply prior to June 12, 2008, who:

(i) Are convicted on or after June 12, 2008, of an offense listed in subsection (1) (a) of this section on the date of conviction; or

(ii) Were convicted prior to June 12, 2008, of an offense listed in subsection (1) (a) of this section and are still incarcerated on or after June 12, 2008;

(c) All adults and juveniles who are required to register under RCW 9A.44.130 on or after June 12, 2008, whether convicted before, on, or after June 12, 2008; and

(d) All samples submitted under subsections (2) and (3) of this section.

(9) This section creates no rights in a third person. No cause of action may be brought based upon the noncollection or nonanalysis or the delayed collection or analysis of a biological sample authorized to be taken under RCW 43.43.752 through 43.43.758.

(10) The detention, arrest, or conviction of a person based upon a database match or database information is not invalidated if it is determined that the sample was obtained or placed in the database by mistake, or if the conviction or juvenile adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including but not limited to posttrial or postfact-finding motions, appeals, or collateral attacks. No cause of action may be brought against the state based upon the analysis of a biological sample authorized to be taken pursuant to a municipal ordinance if the conviction or adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including, but not limited to, posttrial or postfact-finding motions, appeals, or collateral attacks.

(11) A person commits the crime of refusal to provide DNA if the person willfully refuses to comply with a legal request for a DNA sample as required under this section. The refusal to provide DNA is a gross misdemeanor.

**Sec. 8.** RCW 9A.04.080 and 2022 c 282 s 4 are each amended to read as follows:

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

- (i) Murder;
- (ii) Homicide by abuse;
- (iii) Arson if a death results;
- (iv) Vehicular homicide;
- (v) Vehicular assault if a death results;
- (vi) Hit-and-run injury-accident if a death results (RCW 46.52.020(4));
- (vii) Rape in the first degree (RCW 9A.44.040) if the victim is under the age of sixteen;
- (viii) Rape in the second degree (RCW 9A.44.050) if the victim is under the age of sixteen;
- (ix) Rape of a child in the first degree (RCW 9A.44.073);
- (x) Rape of a child in the second degree (RCW 9A.44.076);
- (xi) Rape of a child in the third degree (RCW 9A.44.079);
- (xii) Sexual misconduct with a minor in the first degree (RCW 9A.44.093);

(xiii) Custodial sexual misconduct in the first degree (RCW 9A.44.160);

(xiv) Child molestation in the first degree (RCW 9A.44.083);

(xv) Child molestation in the second degree (RCW 9A.44.086);

(xvi) Child molestation in the third degree (RCW 9A.44.089); and

(xvii) Sexual exploitation of a minor (RCW 9.68A.040).

(b) Except as provided in (a) of this subsection, the following offenses may not be prosecuted more than twenty years after its commission:

(i) Rape in the first degree (RCW 9A.44.040);

(ii) Rape in the second degree (RCW 9A.44.050); or

(iii) Indecent liberties (RCW 9A.44.100).

(c) The following offenses may not be prosecuted more than ten years after its commission:

(i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;

(ii) Arson if no death results;

(iii) Rape in the third degree (RCW 9A.44.060);

(iv) Attempted murder; or

(v) Trafficking under RCW 9A.40.100.

(d) A violation of any offense listed in this subsection (1)(d) may be prosecuted up to ten years after its commission or, if committed against a victim under the age of eighteen, up to the victim's thirtieth birthday, whichever is later:

(i) RCW 9.68A.100 (commercial sexual abuse of a minor);

(ii) RCW 9.68A.101 (promoting commercial sexual abuse of a minor);

(iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse of a minor); or

(iv) RCW 9A.64.020 (incest).

(e) The following offenses may not be prosecuted more than six years after its commission or discovery, whichever occurs later:

(i) Violations of RCW 9A.82.060 or 9A.82.080;

(ii) Any felony violation of chapter 9A.83 RCW;

(iii) Any felony violation of chapter 9.35 RCW;

(iv) Theft in the first or second degree under chapter 9A.56 RCW when accomplished by color or aid of deception;

(v) Theft from a vulnerable adult under RCW 9A.56.400;

(vi) Trafficking in stolen property in the first or second degree under chapter 9A.82 RCW in which the stolen property is a motor vehicle or major component part of a motor vehicle as defined in RCW 46.80.010; or

(vii) Violations of RCW 82.32.290 (2)(a) (iii) or (4).

(f) The following offenses may not be prosecuted more than five years after its commission: Any class C felony under chapter 74.09, 82.36, or 82.38 RCW.

(g) Bigamy may not be prosecuted more than three years after the time specified in RCW 9A.64.010.

(h) A violation of RCW 9A.56.030 may not be prosecuted more than three years after the discovery of the offense when the victim is a tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

(i) No other felony may be prosecuted more than three years after its commission; except that in a prosecution under RCW 9A.44.115, if the person who was viewed, photographed, or filmed did not realize at the time that he or she was being viewed, photographed, or filmed, the prosecution must be commenced within two years of the time the person who was viewed or in the photograph or film first learns that he or she was viewed, photographed, or filmed.

(j) No gross misdemeanor may be prosecuted more than two years after its commission.

(k) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.

(3) In any prosecution for a sex offense as defined in RCW 9.94A.030, the periods of limitation prescribed in subsection (1) of this section run from the date of commission or ~~((two))~~ four years from the date on which the identity of the suspect is conclusively established by deoxyribonucleic acid testing or by photograph as defined in RCW 9.68A.011, whichever is later.

(4) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside.

**NEW SECTION. Sec. 9.** A new section is added to chapter 70.02 RCW to read as follows:

A disclosure authorization to a health care provider or health care facility authorizing disclosure of information to law enforcement regarding a forensic examination performed for the purposes of gathering evidence for possible prosecution of a criminal offense must be valid until the end of all related criminal proceedings or a later event selected by the provider, facility, patient, or patient's representative, unless the patient or patient's representative requests a different expiration date or event for the disclosure authorization.

**Sec. 10.** RCW 9A.44.020 and 2013 c 302 s 7 are each amended to read as follows:

(1) In order to convict a person of any crime defined in this chapter it shall not be necessary that the testimony of the alleged victim be corroborated.

(2) Evidence of the victim's past sexual behavior including but not limited to the victim's marital history~~((~~τ~~))~~; divorce history~~((~~τ~~—~~ο~~))~~; general reputation for promiscuity, nonchastity, or sexual mores contrary to community standards; or, unless

it is related to the alleged offense, social media account, including any text, image, video, or picture, which depict sexual content, sexual history, nudity or partial nudity, intimate sexual activity, communications about sexual activity, communications about sex, sexual fantasies, and other information that appeals to a prurient interest is inadmissible on the issue of credibility and is inadmissible to prove the victim's consent except as provided in subsection (3) of this section, but when the perpetrator and the victim have engaged in sexual intercourse with each other in the past, and when the past behavior is material to the issue of consent, evidence concerning the past behavior between the perpetrator and the victim may be admissible on the issue of consent to the offense.

(3) In any prosecution for the crime of rape, trafficking pursuant to RCW 9A.40.100, or any of the offenses in chapter 9.68A RCW, or for an attempt to commit, or an assault with an intent to commit any such crime evidence of the victim's past sexual behavior including but not limited to the victim's marital behavior~~((~~τ~~))~~; divorce history~~((~~τ~~—~~ο~~))~~; general reputation for promiscuity, nonchastity, or sexual mores contrary to community standards; or, unless it is related to the alleged offense, social media account, including any text, image, video, or picture, which depict sexual content, sexual history, nudity or partial nudity, intimate sexual activity, communications about sexual activity, communications about sex, sexual fantasies, and other information that appeals to a prurient interest is not admissible if offered to attack the credibility of the victim and is admissible on the issue of consent, except where prohibited in the underlying criminal offense, only pursuant to the following procedure:

(a) A written pretrial motion shall be made by the defendant to the court and prosecutor stating that the defense has an offer of proof of the relevancy of evidence of the past sexual behavior of the victim proposed to be presented and its relevancy on the issue of the consent of the victim.

(b) The written motion shall be accompanied by an affidavit or affidavits in which the offer of proof shall be stated.

(c) If the court finds that the offer of proof is sufficient, the court shall order a hearing out of the presence of the jury, if any, and the hearing shall be closed except to the necessary witnesses, the defendant, counsel, and those who have a direct interest in the case or in the work of the court.

(d) At the conclusion of the hearing, if the court finds that the evidence proposed to be offered by the defendant regarding the past sexual behavior of the victim is relevant to the issue of the victim's consent; is not inadmissible because its probative value is substantially outweighed by the probability that its admission will create a substantial danger of undue prejudice; and that its exclusion would result in denial of substantial justice to the defendant; the court shall make an order stating what evidence may be introduced by



the defendant, which order may include the nature of the questions to be permitted. The defendant may then offer evidence pursuant to the order of the court.

(4) Nothing in this section shall be construed to prohibit cross-examination of the victim on the issue of past sexual behavior when the prosecution presents evidence in its case in chief tending to prove the nature of the victim's past sexual behavior, but the court may require a hearing pursuant to subsection (3) of this section concerning such evidence.

**Sec. 11.** RCW 7.69.030 and 2022 c 229 s 1 are each amended to read as follows:

(1) There shall be a reasonable effort made to ensure that victims, survivors of victims, and witnesses of crimes have the following rights, which apply to any adult or juvenile criminal ~~((court and/or juvenile court))~~ proceeding and any civil commitment proceeding under chapter 71.09 RCW:

~~((1))~~(a) With respect to victims of violent or sex crimes, to receive, at the time of reporting the crime to law enforcement officials, a written statement of the rights of crime victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county;

~~((2))~~(b) To be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim, survivor, or witness is involved;

~~((3))~~(c) To be notified by the party who issued the subpoena that a court proceeding to which they have been subpoenaed will not occur as scheduled, in order to save the person an unnecessary trip to court;

~~((4))~~(d) To receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available;

~~((5))~~(e) To be informed of the procedure to be followed to apply for and receive any witness fees to which they are entitled;

~~((6))~~(f) To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants;

~~((7))~~(g) To have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken;

~~((8))~~(h) To be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process or the civil commitment process

under chapter 71.09 RCW in order to minimize an employee's loss of pay and other benefits resulting from court appearance;

~~((9))~~(i) To access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having such assistance administered. However, an employee of the law enforcement agency may, if necessary, accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance. Victims of domestic violence, sexual assault, or stalking, as defined in RCW 49.76.020, shall be notified of their right to reasonable leave from employment under chapter 49.76 RCW;

~~((10))~~(j) With respect to victims of violent and sex crimes, to have a crime victim advocate from a crime victim/witness program, or any other support person of the victim's choosing, present at any prosecutorial or defense interviews with the victim, and at any judicial proceedings related to criminal acts committed against the victim. This subsection applies if practical and if the presence of the crime victim advocate or support person does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the crime victim;

~~((11))~~(k) With respect to victims and survivors of victims, to be physically present in court during trial, or if subpoenaed to testify, to be scheduled as early as practical in the proceedings in order to be physically present during trial after testifying and not to be excluded solely because they have testified;

~~((12))~~(l) With respect to victims and survivors of victims in any felony case ~~((or))~~, any case involving domestic violence, or any final determination under chapter 71.09 RCW, to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing or disposition hearing upon request by a victim or survivor;

~~((13))~~(m) To submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall be included in all presentence reports and permanently included in the files and records accompanying the offender committed to the custody of a state agency or institution;

~~((14))~~(n) With respect to victims and survivors of victims in any felony case or any case involving domestic violence, to present a statement, personally or by representation, at the sentencing hearing; and

~~((15))~~(o) With respect to victims and survivors of victims, to entry of an order of restitution by the court in all felony cases, even when the offender is sentenced to confinement, unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment.

(2) If a victim, survivor of a victim, or witness of a crime is denied a right under this section, the person may seek an order

directing compliance by the relevant party or parties by filing a petition in the superior court in the county in which the crime occurred and providing notice of the petition to the relevant party or parties. Compliance with the right is the sole available remedy. The court shall expedite consideration of a petition filed under this subsection.

**NEW SECTION. Sec. 12.** Section 4 of this act takes effect July 1, 2024.

**NEW SECTION. Sec. 13.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "system;" strike the remainder of the title and insert "amending RCW 43.101.272, 43.101.276, 43.101.278, 43.43.754, 9A.04.080, 9A.44.020, and 7.69.030; adding a new section to chapter 43.10 RCW; adding new sections to chapter 43.101 RCW; adding a new section to chapter 70.02 RCW; creating a new section; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1028 and advanced the bill, as amended by the Senate, to final passage.

Representatives Orwall and Mosbrucker spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1028, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1028, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SECOND SUBSTITUTE HOUSE BILL NO. 1028, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Thursday, April 6, 2023

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1039, with the following amendment(s): 1039-S2 AMS HLTC S2377.1

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 18.74.010 and 2018 c 222 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authorized health care practitioner" means and includes licensed physicians, osteopathic physicians, chiropractors, naturopaths, podiatric physicians and surgeons, dentists, and advanced registered nurse practitioners: PROVIDED, HOWEVER, That nothing herein shall be construed as altering the scope of practice of such practitioners as defined in their respective licensure laws.

(2) "Board" means the board of physical therapy created by RCW 18.74.020.

(3) "Close supervision" means that the supervisor has personally diagnosed the condition to be treated and has personally authorized the procedures to be performed. The supervisor is continuously on-site and physically present in the operatory while the procedures are performed and capable of responding immediately in the event of an emergency.

(4) "Department" means the department of health.

(5) "Direct supervision" means the supervisor must (a) be continuously on-site and present in the department or facility where the person being supervised is performing services; (b) be immediately available to assist the person being supervised in the services being performed; and (c) maintain continued involvement in appropriate aspects of each treatment session in which a component of treatment is delegated to assistive personnel or is required to be directly supervised under RCW 18.74.190.

(6) "Indirect supervision" means the supervisor is not on the premises, but has given either written or oral instructions for treatment of the patient and the patient has been examined by the physical therapist at such time as acceptable health care practice requires and consistent with the particular delegated health care task.

(7) "Physical therapist" means a person who meets all the requirements of this chapter and is licensed in this state to practice physical therapy.

(8) (a) "Physical therapist assistant" means a person who meets all the requirements of this chapter and is licensed as a physical therapist assistant and who performs physical therapy procedures and related tasks that have been selected and delegated only by the supervising physical therapist. However, a physical therapist may

not delegate sharp debridement to a physical therapist assistant.

(b) "Physical therapy aide" means an unlicensed person who receives ongoing on-the-job training and assists a physical therapist or physical therapist assistant in providing physical therapy patient care and who does not meet the definition of a physical therapist, physical therapist assistant, or other assistive personnel. A physical therapy aide may directly assist in the implementation of therapeutic interventions, but may not alter or modify the plan of therapeutic interventions and may not perform any procedure or task which only a physical therapist may perform under this chapter.

(c) "Other assistive personnel" means other trained or educated health care personnel, not defined in (a) or (b) of this subsection, who perform specific designated tasks that are related to physical therapy and within their license, scope of practice, or formal education, under the supervision of a physical therapist, including but not limited to licensed massage therapists, athletic trainers, and exercise physiologists. At the direction of the supervising physical therapist, and if properly credentialed and not prohibited by any other law, other assistive personnel may be identified by the title specific to their license, training, or education.

(9) "Physical therapy" means the care and services provided by or under the direction and supervision of a physical therapist licensed by the state. Except as provided in RCW 18.74.190, the use of Roentgen rays and radium for diagnostic and therapeutic purposes, the use of electricity for surgical purposes, including cauterization, and the use of spinal manipulation, or manipulative mobilization of the spine and its immediate articulations, are not included under the term "physical therapy" as used in this chapter.

(10) "Practice of physical therapy" is based on movement science and means:

(a) Examining, evaluating, and testing individuals with mechanical, physiological, and developmental impairments, functional limitations in movement, and disability or other health and movement-related conditions in order to determine a diagnosis, prognosis, plan of therapeutic intervention, and to assess and document the ongoing effects of intervention;

(b) Alleviating impairments and functional limitations in movement by designing, implementing, and modifying therapeutic interventions that include therapeutic exercise; functional training related to balance, posture, and movement to facilitate self-care and reintegration into home, community, or work; manual therapy including soft tissue and joint mobilization and manipulation; therapeutic massage; assistive, adaptive, protective, and devices related to postural control and mobility except as restricted by (c) of this subsection; airway clearance techniques; physical agents or modalities; mechanical and electrotherapeutic modalities; and patient-related instruction;

(c) Training for, and the evaluation of, the function of a patient wearing an

orthosis or prosthesis as defined in RCW 18.200.010. Physical therapists may provide those direct-formed and prefabricated upper limb, knee, and ankle-foot orthoses, but not fracture orthoses except those for hand, wrist, ankle, and foot fractures, and assistive technology devices specified in RCW 18.200.010 as exemptions from the defined scope of licensed orthotic and prosthetic services. It is the intent of the legislature that the unregulated devices specified in RCW 18.200.010 are in the public domain to the extent that they may be provided in common with individuals or other health providers, whether unregulated or regulated under this title, without regard to any scope of practice;

(d) Performing wound care services that are limited to sharp debridement, debridement with other agents, dry dressings, wet dressings, topical agents including enzymes, hydrotherapy, electrical stimulation, ultrasound, and other similar treatments. Physical therapists may not delegate sharp debridement. A physical therapist may perform wound care services only with referral from or after consultation with an authorized health care practitioner;

(e) Performing intramuscular needling;

(f) Reducing the risk of injury, impairment, functional limitation, and disability related to movement, including the promotion and maintenance of fitness, health, and quality of life in all age populations; and

~~((f))~~ (g) Engaging in administration, consultation, education, and research.

(11) "Secretary" means the secretary of health.

(12) "Sharp debridement" means the removal of devitalized tissue from a wound with scissors, scalpel, and tweezers without anesthesia. "Sharp debridement" does not mean surgical debridement. A physical therapist may perform sharp debridement, to include the use of a scalpel, only upon showing evidence of adequate education and training as established by rule. Until the rules are established, but no later than July 1, 2006, physical therapists licensed under this chapter who perform sharp debridement as of July 24, 2005, shall submit to the secretary an affidavit that includes evidence of adequate education and training in sharp debridement, including the use of a scalpel.

(13) "Spinal manipulation" includes spinal manipulation, spinal manipulative therapy, high velocity thrust maneuvers, and grade five mobilization of the spine and its immediate articulations.

(14) "Intramuscular needling," also known as "dry needling," means a skilled intervention that uses a single use, sterile filiform needle to penetrate the skin and stimulate underlying myofascial trigger points and connective and muscular tissues for the evaluation and management of neuromusculoskeletal pain and movement impairments. Intramuscular needling requires an examination and diagnosis. Intramuscular needling does not include needle retention without stimulation or the stimulation of auricular and distal points.

(15) Words importing the masculine gender may be applied to females.

**NEW SECTION. Sec. 2.** A new section is added to chapter 18.74 RCW to read as follows:

(1) Subject to the limitations of this section, a physical therapist may perform intramuscular needling only after being issued an intramuscular needling endorsement by the secretary. The secretary, upon approval by the board, shall issue an endorsement to a physical therapist who has at least one year of postgraduate practice experience that averages at least 36 hours a week and consists of direct patient care and who provides evidence in a manner acceptable to the board of a total of 325 hours of instruction and clinical experience that meet or exceed the following criteria:

(a) A total of 100 hours of didactic instruction in the following areas:

(i) Anatomy and physiology of the musculoskeletal and neuromuscular systems;

(ii) Anatomical basis of pain mechanisms, chronic pain, and referred pain;

(iii) Trigger point evaluation and management;

(iv) Universal precautions in avoiding contact with a patient's bodily fluids; and

(v) Preparedness and response to unexpected events including but not limited to injury to blood vessels, nerves, and organs, and psychological effects or complications.

(b) A total of 75 hours of in-person intramuscular needling instruction in the following areas:

(i) Intramuscular needling technique;

(ii) Intramuscular needling indications and contraindications;

(iii) Documentation and informed consent for intramuscular needling;

(iv) Management of adverse effects;

(v) Practical psychomotor competency; and

(vi) Occupational safety and health administration's bloodborne pathogens protocol.

(c) A successful clinical review of a minimum of 150 hours of at least 150 individual intramuscular needling treatment sessions by a qualified provider. A physical therapist seeking endorsement must submit an affidavit to the department demonstrating successful completion of this clinical review.

(2) A qualified provider must be one of the following:

(a) A physician licensed under chapter 18.71 RCW; an osteopathic physician licensed under chapter 18.57 RCW; a licensed naturopath under chapter 18.36A RCW; a licensed acupuncture and Eastern medicine practitioner under chapter 18.06 RCW; or a licensed advanced registered nurse practitioner under chapter 18.79 RCW;

(b) A physical therapist credentialed to perform intramuscular needling in any branch of the United States armed forces;

(c) A licensed physical therapist who currently holds an intramuscular needling endorsement; or

(d) A licensed physical therapist who meets the requirements of the intramuscular needling endorsement.

(3) After receiving 100 hours of didactic instruction and 75 hours of in-person intramuscular needling instruction, a physical therapist seeking endorsement has

up to 18 months to complete a minimum of 150 treatment sessions for review.

(4) A physical therapist may not delegate intramuscular needling and must remain in constant attendance of the patient for the entirety of the procedure.

(5) A physical therapist can apply for endorsement before they have one year of clinical practice experience if they can meet the requirement of 100 hours of didactic instruction and 75 hours of in-person intramuscular needling instruction in subsection (1)(a)(i) and (ii) of this section through their prelicensure coursework and has completed all other requirements set forth in this chapter.

(6) If a physical therapist is intending to perform intramuscular needling on a patient who the physical therapist knows is being treated by an acupuncturist or acupuncture and Eastern medicine practitioner for the same diagnosis, the physical therapist shall make reasonable efforts to coordinate patient care with the acupuncturist or acupuncture and Eastern medicine practitioner to prevent conflict or duplication of services.

(7) All patients receiving intramuscular needling from a physical therapist must sign an informed consent form that includes:

(a) The definition of intramuscular needling;

(b) A description of the risks of intramuscular needling;

(c) A description of the benefits of intramuscular needling;

(d) A description of the potential side effects of intramuscular needling; and

(e) A statement clearly differentiating the procedure from the practice of acupuncture.

(8) Intramuscular needling may not be administered as a stand-alone treatment within a physical therapy care plan."

On page 1, line 2 of the title, after "needling;" strike the remainder of the title and insert "amending RCW 18.74.010; and adding a new section to chapter 18.74 RCW."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1039 and advanced the bill, as amended by the Senate, to final passage.

Representatives Riccelli and Schmick spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1039, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1039, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Ramos  
Excused: Representative Ortiz-Self

SECOND SUBSTITUTE HOUSE BILL NO. 1039, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Wednesday, March 22, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1049, with the following amendment(s): 1049 AMS LGLT S2167.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.32.0552 and 1990 c 252 s 3 are each amended to read as follows:

If the ballot proposition receives majority voter approval, the size of the board of county commissioners shall be increased to five members as provided in this section.

The two newly created positions shall be filled at elections to be held in the next year. The county shall, as provided in this section, be divided into five commissioner districts, so that each district shall comprise as nearly as possible one-fifth of the population of the county. No two members of the existing board of county commissioners may, at the time of the designation of such districts, permanently reside in one of the five districts. The division of the county into five districts shall be accomplished as follows:

(1) The board of county commissioners shall, by the ~~((second Monday of March))~~ 90th day prior to the first day of the filing period described in RCW 29A.24.050 of the year following the election, adopt a resolution creating the districts;

(2) If by the ~~((second Tuesday of March))~~ 89th day prior to the first day of the filing period described in RCW 29A.24.050 of the year following the election the board of county commissioners has failed to create the districts, the prosecuting attorney of the county shall petition the superior court of the county to appoint a referee to designate the five commissioner districts. The referee shall designate such districts by no later than ~~((June 1st))~~ the 60th day prior to the first day of the filing period described in RCW 29A.24.050 of the year following the election. The two commissioner districts within which no existing member of the board

of county commissioners permanently resides shall be designated as districts four and five."

On page 1, line 3 of the title, after "commissioners;" strike the remainder of the title and insert "and amending RCW 36.32.0552."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1049 and advanced the bill, as amended by the Senate, to final passage.

Representatives Doglio and Goehner spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1049, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1049, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

HOUSE BILL NO. 1049, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Wednesday, April 5, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1066, with the following amendment(s): 1066 AMS WELL S2559.1

On page 3, after line 22, insert the following:

"(15) Section 3022 of this act amends cross-references in the interstate compact on educational opportunity for military children."

On page 172, after line 7, insert the following:

"**Sec. 3022.** RCW 28A.705.010 and 2009 c 380 s 1 are each amended to read as follows:

#### ARTICLE I

## PURPOSE

It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

A. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school districts or variations in entrance and age requirements;

B. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment;

C. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities;

D. Facilitating the on-time graduation of children of military families;

E. Providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact;

F. Providing for the uniform collection and sharing of information between and among member states, schools, and military families under this compact;

G. Promoting coordination between this compact and other compacts affecting military children; and

H. Promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student.

ARTICLE II  
DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

A. "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. ((Sees-)) Chapters 1209 and 1211.

B. "Children of military families" means school-aged children, enrolled in kindergarten through twelfth grade, in the household of an active duty member.

C. "Compact commissioner" means the voting representative of each compacting state appointed pursuant to Article VIII of this compact.

D. "Deployment" means the period one month prior to the service members' departure from their home station on military orders through six months after return to their home station.

E. "Education records" or "educational records" means those official records, files, and data directly related to a student and maintained by the school or local education agency, including but not limited to, records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and

results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

F. "Extracurricular activities" means a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

G. "Interstate commission on educational opportunity for military children" means the commission that is created under Article IX of this compact, which is generally referred to as the interstate commission.

H. "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through twelfth grade public educational institutions.

I. "Member state" means a state that has enacted this compact.

J. "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States department of defense, including any leased facility, which is located within any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other U.S. territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

K. "Nonmember state" means a state that has not enacted this compact.

L. "Receiving state" means the state to which a child of a military family is sent, brought, or caused to be sent or brought.

M. "Rule" means a written statement by the interstate commission promulgated pursuant to Article XII of this compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the interstate commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

N. "Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

O. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other U.S. territory.

P. "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through twelfth grade.

Q. "Transition" means: (1) The formal and physical process of transferring from school to school; or (2) the period of time in which a student moves from one school in the

sending state to another school in the receiving state.

R. "Uniformed services" means the army, navy, air force, marine corps, and coast guard, as well as the commissioned corps of the national oceanic and atmospheric administration, and public health services.

S. "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

#### ARTICLE III APPLICABILITY

A. Except as otherwise provided in section B of this article, this compact shall apply to the children of:

1. Active duty members of the uniformed services as defined in this compact, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. (~~(Secs-)~~) Chapters 1209 and 1211;

2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and

3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

B. The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.

C. The provisions of this compact shall not apply to the children of:

1. Inactive members of the national guard and military reserves;

2. Members of the uniformed services now retired, except as provided in section A of this article;

3. Veterans of the uniformed services, except as provided in section A of this article; and

4. Other U.S. department of defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

#### ARTICLE IV EDUCATIONAL RECORDS AND ENROLLMENT

A. Unofficial or "hand-carried" education records - In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the interstate commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

B. Official education records and transcripts - Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records

to the school in the receiving state within ten days or within such time as is reasonably determined under the rules promulgated by the interstate commission. However, if the student has an unpaid fine at a public school or unpaid tuition, fees, or fines at a private school, then the sending school shall send the information requested but may withhold the official transcript until the monetary obligation is met.

C. Immunizations - On or before the first day of attendance, the parent or guardian must meet the immunization documentation requirements of the Washington board of health. Compacting states shall give thirty days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the interstate commission, for students to obtain any immunizations required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within thirty days or within such time as is reasonably determined under the rules promulgated by the interstate commission.

D. Kindergarten and first grade entrance age - Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level (including kindergarten) from a local education agency in the sending state at the time of transition, regardless of age. A student who has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on his or her validated level from an accredited school in the sending state.

#### ARTICLE V PLACEMENT AND ATTENDANCE

A. Course placement - When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered and if space is available, as determined by the school district. Course placement includes but is not limited to honors, international baccalaureate, advanced placement, vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the courses.

B. Educational program placement - The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the

sending state or participation and placement in like programs in the sending state and if space is available, as determined by the school district. Such programs include, but are not limited to: (1) Gifted and talented programs; and (2) English as a second language (ESL). This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

C. Special education services - (1) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Sec. 1400 et seq., the receiving state shall initially provide comparable services to a student with disabilities based on his or her current Individualized Education Program (IEP); and (2) in compliance with the requirements of section 504 of the rehabilitation act, 29 U.S.C. Sec. 794, and with Title II of the Americans with disabilities act, 42 U.S.C. Secs. 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

D. Placement flexibility - Local education agency administrative officials shall have flexibility in waiving course and program prerequisites, or other preconditions for placement in courses and programs offered under the jurisdiction of the local education agency.

E. Absence as related to deployment activities - A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by this compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

#### ARTICLE VI ELIGIBILITY

##### A. Eligibility for enrollment

1. Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

2. A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

3. A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he or she was enrolled while residing with the custodial parent.

B. Eligibility for extracurricular participation - Under RCW 28A.225.280, the Washington interscholastic activities association and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified and space is available, as determined by the school district.

#### ARTICLE VII GRADUATION

In order to facilitate the on-time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

A. Waiver requirements - Local education agency administrative officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall use best efforts to provide an alternative means of acquiring required coursework so that graduation may occur on time.

B. Exit exams - For students entering high school in eleventh or twelfth grade, states shall accept: (1) Exit or end-of-course exams required for graduation from the sending state; or (2) national norm-referenced achievement tests; or (3) alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her senior year, then the provisions of section C of this article shall apply.

C. Transfers during senior year - Should a military student transferring at the beginning or during his or her senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with sections A and B of this article.

#### ARTICLE VIII STATE COORDINATION

A. Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies, and military installations concerning the state's participation in, and compliance with, this compact and interstate commission activities. While each member state may determine the membership of its own state council, its membership must include at least: The state superintendent of public



instruction, a superintendent of a school district with a high concentration of military children, a representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the state council.

B. The state council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

C. The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the governor or as otherwise determined by each member state. The governor is strongly encouraged to appoint a practicing K-12 educator as the compact commissioner.

D. The compact commissioner and the military family education liaison designated herein shall be ex officio members of the state council, unless either is already a full voting member of the state council.

ARTICLE IX  
INTERSTATE COMMISSION ON EDUCATIONAL  
OPPORTUNITY FOR MILITARY CHILDREN

The member states hereby create the "interstate commission on educational opportunity for military children." The activities of the interstate commission are the formation of public policy and are a discretionary state function. The interstate commission shall:

A. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact;

B. Consist of one interstate commission voting representative from each member state who shall be that state's compact commissioner.

1. Each member state represented at a meeting of the interstate commission is entitled to one vote.

2. A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.

3. A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the interstate commission, the governor or state council may delegate voting authority to another person from their state for a specified meeting.

4. The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication;

C. Consist of ex officio, nonvoting representatives who are members of interested organizations. Such ex officio

members, as defined in the bylaws, may include but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the U.S. department of defense, the education commission of the states, the interstate agreement on the qualification of educational personnel, and other interstate compacts affecting the education of children of military members;

D. Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings;

E. Establish an executive committee, whose members shall include the officers of the interstate commission and such other members of the interstate commission as determined by the bylaws. Members of the executive committee shall serve a one-year term. Members of the executive committee shall be entitled to one vote each. The executive committee shall have the power to act on behalf of the interstate commission, with the exception of rule making, during periods when the interstate commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as deemed necessary. The U.S. department of defense shall serve as an ex officio, nonvoting member of the executive committee;

F. Establish bylaws and rules that provide for conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests;

G. Give public notice of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds vote that an open meeting would be likely to:

1. Relate solely to the interstate commission's internal personnel practices and procedures;

2. Disclose matters specifically exempted from disclosure by federal and state statute;

3. Disclose trade secrets or commercial or financial information which is privileged or confidential;

4. Involve accusing a person of a crime, or formally censuring a person;

5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

6. Disclose investigative records compiled for law enforcement purposes; or

7. Specifically relate to the interstate commission's participation in a civil action or other legal proceeding;

H. Cause its legal counsel or designee to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, which is closed pursuant to this provision. The interstate commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the interstate commission;

I. Collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. Such methods of data collection, exchange, and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules;

J. Create a process that permits military officials, education officials, and parents to inform the interstate commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the interstate commission or any member state.

#### ARTICLE X POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The interstate commission shall have the following powers:

A. To provide for dispute resolution among member states;

B. To promulgate rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact. The rules shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact;

C. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules, and actions;

D. To enforce compliance with the compact provisions, the rules promulgated by the interstate commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process;

E. To establish and maintain offices which shall be located within one or more of the member states;

F. To purchase and maintain insurance and bonds;

G. To borrow, accept, hire, or contract for services of personnel;

H. To establish and appoint committees including, but not limited to, an executive

committee as required by Article IX, section E of this compact, which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties hereunder;

I. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties, and determine their qualifications; and to establish the interstate commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;

J. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it;

K. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed;

L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

M. To establish a budget and make expenditures;

N. To adopt a seal and bylaws governing the management and operation of the interstate commission;

O. To report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of the interstate commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the interstate commission;

P. To coordinate education, training, and public awareness regarding the compact, its implementation, and operation for officials and parents involved in such activity;

Q. To establish uniform standards for the reporting, collecting, and exchanging of data;

R. To maintain corporate books and records in accordance with the bylaws;

S. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact; and

T. To provide for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.

#### ARTICLE XI ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

A. The interstate commission shall, by a majority of the members present and voting, within twelve months after the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

1. Establishing the fiscal year of the interstate commission;

2. Establishing an executive committee, and such other committees as may be necessary;

3. Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the interstate commission;

4. Providing reasonable procedures for calling and conducting meetings of the interstate commission, and ensuring reasonable notice of each such meeting;

5. Establishing the titles and responsibilities of the officers and staff of the interstate commission;

6. Providing a mechanism for concluding the operations of the interstate commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations; and

7. Providing "start-up" rules for initial administration of the compact.

B. The interstate commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice chairperson, shall preside at all meetings of the interstate commission. The officers so elected shall serve without compensation or remuneration from the interstate commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the interstate commission.

C. Executive committee, officers, and personnel

1. The executive committee shall have such authority and duties as may be set forth in the bylaws, including but not limited to:

a. Managing the affairs of the interstate commission in a manner consistent with the bylaws and purposes of the interstate commission;

b. Overseeing an organizational structure within, and appropriate procedures for the interstate commission to provide for the creation of rules, operating procedures, and administrative and technical support functions; and

c. Planning, implementing, and coordinating communications and activities with other state, federal, and local government organizations in order to advance the goals of the interstate commission.

2. The executive committee may, subject to the approval of the interstate commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the interstate commission may deem appropriate. The executive director shall serve as secretary to the interstate commission, but shall not be a member of the interstate commission. The executive director shall hire and supervise such other persons as may be authorized by the interstate commission.

D. The interstate commission's executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a

reasonable basis for believing occurred, within the scope of interstate commission employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

1. The liability of the interstate commission's executive director and employees or interstate commission representatives, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. The interstate commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

2. The interstate commission shall defend the executive director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an interstate commission representative, shall defend such interstate commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

3. To the extent not covered by the state involved, member state, or the interstate commission, the representatives or employees of the interstate commission shall be held harmless in the amount of a settlement or judgment, including attorneys' fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

#### ARTICLE XII RULE-MAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. Rule-making authority - The interstate commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the event the interstate commission exercises its rule-making authority in a manner that is beyond the scope of the purposes of this

compact, or the powers granted hereunder, then such an action by the interstate commission shall be invalid and have no force or effect.

B. Rule-making procedure - Rules shall be made pursuant to a rule-making process that substantially conforms to the "model state administrative procedure act," of 1981, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the interstate commission.

C. Not later than thirty days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the interstate commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the interstate commission's authority.

D. If a majority of the legislatures of the compacting states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

ARTICLE XIII  
OVERSIGHT, ENFORCEMENT, AND DISPUTE  
RESOLUTION

A. Oversight

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the interstate commission.

3. The interstate commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the interstate commission shall render a judgment or order void as to the interstate commission, this compact, or promulgated rules.

B. Default, technical assistance, suspension, and termination - If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the interstate commission shall:

1. Provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default, and any action taken by the interstate commission. The interstate commission shall specify the conditions by which the defaulting state must cure its default;

2. Provide remedial training and specific technical assistance regarding the default;

3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default;

4. Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the interstate commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states;

5. The state which has been suspended or terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of suspension or termination including obligations the performance of which extends beyond the effective date of suspension or termination;

6. The interstate commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state;

7. The defaulting state may appeal the action of the interstate commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the interstate commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

C. Dispute Resolution

1. The interstate commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and nonmember states.

2. The interstate commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. The interstate commission, may by majority vote of the members, initiate legal action in the United ~~((State[s]))~~ States District Court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its principal offices, to enforce compliance with the provisions of the compact, and its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be

awarded all costs of such litigation including reasonable attorneys' fees.

3. The remedies herein shall not be the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or the regulation of a profession.

ARTICLE XIV  
FINANCING OF THE INTERSTATE COMMISSION

A. The interstate commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

B. The interstate commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the interstate commission and its staff which must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, which shall promulgate a rule binding upon all member states.

C. The interstate commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the interstate commission pledge the credit of any of the member states, except by and with the authority of the member state.

D. The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the interstate commission.

ARTICLE XV  
MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

A. Any state is eligible to become a member state.

B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than ten of the states. The effective date shall be no earlier than December 1, 2007.

Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the interstate commission on a nonvoting basis prior to adoption of the compact by all states.

C. The interstate commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the interstate commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XVI

WITHDRAWAL AND DISSOLUTION

A. Withdrawal

1. Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact by specifically repealing the statute, which enacted the compact into law.

2. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member jurisdiction.

3. The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty days of its receipt thereof.

4. The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the interstate commission.

B. Dissolution of compact

1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.

2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XVII  
SEVERABILITY AND CONSTRUCTION

A. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

B. The provisions of this compact shall be liberally construed to effectuate its purposes.

C. Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

ARTICLE XVIII  
BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Other laws

1. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

2. All member states' laws conflicting with this compact are superseded to the extent of the conflict.

## B. Binding effect of the compact

1. All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the member states.

2. All agreements between the interstate commission and the member states are binding in accordance with their terms.

3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state."

On page 2, at the beginning of line 6 of the title, strike "and 88.02.620" and insert "88.02.620, and 28A.705.010"

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1066 and advanced the bill, as amended by the Senate, to final passage.

Representative Goodman spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1066, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1066, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Corry, Graham, McEntire, Robertson, Stokesbary, Volz and Walsh

Excused: Representative Ortiz-Self

HOUSE BILL NO. 1066, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1534, with the following amendment(s): 1534-S2 AMS LC S2506.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.27.010 and 2015 c 52 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1)(a) "Contractor" includes any person, firm, corporation, or other entity who or which, in the pursuit of an independent business undertakes to, or offers to undertake, or submits a bid to, construct, alter, repair, add to, subtract from, improve, develop, move, wreck, or demolish any building, highway, road, railroad, excavation or other structure, project, development, or improvement attached to real estate or to do any part thereof including the installation of carpeting or other floor covering, the erection of scaffolding or other structures or works in connection therewith, the installation or repair of roofing or siding, performing tree removal services, or cabinet or similar installation; or, who, to do similar work upon his or her own property, employs members of more than one trade upon a single job or project or under a single building permit except as otherwise provided in this chapter.

(b) "Contractor" also includes a consultant acting as a general contractor.

(c) "Contractor" also includes any person, firm, corporation, or other entity covered by this subsection (1), whether or not registered as required under this chapter or who are otherwise required to be registered or licensed by law, who offer to sell their property without occupying or using the structures, projects, developments, or improvements for more than one year from the date the structure, project, development, or improvement was substantially completed or abandoned. A person, firm, corporation, or other entity is not a contractor under this subsection (1)(c) if the person, firm, corporation, or other entity contracts with a registered general contractor and does not superintend the work.

(2) "Department" means the department of labor and industries.

(3) "Director" means the director of the department of labor and industries or designated representative employed by the department.

(4) "Filing" means delivery of a document that is required to be filed with an agency to a place designated by the agency.

(5) "General contractor" means a contractor whose business operations require the use of more than one building trade or craft upon a single job or project or under a single building permit. A general contractor also includes one who superintends, or consults on, in whole or in part, work falling within the definition of a contractor.

(6) "Notice of infraction" means a form used by the department to notify contractors that an infraction under this chapter has been filed against them.

(7) "Partnership" means a business formed under Title 25 RCW.

(8) "Registration cancellation" means a written notice from the department that a contractor's action is in violation of this chapter and that the contractor's registration has been revoked.

(9) "Registration suspension" means either an automatic suspension as provided in this chapter, or a written notice from the department that a contractor's action is a violation of this chapter and that the contractor's registration has been suspended for a specified time, or until the contractor shows evidence of compliance with this chapter.

(10) "Residential homeowner" means an individual person or persons owning or leasing real property:

(a) Upon which one single-family residence is to be built and in which the owner or lessee intends to reside upon completion of any construction; or

(b) Upon which there is a single-family residence to which improvements are to be made and in which the owner or lessee intends to reside upon completion of any construction.

(11) "Service," except as otherwise provided in RCW 18.27.225 and 18.27.370, means posting in the United States mail, properly addressed, postage prepaid, return receipt requested, or personal service. Service by mail is complete upon deposit in the United States mail to the last known address provided to the department.

(12) "Specialty contractor" means a contractor whose operations do not fall within the definition of "general contractor". A specialty contractor may only subcontract work that is incidental to the specialty contractor's work.

(13) "Substantial completion" means the same as "substantial completion of construction" in RCW 4.16.310.

(14) "Successor" means an applicant operating with all or part of the assets of another entity previously registered under this chapter, where the applicant is under substantially common ownership, management, or control of the other entity.

(15) "Unregistered contractor" means a person, firm, corporation, or other entity doing work as a contractor without being registered in compliance with this chapter. "Unregistered contractor" includes contractors whose registration is expired, revoked, or suspended. "Unregistered contractor" does not include a contractor who has maintained a valid bond and the insurance or assigned account required by RCW 18.27.050, and whose registration has lapsed for ~~((thirty))~~ 30 or fewer days.

~~((15))~~ (16) "Unsatisfied final judgment" means a judgment or final tax warrant that has not been satisfied either through payment, court approved settlement, discharge in bankruptcy, or assignment under RCW 19.72.070.

~~((16))~~ (17) "Verification" means the receipt and duplication by the city, town, or county of a contractor registration card that is current on its face, checking the department's contractor registration database, or calling the department to confirm that the contractor is registered.

**Sec. 2.** RCW 18.27.030 and 2008 c 120 s 1 are each amended to read as follows:

(1) An applicant for registration as a contractor shall submit an application under oath upon a form to be prescribed by the director and which shall include the following information pertaining to the applicant:

(a) Employer social security number or individual taxpayer identification number.

(b) Unified business identifier number.

(c) Evidence of workers' compensation coverage for the applicant's employees working in Washington, as follows:

(i) The applicant's industrial insurance account number issued by the department;

(ii) The applicant's self-insurer number issued by the department; or

(iii) For applicants domiciled in a state or province of Canada subject to an agreement entered into under RCW 51.12.120(7), as permitted by the agreement, filing a certificate of coverage issued by the agency that administers the workers' compensation law in the applicant's state or province of domicile certifying that the applicant has secured the payment of compensation under the other state's or province's workers' compensation law.

(d) Employment security department number.

(e) Unified business identifier (UBI) account number may be substituted for the information required by (c) and (d) of this subsection if the applicant will not employ employees in Washington.

(f) Type of contracting activity, whether a general or a specialty contractor and if the latter, the type of specialty.

(g) The name and address of each partner if the applicant is a firm or partnership, or the name and address of the owner if the applicant is an individual proprietorship, or the name and address of the corporate officers and statutory agent, if any, if the applicant is a corporation or the name and address of all members of other business entities. The information contained in such application is a matter of public record and open to public inspection.

(2) The department may verify the workers' compensation coverage information provided by the applicant under subsection (1)(c) of this section, including but not limited to information regarding the coverage of an individual employee of the applicant. If coverage is provided under the laws of another state, the department may notify the other state that the applicant is employing employees in Washington.

(3)(a) The department shall deny an application for registration if: (i) The applicant has been previously performing work subject to this chapter as a sole proprietor, partnership, corporation, or other entity and the department has notice that the applicant has an unsatisfied final judgment against him or her in an action based on work performed subject to this chapter or the applicant owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment; (ii) the applicant was an owner, principal, or officer of a partnership, corporation, or other entity that either has an unsatisfied final judgment against it in

an action that was incurred for work performed subject to this chapter or owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment; (iii) the applicant is a successor to an entity with an unsatisfied final judgment against it in an action that was incurred for work performed subject to this chapter or owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment, except as provided under (d) of this subsection (3); (iv) the applicant does not have a valid unified business identifier number; ~~((iv))~~ (v) the department determines that the applicant has falsified information on the application, unless the error was inadvertent; ~~((or (v))~~ (vi) the applicant does not have an active and valid certificate of registration with the department of revenue; or (vii) the applicant is under 18 years old at the time of application.

(b) The department shall suspend an active registration if (i) the department has determined that the registrant has an unsatisfied final judgment against it for work within the scope of this chapter; (ii) the department has determined that the registrant is a sole proprietor or an owner, principal, or officer of a registered contractor that has an unsatisfied final judgment against it for work within the scope of this chapter; (iii) the registrant does not maintain a valid unified business identifier number; (iv) the department has determined that the registrant falsified information on the application, unless the error was inadvertent; or (v) the registrant does not have an active and valid certificate of registration with the department of revenue.

(c) The department may suspend an active registration if the department has determined that an owner, principal, partner, or officer of the registrant was an owner, principal, or officer of a previous partnership, corporation, or other entity that has an unsatisfied final judgment against it.

(d) For the purposes of (a)(iii) of this subsection (3), it is presumed that an applicant knew or should have known of the relevant unsatisfied final judgment. If an applicant demonstrates by a preponderance of the evidence that the applicant did not know of the unsatisfied final judgment, by having exercised due diligence and timely verifying with the department that the other contractor was in good standing, then the department may grant the application for registration under this section, provided that the applicant meets applicable requirements under this chapter. The department shall adopt rules for the purposes of implementing this subsection (3) (d).

(4) The department shall not deny an application or suspend a registration because of an unsatisfied final judgment if the applicant's or registrant's unsatisfied final judgment was determined by the director to be the result of the fraud or negligence of another party, unless the applicant or registrant is a successor to

said party under subsection (3)(a)(iii) of this section.

**Sec. 3.** RCW 18.27.040 and 2019 c 155 s 1 are each amended to read as follows:

(1) Each applicant shall file with the department a surety bond issued by a surety insurer who meets the requirements of chapter 48.28 RCW in the sum of ~~((twelve thousand dollars))~~ \$30,000 if the applicant is a general contractor ~~((and six thousand dollars))~~ or \$15,000 if the applicant is a specialty contractor. If no valid bond is already on file with the department at the time the application is filed, a bond must accompany the registration application. The bond shall have the state of Washington named as obligee with good and sufficient surety in a form to be approved by the department. The bond shall be continuous and may be canceled by the surety upon the surety giving written notice to the director. A cancellation or revocation of the bond or withdrawal of the surety from the bond automatically suspends the registration issued to the contractor until a new bond or reinstatement notice has been filed and approved as provided in this section. The bond shall be conditioned that the applicant will pay all persons performing labor, including employee benefits, for the contractor, will pay all taxes and contributions due to the state of Washington, and will pay all persons furnishing material or renting or supplying equipment to the contractor and will pay all amounts that may be adjudged against the contractor by reason of breach of contract including improper work in the conduct of the contracting business. A change in the name of a business or a change in the type of business entity shall not impair a bond for the purposes of this section so long as one of the original applicants for such bond maintains partial ownership in the business covered by the bond.

(2) At the time of initial registration or renewal, the contractor shall provide a bond or other security deposit as required by this chapter and comply with all of the other provisions of this chapter before the department shall issue or renew the contractor's certificate of registration. Any contractor registered as of ~~((July 1, 2001))~~ June 30, 2024, who maintains that registration in accordance with this chapter is in compliance with this chapter until the next renewal of the contractor's certificate of registration.

(3) Any person, firm, or corporation having a claim against the contractor for any of the items referred to in this section may bring suit against the contractor and the bond or deposit in the superior court of the county in which the work was done or of any county in which jurisdiction of the contractor may be had. The surety issuing the bond shall be named as a party to any suit upon the bond. Action upon the bond or deposit brought by a residential homeowner for breach of contract by a party to the construction contract shall be commenced by filing the summons and complaint with the clerk of the appropriate superior court within two years from the date the claimed



contract work was substantially completed or abandoned, whichever occurred first. Action upon the bond or deposit brought by any other authorized party shall be commenced by filing the summons and complaint with the clerk of the appropriate superior court within one year from the date the claimed labor was performed and benefits accrued, taxes and contributions owing the state of Washington became due, materials and equipment were furnished, or the claimed contract work was substantially completed or abandoned, whichever occurred first. Service of process in an action filed under this chapter against the contractor and the contractor's bond or the deposit shall be exclusively by service upon the department. Three copies of the summons and complaint and a fee adopted by rule of not less than ~~((fifty dollars))~~ \$50 to cover the costs shall be served by registered or certified mail, or other delivery service requiring notice of receipt, upon the department at the time suit is started and the department shall maintain a record, available for public inspection, of all suits so commenced. Service is not complete until the department receives the fee and three copies of the summons and complaint. The service shall constitute service and confer personal jurisdiction on the contractor and the surety for suit on claimant's claim against the contractor and the bond or deposit and the department shall transmit the summons and complaint or a copy thereof to the contractor at the address listed in the contractor's application and to the surety within two days after it shall have been received.

(4) The surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond nor for any monetary penalty assessed pursuant to this chapter for an infraction. The liability of the surety shall not cumulate where the bond has been renewed, continued, reinstated, reissued or otherwise extended. The surety upon the bond may, upon notice to the department and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated but if the actions commenced and pending and provided to the department as required in subsection (3) of this section, at any one time exceed the amount of the bond then unimpaired, claims shall be satisfied from the bond in the following order:

- (a) Employee labor and claims of laborers, including employee benefits;
- (b) Claims for breach of contract by a party to the construction contract;
- (c) Registered or licensed subcontractors, material, and equipment;
- (d) Taxes and contributions due the state of Washington;
- (e) Any court costs, interest, and attorneys' fees plaintiff may be entitled to recover. The surety is not liable for any amount in excess of the penal limit of its bond.

A payment made by the surety in good faith exonerates the bond to the extent of any payment made by the surety.

(5) ~~The total amount paid from a bond or deposit ((required of a general contractor by this section)) to claimants other than residential homeowners must not exceed one-half of the bond ((amount. The total amount paid from a bond or deposit required of a specialty contractor by this section to claimants other than residential homeowners must not exceed one-half of the bond amount or four thousand dollars, whichever is greater)) or deposit.~~

(6) The prevailing party in an action filed under this section against the contractor and contractor's bond or deposit, for breach of contract by a party to the construction contract involving a residential homeowner, is entitled to costs, interest, and reasonable attorneys' fees. The surety upon the bond or deposit is not liable in an aggregate amount in excess of the amount named in the bond or deposit nor for any monetary penalty assessed pursuant to this chapter for an infraction.

(7) If a final judgment impairs the liability of the surety upon the bond or deposit so furnished that there is not in effect a bond or deposit in the full amount prescribed in this section, the registration of the contractor is automatically suspended until the bond or deposit liability in the required amount unimpaired by unsatisfied judgment claims is furnished.

(8) In lieu of the surety bond required by this section the contractor may file with the department an assigned savings account, upon forms provided by the department.

(9) Any person having filed and served a summons and complaint as required by this section having an unsatisfied final judgment against the registrant for any items referred to in this section may execute upon the security held by the department by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the department within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy the department shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the department shall be the order of receipt by the department, but the department shall have no liability for payment in excess of the amount of the deposit.

(10) Within ~~((ten))~~ 10 days after resolution of the case, a certified copy of the final judgment and order, or any settlement documents where a case is not disposed of by a court trial, a certified copy of the dispositive settlement documents must be provided to the department by the prevailing party. Failure to provide a copy of the final judgment and order or the dispositive settlement documents to the department within ~~((ten))~~ 10 days of entry of such an order constitutes a violation of this chapter and a penalty adopted by rule of not less than ~~((two hundred fifty dollars))~~ \$250 may be assessed against the prevailing party.

(11) The director may require an applicant applying to renew or reinstate a registration or applying for a new registration to file a bond of up to three times the normally required amount, if the director determines that an applicant, or a previous registration of a corporate officer, owner, or partner of a current applicant, has had in the past five years one final judgment in actions under this chapter involving a residential single-family dwelling.

(12) The director may adopt rules necessary for the proper administration of the security.

~~((13)(a) The department must convene a work group no later than August 1, 2019, to consider additional safeguards for consumers who engage contractors. The department must provide staff support for the work group and include in the work group: Department staff; large and small contractors that primarily contract with residential homeowners, those that build new and rehabilitate residences, and other interested contractors; surety bond companies; realtors or their representatives; workers and/or their representatives; representatives from the consumer protection division of the office of the attorney general; consumers and/or advocates representing them; and local building officials.~~

~~The work group shall submit a report with recommendations to the department and, if applicable, the appropriate committees of the legislature by June 30, 2020. The report must address whether:~~

~~(i) Bond amounts are sufficient and appropriate to protect consumers, workers, and suppliers and meet tax obligations;~~

~~(ii) Additional criteria for contractors would provide a greater level of protection;~~

~~(iii) Strategies to discourage the transfer of a business to a different entity for the purpose of evading penalties or judgments under this chapter should be implemented;~~

~~(iv) Any other registration requirements or options for consumer recovery under this chapter should be changed to increase protections for consumers; and~~

~~(v) Incentives to adopt industry best practices would increase consumer protections.~~

~~(b) The work group must dissolve once the report is submitted.)~~

**Sec. 4.** RCW 18.27.340 and 1997 c 314 s 17 are each amended to read as follows:

(1) Except as otherwise provided in subsection (3) of this section, a contractor found to have committed an infraction under RCW 18.27.200 shall be assessed a monetary penalty of not less than ~~((two hundred dollars))~~\$200 and not more than ~~((five thousand dollars))~~\$10,000.

(2) The director may waive collection in favor of payment of restitution to a consumer complainant.

(3) A contractor found to have committed an infraction under RCW 18.27.200 for failure to register shall be assessed a fine of not less than ~~((one thousand dollars))~~\$1,200, nor more than ~~((five thousand dollars))~~\$10,000. The director may reduce

the penalty for failure to register, but in no case below ~~((five hundred dollars))~~\$600, if the person becomes registered within ~~((ten))~~10 days of receiving a notice of infraction and the notice of infraction is for a first offense.

(4) Monetary penalties collected under this ~~((chapter))~~section shall be deposited in the ~~((general fund))~~homeowner recovery account under section 7 of this act.

**Sec. 5.** RCW 18.27.400 and 2017 3rd sp.s. c 11 s 1 are each amended to read as follows:

All moneys, except fines and penalties, received or collected under the terms of this chapter must be deposited into the construction registration inspection account. All fines and penalties received or collected under the terms of this chapter shall be deposited in the ~~((general fund))~~homeowner recovery account under section 7 of this act.

**NEW SECTION. Sec. 6.** A new section is added to chapter 18.27 RCW to read as follows:

(1) Subject to the availability of funds appropriated for this purpose, the homeowner recovery program is created and administered by the department. The department shall have such rule-making authority as the department deems necessary to administer the program.

(2)(a) Beginning July 1, 2026, a person is eligible to recover from the homeowner recovery program, provided that each of the following conditions is satisfied:

(i) The person is a claimant with a final judgment in a court of competent jurisdiction against a registered contractor for a claim brought under RCW 18.27.040(3) on his or her primary residence. For purposes of a claim brought on a multifamily dwelling consisting of more than one unit, only the unit in which the claimant actually resides is considered the claimant's primary residence;

(ii) The judgment specifies the actual damages suffered as a consequence of such a claim;

(iii) The claimant has proceeded against any existing bond covering the contractor;

(iv) The judgment has not been satisfied in full; and

(v) An application for recovery under (b) of this subsection is made within 90 days after the conclusion of the civil action brought under RCW 18.27.040(3).

(b) The department shall publish a form on its website for claimants to apply for payment from the account under this section. The department may determine by rule additional documentation required to complete an application under this section.

(3)(a) The priority of payment for eligible applicants must be by the order of receipt by the department, subject to the limitations in this subsection (3). Payment for an eligible application must be to the full extent of eligibility, without proration, before consideration of payment for a subsequent application in the order of receipt. Determinations regarding payments must be made by the department in its sole discretion.

(b) Payment from the account is limited to actual damages awarded in a final judgment, after recovery against the bond, for a claim brought under RCW 18.27.040(3). Payment from the account for other costs related to or pursuant to civil proceedings, such as attorneys' fees, court costs, or punitive damages, is prohibited.

(c) Payment from the account may not exceed \$25,000 per contractor per parcel, or the amount unpaid on the judgment, whichever is less.

(d)(i) Total payments under the homeowner recovery program for a fiscal year may not be greater than 80 percent of the account balance calculated at the end of the previous fiscal year.

(ii) The department shall create and maintain a waitlist for any eligible applications unpaid due to an insufficient account balance under (d)(i) of this subsection. The waitlist must preserve the order of receipt in accordance with (a) of this subsection.

(e) Eligibility for payment under subsection (2) of this section does not create a right to payment under this section. Payments under this section are discretionary. This section does not create an entitlement to payment or services. This section does not create a right of action.

(f) The department is not criminally or civilly liable and may not have any penalty or cause of action of any nature arise against it regarding the provision or lack of provision of funds for payments under this section.

(4)(a) At the time of payment from the account under this section, the claimant shall assign his or her right, title, and interest in any final judgment on his or her claim against the contractor to the department to the extent of such payment. The department shall be subrogated to the right, title, and interest of the claimant, and may pursue an insurer or other third party to recover amounts paid from the account. Any amount subsequently recovered on the judgment must be for the purpose of reimbursing the account.

(b) A claimant in receipt of payment from the account pursuant to an application under this section is prohibited from pursuing collection, or authorizing another entity to pursue collection on the claimant's behalf, of the damages attributable to the same claims to the extent of such payment.

(c) Upon any payment from the account, the department shall notify the contractor that a payment has been made and the claimant has made an assignment under this section. The department shall include any additional information about the process for reimbursing the account under subsection (5) of this section.

(5)(a) The department may pursue reimbursement to the account from the contractor for the amount paid from the account, as well as interest on that amount, in accordance with rules adopted by the department. The department may establish reimbursement payment plans up to 36 months. Any payment plan longer than 12 months must assess interest as provided in RCW 43.17.240. The department must deposit all moneys recovered in the account.

(b) Where a contractor defaults in payment of reimbursement, collection of amounts will be handled pursuant to the procedures in RCW 49.48.086.

(c) The department's duties with respect to obtaining reimbursement from the contractor to the account are limited to those specified within this subsection (5).

(6) Nothing contained herein limits the authority of the department to take action against a contractor for a violation under this chapter or the rules promulgated thereunder; nor does the reimbursement in full of all obligations to the account by a contractor effect any enforcement of a violation under this chapter or the rules promulgated thereunder.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Account" means the homeowner recovery account created in section 7 of this act.

(b) "Claimant" means the owner of an owner-occupied residential property in the state.

(c) "Residential property" means a single-family dwelling, or a multifamily dwelling consisting of four or fewer units, but does not include a condominium.

**NEW SECTION. Sec. 7.** A new section is added to chapter 18.27 RCW to read as follows:

The homeowner recovery account is created in the custody of the state treasurer. All repayments under section 6 of this act, private contributions, and other moneys transferred or directed to the account must be deposited into the account. Expenditures from the account may only be used for the homeowner recovery program to satisfy unpaid judgments for eligible claims under section 6 of this act. Administrative costs of the program may not be paid from the account. Only the director or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 8.** A new section is added to chapter 18.27 RCW to read as follows:

(1) By December 1st of each year through 2034, the department must submit an annual report to the appropriate committees of the legislature, in accordance with RCW 43.01.036, on the homeowner recovery program under section 6 of this act, including the following information for the previous fiscal year:

(a) The applications made under the program, including data as to claim amounts;

(b) The payments made under the program;

(c) The status of any waitlist;

(d) The status and solvency of the homeowner recovery account under section 7 of this act; and

(e) Recommendations for any changes to the program, if deemed necessary by the department.

(2) By December 1, 2035, and each year thereafter, the department shall notify the

appropriate committees of the legislature, by submitting a report in accordance with RCW 43.01.036, if the department finds there is a significant waitlist of eligible applicants or otherwise finds there is insufficient funds in the homeowner recovery account to sustain the homeowner recovery program.

**Sec. 9.** RCW 43.79A.040 and 2022 c 244 s 3, 2022 c 206 s 8, 2022 c 183 s 16, and 2022 c 162 s 6 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative internship program scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the Washington career and college pathways innovation challenge program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the behavioral health loan repayment program account, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county ((enhanced)) 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the energy

facility site evaluation council account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the homeowner recovery account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the Washington student loan account, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, and the library operations account.

(c) The following accounts and funds must receive 80 percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail

service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 10.** RCW 51.44.190 and 2017 3rd sp.s. c 11 s 4 are each amended to read as follows:

(1) The construction registration inspection account is created in the state treasury. All moneys, except fines and penalties, received or collected under the terms of chapters 18.27 and 70.87 RCW and under the terms of RCW 43.22.335 through 43.22.430 and 43.22.432 through 43.22.495 must be deposited into the account. Moneys in the account may only be spent after appropriation. Expenditures from the account, not including moneys transferred to the general fund, may be used only to carry out the purposes of chapters 18.27 and 70.87 RCW and RCW 43.22.335 through 43.22.430 and 43.22.432 through 43.22.495.

(2) The department shall set the fees deposited in the account at a level that generates revenue that is as near as practicable to the amount of the appropriation to carry out the duties specified in this section.

(3) ~~((Until June 30, 2023, or))~~ On the last working day of the first month following each quarterly period, ~~((seven))~~ three and one-half percent of all revenues received into the account during the previous quarter from licenses, permits, and registrations, net of refunds paid to customers, must be transferred into the general fund.

NEW SECTION. **Sec. 11.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 12.** Sections 3 through 9 of this act take effect July 1, 2024.

NEW SECTION. **Sec. 13.** Section 10 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2023."

On page 1, line 2 of the title, after "industry;" strike the remainder of the title and insert "amending RCW 18.27.010,

18.27.030, 18.27.040, 18.27.340, 18.27.400, and 51.44.190; reenacting and amending RCW 43.79A.040; adding new sections to chapter 18.27 RCW; providing effective dates; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1534 and advanced the bill, as amended by the Senate, to final passage.

Representatives Orwall and Robertson spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1534, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1534, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SECOND SUBSTITUTE HOUSE BILL NO. 1534, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Thursday, April 6, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1106, with the following amendment(s): 1106-S.E AMS KING S3151.1; 1106-S.E AMS SALD S3052.1

On page 8, line 11, after "(2)(b)" insert "(ii), only for separation that was necessary because the care for a child or a vulnerable adult in the claimant's care is inaccessible,"

On page 4, line 10, after "2024" insert "and before July 8, 2029"

On page 11, after line 12, insert the following:

"NEW SECTION. Sec. 4. By November 1, 2028, and in compliance with RCW 43.01.036,

the employment security department must submit a report to the legislature that details the number of unemployment insurance benefit claims, the impact on the trust fund and employer experience ratings, and any trends for utilization by industries for claims allowed for separations on or after July 7, 2024, and before July 2, 2028, which were necessary because care for a child or a vulnerable adult in the claimant's care was inaccessible as provided in RCW 50.02.050."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 1, beginning on line 3 of the title, after "creating" strike all material through "section." and insert "new sections."

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1106 and advanced the bill, as amended by the Senate, to final passage.

Representative Fosse spoke in favor of the passage of the bill.

Representative Robertson spoke against the passage of the bill.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1106, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1106, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1106, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Friday, March 31, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1114, with the following amendment(s): 1114 AMS LAW S2327.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.860 and 2016 c 179 s 3 are each amended to read as follows:

(1) The sentencing guidelines commission is hereby created, located within the office of financial management. Except as provided in RCW 9.94A.875, the commission shall serve to advise the governor and the legislature as necessary on issues relating to adult and juvenile sentencing. The commission may meet, as necessary, to accomplish these purposes within funds appropriated.

(2) The commission consists of ~~((twenty))~~ 25 voting members, one of whom the governor shall designate as ~~((chairperson))~~ chair. With the exception of ex officio voting members, the voting members of the commission shall be appointed by the governor, or his or her designee, subject to confirmation by the senate.

(3) The voting membership consists of the following:

(a) The head of the state agency having general responsibility for adult correction programs, as an ex officio member;

(b) The director of financial management or designee, as an ex officio member;

(c) The chair of the indeterminate sentence review board, as an ex officio member;

(d) The head of the state agency, or the agency head's designee, having responsibility for juvenile corrections programs, as an ex officio member;

(e) Two prosecuting attorneys;

(f) Two attorneys with particular expertise in defense work;

(g) Four persons who are superior court judges;

(h) One person who is the chief law enforcement officer of a county or city;

(i) ~~((Four))~~ Five members of the public who are not prosecutors, defense attorneys, judges, or law enforcement officers, one of whom is a victim of crime, one of whom is a victim of crime or a crime victims' advocate, and one of whom has been formerly incarcerated in the state correctional system;

(j) One person who is an elected official of a county government, other than a prosecuting attorney or sheriff;

(k) One person who is an elected official of a city government;

(l) One person who is an administrator of juvenile court services;

(m) The chair of the state supreme court minority and justice commission or designee, as an ex officio member;

(n) One person representing the interests of tribes;

(o) One behavioral health professional with experience working in the criminal justice system; and

(p) One person with knowledge of and expertise in academic research in the field of criminology or sociology.

In making the appointments, the governor shall endeavor to assure that the commission

membership includes adequate representation and expertise relating to both the adult criminal justice system and the juvenile justice system. In making the appointments, the governor shall seek the recommendations of Washington prosecutors in respect to the prosecuting attorney members, of the Washington state bar association in respect to the defense attorney members, of the superior court judges' association in respect to the members who are judges, of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer, of the Washington state association of counties in respect to the member who is a county official, of the association of Washington cities in respect to the member who is a city official, of the office of crime victims advocacy and other organizations of crime victims in respect to the member who is a victim of crime or a crime victims' advocate, ~~((and))~~ of the Washington association of juvenile court administrators in respect to the member who is an administrator of juvenile court services, and of the Washington state institute for public policy and the relevant departments of the Washington State University and University of Washington in respect to the member with knowledge of and expertise in academic research in the field of criminology or sociology.

(4) (a) ~~((All))~~ Except as provided in (b) of this subsection, all voting members of the commission, except ex officio voting members, shall serve terms of three years and until their successors are appointed and confirmed.

(b) The governor shall stagger the initial terms of the members appointed under subsection (3) ~~((j), (k), and (l))~~ (n), (o), and (p) of this section by appointing one of them for a term of one year, one of them for a term of two years, and one of them for a term of three years.

(5) The speaker of the house of representatives and the president of the senate may each appoint two nonvoting members to the commission, one from each of the two largest caucuses in each house. The members so appointed shall serve two-year terms, or until they cease to be members of the house from which they were appointed, whichever occurs first.

(6) The members of the commission may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members may be reimbursed by their respective houses as provided under RCW 44.04.120. Except for the reimbursement of travel expenses, members shall not be compensated."

On page 1, line 2 of the title, after "commission;" strike the remainder of the title and insert "and amending RCW 9.94A.860."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1114 and advanced the bill, as amended by the Senate, to final passage.

Representatives Mosbrucker and Goodman spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1114, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1114, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

HOUSE BILL NO. 1114, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Friday, April 7, 2023

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1168, with the following amendment(s): 1168-S2 AMS ENGR S2990.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) Fetal alcohol spectrum disorders are lifelong physical, developmental, behavioral, and intellectual disabilities caused by prenatal alcohol exposure;

(2) According to the federal centers for disease control and prevention, fetal alcohol spectrum disorders affect as many as one in 20 people in the United States;

(3) The health care authority estimates that one percent of births, or approximately 870 children each year, are born with fetal alcohol spectrum disorders;

(4) In addition to alcohol use, other substances consumed during pregnancy may result in prenatal substance exposure affecting the physical, developmental, behavioral, and intellectual abilities of the exposed child;

(5) Washington has limited diagnostic capacity and currently lacks the capacity to

diagnose and treat every child who needs support and treatment due to prenatal substance exposure;

(6) Without appropriate treatment and supports, children born with fetal alcohol spectrum disorders and other prenatal substance disorders are likely to experience adverse outcomes. According to current statistics, these children face adverse outcomes such as:

(a) 61 percent of children with fetal alcohol spectrum disorders are suspended or expelled from school by age 12;

(b) 90 percent of persons with fetal alcohol spectrum disorders develop comorbid mental health conditions; and

(c) 60 percent of youth with fetal alcohol spectrum disorders are involved in the justice system;

(7) Untreated and unsupported prenatal substance exposure results in higher costs for the state and worse outcomes for children and their families;

(8) Investing in prevention and earlier intervention, including diagnostic capacity, treatment, and services for children and supports for families and caregivers will improve school outcomes; and

(9) Effective prenatal substance exposure response requires effective and ongoing cross-agency strategic planning and coordination.

**NEW SECTION. Sec. 2.** A new section is added to chapter 41.05 RCW to read as follows:

(1) By January 1, 2024, the authority, on behalf of clients or potential clients of the department of children, youth, and families as described in this subsection, shall contract with a provider with expertise in comprehensive prenatal substance exposure treatment and family supports to offer services to children over the age of three and families who are or have been involved in the child welfare system or who are at risk of becoming involved in the child welfare system. This contract shall maximize the number of families that can be served through referrals by authority employees and other community partners in order to keep families together, reduce the number of placements, and prevent adverse outcomes for impacted children.

(2) By January 1, 2025, the authority, on behalf of clients or potential clients of the department of children, youth, and families as described in this subsection, shall contract with up to three providers across the state, in addition to the contracted provider in subsection (1) of this section, to offer comprehensive treatment services for prenatal substance exposure and family supports for children who were prenatally exposed to substances and who are, or have been, involved in the child welfare system.

(3) Comprehensive treatment and family supports must be trauma-informed and may include:

(a) Occupational, speech, and language therapy;

(b) Behavioral health counseling and caregiver counseling;

(c) Sensory processing support;

(d) Educational advocacy, psychoeducation, social skills support, and groups;

(e) Linkages to community resources; and

(f) Family supports and education, including the programs for parents, caregivers, and families recommended by the federal centers for disease control and prevention.

(4) The authority shall contract with the provider referenced in subsection (1) of this section to support the providers under contract in subsection (2) of this section by:

(a) Creating education and training programs for providers working with children who had prenatal substance exposure; and

(b) Offering ongoing coaching and support in creating a safe and healing environment, free from judgment, where families are supported through the challenges of care for children with prenatal substance exposure.

(5) The authority, in collaboration with the department of children, youth, and families, shall work with the contracted providers and families to collect relevant outcome data and provide a report on the expansion of services under the contracts and the outcomes experienced by persons receiving services under this section. The authority shall submit the report to the legislature with any recommendations related to improving availability of and access to services and ways to improve outcomes by June 1, 2028.

**NEW SECTION. Sec. 3.** A new section is added to chapter 71.24 RCW to read as follows:

(1) By June 1, 2024, the authority shall submit to the legislature recommendations on ways to increase access to diagnoses, treatment, services, and supports for children who were exposed to alcohol or other substances during pregnancy and their families and caregivers. In creating the recommendations, the authority shall consult with service providers, medical professionals with expertise in diagnosing and treating prenatal substance exposure, families of children who were exposed to alcohol or other substances during pregnancy, communities affected by prenatal substance exposure, and advocates.

(2) The recommendations adopted under subsection (1) of this section shall, at a minimum, address:

(a) Increasing the availability of evaluation and diagnosis services for children and youth for fetal alcohol spectrum disorders and other prenatal substance disorders, including assuring an adequate payment rate for the interdisciplinary team required for diagnosis and developing sufficient capacity in rural and urban areas so that every child is able to access diagnosis services; and

(b) Increasing the availability of treatment for fetal alcohol spectrum disorders and other prenatal substance disorders for all children and youth including all treatments and services recommended by the federal centers for disease control and prevention. The



authority shall review all barriers to accessing treatment and make recommendations on removing those barriers, including recommendations related to the definition of medical necessity, prior authorization requirements for diagnosis and treatment services, and limitations of treatment procedure codes and insurance coverage.

**NEW SECTION. Sec. 4.** A new section is added to chapter 71.24 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the authority shall contract with a statewide nonprofit entity with expertise in fetal alcohol spectrum disorders and experience in supporting parents and caregivers to offer free support groups for individuals living with fetal alcohol spectrum disorders and their parents and caregivers.

**Sec. 5.** RCW 71.24.610 and 2018 c 201 s 4049 are each amended to read as follows:

The authority, the department of social and health services, the department (~~of health~~), the department of corrections, the department of children, youth, and families, and the office of the superintendent of public instruction shall execute an interagency agreement to ensure the coordination of identification, prevention, and intervention programs for children who have fetal alcohol exposure and other prenatal substance exposures, and for women who are at high risk of having children with fetal alcohol exposure or other prenatal substance exposures.

The interagency agreement shall provide a process for community advocacy groups to participate in the review and development of identification, prevention, and intervention programs administered or contracted for by the agencies executing this agreement.

**NEW SECTION. Sec. 6.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "exposure;" strike the remainder of the title and insert "amending RCW 71.24.610; adding a new section to chapter 41.05 RCW; adding new sections to chapter 71.24 RCW; and creating new sections."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1168 and advanced the bill, as amended by the Senate, to final passage.

Representatives Simmons and Schmick spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1168, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1168, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SECOND SUBSTITUTE HOUSE BILL NO. 1168, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Saturday, April 8, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1170, with the following amendment(s): 1170-S2.E AMS SHOR S3054.1

On page 7, after line 25, insert the following:

**"NEW SECTION. Sec. 8.** A new section is added to chapter 70A.05 RCW to read as follows:

Nothing in this chapter creates any new or additional regulatory authority for any state agency."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1170 and advanced the bill, as amended by the Senate, to final passage.

Representatives Street and Dye spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1170, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1170, as amended by the Senate,

and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Connors, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Christian, Corry, Dent, Graham, Jacobsen, McEntire, Orcutt, Volz and Walsh

Excused: Representative Ortiz-Self

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1170, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Wednesday, April 5, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1207, with the following amendment(s): 1207-S AMS EDU S2472.2

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction shall develop, and periodically update, model student handbook language that includes information about policies and complaint procedures related to discrimination, including sexual harassment and addressing transgender students, and information about policies and complaint procedures related to harassment, intimidation, and bullying, as well as the overlap between the policies and complaint procedures. The model student handbook language must also include a description of the services available through the office of the education ombuds and the contact information for the office of the education ombuds. The model student handbook language must be aligned with existing requirements in state law including chapters 28A.640 and 28A.642 RCW and RCW 28A.600.477 and 28A.600.510. The model student handbook language must be jointly developed with the Washington state school directors' association, and in consultation with the office of the education ombuds. The model student handbook language must be posted publicly on the office of the superintendent of public instruction's website beginning July 1, 2024.

(2) Beginning with the 2024-25 school year, each school district must include the model student handbook language developed under subsection (1) of this section in any student, parent, employee, and volunteer handbook that it or one of its schools publishes and on the school district's website, and any school's website, if a

school or the school district maintains a website. If a school district neither publishes a handbook nor maintains a website, it must provide the model student handbook language developed under subsection (1) of this section to each student, parent, employee, and volunteer at least annually.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.642 RCW to read as follows:

(1) Each school district shall designate one person in the school district as the primary contact regarding school district compliance with this chapter. In addition to any other duties required by law and the school district, the primary contact must:

(a) Ensure that complaints of discrimination communicated to the school district are promptly investigated and resolved; and

(b) Communicate with the primary contact regarding the school district's policy and procedure prohibiting harassment, intimidation, and bullying under RCW 28A.600.477, and the primary contact regarding the school district's policies and procedures related to transgender students under RCW 28A.642.080.

(2) The primary contact may also serve as the primary contact regarding the school district's policy and procedure prohibiting harassment, intimidation, and bullying under RCW 28A.600.477 and the primary contact regarding the school district's policy and procedure related to transgender students under RCW 28A.642.080.

**Sec. 3.** RCW 28A.640.020 and 1994 c 213 s 1 are each amended to read as follows:

(1) The superintendent of public instruction shall develop regulations and guidelines to eliminate sex discrimination as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students.

(a) Specifically with respect to public school employment, all schools shall be required to:

(i) Maintain credential requirements for all personnel without regard to sex;

(ii) Make no differentiation in pay scale on the basis of sex;

(iii) Assign school duties without regard to sex except where such assignment would involve duty in areas or situations, such as but not limited to a shower room, where persons might be disrobed;

(iv) Provide the same opportunities for advancement to males and females; and

(v) Make no difference in conditions of employment including, but not limited to, hiring practices, leaves of absence, hours of employment, and assignment of, or pay for, instructional and noninstructional duties, on the basis of sex.

(b) Specifically with respect to counseling and guidance services for students, they shall be made available to all students equally. All certificated personnel shall be required to stress access

to all career and vocational opportunities to students without regard to sex.

(c) Specifically with respect to recreational and athletic activities, they shall be offered to all students without regard to sex. Schools may provide separate teams for each sex. Schools which provide the following shall do so with no disparities based on sex: Equipment and supplies; medical care; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; laundry services; assignment of game officials; opportunities for competition, publicity and awards; scheduling of games and practice times including use of courts, gyms, and pools: PROVIDED, That such scheduling of games and practice times shall be determined by local administrative authorities after consideration of the public and student interest in attending and participating in various recreational and athletic activities. Each school which provides showers, toilets, or training room facilities for athletic purposes shall provide comparable facilities for both sexes. Such facilities may be provided either as separate facilities or shall be scheduled and used separately by each sex.

The superintendent of public instruction shall also be required to develop a student survey to distribute every three years to each local school district in the state to determine student interest for male/female participation in specific sports.

(d) Specifically with respect to course offerings, all classes shall be required to be available to all students without regard to sex: PROVIDED, That separation is permitted within any class during sessions on sex education or gym classes.

(e) Specifically with respect to textbooks and instructional materials, which shall also include, but not be limited to, reference books and audiovisual materials, they shall be required to adhere to the guidelines developed by the superintendent of public instruction to implement the intent of this chapter: PROVIDED, That this subsection shall not be construed to prohibit the introduction of material deemed appropriate by the instructor for educational purposes.

(2)(a) By December 31, 1994, the superintendent of public instruction shall develop criteria for use by school districts in developing sexual harassment policies as required under (b) of this subsection. The criteria shall address the subjects of grievance procedures, remedies to victims of sexual harassment, disciplinary actions against violators of the policy, and other subjects at the discretion of the superintendent of public instruction. Disciplinary actions must conform with collective bargaining agreements and state and federal laws. The superintendent of public instruction also shall supply sample policies to school districts upon request.

(b) By June 30, 1995, every school district shall adopt and implement a written policy concerning sexual harassment. The policy shall apply to all school district employees, volunteers, parents, and

students, including, but not limited to, conduct between students.

(c) School district policies on sexual harassment shall be reviewed by the superintendent of public instruction considering the criteria established under (a) of this subsection as part of the monitoring process established in RCW 28A.640.030.

(d) The school district's sexual harassment policy shall be conspicuously posted throughout each school building, and provided to each employee. A copy of the policy shall appear in any publication of the school or school district setting forth the rules, regulations, procedures, and standards of conduct for the school or school district. This requirement as it relates to students, parents, and guardians may be satisfied by using the model student handbook language in section 1 of this act.

(e) Each school shall develop a process for discussing the district's sexual harassment policy. The process shall ensure the discussion addresses the definition of sexual harassment and issues covered in the sexual harassment policy.

(f) "Sexual harassment" as used in this section means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature if:

(i) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;

(ii) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; or

(iii) That conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.

**Sec. 4.** RCW 28A.600.477 and 2019 c 194 s 1 are each amended to read as follows:

(1)(a) By January 31, 2020, each school district must adopt or amend if necessary a policy and procedure prohibiting harassment, intimidation, and bullying of any student and that, at a minimum, incorporates the model policy and procedure described in subsection (3) of this section.

(b) School districts must share the policy and procedure prohibiting harassment, intimidation, and bullying with parents or guardians, students, volunteers, and school employees in accordance with the rules adopted by the office of the superintendent of public instruction. This requirement as it relates to students, parents, and guardians may be satisfied by using the model student handbook language in section 1 of this act.

(c)(i) Each school district must designate one person in the school district as the primary contact regarding the policy and procedure prohibiting harassment, intimidation, and bullying. In addition to other duties required by law and the school district, the primary contact must:

(A) Ensure the implementation of the policy and procedure prohibiting harassment, intimidation, and bullying;

(B) Receive copies of all formal and informal complaints relating to harassment, intimidation, or bullying;

(C) Communicate with the school district employees responsible for monitoring school district compliance with chapter 28A.642 RCW prohibiting discrimination in public schools, and the primary contact regarding the school district's policies and procedures related to transgender students under RCW 28A.642.080; and

(D) Serve as the primary contact between the school district, the office of the education ombuds, and the office of the superintendent of public instruction on the policy and procedure prohibiting harassment, intimidation, and bullying.

(ii) The primary contact from each school district must attend at least one training class as provided in subsection (4) of this section, once this training is available.

(iii) The primary contact may also serve as the primary contact regarding the school district's policies and procedures relating to transgender students under RCW 28A.642.080 and the primary contact regarding school district compliance with nondiscrimination laws under section 1 of this act.

(2) School districts are encouraged to adopt and update the policy and procedure prohibiting harassment, intimidation, and bullying through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

(3)(a) By September 1, 2019, and periodically thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to develop and update a model policy and procedure prohibiting harassment, intimidation, and bullying.

(b) Each school district must provide to the office of the superintendent of public instruction a brief summary of its policies, procedures, programs, partnerships, vendors, and instructional and training materials prohibiting harassment, intimidation, and bullying to be posted on the office of the superintendent of public instruction's school safety center website, and must also provide the office of the superintendent of public instruction with a link to the school district's website for further information. The school district's primary contact for harassment, intimidation, and bullying issues must annually by August 15th verify posted information and links and notify the school safety center of any updates or changes.

(c) The office of the superintendent of public instruction must publish on its website, with a link to the school safety center website, the revised and updated model policy and procedure prohibiting harassment, intimidation, and bullying, along with training and instructional materials on the components that must be included in any school district policy and procedure prohibiting harassment,

intimidation, and bullying. By September 1, 2019, the office of the superintendent of public instruction must adopt rules regarding school districts' communication of the policy and procedure prohibiting harassment, intimidation, and bullying to parents, students, employees, and volunteers.

(4) By December 31, 2020, the office of the superintendent of public instruction must develop a statewide training class for those people in each school district who act as the primary contact regarding the policy and procedure prohibiting harassment, intimidation, and bullying as provided in subsection (1) of this section. The training class must be offered on an annual basis by educational service districts in collaboration with the office of the superintendent of public instruction. The training class must be based on the model policy and procedure prohibiting harassment, intimidation, and bullying as provided in subsection (3) of this section and include materials related to hazing and the Washington state school directors' association model transgender student policy and procedure as provided in RCW 28A.642.080.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Electronic" means any communication where there is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means.

(b)(i) "Harassment, intimidation, or bullying" means any intentional electronic, written, verbal, or physical act including, but not limited to, one shown to be motivated by any characteristic in RCW 28A.640.010 and 28A.642.010, or other distinguishing characteristics, when the intentional electronic, written, verbal, or physical act:

(A) Physically harms a student or damages the student's property;

(B) Has the effect of substantially interfering with a student's education;

(C) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or

(D) Has the effect of substantially disrupting the orderly operation of the school.

(ii) Nothing in (b)(i) of this subsection requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.

**Sec. 5.** RCW 28A.642.080 and 2019 c 194 s 2 are each amended to read as follows:

(1)(a) By January 31, 2020, each school district must adopt or amend if necessary policies and procedures that, at a minimum, incorporate all the elements of the model transgender student policy and procedure described in subsection (3) of this section.

(b) School districts must share the policies and procedures that meet the requirements of (a) of this subsection with parents or guardians, students, volunteers, and school employees in accordance with rules adopted by the office of the superintendent of public instruction. This

requirement as it relates to students, parents, and guardians may be satisfied by using the model student handbook language in section 1 of this act.

(c)(i) Each school district must designate one person in the school district as the primary contact regarding the policies and procedures relating to transgender students that meet the requirements of (a) of this subsection. In addition to any other duties required by law and the school district, the primary contact must:

(A) Ensure the implementation of the policies and procedures relating to transgender students that meet the requirements of (a) of this subsection;

(B) Receive copies of all formal and informal complaints relating to transgender students;

(C) Communicate with the school district employees responsible for monitoring school district compliance with this chapter, and the primary contact regarding the school district's policy and procedure prohibiting harassment, intimidation, and bullying under RCW 28A.600.477; and

(D) Serve as the primary contact between the school district, the office of the education ombuds, and the office of the superintendent of public instruction on policies and procedures relating to transgender students that meet the requirements of (a) of this subsection.

(ii) The primary contact from each school district must attend at least one training class as provided in RCW 28A.600.477, once this training is available.

(iii) The primary contact may also serve as the primary contact regarding the school district's policy and procedure prohibiting harassment, intimidation, and bullying under RCW 28A.600.477 and the primary contact regarding school district compliance with nondiscrimination laws under section 1 of this act.

(2) As required by the office of the superintendent of public instruction, each school district must provide to the office of the superintendent of public instruction its policies and procedures relating to transgender students that meet the requirements of subsection (1)(a) of this section.

(3)(a) By September 1, 2019, and periodically thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to develop and update a model transgender student policy and procedure.

(b) The elements of the model transgender student policy and procedure must, at a minimum: Incorporate the office of the superintendent of public instruction's rules and guidelines developed under RCW 28A.642.020 to eliminate discrimination in Washington public schools on the basis of gender identity and expression; address the unique challenges and needs faced by transgender students in public schools; and describe the application of the model policy and procedure prohibiting harassment, intimidation, and bullying, required under RCW 28A.600.477, to transgender students.

(c) The office of the superintendent of public instruction and the Washington state school directors' association must maintain the model policy and procedure on each agency's website at no cost to school districts.

(4)(a) By December 31, 2020, the office of the superintendent of public instruction must develop online training material available to all school staff based on the model transgender student policy and procedure described in subsection (3) of this section and the office of the superintendent of public instruction's rules and guidance as provided under this chapter.

(b) The online training material must describe the role of school district primary contacts for monitoring school district compliance with this chapter prohibiting discrimination in public schools, RCW 28A.600.477 related to the policies and procedures prohibiting harassment, intimidation, and bullying, and this section related to policies and procedures relating to transgender students.

(c) The online training material must include best practices for policy and procedure implementation and cultural change that are guided by school district experiences.

(d) The office of the superintendent of public instruction must annually notify school districts of the availability of the online training material.

**Sec. 6.** RCW 28A.600.510 and 2022 c 222 s 2 are each amended to read as follows:

(1) Beginning August 1, 2023, public schools must:

(a) Provide students and their parents or guardians with a description of the services available through the office of the education ombuds and the contact information for the office of the education ombuds at the time of initial enrollment or admission; and

(b) Either: (i) Include on their website a description of the services available through the office of the education ombuds and a link to the website of the office of the education ombuds; or (ii) provide a description of the services available through the office of the education ombuds and the contact information for the office of the education ombuds in existing materials that are shared annually with families, students, and school employees, such as welcome packets, orientation guides, and newsletters. This requirement as it relates to students and families may be satisfied by using the model student handbook language in section 1 of this act.

(2) Public schools are encouraged to comply with both subsection (1)(b)(i) and (ii) of this section.

(3) By July 1, 2022, the office of the education ombuds must develop a template of the information described in subsection (1) of this section. The template must be translated into Spanish and into other languages as resources allow. The template must be made available upon request and updated as needed.

(4) For the purposes of this section, "public schools" has the same meaning as in RCW 28A.150.010.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28A.600 RCW to read as follows:

(1) The legislature recognizes that public schools have the authority to immediately remove a student from school if the student poses an immediate and continuing danger to other students or to school staff, or if the student poses an immediate and continuing threat of material and substantial disruption of the education process. The legislature acknowledges that emergency expulsion is limited to 10 consecutive school days, the school must provide an opportunity for the student to receive educational services during the emergency expulsion, and both the emergency expulsion and any suspension or expulsion that the emergency expulsion is converted to can be appealed. However, the legislature finds that emergency expulsion tarnishes a student's reputation and self-image, which can result in school staff, fellow students, or the student's families making assumptions about the student, and, in some cases, these assumptions result in harassment, intimidation, or bullying of the student. Therefore, the legislature intends to discontinue the use of the prejudicial term "emergency expulsion," and replace it with the term "emergency removal," which is a more accurate description of the temporary removal of a student from school to assess and properly respond to an emergent situation involving the student.

(2) As soon as possible after the effective date of this section, the office of the superintendent of public instruction must publish a bulletin to notify school districts and public schools that the term "emergency removal" must be used instead of the term "emergency expulsion" in the context of student discipline and as required by RCW 28A.300.042 and 28A.600.015. The legislature's intent as described in subsection (1) of this section must be included in the bulletin. The bulletin must also include guidance about student discipline data collection and historical data comparison.

(3) A student who was emergency expelled between September 1, 2019, and the effective date of this section may request that any reference to "emergency expulsion" in the student's education record be revised to "emergency removal."

**Sec. 8.** RCW 28A.300.042 and 2016 c 72 s 501 are each amended to read as follows:

(1) Beginning with the 2017-18 school year, and using the phase-in provided in subsection (2) of this section, the superintendent of public instruction must collect and school districts must submit all student-level data using the United States department of education 2007 race and ethnicity reporting guidelines, including the subracial and subethnic categories within those guidelines, with the following modifications:

(a) Further disaggregation of the Black category to differentiate students of African origin and students native to the United States with African ancestors;

(b) Further disaggregation of countries of origin for Asian students;

(c) Further disaggregation of the White category to include subethnic categories for Eastern European nationalities that have significant populations in Washington; and

(d) For students who report as multiracial, collection of their racial and ethnic combination of categories.

(2) Beginning with the 2017-18 school year, school districts shall collect student-level data as provided in subsection (1) of this section for all newly enrolled students, including transfer students. When the students enroll in a different school within the district, school districts shall resurvey the newly enrolled students for whom subracial and subethnic categories were not previously collected. School districts may resurvey other students.

(3) All student data-related reports required of the superintendent of public instruction in this title must be disaggregated by at least the following subgroups of students: White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low income, transitional bilingual, migrant, special education, and students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794).

(4) All student data-related reports prepared by the superintendent of public instruction regarding student suspensions and expulsions as required under this title are subject to disaggregation by subgroups including:

- (a) Gender;
- (b) Foster care;
- (c) Homeless, if known;
- (d) School district;
- (e) School;
- (f) Grade level;
- (g) Behavior infraction code, including:
  - (i) Bullying;
  - (ii) Tobacco;
  - (iii) Alcohol;
  - (iv) Illicit drug;
  - (v) Fighting without major injury;
  - (vi) Violence without major injury;
  - (vii) Violence with major injury;
  - (viii) Possession of a weapon; and
  - (ix) Other behavior resulting from a short-term or long-term suspension, expulsion, or interim alternative education setting intervention;
- (h) Intervention applied, including:
  - (i) Short-term suspension;
  - (ii) Long-term suspension;
  - (iii) Emergency (~~expulsion~~) removal;
  - (iv) Expulsion;
  - (v) Interim alternative education settings;
  - (vi) No intervention applied; and
  - (vii) Other intervention applied that is not described in this subsection (4)(h);
- (i) Number of days a student is suspended or expelled, to be counted in half or full days; and
- (j) Any other categories added at a future date by the data governance group.

(5) All student data-related reports required of the superintendent of public instruction regarding student suspensions and expulsions as required in RCW 28A.300.046 are subject to cross-tabulation at a minimum by the following:

(a) School and district;

(b) Race, low income, special education, transitional bilingual, migrant, foster care, homeless, students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794), and categories to be added in the future;

(c) Behavior infraction code; and

(d) Intervention applied.

(6) The K-12 data governance group shall develop the data protocols and guidance for school districts in the collection of data as required under this section, and the office of the superintendent of public instruction shall modify the statewide student data system as needed. The office of the superintendent of public instruction shall also incorporate training for school staff on best practices for collection of data on student race and ethnicity in other training or professional development related to data provided by the office.

**Sec. 9.** RCW 28A.600.015 and 2016 c 72 s 105 are each amended to read as follows:

(1) The superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural due process guarantees of pupils in the common schools. Such rules shall authorize a school district to use informal due process procedures in connection with the short-term suspension of students to the extent constitutionally permissible: PROVIDED, That the superintendent of public instruction deems the interest of students to be adequately protected. When a student suspension or expulsion is appealed, the rules shall authorize a school district to impose the suspension or expulsion temporarily after an initial hearing for no more than ~~(ten)~~ 10 consecutive school days or until the appeal is decided, whichever is earlier. Any days that the student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student suspension or expulsion and shall not limit or extend the term of the student suspension or expulsion. An expulsion or suspension of a student may not be for an indefinite period of time.

(2) Short-term suspension procedures may be used for suspensions of students up to and including, ~~((ten))~~ 10 consecutive school days.

(3) Emergency ~~((expulsions))~~ removals must end or be converted to another form of corrective action within ten school days from the date of the emergency removal from school. Notice and due process rights must be provided when an emergency ~~((expulsion))~~ removal is converted to another form of corrective action.

(4) School districts may not impose long-term suspension or expulsion as a form of discretionary discipline.

(5) Any imposition of discretionary and nondiscretionary discipline is subject to

the bar on suspending the provision of educational services pursuant to subsection (8) of this section.

(6) As used in this chapter, "discretionary discipline" means a disciplinary action taken by a school district for student behavior that violates rules of student conduct adopted by a school district board of directors under RCW 28A.600.010 and this section, but does not constitute action taken in response to any of the following:

(a) A violation of RCW 28A.600.420;

(b) An offense in RCW 13.04.155;

(c) Two or more violations of RCW 9A.46.120, 9.41.280, 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period; or

(d) Behavior that adversely impacts the health or safety of other students or educational staff.

(7) Except as provided in RCW 28A.600.420, school districts are not required to impose long-term suspension or expulsion for behavior that constitutes a violation or offense listed under subsection (6)(a) through (d) of this section and should first consider alternative actions.

(8) School districts may not suspend the provision of educational services to a student as a disciplinary action. A student may be excluded from a particular classroom or instructional or activity area for the period of suspension or expulsion, but the school district must provide an opportunity for a student to receive educational services during a period of suspension or expulsion.

(9) Nothing in this section creates any civil liability for school districts, or creates a new cause of action or new theory of negligence against a school district board of directors, a school district, or the state."

On page 1, line 6 of the title, after "term;" strike the remainder of the title and insert "amending RCW 28A.640.020, 28A.600.477, 28A.642.080, 28A.600.510, 28A.300.042, and 28A.600.015; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.642 RCW; and adding a new section to chapter 28A.600 RCW."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1207 and advanced the bill, as amended by the Senate, to final passage.

Representatives Senn and Rude spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Ramel, Representative Chopp was excused.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1207, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1207, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 64; Nays, 32; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Cheney, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Kretz, Leavitt, Lekano, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Christian, Connors, Cory, Couture, Dent, Dye, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Chopp and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1207, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Friday, March 31, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1222, with the following amendment(s): 1222-S.E AMS HLTC S2344.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) For nongrandfathered group health plans other than small group health plans issued or renewed on or after January 1, 2024, a health carrier shall include coverage for hearing instruments, including bone conduction hearing devices. This section does not include coverage of over-the-counter hearing instruments.

(2) Coverage shall also include the initial assessment, fitting, adjustment, auditory training, and ear molds as necessary to maintain optimal fit. Coverage of the services in this subsection shall include services for enrollees who intend to obtain or have already obtained any hearing instrument, including an over-the-counter hearing instrument.

(3) A health carrier shall provide coverage for hearing instruments as provided in subsection (1) of this section at no less than \$3,000 per ear with hearing loss every 36 months.

(4) The services and hearing instruments covered under this section are not subject to the enrollee's deductible unless the health plan is offered as a qualifying

health plan for a health savings account. For such a qualifying health plan, the carrier may apply a deductible to coverage of the services covered under this section only at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions and withdrawals from the enrollee's health savings account under internal revenue service laws and regulations.

(5) Coverage for a minor under 18 years of age shall be available under this section only after the minor has received medical clearance within the preceding six months from:

(a) An otolaryngologist for an initial evaluation of hearing loss; or

(b) A licensed physician, which indicates there has not been a substantial change in clinical status since the initial evaluation by an otolaryngologist.

(6) For the purposes of this section:

(a) "Hearing instrument" has the same meaning as defined in RCW 18.35.010.

(b) "Over-the-counter hearing instrument" has the same meaning as "over-the-counter hearing aid" in 21 C.F.R. Sec. 800.30 as of December 28, 2022.

**Sec. 2.** RCW 41.05.830 and 2018 c 159 s 1 are each amended to read as follows:

(1) Subject to appropriation, a health plan offered to employees and their covered dependents under this chapter issued or renewed on or after January 1, 2019, must include coverage for hearing instruments. Coverage must include a new hearing instrument every five years and services and supplies such as the initial assessment, fitting, adjustment, and auditory training.

(2) The hearing instrument must be recommended by a licensed audiologist, hearing aid specialist, or a licensed physician or osteopathic physician who specializes in otolaryngology and dispensed by a licensed audiologist, hearing aid specialist, or a licensed physician or osteopathic physician who specializes in otolaryngology.

(3) For the purposes of this section, "hearing instrument" and "hearing aid specialist" have the same meaning as defined in RCW 18.35.010.

(4) This section expires December 31, 2023.

**NEW SECTION. Sec. 3.** A new section is added to chapter 41.05 RCW to read as follows:

A health plan offered to public employees and their covered dependents under this chapter issued or renewed on or after January 1, 2024, is subject to section 1 of this act."

On page 1, at the beginning of line 2 of the title strike the remainder of the title and insert "amending RCW 41.05.830; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; and providing an expiration date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary



**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1222 and advanced the bill, as amended by the Senate, to final passage.

Representative Orwall spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1222, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1222, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 88; Nays, 8; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Mosbrucker, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Christian, Dent, Jacobsen, McClintock, McEntire, Orcutt, Schmick and Walsh

Excused: Representatives Chopp and Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1222, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Wednesday, April 5, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1289, with the following amendment(s): 1289-S AMS HEWD S2187.2

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 28B.145.010 and 2022 c 211 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the opportunity scholarship board.

(2) "Council" means the student achievement council.

(3) "Eligible advanced degree program" means a health professional degree program beyond the baccalaureate level and includes graduate and professional degree programs.

(4) "Eligible county" has the same meaning as "rural county" as defined in RCW 82.14.370 and also includes any county that

shares a common border with Canada and has a population of over 125,000.

(5) "Eligible education programs" means high employer demand and other programs of study as determined by the board.

(6) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses as determined by the program administrator in consultation with the council and the state board for community and technical colleges.

(7) "Eligible school district" means a school district of the second class as identified in RCW 28A.300.065(2).

(8) (a) "Eligible student" means a resident student who:

(i) (A) Received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and has been accepted at a four-year institution of higher education into an eligible education program leading to a baccalaureate degree;

(B) Received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and will attend a two-year institution of higher education and intends to transfer to an eligible education program at a four-year institution of higher education;

(C) Received his or her high school diploma or equivalent and has been accepted at an institution of higher education into a professional-technical certificate or degree program in an eligible education program; or

(D) Has been accepted at an institution of higher education into an eligible advanced degree program that leads to credentials in health professions;

(ii) Declares an intention to obtain a professional-technical certificate, professional-technical degree, baccalaureate degree, or an advanced degree; and

(iii) Has a family income at or below 125 percent of the state median family income at the time the student applies for an opportunity scholarship. For the advanced degree program, family income may be greater than 125 percent if the eligible student can demonstrate financial need through other factors such as a history of prior household income, income loss caused by entering the advanced degree program, level of student debt at application and annually thereafter, or other factors determined by the program.

(b) To remain eligible for scholarship funds under the opportunity scholarship program the student must meet satisfactory academic progress toward completion of an eligible program as determined by the office of student financial assistance in the Washington college grant program under chapter 28B.92 RCW.

(9) "Gift aid" means financial aid received from the federal Pell grant, the Washington college grant program in chapter 28B.92 RCW, the college bound scholarship program in chapter 28B.118 RCW, the opportunity grant program in chapter 28B.50 RCW, or any other state grant, scholarship, or worker retraining program that provides funds for educational purposes with no obligation of repayment. "Gift aid" does not

include student loans, work-study programs, the basic food employment and training program administered by the department of social and health services, or other employment assistance programs that provide job readiness opportunities and support beyond the costs of tuition, books, and fees.

(10) "High employer demand program of study" has the same meaning as provided in RCW 28B.50.030.

(11) "Participant" means an eligible student who has received a scholarship under the opportunity scholarship program.

(12) "Private sources," "private funds," "private contributions," or "private sector contributions" means donations from private organizations, corporations, federally recognized Indian tribes, municipalities, counties, and other sources, but excludes state dollars.

(13) "Professional-technical certificate" means a program as approved by the state board for community and technical colleges under RCW 28B.50.090(7)(c), that is offered by an institution of higher education or an eligible registered apprenticeship program under chapter 28B.92 RCW.

(14) "Professional-technical degree" means a program as approved by the state board for community and technical colleges under RCW 28B.50.090(7)(c), that is offered by an institution of higher education or an eligible registered apprenticeship program under chapter 28B.92 RCW.

(15) "Program administrator" means ((a))one or more private nonprofit corporations registered under Title 24 RCW and qualified as a tax-exempt entity under section 501(c)(3) of the federal internal revenue code.

(16) "Resident student" means a student meeting the requirements under RCW 28B.92.200(5)(c) as defined in the Washington college grant program.

(17) "Rural jobs program" means the rural county high employer demand jobs program created in this chapter.

**Sec. 2.** RCW 28B.145.020 and 2019 c 406 s 64 are each amended to read as follows:

(1) The opportunity scholarship board is created. The board consists of eleven members:

(a) Six members appointed by the governor. For three of the six appointments, the governor shall consider names from a list provided by the president of the senate and the speaker of the house of representatives; and

(b) Five foundation or business and industry representatives appointed by the governor from among the state's most productive industries such as aerospace, manufacturing, health care, information technology, engineering, agriculture, and others, as well as philanthropy. The foundation or business and industry representatives shall be selected from among nominations provided by the private sector donors to the opportunity scholarship and opportunity expansion programs. However, the governor may request, and the private sector donors shall provide, an additional list or

lists from which the governor shall select these representatives.

(2) Board members shall hold their offices for a term of four years from the first day of September and until their successors are appointed. No more than the terms of two members may expire simultaneously on the last day of August in any one year.

(3) The members of the board shall elect one of the business and industry representatives to serve as chair.

(4) Seven members of the board constitute a quorum for the transaction of business. In case of a vacancy, or when an appointment is made after the date of expiration of the term, the governor or the president of the senate or the speaker of the house of representatives, depending upon which made the initial appointment to that position, shall fill the vacancy for the remainder of the term of the board member whose office has become vacant or expired.

(5) The board shall be staffed by ((a))one or more program administrators, under contract with the board and the council. The board may cause one or more tax-exempt nonprofit corporations to be created, organized, and operated exclusively to perform some or all of the program administrator duties under this act. The board and council may contract directly with any such nonprofit corporation.

(6) The purpose of the board is to provide oversight and guidance for the opportunity expansion program, the opportunity scholarship program, and the rural jobs program, in light of established legislative priorities and to fulfill the duties and responsibilities under this chapter, including but not limited to determining eligible education programs and eligible advanced degree programs for purposes of the opportunity scholarship program and rural jobs program. In determining eligible advanced degree programs, the board shall consider advanced degree programs that lead to credentials in health professions that include, but are not limited to, primary care, dental care, behavioral health, and public health. Duties, exercised jointly with the program administrator, include soliciting funds and setting annual fund-raising goals.

(7) The board may report to the governor and the appropriate committees of the legislature with recommendations as to:

(a) Whether some or all of the scholarships should be changed to conditional scholarships that must be repaid in the event the participant does not complete the eligible education program;

(b) A source or sources of funds for the opportunity expansion program in addition to the voluntary contributions of the high-technology research and development tax credit under RCW 82.32.800; and

(c) Whether the program should include a loan repayment or low-interest or no-interest loan component for the advanced degree portion of the program.

**Sec. 3.** RCW 28B.145.040 and 2019 c 406 s 66 are each amended to read as follows:

(1) The opportunity scholarship program is established.

(2) The purpose of this scholarship program is to provide scholarships that will help low and middle-income Washington residents earn professional-technical certificates, professional-technical degrees, baccalaureate degrees in high employer demand and other programs of study, and advanced degrees in health professions, and encourage them to remain in the state to work. The program must be designed for students starting professional-technical certificate or degree programs, students starting at two-year institutions of higher education and intending to transfer to four-year institutions of higher education, students starting at four-year institutions of higher education, and students enrolled in eligible advanced degree programs.

(3) The opportunity scholarship board shall determine which programs of study, including but not limited to high employer demand programs, are eligible for purposes of the opportunity scholarship. For eligible advanced degree programs, the board shall limit scholarships to eligible students enrolling in programs that lead to credentials in health professions.

(4)(a) The source of funds for the program shall be a combination of private grants and contributions and state matching funds. A state match may be earned under this section for private contributions made on or after June 6, 2011.

~~(b) ((The state match must be based on donations and pledges received as))~~ (i) The state must provide an annual appropriation for a state match, on an equal dollar basis, not to exceed \$50,000,000 per fiscal year.

(ii) Appropriations for the state match in the biennial omnibus operating appropriations act must be based on estimated donations and pledges for those fiscal years as reported by the board to the office of financial management as of the date each official state caseload forecast is submitted by the caseload forecast council to the legislative fiscal committees, as provided under RCW 43.88C.020.

(iii) Annually in the supplemental omnibus operating appropriations act, the state match must be adjusted to donations received and estimated pledges committed for the current fiscal biennium as reported by the board to the office of financial management as of the date each official state caseload forecast is submitted by the caseload forecast council to the legislative fiscal committees, as provided under RCW 43.88C.020. Additionally, the state match for the current fiscal year must be adjusted to reflect the excess or deficit between donations and pledges actually received in the prior fiscal year and the state match provided in the prior fiscal year.

(iv) The purpose of this subsection (4)(b) is to ensure the predictable treatment of the program in the budget process by clarifying the calculation process of the state match required by this section and ensuring the program is budgeted at maintenance level.

~~((c) A state match, up to a maximum of fifty million dollars annually, shall be~~

~~provided beginning the later of January 1, 2014, or January 1st next following the end of the fiscal year in which collections of state retail sales and use tax, state business and occupation tax, and state public utility tax exceed, by ten percent the amounts collected from these tax resources in the fiscal year that ended June 30, 2008, as determined by the department of revenue.))~~

**Sec. 4.** RCW 28B.145.100 and 2022 c 211 s 3 are each amended to read as follows:

(1)(a) The rural county high employer demand jobs program is created to meet the workforce needs of business and industry in rural counties by assisting students in earning certificates, associate degrees, or other industry-recognized credentials necessary for employment in high employer demand fields.

(b) Subject to the requirements of this section, the rural jobs program provides selected students scholarship funds and support services, as determined by the board, to help students meet their eligible expenses when they enroll in a community or technical college program that prepares them for high employer demand fields.

(c) The source of funds for the rural jobs program shall be a combination of private donations, grants, and contributions and state matching funds.

~~(d) The state ((match must be based on donations and pledges received))~~ must provide an annual appropriation for the state match, on an equal dollar basis, not to exceed \$1,000,000 each fiscal biennium.

(i) Appropriations for the state match in the biennial omnibus operating appropriations act must be based on estimated donations and pledges for those fiscal years as reported by the board to the office of financial management as of the date each official state caseload forecast is submitted by the caseload forecast council to the legislative fiscal committees, as provided under RCW 43.88C.020.

(ii) Annually in the supplemental omnibus operating appropriations act, the state match must be adjusted to donations received and estimated pledges committed for the current fiscal biennium as reported by the board to the office of financial management as of the date each official state caseload forecast is submitted by the caseload forecast council to the legislative fiscal committees, as provided under RCW 43.88C.020. Additionally, the state match for the current fiscal year must be adjusted to reflect the excess or deficit between donations and pledges actually received in the prior fiscal year and the state match provided in the prior fiscal year.

(iii) The purpose of this subsection (1)(d) is to ensure the predictable treatment of the program in the budget process by clarifying the calculation process of the state match required by this section and to ensure the program is budgeted at maintenance level.

(2) The program administrator has the duties and responsibilities provided under this section, including but not limited to:

(a) Publicize the rural jobs program and conducting outreach to eligible counties;

(b) In consultation with the state board for community and technical colleges, any interested community or technical college located in an eligible county, and the county's workforce development council, identify high employer demand fields within the eligible counties. When identifying high employer demand fields, the board must consider:

(i) County-specific employer demand reports issued by the employment security department or the list of statewide high-demand programs for secondary career and technical education established under RCW 28A.700.020; and

(ii) The ability and capacity of the community and technical college to meet the needs of qualifying students and industry in the eligible county;

(c) Develop and implement an application, selection, and notification process for awarding rural jobs program scholarship funds. In making determinations on scholarship recipients, the board shall use county-specific employer high-demand data;

(d) Determine the annual scholarship fund amounts to be awarded to selected students;

(e) Distribute funds to selected students;

(f) Notify institutions of higher education of the rural jobs program recipients who will attend their institutions of higher education and inform them of the scholarship fund amounts and terms of the awards; and

(g) Establish and manage an account as provided under RCW 28B.145.110 to receive donations, grants, contributions from private sources, and state matching funds, and from which to disburse scholarship funds to selected students.

(3) To be eligible for scholarship funds under the rural jobs program, a student must:

(a) Either:

(i) Be a resident of an eligible county;

(ii) Have attended and graduated from a school in an eligible school district; or

(iii) Be enrolled in either a community or technical college established under chapter 28B.50 RCW located in an eligible county or participating in an eligible registered apprenticeship program under chapter 28B.92 RCW in an eligible county;

(b) Be a resident student as defined in the Washington college grant program in RCW 28B.92.200(5)(c);

(c) Be in a certificate, degree, or other industry-recognized credential or training program that has been identified by the board as a program that prepares students for a high employer demand field;

(d) Have a family income that does not exceed seventy percent of the state median family income adjusted for family size; and

(e) Demonstrate financial need according to the free application for federal student aid or the Washington application for state financial aid.

(4) To remain eligible for scholarship funds under the rural jobs program, the student must meet satisfactory academic progress toward completion of an eligible program as established by the program. Rural

jobs program eligibility may not extend beyond five years or 125 percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent.

(5) A scholarship award under the rural jobs program may not result in a reduction of any gift aid. Nothing in this section creates any right or entitlement.

**Sec. 5.** RCW 28B.145.120 and 2018 c 254 s 6 are each amended to read as follows:

(1) The rural jobs program match transfer account is created in the custody of the state treasurer as a nonappropriated account to be used solely and exclusively for the rural jobs program created in RCW 28B.145.100. The purpose of the rural jobs program match transfer account is to provide state matching funds for the rural jobs program.

(2) Revenues to the rural jobs program match transfer account shall consist of appropriations by the legislature into the rural jobs program match transfer account.

(3) No expenditures from the rural jobs program match transfer account may be made except upon receipt of proof, by the executive director of the council from the program administrator, of private contributions to the rural jobs program. Expenditures, in the form of matching funds, may not exceed the total amount of private contributions.

(4) Only the executive director of the council or the executive director's designee may authorize expenditures from the rural jobs program match transfer account. Such authorization must be made as soon as practicable following receipt of proof as required under this section.

(5)(a) The council shall enter into an appropriate agreement with the program administrator to demonstrate exchange of consideration for the matching funds.

(b) Once moneys in the rural jobs program match transfer account are subject to an agreement under this subsection and are deposited in the student support pathways account, the state acts in a fiduciary rather than ownership capacity with regard to those assets. Assets in the student support pathways account are not considered state money, common cash, or revenue to the state.

~~((4) The state match must not exceed one million dollars in a single fiscal biennium and must be based on donations and pledges received by the rural jobs program as of the date each official state caseload forecast is submitted by the caseload forecast council to the legislative fiscal committees, as provided under RCW 43.88C.020. Nothing in this section expands or modifies the responsibilities of the caseload forecast council.))~~

**NEW SECTION. Sec. 6.** RCW 28B.145.130 (Rural jobs program—State matching funds) and 2018 c 254 s 7 are each repealed.

**NEW SECTION. Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or

support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 28B.145.010, 28B.145.020, 28B.145.040, 28B.145.100, and 28B.145.120; repealing RCW 28B.145.130; and declaring an emergency."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1289 and advanced the bill, as amended by the Senate, to final passage.

Representatives Reed and Ybarra spoke in favor of the passage of the bill.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1289, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1289, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chopp and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1289, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Thursday, April 6, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1301, with the following amendment(s): 1301 AMS LC S2516.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that, at times, additional protection by means of the regulation of a profession through professional licensure may be deemed necessary to ensure that the public's health, safety, and general welfare is protected. Furthermore, technological

innovation continues to change the responsibilities and practices surrounding these professions, and by result, the potential harms associated with them.

(2) It is also recognized that requirements, such as educational requirements, fees, and training hours, which an individual must fulfill before receiving a license to practice in a profession, can create barriers to an individual's upward mobility and freedom to pursue their profession of choice.

(3) It is, therefore, the intent of the legislature to establish a sunset review process for all professional licensing requirements regulated by the department of licensing, to ensure that the rights and well-being of current and future practitioners of the profession be given full protection from unnecessary regulatory burden and that regulations meant to safeguard public health and safety are still warranted.

NEW SECTION. **Sec. 2.** This chapter may be known and cited as the professional license review act.

NEW SECTION. **Sec. 3.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of licensing.

(2) "Director" means the director of licensing.

NEW SECTION. **Sec. 4.** (1) Beginning in 2024, the department shall annually review and analyze approximately 10 percent of the professional licenses regulated by the department and prepare and submit an annual report electronically to the chief clerk of the house of representatives, the secretary of the senate, and each member of the house of representatives and senate by August 31st of each year as provided in this section. The department shall complete this process for all professional licenses within its jurisdiction within 10 years and every 10 years thereafter. Each report shall include the department's recommendations regarding whether the professional licenses should be terminated, continued, or modified.

(2) The department may require the submission of information by the affected professional board or commission and other affected or interested parties. The department shall provide notice to the relevant professional board or commission and all licensees, not regulated under a board or commission, prior to commencing the review.

(3) The department's report shall include, but not be limited to, the following:

(a) The title of the professional license and, if applicable, the name of the professional board or commission responsible for enforcement of the professional license, if any;

(b) The statutory citation or other authorization for the creation of the

professional license and, if applicable, the professional board or commission;

(c) If applicable, the number of members of the professional board or commission and how the members are appointed;

(d) If applicable, the qualifications for membership on the professional board or commission;

(e) If applicable, the number of times the professional board or commission is required to meet during the year and the number of times it actually met during the preceding five calendar years;

(f) Annual budget information for the five most recently completed fiscal years;

(g) For the immediately preceding five calendar years, or for the period of time less than five years for which the information is practically available, the number of government certifications, professional licenses, and registrations the department, professional board, or commission has issued, revoked, denied, or assessed penalties against, listed anonymously and separately per type of credential, and the reasons for such revocations, denials, and other penalties;

(h) A review of the basic assumptions underlying the creation of the professional license;

(i) A comparison of whether and how other states regulate the profession;

(j) A review and analysis of the hours or other amount of education, training, or experience required to obtain the license or credential;

(k) A summary of any regulatory changes made by the department, professional board, or commission as a result of the review; and

(l) Any recommendations regarding whether the professional license should be terminated, continued, or modified.

(4) After the report in subsection (3) of this section is submitted, if the relevant legislative committee determines further analysis is needed it may request the department to conduct further analysis. Specifically, the extended report shall include:

(a) Whether the professional license meets the policies stated and the following recommended courses of action for meeting such policies:

(i) If the need is to protect consumers against fraud, the recommended course of action should be to strengthen powers under chapter 19.86 RCW, or require disclosures that will reduce misleading attributes of the specific goods or services;

(ii) If the need is to protect consumers against unclean facilities or to promote general health and safety, the recommended course of action should be to require periodic inspections of such facilities;

(iii) If the need is to protect consumers against potential damages from failure by providers to complete a contract fully or up to standards, the recommended course of action should be to require that providers be bonded;

(iv) If the need is to protect a person who is not a party to a contract between the provider and consumer, the recommended course of action should be to require that the provider have insurance;

(v) If the need is to protect consumers against potential damages by transient providers, the recommended course of action should be to require that providers register their businesses with the state;

(vi) If the need is to protect consumers against a shortfall or imbalance of knowledge about the goods or services relative to the providers' knowledge, the recommended course of action should be to enact government certification; and

(vii) If the need is to address a systematic information shortfall such that a reasonable consumer is unable to distinguish between the quality of providers, there is an absence of institutions that provide adequate guidance to the consumer, and the consumer's inability to distinguish between providers and the lack of adequate guidance allows for undue risk of present, significant, and substantiated harms, the recommended course of action should be to enact a professional license; and

(b) If education, training, or experience is a qualification in the professional license under review, a review and analysis of the hours or other amount of education, training, or experience required to ensure such requirements are as least restrictive as necessary to protect the public's health, safety, and welfare.

(5) If a lawful profession is subject to chapter 18.120 RCW, the analysis under subsection (4)(a) of this section shall be made using the least restrictive method of regulation as set out in RCW 18.120.010.

(6) If the department finds that it is necessary to change professional licenses, the department shall recommend the least restrictive regulation consistent with the public interest and the policies in this section.

NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act constitute a new chapter in Title 18 RCW."

On page 1, line 2 of the title, after "legislature;" strike the remainder of the title and insert "and adding a new chapter to Title 18 RCW."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1301 and advanced the bill, as amended by the Senate, to final passage.

Representatives McClintock and Walen spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1301, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1301, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chopp and Ortiz-Self

HOUSE BILL NO. 1301, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Friday, March 31, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1312, with the following amendment(s): 1312 AMS LAW S2595.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 2.36.100 and 2015 c 7 s 2 are each amended to read as follows:

(1) Except for a person who is not qualified for jury service under RCW 2.36.070 or who chooses to opt out of jury service under subsection (2) of this section, no person may be excused from jury service by the court except upon a showing of undue hardship, extreme inconvenience, public necessity, or any reason deemed sufficient by the court for a period of time the court deems necessary.

(2) A person who is 80 years of age or older may request to be excused from jury service if the person attests that the person is unable to serve due to health reasons. An attestation form must be developed by the court and may not include a requirement that a doctor's note be provided. This request must be granted by the court.

(3) At the discretion of the court's designee, after a request by a prospective juror to be excused, a prospective juror excused from juror service for a particular time may be assigned to another jury term within the twelve-month period. If the assignment to another jury term is made at the time a juror is excused from the jury term for which he or she was summoned, a second summons under RCW 2.36.095 need not be issued. This subsection does not apply to people excused from jury service under subsection (2) of this section.

~~((3))~~(4) When the jury source list has been fully summoned within a consecutive twelve-month period and additional jurors are needed, jurors who have already served during the consecutive twelve-month period

may be summoned again for service. A juror who has previously served may only be excused if he or she served at least one week of juror service within the preceding twelve months. An excuse for prior service shall be granted only upon the written request of the prospective juror, which request shall certify the terms of prior service. Prior jury service may include service in superior court, in a court of limited jurisdiction, in the United States District Court, or on a jury of inquest."

On page 1, line 2 of the title, after "service;" strike the remainder of the title and insert "and amending RCW 2.36.100."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1312 and advanced the bill, as amended by the Senate, to final passage.

Representatives Rude and Hansen spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Ramel, Representative Reeves was excused.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1312, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1312, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

HOUSE BILL NO. 1312, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Thursday, April 6, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1326, with the following amendment(s): 1326-S AMS LGLT S2276.2

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 35.92 RCW to read as follows:

(1) Municipal utilities formed under this chapter may waive connection charges for properties owned or developed by, or on the behalf of, a nonprofit organization, public development authority, housing authority, or local agency that provides emergency shelter, transitional housing, permanent supportive housing, or affordable housing, including a limited partnership as described in RCW 84.36.560(7)(f)(ii) and a limited liability company as described in RCW 84.36.560(7)(f)(iii).

(2) Connection charges waived under this chapter shall be funded using general funds, grant dollars, or other identified revenue stream.

(3) At such time as a property receiving a waiver under subsection (1) of this section is no longer operating under the eligibility requirements under subsection (1) of this section:

(a) The waiver of connection charges required under subsection (1) of this section is no longer required; and

(b) Any connection charges waived under subsection (1) of this section are immediately due and payable to the utility as a condition of continued service.

(4) For the purposes of this section:

(a) "Affordable housing" has the same meaning as in RCW 36.70A.030.

(b) "Connection charges" means the one-time capital and administrative charges, as authorized in RCW 35.92.025, that are imposed by a utility on a building or facility owner for a new utility service and costs borne or assessed by a utility for the labor, materials, and services necessary to physically connect a designated facility to the respective utility service.

(c) "Emergency shelter" means any facility that has, as its sole purpose, the provision of a temporary shelter for the homeless and that does not require occupants to sign a lease or occupancy agreement.

(d) "Permanent supportive housing" has the same meaning as in RCW 36.70A.030.

(e) "Transitional housing" has the same meaning as in RCW 84.36.043.

**Sec. 2.** RCW 35.92.380 and 1980 c 150 s 1 are each amended to read as follows:

Whenever a city or town waives or delays collection of tap-in charges, connection fees, or hookup fees for ~~((low-income))~~ low-income persons, ~~((~~ae~~))~~ a class of ~~((low income))~~ low-income persons, or a nonprofit organization, public development authority, housing authority, or local agency that provides emergency shelter, transitional housing, permanent supportive housing, or affordable housing as defined in section 1 of this act to connect to lines or pipes used by the city or town to provide utility service, the waiver or delay shall be pursuant to a program established by ordinance. As used in this section, the provision of "utility service" includes, but is not limited to, water, sanitary or storm

sewer service, electricity, gas, other means of power, and heat."

On page 1, line 2 of the title, after "properties;" strike the remainder of the title and insert "amending RCW 35.92.380; and adding a new section to chapter 35.92 RCW."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1326 and advanced the bill, as amended by the Senate, to final passage.

Representatives Cortes and Goehner spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1326, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1326, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 84; Nays, 12; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Connors, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Christian, Corry, Dent, Dye, Goehner, Graham, McEntire, Sandlin, Schmick, Schmidt, Volz and Walsh

Excused: Representatives Ortiz-Self and Reeves

SUBSTITUTE HOUSE BILL NO. 1326, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Wednesday, April 5, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1346, with the following amendment(s): 1346-S AMS EDU S2348.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28A.625 RCW to read as follows:

(1)(a) The purple star designation is created to recognize school districts that demonstrate educational and social-emotional supports to students of military service



members as they face transitions to a new school. School districts that earn the designation will receive a special purple star recognition to display on site. The office of the superintendent of public instruction may collaborate with a state agency or nonprofit organization that has experience serving the needs of a diverse K-12 population to establish and administer the designation. A school district must be considered for the purple star designation if it applies and completes all the required activities and at least one optional activity listed in this section.

(b) A school district must complete the following required activities to be considered to receive the purple star designation:

(i) The school district must have a staff point of contact for military students and families. The staff point of contact must:

(A) Work jointly with the state military family education liaison under RCW 28A.705.010, article VIII to serve military families;

(B) Serve as the primary liaison between military families and the school district;

(C) Complete professional development on special considerations for military students and families under relevant state and federal law; and

(D) Identify and inform teachers of military-connected students in their classrooms and the special considerations military families and students should receive under the interstate compact on educational opportunity for military children under RCW 28A.705.010; and

(ii) The school district maintains a dedicated page on its website featuring resources for military families.

(c) A school district must complete at least one of the following optional activities to be considered to receive the purple star designation:

(i) The school district provides professional development for additional staff on special considerations for military students and families;

(ii) The school district board of directors passes a resolution publicizing the school district's support for military children and families; or

(iii) The school district hosts a military recognition event that demonstrates a military friendly culture.

(2) The office of the superintendent of public instruction must make available on its website:

(a) A simple application for a school district to submit for consideration to receive a purple star designation. The application must require evidence of meeting each of the required activities under subsection (1)(b) of this section and at least one optional activity under subsection (1)(c) of this section necessary to receive the purple star designation;

(b) A timeline for submittal of an application for consideration and for announcement of the recipients; and

(c) The criteria being used to review the applications received and determine which school districts receive the designation.

(3) The purple star designation shall be awarded every two years, beginning in 2024.

NEW SECTION. **Sec. 2.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus operating appropriations act, this act is null and void."

On page 1, line 1 of the title, after "award;" strike the remainder of the title and insert "adding a new section to chapter 28A.625 RCW; and creating a new section."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1346 and advanced the bill, as amended by the Senate, to final passage.

Representatives Shavers and Rude spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1346, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1346, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cory, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives McEntire and Walsh

Excused: Representatives Ortiz-Self and Reeves

SUBSTITUTE HOUSE BILL NO. 1346, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1369, with the following amendment(s): 1369-S.E AMS LAW S2391.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 77.15 RCW to read as follows:

Washington fish and wildlife officers may engage in private law enforcement off-duty employment, in uniform or in plainclothes for private benefit, subject to guidelines adopted by the chief of fish and wildlife enforcement. These guidelines must ensure that the integrity and professionalism of the Washington fish and wildlife enforcement is preserved. Use of Washington fish and wildlife officer's uniforms shall be considered de minimis use of state property. For any employment authorized under this section that occurs on reservation, trust, or allotted lands of a federally-recognized Indian tribe, a Washington fish and wildlife officer must have taken the violence de-escalation and mental health training provided by the criminal justice training commission, including the curriculum of the history of police interactions with Native American communities; and the private employer must have obtained permission from the affected federally recognized Indian tribe.

**NEW SECTION. Sec. 2.** A new section is added to chapter 4.92 RCW to read as follows:

(1) The state is not liable for tortious conduct by department of fish and wildlife officers that occurs while such officers are engaged in private law enforcement off-duty employment.

(2) Upon petition of the state any suit, for which immunity is granted to the state under subsection (1) of this section, shall be dismissed.

(3) Department of fish and wildlife officers engaged in private law enforcement off-duty employment shall notify, in writing, prior to such employment, anyone who employs department of fish and wildlife officers in private off-duty employment of the specific provisions of subsections (1) and (2) of this section."

On page 1, line 2 of the title, after "officers;" strike the remainder of the title and insert "adding a new section to chapter 77.15 RCW; and adding a new section to chapter 4.92 RCW."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1369 and advanced the bill, as amended by the Senate, to final passage.

Representatives Griffey and Goodman spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1369, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1369, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1369, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1466, with the following amendment(s): 1466-S.E AMS HLTC S2566.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.29.190 and 2019 c 111 s 3 are each amended to read as follows:

(1) The department shall issue an initial ~~((limited))~~ temporary license without the examination required by this chapter to any applicant who, as determined by the secretary:

(a) Holds a valid license in another state or Canadian province that allows a substantively equivalent scope of practice in subsection (3)(a) through (j) of this section;

~~(b) ((Is currently engaged in active practice in another state or Canadian province. For the purposes of this section, "active practice" means five hundred sixty hours of practice in the preceding twenty-four months;~~

~~(e))~~ Files with the secretary documentation certifying that the applicant:

(i) Has graduated from an accredited dental hygiene school approved by the secretary;

(ii) Has successfully completed the dental hygiene national board examination; and

(iii) Is licensed to practice in another state or Canadian province;

~~((d))~~ (c) Provides information as the secretary deems necessary pertaining to the conditions and criteria of the uniform disciplinary act, chapter 18.130 RCW;

~~((e))~~ (d) Demonstrates to the secretary a knowledge of Washington state law pertaining to the practice of dental hygiene, including the administration of legend drugs; and

~~((f))~~ (e) Pays any required fees ~~((and (g) Meets requirements for AIDS education))~~.

(2) The term of the initial ~~((limited))~~ temporary license issued under this section is ~~((eighteen months))~~ five years and it is renewable upon:

(a) Demonstration of successful passage of a substantively equivalent dental hygiene patient evaluation/prophylaxis examination;

(b) Demonstration of successful passage of a substantively equivalent local anesthesia examination;

(c) Demonstration of didactic and clinical competency in the administration of nitrous oxide analgesia; and

(d) Demonstration of successful passage of an educational program on the administration of local anesthesia and nitrous oxide analgesia.

(3) A person practicing with an initial ~~((limited))~~ temporary license granted under this section has the authority to perform hygiene procedures that are limited to:

(a) Oral inspection and measuring of periodontal pockets;

(b) Patient education in oral hygiene;

(c) Taking intra-oral and extra-oral radiographs;

(d) Applying topical preventive or prophylactic agents;

(e) Polishing and smoothing restorations;

(f) Oral prophylaxis and removal of deposits and stains from the surface of the teeth;

(g) Recording health histories;

(h) Taking and recording blood pressure and vital signs;

(i) Performing subgingival and supragingival scaling; and

(j) Performing root planing.

(4)(a) A person practicing with an initial ~~((limited))~~ temporary license granted under this section may not perform the following dental hygiene procedures unless authorized in (b) or (c) of this subsection:

(i) Give injections of local anesthetic;

(ii) Place restorations into the cavity prepared by a licensed dentist and afterwards carve, contour, and adjust contacts and occlusion of the restoration;

(iii) Soft tissue curettage; or

(iv) Administer nitrous oxide/oxygen analgesia.

(b) A person licensed in another state or Canadian province who can demonstrate substantively equivalent licensing standards in the administration of local anesthetic may receive a temporary endorsement to administer local anesthesia. For purposes of the renewed ~~((limited))~~ temporary license, this endorsement demonstrates the successful passage of the local anesthesia examination.

(c) A person licensed in another state or Canadian province who can demonstrate substantively equivalent licensing standards in restorative procedures may receive a temporary endorsement for restorative procedures.

(d) A person licensed in another state or Canadian province who can demonstrate substantively equivalent licensing standards in administering nitrous oxide analgesia may receive a temporary endorsement to administer nitrous oxide analgesia.

(5)(a) A person practicing with a renewed ~~((limited))~~ temporary license granted under this section may:

(i) Perform hygiene procedures as provided under subsection (3) of this section;

(ii) Give injections of local anesthetic;

(iii) Perform soft tissue curettage; and

(iv) Administer nitrous oxide/oxygen analgesia.

(b) A person practicing with a renewed ~~((limited))~~ temporary license granted under this section may not place restorations into the cavity prepared by a licensed dentist and afterwards carve, contour, and adjust contacts and occlusion of the restoration.

(6) The secretary shall issue an initial temporary license to all dental hygienists with an active limited license as of the effective date of this section. The initial temporary license expires five years after the date the initial limited license was issued."

On page 1, line 1 of the title, after "auxiliaries;" strike the remainder of the title and insert "and amending RCW 18.29.190."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1466 and advanced the bill, as amended by the Senate, to final passage.

Representatives Riccelli and Schmick spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1466, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1466, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1466, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1491, with the following amendment(s): 1491-S2 AMS WM S2966.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 49.44 RCW to read as follows:

(1) Except as provided in subsection (2) of this section:

(a) An employer or an employer's agent may not search the privately owned vehicles of employees located on the employer's parking lots or garages or located on the access road to the employer's parking lots or garages.

(b) An employee may possess any of the employee's private property within the employee's vehicle, unless possession of such property is otherwise prohibited by law.

(c) An employer must not require, as a condition of employment, that an employee or prospective employee waive the protections of (a) or (b) of this subsection.

(2) This section does not apply:

(a) To vehicles owned or leased by an employer;

(b) To lawful searches by law enforcement officers;

(c) When the employer requires or authorizes the employee to use the employee's personal vehicle for work-related activities and the employer needs to inspect the vehicle to ensure the vehicle is suited to conduct the work-related activities;

(d) When a reasonable person would believe that accessing vehicles of an employee is necessary to prevent an immediate threat to human health, life, or safety;

(e) When an employee consents to a search of his or her privately owned vehicle by the business owner, owner's agent, or a licensed private security guard based on probable cause that the employee unlawfully possesses: (i) Employer property; or (ii) a controlled substance in violation of both federal law and the employer's written policy prohibiting drug use. The employee's consent must be given immediately prior to the search, and the employer may not require that the employee waive consent as a condition of employment. Upon consent, the employee has the right to select a witness to be present for the search;

(f) To security inspections of vehicles on state and federal military installations and facilities;

(g) To vehicles located on the premises of a state correctional institution, as defined in RCW 9.94.049; or

(h) To specific employer areas subject to searches under state or federal law.

(3) For purposes of this section, the terms "probable cause" and "private property" have their usual meaning under state and federal law.

(4) An employer may not take any adverse action against an employee for exercising any right under this section. An adverse action means any action taken or threatened by an employer against an employee for exercising the employee's rights under this section, and may include, but are not limited to:

(a) Denying the use of, or delaying, wages or other amounts owed to the employee;

(b) Terminating, suspending, demoting, or denying a promotion;

(c) Reducing the number of work hours for which the employee is scheduled;

(d) Altering the employee's preexisting work schedule;

(e) Reducing the employee's rate of pay; and

(f) Threatening to take, or taking, action based upon the immigration status of an employee or an employee's family member."

On page 1, line 2 of the title, after "vehicles;" strike the remainder of the title and insert "and adding a new section to chapter 49.44 RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1491 and advanced the bill, as amended by the Senate, to final passage.

Representatives Orcutt and Berry spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1491, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1491, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative McEntire

Excused: Representatives Ortiz-Self and Reeves

SECOND SUBSTITUTE HOUSE BILL NO. 1491, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Wednesday, March 22, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1500, with the following amendment(s): 1500-S AMS AWP S2252.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 69.22.050 and 2015 c 196 s 1 are each amended to read as follows:

(1) ~~((The))~~ (a) Except as provided in (b) of this subsection, the annual gross sales of cottage food products may not exceed ((twenty-five thousand dollars))\$35,000. The determination of the maximum annual gross sales must be computed on the basis of the amount of gross sales within or at a particular domestic residence and may not be computed on a per person basis within or at an individual domestic residence.

(b) Every four years, the department shall review the cap on annual gross sales established in (a) of this subsection and increase the cap by expedited rule making, in accordance with RCW 34.05.353, based on that year's average consumer price index for the Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

(2) If gross sales exceed the maximum allowable annual gross sales amount established under subsection (1) of this section, the cottage food operation must either obtain a food processing plant license under chapter 69.07 RCW or cease operations.

(3) A cottage food operation exceeding the maximum allowable annual gross sales amount established under subsection (1) of this section is not entitled to a full or partial refund of any fees paid under RCW 69.22.030 or 69.22.040.

(4) The director may request in writing documentation to verify the annual gross sales figure.

**Sec. 2.** RCW 69.22.030 and 2011 c 281 s 3 are each amended to read as follows:

(1) All cottage food operations must be permitted ~~((annually))~~ every two years by the department on forms developed by the department. All permits and permit renewals must be made on forms developed by the director and be accompanied by an inspection fee as provided in RCW 69.22.040, a ~~((seventy-five dollar))~~ \$75 public health review fee, and a ~~((thirty dollar))~~ \$30 processing fee. All fees must be deposited into the food processing inspection account created in RCW 69.07.120.

(2) In addition to the provision of any information required by the director on forms developed under subsection (1) of this section and the payment of all fees, an applicant for a permit or a permit renewal as a cottage food operation must also provide documentation that all individuals to be involved in the preparation of cottage ~~((foods [cottage food products]))~~ food products have secured a food and beverage service worker's permit under chapter 69.06 RCW.

(3) All cottage food operations permitted under this section must include a signed document attesting, by opting to become permitted, that the permitted cottage food operation expressly grants to the director the right to enter the domestic residence housing the cottage food operation during normal business hours, or at other reasonable times, for the purposes of inspections under this chapter.

NEW SECTION. **Sec. 3.** A new section is added to chapter 69.22 RCW to read as follows:

The department shall maintain sufficient full-time equivalent staff to ensure timely processing of permits required under this chapter and provide improved service levels to cottage food operations."

On page 1, line 2 of the title, after "operations;" strike the remainder of the title and insert "amending RCW 69.22.050 and 69.22.030; and adding a new section to chapter 69.22 RCW."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1500 and advanced the bill, as amended by the Senate, to final passage.

Representatives Eslick and Chapman spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1500, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1500, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

SUBSTITUTE HOUSE BILL NO. 1500, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

#### MESSAGE FROM THE SENATE

Thursday, April 6, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1503, with the following amendment(s): 1503-S.E AMS HLTC S2342.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 18.130 RCW to read as follows:

(1) All applicants who submit applications for licensure on or after January 1, 2025, shall provide the following information with their application:

- (a) Race;
- (b) Ethnicity;
- (c) Gender;
- (d) Languages spoken;
- (e) Provider specialty, where applicable;
- (f) Primary practice location, if known at the time of application; and
- (g) Secondary practice location, if applicable and if known at the time of application.

(2) All license holders shall provide the following information when they renew their licenses on or after January 1, 2025, in addition to any other information required by the relevant disciplining authority:

(a) The information in subsection (1)(a) through (e) of this section, except, after license holders provide this information one time, they shall be required to provide only changes to this information with subsequent renewals;

(b) Whether the licensee is currently practicing;

(c) Primary practice location at the time of renewal; and

(d) Secondary practice location at the time of renewal, if applicable.

(3) The form used to collect information under this section must include the same race and ethnicity categories and subgroups required for the collection of student-level data in RCW 28A.300.042 (1) and (3).

(4) The department shall not sell the information collected pursuant to subsection (1) or (2) of this section to any third party.

(5) Applicants and licensees subject to demographic and practice information provision requirements under chapters 18.71, 18.71A, and 18.71B RCW are exempt from the requirements of this section."

On page 1, line 2 of the title, after "renewal;" strike the remainder of the title and insert "and adding a new section to chapter 18.130 RCW."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1503 and advanced the bill, as amended by the Senate, to final passage.

Representatives Riccelli and Ybarra spoke in favor of the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1503, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1503, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1503, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Friday, April 7, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1515, with the following amendment(s): 1515-S2.E AMS HLTC S2576.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) Medicaid enrollees in Washington are challenged with accessing needed behavioral health care. According to the Washington state department of social and health services, as of 2021, among medicaid enrollees with an identified mental health need, only 50 percent of adults and 66 percent of youth received treatment, while among medicaid enrollees with an identified substance use disorder need, only 37 percent of adults and 23 percent of youth received treatment. Furthermore, the national council for mental wellbeing's 2022 access to care survey found that 43 percent of adults in the United States who say they need mental health or substance use care did not receive that care, and they face numerous barriers to receiving needed treatment. Lack of necessary care can cause behavioral health conditions to deteriorate and crises to escalate, driving increasing use of intensive services such as inpatient care and involuntary treatment. As a result, the

behavioral health system is reaching a crisis point in communities across the state.

(b) As of December 2022, 1,953,153 Washington residents rely on apple health managed care organizations to provide for their physical and behavioral health needs. During the integration of physical and behavioral health care pursuant to chapter 225, Laws of 2014, the health care authority most recently procured managed care services in 2018 and selected five managed care organizations to serve as Washington's apple health plans to provide for the physical and behavioral health care needs of medicaid enrollees. The health care authority has begun considering when to conduct a new procurement for managed care organizations, including an allowance for possible new entrants that do not currently serve Washington's medicaid population.

(c) Medicaid managed care procurement presents a need and an opportunity for the state to reset expectations for managed care organizations related to behavioral health services to ensure that Washington residents are being served by qualified and experienced health plans that can deliver on the access to care and quality of care that residents need and deserve.

(2) It is the intent of the legislature to seize this opportunity to address ongoing challenges Washington's medicaid enrollees face in accessing behavioral health care. The legislature intends to establish robust new standards defining the levels of medicaid-funded behavioral health service capacity and resources that are adequate to meet medicaid enrollees' treatment needs; to ensure that managed care organizations that serve Washington's medicaid enrollees have a track record of success in delivering a broad range of behavioral health care services to safety net populations; and to advance payment structures and provider network delivery models that improve equitable access, promote integration of care, and deliver on outcomes.

(3) The legislature finds that increased access to behavioral health services for American Indians and Alaska Natives, children in foster care, and the aged, blind, and disabled through the preservation and enhancement of the fee-for-service system is also critical to reducing health disparities among these vulnerable populations. The legislature also intends to increase access to timely and robust behavioral health services for American Indians and Alaska Natives, children in foster care, and the aged, blind, and disabled, in the fee-for-service system they access.

**Sec. 2.** RCW 74.09.871 and 2019 c 325 s 4006 are each amended to read as follows:

(1) Any agreement or contract by the authority to provide behavioral health services as defined under RCW 71.24.025 to persons eligible for benefits under medicaid, Title XIX of the social security act, and to persons not eligible for medicaid must include the following:

(a) Contractual provisions consistent with the intent expressed in RCW 71.24.015 and 71.36.005;

(b) Standards regarding the quality of services to be provided, including increased use of evidence-based, research-based, and promising practices, as defined in RCW 71.24.025;

(c) Accountability for the client outcomes established in RCW 71.24.435, 70.320.020, and 71.36.025 and performance measures linked to those outcomes;

(d) Standards requiring behavioral health administrative services organizations and managed care organizations to maintain a network of appropriate providers that is supported by written agreements sufficient to provide adequate access to all services covered under the contract with the authority and to protect essential behavioral health system infrastructure and capacity, including a continuum of substance use disorder services;

(e) Provisions to require that medically necessary substance use disorder and mental health treatment services be available to clients;

(f) Standards requiring the use of behavioral health service provider reimbursement methods that incentivize improved performance with respect to the client outcomes established in RCW 71.24.435 and 71.36.025, integration of behavioral health and primary care services at the clinical level, and improved care coordination for individuals with complex care needs;

(g) Standards related to the financial integrity of the contracting entity. This subsection does not limit the authority of the authority to take action under a contract upon finding that a contracting entity's financial status jeopardizes the contracting entity's ability to meet its contractual obligations;

(h) Mechanisms for monitoring performance under the contract and remedies for failure to substantially comply with the requirements of the contract including, but not limited to, financial deductions, termination of the contract, receivership, reprocurement of the contract, and injunctive remedies;

(i) Provisions to maintain the decision-making independence of designated crisis responders; and

(j) Provisions stating that public funds appropriated by the legislature may not be used to promote or deter, encourage, or discourage employees from exercising their rights under Title 29, chapter 7, subchapter II, United States Code or chapter 41.56 RCW.

(2) At least six months prior to releasing a medicaid integrated managed care procurement, but no later than January 1, 2025, the authority shall adopt statewide network adequacy standards that are assessed on a regional basis for the behavioral health provider networks maintained by managed care organizations pursuant to subsection (1)(d) of this section. The standards shall require a network that ensures access to appropriate and timely behavioral health services for the enrollees of the managed care organization who live within the regional service area. At a

minimum, these standards must address each behavioral health services type covered by the medicaid integrated managed care contract. This includes, but is not limited to: Outpatient, inpatient, and residential levels of care for adults and youth with a mental health disorder; outpatient, inpatient, and residential levels of care for adults and youth with a substance use disorder; crisis and stabilization services; providers of medication for opioid use disorders; specialty care; other facility-based services; and other providers as determined by the authority through this process. The authority shall apply the standards regionally and shall incorporate behavioral health system needs and considerations as follows:

(a) Include a process for an annual review of the network adequacy standards;

(b) Provide for participation from counties and behavioral health providers in both initial development and subsequent updates;

(c) Account for the regional service area's population; prevalence of behavioral health conditions; types of minimum behavioral health services and service capacity offered by providers in the regional service area; number and geographic proximity of providers in the regional service area; an assessment of the needs or gaps in the region; and availability of culturally specific services and providers in the regional service area to address the needs of communities that experience cultural barriers to health care including but not limited to communities of color and the LGBTQ+ community;

(d) Include a structure for monitoring compliance with provider network standards and timely access to the services;

(e) Consider how statewide services, such as residential treatment facilities, are utilized cross-regionally; and

(f) Consider how the standards would impact requirements for behavioral health administrative service organizations.

(3) Before releasing a medicaid integrated managed care procurement, the authority shall identify options that minimize provider administrative burden, including the potential to limit the number of managed care organizations that operate in a regional service area.

(4) The following factors must be given significant weight in any medicaid integrated managed care procurement process under this section:

(a) Demonstrated commitment and experience in serving low-income populations;

(b) Demonstrated commitment and experience serving persons who have mental illness, substance use disorders, or co-occurring disorders;

(c) Demonstrated commitment to and experience with partnerships with county and municipal criminal justice systems, housing services, and other critical support services necessary to achieve the outcomes established in RCW 71.24.435, 70.320.020, and 71.36.025;

(d) The ability to provide for the crisis service needs of medicaid enrollees,

consistent with the degree to which such services are funded;

(e) Recognition that meeting enrollees' physical and behavioral health care needs is a shared responsibility of contracted behavioral health administrative services organizations, managed care organizations, service providers, the state, and communities;

((e)) (f) Consideration of past and current performance and participation in other state or federal behavioral health programs as a contractor; ((and

(f)) (g) The ability to meet requirements established by the authority ((- (3));

(h) The extent to which a managed care organization's approach to contracting simplifies billing and contracting burdens for community behavioral health provider agencies, which may include but is not limited to a delegation arrangement with a provider network that leverages local, federal, or philanthropic funding to enhance the effectiveness of medicaid-funded integrated care services and promote medicaid clients' access to a system of services that addresses additional social support services and social determinants of health as defined in RCW 43.20.025;

(i) Demonstrated prior national or in-state experience with a full continuum of behavioral health services that are substantially similar to the behavioral health services covered under the Washington medicaid state plan, including evidence through past and current data on performance, quality, and outcomes; and

(j) Demonstrated commitment by managed care organizations to the use of alternative pricing and payment structures between a managed care organization and its behavioral health services providers, including provider networks described in subsection (b) of this section, and between a managed care organization and a behavioral administrative service organization, in any of their agreements or contracts under this section, which may include but are not limited to:

(i) Value-based purchasing efforts consistent with the authority's value-based purchasing strategy, such as capitated payment arrangements, comprehensive population-based payment arrangements, or case rate arrangements; or

(ii) Payment methods that secure a sufficient amount of ready and available capacity for levels of care that require staffing 24 hours per day, 365 days per year, to serve anyone in the regional service area with a demonstrated need for the service at all times, regardless of fluctuating utilization.

(5) The authority may use existing cross-system outcome data such as the outcomes and related measures under subsection (4)(c) of this section and chapter 338, Laws of 2013, to determine that the alternative pricing and payment structures referenced in subsection (4)(j) of this section have advanced community behavioral health system outcomes more effectively than a fee-for-service model may have been expected to deliver.

(6)(a) The authority shall urge managed care organizations to establish, continue,



or expand delegation arrangements with a provider network that exists on the effective date of this section and that leverages local, federal, or philanthropic funding to enhance the effectiveness of medicaid-funded integrated care services and promote medicaid clients' access to a system of services that addresses additional social support services and social determinants of health as defined in RCW 43.20.025. Such delegation arrangements must meet the requirements of the integrated managed care contract and the national committee for quality assurance accreditation standards.

(b) The authority shall recognize and support, and may not limit or restrict, a delegation arrangement that a managed care organization and a provider network described in (a) of this subsection have agreed upon, provided such arrangement meets the requirements of the integrated managed care contract and the national committee for quality assurance accreditation standards. The authority may periodically review such arrangements for effectiveness according to the requirements of the integrated managed care contract and the national committee for quality assurance accreditation standards.

(c) Managed care organizations and the authority may evaluate whether to establish or support future delegation arrangements with any additional provider networks that may be created after the effective date of this section, based on the requirements of the integrated managed care contract and the national committee for quality assurance accreditation standards.

(7) The authority shall expand the types of behavioral health crisis services that can be funded with medicaid to the maximum extent allowable under federal law, including seeking approval from the centers for medicare and medicaid services for amendments to the medicaid state plan or medicaid state directed payments that support the 24 hours per day, 365 days per year capacity of the crisis delivery system when necessary to achieve this expansion.

(8) The authority shall, in consultation with managed care organizations, review reports and recommendations of the involuntary treatment act work group established pursuant to section 103, chapter 302, Laws of 2020 and develop a plan for adding contract provisions that increase managed care organizations' accountability when their enrollees require long-term involuntary inpatient behavioral health treatment and shall explore opportunities to maximize medicaid funding as appropriate.

(9) In recognition of the value of community input and consistent with past procurement practices, the authority shall include county and behavioral health provider representatives in the development of any medicaid integrated managed care procurement process. This shall include, at a minimum, two representatives identified by the association of county human services and two representatives identified by the Washington council for behavioral health to participate in the review and development of procurement documents.

(10) For purposes of purchasing behavioral health services and medical care services for persons eligible for benefits

under medicaid, Title XIX of the social security act and for persons not eligible for medicaid, the authority must use regional service areas. The regional service areas must be established by the authority as provided in RCW 74.09.870.

~~((4))~~(11) Consideration must be given to using multiple-biennia contracting periods.

~~((5))~~(12) Each behavioral health administrative services organization operating pursuant to a contract issued under this section shall serve clients within its regional service area who meet the authority's eligibility criteria for mental health and substance use disorder services within available resources.

**Sec. 3.** RCW 71.24.861 and 2019 c 325 s 1047 are each amended to read as follows:

(1) The legislature finds that ongoing coordination between state agencies, the counties, and the behavioral health administrative services organizations is necessary to coordinate the behavioral health system. To this end, the authority shall establish a committee to meet quarterly to address systemic issues, including but not limited to the data-sharing needs of behavioral health system partners.

(2) The committee established in subsection (1) of this section must be convened by the authority, meet quarterly, and include representatives from:

- (a) The authority;
- (b) The department of social and health services;
- (c) The department;
- (d) The office of the governor;
- (e) One representative from the behavioral health administrative services organization per regional service area; and
- (f) One county representative per regional service area.

**NEW SECTION. Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 74.09.871 and 71.24.861; and creating new sections."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1515 and advanced the bill, as amended by the Senate, to final passage.

Representatives Riccelli and Schmick spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1515, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1515, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1515, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Friday, April 7, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1068, with the following amendment(s): 1068-S AMS ENGR S2574.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 51.36.070 and 2020 c 213 s 3 are each amended to read as follows:

(1)(a) Whenever the department or the self-insurer deems it necessary in order to (i) make a decision regarding claim allowance or reopening, (ii) resolve a new medical issue, an appeal, or case progress, or (iii) evaluate the worker's permanent disability or work restriction, a worker shall submit to examination by a physician or physicians selected by the department, with the rendition of a report to the person ordering the examination, the attending physician, and the injured worker.

(b) The examination must be at a place reasonably convenient to the injured worker, or alternatively utilize telemedicine if the department determines telemedicine is appropriate for the examination. For purposes of this subsection, "reasonably convenient" means at a place where residents in the injured worker's community would normally travel to seek medical care for the same specialty as the examiner. The department must address in rule how to accommodate the injured worker if no approved medical examiner in the specialty needed is available in that community.

(2) The department or self-insurer shall provide the physician performing an examination with all relevant medical records from the worker's claim file. The

director, in his or her discretion, may charge the cost of such examination or examinations to the self-insurer or to the medical aid fund as the case may be. The cost of said examination shall include payment to the worker of reasonable expenses connected therewith.

(3) For purposes of this section, "examination" means a physical or mental examination by a medical care provider licensed to practice medicine, osteopathy, podiatry, chiropractic, dentistry, or psychiatry at the request of the department or self-insured employer (~~or by order of the board of industrial insurance appeals~~).

(4) (a) The worker has the right to record the audio, video, or both, of all examinations ordered under this section, RCW 51.32.110, or by the board of industrial insurance appeals.

(b) The worker or the worker's representative must provide notice to the entity scheduling the examination that the examination will be recorded no less than seven calendar days before the date of the examination. The department must adopt rules to define the notification process.

(c) The worker is responsible for paying the costs of recording.

(d) Upon request, the worker must provide one copy of the recording to the department or self-insured employer within 14 days of receiving the request, but in no case prior to the issuance of a written report of the examination.

(e) The worker must take reasonable steps to ensure the recording equipment does not interfere with the examination. The worker may not hold the recording equipment while the examination is occurring.

(f) The worker may not materially alter the recording. Benefits received as a result of any material alteration of the recording by the worker or done on the worker's behalf may be subject to repayment pursuant to RCW 51.32.240.

(g) The worker may not post the recording to social media.

(h) Recordings made under this subsection are deemed confidential pursuant to RCW 51.28.070.

(i) The worker has the right to have one person, who is at least the age of majority and who is of the worker's choosing, to be present to observe all examinations ordered under this section, RCW 51.32.110, or by the board of industrial insurance appeals. The observer must be unobtrusive and not interfere with the examination. The observer may not be the worker's legal representative, an employee of the legal representative, the worker's attending provider, or an employee of the worker's attending provider.

(5) This section applies prospectively to all claims regardless of the date of injury."

On page 1, line 2 of the title, after "examinations;" strike the remainder of the title and insert "and amending RCW 51.36.070."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1068 and advanced the bill, as amended by the Senate, to final passage.

Representative Bronoske spoke in favor of the passage of the bill.

Representative Robertson spoke against the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1068, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1068, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Barkis, Barnard, Chambers, Chapman, Christian, Connors, Corry, Couture, Dent, Dye, Graham, Jacobsen, Klicker, Kretz, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Ortiz-Self and Reeves

SUBSTITUTE HOUSE BILL NO. 1068, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Friday, March 31, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1542, with the following amendment(s): 1542 AMS LC S2442.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 49.17 RCW to read as follows:

(1) Any employer with employees who operate, maintain, or construct high voltage lines and equipment or who conduct line-clearance tree trimming in close proximity to high voltage lines and equipment shall:

(a) Make an automated external defibrillator available and accessible to employees when work is being performed on, or in close proximity to, high voltage lines and equipment by two or more employees;

(b) Conduct regular maintenance and annual inspections of the automated external

defibrillator to ensure operability and availability; and

(c) Provide training or facilitate the provision of training to ensure there are at least two employees proficient on the proper and safe use of the automated external defibrillator at any site involving work on, or in close proximity to, high voltage lines and equipment. To be considered proficient, an employee must have completed initial or updated training within the previous two years.

(2) For the purposes of this section, "high voltage lines and equipment" refers to any energized communication line, electric supply line, or equipment with a voltage of 601 or greater.

NEW SECTION. **Sec. 2.** This act takes effect January 1, 2025."

On page 1, line 3 of the title, after "equipment;" strike the remainder of the title and insert "adding a new section to chapter 49.17 RCW; and providing an effective date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1542 and advanced the bill, as amended by the Senate, to final passage.

Representatives Bronoske and Schmidt spoke in favor of the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1542, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1542, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

HOUSE BILL NO. 1542, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Friday, April 7, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1564, with the following amendment(s): 1564 AMS DHIN S2732.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** It is the intent of the legislature to support survivors of sexual offenses through building victim-centered, trauma-informed systems that promote successful investigations and prosecutions of sexual offenses. Thorough and professional investigations, including preservation of forensic evidence, are imperative and a fundamental component in achieving these outcomes. At-home sexual assault test kits create false expectations and harm the potential for successful investigations and prosecutions. The sale of over-the-counter sexual assault kits may prevent survivors from receiving accurate information about their options and reporting processes; from obtaining access to appropriate and timely medical treatment and follow up; and from connecting to their community and other vital resources.

NEW SECTION. **Sec. 2.** A new section is added to chapter 5.70 RCW to read as follows:

(1) For purposes of this section:

(a) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place situated in Washington state where a health care provider provides health care to patients.

(b) "Health care provider" means a person licensed, certified, or otherwise authorized or permitted by law, in Washington state, to provide health care in the ordinary course of business or practice of a profession, and includes a health care facility.

(c) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, or any other legal or commercial entity. The term does not include a government or governmental subdivision, agency, or instrumentality.

(d) "Sexual assault kit" means a product with which evidence of sexual assault is collected.

(2) A person may not sell, offer for sale, or otherwise make available a sexual assault kit:

(a) That is marketed or otherwise presented as over-the-counter, at-home, or self-collected or in any manner that indicates that the sexual assault kit may be used for the collection of evidence of sexual assault other than by law enforcement or a health care provider; or

(b) If the person intends, knows, or reasonably should know that the sexual assault kit will be used for the collection of evidence of sexual assault other than by law enforcement or a health care provider.

(3) The legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the

consumer protection act, chapter 19.86 RCW. A violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW."

On page 1, line 2 of the title, after "kits;" strike the remainder of the title and insert "adding a new section to chapter 5.70 RCW; and creating a new section."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1564 and advanced the bill, as amended by the Senate, to final passage.

Representatives Mosbrucker and Goodman spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1564, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1564, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

HOUSE BILL NO. 1564, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Thursday, April 6, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1576, with the following amendment(s): 1576-S.E AMS HLTC S2567.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** This act shall be known and cited as the dentist and dental hygienist compact. The purposes of this compact are to facilitate the interstate

practice of dentistry and dental hygiene and improve public access to dentistry and dental hygiene services by providing dentists and dental hygienists licensed in a participating state the ability to practice in participating states in which they are not licensed. The compact does this by establishing a pathway for dentists and dental hygienists licensed in a participating state to obtain a compact privilege that authorizes them to practice in another participating state in which they are not licensed. The compact enables participating states to protect the public health and safety with respect to the practice of such dentists and dental hygienists, through the state's authority to regulate the practice of dentistry and dental hygiene in the state. The compact:

(1) Enables dentists and dental hygienists who qualify for a compact privilege to practice in other participating states without satisfying burdensome and duplicative requirements associated with securing a license to practice in those states;

(2) Promotes mobility and addresses workforce shortages through each participating state's acceptance of a compact privilege to practice in that state;

(3) Increases public access to qualified, licensed dentists and dental hygienists by creating a responsible, streamlined pathway for licensees to practice in participating states;

(4) Enhances the ability of participating states to protect the public's health and safety;

(5) Does not interfere with licensure requirements established by a participating state;

(6) Facilitates the sharing of licensure and disciplinary information among participating states;

(7) Requires dentists and dental hygienists who practice in a participating state pursuant to a compact privilege to practice within the scope of practice authorized in that state;

(8) Extends the authority of a participating state to regulate the practice of dentistry and dental hygiene within its borders to dentists and dental hygienists who practice in the state through a compact privilege;

(9) Promotes the cooperation of participating states in regulating the practice of dentistry and dental hygiene within those states; and

(10) Facilitates the relocation of military members and their spouses who are licensed to practice dentistry or dental hygiene.

**NEW SECTION. Sec. 2.** As used in this compact, unless the context requires otherwise, the following definitions shall apply:

(1) "Active military member" means any individual in full-time duty status in the armed forces of the United States including members of the national guard and reserve.

(2) "Adverse action" means disciplinary action or encumbrance imposed on a license

or compact privilege by a state licensing authority.

(3) "Alternative program" means a nondisciplinary monitoring or practice remediation process applicable to a dentist or dental hygienist approved by a state licensing authority of a participating state in which the dentist or dental hygienist is licensed. This includes, but is not limited to, programs to which licensees with substance abuse or addiction issues are referred in lieu of adverse action.

(4) "Clinical assessment" means an examination or process, required for licensure as a dentist or dental hygienist as applicable, that provides evidence of clinical competence in dentistry or dental hygiene.

(5) "Commissioner" means the individual appointed by a participating state to serve as the member of the commission for that participating state.

(6) "Compact" means this dentist and dental hygienist compact.

(7) "Compact privilege" means the authorization granted by a remote state to allow a licensee from a participating state to practice as a dentist or dental hygienist in a remote state.

(8) "Continuing professional development" means a requirement, as a condition of license renewal, to provide evidence of successful participation in educational or professional activities relevant to practice or area of work.

(9) "Criminal background check" means the submission of fingerprints or other biometric-based information for a license applicant for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R. Sec. 20.3(d) from the federal bureau of investigation and the state's criminal history record repository as defined in 28 C.F.R. Sec. 20.3(f).

(10) "Data system" means the commission's repository of information about licensees, including but not limited to examination, licensure, investigative, compact privilege, adverse action, and alternative program information.

(11) "Dental hygienist" means an individual who is licensed by a state licensing authority to practice dental hygiene.

(12) "Dentist" means an individual who is licensed by a state licensing authority to practice dentistry.

(13) "Dentist and dental hygienist compact commission" or "commission" means a joint government agency established by this compact comprised of each state that has enacted the compact and a national administrative body comprised of a commissioner from each state that has enacted the compact.

(14) "Encumbered license" means a license that a state licensing authority has limited in any way other than through an alternative program.

(15) "Executive board" means the chair, vice chair, secretary, treasurer, and any other commissioners as may be determined by commission rule or bylaw.

(16) "Jurisprudence requirement" means the assessment of an individual's knowledge

of the laws and rules governing the practice of dentistry or dental hygiene, as applicable, in a state.

(17) "License" means current authorization by a state, other than authorization pursuant to a compact privilege or other privilege, for an individual to practice as a dentist or dental hygienist in that state.

(18) "Licensee" means an individual who holds an unrestricted license from a participating state to practice as a dentist or dental hygienist in that state.

(19) "Model compact" means the model for the dentist and dental hygienist compact on file with the council of state governments or other entity as designated by the commission.

(20) "Participating state" means a state that has enacted the compact and been admitted to the commission in accordance with the provisions herein and commission rules.

(21) "Qualifying license" means a license that is not an encumbered license issued by a participating state to practice dentistry or dental hygiene.

(22) "Remote state" means a participating state where a licensee who is not licensed as a dentist or dental hygienist is exercising or seeking to exercise the compact privilege.

(23) "Rule" means a regulation promulgated by an entity that has the force of law.

(24) "Scope of practice" means the procedures, actions, and processes a dentist or dental hygienist licensed in a state is permitted to undertake in that state and the circumstances under which the licensee is permitted to undertake those procedures, actions, and processes. Such procedures, actions, and processes and the circumstances under which they may be undertaken may be established through means including, but not limited to, statutes, regulations, case law, and other processes available to the state licensing authority or other government agency.

(25) "Significant investigative information" means information, records, and documents received or generated by a state licensing authority pursuant to an investigation for which a determination has been made that there is probable cause to believe that the licensee has violated a statute or regulation that is considered more than a minor infraction for which the state licensing authority could pursue adverse action against the licensee.

(26) "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practices of dentistry and dental hygiene.

(27) "State licensing authority" means an agency or other entity of a state that is responsible for the licensing and regulation of dentists or dental hygienists.

**NEW SECTION. Sec. 3.** (1) In order to join the compact and thereafter continue as a participating state, a state must:

(a) Enact a compact that is not materially different from the model compact

as determined in accordance with commission rules;

(b) Participate fully in the commission's data system;

(c) Have a mechanism in place for receiving and investigating complaints about its licensees and license applicants;

(d) Notify the commission, in compliance with the terms of the compact and commission rules, of any adverse action or the availability of significant investigative information regarding a licensee and license applicant;

(e) Fully implement a criminal background check requirement, within a time frame established by commission rule, by receiving the results of a qualifying criminal background check;

(f) Comply with the commission rules applicable to a participating state;

(g) Accept the national board examinations of the joint commission on national dental examinations or another examination accepted by commission rule as a licensure examination;

(h) Accept for licensure that applicants for a dentist license graduate from a predoctoral dental education program accredited by the commission on dental accreditation or another accrediting agency recognized by the United States department of education for the accreditation of dentistry and dental hygiene education programs, leading to the doctor of dental surgery or doctor of dental medicine degree;

(i) Accept for licensure that applicants for a dental hygienist license graduate from a dental hygiene education program accredited by the commission on dental accreditation or another accrediting agency recognized by the United States department of education for the accreditation of dentistry and dental hygiene education programs;

(j) Require for licensure that applicants successfully complete a clinical assessment;

(k) Have continuing professional development requirements as a condition for license renewal; and

(l) Pay a participation fee to the commission as established by commission rule.

(2) Providing alternative pathways for an individual to obtain an unrestricted license does not disqualify a state from participating in the compact.

(3) When conducting a criminal background check the state licensing authority shall:

(a) Consider that information in making a licensure decision;

(b) Maintain documentation of completion of the criminal background check and background check information to the extent allowed by state and federal law; and

(c) Report to the commission whether it has completed the criminal background check and whether the individual was granted or denied a license.

(4) A licensee of a participating state who has a qualifying license in that state and does not hold an encumbered license in any other participating state shall be issued a compact privilege in a remote state in accordance with the terms of the compact and commission rules. If a remote state has a jurisprudence requirement a compact

privilege will not be issued to the licensee unless the licensee has satisfied the jurisprudence requirement.

NEW SECTION. **Sec. 4.** (1) To obtain and exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

(a) Have a qualifying license as a dentist or dental hygienist in a participating state;

(b) Be eligible for a compact privilege in any remote state in accordance with subsections (4), (7), and (8) of this section;

(c) Submit to an application process whenever the licensee is seeking a compact privilege;

(d) Pay any applicable commission and remote state fees for a compact privilege in the remote state;

(e) Meet any jurisprudence requirement established by a remote state in which the licensee is seeking a compact privilege;

(f) Have passed a national board examination of the joint commission on national dental examinations or another examination accepted by commission rule;

(g) For a dentist, have graduated from a predoctoral dental education program accredited by the commission on dental accreditation or another accrediting agency recognized by the United States department of education for the accreditation of dentistry and dental hygiene education programs, leading to the doctor of dental surgery or doctor of dental medicine degree;

(h) For a dental hygienist, have graduated from a dental hygiene education program accredited by the commission on dental accreditation or another accrediting agency recognized by the United States department of education for the accreditation of dentistry and dental hygiene education programs;

(i) Have successfully completed a clinical assessment for licensure;

(j) Report to the commission adverse action taken by any nonparticipating state when applying for a compact privilege and, otherwise, within 30 days from the date the adverse action is taken;

(k) Report to the commission when applying for a compact privilege the address of the licensee's primary residence and thereafter immediately report to the commission any change in the address of the licensee's primary residence; and

(1) Consent to accept service of process by mail at the licensee's primary residence on record with the commission with respect to any action brought against the licensee by the commission or a participating state, and consent to accept service of a subpoena by mail at the licensee's primary residence on record with the commission with respect to any action brought or investigation conducted by the commission or a participating state.

(2) The licensee must comply with the requirements of subsection (1) of this section to maintain the compact privilege in the remote state. If those requirements are met, the compact privilege will continue as long as the licensee maintains a qualifying

license in the state through which the licensee applied for the compact privilege and pays any applicable compact privilege renewal fees.

(3) A licensee providing dentistry or dental hygiene in a remote state under the compact privilege shall function within the scope of practice authorized by the remote state for a dentist or dental hygienist licensed in that state.

(4) A licensee providing dentistry or dental hygiene pursuant to a compact privilege in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, by adverse action revoke or remove a licensee's compact privilege in the remote state for a specific period of time and impose fines or take any other necessary actions to protect the health and safety of its citizens. If a remote state imposes an adverse action against a compact privilege that limits the compact privilege, that adverse action applies to all compact privileges in all remote states. A licensee whose compact privilege in a remote state is removed for a specified period of time is not eligible for a compact privilege in any other remote state until the specific time for removal of the compact privilege has passed and all encumbrance requirements are satisfied.

(5) If a license in a participating state is an encumbered license, the licensee shall lose the compact privilege in a remote state and shall not be eligible for a compact privilege in any remote state until the license is no longer encumbered.

(6) Once an encumbered license in a participating state is restored to good standing, the licensee must meet the requirements of subsection (1) of this section to obtain a compact privilege in a remote state.

(7) If a licensee's compact privilege in a remote state is removed by the remote state, the individual shall lose or be ineligible for the compact privilege in any remote state until the following occur:

(a) The specific period of time for which the compact privilege was removed has ended; and

(b) All conditions for removal of the compact privilege have been satisfied.

(8) Once the requirements of subsection (7) of this section have been met, the licensee must meet the requirements in subsection (1) of this section to obtain a compact privilege in a remote state.

NEW SECTION. **Sec. 5.** An active military member and their spouse shall not be required to pay to the commission for a compact privilege the fee otherwise charged by the commission. If a remote state chooses to charge a fee for a compact privilege, it may choose to charge a reduced fee or no fee to an active military member and their spouse for a compact privilege.

NEW SECTION. **Sec. 6.** (1) A participating state in which a licensee is licensed shall have exclusive authority to impose adverse action against the qualifying license issued by that participating state.

(2) A participating state may take adverse action based on the significant investigative information of a remote state, so long as the participating state follows its own procedures for imposing adverse action.

(3) Nothing in this compact shall override a participating state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the participating state's laws. Participating states must require licensees who enter any alternative program in lieu of discipline to agree not to practice pursuant to a compact privilege in any other participating state during the term of the alternative program without prior authorization from such other participating state.

(4) Any participating state in which a licensee is applying to practice or is practicing pursuant to a compact privilege may investigate actual or alleged violations of the statutes and regulations authorizing the practice of dentistry or dental hygiene in any other participating state in which the dentist or dental hygienist holds a license or compact privilege.

(5) A remote state shall have the authority to:

(a) Take adverse actions as set forth in section 4(4) of this act against a licensee's compact privilege in the state;

(b) In furtherance of its rights and responsibilities under the compact and the commission's rules, issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a state licensing authority in a participating state for the attendance and testimony of witnesses or the production of evidence from another participating state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence is located; and

(c) If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

(6)(a) In addition to the authority granted to a participating state by its dentist or dental hygienist licensure act or other applicable state law, a participating state may jointly investigate licensees with other participating states.

(b) Participating states shall share any significant investigative information, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

(7)(a) After a licensee's compact privilege in a remote state is terminated, the remote state may continue an investigation of the licensee that began when the licensee had a compact privilege in that remote state.

(b) If the investigation yields what would be significant investigative information had the licensee continued to have a compact privilege in that remote state, the remote state shall report the presence of such information to the data system as required by section 8(2)(f) of this act as if it was significant investigative information.

NEW SECTION. **Sec. 7.** (1) The compact participating states hereby create and establish a joint government agency whose membership consists of all participating states that have enacted the compact. The commission is an instrumentality of the participating states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact as set forth in section 11(1) of this act.

(2)(a) Each participating state shall have and be limited to one commissioner selected by that participating state's state licensing authority or, if the state has more than one state licensing authority, selected collectively by the state licensing authorities.

(b) The commissioner shall be a member or designee of such authority or authorities.

(c) The commission may by rule or bylaw establish a term of office for commissioners and may by rule or bylaw establish term limits.

(d) The commission may recommend to a state licensing authority or authorities, as applicable, removal or suspension of an individual as the state's commissioner.

(e) A participating state's state licensing authority or authorities, as applicable, shall fill any vacancy of its commissioner on the commission within 60 days of the vacancy.

(f) Each commissioner shall be entitled to one vote on all matters that are voted upon by the commission.

(g) The commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The commission may meet by telecommunication, videoconference, or other similar electronic means.

(3) The commission shall have the following powers:

(a) Establish the fiscal year of the commission;

(b) Establish a code of conduct and conflict of interest policies;

(c) Adopt rules and bylaws;

(d) Maintain its financial records in accordance with the bylaws;

(e) Meet and take such actions as are consistent with the provisions of this compact, the commission's rules, and the bylaws;

(f) Initiate and conclude legal proceedings or actions in the name of the commission, provided that the standing of any state licensing authority to sue or be sued under applicable law shall not be affected;

(g) Maintain and certify records and information provided to a participating state as the authenticated business records



of the commission, and designate a person to do so on the commission's behalf;

(h) Purchase and maintain insurance and bonds;

(i) Borrow, accept, or contract for services of personnel including, but not limited to, employees of a participating state;

(j) Conduct an annual financial review;

(k) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(l) As set forth in the commission rules, charge a fee to a licensee for the grant of a compact privilege in a remote state and thereafter, as may be established by commission rule, charge the licensee a compact privilege renewal fee for each renewal period in which that licensee exercises or intends to exercise the compact privilege in that remote state. Nothing herein shall be construed to prevent a remote state from charging a licensee a fee for a compact privilege or renewals of a compact privilege, or a fee for the jurisprudence requirement if the remote state imposes such a requirement for the grant of a compact privilege;

(m) Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety and/or conflict of interest;

(n) Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;

(o) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

(p) Establish a budget and make expenditures;

(q) Borrow money;

(r) Appoint committees, including standing committees, which may be composed of members, state regulators, state legislators or their representatives, consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

(s) Provide and receive information from, and cooperate with, law enforcement agencies;

(t) Elect a chair, vice chair, secretary, treasurer, and such other officers of the commission as provided in the commission's bylaws;

(u) Establish and elect an executive board;

(v) Adopt and provide to the participating states an annual report;

(w) Determine whether a state's enacted compact is materially different from the model compact language such that the state would not qualify for participation in the compact; and

(x) Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact.

(4)(a) All meetings of the commission that are not closed pursuant to this subsection shall be open to the public. Notice of public meetings shall be posted on the commission's website at least 30 days prior to the public meeting.

(b) Notwithstanding (a) of this subsection, the commission may convene an emergency public meeting by providing at least 24 hours prior notice on the commission's website, and any other means as provided in the commission's rules, for any of the reasons it may dispense with notice of proposed rule making under section 9(12) of this act. The commission's legal counsel shall certify that one of the reasons justifying an emergency public meeting has been met.

(c) Notice of all commission meetings shall provide the time, date, and location of the meeting, and if the meeting is to be held or accessible via telecommunication, videoconference, or other electronic means, the notice shall include the mechanism for access to the meeting through such means.

(d) The commission may convene in a closed, nonpublic meeting for the commission to receive legal advice or to discuss:

(i) Noncompliance of a participating state with its obligations under the compact;

(ii) The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(iii) Current or threatened discipline of a licensee or compact privilege holder by the commission or by a participating state's licensing authority;

(iv) Current, threatened, or reasonably anticipated litigation;

(v) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

(vi) Accusing any person of a crime or formally censuring any person;

(vii) Trade secrets or commercial or financial information that is privileged or confidential;

(viii) Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(ix) Investigative records compiled for law enforcement purposes;

(x) Information related to any investigative reports prepared by, on behalf of, or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;

(xi) Legal advice;

(xii) Matters specifically exempted from disclosure to the public by federal or participating state law; and

(xiii) Other matters as promulgated by the commission by rule.

(e) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

(f) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

(5) (a) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(b) The commission may accept any and all appropriate sources of revenue, donations, and grants of money, equipment, supplies, materials, and services.

(c) The commission may levy on and collect an annual assessment from each participating state and impose fees on licensees of participating states when a compact privilege is granted to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each fiscal year for which sufficient revenue is not provided by other sources. The aggregate annual assessment amount for participating states shall be allocated based upon a formula that the commission shall promulgate by rule.

(d) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any participating state, except by and with the authority of the participating state.

(e) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the commission.

(6) (a) The executive board shall have the power to act on behalf of the commission according to the terms of this compact. The powers, duties, and responsibilities of the executive board shall include:

(i) Overseeing the day-to-day activities of the administration of the compact including compliance with the provisions of the compact and the commission's rules and bylaws;

(ii) Recommending to the commission changes to the rules or bylaws, changes to this compact legislation, fees charged to compact participating states, fees charged to licensees, and other fees;

(iii) Ensuring compact administration services are appropriately provided, including by contract;

(iv) Preparing and recommending the budget;

(v) Maintaining financial records on behalf of the commission;

(vi) Monitoring compact compliance of participating states and providing compliance reports to the commission;

(vii) Establishing additional committees as necessary;

(viii) Exercising the powers and duties of the commission during the interim between commission meetings, except for adopting or amending rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the commission by rule or bylaw; and

(ix) Other duties as provided in the rules or bylaws of the commission.

(b) The executive board shall be composed of up to seven members:

(i) The chair, vice chair, secretary, and treasurer of the commission, and any other members of the commission who serve on the executive board, shall be voting members of the executive board; and

(ii) Other than the chair, vice chair, secretary, and treasurer, the commission may elect up to three voting members from the current membership of the commission.

(c) The commission may remove any member of the executive board as provided in the commission's bylaws.

(d) The executive board shall meet at least annually.

(i) An executive board meeting at which it takes or intends to take formal action on a matter shall be open to the public, except that the executive board may meet in a closed, nonpublic session of a public meeting when dealing with any of the matters covered under subsection (4)(d) of this section.

(ii) The executive board shall give five business days' notice of its public meetings, posted on its website and as it may otherwise determine to provide notice to persons with an interest in the public matters the executive board intends to address at those meetings.

(e) The executive board may hold an emergency meeting when acting for the commission to:

(i) Meet an imminent threat to public health, safety, or welfare;

(ii) Prevent a loss of commission or participating state funds; or

(iii) Protect public health and safety.

(7) (a) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this subsection (7)(a) shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the commission shall not in any way compromise or limit the immunity granted hereunder.

(b) The commission shall defend any member, officer, executive director, employee, and representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(c) Notwithstanding (a) of this subsection, should any member, officer, executive director, employee, or representative of the commission be held liable for the amount of any settlement or judgment arising out of any actual or alleged act, error, or omission that occurred within the scope of that individual's employment, duties, or responsibilities for the commission, or that the person to whom that individual is liable had a reasonable basis for believing occurred within the scope of the individual's employment, duties, or responsibilities for the commission, the commission shall indemnify and hold harmless such individual, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of the individual.

(d) Nothing herein shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

(e) Nothing in this compact shall be interpreted to waive or otherwise abrogate a participating state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman act, Clayton act, or any other state or federal antitrust or anticompetitive law or regulation.

(f) Nothing in this compact shall be construed to be a waiver of sovereign immunity by the participating states or by the commission.

NEW SECTION. **Sec. 8.** (1) The commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, adverse action, and the presence of significant investigative information on all licensees and applicants for a license in participating states.

(2) Notwithstanding any other provision of state law to the contrary, a participating state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

(a) Identifying information;

(b) Licensure data;

(c) Adverse actions against a licensee, license applicant, or compact privilege and information related thereto;

(d) Nonconfidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation;

(e) Any denial of an application for licensure, and the reason or reasons for such denial, excluding the reporting of any criminal history record information where prohibited by law;

(f) The presence of significant investigative information; and

(g) Other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the commission.

(3) The records and information provided to a participating state pursuant to this compact or through the data system, when certified by the commission or an agent thereof, shall constitute the authenticated business records of the commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a participating state.

(4) Significant investigative information pertaining to a licensee in any participating state will only be available to other participating states.

(5) It is the responsibility of the participating states to monitor the database to determine whether adverse action has been taken against a licensee or license applicant. Adverse action information pertaining to a licensee or license applicant in any participating state will be available to any other participating state.

(6) Participating states contributing information to the data system may designate information that may not be shared with the public without the express permission of the participating state.

(7) Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the participating state contributing the information shall be removed from the data system.

NEW SECTION. **Sec. 9.** (1) The commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of the compact. A commission rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the commission exercised its rule-making authority in a manner that is beyond the scope and purposes of the compact, or the powers granted hereunder, or based upon another applicable standard of review.

(2) The rules of the commission shall have the force of law in each participating state, provided however that where the rules of the commission conflict with the laws of the participating state that establish the participating state's scope of practice as held by a court of competent jurisdiction, the rules of the commission shall be

ineffective in that state to the extent of the conflict.

(3) The commission shall exercise its rule-making powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules shall become binding as of the date specified by the commission for each rule.

(4) If a majority of the legislatures of the participating states rejects a commission rule or portion of a commission rule, by enactment of a statute or resolution in the same manner used to adopt the compact, within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any participating state or to any state applying to participate in the compact.

(5) Rules shall be adopted at a regular or special meeting of the commission.

(6) Prior to adoption of a proposed rule, the commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

(7) Prior to adoption of a proposed rule by the commission, and at least 30 days in advance of the meeting at which the commission will hold a public hearing on the proposed rule, the commission shall provide a notice of proposed rule making:

(a) On the website of the commission or other publicly accessible platform;

(b) To persons who have requested notice of the commission's notices of proposed rule making; and

(c) In such other way or ways as the commission may by rule specify.

(8) The notice of proposed rule making shall include:

(a) The time, date, and location of the public hearing at which the commission will hear public comments on the proposed rule and, if different, the time, date, and location of the meeting where the commission will consider and vote on the proposed rule;

(b) If the hearing is held via telecommunication, videoconference, or other electronic means, the commission shall include the mechanism for access to the hearing in the notice of proposed rule making;

(c) The text of the proposed rule and the reason therefor;

(d) A request for comments on the proposed rule from any interested person; and

(e) The manner in which interested persons may submit written comments.

(9) All hearings will be recorded. A copy of the recording and all written comments and documents received by the commission in response to the proposed rule shall be available to the public.

(10) Nothing in this section shall be construed as requiring a separate hearing on each commission rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

(11) The commission shall, by majority vote of all commissioners, take final action on the proposed rule based on the rule-making record.

(a) The commission may adopt changes to the proposed rule provided the changes do

not enlarge the original purpose of the proposed rule.

(b) The commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

(c) The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection (12) of this section, the effective date of the rule shall be no sooner than 30 days after the commission issuing the notice that it adopted or amended the rule.

(12) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with 24 hours' notice, with opportunity to comment, provided that the usual rule-making procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(a) Meet an imminent threat to public health, safety, or welfare;

(b) Prevent a loss of commission or participating state funds;

(c) Meet a deadline for the promulgation of a rule that is established by federal law or rule; or

(d) Protect public health and safety.

(13) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

(14) No participating state's rule-making requirements shall apply under this compact.

**NEW SECTION. Sec. 10.** (1)(a) The executive and judicial branches of state government in each participating state shall enforce this compact and take all actions necessary and appropriate to implement the compact.

(b) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the

selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter.

(c) The commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact or commission rule and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the commission service of process shall render a judgment or order void as to the commission, this compact, or promulgated rules.

(2)(a) If the commission determines that a participating state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall provide written notice to the defaulting state. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the commission may take, and shall offer training and specific technical assistance regarding the default.

(b) The commission shall provide a copy of the notice of default to the other participating states.

(3) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the commissioners, and all rights, privileges, and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(4) Termination of participation in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's state licensing authority or authorities, as applicable, and each of the participating states' state licensing authority or authorities, as applicable.

(5) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(6) Upon the termination of a state's participation in this compact, that state shall immediately provide notice to all licensees of the state, including licensees of other participating states issued a compact privilege to practice within that state, of such termination. The terminated state shall continue to recognize all compact privileges then in effect in that state for a minimum of 180 days after the date of said notice of termination.

(7) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(8) The defaulting state may appeal the action of the commission by petitioning the United States district court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(9)(a) Upon request by a participating state, the commission shall attempt to resolve disputes related to the compact that arise among participating states and between participating states and nonparticipating states.

(b) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(10)(a) The commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact and the commission's rules.

(b) By majority vote, the commission may initiate legal action against a participating state in default in the United States district court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or the defaulting participating state's law.

(c) A participating state may initiate legal action against the commission in the United States district court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(d) No individual or entity other than a participating state may enforce this compact against the commission.

**NEW SECTION. Sec. 11.** (1) The compact shall come into effect on the date on which the compact statute is enacted into law in the seventh participating state.

(a) On or after the effective date of the compact, the commission shall convene and review the enactment of each of the states that enacted the compact prior to the commission convening ("charter participating states") to determine if the statute enacted by each such charter participating state is materially different than the model compact.

(i) A charter participating state whose enactment is found to be materially different from the model compact shall be entitled to the default process set forth in section 10 of this act.

(ii) If any participating state is later found to be in default, or is terminated or withdraws from the compact, the commission shall remain in existence and the compact shall remain in effect even if the number of participating states should be less than seven.

(b) Participating states enacting the compact subsequent to the charter participating states shall be subject to the process set forth in section 7(3)(w) of this act to determine if their enactments are materially different from the model compact and whether they qualify for participation in the compact.

(c) All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the commission coming into existence shall be considered to be actions of the commission unless specifically repudiated by the commission.

(d) Any state that joins the compact subsequent to the commission's initial adoption of the rules and bylaws shall be subject to the commission's rules and bylaws as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

(2) Any participating state may withdraw from this compact by enacting a statute repealing that state's enactment of the compact.

(a) A participating state's withdrawal shall not take effect until 180 days after enactment of the repealing statute.

(b) Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority or authorities to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

(c) Upon the enactment of a statute withdrawing from this compact, the state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all compact privileges to practice within that state granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal.

(3) Nothing contained in this compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a participating state and a nonparticipating state that does not conflict with the provisions of this compact.

(4) This compact may be amended by the participating states. No amendment to this compact shall become effective and binding upon any participating state until it is enacted into the laws of all participating states.

NEW SECTION. **Sec. 12.** (1) This compact and the commission's rule-making authority shall be liberally construed so as

to effectuate the purposes, and the implementation and administration, of the compact. Provisions of the compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the commission's rule-making authority solely for those purposes.

(2) The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any participating state, a state seeking participation in the compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.

(3) Notwithstanding subsection (2) of this section, the commission may deny a state's participation in the compact or, in accordance with the requirements of section 10(2) of this act, terminate a participating state's participation in the compact, if it determines that a constitutional requirement of a participating state is a material departure from the compact. Otherwise, if this compact shall be held to be contrary to the constitution of any participating state, the compact shall remain in full force and effect as to the remaining participating states and in full force and effect as to the participating state affected as to all severable matters.

NEW SECTION. **Sec. 13.** (1) Nothing in this chapter shall prevent or inhibit the enforcement of any other law of a participating state that is not inconsistent with the compact.

(2) Any laws, statutes, regulations, or other legal requirements in a participating state in conflict with the compact are superseded to the extent of the conflict.

(3) All permissible agreements between the commission and the participating states are binding in accordance with their terms.

NEW SECTION. **Sec. 14.** Sections 1 through 13 of this act constitute a new chapter in Title 18 RCW."

On page 1, line 1 of the title, after "compact;" strike the remainder of the title and insert "adding a new chapter to Title 18 RCW; and providing a contingent effective date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1576 and advanced the bill, as amended by the Senate, to final passage.

Representatives Caldier and Slatter spoke in favor of the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE  
AMENDED**

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1576, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1576, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1576, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Thursday, April 6, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1600, with the following amendment(s): 1600-S.E AMS LAW S2515.1

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 13.50.260 and 2020 c 184 s 1 are each amended to read as follows:

(1)(a) The court shall hold regular sealing hearings. During these regular sealing hearings, the court shall administratively seal an individual's juvenile record pursuant to the requirements of this subsection. Although the juvenile record shall be sealed, the social file may be available to any juvenile justice or care agency when an investigation or case involving the juvenile subject of the records is being prosecuted by the juvenile justice or care agency or when the juvenile justice or care agency is assigned the responsibility of supervising the juvenile. The juvenile respondent's presence is not required at any administrative sealing hearing.

(b) At the disposition hearing of a juvenile offender, the court shall schedule an administrative sealing hearing to take place during the first regularly scheduled sealing hearing after the latest of the following events that apply:

(i) The respondent's eighteenth birthday;

(ii) Anticipated end date of a respondent's probation, if ordered;

(iii) Anticipated release from confinement at the juvenile rehabilitation administration, or the completion of parole, if the respondent is transferred to the juvenile rehabilitation administration.

(c) The court shall not schedule an administrative sealing hearing at the disposition and no administrative sealing hearing shall occur if one of the offenses for which the court has entered a disposition is at the time of commission of the offense:

(i) A most serious offense, as defined in RCW 9.94A.030;

(ii) A sex offense under chapter 9A.44 RCW; or

(iii) A drug offense, as defined in RCW 9.94A.030.

(d) At the time of the scheduled administrative sealing hearing, the court shall enter a written order sealing the respondent's juvenile court record pursuant to this subsection if the court finds by a preponderance of the evidence that the respondent is no longer on supervision for the case being considered for sealing and has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any public or private entity providing insurance coverage or health care coverage. In determining whether the respondent is on supervision or owes restitution, the court shall take judicial notice of court records, including records of the county clerk, and, if necessary, sworn testimony from a representative of the juvenile department.

(e) At the time of the administrative sealing hearing, if the court finds the respondent remains on supervision for the case being considered for sealing, then the court shall continue the administrative sealing hearing to a date within thirty days following the anticipated end date of the respondent's supervision. At the next administrative sealing hearing, the court shall again determine the respondent's eligibility for sealing his or her juvenile court record pursuant to (d) of this subsection, and, if necessary, continue the hearing again as provided in this subsection.

(f)(i) During the administrative sealing hearing, if the court finds the respondent is no longer on supervision for the case being considered for sealing, but the respondent has not paid the full amount of restitution owing to the individual victim named in the restitution order, excluding any public or private entity providing insurance coverage or health care coverage, the court shall deny sealing the juvenile court record in a written order that: (A) Specifies the amount of restitution that remains unpaid to the original victim, excluding any public or private entity providing insurance coverage or health care coverage; and (B) provides direction to the respondent on how to pursue the sealing of records associated with this cause of action.

(ii) Within five business days of the entry of the written order denying the request to seal a juvenile court record, the juvenile court department staff shall notify

the respondent of the denial by providing a copy of the order of denial to the respondent in person or in writing mailed to the respondent's last known address in the department of licensing database or the respondent's address provided to the court, whichever is more recent.

(iii) At any time following entry of the written order denying the request to seal a juvenile court record, the respondent may contact the juvenile court department, provide proof of payment of the remaining unpaid restitution to the original victim, excluding any public or private entity providing insurance coverage or health care coverage, and request an administrative sealing hearing. Upon verification of the satisfaction of the restitution payment, the juvenile court department staff shall circulate for signature an order sealing the file, and file the signed order with the clerk's office, who shall seal the record.

(iv) The administrative office of the courts must ensure that sealed juvenile records remain private in case of an appeal and are either not posted or redacted from any clerks papers that are posted online with the appellate record, as well as taking any other prudent steps necessary to avoid exposing sealed juvenile records to the public.

(2) Except for dismissal of a deferred disposition under RCW 13.40.127, the court shall enter a written order immediately sealing the official juvenile court record upon the acquittal after a fact finding or upon the dismissal of charges with prejudice, subject to the state's right, if any, to appeal the dismissal.

(3) If a juvenile court record has not already been sealed pursuant to this section, in any case in which information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any; resolve the status of any debts owing; and, subject to RCW 13.50.050(13), order the sealing of the official juvenile court record, the social file, and records of the court and of any other agency in the case, with the exception of identifying information under RCW 13.50.050(13).

(4)(a) The court shall grant any motion to seal records for class A offenses made pursuant to subsection (3) of this section if:

(i) Since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in an adjudication or conviction;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty

to register under RCW 9A.44.143 if the person was convicted of a sex offense;

(v) The person has not been convicted of rape in the first degree, rape in the second degree, or indecent liberties that was actually committed with forcible compulsion; and

(vi) The person has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any public or private entity providing insurance coverage or health care coverage.

(b) The court shall grant any motion to seal records for class B, class C, gross misdemeanor, and misdemeanor offenses and diversions made under subsection (3) of this section if:

(i) Since the date of last release from confinement, including full-time residential treatment, if any, entry of disposition, or completion of the diversion agreement, the person has spent two consecutive years in the community without being convicted of any offense or crime;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense; and

(v) The person has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW.

(c) Notwithstanding the requirements in (a) or (b) of this subsection, the court shall grant any motion to seal records of any deferred disposition vacated under RCW 13.40.127(9) prior to June 7, 2012, if restitution has been paid and the person is eighteen years of age or older at the time of the motion.

(5) The person making a motion pursuant to subsection (3) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose records are sought to be sealed.

(6)(a) If the court enters a written order sealing the juvenile court record pursuant to this section, it shall, subject to RCW 13.50.050(13), order sealed the official juvenile court record, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(b) In the event the subject of the juvenile records receives a full and unconditional pardon, the proceedings in the matter upon which the pardon has been granted shall be treated as if they never



occurred, and the subject of the records may reply accordingly to any inquiry about the events upon which the pardon was received. Any agency shall reply to any inquiry concerning the records pertaining to the events for which the subject received a pardon that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(c) Effective July 1, 2019, the department of licensing may release information related to records the court has ordered sealed only to the extent necessary to comply with federal law and regulation.

(7) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and 13.50.050(13).

(8)(a) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying a sealing order; however, the court may order the juvenile court record resealed upon disposition of the subsequent matter if the case meets the sealing criteria under this section and the court record has not previously been resealed.

(b) Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order.

(c) The administrative office of the courts shall ensure that the superior court judicial information system provides prosecutors access to information on the existence of sealed juvenile records.

(d) The Washington state patrol shall ensure that the Washington state identification system provides Washington state criminal justice agencies access to sealed juvenile records information.

(e) The Washington state patrol shall ensure that the Washington state identification system provides non-Washington criminal justice agencies access to sealed juvenile records only for the purposes of processing and purchasing firearms, concealed pistol licenses, or alien firearms licenses, or releasing of firearms from evidence.

(f) Non-Washington criminal justice agencies that access sealed juvenile records pursuant to this subsection shall not knowingly disseminate the accessed records or any information derived therefrom to any third party. Dissemination of such records or such information shall subject the disseminating agency to the jurisdiction of the courts of Washington and a civil penalty of not more than \$1,000 per violation.

(9) If the juvenile court record has been sealed pursuant to this section, the record of an employee is not admissible in an action for liability against the employer based on the former juvenile offender's conduct to show that the employer knew or should have known of the juvenile record of the employee. The record may be admissible, however, if a background check conducted or authorized by the employer contained the information in the sealed record.

(10) County clerks may interact or correspond with the respondent, his or her

parents, restitution recipients, and any holders of potential assets or wages of the respondent for the purposes of collecting an outstanding legal financial obligation after juvenile court records have been sealed pursuant to this section.

(11) Persons and agencies that obtain sealed juvenile records information pursuant to this section may communicate about this information with the respondent, but may not disseminate or be compelled to release the information to any person or agency not specifically granted access to sealed juvenile records in this section.

(12) All criminal justice agencies must not disclose confidential information or sealed records accessed through the Washington state identification system or other means, and no information can be given to third parties, other than ((Washington state)) criminal justice agencies, about the existence or nonexistence of confidential or sealed records concerning an individual."

On page 1, line 2 of the title, after "purposes;" strike the remainder of the title and insert "amending RCW 13.50.260; and prescribing penalties."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1600 and advanced the bill, as amended by the Senate, to final passage.

Representatives Goodman and Walsh spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1600, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1600, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1600, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1621, with the following amendment(s): 1621-S AMS LGLT S2730.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 54.04.070 and 2019 c 434 s 7 are each amended to read as follows:

(1) Any item, or items of the same kind of materials, equipment, or supplies purchased, the estimated cost of which is in excess of ~~((thirty thousand dollars))~~ \$30,000, exclusive of sales tax, shall be by contract. However, a district may make purchases of the same kind of items of materials, equipment, and supplies not exceeding ~~((twelve thousand dollars))~~ \$12,000 in any calendar month without a contract, purchasing any excess thereof over ~~((twelve thousand dollars))~~ \$12,000 by contract.

(2) Any work ordered by a district commission, the estimated cost of which is in excess of ~~((fifty thousand dollars, exclusive of sales tax))~~ \$150,000 exclusive of sales tax if more than a single craft or trade is involved with the public works project, or a public works project in excess of \$75,500 exclusive of sales tax if only a single craft or trade is involved with the public works project, shall be by contract. However, a district commission may have its own regularly employed personnel perform work which is an accepted industry practice under prudent utility management without a contract. For purposes of this section, "prudent utility management" means performing work with regularly employed personnel utilizing material of a worth not exceeding ~~((three hundred thousand dollars))~~ \$300,000 in value without a contract. This limit on the value of material being utilized in work being performed by regularly employed personnel shall not include the value of individual items of equipment. For the purposes of this section, the term "equipment" includes but is not limited to conductor, cabling, wire, pipe, or lines used for electrical, water, fiber optic, or telecommunications.

(3) Before awarding a contract required under subsection (1) or (2) of this section, the commission shall publish a notice once or more in a newspaper of general circulation in the district at least ~~((thirteen))~~ 13 days before the last date upon which bids will be received, inviting sealed proposals for the work or materials. Plans and specifications for the work or materials shall at the time of publication be on file at the office of the district and subject to public inspection. Any published notice ordering work to be performed for the district shall be mailed at the time of publication to any established trade association which files a written request with the district to receive such notices. The commission may, at the same time and as part of the same notice, invite tenders for the work or materials upon plans and

specifications to be submitted by the bidders.

(4) As an alternative to the competitive bidding requirements of this section and RCW 54.04.080, a district may let contracts using the small works roster process under RCW 39.04.155.

(5) Whenever equipment or materials required by a district are held by a governmental agency and are available for sale but such agency is unwilling to submit a proposal, the commission may ascertain the price of such items and file a statement of such price supported by the sworn affidavit of one member of the commission, and may consider such price as a bid without a deposit or bond.

(6) Pursuant to RCW 39.04.280, the commission may waive the competitive bidding requirements of this section and RCW 54.04.080 if an exemption contained within RCW 39.04.280 applies to the purchase or public work.

(7)(a) A district may procure public works with a unit priced contract under this section, RCW 54.04.080, or 54.04.085 for the purpose of completing anticipated types of work based on hourly rates or unit pricing for one or more categories of work or trades.

(b) For the purposes of this section, unit priced contract means a competitively bid contract in which public works are anticipated on a recurring basis to meet the business or operational needs of a district, under which the contractor agrees to a fixed period indefinite quantity delivery of work, at a defined unit price, for each category of work.

(c) Unit priced contracts must be executed for an initial contract term not to exceed three years, with the district having the option of extending or renewing the unit priced contract for one additional year.

(d) Invitations for unit price bids shall include, for purposes of the bid evaluation, estimated quantities of the anticipated types of work or trades, and specify how the district will issue or release work assignments, work orders, or task authorizations pursuant to a unit priced contract for projects, tasks, or other work based on the hourly rates or unit prices bid by the contractor. Where electrical facility construction or improvement work is anticipated, contractors on a unit priced contract shall comply with the requirements under RCW 54.04.085 (1) through (5). Contracts must be awarded to the lowest responsible bidder as per RCW 39.04.010.

(e) Unit price contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the prevailing wage rates in effect at the beginning date for each contract year. Unit priced contracts must have prevailing wage rates updated annually. Intents and affidavits for prevailing wages paid must be submitted annually for all work completed within the previous ~~((twelve-month))~~ 12-month period of the unit priced contract.

(8) For the purposes of this section, "lowest responsible bidder" means a bid that

meets the criteria under RCW 39.04.350 and has the lowest bid; provided, that if the district commission issues a written finding that the lowest bidder has delivered a project to the district within the last three years which was late, over budget, or did not meet specifications, and the commission does not find in writing that such bidder has shown how they would improve performance to be likely to meet project specifications then the commission may choose the second lowest bidder whose bid is within five percent of the lowest bid and meets the same criteria as the lowest bidder.

**Sec. 2.** RCW 35.23.352 and 2019 c 434 s 1 are each amended to read as follows:

(1) Any second-class city or any town may construct any public works, as defined in RCW 39.04.010, by contract or day labor without calling for bids therefor whenever the estimated cost of the work or improvement, including cost of materials, supplies and equipment will not exceed the sum of ~~((one hundred sixteen thousand one hundred fifty-five dollars))~~ \$150,000 if more than one craft or trade is involved with the public works, or ~~((seventy-five thousand five hundred dollars))~~ \$75,500 if a single craft or trade is involved with the public works or the public works project is street signalization or street lighting. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by day labor on a single project. However, a second-class city or any town may have its own regularly employed personnel perform work which is an accepted industry practice under prudent utility management without a contract. For purposes of this section, "prudent utility management" means performing work with regularly employed personnel utilizing material of a worth not exceeding \$300,000 in value without a contract. This limit on value of material being utilized in work being performed by regularly employed personnel shall not include the value of individual items of equipment. For purposes of this section, "equipment" includes, but is not limited to, conductor, cabling, wire, pipe, or lines used for electrical, water, fiber optic, or telecommunications.

Whenever the cost of the public work or improvement, including materials, supplies and equipment, will exceed these figures, the same shall be done by contract. All such contracts shall be let at public bidding upon publication of notice calling for sealed bids upon the work. The notice shall be published in the official newspaper, or a newspaper of general circulation most likely to bring responsive bids, at least ~~((thirteen))~~ 13 days prior to the last date upon which bids will be received. The notice shall generally state the nature of the work to be done that plans and specifications therefor shall then be on file in the city or town hall for public inspections, and require that bids be sealed and filed with the council or commission within the time

specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order, or surety bond to the council or commission for a sum of not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. The council or commission of the city or town shall let the contract to the lowest responsible bidder or shall have power by resolution to reject any or all bids and to make further calls for bids in the same manner as the original call.

When the contract is let then all bid proposal deposits shall be returned to the bidders except that of the successful bidder which shall be retained until a contract is entered into and a bond to perform the work furnished, with surety satisfactory to the council or commission, in accordance with RCW 39.08.030. If the bidder fails to enter into the contract in accordance with his or her bid and furnish a bond within ~~((ten))~~ 10 days from the date at which he or she is notified that he or she is the successful bidder, the check or postal money order and the amount thereof shall be forfeited to the council or commission or the council or commission shall recover the amount of the surety bond. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.

If no bid is received on the first call the council or commission may readvertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform the work or improvement by day labor.

(2) For the purposes of this section, "lowest responsible bidder" means a bid that meets the criteria under RCW 39.04.350 and has the lowest bid; provided, that if the city issues a written finding that the lowest bidder has delivered a project to the city within the last three years which was late, over budget, or did not meet specifications, and the city does not find in writing that such bidder has shown how they would improve performance to be likely to meet project specifications then the city may choose the second lowest bidder whose bid is within five percent of the lowest bid and meets the same criteria as the lowest bidder.

(3) The allocation of public works projects to be performed by city or town employees shall not be subject to a collective bargaining agreement.

(4) In lieu of the procedures of subsection (1) of this section, a second-class city or a town may let contracts using the small works roster process provided in RCW 39.04.155.

Whenever possible, the city or town shall invite at least one proposal from a certified minority or woman contractor who shall otherwise qualify under this section.

(5) The form required by RCW 43.09.205 shall be to account and record costs of public works in excess of ~~((five thousand dollars))~~ \$5,000 that are not let by contract.

(6) The cost of a separate public works project shall be the costs of the materials, equipment, supplies, and labor on that construction project.

(7) Any purchase of supplies, material, or equipment, except for public work or improvement, ~~((where the cost thereof exceeds seven thousand five hundred dollars shall be made upon call for bids))~~ with an estimated cost in excess of \$40,000, shall be by contract. Any purchase of materials, supplies, or equipment with an estimated cost of less than \$50,000 shall be made using the process provided in RCW 39.04.190.

(8) Bids shall be called annually and at a time and in the manner prescribed by ordinance for the publication in a newspaper of general circulation in the city or town of all notices or newspaper publications required by law. The contract shall be awarded to the lowest responsible bidder.

(9) For advertisement and formal sealed bidding to be dispensed with as to purchases with an estimated value of ~~((fifteen thousand dollars))~~ \$15,000 or less, the council or commission must authorize by resolution, use of the uniform procedure provided in RCW 39.04.190.

(10) The city or town legislative authority may waive the competitive bidding requirements of this section pursuant to RCW 39.04.280 if an exemption contained within that section applies to the purchase or public work.

(11) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020 ~~((+4))~~ (6), that are negotiated under chapter 39.35A RCW.

(12) Nothing in this section shall prohibit any second-class city or any town from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

(13) (a) Any second-class city or any town may procure public works with a unit priced contract under this section for the purpose of completing anticipated types of work based on hourly rates or unit pricing for one or more categories of work or trades.

(b) For the purposes of this section, "unit priced contract" means a competitively bid contract in which public works are anticipated on a recurring basis to meet the business or operational needs of the city or town, under which the contractor agrees to a fixed period indefinite quantity delivery of work, at a defined unit price for each category of work.

(c) Unit priced contracts must be executed for an initial contract term not to exceed three years, with the city or town having the option of extending or renewing the unit priced contract for one additional year.

(d) Invitations for unit price bids shall include, for purposes of the bid evaluation, estimated quantities of the anticipated types of work or trades, and specify how the city or town will issue or release work assignments, work orders, or task authorizations pursuant to a unit priced contract for projects, tasks, or other work based on the hourly rates or unit prices bid by the contractor. Contracts must be awarded to the lowest responsible bidder as per RCW 39.04.010. Whenever possible, the city or

town must invite at least one proposal from a certified minority or woman contractor who otherwise qualifies under this section.

(e) Unit price contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the prevailing wage rates in effect at the beginning date for each contract year. Unit priced contracts must have prevailing wage rates updated annually. Intentions and affidavits for prevailing wages paid must be submitted annually for all work completed within the previous ~~((twelve-month))~~ 12-month period of the unit priced contract.

(14) Any second-class city or town that awards a project to a bidder under the criteria described in subsection (2) of this section must make an annual report to the department of commerce that includes the total number of bids awarded to certified minority or women contractors and describing how notice was provided to potential certified minority or women contractors.

**Sec. 3.** RCW 35.22.620 and 2019 c 434 s 11 are each amended to read as follows:

(1) As used in this section, the term "public works" means as defined in RCW 39.04.010.

(2) A first-class city may have public works performed by contract pursuant to public notice and call for competitive bids. As limited by subsection (3) of this section, a first-class city may have public works performed by city employees in any annual or biennial budget period equal to a dollar value not exceeding ~~((ten))~~ 10 percent of the public works construction budget, including any amount in a supplemental public works construction budget, over the budget period. The amount of public works that a first-class city has a county perform for it under RCW 35.77.020 shall be included within this ~~((ten))~~ 10 percent limitation.

If a first-class city has public works performed by public employees in any budget period that are in excess of this ~~((ten))~~ 10 percent limitation, the amount in excess of the permitted amount shall be reduced from the otherwise permitted amount of public works that may be performed by public employees for that city in its next budget period. Twenty percent of the motor vehicle fuel tax distributions to that city shall be withheld if two years after the year in which the excess amount of work occurred, the city has failed to so reduce the amount of public works that it has performed by public employees. The amount so withheld shall be distributed to the city when it has demonstrated in its reports to the state auditor that the amount of public works it has performed by public employees has been so reduced.

Whenever a first-class city has had public works performed in any budget period up to the maximum permitted amount for that budget period, all remaining public works within that budget period shall be done by contract pursuant to public notice and call for competitive bids.

The state auditor shall report to the state treasurer any first-class city that exceeds this amount and the extent to which the city has or has not reduced the amount of public works it has performed by public employees in subsequent years.

(3) In addition to the percentage limitation provided in subsection (2) of this section, a first-class city shall not have public employees perform a public works project in excess of ~~((one hundred fifty thousand dollars))~~ \$150,000 if more than a single craft or trade is involved with the public works project, or a public works project in excess of ~~((seventy-five thousand five hundred dollars))~~ \$75,500 if only a single craft or trade is involved with the public works project or the public works project is street signalization or street lighting. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by day labor on a single project. However, a first-class city may have its own regularly employed personnel perform work which is an accepted industry practice under prudent utility management without a contract. For purposes of this section, "prudent utility management" means performing work with regularly employed personnel utilizing material of a worth not exceeding \$300,000 in value without a contract. This limit on the value of material being utilized in work being performed by regularly employed personnel shall not include the value of individual items of equipment. For purposes of this section, the term "equipment" includes, but is not limited to, conductor, cabling, wire, pipe, or lines used for electrical, water, fiber optic, or telecommunications.

(4) In addition to the accounting and recordkeeping requirements contained in RCW 39.04.070, every first-class city annually may prepare a report for the state auditor indicating the total public works construction budget and supplemental public works construction budget for that year, the total construction costs of public works performed by public employees for that year, and the amount of public works that is performed by public employees above or below ~~((ten))~~ 10 percent of the total construction budget. However, if a city budgets on a biennial basis, this annual report may indicate the amount of public works that is performed by public employees within the current biennial period that is above or below ~~((ten))~~ 10 percent of the total biennial construction budget.

Each first-class city with a population of ~~((one hundred fifty thousand))~~ 150,000 or less shall use the form required by RCW 43.09.205 to account and record costs of public works in excess of ~~((five thousand dollars))~~ \$5,000 that are not let by contract.

(5) The cost of a separate public works project shall be the costs of materials, supplies, equipment, and labor on the construction of that project. The value of the public works budget shall be the value of all the separate public works projects within the budget.

(6) The competitive bidding requirements of this section may be waived by the city legislative authority pursuant to RCW 39.04.280 if an exemption contained within that section applies to the work or contract.

(7) In lieu of the procedures of subsections (2) and (6) of this section, a first-class city may let contracts using the small works roster process in RCW 39.04.155.

Whenever possible, the city shall invite at least one proposal from a certified minority or woman contractor who shall otherwise qualify under this section.

(8) The allocation of public works projects to be performed by city employees shall not be subject to a collective bargaining agreement.

(9) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020 ~~((+4))~~ (6), that are negotiated under chapter 39.35A RCW.

(10) Nothing in this section shall prohibit any first-class city from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

(11)(a) Any first-class city may procure public works with a unit priced contract under this section for the purpose of completing anticipated types of work based on hourly rates or unit pricing for one or more categories of work or trades.

(b) For the purposes of this section, "unit priced contract" means a competitively bid contract in which public works are anticipated on a recurring basis to meet the business or operational needs of the city, under which the contractor agrees to a fixed period indefinite quantity delivery of work, at a defined unit price for each category of work.

(c) Unit priced contracts must be executed for an initial contract term not to exceed three years, with the city having the option of extending or renewing the unit priced contract for one additional year.

(d) Invitations for unit price bids shall include, for purposes of the bid evaluation, estimated quantities of the anticipated types of work or trades, and specify how the city will issue or release work assignments, work orders, or task authorizations pursuant to a unit priced contract for projects, tasks, or other work based on the hourly rates or unit prices bid by the contractor. Contracts must be awarded to the lowest responsible bidder as per RCW 39.04.010. Whenever possible, the city must invite at least one proposal from a certified minority or woman contractor who otherwise qualifies under this section.

(e) Unit price contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the prevailing wage rates in effect at the beginning date for each contract year. Unit priced contracts must have prevailing wage rates updated annually. Intents and affidavits for prevailing wages paid must be submitted annually for all work completed within the previous ~~((twelve-month))~~ 12-month period of the unit priced contract.

(12) For the purposes of this section, "lowest responsible bidder" means a bid that meets the criteria under RCW 39.04.350 and has the lowest bid; provided, that if the city issues a written finding that the lowest bidder has delivered a project to the city within the last three years which was late, over budget, or did not meet specifications, and the city does not find in writing that such bidder has shown how they would improve performance to be likely to meet project specifications then the city may choose the second lowest bidder whose bid is within five percent of the lowest bid and meets the same criteria as the lowest bidder.

**Sec. 4.** RCW 57.08.050 and 2019 c 434 s 10 are each amended to read as follows:

(1) All work ordered, the estimated cost of which is in excess of ~~((fifty thousand dollars))~~ \$150,000 if more than a single craft or trade is involved with the public works project, or a public works project in excess of \$75,500 if only a single craft or trade is involved with the public works project, shall be let by contract and competitive bidding. Before awarding any such contract the board of commissioners shall publish a notice in a newspaper of general circulation where the district is located at least once ~~((thirteen))~~ 13 days before the last date upon which bids will be received, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the office of the board of commissioners subject to the public inspection. The notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of commissioners on or before the day and hour named therein.

Each bid shall be accompanied by a certified or cashier's check or postal money order payable to the order of the county treasurer for a sum not less than five percent of the amount of the bid, or accompanied by a bid bond in an amount not less than five percent of the bid with a corporate surety licensed to do business in the state, conditioned that the bidder will pay the district as liquidated damages the amount specified in the bond, unless the bidder enters into a contract in accordance with the bidder's bid, and no bid shall be considered unless accompanied by such check, cash or bid bond. At the time and place named such bids shall be publicly opened and read and the board of commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications on file or to the best bidder submitting the bidder's own plans and specifications. The board of commissioners may reject all bids for good cause and readvertise and in such case all checks, cash or bid bonds shall be returned to the bidders. If the contract is let, then all checks, cash, or bid bonds shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for doing the work, and a bond to perform such work furnished with sureties satisfactory to

the board of commissioners in the full amount of the contract price between the bidder and the commission in accordance with the bid. If the bidder fails to enter into the contract in accordance with the bid and furnish the bond within ~~((ten))~~ 10 days from the date at which the bidder is notified that the bidder is the successful bidder, the check, cash, or bid bonds and the amount thereof shall be forfeited to the district. If the bidder fails to enter into a contract in accordance with the bidder's bid, and the board of commissioners deems it necessary to take legal action to collect on any bid bond required by this section, then the district shall be entitled to collect from the bidder any legal expenses, including reasonable attorneys' fees occasioned thereby. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.

(2) As an alternative to requirements under subsection (1) of this section, a water-sewer district may let contracts using the small works roster process under RCW 39.04.155.

(3) Any purchase of materials, supplies, or equipment, with an estimated cost in excess of ~~((forty thousand dollars))~~ \$40,000, shall be by contract. Any purchase of materials, supplies, or equipment, with an estimated cost of less than ~~((fifty thousand dollars))~~ \$50,000 shall be made using the process provided in RCW 39.04.190. Any purchase of materials, supplies, or equipment with an estimated cost of ~~((fifty thousand dollars))~~ \$50,000 or more shall be made by competitive bidding following the procedure for letting contracts for projects under subsection (1) of this section.

(4) As an alternative to requirements under subsection (3) of this section, a water-sewer district may let contracts for purchase of materials, supplies, or equipment with the suppliers designated on current state agency, county, city, or town purchasing rosters for the materials, supplies, or equipment, when the roster has been established in accordance with the competitive bidding law for purchases applicable to the state agency, county, city, or town. The price and terms for purchases shall be as described on the applicable roster.

(5) The board may waive the competitive bidding requirements of this section pursuant to RCW 39.04.280 if an exemption contained within that section applies to the purchase or public work.

(6)(a) A district may procure public works with a unit priced contract under this section for the purpose of completing anticipated types of work based on hourly rates or unit pricing for one or more categories of work or trades.

(b) For the purposes of this section, "unit priced contract" means a competitively bid contract in which public works are anticipated on a recurring basis to meet the business or operational needs of the district, under which the contractor agrees to a fixed period indefinite quantity delivery of work, at a defined unit price for each category of work.

(c) Unit priced contracts must be executed for an initial contract term not to exceed one year, with the district having the option of extending or renewing the unit priced contract for one additional year.

(d) Invitations for unit price bids must include, for purposes of the bid evaluation, estimated quantities of the anticipated types of work or trades, and specify how the district will issue or release work assignments, work orders, or task authorizations pursuant to a unit priced contract for projects, tasks, or other work based on the hourly rates or unit prices bid by the contractor. Contracts must be awarded to the lowest responsible bidder as per RCW 39.04.010. Whenever possible, the district must invite at least one proposal from a certified minority or woman contractor who otherwise qualifies under this section.

(e) Unit price contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the prevailing wage rates in effect at the beginning date for each contract year. Unit priced contracts must have prevailing wage rates updated annually. Intents and affidavits for prevailing wages paid must be submitted annually for all work completed within the previous ~~((twelve-month))~~ 12-month period of the unit priced contract.

(7) A water-sewer district may have its own regularly employed personnel perform work which is an accepted industry practice under prudent utility management without a contract. For purposes of this section, "prudent utility management" means performing work with regularly employed personnel utilizing material of a worth not exceeding \$300,000 in value without a contract. This limit on the value of material being utilized in work being performed by regularly employed personnel shall not include the value of individual items of equipment. For the purposes of this section, the term "equipment" includes but is not limited to conductor, cabling, wire, pipe, or lines used for electrical, water, fiber optic, or telecommunications.

(8) For the purposes of this section, "lowest responsible bidder" means a bid that meets the criteria under RCW 39.04.350 and has the lowest bid; provided, that if the district issues a written finding that the lowest bidder has delivered a project to the district within the last three years which was late, over budget, or did not meet specifications, and the district does not find in writing that such bidder has shown how they would improve performance to be likely to meet project specifications then the district may choose the second lowest bidder whose bid is within five percent of the lowest bid and meets the same criteria as the lowest bidder.

**Sec. 5.** RCW 52.14.110 and 2019 c 434 s 12 are each amended to read as follows:

(1) Insofar as practicable, purchases and any public works by the district shall be based on competitive bids. A formal sealed bid procedure shall be used as standard

procedure for purchases and contracts for purchases executed by the board of commissioners. Formal sealed bidding shall not be required for:

~~((1))~~ (a) The purchase of any materials, supplies, or equipment if the cost will not exceed the sum of ~~((forty thousand dollars))~~ \$75,500. However, whenever the estimated cost does not exceed ~~((seventy-five thousand dollars))~~ \$150,000, the commissioners may by resolution use the process provided in RCW 39.04.190 to award contracts;

~~((2))~~ (b) Contracting for work to be done involving the construction or improvement of a fire station or other buildings where the estimated cost will not exceed the sum of ~~((thirty thousand dollars, which includes the costs of labor, material, and equipment))~~ \$150,000 if more than a single craft or trade is involved with the public works project, or a public works project in excess of \$75,500 if only a single craft or trade is involved with the public works project;

~~((3))~~ (c) Contracts using the small works roster process under RCW 39.04.155; and

~~((4))~~ (d) Any contract for purchases or public work pursuant to RCW 39.04.280 if an exemption contained within that section applies to the purchase or public work.

(2) A fire protection district may have its own regularly employed personnel perform work which is an accepted industry practice under prudent utility management without a contract. For purposes of this section, "prudent utility management" means performing work with regularly employed personnel utilizing material of a worth not exceeding \$300,000 in value without a contract. This limit on the value of material being utilized in work being performed by regularly employed personnel shall not include the value of individual items of equipment. For the purposes of this section, the term "equipment" includes but is not limited to conductor, cabling, wire, pipe, or lines used for electrical, water, fiber optic, or telecommunications.

(3) For the purposes of this section, "lowest responsible bidder" means a bid that meets the criteria under RCW 39.04.350 and has the lowest bid; provided, that if the district issues a written finding that the lowest bidder has delivered a project to the district within the last three years which was late, over budget, or did not meet specifications, and the district does not find in writing that such bidder has shown how they would improve performance to be likely to meet project specifications then the district may choose the second lowest bidder whose bid is within five percent of the lowest bid and meets the same criteria as the lowest bidder.

**NEW SECTION. Sec. 6.** The capital projects advisory review board shall review this act and make recommendations to the appropriate committees of the legislature by December 31, 2023.

**NEW SECTION. Sec. 7.** Sections 1 through 5 of this act take effect June 30, 2024."

On page 1, line 3 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 54.04.070, 35.23.352, 35.22.620, 57.08.050, and 52.14.110; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1621 and advanced the bill, as amended by the Senate, to final passage.

Representatives Ryu and Goehner spoke in favor of the passage of the bill.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1621, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1621, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

SUBSTITUTE HOUSE BILL NO. 1621, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Wednesday, April 5, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1622, with the following amendment(s): 1622 AMS EDU S2362.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.300.542 and 2019 c 412 s 1 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall create a competitive grant process to evaluate and award state-funded grants to school districts to increase identification of students experiencing homelessness and the

capacity of the districts to provide support for students experiencing homelessness. The goals of the grant process are to:

(a) Provide educational stability for students experiencing homelessness by promoting housing stability; and

(b) Encourage the development of collaborative strategies between education and housing partners.

(2) (a) Funds may be used in a manner that is complementary to federal McKinney-Vento funds and consistent with allowable uses as determined by the office of the superintendent of public instruction. The process must complement any similar federal grant program or programs in order to minimize agency overhead and administrative costs for the superintendent of public instruction and school districts.

(b) Examples of permitted student supports and activities include, but are not limited to:

(i) Direct academic supports, including tutoring and additional transportation costs;

(ii) Basic needs, including retail store cards, nutrition supports, and hygiene items;

(iii) Wraparound supports, including contracting with community-based providers, behavioral and physical health supports, and housing-related supports, such as bedding and short-term hotel or motel stays, that meet a student's emergent needs and allow the student to fully participate in school;

(iv) Employment supports for students and families; and

(v) Out-of-school enrichment activities, such as an academic tutor provided at a shelter.

(3) School districts may access both federal and state funding to identify and support students experiencing homelessness and are encouraged to use grant dollars to leverage community resources and strengthen relationships with community-based partners.

((-2)) (4) Award criteria for the state grants must be based on the demonstrated need of the school district and may consider the number or overall percentage, or both, of homeless children and youths enrolled in preschool, elementary, and secondary schools in the school district, and the ability of the local school district to meet these needs. Award criteria for these must also be based on the quality of the applications submitted. Selected grantees must reflect geographic diversity across the state. Greater weight must be given to districts that demonstrate a commitment to:

(a) Partnering with local ((housing and)) community-based organizations with experience in serving the needs of students experiencing homelessness or students of color, with a preference for organizations that focus on equitable housing and homeless strategies;

(b) Serving the needs of unaccompanied youth; and

(c) Implementing evidence-informed strategies to address the opportunity gap and other systemic inequities that negatively impact students experiencing homelessness and students of color. Specific strategies may include, but are not limited to:



(i) Enhancing the cultural responsiveness of current and future staff;

(ii) Ensuring all staff, faculty, and school employees are actively trained in trauma-informed care;

(iii) Providing inclusive programming by intentionally seeking and utilizing input from the population being served;

(iv) Using a multidisciplinary approach when serving students experiencing homelessness and their families;

(v) Intentionally seeking and utilizing input from the families and students experiencing homelessness about how district policies, services, and practices can be improved; and

(vi) Identifying data elements and systems needed to monitor progress in eliminating disparities in academic outcomes for students experiencing homelessness with their housed peers.

~~((3))~~ (5) At the end of each academic year, districts receiving grants shall monitor and report on the academic outcomes for students served by the grants. The academic outcomes are those recommended by the office of the superintendent of public instruction. The office of the superintendent of public instruction shall review the reports submitted by the districts and assist school districts in using these data to identify gaps and needs, and develop sustainable strategies to improve academic outcomes for students experiencing homelessness.

~~((4))~~ (6) Students experiencing homelessness are defined as students without a fixed, regular, and adequate nighttime residence in accordance with the definition of homeless children and youths in the federal McKinney-Vento homeless assistance act, 42 U.S.C. Sec. 11431 through 11435.

~~((5))~~ (7) School districts may not use funds allocated under this section to supplant existing federal, state, or local resources for supports for students experiencing homelessness, which may include education liaisons.

~~((6))~~ (8) Grants awarded to districts under this section may be for two years.

(9) The office of the superintendent of public instruction and the department of commerce shall:

(a) Collaborate on shared goals and outcomes under the grant process established by this section and the grant program established in RCW 43.185C.340; and

(b) Beginning in 2024, and every two years thereafter, jointly produce and make publicly available a report on the goals and outcomes of the grant process established by this section and the grant program established in RCW 43.185C.340.

**Sec. 2.** RCW 43.185C.340 and 2019 c 412 s 2 and 2019 c 325 s 5015 are each reenacted and amended to read as follows:

(1) Subject to funds appropriated for this specific purpose, the department shall administer a grant program that links students experiencing homelessness and their families with stable housing located in the student's school district. The goals of the program are to:

(a) Provide educational stability for students experiencing homelessness by promoting housing stability; and

(b) Encourage the development of collaborative strategies between housing and education partners.

(2) To ensure that innovative strategies between housing and education partners are developed and implemented, the department may contract and consult with a designated vendor to provide technical assistance and program evaluation, ~~((and))~~ assist with making grant awards, and support collaboration between the department and the office of the superintendent of public instruction. If the department contracts with a vendor, the vendor must be selected by the director and:

(a) Be a nonprofit vendor;

(b) Be located in Washington state; and

(c) Have a demonstrated record of working toward the housing and educational stability of students and families experiencing homelessness.

(3) In implementing the program, the department, or the department in partnership with its designated vendor, shall consult with the office of the superintendent of public instruction.

(4) (a) The department, or the designated vendor in consultation with the department, shall develop a competitive grant process to make grant awards to eligible organizations on implementation of the proposal. For the purposes of this subsection, "eligible organization" means any local government, local housing authority, behavioral health administrative services organization established under chapter 71.24 RCW, behavioral health organization, nonprofit community or neighborhood-based organization, federally recognized Indian tribe in the state of Washington, or regional or statewide nonprofit housing assistance organization. Applications for the grant program must include a letter of support from the applicable school districts. Within 60 days of receiving a grant award under this section, a memorandum of understanding must be established between the housing providers and school districts defining the responsibilities and commitments of each party to identify, house, and support students experiencing homelessness. The memorandum must include:

~~((a))~~ (i) How housing providers will partner with school districts to address gaps and needs and develop sustainable strategies to help students experiencing homelessness; and

~~((b))~~ (ii) How data on students experiencing homelessness and their families will be collected and shared in accordance with privacy protections under applicable federal and state laws.

(b) If a memorandum of understanding cannot be established as required by (a) of this subsection, the housing provider and school districts may work with the department on a case-by-case basis to provide, in lieu of a memorandum of understanding, a detailed accountability plan for a partnership between the housing provider and the school districts.

(5) In determining which eligible organizations will receive grants, the

department must ensure that selected grantees reflect geographic diversity across the state. Greater weight shall be given to eligible organizations that demonstrate a commitment to:

(a) Partnering with local schools or school districts as demonstrated by a letter of support; and

(b) Developing and implementing evidence-informed strategies to address racial inequities. Specific strategies may include, but are not limited to:

(i) Hiring direct service staff who reflect the racial, cultural, and language demographics of the population being served;

(ii) Committing to inclusive programming by intentionally seeking and utilizing input from the population being served;

(iii) Ensuring eligibility criteria does not unintentionally screen out people of color and further racial inequity; and

(iv) Creating access points in locations frequented by parents, guardians, and unaccompanied homeless youth of color.

(6) Activities eligible for assistance under this grant program include but are not limited to:

(a) Rental assistance, which includes utilities, security and utility deposits, first and last month's rent, rental application fees, moving expenses, and other eligible expenses to be determined by the department;

(b) Transportation assistance, including gasoline assistance for students and families with vehicles and bus passes;

(c) Emergency shelter;

(d) Housing stability case management; and

(e) Other collaborative housing strategies, including prevention and strength-based safety and housing approaches.

(7)(a) All beneficiaries of funds from the grant program must be from households that include at least one student experiencing homelessness as defined as a child or youth without a fixed, regular, and adequate nighttime residence in accordance with the federal McKinney-Vento homeless assistance act, 42 U.S.C. Sec. 11431 through 11435.

(b) For the purposes of this section, "student experiencing homelessness" includes unaccompanied homeless youth not in the physical custody of a parent or guardian. "Unaccompanied homeless youth" includes students up to the age of twenty-one, in alignment with the qualifications for school admissions under RCW 28A.225.160(1).

(8)(a) Grantee organizations must compile and report information to the department. The department shall report to the legislature the findings of the grantee, the housing stability of the homeless families, and any related policy recommendations.

(b) Grantees must track and report on the following measures including, but not limited to:

(i) Length of time enrolled in the grant program;

(ii) Housing destination at program exit;

(iii) Type of residence prior to enrollment in the grant program; and

(iv) Number of times homeless in the past three years.

(c) Grantees must also include in their reports a narrative description discussing its partnership with school districts as set forth in the memorandum outlined in subsection (4) of this section. Reports must also include the kinds of supports grantees are providing students and families to support academic learning.

(d) Data on all program participants must be entered into and tracked through the Washington homeless client management information system as described in RCW 43.185C.180.

(9) In order to ensure that housing providers are meeting the requirements of the grant program for students experiencing homelessness, the department, or the department in partnership with its designee, shall monitor the program at least once every two years.

(10) Any program review and monitoring under this section may be conducted concurrently with other program reviews and monitoring conducted by the department. In its review, the department, or the department in partnership with its designee, shall monitor program components that include the process used by the eligible organization to identify and reach out to students experiencing homelessness, and other indicators to determine how well the eligible organization is meeting the housing needs of students experiencing homelessness. The department, or the department in partnership with its designee, shall provide technical assistance and support to housing providers to better implement the program.

(11) The department is subject to the requirements established in RCW 28A.300.542(9)."

On page 1, line 2 of the title, after "homelessness;" strike the remainder of the title and insert "amending RCW 28A.300.542; and reenacting and amending RCW 43.185C.340."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1622 and advanced the bill, as amended by the Senate, to final passage.

Representatives Fey and Rude spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1622, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1622, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse,

Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

HOUSE BILL NO. 1622, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Thursday, April 6, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1694, with the following amendment(s): 1694-S2.E AMS HLTC S2568.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.88B.010 and 2012 c 164 s 201 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Community residential service business" has the same meaning as defined in RCW 74.39A.009.

(2) "Date of hire" means the first day the long-term care worker is employed by any employer.

(3) "Department" means the department of health.

~~((3))~~ (4) "Home care aide" means a person certified under this chapter.

~~((4))~~ (5) "Individual provider" has the same meaning as defined in RCW 74.39A.009.

~~((5))~~ (6) "Long-term care worker" has the same meaning as defined in RCW 74.39A.009.

~~((6))~~ (7) "Personal care services" has the same meaning as defined in RCW 74.39A.009.

~~((7))~~ (8) "Secretary" means the secretary of the department of health.

"**Sec. 2.** RCW 18.88B.021 and 2021 c 203 s 10 are each amended to read as follows:

(1) Beginning January 7, 2012, except as provided in RCW 18.88B.041, any person hired as a long-term care worker must be certified as a home care aide as provided in this chapter within ~~((two hundred))~~ 200 calendar days after the date of hire ~~((, as defined by the department. The department may adopt rules determining under which circumstances a long-term care worker may have more than one date of hire, restarting the person's 200-day period to obtain certification as a home care aide)).~~ A long-term care worker who is not currently certified or eligible to reactivate an expired credential shall receive a new date of hire when beginning work with either a new employer or returning to a former employer after prior employment has ended.

(2) (a) No person may practice or, by use of any title or description, represent himself or herself as a certified home care aide without being certified as provided in this chapter.

(b) This section does not prohibit a person: (i) From practicing a profession for which the person has been issued a license or which is specifically authorized under this state's laws; or (ii) who is exempt from certification under RCW 18.88B.041 from providing services as a long-term care worker.

(c) In consultation with consumer and worker representatives, the department shall, by January 1, 2013, establish by rule a single scope of practice that encompasses both long-term care workers who are certified home care aides and long-term care workers who are exempted from certification under RCW 18.88B.041.

(3) If a pandemic, natural disaster, or other declared state of emergency impacts the ability of long-term care workers to complete certification as required by this section, the department may adopt rules to allow long-term care workers additional time to become certified.

(a) Rules adopted under this subsection (3) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that additional time for long-term care workers to become certified is no longer necessary, whichever is later. Once the department determines a rule adopted under this subsection (3) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of certification compliance with subsection (1) of this section and rules adopted under this subsection (3) and provide the legislature with a report.

(4) The department shall adopt rules to implement this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 18.88B RCW to read as follows:

(1) A certificate that has been expired for five years or less may be reinstated if the person holding the expired certificate:

(a) Completes an abbreviated application form;

(b) Pays any necessary fees, including the current certification fee, late renewal fees, and expired credential reissuance fees, unless exempt pursuant to section 4 of this act;

(c) Provides a written declaration that no action has been taken by a state or federal jurisdiction or hospital which would prevent or restrict the person holding the expired certificate from practicing as a home care aide;

(d) Provides a written declaration that the person holding the expired certificate has not voluntarily given up any credential or privilege or has not been restricted from practicing as a home care aide in lieu of or to avoid formal action; and

(e) Submits to a state and federal background check as required by RCW 74.39A.056, if the certificate has been expired for more than one year.

(2) In addition to meeting the requirements of subsection (1) of this section, a certificate that has been expired for more than five years may be reinstated if the person holding the expired certificate demonstrates competence to the standards established by the secretary and meets other requirements established by the secretary.

**NEW SECTION. Sec. 4.** A new section is added to chapter 18.88B RCW to read as follows:

(1) Beginning September 1, 2023, a person whose home care aide certificate has been expired for more than six months and less than two years who seeks to restore the certificate to active status is exempt from the payment of any late renewal fee or current renewal fee if the person complies with all other certification requirements determined necessary by the department to return to active status.

(2) The department shall send a notification to the last known address of each person who held a certificate under this chapter and, since January 1, 2020, failed to renew the certificate to inform the person that a certificate may be restored without a financial penalty or payment of a renewal fee under subsection (1) of this section. For persons who have allowed their certificates to expire since January 1, 2023, the department must allow six months to pass since the expiration prior to contacting them to inform them that a certificate may be restored without a financial penalty or payment of a renewal fee under subsection (1) of this section.

(3) The department and the department of social and health services, as applicable, shall adopt rules to assure that continuing education requirements are not a barrier for persons seeking to reactivate their certificates under this chapter.

(4) This section expires July 1, 2025.

**NEW SECTION. Sec. 5.** A new section is added to chapter 18.88A RCW to read as follows:

(1) Beginning September 1, 2023, a person whose nursing assistant certificate has been expired for more than six months and less than two years who seeks to restore the certificate to active status is exempt from the payment of any late renewal fee or current renewal fee if the person complies with all other certification requirements determined necessary by the department to return to active status.

(2) The department shall send a notification to the last known address of each person who held a certificate under this chapter and, since January 1, 2020, failed to renew the certificate to inform the person that a certificate may be restored without a financial penalty or payment of a renewal fee under subsection (1) of this section. For persons who have allowed their certificates to expire since January 1, 2023, the department must allow

six months to pass since the expiration prior to contacting them to inform them that a certificate may be restored without a financial penalty or payment of a renewal fee under subsection (1) of this section.

(3) The department shall adopt rules to assure that continuing education requirements are not a barrier for persons seeking to reactivate their certificates under this chapter.

(4) This section expires July 1, 2025.

**Sec. 6.** RCW 74.39A.341 and 2021 c 203 s 9 are each amended to read as follows:

(1) All long-term care workers shall complete twelve hours of continuing education training in advanced training topics each year. This requirement applies beginning July 1, 2012.

(2) Completion of continuing education as required in this section is a prerequisite to maintaining home care aide certification under chapter 18.88B RCW.

(3) Unless voluntarily certified as a home care aide under chapter 18.88B RCW, subsection (1) of this section does not apply to:

(a) An individual provider caring only for his or her biological, step, or adoptive child;

(b) An individual provider caring only for the individual provider's sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership;

(c) Registered nurses and licensed practical nurses licensed under chapter 18.79 RCW;

~~((e))~~ (d) Before January 1, 2016, a long-term care worker employed by a community residential service business;

~~((d))~~ (e) A person working as an individual provider who provides twenty hours or less of care for one person in any calendar month; ~~((e))~~

~~((e))~~ (f) A person working as an individual provider who only provides respite services and works less than three hundred hours in any calendar year; or

(g) A person whose certificate has been expired for less than five years who seeks to restore the certificate to active status. The person does not need to complete continuing education requirements in order for their certificate to be restored to active status. Subsection (1) of this section applies to persons once the certificate has been restored to active status, beginning on the date the certificate is restored to active status.

(4) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(5) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

(6) If a pandemic, natural disaster, or other declared state of emergency impacts the ability of long-term care workers to

complete training as required by this section, the department may adopt rules to allow long-term care workers additional time to complete the training requirements.

(a) Rules adopted under this subsection (6) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all long-term care workers who were unable to complete the training required in this section have had adequate access to complete the required training, whichever is later. Once the department determines a rule adopted under this subsection (6) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of training compliance with subsection (1) of this section and provide the legislature with a report.

(7) The department of health shall adopt rules to implement subsection (1) of this section.

(8) The department shall adopt rules to implement subsection (2) of this section.

**Sec. 7.** RCW 18.88B.041 and 2019 c 363 s 20 are each amended to read as follows:

(1) The following long-term care workers are not required to become a certified home care aide pursuant to this chapter:

(a)(i)(A) Registered nurses, licensed practical nurses, certified nursing assistants or persons who are in an approved training program for certified nursing assistants under chapter 18.88A RCW, medicare-certified home health aides, or other persons who hold a similar health credential, as determined by the secretary, or persons with special education training and an endorsement granted by the superintendent of public instruction, as described in RCW 28A.300.010, if the secretary determines that the circumstances do not require certification.

(B) A person who was initially hired as a long-term care worker prior to January 7, 2012, and who completes all of the training requirements in effect as of the date the person was hired.

(ii) Individuals exempted by (a)(i) of this subsection may obtain certification as a home care aide without fulfilling the training requirements in RCW 74.39A.074(1)(d)(ii) but must successfully complete a certification examination pursuant to RCW 18.88B.031.

(b) All long-term care workers employed by community residential service businesses.

(c)(i) An individual provider caring only for the individual provider's biological, step, or adoptive child or parent; and

(ii) An individual provider caring only for the individual provider's sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership.

(d) A person working as an individual provider who provides twenty hours or less of care for one person in any calendar month.

(e) A person working as an individual provider who only provides respite services and works less than three hundred hours in any calendar year.

(f) A long-term care worker providing approved services only for a spouse or registered domestic partner, pursuant to the long-term services and supports trust program established in chapter 50B.04 RCW.

(g) A long-term care worker providing approved services only for a spouse or registered domestic partner and funded through the United States department of veterans affairs home and community-based programs.

(2) A long-term care worker exempted by this section from the training requirements contained in RCW 74.39A.074 may not be prohibited from enrolling in training pursuant to that section.

(3) The department shall adopt rules to implement this section.

**Sec. 8.** RCW 74.39A.076 and 2021 c 203 s 8 are each amended to read as follows:

(1) Beginning January 7, 2012, except for long-term care workers exempt from certification under RCW 18.88B.041(1)(a):

(a) A biological, step, or adoptive parent who is the individual provider only for the person's developmentally disabled son or daughter must receive twelve hours of training relevant to the needs of ((adults)) individuals with developmental disabilities within the first one hundred twenty days after becoming an individual provider.

(b) A spouse or registered domestic partner who is a long-term care worker only for a spouse or domestic partner, pursuant to the long-term services and supports trust program established in chapter 50B.04 RCW, must receive fifteen hours of basic training, and at least six hours of additional focused training based on the care-receiving spouse's or partner's needs, within the first one hundred twenty days after becoming a long-term care worker.

(c) A person working as an individual provider who (i) provides respite care services only for individuals with developmental disabilities receiving services under Title 71A RCW or only for individuals who receive services under this chapter, and (ii) works three hundred hours or less in any calendar year, must complete fourteen hours of training within the first one hundred twenty days after becoming an individual provider. Five of the fourteen hours must be completed before becoming eligible to provide care, including two hours of orientation training regarding the caregiving role and terms of employment and three hours of safety training. The training partnership identified in RCW 74.39A.360 must offer at least twelve of the fourteen hours online, and five of those online hours must be individually selected from elective courses.

(d) Individual providers identified in (d)(i) or (ii) of this subsection must complete thirty-five hours of training within the first one hundred twenty days after becoming an individual provider. Five of the thirty-five hours must be completed

before becoming eligible to provide care. Two of these five hours shall be devoted to an orientation training regarding an individual provider's role as caregiver and the applicable terms of employment, and three hours shall be devoted to safety training, including basic safety precautions, emergency procedures, and infection control. Individual providers subject to this requirement include:

(i) (A) An individual provider caring only for the individual provider's biological, step, or adoptive child or parent unless covered by (a) of this subsection; and

(B) An individual provider caring only for the individual provider's sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership; ((and))

(ii) A person working as an individual provider who provides twenty hours or less of care for one person in any calendar month; and

(iii) A long-term care worker providing approved services only for a spouse or registered domestic partner and funded through the United States department of veterans affairs home and community-based programs.

(2) In computing the time periods in this section, the first day is the date of hire.

(3) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(4) If a pandemic, natural disaster, or other declared state of emergency impacts the ability of long-term care workers to complete training as required by this section, the department may adopt rules to allow long-term care workers additional time to complete the training requirements.

(a) Rules adopted under this subsection (4) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all long-term care workers who were unable to complete the training required in subsection (1) of this section have had adequate access to complete the required training, whichever is later. Once the department determines a rule adopted under this subsection (4) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of training compliance with subsection (1) of this section and provide the legislature with a report.

(5) The department shall adopt rules to implement this section.

**NEW SECTION. Sec. 9.** A new section is added to chapter 74.39A RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose,

beginning June 1, 2025, the department shall annually report on the status of:

(1) The long-term care worker supply;

(2) The average wages of long-term care workers compared to entry-level positions in other industries;

(3) Projections of service demands;

(4) Geographic disparities in the supply of long-term care workers; and

(5) Any race, gender, or other worker demographic data available through preexisting administrative data sources.

**NEW SECTION. Sec. 10.** The department of social and health services shall design a pilot project to allow the spouse or domestic partner of a person with complex medical needs who is eligible for long-term services and supports through the department of social and health services to receive payment for providing home care services to the spouse or domestic partner. The design shall consider the appropriate acuity level of the care-receiving spouse or domestic partner, the training needs of the care-providing spouse or domestic partner, payment parameters, fiscal considerations and use of medicaid matching funds, geographic locations for implementing the pilot project, ways to design the project to aid in future statewide implementation, cost estimates for implementing the pilot project, cost estimates for implementing a pilot project expansion, projected number of individuals to be served, a proposed timeline for implementation of the pilot project, and a proposed timeline for implementation of an expanded pilot project. The department of social and health services shall submit the pilot project design to the office of financial management and the appropriate fiscal committees of the legislature by December 31, 2023.

**NEW SECTION. Sec. 11.** The department of social and health services shall study the feasibility and cost of paying the parents of children under 18 years old who are medically complex or have complex support needs related to their behaviors. The department of social and health services must submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 31, 2023. The report shall address any statutory or regulatory changes needed to authorize the payments, necessary information technology changes for the agency and associated costs, elements needed to prepare a federal waiver or state plan amendments to allow for the use of federal matching funds for the payments to parents, estimates of the number of children expected to be served, the anticipated annual cost to the state both if federal matching funds are available and if they are not available, recommendations on the types of training needed for parents to support their children's care needs, and a proposed timeline for implementation which may be phased, if necessary.

**NEW SECTION. Sec. 12.** If specific funding for the purposes of this act,

referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

On page 1, at the beginning of line 2 of the title, strike the remainder of the title and insert "amending RCW 18.88B.021, 74.39A.341, 18.88B.041, and 74.39A.076; reenacting and amending RCW 18.88B.010; adding new sections to chapter 18.88B RCW; adding a new section to chapter 18.88A RCW; adding a new section to chapter 74.39A RCW; creating new sections; and providing expiration dates."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1694 and advanced the bill, as amended by the Senate, to final passage.

Representatives Alvarado and Schmick spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1694, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1694, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1694, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Friday, March 31, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1696, with the following amendment(s): 1696 AMS ENGR S2810.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.46.110 and 2021 c 215 s 111 are each amended to read as follows:

(1) (a) A person commits the crime of stalking if, without lawful authority ((and under circumstances not amounting to a felony attempt of another crime:

(a) He or she intentionally)) the person:

(i) Intentionally and repeatedly harasses ((or repeatedly follows)) another person;

(ii) Intentionally and repeatedly follows another person;

(iii) Intentionally contacts, follows, tracks, or monitors, or attempts to contact, follow, track, or monitor another person after being given actual notice that the person does not want to be contacted, followed, tracked, or monitored; or

(iv) Knowingly and without consent installs or monitors an electronic tracking device, or causes an electronic tracking device to be installed, placed, or used, to track the location of another person; and

(b) The person being harassed ((or)) followed, tracked, or monitored suffers substantial emotional distress or is placed in fear that the stalker intends to injure ((the person)) him or her, or another person, or his or her property ((of the person)) or the property of another person, or, in the circumstances identified in (a)(iv) of this subsection, the victim's knowledge of the tracking device would reasonably elicit substantial emotional distress or fear. The feeling of substantial emotional distress or fear must be one that a reasonable person in the same situation would experience ((under all)) given the totality of the circumstances ((; and

(c) The stalker either:

(i) Intends to frighten, intimidate, or harass the person; or

(ii) Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person).

(2) (a) It is not a defense to the crime of stalking under subsection (1) ((+ (i))) (a) (i), (ii), or (iv) of this section that the stalker was not given actual notice that the person did not want the stalker to contact ((or)) follow ((the person)) track, or monitor him or her; and

(b) It is not a defense to the crime of stalking under subsection (1) ((+ (ii))) (a) (i) of this section that the stalker did not intend to frighten ((; or) intimidate ((; or) harass)) the person or place the person in substantial emotional distress.

(3) It shall be a defense to the crime of stalking that the defendant is a licensed private investigator acting within the capacity of his or her license as provided by chapter 18.165 RCW.

(4) ((Attempts to contact or follow the person after being given actual notice that the person does not want to be contacted or followed constitutes prima facie evidence that the stalker intends to intimidate or harass the person. "Contact" includes, in addition to any other form of contact or communication, the sending of an electronic communication to the person-)) The provisions of this section do not apply to the installation, placement, or use of an

electronic tracking device by any of the following:

(a) A law enforcement officer, judicial officer, probation or parole officer, or other public employee when any such person is engaged in the lawful performance of official duties and in accordance with state or federal law;

(b) The installation, placement, or use of an electronic tracking device authorized by an order of a state or federal court;

(c) A legal guardian for a disabled adult or a legally authorized individual or organization designated to provide protective services to a disabled adult when the electronic tracking device is installed, placed, or used to track the location of the disabled adult for which the person is a legal guardian or the individual or organization is designated to provide protective services;

(d) A parent or legal guardian of a minor when the electronic tracking device is installed, placed, or used to track the location of that minor unless the parent or legal guardian is subject to a court order that orders the parent or legal guardian not to assault, threaten, harass, follow, or contact that minor;

(e) An employer, school, or other organization, who owns the device on which the tracking device is installed and provides the device to a person for use in connection with the person's involvement with the employer, school, or other organization and the use of the device is limited to recovering lost or stolen items; or

(f) The owner of fleet vehicles, when tracking such vehicles. For the purposes of this section, "fleet vehicle" means any of the following:

(i) One or more motor vehicles owned by a single entity and operated by employees or agents of the entity for business or government purposes;

(ii) Motor vehicles held for lease or rental to the general public; or

(iii) Motor vehicles held for sale, or used as demonstrators, test vehicles, or loaner vehicles, by motor vehicle dealers.

(5) (a) Except as provided in (b) of this subsection, a person who stalks another person is guilty of a gross misdemeanor.

(b) A person who stalks another person is guilty of a class B felony if any of the following applies:

(i) The stalker has previously been convicted in this state or any other state of any crime of harassment, as defined in RCW 9A.46.060 (~~, of the same victim or members of the victim's family or household or any person specifically named in a protective order~~);

(ii) ~~The~~ The stalking violates any protective order protecting the ~~(person being stalked)~~ victim;

(iii) ~~The~~ The stalker has previously been convicted of a gross misdemeanor or felony stalking offense under this section for stalking another person;

(iv) ~~The~~ The stalker was armed with a deadly weapon, as defined in RCW 9.94A.825, while stalking the ~~(person)~~ victim;

(v) (A) ~~(the stalker's)~~ The victim is or was a law enforcement officer; judge; juror;

attorney; victim advocate; legislator; community corrections' officer; an employee, contract staff person, or volunteer of a correctional agency; court employee, court clerk, or courthouse facilitator; or an employee of the child protective, child welfare, or adult protective services division within the department of social and health services; and

(B) ~~(the)~~ The stalker stalked the victim to retaliate against the victim for an act the victim performed during the course of official duties or to influence the victim's performance of official duties; or

(vi) ~~(the stalker's)~~ The victim is a current, former, or prospective witness in an adjudicative proceeding, and the stalker stalked the victim to retaliate against the victim as a result of the victim's testimony or potential testimony.

(6) As used in this section:

(a) "Actual notice" includes, in addition to any other form of actual notice, circumstances in which the other person has a protective order in effect protecting him or her from the person.

(b) "Contact" includes, in addition to any other form of contact or communication, the sending of an electronic communication to the other person.

(c) "Correctional agency" means a person working for the department of natural resources in a correctional setting or any state, county, or municipally operated agency with the authority to direct the release of a person serving a sentence or term of confinement and includes but is not limited to the department of corrections, the indeterminate sentence review board, and the department of social and health services.

~~(b)~~ (d) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. "Course of conduct" includes, in addition to any other form of communication, contact, or conduct, the sending of an electronic communication, but does not include constitutionally protected free speech. Constitutionally protected activity is not included within the meaning of "course of conduct."

~~(e)~~ (e) "Electronic tracking device" means an electronic device that permits a person to remotely determine or monitor the position and movement of another person, vehicle, device, or other personal possession. As used in this subsection (6) (e), "electronic device" includes computer code or other digital instructions that once installed on a digital device, allows a person to remotely track the position of that device.

(f) "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the ~~(alleged)~~ stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the ~~(alleged)~~ stalker follows the person. It is not necessary to establish that the ~~(alleged)~~



stalker follows the person while in transit from one location to another.

~~((d))~~ (g) "Harasses" means a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, ~~((harasses))~~ torments, or is detrimental to such person, and which serves no legitimate or lawful purpose. ~~((The course of conduct shall be such as would cause a reasonable person to suffer substantial emotional distress, and shall actually cause substantial emotional distress to the petitioner, or when the course of conduct would cause a reasonable parent to fear for the well-being of his or her child.~~

~~((e))~~ (h) "Protective order" means any temporary or permanent court order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person.

~~((f))~~ (i) "Repeatedly" means on two or more separate occasions.

~~((j))~~ "Substantial emotional distress" means a mental, emotional, or physical reaction such as anxiety, apprehension, or loss of ability to concentrate or other symptoms, whether or not medical or other professional treatment or counseling is sought or required, which degrades the victim's quality of life.

NEW SECTION. **Sec. 2.** RCW 9A.90.130 (Cyberstalking) and 2022 c 231 s 3 are each repealed."

On page 1, line 1 of the title, after "offenses;" strike the remainder of the title and insert "amending RCW 9A.46.110; and repealing RCW 9A.90.130."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1696 and advanced the bill, as amended by the Senate, to final passage.

Representatives Davis and Mosbrucker spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1696, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1696, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson,

Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

HOUSE BILL NO. 1696, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Wednesday, April 5, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1758, with the following amendment(s): 1758-S.E AMS SALO S2602.1

On page 2, line 13, after "tribe," strike "or"

On page 2, line 14, after "district" insert ", or a municipal utility"

On page 2, at the beginning of line 30, strike "or a public utility district" and insert "a public utility district, or a municipal utility"

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1758 and advanced the bill, as amended by the Senate, to final passage.

Representatives Mena and Goehner spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1758, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1758, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1758, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Saturday, April 8, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1766, with the following amendment(s): 1766-S.E AMS WM S2934.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that:

(1) Washington state has been a national leader in adopting legal protections to prevent and respond to abuse, violence, harassment, stalking, neglect, and other threatening behaviors, through the enactment of different types of civil protection orders, which are intended to provide an efficient means to obtain protection against perpetrators of these harms. Protection orders are essential tools that can increase safety for victims of domestic violence, sexual assault, stalking, abuse of vulnerable adults, and unlawful harassment, by empowering them to obtain immediate protection for themselves without having to rely on the criminal legal system. From 2018 through 2021, more than 83,000 full protection order cases were filed in Washington courts, with domestic violence protection order cases making up nearly 58 percent of that total.

(2) Washingtonians who receive protection orders, however, are often confronted by a difficult choice—always carry a paper copy of the order with them, an inconvenient option that could result in the document being damaged or lost, or risk not having access to proper documentation should assistance from law enforcement or emergency services become necessary.

(3) Numerous other states including Oregon, Idaho, and Montana have successfully implemented a solution by establishing hope card programs. Hope cards are durable, laminated cards, similar in construction to a driver's license, that contain the vital information about a protection order that first responders need to quickly verify its existence.

(4) Establishing a hope card program in Washington will not only relieve protection order recipients of an unnecessary source of frustration and stress, but also increase the effectiveness of these crucial sources of safety and security for thousands of Washingtonians.

**NEW SECTION. Sec. 2.** A new section is added to chapter 7.105 RCW to read as follows:

(1) The administrative office of the courts shall develop a program for the issuance of protection order hope cards in scannable electronic format by superior and

district courts. The administrative office of the courts shall develop the program in collaboration with the Washington state superior court judges' association, the Washington state district and municipal court judges' association, the Washington state association of county clerks, association of Washington superior court administrators, district and municipal court management association, and the Washington association of sheriffs and police chiefs, and shall make reasonably feasible efforts to solicit and incorporate input from appropriate stakeholder groups, including representatives from victim advocacy groups, law enforcement agencies, and the department of licensing.

(2) (a) A hope card must be in a scannable electronic format including, but not limited to, a barcode, data matrix code, or a quick response code, and must contain, without limitations, the following:

(i) The restrained person's name, date of birth, sex, race, eye color, hair color, height, weight, and other distinguishing features;

(ii) The protected person's name and date of birth and the names and dates of birth of any minor children protected under the order; and

(iii) Information about the protection order including, but not limited to, the issuing court, the case number, the date of issuance and date of expiration of the order, and the relevant details of the order, including any locations from which the person is restrained.

(b) If feasible, the information stored in a scannable electronic format and accessible through a barcode, data matrix code, or a quick response code must include a digital record of the protection order as entered and provide access to the entire case history, including the petition for protection order, statement, declaration, temporary order, hearing notice, and proof of service.

(3) Commencing on January 1, 2025, a person who has been issued a valid full protection order may request a hope card from the clerk of the issuing court at the time the order is entered or at any time prior to the expiration of the order.

(4) A person requesting a hope card may not be charged a fee for the issuance of an original and one duplicate hope card.

(5) A hope card has the same effect as the underlying protection order.

(6) For the purposes of this section, "full protection order" means a domestic violence protection order, a sexual assault protection order, a stalking protection order, a vulnerable adult protection order, or an antiharassment protection order, as defined in this chapter.

**NEW SECTION. Sec. 3.** This act takes effect January 1, 2025."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "adding a new section to chapter 7.105 RCW; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1766 and advanced the bill, as amended by the Senate, to final passage.

Representatives Griffey and Hansen spoke in favor of the passage of the bill.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1766, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1766, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1766, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Wednesday, April 5, 2023

Mme. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1797, with the following amendment(s): 1797.E AMS BFGT S2287.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 18.140 RCW to read as follows:

(1) A state-licensed appraiser or state-certified appraiser may perform evaluations for financial institutions. An appraiser performing evaluations is not engaged in real estate appraisal activity, requiring compliance with the uniform standards of professional appraisal practice, when the appraiser includes a disclaimer as described in subsection (3) of this section.

(2) A state-licensed appraiser or state-certified appraiser engaged to perform an evaluation is still engaged in real estate appraisal activity and remains under the

regulatory authority of the state of Washington.

(3) When completing an evaluation, the appraiser must include a disclaimer that: (a) Is located immediately above the appraiser's signature; and (b) includes the following language in at least 10-point boldface type: "I am a state-licensed appraiser or a state-certified appraiser. This evaluation was not prepared in my capacity as a real estate appraiser and might not comply with the uniform standards of professional appraisal practice."

(4) As used in this section, "evaluation" means an estimate of the market value of real property or real estate provided to a financial institution in conformance with the interagency appraisal and evaluation guidelines adopted jointly by the federal financial institution's regulatory agencies for use in real estate-related financial transactions that do not require an appraisal. Nothing in this subsection may be construed to excuse a financial institution or affiliate from complying with the provisions of Title XI of the federal financial institutions reform, recovery, and enforcement act of 1989 (12 U.S.C. Sec. 3310 et seq.).

**Sec. 2.** RCW 18.140.030 and 2005 c 339 s 4 are each amended to read as follows:

The director shall have the following powers and duties:

(1) To adopt rules in accordance with chapter 34.05 RCW necessary to implement this chapter and chapter 18.235 RCW, with the advice and approval of the commission;

(2) To receive and approve or deny applications for certification or licensure as a state-certified or state-licensed real estate appraiser and for registration as a state-registered appraiser trainee under this chapter; to establish appropriate administrative procedures for the processing of such applications; to issue certificates, licenses, or registrations to qualified applicants pursuant to the provisions of this chapter; and to maintain a roster of the names and addresses of individuals who are currently certified, licensed, or registered under this chapter;

(3) To provide administrative assistance to the members of and to keep records for the real estate appraiser commission;

(4) To solicit bids and enter into contracts with educational testing services or organizations for the preparation of questions and answers for certification or licensure examinations;

(5) To administer or contract for administration of certification or licensure examinations at locations and times as may be required to carry out the responsibilities under this chapter;

(6) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(7) To consider recommendations by the real estate appraiser commission relating to the experience, education, and examination requirements for each classification of state-certified appraiser and for licensure;

(8) To consider recommendations by the real estate appraiser commission relating to the educational requirements for the state-registered appraiser trainee classification;

(9) To consider recommendations by the real estate appraiser commission relating to the maximum number of state-registered appraiser trainees that each supervisory appraiser will be permitted to supervise;

(10) To consider recommendations by the real estate appraiser commission relating to continuing education requirements as a prerequisite to renewal of certification or licensure;

(11) To consider recommendations by the real estate appraiser commission relating to standards of professional appraisal conduct or practice in the enforcement of this chapter;

(12) To employ such professional, clerical, and technical assistance as may be necessary to properly administer the work of the director;

(13) To establish forms necessary to administer this chapter;

(14) To establish an expert review appraiser roster comprised of state-certified or licensed real estate appraisers whose purpose is to assist the director by applying their individual expertise by reviewing real estate appraisals for compliance with this chapter. Qualifications to act as an expert review appraiser shall be established by the director with the advice of the commission. An application to serve as an expert review appraiser shall be submitted to the real estate appraiser program, and the roster of accepted expert review appraisers shall be maintained by the department. An expert review appraiser may be added to or deleted from that roster by the director. The expert review appraiser shall be reimbursed for expenses in the same manner as the department reimburses the commission; and

(15) To do all other things necessary to carry out the provisions of this chapter and minimally meet the requirements of federal guidelines regarding state certification or licensure of appraisers and registration of state-registered appraiser trainees that the director determines are appropriate for state-certified and state-licensed appraisers and state-registered appraiser trainees in this state, except as provided for in section 1 of this act.

**NEW SECTION. Sec. 3.** A new section is added to chapter 18.140 RCW to read as follows:

The department shall adopt administrative rule amendments to chapter 308-125 WAC that require:

(1) Appraisers and appraiser trainees to adhere to the nondiscrimination and fair housing provisions as provided in the ethics rule in accordance with the appraisal standards board and the uniform standards of professional appraisal practice;

(2) Appraiser and appraiser trainees to adhere to all education criteria in accordance with the appraiser qualifications board as provided in the real property appraiser qualifications criteria.

**NEW SECTION. Sec. 4.** (1) This act takes effect upon the adoption of the administrative rules required in section 3 of this act.

(2) The department must provide notice of the effective date of this section to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department."

On page 1, line 1 of the title, after "to" strike the remainder of the title and insert "real estate appraisers; amending RCW 18.140.030; adding new sections to chapter 18.140 RCW; and providing a contingent effective date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1797 and advanced the bill, as amended by the Senate, to final passage.

Representatives Cheney and Walen spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1797, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1797, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

ENGROSSED HOUSE BILL NO. 1797, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Friday, April 7, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1181, with the following amendment(s): 1181-S2.E AMS ENGR S2967.E

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 36.70A.020 and 2021 c 254 s 1 are each amended to read as follows:

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040 and, where specified, also guide the development of regional policies, plans, and strategies adopted under RCW 36.70A.210 and chapter 47.80 RCW. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans (~~and~~), development regulations, and, where specified, regional plans, policies, and strategies:

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

(3) Transportation. Encourage efficient multimodal transportation systems that will reduce greenhouse gas emissions and per capita vehicle miles traveled, and are based on regional priorities and coordinated with county and city comprehensive plans.

(4) Housing. Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Retain open space and green space, enhance recreational opportunities, (~~conserve~~) enhance fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect and enhance the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process, including the participation of vulnerable populations and overburdened communities, and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

(14) Climate change and resiliency. Ensure that comprehensive plans, development regulations, and regional policies, plans, and strategies under RCW 36.70A.210 and chapter 47.80 RCW adapt to and mitigate the effects of a changing climate; support reductions in greenhouse gas emissions and per capita vehicle miles traveled; prepare for climate impact scenarios; foster resiliency to climate impacts and natural hazards; protect and enhance environmental, economic, and human health and safety; and advance environmental justice.

(15) Shorelines of the state. For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 shall be considered an element of the county's or city's comprehensive plan.

**Sec. 2.** RCW 36.70A.480 and 2010 c 107 s 2 are each amended to read as follows:

(1) For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020 without creating an order of priority among the (~~fourteen~~)15 goals. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

(2) The shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the goals, policies, and procedures set forth in this chapter for the adoption of a comprehensive plan or development regulations.

(3)(a) The policies, goals, and provisions of chapter 90.58 RCW and applicable guidelines shall be the sole basis for determining compliance of a shoreline master program with this chapter except as the shoreline master program is required to comply with the internal

consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125, and 35A.63.105.

(b) Except as otherwise provided in (c) of this subsection, development regulations adopted under this chapter to protect critical areas within shorelines of the state apply within shorelines of the state until the department of ecology approves one of the following: A comprehensive master program update, as defined in RCW 90.58.030; a segment of a master program relating to critical areas, as provided in RCW 90.58.090; or a new or amended master program approved by the department of ecology on or after March 1, 2002, as provided in RCW 90.58.080. The adoption or update of development regulations to protect critical areas under this chapter prior to department of ecology approval of a master program update as provided in this subsection is not a comprehensive or segment update to the master program.

(c)(i) Until the department of ecology approves a master program or segment of a master program as provided in (b) of this subsection, a use or structure legally located within shorelines of the state that was established or vested on or before the effective date of the local government's development regulations to protect critical areas may continue as a conforming use and may be redeveloped or modified if: (A) The redevelopment or modification is consistent with the local government's master program; and (B) the local government determines that the proposed redevelopment or modification will result in no net loss of shoreline ecological functions. The local government may waive this requirement if the redevelopment or modification is consistent with the master program and the local government's development regulations to protect critical areas.

(ii) For purposes of this subsection (3)(c), an agricultural activity that does not expand the area being used for the agricultural activity is not a redevelopment or modification. "Agricultural activity," as used in this subsection (3)(c), has the same meaning as defined in RCW 90.58.065.

(d) Upon department of ecology approval of a shoreline master program or critical area segment of a shoreline master program, critical areas within shorelines of the state are protected under chapter 90.58 RCW and are not subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section. Nothing in chapter 321, Laws of 2003 or chapter 107, Laws of 2010 is intended to affect whether or to what extent agricultural activities, as defined in RCW 90.58.065, are subject to chapter 36.70A RCW.

(e) The provisions of RCW 36.70A.172 shall not apply to the adoption or subsequent amendment of a local government's shoreline master program and shall not be used to determine compliance of a local government's shoreline master program with chapter 90.58 RCW and applicable guidelines. Nothing in this section, however, is intended to limit or change the quality of information to be applied in protecting critical areas within shorelines of the

state, as required by chapter 90.58 RCW and applicable guidelines.

(4) Shoreline master programs shall provide a level of protection to critical areas located within shorelines of the state that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources as defined by department of ecology guidelines adopted pursuant to RCW 90.58.060.

(5) Shorelines of the state shall not be considered critical areas under this chapter except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by RCW 36.70A.030(~~((+5))~~)(6) and have been designated as such by a local government pursuant to RCW 36.70A.060(2).

(6) If a local jurisdiction's master program does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized by RCW 90.58.030(2)(~~((+))~~)(d), then the local jurisdiction shall continue to regulate those critical areas and their required buffers pursuant to RCW 36.70A.060(2).

**Sec. 3.** RCW 36.70A.070 and 2022 c 246 s 2 and 2022 c 220 s 1 are each reenacted and amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces and green spaces, urban and community forests within the urban growth area, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. The land use element must give special consideration to achieving environmental justice in its goals and policies, including efforts to avoid creating or worsening environmental health disparities. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity and reduce per capita vehicle miles traveled within the jurisdiction, but without increasing greenhouse gas emissions elsewhere in the state. Where applicable, the land use element shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide

guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound. The land use element must reduce and mitigate the risk to lives and property posed by wildfires by using land use planning tools, which may include, but are not limited to, adoption of portions or all of the wildland urban interface code developed by the international code council or developing building and maintenance standards consistent with the firewise USA program or similar program designed to reduce wildfire risk, reducing wildfire risks to residential development in high risk areas and the wildland urban interface area, separating human development from wildfire prone landscapes, and protecting existing residential development and infrastructure through community wildfire preparedness and fire adaptation measures.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that:

(a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the department of commerce, including:

(i) Units for moderate, low, very low, and extremely low-income households; and

(ii) Emergency housing, emergency shelters, and permanent supportive housing;

(b) Includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences, and within an urban growth area boundary, moderate density housing options including, but not limited to, duplexes, triplexes, and townhomes;

(c) Identifies sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary, consideration of duplexes, triplexes, and townhomes;

(d) Makes adequate provisions for existing and projected needs of all economic segments of the community, including:

(i) Incorporating consideration for low, very low, extremely low, and moderate-income households;

(ii) Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations;

(iii) Consideration of housing locations in relation to employment location; and

(iv) Consideration of the role of accessory dwelling units in meeting housing needs;

(e) Identifies local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including:

(i) Zoning that may have a discriminatory effect;

(ii) Disinvestment; and

(iii) Infrastructure availability;

(f) Identifies and implements policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions;

(g) Identifies areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments; and

(h) Establishes antidisplacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

In counties and cities subject to the review and evaluation requirements of RCW 36.70A.215, any revision to the housing element shall include consideration of prior review and evaluation reports and any reasonable measures identified. The housing element should link jurisdictional goals with overall county goals to ensure that the housing element goals are met.

The adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city that is required or chooses to plan under RCW 36.70A.040 that increase housing capacity, increase housing affordability, and mitigate displacement as required under this subsection (2) and that apply outside of critical areas are not subject to administrative or judicial appeal under chapter 43.21C RCW unless the adoption of such ordinances, development regulations and amendments to such regulations, or other nonproject actions has a probable significant adverse impact on fish habitat.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, including green infrastructure, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

The county or city shall identify all public entities that own capital facilities and endeavor in good faith to work with other public entities, such as special purpose districts, to gather and include

within its capital facilities element the information required by this subsection. If, after a good faith effort, the county or city is unable to gather the information required by this subsection from the other public entities, the failure to include such information in its capital facilities element cannot be grounds for a finding of noncompliance or invalidity under this act. A good faith effort must, at a minimum, include consulting the public entity's capital facility or system plans and emailing and calling the staff of the public entity.

(4)(a) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities((~~r~~) including, but not limited to, electrical ((~~lines~~)), ((~~telecommunication~~ lines))telecommunications, and natural gas ((~~lines~~))systems.

(b) The county or city shall identify all public entities that own utility systems and endeavor in good faith to work with other public entities, such as special purpose districts, to gather and include within its utilities element the information required in (a) of this subsection. However, if, after a good faith effort, the county or city is unable to gather the information required in (a) of this subsection from the other public entities, the failure to include such information in the utilities element shall not be grounds for a finding of noncompliance or invalidity under this act. A good faith effort must, at a minimum, include consulting the public entity's capital facility or system plans, and emailing and calling the staff of the public entity.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5) (d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity may be permitted subject to confirmation from all existing providers of public facilities and public services of sufficient capacity of existing public facilities and public services to serve any new or additional demand from the new development or redevelopment. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5) and is consistent with the local character. Any commercial development or redevelopment within a mixed-use area must be principally designed to serve the existing and projected rural population and must meet the following requirements:

(I) Any included retail or food service space must not exceed the footprint of previously occupied space or 5,000 square feet, whichever is greater, for the same or similar use; and

(II) Any included retail or food service space must not exceed 2,500 square feet for a new use;

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that



rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas shall not extend beyond the logical outer boundary of the existing area, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of this subsection (5) (d), an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated ~~((traffic))~~ multimodal level of service impacts to state-owned transportation facilities resulting from land use assumptions to assist ~~((the department of transportation))~~ in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments, active transportation facilities, and general aviation airport facilities, to define existing capital facilities and travel levels ~~((as a basis for))~~ to inform future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) ~~((Level))~~ Multimodal level of service standards for all locally owned arterials ~~((and))~~, locally and regionally operated transit routes that serve urban growth areas, state-owned or operated transit routes that serve urban areas if the department of transportation has prepared such standards, and active transportation facilities to serve as a gauge to judge performance of the system and success in helping to achieve the goals of this chapter consistent with environmental justice. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, multimodal level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting multimodal level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, active transportation, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route

capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance (~~locally owned~~) transportation facilities or services that are below an established multimodal level of service standard;

(E) Forecasts of (~~traffic~~) multimodal transportation demand and needs within cities and urban growth areas, and forecasts of multimodal transportation demand and needs outside of cities and urban growth areas, for at least ten years based on the adopted land use plan to (~~provide information on the location, timing, and capacity needs of future growth~~) inform the development of a transportation element that balances transportation system safety and convenience to accommodate all users of the transportation system to safely, reliably, and efficiently provide access and mobility to people and goods. Priority must be given to inclusion of transportation facilities and services providing the greatest multimodal safety benefit to each category of roadway users for the context and speed of the facility;

(F) Identification of state and local system needs to equitably meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW. Local system needs should reflect the regional transportation system and local goals, and strive to equitably implement the multimodal network;

(G) A transition plan for transportation as required in Title II of the Americans with disabilities act of 1990 (ADA). As a necessary step to a program access plan to provide accessibility under the ADA, state and local government, public entities, and public agencies are required to perform self-evaluations of their current facilities, relative to accessibility requirements of the ADA. The agencies are then required to develop a program access plan, which can be called a transition plan, to address any deficiencies. The plan is intended to achieve the following:

(I) Identify physical obstacles that limit the accessibility of facilities to individuals with disabilities;

(II) Describe the methods to be used to make the facilities accessible;

(III) Provide a schedule for making the access modifications; and

(IV) Identify the public officials responsible for implementation of the transition plan;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by

the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting the identified needs of the transportation system, including state transportation facilities, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) (~~Pedestrian and bicycle~~) Active transportation component to include collaborative efforts to identify and designate planned improvements for (~~pedestrian and bicycle~~) active transportation facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned or locally or regionally operated transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include (~~increased~~) active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city. A development proposal may not be denied for causing the level of service on a locally owned or locally or regionally operated transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan where such impacts could be adequately mitigated through active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, or other transportation systems management strategies funded by the development.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; (c) an evaluation of tree canopy coverage within the urban growth area; and ((+e)) (d) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9)(a) A climate change and resiliency element that is designed to result in reductions in overall greenhouse gas emissions and that must enhance resiliency to and avoid the adverse impacts of climate change, which must include efforts to reduce localized greenhouse gas emissions and avoid creating or worsening localized climate impacts to vulnerable populations and overburdened communities.

(b) The climate change and resiliency element shall include the following subelements:

(i) A greenhouse gas emissions reduction subelement;

(ii) A resiliency subelement.

(c) The greenhouse gas emissions reduction subelement of the climate change and resiliency element is mandatory for the jurisdictions specified in section 4(1) of this act and is encouraged for all other jurisdictions, including those planning under RCW 36.70A.040 and those planning under chapter 36.70 RCW. The resiliency subelement of the climate change and resiliency element is mandatory for all jurisdictions planning under RCW 36.70A.040 and is encouraged for those jurisdictions planning under chapter 36.70 RCW.

(d)(i) The greenhouse gas emissions reduction subelement of the comprehensive plan, and its related development regulations, must identify the actions the jurisdiction will take during the planning cycle consistent with the guidelines published by the department pursuant to section 5 of this act that will:

(A) Result in reductions in overall greenhouse gas emissions generated by transportation and land use within the jurisdiction but without increasing greenhouse gas emissions elsewhere in the state;

(B) Result in reductions in per capita vehicle miles traveled within the jurisdiction but without increasing greenhouse gas emissions elsewhere in the state; and

(C) Prioritize reductions that benefit overburdened communities in order to maximize the cobenefits of reduced air pollution and environmental justice.

(ii) Actions not specifically identified in the guidelines developed by the department pursuant to section 5 of this act

may be considered consistent with these guidelines only if:

(A) They are projected to achieve greenhouse gas emissions reductions or per capita vehicle miles traveled reductions equivalent to what would be required of the jurisdiction under the guidelines adopted by the department; and

(B) They are supported by scientifically credible projections and scenarios that indicate their adoption is likely to result in reductions of greenhouse gas emissions or per capita vehicle miles traveled.

(iii) A jurisdiction may not restrict population growth or limit population allocation in order to achieve the requirements set forth in this subsection (9)(d).

(e)(i) The resiliency subelement must equitably enhance resiliency to, and avoid or substantially reduce the adverse impacts of, climate change in human communities and ecological systems through goals, policies, and programs consistent with the best available science and scientifically credible climate projections and impact scenarios that moderate or avoid harm, enhance the resiliency of natural and human systems, and enhance beneficial opportunities. The resiliency subelement must prioritize actions that benefit overburdened communities that will disproportionately suffer from compounding environmental impacts and will be most impacted by natural hazards due to climate change. Specific goals, policies, and programs of the resiliency subelement must include, but are not limited to, those designed to:

(A) Identify, protect, and enhance natural areas to foster resiliency to climate impacts, as well as areas of vital habitat for safe passage and species migration;

(B) Identify, protect, and enhance community resiliency to climate change impacts, including social, economic, and built environment factors, that support adaptation to climate impacts consistent with environmental justice; and

(C) Address natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, wildfire, and other effects of changes to temperature and precipitation patterns.

(ii) A natural hazard mitigation plan or similar plan that is guided by RCW 36.70A.020(14), that prioritizes actions that benefit overburdened communities, and that complies with the applicable requirements of this chapter, including the requirements set forth in this subsection (9)(e), may be adopted by reference to satisfy these requirements, except that to the extent any of the substantive requirements of this subsection (9)(e) are not addressed, or are inadequately addressed, in the referenced natural hazard mitigation plan, a county or city must supplement the natural hazard mitigation plan accordingly so that the adopted resiliency subelement complies fully with the substantive requirements of this subsection (9)(e).

(A) If a county or city intends to adopt by reference a federal emergency management agency natural hazard mitigation plan in order to meet all or part of the substantive requirements set forth in this subsection (9)(e), and the most recently adopted federal emergency management agency natural hazard mitigation plan does not comply with the requirements of this subsection (9)(e), the department may grant the county or city an extension of time in which to submit a natural hazard mitigation plan.

(B) Eligibility for an extension under this subsection prior to July 1, 2027, is limited to a city or county required to review and, if needed, revise its comprehensive plan on or before June 30, 2025, as provided in RCW 36.70A.130, or for a city or county with an existing, unexpired federal emergency management agency natural hazard mitigation plan scheduled to expire before December 31, 2024.

(C) Extension requests after July 1, 2027, may be granted if requirements for the resiliency subelement are amended or added by the legislature or if the department finds other circumstances that may result in a potential finding of noncompliance with a jurisdiction's existing and approved federal emergency management agency natural hazard mitigation plan.

(D) A city or county that wishes to request an extension of time must submit a request in writing to the department no later than the date on which the city or county is required to review and, if needed, revise its comprehensive plan as provided in RCW 36.70A.130.

(E) Upon the submission of such a request to the department, the city or county may have an additional 48 months from the date provided in RCW 36.70A.130 in which to either adopt by reference an updated federal emergency management agency natural hazard mitigation plan or adopt its own natural hazard mitigation plan, and to then submit that plan to the department.

(F) The adoption of ordinances, amendments to comprehensive plans, amendments to development regulations, and other nonproject actions taken by a county or city pursuant to (d) of this subsection in order to implement measures specified by the department pursuant to section 5 of this act are not subject to administrative or judicial appeal under chapter 43.21C RCW.

(10) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

**NEW SECTION. Sec. 4.** A new section is added to chapter 36.70A RCW to read as follows:

(1) The requirements of the greenhouse gas emissions reduction subelement of the climate change and resiliency element set

forth in RCW 36.70A.070 apply only to those counties that are required or that choose to plan under RCW 36.70A.040 and that also meet either of the criteria set forth in (a), (b), or (c) of this subsection on or after April 1, 2021, and the cities with populations greater than 6,000 as of April 1, 2021, within those counties:

(a) A county with a population density of at least 100 people per square mile and a population of at least 200,000;

(b) A county bordering on the Columbia and Snake rivers with a population density of at least 75 people per square mile and an annual growth rate of at least 1.65 percent; or

(c) A county located to the west of the crest of the Cascade mountains with a population of at least 130,000.

(2) The requirements of the amendments to the transportation element of RCW 36.70A.070 set forth in this act apply only to: (a) Counties and cities that meet the population criteria set forth in subsection (1) of this section; and (b) cities with populations of 6,000 or greater as of April 1, 2021, that are located in a county that is required or that chooses to plan under RCW 36.70A.040.

(3) The requirements of the amendments to the land use element of RCW 36.70A.070 set forth in this act apply only to: (a) Counties and cities that meet the population criteria set forth in subsection (1) or (2) of this section; and (b) counties that have a population of 20,000 or greater as of April 1, 2021, and that are required or that choose to plan under RCW 36.70A.040.

(4) Once a county meets either of the sets of criteria set forth in subsection (1) of this section, the requirement to conform with the greenhouse gas emissions reduction subelement of the climate change and resiliency element set forth in RCW 36.70A.070 remains in effect, even if the county no longer meets one of these sets of criteria.

(5) If the population of a county that previously had not been required to conform with the greenhouse gas emissions reduction subelement of the climate change and resiliency element set forth in RCW 36.70A.070 changes sufficiently to meet either of the sets of criteria set forth in subsection (1) of this section, the county, and the cities with populations greater than 6,000 as of April 1, 2021, within that county, shall adopt a greenhouse gas emissions reduction subelement of the climate change and resiliency element set forth in RCW 36.70A.070 at the next scheduled update of the comprehensive plan as set forth in RCW 36.70A.130.

(6) The population criteria used in this section must be based on population data as determined by the office of financial management.

**NEW SECTION. Sec. 5.** A new section is added to chapter 70A.45 RCW to read as follows:

(1) The department of commerce, in consultation with the department of ecology, the department of health, and the department of transportation, shall publish guidelines that specify a set of measures counties and

cities may implement via updates to their comprehensive plans and development regulations that have a demonstrated ability to increase housing capacity within urban growth areas or reduce greenhouse gas emissions, allowing for consideration of the emissions reductions achieved through the adoption of statewide programs. The guidelines must prioritize measures that benefit overburdened communities, including communities that have experienced disproportionate harm due to air pollution and may draw upon the most recent health disparities data from the department of health to identify high pollution areas and disproportionately burdened communities. These guidelines must be developed consistent with an environmental justice assessment pursuant to RCW 70A.02.060 and the guidelines must include environmental justice assessment processes. The guidelines must be based on:

(a) The most recent greenhouse gas emissions report prepared by the department of ecology and the department of commerce pursuant to RCW 70A.45.020(2);

(b) The most recent city and county population estimates prepared by the office of financial management pursuant to RCW 43.62.035;

(c) The locations of major employment centers and transit corridors, for the purpose of increasing housing supply in these areas; and

(d) Available environmental justice data and data regarding access to public transportation for people with disabilities and for vulnerable populations.

(2)(a) The department of commerce, in consultation with the department of transportation, shall publish guidelines that specify a set of measures counties and cities may have available to them to take through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce per capita vehicle miles traveled, including measures that are designed to be achievable throughout the state, including in small cities and rural cities.

(b) The guidelines must be based on:

(i) The most recent greenhouse gas emissions report prepared by the department of ecology and the department of commerce pursuant to RCW 70A.45.020(2);

(ii) The most recent city and county population estimates prepared by the office of financial management pursuant to RCW 43.62.035; and

(iii) The most recent summary of per capita vehicle miles traveled as compiled by the department of transportation.

(3) The department of commerce shall first publish the full set of guidelines described in subsections (1) and (2) of this section no later than December 31, 2025. The department of commerce shall update these guidelines at least every five years thereafter based on the most recently available data, and shall provide for a process for local governments and other parties to submit alternative actions for consideration for inclusion into the guidelines at least once per year. The department of commerce shall publish an intermediate set of guidelines no later than

December 31, 2023, in order to be available for use by jurisdictions whose periodic updates are required by RCW 36.70A.130(5) to occur prior to December 31, 2025. Jurisdictions whose periodic updates are required by RCW 36.70A.130(5)(b) may utilize the intermediate set of guidelines published by the department of commerce to meet the requirements of RCW 36.70A.070(9).

(4)(a) In any updates to the guidelines published after 2025, the department of commerce shall include an evaluation of the impact that locally adopted climate change and resiliency elements have had on local greenhouse gas emissions and per capita vehicle miles traveled reduction goals. The evaluation must also address the impact that locally adopted greenhouse gas emissions reduction subelements have had on meeting local housing goals and targets.

(b) The updates must also include an estimate of the impacts that locally adopted climate change and resiliency elements will have on achieving local greenhouse gas emissions and per capita vehicle miles traveled reduction goals. The evaluation must also include an estimate of the impact that locally adopted greenhouse gas emissions reduction subelements will have on meeting local housing goals and targets.

(c) The department may include in the specified guidelines what additional measures cities and counties should take to make additional progress on local reduction goals, including any measures that increase housing capacity within urban growth areas.

(5) The department of commerce may not propose or adopt any guidelines that would include any form of a road usage charge or any fees or surcharges related to vehicle miles traveled.

(6) The department of commerce may not propose or adopt any guidelines that would direct or require local governments to regulate or tax, in any form, transportation service providers, delivery vehicles, or passenger vehicles.

(7) The department of commerce, in the course of implementing this section, shall provide and prioritize options that support increased housing supply and diversity of housing types that assist counties and cities in meeting greenhouse gas emissions reduction, housing supply, and other requirements established under this chapter.

(8) The provisions of this section as applied to the department of transportation are subject to the availability of amounts appropriated for this specific purpose.

(9) For purposes of this section, "overburdened communities" and "vulnerable populations" means the same as provided in RCW 36.70A.030.

**NEW SECTION. Sec. 6.** A new section is added to chapter 36.70A RCW to read as follows:

(1) A county or city required to complete a greenhouse gas emissions reduction subelement may submit the subelement to the department for approval. When submitted to the department for approval, the subelement becomes effective when approved by the department as provided in this section. If a county or city does not seek department

approval of the subelement, the effective date of the subelement is the date on which the comprehensive plan is adopted by the county or city.

(2) Notice of intent to apply for approval. (a) Not less than 120 days prior to applying for approval of a subelement, the county or city must notify the department in writing that it intends to apply for approval. The department shall review proposed subelements prior to final adoption and advise the county or city of the actions necessary to receive approval.

(b) The department may consult with other relevant state agencies in making its determination.

(c) The department shall publish notice in the Washington State Register that a city or county has notified the department of its intent to apply for approval and the department shall post a copy of the notice on the department website.

(3) Procedures for an application for approval. (a) After taking final action to adopt a greenhouse gas emissions reduction subelement, a city or county may apply to the department for approval of the subelement. A city or county must submit its application to the department within 10 days of taking final action.

(b) An application for approval must include, at a minimum, the following:

(i) A cover letter from the legislative authority requesting approval;

(ii) A copy of the adopted ordinance or resolution taking the legislative action or actions required to adopt the greenhouse gas emissions reduction subelement;

(iii) A statement explaining how the adopted subelement complies with the provisions of this chapter; and

(iv) A copy of the record developed by the city or county at any public meetings or public hearings at which action was taken on the greenhouse gas emissions reduction subelement.

(c) For purposes of this subsection, the terms "action" and "meeting" have the same definition as in RCW 42.30.020.

(4) Approval procedures. (a) The department shall strive to achieve final action to approve or deny an application within 180 days of the date of receipt of the application.

(b) The department must issue its decision in the form of a written statement, including findings of fact and conclusions, and noting the date of the issuance of its decision. The department's issued decision must conspicuously and plainly state that it is the department's final decision and that there will be no further modifications to the proposed greenhouse gas emissions reduction subelement.

(c) The department will promptly publish its decision on the application for approval as follows:

(i) Notify the city or county in writing of its determination;

(ii) Publish a notice of action in the Washington State Register;

(iii) Post a notice of its decision on the agency website; and

(iv) Notify other relevant state agencies regarding the approval decision.

(5) The department shall approve a proposed greenhouse gas emissions reduction subelement unless it determines that the proposed greenhouse gas emissions reduction subelement is not consistent with the policy of RCW 36.70A.070 and, after they are adopted, the applicable guidelines.

(6) The department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendment by a local government planning under RCW 36.70A.040 may be appealed according to the following provisions:

(a) The department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendment by a local government planning under RCW 36.70A.040 may be appealed to the growth management hearings board by filing a petition as provided in RCW 36.70A.290.

(b) A decision of the growth management hearings board concerning an appeal of the department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendment must be based solely on whether or not the adopted or amended greenhouse gas emissions reduction subelement, any adopted amendments to other elements of the comprehensive plan necessary to carry out the subelement, and any adopted or amended development regulations necessary to implement the subelement, comply with the goal set forth in RCW 36.70A.020(14) as it applies to greenhouse gas emissions reductions, RCW 36.70A.070(9) excluding RCW 36.70A.070(9) (e), the guidelines adopted under section 5 of this act applicable to the greenhouse gas emissions reduction subelement, or chapter 43.21C RCW.

**Sec. 7.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to read as follows:

(1) The growth management hearings board shall hear and determine only those petitions alleging either:

(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in this subsection authorizes the board to hear petitions alleging noncompliance with RCW 36.70A.5801;

(b) That the ~~((twenty))~~20-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted;

(c) That the approval of a work plan adopted under RCW 36.70A.735(1) (a) is not in compliance with the requirements of the program established under RCW 36.70A.710;

(d) That regulations adopted under RCW 36.70A.735(1) (b) are not regionally applicable and cannot be adopted, wholly or partially, by another jurisdiction; ~~((or))~~

(e) That a department certification under RCW 36.70A.735(1) (c) is erroneous; or

(f) That the department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendments by a local government planning under RCW 36.70A.040 was not in compliance with the joint guidance issued by the department pursuant to section 5 of this act.

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter; (b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested; (c) a person who is certified by the governor within ~~((sixty))~~ 60 days of filing the request with the board; or (d) a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) To establish participation standing under subsection (2)(b) of this section, a person must show that his or her participation before the county or city was reasonably related to the person's issue as presented to the board.

(5) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, the board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by the board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by the board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as the "board adjusted population projection." None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

**Sec. 8.** RCW 36.70A.320 and 1997 c 429 s 20 are each amended to read as follows:

(1) Except as provided in subsections (5) and (6) of this section, comprehensive plans and development regulations, and amendments thereto, adopted under this chapter are presumed valid upon adoption.

(2) Except as otherwise provided in subsection (4) of this section, the burden is on the petitioner to demonstrate that any action taken by a state agency, county, or city under this chapter is not in compliance with the requirements of this chapter.

(3) In any petition under this chapter, the board, after full consideration of the petition, shall determine whether there is compliance with the requirements of this chapter. In making its determination, the board shall consider the criteria adopted by the department under RCW 36.70A.190(4). The board shall find compliance unless it

determines that the action by the state agency, county, or city is clearly erroneous in view of the entire record before the board and in light of the goals and requirements of this chapter.

(4) A county or city subject to a determination of invalidity made under RCW 36.70A.300 or 36.70A.302 has the burden of demonstrating that the ordinance or resolution it has enacted in response to the determination of invalidity will no longer substantially interfere with the fulfillment of the goals of this chapter under the standard in RCW 36.70A.302(1).

(5) The shoreline element of a comprehensive plan and the applicable development regulations adopted by a county or city shall take effect as provided in chapter 90.58 RCW.

(6) The greenhouse gas emissions reduction subelement required by RCW 36.70A.070 shall take effect as provided in section 6 of this act.

**Sec. 9.** RCW 36.70A.190 and 2022 c 252 s 5 are each amended to read as follows:

(1) The department shall establish a program of technical and financial assistance and incentives to counties and cities to encourage and facilitate the adoption and implementation of comprehensive plans and development regulations throughout the state.

(2) The department shall develop a priority list and establish funding levels for planning and technical assistance grants both for counties and cities that plan under RCW 36.70A.040. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, the presence of overburdened communities, and other relevant factors. The department shall establish funding levels for grants to community-based organizations for the specific purpose of advancing participation of vulnerable populations and overburdened communities in the planning process.

(3) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the preparation of comprehensive plans under this chapter. The department may establish provisions for county and city matching funds to conduct activities under this subsection. Grants may be expended for any purpose directly related to the preparation of a county or city comprehensive plan as the county or city and the department may agree, including, without limitation, the conducting of surveys, inventories and other data gathering and management activities, the retention of planning consultants, contracts with regional councils for planning and related services, and other related purposes.

(4) The department shall establish a program of technical assistance:

(a) Utilizing department staff, the staff of other state agencies, and the technical resources of counties and cities to help in the development of comprehensive plans required under this chapter. The technical

assistance may include, but not be limited to, model land use ordinances, regional education and training programs, and information for local and regional inventories; and

(b) Adopting by rule procedural criteria to assist counties and cities in adopting comprehensive plans and development regulations that meet the goals and requirements of this chapter. These criteria shall reflect regional and local variations and the diversity that exists among different counties and cities that plan under this chapter.

(5) The department shall provide mediation services to resolve disputes between counties and cities regarding, among other things, coordination of regional issues and designation of urban growth areas.

(6) The department shall provide services to facilitate the timely resolution of disputes between a federally recognized Indian tribe and a city or county.

(a) A federally recognized Indian tribe may request the department to provide facilitation services to resolve issues of concern with a proposed comprehensive plan and its development regulations, or any amendment to the comprehensive plan and its development regulations.

(b) Upon receipt of a request from a tribe, the department shall notify the city or county of the request and offer to assist in providing facilitation services to encourage resolution before adoption of the proposed comprehensive plan. Upon receipt of the notice from the department, the city or county must delay any final action to adopt any comprehensive plan or any amendment or its development regulations for at least 60 days. The tribe and the city or county may jointly agree to extend this period by notifying the department. A county or city must not be penalized for noncompliance under this chapter due to any delays associated with this process.

(c) Upon receipt of a request, the department shall provide comments to the county or city including a summary and supporting materials regarding the tribe's concerns. The county or city may either agree to amend the comprehensive plan as requested consistent with the comments from the department, or enter into a facilitated process with the tribe, which must be arranged by the department using a suitable expert to be paid by the department. This facilitated process may also extend the 60-day delay of adoption, upon agreement of the tribe and the city or county.

(d) At the end of the 60-day period, unless by agreement there is an extension of the 60-day period, the city or county may proceed with adoption of the proposed comprehensive plan and development regulations. The facilitator shall write a report of findings describing the basis for agreements or disagreements that occurred during the process that are allowed to be disclosed by the parties and the resulting agreed-upon elements of the plan to be amended.

(7) The department shall provide planning grants to enhance citizen participation under RCW 36.70A.140.

(8) The department shall develop, in collaboration with the department of ecology, the department of fish and wildlife, the department of natural resources, the department of health, the emergency management division of the military department, as well as any federally recognized tribe who chooses to voluntarily participate, and adopt by rule guidance that creates a model climate change and resiliency element that may be used by counties, cities, and multiple-county planning regions for developing and implementing climate change and resiliency plans and policies required by RCW 36.70A.070(9), subject to the following provisions:

(a) The model element must establish minimum requirements, and may include model options or voluntary cross-jurisdictional strategies, or both, for fulfilling the requirements of RCW 36.70A.070(9);

(b) The model element should provide guidance on identifying, designing, and investing in infrastructure that supports community resilience to climate impacts, including the protection, restoration, and enhancement of natural infrastructure as well as traditional infrastructure and protecting and enhancing natural areas to foster resiliency to climate impacts, as well as areas of vital habitat for safe passage and species migration;

(c) The model element should provide guidance on identifying and addressing natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, wildfires, and other effects of reasonably anticipated changes to temperature and precipitation patterns; and

(d) The rule must recognize and promote as many cobenefits of climate resilience as possible such as climate change mitigation, salmon recovery, forest health, ecosystem services, and socioeconomic health and resilience.

NEW SECTION. Sec. 10. A new section is added to chapter 47.80 RCW to read as follows:

The department shall compile, maintain, and publish a summary of the per capita vehicle miles traveled annually in each city in the state, and in the unincorporated portions of each county in the state.

NEW SECTION. Sec. 11. A new section is added to chapter 90.58 RCW to read as follows:

The department shall update its shoreline master program guidelines to require shoreline master programs to address the impact of sea level rise and increased storm severity on people, property, and shoreline natural resources and the environment.

Sec. 12. RCW 86.12.200 and 1991 c 322 s 3 are each amended to read as follows:

The county legislative authority of any county may adopt a comprehensive flood control management plan for any drainage basin that is located wholly or partially within the county.



A comprehensive flood control management plan shall include the following elements:

(1) Designation of areas that are susceptible to periodic flooding, from inundation by bodies of water or surface water runoff, or both, including the river's meander belt or floodway;

(2) Establishment of a comprehensive scheme of flood control protection and improvements for the areas that are subject to such periodic flooding, that includes: (a) Determining the need for, and desirable location of, flood control improvements to protect or preclude flood damage to structures, works, and improvements, based upon a cost/benefit ratio between the expense of providing and maintaining these improvements and the benefits arising from these improvements; (b) establishing the level of flood protection that each portion of the system of flood control improvements will be permitted; (c) identifying alternatives to in-stream flood control work; (d) identifying areas where flood waters could be directed during a flood to avoid damage to buildings and other structures; and (e) identifying sources of revenue that will be sufficient to finance the comprehensive scheme of flood control protection and improvements;

(3) Establishing land use regulations that preclude the location of structures, works, or improvements in critical portions of such areas subject to periodic flooding, including a river's meander belt or floodway, and permitting only flood-compatible land uses in such areas;

(4) Establishing restrictions on construction activities in areas subject to periodic floods that require the flood proofing of those structures that are permitted to be constructed or remodeled; ~~((and))~~

(5) Establishing restrictions on land clearing activities and development practices that exacerbate flood problems by increasing the flow or accumulation of flood waters, or the intensity of drainage, on low-lying areas. Land clearing activities do not include forest practices as defined in chapter 76.09 RCW; and

(6) Consideration of climate change impacts, including the impact of sea level rise and increased storm severity on people, property, natural resources, and the environment.

A comprehensive flood control management plan shall be subject to the minimum requirements for participation in the national flood insurance program, requirements exceeding the minimum national flood insurance program that have been adopted by the department of ecology for a specific floodplain pursuant to RCW 86.16.031, and rules adopted by the department of ecology pursuant to RCW 86.26.050 relating to floodplain management activities. When a county plans under chapter 36.70A RCW, it may incorporate the portion of its comprehensive flood control management plan relating to land use restrictions in its comprehensive plan and development regulations adopted pursuant to chapter 36.70A RCW.

NEW SECTION. **Sec. 13.** A new section is added to chapter 43.21C RCW to read as follows:

The adoption of ordinances, amendments to comprehensive plans, amendments to development regulations, and other nonproject actions taken by a county or city pursuant to RCW 36.70A.070(9) (d) or (e) in order to implement measures specified by the department of commerce pursuant to section 5 of this act are not subject to administrative or judicial appeals under this chapter.

**Sec. 14.** RCW 36.70A.030 and 2021 c 254 s 6 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is:

(a) For rental housing, ~~((sixty))~~ 60 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

(b) For owner-occupied housing, ~~((eighty))~~ 80 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(3) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(4) "City" means any city or town, including a code city.

(5) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(6) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

(7) "Department" means the department of commerce.

(8) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(9) "Emergency housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

(10) "Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

(11) "Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below thirty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(12) "Forestland" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forestland is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forestland to other uses.

(13) "Freight rail dependent uses" means buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is dependent on and makes use of an adjacent short line railroad. Such facilities are both urban and rural development for purposes of this chapter.

"Freight rail dependent uses" does not include buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of coal, liquefied natural gas, or "crude oil" as defined in RCW 90.56.010.

(14) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(15) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(16) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(17) "Minerals" include gravel, sand, and valuable metallic substances.

(18) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(19) "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

(20) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(21) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(22) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

(23) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

(24) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(25) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

(26) "Short line railroad" means those railroad lines designated class II or class III by the United States surface transportation board.

(27) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities

associated with urban areas and normally not associated with rural areas.

(28) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(29) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

(30) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below fifty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(31) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

(32) "Per capita vehicle miles traveled" means the number of miles traveled using cars and light trucks in a calendar year divided by the number of residents in Washington. The calculation of this value excludes vehicle miles driven conveying freight.

(33) "Active transportation" means forms of pedestrian mobility including walking or running, the use of a mobility assistive device such as a wheelchair, bicycling and cycling irrespective of the number of wheels, and the use of small personal devices such as foot scooters or skateboards. Active transportation includes both traditional and electric assist bicycles and other devices. Planning for active transportation must consider and address accommodation pursuant to the Americans with disabilities act and the

distinct needs of each form of active transportation.

(34) "Transportation system" means all infrastructure and services for all forms of transportation within a geographical area, irrespective of the responsible jurisdiction or transportation provider.

(35) "Environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice includes addressing disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities and the equitable distribution of resources and benefits.

(36) "Active transportation facilities" means facilities provided for the safety and mobility of active transportation users including, but not limited to, trails, as defined in RCW 47.30.005, sidewalks, bike lanes, shared-use paths, and other facilities in the public right-of-way.

(37) "Green space" means an area of land, vegetated by natural features such as grass, trees, or shrubs, within an urban context and less than one acre in size that creates public value through one or more of the following attributes:

(a) Is accessible to the public;

(b) Promotes physical and mental health of residents;

(c) Provides relief from the urban heat island effects;

(d) Promotes recreational and aesthetic values;

(e) Protects streams or water supply; or

(f) Preserves visual quality along highway, road, or street corridors.

(38) "Green infrastructure" means a wide array of natural assets and built structures within an urban growth area boundary, including parks and other areas with protected tree canopy, and management practices at multiple scales that manage wet weather and that maintain and restore natural hydrology by storing, infiltrating, evapotranspiring, and harvesting and using stormwater.

(39) "Wildland urban interface" means the geographical area where structures and other human development meets or intermingles with wildland vegetative fuels.

(40) "Overburdened community" means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020.

(41)(a) "Vulnerable populations" means population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to: (i) Adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and

(ii) sensitivity factors, such as low birth weight and higher rates of hospitalization.

(b) "Vulnerable populations" includes, but is not limited to:

(i) Racial or ethnic minorities;

(ii) Low-income populations; and

(iii) Populations disproportionately impacted by environmental harms.

**Sec. 15.** RCW 36.70A.130 and 2022 c 287 s 1 and 2022 c 192 s 1 are each reenacted and amended to read as follows:

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section.

(b) Except as otherwise provided, a county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefor.

(c) The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ~~((ten))~~ 10-year population forecast by the office of financial management.

(d) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the deadlines in subsections (4) and (5) of this section or in accordance with the provisions of subsection (6) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan. Subarea plans adopted under this subsection (2)(a)(i) must clarify, supplement, or implement jurisdiction-wide comprehensive plan policies, and may only be adopted if the cumulative impacts of the proposed plan are addressed by appropriate environmental review under chapter 43.21C RCW;

(ii) The development of an initial subarea plan for economic development located outside of the one hundred year floodplain in a county that has completed a state-funded pilot project that is based on watershed characterization and local habitat assessment;

(iii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;

(iv) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget; or

(v) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.440, provided that amendments are considered in accordance with the public participation program established by the county or city under this subsection (2)(a) and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with the court.

(3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, according to the schedules established in subsections (4) and (5) of this section, its designated urban growth area or areas, patterns of development occurring within the urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding ~~(twenty)~~ 20-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(c) If, during the county's review under (a) of this subsection, the county determines revision of the urban growth area is not required to accommodate the urban growth projected to occur in the county for the succeeding 20-year period, but does determine that patterns of development have created pressure in areas that exceed available, developable lands within the urban growth area, the urban growth area or areas may be revised to accommodate identified patterns of development and likely future development pressure for the succeeding 20-year period if the following requirements are met:

(i) The revised urban growth area may not result in an increase in the total surface areas of the urban growth area or areas;

(ii) The areas added to the urban growth area are not or have not been designated as agricultural, forest, or mineral resource lands of long-term commercial significance;

(iii) Less than 15 percent of the areas added to the urban growth area are critical areas;

(iv) The areas added to the urban growth areas are suitable for urban growth;

(v) The transportation element and capital facility plan element have identified the transportation facilities, and public facilities and services needed to serve the urban growth area and the funding to provide the transportation facilities and public facilities and services;

(vi) The urban growth area is not larger than needed to accommodate the growth planned for the succeeding 20-year planning period and a reasonable land market supply factor;

(vii) The areas removed from the urban growth area do not include urban growth or urban densities; and

(viii) The revised urban growth area is contiguous, does not include holes or gaps, and will not increase pressures to urbanize rural or natural resource lands.

(4) Except as otherwise provided in subsections (6) and (8) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) On or before June 30, 2015, for King, Pierce, and Snohomish counties and the cities within those counties;

(b) On or before June 30, 2016, for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(c) On or before June 30, 2017, for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before June 30, 2018, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5) Except as otherwise provided in subsections (6) and (8) of this section,

following the review of comprehensive plans and development regulations required by subsection (4) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) ~~((ten))~~ Except as provided in subsection (10) of this section, on or before December 31, 2024, with the following review and, if needed, revision on or before June 30, 2034, and then every ~~((ten))~~ 10 years thereafter, for King, Kitsap, Pierce, and Snohomish counties and the cities within those counties;

(b) On or before June 30, 2025, and every ~~((ten))~~ 10 years thereafter, for Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(c) On or before June 30, 2026, and every ~~((ten))~~ 10 years thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania, Spokane, Walla Walla, and Yakima counties and the cities within those counties; and

(d) On or before June 30, 2027, and every ~~((ten))~~ 10 years thereafter, for Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, and Whitman counties and the cities within those counties.

(6)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the deadlines established in subsections (4) and (5) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) A county that is subject to a deadline established in subsection (5)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline established in subsection (5) of this section: The county has a population of less than fifty thousand and has had its population increase by no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

(c) A city that is subject to a deadline established in subsection (5)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline established in subsection (5) of this section: The city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

(d) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(7)(a) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities that meet the following criteria may receive grants, loans, pledges, or financial guarantees under chapter 43.155 or 70A.135 RCW:

(i) Complying with the deadlines in this section; or

(ii) Demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas.

(b) A county or city that is fewer than ~~((twelve))~~ 12 months out of compliance with the schedules in this section for development regulations that protect critical areas is making substantial progress towards compliance. Only those counties and cities in compliance with the schedules in this section may receive preference for grants or loans subject to the provisions of RCW 43.17.250.

(8)(a) Except as otherwise provided in (c) of this subsection, if a participating watershed is achieving benchmarks and goals for the protection of critical areas functions and values, the county is not required to update development regulations to protect critical areas as they specifically apply to agricultural activities in that watershed.

(b) A county that has made the election under RCW 36.70A.710(1) may only adopt or amend development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed if:

(i) A work plan has been approved for that watershed in accordance with RCW 36.70A.725;

(ii) The local watershed group for that watershed has requested the county to adopt or amend development regulations as part of a work plan developed under RCW 36.70A.720;

(iii) The adoption or amendment of the development regulations is necessary to enable the county to respond to an order of the growth management hearings board or court;

(iv) The adoption or amendment of development regulations is necessary to address a threat to human health or safety; or

(v) Three or more years have elapsed since the receipt of funding.

(c) Beginning ~~((ten))~~ 10 years from the date of receipt of funding, a county that has made the election under RCW 36.70A.710(1) must review and, if necessary, revise development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed in accordance with the review and revision requirements and timeline in subsection (5) of this section. This subsection (8)(c) does not apply to a participating watershed that has determined under RCW 36.70A.720(2)(c)(ii) that the watershed's goals and benchmarks for protection have been met.

(9)(a) Counties subject to planning deadlines established in subsection (5) of this section that are required or that choose to plan under RCW 36.70A.040 and that

meet either criteria of (a)(i) or (ii) of this subsection, and cities with a population of more than 6,000 as of April 1, 2021, within those counties, must provide to the department an implementation progress report detailing the progress they have achieved in implementing their comprehensive plan five years after the review and revision of their comprehensive plan. Once a county meets the criteria in (a)(i) or (ii) of this subsection, the implementation progress report requirements remain in effect thereafter for that county and the cities therein with populations greater than 6,000 as of April 1, 2021, even if the county later no longer meets either or both criteria. A county is subject to the implementation progress report requirement if it meets either of the following criteria on or after April 1, 2021:

(i) The county has a population density of at least 100 people per square mile and a population of at least 200,000; or

(ii) The county has a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of financial management.

(b) The department shall adopt guidelines for indicators, measures, milestones, and criteria for use by counties and cities in the implementation progress report that must cover:

(i) The implementation of previously adopted changes to the housing element and any effect those changes have had on housing affordability and availability within the jurisdiction;

(ii) Permit processing timelines; and

(iii) Progress toward implementing any actions required to achieve reductions to meet greenhouse gas and vehicle miles traveled requirements as provided for in any element of the comprehensive plan under RCW 36.70A.070.

(c) If a city or county required to provide an implementation progress report under this subsection (9) has not implemented any specifically identified regulations, zoning and land use changes, or taken other legislative or administrative action necessary to implement any changes in the most recent periodic update in their comprehensive plan by the due date for the implementation progress report, the city or county must identify the need for such action in the implementation progress report. Cities and counties must adopt a work plan to implement any necessary regulations, zoning and land use changes, or take other legislative or administrative action identified in the implementation progress report and complete all work necessary for implementation within two years of submission of the implementation progress report.

(10) Any county or city that is required by section 4 of this act to include in its comprehensive plan a climate change and resiliency element and that is also required by subsection (5)(a) of this section to review and, if necessary, revise its comprehensive plan on or before December 31, 2024, must update its transportation element and incorporate a climate change and resiliency element into its comprehensive

plan as part of the first implementation progress report required by subsection (9) of this section if funds are appropriated and distributed by December 31, 2027, as required under RCW 36.70A.070(10).

**NEW SECTION. Sec. 16.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Notwithstanding the requirements of RCW 36.70A.070(10), it is the intent that jurisdictions subject to RCW 36.70A.130(5) (b) implement the requirements of this act on or before June 30, 2025. Any funding provided to cover applicable local government costs related to implementation of this act shall be considered timely.

(2) This section expires July 31, 2025.

**NEW SECTION. Sec. 17.** A new section is added to chapter 43.20 RCW to read as follows:

(1)(a) Beginning with water system plans initiated after June 30, 2025, the department shall ensure water system plans for group A community public water systems serving 1,000 or more connections include a climate resilience element at the time of approval.

(b) The department must update its water system planning guidebook to assist water systems in implementing the climate resilience element, including guidance on any available technical and financial resources.

(c) The department shall provide technical assistance to public water systems based on their system size, location, and water source, by providing references to existing state or federal risk management, climate resiliency, or emergency management and response tools that may be used to satisfy the climate resilience element.

(d) Subject to the availability of amounts appropriated for this specific purpose, the University of Washington climate impacts group shall assist the department in the development of tools for the technical assistance to be provided in (c) of this subsection.

(2) To fulfill the requirements of the climate resilience element, water systems must:

(a) Determine which extreme weather events pose significant challenges to their system and build scenarios to identify potential impacts;

(b) Assess critical assets and the actions necessary to protect the system from the consequences of extreme weather events on system operations; and

(c) Generate reports describing the costs and benefits of the system's risk reduction strategies and capital project needs.

(3) Climate readiness projects, including planning to meet the requirements of this section and actions to protect a water system from extreme weather events, including infrastructure and design projects, are eligible for financial assistance under RCW 70A.125.180. The department must develop grant and loan eligibility criteria and consider applications from water systems that identify climate readiness projects.

**Sec. 18.** RCW 70A.125.180 and 2020 c 20 s 1359 are each amended to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the department shall provide financial assistance through a water system acquisition and rehabilitation program, hereby created. ~~((The program shall be jointly administered with the public works board and the department of commerce.))~~ The ~~((agencies))~~ department shall adopt guidelines for the program using as a model the procedures and criteria of the drinking water revolving loan program authorized under RCW 70A.125.160. All financing provided through the program must be in the form of grants or loans that partially cover project costs, including projects and planning required under section 17 of this act. The maximum grant or loan to any eligible entity may not exceed ~~((twenty-five))~~ 25 percent of the funds allocated to the appropriation in any fiscal year.

NEW SECTION. **Sec. 19.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "framework;" strike the remainder of the title and insert "amending RCW 36.70A.020, 36.70A.480, 36.70A.280, 36.70A.320, 36.70A.190, 86.12.200, 36.70A.030, and 70A.125.180; reenacting and amending RCW 36.70A.070 and 36.70A.130; adding new sections to chapter 36.70A RCW; adding a new section to chapter 70A.45 RCW; adding a new section to chapter 47.80 RCW; adding a new section to chapter 90.58 RCW; adding a new section to chapter 93.21C RCW; adding a new section to chapter 43.20 RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### MOTION

Representative Duerr moved that the House concur with the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1181.

#### MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1562, with the following amendment(s): 1562-S AMS WM S2952.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that gun violence is a multifaceted public health problem that includes suicide, homicide, intimate partner violence, community violence, mass violence, nonfatal gunshot injuries and threats, with community violence and mass violence often committed by those with a history of domestic violence. National data indicates that in 2021, approximately 20,996 Americans died by firearm homicide and that 81 percent of all homicides are committed with a firearm. According to United States centers for disease control and prevention data, gun homicide disproportionately impacts people of color, especially Black males ages 15 to 34, who are 20 times more likely to die by gun violence than white males in the same age group. Black, Indigenous, and Latinx women are at higher risk for intimate partner violence-related homicide, and disparities in homicide rates are

Representative Duerr spoke in favor of the motion.

Representative Goehner spoke against the motion.

The motion to concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1181 was adopted.

#### SENATE AMENDMENT TO HOUSE BILL

The House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1181 and advanced the bill, as amended by the Senate, to final passage.

Representative Duerr spoke in favor of the passage of the bill.

Representative Goehner spoke against the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1181, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1181, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 55; Nays, 41; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Ortiz-Self and Reeves

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1181, as amended by the Senate, having received the necessary constitutional majority, was declared passed.



especially pronounced among women between 18 and 29 years of age. Nearly 60 percent of intimate partner violence-related homicides involve firearms.

(2) When perpetrators of intimate partner violence, including physical violence, sexual abuse, stalking, and psychological aggression of a current or former intimate partner, have access to firearms, women are especially at risk of serious or deadly harm. When an abusive partner or former partner owns or has access to a firearm, the likelihood of intimate partner homicide increases by a factor of five. Women in the United States are 21 times more likely to be killed with a gun than women in other high-income countries. There are about 4,500,000 women in America who have been threatened with a gun and nearly 1,000,000 women who have been shot or shot at by an intimate partner. Perpetrators of intimate partner violence who have access to firearms also use them to coerce, control, and intimidate their partners.

(3) Many who seek protection from harm through the civil legal system, and obtain a protection order and an order to surrender and prohibit weapons, may not wish to engage the criminal legal system or to have the threat or violence they have experienced be prosecuted. According to the national intimate partner and sexual violence survey, more than one in two non-Hispanic Black women, American Indian, or Alaskan Native women, three in five multiracial non-Hispanic women, and two in five Hispanic women have been a victim of physical violence, rape, and/or stalking by a partner in their lifetime. But they are far less likely to report the crimes, due to distrust of the criminal legal system, intergenerational trauma, fear of police interaction, and concern about over incarceration. For many, the threat of violence continues over a long period of time, making it critical that access to firearms is appropriately limited when there are ongoing indicators of risk as reflected by a protection order, an order to surrender and prohibit weapons, or violations of these orders.

(4) An extensive body of research has identified specific risk factors that increase the likelihood of individuals engaging in future violence, including gun violence, and presenting further risk to public safety. The strongest predictor of future violence is prior violent behavior, including perpetration of domestic violence and violent misdemeanors. Other particularly strong risk factors for future violence include recent violation of a domestic violence protection order or other protection order; frequent risky alcohol use or certain types of controlled substance use; and cruelty to animals. Unlawful or reckless use, display, or brandishing of a firearm and recent acquisition of firearms, ammunition, or other deadly weapons are also risk factors for future violence, as is access to firearms in general. Multiple research studies have also shown that easy access to firearms by the general public increases risk of death by both homicide and suicide. Individuals returning from incarceration are a vulnerable population for whom these risks may be compounded. Furthermore, homicide and suicide (by any means) are leading causes of death for returning residents after they are released from prison, especially soon after release. Research provides important guidance regarding events that should result in temporary prohibition of firearm rights so that the laws regarding firearm possession and the restoration of firearm rights are grounded in risk assessment data to help protect public health and safety while upholding individual liberty. These changes are not intended to punish, but to provide a regulatory framework to help ensure the safety of those with a heightened risk of experiencing gun violence.

(5) The laws requiring certain individuals who are subject to protection orders, no-contact orders, or restraining orders to immediately relinquish dangerous weapons and concealed pistol licenses, and be prohibited from possessing or purchasing firearms, have been strengthened in recent years to help better address the risks that access to firearms by those individuals poses for survivors and their children. The legislature finds that similarly strengthening the laws regarding unlawful possession and restoration of firearm rights will protect these survivors, and their families and communities, from added risk of harm, and include their personal knowledge regarding possible violations of firearm prohibitions in the restoration petition process.

(6) The legislature also finds it would be helpful to refine statutory language that was at issue in the Washington state supreme court's decision in *State v. Dennis*, 191 Wn.2d 169 (2018). In that decision, the court held that absent more specific language in RCW 9.41.040 regarding the five-year waiting period before a person may petition to have the person's firearm rights restored, the requisite waiting period may include any conviction-free period of five or more consecutive years, even if a person had been convicted of a new crime within the five years immediately preceding the person's filing of a petition for restoration of firearm rights. The legislature intends to clarify that a person may not petition to have the person's firearm rights restored if the person has been convicted of a new prohibiting crime within the specified number of consecutive years immediately preceding the person's filing of a petition.

(7) The legislature also finds that it is important to recognize and remove barriers for individuals who have demonstrated that they have safely reintegrated into their communities.

**Sec. 2.** RCW 9.41.010 and 2022 c 105 s 2 and 2022 c 104 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in

or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) "Assemble" means to fit together component parts.

(3) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

(4) "Bump-fire stock" means a butt stock designed to be attached to a semiautomatic firearm with the effect of increasing the rate of fire achievable with the semiautomatic firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate reciprocating action that facilitates repeated activation of the trigger.

(5) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

(6) "Curio or relic" has the same meaning as provided in 27 C.F.R. Sec. 478.11.

(7) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

(8) "Distribute" means to give out, provide, make available, or deliver a firearm or large capacity magazine to any person in this state, with or without consideration, whether the distributor is in-state or out-of-state. "Distribute" includes, but is not limited to, filling orders placed in this state, online or otherwise. "Distribute" also includes causing a firearm or large capacity magazine to be delivered in this state.

(9) "Family or household member" has the same meaning as in RCW 7.105.010.

(10) "Federal firearms dealer" means a licensed dealer as defined in 18 U.S.C. Sec. 921(a)(11).

(11) "Federal firearms importer" means a licensed importer as defined in 18 U.S.C. Sec. 921(a)(9).

(12) "Federal firearms manufacturer" means a licensed manufacturer as defined in 18 U.S.C. Sec. 921(a)(10).

(13) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

(14) "Felony firearm offender" means a person who has previously been convicted or found not guilty by reason of insanity in this state of any felony firearm offense. A person is not a felony firearm offender under this chapter if any and all qualifying offenses have been the subject of an expungement, pardon, annulment, certificate, or rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or a pardon, annulment, or other equivalent procedure based on a finding of innocence.

(15) "Felony firearm offense" means:

(a) Any felony offense that is a violation of this chapter;

(b) A violation of RCW 9A.36.045;

(c) A violation of RCW 9A.56.300;

(d) A violation of RCW 9A.56.310;

(e) Any felony offense if the offender was armed with a firearm in the commission of the offense.

(16) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. For the purposes of RCW 9.41.040, "firearm" also includes frames and receivers. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes.

(17)(a) "Frame or receiver" means a part of a firearm that, when the complete firearm is assembled, is visible from the exterior and provides housing or a structure designed to hold or integrate one or more fire control components, even if pins or other attachments are required to connect the fire control components. Any such part identified with a serial number shall be presumed, absent an official determination by the bureau of alcohol, tobacco, firearms, and explosives or other reliable evidence to the contrary, to be a frame or receiver.

(b) For purposes of this subsection, "fire control component" means a component necessary for the firearm to initiate, complete, or continue the firing sequence, including any of the following: Hammer, bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing pin, striker, or slide rails.

(18) "Gun" has the same meaning as firearm.

(19) "Import" means to move, transport, or receive an item from a place outside the territorial limits of the state of Washington to a place inside the territorial limits of the

state of Washington. "Import" does not mean situations where an individual possesses a large capacity magazine when departing from, and returning to, Washington state, so long as the individual is returning to Washington in possession of the same large capacity magazine the individual transported out of state.

(20) "Intimate partner" has the same meaning as provided in RCW 7.105.010.

(21) "Large capacity magazine" means an ammunition feeding device with the capacity to accept more than 10 rounds of ammunition, or any conversion kit, part, or combination of parts, from which such a device can be assembled if those parts are in possession of or under the control of the same person, but shall not be construed to include any of the following:

(a) An ammunition feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds of ammunition;

(b) A 22 caliber tube ammunition feeding device; or

(c) A tubular magazine that is contained in a lever-action firearm.

(22) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

(23) "Lawful permanent resident" has the same meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20).

(24) "Licensed collector" means a person who is federally licensed under 18 U.S.C. Sec. 923(b).

(25) "Licensed dealer" means a person who is federally licensed under 18 U.S.C. Sec. 923(a).

(26) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;

(b) Cartridges are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;

(d) There is a cartridge in the tube or magazine that is inserted in the action; or

(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

(27) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

(28) "Manufacture" means, with respect to a firearm or large capacity magazine, the fabrication, making, formation, production, or construction of a firearm or large capacity magazine, by manual labor or by machinery.

(29) "Nonimmigrant alien" means a person defined as such in 8 U.S.C. Sec. 1101(a)(15).

(30) "Person" means any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other legal entity.

(31) "Pistol" means any firearm with a barrel less than 16 inches in length, or is designed to be held and fired by the use of a single hand.

(32) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(33) "Sale" and "sell" mean the actual approval of the delivery of a firearm in consideration of payment or promise of payment.

(34) "Secure gun storage" means:

(a) A locked box, gun safe, or other secure locked storage space that is designed to prevent unauthorized use or discharge of a firearm; and

(b) The act of keeping an unloaded firearm stored by such means.

(35) (a) "Semiautomatic assault rifle" means any rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(b) "Semiautomatic assault rifle" does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.

(36) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;

(b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least 10 years;

(c) Child molestation in the second degree;

(d) Incest when committed against a child under age 14;

(e) Indecent liberties;

(f) Leading organized crime;

(g) Promoting prostitution in the first degree;

(h) Rape in the third degree;

(i) Drive-by shooting;

(j) Sexual exploitation;

(k) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

(n) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense; (~~(e)~~)

(p) Any felony conviction under RCW 9.41.115; or

(q) Any felony charged under RCW 46.61.502(6) or 46.61.504(6).

(37) "Short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than 26 inches.

(38) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than 26 inches.

(39) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(40) "Transfer" means the intended delivery of a firearm to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans. "Transfer" does not include the delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of that entity's employees or agents, defined to include volunteers participating in an honor guard, for lawful purposes in the ordinary course of business.

(41) "Undetectable firearm" means any firearm that is not as detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through metal detectors or magnetometers commonly used at airports or any firearm where the barrel, the slide or cylinder, or the frame or receiver of the firearm would not generate an image that accurately depicts the shape of the part when examined by the types of X-ray machines commonly used at airports.

(42) (a) "Unfinished frame or receiver" means a frame or receiver that is partially complete, disassembled, or inoperable, that: (i) Has reached a stage in manufacture where it may readily be completed, assembled, converted, or restored to a functional state; or (ii) is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once finished or completed, including without limitation products marketed or sold to the public as an 80 percent frame or receiver or unfinished frame or receiver.

(b) For purposes of this subsection:

(i) "Readily" means a process that is fairly or reasonably efficient, quick, and easy, but not necessarily the most efficient, speedy, or easy process. Factors relevant in making this determination, with no single one controlling, include the following: (A) Time, i.e., how long it takes to finish the process; (B) ease, i.e., how difficult it is to do so; (C) expertise, i.e., what knowledge and skills are required; (D) equipment, i.e., what tools are required; (E) availability, i.e., whether additional parts are required, and how easily they can be obtained; (F) expense, i.e., how much it costs; (G) scope, i.e., the extent to which the subject of the process must be changed to finish it; and (H) feasibility, i.e., whether the process would damage or destroy the subject of the process, or cause it to malfunction.

(ii) "Partially complete," as it modifies frame or receiver, means a forging, casting, printing, extrusion, machined body, or similar article that has reached a stage in manufacture where it is clearly identifiable as an unfinished component part of a firearm.

(43) "Unlicensed person" means any person who is not a licensed dealer under this chapter.

(44) "Untraceable firearm" means any firearm manufactured after July 1, 2019, that is not an antique firearm and that cannot be traced by law enforcement by means of a serial number affixed to the firearm by a federal firearms manufacturer, federal firearms importer, or federal firearms dealer in compliance with all federal laws and regulations.

(45) "Conviction" or "convicted" means, whether in an adult court or adjudicated in a juvenile court, that a plea of guilty has been accepted or a verdict of guilty has been filed, or a finding of guilt has been entered, notwithstanding the pendency of any future proceedings including, but not limited to, sentencing or disposition, posttrial or post-fact-finding motions, and appeals. "Conviction" includes a dismissal entered after a period of probation, suspension, or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state.

(46) "Domestic violence" has the same meaning as provided in RCW 10.99.020.

(47) "Sex offense" has the same meaning as provided in RCW 9.94A.030.

**Sec. 3.** RCW 9.41.040 and 2022 c 268 s 28 are each amended to read as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, accesses, has in (~~his or her~~) the person's custody, control, or possession, (~~(or has in his or her control)~~) or

receives any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense (~~(as defined in this chapter)~~).

(b) Unlawful possession of a firearm in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(2)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under subsection (1) of this section for the crime of unlawful possession of a firearm in the first degree and the person owns, accesses, has in (~~(his or her)~~) the person's custody, control, or possession, (~~(or has in his or her control)~~) or receives any firearm:

(i) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of (~~(any)~~):

(A) Any felony not specifically listed as prohibiting firearm possession under subsection (1) of this section (~~(, or any)~~);

(B) Any of the following crimes when committed by one family or household member against another or by one intimate partner against another, as those terms are defined by the statutes in effect at the time of the commission of the crime, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence (RCW 10.99.040 or any of the former RCW 26.50.060, 26.50.070, and 26.50.130);

(~~((ii) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of)~~) (C) Harassment when committed by one family or household member against another or by one intimate partner against another, as those terms are defined by the statutes in effect at the time of the commission of the crime, committed on or after June 7, 2018;

(~~((iii) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of a)~~) (D) Any of the following misdemeanor or gross misdemeanor crimes not included under (a)(i) (B) or (C) of this subsection, committed on or after the effective date of this section: Domestic violence (RCW 10.99.020); stalking; cyberstalking; cyber harassment, excluding cyber harassment committed solely pursuant to the element set forth in RCW 9A.90.120(1)(a)(i); harassment; aiming or discharging a firearm (RCW 9.41.230); unlawful carrying or handling of a firearm (RCW 9.41.270); animal cruelty in the second degree committed under RCW 16.52.207(1); or any prior offense as defined in RCW 46.61.5055(14) if committed within seven years of a conviction for any other prior offense under RCW 46.61.5055;

(E) A violation of the provisions of a protection order under chapter 7.105 RCW restraining the person or excluding the person from a residence, when committed by one family or household member against another or by one intimate partner against another, committed on or after July 1, 2022; or

(~~((iv))~~) (F) A violation of the provisions of an order to surrender and prohibit weapons, an extreme risk protection order, or the provisions of any other protection order or no-contact order not included under (a)(i) (B) or (E) of this subsection restraining the person or excluding the person from a residence, committed on or after the effective date of this section;

(ii) During any period of time that the person is subject to a (~~(court order)~~) protection order, no-contact order, or restraining order by a court issued under chapter 7.105, 9A.40, 9A.44, 9A.46, 9A.88, 10.99, 26.09, 26.26A, or 26.26B RCW or any of the former chapters 7.90, 7.92, 10.14, and 26.50 RCW that:

(A) Was issued after a hearing for which the person received actual notice, and at which the person had an opportunity to participate, whether the court then issues a full order or reissues a temporary order. If the court enters an agreed order by the parties without a hearing, such an order meets the requirements of this subsection;

(B) Restrains the person from harassing, stalking, or threatening the person protected under the order or child of the person or protected person, or others identified in the order, or engaging in other conduct that would place the protected person in reasonable fear of bodily injury to the protected person or child or others identified in the order; and

(C) (I) Includes a finding that the person represents a credible threat to the physical safety of the protected person or child or others identified in the order, or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against the protected person or child or other persons that would reasonably be expected to cause bodily injury; or

(II) Includes an order under RCW 9.41.800 requiring the person to surrender all firearms and prohibiting the person from accessing, having in his or her custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, firearms;

(~~((v))~~) (iii) After having previously been involuntarily committed based on a mental disorder under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(~~((vi))~~) (iv) After dismissal of criminal charges based on incompetency to stand trial under RCW 10.77.088 when the court has made a finding indicating that the defendant has a history of one or more violent acts, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(~~((vii))~~) (v) If the person is under 18 years of age, except as provided in RCW 9.41.042; and/or

(~~((viii))~~) (vi) If the person is free on bond or personal recognizance pending trial (~~(or appeal, or sentencing)~~) for a serious offense as defined in RCW 9.41.010.

(b) Unlawful possession of a firearm in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(3) ~~((Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted," whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including, but not limited to, sentencing or disposition, post-trial or post-fact-finding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension, or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state.))~~ A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4) ~~((a))~~ Notwithstanding subsection (1) or (2) of this section, a person convicted or found not guilty by reason of insanity of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401 and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction or finding of not guilty by reason of insanity. ~~((Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) or (2) of this section and has not previously been convicted or found not guilty by reason of insanity of a sex offense prohibiting firearm ownership under subsection (1) or (2) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least 20 years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:~~

~~(i) Under RCW 9.41.047; and/or~~

~~(ii) (A) If the conviction or finding of not guilty by reason of insanity was for a felony offense, after five or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525; or~~

~~(B) If the conviction or finding of not guilty by reason of insanity was for a nonfelony offense, after three or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525 and the individual has completed all conditions of the sentence.~~

~~(b) An individual may petition a court of record to have his or her right to possess a firearm restored under (a) of this subsection only at:~~

~~(i) The court of record that ordered the petitioner's prohibition on possession of a firearm; or~~

~~(ii) The superior court in the county in which the petitioner resides.)~~

(5) In addition to any other penalty provided for by law, if a person under the age of 18 years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) or (2) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within 24 hours and the person's privilege to drive shall be revoked under RCW 46.20.265, unless the offense is the juvenile's first offense in violation of this section and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7) Each firearm unlawfully possessed under this section shall be a separate offense.

(8) A person may petition to restore the right to possess a firearm as provided in section 4 of this act.

**NEW SECTION. Sec. 4.** A new section is added to chapter 9.41 RCW to read as follows:

(1) A person who is prohibited from possession of a firearm under RCW 9.41.040 may not petition a court to have the person's right to possess a firearm restored if the person has been convicted or found not guilty by reason of insanity of: A felony sex offense; a class A felony; or a felony offense with a maximum sentence of at least 20 years.

(2) A person who is prohibited from possession of a firearm under RCW 9.41.040, and is not disqualified from petitioning for restoration of firearm rights under subsection (1) of this section or required to petition as provided for in RCW 9.41.047, may petition a superior court to have the person's right to possess a firearm restored.

(a) The person must have, for the period of consecutive years as specified below immediately preceding the filing of the petition, been in the community without being convicted or found not guilty by reason of insanity of any crime that prohibits the possession of a firearm, as follows:

(i) Five years for a conviction or finding of not guilty by reason of insanity for any felony offense, or any of the following gross misdemeanor or misdemeanor offenses:

(A) Domestic violence (RCW 10.99.020);  
(B) Stalking;  
(C) Cyberstalking;  
(D) Cyber harassment, excluding cyber harassment committed solely pursuant to the element set forth in RCW 9A.90.120(1)(a)(i);

(E) Harassment;

(F) Aiming or discharging a firearm (RCW 9.41.230);

(G) Unlawful carrying or handling of a firearm (RCW 9.41.270);

(H) Animal cruelty in the second degree committed under RCW 16.52.207(1);

(I) Prior offense as defined by RCW 46.61.5055; or

(J) Violation of the provisions of an order to surrender and prohibit weapons, an extreme risk protection order, or the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence; and

(ii) Three years for a conviction or finding of not guilty by reason of insanity for one or more nonfelony crimes not covered in (a)(i) of this subsection.

(b) The person petitioning for firearm rights to be restored must also meet the following requirements:

(i) Has no pending charges for any felony, gross misdemeanor, or misdemeanor crime at the time the petition is filed or during the petition process;

(ii) Has completed all sentencing conditions, other than nonrestitution fines and fees, for each felony, gross misdemeanor, or misdemeanor conviction on which the prohibition was based, including all court-ordered treatment. The court shall waive the requirement of this subsection (2)(b)(ii) if the petitioner provides verification from the sentencing court that relevant court records are no longer available, or attests to the unavailability of relevant records from other entities;

(iii) Has no prior felony convictions that would count as part of an offender score under RCW 9.94A.525 and has no out-of-state conviction for an offense which would disqualify the person from purchasing or possessing a firearm in the state of conviction. This determination shall be the responsibility of, and conducted by, the prosecuting attorney. An individual shall not be precluded from filing a petition to restore their firearm rights on the basis that they cannot verify whether they are disqualified from purchasing or possessing a firearm in the state of conviction; and

(iv) Has been determined by law enforcement based on available records and information as not subject to any other prohibition on possessing a firearm at the time the petition for the restoration of firearm rights is filed or during the petition process, and would be able to pass a background check to purchase a firearm if the petition to restore firearm rights is granted.

(3) The process for petitioning for restoration of firearm rights is as follows:

(a) The person must file a petition in a superior court in a county that entered any prohibition.

(b) At the time of filing the petition, the person must serve the prosecuting attorney in the county where the petition is filed with the petition.

(c) Upon receipt of service of the petition, the prosecuting attorney must take reasonable steps to notify the listed victim of a prohibiting crime and any person who previously obtained a full protection order or no-contact order against the person petitioning for restoration of firearm rights, if those persons have requested notification, of the procedure to provide a sworn written statement regarding the existence of any additional facts or information that they may have relevant to whether the person petitioning for restoration of firearm rights meets the requirements for restoration set forth in this section.

(d) The prosecuting attorney must verify in writing to the court that the prosecuting attorney has reviewed the relevant records, including written verification from Washington state patrol that Washington state patrol has conducted a records check of all civil and criminal records relevant to the prohibitors in RCW 9.41.040, and based on that information, whether there is sufficient evidence to determine that the person petitioning for restoration of firearm rights meets all the requirements set forth in RCW 9.41.040 and in this section to petition for and to be granted restoration of firearm rights.

(e) The court may set a hearing on the petition if the court determines additional information is necessary to determine whether the person meets the requirements for restoration of firearm rights.

(f) The court shall grant the petition only if the court finds that the person petitioning for restoration of firearm rights meets the requirements set forth in this section.

(g) The prosecuting attorney shall notify any victim who requests notification of the court's decision.

(4) When a person's right to possess a firearm has been restored under this section, the court shall forward, within three judicial days after entry of the restoration order, notification that the person's right to possess a firearm has been restored to the Washington state patrol with a copy of the person's driver's license or identicard, or comparable identification such as the person's name, address, and date of birth.

(5) By December 30, 2023, the administrative office of the courts shall develop and distribute standard forms for petitions and orders issued under this section and RCW 9.41.047, and update protection order and no-contact order forms to allow victims to opt out of the notification provided for in this section if they do not wish to be notified at the time of a petition for firearm rights restoration. Beginning January 1, 2024, courts shall use the standard forms for petitions and orders under this section and RCW 9.41.047, and the updated protection order and no-contact order forms.

(6) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470, or combination of units of local government and its employees as provided in RCW 36.28A.010, are immune from civil liability for good faith conduct in the performance of the official's, employee's, or agency's duties under this section.

**Sec. 5.** RCW 9.41.047 and 2020 c 302 s 60 are each amended to read as follows:

(1)(a) At the time a person is convicted or found not guilty by reason of insanity of an offense making the person ineligible to possess a firearm, or at the time a person is committed by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW for ~~((mental health))~~ treatment for a mental disorder, or at the time that charges are dismissed based on incompetency to stand trial under RCW 10.77.088 and the court makes a finding that the person has a history of one or more violent acts, the ~~((convicting or committing court, or))~~ court ~~((that dismisses charges,))~~ shall notify the person, orally and in writing, that the person must immediately surrender all firearms and any concealed pistol license and that the person may not possess a firearm unless ~~((his or her))~~ the person's right to do so is restored by ~~((a))~~ the superior court ~~((of record. For purposes of this section a convicting court includes a court in which a person has been found not guilty by reason of insanity))~~ that issued the order.

(b) The court shall forward within three judicial days after conviction, finding of not guilty by reason of insanity, entry of the commitment order, or dismissal of charges, a copy of the person's driver's license or identicard, or comparable information such as ~~((their))~~ the person's name, address, and date of birth, along with the date of conviction or commitment, or date charges are dismissed, to the department of licensing. When a person is committed by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW, for ~~((mental health))~~ treatment for a mental disorder, or when a person's charges are dismissed based on incompetency to stand trial under RCW 10.77.088 and the court makes a finding that the person has a history of one or more violent acts, the court also shall forward, within three judicial days after entry of the commitment order, or dismissal of charges, a copy of the person's driver's license, or comparable information, along with the date of commitment or date charges are dismissed, to the national instant criminal background check system index, denied persons file, created by the federal Brady handgun violence prevention act (P.L. 103-159) and to the Washington state patrol. The petitioning party shall provide the court with the information required. If more than one commitment order is entered under one cause number, only one notification to the department of licensing and the national instant criminal background check system is required.

(2) Upon receipt of the information provided for by subsection (1) of this section, the department of licensing shall determine if the ~~((convicted or committed))~~ person ~~((, or the person whose charges are dismissed based on incompetency to stand trial,))~~ has a concealed pistol license. If the person ~~((does have))~~ has a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority which, upon receipt of such notification, shall immediately revoke the license.

(3)(a) A person who is prohibited from possessing a firearm, by reason of having been involuntarily committed for ~~((mental health))~~ treatment for a mental disorder under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, or by reason of having been detained under RCW 71.05.150 or 71.05.153, or because the person's charges were dismissed based on incompetency to stand trial under RCW 10.77.088 and the court made a finding that the person has a history of one or more violent acts, may, upon discharge, petition the superior court to have his or her right to possess a firearm restored, except that a person found not guilty by reason of insanity may not petition for restoration of the right to possess a firearm until one year after discharge.

(b) The petition must be brought in the superior court that ordered the involuntary commitment or dismissed the charges based on incompetency to stand trial or the superior court of the county in which the petitioner resides.

(c) Except as provided in (d) and (e) of this subsection, ~~((the court shall restore the petitioner's right to possess a firearm))~~ firearm rights shall be restored if the ~~((petitioner))~~ person petitioning for restoration of firearm rights proves by a preponderance of the evidence that:

(i) The ~~((petitioner))~~ person petitioning for restoration of firearm rights is no longer required to participate in court-ordered inpatient or outpatient treatment;

(ii) The ~~((petitioner))~~ person petitioning for restoration of firearm rights has successfully managed the condition related to the commitment or detention or incompetency;

(iii) The ~~((petitioner))~~ person petitioning for restoration of firearm rights no longer presents a substantial danger to ~~((himself or herself,))~~ self or to the public; and



(iv) The symptoms related to the commitment or detention or incompetency are not reasonably likely to recur.

(d) If a preponderance of the evidence in the record supports a finding that the person petitioning ~~((the court))~~ for restoration of firearm rights has engaged in violence and that it is more likely than not that the person will engage in violence after ~~((his or her))~~ the person's right to possess a firearm is restored, the person petitioning for restoration of firearm rights shall bear the burden of proving by clear, cogent, and convincing evidence that ~~((he or she))~~ the person does not present a substantial danger to the safety of others.

(e) If the ~~((petitioner))~~ person seeking restoration of firearm rights seeks restoration after having been detained under RCW 71.05.150 or 71.05.153, the state shall bear the burden of proof to show, by a preponderance of the evidence, that the ~~((petitioner))~~ person does not meet the restoration criteria in (c) of this subsection.

(f) When a person's right to possess a firearm has been restored under this subsection, the court shall forward, within three judicial days after entry of the restoration order, notification that the person's right to possess a firearm has been restored to the department of licensing with a copy of the person's driver's license or identicard, or comparable identification such as ~~((their))~~ the person's name, address, and date of birth, the health care authority, and the national instant criminal background check system index, denied persons file. In the case of a person whose right to possess a firearm has been suspended for six months as provided in RCW 71.05.182, the department of licensing shall forward notification of the restoration order to the licensing authority, which, upon receipt of such notification, shall immediately lift the suspension, restoring the license.

(4) No person who has been found not guilty by reason of insanity may petition a court for restoration of the right to possess a firearm unless the person meets the requirements for the restoration of the right to possess a firearm under ~~((RCW 9.41.040(4)))~~ section 4 of this act.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**CONFORMING AMENDMENTS TO CORRECT CITATIONS**

**Sec. 7.** RCW 9.41.042 and 2022 c 268 s 33 are each amended to read as follows:

RCW 9.41.040(2) (a) ~~((vii))~~ (v) shall not apply to any person under the age of eighteen years who is:

- (1) In attendance at a hunter's safety course or a firearms safety course;
- (2) Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited;
- (3) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an organized group that uses firearms as a part of the performance;
- (4) Hunting or trapping under a valid license issued to the person under Title 77 RCW;
- (5) In an area where the discharge of a firearm is permitted, is not trespassing, and the person either: (a) Is at least fourteen years of age, has been issued a hunter safety certificate, and is using a lawful firearm other than a pistol; or (b) is under the supervision of a parent, guardian, or other adult approved for the purpose by the parent or guardian;
- (6) Traveling with any unloaded firearm in the person's possession to or from any activity described in subsection (1), (2), (3), (4), or (5) of this section;
- (7) On real property under the control of his or her parent, other relative, or legal guardian and who has the permission of the parent or legal guardian to possess a firearm;
- (8) At his or her residence and who, with the permission of his or her parent or legal guardian, possesses a firearm for the purpose of exercising the rights specified in RCW 9A.16.020(3); or
- (9) Is a member of the armed forces of the United States, national guard, or organized reserves, when on duty.

**Sec. 8.** RCW 13.40.0357 and 2022 c 268 s 37 and 2022 c 16 s 9 are each reenacted and amended to read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

		JUVENILE DISPOSITION
JUVENILE		CATEGORY FOR
DISPOSITION		ATTEMPT, BAILJUMP,
OFFENSE		CONSPIRACY, OR
CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION
	<b>Arson and Malicious Mischief</b>	
A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning (9A.48.040)	1D

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D	Reckless	Burning	2E
	(9A.48.050)		
B	Malicious	Mischief	1C
	(9A.48.070)		
C	Malicious	Mischief	2D
	(9A.48.080)		
D	Malicious	Mischief	3E
	(9A.48.090)		
E	Tampering with Fire Alarm	Apparatus	E
	(9.40.100)		
E	Tampering with Fire Alarm	Apparatus with Intent to	E
	Commit Arson (9.40.105)		
A	Possession of Incendiary	Device	B+
	(9.40.120)		

**Assault and Other Crimes  
Involving Physical Harm**

A	Assault 1	(9A.36.011)	B+
B+	Assault 2	(9A.36.021)	C+
C+	Assault 3	(9A.36.031)	D+
D+	Assault 4	(9A.36.041)	E
B+	Drive-By	Shooting	C+
	(9A.36.045) committed at		
	age 15 or under		
A++	Drive-By	Shooting	A
	(9A.36.045) committed at		
	age 16 or 17		
D+	Reckless	Endangerment	E
	(9A.36.050)		
C+	Promoting Suicide Attempt		D+
	(9A.36.060)		
D+	Coercion	(9A.36.070)	E
C+	Custodial	Assault	D+
	(9A.36.100)		

**Burglary and Trespass**

B+	Burglary 1	(9A.52.020)	C+
	committed at		
	age 15 or under		
A-	Burglary 1	(9A.52.020)	B+
	committed at		
	age 16 or 17		
B	Residential	Burglary	C
	(9A.52.025)		
B	Burglary 2	(9A.52.030)	C
D	Burglary Tools (Possession	of)	E
	(9A.52.060)		
D	Criminal	Trespass	1E
	(9A.52.070)		
E	Criminal	Trespass	2E
	(9A.52.080)		
C	Mineral	Trespass	C
	(78.44.330)		
C	Vehicle	Prowling	1D
	(9A.52.095)		
D	Vehicle	Prowling	2E
	(9A.52.100)		

**Drugs**

E	Possession/Consumption	of	E
	Alcohol (66.44.270)		
C	Illegally Obtaining Legend	Drug	D
	(69.41.020)		
C+	Sale, Delivery, Possession	of Legend Drug with Intent	D+
	to Sell (69.41.030(2)(a))		
E	Possession of Legend	Drug	E
	(69.41.030(2)(b))		

- B+ Violation of UniformB+  
Controlled Substances Act -  
Narcotic, Methamphetamine,  
or Flunitrazepam Sale  
(69.50.401(2) (a) or (b))
- C Violation of UniformC  
Controlled Substances Act -  
Nonnarcotic Sale  
(69.50.401(2) (c))
- E Possession of Cannabis <40E  
grams (69.50.4014)
- C Fraudulently ObtainingC  
Controlled Substance  
(69.50.403)
- C+ Sale of ControlledC+  
Substance for Profit  
(69.50.410)
- E Unlawful InhalationE  
(9.47A.020)
- B Violation of UniformB  
Controlled Substances Act -  
Narcotic, Methamphetamine,  
or Flunitrazepam  
Counterfeit Substances  
(69.50.4011(2) (a) or (b))
- C Violation of UniformC  
Controlled Substances Act -  
Nonnarcotic Counterfeit  
Substances (69.50.4011(2)  
(c), (d), or (e))
- C Violation of UniformC  
Controlled Substances Act -  
Possession of a Controlled  
Substance (69.50.4013)
- C Violation of UniformC  
Controlled Substances Act -  
Possession of a Controlled  
Substance (69.50.4012)

**Firearms and Weapons**

- B Theft of FirearmC  
(9A.56.300)
- B Possession of StolenC  
Firearm  
(9A.56.310)
- E Carrying Loaded Pistole  
Without Permit (9.41.050)
- C Possession of Firearms byC  
Minor (<18) (9.41.040(2) (a)  
(~~(vii)~~)(v))
- D+ Possession of DangerousE  
Weapon (9.41.250)
- D Intimidating Another PersonE  
by use of Weapon (9.41.270)

**Homicide**

- A+ Murder 1 (9A.32.030) A
- A+ Murder 2 (9A.32.050) B+
- B+ Manslaughter 1 (9A.32.060) C+
- C+ Manslaughter 2 (9A.32.070) D+
- B+ Vehicular HomicideC+  
(46.61.520)

**Kidnapping**

- A Kidnap 1 (9A.40.020) B+
- B+ Kidnap 2 (9A.40.030) C+
- C+ Unlawful ImprisonmentD+  
(9A.40.040)

	<b>Obstructing Operation</b>		<b>Governmental</b>	
D	Obstructing Enforcement (9A.76.020)	a	LawE Officer	
E	Resisting (9A.76.040)		ArrestE	
B	Introducing (9A.76.140)	Contraband	1C	
C	Introducing (9A.76.150)	Contraband	2D	
E	Introducing (9A.76.160)	Contraband	3E	
B+	Intimidating Servant (9A.76.180)	a	PublicC+	
B+	Intimidating (9A.72.110)	a	WitnessC+	
<b>Public Disturbance</b>				
C+	Criminal Weapon (9A.84.010(2)(b))	Mischief	withD+	
D+	Criminal Weapon (9A.84.010(2)(a))	Mischief	WithoutE	
E	Failure (9A.84.020)	to	DisperseE	
E	Disorderly (9A.84.030)		ConductE	
<b>Sex Crimes</b>				
A	Rape 1 (9A.44.040)			B+
B++	Rape 2 committed at age 14 or under		(9A.44.050)	B+
A-	Rape 2 committed at age 15 through age 17		(9A.44.050)	B+
C+	Rape 3 (9A.44.060)			D+
B++	Rape of a committed at age 14 or under	Child	1B+	
A-	Rape of a committed at age 15	Child	1B+	
B+	Rape of a (9A.44.076)	Child	2C+	
B	Incest 1 (9A.64.020(1))			C
C	Incest 2 (9A.64.020(2))			D
D+	Indecent Exposure <14) (9A.88.010)	(VictimE		
E	Indecent Exposure 14 or over) (9A.88.010)	(VictimE		
B+	Promoting (9A.88.070)	Prostitution	1C+	
C+	Promoting (9A.88.080)	Prostitution	2D+	
E	O & A (9A.88.030)	(Prostitution)	E	
B+	Indecent (9A.44.100)	LibertiesC+		
B++	Child (9A.44.083)	Molestation committed at age 14 or under		1B+
A-	Child (9A.44.083)	Molestation committed at age 15 through age 17		1B+
B	Child (9A.44.086)	Molestation		2C+

C Failure to Register as a  
Sex Offender (9A.44.132)

**Theft, Robbery, Extortion,  
and Forgery**

B Theft 1 (9A.56.030) C  
C Theft 2 (9A.56.040) D  
D Theft 3 (9A.56.050) E  
B Theft of Livestock 1 and 2C  
(9A.56.080 and 9A.56.083)  
C Forgery (9A.60.020) D  
A Robbery 1 (9A.56.200)B+  
committed at  
age 15 or under  
A++ Robbery 1 (9A.56.200)A  
committed at  
age 16 or 17  
B+ Robbery 2 (9A.56.210) C+  
B+ Extortion 1 (9A.56.120) C+  
C+ Extortion 2 (9A.56.130) D+  
C Identity Theft 1D  
(9.35.020(2))  
D Identity Theft 2E  
(9.35.020(3))  
D Improperly ObtainingE  
Financial Information  
(9.35.010)  
B Possession of a StolenC  
Vehicle (9A.56.068)  
B Possession of StolenC  
Property 1 (9A.56.150)  
C Possession of StolenD  
Property 2 (9A.56.160)  
D Possession of StolenE  
Property 3 (9A.56.170)  
B Taking Motor VehicleC  
Without Permission 1  
(9A.56.070)  
C Taking Motor VehicleD  
Without Permission 2  
(9A.56.075)  
B Theft of a Motor VehicleC  
(9A.56.065)

**Motor Vehicle Related  
Crimes**

E Driving Without a LicenseE  
(46.20.005)  
B+ Hit and Run - DeathC+  
(46.52.020(4)(a))  
C Hit and Run - InjuryD  
(46.52.020(4)(b))  
D Hit and Run-AttendedE  
(46.52.020(5))  
E Hit and Run-UnattendedE  
(46.52.010)  
C Vehicular AssaultD  
(46.61.522)  
C Attempting to EludeD  
Pursuing Police Vehicle  
(46.61.024)  
E Reckless DrivingE  
(46.61.500)  
D Driving While Under theE  
Influence (46.61.502 and  
46.61.504)  
B+ Felony Driving While UnderB  
the Influence  
(46.61.502(6))

- B+ Felony Physical Control ofB  
a Vehicle While Under the  
Influence (46.61.504(6))
- Other**
- B Animal Cruelty 1C  
(16.52.205)
- B Bomb Threat (9.61.160) C
- C Escape 1<sup>1</sup> (9A.76.110) C
- C Escape 2<sup>1</sup> (9A.76.120) C
- D Escape 3 (9A.76.130) E
- E Obscene, Harassing, Etc.,E  
Phone Calls (9.61.230)
- A Other Offense Equivalent toB+  
an Adult Class A Felony
- B Other Offense Equivalent toC  
an Adult Class B Felony
- C Other Offense Equivalent toD  
an Adult Class C Felony
- D Other Offense Equivalent toE  
an Adult Gross Misdemeanor
- E Other Offense Equivalent toE  
an Adult Misdemeanor
- V Violation of Order ofV  
Restitution, Community  
Supervision, or Confinement  
(13.40.200)<sup>2</sup>

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 28 days confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

**JUVENILE SENTENCING STANDARDS**

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, or D.

OPTION A  
JUVENILE OFFENDER SENTENCING GRID  
STANDARD RANGE

CURRENT OFFENSE CATEGORY	A+	129 to 260 weeks for all category A++ offenses				
	+					
	A+	180 weeks to age 21 for all category A+ offenses				
	A	103-129 weeks for all category A offenses				
	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
	B+	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
	+					
	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
	C+	LS	LS	LS	15-36 weeks	15-36 weeks
C	LS	LS	LS	LS	15-36 weeks	
D+	LS	LS	LS	LS	LS	
D	LS	LS	LS	LS	LS	

E	LS	LS	LS	LS	LS
PRIOR ADJUDICATIONS	0	1	2	3	4 or more

NOTE: References in the grid to days or weeks mean periods of confinement. "LS" means "local sanctions" as defined in RCW 13.40.020.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

**OPTION B**

**SUSPENDED DISPOSITION ALTERNATIVE**

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be either research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee, or for chemical dependency treatment programs or services, they must be evidence-based or research-based best practice programs. For the purposes of this subsection:

(a) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population; and

(b) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender:

(a) Is adjudicated of an A+ or A++ offense;

(b) Is fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060);

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or manslaughter 2 (RCW 9A.32.070); or

(iv) Violation of the uniform controlled substances act (RCW 69.50.401(2)(a) and (b)), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Is ordered to serve a disposition for a firearm violation under RCW 13.40.193;

(d) Is adjudicated of a sex offense as defined in RCW 9.94A.030; or

(e) Has a prior option B disposition.

OR

**OPTION C**

**CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed a B++ or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

OR

**OPTION D**

**MANIFEST INJUSTICE**

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

**Sec. 9.** RCW 13.40.160 and 2022 c 268 s 38 are each amended to read as follows:

(1) The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357.

(a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsection (2), (3), (4), (5), or (6) of this section. The disposition may be comprised of one or more local sanctions.

(b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsection (2), (3), (4), (5), or (6) of this section.

(2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option D of RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

(3) If a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court may impose the special sex offender disposition alternative under RCW 13.40.162.

(4) If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose the disposition alternative under RCW 13.40.165.

(5) If a juvenile is subject to a commitment of 15 to 65 weeks of confinement, the court may impose the disposition alternative under RCW 13.40.167.

(6) When the offender is subject to a standard range commitment of 15 to 36 weeks and is ineligible for a suspended disposition alternative, a manifest injustice disposition below the standard range, special sex offender disposition alternative, chemical dependency disposition alternative, or mental health disposition alternative, the court in a county with a pilot program under RCW 13.40.169 may impose the disposition alternative under RCW 13.40.169.

(7) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(2)(a)(~~(vii)~~)(v) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

(8) RCW 13.40.308 shall govern the disposition of any juvenile adjudicated of theft of a motor vehicle as defined under RCW 9A.56.065, possession of a stolen motor vehicle as defined under RCW 9A.56.068, taking a motor vehicle without permission in the first degree under RCW 9A.56.070, and taking a motor vehicle without permission in the second degree under RCW 9A.56.075.

(9) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(10) Except as provided under subsection (3), (4), (5), or (6) of this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the court shall not suspend or defer the imposition or the execution of the disposition.

(11) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

**Sec. 10.** RCW 13.40.193 and 2022 c 268 s 39 are each amended to read as follows:

(1) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040(2)(a)(~~(vii)~~)(v), the court shall impose a minimum disposition of ten days of confinement. If the offender's standard range of disposition for the offense as indicated in RCW 13.40.0357 is more than thirty days of confinement, the court shall commit the offender to the department for the standard range disposition. The offender shall not be released until the offender has served a minimum of ten days in confinement.

(2) (a) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040, the disposition must include a requirement that the respondent participate in a qualifying program as described in (b) of this subsection, when available, unless the court makes a written finding based on the outcome of the juvenile court risk assessment that participation in a qualifying program would not be appropriate.

(b) For purposes of this section, "qualifying program" means an aggression replacement training program, a functional family therapy program, or another program applicable to the juvenile firearm offender population that has been identified as evidence-based or research-based and cost-beneficial in the current list prepared at the direction of the legislature by the Washington state institute for public policy.

(3) If the court finds that the respondent or an accomplice was armed with a firearm, the court shall determine the standard range disposition for the offense pursuant to RCW 13.40.160. If the offender or an accomplice was armed with a firearm when the offender committed any felony other than possession of a machine gun or bump-fire stock, possession of



a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, or use of a machine gun or bump-fire stock in a felony, the following periods of total confinement must be added to the sentence: (a) Except for (b) of this subsection, for a class A felony, six months; for a class B felony, four months; and for a class C felony, two months; (b) for any violent offense as defined in RCW 9.94A.030, committed by a respondent who is sixteen or seventeen years old at the time of the offense, a period of twelve months. The additional time shall be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357.

(4) (a) If the court finds that the respondent who is sixteen or seventeen years old and committed the offense of robbery in the first degree, drive-by shooting, rape of a child in the first degree, burglary in the first degree, or any violent offense as defined in RCW 9.94A.030 and was armed with a firearm, and the court finds that the respondent's participation was related to membership in a criminal street gang or advancing the benefit, aggrandizement, gain, profit, or other advantage for a criminal street gang, a period of three months total confinement must be added to the sentence. The additional time must be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357 and must be served consecutively with any other sentencing enhancement.

(b) For the purposes of this section, "criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(5) When a disposition under this section would effectuate a manifest injustice, the court may impose another disposition. When a judge finds a manifest injustice and imposes a disposition of confinement exceeding thirty days, the court shall commit the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. When a judge finds a manifest injustice and imposes a disposition of confinement less than thirty days, the disposition shall be comprised of confinement or community supervision or both.

(6) Any term of confinement ordered pursuant to this section shall run consecutively to any term of confinement imposed in the same disposition for other offenses.

**Sec. 11.** RCW 13.40.265 and 2022 c 268 s 40 are each amended to read as follows:

(1) If a juvenile thirteen years of age or older is found by juvenile court to have committed an offense while armed with a firearm or an offense that is a violation of RCW 9.41.040(2)(a) ~~((vii))~~ (v) or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the offense is the juvenile's first offense while armed with a firearm, first unlawful possession of a firearm offense, or first offense in violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated.

(3) If the offense is the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the date the juvenile turns seventeen or one year after the date judgment was entered, whichever is later.

**Sec. 12.** RCW 70.02.230 and 2022 c 268 s 43 are each amended to read as follows:

(1) The fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies may not be disclosed except as provided in this section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240, 70.02.250, 70.02.260, and 70.02.265, or pursuant to a valid authorization under RCW 70.02.030.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed:

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, including Indian health care providers, in the provision of services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

(i) Employed by the facility;

(ii) Who has medical responsibility for the patient's care;

(iii) Who is a designated crisis responder;

(iv) Who is providing services under chapter 71.24 RCW;

(v) Who is employed by a state or local correctional facility where the person is confined or supervised; or

(vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c) (i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

(d) (i) To the courts, including tribal courts, as necessary to the administration of chapter 71.05 RCW or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e) (i) When a mental health professional or designated crisis responder is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional or designated crisis responder shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information must be disclosed only after giving notice to the committed person and the person's counsel;

(h) (i) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i) (i) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

(k) By a care coordinator under RCW 71.05.585 or 10.77.175 assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.05 or 10.77 RCW;

(l) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

(m) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date

of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

(n) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(~~(v)~~)(iii). The extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(~~(v)~~)(iii);

(iii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(o) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee;

(p) Pursuant to lawful order of a court, including a tribal court;

(q) To qualified staff members of the department, to the authority, to behavioral health administrative services organizations, to managed care organizations, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

(r) Within the mental health service agency or Indian health care provider facility where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties;

(s) Within the department and the authority as necessary to coordinate treatment for mental illness, developmental disabilities, or substance use disorder of persons who are under the supervision of the department;

(t) Between the department of social and health services, the department of children, youth, and families, and the health care authority as necessary to coordinate treatment for mental illness, developmental disabilities, or substance use disorder of persons who are under the supervision of the department of social and health services or the department of children, youth, and families;

(u) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information and records related to mental health services could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

(v)(i) Consistent with the requirements of the federal health insurance portability and accountability act, to:

(A) A health care provider, including an Indian health care provider, who is providing care to a patient, or to whom a patient has been referred for evaluation or treatment; or

(B) Any other person who is working in a care coordinator role for a health care facility, health care provider, or Indian health care provider, or is under an agreement pursuant to the federal health insurance portability and accountability act with a health care facility or a health care provider and requires the information and records to assure coordinated care and treatment of that patient.

(ii) A person authorized to use or disclose information and records related to mental health services under this subsection (2)(v) must take appropriate steps to protect the information and records relating to mental health services.

(iii) Psychotherapy notes may not be released without authorization of the patient who is the subject of the request for release of information;

(w) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in (v) of this subsection;

(x) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one evaluation and treatment facility to another. The release of records under this subsection is limited to the information and records related to mental health services required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

(y) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW;

(z) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information;

(aa) To all current treating providers, including Indian health care providers, of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department or the authority may release without written authorization of the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1)(d). The department, or the authority, if applicable, shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. Neither the department nor the authority may release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

(bb)(i) To the secretary of social and health services and the director of the health care authority for either program evaluation or research, or both so long as the secretary or director, where applicable, adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, . . . . ., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ . . . . ."

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary, or director, where applicable;

(cc) To any person if the conditions in RCW 70.02.205 are met;

(dd) To the secretary of health for the purposes of the maternal mortality review panel established in RCW 70.54.450; or

(ee) To a tribe or Indian health care provider to carry out the requirements of RCW 71.05.150(6).

(3) Whenever federal law or federal regulations restrict the release of information contained in the information and records related to mental health services of any patient who receives treatment for a substance use disorder, the department or the authority may restrict the release of the information as necessary to comply with federal law and regulations.

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of social and health services or the authority under RCW 71.05.280(3) and 71.05.320(4)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as provided in RCW 70.02.260, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this section, for the greater of the following amounts:

(i) One thousand dollars; or

(ii) Three times the amount of actual damages sustained, if any.

(b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.

(c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.

(d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.

(e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170.

**Sec. 13.** RCW 70.02.240 and 2022 c 268 s 44 are each amended to read as follows:

The fact of admission and all information and records related to mental health services obtained through inpatient or outpatient treatment of a minor under chapter 71.34 RCW must be kept confidential, except as authorized by this section or under RCW 70.02.050, 70.02.210, 70.02.230, 70.02.250, 70.02.260, and 70.02.265. Confidential information under this section may be disclosed only:

(1) In communications between mental health professionals to meet the requirements of chapter 71.34 RCW, in the provision of services to the minor, or in making appropriate referrals;

(2) In the course of guardianship or dependency proceedings;

(3) To the minor, the minor's parent, including those acting as a parent as defined in RCW 71.34.020 for purposes of family-initiated treatment, and the minor's attorney, subject to RCW 13.50.100;

(4) To the courts as necessary to administer chapter 71.34 RCW;

(5) By a care coordinator under RCW 71.34.755 or 10.77.175 assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.34 or 10.77 RCW;

(6) By a care coordinator under RCW 71.34.755 assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.34 RCW;

(7) To law enforcement officers or public health officers as necessary to carry out the responsibilities of their office. However, only the fact and date of admission, and the date of discharge, the name and address of the treatment provider, if any, and the last known address must be disclosed upon request;

(8) To law enforcement officers, public health officers, relatives, and other governmental law enforcement agencies, if a minor has escaped from custody, disappeared from an evaluation and treatment facility, violated conditions of a less restrictive treatment order, or failed to return from an authorized leave, and then only such information as may be necessary to provide for public safety or to assist in the apprehension of the minor. The officers are obligated to keep the information confidential in accordance with this chapter;

(9) To the secretary of social and health services and the director of the health care authority for assistance in data collection and program evaluation or research so long as the secretary or director, where applicable, adopts rules for the conduct of such evaluation and research. The rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, . . . . ., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding minors who have received services in a manner such that the minor is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under state law.

/s/ . . . . .";

(10) To appropriate law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

(11) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

(12) To a minor's next of kin, attorney, guardian, or conservator, if any, the information that the minor is presently in the facility or that the minor is seriously physically ill and a statement evaluating the mental and physical condition of the minor as well as a statement of the probable duration of the minor's confinement;

(13) Upon the death of a minor, to the minor's next of kin;

(14) To a facility in which the minor resides or will reside;

(15) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)((+v+))(iii). The extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(b) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)((+v+))(iii);

(c) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(16) This section may not be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the director of the health care authority or the secretary of the department of social and health services, where applicable. The fact of admission and all information obtained pursuant to chapter 71.34 RCW are not admissible as evidence in any legal proceeding outside chapter 71.34 RCW, except guardianship or dependency, without the written consent of the minor or the minor's parent;

(17) For the purpose of a correctional facility participating in the postinstitutional medical assistance system supporting the expedited medical determinations and medical suspensions as provided in RCW 74.09.555 and 74.09.295;

(18) Pursuant to a lawful order of a court."

On page 1, line 4 of the title, after "rights;" strike the remainder of the title and insert "amending RCW 9.41.040, 9.41.047, 9.41.042, 13.40.160, 13.40.193, 13.40.265, 70.02.230, and 70.02.240; reenacting and amending RCW 9.41.010 and 13.40.0357; adding a new section to chapter 9.41 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

### MOTION

Representative Hansen moved that the House concur with the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1562.

Representative Hansen spoke in favor of the motion.

Representative Walsh spoke against the motion.

The motion to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1562 was adopted.

### SENATE AMENDMENT TO HOUSE BILL

The House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1562 and advanced the bill, as amended by the Senate, to final passage.

Representative Thai spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1562, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1562, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 51; Nays, 45; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Callan, Chandler, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Ryu, Santos, Senn, Simmons,

Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Bronoske, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Ortiz-Self and Reeves

SUBSTITUTE HOUSE BILL NO. 1562, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Monday, April 10, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1521, with the following amendment(s): 1521-S AMS KUDE S3209.4; 1521-S AMS KEIS S3231.1; 1521-S AMS MULL S3221.2

On page 3, after line 19, insert the following:

"NEW SECTION. **Sec. 4.** A new section is added to chapter 51.14 RCW to read as follows:

Nothing in this act shall be interpreted as allowing a private cause of action outside of the original jurisdiction of the department of labor and industries to assess penalties and rights to appeal as provided in this title."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, after "adding" strike "a new section" and insert "new sections"

On page 3, after line 19, insert the following:

"(6) For the purposes of this section, "municipal" means any counties, cities, towns, port districts, water-sewer districts, school districts, metropolitan park districts, fire districts, public hospital districts, regional fire protection service authorities, education service districts, or such other units of local government.

**Sec. 4.** RCW 51.14.080 and 1986 c 57 s 7 are each amended to read as follows:

(1) Certification of a self-insurer shall be withdrawn by the director upon one or more of the following grounds:

((1-)) (a) The employer no longer meets the requirements of a self-insurer; or

((2-)) (b) The self-insurer's deposit is insufficient; or

((3-)) (c) The self-insurer intentionally or repeatedly induces employees to fail to report injuries, induces claimants to treat injuries in the course of employment as off-the-job injuries, persuades claimants to accept less than the compensation due, or unreasonably makes it necessary for claimants to resort to proceedings against the employer to obtain compensation; or

((4-)) (d) The self-insurer habitually fails to comply with rules and regulations of the director regarding reports or other requirements necessary to carry out the purposes of this title; or

((5-)) (e) The self-insurer habitually engages in a practice of arbitrarily or unreasonably refusing employment to applicants for employment or discharging employees because of nondisabling bodily conditions; or

((6-)) (f) The self-insurer fails to pay an insolvency assessment under the procedures established pursuant to RCW 51.14.077; or

(g) For a self-insured municipal employer, the self-insurer has been found to have violated the self-insurer's duty of good faith and fair dealing three times within a three-year period. For purposes of determining whether there have been three violations within a three-year period, the director must use the date of the department's order. Any subsequent order of the department, board of industrial insurance appeals, or courts affirming a violation occurred relates back to the date of the department's order.

(2) The director may delay withdrawing the certification of the self-insured municipal employer while the employer has an enforceable contract with a licensed third-party administrator that may not be legally terminated. However, the self-insured municipal employer may not renew or extend the contract.

(3) For the purposes of this section, "municipal" has the same meaning as defined in section 3(6) of this act."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, after "51.48.080" strike "and 51.48.017" and insert ", 51.48.017, and 51.14.080"

On page 2, line 30, after "self-insured" insert "municipal"

On page 2, line 30, after "and" insert "their"

On page 2, line 33, after "self-insured" insert "municipal"

On page 2, line 33, after "or" insert "their"

On page 3, line 8, after "department, the" insert "municipal"

On page 3, line 8, after "or" strike "the" and insert "their"

On page 3, line 9, after "the" insert "municipal"

On page 3, line 9, after "or" insert "their"

On page 3, line 16, after "order the" insert "municipal"

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

#### MOTION

Representative Robertson moved that the House concur with the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1521.

Representative Robertson spoke in favor of the motion.

Representative Berry spoke against the motion.

Division was demanded on the motion to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1521, and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 43 - YEAS; 53 - NAYS.

#### SENATE AMENDMENT TO HOUSE BILL

The House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1521 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1762, with the following amendment(s): 1762-S2 AMS ENGR S2575.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this

chapter unless the context clearly requires otherwise.

(1) "Affiliate" means a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person. For purposes of this subsection, "control" means the possession, directly or indirectly, of more than 50 percent of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise.

(2) "Aggregated data" means information that an employer has combined or collected in summary or other form such that the data cannot be identified with any individual.

(3) "Defined time period" means any unit of time measurement equal to or less than the duration of an employee's shift, and includes hours, minutes, and seconds and any fraction thereof.

(4) "Department" means the department of labor and industries.

(5) "Designated employee representative" means any employee representative, including but not limited to an authorized employee representative that has a collective bargaining relationship with the employer.

(6) "Director" means the director of the department of labor and industries or the director's designee.

(7) "Employee" means an employee who is not exempt under RCW 49.46.010(3)(c) and works at a warehouse distribution center.

(8)(a) "Employee work speed data" means information an employer collects, stores, analyzes, or interprets relating to an individual employee's performance of a quota including, but not limited to, quantities of tasks performed, quantities of items or materials handled or produced, rates or speeds of tasks performed, measurements or metrics of employee performance in relation to a quota, and time categorized as performing tasks or not performing tasks.

(b) Employee work speed data does not include qualitative performance assessments, personnel records, or itemized wage statements pursuant to department rules, except for any content of those records that includes employee work speed data as defined in this subsection.

(9)(a) "Employer" means a person who directly or indirectly, or through an agent or any other person, including through the services of a third-party employer, temporary services, or staffing agency, independent contractor, or any similar entity, at any time, employs or exercises control over the wages, hours, or working conditions of 100 or more employees at a single warehouse distribution center in the state or 500 or more employees at one or more warehouse distribution centers in the state.

(b) For the purposes of determining the number of employees employed at a single warehouse distribution center or at one or more warehouse distribution centers, all employees employed directly or indirectly, or through an agency or any other person, and all employees employed by an employer and its affiliates, must be counted.

(c) For the purposes of determining responsible employers, all agents or other

persons, and affiliates must be deemed employers and are jointly and severally responsible for compliance with this chapter.

(10) "Person" means an individual, corporation, partnership, limited liability partnership, limited liability company, business trust, estate, trust, association, joint venture, agency, instrumentality, or any other legal or commercial entity, whether domestic or foreign.

(11) "Quota" means a work performance standard, whether required or recommended, where: (a) An employee is assigned or required to perform at a specified productivity speed, or perform a quantified number of tasks, or to handle or produce a quantified amount of material, within a defined time period and under which the employee may suffer an adverse employment action if they fail to complete the performance standard; or (b) an employee's actions are categorized between time performing tasks and not performing tasks, if the employee may suffer an adverse employment action if they fail to meet the performance standard.

(12) "Warehouse distribution center" means an establishment engaged in activities as defined by any of the following North American industry classification system codes, however such establishment is denominated:

(a) 493 for warehousing and storage, but does not include 493130 for farm product warehousing and storage and 493120 for refrigerated warehousing and storage;

(b) 423 for merchant wholesalers, durable goods;

(c) 424 for merchant wholesalers, nondurable goods; or

(d) 454110 for electronic shopping and mail-order houses.

**NEW SECTION. Sec. 2.** (1) An employer must provide to each employee, upon hire, or within 30 days of the effective date of this section, a written description of:

(a) Each quota to which the employee is subject, including the quantified number of tasks to be performed or materials to be produced or handled within a defined time period;

(b) Any potential adverse employment action that could result from failure to meet each quota; and

(c) Any incentives or bonus programs associated with meeting or exceeding each quota.

(2) Whenever there is a change to the quota that results in a different quota than the most recent written description provided to the employee, the employer must: (a) Notify the employee verbally or in writing as soon as possible and before the employee is subject to the new quota; and (b) provide the employee with an updated written description of each quota to which the employee is subject within two business days of the quota change.

(3) Whenever an employer takes an adverse action against an employee in whole or in part for failure to meet a quota, the employer must provide that employee with the



applicable quota for the employee and the personal work speed data for the employee that was the basis for the adverse action.

(4) The written description must be understandable, in plain language, and in the employee's preferred language. The department may adopt rules regarding the format, plain language, and language access requirements for the written description.

**NEW SECTION. Sec. 3.** (1) The time period considered in a quota, including time designated as productive time or time on task must include:

(a) Time for rest breaks and reasonable time to travel to designated locations for rest breaks;

(b) Reasonable travel time to on-site designated meal break locations. Meal breaks are not considered time on task or productive time unless the employee is required by the employer to remain on duty on the premises or at a prescribed worksite in the interest of the employer;

(c) Time to perform any activity required by the employer in order to do the work subject to any quota;

(d) Time to use the bathroom, including reasonable travel time; and

(e) Time to take any actions necessary for the employee to exercise the employee's right to a safe and healthful workplace pursuant to chapter 49.17 RCW, including but not limited to time to access tools or safety equipment necessary to perform the employee's duties.

(2) Reasonable travel time must include consideration of the architecture and geography of the facility and the location within the facility that the employee is located at the time.

**NEW SECTION. Sec. 4.** (1) Except as provided in section 5 of this act, a quota violates this chapter if the quota:

(a) Does not provide sufficient time as required under section 3(1) (a) through (c) of this act; or

(b) Prevents the performance of any activity required by the employer for the employee to do the work subject to any quota.

(2) An employee is not required to meet a quota that violates this section.

(3) An employer may not take adverse action against an employee for failing to meet a quota that violates this section or that was not disclosed to the employee as required under section 2 of this act.

**NEW SECTION. Sec. 5.** (1) A quota violates chapter 49.17 RCW if the quota:

(a) Does not provide sufficient time as required under section 3(1) (d) and (e) of this act;

(b) Prevents the performance of any activity related to occupational safety and health required by the employer for the employee to do the work subject to any quota; or

(c) Exposes an employee to occupational safety and health hazards in violation of the requirements of chapter 49.17 RCW and the applicable rules or regulations.

(2) An employee is not required to meet a quota that violates this section.

(3) An employer may not take adverse action against an employee for failing to meet a quota that violates this section.

(4) All provisions of section 8 of this act apply to any person who complains to the employer, the director, or any local, state, or federal governmental agency or official, related to a quota alleging any violations of this section.

(5)(a) This section must be implemented and enforced, including penalties, violations, citations, and other administrative procedures, pursuant to chapter 49.17 RCW.

(b) An employer who fails to allow adequate inspection of records in an inspection by the department within a reasonable time period may not use such records in any appeal to challenge the correctness of any citation and notice issued by the department.

**NEW SECTION. Sec. 6.** (1) An employer must establish, maintain, and preserve contemporaneous, true, and accurate records of the following:

(a) Each employee's own personal work speed data;

(b) The aggregated work speed data for similar employees at the same warehouse distribution center; and

(c) The written descriptions of each quota the employee was provided pursuant to section 2 of this act.

(2)(a) The required records must be maintained and preserved throughout the duration of each employee's period of employment and for the period required by this subsection.

(b) Except as required under (c) of this subsection, subsequent to an employee's separation from the employer, records relating to the six-month period prior to the date of the employee's separation from the employer must be preserved for at least three years from the date of the employee's separation.

(c) Where an employer has taken adverse action against an employee in whole or in part for failure to meet a quota, the employer must preserve the records relating to the basis for the adverse action for at least three years from the date of the adverse action.

(d) The employer must make records available to the director upon request.

(3) Nothing in this section requires an employer to collect or keep such records if the employer does not use quotas or monitor work speed data.

(4) An employer who fails to allow adequate inspection of records in an inspection by the department within a reasonable time period may not use such records in any appeal to challenge the correctness of any citation and notice issued by the department.

**NEW SECTION. Sec. 7.** (1) An employee has the right to request, at any time, a written description of each quota to which the employee is subject, a copy of the employee's own personal work speed data for

the prior six months, and a copy of the prior six months of aggregated work speed data for similar employees at the same warehouse distribution center.

(2) A former employee has the right to request, within three years subsequent to the date of their separation from the employer, a written description of the quota to which they were subject as of the date of their separation, a copy of the employee's own personal work speed data for the six months prior to their date of separation, and a copy of aggregated work speed data for similar employees at the same warehouse distribution center for the six months prior to their date of separation.

(3) An employer must provide records requested under this section at no cost to the employee or former employee.

(4) An employer must provide records requested under this section as soon as practicable and subject to the following:

(a) Requested records of written descriptions of a quota must be provided no later than two business days following the date of the receipt of the request; and

(b) Requested personal work speed data and aggregated work speed data must be provided no later than seven business days following the date of the receipt of the request.

(5) Nothing in this section requires an employer to use quotas or monitor work speed data. An employer that does not use quotas or monitor work speed data has no obligation to provide records under this section.

**NEW SECTION. Sec. 8.** (1) A person, including but not limited to an employer, his or her agent, or person acting as or on behalf of a hiring entity, or the officer or agent of any entity, business, corporation, partnership, or limited liability company, may not discharge or in any way retaliate, discriminate, or take adverse action against an employee or former employee for exercising any rights established in this chapter, or for being perceived as exercising rights established in this chapter including, but not limited to:

(a) Initiating a request for information about a quota or personal work speed data pursuant to section 7 of this act; and

(b) Making a complaint to the employer, the director, or any local, state, or federal governmental agency or official, related to a quota that is allegedly in violation of this chapter or chapter 49.17 RCW.

(2) An employee or former employee need not explicitly refer to this section or the rights established in this chapter to be protected from an adverse action. The protection provided in this section applies to former employees and to employees who mistakenly but in good faith allege violations of this chapter.

(3)(a) If a person takes adverse action against an employee or former employee within 90 days of the employee engaging or attempting to engage in activities protected by this chapter, there is a rebuttable presumption that the adverse action is a retaliatory action in violation of this section.

(b) The presumption may be rebutted by a preponderance of the evidence that: (i) The action was taken for other permissible reasons; and (ii) the engaging or attempting to engage in activities protected by this chapter was not a motivating factor in the adverse action.

(4) Except as provided for in section 5 of this act, the department must carry out and enforce the provisions of this section and section 4(3) of this act pursuant to procedures established under chapter 49.46 RCW and any applicable rules. The department may adopt new rules to implement or enforce this subsection.

**NEW SECTION. Sec. 9.** (1)(a) An employee may file a complaint with the department alleging a violation under this chapter or applicable rules, except for violations and enforcement of sections 5 and 8 of this act. The department must investigate the complaint.

(b) The department may not investigate any such alleged violation of rights that occurred more than three years before the date that the employee filed the complaint.

(c) If an employee files a timely complaint with the department, the department must investigate the complaint and issue either a citation and notice of assessment or a closure letter within 90 days after the date on which the department received the complaint, unless the complaint is otherwise resolved. The department may extend the period by providing advance written notice to the employee and the employer setting forth good cause for an extension of the period and specifying the duration of the extension.

(d) The department must send the citation and notice of assessment or the closure letter to both the employer and the employee by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to their last known addresses.

(2) If the department's investigation finds that the employee's allegation cannot be substantiated, the department must issue a closure letter to the employee and the employer detailing such finding.

(3) The director may initiate an investigation without an employee's complaint to ensure compliance with this chapter.

(4) For complaints filed under this section, an employer who is found to have violated a requirement of this chapter and the rules adopted under this chapter, is subject to a civil penalty of not less than \$1,000 for each violation. Civil penalties must be collected by the department and deposited into the supplemental pension fund established under RCW 51.44.033.

(5) Except as provided under subsection (1) of this section, an employer who is found to have violated a requirement of this chapter and the rules adopted under this chapter resulting in a rest or meal period violation, must pay the employee one additional hour of pay at the employee's regular rate of pay for each day there is a violation.

(6) Upon receiving a complaint, the department may request or subpoena the records of the warehouse distribution center.

(7) For enforcement actions under this section, if any person fails to pay an assessment under this chapter, or under any rule under this chapter, after it has become a final and unappealable order, or after the court has entered final judgment in favor of the agency, the director may initiate collection procedures in accordance with the collection procedures under RCW 49.48.086.

**NEW SECTION. Sec. 10.** (1) For enforcement actions under section 9 of this act, a person, firm, or corporation aggrieved by a citation and notice of assessment by the department or any rules adopted under this chapter may appeal the citation and notice of assessment to the director by filing a notice of appeal with the director within 30 days of the department's issuance of the citation and notice of assessment. A citation and notice of assessment not appealed within 30 days is final and binding, and not subject to further appeal.

(2) A notice of appeal filed with the director under this section stays the effectiveness of the citation and notice of assessment pending final review of the appeal by the director as provided in chapter 34.05 RCW.

(3) Upon receipt of a notice of appeal, the director must assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures must be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation and notice of assessment must be de novo. Any party who seeks to challenge an initial order must file a petition for administrative review with the director within 30 days after service of the initial order. The director must conduct an administrative review in accordance with chapter 34.05 RCW.

(4) The director must issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(5) Orders that are not appealed within the time period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(6) An employer who fails to allow adequate inspection of records in an investigation by the department under this chapter within a reasonable time period may not use such records in any appeal under this section to challenge the correctness of any determination by the department of the penalty assessed.

**NEW SECTION. Sec. 11.** The department may adopt and implement rules to carry out and enforce the provisions of this chapter.

**NEW SECTION. Sec. 12.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 13.** Sections 1 through 12 of this act constitute a new chapter in Title 49 RCW.

**NEW SECTION. Sec. 14.** This act takes effect July 1, 2024."

On page 1, line 1 of the title, after "warehouses;" strike the remainder of the title and insert "adding a new chapter to Title 49 RCW; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

### MOTION

Representative Robertson moved that the House concur with the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1762.

Representative Robertson spoke in favor of the motion.

Representative Berry spoke against the motion.

The motion to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1762 failed.

### SENATE AMENDMENT TO HOUSE BILL

The House refused to concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1762 and asked the Senate to recede therefrom.

### RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which HOUSE BILL NO. 1002, as amended by the Senate, passed the House.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1002, as amended by the Senate, on reconsideration, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

HOUSE BILL NO. 1002, as amended by the Senate, on reconsideration, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:30 a.m., Friday, April 14, 2023, the 96th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## NINETY SIXTH DAY

House Chamber, Olympia, Friday, April 14, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rahul Sharma and Eliza Fischer. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by pastor Carolyn Bowers, Colby United Methodist Church, Port Orchard.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4641**, by Representative Rule

WHEREAS, The Nooksack Valley High School Girls Varsity Basketball Team has had an outstanding season to win their first state basketball championship in the WA Class 1A and the Northwest District; and

WHEREAS, The team has a combined win-loss record of 28 wins and one loss over the last season; and

WHEREAS, The team featured tournament MVP Devin Coppinger; and

WHEREAS, The team has demonstrated commitment, perseverance, excellence, and teamwork, which are essential qualities to achieve the highest levels of success; and

WHEREAS, Educationally based athletics are proven to positively impact attendance, grades, leadership skills, and mental health;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state House of Representatives hereby congratulate the Nooksack Valley High School Girls Varsity Basketball Team for their outstanding achievements and extend its warmest appreciation to the players, coaches, support staff, and families who have contributed to the success of the team; and

BE IT FURTHER RESOLVED, That the Washington state House of Representatives recognize the successes and accomplishments of the Nooksack Valley High School Girls Varsity Basketball Team as a source of pride and inspiration for the entire school community; and

BE IT FURTHER RESOLVED, That the Washington state House of Representatives commend the team for their excellent performance, sportsmanship, and leadership, and for representing their school and community with distinction and honor; wish the team continued success; and look forward to their future accomplishments both on and off the court.

There being no objection, HOUSE RESOLUTION NO. 4641 was adopted.

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4645**, by Representative Rule

WHEREAS, The Bellingham High School Boys Varsity Swimming and Diving Team has had an outstanding season winning the state swimming and diving championship in the WIAA Class 2A; and

WHEREAS, The team has demonstrated commitment, perseverance, excellence, and teamwork, which are essential qualities to achieve the highest levels of success; and

WHEREAS, Educationally-based athletics are proven to positively impact attendance, grades, leadership skills, and mental health;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate the Bellingham High School Boys Varsity Swimming and Diving Team for their outstanding achievements and extend its warmest appreciation to the players, coaches, support staff, and families who have contributed to the success of the team; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the successes and accomplishments of the Bellingham High School Boys Varsity Swimming and Diving Team as a source of pride and inspiration for the entire school community; and

BE IT FURTHER RESOLVED, That the team be commended for their excellent performance, sportsmanship, and leadership, and for representing their school and community with distinction and honor. The House of Representatives wish the team continued success and look forward to their future accomplishments both in and out of the pool.

There being no objection, HOUSE RESOLUTION NO. 4645 was adopted.

There being no objection, the House advanced to the fourth order of business.

**INTRODUCTION & FIRST READING**

**HB 1856** by Representatives Abbarno, Volz, Schmick, Robertson, Walsh, Graham, Christian, Eslick, Low, Cheney, Griffey, Couture, Corry, Schmidt, Rude, Sandlin, Goehner, Steele, Harris, Waters, Orcutt, Ybarra, Klicker and Dye

AN ACT Relating to enhancing access to public records through studying the efficacy of establishing the Washington office of transparency ombuds as an independent state agency; creating new sections; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5447**, by Senate Committee on Environment, Energy & Technology (originally sponsored by Billig, King, Nguyen, MacEwen, Mullet, Wellman, Gildon, Keiser, Shewmake, Lovick, Boehnke, Warnick, Randall, Conway, Dhingra, Dozier, Liias, Lovelett, Saldaña, Stanford, Van De Wege and Wagoner)

**Promoting the alternative jet fuel industry in Washington.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Environment & Energy was not adopted. For

Committee amendment, see Journal, Day 74, Thursday, March 23, 2023.

There being no objection, the committee striking amendment by the Committee on Finance was before the House for purpose of amendment. For Committee amendment, see Journal, Day 85, Monday, April 3, 2023.

Representative Timmons moved the adoption of amendment (655) to the committee striking amendment:

On page 10, line 2 of the striking amendment, after "fuel" strike "at a location" and insert "on the footprint of a structure"

Representatives Timmons and Orcutt spoke in favor of the adoption of the amendment to the committee striking amendment.

### MOTIONS

On motion of Representative Ramel, Representative Ortiz-Self was excused.

On motion of Representative Griffey, Representative Chandler was excused.

Amendment (655) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Slatter and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5447, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5447, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goechner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Ortiz-Self

ENGROSSED SUBSTITUTE SENATE BILL NO. 5447, as amended by the House, having received the necessary constitutional majority, was declared passed.

With the consent of the House, ENGROSSED SUBSTITUTE SENATE BILL NO. 5447 was immediately transmitted to the Senate.

There being no objection, the House advanced to the seventh order of business.

## THIRD READING

### MESSAGE FROM THE SENATE

Monday, April 10, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1019, with the following amendment(s): 1019-S.E AMS AWP S2597.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that agency decisions related to the regulation of pesticides benefit from robust community and stakeholder engagement. The legislature intends to create a formal and permanent advisory board to advise the department of agriculture on any or all problems relating to the use and application of pesticides in the state, with the exception of matters covered by the pesticide application safety committee.

NEW SECTION. **Sec. 2.** A new section is added to chapter 17.21 RCW to read as follows:

(1) The pesticide advisory board is established to advise the director on any or all problems relating to the use and application of pesticides in the state except for matters covered by the pesticide application safety committee created in RCW 70.104.110, with members as provided in this subsection.

(a) Voting members:

(i) One pesticide applicator licensed to operate agricultural aerial apparatus;

(ii) One licensed pest control consultant, or one licensed pesticide dealer or pesticide dealer manager;

(iii) One member representing the agricultural chemical industry;

(iv) One agricultural producer;

(v) The department's pesticide management division assistant director or the assistant director's designee;

(vi) One toxicologist or pesticide investigations manager from the department of health;

(vii) The department of labor and industries' division of occupational safety and health assistant director or the assistant director's designee;

(viii) One member representing the environmental community;

(ix) One representative from a federally recognized Indian tribe or an interested tribe that does not regulate pesticides;

(x) One farmworker advocate;

(xi) One migrant farmworker;

(xii) One at-large member as determined by the director; and

(xiii) One member representing the household and commercial products association.

(b) Nonvoting members:

(i) The director of the following agencies or the director's designees:

(A) The department of labor and industries;

(B) The department of fish and wildlife;  
 (C) The department of ecology; and  
 (D) The liquor and cannabis board;  
 (ii) The commissioner of public lands or the commissioner's designee;  
 (iii) The commissioner of the employment security department or the commissioner's designee;  
 (iv) The environmental health specialist from the department of health;  
 (v) One entomologist in public service;  
 (vi) One toxicologist in public service;  
 (vii) One member from the national pesticide information center;  
 (viii) One pesticide coordinator from Washington State University;  
 (ix) One agricultural health network advisor from the Pacific Northwest agricultural safety and health center;  
 (x) The department's pollinator health coordinator, apiarist, or both;  
 (xi) One commercial beekeeper;  
 (xii) One member representing the United States environmental protection agency region 10;  
 (xiii) One member representing the department of transportation with expertise in vegetation management;  
 (xiv) One member representing the noxious weed control board; and  
 (xv) One member representing an organization made up of agricultural producers, timber producers, wood preservers, and others whose mission includes supporting the science behind the responsible use of pesticides in both agriculture and forestry.

(2) The director shall appoint each member of the pesticide advisory board for terms of four years. Members may be appointed for successive four-year terms at the discretion of the director. The terms must be staggered so that approximately one-fourth of the terms expire on June 30th of each calendar year. In making appointments, the director shall seek nominations from affected agricultural and environmental groups. The director may remove any member of the pesticide advisory board prior to the expiration of his or her term of appointment for cause.

(3) The director shall attempt to fill any vacancy on the pesticide advisory board within 30 days for the remainder of its term.

(4) The director, in consultation with the pesticide advisory board, shall form work groups that include individuals with the appropriate expertise to inform the board on issues relating to specific pesticides or uses. Work groups created under this subsection may include individuals who are not members of the pesticide advisory board.

**NEW SECTION. Sec. 3.** A new section is added to chapter 17.21 RCW to read as follows:

The pesticide advisory board established in section 2 of this act shall elect a chair from among its membership. The pesticide advisory board shall meet from time to time at the call of the director, chair of the board, or a majority of the board."

On page 1, line 1 of the title, after "board;" strike the remainder of the title and insert "adding new sections to chapter 17.21 RCW; and creating a new section."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1019 and advanced the bill, as amended by the Senate, to final passage.

Representatives Dent and Chapman spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1019, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1019, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1019, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033, with the following amendment(s): 1033-S.E AMS ENET S0680.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 70A.205 RCW to read as follows:

(1)(a) Legislation enacted in 2022, chapter 180, Laws of 2022, contains numerous provisions intended to decrease the generation of methane gas in landfills from organic materials, by increasing the diversion of organic materials to compost and other organic materials management

facilities. The legislature finds that there is urgency in the state's efforts to ensure that compost streams are limited to compostable organic materials and are not hindered by unsuitable contaminants. At present, organic materials management facilities in Washington vary in the types of feedstocks that are accepted.

(b) The department must contract with an independent third-party facilitator to convene a stakeholder advisory committee. The advisory committee shall make recommendations to the appropriate committees of the legislature on the development of standards for the management of compostable products, especially food service products, by composting and other organic materials management facilities.

(2) In developing recommendations, the stakeholder advisory committee must, at a minimum, consider:

(a) The state's goals of managing organic materials, including food waste, in an environmentally sustainable way that increases food waste diversion and ensures that finished compost is clean and marketable, with the intent of being consistent with and furthering the improvements identified in chapter 180, Laws of 2022;

(b) The types of compostable products, and amounts if known, sold or distributed into Washington;

(c) Consumer confusion caused by noncompostable products that can lead to contamination issues;

(d) Compostable standards related to the breakdown of products in facilities and home composting;

(e) The status of acceptance of compostable products by organic materials management facilities in Washington, including consideration of organic certifications;

(f) Estimates of the percentage of compostable products used in Washington that are disposed of at organic materials management facilities;

(g) Financial incentives for organic materials management facilities accepting compostable products;

(h) Current laws related to compostable products and the enforcement of these laws;

(i) Any work product from other contemporaneous stakeholder advisory committees currently discussing similar topics in other jurisdictions or nationwide; and

(j) Policy options addressing contamination of organic waste streams and to increase the use of reusable and refillable items.

(3) The facilitator selected in subsection (1) of this section must:

(a) Hire subcontractors, as needed, for the research of any relevant information regarding issues associated with compostable products and the management of compostable materials in composting and other organic materials management facilities;

(b) Provide staff and support to the stakeholder advisory committee meetings; and

(c) Draft reports and other materials for review by the stakeholder advisory committee.

(4) The facilitator shall submit a report to the legislature by September 15, 2024, containing the recommendations of the stakeholder advisory committee after review and approval by the facilitator and committee. The department and its hired facilitator must convene the first stakeholder meeting by September 15, 2023, and must convene meetings at least monthly thereafter through January, on a schedule developed in consultation with the stakeholders serving on the advisory committee. All meetings of the stakeholder advisory committee must be held in a virtual format. The stakeholder advisory committee shall make recommendations using consensus-based decision making. The report must include recommendations where general stakeholder consensus has been achieved and note dissenting opinions where stakeholder consensus has not been achieved.

(5) The department must select at least one member to the stakeholder advisory committee from each of the following:

(a) Cities, including both small and large cities and cities located in urban and rural counties, which may be represented by an association that represents cities in Washington;

(b) Counties, including both small and large counties and urban and rural counties, which may be represented by an association that represents county solid waste managers in Washington;

(c) Municipal collectors or companies that provide curbside organic materials management services under a municipal contract under RCW 35.21.120;

(d) A solid waste collection company regulated under chapter 81.77 RCW that provides curbside organic materials collection services;

(e) Three organic materials management facility operators, including at least one operator of a facility that does not currently accept compostable food service products and one operator of a facility that does currently accept such products;

(f) A representative from an environmental nonprofit organization that specializes in waste and recycling issues;

(g) Two manufacturers of compostable products, including at least one manufacturer of compostable food service products and one manufacturer of compostable plastic food service products;

(h) One distributor of compostable food service products;

(i) A statewide general business trade association;

(j) A representative from a retail grocery association;

(k) Two organizations that act as third-party certifiers of compostable products;

(l) The department of agriculture;

(m) Two associations focused on organic materials recycling or composting; and

(n) A statewide organization representing hospitality businesses.

(6) In addition to the members selected under subsection (5) of this section, the director must invite participation on the stakeholder advisory committee from any federally recognized Indian tribe that expresses interest in participation to the department prior to September 1, 2023.



(7) This section expires July 1, 2028."

On page 1, line 2 of the title, after "Washington;" strike the remainder of the title and insert "adding a new section to chapter 70A.205 RCW; and providing an expiration date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033 and advanced the bill, as amended by the Senate, to final passage.

Representatives Walen and Dye spoke in favor of the passage of the bill.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1033, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1033, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gochner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Couture, Jacobsen, McEntire and Walsh

Excused: Representatives Chandler and Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1043, with the following amendment(s): 1043-S AMS LAW S2565.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 64.32.170 and 1965 ex.s. c 11 s 5 are each amended to read as follows:

~~((The manager or board of directors, as the case may be, shall keep complete and accurate books and records of the receipts and expenditures affecting the common areas~~

~~and facilities, specifying and itemizing the maintenance and repair expenses of the common areas and facilities and any other expenses incurred. Such books and records and the vouchers authorizing payments shall be available for examination by the apartment owners, their agents or attorneys, at any reasonable time or times.))~~ (1) An association of apartment owners must retain the following:

~~(a) The current budget, detailed records of receipts and expenditures affecting the operation and administration of the association, and other appropriate accounting records within the last seven years;~~

~~(b) Minutes of all meetings of its apartment owners and board other than executive sessions, a record of all actions taken by the apartment owners or board without a meeting, and a record of all actions taken by a committee in place of the board on behalf of the association;~~

~~(c) The names of current apartment owners, addresses used by the association to communicate with them, and the number of votes allocated to each apartment;~~

~~(d) Its original or restated declaration, organizational documents, all amendments to the declaration and organizational documents, and all rules currently in effect;~~

~~(e) All financial statements and tax returns of the association for the past seven years;~~

~~(f) A list of the names and addresses of its current board members and officers;~~

~~(g) Its most recent annual report delivered to the secretary of state, if any;~~

~~(h) Copies of contracts to which it is or was a party within the last seven years;~~

~~(i) Materials relied upon by the board or any committee to approve or deny any requests for design or architectural approval for a period of seven years after the decision is made;~~

~~(j) Materials relied upon by the board or any committee concerning a decision to enforce the governing documents for a period of seven years after the decision is made;~~

~~(k) Copies of insurance policies under which the association is a named insured;~~

~~(l) Any current warranties provided to the association;~~

~~(m) Copies of all notices provided to apartment owners or the association in accordance with this chapter or the governing documents; and~~

~~(n) Ballots, proxies, absentee ballots, and other records related to voting by apartment owners for one year after the election, action, or vote to which they relate.~~

~~(2) (a) Subject to subsections (3) through (5) of this section, and except as provided in (b) of this subsection, all records required to be retained by an association of apartment owners must be made available for examination and copying by all apartment owners, holders of mortgages on the apartments, and their respective authorized agents as follows, unless agreed otherwise:~~

~~(i) During reasonable business hours or at a mutually convenient time and location; and~~

(ii) At the offices of the association or its managing agent.

(b) The list of apartment owners required to be retained by an association under subsection (1)(c) of this section is not required to be made available for examination and copying by holders of mortgages on the apartments.

(3) Records retained by an association of apartment owners must have the following information redacted or otherwise removed prior to disclosure:

(a) Personnel and medical records relating to specific individuals;

(b) Contracts, leases, and other commercial transactions to purchase or provide goods or services currently being negotiated;

(c) Existing or potential litigation or mediation, arbitration, or administrative proceedings;

(d) Existing or potential matters involving federal, state, or local administrative or other formal proceedings before a governmental tribunal for enforcement of the governing documents;

(e) Legal advice or communications that are otherwise protected by the attorney-client privilege or the attorney work product doctrine, including communications with the managing agent or other agent of the association;

(f) Information the disclosure of which would violate a court order or law;

(g) Records of an executive session of the board;

(h) Individual apartment files other than those of the requesting apartment owner;

(i) Unlisted telephone number or electronic address of any apartment owner or resident;

(j) Security access information provided to the association for emergency purposes; or

(k) Agreements that for good cause prohibit disclosure to the members.

(4) In addition to the requirements in subsection (3) of this section, an association of apartment owners must, prior to disclosure of the list of apartment owners required to be retained by an association under subsection (1)(c) of this section, redact or otherwise remove the address of any apartment owner or resident who is known to the association to be a participant in the address confidentiality program described in chapter 40.24 RCW or any similar program established by law.

(5)(a) Except as provided in (b) of this subsection, an association of apartment owners may charge a reasonable fee for producing and providing copies of any records under this section and for supervising the apartment owner's inspection.

(b) An apartment owner is entitled to receive a free annual electronic or paper copy of the list retained under subsection (1)(c) of this section from the association.

(6) A right to copy records under this section includes the right to receive copies by photocopying or other means, including through an electronic transmission if available upon request by the apartment owner.

(7) An association of apartment owners is not obligated to compile or synthesize information.

(8) Information provided pursuant to this section may not be used for commercial purposes.

(9) An association of apartment owner's managing agent must deliver all of the association's original books and records to the association immediately upon termination of its management relationship with the association, or upon such other demand as is made by the board. An association managing agent may keep copies of the association records at its own expense.

(10) All books and records shall be kept in accordance with good accounting procedures and be audited at least once a year by an auditor outside of the organization.

(11) This section applies to records in the possession of the association on the effective date of this section, and to records created or maintained after the effective date of this section. An association has no liability under this section for records disposed of prior to the effective date of this section.

**Sec. 2.** RCW 64.34.372 and 1992 c 220 s 19 are each amended to read as follows:

(1) The association shall keep financial records sufficiently detailed to enable the association to comply with RCW 64.34.425. All financial and other records of the association, including but not limited to checks, bank records, and invoices, are the property of the association (~~(, but shall be made reasonably available for examination and copying by the manager of the association, any unit owner, or the owner's authorized agents)~~). At least annually, the association shall prepare, or cause to be prepared, a financial statement of the association in accordance with generally accepted accounting principles. The financial statements of condominiums consisting of ~~((fifty))~~ 50 or more units shall be audited at least annually by a certified public accountant. In the case of a condominium consisting of fewer than ~~((fifty))~~ 50 units, an annual audit is also required but may be waived annually by unit owners other than the declarant of units to which ~~((sixty))~~ 60 percent of the votes are allocated, excluding the votes allocated to units owned by the declarant.

(2) The funds of an association shall be kept in accounts in the name of the association and shall not be commingled with the funds of any other association, nor with the funds of any manager of the association or any other person responsible for the custody of such funds. Any reserve funds of an association shall be kept in a segregated account and any transaction affecting such funds, including the issuance of checks, shall require the signature of at least two persons who are officers or directors of the association.

(3) An association must retain the following:

(a) The current budget, detailed records of receipts and expenditures affecting the operation and administration of the

association, and other appropriate accounting records within the last seven years;

(b) Minutes of all meetings of its unit owners and board other than executive sessions, a record of all actions taken by the unit owners or board without a meeting, and a record of all actions taken by a committee in place of the board on behalf of the association;

(c) The names of current unit owners, addresses used by the association to communicate with them, and the number of votes allocated to each unit;

(d) Its original or restated declaration, organizational documents, all amendments to the declaration and organizational documents, and all rules currently in effect;

(e) All financial statements and tax returns of the association for the past seven years;

(f) A list of the names and addresses of its current board members and officers;

(g) Its most recent annual report delivered to the secretary of state, if any;

(h) Copies of contracts to which it is or was a party within the last seven years;

(i) Materials relied upon by the board or any committee to approve or deny any requests for design or architectural approval for a period of seven years after the decision is made;

(j) Materials relied upon by the board or any committee concerning a decision to enforce the governing documents for a period of seven years after the decision is made;

(k) Copies of insurance policies under which the association is a named insured;

(l) Any current warranties provided to the association;

(m) Copies of all notices provided to unit owners or the association in accordance with this chapter or the governing documents; and

(n) Ballots, proxies, absentee ballots, and other records related to voting by unit owners for one year after the election, action, or vote to which they relate.

(4) (a) Subject to subsections (5) through (7) of this section, and except as provided in (b) of this subsection, all records required to be retained by an association must be made available for examination and copying by all unit owners, holders of mortgages on the units, and their respective authorized agents as follows, unless agreed otherwise:

(i) During reasonable business hours or at a mutually convenient time and location; and

(ii) At the offices of the association or its managing agent.

(b) The list of unit owners required to be retained by an association under subsection (3)(c) of this section is not required to be made available for examination and copying by holders of mortgages on the units.

(5) Records retained by an association must have the following information redacted or otherwise removed prior to disclosure:

(a) Personnel and medical records relating to specific individuals;

(b) Contracts, leases, and other commercial transactions to purchase or

provide goods or services currently being negotiated;

(c) Existing or potential litigation or mediation, arbitration, or administrative proceedings;

(d) Existing or potential matters involving federal, state, or local administrative or other formal proceedings before a governmental tribunal for enforcement of the governing documents;

(e) Legal advice or communications that are otherwise protected by the attorney-client privilege or the attorney work product doctrine, including communications with the managing agent or other agent of the association;

(f) Information the disclosure of which would violate a court order or law;

(g) Records of an executive session of the board;

(h) Individual unit files other than those of the requesting unit owner;

(i) Unlisted telephone number or electronic address of any unit owner or resident;

(j) Security access information provided to the association for emergency purposes; or

(k) Agreements that for good cause prohibit disclosure to the members.

(6) In addition to the requirements in subsection (5) of this section, an association must, prior to disclosure of the list of unit owners required to be retained by an association under subsection (3)(c) of this section, redact or otherwise remove the address of any unit owner or resident who is known to the association to be a participant in the address confidentiality program described in chapter 40.24 RCW or any similar program established by law.

(7) (a) Except as provided in (b) of this subsection, an association may charge a reasonable fee for producing and providing copies of any records under this section and for supervising the unit owner's inspection.

(b) A unit owner is entitled to receive a free annual electronic or paper copy of the list retained under subsection (3)(c) of this section from the association.

(8) A right to copy records under this section includes the right to receive copies by photocopying or other means, including through an electronic transmission if available upon request by the unit owner.

(9) An association is not obligated to compile or synthesize information.

(10) Information provided pursuant to this section may not be used for commercial purposes.

(11) An association's managing agent must deliver all of the association's original books and records to the association immediately upon termination of its management relationship with the association, or upon such other demand as is made by the board. An association managing agent may keep copies of the association records at its own expense.

(12) This section applies to records in the possession of the association on the effective date of this section, and to records created or maintained after the effective date of this section. An association has no liability under this

section for records disposed of prior to the effective date of this section.

**Sec. 3.** RCW 64.38.045 and 1995 c 283 s 9 are each amended to read as follows:

(1) The association or its managing agent shall keep financial and other records sufficiently detailed to enable the association to fully declare to each owner the true statement of its financial status. All financial and other records of the association, including but not limited to checks, bank records, and invoices, in whatever form they are kept, are the property of the association. Each association managing agent shall turn over all original books and records to the association immediately upon termination of the management relationship with the association, or upon such other demand as is made by the board of directors. An association managing agent is entitled to keep copies of association records. All records which the managing agent has turned over to the association shall be made reasonably available for the examination and copying by the managing agent.

~~(2) ((All records of the association, including the names and addresses of owners and other occupants of the lots, shall be available for examination by all owners, holders of mortgages on the lots, and their respective authorized agents on reasonable advance notice during normal working hours at the offices of the association or its managing agent. The association shall not release the unlisted telephone number of any owner. The association may impose and collect a reasonable charge for copies and any reasonable costs incurred by the association in providing access to records.~~

~~(3))~~ At least annually, the association shall prepare, or cause to be prepared, a financial statement of the association. The financial statements of associations with annual assessments of ~~((fifty thousand dollars))~~ \$50,000 or more shall be audited at least annually by an independent certified public accountant, but the audit may be waived if ~~((sixty-seven))~~ 67 percent of the votes cast by owners, in person or by proxy, at a meeting of the association at which a quorum is present, vote each year to waive the audit.

~~((4))~~ (3) The funds of the association shall be kept in accounts in the name of the association and shall not be commingled with the funds of any other association, nor with the funds of any manager of the association or any other person responsible for the custody of such funds.

(4) An association must retain the following:

(a) The current budget, detailed records of receipts and expenditures affecting the operation and administration of the association, and other appropriate accounting records within the last seven years;

(b) Minutes of all meetings of its owners and board other than executive sessions, a record of all actions taken by the owners or board without a meeting, and a record of all actions taken by a committee in place of the board on behalf of the association;

(c) The names of current owners, addresses used by the association to communicate with them, and the number of votes allocated to each lot;

(d) Its original or restated declaration, organizational documents, all amendments to the declaration and organizational documents, and all rules currently in effect;

(e) All financial statements and tax returns of the association for the past seven years;

(f) A list of the names and addresses of its current board members and officers;

(g) Its most recent annual report delivered to the secretary of state, if any;

(h) Copies of contracts to which it is or was a party within the last seven years;

(i) Materials relied upon by the board or any committee to approve or deny any requests for design or architectural approval for a period of seven years after the decision is made;

(j) Materials relied upon by the board or any committee concerning a decision to enforce the governing documents for a period of seven years after the decision is made;

(k) Copies of insurance policies under which the association is a named insured;

(l) Any current warranties provided to the association;

(m) Copies of all notices provided to owners or the association in accordance with this chapter or the governing documents; and

(n) Ballots, proxies, absentee ballots, and other records related to voting by owners for one year after the election, action, or vote to which they relate.

(5)(a) Subject to subsections (6) through (8) of this section, and except as provided in (b) of this subsection, all records required to be retained by an association must be made available for examination and copying by all owners, holders of mortgages on the lots, and their respective authorized agents as follows, unless agreed otherwise:

(i) During reasonable business hours or at a mutually convenient time and location; and

(ii) At the offices of the association or its managing agent.

(b) The list of owners required to be retained by an association under subsection (4)(c) of this section is not required to be made available for examination and copying by holders of mortgages on the lots.

(6) Records retained by an association must have the following information redacted or otherwise removed prior to disclosure:

(a) Personnel and medical records relating to specific individuals;

(b) Contracts, leases, and other commercial transactions to purchase or provide goods or services currently being negotiated;

(c) Existing or potential litigation or mediation, arbitration, or administrative proceedings;

(d) Existing or potential matters involving federal, state, or local administrative or other formal proceedings before a governmental tribunal for enforcement of the governing documents;

(e) Legal advice or communications that are otherwise protected by the attorney-client privilege or the attorney work

product doctrine, including communications with the managing agent or other agent of the association;

(f) Information the disclosure of which would violate a court order or law;

(g) Records of an executive session of the board;

(h) Individual lot files other than those of the requesting owner;

(i) Unlisted telephone number or electronic address of any owner or resident;

(j) Security access information provided to the association for emergency purposes; or

(k) Agreements that for good cause prohibit disclosure to the members.

(7) In addition to the requirements in subsection (6) of this section, an association must, prior to disclosure of the list of owners required to be retained by an association under subsection (4)(c) of this section, redact or otherwise remove the address of any owner or resident who is known to the association to be a participant in the address confidentiality program described in chapter 40.24 RCW or any similar program established by law.

(8)(a) Except as provided in (b) of this subsection, an association may charge a reasonable fee for producing and providing copies of any records under this section and for supervising the owner's inspection.

(b) An owner is entitled to receive a free annual electronic or paper copy of the list retained under subsection (4)(c) of this section from the association.

(9) A right to copy records under this section includes the right to receive copies by photocopying or other means, including through an electronic transmission if available upon request by the owner.

(10) An association is not obligated to compile or synthesize information.

(11) Information provided pursuant to this section may not be used for commercial purposes.

(12) An association's managing agent must deliver all of the association's original books and records to the association immediately upon termination of its management relationship with the association, or upon such other demand as is made by the board. An association managing agent may keep copies of the association records at its own expense.

(13) This section applies to records in the possession of the association on the effective date of this section, and to records created or maintained after the effective date of this section. An association has no liability under this section for records disposed of prior to the effective date of this section.

**Sec. 4.** RCW 64.90.495 and 2018 c 277 s 320 are each amended to read as follows:

(1) An association must retain the following:

(a) The current budget, detailed records of receipts and expenditures affecting the operation and administration of the association, and other appropriate accounting records within the last seven years;

(b) Minutes of all meetings of its unit owners and board other than executive sessions, a record of all actions taken by the unit owners or board without a meeting, and a record of all actions taken by a committee in place of the board on behalf of the association;

(c) The names of current unit owners, addresses used by the association to communicate with them, and the number of votes allocated to each unit;

(d) Its original or restated declaration, organizational documents, all amendments to the declaration and organizational documents, and all rules currently in effect;

(e) All financial statements and tax returns of the association for the past seven years;

(f) A list of the names and addresses of its current board members and officers;

(g) Its most recent annual report delivered to the secretary of state, if any;

(h) Financial and other records sufficiently detailed to enable the association to comply with RCW 64.90.640;

(i) Copies of contracts to which it is or was a party within the last seven years;

(j) Materials relied upon by the board or any committee to approve or deny any requests for design or architectural approval for a period of seven years after the decision is made;

(k) Materials relied upon by the board or any committee concerning a decision to enforce the governing documents for a period of seven years after the decision is made;

(l) Copies of insurance policies under which the association is a named insured;

(m) Any current warranties provided to the association;

(n) Copies of all notices provided to unit owners or the association in accordance with this chapter or the governing documents; and

(o) Ballots, proxies, absentee ballots, and other records related to voting by unit owners for one year after the election, action, or vote to which they relate.

(2)(a) Subject to subsections (3) ((and (4))) through (5) of this section, and except as provided in (b) of this subsection, all records required to be retained by an association must be made available for examination and copying by all unit owners, holders of mortgages on the units, and their respective authorized agents as follows, unless agreed otherwise:

((~~(a)~~)) (i) During reasonable business hours or at a mutually convenient time and location; and

((~~(b)~~)) (ii) At the offices of the association or its managing agent.

(b) The list of unit owners required to be retained by an association under subsection (1)(c) of this section is not required to be made available for examination and copying by holders of mortgages on the units.

(3) Records retained by an association ((may be withheld from inspection and copying to the extent that they concern)) must have the following information redacted or otherwise removed prior to disclosure:

(a) Personnel and medical records relating to specific individuals;

(b) Contracts, leases, and other commercial transactions to purchase or provide goods or services currently being negotiated;

(c) Existing or potential litigation or mediation, arbitration, or administrative proceedings;

(d) Existing or potential matters involving federal, state, or local administrative or other formal proceedings before a governmental tribunal for enforcement of the governing documents;

(e) Legal advice or communications that are otherwise protected by the attorney-client privilege or the attorney work product doctrine, including communications with the managing agent or other agent of the association;

(f) Information the disclosure of which would violate a court order or law;

(g) Records of an executive session of the board;

(h) Individual unit files other than those of the requesting unit owner;

(i) Unlisted telephone number or electronic address of any unit owner or resident;

(j) Security access information provided to the association for emergency purposes; or

(k) Agreements that for good cause prohibit disclosure to the members.

(4) In addition to the requirements in subsection (3) of this section, an association must, prior to disclosure of the list of unit owners required to be retained by an association under subsection (1)(c) of this section, redact or otherwise remove the address of any unit owner or resident who is known to the association to be a participant in the address confidentiality program described in chapter 40.24 RCW or any similar program established by law.

((Am)) (5) (a) Except as provided in (b) of this subsection, an association may charge a reasonable fee for producing and providing copies of any records under this section and for supervising the unit owner's inspection.

(b) A unit owner is entitled to receive a free annual electronic or paper copy of the list retained under subsection (1)(c) of this section from the association.

((+5)) (6) A right to copy records under this section includes the right to receive copies by photocopying or other means, including through an electronic transmission if available upon request by the unit owner.

((+6)) (7) An association is not obligated to compile or synthesize information.

((+7)) (8) Information provided pursuant to this section may not be used for commercial purposes.

((+8)) (9) An association's managing agent must deliver all of the association's original books and records to the association immediately upon termination of its management relationship with the association, or upon such other demand as is made by the board. An association managing agent may keep copies of the association records at its own expense."

On page 1, line 2 of the title, after "communities;" strike the remainder of the

title and insert "and amending RCW 64.32.170, 64.34.372, 64.38.045, and 64.90.495."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1043 and advanced the bill, as amended by the Senate, to final passage.

Representatives McEntire and Peterson spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1043, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1043, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1043, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1117, with the following amendment(s): 1117-S AMS ENET S1163.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the electric grid is undergoing profound changes. Due to decreasing costs of renewable generation and policies like the clean energy transformation act, the grid is gradually evolving from one built to deliver to the customer electricity from centralized generation plants to one with variable energy resources like wind turbines and solar panels dispersed geographically across a broad landscape. As described in the 2021 Washington state energy strategy, the grid that our region is transitioning to

will require greater transmission capacity and make greater use of energy storage and customer-side resources to manage the generation on the supply side.

As clean electricity replaces fossil fuels in the state's economy, the transmission and distribution infrastructure, the sticks and wires of the grid, must meet increasingly complex service requirements and loads. The changing demand includes, but is not limited to, population changes, vehicle charging, serving other specialized technology that requires high power quality, electrification of building-related end uses now served by fossil fuels, electricity deployed on the customer side of the meter through net metering, community solar programs, and the growth of demand response programs.

Further, the clean energy transformation act requires that utilities making investments in new resources after May 2019, rely on energy efficiency, demand response, renewable resources, and energy storage to the maximum extent feasible, while transitioning away from coal and natural gas-fired generation. Electric utilities are actively working to ensure resource adequacy through the development of explicit resource adequacy standards and a standardized resource adequacy program. This work is ongoing and should result in a binding and enforceable program with a robust public oversight mechanism. Understanding and addressing any energy adequacy challenges created by a deeply decarbonized grid is key to keeping the state's supply of electricity reliable.

**Sec. 2.** RCW 19.280.065 and 2020 c 63 s 2 are each amended to read as follows:

(1) At least once every twelve months, the department and the commission shall jointly convene a meeting of representatives of the investor-owned utilities and consumer-owned utilities, regional planning organizations, transmission operators, energy analytics experts at Pacific Northwest national laboratory, and other stakeholders to discuss the current, short-term, and long-term adequacy of energy resources to serve the state's electric needs, and address specific steps the utilities can take to coordinate planning in light of the significant changes to the Northwest's power system including, but not limited to, technological developments, retirements of legacy baseload power generation resources, and changes in laws and regulations affecting power supply options. The department and commission shall provide a summary of these meetings, including any specific action items, to the governor and legislature within sixty days of the meeting.

(2) In 2023, the meeting convened by the department and the commission pursuant to subsection (1) of this section must address strategies to ensure power supply adequacy to avoid the risk of rolling blackouts. The meeting must also focus discussion on the extent to which proposed laws and regulations may require new state policy for resource adequacy. The stakeholder meeting should seek to identify regulatory and

statutory incentives to enhance and ensure resource adequacy and reliability. If regional energy analytics capability is established at Pacific Northwest national laboratory, the department and the commission must invite the Pacific Northwest national laboratory to the meeting to provide relevant analytics to inform the discussion.

(3) This section expires January 1, ((2025))2031."

On page 1, beginning on line 3 of the title, after "events;" strike the remainder of the title and insert "amending RCW 19.280.065; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1117 and advanced the bill, as amended by the Senate, to final passage.

Representatives Mosbrucker and Doglio spoke in favor of the passage of the bill.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1117, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1117, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1117, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Friday, April 7, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1187, with the following amendment(s): 1187-S.E AMS SHOR S3143.2

On page 7, line 28, after "(c)" insert "The privilege created in this subsection (11) may not interfere with an employee's or

union representative's applicable statutory mandatory reporting requirements, including but not limited to duties to report in chapters 26.44, 43.101, and 74.34 RCW.

(d)"

Correct any internal references accordingly.

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1187 and advanced the bill, as amended by the Senate, to final passage.

Representatives Hackney and Walsh spoke in favor of the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1187, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1187, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Cory, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1187, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1243, with the following amendment(s): 1243 AMS KING S3188.2

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 14.08.120 and 2021 c 106 s 1 are each amended to read as follows:

(1) In addition to the general powers conferred in this chapter, and without limitation thereof, a municipality that has established or may hereafter establish airports, restricted landing areas, or other

air navigation facilities, or that has acquired or set apart or may hereafter acquire or set apart real property for that purpose or purposes is authorized:

(a) To vest authority for the construction, enlargement, improvement, maintenance, equipment, operation, and regulation thereof in an officer, a board, or body of the municipality by ordinance or resolution that prescribes the powers and duties of the officer, board, or body (~~and the municipality may also vest authority for industrial and commercial development in a municipal airport commission consisting of at least five resident taxpayers of the municipality to be appointed by the governing board of the municipality by an ordinance or resolution that includes (i) the terms of office, which may not exceed six years and which shall be staggered so that not more than three terms will expire in the same year, (ii) the method of appointment and filling vacancies, (iii) a provision that there shall be no compensation but may provide for a per diem of not to exceed twenty-five dollars per day plus travel expenses for time spent on commission business, (iv) the powers and duties of the commission, and (v) any other matters necessary to the exercise of the powers relating to industrial and commercial development~~)).

(i) The municipality may also vest authority for the construction, enlargement, improvement, maintenance, equipment, operation, management, industrial and commercial development, and regulation thereof in a municipal airport commission through an ordinance or resolution that includes: (A) The terms of office, which may not exceed six years and which must be staggered so that not more than three terms expire in the same year; (B) the method of appointment and filling vacancies; (C) a provision that there is no compensation, but the provision may provide for a per diem for time spent on commission business of not more than \$25 per day plus travel expenses or, in lieu of travel expenses when travel requires overnight lodging, for a per diem payment of not more than the United States general services administration's per diem rates; (D) the powers and duties of the commission; and (E) any other matters necessary to the exercise of the commission's powers. The expense of the construction, enlargement, improvement, maintenance, equipment, industrial and commercial development, operation, management, and regulation are the responsibility of the municipality.

(ii) The commission consists of at least five members appointed by the governing body of the municipality, subject to the following conditions:

(A) In a municipality with a population of 35,000 or greater, members must be residents of the municipality;

(B) In a municipality with a population of fewer than 35,000, at least a majority of members must be residents of the municipality or the county in which the municipality is located, with any remaining members residents of a county or counties adjoining the municipality or the county in which the municipality is located;



(C) A majority of the commissioners must have expertise in: The aviation industry; business administration or operations; finance; accounting; marketing; economic development; commercial real estate development; engineering; planning and construction; law; utilities; or other related experience from industries that have a logical nexus with airport administration, operations, and development;

(D) Immediate family members of the governing body of the municipality, and current and former employees of the municipal airport, may not be appointed to the commission; and

(E) Members must agree to adhere to the ethical standards of conduct adopted by the municipality or the existing municipal airport commission.

(iii) A municipality may vest authority in a municipal airport commission to apply for loans through the public use general aviation airport loan program.

(b) To adopt and amend all needed rules, regulations, and ordinances for the management, government, and use of any properties under its control, whether within or outside the territorial limits of the municipality; to provide fire protection for the airport, including the acquisition and operation of fire protection equipment and facilities, and the right to contract with any private body or political subdivision of the state for the furnishing of such fire protection; to appoint airport guards or police, with full police powers; to fix by ordinance or resolution, as may be appropriate, penalties for the violation of the rules, regulations, and ordinances, and enforce those penalties in the same manner in which penalties prescribed by other rules, regulations, and ordinances of the municipality are enforced. For the purposes of such management and government and direction of public use, that part of all highways, roads, streets, avenues, boulevards, and territory that adjoins the limits of any airport or restricted landing area acquired or maintained under the provisions of this chapter is under like control and management of the municipality. It may also adopt and enact rules, regulations, and ordinances designed to safeguard the public upon or beyond the limits of private airports or landing strips within the municipality or its police jurisdiction against the perils and hazards of instrumentalities used in aerial navigation. Rules, regulations, and ordinances shall be published as provided by general law or the charter of the municipality for the publication of similar rules, regulations, and ordinances. They shall conform to and be consistent with the laws of this state and the rules of the state department of transportation and shall be kept in conformity, as nearly as may be, with the then current federal legislation governing aeronautics and the regulations duly promulgated thereunder and the rules and standards issued from time to time pursuant thereto.

(c) To create a special airport fund, and provide that all receipts from the operation of the airport be deposited in the fund, which fund shall remain intact from year to

year and may be pledged to the payment of aviation bonds, or kept for future maintenance, construction, or operation of airports or airport facilities.

(d) To lease airports or other air navigation facilities, or real property acquired or set apart for airport purposes, to private parties, any municipal or state government or the national government, or any department thereof, for operation; to lease or assign to private parties, any municipal or state government or the national government, or any department thereof, for operation or use consistent with the purposes of this chapter, space, area, improvements, or equipment of such airports; to authorize its lessees to construct, alter, repair, or improve the leased premises at the cost of the lessee and to reimburse its lessees for such cost, provided the cost is paid solely out of funds fully collected from the airport's tenants; to sell any part of such airports, other air navigation facilities or real property to any municipal or state government, or to the United States or any department or instrumentality thereof, for aeronautical purposes or purposes incidental thereto, and to confer the privileges of concessions of supplying upon its airports goods, commodities, things, services, and facilities: PROVIDED, That in each case in so doing the public is not deprived of its rightful, equal, and uniform use thereof.

(e) Acting through its governing body, to sell or lease any property, real or personal, acquired for airport purposes and belonging to the municipality, which, in the judgment of its governing body, may not be required for aircraft landings, aircraft takeoffs or related aeronautic purposes, in accordance with the laws of this state, or the provisions of the charter of the municipality, governing the sale or leasing of similar municipally owned property. The municipal airport commission, if one has been organized and appointed under (a) of this subsection, may lease any airport property for aircraft landings, aircraft takeoffs, or related aeronautic purposes. If there is a finding by the governing body of the municipality that any airport property, real or personal, is not required for aircraft landings, aircraft takeoffs, or related aeronautic purposes, then the municipal airport commission may lease such space, land, area, or improvements, or construct improvements, or take leases back for financing purposes, grant concessions on such space, land, area, or improvements, all for industrial or commercial purposes, by private negotiation and under such terms and conditions that seem just and proper to the municipal airport commission. Any such lease of real property for aircraft manufacturing or aircraft industrial purposes or to any manufacturer of aircraft or aircraft parts or for any other business, manufacturing, or industrial purpose or operation relating to, identified with, or in any way dependent upon the use, operation, or maintenance of the airport, or for any commercial or industrial purpose may be made for any period not to exceed ~~((seventy-five))~~ 75 years, but any such lease of real property made for a longer period than ~~((ten))~~ 10

years shall contain provisions requiring the municipality and the lessee to permit the rentals for each five-year period thereafter, to be readjusted at the commencement of each such period if written request for readjustment is given by either party to the other at least ~~((thirty))~~<sup>30</sup> days before the commencement of the five-year period for which the readjustment is requested. If the parties cannot agree upon the rentals for the five-year period, they shall submit to have the disputed rentals for the period adjusted by arbitration. The lessee shall pick one arbitrator, and the governing body of the municipality shall pick one, and the two so chosen shall select a third. After a review of all pertinent facts the board of arbitrators may increase or decrease such rentals or continue the previous rate thereof.

The proceeds of the sale of any property the purchase price of which was obtained by the sale of bonds shall be deposited in the bond sinking fund. If all the proceeds of the sale are not needed to pay the principal of bonds remaining unpaid, the remainder shall be paid into the airport fund of the municipality. The proceeds of sales of property the purchase price of which was paid from appropriations of tax funds shall be paid into the airport fund of the municipality.

(f) To determine the charges or rental for the use of any properties under its control and the charges for any services or accommodations, and the terms and conditions under which such properties may be used: PROVIDED, That in all cases the public is not deprived of its rightful, equal, and uniform use of the property. Charges shall be reasonable and uniform for the same class of service and established with due regard to the property and improvements used and the expense of operation to the municipality. The municipality shall have and may enforce liens, as provided by law for liens and enforcement thereof, for repairs to or improvement or storage or care of any personal property, to enforce the payment of any such charges. As used in this subsection (1)(f), the term "charges" does not refer to any minimum labor standard imposed by a municipality pursuant to subsection (2) of this section.

(g) To impose a customer facility charge upon customers of rental car companies accessing the airport for the purposes of financing, designing, constructing, operating, and maintaining consolidated rental car facilities and common use transportation equipment and facilities which are used to transport the customer between the consolidated car rental facilities and other airport facilities. The airport operator may require the rental car companies to collect the facility charges, and any facility charges so collected shall be deposited in a trust account for the benefit of the airport operator and remitted at the direction of the airport operator, but no more often than once per month. The charge shall be calculated on a per-day basis. Facility charges may not exceed the reasonable costs of financing, designing, constructing, operating, and maintaining the consolidated car rental facilities and

common use transportation equipment and facilities and may not be used for any other purpose. For the purposes of this subsection (1)(g), if an airport operator makes use of its own funds to finance the consolidated rental car facilities and common use transportation equipment and facilities, the airport operator (i) is entitled to earn a rate of return on such funds no greater than the interest rate that the airport operator would pay to finance such facilities in the appropriate capital market, provided that the airport operator establish the rate of return in consultation with the rental car companies, and (ii) may use the funds earned under (g)(i) of this subsection for purposes other than those associated with the consolidated rental car facilities and common use transportation equipment and facilities.

(h) To make airport property available for less than fair market rental value under very limited conditions provided that prior to the lease or contract authorizing such use the airport operator's board, commission, or council has (i) adopted a policy that establishes that such lease or other contract enhances the public acceptance of the airport and serves the airport's business interest and (ii) adopted procedures for approval of such lease or other contract.

(i) If the airport operator has adopted the policy and procedures under (h) of this subsection, to lease or license the use of property belonging to the municipality and acquired for airport purposes at less than fair market rental value as long as the municipality's council, board, or commission finds that the following conditions are met:

(i) The lease or license of the subject property enhances public acceptance of the airport in a community in the immediate area of the airport;

(ii) The subject property is put to a desired public recreational or other community use by the community in the immediate area of the airport;

(iii) The desired community use and the community goodwill that would be generated by such community use serves the business interest of the airport in ways that can be articulated and demonstrated;

(iv) The desired community use does not adversely affect the capacity, security, safety, or operations of the airport;

(v) At the time the community use is contemplated, the subject property is not reasonably expected to be used by an aeronautical tenant or otherwise be needed for airport operations in the foreseeable future;

(vi) At the time the community use is contemplated, the subject property would not reasonably be expected to produce more than de minimis revenue;

(vii) If the subject property can be reasonably expected to produce more than de minimis revenue, the community use is permitted only where the revenue to be earned from the community use would approximate the revenue that could be generated by an alternate use;

(viii) Leases for community use must not preclude reuse of the subject property for airport purposes if, in the opinion of the

airport owner, reuse of the subject property would provide greater benefits to the airport than continuation of the community use;

(ix) The airport owner ensures that airport revenue does not support the capital or operating costs associated with the community use;

(x) The lease or other contract for community use is not to a for-profit organization or for the benefit of private individuals;

(xi) The lease or other contract for community use is subject to the requirement that if the term of the lease is for a period that exceeds ~~((ten))~~ 10 years, the lease must contain a provision allowing for a readjustment of the rent every five years after the initial ~~((ten-year))~~ 10-year term;

(xii) The lease or other contract for community use is subject to the requirement that the term of the lease must not exceed ~~((fifty))~~ 50 years; and

(xiii) The lease or other contract for community use is subject to the requirement that if the term of the lease exceeds one year, the lease or other contract obligations must be secured by rental insurance, bond, or other security satisfactory to the municipality's board, council, or commission in an amount equal to at least one year's rent, or as consistent with chapter 53.08 RCW. However, the municipality's board, council, or commission may waive the rent security requirement or lower the amount of the rent security requirement for good cause.

(j) To exercise all powers necessarily incidental to the exercise of the general and special powers granted in this section.

(2)(a) A municipality that controls or operates an airport having had more than ~~((twenty million))~~ 20,000,000 annual commercial air service passenger enplanements on average over the most recent seven full calendar years that is located within the boundaries of a city that has passed a local law or ordinance setting a minimum labor standard that applies to certain employers operating or providing goods and services at the airport is authorized to enact a minimum labor standard that applies to employees working at the airport, so long as the minimum labor standard meets, but does not exceed, the minimum labor standard in the city's law or ordinance.

(b) A municipality's authority to establish a minimum labor standard pursuant to (a) of this subsection may be imposed only on employers that are excluded from the minimum labor standard established by such city because the type of good or service provided by the employer is expressly excluded in the text of the city's law or ordinance.

(c) This section does not authorize a municipality to establish a minimum labor standard for an employer who was excluded from the city's law or ordinance because it is a certificated air carrier performing services for itself or based on the employer's size or number of employees.

(d) The authority granted under (a) of this subsection shall only apply to employers who provide the goods or services

at the airport from facilities that are located on property owned by the municipality and within the boundaries of the city that enacted the minimum labor standard."

On page 1, line 1 of the title, after "commissions;" strike the remainder of the title and insert "and amending RCW 14.08.120."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1243 and advanced the bill, as amended by the Senate, to final passage.

Representatives Dent and Duerr spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1243, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1243, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Ortiz-Self

HOUSE BILL NO. 1243, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1293, with the following amendment(s): 1293-S.E AMS LGLT S2540.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A RCW to read as follows:

(1) For purposes of this section, "design review" means a formally adopted local government process by which projects are reviewed for compliance with design

standards for the type of use adopted through local ordinance.

(2) Except as provided in subsection (3) of this section, counties and cities planning under RCW 36.70A.040 may apply in any design review process only clear and objective development regulations governing the exterior design of new development. For purposes of this section, a clear and objective development regulation:

(a) Must include one or more ascertainable guideline, standard, or criterion by which an applicant can determine whether a given building design is permissible under that development regulation; and

(b) May not result in a reduction in density, height, bulk, or scale below the generally applicable development regulations for a development proposal in the applicable zone.

(3) The provisions of subsection (2) of this section do not apply to development regulations that apply only to designated landmarks or historic districts established under a local preservation ordinance.

(4) Any design review process must be conducted concurrently, or otherwise logically integrated, with the consolidated review and decision process for project permits set forth in RCW 36.70B.120(3), and no design review process may include more than one public meeting.

(5) A county or city must comply with the requirements of this section beginning six months after its next periodic comprehensive plan update required under RCW 36.70A.130.

**Sec. 2.** RCW 36.70B.160 and 1995 c 347 s 420 are each amended to read as follows:

(1) Each local government is encouraged to adopt further project review provisions to provide prompt, coordinated, and objective review and ensure accountability to applicants and the public, including expedited review for project permit applications for projects that are consistent with adopted development regulations or that include dwelling units that are affordable to low-income or moderate-income households and within the capacity of systemwide infrastructure improvements.

(2) Nothing in this chapter is intended or shall be construed to prevent a local government from requiring a preapplication conference or a public meeting by rule, ordinance, or resolution, where otherwise required by applicable state law.

(3) Each local government shall adopt procedures to monitor and enforce permit decisions and conditions.

(4) Nothing in this chapter modifies any independent statutory authority for a government agency to appeal a project permit issued by a local government.

(5) For the purposes of this section:

(a) A dwelling unit is affordable if it requires payment of monthly housing costs, including utilities other than telephone, of no more than 30 percent of the family's income.

(b) "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or

more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation, and that is sold or rented separately from other dwelling units.

(c) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than 80 percent of the median family income, adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development, or less than 80 percent of the city's median income if the project is located in the city, the city has median income of more than 20 percent above the county median income, and the city has adopted an alternative local median income.

(d) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income, adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development, or less than 120 percent of the city's median income if the project is located in the city, the city has median income of more than 20 percent above the county median income, and the city has adopted an alternative local median income."

On page 1, line 2 of the title, after "regulations;" strike the remainder of the title and insert "amending RCW 36.70B.160; and adding a new section to chapter 36.70A RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1293 and advanced the bill, as amended by the Senate, to final passage.

Representatives Klicker and Peterson spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1293, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1293, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street,

Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Pollet

Excused: Representatives Chandler and Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1293, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Thursday, April 6, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1340, with the following amendment(s): 1340-S.E AMS LOVE S2804.1; 1340-S.E AMS CLEV S3066.1

On page 7, after line 26, insert the following:

"NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 5 of the title, after "18.130.055;" strike "and adding a new section to chapter 18.130 RCW" and insert "adding a new section to chapter 18.130 RCW; and declaring an emergency"

On page 6, after line 10, insert the following:

"(a) The provision of, authorization of, recommendation of, aiding in, assistance in, referral for, or other participation in any reproductive health care services or gender affirming treatment consistent with the standard of care in Washington by a license holder;"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1340 and advanced the bill, as amended by the Senate, to final passage.

Representative Riccelli spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1340, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1340, as amended by the Senate, and the

bill passed the House by the following vote: Yeas, 60; Nays, 36; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Klicker, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Chandler and Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1340, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Friday, April 7, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1345, with the following amendment(s): 1345 AMS HS S2333.1

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 72.09.470 and 1995 1st sp.s. c 19 s 7 are each amended to read as follows:

To the greatest extent practical, all ~~((inmates))~~ incarcerated individuals shall contribute to the cost of privileges. The department may require incarcerated individuals to contribute to the cost of specific privileges designated by the department in accordance with standards that the department shall develop and adopt to ensure that incarcerated individuals contribute a portion of the department's costs directly associated with providing designated privileges. The department shall establish standards by which ~~((inmates))~~ incarcerated individuals shall contribute a portion of the department's capital costs of providing privileges, including television cable access, ~~((extended family visitation,))~~ weight lifting, and other recreational sports equipment and supplies. The standards shall also require ~~((inmates))~~ incarcerated individuals to contribute a ~~((significant))~~ portion of the department's operating costs directly associated with providing privileges, including staff and supplies. ~~((Inmate contributions))~~ Contributions by incarcerated individuals may be in the form of individual user fees assessed against an ~~((inmate's))~~ incarcerated individual's institution account, deductions from an ~~((inmate's))~~ incarcerated individual's gross wages or gratuities, or ~~((inmates' ))~~ collective contributions by incarcerated individuals to the institutional welfare/betterment fund. The department shall make every effort to maximize incarcerated individual ~~((inmate))~~ contributions to

payment for privileges. The department shall not limit ~~((inmates'))~~ incarcerated individuals' financial support for privileges to contributions from the institutional welfare/betterment fund. The standards shall consider the assets available to the ~~((inmates))~~ incarcerated individuals, the cost of administering compliance with the contribution requirements, and shall promote a responsible work ethic."

On page 1, line 2 of the title, after "individuals;" strike the remainder of the title and insert "and amending RCW 72.09.470."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1345 and advanced the bill, as amended by the Senate, to final passage.

Representative Farivar spoke in favor of the passage of the bill.

Representative Mosbrucker spoke against the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1345, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1345, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 66; Nays, 30; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gochner, Goodman, Gregerson, Hackney, Hansen, Harris, Hutchins, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Chambers, Christian, Connors, Corry, Couture, Dent, Dye, Graham, Griffey, Jacobsen, Klicker, Kretz, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Chandler and Ortiz-Self

HOUSE BILL NO. 1345, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Wednesday, April 5, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1424, with the following amendment(s): 1424-S.E AMS ENGR S2603.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 16.52.360 and 2021 c 76 s 1 are each amended to read as follows:

(1) Except as provided in this section, a retail pet store may not sell or offer for sale any dog or cat.

(2) A retail pet store that sold or offered for sale any dog prior to July 25, 2021, may sell or offer for sale a dog only if the retail pet store meets the following requirements:

(a) Any dog sold or offered for sale must be sold or offered for sale only at the address identified on the retail pet store's business license, as defined in RCW 19.02.020;

(b) Any dog sold or offered for sale must be obtained either:

(i) Directly from a breeder, including an out-of-state breeder, who satisfies the requirements of RCW 16.52.310; or

(ii) From a United States department of agriculture licensed broker pursuant to the federal animal welfare act, Title 7 U.S.C. Sec. 2131 et seq. as amended, that obtains dogs from a breeder in compliance with this section. A licensed broker shall provide all breeder documentation required by a breeder under this section as well as any applicable federal and state license numbers for the breeder or the broker;

(c) Any dog sold or offered for sale must possess documentation obtained from its breeder, either directly or through a United States department of agriculture licensed broker, demonstrating:

(i) The dog was not separated from its mother prior to the age of eight weeks; and

(ii) The breeder's compliance with RCW 16.52.310 on the date the dog was obtained from the breeder;

(d) A retail pet store shall, prior to obtaining a dog from a breeder or a broker, obtain all inspection reports for the breeder created by the United States department of agriculture within the previous three years, if applicable. A retail pet store shall maintain and, upon request, produce the records for a period of five years following the sale of a dog obtained from a breeder or broker;

(e) Any advertisement, including website postings, offering to sell a dog must include:

(i) A range of prices at which a dog, breed of dog, or dogs having other distinguishing traits are offered for sale;

(ii) The age of the dog; and

(iii) Supporting documentation providing the applicable federal or state license numbers for the breeder of the dog, if applicable;

(f) The retail pet store shall post in a location visible from the entrance of the retail pet store on a kiosk or other form of bulletin board the purchase price, age, and the following information on the dog's breeder:

(i) Full name;

(ii) Kennel name, if applicable;

(iii) City and state; and

(iv) Any applicable state or federal license numbers; and

(g) The retail pet store shall disclose to a prospective consumer in writing, prior to the sale of a dog, the following information about the dog:

(i) The purchase price of the dog; and

(ii) Any applicable federal or state license numbers and an unredacted list of all violations of any federal or state law the dog breeder or cat breeder received in the previous two years on a federal or state inspection report.

(3) A retail pet store may provide space and appropriate care for animals, including dogs and cats, owned by an animal care and control agency or animal rescue group for the purpose of adopting those animals to the public. Each retail pet store shall display on each cage or pen containing a dog or cat a label stating the certificate of source, including the name and address of the animal care and control agency or animal rescue group.

(4)(a) It is a class 1 civil infraction under chapter 7.80 RCW for any person or corporation who violates this section, subject to the maximum infraction of \$250. The civil infraction may be served on the pet store's registered agent.

(i) An enforcement officer as defined in RCW 7.80.040 or an animal control officer under RCW 16.52.015 may investigate and enforce this section.

(ii) Appeals are pursuant to chapter 7.80 RCW.

(b) Any retail pet store that violates this section three or more times over a one-year period is prohibited from selling or offering to sell any dog or cat.

(5) Nothing in this section prohibits any city, town, or county from enacting or enforcing a local ordinance that places greater proscriptions on the sale of any animal by a retail pet store than proscribed by this section or that provides penalties equal to or greater than the penalties provided in this section.

**Sec. 2.** RCW 16.52.015 and 2011 c 172 s 2 are each amended to read as follows:

(1) Law enforcement agencies and animal care and control agencies may enforce the provisions of this chapter. Animal care and control agencies may enforce the provisions of this chapter in a county or city only if the county or city legislative authority has entered into a contract with the agency to enforce the provisions of this chapter.

(2) Animal control officers enforcing this chapter shall comply with the same constitutional and statutory restrictions concerning the execution of police powers imposed on law enforcement officers who enforce this chapter and other criminal laws of the state of Washington.

(3) Animal control officers have the following enforcement powers when enforcing this chapter:

(a) The power to issue civil penalties based on violations under section 1 of this act;

(b) The power to issue citations based on probable cause to offenders for civil infractions and misdemeanor and gross misdemeanor violations of this chapter or RCW 9.08.070 through 9.08.078 or 81.48.070;

~~((b))~~(c) The power to cause a law enforcement officer to arrest and take into custody any person the animal control officer has probable cause to believe has committed or is committing a violation of this chapter or RCW 9.08.070 or 81.48.070. Animal control officers may make an oral complaint to a prosecuting attorney or a law enforcement officer to initiate arrest. The animal control officer causing the arrest shall file with the arresting agency a written complaint within ~~((twenty-four))~~24 hours of the arrest, excluding Sundays and legal holidays, stating the alleged act or acts constituting a violation;

~~((e))~~(d) The power to carry nonfirearm protective devices for personal protection;

~~((d))~~(e) The power to prepare affidavits in support of search warrants and to execute search warrants when accompanied by law enforcement officers to investigate violations of this chapter or RCW 9.08.070 or 81.48.070, and to seize evidence of those violations.

(4) Upon request of an animal control officer who has probable cause to believe that a person has violated this chapter or RCW 9.08.070 or 81.48.070, a law enforcement agency officer may arrest the alleged offender.

**Sec. 3.** RCW 16.52.310 and 2009 c 286 s 2 are each amended to read as follows:

(1) A person may not own, possess, control, or otherwise have charge or custody of more than ~~((fifty))~~50 dogs with intact sexual organs over the age of six months at any time.

(2) Any person who owns, possesses, controls, or otherwise has charge or custody of more than ~~((ten))~~10 dogs with intact sexual organs over the age of six months and keeps the dogs in an enclosure for the majority of the day must at a minimum:

(a) Provide space to allow each dog to turn about freely, to stand, sit, and lie down. The dog must be able to lie down while fully extended without the dog's head, tail, legs, face, or feet touching any side of an enclosure and without touching any other dog in the enclosure when all dogs are lying down simultaneously. The interior height of the enclosure must be at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position. Each enclosure must be at least three times the length and width of the longest dog in the enclosure, from tip of nose to base of tail and shoulder blade to shoulder blade.

(b) Provide each dog that is over the age of four months with a minimum of one exercise period during each day for a total of not less than one hour of exercise during such day. Such exercise must include either leash walking or giving the dog access to an enclosure at least four times the size of the minimum allowable enclosure specified in (a) of this subsection allowing the dog free mobility for the entire exercise period, but may not include use of a cat mill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of veterinary medicine. The exercise requirements in this subsection do not apply to a dog certified

by a doctor of veterinary medicine as being medically precluded from exercise.

(c) Maintain adequate housing facilities and primary enclosures that meet the following requirements at a minimum:

(i) Housing facilities and primary enclosures must be kept in a sanitary condition. Housing facilities where dogs are kept must be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels, and to prevent moisture condensation. Housing facilities must have a means of fire suppression, such as functioning fire extinguishers, on the premises and must have sufficient lighting to allow for observation of the dogs at any time of day or night;

(ii) Housing facilities must enable all dogs to remain dry and clean;

(iii) Housing facilities must provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs;

(iv) Housing facilities must provide sufficient shade to shelter all the dogs housed in the primary enclosure at one time;

(v) A primary enclosure must have floors that are constructed in a manner that protects the dogs' feet and legs from injury;

(vi) Primary enclosures must be placed no higher than forty-two inches above the floor and may not be placed over or stacked on top of another cage or primary enclosure;

(vii) Feces, hair, dirt, debris, and food waste must be removed from primary enclosures at least daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests, and odors; and

(viii) All dogs in the same enclosure at the same time must be compatible, as determined by observation. Animals with a vicious or aggressive disposition must never be placed in an enclosure with another animal, except for breeding purposes. Breeding females in heat may not be in the same enclosure at the same time with sexually mature males, except for breeding purposes. Breeding females and their litters may not be in the same enclosure at the same time with other adult dogs. Puppies under twelve weeks may not be in the same enclosure at the same time with other adult dogs, other than the dam or foster dam unless under immediate supervision.

(d) Provide dogs with easy and convenient access to adequate amounts of clean food and water. Food and water receptacles must be regularly cleaned and sanitized. All enclosures must contain potable water that is not frozen, is substantially free from debris, and is readily accessible to all dogs in the enclosure at all times.

(e) Provide veterinary care without delay when necessary. A dog may not be bred if a veterinarian determines that the animal is unfit for breeding purposes. Only dogs between the ages of twelve months and eight years of age may be used for breeding. Animals requiring euthanasia must be euthanized only by a licensed veterinarian.

(3) A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor.

(4) This section does not apply to the following:

(a) A publicly operated animal control facility or animal shelter;

(b) A private, charitable not-for-profit humane society or animal adoption organization;

(c) A veterinary facility;

(d) A retail pet store;

(e) A research institution;

(f) A boarding facility; or

(g) A grooming facility.

(5) ~~((Subsection (1) of this section does not apply to a commercial dog breeder licensed, before January 1, 2010, by the United States department of agriculture pursuant to the federal animal welfare act (Title 7 U.S.C. Sec. 2131 et seq.).~~

~~(6))~~ For the purposes of this section, the following definitions apply, unless the context clearly requires otherwise:

(a) "Dog" means any member of *Canis lupus familiaris*; and

(b) "Retail pet store" means a commercial establishment that engages in a for-profit business of selling at retail cats, dogs, or other animals to be kept as household pets and is regulated by the United States department of agriculture.

NEW SECTION. Sec. 4. A new section is added to chapter 63.10 RCW to read as follows:

A lessor shall not finance a consumer lease for the purchase of a dog or cat. A lease contract entered into on or after the effective date of this section for the purchase of a dog or cat is void and unenforceable and the lessor shall have no right to collect, receive, or retain any principal, interest, or charges related to the lease contract.

NEW SECTION. Sec. 5. A new section is added to chapter 63.14 RCW to read as follows:

A retail installment transaction entered into on or after the effective date of this section for the purchase of a dog or cat is void and unenforceable and the retail seller shall have no right to collect, receive, or retain any principal, interest, or charges related to the retail installment transaction.

NEW SECTION. Sec. 6. A new section is added to chapter 31.04 RCW to read as follows:

A licensee shall not finance or make a loan for the purchase of a dog or cat. A loan entered into on or after the effective date of this section for the purchase of a dog or cat is void and unenforceable and the licensee shall have no right to collect, receive, or retain any principal, interest, or charges related to the loan."

On page 1, line 2 of the title, after "cats;" strike the remainder of the title and insert "amending RCW 16.52.360, 16.52.015, and 16.52.310; adding a new section to chapter 63.10 RCW; adding a new section to chapter 63.14 RCW; adding a new section to chapter 31.04 RCW; and prescribing penalties."



and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1424 and advanced the bill, as amended by the Senate, to final passage.

Representatives Berg and McClintock spoke in favor of the passage of the bill.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1424, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1424, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goeher, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Christian, Dent, McEntire and Walsh

Excused: Representatives Chandler and Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1424, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Monday, April 10, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1527, with the following amendment(s): 1527 AMS ENGR S2285.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.114.010 and 2021 c 207 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assessed value of real property" means the valuation of taxable real property as placed on the last completed assessment roll prepared pursuant to Title 84 RCW.

(2) "Increment area" means the geographic area within which regular property tax revenues are to be apportioned to pay public

improvement costs, as authorized under this chapter.

(3) "Increment value" means 100 percent of any increase in the true and fair value of real property in an increment area that is placed on the tax rolls after the increment area (~~is created~~) takes effect. The increment value shall not be less than zero.

(4) "Local government" means any city, town, county, port district, or any combination thereof.

(5) "Ordinance" means any appropriate method of taking legislative action by a local government, including a resolution adopted by a port district organized under Title 53 RCW.

(6) "Public improvement costs" means the costs of:

(a) Design, planning, acquisition, required permitting, required environmental studies and mitigation, seismic studies or surveys, archaeological studies or surveys, land surveying, site acquisition, including appurtenant rights and site preparation, construction, reconstruction, rehabilitation, improvement, expansion, and installation of public improvements, and other directly related costs;

(b) Relocating, maintaining, and operating property pending construction of public improvements;

(c) Relocating utilities as a result of public improvements;

(d) Financing public improvements, including capitalized interest for up to six months following completion of construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary debt service reserves;

(e) Expenses incurred in revaluing real property for the purpose of determining the tax allocation base value by a county assessor under chapter 84.41 RCW and expenses incurred by a county treasurer under chapter 84.56 RCW in apportioning the taxes and complying with this chapter and other applicable law. For purposes of this subsection (6) (e), "expenses incurred" means actual staff and software costs directly related to the implementation and ongoing administration of increment areas under this chapter; and

(f) Administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of tax increment financing to fund the costs of the public improvements.

(7) "Public improvements" means:

(a) Infrastructure improvements owned by a state or local government within or outside of and serving the increment area ((that include) and real property owned or acquired by a local government within the increment area including:

(i) Street and road construction;

(ii) Water and sewer system construction, expansion, and improvements;

(iii) Sidewalks and other nonmotorized transportation improvements and streetlights;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities or other transit facilities;

(vi) Park and community facilities and recreational areas;

(vii) Stormwater and drainage management systems;

(viii) Electric, broadband, or rail service;

(ix) Mitigation of brownfields; or

(b) Expenditures for any of the following purposes:

(i) Purchasing, rehabilitating, retrofitting for energy efficiency, and constructing housing for the purpose of creating or preserving long-term affordable housing;

(ii) Purchasing, rehabilitating, retrofitting for energy efficiency, and constructing child care facilities serving children and youth that are low-income, homeless, or in foster care;

(iii) Providing maintenance and security for the public improvements; ~~((~~o~~))~~

(iv) Historic preservation activities authorized under RCW 35.21.395; or

(v) Relocation and construction of a government-owned facility, with written permission from the agency owning the facility and the office of financial management.

(8) "Real property" means:

(a) Real property as defined in RCW 84.04.090; and

(b) Privately owned or used improvements located on publicly owned land that are subject to property taxation or leasehold excise tax.

(9) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by port districts or public utility districts to the extent necessary for the payments of principal and interest on general obligation debt; and (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065. Regular property taxes do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043. "Regular property taxes" does not include excess property taxes levied by local school districts.

~~((+9))~~ (10) "Tax allocation base value" means the assessed value of real property located within an increment area for taxes imposed in the year in which the increment area ((is first designated)) takes effect.

~~((+10))~~ (11) "Tax allocation revenues" means those revenues derived from the imposition of regular property taxes on the increment value.

~~((+11))~~ (12) "Taxing district" means a governmental entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved increment area.

**Sec. 2.** RCW 39.114.020 and 2021 c 207 s 2 are each amended to read as follows:

(1) A local government may designate an increment area under this chapter and use the tax allocation revenues to pay public

improvement costs, subject to the following conditions:

(a) The local government must adopt an ordinance designating an increment area within its boundaries and describing the public improvements proposed to be paid for, or financed with, tax allocation revenues;

(b) The local government may not designate increment area boundaries such that the entirety of its territory falls within an increment area;

(c) The increment area may not have an assessed valuation of more than \$200,000,000 or more than 20 percent of the sponsoring jurisdiction's total assessed valuation, whichever is less, when the ordinance is passed. If a sponsoring jurisdiction creates two increment areas, the total combined assessed valuation in both of the two increment areas may not equal more than \$200,000,000 or more than 20 percent of the sponsoring jurisdiction's total assessed valuation, whichever is less, when the ordinances are passed creating the increment areas;

(d) A local government can create no more than two active increment areas at any given time and they may not physically overlap by including the same land in more than one increment area at any time;

(e) The ordinance must set a sunset date for the increment area, which may be no more than 25 years after the first year in which tax allocation revenues are collected from the increment area;

(f) The ordinance must identify the public improvements to be financed and indicate whether the local government intends to issue bonds or other obligations, payable in whole or in part, from tax allocation revenues to finance the public improvement costs, and must estimate the maximum amount of obligations contemplated;

(g) The ordinance must provide that the increment area takes effect on June 1st following the adoption of the ordinance in (a) of this subsection;

(h) The sponsoring jurisdiction may not add additional public improvements to the project after adoption of the ordinance creating the increment area or change the boundaries of the increment area. The sponsoring jurisdiction may expand, alter, or add to the original public improvements when doing so is necessary to assure the originally approved improvements can be constructed or operated;

(i) The ordinance must impose a deadline by which commencement of construction of the public improvements shall begin, which deadline must be at least five years into the future and for which extensions shall be made available for good cause; and

(j) The local government must make a finding that:

(i) The public improvements proposed to be paid or financed with tax allocation revenues are expected to encourage private development within the increment area and to increase the assessed value of real property within the increment area;

(ii) Private development that is anticipated to occur within the increment area as a result of the proposed public improvements will be permitted consistent

with the permitting jurisdiction's applicable zoning and development standards;

(iii) The private development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future without the proposed public improvements; and

(iv) The increased assessed value within the increment area that could reasonably be expected to occur without the proposed public improvements would be less than the increase in the assessed value estimated to result from the proposed development with the proposed public improvements.

(2) In considering whether to designate an increment area, the legislative body of the local government must prepare a project analysis that shall include, but need not be limited to, the following:

(a) A statement of objectives of the local government for the designated increment area;

(b) A statement as to the property within the increment area, if any, that the local government may intend to acquire;

(c) The duration of the increment area;

(d) Identification of all parcels to be included in the area;

(e) A description of the expected private development within the increment area, including a comparison of scenarios with the proposed public improvements and without the proposed public improvements;

(f) A description of the public improvements, estimated public improvement costs, and the estimated amount of bonds or other obligations expected to be issued to finance the public improvement costs and repaid with tax allocation revenues;

(g) The assessed value of real property listed on the tax roll as certified by the county assessor under RCW 84.52.080 from within the increment area and an estimate of the increment value and tax allocation revenues expected to be generated;

(h) An estimate of the job creation reasonably expected to result from the public improvements and the private development expected to occur in the increment area; and

(i) An assessment of any impacts and any necessary mitigation to address the impacts identified on the following:

(i) Affordable and low-income housing;

(ii) The local business community;

(iii) The local school districts; and

(iv) The local fire service.

(3) The local government may charge a private developer, who agrees to participate in creating the increment area, a fee sufficient to cover the cost of the project analysis and establishing the increment area, including staff time, professionals and consultants, and other administrative costs related to establishing the increment area.

(4) Nothing in this section prohibits a local government from entering into an agreement under chapter 39.34 RCW with another local government for the administration or other activities related to tax increment financing authorized under this section.

(5) If the project analysis indicates that an increment area will impact at least 20 percent of the assessed value in a fire

protection district or regional fire protection service authority, or the fire service agency's annual report demonstrates an increase in the level of service directly related to the increment area, the local government must negotiate a mitigation plan with the fire protection district or regional fire protection service authority to address level of service issues in the increment area.

(6) The local government may reimburse the assessor and treasurer for their costs as provided in RCW 39.114.010(6)(e).

(7) Prior to the adoption of an ordinance authorizing creation of an increment area, the local government must:

(a) Hold at least two public briefings for the community solely on the tax increment project that include the description of the increment area, the public improvements proposed to be financed with the tax allocation revenues, and a detailed estimate of tax revenues for the participating local governments and taxing districts, including the amounts allocated to the increment public improvements. The briefings must be announced at least two weeks prior to the date being held, including publishing in a legal newspaper of general circulation and posting information on the local government website and all local government social media sites; and

(b) Submit the project analysis to the office of the treasurer for review and consider any comments that the treasurer may provide upon completion of their review of the project analysis as provided under this subsection. The treasurer must complete the review within 90 days of receipt of the project analysis and may consult with other agencies and outside experts as necessary. Upon completing their review, the treasurer must promptly provide to the local government any comments regarding suggested revisions or enhancements to the project analysis that the treasurer deems appropriate based on the requirements in subsection (2) of this section.

**Sec. 3.** RCW 39.114.040 and 2021 c 207 s 4 are each amended to read as follows:

The local government designating the increment area must:

(1) Publish notice in a legal newspaper of general circulation within the jurisdiction of the local government at least two weeks before the date on which the ordinance authorizing creation of an increment area is adopted that describes the public improvements, describes the boundaries of the increment area, and identifies the location and times where the ordinance and other public information concerning the public improvement may be inspected; and

(2) Deliver a certified copy of the adopted ordinance to the county treasurer, the county assessor, and the governing body of each taxing district within which the increment area is located at the respective addresses specified pursuant to RCW 42.56.040 within 10 days of the date on which the ordinance was adopted.

**Sec. 4.** RCW 39.114.050 and 2021 c 207 s 5 are each amended to read as follows:

Apportionment of taxes shall be as follows:

(1) Commencing in the calendar year immediately following the ~~((passage of the ordinance))~~ calendar year in which the increment area takes effect in accordance with RCW 39.114.020, the county treasurer shall distribute receipts from regular property taxes imposed on real property located in the increment area as follows:

(a) Each taxing district shall receive that portion of its regular property taxes produced by the rate of tax levied by or for the taxing district on the tax allocation base value for that increment area;

(b) The local government that designated the increment area shall be entitled to receive an additional amount equal to the amount derived from the regular property taxes levied by or for each taxing district upon the increment value within the increment area. The local government that designated the increment area shall receive no more than is needed to pay or repay costs directly associated with the public improvements identified in the approved ordinance and may agree to receive less than the full amount of this portion, as long as bond debt service, reserve, and other bond covenant requirements are satisfied, in which case the balance of these tax receipts shall be allocated to the taxing districts that imposed regular property taxes, or have regular property taxes imposed for them, in the increment area for collection that year in proportion to their regular tax levy rates for collection that year. The local government may request that the treasurer transfer this additional portion of the property taxes to its designated agent. The portion of the tax receipts distributed to the local government or its agent under this subsection (1)(b) may only be expended to finance public improvement costs associated with the public improvements financed in whole or in part by tax increment financing; and

(c) This section shall not apply to any receipts from the regular property taxes levied by:

(i) The state for the support of the common schools under RCW 84.52.065;

(ii) Local school district excess levies; and

(iii) Port districts or public utility districts specifically for the purpose of making required payments of principal and interest or general indebtedness.

(2) The apportionment of tax allocation revenues must cease when the taxing district certifies to the county assessor in writing that tax allocation revenues are no longer necessary or obligated to pay public improvement costs, but in no event shall the apportionment of tax allocation revenues continue beyond the sunset date established pursuant to RCW 39.114.020(1)(e). Any excess tax allocation revenues and earnings on the tax allocation revenues remaining at the time the apportionment of tax receipts terminates must be returned to the county treasurer and distributed to the taxing districts that imposed regular property taxes, or had regular property taxes imposed

for it, in the increment area for collection that year, in proportion to the rates of their regular property tax levies for collection that year.

(3) The apportionment and distribution of portions of the regular property taxes levied by or for each taxing district upon the increment value within the increment area pursuant to and subject to the requirements of this chapter is declared to be a public purpose of and benefit each such taxing district.

(4) The apportionment and distribution of portions of the regular property taxes levied by or for each taxing district upon the increment value within the increment area pursuant to this section shall not affect or be deemed to affect the rate of taxes levied by or within any such taxing district or the consistency of any such levies with the uniformity requirement of Article VII, section 1 of the state Constitution.

(5)(a) For a local government having a designated increment area under this chapter as of the effective date of this section, the county assessor must adjust the tax allocation base value for that increment area to include the assessed value of any privately owned improvements located on publicly owned land for taxes imposed in the year in which the increment area was first designated. However, no adjustment is required if the increment area does not include any privately owned improvements located on publicly owned land subject to property taxation as of the date the increment area became effective.

(b) The adjusted tax allocation base value under this subsection (5) does not impact any apportionment and distribution under this section occurring in calendar years before calendar year 2024.

**Sec. 5.** RCW 84.55.020 and 2014 c 4 s 3 are each amended to read as follows:

Notwithstanding the limitation set forth in RCW 84.55.010, the first levy for a taxing district created from consolidation of similar taxing districts must be set so that the regular property taxes payable in the following year do not exceed the limit factor multiplied by the sum of the amount of regular property taxes lawfully levied for each component taxing district in the highest of the three most recent years in which such taxes were levied for such district plus the additional dollar amount calculated by multiplying the regular property tax rate of each component district for the preceding year by the increase in assessed value in each component district resulting from:

(1) New construction;

(2) Increases in assessed value due to construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under this section for purposes of providing an additional dollar amount. The property may be classified as real or personal property;

(3) Improvements to property; ~~((and))~~

(4) Any increase in the assessed value of state-assessed property; and

(5) Any increase in the assessed value of real property, as defined in RCW 39.114.010, within an increment area as designated by any local government under RCW 39.114.020 if the increase is not included elsewhere under this section. This subsection does not apply to levies by the state or by port districts and public utility districts for the purpose of making required payments of principal and interest on general indebtedness.

**Sec. 6.** RCW 84.55.030 and 2014 c 4 s 4 are each amended to read as follows:

For the first levy for a taxing district following annexation of additional property, the limitation set forth in RCW 84.55.010 must be increased by an amount equal to the aggregate assessed valuation of the newly annexed property as shown by the current completed and balanced tax rolls of the county or counties within which such property lies, multiplied by the dollar rate that would have been used by the annexing unit in the absence of such annexation, plus the additional dollar amount calculated by multiplying the regular property tax levy rate of that annexing taxing district for the preceding year by the increase in assessed value in the annexing district resulting from:

(1) New construction;

(2) Increases in assessed value due to construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under this section for purposes of providing an additional dollar amount. The property may be classified as real or personal property;

(3) Improvements to property; ~~((and))~~

(4) Any increase in the assessed value of state-assessed property; and

(5) Any increase in the assessed value of real property, as defined in RCW 39.114.010, within an increment area as designated by any local government in RCW 39.114.020 if the increase is not included elsewhere under this section. This subsection does not apply to levies by the state or by port districts or public utility districts for the purpose of making required payments of principal and interest on general indebtedness.

**NEW SECTION. Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 11 of the title, after "84.55.010;" strike the remainder of the title and insert "amending RCW 39.114.010, 39.114.020, 39.114.040, 39.114.050, 84.55.020, and 84.55.030; and declaring an emergency."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1527 and advanced the bill, as amended by the Senate, to final passage.

Representative Berg spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1527, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1527, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 72; Nays, 24; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Caldier, Callan, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Lekanoff, Macri, Mena, Morgan, Mosbrucker, Ormsby, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Ryu, Sandlin, Schmidt, Senn, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Volz, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Bronoske, Chambers, Couture, Dent, Dye, Eslick, Graham, Jacobsen, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Orcutt, Paul, Rule, Santos, Schmick, Shavers, Timmons, Walsh, Wilcox and Ybarra

Excused: Representatives Chandler and Ortiz-Self

HOUSE BILL NO. 1527, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1663, with the following amendment(s): 1663.E AMS KAUF S3216.2

On page 1, line 19, after "at" strike "special" and insert "general"

On page 1, line 21, after "The" strike "special" and insert "general"

On page 2, line 3, after "in the" strike "special" and insert "general"

On page 2, after line 9, insert the following:

"(2) The respective port districts are encouraged and authorized to share information with residents of each county, including mailed items to households, related to the ballot measure."

ReNUMBER the remaining subsections consecutively and correct any internal references accordingly.

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1663 and advanced the bill, as amended by the Senate, to final passage.

Representatives Goehner and Duerr spoke in favor of the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1663, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1663, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Ortiz-Self

ENGROSSED HOUSE BILL NO. 1663, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1683, with the following amendment(s): 1683-S AMS HLTC S2525.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Every health carrier offering dental only coverage and every health carrier offering dental only coverage in addition to a health plan delivered, issued for delivery, or renewed by a health carrier on and after January 1, 2024, shall permit denturists licensed under chapter 18.30 RCW to provide dental services or care included in their benefits package, to the extent that:

(a) The provision of such dental services or care is within the health care providers' permitted scope of practice; and

(b) The providers agree to abide by standards related to:

(i) Provision, utilization review, and cost containment of dental services;

(ii) Management and administrative procedures; and

(iii) Provision of cost-effective and clinically efficacious dental services.

(2) The requirements of subsection (1) of this section do not apply to a licensed health care profession regulated under Title 18 RCW when the licensing statute for the profession states that such requirements do not apply.

(3) For purposes of this section, "health carrier," in addition to the definition in RCW 48.43.005, also includes health care service contractors, limited health care service contractors, and disability insurers offering dental only coverage

(4) This act does not apply to a plan that offers dental only coverage when the plan relies solely on employees of the health carrier for provision of the benefits."

On page 1, at the beginning of line 2 of the title, strike the remainder of the title and insert "and adding a new section to chapter 48.43 RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1683 and advanced the bill, as amended by the Senate, to final passage.

Representatives Barnard and Riccelli spoke in favor of the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1683, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1683, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1683, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1775, with the following amendment(s): 1775 AMS AWP S2316.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.85.050 and 2013 c 194 s 1 are each amended to read as follows:

(1)(a) Counties, cities, and tribal governments must jointly designate, by resolution or by letters of support, the area for which a habitat project list is to be developed and the lead entity that is to be responsible for submitting the habitat project list. No project included on a habitat project list shall be considered mandatory in nature and no private landowner may be forced or coerced into participation in any respect. The lead entity may be a county, city, conservation district, special district, tribal government, regional recovery organization, or other entity.

(b) The lead entity shall establish a committee that consists of representative interests of counties, cities, conservation districts, tribes, environmental groups, business interests, landowners, citizens, volunteer groups, regional fish enhancement groups, and other habitat interests. The purpose of the committee is to provide a citizen-based evaluation of the projects proposed to promote salmon habitat.

(c) The committee shall compile a list of habitat projects, establish priorities for individual projects, define the sequence for project implementation, and submit these activities as the habitat project list. The committee shall also identify potential federal, state, local, and private funding sources.

(2) The area covered by the habitat project list must be based, at a minimum, on a WRIA, combination of WRIAs, or any other area as agreed to by the counties, cities, and tribes in resolutions or in letters of support meeting the requirements of this subsection. Preference will be given to projects in an area that contain a salmon species that is listed or proposed for listing under the federal endangered species act.

(3) The lead entity shall submit the habitat project list to the salmon recovery funding board in accordance with procedures adopted by the board.

(4) The recreation and conservation office shall administer funding to support the functions of lead entities.

(5) ~~((A))~~ Except as provided in subsection (6) of this section, a landowner whose land is used for a habitat project that is included on a habitat project list, and who has received notice from the project sponsor that the conditions of this section have been met, or a regional fisheries enhancement group authorized under RCW 77.95.060 performing habitat restoration activities under this chapter, may not be held civilly liable for any property damages resulting from the habitat project regardless of whether or not the project was funded by the salmon recovery funding board. This subsection is subject to the following conditions:

(a) The project was designed by a licensed professional engineer (PE) or a licensed geologist (LG, LEG, or LHG) with experience in riverine restoration;

(b) The project is designed to withstand ~~((one hundred))~~ 100 year floods;

(c) The project is not located within one-quarter mile of an established downstream boat launch;

(d) The project is designed to allow adequate response time for in-river boaters to safely evade in-stream structures; and

(e) If the project includes large wood placement, each individual root wad and each log larger than ten feet long and one foot in diameter must be visibly tagged with a unique numerical identifier that will withstand typical river conditions for at least three years.

(6) A regional fisheries enhancement group performing habitat restoration activities under this chapter may not be held civilly liable for any property damage resulting from a habitat project performed subject to the conditions specified under subsection (5) of this section unless the damage is due to acts or omissions constituting gross negligence or willful or wanton misconduct."

On page 1, line 2 of the title, after "groups;" strike the remainder of the title and insert "and amending RCW 77.85.050."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1775 and advanced the bill, as amended by the Senate, to final passage.

Representatives Lekanoff and Dent spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1775, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1775, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Eslick, Graham and Low  
Excused: Representatives Chandler and Ortiz-Self

HOUSE BILL NO. 1775, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1783, with the following amendment(s): 1783-S AMS WM S2951.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that access to economic development assistance from government and philanthropic sources typically requires careful and skilled writing of grant applications. The legislature finds that trained and skilled grant writers are scarce, and particularly difficult to find in distressed areas with higher rates of unemployment that need economic development assistance. Therefore, the legislature intends to provide the department of commerce with the authority and resources necessary to ensure each county associate development organization can recruit and retain a grant writer.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, by July 1, 2024, the department shall establish a grant program to support associate development organizations in the recruiting, hiring, and retention of grant writers. The department must award grants on an annual basis and must prioritize grants for distressed areas as defined under RCW 43.168.020.

(2) Associate development organizations must apply for the grant program in a manner to be determined by the department.

(3) Associate development organizations that receive awards under this section must provide information on the use of the funds, including a description of the associate development organization's recruiting and hiring efforts and, if applicable, the number and types of grants applied for by the grant writers funded by the state, in their annual reports to the department required under RCW 43.330.082.

(4) Beginning December 31, 2026, the department must include information on grant award funding and use in its reports to the legislature on associate development organizations contracts required under RCW 43.330.082.

(5) The department shall adopt rules to implement this section."

On page 1, line 2 of this title, after "writers;" strike the remainder of the title and insert "adding a new section to chapter 43.330 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1783 and advanced the bill, as amended by the Senate, to final passage.

Representatives Sandlin and Ryu spoke in favor of the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1783, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1783, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1783, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Wednesday, April 5, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1042, with the following amendment(s): 1042-S.E AMS KUDE S2817.6

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 35A.21 RCW to read as follows:

(1) (a) Code cities must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of subsection (2) of this section for buildings that are zoned for commercial or mixed use no later than six months after its next periodic comprehensive plan update required under RCW 36.70A.130.

(b) The requirements of subsection (2) of this section apply and take effect in any code city that has not adopted or amended ordinances, regulations, or other official controls as required under this section by the timeline in (a) of this subsection and supersede, preempt, and invalidate any conflicting local development regulations.



(2) Through ordinances, development regulations, zoning regulations, or other official controls as required under subsection (1) of this section, code cities may not:

(a) Impose a restriction on housing unit density that prevents the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building;

(b) Impose parking requirements on the addition of dwelling units or living units added within an existing building, however, cities may require the retention of existing parking that is required to satisfy existing residential parking requirements under local laws and for nonresidential uses that remain after the new units are added;

(c) With the exception of emergency housing and transitional housing uses, impose permitting requirements on the use of an existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone;

(d) Impose design standard requirements, including setbacks, lot coverage, and floor area ratio requirements, on the use of an existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone;

(e) Impose exterior design or architectural requirements on the residential use of an existing building beyond those necessary for health and safety of the use of the interior of the building or to preserve character-defining streetscapes, unless the building is a designated landmark or is within a historic district established through a local preservation ordinance;

(f) Prohibit the addition of housing units in any specific part of a building except ground floor commercial or retail that is along a major pedestrian corridor as defined by the code city, unless the addition of the units would violate applicable building codes or health and safety standards;

(g) Require unchanged portions of an existing building used for residential purposes to meet the current energy code solely because of the addition of new dwelling units within the building, however, if any portion of an existing building is converted to new dwelling units, each of those new units must meet the requirements of the current energy code;

(h) Deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the code city official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area; or

(i) Require a transportation concurrency study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW based on the addition of residential units within an existing building.

(3) Nothing in this section requires a code city to approve a building permit application for the addition of housing units constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing in cases in which the building cannot satisfy life safety standards.

(4) For the purpose of this section, "existing building" means a building that received a certificate of occupancy at least three years prior to the permit application to add housing units.

**NEW SECTION. Sec. 2.** A new section is added to chapter 35.21 RCW to read as follows:

(1)(a) Cities must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of subsection (2) of this section for buildings that are zoned for commercial or mixed use no later than six months after its next periodic comprehensive plan update required under RCW 36.70A.130.

(b) The requirements of subsection (2) of this section apply and take effect in any city that has not adopted or amended ordinances, regulations, or other official controls as required under this section by the timeline in (a) of this subsection and supersede, preempt, and invalidate any conflicting local development regulations.

(2) Through ordinances, development regulations, zoning regulations, or other official controls as required under subsection (1) of this section, cities may not:

(a) Impose a restriction on housing unit density that prevents the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building;

(b) Impose parking requirements on the addition of dwelling units or living units added within an existing building, however, cities may require the retention of existing parking that is required to satisfy existing residential parking requirements under local laws and for nonresidential uses that remain after the new units are added;

(c) With the exception of emergency housing and transitional housing uses, impose permitting requirements on the use of an existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone;

(d) Impose design standard requirements, including setbacks, lot coverage, and floor area ratio requirements, on the use of an

existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone;

(e) Impose exterior design or architectural requirements on the residential use of an existing building beyond those necessary for health and safety of the use of the interior of the building or to preserve character-defining streetscapes, unless the building is a designated landmark or is within a historic district established through a local preservation ordinance;

(f) Prohibit the addition of housing units in any specific part of a building except ground floor commercial or retail that is along a major pedestrian corridor as defined by each city, unless the addition of the units would violate applicable building codes or health and safety standards;

(g) Require unchanged portions of an existing building used for residential purposes to meet the current energy code solely because of the addition of new dwelling units within the building, however, if any portion of an existing building is converted to new dwelling units, each of those new units must meet the requirements of the current energy code;

(h) Deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the city official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area; or

(i) Require a transportation concurrency study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW based on the addition of residential units within an existing building.

(3) Nothing in this section requires a city to approve a building permit application for the addition of housing units constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing in cases in which the building cannot satisfy life safety standards.

(4) For the purpose of this section, "existing building" means a building that received a certificate of occupancy at least three years prior to the permit application to add housing units.

**NEW SECTION. Sec. 3.** A new section is added to chapter 19.27A RCW to read as follows:

By January 1, 2024, the state building code council shall adopt by rule an amendment to the current energy code that waives the requirement for unchanged portions of an existing building used for residential purposes to meet the current energy code solely because of the addition of new dwelling units within the building. New dwelling units created within the existing building must meet the requirements of the current energy code.

**Sec. 4.** RCW 43.21C.450 and 2012 1st sp.s. c 1 s 307 are each amended to read as follows:

The following nonproject actions are categorically exempt from the requirements of this chapter:

(1) Amendments to development regulations that are required to ensure consistency with an adopted comprehensive plan pursuant to RCW 36.70A.040, where the comprehensive plan was previously subjected to environmental review pursuant to this chapter and the impacts associated with the proposed regulation were specifically addressed in the prior environmental review;

(2) Amendments to development regulations that are required to ensure consistency with a shoreline master program approved pursuant to RCW 90.58.090, where the shoreline master program was previously subjected to environmental review pursuant to this chapter and the impacts associated with the proposed regulation were specifically addressed in the prior environmental review;

(3) Amendments to development regulations that, upon implementation of a project action, will provide increased environmental protection, limited to the following:

(a) Increased protections for critical areas, such as enhanced buffers or setbacks;

(b) Increased vegetation retention or decreased impervious surface areas in shoreline jurisdiction; and

(c) Increased vegetation retention or decreased impervious surface areas in critical areas;

(4) Amendments to technical codes adopted by a county, city, or town to ensure consistency with minimum standards contained in state law, including the following:

(a) Building codes required by chapter 19.27 RCW;

(b) Energy codes required by chapter 19.27A RCW; and

(c) Electrical codes required by chapter 19.28 RCW.

(5) Adoption or amendment of ordinances, development regulations, zoning regulations, and other official controls necessary to comply with sections 1 and 2 of this act."

On page 1, line 2 of the title, after "buildings;" strike the remainder of the title and insert "amending RCW 43.21C.450; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 19.27A RCW."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1042 and advanced the bill, as amended by the Senate, to final passage.

Representatives Walen and Klicker spoke in favor of the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1042, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1042, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1042, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Monday, April 10, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1074, with the following amendment(s): 1074-S AMS MULL S3190.1

On page 10, line 36, after "documentation" insert "equivalent to that required in subsection (1) of this section"

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1074 and advanced the bill, as amended by the Senate, to final passage.

Representative Thai spoke in favor of the passage of the bill.

Representative Klicker spoke against the passage of the bill.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1074, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1074, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 58; Nays, 38; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, McEntire, Mena, Morgan, Ormsby,

Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Chandler and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1074, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Thursday, April 6, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1199, with the following amendment(s): 1199 AMS LAW S2234.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 64.32 RCW to read as follows:

(1) An association of apartment owners may not adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that effectively prohibits, unreasonably restricts, or limits, directly or indirectly, the use of an apartment as a licensed family home child care operated by a family day care provider or as a licensed child day care center, except as provided in subsection (2) of this section.

(2)(a) Nothing in this section prohibits an association of apartment owners from imposing reasonable regulations on a family home child care or a child day care center including, but not limited to, architectural standards, as long as those regulations are identical to those applied to all other apartments within the same association as the family home child care or the child day care center.

(b) An association may require that only an apartment with direct access may be used as a family home child care or child day care center. Direct access must be either from the outside of the building or through publicly accessible common areas and facilities.

(c) An association may adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that requires a family home child care or a child day care center operating out of an apartment within the association to:

(i) Be licensed under chapter 43.216 RCW;

(ii) Indemnify and hold harmless the association against all claims, whether brought by judicial or administrative action, relating to the operation of the family home child care or the child day care center, excluding claims arising in common areas and facilities that the association is

solely responsible for maintaining under the governing documents;

(iii) Obtain a signed waiver of liability releasing the association from legal claims directly related to the operation of the family home child care or the child day care center from the parent, guardian, or caretaker of each child being cared for by the family home child care or the child day care center. However, an association may not require that a waiver of liability under this subsection be notarized; and

(iv) Obtain day care insurance as defined in RCW 48.88.020 or provide self-insurance pursuant to chapter 48.90 RCW, consistent with the requirements in RCW 43.216.700.

(3) An association of apartment owners that willfully violates this section is liable to the family day care provider or the child day care center for actual damages, and shall pay a civil penalty to the family day care provider or the child day care center in an amount not to exceed \$1,000.

(4) For the purposes of this section, the terms "family day care provider" and "child day care center" have the same meanings as in RCW 43.216.010.

NEW SECTION. **Sec. 2.** A new section is added to chapter 64.34 RCW to read as follows:

(1) A unit owners' association may not adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that effectively prohibits, unreasonably restricts, or limits, directly or indirectly, the use of a unit as a licensed family home child care operated by a family day care provider or as a licensed child day care center, except as provided in subsection (2) of this section.

(2)(a) Nothing in this section prohibits a unit owners' association from imposing reasonable regulations on a family home child care or a child day care center including, but not limited to, architectural standards, as long as those regulations are identical to those applied to all other units within the same association as the family home child care or the child day care center.

(b) An association may require that only a unit with direct access may be used as a family home child care or child day care center. Direct access must be either from the outside of the building or through publicly accessible common elements.

(c) An association may adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that requires a family home child care or a child day care center operating out of a unit within the association to:

(i) Be licensed under chapter 43.216 RCW;

(ii) Indemnify and hold harmless the association against all claims, whether brought by judicial or administrative action, relating to the operation of the family home child care or the child day care center, excluding claims arising in common elements that the association is solely

responsible for maintaining under the governing documents;

(iii) Obtain a signed waiver of liability releasing the association from legal claims directly related to the operation of the family home child care or the child day care center from the parent, guardian, or caretaker of each child being cared for by the family home child care or the child day care center. However, an association may not require that a waiver of liability under this subsection be notarized; and

(iv) Obtain day care insurance as defined in RCW 48.88.020 or provide self-insurance pursuant to chapter 48.90 RCW, consistent with the requirements in RCW 43.216.700.

(3) A unit owners' association that willfully violates this section is liable to the family day care provider or the child day care center for actual damages, and shall pay a civil penalty to the family day care provider or the child day care center in an amount not to exceed \$1,000.

(4) For the purposes of this section, the terms "family day care provider" and "child day care center" have the same meanings as in RCW 43.216.010.

NEW SECTION. **Sec. 3.** A new section is added to chapter 64.38 RCW to read as follows:

(1) A homeowners' association may not adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that effectively prohibits, unreasonably restricts, or limits, directly or indirectly, the use of a lot as a licensed family home child care operated by a family day care provider or as a licensed child day care center, except as provided in subsection (2) of this section.

(2)(a) Nothing in this section prohibits a homeowners' association from imposing reasonable regulations on a family home child care or a child day care center including, but not limited to, architectural standards, as long as those regulations are identical to those applied to all other lots within the same association as the family home child care or the child day care center.

(b) An association may require that only a lot with direct access may be used as a family home child care or child day care center. Direct access must be through publicly accessible common areas.

(c) An association may adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that requires a family home child care or a child day care center operating out of a lot within the association to:

(i) Be licensed under chapter 43.216 RCW;

(ii) Indemnify and hold harmless the association against all claims, whether brought by judicial or administrative action, relating to the operation of the family home child care or the child day care center, excluding claims arising in common areas that the association is solely responsible for maintaining under the governing documents;

(iii) Obtain a signed waiver of liability releasing the association from legal claims directly related to the operation of the family home child care or the child day care center from the parent, guardian, or caretaker of each child being cared for by the family home child care or the child day care center. However, an association may not require that a waiver of liability under this subsection be notarized; and

(iv) Obtain day care insurance as defined in RCW 48.88.020 or provide self-insurance pursuant to chapter 48.90 RCW, consistent with the requirements in RCW 43.216.700.

(3) A homeowners' association that willfully violates this section is liable to the family day care provider or the child day care center for actual damages, and shall pay a civil penalty to the family day care provider or the child day care center in an amount not to exceed \$1,000.

(4) For the purposes of this section, the terms "family day care provider" and "child day care center" have the same meanings as in RCW 43.216.010.

**NEW SECTION. Sec. 4.** A new section is added to chapter 64.90 RCW to read as follows:

(1) A unit owners association may not adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that effectively prohibits, unreasonably restricts, or limits, directly or indirectly, the use of a unit as a licensed family home child care operated by a family day care provider or as a licensed child day care center, except as provided in subsection (2) of this section.

(2)(a) Nothing in this section prohibits a unit owners' association from imposing reasonable regulations on a family home child care or a child day care center including, but not limited to, architectural standards, as long as those regulations are identical to those applied to all other units within the same association as the family home child care or the child day care center.

(b) An association may require that only a unit with direct access may be used as a family home child care or child day care center. Direct access must be either from the outside of the building if the common interest community is in a building, or through publicly accessible common elements.

(c) An association may adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that requires a family home child care or a child day care center operating out of a unit within the association to:

(i) Be licensed under chapter 43.216 RCW;

(ii) Indemnify and hold harmless the association against all claims, whether brought by judicial or administrative action, relating to the operation of the family home child care or the child day care center, excluding claims arising in common elements that the association is solely responsible for maintaining under the governing documents;

(iii) Obtain a signed waiver of liability releasing the association from legal claims directly related to the operation of the family home child care or the child day care center from the parent, guardian, or caretaker of each child being cared for by the family home child care or the child day care center. However, an association may not require that a waiver of liability under this subsection be notarized; and

(iv) Obtain day care insurance as defined in RCW 48.88.020 or provide self-insurance pursuant to chapter 48.90 RCW, consistent with the requirements in RCW 43.216.700.

(3) A unit owners association that willfully violates this section is liable to the family day care provider or the child day care center for actual damages, and shall pay a civil penalty to the family day care provider or the child day care center in an amount not to exceed \$1,000.

(4) For the purposes of this section, the terms "family day care provider" and "child day care center" have the same meanings as in RCW 43.216.010.

**NEW SECTION. Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "communities;" strike the remainder of the title and insert "adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.90 RCW; prescribing penalties; and declaring an emergency."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1199 and advanced the bill, as amended by the Senate, to final passage.

Representatives Senn and Klicker spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1199, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1199, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet,

Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Ortiz-Self

HOUSE BILL NO. 1199, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1200, with the following amendment(s): 1200-S AMS ENGR S2694.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 41.56 RCW to read as follows:

(1) If the employer has the information in the employer's records, the employer shall provide to the exclusive bargaining representative the following information for each employee in an appropriate bargaining unit:

(a) The employee's name and date of hire;

(b) The employee's contact information, including: (i) Cellular, home, and work telephone numbers; (ii) work and the most up-to-date personal email addresses; and (iii) home address or personal mailing address; and

(c) Employment information, including the employee's job title, salary or rate of pay, and work site location or duty station.

(2) The employer must provide the information to the exclusive bargaining representative in an editable digital file format:

(a) Within 21 business days from the date of hire for a newly hired employee in an appropriate bargaining unit; and

(b) Every 120 business days for all employees in an appropriate bargaining unit.

(3) When there is a state-level representative of the exclusive bargaining representative for a bargaining unit, the employer may provide the information to the state-level representative.

(4) The exclusive bargaining representative may use the information provided under this section only for representation purposes. This section does not give authority to any exclusive bargaining representative to sell or provide access to lists of employees or the information provided to the exclusive bargaining representative pursuant to this section requested for commercial purposes.

(5) If an employer fails to comply with this section, the exclusive bargaining representative may bring a court action to enforce compliance. The court may order the employer to pay costs and reasonable attorneys' fees incurred by the exclusive bargaining representative.

(6) (a) This section does not apply to an employer specifically prohibited under its

requirements as a cleared United States department of defense contractor from providing the employee information listed under subsection (1) of this section only for those employees covered by such requirements. The employer is required to provide the employee information under subsection (1) of this section for all employees not covered by the employer's requirements as a cleared United States department of defense contractor.

(b) This subsection (6) does not limit the employee information an employer must provide an exclusive bargaining representative pursuant to its duty to bargain in good faith or any other duty or obligation under applicable collective bargaining law, nor does this subsection (6) prohibit bargaining over the provision of employee information under applicable collective bargaining law.

NEW SECTION. Sec. 2. A new section is added to chapter 41.59 RCW to read as follows:

Section 1 of this act applies to this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.52 RCW to read as follows:

Section 1 of this act applies to this chapter.

NEW SECTION. Sec. 4. A new section is added to chapter 41.80 RCW to read as follows:

Section 1 of this act applies to the following employers subject to this chapter:

- (1) Western Washington University;
- (2) Central Washington University;
- (3) Eastern Washington University; and
- (4) The Evergreen State College."

On page 1, line 2 of the title, after "representatives;" strike the remainder of the title and insert "adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 28B.52 RCW; and adding a new section to chapter 41.80 RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1200 and advanced the bill, as amended by the Senate, to final passage.

Representative Alvarado spoke in favor of the passage of the bill.

Representative Robertson spoke against the passage of the bill.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1200, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1200, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Chandler and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1200, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Wednesday, April 5, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1271, with the following amendment(s): 1271-S AMS TRAN S2251.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 46.04 RCW to read as follows:

"Organ transport vehicle" means any vehicle operated or contracted by an organ procurement organization as defined in RCW 68.64.010, and clearly and identifiably marked as such on all sides of the vehicle.

**Sec. 2.** RCW 68.64.010 and 2010 c 161 s 1156 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means an individual who is at least (~~(eighteen)~~)18 years old.

(2) "Agent" means an individual:

(a) Authorized to make health care decisions on the principal's behalf by a power of attorney for health care; or

(b) Expressly authorized to make an anatomical gift on the principal's behalf by any other record signed by the principal.

(3) "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education.

(4) "Decedent" means a deceased individual whose body or part is or may be the source of an anatomical gift.

(5) "Disinterested witness" means a witness other than the spouse or state registered domestic partner, child, parent,

sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift. The term does not include a person to which an anatomical gift could pass under RCW 68.64.100.

(6) "Document of gift" means a donor card or other record used to make an anatomical gift. The term includes a statement or symbol on a driver's license, identification card, or donor registry.

(7) "Donor" means an individual whose body or part is the subject of an anatomical gift.

(8) "Donor registry" means a database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts.

(9) "Driver's license" means a license or permit issued by the department of licensing to operate a vehicle, whether or not conditions are attached to the license or permit.

(10) "Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes.

(11) "Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual. The term does not include a guardian ad litem.

(12) "Hospital" means a facility licensed as a hospital under the law of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.

(13) "Identification card" means an identification card issued by the department of licensing.

(14) "Know" means to have actual knowledge.

(15) "Minor" means an individual who is less than (~~(eighteen)~~)18 years old.

(16) "Organ procurement organization" means a person designated by the secretary of the United States department of health and human services as an organ procurement organization.

(17) "Parent" means a parent whose parental rights have not been terminated.

(18) "Part" means an organ, an eye, or tissue of a human being. The term does not include the whole body.

(19) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(20) "Physician" means an individual licensed or otherwise authorized to practice medicine and surgery or osteopathic medicine and surgery under the law of any state.

(21) "Procurement organization" means an eye bank, organ procurement organization, or tissue bank.

(22) "Prospective donor" means an individual whose death is imminent and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research, or education.

"Prospective donor" does not include an individual who has made a refusal.

(23) "Reasonable costs" include: (a) Programming and software installation and upgrades; (b) employee training that is specific to the organ and tissue donor registry or the donation program created in RCW 46.16A.090(2); (c) literature that is specific to the organ and tissue donor registry or the donation program created in RCW 46.16A.090(2); and (d) hardware upgrades or other issues important to the organ and tissue donor registry or the donation program created in RCW 46.16A.090(2) that have been mutually agreed upon in advance by the department of licensing and the Washington state organ procurement organizations.

(24) "Reasonably available" means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

(25) "Recipient" means an individual into whose body a decedent's part has been or is intended to be transplanted.

(26) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(27) "Refusal" means a record created under RCW 68.64.060 that expressly states an intent to bar other persons from making an anatomical gift of an individual's body or part.

(28) "Sign" means, with the present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

(29) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(30) "Technician" means an individual determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited, or regulated under federal or state law. The term includes an enucleator.

(31) "Time sensitive organ or tissue donor" means an organ being transported for human transplant or a tissue donor being transported for the purpose of recovery that is time sensitive but not an emergency.

(32) "Time urgent organ" means an organ being transported for human transplant that a member of the transplant team or a representative of the organ procurement organization declares an emergency.

(33) "Tissue" means a portion of the human body other than an organ or an eye. The term does not include blood unless the blood is donated for the purpose of research or education.

~~((32))~~ (34) "Tissue bank" means a person that is licensed to conduct business in this state, accredited, and regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of tissue.

~~((33))~~ (35) "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.

~~((34))~~ (36) "Washington state organ procurement organization" means an organ procurement organization that has been designated by the United States department of health and human services to coordinate organ procurement activities for any portion of Washington state.

**Sec. 3.** RCW 46.37.190 and 2020 c 95 s 1 are each amended to read as follows:

(1) Every authorized emergency vehicle and organ transport vehicle shall, in addition to any other equipment and distinctive marking required by this chapter, be equipped with at least one lamp capable of displaying a red light visible from at least ~~((five hundred))~~ 500 feet in normal sunlight and a siren capable of giving an audible signal.

(2) Every school bus and private carrier bus shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a "stop" signal upon a background not less than ~~((fourteen))~~ 14 by ~~((eighteen))~~ 18 inches displaying the word "stop" in letters of distinctly contrasting colors not less than five and nine-tenths inches high, and shall further be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level and these lights shall have sufficient intensity to be visible at ~~((five hundred))~~ 500 feet in normal sunlight.

(3) Vehicles operated by public agencies whose law enforcement duties include the authority to stop and detain motor vehicles on the public highways of the state may be equipped with a siren and lights of a color and type designated by the state patrol for that purpose. The state patrol may prohibit the use of these sirens and lights on vehicles other than the vehicles described in this subsection.

(4) The lights described in this section shall not be mounted nor used on any vehicle other than a school bus, a private carrier bus, ~~((or))~~ an authorized emergency or law enforcement vehicle, or an organ transport vehicle.

(5) The use of the signal equipment described in this section and RCW 46.37.670, except the signal preemption devices used by public transit vehicles and department of transportation, city, or county maintenance vehicles that are not used in conjunction with emergency equipment, shall impose upon drivers of other vehicles the obligation to yield right-of-way and stop as prescribed in RCW 46.61.210, 46.61.370, and 46.61.350.

**Sec. 4.** RCW 46.37.380 and 2010 c 8 s 9052 are each amended to read as follows:

(1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of



emitting sound audible under normal conditions from a distance of not less than ~~((two hundred))~~ 200 feet, but no horn or other warning device may emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his or her horn but shall not otherwise use such horn when upon a highway.

(2) No vehicle may be equipped with nor may any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

(3) It is permissible for any vehicle to be equipped with a theft alarm signal device so long as it is so arranged that it cannot be used by the driver as an ordinary warning signal. Such a theft alarm signal device may use a whistle, bell, horn, or other audible signal but shall not use a siren.

(4) Any authorized emergency vehicle may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than ~~((five hundred))~~ 500 feet and of a type conforming to rules adopted by the state patrol, but the siren shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which latter events the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of its approach.

(5) Any organ transport vehicle may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type conforming to rules adopted by the state patrol, but the siren shall not be used except when the vehicle is transporting a time urgent organ as defined in RCW 68.64.010, in which case the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of its approach.

**Sec. 5.** RCW 46.37.670 and 2005 c 183 s 2 are each amended to read as follows:

(1) Signal preemption devices shall not be installed or used on or with any vehicle other than an emergency vehicle authorized by the state patrol, an organ transport vehicle, a publicly owned law enforcement or emergency vehicle, a department of transportation, city, or county maintenance vehicle, or a public transit vehicle.

(2) This section does not apply to any of the following:

(a) A law enforcement agency and law enforcement personnel in the course of providing law enforcement services;

(b) A fire station or a firefighter in the course of providing fire prevention or fire extinguishing services;

(c) An emergency medical service or ambulance in the course of providing emergency medical transportation or ambulance services;

(d) An operator, passenger, or owner of an authorized emergency vehicle in the course of his or her emergency duties;

(e) A driver of an organ transport vehicle when a vehicle is transporting a time urgent organ as defined in RCW 68.64.010;

(f) Department of transportation, city, or county maintenance personnel while performing maintenance;

~~((f))~~ (g) Public transit personnel in the performance of their duties. However, public transit personnel operating a signal preemption device shall have second degree priority to law enforcement personnel, firefighters, emergency medical personnel, and other authorized emergency vehicle personnel, when simultaneously approaching the same traffic control signal;

~~((g))~~ (h) A mail or package delivery service or employee or agent of a mail or package delivery service in the course of shipping or delivering a signal preemption device;

~~((h))~~ (i) An employee or agent of a signal preemption device manufacturer or retailer in the course of his or her employment in providing, selling, manufacturing, or transporting a signal preemption device to an individual or agency described in this subsection.

**Sec. 6.** RCW 46.61.210 and 1965 ex.s. c 155 s 32 are each amended to read as follows:

(1) Upon the immediate approach of an authorized emergency vehicle, or organ transport vehicle transporting a time urgent organ as defined in RCW 68.64.010, making use of audible and visual signals meeting the requirements of RCW 46.37.190, or of a police vehicle properly and lawfully making use of an audible signal only the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle or organ transport vehicle has passed, except when otherwise directed by a police officer.

(2) This section shall not operate to relieve the driver of an authorized emergency vehicle or organ transport vehicle from the duty to drive with due regard for the safety of all persons using the highway. To the greatest extent practicable, organ transport services as defined in RCW 18.73.030 shall notify the state patrol when an organ transport vehicle is operating under the provisions of this section.

**Sec. 7.** RCW 46.61.165 and 2019 c 467 s 3 are each amended to read as follows:

(1) The state department of transportation and the local authorities are authorized to reserve all or any portion of any highway under their respective jurisdictions, including any designated lane or ramp, for the exclusive or preferential use of one or more of the following: (a) Public transportation vehicles; (b) motorcycles; (c) private motor vehicles carrying no fewer than a specified number of passengers; ~~((e))~~ (d) organ transport vehicles transporting a time urgent organ or a time sensitive organ or tissue donor as

defined in RCW 68.64.010; or (e) the following private transportation provider vehicles if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle, and if such use does not interfere with the efficiency, reliability, and safety of public transportation operations: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles, when such limitation will increase the efficient utilization of the highway or will aid in the conservation of energy resources.

(2) Any transit-only lanes that allow other vehicles to access abutting businesses that are authorized pursuant to subsection (1) of this section may not be authorized for the use of private transportation provider vehicles as described under subsection (1) of this section.

(3) The state department of transportation and the local authorities authorized to reserve all or any portion of any highway under their respective jurisdictions, for exclusive or preferential use, may prohibit the use of a high occupancy vehicle lane by the following private transportation provider vehicles: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, and marked or unmarked limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles, when the average transit speed in the high occupancy vehicle lane fails to meet department of transportation standards and falls below (~~(forty-five)~~) 45 miles per hour at least (~~(ninety)~~) 90 percent of the time during the peak hours, as determined by the department of transportation or the local authority, whichever operates the facility.

(4) Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all times or at specified times of day or on specified days. Violation of a restriction of highway usage prescribed by the appropriate authority under this section is a traffic infraction. A person who commits a traffic infraction under this section is also subject to additional monetary penalties as defined in this subsection. The additional monetary penalties are separate from the base penalty, fees, and assessments issued for the traffic infraction and are intended to raise awareness, and improve the efficiency, of the high occupancy vehicle lane system.

(a) Whenever a person commits a traffic infraction under this section, an additional monetary penalty of (~~(fifty dollars)~~) \$50 must be collected, and, in the case that a person has already committed a violation

under this section within two years of committing this violation, then an additional (~~(one hundred fifty dollars)~~) \$150 must be collected.

(b) Any time a person commits a traffic infraction under this section and is using a dummy, doll, or other human facsimile to make it appear that an additional person is in the vehicle, the person must be assessed a (~~(two hundred dollar)~~) \$200 penalty, which is in addition to the penalties in (a) of this subsection.

(c) The monetary penalties under (a) and (b) of this subsection are additional, separate, and distinct penalties from the base penalty and are not subject to fees or assessments specified in RCW 46.63.110, 3.62.090, and 2.68.040.

(d) (i) The additional penalties collected under (a) of this subsection must be distributed as follows:

(A) Twenty-five percent must be deposited into the congestion relief and traffic safety account created under RCW 46.68.398; and

(B) Seventy-five percent must be deposited into the motor vehicle fund created under RCW 46.68.070.

(ii) The additional penalty collected under (b) of this subsection must be deposited into the congestion relief and traffic safety account created under RCW 46.68.398.

(e) Violations committed under this section are excluded from eligibility as a moving violation for driver's license suspension under RCW 46.20.289 when a person subsequently fails to respond to a notice of traffic infraction for this moving violation, fails to appear at a requested hearing for this moving violation, violates a written promise to appear in court for a notice of infraction for this moving violation, or fails to comply with the terms of a notice of traffic infraction for this moving violation.

(5) Local authorities are encouraged to establish a process for private transportation providers, as described under subsections (1) and (3) of this section, to apply for the use of public transportation facilities reserved for the exclusive or preferential use of public transportation vehicles. The application and review processes should be uniform and should provide for an expeditious response by the local authority. Whenever practicable, local authorities should enter into agreements with such private transportation providers to allow for the reasonable use of these facilities.

(6) For the purposes of this section, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is similarly marked or identified to display the business name or logo on the driver and passenger sides of the vehicle, meets the annual certification requirements of the department of transportation, and is offered by an employer for the benefit of its employees.

**Sec. 8.** RCW 47.52.025 and 2013 c 26 s 3 are each amended to read as follows:

(1) Highway authorities of the state, counties, and incorporated cities and towns, in addition to the specific powers granted in this chapter, shall also have, and may exercise, relative to limited access facilities, any and all additional authority, now or hereafter vested in them relative to highways or streets within their respective jurisdictions, and may regulate, restrict, or prohibit the use of such limited access facilities by various classes of vehicles or traffic. Such highway authorities may reserve any limited access facility or portions thereof, including designated lanes or ramps for the exclusive or preferential use of (a) public transportation vehicles, (b) privately owned buses, (c) motorcycles, (d) private motor vehicles carrying not less than a specified number of passengers, ~~((e))~~ (e) organ transport vehicles transporting a time urgent organ or a time sensitive organ or tissue donor as defined in RCW 68.64.010, or (f) the following private transportation provider vehicles if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle, and if such use does not interfere with the efficiency, reliability, and safety of public transportation operations: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles, when such limitation will increase the efficient utilization of the highway facility or will aid in the conservation of energy resources. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all time or at specified times of day or on specified days.

(2) Any transit-only lanes that allow other vehicles to access abutting businesses that are reserved pursuant to subsection (1) of this section may not be authorized for the use of private transportation provider vehicles as described under subsection (1) of this section.

(3) Highway authorities of the state, counties, or incorporated cities and towns may prohibit the use of limited access facilities by the following private transportation provider vehicles: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, and marked or unmarked limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles, when the average transit speed in the high occupancy vehicle travel lane fails to meet department standards and falls below ~~((forty-five))~~ 45 miles per hour at least

~~((ninety))~~ 90 percent of the time during the peak hours for two consecutive months.

(4)(a) Local authorities are encouraged to establish a process for private transportation providers, described under subsections (1) and (3) of this section, to apply for the use of limited access facilities that are reserved for the exclusive or preferential use of public transportation vehicles.

(b) The process must provide a list of facilities that the local authority determines to be unavailable for use by the private transportation provider and must provide the criteria used to reach that determination.

(c) The application and review processes must be uniform and should provide for an expeditious response by the authority.

(5) For the purposes of this section, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is similarly marked or identified to display the business name or logo on the driver and passenger sides of the vehicle, meets the annual certification requirements of the department, and is offered by an employer for the benefit of its employees.

**Sec. 9.** RCW 18.73.140 and 2000 c 93 s 19 are each amended to read as follows:

The secretary shall issue an ambulance, organ transport vehicle, or aid vehicle license for each vehicle so designated. The license shall be for a period of two years and may be reissued on expiration if the vehicle and its equipment meet requirements in force at the time of expiration of the license period. The license may be revoked if the ambulance, organ transport vehicle, or aid vehicle is found to be operating in violation of the regulations promulgated by the department or without required equipment. The license shall be terminated automatically if the vehicle is sold or transferred to the control of any organization not currently licensed as an ambulance, organ transport vehicle, or aid vehicle service. The license number shall be prominently displayed on each vehicle.

**Sec. 10.** RCW 18.73.081 and 2022 c 136 s 3 are each amended to read as follows:

In addition to other duties prescribed by law, the secretary shall:

(1) Prescribe minimum requirements for:

(a) Ambulance, air ambulance, organ transport vehicles, and aid vehicles and equipment;

(b) Ambulance and aid services; and

(c) Minimum emergency communication equipment;

(2) Adopt procedures for services that fail to perform in accordance with minimum requirements;

(3) Prescribe minimum standards for first responder and emergency medical technician training including:

(a) Adoption of curriculum and period of certification;

(b) Procedures for provisional certification, certification, recertification, decertification, or modification of certificates;

(c) Adoption of requirements for ongoing training and evaluation, as approved by the county medical program director, to include appropriate evaluation for individual knowledge and skills. The first responder, emergency medical technician, or emergency medical services provider agency may elect a program of continuing education and a written and practical examination instead of meeting the ongoing training and evaluation requirements;

(d) Procedures for reciprocity with other states or national certifying agencies;

(e) Review and approval or disapproval of training programs; and

(f) Adoption of standards for numbers and qualifications of instructional personnel required for first responder and emergency medical technician training programs;

(4) Prescribe minimum requirements for liability insurance to be carried by licensed services except that this requirement shall not apply to public bodies; and

(5) Certify emergency medical program directors.

**Sec. 11.** RCW 18.73.030 and 2022 c 136 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advanced life support" means invasive emergency medical services requiring advanced medical treatment skills as defined by chapter 18.71 RCW.

(2) "Aid service" means an organization that operates one or more aid vehicles.

(3) "Aid vehicle" means a vehicle used to carry aid equipment and individuals trained in first aid or emergency medical procedure.

(4) "Ambulance" means a ground or air vehicle designed and used to transport the ill and injured and to provide personnel, facilities, and equipment to treat patients before and during transportation.

(5) "Ambulance service" means an organization that operates one or more ambulances.

(6) "Basic life support" means noninvasive emergency medical services requiring basic medical treatment skills as defined in this chapter.

(7) "Collaborative medical care" means medical treatment and care provided pursuant to agreements with local, regional, or state public health agencies to control and prevent the spread of communicable diseases which is rendered separately from emergency medical service.

(8) "Communications system" means a radio and landline network which provides rapid public access, coordinated central dispatching of services, and coordination of personnel, equipment, and facilities in an emergency medical services and trauma care system.

(9) "Council" means the local or regional emergency medical services and trauma care council as authorized under chapter 70.168 RCW.

(10) "Department" means the department of health.

(11) "Emergency medical service" means medical treatment and care which may be

rendered at the scene of any medical emergency or while transporting any patient in an ambulance to an appropriate medical facility, including ambulance transportation between medical facilities.

(12) "Emergency medical services medical program director" means a person who is an approved medical program director as defined by RCW 18.71.205(4).

(13) "Emergency medical technician" means a person who is authorized by the secretary to render emergency medical care pursuant to RCW 18.73.081, under the responsible supervision and direction of an approved medical program director, which may include participating in an emergency services supervisory organization or a community assistance referral and education services program established under RCW 35.21.930, or providing collaborative medical care if the participation or provision of collaborative medical care does not exceed the participant's training and certification.

(14) "Emergency services supervisory organization" means an entity that is authorized by the secretary to use certified emergency medical services personnel to provide medical evaluation or initial treatment, or both, to sick or injured people, while in the course of duties with the organization for on-site medical care prior to any necessary activation of emergency medical services. Emergency services supervisory organizations include law enforcement agencies, disaster management organizations, search and rescue operations, diversion centers, and businesses with organized industrial safety teams.

(15) "First responder" means a person who is authorized by the secretary to render emergency medical care as defined by RCW 18.73.081.

(16) "Organ transport service" means an organization that operates one or more organ transport vehicles.

(17) "Organ transport vehicle" has the same meaning as in section 1 of this act.

(18) "Patient care procedures" means written operating guidelines adopted by the regional emergency medical services and trauma care council, in consultation with the local emergency medical services and trauma care councils, emergency communication centers, and the emergency medical services medical program director, in accordance with statewide minimum standards. The patient care procedures shall identify the level of medical care personnel to be dispatched to an emergency scene, procedures for triage of patients, the level of trauma care facility to first receive the patient, and the name and location of other trauma care facilities to receive the patient should an interfacility transfer be necessary. Procedures on interfacility transfer of patients shall be consistent with the transfer procedures in chapter 70.170 RCW.

~~((17))~~ (19) "Prehospital patient care protocols" means the written procedure adopted by the emergency medical services medical program director which direct the out-of-hospital emergency care of the emergency patient which includes the trauma care patient. These procedures shall be

based upon the assessment of the patient's medical needs and what treatment will be provided for emergency conditions. The protocols shall meet or exceed statewide minimum standards developed by the department in rule as authorized in chapter 70.168 RCW.

((18)) (20) "Secretary" means the secretary of the department of health.

((19)) (21) "Stretcher" means a cart designed to serve as a litter for the transportation of a patient in a prone or supine position as is commonly used in the ambulance industry, such as wheeled stretchers, portable stretchers, stair chairs, solid backboards, scoop stretchers, basket stretchers, or flexible stretchers. The term does not include personal mobility aids that recline at an angle or remain at a flat position, that are owned or leased for a period of at least one week by the individual using the equipment or the individual's guardian or representative, such as wheelchairs, personal gurneys, or banana carts.

NEW SECTION. **Sec. 12.** A new section is added to chapter 18.73 RCW to read as follows:

(1) An organ transport service may not operate in the state of Washington without holding a license for such operation, issued by the secretary in consultation with the department of licensing.

(2) Organ transport services must ensure that personnel operating organ transport vehicles:

(a) Are at least 25 years of age;

(b) Are a current, previous, or retired police officer, firefighter, or EMS provider;

(c) Have a minimum of five years' experience operating a police, fire department, or emergency medical service vehicle under emergency conditions;

(d) Have passed a preemployment driver's license check showing no more than one moving vehicle violation in a rolling three-year period, with annual license reviews thereafter;

(e) Have passed a preemployment drug screen, with random drug screenings thereafter;

(f) Have passed state and national criminal background checks; and

(g) Have completed an emergency vehicle operators course and a defensive drivers course.

(3) An organ transport service shall maintain:

(a) Commercial general liability insurance in the amount of \$5,000,000/\$10,000,000 aggregate;

(b) Automobile liability insurance in the amount of \$5,000,000; and

(c) An umbrella policy in the amount of \$2,000,000.

(4) The license shall be valid for a period of two years and shall be renewed on request provided the holder has consistently complied with the regulations of the department and the department of licensing and provided also that the needs of the area served have been met satisfactorily. The license shall not be transferable and may be

revoked if the service is found in violation of rules adopted by the department.

(5) The department, in consultation with the department of licensing, shall adopt rules under chapter 34.05 RCW to implement this section.

(6) Employment as a driver for organ transport vehicles does not add to the scope of practice for a current EMS provider and is not considered employment as an EMS provider.

(7) The secretary shall not establish fees for the license and renewals for an organ transport service or vehicle."

On page 1, line 1 of the title, after "vehicles;" strike the remainder of the title and insert "amending RCW 68.64.010, 46.37.190, 46.37.380, 46.37.670, 46.61.210, 46.61.165, 47.52.025, 18.73.140, 18.73.081, and 18.73.030; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 18.73 RCW."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1271 and advanced the bill, as amended by the Senate, to final passage.

Representatives Low and Donaghy spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1271, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1271, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1271, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Thursday, April 6, 2023

Mme. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1337, with the following amendment(s): 1337.E AMS ENGR S2572.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature makes the following findings:

(a) Washington state is experiencing a housing affordability crisis. Many communities across the state are in need of more housing for renters across the income spectrum.

(b) Many cities dedicate the majority of residentially zoned land to single detached houses that are increasingly financially out of reach for many households. Due to their smaller size, accessory dwelling units can provide a more affordable housing option in those single-family zones.

(c) Localities can start to correct for historic economic and racial exclusion in single-family zones by opening up these neighborhoods to more diverse housing types, including accessory dwelling units, that provide lower cost homes. Increasing housing options in expensive, high-opportunity neighborhoods will give more families access to schools, parks, and other public amenities otherwise accessible to only the wealthy.

(d) Accessory dwelling units are frequently rented below market rate, providing additional affordable housing options for renters.

(e) Accessory dwelling units can also help to provide housing for very low-income households. More than 10 percent of accessory dwelling units in some areas are occupied by tenants who pay no rent at all; among these tenants are grandparents, adult children, family members with disabilities, friends going through life transitions, and community members in need. Accessory dwelling units meet the needs of these people who might otherwise require subsidized housing space and resources.

(f) Accessory dwelling units can meet the needs of Washington's growing senior population, making it possible for this population to age in their communities by offering senior-friendly housing, which prioritizes physical accessibility, in walkable communities near amenities essential to successful aging in place, including transit and grocery stores, without requiring costly renovations of existing housing stock.

(g) Homeowners who add an accessory dwelling unit may benefit from added income and an increased sense of security.

(h) Accessory dwelling units provide environmental benefits. On average they are more energy efficient than single detached houses, and they incentivize adaptive reuse of existing homes and materials.

(i) Siting accessory dwelling units near transit hubs, employment centers, and public amenities can help to reduce greenhouse gas emissions by increasing walkability, shortening household commutes, and curtailing sprawl.

(2) The legislature intends to promote and encourage the creation of accessory

dwelling units as a means to address the need for additional affordable housing options.

**Sec. 2.** RCW 36.70A.696 and 2021 c 306 s 2 are each amended to read as follows:

The definitions in this section apply throughout RCW 36.70A.697 ~~((and))~~, 36.70A.698, and sections 3 and 4 of this act unless the context clearly requires otherwise.

(1) "Accessory dwelling unit" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(2) "Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(3) "City" means any city, code city, and town located in a county planning under RCW 36.70A.040.

(4) "County" means any county planning under RCW 36.70A.040.

(5) "Detached accessory dwelling unit" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit and is on the same property.

(6) "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

(7) "Gross floor area" means the interior habitable area of a dwelling unit including basements and attics but not including a garage or accessory structure.

(8) "Major transit stop" means:

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or

(e) Stops for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.

~~((8))~~ (9) "Owner" means any person who has at least 50 percent ownership in a property on which an accessory dwelling unit is located.

~~((9))~~ (10) "Principal unit" means the single-family housing unit, duplex, triplex, townhome, or other housing unit located on the same lot as an accessory dwelling unit.

(11) "Short-term rental" means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than 30 consecutive nights.

NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A RCW to read as follows:

(1) (a) Cities and counties planning under this chapter must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of this section and of section 4 of this act, to take effect six months after the jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130.

(b) In any city or county that has not adopted or amended ordinances, regulations, or other official controls as required under this section, the requirements of this section and section 4 of this act supersede, preempt, and invalidate any conflicting local development regulations.

(2) Ordinances, development regulations, and other official controls adopted or amended pursuant to this section and section 4 of this act must only apply in the portions of towns, cities, and counties that are within urban growth areas designated under this chapter.

(3) Any action taken by a city or county to comply with the requirements of this section or section 4 of this act is not subject to legal challenge under this chapter or chapter 43.21C RCW.

(4) Nothing in this section or section 4 of this act requires or authorizes a city or county to authorize the construction of an accessory dwelling unit in a location where development is restricted under other laws, rules, or ordinances as a result of physical proximity to on-site sewage system infrastructure, critical areas, or other unsuitable physical characteristics of a property.

(5) Nothing in this section or in section 4 of this act prohibits a city or county from:

(a) Restricting the use of accessory dwelling units for short-term rentals;

(b) Applying public health, safety, building code, and environmental permitting requirements to an accessory dwelling unit that would be applicable to the principal unit, including regulations to protect ground and surface waters from on-site wastewater;

(c) Applying generally applicable development regulations to the construction of an accessory unit, except when the application of such regulations would be contrary to this section or to section 4 of this act;

(d) Prohibiting the construction of accessory dwelling units on lots that are not connected to or served by public sewers; or

(e) Prohibiting or restricting the construction of accessory dwelling units in residential zones with a density of one dwelling unit per acre or less that are within areas designated as wetlands, fish and wildlife habitats, flood plains, or geologically hazardous areas.

**NEW SECTION. Sec. 4.** A new section is added to chapter 36.70A RCW to read as follows:

(1) In addition to ordinances, development regulations, and other official controls adopted or amended to comply with this section and section 3 of this act, a

city or county must comply with all of the following policies:

(a) The city or county may not assess impact fees on the construction of accessory dwelling units that are greater than 50 percent of the impact fees that would be imposed on the principal unit;

(b) The city or county may not require the owner of a lot on which there is an accessory dwelling unit to reside in or occupy the accessory dwelling unit or another housing unit on the same lot;

(c) The city or county must allow at least two accessory dwelling units on all lots that are located in all zoning districts within an urban growth area that allow for single-family homes in the following configurations:

(i) One attached accessory dwelling unit and one detached accessory dwelling unit;

(ii) Two attached accessory dwelling units; or

(iii) Two detached accessory dwelling units, which may be comprised of either one or two detached structures;

(d) The city or county must permit accessory dwelling units in structures detached from the principal unit;

(e) The city or county must allow an accessory dwelling unit on any lot that meets the minimum lot size required for the principal unit;

(f) The city or county may not establish a maximum gross floor area requirement for accessory dwelling units that is less than 1,000 square feet;

(g) The city or county may not establish roof height limits on an accessory dwelling unit of less than 24 feet, unless the height limitation that applies to the principal unit is less than 24 feet, in which case a city or county may not impose roof height limitation on accessory dwelling units that is less than the height limitation that applies to the principal unit;

(h) A city or county may not impose setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for accessory dwelling units that are more restrictive than those for principal units;

(i) A city or county must allow detached accessory dwelling units to be sited at a lot line if the lot line abuts a public alley, unless the city or county routinely plows snow on the public alley;

(j) A city or county must allow accessory dwelling units to be converted from existing structures, including but not limited to detached garages, even if they violate current code requirements for setbacks or lot coverage;

(k) A city or county may not prohibit the sale or other conveyance of a condominium unit independently of a principal unit solely on the grounds that the condominium unit was originally built as an accessory dwelling unit; and

(l) A city or county may not require public street improvements as a condition of permitting accessory dwelling units.

(2) (a) A city or county subject to the requirements of this section may not:

(i) Require off-street parking as a condition of permitting development of accessory dwelling units within one-half mile walking distance of a major transit stop;

(ii) Require more than one off-street parking space per unit as a condition of permitting development of accessory dwelling units on lots smaller than 6,000 square feet before any zero lot line subdivisions or lot splits; and

(iii) Require more than two off-street parking spaces per unit as a condition of permitting development of accessory dwelling units on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits.

(b) The provisions of (a) of this subsection do not apply:

(i) If a local government submits to the department an empirical study prepared by a credentialed transportation or land use planning expert that clearly demonstrates, and the department finds and certifies, that the application of the parking limitations of (a) of this subsection for accessory dwelling units will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location for the same number of detached houses. The department must develop guidance to assist cities and counties on items to include in the study; or

(ii) To portions of cities within a one mile radius of a commercial airport in Washington with at least 9,000,000 annual enplanements.

(3) When regulating accessory dwelling units, cities and counties may impose a limit of two accessory dwelling units, in addition to the principal unit, on a residential lot of 2,000 square feet or less.

(4) The provisions of this section do not apply to lots designated with critical areas or their buffers as designated in RCW 36.70A.060, or to a watershed serving a reservoir for potable water if that watershed is or was listed, as of the effective date of this section, as impaired or threatened under section 303(d) of the federal clean water act (33 U.S.C. Sec. 1313(d)).

**NEW SECTION. Sec. 5.** A new section is added to chapter 36.70A RCW to read as follows:

To encourage the use of accessory dwelling units for long-term housing, cities and counties may adopt ordinances, development regulations, and other official controls which waive or defer fees, including impact fees, defer the payment of taxes, or waive specific regulations. Cities and counties may only offer such reduced or deferred fees, deferred taxes, waivers, or other incentives for the development or construction of accessory dwelling units if:

(1) The units are located within an urban growth area; and

(2) The units are subject to a program adopted by the city or county with effective binding commitments or covenants that the

units will be primarily utilized for long-term housing consistent with the public purpose for this authorization.

**Sec. 6.** RCW 43.21C.495 and 2022 c 246 s 3 are each amended to read as follows:

(1) Adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city to implement: The actions specified in section 2, chapter 246, Laws of 2022 unless the adoption of such ordinances, development regulations and amendments to such regulations, or other nonproject actions has a probable significant adverse impact on fish habitat; and the increased residential building capacity actions identified in RCW 36.70A.600(1), with the exception of the action specified in RCW 36.70A.600(1)(f), are not subject to administrative or judicial appeals under this chapter.

(2) Adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city or county consistent with the requirements of sections 3 and 4 of this act are not subject to administrative or judicial appeals under this chapter.

**Sec. 7.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to read as follows:

(1) The growth management hearings board shall hear and determine only those petitions alleging either:

(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in this subsection authorizes the board to hear petitions alleging noncompliance ~~((with RCW 36.70A.5801))~~ based on a city or county's actions taken to implement the requirements of sections 3 and 4 of this act within an urban growth area;

(b) That the ~~((twenty-))~~ 20-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted;

(c) That the approval of a work plan adopted under RCW 36.70A.735(1)(a) is not in compliance with the requirements of the program established under RCW 36.70A.710;

(d) That regulations adopted under RCW 36.70A.735(1)(b) are not regionally applicable and cannot be adopted, wholly or partially, by another jurisdiction; or

(e) That a department certification under RCW 36.70A.735(1)(c) is erroneous.

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter; (b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested; (c) a person who is certified by the governor within ~~((sixty))~~ 60 days of filing the request with



the board; or (d) a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) To establish participation standing under subsection (2)(b) of this section, a person must show that his or her participation before the county or city was reasonably related to the person's issue as presented to the board.

(5) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, the board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by the board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by the board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as the "board adjusted population projection." None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

**NEW SECTION. Sec. 8.** A new section is added to chapter 36.70A RCW to read as follows:

(1) By December 31, 2023, the department must revise its recommendations for encouraging accessory dwelling units to include the provisions of sections 3 and 4 of this act.

(2) During each comprehensive plan review required by RCW 36.70A.130, the department must review local government comprehensive plans and development regulations for compliance with sections 3 and 4 of this act and the department's recommendations under subsection (1) of this section.

**NEW SECTION. Sec. 9.** A new section is added to chapter 64.34 RCW to read as follows:

(1) Except a declaration created to protect public health and safety, and ground and surface waters from on-site wastewater, a declaration created after the effective date of this section and applicable to a property located within an urban growth area may not impose any restriction or prohibition on the construction, development, or use on a lot of an accessory dwelling unit that the city or county in which the urban growth area is located would be prohibited from imposing under section 4 of this act.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling

unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive covenant or deed restriction.

**NEW SECTION. Sec. 10.** A new section is added to chapter 64.32 RCW to read as follows:

(1) Except a declaration created to protect public health and safety, and ground and surface waters from on-site wastewater, a declaration created after the effective date of this section and applicable to a property located within an urban growth area may not impose any restriction or prohibition on the construction, development, or use on a lot of an accessory dwelling unit that the city or county in which the urban growth area is located would be prohibited from imposing under section 4 of this act.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive covenant or deed restriction.

**NEW SECTION. Sec. 11.** A new section is added to chapter 64.38 RCW to read as follows:

(1) Except governing documents of associations created to protect public health and safety, and ground and surface waters from on-site wastewater, governing documents of associations created after the effective date of this section and applicable to a property located within an urban growth area may not impose any restriction or prohibition on the construction, development, or use on a lot of an accessory dwelling unit that the city or county in which the urban growth area is located would be prohibited from imposing under section 4 of this act.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive covenant or deed restriction.

**NEW SECTION. Sec. 12.** A new section is added to chapter 64.90 RCW to read as follows:

(1) Except declarations and governing documents of common interest communities created to protect public health and safety, and ground and surface waters from on-site wastewater, declarations and governing documents of common interest communities created after the effective date of this section and applicable to a property located within an urban growth area may not impose any restriction or prohibition on the construction, development, or use on a lot of an accessory dwelling unit that the city or county in which the urban growth area is

located would be prohibited from imposing under section 4 of this act.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive covenant or deed restriction.

**NEW SECTION. Sec. 13.** The following acts or parts of acts are each repealed:

(1) RCW 35.63.210 (Accessory apartments) and 1993 c 478 s 8;

(2) RCW 35A.63.230 (Accessory apartments) and 1993 c 478 s 9;

(3) RCW 36.70A.400 (Accessory apartments) and 1993 c 478 s 11;

(4) RCW 36.70.677 (Accessory apartments) and 1993 c 478 s 10; and

(5) RCW 43.63A.215 (Accessory apartments—Development and placement—Local governments) and 1993 c 478 s 7."

On page 1, line 2 of the title, after "units;" strike the remainder of the title and insert "amending RCW 36.70A.696, 43.21C.495, and 36.70A.280; adding new sections to chapter 36.70A RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.90 RCW; creating a new section; and repealing RCW 35.63.210, 35A.63.230, 36.70A.400, 36.70.677, and 43.63A.215."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1337 and advanced the bill, as amended by the Senate, to final passage.

Representatives Peterson and Barkis spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1337, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1337, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 85; Nays, 11; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chapman, Chopp, Christian, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Senn, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons,

Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Caldier, Cheney, Connors, Dye, Hutchins, McClintock, Ramos, Rude, Schmick, Schmidt and Shavers

Excused: Representatives Chandler and Ortiz-Self

ENGROSSED HOUSE BILL NO. 1337, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Thursday, April 6, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1349, with the following amendment(s): 1349 AMS KUDE S3084.1

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 61.24.008 and 2012 c 185 s 11 are each amended to read as follows:

(1) A borrower who has been referred to mediation before June 7, 2012, may continue through the mediation process and does not lose his or her right to mediation.

(2) A borrower who has not been referred to mediation as of June 7, 2012, may only be referred to mediation after a notice of default has been issued but no later than ~~((twenty days from the date a notice of sale is recorded))~~ 90 days prior to the date of sale listed in the notice of trustee's sale. If an amended notice of trustee's sale is recorded after the trustee sale has been stayed pursuant to RCW 61.24.130, the borrower may be referred to mediation no later than 25 days prior to the date of sale listed in the amended notice of trustee's sale.

(3) A borrower who has not been referred to mediation as of June 7, 2012, and who has had a notice of sale recorded may only be referred to mediation if the referral is made ~~((before twenty days have passed from the date the notice of sale was recorded))~~ at least 90 days prior to the date of sale listed in the notice of trustee's sale. If an amended notice of trustee's sale is recorded, the borrower may be referred to mediation no later than 25 days prior to the date of sale listed in the amended notice of trustee's sale.

**Sec. 2.** RCW 61.24.030 and 2021 c 151 s 3 are each amended to read as follows:

It shall be requisite to a trustee's sale:

(1) That the deed of trust contains a power of sale;

(2) That the deed of trust contains a statement that the real property conveyed is not used principally for agricultural purposes; provided, if the statement is false on the date the deed of trust was granted or amended to include that statement, and false on the date of the trustee's sale, then the deed of trust must be foreclosed judicially. Real property is used for agricultural purposes if it is used in an operation that produces crops, livestock, or aquatic goods;

(3) That a default has occurred in the obligation secured or a covenant of the grantor, which by the terms of the deed of trust makes operative the power to sell;

(4) That no action commenced by the beneficiary of the deed of trust is now pending to seek satisfaction of an obligation secured by the deed of trust in any court by reason of the grantor's default on the obligation secured: PROVIDED, That (a) the seeking of the appointment of a receiver, or the filing of a civil case to obtain court approval to access, secure, maintain, and preserve property from waste or nuisance, shall not constitute an action for purposes of this chapter; and (b) if a receiver is appointed, the grantor shall be entitled to any rents or profits derived from property subject to a homestead as defined in RCW 6.13.010. If the deed of trust was granted to secure a commercial loan, this subsection shall not apply to actions brought to enforce any other lien or security interest granted to secure the obligation secured by the deed of trust being foreclosed;

(5) That the deed of trust has been recorded in each county in which the land or some part thereof is situated;

(6) That prior to the date of the notice of trustee's sale and continuing thereafter through the date of the trustee's sale, the trustee must maintain a street address in this state where personal service of process may be made, and the trustee must maintain a physical presence and have telephone service at such address;

(7)(a) That, for residential real property of up to four units, before the notice of trustee's sale is recorded, transmitted, or served, the trustee shall have proof that the beneficiary is the holder of any promissory note or other obligation secured by the deed of trust. A declaration by the beneficiary made under the penalty of perjury stating that the beneficiary is the holder of any promissory note or other obligation secured by the deed of trust shall be sufficient proof as required under this subsection.

(b) Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the beneficiary's declaration as evidence of proof required under this subsection.

(c) This subsection (7) does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW;

(8) That at least ~~((thirty))~~30 days before notice of sale shall be recorded, transmitted or served, written notice of default and, for residential real property of up to four units, the beneficiary declaration specified in subsection (7)(a) of this section shall be transmitted by the beneficiary or trustee to the borrower and grantor at their last known addresses by both first-class and either registered or certified mail, return receipt requested, and the beneficiary or trustee shall cause to be posted in a conspicuous place on the premises, a copy of the notice, or personally served on the borrower and grantor. This notice shall contain the following information:

(a) A description of the property which is then subject to the deed of trust;

(b) A statement identifying each county in which the deed of trust is recorded and the document number given to the deed of trust upon recording by each county auditor or recording officer;

(c) A statement that the beneficiary has declared the borrower or grantor to be in default, and a concise statement of the default alleged;

(d) An itemized account of the amount or amounts in arrears if the default alleged is failure to make payments;

(e) An itemized account of all other specific charges, costs, or fees that the borrower, grantor, or any guarantor is or may be obliged to pay to reinstate the deed of trust before the recording of the notice of sale;

(f) A statement showing the total of (d) and (e) of this subsection, designated clearly and conspicuously as the amount necessary to reinstate the note and deed of trust before the recording of the notice of sale;

(g) A statement that failure to cure the alleged default within ~~((thirty))~~30 days of the date of mailing of the notice, or if personally served, within ~~((thirty))~~30 days of the date of personal service thereof, may lead to recordation, transmittal, and publication of a notice of sale, and that the property described in (a) of this subsection may be sold at public auction at a date no less than ~~((one hundred twenty))~~120 days in the future, or no less than ~~((one hundred fifty))~~150 days in the future if the borrower received a letter under RCW 61.24.031;

(h) A statement that the effect of the recordation, transmittal, and publication of a notice of sale will be to (i) increase the costs and fees and (ii) publicize the default and advertise the grantor's property for sale;

(i) A statement that the effect of the sale of the grantor's property by the trustee will be to deprive the grantor of all their interest in the property described in (a) of this subsection;

(j) A statement that the borrower, grantor, and any guarantor has recourse to the courts pursuant to RCW 61.24.130 to contest the alleged default on any proper ground;

(k) In the event the property secured by the deed of trust is residential real property of up to four units, a statement, prominently set out at the beginning of the notice, which shall state as follows:

**"THIS NOTICE IS ONE STEP IN A PROCESS THAT  
COULD RESULT IN YOUR  
LOSING YOUR HOME.**

You may be eligible for mediation in front of a neutral third party to help save your home.

**CONTACT A HOUSING COUNSELOR OR AN ATTORNEY  
LICENSED IN WASHINGTON NOW** to assess your situation and refer you to mediation if you might benefit. Mediation **MUST** be requested between the time you receive the Notice of Default and no later than ~~((twenty days after the Notice of Trustee Sale is~~

recorded) 90 calendar days BEFORE the date of sale listed in the Notice of Trustee Sale. If an amended Notice of Trustee Sale is recorded providing a 45-day notice of the sale, mediation must be requested no later than 25 calendar days BEFORE the date of sale listed in the amended Notice of Trustee Sale.

**DO NOT DELAY.** If you do nothing, a notice of sale may be issued as soon as 30 days from the date of this notice of default. The notice of sale will provide a minimum of 120 days' notice of the date of the actual foreclosure sale.

**BE CAREFUL** of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

**REFER TO THE CONTACTS BELOW** for sources of assistance.

**SEEKING ASSISTANCE**

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . .  
Website: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . .  
Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . .  
Website: . . . . ."

The beneficiary or trustee shall obtain the toll-free numbers and website information from the department for inclusion in the notice;

(l) In the event the property secured by the deed of trust is residential real property of up to four units, the name and address of the holder of any promissory note or other obligation secured by the deed of trust and the name, address, and telephone number of a party acting as a servicer of the obligations secured by the deed of trust;

(m) For notices issued after June 30, 2018, on the top of the first page of the notice:

(i) The current beneficiary of the deed of trust;

(ii) The current mortgage servicer for the deed of trust; and

(iii) The current trustee for the deed of trust;

(9) That, for residential real property of up to four units, before the notice of the trustee's sale is recorded, transmitted, or served, the beneficiary has complied with RCW 61.24.031 and, if applicable, RCW 61.24.163;

(10) That, in the case where the borrower or grantor is known to the mortgage servicer or trustee to be deceased, the notice required under subsection (8) of this

section must be sent to any spouse, child, or parent of the borrower or grantor known to the trustee or mortgage servicer, and to any owner of record of the property, at any address provided to the trustee or mortgage servicer, and to the property addressed to the heirs and devisees of the borrower.

(a) If the name or address of any spouse, child, or parent of such deceased borrower or grantor cannot be ascertained with use of reasonable diligence, the trustee must execute and record with the notice of sale a declaration attesting to the same.

(b) Reasonable diligence for the purposes of this subsection (10) means the trustee shall search in the county where the property is located, the public records and information for any obituary, will, death certificate, or case in probate within the county for the borrower and grantor;

(11) Upon written notice identifying the property address and the name of the borrower to the servicer or trustee by someone claiming to be a successor in interest to the borrower's or grantor's property rights, but who is not a party to the loan or promissory note or other obligation secured by the deed of trust, a trustee shall not record a notice of sale pursuant to RCW 61.24.040 until the trustee or mortgage servicer completes the following:

(a) Acknowledges the notice in writing and requests reasonable documentation of the death of the borrower or grantor from the claimant including, but not limited to, a death certificate or other written evidence of the death of the borrower or grantor. Other written evidence of the death of the borrower or grantor may include an obituary, a published death notice, or documentation of an open probate action for the estate of the borrower or grantor. The claimant must be allowed (~~thirty~~)30 days from the date of this request to present this documentation. If the trustee or mortgage servicer has already obtained sufficient proof of the borrower's death, it may proceed by acknowledging the claimant's notice in writing and issuing a request under (b) of this subsection.

(b) If the mortgage servicer or trustee obtains or receives written documentation of the death of the borrower or grantor from the claimant, or otherwise independently confirms the death of the borrower or grantor, then the servicer or trustee must request in writing documentation from the claimant demonstrating the ownership interest of the claimant in the real property. A claimant has (~~sixty~~)60 days from the date of the request to present this documentation. Documentation demonstrating the ownership interest of the claimant in the real property includes, but is not limited to, one of the following:

(i) Excerpts of a trust document noting the claimant as a beneficiary of a trust with title to the real property;

(ii) A will of the borrower or grantor listing the claimant as an heir or devisee with respect to the real property;

(iii) A probate order or finding of heirship issued by any court documenting the claimant as an heir or devisee or awarding the real property to the claimant;

(iv) A recorded lack of probate affidavit signed by any heir listing the claimant as an heir of the borrower or grantor pursuant to the laws of intestacy;

(v) A deed, such as a personal representative's deed, trustee's deed issued on behalf of a trust, statutory warranty deed, transfer on death deed, or other deed, giving any ownership interest to the claimant resulting from the death of the borrower or grantor or executed by the borrower or grantor for estate planning purposes; and

(vi) Other proof documenting the claimant as an heir of the borrower or grantor pursuant to state rules of intestacy set forth in chapter 11.04 RCW.

(c) If the mortgage servicer or trustee receives written documentation demonstrating the ownership interest of the claimant prior to the expiration of the (~~sixty~~)60 days provided in (b) of this subsection, then the servicer or trustee must, within (~~twenty~~)20 days of receipt of proof of ownership interest, provide the claimant with, at a minimum, the loan balance, interest rate and interest reset dates and amounts, balloon payments if any, prepayment penalties if any, the basis for the default, the monthly payment amount, reinstatement amounts or conditions, payoff amounts, and information on how and where payments should be made. The mortgage servicers shall also provide the claimant application materials and information, or a description of the process, necessary to request a loan assumption and modification.

(d) Upon receipt by the trustee or the mortgage servicer of the documentation establishing claimant's ownership interest in the real property, that claimant shall be deemed a "successor in interest" for the purposes of this section.

(e) There may be more than one successor in interest to the borrower's property rights. The trustee and mortgage servicer shall apply the provisions of this section to each successor in interest. In the case of multiple successors in interest, where one or more do not wish to assume the loan as coborrowers or coapplicants, a mortgage servicer may require any nonapplicant successor in interest to consent in writing to the application for loan assumption.

(f) The existence of a successor in interest under this section does not impose an affirmative duty on a mortgage servicer or alter any obligation the mortgage servicer has to provide a loan modification to the successor in interest. If a successor in interest assumes the loan, he or she may be required to otherwise qualify for available foreclosure prevention alternatives offered by the mortgage servicer.

(g) (c), (e), and (f) of this subsection (11) do not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW; and

(12) Nothing in this section shall prejudice the right of the mortgage servicer or beneficiary from discontinuing any foreclosure action initiated under the deed of trust act in favor of other allowed methods for pursuit of foreclosure of the

security interest or deed of trust security interest.

**Sec. 3.** RCW 61.24.040 and 2018 c 306 s 2 are each amended to read as follows:

A deed of trust foreclosed under this chapter shall be foreclosed as follows:

(1) At least (~~ninety~~)90 days before the sale, or if a letter under RCW 61.24.031 is required, at least (~~one hundred twenty~~)120 days before the sale, the trustee shall:

(a) Record a notice in the form described in subsection (2) of this section in the office of the auditor in each county in which the deed of trust is recorded;

(b) To the extent the trustee elects to foreclose its lien or interest, or the beneficiary elects to preserve its right to seek a deficiency judgment against a borrower or grantor under RCW 61.24.100(3)

(a), and if their addresses are stated in a recorded instrument evidencing their interest, lien, or claim of lien, or an amendment thereto, or are otherwise known to the trustee, cause a copy of the notice of sale described in subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the following persons or their legal representatives, if any, at such address:

(i) (A) The borrower and grantor;

(B) In the case where the borrower or grantor is deceased, to any successors in interest. If no successor in interest has been established, then to any spouse, child, or parent of the borrower or grantor, at the addresses discovered by the trustee pursuant to RCW 61.24.030(10);

(ii) The beneficiary of any deed of trust or mortgagee of any mortgage, or any person who has a lien or claim of lien against the property, that was recorded subsequent to the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iii) The vendee in any real estate contract, the lessee in any lease, or the holder of any conveyances of any interest or estate in any portion or all of the property described in such notice, if that contract, lease, or conveyance of such interest or estate, or a memorandum or other notice thereof, was recorded after the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iv) The last holder of record of any other lien against or interest in the property that is subject to a subordination to the deed of trust being foreclosed that was recorded before the recordation of the notice of sale;

(v) The last holder of record of the lien of any judgment subordinate to the deed of trust being foreclosed; and

(vi) The occupants of property consisting solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, whether or not the occupant's rental agreement is recorded, which notice may be a single notice addressed to "occupants" for

each unit known to the trustee or beneficiary;

(c) Cause a copy of the notice of sale described in subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the plaintiff or the plaintiff's attorney of record, in any court action to foreclose a lien or other encumbrance on all or any part of the property, provided a court action is pending and a lis pendens in connection therewith is recorded in the office of the auditor of any county in which all or part of the property is located on the date the notice is recorded;

(d) Cause a copy of the notice of sale described in subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to any person who has recorded a request for notice in accordance with RCW 61.24.045, at the address specified in such person's most recently recorded request for notice;

(e) Cause a copy of the notice of sale described in subsection (2) of this section to be posted in a conspicuous place on the property, or in lieu of posting, cause a copy of said notice to be served upon any occupant of the property.

(2)(a) If foreclosing on a commercial loan under RCW 61.24.005(4), the title of the document must be "Notice of Trustee's Sale of Commercial Loan(s)";

(b) In addition to all other indexing requirements, the notice required in subsection (1) of this section must clearly indicate on the first page the following information, which the auditor will index:

(i) The document number or numbers given to the deed of trust upon recording;

(ii) The parcel number(s);

(iii) The grantor;

(iv) The current beneficiary of the deed of trust;

(v) The current trustee of the deed of trust; and

(vi) The current loan mortgage servicer of the deed of trust;

(c) Nothing in this section:

(i) Requires a trustee or beneficiary to cause to be recorded any new notice of trustee's sale upon transfer of the beneficial interest in a deed of trust or the servicing rights for the associated mortgage loan;

(ii) Relieves a mortgage loan servicer of any obligation to provide the borrower with notice of a transfer of servicing rights or other legal obligations related to the transfer; or

(iii) Prevents the trustee from disclosing the beneficiary's identity to the borrower and to county and municipal officials seeking to abate nuisance and abandoned property in foreclosure pursuant to chapter 35.21 RCW.

(d) The notice must be in substantially the following form:

NOTICE OF TRUSTEE'S SALE

Grantor: .....  
Current beneficiary of the deed of trust: .....

Current trustee of the deed of trust: .....  
Current mortgage servicer of the deed of trust: .....  
Reference number of the deed of trust: .....  
Parcel number(s): .....

I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee will on the . . . day of . . . , at the hour of . . . o'clock . . . M. at . . . [street address and location if inside a building] in the City of . . . , State of Washington, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real property, situated in the County(ies) of . . . , State of Washington, to-wit:

[If any personal property is to be included in the trustee's sale, include a description that reasonably identifies such personal property]

which is subject to that certain Deed of Trust dated . . . , recorded . . . , under Auditor's File No. . . . , records of . . . County, Washington, from . . . , as Grantor, to . . . , as Trustee, to secure an obligation in favor of . . . , as Beneficiary, the beneficial interest in which was assigned by . . . , under an Assignment recorded under Auditor's File No. . . . [Include recording information for all counties if the Deed of Trust is recorded in more than one county.]

II.

No action commenced by the Beneficiary of the Deed of Trust is now pending to seek satisfaction of the obligation in any Court by reason of the Borrower's or Grantor's default on the obligation secured by the Deed of Trust.

[If there is another action pending to foreclose other security for all or part of the same debt, qualify the statement and identify the action.]

III.

The default(s) for which this foreclosure is made is/are as follows:

[If default is for other than payment of money, set forth the particulars]

Failure to pay when due the following amounts which are now in arrears:

IV.

The sum owing on the obligation secured by the Deed of Trust is: Principal \$ . . . , together with interest as provided in the note or other instrument secured from the . . . day of . . . , . . . , and such other costs and fees as are due under the note or other instrument secured, and as are provided by statute.

V.

The above-described real property will be sold to satisfy the expense of sale and the obligation secured by the Deed of Trust as provided by statute. The sale will be made without warranty, express or implied, regarding title, possession, or encumbrances on the . . . . day of . . . . . The default(s) referred to in paragraph III must be cured by the . . . . day of . . . . . (11 days before the sale date), to cause a discontinuance of the sale. The sale will be discontinued and terminated if at any time on or before the . . . . day of . . . . . (11 days before the sale date), the default(s) as set forth in paragraph III is/are cured and the Trustee's fees and costs are paid. The sale may be terminated any time after the . . . . day of . . . . . (11 days before the sale date), and before the sale by the Borrower, Grantor, any Guarantor, or the holder of any recorded junior lien or encumbrance paying the entire principal and interest secured by the Deed of Trust, plus costs, fees, and advances, if any, made pursuant to the terms of the obligation and/or Deed of Trust, and curing all other defaults.

VI.

A written notice of default was transmitted by the Beneficiary or Trustee to the Borrower and Grantor at the following addresses:

. . . . .  
. . . . .  
. . . . .

by both first-class and certified mail on the . . . . day of . . . . ., proof of which is in the possession of the Trustee; and the Borrower and Grantor were personally served on the . . . . day of . . . . ., with said written notice of default or the written notice of default was posted in a conspicuous place on the real property described in paragraph I above, and the Trustee has possession of proof of such service or posting.

VII.

The Trustee whose name and address are set forth below will provide in writing to anyone requesting it, a statement of all costs and fees due at any time prior to the sale.

VIII.

The effect of the sale will be to deprive the Grantor and all those who hold by, through or under the Grantor of all their interest in the above-described property.

IX.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the sale pursuant to RCW 61.24.130. Failure to bring such a lawsuit may result in a waiver of any proper grounds for invalidating the Trustee's sale.

[Add Part X to this notice if applicable under RCW 61.24.040(11)]

. . . . .  
. . . . ., Trustee  
. . . . .  
. . . . . } Address  
. . . . . }  
. . . . . } Phone

[Acknowledgment]

(3) If the borrower received a letter under RCW 61.24.031, the notice specified in subsection (2)(d) of this section shall also include the following additional language:

**"THIS NOTICE IS THE FINAL STEP BEFORE THE FORECLOSURE SALE OF YOUR HOME.**

You have only ~~((20 DAYS from the recording date on this notice to pursue mediation))~~ **until 90 calendar days BEFORE the date of sale listed in this Notice of Trustee Sale to be referred to mediation. If this is an amended Notice of Trustee Sale providing a 45-day notice of the sale, mediation must be requested no later than 25 calendar days BEFORE the date of sale listed in this amended Notice of Trustee Sale.**

**DO NOT DELAY. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW** to assess your situation and refer you to mediation if you are eligible and it may help you save your home. See below for safe sources of help.

**SEEKING ASSISTANCE**

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:  
The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission  
Telephone: . . . . .  
Website: . . . . .  
The United States Department of Housing and Urban Development  
Telephone: . . . . .  
Website: . . . . .  
The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys  
Telephone: . . . . .  
Website: . . . . ."

The beneficiary or trustee shall obtain the toll-free numbers and website information from the department for inclusion in the notice;

(4) In addition to providing the borrower and grantor the notice of sale described in subsection (2) of this section, the trustee shall include with the copy of the notice which is mailed to the grantor, a statement to the grantor in substantially the following form:

NOTICE OF FORECLOSURE  
Pursuant to the Revised Code of Washington,  
Chapter 61.24 RCW

The attached Notice of Trustee's Sale is a consequence of default(s) in the obligation to . . . . ., the Beneficiary of your Deed of Trust and holder of the obligation secured thereby. Unless the default(s) is/are cured, your property will be sold at auction on the . . . . . day of . . . . ., . . . . .

To cure the default(s), you must bring the payments current, cure any other defaults, and pay accrued late charges and other costs, advances, and attorneys' fees as set forth below by the . . . . . day of . . . . ., . . . . . [11 days before the sale date]. To date, these arrears and costs are as follows:

	Estimated amount that will be due to reinstate on . . . . .	on . . . . .
		(11 days before the date set for sale)
Delinquent payments from . . . . .		
. . . . ., in the amount of \$ . . . . . / \$ . . . . .		
mo.: Late charges in the total amount of:	\$ . . . . .	\$ . . . . .
		Estimat ed Amounts
Attorneys' fees:	\$ . . . . .	\$ . . . . .
Trustee's fee:	\$ . . . . .	\$ . . . . .
Trustee's expenses: (Itemizatio n)		
Title report	\$ . . . . .	\$ . . . . .
Recording fees	\$ . . . . .	\$ . . . . .
Service/Posting of Notices	\$ . . . . .	\$ . . . . .
Postage/Copying expense	\$ . . . . .	\$ . . . . .
Publication	\$ . . . . .	\$ . . . . .
Telephone charges	\$ . . . . .	\$ . . . . .
Inspection fees	\$ . . . . .	\$ . . . . .
. . . . .	\$ . . . . .	\$ . . . . .

. . . . . \$ . . . . . \$ . . . . .  
 TOTALS \$ . . . . . \$ . . . . .

To pay off the entire obligation secured by your Deed of Trust as of the . . . . . day of . . . . . you must pay a total of \$ . . . . . in principal, \$ . . . . . in interest, plus other costs and advances estimated to date in the amount of \$ . . . . . From and after the date of this notice you must submit a written request to the Trustee to obtain the total amount to pay off the entire obligation secured by your Deed of Trust as of the payoff date.

As to the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust, you must cure each such default. Listed below are the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust. Opposite each such listed default is a brief description of the action necessary to cure the default and a description of the documentation necessary to show that the default has been cured.

Default	Description of Action Required to Cure and Documentation Necessary to Show Cure
. . . . .	. . . . .
. . . . .	. . . . .
. . . . .	. . . . .
. . . . .	. . . . .

You may reinstate your Deed of Trust and the obligation secured thereby at any time up to and including the . . . . . day of . . . . ., . . . . . [11 days before the sale date], by paying the amount set forth or estimated above and by curing any other defaults described above. Of course, as time passes other payments may become due, and any further payments coming due and any additional late charges must be added to your reinstating payment. Any new defaults not involving payment of money that occur after the date of this notice must also be cured in order to effect reinstatement. In addition, because some of the charges can only be estimated at this time, and because the amount necessary to reinstate or to pay off the entire indebtedness may include presently unknown expenditures required to preserve the property or to comply with state or local law, it will be necessary for you to contact the Trustee before the time you tender reinstatement or the payoff amount so that you may be advised of the exact amount you will be required to pay. Tender of payment or performance must be made to: . . . . ., whose address is . . . . ., telephone ( ) . . . . . AFTER THE . . . . . DAY OF . . . . ., . . . . . YOU MAY NOT REINSTATE YOUR DEED OF TRUST BY PAYING THE BACK PAYMENTS AND COSTS AND FEES AND CURING THE OTHER DEFAULTS AS OUTLINED ABOVE. The Trustee will respond to any written request for current payoff or reinstatement amounts within ((ten)) 10 days of receipt of your written request. In such a case, you will only be able to stop the sale by paying, before the sale, the total



principal balance (\$ . . . . .) plus accrued interest, costs and advances, if any, made pursuant to the terms of the documents and by curing the other defaults as outlined above.

You may contest this default by initiating court action in the Superior Court of the county in which the sale is to be held. In such action, you may raise any legitimate defenses you have to this default. A copy of your Deed of Trust and documents evidencing the obligation secured thereby are enclosed. You may wish to consult a lawyer. Legal action on your part may prevent or restrain the sale, but only if you persuade the court of the merits of your defense. You may contact the Department of Financial Institutions or the statewide civil legal aid hotline for possible assistance or referrals.

The court may grant a restraining order or injunction to restrain a trustee's sale pursuant to RCW 61.24.130 upon five days notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. This notice shall include copies of all pleadings and related documents to be given to the judge. Notice and other process may be served on the trustee at:

NAME: . . . . .  
ADDRESS: . . . . .  
TELEPHONE NUMBER: . . . . .

If you do not reinstate the secured obligation and your Deed of Trust in the manner set forth above, or if you do not succeed in restraining the sale by court action, your property will be sold. The effect of such sale will be to deprive you and all those who hold by, through or under you of all interest in the property;

(5) In addition, the trustee shall cause a copy of the notice of sale described in subsection (2)(d) of this section (excluding the acknowledgment) to be published in a legal newspaper in each county in which the property or any part thereof is situated, once on or between the ~~((thirty-fifth))~~ 35th and ~~((twenty-eighth))~~ 28th day before the date of sale, and once on or between the ~~((fourteenth))~~ 14th and seventh day before the date of sale;

(6) In the case where no successor in interest has been established, and neither the beneficiary nor the trustee are able to ascertain the name and address of any spouse, child, or parent of the borrower or grantor in the manner described in RCW 61.24.030(10), then the trustee may, in addition to mailing notice to the property addressed to the unknown heirs and devisees of the grantor, serve the notice of sale by publication in a newspaper of general circulation in the county or city where the property is located once per week for three consecutive weeks. Upon this service by publication, to be completed not less than ~~((thirty))~~ 30 days prior to the date the sale is conducted, all unknown heirs shall be deemed served with the notice of sale;

(7) (a) If a servicer or trustee receives notification by someone claiming to be a successor in interest to the borrower or grantor, as under RCW 61.24.030(11), after the recording of the notice of sale, the trustee or servicer must request written documentation within five days demonstrating the ownership interest, provided that, the trustee may, but is not required to, postpone a trustee's sale upon receipt of such notification by someone claiming to be a successor in interest.

(b) Upon receipt of documentation establishing a claimant as a successor in interest, the servicer must provide the information in RCW 61.24.030(11)(c). Only if the servicer or trustee receives the documentation confirming someone as successor in interest more than ~~((forty-five))~~ 45 days before the scheduled sale must the servicer then provide the information in RCW 61.24.030(11)(c) to the claimant not less than ~~((twenty))~~ 20 days prior to the sale.

(c) (b) of this subsection (7) does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

(8) On the date and at the time designated in the notice of sale, the trustee or its authorized agent shall sell the property at public auction to the highest bidder. The trustee may sell the property in gross or in parcels as the trustee shall deem most advantageous;

(9) The place of sale shall be at any designated public place within the county where the property is located and if the property is in more than one county, the sale may be in any of the counties where the property is located. The sale shall be on Friday, or if Friday is a legal holiday on the following Monday, and during the hours set by statute for the conduct of sales of real estate at execution;

(10) The trustee has no obligation to, but may, for any cause the trustee deems advantageous, continue the sale for a period or periods not exceeding a total of ~~((one hundred twenty))~~ 120 days by (a) a public proclamation at the time and place fixed for sale in the notice of sale and if the continuance is beyond the date of sale, by giving notice of the new time and place of the sale by both first class and either certified or registered mail, return receipt requested, to the persons specified in subsection (1)(b)(i) and (ii) of this section to be deposited in the mail (i) not less than four days before the new date fixed for the sale if the sale is continued for up to seven days; or (ii) not more than three days after the date of the continuance by oral proclamation if the sale is continued for more than seven days, or, alternatively, (b) by giving notice of the time and place of the postponed sale in the manner and to the persons specified in subsection (1)(b), (c), (d), and (e) of this section and publishing a copy of such notice once in the newspaper(s) described in subsection (5) of this section, more than seven days before the date fixed for sale in the notice of sale. No other notice of the postponed sale need be given;

(11) The purchaser shall forthwith pay the price bid ~~((and on payment))~~. On payment

and subject to RCW 61.24.050, the trustee shall execute to the purchaser its deed (~~the~~). The deed shall recite the facts showing that the sale was conducted in compliance with all of the requirements of this chapter and of the deed of trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value, except that these recitals shall not affect the lien or interest of any person entitled to notice under subsection (1) of this section, if the trustee fails to give the required notice to such person. In such case, the lien or interest of such omitted person shall not be affected by the sale and such omitted person shall be treated as if such person was the holder of the same lien or interest and was omitted as a party defendant in a judicial foreclosure proceeding;

(12) The sale as authorized under this chapter shall not take place less than (~~one hundred ninety~~) 190 days from the date of default in any of the obligations secured;

(13) If the trustee elects to foreclose the interest of any occupant or tenant of property comprised solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, the following notice shall be included as Part X of the Notice of Trustee's Sale:

#### X. NOTICE TO OCCUPANTS OR TENANTS

The purchaser at the trustee's sale is entitled to possession of the property on the 20th day following the sale, as against the grantor under the deed of trust (the owner) and anyone having an interest junior to the deed of trust, including occupants who are not tenants. After the 20th day following the sale the purchaser has the right to evict occupants who are not tenants by summary proceedings under chapter 59.12 RCW. For tenant-occupied property, the purchaser shall provide a tenant with written notice in accordance with RCW 61.24.060;

(14) Only one copy of all notices required by this chapter need be given to a person who is both the borrower and the grantor. All notices required by this chapter that are given to a general partnership are deemed given to each of its general partners, unless otherwise agreed by the parties.

**Sec. 4.** RCW 61.24.160 and 2012 c 185 s 5 are each amended to read as follows:

(1) (a) A housing counselor who is contacted by a borrower under RCW 61.24.031 has a duty to act in good faith to attempt to reach a resolution with the beneficiary on behalf of the borrower within the (~~ninety~~) 90 days provided from the date the beneficiary initiates contact with the borrower and the date the notice of default is issued. A resolution may include, but is not limited to, modification of the loan, an agreement to conduct a short sale, a deed in lieu of foreclosure transaction, or some other workout plan.

(b) Nothing in RCW 61.24.031 or this section precludes a meeting or negotiations between the housing counselor, borrower, and beneficiary at any time, including after the issuance of the notice of default.

(c) A borrower who is contacted under RCW 61.24.031 may seek the assistance of a housing counselor or attorney at any time.

(2) Housing counselors have a duty to act in good faith to assist borrowers by:

(a) Preparing the borrower for meetings with the beneficiary;

(b) Advising the borrower about what documents the borrower must have to seek a loan modification or other resolution;

(c) Informing the borrower about the alternatives to foreclosure, including loan modifications or other possible resolutions; and

(d) Providing other guidance, advice, and education as the housing counselor considers necessary.

(3) A housing counselor or attorney assisting a borrower may refer the borrower to mediation, pursuant to RCW 61.24.163, if the housing counselor or attorney determines that mediation is appropriate based on the individual circumstances and the borrower has received a notice of default. The referral to mediation may be made any time after a notice of default has been issued but no later than (~~twenty days after the date a notice of sale has been recorded~~) 90 days prior to the date of sale listed in the notice of trustee's sale. If an amended notice of trustee's sale is recorded after the trustee sale has been stayed pursuant to RCW 61.24.130, the borrower may be referred to mediation no later than 25 days prior to the date of sale listed in the amended notice of trustee's sale.

(4) For borrowers who have received a letter under RCW 61.24.031 before June 7, 2012, a referral to mediation by a housing counselor or attorney does not preclude a trustee issuing a notice of default if the requirements of RCW 61.24.031 have been met.

(5) Housing counselors providing assistance to borrowers under RCW 61.24.031 are not liable for civil damages resulting from any acts or omissions in providing assistance, unless the acts or omissions constitute gross negligence or willful or wanton misconduct.

(6) Housing counselors shall provide information to the department to assist the department in its annual report to the legislature as required under RCW 61.24.163(18). The information provided to the department by the housing counselors should include outcomes of foreclosures and be similar to the information requested in the national foreclosure mortgage counseling client level foreclosure outcomes report form.

**Sec. 5.** RCW 61.24.163 and 2018 c 306 s 6 are each amended to read as follows:

(1) The foreclosure mediation program established in this section applies only to borrowers who have been referred to mediation by a housing counselor or attorney. The referral to mediation may be made any time after a notice of default has been issued but no later than (~~twenty days~~

~~after the date a notice of sale has been recorded)) 90 days prior to the date of sale listed in the notice of trustee's sale. If an amended notice of trustee's sale is recorded after the trustee sale has been stayed pursuant to RCW 61.24.130, the borrower may be referred to mediation no later than 25 days prior to the date of sale listed in the amended notice of trustee's sale.~~ If the borrower has failed to elect to mediate within the applicable time frame, the borrower and the beneficiary may, but are under no duty to, agree in writing to enter the foreclosure mediation program. The mediation program under this section is not governed by chapter 7.07 RCW and does not preclude mediation required by a court or other provision of law.

(2) A housing counselor or attorney referring a borrower to mediation shall send a notice to the borrower and the department, stating that mediation is appropriate.

(3) Within ~~((ten))~~ 10 days of receiving the notice, the department shall:

(a) Send a notice to the beneficiary, the borrower, the housing counselor or attorney who referred the borrower, and the trustee stating that the parties have been referred to mediation. The notice must include the statements and list of documents and information described in subsections (4) and (5) of this section and a statement explaining each party's responsibility to pay the mediator's fee; and

(b) Select a mediator and notify the parties of the selection.

(4) Within ~~((twenty-three))~~ 23 days of the department's notice that the parties have been referred to mediation, the borrower shall transmit the documents required for mediation to the mediator and the beneficiary. The required documents include an initial homeowner financial information worksheet as required by the department. The worksheet must include, at a minimum, the following information:

(a) The borrower's current and future income;

(b) Debts and obligations;

(c) Assets;

(d) Expenses;

(e) Tax returns for the previous two years;

(f) Hardship information;

(g) Other applicable information commonly required by any applicable federal mortgage relief program.

(5) Within ~~((twenty))~~ 20 days of the beneficiary's receipt of the borrower's documents, the beneficiary shall transmit the documents required for mediation to the mediator and the borrower. The required documents include:

(a) An accurate statement containing the balance of the loan within ~~((thirty))~~ 30 days of the date on which the beneficiary's documents are due to the parties;

(b) Copies of the note and deed of trust;

(c) Proof that the entity claiming to be the beneficiary is the owner of any promissory note or obligation secured by the deed of trust. Sufficient proof may be a copy of the declaration described in RCW 61.24.030 (7) (a);

(d) The best estimate of any arrearage and an itemized statement of the arrearages;

(e) An itemized list of the best estimate of fees and charges outstanding;

(f) The payment history and schedule for the preceding twelve months, or since default, whichever is longer, including a breakdown of all fees and charges claimed;

(g) All borrower-related and mortgage-related input data used in any net present values analysis. If no net present values analysis is required by the applicable federal mortgage relief program, then the input data required under the federal deposit insurance corporation and published in the federal deposit insurance corporation loan modification program guide, or if that calculation becomes unavailable, substantially similar input data as determined by the department;

(h) An explanation regarding any denial for a loan modification, forbearance, or other alternative to foreclosure in sufficient detail for a reasonable person to understand why the decision was made;

(i) Appraisal or other broker price opinion most recently relied upon by the beneficiary not more than ~~((ninety))~~ 90 days old at the time of the scheduled mediation; and

(j) The portion or excerpt of the pooling and servicing agreement or other investor restriction that prohibits the beneficiary from implementing a modification, if the beneficiary claims it cannot implement a modification due to limitations in a pooling and servicing agreement or other investor restriction, and documentation or a statement detailing the efforts of the beneficiary to obtain a waiver of the pooling and servicing agreement or other investor restriction provisions.

(6) Within ~~((seventy))~~ 70 days of receiving the referral from the department, the mediator shall convene a mediation session in the county where the property is located, unless the parties agree on another location. The parties may agree to extend the time in which to schedule the mediation session. If the parties agree to extend the time, the beneficiary shall notify the trustee of the extension and the date the mediator is expected to issue the mediator's certification.

(7) (a) The mediator may schedule phone conferences, consultations with the parties individually, and other communications to ensure that the parties have all the necessary information and documents to engage in a productive mediation.

(b) The mediator must send written notice of the time, date, and location of the mediation session to the borrower, the beneficiary, and the department at least ~~((thirty))~~ 30 days prior to the mediation session. At a minimum, the notice must contain:

(i) A statement that the borrower may be represented in the mediation session by an attorney or other advocate;

(ii) A statement that a person with authority to agree to a resolution, including a proposed settlement, loan modification, or dismissal or continuation of the foreclosure proceeding, must be present either in person or on the telephone or videoconference during the mediation session; and

(iii) A statement that the parties have a duty to mediate in good faith and that failure to mediate in good faith may impair the beneficiary's ability to foreclose on the property or the borrower's ability to modify the loan or take advantage of other alternatives to foreclosure.

(8)(a) The borrower, the beneficiary or authorized agent, and the mediator must meet in person for the mediation session. However, a person with authority to agree to a resolution on behalf of the beneficiary may be present over the telephone or videoconference during the mediation session.

(b) After the mediation session commences, the mediator may continue the mediation session once, and any further continuances must be with the consent of the parties.

(9) The participants in mediation must address the issues of foreclosure that may enable the borrower and the beneficiary to reach a resolution, including but not limited to reinstatement, modification of the loan, restructuring of the debt, or some other workout plan. To assist the parties in addressing issues of foreclosure, the mediator may require the participants to consider the following:

(a) The borrower's current and future economic circumstances, including the borrower's current and future income, debts, and obligations for the previous ~~((sixty))~~ 60 days or greater time period as determined by the mediator;

(b) The net present value of receiving payments pursuant to a modified mortgage loan as compared to the anticipated net recovery following foreclosure;

(c) Any affordable loan modification calculation and net present value calculation when required under any federal mortgage relief program and any modification program related to loans insured by the federal housing administration, the veterans administration, and the rural housing service. If such a calculation is not provided or required, then the beneficiary must provide the net present value data inputs established by the federal deposit insurance corporation and published in the federal deposit insurance corporation loan modification program guide or other net present value data inputs as designated by the department. The mediator may run the calculation in order for a productive mediation to occur and to comply with the mediator certification requirement; and

(d) Any other loss mitigation guidelines to loans insured by the federal housing administration, the veterans administration, and the rural housing service, if applicable.

(10) A violation of the duty to mediate in good faith as required under this section may include:

(a) Failure to timely participate in mediation without good cause;

(b) Failure of the borrower or the beneficiary to provide the documentation required before mediation or pursuant to the mediator's instructions;

(c) Failure of a party to designate representatives with adequate authority to fully settle, compromise, or otherwise reach

resolution with the borrower in mediation; and

(d) A request by a beneficiary that the borrower waive future claims he or she may have in connection with the deed of trust, as a condition of agreeing to a modification, except for rescission claims under the federal truth in lending act. Nothing in this section precludes a beneficiary from requesting that a borrower dismiss with prejudice any pending claims against the beneficiary, its agents, loan servicer, or trustee, arising from the underlying deed of trust, as a condition of modification.

(11) If the mediator reasonably believes a borrower will not attend a mediation session based on the borrower's conduct, such as the lack of response to the mediator's communications, the mediator may cancel a scheduled mediation session and send a written cancellation to the department and the trustee and send copies to the parties. The beneficiary may proceed with the foreclosure after receipt of the mediator's written confirmation of cancellation.

(12) Within seven business days after the conclusion of the mediation session, the mediator must send a written certification to the department and the trustee and send copies to the parties of:

(a) The date, time, and location of the mediation session;

(b) The names of all persons attending in person and by telephone or videoconference, at the mediation session;

(c) Whether a resolution was reached by the parties, including whether the default was cured by reinstatement, modification, or restructuring of the debt, or some other alternative to foreclosure was agreed upon by the parties;

(d) Whether the parties participated in the mediation in good faith; and

(e) If a written agreement was not reached, a description of any net present value test used, along with a copy of the inputs, including the result of any net present value test expressed in a dollar amount.

(13) If the parties are unable to reach an agreement, the beneficiary may proceed with the foreclosure after receipt of the mediator's written certification.

(14)(a) The mediator's certification that the beneficiary failed to act in good faith in mediation constitutes a defense to the nonjudicial foreclosure action that was the basis for initiating the mediation. In any action to enjoin the foreclosure, the beneficiary is entitled to rebut the allegation that it failed to act in good faith.

(b) The mediator's certification that the beneficiary failed to act in good faith during mediation does not constitute a defense to a judicial foreclosure or a future nonjudicial foreclosure action if a modification of the loan is agreed upon and the borrower subsequently defaults.

(c) If an affordable loan modification is not offered in the mediation or a written agreement was not reached and the mediator's certification shows that the net present value of the modified loan exceeds the

anticipated net recovery at foreclosure, that showing in the certification constitutes a basis for the borrower to enjoin the foreclosure.

(15) The mediator's certification that the borrower failed to act in good faith in mediation authorizes the beneficiary to proceed with the foreclosure.

(16) (a) If a borrower has been referred to mediation before a notice of trustee sale has been recorded, a trustee may not record the notice of sale until the trustee receives the mediator's certification stating that the mediation has been completed. If the trustee does not receive the mediator's certification, the trustee may record the notice of sale after ~~((ten))~~ 10 days from the date the certification to the trustee was due. If, after a notice of sale is recorded under this subsection (16) (a), the mediator subsequently issues a certification finding that the beneficiary violated the duty of good faith, the certification constitutes a basis for the borrower to enjoin the foreclosure.

(b) If a borrower has been referred to mediation after the notice of sale was recorded, the sale may not occur until the trustee receives the mediator's certification stating that the mediation has been completed.

(17) A mediator may charge reasonable fees as authorized by this subsection or as authorized by the department. Unless the fee is waived, the parties agree otherwise, or the department otherwise authorizes, a foreclosure mediator's fee may not exceed ~~((four hundred dollars))~~ \$400 for preparing, scheduling, and conducting a mediation session lasting between one hour and three hours. For a mediation session exceeding three hours, the foreclosure mediator may charge a reasonable fee, as authorized by the department. The mediator must provide an estimated fee before the mediation, and payment of the mediator's fee must be divided equally between the beneficiary and the borrower. The beneficiary and the borrower must tender the loan mediator's fee within ~~((thirty))~~ 30 calendar days from receipt of the department's letter referring the parties to mediation or pursuant to the mediator's instructions.

(18) Beginning December 1, 2012, and every year thereafter, the department shall report annually to the legislature on:

(a) The performance of the program, including the numbers of borrowers who are referred to mediation by a housing counselor or attorney;

(b) The results of the mediation program, including the number of mediations requested by housing counselors and attorneys, the number of certifications of good faith issued, the number of borrowers and beneficiaries who failed to mediate in good faith, and the reasons for the failure to mediate in good faith, if known, the numbers of loans restructured or modified, the change in the borrower's monthly payment for principal and interest and the number of principal write-downs and interest rate reductions, and, to the extent practical, the number of borrowers who report a default

within a year of restructuring or modification;

(c) The information received by housing counselors regarding outcomes of foreclosures; and

(d) Any recommendations for changes to the statutes regarding the mediation program.

(19) This section does not apply to certain federally insured depository institutions, as specified in RCW 61.24.166.

**Sec. 6.** RCW 61.24.165 and 2021 c 151 s 6 are each amended to read as follows:

(1) RCW 61.24.163 applies only to deeds of trust that are recorded against residential real property of up to four units.

(2) RCW 61.24.163 does not apply to deeds of trust:

(a) Securing a commercial loan;  
 (b) Securing obligations of a grantor who is not the borrower or a guarantor;  
 (c) Securing a purchaser's obligations under a seller-financed sale; or

(d) Where the grantor is a partnership, corporation, or limited liability company, or where the property is vested in a partnership, corporation, or limited liability company at the time the notice of default is issued.

(3) RCW 61.24.163 does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

(4) For purposes of referral and mediation under RCW 61.24.163, a person may be referred to mediation if the borrower is deceased and the person is a successor in interest of the deceased borrower ~~((who occupies the property as his or her primary residence))~~. The referring counselor or attorney must determine a person's eligibility under this section and indicate the grounds for eligibility on the referral to mediation submitted to the department. For the purposes of mediation under RCW 61.24.163, the person must be treated as a "borrower." This subsection does not impose an affirmative duty on the beneficiary to accept an assumption of the loan.

(5) For purposes of referral and mediation under RCW 61.24.163, a person may be referred to mediation if the person has been awarded title to the property in a proceeding for dissolution or legal separation. The referring counselor or attorney must determine the person's eligibility under this section and indicate the grounds for eligibility on the referral to mediation submitted to the department. For the purposes of mediation under RCW 61.24.163, the person must be treated as a "borrower." This subsection does not impose an affirmative duty on the beneficiary to accept an assumption of the loan.

**Sec. 7.** RCW 61.24.166 and 2021 c 151 s 7 are each amended to read as follows:

(1) Beginning on January 1, ((2023)) 2024, the provisions of RCW 61.24.163 do not apply to any federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b) (1) (A), that certifies to the department under penalty of perjury that it was not a beneficiary of deeds of trust in

more than ~~((two hundred fifty))~~250 trustee sales of residential real property of up to four units that occurred in this state during the preceding calendar year. A federally insured depository institution certifying that RCW 61.24.163 does not apply must do so annually, beginning no later than January 31, ~~((2023))~~2024, and no later than January 31st of each year thereafter.

(2) During the 2023 calendar year, the provisions of RCW 61.24.163 do not apply to any federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), that certifies to the department under penalty of perjury that it was not a beneficiary of deeds of trust in more than 250 trustee sales of owner-occupied residential real property that occurred in this state during 2019. A federally insured depository institution certifying that RCW 61.24.163 does not apply pursuant to this subsection must do so no later than 30 days after the effective date of this section.

(3) This section applies retroactively to January 1, 2023, and prospectively beginning with the effective date of this section.

**Sec. 8.** RCW 61.24.190 and 2021 c 151 s 11 are each amended to read as follows:

(1) Except as provided in subsections (6) and (7) of this section, beginning January 1, 2022, and every quarter thereafter, every beneficiary issuing notices of default, or causing notices of default to be issued on its behalf, on residential real property under this chapter must:

(a) Report to the department, on a form approved by the department, the total number of residential real properties for which the beneficiary has issued a notice of default during the previous quarter, together with the street address, city, and zip code;

(b) Remit the amount required under subsection (2) of this section; and

(c) Report and update beneficiary contact information for the person and work group responsible for the beneficiary's compliance with the requirements of the foreclosure fairness act created in this chapter.

(2) For each residential real property for which a notice of default has been issued, the beneficiary issuing the notice of default, or causing the notice of default to be issued on the beneficiary's behalf, shall remit \$250 to the department to be deposited, as provided under RCW 61.24.172, into the foreclosure fairness account. The \$250 payment is required per property and not per notice of default. The beneficiary shall remit the total amount required in a lump sum each quarter.

(3) Reporting and payments under subsections (1) and (2) of this section are due within 45 days of the end of each quarter.

(4) For purposes of this section, "residential real property" includes residential real property with up to four dwelling units, whether or not the property or any part thereof is owner occupied.

(5) The department, including its officials and employees, may not be held civilly liable for damages arising from any release of information or the failure to

release information related to the reporting required under this section, so long as the release was without gross negligence.

(6) (a) Beginning on January 1, 2023, this section does not apply to any beneficiary or loan servicer that is a federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), and that certifies under penalty of perjury that it has issued, or has directed a trustee or authorized agent to issue, fewer than 250 notices of default in the preceding year.

(b) During the 2023 calendar year, this section does not apply to any beneficiary or loan servicer that is a federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), and that certifies under penalty of perjury that fewer than 50 notices of trustee's sale were recorded on its behalf in 2019.

(c) This subsection (6) applies retroactively to January 1, 2023, and prospectively beginning with the effective date of this section.

(7) This section does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

**NEW SECTION. Sec. 9.** A new section is added to chapter 61.24 RCW to read as follows:

(1) (a) The trustee shall continue a foreclosure sale for at least 30 days upon receipt of a written notice from the homeowner assistance fund program administered by the Washington state housing finance commission that an application has been submitted to the homeowner assistance fund program on behalf of the applicant.

(b) The trustee shall continue the foreclosure sale for an additional 30-day period upon receipt of a written notice from the homeowner assistance fund program that the applicant is deemed eligible for the program.

(c) An automated notice issued by the homeowner assistance fund program does not qualify as written notice required in this section.

(2) (a) If an application to the homeowner assistance fund program is approved in the amount that would cure the default and make the beneficiary whole, a sale may not proceed while the approved application is pending for payment.

(b) A sale may proceed if the homeowner assistance fund program issues a written confirmation that an application has been denied or that no funds from the program will be paid in response to the application, and that any appeal process available to the applicant has been exhausted and is no longer pending.

(3) The trustee has no duty to delay a sale if the applicant has already received a continuance based on prior application to the homeowner assistance fund program, unless the applicant demonstrates to the trustee that a new application is pending based upon a substantial change in circumstances supporting a new application and that it has not been submitted solely for the purpose of delaying the sale.

(4)(a) The trustee must comply with the process set forth in RCW 61.24.040(1) for giving notice of the continued sale.

(b) A continuance of a sale pursuant to this section shall not be included in calculating the maximum sale continuance period of 120 days established in RCW 61.24.040(10).

(5) For purposes of this section, "applicant" means a person who:

(a) Is the borrower, a successor in interest to a deceased borrower, or a person who has been awarded title to the property; and

(b) Has submitted an application to the homeowner assistance fund program or on whose behalf an application to the program has been submitted.

**NEW SECTION. Sec. 10.** A new section is added to chapter 61.12 RCW to read as follows:

(1) It is unlawful for any person to seek or receive from any person or contract with any person for any fee or compensation for locating, or purporting to purchase or otherwise acquire the right to recover, funds held by a court or county that are proceeds from a foreclosure under this chapter and subject to disposition under RCW 61.12.150 in excess of:

(a) Five percent of the value thereof returned to such owner; and

(b) Reasonable attorneys' fees and costs, upon a motion and a hearing by a court of competent jurisdiction.

(2) Any person who violates this section is guilty of a misdemeanor and shall be fined not less than the amount of the fee or charge he or she has sought or received or contracted for, and not more than 10 times such amount, or imprisoned for not more than 30 days, or both.

(3) The legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Any violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW. Remedies provided by chapter 19.86 RCW are cumulative and not exclusive.

(4) Every contract for any fee or compensation for locating or purporting to purchase the right to recover funds held by a court that are proceeds from a foreclosure under this chapter and subject to disposition under RCW 61.12.150 must contain the following notice in 10-point boldface type or larger directly above the space reserved in the contract for the signature of the buyer:

"NOTICE TO HOMEOWNER:

(1) Do not sign this contract before you read it or if any spaces intended for the agreed terms are left blank.

(2) You are entitled to a copy of this contract at the time you sign it.

(3) You may cancel this contract within 10 days of signing by sending notice of

cancellation by regular United States mail to the other party at his or her address shown on the contract, which notice shall be posted not later than midnight of the 10th day (excluding Sundays and holidays) following your signing of the contract."

**Sec. 11.** RCW 61.24.135 and 2021 c 151 s 5 are each amended to read as follows:

(1) It is an unfair or deceptive act or practice under the consumer protection act, chapter 19.86 RCW, for any person, acting alone or in concert with others, to offer, or offer to accept or accept from another, any consideration of any type not to bid, or to reduce a bid, at a sale of property conducted pursuant to a power of sale in a deed of trust. The trustee may decline to complete a sale or deliver the trustee's deed and refund the purchase price, if it appears that the bidding has been collusive or defective, or that the sale might have been void. However, it is not an unfair or deceptive act or practice for any person, including a trustee, to state that a property subject to a recorded notice of trustee's sale or subject to a sale conducted pursuant to this chapter is being sold in an "as-is" condition, or for the beneficiary to arrange to provide financing for a particular bidder or to reach any good faith agreement with the borrower, grantor, any guarantor, or any junior lienholder.

(2) It is an unfair or deceptive act in trade or commerce and an unfair method of competition in violation of the consumer protection act, chapter 19.86 RCW, for any person or entity to: (a) Violate the duty of good faith under RCW 61.24.163; (b) fail to comply with the requirements of RCW 61.24.174, as it existed prior to July 1, 2016, 61.24.173, or 61.24.190; or (c) fail to initiate contact with a borrower and exercise due diligence as required under RCW 61.24.031.

(3)(a) It is unlawful for any person to seek or receive from any person or contract with any person for any fee or compensation for locating, or purporting to purchase or otherwise acquire the right to recover, funds held by a court or county that are proceeds from a foreclosure under this chapter and subject to disposition under RCW 61.24.080 in excess of:

(i) Five percent of the value thereof returned to such owner; and

(ii) Reasonable attorneys' fees and costs, upon a motion and a hearing by a court of competent jurisdiction.

(b) Any person who violates (a) of this subsection is guilty of a misdemeanor and shall be fined not less than the amount of the fee or charge he or she has sought or received or contracted for, and not more than 10 times such amount, or imprisoned for not more than 30 days, or both.

(c) The legislature finds that the practices covered by (a) of this subsection are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Any violation of (a) of this subsection is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or

commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW. Remedies provided by chapter 19.86 RCW are cumulative and not exclusive.

(4) Every contract for any fee or compensation for locating or purporting to purchase the right to recover funds held by a court that are proceeds from a foreclosure under this chapter and subject to disposition under RCW 61.24.080 must contain the following notice in 10-point boldface type or larger directly above the space reserved in the contract for the signature of the buyer:

"NOTICE TO HOMEOWNER:

(1) Do not sign this contract before you read it or if any spaces intended for the agreed terms are left blank.

(2) You are entitled to a copy of this contract at the time you sign it.

(3) You may cancel this contract within 10 days of signing by sending notice of cancellation by regular United States mail to the other party at his or her address shown on the contract, which notice shall be posted not later than midnight of the 10th day (excluding Sundays and holidays) following your signing of the contract."

NEW SECTION. Sec. 12. (1) Section 9 of this act expires upon the expiration and permanent closure of the homeowner assistance fund program.

(2) The Washington state housing finance commission must provide written notice of the expiration date of section 9 of this act to the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the commission.

NEW SECTION. Sec. 13. Sections 7 through 9 and 12 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 1 of the title, after "protections;" strike the remainder of the title and insert "amending RCW 61.24.008, 61.24.030, 61.24.040, 61.24.160, 61.24.163, 61.24.165, 61.24.166, 61.24.190, and 61.24.135; adding a new section to chapter 61.24 RCW; adding a new section to chapter 61.12 RCW; providing a contingent expiration date; and declaring an emergency."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1349 and advanced the bill, as amended by the Senate, to final passage.

Representatives Orwall and Klicker spoke in favor of the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1349, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1349, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Ortiz-Self

HOUSE BILL NO. 1349, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Friday, April 7, 2023

Mme. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1636, with the following amendment(s): 1636.E AMS LAW S2700.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 64.32.200 and 2021 c 222 s 3 are each amended to read as follows:

(1) The declaration may provide for the collection of all sums assessed by the association of apartment owners for the share of the common expenses chargeable to any apartment and the collection may be enforced in any manner provided in the declaration including, but not limited to, (a) ~~((ten))~~ 10 days notice shall be given the delinquent apartment owner to the effect that unless such assessment is paid within ~~((ten))~~ 10 days any or all utility services will be forthwith severed and shall remain severed until such assessment is paid, or (b) collection of such assessment may be made by such lawful method of enforcement, judicial or extra-judicial, as may be provided in the declaration and/or bylaws.

(2) All sums assessed by the association of apartment owners but unpaid for the share of the common expenses chargeable to any apartment shall constitute a lien on such apartment prior to all other liens except only (a) tax liens on the apartment in favor of any assessing unit and/or special district, and (b) all sums unpaid on all mortgages of record. Such lien is not subject to the ban against execution or forced sales of homesteads under RCW 6.13.080 and, subject to the provisions in subsection ~~((+4-))~~ (5) of this section, may be foreclosed by suit by the manager or



board of directors, acting on behalf of the apartment owners, in like manner as a mortgage of real property. In any such foreclosure the apartment owner shall be required to pay a reasonable rental for the apartment, if so provided in the bylaws, and the plaintiff in such foreclosures shall be entitled to the appointment of a receiver to collect the same. The manager or board of directors, acting on behalf of the apartment owners, shall have power, unless prohibited by the declaration, to bid on the apartment at foreclosure sale, and to acquire and hold, lease, mortgage, and convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment, the period of redemption shall be eight months after the sale. Suit to recover any judgment for any unpaid common expenses shall be maintainable without foreclosing or waiving the liens securing the same.

(3) Where the mortgagee of a mortgage of record or other purchaser of an apartment obtains possession of the apartment as a result of foreclosure of the mortgage, such possessor, his or her successors and assigns shall not be liable for the share of the common expenses or assessments by the association of apartment owners chargeable to such apartment which became due prior to such possession. Such unpaid share of common expenses of assessments shall be deemed to be common expenses collectible from all of the apartment owners including such possessor, his or her successors and assigns.

(4)(a) When the association, or the manager or board of directors on its behalf, mails to the apartment owner by first-class mail the first notice of delinquency for past due assessments to the apartment address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE APARTMENT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress. REFER TO THE CONTACTS BELOW for sources of assistance.**

**SEEKING ASSISTANCE**

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . .  
Website: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . .  
Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . .  
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the apartment owner, the association or the association's attorney shall mail the first preforeclosure notice to the apartment owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (5)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(5) An association, or the manager or board of directors on its behalf, may not commence an action to foreclose a lien on an apartment under this section unless:

(a) The apartment owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) ((\$200))\$2,000 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (4)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the apartment address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE APARTMENT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.**

**THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.**

**BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.**

~~REFER TO THE CONTACTS BELOW for sources of assistance.~~

**SEEKING ASSISTANCE**

~~Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:~~

~~The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission~~

~~Telephone: . . . . .  
Website: . . . . .~~

~~The United States Department of Housing and Urban Development~~

~~Telephone: . . . . .  
Website: . . . . .~~

~~The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys~~

~~Telephone: . . . . .  
Website: . . . . .~~

~~The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the apartment owner pursuant to subsection (4) (a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (4) (a) of this section is mailed;~~

~~(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and~~

~~(d) The board approves commencement of a foreclosure action specifically against that apartment.~~

~~((+5)) (6) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.~~

**Sec. 2.** RCW 64.32.200 and 2021 c 222 s 4 are each amended to read as follows:

(1) The declaration may provide for the collection of all sums assessed by the association of apartment owners for the share of the common expenses chargeable to any apartment and the collection may be enforced in any manner provided in the declaration including, but not limited to, (a) ~~((ten))~~ 10 days notice shall be given the delinquent apartment owner to the effect that unless such assessment is paid within ~~((ten))~~ 10 days any or all utility services will be forthwith severed and shall remain severed until such assessment is paid, or (b) collection of such assessment may be made by such lawful method of enforcement, judicial or extra-judicial, as may be provided in the declaration and/or bylaws.

(2) All sums assessed by the association of apartment owners but unpaid for the share of the common expenses chargeable to any apartment shall constitute a lien on such apartment prior to all other liens except only (a) tax liens on the apartment in favor of any assessing unit and/or special

district, and (b) all sums unpaid on all mortgages of record. Such lien is not subject to the ban against execution or forced sales of homesteads under RCW 6.13.080 and, subject to the provisions in subsection ~~((+4))~~ (5) of this section, may be foreclosed by suit by the manager or board of directors, acting on behalf of the apartment owners, in like manner as a mortgage of real property. In any such foreclosure the apartment owner shall be required to pay a reasonable rental for the apartment, if so provided in the bylaws, and the plaintiff in such foreclosures shall be entitled to the appointment of a receiver to collect the same. The manager or board of directors, acting on behalf of the apartment owners, shall have power, unless prohibited by the declaration, to bid on the apartment at foreclosure sale, and to acquire and hold, lease, mortgage, and convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment, the period of redemption shall be eight months after the sale. Suit to recover any judgment for any unpaid common expenses shall be maintainable without foreclosing or waiving the liens securing the same.

(3) Where the mortgagee of a mortgage of record or other purchaser of an apartment obtains possession of the apartment as a result of foreclosure of the mortgage, such possessor, his or her successors and assigns shall not be liable for the share of the common expenses or assessments by the association of apartment owners chargeable to such apartment which became due prior to such possession. Such unpaid share of common expenses of assessments shall be deemed to be common expenses collectible from all of the apartment owners including such possessor, his or her successors and assigns.

(4) (a) When the association, or the manager or board of directors on its behalf, mails to the apartment owner by first-class mail the first notice of delinquency for past due assessments to the apartment address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE APARTMENT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress. REFER TO THE CONTACTS BELOW for sources of assistance.**

**SEEKING ASSISTANCE**

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to

keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . .
Website: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . .
Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . .
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the apartment owner, the association or the association's attorney shall mail the first preforeclosure notice to the apartment owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (5)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(5) An association, or the manager or board of directors on its behalf, may not commence an action to foreclose a lien on an apartment under this section unless:

(a) The apartment owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) ((\$200))\$2,000 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (4)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the apartment address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE APARTMENT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

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Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . .
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the apartment owner pursuant to subsection (4)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (4)(a) of this section is mailed;

(c) At least 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that apartment.

((45)) (6) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

Sec. 3. RCW 64.34.364 and 2021 c 222 s 5 are each amended to read as follows:

(1) The association has a lien on a unit for any unpaid assessments levied against a unit from the time the assessment is due.

(2) A lien under this section shall be prior to all other liens and encumbrances on a unit except: (a) Liens and encumbrances recorded before the recording of the declaration; (b) a mortgage on the unit recorded before the date on which the assessment sought to be enforced became delinquent; and (c) liens for real property taxes and other governmental assessments or charges against the unit. A lien under this section is not subject to the provisions of chapter 6.13 RCW.

(3) Except as provided in subsections (4) and (5) of this section, the lien shall also be prior to the mortgages described in subsection (2)(b) of this section to the extent of assessments for common expenses, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.34.360(1) which would have become due during the six months immediately preceding the date of a sheriff's sale in an action for judicial foreclosure by either the association or a mortgagee, the date of a trustee's sale in a nonjudicial foreclosure by a mortgagee, or the date of recording of the declaration of forfeiture in a proceeding by the vendor under a real estate contract.

(4) The priority of the association's lien against units encumbered by a mortgage held by an eligible mortgagee or by a mortgagee which has given the association a written request for a notice of delinquent assessments shall be reduced by up to three months if and to the extent that the lien priority under subsection (3) of this section includes delinquencies which relate to a period after such holder becomes an eligible mortgagee or has given such notice and before the association gives the holder a written notice of the delinquency. This subsection does not affect the priority of mechanics' or material suppliers' liens, or the priority of liens for other assessments made by the association.

(5) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided by subsection (9) of this section, the association shall not be entitled to the lien priority provided for under subsection (3) of this section.

(6) Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same real estate, those liens have equal priority.

(7) Recording of the declaration constitutes record notice and perfection of the lien for assessments. While no further recording of any claim of lien for assessment under this section shall be required to perfect the association's lien, the association may record a notice of claim of lien for assessments under this section in the real property records of any county in which the condominium is located. Such recording shall not constitute the written notice of delinquency to a mortgagee referred to in subsection (2) of this section.

(8) A lien for unpaid assessments and the personal liability for payment of assessments is extinguished unless proceedings to enforce the lien or collect the debt are instituted within three years after the amount of the assessments sought to be recovered becomes due.

(9) The lien arising under this section may be enforced judicially by the association or its authorized representative in the manner set forth in chapter 61.12 RCW. The lien arising under this section may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the

declaration (a) contains a grant of the condominium in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, (b) contains a power of sale, (c) provides in its terms that the units are not used principally for agricultural or farming purposes, and (d) provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative shall have the power, unless prohibited by the declaration, to purchase the unit at the foreclosure sale and to acquire, hold, lease, mortgage, or convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption shall be eight months. Nothing in this section shall prohibit an association from taking a deed in lieu of foreclosure.

(10) From the time of commencement of an action by the association to foreclose a lien for nonpayment of delinquent assessments against a unit that is not occupied by the owner thereof, the association shall be entitled to the appointment of a receiver to collect from the lessee thereof the rent for the unit as and when due. If the rental is not paid, the receiver may obtain possession of the unit, refurbish it for rental up to a reasonable standard for rental units in this type of condominium, rent the unit or permit its rental to others, and apply the rents first to the cost of the receivership and attorneys' fees thereof, then to the cost of refurbishing the unit, then to applicable charges, then to costs, fees, and charges of the foreclosure action, and then to the payment of the delinquent assessments. Only a receiver may take possession and collect rents under this subsection, and a receiver shall not be appointed less than ~~((ninety))~~ 90 days after the delinquency. The exercise by the association of the foregoing rights shall not affect the priority of preexisting liens on the unit.

(11) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure shall not be liable for assessments or installments thereof that became due prior to such right of possession. Such unpaid assessments shall be deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(12) In addition to constituting a lien on the unit, each assessment shall be the joint and several obligation of the owner or owners of the unit to which the same are assessed as of the time the assessment is due. In a voluntary conveyance, the grantee of a unit shall be jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover

from the grantor the amounts paid by the grantee therefor. Suit to recover a personal judgment for any delinquent assessment shall be maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(13) The association may from time to time establish reasonable late charges and a rate of interest to be charged on all subsequent delinquent assessments or installments thereof. In the absence of another established nonusurious rate, delinquent assessments shall bear interest from the date of delinquency at the maximum rate permitted under RCW 19.52.020 on the date on which the assessments became delinquent.

(14) The association shall be entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in suit being commenced or prosecuted to judgment. In addition, the association shall be entitled to recover costs and reasonable attorneys' fees if it prevails on appeal and in the enforcement of a judgment.

(15) The association upon written request shall furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments against that unit. The statement shall be furnished within fifteen days after receipt of the request and is binding on the association, the board of directors, and every unit owner, unless and to the extent known by the recipient to be false.

(16) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(17)(a) When the association mails to the unit owner by first-class mail the first notice of delinquency for past due assessments to the unit address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress. REFER TO THE CONTACTS BELOW for sources of assistance.**

**SEEKING ASSISTANCE**

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The statewide foreclosure hotline for assistance and referral to housing

counselors recommended by the Housing Finance Commission

Telephone: . . . . .  
Website: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . .  
Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . .  
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the unit owner, the association or the association's attorney shall mail the first preforeclosure notice to the unit owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (18)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(18) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) ((\$200))\$2,000 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (17)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and**

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~~Telephone: . . . . .  
Website: . . . . .~~

~~The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the unit owner pursuant to subsection (17)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (17)(a) of this section is mailed;~~

~~(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and~~

~~(d) The board approves commencement of a foreclosure action specifically against that unit.~~

~~((18)) (19) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.~~

**Sec. 4.** RCW 64.34.364 and 2021 c 222 s 6 are each amended to read as follows:

(1) The association has a lien on a unit for any unpaid assessments levied against a unit from the time the assessment is due.

(2) A lien under this section shall be prior to all other liens and encumbrances on a unit except: (a) Liens and encumbrances recorded before the recording of the declaration; (b) a mortgage on the unit recorded before the date on which the assessment sought to be enforced became delinquent; and (c) liens for real property taxes and other governmental assessments or charges against the unit. A lien under this section is not subject to the provisions of chapter 6.13 RCW.

(3) Except as provided in subsections (4) and (5) of this section, the lien shall also be prior to the mortgages described in subsection (2)(b) of this section to the extent of assessments for common expenses, excluding any amounts for capital improvements, based on the periodic budget

adopted by the association pursuant to RCW 64.34.360(1) which would have become due during the six months immediately preceding the date of a sheriff's sale in an action for judicial foreclosure by either the association or a mortgagee, the date of a trustee's sale in a nonjudicial foreclosure by a mortgagee, or the date of recording of the declaration of forfeiture in a proceeding by the vendor under a real estate contract.

(4) The priority of the association's lien against units encumbered by a mortgage held by an eligible mortgagee or by a mortgagee which has given the association a written request for a notice of delinquent assessments shall be reduced by up to three months if and to the extent that the lien priority under subsection (3) of this section includes delinquencies which relate to a period after such holder becomes an eligible mortgagee or has given such notice and before the association gives the holder a written notice of the delinquency. This subsection does not affect the priority of mechanics' or material suppliers' liens, or the priority of liens for other assessments made by the association.

(5) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided by subsection (9) of this section, the association shall not be entitled to the lien priority provided for under subsection (3) of this section.

(6) Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same real estate, those liens have equal priority.

(7) Recording of the declaration constitutes record notice and perfection of the lien for assessments. While no further recording of any claim of lien for assessment under this section shall be required to perfect the association's lien, the association may record a notice of claim of lien for assessments under this section in the real property records of any county in which the condominium is located. Such recording shall not constitute the written notice of delinquency to a mortgagee referred to in subsection (2) of this section.

(8) A lien for unpaid assessments and the personal liability for payment of assessments is extinguished unless proceedings to enforce the lien or collect the debt are instituted within three years after the amount of the assessments sought to be recovered becomes due.

(9) The lien arising under this section may be enforced judicially by the association or its authorized representative in the manner set forth in chapter 61.12 RCW. The lien arising under this section may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration (a) contains a grant of the condominium in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, (b) contains a power of sale, (c) provides in its terms that the units are not used

principally for agricultural or farming purposes, and (d) provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative shall have the power, unless prohibited by the declaration, to purchase the unit at the foreclosure sale and to acquire, hold, lease, mortgage, or convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption shall be eight months. Nothing in this section shall prohibit an association from taking a deed in lieu of foreclosure.

(10) From the time of commencement of an action by the association to foreclose a lien for nonpayment of delinquent assessments against a unit that is not occupied by the owner thereof, the association shall be entitled to the appointment of a receiver to collect from the lessee thereof the rent for the unit as and when due. If the rental is not paid, the receiver may obtain possession of the unit, refurbish it for rental up to a reasonable standard for rental units in this type of condominium, rent the unit or permit its rental to others, and apply the rents first to the cost of the receivership and attorneys' fees thereof, then to the cost of refurbishing the unit, then to applicable charges, then to costs, fees, and charges of the foreclosure action, and then to the payment of the delinquent assessments. Only a receiver may take possession and collect rents under this subsection, and a receiver shall not be appointed less than ~~((ninety))~~ 90 days after the delinquency. The exercise by the association of the foregoing rights shall not affect the priority of preexisting liens on the unit.

(11) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure shall not be liable for assessments or installments thereof that became due prior to such right of possession. Such unpaid assessments shall be deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(12) In addition to constituting a lien on the unit, each assessment shall be the joint and several obligation of the owner or owners of the unit to which the same are assessed as of the time the assessment is due. In a voluntary conveyance, the grantee of a unit shall be jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor. Suit to recover a personal judgment for any delinquent assessment shall be maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(13) The association may from time to time establish reasonable late charges and a rate of interest to be charged on all subsequent delinquent assessments or installments thereof. In the absence of another established nonusurious rate, delinquent assessments shall bear interest from the date of delinquency at the maximum rate permitted under RCW 19.52.020 on the date on which the assessments became delinquent.

(14) The association shall be entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in suit being commenced or prosecuted to judgment. In addition, the association shall be entitled to recover costs and reasonable attorneys' fees if it prevails on appeal and in the enforcement of a judgment.

(15) The association upon written request shall furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments against that unit. The statement shall be furnished within fifteen days after receipt of the request and is binding on the association, the board of directors, and every unit owner, unless and to the extent known by the recipient to be false.

(16) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(17)(a) When the association mails to the unit owner by first-class mail the first notice of delinquency for past due assessments to the unit address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.**

**THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.**

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Website: . . . . .

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Telephone: . . . . .  
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the unit owner, the association or the association's attorney shall mail the first preforeclosure notice to the unit owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (18)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(18) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) ((\$200))\$2,000 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (17)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

**~~THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.~~**

**~~THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW~~ to assess your situation and refer you to mediation if you might benefit. **DO NOT DELAY.****

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Telephone: . . . . .  
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the unit owner pursuant to subsection (17)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (17)(a) of this section is mailed;

(c) At least 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that unit.

((18)) (19) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

**Sec. 5.** RCW 64.38.100 and 2021 c 222 s 7 are each amended to read as follows:

(1) (a) If the governing documents of an association provide for a lien on the lot of any owner for unpaid assessments, the association shall include the following first preforeclosure notice when mailing to the lot owner by first-class mail the first notice of delinquency to the lot address and to any other address that the owner has provided to the association:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE HOMEOWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.**

**THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. **DO NOT DELAY.****

**BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.**

**REFER TO THE CONTACTS BELOW for sources of assistance.**

**SEEKING ASSISTANCE**



Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . .  
Website: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . .  
Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . .  
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the lot owner, the association or the association's attorney shall mail the first preforeclosure notice to the lot owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (2)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(2) If the governing documents of an association provide for a lien on the lot of any owner for unpaid assessments, the association may not commence an action to foreclose the lien unless:

(a) The lot owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) ((\$200))\$2,000 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (1)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the lot address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

**~~THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE HOMEOWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.~~**

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~~The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys~~

Telephone: . . . . .  
Website: . . . . .

~~The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the lot owner pursuant to subsection (1)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (1)(a) of this section is mailed;~~

~~(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and~~

~~(d) The board approves commencement of a foreclosure action specifically against that lot.~~

~~((2)) (3) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.~~

**Sec. 6.** RCW 64.38.100 and 2021 c 222 s 8 are each amended to read as follows:

(1)(a) If the governing documents of an association provide for a lien on the lot of any owner for unpaid assessments, the association shall include the following first preforeclosure notice when mailing to the lot owner by first-class mail the first notice of delinquency to the lot address and to any other address that the owner has provided to the association:

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Telephone: . . . . .  
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the lot owner, the association or the association's attorney shall mail the first preforeclosure notice to the lot owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (2)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(2) If the governing documents of an association provide for a lien on the lot of any owner for unpaid assessments, the association may not commence an action to foreclose the lien unless:

(a) The lot owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the

collection of a delinquent owner's account; or

(ii) (((\$200))\$2,000 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (1)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the lot address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE HOMEOWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.**

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The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . .  
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the lot owner pursuant to subsection (1)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (1)(a) of this section is mailed;

(c) At least 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that lot.

((2)) (3) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

**Sec. 7.** RCW 64.90.485 and 2021 c 222 s 1 are each amended to read as follows:

(1) The association has a statutory lien on each unit for any unpaid assessment against the unit from the time such assessment is due.

(2) A lien under this section has priority over all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances that the association creates, assumes, or takes subject to;

(b) Except as otherwise provided in subsection (3) of this section, a security interest on the unit recorded before the date on which the unpaid assessment became due or, in a cooperative, a security interest encumbering only the unit owner's interest and perfected before the date on which the unpaid assessment became due; and

(c) Liens for real estate taxes and other state or local governmental assessments or charges against the unit or cooperative.

(3) (a) A lien under this section also has priority over the security interests described in subsection (2) (b) of this section to the extent of an amount equal to the following:

(i) The common expense assessments, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.90.480(1), along with any specially allocated assessments that are properly assessable against the unit under such periodic budget, which would have become due in the absence of acceleration during the six months immediately preceding the institution of proceedings to foreclose either the association's lien or a security interest described in subsection (2) (b) of this section;

(ii) The association's actual costs and reasonable attorneys' fees incurred in foreclosing its lien but incurred after the giving of the notice described in (a) (iii) of this subsection; provided, however, that the costs and reasonable attorneys' fees that will have priority under this subsection (3) (a) (ii) shall not exceed ~~((two thousand dollars))~~ \$2,000 or an amount equal to the amounts described in (a) (i) of this subsection, whichever is less;

(iii) The amounts described in (a) (ii) of this subsection shall be prior only to the security interest of the holder of a security interest on the unit recorded before the date on which the unpaid assessment became due and only if the association has given that holder not less than ~~((sixty))~~ 60 days' prior written notice that the owner of the unit is in default in payment of an assessment. The notice shall contain:

(A) Name of the borrower;

(B) Recording date of the trust deed or mortgage;

(C) Recording information;

(D) Name of condominium, unit owner, and unit designation stated in the declaration or applicable supplemental declaration;

(E) Amount of unpaid assessment; and

(F) A statement that failure to, within ~~((sixty))~~ 60 days of the written notice, submit the association payment of six months of assessments as described in (a) (i) of this subsection will result in the priority of the amounts described in (a) (ii) of this subsection; and

(iv) Upon payment of the amounts described in (a) (i) and (ii) of this subsection by the holder of a security interest, the association's lien described in this subsection (3) (a) shall thereafter be fully subordinated to the lien of such holder's security interest on the unit.

(b) For the purposes of this subsection:

(i) "Institution of proceedings" means either:

(A) The date of recording of a notice of trustee's sale by a deed of trust beneficiary;

(B) The date of commencement, pursuant to applicable court rules, of an action for judicial foreclosure either by the association or by the holder of a recorded security interest; or

(C) The date of recording of a notice of intention to forfeit in a real estate contract forfeiture proceeding by the vendor under a real estate contract.

(ii) "Capital improvements" does not include making, in the ordinary course of management, repairs to common elements or replacements of the common elements with substantially similar items, subject to: (A) Availability of materials and products, (B) prevailing law, or (C) sound engineering and construction standards then prevailing.

(c) The adoption of a periodic budget that purports to allocate to a unit any fines, late charges, interest, attorneys' fees and costs incurred for services unrelated to the foreclosure of the association's lien, other collection charges, or specially allocated assessments assessed under RCW 64.90.480 (6) or (7) does not cause any such items to be included in the priority amount affecting such unit.

(4) Subsections (2) and (3) of this section do not affect the priority of mechanics' or material suppliers' liens to the extent that law of this state other than chapter 277, Laws of 2018 gives priority to such liens, or the priority of liens for other assessments made by the association.

(5) A lien under this section is not subject to chapter 6.13 RCW.

(6) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided under subsection (13) of this section, the association is not entitled to the lien priority provided for under subsection (3) of this section, and is subject to the limitations on deficiency judgments as provided in chapter 61.24 RCW.

(7) Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority as to each other, and any

foreclosure of one such lien shall not affect the lien of the other.

(8) Recording of the declaration constitutes record notice and perfection of the statutory lien created under this section. Further notice or recordation of any claim of lien for assessment under this section is not required, but is not prohibited.

(9) A lien for unpaid assessments and the personal liability for payment of those assessments are extinguished unless proceedings to enforce the lien or collect the debt are instituted within six years after the full amount of the assessments sought to be recovered becomes due.

(10) This section does not prohibit actions against unit owners to recover sums for which subsection (1) of this section creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

(11) The association upon written request must furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments or the priority amount against that unit, or both. The statement must be furnished within ~~((fifteen))~~ 15 days after receipt of the request and is binding on the association, the board, and every unit owner unless, and to the extent, known by the recipient to be false. The liability of a recipient who reasonably relies upon the statement must not exceed the amount set forth in any statement furnished pursuant to this section or RCW 64.90.640(1)(b).

(12) In a cooperative, upon nonpayment of an assessment on a unit, the unit owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided under this section.

(13) The association's lien may be foreclosed in accordance with (a) and (b) of this subsection.

(a) In a common interest community other than a cooperative, the association's lien may be foreclosed judicially in accordance with chapter 61.12 RCW, subject to any rights of redemption under chapter 6.23 RCW.

(b) The lien may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration: Contains a grant of the common interest community in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, contains a power of sale, provides in its terms that the units are not used principally for agricultural purposes, and provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative may purchase the unit at the foreclosure sale and acquire, hold, lease, mortgage, or convey the unit. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption is eight months.

(c) In a cooperative in which the unit owners' interests in the units are real estate, the association's lien must be

foreclosed in like manner as a mortgage on real estate or by power of sale under (b) of this subsection.

(d) In a cooperative in which the unit owners' interests in the units are personal property, the association's lien must be foreclosed in like manner as a security interest under chapter 62A.9A RCW.

(14) If the unit owner's interest in a unit in a cooperative is real estate, the following requirements apply:

(a) The association, upon nonpayment of assessments and compliance with this subsection, may sell that unit at a public sale or by private negotiation, and at any time and place. The association must give to the unit owner and any lessee of the unit owner reasonable notice in a record of the time, date, and place of any public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time and date after which a private conveyance may be made. Such notice must also be sent to any other person that has a recorded interest in the unit that would be cut off by the sale, but only if the recorded interest was on record seven weeks before the date specified in the notice as the date of any public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made. The notices required under this subsection may be sent to any address reasonable in the circumstances. A sale may not be held until five weeks after the sending of the notice. The association may buy at any public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale.

(b) Unless otherwise agreed to or as stated in this section, the unit owner is liable for any deficiency in a foreclosure sale.

(c) The proceeds of a foreclosure sale must be applied in the following order:

(i) The reasonable expenses of sale;

(ii) The reasonable expenses of securing possession before sale; the reasonable expenses of holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges and premiums on insurance; and, to the extent provided for by agreement between the association and the unit owner, reasonable attorneys' fees, costs, and other legal expenses incurred by the association;

(iii) Satisfaction of the association's lien;

(iv) Satisfaction in the order of priority of any subordinate claim of record; and

(v) Remittance of any excess to the unit owner.

(d) A good-faith purchaser for value acquires the unit free of the association's debt that gave rise to the lien under which the foreclosure sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with this section. The person conducting the sale must execute a conveyance to the purchaser sufficient to convey the unit and stating that it is executed by the person after a foreclosure of the association's lien by power of sale

and that the person was empowered to make the sale. Signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required under this subsection are sufficient proof of the facts recited and of the authority to sign. Further proof of authority is not required even though the association is named as grantee in the conveyance.

(e) At any time before the association has conveyed a unit in a cooperative or entered into a contract for its conveyance under the power of sale, the unit owners or the holder of any subordinate security interest may cure the unit owner's default and prevent sale or other conveyance by tendering the performance due under the security agreement, including any amounts due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender, including reasonable attorneys' fees and costs of the creditor.

(15) In an action by an association to collect assessments or to foreclose a lien on a unit under this section, the court may appoint a receiver to collect all sums alleged to be due and owing to a unit owner before commencement or during pendency of the action. The receivership is governed under chapter 7.60 RCW. During pendency of the action, the court may order the receiver to pay sums held by the receiver to the association for any assessments against the unit. The exercise of rights under this subsection by the association does not affect the priority of preexisting liens on the unit.

(16) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure is not liable for assessments or installments of assessments that became due prior to such right of possession. Such unpaid assessments are deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior unit owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(17) In addition to constituting a lien on the unit, each assessment is the joint and several obligation of the unit owner of the unit to which the same are assessed as of the time the assessment is due. A unit owner may not exempt himself or herself from liability for assessments. In a voluntary conveyance other than by foreclosure, the grantee of a unit is jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee. Suit to recover a personal judgment for any delinquent assessment is maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(18) The association may from time to time establish reasonable late charges and a

rate of interest to be charged, not to exceed the maximum rate calculated under RCW 19.52.020, on all subsequent delinquent assessments or installments of assessments. If the association does not establish such a rate, delinquent assessments bear interest from the date of delinquency at the maximum rate calculated under RCW 19.52.020 on the date on which the assessments became delinquent.

(19) The association is entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in a suit being commenced or prosecuted to judgment. The prevailing party is also entitled to recover costs and reasonable attorneys' fees in such suits, including any appeals, if it prevails on appeal and in the enforcement of a judgment.

(20) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(21)(a) When the association mails to the unit owner by first-class mail the first notice of delinquency for past due assessments to the unit address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS**

**FROM THE UNIT OWNERS ASSOCIATION TO WHICH YOUR HOME BELONGS.**

**THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.**

**CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.**

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The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . .  
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the unit owner, the association or the association's attorney shall mail the first preforeclosure notice to the unit owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (22)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(22) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) (\$200)\$2,000 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (21)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

**~~THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress. REFER TO THE CONTACTS BELOW for sources of assistance.~~**

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~~Telephone: . . . . .  
Website: . . . . .~~

~~The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the owner pursuant to subsection (21)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (21)(a) of this section is mailed;~~

(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that unit.

((+22+)) (23) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

**Sec. 8.** RCW 64.90.485 and 2021 c 222 s 2 are each amended to read as follows:

(1) The association has a statutory lien on each unit for any unpaid assessment against the unit from the time such assessment is due.

(2) A lien under this section has priority over all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances that the association creates, assumes, or takes subject to;

(b) Except as otherwise provided in subsection (3) of this section, a security interest on the unit recorded before the date on which the unpaid assessment became due or, in a cooperative, a security interest encumbering only the unit owner's interest and perfected before the date on which the unpaid assessment became due; and

(c) Liens for real estate taxes and other state or local governmental assessments or charges against the unit or cooperative.

(3)(a) A lien under this section also has priority over the security interests described in subsection (2)(b) of this section to the extent of an amount equal to the following:

(i) The common expense assessments, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.90.480(1), along with any specially allocated assessments that are properly assessable against the unit under such periodic budget, which would have become due in the absence of acceleration during the six months immediately preceding the institution of proceedings to foreclose either the association's lien or a security

interest described in subsection (2)(b) of this section;

(ii) The association's actual costs and reasonable attorneys' fees incurred in foreclosing its lien but incurred after the giving of the notice described in (a)(iii) of this subsection; provided, however, that the costs and reasonable attorneys' fees that will have priority under this subsection (3)(a)(ii) shall not exceed (~~two thousand dollars~~) \$2,000 or an amount equal to the amounts described in (a)(i) of this subsection, whichever is less;

(iii) The amounts described in (a)(ii) of this subsection shall be prior only to the security interest of the holder of a security interest on the unit recorded before the date on which the unpaid assessment became due and only if the association has given that holder not less than (~~sixty~~) 60 days' prior written notice that the owner of the unit is in default in payment of an assessment. The notice shall contain:

(A) Name of the borrower;

(B) Recording date of the trust deed or mortgage;

(C) Recording information;

(D) Name of condominium, unit owner, and unit designation stated in the declaration or applicable supplemental declaration;

(E) Amount of unpaid assessment; and

(F) A statement that failure to, within (~~sixty~~) 60 days of the written notice, submit the association payment of six months of assessments as described in (a)(i) of this subsection will result in the priority of the amounts described in (a)(ii) of this subsection; and

(iv) Upon payment of the amounts described in (a)(i) and (ii) of this subsection by the holder of a security interest, the association's lien described in this subsection (3)(a) shall thereafter be fully subordinated to the lien of such holder's security interest on the unit.

(b) For the purposes of this subsection:

(i) "Institution of proceedings" means either:

(A) The date of recording of a notice of trustee's sale by a deed of trust beneficiary;

(B) The date of commencement, pursuant to applicable court rules, of an action for judicial foreclosure either by the association or by the holder of a recorded security interest; or

(C) The date of recording of a notice of intention to forfeit in a real estate contract forfeiture proceeding by the vendor under a real estate contract.

(ii) "Capital improvements" does not include making, in the ordinary course of management, repairs to common elements or replacements of the common elements with substantially similar items, subject to: (A) Availability of materials and products, (B) prevailing law, or (C) sound engineering and construction standards then prevailing.

(c) The adoption of a periodic budget that purports to allocate to a unit any fines, late charges, interest, attorneys' fees and costs incurred for services unrelated to the foreclosure of the association's lien, other collection charges, or specially allocated assessments

assessed under RCW 64.90.480 (6) or (7) does not cause any such items to be included in the priority amount affecting such unit.

(4) Subsections (2) and (3) of this section do not affect the priority of mechanics' or material suppliers' liens to the extent that law of this state other than chapter 277, Laws of 2018 gives priority to such liens, or the priority of liens for other assessments made by the association.

(5) A lien under this section is not subject to chapter 6.13 RCW.

(6) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided under subsection (13) of this section, the association is not entitled to the lien priority provided for under subsection (3) of this section, and is subject to the limitations on deficiency judgments as provided in chapter 61.24 RCW.

(7) Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority as to each other, and any foreclosure of one such lien shall not affect the lien of the other.

(8) Recording of the declaration constitutes record notice and perfection of the statutory lien created under this section. Further notice or recordation of any claim of lien for assessment under this section is not required, but is not prohibited.

(9) A lien for unpaid assessments and the personal liability for payment of those assessments are extinguished unless proceedings to enforce the lien or collect the debt are instituted within six years after the full amount of the assessments sought to be recovered becomes due.

(10) This section does not prohibit actions against unit owners to recover sums for which subsection (1) of this section creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

(11) The association upon written request must furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments or the priority amount against that unit, or both. The statement must be furnished within (~~fifteen~~) 15 days after receipt of the request and is binding on the association, the board, and every unit owner unless, and to the extent, known by the recipient to be false. The liability of a recipient who reasonably relies upon the statement must not exceed the amount set forth in any statement furnished pursuant to this section or RCW 64.90.640(1)(b).

(12) In a cooperative, upon nonpayment of an assessment on a unit, the unit owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided under this section.

(13) The association's lien may be foreclosed in accordance with (a) and (b) of this subsection.

(a) In a common interest community other than a cooperative, the association's lien may be foreclosed judicially in accordance

with chapter 61.12 RCW, subject to any rights of redemption under chapter 6.23 RCW.

(b) The lien may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration: Contains a grant of the common interest community in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, contains a power of sale, provides in its terms that the units are not used principally for agricultural purposes, and provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative may purchase the unit at the foreclosure sale and acquire, hold, lease, mortgage, or convey the unit. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption is eight months.

(c) In a cooperative in which the unit owners' interests in the units are real estate, the association's lien must be foreclosed in like manner as a mortgage on real estate or by power of sale under (b) of this subsection.

(d) In a cooperative in which the unit owners' interests in the units are personal property, the association's lien must be foreclosed in like manner as a security interest under chapter 62A.9A RCW.

(14) If the unit owner's interest in a unit in a cooperative is real estate, the following requirements apply:

(a) The association, upon nonpayment of assessments and compliance with this subsection, may sell that unit at a public sale or by private negotiation, and at any time and place. The association must give to the unit owner and any lessee of the unit owner reasonable notice in a record of the time, date, and place of any public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time and date after which a private conveyance may be made. Such notice must also be sent to any other person that has a recorded interest in the unit that would be cut off by the sale, but only if the recorded interest was on record seven weeks before the date specified in the notice as the date of any public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made. The notices required under this subsection may be sent to any address reasonable in the circumstances. A sale may not be held until five weeks after the sending of the notice. The association may buy at any public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale.

(b) Unless otherwise agreed to or as stated in this section, the unit owner is liable for any deficiency in a foreclosure sale.

(c) The proceeds of a foreclosure sale must be applied in the following order:

(i) The reasonable expenses of sale;

(ii) The reasonable expenses of securing possession before sale; the reasonable

expenses of holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges and premiums on insurance; and, to the extent provided for by agreement between the association and the unit owner, reasonable attorneys' fees, costs, and other legal expenses incurred by the association;

(iii) Satisfaction of the association's lien;

(iv) Satisfaction in the order of priority of any subordinate claim of record; and

(v) Remittance of any excess to the unit owner.

(d) A good-faith purchaser for value acquires the unit free of the association's debt that gave rise to the lien under which the foreclosure sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with this section. The person conducting the sale must execute a conveyance to the purchaser sufficient to convey the unit and stating that it is executed by the person after a foreclosure of the association's lien by power of sale and that the person was empowered to make the sale. Signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required under this subsection are sufficient proof of the facts recited and of the authority to sign. Further proof of authority is not required even though the association is named as grantee in the conveyance.

(e) At any time before the association has conveyed a unit in a cooperative or entered into a contract for its conveyance under the power of sale, the unit owners or the holder of any subordinate security interest may cure the unit owner's default and prevent sale or other conveyance by tendering the performance due under the security agreement, including any amounts due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender, including reasonable attorneys' fees and costs of the creditor.

(15) In an action by an association to collect assessments or to foreclose a lien on a unit under this section, the court may appoint a receiver to collect all sums alleged to be due and owing to a unit owner before commencement or during pendency of the action. The receivership is governed under chapter 7.60 RCW. During pendency of the action, the court may order the receiver to pay sums held by the receiver to the association for any assessments against the unit. The exercise of rights under this subsection by the association does not affect the priority of preexisting liens on the unit.

(16) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure is not liable for assessments or installments of assessments that became due prior to such right of possession. Such unpaid assessments are deemed to be common expenses collectible from all the unit



owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior unit owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(17) In addition to constituting a lien on the unit, each assessment is the joint and several obligation of the unit owner of the unit to which the same are assessed as of the time the assessment is due. A unit owner may not exempt himself or herself from liability for assessments. In a voluntary conveyance other than by foreclosure, the grantee of a unit is jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee. Suit to recover a personal judgment for any delinquent assessment is maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(18) The association may from time to time establish reasonable late charges and a rate of interest to be charged, not to exceed the maximum rate calculated under RCW 19.52.020, on all subsequent delinquent assessments or installments of assessments. If the association does not establish such a rate, delinquent assessments bear interest from the date of delinquency at the maximum rate calculated under RCW 19.52.020 on the date on which the assessments became delinquent.

(19) The association is entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in a suit being commenced or prosecuted to judgment. The prevailing party is also entitled to recover costs and reasonable attorneys' fees in such suits, including any appeals, if it prevails on appeal and in the enforcement of a judgment.

(20) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(21)(a) When the association mails to the unit owner by first-class mail the first notice of delinquency for past due assessments to the unit address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.**

REFER TO THE CONTACTS BELOW for sources of assistance.

**SEEKING ASSISTANCE**

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . .  
Website: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . .  
Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . .  
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the unit owner, the association or the association's attorney shall mail the first preforeclosure notice to the unit owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (22)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(22) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) ((~~\$200~~)\$2,000 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (21)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

~~THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress. REFER TO THE CONTACTS BELOW for sources of assistance.~~

**SEEKING ASSISTANCE**

~~Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:~~

~~The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission~~

~~Telephone: . . . . .  
Website: . . . . .~~

~~The United States Department of Housing and Urban Development~~

~~Telephone: . . . . .  
Website: . . . . .~~

~~The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys~~

~~Telephone: . . . . .  
Website: . . . . .~~

~~The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice)) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the owner pursuant to subsection (21)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (21)(a) of this section is mailed;~~

~~(c) At least 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and~~

~~(d) The board approves commencement of a foreclosure action specifically against that unit.~~

~~((22)) (23) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.~~

**Sec. 9.** 2021 c 222 s 9 (uncodified) is amended to read as follows:

Sections 1, 3, 5, and 7 of this act expire January 1, ((2024))2025.

**Sec. 10.** 2021 c 222 s 10 (uncodified) is amended to read as follows:

Sections 2, 4, 6, and 8 of this act take effect January 1, ((2024))2025.

NEW SECTION. **Sec. 11.** Sections 1, 3, 5, and 7 of this act expire January 1, 2025.

NEW SECTION. **Sec. 12.** Sections 2, 4, 6, and 8 of this act take effect January 1, 2025."

On page 1, line 2 of the title, after "communities;" strike the remainder of the title and insert "amending RCW 64.32.200, 64.32.200, 64.34.364, 64.34.364, 64.38.100, 64.38.100, 64.90.485, and 64.90.485; amending 2021 c 222 ss 9 and 10 (uncodified); providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1636 and advanced the bill, as amended by the Senate, to final passage.

Representatives Orwall and Klicker spoke in favor of the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1636, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1636, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Ortiz-Self

ENGROSSED HOUSE BILL NO. 1636, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Monday, April 10, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1736, with the following amendment(s): 1736-S.E AMS KING S3226.1

On page 2, line 29, after "infraction." insert "The application for an original vehicle registration must state that the vehicle owner is not required to provide the

mileage shown on the odometer and that failure to provide the mileage shown on the odometer is not grounds to deny vehicle registration or issue any monetary or civil penalty or infraction."

On page 3, line 19, after "infraction." insert "The application for a renewal vehicle registration must state that the vehicle owner is not required to provide the mileage shown on the odometer and that failure to provide the mileage shown on the odometer is not grounds to deny vehicle registration or issue any monetary or civil penalty or infraction."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1736 and advanced the bill, as amended by the Senate, to final passage.

Representative Cortes spoke in favor of the passage of the bill.

Representative Robertson spoke against the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1736, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1736, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 53; Nays, 43; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Chandler and Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1736, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 1736.

Representative Rule, 42nd District

#### MESSAGE FROM THE SENATE

Monday, April 10, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1771, with the following amendment(s): 1771 AMS HSG S2549.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 59.21.010 and 2019 c 390 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Assignee" means an individual or entity who has agreed to advance allowable relocation assistance expenses in exchange for the assignment and transfer of a right to reimbursement from the fund.

(2) "Department" means the department of commerce.

(3) "Director" means the director of the department of commerce.

(4) "Fund" means the manufactured/mobile home park relocation fund established under RCW 59.21.050.

(5) "Landlord" or "park-owner" means the owner of the manufactured/mobile home park that is being closed at the time relocation assistance is provided.

(6) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than ~~((eighty))~~ 80 percent of the median family income, adjusted for household size, for the county where the manufactured/mobile home is located.

(7) "Manufactured/mobile home park" or "park" means real property that is rented or held out for rent to others for the placement of two or more manufactured/mobile homes for the primary purpose of production of income, except where the real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

(8) "Relocate" means to do one of the following:

(a) Remove a manufactured/mobile home from a manufactured/mobile home park being closed and reinstall it in another location; ~~((or))~~

(b) Remove a manufactured/mobile home from a manufactured/mobile home park being closed and demolish and dispose of it and secure other housing; or

(c) Remove a manufactured/mobile home from a manufactured/mobile home park being closed by selling or gifting the home to a third party and secure other housing.

(9) "Relocation assistance" means the monetary assistance provided under this chapter, including reimbursement for the costs of relocation as well as cash assistance provided to allow the tenant to secure new housing.

(10) "Tenant" means a person that owns a manufactured/mobile home located on a rented lot in a manufactured/mobile home park.

(11) "Third party" means a person or persons who purchase or are gifted a tenant's home, with the condition they are responsible for removing the home on or prior to the park closure date and relocate the home under subsection (8)(a) or (b) of

this section. The third party is not entitled to relocation assistance related to relocation of the purchased or gifted home.

**Sec. 2.** RCW 59.21.021 and 2021 c 28 s 2 are each amended to read as follows:

(1) If a manufactured/mobile home park is, or is scheduled to be ~~((+,+))~~, closed or converted to another use, eligible tenants shall be entitled to relocation assistance on a first-come, first-serve basis. The department shall give priority for distribution of relocation assistance to eligible tenants residing in parks that are closed as a result of park-owner fraud or as a result of health and safety concerns as determined by the local board of health. Payments shall be made upon the department's verification of eligibility, subject to the availability of remaining funds.

(2) Eligibility for relocation assistance funds is limited to low-income households in manufactured/mobile home parks that are, or are scheduled to be, closed or converted to another use.

(3) Eligible tenants are entitled to financial assistance from the fund, up to a maximum of \$17,000 for a multisection home and up to a maximum of \$11,000 for a single-section home. The department shall distribute relocation assistance for each eligible tenant as follows:

(a) \$12,000 for a multisection home and \$8,000 for a single-section home shall be disbursed in the form of cash assistance to help the tenant relocate the home or secure alternative housing; and

(b) The remainder of the total assistance shall be disbursed once the tenant has transferred the title to the park-owner, relocated the home, or demolished and disposed of the home. The tenant must either transfer title of the manufactured/mobile home to the park-owner, relocate, or demolish and dispose of the home ~~((within 90 days of receiving the assistance under (a) of this subsection))~~ by the park closure date to receive the remainder of the assistance. A tenant who removes the tenant's home on or before the park closure date and reinstalls the home in another location within 12 months after the closure date is eligible to receive the remainder of the assistance.

(4) In the event that the tenant does not relocate or demolish and dispose of the home ~~((within 90 days of receiving assistance from the fund))~~ by the park closure date, the park-owner may seek reimbursement from the fund in the amount of \$4,000 for a multisection home and \$2,500 for a single-section home.

(a) To receive such reimbursement, the park-owner must provide documentation to the department demonstrating costs incurred for demolition and disposal of the home.

(b) The park-owner may seek reimbursement for additional costs incurred for demolition and disposal of the home up to an additional \$4,500 for a multisection home and \$3,000 for a single-section home from the portion of the relocation fund to which park-owners must contribute pursuant to RCW 59.30.050.

(5) Any individual or organization may apply to receive relocation assistance from the fund, for use in combination with funds

from public or private sources, toward relocation of tenants eligible under this section, with agreement from the tenant.

(6) The legislature intends the cash assistance provided under subsection (3) of this section to be considered a one-time direct grant payment that shall be excluded from household income calculations for purposes of determining the eligibility of the recipient for benefits or assistance under any state program financed in whole or in part with state funds.

**Sec. 3.** RCW 59.21.040 and 1998 c 124 s 4 are each amended to read as follows:

A tenant is not entitled to relocation assistance under this chapter if: (1) The tenant has given notice to the landlord of his or her intent to vacate the park and terminate the tenancy before any written notice of closure pursuant to RCW 59.20.080(1)(e) has been given; (2) the tenant purchased a mobile home already situated in the park or moved a mobile home into the park after a written notice of closure pursuant to RCW 59.20.090 has been given and the person received actual prior notice of the change or closure; or (3) the tenant receives assistance from an outside source that exceeds the maximum amounts of assistance to which a person is entitled under RCW 59.21.021(3), except that a tenant receiving relocation assistance from a landlord pursuant to RCW 59.20.080 remains eligible for the maximum amounts of assistance under this chapter. However, no tenant may be denied relocation assistance under subsection (1) of this section if the tenant has remained on the premises and continued paying rent for a period of at least six months after giving notice of intent to vacate and before receiving formal notice of a closure or change of use."

On page 1, line 2 of the title, after "parks;" strike the remainder of the title and insert "and amending RCW 59.21.010, 59.21.021, and 59.21.040."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1771 and advanced the bill, as amended by the Senate, to final passage.

Representatives Donaghy and Klicker spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1771, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1771, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder,

Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Ortiz-Self

HOUSE BILL NO. 1771, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Friday, March 31, 2023

Mme. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1782, with the following amendment(s): 1782.E AMS TRAN S2215.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.56.720 and 1992 c 82 s 1 are each amended to read as follows:

(1) The legislature finds that the ferry operated by Wahkiakum county between Puget Island and Westport on the Columbia river provides ~~((service which is primarily local in nature with secondary benefits to the state highway system in providing a bypass for state route 4 and providing))~~ an important transportation bypass for state route 4 and provides the only crossing of the Columbia river between the Astoria-Megler bridge and the Longview bridge.

(2) The department is hereby authorized to enter into a continuing agreement with Wahkiakum county pursuant to which the department shall pay to Wahkiakum county from moneys appropriated for such purpose monthly amounts not to exceed ~~((eighty))~~ 85 percent of the operating and maintenance deficit with a maximum not to exceed the amount appropriated for that biennium to be used in the operation and maintenance of the Puget Island ferry, commencing July 1, 1992.

(3) The annual deficit, if any, incurred in the operation and maintenance of the ferry shall be determined by Wahkiakum county subject to the approval of the department. If ~~((eighty))~~ 85 percent of the deficit for the preceding fiscal year exceeds the total amount paid to the county for that year, the additional amount shall be paid to the county by the department upon the receipt of a properly executed voucher. ~~((The total of all payments to the county in any biennium shall not exceed the amount appropriated for that biennium.))~~ The fares established by the county shall be comparable to those used for similar runs on the state ferry system.

(4) Whenever, subsequent to June 9, 1977, state route 4 between Cathlamet and Longview is closed to traffic pursuant to chapter 47.48 RCW due to actual or potential slide conditions and there is no suitable,

reasonably short alternate state route provided, Wahkiakum county is authorized to operate the Puget Island ferry on a toll-free basis during the entire period of such closure. The state's share of the ferry operations and maintenance deficit during such period shall be ~~((one hundred))~~ 100 percent.

(5) Whenever state route 4 between Cathlamet and Longview is closed to traffic, as mentioned in subsection (4) hereof, the state of Washington shall provide temporary rest room facilities at the Washington ferry landing terminal."

On page 1, line 2 of the title, after "ferry;" strike the remainder of the title and insert "and amending RCW 47.56.720."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1782 and advanced the bill, as amended by the Senate, to final passage.

Representatives McEntire and Timmons spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1782, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1782, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Ortiz-Self

ENGROSSED HOUSE BILL NO. 1782, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Wednesday, April 5, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125, with the following amendment(s): 1125-S.E AMS ENGR S2949.E

Strike everything after the enacting clause and insert the following:

"2023-2025 FISCAL BIENNIUM

NEW SECTION. Sec. 1. (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2025.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2024" or "FY 2024" means the fiscal year ending June 30, 2024.

(b) "Fiscal year 2025" or "FY 2025" means the fiscal year ending June 30, 2025.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

GENERAL GOVERNMENT AGENCIES—OPERATING

NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account—State Appropriation. \$566,000

NEW SECTION. Sec. 102. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account—State Appropriation. . . . . \$504,000
Pilotage Account—State Appropriation \$150,000
TOTAL APPROPRIATION..... \$654,000

NEW SECTION. Sec. 103. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account—State Appropriation. \$200,000
Puget Sound Ferry Operations Account—State Appropriation. . . . . \$126,000
TOTAL APPROPRIATION..... \$326,000

NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION

Motor Vehicle Account—State Appropriation. \$1,186,000
Multimodal Transportation Account—State Appropriation. . . . . \$1,000

TOTAL APPROPRIATION..... \$1,187,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided in subsection (2) of this section, the appropriations in this section are provided solely for road maintenance purposes.

(2) \$1,000 of the multimodal transportation account—state appropriation is provided solely for the commission to install a sign in memory of Zachary Lee Rager on or near the bridge on the Willapa trail that crosses the Chehalis river near old highway 603 providing information about the hazards of cold water shock related to diving or jumping off the bridge.

NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account—State Appropriation. \$1,403,000

NEW SECTION. Sec. 106. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account—State Appropriation. \$714,000

NEW SECTION. Sec. 107. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Move Ahead WA Flexible Account—State Appropriation. . . . . \$2,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for increasing the number of certified women and minority-owned contractors in the transportation sector.

NEW SECTION. Sec. 108. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Multimodal Transportation Account—State Appropriation. . . . . \$300,000

The appropriation in this section is subject to the following conditions and limitations: \$300,000 of the multimodal transportation account—state appropriation is provided solely for the joint legislative audit and review committee to conduct an independent review of the usage of triple trailer commercial vehicle configurations.

(1) As part of the review, the committee must:

(a) Consult with:

(i) Industry motor carriers, including national carriers and regional carriers, that operate triple trailer configurations to gather vehicle miles traveled, collisions, and causes and severity of collisions for each trailer configuration operated, power unit vehicle miles traveled saved by triple trailer usage, employee displacement and classification changes, and estimated carbon reductions resulting from triple trailer usage; and

(ii) A labor organization that represents predominantly commercial truck drivers; and

(b) Evaluate, at a minimum, triple trailer usage in other states to include requirements pertaining to permitting,

operator and vehicle licensing, and equipment and infrastructure, with a five-year comparison of collision and safety related data pertaining to the operation of triple trailers in allowable states as compared to all other allowable commercial vehicle trailer configurations.

(2) The review must include:

(a) Details of triple trailer operations by motor carriers to identify unique dependencies placed on public infrastructure for parking, enforcement, inspection, and travel routes;

(b) Consultation with commercial vehicle enforcement entities in states that allow the use of triple trailer configurations to determine challenges to enforcement, safety, and expedient traffic flow; and

(c) A review of federal ISTEA freeze variances that have occurred since 1991, including changes in the 2015 FAST act, that can be utilized to gain federal approval for a pilot or operation of triple trailer configurations in Washington state.

(3) The committee must report to the transportation committees of the legislature its findings and any recommendations by September 1, 2024.

**NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMERCE**

Electric Vehicle Account—State Appropriation . . . . .	\$220,000
Multimodal Transportation Account—State Appropriation. . . . .	\$535,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$755,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$220,000 of the electric vehicle account—state appropriation is provided solely to the department to commission an independent study, based on the findings of the transportation electrification strategy authorized under RCW 43.392.040, of costs of installation, maintenance, and operation of electrical distribution infrastructure on the utility's side of the meter to commercial customers installing electric vehicle supply equipment. The department shall gather data from at least five electric utilities serving retail customers in the state for purposes of completing the study. The department shall submit a report of study findings and an explanation of how those findings will support implementation of the transportation electrification strategy authorized under RCW 43.392.040 to the governor and appropriate legislative committees by November 1, 2024.

(2) \$535,000 of the multimodal transportation account—state appropriation is provided solely for implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5466), Laws of 2023 (transit-oriented development). If chapter . . . (Engrossed Substitute Senate Bill No. 5466), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

**NEW SECTION. Sec. 110. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account—State Appropriation. \$3,519,000

The appropriation in this section is subject to the following conditions and limitations: The board of pilotage commissioners shall file the annual report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) by September 1, 2023, and annually thereafter. The report must include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

**NEW SECTION. Sec. 111. FOR THE OFFICE OF THE GOVERNOR**

State Patrol Highway Account—State Appropriation. . . . .	\$750,000
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The appropriation in this section is subject to the following conditions and limitations: \$750,000 of the state patrol highway account—state appropriation is provided solely to the state office of equity to contract with an independent consultant to conduct the studies, evaluations, and reporting functions required in RCW 43.06D.060.

**NEW SECTION. Sec. 112. FOR THE ATTORNEY GENERAL**

Motor Vehicle Account—State Appropriation.	\$600,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,000 of the motor vehicle account—state appropriation is provided solely for the antitrust division of the attorney general's office to convene a work group to examine consumer motor vehicle fuel pricing in Washington state.

(2) \$100,000 of the motor vehicle account—state appropriation is provided solely for an interagency agreement with the department of licensing for staff support and assistance related to the work group established under subsection (1) of this section.

(3) The membership of the work group established under subsection (1) of this section must include, but is not limited to:

(a) The chair and ranking member of the transportation committees of the legislature;

(b) Representatives of the department of licensing, the department of commerce, the department of ecology, and the office of financial management;

(c) Fuel refineries, distributors, suppliers, and retail establishments; and

(d) Academic experts and consumer advocacy organizations with knowledge and expertise in fuel pricing.

(4) The work group established under subsection (1) of this section must review issues to include, but not be limited to:

(a) Previous studies and evaluations of fuel pricing in Washington state, including an update of the 2007-08 Gas Price Study

through 2022 as deemed appropriate by the work group;

(b) Trends in fuel pricing in Washington state;

(c) Factors causing fuel prices in Washington state to be higher than the national average and how these factors have changed over time;

(d)(i) Margins and profits at the fuel production, distribution, and retail levels;

(ii) Information provided pursuant to (d) (i) of this subsection must be kept confidential and is exempt from disclosure under chapter 42.56 RCW. Such information must be aggregated to ensure confidentiality, but may be utilized in summarized form as part of the work group process and in the final report under subsection (5) of this section;

(e) State tax policies, environmental protections, and regulatory factors that may impact fuel pricing and make the state's fuel marketplace more or less competitive;

(f) Supply dynamics affecting the fuel markets in Washington state; and

(g) Potential reporting and audit requirements that would make fuel pricing more transparent to Washington state consumers.

(5) The attorney general's office must report its findings and recommendations to the governor's office and the appropriate policy and fiscal committees of the legislature by December 1, 2024.

**NEW SECTION. Sec. 113. FOR THE UNIVERSITY OF WASHINGTON**

Multimodal Transportation Account—State Appropriation. . . . . \$2,000,000

The appropriation in this section is subject to the following conditions and limitations: \$2,000,000 of the multimodal transportation account—state appropriation is provided solely for the University of Washington's sidewalk inventory and accessibility mapping project to develop a public dataset under an open license and develop the tools needed to publish that data according to an open data specification. The project must include, but is not limited to, utilization of existing data sources, imagery, detailed surveys, and manually collected, detailed data for city streets, county rural and urban local access roads and collectors/arterials, state roads of all types, and roads owned by other entities. The project may draw on partially developed sidewalk data for all state facilities. To the extent practicable, the final product must be suitable for use by the department of transportation, local and regional agencies, tribal governments, and the general public. For the 2023-2025 fiscal biennium, geographic preference must be given to the 16 statewide locations the department of ecology has identified as overburdened and highly impacted by air pollution. A report summarizing mapping project progress is due to the transportation committees of the legislature by December 1, 2024.

**NEW SECTION. Sec. 114. FOR WASHINGTON STATE UNIVERSITY**

Multimodal Transportation Account—State Appropriation. . . . . \$100,000

The appropriation in this section is subject to the following conditions and limitations: \$100,000 of the multimodal transportation account—state appropriation is provided solely for Washington State University to study the potential impacts that current licensing requirements, including training hours, and testing may have on the shortage of commercial drivers, with a focus on public transit operators. The study must provide a comprehensive review and recommendations for improving the state's commercial driver training and certification, including:

(1) A review of standards that identify federal mandates for transit operator training;

(2) The department of licensing's interpretation of the federal mandates and what constitutes an additive standard not required by federal mandates;

(3) Identifying areas for streamlining state training requirements;

(4) Reviewing similarities and differences of at least five states on their training and certification of commercial drivers; and

(5) Identifying challenges and issues for transit agencies regarding current training, notice, department response, certification, and commercial drivers licensing standards and what adjustments may be warranted to help alleviate the shortage of public transit operators.

**NEW SECTION. Sec. 115. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GRANTS AND PASS THROUGH FUNDING**

Driver's Education Safety Improvement Account—State Appropriation. . . . . \$543,000

The appropriation in this section is subject to the following conditions and limitations: The entire driver's education safety improvement account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5583), Laws of 2023 (improving young driver safety). If chapter . . . (Engrossed Substitute Senate Bill No. 5583), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this section lapses.

**NEW SECTION. Sec. 116. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

Motor Vehicle Account—State Appropriation. \$674,000

The appropriation in this section is subject to the following conditions and limitations: The entire motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5757), Laws of 2023 (transportation revenue forecast) or chapter . . . (Engrossed Substitute House Bill No. 1838), Laws of 2023 (transportation revenue forecast). If neither chapter . . . (Senate Bill No. 5757), Laws of 2023 or chapter . . . (Engrossed Substitute House



Bill No. 1838), Laws of 2023 are enacted by June 30, 2023, the amount provided in this section lapses.

(End of part)

**TRANSPORTATION AGENCIES—OPERATING**

**NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account—State Appropriation.	
\$5,093,000	
Highway Safety Account—Federal Appropriation	
.....	\$27,419,000
Highway Safety Account—Private/Local	
Appropriation. ....	\$60,000
Cooper Jones Active Transportation Safety	
Account—	
State Appropriation. ....	\$636,000
Motor Vehicle Account—State Appropriation.	
\$400,000	
School Zone Safety Account—State	
Appropriation. ....	\$850,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$34,458,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the Cooper Jones active transportation safety account—state appropriation is provided solely for grant projects or programs for bicycle, pedestrian, and nonmotorist safety improvement administered by the commission in consultation with the Cooper Jones active transportation safety council.

(2) \$485,000 of the highway safety account—state appropriation and \$50,000 of the highway safety account—federal appropriation are provided solely to develop a statewide public awareness campaign to inform and educate Washington citizens about the slow down and move over law, RCW 46.61.212. The educational campaign must include the use of public service announcements and written and digital informative and educational materials distributed by reasonable means. The commission and the department of licensing, working independently or in collaboration, or both, shall develop the public awareness campaign using any available resources, as well as federal and other grant funds that may, from time to time, become available for this purpose.

(3) Within existing resources, the commission must examine national safety reports and recommendations on alcohol and drug impaired driving and report to the transportation committees of the legislature, by December 15, 2023, any recommendations for legislative or policy changes to improve traffic safety in Washington state.

(4) (a) \$235,500 of the Cooper Jones active transportation safety account—state appropriation is provided solely for the commission to conduct research pertaining to the issue of street lighting and safety, including a public input component and learning from counties, cities, the state, and other impacted entities. Research may include the following:

(i) Interviewing additional local and regional roads departments, water-sewer districts, and other utility services to gather a holistic data set or further input on which authority assumes primary responsibility for street illumination in various underserved areas throughout the state;

(ii) Systematically soliciting information from communities with poor street illumination and lighting to gather input as to whether this is an issue the community would like to see improved;

(iii) Conferring with regional and state-level police, fire, and emergency medical services to assess and document potential delays in emergency response times due to poor street illumination;

(iv) Further assessing the impact of using LED lights in roadway and pedestrian scale lighting in reducing carbon emissions and light pollution throughout the United States; and

(v) Subject to more in-depth findings, convening a meeting with appropriate state, regional, and local stakeholders and community partners.

(b) The commission must report research results and provide any recommendations for legislative or policy action to the transportation committees of the legislature by January 1, 2025.

(5) Within existing resources, the commission, through the Cooper Jones active transportation safety council, must prioritize the review of pedestrian, bicyclist, or nonmotorist fatality and serious injury review when the victim is a member of a federally recognized tribe. Consistent with RCW 43.59.156(5), the commission may recommend any policy or legislative changes to improve traffic safety for tribes through such review.

(6) (a) \$400,000 of the motor vehicle account—state appropriation is provided solely for the commission to establish a pilot program to evaluate the outcomes and effectiveness of oral fluid roadside information used as part of the enforcement of driving under the influence laws. The commission, in cooperation with the Washington state patrol and associations representing local law enforcement agencies, must select a minimum of 10 locations to implement the pilot program as part of the field sobriety evaluation used in the investigation of suspected violations of driving under the influence laws. Pilot program locations must be initiated by March 1, 2024. The commission, in cooperation with the Washington state patrol and associations representing local law enforcement agencies, must establish specific requirements for pilot program locations including, but not limited to:

(i) Selection of the most valid and reliable oral fluid test instrument to be used;

(ii) Training for the law enforcement officers allowed to administer the test; and

(iii) Required measures to protect personally identifying information and test results.

(b) By June 30, 2025, the commission must submit a report detailing the results of the

pilot program to the appropriate policy and fiscal committees of the legislature.

(7) Within existing resources, the commission must review and report to the transportation committees of the legislature, by December 15, 2023, on strategies and technologies used in other states to prevent and respond to wrong-way driving crashes.

**NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State	
Appropriation. . . . .	\$2,338,000
Motor Vehicle Account—State Appropriation.	
\$2,854,000	
County Arterial Preservation Account—State	
Appropriation. . . . .	\$1,726,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$6,918,000</b>

The appropriations in this section are subject to the following conditions and limitations: Within appropriated funds, the county road administration board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2023 and 2024 annual reports to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

**NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Transportation Improvement Account—State	
Appropriation. . . . .	\$4,589,000

The appropriation in this section is subject to the following conditions and limitations: Within appropriated funds, the transportation improvement board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2023 and 2024 annual reports to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

**NEW SECTION. Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE**

Multimodal Transportation Account—State	
Appropriation. . . . .	\$350,000
Motor Vehicle Account—State Appropriation.	
\$2,852,000	
<b>TOTAL APPROPRIATION.....</b>	<b>\$3,202,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$250,000 of the motor vehicle account—state appropriation is for the joint transportation committee, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to convene a study of a statewide retail delivery fee on orders of taxable retail items delivered by motor vehicles within the state. The study must:

(i) Determine the annual revenue generation potential of a range of fee amounts;

(ii) Examine options for revenue distributions to state and local governments based upon total deliveries, lane miles, or other factors; and

(iii) Estimate total implementation costs, including start-up and ongoing administrative costs.

(b) The study should document and evaluate similar programs adopted in other states. The joint transportation committee must submit a report on the study to the transportation committees of the legislature by June 30, 2024.

(2)(a) \$350,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to assess and make recommendations to the transportation committees of the legislature on the status of the workforce pipeline for commercial driver's license (CDL) operators and mechanics in the transit, highway maintenance, and maritime sectors across the state. The assessment must, but is not limited to:

(i) Identify barriers to entry for prospective CDL or mechanic candidates;

(ii) Examine existing programs that may be scaled to serve a greater number of candidates;

(iii) Highlight existing programs that may be replicated by transit agencies statewide; and

(iv) Recommend state policy changes or investments that may accelerate the growth of CDL operators and mechanics.

(b) A report on the assessment and recommendations is due to the legislature by December 1, 2024.

(3)(a) \$400,000 of the motor vehicle account—state appropriation is for the joint transportation committee, in collaboration with the department of transportation, to convene a work group to study and recommend a new statutory framework for the department's public-private partnership program. The committee may contract with a third-party consultant for work group support and drafting the new statutory framework.

(b)(i) The work group must consist of, but is not limited to, the following members:

(A) The secretary of transportation or their designee;

(B) Joint transportation committee executive committee members or their designees;

(C) The state treasurer or the state treasurer's designee;

(D) A representative of a national nonprofit organization specializing in public-private partnership program development;

(E) A representative of the construction trades; and

(F) A representative from an organization representing general contractors.

(ii) The work group must also consult with the Washington state transportation commission and the department of commerce.

(c)(i) The work group must review the 2012 joint transportation committee's

"Evaluation of Public-Private Partnerships" study, consisting of an evaluation of the recommendations for replacing chapter 47.29 RCW and development of a process for implementing public-private partnerships that serve the defined public interest, including, but not limited to:

(A) Protecting the state's ability to retain public ownership of assets constructed or managed under a public-private partnership contract;

(B) Allowing for the most transparency during the negotiation of terms of a public-private partnership agreement; and

(C) Addressing the state's ability to oversee the private entity's management of the asset.

(ii)(A) The work group must identify any barriers to the implementation of funding models that best protect the public interest, including statutory and constitutional barriers.

(B) The work group may also evaluate public-private partnership opportunities for required fish passage and culvert work on state highways, and for the construction of, replacement of, or commercial retail options within Washington state ferries' terminals.

(iii) The work group must update the 2012 recommendations and devise an implementation plan for the state.

(d) The work group must submit a preliminary report, including any recommendations or draft legislation, to the office of the governor and the transportation committees of the legislature by December 15, 2023. The work group must submit a final report with draft legislation to the office of the governor and the transportation committees of the legislature by July 1, 2024.

(4) \$450,000 of the motor vehicle account—state appropriation is for the joint transportation committee to provide oversight on the procurement of the hybrid-electric Olympic class vessels. The committee must hire an expert consultant to review Washington state ferries documents and procedures relating to the procurement and to identify opportunities to improve the process for the benefit of the state of Washington. The consultant must be familiar with vessel procurement best practices, the technologies and propulsion systems planned for use in new vessels, and Washington state ferries operations and procurement procedures. A report on the status and assessment of the procurement is due by December 15th of each year.

**NEW SECTION. Sec. 205. FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account—State Appropriation. \$2,700,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation. \$187,000

Multimodal Transportation Account—State

Appropriation. . . . . \$125,000

State Route Number 520 Corridor Account—State

Appropriation. . . . . \$374,000

Tacoma Narrows Toll Bridge Account—State

Appropriation. . . . . \$225,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation. . . . . \$198,000

**TOTAL APPROPRIATION..... \$3,809,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$125,000 of the multimodal transportation account—state appropriation and \$125,000 of the motor vehicle account—state appropriation are provided solely for the commission to update the statewide transportation plan required under RCW 47.01.071(4). The update process must be informed by guidance from a steering committee comprised of the commission, the joint transportation committee's executive committee, the governor's office, the secretary of the department of transportation, and representatives of metropolitan and regional transportation planning organizations. As part of the update process, the commission shall undertake specific actions in the following order:

(a) Conduct stakeholder outreach, gathering input, and framing the outreach around the current plan's policy construct and high level priorities, the 2022 transportation revenue package, and recently enacted significant policy legislation;

(b) Report outreach findings and results to the joint transportation committee for review and input;

(c) Restructure the plan to (i) primarily focus on high level policy priorities within the six transportation policy goals under RCW 47.04.280 and (ii) align policies, strategies, and objectives with the interests of stakeholders and legislators;

(d) Gather further input from stakeholders and the joint transportation committee on the restructured plan's format and content; and

(e) Finalize the updated plan, based upon input from stakeholders and the joint transportation committee.

(2) The legislature finds that the current balance of and projected revenues into the Alaskan Way viaduct replacement project account are sufficient to meet financial obligations during fiscal years 2024 and 2025.

(3) Within the parameters established under RCW 47.56.880, the commission shall review toll revenue performance on the Interstate 405 and state route number 167 corridor and adjust Interstate 405 tolls as appropriate to increase toll revenue to provide sufficient funds for payments of future debt pursuant to RCW 47.10.896 and to support improvements to the corridor. The commission shall consider adjusting maximum toll rates, minimum toll rates, and time-of-day rates, and restricting direct access ramps to transit and HOV vehicles only, or any combination thereof, in setting tolls to increase toll revenue. The commission is encouraged to make any adjustments to toll rates in coordination with the planned expansion of express toll lanes between the cities of Renton and Bellevue.

(4) \$500,000 of the motor vehicle account—state appropriation is provided solely for the commission to conduct a route

jurisdiction study aimed at assessing the current state highway inventory and local roadway designations to determine if changes are needed in jurisdictional assignment between the state, county, and city road systems. The study must also review current criteria used to define the state highway system to determine if such criteria continue to be applicable. The commission shall submit a report of study findings and recommendations to the transportation committees of the legislature by July 1, 2025.

(5) (a) \$37,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$86,000 of the state route number 520 corridor account—state appropriation, \$46,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$31,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the commission to oversee a survey to assess public attitudes regarding a potential low-income tolling program for qualifying drivers.

(b) The survey must gather input on the potential value of a toll discount program for qualifying drivers, and potential barriers to participation in such a program. This input will support identification of potential options for toll discounts or credits and other potential benefits to pair with toll discounts or credits and inform the design of a possible future program. The commission must contract for administration of the survey with the center for economic and business research at Western Washington University.

(c) The commission must engage with members of the public who are interested in a potential low-income tolling program, including persons from communities of color, low-income households, vulnerable populations, and displaced communities. Input from members of the public must inform the design of the survey questionnaire and methodology. The commission must notify members of the public of opportunities to engage through a variety of communication channels including, but not limited to, the following: Outreach through community organizations, print and broadcast media, and social media.

(d) The results and findings from this survey research must be submitted to the transportation committees of the legislature by December 31, 2023.

(6) As part of the pilot program authorized under section 209(6) of this act, the commission shall set a schedule of toll rates, not to exceed 50 cents per trip, to generate revenue sufficient to provide for the cost of maintenance of the three state route number 520 eastside lids and surrounding areas at Evergreen Point Road, 84th Avenue NE, and 92nd Avenue NE.

(7) The commission may coordinate with the department of transportation to jointly seek federal funds available through the federal strategic innovations in revenue collection grant program, applying toll credits for meeting match requirements.

**NEW SECTION. Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account—State  
Appropriation. . . . . \$824,000

The appropriation in this section is subject to the following conditions and limitations: Within appropriated funds, the freight mobility strategic investment board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2023 and 2024 annual reports to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

**NEW SECTION. Sec. 207. FOR THE WASHINGTON STATE PATROL**

Alaskan Way Viaduct Replacement Project Account—  
State Appropriation. . . . . \$43,000  
State Patrol Highway Account—State  
Appropriation. . . . . \$596,347,000  
State Patrol Highway Account—Federal  
Appropriation. . . . . \$20,030,000  
State Patrol Highway Account—Private/Local  
Appropriation. . . . . \$4,596,000  
Highway Safety Account—State Appropriation.  
\$1,438,000  
Ignition Interlock Device Revolving Account—  
State  
Appropriation. . . . . \$1,940,000  
Multimodal Transportation Account—State  
Appropriation. . . . . \$300,000  
State Route Number 520 Corridor Account—  
State  
Appropriation. . . . . \$89,000  
Tacoma Narrows Toll Bridge Account—State  
Appropriation. . . . . \$275,000  
I-405 and SR 167 Express Toll Lanes Account—  
State  
Appropriation. . . . . \$2,896,000  
**TOTAL APPROPRIATION..... \$627,954,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2023, and quarterly thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since July 1, 2023, to the director of the office of financial management and the transportation committees of the legislature. At the end of the fiscal quarter in which it is estimated that more than \$625,000 in state sales and use taxes have been remitted to the state since July

1, 2023, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406 of this act.

(2) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(3)(a) By December 1st of each year during the 2023-2025 fiscal biennium, the Washington state patrol must report to the transportation committees of the legislature on the status of recruitment and retention activities as follows:

(i) A summary of recruitment and retention strategies;

(ii) The number of transportation funded staff vacancies by major category;

(iii) The number of applicants for each of the positions by these categories;

(iv) The composition of workforce;

(v) Other relevant outcome measures with comparative information with recent comparable months in prior years; and

(vi) Activities related to the implementation of the agency's workforce diversity plan, including short-term and long-term, specific comprehensive outreach, and recruitment strategies to increase populations underrepresented within both commissioned and noncommissioned employee groups.

(b) During the 2023-2025 fiscal biennium, the office of financial management, with assistance of the Washington state patrol, must conduct two surveys regarding the competitiveness with law enforcement agencies within the boundaries of the state of Washington pursuant to RCW 43.43.380, with the first survey being informational regarding the change since the last survey was conducted and the second survey used as part of the collective bargaining process.

(4)(a) \$5,825,000 of the state patrol highway account—state appropriation is provided solely for the land mobile radio system replacement, upgrade, and other related activities.

(b) Funding is not provided for the six-year replacement of individual portable radios and mobile car radios at this time. Before requesting funding as part of future agency budget submittals for this component of the land mobile radio project, the state patrol, in consultation with the office of the chief information officer, must conduct a technical feasibility analysis and cost comparison between potential project vendors to determine that the recommended vendor will result in the most cost-effective project delivery, while maintaining interoperability with other radio systems and ensure maximum radio coverage. A report detailing the results and recommendations from these requirements must be submitted to the office of financial management and the

transportation committees of the legislature by November 1, 2023.

(c) Beginning January 1, 2024, the Washington state patrol must report semiannually to the office of the chief information officer on the progress related to the projects and activities associated with the land mobile radio system, including the governance structure, outcomes achieved in the prior six-month time period, and how the activities are being managed holistically as recommended by the office of the chief information officer. At the time of submittal to the office of the chief information officer, the report must be transmitted to the office of financial management and the transportation committees of the legislature.

(5) The appropriations in this section provide sufficient funding for state patrol staffing assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(6) \$2,072,000 of the state patrol highway account—state appropriation is provided solely for enhancing the state patrol's diversity, equity, and inclusion program and contracting with an external psychologist to perform exams. The state patrol will work with the governor's office of equity and meet all reporting requirements and responsibilities pursuant to RCW 43.06D.060 and expand its community engagement program.

(7) \$493,000 of the state patrol highway account—state appropriation is provided solely for the replacement aerial criminal investigation tools and related costs. This funding is subject to the conditions, limitations, and review requirements of section 701 of this act, and may not be used to purchase, acquire, or otherwise use an unmanned aircraft or unmanned aircraft system produced by a manufacturer of covered equipment, systems, or services pursuant to section 889 of the John S. McCain national defense authorization act for fiscal year 2019 (P.L. 115-232) or as amended by subsequent acts of the United States congress or federal administrative rule making.

(8) \$1,564,000 of the state patrol highway account—state appropriation is provided solely for vehicle identification number inspection staff to reduce the backlog of inspections. By October 1, 2024, the state patrol must submit a report detailing the progress on reducing the inspection backlog and related activities to the office of financial management and the transportation committees of the legislature.

(9)(a) \$10,000 of the state patrol highway account—state appropriation is provided solely for the Washington state patrol to administer a pilot program that implements a yellow alert system notifying the public when a hit-and-run accident resulting in a fatality or substantial bodily harm has occurred and been reported to the state patrol or other local law enforcement entity. The Washington state

patrol must post on traffic message boards or share on public communication systems any identifying information acquired including, but not limited to, a complete or partial license plate number or a description of the vehicle. Each alert must be posted or shared as such for at least 24 hours.

(b) The Washington state patrol must report the following to the transportation committees of the legislature annually until June 30, 2025:

- (i) The number of yellow alerts received;
- (ii) The number of arrests made from accidents reported on the yellow alert system;
- (iii) The number of hit-and-run accidents resulting in a fatality or substantial bodily harm statewide;
- (iv) The number of arrests made from accidents described under (b)(iii) of this subsection; and
- (v) The number of hit-and-run accidents reported statewide.

(c) The Washington state patrol must also report on the efficacy of the program and recommend in its final report if the pilot program should continue or be enacted on a permanent basis and implemented statewide, based on the results of the report.

(10)(a) \$1,870,000 of the state patrol highway account—state appropriation is provided solely for administrative costs, advertising, outreach, and bonus payments associated with developing and implementing a state trooper expedited recruitment incentive program for the purpose of recruiting and filling vacant trooper positions in the 2023-2025 fiscal biennium. The recruitment, advertising, and outreach associated with this program must continue efforts to create a more diverse workforce and must also provide an accelerated pathway for joining the state patrol for high quality individuals who have previously been employed as a general authority peace officer.

(b) The state trooper expedited recruitment incentive program established by the Washington state patrol must include:

- (i) Thorough hiring procedures to ensure that only the highest quality candidates are selected as cadets and as lateral hires, including extensive review of past law enforcement employment history through extensive reference checks, Brady list identification, and any other issues that may impact the performance, credibility, and integrity of the individual.
- (ii) An accelerated training program for lateral hires from other agencies that recognizes the knowledge and experience of candidates previously employed in law enforcement; and
- (iii) A sign-on bonus for each trooper hired through the expedited recruitment incentive program as follows:

- (A) \$4,000 for each cadet after completion of the Washington state patrol academy;
- (B) A bonus amount for each successful graduating cadet after completion of a one-year probation period based on any collectively bargained negotiated retention incentive bonus payment for commissioned staff;

(C) \$8,000 for each lateral hire after completion of the accelerated training program for lateral hires;

(D) \$6,000 for each lateral hire after completion of a one-year probation period; and

(E) \$6,000 for each lateral hire after completion of two years of service.

(c) The expenditure on the state trooper expedited recruitment incentive program is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Expenditures and eligibility for the state trooper expedited recruitment incentive program established in this section are subject to the availability of amounts appropriated for this specific purpose.

(d) For the purposes of this subsection:

(i) "Cadet" means a person employed for the express purpose of receiving the on-the-job training required for attendance at the Washington state patrol academy and for becoming a commissioned trooper.

(ii) "Lateral hire" means an eligible employee previously employed as a general authority peace officer.

(11) \$3,864,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5272), Laws of 2023 (speed safety cameras). If chapter . . . (Engrossed Substitute Senate Bill No. 5272), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(12) \$500,000 of the state patrol highway account—state appropriation is provided solely for bonuses and other recruitment and retention-related compensation adjustments for communication officers and other noncommissioned staff of the Washington state patrol who are covered by a collective bargaining agreement. Funding in this subsection must first be used for targeted adjustments for communication officers. Remaining amounts may be used for compensation adjustments for other noncommissioned staff. Funding provided in this subsection is contingent upon the governor or the governor's designee reaching an appropriate memorandum of understanding with the exclusive bargaining representative. Agreements reached for compensation adjustments under this section may not exceed the amounts provided. If any agreement or combination of agreements exceed the amount provided in this subsection, all the agreements are subject to the requirements of RCW 41.80.010(3).

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF LICENSING**

Driver Licensing Technology Support Account—State	
Appropriation. . . . .	\$1,743,000
Driver's Education Safety Improvement Account—State	
Appropriation. . . . .	\$638,000
Marine Fuel Tax Refund Account—State	
Appropriation. . . . .	\$34,000
Motorcycle Safety Education Account—State	
Appropriation. . . . .	\$5,166,000

Limited Fish and Wildlife Account—State Appropriation. . . . .	\$733,000
Highway Safety Account—State Appropriation. \$262,592,000	
Highway Safety Account—Federal Appropriation . . . . .	\$2,371,000
Motor Vehicle Account—State Appropriation. \$94,207,000	
Motor Vehicle Account—Private/Local Appropriation. . . . .	\$1,336,000
Ignition Interlock Device Revolving Account—State Appropriation. . . . .	\$6,340,000
Department of Licensing Services Account—State Appropriation. . . . .	\$8,451,000
License Plate Technology Account—State Appropriation. . . . .	\$4,135,000
Abandoned Recreational Vehicle Account—State Appropriation. . . . .	\$3,082,000
Limousine Carriers Account—State Appropriation. . . . .	\$126,000
Electric Vehicle Account—State Appropriation . . . . .	\$430,000
DOL Technology Improvement & Data Management Account—State Appropriation. . . . .	\$914,000
Agency Financial Transaction Account—State Appropriation. . . . .	\$16,998,000
Move Ahead WA Flexible Account—State Appropriation. . . . .	\$6,020,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$415,316,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,100,000 of the highway safety account—state appropriation and \$1,100,000 of the move ahead WA flexible account—state appropriation are provided solely for the department to provide an interagency transfer to the department of children, youth, and families for the purpose of providing more comprehensive driver's support to foster youth within existing resources. In addition to support services required under RCW 74.13.338(2), support services may include:

(a) Reimbursement for the cost incurred by youth in foster care, foster parents, relative placements, or other foster placements adding a foster youth to his or her motor vehicle insurance policy, with a preference on reimbursements for those foster youth who practice safe driving and avoid moving violations and at-fault collisions.

(b) Reimbursement of the cost of roadside assistance, car insurance deductibles, car tab renewals, car registration fees, AAA membership, gas cards, car maintenance, and comprehensive car insurance.

(c) Reimbursement of any other costs related to obtaining a driver's license and driving legally and safely.

(2) \$3,924,000 of the move ahead WA flexible account—state appropriation is provided solely to establish two mobile licensing units to provide driver's licensing and identocard services to individuals outside of the typical license service office. By December 1, 2024, the department must submit a report to the governor and the transportation committees of the legislature detailing the locations served, the number and type of documents

issued, and other outcome measures associated with the mobile licensing units.

(3) \$150,000 of the highway safety account—state appropriation is provided solely for the department to conduct a study on the feasibility of implementing a mobile application for driver licensing. The department must submit a report of the study findings and any recommendations to the governor and the transportation committees of the legislature by December 1, 2024. The study must:

(a) Review the adoption actions in other states, including successes and lessons learned;

(b) Examine existing technical infrastructure and potential changes needed to maximize interoperability, utility, and privacy protection;

(c) Identify the technical investments and other costs associated with issuing digital drivers' licenses through a mobile application;

(d) Identify how the technology may impact and can be used by external stakeholders, such as law enforcement;

(e) Recommend any process changes required to implement the program successfully and ensure customer satisfaction; and

(f) Recommend any statutory changes required to allow for the usage of digital drivers' licenses, including recognition of interstate travelers.

(4) (a) \$300,000 of the highway safety account—state appropriation is provided solely for the department to lead a study on the potential impacts of driver monitoring technology as an assessment tool to be used as part of driver education, intermediate licensure, restricted licensure, or identification of high-risk drivers. For purposes of this subsection, "driver monitoring technology" means an in-vehicle sensor linked to an application to track and record real-time driving data, with both immediate in-vehicle feedback and delayed retrospective feedback that would send such data to the department or the department's service provider, with the intent to modify driving behavior and improve road safety outcomes, including speeding, abrupt braking, harsh acceleration, hard cornering, and distracted driving.

(b) The department must consult with the Washington traffic safety commission, office of equity, representatives of the driver training school industry, organizations representing young and older drivers, organizations representing underrepresented populations, and organizations representing businesses or government entities that support novice drivers in completing this study.

(c) The department must report study findings as to the potential use of driver monitoring technology in licensing applications to the governor and the transportation committees of the legislature by December 1, 2024. The department must report study findings as to the feasibility of driver monitoring technology implementation, including which areas of licensing practices may benefit from driver monitoring technology, to the governor and

transportation committees of the legislature by June 30, 2025.

(5) \$283,000 of the highway safety account—state appropriation is provided solely for the department, in consultation with the Washington traffic safety commission, department of health, the elder law section of the Washington state bar association, organizations representing older drivers, and driver rehabilitation specialists, to develop a comprehensive plan aimed at improving older driver safety. The department must submit a report on the comprehensive plan to the governor and the transportation committees of the legislature by December 1, 2024. The plan must include, but is not limited to:

(a) A comprehensive review of department policies surrounding older drivers and medically at-risk drivers, including:

(i) The medical assessment review process; and

(ii) The counter assessment process in licensing service offices;

(b) A feasibility analysis of the department establishing a medical advisory board to advise on general policy for at-risk drivers, driving privileges for individual medically at-risk drivers, and an appeals process for drivers whose privileges are revoked or restricted due to medical conditions;

(c) A recommended assessment tool to determine a driver's potential risk to themselves or others when operating a motor vehicle so the department may make informed decisions on appropriate courses of action within the older driver program;

(d) A draft of the rules associated with the plan;

(e) An implementation schedule for the components of the plan;

(f) Detailed information on how each component of the plan improves the safety associated with older drivers, while preserving the maximum level of older driver independence and privacy; and

(g) Any additional recommended statutory changes required to implement the plan.

(6) \$250,000 of the highway safety account—state appropriation is provided solely for the department to implement improvements to older driver traffic safety, which may include:

(a) Developing a program where older drivers who voluntarily surrender their driver's license before or on its expiration date receive a no-cost identicard;

(b) Reducing the length of time by which the driver's license of an older driver expires; and

(c) Other recommendations from the department.

(7) For purposes of subsections (5) and (6) of this section, "older driver" means a driver who is issued an original or renewed driver's license on or after the age of 70.

(8) \$5,499,000 of the motor vehicle account—state appropriation is provided solely for the department to upgrade and improve its prorate and fuel tax system, and is subject to the conditions, limitations, and review requirements of section 701 of this act. In each phase of the project, the department must ensure and document the

increase in business capabilities and customer service outcomes, the improvements in fuel tax collection related information designed to resolve historical discrepancies in reporting information, and how the implementation plan mitigates risks associated with the proposed timeline and results in the sustainability of systems and platforms for the future. Before initiating the implementation phase of the project, the department must report to the office of the chief information officer on how the project meets its FAST act modernization roadmap, and vendor management and resource plans.

(9) \$16,000 of the motorcycle safety education account—state appropriation, \$2,000 of the limited fish and wildlife account—state appropriation, \$947,000 of the highway safety account—state appropriation, \$308,000 of the motor vehicle account—state appropriation, \$14,000 of the ignition interlock device revolving account—state appropriation, and \$14,000 of the department of licensing services account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements in section 701 of this act.

(10) \$25,557,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued and renewed, and the number of primary drivers' licenses and identicards issued and renewed. By November 1, 2024, the department must prepare a report with recommendations on the future of licensing service office operations based on the recent implementation of efficiency measures designed to reduce the time for licensing transactions and wait times, and the implementation of statutory and policy changes during the pandemic.

(11) For the 2023-2025 fiscal biennium, the department shall charge \$1,336,000 for the administration and collection of a motor vehicle excise tax on behalf of a regional transit authority, as authorized under RCW 82.44.135. The amount in this subsection must be deducted before distributing any revenues to a regional transit authority.

(12) \$742,000 of the motor vehicle account—state appropriation is provided solely for the increased costs associated with improvements desired to resolve delays in the production of license plates, including converting all subagents to the standard ordering process as recommended in the December 2022 plate inventory report, and to provide updated annual reports detailing changes in license plate production, inventory, and other practices taken to guard against plate production delays. The reports must be submitted to the



governor and the transportation committees of the legislature by December 1, 2023, and December 1, 2024.

(13) \$243,000 of the highway safety account—state appropriation is provided solely for the department to continue to provide written materials on, place signage in licensing service offices regarding, and include into new driver training curricula, the requirements of RCW 46.61.212, the slow down and move over law.

(14) The appropriations in this section provide sufficient funding for the department of licensing assuming vacancy savings which may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(15) \$3,082,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account. During the 2023-2025 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(16) \$1,077,000 of the highway safety account—federal appropriation is provided solely for implementation of chapter . . . (Senate Bill No. 5041), Laws of 2023 (CDL drug and alcohol clearinghouse) or chapter . . . (House Bill No. 1448), Laws of 2023 (CDL drug and alcohol clearinghouse). If neither chapter . . . (Senate Bill No. 5041), Laws of 2023 or chapter . . . (House Bill No. 1448), Laws of 2023 are enacted by June 30, 2023, the amount provided in this subsection lapses.

(17) \$116,000 of the highway safety account—state appropriation is provided solely for implementation of chapter . . . (Senate Bill No. 5251), Laws of 2023 (streamlining CDL issuance) or chapter . . . (House Bill No. 1058), Laws of 2023 (streamlining CDL issuance). If neither chapter . . . (Senate Bill No. 5251), Laws of 2023 or chapter . . . (House Bill No. 1058), Laws of 2023 are enacted by June 30, 2023, the amount provided in this subsection lapses.

(18) \$1,972,000 of the highway safety account—state appropriation and \$1,276,000 of the driver's education safety improvement account—state appropriation are provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5583), Laws of 2023 (improving young driver safety). If chapter . . . (Substitute Senate Bill No. 5583), Laws of 2023 is not enacted by June 30, 2023, the amounts provided in this subsection lapse.

(19) \$180,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5504), Laws of 2023 (open motor vehicle safety recalls). If chapter . . .

(Substitute Senate Bill No. 5504), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(20) \$1,206,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5326), Laws of 2023 (verification of motor vehicle insurance). If chapter . . . (Substitute Senate Bill No. 5326), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(21) \$497,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5112), Laws of 2023 (updating processes related to voter registration). If chapter . . . (Substitute Senate Bill No. 5112), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(22) \$29,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5333), Laws of 2023 (the state sport special license plate). If chapter . . . (Substitute Senate Bill No. 5333), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(23) \$29,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter . . . (Senate Bill No. 5590), Laws of 2023 (Mount St. Helens special license plate) or chapter . . . (House Bill No. 1489), Laws of 2023 (Mount St. Helens special license plate). If neither chapter . . . (Senate Bill No. 5590), Laws of 2023 or chapter . . . (House Bill No. 1489), Laws of 2023 are enacted by June 30, 2023, the amount provided in this subsection lapses.

(24) \$29,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter . . . (Senate Bill No. 5738) (LeMay special license plate) or chapter . . . (House Bill No. 1829), Laws of 2023 (LeMay special license plate). If neither chapter . . . (Senate Bill No. 5738), Laws of 2023 or chapter . . . (House Bill No. 1829), Laws of 2023 are enacted by June 30, 2023, the amount provided in this subsection lapses.

(25) \$29,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5347), Laws of 2023 (driver's abstract changes). If chapter . . . (Substitute Senate Bill No. 5347), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(26) \$47,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5440), Laws of 2023 (competency evaluations). If chapter . . . (Substitute Senate Bill No. 5440), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(27) \$23,000 of the highway safety account—state appropriation is provided solely for the implementation of

chapter . . . (Senate Bill No. 5606), Laws of 2023 (illegal racing). If chapter . . . (Senate Bill No. 5606), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(28) \$155,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5128), Laws of 2023 (jury diversity). If chapter . . . (Substitute Senate Bill No. 5128), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF TRANSPORTATION—TOLL OPERATIONS AND MAINTENANCE—PROGRAM B**

State Route Number 520 Corridor Account—State  
 Appropriation. . . . . \$58,645,000  
 State Route Number 520 Civil Penalties Account—State  
 Appropriation. . . . . \$4,178,000  
 Tacoma Narrows Toll Bridge Account—State  
 Appropriation. . . . . \$30,594,000  
 Alaskan Way Viaduct Replacement Project Account—  
 State Appropriation. . . . . \$20,587,000  
 Interstate 405 and State Route Number 167 Express  
 Toll Lanes Account—State Appropriation.  
 \$23,658,000

**TOTAL APPROPRIATION. . . . . \$137,662,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$12,484,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) As long as the facility is tolled, the department must provide annual reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and

NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips; and

(b) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(3) \$314,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$734,000 of the state route number 520 corridor account—state appropriation, \$315,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$413,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the reappropriation of unspent funds on the new tolling back office system from the 2021-2023 fiscal biennium.

(4) The department shall make detailed annual reports to the transportation committees of the legislature and the public on the department's website in a manner consistent with past practices as specified in section 209(5), chapter 186, Laws of 2022.

(5) As part of the department's 2025-2027 biennial budget request, the department shall update the cost allocation recommendations that assign appropriate costs to each of the toll funds for services provided by relevant Washington state department of transportation programs, the Washington state patrol, and the transportation commission. The recommendations shall be based on updated traffic and toll transaction patterns and other relevant factors.

(6)(a) The department shall oversee a pilot program to deploy advanced technologies to collect tolls on the westbound state route number 520 on-ramp at 84th Avenue NE beginning no later than December 31, 2023, and ending June 30, 2025. Tolls and other revenues received from the pilot program must be deposited into the state route number 520 corridor account to be used solely to provide for the cost of maintenance of the three state route number 520 eastside lids and surrounding areas at Evergreen Point Road, 84th Avenue NE, and 92nd Avenue NE. The pilot program must use advanced technologies that enable the installation of any required equipment and testing to be provided at no cost to the state of Washington; however, the department shall provide staff time to support the pilot program.

(b) The pilot program shall utilize a system that provides:

(i) Image capture technology;  
 (ii) Self-contained technology that does not require a connection to the department's communications and utilities;  
 (iii) A reduced physical footprint without using overhead infrastructure; and  
 (iv) A license plate accuracy rate of 99 percent or more to reduce the risk of vehicle misidentification.

(c) By December 1, 2024, the department and the transportation commission shall provide a report to the transportation committees of the legislature on:

(i) An assessment of how well the system was able to identify vehicles using the on-ramp;

(ii) Revenues generated by the pilot program;

(iii) Other lessons learned from the pilot program; and

(iv) Recommendations of whether to extend the pilot program or expand the use of advanced tolling technology on state highways.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF TRANSPORTATION—INFORMATION TECHNOLOGY—PROGRAM C**

Transportation Partnership Account—State	
Appropriation. . . . .	\$1,494,000
Motor Vehicle Account—State Appropriation.	
\$118,977,000	
Puget Sound Ferry Operations Account—State	
Appropriation. . . . .	\$307,000
Multimodal Transportation Account—State	
Appropriation. . . . .	\$2,986,000
Transportation 2003 Account (Nickel Account)	
—State	
Appropriation. . . . .	\$1,488,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$125,252,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,006,000 of the motor vehicle account—state appropriation is provided solely for hardware cost increases. Before any hardware replacement, the department, in consultation with WaTech, must further review leasing options.

(2) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING**

Motor Vehicle Account—State Appropriation.	
\$38,572,000	
Move Ahead WA Account—State Appropriation.	
\$2,812,000	
State Route Number 520 Corridor Account—	
State	
Appropriation. . . . .	\$34,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$41,418,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section provide sufficient funding for the department assuming vacancy savings which may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(2) (a) (i) \$500,000 of the move ahead WA account—state appropriation is provided solely for the department to conduct a detailed space study and develop an

implementation plan that builds off the findings and recommendations of the department's "Telework Impact Study" completed in September 2022. Such efforts must also incorporate office space use reduction requirements for the department in this act as well as current and planned telework levels. The detailed space study and development of the implementation plan must be conducted in consultation with the office of financial management and the department of enterprise services, and must focus on office and administrative space efficiency, providing specific recommendations, cost estimates, and cost savings. While focused on office and administrative space, the department is encouraged to review other types of facilities where efficiencies can be achieved. The final study report must include:

(A) The development of low, medium, and high scenarios based on reducing space use, with the high space reduction scenario being based on a minimum of a 30 percent reduction by 2030;

(B) Detailed information on any increased capital and other implementation costs under each scenario;

(C) Detailed information on reduced costs, such as leases, facility maintenance, and utilities, under each scenario;

(D) An analysis of opportunities to collocate with other state, local, and other public agencies to reduce costs and improve cost-efficiency while meeting utilization standards; and

(E) An assessment of the commercial value and return to the state transportation funds associated with the sale of the property from consolidation and other space efficiency measures.

(ii) The department must submit the implementation plan and final report from the detailed space study to the office of financial management and the transportation committees of the legislature by October 1, 2024.

(b) (i) Conducting the detailed space study under (a) of this subsection must not prevent or delay the department from meeting other space use and related requirements, or where warranted by current information or opportunities.

(ii) In addition to the reporting requirement under (a) of this subsection, the department must provide information to the office of financial management in its comparative analysis of office space, leases, and relocation costs required by the omnibus operating appropriations act.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION EQUIPMENT FUND—PROGRAM E**

Move Ahead WA Account—State Appropriation.	
\$14,060,000	
Multimodal Transportation Account—State	
Appropriation. . . . .	\$433,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$14,493,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$14,060,000 of the move ahead WA account—state appropriation is provided solely for the department's costs related to replacing obsolete transportation equipment and replacing fuel sites. Beginning January 1, 2024, and annually thereafter, the department must provide a report to the office of financial management and the transportation committees of the legislature detailing the current progress on replacing obsolete equipment, progress towards reaching a level purchasing state, and the status of implementing a fuel site replacement prioritization plan.

(2) (a) \$100,000 of the multimodal transportation account—state appropriation is provided solely for the department to administer a pilot program to install and test intelligent speed monitoring technology in a portion of the department's fleet of vehicles while using global positioning system technology and other mapping tools to monitor vehicle location and corresponding speed limits on traveled roadways.

(b) The pilot program must begin by January 1, 2024, for a 12-month period. By June 30, 2025, the department must report to the transportation committees of the legislature the results of the pilot program and provide any legislative or policy recommendations.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F**

Aeronautics Account—State Appropriation.	
\$11,790,000	
Aeronautics Account—Federal Appropriation.	
\$3,650,000	
Aeronautics Account—Private/Local Appropriation. . . . .	\$60,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$15,500,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the aeronautics account—state appropriation is provided solely for the Move Ahead Washington expansion of airport aid grants, airport preservation and maintenance, and support of land use planning and education activities.

(2) \$1,476,000 of the aeronautics account—state appropriation is provided solely for sustainable aviation grant projects submitted by the department in December 2022.

(3) \$300,000 of the aeronautics account—state appropriation is provided solely for the department to develop a statewide advanced air mobility aircraft plan to develop and integrate advanced air mobility aircraft into current modal systems. The department shall submit a report by June 1, 2025, to the office of financial management and the transportation committees of the legislature including, but not limited to:

(a) Near, medium, and long-term recommendations for land use planning for advanced and urban air mobility vertiports and vertistops;

(b) An inventory of infrastructure needs to support a statewide vertiport network and a recommended program to deploy funds to local governments to share costs;

(c) Proposed state governance structures and regulatory mechanisms to adequately complement federal aviation administration oversight;

(d) Recommended policies to foster vertiport and vertistop infrastructure development that ensure open public access, efficiency in land use siting, and equitable distribution across the state; and

(e) In consultation with local jurisdictions, planning organizations, and other modal managers, recommendations on advanced air mobility aircraft integration into statewide transportation plans.

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION—PROGRAM DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H**

Motor Vehicle Account—State Appropriation.	
\$61,222,000	
Motor Vehicle Account—Federal Appropriation. . . . .	\$500,000
Multimodal Transportation Account—State Appropriation. . . . .	\$758,000
Move Ahead WA Flexible Account—State Appropriation. . . . .	\$572,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$63,052,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2023-2025 fiscal biennium, if the department takes possession of the property situated in the city of Edmonds for which a purchase agreement was executed between Unocal and the department in 2005 (Tax Parcel Number 262703-2-003-0009), and if the department confirms that the property is still no longer needed for transportation purposes, the department shall provide the city of Edmonds with the right of first purchase at fair market value in accordance with RCW 47.12.063(3) for the city's intended use of the property to rehabilitate near-shore habitat for salmon and related species.

(2) \$469,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 217, Laws of 2021 (noxious weeds).

(3) The department shall offer to sell the northern parcel of site 14 on the Puget Sound Gateway Program SR 509 Completion Project Surplus Property list, located immediately south of S. 216th Street and adjacent to the Barnes Creek Nature Trail in Des Moines, to Seattle Goodwill Industries, a nonprofit organization with tax ID 91-05688708, located at 700 Dearborn Place S., Seattle, WA 98144, in accordance with RCW 47.12.063 at fair market value because the legislature finds it in the public interest to do so for the public benefit that will result from Goodwill's redevelopment of the property it owns at Rainier Ave. South and South Dearborn Street to increase the supply of affordable housing.

(4) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations

act to restore funding as authorized staffing levels are achieved.

(5)(a) \$572,000 of the move ahead WA flexible account—state appropriation is provided solely to track and maximize clean fuels credit generation of at least five percent and not more than 10 percent in nonadvance clean fuels credits from transportation investments as required under RCW 70A.535.050(3).

(b) The LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 29, 2023, anticipates fulfillment of the requirements under RCW 70A.535.050(3) of generating nonadvance credits for transportation investments funded in an omnibus transportation appropriations act, including the move ahead WA transportation package. The clean fuels credit generation anticipates nonadvance credits for ferry electrification for new hybrid electric vessels, active transportation, transit programs and projects, alternative fuel infrastructure, connecting communities, and multimodal investments.

(c) Pursuant to the reporting requirements of RCW 70A.535.050(5), the department must present a detailed projection of the credit revenues generated and achieved directly as a result of the funding and activities in this subsection.

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K**

Motor Vehicle Account—State Appropriation.	
\$660,000	
Electric Vehicle Account—State Appropriation	
.....	\$4,746,000
Multimodal Transportation Account—State	
Appropriation.....	\$2,100,000
Multimodal Transportation Account—Federal	
Appropriation.....	\$25,000,000
Carbon Emissions Reduction Account—State	
Appropriation.....	\$9,400,000
TOTAL APPROPRIATION.....	\$41,906,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,746,000 of the electric vehicle account—state appropriation is provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287, Laws of 2019 (advancing green transportation adoption).

(2) \$1,000,000 of the electric vehicle account—state appropriation and \$500,000 of the multimodal transportation account—state appropriation are provided solely for a colocated DC fast charging and hydrogen fueling station near the Wenatchee or East Wenatchee area near a state route or near or on a publicly owned facility to service passenger, light-duty and heavy-duty vehicles. The hydrogen fueling station must include a DC fast charging station colocated at the hydrogen fueling station site. Funds may be used for one or more fuel cell electric vehicles that would utilize the fueling stations. The department must contract with a public utility district that produces hydrogen in the area to own and/or manage and provide technical assistance for

the design, planning, permitting, construction, maintenance and operation of the hydrogen fueling station. The department and public utility district are encouraged to collaborate with and seek contributions from additional public and private partners for the fueling station.

(3) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(4) The legislature recognizes that for the state to meet long-term zero emissions goals requires consumers have options when investing in different vehicle technologies, including battery electric vehicles and fuel cell electric vehicles. Therefore, it is the intent of the legislature to appropriate climate commitment act funds not to exceed \$30,000,000 over the next three biennia as a state match for secured federal funds to finance hydrogen fueling stations in disadvantaged and overburdened communities for both passenger and light-truck vehicles and medium to heavy-duty vehicles. The department, in consultation with the interagency electric vehicle coordinating council, must pursue any federal funding available through the charging and fueling infrastructure discretionary grant program and any other sources under the federal infrastructure investment and jobs act (P.L. 117-58).

(5) \$9,400,000 of the carbon emissions reduction account—state appropriation is provided solely for clean alternative fuel charging and infrastructure projects and activities selected by the department in consultation with the interagency electric vehicle coordinating council.

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M**

Motor Vehicle Account—State Appropriation.	
\$510,925,000	
Motor Vehicle Account—Federal Appropriation	
.....	\$7,000,000
Move Ahead WA Account—State Appropriation.	
\$19,000,000	
State Route Number 520 Corridor Account—	
State	
Appropriation.....	\$4,723,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation.....	\$1,585,000
Alaskan Way Viaduct Replacement Project	
Account—	
State Appropriation.....	\$8,752,000
Interstate 405 and State Route Number 167	
Express	
Toll Lanes Account—State Appropriation.	
\$2,624,000	
TOTAL APPROPRIATION.....	\$554,609,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for snow and ice removal. The department must notify the

office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

(2) The department must continue a pilot program for the 2023-2025 fiscal biennium at the four highest-demand safety rest areas to create and maintain an online calendar for volunteer groups to check availability of weekends for the free coffee program. The calendar must be updated at least weekly and show dates and times that are, or are not, available to participate in the free coffee program.

(3) \$3,195,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for repairing damages to highways caused by known and unknown third parties. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for third-party damage repair and will begin using the contingency pool funding.

(4) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(5) \$294,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter . . . (Senate Bill No. 5487), Laws of 2023 (parking at rest areas). If chapter . . . (Senate Bill No. 5487), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(6) \$10,040,000 of the motor vehicle account—state appropriation is provided solely for the department to address safety improvements and debris cleanup on department-owned rights-of-way from encampments of people living on such rights-of-way. Of the amounts provided in this subsection, \$500,000 is for the department to contract with the Washington state patrol for support of the department's activities as needed.

(a) Of this amount, a minimum of \$1,025,000 is to be used for a continued partnership program between the department and the city of Seattle, provided that the department's level of effort to implement safety improvements and debris cleanup on department-owned rights-of-way in the city of Seattle must not be reduced from the level implemented during the 2021-2023 fiscal biennium.

(b) Of this amount, a minimum of \$1,015,000 is to be used for a continued partnership program between the department and the city of Tacoma.

(c) Beginning November 1, 2023, and semiannually thereafter, the Washington state patrol and the department of transportation must jointly submit a report to the governor and the transportation committees of the legislature on the efforts described under this subsection, including:

(i) A summary of the activities related to addressing encampments, including information on arrangements with local governments or other entities related to these activities;

(ii) A description of the planned activities in the ensuing two quarters to further address the emergency hazards and risks along state highway rights-of-way; and

(iii) Recommendations for executive branch or legislative action to achieve the desired outcome of reduced emergency hazards and risks along state highway rights-of-way.

(7) The department shall submit a report to the transportation committees of the legislature by December 1, 2023, with a review of best practices to efficiently cleanup highway litter and debris and recommendations for improving the efficiency of the department's highway clean-up efforts and reducing safety risks to highway clean-up workers. The report must consider new technologies that could improve the safety and efficiency of highway cleanup.

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION OPERATIONS—PROGRAM Q—OPERATING**

Highway Safety Fund—State Appropriation.	
\$3,529,000	
Motor Vehicle Account—State Appropriation.	
\$77,611,000	
Motor Vehicle Account—Federal Appropriation	
.....	\$2,050,000
Motor Vehicle Account—Private/Local	
Appropriation. ....	\$294,000
Move Ahead WA Account—State Appropriation.	
\$3,090,000	
Multimodal Transportation Account—State	
Appropriation. ....	\$5,200,000
State Route Number 520 Corridor Account—	
State	
Appropriation. ....	\$247,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation. ....	\$44,000
Alaskan Way Viaduct Replacement Project	
Account—	
State Appropriation. ....	\$1,122,000
Interstate 405 and State Route Number 167	
Express	
Toll Lanes Account—State Appropriation.	
\$37,000	
<b>TOTAL APPROPRIATION.....</b>	<b>\$93,224,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account—state appropriation and \$1,811,000 of the move ahead WA account—state appropriation are provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2) (a) During the 2023-2025 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot

program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) Nothing in this subsection is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for express toll lanes.

(3) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least \$100,000 in credit card and other financial transaction costs related to the collection of fees imposed under RCW 46.17.400, 46.44.090, and 46.44.091 for driver and vehicle fee transactions beginning January 1, 2023. The department may recover transaction fees incurred through credit card transactions. The department shall also submit, as part of its 2025-2027 budget submittal, an overview of the credit card cost recovery approach, including fee rates and the amount of revenue expected to be generated in the 2021-2023, 2023-2025, and 2025-2027 biennia, and any recommendations to improve the cost recovery approach.

(4) The department shall promote safety messages encouraging drivers to slow down and move over and pay attention when emergency lights are flashing on the side of the road and other suitable safety messages on electronic message boards the department operates across the state. The messages must be promoted through June 30, 2025. The department may coordinate such messaging

with any statewide public awareness campaigns being developed by the department of licensing or the Washington state traffic safety commission, or both.

(5) \$5,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to address emergent issues related to safety for pedestrians and bicyclists. Funds may only be spent after approval from the office of financial management. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all emergent issues addressed in the prior fiscal biennium.

(6) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(7) \$3,529,000 of the highway safety account—state appropriation is provided solely for implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5272), Laws of 2023 (speed safety cameras). If chapter . . . (Engrossed Substitute Senate Bill No. 5272), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(8) \$1,279,000 of the move ahead WA account—state appropriation is provided solely for maintenance and operations of the virtual coordination center. The department is encouraged to apply for federal grant funds for the virtual coordination center and may use state funds as a match. By December 1, 2023, the department shall report to the transportation committees of the legislature recommendations to expand the center's operations, including specific additional jurisdictions and corridors across the state.

(9) The department shall submit a report to the transportation committees of the legislature by December 1, 2023, with a prioritized list of recommendations for improving safety and mobility on Interstate 90 between North Bend and Cle Elum during winter weather events, including estimated costs. The recommendations must include, but are not limited to, options to improve compliance with traction tire and chain requirements and reduce snow-related closures.

(10) \$200,000 of the multimodal transportation account—state appropriation is provided solely for the department of transportation, in collaboration with the Washington state patrol, to administer a pilot program requiring one motor carrier with intrastate commercial motor vehicles and a poor equipment and traffic safety record to operate with side underride guards, or rear impact guards consistent with updates to federal motor vehicle safety standards 223 and 224, or both, on designated public highways of the state. By June 30, 2025, the department must collect data and report to the transportation committees of the legislature the program impacts on highway safety, traffic movement, and the environment, if any. The report must

also include a recommendation if the pilot program should continue or be enacted on a permanent basis for all other motor carriers with intrastate commercial motor vehicles.

(11)(a) The department shall establish the weigh station preclearance program in accordance with the commercial vehicle information systems and networks electronic screening truck inspection and weigh station preclearance standards authorized by the federal motor carrier safety administration. The program must include preclearance systems providers that meet the following criteria:

(i) The preclearance system commercial mobile radio services and dedicated short-range communication devices as transponders technologies must be represented in the program.

(ii) The preclearance system must be broadly deployed across the state for interstate operability purposes on the effective date of this section.

(b) Computer software and hardware, including any infrastructure-based devices or technologies, that is necessary to implement this section and must be made available at no cost to the Washington state patrol. The preclearance system provider is responsible for all costs of operating and maintaining the computer software and hardware. The computer software and hardware must meet all of the following criteria:

(i) The computer software and hardware must meet the requirements of the federal motor carrier safety administration for core compliance with the commercial vehicle information systems and networks electronic screening truck inspection and weigh station preclearance standards.

(ii) In-vehicle equipment must be operated in compliance with applicable state law and regulations.

(iii) Preclearance messaging must be transmitted and received by the driver through electronic messaging within the cab of the commercial motor vehicle.

(iv) If required for preclearance services, real-time data from weigh-in-motion systems or any other systems shall be made available to preclearance system providers.

(c) The department, in consultation with the Washington state patrol, shall establish standards for the program in order to meet the needs of this state and conform with weigh station preclearance programs in other states, including standards regarding safety history credential status.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S**

Motor Vehicle Account—State Appropriation.	
\$59,774,000	
Motor Vehicle Account—Federal Appropriation	
.....	\$780,000
Motor Vehicle Account—Private/Local	
Appropriation.....	\$500,000
Move Ahead WA Flexible Account—State	
Appropriation.....	\$6,400,000
Puget Sound Ferry Operations Account—State	
Appropriation.....	\$488,000
Multimodal Transportation Account—State	

Appropriation.....	\$22,323,000
State Route Number 520 Corridor Account—	
State	
Appropriation.....	\$220,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation.....	\$136,000
Alaskan Way Viaduct Replacement Project	
Account—	
State Appropriation.....	\$127,000
Interstate 405 and State Route Number 167	
Express	
Toll Lanes Account—State Appropriation.	
\$114,000	
<b>TOTAL APPROPRIATION.....</b>	<b>\$90,862,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$2,000,000 of the motor vehicle account—state appropriation and \$6,400,000 of the move ahead WA flexible account—state appropriation are provided solely for efforts to increase diversity in the transportation construction workforce through:

(i) The preapprenticeship support services (PASS) and career opportunity maritime preapprenticeship support services (COMPASS) programs, which aim to increase diversity in the highway construction and maritime workforces and prepare individuals interested in entering the highway construction and maritime workforces. In addition to the services allowed under RCW 47.01.435, the PASS and COMPASS programs may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems to support their participation in a transportation-related preapprenticeship program and support services to obtain necessary maritime documents and coast guard certification;

(ii) Assisting minority and women-owned businesses to perform work in the highway construction industry;

(iii) Free-of-charge business counseling and technical assistance to minority and women-owned businesses to help them compete for the department's projects;

(iv) A program to allow smaller minority and women-owned trucking companies to pool their resources and compete with larger scale trucking operations; and

(v) A capacity building mentorship program to enable more mentor contractors and consultants to be paired with veteran-owned businesses or firms certified by the office of minority and women's business enterprises.

(b) The department shall report annually to the transportation committees of the legislature on efforts to increase diversity in the transportation construction workforce.

(2) For Washington state department of transportation small works roster projects under RCW 39.04.155, the department may only allow firms certified as small business enterprises, under 49 C.F.R. 26.39, to bid on the contract, unless the department determines there would be insufficient bidders for a particular project.

(3) \$21,195,000 of the motor vehicle account—state appropriation and \$21,194,000 of the multimodal transportation account—



state appropriation are provided solely for the department to upgrade the transportation reporting and accounting information system to the current cloud version of the software, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(4) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(5) If either chapter . . . (Senate Bill No. 5757), Laws of 2023 (transportation revenue forecast) or chapter . . . (Engrossed Substitute House Bill No. 1838), Laws of 2023 (transportation revenue forecast) is enacted by June 30, 2023, \$278,000 of the motor vehicle account—state appropriation in this section lapses.

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T**

Motor Vehicle Account—State Appropriation.	
\$30,660,000	
Motor Vehicle Account—Federal Appropriation	
. . . . .	\$31,742,000
Motor Vehicle Account—Private/Local	
Appropriation. . . . .	\$400,000
Move Ahead WA Flexible Account—Federal	
Appropriation. . . . .	\$11,922,000
Multimodal Transportation Account—State	
Appropriation. . . . .	\$3,414,000
Multimodal Transportation Account—Federal	
Appropriation. . . . .	\$2,809,000
Multimodal Transportation Account—Private/	
Local	
Appropriation. . . . .	\$100,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$81,047,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,750,000 of the multimodal transportation account—state appropriation is provided solely for the department to partner with the department of commerce and regional transportation planning organizations in implementing vehicle miles traveled targets and supporting actions. The department and the department of commerce shall partner with local jurisdictions, regional transportation planning organizations, and other stakeholders to determine the level of vehicle miles traveled reductions needed to meet state goals for greenhouse gas emissions above what will already be achieved by vehicle electrification. Vehicle miles traveled reduction targets and actions to meet those targets will be set by region for those regions who opt to pilot the new process. The department shall provide technical assistance to local partners in developing targets, conducting modeling and analysis, identifying appropriate strategies to meet targets, and conducting outreach. The department will build on the recommendations developed in section 219(3), chapter 186, Laws of 2022. As part of target setting, important factors that must be considered

include land use patterns, safety, and vulnerable populations. The department shall provide an interim report by June 30, 2024, and a final report by June 30, 2025.

(2) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(3)(a) \$330,000 of the motor vehicle account—state appropriation and \$330,000 of the motor vehicle account—federal appropriation are provided solely for the department to continue implementation of a performance-based project evaluation model. This implementation work should include:

- (i) Public engagement and outreach;
- (ii) Establishment of data flow for criteria;
- (iii) Ongoing implementation of the evaluation process in coordination with the legislative work cycle; and
- (iv) Migration to a web-based or app-based system with an external user interface.

(b) The department must issue a report by September 1, 2024, with an update on implementation of the new project evaluation model, new system and user interface, and efforts to coordinate project evaluation with the legislative work cycle.

(4)(a) \$180,000 of the multimodal transportation account—state appropriation is provided solely for Thurston regional planning council (TRPC) to conduct a study examining options for multimodal high capacity transportation (HCT) to serve travelers on the Interstate 5 corridor between central Thurston county (Olympia area) and Pierce county.

(b) The study will include an assessment of travelsheds and ridership potential and identify and provide an evaluation of options to enhance connectivity and accessibility for the greater south Puget Sound region with an emphasis on linking to planned or existing commuter or regional light rail. The study must account for previous and ongoing efforts by transit agencies and the department. The study will emphasize collaboration with a diverse community of interests, including but not limited to transit, business, public agencies, tribes, and providers and users of transportation who because of age, income, or ability may face barriers and challenges.

(c) The study is due to the governor and transportation committees of the legislature by September 1, 2024.

(5) \$400,000 of the multimodal transportation account—state appropriation is provided solely for the city of Seattle's office of planning and community development to support an equitable development initiative to reconnect the South Park neighborhood, currently divided by state route number 99.

- (a) The support work must include:
  - (i) A public engagement and visioning process led by a neighborhood-based, community organization; and

(ii) A feasibility study of decommissioning state route number 99 in the South Park neighborhood to include, but not be limited to, traffic studies, environmental impact analysis, and development of alternatives, including the transfer of the land to a neighborhood-led community land trust.

(b) The support work must be conducted in coordination and partnership with neighborhood residents, neighborhood industrial and commercial representatives, the state department of transportation, and other entities and neighborhoods potentially impacted by changes to the operation of state route number 99.

(c) The city must provide a report on the plan that includes recommendations to the Seattle city council, state department of transportation, and the transportation committees of the legislature by December 1, 2024.

(6) \$15,000,000 of the motor vehicle account—federal appropriation is provided solely for the transportation planning, data, and research program. The department shall prioritize federal funding for legislatively directed projects and activities in this section above other federally funded projects and activities authorized in this act.

(7) \$2,557,000 of the motor vehicle account—state appropriation is provided solely for the department to upgrade the department's linear referencing system (LRS) and highway performance monitoring system (HPMS), and is subject to the conditions, limitations, and review requirements in section 701 of this act.

(8) \$306,000 of the multimodal transportation account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5466), Laws of 2023 (transit-oriented development). If chapter . . . (Engrossed Substitute Senate Bill No. 5466), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(9) \$627,000 of the motor vehicle account—federal appropriation is provided solely for remaining work on the "Forward Drive" road usage charge research project overseen by the transportation commission using the remaining amounts of the federal grant award. The remaining work of this project includes:

(a) Analysis of road usage charge simulation and participant surveys;

(b) Follow up on road usage charge experiences related to payment installments, mileage exemptions, and vehicle-based mileage reporting;

(c) Completion of technology research; and

(d) Development of the final "Forward Drive" research program report.

(10) (a) \$11,922,000 of the move ahead WA flexible account—federal appropriation is provided solely for an Interstate 5 planning and environmental linkage study and a statewide Interstate 5 master plan, building upon existing work under way in the corridor. It is the intent of the

legislature to provide a total of \$40,000,000 for this work by 2029.

(b) The work under (a) of this subsection must include, but is not limited to, the following:

(i) Seismic resiliency planning to refine the level of effort and develop informed cost estimates for the seismic vulnerability analysis;

(ii) HOV lane system-wide performance planning and initial steps to launch a pilot project that progresses innovative and emerging technologies;

(iii) Interstate 5 corridor planning work, including development of a framework, coordination of corridor needs, development of core evaluation criteria and a prioritization process, and identification of early action priority projects that address safety or resiliency, or both, along the corridor; and

(iv) A report to the transportation committees of the legislature by December 1, 2024, with recommendations for future phases and a detailed funding request for work planned through 2029.

(c) Of the amounts provided in this section, \$300,000 is provided solely for the department to conduct a Seattle Interstate 5 ramp reconfiguration and lid feasibility study. The study must be conducted in coordination and partnership with the city of Seattle's department of transportation, informed by the input of Interstate 5 lid stakeholders, and coordinated with work under (a) and (b) of this subsection. The department must provide a study report, including recommendations, to the city of Seattle's department of transportation and the transportation committees of the legislature by December 1, 2024. The study must include an analysis of:

(i) Options and opportunities to reconfigure, relocate, or remove Interstate 5 ramps within and between Chinatown-International District and the University District for the purpose of improving through-traffic operations, enhancing multimodal transportation safety, and enabling more efficient air rights development;

(ii) Potential mitigation needs and cost estimates of ramp changes and demolitions;

(iii) Benefits of ramp changes and demolitions to pedestrian and bicycle travel, transit operations, and future lid design;

(iv) Ramps for the mainline collector-distributor lanes and express lanes including, at a minimum, ramps connecting to and from James Street, Cherry Street, 6th Avenue, Madison Street, Seneca Street, Spring Street, University Street, Union Street, Olive Way, Yale Avenue, NE 45th Street, and NE 50th Street;

(v) Removal of the existing ramps at Seneca Street, Spring Street, and University Street; and

(vi) Removal and consolidation of the existing NE 45th Street and NE 50th Street ramps.

(d) The department shall work with the emergency management division of the military department to identify strategic transportation corridors, opportunities to improve resilience and reinforce the

corridors against natural disasters, and opportunities to secure federal funding for investments in the resilience of the transportation network. The department shall provide a report to the transportation committees of the legislature by December 1, 2023, on:

(i) Strategic transportation corridors and opportunities to improve their resilience;

(ii) Federal funding opportunities the state should pursue; and

(iii) Recommendations for actions to maximize federal funding for the state of Washington.

(11) The department shall continue to coordinate planning work focused on the transportation system in western Washington across modes with the goal of maximizing system performance toward the policy goals in RCW 47.04.280 in the most cost-effective manner. This coordination must include, but is not limited to: The Interstate 5 highway corridor, existing rail infrastructure and future high-speed rail alignment, and commercial aviation capacity. The department must report to the transportation committees of the legislature through existing reporting mechanisms on the status of these planning efforts including, but not limited to, a long-term strategy for addressing resilience of the transportation system in western Washington through consideration of changing demand, modal integration, and preservation needs. The coordinated work must include an analysis of different alternatives to promote system resilience, including performance and cost of each scenario.

(12) \$200,000 of the motor vehicle account—state appropriation is provided solely for planning and intersection improvements along state route number 904 and improvements to the local network that would feed intersections with state route number 904. This work must include, but is not limited to, the Medical Lake/Four Lakes Road/West 3rd Ave intersection and feeding local network. The department must collaborate with Spokane county and the city of Cheney on this work and other improvement ideas along the corridor.

(13) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for a comprehensive analysis of the state and local transportation network in the US 12/A Street/Tank Farm Road/Sacajawea Road/Lewis Street Interchange vicinity to identify long-term, practical, and multimodal solutions that maximize the use of the existing transportation system and reduce the risk of crashes in the corridor.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U**

Aeronautics Account—State Appropriation. \$1,000  
Transportation Partnership Account—State Appropriation. . . . . \$29,000  
Motor Vehicle Account—State Appropriation. \$93,059,000  
Puget Sound Ferry Operations Account—State Appropriation. . . . . \$244,000

State Route Number 520 Corridor Account—State  
Appropriation. . . . . \$69,000  
Connecting Washington Account—State  
Appropriation. . . . . \$233,000  
Multimodal Transportation Account—State  
Appropriation. . . . . \$4,529,000  
Tacoma Narrows Toll Bridge Account—State  
Appropriation. . . . . \$43,000  
Alaskan Way Viaduct Replacement Project Account—  
State Appropriation. . . . . \$38,000  
Interstate 405 and State Route Number 167 Express  
Toll Lanes Account—State Appropriation. \$40,000  
**TOTAL APPROPRIATION..... \$98,285,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) Consistent with existing protocol and practices, for any negotiated settlement of a claim against the state for the department that exceeds \$5,000,000, the department, in conjunction with the attorney general and the department of enterprise services, shall notify the director of the office of financial management and the transportation committees of the legislature.

(2) On August 1, 2023, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the Washington state ferry system to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; (c) defense costs associated with those claims and settlements; and (d) information on the impacts of moving legal costs associated with the Washington state ferry system into the statewide self-insurance pool.

(3) On August 1, 2023, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

(4) When the department identifies significant legal issues that have potential transportation budget implications, the department must initiate a briefing for appropriate legislative members or staff through the office of the attorney general and its legislative briefing protocol.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V**

Carbon Emissions Reduction Account—State  
Appropriation. . . . . \$7,000,000

Climate Transit Programs Account—State  
 Appropriation. . . . . \$417,954,000  
 State Vehicle Parking Account—State  
 Appropriation. . . . . \$784,000  
 Regional Mobility Grant Program Account—  
 State  
 Appropriation. . . . . \$115,060,000  
 Rural Mobility Grant Program Account—State  
 Appropriation. . . . . \$32,774,000  
 Multimodal Transportation Account—State  
 Appropriation. . . . . \$126,064,000  
 Multimodal Transportation Account—Federal  
 Appropriation. . . . . \$4,374,000  
 Multimodal Transportation Account—Private/  
 Local  
 Appropriation. . . . . \$100,000  
**TOTAL APPROPRIATION. . . . . \$704,110,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$64,354,000 of the multimodal transportation account—state appropriation and \$78,100,000 of the climate transit programs account—state appropriation are provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$14,801,420 of the multimodal transportation account—state appropriation and \$17,963,000 of the climate transit programs account—state appropriation are provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$49,552,580 of the multimodal transportation account—state appropriation and \$60,137,000 of the climate transit programs account—state appropriation are provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2021 as reported in the "2021 Summary of Public Transportation" published by the department of transportation. No transit agency may receive more than 30 percent of these distributions.

(2) \$32,774,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(3) \$11,382,000 of the multimodal transportation account—state appropriation is provided solely for a public transit rideshare grant program for: (a) Public transit agencies to add or replace rideshare vehicles; and (b) incentives and outreach to increase rideshare use. The grant program for public transit agencies may cover

capital costs only, and costs for operating vanpools at public transit agencies are not eligible for funding under this grant program. Awards from the grant program must not be used to supplant transit funds currently funding ride share programs, or to hire additional employees.

(4) \$37,382,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 29, 2023, Program - Public Transportation Program (V).

(5) (a) \$77,679,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 29, 2023, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2023, and December 15, 2024, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than 25 percent of the amount appropriated in this subsection unless all other funding is awarded. Additionally, when allocating funding for the 2023-2025 fiscal biennium, no more than 30 percent of the total grant program may directly benefit or support one grantee unless all other funding is awarded. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2023-2025 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer

transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(c) \$1,500,000 of the amount appropriated in this subsection is provided solely for a contingency fund to assist current regional mobility grantees with cost escalations and overages. The department shall create a system for grantees to request funds, and set a cap of contingency funds per grantee to ensure an equitable distribution among requesters.

(6) \$6,195,000 of the multimodal transportation account—state appropriation, \$3,300,000 of the climate transit programs account—state appropriation, and \$784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Of this amount, \$495,000 of the multimodal transportation account—state appropriation is provided solely for continuation of the first mile/last mile connections grant program. The commute trip reduction board shall develop grant parameters, evaluation criteria, and evaluate grant proposals. The commute trip reduction board shall provide the transportation committees of the legislature a report on the effectiveness of this grant program and best practices for continuing the program.

(7) Except as provided otherwise in this subsection, \$11,914,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 29, 2023. It is the intent of the legislature that entities identified to receive funding in the LEAP transportation document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP transportation document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(8) The department shall not require more than a 10 percent match from nonprofit transportation providers for state grants.

(9) \$16,407,000 of the multimodal transportation account—state appropriation and \$39,400,000 of the climate transit programs account—state appropriation are provided solely for the green transportation capital grant program as outlined in RCW 47.66.120. Of the amount of climate transit program account funds appropriated in this subsection, up to one percent may be used for program administration and staffing.

(10) \$2,565,000 of the multimodal transportation account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5466), Laws of 2023 (transit-oriented development). If chapter . . . (Engrossed Substitute Senate Bill No. 5466), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(11) (a) \$10,000,000 of the climate transit programs account—state appropriation is provided solely for the department to establish a tribal transit competitive grant program to be administered as part of the department's consolidated grant program. The department shall report to the transportation committees of the legislature and the office of financial management with a list of projects recommended for funding by September 1, 2023, along with recommendations on how to remove barriers for tribes to access grant funds, and recommendations for how the department can provide technical assistance.

(b) Within the amount provided in this subsection, \$529,000 is provided solely for the Sauk-Suiattle Commuter project (L1000318).

(c) Up to one percent of amounts appropriated in this subsection may be used for program administration and staffing.

(12) \$188,900,000 of the climate transit programs account—state appropriation is provided solely for transit support grants for public transit agencies that have adopted a zero-fare policy for youth 18 years of age and under by October 1, 2022.

(13) \$40,000,000 of the climate transit programs account—state appropriation is provided solely for the bus and bus facility grant program for replacement, rehabilitation, and purchase of transit rolling stock, or construction, modification, or rehabilitation of transit facilities.

(14) \$2,000,000 of the climate transit programs account—state appropriation is provided solely for newly selected transit coordination grants. The department shall prioritize grant proposals that promote the formation of joint partnerships between transit agencies or merge service delivery across entities.

(15) (a) For projects funded as part of the move ahead WA transportation package as listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 29, 2023, Move Ahead WA - Transit Projects, and if the department expects to have substantial reappropriations for the 2023-2025 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that is unable to be used within the 2023-2025 fiscal biennium to advance one or more of the following projects listed as part of the list, prioritizing projects first by tier then by project readiness.

(b) In instances when projects listed in the LEAP transportation document referenced in (a) of this subsection are no longer viable or have been completed, the department may approve alternative project proposals from the local jurisdictions if the project is similar in type and scope and consistent with limitations on certain funds provided.

(c) At least 10 business days before advancing or swapping a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects

for which the reappropriations are necessary for the 2023-2025 fiscal biennium.

(16) \$580,000 of the multimodal transportation account—state appropriation is provided solely for the department to provide a statewide vanpool benefit for all state employees. For department employees working in remote job sites, such as mountain passes, the department must ensure employees are able to access job sites via a subsidized vanpool or provide a modal alternative for the "last mile" to ensure employees can access the job site without additional charge.

(17)(a) \$400,000 of the multimodal transportation account—state appropriation is provided solely for the department, in consultation with the joint transportation committee, to continue a study of statewide frequent transit standard goals. The study must make recommendations on goals for frequent transit access across the state, taking into account:

(i) State climate and vehicle miles traveled goals;

(ii) Findings from recently completed joint transportation committee studies concerning nondrivers; and

(iii) Regional contexts and populations forecasts.

(b) As part of the study process, the department shall convene stakeholder groups comprised of, but not limited to, transit users, nondrivers, transit agencies, and nonprofit transit providers to inform development of statewide frequent transit goals.

(c) The department shall submit findings and recommendations to the transportation committees of the legislature and the office of financial management by September 1, 2024.

(18)(a) \$700,000 of the multimodal transportation account—state appropriation is provided solely for the department to develop an action plan for the establishment of cycle highways in locations that connect population centers and support mode shift.

(b) The action plan must complement and incorporate existing resources, including the state trails database maintained by the recreation and conservation office, local and regional plans, and the state active transportation plan.

(c) The action plan must also include, but is not limited to:

(i) Recommended design; geometric and operational criteria and typologies appropriate to urban, suburban, and rural settings; settings that include shared use; and incremental approaches to achieve desired facility types;

(ii) A model or methodology to project potential demand and carrying capacity based on facility quality, level of traffic stress, location, directness, land use, and other key attributes;

(iii) Examination of the feasibility of developing high-capacity infrastructure for bicycle and micromobility device use within a variety of contexts and recommendations for pilot projects;

(iv) Identification of key gaps in regional networks, including planned and aspirational routes and locations within

three miles of high-capacity transit or existing shared-use paths and trails suitable for transportation;

(v) Identification of legal, regulatory, financial, collaboration, and practical barriers to development and community acceptance and support of such facilities; and

(vi) Recommended strategies to consider and address issues to avoid unintended consequences such as displacement, and to ensure equity in long-term development of such facilities.

(d) The department must provide a report with its findings to the transportation committees of the legislature by June 30, 2025.

(19) \$200,000 of the multimodal transportation account—state appropriation is provided solely for the department to update the 2019 feasibility study to add a fifth travel Washington intercity bus line in the Yakima Valley. The department must provide a summary report of the updated feasibility and cost estimates to the transportation committees of the legislature by December 1, 2024.

(20)(a)(i) \$5,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the department to establish a program for providing rebates to qualifying persons who purchase e-bikes and qualifying equipment and services from a qualifying retailer. Of this amount, \$3,000,000 is for rebate amounts as described under (a)(iii)(A) of this subsection, and \$2,000,000 is for rebate amounts as described under (a)(iii)(B) of this subsection.

(ii) To qualify for and use the rebate under this subsection, a person must be a resident of Washington state and purchase an e-bike and qualifying equipment and services, if any, from a qualifying retailer in this state. Qualifying equipment and services must be purchased as part of the same transaction as the e-bike.

(iii)(A) For persons who are at least 16 years of age and reside in households with incomes at or below 80 percent of the county area median income, the amount of the rebate is up to \$1,200 on the sale of an e-bike and any qualifying equipment and services.

(B) For all other persons who are at least 16 years of age, the amount of the rebate is up to \$300 on the sale of an e-bike and any qualifying equipment and services.

(C) No more than one rebate may be awarded per household.

(iv)(A) The department must establish application procedures for e-bike retailers to participate in the rebate program, and application and award procedures for applicants to participate in the program. If an applicant qualifies for a rebate amount and there is sufficient funds to award the applicant with the appropriate rebate amount, the department must provide the qualifying individual the rebate amount in a format that can be redeemed at the time of purchase at a qualifying retailer.

(B) An applicant must provide contact information, including a physical address, email address, and phone number, and

demographic information, including the applicant's age, gender, race, and ethnicity, to the department on a form provided by the department at the time of applying for the rebate. The department may share or provide access to such information with the University of Washington to provide the University of Washington an opportunity to ask program applicants and recipients to fill out a survey collecting information only to the extent to inform its report described under (d) of this subsection.

(v) A qualifying retailer must register with the department before participating in the rebate program. A qualifying retailer must:

(A) Verify the identity of the qualifying individual at the time of purchase; and

(B) Calculate and apply the rebate at the time of purchase.

(vi) The department must reimburse a qualifying retailer that accepts a rebate from a qualifying individual no later than 30 days after the rebate is redeemed.

(vii) For purposes of this subsection (20)(a):

(A) "E-bike" means an electric assisted bicycle as defined in RCW 46.04.169, but does not include mountain bikes.

(B) "Qualifying equipment and services" means a bicycle helmet, safety vest, bicycle light, or bicycle lock, and any maintenance or other services agreed upon by the qualifying retailer and qualifying individual at the time of purchase.

(C) "Qualifying retailer" means a retail business establishment with one or more physical retail locations in this state that provides on-site e-bike sales, service, and repair and has registered with the department to participate in the rebate program established under this subsection.

(b) For fiscal year 2025, \$2,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the department to establish an e-bike lending library and ownership grant program. The department may accept grant applications from other state entities, local governments, and tribes that administer or plan to administer an e-bike lending library or ownership program for their employees for commute trip reduction purposes. The department may also accept grant applications from nonprofit organizations or tribal governments that serve persons who are low-income or reside in overburdened communities and that administer or plan to administer an e-bike lending library or ownership program for qualifying persons. Grant recipients must report program information and participation data to the University of Washington to inform its report described under (d) of this subsection.

(c) It is the intent of the legislature that funding provided in (a) and (b) of this subsection continue to be appropriated in the 2025-2027 and 2027-2029 fiscal biennia.

(d) Of the amounts provided in this subsection (20), \$90,000 is provided solely for the department to contract with the University of Washington's sustainable transportation lab to publish a general policy brief that provides innovative e-bike

rebate and lending library or ownership grant program models and recommendations, a report on survey results based on data and demographic information collected under the e-bike rebate program established in (a) of this subsection, and a report on program information and data collected under the e-bike lending library and ownership grant program established in (b) of this subsection. An initial brief and report must be submitted to the transportation committees of the legislature by July 1, 2024, with the final policy brief and report due to the transportation committees of the legislature by July 1, 2025.

(e) The department may not collect more than five percent of appropriated amounts to administer the programs under (a) and (b) of this subsection.

(21) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(22) It is the intent of the legislature that the Swift Bus Rapid Transit - Gold Line (Community Transit) project (L4000209) receives funding in the amount of \$3,333,000 in the 2025-2027, 2027-2029, and 2029-2031 fiscal biennia, and that the list referenced in subsection (15) of this section be changed accordingly.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X**

Puget Sound Ferry Operations Account—State	
Appropriation. . . . .	\$581,747,000
Puget Sound Ferry Operations Account—Federal	
Appropriation. . . . .	\$166,643,000
Puget Sound Ferry Operations Account—	
Private/Local	
Appropriation. . . . .	\$121,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$748,511,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2023-2025 supplemental and 2025-2027 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs. The data in the tables in the report must be supplied in a digital file format.

(2) \$90,014,000 of the Puget Sound ferry operations account—federal appropriation and \$50,067,000 of the Puget Sound ferry operations account—state appropriation are provided solely for auto ferry vessel operating fuel in the 2023-2025 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment

of section 703 of this act. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(3) \$500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(4) The department must work to increase its outreach and recruitment of populations underrepresented in maritime careers and continue working to expand apprenticeship and internship programs, with an emphasis on programs that are shown to improve recruitment for positions with the state ferry system.

(5) \$175,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the department to continue a study of passenger demographics. The study may be included as part of a larger origin and destination study. The department shall report study results to the transportation committees of the legislature by December 1, 2023.

(6) The department shall continue to oversee a consultant study to identify and recommend cost-effective strategies to maximize walk-on passenger ridership of the Anacortes - San Juan ferry routes. The study is due to the transportation committees of the legislature by December 1, 2023.

(7) \$19,850,000 of the Puget Sound ferry operations account—state appropriation is provided solely for Washington state ferries to:

(a) Provide scholarships, coursework fees, and stipends for candidates to become licensed deck officers (mates);

(b) Improve the process for unlicensed candidates who have achieved able-bodied sailor (AB) status to earn their mate's license;

(c) Annually hire, orient, train, and develop entry level engine room staff at the wiper classification with the intention of successfully promoting to oiler classification;

(d) Add a second shift at Eagle Harbor maintenance facility; and

(e) Expand the existing Washington state ferries Eagle Harbor apprenticeship program from two to eight apprentices.

(8) (a) During negotiations of the 2025-2027 collective bargaining agreements, the department must conduct a review and analysis of the collective bargaining agreements governing state ferry employees, to identify provisions that create barriers for, or contribute to creating a disparate impact on, newly hired ferry employees, including those who are women, people of color, veterans, and other employees belonging to communities that have historically been underrepresented in the workforce. The review and analysis must incorporate, to the extent practicable, the findings and recommendations from the December 2022 joint transportation committee

study on Washington state ferries' workforce, and must also include, but not be limited to, provisions regarding seniority, work assignments, and work shifts. The review and analysis must also include consultation with the governor's office of labor relations, the governor's office of equity, and the attorney general's office.

(b) For future negotiations or modifications of the collective bargaining agreements, it is the intent of the legislature that the collective bargaining representatives for the state and ferry employee organizations may consider the findings of the review and analysis required in (a) of this subsection and negotiate in a manner to remove identified barriers and address identified impacts so as not to perpetuate negative impacts.

(9) \$1,500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the restoration of service to Sidney, British Columbia.

(10) \$1,504,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5550 or House Bill No. 1846), Laws of 2023 (state ferry workforce development issues). If neither chapter . . . (Senate Bill No. 5550), Laws of 2023 or chapter . . . (House Bill No. 1846), Laws of 2023 is enacted by June 30, 2023, the amount provided in this subsection lapses.

(11) \$1,000,000 of the Puget Sound ferry operations account—state appropriation is provided solely for support of the Kitsap transit passenger ferry to supplement service on the Seattle-Bremerton route.

(12) \$100,000 of the Puget Sound ferry operations account—state appropriation is provided solely to assess temporary service restoration options for the Sidney, British Columbia route until Washington state ferries can resume its service. Washington state ferries must provide service options and recommendations to the office of financial management and the transportation committees of the legislature by January 1, 2024.

(13) \$2,100,000 of the Puget Sound ferry operations account—state appropriation is provided solely for security services at Colman Dock.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y —OPERATING**

Carbon Emissions Reduction Account—State	
Appropriation. . . . .	\$2,250,000
Motor Vehicle Fund—State Appropriation.	
\$5,000,000	
Multimodal Transportation Account—State	
Appropriation. . . . .	\$82,591,000
Multimodal Transportation Account—Private/	
Local	
Appropriation. . . . .	\$46,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$89,887,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue to pursue restoring Amtrak Cascades service to pre-COVID service levels, and to the service



levels committed to through the department's obligation of funding from the federal American recovery and reinvestment act. A status report must be provided to the transportation committees of the legislature and the office of financial management by September 1, 2023.

(2)(a) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for the department to conduct an analysis of highway, road, and freight rail transportation needs and options to accommodate the movement of freight and goods that currently move by barge through the lower Snake river dams. The analysis must generate volume estimates and evaluate scenarios for changes in infrastructure and operations that would be necessary to address those additional volumes. The analysis must also include quantitative analysis based on available data as well as qualitative input gathered from tribal governments, local governments, freight interests, farmers and businesses who ship on barges above Ice Harbor dam, and other key stakeholders. The analysis must also include a robust public engagement process to solicit feedback from interested stakeholders including, but not limited to: Residents and officials in affected cities and counties; stakeholders involved in railroad, agriculture, fishing, trucking, shipping, and other related industries; appropriate Native American tribes; representatives of advocacy and community organizations; and transportation, public works, and economic development professionals in the affected areas. The analysis must include the following:

- (i) Existing volumes and traffic patterns;
- (ii) Potential changes in volumes and traffic patterns immediately following the loss of freight movement by barge and over the following 20 years;
- (iii) Identification of potential infrastructure and operational improvements to existing highways, roads, and rail, including additional access to facilities, needed to accommodate higher freight volumes;
- (iv) Identification of rail line development options;
- (v) Evaluation of dam removal impacts on existing bridges that cross the Snake river;
- (vi) Cost estimates for development and implementation of identified needs and options including planning, design, and construction; and
- (vii) An accounting of greenhouse gas emissions resulting from recommended development of highway, road, and freight rail transportation freight options, and recommended mitigation strategies to comport with statewide greenhouse gas emission reductions as outlined in RCW 70A.45.020.

(b) The department shall provide a final report to the governor and the transportation committees of the legislature by December 31, 2024.

(3) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024

supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS —PROGRAM Z—OPERATING**

Motor Vehicle Account—State Appropriation.	
\$12,473,000	
Motor Vehicle Account—Federal Appropriation	
.....	\$2,567,000
Multituse Roadway Safety Account—State	
Appropriation.....	\$450,000
Multimodal Transportation Account—State	
Appropriation.....	\$500,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$15,990,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the motor vehicle account—state appropriation is provided solely for development, administration, program management, and evaluation of the federal fund exchange pilot program.

(2) \$1,063,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

(a) Contract with the department of fish and wildlife to identify, inventory, and prioritize county-owned fish passage barriers;

(b) Continue streamlining and updating the county road administration board's data dashboard, to provide a more detailed, more transparent, and user-friendly platform for data management, reporting, and research by the public and other interested parties;

(c) Commission a study to develop guidance for county public works departments conducting environmental justice assessments in their communities and recommend best practices for community engagement plans to address environmental health disparities for identified overburdened communities;

(d) Contract for a study to identify best practices within public works for the recruitment and retention of employees, including: Recommendations for improving outreach and recruitment to underrepresented populations, methods to partner with local community colleges and universities, methods to expand apprenticeship and internship programs, strategies to increase training and development opportunities, and recommendations for career advancement programs and better work-life balance outcomes; and

(e) Update the 2020 county transportation revenue study.

(3) The department shall examine the feasibility of creating a new departmental program for active transportation. By December 1, 2023, the department shall report findings and recommendations to the transportation committees of the legislature and the office of financial management, including, but not limited to:

(a) Estimated cost, new staffing needs, and time frame to establish the program;

(b) A proposed budget structure, and whether both operating and capital components should be established; and

(c) Identification of staff, capital projects, and other resources that would need to transfer from other existing programs.

(4) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION**

(1) The appropriations to the department of transportation must be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of transportation must initially be allotted as required under this act. Subsequent allotment modifications may not include transfers of appropriation authority between sections of this act except as expressly provided in this act. Allotment modifications may not permit moneys that are provided solely for a specified purpose to be used for another purpose. However, between October 1, 2023, and March 1, 2024, subject to subsection (2) (a) of this section, the department of transportation may transfer state appropriation authority for the 2023-2025 fiscal biennium among operating programs after approval by the director of the office of financial management.

(2)(a) To ensure that staffing vacancy savings assumed in this act do not impair the ability of each individual program to fill authorized staffing positions, maintain operational capacity, and provide anticipated service delivery levels, the department of transportation may, after approval by the director of the office of financial management: (i) Transfer state motor vehicle fund and multimodal transportation account appropriation authority among operating programs, up to the amount of the assumed vacancy savings in each program receiving the transfer; and (ii) make associated staffing-related allotment modifications associated with expenditures for fiscal year 2024. However, transfers authorized in this section may not include the toll operations and maintenance program (program B) or the marine operations program (program X) appropriation authority or allotments, and transfers may only be made within each specific fund source. The department may not transfer appropriation authority, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds.

(b) The director of the office of financial management shall notify in writing the transportation committees of the legislature seven days before approving any allotment modifications or transfers under this section. The written notification must

include a narrative explanation and justification of the changes, along with expenditures and allotments by programs and appropriation, both before and after any allotment modifications or transfers.

(End of part)

**TRANSPORTATION AGENCIES—CAPITAL**

<b>NEW SECTION. Sec. 301. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD</b>	
Freight Mobility Investment Account—State	
Appropriation. . . . .	\$20,808,000
Freight Mobility Multimodal Account—State	
Appropriation. . . . .	\$23,453,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$44,261,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 29, 2023, Freight Mobility Strategic Investment Board (FMSIB).

(2) It is the intent of the legislature to continue to make strategic investments in a statewide freight mobility transportation system with the help of the freight mobility strategic investment board, including projects that mitigate the impact of freight movement on local communities. To that end, and in coordination with the department of transportation as it updates its federally compliant freight plan, the board is directed to identify the highest priority freight investments for the state, across freight modes, state and local jurisdictions, and regions of the state.

(3)(a) For the 2023-2025 project appropriations, unless otherwise provided in this act, the director of the office of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and support the efficient and timely delivery of all projects in the program. The office of financial management may authorize a transfer of appropriation authority between projects under the following conditions and limitations:

(i) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(ii) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects on LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 29, 2023;

(iii) Transfers between projects may be made by the board without the formal written approval provided under this subsection (3) (a), provided that the transfer amount does not exceed \$250,000 or 10 percent of the total project, whichever is less. These transfers must be reported to the director of the office of financial management and

the chairs of the house of representatives and senate transportation committees; and

(iv) Except for transfers made under (a) (iii) of this subsection, transfers may only be made in fiscal year 2024.

(b) At the time the board submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(c) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and consider any concerns raised by the chairs and ranking members of the transportation committees.

(d) No fewer than 10 days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the board of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(4) \$12,000,000 of the freight mobility investment account—state appropriation is provided solely for further refinement, and actual implementation, of the 2021 joint transportation committee truck parking action plan in the 2023-2025 fiscal biennium. A report identifying a proposed phased implementation, including specific action steps for the 2023-2025 fiscal biennium, must be transmitted to the office of financial management and the transportation committees of the legislature by June 30, 2024. The refined truck parking action plan must include, but is not limited to:

(a) Establishment of a truck parking implementation work group;

(b) Comprehensive identification of Washington state department of transportation and private land parcels for potential development as potential truck parking sites;

(c) A list of options to support increased truck parking including: (i) Incentives for expanding truck parking locations, including an emphasis on alternative fuel infrastructure; and (ii) creating state supported shuttle service to provide access to food, restrooms, and shower facilities at some locations;

(d) Conversion of vacant land adjacent to an existing rest area on state route number 906 to allow additional truck parking near Snoqualmie Pass. The refinement of the truck parking action plan must not prevent progress on this specific action step during the 2023-2025 fiscal biennium;

(e) Feasibility analysis of sites adjacent to Interstate 90 in the vicinity of the city of North Bend as a truck stop facility with the potential for 400 to 600 truck parking spaces;

(f) Evaluation and commencement of improvements reconfiguring public rest areas to increase truck parking availability. The refinement of the truck parking action plan and the development of the rest area strategic plan must not prevent progress on

this specific action step during the 2023-2025 fiscal biennium;

(g) Additional outreach to state, local, and regional partners, and integration of truck parking considerations into state and local growth management and land use decision-making processes;

(h) Specific review of potential restroom facility improvements at weigh stations for truck driver use; and

(i) A feasibility analysis of expanding the truck parking availability system beyond the current locations and possibly integrating parking availability in private lots that voluntarily allow truck parking.

**NEW SECTION. Sec. 302. FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account—State Appropriation. . . . . \$7,950,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$7,950,000 of the state patrol highway account—state appropriation is provided solely for the following projects:

(a) \$500,000 is for emergency repairs;

(b) \$2,000,000 is for roof replacements;

(c) \$350,000 is for fuel tank decommissioning;

(d) \$500,000 is for generator and electrical replacement;

(e) \$500,000 is for the exterior envelope of the Yakima office;

(f) \$2,000,000 is for energy efficiency projects;

(g) \$1,000,000 is for pavement surface improvements;

(h) \$300,000 is for fire alarm panel replacement;

(i) \$200,000 is for training academy expansion. As part of the academy expansion master plan, the Washington state patrol must review and provide an analysis on the potential to colocate some training programs with other state agencies, including the department of corrections, the department of fish and wildlife, the liquor and cannabis board, and the criminal justice training commission. The Washington state patrol must consult with the other state agencies to determine where cost efficiencies and mutually beneficial shared arrangements for training delivery could occur;

(j) \$500,000 reappropriation is for the Tacoma district office generator replacement project; and

(k) \$100,000 reappropriation is for the energy improvement project at the SeaTac northbound facility.

(2) The Washington state patrol may transfer funds between projects specified in subsection (1) of this section to address cash flow requirements.

(3) If a project specified in subsection (1) of this section is completed for less than the amount provided, the remainder may be transferred to another project specified in subsection (1) of this section not to exceed the total appropriation provided in subsection (1) of this section after notifying the office of financial management and the transportation committees of the legislature 20 days before any transfer.

**NEW SECTION. Sec. 303. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Move Ahead WA Account—State Appropriation.  
\$9,333,000  
Rural Arterial Trust Account—State  
Appropriation. . . . . \$58,000,000  
Motor Vehicle Account—State Appropriation.  
\$2,456,000  
County Arterial Preservation Account—State  
Appropriation. . . . . \$35,500,000  
**TOTAL APPROPRIATION..... \$105,289,000**

**NEW SECTION. Sec. 304. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Small City Pavement and Sidewalk Account—  
State  
Appropriation. . . . . \$3,975,000  
Transportation Improvement Account—State  
Appropriation. . . . . \$240,000,000  
Complete Streets Grant Program Account—State  
Appropriation. . . . . \$14,670,000  
Move Ahead WA Account—State Appropriation.  
\$9,333,000  
Climate Active Transportation Account—State  
Appropriation. . . . . \$19,067,000  
**TOTAL APPROPRIATION..... \$287,045,000**

The appropriations in this section are subject to the following conditions and limitations: \$1,000,000 of the transportation improvement account—state appropriation is provided solely for the Relight Washington Program.

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL**

Motor Vehicle Account—State Appropriation.  
\$14,316,000  
Move Ahead WA Account—State Appropriation.  
\$11,248,000  
**TOTAL APPROPRIATION..... \$25,564,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,025,000 of the motor vehicle account—state appropriation is provided solely for payments of a financing contract issued pursuant to chapter 39.94 RCW for the department facility located at 15700 Dayton Ave N in Shoreline. All payments from the department of ecology pursuant to the agreement with the department to pay a share of the financing contract for this facility must be deposited into the motor vehicle account.

(2)(a) \$11,248,000 of the move ahead WA account—state appropriation is provided solely for the department to improve its ability to keep facility assets in a state of good repair. In using the funds appropriated in this subsection, the department, with periodic reporting to the joint transportation committee, must develop and implement a prioritization of facility capital preservation needs and repair projects. The legislature intends these to be reasonable, forward-thinking investments that consider potential future space efficiency measures and consolidations, including those assessed as having high commercial value and potential returns to

state transportation funds associated with the sale of the property. Prioritization must be based on, but not limited to, the following criteria: (i) Employee safety and facility security; (ii) state and federal regulatory and statutory requirements and compliance issues; (iii) quality of work issues; (iv) facility condition assessment evaluations and scoring; (v) asset preservation; and (vi) amount of operational support provided by the facility to the achievement of the department's performance measures and outcomes, including facility utilization based on field operations work supported at the location. "Field operations" include maintenance, transportation operations, materials testing, and construction.

(b) By October 15, 2024, covering the first 15 months of the 2023-2025 fiscal biennium, the department must provide a report based on the prioritization of facility preservation needs and repair projects developed pursuant to (a) of this subsection to the office of financial management and the transportation committees of the legislature. The report must include: (i) A by facility ranking based on the criteria implemented; (ii) detailed information on the actions taken in the previous period to address the identified issues and deficiencies; and (iii) the plan, by facility, to address issues and deficiencies for the remainder of the 2023-2025 fiscal biennium and the 2025-2027 fiscal biennium.

(c) The by facility ranking developed under (b) of this subsection must be the basis of an agency budget submittal for the 2025-2027 fiscal biennium.

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I**

Alaskan Way Viaduct Replacement Project  
Account—  
State Appropriation. . . . . \$23,794,000  
Climate Active Transportation Account—State  
Appropriation. . . . . \$2,000,000  
Move Ahead WA Account—Private/Local  
Appropriation. . . . . \$137,500,000  
Transportation 2003 Account (Nickel Account)  
—State  
Appropriation. . . . . \$317,000  
Transportation Partnership Account—State  
Appropriation. . . . . \$32,643,000  
Motor Vehicle Account—State Appropriation.  
\$57,756,000  
Motor Vehicle Account—Federal Appropriation  
. . . . . \$539,051,000  
Coronavirus State Fiscal Recovery Fund—  
Federal  
Appropriation. . . . . \$300,000,000  
Motor Vehicle Account—Private/Local  
Appropriation. . . . . \$52,530,000  
Connecting Washington Account—State  
Appropriation. . . . . \$2,011,113,000  
Special Category C Account—State  
Appropriation. . . . . \$133,749,000  
Multimodal Transportation Account—State  
Appropriation. . . . . \$5,323,000  
State Route Number 520 Corridor Account—  
State  
Appropriation. . . . . \$400,000

Interstate 405 and State Route Number 167 Express  
 Toll Lanes Account—State Appropriation. \$304,480,000  
 Move Ahead WA Account—State Appropriation. \$585,080,000  
 Move Ahead WA Account—Federal Appropriation . . . . . \$340,300,000  
**TOTAL APPROPRIATION. . . . . \$4,526,036,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation, the entire move ahead WA account—federal appropriation, the entire move ahead WA account—state appropriation, and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2023-1 as developed March 29, 2023, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document 2023-2 as developed March 29, 2023, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to bridge preservation activities.

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer appropriation authority between programs I and P, except for appropriation authority that is otherwise restricted in this act, as follows:

(a) Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised.

(b) The director of the office of financial management must first provide written authorization for such transfer to the department and the transportation committees of the legislature.

(c) The department shall submit a report on appropriation authority transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) The connecting Washington account—state appropriation includes up to \$1,198,980,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(5) The special category C account—state appropriation includes up to \$118,773,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(6) The transportation partnership account—state appropriation includes up to \$32,643,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(7) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(8) By June 30, 2025, to the extent practicable, the department shall decommission the facilities for the Lacey project engineering office and the Tumwater project engineering office at the end of their lease terms and consolidate the Lacey project engineering office and the Tumwater project engineering office into the department's Olympic regional headquarters.

(9) The legislature intends that any savings realized on the following projects will not be attributable to the application of practical design, retired risk, or unused contingency funding for the purposes of RCW 47.01.480:

(a) I-5/Marvin Road/SR 510 Interchange (L1100110); and

(b) I-82/EB WB On and Off Ramps (L2000123).

(10) \$300,000,000 of the coronavirus state fiscal recovery fund—federal appropriation, \$390,771,000 of the motor vehicle account—federal appropriation, \$349,341,000 of the move ahead WA account—state appropriation, and \$1,293,000 of the motor vehicle account—state appropriation are provided solely for the Fish Passage Barrier Removal project (OBI4001) with the intent of fully complying with the federal *U.S. v. Washington* court injunction by 2030. The fish passage barrier removal program, in consultation with the office of innovative partnerships, shall explore opportunities to employ innovative delivery methods to ensure compliance with the court injunction including, but not limited to, public-private partnerships and batched contracts. It is the intent of the legislature that appropriations for this purpose may be used to jointly leverage state and local funds for match requirements in applying for competitive federal aid grants provided in the infrastructure investment and jobs act for removals of fish passage barriers under the national culvert removal, replacement, and restoration program. State funds used for the purpose described in this subsection must not compromise full compliance with the court injunction by 2030.

(11)(a) \$6,000,000 of the move ahead WA account—state appropriation is provided solely for the Stormwater Retrofits and Improvements project (L4000040). It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$500,000,000 for this project.

(b) The appropriation in this subsection is provided solely for the Urban Stormwater Partnership - I-5 Ship-Canal Bridge Pilot (Seattle) project.

(c) The funding provided for stormwater retrofits and improvements must enhance stormwater runoff treatment from existing roads and infrastructure with an emphasis on green infrastructure retrofits. Projects must be prioritized based on benefits to salmon recovery and ecosystem health, reducing toxic pollution, addressing health disparities, and cost-effectiveness. The department of transportation must submit progress reports on its efforts to reduce the toxicity of stormwater runoff from existing infrastructure, recommendations for addressing barriers to innovative solutions, and anticipated demand for funding each fiscal biennium.

(12) \$35,465,000 of the connecting Washington account—state appropriation is provided solely for the SR 3 Freight Corridor (T30400R) project. The legislature intends to provide a total of \$78,910,000 for this project, including an increase of \$12,000,000 in future biennia to safeguard against inflation and supply/labor interruptions and ensure that:

(a) The northern terminus remains at Lake Flora Road and the southern terminus at the intersection of SR 3/SR 302;

(b) Multimodal safety improvements at the southern terminus remain in the project to provide connections to North Mason school district and provide safe routes to schools; and

(c) Intersections on the freight corridor are constructed at Romance Hill and Log Yard road.

(13) \$6,000,000 of the move ahead WA account—state appropriation and \$10,000,000 of the move ahead WA account—federal appropriation are provided solely for the SR 3/Gorst Area - Widening project (L4000017). Tribal consultation with the Suquamish tribe must begin at the earliest stage of planning, including, without limitation, all funding decisions and funding programs, to provide a government-to-government mechanism for the tribe to evaluate, identify, and expressly notify governmental entities of any potential impacts to tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which the tribe possesses rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required under state law, or by a state agency, including the requirements of Executive Order 21-02 related to archaeological and cultural resources, and regardless of whether the agency receives a request for consultation from the Suquamish tribe. Regularly scheduled tribal consultation meetings with the Suquamish tribe must continue throughout the duration of any funding program and proposed project approval.

(14) (a) \$84,500,000 of the move ahead WA account—federal appropriation, \$137,500,000 of the move ahead WA account—private/local appropriation, and \$53,000,000 of the move ahead WA account—state appropriation are provided solely for the I-5 Columbia river bridge project (L4000054). The legislature finds that the replacement of the I-5

Columbia river bridge is a project of national significance and is critical for the movement of freight. One span is now 105 years old, at risk for collapse in the event of a major earthquake, and no longer satisfies the needs of commerce and travel. Replacing the aging interstate bridge with a modern, seismically resilient, multimodal structure that provides improved mobility for people, goods, and services is a high priority. Therefore, the legislature intends to support the replacement of the I-5 Columbia river bridge with an investment of \$1,000,000,000 over the 16-year move ahead WA investment program.

(b) The legislature recognizes the importance of the I-5/Mill Plain Boulevard project (L2000099) and intends to provide funding for reconstruction of the existing interchange in conjunction with construction of the Interstate 5 bridge over the Columbia river.

(15) Consistent with section 607 of this act, the department must adjust the scope of the I-5 JBLM Corridor Improvements project (M00100R) through the application of value engineering, practical design, or other planning techniques to match the funding provided for this project in the LEAP transportation document referenced in subsection (1) of this section.

(16) \$19,000,000 of the connecting Washington account—state appropriation is provided solely for the I-5/116th Street NE, 88th Street NE, and SR 528/Marine Drive Interchange project (T20700SC). It is the intent of the legislature that this amount be added to the amount provided for this project on the LEAP lists referenced in this section.

(17) The legislature recognizes the importance of the US-12/Walla Walla Corridor Improvements project (T20900R) and intends to advance funding to provide matching funds if competitive federal funding is awarded for the final remaining four-lane section between Wallula and Nine Mile Hill. The department, in consultation with local governments in the vicinity, must pursue any federal funding available.

(18) \$2,642,000 of the move ahead WA account—state appropriation is provided solely for the US 101/Simdars Bypass project (L4000013).

(19) (a) \$394,963,000 of the connecting Washington account—state appropriation, \$400,000 of the state route number 520 corridor account—state appropriation, and \$4,496,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(b) Upon completion of the Montlake Phase of the West End project (current anticipated contract completion of 2023), the department shall sell that portion of the property not used for permanent transportation improvements and initiate a process to convey that surplus property to a subsequent owner.

(c) Of the amounts provided in this subsection, \$400,000 of the state route number 520 corridor account—state appropriation is provided solely for noise mitigation activities. It is the intent of

the legislature to provide an additional \$600,000 for noise mitigation activities.

(20) \$25,000,000 of the motor vehicle account—federal appropriation is provided solely for a federal fund exchange pilot program. The pilot program must allow exchanges of federal surface transportation block grant population funding and state funds at an exchange rate of 90 cents in state funds per \$1.00 in federal funds. The projects receiving the exchanged federal funds must adhere to all federal requirements, including the applicable disadvantaged business enterprise goals. The entirety of the appropriation in this subsection must be held in unallotted status until surface transportation block grant population funding has been offered to the state, and the department determines that a federalized project or projects funded in this section is eligible to spend the surface transportation block grant population funding. \$22,500,000 from existing state appropriations identified elsewhere within this section are available to be used as part of the exchange. Upon determination that a project or projects funded in this section is eligible to spend the offered surface transportation block grant population funding, state funds appropriated in this section for the eligible state project or projects in an amount equal to 100 percent of the offered surface transportation block grant population funding must be placed in unallotted status.

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P**

Move Ahead WA Account—State Appropriation.	
\$13,291,000	
Recreational Vehicle Account—State Appropriation. . . . .	\$793,000
Transportation 2003 Account (Nickel Account)—State Appropriation. . . . .	\$18,759,000
Motor Vehicle Account—State Appropriation.	
\$155,352,000	
Motor Vehicle Account—Federal Appropriation . . . . .	\$441,232,000
Motor Vehicle Account—Private/Local Appropriation. . . . .	\$12,000,000
Connecting Washington Account—State Appropriation. . . . .	\$37,078,000
State Route Number 520 Corridor Account—State Appropriation. . . . .	\$5,481,000
Tacoma Narrows Toll Bridge Account—State Appropriation. . . . .	\$10,892,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation. . . . .	\$12,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation.	
\$27,026,000	
<b>TOTAL APPROPRIATION.....</b>	<b>\$721,917,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington

account—state appropriation, the entire move ahead WA account—federal appropriation, the entire move ahead WA account—state appropriation, and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2023-1 as developed March 29, 2023, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document 2023-2 as developed March 29, 2023, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to bridge preservation activities.

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer appropriation authority between programs I and P, except for appropriation authority that is otherwise restricted in this act, as follows:

(a) Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised.

(b) The director of the office of financial management must first provide written authorization for such transfer to the department and the transportation committees of the legislature.

(c) The department shall submit a report on appropriation authority transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) \$22,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund (L2000290). The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted.

(5) Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is

determined necessary for completion of these high priority preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

(6) By June 30, 2025, to the extent practicable, the department shall decommission the facilities for the Lacey project engineering office and the Tumwater project engineering office at the end of their lease terms and consolidate the Lacey project engineering office and the Tumwater project engineering office into the department's Olympic regional headquarters.

(7) \$25,000,000 of the motor vehicle account—federal appropriation is provided solely for a federal fund exchange pilot program. The pilot program must allow exchanges of federal surface transportation block grant population funding and state funds at an exchange rate of 90 cents in state funds per \$1.00 in federal funds. The projects receiving the exchanged federal funds must adhere to all federal requirements, including the applicable disadvantaged business enterprise goals. The entirety of the appropriation in this subsection must be held in unallotted status until surface transportation block grant population funding has been offered to the state and the department determines that a federalized project or projects funded in this section is eligible to spend the surface transportation block grant population funding. \$22,500,000 from existing state appropriations identified elsewhere within this section are available to be used as part of the exchange. Upon determination that a project or projects funded in this section is eligible to spend the offered surface transportation block grant population funding, state funds appropriated in this section for the eligible state project or projects in an amount equal to 100 percent of the offered surface transportation block grant population funding must be placed in unallotted status.

(8) \$7,615,000 of the connecting Washington account—state appropriation and \$8,227,000 of the move ahead WA account—state appropriation are provided solely for the SR 155/Omak Bridge Rehabilitation project (L2000203).

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION OPERATIONS—PROGRAM Q—CAPITAL**

Motor Vehicle Account—State Appropriation.	\$9,738,000
Motor Vehicle Account—Federal Appropriation	\$5,100,000
Motor Vehicle Account—Private/Local Appropriation.	\$500,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$15,338,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,918,000 of the motor vehicle account—state appropriation is provided solely for Programmatic Investment for Traffic Operations Capital projects (000005Q). By December 15th of each odd-numbered year, the department shall provide

a report to the legislature listing all traffic operations capital project investments completed in the prior fiscal biennium. The legislature finds that the section of public roadway owned by the department that is located south of state route number 532 and west of Interstate 5 in the vicinity of the intersection of state route number 532 and 19th Avenue NW is no longer necessary for the state highway system. Therefore, pursuant to RCW 36.75.090, the department shall certify that the roadway is no longer needed by the state and convey the roadway to the county for continued use as a public highway for motor vehicle use. In consideration of the value of maintenance services provided by the county on the roadway during the time of department ownership, the department shall also convey to the county any access rights owned by the department limiting access to state route number 532 from 19th Avenue NW.

(2) \$3,080,000 of the motor vehicle account—state appropriation is provided solely to construct pedestrian signals at nine locations on state route number 7 from 124th Street South to 189th Street South (0000YYY).

(3) \$1,463,000 of the motor vehicle account—state appropriation is provided solely for the replacement of 22 existing traffic cameras and installation of 10 new traffic cameras, including five pole installation sites, on the Interstate 90 corridor between mileposts 34 and 82 (L2021144). The department shall consult with news media organizations to explore options to allow such organizations access to traffic camera feeds.

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W**

Carbon Emissions Reduction Account—State Appropriation.	\$74,027,000
Puget Sound Capital Construction Account—State Appropriation.	\$355,772,000
Puget Sound Capital Construction Account—Federal Appropriation.	\$35,168,000
Puget Sound Capital Construction Account—Private/Local Appropriation.	\$1,081,000
Transportation Partnership Account—State Appropriation.	\$7,442,000
Connecting Washington Account—State Appropriation.	\$10,809,000
Capital Vessel Replacement Account—State Appropriation.	\$46,818,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$531,117,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 29, 2023, Program - Washington State Ferries Capital Program (W).

(2) \$5,000,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair



costs (999910K). Funds may only be spent after approval by the office of financial management.

(3) \$46,818,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel (L2000329). The amounts provided in this subsection are contingent upon the enactment of chapter . . . (Senate Bill No. 5760 or House Bill No. 1846), Laws of 2023, as the legislature intends with that act to provide the state's best chance of accelerating an efficient and effective procurement of the construction of a fleet of vessels sufficient to serve the traveling public within the system's existing ferry routes.

(4) The legislature intends that funding will be provided in the 2025-2027 fiscal biennium for the Future Hybrid Electric Ferry Class Pre-Design study (L2021131) to advance procurement of a new class of vessel that will account for changes in technology, staffing, and system needs.

(5) \$8,032,000 of the Puget Sound capital construction account—state appropriation is provided solely for modernization of the ticketing and reservation system (990052C). Of this amount, \$3,032,000 must be held in unallotted status until Washington state ferries has consulted with the office of the chief information officer on the project scope and integration capabilities of the reservation system with existing Good to Go! and ORCA next generation products, and reported results to the office of financial management and the transportation committees of the legislature.

(6) \$125,000 of the Puget Sound capital construction account—state appropriation and \$125,000 of the Puget sound capital construction account—federal appropriation are provided solely for development of a terminal wait times information system (998609A). Washington state ferries must consult with the office of the chief information officer on a technology solution for automated vehicle detection, and report the project scope, along with office of the chief information officer recommendations, to the office of financial management and the transportation committees of the legislature by December 1, 2024.

(7) \$1,345,000 of the Puget Sound capital construction account—state appropriation is provided solely for Anacortes terminal improvements (902020D). Of this amount, \$1,000,000 of the Puget Sound capital construction account—state appropriation is provided solely for further analysis, in consultation with the department's innovative partnerships division, of the Anacortes terminal replacement. The analysis should include, but is not limited to, rider projections and travel patterns, community needs, modernization of the design, opportunities for public-private partnerships in terminal construction and operation, or consideration of other financing options. An analysis summary must be submitted to the office of financial management and the transportation committees of the legislature by June 30, 2024.

(8) The transportation partnership account—state appropriation includes up to

\$6,813,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL**

Carbon Emissions Reduction Account—State	
Appropriation. . . . .	\$50,000,000
Essential Rail Assistance Account—State	
Appropriation. . . . .	\$676,000
Move Ahead WA Flexible Account—State	
Appropriation. . . . .	\$35,000,000
Transportation Infrastructure Account—State	
Appropriation. . . . .	\$10,369,000
Multimodal Transportation Account—State	
Appropriation. . . . .	\$53,984,000
Multimodal Transportation Account—Federal	
Appropriation. . . . .	\$18,882,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$168,911,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 29, 2023, Program - Rail Program (Y).

(2) (a) \$2,030,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than 10 years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(b) \$7,970,000 of the transportation infrastructure account—state appropriation is provided solely for new FRIB program loans recommended by the department for 2024 supplemental transportation appropriations. The department shall submit a prioritized list for any loans recommended to the office of financial management and the transportation committees of the legislature by November 15, 2023.

(c) The department may change the terms of existing loans in the essential rail assistance account for repayment of loans, including the repayment schedule and rate of interest, for a period of up to 15 years for any recipient with a total loan value in the program of over 10 percent as of June 30, 2023.

(3) \$7,566,836 of the multimodal transportation account—state appropriation is provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$369,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely for final reimbursement to Highline Grain, LLC for approved work

completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects.

(5) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2024, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(6) \$50,000,000 of the carbon emissions reduction account—state appropriation is provided solely for state match contributions to support the department's application for federal grant opportunities for a new ultra high-speed ground transportation corridor. These funds are to remain in unallotted status and are available only upon award of federal funds. The department must provide periodic grant application updates to the transportation committees of the legislature, as well as anticipated state match estimates for successful grants.

(7) \$33,500,000 of the move ahead WA flexible account—state appropriation is provided solely for rehabilitation of the Palouse River and Coulee City Railroad (L4000079). Up to \$433,000 of the amount in this subsection may be used for management and oversight of operation and maintenance activities.

(8) \$15,000,000 of the multimodal transportation account—federal appropriation is provided solely for the rehabilitation of the Salmon Bay drawbridge (752010A) to ensure the efficient movement of freight and passenger trains.

**NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS —PROGRAM Z—CAPITAL**

Carbon Emissions Reduction Account—State	
Appropriation. . . . .	\$14,000,000
Climate Active Transportation Account—State	
Appropriation. . . . .	\$157,818,000
Highway Infrastructure Account—State	
Appropriation. . . . .	\$793,000
Highway Infrastructure Account—Federal	
Appropriation	
. . . . .	\$1,600,000
Move Ahead WA Account—State Appropriation.	
\$110,070,000	
Move Ahead WA Account—Federal Appropriation	
. . . . .	\$10,000,000
Move Ahead WA Flexible Account—State	
Appropriation. . . . .	\$31,500,000
Transportation Partnership Account—State	
Appropriation. . . . .	\$500,000
Motor Vehicle Account—State Appropriation.	
\$33,463,000	
Motor Vehicle Account—Federal Appropriation	
. . . . .	\$103,553,000
Connecting Washington Account—State	
Appropriation. . . . .	\$85,660,000
Multimodal Transportation Account—State	
Appropriation. . . . .	\$68,335,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$617,292,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 29, 2023, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) \$34,673,000 of the multimodal transportation account—state appropriation and \$37,563,000 of the climate active transportation account—state appropriation are provided solely for pedestrian and bicycle safety program projects (L2000188 and L1000307). Of the amount of climate active transportation account funds appropriated in this subsection, up to one percent may be used for program administration and staffing.

(b) \$19,137,000 of the motor vehicle account—federal appropriation, \$38,915,000 of the climate active transportation account—state appropriation, and \$12,844,000 of the multimodal transportation account—state appropriation are provided solely for safe routes to school projects (L2000189 and L1000306). Of the amount of climate active transportation account funds appropriated in this subsection, up to one percent may be used for program administration and staffing.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2023, and December 1, 2024, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program.

(4) \$6,875,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) \$36,640,000 of the motor vehicle account—federal appropriation is provided solely for acceleration of local preservation projects that ensure the reliable movement of freight on the national highway freight system (G2000100).

(6) \$22,500,000 of the motor vehicle account—state appropriation is provided solely for a federal fund exchange pilot program. The pilot program will allow exchanges of federal surface transportation block grant population funding and state funds at an exchange rate of 90 cents in state funds per \$1.00 in federal funds. The entirety of the appropriation in this subsection must be held in unallotted status until: Surface transportation block grant population funding has been offered to the state, the department determines that a federalized project or projects funded in section 306 or 307 of this act is eligible to spend the surface transportation block grant population funding, and state funds appropriated in section 306 or 307 for the

eligible state project or projects in an amount equal to 100 percent of the offered surface transportation block grant population funding have been placed in unallotted status. A report on the effectiveness of the exchange program and recommendations for continuing the pilot program is due to the governor and transportation committees of the legislature by December 1, 2024.

(7) (a) For projects funded as part of the move ahead WA transportation package as listed in LEAP Transportation Documents 2023-2 ALL PROJECTS as developed March 29, 2023, Move Ahead WA - Pedestrian and Bike Projects and Move Ahead WA - Road and Highway Projects, and if the department expects to have substantial reappropriations for the 2023-2025 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that is unable to be used in the 2023-2025 fiscal biennium to advance one or more of the projects listed in the LEAP transportation documents referenced in this subsection (7) (a), prioritizing projects first by tier then by project readiness.

(b) In instances when projects listed in the LEAP transportation documents referenced in (a) of this subsection are no longer viable or have been completed, the department may approve alternative project proposals from the local jurisdictions if the project is similar in type and scope and consistent with limitations of certain funds provided.

(c) At least 10 business days before advancing or swapping a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2023-2025 fiscal biennium.

(8) \$16,800,000 of the climate active transportation account—state appropriation is provided solely for the statewide school-based bicycle education grant program (L1000309). The department may partner with a statewide nonprofit to deliver programs.

(9) \$25,000,000 of the climate active transportation account—state appropriation is provided solely for the Sandy Williams connecting communities pilot program (L1000308) to deliver projects to reconnect communities that have been bifurcated by state highways. Priority must be given to historically marginalized or overburdened communities. The department may consult with the Cooper Jones active transportation safety council to identify geographic locations where there are high incidences of serious injuries and fatalities of active transportation users among vulnerable populations.

(10) \$14,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the Guemes Ferry Boat Replacement project (L4000124).

(11) \$6,500,000 of the move ahead WA flexible account—state appropriation is provided solely for development of an applied sustainable aviation evaluation center (L2021135). Snohomish county, in

partnership with Washington State University, shall plan and establish facilities to evaluate, qualify or certify, and research technologies that can minimize the impact of aviation on human health and the environment. Funds may be used for, but are not limited to, planning, construction, and land acquisition for sustainable aviation fuel (SAF) qualification testing (ASTM D4054), research on the impact of SAF on the environment and human health, and SAF storage for the purpose of advancing sustainable aviation. At a minimum, three sustainable aviation platforms must be considered:

- (a) Sustainable aviation fuel (SAF);
- (b) Hydrogen; and
- (c) Battery electric energy storage mechanisms.

(12) The legislature intends to fund the Ballard and Magnolia Bridge project (L4000123) and the Aurora Avenue North Safety Improvements project (L4000154), as described in section 911(18) and (19) of this act.

(13) \$10,000,000 of the move ahead WA flexible account—state appropriation is provided solely for railroad crossing grant awards that match federal funds for city and county projects that eliminate at-grade highway-rail crossings (L2021126).

(14) \$300,000 of the multimodal transportation account—state appropriation is provided solely for the Historic South Downtown CPDA to coordinate and develop outreach strategy for community engagement with design and vision updates for the waterfront in Seattle (L2021136). Community engagement must include, but is not limited to:

- (a) Convening a community advisory board; and
- (b) Facilitating community engagement in the design development process, prioritizing language access by hosting meetings with Cantonese and Mandarin interpretation, and including Spanish and Vietnamese interpretation on request, with all materials to be translated into Chinese and Spanish, and other languages as need is determined.

(15) \$200,000 of the multimodal transportation account—state appropriation is provided solely for the Seattle office of planning and community development to update and add to the 2020 I-5 Lid Feasibility Study with additional test cases with ramp changes and removals in downtown Seattle and alternative assumptions with regards to parking, expansion of Freeway Park, affordable housing, and commercial real estate (L2021140). The Seattle office of planning and community development shall conduct ongoing community engagement with underrepresented constituencies to support the technical work of this study and raise public awareness of opportunities of I-5 lids. Focus should be given to low-income households living and working in the I-5 lid study areas in central Seattle.

(16) \$2,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to award grants to local jurisdictions to implement network-wide traffic conflict

screening programs using video analytics in controlled intersections with a disproportionate number of traffic violations and injuries to active transportation users (L2021149). Grants must be awarded proportionally across the state and include controlled intersections in both urban and rural environments and along state highways and county roads. Grant recipients must report back to the department all traffic violation and active transportation facility data acquired during the grant period and provide the department with appropriate next steps for the state and the local jurisdiction to improve traffic safety for active transportation users in such intersections. The department must report such findings and recommendations to the transportation committees of the legislature by December 1, 2024.

(17) It is the intent of the legislature that the title of the Seattle Pier 48 community engagement and outreach strategy project (L2021136) be changed to Seattle waterfront community engagement and outreach strategy on the list referenced in subsection (1) of this section.

(18) \$200,000 of the multimodal transportation account—state appropriation is provided solely for Roy Sidewalk & Crossing Improvements. It is the intent of the legislature that this amount be moved from the Ped Safety & ADA Improvements, West Eatonville project (L2021151) to this new project, project (L2021151) be removed, and the list referenced in subsection (1) of this section be updated accordingly.

(19) It is the intent of the legislature that the title of the Infra Grant Matching Funds project (L2021127) be changed to Confluence Parkway Infra Match on the list referenced in subsection (1) of this section.

**NEW SECTION. Sec. 312. ANNUAL REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

As part of its annual budget submittal, the department of transportation shall provide an update to the report provided to the legislature in the prior fiscal year in a manner consistent with past practices as specified in section 312, chapter 333, Laws of 2021.

**NEW SECTION. Sec. 313. QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees a report for all capital projects in a manner consistent with past practices as specified in section 313, chapter 186, Laws of 2022.

**NEW SECTION. Sec. 314. NOTIFICATION REQUIREMENTS FOR PAUSES AND CANCELLATIONS**

(1) The department shall notify the transportation committees of the legislature when it intends to pause for a significant length of time or not proceed with operating items or capital projects included as budget provisos or on project lists. When feasible, this notification shall be provided prior to the pause or cancellation and at least seven

days in advance of any public announcement related to such a pause or cancellation.

(2) At the time of notification, the department shall provide an explanation for the reason or reasons for the pause or cancellation for each operating budget item and capital project. The explanation shall include specific reasons for each pause or cancellation, in addition to a statement of the broad rationale for the pause or cancellation.

(3) When feasible, the department shall make best efforts to keep the transportation committees of the legislature informed of an evaluation process underway for selecting operating budget items and capital projects to be paused or canceled, providing updates as its selection efforts proceed.

(4) When exigent circumstances prevent prior notice of a pause or cancellation from being provided to the transportation committees of the legislature, the department shall provide the information required under this section to the transportation committees of the legislature as soon as is practicable.

**NEW SECTION. Sec. 315. FOR THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION—FUNDS MANAGEMENT**

As part of the department's 2024 supplemental and 2025-2027 biennial budget requests, the department shall also report on:

(1) The federal grant programs it has applied for; and

(2) The federal competitive grant programs it could have applied for but did not and the reason or reasons it did not apply.

(End of part)

**TRANSFERS AND DISTRIBUTIONS**

**NEW SECTION. Sec. 401. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

Transportation Partnership Account—State	
Appropriation. . . . .	\$1,049,000
Connecting Washington Account—State	
Appropriation. . . . .	\$9,261,000
Special Category C Account—State	
Appropriation. . . . .	\$922,000
Highway Bond Retirement Account—State	
Appropriation. . . . .	\$1,443,264,000
Ferry Bond Retirement Account—State	
Appropriation. . . . .	\$4,616,000
Transportation Improvement Board Bond Retirement	
Account—State Appropriation. . . . .	\$10,895,000
Nondebt-Limit Reimbursable Bond Retirement	
Account—	
State Appropriation. . . . .	\$28,606,000
Toll Facility Bond Retirement Account—State	
Appropriation. . . . .	\$76,372,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$1,574,985,000</b>

**NEW SECTION. Sec. 402. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Transportation Partnership Account—State Appropriation. . . . . \$209,000  
 Transportation Improvement Account—State Appropriation. . . . . \$20,000  
 Connecting Washington Account—State Appropriation. . . . . \$1,853,000  
 Special Category C Account—State Appropriation. . . . . \$183,000  
**TOTAL APPROPRIATION..... \$2,265,000**

**NEW SECTION. Sec. 403. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax statutory distributions to cities and counties. . . . . \$465,354,000  
 Multimodal Transportation Account—State Appropriation: For distribution to cities and counties. . . . . \$26,786,000  
 Motor Vehicle Account—State Appropriation: For distribution to cities and counties. \$23,438,000  
**TOTAL APPROPRIATION..... \$515,578,000**

**NEW SECTION. Sec. 404. FOR THE STATE TREASURER—TRANSFERS**

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and statutory transfers. . . . . \$1,969,182,000

**NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF LICENSING—TRANSFERS**

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and transfers. \$246,480,000

**NEW SECTION. Sec. 406. FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS**

(1) (a) Pilotage Account—State Appropriation: For transfer to the Multimodal Transportation Account—State. . . . . \$200,000  
 (b) The amount transferred in this subsection represents partial repayment of prior biennium transfers to cover self-insurance liability premiums.  
 (2) Transportation Partnership Account—State Appropriation: For transfer to the Motor Vehicle Account—State. . . . . \$175,000,000  
 (3) Connecting Washington Account—State Appropriation: For transfer to the Move Ahead WA Account—State. . . . . \$200,000,000  
 (4) Electric Vehicle Account—State appropriation: For transfer to the Move Ahead WA Flexible Account—State. . . . . \$29,200,000  
 (5) Electric Vehicle Account—State Appropriation:

For transfer to the Multimodal Transportation Account—State. . . . . \$20,000,000  
 (6) Washington State Aviation Account—State Appropriation: For transfer to the Aeronautics Account—State. . . . . \$150,000  
 (7) Carbon Emissions Reduction Account—State Appropriation: For transfer to the Climate Active Transportation Account—State. . \$178,885,000  
 (8) Carbon Emissions Reduction Account—State Appropriation: For transfer to the Climate Transit Programs Account—State. . . . . \$418,000,000  
 (9) Carbon Emissions Reduction Account—State Appropriation: For transfer to the Multimodal Transportation Account—State. . \$127,000,000  
 (10) Carbon Emissions Reduction Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State. . . . . \$4,200,000  
 (11) Move Ahead WA Flexible Account—State Appropriation: For transfer to the Move Ahead WA Account—State. . . . . \$115,000,000  
 (12) Alaskan Way Viaduct Replacement Project Account—State Appropriation: For transfer to the Motor Vehicle Account—State. . . \$25,000,000  
 (13) Highway Safety Account—State Appropriation: For transfer to the State Patrol Highway Account—State. . . . . \$79,000,000  
 (14) (a) Transportation Partnership Account—State Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account—State. . . . . \$6,611,000  
 (b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases. An equivalent reimbursing transfer is to occur after the debt service and deferred sales tax on the Tacoma Narrows bridge construction costs are fully repaid in accordance with chapter 195, Laws of 2018.  
 (15) Motor Vehicle Account—State Appropriation: For transfer to the County Arterial Preservation Account—State. . . . . \$4,844,000  
 (16) Motor Vehicle Account—State Appropriation: For transfer to the Freight Mobility Investment Account—State. . . . . \$8,511,000  
 (17) Motor Vehicle Account—State Appropriation: For transfer to the Rural Arterial Trust Account—State. . . . . \$4,844,000  
 (18) Motor Vehicle Account—State Appropriation: For transfer to the Transportation Improvement Account—State. . . . . \$9,688,000

(19) (a) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the Motor Vehicle Account—State. . . . . \$1,000,000  
 (b) The transfer in this subsection is to repay moneys loaned to the state route number 520 civil penalties account in the 2019-2021 fiscal biennium.  
 (20) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State. . . . . \$560,000  
 (21) (a) Capital Vessel Replacement Account—State Appropriation: For transfer to the Connecting Washington Account—State. . . . . \$335,000,000  
 (b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the use of bonding in the connecting Washington account.  
 (22) Multimodal Transportation Account—State Appropriation: For transfer to the Complete Streets Grant Program Account—State. . . \$14,670,000  
 (23) Multimodal Transportation Account—State Appropriation: For transfer to the Connecting Washington Account—State. . . . . \$80,000,000  
 (24) Multimodal Transportation Account—State Appropriation: For transfer to the Freight Mobility Multimodal Account—State. . . . . \$8,511,000  
 (25) Multimodal Transportation Account—State Appropriation: For transfer to the Move Ahead WA Flexible Account—State. . . . . \$11,790,000  
 (26) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State. . . \$160,000,000  
 (27) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State. \$40,000,000  
 (28) Multimodal Transportation Account—State Appropriation: For transfer to the Regional Mobility Grant Program Account—State. . . \$27,679,000  
 (29) Multimodal Transportation Account—State Appropriation: For transfer to the Rural Mobility Grant Program Account—State. . . \$12,223,000  
 (30) Multimodal Transportation Account—State Appropriation: For transfer to the State Patrol Highway Account—State. . . . . \$57,000,000  
 (31) (a) Alaskan Way Viaduct Replacement Project Account—State Appropriation: For transfer to the

Transportation Partnership Account—State. . \$47,899,000  
 (b) \$22,899,000 of the amount transferred in this subsection represents repayment of debt service incurred for the construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z).  
 (32) Tacoma Narrows Toll Bridge Account—State Appropriation: For transfer to the Motor Vehicle Account—State. . . . . \$543,000  
 (33) (a) General Fund Account—State Appropriation: For transfer to the State Patrol Highway Account—State. . . . . \$625,000  
 (b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207 of this act.  
 TOTAL APPROPRIATION. . . \$2,203,633,000

**NEW SECTION. Sec. 407. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**

Toll Facility Bond Retirement Account—Federal Appropriation. . . . . \$194,241,000  
 Toll Facility Bond Retirement Account—State Appropriation. . . . . \$25,372,000  
 TOTAL APPROPRIATION. . . . . \$219,613,000

The appropriations in this section are subject to the following conditions and limitations: \$35,250,000 of the toll facility bond retirement account—federal appropriation may be used to prepay certain outstanding bonds if sufficient debt service savings can be obtained.

(End of part)

**COMPENSATION**

**NEW SECTION. Sec. 501. COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED**

Nothing in this act prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of this section.

**NEW SECTION. Sec. 502. COLLECTIVE BARGAINING AGREEMENTS**

(1) In accordance with chapters 41.80, 41.56, and 47.64 RCW, agreements have been reached between the governor and organizations representing state employee bargaining units for the 2023-2025 fiscal biennium and funding is provided in this act for agreements and awards with the following organizations:

- (a) Washington federation of state employees, general government;
- (b) Washington public employees association, general government;
- (c) Professional and technical engineers, local 17;
- (d) The coalition of unions;

(e) Washington state patrol troopers association;

(f) Washington state patrol lieutenants and captains association;

(g) Office and professional employees international union local 8;

(h) Ferry agents, supervisors, and project administrators association;

(i) Service employees international union local 6;

(j) Pacific northwest regional council of carpenters;

(k) Puget Sound metal trades council;

(l) Marine engineers' beneficial association unlicensed engine room employees;

(m) Marine engineers' beneficial association licensed engineer officers;

(n) Marine engineers' beneficial association port engineers;

(o) Masters, mates, and pilots - mates;

(p) Masters, mates, and pilots - masters;

(q) Masters, mates, and pilots - watch center supervisors; and

(r) Inlandboatmen's union of the Pacific;

(2) Expenditures for agreements in this section may also be funded from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

**NEW SECTION. Sec. 503. COMPENSATION—REPRESENTED EMPLOYEES—HEALTH CARE—COALITION—INSURANCE BENEFITS**

An agreement was reached for the 2023-2025 fiscal biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies are sufficient to implement the provisions of the 2023-2025 collective bargaining agreement, which maintains the provisions of the prior agreement, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$1,145 per eligible employee for fiscal year 2024. For fiscal year 2025, the monthly employer funding rate shall not exceed \$1,191 per eligible employee. These rates are sufficient to separate vision benefits out of medical plans into stand-alone vision insurance, beginning January 1, 2025.

(2) The board shall collect a \$25 per month surcharge payment from members who use tobacco products and a surcharge payment of not less than \$50 per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

**NEW SECTION. Sec. 504. COMPENSATION—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for represented employees outside the health care coalition and nonrepresented state employee health benefits for state agencies, and are subject to the following conditions and limitations: The employer monthly funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$1,145 per eligible employee for fiscal year 2024. For fiscal year 2025, the monthly employer funding rate shall not exceed \$1,191 per eligible employee.

**NEW SECTION. Sec. 505. GENERAL WAGE INCREASES AND LUMP SUM PAYMENTS**

(1) (a) Appropriations for state agency employee compensation in this act are sufficient to provide general wage increases to state agency employees and employees of institutions of higher education, who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475.

(b) Appropriations for state agency employee compensation in this act are sufficient to provide a retention lump sum payment and a lump sum COVID-19 booster incentive to state agency employees who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475.

(2) Funding is provided for a four percent general wage increase effective July 1, 2023, for all classified employees as specified in subsection (1)(a) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a four percent salary increase effective July 1, 2023, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(3) Funding is provided for a three percent general wage increase effective July 1, 2024, for all classified employees as specified in subsection (1)(a) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a three percent salary increase effective July 1, 2024, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(4) Funding is provided for a retention lump sum payment of \$1,000 for all employees as specified in subsection (1)(b) of this section who were employed on or before July 1, 2022, and continuously employed through July 1, 2023.

(5) Funding is provided for a COVID-19 booster incentive payment of \$1,000 for all employees as specified in subsection (1)(b) of this section who provide verification,

beginning January 1, 2023, through December 31, 2023, that they are up-to-date with the COVID-19 vaccine booster.

**NEW SECTION. Sec. 506. COMPENSATION—  
PENSION CONTRIBUTIONS**

The appropriations in this act for state agencies are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect changes to agency appropriations to reflect pension contribution rates adopted by the pension funding council, and the law enforcement officers' and firefighters' retirement system plan 2 board, and as adjusted under chapter . . . (Engrossed Substitute Senate Bill No. 5294), Laws of 2023 (plan 1 UAAL rates).

(2) An increase of 0.12 percent is funded for state employer contributions to the public employees' retirement system, the public safety employees' retirement system, and the school employees' retirement system. An increase of 0.23 percent for employer contributions to the teachers' retirement system is funded. These increases are provided for the purpose of a one-time, ongoing pension increase for retirees in the public employees' retirement system plan 1 and teachers' retirement system plan 1, as provided in chapter . . . (Senate Bill No. 5350), Laws of 2023 (providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1). If chapter . . . (Senate Bill No. 5350), Laws of 2023 is not enacted by June 30, 2023, this subsection has no force and effect and appropriations for school districts and state agencies, including institutions of higher education, shall be held in unallotted status.

(3) An increase of 0.13 percent is funded for state employer contributions to the Washington state patrol retirement system and an increase of 0.01 percent is funded for state contributions to the law enforcement officers' and firefighters' retirement system plan 2 for the provisions of chapter . . . (Senate Bill No. 5296), Laws of 2023 (military service credit). If chapter . . . (Senate Bill No. 5296), Laws of 2023 is not enacted by June 30, 2023, this subsection has no force and effect and appropriations for state agencies shall be held in unallotted status.

(End of part)

**IMPLEMENTING PROVISIONS**

**NEW SECTION. Sec. 601. MANAGEMENT OF  
TRANSPORTATION FUNDS WHEN THE LEGISLATURE IS  
NOT IN SESSION**

(1) The 2005 transportation partnership projects or improvements, 2015 connecting Washington projects or improvements, and 2022 move ahead WA projects or improvements are listed in the LEAP Transportation Document 2023-1 as developed March 29, 2023, which consists of a list of specific projects by fund source and amount over multiple biennia. Current fiscal biennium funding for each project is a line-item

appropriation, while the outer year funding allocations represent a 16-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account, connecting Washington account projects, and move ahead WA account projects on the LEAP transportation document referenced in this subsection. For the 2023-2025 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account appropriations, connecting Washington account, or move ahead WA account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers to a project may not occur if that project is a programmatic funding item described in broad general terms on the applicable project list without referencing a specific state route number;

(f) Transfers may not be made while the legislature is in session;

(g) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(h) Except for transfers made under (1) of this subsection, transfers may only be made in fiscal year 2024;

(i) The total amount of transfers under this section may not exceed \$50,000,000;

(j) Except as otherwise provided in (1) of this subsection, transfers made to a single project may not cumulatively total more than \$20,000,000 per fiscal biennium;

(k) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature; and

(1) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount to a single project does not exceed \$250,000 or 10 percent of the total project per fiscal biennium, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized



under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section, including any effects to the total project budgets and schedules beyond the current fiscal biennium.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(4) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and address any concerns raised by the chairs and ranking members of the transportation committees.

(5) No fewer than 10 days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section, including any effects to the total project budgets and schedules beyond the current fiscal biennium.

**NEW SECTION. Sec. 602. BOND REIMBURSEMENT**

To the extent that any appropriation authorizes expenditures of state funds from the motor vehicle account, special category C account, Tacoma Narrows toll bridge account, transportation 2003 account (nickel account), transportation partnership account, transportation improvement account, Puget Sound capital construction account, multimodal transportation account, state route number 520 corridor account, connecting Washington account, or other transportation capital project account in the state treasury for a state transportation program that is specified to be funded with proceeds from the sale of bonds authorized in chapter 47.10 RCW, the legislature declares that any such expenditures made before the issue date of the applicable transportation bonds for that state transportation program are intended to be reimbursed from proceeds of those transportation bonds in a maximum amount equal to the amount of such appropriation.

**NEW SECTION. Sec. 603. BELATED CLAIMS**

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

**NEW SECTION. Sec. 604. REAPPROPRIATIONS REPORTING**

(1) As part of its 2024 supplemental budget submittal, the department of transportation shall provide a report to the legislature and the office of financial management that:

(a) Identifies, by capital project, the amount of state funding that has been reappropriated from the 2021-2023 fiscal biennium into the 2023-2025 fiscal biennium; and

(b) Identifies, for each project, the amount of cost savings or increases in funding that have been identified as compared to the 2021 enacted omnibus transportation appropriations act.

(2) As part of the agency request for capital programs, the department shall load reappropriations separately from funds that were assumed to be required for the 2023-2025 fiscal biennium into budgeting systems.

**NEW SECTION. Sec. 605. WEBSITE REPORTING REQUIREMENTS**

The department of transportation shall post on its website every report that is due from the department to the legislature during the 2023-2025 fiscal biennium on one web page in a manner consistent with past practices as specified in section 605, chapter 333, Laws of 2021.

**NEW SECTION. Sec. 606. TRANSIT, BICYCLE, AND PEDESTRIAN ELEMENTS REPORTING**

By November 15th of each year, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 29, 2023, in a manner consistent with past practices as specified in section 602, chapter 186, Laws of 2022.

**NEW SECTION. Sec. 607. PROJECT SCOPE CHANGES**

(1) During the 2023-2025 fiscal biennium, while the legislature is not in session, the director of the office of financial management may approve project scope change requests to connecting Washington projects and move ahead WA projects in the highway improvements program, provided that the requests meet the criteria outlined in RCW 47.01.480 and are subject to the limitations in this section.

(2) At the time the department of transportation submits a request for a project scope change under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(3) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested project scope changes.

(4) No fewer than 10 days after the receipt of a scope change request, the

director of the office of financial management must provide written notification to the department of any decision regarding project scope changes, with copies submitted to the transportation committees of the legislature.

(5) As part of its annual budget submittal, the department of transportation must report on all approved scope change requests from the prior year, including a comparison of the scope before and after the requested change.

**NEW SECTION. Sec. 608. TOLL CREDITS**

The department of transportation may provide up to \$5,000,000 in toll credits to Kitsap transit for its role in delivering capital projects related to Kitsap transit public transportation services including, but not limited to, ferry service. The number of toll credits provided must be equal to, but no more than, the number sufficient to meet federal match requirements for grant funding for passenger-only ferry service, but must not exceed the amount authorized in this section.

**NEW SECTION. Sec. 609. CODIFIED GRANT AND LOAN PROGRAMS**

The grant and loan programs referenced in sections 221(1), 221(3), 310(2), 310(3), and 311(2)(a) of this act reflect the respective programs and activities described in chapter . . . (Senate Bill No. 5742), Laws of 2023 (codifying existing WSDOT grant programs).

(End of part)

**MISCELLANEOUS 2023-2025 FISCAL BIENNIUM**

**NEW SECTION. Sec. 701. INFORMATION TECHNOLOGY OVERSIGHT**

The following transportation projects are subject to the conditions, limitations, and review provided in section 701, chapter . . . (Senate Bill No. 5187 or House Bill No. 1140), Laws of 2023 (omnibus operating appropriations act):

- (1) For the Washington state patrol: Aerial criminal investigation tools;
- (2) For the department of licensing: Website accessibility and usability, and to upgrade and improve prorated and fuel tax system; and
- (3) For the department of transportation: Linear referencing system (LRS) and highway performance monitoring system (HPMS) replacement, transportation reporting and accounting information system (TRAINS) upgrade and PROPEL - WSDOT support of one Washington, and capital systems replacement.

**NEW SECTION. Sec. 702. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS**

The department of transportation is authorized, subject to the conditions in section 305 of this act, to enter into a financing contract pursuant to chapter 39.94 RCW through the state treasurer's lease-

purchase program for the purposes indicated. The department may use any funds, appropriated or nonappropriated, in not more than the principal amounts indicated, plus financing expenses and required reserves, if any. Expenditures made by the department of transportation for the indicated purposes before the issue date of the authorized financing contract and any certificates of participation therein may be reimbursed from proceeds of the financing contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

**Sec. 703.** RCW 43.19.642 and 2021 c 333 s 703 are each amended to read as follows:

(1) Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(2) Except as provided in subsection (5) of this section, effective June 1, 2009, state agencies are required to use a minimum of ~~((twenty))~~ 20 percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

(3) All state agencies using biodiesel fuel shall, beginning on July 1, 2016, file annual reports with the department of enterprise services documenting the use of the fuel and a description of how any problems encountered were resolved.

(4) By December 1, 2009, the department of enterprise services shall:

- (a) Report to the legislature on the average true price differential for biodiesel by blend and location; and
- (b) Examine alternative fuel procurement methods that work to address potential market barriers for in-state biodiesel producers and report these findings to the legislature.

(5) During the ~~((2019-2021—and))~~ 2021-2023 and 2023-2025 fiscal biennia, the Washington state ferries is required to use a minimum of five percent biodiesel as compared to total volume of all diesel purchases made by the Washington state ferries for the operation of the Washington state ferries diesel-powered vessels, as long as the price of a B5 or B10 biodiesel blend does not exceed the price of conventional diesel fuel by five percent or more.

**Sec. 704.** RCW 46.01.385 and 2022 c 186 s 703 are each amended to read as follows:

The agency financial transaction account is created in the state treasury. Receipts directed by law to the account from cost recovery charges for credit card and other

financial transaction fees must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for paying credit card and financial transaction fees, and other related costs incurred by state agencies. During the 2021-2023 and 2023-2025 fiscal ~~((biennium))~~ biennia, expenditures from the account may also be used for additional information technology costs related to supporting the department of licensing operations and addressing its staffing shortages.

**Sec. 705.** RCW 46.20.745 and 2021 c 333 s 704 are each amended to read as follows:

(1) The ignition interlock device revolving account program is created within the department to assist in covering the monetary costs of installing, removing, and leasing an ignition interlock device, and applicable licensing, for indigent persons who are required under RCW 46.20.385, 46.20.720, and 46.61.5055 to install an ignition interlock device in all vehicles owned or operated by the person. For purposes of this subsection, "indigent" has the same meaning as in RCW 10.101.010, as determined by the department. During the ~~((2019-2021 and))~~ 2021-2023 and 2023-2025 fiscal biennia, the ignition interlock device revolving account program also includes ignition interlock enforcement work conducted by the Washington state patrol.

(2) A pilot program is created within the ignition interlock device revolving account program for the purpose of monitoring compliance by persons required to use ignition interlock devices and by ignition interlock companies and vendors.

(3) The department, the state patrol, and the Washington traffic safety commission shall coordinate to establish a compliance pilot program that will target at least one county from eastern Washington and one county from western Washington, as determined by the department, state patrol, and Washington traffic safety commission.

(4) At a minimum, the compliance pilot program shall:

(a) Review the number of ignition interlock devices that are required to be installed in the targeted county and the number of ignition interlock devices actually installed;

(b) Work to identify those persons who are not complying with ignition interlock requirements or are repeatedly violating ignition interlock requirements; and

(c) Identify ways to track compliance and reduce noncompliance.

(5) As part of monitoring compliance, the Washington traffic safety commission shall also track recidivism for violations of RCW 46.61.502 and 46.61.504 by persons required to have an ignition interlock driver's license under RCW 46.20.385 and 46.20.720.

**Sec. 706.** RCW 46.63.030 and 2013 2nd sp.s. c 23 s 23 are each amended to read as follows:

(1) A law enforcement officer has the authority to issue a notice of traffic infraction:

(a) When the infraction is committed in the officer's presence, except as provided in RCW 46.09.485;

(b) When the officer is acting upon the request of a law enforcement officer in whose presence the traffic infraction was committed;

(c) If an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction;

(d) When the infraction is detected through the use of an automated traffic safety camera under RCW 46.63.170. For the 2023-2025 fiscal biennium, local law enforcement may allow noncommissioned officers to review infractions detected through the use of an automated traffic safety camera under RCW 46.63.170 and issue notices of infraction consistent with RCW 46.63.170(1)(g). Noncommissioned officers must be sufficiently trained in reviewing such infractions and issuing such notices; or

(e) When the infraction is detected through the use of an automated school bus safety camera under RCW 46.63.180.

(2) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

(3) If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a notice of traffic infraction.

(4) In the case of failure to redeem an abandoned vehicle under RCW 46.55.120, upon receiving a complaint by a registered tow truck operator that has incurred costs in removing, storing, and disposing of an abandoned vehicle, an officer of the law enforcement agency responsible for directing the removal of the vehicle shall send a notice of infraction by certified mail to the last known address of the person responsible under RCW 46.55.105. The notice must be entitled "Littering—Abandoned Vehicle" and give notice of the monetary penalty. The officer shall append to the notice of infraction, on a form prescribed by the department of licensing, a notice indicating the amount of costs incurred as a result of removing, storing, and disposing of the abandoned vehicle, less any amount realized at auction, and a statement that monetary penalties for the infraction will not be considered as having been paid until the monetary penalty payable under this chapter has been paid and the court is satisfied that the person has made restitution in the amount of the deficiency remaining after disposal of the vehicle.

**Sec. 707.** RCW 46.68.063 and 2021 c 333 s 714 are each amended to read as follows:

The department of licensing technology improvement and data management account is created in the highway safety fund. All receipts from fees collected under RCW 46.12.630(5) must be deposited into the account. Expenditures from the account may be used only for investments in technology and data management at the department. During the ((2019-2021 and)) 2021-2023 and 2023-2025 fiscal biennia, the account may also be used for responding to public records requests. Moneys in the account may be spent only after appropriation.

**Sec. 708.** RCW 46.68.290 and 2022 c 157 s 16 are each amended to read as follows:

(1) The transportation partnership account is hereby created in the motor vehicle fund. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as 2005 transportation partnership projects or improvements in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) The legislature finds that:

(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of transportation-related agencies overseen by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

(3) For purposes of chapter 314, Laws of 2005:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies. The Washington state patrol and the department of licensing shall not be considered transportation-related agencies under chapter 314, Laws of 2005.

(4) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for

performance audits. Transportation-related agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(5) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies. The state auditor shall contract with private firms to conduct the performance audits.

(6) The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and management;

(l) Evaluation of purchasing operations and management policies and practices;

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and

(n) Evaluation of transportation-related project costs, including but not limited to environmental mitigation, competitive bidding practices, permitting processes, and capital project management.

(7) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within ~~((thirty))~~ 30 days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

(8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

(9) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

(10) For the period from July 1, 2005, until June 30, 2007, the amount of \$4,000,000 is appropriated from the transportation partnership account to the state auditors office for the purposes of subsections (2) through (9) of this section.

~~((During the 2015-2017 fiscal biennium, the legislature may transfer from the transportation partnership account to the connecting Washington account such amounts as reflect the excess fund balance of the transportation partnership account.~~

~~((12))~~ During the ~~((2019-2021 and))~~ 2021-2023 and 2023-2025 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the transportation partnership account to ~~((the connecting Washington account,))~~ the motor vehicle fund ~~((,))~~ and the Tacoma Narrows toll bridge account ~~((, and the capital vessel replacement account))~~.

**Sec. 709.** RCW 46.68.300 and 2021 c 333 s 711 are each amended to read as follows:

The freight mobility investment account is hereby created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for freight mobility projects that have been approved by the freight mobility strategic investment board in RCW 47.06A.020 and may include any principal and interest on bonds authorized for the projects or improvements. During the ~~((2019-2021 and))~~ 2021-2023 and 2023-2025 fiscal biennia, the expenditures from the account may also be used for the administrative expenses of the freight mobility strategic investment board.

**Sec. 710.** RCW 46.68.370 and 2021 c 333 s 710 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.17.015 must be deposited into this account. Expenditures from this account must support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle account for any appropriation made to implement the digital license plate system. During the 2011-2013 and 2013-2015 fiscal biennia, the legislature may transfer from the license plate technology account to the highway safety fund such amounts as reflect the excess fund balance of the license plate technology account. During the ~~((2019-2021 and))~~ 2021-2023 and 2023-2025 fiscal biennia, the account may also be used for the maintenance of recently modernized information technology systems for vehicle registrations.

**Sec. 711.** RCW 46.68.395 and 2020 c 219 s 707 are each amended to read as follows:

(1) The connecting Washington account is created in the motor vehicle fund. Moneys in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as connecting Washington projects or improvements in a transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) Moneys in the connecting Washington account may not be expended on the state route number 99 Alaskan Way viaduct replacement project.

(3) During the ~~((2019-2021))~~ 2023-2025 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the connecting Washington account to the ~~((motor vehicle fund))~~ move ahead WA account.

**Sec. 712.** RCW 46.68.490 and 2022 c 182 s 102 are each amended to read as follows:

(1) The climate active transportation account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from

the account may be used only for the following active transportation grant programs: Safe routes to schools, school-based bike program, bicycle and pedestrian grant program, complete streets grants program, and connecting communities grant program, as well as pedestrian and bicycle or other active transportation projects identified in an omnibus transportation appropriations act as move ahead WA projects.

(2) Beginning July 1, 2023, the state treasurer shall annually transfer 24 percent of the revenues accruing annually to the carbon emissions reduction account created in RCW 70A.65.240 to the climate active transportation account. This subsection does not apply during the 2023-2025 fiscal biennium.

**Sec. 713.** RCW 46.68.500 and 2022 c 182 s 103 are each amended to read as follows:

(1) The climate transit programs account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the following transit grant programs: Transit support grant program, tribal transit mobility grants, transit coordination grants, special needs transit grants, bus and bus facility grant program, green transit grants, and transportation demand management grants, as well as transit projects identified in an omnibus transportation appropriations act as move ahead WA projects.

(2) Beginning July 1, 2023, the state treasurer shall annually transfer 56 percent of the revenues accruing annually to the carbon emissions reduction account created in RCW 70A.65.240 to the climate transit programs account. This subsection does not apply during the 2023-2025 fiscal biennium.

**Sec. 714.** RCW 47.12.063 and 2022 c 186 s 710 are each amended to read as follows:

(1) It is the intent of the legislature to continue the department's policy giving priority consideration to abutting property owners in agricultural areas when disposing of property through its surplus property program under this section.

(2) Whenever the department determines that any real property owned by the state of Washington and under the jurisdiction of the department is no longer required for transportation purposes and that it is in the public interest to do so, the department may sell the property or exchange it in full or part consideration for land or building improvements or for construction of highway improvements at fair market value to any person through the solicitation of written bids through public advertising in the manner prescribed under RCW 47.28.050 or in the manner prescribed under RCW 47.12.283.

(3) The department may forego the processes prescribed by RCW 47.28.050 and 47.12.283 and sell the real property to any of the following entities or persons at fair market value:

- (a) Any other state agency;
- (b) The city or county in which the property is situated;
- (c) Any other municipal corporation;

(d) Regional transit authorities created under chapter 81.112 RCW;

(e) The former owner of the property from whom the state acquired title;

(f) In the case of residentially improved property, a tenant of the department who has resided thereon for not less than six months and who is not delinquent in paying rent to the state;

(g) Any abutting private owner but only after each other abutting private owner (if any), as shown in the records of the county assessor, is notified in writing of the proposed sale. If more than one abutting private owner requests in writing the right to purchase the property within 15 days after receiving notice of the proposed sale, the property shall be sold at public auction in the manner provided in RCW 47.12.283;

(h) To any other owner of real property required for transportation purposes;

(i) In the case of property suitable for residential use, any nonprofit organization dedicated to providing affordable housing to very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510 and is eligible to receive assistance through the Washington housing trust fund created in chapter 43.185 RCW;

(j) During the 2021-2023 and 2023-2025 fiscal ((biennium))biennia, any nonprofit organization that identifies real property to be sold or conveyed as a substitute for real property owned by the nonprofit within the city of Seattle to be redeveloped for the purpose of affordable housing; or

(k) A federally recognized Indian tribe within whose reservation boundary the property is located.

(4) When selling real property pursuant to RCW 47.12.283, the department may withhold or withdraw the property from an auction when requested by one of the entities or persons listed in subsection (3) of this section and only after the receipt of a nonrefundable deposit equal to 10 percent of the fair market value of the real property or \$5,000, whichever is less. This subsection does not prohibit the department from exercising its discretion to withhold or withdraw the real property from an auction if the department determines that the property is no longer surplus or chooses to sell the property through one of the other means listed in subsection (2) of this section. If a transaction under this subsection is not completed within 60 days, the real property must be put back up for sale.

(5) Sales to purchasers may, at the department's option, be for cash, by real estate contract, or exchange of land or highway improvements. Transactions involving the construction of improvements must be conducted pursuant to chapter 47.28 RCW and Title 39 RCW, as applicable, and must comply with all other applicable laws and rules.

(6) Conveyances made pursuant to this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(7) Unless otherwise provided, all moneys received pursuant to the provisions of this section less any real estate broker commissions paid pursuant to RCW 47.12.320

shall be deposited in the motor vehicle fund.

(8) The department may not enter into equal value exchanges or property acquisitions for building improvements without first consulting with the office of financial management and the joint transportation committee.

**Sec. 715.** RCW 47.56.870 and 2010 c 248 s 2 are each amended to read as follows:

(1) The initial imposition of tolls on the state route number 520 corridor is authorized, the state route number 520 corridor is designated an eligible toll facility, and toll revenue generated in the corridor must only be expended as allowed under RCW 47.56.820.

(2) The state route number 520 corridor consists of that portion of state route number 520 between the junctions of Interstate 5 and state route number 202. The toll imposed by this section shall be charged only for travel on the floating bridge portion of the state route number 520 corridor. However, during the 2023-2025 fiscal biennium, a toll may also be charged for travel on the westbound state route number 520 on-ramp at 84th Avenue NE, subject to the conditions and limitations described in the pilot program and toll rates authorized under sections 205(6) and 209(6) of this act.

(3) (a) In setting the toll rates for the corridor pursuant to RCW 47.56.850, the tolling authority shall set a variable schedule of toll rates to maintain travel time, speed, and reliability on the corridor and generate the necessary revenue as required under (b) of this subsection.

(b) The tolling authority shall initially set the variable schedule of toll rates, which the tolling authority may adjust at least annually to reflect inflation as measured by the consumer price index or as necessary to meet the redemption of bonds and interest payments on the bonds, to generate revenue sufficient to provide for:

(i) The issuance of general obligation bonds, authorized in RCW 47.10.879, first payable from toll revenue and then excise taxes on motor vehicle and special fuels pledged for the payment of those bonds in the amount necessary to fund the state route number 520 bridge replacement and HOV program, subject to subsection (4) of this section; and

(ii) Costs associated with the project designated in subsection (4) of this section that are eligible under RCW 47.56.820.

(4) (a) The proceeds of the bonds designated in subsection (3) (b) (i) of this section must be used only to fund the state route number 520 bridge replacement and HOV program; however, ~~((two hundred million dollars))~~ \$200,000,000 of bond proceeds, in excess of the proceeds necessary to complete the floating bridge segment and necessary landings, must be used only to fund the state route number 520, Interstate 5 to Medina bridge replacement and HOV project segment of the program, as identified in applicable environmental impact statements, and may be used to fund effective connections for high occupancy vehicles and

transit for state route number 520, but only to the extent those connections benefit or improve the operation of state route number 520.

(b) The program must include the following elements within the cost constraints identified in section 1, chapter 472, Laws of 2009, consistent with the legislature's intent that cost savings applicable to the program stay within the program and that the bridge open to vehicular traffic in 2014:

(i) A project design, consistent with RCW 47.01.408, that includes high occupancy vehicle lanes with a minimum carpool occupancy requirement of three-plus persons on state route number 520;

(ii) High occupancy vehicle lane performance standards for the state route number 520 corridor established by the department. The department shall report to the transportation committees of the legislature when average transit speeds in the two lanes that are for high occupancy vehicle travel fall below ~~((forty-five))~~ 45 miles per hour at least ten percent of the time during peak hours;

(iii) A work group convened by the mayor and city council of the city of Seattle to include sound transit, King county metro, the Seattle department of transportation, the department, the University of Washington, and other persons or organizations as designated by the mayor or city council to study and make recommendations of alternative connections for transit, including bus routes and high capacity transit, to the university link light rail line. The work group must consider such techniques as grade separation, additional stations, and pedestrian lids to effect these connections. The recommendations must be alternatives to the transit connections identified in the supplemental draft environmental impact statement for the state route number 520 bridge replacement and HOV program released in January 2010, and must meet the requirements under RCW 47.01.408, including accommodating effective connections for transit. The recommendations must be within the scope of the supplemental draft environmental impact statement. For the purposes of this section, "effective connections for transit" means a connection that connects transit stops, including high capacity transit stops, that serve the state route number 520/Montlake interchange vicinity to the university link light rail line, with a connection distance of less than ~~((one thousand two hundred))~~ 1,200 feet between the stops and the light rail station. The city of Seattle shall submit the recommendations by October 1, 2010, to the governor and the transportation committees of the legislature. However, if the city of Seattle does not convene the work group required under this subsection before July 1, 2010, or does not submit recommendations to the governor and the transportation committees of the legislature by October 1, 2010, the department must convene the work group required under this subsection and meet all the requirements of this subsection that are described as

requirements of the city of Seattle by November 30, 2010;

(iv) A work group convened by the department to include sound transit and King county metro to study and make recommendations regarding options for planning and financing high capacity transit through the state route number 520 corridor. The department shall submit the recommendations by January 1, 2011, to the governor and the transportation committees of the legislature;

(v) A plan to address mitigation as a result of the state route number 520 bridge replacement and HOV program at the Washington park arboretum. As part of its process, the department shall consult with the governing board of the Washington park arboretum, the Seattle city council and mayor, and the University of Washington to identify all mitigation required by state and federal law resulting from the state route number 520 bridge replacement and HOV program's impact on the arboretum, and to develop a project mitigation plan to address these impacts. The department shall submit the mitigation plan by December 31, 2010, to the governor and the transportation committees of the legislature. Wetland mitigation required by state and federal law as a result of the state route number 520 bridge replacement and HOV program's impacts on the arboretum must, to the greatest extent practicable, include on-site wetland mitigation at the Washington park arboretum, and must enhance the Washington park arboretum. This subsection (4)(b)(v) does not preclude any other mitigation planned for the Washington park arboretum as a result of the state route number 520 bridge replacement and HOV program;

(vi) A work group convened by the department to include the mayor of the city of Seattle, the Seattle city council, the Seattle department of transportation, and other persons or organizations as designated by the Seattle city council and mayor to study and make recommendations regarding design refinements to the preferred alternative selected by the department in the supplemental draft environmental impact statement process for the state route number 520 bridge replacement and HOV program. To accommodate a timely progression of the state route number 520 bridge replacement and HOV program, the design refinements recommended by the work group must be consistent with the current environmental documents prepared by the department for the supplemental draft environmental impact statement. The department shall submit the recommendations to the legislature and governor by December 31, 2010, and the recommendations must inform the final environmental impact statement prepared by the department; and

(vii) An account, created in section 5 of this act, into which civil penalties generated from the nonpayment of tolls on the state route number 520 corridor are deposited to be used to fund any project within the program, including mitigation. However, this subsection (4)(b)(vii) is contingent on the enactment by June 30, 2010, of either chapter 249, Laws of 2010 or chapter . . . (Substitute House Bill No.

2897), Laws of 2010, but if the enacted bill does not designate the department as the toll penalty adjudicating agency, this subsection (4)(b)(vii) is null and void.

(5) The department may carry out the improvements designated in subsection (4) of this section and administer the tolling program on the state route number 520 corridor.

**Sec. 716.** RCW 47.56.876 and 2022 c 157 s 17 are each amended to read as follows:

(1) A special account to be known as the state route number 520 civil penalties account is created in the state treasury. All state route number 520 bridge replacement and HOV program civil penalties generated from the nonpayment of tolls on the state route number 520 corridor must be deposited into the account, as provided under RCW 47.56.870(4)(b)(vii). Moneys in the account may be spent only after appropriation. Expenditures from the account must be used to fund legal obligations associated with bonds and loans associated with the construction and operation of state route number 520 under circumstances where the toll revenue collections at the time are not sufficient to fully cover such legal obligations, and then may be used to fund any project within the state route number 520 bridge replacement and HOV program, including mitigation. The legislature may direct the state treasurer to make transfers of moneys in the state route number 520 civil penalties account to the state route number 520 corridor account. During the 2021-2023 and 2023-2025 fiscal (~~biennium~~) biennia, the legislature may direct the state treasurer to transfer moneys in the state route number 520 civil penalties account to the motor vehicle account.

(2) For purposes of this section, "legal obligations associated with bonds and loans" includes, but is not limited to, debt service and all other activities necessary to comply with financial covenants associated with state route number 520, costs associated with the civil penalties program, and operation and maintenance costs.

**Sec. 717.** RCW 47.60.322 and 2021 c 333 s 712 are each amended to read as follows:

(1) The capital vessel replacement account is created in the motor vehicle fund. All revenues generated from the vessel replacement surcharge under RCW 47.60.315(7) and service fees collected by the department of licensing or county auditor or other agent appointed by the director under RCW 46.17.040, 46.17.050, and 46.17.060 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the construction or purchase of ferry vessels and to pay the principal and interest on bonds authorized for the construction or purchase of ferry vessels. However, expenditures from the account must first be used to support the construction or purchase, including any applicable financing costs, of a ferry



vessel with a carrying capacity of at least one hundred forty-four cars.

(2) The state treasurer may transfer moneys from the capital vessel replacement account to the transportation 2003 account (nickel account) for debt service on bonds issued for the construction of 144-car class ferry vessels.

(3) The legislature may transfer from the capital vessel replacement account to the connecting Washington account created under RCW 46.68.395 such amounts as reflect the excess fund balance of the capital vessel replacement account to be used for ferry terminal construction and preservation.

(4) During the ~~((2019-2021 and))~~ 2021-2023 and 2023-2025 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the capital vessel replacement account to the transportation partnership account and the connecting Washington account.

**Sec. 718.** RCW 47.66.120 and 2022 c 182 s 439 are each amended to read as follows:

(1)(a) The department's public transportation division shall establish a green transportation capital grant program. The purpose of the grant program is to aid any transit authority in funding cost-effective capital projects to reduce the carbon intensity of the Washington transportation system, examples of which include: Electrification of vehicle fleets, including battery and fuel cell electric vehicles; modification or replacement of capital facilities in order to facilitate fleet electrification and/or hydrogen refueling; necessary upgrades to electrical transmission and distribution systems; and construction of charging and fueling stations. The department's public transportation division shall identify projects and shall submit a prioritized list of all projects requesting funding to the legislature by December 1st of each even-numbered year.

(b) The department's public transportation division shall select projects based on a competitive process that considers the following criteria:

(i) The cost-effectiveness of the reductions in carbon emissions provided by the project; and

(ii) The benefit provided to transitioning the entire state to a transportation system with lower carbon intensity.

(2) The department's public transportation division must establish an advisory committee to assist in identifying projects under subsection (1) of this section. The advisory committee must include representatives from the department of ecology, the department of commerce, the utilities and transportation commission, and at least one transit authority.

(3) In order to receive green transportation capital grant program funding for a project, a transit authority must provide matching funding for that project that is at least equal to ~~((twenty))~~ 20 percent of the total cost of the project.

(4) The department's public transportation division must report annually

to the transportation committees of the legislature on the status of any grant projects funded by the program created under this section.

(5) For purposes of this section, "transit authority" means a city transit system under RCW 35.58.2721 or chapter 35.95A RCW, a county public transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under RCW 36.57.100, a regional transit authority under chapter 81.112 RCW, or any special purpose district formed to operate a public transportation system.

(6) During the 2021-2023 fiscal biennium, the department may provide up to 20 percent of the total green transportation capital grant program funding for zero emissions capital transition planning projects. During the 2023-2025 fiscal biennium, the department may provide up to 10 percent of the total green transportation capital grant program funding for zero emissions capital transition planning projects.

**Sec. 719.** RCW 82.44.200 and 2022 c 187 s 501 are each amended to read as follows:

The electric vehicle account is created in the transportation infrastructure account. Proceeds from the principal and interest payments made on loans from the account must be deposited into the account. Expenditures from the account may be used only for the purposes specified in RCW 47.04.350, 82.08.9999, and 82.12.9999, and the support of other transportation electrification and alternative fuel related purposes, including RCW 47.01.520. Moneys in the account may be spent only after appropriation. During the 2021-2023 and 2023-2025 fiscal ~~((biennium))~~ biennia, the legislature may direct the state treasurer to make transfers of moneys in the electric vehicle account to the move ahead WA flexible account and multimodal transportation account.

NEW SECTION. **Sec. 720.** A new section is added to chapter 70A.535 RCW to read as follows:

(1) The clean fuels transportation investment account is created in the state treasury. All receipts to the state from clean fuel credits generated from transportation investments, including those listed under RCW 70A.535.050(3), must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used by the department of transportation for transportation purposes, including activities and projects that reduce greenhouse gas emissions and decarbonize the transportation sector.

(2) This section expires June 30, 2025.

(End of part)

**2021-2023 FISCAL BIENNIUM  
TRANSPORTATION AGENCIES—OPERATING**

**Sec. 801.** 2022 c 186 s 205 (uncodified) is amended to read as follows:  
**FOR THE TRANSPORTATION COMMISSION**  
 Motor Vehicle Account—State Appropriation. \$3,804,000  
 Interstate 405 and State Route Number 167 Express  
 Toll Lanes Account—State Appropriation. \$127,000  
 State Route Number 520 Corridor Account—State  
 Appropriation. . . . . \$276,000  
 Tacoma Narrows Toll Bridge Account—State  
 Appropriation. . . . . \$180,000  
 Alaskan Way Viaduct Replacement Project Account—  
 State Appropriation. . . . . \$172,000  
**TOTAL APPROPRIATION..... \$4,559,000**

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The commission shall reconvene the road usage charge steering committee, with the same membership described in chapter 297, Laws of 2018, and shall periodically report to the steering committee with updates on activities undertaken in accordance with the federal grant awarded July 2020 ("Forward Drive"). A year-end update on the status of any federally-funded project for which federal funding is secured must be provided to the governor's office and the transportation committees of the legislature by January 1, 2022, and by January 1, 2023. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the president of the senate for a senate member vacancy.

(b) The commission shall coordinate with the department of transportation to jointly seek federal funds available through the federal strategic innovations in revenue collection grant program, applying toll credits for meeting match requirements. One or more grant applications may be developed that, at a minimum, propose to:

(i) Assess the impact of a road usage charge, incentives, and other factors on consumer purchase of electric vehicles and conduct a test with drivers to fully assess impacts;

(ii) Assess delivery vehicle fleets and how a road usage charge may be applied, identifying potential impacts to fleet operations and costs, and state transportation revenues, and conducting a pilot test to further inform the identification of potential impacts from a road usage charge;

(iii) Review the process for changing vehicle ownership and determine the considerations and possible implications with a road usage charge system, identifying the processes and structure needed for reconciling a road usage charge owed between sellers and purchasers of used vehicles; and

(iv) Identify opportunities for achieving large-scale data integration to support road usage charge service provisions that could be offered by private-sector service providers, conducting a pilot test to determine the ability of such service

providers to support automated mileage reporting and periodic payment services.

(2) \$127,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$276,000 of the state route number 520 corridor account—state appropriation, \$180,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$172,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation commission's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(3) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for the commission to conduct a full planning-level traffic and revenue study of the Hood River Bridge to determine the viability of toll revenues to support future financing of improvements and possible replacement of the bridge, considering prior work and studies conducted. The commission shall coordinate this work with the department of transportation, the Port of Hood River, the Oregon department of transportation, and other entities as needed. The results of the assessment must be submitted to the house and senate transportation committees by June 30, 2023.

(4) Within the parameters established by RCW 47.56.880, the commission shall review toll revenue performance on the Interstate 405 and state route number 167 corridor and adjust Interstate 405 tolls as appropriate to increase toll revenue to provide sufficient funds for payments of future debt pursuant to RCW 47.10.896 and to support improvements to the corridor. The commission may consider adjusting maximum toll rates, minimum toll rates, time-of-day rates, restricting direct access ramps to transit and HOV vehicles only, or any combination thereof, in setting tolls to increase toll revenue.

**Sec. 802.** 2022 c 186 s 206 (uncodified) is amended to read as follows:

**FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**  
 Freight Mobility Investment Account—State  
 Appropriation. . . . . ((~~\$843,000~~))  
 \$874,000

The appropriations in this section are subject to the following conditions and limitations: Within appropriated funds, the freight mobility strategic investment board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2022 annual report to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

**Sec. 803.** 2022 c 186 s 207 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**  
 State Patrol Highway Account—State  
 Appropriation. . . . . ((~~\$524,348,000~~))

	<u>\$523,571,000</u>
State Patrol Highway Account—Federal	
Appropriation. . . . .	(( <del>\$16,433,000</del> ))
	<u>\$19,578,000</u>
State Patrol Highway Account—Private/Local	
Appropriation. . . . .	\$4,314,000
Highway Safety Account—State Appropriation.	
\$1,292,000	
Ignition Interlock Device Revolving Account—	
State	
Appropriation. . . . .	\$2,243,000
Multimodal Transportation Account—State	
Appropriation. . . . .	\$293,000
State Route Number 520 Corridor Account—	
State	
Appropriation. . . . .	\$433,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation. . . . .	\$77,000
I-405 and SR 167 Express Toll Lanes Account—	
State	
Appropriation. . . . .	\$1,348,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>((<del>\$550,781,000</del>))</b>
	<u>\$553,149,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2021, and quarterly thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since January 1, 2021, to the director of the office of financial management and the transportation committees of the legislature. At the end of the calendar quarter in which it is estimated that more than \$625,000 in state sales and use taxes have been remitted to the state since January 1, 2021, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406, chapter 333, Laws of 2021.

(3) \$4,000,000 of the state patrol highway account—state appropriation is provided solely for a third arming and a third trooper basic training class. The cadet class is expected to graduate in June 2023.

(4) By December 1st of each year during the 2021-2023 biennium, the Washington state patrol must report to the house and senate transportation committees on the status of recruitment and retention activities as follows:

(a) A summary of recruitment and retention strategies;

(b) The number of transportation funded staff vacancies by major category;

(c) The number of applicants for each of the positions by these categories;

(d) The composition of workforce;

(e) Other relevant outcome measures with comparative information with recent comparable months in prior years; and

(f) Activities related to the implementation of the agency's workforce diversity plan, including short-term and long-term, specific comprehensive outreach and recruitment strategies to increase populations underrepresented within both commissioned and noncommissioned employee groups.

(5) \$493,000 of the state patrol highway account—state appropriation is provided solely for aerial criminal investigation tools, including software licensing and maintenance, and annual certification, and is subject to the conditions, limitations, and review requirements of section 701, chapter 333, Laws of 2021.

(6) ((~~\$6,422,000~~)) \$4,353,000 of the state patrol highway account—state appropriation is provided solely for the land mobile radio system replacement, upgrade, and other related activities. Beginning January 1, 2022, the Washington state patrol must report semiannually to the office of the state chief information officer on the progress related to the projects and activities associated with the land mobile radio system, including the governance structure, outcomes achieved in the prior six month time period, and how the activities are being managed holistically as recommended by the office of the chief information officer. At the time of submittal to the office of the state chief information officer, this report shall be transmitted to the office of financial management and the house and senate transportation committees.

(7) \$510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(8) \$1,348,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$433,000 of the state route number 520 corridor account—state appropriation, and \$77,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for the Washington state patrol's proportional share of time spent supporting tolling operations and enforcement for the respective tolling facilities.

(9) \$289,000 of the state patrol highway account—state appropriation is provided

solely for the replacement of 911 workstations.

(10) \$35,000 of the state patrol highway account—state appropriation is provided solely for the replacement of bomb response equipment.

(11) \$713,000 of the state patrol highway account—state appropriation is provided solely for information technology infrastructure maintenance.

(12) The Washington state patrol must provide a report to the office of financial management and the house and senate transportation committees on its plan for implementing a transition to cloud computing and storage with its 2023-2025 budget submittal.

(13) \$945,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 329, Laws of 2021 (custodial interrogations).

(14) \$46,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 320, Laws of 2021 (peace officer tactics).

(15) \$46,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 324, Laws of 2021 (use of force by officers).

(16) (a) The legislature finds that the water connection extension constructed by the Washington state patrol from the city of Shelton's water facilities to the Washington state patrol academy was necessary to meet the water supply needs of the academy. The legislature also finds that the water connection provides an ongoing water supply that is necessary to the operation of the training facility, that the state is making use of the water connection for these public activities, and that any future incidental use of the municipal infrastructure put in place to support these activities will not impede the Washington state patrol's ongoing use of the water connection extension.

(b) \$2,220,000 of the transfer from the waste tire removal account to the motor vehicle fund, as required under RCW 70A.205.425, reimburses the motor vehicle fund for the portion of the water project costs assigned by the agreement to properties, other than the Washington state patrol academy, that make use of the water connection while the agreement remains in effect. This reimbursement to the motor vehicle fund is intended to address any possibility that the termination of this agreement could be determined to result in the unconstitutional use of 18th amendment designated funds for nonhighway purposes under the constitution of the state of Washington; however, this transfer is not intended to indicate that the incidental use of this infrastructure by these properties necessarily requires such reimbursement under the state Constitution. Immediately following the transfer of funds, Washington state patrol and the city of Shelton shall meet to formally update the terms of their "Agreement for Utility Connection and Reimbursement of Water Extension Expenses" executed on June 12, 2017, to reflect the intent of the proviso.

(17) The appropriations in this section provide sufficient funding for state patrol

staffing assuming vacancy savings which may change over time. Funding for staffing will be monitored and adjusted in the 2023 supplemental budget to restore funding as authorized staffing levels are achieved.

(18) \$331,000 of the state patrol highway account—state appropriation is provided solely for the state patrol's diversity, equity, and inclusion program and a contract with an external psychologist to perform exams. If chapter 146, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(19) \$793,000 of the state patrol highway account—state appropriation is provided solely for the tenant improvements and higher than expected equipment costs for the toxicology lab in Federal Way, and preparing a report on the current cost recovery mechanisms and opportunities for expanding these cost recovery mechanisms in the future. The report must be submitted to the governor and the transportation committees of the legislature by November 1, 2022.

(20) \$14,788,000 of the state patrol highway account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of commissioned and noncommissioned staff vacancies. Potential uses of the funding include, but are not limited to, the following: Operating a miniacademy and training opportunities for lateral transfers from other agencies; increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the state patrol must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection. The report must also include a description of the miniacademy training, including the number of lateral transfers that entered the training, the number which completed training, the cost of the miniacademy, and a comparison of how the training was different from a conventional academy class.

(21) \$122,000 of the state patrol highway account—state appropriation, \$1,000 of the highway safety account—state appropriation, and \$4,000 of the ignition interlock account—state appropriation are provided solely for implementation of chapter . . . (House Bill No. 1804), Laws of 2022 (interruptive military service credit for members of the state retirement systems). If chapter . . . (House Bill No. 1804), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(22) \$250,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 80, Laws of 2022 (peace officers/use of force). If chapter 80, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(23) \$949,000 of the state patrol highway account—state is provided solely for vehicle identification number inspection staff to reduce the backlog of inspections and a study of how to incorporate best practices

into the program, including the timeliness of inspections.

Sec. 804. 2022 c 186 s 208 (unclassified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

Department of Licensing Technology Improvement and

<u>Data Management Account—State</u>	
Appropriation. . . . .	\$874,000
<u>Marine Fuel Tax Refund Account—State</u>	
Appropriation. . . . .	\$34,000
<u>Motorcycle Safety Education Account—State</u>	
Appropriation. . . . .	\$5,016,000
<u>Limited Fish and Wildlife Account—State</u>	
Appropriation. . . . .	\$922,000
<u>Highway Safety Account—State Appropriation.</u>	
(( <del>\$242,712,000</del> ))	
<u>\$240,649,000</u>	
<u>Highway Safety Account—Federal Appropriation</u>	
. . . . .	\$1,294,000
<u>Motor Vehicle Account—State Appropriation.</u>	
(( <del>\$80,449,000</del> ))	
<u>\$79,522,000</u>	
<u>Motor Vehicle Account—Federal Appropriation</u>	
. . . . .	\$400,000
<u>Motor Vehicle Account—Private/Local</u>	
Appropriation. . . . .	\$1,336,000
<u>Ignition Interlock Device Revolving Account—</u>	
<u>State</u>	
Appropriation. . . . .	\$6,123,000
<u>Department of Licensing Services Account—</u>	
<u>State</u>	
Appropriation. . . . .	(( <del>\$7,964,000</del> ))
<u>\$7,872,000</u>	
<u>License Plate Technology Account—State</u>	
Appropriation	
. . . . .	(( <del>\$4,092,000</del> ))
<u>\$4,045,000</u>	
<u>Abandoned Recreational Vehicle Account—State</u>	
Appropriation. . . . .	\$3,078,000
<u>Limousine Carriers Account—State</u>	
Appropriation. . . . .	\$110,000
<u>Electric Vehicle Account—State Appropriation</u>	
. . . . .	\$425,000
(( <del>DOL Technology Improvement &amp; Data</del>	
<del>Management</del>	
<del>Account—State Appropriation.—</del>	
<del>\$874,000</del> ))	
<u>Agency Financial Transaction Account—State</u>	
Appropriation. . . . .	(( <del>\$22,257,000</del> ))
<u>\$21,360,000</u>	
<u>Move Ahead WA Flexible Account—State</u>	
Appropriation. . . . .	\$1,260,000
<u>TOTAL APPROPRIATION. . . . .</u>	
<u>((<del>\$377,086,000</del>))</u>	
<u>\$374,320,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,100,000 of the highway safety account—state appropriation is provided solely for the department to provide an interagency transfer to the department of social and health services, children's administration division for the purpose of providing driver's license support to a larger population of foster youth than is already served within existing resources. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.
- (2) The appropriations in this section assume implementation by the department of

cost recovery mechanisms to recoup at least \$21,257,000 during the 2021-2023 biennium in credit card and other financial transaction costs as part of charges imposed for driver and vehicle fee transactions. During the 2021-2023 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(3) (a) For the 2021-2023 biennium, the department shall charge \$1,336,000 for the administration and collection of a motor vehicle excise tax on behalf of a regional transit authority, as authorized under RCW 82.44.135. The amount in this subsection must be deducted before distributing any revenues to a regional transit authority.

(b) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to work with the regional transit authority imposing a motor vehicle excise tax pursuant to RCW 81.104.160 and transportation benefit districts imposing vehicle fees pursuant to RCW 82.80.140, and other relevant parties, to determine cost recovery options for the administration and collection of the taxes and fees. The options must include:

- (i) Full cost recovery for the direct and indirect expenses by the department of licensing, subagents, and counties;
- (ii) Marginal cost recovery for the direct and indirect expenses by the department of licensing, subagents, and counties;
- (iii) The estimated costs if the regional transit authority or transportation benefit districts had to contract out the entire collection and administrative activity with a nongovernmental entity.

(4) \$12,000 of the motorcycle safety education account—state appropriation, \$2,000 of the limited fish and wildlife account—state appropriation, \$728,000 of the highway safety account—state appropriation, \$238,000 of the motor vehicle account—state appropriation, \$10,000 of the ignition interlock device revolving account—state appropriation, and \$10,000 of the department of licensing services account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements of section 701, chapter 333, Laws of 2021.

(5) \$28,636,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall

implement efficiency measures to reduce the time for licensing transactions and wait times including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the "keep your customer" initiative.

(6) \$500,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall continue the outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. To accomplish this work, the department shall contract with an external vendor with demonstrated experience and expertise in outreach and marketing to underrepresented communities in a culturally responsive fashion.

(7) \$523,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 158, Laws of 2021 (DOL issued documents).

(8) \$929,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 240, Laws of 2021 (suspension of licenses for traffic infractions).

(9) \$23,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 10, Laws of 2021 (restoring voter eligibility after felony conviction).

(10) \$3,074,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account. During the 2021-2023 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(11)(a) \$54,000 of the motor vehicle account—state appropriation is provided solely for the issuance of nonemergency medical transportation vehicle decals to implement the high occupancy vehicle lane access pilot program established in section 216, chapter 333, Laws of 2021. A for hire nonemergency medical transportation vehicle is a vehicle that is a "for hire vehicle" under RCW 46.04.190 that provides nonemergency medical transportation, including for life-sustaining transportation purposes, to meet the medical transportation needs of individuals traveling to medical practices and clinics, cancer centers, dialysis facilities, hospitals, and other care providers.

(b) As part of this pilot program, the owner of a for hire nonemergency medical transportation vehicle may apply to the department, county auditor or other agent, or subagent appointed by the director, for a

high occupancy vehicle exempt decal for a for hire nonemergency medical transportation vehicle. The high occupancy vehicle exempt decal allows the for hire nonemergency medical transportation vehicle to use a high occupancy vehicle lane as specified in RCW 46.61.165 and 47.52.025 during the 2021-2023 fiscal biennium.

(c) For the exemption in this subsection to apply to a for hire nonemergency medical transportation vehicle, the decal:

(i) Must be displayed on the vehicle so that it is clearly visible from outside the vehicle;

(ii) Must identify that the vehicle is exempt from the high occupancy vehicle requirements; and

(iii) Must be visible from the rear of the vehicle.

(d) The owner of a for hire nonemergency medical transportation vehicle or the owner's representative must apply for a high occupancy vehicle exempt decal on a form provided or approved by the department. The application must include:

(i) The name and address of the person who is the owner of the vehicle;

(ii) A full description of the vehicle, including its make, model, year, and the vehicle identification number;

(iii) The purpose for which the vehicle is principally used;

(iv) An attestation signed by the vehicle's owner or the owner's representative that the vehicle's owner has a minimum of one contract or service agreement to provide for hire transportation services for medical purposes with one or more of the following entities: A health insurance company; a hospital, clinic, dialysis center, or other medical institution; a day care center, retirement home, or group home; a federal, state, or local agency or jurisdiction; or a broker who negotiates these services on behalf of one or more of these entities; and

(v) Other information as required by the department upon application.

(e) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required under (f) of this subsection when issuing a high occupancy vehicle exempt decal.

(f) The department, county auditor or other agent, or subagent, is required to collect a \$5 fee when issuing a decal under this subsection, in addition to any other fees and taxes required by law.

(g) A high occupancy vehicle exempt decal expires June 30, 2023, and must be marked to indicate its expiration date. The decal may be renewed if the pilot program is continued past the date of a decal's expiration. The status as an exempt vehicle continues until the high occupancy vehicle exempt decal is suspended or revoked for misuse, the vehicle is no longer used as a for hire nonemergency medical transportation vehicle, or the pilot program established in section 216, chapter 333, Laws of 2021 is terminated.

(h) The department may adopt rules to implement this subsection.

(12) \$434,000 of the highway safety account—state appropriation is provided solely for the implementation of the

Thurston county superior court order in *Pierce et al. v. Department of Licensing*.

(13) The department shall consult with the department of corrections and state board for community and technical colleges to develop a pilot program that allows incarcerated individuals who are not prohibited by state or federal law from receiving a commercial driver's license upon release to participate in a prerelease commercial driver training program. The department must submit a report to the legislature by June 30, 2023, detailing the status of the program.

(14) \$100,000 of the highway safety account—state appropriation is provided solely for the department to lead a study on the potential impacts that current licensing requirements, including required training hours, and testing requirements may have on the shortage of commercial drivers, and whether adjustments to these requirements may be warranted to help alleviate the shortage. In completing the study, the department must consult with the workforce training board, state board for community and technical colleges, federal motor carrier safety officials, organizations representing veterans, organizations representing commercial drivers, and organizations representing businesses or government entities that rely on commercial drivers. The report must be submitted to the governor and the transportation committees of the legislature by December 1, 2022.

(15) \$965,000 of the motor vehicle account—state appropriation is provided solely for the increased costs associated with delays in the production of license plates, and to provide a report detailing license plate inventory practices and whether those practices should be changed to guard against potential future plate production delays. The report must be submitted to the governor and the transportation committees of the legislature by December 1, 2022.

(16) \$28,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 96, Laws of 2022 (state leadership board) and making improvements to the annual information submitted by special license plate sponsoring organizations pursuant to RCW 46.18.120(2). The improvements must include, but are not limited to, the following: An annual budget for the sponsoring organization's activities in the preceding year; information regarding private and other governmental support for the activities of the sponsoring organization; and a description of the number of people served or services delivered, as appropriate, by the sponsoring organization in the preceding year. If chapter 96, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(17) \$268,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Senate Bill No. 5054), Laws of 2022 (impaired driving). If chapter . . . (Engrossed Senate Bill No. 5054), Laws of 2022 is not enacted by June

30, 2022, the amount provided in this subsection lapses.

(18) \$113,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 51, Laws of 2022 (human trafficking disqualification for a commercial driver's license). If chapter 51, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(19) \$18,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 239, Laws of 2022 (Patches pal special license plates). If chapter 239, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(20) \$350,000 of the highway safety account—state appropriation is provided solely to expand driver's license assistance and support services in King county with an existing provider that is already providing these services to low-income immigrant and refugee women. By March 1, 2023, the contracted provider must submit information on the annual budget in the preceding year; information regarding private and other governmental support for the activities of the provider; and a description of the number of people served, services delivered, and outcome measures.

(21) \$6,139,000 of the highway safety account—state appropriation, \$1,849,000 of the motor vehicle account—state appropriation, \$203,000 of the department of licensing services account—state appropriation, and \$105,000 of the department of licensing technology improvement and data management account—state appropriation are provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies and agency operations and customer service levels. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department shall submit a report to the governor and the legislative transportation committees detailing the specific expenditures made from the contingency funding provided in this subsection.

(22) \$28,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 191, Laws of 2022 (veterans and military suicide). If chapter 191, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(23) \$83,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 36, Laws of 2022 (vehicle registration certificate addresses). If chapter 36, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(24) \$57,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 40, Laws of 2022 (off-road vehicles fees). If chapter 40, Laws of 2022 is not enacted by June 30,

2022, the amount provided in this subsection lapses.

(25) \$18,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 117, Laws of 2022 (wine special license plate). If chapter 117, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(26) \$316,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 132, Laws of 2022 (temporary license plates). If chapter 132, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(27) \$251,000 of the highway safety account—state appropriation is provided solely for the department to: (a) Provide each driver's license, identicard, instruction permit, intermediate license, and commercial driver's license applicant with written materials regarding the contents and requirements of RCW 46.61.212, the slow down and move over law, at the completion of the applicant's licensing transaction; (b) place signage in each of the licensing service offices that provide background on the written materials that the applicant will receive regarding the slow down and move over law; and (c) initiate the development of an appropriate training module relating to the requirements of RCW 46.61.212, for inclusion in all new driver training curricula.

(28) \$550,000 of the move ahead WA flexible account—state appropriation is provided solely for an interagency transfer to the department of children, youth, and families to provide driver's license support to a larger population of foster youth than is currently being served. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

(29) \$569,000 of the move ahead WA flexible account—state appropriation and \$103,000 of the agency financial transaction account—state appropriation are provided solely for estimated implementation costs associated with new revenues.

(30) \$141,000 of the move ahead WA flexible account—state appropriation is provided solely for chapter 57, Laws of 2022 (homeless identicard).

**Sec. 805.** 2022 c 186 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—TOLL OPERATIONS AND MAINTENANCE—PROGRAM B**

State Route Number 520 Corridor Account—	
State	
Appropriation. . . . .	(\$58,356,000)
	\$56,478,000
State Route Number 520 Civil Penalties	
Account—State	
Appropriation. . . . .	\$4,163,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation. . . . .	(\$31,102,000)
	\$34,025,000
Alaskan Way Viaduct Replacement Project	
Account—	
State Appropriation. . . . .	(\$21,806,000)

	\$21,393,000
Interstate 405 and State Route Number 167	
Express	
Toll Lanes Account—State Appropriation.	
(((\$24,647,000))	

	\$23,629,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>(\$140,074,000)</b>
	\$139,688,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$12,484,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) As long as the facility is tolled, the department must provide annual reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since



implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(3) (a) ~~(\$1,189,000)~~ \$875,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, ~~(\$2,783,000)~~ \$2,049,000 of the state route number 520 corridor account—state appropriation, ~~(\$1,218,000)~~ \$903,000 of the Tacoma Narrows toll bridge account—state appropriation, and ~~(\$1,568,000)~~ \$1,155,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the reappropriation of unspent funds on the new tolling back office system from the 2019-2021 biennium.

(b) The office of financial management shall place the amounts provided in this subsection in unallotted status until the department submits a detailed progress report on the progress of the new tolling back office system. The director of the office of financial management or their designee shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(4) \$121,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$288,000 of the state route number 520 corridor account—state appropriation, \$128,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$163,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the department to contract with the state auditor's office for a performance audit of the department's project to replace its electronic toll collection system. The audit should include an evaluation of the department's project planning, vendor procurement, contract management and project oversight. The final report is to be issued by December 31, 2022. The state auditor will transmit copies of the report to the jurisdictional committees of the legislature and the department.

(5) The department shall make detailed annual reports to the transportation committees of the legislature and the public on the department's web site on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants, and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs;

(c) The vendor-related costs of operating tolled facilities, including the costs of

the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement;

(d) The toll adjudication process, including a summary table for each toll facility that includes:

(i) The number of notices of civil penalty issued;

(ii) The number of recipients who pay before the notice becomes a penalty;

(iii) The number of recipients who request a hearing and the number who do not respond;

(iv) Workload costs related to hearings; (v) The cost and effectiveness of debt collection activities; and

(vi) Revenues generated from notices of civil penalty; and

(e) A summary of toll revenue by facility on all operating toll facilities and express toll lane systems, and an itemized depiction of the use of that revenue.

(6) During the 2021-2023 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.

(7) \$19,908,000 of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the new state route number 99 tunnel toll facility's expected share of collecting toll revenues, operating customer services, and maintaining toll collection systems. The legislature expects to see appropriate reductions to the other toll facility accounts once tolling on the new state route number 99 tunnel toll facility stabilizes and any previously incurred costs for start-up of the new facility are charged back to the Alaskan Way viaduct replacement project account. The office of financial management shall closely monitor the application of the cost allocation model and ensure that the new state route number 99 tunnel toll facility is adequately sharing costs and the other toll facility accounts are not being overspent or subsidizing the new state route number 99 tunnel toll facility.

(8) The department shall submit a plan to the legislature for the Interstate 405 and state route number 167 express toll lanes account detailing how bond proceeds can cover the proposed construction plan on the Interstate 405 and state route number 167 express toll lane corridor outlined on LEAP Transportation Document 2021-1 as developed April 23, 2021, by January 1, 2022.

(9) ((~~\$4,554,000~~))\$5,779,000 of the state route number 520 corridor account—state appropriation and ((~~\$580,000~~))\$744,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for the increased costs of insurance for the state route number 520 floating bridge and the Tacoma Narrows bridge, respectively. The department shall conduct an evaluation of the short and long-term costs and benefits including risk mitigation of self-insurance as compared to the commercial insurance option for the state route number 520 floating bridge, as allowed under the terms of the state route number 520 master bond resolution. By December 15, 2021, the department shall report to the legislature on the results of this evaluation.

(10) As part of the department's 2023-2025 biennial budget request, the department shall update the cost allocation recommendations that assign appropriate costs to each of the toll funds for services provided by relevant Washington state department of transportation programs, the Washington state patrol, and the transportation commission. The recommendations shall be based on updated traffic and toll transaction patterns and other relevant factors.

(11) All amounts provided for operations and maintenance expenses on the SR 520 facility from the state route number 520 corridor account during the 2021-2023 fiscal biennium in this act, up to a maximum of \$59,567,000, are derived from the receipt of federal American rescue plan act of 2021 funds and not toll revenues.

(12) \$14,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$32,000 of the state route number 520 corridor account—state appropriation, \$22,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$27,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely to implement chapter 132, Laws of 2022 (temporary license plates). If chapter 132, Laws of 2022 is not enacted by June 30, 2022, the amounts provided in this subsection lapse.

**Sec. 806.** 2022 c 186 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
INFORMATION TECHNOLOGY—PROGRAM C**

Transportation Partnership Account—State  
Appropriation. . . . . \$1,461,000  
Motor Vehicle Account—State Appropriation.  
((~~\$101,010,000~~))

\$101,026,000

Puget Sound Ferry Operations Account—State  
Appropriation. . . . . \$307,000

Multimodal Transportation Account—State  
Appropriation. . . . . \$7,013,000

Transportation 2003 Account (Nickel Account)  
—State  
Appropriation. . . . . \$1,461,000

**TOTAL APPROPRIATION. . . . . ((~~\$111,252,000~~))**  
\$111,268,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,273,000 of the multimodal transportation account—state appropriation and \$4,273,000 of the motor vehicle account—state appropriation are provided solely for the department's cost related to the one Washington project, and is subject to the conditions, limitations, and review requirements of section 701, chapter 333, Laws of 2021.

(2) \$2,404,000 of the motor vehicle account—state appropriation and \$119,000 of the multimodal transportation account—state appropriation are provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

**Sec. 807.** 2022 c 186 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
FACILITY MAINTENANCE, OPERATIONS, AND  
CONSTRUCTION—PROGRAM D—OPERATING**

Motor Vehicle Account—State Appropriation.  
((~~\$36,843,000~~))

\$37,921,000

State Route Number 520 Corridor Account—  
State

Appropriation. . . . . \$34,000

**TOTAL APPROPRIATION. . . . . ((~~\$36,877,000~~))**  
\$37,955,000

The appropriations in this section are subject to the following conditions and limitations: \$780,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

**Sec. 808.** 2022 c 186 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
TRANSPORTATION EQUIPMENT FUND—PROGRAM E**

Motor Vehicle Account—State Appropriation.  
((~~\$12,396,000~~))

\$13,860,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$10,396,000 of the motor vehicle account—state appropriation is provided solely for the department's costs related to replacing obsolete transportation equipment. The appropriations to the department in this section must be expended to maximize the amount of obsolete equipment replaced in the 2021-2023 biennium.

(2) \$2,000,000 of the motor vehicle account—state appropriation is provided solely for the department's costs related to replacing snow removal equipment. The appropriations to the department in this section must be expended to maximize the amount of snow removal equipment replaced in the 2021-2023 biennium.

Sec. 809. 2022 c 186 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F**

Aeronautics Account—State Appropriation.	
(( <del>\$8,127,000</del> ))	<u>\$9,129,000</u>
Aeronautics Account—Federal Appropriation.	
\$3,916,000	
Aeronautics Account—Private/Local	
Appropriation. . . . .	\$60,000
Multimodal Transportation Account—State	
Appropriation. . . . .	\$150,000
<u>Move Ahead WA Flexible Account—State</u>	
<u>Appropriation. . . . .</u>	<u>\$10,000</u>
<b>TOTAL APPROPRIATION. . . . .</b>	<b><u>((<del>\$12,253,000</del>))</u></b>
	<b><u>\$13,265,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,888,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public use airports for pavement, safety, maintenance, planning, and security.

(2) \$257,000 of the aeronautics account—state appropriation is provided solely for supporting the commercial aviation coordinating commission, pursuant to section 718, chapter 333, Laws of 2021.

(3) \$280,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter 131, Laws of 2021 (unpiloted aircraft system state coordinator). If chapter 131, Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(4) (a) \$150,000 of the multimodal transportation account—state appropriation is provided solely for the aviation program to continue the community engagement associated with the work of the commercial aviation coordinating commission to increase aviation capacity and provide a single preferred location for a new primary commercial aviation facility by June 15, 2023. The work of the commission shall include, but is not limited to, recommendations to the legislature on future Washington state long-range commercial aviation facility needs including possible additional aviation facilities or expansion of current aviation facilities.

(b) Community engagement efforts may include:

(i) Raising awareness among aviation stakeholders and the public on the complex issues that must be addressed by the commission;

(ii) Obtaining input from a representative cross section of the public on the construction of a new airport and the expansion of existing airports to meet future aviation demand;

(iii) Keeping people informed as the commission's work progresses, including diverse communities that are often underrepresented in processes to inform decision making;

(iv) Providing opportunities for members of the public to provide direct input to the commission during the pandemic that limits opportunities for direct social contact;

(v) Using surveys, open houses, focus groups, translation services, informational handouts, advertisements, social media, and other appropriate means of communicating with the public; and

(vi) Providing a focus on the demographics or people in the geographical areas most impacted by expanding aviation capacity or developing a new aviation facility.

(c) The department may use a communications consultant or community-based organizations to assist with community engagement efforts in (b) of this subsection.

(5) \$10,000 of the move ahead WA flexible account—state appropriation is provided solely for the creation of a sustainable aviation grant program for airports. The purpose of the grant program is to support adoption of zero emissions aircraft and sustainable aviation fuels, reduce harmful aviation-related emissions, and reduce the aviation industry's reliance on fossil fuels. Sustainable aviation projects may include, but are not limited to: (a) Sustainable aviation fuel storage; (b) electrification of ground support equipment; (c) electric aircraft charging infrastructure; (d) airport clean power production; or (e) electric vehicle charging stations whose infrastructure also supports ground support equipment and electric aircraft charging. The department must select projects, which may include planning, to propose to the legislature for funding. The department shall submit a report to the transportation committees of the legislature by December 1, 2022, identifying the initial selection of sustainable aviation projects for funding by the legislature and recommended changes to modify and sustain the program.

(6) \$1,000,000 of the aeronautics account—state appropriation is provided solely for move ahead WA aviation grants.

Sec. 810. 2022 c 186 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—PROGRAM DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H**

Motor Vehicle Account—State Appropriation.	
(( <del>\$58,254,000</del> ))	<u>\$57,864,000</u>
Motor Vehicle Account—Federal Appropriation	
. . . . .	\$500,000

Multimodal Transportation Account—State  
 Appropriation. . . . . \$758,000  
 TOTAL APPROPRIATION. . . . . ~~(\$59,512,000)~~  
\$59,122,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (1), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(2) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

(3) The department shall report to the transportation committees of the legislature by December 1, 2021, on the status of its efforts to consolidate franchises for broadband facilities across the state, including plans for increasing the number of consolidated franchises in the future.

(4) During the 2021-2023 biennium, if the department takes possession of the property situated in the city of Edmonds for which a purchase agreement was executed between Unocal and the department in 2005 (Tax Parcel Number 262703-2-003-0009), and if the department confirms that the property is still no longer needed for transportation purposes, the department shall provide the city of Edmonds with the right of first purchase at fair market value in accordance with RCW 47.12.063(3) for the city's intended use of the property to rehabilitate near-shore habitat for salmon and related species.

(5) ~~(\$535,000)~~ \$125,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 217, Laws of 2021 (noxious weeds).

(6) ~~(\$1,026,000)~~ \$526,000 of the motor vehicle account—state appropriation and \$500,000 of the multimodal transportation account—state appropriation ~~(is)~~ are provided solely for the implementation of chapter 314, Laws of 2021 (environmental justice task force).

(7) \$2,399,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(8) The department shall offer to sell the northern parcel of site 14 on the Puget Sound Gateway Program SR 509 Completion Project Surplus Property list, located immediately south of S. 216th Street and adjacent to the Barnes Creek Nature Trail in Des Moines, to Seattle Goodwill Industries, a nonprofit organization with tax ID 91-05688708, located at 700 Dearborn Place S., Seattle, WA 98144, in accordance with RCW 47.12.063 at fair market value because the legislature finds it in the public interest to do so for the public benefit that will result from Goodwill's redevelopment of the property it owns at Rainier Ave. South and South Dearborn Street to increase the supply of affordable housing.

**Sec. 811.** 2022 c 186 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K**  
 Motor Vehicle Account—State Appropriation. \$685,000  
 Electric Vehicle Account—State Appropriation . . . . . ~~(\$11,900,000)~~  
\$9,164,000  
 Multimodal Transportation Account—State Appropriation. . . . . ~~(\$3,290,000)~~  
\$2,790,000

Multimodal Transportation Account—Federal  
 Appropriation. . . . . \$500,000  
 TOTAL APPROPRIATION. . . . . ~~(\$15,875,000)~~  
\$13,139,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The public-private partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(2) ~~(\$10,900,000)~~ \$9,154,000 of the electric vehicle account—state appropriation is provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287, Laws of 2019 (advancing green transportation adoption).

(3) \$2,400,000 of the multimodal transportation account—state appropriation is provided solely for the pilot program established under chapter 287, Laws of 2019 (advancing green transportation adoption) to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards. Consistent with the geographical diversity element described in RCW 47.04.355(4), the legislature strongly encourages the department to consider implementing the pilot in both urban and rural communities if possible, to obtain valuable information on the needs of underserved communities located in different geographical locations in Washington.

~~(4) (\$1,000,000 of the electric vehicle account—state appropriation and \$500,000 of the multimodal transportation account—state appropriation are provided solely for a collocated DC fast charging and hydrogen fueling station near the Wenatchee or East Wenatchee area near a state route or near or on a publicly owned facility to service passenger, light duty and heavy duty vehicles. The hydrogen fueling station must include a DC fast charging station collocated at the hydrogen fueling station site. Funds may be used for one or more fuel cell electric vehicles that would utilize the fueling stations. The department must contract with a public utility district that produces hydrogen in the area to own and/or manage and provide technical assistance for the design, planning, permitting, construction, maintenance and operation of the hydrogen fueling station. The department and public utility district are encouraged to collaborate with and seek contributions from additional public and private partners for the fueling station.~~

~~(5))~~ \$140,000 of the multimodal transportation account—state appropriation is provided solely for the purpose of conducting an assessment of options for the development, including potential features and costs, for a publicly available mapping and forecasting tool that provides locations and essential information of charging and refueling infrastructure to support forecasted levels of electric vehicle adoption, travel, and usage across Washington state as described in chapter

300, Laws of 2021 (preparedness for a zero emissions transportation future).  
~~((+6))~~ (5) \$250,000 of the multimodal transportation account—state appropriation is provided solely to fund the design of an electric charging mega-site project at Mount Vernon library commons.

(6) \$500,000 of the multimodal transportation account—federal appropriation and \$10,000 of the electric vehicle account—state appropriation are provided solely to implement the national electric vehicle program, established in the federal infrastructure investment and jobs act (P.L. 117-58), as directed by the interagency electric vehicle coordinating council created in chapter 43.392 RCW. The amounts provided in this subsection include staff support for the council. The funding provided in this subsection may be used to support the publicly available mapping and forecasting tool under RCW 47.01.520, but only to the extent not funded in the omnibus appropriations act.

**Sec. 812.** 2022 c 186 s 216 (unmodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M**

Motor Vehicle Account—State Appropriation.  
~~(\$505,015,000)~~ \$508,000,000  
 Motor Vehicle Account—Federal Appropriation . . . . . \$7,000,000  
 Motor Vehicle Account—Private/Local Appropriation. . . . . \$17,000  
 State Route Number 520 Corridor Account—State  
 Appropriation. . . . . \$4,657,000  
 Tacoma Narrows Toll Bridge Account—State  
 Appropriation. . . . . \$1,560,000  
 Alaskan Way Viaduct Replacement Project Account—  
 State Appropriation. . . . . \$8,611,000  
 Interstate 405 and State Route Number 167 Express  
 Toll Lanes Account—State Appropriation. \$2,594,000  
 Waste Tire Removal Account—State  
 Appropriation. . . . . \$5,000,000  
 Move Ahead WA Account—State Appropriation. \$47,000,000  
 TOTAL APPROPRIATION. . . . . ~~(\$534,454,000)~~  
\$584,439,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,529,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways. Plan and reporting requirements as required in chapter 435, Laws of 2019 (Local Stormwater Charges) shall be consistent with the January 2012 findings of the Joint Transportation Committee Report for Effective Cost Recovery Structure for WSDOT, Jurisdictions, and Efficiencies in Stormwater Management.

(2) \$5,000,000 of the motor vehicle account—state appropriation is provided

solely for a contingency pool for snow and ice removal. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

(3) \$1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019, to be administered in conjunction with subsection (9) of this section. The department must maintain a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

(4) \$1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Tacoma, to be administered in conjunction with subsection (9) of this section. The program shall address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. \$570,000 is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to \$445,000 of the city's expenses for clean-up crews and landfill costs.

(5) The department must continue a pilot program for the 2021-2023 fiscal biennium at the four highest demand safety rest areas to create and maintain an online calendar for volunteer groups to check availability of weekends for the free coffee program. The calendar must be updated at least weekly and show dates and times that are, or are not, available to participate in the free coffee program. The department must submit a report to the legislature on the ongoing pilot by December 1, 2022, outlining the costs and benefits of the online calendar pilot, and including surveys from the volunteer groups and agency staff to determine its effectiveness.

(6) \$686,000 of the motor vehicle account—state appropriation is provided solely for reimbursing the Oregon department of transportation (ODOT) for the department's share of increased maintenance costs of six highway bridges over the Columbia River that are maintained by ODOT.

(7) \$8,290,000 of the motor vehicle account—state appropriation is provided solely for increased costs of highway maintenance materials.

(8) \$5,816,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for repairing

damages to highways caused by known and unknown third parties. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for third-party damage repair and will begin using the contingency pool funding.

(9)(a) \$3,000,000 of the motor vehicle account—state appropriation and \$5,000,000 of the waste tire removal account—state appropriation are provided solely for the department to address the risks to safety and public health associated with homeless encampments on department owned rights-of-way. The department must coordinate and work with local government officials and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way, and may reimburse the organizations doing this outreach assistance who transition people into treatment or housing or for debris clean up on highway rights-of-way. A minimum of \$2,000,000 of this appropriation must be used to provide more frequent removal of litter on the highway rights-of-way that is generated by unsheltered people and may be used to hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees. The department may use these funds to either reimburse local law enforcement costs or the Washington state patrol if they are providing enhanced safety to department staff during debris cleanup or during efforts to prevent future encampments from forming on highway rights-of-way.

(b) Beginning November 1, 2022, and semiannually thereafter, the Washington state patrol and the department of transportation must jointly submit a report to the governor and the house and senate transportation committees of the legislature on the status of these efforts, including:

(i) A detailed breakout of the size, location, risk level categorization, and number of encampments on or near department-owned rights-of-way, compared to the levels during the quarter being reported;

(ii) A summary of the activities in that quarter related to addressing these encampments, including information on arrangements with local governments or other entities related to these activities;

(iii) A description of the planned activities in the ensuing quarter to further address the emergency hazards and risks along state highway rights-of-way; and

(iv) Recommendations for executive branch or legislative action to achieve the desired outcome of reduced emergency hazards and risks along state highway rights-of-way.

(10)(a) \$2,000,000 of the motor vehicle account—state appropriation is provided solely for the department to contract with the city of Fife to address the risks to safety and public health associated with homeless encampments on department-owned rights-of-way along the SR 167/SR 509 Puget

Sound Gateway project corridor in and adjacent to the city limits.

(b) The city must coordinate and work with the department and local governments and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way. State funds may be used to reimburse the organizations doing this outreach assistance who transition people into treatment or housing that is not on the rights-of-way or for debris clean up on highway rights-of-way.

(c) The department may hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees.

(d) Funds may also be used to reimburse local law enforcement costs or the Washington state patrol if they are participating as part of a state or local government agreement to provide enhanced safety related activities along state highway rights-of-way.

(e) It is the intent of the legislature that the city and collaborating partners should place particular emphasis on utilizing available funds for addressing large scale and multiple homeless encampments that impact public safety and health. Funding for initiatives associated with such encampments may include targeted assistance to local governments and social service organizations, directing moneys toward not only initial efforts to clear encampments, clean up debris and restore sightlines, but to ongoing work, monitoring, and maintenance of efforts to place individuals in housing, treatment and services, and to better ensure individuals experiencing homelessness receive needed assistance while sites remain safe and secure for the traveling public.

(11) \$12,096,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(12) \$5,400,000 of the motor vehicle account—state appropriation is provided solely for replacement of traffic signs and to increase the visibility of road pavement markings. Investments must replace traffic signs that do not meet the department's standards or that are faded, lacking in reflectivity, cracked, illegible, or damaged. Investments must also increase the visibility of road pavement markings during periods of low light conditions and during

precipitation with pavement marking products that contain all-weather optical reflectivity capability. The request for proposals and subsequent competitive procurement for the signs shall be performed following state specifications and standards.

(13) \$17,000 of the motor vehicle account—local appropriation is provided solely to update existing signs along Interstate 5 in the vicinity of Seattle center. The department must install new Seattle center logos with a redesigned logo that recognizes climate pledge arena, but is not responsible for design or fabrication of the logo or new sign.

(14) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to install fencing to delineate between the privately leased property owned by the department and the public right-of-way property maintained by the city of Seattle. The parameters of the adjacent properties located under the Interstate 5 corridor, south of milepost 165, are south Jackson street and south King street going north and south, and 8th avenue south and 9th avenue south going west to east in the international district.

(15) (a) \$2,500,000 of the motor vehicle account—state appropriation is provided solely for:

(i) Additional resources for operations, maintenance, facility replacements, security, and upgrades to safety rest areas to ensure that safety rest areas owned and operated by the department are open for use except for seasonal closures or cleaning, maintenance, and repair; and

(ii) Reconfiguration of maintenance operations pursuant to chapter 262, Laws of 2022 (safety rest areas).

(b) The department may use the funds for additional labor, services, materials, or equipment needed to allow commercial vehicle parking stalls to remain open when rest areas might otherwise be closed.

(c) It is the intent of the legislature that these funds are additional resources for the department and not meant to supplant underlying resources for the maintenance and operations of safety rest areas.

(d) The department must make a report to the transportation committees of the legislature regarding the additional operations and maintenance activities made at safety rest areas to ensure that rest areas stayed open by January 15, 2023. The report must include the status per safety rest area of openings and closures that were impacted by the additional activities; the additional activities, including security efforts, that were performed at the rest areas; and an update on the status and a review of the safety rest area strategic plan.

(16) (a) \$50,000 of the motor vehicle account—state appropriation is provided solely for the department to install and inspect monthly human trafficking informational posters in every rest room in every safety rest area owned and operated by the department.

(b) In developing the informational posters, the department shall consult with

human trafficking victim advocates to determine content.

(c) The posters must:

(i) Be printed in a variety of languages;

(ii) Include contact information for seeking help, which may include toll-free telephone numbers a person may call for assistance, including the number for the national human trafficking resource center and the number for the Washington state office of crime victims advocacy; and

(iii) Be made of durable material and permanently affixed.

(d) The department shall install the informational posters in every restroom at every safety rest area owned and operated by the department by December 31, 2022.

(e) Beginning January 1, 2023, or one month after installation of informational posters, whichever is sooner, the department shall inspect the informational posters as part of its monthly maintenance activities to ensure that the posters are in fair condition and remain legible.

(f) The department must make a report to the transportation committees of the legislature regarding the installation of informational posters at safety rest areas by January 15, 2023. The report must include the number of informational posters installed, the location of the poster installations, and the completion date of the poster installations.

Sec. 813. 2022 c 186 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—OPERATING**

Motor Vehicle Account—State Appropriation. (~~\$73,760,000~~)

	<u>\$73,968,000</u>
Motor Vehicle Account—Federal Appropriation . . . . .	\$2,050,000
Motor Vehicle Account—Private/Local Appropriation. . . . .	\$295,000
State Route Number 520 Corridor Account—State Appropriation. . . . .	\$225,000
Tacoma Narrows Toll Bridge Account—State Appropriation. . . . .	\$40,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation. . . . .	\$1,112,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation. \$20,000	
Agency Financial Transaction Account—State Appropriation. . . . .	\$100,000
<u>Move Ahead WA Account—State Appropriation.</u>	<u>\$1,850,000</u>

TOTAL APPROPRIATION..... (~~(\$77,602,000)~~)  
\$79,660,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature

listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2) (a) During the 2021-2023 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to organ transport vehicles transporting a time urgent organ for an organ procurement organization as defined in RCW 68.64.010. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, organ transport vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(d) The department shall expand the high occupancy vehicle lane access pilot program to private, for hire vehicles regulated under chapter 81.72 RCW that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive device. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, wheelchair-accessible taxicabs that are



clearly and identifiably marked as such on all sides of the vehicle are considered public transportation vehicles and must be authorized to use the reserved portion of the highway.

(e) The department shall expand the high occupancy vehicle lane access pilot program to for hire nonemergency medical transportation vehicles, when in use for medical purposes, as described in section 208, chapter 333, Laws of 2021. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, nonemergency medical transportation vehicles that meet the requirements identified in section 208, chapter 333, Laws of 2021 must be authorized to use the reserved portion of the highway.

(f) Nothing in this subsection (2) is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for express toll lanes.

(3) \$2,574,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(4) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least \$100,000 in credit card and other financial transaction costs related to the collection of fees imposed under RCW 46.44.0941 for driver and vehicle fee transactions beginning January 1, 2023. The department may recover transaction fees incurred through credit card transactions. At the direction of the office of financial management, the department shall develop a method of tracking the additional amount of credit card and other financial cost-recovery revenues. In consultation with the office of financial management, the department shall notify the office of the state treasurer of these amounts and the state treasurer must deposit these revenues in the agency financial transaction account created in RCW 46.01.385 on a quarterly basis. The department shall also submit, as part of its 2023-2025 budget submittal, an overview of the credit card cost recovery approach, including fee rates and the amount of revenue expected to be generated in the 2021-2023 and 2023-2025 biennia.

(5) The department shall promote safety messages encouraging drivers to slow down and move over and pay attention when emergency lights are flashing on the side of the road and other suitable safety messages on electronic message boards the department operates across the state. The messages must be promoted multiple times each month

through June 30, 2023. The department may coordinate such messaging with any statewide public awareness campaigns being developed by the department of licensing or the Washington state traffic safety commission or both.

(6) \$1,850,000 of the move ahead WA—state appropriation is provided solely for traffic operations enhancements. It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$30,000,000 for this purpose.

**Sec. 814.** 2022 c 186 s 218 (unmodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
TRANSPORTATION MANAGEMENT AND SUPPORT—  
PROGRAM S**

Motor Vehicle Account—State Appropriation.	
(( <del>\$37,365,000</del> ))	<u>\$37,371,000</u>
Motor Vehicle Account—Federal Appropriation	\$780,000
Motor Vehicle Account—Private/Local Appropriation.	\$500,000
Puget Sound Ferry Operations Account—State Appropriation.	\$266,000
Multimodal Transportation Account—State Appropriation.	\$5,129,000
State Route Number 520 Corridor Account—State Appropriation.	\$186,000
Tacoma Narrows Toll Bridge Account—State Appropriation.	\$150,000
Alaskan Way Viaduct Replacement Project Account—	
State Appropriation.	\$121,000
Interstate 405 and State Route Number 167 Express	
Toll Lanes Account—State Appropriation.	\$77,000
<u>Move Ahead WA Flexible Account—State Appropriation.</u>	<u>\$2,000,000</u>
<b>TOTAL APPROPRIATION.....</b>	<b><u>((<del>\$44,574,000</del>))</u></b>
	<b><u>\$46,580,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,000,000 of the multimodal transportation account—state appropriation is provided solely for efforts to increase diversity in the transportation construction workforce through: (a) The preapprenticeship support services (PASS) program, which aims to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce. In addition to the services allowed by RCW 47.01.435, the PASS program may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems in order to support the participation of these youth in a transportation-related preapprenticeship program; (b) assisting minority and women-owned businesses to perform work in the highway construction industry. This assistance shall include technical assistance, business training, counseling, guidance, prime to subcontractor relationship building, and a capacity building mentorship program. At a minimum, \$1,000,000 of the total appropriation in

this subsection shall be directed toward the efforts outlined in (b) of this subsection. The provider(s) chosen to complete the work in this subsection shall be selected through a competitive bidding process. The program shall be administered by the Washington state department of transportation's office of equal opportunity.

(2) \$1,446,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(3) \$774,000 of the motor vehicle account—state appropriation and \$266,000 of the Puget Sound ferry operations account—state appropriation are provided solely for the department to hire a workforce development consultant to develop, track, and monitor the progress of community workforce agreements, and to hire staff to assist with the development and implementation of internal diversity, equity, and inclusion efforts and serve as subject matter experts on federal and state civil rights provisions. The department shall engage with relevant stakeholders, and provide a progress report on the implementation of efforts under this subsection to the transportation committees of the legislature and the governor by December 1, 2022.

(4) For Washington state department of transportation small works roster projects under RCW 39.04.155, the department may only allow firms certified as small business enterprises, under 49 C.F.R. 26.39, to bid on the contract, unless the department determines there would be insufficient bidders for a particular project. The department shall report on the effectiveness of this policy to the transportation committees of the legislature by January 31, 2023.

(5) \$2,000,000 of the move ahead WA flexible account—state appropriation is provided solely for efforts to increase diversity in the transportation construction and maritime workforce. Of this amount:

(a) \$500,000 of the move ahead WA flexible account—state appropriation is provided solely for: (i) The preapprenticeship support services (PASS) program, which aims to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce. In addition to the services allowed by RCW 47.01.435, the PASS program may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems in order to support the participation of these youth in a transportation-related preapprenticeship

program; and (ii) assisting minority and women-owned businesses to perform work in the highway construction industry. This assistance shall include technical assistance, business training, counseling, guidance, prime to subcontractor relationship building, and a capacity building mentorship program.

(b) \$1,500,000 of the move ahead WA flexible account—state appropriation is provided solely for expansion of the PASS program to support apprenticeships and workforce development in the maritime industry through preapprenticeship training for inland waterways trades and support services to obtain necessary documents and coast guard certification.

Sec. 815. 2022 c 186 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T**

Motor Vehicle Account—State Appropriation.	
(( <del>\$26,483,000</del> ))	
	<u>\$27,102,000</u>
Motor Vehicle Account—Federal Appropriation	
.....	\$34,865,000
Motor Vehicle Account—Private/Local	
Appropriation.....	\$400,000
Multimodal Transportation Account—State	
Appropriation.....	(( <del>\$1,902,000</del> ))
	<u>\$1,322,000</u>
Multimodal Transportation Account—Federal	
Appropriation.....	\$2,809,000
Multimodal Transportation Account—Private/	
Local	
Appropriation.....	\$100,000
State Route Number 520 Corridor Account—	
State	
Appropriation.....	\$451,000
Interstate 405 and State Route Number 167	
Express	
Toll Lanes Account—State Appropriation.	
\$2,879,000	
<u>Move Ahead WA Flexible Account—State</u>	
<u>Appropriation.....</u>	<u>\$1,500,000</u>
<u>Move Ahead WA Flexible Account—Federal</u>	
<u>Appropriation.....</u>	<u>\$1,000,000</u>
<b>TOTAL APPROPRIATION.....</b>	<b>((<del>\$69,889,000</del>))</b>
	<b><u>\$72,428,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,080,000 of the motor vehicle account—federal appropriation is provided solely for the Forward Drive road usage charge research project overseen by the transportation commission using a portion of the amount of the federal grant award. The purpose of the Forward Drive road usage charge research project is to advance research in key policy areas related to road usage charge including assessing impacts of future mobility shifts on road usage charge revenues, conducting an equity analysis, updating and assessing emerging mileage reporting methods, determining opportunities to reduce cost of collection, conducting small-scale pilot tests, and identifying a long-term, detailed phase-in plan.

(2) \$2,879,000 of the Interstate 405 and state route number 167 express toll lanes

account—state appropriation is provided solely for completion of updating the state route number 167 master plan.

(3) \$500,000 of the multimodal transportation account—state appropriation is provided solely for the department to partner with the department of commerce in developing vehicle miles traveled targets for the counties in Washington state with (a) a population density of at least 100 people per square mile and a population of at least 200,000; or (b) a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of financial management. Given land use patterns are key factors in travel demand and should be taken into consideration when developing the targets, the department and the department of commerce shall partner with local jurisdictions, regional transportation planning organizations and other stakeholders to inventory existing laws and rules that promote transportation and land use, identify gaps and make recommendations for changes in laws, rules and agency guidance, and establish a framework for considering underserved and rural communities in the evaluation. The department and the department of commerce shall provide an initial technical report by December 31, 2021, an interim report by June 22, 2022, and a final report to the governor and appropriate committees of the legislature by June 30, 2023, that includes a process for establishing vehicle miles traveled reduction targets, a recommended suite of options for local jurisdictions to achieve the targets, and funding requirements for state and local jurisdictions.

(4) \$451,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to contract with the University of Washington department of mechanical engineering, to study measures to reduce noise impacts from the state route number 520 bridge expansion joints. The field testing shall be scheduled during existing construction, maintenance, or other scheduled closures to minimize impacts. The testing must also ensure safety of the traveling public. The study shall examine testing methodologies and project timelines and costs. A draft report must be submitted to the transportation committees of the legislature and the governor by March 1, 2022. A final report must be submitted to the transportation committees of the legislature and the governor by December 31, 2022.

(5) \$5,900,000 of the motor vehicle account—federal appropriation and \$400,000 of the motor vehicle account—private/local appropriation are provided solely for delivery of the department's state planning and research work program and pooled fund research projects.

(6) \$800,000 of the motor vehicle account—state appropriation is provided solely for WSDOT to do a corridor study of SR 302 (Victor Area) to recommend safety and infrastructure improvements to address current damage and prevent future roadway

collapse and landslides that have caused road closures.

(7) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for a study on the need for additional connectivity in the area between SR 161, SR 7, SR 507, and I-5 in South Pierce County.

(8) \$1,654,000 of the motor vehicle account—state appropriation and \$108,000 of the multimodal transportation account—state appropriation are provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(9) \$450,000 of the motor vehicle account—state appropriation is provided solely for the department to complete a performance-based project evaluation model based on the initial work done for section 218(7), chapter 219, Laws of 2020, in a way that operationalizes the six transportation policy goals in RCW 47.04.280. This work should first include clarification of the transportation policy goals through development of objectives and criteria that reflect system priorities based on outcomes of community engagement. After a framework is established by which goals can be more directly related to outcomes, the project evaluation model should leverage the department's existing experts and best practices used for prioritizing programmatic funds to develop procedures by which evaluators could consistently score and rank all types of projects. The department must issue a report by June 30, 2023, summarizing the new project evaluation model, and provide recommendations for how this process could be implemented in coordination with the legislative work cycle.

(10) (a) (~~(\$250,000)~~) \$70,000 of the multimodal transportation account—state appropriation is provided solely for Thurston regional planning council (TRPC) to conduct a study examining options for multimodal high capacity transportation (HCT) to serve travelers on the I-5 corridor between central Thurston county (Olympia area) and Pierce county.

(b) The study will include an assessment of travelsheds and ridership potential and identify and provide an evaluation of options to enhance connectivity and accessibility for the greater south Puget Sound region with an emphasis on linking to planned or existing commuter or regional light rail. The study must account for previous and ongoing efforts by transit agencies and the department. The study will emphasize collaboration with a diverse community of interests, including but not limited to transit, business, public

agencies, tribes, and providers and users of transportation who because of age, income, or ability may face barriers and challenges. TRPC will provide to the transportation committees of the legislature a study outline and recommendations of deliverables by December 1, 2022.

(11) ~~(((\$600,000))~~\$200,000 of the multimodal transportation account—state appropriation is provided solely for the city of Seattle's office of planning and community development to support an equitable development initiative to reconnect the South Park neighborhood, currently divided by State Route 99.

(a) The support work must include:

(i) A public engagement and visioning process led by a neighborhood-based, community organization; and

(ii) A feasibility study of decommissioning SR 99 in the South Park neighborhood to include, but not be limited to, traffic studies, environmental impact analysis, and development of alternatives, including the transfer of the land to a neighborhood-led community land trust.

(b) The support work must be conducted in coordination and partnership with neighborhood residents, neighborhood industrial and commercial representatives, the state department of transportation, and other entities and neighborhoods potentially impacted by changes to the operation of SR 99.

(c) The city must provide a report on the plan that includes recommendations to the Seattle city council, state department of transportation, and the transportation committees of the legislature by January 1, 2025.

(12) \$1,500,000 of the move ahead WA flexible account—state appropriation and \$1,000,000 of the move ahead WA flexible account—federal appropriation are provided solely for an Interstate 5 planning and environmental linkage study. This study will serve as a next step toward a statewide Interstate 5 master plan, building upon existing work underway in the corridor. It is the intent of the legislature to direct \$40,000,000 to complete the planning and environmental linkage study over the course of the 16-year move ahead WA investment program.

(a) The study must meet planning and environmental linkages requirements to assess strategies and actions to address preservation and safety needs; climate change; improve corridor efficiency and person-throughput; and operate managed lanes effectively in the long-term. The study must include a robust public engagement program; and must assess multimodal transportation system impacts as well as economic, revenue and equity considerations. The outcome of this work will provide a basis for preliminary project planning, design, and environmental work.

(b) The department shall conduct initial stakeholder listening sessions and submit an interim report on the Interstate 5 planning and environmental linkage study to the joint transportation committee by June 30, 2023. The interim report will set study limits; outline milestones and deliverables for

environmental analysis; define committee structure and equitable engagement approaches; define subsequent phases of the study; and determine final scope, budget, and workforce needs.

(c) As an initial element of the study, the department must identify and prepare recommendations for near-term actions to improve HOV lane system-wide performance. The study should identify steps required to convert HOV lanes to a different managed lane operating concept such as express toll lanes, including detailed analysis and environmental process. The recommendations must include the planning, design, environmental review, equity considerations, community engagement, traffic and revenue analysis, rate setting, and related engineering considerations necessary for a full I-5 HOV system conversion. The department shall submit an interim report on near-term recommendations to the legislative transportation committees by June 30, 2023.

(d) By December 1, 2022, the department must also submit a recommended approach and funding request to:

(i) Assess the seismic risk of the I-5 causeway from Boeing field to Lake City Way; and

(ii) Recommendations for future work to mitigate seismic risk on the causeway, including estimated costs.

**Sec. 816.** 2022 c 186 s 221 (unmodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V**

State Vehicle Parking Account—State	
Appropriation. . . . .	\$784,000
Regional Mobility Grant Program Account—State	
Appropriation. . . . .	(((\$115,488,000))
	\$83,488,000
Rural Mobility Grant Program Account—State	
Appropriation. . . . .	\$33,283,000
Multimodal Transportation Account—State	
Appropriation. . . . .	(((\$134,754,000))
	\$129,245,000
Multimodal Transportation Account—Federal	
Appropriation. . . . .	\$3,574,000
Multimodal Transportation Account—Private/ Local	
Appropriation. . . . .	\$100,000
Climate Transit Programs Account—State	
Appropriation. . . . .	\$53,436,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>(((\$287,983,000))</b>
	<b>\$303,910,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$67,821,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$15,568,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders,

and the cost effectiveness of trips provided. Fuel type may not be a factor in the grant selection process.

(b) \$52,253,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2019 as reported in the "Summary of Public Transportation - 2019" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. Fuel type may not be a factor in the grant selection process.

(2) \$33,283,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100. Fuel type may not be a factor in the grant selection process.

(3) \$2,000,000 of the multimodal transportation account—state appropriation is provided solely for a public transit rideshare grant program for: (a) Public transit agencies to add or replace rideshare vehicles; and (b) incentives and outreach to increase rideshare use. The grant program for public transit agencies may cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds. Fuel type may not be a factor in the grant selection process.

(4) \$37,809,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((2022-2))2023-2 ALL PROJECTS as developed March ((9, 2022))29, 2023, Program - Public Transportation Program (V).

(5) (a) ((\$77,679,000))\$45,679,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((2022-2))2023-2 ALL PROJECTS as developed March ((9, 2022))29, 2023, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants

when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2021, and December 15, 2022, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. Additionally, when allocating funding for the 2023-2025 biennium, no more than thirty percent of the total grant program may directly benefit or support one grantee unless all other funding is awarded. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant. Fuel type may not be a factor in the grant selection process.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2021-2023 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$6,500,000 of the multimodal transportation account—state appropriation and \$784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Fuel type may not be a factor in the grant selection process. Of this amount:

(a) \$30,000 of the state vehicle parking account—state appropriation is provided solely for the STAR pass program for state employees residing in Mason and Grays Harbor Counties. Use of the pass is for public transportation between Mason County and Thurston County, and Grays Harbor and Thurston County. The pass may also be used within Grays Harbor County. The STAR pass commute trip reduction program is open to any state employee who expresses intent to commute to his or her assigned state worksite using a public transit system currently participating in the STAR pass program.

(b) \$800,000 of the multimodal transportation account—state appropriation is provided solely for continuation of the first mile/last mile connections grant program. Eligible grant recipients include cities, businesses, nonprofits, and transportation network companies with first mile/last mile solution proposals. Transit agencies are not eligible. The commute trip reduction board shall develop grant parameters, evaluation criteria, and evaluate grant proposals. The commute trip reduction board shall provide the transportation committees of the legislature a report on the effectiveness of this grant program and best practices for continuing the program.

(8)(a) Except as provided otherwise in this subsection, (~~(\$29,030,000)~~) \$25,352,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document ((2022-2))2023-2 ALL PROJECTS as developed March ((9, 2022))29, 2023. It is the intent of the legislature that entities identified to receive funding in the LEAP transportation document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP transportation document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(b) Within the amount provided in this subsection, (~~(\$900,000)~~) \$150,000 of the multimodal transportation account—state appropriation is provided solely to complete work on Martin Luther King Way, Rainier Ave improvements (G2000040).

(9) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(10) (~~(\$23,349,000)~~) \$20,849,000 of the multimodal transportation account—state appropriation is provided solely for the green transportation capital grant program established in chapter 287, Laws of 2019 (advancing green transportation adoption).

(11) \$555,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the Washington State University extension energy program to establish and administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles. The Washington State University extension energy program shall prepare a report regarding the utilization of the program and provide this report to the transportation committees of the legislature by November 15, 2021.

(12) The department must provide telework assistance to employers as part of its CTR activities. The objectives of telework assistance include improving transportation system performance, supporting economic vitality, and increasing equity and access to opportunity.

(13) \$150,000 of the multimodal transportation account—state appropriation

is provided solely for Intercity Transit for the Dash shuttle program.

(14)(a) \$500,000 of the multimodal transportation account—state appropriation is provided solely for King county metro to develop a pilot program to place teams including human services personnel along routes that are enduring significant public safety issues and various disruptive behavior in south King county. The team would be available to deescalate disruptions, provide immediate access to transit resources, and refer customers to community resources to break cycles of inappropriate behavior. The teams must be individuals trained in deescalation and outreach. The function and duties should be cocreated with community stakeholders.

(b) King county metro must provide a report to the transportation committees of the legislature by June 30, 2023, regarding the effectiveness of the program, any suggestions for improving its efficacy, and any modifications that might be necessary for other transit providers to institute similar programs.

(c) If King county metro does not provide at least \$500,000 to develop the pilot program funded by this subsection, the amount provided in this subsection lapses.

(15)(a) \$250,000 of the multimodal transportation account—state appropriation is provided solely for the department, in consultation with the joint transportation committee, to conduct a study of statewide transit service benchmarks. Elements of the study include:

(i) Development of definitions of frequent fixed route transit and accessible frequent fixed route transit; and

(ii) Identification of, to the extent possible using existing data, current gaps in frequent fixed route transit and accessible walking routes to frequent fixed route transit stops.

(b) An initial report is due by December 15, 2022, that proposes a definition of frequent transit and documents how many people in Washington live within one half mile walk of frequent transit. A final report is due by June 30, 2023, that identifies gaps in accessible frequent transit, analyzed for disparities in race, age, and disability, and develops funding scenarios to address the identified gaps.

(16) Within existing resources, the department shall prepare a report regarding the funding, implementation, and operation of the grant management system or systems utilized by the public transportation division. In preparing this report, the department must survey and report on all grant recipients experience with the operation of this system or systems. The department shall provide this report to the transportation committees of the legislature by November 15, 2022.

(17) \$14,120,000 of the climate transit programs account—state appropriation is provided solely for newly selected special needs grants. Of this amount:

(a) \$3,248,000 of the climate transit programs account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation.

Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost-effectiveness of trips provided.

(b) \$10,872,000 of the climate transit programs account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2019 as reported in the "Summary of Public Transportation - 2019" published by the department of transportation. No transit agency may receive more than 30 percent of these distributions.

(18) \$33,606,000 of the climate transit programs account—state appropriation is provided solely for transit support grants. To be eligible for transit support grant distribution, transit agencies must submit documentation of fare-free policy for 18 years and under by October 1, 2022, to be eligible for the 2023-2025 biennium. Transit agencies that submit fare policy documentation following the October 1, 2022, deadline shall become eligible for the next biennial distribution.

(19) \$4,710,000 of the climate transit programs account—state appropriation is provided solely for newly selected green transportation grants.

(20) \$1,000,000 of the climate transit programs account—state appropriation is provided solely for newly selected transit coordination grants. The department shall give priority to grant proposals that promote the formation of joint partnerships between transit agencies or merge service delivery across entities.

(21) It is the intent of the legislature that \$520,000 will be provided for the Sauk-Suiattle Commuter Bus Project (L1000318) in the 2023-2025 fiscal biennium.

(22) It is the intent of the legislature that \$1,760,000 of regional mobility grant program account—state funds be added to the 2023-2025 fiscal biennium for city of Kent: Rapid Ride Facility Passenger Amenities & Access project (20190004), and the LEAP transportation document referenced in subsection (4) of this section be changed accordingly.

Sec. 817. 2022 c 186 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X**

Multimodal Transportation Account—State	
Appropriation. . . . .	\$9,000
Puget Sound Ferry Operations Account—State	
Appropriation. . . . .	(\$430,388,000)
	\$444,949,000
Puget Sound Ferry Operations Account—Federal	
Appropriation. . . . .	(\$156,789,000)

	\$155,934,000
Puget Sound Ferry Operations Account—	
Private/Local	
Appropriation. . . . .	\$121,000
TOTAL APPROPRIATION. . . . .	(\$587,298,000)
	\$601,013,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2021-2023 supplemental and 2023-2025 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs. The data in the tables in the report must be supplied in a digital file format.

(2) For the 2021-2023 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee, which must include a representative of the department of enterprise services.

(3) \$32,905,000 of the Puget Sound ferry operations account—federal appropriation and (~~(\$53,794,000)~~) \$65,539,000 of the Puget Sound ferry operations account—state appropriation are provided solely for auto ferry vessel operating fuel in the 2021-2023 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 of this act. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(4) \$500,000 of the Puget Sound ferry operations account—state appropriation is (~~provided solely~~) for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(5) \$2,400,000 of the Puget Sound ferry operations account—state appropriation and \$2,000,000 of the Puget Sound ferry operations account—federal appropriation are (~~provided solely~~) for staffing and overtime expenses incurred by engine and deck crewmembers. The department must provide updated staffing cost estimates for fiscal years 2022 and 2023 with its annual budget submittal and updated estimates by January 1, 2022.

(6) \$688,000 of the Puget Sound ferry operations account—state appropriation and \$697,000 of the Puget Sound ferry operations account—federal appropriation are (~~provided solely~~) for new employee training. The department must work to increase its outreach and recruitment of populations underrepresented in maritime careers and continue working to expand apprenticeship

and internship programs, with an emphasis on programs that are shown to improve recruitment for positions with the state ferry system.

(7) The department must request reimbursement from the federal transit administration for the maximum amount of ferry operating expenses eligible for reimbursement under federal law.

(8) \$484,000 of the Puget Sound ferry operations account—federal is (~~provided solely~~) for the department to contract for additional traffic control assistance at the Kingston ferry terminal during peak ferry travel times, with a particular focus on Sundays and holiday weekends. Traffic control methods should include, but not be limited to, holding traffic on the shoulder at Lindvog Road until space opens for cars at the tollbooths and dock, and management of traffic on Highway 104 in order to ensure Kingston residents and business owners have access to businesses, roads, and driveways.

(9) \$336,000 of the Puget Sound ferry operations account—state appropriation is (~~provided solely~~) for evacuation slide training.

(10) \$336,000 of the Puget Sound ferry operations account—state appropriation is (~~provided solely~~) for fall restraint labor and industries inspections.

(11) \$735,000 of the Puget Sound ferry operations account—state appropriation and \$410,000 of the Puget Sound ferry operations account—federal appropriation are (~~provided solely~~) for familiarization for new assignments of engine crew and terminal staff.

(12) \$160,000 of the Puget Sound ferry operations account—state appropriation is (~~provided solely~~) for electronic navigation training.

(13) (~~(\$250,000)~~)\$75,000 of the Puget Sound ferry operations account—state appropriation is (~~provided solely~~) for Washington State Ferries to conduct a study of passenger demographics. The study must include:

(a) Information on age, race, gender, income level of passengers by route in summer and winter seasons;

(b) Composition of passengers by travel purpose, such as commute, tourism, or commerce; and

(c) Frequency of passenger trips by mode and fare products utilized.

The study may be included as part of a larger origin and destination study. The department shall report study results to the transportation committees of the legislature by December 1, 2023.

(14) (a) \$8,419,000 of the Puget Sound ferry operations account—federal appropriation is (~~provided solely~~) for Washington state ferries to:

(i) Continuously recruit and hire deck, engine, and terminal staff;

(ii) Contract with an external recruitment firm to increase recruitment efforts both locally and nationally with an emphasis on attracting maritime workers from communities underrepresented in the ferry system;

(iii) Enhance employee retention by standardizing on-call worker schedules;

(iv) Increase training and development opportunities for employees; and

(v) Make improvements to hiring processes by establishing additional positions to support timely hiring of employees.

(b) It is the intent of the legislature to continue funding for the activities outlined in this section as part of the move ahead WA package.

(15) \$248,000 of the Puget Sound ferry operations account—federal appropriation is (~~provided solely~~) for labor at the Vashon terminal.

(16) \$194,000 of the Puget Sound ferry operations account—federal appropriation is (~~provided solely~~) for operating costs at the Mukilteo terminal.

(17) \$294,000 of the Puget Sound ferry operations account—federal appropriation is (~~provided solely~~) for deck and engine internships.

(18) By December 1, 2022, the department must report on the status of efforts to increase training and development opportunities for employees. The report must include a description of the new training and career advancement programs for able-bodied sailors, mates, and engineers; the numbers of employees participating in each program; the number of employees completing each program; the number of open positions that the program is designed to fill; and the anticipated number of employee promotions as a result of program completion. The department must provide the report to the office of financial management and the transportation committees of the legislature.

(19) For the Mukilteo multimodal terminal, the department must submit a report showing for a 12-month period, on a monthly basis, how much electricity is generated by solar power generated on-site, electricity usage, and actual electricity cost savings. The report is due to the transportation committees of the legislature by June 30, 2023.

(20) \$93,000 of the Puget Sound ferry operations account—state appropriation is (~~provided solely~~) for Washington state ferries to partner with local community colleges and universities to secure housing for workforce training sessions and to pay in advance for the costs of transportation worker identification credentials for incoming ferry system employees and trainees.

(21) (a) \$300,000 of the Puget Sound ferry operations account—state appropriation is (~~provided solely~~) for the department, in consultation with the joint transportation committee, to oversee a consultant study to identify and recommend cost-effective strategies to maximize walk-on passenger ridership of the Anacortes - San Juan ferry routes. The study must also identify available public funding sources to support these strategies. Reducing the need for passengers to bring their cars on the ferries will increase the capacity of each ferry run to transport more people.

(b) The evaluated options may include, but not be limited to:

(i) Increased public funding or other support for transit or shuttle service



between ferry landings on Orcas, Lopez, San Juan, and Anacortes and nearby major town centers or connecting transit hubs;

(ii) Options to increase availability of taxi and rideshare services at each of the landings;

(iii) Short-term electric vehicle rentals at ferry landings, including electric bicycles and scooters;

(iv) Public funding or other support to increase the available locations for additional parking and reduce the cost for short-term parking near each landing;

(v) Marketing of the availability of options through the Washington state ferries reservation system website, on ferries and at ferry landings and ticketing facilities.

(c) Outreach for the study, including on the feasibility and effectiveness of each strategy evaluated, must include outreach to representatives of:

- (i) Washington state ferries;
- (ii) San Juan county council;
- (iii) Anacortes and San Juan Islands ferry advisory committee members;
- (iv) San Juan economic development council;
- (v) City of Anacortes;
- (vi) City of Friday Harbor;
- (vii) Skagit transit;
- (viii) Skagit RTPO;
- (ix) Eastsound;
- (x) Lopez Village;
- (xi) Transit dependent populations; and
- (xii) Others as deemed appropriate by the committee.

(d) A report with recommendations on the most feasible and cost-effective strategies to maximize walk-on passenger ridership of the Anacortes - San Juan and Anacortes - Sidney ferry routes is due to the transportation committees of the legislature by January 6, 2023.

(22) (a) During negotiations of the 2023-2025 collective bargaining agreements, the department must conduct a review and analysis of the collective bargaining agreements governing state ferry employees, to identify provisions that create barriers for, or contribute to creating a disparate impact on, newly hired ferry employees, including those who are women, people of color, veterans, and other employees belonging to communities that have historically been underrepresented in the workforce. The review and analysis must include, but not be limited to, provisions regarding seniority, work assignments, and work shifts. The review and analysis must also include consultation with the governor's office of labor relations, the governor's office of equity, and the attorney general's office.

(b) For future negotiations or modifications of the collective bargaining agreements, it is the intent of the legislature that the collective bargaining representatives for the state and ferry employee organizations may consider the findings of the review and analysis required in (a) of this subsection and negotiate in a manner to remove identified barriers and address identified impacts so as not to perpetuate negative impacts.

(23) To the extent that an activity funded by federal funds in this section is

not eligible for federal reimbursement, the department may transfer expenditure authority between state and federal appropriations provided in this section.

**Sec. 818.** 2022 c 186 s 223 (unmodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING**

Multimodal Transportation Account—State	
Appropriation. . . . .	(\$68,430,000)
	<u>\$68,431,000</u>
Multimodal Transportation Account—Private/Local	
Appropriation. . . . .	\$46,000
Multimodal Transportation Account—Federal	
Appropriation. . . . .	\$500,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>(\$68,976,000)</b>
	<u>\$68,977,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is directed to continue to pursue efforts to reduce costs, increase ridership, and review Amtrak Cascades fares and fare schedules. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report annual credits to the office of financial management and the legislative transportation committees. Annual credits from Amtrak to the department including, but not limited to, credits due to higher ridership, reduced level of service, and fare or fare schedule adjustments, must be used to offset corresponding amounts of the multimodal transportation account—state appropriation, which must be placed in reserve.

(2) Consistent with the ongoing planning and service improvement for the intercity passenger rail program, \$500,000 of the multimodal transportation account—state is provided solely for the Cascades service development plan. This funding is to be used to analyze current and future market conditions and to develop a structured assessment of service options and goals based on anticipated demand and the results of the state and federally required 2019 state rail plan, including identifying implementation alternatives to meet the future service goals for the Amtrak Cascades route. The work must be consistent with federal railroad administration guidance and direction on developing service development plans. It must also leverage the \$500,000 in federal funding appropriated for development of a service development plan and comply with the planning and grant award obligations of the consolidated rail infrastructure and safety improvements (CRISI) program. A status report must be provided to the transportation committees of the legislature by June 30, 2022.

(3) \$4,000,000 of the multimodal transportation account—state appropriation is provided solely for the continued coordination, engagement, and planning for a new ultra high-speed ground transportation corridor with participation from Washington, Oregon, and British Columbia. This funding is contingent on meaningful financial

contributions for this effort by Oregon or British Columbia. "Ultra high-speed" means a maximum testing speed of at least 250 miles per hour. These efforts are to support and advance activities and must abide by the memorandum of understanding signed by the governors of Washington and Oregon, and the premier of the province of British Columbia in November 2021. The department shall establish a policy committee with participation from Washington, Oregon, and British Columbia, including representation from the two largest caucuses of each chamber of the Washington state legislature, and coordinate the activities of the policy committee to include:

(a) Developing an organizational framework that facilitates input in decision-making from all parties;

(b) Developing a public engagement approach with a focus on equity, inclusion, and meaningful engagement with communities, businesses, federal, state, provincial, and local governments including indigenous communities;

(c) Developing and leading a collaborative approach to prepare and apply for potential future federal, state, and provincial funding opportunities, including development of strategies for incorporating private sector participation and private sector contributions to funding, including through the possible use of public-private partnerships;

(d) Beginning work on scenario analysis addressing advanced transportation technologies, land use and growth assumptions, and an agreed to and defined corridor vision statement; and

(e) Developing a recommendation on the structure and membership of a formal coordinating entity that will be responsible for advancing the project through the project initiation stage to project development and recommended next steps for establishment of the coordinating entity. Project development processes must include consideration of negative and positive impacts on communities of color, low-income households, indigenous peoples, and other disadvantaged communities.

By June 30, 2023, the department shall provide to the governor and the transportation committees of the legislature a report detailing the work conducted by the policy committee and recommendations for establishing a coordinating entity. The report must also include an assessment of current activities and results relating to stakeholder engagement, planning, and any federal funding application. As applicable, the assessment should also be sent to the executive and legislative branches of government in Oregon and appropriate government bodies in the province of British Columbia.

(4) The department shall consider applying for federal grant opportunities that support the development of the Amtrak Cascades service. Grant submittals must align with the department's federally required service development plan and state rail plans and partnership agreements with Amtrak as the service provider and BNSF Railway as the host railroad.

Sec. 819. 2022 c 186 s 224 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING**

Motor Vehicle Account—State Appropriation. (((\$12,451,000))	\$12,454,000
Motor Vehicle Account—Federal Appropriation	
Multiuse Roadway Safety Account—State Appropriation. . . . .	\$2,567,000
Appropriation. . . . .	\$900,000
Multimodal Transportation Account—State Appropriation. . . . .	\$250,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>(\$16,168,000)</b>
	<u>\$16,171,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire multiuse roadway safety account—state appropriation is provided solely for grants under RCW 46.09.540, subject to the following limitations:

(a) Twenty-five percent of the amounts provided are reserved for counties that each have a population of fifteen thousand persons or less; and

(b) (i) Seventy-five percent of the amounts provided are reserved for counties that each have a population exceeding fifteen thousand persons; and

(ii) No county that receives a grant or grants under (a) of this subsection may receive more than sixty thousand dollars in total grants.

(2) \$1,023,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

(a) In coordination with stakeholders, identify county-owned fish passage barriers, and assess which barriers share the same stream system as state-owned fish passage barriers;

(b) Streamline and update the county road administration board's data dashboard, county reporting systems, and program management software to provide a more detailed, more transparent, and user-friendly platform for data management, reporting, and research by the public and other interested parties; and

(c) Conduct a study of the use of county road right-of-way as a potential source of revenue for county road operating and maintenance needs with recommendations on their feasibility statewide.

(End of part)

**TRANSPORTATION AGENCIES—CAPITAL**

Sec. 901. 2022 c 186 s 301 (uncodified) is amended to read as follows:

**FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account—State Appropriation. . . . .	(((\$17,769,000))
	\$10,206,000
Freight Mobility Multimodal Account—State Appropriation. . . . .	(((\$14,004,000))

\$6,206,000  
TOTAL APPROPRIATION.....(~~(\$31,773,000)~~)  
\$16,412,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document ((2022-2))2023-2 ALL PROJECTS as developed March ((9, 2022))29, 2023, Freight Mobility Strategic Investment Board (FMSIB).

(2) Until directed by the legislature, the board may not initiate a new call for projects.

(3) It is the intent of the legislature to continue to make strategic investments in a statewide freight mobility transportation system with the help of the freight mobility strategic investment board, including projects that mitigate the impact of freight movement on local communities. To that end, and in coordination with WSDOT as it updates its federally-compliant freight plan, the board is directed to identify the highest priority freight investments for the state, across freight modes, state and local jurisdictions, and regions of the state. By December 1, 2021, the board must submit a preliminary report providing a status update on the process and methodology for identifying and prioritizing investments. By December 1, 2022, the board must submit a prioritized list of freight investments that are geographically balanced across the state and can proceed to construction in a timely manner. The prioritized freight project list for the state portion of national highway freight program funds must first address shortfalls in funding for connecting Washington act projects.

(4)(a) For the 2021-2023 project appropriations, unless otherwise provided in this act, the director of the office of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and support the efficient and timely delivery of all projects in the program. The office of financial management may authorize a transfer of appropriation authority between projects under the following conditions and limitations:

(i) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(ii) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects on LEAP Transportation Document ((2022-2))2023-2 ALL PROJECTS as developed March ((9, 2022))29, 2023;

(iii) Transfers between projects may be made by the board without the formal written approval provided under this subsection (3) (a), provided that the transfer amount does not exceed \$250,000 or 10 percent of the total project, whichever is less. These

transfers must be reported to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees; and

(iv) Except for transfers made under (a) (iii) of this subsection, transfers may only be made in fiscal year 2023.

(b) At the time the board submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(c) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and consider any concerns raised by the chairs and ranking members of the transportation committees.

(d) No fewer than 10 days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the board of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

**Sec. 902.** 2022 c 186 s 302 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**  
State Patrol Highway Account—State  
Appropriation. . . . . (~~(\$4,803,000)~~)  
\$4,203,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$695,000 of the state patrol highway account—state appropriation is provided solely for roof replacement.

(2) (~~(\$3,501,000)~~)\$3,508,000 of the state patrol highway account—state appropriation is provided solely for the following projects:

(a) \$250,000 for emergency repairs;  
(b) \$350,000 for fuel tank decommissioning;

(c) (~~(\$750,000)~~)\$250,000 for generator and electrical replacement;

(d) \$195,000 for the exterior envelope of the Yakima office;

(e) \$466,000 for equipment shelters;  
(f) (~~(\$650,000)~~)\$550,000 for the weatherization projects;

(g) \$200,000 for roof replacements reappropriation; and

(h) \$640,000 for water and fire suppression systems reappropriation and \$607,000 for additional water and fire suppression systems.

(3) The Washington state patrol may transfer funds between projects specified in this subsection to address cash flow requirements. If a project specified in this subsection is completed for less than the amount provided, the remainder may be transferred to another project specified in this subsection not to exceed the total appropriation provided in this subsection.

**Sec. 903.** 2022 c 186 s 303 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**  
 Rural Arterial Trust Account—State  
 Appropriation. . . . . ((\$55,028,000))  
   \$47,908,000  
 Motor Vehicle Account—State Appropriation.  
 \$1,456,000  
 County Arterial Preservation Account—State  
 Appropriation. . . . . ((\$44,653,000))  
   \$45,666,000  
Move Ahead WA Account—State Appropriation.  
\$10,000,000  
**TOTAL APPROPRIATION. . . . . ((\$101,137,000))**  
   **\$105,030,000**

The appropriation in this section is subject to the following conditions and limitations: The entire move ahead WA account—state appropriation is provided solely for additional preservation funding allocations to counties through the county arterial preservation program.

**Sec. 904.** 2021 c 333 s 304  
 (uncodified) is amended to read as follows:  
**FOR THE TRANSPORTATION IMPROVEMENT BOARD**  
 Small City Pavement and Sidewalk Account—  
 State  
 Appropriation . . . . . \$4,100,000  
 Transportation Improvement Account—State  
 Appropriation . . . . . ((\$201,000,000))  
   \$171,000,000  
 Complete Streets Grant Program Account—State  
 Appropriation . . . . . \$14,670,000  
Move Ahead WA Account—State Appropriation.  
\$10,000,000  
Climate Active Transportation Account—State  
Appropriation. . . . . \$3,000,000  
**TOTAL APPROPRIATION. . . . . ((\$219,770,000))**  
   **\$202,770,000**

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,500,000 of the transportation improvement account—state appropriation is provided solely for the Relight Washington Program. The transportation improvement board shall conduct a comparative analysis of expanding the Relight Washington Program to all cities that are not currently eligible compared to utilizing the same funding amount for other preservation programs administered by the transportation improvement board. If needed to perform this analysis, the transportation improvement board shall gather additional information on the demand and return on investment from a follow up survey to cities currently ineligible for the Relight Washington Program. The transportation improvement board shall report the results of the analysis to the governor and the transportation committees of the legislature by January 1, 2022.
- (2) The entire climate active transportation account—state appropriation is provided solely for newly selected complete streets grants.
- (3) The entire move ahead WA account—state appropriation is provided solely for additional preservation funding to cities.

**Sec. 905.** 2022 c 186 s 304  
 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
 FACILITIES—PROGRAM D—(DEPARTMENT OF  
 TRANSPORTATION-ONLY PROJECTS)—CAPITAL**  
 Motor Vehicle Account—State Appropriation.  
 ((\$16,076,000))  
   \$15,743,000  
 Connecting Washington Account—State  
 Appropriation. . . . . \$3,667,000  
**TOTAL APPROPRIATION. . . . . ((\$19,743,000))**  
   **\$19,410,000**

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$3,289,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.
- (2) (a) \$4,325,000 of the motor vehicle account—state appropriation is provided solely for payments of a financing contract issued pursuant to chapter 39.94 RCW for the department facility located at 15700 Dayton Ave N in Shoreline.
- (b) Payments from the department of ecology pursuant to the agreement with the department to pay a share of the financing contract in (a) of this subsection must be deposited into the motor vehicle account.

**Sec. 906.** 2022 c 186 s 305  
 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION—  
 IMPROVEMENTS—PROGRAM I**  
 Transportation 2003 Account (Nickel Account)  
 —State  
 Appropriation. . . . . ((\$482,000))  
   \$486,000  
 Transportation Partnership Account—State  
 Appropriation. . . . . ((\$232,566,000))  
   \$173,980,000  
 Motor Vehicle Account—State Appropriation.  
 ((\$246,948,000))  
   \$233,944,000  
 Motor Vehicle Account—Federal Appropriation  
 . . . . . ((\$251,835,000))  
   \$263,446,000  
 Coronavirus State Fiscal Recovery Fund—  
 Federal  
 Appropriation. . . . . ((\$400,000,000))  
   \$100,000,000  
 Motor Vehicle Account—Private/Local  
 Appropriation. . . . . ((\$56,192,000))  
   \$88,263,000  
 Connecting Washington Account—State  
 Appropriation. . . . . (\$2,063,783,000))  
   \$1,705,138,000  
 Special Category C Account—State  
 Appropriation. . . . . ((\$86,198,000))  
   \$71,102,000  
 Multimodal Transportation Account—State  
 Appropriation. . . . . ((\$10,792,000))  
   \$4,779,000  
 Puget Sound Gateway Facility Account—State  
 Appropriation. . . . . \$8,400,000  
 State Route Number 520 Corridor Account—  
 State  
 Appropriation. . . . . \$70,886,000  
 Interstate 405 and State Route Number 167  
 Express

Toll Lanes Account—State Appropriation.  
 ((~~\$217,282,000~~))  
\$34,028,000  
 Move Ahead WA Account—State Appropriation.  
 ((~~\$10,771,000~~))  
\$60,793,000  
 Move Ahead WA Account—Federal Appropriation  
 . . . . . ((~~\$7,200,000~~))  
\$52,312,000  
**TOTAL APPROPRIATION... ((~~\$3,663,335,000~~))**  
\$2,867,557,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((~~2022-1~~))2023-1 as developed March ((~~9, 2022~~))29, 2023, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601(~~chapter 333, Laws of 2021~~)of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((~~2022-2~~))2023-2 ALL PROJECTS as developed March ((~~9, 2022~~))29, 2023, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0BI4001) (~~as long as the application of the funds is not inconsistent with subsection (26) of this section~~).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer ((~~funds~~))appropriation authority between programs I and P, except for ((~~funds~~))appropriation authority that ((~~are~~))is otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) ((~~The connecting Washington account—state appropriation includes up to \$326,594,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.~~

~~5))~~) The special category C account—state appropriation includes up to \$51,460,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

((~~6~~))(5) The transportation partnership account—state appropriation includes up to ((~~\$124,629,000~~))\$32,000,000 in proceeds from

the sale of bonds authorized in RCW 47.10.873.

((~~7~~))(6) \$106,947,000 of the transportation partnership account—state appropriation, \$3,882,000 of the motor vehicle account—private/local appropriation, ((~~\$9,000,000~~))\$4,880,000 of the motor vehicle account—state appropriation, ((~~\$1,000 of the transportation 2003 account (nickel account) state appropriation,~~)) and ((~~\$985,000~~))\$987,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z). It is the intent of the legislature that any legal damages paid to the state as a result of a lawsuit related to contractual provisions for construction and delivery of the Alaskan Way viaduct replacement project be used to repay project cost increases paid from the transportation partnership account—state funds and motor vehicle account—state funds.

((~~8~~))(7) \$168,662,000 of the connecting Washington account—state appropriation, \$1,000 of the Special Category C account—state appropriation, and \$488,000 of the motor vehicle account—local appropriation are provided solely for the US 395 North Spokane Corridor project (M00800R). If the department expects the original scope of this project to be completed under budget when a final design is approved for the interchange with I-90 and nearby on ramp access, then the scope of work for this project must also include constructing a land bridge in the vicinity of Liberty Park in Spokane, if appropriations are sufficient. It is the intent of the legislature, consistent with the move ahead WA proposal, to advance future funding for this project in order to accelerate delivery by up to two years.

((~~9~~))(8) (a) ((~~\$177,982,000~~))\$20,962,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project.

(b) The department may advance the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) and construct the project earlier than is scheduled in the LEAP transportation document referenced in subsection (2) of this section if additional funding is identified and submitted through the existing unanticipated receipts process by September 1, 2021. The department and the state treasurer shall pursue alternatives to toll revenue funding including but not limited to federal loan and grant programs. The department shall explore phasing and modifying the project to attempt to align project completion with the anticipated deployment of bus rapid transit on the corridor in the 2023-2025 biennium. The department shall report back to the transportation committees of the legislature on this work by September 15, 2021.

~~((10)) (9)~~ (a) ~~((329,681,000))~~ \$309,774,000 of the connecting Washington account—state appropriation, \$70,886,000 of the state route number 520 corridor account—state appropriation, and ~~((1,021,000))~~ \$1,411,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(b) Upon completion of the Montlake Phase of the West End project (current anticipated contract completion of 2023), the department shall sell that portion of the property not used for permanent transportation improvements and initiate a process to convey that surplus property to a subsequent owner.

(c) Of the amounts provided in this subsection ~~((10)) (9)~~, \$100,000 of the state route number 520 corridor account—state appropriation is provided solely for noise mitigation activities. ~~((It is the intent of the legislature to provide an additional \$1,000,000 for noise mitigation activities over the course of the 16-year move ahead WA funding package.~~

~~((11) \$361,296,000)) (10)~~ \$296,965,000 of the connecting Washington account—state appropriation, ~~((4,800,000))~~ \$2,145,000 of the multimodal transportation account—state appropriation, ~~((13,725,000))~~ \$4,242,000 of the motor vehicle account—private/local appropriation, \$4,000 of the motor vehicle account—state appropriation, \$7,200,000 of the move ahead WA account—federal appropriation, \$8,400,000 of the Puget Sound Gateway facility account—state appropriation, and ~~((85,015,000))~~ \$84,515,000 of the motor vehicle account—federal appropriation are provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall continue to collaborate with the affected stakeholders as it implements the corridor construction and implementation plan for state route number 167 and state route number 509. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(c) It is the legislature's intent that the department shall consult with the joint executive committee and joint steering committee to determine the most appropriate interchange at the junction of state route number 161 (Meridian avenue) and state route number 167.

~~((d))~~ Of the amounts provided in this subsection, \$2,300,000 of the multimodal transportation account—state appropriation is provided solely for the design phase of the Puyallup to Tacoma multiuse trail along the SR 167 right-of-way acquired for the project to connect a network of new and

~~existing trails from Mount Rainier to Point Defiance Park.~~

~~(e) Of the amounts provided in this subsection, \$2,500,000 of the multimodal transportation account—state appropriation is provided solely for segment 2 of the state route number 167 completion project shared-use path to provide connections to the interchange of state route number 167 at 54th to the intersection of state route number 509 and Taylor Way in Tacoma.~~

~~((12)) (11)~~ (a) ~~((25,378,000))~~ \$25,379,000 of the motor vehicle account—state appropriation, \$10,000,000 of the move ahead WA account—state appropriation, and ~~((413,000))~~ \$36,414,000 of the motor vehicle account—private/local appropriation are provided solely to support a project office and the continued work toward the I-5 Interstate Bridge Replacement project ~~((L2000370)) (L4000054)~~. The legislature finds that the replacement of the I-5 Columbia river bridge is a project of national significance and is critical for the movement of freight. One span is now 104 years old, at risk for collapse in the event of a major earthquake, and no longer satisfies the needs of commerce and travel. Replacing the aging interstate bridge with a modern, seismically resilient, multimodal structure that provides improved mobility for people, goods, and services is a high priority. Therefore, the legislature intends to support the replacement of the I-5 Columbia river bridge with an investment of \$1,000,000,000 over the 16-year move ahead WA investment program.

(b) The project office must also study the possible different governance structures for a bridge authority that would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the project office must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts.

(c) During the 2021-2023 biennium, the department shall have as a goal to:

(i) Conduct all work necessary to prepare and publish a draft SEIS;

(ii) Coordinate with regulatory agencies to begin the process of obtaining environmental approvals and permits;

(iii) Identify a locally preferred alternative; and

(iv) Begin preparing a final SEIS.

The department shall aim to provide progress reports on these activities to the governor and the transportation committees of the legislature by December 1, 2021, June 1, 2022, and December 1, 2022.

~~((13)) (12)~~ (a) ~~((400,000,000))~~ \$100,000,000 of the coronavirus state fiscal recovery fund—federal appropriation, ~~((25,327,000))~~ \$167,194,000 of the connecting Washington account—state appropriation, \$35,263,000 of the motor vehicle account—federal appropriation, \$45,112,000 of the move ahead WA account—federal appropriation, \$5,618,000 of the motor vehicle account—local appropriation, \$9,016,000 of the transportation partnership account—state appropriation, \$38,021,000 of the move ahead WA account—state

appropriation, and \$149,776,000 of the motor vehicle account—state appropriation are provided solely for the Fish Passage Barrier Removal project (OBI4001) with the intent of fully complying with the federal U.S. v. Washington court injunction by 2030.

(b) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach by replacing both state and local culverts guided by the principle of providing the greatest fish habitat gain at the earliest time. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert conditions, other transportation projects in the area, and transportation impacts. The department and Brian Abbott fish barrier removal board must provide updates on the implementation of the statewide culvert remediation plan to the legislature by November 1, 2021, and June 1, 2022.

(c) The department must keep track of, for each barrier removed: (i) The location; (ii) the amount of fish habitat gain; and (iii) the amount spent to comply with the injunction.

(d) Of the amount provided in this subsection, \$142,923,000 of the motor vehicle account—federal appropriation reflects the department's portion of the unrestricted funds from the coronavirus response and relief supplemental appropriations act of 2021. If the final amount from this act changes while the legislature is not in session, the department shall follow the existing unanticipated receipt process and adjust the list referenced in subsection (1) of this section accordingly, supplanting state funds with federal funds if possible as directed in section 601, chapter 333, Laws of 2021.

~~((14) \$14,367,000))~~ (13) \$13,542,000 of the connecting Washington account—state appropriation ~~(, \$311,000 of the motor vehicle account—state appropriation,))~~ and ~~((3,149,000))~~ \$4,285,000 of the motor vehicle account—private/local appropriation are provided solely for the I-90/Barker to Harvard - Improve Interchanges & Local Roads project (L2000122). The connecting Washington account appropriation for the improvements that fall within the city of Liberty Lake may only be expended if the city of Liberty Lake agrees to cover any project costs within the city of Liberty Lake above the \$20,900,000 of state appropriation provided for the total project on the list referenced in subsection (1) of this section.

~~((15) \$16,984,000))~~ (14) \$17,071,000 of the motor vehicle account—federal appropriation, ~~((269,000))~~ \$177,000 of the motor vehicle account—state appropriation, \$1,700,000 of the transportation partnership account—state appropriation, \$5,000 of the motor vehicle account—private/local appropriation, and ~~((17,900,000))~~ \$13,666,000 of the Interstate 405 and state route number 167 express toll lanes account—

state appropriation are provided solely for the SR 167/SR 410 to SR 18 - Congestion Management project (316706C).

~~((16) \$18,915,000))~~ (15) \$17,019,000 of the Special Category C account—state appropriation is provided solely for the SR 18 Widening - Issaquah/Hobart Rd to Raging River project (L1000199) for improving and widening state route number 18 to four lanes from Issaquah-Hobart Road to Raging River.

~~((17) \$2,500,000))~~ (16) \$500,000 of the connecting Washington account—state appropriation is provided solely for the North Lewis County transportation study. The study shall examine new, alternate routes for vehicular and truck traffic at the Harrison interchange (Exit 82) in North Centralia and shall allow for a site and configuration to be selected and feasibility to be conducted for final design, permitting, and construction of the I-5/North Lewis county Interchange project (L2000204). It is the intent of the legislature to advance future funding for this project to accelerate delivery by up to two years.

~~((18) \$1,237,000))~~ (17) \$148,000 of the motor vehicle account—state appropriation is provided solely for the US 101/East Sequim Corridor Improvements project (L2000343).

~~((19) \$2,197,000))~~ (18) \$873,000 of the motor vehicle account—state appropriation ~~((and \$749,000 of the connecting Washington account—state appropriation are))~~ is provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI).

~~((20) \$1,455,000))~~ (19) \$1,382,000 of the motor vehicle account—federal appropriation ~~((is))~~ and \$73,000 of the motor vehicle account—State appropriation are provided solely for the US 101/Morse Creek Safety Barrier project (L1000247).

~~((21) \$1,000,000))~~ (20) \$780,000 of the motor vehicle account—state appropriation is provided solely for the SR 162/410 Interchange Design and Right of Way project (L1000276).

~~((22) \$7,185,000))~~ (21) \$1,892,000 of the connecting Washington account—state appropriation ~~((is))~~, \$2,000 of the motor vehicle account—private/local appropriation, and \$7,000 of the motor vehicle account—state appropriation are provided solely for the US Hwy 2 Safety project (N00200R).

~~((23))~~ (22) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

~~((24))~~ (23) Any advisory group that the department convenes during the 2021-2023 fiscal biennium must consider the interests of the entire state of Washington.

~~((25))~~ (24) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To

accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

Further, the legislature determines construction aggregate and recycled concrete materials substantially meet widely recognized international, national, and local standards and specifications referenced in American society for testing and materials, American concrete institute, Washington state department of transportation, Seattle department of transportation, American public works association, federal aviation administration, and federal highway administration specifications, and are described as necessary and desirable products for recycling and reuse by state and federal agencies.

As these recyclable materials have well established markets, are substantially a primary or secondary product of necessary construction processes and production, and are managed as an item of commercial value, construction aggregate and recycled concrete materials are exempt from chapter 173-350 WAC.

~~((26))~~ (25) \$2,738,000 of the motor vehicle account—state appropriation is provided solely for the US 97 Wildlife Crossing Improvements project (L2021117). It is the intent of the legislature that, to the extent possible, the department use this funding as match for competitive federal funding to make additional wildlife crossing improvements on the corridor. The department must report to the transportation committees of the legislature with additional corridors that could benefit from wildlife crossing improvements and that are likely to successfully compete for federal funding.

~~((27) \$12,635,000))~~ (26) \$2,830,000 of the connecting Washington account—state appropriation is provided solely for the SR 3 Freight Corridor (T30400R) project. The legislature intends to provide a total of \$78,910,000 for this project, including an increase of \$12,000,000 in future biennia to safeguard against inflation and supply/labor interruptions and ensure that:

(a) The northern terminus remains at Lake Flora Road and the southern terminus at the intersection of SR 3/SR 302;

(b) Multimodal safety improvements at the southern terminus remain in the project to provide connections to North Mason school district and provide safe routes to schools; and

(c) Intersections on the freight corridor are constructed at Romance Hill and Log Yard road.

~~((28) \$450,000 of the motor vehicle account state appropriation is provided solely for the SR 900 Safety Improvements project (L2021118). The department must: (a) Work in collaboration with King county and Skyway coalition to align community assets, transportation infrastructure needs, and initial design for safety improvements along~~

~~SR 900; and (b) work with the Skyway coalition to lead community planning engagement and active transportation activities.~~

~~(29) \$5,694,000)~~ (27) \$3,686,000 of the connecting Washington account—state appropriation is provided solely for the I-5/Chamber Way Interchange Vicinity Improvements project (L2000223).

~~((30) \$500,000))~~ (28) \$166,000 of the motor vehicle account—state appropriation is provided solely for SR 162/SR 161 Additional Connectivity in South Pierce County project (L1000312) to conduct a study on the need for additional connectivity in the area between SR 162, south of Military Road East and north of Orting, and SR 161 in South Pierce county.

(29) Except as otherwise provided in this section, the entire move ahead WA account—state appropriation is provided solely for the state highway projects and activities as listed in LEAP Transportation Document 2023-1 as developed March 29, 2023, Program – Highway Improvements Program (I).

(30) (a) It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$2,435,000,000 for fish passage barrier removal with the intent of fully complying with the federal U.S. v. Washington court injunction by 2030. Furthermore, it is the intent of the legislature that appropriations for this purpose may be used to jointly leverage state and local funds for match requirements in applying for competitive federal aid grants provided in the infrastructure investment and jobs act for removals of fish passage barriers under the national culvert removal, replacement, and restoration program. State funds used for the purpose described in this subsection must not compromise fully complying with the court injunction by 2030.

(b) The department shall coordinate with the Brian Abbott fish passage barrier removal board and local governments to use a watershed approach by replacing both state and local culverts guided by the principle of providing the greatest fish habitat gain at the earliest time. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert conditions, other transportation projects in the area, and transportation impacts.

(31) \$3,000,000 of the move ahead WA—state appropriation is provided solely for the US 2 Trestle Capacity Improvements & Westbound Trestle Replacement project (L4000056). It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$210,541,000 for planning, design, right-of-way acquisition, interim improvements, and initial construction. It is the further intent of the legislature that this project enhance multimodal mobility options on the US 2 Trestle. The planning, design and engineering work must consider options to enhance transit and multimodal mobility,



including bus rapid transit. The department must report to the legislature with its preliminary analysis of these options by June 30, 2023.

(32) It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$74,298,000 for the SR 3/Gorst Area - Widening project (L4000017). Tribal consultation with the Suquamish Tribe must begin at the earliest stage of planning, including without limitation on all funding decisions and funding programs, to provide a government-to-government mechanism for the tribe to evaluate, identify, and expressly notify governmental entities of any potential impacts to tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which the tribe possesses rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required by state law, or by a state agency, including the requirements of Executive Order 21-02 related to archaeological and cultural resources, and regardless of whether the agency receives a request for consultation from the Suquamish Tribe. Regularly scheduled tribal consultation meetings with the Suquamish Tribe must continue throughout the duration of any funding program and proposed project approval.

**Sec. 907.** 2022 c 186 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P**

Recreational Vehicle Account—State Appropriation. . . . .	\$1,520,000
Transportation 2003 Account (Nickel Account)—State Appropriation. . . . .	\$53,911,000
Transportation Partnership Account—State Appropriation. . . . .	<del>(\$21,441,000)</del>
	\$23,038,000
Motor Vehicle Account—State Appropriation. <del>((\$111,174,000))</del>	\$121,099,000
Motor Vehicle Account—Federal Appropriation . . . . .	<del>(\$545,560,000)</del>
	\$583,466,000
Motor Vehicle Account—Private/Local Appropriation. . . . .	<del>(\$13,735,000)</del>
	\$13,734,000
Connecting Washington Account—State Appropriation. . . . .	<del>(\$224,342,000)</del>
	\$112,845,000
State Route Number 520 Corridor Account—State Appropriation. . . . .	<del>(\$2,143,000)</del>
	\$812,000
Tacoma Narrows Toll Bridge Account—State Appropriation. . . . .	<del>(\$5,676,000)</del>
	\$3,578,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation. . . . .	<del>(\$391,000)</del>
	\$251,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation. <del>((\$12,830,000))</del>	

\$9,216,000  
TOTAL APPROPRIATION. . . . . ~~(\$92,723,000)~~  
\$923,470,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ~~((2022-1))2023-1~~ as developed March ~~((9, 2022))29, 2023~~, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 ~~((chapter 333, Laws of 2021))~~ of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ~~((2022-2))2023-2~~ ALL PROJECTS as developed March ~~((9, 2022))29, 2023~~, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0BI4001) ~~((, as long as the application of the funds is not inconsistent with subsection (10) of this section))~~.

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer ~~((funds))~~ appropriation authority between programs I and P, except for ~~((funds))~~ appropriation authority that ~~((are))~~ is otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) \$8,531,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701, chapter 333, Laws of 2021. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be

reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(5) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund (L2000290). The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/ Alaskan Way viaduct replacement project (809936Z).

(6) \$11,679,000 of the motor vehicle account—federal appropriation is provided solely for preservation projects within project L1100071 that ensure the reliable movement of freight on the national highway freight system. The department shall give priority to those projects that can be advertised by September 30, 2021.

(7) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(8) Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

~~((9) \$1,700,000 of the motor vehicle account—state appropriation is provided solely for the SR 109/88 Corner Roadway project (C2000106).)~~

**Sec. 908.** 2022 c 186 s 307 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL**

Motor Vehicle Account—State Appropriation. ~~(\$9,618,000)~~ \$9,473,000  
Motor Vehicle Account—Federal Appropriation . . . . . \$11,215,000  
Motor Vehicle Account—Private/Local Appropriation. . . . . \$500,000  
Interstate 405 and State Route Number 167 Express  
Toll Lanes Account—State Appropriation. \$900,000  
Move Ahead WA Account—State Appropriation. \$611,000

TOTAL APPROPRIATION. . . . . ~~(\$22,233,000)~~

\$22,699,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$579,000)~~ \$580,000 of the motor vehicle account—state appropriation is provided solely for the SR 99 Aurora Bridge ITS project (L2000338).

(2) \$1,001,000 of the motor vehicle account—state appropriation, \$611,000 of the move ahead WA account—state appropriation, and ~~(\$2,060,000)~~ \$2,018,000 of the motor vehicle account—federal appropriation are provided solely for the Challenge Seattle project (0000090). The department shall provide a progress report on this project to the transportation committees of the legislature by January 15, 2022.

**Sec. 909.** 2022 c 186 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W**

Puget Sound Capital Construction Account—State  
Appropriation. . . . . ~~(\$167,533,000)~~ \$143,776,000  
Puget Sound Capital Construction Account—Federal  
Appropriation. . . . . ~~(\$180,571,000)~~ \$154,634,000  
Puget Sound Capital Construction Account—Private/Local Appropriation ~~(\$2,181,000)~~ \$1,844,000  
Transportation Partnership Account—State  
Appropriation. . . . . ~~(\$9,432,000)~~ \$3,759,000  
Connecting Washington Account—State  
Appropriation. . . . . ~~(\$99,141,000)~~ \$97,904,000  
Capital Vessel Replacement Account—State  
Appropriation. . . . . ~~(\$45,668,000)~~ \$5,769,000  
~~((Motor Vehicle Account—State Appropriation \$1,000))~~  
Transportation 2003 Account (Nickel Account)—State  
Appropriation. . . . . \$987,000  
TOTAL APPROPRIATION. . . . . ~~(\$505,514,000)~~ \$408,673,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ~~((2022-2))~~ 2023-2 ALL PROJECTS as developed March ~~((9, 2022))~~ 29, 2023, Program - Washington State Ferries Capital Program (W).

(2) For the 2021-2023 biennium, the marine division shall provide to the office of financial management and the legislative transportation committees the following reports on ferry capital projects:

(a) On a semiannual basis the report must include a status update on projects with funding provided in subsections (4), (5), (6), and (8) of this section including, but not limited to, the following:

(i) Anticipated cost increases and cost savings;

(ii) Anticipated cash flow and schedule changes; and

(iii) Explanations for the changes.

(b) On an annual basis the report must include a status update on vessel and terminal preservation and improvement plans including, but not limited to, the following:

(i) What work has been done;

(ii) How have schedules shifted; and

(iii) Associated changes in funding among projects, accompanied by explanations for the changes.

(c) On an annual basis the report must include an update on the implementation of the maintenance management system with recommendations for using the system to improve the efficiency of project reporting under this subsection.

(3) (~~(\$12,232,000)~~) \$19,940,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(4) (~~(\$2,385,000)~~) \$2,384,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ORCA card next generation project (L2000300). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(5) (~~(\$28,134,000)~~) \$3,656,000 of the Puget Sound capital construction account—state appropriation is provided solely for the conversion of up to two Jumbo Mark II vessels to electric hybrid propulsion (G2000084). The department shall seek additional funds for the purposes of this subsection. The department may spend from the Puget Sound capital construction account—state appropriation in this section only as much as the department receives in Volkswagen settlement funds for the purposes of this subsection.

(6) (~~(\$45,668,000)~~) \$5,769,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel (L2000329). In 2019 the legislature amended RCW 47.60.810 to direct the department to modify an existing vessel construction contract to provide for an additional five ferries. As such, it is the intent of the legislature that the department award the contract for the hybrid electric Olympic class vessel #5 (L2000329) in a timely manner. In addition, the legislature intends to minimize costs and maximize construction efficiency by providing sufficient funding for construction of all five vessels, including funding for long lead time materials procured at the lowest possible prices. The commencement of construction of new vessels for the ferry system is important not only for safety reasons, but also to keep skilled marine construction jobs in the Puget Sound region and to sustain the capacity of the region to meet the ongoing construction and preservation needs of the ferry system fleet of vessels. The legislature has determined

that the current vessel procurement process must move forward with all due speed, balancing the interests of both the taxpayers and shipyards. To accomplish construction of vessels in accordance with RCW 47.60.810, the prevailing shipbuilder, for vessels initially funded after July 1, 2020, is encouraged to follow the historical practice of subcontracting the construction of ferry superstructures to a separate nonaffiliated contractor located within the Puget Sound region, that is qualified in accordance with RCW 47.60.690. If the department elects not to execute a new modification to an existing option contract for one or more additional 144-auto ferries under RCW 47.60.810(4), the department shall proceed with development of a new design-build request for proposals in accordance with RCW 47.60.810, 47.60.812, 47.60.814, 47.60.815, 47.60.816, 47.60.818, 47.60.820, 47.60.822, 47.60.824, and 47.60.8241. Of the amounts provided in this section, \$200,000 is provided solely for hiring an independent owner's representative to perform quality oversight, manage the change order process, and ensure contract compliance.

(7) (~~The capital vessel replacement account—state appropriation includes up to \$45,468,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.~~

(8) (~~\$4,200,000~~) \$2,838,000 of the connecting Washington account—state appropriation is provided solely for ferry vessel and terminal preservation (L2000110). The funds provided in this subsection must be used for unplanned preservation needs before shifting funding from other preservation projects.

**Sec. 910.** 2022 c 186 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL**

Essential Rail Assistance Account—State	
Appropriation. . . . .	\$1,108,000
Transportation Infrastructure Account—State	
Appropriation. . . . .	<del>(\$6,218,000)</del>
	<u>\$6,219,000</u>
Multimodal Transportation Account—State	
Appropriation. . . . .	<del>(\$118,320,000)</del>
	<u>\$57,518,000</u>
Multimodal Transportation Account—Federal	
Appropriation. . . . .	<del>(\$6,567,000)</del>
	<u>\$7,885,000</u>
Multimodal Transportation Account—Private/ Local	
Appropriation. . . . .	\$13,000
Motor Vehicle Account—State Appropriation.	
	\$1,810,000

**TOTAL APPROPRIATION. . . .** (~~(\$134,036,000)~~)  
\$74,553,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((2022-2)2023-2 ALL PROJECTS as developed March ((9, 2022)29, 2023, Program - Rail Program (Y).

(2) \$5,089,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued. FRIB program loans may be recommended by the department for 2022 supplemental transportation appropriations up to the amount provided in this appropriation that has not been provided for the projects listed in 2021-2 ALL PROJECTS, as referenced in subsection (1) of this section. The department shall submit a prioritized list for any loans recommended to the office of financial management and the transportation committees of the legislature by November 15, 2021.

(3) \$7,041,000 of the multimodal transportation account—state appropriation is provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(5)(a) \$1,008,000 of the essential rail assistance account—state appropriation is provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues and transfers deposited into the essential rail assistance account from leases and sale of property relating to the Palouse river and Coulee City railroad;

(ii) Revenues from trackage rights agreement fees paid by shippers; and

(iii) Revenues and transfers transferred from the miscellaneous program account to

the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2022, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) ~~(\$32,996,000)~~ \$672,000 of the multimodal transportation account—state appropriation is provided solely for Passenger Rail Equipment Replacement (project 700010C). The appropriation in this subsection include insurance proceeds received by the state. The department must use these funds only to purchase replacement equipment that has been competitively procured and for service recovery needs and corrective actions related to the December 2017 derailment.

(8) It is the intent of the legislature to encourage the department to pursue federal grant opportunities leveraging up to \$6,696,000 in connecting Washington programmed funds to be used as a state match to improve the state-owned Palouse river and Coulee City system. The amount listed in this subsection is not a commitment for future legislatures, but is the legislature's intent that future legislatures will work to approve biennial appropriations up to a state match share not to exceed \$6,696,000 of a grant award.

(9) \$500,000 of the multimodal transportation account—state appropriation is provided solely for the Chelatchie Prairie railroad for track improvement activities on the northern part of the railroad (L1000311).

**Sec. 911.** 2022 c 186 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL**

Highway Infrastructure Account—State Appropriation. . . . .	\$1,744,000
Highway Infrastructure Account—Federal Appropriation . . . . .	\$2,935,000
Transportation Partnership Account—State Appropriation. . . . .	<del>(\$1,000,000)</del>
	\$500,000
Motor Vehicle Account—State Appropriation. <del>(\$25,101,000)</del>	\$21,481,000
Motor Vehicle Account—Federal Appropriation . . . . .	<del>(\$79,306,000)</del>
	\$44,945,000
Motor Vehicle Account—Private/Local Appropriation. . . . .	\$6,600,000
Connecting Washington Account—State Appropriation. . . . .	<del>(\$178,464,000)</del>
	\$140,293,000
Multimodal Transportation Account—State Appropriation. . . . .	<del>(\$96,975,000)</del>
	\$62,362,000

<u>Move Ahead WA Account—State Appropriation.</u>	
<u>\$5,000,000</u>	
<u>Move Ahead WA Flexible Account—State</u>	
<u>Appropriation. . . . .</u>	<u>\$3,000,000</u>
<u>Climate Active Transportation Account—State</u>	
<u>Appropriation. . . . .</u>	<u>\$12,182,000</u>
<b>TOTAL APPROPRIATION. . . . .</b>	<b><u>(\$392,125,000)</u></b>
	<b><u>\$301,042,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((2022-2))2023-2 ALL PROJECTS as developed March ((9, 2022))29, 2023, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) (i) ((\$46,163,000))\$29,870,000 of the multimodal transportation account—state appropriation is provided solely for pedestrian and bicycle safety program projects (L2000188).

(ii) The state route 99/Aurora Avenue North Planning Study funded in this subsection (2)(a) must prioritize designs that ensure slow vehicle speeds and systematic improvement to the quality of multimodal access, and must be fully completed by September 30, 2023, in order to ensure construction of improvements begin no later than March 1, 2024.

(b) ((\$26,086,000))\$18,349,000 of the motor vehicle account—federal appropriation and ((\$21,656,000))\$16,562,000 of the multimodal transportation account—state appropriation are provided solely for safe routes to school projects (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2021, and December 1, 2022, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status. In its December 1, 2021, report the department must also include recommended changes to the pedestrian safety/safe routes to school grant program application and selection processes to increase utilization by a greater diversity of jurisdictions.

(4) ((\$11,987,000))\$9,537,000 of the multimodal transportation account—state appropriation is provided solely for bicycle

and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for \$7,000,000 in federal funds during the 2021-2023 fiscal biennium.

(6) ((\$17,438,000))\$16,438,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016 (L1000169).

(7) When the department updates its federally-compliant freight plan, it shall consult the freight mobility strategic investment board on the freight plan update and on the investment plan component that describes how the estimated funding allocation for the national highway freight program for federal fiscal years 2022-2025 will be invested and matched. The investment plan component for the state portion of national highway freight program funds must first address shortfalls in funding for connecting Washington act projects. The department shall complete the freight plan update in compliance with federal requirements and deadlines and shall provide an update on the development of the freight plan, including the investment plan component, when submitting its 2022 supplemental appropriations request.

(8) ((\$35,411,000))\$10,137,000 of the motor vehicle account—federal appropriation is provided solely for acceleration of local preservation projects that ensure the reliable movement of freight on the national highway freight system (G2000100). The department will identify projects through its current national highway system asset management call for projects with applications due in February 2021. The department shall give priority to those projects that can be obligated by September 30, 2021.

(9) ((\$400,000))\$300,000 of the multimodal transportation account—state appropriation is provided solely for a grant to the Northwest Seaport Alliance (NWSA) to lead the creation and coordination of a multistakeholder zero emissions truck collaborative that will: (a) Facilitate the development and implementation of one or more zero-emissions drayage truck demonstration projects in Washington state; and (b) develop a roadmap for transitioning the entire fleet of approximately 4,500 drayage trucks that serve the NWSA cargo gateway to zero-emissions vehicles by 2050 or sooner.

(10) ((\$8,524,000))\$2,900,000 of the connecting Washington account—state appropriation is provided solely for the I-5/Mellen Street Connector project.

(11) ((\$500,000))\$100,000 of the motor vehicle account—state appropriation is provided solely for the 166th/SR 410 Interchange.

(12) ((\$1,063,000))\$263,000 of the motor vehicle account—state appropriation is provided solely for repairs and

rehabilitation of the Pierce county ferry landings at Anderson Island and Steilacoom.

(13) ~~(((\$300,000))~~\$150,000 of the motor vehicle account—state appropriation is provided solely for the city of Spokane for preliminary engineering of the US 195/Inland Empire Way project. Funds may be used for predesign environmental assessment work, community engagement, design, and project cost estimation.

(14) \$6,686,000 of the climate active transportation account—state appropriation is provided solely for newly selected safe routes to school grants.

(15) \$5,496,000 of the climate active transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle grants.

(16) It is the intent of the legislature that up to \$14,000,000 will be provided for the Guemes Ferry Boat Replacement project (L4000124).

(17) \$3,000,000 of the move ahead WA flexible account—state appropriation is provided solely for railroad crossing grant awards which match federal funds for city and county projects which eliminate at-grade highway-rail crossings.

(18) It is the intent of the legislature that \$25,000,000 will be provided as part of the move ahead WA investment package in a future biennium, as indicated on the list identified in subsection (1) of this section, for the Ballard and Magnolia Bridge project (L4000123). As part of the project, the Seattle department of transportation (SDOT) must consult with an independent engineering firm to verify that the costs for the type, size, and location preliminary design report (TS&L), environmental impact statement (EIS), and 60 percent design work are within industry cost range standards in advance of moving forward with construction. SDOT must ensure that funds are maximized by limiting the percentage for TS&L, EIS, and 60 percent design work to 10 percent of the total cost of the project. Of the \$25,000,000, \$12,500,000 must remain in unallotted status, and may be distributed to SDOT only upon determination by the office of financial management that SDOT's cost estimates have been verified by an independent engineering firm as within industry cost range standards, and SDOT has secured the additional matching funding needed to complete the TS&L, EIS, and 60 percent design work.

(19)(a) It is the intent of the legislature, over the first five years of the move ahead WA program, that \$50,000,000 will be provided to SDOT to implement Aurora Avenue North Safety Improvements (L4000154). Under this program, SDOT will be required to implement strategic transportation investments for the Aurora Ave N Corridor from N 90th St to N 105th St that ensure slow vehicle speeds, walkability, multimodal mobility, safe routes to local schools, and safety for residents, which will demonstrate the benefits of similar transportation investments for other locations along Aurora Avenue and elsewhere. SDOT must convene a neighborhood oversight board consisting of residents of communities of the Aurora Ave N Corridor to prioritize investments and

monitor project implementation. The oversight board should be composed of an equitable representation of local communities along the Aurora Ave N Corridor, including residents with disabilities. SDOT will ensure that the oversight board is consulted on a bimonthly basis during the prioritization process.

(b) The legislature intends, upon completion of the State Route 99/Aurora Avenue North Planning Study, that projects recommended in the study will be funded by this program. A specific focus must be on access management to consolidate driveways and improve safety for vulnerable users. This work must also include installation of full curb and sidewalks to improve safety, mobility, transit ridership, equity, and work towards the goals set forth in vision zero, target zero, and the Washington state active transportation plan. SDOT must ensure the design and implementation of an accessible sidewalk network to support users with mobility limitations, convenient and accessible transit stops, all-ages-and-abilities bicycle facilities, and safe pedestrian-activated crosswalks that puts safety over speed, balances the needs of different modes, reduces the level of traffic stress experienced by pedestrians and cyclists, connects to existing bicycle and transit networks, creates safe walking and bicycling routes to local schools including crosswalks, improves human and environmental health, and supports the surrounding neighborhoods. SDOT must coordinate with the Washington state department of transportation and King county metro in implementing the investments. SDOT must ensure that funds are maximized by limiting the percentage for planning, predesign, design, permitting, and environmental review to 10 percent of the total cost of each project.

(c) The legislature intends that all Aurora Avenue North Safety Improvement projects funded in this program be completed by December 31, 2029, and that no funds may be expended for this purpose after this date.

(20) \$800,000 of the motor vehicle account—state appropriation is provided solely for the SR 109/88 Corner Roadway project (G2000106).

(21) The entire move ahead WA account—state appropriation is provided solely for the Move Ahead WA - Road and Highway Projects as listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 29, 2023.

(22) It is the intent of the legislature that \$150,000 of the motor vehicle account—state appropriation be reduced in the 2021-2023 fiscal biennium for the Washougal 32nd Underpass Design & Permitting process (L1000285) and reappropriated to the 2023-2025 fiscal biennium, and the LEAP transportation list referenced in subsection (1) of this section be updated accordingly.

(End of part)

#### TRANSFERS AND DISTRIBUTIONS

Sec. 1001. 2022 c 186 s 401 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

Transportation Partnership Account—State Appropriation. . . . . ((\$794,000)) \$273,000  
((Connecting Washington Account—State Appropriation. . . . . \$1,633,000))  
Special Category C Account—State Appropriation. . . . . ((\$257,000)) \$74,000  
Highway Bond Retirement Account—State Appropriation. . . . . ((\$1,408,622,000)) \$1,406,513,000  
Ferry Bond Retirement Account—State Appropriation. . . . . \$17,150,000  
Transportation Improvement Board Bond Retirement Account—State Appropriation. ((\$18,152,000)) \$18,055,000  
Nondebt-Limit Reimbursable Bond Retirement Account—State Appropriation. . . . . ((\$26,278,000)) \$29,238,000  
Toll Facility Bond Retirement Account—State Appropriation. . . . . \$76,376,000  
**TOTAL APPROPRIATION... ((\$1,542,811,000)) \$1,547,679,000**

The appropriations in this section are subject to the following conditions and limitations: \$6,451,550 of the transportation improvement board bond retirement account—state appropriation is provided solely for the prepayment of certain outstanding bonds and debt service.

Sec. 1002. 2022 c 186 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Transportation Partnership Account—State Appropriation. . . . . ((\$150,000)) \$51,000  
((Connecting Washington Account—State Appropriation. . . . . \$327,000))  
Special Category C Account—State Appropriation. . . . . ((\$51,000)) \$18,000  
Transportation Improvement Account—State Appropriation. . . . . \$20,000  
**TOTAL APPROPRIATION..... ((\$548,000)) \$89,000**

Sec. 1003. 2022 c 186 s 403 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax statutory distributions to cities and counties. . . . . ((\$474,003,000)) \$467,037,000  
Multimodal Transportation Account—State Appropriation: For distribution to cities and

counties. . . . . \$26,786,000  
Motor Vehicle Account—State Appropriation: For distribution to cities and counties. \$23,438,000

Sec. 1004. 2022 c 186 s 404 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and statutory transfers. . . . . ((\$2,000,419,000)) \$1,971,401,000

Sec. 1005. 2022 c 186 s 405 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING—TRANSFERS**

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and transfers. ((\$240,330,000)) \$264,160,000

Sec. 1006. 2023 c 2 s 2 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS**

(1) Highway Safety Account—State Appropriation: For transfer to the State Patrol Highway Account—State. . . . . ((\$47,000,000)) \$52,000,000

(2) (a) Transportation Partnership Account—State Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account—State \$30,293,000

(b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases. An equivalent reimbursing transfer is to occur after the debt service and deferred sales tax on the Tacoma Narrows bridge construction costs are fully repaid in accordance with chapter 195, Laws of 2018.

(3) (a) Motor Vehicle Account—State Appropriation: For transfer to Alaskan Way Viaduct Replacement Project Account—State. . . . . \$6,000,000

(b) The funds provided in (a) of this subsection are a loan to the Alaskan Way viaduct replacement project account—state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account—state at a later date when traffic on the toll facility has recovered from the COVID-19 pandemic.

(4) Motor Vehicle Account—State Appropriation: For transfer to the County Arterial Preservation Account—State. . . . . \$7,666,000

(5) Motor Vehicle Account—State Appropriation: For transfer to the Freight Mobility Investment Account—State. . . . . \$5,511,000

(6) Motor Vehicle Account—State Appropriation: For transfer to the Rural Arterial Trust Account—State. . . . . ((\$9,331,000))

\$4,844,000

(7) Motor Vehicle Account—State  
 Appropriation: For transfer to the Transportation Improvement Account—State. . . . . \$9,688,000

(8) Rural Mobility Grant Program Account—State  
 Appropriation: For transfer to the Multimodal Transportation Account—State. . . \$3,000,000

(9) (a) State Route Number 520 Civil Penalties  
 Account—State Appropriation: For transfer to the Motor Vehicle Account—State. . . \$2,000,000

(b) The transfer in this subsection is to repay moneys loaned to the state route number 520 civil penalties account in the 2019-2021 fiscal biennium.

(10) State Route Number 520 Civil Penalties  
 Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State. . . . . (~~(\$1,532,000)~~)  
\$1,508,000

(11) Capital Vessel Replacement Account—State  
 Appropriation: For transfer to the Connecting Washington Account—State. . . . \$35,000,000

(12) (a) Capital Vessel Replacement Account—State  
 Appropriation: For transfer to the Transportation Partnership Account—State. . . . \$35,547,000

(b) The amount transferred in this subsection represents proceeds from the sale of bonds authorized in the 2019-2021 biennium in RCW 47.10.873.

(13) Multimodal Transportation Account—State  
 Appropriation: For transfer to the Complete Streets Grant Program Account—State. . . \$14,670,000

(14) Multimodal Transportation Account—State  
 Appropriation: For transfer to the Connecting Washington Account—State. . . . \$200,000,000

(15) Multimodal Transportation Account—State  
 Appropriation: For transfer to the Freight Mobility Multimodal Account—State. . . . \$4,011,000

(16) Multimodal Transportation Account—State  
 Appropriation: For transfer to the Ignition Interlock Device Revolving Account—State. . . \$600,000

(17) Multimodal Transportation Account—State  
 Appropriation: For transfer to the Pilotage Account—State. . . . . \$2,000,000

(18) Multimodal Transportation Account—State  
 Appropriation: For transfer to the Puget Sound Capital Construction Account—State. (~~(\$816,700,000)~~)  
\$190,000,000

(19) Multimodal Transportation Account—State

Appropriation: For transfer to the Regional Mobility Grant Program Account—State. . . \$27,679,000

(20) Multimodal Transportation Account—State  
 Appropriation: For transfer to the Rural Mobility Grant Program Account—State. . . \$15,223,000

(21) (a) Alaskan Way Viaduct Replacement Project  
 Account—State Appropriation: For transfer to the Transportation Partnership Account—State. \$22,884,000

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

(22) Tacoma Narrows Toll Bridge Account—State  
 Appropriation: For transfer to the Motor Vehicle Account—State. . . . . \$950,000

(23) Puget Sound Ferry Operations Account—State  
 Appropriation: For transfer to the Puget Sound Capital Construction Account—State. \$60,000,000

(24) (a) General Fund Account—State  
 Appropriation: For transfer to the State Patrol Highway Account—State. . . . . \$625,000

(b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207(2), chapter 333, Laws of 2021.

(25) (~~Motor Vehicle Account—State~~ Appropriation: For transfer to the Puget Sound Capital Construction Account—State. ~~\$30,000,000~~)

~~(26))~~ Multimodal Transportation Account—State  
 Appropriation: For transfer to the I-405 and SR 167 Express Toll Lanes Account—State \$268,433,000

~~((27))~~ (26) Multimodal Transportation Account—  
 State Appropriation: For transfer to the Move Ahead WA Account—State. . . . . \$874,081,000

~~((28))~~ (27) Multimodal Transportation Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State \$70,786,000

~~((29) Motor Vehicle Account—State~~ Appropriation: For transfer to the Connecting Washington Account—State. . . . . \$80,000,000

~~(30))~~ (28) Move Ahead WA Account—State  
 Appropriation: For transfer to the Connecting Washington Account—State. . . . . (~~(\$600,000,000)~~)  
\$510,000,000

~~((31))~~ (29) Transportation Improvement Account—State  
 Appropriation: For transfer to the Transportation Improvement Board Bond Retirement Account. \$6,451,550

(30) Carbon Emissions Reduction Account—State



Appropriation: For transfer to the Puget Sound Ferry Operations Account—State. . . \$600,000

The amount transferred in this subsection represents an estimate of fare replacement revenue to account for the implementation of 18 and under fare-free policies.

(31) (a) Multimodal Transportation Account—State Appropriation: For transfer to the Carbon Emissions Reduction Account—State. . . . . \$127,000,000

(b) It is the intent of the legislature that this transfer is temporary, for the purpose of ensuring a positive account balance for the remainder of the 2021-2023 fiscal biennium. An equivalent reimbursing transfer is to occur in the 2023-2025 fiscal biennium.

(32) Motor Vehicle Account—State Appropriation: For transfer to the Move Ahead WA Account—State \$3,607,000

(33) Electric Vehicle Account—State Appropriation: For transfer to the Move Ahead WA Flexible Account—State. . . . . \$16,064,000

(34) Carbon Emissions Reduction Account—State Appropriation: For transfer to the Climate Active Transportation Account—State. \$15,182,000

(35) Carbon Emissions Reduction Account—State Appropriation: For transfer to the Climate Transit Programs Account—State. \$53,436,000

(36) Multimodal Transportation Account—State Appropriation: For transfer to the Capital Vessel Replacement Account—State. . . \$626,700,000

Sec. 1007. 2021 c 333 s 407 (uncodified) is amended to read as follows: FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE Toll Facility Bond Retirement Account—Federal Appropriation . . . . . ((\$199,129,000)) \$199,040,000 Toll Facility Bond Retirement Account—State Appropriation . . . . . \$25,372,000 TOTAL APPROPRIATION. .... ((\$224,501,000)) \$224,412,000

(End of part)

MISCELLANEOUS 2021-2023 FISCAL BIENNIUM

NEW SECTION. Sec. 1101. A new section is added to 2022 c 186 (uncodified) to read as follows:

The appropriations to the department of transportation in chapter 333, Laws of 2021, chapters 186 and 187, Laws of 2022, and this act must be expended for the programs and in the amounts specified in chapter 333, Laws of 2021, chapters 186 and 187, Laws of 2022, and this act. However, after May 1, 2023, unless specifically prohibited, the

department may transfer state appropriations authority for the 2021-2023 fiscal biennium among operating programs upon approval by the director of the office of financial management. However, the department shall not transfer state moneys that are provided solely for a specific purpose. The department shall not transfer appropriations authority, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of the office of financial management shall notify the appropriate transportation committees of the legislature before approving any allotment modifications or transfers under this section.

NEW SECTION. Sec. 1102. The following acts or parts of acts are each repealed:

- (1) 2022 c 187 s 201 (uncodified); (2) 2022 c 187 s 202 (uncodified); (3) 2022 c 187 s 203 (uncodified); (4) 2022 c 187 s 204 (uncodified); (5) 2022 c 187 s 205 (uncodified); (6) 2022 c 187 s 206 (uncodified); (7) 2022 c 187 s 207 (uncodified); (8) 2022 c 187 s 208 (uncodified); (9) 2022 c 187 s 209 (uncodified); (10) 2022 c 187 s 210 (uncodified); (11) 2022 c 187 s 211 (uncodified); (12) 2022 c 187 s 301 (uncodified); (13) 2022 c 187 s 302 (uncodified); (14) 2022 c 187 s 303 (uncodified); (15) 2022 c 187 s 304 (uncodified); (16) 2022 c 187 s 305 (uncodified); (17) 2022 c 187 s 306 (uncodified); (18) 2022 c 187 s 307 (uncodified); (19) 2022 c 187 s 308 (uncodified); and (20) 2022 c 187 s 401 (uncodified).

(End of part)

MISCELLANEOUS

NEW SECTION. Sec. 1201. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1202. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

(End of part)

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 43.19.642, 46.01.385, 46.20.745, 46.63.030, 46.68.063, 46.68.290, 46.68.300, 46.68.370, 46.68.395, 46.68.490, 46.68.500, 47.12.063, 47.56.870, 47.56.876, 47.60.322, 47.66.120, and 82.44.200; amending 2022 c 186 ss 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 221, 222, 223, 224, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, and 405

(uncodified); amending 2021 c 333 ss 304 and 407 (uncodified); amending 2023 c 2 s 2 (uncodified); adding a new section to chapter 70A.535 RCW; adding a new section to 2022 c 186 (uncodified); creating new sections; repealing 2022 c 187 ss 201-211, 301-308, and 401 (uncodified); making appropriations and authorizing expenditures for capital improvements; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125 and asked the Senate for a conference thereon. The Speaker (Representative Bronoske presiding) appointed Representatives Fey, Barkis and Paul as conferees.

#### MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1044, with the following amendment(s): 1044-S AMS WM S2984.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature intends to create a new grant program through which small, financially distressed school districts that generally do not participate in the current school construction assistance program will be able to get the necessary funds to modernize or rebuild their school buildings.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.525 RCW to read as follows:

(1) Supplementary modernization and new construction grants and planning grants for financially distressed school districts must be awarded and determined in accordance with this section.

(2) Applicant eligibility criteria. Subject to subsection (4) of this section, only school districts that meet the following criteria are eligible for grants under this section:

(a) School districts that have a student headcount enrollment of 1,000 or fewer students; or

(b) School districts that have a student headcount enrollment of 3,000 or fewer students that meet the following additional criteria:

(i) The school district is located in an educational service district with rural communities that experience prohibitive access to skill centers or other workforce development facilities or programs;

(ii) The school district has been unable to secure voter approval to issue bonds for capital purposes in the prior 25 years and has had at least three bond measures

rejected by voters in consecutive years during that 25-year period; and

(iii) The school district has instructional buildings that do not meet structural, capacity, environmental, or emergency requirements.

(3) Project eligibility criteria.

(a) Projects funded under this section must meet the following conditions: (i) Projects must comprehensively modernize or replace instructional buildings that are at least 30 years old and that are recorded as poor or unsatisfactory condition by the office of the superintendent of public instruction; and (ii) projects must not exceed 110 percent of the statewide average cost per square foot for new construction or modernization, as applicable, and as estimated by the advisory committee and approved by the office of the superintendent of public instruction.

(b) To meet the project eligibility criteria for comprehensive modernization specified under (a) of this subsection, projects must correct critical physical deficiencies and essential safety concerns, including: (i) Seismic vulnerabilities; (ii) failing or broken building and site systems; (iii) deficiencies of infrastructure and components; (iv) barriers to program accessibility; (v) deteriorated exterior conditions; and (vi) deficiencies in interior classroom spaces. Project approaches may include modernizing, repairing, reconfiguring, or replacing existing buildings, constructing new buildings, and upgrading deteriorated and outdated site infrastructure.

(c) School districts applying for a grant under this section must submit separate applications for each individual school.

(4) Other eligibility criteria. School districts with incomplete or outdated building inventories, natural hazard assessments, and condition information as required by the office of the superintendent of public instruction are not eligible to apply for construction grants under this section but may apply for planning grants. Building inventory and condition information must be provided by an independent consultant certified by the office of the superintendent of public instruction. A seismic building assessment must be conducted by an engineer licensed as a structural engineer in Washington state.

(5) Eligible use of grants. A grant awarded pursuant to this section may only be used for the following purposes: (a) The collection of the required information in subsection (4) of this section; (b) all pre-design and design costs including value engineering and constructability review; and (c) all related costs associated with the project except school district administration costs as determined by the office of the superintendent of public instruction.

(6) Required grant list.

(a) The superintendent of public instruction must propose a list of prioritized planning and construction grants pursuant to this section for school districts meeting the eligibility requirements established in subsection (2) of this section to the governor by September

1st of even-numbered years, beginning on September 1, 2024. This list must include: (i) A description of the proposed project; (ii) the proposed planning grant amount, when applicable; (iii) the proposed construction grant amount, when applicable; (iv) the anticipated school construction assistance program amount; (v) the anticipated local share of project cost; and (vi) the estimated total project cost.

(b) The superintendent of public instruction and the governor may determine the level of funding in their omnibus capital appropriations act requests to support grants under this section, but their funding requests must follow the prioritized list prepared by the advisory committee unless new information determines that a specific project is no longer viable as proposed.

(7) Planning grant requirements and prioritization. Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must assist eligible school districts that are interested in applying for a construction grant under this section by providing technical assistance and planning grants. School districts seeking planning grants under this section must provide a brief statement describing existing school conditions, building system and site deficiencies, current and five-year projected student headcount enrollment, student achievement measures, and financial constraints. If applications for planning grants exceed funds available, the office of the superintendent of public instruction may prioritize planning grant requests with primary consideration given to school district financial capacity and facility conditions.

(8) Construction grant requirements and prioritization.

(a) School districts applying for a construction grant under this section must have received and completed a planning grant under subsection (7) of this section or have completed construction documents including drawings, specifications, total project cost estimates, contract and procurement requirements, and other materials required by the advisory committee, as part of the construction grant application process.

(b) Subject to the availability of amounts appropriated for this specific purpose, the advisory committee must prioritize applications from school districts with the lowest remaining debt capacity, most significant building deficiencies, and lowest head count enrollment. The advisory committee may weigh these factors as appropriate given the pool of applicants and the extent each factor deviates from the statewide average.

(9) Eligibility and prioritization recommendations. The advisory committee may propose changes to the eligibility threshold and grant application prioritization criteria to the legislature as they learn more about the characteristics of school districts that are unable to replace or modernize their aging school facilities.

(10) Share of project costs. School districts receiving a grant under this

section must provide a district share in accordance with the following requirements:

(a) Except as provided for under (b) and (c) of this subsection, to receive a grant under this section a school district must provide, for each grant awarded, a district share of project cost equal to at least 50 percent of the district's remaining debt capacity pursuant to RCW 39.36.020.

(b) To the extent that the district share requirement under (a) of this subsection would, at the time of application, require the estimated school district property tax rate increment associated with the grant to exceed a threshold of \$1.75 per \$1,000 of assessed property value, the office of the superintendent of public instruction must reduce the required district share to achieve an estimated property tax rate equal to this threshold.

(c) A school district may use federal funding, other nonstate grant funding, and private donations to pay for its share under this subsection. When calculating a district's share requirement under (a) of this subsection, the superintendent of public instruction must reduce the district's required share in a manner directly proportionate to the amount of nonstate and nonschool district funding provided to support the state grant.

(d) To determine the property tax rate threshold under (b) of this subsection, the office of the superintendent of public instruction must calculate the property tax rate increment associated with the grant based on the estimated annualized debt service costs for general obligation bonds issued with an average maturity of no less than 20 years and the interest rate for state of Washington general obligation bonds issued most closely to the date of application for the grant.

(11) Coordination with the school construction assistance program and local cost share. To the extent that a school district awarded a grant under this section is also eligible for funding under the school construction assistance program provided by RCW 28A.525.162 through 28A.525.180, the office of the superintendent of public instruction must coordinate grant funding between the programs and ensure that total state funding from a grant under this section and a school construction assistance program grant does not exceed total project costs minus the school district's share calculated under subsection (10) of this section. School districts that receive grants under this section may use the grant to fund the required local funding equal to or greater than the difference between the total approved project cost and the amount of state funding assistance computed provided by RCW 28A.525.162 through 28A.525.180. However, school districts coordinating grants provided in this section with school construction assistance program funding are required to contribute not less than the school district's required share as calculated under subsection (10) of this section.

(12) Disbursement of grant funds and reporting requirements. The office of the superintendent of public instruction must

award grants under this section to school districts. The grants must not be awarded until the recipient has identified available local and other resources sufficient to complete the approved project considering the amount of state grant funding. The grant must specify reporting requirements for the district and must include:

(a) Updating all school inventory and condition data considered necessary by the office of the superintendent of public instruction;

(b) Submitting a final project report as specified by the office of the superintendent of public instruction in consultation with the advisory committee and approved by the school facilities citizen advisory panel created under RCW 28A.525.025; and

(c) Implementing and maintaining an asset preservation program for the facility receiving grant funding as required by the office of the superintendent of public instruction's asset preservation program.

(13) For the purposes of this section, "advisory committee" means the advisory committee created under RCW 28A.525.159.

**Sec. 3.** RCW 28A.525.159 and 2020 c 299 s 1 are each amended to read as follows:

(1) School construction assistance program grants for small school districts and state-tribal education compact schools must be determined in accordance with this section.

(2) Eligibility. School districts and state-tribal education compact schools with enrollments that are less than or equal to one thousand students are eligible for small school district modernization grants. The advisory committee specified in subsection (4)(a) of this section may recommend amendments to the eligibility threshold as they learn more about the characteristics of school districts and state-tribal education compact schools that are unable to modernize their aging school facilities. Districts with incomplete information in the inventory and condition of schools data system are not eligible to apply for construction grants but may apply for planning grants.

(3) The office of the superintendent of public instruction must assist eligible school districts and state-tribal education compact schools that are interested in applying for a small school district modernization grant under this section by providing technical assistance and planning grants within appropriations for this purpose. Districts and state-tribal education compact schools seeking planning grants must provide a brief statement of the school condition, its deficiencies, student enrollment, student achievement measures, and financial limitations of the district or state-tribal education compact school. If applications for planning grants exceed funds available, the office of the superintendent of public instruction may prioritize the recipients of planning grants in order to help districts and state-tribal education compact schools with the most serious apparent building deficiencies, and the most limited financial capacity.

(4) Prioritized construction grants and advisory committee.

(a) The superintendent of public instruction must propose a list of prioritized grants to the governor by September 1st of even-numbered years. The superintendent of public instruction must appoint an advisory committee to separately prioritize applications from small school districts and state-tribal education compact schools and from financially distressed school districts for grants under section 2 of this act. Committee members must have experience in financing, managing, repairing, and improving school facilities in small school districts or state-tribal education compact schools but must not be involved in ((a small school district modernization program)) grant request under this section or section 2 of this act for the biennium under consideration. The office of the superintendent of public instruction must provide administrative and staff support to the ((advisory)) advisory committee and coordinate activities to minimize costs to the extent practicable. The office of the superintendent of public instruction in consultation with the advisory committee must design a grant application process with specific criteria for prioritizing grant requests.

(b) The advisory committee created in (a) of this subsection must evaluate final applications from eligible school districts and state-tribal education compact schools. The advisory committee must submit a prioritized list of grants to the superintendent of public instruction. The list must prioritize applications to achieve the greatest improvement of school facilities, in the districts and state-tribal education compact schools with the most limited financial capacity, for projects that are likely to improve student health, safety, and academic performance for the largest number of students for the amount of state grant support. The advisory committee must develop specific criteria to achieve the prioritization. The submitted prioritized list must describe the project, the proposed state funding level, and the estimated total project cost including other funding and in-kind resources. The list must also indicate student achievement measures that will be used to evaluate the benefits of the project. The superintendent of public instruction and the governor may determine the level of funding in their omnibus capital appropriations act requests to support small school district modernization grants, but their funding requests must follow the prioritized list prepared by the advisory committee unless new information determines that a specific project is no longer viable as proposed.

(5) Coordination with the school construction assistance program.

(a) The full administrative and procedural process of school construction assistance program funding under RCW 28A.525.162 through 28A.525.180 may be streamlined by the office of the superintendent of public instruction in order to coordinate eligible school construction assistance program funding with the small school district modernization

grants. Such coordination must ensure that total state funding from both grants does not exceed total project costs minus available local resources.

(b) Projects seeking small school district modernization grants must meet the requirements for a school construction assistance program grant except for the following: (i) The estimated cost of the project may be less than forty percent of the estimated replacement value of the facility, and (ii) local funding assistance percentage requirements of the school construction assistance program do not apply. However, available district and state-tribal education compact school resources are considered in prioritizing small school district modernization grants.

(6) Disbursement of grant funds and reporting requirements. The office of the superintendent of public instruction must award grants to school districts and state-tribal education compact schools. The grant must not be awarded until the district or state-tribal education compact school has identified available local and other resources sufficient to complete the approved project considering the amount of the state grant. The grant must specify reporting requirements from the district or state-tribal education compact school, which must include updating all pertinent information in the inventory and condition of schools data system and submitting a final project report as specified by the office of the superintendent of public instruction in consultation with the school facilities ~~((citizens—[citizen]))~~ citizen advisory panel specified in RCW 28A.525.025.

**Sec. 4.** RCW 28A.515.320 and 1996 c 186 s 503 are each amended to read as follows:

(1) The common school construction fund is to be used exclusively for the purpose of financing the construction of facilities for the common schools. The sources of said fund shall be: ~~((4))~~(a) Those proceeds derived from sale or appropriation of timber and other crops from school and state land other than those granted for specific purposes; ~~((2))~~(b) the interest accruing on the permanent common school fund less the allocations to the state treasurer's service ~~((account—[fund]))~~ fund pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160 together with all rentals and other revenue derived therefrom and from land and other property devoted to the permanent common school fund; ~~((3))~~(c) all moneys received by the state from the United States under the provisions of section 191, Title 30, ~~((United States Code))~~ U.S.C., Annotated, and under section 810, chapter 12, Title 16, ~~((Conservation)), ((United States Code))~~ U.S.C., Annotated, except moneys received before June 30, 2001, and when ~~((thirty))~~30 megawatts of geothermal power is certified as commercially available by the receiving utilities and the department of ~~((community, trade, and economic development))~~ commerce, ~~((eighty))~~80 percent of such moneys, under the Geothermal Steam Act of 1970 pursuant to former RCW 43.140.030; and ~~((4))~~(d) such other

sources as the legislature may direct. That portion of the common school construction fund derived from interest on the permanent common school fund may be used to retire such bonds as may be authorized by law for the purpose of financing the construction of facilities for the common schools.

(2) The interest accruing on the permanent common school fund less the allocations to the state treasurer's service fund pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160 together with all rentals and other revenues accruing thereto pursuant to subsection ~~((2))~~(1)(b) of this section prior to July 1, 1967, shall be exclusively applied to the current use of the common schools.

(3) To the extent that the moneys in the common school construction fund are in excess of the amount necessary to allow fulfillment of the purpose of said fund, the excess shall be available for deposit to the credit of the permanent common school fund or available for the current use of the common schools, as the legislature may direct. Any money from the common school construction fund which is made available for the current use of the common schools shall be restored to the fund by appropriation, including interest income ~~((foregone—[foregone]))~~ foregone, before the end of the next fiscal biennium following such use.

(4) Appropriations for the small school districts project prioritized list submitted under RCW 28A.525.159 are the first priority of appropriations from the common school construction fund, after payment of principal and interest on the bonds authorized in RCW 28A.527.040 from that portion of the common school construction fund derived from interest on the permanent common school fund. Appropriations from the common school construction fund must be prioritized as follows, as fund balance allows:

(a) Beginning with appropriations enacted for the 2025-2027 fiscal biennium, no less than \$60,000,000 of new appropriations in the biennial capital budget must be used to fund the small school districts project prioritized list, and any remaining amounts in the common school construction fund may be appropriated for other common school construction purposes.

(b) Beginning with appropriations enacted for the 2027-2029 fiscal biennium, no less than \$70,000,000 of new appropriations in the biennial capital budget must be used to fund the small school districts project prioritized list, and any remaining amounts in the common school construction fund may be appropriated for other common school construction purposes.

(c) Beginning with appropriations enacted for the 2029-2031 fiscal biennium and each biennium thereafter, no less than \$80,000,000 of new appropriations in the biennial capital budget must be used to fund the small school districts project prioritized list, and any remaining amounts in the common school construction fund may be appropriated for other common school construction purposes."

On page 1, line 2 of the title, after "challenges;" strike the remainder of the title and insert "amending RCW 28A.525.159 and 28A.515.320; adding a new section to chapter 28A.525 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1044 and asked the Senate to recede therefrom.

The Speaker assumed the chair.

### SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1084  
 SUBSTITUTE HOUSE BILL NO. 1132  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1175  
 SECOND SUBSTITUTE HOUSE BILL NO. 1176  
 HOUSE BILL NO. 1221  
 HOUSE BILL NO. 1230  
 HOUSE BILL NO. 1232  
 SECOND SUBSTITUTE HOUSE BILL NO. 1322  
 HOUSE BILL NO. 1407  
 SUBSTITUTE HOUSE BILL NO. 1435  
 SECOND SUBSTITUTE HOUSE BILL NO. 1477  
 HOUSE BILL NO. 1512  
 HOUSE BILL NO. 1536  
 HOUSE BILL NO. 1552  
 SUBSTITUTE HOUSE BILL NO. 1570  
 HOUSE BILL NO. 1575  
 SECOND SUBSTITUTE HOUSE BILL NO. 1580  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1678  
 HOUSE BILL NO. 1684  
 HOUSE BILL NO. 1742  
 SUBSTITUTE HOUSE BILL NO. 1753  
 HOUSE BILL NO. 1772  
 SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4001  
 HOUSE BILL NO. 1008  
 HOUSE BILL NO. 1055  
 HOUSE BILL NO. 1128  
 HOUSE BILL NO. 1197  
 HOUSE BILL NO. 1218  
 SUBSTITUTE HOUSE BILL NO. 1234  
 SUBSTITUTE HOUSE BILL NO. 1236  
 SUBSTITUTE HOUSE BILL NO. 1247  
 HOUSE BILL NO. 1262  
 HOUSE BILL NO. 1416  
 SECOND SUBSTITUTE HOUSE BILL NO. 1452  
 SUBSTITUTE HOUSE BILL NO. 1457  
 HOUSE BILL NO. 1563  
 HOUSE BILL NO. 1626  
 HOUSE BILL NO. 1679  
 HOUSE BILL NO. 1695  
 HOUSE BILL NO. 1750  
 SECOND SUBSTITUTE SENATE BILL NO. 5046  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5124  
 SUBSTITUTE SENATE BILL NO. 5127  
 SUBSTITUTE SENATE BILL NO. 5145  
 SENATE BILL NO. 5155  
 SECOND SUBSTITUTE SENATE BILL NO. 5225  
 SUBSTITUTE SENATE BILL NO. 5261  
 ENGROSSED SENATE BILL NO. 5341  
 SUBSTITUTE SENATE BILL NO. 5353  
 SUBSTITUTE SENATE BILL NO. 5374  
 SUBSTITUTE SENATE BILL NO. 5381  
 SUBSTITUTE SENATE BILL NO. 5433  
 SENATE BILL NO. 5457

SENATE BILL NO. 5459  
 ENGROSSED SENATE BILL NO. 5534  
 SENATE BILL NO. 5550  
 SUBSTITUTE SENATE BILL NO. 5561  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5634

The Speaker called upon Representative Orwall to preside.

### MESSAGE FROM THE SENATE

Saturday, April 8, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1047, with the following amendment(s): 1047-S AMS WM S2989.1

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** (1) The legislature finds that certain chemicals used in cosmetic products are linked to harmful impacts on health, such as cancer, birth defects, damage to the reproductive system, organ system toxicity, and endocrine disruption. Many of these chemicals have been identified by the state of Washington as high priority chemicals of concern.

(2) In order to ensure the safety of cosmetic products and protect Washington residents from toxic exposures, the legislature intends to prohibit use of toxic chemicals found in cosmetic and personal care products and join other jurisdictions in creating a safer global standard for cosmetic products and bringing more sustainable, safer ingredients to the marketplace.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Cosmetic product" has the same meaning as the term "cosmetic" as defined in RCW 69.04.011.

(2) "Department" means the department of ecology.

(3) "Manufacturer" has the same meaning as defined in RCW 70A.350.010.

(4) "Ortho-phthalates" means esters of ortho-phthalic acid.

(5) "Perfluoroalkyl and polyfluoroalkyl substances" has the same meaning as defined in RCW 70A.350.010.

(6) "Small business" has the same meaning as defined in RCW 70A.500.020.

(7) "Vulnerable populations" has the same meaning as defined in RCW 70A.02.010.

NEW SECTION. **Sec. 3.** (1) Except as provided in subsection (3) of this section, beginning January 1, 2025, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state any cosmetic product that contains any of the following intentionally added chemicals or chemical classes:

(a) Ortho-phthalates;  
 (b) Perfluoroalkyl and polyfluoroalkyl substances;

(c) Formaldehyde (CAS 50-00-0) and chemicals determined by the department to release formaldehyde;

(d) Methylene glycol (CAS 463-57-0);

(e) Mercury and mercury compounds (CAS 7439-97-6);

(f) Triclosan (CAS 3380-34-5);

(g) m-phenylenediamine and its salts (CAS 108-45-2); and

(h) o-phenylenediamine and its salts (CAS 95-54-5).

(2) Except as provided in subsection (3) of this section, beginning January 1, 2025, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state any cosmetic product that contains intentionally added lead or lead compounds (CAS 7439-92-1), lead or lead compounds at one part per million (ppm) or above, or as otherwise determined by the department through rule making.

(3) An in-state retailer in possession of cosmetic products on the date that restrictions on the sale of the products takes effect under this section may exhaust its existing stock through sales to the public until January 1, 2026.

(4) By June 1, 2024, the department, in consultation with the department of health, must use existing information to identify and assess the hazards of chemicals or chemical classes that can provide the same or similar function in cosmetic products as the chemicals or chemical classes listed in subsection (1) of this section and that can impact vulnerable populations. The department must make the information publicly available.

(5)(a) By May 2024, the department shall implement an initiative to support small businesses that manufacture cosmetic products in efforts to obtain voluntary environmental health certifications for cosmetics implemented by the United States environmental protection agency or other programs, as determined by the department, that are designed to identify cosmetic products that do not contain identified hazards consistent with processes used to identify safer alternatives under chapter 70A.350 RCW.

(b) The initiative may include, but is not limited to, providing:

(i) Technical assistance and support;

(ii) Resources for chemical hazard assessments; and

(iii) Resources for reformulating products.

(6)(a) By May 2024, the department shall implement an initiative to support independent cosmetologists and small businesses that provide cosmetology services, such as beauty salons, in efforts to transition to using safer cosmetic products.

(b) The initiative may include, but is not limited to, providing:

(i) Technical assistance and support;

(ii) Resources for identifying safer cosmetic products; and

(iii) Resources for financial incentives to eligible participants to replace cosmetic products containing toxic chemicals, disposal programs, and the use of safer products.

(7)(a) For the purposes of this section, cosmetic products do not include prescription drugs approved by the United States food and drug administration.

(b) The chemicals in subsection (1) of this section are restricted in cosmetics regardless of whether the product also contains drug ingredients regulated by the United States food and drug administration. For purposes of this section, ingredients regulated as drugs by the United States food and drug administration are not subject to the restrictions established in this section.

NEW SECTION.

**Sec. 4.**

(1) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(2)(a) The department's determinations of chemicals that release formaldehyde must be adopted by rule. The department must identify a list of chemicals used in cosmetics that release formaldehyde that may be subject to restriction under this chapter. In establishing this list, the department should consider:

(i) Estimated prevalence of use;

(ii) Potential to reduce disproportionate exposure; and

(iii) Other information deemed relevant by the department.

(b) The department may identify for restriction an initial set of no more than 10 of the listed chemicals used in cosmetics that release formaldehyde. This restriction must take effect on or after January 1, 2026.

(c) Restrictions on the remaining listed chemicals used in cosmetics that release formaldehyde may take effect on or after January 1, 2027.

(d) The department may, but is not required to, conduct additional rule-making activities after January 1, 2027, including developing supplemental lists of chemicals that release formaldehyde and adopting additional restrictions.

(3) Prior to commencing rule making under this chapter, the department must engage with relevant stakeholders to ensure the availability of adequate expertise and input. The stakeholder process should include, but is not limited to, soliciting input from representatives from independent cosmetologists, small businesses offering cosmetology services, such as beauty salons, and small manufacturers of cosmetic products. The input received from stakeholders must be considered when adopting rules.

(4) A manufacturer that produces a product or imports or domestically distributes a product in or into Washington in violation of a requirement of this chapter, a rule adopted under this chapter, or an order issued under this chapter, is subject to a civil penalty not to exceed \$5,000 for each violation in the case of a first offense. Manufacturers who are repeat violators are subject to a civil penalty not to exceed \$10,000 for each repeat offense.

(5) Any penalty provided for in this section, and any order issued by the department under this chapter, may be

appealed to the pollution control hearings board.

(6) All penalties collected under this chapter shall be deposited in the model toxics control operating account created in RCW 70A.305.180.

**Sec. 5.** RCW 43.21B.110 and 2022 c 180 s 812 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 3 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, section 3 of this act, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law

must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**Sec. 6.** RCW 43.21B.300 and 2022 c 180 s 813 are each amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 3 of this act, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within 30 days after the notice is received,



the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority 30 days after the date of receipt by the person penalized of the notice imposing the penalty or 30 days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within 30 days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within 30 days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70A.15.3160, the disposition of which shall be governed by that provision, RCW 70A.245.040 and 70A.245.050, which shall be credited to the recycling enhancement account created in RCW 70A.245.100, RCW 70A.300.090 and section 3 of this act, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, RCW 70A.65.200, which shall be credited to the climate investment account created in RCW 70A.65.250, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 70A.355.070, which shall be credited

to the underground storage tank account created by RCW 70A.355.090.

NEW SECTION. **Sec. 7.** This chapter may be known and cited as the toxic-free cosmetics act.

NEW SECTION. **Sec. 8.** Sections 1 through 4 and 7 of this act constitute a new chapter in Title 70A RCW."

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "amending RCW 43.21B.110 and 43.21B.300; adding a new chapter to Title 70A RCW; and prescribing penalties."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1047 and advanced the bill, as amended by the Senate, to final passage.

Representative Mena spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1047, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1047, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Chandler and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1047, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1112, with the following amendment(s): 1112 AMS FRAM MCKI 193

On page 18, after line 21, insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.59 RCW to read as follows:

Subject to funds appropriated for this purpose, the Washington traffic safety commission shall produce and disseminate through all possible media, informational and educational materials explaining the penalties of the crime of negligent driving with a vulnerable user victim in the first degree."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 18, line 22, after "January 1," strike "2024" and insert "2025"

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1112 and advanced the bill, as amended by the Senate, to final passage.

Representatives Harris and Paul spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1112, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1112, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Ortiz-Self

HOUSE BILL NO. 1112, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Friday, April 7, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1173, with the following amendment(s): 1173-S.E AMS ENGR S2922.E

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Aircraft detection lighting system" means a sensor-based system that:

(a) Is designed to detect approaching aircraft;

(b) Automatically activates appropriate obstruction lights until the lights are no longer needed by the aircraft; and

(c) The federal aviation administration has approved as meeting the requirements set forth in chapter 10 of the federal aviation administration's 2020 advisory circular AC 70/7460-1M, "Obstruction marking and lighting."

(2) "Department" means the department of ecology.

(3) "Hub height" means the distance from the ground to the middle of a wind turbine's rotor.

(4) "Light-mitigating technology system" means aircraft detection lighting or another federal aviation administration-approved system capable of reducing the impact of aviation obstruction lighting while maintaining conspicuity sufficient to assist aircraft in identifying and avoiding collision with a utility-scale wind energy facility.

(5) "Repowering" means a rebuild or refurbishment of a turbine or facility that is required due to the turbine or facility reaching the end of its useful life or useful reasonable economic life. The rebuild or refurbishment does not constitute repowering if it is part of routine major maintenance or the maintenance of or replacement of equipment that does not materially affect the expected physical or economical life of the turbine or facility.

(6) "Utility-scale wind energy facility" means a facility used in the generation of electricity by means of turbines or other devices that capture and employ the kinetic energy of the wind and:

(a) Is required under federal aviation administration regulations, guidelines, circulars, or standards, as they existed as of January 1, 2023, to have obstruction lights; or

(b) Has at least one obstruction light and at least one wind turbine with a hub height of at least 75 feet above ground level.

**NEW SECTION. Sec. 2.** (1) Except as provided in section 3 of this act, beginning July 1, 2023, no new utility-scale wind energy facility with five or more turbines shall commence operations unless the developer, owner, or operator of the facility applies to the federal aviation administration for installation of a light-mitigating technology system that complies with federal aviation administration

regulations, as they existed as of the effective date of this section. If approved by the federal aviation administration, the developer, owner, or operator of such utility-scale wind energy facility shall install the light-mitigating technology system on approved turbines within 24 months after receipt of such approval. If not approved by the federal aviation administration, the developer, owner, or operator of such utility-scale wind energy facility is not subject to this chapter.

(2) Except as provided in section 3 of this act, beginning January 1, 2028, or upon the completion of repowering, whichever is earlier, any developer, owner, or operator of a utility-scale wind energy facility with five or more turbines that has commenced operations without an aircraft detection lighting system shall apply to the federal aviation administration for installation and operation of a light-mitigating technology system that achieves comparable light mitigation outcomes to an aircraft detection lighting system and that complies with federal aviation administration regulations, as they existed as of the effective date of this section. If approved by the federal aviation administration, the developer, owner, or operator of such utility-scale wind energy facility shall install the light-mitigating technology system on approved turbines within 24 months following such approval. If not approved by the federal aviation administration, the developer, owner, or operator of such utility-scale wind energy facility is not subject to this chapter.

(3) A developer, owner, or operator of a utility-scale wind energy facility shall comply with any wind energy ordinance adopted by a legislative authority of a county pursuant to section 3 of this act.

(4) Nothing in this section requires mitigation of light pollution to be carried out in a manner that conflicts with federal requirements, including requirements of the federal aviation administration or the United States department of defense.

**NEW SECTION. Sec. 3.** A new section is added to chapter 36.01 RCW to read as follows:

(1) A legislative authority of any county may adopt a wind energy ordinance that includes specifications for aviation obstruction light-mitigating technology systems. In adopting an ordinance under this section, the county legislative authority shall consider whether affected wind energy facilities have caused, or will cause, light impacts requiring mitigation. Additional criteria related to the selection of light-mitigating technology systems may include the costs associated with the installation of such a system, the economic impact to a developer, owner, or operator of the installation of such a system, conditions under which light mitigation is required, and the type of system that best serves the public interest of the county. Nothing in this section authorizes a county to deny a permit application for a wind energy facility where the use of a light-mitigating technology system is not allowed by the

federal aviation administration, United States department of defense, or if it is determined by the county to be impracticable.

(2) The definitions in section 1 of this act apply throughout this section unless the context clearly requires otherwise.

**NEW SECTION. Sec. 4.** (1) A violation of the requirements of this chapter is punishable by a civil penalty of up to \$5,000 per day per violation. Penalties are appealable to the pollution control hearings board.

(2)(a) The department may enforce the requirements of this chapter.

(b) Enforcement of this chapter by the department must rely on notification and information exchange between the department and utility-scale wind energy facility owners or operators. The department must prepare and distribute information regarding this chapter to utility-scale wind energy facility owners and operators to help facility owners and operators in their advance planning to meet the deadlines.

(c)(i) If the department obtains information that a facility is not in compliance with the requirements of this chapter, the department may issue a notification letter by certified mail to the facility owner or operator and offer information or other appropriate assistance regarding compliance with this chapter. If compliance is not achieved within 60 days of the issuance of a notification letter under this subsection, the department may assess penalties under this section.

(ii) The department may delay any combination of the issuance of a notification letter under this subsection (2)(c), the 60-day period in which compliance with the requirements of this chapter must be achieved, or the imposition of penalties for good cause shown due to:

(A) Supply chain constraints, including lack of light-mitigating technology system availability;

(B) Lack of contractor availability;

(C) Lighting system permitting delays; or

(D) Technological feasibility considerations.

(3) A utility-scale wind energy facility owner or operator of a facility that has commenced operations prior to January 1, 2023, that applies for the approval of a light-mitigating technology system to the federal aviation administration prior to January 1, 2027, but that has not received a determination to approve the system by the federal aviation administration as of July 1, 2027, may not be assessed a penalty under this chapter until at least 24 months after the federal aviation administration issues its determination on the application of the utility-scale wind energy facility's proposed light-mitigating technology system.

(4) The department may adopt by rule a light mitigation standard that references a more recent version of any federal requirements referenced in section 2 of this act in order to maintain consistency between this chapter and federal aviation administration requirements.

**Sec. 5.** RCW 43.21B.110 and 2022 c 180 s 812 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 4 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. **Sec. 6.** A new section is added to chapter 43.21C RCW to read as follows:

(1) Actions to mitigate light pollution at a utility-scale wind energy facility as required under section 2 of this act, are categorically exempt from the requirements of this chapter.

(2) For the purposes of this section, "utility-scale wind energy facility" has the same meaning as defined in section 1 of this act.

NEW SECTION. **Sec. 7.** Sections 1, 2, and 4 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 8.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 9.** This act is necessary for the immediate preservation of

the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "infrastructure;" strike the remainder of the title and insert "amending RCW 43.21B.110; adding a new section to chapter 36.01 RCW; adding a new section to chapter 43.21C RCW; adding a new chapter to Title 70A RCW; prescribing penalties; and declaring an emergency."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1173 and advanced the bill, as amended by the Senate, to final passage.

Representatives Connors and Doglio spoke in favor of the passage of the bill.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1173, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1173, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Cory, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Kloba

Excused: Representatives Chandler and Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1173, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Saturday, April 8, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1216, with the following amendment(s): 1216-S2.E AMS ENGR S2963.E

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. STATEMENT OF LEGISLATIVE INTENT.** (1) The legislature finds that efficient and effective siting and permitting of new clean energy projects throughout Washington is necessary to: Fight climate change and achieve the state's greenhouse gas emission limits; improve air quality; grow family-wage clean energy jobs and innovative clean energy businesses that provide economic benefits across the state; and make available secure domestic sources of the clean energy products needed to transition off fossil fuels.

(2) The legislature intends to: Enable more efficient and effective siting and permitting of clean energy projects with policies and investments that protect the environment, overburdened communities, and tribal rights, interests, and resources, including cultural resources; bring benefits to the communities that host clean energy projects; and facilitate the rapid transition to clean energy that is required to avoid the worst impacts of climate change on Washington's people and places. There is no single solution for improved siting and permitting processes. Rather, a variety of efforts and investments will help bring together state, local, tribal, and federal governments, communities, workers, clean energy project developers, and others to succeed in this essential task. The legislature intends to make biennial appropriations to support tribal review of clean energy project proposals, permit applications, and environmental reviews, as well as tribal participation in up-front planning for clean energy projects, such as nonproject environmental impact statements for clean energy projects as described in this act.

(3) Efficient and effective siting and permitting will benefit from early and meaningful community and tribal engagement, and from up-front planning including identification of areas of higher and lower levels of impact, and nonproject environmental review that identifies measures to avoid, minimize, and mitigate project impacts.

(4) Incorporating the principles and strategies identified in subsections (1), (2), and (3) of this section, the legislature intends to invest in, facilitate, and require better coordinated, faster environmental review and permitting decisions by state and local governments.

(5) Therefore, it is the intent of the legislature to support efficient, effective siting and permitting of clean energy projects through a variety of interventions, including:

(a) Establishing an interagency clean energy siting coordinating council to improve siting and permitting of clean energy projects;

(b) Creating a designation for clean energy projects of statewide significance;

(c) Creating a fully coordinated permit process for clean energy projects;

(d) Improving processes for review of clean energy projects under the state environmental policy act;

(e) Requiring preparation of separate nonproject environmental impact statements for green electrolytic and renewable

hydrogen projects and colocated battery energy storage facilities, onshore utility-scale wind energy projects and colocated battery energy storage facilities, and for solar energy projects and colocated battery energy storage facilities, with the goal of preparing these nonproject reviews by June 30, 2025; and

(f) Requiring the Washington State University energy program to complete by June 30, 2025, a siting information process for pumped storage projects in Washington.

**PART 1  
INTERAGENCY CLEAN ENERGY SITING COORDINATING COUNCIL**

NEW SECTION. **Sec. 101.** INTERAGENCY CLEAN ENERGY SITING COORDINATING COUNCIL.

(1) The interagency clean energy siting coordinating council is created. The coordinating council is cochaired by the department of commerce and the department of ecology with participation from the following:

- (a) The office of the governor;
- (b) The energy facility site evaluation council;
- (c) The department of fish and wildlife;
- (d) The department of agriculture;
- (e) The governor's office of Indian affairs;
- (f) The department of archaeology and historic preservation;
- (g) The department of natural resources;
- (h) The department of transportation;
- (i) The utilities and transportation commission;
- (j) The governor's office for regulatory innovation and assistance;
- (k) Staff from the environmental justice council; and
- (l) Other state and federal agencies invited by the department of commerce and the department of ecology with key roles in siting clean energy to participate on an ongoing or ad hoc basis.
- (2) The department of commerce and department of ecology shall assign staff in each agency to lead the coordinating council's work and provide ongoing updates to the governor and appropriate committees of the legislature, including those with jurisdiction over the environment, energy, or economic development policy.

(3) For purposes of this section and section 102 of this act, "coordinating council" means the interagency clean energy siting coordinating council created in this section.

NEW SECTION. **Sec. 102.** INTERAGENCY CLEAN ENERGY SITING COORDINATING COUNCIL DUTIES. (1) The responsibilities of the coordinating council include, but are not limited to:

(a) Identifying actions to improve siting and permitting of clean energy projects as defined in section 201 of this act, including through review of the recommendations of the department of ecology and department of commerce's 2022 *Low Carbon Energy Facility Siting Improvement Report*, creating implementation plans and timelines,

and making recommendations for needed funding or policy changes;

(b) Tracking federal government efforts to improve clean energy project siting and permitting, including potential federal funding sources, and identifying state agency actions to improve coordination across state, local, and federal processes or to pursue supportive funding;

(c) Conducting outreach to parties with interests in clean energy siting and permitting for ongoing input on how to improve state agency processes and actions;

(d) Establishing work groups as needed to focus on specific energy types such as solar, wind, battery storage, or emerging technologies, or specific geographies for clean energy project siting;

(e) The creation of advisory committees deemed necessary to inform the development of items identified in (a) through (d) of this subsection;

(f) Supporting the governor's office of Indian affairs in creating and updating annually, or when requested by a federally recognized Indian tribe, a list of contacts at federally recognized Indian tribes, applicable tribal laws on consultation from federally recognized Indian tribes, and tribal preferences regarding outreach about clean energy project siting and permitting, such as outreach by developers directly, by state government in the government-to-government relationship, or both;

(g) Supporting the department of archaeology and historic preservation, the governor's office of Indian affairs, the department of commerce, and the energy facility site evaluation council in developing and providing to clean energy project developers a training on consultation and engagement processes for federally recognized Indian tribes. The governor's office of Indian affairs must collaborate with federally recognized Indian tribes in the development of the training;

(h) Supporting the department of archaeology and historic preservation in updating the statewide predictive archaeological model to provide clean energy project developers information about where archaeological resources are likely to be found and the potential need for archaeological investigations; and

(i) Supporting and promptly providing information to the department of ecology in support of the nonproject reviews required under section 303 of this act.

(2) The coordinating council shall provide an annual report beginning October 1, 2024, to the governor and the appropriate committees of the legislature summarizing: Progress on efficient, effective, and responsible siting and permitting of clean energy projects; areas of additional work, including where clean energy project siting and permitting outcomes are not broadly recognized as efficient, effective, or responsible; resource needs; recommendations for future nonproject environmental impact statements for categories of clean energy projects; and any needed policy changes to help achieve the deployment of clean energy necessary to meet the state's statutory greenhouse gas emissions limits, chapter 70A.45 RCW, and the clean energy

transformation act requirements, chapter 19.405 RCW, and to support achieving the state energy strategy adopted by the department of commerce.

(3) The coordinating council shall:

(a) Advise the department of commerce in:

(i) Contracting with an external, independent third party to:

(A) Carry out an evaluation of state agency siting and permitting processes for clean energy projects and related federal and state regulatory requirements, including the energy facility site evaluation council permitting process authorized in chapter 80.50 RCW;

(B) Identify successful models used in other states for the siting and permitting of projects similar to clean energy projects, including local and state government programs to prepare build ready clean energy sites; and

(C) Develop recommendations for improving these processes, including potential policy changes and funding, with the goal of more efficient, effective siting of clean energy projects; and

(ii) Reporting on the evaluation and recommendations in (a)(i) of this subsection to the governor and the legislature by July 1, 2024;

(b) Pursue development of a consolidated clean energy application similar to the joint aquatic resources permit application for, at a minimum, state permits needed for clean energy projects. The department of ecology shall lead this effort and engage with federal agencies and local governments to explore inclusion of federal and local permit applications as part of the consolidated application. The department may design a single consolidated application for multiple clean energy project types, may design separate applications for individual clean energy technologies, or may design an application for related resources. The department of ecology shall provide an update on its development of consolidated permit applications for clean energy projects to the governor and legislature by December 31, 2024. The consolidated permit application process must be available, but not required, for clean energy projects;

(c) Explore development of a consolidated permit for clean energy projects. The department of ecology shall lead this effort and, in consultation with federally recognized Indian tribes, explore options including a clean energy project permit that consolidates department of ecology permits only, or that consolidates permits from multiple state and local agencies. The permit structure must identify criteria or conditions that must be met for projects to use the consolidated permit. The department of ecology may analyze criteria or conditions as part of a nonproject review under chapter 43.21C RCW. The department of ecology shall update the legislature on its evaluation of consolidated permit options and make recommendations by October 1, 2024;

(d) Determine priorities for categories of clean energy projects to be the focus of new nonproject environmental impact statements under chapter 43.21C RCW for the legislature to fund subsequent to the

nonproject environmental impact statements specified in section 302 of this act; and

(e) Consider and provide recommendations to the legislature on additional benefits that could be provided to projects designated as clean energy projects of statewide significance under section 203 of this act.

**PART 2  
CLEAN ENERGY PROJECTS OF STATEWIDE  
SIGNIFICANCE AND CLEAN ENERGY COORDINATED  
PERMITTING PROCESS**

NEW SECTION. **Sec. 201.** DEFINITIONS.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Alternative energy resource" has the same meaning as defined in RCW 80.50.020.

(2) "Alternative jet fuel" means a fuel that can be blended and used with conventional petroleum jet fuels without the need to modify aircraft engines and existing fuel distribution infrastructure and that meets the greenhouse gas emissions reduction requirements that apply to biomass-derived fuels as defined in RCW 70A.65.010. "Alternative jet fuel" includes jet fuels derived from coprocessed feedstocks at a conventional petroleum refinery.

(3) "Applicant" means a person applying to the department of commerce for designation of a development project as a clean energy project of statewide significance under this chapter.

(4)(a) "Associated facilities" means storage, transmission, handling, or other related and supporting facilities connecting a clean energy project with the existing energy supply, processing, or distribution system including, but not limited to, battery energy storage communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary storage and transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages of at least 115,000 volts to connect a clean energy project to the northwest power grid.

(b) Common carrier railroads or motor vehicles are not associated facilities.

(5) "Clean energy product manufacturing facility" means a facility or a project at any facility that exclusively or primarily manufactures the following products or components primarily used by such products:

(a) Vehicles, vessels, and other modes of transportation that emit no exhaust gas from the onboard source of power, other than water vapor;

(b) Charging and fueling infrastructure for electric, hydrogen, or other types of vehicles that emit no exhaust gas from the onboard source of power, other than water vapor;

(c) Renewable or green electrolytic hydrogen, including preparing renewable or green electrolytic hydrogen for distribution

as an energy carrier or manufacturing feedstock, or converting it to a green hydrogen carrier;

(d) Equipment and products used to produce energy from alternative energy resources;

(e) Equipment and products used to produce nonemitting electric generation as defined in RCW 19.405.020;

(f) Equipment and products used at storage facilities;

(g) Equipment and products used to improve energy efficiency;

(h) Semiconductors or semiconductor materials as defined in RCW 82.04.2404; and

(i) Projects or facility upgrades undertaken by emissions-intensive, trade-exposed industries as classified in RCW 70A.65.110 for which the facility can demonstrate expected reductions in overall facility greenhouse gas emissions to align with the cap trajectory under chapter 70A.65 RCW, where the project does not degrade local air quality.

(6) "Clean energy project" means the following facilities together with their associated facilities:

(a) Clean energy product manufacturing facilities;

(b) Electrical transmission facilities;

(c) Facilities to produce nonemitting electric generation or electric generation from renewable resources, as defined in RCW 19.405.020, except for:

(i) Hydroelectric generation that includes new diversions, new impoundments, new bypass reaches, or the expansion of existing reservoirs constructed after May 7, 2019, unless the diversions, bypass reaches, or reservoir expansions are necessary for the operation of a pumped storage facility that: (A) Does not conflict with existing state or federal fish recovery plans; and (B) complies with all local, state, and federal laws and regulations; and

(ii) Hydroelectric generation associated with facilities or persons that have been the subject of an enforcement action, penalty order, or settled any enforcement action or penalty order with any agreement to pay a penalty or pay for or conduct mitigation under chapter 90.48 or 77.55 RCW during the preceding 15 years that resulted in the payment of a penalty of at least \$100,000 or conducting mitigation with a value of at least \$100,000;

(d) Storage facilities;

(e) Facilities or projects at any facilities that exclusively or primarily process biogenic feedstocks into biofuel as defined in RCW 80.50.020;

(f) Biomass energy facilities as defined in RCW 19.405.020; or

(g) Facilities or projects at any facilities that exclusively or primarily process alternative jet fuel.

(7) "Electrical transmission facilities" has the same meaning as defined in RCW 80.50.020, except excluding electrical transmission facilities that primarily or solely serve facilities that generate electricity from fossil fuels.

(8) "Fully coordinated permit process" means a comprehensive coordinated permitting assistance approach supported by a written agreement between the project proponent, the

department of ecology, and the participating agencies.

(9) "Fully coordinated project" means a clean energy project subject to the fully coordinated permit process.

(10) "Green electrolytic hydrogen" has the same meaning as defined in RCW 80.50.020.

(11) "Green hydrogen carrier" has the same meaning as defined in RCW 80.50.020.

(12) "Overburdened community" has the same meaning as defined in RCW 70A.02.010.

(13) "Permit" means any permit, license, certificate, use authorization, or other form of governmental review or approval required in order to construct, expand, or operate a project in the state of Washington.

(14) "Permit agency" means any state or local agency authorized by law to issue permits.

(15) "Project proponent" means a person, business, or any entity applying for or seeking a permit or permits in the state of Washington.

(16) "Reasonable costs" means direct and indirect expenses incurred by the department of ecology, participating agencies, or local governments in carrying out the coordinated permit process established in this chapter, including the initial assessment, environmental review, and permitting. "Reasonable costs" includes work done by agency or local government staff or consultants hired by agencies or local governments to carry out the work plan. "Reasonable costs" may also include other costs agreed to between the applicant and the department of ecology, participating agencies, or local governments.

(17) "Renewable hydrogen" has the same meaning as defined in RCW 80.50.020.

(18) "Renewable natural gas" has the same meaning as defined in RCW 80.50.020.

(19) "Renewable resource" has the same meaning as defined in RCW 80.50.020.

(20) "Storage facility" has the same meaning as defined in RCW 80.50.020.

**NEW SECTION. Sec. 202. CLEAN ENERGY PROJECTS OF STATEWIDE SIGNIFICANCE—APPLICATION PROCESS.** (1) The department of commerce shall develop an application for the designation of clean energy projects as clean energy projects of statewide significance.

(2) An application to the department of commerce by an applicant under this section must include:

(a) Information regarding the location of the project;

(b) Information sufficient to demonstrate that the project qualifies as a clean energy project;

(c) An explanation of how the project is expected to contribute to the state's achievement of the greenhouse gas emission limits in chapter 70A.45 RCW and is consistent with the state energy strategy adopted by the department of commerce, as well as any contribution that the project is expected to make to other state regulatory requirements for clean energy and greenhouse gas emissions, including the requirements of



chapter 19.405, 70A.30, 70A.60, 70A.65, 70A.535, or 70A.540 RCW;

(d) An explanation of how the project is expected to contribute to the state's economic development goals, including information regarding the applicant's average employment in the state for the prior year, estimated new employment related to the project, estimated wages of employees related to the project, and estimated time schedules for completion and operation;

(e) A plan for engagement and information sharing with potentially affected federally recognized Indian tribes;

(f) A description of potential community benefits and impacts from the project, a plan for community engagement in the project development, and an explanation of how the applicant might use a community benefit agreement or other legal document that stipulates the benefits that the developer agrees to fund or furnish, in exchange for community support of a project; and

(g) Other information required by the department of commerce.

**NEW SECTION. Sec. 203. CLEAN ENERGY PROJECTS OF STATEWIDE SIGNIFICANCE—DEPARTMENT OF COMMERCE DECISION.** (1)(a) The department of commerce, in consultation with natural resources agencies and other state agencies identified as likely to have a role in siting or permitting a project, must review applications received under section 202 of this act. Within 14 business days of receiving the application, the department of commerce must mail or provide in person a written determination that the application is complete, or if the application is incomplete, an opportunity to meet with the department of commerce to determine what is necessary to make the application complete. Within seven business days after an applicant has submitted additional information identified by the department of commerce as being necessary for a complete application, the department of commerce must notify the applicant whether the application is complete or what additional information is necessary.

(b) When the application is complete, the director of the department of commerce must determine within 60 business days whether to designate an applicant's project as a clean energy project of statewide significance.

(c) A determination of completeness does not preclude the department of commerce from requesting additional information if new information is required or substantial changes in the proposed project occur.

(2) The department of commerce may designate a clean energy project of statewide significance taking into consideration:

(a) Whether the project qualifies as a clean energy project;

(b) Whether the project will: Contribute to achieving state emission reduction limits under chapter 70A.45 RCW; be consistent with the state energy strategy adopted by the department of commerce; contribute to achieving other state requirements for clean energy and greenhouse gas emissions reductions; and support the state's economic development goals;

(c) Whether the level of applicant need for coordinated state assistance, including for siting and permitting and the complexity of the project, warrants the designation of a project;

(d) Whether the project is proposed for an area or for a clean energy technology that has been reviewed through a nonproject environmental review process, or least-conflict siting process including, but not limited to, the processes identified in sections 303 and 306 of this act, and whether the project is consistent with the recommendations of such processes;

(e) Whether the project is anticipated to have potential near-term or long-term significant positive or adverse impacts on environmental and public health, including impacts to:

(i) State or federal endangered species act listed species in Washington;

(ii) Overburdened communities; and

(iii) Rights, interests, and resources, including tribal cultural resources, of potentially affected federally recognized Indian tribes; and

(f) Input received from potentially affected federally recognized Indian tribes, which the department must solicit and acknowledge the receipt of.

(3) In determining whether to approve an application, the department of commerce must consider information contained in an application under section 202 of this act demonstrating an applicant's tribal outreach and engagement, engagement with the department of archaeology and historic preservation, and engagement with the governor's office of Indian affairs.

(4)(a) The department of commerce may designate an unlimited number of projects of statewide significance that meet the criteria of this section.

(b) An applicant whose application to the department of commerce under this chapter is not successful is eligible to reapply.

**NEW SECTION. Sec. 204. CLEAN ENERGY COORDINATED PERMITTING PROCESS—DEPARTMENT OF ECOLOGY DUTIES.** An optional, fully coordinated permit process is established for clean energy projects that do not apply to the energy facility site evaluation council under chapter 80.50 RCW. In support of the coordinated permitting process for clean energy projects, the department of ecology must:

(1) Act as the central point of contact for the project proponent for the coordinated permitting process for projects that do not apply to the energy facility site evaluation council under chapter 80.50 RCW and communicate with the project proponent about defined issues;

(2) Conduct an initial assessment of the proposed project review and permitting actions for coordination purposes as provided in section 205 of this act;

(3) Ensure that the project proponent has been informed of all the information needed to apply for the state and local permits that are included in the coordinated permitting process;

(4) Facilitate communication between project proponents and agency staff to

promote timely permit decisions and promote adherence to agreed schedules;

(5) Verify completion among participating agencies of administrative review and permit procedures, such as providing public notice;

(6) Assist in resolving any conflict or inconsistency among permit requirements and conditions;

(7) Consult with potentially affected federally recognized Indian tribes as provided in section 209 of this act in support of the coordinated permitting process;

(8) Engage with potentially affected overburdened communities as provided in section 209 of this act;

(9) Manage a fully coordinated permitting process; and

(10) Coordinate with local jurisdictions to assist with fulfilling the requirements of chapter 36.70B RCW and other local permitting processes.

**NEW SECTION. Sec. 205. CLEAN ENERGY COORDINATED PERMITTING PROCESS INITIAL ASSESSMENT.** (1) Upon the request of a proponent of a clean energy project, the department of ecology must conduct an initial assessment to determine the level of coordination needed, taking into consideration the complexity of the project and the experience of those expected to be involved in the project application and review process.

(2) The initial project assessment must consider the complexity, size, and need for assistance of the project and must address as appropriate:

(a) The expected type of environmental review;

(b) The state and local permits or approvals that are anticipated to be required for the project;

(c) The permit application forms and other application requirements of the participating permit agencies;

(d) The anticipated information needs and issues of concern of each participating agency; and

(e) The anticipated time required for the environmental review process under chapter 43.21C RCW and permit decisions by each participating agency, including the estimated time required to determine if the permit applications are complete, to conduct the environmental review under chapter 43.21C RCW, and conduct permitting processes for each participating agency. In determining the estimated time required, full consideration must be given to achieving the greatest possible efficiencies through any concurrent studies and any consolidated applications, hearings, and comment periods.

(3) The outcome of the initial assessment must be documented in writing, furnished to the project proponent, and be made available to the public.

(4) The initial assessment must be completed within 60 days of the clean energy project proponent's request to the department under this section, unless information on the project is not complete.

**NEW SECTION. Sec. 206. CLEAN ENERGY COORDINATED PERMITTING PROCESS REQUIREMENTS AND PROCEDURES.** (1) A project proponent may submit a written request to the department of ecology pursuant to section 208 of this act and a local government development agreement to support local government actions pursuant to section 207 of this act for participation in a fully coordinated permitting process. To be eligible to participate in the fully coordinated permit process:

(a) The project proponent must:

(i) Enter into a cost-reimbursement agreement pursuant to section 208 of this act;

(ii) Provide sufficient information on the project and project site to identify probable significant adverse environmental impacts;

(iii) Provide information on any voluntary mitigation measures; and

(iv) Provide information on engagement actions taken by the proponent with federally recognized Indian tribes, local government, and overburdened communities; and

(b) The department of ecology must determine that the project raises complex coordination, permit processing, or substantive permit review issues.

(2) A project proponent who requests designation as a fully coordinated project must provide the department of ecology with a complete description of the project. The department of ecology may request any information from the project proponent that is necessary to make the designation under this section and may convene a meeting of the likely participating permit agencies.

(3) For a fully coordinated permitting process, the department of ecology must serve as the main point of contact for the project proponent and participating agencies with regard to coordinating the permitting process for the project as a whole. Each participating permit agency must designate a single point of contact for coordinating with the department of ecology. The department of ecology must keep a schedule identifying required procedural steps in the permitting process and highlighting substantive issues as appropriate that must be resolved in order for the project to move forward. In carrying out these responsibilities, the department of ecology must:

(a) Conduct the duties for the coordinated permitting process as described in section 205 of this act;

(b)(i) Reach out to tribal or federal jurisdictions responsible for issuing a permit for the project and invite them to participate in the coordinated permitting process or to receive periodic updates of the project;

(ii) Reach out to local jurisdictions responsible for issuing a permit for the project and inform them of their obligations under section 207 of this act.

(4) Within 30 days, or longer with agreement of the project proponent, of the date that the department of ecology determines a project is eligible for the fully coordinated permitting process, the department of ecology shall convene a work

plan meeting with the project proponent, local government, and the participating permit agencies to develop a coordinated permitting process schedule. The work plan meeting agenda may include any of the following:

(a) Review of the permits that are anticipated for the project;

(b) A review of the permit application forms and other application requirements of the agencies that are participating in the coordinated permitting process;

(c) An estimation of the timelines that will be used by each participating permit agency to make permit decisions, including the estimated time periods required to determine if the permit applications are complete and to review or respond to each application or submittal of new information. In the development of this timeline, full attention must be given to achieving the maximum efficiencies possible through concurrent studies and consolidated applications, hearings, and comment periods; or

(d) An estimation of reasonable costs for the department of ecology, participating agencies, and the county, city, or town in which the project is proposed for environmental review and permitting, based on known information about the project.

(5) Each participating agency and the lead agency under chapter 43.21C RCW must send at least one representative qualified to discuss the applicability and timelines associated with all permits administered by that agency or jurisdiction to the work plan meeting. The department of ecology must notify any relevant federal agency or potentially affected federally recognized Indian tribe of the date of the meeting and invite them to participate in the process.

(6) Any accelerated time period for the consideration of a permit application or for the completion of the environmental review process under chapter 43.21C RCW must be consistent with any statute, rule, or regulation, or adopted state policy, standard, or guideline that requires the participation of other agencies, federally recognized Indian tribes, or interested persons in the application process.

(7) Upon the completion of the work plan meeting under subsection (4) of this section, the department of ecology must finalize the coordinated permitting process schedule, share it in writing with the project proponent, participating state agencies, lead agencies under chapter 43.21C RCW, and cities and counties subject to an agreement specified in section 207 of this act, and make the schedule available to the public.

(8) As part of the coordinated permit process, the developer may prepare a community benefit agreement or other similar document to identify how to mitigate potential community impacts or impacts to tribal rights and resources, including cultural resources. The agreement should include benefits in addition to jobs or tax revenues resulting from the project. Approval of any benefit agreement or other legal document stipulating the benefits that the developer agrees to fund or furnish, in exchange for community or tribal government

support of the project, must be made by the local government legislative authority of the county, city, or town in which the project is proposed or by the relevant federally recognized Indian tribal government.

(9) If a lead agency under chapter 43.21C RCW, a permit agency, or the project proponent foresees, at any time, that it will be unable to meet the estimated timelines or other obligations under the schedule agreement, it must notify the department of ecology of the reasons for the delay and offer potential solutions or an amended timeline. The department of ecology must notify the participating agencies and the project proponent and, upon agreement of all parties, adjust the schedule or, if necessary, schedule another work plan meeting.

(10) The project proponent may withdraw from the coordinated permitting process by submitting to the department of ecology a written request that the process be terminated. Upon receipt of the request, the department of ecology must notify each participating agency that a coordinated permitting process is no longer applicable to the project.

(11)(a) Permitting decisions made by state and local jurisdictions under the fully coordinated permitting process in this chapter are considered final, subject to any appeals process available to applicants or other parties. Applicants utilizing the fully coordinated permitting process in this chapter are not eligible for permitting under chapter 80.50 RCW unless a substantial change is made to the proposed project.

(b) Prior to considering an application under chapter 80.50 RCW from a project applicant that has previously used the fully coordinated permitting process under this chapter for the project, the energy facility site evaluation council must determine that the project applicant has made a substantial change to the project, relative to the project as it was proposed under the fully coordinated permitting process.

**NEW SECTION. Sec. 207. CLEAN ENERGY COORDINATED PERMITTING PROCESS—LOCAL JURISDICTION AGREEMENTS.** (1)(a) Counties and cities with clean energy projects that are determined to be eligible for the fully coordinated permit process shall enter into an agreement with the department of ecology or with the project proponents of clean energy projects for expediting the completion of projects.

(b) For the purposes of this section, "expedite" means that a county or city will develop and implement a method to accelerate the process for permitting and environmental review. Expediting should not disrupt or otherwise delay the permitting and environmental review of other projects or require the county or city to incur additional costs that are not compensated.

(2) Agreements required by this section must include requirements that the county or city coordinate with the department of ecology and conduct environmental review and permitting to align with the work plan described in section 206(4) of this act and:

(a) Expedite permit processing for the design and construction of the project;

(b) Expedite environmental review processing;

(c) Expedite processing of requests for street, right-of-way, or easement vacations necessary for the construction of the project;

(d) Develop and follow a plan for consultation with potentially affected federally recognized Indian tribes; and

(e) Carry out such other actions identified by the department of ecology as needed for the fully coordinated permitting process.

**NEW SECTION. Sec. 208. CLEAN ENERGY COORDINATED PERMITTING PROCESS—COST-REIMBURSEMENT AGREEMENTS.** (1) For a fully coordinated permitting process, a project proponent must enter into a cost-reimbursement agreement with the department of ecology in accordance with RCW 43.21A.690. The cost-reimbursement agreement is to recover reasonable costs incurred by the department of ecology and participating agencies in carrying out the coordinated permitting process.

(2) The cost-reimbursement agreement may include deliverables and schedules for invoicing and reimbursement.

(3) For a fully coordinated permitting process, a project proponent must enter into a development agreement with the county, city, or town in which the project is proposed, in accordance with the authorization and requirements in RCW 36.70B.170 through 36.70B.210. The development agreement must detail the obligations of the local jurisdiction and the project applicant. It must also include, but not be limited to, the process the county, city, or town will implement for meeting its obligation to expedite the application, other clarifications for project phasing, and an estimate of reasonable costs.

(4) For a fully coordinated permitting process, a project proponent may enter directly into a cost-reimbursement agreement similar to that described in subsection (1) of this section, to reimburse the costs of a federally recognized Indian tribe for reviewing and providing input on the siting and permitting of a clean energy project.

(5) If a project proponent foresees, at any time, that it will be unable to meet its obligations under the agreement, it must notify the department of ecology and state the reasons, along with proposals for resolution.

**NEW SECTION. Sec. 209. CLEAN ENERGY COORDINATED PERMITTING PROCESS—TRIBAL CONSULTATION AND OVERBURDENED COMMUNITY ENGAGEMENT.** (1)(a) The department of ecology must offer early, meaningful, and individual consultation with any affected federally recognized Indian tribe on designated clean energy projects participating in the coordinated permitting process for the purpose of understanding potential impacts to tribal rights, interests, and resources, including tribal cultural resources,

archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which an Indian tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required by state law, or by a state agency. The goal of the consultation process is to support the coordinated permitting process by early identification of tribal rights, interests, and resources, including tribal cultural resources, potentially affected by the project, and identifying solutions, when possible, to avoid, minimize, or mitigate any adverse effects on tribal rights, interests, or resources, including tribal cultural resources, based on environmental or permit reviews.

(b) At the earliest possible date after the initiation of the coordinated permitting process under this chapter, the department of ecology shall engage in a preapplication process with all affected federally recognized Indian tribes potentially impacted by the project.

(i) The department of ecology must notify the department of archaeology and historic preservation, the department of fish and wildlife, and all affected federally recognized Indian tribes potentially impacted by the project. The notification must include geographical location, detailed scope of the proposed project, preliminary proposed project details available to federal, state, or local governmental jurisdictions, and all publicly available materials.

(ii) The department of ecology must also offer to discuss the project with the department of archaeology and historic preservation, the department of fish and wildlife, and all affected federally recognized Indian tribes potentially impacted by the project. Any resultant discussions must include the project's impact to tribal rights, interests, and resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which a tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order.

(iii) All affected federally recognized Indian tribes may submit to the department of ecology a summary of tribal issues, questions, concerns, or other statements regarding the project, which must become part of the official files maintained by the department of ecology for the coordinated permitting process. The summary does not limit what issues affected federally recognized Indian tribes may raise in the consultation process.

(iv) The notification and offer to initiate discussion must be documented by the department of ecology and delivered to the department of archaeology and historic preservation, the department of fish and wildlife, and to the affected federally recognized Indian tribe or tribes. If the discussions pursuant to (b)(ii) of this subsection do not occur, the department of

ecology must document the reason why the discussion or discussions did not occur.

(v) Nothing in this section may be interpreted to require the disclosure of information that is exempt from disclosure pursuant to RCW 42.56.300 or federal law, including section 304 of the national historic preservation act of 1966. Any information that is exempt from disclosure pursuant to RCW 42.56.300 or federal law, including section 304 of the national historic preservation act of 1966, shall not become part of publicly available coordinated permitting process files.

(2) The department of ecology must identify overburdened communities, as defined in RCW 70A.02.010, which may be potentially affected by clean energy projects participating in the coordinated permitting process. The department of ecology must verify these communities have been meaningfully engaged in the regulatory processes in a timely manner by participating agencies and their comments considered for determining potential impacts.

**NEW SECTION. Sec. 210. MISCELLANEOUS.**

(1) Nothing in this chapter:

(a) Prohibits an applicant, a project proponent, a state agency, a local government, or a federally recognized Indian tribe from entering into a nondisclosure agreement to protect confidential business information, trade secrets, financial information, or other proprietary information;

(b) Limits or affects other statutory provisions specific to any state agency related to that agency's procedures and protocols related to the identification, designation, or disclosure of information identified as confidential business information, trade secrets, financial information, or other proprietary information;

(c) Limits or affects the provisions of chapter 42.56 RCW as they apply to information or nondisclosure agreements obtained by a state agency under this chapter; or

(d) Relieves the responsible official under chapter 43.21C RCW for an action of the official's responsibilities under that chapter.

(2) The decisions by the department of commerce to designate a clean energy project of statewide significance must be made available to the public. Regardless of any exemptions otherwise set forth in RCW 42.56.270, publicly shared information must include the designee's name, a brief description of the project, the intended project location, a description of climate and economic development benefits to the state and communities therein, a tribal engagement plan, a community engagement plan, and a community benefit agreement if applicable.

(3) The department of commerce may terminate a designation of a clean energy project of statewide significance for reasons that include, but are not limited to, failure to comply with requirements of the designation or the emergence of new

information that significantly alters the department of commerce's assessment of the applicant's application, project, or project proponent. The department of commerce must notify the applicant, project proponent, and the department of ecology of the termination in writing within 30 days.

(4) Nothing in this chapter affects the jurisdiction of the energy facility site evaluation council under chapter 80.50 RCW.

(5) This chapter does not limit or abridge the powers and duties granted to a participating permit agency under the law or laws that authorizes or requires the agency to issue a permit for a project. Each participating permit agency retains its authority to make all decisions on all substantive matters with regard to the respective component permit that is within its scope of its responsibility including, but not limited to, the determination of permit application completeness, permit approval or approval with conditions, or permit denial.

**NEW SECTION. Sec. 211.** A new section is added to chapter 80.50 RCW to read as follows:

Applicants utilizing the fully coordinated permitting process under chapter 43.--- RCW (the new chapter created in section 402 of this act) are not eligible for permitting under this chapter unless a substantial change is made to the proposed project. Prior to considering an application under this chapter from a project applicant that has previously used the fully coordinated permitting process under chapter 43.--- RCW (the new chapter created in section 402 of this act) for that project, the council must determine that the project applicant has made a substantial change to the project, relative to the project as it was proposed under the fully coordinated permitting process.

**PART 3  
PERMITTING AND ENVIRONMENTAL REVIEW  
PROVISIONS FOR CLEAN ENERGY PROJECTS**

**NEW SECTION. Sec. 301.** A new section is added to chapter 43.21C RCW to read as follows:

SEPA CLEAN ENERGY FACILITIES. (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Alternative energy resource" has the same meaning as defined in RCW 80.50.020.

(b) "Alternative jet fuel" has the same meaning as defined in section 201 of this act.

(c) "Associated facilities" has the same meaning as defined in section 201 of this act.

(d) "Clean energy product manufacturing facility" has the same meaning as defined in section 201 of this act.

(e) "Clean energy project" has the same meaning as defined in section 201 of this act.

(f) "Closely related proposals" means proposals that:

(i) Cannot or will not proceed unless the other proposals, or parts of proposals, are implemented simultaneously with them; or

(ii) Are interdependent parts of a larger proposal and depend on the larger proposal as their justification or for their implementation.

(g) "Green electrolytic hydrogen" has the same meaning as defined in RCW 80.50.020.

(h) "Green hydrogen carrier" has the same meaning as defined in RCW 80.50.020.

(i) "Renewable hydrogen" has the same meaning as defined in RCW 80.50.020.

(j) "Renewable natural gas" has the same meaning as defined in RCW 80.50.020.

(k) "Renewable resource" has the same meaning as defined in RCW 80.50.020.

(l) "Storage facility" has the same meaning as defined in RCW 80.50.020.

(2)(a) After the submission of an environmental checklist and prior to issuing a threshold determination that a clean energy project proposal is likely to cause a probable significant adverse environmental impact consistent with RCW 43.21C.033, the lead agency must notify the project applicant and explain in writing the basis for its anticipated determination of significance. Prior to issuing the threshold determination of significance, the lead agency must give the project applicant the option of withdrawing and revising its application and the associated environmental checklist. The lead agency shall make its threshold determination based upon the changed or clarified application and associated environmental checklist. The responsible official has no more than 30 days from the date of the resubmission of a clarified or changed application to make a threshold determination, unless the applicant makes material changes that substantially modify the impact of the proposal, in which case the responsible official must treat the resubmitted clarified or changed application as new, and is subject to the timelines established in RCW 43.21C.033.

(b) The notification required under (a) of this subsection is not an official determination by the lead agency and is not subject to appeal under this chapter.

(c) Nothing in this subsection amends the requirements of RCW 43.21C.033 as they apply to proposals that are not for clean energy projects and nothing in this subsection precludes the lead agency from allowing an applicant for a proposal that is not a clean energy project to follow application processes similar to or the same as the application processes identified in this subsection.

(3)(a) When an environmental impact statement is required, a lead agency shall prepare a final environmental impact statement for clean energy projects within 24 months of a threshold determination of a probable significant, adverse environmental impact.

(b) A lead agency may work with clean energy project applicants to set or extend a time limit longer than 24 months under (a) of this subsection, provided the:

(i) Applicant agrees to a longer time limit; and

(ii) Responsible official for the lead agency maintains an updated schedule available for public review.

(c) For all clean energy projects that require the preparation of an environmental impact statement, the lead agency shall work collaboratively with applicants and all agencies that will have actions requiring review under this chapter to develop a schedule that shall:

(i) Include a list of, and roles and responsibilities for, all entities that have actions requiring review under this chapter for the project;

(ii) Include a comprehensive schedule of dates by which review under this chapter will be completed, all actions requiring review under this chapter will be taken, and the public will have an opportunity to participate;

(iii) Be completed within 60 days of issuance of a determination of significance;

(iv) Be updated as needed, but no later than 30 days of missing a date on the schedule; and

(v) Be available for public review on the state environmental policy act register.

(d) A lead agency may fulfill its responsibilities under this subsection with a coordinated project plan prepared pursuant to 42 U.S.C. Sec. 4370m-2(c)(1) if it includes all dates identified under (c)(ii) of this subsection.

(e) A failure to comply with the requirements in this subsection is not subject to appeal and does not provide a basis for the invalidation of the review by an agency under this chapter. Nothing in this subsection creates any civil liability for an agency or creates a new cause of action against an agency.

(f) For clean energy projects, the provisions of this subsection are in addition to the requirements of RCW 43.21C.0311.

(4) This subsection provides clarifications on the content of review under this chapter specific to clean energy projects.

(a) In defining the proposal that is the subject of review under this chapter, a lead agency may not combine the evaluation of a clean energy project proposal with other proposals unless the:

(i) Proposals are closely related; or

(ii) Applicant agrees to combining the proposals' evaluation.

(b) An agency with authority to impose mitigation under RCW 43.21C.060 may require mitigation measures for clean energy projects only to address the environmental impacts that are attributable to and caused by a proposal.

**NEW SECTION. Sec. 302.** A new section is added to chapter 43.21C RCW to read as follows:

**NONPROJECT ENVIRONMENTAL IMPACT STATEMENTS.** (1) The department of ecology shall prepare nonproject environmental impact statements, pursuant to RCW 43.21C.030, that assess and disclose the probable significant adverse environmental impacts, and that identify related mitigation measures, for each of the

following categories of clean energy projects, and colocated battery energy storage projects that may be included in such projects:

(a) Green electrolytic or renewable hydrogen projects;

(b) Utility-scale solar energy projects, which will consider the findings of the Washington State University least-conflict solar siting process; and

(c) Onshore utility-scale wind energy projects.

(2) The scope of a nonproject environmental review shall be limited to the probable, significant adverse environmental impacts in geographic areas that are suitable for the applicable clean energy type. The department of ecology may consider standard attributes for likely development, proximity to existing transmission or complementary facilities, and planned corridors for transmission capacity construction, reconstruction, or enlargement. The nonproject review is not required to evaluate geographic areas that lack the characteristics necessary for the applicable clean energy project type.

(3) (a) The scope of nonproject environmental impact statements must consider, as appropriate, analysis of the following probable significant adverse environmental impacts, including direct, indirect, and cumulative impacts to:

(i) Historic and cultural resources;

(ii) Species designated for protection under RCW 77.12.020 or the federal endangered species act;

(iii) Landscape scale habitat connectivity and wildlife migration corridors;

(iv) Environmental justice and overburdened communities as defined in RCW 70A.02.010;

(v) Cultural resources and elements of the environment relevant to tribal rights, interests, and resources including tribal cultural resources, and fish, wildlife, and their habitat;

(vi) Land uses, including agricultural and ranching uses; and

(vii) Military installations and operations.

(b) The nonproject environmental impact statements must identify measures to avoid, minimize, and mitigate probable significant adverse environmental impacts identified during the review. These include measures to mitigate probable significant adverse environmental impacts to elements of the environment as defined in WAC 197-11-444 as it existed as of January 1, 2023, tribal rights, interests, and resources, including tribal cultural resources, as identified in RCW 70A.65.305, and overburdened communities as defined in RCW 70A.02.010. The department of ecology shall consult with federally recognized Indian tribes and other agencies with expertise in identification and mitigation of probable, significant adverse environmental impacts including, but not limited to, the department of fish and wildlife. The department of ecology shall further specify when probable, significant adverse environmental impacts cannot be mitigated.

(4) In defining the scope of nonproject review of clean energy projects, the department of ecology shall request input from agencies, federally recognized Indian tribes, industry, stakeholders, local governments, and the public to identify the geographic areas suitable for the applicable clean energy project type, based on the climatic and geophysical attributes conducive to or required for project development. The department of ecology will provide opportunities for the engagement of tribes, overburdened communities, and stakeholders that self-identify an interest in participating in the processes.

(5) The department of ecology will offer early and meaningful consultation with any affected federally recognized Indian tribe on the nonproject review under this section for the purpose of understanding potential impacts to tribal rights and resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which an Indian tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order. Certain information obtained by the department of ecology under this section is exempt from disclosure consistent with RCW 42.56.300.

(6) Final nonproject environmental review documents for the clean energy projects identified in subsection (1) of this section, where applicable, shall include maps identifying probable, significant adverse environmental impacts for the resources evaluated. Maps must be prepared with the intention to illustrate probable, significant impacts, creating a tool that may be used by project proponents, tribes, and government to inform decision making. The maps may not be used in the place of surveys on specific parcels of land or input of a potentially affected federally recognized Indian tribe regarding specific parcels.

(7) Following the completion of a nonproject review subject to this section, the interagency clean energy siting coordinating council created in section 101 of this act must consider the findings and make recommendations to the legislature and governor on potential areas to designate as clean energy preferred zones for the clean energy project technology analyzed, and any taxation, regulatory, environmental review, or other benefits that should accrue to projects in such designated preferred zones.

(8) Nothing in this section prohibits or precludes projects from being located outside areas designated as clean energy preferred zones.

**NEW SECTION. Sec. 303.** A new section is added to chapter 43.21C RCW to read as follows:

**LEAD AGENCY USE OF NONPROJECT ENVIRONMENTAL IMPACT STATEMENT.** (1) A lead agency conducting a project-level environmental review under this chapter of a clean energy project identified in section 302(1) of this act must consider a nonproject environmental impact statement prepared pursuant to section 302 of this act

in order to identify and mitigate project-level probable significant adverse environmental impacts.

(2)(a) Project-level environmental review conducted pursuant to this chapter of a clean energy project identified in section 302(1) of this act must begin with review of the applicable nonproject environmental impact statement prepared pursuant to section 302 of this act. The review must address any probable significant adverse environmental impacts associated with the proposal that were not analyzed in the nonproject environmental impact statements prepared pursuant to section 302 of this act. The review must identify any mitigation measures specific to the project for probable significant adverse environmental impacts.

(b) Lead agencies reviewing site-specific project proposals for clean energy projects under this chapter shall use the nonproject review described in this section through one of the following methods and in accordance with WAC 197-11-600, as it existed as of January 1, 2023:

(i) Use of the nonproject review unchanged, in accordance with RCW 43.21C.034, if the project does not cause any probable significant adverse environmental impact not identified in the nonproject review;

(ii) Preparation of an addendum;

(iii) Incorporation by reference; or

(iv) Preparation of a supplemental environmental impact statement.

(3) Clean energy project proposals following the recommendations developed in the nonproject environment review completed pursuant to section 302 of this act must be considered to have mitigated the probable significant adverse project-specific environmental impacts under this chapter for which recommendations were specifically developed unless the project-specific environmental review identifies project-level probable significant adverse environmental impacts not addressed in the nonproject environmental review.

**NEW SECTION. Sec. 304.** A new section is added to chapter 36.70B RCW to read as follows:

PROHIBITION ON DEMONSTRATION OF NEED. During project review of a project to construct or improve facilities for the generation, transmission, or distribution of electricity, a local government may not require a project applicant to demonstrate the necessity or utility of the project other than to require, as part of a completed application under RCW 36.70B.070(2), submission of any publicly available documentation required by the federal energy regulatory commission or its delegates or the utilities and transportation commission or its delegates, or from any other federal agency with regulatory authority over the assessment of electric power transmission and distribution needs as applicable.

**NEW SECTION. Sec. 305.** A new section is added to chapter 36.01 RCW to read as follows:

A county may not prohibit the installation of wind and solar resource evaluation equipment necessary for the design and environmental planning of a renewable energy project.

**NEW SECTION. Sec. 306.** IDENTIFYING INFORMATION FOR PUMPED STORAGE SITING. (1) The Washington State University energy program shall conduct a process to identify issues and interests related to siting pumped storage projects in Washington state, to support expanded capacity to store intermittently produced renewable energy, such as from wind and solar, as part of the state's transition from fossil fuel to 100 percent clean energy. The Washington State University energy program may decide to include within the process's scope the collocation of pumped storage with wind or solar energy generation. The goal of the process is to identify and understand issues and interests of various stakeholders and federally recognized Indian tribes related to areas where pumped storage might be sited, providing useful information to developers of potential projects, and for subsequent environmental reviews under the state environmental policy act.

(2) In carrying out this process, the Washington State University energy program shall provide ample opportunities for the engagement of federally recognized Indian tribes, local governments and special purpose districts, land use and environmental organizations, and additional stakeholders that self-identify as interested in participating in the process.

(3) The Washington State University energy program must develop and make available a map and associated GIS data layers, highlighting areas identified through the process.

(4) Any information provided by tribes will help to inform the map product, but the Washington State University energy program may not include sensitive tribal information, as identified by federally recognized Indian tribes, in the publicly available map or GIS data layers. The information developed by this process and creation of the map under this section does not supplant the need for project developers to conduct early and individual outreach to federally recognized Indian tribes and other affected communities. The Washington State University energy program must take precautions to prevent disclosure of any sensitive tribal information it receives during the process, consistent with RCW 42.56.300.

(5) The pumped storage siting information process must be completed by June 30, 2025.

**NEW SECTION. Sec. 307.** (1)(a) The department must consult with stakeholders from rural communities, agriculture, natural resource management and conservation, and forestry to gain a better understanding of the benefits and impacts of anticipated changes in the state's energy system, including the siting of facilities under the jurisdiction of the energy facility site evaluation council, and to identify risks and opportunities for rural communities.



This consultation must be conducted in compliance with the community engagement plan developed by the department under chapter 70A.02 RCW and with input from the environmental justice council, using the best recommended practices available at the time. The department must collect the best available information and learn from the lived experiences of people in rural communities, with the objective of improving state implementation of clean energy policies, including the siting of energy facilities under the jurisdiction of the energy facility site evaluation council, in ways that protect and improve life in rural Washington. The department must consult with an array of rural community members, including: Low-income community and vulnerable population members or representatives; legislators; local elected officials and staff; those involved with agriculture, forestry, and natural resource management and conservation; renewable energy project property owners; utilities; large energy consumers; and others.

(b) The consultation must include stakeholder meetings with at least one in eastern Washington and one in western Washington.

(c) The department's consultation with stakeholders may include, but is not limited to, the following topics:

(i) Energy facility siting under the jurisdiction of the energy facility site evaluation council, including placement of new renewable energy resources, such as wind and solar generation, pumped storage, and batteries or new nonemitting electric generation resources, and their contribution to resource adequacy;

(ii) Production of hydrogen, biofuels, and feedstocks for clean fuels;

(iii) Programs to reduce energy cost burdens on rural families and farm operations;

(iv) Electric vehicles, farm and warehouse equipment, and charging infrastructure suitable for rural use;

(v) Efforts to capture carbon or produce energy on agricultural, forest, and other rural lands, including dual use solar projects that ensure ongoing agricultural operations;

(vi) The use of wood products and forest practices that provide low-carbon building materials and renewable fuel supplies; and

(vii) The development of clean manufacturing facilities, such as solar panels, vehicles, and carbon fiber.

(2) (a) The department must complete a report on rural clean energy and resilience that takes into consideration the consultation with rural stakeholders as described in subsection (1) of this section. The report must include recommendations for how policies, projects, and investment programs, including energy facility siting through the energy facility site evaluation council, can be developed or amended to more equitably distribute costs and benefits to rural communities. The report must include an assessment of how to improve the total benefits to rural areas overall, as well as the equitable distribution of benefits and costs within rural communities.

(b) The report must include a baseline understanding of rural energy production and consumption, and collect data on their economic impacts. Specifically, the report must examine:

(i) Direct, indirect, and induced jobs in construction and operations;

(ii) Financial returns to property owners;

(iii) Effects on local tax revenues and public services, which must include whether any school districts had a net loss of resources from diminished local effort assistance payments required under chapter 28A.500 RCW and impacts to public safety, the 911 emergency communications system, mental health, criminal justice, and rural county roads;

(iv) Effects on other rural land uses, such as agriculture, natural resource management and conservation, and tourism;

(v) Geographic distribution of large energy projects previously sited or forecast to be sited in Washington;

(vi) Potential forms of economic development assistance and impact mitigation payments; and

(vii) Relevant information from the least-conflict priority solar siting pilot project in the Columbia basin of eastern and central Washington required under section 607, chapter 334, Laws of 2021.

(c) The report must include a forecast of what Washington's clean energy transition will require for siting energy projects in rural Washington. The department must gather and analyze the best available information to produce forecast scenarios.

(d) By December 1, 2024, the department must submit a final report on rural clean energy and resilience to the joint committee on energy supply, energy conservation, and energy resilience created in RCW 44.39.010 and the appropriate policy and fiscal committees of the legislature.

(3) For the purposes of this section, "department" means the department of commerce.

**Sec. 308.** RCW 44.39.010 and 2005 c 299 s 1 are each amended to read as follows:

There is hereby created the joint committee on energy supply ~~((and))~~ energy conservation, and energy resilience.

**Sec. 309.** RCW 44.39.012 and 2005 c 299 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Committee" means the joint committee on energy supply ~~((and))~~ energy conservation, and energy resilience.

(2) "Conservation" means reduced energy consumption or energy cost, or increased efficiency in the use of energy, and activities, measures, or equipment designed to achieve such results.

**NEW SECTION. Sec. 310.** (1) The committee shall review the report produced by the department of commerce under section 307 of this act and consider any policy or budget recommendations to reduce impacts and

increase benefits of the clean energy transition for rural communities, including mechanisms to support local tax revenues and public services.

(2) The committee must hold at least two meetings, at least one of which must be in eastern Washington. The first meeting of the committee must occur by September 30, 2023.

(3) Relevant state agencies, departments, and commissions, including the energy facility site evaluation council, shall cooperate with the committee and provide information as the chair reasonably requests.

(4) The committee shall report its findings and any recommendations to the energy facility site evaluation council and the committees of the legislature with jurisdiction over environment and energy laws by December 1, 2024. Recommendations of the committee may be made by a simple majority of committee members. In the event that the committee does not reach majority-supported recommendations, the committee may report minority findings supported by at least two members of the committee.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Alternative energy" means energy derived from an alternative energy resource specified in RCW 80.50.020(1).

(b) "Committee" means the joint committee on energy supply, energy conservation, and energy resilience created in RCW 44.39.010.

(6) This section expires June 30, 2025.

#### **PART 4 MISCELLANEOUS PROVISIONS**

NEW SECTION. **Sec. 401.** Sections 101 and 102 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 402.** Sections 201 through 210 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 403.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "siting;" strike the remainder of the title and insert "amending RCW 44.39.010 and 44.39.012; adding a new section to chapter 80.50 RCW; adding new sections to chapter 43.21C RCW; adding a new section to chapter 36.70B RCW; adding a new section to chapter 36.01 RCW; adding new chapters to Title 43 RCW; creating new sections; prescribing penalties; and providing an expiration date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE

BILL NO. 1216 and advanced the bill, as amended by the Senate, to final passage.

Representatives Fitzgibbon and Dye spoke in favor of the passage of the bill.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1216, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1216, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 78; Nays, 18; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barnard, Christian, Connors, Corry, Dent, Eslick, Graham, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Schmick, Schmidt, Volz, Walsh and Ybarra

Excused: Representatives Chandler and Ortiz-Self

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1216, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1217, with the following amendment(s): 1217-S AMS ENGR S2688.E

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 49.48.083 and 2011 c 301 s 16 are each amended to read as follows:

(1) If an employee files a wage complaint with the department, the department shall investigate the wage complaint. Unless otherwise resolved, the department shall issue either a citation and notice of assessment or a determination of compliance no later than ~~((sixty))~~ 60 days after the date on which the department received the wage complaint. The department may extend the time period by providing advance written notice to the employee and the employer setting forth good cause for an extension of the time period and specifying the duration of the extension. The department may not investigate any alleged violation of a wage payment requirement that occurred more than three years before the date that the employee filed the wage complaint. The department shall send the citation and notice of assessment or the determination of

compliance to both the employer and the employee by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to their last known addresses.

(2) If the department determines that an employer has violated a wage payment requirement and issues to the employer a citation and notice of assessment, the department may order the employer to pay employees all wages owed, including interest of one percent per month on all wages owed, to the employee. The wages and interest owed must be calculated from the first date wages were owed to the employee, except that the department may not order the employer to pay any wages and interest that were owed more than three years before the date the wage complaint was filed with the department.

(3) If the department determines that the violation of the wage payment requirement was a willful violation, the department also may order the employer to pay the department a civil penalty as specified in (a) of this subsection.

(a) A civil penalty for a willful violation of a wage payment requirement shall be not less than one thousand dollars or an amount equal to ten percent of the total amount of unpaid wages, whichever is greater. The maximum civil penalty for a willful violation of a wage payment requirement shall be twenty thousand dollars.

(b) The department may not assess a civil penalty if the employer reasonably relied on: (i) A rule related to any wage payment requirement; (ii) a written order, ruling, approval, opinion, advice, determination, or interpretation of the director; or (iii) an interpretive or administrative policy issued by the department and filed with the office of the code reviser. In accordance with the department's retention schedule obligations under chapter 40.14 RCW, the department shall maintain a complete and accurate record of all written orders, rulings, approvals, opinions, advice, determinations, and interpretations for purposes of determining whether an employer is immune from civil penalties under (b)(ii) of this subsection.

(c) The department shall waive any civil penalty assessed against an employer under this section if the employer is not a repeat willful violator, and the director determines that the employer has provided payment to the employee of all wages that the department determined that the employer owed to the employee, including interest, within ten business days of the employer's receipt of the citation and notice of assessment from the department.

(d) The department may waive or reduce at any time a civil penalty assessed under this section if the director determines that the employer paid all wages and interest owed to an employee.

(e) The department shall deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(4) Upon payment by an employer, and acceptance by an employee, of all wages and interest assessed by the department in a citation and notice of assessment issued to

the employer, the fact of such payment by the employer, and of such acceptance by the employee, shall: (a) Constitute a full and complete satisfaction by the employer of all specific wage payment requirements addressed in the citation and notice of assessment; and (b) bar the employee from initiating or pursuing any court action or other judicial or administrative proceeding based on the specific wage payment requirements addressed in the citation and notice of assessment. The citation and notice of assessment shall include a notification and summary of the specific requirements of this subsection.

(5) The applicable statute of limitations for civil actions is tolled during the department's investigation of an employee's wage complaint against an employer. For the purposes of this subsection, the department's investigation begins on the date the employee files the wage complaint with the department and ends when: (a) The wage complaint is finally determined through a final and binding citation and notice of assessment or determination of compliance; or (b) the department notifies the employer and the employee in writing that the wage complaint has been otherwise resolved or that the employee has elected to terminate the department's administrative action under RCW 49.48.085.

(6) For all wage complaints filed on or after January 1, 2024, if the department offers the employer the option to resolve a wage complaint without a citation and notice of assessment, and the employer chooses to accept the offer, any settlement must include interest of one percent per month on all amounts owed. The employee may request a waiver or reduction of interest as part of the settlement process."

On page 1, line 2 of the title, after "options;" strike the remainder of the title and insert "and amending RCW 49.48.083."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1217 and advanced the bill, as amended by the Senate, to final passage.

Representatives Berry and Robertson spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1217, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1217, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 62; Nays, 34; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena,

Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, McClintock, McEntire, Mosbrucker, Orcutt, Rude, Sandlin, Schmick, Schmidt, Shavers, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Chandler and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1217, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1317, with the following amendment(s): 1317 AMS SGE S2583.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.17A.640 and 2010 c 204 s 809 are each amended to read as follows:

(1) Any person who has made expenditures, not reported by a registered lobbyist under RCW 42.17A.615 or by a candidate or political committee under RCW 42.17A.225 or 42.17A.235, exceeding one thousand dollars in the aggregate within any three-month period or exceeding five hundred dollars in the aggregate within any one-month period in presenting a ~~((program))~~ campaign to the public, a substantial portion of which is intended, designed, or calculated primarily to solicit, urge, or encourage the public to influence legislation, shall register and report, as provided in subsection (2) of this section, as a sponsor of a grass roots lobbying campaign.

(2) ~~((Within thirty days after becoming a sponsor of a grass roots lobbying campaign, the))~~ (a) The sponsor shall register by filing with the commission a registration statement:

(i) Within 24 hours of the initial presentation of the campaign to the public during the period:

(A) Beginning on the 30th day before a regular legislative session convenes and continuing through the date of final adjournment of that session; or

(B) Beginning on the date that a special legislative session has been called or 30 days before the special legislative session is scheduled to convene, whichever is later, and continuing through the date of final adjournment of that session; or

(ii) Within five business days of the initial presentation of the campaign to the public during any other period.

(b) The registration must show, in such detail as the commission shall prescribe~~((r showing))~~:

~~((a))~~ (i) The sponsor's name, address, and business or occupation and employer, and, if the sponsor is not an individual, the names, addresses, and titles of the

controlling persons responsible for managing the sponsor's affairs;

~~((b))~~ (ii) The names, addresses, and business or occupation and employer of all persons organizing and managing the campaign, or hired to assist the campaign, including any public relations or advertising firms participating in the campaign, and the terms of compensation for all such persons;

~~((c) The names and addresses of each person contributing twenty-five dollars or more to the campaign, and the aggregate amount contributed))~~ (iii) Each source of funding for the campaign of \$25 or more, including:

(A) General treasury funds. The name and address of each business, union, group, association, or other organization using general treasury funds for the campaign; however, if such entity undertakes a special solicitation of its members or other persons for the campaign, or it otherwise receives funds for the campaign, that entity shall report pursuant to (b) (ii) of this subsection; and

(B) Special solicitations and other funds. The name, address, and, for individuals, occupation and employer, of a person whose funds were used to pay for the campaign, along with the amount;

~~((d))~~ (iv) The purpose of the campaign, including the specific legislation, rules, rates, standards, or proposals that are the subject matter of the campaign;

~~((e))~~ (v) The totals of all expenditures made or incurred to date on behalf of the campaign segregated according to financial category, including but not limited to the following: Advertising, segregated by media, and in the case of large expenditures (as provided by rule of the commission), by outlet; contributions; entertainment, including food and refreshments; office expenses including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount paid or incurred for lobbying campaign activities; consultants; and printing and mailing expenses; and

(vi) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this chapter.

(3) Every sponsor who has registered under this section shall file monthly reports with the commission by the tenth day of the month for the activity during the preceding month. The reports shall update the information contained in the sponsor's registration statement and in prior reports and shall show contributions received and totals of expenditures made during the month, in the same manner as provided for in the registration statement.

(4) When the campaign has been terminated, the sponsor shall file a notice of termination with the final monthly report. The final report shall state the totals of all contributions and expenditures made on behalf of the campaign, in the same manner as provided for in the registration statement.

(5) (a) Any advertising or other mass communication produced as part of a campaign must include the following disclosures:

(i) All written communications shall include the sponsor's name and address. All radio and television communications shall include the sponsor's name. The use of an assumed name for the sponsor is unlawful;

(ii) If the sponsor is a political committee established, maintained, or controlled directly, or indirectly through the formation of one or more political committees, by an individual, corporation, union, association, or other entity, the communication must include the full name of that individual or entity; and

(iii) If the communication costs \$1,000 or more, the communication must include:

(A) The statement "Top Five Contributors," followed by a listing of the names of each of the five largest sources of funding of \$1,000 or more, as reported under subsection (2)(b) of this section, during the 12-month period preceding the date on which the advertisement is initially to be published or otherwise presented to the public; and

(B) If one of the "Top Five Contributors" listed includes a political committee, the statement "Top Three Donors to PAC Contributors," followed by a listing of the names of the three individuals or entities other than political committees making the largest aggregate contributions to political committees using the same methodology as provided in RCW 42.17A.350(2).

(b) Abbreviations may be used to describe entities required to be listed under (a) of this subsection if the full name of the entity has been clearly spoken previously during the communication. The information required by (a) of this subsection shall:

(i) In a written communication:

(A) Appear on the first page or fold of the written advertisement or communication in at least 10-point type, or in type at least 10 percent of the largest size type used in a written communication directed at more than one voter, such as a billboard or poster, whichever is larger;

(B) Not be subject to the half-tone or screening process; and

(C) Be set apart from any other printed matter. No text may be before, after, or immediately adjacent to the information required by (a) of this subsection; or

(ii) In a communication transmitted via television or another medium that includes a visual image or audio:

(A) Be clearly spoken; or

(B) Appear in print and be visible for at least four seconds, appear in letters greater than four percent of the visual screen height on a solid black background on the entire bottom one-third of the television or visual display screen, or bottom one-fourth of the screen if the sponsor does not have or is otherwise not required to list its top five contributors, and have a reasonable color contrast with the background.

(6) The commission is authorized to adopt rules, as needed, to prevent ways to circumvent the purposes of the required disclosures in this section or otherwise in conformance with the policies and purposes of this chapter."

On page 1, line 1 of the title, after "to" strike the remainder of the title and

insert "improving transparency in grass roots lobbying disclosure; and amending RCW 42.17A.640."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1317 and advanced the bill, as amended by the Senate, to final passage.

Representative Pollet spoke in favor of the passage of the bill.

Representative Abbarno spoke against the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1317, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1317, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 61; Nays, 35; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goechner, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Chandler and Ortiz-Self

HOUSE BILL NO. 1317, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1390, with the following amendment(s): 1390-S2 AMS ENET S2731.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes that building decarbonization is necessary to achieve the state's climate goals. Washington is a member of the national building performance standards coalition and is leading the nation with existing building performance standards. District energy policy could be used in coordination with any future statewide building performance standards policies to

reduce commercial and large state-owned building emissions.

Due to the increased prevalence of extreme summer heat events, the ability to cool space at our state-run campus facilities, including correctional facilities, is an essential function of maintaining humane living, working, and learning conditions.

Upgrading existing district energy systems has great potential to increase efficiency, oftentimes more so than a building-by-building approach.

Upgrading and constructing district energy systems will employ skilled labor, including trades that have historically performed work on fossil fuel energy sources. This work will be an important part of a just transition to a clean energy economy.

For state-owned facilities connected to district energy systems, the legislature recognizes that it may take years, multiple budget cycles, and commitments as anchor customers to develop and upgrade campus district energy systems, but remains committed to steadily investing in plans developed by these agencies and their selected providers. Having plans for multiyear customer commitments or spending programs will set the state and private sector up well for applying for federal grants and resources and to appropriately plan capital, operating, and climate commitment act funding for these investments over time.

**NEW SECTION. Sec. 2.** A new section is added to chapter 19.27A RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Campus" means a collection of buildings served by a district heating, cooling, water reuse, or power system.

(b) "Campus district energy system" means a district energy system that provides heating, cooling, or heating and cooling to a campus through a distributed system providing steam, hot water, or cool water to three or more buildings with more than 100,000 square feet of combined conditioned space, where the system and all connected buildings are owned by:

(i) A single entity;

(ii) A public-private partnership in which a private entity owns the systems providing heating, cooling, or heating and cooling to buildings owned by one public entity; or

(iii) Two private entities in which one private entity owns the connected buildings and another private entity owns the system providing heating, cooling, or heating and cooling to the buildings.

(c) "State campus district energy system" means a district energy system that provides heating, cooling, or heating and cooling to a campus through a distributed system providing steam, hot water, or cool water to five or more buildings with more than 100,000 square feet of combined conditioned space, where the system and all connected buildings are owned by the state of

Washington or by a public-private partnership including one public buildings owner and one private entity.

(2)(a) The owner of a state campus district energy system must develop a decarbonization plan that provides a strategy for up to 15 years for the state campus district energy system. The department of commerce may approve a decarbonization plan that is based on a planning time frame longer than 15 years. The decarbonization plan must include:

(i) Mechanisms to replace fossil fuels in the heating plants, including a schedule for replacement;

(ii) An evaluation of possible options to partner with nearby sources and uses of waste heat and cooling;

(iii) An examination of opportunities to add buildings or other facilities to the system once it is decarbonized, a strategy to incentivize growth of a decarbonized system, and requirements for facilities joining the system; and

(iv) An evaluation, prioritization, and scheduled plan of reducing energy use through conservation efforts both at the central plant and in the buildings connected to district energy systems that results in meeting the campus energy use intensity target.

(b) The owner of a state campus district energy system is encouraged to include the following considerations in a decarbonization plan:

(i) Distribution network upgrades;

(ii) On-site energy storage facilities;

(iii) Space cooling for residential facilities;

(iv) Labor and workforce, including state registered apprenticeship utilization;

(v) Options for public-private partnerships;

(vi) Incorporation of industrial symbiosis projects or networks as described in chapter 308, Laws of 2021.

(c) The owner of a state campus district energy system must consult with the electric utility and the natural gas utility serving the site of the system during decarbonization plan development.

(3)(a) The owner of a state campus district energy system must begin developing a decarbonization plan by June 30, 2024, and must submit a final decarbonization plan to the department of commerce by June 30, 2025.

(b) Upon submittal to the department of commerce, decarbonization plans must be reviewed and approved by the department of commerce. The department of commerce may ask for a decarbonization plan to be revised and resubmitted if it does not meet standards as determined by the department of commerce.

(c) Every five years after June 30, 2025, the owner of a state campus district energy system must resubmit the decarbonization plan, along with a progress report on the implementation of the decarbonization plan, to the department of commerce.

(4) The department of commerce must provide a summary report on the decarbonization plans required in subsection (3) of this section to the governor and the appropriate committees of the legislature by December 1, 2025.

(5) The owner of a state campus district energy system is not required to meet the energy use intensity target in all the connected buildings that are heated, cooled, or heated and cooled by the system, or to conduct an investment grade audit, or to otherwise comply with the state energy performance standard requirements in RCW 19.27A.200 through 19.27A.250 if the following conditions for an alternative compliance pathway are met:

(a) The owner of a state campus district energy system is implementing a department of commerce-approved decarbonization plan or has fully implemented a department of commerce-approved decarbonization plan for the state campus district energy system and all of its connected buildings that, when fully implemented, meets the energy use intensity target established for the campus at the time of required measurement and verification. The owner may apply for phased implementation through conditional compliance in accordance with requirements of the decarbonization plan;

(b) The owner of the state campus district energy system meets the benchmarking, energy management, and operations and maintenance planning requirements under RCW 19.27A.200 through 19.27A.250 for the state campus district energy system and all of its connected buildings; and

(c) The owner of a state campus district energy system submits a request to the department of commerce once during every five-year compliance cycle as part of documentation submitted in accordance with RCW 19.27A.210(7), and the department of commerce approves the request.

(6) The owner of a campus district energy system may submit a request to the department of commerce to opt-in to the process for approval of an alternative compliance pathway as outlined in this section. If approved by the department of commerce, the campus district energy system must follow all of the requirements outlined for a state campus district energy system in this section, and the department of commerce must apply all authorities granted under this section for state campus district energy systems to such a campus district energy system.

**Sec. 3.** RCW 19.27A.210 and 2021 c 65 s 19 are each amended to read as follows:

(1)(a) By November 1, 2020, the department must establish by rule a state energy performance standard for covered commercial buildings.

(b) In developing energy performance standards, the department shall seek to maximize reductions of greenhouse gas emissions from the building sector. The standard must include energy use intensity targets by building type and methods of conditional compliance that include an energy management plan, operations and maintenance program, energy efficiency audits, and investment in energy efficiency measures designed to meet the targets. The department shall use ANSI/ASHRAE/IES standard 100-2018 as an initial model for standard development. The department must

update the standard by July 1, 2029, and every five years thereafter. Prior to the adoption or update of the standard, the department must identify the sources of information it relied upon, including peer-reviewed science.

(2) In establishing the standard under subsection (1) of this section, the department:

(a) Must develop energy use intensity targets that are no greater than the average energy use intensity for the covered commercial building occupancy type with adjustments for unique energy using features. The department must also develop energy use intensity targets for additional property types eligible for incentives in RCW 19.27A.220. The department must consider regional and local building energy utilization data, such as existing energy star benchmarking data, in establishing targets for the standard. Energy use intensity targets must be developed for two or more climate zones and be representative of energy use in a normal weather year;

(b) May consider building occupancy classifications from ANSI/ASHRAE/IES standard 100-2018 and the United States environmental protection agency's energy star portfolio manager when developing energy use intensity targets;

(c) May implement lower energy use intensity targets for more recently built covered commercial buildings based on the state energy code in place when the buildings were constructed;

(d)(i) Must adopt a conditional compliance method that ensures that covered commercial buildings that do not meet the specified energy use intensity targets are taking action to achieve reduction in energy use, including investment criteria for conditional compliance that ensure that energy efficiency measures identified by energy audits are implemented to achieve a covered commercial building's energy use intensity target. The investment criteria must require that a building owner adopt an implementation plan to meet the energy intensity target or implement an optimized bundle of energy efficiency measures that provides maximum energy savings without resulting in a savings-to-investment ratio of less than 1.0, except as exempted in (d)(ii) of this subsection. The implementation plan must be based on an investment grade energy audit and a life-cycle cost analysis that accounts for the period during which a bundle of measures will provide savings. The building owner's cost for implementing energy efficiency measures must reflect net cost, excluding any costs covered by utility or government grants. The implementation plan may exclude measures that do not pay for themselves over the useful life of the measure and measures excluded under (d)(ii) of this subsection. The implementation plan may include phased implementation such that the building owner is not required to replace a system or equipment before the end of the system or equipment's useful life;

(ii) For those buildings or structures that are listed in the state or national register of historic places; designated as a historic property under local or state designation law or survey; certified as a

contributing resource with a national register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the national or state registers of historic places either individually or as a contributing building to a historic district by the state historic preservation officer or the keeper of the national register of historic places, no individual energy efficiency requirement need be met that would compromise the historical integrity of a building or part of a building;

(e) Must provide an alternative compliance pathway for an owner of a state campus district energy system, in accordance with section 2 of this act, and more broadly for the owner of any campus district energy system that is approved by the department to opt-in in accordance with section 2(6) of this act;

(f) Must guarantee that the owner of a state campus district energy system is not required to implement more than one energy management plan and more than one operations and maintenance plan for the campus;

(g) Must guarantee that a state campus district energy system, as defined in section 2 of this act, and all buildings connected to a state campus district energy system, are in compliance with any requirements for campus buildings to implement energy efficiency measures identified by an energy audit if:

(i) The energy audit demonstrates the energy savings from the state campus district energy system energy efficiency measures will be greater than the energy efficiency measures identified for the campus buildings; and

(ii) The state campus district energy system implements the energy efficiency measures.

(3) Based on records obtained from each county assessor and other available information sources, the department must create a database of covered commercial buildings and building owners required to comply with the standard established in accordance with this section.

(4) By July 1, 2021, the department must provide the owners of covered buildings with notification of compliance requirements.

(5) The department must develop a method for administering compliance reports from building owners.

(6) The department must provide a customer support program to building owners including, but not limited to, outreach and informational material, periodic training, phone and email support, and other technical assistance.

(7) The building owner of a covered commercial building must report the building owner's compliance with the standard to the department in accordance with the schedule established under subsection (8) of this section and every five years thereafter. For each reporting date, the building owner must submit documentation to demonstrate that:

(a) The weather normalized energy use intensity of the covered commercial building measured in the previous calendar year is less than or equal to the energy use intensity target; or

(b) The covered commercial building has received conditional compliance from the department based on energy efficiency actions prescribed by the standard; or

(c) The covered commercial building is exempt from the standard by demonstrating that the building meets one of the following criteria:

(i) The building did not have a certificate of occupancy or temporary certificate of occupancy for all ~~((twelve))~~ 12 months of the calendar year prior to the building owner compliance schedule established under subsection (8) of this section;

(ii) The building did not have an average physical occupancy of at least ~~((fifty))~~ 50 percent throughout the calendar year prior to the building owner compliance schedule established under subsection (8) of this section;

(iii) The sum of the building's gross floor area minus unconditioned and semiconditioned spaces, as defined in the Washington state energy code, is less than ~~((fifty thousand))~~ 50,000 square feet;

(iv) The primary use of the building is manufacturing or other industrial purposes, as defined under the following use designations of the international building code: (A) Factory group F; or (B) high hazard group H;

(v) The building is an agricultural structure; or

(vi) The building meets at least one of the following conditions of financial hardship: (A) The building had arrears of property taxes or water or wastewater charges that resulted in the building's inclusion, within the prior two years, on a city's or county's annual tax lien sale list; (B) the building has a court appointed receiver in control of the asset due to financial distress; (C) the building is owned by a financial institution through default by a borrower; (D) the building has been acquired by a deed in lieu of foreclosure within the previous ~~((twenty-four))~~ 24 months; (E) the building has a senior mortgage subject to a notice of default; or (F) other conditions of financial hardship identified by the department by rule.

(8) A building owner of a covered commercial building must meet the following reporting schedule for complying with the standard established under this section:

(a) For a building with more than ~~((two hundred twenty thousand))~~ 220,000 gross square feet, June 1, 2026;

(b) For a building with more than ~~((ninety thousand))~~ 90,000 gross square feet but less than ~~((two hundred twenty thousand and one))~~ 220,001 gross square feet, June 1, 2027; and

(c) For a building with more than ~~((fifty thousand))~~ 50,000 gross square feet but less than ~~((ninety thousand and one))~~ 90,001 square feet, June 1, 2028.

(9)(a) The department may issue a notice of violation to a building owner for noncompliance with the requirements of this section. A determination of noncompliance may be made for any of the following reasons:



(i) Failure to submit a compliance report in the form and manner prescribed by the department;

(ii) Failure to meet an energy use intensity target or failure to receive conditional compliance approval;

(iii) Failure to provide accurate reporting consistent with the requirements of the standard established under this section; and

(iv) Failure to provide a valid exemption certificate.

(b) In order to create consistency with the implementation of the standard and rules adopted under this section, the department must reply and cite the section of law, code, or standard in a notice of violation for noncompliance with the requirements of this section when requested to do so by the building owner or the building owner's agent.

(10) The department is authorized to impose an administrative penalty upon a building owner for failing to submit documentation demonstrating compliance with the requirements of this section. The penalty may not exceed an amount equal to ~~((five thousand dollars))~~ \$5,000 plus an amount based on the duration of any continuing violation. The additional amount for a continuing violation may not exceed a daily amount equal to ~~((one dollar))~~ \$1 per year per gross square foot of floor area. The department may by rule increase the maximum penalty rates to adjust for the effects of inflation.

(11) Administrative penalties collected under this section must be deposited into the low-income weatherization and structural rehabilitation assistance account created in RCW 70A.35.030.

(12) The department must adopt rules as necessary to implement this section, including but not limited to:

(a) Rules necessary to ensure timely, accurate, and complete reporting of building energy performance for all covered commercial buildings;

(b) Rules necessary to enforce the standard established under this section; and

(c) Rules that provide a mechanism for appeal of any administrative penalty imposed by the department under this section.

(13) Upon request by the department, each county assessor must provide property data from existing records to the department as necessary to implement this section.

(14) By January 15, 2022, and each year thereafter through 2029, the department must submit a report to the governor and the appropriate committees of the legislature on the implementation of the state energy performance standard established under this section. The report must include information regarding the adoption of the ANSI/ASHRAE/IES standard 100-2018 as an initial model, the financial impact to building owners required to comply with the standard, the amount of incentives provided under RCW 19.27A.220 and 19.27A.230, and any other significant information associated with the implementation of this section."

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 19.27A.210; adding

a new section to chapter 19.27A RCW; and creating a new section."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1390 and advanced the bill, as amended by the Senate, to final passage.

Representatives Ramel and Dye spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1390, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1390, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; Nays, 5; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Couture, Dent, Graham, Volz and Ybarra

Excused: Representatives Chandler and Ortiz-Self

SECOND SUBSTITUTE HOUSE BILL NO. 1390, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Monday, April 10, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1498, with the following amendment(s): 1498-S.E AMS AWP S1939.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) Local and tribal fire departments in the state of Washington serve as frontline responders to wildland fires. The fire chief of each local fire department with jurisdiction over wildland fires is tasked with making rapid decisions, especially during the summer months when weather conditions can cause fires to rapidly enlarge. Flashy fuels, especially during times of low humidity, can be ignited by a single spark and erupt into

a rapidly moving incident that can quickly destroy rangelands, ripe dryland crops, and timberlands.

(2) Local fire departments need immediate access to local aviation resources that are certified to fly and drop fire retardants and water to suppress or extinguish wildland fires quickly. The use of aviation assets has proven to be a valuable tool to prevent many wildland fires from growing large and requiring the response of state mobilization and prevent the deployment of state and federal fire agencies and their mobilization partner agencies.

(3) Further, the strategic use of aviation assets in initial attack, or at times when conditions on the ground may warrant additional air support, can prevent fires from becoming uncontrollable. Local fire departments that use aviation assets on initial attack can prevent most fires from requiring a state mobilization. Providing financial assurances for local fire departments to deploy aviation assets will provide greater protection to our state's natural resources, air quality, and communities.

(4) The legislature intends to provide suppression funding to the department of natural resources to support local fire departments in the use of aviation resources certified and trained to operate in wildland fires and drop fire retardant or water to suppress or extinguish fires as an initial attack strategy. Deployment and air operations command will be conducted at the direction of trained air operations commanders.

(5) The legislature intends to authorize the department of natural resources to provide aviation resources to local fire departments statewide for use during the initial attack of wildland fires in order to provide assurance that local fire departments will have sufficient financial capacity to effectively control wildland fires throughout the length of the fire season. Having assurance that local fire departments can afford to use aircraft under conditions that would warrant their use and at the discretion of the local fire department chief will incentivize the use of aircraft more quickly in order to rapidly suppress the fire and minimize damage to lands, resources, and structures, while protecting regional air quality.

**NEW SECTION. Sec. 2.** A new section is added to chapter 76.04 RCW to read as follows:

(1) The department shall prepare and submit, consistent with RCW 43.01.036, an appendix on aviation usage by local fire departments for initial attack as a part of its annual wildfire report to the standing committees of the legislature with jurisdiction over wildland firefighting. The department shall submit the report by December 1st of each year. The report must address, at a minimum, the following topics:

(a) The dollar value of funding utilized by local fire departments for initial attack aviation during the year;

(b) The specific local fire departments that utilized this funding during the year;

(c) The wildland fires on which suppression funding was utilized to provide local fire departments initial attack aviation resources during the year, including names, locations, and sizes of fires, and amount of funding utilized on each of the fires; and

(d) A review of lessons learned related to aviation use by local fire departments for initial attack based on the preceding fire season, along with recommendations for future improvements to the wildland fire response process based on the lessons learned.

(2) The department shall consult with the state fire defense committee, fire service representatives, and the state fire marshal's office annually to review aviation program performance and determine aviation needs for the following fire year.

**NEW SECTION. Sec. 3.** A new section is added to chapter 76.04 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department must use suppression funding to assist local fire departments with aerial fire response capabilities during the critical initial attack phase of fighting a wildland fire.

(2) The department must use suppression funding to assist local fire departments with initial attacks that meet the following requirements:

(a) The local fire department must have entered into a response agreement with the department;

(b) The local fire department must provide documentation to the department that personnel have received training regarding the use of aviation assets in initial attack and criteria to use for determining when to call for aviation assets;

(c) The aviation assets used in initial attack must come from a list of private contractors approved by the department on exclusive use or call-when-needed agreements based upon the annual review of aviation response and aviation needs required in section 2(2) of this act;

(d) Local fire departments must make direct requests to the appropriate coordination center, including the central Washington interagency coordination center, the northeast Washington interagency coordination center, the Blue Mountain interagency coordination center, or the department of natural resources coordination center, in order to ensure the safe coordination of all aircraft; and

(e) Upon receiving a request for aviation assets under this section, the coordinating agency must notify the director of fire protection or that individual's designee to ensure operational knowledge of a potential future request to invoke the fire service mobilization plan under RCW 43.43.960.

**NEW SECTION. Sec. 4.** (1) The department of natural resources shall convene a work group composed of wildfire aviation subject matter experts, fire service representatives from the Washington fire chiefs association, the Washington

state council of firefighters, the Washington state firefighters' association, the Washington state fire commissioners association, wildland fire management staff, and other partners to evaluate the costs and benefits of a state certification program for aircraft and pilots used in wildfire suppression.

(2) The department of natural resources shall include the findings of the work group in a report to be submitted to the wildfire advisory committee and appropriate committees of the legislature by December 1, 2025.

NEW SECTION. **Sec. 5.** This act expires July 1, 2027."

On page 1, line 2 of the title, after "fires;" strike the remainder of the title and insert "adding new sections to chapter 76.04 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1498 and advanced the bill, as amended by the Senate, to final passage.

Representatives Dye and Chapman spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1498, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1498, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1498, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Thursday, April 6, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1599, with the following amendment(s): 1599 AMS LAW S2712.1

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 71.05.620 and 2018 c 201 s 3028 are each amended to read as follows:

(1) The files and records of court proceedings under this chapter and chapter 71.34 RCW shall be closed but shall be accessible to:

- (a) The department;
- (b) The department of social and health services;
- (c) The authority;
- (d) The state hospitals as defined in RCW 72.23.010;
- (e) Any person who is the subject of a petition;
- (f) The attorney or guardian of the person;
- (g) Resource management services for that person; ((and))
- (h) Service providers authorized to receive such information by resource management services; and

(i) The Washington state patrol firearms background division to conduct background checks for processing and purchasing firearms, concealed pistol licenses, alien firearms licenses, firearm rights restoration petitions under chapter 9.41 RCW, and release of firearms from evidence, including appeals of denial.

(2) The authority shall adopt rules to implement this section."

On page 1, line 2 of the title, after "checks;" strike the remainder of the title and insert "and amending RCW 71.05.620."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1599 and advanced the bill, as amended by the Senate, to final passage.

Representatives Goodman and Walsh spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1599, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1599, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan,

Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Ortiz-Self

HOUSE BILL NO. 1599, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1639, with the following amendment(s): 1639-S2 AMS WM S2961.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 2021 c 20 s 3 (uncodified) is amended to read as follows:

(1) The Billy Frank Jr. national statutory hall selection committee is established to represent the state in the duties set forth under subsection (3) of this section.

(2) (a) The committee shall consist of the following members:

(i) ~~((The governor or the governor's designee;~~

~~(ii))~~ (ii) The lieutenant governor;

~~((iii) The speaker of the house of representatives;~~

~~(iv) The minority leader of both the senate and house of representatives;~~

~~(v) Two members))~~ (ii) One member from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house and the minority leader;

(iii) One member from each of the two largest caucuses in the senate, appointed by the majority leader and the minority leader;

(iv) One member who represents the western Washington treaty tribes, appointed by the governor. The governor shall solicit from the northwest Indian fisheries commission a list of at least three nominees representing the western Washington treaty tribes and, in making the appointment, shall consider the list of nominees submitted;

~~((vi) One member representing an environmental, conservation, or environmental justice nonprofit organization, appointed by the governor;~~

~~(vii))~~ (v) One member from Billy Frank Jr.'s family, appointed by the governor;

~~((viii) One member from the Washington state legacy project, created under RCW 43.07.363;~~

~~(ix))~~ (vi) One member from the division of archives and records management, established under RCW 40.14.020;

~~((x))~~ (vii) One member from the Washington state historical society; and

~~((xi) One member from the Washington state department of archaeology and historie preservation; and~~

~~(xii))~~ (viii) One member from the Washington state arts commission.

(b) The members described in (a) of this subsection shall select ~~((a chair))~~ three cochairs of the committee.

(3) Upon the approval of the request under section 2, chapter 20, Laws of 2021 by the joint committee on the library of congress, the governor shall convene the committee, and the committee shall:

(a) Enter into an agreement with the architect of the United States capitol pursuant to 2 U.S.C. Sec. 2132 to carry out the replacement of the statues as described in chapter 20, Laws of 2021;

(b) Select and contract with a sculptor to design and carve or cast a statue of Billy Frank Jr., and design and fabricate its pedestal, to be placed in the national statutory hall collection;

(c) ~~((Ensure))~~ Support and oversee the design and creation of the statue of Billy Frank Jr., and ensure that the statue designed and created under (b) of this subsection complies with the conditions and restrictions set forth under 2 U.S.C. Sec. 2131;

(d) Support and oversee all communications, public relations, outreach, and educational materials related to the design, creation, and unveiling of the statue. The committee may enter into an agreement with a qualified communications firm or organization as necessary to accomplish this task;

(e) Arrange, in coordination with the sculptor and the department of enterprise services, for a duplicate cast of the statue to be created and installed at the legislative building on the capitol campus in Olympia;

(f) Arrange, in coordination with the architect of the United States capitol, for the removal and transportation of the Marcus Whitman statue to Washington, and arrange for an unveiling ceremony at the relocation site as selected in accordance with section 4, chapter 20, Laws of 2021;

~~((e))~~ (g) Arrange for the transportation and placement of the Billy Frank Jr. statue in the national statutory hall, in coordination with the architect of the United States capitol;

~~((f))~~ (h) Arrange for one or more ceremonies to celebrate the unveiling of the Billy Frank Jr. statues in the national statutory hall and on the capitol campus. The ceremonies may take place in Washington state, the United States capitol, or both; and

~~((g))~~ (i) Perform all other matters and things necessary to carry out the purpose and provisions of this section.

(4) The committee shall enter into an agreement with the Nisqually tribe, of which Billy Frank Jr. was a member, to provide cultural competency to the committee as it carries out its duties under this section, and to any state agencies involved in implementation of this section. The tribe shall be compensated for its services under this subsection.

(5) The committee and the Washington state historical society may solicit and accept gifts, grants, or endowments from public and private sources that are made in trust or otherwise for the use and benefit of the purposes of the committee in carrying

out chapter 20, Laws of 2021. The committee may spend gifts, grants, or endowments or income from public or private sources according to their terms. All receipts from gifts, grants, and endowments received pursuant to this subsection must be deposited in the Billy Frank Jr. national statutory hall collection fund established under RCW 43.08.800.

~~((5) No general fund resources may be expended to implement this section.))~~

(6) The implementation of this section shall first be funded through moneys in the Billy Frank Jr. national statutory hall collection fund. Any additional funding necessary may be provided from the state general fund. Any funds remaining in the Billy Frank Jr. national statutory hall collection fund upon completion of the tasks described under chapter 20, Laws of 2021, must be granted to the Washington state historical society.

(7) The Washington state arts commission may submit expenses for reimbursement to the committee for providing administrative support to the committee, coordinating and overseeing artist selection, and managing procurements.

(8) For the purposes of this section, "committee" means the Billy Frank Jr. national statutory hall selection committee.

**Sec. 2.** RCW 43.79A.040 and 2022 c 244 s 3, 2022 c 206 s 8, 2022 c 183 s 16, and 2022 c 162 s 6 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative

internship program scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the Washington career and college pathways innovation challenge program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the behavioral health loan repayment program account, the Billy Frank Jr. national statutory hall collection fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county ~~((enhanced))~~ 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the energy facility site evaluation council account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account,

the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the Washington student loan account, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, and the library operations account.

(c) The following accounts and funds must receive 80 percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 3.** RCW 1.16.050 and 2021 c 295 s 2 are each amended to read as follows:

(1) The following are state legal holidays:

(a) Sunday;

(b) The first day of January, commonly called New Year's Day;

(c) The third Monday of January, celebrated as the anniversary of the birth of Martin Luther King, Jr.;

(d) The third Monday of February, to be known as Presidents' Day and celebrated as the anniversary of the births of Abraham Lincoln and George Washington;

(e) The last Monday of May, commonly known as Memorial Day;

(f) The nineteenth day of June, recognized as Juneteenth, a day of remembrance for the day the African slaves learned of their freedom;

(g) The fourth day of July, the anniversary of the Declaration of Independence;

(h) The first Monday in September, to be known as Labor Day;

(i) The eleventh day of November, to be known as Veterans' Day;

(j) The fourth Thursday in November, to be known as Thanksgiving Day;

(k) The Friday immediately following the fourth Thursday in November, to be known as Native American Heritage Day; and

(1) The twenty-fifth day of December, commonly called Christmas Day.

(2) Employees of the state and its political subdivisions, except employees of school districts and except those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, are entitled to one paid holiday per calendar year in addition to those specified in this section. Each employee of the state or its political subdivisions may select the day on which the employee desires to take the additional holiday provided for in this section after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority.

(3) Employees of the state and its political subdivisions, including employees of school districts and those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. This includes employees of public institutions of higher education, including community colleges, technical colleges, and workforce training programs. The employee may select the days on which the employee desires to take the two unpaid holidays after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority. If an employee prefers to take the two unpaid holidays on specific days for a reason of faith or conscience, or an organized activity conducted under the auspices of a religious denomination, church, or religious organization, the employer must allow the employee to do so unless the employee's absence would impose an undue hardship on the employer or the employee is necessary to maintain public safety. Undue hardship shall have the meaning established in rule by the office of financial management under RCW 43.41.109.

(4) If any of the state legal holidays specified in this section are also federal legal holidays but observed on different dates, only the state legal holidays are recognized as a paid legal holiday for employees of the state and its political subdivisions. However, for port districts and the law enforcement and public transit employees of municipal corporations, either the federal or the state legal holiday is recognized as a paid legal holiday, but in no case may both holidays be recognized as a paid legal holiday for employees.

(5) Whenever any state legal holiday:

(a) Other than Sunday, falls upon a Sunday, the following Monday is the legal holiday; or

(b) Falls upon a Saturday, the preceding Friday is the legal holiday.

(6) Nothing in this section may be construed to have the effect of adding or deleting the number of paid holidays provided for in an agreement between employees and employers of political subdivisions of the state or as established by ordinance or resolution of the local government legislative authority.

(7) The legislature declares that the following days are recognized as provided in this subsection, but may not be considered legal holidays for any purpose:

(a) The thirteenth day of January, recognized as Korean-American day;

(b) The twelfth day of October, recognized as Columbus day;

(c) The ninth day of April, recognized as former prisoner of war recognition day;

(d) The twenty-sixth day of January, recognized as Washington army and air national guard day;

(e) The seventh day of August, recognized as purple heart recipient recognition day;

(f) The second Sunday in October, recognized as Washington state children's day;

(g) The sixteenth day of April, recognized as Mother Joseph day;

(h) The fourth day of September, recognized as Marcus Whitman day;

(i) The seventh day of December, recognized as Pearl Harbor remembrance day;

(j) The twenty-seventh day of July, recognized as national Korean war veterans armistice day;

(k) The nineteenth day of February, recognized as civil liberties day of remembrance;

(l) The thirtieth day of March, recognized as welcome home Vietnam veterans day;

(m) The eleventh day of January, recognized as human trafficking awareness day;

(n) The thirty-first day of March, recognized as Cesar Chavez day;

(o) The tenth day of April, recognized as Dolores Huerta day;

(p) The fourth Saturday of September, recognized as public lands day; ~~((and))~~

(q) The eighteenth day of December, recognized as blood donor day; and

(r) The ninth day of March, recognized as Billy Frank Jr. day.

NEW SECTION. Sec. 4. A new section is added to chapter 42.52 RCW to read as follows:

This chapter does not prohibit the members of the Billy Frank Jr. national statutory hall selection committee, members of the legislature, when outside the period in which solicitation of contributions is prohibited by RCW 42.17A.560, or employees of the Washington state historical society from soliciting contributions for the purposes established in chapter 20, Laws of 2021, and for deposit into the Billy Frank Jr. national statutory hall collection fund created in RCW 43.08.800.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "committee;" strike the remainder of the title and insert "amending RCW 1.16.050; amending 2021 c 20 s 3 (uncodified); reenacting and amending RCW 43.79A.040; adding a new section to chapter 42.52 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1639 and advanced the bill, as amended by the Senate, to final passage.

Representatives Lekanoff and Abbarno spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1639, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1639, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Ortiz-Self

SECOND SUBSTITUTE HOUSE BILL NO. 1639, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Monday, April 10, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1779, with the following amendment(s): 1779-S AMS ENET S1156.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that carbon monoxide poisoning kills at least 430 people in the United States

every year and 50,000 people seek medical care to treat the adverse effects of carbon monoxide poisoning. Carbon monoxide gas is odorless and colorless, making it difficult for people to protect themselves and detect an issue that can cause sudden illness, death, and lifelong disability. Washington state has already enacted requirements for carbon monoxide alarms in residences. Therefore, the legislature intends to direct state agencies to collaborate on a study of what Washington state is doing to prevent carbon monoxide poisoning from sources outside of the home and what the state might reasonably do to keep people safe.

**NEW SECTION. Sec. 2.** (1) By September 1, 2023, the department of health must convene an interagency carbon monoxide work group consisting of representatives of the department of ecology, the Washington state patrol, and the office of the attorney general. The interagency carbon monoxide work group must nominate a chair and the chair may designate up to two additional participants with subject matter expertise to participate on the work group.

(2) The purpose of the interagency carbon monoxide work group is to produce a report regarding current and recommended future state agency activities to:

(a) Prevent carbon monoxide poisoning from sources outside of the home;

(b) Increase awareness of carbon monoxide among the most at-risk populations;

(c) Collect data on the number of incidents of carbon monoxide poisoning and their causes in Washington, in order to track the reduction of such incidents over time; and

(d) Identify any opportunities to seek federal grants or other sources of funding available for public awareness campaigns related to carbon monoxide harm avoidance.

(3) The interagency carbon monoxide work group must submit a report to the appropriate committees of the legislature and the governor by December 1, 2024, that contains recommendations on new policy changes and other actions that could be taken to reduce carbon monoxide poisoning in Washington.

(4) This section expires July 1, 2026.

**NEW SECTION. Sec. 3.** This act may be known and cited as Mary's law."

On page 1, beginning on line 2 of the title, after "health;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1779 and advanced the bill, as amended by the Senate, to final passage.

Representatives Mosbrucker and Mena spoke in favor of the passage of the bill.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1779, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1779, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1779, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Monday, April 10, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1804, with the following amendment(s): 1804-S AMS WM S2310.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.05.080 and 2018 c 260 s 15 are each amended to read as follows:

(1) Under the qualifications, terms, conditions, and benefits set by the public employees' benefits board:

(a) (i) Retired or disabled state employees, retired or disabled school employees, retired or disabled employees of ~~((county, municipal, or other political subdivisions, or retired or disabled employees of tribal governments))~~ employer groups covered by this chapter may continue their participation in insurance plans and contracts after retirement or disablement.

(ii) The retired or disabled employees of employer groups whose contractual agreement with the authority terminates may continue their participation in insurance plans and contracts after the contractual agreement is terminated. The retired or disabled employees of employer groups whose contractual agreement with the authority terminates are not eligible for any subsidy provided under RCW 41.05.085;

(b) Separated employees may continue their participation in insurance plans and contracts if participation is selected immediately upon separation from employment;



(c) Surviving spouses, surviving state registered domestic partners, and dependent children of emergency service personnel killed in the line of duty may participate in insurance plans and contracts.

(2) Rates charged surviving spouses and surviving state registered domestic partners of emergency service personnel killed in the line of duty, retired or disabled employees, separated employees, spouses, or dependent children who are not eligible for parts A and B of medicare shall be based on the experience of the community-rated risk pool established under RCW 41.05.022.

(3) Rates charged to surviving spouses and surviving state registered domestic partners of emergency service personnel killed in the line of duty, retired or disabled employees, separated employees, spouses, or children who are eligible for parts A and B of medicare shall be calculated from a separate experience risk pool comprised only of individuals eligible for parts A and B of medicare; however, the premiums charged to medicare-eligible retirees and disabled employees shall be reduced by the amount of the subsidy provided under RCW 41.05.085, except as provided in subsection (1)(a)(ii) of this section.

(4) Surviving spouses, surviving state registered domestic partners, and dependent children of emergency service personnel killed in the line of duty and retired or disabled and separated employees shall be responsible for payment of premium rates developed by the authority which shall include the cost to the authority of providing insurance coverage including any amounts necessary for reserves and administration in accordance with this chapter. These self pay rates will be established based on a separate rate for the employee, the spouse, state registered domestic partners, and the children.

(5) The term "retired state employees" for the purpose of this section shall include but not be limited to members of the legislature whether voluntarily or involuntarily leaving state office.

NEW SECTION. **Sec. 2.** A new section is added to chapter 41.05 RCW to read as follows:

(1) Employer groups that enter into a contractual agreement with the authority after the effective date of this section and whose contractual agreement with the authority is subsequently terminated, shall make a one-time payment as calculated in subsection (2) of this section to the authority for each of the employer group's retired or disabled employees who continue their participation in insurance plans and contracts under RCW 41.05.080(1)(a)(ii).

(2) For each of the employer group's retired or disabled employees who will be continuing their participation, the authority shall determine the one-time payment amount by calculating the difference in cost between the rate charged to retired or disabled employees under RCW 41.05.080(2) and the actuarially determined value of the medical benefits for retired and disabled employees who are not eligible for parts A

and B of medicare, and then multiplying that difference by the number of months until the retired or disabled employee would become eligible for medicare.

(3) Employer groups shall not be entitled to any refund of the amount paid to the authority under this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 41.05 RCW to read as follows:

Any retired or disabled employee whose participation in insurance plans or contracts under RCW 41.05.080(1)(a)(i) ended due to the termination of the contractual agreement between the authority and an employer group on or before January 1, 2023, must be allowed to return and participate in insurance plans and contracts as described in RCW 41.05.080(1)(a)(ii) so long as the retired or disabled employee notifies the health care authority in writing by December 31, 2023, after which participation will begin on the first day of the month following the date the authority receives the retired or disabled employee's written notice.

NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 3 of the title, after "subdivisions;" strike the remainder of the title and insert "amending RCW 41.05.080; adding new sections to chapter 41.05 RCW; and declaring an emergency."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1804 and advanced the bill, as amended by the Senate, to final passage.

Representatives Steele and Fitzgibbon spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1804, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1804, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet,

Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1804, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Friday, April 7, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143, with the following amendment(s): 1143-S2.E AMS LAW S2294.4

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.090 and 2019 c 3 s 3 are each amended to read as follows:

(1) In addition to the other requirements of this chapter, no dealer may deliver a ~~((pistol))~~ firearm to the purchaser thereof until:

(a) The purchaser ~~((produces a valid concealed pistol license and the dealer has recorded the purchaser's name, license number, and issuing agency, such record to be made in triplicate and processed as provided in subsection (6) of this section. For purposes of this subsection (1)(a), a "valid concealed pistol license" does not include a temporary emergency license, and does not include any license issued before July 1, 1996, unless the issuing agency conducted a records search for disqualifying crimes under RCW 9.41.070 at the time of issuance))~~ provides proof of completion of a recognized firearm safety training program within the last five years that complies with the requirements in section 2 of this act, or proof that the purchaser is exempt from the training requirement;

(b) The dealer is notified ~~((in writing by (i) the chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a pistol under RCW 9.41.040 and that the application to purchase is approved by the chief of police or sheriff; or (ii) the state))~~ by the Washington state patrol firearms background check program that the purchaser is eligible to possess a firearm under ((RCW 9.41.040, as provided in subsection (3)(b) of this section; or)) state and federal law; and

(c) The requirements ~~((or))~~ and time periods in RCW 9.41.092 have been satisfied.

(2) ~~((In addition to the other requirements of this chapter, no dealer may deliver a semiautomatic assault rifle to the purchaser thereof until:~~

(a) The purchaser provides proof that he or she has completed a recognized firearm safety training program within the last five years that, at a minimum, includes instruction on:

(i) Basic firearms safety rules;

~~((ii) Firearms and children, including secure gun storage and talking to children about gun safety;~~

~~((iii) Firearms and suicide prevention;~~

~~((iv) Secure gun storage to prevent unauthorized access and use;~~

~~((v) Safe handling of firearms; and~~

~~((vi) State and federal firearms laws, including prohibited firearms transfers.~~

~~The training must be sponsored by a federal, state, county, or municipal law enforcement agency, a college or university, a nationally recognized organization that customarily offers firearms training, or a firearms training school with instructors certified by a nationally recognized organization that customarily offers firearms training. The proof of training shall be in the form of a certification that states under the penalty of perjury the training included the minimum requirements; and~~

~~((b) The dealer is notified in writing by (i) the chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a firearm under RCW 9.41.040 and that the application to purchase is approved by the chief of police or sheriff; or (ii) the state that the purchaser is eligible to possess a firearm under RCW 9.41.040, as provided in subsection (3)(b) of this section; or~~

~~((c) The requirements or time periods in RCW 9.41.092 have been satisfied.~~

~~((3)(a) Except as provided in (b) of this subsection, in))~~ In determining whether the purchaser ((meets the requirements of RCW 9.41.040)) is eligible to possess a firearm, the ((chief of police or sheriff, or the designee of either,)) Washington state patrol firearms background check program shall check with the ((national crime information center, including the)) national instant criminal background check system, provided for by the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et seq.), the Washington state patrol electronic database, the health care authority electronic database, the administrative office of the courts, LINX-NW, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 to possess a firearm.

~~((b) The state, through the legislature or initiative process, may enact a statewide firearms background check system equivalent to, or more comprehensive than, the check required by (a) of this subsection to determine that a purchaser is eligible to possess a firearm under RCW 9.41.040. Once a state system is established, a dealer shall use the state system and national instant criminal background check system, provided for by the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et seq.), to make criminal background checks of applicants to purchase firearms.~~

~~((4) In any case under this section where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the dealer shall hold the delivery of the pistol or semiautomatic assault rifle until the warrant for arrest is served and satisfied by appropriate court~~

appearance. ~~The local jurisdiction for purposes of the sale, or the state pursuant to subsection (3)(b) of this section, shall confirm the existence of outstanding warrants within seventy-two hours after notification of the application to purchase a pistol or semiautomatic assault rifle is received. The local jurisdiction shall also immediately confirm the satisfaction of the warrant on request of the dealer so that the hold may be released if the warrant was for an offense other than an offense making a person ineligible under RCW 9.41.040 to possess a firearm.~~

~~(5) In any case where the chief or sheriff of the local jurisdiction, or the state pursuant to subsection (3)(b) of this section, has reasonable grounds based on the following circumstances: (a) Open criminal charges, (b) pending criminal proceedings, (c) pending commitment proceedings, (d) an outstanding warrant for an offense making a person ineligible under RCW 9.41.040 to possess a firearm, or (e) an arrest for an offense making a person ineligible under RCW 9.41.040 to possess a firearm, if the records of disposition have not yet been reported or entered sufficiently to determine eligibility to purchase a firearm, the local jurisdiction or the state may hold the sale and delivery of the pistol or semiautomatic assault rifle up to thirty days in order to confirm existing records in this state or elsewhere. After thirty days, the hold will be lifted unless an extension of the thirty days is approved by a local district court, superior court, or municipal court for good cause shown. A dealer shall be notified of each hold placed on the sale by local law enforcement or the state and of any application to the court for additional hold period to confirm records or confirm the identity of the applicant.~~

~~(6)) (3)(a) At the time of applying for the purchase of a ((pistol or semiautomatic assault rifle)) firearm, the purchaser shall sign ((in triplicate)) and deliver to the dealer an application containing:~~

~~(i) His or her full name, residential address, date and place of birth, race, and gender;~~

~~(ii) The date and hour of the application;~~

~~(iii) The applicant's driver's license number or state identification card number;~~

~~(iv) A description of the ((pistol or semiautomatic assault rifle)) firearm including the make, model, caliber and manufacturer's number if available at the time of applying for the purchase of ((a pistol or semiautomatic assault rifle)) the firearm. If the manufacturer's number is not available at the time of applying for the purchase of a ((pistol or semiautomatic assault rifle)) firearm, the application may be processed, but delivery of the ((pistol or semiautomatic assault rifle)) firearm to the purchaser may not occur unless the manufacturer's number is recorded on the application by the dealer and transmitted to the ((chief of police of the municipality or the sheriff of the county in which the purchaser resides, or the state pursuant to subsection (3)(b) of this section)) Washington state patrol firearms background check program; and~~

~~(v) A statement that the purchaser is eligible to purchase and possess a firearm under state and federal law((, and~~

~~(vi) If purchasing a semiautomatic assault rifle, a statement by the applicant under penalty of perjury that the applicant has completed a recognized firearm safety training program within the last five years, as required by subsection (2) of this section)).~~

~~(b) The ((application)) dealer shall ((contain)) provide the applicant with information that contains two warnings substantially stated as follows:~~

~~(i) CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. State permission to purchase a firearm is not a defense to a federal prosecution; and~~

~~(ii) CAUTION: The presence of a firearm in the home has been associated with an increased risk of death to self and others, including an increased risk of suicide, death during domestic violence incidents, and unintentional deaths to children and others.~~

~~The purchaser shall be given a copy of the department of fish and wildlife pamphlet on the legal limits of the use of firearms and firearms safety.~~

~~(c) The dealer shall, by the end of the business day, ((sign and attach his or her address and deliver a copy of the application and such other documentation as required under subsections (1) and (2) of this section to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident, or the state pursuant to subsection (3)(b) of this section)) transmit the information from the application through secure automated firearms e-check (SAFE) to the Washington state patrol firearms background check program. The ((triplicate)) original application shall be retained by the dealer for six years.~~

~~(d) The dealer shall deliver the ((pistol or semiautomatic assault rifle)) firearm to the purchaser ((following)) once the requirements and period of time specified in this chapter ((unless the dealer is notified of an investigative hold under subsection (5) of this section in writing by the chief of police of the municipality, the sheriff of the county, or the state, whichever is applicable, or of the denial of the purchaser's application to purchase and the grounds thereof)) are satisfied. The application shall not be denied unless the purchaser is not eligible to purchase or possess the firearm under state or federal law or has not complied with the requirements of this section.~~

~~((d)) (e) The ((chief of police of the municipality or the sheriff of the county, or the state pursuant to subsection (3)(b) of this section,)) Washington state patrol firearms background check program shall retain or destroy applications to purchase a ((pistol or semiautomatic assault~~

rifle))firearm in accordance with the requirements of 18 U.S.C. Sec. 922.

~~((7)(a) To help offset the administrative costs of implementing this section as it relates to new requirements for semiautomatic assault rifles, the department of licensing may require the dealer to charge each semiautomatic assault rifle purchaser or transferee a fee not to exceed twenty-five dollars, except that the fee may be adjusted at the beginning of each biennium to levels not to exceed the percentage increase in the consumer price index for all urban consumers, CPI-W, or a successor index, for the previous biennium as calculated by the United States department of labor.~~

~~(b) The fee under (a) of this subsection shall be no more than is necessary to fund the following:~~

~~(i) The state for the cost of meeting its obligations under this section;~~

~~(ii) The health care authority, mental health institutions, and other health care facilities for state-mandated costs resulting from the reporting requirements imposed by RCW 9.41.097(1); and~~

~~(iii) Local law enforcement agencies for state-mandated local costs resulting from the requirements set forth under RCW 9.41.090 and this section.~~

~~(8)) (4) A person who knowingly makes a false statement regarding identity or eligibility requirements on the application to purchase a firearm is guilty of false swearing under RCW 9A.72.040.~~

~~((9)) (5) This section does not apply to sales to licensed dealers for resale or to the sale of antique firearms.~~

**NEW SECTION. Sec. 2.** A new section is added to chapter 9.41 RCW to read as follows:

(1) A person applying for the purchase or transfer of a firearm must provide proof of completion of a recognized firearms safety training program within the last five years that, at a minimum, includes instruction on:

(a) Basic firearms safety rules;

(b) Firearms and children, including secure gun storage and talking to children about gun safety;

(c) Firearms and suicide prevention;

(d) Secure gun storage to prevent unauthorized access and use;

(e) Safe handling of firearms;

(f) State and federal firearms laws, including prohibited firearms transfers and locations where firearms are prohibited;

(g) State laws pertaining to the use of deadly force for self-defense; and

(h) Techniques for avoiding a criminal attack and how to manage a violent confrontation, including conflict resolution.

(2) The training must be sponsored by a federal, state, county, or municipal law enforcement agency, a college or university, a nationally recognized organization that customarily offers firearms training, or a firearms training school with instructors certified by a nationally recognized organization that customarily offers firearms training. The proof of training shall be in the form of a certification that

states under the penalty of perjury that the training included the minimum requirements.

(3) The training may include stories provided by individuals with lived experience in the topics listed in subsection (1)(a) through (g) of this section or an understanding of the legal and social impacts of discharging a firearm.

(4) The firearms safety training requirement of this section does not apply to:

(a) A person who is a:

(i) General authority Washington peace officer as defined in RCW 10.93.020;

(ii) Limited authority Washington peace officer as defined in RCW 10.93.020 who as a normal part of their duties has arrest powers and carries a firearm;

(iii) Specially commissioned Washington peace officer as defined in RCW 10.93.020 who as a normal part of their duties has arrest powers and carries a firearm; or

(iv) Federal peace officer as defined in RCW 10.93.020 who as a normal part of their duties has arrest powers and carries a firearm; or

(b) A person who is an active duty member of the armed forces of the United States, an active member of the national guard, or an active member of the armed forces reserves who, as part of the applicant's service, has completed, within the last five years, a course of training in firearms proficiency or familiarization that included training on the safe handling and shooting proficiency with firearms.

**Sec. 3.** RCW 9.41.047 and 2020 c 302 s 60 are each amended to read as follows:

(1)(a) At the time a person is convicted or found not guilty by reason of insanity of an offense making the person ineligible to possess a firearm under state or federal law, including if the person was convicted of possession under RCW 69.50.4011, 69.50.4013, 69.50.4014, or 69.41.030, or at the time a person is committed by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW for mental health treatment, or at the time that charges are dismissed based on incompetency to stand trial under RCW 10.77.088 and the court makes a finding that the person has a history of one or more violent acts, the convicting or committing court, or court that dismisses charges, shall notify the person, orally and in writing, that the person must immediately surrender any concealed pistol license and that the person may not possess a firearm unless his or her right to do so is restored by a court of record. For purposes of this section a convicting court includes a court in which a person has been found not guilty by reason of insanity.

(b) The court shall forward within three judicial days after conviction, entry of the commitment order, or dismissal of charges, a copy of the person's driver's license or identicard, or comparable information such as their name, address, and date of birth, along with the date of conviction or commitment, or date charges are dismissed, to the department of licensing and to the Washington state patrol firearms background

check program. When a person is committed by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW, for mental health treatment, or when a person's charges are dismissed based on incompetency to stand trial under RCW 10.77.088 and the court makes a finding that the person has a history of one or more violent acts, the court also shall forward, within three judicial days after entry of the commitment order, or dismissal of charges, a copy of the person's driver's license, or comparable information, along with the date of commitment or date charges are dismissed, to the national instant criminal background check system index, denied persons file, created by the federal Brady handgun violence prevention act (P.L. 103-159). The petitioning party shall provide the court with the information required. If more than one commitment order is entered under one cause number, only one notification to the department of licensing, the Washington state patrol firearms background check program, and the national instant criminal background check system is required.

(2) Upon receipt of the information provided for by subsection (1) of this section, the department of licensing shall determine if the convicted or committed person, or the person whose charges are dismissed based on incompetency to stand trial, has a concealed pistol license. If the person does have a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority which, upon receipt of such notification, shall immediately revoke the license.

(3)(a) A person who is prohibited from possessing a firearm, by reason of having been involuntarily committed for mental health treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, or by reason of having been detained under RCW 71.05.150 or 71.05.153, or because the person's charges were dismissed based on incompetency to stand trial under RCW 10.77.088 and the court made a finding that the person has a history of one or more violent acts, may, upon discharge, petition the superior court to have his or her right to possess a firearm restored.

(b) The petition must be brought in the superior court that ordered the involuntary commitment or dismissed the charges based on incompetency to stand trial or the superior court of the county in which the petitioner resides.

(c) Except as provided in (d) and (e) of this subsection, the court shall restore the petitioner's right to possess a firearm if the petitioner proves by a preponderance of the evidence that:

(i) The petitioner is no longer required to participate in court-ordered inpatient or outpatient treatment;

(ii) The petitioner has successfully managed the condition related to the commitment or detention or incompetency;

(iii) The petitioner no longer presents a substantial danger to himself or herself, or the public; and

(iv) The symptoms related to the commitment or detention or incompetency are not reasonably likely to recur.

(d) If a preponderance of the evidence in the record supports a finding that the person petitioning the court has engaged in violence and that it is more likely than not that the person will engage in violence after his or her right to possess a firearm is restored, the person shall bear the burden of proving by clear, cogent, and convincing evidence that he or she does not present a substantial danger to the safety of others.

(e) If the petitioner seeks restoration after having been detained under RCW 71.05.150 or 71.05.153, the state shall bear the burden of proof to show, by a preponderance of the evidence, that the petitioner does not meet the restoration criteria in (c) of this subsection.

(f) When a person's right to possess a firearm has been restored under this subsection, the court shall forward, within three judicial days after entry of the restoration order, notification that the person's right to possess a firearm has been restored to the department of licensing and the Washington state patrol criminal records division, with a copy of the person's driver's license or identicard, or comparable identification such as their name, address, and date of birth, and to the health care authority, and the national instant criminal background check system index, denied persons file. In the case of a person whose right to possess a firearm has been suspended for six months as provided in RCW 71.05.182, the department of licensing shall forward notification of the restoration order to the licensing authority, which, upon receipt of such notification, shall immediately lift the suspension, restoring the person's concealed pistol license.

(4) No person who has been found not guilty by reason of insanity may petition a court for restoration of the right to possess a firearm unless the person meets the requirements for the restoration of the right to possess a firearm under RCW 9.41.040(4).

**Sec. 4.** RCW 9.41.092 and 2019 c 3 s 4 are each amended to read as follows:

~~((1))~~ Except as otherwise provided in this chapter ~~((and except for semiautomatic assault rifles under subsection (2) of this section))~~, a licensed dealer may not deliver any firearm to a purchaser or transferee until ~~((the earlier of))~~:

~~((a))~~ (1) The results of all required background checks are known and the purchaser or transferee ~~((i))~~ (a) is not prohibited from owning or possessing a firearm under federal or state law and ~~((ii))~~ (b) does not have a voluntary waiver of firearm rights currently in effect; ~~((or))~~ and

~~((b))~~ (2) Ten business days have elapsed from the date the licensed dealer requested the background check. ~~((However, for sales and transfers of pistols if the purchaser or transferee does not have a valid permanent Washington driver's license or state~~

~~identification card or has not been a resident of the state for the previous consecutive ninety days, then the time period in this subsection shall be extended from ten business days to sixty days.~~

~~(2) Except as otherwise provided in this chapter, a licensed dealer may not deliver a semiautomatic assault rifle to a purchaser or transferee until ten business days have elapsed from the date of the purchase application or, in the case of a transfer, ten business days have elapsed from the date a background check is initiated.)~~

**Sec. 5.** RCW 9.41.094 and 2019 c 3 s 7 are each amended to read as follows:

A signed application to purchase a ~~((pistol or semiautomatic assault rifle))~~ firearm shall constitute a waiver of confidentiality and written request that the health care authority, mental health institutions, and other health care facilities release ~~((, to an inquiring court or law enforcement agency,))~~ information relevant to the applicant's eligibility to purchase a ~~((pistol or semiautomatic assault rifle))~~ firearm to an inquiring court ~~((or))~~, law enforcement agency, or the Washington state patrol firearms background check program.

**Sec. 6.** RCW 9.41.097 and 2019 c 3 s 8 are each amended to read as follows:

(1) The health care authority, mental health institutions, and other health care facilities shall, upon request of a court, law enforcement agency, or the state, supply such relevant information as is necessary to determine the eligibility of a person to possess a firearm ~~((or))~~, to be issued a concealed pistol license under RCW 9.41.070, or to purchase a ~~((pistol or semiautomatic assault rifle))~~ firearm under RCW 9.41.090.

(2) Mental health information received by: (a) The department of licensing pursuant to RCW 9.41.047 or 9.41.173; (b) an issuing authority pursuant to RCW 9.41.047 or 9.41.070; (c) a chief of police or sheriff pursuant to RCW 9.41.090 or 9.41.173; (d) a court or law enforcement agency pursuant to subsection (1) of this section; or (e) the Washington state patrol firearms background check program pursuant to RCW 9.41.090, shall not be disclosed except as provided in RCW 42.56.240 (4).

**Sec. 7.** RCW 9.41.0975 and 2019 c 3 s 9 are each amended to read as follows:

(1) The state, local governmental entities, any public or private agency, and the employees of any state or local governmental entity or public or private agency, acting in good faith, are immune from liability:

(a) For failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful;

(b) For preventing the sale or transfer of a firearm to a person who may lawfully receive or possess a firearm;

(c) For issuing a concealed pistol license or alien firearm license to a person ineligible for such a license;

(d) For failing to issue a concealed pistol license or alien firearm license to a person eligible for such a license;

(e) For revoking or failing to revoke an issued concealed pistol license or alien firearm license;

(f) For errors in preparing or transmitting information as part of determining a person's eligibility to receive or possess a firearm, or eligibility for a concealed pistol license or alien firearm license;

(g) For issuing a dealer's license to a person ineligible for such a license; or

(h) For failing to issue a dealer's license to a person eligible for such a license.

(2) An application may be made to a court of competent jurisdiction for a writ of mandamus:

(a) Directing an issuing agency to issue a concealed pistol license or alien firearm license wrongfully refused;

(b) Directing ~~((a law enforcement agency))~~ the Washington state patrol firearms background check program to approve an application to purchase a ~~((pistol or semiautomatic assault rifle))~~ firearm wrongfully denied;

(c) Directing that erroneous information resulting either in the wrongful refusal to issue a concealed pistol license or alien firearm license or in the wrongful denial of a purchase application for a ~~((pistol or semiautomatic assault rifle))~~ firearm be corrected; or

(d) Directing a law enforcement agency to approve a dealer's license wrongfully denied.

The application for the writ may be made in the county in which the application for a concealed pistol license or alien firearm license or an application to purchase a ~~((pistol or semiautomatic assault rifle))~~ firearm was made, or in Thurston county, at the discretion of the petitioner. A court shall provide an expedited hearing for an application brought under this subsection (2) for a writ of mandamus. A person granted a writ of mandamus under this subsection (2) shall be awarded reasonable attorneys' fees and costs.

**Sec. 8.** RCW 9.41.110 and 2019 c 3 s 10 are each amended to read as follows:

(1) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any pistol without being licensed as provided in this section.

(2) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any firearm other than a pistol without being licensed as provided in this section.

(3) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any ammunition without being licensed as provided in this section.

(4) The duly constituted licensing authorities of any city, town, or political

subdivision of this state shall grant licenses in forms prescribed by the director of licensing effective for not more than one year from the date of issue permitting the licensee to sell firearms within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in ~~((RCW 9.41.010 through 9.41.810))~~ this chapter. A licensing authority shall forward a copy of each license granted to the department of licensing. The department of licensing shall notify the department of revenue of the name and address of each dealer licensed under this section.

(5)(a) A licensing authority shall, within thirty days after the filing of an application of any person for a dealer's license, determine whether to grant the license. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card, or has not been a resident of the state for the previous consecutive ninety days, the licensing authority shall have up to sixty days to determine whether to issue a license. No person shall qualify for a license under this section without first receiving a federal firearms license and undergoing fingerprinting and a background check. In addition, no person ineligible to possess a firearm under RCW 9.41.040 or ineligible for a concealed pistol license under RCW 9.41.070 shall qualify for a dealer's license.

(b) A dealer shall require every employee who may sell a firearm in the course of his or her employment to undergo fingerprinting and a background check. An employee must be eligible to possess a firearm, and must not have been convicted of a crime that would make the person ineligible for a concealed pistol license, before being permitted to sell a firearm. Every employee shall comply with requirements concerning purchase applications and restrictions on delivery of ~~((pistols or semiautomatic assault rifles))~~ firearms that are applicable to dealers.

(6)(a) Except as otherwise provided in (b) of this subsection, the business shall be carried on only in the building designated in the license. For the purpose of this section, advertising firearms for sale shall not be considered the carrying on of business.

(b) A dealer may conduct business temporarily at a location other than the building designated in the license, if the temporary location is within Washington state and is the location of a gun show sponsored by a national, state, or local organization, or an affiliate of any such organization, devoted to the collection, competitive use, or other sporting use of firearms in the community. Nothing in this subsection (6)(b) authorizes a dealer to conduct business in or from a motorized or towed vehicle.

In conducting business temporarily at a location other than the building designated in the license, the dealer shall comply with all other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and this section. The license of a dealer who fails to comply

with the requirements of RCW 9.41.080 and 9.41.090 and subsection (8) of this section while conducting business at a temporary location shall be revoked, and the dealer shall be permanently ineligible for a dealer's license.

(7) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises in the area where firearms are sold, or at the temporary location, where it can easily be read.

(8)(a) No ~~((pistol or semiautomatic assault rifle))~~ firearm may be sold: (i) In violation of any provisions of ~~((RCW 9.41.010 through 9.41.810))~~ this chapter; nor (ii) ~~((may a pistol or semiautomatic assault rifle be sold))~~ under any circumstances unless the purchaser is personally known to the dealer or shall present clear evidence of his or her identity.

(b) A dealer who sells or delivers any firearm in violation of RCW 9.41.080 is guilty of a class C felony. In addition to any other penalty provided for by law, the dealer is subject to mandatory permanent revocation of his or her dealer's license and permanent ineligibility for a dealer's license.

(c) The license fee for pistols shall be one hundred twenty-five dollars. The license fee for firearms other than pistols shall be one hundred twenty-five dollars. The license fee for ammunition shall be one hundred twenty-five dollars. Any dealer who obtains any license under subsection (1), (2), or (3) of this section may also obtain the remaining licenses without payment of any fee. The fees received under this section shall be deposited in the state general fund.

(9)(a) A true record ~~((in triplicate))~~ shall be made of every pistol or semiautomatic assault rifle sold, in a book kept for the purpose, the form of which may be prescribed by the director of licensing and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser, and a statement signed by the purchaser that he or she is not ineligible under state or federal law to possess a firearm. The dealer shall retain the transfer record for six years.

(b) ((One copy shall within six hours be sent by certified mail to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident, or the state pursuant to RCW 9.41.090; the duplicate the dealer shall within seven days send to the director of licensing; the triplicate the dealer shall retain for six years.)) The dealer shall transmit the information from the firearm transfer application through secure automated firearms e-check (SAFE) to the Washington state patrol firearms background check program. The Washington state patrol firearms background check program shall transmit the application information for pistol and semiautomatic assault rifle transfer applications to the director of licensing daily. The original application

shall be retained by the dealer for six years.

(10) Subsections (2) through (9) of this section shall not apply to sales at wholesale.

(11) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses. The department shall provide a single application form for dealer's licenses and a single license form which shall indicate the type or types of licenses granted.

(12) Except as otherwise provided in ((RCW 9.41.090)) this chapter, every city, town, and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring the dealer to secure an individual permit for each sale.

**Sec. 9.** RCW 9.41.1135 and 2020 c 28 s 4 are each amended to read as follows:

(1) Beginning on the date that is thirty days after the Washington state patrol issues a notification to dealers that a state firearms background check system is established within the Washington state patrol under RCW 43.43.580, a dealer shall use the Washington state patrol firearms background check ((system)) program to conduct background checks for all firearms transfers. A dealer may not sell or transfer a firearm to an individual unless the dealer first contacts the Washington state patrol firearms background check program for a background check to determine the eligibility of the purchaser or transferee to possess a firearm under state and federal law and the requirements and time periods established in RCW 9.41.090 and 9.41.092 have been satisfied. ~~((When an applicant applies for the purchase or transfer of a pistol or semiautomatic assault rifle, a dealer shall comply with all requirements of this chapter that apply to the sale or transfer of a pistol or semiautomatic rifle. The purchase or transfer of a firearm that is not a pistol or semiautomatic assault rifle must be processed in the same manner and under the same requirements of this chapter that apply to the sale or transfer of a pistol, except that the provisions of RCW 9.41.129, and the requirement in RCW 9.41.110(9)(b) concerning transmitting application records to the director of licensing, shall not apply to these transactions.))~~

(2) A dealer shall charge a purchaser or transferee a background check fee in an amount determined by the Washington state patrol and remit the proceeds from the fee to the Washington state patrol on a monthly basis. The background check fee does not apply to any background check conducted in connection with a pawnbroker's receipt of a pawned firearm or the redemption of a pawned firearm.

(3) This section does not apply to sales or transfers to licensed dealers or to the sale or transfer of an antique firearm.

**NEW SECTION. Sec. 10.** 2019 c 244 s 1 is repealed.

**NEW SECTION. Sec. 11.** This act takes effect January 1, 2024.

**NEW SECTION. Sec. 12.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

On page 1, line 6 of the title, after "procedures;" strike the remainder of the title and insert "amending RCW 9.41.090, 9.41.047, 9.41.092, 9.41.094, 9.41.097, 9.41.0975, 9.41.110, and 9.41.1135; adding a new section to chapter 9.41 RCW; creating a new section; repealing 2019 c 244 s 1; and providing an effective date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

### MOTION

Representative Hansen moved that the House concur with the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143.

Representative Berry spoke in favor of the motion.

Representative Walsh spoke against the motion.

Division was demanded on the motion to concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143 and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 52 - YEAS; 44 - NAYS.

### SENATE AMENDMENT TO HOUSE BILL

The House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143 and advanced the bill, as amended by the Senate, to final passage.

Representative Berry spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1143, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1143, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 52; Nays, 44; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Bronoske, Caldier, Chambers, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt,



Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra  
Excused: Representatives Chandler and Ortiz-Self

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Saturday, April 8, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1240, with the following amendment(s): 1240-S AMS ENGR S2726.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares that gun violence is a threat to the public health and safety of Washingtonians. Assault weapons are civilian versions of weapons created for the military and are designed to kill humans quickly and efficiently. For this reason the legislature finds that assault weapons are "like" "M-16 rifles" and thus are "weapons most useful in military service." Assault weapons have been used in the deadliest mass shootings in the last decade. An assailant with an assault weapon can hurt and kill twice the number of people than an assailant with a handgun or nonassault rifle. This is because the additional features of an assault weapon are not "merely cosmetic"; rather, these are features that allow shooters to fire large numbers of rounds quickly. An analysis of mass shootings that result in four or more deaths found that 85 percent of those fatalities were caused by an assault weapon. The legislature also finds that this regulation is likely to have an impact on the number of mass shootings committed in Washington. Studies have shown that during the period the federal assault weapon ban was in effect, mass shooting fatalities were 70 percent less likely to occur. Moreover, the legislature finds that assault weapons are not suitable for self-defense and that studies show that assault weapons are statistically not used in self-defense. The legislature finds that assault weapons are not commonly used in self-defense and that any proliferation is not the result of the assault weapon being well-suited for self-defense, hunting, or sporting purposes. Rather, increased sales are the result of the gun industry's concerted efforts to sell more guns to a civilian market. The legislature finds that the gun industry has specifically marketed these weapons as "tactical," "hyper masculine," and "military style" in manner that overtly appeals to troubled young men intent on becoming the next mass shooter. The legislature intends to limit the prospective sale of assault weapons, while allowing existing legal owners to retain the assault weapons they currently own.

**Sec. 2.** RCW 9.41.010 and 2022 c 105 s 2 and 2022 c 104 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) (a) "Assault weapon" means:

(i) Any of the following specific firearms regardless of which company produced and manufactured the firearm:

<u>AK-47 in all forms</u>
<u>AK-74 in all forms</u>
<u>Algimec AGM-1 type semiautomatic</u>
<u>American Arms Spectre da semiautomatic carbine</u>
<u>AR15, M16, or M4 in all forms</u>
<u>AR 180 type semiautomatic</u>
<u>Argentine L.S.R. semiautomatic</u>
<u>Australian Automatic</u>
<u>Auto-Ordnance Thompson M1 and 1927 semiautomatics</u>
<u>Barrett .50 cal light semiautomatic</u>
<u>Barrett .50 cal M87</u>
<u>Barrett .50 cal M107A1</u>
<u>Barrett REC7</u>
<u>Beretta AR70/S70 type semiautomatic</u>
<u>Bushmaster Carbon 15</u>
<u>Bushmaster ACR</u>
<u>Bushmaster XM-15</u>
<u>Bushmaster MOE</u>
<u>Calico models M100 and M900</u>
<u>CETME Sporter</u>
<u>CIS SR 88 type semiautomatic</u>
<u>Colt CAR 15</u>
<u>Daewoo K-1</u>
<u>Daewoo K-2</u>
<u>Dragunov semiautomatic</u>
<u>Fabrique Nationale FAL in all forms</u>
<u>Fabrique Nationale F2000</u>
<u>Fabrique Nationale L1A1 Sporter</u>
<u>Fabrique Nationale M249S</u>
<u>Fabrique Nationale PS90</u>
<u>Fabrique Nationale SCAR</u>
<u>FAMAS .223 semiautomatic</u>
<u>Galil</u>

<u>Heckler &amp; Koch G3 in all forms</u>
<u>Heckler &amp; Koch HK-41/91</u>
<u>Heckler &amp; Koch HK-43/93</u>
<u>Heckler &amp; Koch HK94A2/3</u>
<u>Heckler &amp; Koch MP-5 in all forms</u>
<u>Heckler &amp; Koch PSG-1</u>
<u>Heckler &amp; Koch SL8</u>
<u>Heckler &amp; Koch UMP</u>
<u>Manchester Arms Commando MK-45</u>
<u>Manchester Arms MK-9</u>
<u>SAR-4800</u>
<u>SIG AMT SG510 in all forms</u>
<u>SIG SG550 in all forms</u>
<u>SKS</u>
<u>Spectre M4</u>
<u>Springfield Armory BM-59</u>
<u>Springfield Armory G3</u>
<u>Springfield Armory SAR-8</u>
<u>Springfield Armory SAR-48</u>
<u>Springfield Armory SAR-3</u>
<u>Springfield Armory M-21 sniper</u>
<u>Springfield Armory M1A</u>
<u>Smith &amp; Wesson M&amp;P 15</u>
<u>Sterling Mk 1</u>
<u>Sterling Mk 6/7</u>
<u>Steyr AUG</u>
<u>TNW M230</u>
<u>FAMAS F11</u>
<u>Uzi 9mm carbine/rifle</u>

(ii) A semiautomatic rifle that has an overall length of less than 30 inches;

(iii) A conversion kit, part, or combination of parts, from which an assault weapon can be assembled or from which a firearm can be converted into an assault weapon if those parts are in the possession or under the control of the same person; or

(iv) A semiautomatic, center fire rifle that has the capacity to accept a detachable magazine and has one or more of the following:

(A) A grip that is independent or detached from the stock that protrudes conspicuously beneath the action of the weapon. The addition of a fin attaching the grip to the stock does not exempt the grip if it otherwise resembles the grip found on a pistol;

(B) Thumbhole stock;

(C) Folding or telescoping stock;

(D) Forward pistol, vertical, angled, or other grip designed for use by the nonfiring hand to improve control;

(E) Flash suppressor, flash guard, flash eliminator, flash hider, sound suppressor, silencer, or any item designed to reduce the visual or audio signature of the firearm;

(F) Muzzle brake, recoil compensator, or any item designed to be affixed to the barrel to reduce recoil or muzzle rise;

(G) Threaded barrel designed to attach a flash suppressor, sound suppressor, muzzle break, or similar item;

(H) Grenade launcher or flare launcher;

or

(I) A shroud that encircles either all or part of the barrel designed to shield the bearer's hand from heat, except a solid forearm of a stock that covers only the bottom of the barrel;

(v) A semiautomatic, center fire rifle that has a fixed magazine with the capacity to accept more than 10 rounds;

(vi) A semiautomatic pistol that has the capacity to accept a detachable magazine and has one or more of the following:

(A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer;

(B) A second hand grip;

(C) A shroud that encircles either all or part of the barrel designed to shield the bearer's hand from heat, except a solid forearm of a stock that covers only the bottom of the barrel; or

(D) The capacity to accept a detachable magazine at some location outside of the pistol grip;

(vii) A semiautomatic shotgun that has any of the following:

(A) A folding or telescoping stock;

(B) A grip that is independent or detached from the stock that protrudes conspicuously beneath the action of the weapon. The addition of a fin attaching the grip to the stock does not exempt the grip if it otherwise resembles the grip found on a pistol;

(C) A thumbhole stock;

(D) A forward pistol, vertical, angled, or other grip designed for use by the nonfiring hand to improve control;

(E) A fixed magazine in excess of seven rounds; or

(F) A revolving cylinder shotgun.

(b) For the purposes of this subsection, "fixed magazine" means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

(c) "Assault weapon" does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.

(3) "Assemble" means to fit together component parts.

((+3)) (4) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

((+4)) (5) "Bump-fire stock" means a butt stock designed to be attached to a semiautomatic firearm with the effect of increasing the rate of fire achievable with the semiautomatic firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate

reciprocating action that facilitates repeated activation of the trigger.

~~((5))~~ (6) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

~~((6))~~ (7) "Curio or relic" has the same meaning as provided in 27 C.F.R. Sec. 478.11.

~~((7))~~ (8) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

~~((8))~~ (9) "Detachable magazine" means an ammunition feeding device that can be loaded or unloaded while detached from a firearm and readily inserted into a firearm.

(10) "Distribute" means to give out, provide, make available, or deliver a firearm or large capacity magazine to any person in this state, with or without consideration, whether the distributor is in-state or out-of-state. "Distribute" includes, but is not limited to, filling orders placed in this state, online or otherwise. "Distribute" also includes causing a firearm or large capacity magazine to be delivered in this state.

~~((9))~~ (11) "Family or household member" has the same meaning as in RCW 7.105.010.

~~((10))~~ (12) "Federal firearms dealer" means a licensed dealer as defined in 18 U.S.C. Sec. 921(a)(11).

~~((11))~~ (13) "Federal firearms importer" means a licensed importer as defined in 18 U.S.C. Sec. 921(a)(9).

~~((12))~~ (14) "Federal firearms manufacturer" means a licensed manufacturer as defined in 18 U.S.C. Sec. 921(a)(10).

~~((13))~~ (15) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

~~((14))~~ (16) "Felony firearm offender" means a person who has previously been convicted or found not guilty by reason of insanity in this state of any felony firearm offense. A person is not a felony firearm offender under this chapter if any and all qualifying offenses have been the subject of an expungement, pardon, annulment, certificate, or rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or a pardon, annulment, or other equivalent procedure based on a finding of innocence.

~~((15))~~ (17) "Felony firearm offense" means:

(a) Any felony offense that is a violation of this chapter;

(b) A violation of RCW 9A.36.045;

(c) A violation of RCW 9A.56.300;

(d) A violation of RCW 9A.56.310;

(e) Any felony offense if the offender was armed with a firearm in the commission of the offense.

~~((16))~~ (18) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes.

~~((17))~~ (19) (a) "Frame or receiver" means a part of a firearm that, when the complete firearm is assembled, is visible from the exterior and provides housing or a structure designed to hold or integrate one or more fire control components, even if pins or other attachments are required to connect the fire control components. Any such part identified with a serial number shall be presumed, absent an official determination by the bureau of alcohol, tobacco, firearms, and explosives or other reliable evidence to the contrary, to be a frame or receiver.

(b) For purposes of this subsection, "fire control component" means a component necessary for the firearm to initiate, complete, or continue the firing sequence, including any of the following: Hammer, bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing pin, striker, or slide rails.

~~((18))~~ (20) "Gun" has the same meaning as firearm.

~~((19))~~ (21) "Import" means to move, transport, or receive an item from a place outside the territorial limits of the state of Washington to a place inside the territorial limits of the state of Washington. "Import" does not mean situations where an individual possesses a large capacity magazine or assault weapon when departing from, and returning to, Washington state, so long as the individual is returning to Washington in possession of the same large capacity magazine or assault weapon the individual transported out of state.

~~((20))~~ (21) "Intimate partner" has the same meaning as provided in RCW 7.105.010.

~~((21))~~ (22) "Large capacity magazine" means an ammunition feeding device with the capacity to accept more than 10 rounds of ammunition, or any conversion kit, part, or combination of parts, from which such a

device can be assembled if those parts are in possession of or under the control of the same person, but shall not be construed to include any of the following:

(a) An ammunition feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds of ammunition;

(b) A 22 caliber tube ammunition feeding device; or

(c) A tubular magazine that is contained in a lever-action firearm.

~~((22))~~ (24) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

~~((23))~~ (25) "Lawful permanent resident" has the same meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20).

~~((24))~~ (26) "Licensed collector" means a person who is federally licensed under 18 U.S.C. Sec. 923(b).

~~((25))~~ (27) "Licensed dealer" means a person who is federally licensed under 18 U.S.C. Sec. 923(a).

~~((26))~~ (28) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;

(b) Cartridges are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;

(d) There is a cartridge in the tube or magazine that is inserted in the action; or

(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

~~((27))~~ (29) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

~~((28))~~ (30) "Manufacture" means, with respect to a firearm or large capacity magazine, the fabrication, making, formation, production, or construction of a firearm or large capacity magazine, by manual labor or by machinery.

~~((29))~~ (31) "Nonimmigrant alien" means a person defined as such in 8 U.S.C. Sec. 1101(a)(15).

~~((30))~~ (32) "Person" means any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other legal entity.

~~((31))~~ (33) "Pistol" means any firearm with a barrel less than 16 inches in length, or is designed to be held and fired by the use of a single hand.

~~((32))~~ (34) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

~~((33))~~ (35) "Sale" and "sell" mean the actual approval of the delivery of a firearm in consideration of payment or promise of payment.

~~((34))~~ (36) "Secure gun storage" means:

(a) A locked box, gun safe, or other secure locked storage space that is designed to prevent unauthorized use or discharge of a firearm; and

(b) The act of keeping an unloaded firearm stored by such means.

~~((35))~~ (37) "Semiautomatic" means any firearm which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(38)(a) "Semiautomatic assault rifle" means any rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(b) "Semiautomatic assault rifle" does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.

~~((36))~~ (39) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;

(b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least 10 years;

(c) Child molestation in the second degree;

(d) Incest when committed against a child under age 14;

(e) Indecent liberties;

(f) Leading organized crime;

(g) Promoting prostitution in the first degree;

(h) Rape in the third degree;

(i) Drive-by shooting;

(j) Sexual exploitation;

(k) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

(n) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense; or

(p) Any felony conviction under RCW 9.41.115.

~~((37))~~ (40) "Short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than 26 inches.

~~((38))~~ (41) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than 26 inches.

~~((39))~~ (42) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

~~((40))~~ (43) "Transfer" means the intended delivery of a firearm to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans. "Transfer" does not include the delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of that entity's employees or agents, defined to include volunteers participating in an honor guard, for lawful purposes in the ordinary course of business.

~~((41))~~ (44) "Undetectable firearm" means any firearm that is not as detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through metal detectors or magnetometers commonly used at airports or any firearm where the barrel, the slide or cylinder, or the frame or receiver of the firearm would not generate an image that accurately depicts the shape of the part when examined by the types of X-ray machines commonly used at airports.

~~((42))~~ (45) (a) "Unfinished frame or receiver" means a frame or receiver that is partially complete, disassembled, or inoperable, that: (i) Has reached a stage in manufacture where it may readily be completed, assembled, converted, or restored to a functional state; or (ii) is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once finished or completed, including without limitation products marketed or sold to the public as an 80 percent frame or receiver or unfinished frame or receiver.

(b) For purposes of this subsection:

(i) "Readily" means a process that is fairly or reasonably efficient, quick, and easy, but not necessarily the most efficient, speedy, or easy process. Factors relevant in making this determination, with no single one controlling, include the

following: (A) Time, i.e., how long it takes to finish the process; (B) ease, i.e., how difficult it is to do so; (C) expertise, i.e., what knowledge and skills are required; (D) equipment, i.e., what tools are required; (E) availability, i.e., whether additional parts are required, and how easily they can be obtained; (F) expense, i.e., how much it costs; (G) scope, i.e., the extent to which the subject of the process must be changed to finish it; and (H) feasibility, i.e., whether the process would damage or destroy the subject of the process, or cause it to malfunction.

(ii) "Partially complete," as it modifies frame or receiver, means a forging, casting, printing, extrusion, machined body, or similar article that has reached a stage in manufacture where it is clearly identifiable as an unfinished component part of a firearm.

~~((43))~~ (46) "Unlicensed person" means any person who is not a licensed dealer under this chapter.

~~((44))~~ (47) "Untraceable firearm" means any firearm manufactured after July 1, 2019, that is not an antique firearm and that cannot be traced by law enforcement by means of a serial number affixed to the firearm by a federal firearms manufacturer, federal firearms importer, or federal firearms dealer in compliance with all federal laws and regulations.

**NEW SECTION. Sec. 3.** A new section is added to chapter 9.41 RCW to read as follows:

(1) No person in this state may manufacture, import, distribute, sell, or offer for sale any assault weapon, except as authorized in this section.

(2) Subsection (1) of this section does not apply to any of the following:

(a) The manufacture, importation, distribution, offer for sale, or sale of an assault weapon by a licensed firearms manufacturer for the purposes of sale to any branch of the armed forces of the United States or the state of Washington, or to any law enforcement agency for use by that agency or its employees for law enforcement purposes, or to a person who does not reside in this state;

(b) The importation, distribution, offer for sale, or sale of an assault weapon by a dealer that is properly licensed under federal and state law for the purpose of sale to any branch of the armed forces of the United States or the state of Washington, or to a law enforcement agency in this state for use by that agency or its employees for law enforcement purposes;

(c) The distribution, offer for sale, or sale of an assault weapon to or by a dealer that is properly licensed under federal and state law where the dealer acquires the assault weapon from an individual legally authorized to possess or transfer the assault weapon for the purpose of selling or transferring the assault weapon to a person who does not reside in this state. The purpose of this section is to allow individuals who no longer wish to own an assault weapon to sell their assault weapon and is not intended to allow Washington

dealers to purchase assault weapons wholesale for the purpose of selling a stock or inventory of assault weapons online or in person to nonresidents;

(d) The out-of-state sale or transfer of the existing stock of assault weapons owned by a licensed dealer that was acquired prior to January 1, 2023, for the limited period of 90 days after the effective date of this section;

(e) The receipt of an assault weapon by a person who, on or after the effective date of this section, acquires possession of the assault weapon by operation of law upon the death of the former owner who was in legal possession of the assault weapon, provided the person in possession of the assault weapon can establish such provenance. Receipt under this subsection (2)(e) is not "distribution" under this chapter. A person who legally receives an assault weapon under this subsection (2)(e) may not sell or transfer the assault weapon to any other person in this state other than to a licensed dealer, to a federally licensed gunsmith for the purpose of service or repair, or to a law enforcement agency for the purpose of permanently relinquishing the assault weapon; or

(f) Any person on active military duty receiving orders to move to Washington state, or military retirees moving to Washington state.

(3) For the purposes of this section, "law enforcement agency" means any (a) general authority Washington law enforcement agency as defined in RCW 10.93.020; (b) limited authority Washington law enforcement agency as defined in RCW 10.93.020; or (c) equivalent federal, state, or local law enforcement agency in the United States.

(4) A person who violates this section is guilty of a gross misdemeanor.

**NEW SECTION. Sec. 4.** A new section is added to chapter 9.41 RCW to read as follows:

(1) The legislature finds that manufacturing, importing, distributing, selling, or offering for sale any assault weapon in violation of section 3 of this act are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW; are not reasonable in relation to the development and preservation of business; and constitutes an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(2) A violation of section 3 of this act is an unfair or deceptive act or practice or unfair method of competition in the conduct of trade or commerce for purposes of the consumer protection act, chapter 19.86 RCW.

(3) Any person or entity that receives a civil investigative demand issued pursuant to RCW 19.86.110 and that has an objection to answering in whole or in part may avail themselves of the procedural protections afforded in RCW 19.86.110(8). Further, the attorney general shall not share with a law enforcement agency conducting a criminal investigation any materials or information obtained via a response to a civil

investigative demand issued pursuant to RCW 19.86.110 unless such information or materials are required to be disclosed pursuant to issuance of a search warrant.

**NEW SECTION. Sec. 5.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 7 of the title, after "inheritors;" strike the remainder of the title and insert "reenacting and amending RCW 9.41.010; adding new sections to chapter 9.41 RCW; creating a new section; prescribing penalties; and declaring an emergency."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### POINT OF ORDER

Representative Stonier requested a scope and object ruling on the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1240.

#### SPEAKER'S RULING

"The title of Substitute House Bill 1240 is specific and narrow—an act relating to establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, importation, distribution, selling, and offering for sale of assault weapons, and by providing limited exemptions applicable to licensed firearm manufacturers and dealers for purposes of sale to armed forces branches and law enforcement agencies and for purposes of sale or transfer outside the state, and to inheritors.

Section 3, Subsection 2(f) of the Senate amendment creates exceptions to the bill for active-duty military members receiving orders to move to Washington state and military retirees moving to Washington state.

The Speaker therefore finds and rules that the Senate amendment is impermissibly outside the scope of Substitute House Bill 1240 as defined by its title.

The point of order is well taken."

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1240 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

Thursday, April 13, 2023

Mme. Speaker:

The Senate refuses to concur in the House amendment(s) to SENATE BILL NO. 5369 and asks the House to recede therefrom.

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

**HOUSE AMENDMENT TO SENATE BILL**

There being no objection, the House receded from its amendment. The rules were suspended and SENATE BILL NO. 5369 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

Representative Doglio moved the adoption of the striking amendment (744):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that polychlorinated biphenyls, or PCBs, are a hazardous chemical class that have been identified as carcinogenic, a developmental toxicant, toxic to aquatic organisms, and persistent and bioaccumulative. According to the United States environmental protection agency, PCBs are probable human carcinogens and may have serious and potential effects on the immune system, reproductive system, nervous system, and endocrine system.

(2) Humans and other organisms can be exposed to PCBs in a number of ways. PCBs can be released into the environment from hazardous waste sites, illegal dumping, or disposal of PCB wastes or PCB-containing products in areas or landfills not designed to handle hazardous waste, leaks, or releases from electrical transformers containing PCBs, and wastewater discharges. Once PCBs are released, the chemicals do not readily break down in the environment and can cycle for long periods between air, water, and soil. PCBs can accumulate in leaves and above-ground parts of plants and food crops, and they are also taken up into the bodies of small organisms and fish, resulting in potential exposure for people and organisms that ingest the fish.

(3) In 1979, the United States banned the production of PCBs under the toxic substances control act. However, the United States environmental protection agency's regulations implementing the toxic substances control act for PCBs allow some inadvertent generation of PCBs to occur in excluded manufacturing processes. These manufacturing by-product PCBs have been identified in wastewater, sediments, and air in numerous locations and have been positively identified in the testing of new products.

(4) The legislature finds that the state has done much to address PCB contamination, including cleanup, permitting, stormwater management, and fish advisories. In addition, the United States environmental protection agency, Washington state, and the Spokane tribe of Indians have established PCB water quality standards to protect human health and the environment. These standards are critical for addressing release and exposure from legacy and nonlegacy PCBs. However, the standards cannot be achieved with currently available water treatment technology if the waste stream continues to include new sources of PCBs allowable under

the toxic substances control act at levels measured in products such as paints, inks, and pigments that are billions of times higher than applicable water quality standards. While the United States environmental protection agency has restored a human health criteria standard of seven parts per quadrillion in Washington waters, the toxic substances control act limit for PCBs in products is an annual average of 25 parts per million, with a maximum 50 parts per million adjusted total PCBs. Therefore, the legislature finds that nonlegacy PCB contamination may most effectively be managed upstream at the product and process source as opposed to downstream facilities at the end of the product life cycle. The toxic substances control act standard for inadvertent PCBs does not reflect current science on limits needed to protect human health and the environment and is overdue for revision.

(5) While previous industry analysis of toxic substances control act rule making has asserted negative impacts and infeasibility in disallowing by-product PCBs, the legislature finds that safer, feasible, and available alternatives to PCB-containing paints and printing inks now exist, as determined by the department in its June 2022 *Safer Products for Washington* report. Moreover, since safer and available products and processes to produce paints and printing inks do exist, the legislature finds that use of manufacturing processes resulting in products with PCB by-products is not inadvertent, but intentional, and constitutes a use of the chemical within the product.

(6) Therefore, the legislature intends to direct the department to petition the United States environmental protection agency to reassess its PCB regulations under the toxic substances control act and to prohibit the use of chlorine-based pigment manufacturing processes, which result in the generation of PCBs.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology.

(2) "Manufacturer" means any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a product or is an importer or domestic distributor of a product sold or offered for sale in or into the state.

(3) "Paint and printing ink" includes, but is not limited to, building paint for indoor and outdoor use, spray paint, children's paint, road paint, and printing inks used in paper and packaging.

(4) "PCBs" or "polychlorinated biphenyls" means chemical forms that consist of two benzene rings joined together and containing one to 10 chlorine atoms attached to the benzene rings.

(5) "Retail establishment" includes any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides

merchandise, goods, or materials directly to a customer.

**NEW SECTION. Sec. 3.** (1) The department must petition the United States environmental protection agency to reassess its regulations on excluded manufacturing processes from prohibitions on manufacturing, processing, distribution in commerce, and use of PCBs and PCB items under 40 C.F.R. Sec. 761.3 for the purpose of eliminating or reducing the presence of PCBs in consumer products.

(2) In petitioning the United States environmental protection agency, the department must include legislative findings under this chapter and information on:

(a) Health effects of PCBs;

(b) Release and exposure of PCBs including, but not limited to, concentrations of PCBs measured in consumer products and in state waters, soils, and fish tissue;

(c) Safer alternatives for consumer products that contain PCBs, including the availability and feasibility of alternatives; and

(d) Other relevant data or findings as determined by the department.

(3) The department is not required to generate new data and may use previously compiled data and findings developed in the performance of duties under this chapter.

(4) The department may consult with the department of health and other relevant state agencies in developing the petition under this section.

(5) To the extent practicable, the department must seek completion of the petition review by January 1, 2025.

**NEW SECTION. Sec. 4.** (1)(a)(i) Beginning January 1, 2025, a manufacturer or wholesaler may not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state any paint or printing ink that contains chlorine-based pigments.

(ii) Beginning January 1, 2026, a retail establishment may not knowingly sell or knowingly offer for sale for use in this state any paint or printing ink that contains chlorine-based pigments.

(b)(i) Beginning no later than 12 months after the adoption of rules under subsection (3) of this section, a manufacturer or wholesaler may not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state a product identified under subsection (3) of this section that contains chlorine-based pigments.

(ii) Beginning no later than 24 months after the adoption of rules under subsection (3) of this section, a retail establishment may not knowingly sell or knowingly offer for sale any product identified under subsection (3) of this section that contains chlorine-based pigments.

(2) Upon a demand by the department, a person must demonstrate to the department that a product is in compliance with the requirements of subsection (1) of this section through the submission to the department of:

(a) Testing data indicating that a chlorine-based manufacturing process was not

used in the manufacture of the pigments contained in the paint, printing ink, or other product; or

(b) Information pertaining to pigment manufacturing processes demonstrating that chlorine was not used in the manufacturing of pigments contained in the paint, printing ink, or other product.

(3) The department may, by rule, identify products that, as a result of the inclusion of pigments in the product, contain PCBs that were inadvertently generated in the making of the pigment. The department may require a demonstration for products identified under this subsection of the absence of chlorine-based pigments in a product in a manner consistent with subsection (2) of this section. The department must initiate a rule-making process under this subsection by October 1, 2023.

(4) The prohibitions in subsection (1) of this section do not apply to:

(a) Paint manufactured, reused, or recycled from paint collected under chapter 70A.515 RCW; or

(b) The sale of any previously owned products containing inadvertently generated PCBs made in casual or isolated sales as defined in RCW 82.04.040, or by a nonprofit organization.

(5)(a) The department may exempt a product or category of product from the prohibitions in subsection (1) of this section upon determining that a product or category of product is not capable of being manufactured in a manner that does not rely on the inclusion of chlorine-based pigments, and upon determining that allowing for the continued manufacture of the product or category of product containing a chlorine-based pigment would not result in meaningful impacts to human health, the environment, or the ability of entities regulated under chapter 90.48 RCW to comply with water quality standards.

(b) The department may, in its discretion, extend the compliance deadline in subsection (1) of this section for a product or category of product for which a person annually demonstrates to the department by October 1st of a given year that the prohibition is not technically feasible for the person to comply with.

(6) The department may not administer or enforce the requirements of this section if:

(a) A court of competent jurisdiction determines that federal regulations preempt the requirements; or

(b) The requirement does not align with any regulation established by the United States environmental protection agency adopted after the effective date of this section.

(7) If the requirements of this section are determined by a court of competent jurisdiction to be preempted by federal regulations, the department is directed to adopt a rule, within 18 months of the determination of preemption, to establish a reporting requirement for the use of chlorine-based pigment manufacturing processes or the PCB content of any combination of paints, printing inks, or products identified by the department under subsection (3) of this section.



NEW SECTION. **Sec. 5.** (1) The department may adopt rules to implement, administer, and enforce the requirements of this chapter.

(2) The department may impose a civil penalty for a violation of any requirement of this chapter in an amount not to exceed \$5,000 for each violation in the case of a first offense. Persons who are repeat violators are subject to a civil penalty not to exceed \$10,000 for each repeat offense. The department must issue at least one notice of violation by certified mail prior to assessing a penalty and the department may only impose a penalty on a manufacturer or retail establishment that has not met the requirements of this chapter 60 days following the date the written notification of the violation was sent. The department may not collect a penalty from a retail establishment for a product that the retail establishment demonstrates to the department was in the possession of the retail establishment as of the effective date of the restrictions on manufacture, sale, and distribution under section 4(1) (a) (i) or (b) (i) of this act.

(3) Any penalty provided for in this section, and any order issued by the department under this chapter, may be appealed to the pollution control hearings board.

(4) All penalties collected under this chapter must be deposited in the model toxics control operating account created in RCW 70A.305.180.

**Sec. 6.** RCW 43.21B.110 and 2022 c 180 s 812 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 5 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the

conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 8.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representatives Doglio and Dye spoke in favor of the adoption of the striking amendment.

The striking amendment (744) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Doglio and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5369, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5369, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Ortiz-Self

SENATE BILL NO. 5369, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

There being no objection, the House adjourned until 10:30 a.m., Monday, April 17, 2023, the 99th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

NINETY NINTH DAY

House Chamber, Olympia, Monday, April 17, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages by Mayah Ping and Ezra Rottman. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Elder Daniel Frederick, the Refuge Church, Bremerton.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

**HOUSE RESOLUTION NO. 2023-4642**, by Representatives Senn, Fosse, Taylor, Fitzgibbon, Santos, Callan, Pollet, Leavitt, Orwall, Stearns, Ryu, Hutchins, Reeves, Mena, Paul, Walen, Robertson, Eslick, Goehner, Goodman, and Macri

WHEREAS, On Yom HaShoah, or Holocaust Remembrance Day, we remember the six million Jews who perished in the systematic persecution of the Jewish people in Europe; and

WHEREAS, Alongside the Jewish people, millions of other innocent victims, including persons with disabilities, LGBTQ+ individuals, Roma, and others, were systematically murdered by the Nazis and their collaborators in one of the most heinous campaigns in human history; and

WHEREAS, This horrible act against humanity caused the Jewish community to lose their familial lineage, caused a generational deprivation of people's Jewish identity, and created multigenerational trauma; and

WHEREAS, We stand in solidarity with the Jewish people and remember the victims, survivors, and liberators, many within our own Washington communities, who, having borne witness to the depths of evil, remind us of the vital refrain: "Never Again"; and

WHEREAS, We must ensure the horrors of the Holocaust can never be erased from our collective memory in order to prevent a tragedy like the Holocaust from happening again; and

WHEREAS, As in recent years in the state of Washington the rise of antisemitism and acts of discrimination has risen affecting countless people and generations of Washingtonians, each citizen of the state should never forget the urgency to speak out whenever they witness antisemitism or any form of ethnic and religious hatred, racism, homophobia, or xenophobia, for silence is complicity; and

WHEREAS, We reiterate the importance of teaching about the Holocaust and gratefully acknowledge the valuable resource in the Holocaust Center for Humanity and its trove of local survivor speakers and stories; and

WHEREAS, We should never forget the horrors governments can foment when they endorse policies fueled by hatred and allow the dehumanization of people to continue; and

WHEREAS, Pursuant to an Act of Congress, the United States Holocaust Memorial Council designated the Days of Remembrance of the victims of the Holocaust to be Monday, April 17th at sundown through Tuesday, April 18th at sundown, including the Day of Remembrance, known as Yom HaShoah;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize April 17, 2023, through April 18, 2023, as Holocaust Remembrance Day.

There being no objection, HOUSE RESOLUTION NO. 4642 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Orwall presiding) recognized guests in the chamber who were here to observe Holocaust Remembrance Day and asked the members to welcome Holocaust survivors: Henry Friedman and Henry Haas; family of Holocaust survivors: Ine Van Dam, Arik Cohen, Judy Schocken, and Kate Haas; daughter of rescuers: Ingrid Steppic; and the staff, board members, and volunteers from the Holocaust Center for Humanity.

There being no objection, the House advanced to the third order of business.

MESSAGES FROM THE SENATE

Friday, April 14, 2023

Mme. Speaker:

The President has signed:

- SENATE BILL NO. 5058
- SUBSTITUTE SENATE BILL NO. 5114
- SENATE BILL NO. 5323
- SENATE BILL NO. 5330
- SUBSTITUTE SENATE BILL NO. 5358
- SENATE BILL NO. 5392
- SENATE BILL NO. 5606
- SUBSTITUTE SENATE BILL NO. 5687
- SENATE JOINT MEMORIAL NO. 8001

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Friday, April 14, 2023

Mme. Speaker:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

- SUBSTITUTE SENATE BILL NO. 5101
- SECOND SUBSTITUTE SENATE BILL NO. 5103
- SENATE BILL NO. 5104
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5111
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5112
- SECOND SUBSTITUTE SENATE BILL NO. 5128
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5144
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5152
- SENATE BILL NO. 5153
- SUBSTITUTE SENATE BILL NO. 5156
- SUBSTITUTE SENATE BILL NO. 5165
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5173
- SUBSTITUTE SENATE BILL NO. 5182
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5186
- SUBSTITUTE SENATE BILL NO. 5189
- SUBSTITUTE SENATE BILL NO. 5191
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5197
- SUBSTITUTE SENATE BILL NO. 5208
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5231
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5243
- SENATE BILL NO. 5252

ENGROSSED SUBSTITUTE SENATE BILL NO. 5257  
 SECOND SUBSTITUTE SENATE BILL NO. 5263  
 SECOND SUBSTITUTE SENATE BILL NO. 5268  
 SECOND SUBSTITUTE SENATE BILL NO. 5269

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary  
 Friday, April 14, 2023

Mme. Speaker:

The Senate has passed:

SENATE BILL NO. 5768

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary  
 Friday, April 14, 2023

Mme. Speaker:

The Senate concurred in the House amendments(s) to the following bills and passed the bills as amended by the House:

SECOND SUBSTITUTE SENATE BILL NO. 5048  
 SENATE BILL NO. 5069  
 SUBSTITUTE SENATE BILL NO. 5078

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary  
 Thursday, April 13, 2023

Mme. Speaker:

The Senate concurred in the House amendments(s) to the following bills and passed the bills as amended by the House:

SENATE BILL NO. 5000  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5001  
 SENATE BILL NO. 5004  
 SUBSTITUTE SENATE BILL NO. 5006  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5045  
 SENATE BILL NO. 5065  
 SUBSTITUTE SENATE BILL NO. 5072  
 SUBSTITUTE SENATE BILL NO. 5077  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5080  
 SUBSTITUTE SENATE BILL NO. 5081

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the fourth order of business.

#### INTRODUCTION & FIRST READING

SB 5768 by Senators Keiser, Dhingra, Cleveland, Frame, Hunt, Kuderer, Lovelett, Nobles, Pedersen, Randall, Robinson, Stanford, Trudeau, Valdez, Wellman and Wilson, C.

AN ACT Relating to protecting access to abortion medications by authorizing the department of corrections to acquire, sell, deliver, distribute, and dispense abortion medications; amending RCW 18.64.046; adding a new section to chapter 72.09 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Appropriations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the fifth order of business.

#### REPORTS OF STANDING COMMITTEES

April 14, 2023

HB 1628

Prime Sponsor, Representative Chopp: Increasing the supply of affordable housing by modifying the state and local real estate excise tax. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Berg, Chair; Street, Vice Chair; Chopp; Ramel; Santos; Springer; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; and Stokesbary.

MINORITY recommendation: Without recommendation. Signed by Representative Walen.

Referred to Committee on Rules for second reading

April 14, 2023

E2SSB 5199

Prime Sponsor, Ways & Means: Providing tax relief for newspaper publishers. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Jacobsen, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

April 14, 2023

SSB 5218

Prime Sponsor, Ways & Means: Providing a sales and use tax exemption for mobility enhancing equipment for use by or for a complex needs patient. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

April 14, 2023

SSB 5742

Prime Sponsor, Transportation: Codifying certain existing grant programs at the department of transportation. Reported by Committee on Transportation

**MAJORITY recommendation: Do pass as amended.**

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 47.66 RCW to read as follows:

(1) The department shall establish a paratransit and special needs grant program to sustain and expand transit service to people with disabilities.

(2) Of the amounts appropriated to the program, 23 percent shall be provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost-effectiveness of trips provided.

(3) The remaining 77 percent of amounts appropriated to the program shall be provided solely for grants to transit agencies to support persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation, in the latest calendar year for which the department publishes data in the most recent "Summary of Public Transportation" report, that is no less than the previous year's maintenance of effort for special needs transportation as shown in the report. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service for the latest calendar year as published in the most recent "Summary of Public Transportation" report. No transit agency shall receive more than 30 percent of the distribution.

**NEW SECTION. Sec. 2.** A new section is added to chapter 47.66 RCW to read as follows:

(1) The department shall establish a public transit ride share program. The grant program shall provide resources for:

(a) Public transit agencies to add or replace ride share vehicles; and

(b) Incentives and outreach to increase ride share use.

(2) The grant program for public transit agencies may cover capital costs only and costs for operating vanpools at public transit agencies are not eligible for funding. Awards from the grant shall not be used to supplant transit funds currently funding ride share programs, nor be used to hire additional employees.

**NEW SECTION. Sec. 3.** A new section is added to chapter 47.76 RCW to read as follows:

(1) The department shall establish a freight rail investment bank program for the purpose of supporting freight rail capital needs by providing low-interest loans to entities based on the state's interests as outlined in RCW 47.76.240.

(2) The department shall issue freight rail investment bank program loans with a repayment period of no more than 15 years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans.

(3) The department shall report annually to the transportation committees of the legislature and the office of financial management on all freight rail investment bank loans issued.

(4) Projects shall be evaluated using a cost-benefit methodology. The methodology must use the following legislative priorities:

(a) Economic, safety, or environmental advantages of freight movement by rail compared to alternative modes;

(b) Self-sustaining economic development that creates family-wage jobs;

(c) Preservation of transportation corridors that would otherwise be lost;

(d) Increased access to efficient and cost-effective transport to market for Washington's agricultural and industrial products;

(e) Better integration and cooperation within the regional, national, and international systems of freight distribution; and

(f) Mitigation of impacts of increased rail traffic on communities.

**NEW SECTION. Sec. 4.** A new section is added to chapter 47.76 RCW to read as follows:

(1) The department shall establish the statewide emergent freight rail assistance program for the purpose of supporting freight rail capital needs by awarding grants based on the state's interests as outlined in RCW 47.76.240.

(2) Grants shall be selected using the cost-benefit methodology as outlined in section 3 of this act.

(3) The department shall report annually to the transportation committees of the legislature and the office of financial management on all freight rail assistance program grants issued.

**NEW SECTION. Sec. 5.** A new section is added to chapter 47.04 RCW to read as follows:

(1) The department shall create a bicyclist and pedestrian grant program to improve pedestrian and bicyclist safety and mobility and increase active transportation trips.

(2) Project types may include, but are not limited to, bicycle facilities such as buffered bike lanes, pedestrian facilities such as sidewalks, crossing improvements for people who walk and roll, and speed management.

(3) The department shall report on an annual basis the status of projects funded as part of the bicyclist and pedestrian grant and safe routes to school grant programs. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status."

Correct the title.

Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Low, Assistant Ranking Minority Member; Volz; and Walsh.

Referred to Committee on Rules for second reading

April 14, 2023

SB 5765 Prime Sponsor, Senator Liias: Addressing tolling authorization for the Interstate 5 bridge replacement project. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Doglio; Duerr; Entenman; Goehner; Hackney; Mena; Ramel; Ramos; Taylor and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Assistant Ranking Minority Member; Griffey; Orcutt; Volz; and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Dent; Klicker; and Schmidt.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the seventh order of business.

### THIRD READING

#### MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1138, with the following amendment(s): 1138-S AMS AWP S2388.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.83B.415 and 2020 c 168 s 5 are each amended to read as follows:

(1)(a) The department is authorized to issue grants to eligible public entities to reduce current or future hardship caused by water unavailability stemming from drought conditions. No single entity may receive more than ~~((twenty-five))~~ 25 percent of the total funds available. The department is not obligated to fund projects that do not provide sufficient benefit to alleviating hardship caused by drought or water unavailability. Projects must show substantial benefit from securing water

supply, availability, or reliability relative to project costs. Projects do not need to be completed while a drought emergency order under RCW 43.83B.405(2) is in effect.

(b) Except for projects for public water systems serving economically disadvantaged communities, the department may only fund up to ~~((fifty))~~ 50 percent of the total eligible cost of the project. Money used by applicants as a cash match may not originate from other state funds.

(c) For the purposes of this chapter, eligible public entities include only:

- (i) Counties, cities, and towns;
- (ii) Water and sewer districts formed under chapter 57.02 RCW;
- (iii) Public utility districts formed under chapter 54.04 RCW;
- (iv) Port districts formed under chapter 53.04 RCW;
- (v) Conservation districts formed under chapter 89.08 RCW;
- (vi) Irrigation districts formed under chapter 87.03 RCW;
- (vii) Watershed management partnerships formed under RCW 39.34.200; and
- (viii) Federally recognized tribes.

(2) Grants may be used to develop projects that enhance the ability of water users to effectively mitigate for the impacts of water unavailability arising from drought. Project applicants must demonstrate that the projects will increase their resiliency, preparedness, or ability to withstand drought conditions when they occur. Projects may include, but are not limited to:

- (a) Creation of additional water storage;
- (b) Implementation of source substitution projects;
- (c) Development of alternative, backup, or emergency water supplies or interties;
- (d) Installation of infrastructure or creation of educational programs that improve water conservation and efficiency or promote use of reclaimed water;
- (e) Development or update of local drought contingency plans if not already required by state rules adopted under chapter 246-290 WAC;
- (f) Mitigation of emergency withdrawals authorized under RCW 43.83B.410(1);
- (g) Projects designed to mitigate for the impacts of water supply shortages on fish and wildlife; and
- (h) Emergency construction or modification of water recreational facilities.

(3) During a drought emergency order pursuant to RCW 43.83B.405(2), the department shall prioritize funding for projects designed to relieve the immediate hardship caused by water unavailability.

**Sec. 2.** RCW 43.83B.430 and 2022 c 297 s 957 and 2022 c 296 s 7008 are each reenacted and amended to read as follows:

The state drought preparedness ~~((and response))~~ account is created in the state treasury. All receipts from appropriated funds designated for the account and all cost recovery revenues collected under RCW 43.83B.410(5) must be deposited into the account. Expenditures from the account may

be used for drought planning and preparedness (~~and response~~) activities under this chapter, including grants issued under RCW 43.83B.415. During the 2021-2023 fiscal biennium, moneys in the account may be used for water banking pilot projects. Moneys in the account may be spent only after appropriation. During the 2021-2023 fiscal biennium, the legislature may appropriate moneys from the account for activities related to water banking.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.83B RCW to read as follows:

Upon the issuance of an order of drought emergency under RCW 43.83B.405(2), the state treasurer shall transfer from the general fund to the emergency drought response account created in section 4 of this act those amounts necessary to bring the balance of the emergency drought response account to \$3,000,000, based upon the determination of the transfer amount from the office of financial management. The office of financial management must determine the fund balance of the emergency drought response account as of the previous fiscal month before the issuance of an order of drought emergency. The office of financial management must promptly notify the state treasurer and the department of the account balance and the necessary transfer amount once a determination is made. A transfer based on the determination by the office of financial management may be made only once every fiscal year.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.83B RCW to read as follows:

The emergency drought response account is created in the state treasury. All receipts from moneys received pursuant to section 3 of this act, moneys appropriated to the account by the legislature for the purpose of funding emergency drought response actions or moneys directed to the account from any other lawful source must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the costs of implementing the powers set forth in RCW 43.83B.410 through 43.83B.420 to provide relief for the immediate hardship caused by water unavailability while a drought emergency order issued pursuant to RCW 43.83B.405(2) is in effect. The department must, at a minimum, provide the director of the office of financial management, legislative fiscal committees, and the joint legislative committee on water supply during drought, established under RCW 90.86.010, with a close-out cost summary following the expiration of an emergency drought order during which expenditures were made from the account.

**Sec. 5.** RCW 90.86.030 and 2010 1st sp.s. c 7 s 122 are each amended to read as follows:

(1) The joint legislative committee on water supply during drought shall convene

from time to time at the call of the chair when an advisory is in effect under RCW 43.83B.405(1), when a drought ~~(conditions)~~ emergency order under RCW 43.83B.405 is in effect, or when the chair determines, in consultation with the department of ecology, that it is likely that such an order will be issued within the next year.

(2) The committee may request and review information relating to water supply conditions in the state, and economic, environmental, and other impacts relating to decreased water supply being experienced or anticipated. The governor's executive water emergency committee, the department of ecology, and other state agencies with water management or related responsibilities shall cooperate in responding to requests from the committee.

(3) During drought conditions in which ~~(an)~~ a drought emergency order issued under RCW 43.83B.405(2) is in effect, the department of ecology shall provide to the committee no less than monthly a report describing drought response activities of the department and other state and federal agencies participating on the water supply availability committee. The report shall include information regarding applications for, and approvals and denials of emergency water withdrawals and temporary changes or transfers of, water rights under RCW 43.83B.410. The report must include information regarding grants applied for or issued under RCW 43.83B.415.

(4) The committee from time to time shall make recommendations to the senate and house of representatives on budgetary and legislative actions that will improve the state's drought response programs and planning."

On page 1, beginning on line 1 of the title, after "preparedness;" strike the remainder of the title and insert "amending RCW 43.83B.415 and 90.86.030; reenacting and amending RCW 43.83B.430; and adding new sections to chapter 43.83B RCW."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1138 and advanced the bill, as amended by the Senate, to final passage.

Representatives Chapman and Dent spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Ramel, Representatives Ortiz-Self and Fey were excused.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1138, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1138, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Fey and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1138, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1250, with the following amendment(s): 1250-S AMS HSG S2273.1

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 43.330.480 and 2017 c 285 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Home" means a single-family residential structure.

(2) "Home rehabilitation" means residential repairs and improvements that address health, safety, and durability issues in existing housing in rural areas.

(3) "Homeowner" means a person who owns and resides permanently in the home the person occupies.

(4) "Low-income" means persons or households with income at or below ~~((two hundred))~~ 200 percent of the federal poverty level ~~((as)),~~ 80 percent of the area median income for the county in which the home receiving rehabilitation is located, or 60 percent of the state median income, whichever is greater, and adjusted for ((family)) household size ((and determined annually by the federal department of health and human services)).

(5) "Rehabilitation agency" means any approved department grantee, tribal nation, or any public service company, municipality, public utility district, mutual or cooperative, or other entity that bears the responsibility for rehabilitating residences under this chapter and has been approved by the department.

(6) "Rural areas" means areas of Washington state defined as nonentitlement areas by the United States department of housing and urban development.

**Sec. 2.** RCW 43.330.482 and 2017 c 285 s 2 are each amended to read as follows:

~~(1) ((Subject to availability of amounts appropriated for this specific purpose, the low-income home rehabilitation revolving loan program is created within the department.~~

~~(2) The program must include the following elements:~~

~~(a) Eligible homeowners must be low-income and live in rural areas.~~

~~(b) Homeowners who are senior citizens, persons with disabilities, families with children five years old and younger, and veterans must receive priority for loans.~~

~~(c) The cost of the home rehabilitation must be the lesser of eighty percent of the assessed value of the property post rehabilitation or forty thousand dollars.~~

~~(d) The maximum amount that may be loaned under this program may not exceed the cost of the home rehabilitation as provided in (e) of this subsection, and must not result in total loans borrowed against the property equaling more than eighty percent of the assessed value.~~

~~(e) The interest rate of the loan must be equal to the previous calendar year's annual average consumer price index compiled by the bureau of labor statistics, United States department of labor.~~

~~((f))~~ On July 1, 2023, the low-income home rehabilitation revolving loan program is terminated except for purposes of addressing outstanding loans as provided in this section, and the department and partnering rehabilitation agencies must immediately cease issuing new loans under the program.

(2) The department must allow participating homeowners to defer repayment of the loan principal and interest and any fees related to the administration or issuance of the loan. Any amounts deferred pursuant to this section become a lien in favor of the state. The lien is subordinate to liens for general taxes, amounts deferred under chapter 84.37 or 84.38 RCW, or special assessments as defined in RCW 84.38.020. The lien is also subordinate to the first deed of trust or the first mortgage on the real property but has priority over all other privileges, liens, monetary encumbrances, or other security interests affecting the real property, whenever incurred, filed, or recorded. The department must take such necessary action to file and perfect the state's lien. ((All amounts due under the loan become due and payable upon the sale of the home or upon change in ownership of the home.))

(3) The balance of any loan previously issued under this section that is outstanding as of the effective date of this section is forgiven. The forgiveness applies to all remaining amounts owed, including loan principal, interest, and fees. Loan forgiveness is not retroactive, and does not apply to any loans issued under this section paid in full before the effective date of this section.

(4) All moneys from repayments must be deposited into the low-income home rehabilitation ((revolving loan program)) account created in RCW 43.330.488.

~~((4))~~ (5) The department must adopt rules for implementation of this program.



**NEW SECTION. Sec. 3.** A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to availability of amounts appropriated for this specific purpose, the low-income home rehabilitation grant program is created within the department.

(2) The program must include the following elements:

(a) Eligible homeowners must be low-income and live in rural areas.

(b) Homeowners who are senior citizens, persons with disabilities, families with children five years old and younger, and veterans must receive priority for grants.

(c) The cost of the home rehabilitation must be the lesser of:

(i) 80 percent of the assessed or appraised value of the property post rehabilitation, whichever is greater; or

(ii) \$50,000.

(d) The maximum amount that may be granted under this program may not exceed the cost of the home rehabilitation as provided in (c) of this subsection.

(3) The department must adopt rules for implementation of this grant program.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The department must contract with rehabilitation agencies to provide home rehabilitation to participating homeowners. Preference must be given to local agencies delivering programs and services with similar eligibility criteria.

(2) Any rehabilitation agency receiving funding under this section must report to the department at least quarterly, or in alignment with federal reporting, whichever is the greater frequency, the project costs and the number of homes repaired or rehabilitated. The department must review the accuracy of these reports.

**Sec. 5.** RCW 43.330.488 and 2017 c 285 s 4 are each amended to read as follows:

The low-income home rehabilitation (~~(revolving loan program)~~) account is created in the custody of the state treasury. All transfers and appropriations by the legislature, repayments of loans, private contributions, and all other sources must be deposited into the account. Expenditures from the account may be used only for the purposes of the low-income home rehabilitation revolving loan program created in RCW 43.330.482 and the low-income home rehabilitation grant program created in section 3 of this act. After July 1, 2023, the director may expend moneys in the account only for wind-down costs of the loan program in RCW 43.330.482 until the loan program terminates pursuant to this act, and for the grant program created in section 3 of this act. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**Sec. 6.** RCW 43.79A.040 and 2022 c 244 s 3, 2022 c 206 s 8, 2022 c 183 s 16, and 2022 c 162 s 6 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative internship program scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the Washington career and college pathways innovation challenge program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the behavioral health loan repayment program account, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county (~~enhanced~~) 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the energy facility site evaluation council account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm

alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation ((~~revolving loan program~~)) account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the Washington student loan account, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, and the library operations account.

(c) The following accounts and funds must receive 80 percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate

share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 7.** The following acts or parts of acts are each repealed:

(1) RCW 43.330.482 (Low-income home rehabilitation revolving loan program) and 2023 c . . . s 2 (section 2 of this act) & 2017 c 285 s 2; and

(2) RCW 43.330.486 (Low-income home rehabilitation revolving loan program—Contracts with rehabilitation agencies—Reports) and 2017 c 285 s 3.

**NEW SECTION. Sec. 8.** (1) Section 7 of this act takes effect on July 1st of the year following the closure of the last loan issued under the low-income home rehabilitation revolving loan program.

(2) The department of commerce must provide written notice of the effective date of section 7 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department.

**NEW SECTION. Sec. 9.** Sections 1 through 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2023."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 43.330.480, 43.330.482, and 43.330.488; reenacting and amending RCW 43.79A.040; adding new sections to chapter 43.330 RCW; repealing RCW 43.330.482 and 43.330.486; providing an effective date; providing a contingent effective date; and declaring an emergency."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1250 and advanced the bill, as amended by the Senate, to final passage.

Representatives Hackney and Steele spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1250, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1250, as amended by the Senate, and the bill

passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Fey and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1250, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1316, with the following amendment(s): 1316-S2 AMS WM S3005.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.600 RCW to read as follows:

(1) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.4 full-time equivalents, including school district and institution of higher education enrollment.

(2) In calculating the combined full-time equivalents, the office of the superintendent of public instruction:

(a) Must adopt rules to fund the participating student's enrollment in running start courses provided by the institution of higher education during the summer academic term, up to a maximum of 10 college credits per student per summer academic term; and

(b) May average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and the institution of higher education.

(3) Running start programs as a service delivery model and associated funding levels beyond 1.0 full-time equivalent per student are not part of the state's statutory program of basic education under chapter 28A.150 RCW.

(4) The office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the participating institutions of higher education, the student achievement council, and the education data center, must annually track, and report to the fiscal committees of the legislature, the combined full-time equivalent experience of students participating in running start programs,

including course load analyses and enrollments by high school and participating institutions of higher education.

**Sec. 2.** RCW 28A.600.310 and 2019 c 252 s 115 and 2019 c 176 s 2 are each reenacted and amended to read as follows:

(1) Every school district must allow eligible students as described in subsection (2) of this section to participate in the running start program.

(2) Student eligibility for the running start program is as follows:

~~((a))~~ Eleventh and ~~((twelfth))~~ 12th grade students or students who have not yet received the credits required for the award of a high school diploma and are eligible to be in the ~~((eleventh))~~ 11th or ~~((twelfth))~~ 12th grade ~~((s)),~~ including students receiving home-based instruction under chapter 28A.200 RCW and students attending private schools approved under chapter 28A.195 RCW, may apply to a participating institution of higher education to enroll in courses or programs offered by the institution of higher education.

~~((b))~~ ~~The course sections and programs offered as running start courses must also be open for registration to matriculated students at the participating institution of higher education and may not be a course consisting solely of high school students offered at a high school campus.~~

~~((c))~~ ~~A student~~ ~~((3))~~ Students receiving home-based instruction under chapter 28A.200 RCW enrolling in a public high school for the sole purpose of participating in courses or programs offered by institutions of higher education shall not be counted by the school district in any required state or federal accountability reporting if the student's parents or guardians filed a declaration of intent to provide home-based instruction and the student received home-based instruction during the school year before the school year in which the student intends to participate in courses or programs offered by the institution of higher education. ~~((Students receiving home-based instruction under chapter 28A.200 RCW and students attending private schools approved under chapter 28A.195 RCW shall not be required to meet the student learning goals or to learn the state learning standards. However, students are eligible to enroll in courses or programs in participating universities only if the board of directors of the student's school district has decided to participate in the program.))~~

(4) Participating institutions of higher education, in consultation with school districts, may establish admission standards for ~~((these))~~ eligible students. If the institution of higher education accepts a secondary school ~~((pupil))~~ student for enrollment under this section, the institution of higher education shall send written notice to the ~~((pupil))~~ student and the ~~((pupil's))~~ student's school district within ~~((ten))~~ 10 days of acceptance. The notice shall indicate the course and hours of enrollment for that ~~((pupil))~~ student.

~~((2+))~~ (5) The course sections and programs offered as running start courses must be open for registration to matriculated students at the participating institution of higher education and may not be a course consisting solely of high school students offered at a high school campus.

(6)(a) In lieu of tuition and fees, as defined in RCW 28B.15.020 and 28B.15.041:

(i) Running start students shall pay to the community or technical college all other mandatory fees as established by each community or technical college and, in addition, the state board for community and technical colleges may authorize a fee of up to ~~((ten))~~ 10 percent of tuition and fees as defined in RCW 28B.15.020 and 28B.15.041; and

(ii) All other institutions of higher education operating a running start program may charge running start students a fee of up to ~~((ten))~~ 10 percent of tuition and fees as defined in RCW 28B.15.020 and 28B.15.041 in addition to technology fees.

(b) The fees charged under this subsection ~~((2+))~~ (6) shall be prorated based on credit load.

(c) Students may pay fees under this subsection (6) with advanced college tuition payment program tuition units at a rate set by the advanced college tuition payment program governing body under chapter 28B.95 RCW.

~~((3+))~~ (7)(a) The institutions of higher education must make available fee waivers for low-income running start students. A student shall be considered low income and eligible for a fee waiver upon proof that the student ~~((is currently qualified to receive))~~ meets federal eligibility requirements for free or reduced-price (lunch) school meals. Acceptable documentation of low-income status may also include, but is not limited to, documentation that a student has been deemed eligible for free or reduced-price lunches in the last five years, or other criteria established in the institution's policy.

(b)(i) By the beginning of the 2020-21 school year, school districts, upon knowledge of a low-income student's enrollment in running start, must provide documentation of the student's low-income status, under (a) of this subsection, directly to institutions of higher education.

(ii) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction, in consultation with the Washington student achievement council, shall develop a centralized process for school districts to provide students' low-income status to institutions of higher education to meet the requirements of (b)(i) of this subsection.

(c) Institutions of higher education, in collaboration with relevant student associations, shall aim to have students who can benefit from fee waivers take advantage of these waivers. Institutions shall make every effort to communicate to students and their families the benefits of the waivers and provide assistance to students and their families on how to apply. Information about waivers shall, to the greatest extent

possible, be incorporated into financial aid counseling, admission information, and individual billing statements. Institutions also shall, to the greatest extent possible, use all means of communication, including but not limited to websites, online catalogues, admission and registration forms, mass email messaging, social media, and outside marketing to ensure that information about waivers is visible, compelling, and reaches the maximum number of students and families that can benefit.

~~((4+))~~ (8) The ~~((pupil's))~~ student's school district shall transmit to the institution of higher education an amount per each full-time equivalent college student at statewide uniform rates for vocational and nonvocational students. The superintendent of public instruction shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 to school districts for purposes of making such payments and for granting school districts seven percent thereof to offset program related costs. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW. The superintendent of public instruction, participating institutions of higher education, and the state board for community and technical colleges shall consult on the calculation and distribution of the funds. The funds received by the institution of higher education from the school district shall not be deemed tuition or operating fees and may be retained by the institution of higher education. A student enrolled under this subsection shall be counted for the purpose of meeting enrollment targets in accordance with terms and conditions specified in the omnibus appropriations act.

(9) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020 and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools established under chapter 28A.715 RCW to the same extent as it applies to school districts.

**Sec. 3.** RCW 28A.600.390 and 2012 c 229 s 506 are each amended to read as follows:

The superintendent of public instruction, the state board for community and technical colleges, and the student achievement council shall jointly develop and adopt rules governing RCW 28A.600.300 through 28A.600.380 and section 1 of this act, if rules are necessary. The rules shall be written to encourage the maximum use of the program and shall not narrow or limit the enrollment options under RCW 28A.600.300 through 28A.600.380.

**Sec. 4.** RCW 28A.600.400 and 1994 c 205 s 11 are each amended to read as follows:

RCW 28A.600.300 through 28A.600.390 are in addition to and not intended to adversely affect agreements between school districts and institutions of higher education in

effect on April 11, 1990 (~~, and in the future~~)).

**NEW SECTION. Sec. 5.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 28A.600.390 and 28A.600.400; reenacting and amending RCW 28A.600.310; adding a new section to chapter 28A.600 RCW; and creating a new section."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1316 and advanced the bill, as amended by the Senate, to final passage.

Representatives Paul and Rude spoke in favor of the passage of the bill.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1316, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1316, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 82; Nays, 14; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Barkis, Chandler, Christian, Couture, Dent, Graham, Griffey, Low, McEntire, Orcutt, Robertson, Sandlin, Volz and Walsh

Excused: Representatives Fey and Ortiz-Self

SECOND SUBSTITUTE HOUSE BILL NO. 1316, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Saturday, April 8, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1460, with the following amendment(s): 1460-S AMS ENGR S2964.E

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** (1) The legislature finds that some state lands and state forestlands have a low potential for natural resource management or low income-generating potential or are inefficient for the department of natural resources to manage due to geographic location or other factors.

(2) The legislature further finds that some of these lands have high ecological values and public benefits and should be maintained in public ownership as a park, open space, nature preserve, or similar designation to benefit the people of Washington.

(3) The legislature further finds that the department of natural resources needs an effective program to transfer these lands out of trust status to the natural areas program, other public agencies, or federally recognized Indian tribes, and simultaneously acquire legislative funding to acquire productive replacement lands to improve the revenue-generating performance of the state lands and state forestlands it manages.

(4) The legislature further finds that the trust land transfer program should be established within the department of natural resources with adequate funds to cover the department's expenses for administering the program and completing trust land transfers.

(5) The legislature further finds that there exists an interest by the public and trust beneficiaries that the program be well-documented and transparent, that each potential transfer be examined by the department of natural resources to ensure it is in the best interests of the trust beneficiaries, that an external advisory committee place proposed transfers into a prioritized order using standardized criteria, that the board of natural resources approve submission of the list to the legislature, and that parcels be transferred in order of priority.

**NEW SECTION. Sec. 2.** (1) The department is authorized to create and manage a trust land transfer program. Real property available for the trust land transfer program is economically underperforming state land and state forestland with high ecological or public benefit and deemed appropriate for state parks, fish and wildlife habitats, natural area preserves, natural resources conservation areas, community forests, recreation, or other public purposes.

(2) Underperforming state land and state forestland is land that the department determines has limited potential to generate income in the reasonably foreseeable future due to physical, legal, access, or other constraints. The department may use the real property transfer authorities under this chapter and chapter 79.22 RCW, as appropriate, to complete transfers under the trust land transfer program.

(3) The department shall use legislative appropriations for approved trust land transfers to acquire replacement real property that will provide long-term, sustainable revenue to the trust beneficiaries or is otherwise desirable to be added to the affected trust and to pay

for the department's administrative expenses to complete the transfer, including the cost of department staff time, appraisals, surveys, environmental reviews, and other similar costs of the program.

(4) Transfers funded by legislative appropriation must be at fair market value, including the value of land, timber, other valuable materials, and improvements owned by the state. The legislative appropriation must be deposited in the natural resources real property replacement account created in RCW 79.17.210 and the parkland trust revolving fund established in RCW 43.30.385, as appropriate.

(5) The department shall prioritize the acquisition of working farms and forests when acquiring replacement real property for state lands transferred under this program when it can be demonstrated that the trust fiduciary obligations can be better fulfilled with these lands. The department shall endeavor to acquire replacement real property as quickly as practicable.

(6) The department shall only submit real properties for trust land transfers to the board or legislature through the process created in section 3 of this act if at least 50 percent of all previous appropriations provided after the effective date of this section for purchase of replacement lands for the trust land transfer program have been utilized to purchase replacement trust lands. The list of properties submitted to the board or legislature for possible trust land transfers through the process created in section 3 of this act may not exceed \$30,000,000 in total property value for each year the list is submitted.

NEW SECTION. **Sec. 3.** The department shall administer the trust land transfer program as follows:

(1) Any citizen, state and federal agencies, counties, cities, towns, federally recognized Indian tribes, nonprofit organizations, special purpose districts, public development authorities, and other political subdivisions of the state, may nominate a parcel of state land or state forestland for the trust land transfer program. The nomination must be made to the department on forms provided by the department and accompanied by the fee provided under RCW 79.02.250.

(2) The department shall perform an initial review to determine whether the transfer of a nominated parcel is in the best interest of the trust for which the land is held and whether a public agency, as defined in RCW 79.17.200, is willing to take ownership of the parcel and is capable of managing the land for the public benefit. The department may require prenomination review of parcels over 4,500 acres or parcels over an estimated appraised market value of \$15,000,000, including the value of the land, valuable materials, and improvements, if any.

(3) If the department determines through its initial review that transfer would be in the best interest of the trust for which the land is held and a public agency is willing and able to take ownership and manage the land, the department shall consult with

potentially affected federally recognized Indian tribes, consistent with the department's consultation policy to identify and address cultural resource issues.

(4) Following the department's initial review and tribal consultation, the department may submit parcels to an advisory committee that shall evaluate and prioritize nominated parcels according to criteria approved by the board, including social, ecological, economic, and other values. The advisory committee may include representatives of trust beneficiaries, public agencies, federally recognized Indian tribes, overburdened communities, and vulnerable populations as defined in chapter 70A.02 RCW, and other stakeholders as determined by the department.

(5) The department, with approval of the board, shall determine the final, prioritized list of trust land transfer parcels to submit to the legislature for funding. If a legislative appropriation includes the full fair market value for the trust land transfer parcel, and the board determines that the transfer is in the best interest of the trust for which the land is held, the department shall complete the transfer.

**Sec. 4.** RCW 79.17.020 and 2013 2nd sp.s. c 19 s 7035 are each amended to read as follows:

(1) The board of county commissioners of any county and/or the mayor and city council or city commission of any city or town and/or the board shall have authority to exchange, each with the other, or with the federal forest service, the federal government or any proper agency thereof and/or with any private landowner, county land of any character, land owned by municipalities of any character, and state forestland owned by the state under the jurisdiction of the department, for real property of equal value for the purpose of consolidating and blocking up the respective landholdings of any county, municipality, the federal government, or the state of Washington or for the purpose of obtaining lands having commercial recreational leasing potential. The board shall also have the authority to exchange state forestland for the purpose of obtaining land with greater natural resource or income-producing potential, when in the best interest of the state or affected trust. State forestland exchanged under this section may not be used to reduce the publicly owned forestland base.

(2) ~~((a) During the biennium ending June 30, 2013, for the purposes of maintaining working farm and forest landscapes or acquiring natural resource lands at risk of development, the department, with approval of the board of natural resources, may exchange any state land and any timber thereon for any land and proceeds of equal value, when it can be demonstrated that the trust fiduciary obligations can be better fulfilled after an exchange is completed. Proceeds may be in the form of cash or services in order to achieve the purposes established in this section. Any cash received as part of an exchange transaction~~

shall be deposited in the forest development account to pay for administrative expenses incurred in carrying out an exchange transaction. These administrative expenses include road maintenance and abandonment expenses. The amount of proceeds received from the exchange partner may not exceed five percent of the total value of the exchange. The receipt of proceeds shall not change the character of the transaction from an exchange to a sale.

(b) During the biennium ending June 30, 2015, for the purposes of maintaining working farm and forest landscapes or acquiring natural resource lands at risk of development, the department, with approval of the board of natural resources, may exchange any state land and any timber thereon for any land and proceeds of equal value, when it can be demonstrated that the trust fiduciary obligations can be better fulfilled after an exchange is completed. Proceeds may be in the form of cash or services in order to achieve the purposes established in this section. Any cash received as part of an exchange transaction shall be deposited in the forest development account to pay for administrative expenses incurred in carrying out an exchange transaction. These administrative expenses include road maintenance and abandonment expenses. The amount of proceeds received from the exchange partner may not exceed five percent of the total value of the exchange. The receipt of proceeds shall not change the character of the transaction from an exchange to a sale.

(3)) Prior to executing an exchange under this section, and in addition to the public notice requirements set forth in RCW 79.17.050, the department shall consult with legislative members, other state and federal agencies, local governments, federally recognized Indian tribes, local stakeholders, conservation groups, and any other interested parties to identify and address cultural resource issues, and the potential of the state lands proposed for exchange to be used for open space, park, school, or critical habitat purposes.

**Sec. 5.** RCW 79.17.210 and 2018 c 298 s 7005 are each amended to read as follows:

(1) The legislature finds that the department has a need to maintain the real property asset base it manages and needs an accounting mechanism to complete transactions without reducing the real property asset base.

(2) The natural resources real property replacement account is created in the state treasury. This account shall consist of funds, including the value of land, timber, other valuable materials, and improvements owned by the state, transferred or paid for the disposal or transfer of real property by the department under RCW 79.17.200 and the transfer of state lands or state forestlands into community forest trust lands under RCW 79.155.040. The funds in this account shall be used solely for the acquisition of replacement real property and may be spent only when, and as, authorized by legislative appropriation. (~~During the 2013-2015 fiscal biennium, funds in the account may also be~~

~~appropriated for the land purchase in section 3245, chapter 19, Laws of 2013 2nd sp. sess. under the provisions of section 3245, chapter 19, Laws of 2013 2nd sp. sess. and chapter 11, Laws of 2013 2nd sp. sess. During the 2017-2019 fiscal biennium, moneys in the account may also be appropriated for developing and constructing the pipeline in section 3061, chapter 298, Laws of 2018 under the provisions of section 7004, chapter 298, Laws of 2018.)~~

**Sec. 6.** RCW 79.22.060 and 2012 c 166 s 7 are each amended to read as follows:

(1) With the approval of the board, the department may directly transfer or dispose of state forestlands without public auction, if the ~~((lands))~~ transfers are:

~~(a) ((Consist of ten contiguous acres or less;~~

~~(b) Have a value of twenty-five thousand dollars or less; or~~

~~(c) Are located in a county with a population of twenty-five thousand or less and are encumbered with timber harvest deferrals, associated with wildlife species listed under the federal endangered species act, greater than thirty years in length.~~

(2) Disposal under this section may only occur in the following circumstances:

~~(a) Transfers in lieu of condemnation;~~

~~(b) Transfers to resolve trespass and property ownership disputes; or~~

~~(c) In counties with a population of twenty-five thousand or less, transfers to public agencies.~~

~~(3))~~ In lieu of condemnation or to resolve trespass and property ownership disputes and the lands consist of 10 contiguous acres or less or have a value of \$25,000 or less; or

(b) To public agencies as defined in RCW 79.17.200.

(2) Real property to be transferred or disposed of under this section shall be transferred or disposed of only after appraisal and for at least fair market value, and only if the transaction is in the best interest of the state or affected trust. Valuable materials attached to lands ~~((transferred to public agencies under subsection (2)(c) of this section))~~ to be transferred under subsection (1)(b) of this section must be appraised at the fair market value without consideration of management or regulatory encumbrances associated with wildlife species listed under the federal endangered species act, if any.

~~((4))~~ (3) (a) Except as provided in ((b) of) this subsection, the proceeds from real property transferred or disposed of under this section shall be deposited into the parkland trust revolving fund and be solely used to buy replacement ((land within the same county as the property transferred or disposed)) forestland for the benefit of the county from which the property was transferred or disposed and pay for the department's administrative expenses to complete the transfer, including the cost of department staff time, appraisals, surveys, environmental reviews, and other similar costs of the transfer. The legislative authority of the county from which the real property was transferred or disposed under

subsection (1)(b) of this section may request in writing that the department distribute a percentage of the proceeds associated with valuable materials. Upon such a request, and subject to prior approval by the board, the department shall distribute the requested percentage of proceeds associated with valuable materials as provided in RCW 79.64.110.

(b) The proceeds from real property transferred or disposed of under ~~((subsections (1)(c) and (2)(c) of))~~ this section for the purpose of participating in the state forestland pool created under RCW 79.22.140 must be deposited into the parkland trust revolving fund and used to buy replacement forestland for the benefit of that county, as provided in RCW 79.64.110 and located within any county participating in the land pool or under a county agreement as provided in RCW 79.22.140.

(c) Except as otherwise provided in this subsection, in counties with a population of ~~((twenty-five thousand))~~ 25,000 or less, the portion of the proceeds associated with valuable materials on state forestland transferred under ~~((subsections (1)(c) and (2)(c) of))~~ this section must be distributed as provided in RCW 79.64.110. If requested in writing by the legislative authority of a county participating in the state forestland pool created under RCW 79.22.140, the portion of the proceeds associated with valuable materials on state forestland transferred under ~~((subsections (1)(c) and (2)(c) of))~~ this section must be deposited in the parkland trust revolving fund and used to buy replacement forestland for the benefit of that county, as provided in RCW 79.64.110, and located within any county participating in the land pool or under a county agreement as provided in RCW 79.22.140.

**Sec. 7.** RCW 43.30.385 and 2014 c 32 s 2 are each amended to read as follows:

(1) The parkland trust revolving fund is to be utilized by the department for the purpose of acquiring real property, including all reasonable costs associated with these acquisitions, as a replacement for the property transferred to the state parks and recreation commission, as directed by the legislature in order to maintain the land base of the affected trusts or under RCW 79.22.060 and to receive voluntary contributions for the purpose of operating and maintaining public use and recreation facilities, including trails, managed by the department.

(2)(a) Proceeds from transfers of real property to the state parks and recreation commission or other proceeds identified from transfers of real property as directed by the legislature shall be deposited in the parkland trust revolving fund.

(b) ~~((Except as otherwise provided in this subsection, the))~~ Subject to RCW 79.22.060(3), proceeds from real property transferred or disposed under RCW 79.22.060 must be used solely to purchase replacement forestland, that must be actively managed as a working forest, ~~((within the same county as the property))~~ for the benefit of the county from which the property was

~~transferred or disposed. ((If the real property was transferred under RCW 79.22.060 (1)(c) and (2)(c) from within a county participating in the state forestland pool created under RCW 79.22.140, replacement forestland may be located within any county participating in the land pool.))~~

(c) Disbursement from the parkland trust revolving fund to acquire replacement property and for operating and maintaining public use and recreation facilities shall be on the authorization of the department.

(d) The proceeds from the recreation access pass account created in RCW 79A.80.090 must be solely used for the purpose of operating and maintaining public use and recreation facilities, including trails, managed by the department.

(3) In order to maintain an effective expenditure and revenue control, the parkland trust revolving fund is subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

(4) The department is authorized to solicit and receive voluntary contributions for the purpose of operating and maintaining public use and recreation facilities, including trails, managed by the department. The department may seek voluntary contributions from individuals and organizations for this purpose. Voluntary contributions will be deposited into the parkland trust revolving fund and used solely for the purpose of public use and recreation facilities operations and maintenance. Voluntary contributions are not considered a fee for use of these facilities.

**Sec. 8.** RCW 79.64.110 and 2021 c 334 s 995 and 2021 c 145 s 3 are each reenacted and amended to read as follows:

(1) Any moneys derived from the lease of state forestlands or from the sale of valuable materials, oils, gases, coal, minerals, or fossils from those lands, except as provided in RCW 79.64.130, or the appraised value of these resources when transferred to a public agency under RCW 79.22.060, ~~((except as provided in RCW 79.22.060(4))~~) must be distributed as follows:

(a) For state forestlands acquired through RCW 79.22.040 or by exchange or as replacement for lands acquired through RCW 79.22.040:

(i) The expense incurred by the state for administration, reforestation, and protection, not to exceed ~~((twenty-five))~~ 25 percent, which rate of percentage shall be determined by the board, must be returned to the forest development account created in RCW 79.64.100. During the 2017-2019, 2019-2021, and 2021-2023 fiscal biennia, the board may increase the ~~((twenty-five))~~ 25 percent limitation up to ~~((twenty-seven))~~ 27 percent.

(ii) Any balance remaining must be paid to the county in which the land is located or, ~~((if))~~ if the land acquired under RCW 79.22.040 was exchanged, transferred, or disposed, payment must be made to the county from which the land was exchanged,



~~transferred, or disposed. For counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board. Payments made under this subsection are to be paid, distributed, and prorated~~~~((except as otherwise provided in this section,))~~ to the various funds in the same manner as general taxes are paid and distributed during the year of payment. However, ~~((in order to test county flexibility in distributing state forestland revenue,))~~ a county may in its discretion pay, distribute, and prorate payments made under this subsection of moneys derived from state forestlands acquired by exchange ~~((between July 28, 2019, and June 30, 2020))~~ or as replacement lands, for lands acquired through RCW 79.22.040, ~~((within the same county,))~~ in the same manner as general taxes are paid and distributed during the year of payment for the former state forestlands that were subject to the exchange.

(iii) Any balance remaining, paid to a county with a population of less than ~~((sixteen thousand))~~ 16,000, must first be applied to the reduction of any indebtedness existing in the current expense fund of the county during the year of payment.

(iv) With regard to moneys remaining under this subsection (1)(a), within seven working days of receipt of these moneys, the department shall certify to the state treasurer the amounts to be distributed to the counties. The state treasurer shall distribute funds to the counties four times per month, with no more than ~~((ten))~~ 10 days between each payment date.

(b) For state forestlands acquired through RCW 79.22.010 or by exchange or as replacement lands for lands acquired through RCW 79.22.010, except as provided in RCW 79.64.120:

(i) Fifty percent shall be placed in the forest development account.

(ii) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board, and according to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 (1) and (2) and the levy rate for any school district enrichment levies. With regard to the portion to be distributed to the counties, the department shall certify to the state treasurer the amounts to be distributed within seven working days of receipt of the money. The state treasurer shall distribute funds to the counties four times per month, with no more than ~~((ten))~~ 10 days between each payment date. The money distributed to the county must be paid, distributed, and prorated to the various other funds in the same manner as general taxes are paid and distributed during the year of payment.

(2) A school district may transfer amounts deposited in its debt service fund pursuant to this section into its capital projects fund as authorized in RCW 28A.320.330.

**Sec. 9.** RCW 79.19.020 and 2003 c 334 s 526 are each amended to read as follows:

The department, with the approval of the board, may purchase property at fair market value to be held in a land bank, which is hereby created within the department. Property so purchased shall be property which would be desirable for addition to the public lands of the state because of the potential for natural resource or income production of the property. ~~((The total acreage held in the land bank shall not exceed one thousand five hundred acres.))~~

**Sec. 10.** RCW 79.19.030 and 2004 c 199 s 215 are each amended to read as follows:

The department, with the approval of the board, may:

(1) Exchange property held in the land bank for any other lands of equal value administered by the department, including ~~((any))~~ state lands ~~((held in trust.))~~ and state forestlands;

(2) Exchange property held in the land bank for property of equal or greater value which is owned publicly or privately, and which has greater potential for natural resource or income production or which could be more efficiently managed by the department, however, no power of eminent domain is hereby granted to the department; ~~((and))~~

(3) ~~((Sell property held in the land bank in the manner provided by law for the sale of state lands))~~ Except as provided in subsection (4) of this section, sell property that has been exchanged into and is held in the land bank as provided under RCW 79.11.340 without any requirement of platting and ~~((to))~~ use the proceeds to acquire property for the land bank which has greater potential for natural resource or income production or which would be more efficiently managed by the department; and

(4) If a department lessee owns and resides in a house located on land that has been exchanged into and is held in the land bank, sell the land directly to the lessee for the appraised fair market value of the land and use the proceeds of the sale as provided in subsection (3) of this section. If the lessee does not purchase the land for the appraised fair market value, the department shall sell the land as provided under subsection (3) of this section.

**Sec. 11.** RCW 79.11.340 and 2003 c 334 s 399 are each amended to read as follows:

(1) Except as provided in RCW 79.10.030(2), the department shall manage and control all lands acquired by the state by escheat, deed of sale, gift, devise, or under RCW 79.19.010 through 79.19.110, except such lands that are conveyed or devised to the state for a particular purpose.

(2) ~~((When))~~ Except as provided in RCW 79.19.030(4), when the department determines

to sell the lands, they (~~shall~~) may initially be offered for sale either at public auction or direct (~~sale~~) transfer to public agencies as provided in this chapter.

(3) (~~If the lands are not sold at public auction, the~~) The department may, with approval of the board, market the lands through persons licensed under chapter 18.85 RCW or through other commercially feasible means at a price not lower than the land's appraised value.

(4) Necessary marketing costs may be paid from the sale proceeds. For the purpose of this subsection, necessary marketing costs include reasonable costs associated with advertising the property and paying commissions.

(5) Proceeds of the sale shall be deposited into the appropriate fund in the state treasury unless the grantor in any deed or the testator in case of a devise specifies that the proceeds of the sale be devoted to a particular purpose.

**Sec. 12.** RCW 79.22.140 and 2012 c 166 s 3 are each amended to read as follows:

(1) The board may create a state forestland pool, to be managed in accordance with this section, if the board determines that creation of a land pool is in the best interest of the state or affected trust, based on an analysis prepared by the department under RCW 79.22.150. (~~The land pool may not contain more than ten thousand acres of state forestland at any one time.~~)

(2) A county is eligible to participate in a land pool if the board determines it (+

(a) ~~Has a population of twenty-five thousand or less; and~~

(b) ~~Has~~) has existing state forestlands encumbered with timber harvest deferrals, associated with wildlife species listed under the federal endangered species act, more than (~~thirty~~) 30 years in length.

(3) All lands in the land pool are state forestlands and must be managed in the same manner and with the same responsibilities as other state forestlands. Proceeds from the state forestland pool must, except as provided in RCW 79.64.110, be distributed under RCW 79.22.010 and 79.22.040.

(4) (a) A county may participate in the land pool only if it is eligible, as determined under subsection (2) of this section, and the board receives a written request to do so by the legislative authority of that county.

(b) The board shall end any further participation of a county in the land pool if it receives a written request to do so by the legislative authority of that county. If the board receives such a request, that county's interest in the land pool as a beneficiary remains, but no new contributions of asset value may be made to the land pool on behalf of the county and no new lands may be purchased in that county for the land pool.

(5) (a) If a land pool is created by the board, the department and the participating counties must develop a funding strategy for acquiring land to include in the land pool.

(b) The department and participating counties may pursue funding for the transfer of state forestland encumbered by long-term

wildlife-related harvest deferrals within the participating counties into status as a natural area preserve under chapter 79.70 RCW or a natural resources conservation area under chapter 79.71 RCW, and use the value of the transferred land to acquire working forestlands to include in the land pool.

(c) The department and participating counties may pursue other land acquisition funding strategies.

(6) The department may acquire replacement state forestland located outside of counties participating in a state forestland pool when the department has transferred some or all of the encumbered state forestlands of the counties to natural area status under chapter 79.70 or 79.71 RCW.

(a) Counties participating in a state forestland pool that desire to have the department acquire replacement lands in a designated county not included in the state forestland pool shall provide the department an agreement entered with the designated county that meets the following requirements:

(i) The designated county shall not object to forest practices undertaken on the replacement state forestland in conformity with all applicable laws and rules;

(ii) The counties participating in the state forestland pool acknowledge that they shall pass through the payment in lieu of taxes to which they are entitled, under RCW 79.70.130 or 79.71.130, to the designated county in which replacement lands are purchased, on an acre for acre basis;

(iii) If the designated county desires to terminate the agreement, the designated county shall be required to pay the department the fair market value of the replacement forestlands, including the value of valuable materials attached to the lands, at the time of termination based on an appraisal accepted by the department and approved by the board; and

(iv) The board of county commissioners for the designated county and each county participating in the state forestland pool approves the agreement in the manner provided by RCW 42.30.060.

(b) When the department receives an agreement meeting the requirements of (a) of this subsection, the department shall make reasonable efforts to acquire working forestlands within the designated county to include in the state forestland pool.

(c) The counties participating in the state forestland pool shall pass through the payment in lieu of taxes to which they are entitled under RCW 79.70.130 or 79.71.130, based on the encumbered state forestlands within their counties transferred to natural area status, to the designated county in which the replacement state forestlands are located, on an acre for acre basis.

(d) Whenever the board of county commissioners of the county in which the replacement state forestlands are located determines to terminate the agreement described in (a) of this subsection, the board of county commissioners shall notify the department and the counties participating in the state forestland pool. The department shall transfer the replacement state forestlands to the county

upon receipt of the fair market value of the lands, including the value of valuable materials attached to the lands, as determined by appraisal and approved by the board. The proceeds shall be placed in the parkland trust revolving fund and be solely used by the department to buy replacement land within the counties participating in the subject state forestland pool or another county with which the participating counties have entered an agreement under (a) of this subsection.

(e) The authority provided by this subsection to acquire replacement state forestlands located outside of the counties participating in a state forestland pool does not preclude the department from acquiring replacement lands within the counties participating in the state forestland pool as necessary to fully replace the encumbered state forestlands transferred under RCW 79.22.060(1)(b).

**Sec. 13.** RCW 79.19.050 and 2003 c 334 s 529 are each amended to read as follows:

~~((The legislature may authorize appropriation of funds from the forest development account or the resource management cost account for the purposes of this chapter.))~~ Income from the sale ~~((or management))~~ of property in the land bank shall be ~~((returned as a recovered expense to the forest development account or the resource management cost account))~~ deposited in the land bank account created in section 14 of this act and may be used to acquire property under RCW 79.19.020.

**NEW SECTION. Sec. 14.** A new section is added to chapter 79.19 RCW to read as follows:

The land bank account is created in the state treasury. To this account shall be deposited such funds as the legislature directs or appropriates. Expenditures from this account may be used only to acquire property under RCW 79.19.020. Expenditures from this account may be made only after appropriation.

**NEW SECTION. Sec. 15.** Sections 2 and 3 of this act are each added to chapter 79.17 RCW and codified with the subchapter heading "part 4, trust land transfer program."

On page 1, line 2 of the title, after "management;" strike the remainder of the title and insert "amending RCW 79.17.020, 79.17.210, 79.22.060, 43.30.385, 79.19.020, 79.19.030, 79.11.340, 79.22.140, and 79.19.050; reenacting and amending RCW 79.64.110; adding a new section to chapter 79.19 RCW; adding new sections to chapter 79.17 RCW; and creating a new section."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1460 and advanced the bill, as amended by the Senate, to final passage.

Representatives Hackney and Steele spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1460, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1460, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 82; Nays, 14; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Connors, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Macri, Maycumber, McClintock, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Chambers, Chandler, Christian, Corry, Couture, Eslick, Griffey, Low, McEntire, Mosbrucker, Orcutt, Schmick and Walsh

Excused: Representatives Fey and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1460, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1777, with the following amendment(s): 1777 AMS NGUY S3159.3

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 39.35C RCW to read as follows:

(1) The objective of this act is to promote private-public partnerships to reduce the amount of deferred maintenance required by the clean building performance standard and decarbonize buildings and central energy systems in public facilities in a cost-effective manner.

(2) By June 30, 2031, the department must submit a report to the governor and the appropriate committees of the legislature on the adoption rate and cost-effectiveness of the performance-based contract authorized under this act. The report must include:

(a) The number of performance-based contracts issued;

(b) The cost-effectiveness of performance-based contracts issued, compared to alternative available financing mechanisms, including certificates of participation;

(c) Recommendations to improve the use of performance-based contracts; and

(d) Any other significant information associated with the implementation of this act.

(3) It is the intent of the legislature to consider the findings of the report and extend the expiration date of this act if performance-based contracts are achieving the legislative objective.

(4) This section expires June 30, 2033.

**Sec. 2.** RCW 39.35A.020 and 2022 c 128 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1)(a) "Conservation" includes reduced:

- (i) Energy consumption;
- (ii) Energy demand;
- (iii) Energy cost; or
- (iv) Greenhouse gas emissions.

(b)(i) "Conservation" includes reductions in the use or cost of water, wastewater, or solid waste.

(ii) "Conservation" does not include thermal or electric energy production from cogeneration.

(2) "Energy equipment and services" means:

(a) Energy management systems and any equipment, materials, supplies, or conservation projects that are expected, upon installation, to reduce the energy use, reduce the energy demand, reduce the energy cost, or reduce the greenhouse gas emissions, of a facility; and

(b) The services associated with the equipment, materials, supplies, or conservation projects including, but not limited to, design, engineering, financing, installation, project management, guarantees, operations, and maintenance. Reduction in energy use or energy cost may also include reductions in the use or cost of water, wastewater, or solid waste.

(3) "Energy management system" has the definition provided in RCW 39.35.030.

(4) "Facility" includes a building, structure, group of buildings or structures at a single site, site improvement, or other facility owned by a municipality.

(5) "Municipality" has the definition provided in RCW 39.04.010.

(6) "Performance-based contract" means one or more contracts for water conservation services, solid waste reduction services, or energy equipment and services between a municipality and any other persons or entities, if the payment obligation for each year under the contract, including the year of installation, is either: (a) Set as a percentage of the annual energy cost savings, water cost savings, solid waste cost savings, or benefits achieved through conservation projects attributable under the contract; or (b) guaranteed by the other persons or entities to be less than the annual energy cost savings, water cost savings, solid waste cost savings, or other benefits attributable under the contract. Such guarantee shall be, at the option of the municipality, a bond or insurance policy, or some other guarantee determined sufficient by the municipality to provide a level of assurance similar to the level provided by a bond or insurance policy.

Payment obligations may include regular service payments made by a municipality to any persons or entities that own energy equipment and services under a performance-based contract.

**Sec. 3.** RCW 39.35C.010 and 2022 c 128 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Cogeneration" means the sequential generation of two or more forms of energy from a common fuel or energy source. If these forms are electricity and thermal energy, then the operating and efficiency standards established by 18 C.F.R. Sec. 292.205 and the definitions established by 18 C.F.R. Sec. 292.202 (c) through (m) apply.

(2)(a) "Conservation" includes reduced:

- (i) Energy consumption;
- (ii) Energy demand;
- (iii) Energy cost; or
- (iv) Greenhouse gas emissions.

(b) "Conservation" does not include thermal or electric energy production from cogeneration.

(c) "Conservation" also includes reductions in the use or cost of water, wastewater, or solid waste.

(3)(a) "Cost-effective" means that the present value to a state agency or school district of the benefits reasonably expected to be achieved or produced by a facility, conservation activity, measure, or piece of equipment over its useful life, including any compensation received from a utility or the Bonneville power administration, is greater than the net present value of the costs of implementing, maintaining, and operating such facility, activity, measure, or piece of equipment over its useful life, when discounted at the cost of public borrowing.

(b) The expected value of energy equipment and services at the time of contract execution that are provided through a performance-based contract may exceed the fair market value.

(4) "Department" means the state department of enterprise services.

(5) "Energy" means energy as defined in RCW 43.21F.025(5).

(6) "Energy as a service" means a performance-based contract in which a state agency, public school district, public university, or municipality makes service payments to a third party or entity for energy services, which may include the provision of energy equipment that is owned and operated by a third party or entity.

(7) "Energy audit" has the definition provided in RCW 43.19.670, and may include a determination of the water or solid waste consumption characteristics of a facility.

~~((7))~~ (8) "Energy efficiency project" means a conservation or cogeneration project.

~~((8))~~ (9) "Energy efficiency services" means assistance furnished by the department to state agencies and school districts in identifying, evaluating, and implementing energy efficiency projects.

~~((9))~~(10) "Local utility" means the utility or utilities in whose service territory a public facility is located.

~~((10))~~(11) "Performance-based contracting" means contracts for which payment ~~((is))~~ or payment obligations are conditional on achieving contractually specified energy savings, which may include regular service payments made by a state agency, public school district, public university, or municipality to any persons or entities that own energy equipment and services under a performance-based contract.

~~((11))~~(12) "Public agency" means every state office, officer, board, commission, committee, bureau, department, and all political subdivisions of the state.

~~((12))~~(13) "Public facility" means a building, structure, group of buildings or structures at a single site, site improvement, or other facility owned by a state agency or school district.

~~((13))~~(14) "State agency" means every state office or department, whether elective or appointive, state institutions of higher education, and all boards, commissions, or divisions of state government, however designated.

~~((14))~~(15) "State facility" means a building or structure, or a group of buildings or structures at a single site, owned by a state agency.

~~((15))~~(16) "Utility" means privately or publicly owned electric and gas utilities, electric cooperatives and mutuals, whether located within or without Washington state.

**Sec. 4.** RCW 39.35C.050 and 2015 c 79 s 10 are each amended to read as follows:

In addition to any other authorities conferred by law:

(1) The department, with the consent of the state agency or school district responsible for a facility, a state or regional university acting independently, and any other state agency or school district acting through the department or ~~((as otherwise authorized by law))~~ acting independently, may:

(a) Develop and finance conservation at public facilities in accordance with express provisions of this chapter;

(b) Contract for energy services, including through a performance-based ~~((contracts))~~ contract; and

(c) Contract to sell energy savings from a conservation project at public facilities to local utilities or the Bonneville power administration.

(2)(a) This subsection authorizes state agencies, public school districts, public universities, and municipalities to enter into energy as a service contracts. Pursuant to this subsection, a state agency, public school district, public university, or municipality may, whether acting independently or through the department:

(i) Develop conservation projects and services that require the ownership of energy equipment to be held by other persons or entities;

(ii) Contract for energy services, including through a performance-based contract;

(iii) Contract to sell energy savings from a conservation project at public facilities to local utilities or the Bonneville power administration; and

(iv) Contract with a person or entity for energy equipment or services.

(b) Any contract for energy as a service entered into pursuant to the authority of this subsection is subject to the following conditions:

(i) The contract may include terms that transfer ownership of energy equipment from the state agency, public school district, public university, or municipality to the person or entity;

(ii) The person or entity is responsible for cost-savings and performance guarantees through the terms of the contract;

(iii) The value of energy equipment or services at the time of contract execution may exceed the fair market value;

(iv) At the end of the term of the contract, equipment ownership may be transferred back to the state agency, public school district, public university, or municipality;

(v) The state agency, public school district, public university, or municipality will ensure that a contract does not directly result in loss of any position of employment by state employees in the classified service under RCW 41.06.020, employees included in the Washington management service under RCW 41.06.022, or school district employees under RCW 28A.150.203;

(vi) Training must be offered in the preventative maintenance and other related activities of energy equipment and services as detailed in the contract for energy services to existing classified employees who currently provide maintenance of energy equipment for the state agency, public school district, public university, or municipality; and

(vii) Prior to entering into a contract, the state agency, public school district, public university, or municipality must coordinate with the department to analyze the cost-effectiveness of the proposed performance-based contract compared to alternative available financing and service mechanisms, including certificates of participation. The state agency, public school district, public university, or municipality may enter into a contract only if the cost-effectiveness is greater than other available alternatives.

(3) A state or regional university acting independently, and any other state agency acting through the department or as otherwise authorized by law, may undertake procurements for third-party development of conservation at its facilities.

~~((3))~~(4) A school district may also:

(a) Develop and finance conservation at school district facilities; and

(b) ~~((Contract for energy services, including performance-based contracts at school district facilities; and~~

~~((e))~~ Contract to sell energy savings from energy conservation projects at school district facilities to local utilities or the Bonneville power administration directly or ~~((to local utilities or the Bonneville~~

power administration)) through third parties.

~~((4)) (5) Direct financial grants and incentives received on behalf of the state agency, public school district, public university, or municipality will be passed on to the state agency, public school district, public university, or municipality.~~

(6) In exercising the authority granted by subsections (1), ~~((2), and)~~ (3), and (4) of this section, a school district or state agency must comply with the provisions of RCW 39.35C.040.

**Sec. 5.** RCW 39.35C.060 and 1996 c 186 s 410 are each amended to read as follows:

State agencies, public school districts, public universities, and municipalities may use financing contracts under chapter 39.94 RCW, as well as performance-based contracts, to provide all or part of the funding for conservation projects. The department shall determine the eligibility of such projects for financing contracts. The repayments of the financing contracts or performance-based contracts shall be sufficient to pay, when due, the principal and interest on the contracts or the services payments over the agreed upon term. Performance-based contracts entered into by state agencies, public school districts, public universities, and municipalities under this act that include the purchase of real or personal property are subject to the requirements of chapter 39.94 RCW. Pursuant to chapter 39.94 RCW, no later than December 31, 2023, the department shall complete development of approved model contracts authorized by this act.

**NEW SECTION. Sec. 6.** Sections 2 through 5 of this act expire June 30, 2033. Contracts entered into under the authority granted by this act may remain in effect following expiration of this act."

On page 1, line 2 of the title, after "equipment;" strike the remainder of the title and insert "amending RCW 39.35A.020, 39.35C.010, 39.35C.050, and 39.35C.060; adding a new section to chapter 39.35C RCW; and providing expiration dates."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1777 and advanced the bill, as amended by the Senate, to final passage.

Representatives Doglio and McEntire spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1777, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1777, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Fey and Ortiz-Self

HOUSE BILL NO. 1777, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Wednesday, April 5, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1155, with the following amendment(s): 1155-S.E AMS ENGR S2826.E

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** This act may be known and cited as the Washington my health my data act.

**NEW SECTION. Sec. 2.** (1) The legislature finds that the people of Washington regard their privacy as a fundamental right and an essential element of their individual freedom. Washington's Constitution explicitly provides the right to privacy. Fundamental privacy rights have long been and continue to be integral to protecting Washingtonians and to safeguarding our democratic republic.

(2) Information related to an individual's health conditions or attempts to obtain health care services is among the most personal and sensitive categories of data collected. Washingtonians expect that their health data is protected under laws like the health information portability and accountability act (HIPAA). However, HIPAA only covers health data collected by specific health care entities, including most health care providers. Health data collected by noncovered entities, including certain apps and websites, are not afforded the same protections. This act works to close the gap between consumer knowledge and industry practice by providing stronger privacy protections for all Washington consumers' health data.

(3) With this act, the legislature intends to provide heightened protections for Washingtonian's health data by: Requiring additional disclosures and consumer consent regarding the collection, sharing, and use of such information;

empowering consumers with the right to have their health data deleted; prohibiting the selling of consumer health data without valid authorization signed by the consumer; and making it unlawful to utilize a geofence around a facility that provides health care services.

**NEW SECTION. Sec. 3.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abortion" means the termination of a pregnancy for purposes other than producing a live birth.

(2) "Affiliate" means a legal entity that shares common branding with another legal entity and controls, is controlled by, or is under common control with another legal entity. For the purposes of this definition, "control" or "controlled" means:

(a) Ownership of, or the power to vote, more than 50 percent of the outstanding shares of any class of voting security of a company;

(b) Control in any manner over the election of a majority of the directors or of individuals exercising similar functions; or

(c) The power to exercise controlling influence over the management of a company.

(3) "Authenticate" means to use reasonable means to determine that a request to exercise any of the rights afforded in this chapter is being made by, or on behalf of, the consumer who is entitled to exercise such consumer rights with respect to the consumer health data at issue.

(4) "Biometric data" means data that is generated from the measurement or technological processing of an individual's physiological, biological, or behavioral characteristics and that identifies a consumer, whether individually or in combination with other data. Biometric data includes, but is not limited to:

(a) Imagery of the iris, retina, fingerprint, face, hand, palm, vein patterns, and voice recordings, from which an identifier template can be extracted; or

(b) Keystroke patterns or rhythms and gait patterns or rhythms that contain identifying information.

(5) "Collect" means to buy, rent, access, retain, receive, acquire, infer, derive, or otherwise process consumer health data in any manner.

(6) (a) "Consent" means a clear affirmative act that signifies a consumer's freely given, specific, informed, opt-in, voluntary, and unambiguous agreement, which may include written consent provided by electronic means.

(b) "Consent" may not be obtained by:

(i) A consumer's acceptance of a general or broad terms of use agreement or a similar document that contains descriptions of personal data processing along with other unrelated information;

(ii) A consumer hovering over, muting, pausing, or closing a given piece of content; or

(iii) A consumer's agreement obtained through the use of deceptive designs.

(7) "Consumer" means (a) a natural person who is a Washington resident; or (b) a natural person whose consumer health data is collected in Washington. "Consumer" means a natural person who acts only in an individual or household context, however identified, including by any unique identifier. "Consumer" does not include an individual acting in an employment context.

(8) (a) "Consumer health data" means personal information that is linked or reasonably linkable to a consumer and that identifies the consumer's past, present, or future physical or mental health status.

(b) For the purposes of this definition, physical or mental health status includes, but is not limited to:

(i) Individual health conditions, treatment, diseases, or diagnosis;

(ii) Social, psychological, behavioral, and medical interventions;

(iii) Health-related surgeries or procedures;

(iv) Use or purchase of prescribed medication;

(v) Bodily functions, vital signs, symptoms, or measurements of the information described in this subsection (8) (b);

(vi) Diagnoses or diagnostic testing, treatment, or medication;

(vii) Gender-affirming care information;

(viii) Reproductive or sexual health information;

(ix) Biometric data;

(x) Genetic data;

(xi) Precise location information that could reasonably indicate a consumer's attempt to acquire or receive health services or supplies;

(xii) Data that identifies a consumer seeking health care services; or

(xiii) Any information that a regulated entity or a small business, or their respective processor, processes to associate or identify a consumer with the data described in (b) (i) through (xii) of this subsection that is derived or extrapolated from nonhealth information (such as proxy, derivative, inferred, or emergent data by any means, including algorithms or machine learning).

(c) "Consumer health data" does not include personal information that is used to engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws and is approved, monitored, and governed by an institutional review board, human subjects research ethics review board, or a similar independent oversight entity that determines that the regulated entity or the small business has implemented reasonable safeguards to mitigate privacy risks associated with research, including any risks associated with reidentification.

(9) "Deceptive design" means a user interface designed or manipulated with the effect of subverting or impairing user autonomy, decision making, or choice.

(10) "Deidentified data" means data that cannot reasonably be used to infer information about, or otherwise be linked to, an identified or identifiable consumer, or a device linked to such consumer, if the regulated entity or the small business that

possesses such data (a) takes reasonable measures to ensure that such data cannot be associated with a consumer; (b) publicly commits to process such data only in a deidentified fashion and not attempt to reidentify such data; and (c) contractually obligates any recipients of such data to satisfy the criteria set forth in this subsection (10).

(11) "Gender-affirming care information" means personal information relating to seeking or obtaining past, present, or future gender-affirming care services. "Gender-affirming care information" includes, but is not limited to:

(a) Precise location information that could reasonably indicate a consumer's attempt to acquire or receive gender-affirming care services;

(b) Efforts to research or obtain gender-affirming care services; or

(c) Any gender-affirming care information that is derived, extrapolated, or inferred, including from nonhealth information, such as proxy, derivative, inferred, emergent, or algorithmic data.

(12) "Gender-affirming care services" means health services or products that support and affirm an individual's gender identity including, but not limited to, social, psychological, behavioral, cosmetic, medical, or surgical interventions. "Gender-affirming care services" includes, but is not limited to, treatments for gender dysphoria, gender-affirming hormone therapy, and gender-affirming surgical procedures.

(13) "Genetic data" means any data, regardless of its format, that concerns a consumer's genetic characteristics. "Genetic data" includes, but is not limited to:

(a) Raw sequence data that result from the sequencing of a consumer's complete extracted deoxyribonucleic acid (DNA) or a portion of the extracted DNA;

(b) Genotypic and phenotypic information that results from analyzing the raw sequence data; and

(c) Self-reported health data that a consumer submits to a regulated entity or a small business and that is analyzed in connection with consumer's raw sequence data.

(14) "Geofence" means technology that uses global positioning coordinates, cell tower connectivity, cellular data, radio frequency identification, Wifi data, and/or any other form of spatial or location detection to establish a virtual boundary around a specific physical location, or to locate a consumer within a virtual boundary. For purposes of this definition, "geofence" means a virtual boundary that is 2,000 feet or less from the perimeter of the physical location.

(15) "Health care services" means any service provided to a person to assess, measure, improve, or learn about a person's mental or physical health, including but not limited to:

(a) Individual health conditions, status, diseases, or diagnoses;

(b) Social, psychological, behavioral, and medical interventions;

(c) Health-related surgeries or procedures;

(d) Use or purchase of medication;

(e) Bodily functions, vital signs, symptoms, or measurements of the information described in this subsection;

(f) Diagnoses or diagnostic testing, treatment, or medication;

(g) Reproductive health care services; or

(h) Gender-affirming care services.

(16) "Homepage" means the introductory page of an internet website and any internet webpage where personal information is collected. In the case of an online service, such as a mobile application, homepage means the application's platform page or download page, and a link within the application, such as from the application configuration, "about," "information," or settings page.

(17) "Person" means, where applicable, natural persons, corporations, trusts, unincorporated associations, and partnerships. "Person" does not include government agencies, tribal nations, or contracted service providers when processing consumer health data on behalf of a government agency.

(18) (a) "Personal information" means information that identifies or is reasonably capable of being associated or linked, directly or indirectly, with a particular consumer. "Personal information" includes, but is not limited to, data associated with a persistent unique identifier, such as a cookie ID, an IP address, a device identifier, or any other form of persistent unique identifier.

(b) "Personal information" does not include publicly available information.

(c) "Personal information" does not include deidentified data.

(19) "Precise location information" means information derived from technology including, but not limited to, global positioning system level latitude and longitude coordinates or other mechanisms, that directly identifies the specific location of an individual with precision and accuracy within a radius of 1,750 feet. "Precise location information" does not include the content of communications, or any data generated by or connected to advanced utility metering infrastructure systems or equipment for use by a utility.

(20) "Process" or "processing" means any operation or set of operations performed on consumer health data.

(21) "Processor" means a person that processes consumer health data on behalf of a regulated entity or a small business.

(22) "Publicly available information" means information that (a) is lawfully made available through federal, state, or municipal government records or widely distributed media, and (b) a regulated entity or a small business has a reasonable basis to believe a consumer has lawfully made available to the general public. "Publicly available information" does not include any biometric data collected about a consumer by a business without the consumer's consent.

(23) "Regulated entity" means any legal entity that: (a) Conducts business in Washington, or produces or provides products or services that are targeted to consumers in Washington; and (b) alone or jointly with others, determines the purpose and means of collecting, processing, sharing, or selling



of consumer health data. "Regulated entity" does not mean government agencies, tribal nations, or contracted service providers when processing consumer health data on behalf of the government agency.

(24) "Reproductive or sexual health information" means personal information relating to seeking or obtaining past, present, or future reproductive or sexual health services. "Reproductive or sexual health information" includes, but is not limited to:

(a) Precise location information that could reasonably indicate a consumer's attempt to acquire or receive reproductive or sexual health services;

(b) Efforts to research or obtain reproductive or sexual health services; or

(c) Any reproductive or sexual health information that is derived, extrapolated, or inferred, including from nonhealth information (such as proxy, derivative, inferred, emergent, or algorithmic data).

(25) "Reproductive or sexual health services" means health services or products that support or relate to a consumer's reproductive system or sexual well-being, including but not limited to:

(a) Individual health conditions, status, diseases, or diagnoses;

(b) Social, psychological, behavioral, and medical interventions;

(c) Health-related surgeries or procedures including, but not limited to, abortions;

(d) Use or purchase of medication including, but not limited to, medications for the purposes of abortion;

(e) Bodily functions, vital signs, symptoms, or measurements of the information described in this subsection;

(f) Diagnoses or diagnostic testing, treatment, or medication; and

(g) Medical or nonmedical services related to and provided in conjunction with an abortion, including but not limited to associated diagnostics, counseling, supplies, and follow-up services.

(26) (a) "Sell" or "sale" means the exchange of consumer health data for monetary or other valuable consideration.

(b) "Sell" or "sale" does not include the exchange of consumer health data for monetary or other valuable consideration:

(i) To a third party as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the regulated entity's or the small business's assets that complies with the requirements and obligations in this chapter; or

(ii) By a regulated entity or a small business to a processor when such exchange is consistent with the purpose for which the consumer health data was collected and disclosed to the consumer.

(27) (a) "Share" or "sharing" means to release, disclose, disseminate, divulge, make available, provide access to, license, or otherwise communicate orally, in writing, or by electronic or other means, consumer health data by a regulated entity or a small business to a third party or affiliate.

(b) The term "share" or "sharing" does not include:

(i) The disclosure of consumer health data by a regulated entity or a small business to a processor when such sharing is to provide goods or services in a manner consistent with the purpose for which the consumer health data was collected and disclosed to the consumer;

(ii) The disclosure of consumer health data to a third party with whom the consumer has a direct relationship when: (A) The disclosure is for purposes of providing a product or service requested by the consumer; (B) the regulated entity or the small business maintains control and ownership of the data; and (C) the third party uses the consumer health data only at direction from the regulated entity or the small business and consistent with the purpose for which it was collected and consented to by the consumer; or

(iii) The disclosure or transfer of personal data to a third party as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the regulated entity's or the small business's assets and complies with the requirements and obligations in this chapter.

(28) "Small business" means a regulated entity that satisfies one or both of the following thresholds:

(a) Collects, processes, sells, or shares consumer health data of fewer than 100,000 consumers during a calendar year; or

(b) Derives less than 50 percent of gross revenue from the collection, processing, selling, or sharing of consumer health data, and controls, processes, sells, or shares consumer health data of fewer than 25,000 consumers.

(29) "Third party" means an entity other than a consumer, regulated entity, processor, small business, or affiliate of the regulated entity or the small business.

**NEW SECTION. Sec. 4.** (1) (a) Except as provided in subsection (2) of this section, beginning March 31, 2024, a regulated entity and a small business shall maintain a consumer health data privacy policy that clearly and conspicuously discloses:

(i) The categories of consumer health data collected and the purpose for which the data is collected, including how the data will be used;

(ii) The categories of sources from which the consumer health data is collected;

(iii) The categories of consumer health data that is shared;

(iv) A list of the categories of third parties and specific affiliates with whom the regulated entity or the small business shares the consumer health data; and

(v) How a consumer can exercise the rights provided in section 6 of this act.

(b) A regulated entity and a small business shall prominently publish a link to its consumer health data privacy policy on its homepage.

(c) A regulated entity or a small business may not collect, use, or share additional categories of consumer health data not disclosed in the consumer health data privacy policy without first disclosing

the additional categories and obtaining the consumer's affirmative consent prior to the collection, use, or sharing of such consumer health data.

(d) A regulated entity or a small business may not collect, use, or share consumer health data for additional purposes not disclosed in the consumer health data privacy policy without first disclosing the additional purposes and obtaining the consumer's affirmative consent prior to the collection, use, or sharing of such consumer health data.

(e) It is a violation of this chapter for a regulated entity or a small business to contract with a processor to process consumer health data in a manner that is inconsistent with the regulated entity's or the small business's consumer health data privacy policy.

(2) A small business must comply with this section beginning June 30, 2024.

**NEW SECTION. Sec. 5.** (1)(a) Except as provided in subsection (2) of this section, beginning March 31, 2024, a regulated entity or a small business may not collect any consumer health data except:

(i) With consent from the consumer for such collection for a specified purpose; or

(ii) To the extent necessary to provide a product or service that the consumer to whom such consumer health data relates has requested from such regulated entity or small business.

(b) A regulated entity or a small business may not share any consumer health data except:

(i) With consent from the consumer for such sharing that is separate and distinct from the consent obtained to collect consumer health data; or

(ii) To the extent necessary to provide a product or service that the consumer to whom such consumer health data relates has requested from such regulated entity or small business.

(c) Consent required under this section must be obtained prior to the collection or sharing, as applicable, of any consumer health data, and the request for consent must clearly and conspicuously disclose: (i) The categories of consumer health data collected or shared; (ii) the purpose of the collection or sharing of the consumer health data, including the specific ways in which it will be used; (iii) the categories of entities with whom the consumer health data is shared; and (iv) how the consumer can withdraw consent from future collection or sharing of the consumer's health data.

(d) A regulated entity or a small business may not unlawfully discriminate against a consumer for exercising any rights included in this chapter.

(2) A small business must comply with this section beginning June 30, 2024.

**NEW SECTION. Sec. 6.** (1)(a) Except as provided in subsection (2) of this section, beginning March 31, 2024, a consumer has the right to confirm whether a regulated entity or a small business is collecting, sharing, or selling consumer health data concerning the consumer and to access such data,

including a list of all third parties and affiliates with whom the regulated entity or the small business has shared or sold the consumer health data and an active email address or other online mechanism that the consumer may use to contact these third parties.

(b) A consumer has the right to withdraw consent from the regulated entity's or the small business's collection and sharing of consumer health data concerning the consumer.

(c) A consumer has the right to have consumer health data concerning the consumer deleted and may exercise that right by informing the regulated entity or the small business of the consumer's request for deletion.

(i) A regulated entity or a small business that receives a consumer's request to delete any consumer health data concerning the consumer shall:

(A) Delete the consumer health data from its records, including from all parts of the regulated entity's or the small business's network, including archived or backup systems pursuant to (c)(iii) of this subsection; and

(B) Notify all affiliates, processors, contractors, and other third parties with whom the regulated entity or the small business has shared consumer health data of the deletion request.

(ii) All affiliates, processors, contractors, and other third parties that receive notice of a consumer's deletion request shall honor the consumer's deletion request and delete the consumer health data from its records, subject to the same requirements of this chapter.

(iii) If consumer health data that a consumer requests to be deleted is stored on archived or backup systems, then the request for deletion may be delayed to enable restoration of the archived or backup systems and such delay may not exceed six months from authenticating the deletion request.

(d) A consumer may exercise the rights set forth in this chapter by submitting a request, at any time, to a regulated entity or a small business. Such a request may be made by a secure and reliable means established by the regulated entity or the small business and described in its consumer health data privacy policy. The method must take into account the ways in which consumers normally interact with the regulated entity or the small business, the need for secure and reliable communication of such requests, and the ability of the regulated entity or the small business to authenticate the identity of the consumer making the request. A regulated entity or a small business may not require a consumer to create a new account in order to exercise consumer rights pursuant to this chapter but may require a consumer to use an existing account.

(e) If a regulated entity or a small business is unable to authenticate the request using commercially reasonable efforts, the regulated entity or the small business is not required to comply with a request to initiate an action under this section and may request that the consumer

provide additional information reasonably necessary to authenticate the consumer and the consumer's request.

(f) Information provided in response to a consumer request must be provided by a regulated entity and a small business free of charge, up to twice annually per consumer. If requests from a consumer are manifestly unfounded, excessive, or repetitive, the regulated entity or the small business may charge the consumer a reasonable fee to cover the administrative costs of complying with the request or decline to act on the request. The regulated entity and the small business bear the burden of demonstrating the manifestly unfounded, excessive, or repetitive nature of the request.

(g) A regulated entity and a small business shall comply with the consumer's requests under subsection (1)(a) through (c) of this section without undue delay, but in all cases within 45 days of receipt of the request submitted pursuant to the methods described in this section. A regulated entity and a small business must promptly take steps to authenticate a consumer request but this does not extend the regulated entity's and the small business's duty to comply with the consumer's request within 45 days of receipt of the consumer's request. The response period may be extended once by 45 additional days when reasonably necessary, taking into account the complexity and number of the consumer's requests, so long as the regulated entity or the small business informs the consumer of any such extension within the initial 45-day response period, together with the reason for the extension.

(h) A regulated entity and a small business shall establish a process for a consumer to appeal the regulated entity's or the small business's refusal to take action on a request within a reasonable period of time after the consumer's receipt of the decision. The appeal process must be conspicuously available and similar to the process for submitting requests to initiate action pursuant to this section. Within 45 days of receipt of an appeal, a regulated entity or a small business shall inform the consumer in writing of any action taken or not taken in response to the appeal, including a written explanation of the reasons for the decisions. If the appeal is denied, the regulated entity or the small business shall also provide the consumer with an online mechanism, if available, or other method through which the consumer may contact the attorney general to submit a complaint.

(2) A small business must comply with this section beginning June 30, 2024.

**NEW SECTION. Sec. 7.** (1) Except as provided in subsection (2) of this section, beginning March 31, 2024, a regulated entity and a small business shall:

(a) Restrict access to consumer health data by the employees, processors, and contractors of such regulated entity or small business to only those employees, processors, and contractors for which access is necessary to further the purposes for

which the consumer provided consent or where necessary to provide a product or service that the consumer to whom such consumer health data relates has requested from such regulated entity or small business; and

(b) Establish, implement, and maintain administrative, technical, and physical data security practices that, at a minimum, satisfy reasonable standard of care within the regulated entity's or the small business's industry to protect the confidentiality, integrity, and accessibility of consumer health data appropriate to the volume and nature of the consumer health data at issue.

(2) A small business must comply with this section beginning June 30, 2024.

**NEW SECTION. Sec. 8.** (1)(a)(i) Except as provided in subsection (2) of this section, beginning March 31, 2024, a processor may process consumer health data only pursuant to a binding contract between the processor and the regulated entity or the small business that sets forth the processing instructions and limit the actions the processor may take with respect to the consumer health data it processes on behalf of the regulated entity or the small business.

(ii) A processor may process consumer health data only in a manner that is consistent with the binding instructions set forth in the contract with the regulated entity or the small business.

(b) A processor shall assist the regulated entity or the small business by appropriate technical and organizational measures, insofar as this is possible, in fulfilling the regulated entity's and the small business's obligations under this chapter.

(c) If a processor fails to adhere to the regulated entity's or the small business's instructions or processes consumer health data in a manner that is outside the scope of the processor's contract with the regulated entity or the small business, the processor is considered a regulated entity or a small business with regard to such data and is subject to all the requirements of this chapter with regard to such data.

(2) A small business must comply with this section beginning June 30, 2024.

**NEW SECTION. Sec. 9.** (1) Except as provided in subsection (6) of this section, beginning March 31, 2024, it is unlawful for any person to sell or offer to sell consumer health data concerning a consumer without first obtaining valid authorization from the consumer. The sale of consumer health data must be consistent with the valid authorization signed by the consumer. This authorization must be separate and distinct from the consent obtained to collect or share consumer health data, as required under section 5 of this act.

(2) A valid authorization to sell consumer health data is a document consistent with this section and must be written in plain language. The valid authorization to sell consumer health data must contain the following:

(a) The specific consumer health data concerning the consumer that the person intends to sell;

(b) The name and contact information of the person collecting and selling the consumer health data;

(c) The name and contact information of the person purchasing the consumer health data from the seller identified in (b) of this subsection;

(d) A description of the purpose for the sale, including how the consumer health data will be gathered and how it will be used by the purchaser identified in (c) of this subsection when sold;

(e) A statement that the provision of goods or services may not be conditioned on the consumer signing the valid authorization;

(f) A statement that the consumer has a right to revoke the valid authorization at any time and a description on how to submit a revocation of the valid authorization;

(g) A statement that the consumer health data sold pursuant to the valid authorization may be subject to redisclosure by the purchaser and may no longer be protected by this section;

(h) An expiration date for the valid authorization that expires one year from when the consumer signs the valid authorization; and

(i) The signature of the consumer and date.

(3) An authorization is not valid if the document has any of the following defects:

(a) The expiration date has passed;

(b) The authorization does not contain all the information required under this section;

(c) The authorization has been revoked by the consumer;

(d) The authorization has been combined with other documents to create a compound authorization; or

(e) The provision of goods or services is conditioned on the consumer signing the authorization.

(4) A copy of the signed valid authorization must be provided to the consumer.

(5) The seller and purchaser of consumer health data must retain a copy of all valid authorizations for sale of consumer health data for six years from the date of its signature or the date when it was last in effect, whichever is later.

(6) A small business must comply with this section beginning June 30, 2024.

**NEW SECTION. Sec. 10.** It is unlawful for any person to implement a geofence around an entity that provides in-person health care services where such geofence is used to: (1) Identify or track consumers seeking health care services; (2) collect consumer health data from consumers; or (3) send notifications, messages, or advertisements to consumers related to their consumer health data or health care services.

**NEW SECTION. Sec. 11.** The legislature finds that the practices covered by this chapter are matters vitally affecting the

public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business, and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

**NEW SECTION. Sec. 12.** (1) This chapter does not apply to:

(a) Information that meets the definition of:

(i) Protected health information for purposes of the federal health insurance portability and accountability act of 1996 and related regulations;

(ii) Health care information collected, used, or disclosed in accordance with chapter 70.02 RCW;

(iii) Patient identifying information collected, used, or disclosed in accordance with 42 C.F.R. Part 2, established pursuant to 42 U.S.C. Sec. 290dd-2;

(iv) Identifiable private information for purposes of the federal policy for the protection of human subjects, 45 C.F.R. Part 46; identifiable private information that is otherwise information collected as part of human subjects research pursuant to the good clinical practice guidelines issued by the international council for harmonization; the protection of human subjects under 21 C.F.R. Parts 50 and 56; or personal data used or shared in research conducted in accordance with one or more of the requirements set forth in this subsection;

(v) Information and documents created specifically for, and collected and maintained by:

(A) A quality improvement committee for purposes of RCW 43.70.510, 70.230.080, or 70.41.200;

(B) A peer review committee for purposes of RCW 4.24.250;

(C) A quality assurance committee for purposes of RCW 74.42.640 or 18.20.390;

(D) A hospital, as defined in RCW 43.70.056, for reporting of health care-associated infections for purposes of RCW 43.70.056, a notification of an incident for purposes of RCW 70.56.040(5), or reports regarding adverse events for purposes of RCW 70.56.020(2)(b); or

(E) A manufacturer, as defined in 21 C.F.R. Sec. 820.3(o), when collected, used, or disclosed for purposes specified in chapter 70.02 RCW;

(vi) Information and documents created for purposes of the federal health care quality improvement act of 1986, and related regulations;

(vii) Patient safety work product for purposes of 42 C.F.R. Part 3, established pursuant to 42 U.S.C. Sec. 299b-21 through 299b-26;

(viii) Information that is (A) deidentified in accordance with the requirements for deidentification set forth in 45 C.F.R. Part 164, and (B) derived from any of the health care-related information listed in this subsection (1)(a)(viii);

(b) Information originating from, and intermingled to be indistinguishable with,

information under (a) of this subsection that is maintained by:

(i) A covered entity or business associate as defined by the health insurance portability and accountability act of 1996 and related regulations;

(ii) A health care facility or health care provider as defined in RCW 70.02.010; or

(iii) A program or a qualified service organization as defined by 42 C.F.R. Part 2, established pursuant to 42 U.S.C. Sec. 290dd-2;

(c) Information used only for public health activities and purposes as described in 45 C.F.R. Sec. 164.512 or that is part of a limited data set, as defined, and is used, disclosed, and maintained in the manner required, by 45 C.F.R. Sec. 164.514; or

(d) Identifiable data collected, used, or disclosed in accordance with chapter 43.371 RCW or RCW 69.43.165.

(2) Personal information that is governed by and collected, used, or disclosed pursuant to the following regulations, parts, titles, or acts, is exempt from this chapter: (a) The Gramm-Leach-Bliley act (15 U.S.C. 6801 et seq.) and implementing regulations; (b) part C of Title XI of the social security act (42 U.S.C. 1320d et seq.); (c) the fair credit reporting act (15 U.S.C. 1681 et seq.); (d) the family educational rights and privacy act (20 U.S.C. 1232g; Part 99 of Title 34, C.F.R.); (e) the Washington health benefit exchange and applicable statutes and regulations, including 45 C.F.R. Sec. 155.260 and chapter 43.71 RCW; or (f) privacy rules adopted by the office of the insurance commissioner pursuant to chapter 48.02 or 48.43 RCW.

(3) The obligations imposed on regulated entities, small businesses, and processors under this chapter does not restrict a regulated entity's, small business's, or processor's ability for collection, use, or disclosure of consumer health data to prevent, detect, protect against, or respond to security incidents, identity theft, fraud, harassment, malicious or deceptive activities, or any activity that is illegal under Washington state law or federal law; preserve the integrity or security of systems; or investigate, report, or prosecute those responsible for any such action that is illegal under Washington state law or federal law.

(4) If a regulated entity, small business, or processor processes consumer health data pursuant to subsection (3) of this section, such entity bears the burden of demonstrating that such processing qualifies for the exemption and complies with the requirements of this section.

**NEW SECTION. Sec. 13.** A new section is added to chapter 44.28 RCW to read as follows:

(1) The joint committee must review enforcement actions, as authorized in section 11 of this act, brought by the attorney general and consumers to enforce violations of this act.

(2) The report must include, at a minimum:

(a) The number of enforcement actions reported by the attorney general, a consumer, a regulated entity, or a small business that resulted in a settlement, including the average settlement amount;

(b) The number of complaints reported, including categories of complaints and the number of complaints for each category, reported by the attorney general, a consumer, a regulated entity, or a small business;

(c) The number of enforcement actions brought by the attorney general and consumers, including the categories of violations and the number of violations per category;

(e) The number of civil actions where a judge determined the position of the nonprevailing party was frivolous, if any;

(f) The types of resources, including associated costs, expended by the attorney general, a consumer, a regulated entity, or a small business for enforcement actions; and

(g) Recommendations for potential changes to enforcement provisions of this act.

(3) The office of the attorney general shall provide the joint committee any data within their purview that the joint committee considers necessary to conduct the review.

(4) The joint committee shall submit a report of its findings and recommendations to the governor and the appropriate committees of the legislature by September 30, 2030.

(5) This section expires June 30, 2031.

**NEW SECTION. Sec. 14.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 15.** Sections 1 through 12 of this act constitute a new chapter in Title 19 RCW."

On page 1, line 2 of the title, after "data;" strike the remainder of the title and insert "adding a new section to chapter 44.28 RCW; adding a new chapter to Title 19 RCW; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### MOTION

Representative Hansen moved that the House concur with the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1155.

Representative Hansen spoke in favor of the motion.

Representative Walsh spoke against the motion.

Division was demanded on the motion to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1155, and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 57 - YEAS; 40 - NAYS.

**SENATE AMENDMENT TO HOUSE BILL**

The House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1155 and advanced the bill, as amended by the Senate, to final passage.

Representative Slatter spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1155, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1155, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1155, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Thursday, April 6, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1335, with the following amendment(s): 1335-S.E AMS LAW S2718.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 4.24 RCW to read as follows:

(1) No person may publish an individual's personal identifying information when:

(a) The publication is made without the express consent of the individual whose information is published;

(b) The publication is made with: (i) Intent or knowledge that the personal identifying information will be used to harm the individual whose information is published; or (ii) reckless disregard for the risk the personal identifying information will be used to harm the

individual whose information is published; and

(c) The publication causes the individual whose information is published to suffer: (i) Physical injury; (ii) significant economic injury; (iii) mental anguish; (iv) fear of serious bodily injury or death for themselves or a close relation to themselves; or (v) a substantial life disruption.

(2) A person does not violate this section by:

(a) Providing personal identifying information with the reporting of criminal activity, which the person making the report reasonably believes occurred, to an employee of a law enforcement agency, intelligence agency, or other government agency in the United States; or in connection with any existing investigative, protective, or intelligence activity of any law enforcement agency, intelligence agency, or other government agency in the United States. This subsection (2)(a) only applies if the person providing the personal identifying information reasonably believes it to be accurate and provides the information in good faith and not for a malicious, fraudulent, or unlawful purpose;

(b) Providing personal identifying information in connection with an exercise of the right of freedom of speech or of the press, the right to assemble or petition, or the right of association, guaranteed by the United States Constitution or Washington state Constitution;

(c) Providing personal identifying information to, or in the course of acting as or on behalf of, "news media" as defined in RCW 5.68.010(5);

(d) Providing personal identifying information to a requestor in response to a request under the public records act, chapter 42.56 RCW;

(e) Providing personal identifying information when required to do so by any federal, state, or local law or regulation, or court rule or court order. This subsection (2)(e) only applies if the person providing the personal identifying information reasonably believes it to be accurate and provides the information in good faith and not for a malicious, fraudulent, or unlawful purpose;

(f) Providing personal identifying information in connection with a lawful requirement for a court filing or recording, including but not limited to recording judgments or filing claims of liens;

(g) Providing personal identifying information as permitted under the federal Gramm-Leach-Bliley act and consumer financial protection bureau Regulation P, 12 C.F.R. Part 1016, consistent with privacy policy disclosures provided pursuant to such regulation;

(h) Providing personal identifying information in compliance with the fair credit reporting act (84 Stat. 1127; 15 U.S.C. Sec. 1681 et seq.) or fair debt collection practices act (91 Stat. 874; 15 U.S.C. Sec. 1692 et seq.);

(i) Providing personal identifying information in a consumer alert or public notice arising from a regulatory, civil, or criminal investigation, complaint, or enforcement action. This subsection (2)(i)

only applies to publications made by government agencies;

(j) Providing personal identifying information within or to a government agency, corporation, company, partnership, labor union, or another legal entity, or to any employees or agents thereof, but only if the following requirements are satisfied:

(i) The personal identifying information is provided for a legitimate and lawful purpose, including without limitation the reporting of criminal or fraudulent activity, facilitating a lawful commercial transaction, or furthering an existing business relationship;

(ii) The personal identifying information is provided through a private channel of communication, and is not provided to the public;

(iii) The person providing the personal identifying information:

(A) Reasonably believes it to be accurate; or

(B) Has reasonable suspicion to believe it is being used fraudulently; and

(iv) The person providing the personal identifying information provides it in good faith, and not for a malicious or fraudulent purpose; or

(k) Providing personal identifying information on behalf of a state agency, the health benefit exchange, a tribal nation, a contracted service provider of a state agency or the health benefit exchange, or the lead organization or a data vendor of the all-payer health care claims database under chapter 43.371 RCW, if the information was provided in a manner legally permitted under federal or state law or regulation.

(3) It is not a defense to a violation of this section that the personal identifying information at issue was voluntarily given to the publisher, has been previously publicly disclosed, or is readily discoverable through research or investigation.

(4) Nothing in this section shall be construed in any manner to:

(a) Conflict with 47 U.S.C. Sec. 230;

(b) Conflict with 42 U.S.C. Sec. 1983; or

(c) Prohibit any activity protected under the Constitution of the United States or the Washington state Constitution.

(5) (a) An individual whose personal identifying information is published in violation of this section may bring a civil action against: (i) The person or persons who published the personal identifying information; and (ii) any person who knowingly benefits, financially or by receiving anything of value, from participation in a venture that the person knew or should have known has engaged in an act in violation of this section.

(b) A prevailing claimant who brings a civil action pursuant to this section is entitled to recover any or all of the following remedies upon request: (i) Compensatory damages; (ii) punitive damages; (iii) statutory damages of \$5,000 per violation; (iv) costs and reasonable attorneys' fees; (v) injunctive relief; and (vi) any other relief deemed appropriate by the court.

(c) When an action is brought under this section, a court may, on its own motion or

upon the motion of any party, issue a temporary restraining order, or a temporary or permanent injunction, to restrain and prevent the disclosure or continued disclosure of a party's personal identifying information.

(d) A civil action may be brought in any county in which an element of any violation of this section occurred, or in which an individual resides who is the subject of the personal identifying information published in violation of this section.

(6) The definitions in this subsection apply throughout this section and section 2 of this act unless the context clearly requires otherwise.

(a) "Close relation" means a current or former spouse or domestic partner, parent, child, sibling, stepchild, stepparent, grandparent, any person who regularly resides in the household or who within the prior six months regularly resided in the household, or any person with a significant personal or professional relationship.

(b) "Course of conduct" means a pattern of conduct composed of two or more acts, evidencing a continuity of purpose.

(c) "Doxing" means unauthorized publication of personal identifying information with intent or knowledge that the information will be used to harm the individual whose information is published, or with reckless disregard for the risk the information will be used to harm the individual whose information is published.

(d) "Electronic communication" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. "Electronic communication" includes, but is not limited to, email, internet-based communications, pager service, and electronic text messaging.

(e) "Harassment" has the same meaning as in RCW 9A.46.020, 9A.90.120, and 9.61.230.

(f) "Harm" means bodily injury, death, harassment, or stalking.

(g) "Mental anguish" means emotional distress or emotional suffering as evidenced by anxiety, fear, torment, or apprehension that may or may not result in a physical manifestation of mental anguish or a mental health diagnosis. The mental anguish must be protracted and not merely trivial or transitory.

(h) "Personal identifying information" means any information that can be used to distinguish or trace an individual's identity, including without limitation name, prior legal name, alias, mother's maiden name, or date or place of birth, in combination with any other information that is linked or linkable to an individual such as:

(i) Social security number, home address, mailing address, phone number, email address, social media accounts, or biometric data;

(ii) Medical, financial, education, consumer, or employment information, data, or records;

(iii) Any other sensitive private information that is linked or linkable to a specific identifiable individual, such as gender identity, sexual orientation, or any sexually intimate visual depiction; or

(iv) Any information, including without limitation usernames and passwords, that enables access to a person's email accounts, social media accounts, electronic forum accounts, chat or instant message accounts, cloud storage accounts, banking or financial accounts, computer networks, computers or phones, teleconferencing services, video-teleconferencing services, or other digital meeting rooms.

(i) "Publish" means to circulate, deliver, distribute, disseminate, post, transmit, or otherwise make available to another person, through any oral, written, visual, or electronic communication.

(j) "Regularly resides" means residing in the household with some permanency or regular frequency in the resident's living arrangement.

(k) "Stalking" has the same meaning as in RCW 9A.46.110.

(l) "Substantial life disruption" means that a person significantly modifies their actions, routines, employment, residence, appearance, name, or contact information to avoid or protect against an actor who has obtained or is using the person's personal identifying information, or because of the course of conduct of an actor who has obtained or is using the person's personal identifying information. Examples include, without limitation, changing a phone number, changing an electronic mail address, deleting personal electronic accounts, significantly decreasing use of the internet, moving from an established residence, changing daily routines, changing routes to and from work, changing employment or work schedule, or losing time from work or a job.

(7) The legislature does not intend this section to allow, and this section shall not allow, actions to be brought for constitutionally protected activity.

**NEW SECTION. Sec. 2.** This act shall be liberally construed and applied to promote its underlying purpose to deter doxing, protect persons from doxing, and provide adequate remedies to victims of doxing.

**NEW SECTION. Sec. 3.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "information;" strike the remainder of the title and insert "adding a new section to chapter 4.24 RCW; creating a new section; and prescribing penalties."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

### MOTION

Representative Hansen moved that the House concur with the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1335.

Representative Hansen spoke in favor of the motion.

Representative Walsh spoke against the motion.

The motion to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1335 carried.

### SENATE AMENDMENT TO HOUSE BILL

The House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1335 and advanced the bill, as amended by the Senate, to final passage.

Representative Hansen spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1335, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1335, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Maycumber, McClintock, McEntire, Mosbrucker, Robertson, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representative Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1335, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Friday, March 31, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1050, with the following amendment(s): 1050-S.E AMS KING S2771.1

On page 1, at the beginning of line 15, strike "\$1,000,000" and insert "\$2,000,000"

On page 1, line 16, after "apprentices." insert "For contracts advertised for bid on or after July 1, 2026, for all public works contracts awarded by a municipality estimated to cost \$1,500,000 or more, all specifications must require that no less than 15 percent of the labor hours be performed by apprentices. For contracts advertised for bid on or after July 1, 2028, for all public works contracts awarded by a municipality estimated to cost \$1,000,000 or more, all specifications must require that



no less than 15 percent of the labor hours be performed by apprentices."

On page 4, line 36, after "(b)" insert "The department of labor and industries and the municipal research and services center shall provide training, information, and ongoing technical assistance to municipalities in order to comply with apprenticeship utilization requirements. Training must include, but not be limited to, department of labor and industries reporting requirements, contract administration including sample contract language, and best practices on how a municipality's governing authority must adopt apprenticeship guidelines, including procedures, rules, and instructions to ensure compliance relating to a contractor that seeks a good faith waiver of apprenticeship utilization requirements."

(c)"

On page 5, after line 33, insert the following:

**"NEW SECTION. Sec. 2.** (1) It is the intent of the legislature that apprenticeship utilization requirements lead to increased on-the-job training placements for construction apprentices and a growing and diversified pool of labor in Washington. Beginning July 1, 2024, the department of labor and industries must study and report on public works project outcomes related to apprenticeship utilization requirements, access to apprentices, and participation by women, minority, and veteran-owned businesses. The study and report must include projects completed between July 1, 2020, and June 30, 2025, as well as projects in progress as of June 30, 2025, for in progress projects that have available data. At a minimum, the study and report must:

(a) Delineate by project size and type of awarding entity, including the department of transportation, school districts, four-year institutions of higher education, and municipalities. Project outcomes for municipalities must be delineated by type of municipality;

(b) Include total project cost, the ratio of material to labor costs, apprentice hours worked by craft and percent of total hours worked, cost savings or increases from utilizing apprentices, number of projects achieving and not achieving apprentice utilization requirements, number of projects waiving apprentice utilization requirements for good faith efforts or other criteria deemed appropriate by the awarding agency with the reasons for the waivers, and the number and percentages of women, minority, and veteran-owned businesses as prime contractors or subcontractors and whether they were able to utilize apprentices;

(c) Include, by craft, the number and service area of construction apprenticeship programs, the number of training agents, and the number of construction apprentices;

(d) Analyze women, minority, and veteran-owned businesses' access to public works projects as a prime contractor or subcontractor, and access to apprentices. The analysis should include project data and consultation with the office of minority and

women's business enterprises and women, minority, and veteran-owned businesses;

(e) Identify and analyze existing applications of apprenticeship utilization requirements by municipalities and for subcontractors beyond requirements specified in RCW 39.04.320;

(f) Include recommendations and best practices for increasing apprenticeship utilization and supporting women, minority, and veteran-owned businesses in accessing apprentices; and

(g) Include recommendations and best practices for extending apprenticeship utilization requirements to subcontractors.

(2) The report must be submitted to the office of financial management, the senate labor and commerce committee, the house labor and workplace standards committee, the house capital budget committee, the house local government committee, the senate state government and elections committee, and the senate local government, land use, and tribal affairs committee, or their successor committees, no later than December 1, 2025.

(3) This section expires December 1, 2026."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "39.04.320;" strike "and providing an effective date" and insert "creating a new section; providing an effective date; and providing an expiration date"

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1050 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

Thursday, April 13, 2023

Mme. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5187 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Rolfes, Robinson, Wilson, L.

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a Conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5187. The Speaker (Representative Orwall presiding) appointed the following members as Conferees: Representatives Ormsby, Bergquist and Stokesbary.

#### MESSAGE FROM THE SENATE

Friday, April 14, 2023

Mme. Speaker:

The Senate refuses to concur in the House amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 5412 and asks the House to recede therefrom.

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and SECOND SUBSTITUTE SENATE BILL NO. 5412 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

Representative Duerr moved the adoption of the striking amendment (743):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.21C.229 and 2020 c 87 s 1 are each amended to read as follows:

(1) ~~((In order))~~ The purpose of this section is to accommodate infill and housing development and thereby realize the goals and policies of comprehensive plans adopted according to chapter 36.70A RCW((a)).

(2) A city or county planning under RCW 36.70A.040 is authorized by this section to establish categorical exemptions from the requirements of this chapter. ((An exemption adopted under this section applies even if it differs from the categorical exemptions adopted by rule of the department under RCW 43.21C.110(1)(a).)) An exemption may be adopted by a city or county under this subsection if it meets the following criteria:

(a) It categorically exempts government action related to development proposed to fill in an urban growth area, designated according to RCW 36.70A.110, where current density and intensity of use in the area is roughly equal to or lower than called for in the goals and policies of the applicable comprehensive plan and the development is either:

(i) Residential development;

(ii) Mixed-use development; or

(iii) Commercial development up to ~~((sixty-five thousand))~~ 65,000 square feet, excluding retail development;

(b) It does not exempt government action related to development that is inconsistent with the applicable comprehensive plan or would clearly exceed the density or intensity of use called for in the goals and policies of the applicable comprehensive plan;

(c) The local government considers the specific probable adverse environmental impacts of the proposed action and determines that these specific impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, planned action ordinance, or other local, state, or federal rules or laws; and

(d)(i) The city or county's applicable comprehensive plan was previously subjected to environmental analysis through an environmental impact statement under the requirements of this chapter prior to adoption; or

(ii) The city or county has prepared an environmental impact statement that considers the proposed use or density and intensity of use in the area proposed for an exemption under this section.

~~((2) Any))~~ (3) All project actions that propose to develop one or more residential housing units within the incorporated areas in an urban growth area designated pursuant to RCW 36.70A.110 or middle housing within the unincorporated areas in an urban growth area designated pursuant to RCW 36.70A.110, and that meet the criteria identified in (a) and (b) of this subsection, are categorically exempt from the requirements of this chapter. For purposes of this section, "middle housing" has the same meaning as in RCW 36.70A.030 as amended by chapter . . . (Engrossed Second Substitute House Bill No. 1110), Laws of 2023. Jurisdictions shall satisfy the following criteria prior to the adoption of the categorical exemption under this subsection (3):

(a) The city or county shall find that the proposed development is consistent with all development regulations implementing an applicable comprehensive plan adopted according to chapter 36.70A RCW by the jurisdiction in which the development is proposed, with the exception of any development regulation that is inconsistent with applicable provisions of chapter 36.70A RCW; and

(b) The city or county has prepared environmental analysis that considers the proposed use or density and intensity of use in the area proposed for an exemption under this section and analyzes multimodal transportation impacts, including impacts to neighboring jurisdictions, transit facilities, and the state transportation system.

(i) Such environmental analysis shall include documentation that the requirements for environmental analysis, protection, and mitigation for impacts to elements of the environment have been adequately addressed for the development exempted. The requirements may be addressed in locally adopted comprehensive plans, subarea plans, adopted development regulations, other applicable local ordinances and regulations, or applicable state and federal regulations. The city or county must document its consultation with the department of transportation on impacts to state-owned transportation facilities including consideration of whether mitigation is necessary for impacts to transportation facilities.

(ii) Before finalizing the environmental analysis pursuant to (b)(i) of this subsection (3), the city or county shall provide a minimum of 60 days' notice to affected tribes, relevant state agencies, other jurisdictions that may be impacted, and the public. If a city or county identifies that mitigation measures are necessary to address specific probable

adverse impacts, the city or county must address those impacts by requiring mitigation identified in the environmental analysis pursuant to this subsection (3)(b) through locally adopted comprehensive plans, subarea plans, development regulations, or other applicable local ordinances and regulations. Mitigation measures shall be detailed in an associated environmental determination.

(iii) The categorical exemption is effective 30 days following action by a city or county pursuant to (b)(ii) of this subsection (3).

(4) Until September 30, 2025, all project actions that propose to develop one or more residential housing or middle housing units within a city west of the crest of the Cascade mountains with a population of 700,000 or more are categorically exempt from the requirements of this chapter. After September 30, 2025, project actions that propose to develop one or more residential housing or middle housing units within the city may utilize the categorical exemption in subsection (3) of this section.

(5) Any categorical exemption adopted by a city or county under this section applies even if it differs from the categorical exemptions adopted by rule of the department under RCW 43.21C.110(1)(a). Nothing in this section shall invalidate categorical exemptions or environmental review procedures adopted by a city or county under a planned action pursuant to RCW 43.21C.440. However, any categorical exemption adopted by a city or county under this section shall be subject to the rules of the department adopted according to RCW 43.21C.110(1)(a) that provide exceptions to the use of categorical exemptions adopted by the department."

Correct the title.

Representatives Duerr and Goehner spoke in favor of the adoption of the striking amendment.

The striking amendment (743) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Duerr and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5412, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5412, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson,

Ramel, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Pollet and Ramos  
Excused: Representative Ortiz-Self

SECOND SUBSTITUTE SENATE BILL NO. 5412, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

**MOTION**

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

- SENATE BILL NO. 5166
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5199
- SUBSTITUTE SENATE BILL NO. 5218
- SUBSTITUTE SENATE BILL NO. 5742
- SENATE BILL NO. 5765

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

There being no objection, the House reverted to the third order of business.

**MESSAGES FROM THE SENATE**

Monday, April 17, 2023

Mme. Speaker:

The President has signed:

- HOUSE BILL NO. 1002
- HOUSE BILL NO. 1008
- SECOND SUBSTITUTE HOUSE BILL NO. 1009
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1019
- SECOND SUBSTITUTE HOUSE BILL NO. 1028
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033
- SECOND SUBSTITUTE HOUSE BILL NO. 1039
- HOUSE BILL NO. 1049
- HOUSE BILL NO. 1055
- HOUSE BILL NO. 1066
- SUBSTITUTE HOUSE BILL NO. 1068
- SUBSTITUTE HOUSE BILL NO. 1084
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1106
- HOUSE BILL NO. 1114
- HOUSE BILL NO. 1128
- SUBSTITUTE HOUSE BILL NO. 1132
- SECOND SUBSTITUTE HOUSE BILL NO. 1168
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1170
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1175
- SECOND SUBSTITUTE HOUSE BILL NO. 1176
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1181
- HOUSE BILL NO. 1197
- SUBSTITUTE HOUSE BILL NO. 1207
- SUBSTITUTE HOUSE BILL NO. 1213
- HOUSE BILL NO. 1218

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Monday, April 17, 2023

Mme. Speaker:

The President has signed:

HOUSE BILL NO. 1221  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1222  
 HOUSE BILL NO. 1230  
 HOUSE BILL NO. 1232  
 SUBSTITUTE HOUSE BILL NO. 1234  
 SUBSTITUTE HOUSE BILL NO. 1236  
 SUBSTITUTE HOUSE BILL NO. 1247  
 HOUSE BILL NO. 1262  
 SUBSTITUTE HOUSE BILL NO. 1289  
 HOUSE BILL NO. 1301  
 HOUSE BILL NO. 1312  
 SECOND SUBSTITUTE HOUSE BILL NO. 1322  
 SUBSTITUTE HOUSE BILL NO. 1326  
 SUBSTITUTE HOUSE BILL NO. 1346  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1369  
 HOUSE BILL NO. 1407  
 HOUSE BILL NO. 1416  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1424  
 SUBSTITUTE HOUSE BILL NO. 1435  
 SECOND SUBSTITUTE HOUSE BILL NO. 1452  
 SUBSTITUTE HOUSE BILL NO. 1457  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1466  
 SECOND SUBSTITUTE HOUSE BILL NO. 1477  
 SECOND SUBSTITUTE HOUSE BILL NO. 1491

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the sixth order of business.

#### SECOND READING

**SUBSTITUTE SENATE BILL NO. 5096, by Senate Committee on Business, Financial Services, Gaming & Trade (originally sponsored by Padden, Pedersen, Hasegawa and Schoesler)**

##### Concerning employee ownership.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Innovation, Community & Economic Development, & Veterans was adopted. For Committee amendment, see Journal, Day 72, Tuesday, March 21, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Chambers and Doglio spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Leavitt, Representative Reeves was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5096, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5096, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian,

Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

SUBSTITUTE SENATE BILL NO. 5096, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5166, by Senators Boehnke, Mullet, Conway, Short and Warnick**

**Reauthorizing the business and occupation tax deduction for cooperative finance organizations.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt and Springer spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5166.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5166, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

SENATE BILL NO. 5166, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5199, by Senate Committee on Ways & Means (originally sponsored by Mullet, Conway, Dozier, Holy, Keiser, Lovelett, Nguyen, Shewmake and Valdez)**

##### Providing tax relief for newspaper publishers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pollet and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5199.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5199, and the bill passed the House by the following vote: Yeas, 89; Nays, 7; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Graham, Jacobsen, McEntire, Robertson, Schmidt, Volz and Walsh

Excused: Representatives Ortiz-Self and Reeves

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5199, having received the necessary constitutional majority, was declared passed.

### SUBSTITUTE SENATE BILL NO. 5218, by Senate Committee on Ways & Means (originally sponsored by Padden, Mullet and Torres)

**Providing a sales and use tax exemption for mobility enhancing equipment for use by or for a complex needs patient.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt and Taylor spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5218.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5218, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Robertson, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

SUBSTITUTE SENATE BILL NO. 5218, having received the necessary constitutional majority, was declared passed.

### SUBSTITUTE SENATE BILL NO. 5742, by Senate Committee on Transportation (originally sponsored by Kauffman, Liias and Lovick)

**Codifying certain existing grant programs at the department of transportation.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Transportation was adopted. For Committee amendment, see Journal, Day 99, Monday, April 17, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Donaghy and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5742, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5742, as amended by the House, and the bill passed the House by the following vote: Yeas, 84; Nays, 12; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Macri, Maycumber, Mena, Morgan, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Chambers, Corry, Graham, Jacobsen, Low, McClintock, McEntire, Mosbrucker, Volz, Walsh, Waters and Ybarra

Excused: Representatives Ortiz-Self and Reeves

SUBSTITUTE SENATE BILL NO. 5742, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

### THIRD READING

#### MESSAGE FROM THE SENATE

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1020, with the following amendment(s): 1020 AMS SGE S2581.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the *Suciasaurus rex*, the first and, as of the effective date of this section, only dinosaur discovered in Washington state, should be designated as

the state dinosaur. In May 2012, paleontologists discovered a portion of a left femur of a theropod dinosaur at Sucia Island state park in the San Juan Islands. Theropods are bipedal carnivorous dinosaurs that include Tyrannosaurus and Velociraptor. While scientists are unsure exactly what type of theropod the fossil belongs to, evidence suggests it may be a species similar to Daspletosaurus. The dinosaur has been nicknamed Suciasaurus rex.

Dinosaurs are not usually found in Washington because of its proximity to an active tectonic plate boundary and the high degree of human development. Some scientists believe the Suciasaurus rex lived somewhere between Baja California, Mexico, and northern California, and its fossil traveled to Washington along with a portion of the western edge of North America that was displaced to British Columbia in the Late Cretaceous period, but the fossil's exact location of origin remains controversial.

**NEW SECTION. Sec. 2.** A new section is added to chapter 1.20 RCW to read as follows:

The Suciasaurus rex is hereby designated as the official dinosaur of the state of Washington."

On page 1, line 1 of the title, after "dinosaur;" strike the remainder of the title and insert "adding a new section to chapter 1.20 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1020 and advanced the bill, as amended by the Senate, to final passage.

Representatives Morgan and Abbarno spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1020, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1020, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 87; Nays, 9; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chandler, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Chambers, Christian, Dent, Goehner, Graham, Jacobsen, Schmidt, Volz and Ybarra  
Excused: Representatives Ortiz-Self and Reeves

HOUSE BILL NO. 1020, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Friday, April 7, 2023

Mme. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1086, with the following amendment(s): 1086.E AMS LGLT S1965.3

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that office of financial management forecasts are showing state population growth of more than 2.2 million people by the year 2050. In the face of this dramatic growth, the legislature finds that it is more important than ever to help preserve, maintain, and enhance local parks, trails, and open spaces that are key contributors to the state's quality of life.

The legislature further finds that local parks and recreation agencies confronted with this growth are still dealing with severe budget impacts brought on by the COVID-19 pandemic and facing a pending economic slowdown, even as the utilization of parks, open spaces, and trails has spiked up dramatically.

The legislature finds that local parks agencies desperately need additional funding and tools to address the significant growth in use and to better empower nonprofit and service organizations to make a positive impact in their communities.

The legislature finds that community service organizations can help local agencies bring people together in a way that fosters an ethic of service, builds cohesion among residents, and provides more free and accessible outdoor recreation opportunities, particularly in underserved communities.

The legislature finds that increased use of volunteers, and agreements with community service organizations, can help smaller agencies stretch local dollars further and take on bigger projects than they otherwise would be able to.

The legislature finds that one way to incentivize these types of agreements with community service organizations is by modernizing the state laws around contracting with such organizations, which have not been updated since 1988.

The legislature further finds that years of inflation and growth should be taken into account in updating these state laws, which currently restrict many local agencies to a \$25,000 per year limit for all community service organization contracts.

Therefore, it is the intent of the legislature to modernize the state laws around contracting with community service organizations in a manner that accounts for three and a half decades of growth and inflationary costs, so that local parks

agencies can operate with more reasonable and up-to-date limits that are in keeping with today's budget and cost realities. Doing so will provide local agencies one additional tool to address maintenance backlogs, preserve quality open spaces, and better serve communities experiencing inequities and lacking access to parks and recreation facilities and programs that support healthy living. The legislature therefore intends to increase the dollar limit from \$25,000 to \$75,000 for smaller agencies. It is the intent of the legislature that this limit apply annually to all contracts entered into by an agency under RCW 35.21.278 in any one year, and that this limit not be interpreted to apply on a per contract basis so as to allow any number of individual contracts of up to \$75,000.

It is the intent of the legislature that this authority be used to provide additional opportunities for public service organizations to meaningfully participate in the betterment of their community, rather than as a way for local agencies to advantage nonprofits over other businesses in public contracting.

**Sec. 2.** RCW 35.21.278 and 2019 c 352 s 7 are each amended to read as follows:

(1) Without regard to competitive bidding laws for public works, a county, city, town, school district, metropolitan park district, park and recreation district, port district, or park and recreation service area may contract with a chamber of commerce, a service organization, a community, youth, or athletic association, or other similar association located and providing service in the immediate neighborhood, for drawing design plans, making improvements to a park, school playground, public square, other public spaces, or port habitat site, installing equipment or artworks, or providing maintenance services for such a project, or for a facility or facilities as a community or neighborhood project, or for an environmental justice stewardship or sustainability project, and may reimburse the contracting association its expense. The contracting association may use volunteers to whom no wage or salary compensation is paid in the project and provide the volunteers with clothing or tools; meals or refreshments; accident/injury insurance coverage; and reimbursement of their expenses. The consideration to be received by the public entity through the value of the improvements, artworks, equipment, or maintenance shall have a value at least equal to ~~((three))~~ two times that of the payment to the contracting association. All payments made by a public entity under the authority of this section for all such contracts in any one year shall not exceed ~~((twenty-five thousand dollars))~~ \$75,000 or two dollars per resident within the boundaries of the public entity, whichever is greater.

(2) A county, city, town, school district, metropolitan park district, park and recreation district, or park and recreation service area may ratify an agreement, which qualifies under subsection

(1) of this section and was made before June 9, 1988.

(3) Without regard to competitive bidding laws for public works, a school district, institution of higher education, or other governmental entity that includes training programs for students may contract with a community service organization, nonprofit organization, or other similar entity, to build tiny houses for low-income housing, if the students participating in the building of the tiny houses are in:

(a) Training in a community and technical college construction or construction management program;

(b) A career and technical education program;

(c) A state-recognized apprenticeship preparation program; or

(d) Training under a construction career exploration program for high school students administered by a nonprofit organization."

On page 1, line 2 of the title, after "organizations;" strike the remainder of the title and insert "amending RCW 35.21.278; and creating a new section."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1086 and advanced the bill, as amended by the Senate, to final passage.

Representatives Shavers and Goehner spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1086, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1086, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives McEntire and Walsh

Excused: Representatives Ortiz-Self and Reeves

ENGROSSED HOUSE BILL NO. 1086, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Monday, April 10, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1188, with the following amendment(s): 1188-S2.E AMS WM S2884.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.88C.010 and 2022 c 219 s 2 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state

correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(c) The number of students who are eligible for the Washington college grant program under RCW 28B.92.200 and 28B.92.205 and are expected to attend an institution of higher education as defined in RCW 28B.92.030; and

(d) The number of children who are eligible, as defined in RCW 43.216.505, to participate in, and the number of children actually served by, the early childhood education and assistance program.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) By January 1, 2023, the caseload forecast council shall present the number of individuals who are assessed as eligible for and have requested a service through the individual and family services waiver and the basic plus waiver administered by the developmental disabilities administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(10) Beginning with the official forecast submitted in November 2022 and subject to the availability of amounts appropriated for this specific purpose, the caseload forecast council shall forecast the number of individuals who are assessed as eligible for and have requested supported living services, a service through the core waiver, an individual and family services waiver, and the basic plus waiver administered by the developmental disabilities administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(11) As a courtesy, beginning with the official forecast submitted in November 2022, the caseload forecast council shall forecast the number of individuals who are expected to reside in state-operated living alternatives administered by the developmental disabilities administration.

(12) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

(13) The caseload forecast council shall forecast the number of youth expected to receive behavioral rehabilitation services while involved in the foster care system and the number of screened in reports of child abuse or neglect.

(14) The caseload forecast council shall forecast the number of individuals who are functionally and financially eligible for medicaid waiver services administered by the developmental disabilities administration



who also meet the criteria outlined in RCW 71A.12.370 and are expected to utilize a medicaid waiver service.

(15) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

~~((15))~~ (16) During the 2021-2023 fiscal biennium, and beginning with the November 2021 forecast, the caseload forecast council shall produce an unofficial forecast of the long-term caseload for juvenile rehabilitation as a courtesy.

**Sec. 2.** RCW 43.88.058 and 2021 c 334 s 1904 are each amended to read as follows:

For the purposes of this chapter, expenditures for the following ~~((foster care, adoption support and related services, and child protective))~~ services must be forecasted and budgeted as maintenance level costs:

(1) Behavioral rehabilitation services placements;

(2) Social worker and related staff to receive, refer, and respond to screened-in reports of child abuse or neglect ~~((, except in fiscal year 2021))~~;

(3) Court-ordered parent-child and sibling visitations delivered by contractors; ~~((and))~~

(4) Those activities currently being treated as maintenance level costs for budgeting or forecasting purposes on June 7, 2018, including, but not limited to: (a) Adoption support and other adoption-related expenses; (b) foster care maintenance payments; (c) child-placing agency management fees; (d) support goods such as clothing vouchers; (e) child aides; and (f) child care for children in foster or relative placements when the caregiver is at work or in school; and

(5) Developmental disability waiver slots that are anticipated to be utilized by individuals eligible for a medicaid waiver service under RCW 71A.12.370.

**Sec. 3.** RCW 71A.24.005 and 2009 c 194 s 1 are each amended to read as follows:

(1) The legislature recognizes that the number of children who have developmental disabilities along with intense behaviors is increasing, and more families are seeking out-of-home placement for their children.

(2) The legislature intends to create services and to develop supports for these children, family members, and others involved in the children's lives to avoid disruption to families ~~((and eliminate)), help prevent the need for out-of-home placement, and supplement the child welfare services a child may be receiving from the department of children, youth, and families.~~

(3) The legislature directs the department to maintain a federal waiver through which services may be provided to allow children with developmental disabilities and intense behaviors to maintain permanent and stable familial relationships. The legislature intends for these services to be locally based and offered as early as possible to avoid family disruption and out-of-home placement, but also offered to children in out-of-home placement when necessary.

**Sec. 4.** RCW 71A.24.010 and 2009 c 194 s 2 are each amended to read as follows:

(1) To the extent funding is appropriated for this purpose, intensive behavior support services may be provided by the department, directly or by contract, to children who have developmental disabilities and intense behaviors and to their families.

(2) The department shall be the lead administrative agency for children's intensive behavior support services and shall:

(a) Collaborate with appropriate parties to develop and implement the intensive in-home support services program within the division of developmental disabilities;

(b) Use best practices and evidence-based practices;

(c) Provide coordination and planning for the implementation and expansion of intensive in-home services;

(d) Contract for the provision of intensive in-home and planned out-of-home services;

(e) Monitor and evaluate services to determine whether the program meets standards identified in the service contracts;

(f) Collect data regarding the number of families served, and costs and outcomes of the program;

(g) Adopt appropriate rules to implement the program;

(h) License out-of-home respite placements on a timely basis; and

(i) Maintain an appropriate staff-to-client ratio.

(3) A child may receive intensive behavior support services when the department has determined that:

(a) The child is under the age of twenty-one;

(b) The child has a developmental disability and has been determined eligible for these services;

(c) The child/family acuity scores are high enough in the assessment conducted by the division of developmental disabilities to indicate the child's behavior puts the child or family at significant risk or is very likely to require an out-of-home placement;

(d) The child meets eligibility for the home and community-based care waiver;

(e) The child resides in his or her family home or is ~~((temporarily))~~ in an out-of-home placement ~~((with a plan to return home)); and~~

(f) The family agrees to participate in the program and complete the care and support steps outlined in the completed individual support plan ~~((; and~~

~~((g) The family is not subject to an unresolved child protective services referral)).~~

**NEW SECTION. Sec. 5.** A new section is added to chapter 71A.12 RCW to read as follows:

(1) No later than January 1, 2024, the department shall submit to the federal government a request for approval to modify eligibility requirements for the services provided through a medicaid waiver administered by the department to include

eligible individuals as specified in RCW 71A.12.370. To the extent consistent with federal law and federal funding requirements, the department shall provide services to eligible individuals as specified in RCW 71A.12.370 through a medicaid waiver administered by the department beginning no later than December 1, 2024.

(2)(a) The legislature recognizes that children and youth with developmental disabilities who are subject to a dependency have unique support needs. To this end, the legislature intends to explore establishing a new medicaid waiver for this population.

(b) By December 1, 2025, the department shall submit a report to the governor and the appropriate committees of the legislature on the feasibility of establishing a new medicaid waiver tailored to meet the needs of dependent children and youth with developmental disabilities who are age 20 or younger and who meet the criteria identified in RCW 71A.12.370(1) and cannot be adequately served through one of the five medicaid waivers administered by the department as of the effective date of this section. The services provided in this waiver shall supplement, and not supplant, the child welfare services and supports a child or youth is entitled to or receives under Title IV-E of the social security act from the department of children, youth, and families, and may not duplicate services or supports available through other funding sources. The report must include:

(i) A comprehensive list and description of the services anticipated to be included in the new waiver and the associated costs by each age group;

(ii) Information on approaches taken by other states to serve children and youth in dependencies with developmental disabilities; and

(iii) Information on the outcome of services being provided under the amended waivers referenced in subsection (1) of this section.

(3) The department shall be the lead administrative agency for the waiver design for dependent children and youth and shall collaborate with the department of children, youth, and families and other relevant stakeholders to identify the services and supports currently provided to dependent children and youth and identify services and supports that will supplement supports already provided. The department of children, youth, and families shall provide to the department all information and data that is necessary for the department to determine eligibility for services, to provide appropriate and timely services and supports to qualifying children and youth, to implement and maintain compliance with federal funding requirements, and to complete design of the new waiver.

**Sec. 6.** RCW 71A.12.370 and 2021 c 56 s 4 are each amended to read as follows:

~~((When there is funded capacity for services))~~ (1) Services provided through a medicaid waiver administered by the department, ~~((and))~~ to the extent consistent with federal law and federal funding

requirements, ~~((priority for that waiver))~~ shall be provided to eligible individuals who ~~((exited))~~ meet the following criteria on or after the effective date of this section:

(a) (i) Are subject to a dependency;  
(ii) Are receiving extended foster care services as defined in RCW 74.13.020; or  
(iii) Exited a dependency ((proceeding under chapter 13.34 RCW within the last two years)) or discontinued extended foster care services as defined in RCW 74.13.020; and  
(b) Will begin receiving waiver services prior to the individual's 25th birthday.

(2) Persons meeting the criteria in subsection (1) of this section who are receiving services under the children's intensive behavioral support services waiver under RCW 71A.24.010 must be immediately transferred to a different waiver without a break in waiver coverage when, based on their age, they no longer qualify for the waiver under which they have been receiving services.

(3) For purposes of this section, a "dependency" includes both a dependency under chapter 13.34 RCW and circumstances in which an Indian child is in the custody of a federally recognized Indian tribe as defined in RCW 43.376.010 or the tribe's placing agency.

**NEW SECTION. Sec. 7.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 43.88C.010, 43.88.058, 71A.24.005, 71A.24.010, and 71A.12.370; adding a new section to chapter 71A.12 RCW; and creating a new section."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1188 and advanced the bill, as amended by the Senate, to final passage.

Representatives Senn and Eslick spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1188, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1188, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy,

Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1188, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Friday, April 7, 2023

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1474, with the following amendment(s): 1474-S2 AMS HSG S2548.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) Generations of systemic, racist, and discriminatory policies and practices have created barriers to credit and homeownership for black, indigenous, and people of color and other historically marginalized communities in Washington state. The legislature finds that these policies and practices include redlining, racially restrictive covenants, mortgage subsidies and incentives, and displacement and gentrification.

(b) The state government was both an active and passive participant in this discrimination. For example, the legislature recognizes the role of state courts in facilitating discrimination by property owners; the existence of mandatory recording statutes that required county auditors to record racially restrictive covenants; the passage of the urban renewal law authorizing the designation, regulation, and displacement of certain neighborhoods that were deemed to be blighted; and state funding and regulation of the real estate and banking industries in ways that facilitated or promoted private discrimination. The legislature finds that the specific discriminatory acts and omissions are well documented, including in numerous public and private studies, reports, and other publications.

(c) This discrimination and its impacts continue to exist in the present day. The legislature recognizes that the homeownership rate for black, indigenous, and people of color and other historically marginalized communities in Washington is 19 percent below that of non-Hispanic white households, and the homeownership rate for black households is even lower. The legislature recognizes that credit, including home mortgages, is harder and more expensive to obtain for black, indigenous, and people of color and other historically

marginalized communities in Washington than for non-Hispanic white households. The legislature finds that the imbalance in supply and demand in Washington's housing market has only exacerbated these inequities.

(d) These negative impacts extend beyond homeownership and affect wealth generation, housing security, and other outcomes for black, indigenous, and people of color and other historically marginalized communities in Washington. The legislature finds that these impacts include higher rates of homelessness, rent burdening, substandard or otherwise unhealthy or unsafe housing, and predatory and discriminatory lending practices that lead to further displacement and gentrification.

(e) Existing state and federal programs and other race-neutral approaches are insufficient to remedy that discrimination and its impacts on access to credit and homeownership for black, indigenous, and people of color and other historically marginalized communities in Washington. The legislature finds that race-conscious programs, such as the special purpose credit programs authorized by section 6 of this act, are necessary to remedy the past discrimination in which the state was complicit and to remove the structural barriers that persist.

(2) The legislature declares that the state has a compelling interest in remedying past and ongoing discrimination and its impacts on access to credit and homeownership for black, indigenous, and people of color and other historically marginalized communities in Washington.

NEW SECTION. **Sec. 2.** A new section is added to chapter 36.22 RCW to read as follows:

(1) Beginning January 1, 2024, except as provided in subsection (2) of this section, the county auditor must collect a covenant homeownership program assessment of \$100 for each document recorded, which is in addition to any other charge, surcharge, or assessment allowed by law. The county auditor may retain up to one percent of the moneys for collection of the assessment and must remit the remainder of the moneys to the state treasurer to be deposited in the covenant homeownership account created in section 4 of this act.

(2) The assessment imposed in this section does not apply to: (a) Assignments or substitutions of previously recorded deeds of trust; (b) documents recording a birth, marriage, divorce, or death; (c) any recorded documents otherwise exempted from a recording fee or additional assessments under state law; (d) marriage licenses issued by the county auditor; (e) documents recording a name change order under RCW 4.24.130; or (f) documents recording a federal, state, county, city, or water-sewer district, or wage lien or satisfaction of lien.

NEW SECTION. **Sec. 3.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of commerce, except as otherwise indicated in section 7 of act.

(2) "Commission" means the Washington state housing finance commission.

(3) "Covenant homeownership program study" means an evidence-based written report prepared by or on behalf of the commission as required in section 5 of this act.

(4) "First-time home buyer" means:

(a) An individual or the individual's spouse who has had no ownership in a principal residence during the three-year period ending on the date of purchase of the property;

(b) A single parent who has only owned a home with a former spouse while married;

(c) An individual who is a displaced homemaker as defined in 24 C.F.R. Sec. 93.2 as it exists on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, and has only owned a home with a spouse;

(d) An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations; or

(e) An individual who has only owned a property that is determined by a licensed building inspector as being uninhabitable.

(5) "Oversight committee" means the covenant homeownership program oversight committee established in section 7 of this act.

(6) "Program" means the covenant homeownership program described in section 6 of this act.

(7) "Program participant" means a person who receives down payment and closing cost assistance through a special purpose credit program created by the commission for purposes of the covenant homeownership program.

(8) "Racially restrictive real estate covenant" means a recorded covenant or deed restriction that includes or included racial restrictions on property ownership or use against protected classes that are unlawful under RCW 49.60.224. For example, these unlawful restrictions commonly included exclusions against black, indigenous, and people of color and other historically marginalized communities in Washington state, using terms, many of which are offensive, such as "African blood" meaning all sub-Saharan African ancestries; "Aryan" meaning not Jewish, not eastern or southern European, nor any ancestry except northern European; "Asiatic" meaning all Asian ancestries; Chinese; "colored person" meaning all sub-Saharan African ancestries; "colored races" meaning all nonwhite races; "Ethiopian" meaning all sub-Saharan African ancestries; "gentile" meaning non-Jewish; Hawaiian; "Hebrew" meaning Jewish; "Hindu" meaning all South Asian ancestries; "Indian" meaning Native Americans and also possibly South Asian ancestries; Japanese; "Malay" meaning Filipino; "Mongolian" meaning all East Asian ancestries; "Negro blood" meaning all sub-Saharan African ancestries; "oriental" meaning all Asian ancestries; "Turkish empire" meaning all middle

easterners; and "yellow races" meaning all Asian ancestries.

(9) "Special purpose credit program" means a credit assistance program created by the commission as authorized by the federal consumer financial protection bureau under regulation B, 12 C.F.R. 1002.8(a)(1), pursuant to Title VII of the consumer credit protection act (the equal credit opportunity act, 15 U.S.C. Sec. 1691 et seq.) as amended, allowing a creditor to extend special purpose credit to applicants who meet eligibility requirements under a credit assistance program expressly authorized by state law for the benefit of an economically disadvantaged class of persons.

**NEW SECTION. Sec. 4.** The covenant homeownership account is created in the state treasury. All receipts from the assessment established in section 2 of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be made only for the purposes of the program described in section 6 of this act. The legislature may appropriate moneys in the account as follows:

(1) The legislature may appropriate up to one percent of moneys in the account to the department for costs related to the program described in section 6 of this act including, but not limited to, costs related to administering one or more contracts with the commission for purposes of the program, costs related to outreach and stakeholder engagement, costs related to reimbursing the department of financial institutions for its costs related to the oversight committee created in section 7 of this act, and other administrative, data collection, and reporting costs; and

(2) The legislature may appropriate the remainder of the moneys in the account to the department to contract with the commission for the purposes of the program described in section 6 of this act.

**NEW SECTION. Sec. 5.** (1)(a) The commission shall complete, or cause to be completed, an initial covenant homeownership program study. The initial covenant homeownership program study must:

(i) Document past and ongoing discrimination against black, indigenous, and people of color and other historically marginalized communities in Washington state and the impacts of this discrimination on homeownership in the state, including access to credit and other barriers to homeownership in the state;

(ii) Analyze whether and to what extent existing programs and race-neutral approaches have been insufficient to remedy this discrimination and its impacts;

(iii)(A) Recommend and evaluate potential programmatic and policy changes, including creation of one or more special purpose credit programs, to remedy this discrimination and its impacts;

(B) As part of the recommendations related to creation of one or more special purpose credit programs, identify through evidence-based documentation the economically disadvantaged class or classes

of persons that require down payment and closing cost assistance in order to reduce racial disparities in homeownership in the state. The class or classes of persons identified in the study may share one or more common characteristics such as, race, national origin, or sex; and

(iv) Identify methodology to evaluate the efficacy of any recommended programmatic and policy changes over time.

(b) By March 1, 2024, and in compliance with RCW 43.01.036, the commission shall submit a copy of the initial covenant homeownership program study to the appropriate committees of the legislature and post a copy of the study to the commission's website.

(2)(a) At least every five years after the initial covenant homeownership program study is completed, the commission shall complete, or cause to be completed, an updated covenant homeownership program study. The updated covenant homeownership program study must:

(i) Update and reevaluate the findings and recommendations contained in the initial covenant homeownership program study and any subsequent program studies;

(ii) Document the experience of program participants and others impacted by past and ongoing discrimination, including their experience accessing or attempting to access credit and any barriers to homeownership in the state that they have faced or continue to face;

(iii) Evaluate the special purpose credit program or programs' efficacy in providing down payment and closing cost assistance to the economically disadvantaged class or classes of persons identified in the initial covenant homeownership program study and any subsequent program studies, and the special purpose credit program or programs' impacts on remedying discrimination and reducing racial disparities in homeownership in the state; and

(iv) Recommend program modifications and improvements.

(b) By December 31, 2028, and by December 31st every five years thereafter, and in compliance with RCW 43.01.036, the commission shall submit a copy of an updated covenant homeownership program study to the appropriate committees of the legislature and post a copy of the study to the commission's website.

(c) The board of the commission shall review each subsequent covenant homeownership program study and consider the evidence-based documentation and recommendations in designing and implementing program amendments.

**NEW SECTION. Sec. 6.** (1) As part of the covenant homeownership program, the department shall contract with the commission to design, develop, implement, and evaluate one or more special purpose credit programs to reduce racial disparities in homeownership in the state by providing down payment and closing cost assistance. The contract must authorize the commission to use the contract funding as follows:

(a) The contract must authorize the commission to use up to one percent of the

contract funding for costs related to administering the program including, but not limited to, costs related to completing a covenant homeownership program study required under section 5 of this act, and other administrative, data collection, and reporting costs;

(b) The contract must authorize the commission to use up to one percent of the contract funding to provide targeted education, homeownership counseling, and outreach about special purpose credit programs created under this section to black, indigenous, and people of color and other historically marginalized communities in Washington state, including outreach to relevant affinity groups for mortgage lenders; and

(c) The contract must authorize the commission to use the remainder of the contract funding to provide down payment and closing cost assistance to program participants. This portion of the contract funding may not be used to provide any type of assistance other than down payment and closing cost assistance.

(2) The commission shall create one or more special purpose credit programs to provide down payment and closing cost assistance for the benefit of one or more economically disadvantaged classes of persons identified in a covenant homeownership program study under section 5 of this act. In creating a special purpose credit program, the commission must consider the evidence-based documentation and programmatic and policy recommendations set forth in the initial covenant homeownership program study and any subsequent program studies. If the covenant homeownership program study identifies an economically disadvantaged class or classes of persons that share one or more common characteristics such as, race, national origin, or sex and the board of the commission finds it necessary to consider this information in tailoring a special purpose credit program to provide credit assistance to economically disadvantaged classes of persons, the commission may consider these characteristics in designing and implementing the program.

(3) At minimum, a special purpose credit program authorized under this section must:

(a) Provide loans for down payment and closing cost assistance to program participants that can be combined with other forms of down payment and closing cost assistance;

(b) Require a program participant to repay loans for down payment and closing cost assistance at the time that the house is sold; and

(c) Be implemented in conjunction with the commission's housing finance programs.

(4) To be eligible to receive down payment and closing cost assistance through a special purpose credit program authorized under this section, a special purpose credit program applicant must:

(a) Have a household income at or below 100 percent of the area median income;

(b) Be a first-time home buyer; and

(c)(i) Be a Washington state resident who:

(A) Was a Washington state resident on or before the enactment of the federal fair housing act (Title VIII of the civil rights act of 1968; P.L. 90-284; 82 Stat. 73) on April 11, 1968, and was or would have been excluded from homeownership in Washington state by a racially restrictive real estate covenant on or before April 11, 1968; or

(B) Is a descendant of a person who meets the criteria in (c) (i) (A) of this subsection;

(ii) Records that show a person's address on or about a specific date or include a reference indicating that a person is a resident of a specific city or area on or about a specific date may be used to provide proof that a person satisfies the criteria in (c) (i) of this subsection, such as genealogical records, vital records, church records, military records, probate records, public records, census data, newspaper clippings, and other similar documents.

(5) The commission may adopt rules, and shall adopt program policies, as necessary to implement this section. Program rules or policies must include procedures and standards for extending credit under the special purpose credit program, including program eligibility requirements. From time to time, including in response to a covenant homeownership program study's evaluation of program efficacy, the board of the commission may amend the special purpose credit programs, rules, and policies.

(6) By July 1, 2024, one or more of the special purpose credit programs must begin providing down payment and closing cost assistance to program participants.

(7) By December 31, 2025, and by each following December 31st, and in compliance with RCW 43.01.036, the commission shall submit an annual report to the appropriate committees of the legislature on the progress of the special purpose credit program or programs developed under this section. The report shall include, at minimum, the program eligibility requirements, the type and amount of down payment and closing cost assistance provided to program participants, the number of program participants and their corresponding eligibility categories, the location of property financed, and program outreach efforts. The report must be posted on the commission's website.

NEW SECTION. **Sec. 7.** (1) The department of financial institutions shall establish the covenant homeownership program oversight committee consisting of the following members appointed by the governor, except for the legislative members who must be appointed by the president of the senate or the speaker of the house of representatives as described in this section:

(a) One person who meets the eligibility criteria for the special purpose credit program described in section 6(4) of this act and is from east of the crest of the Cascade mountains;

(b) One person who meets the eligibility criteria for the special purpose credit program described in section 6(4) of this

act and is from west of the crest of the Cascade mountains;

(c) One representative of an organization that operates a special purpose credit program, counseling service, or debt relief program that serves persons who were commonly subject to unlawful exclusions contained in racially restrictive real estate covenants as defined in section 3 of this act;

(d) One representative of a community-based organization that specializes in the development of permanently affordable housing that serves persons who were commonly subject to unlawful exclusions contained in racially restrictive real estate covenants;

(e) One representative of the real estate sales profession;

(f) One representative of the home mortgage lending profession who has a minimum of five years' lending or underwriting experience;

(g) One representative of the nonprofit affordable housing development industry;

(h) Two senators, one from each of the two largest caucuses, appointed by the president of the senate; and

(i) Two members of the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives.

(2) (a) Nonlegislative members shall each serve a three-year term, subject to renewal for no more than one additional three-year term. The oversight committee shall develop rules that provide for the staggering of terms so that, after the first two years of the committee's existence, the terms of one-third of the nonlegislative members expire each year.

(b) Legislative members shall each serve a two-year term, subject to renewal for no more than one additional two-year term.

(c) On the expiration of the term of each member, the governor, president of the senate, or the speaker of the house of representatives, as authorized under subsection (1) of this section, shall appoint a successor to serve for a term of two years if the successor is a legislative member, or three years if the successor is a nonlegislative member.

(d) The governor may remove a nonlegislative member of the oversight committee for cause. The president of the senate may remove a senator serving as a legislative member of the oversight committee for cause, and the speaker of the house of representatives may remove a member of the house of representatives serving as a legislative member of the oversight committee for cause.

(e) Vacancies on the oversight committee for any reason must be filled by appointment as authorized under subsection (1) of this section for the duration of the unexpired term.

(3) The oversight committee:

(a) Shall oversee and review the commission's activities and performance related to the program, including the commission's creation and administration of one or more special purpose credit programs authorized in section 6 of this act;

(b) Shall work with the department of financial institutions to convene meetings, create a charter and operating procedures, and to coordinate the oversight committee's ongoing activities;

(c) Shall convene the initial meeting of the oversight committee and select a chair by October 1, 2023;

(d) Shall work with the department of financial institutions to convene a meeting at least once a quarter and may hold additional meetings at the call of the chair or by a majority vote of the members of the committee;

(e) May conduct its meetings by conference telephone call, videoconference, or using similar technology that enables all persons participating in the meeting to hear each other at the same time; and

(f) May, from time to time, make recommendations to the appropriate committees of the legislature regarding the program.

(4)(a) The oversight committee is a class one group under RCW 43.03.220. Except as provided in (b) of this subsection, members of the committee receive no compensation for their services as members of the committee but may be reimbursed for travel and other expenses in accordance with rules adopted by the office of financial management.

(b) As authorized by RCW 43.03.220, the department of financial institutions may provide a stipend to individuals who are low income or have lived experience to support their participation on the oversight committee.

(5)(a) The department of commerce and the commission shall work together to supply the oversight committee and the department of financial institutions with any information requested by the oversight committee or the department of financial institutions that the oversight committee or the department of financial institutions deems necessary for the committee to carry out its duties under this section. This information may include, but is not limited to, books, accounts, records, policies, procedures, files, and information from relevant third parties.

(b) Any information shared among the oversight committee, the department of financial institutions, the department of commerce, and the commission that is confidential and exempt from public disclosure under RCW 42.56.270 shall remain confidential when received by the receiving party.

(6) The department of commerce and the commission must report to the oversight committee on a quarterly basis. The report must address the results of targeted education, homeownership counseling, and outreach efforts by the department of commerce as authorized under this chapter, and the results of any special purpose credit program formed by the commission under this chapter, and down payment and closing cost assistance to program participants.

(7)(a) The department of financial institutions shall:

(i) Provide subject matter expertise, administrative assistance, and staff support to the oversight committee; and

(ii) Work in coordination with the department of commerce and the commission to conduct outreach and financial education to the communities served by this chapter, in accordance with RCW 43.320.150.

(b) The department of financial institutions may:

(i) Have one or more staff present at oversight committee meetings;

(ii) Employ staff necessary to carry out the purposes of this section; and

(iii) Hire outside experts and other professionals it deems necessary to carry out its duties under this section.

(8) The department of commerce shall reimburse the department of financial institutions for costs related to the oversight committee from the moneys that the legislature appropriates to the department of commerce for this purpose from the covenant homeownership account under section 4(1) of this act.

**Sec. 8.** RCW 36.18.010 and 2022 c 141 s 2 are each amended to read as follows:

Except as otherwise ordered by the court pursuant to RCW 4.24.130, county auditors or recording officers shall collect the following fees for their official services:

(1) For recording instruments, for the first page eight and one-half by ~~((fourteen))~~14 inches or less, ~~((five dollars))~~5; for each additional page eight and one-half by ~~((fourteen))~~14 inches or less, ~~((one dollar))~~1. The fee for recording multiple transactions contained in one instrument will be calculated for each transaction requiring separate indexing as required under RCW 65.04.050 as follows: The fee for each title or transaction is the same fee as the first page of any additional recorded document; the fee for additional pages is the same fee as for any additional pages for any recorded document; the fee for the additional pages may be collected only once and may not be collected for each title or transaction;

(2) For preparing and certifying copies, for the first page eight and one-half by ~~((fourteen))~~14 inches or less, ~~((three dollars))~~3; for each additional page eight and one-half by ~~((fourteen))~~14 inches or less, ~~((one dollar))~~1;

(3) For preparing noncertified copies, for each page eight and one-half by ~~((fourteen))~~14 inches or less, ~~((one dollar))~~1;

(4) For administering an oath or taking an affidavit, with or without seal, ~~((two dollars))~~2;

(5) For issuing a marriage license, ~~((eight dollars))~~8, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional ~~((five dollar))~~5 fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund plus an additional ~~((ten dollar))~~10 fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to

the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

(6) For searching records per hour, ~~((eight dollars))~~ \$8;

(7) For recording plats, ~~((fifty))~~ 50 cents for each lot except cemetery plats for which the charge shall be ~~((twenty-five))~~ 25 cents per lot; also ~~((one dollar))~~ \$1 for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of ~~((twenty-five dollars))~~ \$25 per plat;

(8) For recording of miscellaneous records not listed above, for the first page eight and one-half by ~~((fourteen))~~ 14 inches or less, ~~((five dollars))~~ \$5; for each additional page eight and one-half by ~~((fourteen))~~ 14 inches or less, ~~((one dollar))~~ \$1;

(9) For modernization and improvement of the recording and indexing system, a surcharge as provided in RCW 36.22.170;

(10) For recording an emergency nonstandard document as provided in RCW 65.04.047, ~~((fifty dollars))~~ \$50, in addition to all other applicable recording fees;

(11) For recording instruments, a ~~((three dollar))~~ \$3 surcharge to be deposited into the Washington state library operations account created in RCW 43.07.129;

(12) For recording instruments, a ~~((two dollar))~~ \$2 surcharge to be deposited into the Washington state library-archives building account created in RCW 43.07.410 until the financing contract entered into by the secretary of state for the Washington state library-archives building is paid in full;

(13) For recording instruments, a surcharge as provided in RCW 36.22.178; ~~((and))~~

(14) For recording instruments, except for documents recording a birth, marriage, divorce, or death or any documents otherwise exempted from a recording fee under state law, a surcharge as provided in RCW 36.22.179; and

(15) For recording instruments, except for documents exempt under section 2(2) of this act, an assessment as provided in section 2 of this act.

**Sec. 9.** RCW 43.84.092 and 2022 c 182 s 403 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal

government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the covenant homeownership account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy



freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the

teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 10.** RCW 43.84.092 and 2022 c 182 s 404 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated

with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the covenant homeownership account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the

developmental disabilities community services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special

wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be

allocated earnings without the specific affirmative directive of this section.

**Sec. 11.** RCW 42.56.270 and 2022 c 201 s 2 and 2022 c 16 s 28 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750; (b) highway construction or improvement as required by RCW 47.28.070; or (c) alternative public works contracting procedures as required by RCW 39.10.200 through 39.10.905;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, ((and)) 43.168, and 43.--- (the new chapter created in section 13 of this act) RCW and RCW 43.155.160, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) (a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an

application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), cannabis producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(c) Valuable formulae or financial or proprietary commercial information records received during a consultative visit or while providing consultative services to a licensed cannabis business in accordance with RCW 69.50.561;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services or the health care authority for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8);

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business; and

(iii) Financial or proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.31.625 (3)(b) and (4);

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of ~~((sixty))~~ 60 days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70A.500 RCW to implement chapter 70A.500 RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in

applications for, or delivery of, grants under RCW 43.330.502, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW 70A.500.190(4);

(22) Financial information supplied to the department of financial institutions, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities;

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when

filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell cannabis as allowed under chapter 69.50 RCW;

(25) Cannabis transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of cannabis product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section;

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for cannabis research licenses under RCW 69.50.372, or in reports submitted by cannabis research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372;

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed cannabis business under RCW 69.50.395, which may be submitted to or obtained by the state liquor and cannabis board;

(29) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the Andy Hill cancer research endowment program in applications for, or delivery of, grants under chapter 43.348 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(30) Proprietary information filed with the department of health under chapter 69.48 RCW;

(31) Records filed with the department of ecology under chapter 70A.515 RCW that a court has determined are confidential valuable commercial information under RCW 70A.515.130; and

(32) Unaggregated financial, proprietary, or commercial information submitted to or obtained by the liquor and cannabis board in applications for licenses under RCW 66.24.140 or 66.24.145, or in any reports or remittances submitted by a person licensed under RCW 66.24.140 or 66.24.145 under rules

adopted by the liquor and cannabis board under chapter 66.08 RCW.

NEW SECTION. **Sec. 12.** This act may be known and cited as the covenant homeownership account and program act.

NEW SECTION. **Sec. 13.** Sections 1 and 3 through 7 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 14.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 15.** (1) If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

(2) In addition, if the covenant homeownership program described in section 6 of this act is held invalid, in whole or in part, the legislature may appropriate moneys in the covenant homeownership account to the department of commerce to contract with the Washington state housing finance commission for one or more other programs that support homeownership for first-time home buyers.

NEW SECTION. **Sec. 16.** Section 9 of this act expires July 1, 2024.

NEW SECTION. **Sec. 17.** Section 10 of this act takes effect July 1, 2024."

On page 1, line 3 of the title, after "state;" strike the remainder of the title and insert "amending RCW 36.18.010, 43.84.092, and 43.84.092; reenacting and amending RCW 42.56.270; adding a new section to chapter 36.22 RCW; adding a new chapter to Title 43 RCW; creating new sections; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1474 and advanced the bill, as amended by the Senate, to final passage.

Representative Taylor spoke in favor of the passage of the bill.

Representative Klicker spoke against the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE  
AMENDED**

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1474, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1474, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 52; Nays, 44; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Gahner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Ortiz-Self and Reeves

SECOND SUBSTITUTE HOUSE BILL NO. 1474, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1578, with the following amendment(s): 1578-S2 AMS ENGR S2962.E

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature recognizes that, just as the forests on the east side of the state are being impacted by climate change, western Washington forests, too, are seeing increasing vulnerabilities to forest health and resilience. The frequency and severity of wildfires, resulting smoke incursions, and postfire flash floods and debris flow in areas of increasing population density are expected to intensify in the years to come, fueled by drought, pests, and disease, and increasing temperatures.

(2) The legislature recognizes that communities within the wildland urban interface and in areas of high or growing population density are increasingly experiencing more frequent and severe wildfires, resulting smoke exposure, flash floods, and debris flow, and that this intensifies health and safety hazards for residents, infrastructure, and ecosystems.

(3) The legislature finds that lives, health, and infrastructure are endangered by unplanned wildland fires, associated smoke exposure, and postwildfire debris flow hazards in Washington state. Wildland fires

come with cascading and multihazard impacts on air quality and the health of our residents. Therefore, investing in wildland fire community preparedness, recovery, and resilience provides important cobenefits that will improve the health and safety of residents, infrastructure, and ecosystems in forested and nonforested areas and will reduce the economic burden on local governments, organizations, communities, and the state.

(4) The legislature acknowledges that public health and emergency management preparedness aligns with the state's environmental justice goals, where programming and interventions support vulnerable populations and those living in regions experiencing disproportionately high levels of wildfire, air pollutants, and smoke exposure.

(5) The legislature recognizes that there is a need for a comprehensive approach to public safety and health related to evacuation planning, emergency response and stabilization, creating resilience to wildfire smoke, and postfire landslide hazard identification and mitigation. A key priority during a wildfire response is engaging relevant evacuation and emergency response plans. A key priority in wildfire recovery is emergency stabilization to prevent increased damage to life, infrastructure, or natural resources, and longer-term stabilization and rehabilitation efforts may need to be continued for several years following a wildfire to prevent unacceptable and dangerous land and water degradation.

(6) The legislature recognizes that while smoke from wildland fires can affect individuals differently based on a multitude of different factors, the negative health effects of poor air quality are well established. A study led by the office of financial management and the department of ecology found that when air quality is categorized as "unhealthy," as compared to "good," due to wildfire smoke, there is a 24 percent increase in medical service claims related to asthma and a 12 percent increase in emergency department visits.

(7) The legislature finds that cross-agency emergency management planning and response that addresses wildland fires and related smoke is important to the health and safety of the residents of Washington. It is critical to provide timely smoke impact and forecast information and messaging to the public that is accessible and based on the best available science.

(8) The legislature recognizes that having clean and properly ventilated indoor air is important to protect the health of all residents. Those who experience acute or chronic health challenges are at greater risk of the effects of hazardous or polluted air. During wildfire events that lead to increased smoke in the ambient air, public health officials often recommend staying indoors and closing doors and windows. However, particularly on the western side of the state, many homes do not have air conditioning systems. Compared to nearly all other states, Washington homes have some of the fewest air conditioning systems. Accordingly, during the warmest days of

summer, when wildfire events are most common, doors and windows are opened for ventilation purposes, which inadvertently allows smoke to enter the home and degrade indoor air quality.

(9) The legislature recognizes the work that the department of natural resources has done to implement RCW 76.04.505, and that, based on a robust prioritization process, the department of natural resources has focused a majority of its efforts to date on wildfire prevention and preparedness on the east side of the state.

(10) The legislature acknowledges that the department of natural resources' community resilience programming for community-level and property-level wildfire readiness has been successfully implemented in numerous counties throughout eastern Washington and that broadening the program statewide and incorporating smoke readiness programming will benefit communities, residents, and local governments facing growing wildfire-related risks.

(11) Therefore, the legislature finds that, given the increasing impacts on the rapidly growing wildland urban interface and in areas of increasing population density, the department of natural resources must now also accelerate efforts to address the threats facing them. This includes, but is not limited to, improving community preparedness, response, recovery, and resilience related to wildland fire, smoke, and postfire flash floods and debris flow.

**NEW SECTION. Sec. 2.** A new section is added to chapter 76.04 RCW to read as follows:

(1)(a) The department must assess areas at significant risk for wildfire, by decade, for a period encompassing not less than 30 years. The assessment must include an analysis of the predicted climate influence on wildfire risk in the state and provide enough detail for landowners, the public, local governments, and federally recognized Indian tribes to develop strategies to address wildfire risk. The department must provide the first risk assessment to the appropriate committees of the legislature by July 1, 2027, covering a risk assessment period of July 1, 2027, through June 30, 2037. A subsequent decadal assessment is due to the appropriate committees of the legislature every 10 years thereafter. The department must also provide a mid-decade interim report to the appropriate committees of the legislature by July 1, 2032, and every 10 years thereafter.

(b) The department must coordinate with counties on an update to wildland urban interface maps consistent with RCW 43.30.580.

(2) The department, in consultation with the Washington military department emergency management division and the Washington state patrol, must cooperate with law enforcement, federally recognized Indian tribes, emergency managers at the city and county level, and local fire protection districts to develop public safety evacuation strategies for areas identified in the respective decadal assessments as facing significant risk of wildfire. The department

must provide support to help incorporate wildfire evacuation strategies within existing regional and local emergency response plans. Implementation of evacuation strategies remains under the authority of local law enforcement.

(3) The department must lead a project to provide emergency disaster and evacuation plan messaging and information to the public at department-managed recreation and outdoor access sites. Information must be displayed in an accessible manner, including in signage at trailheads, and be relevant to the area's particular natural disaster risk profile. The department must place particular emphasis on ensuring accessibility and accommodation needs of public visitors are reflected in planning, design, and information dissemination.

(4) Further, the department shall:

(a) Expand its community resilience and preparedness programming, for community-level and property-level wildfire readiness, and the associated supporting programs such as community resilience grants and service forestry, within the wildland urban interface in counties or regions of western Washington where risk of wildfires and smoke exposure exist as determined by the department;

(b) Participate in cross-agency emergency management planning and response efforts related to wildfire smoke plans developed under chapter 38.52 RCW. The department shall incorporate smoke readiness into community resilience programming and coordinate with state, county, federal agencies, and federally recognized Indian tribes to collaboratively share information and guidance for Washington communities affected by wildfire smoke. This includes providing updated wildfire information to air quality and health agencies and to the public through online information sources.

(i) The department shall coordinate cross-agency and shall provide information to assess wildland fire smoke risks and impacts. Activities may include:

(A) Coordinating with the department of ecology, local clean air agencies, and the United States forest service to deploy temporary air monitors to assess smoke conditions during wildfires;

(B) Providing information to the department of ecology to continue to improve smoke modeling and forecasting tools and support regulatory compliance;

(C) Advancing science and conducting research on wildfire smoke event recurrence geographically, based on different forest types and incorporating this research into planning efforts; and

(D) Information dissemination to the public through online information sources.

(ii) The provisions of this section may not impact or prevent the implementation of prescribed burns to improve forest health and resiliency and reduce wildfire risks.

(iii) The department shall work cross-agency to address smoke risk to transportation safety and firefighter exposure to smoke.

(iv) The department, in collaboration with the departments of health and ecology, shall conduct community engagement and outreach related to wildfire smoke risks and

impacts, particularly in regions of the state that experience disproportionately high levels of air contaminants and pollutants. Particular emphasis in outreach will be focused on overburdened populations, and vulnerable people, including outdoor workers, those older in age, those experiencing persistent health challenges, and those experiencing unstable housing arrangements;

(c) Leverage community resilience programming to ensure residents and community organizations are provided information about services and programs to improve indoor air quality in the home. This may include connecting residents with their local contracted weatherization agency, which may provide home weatherization services to eligible applicants and residents. Weatherization upgrades may save energy, reduce utility costs, and improve indoor air quality;

(d) By July 1, 2028, implement a postwildfire debris flow program. The department shall identify areas prone to hazards from postwildfire debris flows, assess burned areas to determine potential for increases in postwildfire debris flow hazards, improve modeling to determine triggers for postwildfire debris flow early warning for at-risk communities and infrastructure, and communicate to emergency managers, local governments, stakeholders, state agencies, and the public both for preparedness and response; and

(e) By December 30, 2027, have established a structure for a state sponsored burned area emergency stabilization and response team and make recommendations regarding the appropriate number of teams needed, the funding necessary to support team deployments, and the implementation of hazard mitigation. The department shall provide capacity-building to local communities to establish local teams. The purpose of the burned area emergency stabilization and response team is to determine the need for emergency postfire treatments for public safety and resource protection. The department must consult with emergency managers, the military department, and the Washington conservation commission when developing the organizational structure of the teams established in this section.

(5) The department, when acting in good faith in its implementation of this section, is carrying out duties owed to the public in general and not to any individual person or class of persons separate and apart from the public. Nothing contained in this section may be construed to evidence a legislative intent that the work of preparing for, responding to, or recovering from wildfire, smoke incursions, or postfire landslides is owed to any individual person or class of persons separate and apart from the public in general. This section does not alter the department's duties and responsibilities as a landowner.

(6) Until July 1, 2025, the assessments and reports required by this section are only intended to assist with improving community preparedness, response, recovery, and resilience to wildland fires and are not intended and may not be used in the development of, or as the basis of, any

regulations by a state agency or a local governmental entity.

NEW SECTION. **Sec. 3.** This act may be known and cited as the cascading impacts of wildfires act."

On page 1, line 4 of the title, after "interface;" strike the remainder of the title and insert "adding a new section to chapter 76.04 RCW; and creating new sections."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1578 and advanced the bill, as amended by the Senate, to final passage.

Representatives Springer and Dent spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1578, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1578, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

SECOND SUBSTITUTE HOUSE BILL NO. 1578, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Saturday, April 8, 2023

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1525, with the following amendment(s): 1525-S2 AMS WM S2993.1

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 43.216.136 and 2021 c 199 s 202 are each amended to read as follows:

(1) The department shall establish and implement policies in the working



connections child care program to promote stability and quality of care for children from low-income households. These policies shall focus on supporting school readiness for young learners. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures established by the department and the standards established in this section intended to promote stability, quality, and continuity of early care and education programming.

(2) As recommended by P.L. 113-186, authorizations for the working connections child care subsidy are effective for twelve months beginning July 1, 2016.

(a) A household's 12-month authorization begins on the date that child care is expected to begin.

(b) If a newly eligible household does not begin care within 12 months of being determined eligible by the department, the household must reapply in order to qualify for subsidy.

(3)(a) The department shall establish and implement policies in the working connections child care program to allow eligibility for families with children who:

(i) In the last six months have:

(A) Received child protective services as defined and used by chapters 26.44 and 74.13 RCW;

(B) Received child welfare services as defined and used by chapter 74.13 RCW; or

(C) Received services through a family assessment response as defined and used by chapter 26.44 RCW;

(ii) Have been referred for child care as part of the family's case management as defined by RCW 74.13.020; and

(iii) Are residing with a biological parent or guardian.

(b) Families who are eligible for working connections child care pursuant to this subsection do not have to keep receiving services identified in this subsection to maintain twelve-month authorization.

(4)(a) Beginning July 1, 2021, and subject to the availability of amounts appropriated for this specific purpose, the department may not require an applicant or consumer to meet work requirements as a condition of receiving working connections child care benefits when the applicant or consumer is in a state registered apprenticeship program or is a full-time student of a community, technical, or tribal college and is enrolled in:

(i) A vocational education program that leads to a degree or certificate in a specific occupation; or

(ii) An associate degree program(~~or~~

~~(iii) A registered apprenticeship program).~~

(b) An applicant or consumer is a full-time student for the purposes of this subsection if ~~((he or she))~~ the applicant or consumer meets the college's definition of a full-time student.

(c) Nothing in this subsection is intended to change how applicants or consumers are prioritized when applicants or consumers are placed on a waitlist for working connections child care benefits.

(d) Subject to the availability of amounts appropriated for this specific purpose, the department may extend the provisions of this subsection (4) to full-time students who are enrolled in a bachelor's degree program or applied baccalaureate degree program.

(5)(a) An applicant or consumer is eligible to receive working connections child care benefits for the care of one or more eligible children for the first 12 months of the applicant's or consumer's enrollment in a state registered apprenticeship program under chapter 49.04 RCW when:

(i) The applicant or consumer's household annual income adjusted for family size does not exceed 75 percent of the state median income at the time of application, or, beginning July 1, 2027, does not exceed 85 percent of the state median income if funds are appropriated for the purpose of RCW 43.216.1368(4);

(ii) The child receiving care is: (A) Less than 13 years of age; or (B) less than 19 years of age and either has a verified special need according to department rule or is under court supervision; and

(iii) The household meets all other program eligibility requirements.

(b) The department must adopt a copayment model for benefits granted under this subsection, which must align with any copayment identified or adopted for households with the same income level under RCW 43.216.1368.

(6)(a) The department must extend the homeless grace period, as adopted in department rule as of January 1, 2020, from a four-month grace period to a twelve-month grace period.

(b) For the purposes of this section, "homeless" means being without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (42 U.S.C. Sec. 11434a) as it existed on January 1, 2020.

~~((6))~~ (7) For purposes of this section, "authorization" means a transaction created by the department that allows a child care provider to claim payment for care. The department may adjust an authorization based on a household's eligibility status.

**NEW SECTION. Sec. 2.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "apprenticeships;" strike the remainder of the title and insert "amending RCW 43.216.136; and creating a new section."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1525 and advanced the bill, as amended by the Senate, to final passage.

Representatives Fosse and Eslick spoke in favor of the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE  
AMENDED**

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1525, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1525, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

SECOND SUBSTITUTE HOUSE BILL NO. 1525, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1701, with the following amendment(s): 1701-S AMS WICL S3247.1

On page 2, line 29, after "services" insert "or the department of corrections"

On page 3, line 21, after "services" insert "or the department of corrections"

On page 6, line 7, after "services" insert "or the department of corrections"

On page 6, line 17, after "services" insert "or the department of corrections"

On page 6, line 38, after "services" insert "or the department of corrections"

On page 7, line 8, after "services" insert "or the department of corrections"

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1701 and advanced the bill, as amended by the Senate, to final passage.

Representatives Santos and Rude spoke in favor of the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE  
AMENDED**

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1701, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1701, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

SUBSTITUTE HOUSE BILL NO. 1701, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Thursday, April 6, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1731, with the following amendment(s): 1731-S.E AMS STAN S3139.1

On page 7, beginning on line 4, after "64.37.010" strike all material through "43.384.040" on line 6

On page 7, after line 16, strike all of sections 3 and 4

Correct any internal references accordingly.

On page 1, line 2 of the title, after "66.20.010" strike all material through "66.08.170." and insert "and 66.24.200."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1731 and advanced the bill, as amended by the Senate, to final passage.

Representatives Waters and Kloba spoke in favor of the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE  
AMENDED**

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1731, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1731, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 86; Nays, 10; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Orwall, Paul, Peterson, Pollet, Ramel, Reed, Riccelli, Robertson, Rude, Rule, Sandlin, Santos, Schmick, Schmidt, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Callan, Chandler, Davis, Goodman, Jacobsen, Leavitt, Ormsby, Ramos, Ryu and Senn

Excused: Representatives Ortiz-Self and Reeves

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1731, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Monday, April 10, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1715, with the following amendment(s): 1715-S2.E AMS ENGR S2939.E

Strike everything after the enacting clause and insert the following:

#### "Part I. Electronic Monitoring with Victim Notification Technology

NEW SECTION. **Sec. 101.** A new section is added to chapter 2.56 RCW to read as follows:

(1) By June 1, 2024, the Washington courts' board for judicial administration must develop model standards:

(a) Establishing best practices for the operation of electronic monitoring with victim notification technology by monitoring agencies, with the goal of improving victim safety;

(b) Establishing protocols for implementing court orders that include electronic monitoring with victim notification, including protocols for the installation and removal of monitoring devices to ensure uninterrupted monitoring services following release from detainment or incarceration; and

(c) Establishing any additional requirements necessary to promote compliance with RCW 2.56.260 and 9.94A.736, which may include, but not be limited to, training requirements for court officials, peace officers, 911 dispatchers, local corrections officers and staff, and other appropriate practitioners.

(2) In developing the standards required under this section, the Washington courts' board for judicial administration must solicit input from courts of general and limited jurisdiction, local governments, monitoring agencies, and statewide associations representing law enforcement leaders, prosecutors, the department of corrections, domestic violence victims, and domestic violence agencies.

(3) The Washington courts' board for judicial administration must develop a model policy on electronic monitoring with victim notification technology based on best practices where the technology is being currently used in Washington. Each law enforcement agency in the state must adopt its own policy based on the model policy.

(4) For the purposes of this section:

(a) "Electronic monitoring" has the meaning provided in RCW 9.94A.030; and

(b) "Monitoring agency" has the meaning provided in RCW 9.94A.736.

#### Part II. Access to Counsel

NEW SECTION. **Sec. 201.** A new section is added to chapter 2.53 RCW to read as follows:

The legislature recognizes: The authority of tribes to exercise tribal court civil jurisdiction in domestic violence matters; that tribal courts and tribal programs serve residents of this state; that consistent with tribal sovereignty and the centennial accord, the state of Washington does not have the authority to direct tribal court practices or direct that counsel be appointed in tribal court civil protection proceedings; and that provisions of chapter 7.105 RCW do not apply in tribal courts. Where consistent with tribal justice system rules and practices, and upon agreement with individual tribal courts or justice systems, the state should support the provision of indigenous-informed, culturally appropriate legal support for indigenous survivors of domestic violence in tribal court domestic violence protection proceedings. To this end, and subject to appropriations for this purpose, the office of civil legal aid shall coordinate with the Indian policy advisory committee at the department of social and health services and representatives of tribal justice systems to develop a plan and implementation schedule to provide indigenous-informed, culturally appropriate legal support for survivors in tribal court domestic violence protection proceedings. The office of civil legal aid shall submit the plan along with fiscal projections for its implementation to the appropriate legislative committees by December 1, 2024.

#### Part III. Civil Proceedings

**Sec. 301.** RCW 7.105.155 and 2022 c 268 s 10 are each amended to read as follows:

When service is to be completed under this chapter by a law enforcement officer:

(1) The clerk of the court shall have a copy of any order issued under this chapter, the confidential information form, as well as the petition for a protection order and

any supporting materials, electronically forwarded on or before the next judicial day to the law enforcement agency in the county or municipality where the respondent resides, as specified in the order, for service upon the respondent. If the respondent has moved from that county or municipality and personal service is not required, the law enforcement agency specified in the order may serve the order;

(2) Service of an order issued under this chapter must take precedence over the service of other documents by law enforcement unless they are of a similar emergency nature;

(3) Where personal service is required, the first attempt at service must occur within 24 hours of receiving the order from the court ~~((whenever practicable, but not more than five days after receiving the order))~~ unless an emergency situation renders the service infeasible. If the first attempt is not successful, no fewer than two additional attempts should be made to serve the order, particularly for respondents who present heightened risk of lethality or other risk of physical harm to the petitioner or petitioner's family or household members. All attempts at service must be documented on a proof of service form and submitted to the court in a timely manner;

(4) If service cannot be completed within 10 calendar days, the law enforcement officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification. Law enforcement shall continue to attempt to complete service unless otherwise directed by the court. In the event that the petitioner does not provide a service address for the respondent or there is evidence that the respondent is evading service, the law enforcement officer shall use law enforcement databases to assist in locating the respondent;

(5) If the respondent is in a protected person's presence at the time of contact for service, the law enforcement officer should take reasonable steps to separate the parties when possible prior to completing the service or inquiring about or collecting firearms. When the order requires the respondent to vacate the parties' shared residence, law enforcement shall take reasonable steps to ensure that the respondent has left the premises and is on notice that ~~((his or her))~~ the respondent's return is a violation of the terms of the order. The law enforcement officer shall provide the respondent with copies of all forms with the exception of the confidential information form completed by the protected party and the proof of service form;

(6) Any law enforcement officer who serves a protection order on a respondent with the knowledge that the respondent requires special assistance due to a disability, brain injury, or impairment shall make a reasonable effort to accommodate the needs of the respondent to the extent practicable without compromise to the safety of the petitioner;

(7) Proof of service must be submitted to the court on the proof of service form. The form must include the date and time of

service and each document that was served in order for the service to be complete, along with any details such as conduct at the time of service, threats, or avoidance of service, as well as statements regarding possession of firearms, including any denials of ownership despite positive purchase history, active concealed pistol license, or sworn statements in the petition that allege the respondent's access to, or possession of, firearms; or

(8) If attempts at service were not successful, the proof of service form or the form letter showing that the order was not served, and stating the reason it was not served, must be returned to the court by the next judicial day following the last unsuccessful attempt at service. Each attempt at service must be noted and reflected in computer aided dispatch records, with the date, time, address, and reason service was not completed.

**Sec. 302.** RCW 7.105.255 and 2022 c 268 s 15 are each amended to read as follows:

(1) To help ensure familiarity with the unique nature of protection order proceedings, and an understanding of trauma-informed practices and best practices in the use of new technologies for remote hearings, judicial officers, including persons who serve as judicial officers pro tempore, should receive evidence-based training on procedural justice, trauma-informed practices, gender-based violence dynamics, coercive control, elder abuse, juvenile sex offending, teen dating violence, domestic violence homicide prevention, and requirements and best practices for the surrender of weapons before presiding over protection order hearings. Trainings should be provided on an ongoing basis as best practices, research on trauma, and legislation continue to evolve. As a method of continuous training, court commissioners, including pro tempore commissioners, shall be notified by the presiding judge or court administrator upon revision of any decision made under this chapter.

(2) The administrative office of the courts shall develop training for judicial officers on the topics listed in subsection (1) of this section, which must be provided free of charge to judicial officers.

**NEW SECTION. Sec. 303.** A new section is added to chapter 7.105 RCW to read as follows:

(1) Because of the potential for error in protection order proceedings and the danger associated with firearm access in domestic violence situations, in any proceeding in which the court enters a temporary protection order that includes a temporary order to surrender and prohibit weapons, and after the hearing the court denies the petition for a full protection order, the order to surrender and prohibit weapons must remain in effect until the period for a petitioner to file a motion for reconsideration or revision has passed. If a motion for reconsideration or revision is filed, the order to surrender and prohibit weapons must remain in effect until the

motion for reconsideration or revision is resolved.

(2) The court must notify the petitioner verbally and provide the petitioner with written information at the hearing in which the court denies the petition for a full protection order explaining the procedures and timelines for filing a motion for reconsideration or a motion for revision. The information must also include contact information for civil legal aid organizations that may assist the petitioner with a motion for reconsideration or a motion for revision.

(3) Subsection (1) of this section does not apply if allowing the order to surrender and prohibit weapons to remain in effect would be manifestly unjust including, but not limited to, situations where the court finds the temporary protection order was entirely without merit, the petitioner was engaged in abusive use of litigation, or the petitioner was exerting coercive control, as defined in RCW 7.105.010, over the respondent.

#### Part IV. Domestic Violence Protections

**Sec. 401.** RCW 10.99.033 and 2019 c 367 s 2 are each amended to read as follows:

(1) All training relating to the handling of domestic violence complaints by law enforcement officers must stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) The criminal justice training commission shall implement by July 28, 2019, a course of instruction for the training of law enforcement officers in Washington in the handling of domestic violence complaints. The basic law enforcement curriculum of the criminal justice training commission must include at least twenty hours of basic training instruction on the law enforcement response to domestic violence. The course of instruction, the learning and performance objectives, and the standards for the training must be developed by the commission and focus on enforcing the criminal laws, safety of the victim, and holding the perpetrator accountable for the violence. The curriculum must include training on the extent and prevalence of domestic violence, the importance of criminal justice intervention, techniques for responding to incidents that minimize the likelihood of officer injury and that promote victim safety, trauma-informed investigation and interviewing skills, evidence gathering and report writing, assistance to and services for victims and children, domestic violence homicide prevention, the intersection of firearms and domestic violence, best practices for serving and enforcing protection orders, best practices for implementation and enforcement of orders to surrender and prohibit weapons and extreme risk protection orders, the impacts that trauma may have on domestic violence victims, understanding the

risks of traumatic brain injury posed by domestic violence, verification and enforcement of court orders, liability, and any additional provisions that are necessary to carry out the intention of this subsection.

(3) The criminal justice training commission shall develop and update annually an in-service training program to familiarize law enforcement officers with domestic violence laws. The program must include techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of all parties. The program must also include training on domestic violence homicide prevention, the intersection of firearms and domestic violence, best practices for serving and enforcing protection orders, and assistance to and services for victims and children. The commission shall make the training program available to all law enforcement agencies in the state.

(4) Development of the training in subsections (2) and (3) of this section must be conducted in conjunction with agencies having a primary responsibility for serving victims of domestic violence with emergency shelter and other services, and representatives to the statewide organization providing training and education to these organizations and to the general public.

**Sec. 402.** RCW 10.99.040 and 2021 c 215 s 122 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to ~~((his or her))~~ the attorney's client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence; and

(e) Shall not deny issuance of a no-contact order based on the existence of an applicable civil protection order preventing the defendant from contacting the victim.

(2)(a) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall

determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or ~~(protective)~~ protection order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the defendant to surrender, and prohibit the person from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

(c) The no-contact order shall also be issued in writing as soon as possible, and shall state that it may be extended as provided in subsection (3) of this section. By January 1, 2011, the administrative office of the courts shall develop a pattern form for all no-contact orders issued under this chapter. A no-contact order issued under this chapter must substantially comply with the pattern form developed by the administrative office of the courts.

(3)(a) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. So long as the court finds probable cause, the court may issue or extend a no-contact order even if the defendant fails to appear at arraignment. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed.

(b) In issuing the order, the court shall consider all information documented in the incident report concerning the person's possession of and access to firearms and whether law enforcement took temporary custody of firearms at the time of the arrest. The court may as a condition of release prohibit the defendant from possessing or accessing firearms and order the defendant to immediately surrender all firearms and any concealed pistol license to a law enforcement agency upon release.

(c) If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring as defined in RCW 9.94A.030. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant ~~((reimburse the providing agency for))~~ pay the costs of the electronic monitoring. If a defendant enters into a deferred prosecution or stipulated order of continuance, the applicable order or agreement may require the defendant pay the costs of the electronic monitoring.

(4)(a) Willful violation of a court order issued under subsection (2), (3), or (7) of this section is punishable under RCW 7.105.450.

(b) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the

legend: "Violation of this order is a criminal offense under chapter 7.105 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A certified copy of the order shall be provided to the victim.

(5) If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed.

(6) Whenever a no-contact order is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (3) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

(7) All courts shall develop policies and procedures by January 1, 2011, to grant victims a process to modify or rescind a no-contact order issued under this chapter. The administrative office of the courts shall develop a model policy to assist the courts in implementing the requirements of this subsection.

#### **Part V. Firearms and Dangerous Weapons**

**Sec. 501.** RCW 9.41.340 and 2020 c 29 s 5 are each amended to read as follows:

(1) (a) Each law enforcement agency shall develop a notification protocol that ~~((allows))~~:

(i) Allows a family or household member or intimate partner to use an incident or case number to request to be notified when a law enforcement agency returns a privately owned firearm to the individual from whom it was obtained or to an authorized representative of that person; and

(ii) Requires notification to any person identified in a no-contact order, restraining order, or protection order and any identified victim of the crime that resulted in the firearm surrender.

~~((a))~~ (b) (i) Notification may be made via telephone, email, text message, or another method that allows notification to be provided without unnecessary delay.

~~((b))~~ (ii) If a law enforcement agency is in possession of more than one privately owned firearm from ~~((a single person))~~ an individual, notification relating to the return of one firearm shall be considered notification for all privately owned firearms for that person.

(2) A law enforcement agency shall not provide notification to any party other than ~~((a family or household member or intimate partner who has an incident or case number and who has requested to be notified pursuant to this section or))~~ another criminal justice agency or as authorized or required under subsection (1) of this section.

(3) The information provided by a family or household member or intimate partner pursuant to chapter 130, Laws of 2015, including the existence of the request for notification, is not subject to public disclosure pursuant to chapter 42.56 RCW.

(4) An appointed or elected official, public employee, or public agency as defined in RCW 4.24.470, or combination of units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any release of information or the failure to release information related to this section, so long as the release or failure was without gross negligence.

(5) An individual who knowingly makes a request for notification under this section based on false information may be held liable under RCW 9A.76.175.

**Sec. 502.** RCW 9.41.345 and 2020 c 29 s 6 are each amended to read as follows:

(1) Before a law enforcement agency returns a privately owned firearm, the law enforcement agency must:

(a) Confirm that the individual to whom the firearm will be returned is the individual from whom the firearm was obtained or an authorized representative of that person;

(b) Confirm that the individual to whom the firearm will be returned is eligible to possess a firearm pursuant to RCW 9.41.040;

(c) Ensure that the firearm is not otherwise required to be held in custody or otherwise prohibited from being released; ~~((and))~~

(d) Ensure that ~~((twenty-four hours))~~ five business days have elapsed from the time the firearm was obtained by law enforcement ~~((unless the firearm was seized in connection with a domestic violence call pursuant to RCW 10.99.030, in which case the law enforcement agency must ensure that five business days have elapsed from the time the firearm was obtained))~~; and

(e) If a family or household member or intimate partner has requested notification, provide notice to the family or household member or intimate partner who has requested notification within one business day of verifying that the requirements in (a) through (c) of this subsection have been met.

(2) (a) Once the requirements in subsections (1) and (3) of this section have been met, a law enforcement agency must release a firearm to the individual from

whom it was obtained or an authorized representative of that person upon request without unnecessary delay.

(b) (i) If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from being released, a law enforcement agency must provide written notice to the individual from whom it was obtained within five business days of the individual requesting return of ~~((his or her))~~ the firearm and specify the reason the firearm must be held in custody.

(ii) Notification may be made via email, text message, mail service, or personal service. For methods other than personal service, service shall be considered complete once the notification is sent.

(3) If ~~((a family or household member or intimate partner has requested to be notified pursuant to RCW 9.41.340))~~ notification is required under subsection (1)(e) of this section, a law enforcement agency must ~~((+~~

~~((a) Provide notice to the family or household member or intimate partner within one business day of verifying that the requirements in subsection (1) of this section have been met; and~~

~~((b) Hold))~~ hold the firearm in custody for ~~((seventy-two hours))~~ five business days from the time notification has been provided or information has been entered.

(4) (a) A law enforcement agency may not return a concealed pistol license that has been surrendered to, or impounded by, the law enforcement agency for any reason to the licensee until the law enforcement agency determines the licensee is eligible to possess a firearm under state and federal law and meets the other eligibility requirements for a concealed pistol license under RCW 9.41.070.

(b) A law enforcement agency must release a concealed pistol license to the licensee without unnecessary delay, and in no case longer than five business days, after the law enforcement agency determines the requirements of (a) of this subsection have been met.

(5) The provisions of chapter 130, Laws of 2015 and subsection (4) of this section shall not apply to circumstances where a law enforcement officer has momentarily obtained a firearm or concealed pistol license from an individual and would otherwise immediately return the firearm or concealed pistol license to the individual during the same interaction.

**Sec. 503.** RCW 9.41.801 and 2022 c 268 s 30 are each amended to read as follows:

(1) Because of the heightened risk of lethality to petitioners when respondents to protection orders become aware of court involvement and continue to have access to firearms, and the frequency of noncompliance with court orders prohibiting possession of firearms, law enforcement and judicial processes must emphasize swift and certain compliance with court orders prohibiting access, possession, and ownership of all firearms.

(2) A law enforcement officer serving a protection order, no-contact order, or

restraining order that includes an order to surrender all firearms, dangerous weapons, and a concealed pistol license under RCW 9.41.800 shall inform the respondent that the order is effective upon service and the respondent must immediately surrender all firearms and dangerous weapons in the respondent's custody, control, or possession and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms, dangerous weapons, and concealed pistol license. The law enforcement officer shall take possession of all firearms, dangerous weapons, and any concealed pistol license belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. If the order is entered in open court and the respondent appears in person, the respondent shall be provided a copy and further service is not required. If the respondent refuses to receive a copy, an agent of the court may indicate on the record that the respondent refused to receive a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service shall be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms, dangerous weapons, and any concealed pistol license in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of firearms, dangerous weapons, and any concealed pistol license shall issue a receipt identifying all firearms, dangerous weapons, and any concealed pistol license that have been surrendered and provide a copy of the receipt to the respondent. The law enforcement agency shall file the original receipt with the court within 24 hours after service of the order and retain a copy of the receipt, electronically whenever electronic filing is available.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms or dangerous weapons as required by an order issued under RCW 9.41.800 or 10.99.100, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms and dangerous weapons in their

possession, custody, or control. If probable cause exists that a crime occurred, the court shall issue a warrant describing the firearms or dangerous weapons and authorizing a search of the locations where the firearms and dangerous weapons are reasonably believed to be and the seizure of all firearms and dangerous weapons discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms or dangerous weapons surrendered pursuant to this section, and the person is determined by the law enforcement agency to be the lawful owner of the firearm or dangerous weapon, the firearm or dangerous weapon shall be returned to the lawful owner, provided that:

(a) The firearm or dangerous weapon is removed from the respondent's access, custody, control, or possession and the lawful owner agrees by written document signed under penalty of perjury to store the firearm or dangerous weapon in a manner such that the respondent does not have access to or control of the firearm or dangerous weapon;

(b) The firearm or dangerous weapon is not otherwise unlawfully possessed by the owner; and

(c) The requirements of RCW 9.41.345 are met.

(6) (a) Courts shall develop procedures to verify timely and complete compliance with orders to surrender and prohibit weapons under RCW 9.41.800 or 10.99.100, including compliance review hearings to be held as soon as possible upon receipt from law enforcement of proof of service. ((A compliance review hearing is not required if the court can otherwise enter findings on the record or enter written findings that the proof of surrender or declaration of nonsurrender)) For any case where the court has indication that the respondent has in the respondent's possession, custody, or control firearms, dangerous weapons, or a concealed pistol license, a compliance review hearing shall be held. A compliance review hearing may be waived by the court or held at a later date if the information attested to by the person subject to the order, along with verification from law enforcement and any other relevant evidence, makes a sufficient showing that the person has timely and completely surrendered all firearms and dangerous weapons in the person's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, to a law enforcement agency, and the court is able to make a finding of compliance. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible ((at which the) and service by law enforcement shall be prioritized to minimize the time during which the respondent could access their firearms, dangerous weapons, or concealed pistol license. The respondent must be present and provide proof of compliance with the court's order. Courts shall make available forms that petitioners may complete and submit to the court in response to a respondent's declaration of whether the respondent has surrendered weapons.



(b) In making its findings regarding compliance, the court shall also consider any department of licensing and Washington state patrol firearm records; for criminal cases, the police report and any documentation of firearms, or their recovery pursuant to RCW 10.99.030(3)(a); and for civil protection order cases, the protection order narrative, any sections of the protection order petition that specifically reference or inquire about firearms and other dangerous weapons, any attachments to the protection order petition, any affidavits from law enforcement or the petitioner in response to a respondent's declaration regarding firearm surrender, or other relevant evidence regarding firearms, dangerous weapons, or a concealed pistol license in the person's custody, control, or possession.

(c) If the court is considering waiving or delaying the compliance review hearing, the petitioner, law enforcement, or the state or city attorney may request that the compliance hearing be held, if there is reasonable suspicion to believe that the respondent has not surrendered all firearms, dangerous weapons, and any concealed pistol license, or is otherwise out of compliance with the court's order.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order to surrender and prohibit weapons is addressed, that there is probable cause to believe the respondent was aware of and failed to fully comply with the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may issue an arrest warrant and initiate a contempt proceeding to impose remedial sanctions on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, and issue an order requiring the respondent to appear, with additional sanctions for failure to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute. Law enforcement shall also serve a copy of the order to show cause on the petitioner, either electronically or in person, at no cost.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the order to surrender and prohibit weapons and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the underlying court order to surrender and prohibit weapons and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms and other dangerous weapons surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and ~~((the))~~an agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of a declaration.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to surrender and prohibit weapons to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding shall not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard or submit written information at any hearing that concerns compliance with an order to surrender and prohibit weapons ~~((issued in connection with another type of protection order))~~.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9)(a) ~~((An order to surrender and prohibit weapons issued pursuant to RCW 9.41.800 must state that the))~~ The act of voluntarily surrendering firearms or weapons, ~~((or))~~ providing testimony relating to the surrender of firearms or weapons, ~~((pursuant to such an order,))~~ or complying with an order to surrender and prohibit weapons issued pursuant to RCW 9.41.800 or 10.99.100, and any information directly or indirectly derived from such act or testimony, may not be used against the

((respondent)) person subject to the order in any criminal prosecution under this chapter, chapter 7.105 RCW, or RCW 9A.56.310, or in any criminal prosecution pursuant to which such order to surrender and prohibit weapons was issued, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order. Every such order issued subsequent to the effective date of this section shall contain language consistent with the statutory immunity set forth in this subsection.

(b) If a person subject to such an order invokes the privilege against self-incrimination at the time of issuance of the order or at a subsequent hearing, the court may afford the person subject to the order an opportunity to demonstrate that compliance with the surrender provision of the order would expose that person to a realistic threat of self-incrimination in a subsequent or pending criminal proceeding. The court may conduct this portion of the proceeding ex parte or receive evidence in camera, without the presence of the prosecuting attorney, after the court conducts an analysis under *State v. Bone-Club*, 128 wn.2d 254, and concludes that the courtroom may be closed.

(c) If the person subject to the order establishes such a realistic threat of self-incrimination regarding possible criminal prosecution that is not addressed by the immunity from prosecution set forth in (a) of this subsection, the court shall afford the relevant prosecuting attorney an opportunity to offer an immunity agreement tailored specifically to the firearms or weapons implicated by the potential self-incrimination. To achieve the purposes of this section, any immunity offered should be narrowly tailored to address any realistic threat of self-incrimination while ensuring that any other firearms not implicated are surrendered.

(d) Any immunity from prosecution beyond the immunity set forth in (a) of this subsection, may only be extended by the prosecuting attorney. If the prosecuting attorney declines to extend immunity such that the person subject to the order cannot fully comply with its surrender provision without facing a realistic threat of self-incrimination, the court's order must provide for the surrender of every firearm, dangerous weapon, and concealed pistol license that does not implicate a realistic threat of self-incrimination. The order's prohibitions regarding accessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons, or concealed pistol license, remain in effect.

(e) Nothing in this section shall be interpreted as diminishing the requirement that the person subject to the order fully comply with the order issued by the court. The burden remains on the person subject to the order to prove compliance.

~~((b))~~ (10) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

~~((10))~~ (11) All law enforcement agencies must have policies and procedures to provide for the acceptance, storage, and return of firearms, dangerous weapons, and concealed pistol licenses that a court requires must be surrendered under RCW 9.41.800. A law enforcement agency holding any firearm or concealed pistol license that has been surrendered under RCW 9.41.800 shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

~~((11))~~ (12) The administrative office of the courts shall create a statewide pattern form to assist the courts in ensuring timely and complete compliance in a consistent manner with orders issued under this chapter. The administrative office of the courts shall report annually on the number of ex parte and full orders issued under this chapter by each court, ~~(the degree of compliance, and the number of firearms obtained, and may make recommendations regarding additional procedures)~~ the type of protection order, no contact order, restraining order, or criminal charge with which the order was issued, the duration of the order, the period of time from issuance of the order until the court's finding of compliance, any violations, the nature of the violations, any sanctions imposed, the number of firearms obtained pursuant to each order, whether subsequent orders were issued involving the same respondent, and may make recommendations regarding additional procedures, training, or data collection and reporting to enhance compliance and victim safety.

**Sec. 504.** RCW 9.41.804 and 2014 c 111 s 5 are each amended to read as follows:

~~((A party ordered))~~ (1) To prove full compliance with the court's order to surrender firearms, dangerous weapons, and ~~((his or her))~~ any concealed pistol license under RCW 9.41.800 the person subject to the order must file with the clerk of the court ~~((a))~~: (a) A completed proof of surrender and receipt form ~~((or a declaration of nonsurrender form within five judicial days of the entry of the order))~~; (b) a declaration that the person has no firearms, dangerous weapons, or concealed pistol license; or (c) other evidence sufficient to establish full and timely compliance with the order.

(2) The verification of compliance required in subsection (1) of this section must be provided to the court within 48 hours of service of the order, unless the order is pursuant to a criminal proceeding. In a criminal proceeding, if the person subject to the order is in custody, proof of compliance must be provided to the court before the person subject to the order is released from custody; otherwise, proof of compliance must be provided before the conclusion of the sentencing hearing. If the court finds that surrender of all firearms, dangerous weapons, and any concealed pistol license is not possible prior to release or prior to the conclusion of the hearing, then arrangements for surrender shall be made and approved by the court before the person's

release from custody or before the conclusion of the sentencing hearing, and the court shall order a law enforcement officer to accompany the person to the location where the firearms, dangerous weapons, and concealed pistol license are located so that they are surrendered directly to the law enforcement officer. Surrender to local law enforcement shall occur in a safe manner and proof of compliance provided by law enforcement to the court within 24 hours of either the person's release from custody or the conclusion of the sentencing hearing.

(3) By December 30, 2023, the administrative office of the courts shall develop and distribute any new or updated forms necessary to implement subsections (1) and (2) of this section, and other sections of this act where a form needs to be created or updated.

**Sec. 505.** RCW 7.105.340 and 2022 c 268 s 19 are each amended to read as follows:

(1) Upon the issuance of any extreme risk protection order under this chapter, including a temporary extreme risk protection order, the court shall:

(a) Order the respondent to surrender to the local law enforcement agency all firearms in the respondent's custody, control, or possession, or subject to the respondent's immediate possession or control, and any concealed pistol license issued under RCW 9.41.070; and

(b) Other than for ex parte temporary protection orders, direct law enforcement to revoke any concealed pistol license issued to the respondent.

(2) The court may, at the same time it issues an order pursuant to this section, also issue an order authorizing the search for and seizure of any firearm, dangerous weapon, or concealed pistol license, if there is probable cause to find that the person subject to the court's order issued pursuant to this section is violating the order by refusing to comply after being served with the order. The court's order authorizing such search and seizure must state with specificity the location and scope of the search and seizure authorized.

(3) The law enforcement officer serving any extreme risk protection order under this chapter, including a temporary extreme risk protection order, shall request that the respondent immediately surrender all firearms in ~~(his or her)~~ the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms. The law enforcement officer shall take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. If the order is entered in open court and the respondent appears in person, the respondent must be provided a copy and further service is not required. If the respondent refuses to accept a copy, an agent of the court may indicate on the record that the respondent refused to accept a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a

final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service must be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms and any concealed pistol license, not previously surrendered, in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. If the respondent is in custody, arrangements to recover the firearms must be made prior to release. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

~~((3))~~ (4) At the time of surrender, a law enforcement officer taking possession of a firearm or concealed pistol license shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the officer serving the order shall file the original receipt with the court and shall ensure that ~~(his or her)~~ the officer's law enforcement agency retains a copy of the receipt.

~~((4))~~ (5) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued under this chapter, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in ~~(his or her)~~ the respondent's possession, custody, or control. If probable cause for a violation of the order exists, the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

~~((5))~~ (6) If a person other than the respondent claims title to any firearms surrendered pursuant to this section, and that person is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm must be returned to that person, provided that:

(a) The firearm is removed from the respondent's custody, control, or possession, and the lawful owner provides written verification to the court regarding how the lawful owner will safely store the firearm in a manner such that the respondent does not have access to, or control of, the firearm for the duration of the order;

(b) The court advises the lawful owner of the penalty for failure to do so; and

(c) The firearm is not otherwise unlawfully possessed by the owner.

~~((6))~~ (7) Upon the issuance of a one-year extreme risk protection order, the court shall order a new compliance review hearing date and require the respondent to appear not later than three judicial days from the issuance of the order. The court shall require a showing that the respondent has surrendered any firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency. The compliance review hearing is not required upon a satisfactory showing on which the court can otherwise enter findings on the record that the respondent has timely and completely surrendered all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency, and is in compliance with the order. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible, at which the respondent must be present and provide proof of compliance with the court's order.

~~((7))~~ (8) (a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order is addressed, that there is probable cause to believe the respondent was aware of, and failed to fully comply with, the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, to impose remedial sanctions, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing, and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the extreme risk protection order and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order to show cause.

(d) (i) At the show cause hearing, the respondent must be present and provide proof of compliance with the extreme risk protection order and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection ~~((3))~~ (4) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and that a law enforcement agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of an affidavit.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding must not be borne by the petitioner.

~~((8))~~ (9) (a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard or submit written information at any hearing that concerns compliance with an extreme risk protection order.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

~~((9))~~ (10) (a) An extreme risk protection order must state that the act of voluntarily surrendering firearms, or providing testimony relating to the surrender of firearms, pursuant to such an order, may not be used against the respondent in any criminal prosecution under this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

~~((10))~~ (11) All law enforcement agencies must develop and implement policies and procedures regarding the acceptance, storage, and return of firearms required to be surrendered under this chapter. Any surrendered firearms must be handled and stored properly to prevent damage or

degradation in appearance or function, and the condition of the surrendered firearms documented, including by digital photograph. A law enforcement agency holding any surrendered firearm or concealed pistol license shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

**Sec. 506.** RCW 10.21.050 and 2018 c 276 s 5 are each amended to read as follows:

The judicial officer in any felony, misdemeanor, or gross misdemeanor case must, in determining whether there are conditions of release that will reasonably assure the safety of any other person and the community, take into account the available information concerning:

(1) The nature and circumstances of the offense charged, including whether the offense is a crime of violence;

(2) The weight of the evidence against the defendant; and

(3) The history and characteristics of the defendant, including:

(a) The ~~(person's)~~ defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings;

(b) Whether, at the time of the current offense or arrest, the defendant was on community supervision, probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under federal, state, or local law; ~~(and)~~

(c) The nature and seriousness of the danger to any person or the community that would be posed by the defendant's release; and

(d) The defendant's firearms history, including purchase history, any concealed pistol license history, and the requirements of RCW 9.41.800 regarding issuance of an order to surrender and prohibit weapons.

## Part VI. Residential Protections

**Sec. 601.** RCW 40.24.030 and 2022 c 231 s 5 are each amended to read as follows:

(1)(a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, ~~((as defined in RCW 11.88.010,))~~ (b) any election official as described in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any ~~((family members))~~ person residing with ~~((him or her))~~ the election official, and (c) any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv) and any criminal justice participant as defined in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any ~~((family members))~~ person

residing with ~~((him or her))~~ the criminal justice participant, may apply to the secretary of state to have an address designated by the secretary of state serve as the person's address or the address of the minor or incapacitated person. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state and if it contains:

(i) A sworn statement, under penalty of perjury, by the applicant that the applicant has good reason to believe (A) that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, trafficking, or stalking and that the applicant fears for ~~((his or her))~~ the applicant's safety or ~~((his or her))~~ the applicant's children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made ~~((+))~~ (B) that the applicant, as an election official as described in RCW 9A.90.120, is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv); or (C) that the applicant, as a criminal justice participant as defined in RCW 9A.46.020, is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or that the applicant, as a criminal justice participant as defined in RCW 9A.90.120 is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv);

(ii) If applicable, a sworn statement, under penalty of perjury, by the applicant, that the applicant has reason to believe they are a victim of (A) domestic violence, sexual assault, or stalking perpetrated by an employee of a law enforcement agency, or ~~((+))~~ (B) threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv) or 9A.46.020(2)(b) (iii) or (iv);

(iii) A designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail;

(iv) The residential address and any telephone number where the applicant can be contacted by the secretary of state, which shall not be disclosed because disclosure will increase the risk of (A) domestic violence, sexual assault, trafficking, or stalking, or (B) threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv) or 9A.46.020(2)(b) (iii) or (iv);

(v) The signature of the applicant and of any individual or representative of any office designated in writing under RCW 40.24.080 who assisted in the preparation of the application, and the date on which the applicant signed the application.

(2) Applications shall be filed with the office of the secretary of state.

(3) Upon filing a properly completed application, the secretary of state shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The secretary of state shall by rule establish a renewal procedure.

(4)(a) During the application process, the secretary of state shall provide each

applicant a form to direct the department of licensing to change the address of registration for vehicles or vessels solely or jointly registered to the applicant and the address associated with the applicant's driver's license or identicaid to the applicant's address as designated by the secretary of state upon certification in the program. The directive to the department of licensing is only valid if signed by the applicant. The directive may only include information required by the department of licensing to verify the applicant's identity and ownership information for vehicles and vessels. This information is limited to the:

- (i) Applicant's full legal name;
- (ii) Applicant's Washington driver's license or identicaid number;
- (iii) Applicant's date of birth;
- (iv) Vehicle identification number and license plate number for each vehicle solely or jointly registered to the applicant; and
- (v) Hull identification number or vessel document number and vessel decal number for each vessel solely or jointly registered to the applicant.

(b) Upon certification of the applicants, the secretary of state shall transmit completed and signed directives to the department of licensing.

(c) Within 30 days of receiving a completed and signed directive, the department of licensing shall update the applicant's address on registration and licensing records.

(d) Applicants are not required to sign the directive to the department of licensing to be certified as a program participant.

(5) A person who knowingly provides false or incorrect information upon making an application or falsely attests in an application that disclosure of the applicant's address would endanger (a) the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, (b) the safety of any election official as described in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2) (b) (iii) or (iv), or (c) the safety of any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2) (b) (iii) or (iv) or of any criminal justice participant as defined in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2) (b) (iii) or (iv), or any family members residing with ~~(him or her)~~ the criminal justice participant, shall be punished under RCW 40.16.030 or other applicable statutes.

**Sec. 602.** RCW 42.17A.710 and 2019 c 428 s 36 are each amended to read as follows:

(1) The statement of financial affairs required by RCW 42.17A.700 shall disclose the following information for the reporting individual and each member of the reporting individual's immediate family:

- (a) Occupation, name of employer, and business address;
- (b) Each bank account, savings account, and insurance policy in which a direct

financial interest was held that exceeds twenty thousand dollars at any time during the reporting period; each other item of intangible personal property in which a direct financial interest was held that exceeds two thousand dollars during the reporting period; the name, address, and nature of the entity; and the nature and highest value of each direct financial interest during the reporting period;

(c) The name and address of each creditor to whom the value of two thousand dollars or more was owed; the original amount of each debt to each creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each debt; and the security given, if any, for each such debt. Debts arising from a "retail installment transaction" as defined in chapter 63.14 RCW (retail installment sales act) need not be reported;

(d) Every public or private office, directorship, and position held as trustee; except that an elected official or executive state officer need not report the elected official's or executive state officer's service on a governmental board, commission, association, or functional equivalent, when such service is part of the elected official's or executive state officer's official duties;

(e) All persons for whom any legislation, rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation. For the purposes of this subsection, "compensation" does not include payments made to the person reporting by the governmental entity for which the person serves as an elected official or state executive officer or professional staff member for the person's service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid;

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of two thousand dollars or more; the value of the compensation; and the consideration given or performed in exchange for the compensation;

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and: (i) With respect to a governmental unit in which the official seeks or holds any office or position, if the entity has received compensation in any form during the preceding twelve months from the governmental unit, the value of the compensation and the consideration given or performed in exchange for the compensation; and (ii) the name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which the entity has received compensation

in any form in the amount of ten thousand dollars or more during the preceding twelve months and the consideration given or performed in exchange for the compensation. As used in (g)(ii) of this subsection, "compensation" does not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing the service. With respect to any bank or commercial lending institution in which is held any office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of the bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by the bank or commercial lending institution from the governmental entity for which the individual is an official or candidate or professional staff member, or all interest paid by a borrower on loans from and all interest paid to a depositor by the bank or commercial lending institution if the interest exceeds two thousand four hundred dollars;

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for that interest;

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for that interest, and the name and address of the person furnishing the consideration;

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which a direct financial interest was held. If a description of the property has been included in a report previously filed, the property may be listed, for purposes of this subsection (1)(j), by reference to the previously filed report;

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds twenty thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm, or enterprise a ten percent or greater ownership interest was held;

(l) A list of each occasion, specifying date, donor, and amount, at which food and

beverage in excess of fifty dollars was accepted under RCW 42.52.150(5);

(m) A list of each occasion, specifying date, donor, and amount, at which items specified in RCW 42.52.010(9) (d) and (f) were accepted; and

(n) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall prescribe by rule.

(2)(a) When judges, prosecutors, sheriffs, participants in the address confidentiality program under RCW 40.24.030, or their immediate family members are required to disclose real property that is the personal residence of the judge, prosecutor, ~~((or))~~ sheriff, or address confidentiality program participant, the requirements of subsection (1)(h) through (k) of this section may be satisfied for that property by substituting:

(i) The city or town;

(ii) The type of residence, such as a single-family or multifamily residence, and the nature of ownership; and

(iii) Such other identifying information the commission prescribes by rule for the mailing address where the property is located.

(b) Nothing in this subsection relieves the judge, prosecutor, or sheriff of any other applicable obligations to disclose potential conflicts or to recuse oneself.

(3)(a) Where an amount is required to be reported under subsection (1)(a) through (m) of this section, it may be reported within a range as provided in (b) of this subsection.

(b)

Code A	Less than thirty thousand dollars;
Code B	At least thirty thousand dollars, but less than sixty thousand dollars;
Code C	At least sixty thousand dollars, but less than one hundred thousand dollars;
Code D	At least one hundred thousand dollars, but less than two hundred thousand dollars;
Code E	At least two hundred thousand dollars, but less than five hundred thousand dollars;
Code F	At least five hundred thousand dollars, but less than seven hundred and fifty thousand dollars;
Code G	At least seven hundred fifty thousand dollars, but less than one million dollars; or
Code H	One million dollars or more.

(c) An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection may be interpreted to prevent any person from

filing more information or more detailed information than required.

(4) Items of value given to an official's or employee's spouse, domestic partner, or family member are attributable to the official or employee, except the item is not attributable if an independent business, family, or social relationship exists between the donor and the spouse, domestic partner, or family member.

**Sec. 603.** RCW 9.41.800 and 2022 c 268 s 29 are each amended to read as follows:

(1) Any court when entering an order authorized under chapter 7.105 RCW, RCW 9A.40.102, 9A.44.210, 9A.46.080, 9A.88.160, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.26B.020, ((or)) 26.26A.470, or 46.61.5055 shall, upon a showing by a preponderance of the evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or is ineligible to possess a firearm under the provisions of RCW 9.41.040:

(a) Require that the party immediately surrender all firearms and other dangerous weapons;

(b) Require that the party immediately surrender any concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from accessing, having ~~((in his or her))~~ custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons;

(d) Prohibit the party from obtaining or possessing a concealed pistol license;

(e) Other than for ex parte temporary protection orders, unless the ex parte temporary protection order was reissued after the party received notice and had an opportunity to be heard, direct law enforcement to revoke any concealed pistol license issued to the party.

(2) During any period of time that the party is subject to a court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A, or 26.26B RCW that:

(a) Was issued after a hearing of which the party received actual notice, and at which the party had an opportunity to participate, whether the court then issues a full order or reissues a temporary order. If the court enters an agreed order by the parties without a hearing, such an order meets the requirements of this subsection;

(b) Restrains the party from harassing, stalking, or threatening an intimate partner of the party, the protected person, or child of the intimate partner, party, or protected person, or engaging in other conduct that would place an intimate partner or protected person in reasonable fear of bodily injury to the intimate partner, protected person, or child; and

(c) (i) Includes a finding that the party represents a credible threat to the physical safety of the intimate partner, protected person, or child; or

(ii) By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner, protected person, or child that would reasonably be expected to cause bodily injury, the court shall:

(A) Require that the party immediately surrender all firearms and other dangerous weapons;

(B) Require that the party immediately surrender a concealed pistol license issued under RCW 9.41.070;

(C) Prohibit the party from accessing, having ~~((in his or her))~~ custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons; and

(D) Prohibit the party from obtaining or possessing a concealed pistol license.

(3) The court may order temporary surrender and prohibit the purchase of all firearms and other dangerous weapons, and any concealed pistol license, without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.

(4) In addition to the provisions of subsections (1) and (3) of this section, the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm or other dangerous weapon by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

(5) The requirements of subsections (1) and (4) of this section may be for a period of time less than the duration of the order.

(6) The court shall require the party to surrender all firearms and other dangerous weapons in ~~((his or her immediate))~~ the party's custody, control, or possession ~~((or control))~~, or subject to ~~((his or her))~~ the party's immediate possession or control, and any concealed pistol license issued under RCW 9.41.070, to the local law enforcement agency. ~~((Law enforcement officers shall use law enforcement databases to assist in locating the party in situations where the protected person does not know where the party lives or where there is evidence that the party is trying to evade service.))~~ The court may, at the same time it issues an order pursuant to this section, also issue an order authorizing the search for and seizure of any firearm, dangerous weapon, or concealed pistol license, if there is probable cause to find that the party subject to the court's order issued pursuant to this section is violating the order by refusing to comply after being served with the order. The court's order authorizing such search and seizure must state with specificity the location and scope of the search and seizure authorized.

(7) If the court enters a protection order, restraining order, or no-contact order that includes an order to surrender firearms, dangerous weapons, and any concealed pistol license under this section:

(a) The order must be served by a law enforcement officer; ~~((and))~~

(b) Law enforcement must immediately ensure entry of the order to surrender and prohibit weapons and the revocation of any concealed pistol license is made into the appropriate databases making the party ineligible to possess firearms and a concealed pistol license; and



(c) Law enforcement officers shall use law enforcement databases to assist in locating the party in situations where the protected person does not know where the party lives or where there is evidence that the party is trying to evade service.

#### Part VII. Statewide Resources

NEW SECTION. Sec. 701. A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer a pilot program to implement domestic violence high risk teams. A domestic violence high risk team must, at a minimum, include the following four elements:

(a) Early identification of the most dangerous cases through evidence-based lethality assessments;

(b) Increased access to supportive services for high-risk victims;

(c) Increased perpetrator monitoring and accountability; and

(d) A coordinated response to high-risk cases through a multidisciplinary team.

(2) A domestic violence program must be the lead or co-lead of the domestic violence high risk teams.

#### Part VIII. Law Enforcement

NEW SECTION. Sec. 801. A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission must provide ongoing specialized, intensive, and integrative training for persons responsible for investigating domestic violence cases involving intimate partners. The training must be based on a victim-centered, trauma-informed approach to responding to domestic violence. Among other subjects, the training must include content on the neurobiology of trauma and trauma-informed interviewing, counseling, and investigative techniques.

(2) The training must: Be based on research-based practices and standards; offer participants an opportunity to practice interview skills and receive feedback from instructors; minimize the trauma of all persons who are interviewed during investigations; provide methods of reducing the number of investigative interviews necessary whenever possible; assure, to the extent possible, that investigative interviews are thorough, objective, and complete; recognize needs of special populations; recognize the nature and consequences of domestic violence victimization; require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; address record retention and retrieval; address documentation of investigative interviews; and educate investigators on the best practices for notifying victims of significant events in the investigative process.

(3) In developing the training, the commission must seek advice from the Washington association of sheriffs and police chiefs, organizations representing victims of domestic violence, and experts on domestic violence and the neurobiology of trauma. The commission must consult with the Washington association of prosecuting attorneys in an effort to design training containing consistent elements for all professionals engaged in interviewing and interacting with domestic violence victims in the criminal legal system.

(4) The commission must develop the training and begin offering it by January 1, 2025. Officers assigned to regularly investigate domestic violence must complete the training within one year of being assigned or by July 1, 2026, whichever is later.

Sec. 802. RCW 10.31.100 and 2021 c 215 s 118 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in subsections (1) through (11) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order has been issued, of which the person has knowledge, under chapter 7.105 RCW, or an order has been issued, of which the person has knowledge, under RCW 26.44.063, or chapter 9A.40, 9A.46, 9A.88, 10.99, 26.09, ((26.10,)) 26.26A, 26.26B, or 74.34 RCW, or any of the former chapters 7.90, 7.92, and 26.50 RCW, restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of, or entering, a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, or requiring the person to submit to electronic monitoring, or, in the case of an order issued under RCW 26.44.063,

imposing any other restrictions or conditions upon the person;

(b) An extreme risk protection order has been issued against the person under chapter 7.105 RCW or former RCW 7.94.040, the person has knowledge of the order, and the person has violated the terms of the order prohibiting the person from having in (~~his or her~~)the person's custody or control, purchasing, possessing, accessing, or receiving a firearm or concealed pistol license;

(c) A foreign protection order, as defined in RCW 26.52.010, or a Canadian domestic violence protection order, as defined in RCW 26.55.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order or the Canadian domestic violence protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, or a violation of any provision for which the foreign protection order or the Canadian domestic violence protection order specifically indicates that a violation will be a crime; or

(d) The person is eighteen years or older and within the preceding four hours has assaulted a family or household member or intimate partner as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members or intimate partners have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary (~~physical~~) aggressor. In making this determination, the officer shall make every reasonable effort to consider: (A) The intent to protect victims of domestic violence under RCW 10.99.010; (B) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (C) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to, or death of, a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;

(f) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed, in connection with the accident, a violation of any traffic law or regulation.

(5) (a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

(6) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(7) An officer may act upon the request of a law enforcement officer, in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(8) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(9) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an antiharassment protection order has been issued of which the person has knowledge under chapter 7.105 RCW or former chapter 10.14 RCW and the person has violated the terms of that order.

(10) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(11) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(12) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW 77.15.160(5) may issue a citation for an infraction to the person in connection with the violation.

(13) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under RCW 77.15.809 or 77.15.811 may arrest the person in connection with the violation.

(14) Except as specifically provided in subsections (2), (3), (4), and (7) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(15) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (9) of this section if the police officer acts in good faith and without malice.

(16) (a) Except as provided in (b) of this subsection, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer: (i) Has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years; or (ii) has knowledge, based on a review of the information available to the officer at the time of arrest, that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction.

(b) A police officer is not required to keep in custody a person under (a) of this subsection if the person requires immediate medical attention and is admitted to a hospital.

**Sec. 803.** RCW 36.28A.410 and 2021 c 215 s 147 are each amended to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall create and operate a statewide automated protected person notification system to automatically notify a registered person via the registered person's choice of telephone or email when a respondent subject to a court order specified in (b) of this subsection has attempted to purchase or acquire a firearm and been denied based on a background check or completed and submitted firearm purchase or transfer application that indicates the respondent is ineligible

to possess a firearm under state or federal law. The system must permit a person to register for notification, or a registered person to update the person's registration information, for the statewide automated protected person notification system by calling a toll-free telephone number or by accessing a public website.

(b) The notification requirements of this section apply to any court order issued under chapter 7.105 RCW or former chapter 7.92 RCW, RCW 9A.46.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.26A.470, or 26.26B.020, any of the former RCW 7.90.090, 10.14.080, 26.10.115, 26.50.060, and 26.50.070, any foreign protection order filed with a Washington court pursuant to chapter 26.52 RCW, and any Canadian domestic violence protection order filed with a Washington court pursuant to chapter 26.55 RCW, where the order prohibits the respondent from possessing firearms or where by operation of law the respondent is ineligible to possess firearms during the term of the order. The notification requirements of this section apply even if the respondent has notified the Washington state patrol that ~~((he or she))~~ the respondent has appealed a background check denial under RCW 43.43.823.

(c) The statewide automated protected person notification system must interface with the Washington state patrol, the administrative office of the courts, and any court not contributing data to the administrative office of the courts in real time.

(2) An appointed or elected official, public employee, or public agency as defined in RCW 4.24.470, or combination of units of government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any release of information or the failure to release information related to the statewide automated protected person notification system in this section, so long as the release or failure to release was without gross negligence. The immunity provided under this subsection applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

(3) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs pursuant to chapter 261, Laws of 2017, including information a person submits to register and participate in the statewide automated protected person notification system, are exempt from public inspection and copying under chapter 42.56 RCW.

NEW SECTION. Sec. 804. A new section is added to chapter 2.56 RCW to read as follows:

The administrative office of the courts shall work with the Washington association of sheriffs and police chiefs to develop and maintain an interface to the statewide automated victim information and notification system created under RCW 36.28A.040 and the statewide automated protected person notification system created under RCW 36.28A.410 to provide

notifications per RCW 36.28A.040, 36.28A.410, and 7.105.105, and chapter 9.41 RCW. The interface shall provide updated information not less than once per hour, 24 hours per day, seven days per week, without exception.

#### Part IX. Miscellaneous

NEW SECTION. **Sec. 901.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 902.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "partners;" strike the remainder of the title and insert "amending RCW 7.105.155, 7.105.255, 10.99.033, 10.99.040, 9.41.340, 9.41.345, 9.41.801, 9.41.804, 7.105.340, 10.21.050, 40.24.030, 42.17A.710, 9.41.800, 10.31.100, and 36.28A.410; adding new sections to chapter 2.56 RCW; adding a new section to chapter 2.53 RCW; adding a new section to chapter 7.105 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 43.101 RCW; and creating a new section."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1715 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1493, with the following amendment(s): 1493-S AMS LAW S2680.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative for driving under the influence if the offender:

(a) Does not have a prior conviction under RCW 46.61.520, 46.61.522, 46.61.502(6), or 46.61.504(6); and either

(b) Is convicted of felony driving while under the influence of intoxicating liquor, cannabis, or any drug under RCW 46.61.502(6) (a); or

(c) Is convicted of felony physical control of a vehicle while under the

influence of intoxicating liquor or any drug under RCW 46.61.504(6) (a).

(2) A motion for a special drug offender sentencing alternative for driving under the influence may be made by the court, the offender, or the state if the midpoint of the standard sentence range is 26 months or less. If an offender has a higher midpoint, a motion for a special drug offender sentencing alternative for driving under the influence can only be made by joint agreement of the state and offender.

(3) If the sentencing court determines that the offender is eligible for an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and:

(a) Impose a sentence equivalent to a prison-based alternative under RCW 9.94A.662, and subject to the same requirements and restrictions as are established in that section, if the low end of the standard sentence range is greater than 24 months; or

(b) Impose a sentence consisting of a residential treatment-based alternative consistent with this section if the low end of the standard sentence range is 24 months or less.

(4)(a) To assist the court in making its determination, the court may order the department to complete either a risk assessment report or a substance use disorder screening report as provided in RCW 9.94A.500, or both.

(b) If the court is considering imposing a sentence under the residential substance use disorder treatment-based alternative, the court may order an examination of the offender by the department. The examination shall, at a minimum, address the following issues:

(i) Whether the offender suffers from a substance use disorder;

(ii) Whether effective treatment for the offender's substance use disorder is available from a provider that has been licensed or certified by the department of health; and

(iii) Whether the offender and the community will benefit from the use of the alternative.

(5) An offender who is eligible for a residential treatment-based alternative under this section shall be sentenced as follows:

(a) If necessary, an indeterminate term of confinement of no more than 30 days in a facility operated, licensed, or utilized under contract, by the county in order to facilitate direct transfer to a residential substance use disorder treatment facility;

(b) Treatment in a residential substance use disorder treatment program licensed or certified by the department of health for a period set by the court up to six months with treatment completion and continued care delivered in accordance with rules established by the department of health. In establishing rules pursuant to this subsection, the department of health must consider criteria established by the American society of addiction medicine;

(c) Twenty-four months of partial confinement to consist of 12 months work release followed by 12 months of home detention with electronic monitoring; and

(d) Twelve months of community custody.

(6)(a) During any period of partial confinement or community custody, the court shall impose treatment and other conditions as provided in RCW 9.94A.703 or as the court considers appropriate.

(b) The department may impose conditions and sanctions as authorized in RCW 9.94A.704 and 9.94A.737.

(c) The department shall, within available resources, make substance use disorder assessment and treatment services available to the offender.

(d) An offender sentenced to community custody under subsection (3)(a) of this section as part of the prison-based alternative or under subsection (3)(b) of this section as part of the residential treatment-based alternative may be required to pay \$30 per month while on community custody to offset the cost of monitoring for alcohol or controlled substances.

(7)(a) If the court imposes a sentence under subsection (3)(b) of this section, the treatment provider must send the treatment plan to the court within 30 days of the offender's arrival to the residential substance use disorder treatment program.

(b) Upon receipt of the plan, the court shall schedule a progress hearing during the period of treatment and schedule a treatment termination hearing for three months before the expiration of the term of community custody.

(c) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements and recommendations regarding termination from treatment.

(8) At a progress hearing or treatment termination hearing, the court may:

(a) Authorize the department to terminate the offender's community custody status on the expiration date determined under subsection (7) of this section;

(b) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of partial confinement or community custody; or

(c) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701.

(9)(a) The court may bring any offender sentenced under subsection (3)(a) or (b) of this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of partial confinement or community custody or order the offender to serve a term of total confinement within the standard sentence range of the offender's current offense at any time during the period of partial confinement or community custody if the offender violates the conditions or

requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(c) An offender ordered to serve a term of total confinement under (b) of this subsection shall receive credit for any time previously served in total confinement or residential treatment under this section and shall receive 50 percent credit for any time previously served in partial confinement or community custody under this section.

(10) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program for driving under the influence under this section, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.

(11) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total or partial confinement.

(12) Costs of examinations and preparing the recommended service delivery plans under a special drug offender sentencing alternative for driving under the influence may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 71.24.580.

**Sec. 2.** RCW 9.94A.030 and 2022 c 231 s 11 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within 880 feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation,

performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon. However, when a defendant is charged with a recidivist offense, "criminal history" includes a vacated prior conviction for the sole purpose of establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640(4)(b) and 9.96.060(7)(c).

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a

court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) (a) "Domestic violence" has the same meaning as defined in RCW 10.99.020.

(b) "Domestic violence" also means: (i) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, sexual assault, or stalking, as defined in RCW 9A.46.110, of one intimate partner by another intimate partner as defined in RCW 10.99.020; or (ii) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, sexual assault, or stalking, as defined in RCW 9A.46.110, of one family or household member by another family or household member as defined in RCW 10.99.020.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense who are eligible for the option under RCW 9.94A.660.

(22) "Drug offender sentencing alternative for driving under the influence" is a sentencing option available to persons convicted of felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6) who are eligible under section 1 of this act.

(23) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

~~((23))~~ (24) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

~~((24))~~ (25) "Electronic monitoring" means tracking the location of an individual through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location and which may also include electronic monitoring with

victim notification technology that is capable of notifying a victim or protected party, either directly or through a monitoring agency, if the monitored individual enters within the restricted distance of a victim or protected party, or within the restricted distance of a designated location.

~~((25))~~ (26) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

~~((26))~~ (27) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

~~((27))~~ (28) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

~~((28))~~ (29) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

~~((29))~~ (30) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence 24 hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

~~((30))~~ (31) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

~~((31))~~ (32) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington

for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

~~((32))~~ (33) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age 14;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Sexual exploitation;

(p) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(r) Any other class B felony offense with a finding of sexual motivation;

(s) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(t) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(u)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and

RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of 14; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was 10 years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

~~((33))~~ (34) "Nonviolent offense" means an offense which is not a violent offense.

~~((34))~~ (35) "Offender" means a person who has committed a felony established by state law and is 18 years of age or older or is less than 18 years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((35))~~ (36) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

~~((36))~~ (37) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);



(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person 18 years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

~~((37))~~ (38) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection ~~((37))~~ (38) (b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was 16 years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was 18 years of age or older when the offender committed the offense.

~~((38))~~ (39) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

~~((39))~~ (40) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

((40)) (41) "Public school" has the same meaning as in RCW 28A.150.010.

((41)) (42) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

(a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);

(b) Cyber harassment, RCW 9A.90.120(2)(b)(i);

(c) Harassment, RCW 9A.46.020(2)(b)(i);

(d) Indecent exposure, RCW 9A.88.010(2)(c);

(e) Stalking, RCW 9A.46.110(5)(b)(i) and (iii);

(f) Telephone harassment, RCW 9.61.230(2)(a); and

(g) Violation of a no-contact or protection order, RCW 7.105.450 or former RCW 26.50.110(5).

((42)) (43) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or violation of a domestic violence protection order under chapter 7.105 RCW, that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

((43)) (44) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

((44)) (45) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

((45)) (46) "Serious traffic offense" means:

(a)(i) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502) (~~(nonfelony)~~);

(ii) Nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504) (~~(reckless)~~);

(iii) Reckless driving (RCW 46.61.500) (~~(or hit-and-run)~~);

(iv) Negligent driving if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or

46.61.522 while under the influence of intoxicating liquor or any drug (RCW 46.61.5249);

(v) Reckless endangerment if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522 while under the influence of intoxicating liquor or any drug (RCW 9A.36.050); or

(vi) Hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

((46)) (47) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

((47)) (48) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

((48)) (49) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

((49)) (50) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

((50)) (51) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment

for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

((51)) (52) "Stranger" means that the victim did not know the offender 24 hours before the offense.

((52)) (53) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

((53)) (54) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

((54)) (55) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

((55)) (56) "Victim of domestic violence" means an intimate partner or household member who has been subjected to the infliction of physical harm or sexual and psychological abuse by an intimate partner or household member as part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that intimate partner or household member. Domestic violence includes, but is not limited to, the offenses listed in RCW 10.99.020 and 26.50.010 committed by an intimate partner or household member against a victim who is an intimate partner or household member.

((56)) (57) "Victim of sex trafficking, prostitution, or commercial sexual abuse of a minor" means a person who has been forced or coerced to perform a commercial sex act including, but not limited to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070, 9.68A.101, and the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a commercial sex act when they were less than 18 years of age including but not limited to the offenses defined in chapter 9.68A RCW.

((57)) (58) "Victim of sexual assault" means any person who is a victim of a sexual assault offense, nonconsensual sexual conduct, or nonconsensual sexual penetration and as a result suffers physical, emotional, financial, or psychological impacts. Sexual assault offenses include, but are not limited to, the offenses defined in chapter 9A.44 RCW.

((58)) (59) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

((59)) (60) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

((60)) (61) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

((61)) (62) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

**Sec. 3.** RCW 9.94A.190 and 2018 c 166 s 5 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state, or in home detention pursuant to RCW 9.94A.6551 or the graduated reentry program under RCW 9.94A.733. Except as provided in subsection (3) or (5) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county, or if home detention or work crew has been ordered by the court, in the residence of either the offender or a member of the offender's immediate family.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use

of the facility as provided in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.589.

(4) Notwithstanding any other provision of this section, a sentence imposed pursuant to RCW 9.94A.660 or section 1 of this act which has a standard sentence range of over one year, regardless of length, shall be served in a facility or institution operated, or utilized under contract, by the state.

(5) Sentences imposed pursuant to RCW 9.94A.507 shall be served in a facility or institution operated, or utilized under contract, by the state.

**Sec. 4.** RCW 9.94A.501 and 2021 c 242 s 2 are each amended to read as follows:

(1) The department shall supervise the following offenders who are sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

(a) Offenders convicted of:

(i) Sexual misconduct with a minor second degree;

(ii) Custodial sexual misconduct second degree;

(iii) Communication with a minor for immoral purposes; and

(iv) Violation of RCW 9A.44.132(2) (failure to register); and

(b) Offenders who have:

(i) A current conviction for a repetitive domestic violence offense where domestic violence has been pleaded and proven after August 1, 2011; and

(ii) A prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011.

(2) Misdemeanor and gross misdemeanor offenders supervised by the department pursuant to this section shall be placed on community custody.

(3) The department shall supervise every felony offender sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the offender as one who is at a high risk to reoffend.

(4) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:

(a) Has a current conviction for a sex offense or a serious violent offense and was sentenced to a term of community custody pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;

(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;

(d) Has a current conviction for violating RCW 9A.44.132(1) (failure to register) and was sentenced to a term of community custody pursuant to RCW 9.94A.701;

(e)(i) Has a current conviction for a domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011, and a prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence was pleaded and proven after August 1, 2011. This subsection (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

(ii) Has a current conviction for a domestic violence felony offense where domestic violence was pleaded and proven. The state and its officers, agents, and employees shall not be held criminally or civilly liable for its supervision of an offender under this subsection (4)(e)(ii) unless the state and its officers, agents, and employees acted with gross negligence;

(f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, 9.94A.670, 9.94A.711, ~~((or))~~ 9.94A.695, or section 1 of this act;

(g) Is subject to supervision pursuant to RCW 9.94A.745; or

(h) Was convicted and sentenced under RCW 46.61.520 (vehicular homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6) (felony DUI), or RCW 46.61.504(6) (felony physical control).

(5) The department shall supervise any offender who is released by the indeterminate sentence review board and who was sentenced to community custody or subject to community custody under the terms of release.

(6) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody or any probationer unless the offender or probationer is one for whom supervision is required under this section or RCW 9.94A.5011.

(7) The department shall conduct a risk assessment for every felony offender sentenced to a term of community custody who may be subject to supervision under this section or RCW 9.94A.5011.

(8) The period of time the department is authorized to supervise an offender under this section may not exceed the duration of community custody specified under RCW 9.94B.050, 9.94A.701 (1) through (9), or 9.94A.702, except in cases where the court has imposed an exceptional term of community custody under RCW 9.94A.535.

(9) The period of time the department is authorized to supervise an offender under

this section may be reduced by the earned award of supervision compliance credit pursuant to RCW 9.94A.717.

**Sec. 5.** RCW 9.94A.505 and 2022 c 260 s 23 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, a sentence within the standard sentence range established in RCW 9.94A.510 or 9.94A.517;

(ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;

(iii) RCW 9.94A.570, relating to persistent offenders;

(iv) RCW 9.94A.540, relating to mandatory minimum terms;

(v) RCW 9.94A.650, relating to the first-time offender waiver;

(vi) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(vii) Section 1 of this act, relating to the drug offender sentencing alternative for driving under the influence;

(viii) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

~~((viii))~~ (ix) RCW 9.94A.655, relating to the parenting sentencing alternative;

~~((ix))~~ (x) RCW 9.94A.695, relating to the mental health sentencing alternative;

~~((x))~~ (xi) RCW 9.94A.507, relating to certain sex offenses;

~~((xi))~~ (xii) RCW 9.94A.535, relating to exceptional sentences;

~~((xii))~~ (xiii) RCW 9.94A.589, relating to consecutive and concurrent sentences;

~~((xiii))~~ (xiv) RCW 9.94A.603, relating to felony driving while under the influence of intoxicating liquor or any drug and felony physical control of a vehicle while under the influence of intoxicating liquor or any drug;

~~((xiv))~~ (xv) RCW 9.94A.711, relating to the theft or taking of a motor vehicle.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community restitution work; a term of community custody under RCW 9.94A.702 not to exceed one year; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement and a community custody term under RCW 9.94A.701 if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of 30 days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than 30 days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it

shall be imposed as provided in RCW 9.94A.750, 9.94A.753, and 9.94A.760.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community custody that exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The sentencing court shall not give the offender credit for any time the offender was required to comply with an electronic monitoring program prior to sentencing if the offender was convicted of one of the following offenses:

(a) A violent offense;

(b) Any sex offense;

(c) Any drug offense;

(d) Reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050;

(e) Assault in the third degree as defined in RCW 9A.36.031;

(f) Assault of a child in the third degree;

(g) Unlawful imprisonment as defined in RCW 9A.40.040; or

(h) Harassment as defined in RCW 9A.46.020.

(8) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(9) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter. "Crime-related prohibitions" may include a prohibition on the use or possession of alcohol or controlled substances if the court finds that any chemical dependency or substance abuse contributed to the offense.

(10) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

**Sec. 6.** RCW 9.94A.525 and 2021 c 215 s 100 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(2)(a) Class A and sex prior felony convictions shall always be included in the offender score.

(b) Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the

last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ~~((ten))~~ 10 consecutive years in the community without committing any crime that subsequently results in a conviction.

(c) Except as provided in (e) of this subsection, class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction.

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

(e) If the present conviction is felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate crimes for the offense as defined by RCW 46.61.5055(14) shall be included in the offender score, and prior convictions for felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)) shall always be included in the offender score. All other convictions of the defendant shall be scored according to this section.

(f) Prior convictions for a repetitive domestic violence offense, as defined in RCW 9.94A.030, shall not be included in the offender score if, since the last date of release from confinement or entry of judgment and sentence, the offender had spent ~~((ten))~~ 10 consecutive years in the community without committing any crime that subsequently results in a conviction.

(g) This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each

prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however, count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for operation of a vessel while under the influence of intoxicating liquor or any drug; count one point for a deferred prosecution granted under chapter 10.05 RCW for a second or subsequent violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance.

(12) If the present conviction is for homicide by watercraft or assault by watercraft count two points for each adult or juvenile prior conviction for homicide by watercraft or assault by watercraft; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for driving under the influence of intoxicating liquor or any drug, actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, or operation of a vessel while under the influence of intoxicating liquor or any drug.

(13) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction and two points for each juvenile manufacture of methamphetamine offense. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count priors as in subsections (7) through (11) and (13) through (16) of this section; however, count three points for each adult and juvenile prior sex offense conviction.

(18) If the present conviction is for failure to register as a sex offender under RCW (~~9A.44.130 or~~) 9A.44.132, count priors as in subsections (7) through (11) and (13) through (16) of this section; however, count three points for each adult and juvenile prior sex offense conviction, excluding prior convictions for failure to register as a sex offender under RCW (~~9A.44.130 or~~) 9A.44.132, which shall count as one point.

(19) If the present conviction is for an offense committed while the offender was under community custody, add one point. For purposes of this subsection, community custody includes community placement or postrelease supervision, as defined in chapter 9.94B RCW.

(20) If the present conviction is for Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2, count priors as in subsections (7) through (18) of this section; however, count one point for prior convictions of Vehicle Prowling 2, and three points for each adult and juvenile prior Theft 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2 conviction.

(21) If the present conviction is for a felony domestic violence offense where domestic violence as defined in RCW 9.94A.030 was pleaded and proven, count priors as in subsections (7) through (20) of this section; however, count points as follows:

(a) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after August 1, 2011, for any of the following offenses: A felony violation of a no-contact or protection order (RCW 7.105.450 or former RCW 26.50.110), felony Harassment (RCW 9A.46.020(2)(b)), felony Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020), Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or Arson 2 (RCW 9A.48.030);

(b) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and

proven after July 23, 2017, for any of the following offenses: Assault of a child in the first degree, RCW 9A.36.120; Assault of a child in the second degree, RCW 9A.36.130; Assault of a child in the third degree, RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW 9A.42.020; or Criminal Mistreatment in the second degree, RCW 9A.42.030;

(c) Count one point for each second and subsequent juvenile conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after August 1, 2011, for the offenses listed in (a) of this subsection; and

(d) Count one point for each adult prior conviction for a repetitive domestic violence offense as defined in RCW 9.94A.030, where domestic violence as defined in RCW 9.94A.030, was pleaded and proven after August 1, 2011.

(22) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions. Prior convictions that were not included in criminal history or in the offender score shall be included upon any resentencing to ensure imposition of an accurate sentence.

**Sec. 7.** RCW 9.94A.633 and 2021 c 242 s 4 are each amended to read as follows:

(1)(a) An offender who violates any condition or requirement of a sentence may be sanctioned by the court with up to ~~((sixty))~~ 60 days' confinement for each violation or by the department with up to ~~((thirty))~~ 30 days' confinement as provided in RCW 9.94A.737.

(b) In lieu of confinement, an offender may be sanctioned with work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other community-based sanctions.

(2) If an offender was under community custody pursuant to one of the following statutes, the offender may be sanctioned as follows:

(a) If the offender was transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.728, the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(b) If the offender was sentenced under the drug offender sentencing alternative set out in RCW 9.94A.660, the offender may be sanctioned in accordance with that section.

(c) If the offender was sentenced under the drug offender sentencing alternative for driving under the influence set out in section 1 of this act, the offender may be sanctioned in accordance with that section.

(d) If the offender was sentenced under the parenting sentencing alternative set out in RCW 9.94A.655, the offender may be sanctioned in accordance with that section.

~~((+d))~~ (e) If the offender was sentenced under the special sex offender sentencing alternative set out in RCW 9.94A.670, the suspended sentence may be revoked and the offender committed to serve the original sentence of confinement.

~~((+e))~~ (f) If the offender was sentenced under the mental health sentencing alternative set out in RCW 9.94A.695, the offender may be sanctioned in accordance with that section.

~~((+f))~~ (g) If the offender was sentenced to a work ethic camp pursuant to RCW 9.94A.690, the offender may be reclassified to serve the unexpired term of his or her sentence in total confinement.

~~((+g))~~ (h) If a sex offender was sentenced pursuant to RCW 9.94A.507, the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(3) If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may be sanctioned pursuant to subsection (1) of this section. The department shall have authority to issue a warrant for the arrest of an offender who violates a condition of community custody, as provided in RCW 9.94A.716. Any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. Nothing in this subsection is intended to limit the power of the sentencing court to respond to a probationer's violation of conditions.

(4) The parole or probation of an offender who is charged with a new felony offense may be suspended and the offender placed in total confinement pending disposition of the new criminal charges if:

(a) The offender is on parole pursuant to RCW 9.95.110(1); or

(b) The offender is being supervised pursuant to RCW 9.94A.745 and is on parole or probation pursuant to the laws of another state.

**Sec. 8.** RCW 9.94A.6332 and 2021 c 242 s 5 are each amended to read as follows:

The procedure for imposing sanctions for violations of sentence conditions or requirements is as follows:

(1) If the offender was sentenced under the drug offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.660.

(2) If the offender was sentenced under the drug offender sentencing alternative for driving under the influence, any sanctions shall be imposed by the department or the court pursuant to section 1 of this act.



(3) If the offender was sentenced under the special sex offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.670.

~~((3))~~ (4) If the offender was sentenced under the parenting sentencing alternative, any sanctions shall be imposed by the department or by the court pursuant to RCW 9.94A.655.

~~((4))~~ (5) If the offender was sentenced under the mental health sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.695.

~~((5))~~ (6) If a sex offender was sentenced pursuant to RCW 9.94A.507, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

~~((6))~~ (7) If the offender was released pursuant to RCW 9.94A.730, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

~~((7))~~ (8) If the offender was sentenced pursuant to RCW 10.95.030(3) or 10.95.035, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

~~((8))~~ (9) In any other case, if the offender is being supervised by the department, any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, upon receipt of a violation hearing report from the department, the court retains any authority that those statutes provide to respond to a probationer's violation of conditions.

~~((9))~~ (10) If the offender is not being supervised by the department, any sanctions shall be imposed by the court pursuant to RCW 9.94A.6333.

**Sec. 9.** RCW 9.94A.660 and 2021 c 215 s 102 are each amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense for which the offender is currently or may be required to register pursuant to RCW 9A.44.130;

(d) The offender has no prior convictions in this state, and no prior convictions for an equivalent out-of-state or federal offense, for the following offenses during the following time frames:

(i) Robbery in the second degree that did not involve the use of a firearm and was not reduced from robbery in the first degree within seven years before conviction of the current offense; or

(ii) Any other violent offense within ~~((ten))~~ 10 years before conviction of the current offense;

(e) For a violation of the uniform controlled substances act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(f) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence; and

(g) The offender has not received a drug offender sentencing alternative under this section, or a drug offender sentencing alternative for driving under the influence under section 1 of this act, more than once in the prior ~~((ten))~~ 10 years before the current offense.

(2) A motion for a special drug offender sentencing alternative may be made by the court, the offender, or the state.

(3) If the sentencing court determines that the offender is eligible for an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under RCW 9.94A.662 or a residential substance use disorder treatment-based alternative under RCW 9.94A.664. The residential substance use disorder treatment-based alternative is only available if the midpoint of the standard sentence range is ~~((twenty-six))~~ 26 months or less.

(4) (a) To assist the court in making its determination, the court may order the department to complete either or both a risk assessment report and a substance use disorder screening report as provided in RCW 9.94A.500.

(b) To assist the court in making its determination in domestic violence cases, the court shall order the department to complete a presentence investigation and a chemical dependency screening report as provided in RCW 9.94A.500, unless otherwise specifically waived by the court.

(5) If the court is considering imposing a sentence under the residential substance use disorder treatment-based alternative, the court may order an examination of the offender by the department. The examination must be performed by an agency licensed or certified by the department of health to provide substance use disorder services. The examination shall, at a minimum, address the following issues:

(a) Whether the offender suffers from a substance use disorder;

~~(b) ((Whether the substance use disorder is such that there is a probability that criminal behavior will occur in the future;~~

~~(c))~~ (e) Whether effective treatment for the offender's substance use disorder is available from a provider that has been licensed or certified by the department of

health, and where applicable, whether effective domestic violence perpetrator treatment is available from a state-certified domestic violence treatment provider pursuant to RCW 43.20A.735; and

~~((d))~~(c) Whether the offender and the community will benefit from the use of the alternative.

(6) When a court imposes a sentence of community custody under this section:

(a) The court may impose conditions as provided in RCW 9.94A.703 and may impose other affirmative conditions as the court considers appropriate. In addition, an offender may be required to pay ~~((thirty dollars))~~\$30 per month while on community custody to offset the cost of monitoring for alcohol or controlled substances, or in cases of domestic violence for monitoring with global positioning system technology for compliance with a no-contact order.

(b) The department may impose conditions and sanctions as authorized in RCW 9.94A.704 and 9.94A.737.

(7)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard sentence range of the offender's current offense at any time during the period of community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for time previously served in total or partial confinement and inpatient treatment under this section, and shall receive ~~((fifty))~~50 percent credit for time previously served in community custody under this section.

(8) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.

(9) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

(10) The Washington state institute for public policy shall submit a report to the governor and the appropriate committees of the legislature by November 1, 2022, analyzing the effectiveness of the drug offender sentencing alternative in reducing recidivism among various offender populations. An additional report is due November 1, 2028, and every five years thereafter. The Washington state institute for public policy may coordinate with the department and the caseload forecast council in tracking data and preparing the report.

**Sec. 10.** RCW 9.94A.701 and 2021 c 242 s 6 are each amended to read as follows:

(1) If an offender is sentenced to the custody of the department for one of the following crimes, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody for three years:

(a) A sex offense not sentenced under RCW 9.94A.507; or

(b) A serious violent offense.

(2) A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for ~~((eighteen))~~18 months when the court sentences the person to the custody of the department for a violent offense that is not considered a serious violent offense.

(3) A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for one year when the court sentences the person to the custody of the department for:

(a) Any crime against persons under RCW 9.94A.411(2);

(b) An offense involving the unlawful possession of a firearm under RCW 9.41.040, where the offender is a criminal street gang member or associate;

(c) A felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000; or

(d) A felony violation of RCW 9A.44.132(1) (failure to register) that is the offender's first violation for a felony failure to register.

(4) If an offender is sentenced under the drug offender sentencing alternative, the court shall impose community custody as provided in:

(a) RCW 9.94A.660 and 9.94A.662 for a prison-based drug offender sentencing alternative;

(b) RCW 9.94A.660 and 9.94A.664 for a residential-based drug offender sentencing alternative;

(c) RCW 9.94A.662 and section 1(6) of this act for a prison-based drug offender sentencing alternative for driving under the influence; and

(d) Section 1 (5) and (6) of this act for a residential-based drug offender sentencing alternative for driving under the influence.

(5) If an offender is sentenced under the special sex offender sentencing alternative, the court shall impose community custody as provided in RCW 9.94A.670.

(6) If an offender is sentenced to a work ethic camp, the court shall impose community custody as provided in RCW 9.94A.690.

(7) If an offender is sentenced under the parenting sentencing alternative, the court shall impose a term of community custody as provided in RCW 9.94A.655.

(8) If the offender is sentenced under the mental health sentencing alternative, the court shall impose a term of community custody as provided in RCW 9.94A.695.

(9) If a sex offender is sentenced as a nonpersistent offender pursuant to RCW 9.94A.507, the court shall impose community custody as provided in that section.

(10) The term of community custody specified by this section shall be reduced by the court whenever an offender's standard sentence range term of confinement in

combination with the term of community custody exceeds the statutory maximum for the crime as provided in RCW 9A.20.021.

**Sec. 11.** RCW 10.05.010 and 2019 c 263 s 701 are each amended to read as follows:

(1) In a court of limited jurisdiction a person charged with a misdemeanor or gross misdemeanor may petition the court to be considered for a deferred prosecution (~~program~~). The petition shall be filed with the court at least seven days before the date set for trial but, upon a written motion and affidavit establishing good cause for the delay and failure to comply with this section, the court may waive this requirement subject to the defendant's reimbursement to the court of the witness fees and expenses due for subpoenaed witnesses who have appeared on the date set for trial. A person charged with a misdemeanor or gross misdemeanor shall not be eligible for a deferred prosecution unless the court makes specific findings pursuant to RCW 10.05.020.

(2) ~~A person charged with a ((traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW, or a misdemeanor or gross misdemeanor domestic violence offense,)) violation of RCW 46.61.502 or 46.61.504 shall not be eligible for a deferred prosecution ((program)) unless the court makes specific findings pursuant to RCW 10.05.020. A person ((may not participate in a deferred prosecution program for a traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW if he or she has participated in a deferred prosecution program for a prior traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW, and a person may not participate in a deferred prosecution program for a misdemeanor or gross misdemeanor domestic violence offense if he or she has participated in a deferred prosecution program for a prior domestic violence offense)) who petitions the court for the deferred prosecution and participates in the deferred prosecution under this chapter for his or her first violation of RCW 46.61.502 or 46.61.504 is eligible to petition the court for a second deferred prosecution for the person's next violation of RCW 46.61.502 or 46.61.504 when the person has no other prior convictions defined as a "prior offense" under RCW 46.61.5055. Separate offenses committed more than seven days apart may not be consolidated in a single program.~~

(3) A person charged with a misdemeanor or a gross misdemeanor under chapter 9A.42 RCW shall not be eligible for a deferred prosecution (~~program~~) unless the court makes specific findings pursuant to RCW 10.05.020. Such person shall not be eligible for a deferred prosecution (~~program~~) more than once.

(4) A person is not eligible for a deferred prosecution (~~program~~) if the misdemeanor or gross misdemeanor domestic violence offense was originally charged as a felony offense in superior court.

(5) A person may petition a court for a second deferred prosecution while still under the jurisdiction of a court for the

person's first deferred prosecution; however, the first deferred prosecution shall be revoked prior to the entry of the second deferred prosecution.

(6) A person may not be on two deferred prosecutions at the same time unless separate offenses are committed within seven days of each other and the person petitions to consolidate each offense into a single deferred prosecution.

(7) A person charged with a misdemeanor or gross misdemeanor for a violation of RCW 46.61.502 or 46.61.504 who does not participate in a deferred prosecution for his or her first violation of RCW 46.61.502 or 46.61.504 remains eligible to petition the court for a deferred prosecution pursuant to the terms of this section and specific findings made under RCW 10.05.020. Such person shall not be eligible for a deferred prosecution more than once.

**Sec. 12.** RCW 10.05.015 and 2019 c 263 s 702 are each amended to read as follows:

At the time of arraignment a person charged with a violation of RCW 46.61.502 or 46.61.504 or a misdemeanor or gross misdemeanor domestic violence offense may be given a statement by the court that explains the availability, operation, and effects of the deferred prosecution (~~program~~).

**Sec. 13.** RCW 10.05.020 and 2021 c 215 s 115 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the petitioner shall allege under oath in the petition that the wrongful conduct charged is the result of or caused by substance use disorders or mental (~~problems~~) health disorders or domestic violence behavior problems for which the person is in need of treatment and unless treated the probability of future recurrence is great, along with a statement that the person agrees to pay the cost of a diagnosis and treatment of the alleged problem or problems if financially able to do so. The petition shall also contain a case history and written assessment prepared by an approved (~~substance use disorder treatment program~~) behavioral health agency, approved for mental health services or substance use disorder services, as designated in chapter 71.24 RCW (~~if the petition alleges a substance use disorder, by an approved mental health center if the petition alleges a mental problem,)) or by a state-certified domestic violence treatment provider pursuant to RCW 43.20A.735 (~~if the petition alleges a domestic violence behavior problem~~).~~

(2) In the case of a petitioner charged with a misdemeanor or gross misdemeanor under chapter 9A.42 RCW, the petitioner shall allege under oath in the petition that the petitioner is the natural or adoptive parent of the alleged victim; that the wrongful conduct charged is the result of parenting problems for which the petitioner is in need of services; that the petitioner is in need of child welfare services under chapter 74.13 RCW to improve his or her parenting skills in order to better provide his or her child or children with the basic necessities of life; that the petitioner

wants to correct his or her conduct to reduce the likelihood of harm to his or her minor children; that in the absence of child welfare services the petitioner may be unable to reduce the likelihood of harm to his or her minor children; and that the petitioner has cooperated with the department of ~~((social and health services))~~ children, youth, and families to develop a plan to receive appropriate child welfare services; along with a statement that the person agrees to pay the cost of the services if he or she is financially able to do so. The petition shall also contain a case history and a written service plan from the department of ~~((social and health services))~~ children, youth, and families.

(3) Before entry of an order deferring prosecution, a petitioner shall be advised of his or her rights as an accused and execute, as a condition of receiving treatment, a statement that contains: (a) An acknowledgment of his or her rights; (b) an acknowledgment and waiver of the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; (c) a stipulation to the admissibility and sufficiency of the facts contained in the written police report; and (d) an acknowledgment that the statement will be entered and used to support a finding of guilty if the court finds cause to revoke the order granting deferred prosecution. The petitioner shall also be advised that he or she may, if he or she proceeds to trial and is found guilty, be allowed to seek suspension of some or all of the fines and incarceration that may be ordered upon the condition that he or she seek treatment and, further, that he or she may seek treatment from public and private agencies at any time without regard to whether or not he or she is found guilty of the offense charged. He or she shall also be advised that the court will not accept a petition for deferred prosecution from a person who: (i) Sincerely believes that he or she is innocent of the charges; (ii) sincerely believes that he or she does not, in fact, suffer from ~~((alcoholism, drug addiction, mental problems))~~ a substance use disorder, a mental health disorder, or domestic violence behavior problems; or (iii) in the case of a petitioner charged under chapter 9A.42 RCW, sincerely believes that he or she does not need child welfare services.

(4) Before entering an order deferring prosecution, the court shall make specific findings that: (a) The petitioner has stipulated to the admissibility and sufficiency of the facts as contained in the written police report; (b) the petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution; (c) the petitioner has acknowledged and waived the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; and (d) the petitioner's statements

were made knowingly and voluntarily. Such findings shall be included in the order granting deferred prosecution.

**Sec. 14.** RCW 10.05.030 and 2021 c 215 s 116 are each amended to read as follows:

The arraignment judge upon consideration of the petition and with the concurrence of the prosecuting attorney may continue the arraignment and refer such person for a diagnostic investigation and evaluation to:

(1) ~~((An approved substance use disorder treatment program))~~ A state-approved behavioral health agency, approved for substance use disorder services, as designated in chapter 71.24 RCW if the petition alleges a substance use disorder;

(2) ~~((An approved mental health center))~~ A state-approved behavioral health agency, approved for mental health services, as designated in chapter 71.24 RCW, if the petition alleges a mental ~~((problem))~~ health disorder;

(3) The department of ~~((social and health services))~~ children, youth, and families if the petition is brought under RCW 10.05.020(2); or

(4) An approved state-certified domestic violence treatment provider pursuant to RCW 43.20A.735 if the petition alleges a domestic violence behavior problem.

**Sec. 15.** RCW 10.05.040 and 2018 c 201 s 9005 are each amended to read as follows:

The program to which such person is referred, or the department of ~~((social and health services))~~ children, youth, and families if the petition is brought under RCW 10.05.020(2), shall conduct an investigation and examination to determine:

(1) Whether the person suffers from the problem described;

(2) Whether the problem is such that if not treated, or if no child welfare services are provided, there is a probability that similar misconduct will occur in the future;

(3) Whether extensive and long term treatment is required;

(4) Whether effective treatment or child welfare services for the person's problem are available; and

(5) Whether the person is ~~((amenable))~~: (a) Amenable to treatment as demonstrated by (i) completion of residential treatment; (ii) completion of a minimum of 18 hours of intensive outpatient treatment, for substance use disorder petitions; (iii) completion of a minimum of six mental health sessions, for mental health disorder petitions; or (iv) completion of a minimum of six domestic violence treatment sessions for domestic violence petitions; or (b) willing to cooperate with child welfare services. The requirement for completing a minimum number of sessions may be waived if the court finds good cause.

**Sec. 16.** RCW 10.05.050 and 2018 c 201 s 9006 are each amended to read as follows:

(1) The program, or the department of ~~((social and health services))~~ children, youth, and families if the petition is brought under RCW 10.05.020(2), shall make a written report to the court stating its

findings and recommendations after the examination required by RCW 10.05.040. If its findings and recommendations support treatment or the implementation of a child welfare service plan, it shall also recommend a treatment or service plan setting out:

- (a) The type;
- (b) Nature;
- (c) Length;
- (d) A treatment or service time schedule;

and  
(e) Approximate cost of the treatment or child welfare services.

(2) In the case of a child welfare service plan, the plan shall be designed in a manner so that a parent who successfully completes the plan will not be likely to withhold the basic necessities of life from his or her child.

(3) The report with the treatment or service plan shall be filed with the court and a copy given to the petitioner and petitioner's counsel. A copy of the treatment or service plan shall be given to the prosecutor by petitioner's counsel at the request of the prosecutor. The evaluation facility, or the department of ~~((social and health services))~~ children, youth, and families if the petition is brought under RCW 10.05.020(2), making the written report shall append to the report a commitment by the treatment program or the department of ~~((social and health services))~~ children, youth, and families that it will provide the treatment or child welfare services in accordance with this chapter. The facility or the service provider shall agree to provide the court with a statement ~~((every three months for the first year and every six months for the second year))~~ monthly regarding (a) the petitioner's cooperation with the treatment or child welfare service plan proposed and (b) the petitioner's progress or failure in treatment or child welfare services. These statements shall be made as a declaration by the person who is personally responsible for providing the treatment or services.

**Sec. 17.** RCW 10.05.060 and 2009 c 135 s 1 are each amended to read as follows:

If the report recommends treatment, the court shall examine the treatment plan. If it approves the plan and the petitioner agrees to comply with its terms and conditions and agrees to pay the cost thereof, if able to do so, or arrange for the treatment, an entry shall be made upon the person's court docket showing that the person has been accepted for deferred prosecution. A copy of the treatment plan shall be filed with the court. If the charge be one that an abstract of the docket showing the charge, the date of the violation for which the charge was made, and the date of petitioner's acceptance is required to be sent to the department of licensing, an abstract shall be sent, and the department of licensing shall make an entry of the charge and of the petitioner's acceptance for deferred prosecution on the department's driving record of the petitioner. The entry is not a conviction for purposes of Title 46 RCW. Upon receipt

of the abstract of the docket, the department shall issue notice that 45 days after receipt, the petitioner must apply for a probationary license in accordance with RCW 46.20.355, and the petitioner's driver's license shall be on probationary status for five years from the date of the violation that gave rise to the charge. The department shall maintain the record ~~((for ten years from date of entry of the order granting deferred prosecution))~~ consistent with the requirements of RCW 46.01.260.

**Sec. 18.** RCW 10.05.090 and 2010 c 269 s 10 are each amended to read as follows:

If a petitioner, who has been accepted for a deferred prosecution, fails or neglects to carry out and fulfill any term or condition of the petitioner's treatment plan or any term or condition imposed in connection with the installation of an interlock or other device under RCW 46.20.720, the facility, center, institution, or agency administering the treatment or the entity administering the use of the device, shall immediately report such breach to the court, the prosecutor, and the petitioner or petitioner's attorney of record, together with its recommendation. The court upon receiving such a report shall hold a hearing to determine whether the petitioner should be removed from the deferred prosecution ~~((program))~~. At the hearing, evidence shall be taken of the petitioner's alleged failure to comply with the treatment plan or device installation and the petitioner shall have the right to present evidence on his or her own behalf. The court shall either order that the petitioner continue on the treatment plan or be removed from deferred prosecution. If removed from deferred prosecution, the court shall enter judgment pursuant to RCW 10.05.020 and, if the charge for which the deferred prosecution was granted was a misdemeanor or gross misdemeanor under Title 46 RCW, shall notify the department of licensing of the removal and entry of judgment.

**Sec. 19.** RCW 10.05.100 and 1998 c 208 s 2 are each amended to read as follows:

If a petitioner is subsequently convicted of a similar offense that was committed while the petitioner was in a deferred prosecution ~~((program))~~, upon notice the court shall remove the petitioner's docket from the deferred prosecution file and the court shall enter judgment pursuant to RCW 10.05.020.

**Sec. 20.** RCW 10.05.120 and 2019 c 263 s 705 are each amended to read as follows:

(1) Three years after receiving proof of successful completion of the ~~((two-year))~~ approved treatment ~~((program))~~ plan, and following proof to the court that the petitioner has complied with the conditions imposed by the court following successful completion of the ~~((two-year))~~ approved treatment ~~((program))~~ plan, but not before five years following entry of the order of deferred prosecution pursuant to a petition brought under RCW 10.05.020(1), the court

shall dismiss the charges pending against the petitioner.

(2) When a deferred prosecution is ordered pursuant to a petition brought under RCW 10.05.020(2) and the court has received proof that the petitioner has successfully completed the child welfare service plan, or the plan has been terminated because the alleged victim has reached his or her majority and there are no other minor children in the home, the court shall dismiss the charges pending against the petitioner: PROVIDED, That in any case where the petitioner's parental rights have been terminated with regard to the alleged victim due to abuse or neglect that occurred during the pendency of the deferred prosecution, the termination shall be per se evidence that the petitioner did not successfully complete the child welfare service plan.

~~((3) When a deferred prosecution is ordered for a petition brought under RCW 10.05.020(1) involving a domestic violence behavior problem and the court has received proof that the petitioner has successfully completed the domestic violence treatment plan, the court shall dismiss the charges pending against the petitioner.))~~

**Sec. 21.** RCW 10.05.140 and 2019 c 263 s 706 are each amended to read as follows:

(1) As a condition of granting a deferred prosecution petition for a violation of RCW 46.61.502 or 46.61.504, the court shall order that the petitioner shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance. The amount of liability insurance shall be established by the court at not less than that established by RCW 46.29.490. As a condition of granting a deferred prosecution petition on any ~~((alcohol dependency))~~ substance use disorder-based case, the court shall also order the installation of an ignition interlock under RCW 46.20.720. The required periods of use of the interlock shall be not less than the periods provided for in RCW 46.20.720. As a condition of granting a deferred prosecution petition, the court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. To help ensure continued sobriety and reduce the likelihood of reoffense, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for ~~((alcoholism or drugs))~~ substance use disorder, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution ~~((program))~~ upon violation of the deferred prosecution order.

(2) As a condition of granting a deferred prosecution petition for a case involving a domestic violence behavior problem:

(a) The court shall order the petitioner not to possess firearms and order the petitioner to surrender firearms under RCW 9.41.800; and

(b) The court may order the petitioner to make restitution and to pay costs as defined

in RCW 10.01.160. In addition, to help ensure continued sobriety and reduce the likelihood of reoffense in co-occurring domestic violence and substance ~~((abuse))~~ use disorder or mental health disorder cases, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for ~~((alcoholism or drugs))~~ substance use disorder, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution ~~((program))~~ upon violation of the deferred prosecution order.

**Sec. 22.** RCW 10.05.150 and 2016 sp.s. c 29 s 527 are each amended to read as follows:

(1) A deferred prosecution ~~((program))~~ for ~~((alcoholism))~~ either substance use disorder or mental health co-occurring disorder shall be for a two-year period and shall include, but not be limited to, the following requirements:

~~((1))~~ (a) Total abstinence from alcohol and all other nonprescribed mind-altering drugs;

~~((2))~~ Participation in an intensive inpatient or intensive outpatient program in a state-approved substance use disorder treatment program;

~~((3))~~ Participation in a minimum of two meetings per week of an alcoholism self-help recovery support group, as determined by the assessing agency, for the duration of the treatment program;

~~((4))~~ Participation in an alcoholism self-help recovery support group, as determined by the assessing agency, from the date of court approval of the plan to entry into intensive treatment;

~~((5))~~ Not less than weekly approved outpatient counseling, group or individual, for a minimum of six months following the intensive phase of treatment;

~~((6))~~ Not less than monthly outpatient contact, group or individual, for the remainder of the two-year deferred prosecution period;

~~((7))~~ The decision to include the use of prescribed drugs, including disulfiram, as a condition of treatment shall be reserved to the treating facility and the petitioner's physician;

~~((8))~~ (b) All treatment within the purview of this section shall occur within or be approved by a state-approved ~~((substance use disorder treatment program))~~ behavioral health agency as described in chapter ~~((70.96A))~~ 71.24 RCW;

~~((9))~~ (c) Signature of the petitioner agreeing to the terms and conditions of the treatment program;

(d) Periodic, random urinalysis or breath analysis;

(e) If the petitioner fails to remain abstinent, a full substance use disorder reassessment and recommended treatment;

(f) No less than weekly approved outpatient counseling, whether group or individual, for a minimum of six months following the intensive phase of treatment;

(g) No less than monthly outpatient contact, whether group or individual, for the remainder of the two-year deferred prosecution period; and

(h) The decision to include the use of prescribed drugs, including disulfiram, as a condition of treatment shall be reserved to the treating facility and the petitioner's physician.

(2) A deferred prosecution for substance use disorder shall include the following requirements:

(a) Completion of an intensive outpatient treatment program or residential inpatient treatment program, depending on the severity of the diagnosis; and

(b) Participation in a minimum of two meetings per week of a substance use disorder self-help recovery support group, as determined by the assessing agency, for the duration of the treatment program.

(3) A deferred prosecution for mental health co-occurring disorder shall include the following requirements:

(a) Completion of the requirements described in subsection (2) of this section, or completion of an outpatient program as determined by the petitioner's diagnostic evaluation; and

(b) Completion of individual or group mental health services.

**Sec. 23.** RCW 10.05.155 and 2019 c 263 s 708 are each amended to read as follows:

A deferred prosecution (~~(program)~~) for domestic violence behavior, or domestic violence co-occurring with substance abuse or mental health, must include, but is not limited to, the following requirements:

(1) Completion of a risk assessment;

(2) Participation in the level of treatment recommended by the program as outlined in the current treatment plan;

(3) Compliance with the contract for treatment;

(4) Participation in any ancillary or co-occurring treatments that are determined to be necessary for the successful completion of the domestic violence intervention treatment including, but not limited to, mental health or substance use treatment;

(5) Domestic violence intervention treatment within the purview of this section to be completed with a state-certified domestic violence intervention treatment program;

(6) Signature of the petitioner agreeing to the terms and conditions of the treatment program;

(7) Proof of compliance with any active order to surrender weapons issued in this program or related civil protection orders or no-contact orders.

**NEW SECTION. Sec. 24.** A new section is added to chapter 10.05 RCW to read as follows:

A deferred prosecution for mental health disorder where the wrongful conduct did not involve, and was not caused by, alcohol, drugs, or a substance use disorder, shall include treatment recommended by a state-approved mental health provider.

**Sec. 25.** RCW 10.05.170 and 1991 c 247 s 2 are each amended to read as follows:

As a condition of granting deferred prosecution, the court may order supervision of the petitioner during the period of deferral and may levy a monthly assessment upon the petitioner as provided in RCW 10.64.120. In a jurisdiction with a probation department, the court may appoint the probation department to supervise the petitioner. In a jurisdiction without a probation department, the court may appoint an appropriate person or agency to supervise the petitioner. A supervisor appointed under this section shall be required to do at least the following:

(1) If the charge for which deferral is granted relates to operation of a motor vehicle, at least once every ~~((six))~~ three months request ~~((from the department of licensing))~~ an abstract of the petitioner's driving record; ~~((and))~~

(2) At least once every month make contact with the petitioner ~~((or with any agency to which the petitioner has been directed for treatment as a part of the deferral))~~ until treatment is completed;

(3) Review the petitioner's criminal history at a minimum of every 90 days until the end of the deferral period; and

(4) Report known violations of supervision or law and noncompliance with conditions of the deferred prosecution to the court within five business days or as soon as practicable.

**Sec. 26.** RCW 46.20.355 and 2020 c 330 s 8 are each amended to read as follows:

(1) Upon receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or upon receipt of a notice of conviction of RCW 46.61.502 or 46.61.504, the department of licensing shall issue notice that 45 days after receipt, the person must apply for a probationary license, and order the person to surrender any nonprobationary Washington state driver's license that may be in his or her possession. The department shall revoke the license, permit, or privilege to drive of any person who fails to surrender it as required by this section for one year, unless the license has been previously surrendered to the department, a law enforcement officer, or a court, or the person has completed an affidavit of lost, stolen, destroyed, or previously surrendered license, such revocation to take effect ~~((thirty))~~ 30 days after notice is given of the requirement for license surrender.

(2) The department shall place a person's driving privilege in probationary status as required by RCW 10.05.060 or 46.61.5055 for a period of five years from the date the probationary status is required to go into effect.

(3) Following receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or upon reinstatement or reissuance of a driver's license suspended or revoked as the result of a conviction of RCW 46.61.502 or 46.61.504, the department shall require the person to obtain a probationary license in order to operate a motor vehicle in the

state of Washington, except as otherwise exempt under RCW 46.20.025. The department shall not issue the probationary license unless the person is otherwise qualified for licensing, and the person must renew the probationary license on the same cycle as the person's regular license would have been renewed until the expiration of the five-year probationary status period imposed under subsection (2) of this section.

(4) If a person is eligible for full credit under RCW 46.61.5055(9)(b)(ii) and, by the date specified in the notice issued under RCW 46.20.245, has completed the requirements under RCW 46.20.311 and paid the fee under subsection (5) of this section, the department shall issue a probationary license on the date specified in the notice with no further action required of the person.

(5) For each original issue or renewal of a probationary license under this section, the department shall charge a fee of ~~((fifty dollars))~~ \$50 in addition to any other licensing fees required. Except for when renewing a probationary license, the department shall waive the requirement to obtain an additional probationary license and the ~~((fifty-dollar))~~ \$50 fee if the person has a probationary license in his or her possession at the time a new probationary license is required.

(6) A probationary license shall enable the department and law enforcement personnel to determine that the person is on probationary status. The fact that a person's driving privilege is in probationary status or that the person has been issued a probationary license shall not be a part of the person's record that is available to insurance companies.

**Sec. 27.** RCW 46.20.385 and 2020 c 330 s 9 are each amended to read as follows:

(1)(a) Any person licensed under this chapter or who has a valid driver's license from another state, who is convicted of: (i) A violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance, or (ii) a violation of RCW 46.61.520(1)(a) or an equivalent local or out-of-state statute or ordinance, or (iii) a conviction for a violation of RCW 46.61.520(1)(b) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520(1)(a), or (iv) RCW 46.61.522(1)(b) or an equivalent local or out-of-state statute or ordinance, or (v) RCW 46.61.522(1)(a) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522(1)(b) committed while under the influence of intoxicating liquor or any drug, or (vi) who has had or will have his or her license suspended, revoked, or denied under RCW 46.20.3101, or has had his or her license suspended, revoked, or denied under RCW 46.61.5055(11)(c), or who is otherwise permitted under subsection (8) of this section, may submit to the department an application for an ignition interlock driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible

to receive the license, may issue an ignition interlock driver's license.

(b) A person may apply for an ignition interlock driver's license anytime, including immediately after receiving the notices under RCW 46.20.308 or after his or her license is suspended, revoked, or denied.

(c) An applicant under this subsection shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on all vehicles operated by the person.

(i) The department shall require the person to maintain the device on all vehicles operated by the person and shall restrict the person to operating only vehicles equipped with the device, for the remainder of the period of suspension, revocation, or denial, unless otherwise permitted under RCW 46.20.720(6).

(ii) Subject to any periodic renewal requirements established by the department under this section and subject to any applicable compliance requirements under this chapter or other law, an ignition interlock driver's license granted upon a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.

(2) An applicant for an ignition interlock driver's license who qualifies under subsection (1) of this section is eligible to receive a license only if the applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW.

(3) Upon receipt of evidence that a holder of an ignition interlock driver's license granted under this subsection no longer has a functioning ignition interlock device installed on all vehicles operated by the driver, the director shall give written notice by first-class mail to the driver that the ignition interlock driver's license shall be canceled. If at any time before the cancellation goes into effect the driver submits evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new ignition interlock driver's license upon submittal of evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver.

(4) A person aggrieved by the decision of the department on the application for an ignition interlock driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an ignition interlock driver's license after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility requirements, or has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or revocation of a



regular driver's license. The department must give notice of the cancellation as provided under RCW 46.20.245. A person whose ignition interlock driver's license has been canceled under this section may reapply for a new ignition interlock driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380.

(6)(a) Unless costs are waived by the ignition interlock company or the person is indigent under RCW 10.101.010, the applicant shall pay the cost of installing, removing, and leasing the ignition interlock device and shall pay an additional fee of twenty-one dollars per month. Payments shall be made directly to the ignition interlock company. The company shall remit the additional fee to the department, except that the company may retain ~~((twenty-five))~~ 25 cents per month of the additional fee to cover the expenses associated with administering the fee.

(b) The department shall deposit the proceeds of the twenty-one dollar fee into the ignition interlock device revolving account. Expenditures from the account may be used only to administer and operate the ignition interlock device revolving account program. The department shall adopt rules to provide monetary assistance according to greatest need and when funds are available.

(7) The department shall adopt rules to implement ignition interlock licensing. The department shall consult with the administrative office of the courts, the state patrol, the Washington association of sheriffs and police chiefs, ignition interlock companies, and any other organization or entity the department deems appropriate.

(8)(a) Any person licensed under this chapter who is convicted of a violation of RCW 46.61.500 when the charge was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, may submit to the department an application for an ignition interlock driver's license under this section.

(b) A person who does not have any driver's license under this chapter, but who would otherwise be eligible under this section to apply for an ignition interlock license, may submit to the department an application for an ignition interlock license. The department may require the person to take any driver's licensing examination under this chapter and may require the person to also apply and qualify for a temporary restricted driver's license under RCW 46.20.391.

**Sec. 28.** RCW 46.20.720 and 2020 c 330 s 10 are each amended to read as follows:

(1) **Ignition interlock restriction.** The department shall require that a person may drive only a motor vehicle equipped with a functioning ignition interlock device:

(a) **Pretrial release.** Upon receipt of notice from a court that an ignition interlock device restriction has been imposed under RCW 10.21.055;

(b) **Ignition interlock driver's license.** As required for issuance of an ignition

interlock driver's license under RCW 46.20.385;

(c) **Deferred prosecution.** Upon receipt of notice from a court that the person is participating in a deferred prosecution program under RCW 10.05.020 for a violation of:

(i) RCW 46.61.502 or 46.61.504 or an equivalent local ordinance; or

(ii) RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person would be required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person in the event of a conviction;

(d) **Post conviction.** After any applicable period of mandatory suspension, revocation, or denial of driving privileges, or upon fulfillment of day-for-day credit under RCW 46.61.5055(9)(b)(ii) for a suspension, revocation, or denial of driving privileges:

(i) Due to a conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance; or

(ii) Due to a conviction of a violation of RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person is required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person; or

(e) **Court order.** Upon receipt of an order by a court having jurisdiction that a person charged or convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock. The court shall establish a specific alcohol set point at which the ignition interlock will prevent the vehicle from being started. The court shall also establish the period of time for which ignition interlock use will be required.

(2) **Alcohol set point.** Unless otherwise specified by the court for a restriction imposed under subsection (1)(e) of this section, the ignition interlock device shall have an alcohol set point that prevents the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.020 or more.

(3) **Duration of restriction.** A restriction imposed under:

(a) Subsection (1)(a) of this section shall remain in effect until:

(i) The court has authorized the removal of the device under RCW 10.21.055; or

(ii) The department has imposed a restriction under subsection (1)(b), (c), or (d) of this section arising out of the same incident.

(b) Subsection (1)(b) of this section remains in effect during the validity of any ignition interlock driver's license that has been issued to the person.

(c) Subsection (1)(c)(i) or (d)(i) of this section shall be for no less than:

(i) For a person who has not previously been restricted under this subsection, a period of one year;

(ii) For a person who has previously been restricted under (c)(i) of this subsection, a period of five years;

(iii) For a person who has previously been restricted under (c)(ii) of this subsection, a period of ~~((ten))~~10 years.

The restriction of a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and who committed the offense while one or more passengers under the age of ~~((sixteen))~~16 were in the vehicle shall be extended for an additional period as required by RCW 46.61.5055(6)(a).

For purposes of determining a period of restriction for a person restricted pursuant to a conviction under (d) of this subsection, a restriction based on a deferred prosecution under subsection (1)(c) of this section arising out of the same incident is not considered a prior restriction for purposes of this subsection.

(d) Subsection (1)(c)(ii) or (d)(ii) of this section shall be for a period of no less than six months.

(e) The period of restriction under (c) or (d) of this subsection shall be extended by ~~((one hundred eighty))~~180 days whenever the department receives notice that the restricted person has been convicted under RCW 46.20.740 or 46.20.750. If the period of restriction under (c) or (d) of this subsection has been fulfilled and cannot be extended, the department must add a new ~~((one hundred eighty-day))~~180-day restriction that is imposed from the date of conviction and is subject to the requirements for removal under subsection (4) of this section.

(f) Subsection (1)(e) of this section shall remain in effect for the period of time specified by the court.

(g) The period of restriction under (c) and (d) of this subsection based on incidents occurring on or after June 9, 2016, must be tolled for any period in which the person does not have an ignition interlock device installed on a vehicle owned or operated by the person unless the person receives a determination from the department that the person is unable to operate an ignition interlock device due to a physical disability. For all drivers restricted under this section with incidents and restriction start dates prior to June 9, 2016, a driver may apply to waive the restriction by applying for a determination from the department that the person is unable to operate an ignition interlock device due to a physical disability. The department's determination that a person is unable to operate an ignition interlock device must be reasonable and be based upon good and substantial evidence. This determination is subject to review by a court of competent jurisdiction. The department may charge a person seeking a medical exemption under this subsection a reasonable fee for the assessment.

(4) **Requirements for removal.** A restriction imposed under subsection (1)(c) or (d) of this section shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying the following:

(a) That there have been none of the following incidents in the ~~((one hundred~~

~~eighty))~~180 consecutive days prior to the date of release:

(i) Any attempt to start the vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed within ~~((ten))~~10 minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples;

(ii) Failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test;

(iii) Failure to pass any random retest with a breath alcohol concentration of lower than 0.020 unless a subsequent test performed within ~~((ten))~~10 minutes registers a breath alcohol concentration lower than 0.020, and the digital image confirms the same person provided both samples;

(iv) Failure of the person to appear at the ignition interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device; or

(v) Removal of the ignition interlock device by a person other than an ignition interlock technician certified by the Washington state patrol; and

(b) That the ignition interlock device was inspected at the conclusion of the ~~((one hundred eighty-day))~~180-day period by an ignition interlock technician certified by the Washington state patrol and no evidence was found that the device was tampered with in the manner described in RCW 46.20.750.

(5) **Day-for-day credit.** (a) The time period during which a person has an ignition interlock device installed in order to meet the requirements of subsection (1)(b) of this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident.

(b) The department must also give the person a day-for-day credit for any time period, beginning from the date of the incident, during which the person kept an ignition interlock device installed on all vehicles the person operates, other than those subject to the employer exemption under subsection (6) of this section.

(c) If the day-for-day credit granted under this subsection equals or exceeds the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident, and the person has already met the requirements for removal of the device under subsection (4) of this section, the department may waive the requirement that a device be installed or that the person again meet the requirements for removal.

(6) **Employer exemption.** (a) Except as provided in (b) of this subsection, the installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of

employment during working hours. The person must provide the department with a declaration pursuant to chapter 5.50 RCW from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours. When the department receives a declaration under this subsection, it shall attach or imprint a notation on the person's driving record stating that the employer exemption applies.

(b) The employer exemption does not apply when the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment.

(c) The employer exemption does not apply to a person who is self-employed unless the person's vehicle is used exclusively for the person's employment.

(7) **Ignition interlock device revolving account.** In addition to any other costs associated with the use of an ignition interlock device imposed on the person restricted under this section, the person shall pay an additional fee of (~~(twenty-one dollars)~~)\$21 per month. Payments must be made directly to the ignition interlock company. The company shall remit the additional fee to the department to be deposited into the ignition interlock device revolving account, except that the company may retain (~~(twenty-five)~~)25 cents per month of the additional fee to cover the expenses associated with administering the fee. The department may waive the monthly fee if the person is indigent under RCW 10.101.010.

(8) **Foreign jurisdiction.** For a person restricted under this section who is residing outside of the state of Washington, the department may accept verification of installation of an ignition interlock device by an ignition interlock company authorized to do business in the jurisdiction in which the person resides, provided the device meets any applicable requirements of that jurisdiction. The department may waive one or more requirements for removal under subsection (4) of this section if compliance with the requirement or requirements would be impractical in the case of a person residing in another jurisdiction, provided the person is in compliance with any equivalent requirement of that jurisdiction. The department may waive the monthly fee required by subsection (7) of this section if collection of the fee would be impractical in the case of a person residing in another jurisdiction.

**Sec. 29.** RCW 46.20.740 and 2020 c 330 s 11 are each amended to read as follows:

(1) The department shall attach or imprint a notation on the driving record of any person restricted under RCW 46.20.720, 46.61.5055, or 10.05.140 stating that the person may operate only a motor vehicle equipped with a functioning ignition interlock device. The department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. If, based upon

notification from the interlock provider or otherwise, the department determines that an ignition interlock required under this section is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(2) It is a gross misdemeanor for a person with such a notation on his or her driving record to operate a motor vehicle that is not so equipped, unless the notation resulted from a restriction imposed as a condition of release and the restriction has been released by the court prior to driving. Any time a person is convicted under this section, the court shall immediately notify the department for purposes of RCW 46.20.720(3)(e). It is an affirmative defense, which the defendant must prove by a preponderance of the evidence, that the employer exemption in RCW 46.20.720(6) applies. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(3) Any sentence imposed for a violation of subsection (2) of this section shall be served consecutively with any sentence imposed under RCW 46.20.750, 46.61.502, 46.61.504, or 46.61.5055.

**Sec. 30.** RCW 46.52.130 and 2022 c 182 s 206 are each amended to read as follows:

Upon a proper request, the department may only furnish information contained in an abstract of a person's driving record as permitted under this section.

(1) **Contents of abstract of driving record.** An abstract of a person's driving record, whenever possible, must include:

(a) An enumeration of motor vehicle accidents in which the person was driving, including:

(i) The total number of vehicles involved;

(ii) Whether the vehicles were legally parked or moving;

(iii) Whether the vehicles were occupied at the time of the accident; and

(iv) Whether the accident resulted in a fatality;

(b) Any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law;

(c) The status of the person's driving privilege in this state; and

(d) Any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer.

(2) **Release of abstract of driving record.** Unless otherwise required in this

section, the release of an abstract does not require a signed statement by the subject of the abstract. An abstract of a person's driving record may be furnished to the following persons or entities:

(a) **Named individuals.** (i) An abstract of the full driving record maintained by the department may be furnished to the individual named in the abstract.

(ii) Nothing in this section prevents a court from providing a copy of the driver's abstract to the individual named in the abstract or that named individual's attorney, provided that the named individual has a pending or open infraction or criminal case in that court. A pending case includes criminal cases that have not reached a disposition by plea, stipulation, trial, or amended charge. An open infraction or criminal case includes cases on probation, payment agreement or subject to, or in collections. A probation clerk or probation officer employed by the court may also provide a copy of the driver's abstract to a treatment agency in accordance with (f) of this subsection. Courts may charge a reasonable fee for the production and copying of the abstract for the individual, unless the person is indigent as defined in RCW 10.101.010.

(b) **Employers or prospective employers.**

(i) An abstract of the full driving record maintained by the department may be furnished to an employer or prospective employer or agents acting on behalf of an employer or prospective employer of the named individual for purposes related to driving by the individual as a condition of employment or otherwise at the direction of the employer.

(ii) The department may provide employers or their agents a three-year insurance carrier driving record of existing employees only for the purposes of sharing the driving record with its insurance carrier for underwriting. Employers may not provide the employees' full driving records to its insurance carrier.

(iii) An abstract of the full driving record maintained by the department may be furnished to an employer or prospective employer or the agent(s) acting on behalf of an employer or prospective employer of the named individual for purposes unrelated to driving by the individual when a driving record is required by federal or state law, or the employee or prospective employee will be handling heavy equipment or machinery.

(iv) Release of an abstract of the driving record of an employee or prospective employee requires a statement signed by: (A) The employee or prospective employee that authorizes the release of the record; and (B) the employer attesting that the information is necessary for employment purposes related to driving by the individual as a condition of employment or otherwise at the direction of the employer. If the employer or prospective employer authorizes agents to obtain this information on their behalf, this must be noted in the statement. The statement must also note that any information contained in the abstract related to an adjudication that is subject to a court order sealing the juvenile record of an employee or prospective employee may

not be used by the employer or prospective employer, or an agent authorized to obtain this information on their behalf, unless required by federal regulation or law. The employer or prospective employer must afford the employee or prospective employee an opportunity to demonstrate that an adjudication contained in the abstract is subject to a court order sealing the juvenile record.

(v) Upon request of the person named in the abstract provided under this subsection, and upon that same person furnishing copies of court records ruling that the person was not at fault in a motor vehicle accident, the department must indicate on any abstract provided under this subsection that the person was not at fault in the motor vehicle accident.

(vi) No employer or prospective employer, nor any agents of an employer or prospective employer, may use information contained in the abstract related to an adjudication that is subject to a court order sealing the juvenile record of an employee or prospective employee for any purpose unless required by federal regulation or law. The employee or prospective employee must furnish a copy of the court order sealing the juvenile record to the employer or prospective employer, or the agents of the employer or prospective employer, as may be required to ensure the application of this subsection.

(c) **Volunteer organizations.** (i) An abstract of the full driving record maintained by the department may be furnished to a volunteer organization or an agent for a volunteer organization for which the named individual has submitted an application for a position that would require driving by the individual at the direction of the volunteer organization.

(ii) Release of an abstract of the driving record of a prospective volunteer requires a statement signed by: (A) The prospective volunteer that authorizes the release of the record; and (B) the volunteer organization attesting that the information is necessary for purposes related to driving by the individual at the direction of the volunteer organization. If the volunteer organization authorizes an agent to obtain this information on their behalf, this must be noted in the statement.

(d) **Transit authorities.** An abstract of the full driving record maintained by the department may be furnished to an employee or agents of a transit authority checking prospective or existing volunteer vanpool drivers for insurance and risk management needs.

(e) **Insurance carriers.** (i) An abstract of the driving record maintained by the department covering the period of not more than the last three years may be furnished to an insurance company or its agents:

(A) That has motor vehicle or life insurance in effect covering the named individual;

(B) To which the named individual has applied; or

(C) That has insurance in effect covering the employer or a prospective employer of the named individual.

(ii) The abstract provided to the insurance company must:

(A) Not contain any information related to actions committed by law enforcement officers or firefighters, as both terms are defined in RCW 41.26.030, or by Washington state patrol officers, while driving official vehicles in the performance of their occupational duty, or by registered tow truck operators as defined in RCW 46.55.010 in the performance of their occupational duties while at the scene of a roadside impound or recovery so long as they are not issued a citation. This does not apply to any situation where the vehicle was used in the commission of a misdemeanor or felony;

(B) Include convictions under RCW 46.61.5249 and 46.61.525, except that the abstract must report the convictions only as negligent driving without reference to whether they are for first or second degree negligent driving; and

(C) Exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred prosecution under RCW 10.05.090, the abstract must show the deferred prosecution as well as the removal.

(iii) Any policy of insurance may not be canceled, nonrenewed, denied, or have the rate increased on the basis of information regarding an accident included in the abstract of a driving record, unless the policyholder was determined to be at fault.

(iv) Any insurance company or its agents, for underwriting purposes relating to the operation of commercial motor vehicles, may not use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment. Any insurance company or its agents, for underwriting purposes relating to the operation of noncommercial motor vehicles, may not use any information contained in the abstract relative to any person's operation of commercial motor vehicles. For the purposes of this subsection, "commercial motor vehicle" has the same meaning as in RCW 46.25.010(6).

(f) **Alcohol/drug assessment or treatment agencies.** An abstract of the full driving record maintained by the department (~~(covering the period of not more than the last five years)~~) may be furnished to an alcohol/drug assessment or treatment agency approved by the department of health to which the named individual has applied or been assigned for evaluation or treatment, for purposes of assisting employees in making a determination as to what level of treatment, if any, is appropriate, (~~(except that)~~) and the abstract must:

(i) Also include records of alcohol-related offenses, as defined in RCW 46.01.260(2) (~~(, covering a period of not more than the last ten years)~~); and

(ii) Indicate whether an alcohol-related offense was originally charged as a violation of either RCW 46.61.502 or 46.61.504.

(g) **Attorneys—City attorneys, county prosecuting attorneys, and named individual's attorney of record.** An abstract of the full driving record maintained by the department, including whether a recorded

violation is an alcohol-related offense, as defined in RCW 46.01.260(2), that was originally charged as a violation of either RCW 46.61.502 or 46.61.504, may be furnished to city attorneys, county prosecuting attorneys, or the named individual's attorney of record. City attorneys, county prosecuting attorneys, or the named individual's attorney of record may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment.

(h) **State colleges, universities, or agencies, or units of local government.** An abstract of the full driving record maintained by the department may be furnished to (i) state colleges, universities, or agencies for employment and risk management purposes or (ii) units of local government authorized to self-insure under RCW 48.62.031, or their agents, for employment and risk management purposes. "Unit of local government" includes an insurance pool established under RCW 48.62.031.

(i) **Superintendent of public instruction.** (i) An abstract of the full driving record maintained by the department may be furnished to the superintendent of public instruction for review of public school bus driver records. The superintendent or superintendent's designee may discuss information on the driving record with an authorized representative of the employing school district for employment and risk management purposes.

(ii) The superintendent of public instruction is exempt from paying the fees related to the reviewing of records and the fee required in subsection (5) of this section.

(j) **State and federal agencies.** An abstract of the driving record maintained by the department may be furnished to state and federal agencies, or their agents, in carrying out its functions.

(k) **Transportation network companies.** An abstract of the full driving record maintained by the department may be furnished to a transportation network company or its agents acting on its behalf of the named individual for purposes related to driving by the individual as a condition of being a contracted driver.

(l) **Research.** (i) The department may furnish driving record data to state agencies and bona fide scientific research organizations. The department may require review and approval by an institutional review board. For the purposes of this subsection, "research" means a planned and systematic sociological, psychological, epidemiological, biomedical, or other scientific investigation carried out by a state agency, or by a scientific research professional associated with a bona fide scientific research organization with an objective to contribute to scientific knowledge, the solution of social and health problems, or the evaluation of public benefit and service programs. This definition excludes methods of record analysis and data collection that are subjective, do not permit replication, and

are not designed to yield reliable and valid results.

(ii) The state agency, or a scientific research professional associated with a bona fide scientific research organization, are exempt from paying the fees related to the reviewing of records and the fee required in subsection (5) of this section. However, the department may charge a cost-recovery fee for the actual cost of providing the data.

(3) **Reviewing of driving records.** (a) In addition to the methods described herein, the director may enter into a contractual agreement for the purpose of reviewing the driving records of existing employees for changes to the record during specified periods of time. The department shall establish a fee for this service, which must be deposited in the highway safety fund. The fee for this service must be set at a level that does not result in a net revenue loss to the state. Any information provided under this subsection must be treated in the same manner and is subject to the same restrictions as driving record abstracts.

(b) The department may provide reviewing services to the following entities:

(i) Employers for existing employees, or their agents;

(ii) Transit authorities for current vanpool drivers, or their agents;

(iii) Insurance carriers for current policyholders, or their agents;

(iv) State colleges, universities, or agencies, or units of local government, or their agents;

(v) The office of the superintendent of public instruction for school bus drivers statewide; and

(vi) Transportation network companies, or their agents.

(4) **Release to third parties prohibited.**

(a) Any person or entity receiving an abstract of a person's driving record under subsection (2)(b) through (1) of this section shall use the abstract exclusively for his, her, or its own purposes or as otherwise expressly permitted under this section, and shall not divulge any information contained in the abstract to a third party.

(b) The following release of records to third parties are hereby authorized:

(i) Employers may divulge driving records to regulatory bodies, as defined by the department by rule, such as the United States department of transportation and the federal motor carrier safety administration.

(ii) Employers may divulge a three-year driving record to their insurance carrier for underwriting purposes.

(iii) Employers may divulge driving records to contracted motor carrier consultants for the purposes of ensuring driver compliance and risk management.

(5) **Fees.** (a) The director shall collect a \$15 fee for each abstract of a person's driving record furnished by the department. After depositing \$2 of the driver's abstract fee in the move ahead WA flexible account created in RCW 46.68.520, the remainder shall be distributed as follows:

(i) Fifty percent must be deposited in the highway safety fund; and

(ii) Fifty percent must be deposited according to RCW 46.68.038.

(b) Beginning July 1, 2029, the director shall collect an additional \$2 fee for each abstract of a person's driving record furnished by the department. The \$2 additional driver's abstract fee must be deposited in the move ahead WA flexible account created in RCW 46.68.520.

(c) City attorneys and county prosecuting attorneys are exempt from paying the fees specified in (a) and (b) of this subsection for an abstract of a person's driving record furnished by the department for use in criminal proceedings.

(6) **Violation.** (a) Any negligent violation of this section is a gross misdemeanor.

(b) Any intentional violation of this section is a class C felony.

(7) Effective July 1, 2019, the contents of a driving abstract pursuant to this section shall not include any information related to sealed juvenile records unless that information is required by federal law or regulation.

**Sec. 31.** RCW 46.61.502 and 2022 c 16 s 40 are each amended to read as follows:

(1) A person is guilty of driving while under the influence of intoxicating liquor, cannabis, or any drug if the person drives a vehicle within this state:

(a) And the person has, within two hours after driving, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) The person has, within two hours after driving, a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) While the person is under the influence of or affected by intoxicating liquor, cannabis, or any drug; or

(d) While the person is under the combined influence of or affected by intoxicating liquor, cannabis, and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state shall not constitute a defense against a charge of violating this section.

(3)(a) It is an affirmative defense to a violation of subsection (1)(a) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(b) It is an affirmative defense to a violation of subsection (1)(b) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of cannabis after the time of driving and before the administration of an analysis of the person's blood to cause the defendant's THC concentration to be 5.00 or more within

two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4)(a) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(c) or (d) of this section.

(b) Analyses of blood samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had a THC concentration of 5.00 or more in violation of subsection (1)(b) of this section, and in any case in which the analysis shows a THC concentration above 0.00 may be used as evidence that a person was under the influence of or affected by cannabis in violation of subsection (1)(c) or (d) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class B felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if:

(a) The person has three or more prior offenses within ~~((ten))~~ 15 years as defined in RCW 46.61.5055; or

(b) The person has ever previously been convicted of:

(i) Vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a);

(ii) Vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b);

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of this subsection (6) or RCW 46.61.504(6).

**Sec. 32.** RCW 46.61.5055 and 2020 c 330 s 15 are each amended to read as follows:

(1) **No prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ~~((twenty-four))~~ 24 consecutive hours nor more than ~~((three hundred sixty-four))~~ 364 days. In lieu of the mandatory minimum term of imprisonment required under this subsection

(1)(a)(i), the court, in its discretion, may order not less than ~~((fifteen))~~ 15 days of electronic home monitoring or a ~~((ninety-day))~~ 90-day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than ~~((three hundred fifty dollars))~~ \$350 nor more than ~~((five thousand dollars))~~ \$5,000. ~~((Three hundred fifty dollars))~~ \$350 of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ~~((forty-eight))~~ 48 consecutive hours nor more than ~~((three hundred sixty-four))~~ 364 days.

In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court, in its discretion, may order not less than ~~((thirty))~~ 30 days of electronic home monitoring or a ~~((one hundred twenty day))~~ 120-day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program testing as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than ~~((five hundred dollars))~~ \$500 nor more than ~~((five thousand dollars))~~ \$5,000. ~~((Five hundred dollars))~~ \$500 of the fine may not be suspended unless the court finds the offender to be indigent.

(2) **One prior offense in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ~~((thirty))30~~ days nor more than ~~((three hundred sixty-four))364~~ days and ~~((sixty))60~~ days of electronic home monitoring. Thirty days of imprisonment and ~~((sixty))60~~ days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory term of imprisonment and electronic home monitoring under this subsection (2)(a)(i), the court may order a minimum of either ~~((one hundred eighty))180~~ days of electronic home monitoring or a ~~((one hundred twenty-day))120-day~~ period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than ~~((five hundred dollars))\$500~~ nor more than ~~((five thousand dollars))\$5,000~~. ~~((Five hundred dollars))\$500~~ of the fine may not be suspended unless the court finds the offender to be indigent; or

**(b) Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ~~((forty-five))45~~ days nor more than ~~((three hundred sixty-four))364~~ days and ~~((ninety))90~~ days of electronic home monitoring. Forty-five days of imprisonment and ~~((ninety))90~~ days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of imprisonment and electronic home monitoring under this subsection (2)(b)(i), the court may order a

minimum of either six months of electronic home monitoring or a ~~((one hundred twenty-day))120-day~~ period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than ~~((seven hundred fifty dollars))\$750~~ nor more than ~~((five thousand dollars))\$5,000~~. ~~((Seven hundred fifty dollars))\$750~~ of the fine may not be suspended unless the court finds the offender to be indigent.

**(3) Two prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two prior offenses within seven years shall be punished as follows:

**(a) Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ~~((ninety))90~~ days nor more than ~~((three hundred sixty-four))364~~ days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and ~~((one hundred twenty))120~~ days of electronic home monitoring. Ninety days of imprisonment and ~~((one hundred twenty))120~~ days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of ~~((ninety))90~~ days of imprisonment and ~~((one hundred twenty))120~~ days of electronic home monitoring, the court may order ~~((three hundred sixty))360~~ days of electronic home monitoring or a ~~((three hundred sixty-day))360-day~~ period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason



for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than ~~((one thousand dollars))~~ \$1,000 nor more than ~~((five thousand dollars))~~ \$5,000. ~~((One thousand dollars))~~ \$1,000 of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ~~((one hundred twenty))~~ 120 days nor more than ~~((three hundred sixty-four))~~ 364 days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and ~~((one hundred fifty))~~ 150 days of electronic home monitoring. One hundred twenty days of imprisonment and ~~((one hundred fifty))~~ 150 days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of ~~((one hundred twenty))~~ 120 days of imprisonment and ~~((one hundred fifty))~~ 150 days of electronic home monitoring, the court may order ~~((three hundred sixty))~~ 360 days of electronic home monitoring or a ~~((three hundred sixty-day))~~ 360-day period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The offender shall pay for the cost of the electronic monitoring. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may

consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than ~~((one thousand five hundred dollars))~~ \$1,500 nor more than ~~((five thousand dollars))~~ \$5,000. ~~((One thousand five hundred))~~ \$1,500 dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(4) **Three or more prior offenses in ~~((ten))~~ 15 years.** A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has three or more prior offenses within ~~((ten))~~ 15 years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5) **Monitoring.** (a) **Ignition interlock device.** The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) **Monitoring devices.** If the court orders that a person refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(c) **24/7 sobriety program monitoring.** In any county or city where a 24/7 sobriety program is available and verified by the Washington association of sheriffs and police chiefs, the court shall:

(i) Order the person to install and use a functioning ignition interlock or other device in lieu of such period of 24/7 sobriety program monitoring;

(ii) Order the person to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section; or

(iii) Order the person to install and use a functioning ignition interlock or other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

(6) **Penalty for having a minor passenger in vehicle.** If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while one or more passengers under the age of ~~((sixteen))~~ 16 were in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional ~~((twelve))~~ 12 months for each passenger under the age of ~~((sixteen))~~ 16 when the person is subject to the penalties under subsection (1)(a), (2)(a), or (3)(a) of this section; and order the use of an ignition interlock device for an additional ~~((eighteen))~~ 18 months for each passenger under the age of ~~((sixteen))~~ 16 when the person is subject to the penalties under subsection (1)(b), (2)(b), (3)(b), or (4) of this section;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ~~((twenty-four))~~ 24 hours of imprisonment to be served consecutively for each passenger under the age of ~~((sixteen))~~ 16, and a fine of not less than ~~((one thousand dollars))~~ \$1,000 and not more than ~~((five thousand dollars))~~ \$5,000 for each passenger under the age of ~~((sixteen))~~ 16. ~~((One thousand dollars))~~ \$1,000 of the fine for each passenger under the age of ~~((sixteen))~~ 16 may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment to be served consecutively for each passenger under the age of ~~((sixteen))~~ 16, and a fine of not less than ~~((two thousand dollars))~~ \$2,000 and not more than ~~((five thousand dollars))~~ \$5,000 for each passenger under the age of ~~((sixteen))~~ 16. One thousand dollars of the fine for each passenger under the age of ~~((sixteen))~~ 16 may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment to be served consecutively for each passenger under the age of ~~((sixteen))~~ 16, and a fine of not less than ~~((three thousand dollars))~~ \$3,000 and not more than ~~((ten thousand dollars))~~ \$10,000 for each passenger under the age of ~~((sixteen))~~ 16. ~~((One thousand dollars))~~ \$1,000 of the fine for each passenger under the age of ~~((sixteen))~~ 16 may not be suspended unless the court finds the offender to be indigent.

**(7) Other items courts must consider while setting penalties.** In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property;

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of ~~((forty-five))~~ 45 miles per hour or greater; and

(d) Whether a child passenger under the age of ~~((sixteen))~~ 16 was an occupant in the driver's vehicle.

**(8) Treatment and information school.** An offender punishable under this section is subject to the substance use disorder assessment and treatment provisions of RCW 46.61.5056.

**(9) Driver's license privileges of the defendant.** (a) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(i) **Penalty for alcohol concentration less than 0.15.** If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(A) Where there has been no prior offense within seven years, be suspended or denied by the department for ~~((ninety))~~ 90 days or until the person is evaluated by a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a ~~((ninety-day))~~ 90-day period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for fewer than two days;

(B) Where there has been one prior offense within seven years, be revoked or denied by the department for two years or until the person is evaluated by a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a six-month period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for less than one year; or

(C) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(ii) **Penalty for alcohol concentration at least 0.15.** If the person's alcohol concentration was at least 0.15:

(A) Where there has been no prior offense within seven years, be revoked or denied by the department for one year or until the person is evaluated by a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a one hundred twenty day period of 24/7 sobriety program monitoring. In no circumstances shall the license revocation be for fewer than four days;

(B) Where there has been one prior offense within seven years, be revoked or denied by the department for ~~((nine hundred))~~ 900 days; or

(C) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(iii) **Penalty for refusing to take test.** If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(A) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(B) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(C) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

(b) (i) The department shall grant credit on a day-for-day basis for a suspension, revocation, or denial imposed under this subsection (9) for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 arising out of the same incident.

(ii) If a person has already served a suspension, revocation, or denial under RCW 46.20.3101 for a period equal to or greater than the period imposed under this subsection (9), the department shall provide notice of full credit, shall provide for no further suspension or revocation under this subsection provided the person has completed the requirements under RCW 46.20.311 and paid the probationary license fee under RCW 46.20.355 by the date specified in the notice under RCW 46.20.245, and shall impose no additional reissue fees for this credit.

(c) Upon receipt of a notice from the court under RCW 36.28A.390 that a participant has been removed from a 24/7 sobriety program, the department must resume any suspension, revocation, or denial that had been terminated early under this subsection due to participation in the program, granting credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 or this section arising out of the same incident.

(d) Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

(e) For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(10) **Probation of driving privilege.** After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(11) **Conditions of probation.** (a) In addition to any nonsuspendable and nondeferable jail sentence required by this section, whenever the court imposes up to ~~((three hundred sixty-four))~~ 364 days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle

within this state without a valid license to drive; (ii) not driving a motor vehicle within this state without proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (iii) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug; and (v) not driving a motor vehicle in this state without a functioning ignition interlock device as required by the department under RCW 46.20.720. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, substance use disorder treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a) (i), (ii), (iii), (iv), or (v) of this subsection, the court shall order the convicted person to be confined for ~~((thirty))~~ 30 days, which shall not be suspended or deferred.

(c) ~~((For))~~ (i) Except as provided in (c) (ii) of this subsection, for each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for ~~((thirty))~~ 30 days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by ~~((thirty))~~ 30 days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection. The person may apply for an ignition interlock driver's license under RCW 46.20.385 during the suspension period.

(ii) For each incident involving a violation of RCW 46.20.342(1)(c), the court has discretion not to impose a suspension when the person provides the court with proof that the violation has been cured within 30 days. The court is not required to notify the department of the violation unless it is not cured within 30 days.

(12) **Waiver of electronic home monitoring.** A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is

reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed (~~three hundred sixty-four~~) 364 days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed (~~three hundred sixty-four~~) 364 days.

(13) **Extraordinary medical placement.** An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(1) (c).

(14) **Definitions.** For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.25.110 or an equivalent local ordinance;

(iv) A conviction for a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(v) A conviction for a violation of RCW 79A.60.040(1) or an equivalent local ordinance committed in a reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(vi) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed while under the influence of intoxicating liquor or any drug;

(vii) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed in a careless or reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 47.68.220 or an equivalent local ordinance while under the influence of intoxicating liquor or any drug;

(viii) A conviction for a violation of RCW 46.09.470(2) or an equivalent local ordinance;

(ix) A conviction for a violation of RCW 46.10.490(2) or an equivalent local ordinance;

(x) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(xi) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(xii) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.522;

(xiii) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (x), (xi), or (xii) of this subsection if committed in this state;

(xiv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;

(xv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xvi) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while under the influence of intoxicating liquor or any drug if the out-of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

(xvii) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means substance use disorder treatment licensed or certified by the department of health;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(d) "Within ~~((ten))~~15 years" means that the arrest for a prior offense occurred within ~~((ten))~~15 years before or after the arrest for the current offense.

(15) All fines imposed by this section apply to adult offenders only.

**Sec. 33.** RCW 46.61.504 and 2022 c 16 s 42 are each amended to read as follows:

(1) A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state:

(a) And the person has, within two hours after being in actual physical control of the vehicle, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) The person has, within two hours after being in actual physical control of a vehicle, a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(d) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state does not constitute a defense against any charge of violating this section. No person may be convicted under this section and it is an affirmative defense to any action pursuant to RCW 46.20.308 to suspend, revoke, or deny the privilege to drive if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.

(3)(a) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after being in such control. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(b) It is an affirmative defense to a violation of subsection (1)(b) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of cannabis after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's blood to cause the defendant's THC

concentration to be 5.00 or more within two hours after being in control of the vehicle. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4)(a) Analyses of blood or breath samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in such control, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(c) or (d) of this section.

(b) Analyses of blood samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in control of the vehicle, a person had a THC concentration of 5.00 or more in violation of subsection (1)(b) of this section, and in any case in which the analysis shows a THC concentration above 0.00 may be used as evidence that a person was under the influence of or affected by cannabis in violation of subsection (1)(c) or (d) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class C felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if:

(a) The person has three or more prior offenses within ~~((ten))~~15 years as defined in RCW 46.61.5055; or

(b) The person has ever previously been convicted of:

(i) Vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a);

(ii) Vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b);

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of this subsection (6) or RCW 46.61.502(6).

**NEW SECTION. Sec. 34.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 35.** This act takes effect February 1, 2024."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "criminal justice system reforms involving impaired driving and deferred prosecutions; amending RCW 9.94A.030, 9.94A.190, 9.94A.501, 9.94A.505, 9.94A.525, 9.94A.633, 9.94A.6332, 9.94A.660, 9.94A.701, 10.05.010, 10.05.015, 10.05.020, 10.05.030, 10.05.040, 10.05.050, 10.05.060,

10.05.090, 10.05.100, 10.05.120, 10.05.140,  
 10.05.150, 10.05.155, 10.05.170, 46.20.355,  
 46.20.385, 46.20.720, 46.20.740, 46.52.130,  
 46.61.502, 46.61.5055, and 46.61.504; adding  
 a new section to chapter 9.94A RCW; adding a  
 new section to chapter 10.05 RCW; providing  
 an effective date; and prescribing  
 penalties."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1493 and asked the Senate to recede therefrom.

The Speaker assumed the chair.

#### SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1042  
 SUBSTITUTE HOUSE BILL NO. 1043  
 SUBSTITUTE HOUSE BILL NO. 1047  
 SUBSTITUTE HOUSE BILL NO. 1074  
 HOUSE BILL NO. 1112  
 SUBSTITUTE HOUSE BILL NO. 1117  
 SUBSTITUTE HOUSE BILL NO. 1138  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1155  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1173  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1187  
 HOUSE BILL NO. 1199  
 SUBSTITUTE HOUSE BILL NO. 1200  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1216  
 SUBSTITUTE HOUSE BILL NO. 1217  
 HOUSE BILL NO. 1243  
 SUBSTITUTE HOUSE BILL NO. 1271  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1293  
 SECOND SUBSTITUTE HOUSE BILL NO. 1316  
 HOUSE BILL NO. 1317  
 ENGROSSED HOUSE BILL NO. 1337  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1340  
 HOUSE BILL NO. 1345  
 HOUSE BILL NO. 1349  
 SECOND SUBSTITUTE HOUSE BILL NO. 1390  
 SUBSTITUTE HOUSE BILL NO. 1460  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1498  
 HOUSE BILL NO. 1599  
 ENGROSSED HOUSE BILL NO. 1636  
 SECOND SUBSTITUTE HOUSE BILL NO. 1639  
 ENGROSSED HOUSE BILL NO. 1663  
 SUBSTITUTE HOUSE BILL NO. 1683  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1736  
 HOUSE BILL NO. 1771  
 HOUSE BILL NO. 1775  
 HOUSE BILL NO. 1777  
 SUBSTITUTE HOUSE BILL NO. 1779  
 ENGROSSED HOUSE BILL NO. 1782  
 SUBSTITUTE HOUSE BILL NO. 1783  
 SUBSTITUTE HOUSE BILL NO. 1804  
 SENATE BILL NO. 5058  
 SUBSTITUTE SENATE BILL NO. 5114  
 SENATE BILL NO. 5323  
 SENATE BILL NO. 5330  
 SUBSTITUTE SENATE BILL NO. 5358  
 SENATE BILL NO. 5392  
 SENATE BILL NO. 5606  
 SUBSTITUTE SENATE BILL NO. 5687  
 SENATE JOINT MEMORIAL NO. 8001

The Speaker called upon Representative Bronoske to preside.

There being no objection, the House adjourned until 10:30 a.m., Tuesday, April 18, 2023, the 100th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## ONE HUNDREDTH DAY

House Chamber, Olympia, Tuesday, April 18, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jaycee Shumate and Brady Gough. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Peter Voorhees, City Chapel of Bremerton.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4647**, by Representative Rule

WHEREAS, The Squalicum High School Girls Varsity Wrestling Team has had an outstanding season to win the state wrestling championship in the WA Class 2A; and

WHEREAS, The team has demonstrated commitment, perseverance, excellence, and teamwork, which are essential qualities to achieve the highest levels of success; and

WHEREAS, Educationally based athletics are proven to positively impact attendance, grades, leadership skills, and mental health;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state House of Representatives hereby congratulate the Squalicum High School Girls Varsity Wrestling Team for their outstanding achievements and extend its warmest appreciation to the players, coaches, support staff, and families who have contributed to the success of the team; and

BE IT FURTHER RESOLVED, That the Washington state House of Representatives recognize the successes and accomplishments of the Squalicum High School Girls Varsity Wrestling Team as a source of pride and inspiration for the entire school community; and

BE IT FURTHER RESOLVED, That the Washington state House of Representatives commend the team for their excellent performance, sportsmanship, and leadership, and for representing their school and community with distinction and honor; wish the team continued success; and look forward to their future accomplishments both on and off the mat.

There being no objection, HOUSE RESOLUTION NO. 4647 was adopted.

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4648**, by Representative Rule

WHEREAS, The Lynden Christian High School Boys Varsity Basketball Team has had an outstanding season to win their second consecutive state basketball championship in the WA Class 1A; and

WHEREAS, The Lyncs have won eight state basketball championships; and

WHEREAS, The team has, for the first time ever, won back-to-back titles; and

WHEREAS, The team demonstrated enormous resilience coming back from a 16-point deficit in the championship game; and

WHEREAS, The team had a combined win-loss record of 25 wins and two losses last season; and

WHEREAS, The team has demonstrated commitment, perseverance, excellence, and teamwork, which are essential qualities to achieve the highest levels of success; and

WHEREAS, Educationally based athletics are proven to positively impact attendance, grades, leadership skills, and mental health;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives hereby congratulate the Lynden Christian High School Boys Varsity Basketball Team for their outstanding achievements and extend its warmest appreciation to the players, coaches, support staff, and families who have contributed to the success of the team; and

BE IT FURTHER RESOLVED, That the Washington State House of Representatives recognize the successes and accomplishments of the Lynden Christian High School Boys Varsity Basketball Team as a source of pride and inspiration for the entire school community; and

BE IT FURTHER RESOLVED, That the Washington State House of Representatives commend the team for their excellent performance, sportsmanship, and leadership, and for representing their school and community with distinction and honor, and wish the team continued success and look forward to their future accomplishments both on and off the court.

There being no objection, HOUSE RESOLUTION NO. 4648 was adopted.

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4649**, by Representative Rule

WHEREAS, The Lynden High School Boys Varsity Basketball Team has had an outstanding season to win their second consecutive state basketball championship in the WIAA Class 2A; and

WHEREAS, The Lions have won 12 state basketball championships; and

WHEREAS, The Lions have won four of the last five 2A state championships; and

WHEREAS, The team has a combined win-loss record of 20 wins and four losses over the last season; and

WHEREAS, The team is coached by Coach of the Year Brian Roper; and

WHEREAS, The team features two time 2A tournament MVP Anthony Canales; and

WHEREAS, The team has demonstrated commitment, perseverance, excellence, and teamwork, which are essential qualities to achieve the highest levels of success; and

WHEREAS, Educationally-based athletics are proven to positively impact attendance, grades, leadership skills, and mental health;

NOW, THEREFORE, BE IT RESOLVED, That the Washington House of Representatives hereby congratulate the Lynden High School Boys Varsity Basketball Team for their outstanding achievements and extend its warmest appreciation to the players, coaches, support staff, and families who have contributed to the success of the team; and

BE IT FURTHER RESOLVED, That the Washington House of Representatives recognize the successes and accomplishments of the Lynden High School Boys Varsity Basketball Team as a source of pride and inspiration for the entire school community; and

BE IT FURTHER RESOLVED, That the Washington House of Representatives commend the team for their excellent performance, sportsmanship, and leadership, and for representing their school and community with distinction and honor; and wish the team continued success and look forward to their future accomplishments both on and off the court.

There being no objection, HOUSE RESOLUTION NO. 4649 was adopted.

There being no objection, the House advanced to the third order of business.

**MESSAGE FROM THE SENATE**

Monday, April 17, 2023

Mme. Speaker:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

- SUBSTITUTE SENATE BILL NO. 5256
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5278
- SENATE BILL NO. 5282

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1238, with the following amendment(s): 1238-S2.E AMS ENGR S3007.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes that adequate childhood nutrition is indispensable for proper intellectual, academic, and social development. However, many Washington families continue to face economic and other challenges that impact students' ability to consistently access nutritional meals that support their growth and well-being.

(2) The legislature has acknowledged the widespread but often concealed harms of childhood hunger by enacting legislation in recent years to address this issue. For example, in 2018, the legislature established a breakfast after the bell program in high-needs schools, in 2021, the legislature eliminated lunch copays for qualifying students, and in 2022, the legislature expanded school participation in the federal community eligibility provision, a program that provides no-charge meals for all students at participating schools.

(3) These efforts and others have significantly increased student access to meals provided without charge, but the problems of food insecurity, with its lasting physiological and psychological harms, remain a reality for too many families, too many schools, and too many children.

(4) The legislature recognizes also that the myriad difficulties of the COVID-19 pandemic uniquely impacted school districts and food delivery systems. While the challenges of responding to the unprecedented disruptions of a global pandemic continue to reverberate in public schools, school districts, through hard work, federal approvals, and appropriate financial supports, successfully demonstrated their ability to provide meals without charge to all requesting students. However, federal provisions permitting meals to be served at no charge to all students during the school year have expired, so the task of broadly responding to student meal needs has returned to the states.

(5) Although childhood hunger persists, the legislature recognizes that the state and school districts have the needed infrastructure and ability to respond to the issue, including the potential to access or leverage federal funds that may become available for school meal programs. The legislature, therefore, intends to continue its multiyear effort to eliminate hunger and food insecurity within public schools by expanding the provision of meals without charge to the state's youngest K-12 students.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.235 RCW to read as follows:

(1)(a) In accordance with (b) and (c) of this subsection, beginning with the 2023-24 school year, each school district shall provide breakfast and lunch each school day to any student who requests a breakfast, lunch, or both. The school district must provide the meals at no charge to the student and without consideration of the student's eligibility for a federally reimbursed free or reduced-price meal. Meals provided under this section must be nutritiously adequate and qualify for federal reimbursement under the school lunch program or

- SENATE BILL NO. 5283
- SENATE BILL NO. 5287
- SECOND SUBSTITUTE SENATE BILL NO. 5290
- SUBSTITUTE SENATE BILL NO. 5300
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5301
- SUBSTITUTE SENATE BILL NO. 5317
- SENATE BILL NO. 5324
- ENGROSSED SENATE BILL NO. 5352
- ENGROSSED SENATE BILL NO. 5355
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5365
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5367
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5371
- SUBSTITUTE SENATE BILL NO. 5386

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the seventh order of business.

**THIRD READING**

**MESSAGE FROM THE SENATE**

Tuesday, April 11, 2023



the school breakfast program, and students are not eligible for more than one meal in a meal service period.

(b) The requirements in (a) of this subsection apply to public schools in which:

(i) Educational services are provided to students in any of the grades of kindergarten through four; and

(ii) 30 percent or more of the enrolled students meet federal eligibility requirements for free or reduced-price lunches.

(c) The obligation to provide breakfast and lunch to students under this subsection (1):

(i) Begins in the 2023-24 school year for schools in which 40 percent or more of the enrolled students meet federal eligibility requirements for free or reduced-price lunches;

(ii) Begins in the 2024-25 school year for schools in which the percentage of enrolled students that meet federal eligibility requirements for free or reduced-price lunches is at least 30 percent and less than 40 percent; and

(iii) Does not apply to schools participating in the United States department of agriculture's community eligibility provision under RCW 28A.235.300 that have not completed the duration of the provision's four-year cycle.

(2) The office of the superintendent of public instruction shall reimburse school districts, subject to the requirements of subsection (1) of this section, on a per meal reimbursement basis for meals that are not already reimbursed at the United States department of agriculture's free rate. The additional state reimbursement amount must be the difference between the United States department of agriculture's free rate and the United States department of agriculture's paid rate.

(3) School districts, in accordance with RCW 28A.235.160, may be exempted from the requirements of this section.

(4) To maximize federal funding, school districts must continue collecting free and reduced-price meal eligibility applications where applicable and run direct certification at least monthly in accordance with RCW 28A.235.280. School districts shall also annually monitor data for eligibility in the United States department of agriculture community eligibility provision and apply where eligible as required in RCW 28A.235.300.

(5) For the purposes of this section, the following definitions apply:

(a) "Public school" has the same meaning as in RCW 28A.150.010.

(b) "School breakfast program" has the same meaning as in RCW 28A.235.160.

(c) "School lunch program" has the same meaning as in RCW 28A.235.160.

(6) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020, and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools established under chapter 28A.715 RCW to the same extent as it applies to school districts.

(7) The requirements in this section shall lapse if the federal reimbursement for any school breakfasts or lunches is eliminated.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.235 RCW to read as follows:

Public schools, as defined in RCW 28A.150.010, providing school meals to students are encouraged to buy Washington produced food whenever practicable and cost is comparable to non-Washington produced food.

**Sec. 4.** RCW 28A.235.160 and 2021 c 74 s 2 are each reenacted and amended to read as follows:

(1) For the purposes of this section:

(a) "Free or reduced-price lunch" means a lunch served by a school district participating in the national school lunch program to a student qualifying for national school lunch program benefits based on family size-income criteria.

(b) "Lunch copay" means the amount a student who qualifies for a reduced-price lunch is charged for a reduced-price lunch.

(c) "School breakfast program" means a program meeting federal requirements defined in 42 U.S.C. Sec. 1773.

(d) "School lunch program" means a meal program meeting the requirements defined (~~by the superintendent of public instruction under subsection (2)(b) of this section~~) in Title 42 U.S.C. Sec. 1751 et seq.

(e) "Severe-need school" means a school that qualifies for a severe-need school reimbursement rate from federal funds for school breakfasts served to children from low-income families.

(f) "Summer food service program" means a meal or snack program meeting the requirements defined by the superintendent of public instruction under subsection (4) of this section.

(2) School districts shall implement a school lunch program in each public school in the district in which educational services are provided to children in any of the grades of kindergarten through four and in which ~~((twenty-five))~~ 25 percent or more of the enrolled students qualify for a free or reduced-price lunch. In accordance with section 2 of this act, school districts shall provide meals at no charge to all requesting students at public schools that meet the criteria established in section 2(1)(b) and (c) of this act. In developing and implementing its school lunch program and school breakfast program, each school district may consult with an advisory committee including school staff, community members, and others appointed by the board of directors of the district.

~~((a) Applications to determine free or reduced-price lunch eligibility shall be distributed and collected for all households of children in schools containing any of the~~

~~grades kindergarten through four and in which there are no United States department of agriculture child nutrition programs. The applications that are collected must be reviewed to determine eligibility for free or reduced-price lunches. Nothing in this section shall be construed to require completion or submission of the application by a parent or guardian.~~

~~(b) Using the most current available school data on free and reduced-price lunch eligibility, the superintendent of public instruction shall adopt a schedule for implementation of school lunch programs at each school required to offer such a program under subsection (2) of this section as follows:~~

~~(i) Schools not offering a school lunch program and in which twenty-five percent or more of the enrolled students are eligible for free or reduced-price lunch shall implement a school lunch program not later than the second day of school in the 2005-06 school year and in each school year thereafter.~~

~~(ii) The superintendent shall establish minimum standards defining the lunch meals to be served, and such standards must be sufficient to qualify the meals for any available federal reimbursement.~~

~~(iii) Nothing in this section shall be interpreted to prevent a school from implementing a school lunch program earlier than the school is required to do so.)~~

~~(3) To the extent funds are appropriated for this purpose, each school district shall implement a school breakfast program in each school where more than ((forty))40 percent of students eligible to participate in the school lunch program qualify for free or reduced-price meal reimbursement ((by the school year 2005-06)). Beginning in the 2023-24 school year and in accordance with section 2 of this act, school districts shall implement a breakfast program in each school providing meals at no charge to students. For the second year before the implementation of the district's school breakfast program, and for each subsequent school year, each school district shall submit data enabling the superintendent of public instruction to determine which schools within the district will qualify for this requirement. Schools where lunch programs start after the 2003-04 school year, where ((forty))30 percent of students qualify for free or reduced-price meals, must begin school breakfast programs the second year following the start of a lunch program.~~

~~(4) Each school district shall implement a summer food service program in each public school in the district in which a summer program of academic, enrichment, or remedial services is provided and in which 50 percent or more of the children enrolled in the school ((qualify))meet federal eligibility requirements for free or reduced-price lunch. However, the superintendent of public instruction shall develop rules establishing criteria to permit an exemption for a school that can demonstrate availability of an adequate alternative summer feeding program. Sites providing meals should be open to all children in the area, unless a compelling case can be made to limit access to the program. The superintendent of public instruction shall adopt a definition of compelling case and a schedule for implementation as follows:~~

~~(a) Beginning the summer of 2005 if the school currently offers a school breakfast or lunch program; or~~

~~(b) Beginning the summer following the school year during which a school implements a school lunch program under ((subsection (2)(b) of)) this section.~~

~~(5) Schools not offering a breakfast or lunch program may meet the meal service requirements of subsections (2)((-b-)) and (4) of this section through any of the following:~~

~~(a) Preparing the meals on-site;~~

~~(b) Receiving the meals from another school that participates in a United States department of agriculture child nutrition program; or~~

~~(c) Contracting with a nonschool entity that is a licensed food service establishment under RCW 69.07.010.~~

~~(6) Requirements that school districts have a school lunch, breakfast, or summer nutrition program under this section shall not create or imply any state funding obligation for these costs. The legislature does not intend to include these programs within the state's obligation for basic education funding under Article IX of the state Constitution.~~

~~(7) Beginning in the 2021-22 school year, school districts with school lunch programs must eliminate lunch copays for students in prekindergarten through 12th grade who qualify for reduced-price lunches, and the superintendent of public instruction must allocate funding for this purpose.~~

~~(8) The requirements in this section shall lapse if the federal reimbursement for any school breakfasts, lunches, or summer food service programs is eliminated.~~

~~(9) School districts may be exempted from the requirements of this section and section 2 of this act by showing good cause why they cannot comply with the office of the superintendent of public instruction to the extent that such exemption is not in conflict with federal or state law. The process and criteria by which school districts ((are))may be exempted shall be developed by rule and revised if necessary by the office of the superintendent of public instruction in consultation with representatives of school directors, school food service, community-based organizations, and ((the Washington state PTA))a state organization of parents and teachers.~~

**Sec. 5.** RCW 28A.150.260 and 2022 c 109 s 3 are each amended to read as follows:

The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.

(2)(a) The distribution formula under this section shall be for allocation purposes only. Except as may be required under subsections (4)(b) and (c), (5)(b), and (9) of this section, chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(b) To promote transparency in state funding allocations, the superintendent of public instruction must report state per-pupil allocations for each school district for the general apportionment, special education, learning assistance, transitional bilingual, highly capable, and career and technical education programs. The superintendent must report this information in a user-friendly format on the main page of the office's website. School districts must include a link to the superintendent's per-pupil allocations report on the main page of the school district's website. In addition, the budget documents published by the legislature for the enacted omnibus operating appropriations act must report statewide average per-pupil allocations for general apportionment and the categorical programs listed in this subsection.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has (~~six hundred~~) 600 average annual full-time equivalent students in grades nine through (~~twelve~~) 12;

(ii) A prototypical middle school has (~~four hundred thirty-two~~) 432 average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has (~~four hundred~~) 400 average annual full-time equivalent students in grades kindergarten through six.

(4)(a)(i) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on the following general education average class size of full-time equivalent students per teacher:

	General education average class size
Grades K-3. . . . .	17.00
Grade 4. . . . .	27.00
Grades 5-6. . . . .	27.00
Grades 7-8. . . . .	28.53
Grades 9-12. . . . .	28.74

(ii) The minimum class size allocation for each prototypical high school shall also provide for enhanced funding for class size reduction for two laboratory science classes within grades nine through (~~twelve~~) 12 per full-time equivalent high school student multiplied by a laboratory science course factor of 0.0833, based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours in RCW 28A.150.220, and providing at least one teacher planning period per school day:

	Laboratory science average class size
Grades 9-12. . . . .	19.98

(b)(i) Beginning September 1, 2019, funding for average K-3 class sizes in this subsection (4) may be provided only to the extent of, and proportionate to, the school district's demonstrated actual class size in grades K-3, up to the funded class sizes.

(ii) The office of the superintendent of public instruction shall develop rules to implement this subsection (4)(b).

(c)(i) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

	Career and technical education average class size
Approved career and technical education offered at the middle school and high school level. . . . .	23.00
Skill center programs meeting the standards established by the office of the superintendent of public instruction. . . . .	19.00

(ii) Funding allocated under this subsection (4)(c) is subject to RCW 28A.150.265.

(d) In addition, the omnibus appropriations act shall at a minimum specify:

(i) A high-poverty average class size in schools where more than (~~fifty~~)50 percent of the students are eligible for free and reduced-price meals; and

(ii) A specialty average class size for advanced placement and international baccalaureate courses.

(5)(a) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:

	Elementa ry School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators. . . . .	1.253	1.353	1.880
Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs. . . . .	0.663	0.519	0.523
Teaching assistance, including any aspect of educational instructional services provided by classified employees. . . . .	0.936	0.700	0.652
Office support and other noninstructional aides. . . . .	2.012	2.325	3.269
Custodians. . . . .	1.657	1.942	2.965
Nurses. . . . .	0.246	0.336	0.339
Social workers. . . . .	0.132	0.033	0.052
Psychologists. . . . .	0.046	0.009	0.021
Counselors. . . . .	0.660	1.383	2.706
Classified staff providing student and staff safety	0.079	0.092	0.141
Parent involvement coordinators. . . . .	0.0825	0.00	0.00

(b)(i) The superintendent may only allocate funding, up to the combined minimum allocations, for nurses, social workers, psychologists, counselors, classified staff providing student and staff safety, and parent involvement coordinators under (a) and (c) of this subsection to the extent of and proportionate to a school district's demonstrated actual ratios of: Full-time equivalent physical, social, and emotional support staff to full-time equivalent students.

(ii) The superintendent must adopt rules to implement this subsection (5)(b) and the rules must require school districts to prioritize funding allocated as required by (b)(i) of this subsection for physical, social, and emotional support staff who hold a valid educational staff associate certificate appropriate for the staff's role.

(iii) For the purposes of this subsection (5)(b), "physical, social, and emotional support staff" include nurses, social workers, psychologists, counselors, classified staff providing student and staff safety, parent involvement coordinators, and other school district employees and contractors who provide physical, social, and emotional support to students as defined by the superintendent.

(c) For the 2023-24 school year, in addition to the minimum allocation under (a) of this subsection, the following additional staffing units for each level of prototypical school will be provided:

	Elementa ry School	Middle School	High School
Nurses. . . . .	0.170	0.276	0.243
Social workers. . . . .	0.090	0.027	0.037
Psychologists. . . . .	0.029	0.007	0.014

Counselors. . . . . 0.167 0.167 0.176

(6) (a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

	Staff per 1,000 K-12 students
Technology. . . . .	0.628
Facilities, maintenance, and grounds. . . . .	1.813
Warehouse, laborers, and mechanics. . . . .	0.332

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4)(a) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

(8) (a) Except as provided in (b) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs as provided in the 2017-18 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

	Per annual average full-time equivalent student in grades K-12
Technology. . . . .	\$130.76
Utilities and insurance. . . . .	\$355.30
Curriculum and textbooks. . . . .	\$140.39
Other supplies . . . . .	\$278.05
Library materials. . . . .	\$20.00
Instructional professional development for certificated and classified staff. . . . .	\$21.71
Facilities maintenance. . . . .	\$176.01
Security and central office administration. . . . .	\$121.94

(b) In addition to the amounts provided in (a) of this subsection, beginning in the 2014-15 school year, the omnibus appropriations act shall provide the following minimum allocation for each annual average full-time equivalent student in grades nine through ~~((twelve))~~12 for the following materials, supplies, and operating costs, to be adjusted annually for inflation:

	Per annual average full-time equivalent student in grades 9-12
Technology. . . . .	\$36.35
Curriculum and textbooks. . . . .	\$39.02
Other supplies . . . . .	\$77.28
Library materials. . . . .	\$5.56
Instructional professional development for certificated and classified staff. . . . .	\$6.04

(9) In addition to the amounts provided in subsection (8) of this section and subject to RCW 28A.150.265, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:

(a) Exploratory career and technical education courses for students in grades seven through ~~((twelve))~~12;

(b) Preparatory career and technical education courses for students in grades nine through ~~((twelve))~~12 offered in a high school; and

(c) Preparatory career and technical education courses for students in grades ~~((eleven))~~11 and ~~((twelve))~~12 offered through a skill center.

(10) In addition to the allocations otherwise provided under this section, amounts shall be provided to support the following programs and services:

(a) (i) To provide supplemental instruction and services for students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the greater of either: The district percentage of students in kindergarten through grade ~~((twelve))~~12 who were eligible for free or reduced-price meals for the school year immediately preceding the district's participation, in whole or part, in the United States department of agriculture's community eligibility provision, or the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year. The minimum allocation for the program shall, except as provided in (a)(iii) of this subsection, provide for each level of prototypical school resources to provide, on a statewide average, 2.3975 hours per week in extra instruction with a class size of ~~((fifteen))~~15 learning assistance program students per teacher.

(ii) In addition to funding allocated under (a)(i) of this subsection, to provide supplemental instruction and services for students who are not meeting academic standards in

qualifying schools. A qualifying school, except as provided in (a)(iv) of this subsection, means a school in which the three-year rolling average of the prior year total annual average enrollment that qualifies for free or reduced-price meals equals or exceeds ((fifty))50 percent or more of its total annual average enrollment. A school continues to meet the definition of a qualifying school if the school: Participates in the United States department of agriculture's community eligibility provision; and met the definition of a qualifying school in the year immediately preceding their participation. The minimum allocation for this additional high poverty-based allocation must provide for each level of prototypical school resources to provide, on a statewide average, 1.1 hours per week in extra instruction with a class size of ((fifteen))15 learning assistance program students per teacher, under RCW 28A.165.055, school districts must distribute the high poverty-based allocation to the schools that generated the funding allocation.

(iii) For the 2024-25 and 2025-26 school years, allocations under (a)(i) of this subsection for school districts providing meals at no charge to students under section 2 of this act that are not participating, in whole or in part, in the United States department of agriculture's community eligibility provision shall be based on the school district percentage of students in grades K-12 who were eligible for free or reduced-price meals in school years 2019-20 through 2022-23 or the prior school year, whichever is greatest.

(iv) For the 2024-25 and 2025-26 school years, a school providing meals at no charge to students under section 2 of this act that is not participating in the department of agriculture's community eligibility provision continues to meet the definition of a qualifying school under (a)(ii) of this subsection if the school met the definition during one year of the 2019-20 through 2022-23 school years, or in the prior school year.

(b)(i) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4.7780 hours per week in extra instruction for students in grades kindergarten through six and 6.7780 hours per week in extra instruction for students in grades seven through ((twelve))12, with ((fifteen))15 transitional bilingual instruction program students per teacher. Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

(ii) To provide supplemental instruction and services for students who have exited the transitional bilingual program, allocations shall be based on the head count number of students in each school who have exited the transitional bilingual program within the previous two years based on their performance on the English proficiency assessment and are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.040(1)(g). The minimum allocation for each prototypical school shall provide resources to provide, on a statewide average, 3.0 hours per week in extra instruction with ((fifteen))15 exited students per teacher.

(c) To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on 5.0 percent of each school district's full-time equivalent basic education enrollment. The minimum allocation for the programs shall provide resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher.

(11) The allocations under subsections (4)(a), (5), (6), and (8) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

(12)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (4) and (10) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections (4), (7), and (9) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

(13)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.

(b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

**Sec. 6.** RCW 28A.150.260 and 2022 c 109 s 4 are each amended to read as follows:

The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.

(2)(a) The distribution formula under this section shall be for allocation purposes only. Except as may be required under subsections (4)(b) and (c), (5)(b), and (9) of this section, chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(b) To promote transparency in state funding allocations, the superintendent of public instruction must report state per-pupil allocations for each school district for the general apportionment, special education, learning assistance, transitional bilingual, highly capable, and career and technical education programs. The superintendent must report this information in a user-friendly format on the main page of the office's website. School districts must include a link to the superintendent's per-pupil allocations report on the main page of the school district's website. In addition, the budget documents published by the legislature for the enacted omnibus operating appropriations act must report statewide average per-pupil allocations for general apportionment and the categorical programs listed in this subsection.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has (~~six hundred~~) 600 average annual full-time equivalent students in grades nine through (~~twelve~~) 12;

(ii) A prototypical middle school has (~~four hundred thirty-two~~) 432 average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has (~~four hundred~~) 400 average annual full-time equivalent students in grades kindergarten through six.

(4)(a)(i) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on the following general education average class size of full-time equivalent students per teacher:

	General education average class size
Grades K-3. . . . .	17.00
Grade 4. . . . .	27.00
Grades 5-6. . . . .	27.00
Grades 7-8. . . . .	28.53
Grades 9-12. . . . .	28.74

(ii) The minimum class size allocation for each prototypical high school shall also provide for enhanced funding for class size reduction for two laboratory science classes within grades nine through (~~twelve~~) 12 per full-time equivalent high school student multiplied by a laboratory science course factor of 0.0833, based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours in RCW 28A.150.220, and providing at least one teacher planning period per school day:

Laboratory science  
average class size

Grades 9-12. . . . . 19.98

(b)(i) Beginning September 1, 2019, funding for average K-3 class sizes in this subsection (4) may be provided only to the extent of, and proportionate to, the school district's demonstrated actual class size in grades K-3, up to the funded class sizes.

(ii) The office of the superintendent of public instruction shall develop rules to implement this subsection (4)(b).

(c)(i) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

Career and technical  
education average  
class size

Approved career and technical education offered at  
the middle school and high school level. . . . . 23.00

Skill center programs meeting the standards established  
by the office of the superintendent of public  
instruction. . . . . 19.00

(ii) Funding allocated under this subsection (4)(c) is subject to RCW 28A.150.265.

(d) In addition, the omnibus appropriations act shall at a minimum specify:

(i) A high-poverty average class size in schools where more than (~~fifty~~) 50 percent of the students are eligible for free and reduced-price meals; and

(ii) A specialty average class size for advanced placement and international baccalaureate courses.

(5)(a) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:

	Elementa ry School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators. . . . .	1.253	1.353	1.880
Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs. . . . .	0.663	0.519	0.523
Teaching assistance, including any aspect of educational instructional services provided by classified employees. . . . .	0.936	0.700	0.652
Office support and other noninstructional aides. . . . .	2.012	2.325	3.269
Custodians. . . . .	1.657	1.942	2.965
Nurses. . . . .	0.585	0.888	0.824
Social workers. . . . .	0.311	0.088	0.127
Psychologists. . . . .	0.104	0.024	0.049
Counselors. . . . .	0.993	1.716	3.039
Classified staff providing student and staff safety	0.079	0.092	0.141
Parent involvement coordinators. . . . .	0.0825	0.00	0.00

(b)(i) The superintendent may only allocate funding, up to the combined minimum allocations, for nurses, social workers, psychologists, counselors, classified staff providing student and staff safety, and parent involvement coordinators under (a) of this subsection to the extent of and proportionate to a school district's demonstrated actual ratios of: Full-time equivalent physical, social, and emotional support staff to full-time equivalent students.

(ii) The superintendent must adopt rules to implement this subsection (5)(b) and the rules must require school districts to prioritize funding allocated as required by (b)(i) of this subsection for physical, social, and emotional support staff who hold a valid educational staff associate certificate appropriate for the staff's role.

(iii) For the purposes of this subsection (5)(b), "physical, social, and emotional support staff" include nurses, social workers, psychologists, counselors, classified staff providing student and staff safety, parent involvement coordinators, and other school district employees and contractors who provide physical, social, and emotional support to students as defined by the superintendent.

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:



	Staff per 1,000
	K-12 students
Technology. . . . .	0.628
Facilities, maintenance, and grounds. . . . .	1.813
Warehouse, laborers, and mechanics. . . . .	0.332

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4)(a) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

(8)(a) Except as provided in (b) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs as provided in the 2017-18 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

	Per annual average
	full-time equivalent student
	in grades K-12
Technology. . . . .	\$130.76
Utilities and insurance. . . . .	\$355.30
Curriculum and textbooks. . . . .	\$140.39
Other supplies . . . . .	\$278.05
Library materials. . . . .	\$20.00
Instructional professional development for certificated and	
classified staff. . . . .	\$21.71
Facilities maintenance. . . . .	\$176.01
Security and central office administration. . . . .	\$121.94

(b) In addition to the amounts provided in (a) of this subsection, beginning in the 2014-15 school year, the omnibus appropriations act shall provide the following minimum allocation for each annual average full-time equivalent student in grades nine through ~~((twelve))~~12 for the following materials, supplies, and operating costs, to be adjusted annually for inflation:

	Per annual average
	full-time equivalent student
	in grades 9-12
Technology. . . . .	\$36.35
Curriculum and textbooks. . . . .	\$39.02
Other supplies . . . . .	\$77.28
Library materials. . . . .	\$5.56
Instructional professional development for certificated and	
classified staff. . . . .	\$6.04

(9) In addition to the amounts provided in subsection (8) of this section and subject to RCW 28A.150.265, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:

(a) Exploratory career and technical education courses for students in grades seven through ~~((twelve))~~12;

(b) Preparatory career and technical education courses for students in grades nine through ~~((twelve))~~12 offered in a high school; and

(c) Preparatory career and technical education courses for students in grades ~~((eleven))~~11 and ~~((twelve))~~12 offered through a skill center.

(10) In addition to the allocations otherwise provided under this section, amounts shall be provided to support the following programs and services:

(a)(i) To provide supplemental instruction and services for students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the greater of either: The district percentage of students in kindergarten through grade ~~((twelve))~~12 who were eligible for free or reduced-price meals for the school year immediately preceding the district's participation, in whole or part, in the United States department of agriculture's community eligibility provision, or the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year. The minimum allocation for the program shall, except as provided in (a)(iii) of this subsection, provide for each level of prototypical school resources to provide, on a statewide average, 2.3975 hours per week in extra instruction with a class size of ~~((fifteen))~~15 learning assistance program students per teacher.

(ii) In addition to funding allocated under (a)(i) of this subsection, to provide supplemental instruction and services for students who are not meeting academic standards in qualifying schools. A qualifying school, except as provided in (a)(iv) of this subsection, means a school in which the three-year rolling average of the prior year total annual average enrollment that qualifies for free or reduced-price meals equals or exceeds ~~((fifty))~~50 percent or more of its total annual average enrollment. A school continues to meet the definition of a qualifying school if the school: Participates in the United States department of agriculture's community eligibility provision; and met the definition of a qualifying

school in the year immediately preceding their participation. The minimum allocation for this additional high poverty-based allocation must provide for each level of prototypical school resources to provide, on a statewide average, 1.1 hours per week in extra instruction with a class size of ~~((fifteen))~~15 learning assistance program students per teacher, under RCW 28A.165.055, school districts must distribute the high poverty-based allocation to the schools that generated the funding allocation.

(iii) For the 2024-25 and 2025-26 school years, allocations under (a)(i) of this subsection for school districts providing meals at no charge to students under section 2 of this act that are not participating, in whole or in part, in the United States department of agriculture's community eligibility provision shall be based on the school district percentage of students in grades K-12 who were eligible for free or reduced-price meals in school years 2019-20 through 2022-23 or the prior school year, whichever is greatest.

(iv) For the 2024-25 and 2025-26 school years, a school providing meals at no charge to students under section 2 of this act that is not participating in the department of agriculture's community eligibility provision continues to meet the definition of a qualifying school under (a)(ii) of this subsection if the school met the definition during one year of the 2019-20 through 2022-23 school years, or in the prior school year.

(b)(i) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4.7780 hours per week in extra instruction for students in grades kindergarten through six and 6.7780 hours per week in extra instruction for students in grades seven through ~~((twelve))~~12, with ~~((fifteen))~~15 transitional bilingual instruction program students per teacher. Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

(ii) To provide supplemental instruction and services for students who have exited the transitional bilingual program, allocations shall be based on the head count number of students in each school who have exited the transitional bilingual program within the previous two years based on their performance on the English proficiency assessment and are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.040(1)(g). The minimum allocation for each prototypical school shall provide resources to provide, on a statewide average, 3.0 hours per week in extra instruction with ~~((fifteen))~~15 exited students per teacher.

(c) To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on 5.0 percent of each school district's full-time equivalent basic education enrollment. The minimum allocation for the programs shall provide resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher.

(11) The allocations under subsections (4)(a), (5), (6), and (8) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

(12)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (4) and (10) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections (4), (7), and (9) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

(13)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.

(b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

**Sec. 7.** RCW 28A.405.415 and 2020 c 288 s 5 are each amended to read as follows:

(1) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall receive a bonus each year in which they maintain the certification. The bonus shall be calculated as follows: The annual bonus shall be ~~((five thousand dollars))~~ \$5,000 in the 2007-08 school year. Thereafter, the annual bonus shall increase by inflation, except that the bonus shall not be increased during the 2013-14 and 2014-15 school years.

(2) (a) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall be eligible for bonuses in addition to that provided by subsection (1) of this section if the individual is in an instructional assignment in a school in which at least ~~((seventy))~~ 70 percent of the students qualify for the free and reduced-price lunch program.

(b) An individual is eligible for bonuses authorized under this subsection (2) if he or she is in an instructional assignment in a school that meets the definition of high poverty school as defined in rule by the office of the superintendent of public instruction in the school year immediately preceding the school's participation in the United States department of agriculture's community eligibility provision.

(c) For the 2024-25 and 2025-26 school years, individuals are eligible for bonuses under this subsection if they are in an instructional assignment in a school providing meals at no charge to students under section 2 of this act that met the definition of high poverty school as defined in rule by the office of the superintendent of public instruction during the 2022-23 school year.

(3) The amount of the additional bonus under subsection (2) of this section for those meeting the qualifications of subsection (2) of this section is ~~((five thousand dollars))~~ \$5,000.

(4) The bonuses provided under this section are in addition to compensation received under a district's salary schedule adopted in accordance with RCW 28A.405.200 and shall not be included in calculations of a district's average salary and associated salary limitations under RCW 28A.400.200.

(5) The bonuses provided under this section shall be paid in a lump sum amount.

**Sec. 8.** RCW 28A.235.300 and 2022 c 7 s 1 are each amended to read as follows:

(1) (a) Except as provided otherwise by this section, each public school that has an identified student percentage of at least 40 percent ~~((, or an identified student percentage of less than 40 percent if authorized by federal law,))~~ as determined annually by April 1st, must participate in the United States department of agriculture's community eligibility provision in the subsequent school year and throughout the duration of the community eligibility provision's four-year cycle.

(b) School districts, to the extent practicable, shall group public schools for purposes of maximizing the number of public schools eligible to participate in the community eligibility provision. Individual schools participating in a group may have less than 40 percent identified students, provided the average identified student percentage for the group is at least 40 percent.

(2) Public schools that, through an arrangement with a local entity, provide meals to all students and at no costs to the students are exempt from the requirements of this section.

(3) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020, and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools established under chapter 28A.715 RCW to the same extent as it applies to public schools and school districts.

(4) For the purposes of this section, "identified student" means a student who is directly certified for free school meals based on the student's participation in other means-tested assistance programs, and students who are categorically eligible for free school meals without an application and not subject to income verification.

NEW SECTION. **Sec. 9.** RCW 28A.235.140 (School breakfast programs) and 1993 c 333 s 1 & 1989 c 239 s 2 are each repealed.

NEW SECTION. **Sec. 10.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 11.** Section 5 of this act expires September 1, 2024.

NEW SECTION. **Sec. 12.** Section 6 of this act takes effect September 1, 2024."

On page 1, line 1 of the title, after "all;" strike the remainder of the title and insert "amending RCW 28A.150.260, 28A.150.260, 28A.405.415, and 28A.235.300; reenacting and amending RCW 28A.235.160; adding new sections to chapter 28A.235 RCW; creating a new section; repealing RCW 28A.235.140; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1238 and advanced the bill, as amended by the Senate, to final passage.

Representatives Riccelli and Rude spoke in favor of the passage of the bill.

**MOTIONS**

On motion of Representative Leavitt, Representative Ortiz-Self was excused.

On motion of Representative Robertson, Representative Wilcox was excused.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1238, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1238, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chandler, Dye, Orcutt and Schmick

Excused: Representatives Ortiz-Self and Wilcox

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1238, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1257, with the following amendment(s): 1257 AMS TRAN S2930.1

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) Washington state ports were created to preserve public ownership of public resources, giving local governments the ability and statutory authority to support economic development for the public benefit.

(2) The legislature finds and declares that Washington public port districts that carry out or seek to carry out operations

involving the movement of cargo or passengers are a vital part of the economy and trade infrastructure within the state.

(3) The legislature further finds that there is an important public purpose for qualified cargo and passenger ports to coordinate, reach agreement on, and implement all actions under their authority with other qualified cargo and passenger ports. The legislature intends by this act to grant qualified cargo and passenger ports with the authority to operate in furtherance of this public purpose, including the specified powers granted in this act relating to cargo and passenger transportation, without liability under federal antitrust laws.

(4) The legislature further intends to restore parity between qualified cargo and passenger ports and the marine carrier industry. The marine carrier industry can create an exemption from federal antitrust law liability and with this act the legislature intends to allow the same protection to the qualified cargo and passenger ports they serve.

**NEW SECTION. Sec. 2.** A new section is added to chapter 53.08 RCW to read as follows:

(1) For the purpose of this section, "qualified cargo and passenger port" means a Washington public port district that: (a) Provides or seeks to provide wharfage, dock, warehouse, or other marine terminal facilities to marine carriers; and (b) participates in a meeting of other cargo and passenger ports where discussion of wharfage, dockage, warehouse, and other issues affecting marine terminal facilities are held under an agreement filed with the federal maritime commission under 46 U.S.C. Sec. 40301(b) and 40302(a).

(2) Qualified cargo and passenger ports have the power to coordinate, reach agreement on, and implement all actions under their authority with other qualified cargo and passenger ports. This includes the power to meet with qualified cargo and passenger ports and other port authorities to discuss and agree on issues of mutual interest relating to maritime operations, including:

(a) Rates and charges to be assessed at the qualified cargo and passenger ports;

(b) Rules, practices, and procedures relating to cargo and passenger service operations;

(c) Matters concerning the planning, development, management, marketing, operation, and use of their facilities; and

(d) Any other matters relating to cargo and passenger service operations.

(3) This section expires 10 years after the effective date of this section."

On page 1, line 1 of the title, after "ports;" strike the remainder of the title and insert "adding a new section to chapter 53.08 RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1257 and advanced the bill, as amended by the Senate, to final passage.

Representatives Hackney and Hutchins spoke in favor of the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1257, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1257, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

HOUSE BILL NO. 1257, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1791, with the following amendment(s): 1791-S.E AMS TRAN S2985.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds:

(a) The state's transportation needs are growing and it is imperative that the state plan comprehensively to meet the needs of its citizens, particularly in the fastest growing regions of the state;

(b) That planning for the future of aviation must take a comprehensive coordinated look at the transportation system as a whole;

(c) The pandemic interfered with the ability of the commercial aviation coordinating commission to perform a thorough and complete study of the possibility of a new commercial airport;

(d) The creation of a new primary commercial aviation facility has the potential for environmental, health, social, and economic impacts on the surrounding

communities, and the legislature recognizes any preferred location will require substantial environmental, land use, governance, and funding decisions from federal, state, and local governments;

(e) There is expected growth in commercial aviation, general aviation, and air cargo operations; the Puget Sound regional council May 2021 regional aviation baseline study final report estimates that by 2050 capacity restrictions in the central Puget Sound will create a gap between the demand for aviation activities and the capacity for those activities; and

(f) The exploration of alternatives to Seattle-Tacoma international airport is critical to address this anticipated demand through a variety of transportation strategies that may include the creation or expansion of other airports.

(2) The legislature, therefore, intends to replace the commercial aviation coordinating commission with the commercial aviation work group and direct the work group to provide a comprehensive investigation of airport capacity in the state and the best way to address aviation needs in the context of overall state transportation needs in the next 20 years using independent verifiable data.

**NEW SECTION. Sec. 2.** (1) The state commercial aviation work group is created to carry out the functions of section 3 of this act. The work group shall consist of 19 voting members.

(2) The governor shall appoint 19 voting members to represent the following interests:

(a) Four as representatives of commercial service airports and ports, one of whom shall represent a port located in a county with a population of 2,000,000 or more, one of whom shall represent a port in eastern Washington with an airport runway of at least 13,500 feet in length, one of whom shall represent a commercial service airport in eastern Washington located in a county with a population of 400,000 or more, and one representing an association of ports;

(b) Two as representatives from the airline industry or businesses dependent upon air service;

(c) One representative from a statewide business association;

(d) Seven citizen representatives with at least two appointed from eastern Washington and at least two appointed from western Washington. The citizen appointees must:

(i) Represent the public interests in the communities that are included in the work group's site research; and

(ii) Understand the impacts of a large commercial aviation facility on a community;

(e) A representative from the freight forwarding industry;

(f) A representative from the trucking industry;

(g) A representative from a community organization that understands the impacts of a large commercial aviation facility on a community; and

(h) Two representatives from statewide environmental organizations.

(3) The work group shall invite the following nonvoting members:

(a) A representative from the Washington state aviation alliance;

(b) Two members from the senate, with one member from each of the two largest caucuses in the senate, appointed by legislative leadership;

(c) Two members from the house of representatives, with one member from each of the two largest caucuses in the house of representatives, appointed by legislative leadership;

(d) A representative from the department of commerce;

(e) A representative from the division of aeronautics of the department of transportation;

(f) A representative from an eastern Washington metropolitan planning organization;

(g) A representative from a western Washington metropolitan planning organization;

(h) A representative from an eastern Washington regional airport; and

(i) A representative from a western Washington regional airport.

(4) The work group shall select a chair from among its voting membership and shall adopt rules related to its powers and duties under section 3 of this act.

(5) Legislative members of the work group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW. The work group has all powers necessary to carry out its duties as prescribed by section 3 of this act.

(6) The department of transportation shall provide staff support for coordinating and administering the work group and technical assistance as requested by work group members.

(7) At the direction of the work group, and as resources allow, the department of transportation is authorized to hire consultants to assist with the review and research efforts of the work group.

**NEW SECTION. Sec. 3.** (1) The state commercial aviation work group shall comprehensively evaluate the long-range commercial aviation needs of Washington within the broader context of state transportation needs and the specific needs of western Washington. The work group shall review existing data and conduct research to determine Washington's long-range commercial aviation facility needs while considering alternatives to additional airport capacity.

(2)(a) Except as provided in subsection (3) of this section, the work group shall investigate the expansion of existing aviation facilities and possible siting locations for a new greenfield aviation facilities, with the expected outcome to be a report that compares the strengths and weaknesses of each site considered. In this

investigation, the work group shall consider both new sites and those previously identified in previous aviation planning documents. The work group must consider all impacts that, whether by the expansion of a current facility or the location of a new greenfield site, the creation of a new primary commercial aviation facility may have, including impacts on:

(i) Community members and quality of life;

(ii) The environment, including the impacts of a facility on water quality and the ability of the state to meet the greenhouse gas emissions limits established in RCW 70A.45.020;

(iii) County master plans and other local planning and zoning, including development regulations and comprehensive plans adopted under chapter 36.70A RCW; and

(iv) Current airspace operations.

(b) The work group shall:

(i) Perform outreach to and make efforts to collaborate with:

(A) Applicable federal agencies including the federal aviation administration, the United States environmental protection agency, the United States department of defense, and the United States department of energy;

(B) Indian tribes, as defined in RCW 43.376.010, though outreach and collaboration by the work group under this subsection does not constitute or substitute for formal government-to-government consultation under the 1989 State-Tribal Relations/Centennial Accord and chapter 43.376 RCW;

(C) The environmental community;

(D) Local communities;

(E) Economic development agencies;

(ii) Identify potential site infrastructure shortfalls and make recommendations as to how they could be most suitably addressed, including the feasibility of the specific transportation infrastructure required to move people to the potential site. This process includes the delivery of an adequate supply of aircraft fuel and supporting infrastructure along with facilities needed to transition to the use of sustainable aviation fuels;

(iii) Consider the cost of construction of a facility and supporting infrastructure;

(iv) In cooperation with the federal aviation administration, analyze:

(A) Airspace requirements and airspace restrictions of potential sites;

(B) Any possible terrain and man-made obstacles that could possibly create a hazard to aircraft;

(C) Local weather patterns and microclimates to determine if they will create issues for the operation of large aircraft; and

(v) Carry out other duties as assigned by the legislature.

(3) The work group shall not consider:

(a) Expansion opportunities for a port or county run airport located in a county with a population of 2,000,000 or more; or

(b) The expansion of an existing airport or the siting of a new airport that would be incompatible with the operations of a military installation.

(4) In addition, the work group shall provide information to the transportation committees of the legislature on the future of aviation growth in the state, including potential commercial aviation, general aviation, and air cargo demands, with consideration of new technologies, alternative transportation modes, and the airport of the future.

(5) Nothing in this section shall be construed to endorse, limit, or otherwise alter existing or future plans for capital development and capacity enhancement at existing commercial airports in Washington.

NEW SECTION. **Sec. 4.** The state commercial aviation work group shall submit a progress report to the governor and the transportation committees of the legislature by July 1, 2024, and annually thereafter. The first report of the work group shall include a list of areas that will not have further review as the areas are in conflict with the operations of a military installation.

**Sec. 5.** 2022 c 186 s 213 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F**  
Aeronautics Account—State Appropriation. \$8,127,000  
Aeronautics Account—Federal Appropriation. \$3,916,000  
Aeronautics Account—Private/Local Appropriation. . . . . \$60,000  
Multimodal Transportation Account—State Appropriation. . . . . \$150,000  
**TOTAL APPROPRIATION..... \$12,253,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,888,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public use airports for pavement, safety, maintenance, planning, and security.

(2) \$257,000 of the aeronautics account—state appropriation is provided solely for supporting the commercial aviation ~~((e)oordinating—commission))work group,~~ pursuant to section ~~((718, chapter 333, Laws of 2021))3 of this act.~~

(3) \$280,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter 131, Laws of 2021 (unpiloted aircraft system state coordinator). If chapter 131, Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(4)(a) \$150,000 of the multimodal transportation account—state appropriation is provided solely for the aviation program to continue the community engagement associated with the work of the commercial aviation ~~((e)oordinating—commission—to increase aviation capacity and provide a single preferred location for a new primary commercial aviation facility by June 15, 2023))work group.~~ The work of the ~~((e)ommission))work group shall include, but is not limited to, recommendations to the~~

legislature on future Washington state long-range commercial aviation facility needs including possible additional aviation facilities or expansion of current aviation facilities.

(b) Community engagement efforts ~~((may))shall~~ include:

(i) Raising awareness among aviation stakeholders and the public on the complex issues that must be addressed by the ~~((e)ommission))work group;~~

(ii) Obtaining input from a representative cross section of the public on the construction of a new airport and the expansion of existing airports to meet future aviation demand;

(iii) Keeping people informed as the ~~((e)ommission's))work group's~~ work progresses, including diverse communities that are often underrepresented in processes to inform decision making;

~~((iv)) ((Providing opportunities for members of the public to provide direct input to the commission during the pandemic that limits opportunities for direct social contact;~~

~~((v))~~ Using surveys, open houses, focus groups, translation services, informational handouts, advertisements, social media, and other appropriate means of communicating with the public; and

~~((vi))~~ ~~((v))~~ Providing a focus on the demographics or people in the geographical areas most impacted by expanding aviation capacity or developing a new aviation facility.

(c) The department may use a communications consultant or community-based organizations to assist with community engagement efforts in (b) of this subsection.

NEW SECTION. **Sec. 6.** Sections 1 through 4 of this act constitute a new chapter in Title 14 RCW.

NEW SECTION. **Sec. 7.** The following acts or parts of acts are each repealed:

- (1) 2021 c 333 s 718 (uncodified);
- (2) 2021 c 333 s 719 (uncodified); and
- (3) 2022 c 186 s 707 (uncodified).

NEW SECTION. **Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending 2022 c 186 s 213 (uncodified); adding a new chapter to Title 14 RCW; repealing 2021 c 333 ss 718 and 719 and 2022 c 186 s 707 (uncodified); and declaring an emergency."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO.

1791 and advanced the bill, as amended by the Senate, to final passage.

Representatives Fey and Dent spoke in favor of the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE  
AMENDED**

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1791, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1791, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, McEntire, Orcutt, Robertson, Stokesbary and Walsh

Excused: Representative Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1791, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Friday, April 14, 2023

Mme. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1846, with the following amendment(s): 1846.E AMS LOVE S3339.1

On page 1, after line 14, insert the following:

"Washington state values strong environmental and workplace standards, including surface water management, and the legislature intends that any contracts awarded through the vessel procurement process align with these values."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1846 and advanced the bill, as amended by the Senate, to final passage.

Representatives Fey and Barkis spoke in favor of the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE  
AMENDED**

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1846, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1846, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Christian, Jacobsen and Orcutt  
Excused: Representative Ortiz-Self

ENGROSSED HOUSE BILL NO. 1846, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1260, with the following amendment(s): 1260-S.E AMS HS S2275.2

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.04.805 and 2022 c 208 s 1 are each amended to read as follows:

(1) The department is responsible for determining eligibility for referral for essential needs and housing support under RCW 43.185C.220. Persons eligible for a referral are persons who:

(a) Have been determined to be eligible for the aged, blind, or disabled assistance program under RCW 74.62.030 or the pregnant women assistance program under RCW 74.62.030, or are incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ~~((ninety))~~ 90 days. The standard for incapacity in this subsection, as evidenced by the ~~((ninety-day))~~ 90-day duration standard, is not intended to be as stringent as federal supplemental security income disability standards;

(b) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law, or are victims of human trafficking as defined in RCW 74.04.005;

(c) (i) Have furnished the department with their social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number must be made prior



to authorization of benefits, and the social security number must be provided to the department upon receipt;

(ii) This requirement does not apply to victims of human trafficking as defined in RCW 74.04.005 if they have not been issued a social security number;

(d) (i) Have countable income as described in RCW 74.04.005 ~~((at or below four hundred twenty-eight dollars for a married couple or at or below three hundred thirty-nine dollars for a single individual))~~ that meets the standard established by the department, which shall not exceed 100 percent of the federal poverty level; or

(ii) Have income that meets the standard established by the department, who are eligible for the pregnant women assistance program;

(e) Do not have countable resources in excess of those described in RCW 74.04.005; and

(f) Are not eligible for federal aid assistance, other than basic food benefits transferred electronically and medical assistance.

~~(2) ((Recipients of aged, blind, or disabled assistance program benefits who meet other eligibility requirements in this section are eligible for a referral for essential needs and housing support services within funds appropriated for the department of commerce.~~

~~(3))~~ Recipients of pregnant women assistance program benefits who meet other eligibility requirements in this section are eligible for referral for essential needs and housing support services, within funds appropriated for the department of commerce, for ~~((twenty-four))~~ 24 consecutive months from the date the department determines pregnant women assistance program eligibility.

~~((4))~~ (3) The following persons are not eligible for a referral for essential needs and housing support:

(a) Persons who refuse or fail to cooperate in obtaining federal aid assistance, without good cause;

(b) Persons who refuse or fail without good cause to participate in substance use treatment if an assessment by a certified substance use disorder professional indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in substance use treatment, when needed outpatient treatment is not available to the person in the county of their residence ~~((or))~~ when needed inpatient treatment is not available in a location that is reasonably accessible for the person, or when the person is a parent or other relative personally providing care for a minor child or an incapacitated individual living in the same home as the person, and child care or day care would be necessary for the person to participate in substance use disorder treatment, and such care is not available; and

(c) Persons who are fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place

from which the person flees; or who are violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

~~((5))~~ (4) For purposes of determining whether a person is incapacitated from gainful employment under subsection (1) of this section:

(a) The department shall adopt by rule medical criteria for incapacity determinations to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information; and

(b) The process implementing the medical criteria must involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

~~((6))~~ (5) For purposes of reviewing a person's continuing eligibility and in order to remain eligible for the program, persons who have been found to have an incapacity from gainful employment must demonstrate that there has been no material improvement in their medical or mental health condition. The department may discontinue benefits when there was specific error in the prior determination that found the person eligible by reason of incapacitation.

~~((7))~~ (6) The department must review the cases of all persons who have received benefits under the essential needs and housing support program for twelve consecutive months, and at least annually after the first review, to determine whether they are eligible for the aged, blind, or disabled assistance program.

(7) The department shall share client data for individuals eligible for essential needs and housing support with the department of commerce and designated essential needs and housing support entities as required under RCW 43.185C.230.

**Sec. 2.** RCW 74.62.005 and 2011 1st sp.s. c 36 s 1 are each amended to read as follows:

(1) The legislature finds that:

(a) Persons who have a long-term disability and apply for federal supplemental security income benefits should receive assistance while their application for federal benefits is pending ~~((with repayment from the federal government of state-funded income assistance paid through the aged, blind, or disabled assistance program))~~;

(b) Persons who are incapacitated from gainful employment for an extended period, but who may not meet the level of severity of a long-term disability, are at increased risk of homelessness; and

(c) Persons who are homeless and suffering from significant medical impairments, mental illness, or ~~((chemical dependency))~~ substance use disorder face substantial barriers to successful participation in, and completion of, needed medical or behavioral health treatment services. Stable housing increases the

likelihood of compliance with and completion of treatment.

(2) Through chapter 36, Laws of 2011 1st sp. sess., the legislature intends to:

(a) Terminate all components of the disability lifeline program created in 2010 and codified in RCW 74.04.005 and create new programs: (i) To provide financial grants through the aged, blind, ~~((and [or]))~~ or disabled assistance program and the pregnant women assistance program; and (ii) to provide services through the essential needs and housing support program; and

(b) Increase opportunities to utilize limited public funding, combined with private charitable and volunteer efforts to serve persons who are recipients of the benefits provided by the new programs created under chapter 36, Laws of 2011 1st sp. sess.

**Sec. 3.** RCW 74.62.030 and 2022 c 208 s 2 are each amended to read as follows:

(1)(a) The aged, blind, or disabled assistance program shall provide financial grants to persons in need who:

(i) Are not eligible to receive ~~((federal aid assistance, other than basic food benefits transferred electronically and medical assistance))~~ supplemental security income, refugee cash assistance, temporary assistance for needy families, or state family assistance benefits;

(ii) Meet the eligibility requirements of subsection (3) of this section; and

(iii) Are aged, blind, or disabled. For purposes of determining eligibility for assistance for the aged, blind, or disabled assistance program, the following definitions apply:

(A) "Aged" means age ~~((sixty-five))~~ 65 or older.

(B) "Blind" means statutorily blind as defined for the purpose of determining eligibility for the federal supplemental security income program.

(C) "Disabled" means likely to meet the federal supplemental security income disability standard. In making this determination, the department should give full consideration to the cumulative impact of an applicant's multiple impairments, an applicant's age, and vocational and educational history.

In determining whether a person is disabled, the department may rely on, but is not limited to, the following:

(I) A previous disability determination by the social security administration or the disability determination service entity within the department; or

(II) A determination that an individual is eligible to receive optional categorically needy medicaid as a disabled person under the federal regulations at 42 C.F.R. Parts 435, Secs. 201(a)(3) and 210.

(b) The following persons are not eligible for the aged, blind, or disabled assistance program:

(i) Persons who are not able to engage in gainful employment due primarily to a substance use disorder. These persons shall be referred to appropriate assessment, treatment, or shelter services. Referrals shall be made at the time of application or

at the time of eligibility review. This subsection may not be construed to prohibit the department from granting aged, blind, or disabled assistance benefits to persons with a substance use disorder who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the aged, blind, or disabled assistance program; or

(ii) Persons for whom there has been a final determination of ineligibility based on age, blindness, or disability for federal supplemental security income benefits.

(c) Persons may receive aged, blind, or disabled assistance benefits and essential needs and housing program support under RCW 43.185C.220 concurrently while pending application for federal supplemental security income benefits. ~~((The monetary value of any aged, blind, or disabled assistance benefit that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.))~~ Effective October 1, 2025, a person's receipt of supplemental security income received for the same period as aged, blind, or disabled program assistance as described in this section shall not be considered a debt due to the state and is not subject to recovery. However, the monetary value of aged, blind, or disabled cash assistance paid prior to October 1, 2025, that is duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due to the state and shall by operation of law be subject to recovery through all available legal remedies.

(2) The pregnant women assistance program shall provide financial grants to persons who:

(a) ~~((Are not eligible to receive federal aid assistance other than basic food benefits or medical assistance, and~~

~~(b))~~ Are pregnant and in need, based upon the current income and resource standards of the federal temporary assistance for needy families program, but are ineligible for federal temporary assistance for needy families or state family assistance benefits for a reason other than failure to cooperate in program requirements; and

~~((e))~~ (b) Meet the eligibility requirements of subsection (3) of this section.

(3) To be eligible for the aged, blind, or disabled assistance program under subsection (1) of this section or the pregnant women assistance program under subsection (2) of this section, a person must:

(a) Be a citizen or alien lawfully admitted for permanent residence or otherwise residing in the United States under color of law, or be a victim of human trafficking as defined in RCW 74.04.005;

(b) Meet the income and resource standards described in RCW 74.04.805(1) (d) and (e);

(c) (i) Have furnished the department with their social security number. If the social security number cannot be furnished because

it has not been issued or is not known, an application for a number shall be made prior to authorization of benefits, and the social security number shall be provided to the department upon receipt;

(ii) This requirement does not apply to victims of human trafficking as defined in RCW 74.04.005 if they have not been issued a social security number;

(d) Not have refused or failed without good cause to participate in substance use treatment if an assessment by a certified substance use disorder professional indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in substance use treatment, when needed outpatient treatment is not available to the person in the county of their residence ~~((or))~~ when needed inpatient treatment is not available in a location that is reasonably accessible for the person, or when the person is a parent or other relative personally providing care for a minor child or an incapacitated individual living in the same home as the person, and child care or day care would be necessary for the person to participate in substance use disorder treatment, and such care is not available; and

(e) Not have refused or failed to cooperate in obtaining federal aid assistance, without good cause.

(4) Referrals for essential needs and housing support under RCW 43.185C.220 shall be provided to persons found eligible under RCW 74.04.805.

(5) No person may be considered an eligible individual for benefits under this section with respect to any month if during that month the person:

(a) Is fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or

(b) Is violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

(6) The department must share client data for individuals eligible for essential needs and housing support with the department of commerce and designated essential needs and housing support entities as required under RCW 43.185C.230."

On page 1, line 2 of the title, after "incapacity;" strike the remainder of the title and insert "and amending RCW 74.04.805, 74.62.005, and 74.62.030."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1260 and advanced the bill, as amended by the Senate, to final passage.

Representatives Alvarado and Eslick spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1260, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1260, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Graham, McEntire, Volz and Walsh

Excused: Representative Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1260, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1357, with the following amendment(s): 1357-S2.E AMS WM S2941.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Each carrier offering a health plan issued or renewed on or after January 1, 2024, shall comply with the following standards related to prior authorization for health care services and prescription drugs:

(a) The carrier shall meet the following time frames for prior authorization determinations and notifications to a participating provider or facility that submits the prior authorization request through an electronic prior authorization process, as designated by each carrier:

(i) For electronic standard prior authorization requests, the carrier shall make a decision and notify the provider or facility of the results of the decision within three calendar days, excluding holidays, of submission of an electronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If

insufficient information has been provided to the carrier to make a decision, the carrier shall request any additional information from the provider or facility within one calendar day of submission of the electronic prior authorization request.

(ii) For electronic expedited prior authorization requests, the carrier shall make a decision and notify the provider or facility of the results of the decision within one calendar day of submission of an electronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the carrier to make a decision, the carrier shall request any additional information from the provider or facility within one calendar day of submission of the electronic prior authorization request.

(b) The carrier shall meet the following time frames for prior authorization determinations and notifications to a participating provider or facility that submits the prior authorization request through a process other than an electronic prior authorization process:

(i) For nonelectronic standard prior authorization requests, the carrier shall make a decision and notify the provider or facility of the results of the decision within five calendar days of submission of a nonelectronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the carrier to make a decision, the carrier shall request any additional information from the provider or facility within five calendar days of submission of the nonelectronic prior authorization request.

(ii) For nonelectronic expedited prior authorization requests, the carrier shall make a decision and notify the provider or facility of the results of the decision within two calendar days of submission of a nonelectronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the carrier to make a decision, the carrier shall request any additional information from the provider or facility within one calendar day of submission of the nonelectronic prior authorization request.

(c) In any instance in which a carrier has determined that a provider or facility has not provided sufficient information for making a determination under (a) and (b) of this subsection, a carrier may establish a specific reasonable time frame for submission of the additional information. This time frame must be communicated to the provider and enrollee with a carrier's request for additional information.

(d) The carrier's prior authorization requirements must be described in detail and written in easily understandable language. The carrier shall make its most current prior authorization requirements and restrictions, including the written clinical review criteria, available to providers and facilities in an electronic format upon

request. The prior authorization requirements must be based on peer-reviewed clinical review criteria. The clinical review criteria must be evidence-based criteria and must accommodate new and emerging information related to the appropriateness of clinical criteria with respect to black and indigenous people, other people of color, gender, and underserved populations. The clinical review criteria must be evaluated and updated, if necessary, at least annually.

(2)(a) Each carrier shall build and maintain a prior authorization application programming interface that automates the process for in-network providers to determine whether a prior authorization is required for health care services, identify prior authorization information and documentation requirements, and facilitate the exchange of prior authorization requests and determinations from its electronic health records or practice management system. The application programming interface must support the exchange of prior authorization requests and determinations for health care services beginning January 1, 2025, and must:

(i) Use health level 7 fast health care interoperability resources in accordance with standards and provisions defined in 45 C.F.R. Sec. 170.215 and 45 C.F.R. Sec. 156.22(3)(b);

(ii) Automate the process to determine whether a prior authorization is required for durable medical equipment or a health care service;

(iii) Allow providers to query the carrier's prior authorization documentation requirements;

(iv) Support an automated approach using nonproprietary open workflows to compile and exchange the necessary data elements to populate the prior authorization requirements that are compliant with the federal health insurance portability and accountability act of 1996 or have an exception from the federal centers for medicare and medicaid services; and

(v) Indicate that a prior authorization denial or authorization of a service less intensive than that included in the original request is an adverse benefit determination and is subject to the carrier's grievance and appeal process under RCW 48.43.535.

(b) Each carrier shall establish and maintain an interoperable electronic process or application programming interface that automates the process for in-network providers to determine whether a prior authorization is required for a covered prescription drug. The application programming interface must support the exchange of prior authorization requests and determinations for prescription drugs, including information on covered alternative prescription drugs, beginning January 1, 2027, and must:

(i) Allow providers to identify prior authorization information and documentation requirements;

(ii) Facilitate the exchange of prior authorization requests and determinations from its electronic health records or practice management system, and may include the necessary data elements to populate the

prior authorization requirements that are compliant with the federal health insurance portability and accountability act of 1996 or have an exception from the federal centers for medicare and medicaid services; and

(iii) Indicate that a prior authorization denial or authorization of a drug other than the one included in the original prior authorization request is an adverse benefit determination and is subject to the carrier's grievance and appeal process under RCW 48.43.535.

(c) If federal rules related to standards for using an application programming interface to communicate prior authorization status to providers are not finalized by the federal centers for medicare and medicaid services by September 13, 2023, the requirements of (a) of this subsection may not be enforced until January 1, 2026.

(d)(i) If a carrier determines that it will not be able to satisfy the requirements of (a) of this subsection by January 1, 2025, the carrier shall submit a narrative justification to the commissioner on or before September 1, 2024, describing:

(A) The reasons that the carrier cannot reasonably satisfy the requirements;

(B) The impact of noncompliance upon providers and enrollees;

(C) The current or proposed means of providing health information to the providers; and

(D) A timeline and implementation plan to achieve compliance with the requirements.

(ii) The commissioner may grant a one-year delay in enforcement of the requirements of (a) of this subsection (2) if the commissioner determines that the carrier has made a good faith effort to comply with the requirements.

(iii) This subsection (2)(d) shall not apply if the delay in enforcement in (c) of this subsection takes effect because the federal centers for medicare and medicaid services did not finalize the applicable regulations by September 13, 2023.

(e) By September 13, 2023, and at least every six months thereafter until September 13, 2026, the commissioner shall provide an update to the health care policy committees of the legislature on the development of rules and implementation guidance from the federal centers for medicare and medicaid services regarding the standards for development of application programming interfaces and interoperable electronic processes related to prior authorization functions. The updates should include recommendations, as appropriate, on whether the status of the federal rule development aligns with the provisions of this act. The commissioner also shall report on any actions by the federal centers for medicare and medicaid services to exercise enforcement discretion related to the implementation and maintenance of an application programming interface for prior authorization functions. The commissioner shall consult with the health care authority, carriers, providers, and consumers on the development of these updates and any recommendations.

(3) Nothing in this section applies to prior authorization determinations made pursuant to RCW 48.43.761.

(4) For the purposes of this section:

(a) "Expedited prior authorization request" means a request by a provider or facility for approval of a health care service or prescription drug where:

(i) The passage of time:

(A) Could seriously jeopardize the life or health of the enrollee;

(B) Could seriously jeopardize the enrollee's ability to regain maximum function; or

(C) In the opinion of a provider or facility with knowledge of the enrollee's medical condition, would subject the enrollee to severe pain that cannot be adequately managed without the health care service or prescription drug that is the subject of the request; or

(ii) The enrollee is undergoing a current course of treatment using a nonformulary drug.

(b) "Standard prior authorization request" means a request by a provider or facility for approval of a health care service or prescription drug where the request is made in advance of the enrollee obtaining a health care service or prescription drug that is not required to be expedited.

**NEW SECTION. Sec. 2.** A new section is added to chapter 41.05 RCW to read as follows:

(1) A health plan offered to public employees, retirees, and their covered dependents under this chapter issued or renewed on or after January 1, 2024, shall comply with the following standards related to prior authorization for health care services and prescription drugs:

(a) The health plan shall meet the following time frames for prior authorization determinations and notifications to a participating provider or facility that submits the prior authorization request through an electronic prior authorization process:

(i) For electronic standard prior authorization requests, the health plan shall make a decision and notify the provider or facility of the results of the decision within three calendar days, excluding holidays, of submission of an electronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the health plan to make a decision, the health plan shall request any additional information from the provider or facility within one calendar day of submission of the electronic prior authorization request.

(ii) For electronic expedited prior authorization requests, the health plan shall make a decision and notify the provider or facility of the results of the decision within one calendar day of submission of an electronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If

insufficient information has been provided to the health plan to make a decision, the health plan shall request any additional information from the provider or facility within one calendar day of submission of the electronic prior authorization request.

(b) The health plan shall meet the following time frames for prior authorization determinations and notifications to a participating provider or facility that submits the prior authorization request through a process other than an electronic prior authorization process described in subsection (2) of this section:

(i) For nonelectronic standard prior authorization requests, the health plan shall make a decision and notify the provider or facility of the results of the decision within five calendar days of submission of a nonelectronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the health plan to make a decision, the health plan shall request any additional information from the provider or facility within five calendar days of submission of the nonelectronic prior authorization request.

(ii) For nonelectronic expedited prior authorization requests, the health plan shall make a decision and notify the provider or facility of the results of the decision within two calendar days of submission of a nonelectronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the health plan to make a decision, the health plan shall request any additional information from the provider or facility within one calendar day of submission of the nonelectronic prior authorization request.

(c) In any instance in which the health plan has determined that a provider or facility has not provided sufficient information for making a determination under (a) and (b) of this subsection, the health plan may establish a specific reasonable time frame for submission of the additional information. This time frame must be communicated to the provider and enrollee with the health plan's request for additional information.

(d) The prior authorization requirements of the health plan must be described in detail and written in easily understandable language. The health plan shall make its most current prior authorization requirements and restrictions, including the written clinical review criteria, available to providers and facilities in an electronic format upon request. The prior authorization requirements must be based on peer-reviewed clinical review criteria. The clinical review criteria must be evidence-based criteria and must accommodate new and emerging information related to the appropriateness of clinical criteria with respect to black and indigenous people, other people of color, gender, and underserved populations. The clinical review

criteria must be evaluated and updated, if necessary, at least annually.

(2) (a) Each health plan offered to public employees, retirees, and their covered dependents under this chapter shall build and maintain a prior authorization application programming interface that automates the process for in-network providers to determine whether a prior authorization is required for health care services, identify prior authorization information and documentation requirements, and facilitate the exchange of prior authorization requests and determinations from its electronic health records or practice management system. The application programming interface must support the exchange of prior authorization requests and determinations for health care services beginning January 1, 2025, and must:

(i) Use health level 7 fast health care interoperability resources in accordance with standards and provisions defined in 45 C.F.R. Sec. 170.215 and 45 C.F.R. Sec. 156.22(3)(b);

(ii) Automate the process to determine whether a prior authorization is required for durable medical equipment or a health care service;

(iii) Allow providers to query the health plan's prior authorization documentation requirements;

(iv) Support an automated approach using nonproprietary open workflows to compile and exchange the necessary data elements to populate the prior authorization requirements that are compliant with the federal health insurance portability and accountability act of 1996 or have an exception from the federal centers for medicare and medicaid services; and

(v) Indicate that a prior authorization denial or authorization of a service less intensive than that included in the original request is an adverse benefit determination and is subject to the health plan's grievance and appeal process under RCW 48.43.535.

(b) Each health plan offered to public employees, retirees, and their covered dependents under this chapter shall establish and maintain an interoperable electronic process or application programming interface that automates the process for in-network providers to determine whether a prior authorization is required for a covered prescription drug. The application programming interface must support the exchange of prior authorization requests and determinations for prescription drugs, including information on covered alternative prescription drugs, beginning January 1, 2027, and must:

(i) Allow providers to identify prior authorization information and documentation requirements;

(ii) Facilitate the exchange of prior authorization requests and determinations from its electronic health records or practice management system, and may include the necessary data elements to populate the prior authorization requirements that are compliant with the federal health insurance portability and accountability act of 1996 or have an exception from the federal

centers for medicare and medicaid services; and

(iii) Indicate that a prior authorization denial or authorization of a drug other than the one included in the original prior authorization request is an adverse benefit determination and is subject to the health plan's grievance and appeal process under RCW 48.43.535.

(c) If federal rules related to standards for using an application programming interface to communicate prior authorization status to providers are not finalized by the federal centers for medicare and medicaid services by September 13, 2023, the requirements of (a) of this subsection may not be enforced until January 1, 2026.

(d) (i) If the health plan determines that it will not be able to satisfy the requirements of (a) of this subsection by January 1, 2025, the health plan shall submit a narrative justification to the authority on or before September 1, 2024, describing:

(A) The reasons that the health plan cannot reasonably satisfy the requirements;

(B) The impact of noncompliance upon providers and enrollees;

(C) The current or proposed means of providing health information to the providers; and

(D) A timeline and implementation plan to achieve compliance with the requirements.

(ii) The authority may grant a one-year delay in enforcement of the requirements of (a) of this subsection (2) if the authority determines that the health plan has made a good faith effort to comply with the requirements.

(iii) This subsection (2)(d) shall not apply if the delay in enforcement in (c) of this subsection takes effect because the federal centers for medicare and medicaid services did not finalize the applicable regulations by September 13, 2023.

(3) Nothing in this section applies to prior authorization determinations made pursuant to RCW 41.05.526.

(4) For the purposes of this section:

(a) "Expedited prior authorization request" means a request by a provider or facility for approval of a health care service or prescription drug where:

(i) The passage of time:

(A) Could seriously jeopardize the life or health of the enrollee;

(B) Could seriously jeopardize the enrollee's ability to regain maximum function; or

(C) In the opinion of a provider or facility with knowledge of the enrollee's medical condition, would subject the enrollee to severe pain that cannot be adequately managed without the health care service or prescription drug that is the subject of the request; or

(ii) The enrollee is undergoing a current course of treatment using a nonformulary drug.

(b) "Standard prior authorization request" means a request by a provider or facility for approval of a health care service or prescription drug where the request is made in advance of the enrollee obtaining a health care service that is not required to be expedited.

(5) This section shall not apply to coverage provided under the medicare part C or part D programs set forth in Title XVIII of the social security act of 1965, as amended.

NEW SECTION. **Sec. 3.** A new section is added to chapter 74.09 RCW to read as follows:

(1) Beginning January 1, 2024, the authority shall require each managed care organization to comply with the following standards related to prior authorization for health care services and prescription drugs:

(a) The managed care organization shall meet the following time frames for prior authorization determinations and notifications to a participating provider or facility that submits the prior authorization request through an electronic prior authorization process, as designated by each managed care organization:

(i) For electronic standard prior authorization requests, the managed care organization shall make a decision and notify the provider or facility of the results of the decision within three calendar days, excluding holidays, of submission of an electronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the managed care organization to make a decision, the managed care organization shall request any additional information from the provider or facility within one calendar day of submission of the electronic prior authorization request.

(ii) For electronic expedited prior authorization requests, the managed care organization shall make a decision and notify the provider or facility of the results of the decision within one calendar day of submission of an electronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the managed care organization to make a decision, the managed care organization shall request any additional information from the provider or facility within one calendar day of submission of the electronic prior authorization request.

(b) The managed care organization shall meet the following time frames for prior authorization determinations and notifications to a participating provider or facility that submits the prior authorization request through a process other than an electronic prior authorization process described in subsection (2) of this section:

(i) For nonelectronic standard prior authorization requests, the managed care organization shall make a decision and notify the provider or facility of the results of the decision within five calendar days of submission of a nonelectronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the managed care organization to make a

decision, the managed care organization shall request any additional information from the provider or facility within five calendar days of submission of the nonelectronic prior authorization request.

(ii) For nonelectronic expedited prior authorization requests, the managed care organization shall make a decision and notify the provider or facility of the results of the decision within two calendar days of submission of a nonelectronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the managed care organization to make a decision, the managed care organization shall request any additional information from the provider or facility within one calendar day of submission of the nonelectronic prior authorization request.

(c) In any instance in which a managed care organization has determined that a provider or facility has not provided sufficient information for making a determination under (a) and (b) of this subsection, a managed care organization may establish a specific reasonable time frame for submission of the additional information. This time frame must be communicated to the provider and enrollee with a managed care organization's request for additional information.

(d) The prior authorization requirements of the managed care organization must be described in detail and written in easily understandable language. The managed care organization shall make its most current prior authorization requirements and restrictions, including the written clinical review criteria, available to providers and facilities in an electronic format upon request. The prior authorization requirements must be based on peer-reviewed clinical review criteria. The clinical review criteria must be evidence-based criteria and must accommodate new and emerging information related to the appropriateness of clinical criteria with respect to black and indigenous people, other people of color, gender, and underserved populations. The clinical review criteria must be evaluated and updated, if necessary, at least annually.

(2)(a) Each managed care organization shall build and maintain a prior authorization application programming interface that automates the process for in-network providers to determine whether a prior authorization is required for health care services, identify prior authorization information and documentation requirements, and facilitate the exchange of prior authorization requests and determinations from its electronic health records or practice management system. The application programming interface must support the exchange of prior authorization requests and determinations for health care services beginning January 1, 2025, and must:

(i) Use health level 7 fast health care interoperability resources in accordance with standards and provisions defined in 45 C.F.R. Sec. 170.215 and 45 C.F.R. Sec. 156.22(3)(b);

(ii) Automate the process to determine whether a prior authorization is required for durable medical equipment or a health care service;

(iii) Allow providers to query the managed care organization's prior authorization documentation requirements;

(iv) Support an automated approach using nonproprietary open workflows to compile and exchange the necessary data elements to populate the prior authorization requirements that are compliant with the federal health insurance portability and accountability act of 1996 or have an exception from the federal centers for medicare and medicaid services; and

(v) Indicate that a prior authorization denial or authorization of a service less intensive than that included in the original request is an adverse benefit determination and is subject to the managed care organization's grievance and appeal process under RCW 48.43.535.

(b) Each managed care organization shall establish and maintain an interoperable electronic process or application programming interface that automates the process for in-network providers to determine whether a prior authorization is required for a covered prescription drug. The application programming interface must support the exchange of prior authorization requests and determinations for prescription drugs, including information on covered alternative prescription drugs, beginning January 1, 2027, and must:

(i) Allow providers to identify prior authorization information and documentation requirements;

(ii) Facilitate the exchange of prior authorization requests and determinations from its electronic health records or practice management system, and may include the necessary data elements to populate the prior authorization requirements that are compliant with the federal health insurance portability and accountability act of 1996 or have an exception from the federal centers for medicare and medicaid services; and

(iii) Indicate that a prior authorization denial or authorization of a drug other than the one included in the original prior authorization request is an adverse benefit determination and is subject to the managed care organization's grievance and appeal process under RCW 48.43.535.

(c) If federal rules related to standards for using an application programming interface to communicate prior authorization status to providers are not finalized by September 13, 2023, the requirements of (a) of this subsection may not be enforced until January 1, 2026.

(d)(i) If a managed care organization determines that it will not be able to satisfy the requirements of (a) of this subsection by January 1, 2025, the managed care organization shall submit a narrative justification to the authority on or before September 1, 2024, describing:

(A) The reasons that the managed care organization cannot reasonably satisfy the requirements;

(B) The impact of noncompliance upon providers and enrollees;



(C) The current or proposed means of providing health information to the providers; and

(D) A timeline and implementation plan to achieve compliance with the requirements.

(ii) The authority may grant a one-year delay in enforcement of the requirements of (a) of this subsection (2) if the authority determines that the managed care organization has made a good faith effort to comply with the requirements.

(iii) This subsection (2)(d) shall not apply if the delay in enforcement in (c) of this subsection takes effect because the federal centers for medicare and medicaid services did not finalize the applicable regulations by September 13, 2023.

(3) Nothing in this section applies to prior authorization determinations made pursuant to RCW 71.24.618 or 74.09.490.

(4) For the purposes of this section:

(a) "Expedited prior authorization request" means a request by a provider or facility for approval of a health care service or prescription drug where:

(i) The passage of time:

(A) Could seriously jeopardize the life or health of the enrollee;

(B) Could seriously jeopardize the enrollee's ability to regain maximum function; or

(C) In the opinion of a provider or facility with knowledge of the enrollee's medical condition, would subject the enrollee to severe pain that cannot be adequately managed without the health care service or prescription drug that is the subject of the request; or

(ii) The enrollee is undergoing a current course of treatment using a nonformulary drug.

(b) "Standard prior authorization request" means a request by a provider or facility for approval of a health care service or prescription drug where the request is made in advance of the enrollee obtaining a health care service or prescription drug that is not required to be expedited.

**Sec. 4.** RCW 48.43.0161 and 2020 c 316 s 1 are each amended to read as follows:

(1) ~~((Except as provided in subsection (2) of this section, by))~~ By October 1, 2020, and annually thereafter, for individual and group health plans issued by a carrier that has written at least one percent of the total accident and health insurance premiums written by all companies authorized to offer accident and health insurance in Washington in the most recently available year, the carrier shall report to the commissioner the following aggregated and deidentified data related to the carrier's prior authorization practices and experience for the prior plan year:

(a) Lists of the ~~((ten))~~ 10 inpatient medical or surgical codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(b) Lists of the ~~((ten))~~ 10 outpatient medical or surgical codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(c) Lists of the ~~((ten))~~ 10 inpatient mental health and substance use disorder service codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; ~~((and))~~ and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(d) Lists of the ~~((ten))~~ 10 outpatient mental health and substance use disorder service codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; ~~((and))~~ and

(iii) With the highest percentage of prior authorization requests that were

initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved;

(e) Lists of the ~~((ten))~~10 durable medical equipment codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; ~~((and))~~and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(f) Lists of the ~~((ten))~~10 diabetes supplies and equipment codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; ~~((and))~~and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(g) Lists of the 10 prescription drugs:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each prescription drug and the percent of approved requests for each prescription drug;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each prescription drug and the percent of approved requests for each prescription drug; and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each prescription drug and the percent of requests that were initially denied and then subsequently approved for each prescription drug; and

(h) The average determination response time in hours for prior authorization

requests to the carrier with respect to each code reported under (a) through (f) of this subsection for each of the following categories of prior authorization:

- (i) Expedited decisions;
- (ii) Standard decisions; and
- (iii) Extenuating circumstances decisions.

~~(2) ((For the October 1, 2020, reporting deadline, a carrier is not required to report data pursuant to subsection (1)(a)-(iii), (b)(iii), (c)(iii), (d)(iii), (e)(iii), or (f)(iii) of this section until April 1, 2021, if the commissioner determines that doing so constitutes a hardship.~~

~~(3))~~ By January 1, 2021, and annually thereafter, the commissioner shall aggregate and deidentify the data collected under subsection (1) of this section into a standard report and may not identify the name of the carrier that submitted the data. ~~((The initial report due on January 1, 2021, may omit data for which a hardship determination is made by the commissioner under subsection (2) of this section. Such data must be included in the report due on January 1, 2022.))~~ The commissioner must make the report available to interested parties.

~~((4))~~(3) The commissioner may request additional information from carriers reporting data under this section.

~~((5))~~(4) The commissioner may adopt rules to implement this section. In adopting rules, the commissioner must consult stakeholders including carriers, health care practitioners, health care facilities, and patients.

~~((6))~~(5) For the purpose of this section, "prior authorization" means a mandatory process that a carrier or its designated or contracted representative requires a provider or facility to follow before a service is delivered, to determine if a service is a benefit and meets the requirements for medical necessity, clinical appropriateness, level of care, or effectiveness in relation to the applicable plan, including any term used by a carrier or its designated or contracted representative to describe this process.

NEW SECTION. Sec. 5. Section 4 of this act takes effect January 1, 2024.

NEW SECTION. Sec. 6. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "process;" strike the remainder of the title and insert "amending RCW 48.43.0161; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 74.09 RCW; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1357 and advanced the bill, as amended by the Senate, to final passage.

Representatives Simmons and Schmick spoke in favor of the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1357, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1357, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1357, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Monday, April 10, 2023

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1447, with the following amendment(s): 1447-S2 AMS ENGR S2991.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.04.005 and 2020 c 136 s 1 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Aged, blind, or disabled assistance program" means the program established under RCW 74.62.030.

(2) "Applicant" means any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(3) "Authority" means the health care authority.

(4) "County or local office" means the administrative office for one or more counties or designated service areas.

(5) "Department" means the department of social and health services.

(6) "Director" means the director of the health care authority.

(7) "Essential needs and housing support program" means the program established in RCW 43.185C.220.

(8) "Federal aid assistance" means the specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(9) "Income" means:

(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him or her to decrease his or her need for public assistance or to aid in rehabilitating him or her or his or her dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In addition, for cash assistance the department may disregard income pursuant to RCW 74.08A.230 and 74.12.350.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(10) "Need" means the difference between the applicant's or recipient's standards of assistance for himself or herself and the dependent members of his or her family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his or her family.

(11) "Public assistance" or "assistance" means public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, benefits under RCW 74.62.030 and 43.185C.220, and federal aid assistance.

(12) "Recipient" means any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(13) "Resource" means any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent. The department may by rule designate resources that an applicant may retain and not be

ineligible for public assistance because of such resources. Exempt resources shall include, but are not limited to:

(a) A home that an applicant, recipient, or their dependents is living in, including the surrounding property;

(b) Household furnishings and personal effects;

(c) One motor vehicle, other than a motor home, that is used and useful (~~having an equity value not to exceed ten thousand dollars~~);

(d) A motor vehicle necessary to transport a household member with a physical disability. This exclusion is limited to one vehicle per person with a physical disability;

(e) Retirement funds, pension plans, and retirement accounts;

(f) All other resources, including any excess of values exempted, not to exceed (~~six thousand dollars~~) \$8,000 or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance;

(~~(f)~~) (g) Applicants for or recipients of benefits under RCW 74.62.030 and 43.185C.220 shall have their eligibility based on resource limitations consistent with the temporary assistance for needy families program rules adopted by the department; and

(~~(g)~~) (h) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property if:

(A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and

(D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property.

(14) "Secretary" means the secretary of social and health services.

(15) "Standards of assistance" means the level of income required by an applicant or recipient to maintain a level of living specified by the department.

(16)(a) "Victim of human trafficking" means a noncitizen and any qualifying family members who have:

(i) Filed or are preparing to file an application for T nonimmigrant status with the appropriate federal agency pursuant to 8 U.S.C. Sec. 1101(a)(15)(T), as it existed on January 1, 2020;

(ii) Filed or are preparing to file an application with the appropriate federal agency for status pursuant to 8 U.S.C. Sec. 1101(a)(15)(U), as it existed on January 1, 2020; or

(iii) Been harmed by either any violation of chapter 9A.40 or 9.68A RCW, or both, or by substantially similar crimes under federal law or the laws of any other state, and who:

(A) Are otherwise taking steps to meet the conditions for federal benefits eligibility under 22 U.S.C. Sec. 7105, as it existed on January 1, 2020; or

(B) Have filed or are preparing to file an application with the appropriate federal agency for status under 8 U.S.C. Sec. 1158.

(b)(i) "Qualifying family member" means:

(A) A victim's spouse and children; and

(B) When the victim is under (~~twenty-one~~) 21 years of age, a victim's parents and unmarried siblings under the age of (~~eighteen~~) 18.

(ii) "Qualifying family member" does not include a family member who has been charged with or convicted of attempt, conspiracy, solicitation, or commission of any crime referenced in this subsection or described under 8 U.S.C. Sec. 1101(a)(15)(T) or (U) as either existed on January 1, 2020, when the crime is against a spouse who is a victim of human trafficking or against the child of a victim of human trafficking.

(17) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

(18) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders, and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

**Sec. 2.** RCW 74.08A.010 and 2022 c 24 s 1 are each amended to read as follows:

(1) A family that includes an adult who has received temporary assistance for needy families for (~~sixty~~) 60 months after July 27, 1997, shall be ineligible for further temporary assistance for needy families assistance.

(2) For the purposes of applying the rules of this section, the department shall count any month in which an adult family

member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the adult family member was a minor child and not the head of the household or married to the head of the household.

~~(3) (The department shall adopt regulations to apply the sixty-month time limit to households in which a parent is in the home and ineligible for temporary assistance for needy families. Any regulations shall be consistent with federal funding requirements.~~

~~(4)) The department shall refer recipients who require specialized assistance to appropriate department programs, crime victims' programs through the department of commerce, or the crime victims' compensation program of the department of labor and industries.~~

~~((5)(a)) (4) The department shall add to adopted rules related to temporary assistance for needy families time limit extensions, the following criteria by which the department shall exempt a recipient and the recipient's family from the application of subsection (1) of this section:~~

~~((+)) (a) By reason of hardship, including when:~~

~~((A)) (i) The recipient's family includes a child or youth who is without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2020;~~

~~((B)) (ii) The recipient received temporary assistance for needy families during a month on or after March 1, 2020, when Washington state's unemployment rate as published by the Washington employment security department was equal to or greater than seven percent, and the recipient is otherwise eligible for temporary assistance for needy families except that they have exceeded 60 months. The extension provided for under this subsection ((5)) (4) (a) ((+)) (B)) (ii) is equal to the number of months that the recipient received temporary assistance for needy families during a month on or after March 1, 2020, when the unemployment rate was equal to or greater than seven percent, and is applied sequentially to any other hardship extensions that may apply under this subsection ((5)) (4) or in rule; or~~

~~((C)) (iii) Beginning July 1, 2022, the Washington state unemployment rate most recently published by the Washington employment security department is equal to or greater than seven percent; or~~

~~((+)) (b) If the family includes an individual who meets the family violence options of section 402(A)(7) of Title IVA of the federal social security act as amended by P.L. 104-193.~~

~~((b) Policies related to circumstances under which a recipient will be exempted from the application of subsection (1) or (3) of this section shall treat adults receiving benefits on their own behalf, and parents receiving benefits on behalf of their child similarly, unless required otherwise under federal law.~~

~~(6)) (5) The department shall not exempt a recipient and his or her family from the application of subsection (1) ((+)) (3)) of this section until after the recipient has received ((fifty-two)) 52 months of assistance under this chapter.~~

~~((7)) (6) The department shall provide transitional food assistance for a period of five months to a household that ceases to receive temporary assistance for needy families assistance and is not in sanction status. If necessary, the department shall extend the household's basic food certification until the end of the transition period.~~

~~((8)) (7) The department may adopt rules specifying which published employment security department unemployment rates to use for the purposes of subsection ((5)) (4) (a) ((+)) (B) and (C)) (ii) and (iii) of this section.~~

**Sec. 3.** RCW 74.08A.010 and 2022 c 98 s 1 and 2022 c 24 s 1 are each reenacted and amended to read as follows:

(1) A family that includes an adult who has received temporary assistance for needy families for ((sixty)) 60 months after July 27, 1997, shall be ineligible for further temporary assistance for needy families assistance.

(2) For the purposes of applying the rules of this section, the department shall count any month in which an adult family member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the adult family member was a minor child and not the head of the household or married to the head of the household.

~~(3) (The department shall adopt regulations to apply the sixty-month time limit to households in which a parent is in the home and ineligible for temporary assistance for needy families. Any regulations shall be consistent with federal funding requirements.~~

~~(4)) The department shall refer recipients who require specialized assistance to appropriate department programs, crime victims' programs through the department of commerce, or the crime victims' compensation program of the department of labor and industries.~~

~~((5)(a)) (4) The department shall add to adopted rules related to temporary assistance for needy families time limit extensions, the following criteria by which the department shall exempt a recipient and the recipient's family from the application of subsection (1) of this section:~~

~~((+)) (a) By reason of hardship, including when:~~

~~((A)) (i) The recipient's family includes a child or youth who is without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2020;~~

~~((B)) (ii) The recipient received temporary assistance for needy families during a month on or after March 1, 2020, when Washington state's unemployment rate as~~

published by the Washington employment security department was equal to or greater than seven percent, and the recipient is otherwise eligible for temporary assistance for needy families except that they have exceeded 60 months. The extension provided for under this subsection ~~((+5))~~(4)(a)~~((+i)-(B))~~(ii) is equal to the number of months that the recipient received temporary assistance for needy families during a month on or after March 1, 2020, when the unemployment rate was equal to or greater than seven percent, and is applied sequentially to any other hardship extensions that may apply under this subsection ~~((+5))~~(4) or in rule; or

~~((C))~~(iii) Beginning July 1, 2022, the Washington state unemployment rate most recently published by the Washington employment security department is equal to or greater than seven percent; or

~~((+i))~~(b) If the family includes an individual who meets the family violence options of section 402(A)(7) of Title IVA of the federal social security act as amended by P.L. 104-193.

~~((b) Policies related to circumstances under which a recipient will be exempted from the application of subsection (1) or (3) of this section shall treat adults receiving benefits on their own behalf, and parents receiving benefits on behalf of their child similarly, unless required otherwise under federal law.~~

~~(6))~~(5) The department shall not exempt a recipient and his or her family from the application of subsection (1) ~~((or (3))~~ of this section until after the recipient has received ~~((fifty-two))~~52 months of assistance under this chapter.

~~((7))~~(6) The department shall provide transitional food assistance for a period of five months to a household that ceases to receive temporary assistance for needy families assistance and is not in full-family sanction status. If a member of a household has been sanctioned but the household is still receiving benefits, the remaining eligible household members may receive transitional food assistance. If necessary, the department shall extend the household's basic food certification until the end of the transition period.

~~((8))~~(7) The department may adopt rules specifying which published employment security department unemployment rates to use for the purposes of subsection ~~((+5))~~(4)(a)~~((+i)-(B) and (C))~~(ii) and (iii) of this section.

**Sec. 4.** RCW 74.08A.015 and 2021 c 239 s 3 are each amended to read as follows:

All families who have received temporary assistance for needy families since March 1, 2020, are eligible for the extension under RCW 74.08A.010 ~~((+5))~~(4)(a)~~((+i)-(B))~~(ii), regardless of whether they are current recipients. Eligible families shall only receive temporary assistance for needy families benefits that accrue after July 25, 2021.

**Sec. 5.** RCW 74.08A.230 and 1997 c 58 s 308 are each amended to read as follows:

(1) In addition to their monthly benefit payment, a family may earn and keep the first \$250 of the family's earnings in addition to one-half of ~~((its))~~the family's remaining earnings during every month it is eligible to receive assistance under this section.

(2) In no event may a family be eligible for temporary assistance for needy families if its monthly gross earned income exceeds the maximum earned income level as set by the department. In calculating a household's gross earnings, the department shall disregard the earnings of a minor child who is:

- (a) A full-time student; or
- (b) A part-time student carrying at least half the normal school load and working fewer than ~~((thirty-five))~~35 hours per week.

**Sec. 6.** RCW 74.08A.250 and 2019 c 343 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, as used in this chapter, "work activity" means:

- (1) Unsubsidized paid employment in the private or public sector;
- (2) Subsidized paid employment in the private or public sector, including employment through the state or federal work-study program for a period not to exceed ~~((twenty-four))~~24 months;
- (3) Work experience, including:

(a) An internship or practicum, that is paid or unpaid and is required to complete a course of vocational training or to obtain a license or certificate in a high-demand occupation, as determined by the employment security department. No internship or practicum shall exceed ~~((twelve))~~12 months; or

(b) Work associated with the refurbishing of publicly assisted housing, if sufficient paid employment is not available;

- (4) On-the-job training;
- (5) Job search and job readiness assistance;

(6) Community service programs, including a recipient's voluntary service at a child care or preschool facility licensed under chapter 43.216 RCW or an elementary school in which his or her child is enrolled;

(7) Vocational educational training, not to exceed ~~((twelve))~~12 months with respect to any individual except that this ~~((twelve-month))~~12-month limit may be increased to ~~((twenty-four))~~24 months subject to funding appropriated specifically for this purpose;

(8) Job skills training directly related to employment;

(9) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a high school equivalency certificate as provided in RCW 28B.50.536;

(10) Satisfactory attendance at secondary school or in a course of study leading to a high school equivalency certificate as provided in RCW 28B.50.536, in the case of a recipient who has not completed secondary school or received such a certificate;

(11) The provision of child care services to an individual who is participating in a community service program;

(12) Internships, that shall be paid or unpaid work experience performed by an intern in a business, industry, or government or nongovernmental agency setting;

(13) Practicums, which include any educational program in which a student is working under the close supervision of a professional in an agency, clinic, or other professional practice setting for purposes of advancing their skills and knowledge;

(14) Services required by the recipient under RCW 74.08.025(2) and 74.08A.010(~~(+4)~~) (3) to become employable;

(15) Financial literacy activities designed to be effective in assisting a recipient in becoming self-sufficient and financially stable; and

(16) Parent education services or programs that support development of appropriate parenting skills, life skills, and employment-related competencies.

**Sec. 7.** RCW 74.08A.270 and 2017 3rd sp.s. c 21 s 2 are each amended to read as follows:

(1) Good cause reasons for failure to participate in WorkFirst program components include situations where: (a) (~~(Situations where the)~~)The recipient is a parent or other relative personally providing care for a child under the age of six years, and formal or informal child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department fails to provide such care; (~~(e#)~~) (b) the recipient is a parent with a child under the age of two years; or (c) the recipient is experiencing a hardship as defined by the department in rule.

(2) A parent claiming a good cause exemption from WorkFirst participation under subsection (1)(b) of this section may be required to participate in one or more of the following, up to a maximum total of twenty hours per week, if such treatment, services, or training is indicated by the comprehensive evaluation or other assessment:

- (a) Mental health treatment;
- (b) Alcohol or drug treatment;
- (c) Domestic violence services; or

(d) Parenting education or parenting skills training, if available.

(3) The department shall: (a) Work with a parent claiming a good cause exemption under subsection (1)(b) of this section to identify and access programs and services designed to improve parenting skills and promote child well-being, including but not limited to home visitation programs and services; and (b) provide information on the availability of home visitation services to temporary assistance for needy families caseworkers, who shall inform clients of the availability of the services. If desired by the client, the caseworker shall facilitate appropriate referrals to providers of home visitation services.

(4) Nothing in this section shall prevent a recipient from participating in the WorkFirst program on a voluntary basis.

(5) A parent is eligible for a good cause exemption under subsection (1)(b) of this section for a maximum total of (~~(twenty-four)~~)24 months over the parent's lifetime.

**Sec. 8.** RCW 74.04.266 and 2011 1st sp.s. c 36 s 21 are each amended to read as follows:

In determining need for aged, blind, or disabled assistance, and medical care services, the department may by rule and regulation establish a monthly earned income exemption (~~(in an amount not to exceed the exemption allowable under disability programs authorized in Title XVI of the federal social security act)~~)as provided for in RCW 74.08A.230.

NEW SECTION. **Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 10.** Section 2 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2023.

NEW SECTION. **Sec. 11.** Section 2 of this act expires January 1, 2024.

NEW SECTION. **Sec. 12.** Section 3 of this act takes effect January 1, 2024.

NEW SECTION. **Sec. 13.** Section 1 of this act takes effect February 1, 2024.

NEW SECTION. **Sec. 14.** Section 5 of this act takes effect August 1, 2024."

On page 1, line 3 of the title, after "families;" strike the remainder of the title and insert "amending RCW 74.04.005, 74.08A.010, 74.08A.015, 74.08A.230, 74.08A.250, 74.08A.270, and 74.04.266; reenacting and amending RCW 74.08A.010; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### MOTION

Representative Eslick moved that the House concur with the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1447.

Representative Eslick spoke in favor of the motion.

Representative Senn spoke against the motion.

The motion to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1447 failed.

SENATE AMENDMENT TO HOUSE BILL

The House refused to concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1447 and asked the Senate to recede therefrom.

61	2%
62	0%
63	0%
64	0%

MESSAGE FROM THE SENATE

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1056, with the following amendment(s): 1056-S AMS WM S2696.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.32.765 and 2012 1st sp.s. c 7 s 1 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member with at least five service credit years of service who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760.

(2) EARLY RETIREMENT. Any member who has completed at least twenty service credit years of service who has attained at least age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) ALTERNATE EARLY RETIREMENT.

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after September 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

Retirement Age	Percent Reduction
55	20%
56	17%
57	14%
58	11%
59	8%
60	5%

~~((Any))~~(i) Until December 31, 2023, any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of RCW 41.32.802(2) until the retired member has reached sixty-five years of age.

(ii) Beginning January 1, 2024, any current or future retiree under the provisions of this subsection may utilize the postretirement employment provisions of RCW 41.32.802(2) for up to 867 hours per year.

(iii) For purposes of this subsection, employment with an employer prior to the retired member reaching sixty-five years of age also includes any personal service contract, service ((by))for an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.32.800(1). After reaching sixty-five years of age, employment with an employer only includes employers as defined in RCW 41.32.010.

The subsidized reductions for alternate early retirement in this subsection as set forth in section 2, chapter 491, Laws of 2007 were intended by the legislature as replacement benefits for gain-sharing. Until there is legal certainty with respect to the repeal of chapter 41.31A RCW, the right to retire under this subsection is noncontractual, and the legislature reserves the right to amend or repeal this subsection. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, eligible members may still retire under this subsection, and upon receipt of the first installment of a retirement allowance computed under this subsection, the resulting benefit becomes contractual for the recipient. If the repeal of chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then retirement benefits for any member who has completed at least thirty service credit years and has attained age fifty-five but has not yet received the first installment of a retirement allowance under this subsection shall be computed using the reductions in (a) of this subsection.

(c) Members who first become employed by an employer in an eligible position on or after May 1, 2013, are not eligible for the alternate early retirement provisions of (a) or (b) of this subsection. Any member who first becomes employed by an employer in an eligible position on or after May 1, 2013, and has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a



retirement allowance computed according to the provisions of RCW 41.32.760, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by five percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

**Sec. 2.** RCW 41.32.802 and 2022 c 110 s 2 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2)(a) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, 41.37.010, or 41.40.010, or as a firefighter or law enforcement officer, as defined in RCW 41.26.030, or in a position covered by annuity and retirement income plans offered by institutions of higher education pursuant to RCW 28B.10.400, without suspension of his or her benefit.

~~(b) ((A retiree who has retired under the alternate early retirement provisions of RCW 41.32.765(3)(b) may be employed with an employer for up to 867 hours per calendar year without suspension of his or her benefit, provided that: (i) The retired teacher reenters employment more than one calendar month after his or her accrual date and after June 9, 2016; and (ii) the retired teacher is employed in a nonadministrative capacity.~~

~~(e))~~ (i) Between March 23, 2022, and July 1, 2025, a retiree who reenters employment more than one month after his or her accrual date, and who enters service in a school district in a nonadministrative position shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a calendar year.

(ii) Between March 23, 2022, and July 1, 2025, a retiree that retired before January 1, 2022, and who enters service in a second-class school district, as defined in RCW 28A.300.065, as either a district superintendent or an in-school administrator shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a calendar year.

(iii) The legislature reserves the right to amend or repeal this subsection (2) ~~((e))~~ (b) in the future and no member or beneficiary has a contractual right to be employed for more than 867 hours in a

calendar year without a reduction of his or her pension.

(3) If the retiree opts to reestablish membership under RCW 41.32.044, he or she terminates his or her retirement status and immediately becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible.

**Sec. 3.** RCW 41.32.862 and 2022 c 110 s 3 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2)(a) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, 41.37.010, or 41.40.010, or as a firefighter or law enforcement officer, as defined in RCW 41.26.030, or in a position covered by annuity and retirement income plans offered by institutions of higher education pursuant to RCW 28B.10.400, without suspension of his or her benefit.

~~(b) ((A retiree who has retired under the alternate early retirement provisions of RCW 41.32.875(3)(b) may be employed with an employer for up to 867 hours per calendar year without suspension of his or her benefit, provided that: (i) The retired teacher reenters employment more than one calendar month after his or her accrual date and after June 9, 2016; and (ii) the retired teacher is employed in a nonadministrative capacity.~~

~~(e))~~ (i) Between March 23, 2022, and July 1, 2025, a retired teacher or retired administrator who reenters employment more than one month after his or her accrual date, and who enters service in a school district in a nonadministrative position shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a calendar year.

(ii) Between March 23, 2022, and July 1, 2025, a retiree that retired before January 1, 2022, and who enters service in a second-class school district, as defined in RCW 28A.300.065, as either a district superintendent or an in-school administrator shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a calendar year.

(iii) The legislature reserves the right to amend or repeal this subsection (2) ~~((+e))~~(b) in the future and no member or beneficiary has a contractual right to be employed for more than 867 hours in a calendar year without a reduction of his or her pension.

(3) If the retiree opts to reestablish membership under RCW 41.32.044, he or she terminates his or her retirement status and immediately becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible.

**Sec. 4.** RCW 41.32.875 and 2012 1st sp.s. c 7 s 2 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member who is at least age sixty-five and who has:

(a) Completed ten service credit years; or

(b) Completed five service credit years, including twelve service credit months after attaining age forty-four; or

(c) Completed five service credit years by July 1, 1996, under plan 2 and who transferred to plan 3 under RCW 41.32.817; shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840.

(2) EARLY RETIREMENT. Any member who has attained at least age fifty-five and has completed at least ten years of service shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) ALTERNATE EARLY RETIREMENT.

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after September 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

Retirement Age	Percent Reduction
55	20%
56	17%
57	14%

58	11%
59	8%
60	5%
61	2%
62	0%
63	0%
64	0%

~~((Any))~~(i) Until December 31, 2023, any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of RCW 41.32.862(2) until the retired member has reached sixty-five years of age.

(ii) Beginning January 1, 2024, any current or future retiree under the provisions of this subsection may utilize the postretirement employment provisions of RCW 41.32.862(2) for up to 867 hours per year.

(iii) For purposes of this subsection, employment with an employer prior to the retired member reaching sixty-five years of age also includes any personal service contract, service ~~((by))~~for an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.32.860(1). After reaching sixty-five years of age, employment with an employer only includes employers as defined in RCW 41.32.010.

The subsidized reductions for alternate early retirement in this subsection as set forth in section 4, chapter 491, Laws of 2007 were intended by the legislature as replacement benefits for gain-sharing. Until there is legal certainty with respect to the repeal of chapter 41.31A RCW, the right to retire under this subsection is noncontractual, and the legislature reserves the right to amend or repeal this subsection. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, eligible members may still retire under this subsection, and upon receipt of the first installment of a retirement allowance computed under this subsection, the resulting benefit becomes contractual for the recipient. If the repeal of chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then retirement benefits for any member who has completed at least thirty service credit years and has attained age fifty-five but has not yet received the first installment of a retirement allowance under this subsection shall be computed using the reductions in (a) of this subsection.

(c) Members who first become employed by an employer in an eligible position on or after May 1, 2013, are not eligible for the alternate early retirement provisions of (a) or (b) of this subsection. Any member who first becomes employed by an employer in an

eligible position on or after May 1, 2013, and has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by five percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

**Sec. 5.** RCW 41.35.060 and 2022 c 110 s 4 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2)(a) A retiree who has satisfied the break in employment requirement of subsection (1) of this section may work up to eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, 41.37.010, or 41.40.010, or as a firefighter or law enforcement officer, as defined in RCW 41.26.030, or in a position covered by annuity and retirement income plans offered by institutions of higher education pursuant to RCW 28B.10.400, without suspension of his or her benefit.

~~(b) ((A retiree in the school employees' retirement system plan 2 or plan 3 who has retired under the alternate early retirement provisions of RCW 41.35.420(3)(b) may be employed with an employer for up to 867 hours per calendar year without suspension of his or her benefit, provided that: (i) The retiree reenters employment more than one calendar month after his or her accrual date; and (ii) the retiree is employed in a nonadministrative position.~~

~~(e))~~ Between March 23, 2022, and July 1, 2025, a retiree, including a retiree who has retired under the alternate early retirement provisions of RCW 41.35.420(3)(b) or 41.35.680(3)(b), who reenters employment more than one month after his or her accrual date, and who enters service in a school district in a nonadministrative position shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a calendar year. The legislature reserves the right to amend or repeal this subsection ~~(2)((e))~~ ~~(b)~~ in the future and no member or beneficiary has a contractual right to be employed for more than 867 hours in a calendar year without a reduction of his or her pension.

(3) If the retiree opts to reestablish membership under RCW 41.35.030, he or she

terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.35.420 or 41.35.680. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

**Sec. 6.** RCW 41.35.420 and 2012 1st sp.s. c 7 s 3 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member with at least five service credit years who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.400.

(2) EARLY RETIREMENT. Any member who has completed at least twenty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.400, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) ALTERNATE EARLY RETIREMENT.

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.400, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after September 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.400, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

Retirement Age	Percent Reduction
55	20%
56	17%
57	14%
58	11%
59	8%
60	5%
61	2%
62	0%
63	0%

(Any) (i) Until December 31, 2023, any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of RCW 41.35.060(2) until the retired member has reached sixty-five years of age.

(ii) Beginning January 1, 2024, any current or future retiree under the provisions of this subsection may utilize the postretirement provisions of RCW 41.35.060(2) for up to 867 hours per year.

(iii) For purposes of this subsection, employment with an employer prior to the retired member reaching sixty-five years of age also includes any personal service contract, service (~~by~~) for an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.35.230(1). After reaching sixty-five years of age, employment with an employer only includes employers as defined in RCW 41.35.010.

The subsidized reductions for alternate early retirement in this subsection as set forth in section 6, chapter 491, Laws of 2007 were intended by the legislature as replacement benefits for gain-sharing. Until there is legal certainty with respect to the repeal of chapter 41.31A RCW, the right to retire under this subsection is noncontractual, and the legislature reserves the right to amend or repeal this subsection. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, eligible members may still retire under this subsection, and upon receipt of the first installment of a retirement allowance computed under this subsection, the resulting benefit becomes contractual for the recipient. If the repeal of chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then retirement benefits for any member who has completed at least thirty service credit years and has attained age fifty-five but has not yet received the first installment of a retirement allowance under this subsection shall be computed using the reductions in (a) of this subsection.

(c) Members who first become employed by an employer in an eligible position on or after May 1, 2013, are not eligible for the alternate early retirement provisions of (a) or (b) of this subsection. Any member who first becomes employed by an employer in an eligible position on or after May 1, 2013, and has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.400, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by five percent per year to reflect the difference in the number of

years between age at retirement and the attainment of age sixty-five.

**Sec. 7.** RCW 41.35.680 and 2012 1st sp.s. c 7 s 4 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member who is at least age sixty-five and who has:

(a) Completed ten service credit years; or

(b) Completed five service credit years, including twelve service credit months after attaining age forty-four; or

(c) Completed five service credit years by September 1, 2000, under the public employees' retirement system plan 2 and who transferred to plan 3 under RCW 41.35.510; shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.620.

(2) EARLY RETIREMENT. Any member who has attained at least age fifty-five and has completed at least ten years of service shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.620, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) ALTERNATE EARLY RETIREMENT.

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.620, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after September 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.620, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

Retirement Age	Percent Reduction
55	20%
56	17%
57	14%
58	11%
59	8%
60	5%
61	2%
62	0%
63	0%
64	0%

((Any)) (i) Until December 31, 2023, any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of RCW 41.35.060(2) until the retired member has reached sixty-five years of age.

(ii) Beginning January 1, 2024, any current or future retiree under the provisions of this subsection may utilize the postretirement employment provisions of RCW 41.35.060(2).

(iii) For purposes of this subsection, employment with an employer prior to the retired member reaching sixty-five years of age also includes any personal service contract, service ((by)) for an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.35.230(1). After reaching sixty-five years of age, employment with an employer only includes employers as defined in RCW 41.35.010.

The subsidized reductions for alternate early retirement in this subsection as set forth in section 8, chapter 491, Laws of 2007 were intended by the legislature as replacement benefits for gain-sharing. Until there is legal certainty with respect to the repeal of chapter 41.31A RCW, the right to retire under this subsection is noncontractual, and the legislature reserves the right to amend or repeal this subsection. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, eligible members may still retire under this subsection, and upon receipt of the first installment of a retirement allowance computed under this subsection, the resulting benefit becomes contractual for the recipient. If the repeal of chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then retirement benefits for any member who has completed at least thirty service credit years and has attained age fifty-five but has not yet received the first installment of a retirement allowance under this subsection shall be computed using the reductions in (a) of this subsection.

(c) Members who first become employed by an employer in an eligible position on or after May 1, 2013, are not eligible for the alternate early retirement provisions of (a) or (b) of this subsection. Any member who first becomes employed by an employer in an eligible position on or after May 1, 2013, and has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.620, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by five percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

**Sec. 8.** RCW 41.40.630 and 2012 1st sp.s. c 7 s 5 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member with at least five service credit years who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620.

(2) EARLY RETIREMENT. Any member who has completed at least twenty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) ALTERNATE EARLY RETIREMENT.

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after July 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

Retirement Age	Percent Reduction
55	20%
56	17%
57	14%
58	11%
59	8%
60	5%
61	2%
62	0%
63	0%
64	0%

((Any)) (i) Until December 31, 2023, any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of RCW 41.40.037(2) (d) until the retired member has reached sixty-five years of age.

(ii) Beginning January 1, 2024, any current or future retiree under the provisions of this subsection may utilize the postretirement employment provisions of RCW 41.40.037(2) for up to 867 hours per year.

(iii) For purposes of this subsection, employment with an employer prior to the retired member reaching sixty-five years of age also includes any personal service contract, service ~~((by))~~for an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.40.690(1). After reaching sixty-five years of age, employment with an employer only includes employers as defined in RCW 41.40.010.

The subsidized reductions for alternate early retirement in this subsection as set forth in section 9, chapter 491, Laws of 2007 were intended by the legislature as replacement benefits for gain-sharing. Until there is legal certainty with respect to the repeal of chapter 41.31A RCW, the right to retire under this subsection is noncontractual, and the legislature reserves the right to amend or repeal this subsection. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, eligible members may still retire under this subsection, and upon receipt of the first installment of a retirement allowance computed under this subsection, the resulting benefit becomes contractual for the recipient. If the repeal of chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then retirement benefits for any member who has completed at least thirty service credit years and has attained age fifty-five but has not yet received the first installment of a retirement allowance under this subsection shall be computed using the reductions in (a) of this subsection.

(c) Members who first become employed by an employer in an eligible position on or after May 1, 2013, are not eligible for the alternate early retirement provisions of (a) or (b) of this subsection. Any member who first becomes employed by an employer in an eligible position on or after May 1, 2013, and has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by five percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

**Sec. 9.** RCW 41.40.820 and 2012 1st sp.s. c 7 s 6 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member who is at least age sixty-five and who has:

(a) Completed ten service credit years; or

(b) Completed five service credit years, including twelve service credit months after attaining age forty-four; or

(c) Completed five service credit years by the transfer payment date specified in RCW 41.40.795, under the public employees' retirement system plan 2 and who transferred to plan 3 under RCW 41.40.795; shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.790.

(2) EARLY RETIREMENT. Any member who has attained at least age fifty-five and has completed at least ten years of service shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.790, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) ALTERNATE EARLY RETIREMENT.

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.790, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after July 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.790, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

Retirement Age	Percent Reduction
55	20%
56	17%
57	14%
58	11%
59	8%
60	5%
61	2%
62	0%
63	0%
64	0%

~~((Any))~~(i) Until December 31, 2023, any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of RCW 41.40.037(2)(d) until the retired member has reached sixty-five years of age.

(ii) Beginning January 1, 2024, any current or future retiree under the provisions of this subsection may utilize the postretirement employment provisions of RCW 41.40.037(2) for up to 867 hours per year.

(iii) For purposes of this subsection, employment with an employer prior to the

retired member reaching sixty-five years of age also includes any personal service contract, service ((by))for an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.40.850(1). After reaching sixty-five years of age, employment with an employer only includes employers as defined in RCW 41.40.010.

The subsidized reductions for alternate early retirement in this subsection as set forth in section 10, chapter 491, Laws of 2007 were intended by the legislature as replacement benefits for gain-sharing. Until there is legal certainty with respect to the repeal of chapter 41.31A RCW, the right to retire under this subsection is noncontractual, and the legislature reserves the right to amend or repeal this subsection. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, eligible members may still retire under this subsection, and upon receipt of the first installment of a retirement allowance computed under this subsection, the resulting benefit becomes contractual for the recipient. If the repeal of chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then retirement benefits for any member who has completed at least thirty service credit years and has attained age fifty-five but has not yet received the first installment of a retirement allowance under this subsection shall be computed using the reductions in (a) of this subsection.

(c) Members who first become employed by an employer in an eligible position on or after May 1, 2013, are not eligible for the alternate early retirement provisions of (a) or (b) of this subsection. Any member who first becomes employed by an employer in an eligible position on or after May 1, 2013, and has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.790, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by five percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

**NEW SECTION. Sec. 10.** This act takes effect January 1, 2024."

On page 1, line 2 of the title, after "restrictions;" strike the remainder of the title and insert "amending RCW 41.32.765, 41.32.802, 41.32.862, 41.32.875, 41.35.060, 41.35.420, 41.35.680, 41.40.630, and 41.40.820; and providing an effective date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

## SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1056 and asked the Senate to recede therefrom.

## MESSAGE FROM THE SENATE

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1559, with the following amendment(s): 1559-S2 AMS WM S2921.2

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** In 2022, students at 39 colleges and universities across Washington state participated in a survey about basic needs insecurities, including access to food, housing, child care, and more. The survey found that nearly half of all students in all regions of the state experienced some type of basic needs insecurity. One in every three students experienced either food insecurity or housing insecurity. One in every 10 students had also experienced homelessness in the previous 12 months. Some students experienced these insecurities at higher rates than others, and former foster youth had the highest rates of basic needs insecurities with 75 percent experiencing either food or housing insecurity. Addressing basic needs challenges for students contributes to their ability to remain enrolled and pursue their educational goals as evidenced by data from the two student support programs the legislature previously enacted, the student emergency assistance grant program and the supporting students experiencing homelessness pilot program. When students received this assistance, an average of 88 percent of them were able to persist in their programs.

Therefore, the legislature intends to continue to support students and help students meet their basic needs by increasing access to resources and support services.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, each institution of higher education, the university campuses created under chapter 28B.45 RCW, and the tribal college must have a minimum of one part-time benefits navigator to assist students in accessing public benefits and existing emergency assistance programs such as those funded by RCW 28B.50.295. The institutions of higher education and the tribal college, in coordination with the respective benefits navigators, may:

(a) Identify campus food pantry policies that, in practice, create barriers to access and reduce or remove those barriers in the implementation of this subsection;

(b) Review and update methods to identify likely low-income and food-insecure students and conduct communications and outreach methods by the institution to promote opportunities for benefits assistance (such as basic food enrollment, working connections child care enrollment, referrals to the special supplemental nutrition program for women, infants, and children, affordable housing assistance) and emergency financial resources;

(c) Identify opportunities for the institution and partnerships with community-based organizations to holistically support students' basic needs, access to benefits and community resources; and

(d) Facilitate discussions and generate recommendations amongst community stakeholders on the basic needs of the institution's geographic postsecondary student population.

(2) Public four-year institutions of higher education and their respective university campuses shall coordinate with an organization representing the presidents of the public four-year institutions to submit a report that must include outcomes from implementation of benefits navigators, and provide recommendations regarding strategies to address student basic needs. The community and technical colleges shall coordinate with the state board for community and technical colleges to submit a report that must include outcomes from implementation of benefits navigators, and provide recommendations regarding strategies to address student basic needs. The organizations representing the presidents of the public four-year institutions and the state board for community and technical colleges must submit the reports by December 1, 2025, and every other year thereafter, to the appropriate committees of the legislature in accordance with RCW 43.01.036.

(3) The tribal college shall submit a report that must include the findings and activities from implementation of the benefits navigator and provide recommendations regarding strategies to address student basic needs. The tribal college must submit the report by December 1, 2025, and every other year thereafter, to the appropriate committees of the legislature in accordance with RCW 43.01.036.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Benefits navigator" means an individual who is employed by an institution of higher education for the purpose of helping students seek, apply for, and receive assistance from benefits programs, emergency resources, and community resources.

(b) "Institutions of higher education" has the same meaning as in RCW 28B.10.016.

(c) "Student basic needs" means food, water, shelter, clothing, physical health, mental health, child care, or similar needs that students enrolled at an institution of higher education or tribal college may face difficulty with and that hinders their ability to begin or continue their enrollment.

(d) "Tribal colleges" means institutions of higher education operated by an Indian tribe as defined in RCW 43.376.010.

NEW SECTION. **Sec. 3.** (1) Subject to the availability of amounts appropriated for this specific purpose, a pilot program to provide free and low-cost meal plans or food vouchers to eligible low-income students is established at:

(a) Four college districts, two on each side of the crest of the Cascade mountains, selected by the state board for community and technical colleges; and

(b) Two public four-year institutions of higher education, one on each side of the crest of the Cascade mountains, selected by an organization representing the presidents of public four-year institutions.

(2) The pilot program expires July 1, 2026.

(3) This section expires January 1, 2027.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "adding a new section to chapter 28B.10 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1559 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

Thursday, April 13, 2023

Mme. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SENATE BILL NO. 5175 and asks the House to recede therefrom.

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House insisted on its position in its amendment to ENGROSSED SENATE BILL NO. 5175 and asked the Senate to concur therein.

The Speaker assumed the chair.

#### SIGNED BY THE SPEAKER

The Speaker signed the following bills:

HOUSE BILL NO. 1020  
ENGROSSED HOUSE BILL NO. 1086  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1188  
SUBSTITUTE HOUSE BILL NO. 1250



ENGROSSED SUBSTITUTE HOUSE BILL NO. 1335  
 SECOND SUBSTITUTE HOUSE BILL NO. 1474  
 SECOND SUBSTITUTE HOUSE BILL NO. 1525  
 SECOND SUBSTITUTE HOUSE BILL NO. 1578  
 SUBSTITUTE HOUSE BILL NO. 1701  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1731  
 SENATE BILL NO. 5155  
 SENATE BILL NO. 5000  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5001  
 SENATE BILL NO. 5004  
 SUBSTITUTE SENATE BILL NO. 5006  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5045  
 SENATE BILL NO. 5065  
 SUBSTITUTE SENATE BILL NO. 5072  
 SUBSTITUTE SENATE BILL NO. 5077  
 SUBSTITUTE SENATE BILL NO. 5101  
 SECOND SUBSTITUTE SENATE BILL NO. 5103  
 SENATE BILL NO. 5104  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5111  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5112  
 SECOND SUBSTITUTE SENATE BILL NO. 5128  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5144  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5152  
 SENATE BILL NO. 5153  
 SENATE BILL NO. 5166  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5199  
 SUBSTITUTE SENATE BILL NO. 5218

The Speaker called upon Representative Bronoske to preside.

There being no objection, the House reverted to the third order of business.

**MESSAGES FROM THE SENATE**

Tuesday, April 18, 2023

Mme. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1042  
 SUBSTITUTE HOUSE BILL NO. 1043  
 SUBSTITUTE HOUSE BILL NO. 1047  
 SUBSTITUTE HOUSE BILL NO. 1074  
 HOUSE BILL NO. 1112  
 SUBSTITUTE HOUSE BILL NO. 1117  
 SUBSTITUTE HOUSE BILL NO. 1138  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1155  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1173  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1187  
 HOUSE BILL NO. 1199  
 SUBSTITUTE HOUSE BILL NO. 1200  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1216  
 SUBSTITUTE HOUSE BILL NO. 1217  
 HOUSE BILL NO. 1243  
 SUBSTITUTE HOUSE BILL NO. 1271  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1293  
 SECOND SUBSTITUTE HOUSE BILL NO. 1316  
 HOUSE BILL NO. 1317  
 ENGROSSED HOUSE BILL NO. 1337  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1340  
 HOUSE BILL NO. 1345  
 HOUSE BILL NO. 1349  
 SECOND SUBSTITUTE HOUSE BILL NO. 1390  
 SUBSTITUTE HOUSE BILL NO. 1460  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1498  
 HOUSE BILL NO. 1599  
 ENGROSSED HOUSE BILL NO. 1636  
 SECOND SUBSTITUTE HOUSE BILL NO. 1639  
 ENGROSSED HOUSE BILL NO. 1663

SUBSTITUTE HOUSE BILL NO. 1683  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1736  
 HOUSE BILL NO. 1771  
 HOUSE BILL NO. 1775  
 HOUSE BILL NO. 1777  
 SUBSTITUTE HOUSE BILL NO. 1779  
 ENGROSSED HOUSE BILL NO. 1782  
 SUBSTITUTE HOUSE BILL NO. 1783  
 SUBSTITUTE HOUSE BILL NO. 1804

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Tuesday, April 18, 2023

Mme. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1500  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1503  
 HOUSE BILL NO. 1512  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1515  
 HOUSE BILL NO. 1527  
 SECOND SUBSTITUTE HOUSE BILL NO. 1534  
 HOUSE BILL NO. 1536  
 HOUSE BILL NO. 1542  
 HOUSE BILL NO. 1552  
 SUBSTITUTE HOUSE BILL NO. 1562  
 HOUSE BILL NO. 1563  
 HOUSE BILL NO. 1564  
 SUBSTITUTE HOUSE BILL NO. 1570  
 HOUSE BILL NO. 1575  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1576  
 SECOND SUBSTITUTE HOUSE BILL NO. 1580  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1600  
 SUBSTITUTE HOUSE BILL NO. 1621  
 HOUSE BILL NO. 1622  
 HOUSE BILL NO. 1626  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1678  
 HOUSE BILL NO. 1679  
 HOUSE BILL NO. 1684  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1694  
 HOUSE BILL NO. 1695  
 HOUSE BILL NO. 1696  
 HOUSE BILL NO. 1742  
 HOUSE BILL NO. 1750  
 SUBSTITUTE HOUSE BILL NO. 1753  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1758  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1766  
 HOUSE BILL NO. 1772  
 ENGROSSED HOUSE BILL NO. 1797  
 SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4001

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Tuesday, April 18, 2023

Mme. Speaker:

The President has signed:

SENATE BILL NO. 5000  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5001  
 SENATE BILL NO. 5004  
 SUBSTITUTE SENATE BILL NO. 5006  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5045  
 SENATE BILL NO. 5065  
 SUBSTITUTE SENATE BILL NO. 5072  
 SUBSTITUTE SENATE BILL NO. 5077  
 SUBSTITUTE SENATE BILL NO. 5101

SECOND SUBSTITUTE SENATE BILL NO. 5103  
 SENATE BILL NO. 5104  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5111  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5112  
 SECOND SUBSTITUTE SENATE BILL NO. 5128  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5144  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5152  
 SENATE BILL NO. 5153  
 SENATE BILL NO. 5166  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5199  
 SUBSTITUTE SENATE BILL NO. 5218

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the sixth order of business.

### SECOND READING

**SENATE BILL NO. 5765, by Senators Liias, King, Cleveland and Holy**

**Addressing tolling authorization for the Interstate 5 bridge replacement project.**

The bill was read the second time.

With the consent of the House, amendments (745), (746), (749), (754) and (756) were withdrawn.

Representative Orcutt moved the adoption of amendment (748):

On 2, line 23, after "bridges." insert "Tolls may not be collected unless any agreement between the tri-county metropolitan transportation district of Oregon and the Clark county public transit benefit area authority that allows for the use of the Clark county public transit benefit area authority's eminent domain authority by the tri-county metropolitan transportation district of Oregon is amended to remove that allowance."

Representatives Orcutt and Walsh spoke in favor of the adoption of the amendment.

Representative Wylie spoke against the adoption of the amendment.

Amendment (748) was not adopted.

Representative Cheney moved the adoption of amendment (752):

On page 2, line 23, after "bridges." insert "Tolls may not be collected unless each Washington resident who can provide proof of payment of Oregon income tax is provided an annual exemption from such tolls for the year in which the tax was paid."

Representatives Cheney, Walsh and Orcutt spoke in favor of the adoption of the amendment.

Representatives Stonier and Wylie spoke against the adoption of the amendment.

Amendment (752) was not adopted.

Representative Waters moved the adoption of amendment (753):

On page 2, after line 26, insert the following:

"(3) The treasurer of any state that issues bonds to pay for the Interstate 5 bridge replacement project must notify the governors, transportation commissions, and transportation committees of the legislatures of the states of Oregon and Washington when the last of the bonds issued to pay for this project have been retired. Upon the receipt of this notification, the transportation commissions must adjust the toll rates to recover no more toll revenue than necessary to fund the cost of maintenance, preservation, and operation of the Interstate 5 Columbia river bridges and the associated tolling system. This adjustment must occur no more than 30 days after the receipt of the notification."

Representative Waters spoke in favor of the adoption of the amendment.

Representative Wylie spoke against the adoption of the amendment.

Amendment (753) was not adopted.

Representative Cheney moved the adoption of amendment (755):

On page 3, line 10, after "RCW 47.56.820" insert "(2) (a) and (b) "

Representatives Cheney and Orcutt spoke in favor of the adoption of the amendment.

Representative Stonier spoke against the adoption of the amendment.

Amendment (755) was not adopted.

Representative McClintock moved the adoption of amendment (750):

On page 3, line 19, after "section." insert "The toll rates established pursuant to the bistrate agreement may not be set to pay for all of the operational and administrative costs of Oregon's tolling system. The Washington tolling authority must require toll rates that specifically cover the Interstate 5 Columbia river bridge without subsidizing other Oregon toll facilities. Washington residents are already paying for toll system operations of the Washington department of transportation, and therefore the agreement must recognize that it would be unfair for the toll rates on the Interstate 5 Columbia river bridge to pay for administrative and program costs of the Oregon department of transportation that are created with the expectation to benefit multiple tolled facilities in Oregon."

Representatives McClintock and Fey spoke in favor of the adoption of the amendment.

Amendment (750) was adopted.

Representative McClintock moved the adoption of amendment (751):

On page 3, line 19, after "section." insert "The toll rates established pursuant to the bistate agreement may not be set at a rate that exceeds the highest toll rate allowed on any of the other toll facilities in Washington, unless the legislature provides direction to do so in duly enacted legislation."

Representatives McClintock and Fey spoke in favor of the adoption of the amendment.

Amendment (751) was adopted.

Representative Harris moved the adoption of amendment (747):

On page 2, line 22, after "the" strike "existing and"

Representatives Harris and Orcutt spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

Amendment (747) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Fey, Barkis, Wylie and Stonier spoke in favor of the passage of the bill.

Representatives Orcutt, Caldier and Cheney spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5765, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5765, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barnard, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Ortiz-Self

SENATE BILL NO. 5765, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

### THIRD READING

#### MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1110, with the following amendment(s): 1110-S2.E AMS ENGR S2959.E

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that Washington is facing an unprecedented housing crisis for its current population and a lack of housing choices, and is not likely to meet the affordability goals for future populations. In order to meet the goal of 1,000,000 new homes by 2044, and enhanced quality of life and environmental protection, innovative housing policies will need to be adopted.

Increasing housing options that are more affordable to various income levels is critical to achieving the state's housing goals, including those codified by the legislature under chapter 254, Laws of 2021.

There is continued need for the development of housing at all income levels, including middle housing that will provide a wider variety of housing options and configurations to allow Washingtonians to live near where they work.

Homes developed at higher densities are more affordable by design for Washington residents both in their construction and reduced household energy and transportation costs.

While creating more housing options, it is essential for cities to identify areas at higher risk of displacement and establish antidisplacement policies as required in Engrossed Second Substitute House Bill No. 1220 (chapter 254, Laws of 2021).

The state has made historic investments in subsidized affordable housing through the housing trust fund, yet even with these historic investments, the magnitude of the housing shortage requires both public and private investment.

In addition to addressing the housing shortage, allowing more housing options in areas already served by urban infrastructure will reduce the pressure to develop natural and working lands, support key strategies for climate change, food security, and Puget Sound recovery, and save taxpayers and ratepayers money.

**Sec. 2.** RCW 36.70A.030 and 2021 c 254 s 6 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrative design review" means a development permit process whereby an application is reviewed, approved, or denied by the planning director or the planning director's designee based solely on objective design and development standards without a public predecision hearing, unless

such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance. A city may utilize public meetings, hearings, or voluntary review boards to consider, recommend, or approve requests for variances from locally established design review standards.

(2) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

~~((2+))~~(3) "Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is:

(a) For rental housing, sixty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

(b) For owner-occupied housing, eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

~~((3+))~~(4) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

~~((4+))~~(5) "City" means any city or town, including a code city.

~~((5+))~~(6) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

~~((6+))~~(7) "Cottage housing" means residential units on a lot with a common open space that either: (a) Is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.

(8) "Courtyard apartments" means up to four attached dwelling units arranged on two or three sides of a yard or court.

(9) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

~~((7+))~~(10) "Department" means the department of commerce.

~~((8+))~~(11) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

~~((9+))~~(12) "Emergency housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

~~((10+))~~(13) "Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

~~((11+))~~(14) "Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below thirty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

~~((12+))~~(15) "Forestland" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forestland is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forestland to other uses.

~~((13+))~~(16) "Freight rail dependent uses" means buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is dependent on and makes use of an adjacent

short line railroad. Such facilities are both urban and rural development for purposes of this chapter. "Freight rail dependent uses" does not include buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of coal, liquefied natural gas, or "crude oil" as defined in RCW 90.56.010.

~~((14))~~ (17) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

~~((15))~~ (18) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

~~((16))~~ (19) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

~~((17))~~ (20) "Major transit stop" means:

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems; or

(d) Stops on bus rapid transit routes.

(21) "Middle housing" means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing.

(22) "Minerals" include gravel, sand, and valuable metallic substances.

~~((18))~~ (23) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

~~((19))~~ (24) "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into

housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

~~((20))~~ (25) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

~~((21))~~ (26) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

~~((22))~~ (27) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

~~((23))~~ (28) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

~~((24))~~ (29) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

~~((25))~~ (30) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems ~~((7))~~ and fire and police protection services ~~((7~~

~~transportation and public transit services, and other public utilities))~~ associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

~~((26))~~ (31) "Short line railroad" means those railroad lines designated class II or class III by the United States surface transportation board.

~~((27))~~ (32) "Single-family zones" means those zones where single-family detached housing is the predominant land use.

(33) "Stacked flat" means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned.

(34) "Townhouses" means buildings that contain three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides.

(35) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

~~((28))~~ (36) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

~~((29))~~ (37) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

~~((30))~~ (38) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below fifty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

~~((31))~~ (39) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

NEW SECTION. Sec. 3. A new section is added to chapter 36.70A RCW to read as follows:

(1) Except as provided in subsection (4) of this section, any city that is required or chooses to plan under RCW 36.70A.040 must provide by ordinance and incorporate into its development regulations, zoning regulations, and other official controls, authorization for the following:

(a) For cities with a population of at least 25,000 but less than 75,000 based on office of financial management population estimates:

(i) The development of at least two units per lot on all lots zoned predominantly for residential use, unless zoning permitting higher densities or intensities applies;

(ii) The development of at least four units per lot on all lots zoned predominantly for residential use, unless zoning permitting higher densities or intensities applies, within one-quarter mile walking distance of a major transit stop; and

(iii) The development of at least four units per lot on all lots zoned predominantly for residential use, unless zoning permitting higher densities or intensities applies, if at least one unit is affordable housing.

(b) For cities with a population of at least 75,000 based on office of financial management population estimates:

(i) The development of at least four units per lot on all lots zoned predominantly for residential use, unless zoning permitting higher densities or intensities applies;

(ii) The development of at least six units per lot on all lots zoned predominantly for residential use, unless zoning permitting higher densities or intensities applies, within one-quarter mile walking distance of a major transit stop; and

(iii) The development of at least six units per lot on all lots zoned predominantly for residential use, unless zoning permitting higher densities or intensities applies, if at least two units are affordable housing.

(c) For cities with a population of less than 25,000, that are within a contiguous urban growth area with the largest city in a county with a population of more than 275,000, based on office of financial management population estimates the development of at least two units per lot on all lots zoned predominantly for residential

use, unless zoning permitting higher densities or intensities applies.

(2)(a) To qualify for the additional units allowed under subsection (1) of this section, the applicant must commit to renting or selling the required number of units as affordable housing. The units must be maintained as affordable for a term of at least 50 years, and the property must satisfy that commitment and all required affordability and income eligibility conditions adopted by the local government under this chapter. A city must require the applicant to record a covenant or deed restriction that ensures the continuing rental of units subject to these affordability requirements consistent with the conditions in chapter 84.14 RCW for a period of no less than 50 years. The covenant or deed restriction must also address criteria and policies to maintain public benefit if the property is converted to a use other than which continues to provide for permanently affordable housing.

(b) The units dedicated as affordable must be provided in a range of sizes comparable to other units in the development. To the extent practicable, the number of bedrooms in affordable units must be in the same proportion as the number of bedrooms in units within the entire development. The affordable units must generally be distributed throughout the development and have substantially the same functionality as the other units in the development.

(c) If a city has enacted a program under RCW 36.70A.540, the terms of that program govern to the extent they vary from the requirements of this subsection.

(3) If a city has enacted a program under RCW 36.70A.540, subsection (1) of this section does not preclude the city from requiring any development, including development described in subsection (1) of this section, to provide affordable housing, either on-site or through an in-lieu payment, nor limit the city's ability to expand such a program or modify its requirements.

(4)(a) As an alternative to the density requirements in subsection (1) of this section, a city may implement the density requirements in subsection (1) of this section for at least 75 percent of lots in the city that are primarily dedicated to single-family detached housing units.

(b) The 25 percent of lots for which the requirements of subsection (1) of this section are not implemented must include but are not limited to:

(i) Any areas within the city for which the department has certified an extension of the implementation timelines under section 5 of this act due to the risk of displacement;

(ii) Any areas within the city for which the department has certified an extension of the implementation timelines under section 7 of this act due to a lack of infrastructure capacity;

(iii) Any lots designated with critical areas or their buffers that are exempt from the density requirements as provided in subsection (8) of this section;

(iv) Any portion of a city within a one-mile radius of a commercial airport with at

least 9,000,000 annual enplanements that is exempt from the parking requirements under subsection (7)(b) of this section; and

(v) Any areas subject to sea level rise, increased flooding, susceptible to wildfires, or geological hazards over the next 100 years.

(c) Unless identified as at higher risk of displacement under RCW 36.70A.070(2)(g), the 25 percent of lots for which the requirements of subsection (1) of this section are not implemented may not include:

(i) Any areas for which the exclusion would further racially disparate impacts or result in zoning with a discriminatory effect;

(ii) Any areas within one-half mile walking distance of a major transit stop; or

(iii) Any areas historically covered by a covenant or deed restriction excluding racial minorities from owning property or living in the area, as known to the city at the time of each comprehensive plan update.

(5) A city must allow at least six of the nine types of middle housing to achieve the unit density required in subsection (1) of this section. A city may allow accessory dwelling units to achieve the unit density required in subsection (1) of this section. Cities are not required to allow accessory dwelling units or middle housing types beyond the density requirements in subsection (1) of this section. A city must also allow zero lot line short subdivision where the number of lots created is equal to the unit density required in subsection (1) of this section.

(6) Any city subject to the requirements of this section:

(a) If applying design review for middle housing, only administrative design review shall be required;

(b) Except as provided in (a) of this subsection, shall not require through development regulations any standards for middle housing that are more restrictive than those required for detached single-family residences, but may apply any objective development regulations that are required for detached single-family residences, including, but not limited to, set-back, lot coverage, stormwater, clearing, and tree canopy and retention requirements to ensure compliance with existing ordinances intended to protect critical areas and public health and safety;

(c) Shall apply to middle housing the same development permit and environmental review processes that apply to detached single-family residences, unless otherwise required by state law including, but not limited to, shoreline regulations under chapter 90.58 RCW, building codes under chapter 19.27 RCW, energy codes under chapter 19.27A RCW, or electrical codes under chapter 19.28 RCW;

(d) Shall not require off-street parking as a condition of permitting development of middle housing within one-half mile walking distance of a major transit stop;

(e) Shall not require more than one off-street parking space per unit as a condition of permitting development of middle housing on lots smaller than 6,000 square feet before any zero lot line subdivisions or lot splits;

(f) Shall not require more than two off-street parking spaces per unit as a condition of permitting development of middle housing on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits; and

(g) Are not required to achieve the per unit density under this act on lots after subdivision below 1,000 square feet unless the city chooses to enact smaller allowable lot sizes.

(7) The provisions of subsection (6) (d) through (f) of this section do not apply:

(a) If a local government submits to the department an empirical study prepared by a credentialed transportation or land use planning expert that clearly demonstrates, and the department finds and certifies, that the application of the parking limitations of subsection (6) (d) through (f) of this section for middle housing will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location for the same number of detached houses. The department must develop guidance to assist cities on items to include in the study; or

(b) To portions of cities within a one-mile radius of a commercial airport in Washington with at least 9,000,000 annual enplanements.

(8) The provisions of this section do not apply to:

(a) Lots designated with critical areas designated under RCW 36.70A.170 or their buffers as required by RCW 36.70A.170;

(b) A watershed serving a reservoir for potable water if that watershed is or was listed, as of the effective date of this section, as impaired or threatened under section 303(d) of the federal clean water act (33 U.S.C. Sec. 1313(d)); or

(c) Lots that have been designated urban separators by countywide planning policies as of the effective date of this section.

(9) Nothing in this section prohibits a city from permitting detached single-family residences.

(10) Nothing in this section requires a city to issue a building permit if other federal, state, and local requirements for a building permit are not met.

(11) A city must comply with the requirements of this section on the latter of:

(a) Six months after its next periodic comprehensive plan update required under RCW 36.70A.130 if the city meets the population threshold based on the 2020 office of financial management population data; or

(b) 12 months after their next implementation progress report required under RCW 36.70A.130 after a determination by the office of financial management that the city has reached a population threshold established under this section.

(12) A city complying with this section and not granted a timeline extension under section 7 of this act does not have to update its capital facilities plan element required by RCW 36.70A.070(3) to accommodate the increased housing required by this act until the first periodic comprehensive plan update required for the city under RCW

36.70A.130(5) that occurs on or after June 30, 2034.

**NEW SECTION. Sec. 4.** A new section is added to chapter 36.70A RCW to read as follows:

(1)(a) The department is directed to provide technical assistance to cities as they implement the requirements under section 3 of this act.

(b) The department shall prioritize such technical assistance to cities demonstrating the greatest need.

(2)(a) The department shall publish model middle housing ordinances no later than six months following the effective date of this section.

(b) In any city subject to section 3 of this act that has not passed ordinances, regulations, or other official controls within the time frames provided under section 3(11) of this act, the model ordinance supersedes, preempts, and invalidates local development regulations until the city takes all actions necessary to implement section 3 of this act.

(3)(a) The department is directed to establish a process by which cities implementing the requirements of section 3 of this act may seek approval of alternative local action necessary to meet the requirements of this act.

(b) The department may approve actions under this section for cities that have, by January 1, 2023, adopted a comprehensive plan that is substantially similar to the requirements of this act and have adopted, or within one year of the effective date of this section adopts, permanent development regulations that are substantially similar to the requirements of this act. In determining whether a city's adopted comprehensive plan and permanent development regulations are substantially similar, the department must find as substantially similar plans and regulations that:

(i) Result in an overall increase in housing units allowed in single-family zones that is at least 75 percent of the increase in housing units allowed in single-family zones if the specific provisions of this act were adopted;

(ii) Allow for middle housing throughout the city, rather than just in targeted locations; and

(iii) Allow for additional density near major transit stops, and for projects that incorporate dedicated affordable housing.

(c) The department may also approve actions under this section for cities that have, by January 1, 2023, adopted a comprehensive plan or development regulations that have significantly reduced or eliminated residentially zoned areas that are predominantly single family. The department must find that a city's actions are substantially similar to the requirements of this act if they have adopted, or within one year of the effective date of this section adopts, permanent development regulations that:

(i) Result in an overall increase in housing units allowed in single-family zones that is at least 75 percent of the increase in housing units allowed in single-family



zones if the specific provisions of this act were adopted;

(ii) Allow for middle housing throughout the city, rather than just in targeted locations; and

(iii) Allow for additional density near major transit stops, and for projects that incorporate dedicated affordable housing.

(d) The department may determine that a comprehensive plan and development regulations that do not meet these criteria are otherwise substantially similar to the requirements of this act if the city can clearly demonstrate that the regulations adopted will allow for a greater increase in middle housing production within single family zones than would be allowed through implementation of section 3 of this act.

(e) Any local actions approved by the department pursuant to (a) of this subsection to implement the requirements under section 3 of this act are exempt from appeals under this chapter and chapter 43.21C RCW.

(f) The department's final decision to approve or reject actions by cities implementing section 3 of this act may be appealed to the growth management hearings board by filing a petition as provided in RCW 36.70A.290.

(4) The department may issue guidance for local jurisdictions to ensure that the levels of middle housing zoning under this act can be integrated with the methods used by cities to calculate zoning densities and intensities in local zoning and development regulations.

**NEW SECTION. Sec. 5.** A new section is added to chapter 36.70A RCW to read as follows:

Any city choosing the alternative density requirements in section 3(4) of this act may apply to the department for, and the department may certify, an extension for areas at risk of displacement as determined by the antidisplacement analysis that a jurisdiction is required to complete under RCW 36.70A.070(2). The city must create a plan for implementing antidisplacement policies by their next implementation progress report required by RCW 36.70A.130(9). The department may certify one further extension based on evidence of significant ongoing displacement risk in the impacted area.

**Sec. 6.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to read as follows:

(1) The growth management hearings board shall hear and determine only those petitions alleging either:

(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in this subsection authorizes the board to hear petitions alleging noncompliance with RCW 36.70A.5801;

(b) That the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted;

(c) That the approval of a work plan adopted under RCW 36.70A.735(1)(a) is not in compliance with the requirements of the program established under RCW 36.70A.710;

(d) That regulations adopted under RCW 36.70A.735(1)(b) are not regionally applicable and cannot be adopted, wholly or partially, by another jurisdiction; (~~(e)~~)

(e) That a department certification under RCW 36.70A.735(1)(c) is erroneous; or

(f) That the department's final decision to approve or reject actions by a city implementing section 3 of this act is clearly erroneous.

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter; (b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested; (c) a person who is certified by the governor within sixty days of filing the request with the board; or (d) a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) To establish participation standing under subsection (2)(b) of this section, a person must show that his or her participation before the county or city was reasonably related to the person's issue as presented to the board.

(5) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, the board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by the board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by the board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as the "board adjusted population projection." None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

**NEW SECTION. Sec. 7.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Any city choosing the alternative density requirements in section 3(4) of this act may apply to the department for, and the department may certify, an extension of the implementation timelines established under section 3(11) of this act.

(2) An extension certified under this section may be applied only to specific areas where a city can demonstrate that water, sewer, stormwater, transportation infrastructure, including facilities and transit services, or fire protection services lack capacity to accommodate the density required in section 3 of this act, and the city has:

(a) Included one or more improvements, as needed, within its capital facilities plan to adequately increase capacity; or

(b) Identified which special district is responsible for providing the necessary infrastructure if the infrastructure is provided by a special purpose district.

(3) If an extension of the implementation timelines is requested due to lack of water supply from the city or the purveyors who serve water within the city, the department's evaluation of the extension must be based on the applicable water system plans in effect and approved by the department of health. Water system plan updates initiated after the effective date of this section must include consideration of water supply requirements for middle housing types.

(4) An extension granted under this section remains in effect until the earliest of:

(a) The infrastructure is improved to accommodate the capacity;

(b) The city's deadline to complete its next periodic comprehensive plan update under RCW 36.70A.130; or

(c) The city's deadline to complete its implementation progress report to the department as required under RCW 36.70A.130(9).

(5) A city that has received an extension under this section may reapply for any needed extension with its next periodic comprehensive plan update under RCW 36.70A.130 or its implementation progress report to the department under RCW 36.70A.130(9). The application for an additional extension must include a list of infrastructure improvements necessary to meet the capacity required in section 3 of this act. Such additional extension must only be to address infrastructure deficiency that a city is not reasonably able to address within the first extension.

(6) The department may establish by rule any standards or procedures necessary to implement this section.

(7) The department must provide the legislature with a list of projects identified in a city's capital facilities plan that were the basis for the extension under this section, including planning level estimates. Additionally, the city must contact special purpose districts to identify additional projects associated with extensions under this section.

(8) A city granted an extension for a specific area must allow development as provided under section 3 of this act if the developer commits to providing the necessary water, sewer, or stormwater infrastructure.

(9) If an area zoned predominantly for residential use is currently served only by private wells, group B water systems or group A water systems with less than 50 connections, or a city or water providers

within the city do not have an adequate water supply or available connections to serve the zoning increase required under section 3 of this act, the city may limit the areas subject to the requirements under section 3 of this act to match current water availability. Nothing in this act affects or modifies the responsibilities of cities to plan for or provide urban governmental services as defined in RCW 36.70A.030 or affordable housing as required by RCW 36.70A.070.

(10) No city shall approve a building permit for housing under section 3 of this act without compliance with the adequate water supply requirements of RCW 19.27.097.

(11) If an area zoned predominantly for residential use is currently served only by on-site sewage systems, development may be limited to two units per lot, until either the landowner or local government provides sewer service or demonstrates a sewer system will serve the development at the time of construction. Nothing in this act affects or modifies the responsibilities of cities to plan for or provide urban governmental services as defined in RCW 36.70A.030.

**Sec. 8.** RCW 43.21C.495 and 2022 c 246 s 3 are each amended to read as follows:

(1) Adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city to implement: The actions specified in section 2, chapter 246, Laws of 2022 unless the adoption of such ordinances, development regulations and amendments to such regulations, or other nonproject actions has a probable significant adverse impact on fish habitat; and the increased residential building capacity actions identified in RCW 36.70A.600(1), with the exception of the action specified in RCW 36.70A.600(1)(f), are not subject to administrative or judicial appeals under this chapter.

(2) Amendments to development regulations and other nonproject actions taken by a city to implement the requirements under section 3 of this act pursuant to section 4(3)(b) of this act are not subject to administrative or judicial appeals under this chapter.

**Sec. 9.** RCW 43.21C.450 and 2012 1st sp.s. c 1 s 307 are each amended to read as follows:

The following nonproject actions are categorically exempt from the requirements of this chapter:

(1) Amendments to development regulations that are required to ensure consistency with an adopted comprehensive plan pursuant to RCW 36.70A.040, where the comprehensive plan was previously subjected to environmental review pursuant to this chapter and the impacts associated with the proposed regulation were specifically addressed in the prior environmental review;

(2) Amendments to development regulations that are required to ensure consistency with a shoreline master program approved pursuant to RCW 90.58.090, where the shoreline master program was previously subjected to environmental review pursuant to this chapter and the impacts associated with the

proposed regulation were specifically addressed in the prior environmental review;

(3) Amendments to development regulations that, upon implementation of a project action, will provide increased environmental protection, limited to the following:

(a) Increased protections for critical areas, such as enhanced buffers or setbacks;

(b) Increased vegetation retention or decreased impervious surface areas in shoreline jurisdiction; and

(c) Increased vegetation retention or decreased impervious surface areas in critical areas;

(4) Amendments to technical codes adopted by a county, city, or town to ensure consistency with minimum standards contained in state law, including the following:

(a) Building codes required by chapter 19.27 RCW;

(b) Energy codes required by chapter 19.27A RCW; and

(c) Electrical codes required by chapter 19.28 RCW.

(5) Amendments to development regulations to remove requirements for parking from development proposed to fill in an urban growth area designated according to RCW 36.70A.110.

**NEW SECTION. Sec. 10.** A new section is added to chapter 64.34 RCW to read as follows:

A declaration created after the effective date of this section and applicable to an area within a city subject to the middle housing requirements in section 3 of this act may not actively or effectively prohibit the construction, development, or use of additional housing units as required in section 3 of this act.

**NEW SECTION. Sec. 11.** A new section is added to chapter 64.32 RCW to read as follows:

A declaration created after the effective date of this section and applicable to an association of apartment owners located within an area of a city subject to the middle housing requirements in section 3 of this act may not actively or effectively prohibit the construction, development, or use of additional housing units as required in section 3 of this act.

**NEW SECTION. Sec. 12.** A new section is added to chapter 64.38 RCW to read as follows:

Governing documents of associations within cities subject to the middle housing requirements in section 3 of this act that are created after the effective date of this section may not actively or effectively prohibit the construction, development, or use of additional housing units as required in section 3 of this act.

**NEW SECTION. Sec. 13.** A new section is added to chapter 64.90 RCW to read as follows:

Declarations and governing documents of a common interest community within cities subject to the middle housing requirements in section 3 of this act that are created

after the effective date of this section may not actively or effectively prohibit the construction, development, or use of additional housing units as required in section 3 of this act.

**NEW SECTION. Sec. 14.** The department of commerce may establish by rule any standards or procedures necessary to implement sections 2 through 7 of this act.

**NEW SECTION. Sec. 15.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "housing;" strike the remainder of the title and insert "amending RCW 36.70A.030, 36.70A.280, 43.21C.495, and 43.21C.450; adding new sections to chapter 36.70A RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.90 RCW; and creating new sections."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1110 and advanced the bill, as amended by the Senate, to final passage.

Representatives Bateman and Barkis spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1110, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1110, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 79; Nays, 18; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Chopp, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Kloba, Kretz, Leavitt, Lekanoff, Macri, Maycumber, Mena, Morgan, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Caldier, Cheney, Christian, Connors, Dent, Dye, Eslick, Hutchins, Jacobsen, Klicker, Low, McClintock, McEntire, Mosbrucker, Rude, Schmick, Schmidt and Walsh

Excused: Representative Ortiz-Self

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1110, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Saturday, April 8, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1134, with the following amendment(s): 1134-S2.E AMS ENGR S2637.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.24.025 and 2021 c 302 s 402 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "988 crisis hotline" means the universal telephone number within the United States designated for the purpose of the national suicide prevention and mental health crisis hotline system operating through the national suicide prevention lifeline.

(2) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program licensed or certified by the department as meeting standards adopted under this chapter.

(5) "Authority" means the Washington state health care authority.

(6) "Available resources" means funds appropriated for the purpose of providing community behavioral health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other behavioral health services. This does not include funds appropriated for the purpose of operating

and administering the state psychiatric hospitals.

(7) "Behavioral health administrative services organization" means an entity contracted with the authority to administer behavioral health services and programs under RCW 71.24.381, including crisis services and administration of chapter 71.05 RCW, the involuntary treatment act, for all individuals in a defined regional service area.

(8) "Behavioral health aide" means a counselor, health educator, and advocate who helps address individual and community-based behavioral health needs, including those related to alcohol, drug, and tobacco abuse as well as mental health problems such as grief, depression, suicide, and related issues and is certified by a community health aide program of the Indian health service or one or more tribes or tribal organizations consistent with the provisions of 25 U.S.C. Sec. 16161 and RCW 43.71B.010 (7) and (8).

(9) "Behavioral health provider" means a person licensed under chapter 18.57, 18.71, 18.71A, 18.83, 18.205, 18.225, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(10) "Behavioral health services" means mental health services as described in this chapter and chapter 71.36 RCW and substance use disorder treatment services as described in this chapter that, depending on the type of service, are provided by licensed or certified behavioral health agencies, behavioral health providers, or integrated into other health care providers.

(11) "Child" means a person under the age of eighteen years.

(12) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the authority by rule consistent with Public Law 92-603, as amended.

(13) "Clubhouse" means a community-based program that provides rehabilitation services and is licensed or certified by the department.

(14) "Community behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and conducted to prevent or treat substance use disorder, mental illness, or both in the community behavioral health system.

(15) "Community behavioral health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental

disorders, substance use disorders, or both, as defined under RCW 71.05.020 and receive funding from public sources.

(16) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally or behaviorally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health administrative services organizations.

(17) "Community-based crisis team" means a team that is part of an emergency medical services agency, a fire service agency, a public health agency, a medical facility, a nonprofit crisis response provider, or a city or county government entity, other than a law enforcement agency, that provides the on-site community-based interventions of a mobile rapid response crisis team for individuals who are experiencing a behavioral health crisis.

(18) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

~~((18))~~ (19) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a behavioral health administrative services organization, or two or more of the county authorities specified in this subsection which have entered into an agreement to establish a behavioral health administrative services organization.

~~((19))~~ "~~Crisis call center hub~~" means ~~a state-designated center participating in the national suicide prevention lifeline network to respond to statewide or regional 988 calls that meets the requirements of RCW 71.24.890.)~~

(20) "Crisis stabilization services" means services such as 23-hour crisis stabilization units based on the living room model, crisis stabilization units as provided in RCW 71.05.020, triage facilities as provided in RCW 71.05.020, short-term respite facilities, peer-run respite services, and same-day walk-in behavioral health services, including within the overall crisis system components that operate like hospital emergency departments

that accept all walk-ins, and ambulance, fire, and police drop-offs.

(21) "Department" means the department of health.

(22) "Designated 988 contact hub" means a state-designated contact center that streamlines clinical interventions and access to resources for people experiencing a behavioral health crisis and participates in the national suicide prevention lifeline network to respond to statewide or regional 988 contacts that meets the requirements of RCW 71.24.890.

~~((23))~~ (24) "Designated crisis responder" has the same meaning as in RCW 71.05.020.

~~((24))~~ (25) "Director" means the director of the authority.

~~((24))~~ (25) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

~~((25))~~ (26) "Early adopter" means a regional service area for which all of the county authorities have requested that the authority purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380 ~~((+6))~~ (7).

~~((26))~~ (27) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection ~~((+27))~~ (28) of this section.

~~((27))~~ (28) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

~~((28))~~ (29) "Indian health care provider" means a health care program operated by the Indian health service or by a tribe, tribal organization, or urban Indian organization as those terms are defined in the Indian health care improvement act (25 U.S.C. Sec. 1603).

~~((29))~~ (30) "Intensive behavioral health treatment facility" means a community-based specialized residential treatment facility for individuals with behavioral health conditions, including individuals discharging from or being diverted from state and local hospitals, whose impairment or behaviors do not meet, or no longer meet, criteria for involuntary inpatient commitment under chapter 71.05 RCW, but

whose care needs cannot be met in other community-based placement settings.

~~((30))~~ (31) "Licensed or certified behavioral health agency" means:

(a) An entity licensed or certified according to this chapter or chapter 71.05 RCW;

(b) An entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department; or

(c) An entity with a tribal attestation that it meets state minimum standards for a licensed or certified behavioral health agency.

~~((31))~~ (32) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

~~((32))~~ (33) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

~~((33))~~ (34) "Managed care organization" means an organization, having a certificate of authority or certificate of registration from the office of the insurance commissioner, that contracts with the authority under a comprehensive risk contract to provide prepaid health care services to enrollees under the authority's managed care programs under chapter 74.09 RCW.

~~((34))~~ (35) "Mental health peer-run respite center" means a peer-run program to serve individuals in need of voluntary, short-term, noncrisis services that focus on recovery and wellness.

~~((35))~~ (36) Mental health "treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services or the authority, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, or by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by a person providing treatment services for the entities listed in this subsection, or a treatment facility if the notes or records are not available to others.

~~((36))~~ (37) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (2), (12), ~~((44))~~ (45), and ~~((45))~~ (46) of this section.

~~((37))~~ (38) "Mobile rapid response crisis team" means a team that provides professional on-site community-based

intervention such as outreach, de-escalation, stabilization, resource connection, and follow-up support for individuals who are experiencing a behavioral health crisis, that shall include certified peer counselors as a best practice to the extent practicable based on workforce availability, and that meets standards for response times established by the authority.

~~((38))~~ (39) "Recovery" means a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.

~~((39))~~ (40) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection ~~((27))~~ (28) of this section but does not meet the full criteria for evidence-based.

~~((40))~~ (41) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, residential treatment facilities, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

~~((41))~~ (42) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

~~((42))~~ (43) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined by a behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. Such planning,

coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated crisis responders, evaluation and treatment facilities, and others as determined by the behavioral health administrative services organization or managed care organization, as applicable.

~~((43))~~ (44) "Secretary" means the secretary of the department of health.

~~((44))~~ (45) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

~~((45))~~ (46) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health administrative services organization or managed care organization, if applicable, to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term

inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

~~((46))~~ (47) "State minimum standards" means minimum requirements established by rules adopted and necessary to implement this chapter by:

(a) The authority for:

(i) Delivery of mental health and substance use disorder services; and

(ii) Community support services and resource management services;

(b) The department of health for:

(i) Licensed or certified behavioral health agencies for the purpose of providing mental health or substance use disorder programs and services, or both;

(ii) Licensed behavioral health providers for the provision of mental health or substance use disorder services, or both; and

(iii) Residential services.

~~((47))~~ (48) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

~~((48))~~ (49) "Tribe," for the purposes of this section, means a federally recognized Indian tribe.

**Sec. 2.** RCW 71.24.037 and 2019 c 446 s 23 and 2019 c 325 s 1007 are each reenacted and amended to read as follows:

(1) The secretary shall license or certify any agency or facility that: (a) Submits payment of the fee established under RCW 43.70.110 and 43.70.250; (b) submits a complete application that demonstrates the ability to comply with requirements for operating and maintaining an agency or facility in statute or rule; and (c) successfully completes the precicensure inspection requirement.

(2) The secretary shall establish by rule minimum standards for licensed or certified behavioral health agencies that must, at a minimum, establish: (a) Qualifications for staff providing services directly to persons with mental disorders, substance use disorders, or both; (b) the intended result of each service; and (c) the rights and responsibilities of persons receiving behavioral health services pursuant to this chapter and chapter 71.05 RCW. The secretary shall provide for deeming of licensed or certified behavioral health agencies as meeting state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department.

(3) The department shall review reports or other information alleging a failure to comply with this chapter or the standards and rules adopted under this chapter and may initiate investigations and enforcement actions based on those reports.

(4) The department shall conduct inspections of agencies and facilities, including reviews of records and documents required to be maintained under this chapter or rules adopted under this chapter.

(5) The department may suspend, revoke, limit, restrict, or modify an approval, or refuse to grant approval, for failure to meet the provisions of this chapter, or the standards adopted under this chapter. RCW 43.70.115 governs notice of a license or certification denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(6) No licensed or certified behavioral health ~~((service provider))~~agency may advertise or represent itself as a licensed or certified behavioral health ~~((service provider))~~agency if approval has not been granted or has been denied, suspended, revoked, or canceled.

(7) Licensure or certification as a behavioral health ~~((service provider))~~agency is effective for one calendar year from the date of issuance of the license or certification. The license or certification must specify the types of services provided by the behavioral health ~~((service provider))~~agency that meet the standards adopted under this chapter. Renewal of a license or certification must be made in accordance with this section for initial approval and in accordance with the standards set forth in rules adopted by the secretary.

(8) Licensure or certification as a licensed or certified behavioral health ~~((service provider))~~agency must specify the types of services provided that meet the standards adopted under this chapter. Renewal of a license or certification must be made in accordance with this section for initial approval and in accordance with the standards set forth in rules adopted by the secretary.

(9) The department shall develop a process by which a provider may obtain dual licensure as an evaluation and treatment facility and secure withdrawal management and stabilization facility.

(10) Licensed or certified behavioral health ~~((service providers))~~agencies may not provide types of services for which the licensed or certified behavioral health ~~((service provider))~~agency has not been certified. Licensed or certified behavioral health ~~((service providers))~~agencies may provide services for which approval has been sought and is pending, if approval for the services has not been previously revoked or denied.

(11) The department periodically shall inspect licensed or certified behavioral health ~~((service providers))~~agencies at reasonable times and in a reasonable manner.

(12) Upon petition of the department and after a hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the department authorizing him or her to enter and inspect at reasonable times, and examine the books and accounts of, any licensed or certified behavioral health ~~((service provider))~~agency refusing to consent to inspection or examination by the department or which the department has

reasonable cause to believe is operating in violation of this chapter.

(13) The department shall maintain and periodically publish a current list of licensed or certified behavioral health ~~((service providers))~~agencies.

(14) Each licensed or certified behavioral health ~~((service provider))~~agency shall file with the department or the authority upon request, data, statistics, schedules, and information the department or the authority reasonably requires. A licensed or certified behavioral health ~~((service provider))~~agency that without good cause fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent returns thereof, may have its license or certification revoked or suspended.

(15) The authority shall use the data provided in subsection (14) of this section to evaluate each program that admits children to inpatient substance use disorder treatment upon application of their parents. The evaluation must be done at least once every twelve months. In addition, the authority shall randomly select and review the information on individual children who are admitted on application of the child's parent for the purpose of determining whether the child was appropriately placed into substance use disorder treatment based on an objective evaluation of the child's condition and the outcome of the child's treatment.

(16) Any settlement agreement entered into between the department and licensed or certified behavioral health ~~((service providers))~~agencies to resolve administrative complaints, license or certification violations, license or certification suspensions, or license or certification revocations may not reduce the number of violations reported by the department unless the department concludes, based on evidence gathered by inspectors, that the licensed or certified behavioral health ~~((service provider))~~agency did not commit one or more of the violations.

(17) In cases in which a behavioral health ~~((service provider))~~agency that is in violation of licensing or certification standards attempts to transfer or sell the behavioral health ~~((service provider))~~agency to a family member, the transfer or sale may only be made for the purpose of remedying license or certification violations and achieving full compliance with the terms of the license or certification. Transfers or sales to family members are prohibited in cases in which the purpose of the transfer or sale is to avoid liability or reset the number of license or certification violations found before the transfer or sale. If the department finds that the owner intends to transfer or sell, or has completed the transfer or sale of, ownership of the behavioral health ~~((service provider))~~agency to a family member solely for the purpose of resetting the number of violations found before the transfer or sale, the department may not renew the behavioral health ~~((service provider's))~~agency's license or certification or issue a new license or



certification to the behavioral health service provider.

(18) Every licensed or certified outpatient behavioral health agency shall display the 988 crisis hotline number in common areas of the premises and include the number as a calling option on any phone message for persons calling the agency after business hours.

(19) Every licensed or certified inpatient or residential behavioral health agency must include the 988 crisis hotline number in the discharge summary provided to individuals being discharged from inpatient or residential services.

**NEW SECTION. Sec. 3.** A new section is added to chapter 71.24 RCW to read as follows:

The department shall develop informational materials and a social media campaign related to the 988 crisis hotline, including call, text, and chat options, and other crisis hotline lines for veterans, American Indians and Alaska Natives, and other populations. The informational materials must include appropriate information for persons seeking services at behavioral health clinics and medical clinics, as well as media audiences and students at K-12 schools and higher education institutions. The department shall make the informational materials available to behavioral health clinics, medical clinics, media, K-12 schools, higher education institutions, and other relevant settings. The informational materials shall be made available to professionals during training in suicide assessment, treatment, and management under RCW 43.70.442. To tailor the messages of the informational materials and the social media campaign, the department must consult with tribes, the American Indian health commission of Washington state, the native and strong lifeline, the Washington state department of veterans affairs, representatives of agricultural communities, and persons with lived experience related to mental health issues, substance use disorder issues, a suicide attempt, or a suicide loss.

**Sec. 4.** RCW 43.70.442 and 2020 c 229 s 1 and 2020 c 80 s 30 are each reenacted and amended to read as follows:

(1)(a) Each of the following professionals certified or licensed under Title 18 RCW shall, at least once every six years, complete training in suicide assessment, treatment, and management that is approved, in rule, by the relevant disciplining authority:

(i) An adviser or counselor certified under chapter 18.19 RCW;

(ii) A substance use disorder professional licensed under chapter 18.205 RCW;

(iii) A marriage and family therapist licensed under chapter 18.225 RCW;

(iv) A mental health counselor licensed under chapter 18.225 RCW;

(v) An occupational therapy practitioner licensed under chapter 18.59 RCW;

(vi) A psychologist licensed under chapter 18.83 RCW;

(vii) An advanced social worker or independent clinical social worker licensed under chapter 18.225 RCW; and

(viii) A social worker associate—advanced or social worker associate— independent clinical licensed under chapter 18.225 RCW.

(b) The requirements in (a) of this subsection apply to a person holding a retired active license for one of the professions in (a) of this subsection.

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (1)(d) affects the validity of training completed prior to July 1, 2017.

(2)(a) Except as provided in (b) of this subsection:

(i) A professional listed in subsection (1)(a) of this section must complete the first training required by this section by the end of the first full continuing education reporting period after January 1, 2014, or during the first full continuing education reporting period after initial licensure or certification, whichever occurs later.

(ii) Beginning July 1, 2021, the second training for a psychologist, a marriage and family therapist, a mental health counselor, an advanced social worker, an independent clinical social worker, a social worker associate—advanced, or a social worker associate— independent clinical must be either: (A) An advanced training focused on suicide management, suicide care protocols, or effective treatments; or (B) a training in a treatment modality shown to be effective in working with people who are suicidal, including dialectical behavior therapy, collaborative assessment and management of suicide risk, or cognitive behavior therapy—suicide prevention. If a professional subject to the requirements of this subsection has already completed the professional's second training prior to July 1, 2021, the professional's next training must comply with this subsection. This subsection (2)(a)(ii) does not apply if the licensee demonstrates that the training required by this subsection (2)(a)(ii) is not reasonably available.

(b)(i) A professional listed in subsection (1)(a) of this section applying for initial licensure may delay completion of the first training required by this section for six years after initial licensure if he or she can demonstrate successful completion of the training required in subsection (1) of this section no more than six years prior to the application for initial licensure.

(ii) Beginning July 1, 2021, a psychologist, a marriage and family therapist, a mental health counselor, an

advanced social worker, an independent clinical social worker, a social worker associate-advanced, or a social worker associate-independent clinical exempt from his or her first training under (b)(i) of this subsection must comply with the requirements of (a)(ii) of this subsection for his or her first training after initial licensure. If a professional subject to the requirements of this subsection has already completed the professional's first training after initial licensure, the professional's next training must comply with this subsection (2)(b)(ii). This subsection (2)(b)(ii) does not apply if the licensee demonstrates that the training required by this subsection (2)(b)(ii) is not reasonably available.

(3) The hours spent completing training in suicide assessment, treatment, and management under this section count toward meeting any applicable continuing education or continuing competency requirements for each profession.

(4)(a) A disciplining authority may, by rule, specify minimum training and experience that is sufficient to exempt an individual professional from the training requirements in subsections (1) and (5) of this section. Nothing in this subsection (4)(a) allows a disciplining authority to provide blanket exemptions to broad categories or specialties within a profession.

(b) A disciplining authority may exempt a professional from the training requirements of subsections (1) and (5) of this section if the professional has only brief or limited patient contact.

(5)(a) Each of the following professionals credentialed under Title 18 RCW shall complete a one-time training in suicide assessment, treatment, and management that is approved by the relevant disciplining authority:

(i) A chiropractor licensed under chapter 18.25 RCW;

(ii) A naturopath licensed under chapter 18.36A RCW;

(iii) A licensed practical nurse, registered nurse, or advanced registered nurse practitioner, other than a certified registered nurse anesthetist, licensed under chapter 18.79 RCW;

(iv) An osteopathic physician and surgeon licensed under chapter 18.57 RCW, other than a holder of a postgraduate osteopathic medicine and surgery license issued under RCW 18.57.035;

(v) A physical therapist or physical therapist assistant licensed under chapter 18.74 RCW;

(vi) A physician licensed under chapter 18.71 RCW, other than a resident holding a limited license issued under RCW 18.71.095(3);

(vii) A physician assistant licensed under chapter 18.71A RCW;

(viii) A pharmacist licensed under chapter 18.64 RCW;

(ix) A dentist licensed under chapter 18.32 RCW;

(x) A dental hygienist licensed under chapter 18.29 RCW;

(xi) An athletic trainer licensed under chapter 18.250 RCW;

(xii) An optometrist licensed under chapter 18.53 RCW;

(xiii) An acupuncture and Eastern medicine practitioner licensed under chapter 18.06 RCW; and

(xiv) A person holding a retired active license for one of the professions listed in (a)(i) through (xiii) of this subsection.

(b)(i) A professional listed in (a)(i) through (vii) of this subsection or a person holding a retired active license for one of the professions listed in (a)(i) through (vii) of this subsection must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2016, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between June 12, 2014, and January 1, 2016, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(ii) A licensed pharmacist or a person holding a retired active pharmacist license must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2017, or during the first full continuing education reporting period after initial licensure, whichever is later.

(iii) A licensed dentist, a licensed dental hygienist, or a person holding a retired active license as a dentist shall complete the one-time training by the end of the full continuing education reporting period after August 1, 2020, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between July 23, 2017, and August 1, 2020, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b)(iii), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(iv) A licensed optometrist or a licensed acupuncture and Eastern medicine practitioner, or a person holding a retired active license as an optometrist or an acupuncture and Eastern medicine practitioner, shall complete the one-time training by the end of the full continuing education reporting period after August 1, 2021, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between August 1, 2020, and August 1, 2021, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b)(iv), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (5) (d) affects the validity of training completed prior to July 1, 2017.

(6)(a) The secretary and the disciplining authorities shall work collaboratively to develop a model list of training programs in suicide assessment, treatment, and management. Beginning July 1, 2021, for purposes of subsection (2)(a)(ii) of this section, the model list must include advanced training and training in treatment modalities shown to be effective in working with people who are suicidal.

(b) The secretary and the disciplining authorities shall update the list at least once every two years.

(c) By June 30, 2016, the department shall adopt rules establishing minimum standards for the training programs included on the model list. The minimum standards must require that six-hour trainings include content specific to veterans and the assessment of issues related to imminent harm via lethal means or self-injurious behaviors and that three-hour trainings for pharmacists or dentists include content related to the assessment of issues related to imminent harm via lethal means. By July 1, 2024, the minimum standards must be updated to require that both the six-hour and three-hour trainings include content specific to the availability of and the services offered by the 988 crisis hotline and the behavioral health crisis response and suicide prevention system and best practices for assisting persons with accessing the 988 crisis hotline and the system. Beginning September 1, 2024, trainings submitted to the department for review and approval must include the updated information in the minimum standards for the model list as well as all subsequent submissions. When adopting the rules required under this subsection (6)(c), the department shall:

(i) Consult with the affected disciplining authorities, public and private institutions of higher education, educators, experts in suicide assessment, treatment, and management, the Washington department of veterans affairs, and affected professional associations; and

(ii) Consider standards related to the best practices registry of the American foundation for suicide prevention and the suicide prevention resource center.

(d) Beginning January 1, 2017:

(i) The model list must include only trainings that meet the minimum standards established in the rules adopted under (c) of this subsection and any three-hour trainings that met the requirements of this section on or before July 24, 2015;

(ii) The model list must include six-hour trainings in suicide assessment, treatment, and management, and three-hour trainings that include only screening and referral elements; and

(iii) A person or entity providing the training required in this section may petition the department for inclusion on the model list. The department shall add the training to the list only if the department

determines that the training meets the minimum standards established in the rules adopted under (c) of this subsection.

(e) By January 1, 2021, the department shall adopt minimum standards for advanced training and training in treatment modalities shown to be effective in working with people who are suicidal. Beginning July 1, 2021, all such training on the model list must meet the minimum standards. When adopting the minimum standards, the department must consult with the affected disciplining authorities, public and private institutions of higher education, educators, experts in suicide assessment, treatment, and management, the Washington department of veterans affairs, and affected professional associations.

(7) The department shall provide the health profession training standards created in this section to the professional educator standards board as a model in meeting the requirements of RCW 28A.410.226 and provide technical assistance, as requested, in the review and evaluation of educator training programs. The educator training programs approved by the professional educator standards board may be included in the department's model list.

(8) Nothing in this section may be interpreted to expand or limit the scope of practice of any profession regulated under chapter 18.130 RCW.

(9) The secretary and the disciplining authorities affected by this section shall adopt any rules necessary to implement this section.

(10) For purposes of this section:

(a) "Disciplining authority" has the same meaning as in RCW 18.130.020.

(b) "Training in suicide assessment, treatment, and management" means empirically supported training approved by the appropriate disciplining authority that contains the following elements: Suicide assessment, including screening and referral, suicide treatment, and suicide management. However, the disciplining authority may approve training that includes only screening and referral elements if appropriate for the profession in question based on the profession's scope of practice. The board of occupational therapy may also approve training that includes only screening and referral elements if appropriate for occupational therapy practitioners based on practice setting.

(11) A state or local government employee is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

(12) An employee of a community mental health agency licensed under chapter 71.24 RCW or a chemical dependency program certified under chapter 71.24 RCW is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of

this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

**Sec. 5.** RCW 71.24.890 and 2021 c 302 s 102 are each amended to read as follows:

(1) Establishing the state (~~(crisis call center)~~) designated 988 contact hubs and enhancing the crisis response system will require collaborative work between the department and the authority within their respective roles. The department shall have primary responsibility for establishing and designating the (~~(crisis call center)~~) designated 988 contact hubs. The authority shall have primary responsibility for developing and implementing the crisis response system and services to support the work of the (~~(crisis call center)~~) designated 988 contact hubs. In any instance in which one agency is identified as the lead, the expectation is that agency will be communicating and collaborating with the other to ensure seamless, continuous, and effective service delivery within the statewide crisis response system.

(2) The department shall provide adequate funding for the state's crisis call centers to meet an expected increase in the use of the call centers based on the implementation of the 988 crisis hotline. The funding level shall be established at a level anticipated to achieve an in-state call response rate of at least 90 percent by July 22, 2022. The funding level shall be determined by considering standards and cost per call predictions provided by the administrator of the national suicide prevention lifeline, call volume predictions, guidance on crisis call center performance metrics, and necessary technology upgrades. In contracting with the crisis call centers, the department:

(a) May provide funding to support crisis call centers and designated 988 contact hubs to enter into limited on-site partnerships with the public safety answering point to increase the coordination and transfer of behavioral health calls received by certified public safety telecommunicators that are better addressed by clinic interventions provided by the 988 system. Tax revenue may be used to support on-site partnerships;

(b) Shall require that crisis call centers enter into data-sharing agreements, when appropriate, with the department, the authority, and applicable regional behavioral health administrative services organizations to provide reports and client level data regarding 988 crisis hotline calls, as allowed by and in compliance with existing federal and state law governing the sharing and use of protected health information, including dispatch time, arrival time, and disposition of the outreach for each call referred for outreach by each region. The department and the authority shall establish requirements that the crisis call centers report the data identified in this subsection (2)(b) to regional behavioral health administrative services organizations for the purposes of maximizing medicaid reimbursement, as

appropriate, and implementing this chapter and chapters 71.05 and 71.34 RCW including, but not limited to, administering crisis services for the assigned regional service area, contracting with a sufficient number of licensed or certified providers for crisis services, establishing and maintaining quality assurance processes, maintaining patient tracking, and developing and implementing strategies to coordinate care for individuals with a history of frequent crisis system utilization.

(3) The department shall adopt rules by (~~(July)~~) January 1, ((2023))2025, to establish standards for designation of crisis call centers as (~~(crisis call center)~~) designated 988 contact hubs. The department shall collaborate with the authority and other agencies to assure coordination and availability of services, and shall consider national guidelines for behavioral health crisis care as determined by the federal substance abuse and mental health services administration, national behavioral health accrediting bodies, and national behavioral health provider associations to the extent they are appropriate, and recommendations from the crisis response improvement strategy committee created in RCW 71.24.892.

(4) The department shall designate (~~(crisis call center)~~) designated 988 contact hubs by (~~(July)~~) January 1, ((2024))2026. The (~~(crisis call center)~~) designated 988 contact hubs shall provide crisis intervention services, triage, care coordination, referrals, and connections to individuals contacting the 988 crisis hotline from any jurisdiction within Washington 24 hours a day, seven days a week, using the system platform developed under subsection (5) of this section.

(a) To be designated as a (~~(crisis call center)~~) designated 988 contact hub, the applicant must demonstrate to the department the ability to comply with the requirements of this section and to contract to provide (~~(crisis call center)~~) designated 988 contact hub services. The department may revoke the designation of any (~~(crisis call center)~~) designated 988 contact hub that fails to substantially comply with the contract.

(b) The contracts entered shall require designated (~~(crisis call center)~~) 988 contact hubs to:

(i) Have an active agreement with the administrator of the national suicide prevention lifeline for participation within its network;

(ii) Meet the requirements for operational and clinical standards established by the department and based upon the national suicide prevention lifeline best practices guidelines and other recognized best practices;

(iii) Employ highly qualified, skilled, and trained clinical staff who have sufficient training and resources to provide empathy to callers in acute distress, de-escalate crises, assess behavioral health disorders and suicide risk, triage to system partners for callers that need additional clinical interventions, and provide case management and documentation. Call center staff shall be trained to make every effort

to resolve cases in the least restrictive environment and without law enforcement involvement whenever possible. Call center staff shall coordinate with certified peer counselors to provide follow-up and outreach to callers in distress as available. It is intended for transition planning to include a pathway for continued employment and skill advancement as needed for experienced crisis call center employees;

(iv) Train employees on agricultural community cultural competencies for suicide prevention, which may include sharing resources with callers that are specific to members from the agricultural community. The training must prepare staff to provide appropriate assessments, interventions, and resources to members of the agricultural community. Employees may make warm transfers and referrals to a crisis hotline that specializes in working with members from the agricultural community, provided that no person contacting 988 shall be transferred or referred to another service if they are currently in crisis and in need of emotional support;

(v) Prominently display 988 crisis hotline information on their websites and social media, including a description of what the caller should expect when contacting the crisis call center and a description of the various options available to the caller, including call lines specialized in the behavioral health needs of veterans, American Indian and Alaska Native persons, Spanish-speaking persons, and LGBTQ populations. The website may also include resources for programs and services related to suicide prevention for the agricultural community;

(vi) Collaborate with the authority, the national suicide prevention lifeline, and veterans crisis line networks to assure consistency of public messaging about the 988 crisis hotline; ~~((and~~

~~(+))~~ (vii) Develop and submit to the department protocols between the designated 988 contact hub and 911 call centers within the region in which the designated crisis call center operates and receive approval of the protocols by the department and the state 911 coordination office;

(viii) Develop, in collaboration with the region's behavioral health administrative services organizations, and jointly submit to the authority protocols related to the dispatching of mobile rapid response crisis teams and community-based crisis teams endorsed under section 9 of this act and receive approval of the protocols by the authority;

(ix) Provide data and reports and participate in evaluations and related quality improvement activities, according to standards established by the department in collaboration with the authority; and

(x) Enter into data-sharing agreements with the department, the authority, and applicable regional behavioral health administrative services organizations to provide reports and client level data regarding 988 crisis hotline calls, as allowed by and in compliance with existing federal and state law governing the sharing and use of protected health information, including dispatch time, arrival time, and

disposition of the outreach for each call referred for outreach by each region. The department and the authority shall establish requirements that the designated 988 contact hubs report the data identified in this subsection (4)(b)(x) to regional behavioral health administrative services organizations for the purposes of maximizing medicaid reimbursement, as appropriate, and implementing this chapter and chapters 71.05 and 71.34 RCW including, but not limited to, administering crisis services for the assigned regional service area, contracting with a sufficient number or licensed or certified providers for crisis services, establishing and maintaining quality assurance processes, maintaining patient tracking, and developing and implementing strategies to coordinate care for individuals with a history of frequent crisis system utilization.

(c) The department and the authority shall incorporate recommendations from the crisis response improvement strategy committee created under RCW 71.24.892 in its agreements with ~~((crisis call center))~~ designated 988 contact hubs, as appropriate.

(5) The department and authority must coordinate to develop the technology and platforms necessary to manage and operate the behavioral health crisis response and suicide prevention system. The department and the authority must include the crisis call centers and designated 988 contact hubs in the decision-making process for selecting any technology platforms that will be used to operate the system. No decisions made by the department or the authority shall interfere with the routing of the 988 crisis hotline calls, texts, or chat as part of Washington's active agreement with the administrator of the national suicide prevention lifeline or 988 administrator that routes 988 contacts into Washington's system. The technologies developed must include:

(a) A new technologically advanced behavioral health and suicide prevention crisis call center system platform ~~((using technology demonstrated to be interoperable across crisis and emergency response systems used throughout the state, such as 911 systems, emergency medical services systems, and other nonbehavioral health crisis services))~~ for use in ~~((crisis call center))~~ designated 988 contact hubs designated by the department under subsection (4) of this section. This platform, which shall be fully funded by July 1, ~~((2023))~~ 2024, shall be developed by the department and must include the capacity to receive crisis assistance requests through phone calls, texts, chats, and other similar methods of communication that may be developed in the future that promote access to the behavioral health crisis system; and

(b) A behavioral health integrated client referral system capable of providing system coordination information to ~~((crisis call center))~~ designated 988 contact hubs and the other entities involved in behavioral health care. This system shall be developed by the authority.

(6) In developing the new technologies under subsection (5) of this section, the

department and the authority must coordinate to designate a primary technology system to provide each of the following:

(a) Access to real-time information relevant to the coordination of behavioral health crisis response and suicide prevention services, including:

(i) Real-time bed availability for all behavioral health bed types, including but not limited to crisis stabilization services, triage facilities, psychiatric inpatient, substance use disorder inpatient, withdrawal management, peer-run respite centers, and crisis respite services, inclusive of both voluntary and involuntary beds, for use by crisis response workers, first responders, health care providers, emergency departments, and individuals in crisis; and

(ii) Real-time information relevant to the coordination of behavioral health crisis response and suicide prevention services for a person, including the means to access:

(A) Information about any less restrictive alternative treatment orders or mental health advance directives related to the person; and

(B) Information necessary to enable the ~~((crisis call center))~~ designated 988 contact hub to actively collaborate with emergency departments, primary care providers and behavioral health providers within managed care organizations, behavioral health administrative services organizations, and other health care payers to establish a safety plan for the person in accordance with best practices and provide the next steps for the person's transition to follow-up noncrisis care. To establish information-sharing guidelines that fulfill the intent of this section the authority shall consider input from the confidential information compliance and coordination subcommittee established under RCW 71.24.892;

~~((b))~~ The means to request deployment of appropriate crisis response services, which may include mobile rapid response crisis teams, co-responder teams, designated crisis responders, fire department mobile integrated health teams, or community assistance referral and educational services programs under RCW 35.21.930, according to best practice guidelines established by the authority, and track local response through global positioning technology; and

~~(e))~~ The means to track the outcome of the 988 call to enable appropriate follow up, cross-system coordination, and accountability, including as appropriate:

(i) Any immediate services dispatched and reports generated from the encounter; (ii) the validation of a safety plan established for the caller in accordance with best practices; (iii) the next steps for the caller to follow in transition to noncrisis follow-up care, including a next-day appointment for callers experiencing urgent, symptomatic behavioral health care needs; and (iv) the means to verify and document whether the caller was successful in making the transition to appropriate noncrisis follow-up care indicated in the safety plan for the person, to be completed either by the care coordinator provided through the person's managed care organization, health plan, or behavioral health administrative

services organization, or if such a care coordinator is not available or does not follow through, by the staff of the ~~((crisis call center))~~ designated 988 contact hub;

~~((d))~~ (c) A means to facilitate actions to verify and document whether the person's transition to follow up noncrisis care was completed and services offered, to be performed by a care coordinator provided through the person's managed care organization, health plan, or behavioral health administrative services organization, or if such a care coordinator is not available or does not follow through, by the staff of the ~~((crisis call center))~~ designated 988 contact hub;

~~((e))~~ (d) The means to provide geographically, culturally, and linguistically appropriate services to persons who are part of high-risk populations or otherwise have need of specialized services or accommodations, and to document these services or accommodations; and

~~((f))~~ (e) When appropriate, consultation with tribal governments to ensure coordinated care in government-to-government relationships, and access to dedicated services to tribal members.

~~(7)~~ ~~((To implement this section the department and the authority shall collaborate with the state enhanced 911 coordination office, emergency management division, and military department to develop technology that is demonstrated to be interoperable between the 988 crisis hotline system and crisis and emergency response systems used throughout the state, such as 911 systems, emergency medical services systems, and other nonbehavioral health crisis services, as well as the national suicide prevention lifeline, to assure cohesive interoperability, develop training programs and operations for both 911 public safety telecommunicators and crisis line workers, develop suicide and other behavioral health crisis assessments and intervention strategies, and establish efficient and equitable access to resources via crisis hotlines.~~

~~(8))~~ The authority shall:

(a) Collaborate with county authorities and behavioral health administrative services organizations to develop procedures to dispatch behavioral health crisis services in coordination with ~~((crisis call center))~~ designated 988 contact hubs to effectuate the intent of this section;

(b) Establish formal agreements with managed care organizations and behavioral health administrative services organizations by January 1, 2023, to provide for the services, capacities, and coordination necessary to effectuate the intent of this section, which shall include a requirement to arrange next-day appointments for persons contacting the 988 crisis hotline experiencing urgent, symptomatic behavioral health care needs with geographically, culturally, and linguistically appropriate primary care or behavioral health providers within the person's provider network, or, if uninsured, through the person's behavioral health administrative services organization;

(c) Create best practices guidelines by July 1, 2023, for deployment of appropriate

and available crisis response services by ~~((crisis call center))~~ designated 988 contact hubs to assist 988 hotline callers to minimize nonessential reliance on emergency room services and the use of law enforcement, considering input from relevant stakeholders and recommendations made by the crisis response improvement strategy committee created under RCW 71.24.892;

(d) Develop procedures to allow appropriate information sharing and communication between and across crisis and emergency response systems for the purpose of real-time crisis care coordination including, but not limited to, deployment of crisis and outgoing services, follow-up care, and linked, flexible services specific to crisis response; and

(e) Establish guidelines to appropriately serve high-risk populations who request crisis services. The authority shall design these guidelines to promote behavioral health equity for all populations with attention to circumstances of race, ethnicity, gender, socioeconomic status, sexual orientation, and geographic location, and include components such as training requirements for call response workers, policies for transferring such callers to an appropriate specialized center or subnetwork within or external to the national suicide prevention lifeline network, and procedures for referring persons who access the 988 crisis hotline to linguistically and culturally competent care.

(8) The department shall monitor trends in 988 crisis hotline caller data, as reported by designated 988 contact hubs under subsection (4)(b)(x) of this section, and submit an annual report to the governor and the appropriate committees of the legislature summarizing the data and trends beginning December 1, 2027.

**Sec. 6.** RCW 71.24.892 and 2021 c 302 s 103 are each amended to read as follows:

(1) The crisis response improvement strategy committee is established for the purpose of providing advice in developing an integrated behavioral health crisis response and suicide prevention system containing the elements described in this section. The work of the committee shall be received and reviewed by a steering committee, which shall in turn form subcommittees to provide the technical analysis and input needed to formulate system change recommendations.

(2) ~~The ((office of financial management shall contract with the)) behavioral health institute at Harborview medical center ((to)) shall facilitate and provide staff support to the steering committee and to the crisis response improvement strategy committee. The behavioral health institute may contract for the provision of these services.~~

(3) The steering committee shall consist of the five members specified as serving on the steering committee in this subsection and one additional member who has been appointed to serve pursuant to the criteria in either (j), (k), (l), or (m) of this subsection. The steering committee shall select three cochairs from among its members to lead the crisis response improvement

strategy committee. The crisis response improvement strategy committee shall consist of the following members, who shall be appointed or requested by the authority, unless otherwise noted:

(a) The director of the authority, or his or her designee, who shall also serve on the steering committee;

(b) The secretary of the department, or his or her designee, who shall also serve on the steering committee;

(c) A member representing the office of the governor, who shall also serve on the steering committee;

(d) The Washington state insurance commissioner, or his or her designee;

(e) Up to two members representing federally recognized tribes, one from eastern Washington and one from western Washington, who have expertise in behavioral health needs of their communities;

(f) One member from each of the two largest caucuses of the senate, one of whom shall also be designated to participate on the steering committee, to be appointed by the president of the senate;

(g) One member from each of the two largest caucuses of the house of representatives, one of whom shall also be designated to participate on the steering committee, to be appointed by the speaker of the house of representatives;

(h) The director of the Washington state department of veterans affairs, or his or her designee;

(i) The state ~~((enhanced))~~ 911 coordinator, or his or her designee;

(j) A member with lived experience of a suicide attempt;

(k) A member with lived experience of a suicide loss;

(l) A member with experience of participation in the crisis system related to lived experience of a mental health disorder;

(m) A member with experience of participation in the crisis system related to lived experience with a substance use disorder;

(n) A member representing each crisis call center in Washington that is contracted with the national suicide prevention lifeline;

(o) Up to two members representing behavioral health administrative services organizations, one from an urban region and one from a rural region;

(p) A member representing the Washington council for behavioral health;

(q) A member representing the association of alcoholism and addiction programs of Washington state;

(r) A member representing the Washington state hospital association;

(s) A member representing the national alliance on mental illness Washington;

(t) A member representing the behavioral health interests of persons of color recommended by Sea Mar community health centers;

(u) A member representing the behavioral health interests of persons of color recommended by Asian counseling and referral service;

(v) A member representing law enforcement;

(w) A member representing a university-based suicide prevention center of excellence;

(x) A member representing an emergency medical services department with a CARES program;

(y) A member representing medicaid managed care organizations, as recommended by the association of Washington healthcare plans;

(z) A member representing commercial health insurance, as recommended by the association of Washington healthcare plans;

(aa) A member representing the Washington association of designated crisis responders;

(bb) A member representing the children and youth behavioral health work group;

(cc) A member representing a social justice organization addressing police accountability and the use of deadly force; and

(dd) A member representing an organization specializing in facilitating behavioral health services for LGBTQ populations.

(4) The crisis response improvement strategy committee shall assist the steering committee to identify potential barriers and make recommendations necessary to implement and effectively monitor the progress of the 988 crisis hotline in Washington and make recommendations for the statewide improvement of behavioral health crisis response and suicide prevention services.

(5) The steering committee must develop a comprehensive assessment of the behavioral health crisis response and suicide prevention services system by January 1, 2022, including an inventory of existing statewide and regional behavioral health crisis response, suicide prevention, and crisis stabilization services and resources, and taking into account capital projects which are planned and funded. The comprehensive assessment shall identify:

(a) Statewide and regional insufficiencies and gaps in behavioral health crisis response and suicide prevention services and resources needed to meet population needs;

(b) Quantifiable goals for the provision of statewide and regional behavioral health crisis services and targeted deployment of resources, which consider factors such as reported rates of involuntary commitment detentions, single-bed certifications, suicide attempts and deaths, substance use disorder-related overdoses, overdose or withdrawal-related deaths, and incarcerations due to a behavioral health incident;

(c) A process for establishing outcome measures, benchmarks, and improvement targets, for the crisis response system; and

(d) Potential funding sources to provide statewide and regional behavioral health crisis services and resources.

(6) The steering committee, taking into account the comprehensive assessment work under subsection (5) of this section as it becomes available, after discussion with the crisis response improvement strategy committee and hearing reports from the subcommittees, shall report on the following:

(a) A recommended vision for an integrated crisis network in Washington that includes, but is not limited to: An integrated 988 crisis hotline and (~~crisis call center~~) designated 988 contact hubs; mobile rapid response crisis teams and community-based crisis teams endorsed under section 9 of this act; mobile crisis response units for youth, adult, and geriatric population; a range of crisis stabilization services; an integrated involuntary treatment system; access to peer-run services, including peer-run respite centers; adequate crisis respite services; and data resources;

(b) Recommendations to promote equity in services for individuals of diverse circumstances of culture, race, ethnicity, gender, socioeconomic status, sexual orientation, and for individuals in tribal, urban, and rural communities;

(c) Recommendations for a work plan with timelines to implement appropriate local responses to calls to the 988 crisis hotline within Washington in accordance with the time frames required by the national suicide hotline designation act of 2020;

(d) The necessary components of each of the new technologically advanced behavioral health crisis call center system platform and the new behavioral health integrated client referral system, as provided under RCW 71.24.890, for assigning and tracking response to behavioral health crisis calls and providing real-time bed and outpatient appointment availability to 988 operators, emergency departments, designated crisis responders, and other behavioral health crisis responders, which shall include but not be limited to:

(i) Identification of the components (~~crisis call center~~) that designated 988 contact hub staff need to effectively coordinate crisis response services and find available beds and available primary care and behavioral health outpatient appointments;

(ii) Evaluation of existing bed tracking models currently utilized by other states and identifying the model most suitable to Washington's crisis behavioral health system;

(iii) Evaluation of whether bed tracking will improve access to all behavioral health bed types and other impacts and benefits; and

(iv) Exploration of how the bed tracking and outpatient appointment availability platform can facilitate more timely access to care and other impacts and benefits;

(e) The necessary systems and capabilities that licensed or certified behavioral health agencies, behavioral health providers, and any other relevant parties will require to report, maintain, and update inpatient and residential bed and outpatient service availability in real time to correspond with the crisis call center system platform or behavioral health integrated client referral system identified in RCW 71.24.890, as appropriate;

(f) A work plan to establish the capacity for the (~~crisis call center~~) designated 988 contact hubs to integrate Spanish language interpreters and Spanish-speaking call center staff into their operations, and to



ensure the availability of resources to meet the unique needs of persons in the agricultural community who are experiencing mental health stresses, which explicitly addresses concerns regarding confidentiality;

(g) A work plan with timelines to enhance and expand the availability of ~~((community-based))~~ mobile rapid response crisis teams and community-based crisis teams endorsed under section 9 of this act based in each region, including specialized teams as appropriate to respond to the unique needs of youth, including American Indian and Alaska Native youth and LGBTQ youth, and geriatric populations, including older adults of color and older adults with comorbid dementia;

(h) The identification of other personal and systemic behavioral health challenges which implementation of the 988 crisis hotline has the potential to address in addition to suicide response and behavioral health crises;

(i) The development of a plan for the statewide equitable distribution of crisis stabilization services, behavioral health beds, and peer-run respite services;

(j) Recommendations concerning how health plans, managed care organizations, and behavioral health administrative services organizations shall fulfill requirements to provide assignment of a care coordinator and to provide next-day appointments for enrollees who contact the behavioral health crisis system;

(k) Appropriate allocation of crisis system funding responsibilities among medicaid managed care organizations, commercial insurers, and behavioral health administrative services organizations;

(l) Recommendations for constituting a statewide behavioral health crisis response and suicide prevention oversight board or similar structure for ongoing monitoring of the behavioral health crisis system and where this should be established; and

(m) Cost estimates for each of the components of the integrated behavioral health crisis response and suicide prevention system.

(7) The steering committee shall consist only of members appointed to the steering committee under this section. The steering committee shall convene the committee, form subcommittees, assign tasks to the subcommittees, and establish a schedule of meetings and their agendas.

(8) The subcommittees of the crisis response improvement strategy committee shall focus on discrete topics. The subcommittees may include participants who are not members of the crisis response improvement strategy committee, as needed to provide professional expertise and community perspectives. Each subcommittee shall have at least one member representing the interests of stakeholders in a rural community, at least one member representing the interests of stakeholders in an urban community, and at least one member representing the interests of youth stakeholders. The steering committee shall form the following subcommittees:

(a) A Washington tribal 988 subcommittee, which shall examine and make recommendations

with respect to the needs of tribes related to the 988 system, and which shall include representation from the American Indian health commission;

(b) A credentialing and training subcommittee, to recommend workforce needs and requirements necessary to implement chapter 302, Laws of 2021, including minimum education requirements such as whether it would be appropriate to allow ~~((crisis call center))~~ designated 988 contact hubs to employ clinical staff without a bachelor's degree or master's degree based on the person's skills and life or work experience;

(c) A technology subcommittee, to examine issues and requirements related to the technology needed to implement chapter 302, Laws of 2021;

(d) A cross-system crisis response collaboration subcommittee, to examine and define the complementary roles and interactions between mobile rapid response crisis teams and community-based crisis teams endorsed under section 9 of this act, designated crisis responders, law enforcement, emergency medical services teams, 911 and 988 operators, public and private health plans, behavioral health crisis response agencies, nonbehavioral health crisis response agencies, and others needed to implement chapter 302, Laws of 2021;

(e) A confidential information compliance and coordination subcommittee, to examine issues relating to sharing and protection of health information needed to implement chapter 302, Laws of 2021; ~~((and))~~

(f) A 988 geolocation subcommittee, to examine privacy issues related to federal planning efforts to route 988 crisis hotline calls based on the person's location, rather than area code, including ways to implement the federal efforts in a manner that maintains public and clinical confidence in the 988 crisis hotline. The 988 geolocation subcommittee must include persons with lived experience with behavioral health conditions as well as representatives of crisis call centers, the behavioral health interests of persons of color, and behavioral health providers; and

(g) Any other subcommittee needed to facilitate the work of the committee, at the discretion of the steering committee.

(9) The proceedings of the crisis response improvement strategy committee must be open to the public and invite testimony from a broad range of perspectives. The committee shall seek input from tribes, veterans, the LGBTQ community, and communities of color to help discern how well the crisis response system is currently working and recommend ways to improve the crisis response system.

(10) Legislative members of the crisis response improvement strategy committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(11) The steering committee, with the advice of the crisis response improvement strategy committee, shall provide a progress report and the result of its comprehensive assessment under subsection (5) of this section to the governor and appropriate policy and fiscal committee of the legislature by January 1, 2022. The steering committee shall report the crisis response improvement strategy committee's further progress and the steering committee's recommendations related to ~~((crisis call center))~~ designated 988 contact hubs to the governor and appropriate policy and fiscal committees of the legislature by January 1, 2023, and January 1, 2024. The steering committee shall provide its final report to the governor and the appropriate policy and fiscal committees of the legislature by January 1, ~~((2024))~~ 2025.

(12) This section expires June 30, ~~((2024))~~ 2025.

**Sec. 7.** RCW 71.24.896 and 2021 c 302 s 108 are each amended to read as follows:

(1) When acting in their statutory capacities pursuant to chapter 302, Laws of 2021, the state, department, authority, state ~~((enhanced))~~ 911 coordination office, emergency management division, military department, any other state agency, and their officers, employees, and agents are deemed to be carrying out duties owed to the public in general and not to any individual person or class of persons separate and apart from the public. Nothing contained in chapter 302, Laws of 2021 may be construed to evidence a legislative intent that the duties to be performed by the state, department, authority, state ~~((enhanced))~~ 911 coordination office, emergency management division, military department, any other state agency, and their officers, employees, and agents, as required by chapter 302, Laws of 2021, are owed to any individual person or class of persons separate and apart from the public in general.

(2) Each ~~((crisis call center))~~ designated 988 contact hub designated by the department under any contract or agreement pursuant to chapter 302, Laws of 2021 shall be deemed to be an independent contractor, separate and apart from the department and the state.

**Sec. 8.** RCW 43.06.530 and 2021 c 302 s 107 are each amended to read as follows:

(1) The governor shall appoint a 988 hotline and behavioral health crisis system coordinator to provide project coordination and oversight for the implementation and administration of the 988 crisis hotline, other requirements of chapter 302, Laws of 2021, and other projects supporting the behavioral health crisis system. The coordinator shall:

(a) Oversee the collaboration between the department of health and the health care authority in their respective roles in supporting the crisis call center hubs, providing the necessary support services for 988 callers, and establishing adequate requirements and guidance for their contractors to fulfill the requirements of chapter 302, Laws of 2021;

(b) Ensure coordination and facilitate communication between stakeholders such as crisis call center hub contractors, behavioral health administrative service organizations, county authorities, other crisis hotline centers, managed care organizations, and, in collaboration with the state ~~((enhanced))~~ 911 coordination office, with 911 emergency communications systems;

(c) Review the development of adequate and consistent training for crisis call center personnel and, in coordination with the state ~~((enhanced))~~ 911 coordination office, for 911 operators with respect to their interactions with the crisis hotline center; and

(d) Coordinate implementation of other behavioral health initiatives among state agencies and educational institutions, as appropriate, including coordination of data between agencies.

(2) This section expires June 30, ~~((2024))~~ 2028.

**NEW SECTION. Sec. 9.** A new section is added to chapter 71.24 RCW to read as follows:

(1) By April 1, 2024, the authority shall establish standards for issuing an endorsement to any mobile rapid response crisis team or community-based crisis team that meets the criteria under either subsection (2) or (3) of this section, as applicable. The endorsement is a voluntary credential that a mobile rapid response crisis team or community-based crisis team may obtain to signify that it maintains the capacity to respond to persons who are experiencing a significant behavioral health emergency requiring an urgent, in-person response. The attainment of an endorsement allows the mobile rapid response crisis team or community-based crisis team to become eligible for performance payments as provided in subsection (10) of this section.

(2) The authority's standards for issuing an endorsement to a mobile rapid response crisis team or a community-based crisis team must consider:

(a) Minimum staffing requirements to effectively respond in-person to individuals experiencing a significant behavioral health emergency. Except as provided in subsection (3) of this section, the team must include appropriately credentialed and supervised staff employed by a licensed or certified behavioral health agency and may include other personnel from participating entities listed in subsection (3) of this section. The team shall include certified peer counselors as a best practice to the extent practicable based on workforce availability. The team may include fire departments, emergency medical services, public health, medical facilities, nonprofit organizations, and city or county governments. The team may not include law enforcement personnel;

(b) Capabilities for transporting an individual experiencing a significant behavioral health emergency to a location providing appropriate level crisis stabilization services, as determined by regional transportation procedures, such as crisis receiving centers, crisis

stabilization units, and triage facilities. The standards must include vehicle and equipment requirements, including minimum requirements for vehicles and equipment to be able to safely transport the individual, as well as communication equipment standards. The vehicle standards must allow for an ambulance or aid vehicle licensed under chapter 18.73 RCW to be deemed to meet the standards; and

(c) Standards for the initial and ongoing training of personnel and for providing clinical supervision to personnel.

(3) The authority must adjust the standards for issuing an endorsement to a community-based crisis team under subsection (2) of this section if the team is comprised solely of an emergency medical services agency, whether it is part of a fire service agency or a private entity, that is located in a rural county in eastern Washington with a population of less than 60,000 residents. Under the adjusted standards, until January 1, 2030, the authority shall exempt a team from the personnel standards under subsection (2)(a) of this section and issue an endorsement to a team if:

(a) The personnel assigned to the team have met training requirements established by the authority under subsection (2)(c) of this section, as those requirements apply to emergency medical service and fire service personnel, including completion of the three-hour training in suicide assessment, treatment, and management under RCW 43.70.442;

(b) The team operates under a memorandum of understanding with a licensed or certified behavioral health agency to provide direct, real-time consultation through a behavioral health provider employed by a licensed or certified behavioral health agency while the team is responding to a call. The consultation may be provided by telephone, through remote technologies, or, if circumstances allow, in person; and

(c) The team does not include law enforcement personnel.

(4) Prior to issuing an initial endorsement or renewing an endorsement, the authority shall conduct an on-site survey of the applicant's operation.

(5) An endorsement must be renewed every three years.

(6) The authority shall establish forms and procedures for issuing and renewing an endorsement.

(7) The authority shall establish procedures for the denial, suspension, or revocation of an endorsement.

(8)(a) The decision of a mobile rapid response crisis team or community-based crisis team to seek endorsement is voluntary and does not prohibit a nonendorsed team from participating in the crisis response system when (i) responding to individuals who are not experiencing a significant behavioral health emergency that requires an urgent in-person response or (ii) responding to individuals who are experiencing a significant behavioral health emergency that requires an urgent in-person response when there is not an endorsed team available.

(b) The decision of a mobile rapid response crisis team not to pursue an

endorsement under this section does not affect its obligation to comply with any standards adopted by the authority with respect to mobile rapid response crisis teams.

(c) The decision of a mobile rapid response crisis team not to pursue an endorsement under this section does not affect its responsibilities and reimbursement for services as they may be defined in contracts with managed care organizations or behavioral health administrative services organizations.

(9) The costs associated with endorsement activities shall be supported with funding from the statewide 988 behavioral health crisis response and suicide prevention line account established in RCW 82.86.050.

(10) The authority shall establish an endorsed mobile rapid response crisis team and community-based crisis team performance program with receipts from the statewide 988 behavioral health crisis response and suicide prevention line account.

(a) Subject to funding provided for this specific purpose, the performance program shall:

(i) Issue establishment grants to support mobile rapid response crisis teams and community-based crisis teams seeking to meet the elements necessary to become endorsed under either subsection (2) or (3) of this section;

(ii) Issue performance payments in the form of an enhanced case rate to mobile rapid response crisis teams and community-based crisis teams that have received an endorsement from the authority under either subsection (2) or (3) of this section; and

(iii) Issue supplemental performance payments in the form of an enhanced case rate higher than that available in (a)(ii) of this subsection (10) to mobile rapid response crisis teams and community-based crisis teams that have received an endorsement from the authority under either subsection (2) or (3) of this section and demonstrate to the authority that for the previous three months they met the following response time and in route time standards:

(A) Between January 1, 2025, through December 31, 2026:

(I) Arrive to the individual's location within 30 minutes of being dispatched by the designated 988 contact hub, at least 80 percent of the time in urban areas;

(II) Arrive to the individual's location within 40 minutes of being dispatched by the designated 988 contact hub, at least 80 percent of the time in suburban areas; and

(III) Be in route within 15 minutes of being dispatched by the designated 988 contact hub, at least 80 percent of the time in rural areas; and

(B) On and after January 1, 2027:

(I) Arrive to the individual's location within 20 minutes of being dispatched by the designated 988 contact hub, at least 80 percent of the time in urban areas;

(II) Arrive to the individual's location within 30 minutes of being dispatched by the designated 988 contact hub, at least 80 percent of the time in suburban areas; and

(III) Be in route within 10 minutes of being dispatched by the designated 988

contact hub, at least 80 percent of the time in rural areas.

(b) The authority shall design the program in a manner that maximizes the state's ability to receive federal matching funds.

(11) The authority shall contract with the actuaries responsible for development of medicaid managed care rates to conduct an analysis and develop options for payment mechanisms and levels for rate enhancements under subsection (10) of this section. The authority shall consult with staff from the office of financial management and the fiscal committees of the legislature in conducting this analysis. The payment mechanisms must be developed to maximize leverage of allowable federal medicaid match. The analysis must clearly identify assumptions, include cost projections for the rate level options broken out by fund source, and summarize data used for the cost analysis. The cost projections must be based on Washington state specific utilization and cost data. The analysis must identify low, medium, and high ranges of projected costs associated for each option accounting for varying scenarios regarding the numbers of teams estimated to qualify for the enhanced case rates and supplemental performance payments. The analysis must identify costs for both medicaid clients, and for state-funded nonmedicaid clients paid through contracts with behavioral health administrative services organizations. The analysis must account for phasing in of the number of teams that meet endorsement criteria over time and project annual costs for a four-year period associated with each of the scenarios. The authority shall submit a report summarizing the analysis, payment mechanism options, enhanced performance payment and supplemental performance payment rate level options, and related cost estimates to the office of financial management and the appropriate committees of the legislature by December 1, 2023.

(12) The authority shall conduct a review of the endorsed community-based crisis teams established under subsection (3) of this section and report to the governor and the health policy committees of the legislature by December 1, 2028. The report shall provide information about the engagement of the community-based crisis teams receiving an endorsement under subsection (3) of this section and their ability to provide a timely and appropriate response to persons experiencing a behavioral health crisis and any recommended changes to the teams to better meet the needs of the community including personnel requirements, training standards, and behavioral health provider consultation.

**Sec. 10.** RCW 82.86.050 and 2021 c 302 s 205 are each amended to read as follows:

(1) The statewide 988 behavioral health crisis response and suicide prevention line account is created in the state treasury. All receipts from the statewide 988 behavioral health crisis response and suicide prevention line tax imposed pursuant to this chapter must be deposited into the

account. Moneys may only be spent after appropriation.

(2) Expenditures from the account may only be used for:

(a) ~~((ensuring))~~ Ensuring the efficient and effective routing of calls made to the 988 crisis hotline to an appropriate crisis hotline center or ~~((crisis—call center))~~ designated 988 contact hub; and

(b) ~~((personnel))~~ Personnel and the provision of acute behavioral health, crisis outreach, and crisis stabilization services, as defined in RCW 71.24.025, by directly responding to the 988 crisis hotline and enhancing mobile crisis service standards and performance provided through mobile rapid response crisis teams and community-based crisis teams endorsed under section 9 of this act. Ten percent of the annual receipts from the tax must be dedicated to the establishment grants, performance payments, and supplemental performance payments for mobile rapid response crisis teams and community-based crisis teams endorsed under section 9 of this act and endorsement activities in section 9 of this act, up to 30 percent of which is dedicated to mobile rapid response crisis teams and community-based crisis teams endorsed under section 9 of this act that are affiliated with a tribe in Washington.

(3) Moneys in the account may not be used to supplant general fund appropriations for behavioral health services or for medicaid covered services to individuals enrolled in the medicaid program.

**NEW SECTION. Sec. 11.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority and behavioral health administrative services organizations, in collaboration with the University of Washington, the Harborview behavioral health institute, the Washington council for behavioral health, and the statewide 988 coordinator, shall plan for regional collaboration among behavioral health providers and first responders working within the 988 crisis response and suicide prevention system, standardize practices and protocols, and develop a needs assessment for trainings. Under leadership by the authority and behavioral health administrative services organizations this work shall be divided as described in this section.

(2) The University of Washington, through the Harborview behavioral health institute, shall develop an assessment of training needs, a mapping of current and future funded crisis response providers, and a comprehensive review of all behavioral health training required in statute and in rule. The training needs assessment, mapping of crisis providers, and research on existing training requirements must be completed by June 30, 2024. The Harborview behavioral health institute may contract for all or any portion of this work. The Harborview behavioral health institute shall consult with, at a minimum, the following key stakeholders:

(a) At least two representatives from the Behavioral health administrative services

organizations, one from each side of the Cascade crest;

(b) At least three crisis services providers identified by the Washington council for behavioral health, one from each side of the Cascade crest, and one dedicated to serving communities of color;

(c) A representative of crisis call centers;

(d) The authority and the department;

(e) At least two members who are persons with lived experience related to mental health issues, substance use disorder issues, a suicide attempt, or a suicide loss;

(f) A representative of a statewide organization of field experts consisting of first responders, behavioral health professionals, and project managers working in co-response programs in Washington; and

(g) Advocates for and organizations representing persons with developmental disabilities, veterans, American Indians and Alaska Native populations, LGBTQ populations, and persons connected with the agricultural community, as deemed appropriate by each stakeholder group, including persons with lived experience related to mental health issues, substance use disorder issues, a suicide attempt, or a suicide loss.

(3) The authority and behavioral health services organizations, in collaboration with the stakeholders specified in subsection (1) of this section, shall develop recommendations for establishing crisis workforce and resilience training collaboratives that would offer voluntary regional trainings for behavioral health providers, peers, first responders, co-responders, 988 contact center personnel, designated 988 contact hub personnel, 911 operators, regional leaders, and interested members of the public, specific to a geographic region and the population they serve as informed by the needs assessment. The collaboratives shall encourage the development of foundational and advanced skills and practices in crisis response as well as foster regional collaboration. The recommendations must:

(a) Include strategies for better coordination and integration of 988-specific training into the broader scope of behavioral health trainings that are already required;

(b) Identify effective trainings to explain how the 988 system works with the 911 emergency response system, trauma-informed care, secondary trauma, suicide protocols and practices for crisis responders, supervisory best practices for first responders, lethal means safety, violence assessments, cultural competency, and essential care for serving individuals with serious mental illness, substance use disorder, or co-occurring disorders;

(c) Identify best practice approaches to working with veterans, intellectually and developmentally disabled populations, youth, LGBTQ populations, communities of color, agricultural communities, and American Indian and Alaska Native populations;

(d) Identify ways to provide the designated 988 contact hubs and other crisis providers with training that is tailored to

the agricultural community using training that is agriculture-specific with information relating to the stressors unique to persons connected with the agricultural community such as weather conditions, financial obligations, market conditions, and other relevant issues. When developing the recommendations, consideration must be given to national experts, such as the AgriSafe network and other entities;

(e) Identify ways to promote a better informed and more involved community on topics related to the behavioral health crisis system by increasing public access to and participation in trainings on the topics identified in (b) and (c) of this subsection (3), including through remote audiovisual technology;

(f) Establish suggested protocols for ways to sustain the collaboratives as new mobile rapid response crisis teams and community-based crisis teams endorsed under section 9 of this act, co-responder teams, and crisis facilities are funded and operationalized;

(g) Discuss funding needs to sustain the collaboratives and support participation in attending the trainings; and

(h) Offer a potential timeline for implementing the collaboratives on a region-by-region basis.

(4) The authority shall submit a report on the items developed in this section to the governor and the appropriate committees of the legislature by December 31, 2024.

**NEW SECTION. Sec. 12.** A new section is added to chapter 71.24 RCW to read as follows:

Behavioral health administrative services organizations in their role as regional behavioral health system leaders, in partnership with the authority, shall convene an annual crisis continuum of care forum, led by the behavioral health administrative services organizations, with participation from partners serving regional service areas, including managed care organizations, behavioral health providers, mobile rapid response crisis teams, 988 call center hubs, counties, tribes, and other regional partners, to identify and develop collaborative regional-based solutions which may include capital infrastructure requests, local capacity building, or community investments including joint funding opportunities, innovative and scalable pilot initiatives, or other funder and stakeholder partnerships. The authority shall provide funding for this annual crisis continuum of care forum. Behavioral health administrative services organizations and the authority shall jointly submit recommendations, as appropriate, supporting these efforts to the joint legislative executive committee on behavioral health.

**NEW SECTION. Sec. 13.** A new section is added to chapter 71.24 RCW to read as follows:

(1) No act or omission related to the dispatching decisions of any crisis call center staff or designated 988 contact hub staff with endorsed mobile rapid response crisis team and community-based crisis team

dispatching responsibilities done or omitted in good faith within the scope of the individual's employment responsibilities with the crisis call center or designated 988 contact hub and in accordance with dispatching procedures adopted both by the behavioral health administrative services organization and the crisis call center or the designated 988 contact hub and approved by the authority shall impose liability upon:

(a) The clinical staff of the crisis call center or designated 988 contact hub or their clinical supervisors;

(b) The crisis call center or designated 988 contact hub or its officers, staff, or employees;

(c) Any member of a mobile rapid response crisis team or community-based crisis team endorsed under section 9 of this act;

(d) The certified public safety telecommunicator or the certified public safety telecommunicator's supervisor; or

(e) The public safety answering point or its officers, staff, or employees.

(2) This section shall not apply to any act or omission which constitutes either gross negligence or willful or wanton misconduct.

**NEW SECTION. Sec. 14.** A new section is added to chapter 38.60 RCW to read as follows:

(1) No act or omission of any certified public safety telecommunicator or crisis call center staff or designated 988 contact hub staff related to the transfer of calls from the 911 line to the 988 crisis hotline or from the 988 crisis hotline to the 911 line, done or omitted in good faith, within the scope of the certified public safety telecommunicator's employment responsibilities with the public safety answering point and the crisis call center or designated 988 contact hub and in accordance with call system transfer protocols adopted by both the department of health and the emergency management division shall impose liability upon:

(a) The certified public safety telecommunicator or the certified public safety telecommunicator's supervisor;

(b) The public safety answering point or its officers, staff, or employees;

(c) The clinical staff of the crisis call center or designated 988 contact hub or their clinical supervisors;

(d) The crisis call center or designated 988 contact hub or its officers, staff, or employees; or

(e) Any member of a mobile rapid response crisis team or community-based crisis team endorsed under section 9 of this act.

(2) This section shall not apply to any act or omission which constitutes either gross negligence or willful or wanton misconduct.

**NEW SECTION. Sec. 15.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 71.24.890, 71.24.892, 71.24.896, 43.06.530, and 82.86.050; reenacting and amending RCW 71.24.025, 71.24.037, and 43.70.442; adding new sections to chapter 71.24 RCW; adding a new section to chapter 38.60 RCW; creating a new section; and providing expiration dates."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1134 and advanced the bill, as amended by the Senate, to final passage.

Representative Orwall spoke in favor of the passage of the bill.

Representatives Schmick, Dent and Dye spoke against the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1134, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1134, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 70; Nays, 27; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Cheney, Chopp, Corry, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Low, Macri, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Barnard, Chambers, Chandler, Chapman, Christian, Connors, Couture, Dent, Dye, Graham, Harris, Hutchins, Jacobsen, Klicker, Kretz, Maycumber, McEntire, Robertson, Rude, Sandlin, Schmick, Schmidt, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representative Ortiz-Self

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1134, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1682, with the following amendment(s): 1682-S AMS WILS S3305.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The Washington auto theft prevention authority account was created in 2007 to provide dedicated funding from traffic infraction collections to support programs designed to prevent and prosecute motor vehicle theft. The legislature finds that over the years, funding from the account has been diverted to other nonauto theft uses such as department of corrections' operations and youth gang prevention programs. The legislature further finds that revenues from traffic infractions have decreased as more drivers access diversion and deferral programs designed to assist people with retaining their licenses. Fund diversions and decreasing traffic infraction revenue threaten the viability of motor vehicle theft prevention programs at a time when the number of motor vehicle thefts have increased 88 percent between the year 2021 and 2022. In order to provide more secure funding to combat and prevent motor vehicle theft, the legislature intends each fiscal year to deposit into the Washington auto theft prevention authority account \$7,000,000 of insurance premium tax collections that would otherwise be deposited to the general fund and to have this deposit grow by inflation. The legislature further intends for moneys collected from the traffic infraction surcharge in RCW 46.63.110(7)(b) to be deposited into the state general fund.

**Sec. 2.** RCW 46.63.110 and 2021 c 240 s 3 are each amended to read as follows:

(1)(a) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed ~~((two hundred and fifty dollars))~~ \$250 for each offense unless authorized by this chapter or title.

(b) The court may waive or remit any monetary penalty, fee, cost, assessment, or other monetary obligation associated with a traffic infraction unless the specific monetary obligation in question is prohibited from being waived or remitted by state law.

(2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is ~~((two hundred fifty dollars))~~ \$250 for each offense; (b) RCW 46.61.210(1) is ~~((five hundred dollars))~~ \$500 for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of ~~((twenty-five dollars))~~ \$25 for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed ~~((twenty-five dollars))~~ \$25 for failure to respond to a

notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6) Whenever a monetary penalty, fee, cost, assessment, or other monetary obligation is imposed by a court under this chapter, it is immediately payable and is enforceable as a civil judgment under Title 6 RCW. If the court determines that a person is not able to pay a monetary obligation in full, the court shall enter into a payment plan with the person in accordance with RCW 46.63.190 and standards that may be set out in court rule.

(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed:

(a) A fee of ~~((five dollars))~~ \$5 per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040;

(b) A fee of ~~((ten dollars))~~ \$10 per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the ~~((Washington auto theft prevention authority account))~~ general fund; and

(c) A fee of ~~((five dollars))~~ \$5 per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the traumatic brain injury account established in RCW 74.31.060.

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 or 46.61.212 shall be assessed an additional penalty of \$24. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a court authorized community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the court authorized community restitution program.

(b) \$12.50 of the additional penalty under (a) of this subsection shall be remitted to the state treasurer. The remaining revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as follows: \$8.50 in the state general fund and \$4 in the driver licensing technology

support account created under RCW 46.68.067. The moneys deposited into the driver licensing technology support account must be used to support information technology systems used by the department to communicate with the judicial information system, manage driving records, and implement court orders. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

(9) If a legal proceeding, such as garnishment, has commenced to collect any delinquent amount owed by the person for any penalty imposed by the court under this section, the person may request a payment plan pursuant to RCW 46.63.190.

(10) The monetary penalty for violating RCW 46.37.395 is: (a) ~~((Two hundred fifty dollars))~~ \$250 for the first violation; (b) ~~((five hundred dollars))~~ \$500 for the second violation; and (c) ~~((seven hundred fifty dollars))~~ \$750 for each violation thereafter.

(11) The additional monetary penalty for a violation of RCW 46.20.500 is not subject to assessments or fees provided under this section.

(12) The additional monetary fine for a violation of RCW 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205 is not subject to assessments or fees provided under this section.

(13) The additional monetary penalties for a violation of RCW 46.61.165 are not subject to assessments or fees provided under this section.

**Sec. 3.** RCW 46.66.080 and 2015 3rd sp.s. c 4 s 964 are each amended to read as follows:

(1) The Washington auto theft prevention authority account is created in the state treasury, subject to appropriation. ~~((All revenues from the traffic infraction surcharge in RCW 46.63.110(7)(b)))~~ Revenues consist of deposits to the account under RCW 48.14.020(1)(b) and all receipts from gifts, grants, bequests, devises, or other funds from public and private sources to support the activities of the auto theft prevention authority must be deposited into the account. Expenditures from the account may be used only for activities relating to motor vehicle theft, including education, prevention, law enforcement, investigation, prosecution, and confinement. ((During the 2011-2013, 2013-2015, and 2015-2017 fiscal biennia, the legislature may appropriate moneys from the Washington auto theft prevention authority account for criminal justice purposes and community building and may transfer funds to the state general fund such amounts as reflect the excess fund balance of the account.))

(2) The authority shall allocate moneys appropriated from the account to public agencies for the purpose of establishing, maintaining, and supporting programs that are designed to prevent motor vehicle theft, including:

(a) Financial support to prosecution agencies to increase the effectiveness of motor vehicle theft prosecution;

(b) Financial support to a unit of local government or a team consisting of units of local governments to increase the effectiveness of motor vehicle theft enforcement;

(c) Financial support for the procurement of equipment and technologies for use by law enforcement agencies for the purpose of enforcing motor vehicle theft laws; and

(d) Financial support for programs that are designed to educate and assist the public in the prevention of motor vehicle theft.

(3) The costs of administration shall not exceed ~~((ten))~~ 10 percent of the moneys in the account in any one year so that the greatest possible portion of the moneys available to the authority is expended on combating motor vehicle theft.

(4) Prior to awarding any moneys from the Washington auto theft prevention authority account for motor vehicle theft enforcement, the auto theft prevention authority must verify that the financial award includes sufficient funding to cover proposed activities ~~((, which include, but are not limited to: (a) State, municipal, and county offender and juvenile confinement costs; (b) administration costs; (c) law enforcement costs; (d) prosecutor costs; and (e) court costs, with a priority being given to ensuring that sufficient funding is available to cover state, municipal, and county offender and juvenile confinement costs))~~.

(5) Moneys expended from the Washington auto theft prevention authority account under subsection (2) of this section shall be used to supplement, not supplant, other moneys that are available for motor vehicle theft prevention.

(6) Grants provided under subsection (2) of this section constitute reimbursement for purposes of RCW 43.135.060(1).

**Sec. 4.** RCW 48.14.020 and 2021 c 281 s 7 are each amended to read as follows:

(1) ~~(a)~~ Subject to other provisions of this chapter, each authorized insurer except title insurers and registered eligible captive insurers as defined in RCW 48.201.020 shall on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax on premiums. Except as provided in subsection (3) of this section, such tax shall be in the amount of two percent of all premiums, excluding amounts returned to or the amount of reductions in premiums allowed to holders of industrial life policies for payment of premiums directly to an office of the insurer, collected or received by the insurer under RCW 48.14.090 during the preceding calendar year other than ocean marine and foreign trade insurances, after deducting premiums paid to policyholders as returned premiums, upon risks or property resident, situated, or to be performed in this state. For tax purposes, the reporting of premiums shall be on a written basis or on a paid-for basis consistent with the basis required by the annual statement. For



the purposes of this section the consideration received by an insurer for the granting of an annuity shall not be deemed to be a premium.

(b) Beginning July 1, 2023, and July 1st of each year thereafter, the state treasurer shall deposit \$7,000,000 in moneys collected for premium taxes pursuant to this section into the Washington auto theft prevention authority account created in RCW 46.66.080. Beginning July 1, 2023, the amount deposited under this subsection must be adjusted by the most current seasonally adjusted index of the consumer price index for all urban consumers as published by the bureau of labor statistics of the United States department of labor.

(2)(a) The taxes imposed in this section do not apply to amounts received by any life and disability insurer for health care services included within the definition of practice of dentistry under RCW 18.32.020 except amounts received for pediatric oral services that qualify as coverage for the minimum essential coverage requirement under P.L. 111-148 (2010), as amended, and for stand-alone family dental plans as defined in RCW 43.71.080(4)(a), only when offered in the individual market, as defined in RCW 48.43.005, or to a small group, as defined in RCW 48.43.005.

(b) Beginning January 1, 2014, moneys collected for premiums written on qualified health benefit plans and qualified dental plans offered through the health benefit exchange under chapter 43.71 RCW must be deposited in the health benefit exchange account under RCW 43.71.060.

(3) In the case of insurers which require the payment by their policyholders at the inception of their policies of the entire premium thereon in the form of premiums or premium deposits which are the same in amount, based on the character of the risks, regardless of the length of term for which such policies are written, such tax shall be in the amount of two percent of the gross amount of such premiums and premium deposits upon policies on risks resident, located, or to be performed in this state, in force as of the thirty-first day of December next preceding, less the unused or unabsorbed portion of such premiums and premium deposits computed at the average rate thereof actually paid or credited to policyholders or applied in part payment of any renewal premiums or premium deposits on one-year policies expiring during such year.

(4) Each authorized insurer shall with respect to all ocean marine and foreign trade insurance contracts written within this state during the preceding calendar year, on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax of ninety-five one-hundredths of one percent on its gross underwriting profit. Such gross underwriting profit shall be ascertained by deducting from the net premiums (i.e., gross premiums less all return premiums and premiums for reinsurance) on such ocean marine and foreign trade insurance contracts the net losses paid (i.e., gross losses paid less salvage and recoveries on reinsurance ceded) during such calendar year under such contracts. In the case of insurers issuing

participating contracts, such gross underwriting profit shall not include, for computation of the tax prescribed by this subsection, the amounts refunded, or paid as participation dividends, by such insurers to the holders of such contracts.

(5) The state does hereby preempt the field of imposing excise or privilege taxes upon insurers or their appointed insurance producers, other than title insurers, and no county, city, town or other municipal subdivision shall have the right to impose any such taxes upon such insurers or these insurance producers.

(6) If an authorized insurer collects or receives any such premiums on account of policies in force in this state which were originally issued by another insurer and which other insurer is not authorized to transact insurance in this state on its own account, such collecting insurer shall be liable for and shall pay the tax on such premiums.

**NEW SECTION. Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2023."

On page 1, line 2 of the title, after "account;" strike the remainder of the title and insert "amending RCW 46.63.110, 46.66.080, and 48.14.020; creating a new section; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1682 and advanced the bill, as amended by the Senate, to final passage.

Representatives Maycumber, Ormsby and Harris spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1682, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1682, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier,

Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mmc. Speaker  
Excused: Representative Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1682, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Wednesday, April 12, 2023

Mmc. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1823, with the following amendment(s): 1823.E AMS ENGR S3003.E

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 28B.93.005 and 2022 c 206 s 1 are each amended to read as follows:

(1) The legislature finds that college students continue to borrow in order to fund their higher education, despite an increase in access to state financial aid. In Washington state, estimates for the number of borrowers carrying student loan debt are around 800,000 with an average balance around \$33,500, resulting in a total outstanding balance of \$29.4 billion. Student loan debt outpaces other sources of consumer debt, such as credit card and vehicle debt. While research shows that earning a postsecondary credential positively impacts a person's earning potential, high student loan debt erodes much of this benefit.

(2) The legislature recognizes that people with student loan debt are less likely to get married and start a family, establish small businesses, and buy homes. High student loan debt negatively impacts a person's credit score and their debt-to-income ratio, which impacts their ability to qualify for a mortgage. However, student loan debt does not impact all borrowers the same.

(3) Student loan borrowers who struggle the most are typically lower income, first generation, and students of color. Data from the national center for education statistics of a 12-year longitudinal study based on students who began their education in the 2003-04 academic year found the following for students who defaulted: Almost 90 percent had received a Pell grant at one point; 70 percent were first generation college students; 40 percent were in the bottom quarter of income distribution; and 30 percent were African American.

(4) The legislature recognizes though that student loans are beneficial for students who have no other way to pay for college or have expenses beyond tuition and fees. Student loans can open up postsecondary education opportunities for many and help boost the state's economy by increasing the number of qualified graduates to fulfill workforce shortages. However, the legislature finds that high interest rates that accumulate while the student is in college negatively impact the student's ability to prosper financially and contribute to the state's economy after

graduation. The legislature also recognizes that there is very little financial aid available to assist students pursuing graduate studies, despite the state's high demand for qualified professionals in fields with workforce shortages such as behavioral health, nursing, software development, teaching, and more. Therefore, the legislature intends to support students pursuing higher education by establishing a state student loan program that is more affordable than direct federal student loans and private loans. The legislature intends to offer student loans to state residents with financial need who are pursuing ~~((undergraduate and))~~ high-demand graduate studies at a subsidized ~~((, one percent))~~ interest rate not to exceed 2.5 percent. The legislature intends for the Washington state student loan program to align with the Washington college grant program, recognizing that student loans are secondary forms of financial aid that often cover expenses beyond tuition. ~~((Based on the feasibility of the state student loan program recommendations developed by the Washington student achievement council, in consultation with the Washington state investment board, and the office of the state treasurer, the legislature intends to finance the Washington state student loan program with a one-time \$150,000,000 appropriation to cover annual student loan originations and expenses until repayments are substantial enough to support the program on an ongoing basis.))~~

**Sec. 2.** RCW 28B.93.010 and 2022 c 206 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Borrower" means an eligible student who has received a student loan under the Washington student loan program.

(2) "Eligible expenses" means reasonable expenses associated with the costs of acquiring a postsecondary education such as tuition, fees, books, equipment, room and board, and other expenses as determined by the office.

(3) "Eligible graduate program" means an advanced academic degree in a specialized field of study that has a workforce shortage or is considered high demand including, but not limited to, professions in health care, behavioral and mental health, early education, K-12, higher education, law enforcement, public safety, and others, as determined by the office.

(4) "Eligible student" means a student who:

(a) Meets the definition of "resident student" under RCW 28B.15.012(2) (a) through (e);

(b) Has a median family income of 100 percent or less of the state median family income;

(c) Is enrolled in an institution of higher education in an eligible ~~((undergraduate or))~~ graduate program on at least a half-time basis; and

(d) Has completed an annual application for financial aid as approved by the office.

(5) (~~"Eligible undergraduate program"~~ means a postsecondary education program that leads to a certificate, associate's degree, or bachelor's degree.

~~(6))~~ "Gift aid" means federal, state, institutional, or private financial aid provided for educational purposes with no obligation of repayment. "Gift aid" does not include student loans or work-study programs.

~~((7))~~ (6) "Institutions of higher education" includes institutions of higher education authorized to participate in state financial aid programs in accordance with chapter 28B.92 RCW.

~~((8))~~ (7) "Office" means the office of student financial assistance established under chapter 28B.76 RCW.

~~((9))~~ (8) "Program" means the Washington student loan program.

~~((10))~~ (9) "Student loan" means a loan that is approved by the office and awarded to an eligible student to pay for eligible expenses.

**Sec. 3.** RCW 28B.93.020 and 2022 c 206 s 3 are each amended to read as follows:

(1) The Washington student achievement council, in consultation with the office of the state treasurer and the state investment board~~((+))~~, shall design a student loan program to assist students who need additional financial support to obtain postsecondary education.

(2) At a minimum, the program design must make recommendations about the following features of a state student loan program and implementation plan:

(a) A low interest rate that is below current federal subsidized student loan interest rates~~((, with one option being a one))~~ not to exceed 2.5 percent ((interest rate));

~~((The distribution of loans between graduate students and undergraduate students;~~

~~(e))~~ The terms of the loans, including:

(i) Loan limits not to exceed \$20,000 annually per borrower;

(ii) Grace periods, including grace periods for active duty members of the national guard who may lose eligibility when being called up for active duty; and

(iii) Minimum postsecondary enrollment standards;

~~((d))~~ (c) The terms and administration of a repayment program, including:

(i) Repayment options such as standard loan repayment contracts and the length of the repayment contracts, which shall not exceed 25 years;

(ii) Income-based repayment plans; and

(iii) Terms of loan forgiveness;

~~((e))~~ (d) The types and characteristics of borrowers permitted to participate in the program including family income, degree and credential types, and other borrower characteristics. The program must prioritize low-income borrowers; and

~~((f))~~ (e) The design and administration of an appeals process.

(3) In the design of the program, the Washington student achievement council may recommend contracting with one or more state-based financial institutions regulated

by either chapter 31.12 or 30A.04 RCW to provide loan origination and may contract with a third-party entity to provide loan servicing for the program. The Washington student achievement council must use an open and competitive bid process in the selection of one or more ~~((state-based))~~ financial institutions for loan origination and servicing for the program. A third-party entity providing loan servicing shall comply with all of the requirements for student education loan servicers under chapter 31.04 RCW.

(4) The Washington student achievement council ~~((shall contract with an independent actuary to conduct an analysis on the sustainability of the program design, including the ability of the program to operate as self-sustaining if issuing one percent interest rate loans))~~ may retain a consultant to design a loan program, including one or more financial advisors, to provide consultation on the sustainability of the loan program.

(5) The Washington student achievement council shall provide a report on the design, sustainability, and implementation plan for the program to the governor and the higher education committees of the legislature by December 1, ~~((2022))~~ 2023, in accordance with RCW 43.01.036.

**Sec. 4.** RCW 28B.93.030 and 2022 c 206 s 4 are each amended to read as follows:

(1) The Washington student loan program is created to assist students who need additional financial support to obtain postsecondary education. Beginning in the ~~((2024-25))~~ 2025-26 academic year, the office may award student loans under the program to eligible students from the funds available in RCW 28B.93.060.

(2) The program shall be administered by the office. To the extent practicable, the program design must include the recommendations for program design as provided in the report required under RCW 28B.93.020 ~~((Student loans shall not be issued unless the program design recommended in RCW 28B.93.020 is forecasted by an independent actuary to be self-sustaining and the interest rates for the loans issued under the program do not exceed one percent))~~, including that the Washington student loan account have a minimum life cycle of seven years and that loans issued under the program do not exceed 2.5 percent.

(3) The office is responsible for providing administrative support to execute the duties and responsibilities provided in this chapter. The duties and responsibilities include:

(a) Ensure institutions of higher education have a policy for awarding student loans under the program that prioritizes funding for eligible students who have greater unmet financial need, are lowest income, are first generation college students, ~~((and))~~ are demographically underrepresented, do not qualify for federally funded student financial aid, or who have received loans under the program in prior years;

(b) Issue low-interest student loans not to exceed 2.5 percent, of which interest

accrues during all periods except when enrolled in an eligible graduate degree program;

(c) Define the terms of repayment, which shall not exceed 25 years in length unless provided for under (f) of this subsection;

(d) Collect and manage repayments from borrowers;

(e) Establish an appeals process;

(f) Exercise discretion to revise repayment obligations in certain cases, such as economic hardship or disability;

(g) Publicize the program; and

(h) Adopt necessary rules.

(4) The office is responsible for establishing and administering an appeals process that resolves appeals from borrowers within ninety days of receipt.

**Sec. 5.** RCW 28B.93.040 and 2022 c 206 s 5 are each amended to read as follows:

The office ~~((shall))~~ may contract with one or more state-based financial institutions regulated by either chapter 31.12 RCW or chapter 30A.04 RCW to provide loan origination and may contract with a third-party entity to provide loan servicing for the program. A third-party entity providing loan servicing shall comply with all of the requirements for student education loan servicers under chapter 31.04 RCW.

**Sec. 6.** RCW 28B.93.050 and 2022 c 206 s 6 are each amended to read as follows:

(1) The office shall collect data on the program in collaboration with the institutions of higher education. The data must include, but is not limited to:

(a) The number of eligible students who were awarded a student loan;

(b) The number of borrowers;

(c) The average borrowed annual and total balances;

(d) Borrower demographics;

(e) The institutions of higher education and educational fields of borrowers; ~~((and))~~

(f) Postgraduation employment data;

(g) Time to degree completion; and

(h) Repayment statistics, including:

(i) The number of borrowers in active repayment, deferment, delinquency, forbearance, and default;

(ii) The average time it took for borrowers to enter delinquency and default;

(iii) Demographic and educational data of borrowers enrolled in the income-based repayment plan option;

(iv) Demographic and educational data of borrowers in different repayment statuses, including delinquency and default; and

(v) Information about what happened to borrowers who defaulted.

(2) Beginning December 1, ~~((2026))~~ 2027, and in compliance with RCW 43.01.036, the office must submit an annual report on the data collected under subsection (1) of this section and any other relevant information regarding the program to the higher education committees of the legislature.

**Sec. 7.** RCW 28B.93.060 and 2022 c 206 s 7 are each amended to read as follows:

(1) The Washington student loan account is created in the ~~((custody of the state~~

treasurer)) state treasury. All receipts from the Washington student loan program must be deposited in the account. Expenditures from the account may be used only for administration and the issuance of new student loans. ~~((Only the executive director of the Washington student achievement council or the executive director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, moneys))~~ Moneys in the account may be spent only after appropriation.

(2) (a) The legislature may appropriate no more than a total of \$40,000,000 for the program during four consecutive fiscal years, beginning with the first fiscal year from which loans are issued from the account. In the fifth fiscal year following the fiscal year in which the first student loan was issued, the legislature may appropriate up to \$10,000,000 for the program.

(b) The legislature may appropriate moneys from the account for the administrative and implementation costs of the program in the fiscal years prior to the first fiscal year in which loans are issued from the account.

**Sec. 8.** RCW 43.79A.040 and 2022 c 244 s 3, 2022 c 206 s 8, 2022 c 183 s 16, and 2022 c 162 s 6 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) (a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative internship program scholarship account, the Washington advanced college tuition payment

program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the Washington career and college pathways innovation challenge program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the behavioral health loan repayment program account, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the energy facility site evaluation council account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement

reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, (~~the Washington student loan account,~~) the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, and the library operations account.

(c) The following accounts and funds must receive 80 percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 9.** RCW 43.84.092 and 2022 c 182 s 403 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds

including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the Washington student loan

account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the

University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 10.** RCW 43.84.092 and 2022 c 182 s 404 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal

government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance

account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the Washington student loan account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2

and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 11.** Section 9 of this act expires July 1, 2024.

**NEW SECTION. Sec. 12.** Section 10 of this act takes effect July 1, 2024."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 28B.93.005, 28B.93.010, 28B.93.020, 28B.93.030, 28B.93.040, 28B.93.050, 28B.93.060,



43.84.092, and 43.84.092; reenacting and amending RCW 43.79A.040; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1823 and advanced the bill, as amended by the Senate, to final passage.

Representative Timmons spoke in favor of the passage of the bill.

Representative Ybarra spoke against the passage of the bill.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1823, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1823, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hanssen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Ortiz-Self

ENGROSSED HOUSE BILL NO. 1823, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Monday, April 10, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1838, with the following amendment(s): 1838-S.E AMS ROLF S3186.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.33.010 and 2012 1st sp.s. c 8 s 2 are each amended to read as follows:

(1) (a) The economic and revenue forecast council is hereby created. The council shall consist of two individuals appointed by the governor, the state treasurer, and ~~((four~~

~~individuals, one))~~ eight legislators, two of whom ~~((is))~~ shall be appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives.

(b) The chair of the council shall be selected from among the ~~((four))~~ eight caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ an economic ~~((and))~~ revenue, and transportation revenue forecast supervisor to supervise the preparation of all economic and revenue forecasts, transportation revenue forecasts under section 2 of this act, and the presentation of state budget outlooks. As used in this chapter, "supervisor" means the economic ~~((and))~~ revenue, and transportation revenue forecast supervisor. Approval by an affirmative vote of at least ~~((five))~~ seven members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(3) The economic and revenue forecast council shall oversee the preparation of and approve, by an affirmative vote of at least ~~((five))~~ seven members, the official, optimistic, and pessimistic state economic and revenue forecasts prepared under RCW 82.33.020. If the council is unable to approve a forecast before a date required in RCW 82.33.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(4) The economic and revenue forecast council shall oversee the preparation of and approve, by an affirmative vote of at least ~~((five))~~ seven members, the state budget outlook prepared under RCW 82.33.060. If the council is unable to approve a state budget outlook before a date required in RCW 82.33.060, the supervisor shall submit the outlook prepared under RCW 82.33.060 without approval and the outlook shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official economic and revenue forecast or the state budget outlook may request, and the supervisor shall provide, an alternative economic and revenue forecast or state budget outlook based on assumptions specified by the member including, for purposes of the state budget outlook, revenues to and expenditures from additional funds.

(6) Members of the economic and revenue forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. **Sec. 2.** A new section is added to chapter 82.33 RCW to read as follows:

(1)(a) The transportation economic and revenue forecast council is hereby created. The council shall consist of the following members:

(i) The director of the office of financial management;

(ii) The director of the department of licensing;

(iii) The state treasurer;

(iv) The chair and ranking member of the house transportation committee; and

(v) The chair and ranking member of the senate transportation committee.

(b) The chair of the council shall be selected from among the legislative members of the council identified in (a)(iv) and (v) of this subsection. The council may select such other officers as the members deem necessary.

(2) The council shall work with the economic, revenue, and transportation revenue forecast supervisor identified under RCW 82.33.010 to supervise the preparation of all transportation economic and revenue forecasts. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(3)(a) The transportation economic and revenue forecast council shall oversee the preparation of and approve, by an affirmative vote of at least five members, the official, optimistic, and pessimistic transportation economic and revenue forecasts prepared under RCW 82.33.020.

(b) If the council is unable to approve a forecast before a date required in RCW 82.33.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(4) A councilmember who does not cast an affirmative vote for approval of the official transportation economic and revenue forecast may request, and the supervisor shall provide, an alternative economic and revenue forecast based on assumptions specified by the member.

(5) Members of the transportation economic and revenue forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**Sec. 3.** RCW 82.33.020 and 2015 c 3 s 14 are each reenacted and amended to read as follows:

(1) Four times each year the supervisor must prepare, subject to the approval of the economic and revenue forecast council under RCW 82.33.010:

(a) An official state economic and revenue forecast;

(b) An unofficial state economic and revenue forecast based on optimistic economic and revenue projections; and

(c) An unofficial state economic and revenue forecast based on pessimistic economic and revenue projections.

(2) Beginning with the September 2024, and four times each year thereafter, the supervisor must prepare, subject to the approval of the transportation economic and revenue forecast council created under section 2 of this act, an official transportation revenue forecast for the transportation budget. Additionally, the supervisor must prepare unofficial projections as deemed warranted by the supervisor, which may include optimistic and pessimistic assumptions. For purposes of this subsection, the transportation revenue forecast for the transportation budget includes, but is not limited to, transportation taxes, vehicle fees, drivers' fees, fares and tolls, and aircraft and vessel fees.

(3) The supervisor must submit forecasts prepared under this section, along with any unofficial forecasts provided under RCW 82.33.010, to the governor and the members of the ((committees on)) ways and means committee of the senate and appropriations committee of the house of representatives and the chairs of the committees on transportation of the senate and house of representatives, including one copy to the staff of each of the committees, on or before November 20th, February 20th in the even-numbered years, March 20th in the odd-numbered years, June 27th, and September 27th. ((In fiscal year 2015, the March 20th forecast shall be submitted on or before February 20, 2015.)) All forecasts must be based on the most recent economic and revenue forecast council economic forecast. All forecasts must include both estimated receipts and estimated revenues in conformance with generally accepted accounting principles as provided by RCW 43.88.037. In odd-numbered years, the period covered by forecasts for the state general fund and related funds must cover the current fiscal biennium and the next ensuing fiscal biennium, and the period for the transportation related funds must cover the current fiscal biennium and the next two ensuing fiscal biennia. In even-numbered years, the period covered by the forecasts for the state general fund and related funds shall be current fiscal and the next two ensuing fiscal biennia, and the period for the transportation related funds shall be the current fiscal and the next two ensuing fiscal biennia.

((3)) (4) All agencies of state government must provide to the supervisor immediate access to all information relating to economic and revenue forecasts. Revenue collection information must be available to the supervisor the first business day following the conclusion of each collection period.

((4)) (5) The economic ((and)) revenue, and transportation revenue forecast supervisor and staff must ((colocate and)) share information, data, and files with the tax research section of the department of revenue and the department of licensing but may not duplicate the duties and functions of one another.

~~((5))~~ (6) As part of its forecasts under subsection (1) of this section, the supervisor must provide estimated revenue from tuition fees as defined in RCW 28B.15.020.

~~((6))~~ (7) The economic and revenue forecast council must, in consultation with the economic and revenue forecast work group created in RCW 82.33.040, review the existing economic and revenue forecast council revenue model, data, and methodologies and in light of recent economic changes, engage outside experts if necessary, and recommend changes to the economic and revenue forecast council revenue forecasting process to increase confidence and promote accuracy in the revenue forecast. The recommendations are due by September 30, 2012, and every five years thereafter.

**Sec. 4.** RCW 82.33.040 and 1986 c 158 s 23 are each amended to read as follows:

(1) To promote the free flow of information and to promote legislative input in the preparation of forecasts, immediate access to all information relating to economic and revenue forecasts shall be available to the economic and revenue forecast work group, hereby created. Revenue collection information shall be available to the economic and revenue forecast work group the first business day following the ~~((conclusion of each collection period))~~ close of each fiscal month. The economic and revenue forecast work group shall consist of one staff member selected by the executive head or chairperson of each of the following agencies or committees:

- (a) Department of revenue;
- (b) Office of financial management;
- (c) Legislative evaluation and accountability program committee;
- (d) Ways and means committee of the senate; ~~((and))~~
- (e) Ways and means committee of the house of representatives;
- (f) Transportation committee of the senate;
- (g) Transportation committee of the house of representatives;
- (h) Washington state department of transportation; and
- (i) Department of licensing.

(2) The economic and revenue forecast work group shall provide technical support to the economic and revenue forecast council. Meetings of the economic and revenue forecast work group may be called by any member of the group for the purpose of assisting the economic and revenue forecast council, reviewing the state economic and revenue forecasts, or reviewing monthly revenue collection data or for any other purpose which may assist the economic and revenue forecast council.

(3) Staff members from the Washington state department of transportation, department of licensing, transportation committee of the senate, and transportation committee of the house of representatives shall only provide technical support for the transportation revenue forecast for the transportation budget.

**Sec. 5.** RCW 43.88.020 and 2005 c 319 s 107 are each amended to read as follows:

(1) "Budget" means a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures.

(2) "Budget document" means a formal statement, either written or provided on any electronic media or both, offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Director of financial management" means the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The director of financial management shall be head of the office of financial management which shall be in the office of the governor.

(4) "Agency" means and includes every state office, officer, each institution, whether educational, correctional, or other, and every department, division, board, and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, means all moneys, including cash, checks, bills, notes, drafts, stocks, and bonds, whether held in trust, for operating purposes, or for capital purposes, and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation, including funds maintained outside the state treasury.

(6) "Regulations" means the policies, standards, and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or the governor's designated agent, and which shall have the force and effect of law.

(7) "Ensuing biennium" means the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held during an odd-numbered year pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated, or set aside for a limited object or purpose; but "dedicated fund" does not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not

limited to costs of supplies, materials, services, and equipment.

(12) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(13) "Lapse" means the termination of authority to expend an appropriation.

(14) "Legislative fiscal committees" means the joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means and transportation committees of the senate and house of representatives.

(15) "Fiscal period" means the period for which an appropriation is made as specified within the act making the appropriation.

(16) "Primary budget driver" means the primary determinant of a budget level, other than a price variable, which causes or is associated with the major expenditure of an agency or budget unit within an agency, such as a caseload, enrollment, workload, or population statistic.

(17) "State tax revenue limit" means the limitation created by chapter 43.135 RCW.

(18) "General state revenues" means the revenues defined by Article VIII, section 1(c) of the state Constitution.

(19) "Annual growth rate in real personal income" means the estimated percentage growth in personal income for the state during the current fiscal year, expressed in constant value dollars, as published by the office of financial management or its successor agency.

(20) "Estimated revenues" means estimates of revenue in the most recent official economic ~~((and))~~ revenue ~~((forecast))~~, and transportation revenue forecasts, prepared under RCW 82.33.020 ~~((, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast, that are prepared by the office of financial management in consultation with the transportation revenue forecast council))~~.

(21) "Estimated receipts" means the estimated receipt of cash in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast.

(22) "State budgeting, accounting, and reporting system" means a system that gathers, maintains, and communicates fiscal information. The system links fiscal information beginning with development of agency budget requests through adoption of legislative appropriations to tracking actual receipts and expenditures against approved plans.

(23) "Allotment of appropriation" means the agency's statement of proposed expenditures, the director of financial management's review of that statement, and the placement of the approved statement into the state budgeting, accounting, and reporting system.

(24) "Statement of proposed expenditures" means a plan prepared by each agency that breaks each appropriation out into monthly

detail representing the best estimate of how the appropriation will be expended.

(25) "Undesignated fund balance (or deficit)" means unreserved and undesignated current assets or other resources available for expenditure over and above any current liabilities which are expected to be incurred by the close of the fiscal period.

(26) "Internal audit" means an independent appraisal activity within an agency for the review of operations as a service to management, including a systematic examination of accounting and fiscal controls to assure that human and material resources are guarded against waste, loss, or misuse; and that reliable data are gathered, maintained, and fairly disclosed in a written report of the audit findings.

(27) "Performance verification" means an analysis that (a) verifies the accuracy of data used by state agencies in quantifying intended results and measuring performance toward those results, and (b) verifies whether or not the reported results were achieved.

(28) "Performance audit" has the same meaning as it is defined in RCW 44.28.005.

NEW SECTION. **Sec. 6.** The following acts or parts of acts are each repealed:

(1) RCW 43.88.125 (Study of transportation-related funds or accounts—Coordination of activities) and 2005 c 319 s 114, 1996 c 288 s 49, 1981 c 270 s 15, 1977 ex.s. c 235 s 6, 1975 1st ex.s. c 293 s 19, & 1971 ex.s. c 195 s 2; and

(2) RCW 43.88.122 (Transportation agency revenue forecasts—Variances) and 2000 2nd sp.s. c 4 s 14 & 1991 c 358 s 7.

NEW SECTION. **Sec. 7.** Section 6 of this act takes effect July 1, 2024."

On page 1, line 3 of the title, after "council;" strike the remainder of the title and insert "amending RCW 82.33.010, 82.33.040, and 43.88.020; reenacting and amending RCW 82.33.020; adding a new section to chapter 82.33 RCW; repealing RCW 43.88.125 and 43.88.122; and providing an effective date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1838 and advanced the bill, as amended by the Senate, to final passage.

Representatives Timmons and Robertson spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1838, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1838, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1838, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1724, with the following amendment(s): 1724-S2 AMS HLTC S2716.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.83.170 and 2019 c 351 s 1 are each amended to read as follows:

(1) Upon compliance with administrative procedures, administrative requirements, and fees determined under RCW 43.70.250 and 43.70.280, the board may grant a license, without oral examination, to any applicant who has not previously failed any examination held by the board of psychology of the state of Washington and furnishes evidence satisfactory to the board that the applicant:

(a) Holds a doctoral degree with primary emphasis on psychology from an accredited college or university; and

(b) (i) Is licensed or certified to practice psychology in another state or country in which the requirements for such licensing or certification are, in the judgment of the board, essentially equivalent to those required by this chapter and the rules and regulations of the board. Such individuals must have been licensed or certified in another state for a period of at least two years; or

(ii) Is a diplomate in good standing of the American Board of Examiners in Professional Psychology; or

(iii) Is a member of a professional organization and holds a certificate deemed by the board to meet standards equivalent to this chapter.

(2) (a) (i) The department shall establish a reciprocity program for applicants for licensure as a psychologist in Washington.

(ii) The reciprocity program applies to applicants for a license as a psychologist who:

(A) Hold or have held within the past twelve months a credential in good standing from another state or territory of the United States which has a scope of practice that is substantially equivalent to or greater than the scope of practice for licensed psychologists as established under this chapter; and

(B) Have no disciplinary record or disqualifying criminal history.

(b) The department shall issue a probationary license to an applicant who meets the requirements of (a)(ii) of this subsection. The department must determine what deficiencies, if any, exist between the education and experience requirements of the other state's credential and, after consideration of the experience and capabilities of the applicant, determine whether it is appropriate to require the applicant to complete additional education or experience requirements to maintain the probationary license and, within a reasonable time period, transition to a full license. (~~A person who holds a probationary license may only practice as a psychologist in a licensed or certified service provider, as defined in RCW 71.24.025.~~) The department may place a reasonable time limit on a probationary license and may, if appropriate, require the applicant to pass a jurisprudential examination.

(c) The department must maintain and publish a list of credentials in other states and territories that the department has determined to have a scope of practice that is substantially equivalent to or greater than the scope of practice for licensed psychologists as established under this chapter. The department shall prioritize identifying and publishing the department's determination for the five states or territories that have historically had the most applicants for reciprocity under subsection (1) of this section with a scope of practice that is substantially equivalent to or greater than the scope of practice for licensed psychologists as established under this chapter.

**Sec. 2.** RCW 18.205.140 and 2019 c 351 s 2 are each amended to read as follows:

(1) An applicant holding a credential in another state may be certified to practice in this state without examination if the secretary determines that the other state's credentialing standards are substantially equivalent to the standards in this state.

(2) (a) (i) The department shall establish a reciprocity program for applicants for certification as a ~~(chemical dependency)) substance use disorder~~ professional in Washington.

(ii) The reciprocity program applies to applicants for certification as a ~~(chemical dependency)) substance use disorder~~ professional who:

(A) Hold or have held within the past twelve months a credential in good standing from another state or territory of the United States which has a scope of practice that is substantially equivalent to or

greater than the scope of practice for certified ~~((chemical dependency))~~ substance use disorder professionals as established under this chapter; and

(B) Have no disciplinary record or disqualifying criminal history.

(b) The department shall issue a probationary certificate to an applicant who meets the requirements of (a)(ii) of this subsection. The department must determine what deficiencies, if any, exist between the education and experience requirements of the other state's credential and, after consideration of the experience and capabilities of the applicant, determine whether it is appropriate to require the applicant to complete additional education or experience requirements to maintain the probationary certificate and, within a reasonable time period, transition to a full certificate. ~~((A person who holds a probationary certificate may only practice as a chemical dependency professional in a licensed or certified service provider, as defined in RCW 71.24.025.))~~ The department may place a reasonable time limit on a probationary certificate and may, if appropriate, require the applicant to pass a jurisprudence examination.

(c) The department must maintain and publish a list of credentials in other states and territories that the department has determined to have a scope of practice that is substantially equivalent to or greater than the scope of practice for certified ~~((chemical dependency))~~ substance use disorder professionals as established under this chapter. The department shall prioritize identifying and publishing the department's determination for the five states or territories that have historically had the most applicants for reciprocity under subsection (1) of this section with a scope of practice that is substantially equivalent to or greater than the scope of practice for certified ~~((chemical dependency))~~ substance use disorder professionals as established under this chapter.

**Sec. 3.** RCW 18.225.090 and 2021 c 21 s 1 are each amended to read as follows:

(1) The secretary shall issue a license to any applicant who demonstrates to the satisfaction of the secretary that the applicant meets the following education and experience requirements for the applicant's practice area.

(a) Licensed social work classifications:

(i) Licensed advanced social worker:

(A) Graduation from a master's ~~((or doctorate))~~ social work educational program accredited by the council on social work education or a social work doctorate program at a university accredited by a recognized accrediting organization, and approved by the secretary based upon nationally recognized standards;

(B) Successful completion of an approved examination;

(C) Successful completion of a supervised experience requirement. The supervised experience requirement consists of a minimum of ~~((three thousand two hundred))~~ 3,000 hours with supervision by an approved supervisor

who has been licensed for at least two years. Of those supervised hours:

(I) At least ~~((ninety))~~ 90 hours must include direct supervision as specified in this subsection by a licensed independent clinical social worker, a licensed advanced social worker, or an equally qualified licensed mental health professional. Of those hours of directly supervised experience ~~((+~~

~~(1) At least fifty hours must include supervision by a licensed advanced social worker or licensed independent clinical social worker; the other forty hours may be supervised by an equally qualified licensed mental health practitioner; and~~

~~(2) At)~~ at least ((forty))40 hours must be in one-to-one supervision and fifty hours may be in one-to-one supervision or group supervision; and

(II) ~~((Eight hundred))~~ 800 hours must be in direct client contact; and

(D) Successful completion of continuing education requirements of ~~((thirty-six))~~ 36 hours, with six in professional ethics.

(ii) Licensed independent clinical social worker:

(A) Graduation from a master's ~~((or doctorate))~~ level social work educational program accredited by the council on social work education or a social work doctorate program at a university accredited by a recognized accrediting organization, and approved by the secretary based upon nationally recognized standards;

(B) Successful completion of an approved examination;

(C) Successful completion of a supervised experience requirement. The supervised experience requirement consists of a minimum of ~~((four thousand))~~ 3,000 hours of experience, over a period of not less than ~~((three))~~ two years, with supervision by an approved supervisor who has been licensed for at least two years and, as specified in this subsection, may be either a licensed independent clinical social worker who has had at least one year of experience in supervising the clinical social work of others or an equally qualified licensed mental health practitioner. Of those supervised hours:

(I) At least ~~((one thousand))~~ 1,000 hours must be direct client contact; and

(II) Hours of direct supervision must include:

(1) At least ~~((one hundred thirty))~~ 100 hours by a licensed mental health practitioner;

(2) At least ~~((seventy))~~ 70 hours of supervision with a licensed independent clinical social worker meeting the qualifications under this subsection (1)(a)(ii)(C); the ~~((other sixty))~~ remaining hours may be supervised by an equally qualified licensed mental health practitioner; and

(3) At least ~~((sixty))~~ 60 hours must be in one-to-one supervision and ~~((seventy))~~ the remaining hours may be in one-to-one supervision or group supervision; and

(D) Successful completion of continuing education requirements of ~~((thirty-six))~~ 36 hours, with six in professional ethics.

(b) Licensed mental health counselor:

(i) Graduation from a master's or doctoral level educational program in mental

health counseling or a related discipline from a college or university approved by the secretary based upon nationally recognized standards;

(ii) Successful completion of an approved examination;

(iii) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of ~~((thirty-six))~~ 36 months full-time counseling or ~~((three thousand))~~ 3,000 hours of postgraduate mental health counseling under the supervision of a qualified licensed mental health counselor or equally qualified licensed mental health practitioner, in an approved setting. The three thousand hours of required experience includes a minimum of ~~((one hundred))~~ 100 hours spent in immediate supervision with the qualified licensed mental health counselor, and includes a minimum of ~~((one thousand two hundred))~~ 1,200 hours of direct counseling with individuals, couples, families, or groups; and

(iv) Successful completion of continuing education requirements of ~~((thirty-six))~~ 36 hours, with six in professional ethics.

(c) Licensed marriage and family therapist:

(i) Graduation from a master's degree or doctoral degree educational program in marriage and family therapy or graduation from an educational program in an allied field equivalent to a master's degree or doctoral degree in marriage and family therapy approved by the secretary based upon nationally recognized standards;

(ii) Successful passage of an approved examination;

(iii) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of ~~((two calendar years of full-time))~~ 3,000 hours of marriage and family therapy. Of the total supervision, ~~((one hundred))~~ 100 hours must be with a licensed marriage and family therapist with at least five years' clinical experience; the other ~~((one hundred))~~ 100 hours may be with an equally qualified licensed mental health practitioner. Total experience requirements include:

(A) ~~((A minimum of three thousand hours of experience, one thousand))~~ 1,000 hours of ~~((which must be))~~ direct client contact; at least ~~((five hundred))~~ 500 hours must be gained in diagnosing and treating couples and families; plus

(B) At least ~~((two hundred))~~ 200 hours of qualified supervision with a supervisor. At least ~~((one hundred))~~ 100 of the ~~((two hundred))~~ 200 hours must be one-on-one supervision, and the remaining hours may be in one-on-one or group supervision.

Applicants who have completed a master's program accredited by the commission on accreditation for marriage and family therapy education of the American association for marriage and family therapy may be credited with ~~((five hundred))~~ 500 hours of direct client contact and ~~((one hundred))~~ 100 hours of formal meetings with an approved supervisor; and

(iv) Successful completion of continuing education requirements of ~~((thirty-six))~~ 36 hours, with six in professional ethics.

(2) The department shall establish by rule what constitutes adequate proof of meeting the criteria. Only rules in effect on the date of submission of a completed application of an associate for her or his license shall apply. If the rules change after a completed application is submitted but before a license is issued, the new rules shall not be reason to deny the application.

(3) In addition, applicants shall be subject to the grounds for denial of a license or issuance of a conditional license under chapter 18.130 RCW.

**Sec. 4.** RCW 18.225.140 and 2019 c 351 s 3 are each amended to read as follows:

(1) An applicant holding a credential in another state may be licensed to practice in this state without examination if the secretary determines that the other state's credentialing standards are substantially equivalent to the licensing standards in this state.

(2)(a)(i) The department shall establish a reciprocity program for applicants for licensure as an advanced social worker, an independent clinical social worker, a mental health counselor, or a marriage and family therapist in Washington.

(ii) The reciprocity program applies to applicants for a license as an advanced social worker, an independent clinical social worker, a mental health counselor, or a marriage and family therapist who:

(A) Hold or have held within the past ~~((twelve))~~ 12 months a credential in good standing from another state or territory of the United States which has a scope of practice that is substantially equivalent to or greater than the scope of practice for the corresponding license as established under this chapter; and

(B) Have no disciplinary record or disqualifying criminal history.

(b) The department shall issue a probationary license to an applicant who meets the requirements of (a)(ii) of this subsection. The department must determine what deficiencies, if any, exist between the education and experience requirements of the other state's credential and, after consideration of the experience and capabilities of the applicant, determine whether it is appropriate to require the applicant to complete additional education or experience requirements to maintain the probationary license and, within a reasonable time period, transition to a full license. ~~((A person who holds a probationary license may only practice in the relevant profession in a licensed or certified service provider, as defined in RCW 71.24.025-))~~ The department may place a reasonable time limit on a probationary license and may, if appropriate, require the applicant to pass a jurisprudential examination.

(c) The department must maintain and publish a list of credentials in other states and territories that the department has determined to have a scope of practice that is substantially equivalent to or greater than the scope of practice for licensed advanced social workers,

independent clinical social workers, mental health counselors, or marriage and family therapists as established under this chapter. The department shall prioritize identifying and publishing the department's determination for the five states or territories that have historically had the most applicants for reciprocity under subsection (1) of this section with a scope of practice that is substantially equivalent to or greater than the scope of practice for licensed advanced social workers, independent clinical social workers, mental health counselors, and marriage and family therapists under this chapter.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The department, in consultation with the workforce training and education coordinating board and the examining board of psychology, shall examine licensure requirements for the following professions to identify changes to statutes and rules that would remove barriers to entering and remaining in the health care workforce and to streamline and shorten the credentialing process:

(a) Advanced social workers and independent clinical social workers licensed under chapter 18.225 RCW;

(b) Marriage and family therapists licensed under chapter 18.225 RCW;

(c) Mental health counselors licensed under chapter 18.225 RCW;

(d) Substance use disorder professionals certified under chapter 18.205 RCW; and

(e) Psychologists licensed under chapter 18.83 RCW.

(2) The licensure requirements to be examined by the department shall include examinations, continuing education requirements, administrative requirements for license application and renewal, English language proficiency requirements, and supervised experience requirements, including supervisor requirements and costs associated with completing supervised experience requirements.

(3) When conducting the review required in subsection (1) of this section, the department shall at a minimum consider the following:

(a) The availability of peer-reviewed research and other evidence, including requirements in other states, indicating the necessity of specific licensure requirements for ensuring that behavioral health professionals are prepared to practice with reasonable skill and safety;

(b) Changes that would facilitate licensure of qualified, out-of-state and international applicants to promote reciprocity, including the adoption of applicable interstate compacts;

(c) Changes that would promote greater consistency across licensure requirements for professions licensed under chapter 18.225 RCW and allow for applicants' prior professional experience within relevant fields to be counted towards supervised experience requirements established under chapter 18.225 RCW, including the extent to which an applicant may use prior

professional experience gained before graduation from a master's or doctoral level educational program to satisfy the applicant's supervised experience requirement;

(d) Technical assistance programs, such as navigators or dedicated customer service lines, to facilitate the completion of licensing applications;

(e) In consultation with the examining board of psychology and a statewide organization representing licensed psychologists, the creation of an associate-level license for psychologists;

(f) Whether agency affiliated counselors should be allowed to practice in federally qualified health centers; and

(g) Any rules that pose excessive administrative requirements for application or renewal or that place a disproportionate burden on applicants from disadvantaged communities.

(4) By November 1, 2023, the department shall provide a progress report and initial findings to the appropriate committees of the legislature on actions and recommendations to remove licensing barriers and improve credentialing time frames.

(5) By November 1, 2024, the department shall provide a final report to the appropriate committees of the legislature on actions and recommendations to remove licensing barriers and improve credentialing time frames.

**NEW SECTION. Sec. 6.** A new section is added to chapter 18.130 RCW to read as follows:

(1) By July 1, 2024, the department and the examining board of psychology shall adopt emergency rules to implement changes to licensing requirements to remove barriers to entering and remaining in the health care workforce and to streamline and shorten the credentialing process. Pursuant to RCW 34.05.350, the legislature finds that the rules adopted under this section are necessary for the preservation of the public health, safety, or general welfare and observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest. The disciplining authorities shall, therefore, adopt the rules required under this section as emergency rules.

(2) By July 1, 2025, the department and the examining board of psychology shall adopt permanent rules to implement changes to licensing requirements to remove barriers to entering and remaining in the health care workforce and to streamline and shorten the credentialing process.

**NEW SECTION. Sec. 7.** A new section is added to chapter 18.225 RCW to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, by October 1, 2023, the department shall develop a program to facilitate placement of associates with clinical supervision services. The program must include a database of license holders with the required qualifications who are willing



to serve as approved supervisors and agencies or facilities that offer supervision services through their facilities to associates seeking to satisfy supervised experience requirements under RCW 18.225.090.

(b) The department shall adopt, by rule, minimum qualifications for supervisors or facilities to be included in the database and minimum standards for adequate supervision of associates. The department may not include in the database any person who, or facility that, does not meet the minimum qualifications. The department shall periodically audit the list to remove persons who, or facilities that, no longer meet the minimum qualifications or fail to meet the minimum standards.

(2) Subject to the availability of amounts appropriated for this specific purpose, the department shall establish a stipend program to defray the out-of-pocket expenses incurred by associates completing supervised experience requirements under RCW 18.225.090.

(a) Out-of-pocket expenses eligible for defrayment under this section include costs incurred in order to obtain supervised experience, such as fees or charges imposed by the individual or entity providing supervision, and any other expenses deemed appropriate by the department.

(b) Associates participating in the stipend program established in this section shall document their out-of-pocket expenses in a manner specified by the department.

(c) When adopting the stipend program, the department shall consider defraying out-of-pocket expenses associated with unpaid internships that are part of an applicant's educational program.

(d) The department shall establish the stipend program no later than July 1, 2024.

(e) The department may adopt any rules necessary to implement this section.

**NEW SECTION. Sec. 8.** A new section is added to chapter 18.130 RCW to read as follows:

(1) Disciplining authorities shall waive education, training, experience, and exam requirements for applicants who have been credentialed in another state or states with substantially equivalent standards for at least two years immediately preceding their application with no interruption in licensure last longer than 90 days.

(2) Disciplining authorities may waive education, training, experience, or exam requirements for applicants who have achieved a national certification for the profession as determined by the disciplining authority in rule.

(3) Disciplining authorities may only issue credentials under this section to applicants who:

(a) Are not subject to denial of a license or issuance of a conditional license under this chapter;

(b) Have not been subject to disciplinary action for unprofessional conduct or impairment in any state, federal, or foreign jurisdiction in the two years preceding their application or during the pendency of their application; and

(c) Are not under investigation or subject to charges in any state, federal, or foreign jurisdiction during the pendency of their application.

**Sec. 9.** RCW 18.122.100 and 1989 1st ex.s. c 9 s 310 are each amended to read as follows:

(1) The date and location of examinations shall be established by the secretary. Applicants (~~who have been found by the secretary to meet the other requirements for licensure or certification~~) shall be scheduled for the next examination following the filing of the application. The secretary shall establish by rule the examination application deadline.

(2) The secretary or the secretary's designees shall examine each applicant, by means determined most effective, on subjects appropriate to the scope of practice, as applicable. Such examinations shall be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) The examination papers, all grading of the papers, and the grading of any practical work shall be preserved for a period of not less than one year after the secretary has made and published the decisions. All examinations shall be conducted under fair and wholly impartial methods.

(4) Any applicant failing to make the required grade in the first examination may take up to three subsequent examinations as the applicant desires upon prepaying a fee determined by the secretary under RCW 43.70.250 for each subsequent examination. Upon failing four examinations, the secretary may invalidate the original application and require such remedial education before the person may take future examinations.

(5) The secretary may approve an examination prepared or administered by a private testing agency or association of licensing agencies for use by an applicant in meeting the credentialing requirements.

**Sec. 10.** RCW 18.205.110 and 1998 c 243 s 11 are each amended to read as follows:

(1) The date and location of examinations shall be established by the secretary. Applicants (~~who have been found by the secretary to meet the other requirements for certification~~) shall be scheduled for the next examination following the filing of the application. The secretary shall establish by rule the examination application deadline.

(2) The secretary or the secretary's designees shall examine each applicant, by means determined most effective, on subjects appropriate to the scope of practice, as applicable. Such examinations shall be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) The examination papers, all grading of the papers, and the grading of any practical work shall be preserved for a period of not less than one year after the

secretary has made and published the decisions. All examinations shall be conducted under fair and wholly impartial methods.

(4) Any applicant failing to make the required grade in the first examination may take up to three subsequent examinations as the applicant desires upon prepaying a fee determined by the secretary under RCW 43.70.250 for each subsequent examination. Upon failing four examinations, the secretary may invalidate the original application and require such remedial education before the person may take future examinations.

(5) The secretary may approve an examination prepared or administered by a private testing agency or association of licensing agencies for use by an applicant in meeting the certification requirements.

**Sec. 11.** RCW 18.225.110 and 2001 c 251 s 11 are each amended to read as follows:

(1) The date and location of examinations shall be established by the secretary. Applicants (~~who have been found by the secretary to meet the other requirements for licensure~~) shall be scheduled for the next examination following the filing of the application. The secretary shall establish by rule the examination application deadline.

(2) The secretary or the secretary's designees shall examine each applicant, by means determined most effective, on subjects appropriate to the scope of practice, as applicable. Such examinations shall be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) The examination papers, all grading of the papers, and the grading of any practical work shall be preserved for a period of not less than one year after the secretary has made and published the decisions. All examinations shall be conducted under fair and wholly impartial methods.

(4) The secretary may approve an examination prepared or administered by a private testing agency or association of licensing agencies for use by an applicant in meeting the licensing requirements.

**Sec. 12.** RCW 18.130.050 and 2016 c 81 s 13 are each amended to read as follows:

Except as provided in RCW 18.130.062, the disciplining authority has the following authority:

(1) To adopt, amend, and rescind such rules as are deemed necessary to carry out this chapter;

(2) To investigate all complaints or reports of unprofessional conduct as defined in this chapter;

(3) To hold hearings as provided in this chapter;

(4) To issue subpoenas and administer oaths in connection with any investigation, consideration of an application for license, hearing, or proceeding held under this chapter;

(5) To take or cause depositions to be taken and use other discovery procedures as

needed in any investigation, hearing, or proceeding held under this chapter;

(6) To compel attendance of witnesses at hearings;

(7) In the course of investigating a complaint or report of unprofessional conduct, to conduct practice reviews and to issue citations and assess fines for failure to produce documents, records, or other items in accordance with RCW 18.130.230;

(8) To take emergency action ordering summary suspension of a license, or restriction or limitation of the license holder's practice pending proceedings by the disciplining authority. Within fourteen days of a request by the affected license holder, the disciplining authority must provide a show cause hearing in accordance with the requirements of RCW 18.130.135. In addition to the authority in this subsection, a disciplining authority shall, except as provided in RCW 9.97.020:

(a) Consistent with RCW 18.130.370, issue a summary suspension of the license or temporary practice permit of a license holder prohibited from practicing a health care profession in another state, federal, or foreign jurisdiction because of an act of unprofessional conduct that is substantially equivalent to an act of unprofessional conduct prohibited by this chapter or any of the chapters specified in RCW 18.130.040. The summary suspension remains in effect until proceedings by the Washington disciplining authority have been completed;

(b) Consistent with RCW 18.130.400, issue a summary suspension of the license or temporary practice permit if, under RCW 74.39A.051, the license holder is prohibited from employment in the care of vulnerable adults based upon a department of social and health services' final finding of abuse or neglect of a minor or abuse, abandonment, neglect, or financial exploitation of a vulnerable adult. The summary suspension remains in effect until proceedings by the disciplining authority have been completed;

(9) To conduct show cause hearings in accordance with RCW 18.130.062 or 18.130.135 to review an action taken by the disciplining authority to suspend a license or restrict or limit a license holder's practice pending proceedings by the disciplining authority;

(10) To use a presiding officer as authorized in RCW 18.130.095(3) or the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. Disciplining authorities identified in RCW 18.130.040(2) shall make the final decision regarding disposition of the license unless the disciplining authority elects to delegate in writing the final decision to the presiding officer. Disciplining authorities identified in RCW 18.130.040(2)(b) may not delegate the final decision regarding disposition of the license or imposition of sanctions to a presiding officer in any case pertaining to standards of practice or where clinical expertise is necessary, including deciding any motion that results in dismissal of any allegation contained in the statement of charges. Presiding officers acting on behalf of the secretary shall enter initial orders. The secretary may, by rule, provide that

initial orders in specified classes of cases may become final without further agency action unless, within a specified time period:

(a) The secretary upon his or her own motion determines that the initial order should be reviewed; or

(b) A party to the proceedings files a petition for administrative review of the initial order;

(11) To use individual members of the boards to direct investigations and to authorize the issuance of a citation under subsection (7) of this section. However, the member of the board shall not subsequently participate in the hearing of the case;

(12) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(13) To contract with license holders or other persons or organizations to provide services necessary for the monitoring and supervision of license holders who are placed on probation, whose professional activities are restricted, or who are for any authorized purpose subject to monitoring by the disciplining authority;

(14) To adopt standards of professional conduct or practice;

(15) To grant or deny license applications, and in the event of a finding of unprofessional conduct by an applicant or license holder, to impose any sanction against a license applicant or license holder provided by this chapter. After January 1, 2009, all sanctions must be issued in accordance with RCW 18.130.390;

(16) To restrict or place conditions on the practice of new licensees in order to protect the public and promote the safety of and confidence in the health care system;

(17) To designate individuals authorized to sign subpoenas and statements of charges;

(18) To establish panels consisting of three or more members of the board to perform any duty or authority within the board's jurisdiction under this chapter;

(19) To review and audit the records of licensed health facilities' or services' quality assurance committee decisions in which a license holder's practice privilege or employment is terminated or restricted. Each health facility or service shall produce and make accessible to the disciplining authority the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to discovery or introduction into evidence in any civil action pursuant to RCW 70.41.200(3);

(20) To enter into contracts with persons or entities to review applications for licensure or temporary practice permits, provided that the disciplining authority shall make the final decision as to whether to deny, grant with conditions, or grant a license or temporary practice permit.

**Sec. 13.** RCW 18.19.020 and 2021 c 170 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means (a) an agency or facility operated, licensed, or certified by the state of Washington; (b) a federally recognized Indian tribe located within the state; or (c) a county.

(2) "Agency affiliated counselor" means a person registered, certified, or licensed under this chapter who is ~~((engaged in counseling and))~~ employed by an agency or is a student intern, as defined by the department ~~((, who is supervised by agency staff. "Agency affiliated counselor" includes juvenile probation counselors who are employees of the juvenile court under RCW 13.04.035 and 13.04.040 and juvenile court employees providing functional family therapy, aggression replacement training, or other evidence-based programs approved by the department of children, youth, and families)).~~

(3) "Certified adviser" means a person certified under this chapter who is engaged in private practice counseling to the extent authorized in RCW 18.19.200.

(4) "Certified agency affiliated counselor" means a person certified under this chapter who is engaging in counseling to the extent authorized in section 18 of this act.

(5) "Certified counselor" means a person certified under this chapter who is engaged in private practice counseling to the extent authorized in RCW 18.19.200.

~~((4))~~ (6) "Client" means an individual who receives or participates in counseling or group counseling.

~~((6))~~ (7) "Counseling" means employing any therapeutic techniques, including but not limited to social work, mental health counseling, marriage and family therapy, and hypnotherapy, for a fee that offer, assist or attempt to assist an individual or individuals in the amelioration or adjustment of mental, emotional, or behavioral problems, and includes therapeutic techniques to achieve sensitivity and awareness of self and others and the development of human potential. For the purposes of this chapter, nothing may be construed to imply that the practice of hypnotherapy is necessarily limited to counseling.

~~((7))~~ (8) "Counselor" means an individual, practitioner, therapist, or analyst who engages in the practice of counseling to the public for a fee, including for the purposes of this chapter, hypnotherapists.

~~((8))~~ (9) "Department" means the department of health.

~~((9))~~ (10) "Hypnotherapist" means a person registered under this chapter who is practicing hypnosis as a modality.

~~((10))~~ (11) "Licensed agency affiliated counselor" means a person licensed under this chapter who is engaged in counseling to the extent authorized in section 18 of this act.

(12) "Mental health professional" has the same definition as under RCW 71.05.020.

(13) "Private practice counseling" means the practice of counseling by a certified counselor or certified adviser as specified in RCW 18.19.200.

~~((11))~~ (14) "Psychotherapy" means the practice of counseling using diagnosis of

mental disorders according to the fourth edition of the diagnostic and statistical manual of mental disorders, published in 1994, and the development of treatment plans for counseling based on diagnosis of mental disorders in accordance with established practice standards.

~~((12))~~ (15) "Registered agency affiliated counselor" means a person registered under this chapter who is engaged in counseling to the extent authorized in section 18 of this act. This includes juvenile probation counselors who are employees of the juvenile court under RCW 13.04.035 and 13.04.040 and juvenile court employees providing functional family therapy, aggression replacement training, or other evidence-based programs approved by the department of children, youth, and families. A student intern as defined by the department may be a registered agency affiliated counselor.

(16) "Secretary" means the secretary of the department or the secretary's designee.

**Sec. 14.** RCW 18.19.030 and 2008 c 135 s 2 are each amended to read as follows:

A person may not, as a part of his or her position as an employee of a state agency, practice counseling without being registered, certified, or licensed to practice as an agency affiliated counselor by the department under this chapter unless exempt under RCW 18.19.040.

**Sec. 15.** RCW 18.19.090 and 2008 c 135 s 8 are each amended to read as follows:

(1) Application for agency affiliated counselor, certified counselor, certified adviser, or hypnotherapist must be made on forms approved by the secretary. The secretary may require information necessary to determine whether applicants meet the qualifications for the credential and whether there are any grounds for denial of the credential, or for issuance of a conditional credential, under this chapter or chapter 18.130 RCW. The application for agency affiliated counselor, certified counselor, or certified adviser must include a description of the applicant's orientation, discipline, theory, or technique. Each applicant shall pay a fee determined by the secretary as provided in RCW 43.70.250, which shall accompany the application.

(2) Applicants for agency affiliated counselor must provide satisfactory documentation that they are employed by an agency ~~((or))~~ have an offer of employment from an agency, or are a student intern as defined by the department.

(3) Applicants for certified agency affiliated counselor must complete the following:

(a) A bachelor's degree in counseling or one of the social sciences from an accredited college or university which includes coursework specified in subsection (5) of this section; and

(b) At least five years of experience in direct treatment of persons with a mental disorder that was gained under the supervision of a mental health professional who is able to independently provide mental

health assessments and diagnoses according to the scope of practice of the mental health professional's credential.

(4) Applicants for licensed agency affiliated counselor must complete the following:

(a) An advanced degree in counseling or one of the social sciences from an accredited college or university which includes coursework specified in subsection (5) of this section; and

(b) At least two years of experience in direct treatment of persons with a mental disorder that was gained under the supervision of a mental health professional who is able to independently provide mental health assessments and diagnoses according to the scope of practice of the mental health professional's credential.

(5) Applicants for a certified or licensed agency affiliated counselor credential must have counseling-specific coursework as determined by the department in rule.

(6) (a) Applicants for licensed agency affiliated counselor are not required to meet the coursework requirements in subsection (5) of this section if, prior to the effective date of the rules adopted under subsection (5) of this section, the applicant held a mental health professional designation based on meeting one of the following criteria:

(i) The applicant held an advanced degree in counseling or one of the social sciences from an accredited college or university and had two years of experience in direct treatment of persons with mental illness or emotional disturbance that was gained under the supervision of a mental health professional recognized by the department or attested to by a licensed behavioral health agency;

(ii) The applicant met the waiver criteria of RCW 71.24.260, and the waiver was granted prior to 1986; or

(iii) The applicant had an approved waiver to perform the duties of a mental health professional, that was requested by the behavioral health organization and granted by the mental health division prior to July 1, 2001.

(b) Applicants for certified agency affiliated counselor are not required to meet the coursework requirements in subsection (5) of this section if, prior to the effective date of the rules adopted under subsection (5) of this section, the applicant met the bachelor's degree and experience requirements in subsection (3) of this section.

(c) Applicants for licensed or certified agency affiliated counselors eligible for the legacy provision under this subsection must apply to the department before July 1, 2027. After that date all new applicants must meet the requirements in subsections (3) and (4) of this section. "New applicants" does not include those reinstating a previously issued agency affiliated counselor certification.

(7) At the time of application for initial certification, applicants for certified counselor prior to July 1, 2010, are required to:

(a) Have been registered for no less than five years at the time of application for an initial certification;

(b) Have held a valid, active registration that is in good standing and be in compliance with any disciplinary process and orders at the time of application for an initial certification;

(c) Show evidence of having completed coursework in risk assessment, ethics, appropriate screening and referral, and Washington state law and other subjects identified by the secretary;

(d) Pass an examination in risk assessment, ethics, appropriate screening and referral, and Washington state law, and other subjects as determined by the secretary; and

(e) Have a written consultation agreement with a credential holder who meets the qualifications established by the secretary.

~~((4))~~ (8) Unless eligible for certification under subsection ~~((3))~~ (7) of this section, applicants for certified counselor or certified adviser are required to:

(a)(i) Have a bachelor's degree in a counseling-related field, if applying for certified counselor; or

(ii) Have an associate degree in a counseling-related field and a supervised internship, if applying for certified adviser;

(b) Pass an examination in risk assessment, ethics, appropriate screening and referral, and Washington state law, and other subjects as determined by the secretary; and

(c) Have a written supervisory agreement with a supervisor who meets the qualifications established by the secretary.

~~((5))~~ (9) Each applicant shall include payment of the fee determined by the secretary as provided in RCW 43.70.250.

**Sec. 16.** RCW 18.19.095 and 2019 c 446 s 45 are each amended to read as follows:

The department may not automatically deny an applicant for ~~((registration under this chapter for a position as))~~ an agency affiliated counselor credential who is practicing as a peer counselor in an agency or facility based on a conviction history consisting of convictions for simple assault, assault in the fourth degree, prostitution, theft in the third degree, theft in the second degree, or forgery, the same offenses as they may be renamed, or substantially equivalent offenses committed in other states or jurisdictions if:

(1) At least one year has passed between the applicant's most recent conviction for an offense set forth in this section and the date of application for employment;

(2) The offense was committed as a result of the person's substance use or untreated mental health symptoms; and

(3) The applicant is at least one year in recovery from a substance use disorder, whether through abstinence or stability on medication-assisted therapy, or in recovery from mental health challenges.

**Sec. 17.** RCW 18.19.180 and 2001 c 251 s 24 are each amended to read as follows:

An individual ~~((registered))~~ credentialed under this chapter shall not disclose the written acknowledgment of the disclosure statement pursuant to RCW 18.19.060 nor any information acquired from persons consulting the individual in a professional capacity when that information was necessary to enable the individual to render professional services to those persons except:

(1) With the written consent of that person or, in the case of death or disability, the person's personal representative, other person authorized to sue, or the beneficiary of an insurance policy on the person's life, health, or physical condition;

(2) That a person ~~((registered))~~ credentialed under this chapter is not required to treat as confidential a communication that reveals the contemplation or commission of a crime or harmful act;

(3) If the person is a minor, and the information acquired by the person ~~((registered))~~ credentialed under this chapter indicates that the minor was the victim or subject of a crime, the person ~~((registered))~~ credentialed may testify fully upon any examination, trial, or other proceeding in which the commission of the crime is the subject of the inquiry;

(4) If the person waives the privilege by bringing charges against the person ~~((registered))~~ credentialed under this chapter;

(5) In response to a subpoena from a court of law or the secretary. The secretary may subpoena only records related to a complaint or report under chapter 18.130 RCW; or

(6) As required under chapter 26.44 RCW.

**NEW SECTION. Sec. 18.** A new section is added to chapter 18.19 RCW to read as follows:

The scope of practice of registered, certified, and licensed agency affiliated counselors consists exclusively of the following:

(1) Counseling as defined under RCW 18.19.020;

(2) A certified agency affiliated counselor may conduct mental health assessments and make mental health diagnoses which shall be reviewed by a clinical supervisor who is a mental health professional able to independently provide mental health assessments and diagnoses according to the scope of practice of the mental health professional's credential. A certified agency affiliated counselor may not provide clinical supervision; and

(3) A licensed agency affiliated counselor may independently conduct mental health assessments and make mental health diagnoses.

**Sec. 19.** RCW 18.19.210 and 2019 c 446 s 47 are each amended to read as follows:

(1)(a) An applicant for ~~((registration as))~~ an agency affiliated counselor credential who applies to the department within thirty days of employment by an agency may work as an agency affiliated counselor while the application is

processed. The applicant must provide required documentation within reasonable time limits established by the department, and if the applicant does not do so, the applicant must stop working.

(b) The applicant may not provide unsupervised ~~((counseling))~~ services prior to completion of a criminal background check performed by either the employer or the secretary. For purposes of this subsection, "unsupervised" means the supervisor is not physically present at the location where the counseling occurs.

(2) Agency affiliated counselors shall notify the department if they are either no longer employed by the agency identified on their application or are now employed with another agency, or both. Agency affiliated counselors may not engage in the practice of counseling or other services described under section 18 of this act unless they are currently affiliated with an agency.

**Sec. 20.** RCW 71.05.020 and 2022 c 210 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to: Hospitals licensed under chapter 70.41 RCW; evaluation and

treatment facilities as defined in this section; community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025; licensed or certified behavioral health agencies under RCW 71.24.037; facilities conducting competency evaluations and restoration under chapter 10.77 RCW; approved substance use disorder treatment programs as defined in this section; secure withdrawal management and stabilization facilities as defined in this section; and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025;

(12) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(13) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(14) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(15) "Department" means the department of health;

(16) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(17) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(18) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(19) "Developmental disability" means that condition defined in RCW 71A.10.020((+5-)) (6);

(20) "Director" means the director of the authority;

(21) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(22) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(23) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(24) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(25) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(26) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(27) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(28) "Imminent" means the state or condition of being likely to occur at any

moment or near at hand, rather than distant or remote;

(29) "In need of assisted outpatient treatment" refers to a person who meets the criteria for assisted outpatient treatment established under RCW 71.05.148;

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(31) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(32) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(33) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(34) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585. This term includes: Treatment pursuant to a less restrictive alternative treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant to a conditional release under RCW 71.05.340; and treatment pursuant to an assisted outpatient treatment order under RCW 71.05.148;

(35) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(36) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining

such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(37) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(38) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(39) "Mental health professional" means ((a))an individual practicing within the mental health professional's statutory scope of practice who is:

(a) A psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, ((and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter))as defined in this chapter and chapter 71.34 RCW;

(b) A mental health counselor, mental health counselor associate, marriage and family therapist, or marriage and family therapist associate, as defined in chapter 18.225 RCW; or

(c) A certified or licensed agency affiliated counselor, as defined in chapter 18.19 RCW;

(40) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(41) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(42) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(43) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(44) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(45) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(46) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(47) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(48) "Release" means legal termination of the commitment under the provisions of this chapter;

(49) "Resource management services" has the meaning given in chapter 71.24 RCW;

(50) "Secretary" means the secretary of the department of health, or his or her designee;

(51) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(52) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(53) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern



of behaviors related to the use of the substances;

(54) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(55) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(56) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(57) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(58) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(59) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to: Hospitals licensed under chapter 70.41 RCW; evaluation and treatment facilities as defined in this section; community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025; licensed or certified behavioral health agencies under RCW 71.24.037; facilities conducting competency evaluations and restoration under chapter 10.77 RCW; approved substance use disorder treatment programs as defined in this section; secure withdrawal management and stabilization facilities as defined in this section; and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or

**Sec. 21.** RCW 71.05.020 and 2022 c 210 s 2 are each amended to read as follows:

treatment, or both, in an inpatient or a less restrictive setting;

(11) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025;

(12) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(13) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(14) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(15) "Department" means the department of health;

(16) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(17) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(18) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(19) "Developmental disability" means that condition defined in RCW 71A.10.020((4-5)) (6);

(20) "Director" means the director of the authority;

(21) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(22) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(23) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder,

and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(24) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(25) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(26) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(27) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(28) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(29) "In need of assisted outpatient treatment" refers to a person who meets the criteria for assisted outpatient treatment established under RCW 71.05.148;

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(31) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(32) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(33) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(34) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585. This term includes: Treatment pursuant to a less restrictive alternative treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant to a conditional release under RCW 71.05.340; and treatment pursuant to an assisted outpatient treatment order under RCW 71.05.148;

(35) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(36) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(37) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(38) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(39) "Mental health professional" means ((a))an individual practicing within the mental health professional's statutory scope of practice who is:

(a) A psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, ((and

such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter))as defined in this chapter and chapter 71.34 RCW;

(b) A mental health counselor, mental health counselor associate, marriage and family therapist, or marriage and family therapist associate, as defined in chapter 18.225 RCW; or

(c) A certified or licensed agency affiliated counselor, as defined in chapter 18.19 RCW;

(40) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(41) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(42) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(43) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(44) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(45) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(46) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(47) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(48) "Release" means legal termination of the commitment under the provisions of this chapter;

(49) "Resource management services" has the meaning given in chapter 71.24 RCW;

(50) "Secretary" means the secretary of the department of health, or his or her designee;

(51) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(52) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior;

(53) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(54) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(55) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(56) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(57) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for

behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(58) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(59) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(60) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

**Sec. 22.** RCW 71.05.760 and 2019 c 446 s 16 and 2019 c 325 s 3015 are each reenacted and amended to read as follows:

(1)(a) The authority or its designee shall provide training to the designated crisis responders.

(b)(i) To qualify as a designated crisis responder, a person must have received substance use disorder training as determined by the authority and be a:

(A) ~~((Psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or social worker;~~

~~(B) Person who is licensed by the department as a mental health counselor or mental health counselor associate, or marriage and family therapist or marriage and family therapist associate;~~

~~(C) Person with a master's degree or further advanced degree in counseling or one of the social sciences from an accredited college or university and who have, in~~

~~addition, at least two years of experience in direct treatment of persons with mental illness or emotional disturbance, such experience gained under the direction of a mental health professional;~~

~~(D))~~ Mental health professional with an advanced degree;

(B) Person who meets the waiver criteria of RCW 71.24.260, which waiver was granted before 1986; or

~~((E))~~ (C) Person who had an approved waiver to perform the duties of a mental health professional that was requested by the regional support network and granted by the department of social and health services before July 1, 2001 (~~or~~

~~(F) Person who has been granted an exception of the minimum requirements of a mental health professional by the department consistent with rules adopted by the secretary).~~

(ii) Training must include training specific to the duties of a designated crisis responder, including diagnosis of substance abuse and dependence and assessment of risk associated with substance use.

(2) (a) The authority must ensure that at least one sixteen-bed secure withdrawal management and stabilization facility is operational by April 1, 2018, and that at least two sixteen-bed secure withdrawal management and stabilization facilities are operational by April 1, 2019.

(b) If, at any time during the implementation of secure withdrawal management and stabilization facility capacity, federal funding becomes unavailable for federal match for services provided in secure withdrawal management and stabilization facilities, then the authority must cease any expansion of secure withdrawal management and stabilization facilities until further direction is provided by the legislature.

**Sec. 23.** RCW 43.43.842 and 2021 c 215 s 150 are each amended to read as follows:

(1) (a) The secretary of social and health services and the secretary of health shall adopt additional requirements for the licensure or relicensure of agencies, facilities, and licensed individuals who provide care and treatment to vulnerable adults, including nursing pools registered under chapter 18.52C RCW. These additional requirements shall ensure that any person associated with a licensed agency or facility having unsupervised access with a vulnerable adult shall not be the respondent in an active vulnerable adult protection order under chapter 7.105 RCW, nor have been: (i) Convicted of a crime against children or other persons as defined in RCW 43.43.830, except as provided in this section; (ii) convicted of crimes relating to financial exploitation as defined in RCW 43.43.830, except as provided in this section; or (iii) found in any disciplinary board final decision to have abused a vulnerable adult as defined in RCW 43.43.830.

(b) A person associated with a licensed agency or facility who has unsupervised access with a vulnerable adult shall make

the disclosures specified in RCW 43.43.834(2). The person shall make the disclosures in writing, sign, and swear to the contents under penalty of perjury. The person shall, in the disclosures, specify all crimes against children or other persons, all crimes relating to financial exploitation, and all crimes relating to drugs as defined in RCW 43.43.830, committed by the person.

(2) The rules adopted under this section shall permit the licensee to consider the criminal history of an applicant for employment in a licensed facility when the applicant has one or more convictions for a past offense and:

(a) The offense was simple assault, assault in the fourth degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) The offense was prostitution, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) The offense was theft in the third degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(d) The offense was theft in the second degree, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(e) The offense was forgery, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(f) The department of social and health services reviewed the employee's otherwise disqualifying criminal history through the department of social and health services' background assessment review team process conducted in 2002, and determined that such employee could remain in a position covered by this section; or

(g) The otherwise disqualifying conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure.

The offenses set forth in (a) through (g) of this subsection do not automatically disqualify an applicant from employment by a licensee. Nothing in this section may be construed to require the employment of any person against a licensee's judgment.

(3) The rules adopted pursuant to subsection (2) of this section may not allow a licensee to automatically deny an applicant with a conviction for an offense set forth in subsection (2) of this section for a position as a substance use disorder professional or substance use disorder professional trainee certified under chapter 18.205 RCW if:

(a) At least one year has passed between the applicant's most recent conviction for an offense set forth in subsection (2) of this section and the date of application for employment;

(b) The offense was committed as a result of the applicant's substance use or untreated mental health symptoms; and

(c) The applicant is at least one year in recovery from a substance use disorder, whether through abstinence or stability on medication-assisted therapy, or in recovery from a mental health disorder.

(4) The rules adopted pursuant to subsection (2) of this section may not allow a licensee to automatically deny an applicant with a conviction for an offense set forth in subsection (2) of this section for a position as an agency affiliated counselor (~~(registered)~~) credentialed under chapter 18.19 RCW practicing as a peer counselor in an agency or facility if:

(a) At least one year has passed between the applicant's most recent conviction for an offense set forth in subsection (2) of this section and the date of application for employment;

(b) The offense was committed as a result of the person's substance use or untreated mental health symptoms; and

(c) The applicant is at least one year in recovery from a substance use disorder, whether through abstinence or stability on medication-assisted therapy, or in recovery from mental health challenges.

(5) In consultation with law enforcement personnel, the secretary of social and health services and the secretary of health shall investigate, or cause to be investigated, the conviction record and the protection proceeding record information under this chapter of the staff of each agency or facility under their respective jurisdictions seeking licensure or relicensure. An individual responding to a criminal background inquiry request from his or her employer or potential employer shall disclose the information about his or her criminal history under penalty of perjury. The secretaries shall use the information solely for the purpose of determining eligibility for licensure or relicensure. Criminal justice agencies shall provide the secretaries such information as they may have and that the secretaries may require for such purpose.

**Sec. 24.** RCW 18.205.105 and 2019 c 444 s 25 are each amended to read as follows:

(1) The department shall develop training standards for the creation of a co-occurring disorder specialist enhancement which may be added to the license or registration held by one of the following:

(a) Psychologists licensed under chapter 18.83 RCW;

(b) Independent clinical social workers licensed under chapter 18.225 RCW;

(c) Marriage and family therapists licensed under chapter 18.225 RCW;

(d) Mental health counselors licensed under chapter 18.225 RCW; and

(e) An agency affiliated counselor licensed under chapter 18.19 RCW (~~(with a master's degree or further advanced degree in counseling or one of the social sciences from an accredited college or university who has at least two years of experience, experience gained under the supervision of a mental health professional recognized by the~~

~~department or attested to by the licensed behavioral health agency, in direct treatment of persons with mental illness or emotional disturbance)).~~

(2) To obtain the co-occurring disorder specialist enhancement, the applicant must meet training standards and experience requirements. The training standards must be designed with consideration of the practices of the health professions listed in subsection (1) of this section and consisting of sixty hours of instruction consisting of (a) thirty hours in understanding the disease pattern of addiction and the pharmacology of alcohol and other drugs; and (b) thirty hours in understanding addiction placement, continuing care, and discharge criteria, including the American society of addiction medicine criteria; treatment planning specific to substance abuse; relapse prevention; and confidentiality issues specific to substance use disorder treatment.

(3) In developing the training standards, the department shall consult with the examining board of psychology established in chapter 18.83 RCW, the Washington state mental health counselors, marriage and family therapists, and social workers advisory committee established in chapter 18.225 RCW, the substance use disorder certification advisory committee established in chapter 18.205 RCW, and educational institutions in Washington state that train psychologists, marriage and family therapists, mental health counselors, independent clinical social workers, and substance use disorder professionals.

(4) The department shall approve educational programs that meet the training standards, and must not limit its approval to university-based courses.

(5) The secretary shall issue a co-occurring disorder specialist enhancement to any applicant who demonstrates to the secretary's satisfaction that the following requirements have been met:

(a) Completion of the training standards;

(b) Successful completion of an approved examination based on core competencies of substance use disorder counseling;

(c) Successful completion of an experience requirement of:

(i) Eighty hours of supervised experience for an applicant listed under subsection (1) of this section with fewer than five years of experience; or

(ii) Forty hours of supervised experience for an applicant listed under subsection (1) of this section with five or more years of experience; and

(d) Payment of any fees that may be established by the department.

(6) An applicant for the co-occurring disorder specialist enhancement may receive supervised experience from any person who meets or exceeds the requirements of a certified substance use disorder professional in the state of Washington and who would be eligible to take the examination required for substance use disorder professional certification.

(7) A person who has obtained a co-occurring disorder specialist enhancement may provide substance use disorder

counseling services which are equal in scope with those provided by substance use disorder professionals under this chapter, subject to the following limitations:

(a) A co-occurring disorder specialist may only provide substance use disorder counseling services if the co-occurring disorder specialist is employed by:

(i) An agency that provides counseling services;

(ii) A federally qualified health center; or

(iii) A hospital;

(b) Following an initial intake or assessment, a co-occurring disorder specialist may provide substance use disorder treatment only to clients diagnosed with a substance use disorder and a mental health disorder;

(c) Prior to providing substance use disorder treatment to a client assessed to be in need of 2.1 or higher level of care according to American society of addiction medicine criteria, a co-occurring disorder specialist must make a reasonable effort to refer and connect the client to the appropriate care setting, as indicated by the client's American society of addiction medicine level of care; and

(d) A co-occurring disorder specialist must comply with rules promulgated by the department under subsection (11) of this section.

(8) The secretary shall establish by rule what constitutes adequate proof of meeting the criteria.

(9) Applicants are subject to the grounds for denial of a certificate or issuance of a conditional certificate under chapter 18.130 RCW.

(10) The department may adopt a fee to defray the cost of regulatory activities related to the issuance of co-occurring disorder specialist enhancements and any related disciplinary activities.

(11) The department shall adopt rules regarding the role of co-occurring disorder specialists across the American society of addiction medicine continuum of care.

(12) Any increase in fees necessary to cover the cost of regulating co-occurring disorder ~~professionals~~ ~~(specialists)~~ specialists who receive an enhancement under this section must be borne by persons licensed as psychologists under chapter 18.83 RCW, independent clinical social workers under chapter 18.225 RCW, marriage and family therapists under chapter 18.225 RCW, or mental health counselors under chapter 18.225 RCW. The cost of regulating co-occurring disorder specialists who receive an enhancement under this section may not be borne by substance use disorder professionals or substance use disorder professional trainees certified under this chapter and may not be included in the calculation of fees for substance use disorder professionals or substance use disorder professional trainees certified under this chapter.

authority determines that the unprofessional conduct may be the result of an applicable impairing or potentially impairing health condition, the disciplining authority may refer the license holder to a physician health program or a voluntary substance use disorder monitoring program approved by the disciplining authority.

The cost of evaluation and treatment shall be the responsibility of the license holder, but the responsibility does not preclude payment by an employer, existing insurance coverage, or other sources. Evaluation and treatment shall be provided by providers approved by the entity or the commission. The disciplining authority may also approve the use of out-of-state programs. Referral of the license holder to the physician health program or voluntary substance use disorder monitoring program shall be done only with the consent of the license holder. Referral to the physician health program or voluntary substance use disorder monitoring program may also include probationary conditions for a designated period of time. If the license holder does not consent to be referred to the program or does not successfully complete the program, the disciplining authority may take appropriate action under RCW 18.130.160 which includes suspension of the license unless or until the disciplining authority, in consultation with the director of the applicable program, determines the license holder is able to practice safely. The secretary shall adopt uniform rules for the evaluation by the disciplining authority of return to substance use or program violation on the part of a license holder in the program. The evaluation shall encourage program participation with additional conditions, in lieu of disciplinary action, when the disciplining authority determines that the license holder is able to continue to practice with reasonable skill and safety.

(2) In addition to approving the physician health program or the voluntary substance use disorder monitoring program that may receive referrals from the disciplining authority, the disciplining authority may establish by rule requirements for participation of license holders who are not being investigated or monitored by the disciplining authority. License holders voluntarily participating in the approved programs without being referred by the disciplining authority shall not be subject to disciplinary action under RCW 18.130.160 for their impairing or potentially impairing health condition, and shall not have their participation made known to the disciplining authority, if they meet the requirements of this section and the program in which they are participating.

(3) The license holder shall sign a waiver allowing the program to release information to the disciplining authority if the licensee does not comply with the requirements of this section or is unable to practice with reasonable skill or safety. The physician health program or voluntary substance use disorder program shall report to the disciplining authority any license holder who fails to comply with the requirements of this section or the program

**Sec. 25.** RCW 18.130.175 and 2022 c 43 s 10 are each amended to read as follows:

(1) In lieu of disciplinary action under RCW 18.130.160 and if the disciplining

or who, in the opinion of the program, is unable to practice with reasonable skill or safety. License holders shall report to the disciplining authority if they fail to comply with this section or do not complete the program's requirements. License holders may, upon the agreement of the program and disciplining authority, reenter the program if they have previously failed to comply with this section.

(4) Program records including, but not limited to, case notes, progress notes, laboratory reports, evaluation and treatment records, electronic and written correspondence within the program, and between the program and the participant or other involved entities including, but not limited to, employers, credentialing bodies, referents, or other collateral sources, relating to license holders referred to or voluntarily participating in approved programs are confidential and exempt from disclosure under chapter 42.56 RCW and shall not be subject to discovery by subpoena or admissible as evidence except:

(a) To defend any civil action by a license holder regarding the restriction or revocation of that individual's clinical or staff privileges, or termination of a license holder's employment. In such an action, the program will, upon subpoena issued by either party to the action, and upon the requesting party seeking a protective order for the requested disclosure, provide to both parties of the action written disclosure that includes the following information:

(i) Verification of a health care professional's participation in the physician health program or voluntary substance use disorder monitoring program as it relates to aspects of program involvement at issue in the civil action;

(ii) The dates of participation;

(iii) Whether or not the program identified an impairing or potentially impairing health condition;

(iv) Whether the health care professional was compliant with the requirements of the physician health program or voluntary substance use disorder monitoring program; and

(v) Whether the health care professional successfully completed the physician health program or voluntary substance use disorder monitoring program; and

(b) Records provided to the disciplining authority for cause as described in subsection (3) of this section. Program records relating to license holders mandated to the program, through order or by stipulation, by the disciplining authority or relating to license holders reported to the disciplining authority by the program for cause, must be released to the disciplining authority at the request of the disciplining authority. Records held by the disciplining authority under this section are exempt from chapter 42.56 RCW and are not subject to discovery by subpoena except by the license holder.

(5) This section does not affect an employer's right or ability to make employment-related decisions regarding a license holder. This section does not restrict the authority of the disciplining

authority to take disciplinary action for any other unprofessional conduct.

(6) A person who, in good faith, reports information or takes action in connection with this section is immune from civil liability for reporting information or taking the action.

(a) The immunity from civil liability provided by this section shall be liberally construed to accomplish the purposes of this section, and applies to both license holders and students and trainees when students and trainees of the applicable professions are served by the program. The persons entitled to immunity shall include:

(i) An approved physician health program or voluntary substance use disorder monitoring program;

(ii) The professional association affiliated with the program;

(iii) Members, employees, or agents of the program or associations;

(iv) Persons reporting a license holder as being possibly impaired or providing information about the license holder's impairment; and

(v) Professionals supervising or monitoring the course of the program participant's treatment or rehabilitation.

(b) The courts are strongly encouraged to impose sanctions on program participants and their attorneys whose allegations under this subsection are not made in good faith and are without either reasonable objective, substantive grounds, or both.

(c) The immunity provided in this section is in addition to any other immunity provided by law.

(7) In the case of a person who is applying to be a substance use disorder professional or substance use disorder professional trainee certified under chapter 18.205 RCW, if the person is:

(a) Less than one year in recovery from a substance use disorder, the duration of time that the person may be required to participate in an approved substance use disorder monitoring program may not exceed the amount of time necessary for the person to achieve one year in recovery; or

(b) At least one year in recovery from a substance use disorder, the person may not be required to participate in the approved substance use disorder monitoring program.

(8) In the case of a person who is applying to be an agency affiliated counselor (~~registered~~) credentialed under chapter 18.19 RCW and practices or intends to practice as a peer counselor in an agency, as defined in RCW 18.19.020, if the person is:

(a) Less than one year in recovery from a substance use disorder, the duration of time that the person may be required to participate in the approved substance use disorder monitoring program may not exceed the amount of time necessary for the person to achieve one year in recovery; or

(b) At least one year in recovery from a substance use disorder, the person may not be required to participate in the approved substance use disorder monitoring program.

**Sec. 26.** RCW 18.130.040 and 2021 c 179 s 7 are each amended to read as follows:



(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) Acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists ~~((and))~~ registered, agency affiliated counselors registered, certified, or licensed, and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates— independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xiv) Substance use disorder professionals, substance use disorder professional trainees, or co-occurring disorder specialists certified under chapter 18.205 RCW;

(xv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xviii) Surgical technologists registered under chapter 18.215 RCW;

(xix) Recreational therapists under chapter 18.230 RCW;

(xx) Animal massage therapists certified under chapter 18.240 RCW;

(xxi) Athletic trainers licensed under chapter 18.250 RCW;

(xxii) Home care aides certified under chapter 18.88B RCW;

(xxiii) Genetic counselors licensed under chapter 18.290 RCW;

(xxiv) Reflexologists certified under chapter 18.108 RCW;

(xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW; and

(xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, and certifications issued under chapter 18.350 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;

(viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The Washington medical commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW;

(xv) The board of naturopathy established in chapter 18.36A RCW, governing licenses and certifications issued under that chapter; and

(xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

**Sec. 27.** RCW 18.130.040 and 2022 c 217 s 5 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) Acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists (~~and~~) registered, agency affiliated counselors registered, certified, or licensed, and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates— independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xiv) Substance use disorder professionals, substance use disorder professional trainees, or co-occurring disorder specialists certified under chapter 18.205 RCW;

(xv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xviii) Surgical technologists registered under chapter 18.215 RCW;

(xix) Recreational therapists under chapter 18.230 RCW;

(xx) Animal massage therapists certified under chapter 18.240 RCW;

(xxi) Athletic trainers licensed under chapter 18.250 RCW;

(xxii) Home care aides certified under chapter 18.88B RCW;

(xxiii) Genetic counselors licensed under chapter 18.290 RCW;

(xxiv) Reflexologists certified under chapter 18.108 RCW;

(xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW;

(xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW; and

(xxvii) Birth doula certified under chapter 18.47 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, and certifications issued under chapter 18.350 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;

(viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The Washington medical commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW;

(xv) The board of naturopathy established in chapter 18.36A RCW, governing licenses and certifications issued under that chapter; and

(xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the

uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

NEW SECTION. **Sec. 28.** Section 20 of this act expires when section 21 of this act takes effect.

NEW SECTION. **Sec. 29.** Section 26 of this act expires October 1, 2023.

NEW SECTION. **Sec. 30.** Section 21 of this act takes effect when section 2, chapter 210, Laws of 2022 takes effect.

NEW SECTION. **Sec. 31.** Section 27 of this act takes effect October 1, 2023.

NEW SECTION. **Sec. 32.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 33.** Sections 1 through 7, 13 through 20, and 22 through 26 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 2 of the title, after "workforce;" strike the remainder of the title and insert "amending RCW 18.83.170, 18.205.140, 18.225.090, 18.225.140, 18.122.100, 18.205.110, 18.225.110, 18.130.050, 18.19.020, 18.19.030, 18.19.090, 18.19.095, 18.19.180, 18.19.210, 71.05.020, 71.05.020, 43.43.842, 18.205.105, 18.130.175, 18.130.040, and 18.130.040; reenacting and amending RCW 71.05.760; adding a new section to chapter 43.70 RCW; adding new sections to chapter 18.130 RCW; adding a new section to chapter 18.225 RCW; adding a new section to chapter 18.19 RCW; creating a new section; providing an effective date; providing a contingent effective date; providing an expiration date; providing a contingent expiration date; and declaring an emergency."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1724 and advanced the bill, as amended by the Senate, to final passage.

Representatives Bateman and Ybarra spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1724, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1724, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

SECOND SUBSTITUTE HOUSE BILL NO. 1724, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Thursday, April 13, 2023

Mme. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5294 and asks the House to recede therefrom.

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5294.

Representatives Fitzgibbon and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5294.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5294, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ortiz-Self

ENGROSSED SUBSTITUTE SENATE BILL NO. 5294, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Friday, April 14, 2023

Mme. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5123 and asks the House to recede therefrom.

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

**HOUSE AMENDMENT TO SENATE BILL**

There being no objection, the House receded from its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5123.

There being no objection, the rules were suspended, and ENGROSSED SUBSTITUTE SENATE BILL NO. 5123 was returned to second reading for the purpose of amendment.

Representative Robertson moved the adoption of amendment (757):

On page 2, beginning on line 20, after "applicant" strike "applying for a position that requires" and insert "seeking:

(a) A position requiring"

On page 2, line 22, after "clearance" strike "or" and insert ";

(b) A position with a general authority Washington law enforcement agency as defined in RCW 10.93.020;

(c) A position with a fire department, fire protection district, or regional fire protection service authority;

(d) A position as a first responder not included under (b) or (c) of this subsection, including a dispatcher position with a public or private 911 emergency communications system or a position responsible for the provision of emergency medical services;

(e) A position as a corrections officer with a jail, detention facility, or the department of corrections, including any position directly responsible for the custody, safety, and security of persons confined in those facilities;

(f) A position"

On page 2, beginning on line 22, after "industries" strike ", or any other" and insert ";

(g) A"

Representatives Robertson and Berry spoke in favor of the adoption of the amendment.

Amendment (757) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Berry and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5123, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5123, as amended by the House, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walsh, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Corry, Couture, Davis, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Rude, Ryu, Sandlin, Schmick, Schmidt, Stokesbary, Volz, Walen, Waters, Wilcox and Ybarra

Excused: Representative Ortiz-Self

ENGROSSED SUBSTITUTE SENATE BILL NO. 5123, as amended by the House, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Thursday, April 13, 2023

Mme. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5284 and asks the House to recede therefrom.

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

**HOUSE AMENDMENT TO SENATE BILL**

There being no objection, the House insisted on its position in its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5284 and asked the Senate to concur therein.

There being no objection, the House adjourned until 10:30 a.m., Wednesday, April 19, 2023, the 101st Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## ONE HUNDRED FIRST DAY

House Chamber, Olympia, Wednesday, April 19, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Samantha Rodrigues and Dena Rehwaldt. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Roger J. Roth, The Pentecostals of Gig Harbor, United Pentecostal Church International.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4646**, by Representatives Wilcox, Abbarno, Barkis, Barnard, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Pollet, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbury, Volz, Walsh, Waters, and Ybarra

WHEREAS, At the edge of Seattle's Sand Point Peninsula sits Magnuson Park, a recreational hub providing respite from city life. Before boasting the second largest park in Seattle, the Sand Point Peninsula hosted a naval station and played a pivotal role in the evolution of early commercial aviation; and

WHEREAS, Seattle's first municipal airfield was established on Sand Point, and inaugurated by the assembly, storage, and test flights of Bill Boeing's earliest airplanes. In addition, from 1927 to 1970 the Sand Point Naval Station oversaw the front lines of the Pacific as an air base, aviation training center, and aircraft repair depot; and

WHEREAS, Sand Point secured a legacy in aeronautics in 1924 when the airfield was chosen as the launch and landing points for the first aerial circumnavigation of the world. On April 6, 1924, four Douglas World Cruisers, the Seattle, New Orleans, Chicago, and Boston, embarked on a grueling six-month journey to complete the first Round-the-World Flight; and

WHEREAS, Two crewmen operated each pontoon equipped biplane, without radios, parachutes, life preservers, or rafts due to weight restraints. Fortunately, the biplanes were flanked by ground and sea support from the United States Navy, Coast Guard, and Bureau of Fisheries; and

WHEREAS, The airmen covered 26,345 miles, touched down in 29 countries in over 76 flights, and survived five forced landings. In the end, two of the four Douglas World Cruisers completed the entire journey, landing at Sand Point on September 28, 1924, to a crowd of 50,000 enthusiastic fans; and

WHEREAS, Nearly a century later, the Friends of Magnuson Park, a group of aviation and history enthusiasts, are leading the effort in planning the centennial anniversary celebration of this often overlooked historical event; and

WHEREAS, Ken Sparks, President of Friends of Magnuson Park, recognized the first Round-the-World Flight as the "best kept secret in aviation," and decided their group should bring attention to this piece of local history; and

WHEREAS, Frank Goodell sits on the Friends of Magnuson Park Board of Directors and is a retired Brigadier General, United States Air Force. The General is a Command Pilot with more than 4,000 flying hours, including more than 600 combat and combat-supported missions. He is the recipient of the Distinguished Service Medal and Air Medal with eight oak leaf clusters; and

WHEREAS, Efforts to plan the Centennial Round-the-World Celebration for September 28, 2024, are underway, spearheaded by the Friends of Magnuson Park and the Museum of Flight, with additional support from Veterans Legislative Coalition Chairman Jerry Fugich, a retired United States Navy Chief Warrant Officer; and

WHEREAS, To commemorate the depth and breadth of Washington State's aeronautical history, Friends of Magnuson Park will host a multiday event leading up to September 28, 2024. Stories from pilots and crew who have made the global flight, vintage aircraft shows, and exhibits;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the many contributions made to our state by the aeronautics and military community, and the Friends of Magnuson Park for bringing this important piece of history to our attention; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the 2024 Planning Committee of the Friends of Magnuson Park.

There being no objection, HOUSE RESOLUTION NO. 4646 was adopted.

## SPEAKER'S PRIVILEGE

The Speaker (Representative Orwall presiding) recognized Frank Goodell, Friends of Magnuson Park Board of Directors; Jerry Fugich, Chairman of the Veterans Legislative Coalition; and Barrie Wilcox, Active Pilot and United States Air Force Veteran, and asked the Chamber to acknowledge them.

There being no objection, the House advanced to the third order of business.

## MESSAGES FROM THE SENATE

Tuesday, April 18, 2023

Mme. Speaker:

The Senate has granted the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125. The President has appointed the following members as Conferees: Liias, Shewmake, King

and the same is herewith transmitted.

Sarah Bannister, Secretary

Tuesday, April 18, 2023

Mme. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
5080  
SUBSTITUTE SENATE BILL NO. 5081  
SUBSTITUTE SENATE BILL NO. 5156  
SUBSTITUTE SENATE BILL NO. 5165  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5173  
SUBSTITUTE SENATE BILL NO. 5182  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5186  
SUBSTITUTE SENATE BILL NO. 5189  
SUBSTITUTE SENATE BILL NO. 5191

ENGROSSED SUBSTITUTE SENATE BILL NO. 5197  
 SUBSTITUTE SENATE BILL NO. 5208  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5231  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5243  
 SENATE BILL NO. 5252  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5257  
 SECOND SUBSTITUTE SENATE BILL NO. 5263  
 SECOND SUBSTITUTE SENATE BILL NO. 5268  
 SECOND SUBSTITUTE SENATE BILL NO. 5269

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Tuesday, April 18, 2023

Mme. Speaker:

The Senate Concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5460  
 SUBSTITUTE SENATE BILL NO. 5491  
 SENATE BILL NO. 5497  
 SECOND SUBSTITUTE SENATE BILL NO. 5502  
 SUBSTITUTE SENATE BILL NO. 5504  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5515  
 SUBSTITUTE SENATE BILL NO. 5523  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5528  
 SECOND SUBSTITUTE SENATE BILL NO. 5532  
 SECOND SUBSTITUTE SENATE BILL NO. 5555  
 SUBSTITUTE SENATE BILL NO. 5565  
 SUBSTITUTE SENATE BILL NO. 5581

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Tuesday, April 18, 2023

Mme. Speaker:

The Senate has passed:

SENATE BILL NO. 5333  
 SENATE BILL NO. 5590

and the same are herewith transmitted.

Sarah Bannister, Secretary

Wednesday, April 19, 2023

Mme. Speaker:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5048  
 SENATE BILL NO. 5069  
 SUBSTITUTE SENATE BILL NO. 5078  
 SUBSTITUTE SENATE BILL NO. 5256  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5278  
 SENATE BILL NO. 5282  
 SENATE BILL NO. 5283  
 SENATE BILL NO. 5287  
 SECOND SUBSTITUTE SENATE BILL NO. 5290  
 SUBSTITUTE SENATE BILL NO. 5300  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5301  
 SUBSTITUTE SENATE BILL NO. 5317  
 SENATE BILL NO. 5324  
 ENGROSSED SENATE BILL NO. 5352  
 ENGROSSED SENATE BILL NO. 5355  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5365

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5367  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5371  
 SUBSTITUTE SENATE BILL NO. 5386

and the same are herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the fourth order of business.

### INTRODUCTION & FIRST READING

HB 1857 by Representative Shavers

AN ACT Relating to creating a business and occupation tax credit for the cost of low-risk pesticides; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Finance.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the seventh order of business.

### THIRD READING

### MESSAGE FROM THE SENATE

Wednesday, April 5, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1308, with the following amendment(s): 1308 AMS ENGR S2452.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) In 2019 the legislature created a system of multiple graduation pathway options, which took effect beginning with the class of 2020. The legislature intended for the graduation pathways to be student-focused, adaptable, rigorous, and meaningful ways for students to demonstrate appropriate readiness in support of their individualized career and college goals.

(2) The legislature anticipated that school districts might face barriers to implementing the pathways and students might face barriers to accessing the pathway options. The legislature charged the state board of education with research on the first three years of implementation to identify barriers and provide recommendations for changes to the existing pathways and additional pathway options.

(3) While implementation of the graduation pathway options was significantly disrupted by the COVID-19 pandemic, the research on early implementation identified access and equity barriers that would exist even without the pandemic. The research shows that the initial set of graduation pathway options do not meet the needs of all students. The research found some students completing pathways that do not align with their individual goals for after high school, in which case the pathway is not

-serving its intended purpose. Overall, students, families, and educators report a need for additional relevant and authentic options.

(4) The legislature recognizes that students can demonstrate readiness in multiple ways and recognizes the need to expand graduation pathways in order to provide options that are student-focused, individualized, relevant, and that support all student needs. Research shows that performance-based assessments are valid ways of measuring students' readiness for success in college and careers. Further, research shows that performance-based assessments are associated with increased student engagement, skill development, critical thinking, and postsecondary success. The legislature recognizes that a performance-based graduation pathway option supports the state's transition to mastery-based learning.

(5) Therefore, the legislature intends to create graduation pathway options that allow students to demonstrate their readiness in performance-based ways, in addition to the existing test-based and course-based options. Further, the legislature intends to create ongoing requirements to monitor the graduation pathway options implementation at both the state and local levels to ensure accountability and equitable offerings. In providing a wider variety of graduation pathway options, the state maintains its commitment to high standards for earning a meaningful high school diploma that prepares students for success in postsecondary education, gainful employment, civic engagement, and lifelong learning.

**Sec. 2.** RCW 28A.655.250 and 2021 c 7 s 3 are each amended to read as follows:

(1)(a) Beginning with the class of 2020, except as provided in RCW 28A.230.320, graduation from a public high school and the earning of a high school diploma must include the following:

(i) Satisfying the graduation requirements established by the state board of education under RCW 28A.230.090 and any graduation requirements established by the applicable public high school or school district;

(ii) Satisfying credit requirements for graduation;

(iii) Demonstrating career and college readiness through completion of the high school and beyond plan as required by RCW 28A.230.090; and

(iv) Meeting the requirements of at least one graduation pathway option established in this section.

(b) Successful completion of the components in (a) of this subsection together signals a student's readiness to graduate with a meaningful high school diploma that fulfills the diploma purpose established in RCW 28A.230.090.

(2) The pathway options established in this section are intended to provide a student with multiple ((pathways to graduating with a meaningful high school diploma that are tailored to the goals of the student))ways, including test-based, course-based, and performance-based options,

to demonstrate readiness in furtherance of the student's individual goals for high school and beyond. For the purposes of this section, "demonstrate readiness" means the student meets or exceeds state learning standards addressed in the pathway option. A student may choose to pursue one or more of the pathway options under ((b))subsection (3) of this ((subsection))section, but any pathway option used by a student to demonstrate career and college readiness must be in alignment with the student's high school and beyond plan.

((b)) (3) The following graduation pathway options may be used to demonstrate career and college readiness in accordance with ((a)(iv))subsection (1)(a)(iv) of this ((subsection))section:

((i)) (a) Meet or exceed the graduation standard established by the state board of education under RCW 28A.305.130 on the statewide high school assessments in English language arts and mathematics as provided for under RCW 28A.655.070;

((ii)) (b) Complete and qualify for college credit in dual credit courses in English language arts and mathematics. For the purposes of this subsection, "dual credit course" means a course in which a student qualifies for college and high school credit in English language arts or mathematics upon successfully completing the course;

((iii)) (c) Earn high school credit in a high school transition course in English language arts and mathematics, an example of which includes a bridge to college course. For the purposes of this subsection ((1)(b)-(iii)) (3) (c), "high school transition course" means an English language arts or mathematics course offered in high school where successful completion by a high school student ensures the student college-level placement at participating institutions of higher education as defined in RCW 28B.10.016. High school transition courses must satisfy core or elective credit graduation requirements established by the state board of education. A student's successful completion of a high school transition course does not entitle the student to be admitted to an institution of higher education as defined in RCW 28B.10.016;

((iv)) (d) Earn high school credit, with a C+ grade (~~or receiving a three or higher on the AP exam, or equivalent,~~) or higher in AP, international baccalaureate, or Cambridge international courses in English language arts and mathematics; or (~~receiving a four or higher on international baccalaureate exams. For English language arts, successfully completing any of the following courses meets the standard: AP English language and composition literature, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics; or any of the international baccalaureate individuals and societies courses. For mathematics, successfully completing any of the following courses meets the standard: AP statistics, computer science, computer science principles, or calculus; or any of the~~

~~international baccalaureate mathematics courses))~~ earn at least the minimum scores outlined in RCW 28B.10.054(1) on the corresponding exams. The state board of education shall establish by rule the list of AP, international baccalaureate, and Cambridge international courses of which successful completion meets the standard in this subsection for English language arts and for mathematics;

~~((v))~~(e) Meet or exceed the scores established by the state board of education for the mathematics portion and the reading, English, or writing portion of the SAT or ACT;

~~((vi))~~(f)(i) Complete a performance-based learning experience through which the student demonstrates knowledge and skills in a real-world context, providing evidence that the student meets or exceeds state learning standards in English language arts and mathematics. The performance-based learning experience may take a variety of forms, such as a project, practicum, work-related experience, community service, or cultural activity, and may result in a variety of products that can be evaluated, such as a performance, presentation, portfolio, report, film, or exhibit.

(ii) The performance-based learning experience must conform to state requirements established in rule by the state board of education addressing the safety and quality of the performance-based learning experience and the authentic performance-based assessment criteria for determining the student has demonstrated the applicable learning standards. The rules adopted by the state board of education may allow external parties, including community leaders and professionals, to participate in the evaluation of the student's performance and must include at least one certificated teacher with an endorsement in each relevant subject area or with other applicable qualifications as permitted by the professional educator standards board.

(iii) To support implementation of the performance-based learning experience graduation pathway option, the state board of education, in collaboration with the office of the superintendent of public instruction, shall establish graduation proficiency targets and associated rubrics aligned with state learning standards in English language arts and mathematics.

(iv) Prior to offering the performance-based learning experience graduation pathway option in this subsection (3)(f) to students, the school district board of directors shall adopt a written policy in conformity with applicable state requirements;

(g) Meet any combination of at least one English language arts option and at least one mathematics option established in ~~((b)-(i) through (v))~~(a) through (f) of this subsection ~~((1))~~;

~~((vii))~~(h) Meet standard in the armed services vocational aptitude battery; and

~~((viii))~~(i) Complete a sequence of career and technical education courses that are relevant to a student's postsecondary pathway, including those leading to workforce entry, state or nationally approved apprenticeships, or postsecondary

education, and that meet either: The curriculum requirements of core plus programs for aerospace, maritime, health care, information technology, or construction and manufacturing; or the minimum criteria identified in RCW 28A.700.030. Nothing in this subsection ~~((1)(b)(viii))~~(3)(i) requires a student to enroll in a preparatory course that is approved under RCW 28A.700.030 for the purposes of demonstrating career and college readiness under this section.

~~((2))~~(4) While the legislature encourages school districts to make all pathway options established in this section available to their high school students, and to expand their pathway options until that goal is met, school districts have discretion in determining which pathway options under this section they will offer to students.

~~((3))~~School districts, however, must annually provide students in grades eight through 12 and their parents or legal guardians with comprehensive information about the graduation pathway options offered by the school district and are strongly encouraged to begin providing this information beginning in sixth grade. School districts must provide this information in a manner that conforms with the school district's language access policy and procedures as required under RCW 28A.183.040.

(5) The state board of education shall adopt rules to implement the graduation pathway options established in this section.

**Sec. 3.** RCW 28A.655.260 and 2021 c 144 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall collect the following information from school districts: Which of the graduation pathways under RCW 28A.655.250 are available to students at each of the school districts; and the number of students using each graduation pathway for graduation purposes. This information shall be reported annually to the education committees of the legislature beginning January 10, 2021. To the extent feasible, data on student participation in each of the graduation pathways shall be disaggregated by race, ethnicity, gender, and receipt of free or reduced-price lunch.

(2) ~~((Beginning August 1, 2019, the state board of education shall survey interested parties regarding what additional graduation pathways should be added to the existing graduation pathways identified in RCW 28A.655.250 and whether modifications should be made to any of the existing pathways. Interested parties shall include at a minimum: High school students; recent high school graduates; representatives from the state board for community and technical colleges and four-year higher education institutions; representatives from the apprenticeship and training council; associations representing business; members of the educational opportunity gap oversight and accountability committee; and associations representing educators, school board members, school administrators, superintendents, and parents. The state~~



~~board of education shall provide reports to the education committees of the legislature by August 1, 2020, and December 10, 2022, summarizing the information collected in the surveys.~~

~~(3) Using the data reported by the superintendent of public instruction under subsection (1) of this section, the state board of education shall survey a sampling of the school districts unable to provide all of the graduation pathways under RCW 28A.655.250 in order to identify the types of barriers to implementation school districts have. Using the survey results from this subsection and the survey results collected under subsection (2) of this section, the state board of education shall review the existing graduation pathways, suggested changes to those graduation pathways, and the options for additional graduation pathways, and shall provide a report to the education committees of the legislature by December 10, 2022, on the following:~~

~~(a) Recommendations on whether changes to the existing pathways should be made and what those changes should be;~~

~~(b) The barriers school districts have to offering all of the graduation pathways and recommendations for ways to eliminate or reduce those barriers for school districts;~~

~~(c) Whether all students have equitable access to all of the graduation pathways and, if not, recommendations for reducing the barriers students may have to accessing all of the graduation pathways; and~~

~~(d) Whether additional graduation pathways should be included and recommendations for what those pathways should be.) The state board of education shall review and monitor the implementation of the graduation pathway options to ensure school district compliance with requirements established under RCW 28A.655.250 and subsection (3) of this section. The reviews and monitoring required by this subsection may be conducted concurrently with other oversight and monitoring conducted by the state board of education. The information shall be collected annually and reported to the education committees of the legislature by January 10, 2025, and biennially thereafter.~~

~~(3)(a) At least annually, school districts shall examine data on student groups participating in and completing each graduation pathway option offered by the school district. At a minimum, the data on graduation pathway participation and completion must be disaggregated by the student groups described in RCW 28A.300.042 (1) and (3), and by:~~

~~(i) Gender;~~

~~(ii) Students who are the subject of a dependency proceeding pursuant to chapter 13.34 RCW;~~

~~(iii) Students who are experiencing homelessness as defined in RCW 28A.300.542(4); and~~

~~(iv) Multilingual/English learners.~~

~~(b) If the results of the analysis required under (a) of this subsection show disproportionate participation and completion rates by student groups, then the school district shall identify reasons for the observed disproportionality and~~

implement strategies as appropriate to ensure the graduation pathway options are equitably available to all students in the school district."

On page 1, line 1 of the title, after "options;" strike the remainder of the title and insert "amending RCW 28A.655.250 and 28A.655.260; and creating a new section."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1308 and advanced the bill, as amended by the Senate, to final passage.

Representatives Stonier, Rude, Dye and Santos spoke in favor of the passage of the bill.

Representative Steele spoke against the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1308, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1308, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 77; Nays, 21; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Connors, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Leavitt, Lekanoff, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Chambers, Chandler, Christian, Corry, Couture, Goehner, Graham, Jacobsen, Kretz, Low, McClintock, Robertson, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

HOUSE BILL NO. 1308, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Monday, April 10, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1638, with the following amendment(s): 1638-S AMS TRAN S2689.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the Washington state patrol is experiencing historic levels of trooper vacancies, with almost 30 percent of trooper positions unfilled. At the same time, Washington is experiencing alarming increases in serious and fatal crashes on

our roadways. The legislature recognizes that the Washington state patrol is working on strengthening its recruiting efforts, with a focus on broadening outreach to candidates from marginalized communities. This historic confluence of factors justifies extraordinary measures to assist the Washington state patrol in its efforts to attract and retain sufficient numbers of troopers for the protection of the citizens of the state of Washington.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.43 RCW to read as follows:

(1) The Washington state patrol shall develop and implement a state trooper expedited recruitment incentive program for the purpose of recruiting and filling vacant trooper positions. Recruitment must redouble the effort to create a more diverse workforce and must also provide an accelerated pathway for joining the state patrol for individuals who have previously been employed as a general authority peace officer.

(2) The state trooper expedited recruitment incentive program established by the Washington state patrol may include:

(a) Hiring procedures and an accelerated training program for lateral hires from other agencies that recognizes the knowledge and experience of candidates previously employed in law enforcement; and

(b) A sign-on bonus or other bonus for each trooper hired through the expedited recruitment incentive program.

(3) The establishment of the state trooper expedited recruitment incentive program is subject to a change to the applicable collective bargaining agreements negotiated with the exclusive bargaining representatives.

(4) This section does not interfere with, impede, or in any way diminish the right of the officers of the Washington state patrol to bargain collectively with the state through the exclusive bargaining representatives as provided for in RCW 41.56.473.

(5) Expenditures and eligibility for the state trooper expedited recruitment incentive program established in this section are subject to the availability of amounts appropriated for this specific purpose. The specific amounts, requirements, and other provisions related to the bonus policy for cadet hires or lateral hires are subject to applicable provisions as set forth in an omnibus transportation appropriations act.

(6) For the purposes of this section:

(a) "Cadet" means a person employed for the express purpose of receiving the on-the-job training required for attendance at the Washington state patrol academy and for becoming a commissioned trooper.

(b) "Lateral hire" means an eligible employee previously employed as a general authority peace officer.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its

existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "adding a new section to chapter 43.43 RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1638 and advanced the bill, as amended by the Senate, to final passage.

Representatives Fey and Barkis spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1638, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1638, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE HOUSE BILL NO. 1638, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1700, with the following amendment(s): 1700-S AMS ENGR S2721.E

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** A new section is added to chapter 43.34 RCW to read as follows:

(1) Any cultural landscape feature established on the capitol campus to commemorate the geological and cultural diversity of eastern Washington must recognize the flora and fauna, rich agriculture and forestry, and history of

eastern Washington. Any such cultural landscape feature must include floral components such as ponderosa pine trees, quaking aspen trees, and western larch trees, or other site-adapted species. The design of such a cultural landscape feature must serve to celebrate the unique beauty of eastern Washington, its unparalleled agricultural significance to the state and world, and the deep history of these lands. The cultural landscape feature will also serve as a place of enjoyment and familiarity for those who call eastern Washington home.

(2) The capitol committee, or any subcommittee within, must consult with the department of enterprise services and the department of natural resources in its planning, planting, and placement of any floral components to be used as part of the eastern Washington cultural landscape feature.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.34 RCW to read as follows:

(1) The Washington state eastern Washington cultural landscape feature account is created in the custody of the state treasurer. The purpose of the account is to support the establishment and maintenance of the cultural landscape feature. The department of enterprise services may solicit and accept moneys from gifts, grants, or endowments for this purpose. All receipts from federal funds, gifts, or grants from the private sector, foundations, or other sources must be deposited into the account. Expenditures from the account may be used only for the design, siting, permitting, construction, maintenance, dedication, or creation of educational materials related to placement of this cultural landscape feature on the capitol campus. Only the department of enterprise services, or the department of enterprise services' designee, may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but appropriation is not required for expenditures.

(2) The department of enterprise services may adopt rules governing the receipt and use of funds in the account."

On page 1, line 2 of the title, after "Washington;" strike the remainder of the title and insert "and adding new sections to chapter 43.34 RCW."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1700 and advanced the bill, as amended by the Senate, to final passage.

Representatives Kretz and Ramos spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1700, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1700, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Ramos, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE HOUSE BILL NO. 1700, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1744, with the following amendment(s): 1744-S.E AMS EDU S2697.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that requirements governing the establishment and operations of public charter schools have proven insufficient. These schools have experienced a steady growth in student enrollment and often provide valuable educational opportunities for families in communities across Washington state.

(2) However, several of these schools have closed in the decade since Washington voters authorized the establishment of charter schools. As a result, students, parents, and staff in several Puget Sound locations and in Walla Walla were left to make alternative arrangements for school and work, unexpectedly and without adequate notice, when their school closed. Furthermore, in one western Washington school, the disappointment proved especially difficult as the charter school opened and permanently ceased operations within the span of a few months. Under no circumstances is a disruption of this nature acceptable to the many students, families, and staff that were profoundly impacted by the closure.

(3) The legislature also finds that the establishment and operational challenges of some public charter schools are not limited to school closures: Some public charter schools have failed to properly and timely

comply with teacher certification requirements, but an additional reporting requirement for charter schools can reinforce existing requirements and help to avoid any future problems; some public charter school boards have demonstrated ineffective leadership and oversight, leading to charter school closures; and the charter school commission has authorized charter schools that were not able to deliver sustained education services in the manner set forth in their charter school application or charter contract, as evidenced by multiple closures and the disruptions they created for students, families, and staff.

(4) The legislature authorized the establishment of charter schools in 2016 after the supreme court invalidated charter school laws adopted through a voter initiative. As a result, the legislature has an obligation to ensure that the responsibilities for the oversight of charter public schools are clearly delineated and adequate to ensure the highest standards of practices and public accountability. The legislature is committed to ensuring all authorized public charter schools in Washington are successful in their mission to serve Washington students. The legislature, therefore, intends to clarify responsibilities and increase the accountability measures governing the effective delivery and oversight of public education services to public charter school students.

**Sec. 2.** RCW 28A.710.030 and 2016 c 241 s 103 are each amended to read as follows:

(1) To fulfill its duty to manage and operate the charter school, and to execute the terms of its charter contract, a charter school board may:

(a) Hire, manage, and discharge charter school employees in accordance with the terms of this chapter and the school's charter contract;

(b) Receive and disburse funds for the purposes of the charter school;

(c) Enter into contracts with any school district, educational service district, or other public or private entity for the provision of real property, equipment, goods, supplies, and services, including educational instructional services, pupil transportation services, and for the management and operation of the charter school, provided the charter school board maintains oversight authority over the charter school. Contracts for management operation of the charter school may only be with nonprofit organizations;

(d) Rent, lease, purchase, or own real property. All charter contracts and contracts with other entities must include provisions regarding the disposition of the property if the charter school fails to open as planned or closes, or if the charter contract is revoked or not renewed;

(e) Issue secured and unsecured debt, including pledging, assigning, or encumbering its assets to be used as collateral for loans or extensions of credit to manage cash flow, improve operations, or finance the acquisition of real property or

equipment. However, the charter public school may not pledge, assign, or encumber any public funds received or to be received pursuant to RCW 28A.710.220. Debt issued under this subsection (1)(e) is not a general, special, or moral obligation of the state, the charter school authorizer, the school district in which the charter school is located, or any other political subdivision or agency of the state. Neither the full faith and credit nor the taxing power of the state, or any political subdivision or agency of the state, may be pledged for the payment of the debt;

(f) Solicit, accept, and administer for the benefit of the charter school and its students, gifts, grants, and donations from individuals, or public or private entities, excluding sectarian or religious organizations. A charter school board may not accept any gifts or donations that violate this chapter or other state laws; and

(g) Issue diplomas to students who meet state high school graduation requirements established under RCW 28A.230.090. A charter school board may establish additional graduation requirements.

(2) A charter school board must ~~((contract for an independent performance))~~ obtain an accountability audit of the school to be conducted: (a) The second year immediately following the school's first full school year of operation; and (b) at least every three years thereafter. ~~((The performance audit must be conducted in accordance with United States general accounting office government auditing standards. A performance))~~ An audit in compliance with this section does not inhibit the state auditor's office from conducting a performance audit of the school.

(3) A charter school board may not levy taxes or issue tax-backed bonds.

(4) A charter school board may not acquire property by eminent domain.

(5) A charter school board, through website postings and written notice with receipt acknowledged by signature of the recipient, must advise families of new, ongoing, and prospective students of any ongoing litigation challenging the constitutionality of charter schools or that may require charter schools to cease operations.

(6) Each charter school board shall ensure that its members and administrative staff receive annual training to support the effective operation and oversight of the charter school, including compliance with requirements governing the employment of properly credentialed instructional staff, compliance with the requirements of chapters 42.30 and 42.56 RCW, and the permitted uses of public funds.

**Sec. 3.** RCW 28A.710.040 and 2018 c 75 s 9 are each amended to read as follows:

(1) A charter school must operate according to the terms of its charter contract and the provisions of this chapter.

(2) A charter school must:

(a) Comply with local, state, and federal health, safety, parents' rights, civil

rights, and nondiscrimination laws applicable to school districts and to the same extent as school districts, including but not limited to chapter 28A.642 RCW (discrimination prohibition) ~~((and))~~, chapter 28A.640 RCW (sexual equality), chapter 28A.180 RCW (transitional bilingual instruction program), and chapter 28A.155 RCW (special education);

(b) Provide a program of basic education, that meets the goals in RCW 28A.150.210, including instruction in the ~~((essential academic learning requirements))~~ state learning standards, and participate in the statewide student assessment system as developed under RCW 28A.655.070;

(c) Comply with the screening and intervention requirements under RCW 28A.320.260;

(d) Employ certificated instructional staff as required in RCW 28A.410.025. Charter schools, however, may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7) according to the same limited exceptions that apply to other public schools. Beginning November 1, 2023, and annually thereafter, charter schools shall report the employment of all noncertificated instructional staff hired in accordance with this subsection (2)(d) during the current and preceding school year to the executive director of the commission and the state board of education for inclusion in the annual report required by RCW 28A.710.250;

(e) Comply with the employee record check requirements in RCW 28A.400.303;

(f) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance;

(g) Comply with the annual performance report under RCW 28A.655.110;

(h) Be subject to the performance improvement goals adopted by the state board of education under RCW 28A.305.130;

(i) Comply with the open public meetings act in chapter 42.30 RCW and public records requirements in chapter 42.56 RCW; and

(j) Be subject to and comply with legislation enacted after December 6, 2012, that governs the operation and management of charter schools.

(3) Charter public schools must comply with all state statutes and rules made applicable to the charter school in the school's charter contract, and are subject to the specific state statutes and rules identified in subsection (2) of this section. For the purpose of allowing flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs to improve student outcomes and academic achievement, charter schools are not subject to, and are exempt from, all other state statutes and rules applicable to school districts and school district boards of directors. Except as provided otherwise by this chapter or a charter contract, charter schools are exempt from all school district policies.

(4) A charter school may not engage in any sectarian practices in its educational

program, admissions or employment policies, or operations.

(5) Charter schools are subject to the supervision of the superintendent of public instruction and the state board of education, including accountability measures such as the Washington achievement index developed by the state board of education under RCW 28A.657.110, to the same extent as other public schools, except as otherwise provided in this chapter.

**Sec. 4.** RCW 28A.710.070 and 2020 c 49 s 2 are each amended to read as follows:

(1) The Washington state charter school commission is established as an independent state agency whose mission is to ~~((authorize))~~:

(a) Authorize high quality charter public schools throughout the state, especially schools that are designed to expand opportunities for at-risk students ~~((and to ensure))~~;

(b) Ensure the highest standards of accountability and oversight for these schools; and

(c) Hold charter school boards accountable for: Ensuring that students of charter public schools have opportunities for academic success; and exercising effective educational, operational, and financial oversight of charter public schools.

(2) The commission shall, through its management, supervision, and enforcement of the charter contracts and pursuant to applicable law, administer the charter schools it authorizes in the same manner as a school district board of directors administers other schools.

(3)(a) The commission shall consist of:

(i) Nine appointed members;

(ii) The superintendent of public instruction or the superintendent's designee; and

(iii) The chair of the state board of education or the chair's designee.

(b) Appointments to the commission shall be as follows: Three members shall be appointed by the governor; three members shall be appointed by the senate, with two members appointed by the leader of the largest caucus of the senate and one member appointed by the leader of the minority caucus of the senate; and three members shall be appointed by the house of representatives, with two members appointed by the speaker of the house of representatives and one member appointed by the leader of the minority caucus of the house of representatives. The appointing authorities shall assure diversity among commission members, including representation from various geographic areas of the state and shall assure that at least one member is the parent of a Washington public school student.

(4) Members appointed to the commission shall collectively possess strong experience and expertise in public and nonprofit governance; management and finance; public school leadership, assessment, curriculum, and instruction; and public education law. All appointed members shall have demonstrated an understanding of and

commitment to charter schooling as a strategy for strengthening public education.

(5) Appointed members shall serve four-year, staggered terms. The initial appointments from each of the appointing authorities must consist of one member appointed to a one-year term, one member appointed to a two-year term, and one member appointed to a three-year term, all of whom thereafter may be reappointed for a four-year term. No appointed member may serve more than two consecutive terms. Initial appointments must be made by July 1, 2016.

(6) Whenever a vacancy on the commission exists among its appointed membership, the original appointing authority must appoint a member for the remaining portion of the term within no more than thirty days.

(7) Commission members shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060.

(8) The commission may hire an executive director and may employ staff as necessary to carry out its duties under this chapter. The commission may delegate to the executive director the duties as necessary to effectively and efficiently execute the business of the commission, including the authority to employ necessary staff. In accordance with RCW 41.06.070, the executive director and the executive director's confidential secretary are exempt from the provisions of chapter 41.06 RCW.

(9) The commission shall reside within the office of the superintendent of public instruction for administrative purposes only.

(10) RCW 28A.710.090 and 28A.710.120 do not apply to the commission.

**Sec. 5.** RCW 28A.710.100 and 2016 c 241 s 110 are each amended to read as follows:

(1) Authorizers are responsible for:

(a) Holding the charter school board of each authorized charter school accountable for: Ensuring that students in the charter school have opportunities for academic success; and exercising effective educational, operational, and financial oversight of the charter school;

(b) Soliciting and evaluating charter applications;

~~((b))~~ (c) Approving charter applications that meet identified educational needs and promote a diversity of educational choices;

~~((e))~~ (d) Denying charter applications that fail to meet statutory requirements, requirements of the authorizer, or both;

~~((d))~~ (e) Negotiating and executing charter contracts with each authorized charter school;

~~((e))~~ (f) Monitoring, in accordance with charter contract terms, the performance and legal compliance of charter schools including, without limitation, education and academic performance goals and student achievement; ~~(and~~

~~((f))~~ (g) Determining whether each charter contract merits renewal, nonrenewal, or revocation; and

(h) Ensuring that charter school boards comply with the annual training requirements in RCW 28A.710.030(6).

(2) An authorizer may delegate its responsibilities under this section to employees or contractors.

(3) All authorizers must develop and follow chartering policies and practices that are consistent with the principles and standards for quality charter authorizing developed by the national association of charter school authorizers in at least the following areas:

(a) Organizational capacity and infrastructure;

(b) Soliciting and evaluating charter applications;

(c) Performance contracting;

(d) Ongoing charter school oversight and evaluation; and

(e) Charter renewal decision making.

(4) Each authorizer must submit an annual report to the state board of education, according to a timeline, content, and format specified by the board that includes:

(a) The authorizer's strategic vision for chartering and progress toward achieving that vision;

(b) The academic and financial performance of all operating charter schools under its jurisdiction, including the progress of the charter schools based on the authorizer's performance framework;

(c) The status of the authorizer's charter school portfolio, identifying all charter schools in each of the following categories: (i) Approved but not yet open; (ii) operating; (iii) renewed; (iv) transferred; (v) revoked; (vi) not renewed; (vii) voluntarily closed; or (viii) never opened;

(d) The authorizer's operating costs and expenses detailed in annual audited financial statements that conform with generally accepted accounting principles; and

(e) The services purchased from the authorizer by the charter schools under its jurisdiction under RCW 28A.710.110, including an itemized accounting of the actual costs of these services.

(5) Neither an authorizer, individuals who comprise the membership of an authorizer in their official capacity, nor the employees of an authorizer are liable for acts or omissions of a charter school they authorize.

(6) No employee, trustee, agent, or representative of an authorizer may simultaneously serve as an employee, trustee, agent, representative, vendor, or contractor of a charter school under the jurisdiction of that authorizer.

**Sec. 6.** RCW 28A.710.120 and 2016 c 241 s 112 are each amended to read as follows:

(1) The state board of education is responsible for overseeing the performance and effectiveness of all authorizers ~~((approved under RCW 28A.710.090)).~~

(2) Persistently unsatisfactory performance of an authorizer's portfolio of charter schools, a pattern of well-founded complaints about the authorizer or its charter schools, a high percentage of charter school closures during the preceding 10-year period, or other objective

circumstances may trigger a special review by the state board of education.

(3) In reviewing or evaluating the performance of authorizers, the state board of education must apply nationally recognized principles and standards for quality charter authorizing. Evidence of material or persistent failure by an authorizer to carry out its duties in accordance with these principles and standards constitutes grounds for revocation of the authorizing contract by the state board of education, as provided under this section.

(4) If at any time the state board of education finds that an authorizer is not in compliance with a charter contract, its authorizing contract, or the authorizer duties under RCW 28A.710.100, the board must notify the authorizer in writing of the identified problems, and the authorizer must have reasonable opportunity to respond and remedy the problems.

(5) ~~((If))~~ Except as provided otherwise in subsection (7) of this section if, after due notice from the state board of education, an authorizer persists in violating a material provision of a charter contract or its authorizing contract, or fails to remedy other identified authorizing problems, the state board of education shall notify the authorizer, within a reasonable amount of time under the circumstances, that it intends to revoke the authorizer's chartering authority unless the authorizer demonstrates a timely and satisfactory remedy for the violation or deficiencies.

(6) In the event of revocation of any authorizer's chartering authority, the state board of education shall manage the timely and orderly transfer of each charter contract held by that authorizer to another authorizer in the state, with the mutual agreement of each affected charter school and proposed new authorizer. The new authorizer shall assume the existing charter contract for the remainder of the charter term.

(7) If the commission is the subject of the special review under this section, the state board of education shall have one year from the initiation of its review to complete the review and provide a report with findings and recommendations, including any recommendations for statutory revisions it deems necessary, to the governor, the superintendent of public instruction, and the appropriate committees of the house of representatives and the senate.

(8) The state board of education must establish timelines and a process for taking actions under this section in response to performance deficiencies by an authorizer.

**Sec. 7.** RCW 28A.710.140 and 2016 c 241 s 114 are each amended to read as follows:

(1) The state board of education must establish an annual statewide timeline for charter application submission and approval or denial that must be followed by all authorizers.

(2) In reviewing and evaluating charter applications, authorizers shall employ procedures, practices, and criteria consistent with nationally recognized

principles and standards for quality charter authorizing. Authorizers shall give preference to applications for charter schools that are designed to enroll and serve at-risk student populations. However, nothing in this chapter may be construed as intended to limit the establishment of charter schools to those that serve a substantial portion of at-risk students, or to in any manner restrict, limit, or discourage the establishment of charter schools that enroll and serve other pupil populations under a nonexclusive, nondiscriminatory admissions policy. The application review process must include thorough evaluation of each application, an in-person interview with the applicant group, and an opportunity to learn about and provide input on each application in a public forum including, without limitation, parents, community members, local residents, and school district board members and staff.

(3) In deciding whether to approve an application, authorizers must:

(a) Grant charters only to applicants that have demonstrated competence in each element of the authorizer's published approval criteria and are likely to open ~~((and))~~, operate, and ensure the financial viability of a successful charter public school;

(b) Base decisions on documented evidence collected through the application review process;

(c) Follow charter-granting policies and practices that are transparent and based on merit; and

(d) Avoid any conflicts of interest, whether real or apparent.

(4) An approval decision may include, if appropriate, reasonable conditions that the charter applicant must meet before a charter contract may be executed.

(5) For any denial of an application, the authorizer shall clearly state in writing its reasons for denial. A denied applicant may subsequently reapply to that authorizer or apply to another authorizer in the state.

**Sec. 8.** RCW 28A.710.180 and 2016 c 241 s 118 are each amended to read as follows:

(1) Each authorizer must continually monitor the performance and legal compliance of the charter schools under its jurisdiction, including collecting and analyzing data to support ongoing evaluation according to the performance framework in the charter contract.

(2) An authorizer may conduct or require oversight activities that enable the authorizer to fulfill its responsibilities under this chapter, including conducting appropriate inquiries and investigations ~~((if those activities are consistent with the intent of this chapter, adhere to the terms of the charter contract, and do not unduly inhibit the autonomy granted to charter schools))~~. Examples of permitted reasons for conducting or requiring oversight activities under this section include, but are not limited to: The persistent unsatisfactory performance of a charter school; a pattern of well-founded complaints about a charter school; the authority to conduct such oversight activities as provided by statute,

rule, or charter contract; or other objective circumstances.

(3) In the event that a charter school's performance, financial status, or legal compliance appears unsatisfactory, the authorizer must promptly notify the school of the perceived problem and provide reasonable opportunity for the school to remedy the problem. However, if the problem warrants revocation of the charter contract, the revocation procedures under RCW 28A.710.200 apply.

(4) An authorizer may take appropriate corrective actions or exercise sanctions short of revocation in response to apparent deficiencies in charter school performance or legal compliance. These actions or sanctions may include, if warranted, requiring a school to develop and execute a corrective action plan within a specified time frame.

**Sec. 9.** RCW 28A.710.190 and 2016 c 241 s 119 are each amended to read as follows:

(1) A charter contract may be renewed by the authorizer, at the request of the charter school, for successive five-year terms. The authorizer, however, may vary the term based on the performance, demonstrated capacities, and particular circumstances of a charter school, and may grant renewal with specific conditions for necessary improvements to a charter school.

(2) No later than six months before the expiration of a charter contract, the authorizer must issue a performance report and charter contract renewal application guidance to the charter school. The performance report must summarize the charter school's performance record to date based on the data required by the charter contract, and must provide notice of any weaknesses or concerns perceived by the authorizer concerning the charter school that may, if not timely rectified, jeopardize its position in seeking renewal. The charter school has thirty days to respond to the performance report and submit any corrections or clarifications for the report.

(3) The renewal application guidance must, at a minimum, provide an opportunity for the charter school to:

(a) Present additional evidence, beyond the data contained in the performance report, supporting its case for charter contract renewal;

(b) Describe improvements undertaken or planned for the school; and

(c) Detail the school's plans for the next charter contract term.

(4) The renewal application guidance must include or refer explicitly to the criteria that will guide the authorizer's renewal decisions, and this criteria must be based on the performance framework set forth in the charter contract.

(5) In making charter renewal decisions, an authorizer must:

(a) Hold the charter school board accountable for: Ensuring that students of the charter school have opportunities for academic success; and exercising effective educational, operational, and financial oversight of the charter school;

(b) Base its decisions in evidence of the school's performance over the term of the charter contract in accordance with the performance framework set forth in the charter contract;

~~((b))~~ (c) Ensure that data used in making renewal decisions are available to the school and the public; and

~~((e))~~ (d) Provide a public report summarizing the evidence basis for its decision.

**NEW SECTION. Sec. 10.** A new section is added to chapter 28A.710 RCW to read as follows:

(1) Beginning with the 2023-24 school year, the commission shall promote the effective administration and operation of charter schools through the provision of technical assistance to requesting charter schools, charter school boards, or both.

(2) The principal objective of technical assistance provided in accordance with this section, which may be provided by commission staff or through a contractor, must be to support charter schools and charter school boards in achieving and maintaining compliance with the requirements of this chapter and other provisions of Title 28A RCW governing the operation of charter schools. In responding to requests for technical assistance, the commission shall prioritize the provision of assistance to charter schools that have been in operation for three or fewer school years.

(3) Technical assistance provided in accordance with this section: May only be provided at the request of the applicable charter school or charter school board; and is unrelated to, and does not affect or otherwise modify, duties of the commission in its role as an authorizer.

(4) For the purposes of this section, "technical assistance" means the provision of training, which may be provided by commission staff or through a contractor, to support charter schools and charter school boards in their responsibility to achieve and maintain compliance with applicable state and federal laws and with their charter school contract.

**NEW SECTION. Sec. 11.** A new section is added to chapter 28A.710 RCW to read as follows:

(1)(a) By November 1, 2023, the commission shall establish and maintain on its website an online system for students who attend charter schools, and the parents of those students, to submit complaints about the operation and administration of one or more charter schools, including complaints about the provision of education services and complaints alleging noncompliance with the requirements of this chapter or other provisions governing charter schools.

(b) The commission shall acknowledge the receipt of each received complaint within 10 business days and shall, in a timely manner, perform any inquiries or other actions it deems necessary and appropriate to respond to each received complaint.



(2) The commission shall adopt and revise as necessary rules to implement this section.

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1169, with the following amendment(s): 1169-S.E AMS WM S2943.1

Strike everything after the enacting clause and insert the following:

**"PART I**

**Sec. 1.** RCW 7.68.035 and 2018 c 269 s 19 are each amended to read as follows:

(1) ~~((a) When)~~ Except as provided in subsection (4) of this section, when any adult person is found guilty in any superior court of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be five hundred dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and two hundred fifty dollars for any case or cause of action that includes convictions of only one or more misdemeanors.

~~((b) When any juvenile is adjudicated of an offense that is a most serious offense as defined in RCW 9.94A.030, or a sex offense under chapter 9A.44 RCW, there shall be imposed upon the juvenile offender a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be one hundred dollars for each case or cause of action.~~

~~((c) When any juvenile is adjudicated of an offense which has a victim, and which is not a most serious offense as defined in RCW 9.94A.030 or a sex offense under chapter 9A.44 RCW, the court shall order up to seven hours of community restitution, unless the court finds that such an order is not practicable for the offender. This community restitution must be imposed consecutively to any other community restitution the court imposes for the offense.)~~

(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61.520, 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.490(2), and 46.09.470(2).

(3) ~~((When))~~ Except as provided in subsection (4) of this section, when any adult person accused of having committed a crime posts bail in superior court pursuant to the provisions of chapter 10.19 RCW and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment, in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the crime.

**NEW SECTION. Sec. 12.** A new section is added to chapter 28A.710 RCW to read as follows:

Each charter school shall prominently post and maintain on its website information about the school's process and instructions for submitting complaints about the operation and administration of the charter school by its enrolled students and their parents. This information must include a designated point of contact at the charter school and a link to the complaint system of the commission that is required by section 11 of this act."

On page 1, line 3 of the title, after "students;" strike the remainder of the title and insert "amending RCW 28A.710.030, 28A.710.040, 28A.710.070, 28A.710.100, 28A.710.120, 28A.710.140, 28A.710.180, and 28A.710.190; adding new sections to chapter 28A.710 RCW; and creating a new section."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1744 and advanced the bill, as amended by the Senate, to final passage.

Representatives Rude and Santos spoke in favor of the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1744, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1744, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1744, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

(4) The court shall not impose the penalty assessment under this section if the court finds that the defendant, at the time of sentencing, is indigent as defined in RCW 10.01.160(3).

(5) Upon motion by a defendant, the court shall waive any crime victim penalty assessment imposed prior to the effective date of this section if:

(a) The person was a juvenile at the time the penalty assessment was imposed; or

(b) The person does not have the ability to pay the penalty assessment. A person does not have the ability to pay if the person is indigent as defined in RCW 10.01.160(3).

(6) Such penalty assessments shall be paid by the clerk of the superior court to the county treasurer. Each county shall deposit one hundred percent of the money it receives per case or cause of action under subsection (1) of this section, not less than one and seventy-five one-hundredths percent of the remaining money it retains under RCW 10.82.070 and the money it retains under chapter 3.62 RCW, and all money it receives under subsection ~~((7))~~ (9) of this section into a fund maintained exclusively for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes. A program shall be considered "comprehensive" only after approval of the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

(b) Are administered by the county prosecuting attorney either directly through the prosecuting attorney's office or by contract between the county and agencies providing services to victims of crime;

(c) Make a reasonable effort to inform the known victim or his or her surviving dependents of the existence of this chapter and the procedure for making application for benefits;

(d) Assist victims in the restitution and adjudication process; and

(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under this chapter.

Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the county with a population of more than one hundred fifty thousand. The department will consider if the county's proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county.

~~((5))~~ (7) Upon submission to the department of a letter of intent to adopt a comprehensive program, the prosecuting

attorney shall retain the money deposited by the county under subsection ~~((4))~~ (6) of this section until such time as the county prosecuting attorney has obtained approval of a program from the department. Approval of the comprehensive plan by the department must be obtained within one year of the date of the letter of intent to adopt a comprehensive program. The county prosecuting attorney shall not make any expenditures from the money deposited under subsection ~~((4))~~ (6) of this section until approval of a comprehensive plan by the department. If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection ~~((4))~~ (6) of this section or failed to obtain approval of a comprehensive program within one year after submission of a letter of intent under this section, the county treasurer shall monthly transmit one hundred percent of the money deposited by the county under subsection ~~((4))~~ (6) of this section to the state treasurer for deposit in the state general fund.

~~((6))~~ (8) County prosecuting attorneys are responsible to make every reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.

~~((7))~~ (9) Every city and town shall transmit monthly one and seventy-five one-hundredths percent of all money, other than money received for parking infractions, retained under RCW 3.50.100 and 35.20.220 to the county treasurer for deposit as provided in subsection ~~((4))~~ (6) of this section.

NEW SECTION. Sec. 2. A new section is added to chapter 7.68 RCW to read as follows:

(1) The state crime victim and witness assistance account is created in the state treasury. The account shall consist of funds appropriated by the legislature for comprehensive crime victim and witness programs under RCW 7.68.035. The purpose of the account is to mitigate to fiscal impact from the elimination of the crime victim penalty assessment on juveniles and indigent adults in this act.

(2) Pursuant to appropriation, each quarter, the state treasurer must distribute moneys deposited in the state crime victim and witness assistance account to counties on the basis of each county's distribution factor under RCW 82.14.310.

(3) Counties may expend moneys distributed under this section only for purposes specified in RCW 7.68.035.

Sec. 3. RCW 43.43.7532 and 2002 c 289 s 5 are each amended to read as follows:

The state DNA database account is created in the custody of the state treasurer. ~~((All))~~ The account shall consist of funds appropriated by the legislature for operation and maintenance of the DNA database and all receipts under RCW 43.43.7541 ((must be deposited into the account)). Expenditures from the account may be used only for creation, operation, and maintenance of the DNA database under RCW 43.43.754. Only the chief of the Washington state patrol or the chief's designee may

authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**Sec. 4.** RCW 43.43.7541 and 2018 c 269 s 18 are each amended to read as follows:

~~((Every sentence imposed for a crime specified in RCW 43.43.754 must include a fee of one hundred dollars unless the state has previously collected the offender's DNA as a result of a prior conviction. The fee is a court-ordered legal financial obligation as defined in RCW 9.94A.030 and other applicable law. For a sentence imposed under chapter 9.94A RCW, the fee is payable by the offender after payment of all other legal financial obligations included in the sentence has been completed. For all other sentences, the fee is payable by the offender in the same manner as other assessments imposed.))~~

(1) The clerk of the court shall transmit ((eighty))80 percent of ((the fee))any amounts collected for fees imposed prior to the effective date of this section for the collection of an offender's DNA to the state treasurer for deposit in the state DNA database account created under RCW 43.43.7532, and shall transmit ((twenty))20 percent of the fee collected to the agency responsible for collection of a biological sample from the offender as required under RCW 43.43.754. ((This fee shall not be imposed on juvenile offenders if the state has previously collected the juvenile offender's DNA as a result of a prior conviction.))

(2) Upon motion by the offender, the court shall waive any fee for the collection of the offender's DNA imposed prior to the effective date of this section.

**NEW SECTION.**

**Sec. 5.** (1) The administrative office of the courts must review revenue collection data before and after the effective date of this section and provide a more accurate assessment of the fiscal impact of the elimination of the crime victim penalty assessment on juveniles and indigent adults in this act. The assessment must be provided to the appropriate committees of the legislature by February 1, 2025, to inform future distributions to the account created in section 2 of this act.

(2) The administrative office of the courts, in consultation with county clerks, must review the grant program created in RCW 2.56.190 to determine if the program continues to serve its intended purpose in light of legislative changes to legal financial obligations. The office's findings and recommendations must be provided to the appropriate committees of the legislature by December 1, 2023.

**PART II  
CONFORMING AMENDMENTS**

**Sec. 6.** RCW 7.68.240 and 2022 c 260 s 22 are each amended to read as follows:

Upon a showing by any convicted person or the state that five years have elapsed from the establishment of such escrow account and further that no actions are pending against such convicted person pursuant to RCW 7.68.200 through 7.68.280, the department shall immediately pay over 50 percent of any moneys in the escrow account to such person or his or her legal representatives and 50 percent of any moneys in the escrow account to the fund under RCW 7.68.035 ~~((4))~~ (6).

**Sec. 7.** RCW 9.92.060 and 2022 c 260 s 6 are each amended to read as follows:

(1) Whenever any person is convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, rape of a child, or rape, the superior court may, in its discretion, at the time of imposing sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by the superior court, and, upon such terms as the superior court may determine, that the sentenced person be placed under the charge of:

(a) A community corrections officer employed by the department of corrections, if the person is subject to supervision under RCW 9.94A.501 or 9.94A.5011; or

(b) A probation officer employed or contracted for by the county, if the county has elected to assume responsibility for the supervision of superior court misdemeanant probationers.

(2) As a condition to suspension of sentence, the superior court ~~((shall require the payment of the penalty assessment required by RCW 7.68.035. In addition, the superior court))~~ may require the convicted person to make such monetary payments, on such terms as the superior court deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required; and (d) to contribute to a county or interlocal drug fund.

(3) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or a state agency, except for restitution owed to the department of labor and industries under chapter 7.68 RCW, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the

person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(4) As a condition of the suspended sentence, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

(5) If restitution to the victim has been ordered under subsection (2)(b) of this section and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made as ordered. If the superior court has ordered supervision and restitution has not been made, the officer shall inform the prosecutor of that violation of the terms of the suspended sentence not less than three months prior to the termination of the suspended sentence.

**Sec. 8.** RCW 9.94A.6333 and 2022 c 260 s 13 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, and the offender is not being supervised by the department, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the nonfinancial conditions or requirements of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence;

(c) If the court finds that a violation has been proved, it may impose the sanctions specified in RCW 9.94A.633(1). Alternatively, the court may:

(i) Convert a term of partial confinement to total confinement; or

(ii) Convert community restitution obligation to total or partial confinement;

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding community restitution obligations; and

(e) If the violation involves a failure to undergo or comply with a mental health

status evaluation and/or outpatient mental health treatment, the court shall seek a recommendation from the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(3) If an offender fails to pay legal financial obligations as a requirement of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence;

(c) The court may not sanction the offender for failure to pay legal financial obligations unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the offender has the current ability to pay but refuses to do so. In determining whether the offender has the current ability to pay, the court shall inquire into and consider: (i) The offender's income and assets; (ii) the offender's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the offender's bona fide efforts to acquire additional resources. An offender who is indigent as defined ~~((by [in]))~~ in RCW 10.01.160(3) is presumed to lack the current ability to pay;

(d) If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties;

(e) If the court finds that a failure to pay is willful noncompliance, it may impose the sanctions specified in RCW 9.94A.633(1); and

(f) If the court finds that the violation was not willful, the court may, and if the court finds that the defendant is indigent as defined in RCW 10.01.160(3), the court shall modify the terms of payment of the legal financial obligations, reduce or waive nonrestitution legal financial obligations, or convert nonrestitution legal financial obligations to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. ~~((The crime victim penalty assessment under RCW 7.68.035 may not be~~

~~reduced, waived, or converted to community restitution hours.)~~

(4) Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement ordered by the court.

(5) Nothing in this section prohibits the filing of escape charges if appropriate.

**Sec. 9.** RCW 9.94A.760 and 2022 c 260 s 4 and 2022 c 29 s 4 are each reenacted and amended to read as follows:

(1) Whenever a person is convicted in superior court, the court may order the payment of a legal financial obligation as part of the sentence. The court may not order an offender to pay costs as described in RCW 10.01.160 if the court finds that the offender at the time of sentencing is indigent as defined in RCW 10.01.160(3). An offender being indigent as defined in RCW 10.01.160(3) is not grounds for failing to impose restitution ~~((or the crime victim penalty assessment under RCW 7.68.035)), subject to RCW 9.94A.750(3) and 9.94A.753(3).~~ The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount if the department has active supervision of the offender, otherwise the county clerk shall set the amount.

(2) Upon receipt of each payment made by or on behalf of an offender, the county clerk shall distribute the payment in the following order of priority until satisfied:

(a) First, proportionally to restitution to victims that have not been fully compensated from other sources;

(b) Second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims;

(c) Third, proportionally to crime victims' assessments that have not been waived under RCW 7.68.035; and

(d) Fourth, proportionally to costs, fines, and other assessments required by law.

(3) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration. The court shall not order the offender to pay the cost of incarceration if the court finds that the offender at the time of sentencing is indigent as defined in RCW 10.01.160(3). Costs of incarceration ordered by the court shall not exceed a rate of \$50 per day of incarceration, if incarcerated in a prison, or the actual cost of incarceration per day of incarceration, if incarcerated in a county jail. In no case may the court require the offender to pay more than \$100 per day for the cost of incarceration. All

funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department.

(4) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be issued immediately. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department or the county clerk may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

(5)(a) Independent of the department or the county clerk, the party or entity to whom the legal financial obligation is owed shall have the authority to use any other remedies available to the party or entity to collect the legal financial obligation. These remedies include enforcement in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment.

(b) If restitution is ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a child or a victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may be enforced for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6).

(c) All other restitution obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the 10-year period following the offender's release from total confinement or within 10 years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial 10-year period, the superior court may extend the criminal judgment an additional 10 years for payment of restitution obligations. All other restitution obligations for an offense committed on or after July 1, 2000, may be

enforced at any time the offender remains under the court's jurisdiction. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the restitution obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime.

(d) All other legal financial obligations other than restitution may be enforced at any time during the 10-year period following the offender's release from total confinement or within 10 years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial 10-year period, the superior court may extend the criminal judgment an additional 10 years for payment of nonrestitution legal financial obligations only if the court finds that the offender has the current or likely future ability to pay the obligations. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3).

(e) The department may only supervise the offender's compliance with payment of the legal financial obligations during any period in which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is confined in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(6) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to respond truthfully and honestly to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring all documents requested by the department.

(7) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(8)(a) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. During the period of supervision, the department may

require the offender to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the department in order to prepare the collection schedule.

(b) Subsequent to any period of supervision, or if the department is not authorized to supervise the offender in the community, the county clerk may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the county clerk sets the monthly payment amount, or if the department set the monthly payment amount and the department has subsequently turned the collection of the legal financial obligation over to the county clerk, the clerk may modify the monthly payment amount without the matter being returned to the court. During the period of repayment, the county clerk may require the offender to report to the clerk for the purpose of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the county clerk in order to prepare the collection schedule.

(9) After the judgment and sentence or payment order is entered, the department is authorized, for any period of supervision, to collect the legal financial obligation from the offender. Subsequent to any period of supervision or, if the department is not authorized to supervise the offender in the community, the county clerk is authorized to collect unpaid legal financial obligations from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purpose of disbursements. The department and the county clerks are authorized, but not required, to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(10) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.7701. Any party obtaining a wage assignment shall notify the county clerk. The county clerks shall notify the department, or the administrative office of the courts, whichever is providing the monthly billing for the offender.

(11) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties for noncompliance as provided in RCW 9.94B.040, 9.94A.737, or 9.94A.740. If the court

determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties.

(12)(a) The administrative office of the courts shall mail individualized periodic billings to the address known by the office for each offender with an unsatisfied legal financial obligation.

(b) The billing shall direct payments to the county clerk.

(c) The county clerk shall provide the administrative office of the courts with notice of payments by such offenders no less frequently than weekly.

(d) The county clerks, the administrative office of the courts, and the department shall maintain agreements to implement this subsection.

(13) The department shall arrange for the collection of unpaid legal financial obligations during any period of supervision in the community through the county clerk. The department shall either collect unpaid legal financial obligations or arrange for collections through another entity if the clerk does not assume responsibility or is unable to continue to assume responsibility for collection pursuant to subsection (5) of this section. The costs for collection services shall be paid by the offender.

(14) The county clerk may access the records of the employment security department for the purposes of verifying employment or income, seeking any assignment of wages, or performing other duties necessary to the collection of an offender's legal financial obligations.

(15) Nothing in this chapter makes the department, the state, the counties, or any state or county employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations or for the acts of any offender who is no longer, or was not, subject to supervision by the department for a term of community custody, and who remains under the jurisdiction of the court for payment of legal financial obligations.

**Sec. 10.** RCW 9.94B.040 and 2022 c 260 s 14 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) In cases where conditions from a second or later sentence of community supervision begin prior to the term of the second or later sentence, the court shall treat a violation of such conditions as a violation of the sentence of community supervision currently being served.

(3) If an offender fails to comply with any of the nonfinancial requirements or conditions of a sentence the following provisions apply:

(a)(i) Following the violation, if the offender and the department make a stipulated agreement, the department may impose sanctions such as work release, home

detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, jail time, or other sanctions available in the community.

(ii) Within 72 hours of signing the stipulated agreement, the department shall submit a report to the court and the prosecuting attorney outlining the violation or violations, and sanctions imposed. Within 15 days of receipt of the report, if the court is not satisfied with the sanctions, the court may schedule a hearing and may modify the department's sanctions. If this occurs, the offender may withdraw from the stipulated agreement.

(iii) If the offender fails to comply with the sanction administratively imposed by the department, the court may take action regarding the original noncompliance. Offender failure to comply with the sanction administratively imposed by the department may be considered an additional violation;

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed 60 days for each violation, and may (i) convert a term of partial confinement to total confinement, (ii) convert community restitution obligation to total or partial confinement, or (iii) order one or more of the penalties authorized in (a)(i) of this subsection. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court;

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding community restitution obligations; and

(e) If the violation involves a failure to undergo or comply with mental status evaluation and/or outpatient mental health treatment, the community corrections officer shall consult with the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(4) If the violation involves failure to pay legal financial obligations, the following provisions apply:

(a) The department and the offender may enter into a stipulated agreement that the failure to pay was willful noncompliance, according to the provisions and requirements of subsection (3) (a) of this section;

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in a stipulated agreement under (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. The court may not sanction the offender for failure to pay legal financial obligations unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the offender has the current ability to pay but refuses to do so. In determining whether the offender has the current ability to pay, the court shall inquire into and consider: (i) The offender's income and assets; (ii) the offender's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the offender's bona fide efforts to acquire additional resources. An offender who is indigent as defined ~~((by [in]))~~ in RCW 10.01.160(3) is presumed to lack the current ability to pay;

(d) If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties;

(e) If the court finds that the failure to pay is willful noncompliance, the court may order the offender to be confined for a period not to exceed 60 days for each violation or order one or more of the penalties authorized in subsection (3) (a) (i) of this section; and

(f) If the court finds that the violation was not willful, the court may, and if the court finds that the defendant is indigent as defined in RCW 10.01.160(3), the court shall modify the terms of payment of the legal financial obligations, reduce or waive nonrestitution legal financial obligations, or convert nonrestitution legal financial obligations to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. ~~((The crime victim penalty assessment under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours.))~~

(5) The community corrections officer may obtain information from the offender's mental health treatment provider on the offender's status with respect to evaluation, application for services, registration for services, and compliance with the supervision plan, without the

offender's consent, as described under RCW 71.05.630.

(6) An offender under community placement or community supervision who is civilly detained under chapter 71.05 RCW, and subsequently discharged or conditionally released to the community, shall be under the supervision of the department of corrections for the duration of his or her period of community placement or community supervision. During any period of inpatient mental health treatment that falls within the period of community placement or community supervision, the inpatient treatment provider and the supervising community corrections officer shall notify each other about the offender's discharge, release, and legal status, and shall share other relevant information.

(7) Nothing in this section prohibits the filing of escape charges if appropriate.

**Sec. 11.** RCW 9.95.210 and 2022 c 260 s 7 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection in granting probation, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.

(b) For a defendant sentenced for a domestic violence offense, or under RCW 46.61.5055, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension continue upon such conditions and for such time as the court shall designate, not to exceed five years. The court shall have continuing jurisdiction and authority to suspend the execution of all or any part of the sentence upon stated terms, including installment payment of fines. A defendant who has been sentenced, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record. Any time before entering an order terminating probation, the court may modify or revoke its order suspending the imposition or execution of the sentence if the defendant violates or fails to carry out any of the conditions of the suspended sentence.

(2) In the order granting probation and as a condition thereof, the superior court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation, the superior court ~~((shall require the payment of the penalty assessment required by RCW 7.68.035. The superior court))~~ may ~~((also))~~ require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make



restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required; (d) following consideration of the financial condition of the person subject to possible electronic monitoring, to pay for the costs of electronic monitoring if that monitoring was required by the court as a condition of release from custody or as a condition of probation; (e) to contribute to a county or interlocal drug fund; and (f) to make restitution to a public agency for the costs of an emergency response under RCW 38.52.430, and may require bonds for the faithful observance of any and all conditions imposed in the probation.

(3) The superior court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the superior court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the superior court within one year of imposition of the sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the superior court shall hold a restitution hearing and shall enter a restitution order.

(4) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or a state agency, except for restitution owed to the department of labor and industries under chapter 7.68 RCW, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(5) In granting probation, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary for up to twelve months. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced

in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

(6) If the probationer has been ordered to make restitution and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If the superior court has ordered supervision and restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of probation. For defendants found guilty in district court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

(7) The provisions of RCW 9.94A.501 and 9.94A.5011 apply to sentences imposed under this section.

(8) For purposes of this section, "domestic violence" means the same as in RCW 10.99.020.

**Sec. 12.** RCW 10.01.180 and 2022 c 260 s 15 are each amended to read as follows:

(1) A defendant sentenced to pay any fine, penalty, assessment, fee, or costs who willfully defaults in the payment thereof or of any installment is in contempt of court as provided in chapter 7.21 RCW. The court may issue a warrant of arrest for his or her appearance.

(2) When any fine, penalty, assessment, fee, or assessment of costs is imposed on a corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or association to pay the obligation from those assets, and his or her failure to do so may be held to be contempt.

(3)(a) The court shall not sanction a defendant for contempt based on failure to pay fines, penalties, assessments, fees, or costs unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the defendant has the current ability to pay but refuses to do so.

(b) In determining whether the defendant has the current ability to pay, the court shall inquire into and consider: (i) The defendant's income and assets; (ii) the defendant's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the defendant's bona fide efforts to acquire additional resources. A defendant who is indigent as defined (~~by [in]~~) in RCW 10.01.160(3) is presumed to lack the current ability to pay.

(c) If the court determines that the defendant is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation

is not willful contempt and shall not subject the defendant to penalties.

(4) If a term of imprisonment for contempt for nonpayment of any fine, penalty, assessment, fee, or costs is ordered, the term of imprisonment shall be set forth in the commitment order, and shall not exceed one day for each \$25 of the amount ordered, 30 days if the amount ordered of costs was imposed upon conviction of a violation or misdemeanor, or one year in any other case, whichever is the shorter period. A person committed for nonpayment of any fine, penalty, assessment, fee, or costs shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.

(5) If it appears to the satisfaction of the court that the default in the payment of any fine, penalty, assessment, fee, or costs is not willful contempt, the court may, and if the defendant is indigent as defined in RCW 10.01.160(3), the court shall enter an order: (a) Allowing the defendant additional time for payment; (b) reducing the amount thereof or of each installment; (c) revoking the fine, penalty, assessment, fee, or costs or the unpaid portion thereof in whole or in part; or (d) converting the unpaid fine, penalty, assessment, fee, or costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. ~~((The crime victim penalty assessment under RCW 7.68.035 may not be reduced, revoked, or converted to community restitution hours.))~~

(6) A default in the payment of any fine, penalty, assessment, fee, or costs or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The levy of execution for the collection of any fine, penalty, assessment, fee, or costs shall not discharge a defendant committed to imprisonment for contempt until the amount has actually been collected.

**Sec. 13.** RCW 10.82.090 and 2022 c 260 s 12 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section and RCW 3.50.100, 3.62.020, and 35.20.220, restitution imposed in a judgment shall bear interest from the date of the judgment until payment, at the rate applicable to civil judgments. As of June 7, 2018, no interest shall accrue on nonrestitution legal financial obligations. All nonrestitution interest retained by the court shall be split 25 percent to the state treasurer for deposit in the state general fund, 25 percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, 25 percent to the county current expense fund, and 25 percent to the county current expense fund to fund local courts.

(2) The court may elect not to impose interest on any restitution the court orders. Before determining not to impose interest on restitution, the court shall inquire into and consider the following factors: (a) Whether the offender is

indigent as defined in RCW ~~((10.101.010(3)))~~ 10.01.160(3) or general rule 34; (b) the offender's available funds, as defined in RCW 10.101.010(2), and other liabilities including child support and other legal financial obligations; (c) whether the offender is homeless; and (d) whether the offender is mentally ill, as defined in RCW 71.24.025. The court shall also consider the victim's input, if any, as it relates to any financial hardship caused to the victim if interest is not imposed. The court may also consider any other information that the court believes, in the interest of justice, relates to not imposing interest on restitution. After consideration of these factors, the court may waive the imposition of restitution interest.

(3) The court may, on motion by the offender, reduce or waive the interest on legal financial obligations levied as a result of a criminal conviction as follows:

(a) The court shall waive all interest on the portions of the legal financial obligations that are not restitution that accrued prior to June 7, 2018;

(b) The court may waive or reduce interest on the restitution portion of the legal financial obligations only if the principal has been paid in full, except as provided in (c) of this subsection. The court may grant the motion, establish a payment schedule, and retain jurisdiction over the offender for purposes of reviewing and revising the reduction or waiver of interest;

(c) The court may, following the offender's release from total confinement, waive or reduce interest on restitution that accrued during the offender's period of incarceration if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). The prosecuting attorney shall make reasonable efforts to notify the victim entitled to restitution of the date and place of the hearing. The court shall also consider the victim's input, if any, as it relates to any financial hardship caused to the victim if interest is reduced or waived.

(4) This section only applies to adult offenders.

**NEW SECTION. Sec. 14.** A new section is added to chapter 13.40 RCW to read as follows:

No fine, administrative fee, cost, or surcharge may be imposed or collected by the court or any agent of the court against any juvenile or a juvenile's parent or guardian, or other person having custody of the juvenile, in connection with any juvenile offender proceeding including, but not limited to, fees for diversion, DNA sampling, or victims' penalty assessments.

**Sec. 15.** RCW 13.40.020 and 2021 c 328 s 5 and 2021 c 206 s 3 are each reenacted and amended to read as follows:

For the purposes of this chapter:

(1) "Assessment" means an individualized examination of a child to determine the child's psychosocial needs and problems,

including the type and extent of any mental health, substance abuse, or co-occurring mental health and substance abuse disorders, and recommendations for treatment. "Assessment" includes, but is not limited to, drug and alcohol evaluations, psychological and psychiatric evaluations, records review, clinical interview, and administration of a formal test or instrument;

(2) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services including, when appropriate, restorative justice programs; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(3) "Community-based sanctions" may include ~~(one or more of the following:~~

~~(a) A fine, not to exceed \$500;~~

~~(b) Community))~~ community restitution not to exceed 150 hours of community restitution;

(4) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be performed through public or private organizations or through work crews;

(5) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

(e) Residential treatment, where substance abuse, mental health, and/or co-occurring disorders have been identified in an assessment by a qualified mental health professional, psychologist, psychiatrist, co-occurring disorder specialist, or substance use disorder professional and a funded bed is available. If a child agrees to voluntary placement in a state-funded long-term evaluation and treatment facility, the case must follow the existing placement procedure including consideration of less

restrictive treatment options and medical necessity.

(i) A court may order residential treatment after consideration and findings regarding whether:

(A) The referral is necessary to rehabilitate the child;

(B) The referral is necessary to protect the public or the child;

(C) The referral is in the child's best interest;

(D) The child has been given the opportunity to engage in less restrictive treatment and has been unable or unwilling to comply; and

(E) Inpatient treatment is the least restrictive action consistent with the child's needs and circumstances.

(ii) In any case where a court orders a child to inpatient treatment under this section, the court must hold a review hearing no later than 60 days after the youth begins inpatient treatment, and every 30 days thereafter, as long as the youth is in inpatient treatment;

(6) "Community transition services" means a therapeutic and supportive community-based custody option in which:

(a) A person serves a portion of their term of confinement residing in the community, outside of department institutions and community facilities;

(b) The department supervises the person in part through the use of technology that is capable of determining or identifying the monitored person's presence or absence at a particular location;

(c) The department provides access to developmentally appropriate, trauma-informed, racial equity-based, and culturally relevant programs to promote successful reentry; and

(d) The department prioritizes the delivery of available programming from individuals who share characteristics with the individual being served related to: Race, ethnicity, sexual identity, and gender identity;

(7) "Confinement" means physical custody by the department of children, youth, and families in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than 31 days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(8) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(9) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge

from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(10) "Custodial interrogation" means express questioning or other actions or words by a law enforcement officer which are reasonably likely to elicit an incriminating response from an individual and occurs when reasonable individuals in the same circumstances would consider themselves in custody;

(11) "Department" means the department of children, youth, and families;

(12) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(13) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(14) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(15) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(16) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order

to reduce the likelihood a juvenile offender will commit further offenses;

(17) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of 18 years and who has not been previously transferred to adult court pursuant to RCW 13.40.110, unless the individual was convicted of a lesser charge or acquitted of the charge for which he or she was previously transferred pursuant to RCW 13.40.110 or who is not otherwise under adult court jurisdiction;

(18) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person 18 years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(19) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix;

(20) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; or (c) 0-150 hours of community restitution (~~(, or (d) \$0-\$500 fine~~);

(21) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(22) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(23) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(24) "Physical restraint" means the use of any bodily force or physical intervention to control a juvenile offender or limit a juvenile offender's freedom of movement in a way that does not involve a mechanical restraint. Physical restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:

(a) Prevent a juvenile offender from completing an act that would result in potential bodily harm to self or others or damage property;

(b) Remove a disruptive juvenile offender who is unwilling to leave the area voluntarily; or

(c) Guide a juvenile offender from one location to another;

(25) "Postpartum recovery" means (a) the entire period a woman or youth is in the hospital, birthing center, or clinic after

giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after the youth leaves the hospital, birthing center, or clinic;

(26) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(27) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(28) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(29) "Restorative justice" means practices, policies, and programs informed by and sensitive to the needs of crime victims that are designed to encourage offenders to accept responsibility for repairing the harm caused by their offense by providing safe and supportive opportunities for voluntary participation and communication between the victim, the offender, their families, and relevant community members;

(30) "Restraints" means anything used to control the movement of a person's body or limbs and includes:

(a) Physical restraint; or

(b) Mechanical device including but not limited to: Metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons;

(31) "Risk assessment tool" means the statistically valid tool used by the department to inform release or placement decisions related to security level, release within the sentencing range, community facility eligibility, community transition services eligibility, and parole. The "risk assessment tool" is used by the department to predict the likelihood of successful reentry and future criminal behavior;

(32) "Screening" means a process that is designed to identify a child who is at risk of having mental health, substance abuse, or co-occurring mental health and substance abuse disorders that warrant immediate attention, intervention, or more comprehensive assessment. A screening may be undertaken with or without the administration of a formal instrument;

(33) "Secretary" means the secretary of the department;

(34) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been

adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(35) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(36) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of the respondent's sexual gratification;

(37) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(38) "Transportation" means the conveying, by any means, of an incarcerated pregnant youth from the institution or detention facility to another location from the moment she leaves the institution or detention facility to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated youth from the institution or detention facility to a transport vehicle and from the vehicle to the other location;

(39) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(40) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

(41) "Youth court" means a diversion unit under the supervision of the juvenile court.

**Sec. 16.** RCW 13.40.020 and 2021 c 328 s 5 are each amended to read as follows:

For the purposes of this chapter:

(1) "Assessment" means an individualized examination of a child to determine the child's psychosocial needs and problems, including the type and extent of any mental health, substance abuse, or co-occurring mental health and substance abuse disorders, and recommendations for treatment. "Assessment" includes, but is not limited to, drug and alcohol evaluations, psychological and psychiatric evaluations, records review, clinical interview, and administration of a formal test or instrument;

(2) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services including, when appropriate, restorative justice programs; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(3) "Community-based sanctions" may include ~~((one or more of the following:~~

~~(a) A fine, not to exceed \$500;~~

~~(b) Community))~~ community restitution not to exceed 150 hours of community restitution;

(4) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be performed through public or private organizations or through work crews;

(5) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;  
 (b) Community-based rehabilitation;  
 (c) Monitoring and reporting requirements;  
 (d) Posting of a probation bond;  
 (e) Residential treatment, where substance abuse, mental health, and/or co-occurring disorders have been identified in an assessment by a qualified mental health professional, psychologist, psychiatrist, co-occurring disorder specialist, or substance use disorder professional and a funded bed is available. If a child agrees to voluntary placement in a state-funded long-term evaluation and treatment facility, the case must follow the existing placement procedure including consideration of less restrictive treatment options and medical necessity.

(i) A court may order residential treatment after consideration and findings regarding whether:

(A) The referral is necessary to rehabilitate the child;

(B) The referral is necessary to protect the public or the child;

(C) The referral is in the child's best interest;

(D) The child has been given the opportunity to engage in less restrictive treatment and has been unable or unwilling to comply; and

(E) Inpatient treatment is the least restrictive action consistent with the child's needs and circumstances.

(ii) In any case where a court orders a child to inpatient treatment under this section, the court must hold a review hearing no later than 60 days after the youth begins inpatient treatment, and every 30 days thereafter, as long as the youth is in inpatient treatment;

(6) "Confinement" means physical custody by the department of children, youth, and families in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or

contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than 31 days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(7) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(8) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(9) "Custodial interrogation" means express questioning or other actions or words by a law enforcement officer which are reasonably likely to elicit an incriminating response from an individual and occurs when reasonable individuals in the same circumstances would consider themselves in custody;

(10) "Department" means the department of children, youth, and families;

(11) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(12) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a

variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(13) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(14) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(15) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(16) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of 18 years and who has not been previously transferred to adult court pursuant to RCW 13.40.110, unless the individual was convicted of a lesser charge or acquitted of the charge for which he or she was previously transferred pursuant to RCW 13.40.110 or who is not otherwise under adult court jurisdiction;

(17) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person 18 years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(18) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix;

(19) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; or (c) 0-150 hours of community restitution(~~(, or (d) \$0-\$500 fine)~~);

(20) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(21) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(22) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(23) "Physical restraint" means the use of any bodily force or physical intervention to control a juvenile offender or limit a

juvenile offender's freedom of movement in a way that does not involve a mechanical restraint. Physical restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:

(a) Prevent a juvenile offender from completing an act that would result in potential bodily harm to self or others or damage property;

(b) Remove a disruptive juvenile offender who is unwilling to leave the area voluntarily; or

(c) Guide a juvenile offender from one location to another;

(24) "Postpartum recovery" means (a) the entire period a woman or youth is in the hospital, birthing center, or clinic after giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after the youth leaves the hospital, birthing center, or clinic;

(25) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(26) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(27) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(28) "Restorative justice" means practices, policies, and programs informed by and sensitive to the needs of crime victims that are designed to encourage offenders to accept responsibility for repairing the harm caused by their offense by providing safe and supportive opportunities for voluntary participation and communication between the victim, the offender, their families, and relevant community members;

(29) "Restraints" means anything used to control the movement of a person's body or limbs and includes:

(a) Physical restraint; or

(b) Mechanical device including but not limited to: Metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons;

(30) "Screening" means a process that is designed to identify a child who is at risk of having mental health, substance abuse, or co-occurring mental health and substance

abuse disorders that warrant immediate attention, intervention, or more comprehensive assessment. A screening may be undertaken with or without the administration of a formal instrument;

(31) "Secretary" means the secretary of the department;

(32) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(33) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(34) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of the respondent's sexual gratification;

(35) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(36) "Transportation" means the conveying, by any means, of an incarcerated pregnant youth from the institution or detention facility to another location from the moment she leaves the institution or detention facility to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated youth from the institution or detention facility to a transport vehicle and from the vehicle to the other location;

(37) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(38) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

(39) "Youth court" means a diversion unit under the supervision of the juvenile court.

**Sec. 17.** RCW 13.40.162 and 2020 c 249 s 1 are each amended to read as follows:

(1) A juvenile offender is eligible for the special sex offender disposition alternative when:

(a) The offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and the offender has no history of a prior sex offense; or

(b) The offender is found to have committed assault in the fourth degree with sexual motivation, and the offender has no history of a prior sex offense.

(2) If the court finds the offender is eligible for this alternative, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

(a) The report of the examination shall include at a minimum the following:

(i) The respondent's version of the facts and the official version of the facts;

(ii) The respondent's offense history;

(iii) An assessment of problems in addition to alleged deviant behaviors;

(iv) The respondent's social, educational, and employment situation;

(v) Other evaluation measures used.

The report shall set forth the sources of the evaluator's information.

(b) The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(i) The frequency and type of contact between the offender and therapist;

(ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;

(iv) Anticipated length of treatment; and

(v) Recommended crime-related prohibitions.

(c) ~~((The))~~ For good cause shown, the court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. ~~((The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.))~~

(3) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option D, and the court may suspend the execution of the disposition and place the offender on community supervision for at least two years.

(4) As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to ~~((thirty))~~ 30 days of confinement and requirements that the offender do any one or more of the following:

(a) Devote time to a specific education, employment, or occupation;

(b) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;



(c) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;

(d) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;

(e) Report as directed to the court and a probation counselor;

(f) Pay ~~((all court ordered legal financial obligations, perform))~~ restitution and perform community restitution, or any combination thereof;

(g) Make restitution to the victim for the cost of any counseling reasonably related to the offense; or

(h) Comply with the conditions of any court-ordered probation bond.

(5) If the court orders ~~((twenty-four))~~ 24 hour, continuous monitoring of the offender while on probation, the court shall include the basis for this condition in its findings.

(6)(a) The court must order the offender not to attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings.

(b) The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of school that would otherwise be paid by the school district.

(c) The court shall send notice of the disposition and restriction on attending the same school as the victim or victim's siblings to the public or approved private school the juvenile will attend, if known, or if unknown, to the approved private schools and the public school district board of directors of the district in which the juvenile resides or intends to reside. This notice must be sent at the earliest possible date but not later than ~~((ten))~~ 10 calendar days after entry of the disposition.

(7) For offenders required to register under RCW 9A.44.130, at the end of the supervision ordered under this disposition alternative, there is a presumption that the offender is sufficiently rehabilitated to warrant removal from the central registry of sex offenders. The court shall relieve the offender's duty to register unless the court finds that the offender is not sufficiently rehabilitated to warrant removal and may consider the following factors:

(a) The nature of the offense committed, including the number of victims and the length of the offense history;

(b) Any subsequent criminal history of the juvenile;

(c) The juvenile's compliance with supervision requirements;

(d) The length of time since the charged incident occurred;

(e) Any input from community corrections officers, juvenile parole or probation officers, law enforcement, or treatment providers;

(f) The juvenile's participation in sex offender treatment;

(g) The juvenile's participation in other treatment and rehabilitative programs;

(h) The juvenile's stability in employment and housing;

(i) The juvenile's community and personal support system;

(j) Any risk assessments or evaluations prepared by a qualified professional related to the juvenile;

(k) Any updated polygraph examination completed by the juvenile;

(l) Any input of the victim; and

(m) Any other factors the court may consider relevant.

(8)(a) The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

(b) At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

(c) Except as provided in this subsection, examinations and treatment ordered pursuant to this subsection shall be conducted by qualified professionals as described under (d) of this subsection, certified sex offender treatment providers, or certified affiliate sex offender treatment providers under chapter 18.155 RCW.

(d) A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the therapist is a professional licensed under chapter 18.225 or 18.83 RCW and the treatment employed is evidence-based for sex offender treatment, or if the court finds that: (i) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (ii) no certified sex offender treatment providers or certified affiliate sex offender treatment providers are available for treatment within a reasonable geographical distance of the offender's home; and (iii) the evaluation and treatment plan comply with this subsection and the rules adopted by the department of health.

(9)(a) If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to ~~((thirty))~~ 30 days confinement for violating conditions of the disposition.

(b) The court may order both execution of the disposition and up to ~~((thirty))~~ 30 days confinement for the violation of the conditions of the disposition.

(c) The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(10) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim"

may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(11) The respondent or the parent, guardian, or other person having custody of the respondent shall not be required to pay the cost of any evaluation or treatment of the respondent ordered under this section.

(12) A disposition entered under this section is not appealable under RCW 13.40.230.

**Sec. 18.** RCW 13.40.165 and 2019 c 325 s 5007 are each amended to read as follows:

(1) The purpose of this disposition alternative is to ensure that successful treatment options to reduce recidivism are available to eligible youth, pursuant to RCW 71.24.615. It is also the purpose of the disposition alternative to assure that minors in need of substance use disorder, mental health, and/or co-occurring disorder treatment receive an appropriate continuum of culturally relevant care and treatment, including prevention and early intervention, self-directed care, parent-directed care, and residential treatment. To facilitate the continuum of care and treatment to minors in out-of-home placements, all divisions of the department that provide these services to minors shall jointly plan and deliver these services. It is also the purpose of the disposition alternative to protect the rights of minors against needless hospitalization and deprivations of liberty and to enable treatment decisions to be made in response to clinical needs and in accordance with sound professional judgment. The mental health, substance abuse, and co-occurring disorder treatment providers shall, to the extent possible, offer services that involve minors' parents, guardians, and family.

(2) The court must consider eligibility for the substance use disorder or mental health disposition alternative when a juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, other than a first time B+ offense under chapter 69.50 RCW. The court, on its own motion or the motion of the state or the respondent if the evidence shows that the offender may be chemically dependent, substance abusing, or has significant mental health or co-occurring disorders may order an examination by a substance use disorder counselor from a substance use disorder treatment facility approved under chapter 70.96A RCW or a mental health professional as defined in chapter 71.34 RCW to determine if the youth is chemically dependent, substance abusing, or suffers from significant mental health or co-occurring disorders. ~~((The offender shall pay the cost of any examination ordered under this subsection unless the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.))~~ The state shall pay the cost of any examination ordered under this subsection unless third-party insurance coverage is available.

(3) The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of drug-alcohol problems, mental health diagnoses, previous treatment attempts, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the examiner's information.

(4) The examiner shall assess and report regarding the respondent's relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(a) Whether inpatient and/or outpatient treatment is recommended;

(b) Availability of appropriate treatment;

(c) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;

(d) Anticipated length of treatment; and

(e) Recommended crime-related prohibitions.

(5) The court on its own motion may order, or on a motion by the state or the respondent shall order, a second examination. The evaluator shall be selected by the party making the motion. The requesting party shall pay the cost of any examination ordered under this subsection unless the requesting party is the offender ~~((and the court finds that the offender is indigent and no third party insurance coverage is available)),~~ in which case the state shall pay the cost if no third-party insurance coverage is available.

(6) (a) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section.

(b) If the court determines that this disposition alternative is appropriate, then the court shall impose the standard range for the offense, or if the court concludes, and enters reasons for its conclusion, that such disposition would effectuate a manifest injustice, the court shall impose a disposition above the standard range as indicated in option D of RCW 13.40.0357 if the disposition is an increase from the standard range and the confinement of the offender does not exceed a maximum of ~~((fifty-two))~~ 52 weeks, suspend execution of the disposition, and place the offender on community supervision for up to one year. As a condition of the suspended disposition, the court shall require the offender to undergo available outpatient drug/alcohol, mental health, or co-occurring disorder treatment and/or inpatient mental health or drug/alcohol treatment. The court shall only order inpatient treatment under this section if a funded bed is available. If the inpatient treatment is longer than ~~((ninety))~~ 90 days, the court shall hold a review hearing every ~~((thirty))~~ 30 days beyond the initial ~~((ninety))~~ 90 days. The respondent may appear telephonically at these review hearings if in compliance with

treatment. As a condition of the suspended disposition, the court may impose conditions of community supervision and other sanctions, including up to ~~((thirty))30~~ days of confinement, ~~((one hundred fifty))150~~ hours of community restitution, and payment of ~~((legal financial obligations and))~~ restitution.

(7) The mental health/co-occurring disorder/drug/alcohol treatment provider shall submit monthly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may impose sanctions pursuant to RCW 13.40.200 or revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(8) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the offense charged. "Victim" may also include a known parent or guardian of a victim who is a minor child or is not a minor child but is incapacitated, incompetent, disabled, or deceased.

(9) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(10) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

(11) A disposition under this section is not appealable under RCW 13.40.230.

(12) Subject to funds appropriated for this specific purpose, the costs incurred by the juvenile courts for the mental health, substance use disorder, and/or co-occurring disorder evaluations, treatment, and costs of supervision required under this section shall be paid by the health care authority.

(13) A juvenile, or the parent, guardian, or other person having custody of the juvenile shall not be required to pay the cost of any evaluation or treatment ordered under this section.

**Sec. 19.** RCW 13.40.180 and 2012 c 177 s 3 are each amended to read as follows:

(1) Where a disposition in a single disposition order is imposed on a youth for two or more offenses, the terms shall run consecutively, subject to the following limitations:

(a) Where the offenses were committed through a single act or omission, omission, or through an act or omission which in itself constituted one of the offenses and also was an element of the other, the aggregate of all the terms shall not exceed ~~((one hundred fifty))150~~ percent of the term imposed for the most serious offense;

(b) The aggregate of all consecutive terms shall not exceed three hundred percent of the term imposed for the most serious offense; and

(c) The aggregate of all consecutive terms of community supervision shall not exceed two years in length, or require any payment of ~~((more than two hundred dollars in))~~ fines or the performance of more than ~~((two hundred))200~~ hours of community restitution.

(2) Where disposition in separate disposition orders is imposed on a youth, the periods of community supervision contained in separate orders, if any, shall run concurrently. All other terms contained in separate disposition orders shall run consecutively.

**Sec. 20.** RCW 13.40.192 and 2015 c 265 s 7 are each amended to read as follows:

(1) If a juvenile is ordered to pay ~~((legal financial obligations, including fines, penalty assessments, attorneys' fees, court costs, and))~~ restitution, the money judgment remains enforceable for a period of ~~((ten))10~~ years. When the juvenile reaches the age of ~~((eighteen))18~~ years or at the conclusion of juvenile court jurisdiction, whichever occurs later, the superior court clerk must docket the remaining balance of the juvenile's ~~((legal financial obligations))~~ restitution in the same manner as other judgments for the payment of money. The judgment remains valid and enforceable until ~~((ten))10~~ years from the date of its imposition. The clerk of the superior court may seek extension of the judgment for ~~((legal financial obligations, including crime victims' assessments,))~~ restitution in the same manner as RCW 6.17.020 for purposes of collection as allowed under RCW 36.18.190.

(2) A ~~((respondent under obligation to pay))~~ judgment against a juvenile for any legal financial obligation((s)) other than restitution((, the victim penalty assessment set forth in RCW 7.68.035, or the crime laboratory analysis fee set forth in RCW 43.43.690 may petition the court for modification or relief from those legal financial obligations and interest accrued on those obligations for good cause shown, including inability to pay. The court shall consider factors such as, but not limited to incarceration and a respondent's other debts, including restitution, when determining a respondent's ability to pay)) including, but not limited to, fines, penalty assessments, attorneys' fees, court costs, and other administrative fees, is not enforceable after the effective date of this section. The superior court clerk shall not accept payments from a respondent who was ordered to pay legal financial obligations, including fines, penalty assessments,

attorneys' fees, and court costs after the effective date of this section.

**Sec. 21.** RCW 13.40.200 and 2004 c 120 s 7 are each amended to read as follows:

(1) When a respondent fails to comply with an order of restitution, community supervision, ~~((penalty—assessments,))~~ or confinement of less than ~~((thirty))~~30 days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a willful refusal to comply with the terms of the order. If a respondent has failed to pay ~~((a fine, penalty assessments, or))~~ restitution or to perform community restitution hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the ~~((fine, penalty assessments, or))~~ restitution or to perform community restitution.

(3) If the court finds that a respondent has willfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to ~~((thirty))~~30 days' confinement. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed ~~((thirty))~~30 days' confinement. Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense.

~~(4) ((If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community restitution unless the monetary penalty is the crime victim penalty assessment, which cannot be converted, waived, or otherwise modified, except for schedule of payment. The number of hours of community restitution in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section.~~

~~(5))~~ When a respondent has willfully violated the terms of a probation bond, the court may modify, revoke, or retain the probation bond as provided in RCW 13.40.054.

NEW SECTION. **Sec. 22.** Nothing in this act requires a court to refund or reimburse amounts previously paid towards legal financial obligations, interests on legal financial obligations, or any other costs.

NEW SECTION. **Sec. 23.** The following acts or parts of acts are each repealed:

(1) RCW 13.40.056 (Nonrefundable bail fee) and 1995 c 395 s 9;

(2) RCW 13.40.085 (Diversion services costs—Fees—Payment by parent or legal guardian) and 1993 c 171 s 1;

(3) RCW 13.40.198 (Penalty assessments—Jurisdiction of court) and 2000 c 71 s 1; and

(4) RCW 13.40.640 (Youth court nonrefundable fee) and 2002 c 237 s 15.

NEW SECTION. **Sec. 24.** Section 15 of this act takes effect when section 3, chapter 206, Laws of 2021 takes effect.

NEW SECTION. **Sec. 25.** Section 16 of this act expires when section 15 of this act takes effect.

NEW SECTION. **Sec. 26.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 27.** Except for section 15 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2023."

On page 1, line 1 of the title, after "obligations;" strike the remainder of the title and insert "amending RCW 7.68.035, 43.43.7532, 43.43.7541, 7.68.240, 9.92.060, 9.94A.6333, 9.94B.040, 9.95.210, 10.01.180, 10.82.090, 13.40.020, 13.40.162, 13.40.165, 13.40.180, 13.40.192, and 13.40.200; reenacting and amending RCW 9.94A.760 and 13.40.020; adding a new section to chapter 7.68 RCW; adding a new section to chapter 13.40 RCW; creating new sections; repealing RCW 13.40.056, 13.40.085, 13.40.198, and 13.40.640; providing an effective date; providing a contingent effective date; providing a contingent expiration date; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### MOTION

Representative Hansen moved that the House concur with the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1169.

Representative Hansen spoke in favor of the motion.

Representative Walsh spoke against the motion.

Division was demanded on the motion to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1169 and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 56 - YEAS; 42 - NAYS.

**SENATE AMENDMENT TO HOUSE BILL**

The House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1169 and advanced the bill, as amended by the Senate, to final passage.

Representative Simmons spoke in favor of the passage of the bill.

Representatives Walsh, Graham and Abbarno spoke against the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1169, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1169, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1169, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Tuesday, April 18, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1240, with the following amendment(s): 1240-S AMS PEDE S3342.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds and declares that gun violence is a threat to the public health and safety of Washingtonians. Assault weapons are civilian versions of weapons created for the military and are designed to kill humans quickly and efficiently. For this reason the legislature finds that assault weapons are "like" "M-16 rifles" and thus are "weapons most useful in military service." Assault weapons have been

used in the deadliest mass shootings in the last decade. An assailant with an assault weapon can hurt and kill twice the number of people than an assailant with a handgun or nonassault rifle. This is because the additional features of an assault weapon are not "merely cosmetic"; rather, these are features that allow shooters to fire large numbers of rounds quickly. An analysis of mass shootings that result in four or more deaths found that 85 percent of those fatalities were caused by an assault weapon. The legislature also finds that this regulation is likely to have an impact on the number of mass shootings committed in Washington. Studies have shown that during the period the federal assault weapon ban was in effect, mass shooting fatalities were 70 percent less likely to occur. Moreover, the legislature finds that assault weapons are not suitable for self-defense and that studies show that assault weapons are statistically not used in self-defense. The legislature finds that assault weapons are not commonly used in self-defense and that any proliferation is not the result of the assault weapon being well-suited for self-defense, hunting, or sporting purposes. Rather, increased sales are the result of the gun industry's concerted efforts to sell more guns to a civilian market. The legislature finds that the gun industry has specifically marketed these weapons as "tactical," "hyper masculine," and "military style" in manner that overtly appeals to troubled young men intent on becoming the next mass shooter. The legislature intends to limit the prospective sale of assault weapons, while allowing existing legal owners to retain the assault weapons they currently own.

**Sec. 2.** RCW 9.41.010 and 2022 c 105 s 2 and 2022 c 104 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) (a) "Assault weapon" means:  
 (i) Any of the following specific firearms regardless of which company produced and manufactured the firearm:

<u>AK-47 in all forms</u>
<u>AK-74 in all forms</u>
<u>Algimec AGM-1 type semiautomatic</u>
<u>American Arms Spectre da semiautomatic carbine</u>
<u>AR15, M16, or M4 in all forms</u>

<u>AR 180 type semiautomatic</u>
<u>Argentine L.S.R. semiautomatic</u>
<u>Australian Automatic</u>
<u>Auto-Ordnance Thompson M1 and 1927 semiautomatics</u>
<u>Barrett .50 cal light semiautomatic</u>
<u>Barrett .50 cal M87</u>
<u>Barrett .50 cal M107A1</u>
<u>Barrett REC7</u>
<u>Beretta AR70/S70 type semiautomatic</u>
<u>Bushmaster Carbon 15</u>
<u>Bushmaster ACR</u>
<u>Bushmaster XM-15</u>
<u>Bushmaster MOE</u>
<u>Calico models M100 and M900</u>
<u>CETME Sporter</u>
<u>CIS SR 88 type semiautomatic</u>
<u>Colt CAR 15</u>
<u>Daewoo K-1</u>
<u>Daewoo K-2</u>
<u>Dragunov semiautomatic</u>
<u>Fabrique Nationale FAL in all forms</u>
<u>Fabrique Nationale F2000</u>
<u>Fabrique Nationale L1A1 Sporter</u>
<u>Fabrique Nationale M249S</u>
<u>Fabrique Nationale PS90</u>
<u>Fabrique Nationale SCAR</u>
<u>FAMAS .223 semiautomatic</u>
<u>Galil</u>
<u>Heckler &amp; Koch G3 in all forms</u>
<u>Heckler &amp; Koch HK-41/91</u>
<u>Heckler &amp; Koch HK-43/93</u>
<u>Heckler &amp; Koch HK94A2/3</u>
<u>Heckler &amp; Koch MP-5 in all forms</u>
<u>Heckler &amp; Koch PSG-1</u>
<u>Heckler &amp; Koch SL8</u>
<u>Heckler &amp; Koch UMP</u>
<u>Manchester Arms Commando MK-45</u>
<u>Manchester Arms MK-9</u>
<u>SAR-4800</u>
<u>SIG AMT SG510 in all forms</u>
<u>SIG SG550 in all forms</u>
<u>SKS</u>
<u>Spectre M4</u>
<u>Springfield Armory BM-59</u>
<u>Springfield Armory G3</u>
<u>Springfield Armory SAR-8</u>

<u>Springfield Armory SAR-48</u>
<u>Springfield Armory SAR-3</u>
<u>Springfield Armory M-21 sniper</u>
<u>Springfield Armory M1A</u>
<u>Smith &amp; Wesson M&amp;P 15</u>
<u>Sterling Mk 1</u>
<u>Sterling Mk 6/7</u>
<u>Steyr AUG</u>
<u>TNW M230</u>
<u>FAMAS F11</u>
<u>Uzi 9mm carbine/rifle</u>

(ii) A semiautomatic rifle that has an overall length of less than 30 inches;

(iii) A conversion kit, part, or combination of parts, from which an assault weapon can be assembled or from which a firearm can be converted into an assault weapon if those parts are in the possession or under the control of the same person; or

(iv) A semiautomatic, center fire rifle that has the capacity to accept a detachable magazine and has one or more of the following:

(A) A grip that is independent or detached from the stock that protrudes conspicuously beneath the action of the weapon. The addition of a fin attaching the grip to the stock does not exempt the grip if it otherwise resembles the grip found on a pistol;

(B) Thumbhole stock;

(C) Folding or telescoping stock;

(D) Forward pistol, vertical, angled, or other grip designed for use by the nonfiring hand to improve control;

(E) Flash suppressor, flash guard, flash eliminator, flash hider, sound suppressor, silencer, or any item designed to reduce the visual or audio signature of the firearm;

(F) Muzzle brake, recoil compensator, or any item designed to be affixed to the barrel to reduce recoil or muzzle rise;

(G) Threaded barrel designed to attach a flash suppressor, sound suppressor, muzzle break, or similar item;

(H) Grenade launcher or flare launcher;

or  
(I) A shroud that encircles either all or part of the barrel designed to shield the bearer's hand from heat, except a solid forearm of a stock that covers only the bottom of the barrel;

(v) A semiautomatic, center fire rifle that has a fixed magazine with the capacity to accept more than 10 rounds;

(vi) A semiautomatic pistol that has the capacity to accept a detachable magazine and has one or more of the following:

(A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer;

(B) A second hand grip;

(C) A shroud that encircles either all or part of the barrel designed to shield the bearer's hand from heat, except a solid forearm of a stock that covers only the bottom of the barrel; or

(D) The capacity to accept a detachable magazine at some location outside of the pistol grip;

(vii) A semiautomatic shotgun that has any of the following:

(A) A folding or telescoping stock;

(B) A grip that is independent or detached from the stock that protrudes conspicuously beneath the action of the weapon. The addition of a fin attaching the grip to the stock does not exempt the grip if it otherwise resembles the grip found on a pistol;

(C) A thumbhole stock;

(D) A forward pistol, vertical, angled, or other grip designed for use by the nonfiring hand to improve control;

(E) A fixed magazine in excess of seven rounds; or

(F) A revolving cylinder shotgun.

(b) For the purposes of this subsection, "fixed magazine" means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

(c) "Assault weapon" does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.

(3) "Assemble" means to fit together component parts.

((+3)) (4) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

((+4)) (5) "Bump-fire stock" means a butt stock designed to be attached to a semiautomatic firearm with the effect of increasing the rate of fire achievable with the semiautomatic firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate reciprocating action that facilitates repeated activation of the trigger.

((+5)) (6) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

((+6)) (7) "Curio or relic" has the same meaning as provided in 27 C.F.R. Sec. 478.11.

((+7)) (8) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

((+8)) (9) "Detachable magazine" means an ammunition feeding device that can be loaded or unloaded while detached from a firearm and readily inserted into a firearm.

(10) "Distribute" means to give out, provide, make available, or deliver a firearm or large capacity magazine to any person in this state, with or without consideration, whether the distributor is in-state or out-of-state. "Distribute" includes, but is not limited to, filling orders placed in this state, online or otherwise. "Distribute" also includes causing a firearm or large capacity magazine to be delivered in this state.

((+9)) (11) "Family or household member" has the same meaning as in RCW 7.105.010.

((+10)) (12) "Federal firearms dealer" means a licensed dealer as defined in 18 U.S.C. Sec. 921(a)(11).

((+11)) (13) "Federal firearms importer" means a licensed importer as defined in 18 U.S.C. Sec. 921(a)(9).

((+12)) (14) "Federal firearms manufacturer" means a licensed manufacturer as defined in 18 U.S.C. Sec. 921(a)(10).

((+13)) (15) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

((+14)) (16) "Felony firearm offender" means a person who has previously been convicted or found not guilty by reason of insanity in this state of any felony firearm offense. A person is not a felony firearm offender under this chapter if any and all qualifying offenses have been the subject of an expungement, pardon, annulment, certificate, or rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or a pardon, annulment, or other equivalent procedure based on a finding of innocence.

((+15)) (17) "Felony firearm offense" means:

(a) Any felony offense that is a violation of this chapter;  
(b) A violation of RCW 9A.36.045;  
(c) A violation of RCW 9A.56.300;  
(d) A violation of RCW 9A.56.310;  
(e) Any felony offense if the offender was armed with a firearm in the commission of the offense.

((+16)) (18) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a

powder-actuated tool or other device designed solely to be used for construction purposes.

~~((17))~~ (19) (a) "Frame or receiver" means a part of a firearm that, when the complete firearm is assembled, is visible from the exterior and provides housing or a structure designed to hold or integrate one or more fire control components, even if pins or other attachments are required to connect the fire control components. Any such part identified with a serial number shall be presumed, absent an official determination by the bureau of alcohol, tobacco, firearms, and explosives or other reliable evidence to the contrary, to be a frame or receiver.

(b) For purposes of this subsection, "fire control component" means a component necessary for the firearm to initiate, complete, or continue the firing sequence, including any of the following: Hammer, bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing pin, striker, or slide rails.

~~((18))~~ (20) "Gun" has the same meaning as firearm.

~~((19))~~ (21) "Import" means to move, transport, or receive an item from a place outside the territorial limits of the state of Washington to a place inside the territorial limits of the state of Washington. "Import" does not mean situations where an individual possesses a large capacity magazine or assault weapon when departing from, and returning to, Washington state, so long as the individual is returning to Washington in possession of the same large capacity magazine or assault weapon the individual transported out of state.

~~((20))~~ (21) "Intimate partner" has the same meaning as provided in RCW 7.105.010.

~~((21))~~ (22) "Large capacity magazine" means an ammunition feeding device with the capacity to accept more than 10 rounds of ammunition, or any conversion kit, part, or combination of parts, from which such a device can be assembled if those parts are in possession of or under the control of the same person, but shall not be construed to include any of the following:

(a) An ammunition feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds of ammunition;

(b) A 22 caliber tube ammunition feeding device; or

(c) A tubular magazine that is contained in a lever-action firearm.

~~((22))~~ (24) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

~~((23))~~ (25) "Lawful permanent resident" has the same meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20).

~~((24))~~ (26) "Licensed collector" means a person who is federally licensed under 18 U.S.C. Sec. 923(b).

~~((25))~~ (27) "Licensed dealer" means a person who is federally licensed under 18 U.S.C. Sec. 923(a).

~~((26))~~ (28) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;

(b) Cartridges are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;

(d) There is a cartridge in the tube or magazine that is inserted in the action; or

(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

~~((27))~~ (29) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

~~((28))~~ (30) "Manufacture" means, with respect to a firearm or large capacity magazine, the fabrication, making, formation, production, or construction of a firearm or large capacity magazine, by manual labor or by machinery.

~~((29))~~ (31) "Nonimmigrant alien" means a person defined as such in 8 U.S.C. Sec. 1101(a)(15).

~~((30))~~ (32) "Person" means any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other legal entity.

~~((31))~~ (33) "Pistol" means any firearm with a barrel less than 16 inches in length, or is designed to be held and fired by the use of a single hand.

~~((32))~~ (34) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

~~((33))~~ (35) "Sale" and "sell" mean the actual approval of the delivery of a firearm in consideration of payment or promise of payment.

~~((34))~~ (36) "Secure gun storage" means:

(a) A locked box, gun safe, or other secure locked storage space that is designed to prevent unauthorized use or discharge of a firearm; and

(b) The act of keeping an unloaded firearm stored by such means.

~~((35))~~ (37) "Semiautomatic" means any firearm which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(38) (a) "Semiautomatic assault rifle" means any rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the



next round, and which requires a separate pull of the trigger to fire each cartridge.

(b) "Semiautomatic assault rifle" does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.

~~((36))~~ (39) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;

(b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least 10 years;

(c) Child molestation in the second degree;

(d) Incest when committed against a child under age 14;

(e) Indecent liberties;

(f) Leading organized crime;

(g) Promoting prostitution in the first degree;

(h) Rape in the third degree;

(i) Drive-by shooting;

(j) Sexual exploitation;

(k) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

(n) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense; or

(p) Any felony conviction under RCW 9.41.115.

~~((37))~~ (40) "Short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than 26 inches.

~~((38))~~ (41) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than 26 inches.

~~((39))~~ (42) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single

projectile for each single pull of the trigger.

~~((40))~~ (43) "Transfer" means the intended delivery of a firearm to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans. "Transfer" does not include the delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of that entity's employees or agents, defined to include volunteers participating in an honor guard, for lawful purposes in the ordinary course of business.

~~((41))~~ (44) "Undetectable firearm" means any firearm that is not as detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through metal detectors or magnetometers commonly used at airports or any firearm where the barrel, the slide or cylinder, or the frame or receiver of the firearm would not generate an image that accurately depicts the shape of the part when examined by the types of X-ray machines commonly used at airports.

~~((42))~~ (45) (a) "Unfinished frame or receiver" means a frame or receiver that is partially complete, disassembled, or inoperable, that: (i) Has reached a stage in manufacture where it may readily be completed, assembled, converted, or restored to a functional state; or (ii) is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once finished or completed, including without limitation products marketed or sold to the public as an 80 percent frame or receiver or unfinished frame or receiver.

(b) For purposes of this subsection:

(i) "Readily" means a process that is fairly or reasonably efficient, quick, and easy, but not necessarily the most efficient, speedy, or easy process. Factors relevant in making this determination, with no single one controlling, include the following: (A) Time, i.e., how long it takes to finish the process; (B) ease, i.e., how difficult it is to do so; (C) expertise, i.e., what knowledge and skills are required; (D) equipment, i.e., what tools are required; (E) availability, i.e., whether additional parts are required, and how easily they can be obtained; (F) expense, i.e., how much it costs; (G) scope, i.e., the extent to which the subject of the process must be changed to finish it; and (H) feasibility, i.e., whether the process would damage or destroy the subject of the process, or cause it to malfunction.

(ii) "Partially complete," as it modifies frame or receiver, means a forging, casting, printing, extrusion, machined body, or similar article that has reached a stage in manufacture where it is clearly identifiable as an unfinished component part of a firearm.

~~((43))~~ (46) "Unlicensed person" means any person who is not a licensed dealer under this chapter.

~~((44))~~ (47) "Untraceable firearm" means any firearm manufactured after July 1, 2019, that is not an antique firearm and that cannot be traced by law enforcement by means of a serial number affixed to the firearm by

a federal firearms manufacturer, federal firearms importer, or federal firearms dealer in compliance with all federal laws and regulations.

NEW SECTION. **Sec. 3.** A new section is added to chapter 9.41 RCW to read as follows:

(1) No person in this state may manufacture, import, distribute, sell, or offer for sale any assault weapon, except as authorized in this section.

(2) Subsection (1) of this section does not apply to any of the following:

(a) The manufacture, importation, distribution, offer for sale, or sale of an assault weapon by a licensed firearms manufacturer for the purposes of sale to any branch of the armed forces of the United States or the state of Washington, or to any law enforcement agency for use by that agency or its employees for law enforcement purposes, or to a person who does not reside in this state;

(b) The importation, distribution, offer for sale, or sale of an assault weapon by a dealer that is properly licensed under federal and state law for the purpose of sale to any branch of the armed forces of the United States or the state of Washington, or to a law enforcement agency in this state for use by that agency or its employees for law enforcement purposes;

(c) The distribution, offer for sale, or sale of an assault weapon to or by a dealer that is properly licensed under federal and state law where the dealer acquires the assault weapon from an individual legally authorized to possess or transfer the assault weapon for the purpose of selling or transferring the assault weapon to a person who does not reside in this state. The purpose of this section is to allow individuals who no longer wish to own an assault weapon to sell their assault weapon and is not intended to allow Washington dealers to purchase assault weapons wholesale for the purpose of selling a stock or inventory of assault weapons online or in person to nonresidents;

(d) The out-of-state sale or transfer of the existing stock of assault weapons owned by a licensed dealer that was acquired prior to January 1, 2023, for the limited period of 90 days after the effective date of this section; or

(e) The receipt of an assault weapon by a person who, on or after the effective date of this section, acquires possession of the assault weapon by operation of law upon the death of the former owner who was in legal possession of the assault weapon, provided the person in possession of the assault weapon can establish such provenance. Receipt under this subsection (2)(e) is not "distribution" under this chapter. A person who legally receives an assault weapon under this subsection (2)(e) may not sell or transfer the assault weapon to any other person in this state other than to a licensed dealer, to a federally licensed gunsmith for the purpose of service or repair, or to a law enforcement agency for the purpose of permanently relinquishing the assault weapon.

(3) For the purposes of this section, "law enforcement agency" means any (a) general authority Washington law enforcement agency as defined in RCW 10.93.020; (b) limited authority Washington law enforcement agency as defined in RCW 10.93.020; or (c) equivalent federal, state, or local law enforcement agency in the United States.

(4) A person who violates this section is guilty of a gross misdemeanor.

NEW SECTION. **Sec. 4.** A new section is added to chapter 9.41 RCW to read as follows:

(1) The legislature finds that manufacturing, importing, distributing, selling, or offering for sale any assault weapon in violation of section 3 of this act are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW; are not reasonable in relation to the development and preservation of business; and constitutes an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(2) A violation of section 3 of this act is an unfair or deceptive act or practice or unfair method of competition in the conduct of trade or commerce for purposes of the consumer protection act, chapter 19.86 RCW.

(3) Any person or entity that receives a civil investigative demand issued pursuant to RCW 19.86.110 and that has an objection to answering in whole or in part may avail themselves of the procedural protections afforded in RCW 19.86.110(8). Further, the attorney general shall not share with a law enforcement agency conducting a criminal investigation any materials or information obtained via a response to a civil investigative demand issued pursuant to RCW 19.86.110 unless such information or materials are required to be disclosed pursuant to issuance of a search warrant.

NEW SECTION. **Sec. 5.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 7 of the title, after "inheritors;" strike the remainder of the title and insert "reenacting and amending RCW 9.41.010; adding new sections to chapter 9.41 RCW; creating a new section; prescribing penalties; and declaring an emergency."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

**MOTION**

Representative Hansen moved that the House concur with the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1240.

Representative Hansen spoke in favor of the motion.

Representatives Walsh and Christian spoke against the motion.

Division was demanded on the motion to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1240 and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 57 - YEAS; 40 - NAYS.

#### SENATE AMENDMENT TO HOUSE BILL

The House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1240 and advanced the bill, as amended by the Senate, to final passage.

Representative Peterson spoke in favor of the passage of the bill.

Representatives Walsh, Couture, Sandlin, Graham, Abbarno, Jacobsen, Christian and Dent spoke against the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1240, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1240, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

SUBSTITUTE HOUSE BILL NO. 1240, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Friday, April 14, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853, with the following amendment(s): 1853-S.E AMS ENGR S3307.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** During the regular legislative session of 2022, the legislature passed Engrossed Substitute Senate Bill No. 5974 (chapter 182, Laws of 2022), a significant transportation resources bill intended to provide needed transportation funding throughout the state. However, since the enactment of that act, certain drafting errors and omissions were identified within the act resulting in some provisions being enacted contrary to legislative intent. Additionally, some corrective changes were identified that would better conform certain provisions with original legislative intent. Therefore, it is the intent of the legislature to simply correct manifest drafting errors and omissions and adopt corrective changes in order to conform certain provisions with the original legislative intent of Engrossed Substitute Senate Bill No. 5974 (chapter 182, Laws of 2022). It is not the intent of the legislature to alter the intended substantive policy enacted in Engrossed Substitute Senate Bill No. 5974 (chapter 182, Laws of 2022), but rather to make certain corrective changes.

**Sec. 2.** RCW 46.17.015 and 2022 c 182 s 207 are each amended to read as follows:

(1) A person who applies for a vehicle registration or for any other right to operate a vehicle on the highways of this state shall pay a 25 cent license plate technology fee in addition to any other fees and taxes required by law. The license plate technology fee must be distributed under RCW 46.68.370.

(2) A vehicle registered under RCW 46.16A.455 or 46.17.330 is not subject to the license plate technology fee, except for a vehicle ~~((registered under RCW 46.16A.455(3)))~~ subject to the fee under RCW 46.17.355.

(3) The revenue generated from ~~((the license plate technology fee imposed on vehicles registered under RCW 46.16A.455(3)))~~ subsection (2) of this section must be deposited in the move ahead WA account created in RCW 46.68.510.

**Sec. 3.** RCW 46.17.025 and 2022 c 182 s 208 are each amended to read as follows:

(1) A person who applies for a vehicle registration or for any other right to operate a vehicle on the highways of this state shall pay a 50 cent license service fee in addition to any other fees and taxes required by law. The license service fee must be distributed under RCW 46.68.220.

(2) A vehicle registered under RCW 46.16A.455 or 46.17.330 is not subject to the license service fee, except for a vehicle ~~((registered under RCW 46.16A.455(3)))~~ subject to the fee under RCW 46.17.355.

(3) The revenue generated from ~~((the license service fee imposed on vehicles registered under RCW 46.16A.455(3)))~~ subsection (2) of this section must be deposited in the move ahead WA account created in RCW 46.68.510.

**Sec. 4.** RCW 81.104.170 and 2019 c 273 s 12 are each amended to read as follows:

(1) Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, public transportation benefit areas, high capacity transportation corridor areas, and regional transit authorities may submit an authorizing proposition to the voters and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter, solely for the purpose of providing high capacity transportation service.

(2) The tax authorized pursuant to this section is in addition to the tax authorized by RCW 82.14.030 and must be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district.

(a) Except for the tax imposed under (b) of this subsection by regional transit authorities that include a county with a population of more than ~~((one million five hundred thousand))~~ 1,500,000, the maximum rate of such tax must be approved by the voters and may not exceed one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The maximum rate of such tax that may be imposed may not exceed nine-tenths of one percent in any county that imposes a tax under RCW 82.14.340, or within a regional transit authority if any county within the authority imposes a tax under RCW 82.14.340.

(b) The maximum rate of such tax that may be imposed by a regional transit authority that includes a county with a population of more than ~~((one million five hundred thousand))~~ 1,500,000 must be approved by the voters and may not exceed 1.4 percent. If a regional transit authority imposes the tax authorized under this subsection (2)(b) in excess of 0.9 percent, the authority may not receive any state grant funds provided in an omnibus transportation appropriations act except transit coordination grants created in chapter 11, Laws of 2015 3rd sp. sess. and regional mobility grant program funds. To be eligible to receive regional mobility grant program funds, a regional transit authority must have adopted, at a minimum, a zero-fare policy that allows passengers 18 years of age and younger to ride free of charge on all modes provided by the authority by October 1, 2022.

(3)(a) The exemptions in RCW 82.08.820 and 82.12.820 are for the state portion of the sales and use tax and do not extend to the tax authorized in this section.

(b) The exemptions in RCW 82.08.962 and 82.12.962 are for the state and local sales and use taxes and include the tax authorized by this section.

(c) The exemptions in RCW 82.14.532 are for the local sales and use taxes and include the tax authorized by this section.

**Sec. 5.** RCW 81.104.175 and 2018 c 81 s 1 are each amended to read as follows:

(1) A regional transit authority that includes a county with a population of more than ~~((one million five hundred~~

~~thousand))~~ 1,500,000 may impose a regular property tax levy in an amount not to exceed ~~((twenty-five))~~ 25 cents per ~~((thousand dollars))~~ \$1,000 of the assessed value of property in the regional transit authority district in accordance with the terms of this section.

(2) Any tax imposed under this section must be used for the purpose of providing high capacity transportation service, as set forth in a proposition that is approved by a majority of the registered voters that vote on the proposition.

(3) Property taxes imposed under this section may be imposed for the period of time required to pay the cost to plan, design, construct, operate, and maintain the transit facilities set forth in the approved proposition. Property taxes pledged to repay bonds may be imposed at the pledged amount until the bonds are retired. After the bonds are retired, property taxes authorized under this section must be:

(a) Reduced to the level required to operate and maintain the regional transit authority's transit facilities; or

(b) Terminated, unless the taxes have been extended by public vote.

(4) The limitations in RCW 84.52.043 do not apply to the tax authorized in this section.

(5) The limitation in RCW 84.55.010 does not apply to the first levy imposed under this section.

(6) If a regional transit authority imposes the tax authorized under subsection (1) of this section, the authority may not receive any state grant funds provided in an omnibus transportation appropriations act except transit coordination grants created in chapter 11, Laws of 2015 3rd sp. sess. and regional mobility grant program funds. To be eligible to receive regional mobility grant program funds, a regional transit authority must have adopted, at a minimum, a zero-fare policy that allows passengers 18 years of age and younger to ride free of charge on all modes provided by the authority by October 1, 2022.

(7) Property taxes imposed under this section may not be imposed on less than a whole parcel.

**Sec. 6.** RCW 47.04.380 and 2022 c 182 s 417 are each amended to read as follows:

(1) The legislature finds that many communities across Washington state have not equitably benefited from investments in the active transportation network. The legislature also finds that legacy state transportation facilities designed primarily for vehicle use caused disconnections in safe routes for people who walk, bike, and roll to work and to carry out other daily activities.

(2) To address these investment gaps, and to honor the legacy of community advocacy of Sandy Williams, the Sandy Williams connecting communities program is established within the department. The purpose of the program is to improve active transportation connectivity in communities by:

(a) Providing safe, continuous routes for pedestrians, bicyclists, and other

nonvehicle users carrying out their daily activities;

(b) Mitigating for the health, safety, and access impacts of transportation infrastructure that bisects communities and creates obstacles in the local active transportation network;

(c) Investing in greenways providing protected routes for a wide variety of nonvehicular users; and

(d) Facilitating the planning, development, and implementation of projects and activities that will improve the connectivity and safety of the active transportation network.

(3) The department must select projects to propose to the legislature for funding. In selecting projects, the department must consider, at a minimum, the following criteria:

(a) Access to a transit facility, community facility, commercial center, or community-identified assets;

(b) The use of minority and women-owned businesses and community-based organizations in planning, community engagement, design, and construction of the project;

(c) Whether the project will serve:

(i) Overburdened communities as defined in RCW 70A.02.010 to mean a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020;

(ii) Vulnerable populations as defined in RCW 70A.02.010 to mean population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to adverse socioeconomic factors, such as unemployment, high housing, and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and sensitivity factors, such as low birth weight and higher rates of hospitalization. Vulnerable populations include, but are not limited to: Racial or ethnic minorities, low-income populations, populations disproportionately impacted by environmental harms, and populations of workers experiencing environmental harms;

(iii) Household incomes at or below 200 percent of the federal poverty level; and

(iv) People with disabilities;

(d) Environmental health disparities, such as those indicated by the diesel pollution burden portion of the Washington environmental health disparities map developed by the department of health, or other similar indicators;

(e) Location on or adjacent to tribal lands or locations providing essential services to tribal members;

(f) Crash experience involving pedestrians and bicyclists; and

(g) Identified need by the community, for example in the state active transportation plan or a regional, county, or community plan.

(4) It is the intent of the legislature that the Sandy Williams connecting

communities program comply with the requirements of chapter 314, Laws of 2021.

(5) The department shall submit a report to the transportation committees of the legislature by December 1, 2022, and each December 1st thereafter identifying the selected connecting communities projects for funding by the legislature. The report must also include the status of previously funded projects.

(6) This section expires July 1, 2027.

**Sec. 7.** RCW 47.04.390 and 2022 c 182 s 419 are each amended to read as follows:

(1) The department shall establish a statewide school-based bicycle education grant program. The grant will support two programs: One for elementary and middle school; and one for junior high and high school aged youth to develop the skills and street safety knowledge to be more confident bicyclists for transportation and/or recreation. In development of the grant program, the department is encouraged to consult with the environmental justice council and the office of equity.

(2)(a) For the elementary and middle school program, the department shall contract with a nonprofit organization with relevant reach and experience, including a statewide footprint and demonstrable experience deploying bicycling and road safety education curriculum via a train the trainer model in schools. The selected nonprofit shall identify partner schools that serve target populations, based on the criteria in subsection (3) of this section. Partner schools shall receive from the nonprofit: In-school bike and pedestrian safety education curriculum, materials, equipment guidance and consultation, and physical education teacher trainings. Youth grades three through eight are eligible for the program.

(b) Selected school districts shall receive and maintain a fleet of bicycles for the youth in the program. Youth and families participating in the school-base bicycle education grant program shall have an opportunity to receive a bike, lock, helmet, and lights free of cost.

(3) For the junior high and high school program, the department shall contract with a nonprofit organization with relevant reach and experience, including a statewide footprint; demonstrable experience developing and managing youth-based programming serving youth of color in an after-school and/or community setting; and deploying bicycling and road safety education curriculum via a train the trainer model. The selected nonprofit shall use the equity-based criteria in subsection (4) of this section to identify target populations and partner organizations including, but not limited to, schools, community-based organizations, housing authorities, and parks and recreation departments, that work with the eligible populations of youth ages 14 to 18. Partner organizations shall receive from the nonprofit: Education curriculum, materials, equipment including, but not limited to, bicycles, helmets, locks, and lights, guidance and consultation, and initial instructor/

volunteer training, as well as ongoing support.

(4) In selecting schools and partner organizations for the school-based bicycle education grant program, the department and nonprofit must consider, at a minimum, the following criteria:

(a) Population impacted by poverty, as measured by free and reduced lunch population or 200 percent federal poverty level;

(b) People of color;

(c) People of Hispanic heritage;

(d) People with disabilities;

(e) Environmental health disparities, such as those indicated by the diesel pollution burden portion of the Washington environmental health disparities map developed by the department of health, or other similar indicators;

(f) Location on or adjacent to an Indian reservation;

(g) Geographic location throughout the state;

(h) Crash experience involving pedestrians and bicyclists;

(i) Access to a community facility or commercial center; and

(j) Identified need in the state active transportation plan or a regional, county, or community plan.

(5) The department shall submit a report for both programs to the transportation committees of the legislature by December 1, 2022, and each December 1st thereafter identifying the selected programs and school districts for funding by the legislature. The report must also include the status of previously funded programs.

**Sec. 8.** RCW 46.68.480 and 2022 c 182 s 430 are each amended to read as follows:

The Cooper Jones active transportation safety account is created in the state treasury. All receipts from penalties collected under RCW 46.63.170 shall be deposited into the account. Expenditures from the account may be used only to fund grant projects or programs for bicycle, pedestrian, and nonmotorist safety improvement administered by the Washington traffic safety commission. By December 1, 2024, and every two years thereafter, the commission shall report to the transportation committees of the legislature regarding the activities funded from the account. The account is subject to allotment procedures under chapter 43.88 RCW. Moneys in the account may be spent only after appropriation.

**Sec. 9.** RCW 43.84.092 and 2022 c 182 s 403 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or

allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the

early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state

route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the JUDY transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 10.** RCW 43.84.092 and 2022 c 182 s 404 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the

county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural



Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the JUDY transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's

or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 11.** RCW 47.04.010 and 2015 3rd sp.s. c 10 s 3 are each reenacted and amended to read as follows:

The following words and phrases, wherever used in this title, shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary or unless otherwise defined in the chapter of which they are a part:

(1) "Alley." A highway within the ordinary meaning of alley not designated for general travel and primarily used as a means of access to the rear of residences and business establishments;

(2) "Arterial highway." Every highway, as herein defined, or portion thereof designated as such by proper authority;

(3) "Business district." The territory contiguous to and including a highway, as herein defined, when within any (~~six hundred~~) 600 feet along such highway there are buildings in use for business or industrial purposes (~~(7)~~) including, but not limited to, hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least (~~three hundred~~) 300 feet of frontage on one side or (~~three hundred~~) 300 feet collectively on both sides of the highway;

(4) "Center line." The line, marked or unmarked parallel to and equidistant from the sides of a two-way traffic roadway of a highway except where otherwise indicated by painted lines or markers;

(5) "Center of intersection." The point of intersection of the center lines of the roadways of intersecting highways;

(6) "City street." Every highway as herein defined, or part thereof located within the limits of incorporated cities and towns, except alleys;

(7) "Combination of vehicles." Every combination of motor vehicle and motor vehicle, motor vehicle and trailer, or motor vehicle and semitrailer;

(8) "Commercial vehicle." Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire;

(9) "County road." Every highway as herein defined, or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a state highway, or branch thereof;

(10) "Crosswalk." The portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk;

(11) "Highway." Every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside

and outside the limits of incorporated cities and towns;

(12) "Intersection area." (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

(b) Where a highway includes two roadways (~~(thirty)~~ 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways (~~(thirty)~~ 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection;

(c) The junction of an alley with a street or highway shall not constitute an intersection;

(13) "Intersection control area." The intersection area as herein defined, together with such modification of the adjacent roadway area as results from the arc or curb corners and together with any marked or unmarked crosswalks adjacent to the intersection;

(14) "Laned highway." A highway the roadway of which is divided into clearly marked lanes for vehicular traffic;

(15) "Local authorities." Every county, municipal, or other local public board or body having authority to adopt local police regulations under the Constitution and laws of this state;

(16) "Marked crosswalk." Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof;

(17) "Metal tire." Every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material;

(18) "Motor truck." Any motor vehicle, as herein defined, designed or used for the transportation of commodities, merchandise, produce, freight, or animals;

(19) "Motor vehicle." Every vehicle, as herein defined, which is in itself a self-propelled unit;

(20) "Multiple lane highway." Any highway the roadway of which is of sufficient width to reasonably accommodate two or more separate lanes of vehicular traffic in the same direction, each lane of which shall be not less than the maximum legal vehicle width, and whether or not such lanes are marked;

(21) "Operator." Every person who drives or is in actual physical control of a vehicle as herein defined;

(22) "Peace officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the highways of this state;

(23) "Pedestrian." Any person afoot or who is using a wheelchair, power wheelchair as defined in RCW 46.04.415, or a means of conveyance propelled by human power other than a bicycle;

(24) "Person." Every natural person, firm, copartnership, corporation, association, or organization;

(25) "Personal wireless service." Any federally licensed personal wireless service;

(26) "Personal wireless service facilities." Unstaffed facilities that are used for the transmission or reception, or both, of personal wireless services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures;

(27) "Pneumatic tires." Every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon;

(28) "Private road or driveway." Every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons;

(29) "Railroad." A carrier of persons or property upon vehicles, other than streetcars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns;

(30) "Railroad sign or signal." Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;

(31) "Residence district." The territory contiguous to and including the highway, as herein defined, not comprising a business district, as herein defined, when the property on such highway for a continuous distance of (~~(three hundred)~~ 300 feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business;

(32) "Roadway." The paved, improved, or proper driving portion of a highway designed, or ordinarily used for vehicular travel;

(33) "Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise so as to be plainly discernible;

(34) "Sidewalk." That property between the curb lines or the lateral lines of a roadway, as herein defined, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a highway and dedicated to use by pedestrians;

(35) "Solid tire." Every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon;

(36) "State highway." Every highway as herein defined, or part thereof, which has been designated as a state highway, or branch thereof, by legislative enactment;

(37) "Streetcar." A vehicle other than a train, as herein defined, for the transporting of persons or property and operated upon stationary rails principally within incorporated cities and towns;

(38) "Structurally deficient." A state bridge that is classified as in poor condition under the state bridge condition rating system and is reported by the state

to the national bridge inventory as having a deck, superstructure, or substructure rating of four or below. Structurally deficient bridges are characterized by deteriorated conditions of significant bridge elements and potentially reduced load carrying capacity. Bridges deemed structurally deficient typically require significant maintenance and repair to remain in service, and require major rehabilitation or replacement to address the underlying deficiency;

(39) "Traffic." Pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highways for purposes of travel;

(40) "Traffic control signal." Any traffic device, as herein defined, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled;

(41) "Traffic devices." All signs, signals, markings, and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;

(42) "Train." A vehicle propelled by steam, electricity, or other motive power with or without cars coupled thereto, operated upon stationary rails, except streetcars;

(43) "Vehicle." Every device capable of being moved upon a highway and in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting power wheelchairs, as defined in RCW 46.04.415, or devices moved by human or animal power or used exclusively upon stationary rails or tracks;

(44) "Active transportation" includes forms of pedestrian mobility including walking or running, the use of a mobility assistive device such as a wheelchair, bicycling and cycling irrespective of the number of wheels, and the use of small personal devices such as foot scooters or skateboards. Active transportation includes both traditional and electric-assisted bicycles and other devices. Planning for active transportation must consider and address accommodation pursuant to the Americans with disabilities act and the distinct needs of each form of active transportation;

(45) "Complete streets" means an approach to planning, designing, building, operating, and maintaining streets that enable safe access along and across the street for all people, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities. It incorporates principles of a safe system approach;

(46) "Population center" includes incorporated cities and towns, including their urban growth areas, and census-designated places;

(47) "Safe system approach" means an internationally recognized holistic and proactive approach to road safety intended to systematically reduce fatal and serious injury crash potential; as described by the federal highway administration, the approach

is based on the following elements: Safe roads, safe speeds, safe vehicles, safe road users, and postcrash care. The safe system approach is incorporated through policies and practices of state agencies and local governments with appropriate jurisdiction;

(48) "Shared-use path," also known as a "multiuse path," means a facility designed for active transportation use and physically separated from motorized vehicular traffic within the highway right-of-way or on an exclusive right-of-way with minimal crossflow by motor vehicles. Shared-use paths are primarily used by pedestrians and people using bicycles or micromobility devices, including those who use nonmotorized or motorized wheeled mobility or assistive devices. With appropriate design considerations, equestrians may also be accommodated by a shared-use path facility.

Words and phrases used herein in the past, present, or future tense shall include the past, present, and future tenses; words and phrases used herein in the masculine, feminine, or neuter gender shall include the masculine, feminine, and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary.

**Sec. 12.** RCW 47.66.140 and 2022 c 182 s 422 are each amended to read as follows:

(1) The department shall establish a transit support grant program for the purpose of providing financial support to transit agencies for operating and capital expenses only. Public transit agencies must maintain or increase their local sales tax authority on or after January 1, 2022, and may not delay or suspend the collection of voter-approved sales taxes that were approved on or before January 1, 2022, in order to qualify for the grants.

(a) Grants for transit agencies must be prorated based on the amount expended for operations in the most recently published report of "Summary of Public Transportation" published by the department.

(b) No transit agency may receive more than 35 percent of these distributions.

(c) Fuel type may not be a factor in the grant selection process.

(2) To be eligible to receive a grant, the transit agency must have adopted, at a minimum, a zero-fare policy that allows passengers 18 years of age and younger to ride free of charge on all modes provided by the agency. Transit agencies must submit documentation of a zero-fare policy for 18 years of age and under by October 1, 2022, to be eligible for the 2023-2025 biennium. Transit agencies that submit such fare policy documentation following the October 1, 2022, deadline shall become eligible for the next biennial distribution. To the extent practicable, transit agencies shall align implementation of youth zero-fare policies with equity and environmental justice principles consistent with recommendations from the environmental justice council, and ensure low-barrier accessibility of the program to all youth.

(3) The department shall, for the purposes of the "Summary of Public Transportation" report, require grantees to report the number of trips that were taken under this program.

(4) For the purposes of this section, "transit agency" or "agency" means a city transit system under RCW 35.58.2721 or chapter 35.95A RCW, a county public transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under RCW 36.57.100, or any special purpose district formed to operate a public transportation system.

**Sec. 13.** RCW 43.392.040 and 2022 c 182 s 429 are each amended to read as follows:

(1) Interagency electric vehicle coordinating council responsibilities include, but are not limited to:

(a) Development of a statewide transportation electrification strategy to ensure market and infrastructure readiness for all new vehicle sales;

(b) Identification of all electric vehicle infrastructure grant-related funding to include existing and future opportunities, including state, federal, and other funds, and also nongrant-related funding, including revenues generated by an electric utility from credits under the clean fuels program for transportation electrification programs or projects pursuant to RCW 70A.535.080(2);

(c) Coordination of grant funding criteria across agency grant programs to most efficiently distribute state and federal electric vehicle-related funding in a manner that is most beneficial to the state, advances best practices, and recommends additional criteria that could be useful in advancing transportation electrification;

(d) Development of a robust public and private outreach plan that includes engaging with:

(i) Community organizers and the environmental justice council to develop community-driven programs to address zero emissions transportation needs and priorities in overburdened communities; and

(ii) Local governments to explore procurement opportunities and work with local government and community programs to support electrification;

(e) Creation of an industry electric vehicle advisory committee; and

(f) Ensuring the statewide transportation electrification strategy, grant distribution, programs, and activities associated with advancing transportation electrification benefit vulnerable and overburdened communities.

(2) The council shall provide an annual report to the appropriate committees of the legislature summarizing electric vehicle implementation progress, gaps, and resource needs.

**NEW SECTION. Sec. 14.** A new section is added to chapter 70A.535 RCW to read as follows:

The clean fuels transportation investment account is created in the state treasury. All receipts to the state from clean fuel credits generated from transportation investments, including those listed under RCW 70A.535.050(3), must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used by the department of transportation for transportation purposes, including activities and projects that reduce greenhouse gas emissions and decarbonize the transportation sector.

**NEW SECTION. Sec. 15.** Sections 4 and 5 of this act are remedial in nature and apply retroactively to July 1, 2022.

**NEW SECTION. Sec. 16.** RCW 47.24.060 is recodified as a section in chapter 47.04 RCW.

**NEW SECTION. Sec. 17.** Section 9 of this act expires July 1, 2024.

**NEW SECTION. Sec. 18.** Section 10 of this act takes effect July 1, 2024.

**NEW SECTION. Sec. 19.** Sections 2 and 3 of this act take effect October 1, 2023."

On page 1, line 3 of the title, after "resources);" strike the remainder of the title and insert "amending RCW 46.17.015, 46.17.025, 81.104.170, 81.104.175, 47.04.380, 47.04.390, 46.68.480, 43.84.092, 43.84.092, 47.66.140, and 43.392.040; reenacting and amending RCW 47.04.010; adding a new section to chapter 70A.535 RCW; adding a new section to chapter 47.04 RCW; creating new sections; recodifying RCW 47.24.060; providing effective dates; and providing an expiration date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853 and asked the Senate to recede therefrom.

With the consent of the House, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853 was immediately transmitted to the Senate.

#### THIRD READING

#### MESSAGE FROM THE SENATE

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1436, with the following amendment(s): 1436-S.E AMS WELL S3219.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28A.155 RCW to read as follows:

(1) The superintendent of public instruction shall annually review data from local education agencies, including the percentage of students receiving special education services, to ensure there is not a disproportionate identification of students, as defined by the superintendent of public instruction in accordance with federal requirements of the individuals with disabilities education act, 20 U.S.C. Sec. 1400.

(2) The office of the superintendent of public instruction shall provide technical assistance to school districts experiencing issues related to disproportionality and will make available professional development opportunities statewide to support local education agencies, schools, and community partners in promoting inclusionary teaching practices within a multitiered system of supports framework to help safeguard against over-identification and other issues related to disproportionality.

**NEW SECTION. Sec. 2.** (1) The joint legislative audit and review committee and the state auditor must collaborate to conduct a performance audit of the state's system of providing special education services to students with disabilities. The joint legislative audit and review committee and the state auditor may divide responsibility for the work and reporting required in this section as appropriate, and contract with qualified third-party researchers or higher education institutions to perform any aspect of the report and audit. The report and audit must address:

(a) The prevalence of disabilities and whether the provisions and funding for evaluating students and providing services reflects the prevalence of disabilities, including whether any populations are disparately underevaluated or underserved;

(b) The degree to which changes in funding formulas intended to encourage increased inclusion are successful and whether the state and school districts are utilizing best practices to improve inclusion;

(c) Whether the changes in evaluation timelines or increases in the funded enrollment limit have resulted in funding for students who do not have disabilities or in excess of districts' costs to serve students with disabilities;

(d) Whether districts are appropriately accounting for and reporting use of basic education allocations for students with disabilities, including if statutory expectations for use of funds are being met;

(e) The amount of funding from levies or other local sources that school districts continue to utilize under current accounting methodologies in order to meet obligations to provide free and appropriate public education to students with disabilities, the degree to which funding shortfalls will continue following planned increases in

multipliers, proposed changes to accounting methodologies, and the elimination of a cap on the percent of students for whom the state provides funding; and, options for additional changes to funding formulas to eliminate shortfalls in state funding for special education; and

(f) How the state may improve recruitment and retention of certificated educators, instructional aides, or paraeducators and professionals serving students with disabilities.

(2) To develop the appropriate scope, define study questions, and select one or more contractors to complete the performance audit and report, the joint legislative audit and review committee and state auditor shall consult with the office of the superintendent of public instruction, the office of the education ombuds, organizations representing and serving students with disabilities, the Washington state special education advisory council, and labor organizations representing educators providing educational services to students with disabilities in developing study questions and choosing appropriate contractors. To address the study questions, the joint legislative audit and review committee and the state auditor may conduct the audit at a sample of school districts as needed.

(3) The performance audit required by this section must include charter schools to the same extent as school districts.

(4) Upon request, the office of financial management and any state or local agency must provide the joint legislative audit and review committee and the state auditor with education records necessary to conduct the performance audit required under this section. The joint legislative audit and review committee and the state auditor shall be considered authorized representatives of relevant state education authorities, including the superintendent of public instruction and the department of children, youth, and families, for the purpose of accessing records for this evaluation. The office of financial management and any state or local agency must provide records within four months from the date of an initial request. The office of financial management or agencies contributing data to the education research and data center must notify the joint legislative audit and review committee and the state auditor's office in writing if they determine a request does not comply with the federal educational rights and privacy act, no later than 21 days after the initial request.

(5) Prior to the 2024 legislative session, the joint legislative audit and review committee and the state auditor must identify a lead agency for each element of the report and audit defined in subsection (1)(a) through (f) of this section and any aspects of the study that are being conducted by contractors. These designations must be provided to the governor and the committees of the legislature with jurisdiction over fiscal matters and special education by December 31, 2023.

(6) The joint legislative audit and review committee and the state auditor must, in accordance with RCW 43.01.036, report the

study's findings and recommendations to the governor and the committees of the legislature with jurisdiction over fiscal matters and special education by November 30, 2024.

(7) This section expires August 1, 2025.

**Sec. 3.** RCW 28A.150.390 and 2020 c 90 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW 28A.150.260 (4) (a), (5), (6), and (8) and 28A.150.415.

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages three and four and those five year olds not yet enrolled in kindergarten who are eligible for and receiving special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by ~~((1-15))~~ 1.2;

(b)(i) Subject to the limitation in (b)(ii) of this subsection (2), a district's annual average enrollment of resident students who are eligible for and receiving special education, excluding students ages three and four and those five year olds not yet enrolled in kindergarten, multiplied by the district's base allocation per full-time equivalent student, multiplied by the special education cost multiplier rate of:

(A) ~~((In the 2019-20 school year, 0.995 for students eligible for and receiving special education.~~

~~(B))~~ Beginning in the 2020-21 school year, either:

(I) 1.0075 for students eligible for and receiving special education and reported to be in the general education setting for ~~((eighty))~~ 80 percent or more of the school day; or

(II) 0.995 for students eligible for and receiving special education and reported to be in the general education setting for less than ~~((eighty))~~ 80 percent of the school day;

(B) Beginning in the 2023-24 school year, either:

(I) 1.12 for students eligible for and receiving special education and reported to be in the general education setting for 80 percent or more of the school day; or

(II) 1.06 for students eligible for and receiving special education and reported to be in the general education setting for less than 80 percent of the school day.

(ii) If the enrollment percent exceeds ~~((thirteen and five-tenths))~~ 15 percent, the excess cost allocation calculated under (b)(i) of this subsection must be adjusted by multiplying the allocation by ~~((thirteen and five-tenths))~~ 15 percent divided by the enrollment percent.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 (4)(a), (5), (6), and (8) and the allocation under RCW 28A.150.415, to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident annual average enrollment of students who are eligible for and receiving special education, excluding students ages three and four and those five year olds not yet enrolled in kindergarten and students enrolled in institutional education programs, as a percent of the district's annual average full-time equivalent basic education enrollment.

**Sec. 4.** RCW 28A.150.392 and 2019 c 387 s 2 are each amended to read as follows:

(1)(a) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A.150.390.

(b) If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need.

(2) Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall award additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas.

(b) In the determination of need, the committee shall consider additional available revenues from federal sources.

(c) Differences in program costs attributable to district philosophy ~~((service delivery choice))~~ or accounting practices are not a legitimate basis for safety net awards.

(d) In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state revenues related to services for students eligible for special education and all federal revenues from federal impact aid, medicaid, and the individuals with disabilities education act-Part B and appropriate special projects. Awards associated with (e) and (f) of this subsection shall not exceed the total of a district's specific determination of need.

(e) The committee shall then consider the extraordinary high cost needs of one or more individual students eligible for and receiving special education. Differences in

costs attributable to district philosophy(~~service delivery choice,~~) or accounting practices are not a legitimate basis for safety net awards.

(f) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services, which may include consideration of proximity to group homes, military bases, and regional hospitals. Safety net awards under this subsection (2) (f) shall be adjusted to reflect amounts awarded under (e) of this subsection.

(g) The committee shall then consider the extraordinary high cost needs of one or more individual students eligible for and receiving special education served in residential schools (~~as defined in RCW 28A-190-020~~), programs for juveniles under the department of corrections, and programs for juveniles operated by city and county jails to the extent they are providing a secondary program of education.

(h) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(i) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter 318, Laws of 1999.

(j) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(3) The superintendent of public instruction shall adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. By December 1, 2018, the superintendent shall review and revise the rules to achieve full and complete implementation of the requirements of this subsection and subsection (4) of this section including revisions to rules that provide additional flexibility to access community impact awards. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school districts in preparing and submitting special education safety net applications.

(4) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management

and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(5) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(6) (a) Beginning in the 2019-20 school year, a high-need student is eligible for safety net awards from state funding under subsection (2)(e) and (g) of this section if the student's individualized education program costs exceed two and three-tenths times the average per-pupil expenditure as defined in Title 20 U.S.C. Sec. 7801, the every student succeeds act of 2015.

(b) Beginning in the 2023-24 school year, a high-need student is eligible for safety net awards from state funding under subsection (2)(e) and (g) of this section if the student's individualized education program costs exceed:

(i) 2 times the average per-pupil expenditure, for school districts with fewer than 1,000 full-time equivalent students;

(ii) 2.2 times the average per-pupil expenditure, for school districts with 1,000 or more full-time equivalent students.

(c) For purposes of (b) of this subsection, "average per-pupil expenditure" has the same meaning as in 20 U.S.C. Sec. 7801, the every student succeeds act of 2015, and excludes safety net funding provided in this section.

**Sec. 5.** RCW 43.06B.010 and 2013 c 23 s 82 are each amended to read as follows:

(1) There is hereby created the office of the education ombuds within the office of the governor for the purposes of providing information to parents, students, and others regarding their rights and responsibilities with respect to the state's public elementary and secondary education system, and advocating on behalf of elementary and secondary students.

(2) (a) The governor shall appoint an ombuds who shall be a person of recognized judgment, independence, objectivity, and integrity and shall be qualified by training or experience or both in the following areas:

(i) Public education law and policy in this state;

(ii) Dispute resolution or problem resolution techniques, including mediation and negotiation; and

(iii) Community outreach.

(b) The education ombuds may not be an employee of any school district, the office of the superintendent of public instruction, or the state board of education while serving as an education ombuds.

(3) Before the appointment of the education ombuds, the governor shall share

information regarding the appointment to a six-person legislative committee appointed and comprised as follows:

(a) The committee shall consist of three senators and three members of the house of representatives from the legislature.

(b) The senate members of the committee shall be appointed by the president of the senate. Two members shall represent the majority caucus and one member the minority caucus.

(c) The house of representatives members of the committee shall be appointed by the speaker of the house of representatives. Two members shall represent the majority caucus and one member the minority caucus.

(4) If sufficient appropriations are provided, the education ombuds shall delegate and certify regional education ombuds. The education ombuds shall ensure that the regional ombuds selected are appropriate to the community in which they serve and hold the same qualifications as in subsection (2)(a) of this section. The education ombuds may not contract with the superintendent of public instruction, or any school, school district, or current employee of a school, school district, or the office of the superintendent of public instruction for the provision of regional ombuds services.

(5)(a) Subject to amounts appropriated for this specific purpose, the education ombuds shall delegate and certify at least one special education ombuds to serve each educational service district region. The education ombuds shall ensure that the special education ombuds selected are appropriate to the community in which they serve and hold the same qualifications as in subsection (2)(a) of this section. The education ombuds may not contract with the superintendent of public instruction, or any school, school district, educational service district, or current employee of a school, school district, educational service district, or the office of the superintendent of public instruction for the provision of special education ombuds services.

(b) Special education ombuds must serve as a resource for students eligible for special education services and their parents, including:

(i) Advocating on behalf of the student for a free and appropriate public education from the public school system that emphasizes special education and related services that are:

(A) Provided in the least restrictive environment;

(B) Designed to meet the student's unique needs;

(C) Appropriately ambitious and reasonably calculated to enable a student to make progress in light of the student's circumstances; and

(D) Addressing the student's further education, employment, and independent living goals.

(ii) Assisting students and parents with individualized education program development, including:

(A) Preparing for a meeting to develop or update a student's individualized education program;

(B) Attending individualized education program meetings to help present the parents' concerns, negotiate components that meet the parents' goals and requests, or otherwise assist the parent in understanding and navigating the individualized education program process; and

(C) Attending an individualized education program meeting to assist in writing an appropriate program when a parent opts out or otherwise cannot attend.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.150 RCW to read as follows:

(1) It is the policy of the state that for purposes of state funding allocations, students eligible for and receiving special education generate the full basic education allocation under RCW 28A.150.260 and, as a class, are to receive the benefits of this allocation for the entire school day, as defined in RCW 28A.150.203, whether the student is placed in the general education setting or another setting.

(2) The superintendent of public instruction shall develop an allocation and cost accounting methodology that ensures state general apportionment funding for students who receive their basic education services primarily in an alternative classroom or setting are prorated and allocated to the special education program and accounted for before calculating special education excess costs. Nothing in this section requires districts to provide services in a manner inconsistent with the students individualized education program or other than in the least restrictive environment as determined by the individualized education program team.

(3) The superintendent of public instruction shall provide the legislature with an accounting of prorated general apportionment allocations provided to special education programs broken down by school district by January 1, 2024, and then every January 1st of odd-numbered years thereafter."

On page 1, line 1 of the title, after "funding;" strike the remainder of the title and insert "amending RCW 28A.150.390, 28A.150.392, and 43.06B.010; adding a new section to chapter 28A.155 RCW; adding a new section to chapter 28A.150 RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

### MOTION

Representative Stokesbary moved that the House concur with the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1436.

Representatives Stokesbary, Walsh and Couture spoke in favor of the motion.

Representative Bergquist spoke against the motion.

Division was demanded on the motion to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL



NO. 1436 and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 46 - YEAS; 51 - NAYS.

#### SENATE AMENDMENT TO HOUSE BILL

The House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1436 and asked the Senate to recede therefrom.

With the consent of the House, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1436 was immediately transmitted to the Senate.

There being no objection, the House reverted to the fifth order of business.

#### REPORTS OF STANDING COMMITTEES

April 19, 2023

E2SSB 5258 Prime Sponsor, Ways & Means: Increasing the supply and affordability of condominium units and townhouses as an option for homeownership. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 64.35.105 and 2004 c 201 s 101 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affiliate" has the meaning in RCW ((64.34.020)) 64.90.010.

(2) "Association" has the meaning in RCW ((64.34.020)) 64.90.010.

(3) "Building envelope" means the assemblies, components, and materials of a building that are intended to separate and protect the interior space of the building from the adverse effects of exterior climatic conditions.

(4) "Common element" has the meaning in RCW ((64.34.020)) 64.90.010.

(5) "Condominium" has the meaning in RCW ((64.34.020)) 64.90.010.

(6) "Construction professional" has the meaning in RCW 64.50.010.

(7) "Conversion condominium" has the meaning in RCW ((64.34.020)) 64.90.010.

(8) "Declarant" has the meaning in RCW ((64.34.020)) 64.90.010.

(9) "Declarant control" has the meaning in RCW ((64.34.020)) 64.90.010.

(10) "Defect" means any aspect of a condominium unit or common element which constitutes a breach of the implied warranties set forth in RCW 64.34.445 or 64.90.670.

(11) "Limited common element" has the meaning in RCW ((64.34.020)) 64.90.010.

(12) "Material" means substantive, not simply formal; significant to a reasonable person; not trivial or insignificant. When used with respect to a particular construction defect, "material" does not require that the construction defect render the unit or common element unfit for its intended purpose or uninhabitable.

(13) "Mediation" means a collaborative process in which two or more parties meet and attempt, with the assistance of a mediator, to resolve issues in dispute between them.

(14) "Mediation session" means a meeting between two or more parties to a dispute during which they are engaged in mediation.

(15) "Mediator" means a neutral and impartial facilitator with no decision-making power who assists parties in negotiating a mutually acceptable settlement of issues in dispute between them.

(16) "Person" has the meaning in RCW ((64.34.020)) 64.90.010.

(17) "Public offering statement" has the meaning in ((RCW 64.34.410)) chapter 64.90 RCW.

(18) "Qualified insurer" means an entity that holds a certificate of authority under RCW 48.05.030, or an eligible insurer under chapter 48.15 RCW.

(19) "Qualified warranty" means an insurance policy issued by a qualified insurer that complies with the requirements of this chapter. A qualified warranty includes coverage for repair of physical damage caused by the defects covered by the qualified warranty, except to the extent of any exclusions and limitations under this chapter.

(20) "Resale certificate" means the statement to be delivered by the association under ((RCW 64.34.425)) chapter 64.90 RCW.

(21) "Transition date" means the date on which the declarant is required to deliver to the association the property of the association under RCW ((64.34.312)) 64.90.420.

(22) "Unit" has the meaning in RCW ((64.34.020)) 64.90.010.

(23) "Unit owner" has the meaning in RCW ((64.34.020)) 64.90.010.

"Sec. 2. RCW 64.38.010 and 2021 c 227 s 9 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Assessment" means all sums chargeable to an owner by an association in accordance with RCW 64.38.020.

(2) "Baseline funding plan" means establishing a reserve funding goal of maintaining a reserve account balance above ((zero dollars)) \$0 throughout the ((thirty-year)) 30-year study period described under RCW 64.38.065.

(3) "Board of directors" or "board" means the body, regardless of name, with primary authority to manage the affairs of the association.

(4) "Common areas" means property owned, or otherwise maintained, repaired or administered by the association.

(5) "Common expense" means the costs incurred by the association to exercise any of the powers provided for in this chapter.

(6) "Contribution rate" means, in a reserve study as described in RCW 64.38.065, the amount contributed to the reserve account so that the association will have cash reserves to pay major maintenance, repair, or replacement costs without the need of a special assessment.

(7) "Effective age" means the difference between the estimated useful life and remaining useful life.

(8) "Electronic transmission" or "electronically transmitted" means any electronic communication not directly involving the physical transfer of a writing in a tangible medium, but that may be retained, retrieved, and reviewed by the sender and the recipient of the communication, and that may be directly reproduced in a tangible medium by a sender and recipient.

(9) "Full funding plan" means setting a reserve funding goal of achieving one hundred percent fully funded reserves by the end of the ~~((thirty-year))~~ 30-year study period described under RCW 64.38.065, in which the reserve account balance equals the sum of the deteriorated portion of all reserve components.

(10) "Fully funded balance" means the current value of the deteriorated portion, not the total replacement value, of all the reserve components. The fully funded balance for each reserve component is calculated by multiplying the current replacement cost of the reserve component by its effective age, then dividing the result by the reserve component's useful life. The sum total of all reserve components' fully funded balances is the association's fully funded balance.

(11) "Governing documents" means the articles of incorporation, bylaws, plat, declaration of covenants, conditions, and restrictions, rules and regulations of the association, or other written instrument by which the association has the authority to exercise any of the powers provided for in this chapter or to manage, maintain, or otherwise affect the property under its jurisdiction.

(12) "Homeowners' association" or "association" means a corporation, unincorporated association, or other legal entity, each member of which is an owner of residential real property located within the association's jurisdiction, as described in the governing documents, and by virtue of membership or ownership of property is obligated to pay real property taxes, insurance premiums, maintenance costs, or for improvement of real property other than that which is owned by the member. "Homeowners' association" does not mean an association created under chapter 64.32 ~~((or))~~, 64.34, or 64.90 RCW.

(13) "Lot" means a physical portion of the real property located within an association's jurisdiction designated for separate ownership.

(14) "Owner" means the owner of a lot, but does not include a person who has an interest in a lot solely as security for an obligation. "Owner" also means the vendee, not the vendor, of a lot under a real estate contract.

(15) "Remaining useful life" means the estimated time, in years, before a reserve component will require major maintenance, repair, or replacement to perform its intended function.

(16) "Replacement cost" means the current cost of replacing, repairing, or restoring a

reserve component to its original functional condition.

(17) "Reserve component" means a common element whose cost of maintenance, repair, or replacement is infrequent, significant, and impractical to include in an annual budget.

(18) "Reserve study professional" means an independent person who is suitably qualified by knowledge, skill, experience, training, or education to prepare a reserve study in accordance with RCW 64.38.065 and 64.38.070.

(19) "Residential real property" means any real property, the use of which is limited by law, covenant or otherwise to primarily residential or recreational purposes.

(20) "Significant assets" means that the current replacement value of the major reserve components is ~~((seventy-five))~~ 75 percent or more of the gross budget of the association, excluding the association's reserve account funds.

(21) "Tangible medium" means a writing, copy of a writing, facsimile, or a physical reproduction, each on paper or on other tangible material.

(22) "Useful life" means the estimated time, between years, that major maintenance, repair, or replacement is estimated to occur.

**Sec. 3.** RCW 64.50.010 and 2020 c 18 s 23 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Action" means any civil lawsuit or action in contract or tort for damages or indemnity brought against a construction professional to assert a claim, whether by complaint, counterclaim, or cross-claim, for damage or the loss of use of real or personal property caused by a defect in the construction of a residence or in the substantial remodel of a residence. "Action" does not include any civil action in tort alleging personal injury or wrongful death to a person or persons resulting from a construction defect.

(2) "Association" means an association, master association, or subassociation as defined and provided for in RCW 64.34.020(4), 64.34.276, 64.34.278, ~~((and))~~ 64.38.010 ~~((-11))~~ (12), and 64.90.010(4).

(3) "Claimant" means a homeowner or association who asserts a claim against a construction professional concerning a defect in the construction of a residence or in the substantial remodel of a residence.

(4) "Construction defect professional" means an architect, builder, builder vendor, contractor, subcontractor, engineer, inspector, or such other person with verifiable training and experience related to the defects or conditions identified in any report included with a notice of claim as set forth in RCW 64.50.020(1)(a).

(5) "Construction professional" means an architect, builder, builder vendor, contractor, subcontractor, engineer, or inspector, including, but not limited to, a dealer as defined in RCW 64.34.020 and a declarant as defined in RCW 64.34.020,

performing or furnishing the design, supervision, inspection, construction, or observation of the construction of any improvement to real property, whether operating as a sole proprietor, partnership, corporation, or other business entity.

~~((5))~~ (6) "Homeowner" means: (a) Any person, company, firm, partnership, corporation, or association who contracts with a construction professional for the construction, sale, or construction and sale of a residence; and (b) an "association" as defined in this section. "Homeowner" includes, but is not limited to, a subsequent purchaser of a residence from any homeowner.

~~((6))~~ (7) "Residence" means a single-family house, duplex, triplex, quadraplex, or a unit in a multiunit residential structure in which title to each individual unit is transferred to the owner under a condominium or cooperative system, and shall include common elements as defined in RCW 64.34.020 and common areas as defined in RCW 64.38.010(4).

~~((7))~~ (8) "Serve" or "service" means personal service or delivery by certified mail to the last known address of the addressee.

~~((8))~~ (9) "Substantial remodel" means a remodel of a residence, for which the total cost exceeds one-half of the assessed value of the residence for property tax purposes at the time the contract for the remodel work was made.

**Sec. 4.** RCW 64.50.020 and 2002 c 323 s 3 are each amended to read as follows:

(1) In every construction defect action brought against a construction professional, the claimant shall, no later than ~~((forty-five))~~ 45 days before filing an action, serve written notice of claim on the construction professional.

(a) The notice of claim shall state that the claimant asserts a construction defect claim against the construction professional and shall describe the claim in reasonable detail sufficient to determine the general nature of the defect.

(b) If the claimant is a condominium association created after the effective date of this section, the written notice of claim shall include a written report from a construction defect professional. In addition to describing the claim in reasonable detail sufficient to determine the general nature of the defect the written report shall state the construction defect professional's qualifications, the manner and type of inspection upon which the report was based, and the general location of the defect.

(2) Within ~~((twenty-one))~~ 14 days after service of the notice of claim, the construction professional may serve a written response demanding a meeting with the claimant and its expert, including the construction defect professional who authored the report required in subsection (1)(b) of this section to confer regarding the report and its contents. The meeting shall take place within 14 days of service of the construction professional's demand or

at such later date as mutually agreed to by the parties.

(3) Within 14 days after the meeting referenced in subsection (2) of this section or, in the absence of a demand for such meeting, within 21 days after service of the notice of claim, whichever is later, the construction professional shall serve a written response on the claimant by registered mail or personal service. The written response shall:

(a) Propose to inspect the residence that is the subject of the claim and to complete the inspection within a specified time frame. The proposal shall include the statement that the construction professional shall, based on the inspection, offer to remedy the defect, compromise by payment, or dispute the claim;

(b) Offer to compromise and settle the claim by monetary payment without inspection. A construction professional's offer under this subsection ~~((2))~~ (3)(b) to compromise and settle a homeowner's claim may include, but is not limited to, an express offer to purchase the claimant's residence that is the subject of the claim, and to pay the claimant's reasonable relocation costs; or

(c) State that the construction professional disputes the claim and will neither remedy the construction defect nor compromise and settle the claim.

~~((3))~~ (4) (a) If the construction professional disputes the claim or does not respond to the claimant's notice of claim within the time stated in subsection ~~((2))~~ (3) of this section, the claimant may bring an action against the construction professional for the claim described in the notice of claim without further notice.

(b) If the claimant rejects the inspection proposal or the settlement offer made by the construction professional pursuant to subsection ~~((2))~~ (3) of this section, the claimant shall serve written notice of the claimant's rejection on the construction professional. After service of the rejection, the claimant may bring an action against the construction professional for the construction defect claim described in the notice of claim. If the construction professional has not received from the claimant, within ~~((thirty))~~ 30 days after the claimant's receipt of the construction professional's response, either an acceptance or rejection of the inspection proposal or settlement offer, then at anytime thereafter the construction professional may terminate the proposal or offer by serving written notice to the claimant, and the claimant may thereafter bring an action against the construction professional for the construction defect claim described in the notice of claim.

~~((4))~~ (5) (a) If the claimant elects to allow the construction professional to inspect in accordance with the construction professional's proposal pursuant to subsection ~~((2))~~ (3)(a) of this section, the claimant shall provide the construction professional and its contractors or other agents reasonable access to the claimant's residence during normal working hours to inspect the premises and the claimed defect.

(b) Within ~~((fourteen))~~ 14 days following completion of the inspection, the construction professional shall serve on the claimant:

(i) A written offer to remedy the construction defect at no cost to the claimant, including a report of the scope of the inspection, the findings and results of the inspection, a description of the additional construction necessary to remedy the defect described in the claim, and a timetable for the completion of such construction;

(ii) A written offer to compromise and settle the claim by monetary payment pursuant to subsection ~~((+2))~~ (3)(b) of this section; or

(iii) A written statement that the construction professional will not proceed further to remedy the defect.

(c) If the construction professional does not proceed further to remedy the construction defect within the agreed timetable, or if the construction professional fails to comply with the provisions of (b) of this subsection, the claimant may bring an action against the construction professional for the claim described in the notice of claim without further notice.

(d) If the claimant rejects the offer made by the construction professional pursuant to (b)(i) or (ii) of this subsection to either remedy the construction defect or to compromise and settle the claim by monetary payment, the claimant shall serve written notice of the claimant's rejection on the construction professional. After service of the rejection notice, the claimant may bring an action against the construction professional for the construction defect claim described in the notice of claim. If the construction professional has not received from the claimant, within ~~((thirty))~~ 30 days after the claimant's receipt of the construction professional's response, either an acceptance or rejection of the offer made pursuant to (b)(i) or (ii) of this subsection, then at anytime thereafter the construction professional may terminate the offer by serving written notice to the claimant.

~~((+5))~~ (6)(a) Any claimant accepting the offer of a construction professional to remedy the construction defect pursuant to subsection ~~((+4))~~ (5)(b)(i) of this section shall do so by serving the construction professional with a written notice of acceptance within a reasonable time period after receipt of the offer, and no later than ~~((thirty))~~ 30 days after receipt of the offer. The claimant shall provide the construction professional and its contractors or other agents reasonable access to the claimant's residence during normal working hours to perform and complete the construction by the timetable stated in the offer.

(b) The claimant and construction professional may, by written mutual agreement, alter the extent of construction or the timetable for completion of construction stated in the offer, including, but not limited to, repair of additional defects.

~~((+6))~~ (7) Any action commenced by a claimant prior to compliance with the requirements of this section shall be subject to dismissal without prejudice, and may not be recommenced until the claimant has complied with the requirements of this section.

~~((+7))~~ (8) Nothing in this section may be construed to prevent a claimant from commencing an action on the construction defect claim described in the notice of claim if the construction professional fails to perform the construction agreed upon, fails to remedy the defect, or fails to perform by the timetable agreed upon pursuant to subsection ~~((+2))~~ (3)(a) or ~~((+5))~~ (6) of this section.

~~((+8))~~ (9) Prior to commencing any action alleging a construction defect, or after the dismissal of any action without prejudice pursuant to subsection ~~((+6))~~ (7) of this section, the claimant may amend the notice of claim to include construction defects discovered after the service of the original notice of claim, and must otherwise comply with the requirements of this section for the additional claims. The service of an amended notice of claim shall relate back to the original notice of claim for purposes of tolling statutes of limitations and repose. Claims for defects discovered after the commencement or recommencement of an action may be added to such action only after providing notice to the construction professional of the defect and allowing for response under subsection ~~((+2))~~ (3) of this section.

(10) If the claimant is an association, and notwithstanding any contrary provisions in the association's governing documents, the association's board of director's ability to incur expenses to prepare and serve a notice of claim and any related reports and otherwise comply with the requirements of this chapter shall not be restricted.

**Sec. 5.** RCW 64.50.040 and 2002 c 323 s 5 are each amended to read as follows:

(1)(a) In the event the board of directors, pursuant to RCW 64.34.304(1)(d) or 64.38.020(4), institutes an action asserting defects in the construction of two or more residences, common elements, or common areas, this section shall apply. For purposes of this section, "action" has the same meaning as set forth in RCW 64.50.010.

(b) The board of directors shall substantially comply with the provisions of this section.

(2)(a) Prior to the service of the summons and complaint on any defendant with respect to an action governed by this section, the board of directors shall mail or deliver written notice of the commencement or anticipated commencement of such action to each homeowner at the last known address described in the association's records.

(b) The notice required by (a) of this subsection shall state a general description of the following:

(i) The nature of the action and the relief sought; ~~((and))~~

(ii) To the extent applicable, the existence of the report required in RCW 64.50.020(1)(a), which shall be made available to each homeowner upon request;

(iii) A summary of the construction professional's response pursuant to RCW 64.50.020(3), if any; and

(iv) The expenses and fees that the board of directors anticipates will be incurred in prosecuting the action.

(3) Nothing in this section may be construed to:

(a) Require the disclosure in the notice or the disclosure to a unit owner of attorney-client communications or other privileged communications;

(b) Permit the notice to serve as a basis for any person to assert the waiver of any applicable privilege or right of confidentiality resulting from, or to claim immunity in connection with, the disclosure of information in the notice; or

(c) Limit or impair the authority of the board of directors to contract for legal services, or limit or impair the ability to enforce such a contract for legal services.

**Sec. 6.** RCW 64.90.250 and 2018 c 277 s 211 are each amended to read as follows:

(1) To exercise any development right reserved under RCW 64.90.225(1)(~~(h)~~) (g), the declarant must prepare, execute, and record any amendments to the declaration and map in accordance with the requirements of RCW 64.90.245 and 64.90.285(3). The declarant is the unit owner of any units created. The amendment to the declaration must assign an identifying number to each new unit created and, except in the case of subdivision, combination, or conversion of units described in subsection (3) of this section, reallocate the allocated interests among all units. The amendment must describe any common elements and any limited common elements created and, in the case of limited common elements, designate the unit to which each is allocated to the extent required under RCW 64.90.240. The amendments are effective upon recording.

(2) Development rights may be reserved within any real estate added to the common interest community if the amendment to the declaration adding that real estate includes all matters required under RCW 64.90.225 and 64.90.230 and the amendment to the map includes all matters required under RCW 64.90.245. This subsection does not extend the time limit on the exercise of development rights imposed by the declaration pursuant to RCW 64.90.225(1)(h).

(3) When a declarant exercises a development right to subdivide, combine, or convert a unit previously created into additional units or common elements, or both:

(a) If the declarant converts the unit entirely into common elements, the amendment to the declaration must reallocate all the allocated interests of that unit among the other units as if that unit had been taken by condemnation under RCW 64.90.030; or

(b) If the declarant subdivides the unit into two or more units, whether or not any part of the unit is converted into common elements, the amendment to the declaration

must reallocate all the allocated interests of the unit among the units created by the subdivision in any reasonable manner prescribed by the declarant.

(4) If the declaration provides, pursuant to RCW 64.90.225(1)(h), that all or a portion of the real estate is subject to a right of withdrawal:

(a) If all the real estate is subject to withdrawal, and the declaration or map or amendment to the declaration or map does not describe separate portions of real estate subject to that right, none of the real estate may be withdrawn if a unit in that real estate has been conveyed to a purchaser; or

(b) If any portion of the real estate is subject to withdrawal as described in the declaration or map or amendment to the declaration or map, none of that portion of the real estate may be withdrawn if a unit in that portion has been conveyed to a purchaser.

(5) If the declarant combines two or more units into a lesser number of units, whether or not any part of a unit is converted into common elements or common elements are converted units, the amendment to the declaration must reallocate all of the allocated interests of the units being combined into the unit or units created by the combination in any reasonable manner prescribed by the declarant.

(6) A unit conveyed to a purchaser may not be withdrawn pursuant to subsection (4) (a) or (b) of this section without the consent of the unit owner of that unit and the holder of a security interest in the unit.

**Sec. 7.** RCW 64.90.605 and 2018 c 277 s 402 are each amended to read as follows:

(1) Except as provided otherwise in subsection (2) of this section, a declarant required to deliver a public offering statement pursuant to subsection (3) of this section must prepare a public offering statement conforming to the requirements of RCW 64.90.610, 64.90.615, and 64.90.620.

(2) A declarant may transfer responsibility for preparation of all or a part of the public offering statement to a successor declarant or to a dealer who intends to offer units in the ~~((condominium))~~ common interest community.

(3) (a) Any declarant or dealer who offers to convey a unit for the person's own account to a purchaser must provide the purchaser of the unit with a copy of a public offering statement and all material amendments to the public offering statement before conveyance of that unit.

(b) Any agent, attorney, or other person assisting the declarant or dealer in preparing the public offering statement may rely upon information provided by the declarant or dealer without independent investigation. The agent, attorney, or other person is not liable for any material misrepresentation in or omissions of material facts from the public offering statement unless the person had actual knowledge of the misrepresentation or omission at the time the public offering statement was prepared.

(c) The declarant or dealer is liable for any misrepresentation contained in the public offering statement or for any omission of material fact from the public offering statement if the declarant or dealer had actual knowledge of the misrepresentation or omission or, in the exercise of reasonable care, should have known of the misrepresentation or omission.

(4) If a unit is part of a common interest community and is part of any other real estate regime in connection with the sale of which the delivery of a public offering statement is required under the laws of this state, a single public offering statement conforming to the requirements of RCW 64.90.610, 64.90.615, and 64.90.620 as those requirements relate to each regime in which the unit is located, and to any other requirements imposed under the laws of this state, may be prepared and delivered in lieu of providing two or more public offering statements.

(5) A declarant is not required to prepare and deliver a public offering statement in connection with the sale of any unit owned by the declarant, or to obtain for or provide to the purchaser a report or statement required under RCW 64.90.610(1)(oo), 64.90.620(1), or 64.90.655, upon the later of:

(a) The termination or expiration of all special declarant rights;

(b) The expiration of all periods within which claims or actions for a breach of warranty arising from defects involving the common elements under RCW 64.90.680 must be filed or commenced, respectively, by the association against the declarant; or

(c) The time when the declarant ceases to meet the definition of a dealer under RCW 64.90.010.

(6) After the last to occur of any of the events described in subsection (5) of this section, a declarant must deliver to the purchaser of a unit owned by the declarant a resale certificate under RCW 64.90.640(2) together with:

(a) The identification of any real property not in the common interest community that unit owners have a right to use and a description of the terms of such use;

(b) A brief description or a copy of any express construction warranties to be provided to the purchaser;

(c) A statement of any litigation brought by an owners' association, unit owner, or governmental entity in which the declarant or any affiliate of the declarant has been a defendant arising out of the construction, sale, or administration of any common interest community within the state of Washington within the previous five years, together with the results of the litigation, if known;

(d) Whether timesharing is permitted or prohibited, and, if permitted, a statement that the purchaser of a time share unit is entitled to receive the disclosure document required under chapter 64.36 RCW; and

(e) Any other information and cross-references that the declarant believes will be helpful in describing the common interest community to the purchaser, all of which may

be included or not included at the option of the declarant.

(7) A declarant is not liable to a purchaser for the failure or delay of the association to provide the resale certificate in a timely manner, but the purchase contract is voidable by the purchaser of a unit sold by the declarant until the resale certificate required under RCW 64.90.640(2) and the information required under subsection (6) of this section have been provided and for five days thereafter or until conveyance, whichever occurs first.

**Sec. 8.** RCW 64.90.645 and 2021 c 260 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, any earnest money deposit, as defined in RCW 64.04.005, made in connection with the right to purchase a unit from a person required to deliver a public offering statement pursuant to RCW 64.90.605(3) must be placed in escrow and held in this state in an escrow or trust account designated solely for that purpose by a licensed title insurance company or agent, a licensed attorney, a real estate broker or independent bonded escrow company, or an institution whose accounts are insured by a governmental agency or instrumentality until: (a) Delivered to the declarant at closing, (b) delivered to the declarant because of the purchaser's default under a contract to purchase the unit, (c) refunded to the purchaser, or (d) delivered to a court in connection with the filing of an interpleader action.

(2)(a) If a purchase agreement for the sale of a unit provides that deposit funds may be used for construction costs and the declarant obtains and maintains a surety bond as required by this section, the declarant may withdraw escrow funds when construction of improvements has begun. The funds may be used only for actual building and construction costs of the project in which the unit is located.

(b) The bond must be issued by a surety insurer licensed in this state in favor of the purchaser in an amount adequate to cover the amount of the deposit to be withdrawn. The declarant may not withdraw more than the face amount of the bond. The bond must be payable to the purchaser if the purchaser obtains a final judgment against the declarant requiring the declarant to return the deposit pursuant to the purchase agreement. The bond may be either in the form of an individual bond for each deposit accepted by the declarant or in the form of a blanket bond assuring the return of all deposits received by the declarant.

(c) The party holding escrow funds who releases all or any portion of the funds to the declarant has no obligation to monitor the progress of construction or the expenditure of the funds by the declarant and is not liable to any purchaser for the release of funds pursuant to this section.

(3) ~~((A))~~ The amount of deposit ((under)) funds that may be used pursuant to subsection (2) of this section may not exceed five percent of the purchase price.

**NEW SECTION. Sec. 9.** A new section is added to chapter 82.45 RCW to read as follows:

(1) The down payment assistance account is created in the custody of the state treasurer. Receipts from the real estate excise tax on sales of condominiums or townhouses to persons using a down payment assistance program offered by the Washington state housing finance commission must be deposited in the account, as provided in subsection (2) of this section. Expenditures from the account may be used only for payment toward a person's down payment assistance loan that was used to purchase a condominium or townhouse for which the tax was collected. Only the Washington state housing finance commission or the commission's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2)(a) Beginning June 15, 2024, and each June 15th thereafter, the department must notify the economic and revenue forecast council of the total amount received under RCW 82.45.060 from sales of condominiums or townhouses to persons using a down payment assistance program offered by the Washington state housing finance commission during the prior calendar year.

(b) Beginning in fiscal year 2025, and each fiscal year thereafter, the legislature must appropriate from the general fund to this account the lesser of (i) the amount received under RCW 82.45.060 on sales of condominiums or townhouses to persons using a down payment assistance program offered by the Washington state housing finance commission during the prior calendar year, as determined under (a) of this subsection, or (ii) \$250,000 per fiscal year.

(c) On or before March 1, 2024, and each March 1st thereafter, the Washington state housing finance commission must provide the department with the following information for each sale of a condominium or townhouse to a person using a down payment assistance program offered by the Washington state housing finance commission that occurred during the prior calendar year:

(i) The real estate excise tax affidavit number associated with the sale;

(ii) The date of sale;

(iii) The parcel number of the property sold;

(iv) The street address of the property sold;

(v) The county in which the property sold is located;

(vi) The full legal name of the seller, or sellers, as shown on the real estate excise tax affidavit;

(vii) The full legal name of the buyer, or buyers, as shown on the real estate excise tax affidavit; and

(viii) Any additional information the department may require to verify the property sold is a condominium or townhouse sold to persons using a down payment assistance program offered by the Washington state housing finance commission.

(d) For the purposes of this subsection, "townhouse" means dwelling units constructed in a row of two or more attached units where

each dwelling unit shares at least one common wall with an adjacent unit and is accessed by a separate outdoor entrance.

(3) This section expires January 1, 2034.

**Sec. 10.** RCW 82.02.060 and 2021 c 72 s 1 are each amended to read as follows:

The local ordinance by which impact fees are imposed:

(1) Shall include a schedule of impact fees which shall be adopted for each type of development activity that is subject to impact fees, specifying the amount of the impact fee to be imposed for each type of system improvement. The schedule shall be based upon a formula or other method of calculating such impact fees. The schedule shall reflect the proportionate impact of new housing units, including multifamily and condominium units, based on the square footage, number of bedrooms, or trips generated, in the housing unit in order to produce a proportionally lower impact fee for smaller housing units. In determining proportionate share, the formula or other method of calculating impact fees shall incorporate, among other things, the following:

(a) The cost of public facilities necessitated by new development;

(b) An adjustment to the cost of the public facilities for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or prorable to the particular system improvement;

(c) The availability of other means of funding public facility improvements;

(d) The cost of existing public facilities improvements; and

(e) The methods by which public facilities improvements were financed;

(2) May provide an exemption for low-income housing, and other development activities with broad public purposes, including development of an early learning facility, from these impact fees, provided that the impact fees for such development activity shall be paid from public funds other than impact fee accounts;

(3)(a) May not impose an impact fee on development activities of an early learning facility greater than that imposed on commercial retail or commercial office development activities that generate a similar number, volume, type, and duration of vehicle trips;

(b) When a facility or development has more than one use, the limitations in this subsection (3) or the exemption applicable to an early learning facility in subsections (2) and (4) of this section only apply to that portion that is developed as an early learning facility. The impact fee assessed on an early learning facility in such a development or facility may not exceed the least of the impact fees assessed on comparable businesses in the facility or development;

(4) May provide an exemption from impact fees for low-income housing or for early learning facilities. Local governments that

grant exemptions for low-income housing or for early learning facilities under this subsection (4) may either: Grant a partial exemption of not more than eighty percent of impact fees, in which case there is no explicit requirement to pay the exempted portion of the fee from public funds other than impact fee accounts; or provide a full waiver, in which case the remaining percentage of the exempted fee must be paid from public funds other than impact fee accounts, except as provided in (b) of this subsection. These exemptions are subject to the following requirements:

(a) An exemption for low-income housing granted under subsection (2) of this section or this subsection (4) must be conditioned upon requiring the developer to record a covenant that, except as provided otherwise by this subsection, prohibits using the property for any purpose other than for low-income housing. At a minimum, the covenant must address price restrictions and household income limits for the low-income housing, and that if the property is converted to a use other than for low-income housing, the property owner must pay the applicable impact fees in effect at the time of conversion;

(b) An exemption for early learning facilities granted under subsection (2) of this section or this subsection (4) may be a full waiver without an explicit requirement to pay the exempted portion of the fee from public funds other than impact fee accounts if the local government requires the developer to record a covenant that requires that at least 25 percent of the children and families using the early learning facility qualify for state subsidized child care, including early childhood education and assistance under chapter 43.216 RCW, and that provides that if the property is converted to a use other than for an early learning facility, the property owner must pay the applicable impact fees in effect at the time of conversion, and that also provides that if at no point during a calendar year does the early learning facility achieve the required percentage of children and families qualified for state subsidized child care using the early learning facility, the property owner must pay 20 percent of the impact fee that would have been imposed on the development had there not been an exemption within 90 days of the local government notifying the property owner of the breach, and any balance remaining thereafter shall be a lien on the property; and

(c) Covenants required by (a) and (b) of this subsection must be recorded with the applicable county auditor or recording officer. A local government granting an exemption under subsection (2) of this section or this subsection (4) for low-income housing or an early learning facility may not collect revenue lost through granting an exemption by increasing impact fees unrelated to the exemption. A school district who receives school impact fees must approve any exemption under subsection (2) of this section or this subsection (4);

(5) Shall provide a credit for the value of any dedication of land for, improvement to, or new construction of any system

improvements provided by the developer, to facilities that are identified in the capital facilities plan and that are required by the county, city, or town as a condition of approving the development activity;

(6) Shall allow the county, city, or town imposing the impact fees to adjust the standard impact fee at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that impact fees are imposed fairly;

(7) Shall include a provision for calculating the amount of the fee to be imposed on a particular development that permits consideration of studies and data submitted by the developer to adjust the amount of the fee;

(8) Shall establish one or more reasonable service areas within which it shall calculate and impose impact fees for various land use categories per unit of development; (~~and~~)

(9) May provide for the imposition of an impact fee for system improvement costs previously incurred by a county, city, or town to the extent that new growth and development will be served by the previously constructed improvements provided such fee shall not be imposed to make up for any system improvement deficiencies; and

(10) Must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of this section to take effect six months after the jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130.

For purposes of this section, "low-income housing" means housing with a monthly housing expense, that is no greater than thirty percent of eighty percent of the median family income adjusted for family size, for the county where the project is located, as reported by the United States department of housing and urban development.

For the purposes of this section, "early learning facility" has the same meaning as in RCW 43.31.565.

**Sec. 11.** RCW 58.17.060 and 1990 1st ex.s. c 17 s 51 are each amended to read as follows:

(1) The legislative body of a city, town, or county shall adopt regulations and procedures, and appoint administrative personnel for the summary approval of short plats and short subdivisions or alteration or vacation thereof. When an alteration or vacation involves a public dedication, the alteration or vacation shall be processed as provided in RCW 58.17.212 or 58.17.215. Such regulations shall be adopted by ordinance and shall provide that a short plat and short subdivision may be approved only if written findings that are appropriate, as provided in RCW 58.17.110, are made by the administrative personnel, and may contain wholly different requirements than those governing the approval of preliminary and final plats of subdivisions and may require surveys and monumentations and shall require filing of a short plat, or alteration or vacation thereof, for record in the office of the county auditor: PROVIDED, That such



regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries: PROVIDED FURTHER, That such regulations are not required to contain a penalty clause as provided in RCW 36.32.120 and may provide for wholly injunctive relief.

An ordinance requiring a survey shall require that the survey be completed and filed with the application for approval of the short subdivision.

(2) Cities, towns, and counties shall include in their short plat regulations and procedures pursuant to subsection (1) of this section provisions for considering sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

(3) All cities, towns, and counties shall include in their short plat regulations procedures for unit lot subdivisions allowing division of a parent lot into separately owned unit lots. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots.

**Sec. 12.** RCW 64.55.160 and 2005 c 456 s 17 are each amended to read as follows:

(1) On or before the (~~sixtieth~~) 60th day following completion of the mediation pursuant to RCW 64.55.120(4) and following filing and service of the complaint, the declarant, association, or party unit owner may serve on an adverse party an offer to allow judgment to be entered. The offer of judgment shall specify the amount of damages, not including costs or fees, that the declarant, association, or party unit owner is offering to pay or receive. A declarant's offer shall also include its commitment to pay costs and fees that may be awarded as provided in this section. The declarant, association, or party unit owner may make more than one offer of judgment so long as each offer is timely made. Each subsequent offer supersedes and replaces the previous offer. Any offer not accepted within (~~twenty-one~~) 21 days of the service of that offer is deemed rejected and withdrawn and evidence thereof is not admissible and may not be provided to the court or arbitrator except in a proceeding to determine costs and fees or as part of the motion identified in subsection (2) of this section.

(2) A declarant's offer must include a demonstration of ability to pay damages, costs, and fees, including reasonable attorneys' fees, within thirty days of acceptance of the offer of judgment. The demonstration of ability to pay shall include a sworn statement signed by the declarant, the attorney representing the declarant, and, if any insurance proceeds

will be used to fund any portion of the offer, an authorized representative of the insurance company. If the association or party unit owner disputes the adequacy of the declarant's demonstration of ability to pay, the association or party unit owner may file a motion with the court requesting a ruling on the adequacy of the declarant's demonstration of ability to pay. Upon filing of such motion, the deadline for a response to the offer shall be tolled from the date the motion is filed until the court has ruled.

(3) An association or party unit owner that accepts the declarant's offer of judgment shall be deemed the prevailing party and, in addition to recovery of the amount of the offer, shall be entitled to a costs and fees award, including reasonable attorneys' fees, in an amount to be determined by the court in accordance with applicable law.

(4) If the amount of the final nonappealable or nonappealed judgment, exclusive of costs or fees, is not more favorable to the offeree than the offer of judgment, then the offeror is deemed the prevailing party for purposes of this section only and is entitled to an award of costs and fees, including reasonable attorneys' fees, incurred after the date the last offer of judgment was rejected and through the date of entry of a final nonappealable or nonappealed judgment, in an amount to be determined by the court in accordance with applicable law. The nonprevailing party shall not be entitled to receive any award of costs and fees.

(5) If the final nonappealable or nonappealed judgment on damages, not including costs or fees, is more favorable to the offeree than the last offer of judgment, then the court shall determine which party is the prevailing party and shall determine the amount of the costs and fees award, including reasonable attorneys' fees, in accordance with applicable law.

(6) Notwithstanding any other provision in this section, with respect to claims brought by an association or unit owner, the liability for declarant's costs and fees, including reasonable attorneys' fees, shall:

(a) With respect to claims brought by an association, not exceed five percent of the assessed value of the condominium as a whole, which is determined by the aggregate tax-assessed value of all units at the time of the award; and

(b) With respect to claims brought by a party unit owner, not exceed five percent of the assessed value of the unit at the time of the award.

NEW SECTION. **Sec. 13.** Sections 3 through 5 of this act apply only to construction defect claims commenced after the effective date of this section.

NEW SECTION. **Sec. 14.** Section 9 of this act takes effect January 1, 2024."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary,

Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 19, 2023

ESSB 5293 Prime Sponsor, Ways & Means: Concerning accounts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.41.450 and 2022 c 297 s 953 are each amended to read as follows:

The office of financial management central service account is created in the state treasury. The account is to be used by the office as a revolving fund for the payment of salaries, wages, and other costs required for the operation and maintenance of statewide budgeting, accounting, forecasting, and functions and activities in the office. All receipts from agency fees and charges for services collected from public agencies must be deposited into the account. The director shall fix the terms and charges to agencies based on each agency's share of the office statewide cost allocation plan for federal funds. Moneys in the account may be spent only after appropriation. During the ~~((2017-2019 and))~~ 2021-2023 and 2023-2025 fiscal biennia, the account may be used as a revolving fund for the payment of salaries, wages, and other costs related to policy activities in the office. ~~((The legislature intends to continue the use of the revolving fund for policy activities during the 2019-2021 biennium.))~~

**Sec. 2.** RCW 41.06.280 and 2022 c 157 s 12 are each amended to read as follows:

(1) ~~((There is hereby))~~ The personnel service fund is created ((a fund within)) in the state treasury, ((designated as the "personnel service fund,") to be used by the office of financial management as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60 RCW. An amount not to exceed one and one-half percent of the salaries and wages for all positions ~~((in the classified service))~~ in each of the agencies subject to this chapter, except the institutions of higher education, shall be charged to the operations appropriations of each agency and credited to the personnel service fund as the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the office of financial

management with funds to meet its anticipated expenditures during the allotment period, including the training requirements in RCW 41.06.500 and 41.06.530. ~~((All revenues, net of expenditures, previously derived from services provided by the department of enterprise services under RCW 41.06.080 must be transferred to the enterprise services account.))~~

(2) The director shall fix the terms and charges for services rendered by the office of financial management pursuant to RCW 41.06.080, which amounts shall be credited to the personnel service fund and charged against the proper fund or appropriation of the recipient of such services no longer than on a ((monthly)) quarterly basis. Payment for services so rendered under RCW 41.06.080 shall be made ~~((on a monthly basis))~~ according to the state administrative and accounting manual (SAAM) to the state treasurer and deposited in the personnel service fund.

(3) ~~((Moneys from the personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the office of financial management.))~~

~~((4))~~ The office of financial management may use the personnel service fund to administer an employee transit pass program and other employment benefits. The office of financial management must bill state agencies for the total cost of administering the program and payments received from agencies must be deposited in the personnel service fund.

**Sec. 3.** RCW 41.06.285 and 2011 1st sp.s. c 43 s 420 are each amended to read as follows:

~~((1))~~ There is hereby created a) The higher education personnel service fund ((within)) is created in the state treasury, ((designated as the "higher education personnel service fund,") to be used by the office of financial management as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter ((41.06 RCW)) and applicable provisions of chapters 41.04 and 41.60 RCW. ~~((Subject to the requirements of subsection (2) of this section, an))~~ An amount not to exceed one-half of one percent of the salaries and wages for all positions in the classified service shall be contributed from the operations appropriations of each institution and the state board for community and technical education colleges and credited to the higher education personnel service fund as such allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, such amount shall be charged against the allotments pro rata, at a rate to be fixed by the director of financial management from time to time, which will provide the office of financial management with funds to meet its anticipated expenditures during the allotment period.

~~((2))~~ If employees of institutions of higher education cease to be classified under this chapter pursuant to an agreement authorized by RCW 41.56.201, each

~~institution of higher education and the state board for community and technical colleges shall continue, for six months after the effective date of the agreement, to make contributions to the higher education personnel service fund based on employee salaries and wages that includes the employees under the agreement. At the expiration of the six-month period, the director of financial management shall make across-the-board reductions in allotments of the higher education personnel service fund for the remainder of the biennium so that the charge to the institutions of higher education and state board for community and technical colleges based on the salaries and wages of the remaining employees of institutions of higher education and related boards classified under this chapter does not increase during the biennium, unless an increase is authorized by the legislature.~~

~~(3) Moneys from the higher education personnel service fund shall be disbursed by the state treasurer by warrants or vouchers duly authorized by the office of financial management.)~~

NEW SECTION. Sec. 4. A new section is added to chapter 43.79 RCW to read as follows:

(1) The GOV central service account is created in the state treasury. The purpose of the account is to fund the office of equity as a revolving fund for the payment of salaries, wages, and other costs required for the operation and maintenance of statewide equity functions, and the activities in the office of equity. All receipts from agency fees and charges for services collected from public agencies must be deposited into the account. Moneys in the account may be spent only after appropriation.

(2) The director of financial management shall fix the terms and charges to agencies based on each agency's share of the office of equity statewide cost allocation plans for federal funds.

NEW SECTION. Sec. 5. A new section is added to chapter 43.79 RCW to read as follows:

(1) The opioid abatement settlement account is created in the state treasury. All settlement receipts and moneys that are designated to be used by the state of Washington to abate the opioid epidemic for state use must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account may only be used for future opioid remediation as provided in the applicable settlement. For purposes of this account, "opioid remediation" means the care, treatment, and other programs and expenditures, designed to: (a) Address the use and abuse of opioid products; (b) treat or mitigate opioid use or related disorders; or (c) mitigate other alleged effects of, including those injured as a result of, the opioid epidemic.

(2) All money remaining in the state opioid settlement account established under RCW 43.88.195 must be transferred to the

opioid abatement settlement account created in this section.

NEW SECTION. Sec. 6. A new section is added to chapter 38.52 RCW to read as follows:

(1) The state hazard mitigation revolving loan account is created in the state treasury. The purpose of the account is to allow the state to use any federal funds that become available to states from congress to fund a state revolving fund loan program as part of the safeguarding tomorrow through ongoing risk mitigation act. Moneys in the account may be spent only after appropriation. Moneys in the account may only be used, consistent with federal law, to administer the safeguarding tomorrow through ongoing risk mitigation act program, including loans to local and tribal governments for:

(a) Carrying out projects designed to mitigate the impact of natural hazards;

(b) Zoning and land use planning changes focused on low-impact development and community resiliency;

(c) Establishing and carrying out building code enforcement for the protection of the health, safety, and general welfare of the building's users against disasters and natural hazards; and

(d) Providing technical assistance.

(2) Moneys may also be used for administration and oversight of the safeguarding tomorrow through ongoing risk mitigation act program.

(3) Moneys from federal receipts from the safeguarding tomorrow through ongoing risk mitigation act grant, appropriations from the state legislature, transfers from other state funds or accounts, all repayments of moneys borrowed from the account, all interest payments made by borrowers from the account or otherwise earned on the account, or any other lawful source may be deposited into the account. All interest earned on moneys deposited in the account, including repayments, shall remain in the account and may be used for any eligible purpose.

(4) The department may adopt such rules as are necessary under RCW 38.52.050 to administer the account.

Sec. 7. RCW 43.79.567 and 2022 c 297 s 947 are each reenacted and amended to read as follows:

(1) The community reinvestment account is created in the state treasury. Revenues to the account shall consist of appropriations and transfers by the legislature and all other moneys directed for deposit into the account. Moneys in the account may be spent only after appropriation.

(2) Expenditures from the account may be used by the department of commerce for:

(a) Economic development, which includes addressing wealth disparities to promote asset building such as home ownership and expanding access to financial resources including, but not limited to, grants and loans for small businesses and entrepreneurs, financial literacy training, and other small business training and support activities;

(b) Civil and criminal legal assistance to provide postconviction relief and case assistance, including the expungement of criminal records and vacation of criminal convictions;

(c) Community-based violence intervention and prevention services, which may include after-school programs focused on providing education and mentorship to youths; ~~((and))~~

(d) Reentry services to facilitate successful transitions for persons formerly incarcerated in an adult correctional facility or juvenile residential facility in Washington; and

(e) Beginning July 1, 2025, agricultural and economic support and services available to historically marginalized communities.

(3) The distribution of the grants under this section must be done in collaboration with ~~((the governor's office of Indian affairs and))~~ "by and for community organizations" as defined by the department of commerce and the office of equity.

**Sec. 8.** RCW 43.330.365 and 2022 c 297 s 948 are each reenacted to read as follows:

The electric vehicle incentive account is created in the state treasury. Revenues to the account shall consist of appropriations and transfers by the legislature and all other moneys directed for deposit into the account. Moneys in the account may only be spent after appropriation. Expenditures from the account may be used for programs and incentives that promote the purchase or conversion to alternative fuel vehicles to further state climate goals under RCW 70A.45.020 and environmental justice goals under 70A.02 RCW, including but not limited to:

(1) Income-qualified grant programs to retire vehicles and replace them with alternative fuel vehicles;

(2) Programs to provide grants for the installation of electric vehicle infrastructure to support electric vehicle adoption; and

(3) Programs to conduct research and public outreach regarding adoption of alternative fuel vehicles.

**Sec. 9.** RCW 82.25.015 and 2019 c 445 s 103 are each amended to read as follows:

The foundational public health services account is created in the state treasury. Half of all of the moneys collected from the tax imposed on vapor products under RCW 66.44.010 must be deposited into the account. Moneys in the account may be spent only after appropriation. Moneys in the account are to be used ~~((for the following purposes:~~

~~(1) To))~~ to fund foundational health services. ~~((In the 2019-2021 biennium, at least twelve million dollars of the funds deposited into the account must be appropriated for this purpose. Beginning in the 2021-2023 biennium, fifty percent of the funds deposited into the account, but not less than twelve million dollars each biennium, are to be used for this purpose;~~

~~(2) To fund tobacco, vapor product, and nicotine control and prevention, and other substance use prevention and education. Beginning in the 2021-2023 biennium,~~

~~seventeen percent of the funds deposited into the account are to be used for this purpose;~~

~~(3) To support increased access and training of public health professionals at public health programs at accredited public institutions of higher education in Washington. Beginning in the 2021-2023 biennium, five percent of the funds deposited into the account are to be used for this purpose;~~

~~(4) To fund enforcement by the state liquor and cannabis board of the provisions of this chapter to prevent sales of vapor products to minors and related provisions for control of marketing and product safety, provided that no more than eight percent of the funds deposited into the account may be appropriated for these enforcement purposes.))~~

**Sec. 10.** RCW 41.05.120 and 2018 c 260 s 25 are each amended to read as follows:

(1) The public employees' and retirees' insurance account is hereby established in the custody of the state treasurer, to be used by the director for the deposit of contributions, the remittance paid by school districts and educational service districts under RCW 28A.400.410, reserves, dividends, and refunds, for payment of premiums and claims for employee and retiree insurance benefit contracts and subsidy amounts provided under RCW 41.05.085, and transfers from the flexible spending administrative account as authorized in RCW 41.05.123. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the director. Moneys from the account may be transferred to the flexible spending administrative account to provide reserves and start-up costs for the operation of the flexible spending administrative account program.

(2) The state treasurer and the state investment board may invest moneys in the public employees' and retirees' insurance account. All such investments shall be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The director shall determine whether the state treasurer or the state investment board or both shall invest moneys in the public employees' and retirees' insurance account.

(3) The school employees' insurance account is hereby established in the custody of the state treasurer, to be used by the director for the deposit of contributions, reserves, dividends, and refunds, for payment of premiums and claims for school employee insurance benefit contracts, and for transfers from the school employees' benefits board flexible spending and dependent care administrative account as authorized in this subsection. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the director. Moneys from the account may be transferred to the school employees' benefits board flexible spending and dependent care administrative account to provide reserves and start-up costs for the operation of the school employees' benefits board flexible spending arrangement and dependent care assistance program.

(4) The state treasurer and the state investment board may invest moneys in the school employees' insurance account. These investments must be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The director shall determine whether the state treasurer or the state investment board or both shall invest moneys in the school employees' insurance account.

(5) Moneys may be transferred between the public employees' and retirees' insurance account and the school employees' insurance account for short-term cash management and cash balance purposes.

**Sec. 11.** RCW 28A.505.130 and 1983 c 59 s 9 are each amended to read as follows:

For each fund contained in the school district budget the estimated expenditures for the budgeted fiscal year must not be greater than the total of the estimated revenues for the budgeted fiscal year, the estimated fund balance at the beginning of the budgeted fiscal year less the estimated reserve fund balance at the end of the budgeted fiscal year, and the projected revenue from receivables collectible on future years as approved by the superintendent of public instruction for inclusion in the budget.

The proceeds of any interfund loan must not be used to balance the budget of the borrowing fund, except in fiscal year 2024 when such loans may be used to address budget destabilization in the aftermath of the COVID-19 pandemic. Interfund loans in fiscal year 2024 may be for a duration of two years.

**Sec. 12.** RCW 70A.65.250 and 2022 c 253 s 2 are each amended to read as follows:

(1)(a) The climate investment account is created in the state treasury. Except as otherwise provided in chapter 316, Laws of 2021, all receipts from the auction of allowances authorized in this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation.

(b) Projects or activities funded from the account must meet high labor standards, including family sustaining wages, providing benefits including health care and employer-contributed retirement plans, career development opportunities, and maximize access to economic benefits from such projects for local workers and diverse businesses. Each contracting entity's proposal must be reviewed for equity and opportunity improvement efforts, including: (i) Employer paid sick leave programs; (ii) pay practices in relation to living wage indicators such as the federal poverty level; (iii) efforts to evaluate pay equity based on gender identity, race, and other protected status under Washington law; (iv) facilitating career development opportunities, such as apprenticeship programs, internships, job-shadowing, and on-the-job training; and (v) employment assistance and employment barriers for justice affected individuals.

(2) Moneys in the account may be used only for projects and programs that achieve the purposes of the greenhouse gas emissions

cap and invest program established under this chapter and for tribal capacity grants under RCW 70A.65.305. Moneys in the account as described in this subsection must first be appropriated for the administration of the requirements of this chapter, in an amount not to exceed five percent of the total receipt of funds from allowance auction proceeds under this chapter. Beginning July 1, ((2024))2023, and annually thereafter, the state treasurer shall distribute funds in the account that exceed the amounts appropriated for the purposes of this subsection (2) as follows:

(a) Seventy-five percent of the moneys to the climate commitment account created in RCW 70A.65.260; and

(b) Twenty-five percent of the moneys to the natural climate solutions account created in RCW 70A.65.270.

(3) The allocations specified in subsection (2)(a) and (b) of this section must be reviewed by the legislature on a biennial basis based on the changing needs of the state in meeting its clean economy and greenhouse gas reduction goals in a timely, economically advantageous, and equitable manner.

**Sec. 13.** RCW 43.84.092 and 2022 c 182 s 403 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the opioid abatement settlement account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the

local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the piloting account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state hazard mitigation revolving loan account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system

account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 14.** RCW 43.84.092 and 2022 c 182 s 404 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal, and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the opioid abatement settlement account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher

education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state hazard mitigation revolving loan account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation

improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 15.** Except for section 14 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2023.

NEW SECTION. **Sec. 16.** Section 13 of this act expires July 1, 2024.

NEW SECTION. **Sec. 17.** Section 14 of this act takes effect July 1, 2024."

Correct the title.



Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

April 19, 2023

SB 5768 Prime Sponsor, Senator Keiser: Protecting access to abortion medications by authorizing the department of corrections to acquire, sell, deliver, distribute, and dispense abortion medications. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

There being no objection, the House reverted to the third order of business.

**MESSAGES FROM THE SENATE**

Wednesday, April 19, 2023

Mme. Speaker:

The President has signed:

- SUBSTITUTE SENATE BILL NO. 5460
- SUBSTITUTE SENATE BILL NO. 5491
- SENATE BILL NO. 5497
- SECOND SUBSTITUTE SENATE BILL NO. 5502
- SUBSTITUTE SENATE BILL NO. 5504
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5515
- SUBSTITUTE SENATE BILL NO. 5523
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5528
- SECOND SUBSTITUTE SENATE BILL NO. 5532
- SECOND SUBSTITUTE SENATE BILL NO. 5555
- SUBSTITUTE SENATE BILL NO. 5565
- SUBSTITUTE SENATE BILL NO. 5581

and the same are herewith transmitted.

Sarah Bannister, Secretary

Wednesday, April 19, 2023

Mme. Speaker:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

- ENGROSSED SUBSTITUTE SENATE BILL NO. 5583
- SUBSTITUTE SENATE BILL NO. 5586
- SECOND SUBSTITUTE SENATE BILL NO. 5593
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5599
- SUBSTITUTE SENATE BILL NO. 5617
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5702
- SUBSTITUTE SENATE BILL NO. 5714
- SUBSTITUTE SENATE BILL NO. 5720
- SUBSTITUTE SENATE BILL NO. 5753

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the seventh order of business.

**THIRD READING**

**MESSAGE FROM THE SENATE**

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1745, with the following amendment(s): 1745-S2 AMS RIVE S3301.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that controlled clinical trials provide a critical base of evidence for evaluating whether a medical product is safe and effective before the product is approved for marketing. The United States food and drug administration has evaluated demographic profiles of people participating in clinical trials for approved drugs and found that some groups, especially ethnic and racial groups, are not always well represented in clinical trials. Diversity in clinical trials is necessary to effectively determine how race, gender, and age impact how a person metabolizes a drug. Communities of color have been working diligently to establish a foundation of trust with government and clinical research with the goal of engaging more trial participants who are members of underrepresented demographic groups. Joining clinical trials is a difficult and complex process and the lack of trust and awareness of clinical trials and research, in addition to burdens related to transportation, geography, and access, limit trial participants. The lack of diversity in clinical trials compounds access to treatment disparities and limits our understanding of the impacts of studied interventions and conditions across the population.

(2) Therefore, it is the policy of the state to:

(a) Improve the completeness and quality of data concerning diverse demographic groups that is collected, reported, and analyzed for the purposes of clinical trials of drugs and medical devices;

(b) Identify barriers to participation in clinical trials by persons who are members of demographic groups that are underrepresented in such trials and employ strategies recognized by the United States

food and drug administration to encourage greater participation in clinical trials by such persons;

(c) Make data concerning demographic groups that is collected, reported, and analyzed for the purposes of clinical trials more available and transparent; and

(d) Require certain entities conducting clinical trials to offer trial participants information in a language other than English and provide culturally specific recruitment materials alongside general enrollment materials.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Washington state review board" or "review board" means the Washington state institutional review board, established pursuant to 45 C.F.R. Part 46, which is the designated institutional review board for the department of social and health services, the department of health, the department of labor and industries, and other state agencies.

(2) "Underrepresented community" or "underrepresented demographic group" means a community or demographic group that is more likely to be historically marginalized and less likely to be included in research and clinical trials represented by race, sex, sexual orientation, socioeconomic status, age, and geographic location.

**NEW SECTION. Sec. 3.** The Washington state review board shall establish a diversity in clinical trials program to encourage participation in clinical trials of drugs and medical devices by persons who are members of demographic groups that are underrepresented in clinical trials. In developing this program, the review board shall compile and share information and resources in an accessible fashion to assist entities in Washington state that conduct clinical trials of drugs and medical devices to increase participation by persons who are members of demographic groups that are underrepresented in clinical trials including, but not limited to:

(1) Information concerning methods for identifying and recruiting persons who are members of underrepresented demographic groups to participate in clinical trials;

(2) Links or copies of outside resources related to increasing participation by members of underrepresented demographic groups in clinical trials provided by community organizations or other interested agencies or parties;

(3) Contact information for community organizations or other appropriate entities which may be able to provide assistance with efforts to increase participation by underrepresented demographic groups in clinical trials; and

(4) Links to websites maintained by medical facilities, health authorities, and other local governmental entities, nonprofit organizations, and scientific investigators and institutions that are performing research relating to drugs or medical devices in this state.

**NEW SECTION. Sec. 4.** Any state entity or hospital that receives funding from the national institutes of health to conduct clinical trials of drugs or medical devices shall:

(1) Adopt a policy concerning the identification and recruitment of persons who are members of underrepresented demographic groups to participate in clinical trials. This policy must include requirements that investigators who are conducting clinical trials collaborate with community-based organizations and use methods recognized by the United States food and drug administration to identify and recruit such persons to participate in those clinical trials;

(2) Provide information to trial participants in languages other than English;

(3) Provide translation services or bilingual staff for trial screening;

(4) Provide culturally specific recruitment materials alongside general enrollment materials; and

(5) Provide electronic consent when not prohibited by the granting entity or federal regulations.

**Sec. 5.** RCW 43.348.040 and 2018 c 4 s 4 are each amended to read as follows:

(1) The Andy Hill cancer research endowment program is created. The purpose of the program is to make grants to public and private entities, including commercial entities, to fund or reimburse the entities pursuant to agreement for the promotion of cancer research to be conducted in the state. The endowment is to oversee and guide the program, including the solicitation, selection, and award of grants.

(2) The board must develop a plan for the allocation of projected amounts in the fund, which it must update annually, following at least one annual public hearing. The plan must provide for appropriate funding continuity and take into account the projected speed at which revenues will be available and amounts that can be spent during the plan period.

(3) The endowment must solicit requests for grant funding and evaluate the requests by reference to factors such as: (a) The quality of the proposed research or program; (b) its potential to improve health outcomes of persons with cancer, with particular attention to the likelihood that it will also lower health care costs, substitute for a more costly diagnostic or treatment modality, or offer a breakthrough treatment for a particular cancer or cancer-related condition or disease; (c) its potential for leveraging additional funding; (d) its potential to provide additional health care benefits or benefit other human diseases or conditions; (e) its potential to stimulate life science, health care, and biomedical employment in the state; (f) the geographic diversity of the grantees within Washington; (g) evidence of potential royalty, sales, or licensing revenue, or other commercialization-related revenue and contractual means to recapture such income for purposes of this chapter; ((and)) (h) evidence of public and private

collaboration; (i) the ability to offer trial participants information in a language other than English; (j) the ability to provide culturally specific recruitment materials alongside general enrollment materials; (k) the ability to provide electronic consent when not prohibited by other granting entities or federal regulations; and (l) other evidence of outreach and engagement to increase participation of underrepresented communities in clinical trials of drugs and medical devices.

(4) The endowment may not award a grant for a proposal that was not recommended by an independent expert scientific review and advisory committee under RCW 43.348.050.

(5) The endowment must issue an annual report to the public that sets forth its activities with respect to the fund, including grants awarded, grant-funded work in progress, research accomplishments, prevention, and care activities, and future program directions with respect to cancer research, prevention, and care. Each annual report regarding activities of the program and fund must include, but not be limited to, the following: The number and dollar amounts of grants; the grantees for the prior year; the endowment's administrative expenses; an assessment of the availability of funding for cancer research, prevention, and care from sources other than the endowment; a summary of research, prevention, and care-related findings, including promising new areas for investment; and a report on the benefits to Washington of its programs to date.

(6) The endowment's first annual report must include a proposed operating plan for the design, implementation, and administration of an endowment program supporting the purposes of the endowment and program.

(7) The endowment must adopt policies to ensure that all potential conflicts have been disclosed and that all conflicts have been eliminated or mitigated.

(8) The endowment must establish standards to ensure that recipients of grants for cancer research, prevention, or care purchase goods and services from Washington suppliers to the extent reasonably possible.

**NEW SECTION. Sec. 6.** (1) The department of health, in consultation with the University of Washington, Washington State University, the Andy Hill cancer research endowment, Washington community health boards and initiatives, community-based organizations, and other relevant research organizations, shall analyze and provide recommendations on the following:

(a) What demographic groups and populations are currently represented and underrepresented in clinical trials in Washington, including geographic representation;

(b) Barriers for persons who are members of underrepresented demographic groups to participate in clinical trials in Washington, including barriers related to transportation; and

(c) Approaches for how clinical trials can successfully partner with community-based organizations and others to provide outreach to underrepresented communities.

(2) By December 1, 2023, the department of health shall report to the legislature the results of the analysis and any recommendations to increase diversity and reduce barriers for participants in clinical trials.

(3) For purposes of this section, "underrepresented community" or "underrepresented demographic group" means a community or demographic group that is more likely to be historically marginalized and less likely to be included in research and clinical trials represented by race, sex, sexual orientation, socioeconomic status, age, and geographic location.

(4) This section expires December 31, 2023.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.348 RCW to read as follows:

(1) Beginning January 1, 2024, the University of Washington and Washington State University may partner with the Andy Hill cancer research endowment, the department of health, community-based organizations, and other entities to increase the participation of persons who are members of underrepresented demographic groups in clinical trials for drugs or medical devices. If an investigator at the University of Washington or Washington State University is conducting or planning to conduct a clinical trial on a drug or medical device and the University determines that the trial would benefit from specific community outreach and engagement to increase participation of an underrepresented community in the clinical trial, the University of Washington or Washington State University may:

(a) Request the assistance of the department of health and the Andy Hill cancer research endowment to create an outreach plan and coordinate with community-based organizations to provide outreach and engagement; and

(b) Provide the Andy Hill cancer research endowment and the department of health with the following information:

(i) A summary of the clinical trial, including a description of the drug or medical device and any condition or disease that the clinical trial is addressing or targeting;

(ii) Any information on health disparities related to the condition, disease, or related drugs or medical devices, including any demographic groups that may be disproportionately impacted; and

(iii) Any other information that may assist the Andy Hill cancer research endowment, department of health, and community-based organizations in providing outreach and engagement to specific demographic groups or communities.

(2) The requesting university, the Andy Hill cancer research endowment, and the department of health, in collaboration with community-based organizations and other appropriate entities, shall develop a

specific community outreach and engagement plan to increase participation of an underrepresented demographic group or community in the clinical trial.

(3) Subject to the availability of amounts appropriated for this specific purpose, the Andy Hill cancer research endowment may administer grants to Washington state community-based organizations to implement the outreach plan and to provide meaningful and real-time community engagement with any demographic groups or communities identified in subsection (1) of this section with the goal of increasing the demographic group's or community's participation in the clinical trial. The community engagement should utilize any recommendations provided by the department of health's report required under section 6 of this act.

**NEW SECTION. Sec. 8.** A new section is added to chapter 28B.20 RCW to read as follows:

If at any time the University of Washington receives funding from the national institutes of health to conduct clinical trials of drugs or medical devices, the University of Washington shall adopt a policy concerning the identification and recruitment of persons who are members of underrepresented demographic groups to participate in clinical trials of drugs and medical devices. This policy must include requirements to:

(1) Adopt a policy concerning the identification and recruitment of persons who are members of underrepresented demographic groups to participate in clinical trials. This policy must include requirements that investigators who are conducting clinical trials collaborate with community-based organizations and use methods recognized by the United States food and drug administration to identify and recruit such persons to participate in those clinical trials;

(2) Provide information to trial participants in languages other than English;

(3) Provide translation services or bilingual staff for trial screening;

(4) Provide culturally specific recruitment materials alongside general enrollment materials; and

(5) Provide electronic consent when not prohibited by the granting entity or federal regulations.

**NEW SECTION. Sec. 9.** A new section is added to chapter 28B.30 RCW to read as follows:

If at any time Washington State University receives funding from the national institutes of health to conduct clinical trials of drugs or medical devices, Washington State University shall adopt a policy concerning the identification and recruitment of persons who are members of underrepresented demographic groups to participate in clinical trials of drugs and medical devices. This policy must include requirements to:

(1) Adopt a policy concerning the identification and recruitment of persons

who are members of underrepresented demographic groups to participate in clinical trials. This policy must include requirements that investigators who are conducting clinical trials collaborate with community-based organizations and use methods recognized by the United States food and drug administration to identify and recruit such persons to participate in those clinical trials;

(2) Provide information to trial participants in languages other than English;

(3) Provide translation services or bilingual staff for trial screening;

(4) Provide culturally specific recruitment materials alongside general enrollment materials; and

(5) Provide electronic consent when not prohibited by the granting entity or federal regulations.

**NEW SECTION. Sec. 10.** Sections 1 through 4 of this act constitute a new chapter in Title 69 RCW."

On page 1, line 1 of the title, after "trials;" strike the remainder of the title and insert "amending RCW 43.348.040; adding a new section to chapter 43.348 RCW; adding a new section to chapter 28B.20 RCW; adding a new section to chapter 28B.30 RCW; adding a new chapter to Title 69 RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1745 and advanced the bill, as amended by the Senate, to final passage.

Representatives Thai and Schmick spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1745, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1745, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons,

Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SECOND SUBSTITUTE HOUSE BILL NO. 1745, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Friday, April 7, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1533, with the following amendment(s): 1533-S.E AMS ENGR S2723.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 42.56.250 and 2020 c 106 s 1 are each amended to read as follows:

(1) The following employment and licensing information is exempt from public inspection and copying under this chapter:

((1)) (a) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination;

((2)) (b) All applications for public employment other than for vacancies in elective office, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;

((3)) (c) Professional growth plans (PGPs) in educator license renewals submitted through the eCert system in the office of the superintendent of public instruction;

((4)) (d) The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, driver's license numbers, identicard numbers, payroll deductions including the amount and identification of the deduction, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency. For purposes of this subsection, "employees" includes independent provider home care workers as defined in RCW 74.39A.240;

((5)) (e) Information that identifies a person who, while an agency employee: ((a)) (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and ((b)) (ii) requests his or her identity or any identifying information not be disclosed;

((6)) (f) Investigative records compiled by an employing agency in connection with an investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws or an employing agency's internal policies prohibiting discrimination or harassment in employment. Records are exempt in their entirety while the investigation is active and ongoing. After the agency has notified the complaining employee of the outcome of the investigation, the records may be disclosed only if the names of complainants, other accusers, and witnesses are redacted, unless a complainant, other accuser, or witness has consented to the disclosure of his or her name. The employing agency must inform a complainant, other accuser, or witness that his or her name will be redacted from the investigation records unless he or she consents to disclosure;

((7)) (g) Criminal history records checks for board staff finalist candidates conducted pursuant to RCW 43.33A.025;

((8)) (h) Photographs and month and year of birth in the personnel files of employees or volunteers of a public agency, including employees and workers of criminal justice agencies as defined in RCW 10.97.030. The news media, as defined in RCW 5.68.010(5), shall have access to the photographs and full date of birth. For the purposes of this subsection, news media does not include any person or organization of persons in the custody of a criminal justice agency as defined in RCW 10.97.030;

((9)) (i) (i) Any employee's name or other personally identifying information, including but not limited to birthdate, job title, addresses of work stations and locations, work email address, work phone number, bargaining unit, or other similar information, maintained by an agency in personnel-related records or systems, or responsive to a request for a list of individuals subject to the commercial purpose prohibition under RCW 42.56.070(8), if the employee has provided:

(A) A sworn statement, signed under penalty of perjury and verified by the director of the employing agency or director's designee, that the employee or a dependent of the employee is a survivor of domestic violence as defined in RCW 10.99.020 or 7.105.010, sexual assault as defined in RCW 70.125.030 or sexual abuse as defined in RCW 7.105.010, stalking as described in RCW 9A.46.110 or defined in RCW 7.105.010, or harassment as described in RCW 9A.46.020 or defined in RCW 7.105.010, and notifying the agency as to why the employee has a reasonable basis to believe that the risk of domestic violence, sexual assault, sexual abuse, stalking, or harassment continues to exist. A sworn statement under this subsection expires after two years, but may be subsequently renewed by providing a new sworn statement to the employee's employing agency; or

(B) Provides proof to the employing agency of the employee's participation or the participation of a dependent in the address confidentiality program under chapter 40.24 RCW.

(ii) Any documentation maintained by an agency to administer this subsection (1)(i) is exempt from disclosure under this chapter and is confidential and may not be disclosed without consent of the employee who submitted the documentation. Agencies may provide information to their employees on how to submit a request to anonymize their work email address.

(iii) For purposes of this subsection (1)(i), "verified" means that the director of the employing agency or director's designee confirmed that the sworn statement identifies the alleged perpetrator or perpetrators by name and, if possible, image or likeness, or that the director or designee obtained from the employee a police report, protection order petition, or other documentation of allegations related to the domestic violence, sexual assault or abuse, stalking, or harassment.

(iv) The exemption in this subsection (1)(i) does not apply to public records requests from the news media as defined in RCW 5.68.010(5);

(j) The global positioning system data that would indicate the location of the residence of a public employee or volunteer using the global positioning system recording device;

~~((10))~~(k) Until the person reaches eighteen years of age, information, otherwise disclosable under chapter 29A.08 RCW, that relates to a future voter, except for the purpose of processing and delivering ballots; and

~~((11))~~(l) Voluntarily submitted information collected and maintained by a state agency or higher education institution that identifies an individual state employee's personal demographic details. "Personal demographic details" means race or ethnicity, sexual orientation as defined by RCW 49.60.040~~((26))~~(27), immigration status, national origin, or status as a person with a disability. This exemption does not prevent the release of state employee demographic information in a deidentified or aggregate format.

~~((12))~~(2) Upon receipt of a request for information located exclusively in an employee's personnel, payroll, supervisor, or training file, the agency must provide notice to the employee, to any union representing the employee, and to the requestor. The notice must state:

(a) The date of the request;

(b) The nature of the requested record relating to the employee;

(c) That the agency will release any information in the record which is not exempt from the disclosure requirements of this chapter at least ten days from the date the notice is made; and

(d) That the employee may seek to enjoin release of the records under RCW 42.56.540.

**NEW SECTION. Sec. 2.** (1) By May 1, 2025, the joint legislative audit and review committee must analyze the impacts of section 1 of this act and must submit a report summarizing its analysis to the legislature. In preparing the report, the joint legislative audit and review committee must consult survivors with direct lived

experience of domestic violence, sexual assault or abuse, stalking, or harassment. The report must include, at a minimum:

(a) Whether the exemption created in section 1 of this act, and exceptions to the exemption, effectively protects public employees and dependents who are survivors of domestic violence, sexual assault or abuse, stalking, or harassment by protecting their personal information while maintaining public transparency and oversight of governmental operations; and

(b) Whether the exemption created in section 1 of this act, and exceptions to the exemption, should be maintained or modified to ensure the protection of public employees and dependents who are survivors of domestic violence, sexual assault or abuse, stalking, or harassment by protecting their personal information while maintaining public transparency and oversight of governmental operations.

(2) This section expires June 30, 2025.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 3 of the title, after "stalking;" strike the remainder of the title and insert "amending RCW 42.56.250; creating a new section; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### MOTION

Representative Ramos moved that the House concur with the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1533.

Representative Ramos spoke in favor of the motion.

Representative Abbarno spoke against the motion.

Division was demanded on the motion to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1533 and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 52 - YEAS; 45 - NAYS.

#### SENATE AMENDMENT TO HOUSE BILL

The House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1533 and advanced the bill, as amended by the Senate, to final passage.

Representative Mena spoke in favor of the passage of the bill.

Representative Abbarno spoke against the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1533, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1533, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen and Wylie

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Rude, Sandlin, Santos, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1533, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 1533.

Representative McClintock, 18th District

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 1533.

Representative Mosbrucker, 14th District

#### MESSAGE FROM THE SENATE

Thursday, April 13, 2023

Mme. Speaker:

The Senate refuses to concur in the House amendment(s) to SENATE BILL NO. 5350 and asks the House to recede therefrom.

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SENATE BILL NO. 5350.

Representatives Macri and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5350.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5350, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena,

Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SENATE BILL NO. 5350, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Thursday, April 13, 2023

Mme. Speaker:

The Senate refuses to concur in the House amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 5134 and asks the House to recede therefrom.

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### MOTION

Representative Goodman moved that the House recede from the House amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 5134.

Representative Goodman spoke in favor of the motion.

Representative Mosbrucker spoke against the motion.

Division was demanded on the motion to recede from the House amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 5134 and the demand was sustained. The Speaker (Representative Bronoske presiding) divided the House. The result was 56 - YEAS; 40 - NAYS.

#### HOUSE AMENDMENT TO SENATE BILL

The House receded from its amendment to SECOND SUBSTITUTE SENATE BILL NO. 5134.

The bill was placed on final passage.

Representative Simmons spoke in favor of the passage of the bill.

Representative Mosbrucker spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5134.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5134, and the bill passed the House by the following vote: Yeas, 63; Nays, 35; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Hansen, Hutchins, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barnard, Chambers, Chandler, Cheney, Christian, Connors, Corry, Dent, Dye, Eslick, Goehner, Graham, Harris, Jacobsen, Klicker, Kretz, Maycumber,

McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SECOND SUBSTITUTE SENATE BILL NO. 5134, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Thursday, April 13, 2023

Mme. Speaker:

The Senate refuses to concur in the House amendment(s) to SENATE BILL NO. 5316 and asks the House to recede therefrom.

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

**MOTION**

Representative Eslick moved that the House recede from the House amendment(s) to SENATE BILL NO. 5316.

Representative Eslick spoke in favor of the motion.

Representative Senn spoke against the motion.

The motion to recede from the House amendment(s) to SENATE BILL NO. 5316 failed.

**HOUSE AMENDMENT TO SENATE BILL**

The House insisted on its position in its amendment to SENATE BILL NO. 5316 and asked the Senate to concur therein.

**MESSAGE FROM THE SENATE**

Thursday, April 13, 2023

Mme. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5174 and asks the House to recede therefrom.

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

**HOUSE AMENDMENT TO SENATE BILL**

There being no objection, the House insisted on its position in its amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5174 and asked the Senate to concur therein.

There being no objection, the House advanced to the eighth order of business.

**MOTION**

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
5258  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5293  
SENATE BILL NO. 5768  
HOUSE BILL NO. 1757

There being no objection, the House adjourned until 10:30 a.m., Thursday, April 20, 2023, the 102nd Day of the 2023 Regular Session.



## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## ONE HUNDRED SECOND DAY

House Chamber, Olympia, Thursday, April 20, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Anna Munn and Druce Krems. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Kacey Hahn, Saint Matthew's Lutheran Church, Renton.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1110  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1134  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1169  
 SUBSTITUTE HOUSE BILL NO. 1240  
 HOUSE BILL NO. 1257  
 SUBSTITUTE HOUSE BILL NO. 1682  
 SUBSTITUTE HOUSE BILL NO. 1700  
 SECOND SUBSTITUTE HOUSE BILL NO. 1724  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1744  
 ENGROSSED HOUSE BILL NO. 1823  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1838  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5080  
 SUBSTITUTE SENATE BILL NO. 5081  
 SUBSTITUTE SENATE BILL NO. 5156  
 SUBSTITUTE SENATE BILL NO. 5165  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5173  
 SUBSTITUTE SENATE BILL NO. 5182  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5186  
 SUBSTITUTE SENATE BILL NO. 5189  
 SUBSTITUTE SENATE BILL NO. 5191  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5197  
 SUBSTITUTE SENATE BILL NO. 5208  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5231  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5243  
 SENATE BILL NO. 5252  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5257  
 SECOND SUBSTITUTE SENATE BILL NO. 5263  
 SECOND SUBSTITUTE SENATE BILL NO. 5268  
 SECOND SUBSTITUTE SENATE BILL NO. 5269  
 SECOND SUBSTITUTE SENATE BILL NO. 5048  
 SENATE BILL NO. 5069  
 SUBSTITUTE SENATE BILL NO. 5078  
 SUBSTITUTE SENATE BILL NO. 5256  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5278  
 SENATE BILL NO. 5282  
 SENATE BILL NO. 5283  
 SENATE BILL NO. 5287  
 SECOND SUBSTITUTE SENATE BILL NO. 5290  
 SUBSTITUTE SENATE BILL NO. 5300  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5301  
 SUBSTITUTE SENATE BILL NO. 5317  
 SENATE BILL NO. 5324  
 ENGROSSED SENATE BILL NO. 5352

ENGROSSED SENATE BILL NO. 5355  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5365  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5367  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5371  
 SUBSTITUTE SENATE BILL NO. 5386  
 SUBSTITUTE SENATE BILL NO. 5460  
 SUBSTITUTE SENATE BILL NO. 5491  
 SENATE BILL NO. 5497  
 SECOND SUBSTITUTE SENATE BILL NO. 5502  
 SUBSTITUTE SENATE BILL NO. 5504  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5515  
 SUBSTITUTE SENATE BILL NO. 5523  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5528  
 SECOND SUBSTITUTE SENATE BILL NO. 5532  
 SECOND SUBSTITUTE SENATE BILL NO. 5555  
 SUBSTITUTE SENATE BILL NO. 5565  
 SUBSTITUTE SENATE BILL NO. 5581

The Speaker called upon Representative Bronoske to preside.

There being no objection, the House advanced to the third order of business.

**MESSAGES FROM THE SENATE**

Wednesday, April 19, 2023

Mme. Speaker:

The Senate has passed:

HOUSE BILL NO. 1018  
 SECOND SUBSTITUTE HOUSE BILL NO. 1425  
 SUBSTITUTE HOUSE BILL NO. 1431  
 HOUSE BILL NO. 1573  
 SUBSTITUTE HOUSE BILL NO. 1756  
 SUBSTITUTE HOUSE BILL NO. 1764  
 ENGROSSED HOUSE BILL NO. 1812  
 SUBSTITUTE HOUSE BILL NO. 1850

and the same are herewith transmitted.

Sarah Bannister, Secretary

Wednesday, April 19, 2023

Mme. Speaker:

The Senate has concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5096  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5123  
 ENGROSSED SENATE BILL NO. 5175  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5447  
 SUBSTITUTE SENATE BILL NO. 5742

and the same are herewith transmitted.

Sarah Bannister, Secretary

Wednesday, April 19, 2023

Mme. Speaker:

The President has signed:

HOUSE BILL NO. 1020  
 ENGROSSED HOUSE BILL NO. 1086  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1188  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1238  
 SUBSTITUTE HOUSE BILL NO. 1250  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1260  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1335  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1357  
 SECOND SUBSTITUTE HOUSE BILL NO. 1474  
 SECOND SUBSTITUTE HOUSE BILL NO. 1525  
 SECOND SUBSTITUTE HOUSE BILL NO. 1578  
 SUBSTITUTE HOUSE BILL NO. 1701  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1731  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1791  
 ENGROSSED HOUSE BILL NO. 1846

and the same are herewith transmitted.

Sarah Bannister, Secretary  
 Wednesday, April 19, 2023

Mme. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5294  
 SUBSTITUTE SENATE BILL NO. 5389  
 SUBSTITUTE SENATE BILL NO. 5396  
 SUBSTITUTE SENATE BILL NO. 5398  
 SUBSTITUTE SENATE BILL NO. 5399  
 SENATE BILL NO. 5403  
 SECOND SUBSTITUTE SENATE BILL NO. 5425  
 SUBSTITUTE SENATE BILL NO. 5436  
 SUBSTITUTE SENATE BILL NO. 5437  
 SUBSTITUTE SENATE BILL NO. 5448  
 SECOND SUBSTITUTE SENATE BILL NO. 5454

and the same are herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the fourth order of business.

#### INTRODUCTION & FIRST READING

SB 5333 by Senators Lovick, Lias and Torres

AN ACT Relating to creating the state sport special license plate; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 5590 by Senators Wilson, L., Hunt, Braun, Dozier, Hawkins, Kuderer, Lovick, Wellman and Wilson, J.

AN ACT Relating to creating Mount St. Helens special license plates; reenacting and amending RCW 46.18.200, 46.17.220, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

#### SECOND READING

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5258, by Senate Committee on Ways & Means (originally sponsored by Shewmake, Gildon, Billig, Lias, Lovick, Nguyen, Nobles, Randall and Wellman)**

**Increasing the supply and affordability of condominium units and townhouses as an option for homeownership.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. For Committee amendment, see Journal, Day 101, Wednesday, April 19, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Rule and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5258, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5258, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5258, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5293, by Senate Committee on Ways & Means (originally sponsored by Rolfes, Robinson, Kuderer, Nobles and Van De Wege)**

**Concerning accounts.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. For Committee amendment, see Journal, Day 101, Wednesday, April 19, 2023.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Fitzgibbon and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5293, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5293, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

ENGROSSED SUBSTITUTE SENATE BILL NO. 5293, as amended by the House, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1757, by Representatives Corry, Springer, Chapman, Dent and Schmidt**

**Providing a sales and use tax remittance to qualified farmers.**

The bill was read the second time.

With the consent of the House, amendment (507) was withdrawn.

Representative Corry moved the adoption of amendment (506):

On page 1, beginning on line 20, strike subsection (3) and insert "(3) An exemption under this section is limited to \$10,000 per eligible farmer and must be claimed prior to January 1, 2029."

Representatives Corry and Springer spoke in favor of the adoption of the amendment.

Amendment (506) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Corry and Rule spoke in favor of the passage of the bill.

Representative Pollet spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1757.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1757, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy,

Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Pollet

ENGROSSED HOUSE BILL NO. 1757, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

**THIRD READING****MESSAGE FROM THE SENATE**

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1550, with the following amendment(s): 1550-S2 AMS EDU S2590.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The intent of the legislature is to continue and rename transitional kindergarten as the transition to kindergarten program and that the program be established in statute with the goal of assisting eligible children in need of additional preparation to be successful kindergarten students in the following school year. The transition to kindergarten program is not part of the state's statutory program of basic education under RCW 28A.150.200.

(2) The office of the superintendent of public instruction shall administer the transition to kindergarten program and shall adopt rules under chapter 34.05 RCW for the administration of, and the allocation of state funding for, the transition to kindergarten program. Initial rules, which include expectations for school districts and public schools transitioning existing programs to the new requirements established in this section must be adopted in time for the 2023-24 school year, and permanent rules must be adopted by the beginning of the 2024-25 school year. The rules must include, at a minimum, the following requirements for a transition to kindergarten program:

(a) (i) A limitation on program enrollment to eligible children. Eligible children include only those who:

(A) Have been determined to benefit from additional preparation for kindergarten; and

(B) Are at least four years old by August 31st of the school year they enroll in the transition to kindergarten program.

(ii) School districts and public schools may prioritize families with the lowest incomes and children most in need for additional preparation to be successful in

kindergarten when enrolling eligible children in a transition to kindergarten program;

(iii) Access to the transition to kindergarten program does not constitute an individual entitlement for any particular child.

(b) Except for children who have been excused from participation by their parents or legal guardians, a requirement that the Washington kindergarten inventory of developing skills as established by RCW 28A.655.080 be administered to all eligible children enrolled in a transition to kindergarten program at the beginning of the child's enrollment in the program and at least one more time during the school year.

(c) A requirement that all eligible children enrolled in a transition to kindergarten program be assigned a statewide student identifier and that the transition to kindergarten program be considered a separate class or course for the purposes of data reporting requirements in RCW 28A.320.175.

(d)(i) A requirement that a local child care and early learning needs assessment is conducted before beginning or expanding a transition to kindergarten program that considers the existing availability and affordability of early learning providers, such as the early childhood education and assistance programs, head start programs, and licensed child care centers and family home providers in the region. Data available through the regionalized data dashboard maintained by the department of children, youth, and families or any other appropriate sources may be used to conduct the needs assessment required by this section.

(ii) The office of the superintendent of public instruction, in collaboration with the department of children, youth, and families, shall develop statewide coordinated eligibility, recruitment, enrollment, and selection best practices and provide technical assistance to those implementing a transition to kindergarten program to support connections with local early learning providers.

(iii) Nothing in this section prohibits school districts and public schools from blending or colocating a transition to kindergarten program with other early learning programs.

(e)(i) A requirement that school districts and public schools adhere to guidelines, as developed by the office of the superintendent of public instruction, related to:

(A) Best practices for site readiness of facilities that are used for the program;

(B) Developmentally appropriate curricula that might assist in maintaining high quality programs; and

(C) Professional development opportunities.

(ii) The office of the superintendent of public instruction must develop a process for conducting site visits of a school district or public school offering a transition to kindergarten program and provide feedback on elements listed in this subsection (2)(e).

(f) A prohibition on charging tuition or other fees to state-funded eligible children

for enrollment in a transition to kindergarten program.

(g) A prohibition on establishing a policy of excluding an eligible child due only to the presence of a disability.

(3)(a) Funding for the transition to kindergarten program must be based on the following:

(i) The distribution formula established under RCW 28A.150.260 (4)(a), (5), (6), (8), and (10)(a) and (b), calculated using the actual number of annual average full-time equivalent eligible children enrolled in the program. A transition to kindergarten child must be counted as a kindergarten student for purposes of the funding calculations referenced in this subsection, but must be reported separately.

(ii) The distribution formula developed in RCW 28A.160.150 through 28A.160.192, calculated using reported ridership for eligible children enrolled in the program.

(b) Funding provided for the transition to kindergarten program is not part of the state's statutory program of basic education under RCW 28A.150.200 and must be expended only for the support of operating a transition to kindergarten program.

**Sec. 2.** RCW 28A.225.160 and 2009 c 380 s 3 are each amended to read as follows:

(1) Except as provided in subsection ~~((2))~~(3) of this section and otherwise provided by law, it is the general policy of the state that the common schools shall be open to the admission of all persons who are five years of age and less than ~~((twenty-one))~~21 years residing in that school district. Except as otherwise provided by law or rules adopted by the superintendent of public instruction, districts may establish uniform entry qualifications, including but not limited to birthdate requirements, for admission to kindergarten and first grade programs of the common schools. Such rules may provide for individualized exceptions based upon the ability, or the need, or both, of an individual student. Nothing in this section authorizes school districts, public schools, or the superintendent of public instruction to create state-funded programs based on entry qualification exceptions except as otherwise expressly provided by law.

(2) For the purpose of complying with any rule adopted by the superintendent of public instruction that authorizes a preadmission screening process as a prerequisite to granting individualized exceptions to the uniform entry qualifications, a school district may collect fees to cover expenses incurred in the administration of any preadmission screening process: PROVIDED, That in so establishing such fee or fees, the district shall adopt rules for waiving and reducing such fees in the cases of those persons whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees.

~~((2))~~(3) A student who meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010 shall be permitted to continue enrollment at the grade level in the common schools commensurate with the grade level of

the student when attending school in the sending state as defined in Article II of RCW 28A.705.010, regardless of age or birthdate requirements.

**NEW SECTION. Sec. 3.** (1) The department of children, youth, and families must make administrative changes to better align early childhood education and assistance program implementation with state-funded early learning programs serving three through five-year old children offered by school districts and public schools. The department must submit a report, in compliance with RCW 43.01.036, of the administrative changes to the appropriate committees of the legislature by July 1, 2024.

(2) This section expires August 30, 2025.

**Sec. 4.** RCW 43.88C.010 and 2022 c 219 s 2 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel

expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(c) The number of students who are eligible for the Washington college grant program under RCW 28B.92.200 and 28B.92.205 and are expected to attend an institution of higher education as defined in RCW 28B.92.030; and

(d) The number of children who are eligible, as defined in RCW 43.216.505, to participate in, and the number of children actually served by, the early childhood education and assistance program.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) By January 1, 2023, the caseload forecast council shall present the number of individuals who are assessed as eligible for and have requested a service through the individual and family services waiver and the basic plus waiver administered by the developmental disabilities administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(10) Beginning with the official forecast submitted in November 2022 and subject to the availability of amounts appropriated for this specific purpose, the caseload forecast council shall forecast the number of individuals who are assessed as eligible for and have requested supported living services, a service through the core waiver, an individual and family services waiver, and the basic plus waiver administered by the developmental disabilities administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(11) As a courtesy, beginning with the official forecast submitted in November 2022, the caseload forecast council shall forecast the number of individuals who are expected to reside in state-operated living alternatives administered by the developmental disabilities administration.

(12) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

(13) The caseload forecast council shall forecast the number of youth expected to receive behavioral rehabilitation services

while involved in the foster care system and the number of screened in reports of child abuse or neglect.

(14) The caseload forecast council shall forecast eligible children participating in the transition to kindergarten program under section 1 of this act.

(15) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

~~((15))~~(16) During the 2021-2023 fiscal biennium, and beginning with the November 2021 forecast, the caseload forecast council shall produce an unofficial forecast of the long-term caseload for juvenile rehabilitation as a courtesy."

On page 1, line 4 of the title, after "program;" strike the remainder of the title and insert "amending RCW 28A.225.160 and 43.88C.010; adding a new section to chapter 28A.300 RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House refused to concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1550 and asked the Senate to recede therefrom.

**MESSAGE FROM THE SENATE**

Thursday, April 13, 2023

Mme. Speaker:

The Senate refuses to concur in the House amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 5120 and asks the House to recede therefrom.

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

**HOUSE AMENDMENT TO SENATE BILL**

There being no objection, the House receded from its amendment to SECOND SUBSTITUTE SENATE BILL NO. 5120.

Representatives Orwall and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5120.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5120, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt,

Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SECOND SUBSTITUTE SENATE BILL NO. 5120, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Wednesday, April 19, 2023

Mme. Speaker:

The Senate insists on its position on SUBSTITUTE HOUSE BILL NO. 1044 and asks the House to concur.

and the same is herewith transmitted.

Sarah Bannister, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House insists on its position regarding the House amendment(s) to SUBSTITUTE HOUSE BILL NO. 1044 and asks the Senate for a conference thereon. The Speaker (Representative Bronoske presiding) has appointed the following members as Conferees: Representatives Tharinger, Callan, and Steele

With the consent of the House, the bills previously acted upon were immediately transmitted to the Senate.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

- HOUSE BILL NO. 1018
- HOUSE BILL NO. 1308
- SECOND SUBSTITUTE HOUSE BILL NO. 1425
- SUBSTITUTE HOUSE BILL NO. 1431
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1533
- HOUSE BILL NO. 1573
- SUBSTITUTE HOUSE BILL NO. 1638
- SUBSTITUTE HOUSE BILL NO. 1756
- SUBSTITUTE HOUSE BILL NO. 1764
- ENGROSSED HOUSE BILL NO. 1812
- SUBSTITUTE HOUSE BILL NO. 1850
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5294
- SUBSTITUTE SENATE BILL NO. 5389
- SUBSTITUTE SENATE BILL NO. 5396
- SUBSTITUTE SENATE BILL NO. 5398
- SUBSTITUTE SENATE BILL NO. 5399
- SENATE BILL NO. 5403
- SECOND SUBSTITUTE SENATE BILL NO. 5425
- SUBSTITUTE SENATE BILL NO. 5436
- SUBSTITUTE SENATE BILL NO. 5437
- SUBSTITUTE SENATE BILL NO. 5448
- SECOND SUBSTITUTE SENATE BILL NO. 5454

The Speaker called upon Representative Orwall to preside.

**MESSAGE FROM THE SENATE**

Wednesday, April 19, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1163, with the following amendment(s): 1163-S AMS BFGT S2346.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) This section is the tax preference performance statement for the tax preference contained in section 2(23), chapter . . . , Laws of 2023 (section 2(23) of this act). The performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(a) The legislature categorizes the tax preference contained in section 2(23), chapter . . . , Laws of 2023 (section 2(23) of this act) as one intended to induce certain designated behavior by taxpayers and provide tax parity, as indicated in RCW 82.32.808(2) (a) and (f).

(b) For the tax preference evaluation under subsection (2) of this section, the legislature's specific public policy objective is to provide tax parity resulting in leasehold excise tax relief for large arena facilities used for professional sports with the expectation that the operational entities overseeing operations at these facilities will provide substantial economic benefits to their specific region with a focus on: Providing employment opportunities for women and minority-owned businesses; fostering equity and social justice with an emphasis on arena-impacted communities; providing general community resource support; and ensuring quality access to the facilities for people across a range of income levels.

(c) For the tax preference evaluation under subsection (3) of this section, the legislature's specific public policy objectives are to provide tax parity resulting in leasehold excise tax relief with the expectation that employees employed at the facilities receive competitive wages and benefits and the facilities advance and promote diverse and inclusive voices, experiences, perspectives, and employment opportunities.

(2) To measure the effectiveness of the tax preference identified in section 2(23), chapter . . . , Laws of 2023 (section 2(23) of this act), except as provided in subsection (3) of this section, the joint legislative audit and review committee must evaluate the following:

(a) State and local fiscal impacts;

(b) To the extent data is available from the operating entity, the number of employment positions and wages at the facility for all employers, the degree to which employment positions at the facility have been filled by people residing in economically distressed regions of the county in which the facility is located, and the race and ethnicity of the employees. The evaluation must include a comparison of annual average wages at the facility and annual county average wages as published by the employment security department as part of its covered employment data;

(c) The extent to which the operational entity provides opportunities for patrons of

all income levels to enjoy programming by offering seating at a range of price points that are equitably distributed throughout the facility; and

(d) The extent to which the operational entity generally contributes resources to: Organizations that serve the region; the communities surrounding the facility; and programs and services for youth, arts, music, and culture.

(3) To measure the effectiveness of the tax preference in section 2(23), chapter . . . , Laws of 2023 (section 2(23) of this act) for arenas with a seating capacity of 17,000 or less, the joint legislative audit and review committee must evaluate the following to the extent that data is available from the operating entity or public owner of the arena:

(a) State and local fiscal impacts;

(b) The number of employment positions and wages at the facility for all employers operating at the facility. The evaluation must include a comparison of annual average wages at the facility and annual county average wages as published by the employment security department as part of its covered employment data;

(c) The financial stability of the facility through an examination of revenues and expenditures specific to the facility;

(d) The types of programming and events scheduled at the facility; and

(e) The economic impact of the facility in the county in which the facility is located.

(4) In order to obtain the data necessary to perform the reviews in subsections (2) and (3) of this section, the department of revenue must provide tax-related data needed for the joint legislative audit and review committee analysis, including the annual tax performance reports provided pursuant to RCW 82.32.534. In addition to the data source described under this subsection, the joint legislative audit and review committee may use any other data it deems necessary and the legislative auditor, or his or her designee, may contact operational entities after the effective date of this section to establish appropriate documentation to be provided by the operational entities to the joint legislative audit and review committee to facilitate its review of the tax preferences identified in this act.

(5) For the purpose of this section, "operational entity" means a limited liability company or any other public or private legal entity that is primarily responsible for the management and operation of a stadium or arena facility.

**Sec. 2.** RCW 82.29A.130 and 2022 c 147 s 1 are each amended to read as follows:

The following leasehold interests are exempt from taxes imposed pursuant to RCW 82.29A.030 and 82.29A.040:

(1) All leasehold interests constituting a part of the operating properties of any public utility that is assessed and taxed as a public utility pursuant to chapter 84.12 RCW.

(2) All leasehold interests in facilities owned or used by a school, college or university which leasehold provides housing

for students and which is otherwise exempt from taxation under provisions of RCW 84.36.010 and 84.36.050.

(3) All leasehold interests of subsidized housing where the fee ownership of such property is vested in the government of the United States, or the state of Washington or any political subdivision thereof but only if income qualification exists for such housing.

(4) All leasehold interests used for fair purposes of a nonprofit fair association that sponsors or conducts a fair or fairs which receive support from revenues collected pursuant to RCW 67.16.100 and allocated by the director of the department of agriculture where the fee ownership of such property is vested in the government of the United States, the state of Washington or any of its political subdivisions. However, this exemption does not apply to the leasehold interest of any sublessee of such nonprofit fair association if such leasehold interest would be taxable if it were the primary lease.

(5) All leasehold interests in any property of any public entity used as a residence by an employee of that public entity who is required as a condition of employment to live in the publicly owned property.

(6) All leasehold interests held by enrolled Indians of lands owned or held by any Indian or Indian tribe where the fee ownership of such property is vested in or held in trust by the United States and which are not subleased to other than to a lessee which would qualify pursuant to this chapter, RCW 84.36.451 and 84.40.175.

(7) All leasehold interests in any real property of any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States. However, this exemption applies only where it is determined that contract rent paid is greater than or equal to ~~((ninety))~~ 90 percent of fair market rental, to be determined by the department of revenue using the same criteria used to establish taxable rent in RCW 82.29A.020(2)(g).

(8) All leasehold interests for which annual taxable rent is less than ~~((two hundred fifty dollars))~~ \$250 per year. For purposes of this subsection leasehold interests held by the same lessee in contiguous properties owned by the same lessor are deemed a single leasehold interest.

(9) All leasehold interests which give use or possession of the leased property for a continuous period of less than ~~((thirty))~~ 30 days: PROVIDED, That for purposes of this subsection, successive leases or lease renewals giving substantially continuous use of possession of the same property to the same lessee are deemed a single leasehold interest: PROVIDED FURTHER, That no leasehold interest is deemed to give use or possession for a period of less than ~~((thirty))~~ 30 days solely by virtue of the reservation by the public lessor of the right to use the property or to allow third parties to use the property on an occasional, temporary basis.

(10) All leasehold interests under month-to-month leases in residential units rented for residential purposes of the lessee pending destruction or removal for the purpose of constructing a public highway or building.

(11) All leasehold interests in any publicly owned real or personal property to the extent such leasehold interests arises solely by virtue of a contract for public improvements or work executed under the public works statutes of this state or of the United States between the public owner of the property and a contractor.

(12) All leasehold interests that give use or possession of state adult correctional facilities for the purposes of operating correctional industries under RCW 72.09.100.

(13) All leasehold interests used to provide organized and supervised recreational activities for persons with disabilities of all ages in a camp facility and for public recreational purposes by a nonprofit organization, association, or corporation that would be exempt from property tax under RCW 84.36.030(1) if it owned the property. If the publicly owned property is used for any taxable purpose, the leasehold excise taxes set forth in RCW 82.29A.030 and 82.29A.040 must be imposed and must be apportioned accordingly.

(14) All leasehold interests in the public or entertainment areas of a baseball stadium with natural turf and a retractable roof or canopy that is in a county with a population of over ~~((one million))~~ 1,000,000, that has a seating capacity of over ~~((forty thousand))~~ 40,000, and that is constructed on or after January 1, 1995. "Public or entertainment areas" include ticket sales areas, ramps and stairs, lobbies and concourses, parking areas, concession areas, restaurants, hospitality and stadium club areas, kitchens or other work areas primarily servicing other public or entertainment areas, public rest room areas, press and media areas, control booths, broadcast and production areas, retail sales areas, museum and exhibit areas, scoreboards or other public displays, storage areas, loading, staging, and servicing areas, seating areas and suites, the playing field, and any other areas to which the public has access or which are used for the production of the entertainment event or other public usage, and any other personal property used for these purposes. "Public or entertainment areas" does not include locker rooms or private offices exclusively used by the lessee.

(15) All leasehold interests in the public or entertainment areas of a stadium and exhibition center, as defined in RCW 36.102.010, that is constructed on or after January 1, 1998. For the purposes of this subsection, "public or entertainment areas" has the same meaning as in subsection (14) of this section, and includes exhibition areas.

(16) All leasehold interests in public facilities districts, as provided in chapter 36.100 or 35.57 RCW.

(17) All leasehold interests in property that is: (a) Owned by the United States government or a municipal corporation; (b)



listed on any federal or state register of historical sites; and (c) wholly contained within a designated national historic reserve under 16 U.S.C. Sec. 461.

(18) All leasehold interests in the public or entertainment areas of an amphitheater if a private entity is responsible for ~~((one hundred))~~ 100 percent of the cost of constructing the amphitheater which is not reimbursed by the public owner, both the public owner and the private lessee sponsor events at the facility on a regular basis, the lessee is responsible under the lease or agreement to operate and maintain the facility, and the amphitheater has a seating capacity of over ~~((seventeen thousand))~~ 17,000 reserved and general admission seats and is in a county that had a population of over ~~((three hundred fifty thousand))~~ 350,000, but less than ~~((four hundred twenty-five thousand))~~ 425,000 when the amphitheater first opened to the public.

For the purposes of this subsection, "public or entertainment areas" include box offices or other ticket sales areas, entrance gates, ramps and stairs, lobbies and concourses, parking areas, concession areas, restaurants, hospitality areas, kitchens or other work areas primarily servicing other public or entertainment areas, public rest room areas, press and media areas, control booths, broadcast and production areas, retail sales areas, museum and exhibit areas, scoreboards or other public displays, storage areas, loading, staging, and servicing areas, seating areas including lawn seating areas and suites, stages, and any other areas to which the public has access or which are used for the production of the entertainment event or other public usage, and any other personal property used for these purposes. "Public or entertainment areas" does not include office areas used predominately by the lessee.

(19) All leasehold interests in real property used for the placement of military housing meeting the requirements of RCW 84.36.665.

(20) All leasehold interests in facilities owned or used by a community college or technical college, which leasehold interest provides:

(a) Food services for students, faculty, and staff;

(b) The operation of a bookstore on campus; or

(c) Maintenance, operational, or administrative services to the community college or technical college.

(21)(a) All leasehold interests in the public or entertainment areas of an arena if it:

(i) Has a seating capacity of more than ~~((two thousand))~~ 2,000;

(ii) Is located on city-owned land; and

(iii) Is owned by a city with a population over ~~((two hundred thousand))~~ 200,000 within a county with a population of less than ~~((one million five hundred thousand))~~ 1,500,000.

(b) For the purposes of this subsection (21), "public or entertainment areas" has the same meaning as provided in subsection (18) of this section.

(22) All leasehold interests in facilities owned by the state parks and

recreation commission that are listed on the national register of historic places or the Washington heritage register.

(23)(a) All leasehold interests in the public or entertainment areas of an arena if:

(i) The arena has a seating capacity of more than 4,000;

(ii) The arena is located on city-owned land;

(iii) The arena is located within a city with a population over 100,000; and

(iv) Private entities were responsible for 100 percent of the cost of constructing improvements to the arena, which were not reimbursed by the public owner.

(b) For the purposes of this subsection (23), "public or entertainment areas" has the same meaning as provided in subsection (18) of this section, except that it also includes office areas used predominately by the lessee.

(c) A taxpayer claiming an exemption under this subsection (23) must file a complete annual tax performance report as provided in RCW 82.32.534.

(d) This subsection (23) does not apply to leasehold interests on or after October 1, 2033.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act take effect October 1, 2023.

NEW SECTION. Sec. 4. Section 2 of this act expires January 1, 2034."

On page 1, line 3 of the title, after "tax;" strike the remainder of the title and insert "amending RCW 82.29A.130; creating a new section; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1163 and advanced the bill, as amended by the Senate, to final passage.

Representatives Fey and Orcutt spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Ramel, Representatives Wylie and Morgan were excused.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1163, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1163, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 87; Nays, 9; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian,

Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kretz, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Ryu, Sandlin, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Ybarra and Mme. Speaker

Voting Nay: Representatives Graham, Kloba, Leavitt, McEntire, Robertson, Rule, Schmidt, Volz and Walsh

Excused: Representatives Morgan and Wylie

SUBSTITUTE HOUSE BILL NO. 1163, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 1163.  
Representative Rule, 42nd District

#### MESSAGE FROM THE SENATE

Wednesday, April 19, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1258, with the following amendment(s): 1258-S AMS ROLF S3348.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.384.040 and 2018 c 275 s 5 are each amended to read as follows:

The statewide tourism marketing account is created in the state treasury. All receipts from tax revenues under RCW 82.08.225 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for expenditures of the department that are related to implementation of a statewide tourism marketing program and operation of the authority. A (~~two-to-one~~) one-to-one nonstate or state fund, other than general fund state, match must be provided for all expenditures from the account. A match may consist of nonstate or state fund, other than general fund state, cash contributions deposited in the private local account created under RCW 43.384.020(4), the value of an advertising equivalency contribution, or an in-kind contribution. The board must determine criteria for what qualifies as an in-kind contribution."

On page 1, line 3 of the title, after "requirements;" strike the remainder of the title and insert "and amending RCW 43.384.040."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1258 and advanced the bill, as amended by the Senate, to final passage.

Representatives Ryu and Steele spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1258, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1258, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Excused: Representatives Morgan and Wylie

SUBSTITUTE HOUSE BILL NO. 1258, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Wednesday, April 19, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1267, with the following amendment(s): 1267-S AMS BILL S3048.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.14.370 and 2022 c 175 s 1 are each amended to read as follows:

(1) The legislative authority of a rural county may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax may not exceed 0.09 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax, except that for rural counties with population densities between 60 and 100 persons per square mile, the rate shall not exceed 0.04 percent before January 1, 2000.

(2) The tax imposed under subsection (1) of this section must be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue must perform the collection of such taxes on behalf of the county at no cost to the county.

(3) (a) Moneys collected under this section may only be used to finance public facilities serving economic development purposes in rural counties and finance personnel in economic development offices. The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040, or provide affordable workforce housing infrastructure or facilities. For those counties that do not have an adopted overall economic development plan and do not plan under the growth management act, the public facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county, or provide affordable workforce housing infrastructure or facilities.

(b) In implementing this section, the county must consult with cities, towns, and port districts located within the county and the associate development organization serving the county to ensure that the expenditure of money collected under this section meets the goals of ~~((chapter 130, Laws of 2004))~~ creating, attracting, expanding, and retaining businesses, providing family wage jobs, and providing affordable workforce housing infrastructure or facilities and the use of money collected under this section meets the requirements of (a) of this subsection. Each county collecting money under this section must provide a report ~~((, as follows,))~~ to the office of the state auditor ~~((,))~~ within 150 days after the close of each fiscal year ~~((+ (i) A list of new projects begun during the fiscal year, showing that the county has used the funds for those projects consistent with the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection; and (ii) expenditures during the fiscal year on projects begun in a previous year))~~ identifying in detail each new and continuing public facility project, economic development purpose project, affordable workforce housing infrastructure or facilities project, economic development staff position, and qualifying provider project funded with the tax authorized under this section and the amount of tax proceeds allocated to such project or position in the prior fiscal year. Any projects financed prior to June 10, 2004, from the proceeds of obligations to which the tax imposed under subsection (1) of this section has been pledged may not be deemed to be new projects under this subsection. No new projects funded with money collected under this section may be for justice system facilities.

(c) The definitions in this section apply throughout this section.

(i) "Public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroads, electrical facilities, natural gas facilities, research, testing, training, and incubation facilities in innovation partnership zones designated under RCW

43.330.270, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, port facilities in the state of Washington, or affordable workforce housing infrastructure or facilities.

(ii) "Economic development purposes" means those purposes which facilitate the creation or retention of businesses and jobs in a county, including affordable workforce housing infrastructure or facilities.

(iii) "Economic development office" means an office of a county, port districts, or an associate development organization as defined in RCW 43.330.010, which promotes economic development purposes within the county.

(iv) "Affordable workforce housing infrastructure or facilities" means housing infrastructure or facilities that a qualifying provider uses for housing for a single person, family, or unrelated persons living together whose income is no more than 120 percent of the median income, adjusted for housing size, for the county where the housing is located.

(v) "Qualifying provider" means a nonprofit entity as defined in RCW 84.36.560, a nonprofit entity or qualified cooperative association as defined in RCW 84.36.049, a housing authority created under RCW 35.82.030 or 35.82.300, a public corporation established under RCW 35.21.660 or 35.21.730, or a county or municipal corporation.

(4) No tax may be collected under this section before July 1, 1998.

(a) Except as provided in (b) of this subsection, no tax may be collected under this section by a county more than 25 years after the date that a tax is first imposed under this section.

(b) For counties imposing the tax ~~((at the rate of 0.09 percent))~~ before August 1, 2009, and meeting the definition of a rural county as of August 1, 2009, the tax expires ~~((on the date that is 25 years after the date that the 0.09 percent tax rate was first imposed by that county))~~ December 31, 2054.

(5) By December 31, 2024, the state auditor must provide a publicly accessible report on its website containing the project information and other expenditure information included in the annual report required under subsection (3)(b) of this section for each county. The publicly accessible report must also include the total amount of revenue collected by the county under this section in the prior fiscal year. The state auditor must develop a standardized expenditure report for the project information and other expenditure information included in the annual report submitted by counties. This subsection applies to reports filed beginning in 2024 based on 2023 expenditures and thereafter.

(6) For purposes of this section, "rural county" means a county with a population density of less than 100 persons per square mile or a county smaller than 225 square miles as determined by the office of financial management ~~((and published each year by the department for the period July 1st to June 30th))~~ pursuant to RCW 43.62.035."

On page 1, line 1 of the title, after "tax;" strike the remainder of the title and insert "and amending RCW 82.14.370."

and the same is herewith transmitted.

Sarah Bannister, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1267 and advanced the bill, as amended by the Senate, to final passage.

Representatives Tharinger and Goehner spoke in favor of the passage of the bill.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1267, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1267, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Excused: Representatives Morgan and Wylie

SUBSTITUTE HOUSE BILL NO. 1267, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Wednesday, April 19, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1318, with the following amendment(s): 1318-S AMS WM S2831.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.08.025661 and 2022 c 56 s 5 are each amended to read as follows:

(1) Subject to the requirements of this section, the tax levied by RCW 82.08.020 does not apply to:

(a) Charges for labor and services rendered in respect to the constructing of new buildings, made to: (i) An eligible maintenance repair operator engaged in the maintenance of airplanes; or (ii) a port district, political subdivision, or municipal corporation, if the new building is to be leased to an eligible maintenance

repair operator engaged in the maintenance of airplanes;

(b) Sales of tangible personal property that will be incorporated as an ingredient or component of such buildings during the course of the constructing; or

(c) Charges made for labor and services rendered in respect to installing, during the course of constructing such buildings, building fixtures not otherwise eligible for the exemption under RCW 82.08.02565.

(2)(a) The exemption in this section is in the form of a remittance. A buyer claiming an exemption from the tax in the form of a remittance under this section must pay all applicable state and local sales taxes imposed under RCW 82.08.020 and chapter 82.14 RCW on all purchases qualifying for the exemption.

(b) The department must determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer may on a quarterly basis submit an application, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer must retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the location and size of new structures; and construction invoices and documents.

(c) The department must on a quarterly basis remit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(d) A person may request a remittance for state sales and use taxes after the aircraft maintenance and repair station has been operationally complete for four years, but not sooner than December 1, 2021. However, the department may not remit the state portion of sales and use taxes if the person did not report at least ~~((one hundred))100~~ average employment positions with an average annualized wage of \$80,000 to the employment security department for ~~((October 1, 2020, through September 30, 2021, with an average annualized wage of eighty thousand dollars))~~ a period of four consecutive calendar quarters, beginning with the first calendar quarter after the date the facility is issued an occupancy permit by the local permit issuing authority. A person must provide the department with the unemployment insurance number provided to the employment security department for the establishment.

(e) A person may request a remittance for local sales and use taxes on or after July 1, 2016.

(3) In order to qualify under this section before starting construction, the port district, political subdivision, or municipal corporation must have entered into an agreement with an eligible maintenance repair operator to build such a facility. A person claiming the exemption under this section is subject to all the requirements of chapter 82.32 RCW. In addition, the person must file a complete annual report with the department under RCW 82.32.534.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Eligible maintenance repair operator" means a person classified by the federal aviation administration as a federal aviation regulation part 145 certificated repair station and located in ~~((an international))~~ a commercial services airport owned by a county with a population ~~((greater))~~ less than ~~((one million five hundred thousand))~~ 1,000,000 or a commercial services airport jointly owned by a city and county.

(b) "Operationally complete" means constructed to the point of being functionally capable of hosting the repair and maintenance of airplanes.

(5) This section expires January 1, ~~((2027))~~ 2031.

**Sec. 2.** RCW 82.12.025661 and 2016 c 191 s 3 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of:

(a) Tangible personal property that will be incorporated as an ingredient or component in constructing new buildings for:

- (i) An eligible maintenance repair operator;
- or
- (ii) a port district, political subdivision, or municipal corporation, to be leased to an eligible maintenance repair operator; or

(b) Labor and services rendered in respect to installing, during the course of constructing such buildings, building fixtures not otherwise eligible for the exemption under RCW 82.08.02565.

(2) The eligibility requirements, conditions, and definitions in RCW 82.08.025661 apply to this section, including the filing of a complete annual report with the department under RCW 82.32.534.

(3) This section expires January 1, ~~((2027))~~ 2031.

**NEW SECTION. Sec. 3.** RCW 82.32.808 does not apply to this act."

On page 1, line 2 of the title, after "repair;" strike the remainder of the title and insert "amending RCW 82.08.025661 and 82.12.025661; creating a new section; and providing expiration dates."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1318 and advanced the bill, as amended by the Senate, to final passage.

Representatives Ormsby and Orcutt spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1318, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1318, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Excused: Representatives Morgan and Wylie

SUBSTITUTE HOUSE BILL NO. 1318, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Wednesday, April 19, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1711, with the following amendment(s): 1711-S AMS ENGR S3030.E

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 82.08 RCW to read as follows:

(1) Subject to the requirements of this section, the tax levied by RCW 82.08.020 does not apply to sales of, or charges made for:

(a) Labor and services rendered in respect to the construction of a qualified infrastructure project, or the installation of any equipment or tangible personal property incorporated into a qualified infrastructure project; and

(b) Building materials, telecommunications equipment, and tangible personal property incorporated into a qualified infrastructure project.

(2) The exemption provided in subsection (1) of this section does not apply to local sales taxes.

(3)(a) In order to obtain an exemption certificate under this section, a qualified infrastructure project owner must submit an application to the department for an exemption certificate. The application must include the information necessary, as required by the department, to determine that the qualified infrastructure project owner qualifies for the exemption under this section. The department must issue an exemption certificate to a qualified infrastructure project owner.

(b) In order to claim an exemption under this section, a qualified infrastructure project owner must provide the seller with an exemption certificate in a form and

manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(c) The exemption certificate is effective on the date the application is received by the department, which is the date of issuance. The exemption provided in this section does not apply to any property or services that are received by the qualified infrastructure project owner, or its agent, before the effective date of this section or on or after January 1, 2030. For the purpose of this subsection (3)(c), "received" means:

(i) Taking physical possession of, or having dominion and control over, the tangible personal property eligible for the exemption in subsection (1)(b) of this section; and

(ii) The labor and services in subsection (1)(a) of this section have been performed.

(d) The exemption certificate expires on the date the project is certified as operationally complete by the qualified infrastructure project owner or January 1, 2030, whichever is first. The qualified infrastructure project owner must notify the department, in a form and manner as required by the department, when the project is certified as operationally complete.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Local sales tax" means a sales tax imposed by a local government under the authority of chapter 82.14 or 81.104 RCW.

(b) "Operationally complete" means the qualified infrastructure project is capable of being used for its intended purpose as described in the exemption certificate application.

(c) "Qualified infrastructure project" means the construction of buildings and utilities related to the deployment of a modern global internet and telecommunications infrastructure that occurs in part in a distressed area, as defined in RCW 43.168.020, that is located on the coast of Washington. The infrastructure may include, but is not limited to, cable landing stations, communications hubs, buried utility connections and extension, and any related equipment and buildings that will add broadband capacity and infrastructure to the area.

(d) "Qualified infrastructure project owner" means a wholly owned subsidiary of a federally recognized tribe located in a county that borders the Pacific Ocean that is developing a qualified infrastructure project.

(5) The total amount of state sales and use tax exempted under this section and section 2 of this act may not exceed \$8,000,000. A qualified infrastructure project owner within 60 days of the expiration of the exemption certificate under subsection (3)(d) of this section must pay any tax due under this subsection. The department may not assess penalties and interest as provided in chapter 82.32 RCW on the amount due if the amount due is paid within the 60-day period, or any extension thereof. The department may require a qualified infrastructure project owner to

periodically submit documentation, as specified by the department, prior to the expiration of the exemption certificate to allow the department to track the total amount of sales and use tax exempted under this section and section 2 of this act.

(6) This section expires January 1, 2030.

**NEW SECTION. Sec. 2.** A new section is added to chapter 82.12 RCW to read as follows:

(1) Provided an exemption certificate has been issued pursuant to section 1 of this act, the provisions of this chapter do not apply with respect to the use of:

(a) Labor and services rendered in respect to the installation of any equipment or other tangible personal property incorporated into a qualified infrastructure project; and

(b) Building materials, telecommunications equipment, and tangible personal property incorporated into a qualified infrastructure project.

(2) The exemption provided in subsection (1) of this section does not apply to local use taxes.

(3) All of the eligibility requirements, conditions, limitations, and definitions in section 1 of this act apply to this section.

(4) For purposes of this section, "local use tax" means a use tax imposed by a local government under the authority of chapter 82.14 or 81.104 RCW.

(5) This section expires January 1, 2030.

**NEW SECTION. Sec. 3.** A new section is added to chapter 82.08 RCW to read as follows:

(1) In order to obtain the exemption provided in this act, a qualified infrastructure project owner must certify to the department of labor and industries that the work performed on the qualified infrastructure project by the prime contractor and its subcontractors was performed under the terms of a community workforce agreement or project labor agreement negotiated prior to the start of the qualified infrastructure project. The agreements must include worker compensation requirements consistent with the payment of area standard prevailing wages in accordance with chapter 39.12 RCW, apprenticeship utilization requirements, and tribal employment and contracting opportunities, provided the following:

(a) The owner and the prime contractor and all of its subcontractors regardless of tier have the absolute right to select any qualified and responsible bidder for the award of contracts on a specified project without reference to the existence or nonexistence of any agreements between such bidder and any party to such project labor agreement, and only when such bidder is willing, ready, and able to become a party to, signs a letter of assent, and complies with such agreement or agreements, should it be designated the successful bidder; and

(b) It is understood that this is a self-contained, stand-alone agreement, and that by virtue of having become bound to such agreement or agreements, neither the project contractor nor the subcontractors are

obligated to sign any other local, area, or national agreement.

(2) This section expires January 1, 2030.

NEW SECTION. **Sec. 4.** RCW 82.32.808 does not apply to this act.

NEW SECTION. **Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2023."

On page 1, line 3 of the title, after "tribe;" strike the remainder of the title and insert "adding new sections to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; providing expiration dates; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1711 and advanced the bill, as amended by the Senate, to final passage.

Representatives Chapman and Orcutt spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1711, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1711, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Excused: Representatives Morgan and Wylie

SUBSTITUTE HOUSE BILL NO. 1711, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Thursday, April 13, 2023

Mme. Speaker:

The President ruled that the House amendment 5315-S2.E AMH SANT H1934.1 to ENGROSSED SECOND SUBSTITUTE

SENATE BILL NO. 5315 to be beyond scope & object of the bill. The Senate refuses to concur in said amendment and asks the House to recede therefrom. The Senate did not consider amendment 5315-S2.E AMH SANT H1934.1 to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5315.

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5315.

There being no objection, the rules were suspended, and ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5315 was returned to second reading for the purpose of amendment.

Representative Santos moved the adoption of the striking amendment (766):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) (a) (i) The legislature finds that the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq., establishes duties for the state education agency, which is the office of the superintendent of public instruction in Washington, with respect to students with disabilities who are placed in a private school or facility by a school district or other public agency as a means of providing special education and related services.

(ii) Since 2006, the federal implementing regulations of the federal individuals with disabilities education act have required that the office of the superintendent of public instruction ensure that a student with a disability who is placed in a private school or facility by a school district or other public agency:

(A) Is provided special education and related services in conformance with an individualized education program that meets the requirements of federal law and at no cost to the student's parents;

(B) Is provided an education that meets the standards that apply to education provided by a school district or other public agency; and

(C) Has all of the rights of a student with a disability who is served by a school district or other public agency.

(iii) Since 2006, the federal implementing regulations of the federal individuals with disabilities education act have required that the office of the superintendent of public instruction, in implementing the requirements described in (a) (ii) of this subsection:

(A) Monitor compliance through procedures such as written reports, on-site visits, and parent questionnaires;

(B) Disseminate copies of applicable standards to each private school and facility to which a school district or other public agency has placed a student with a disability; and

(C) Provide an opportunity for those private schools and facilities to

participate in the development and revision of state standards that apply to them.

(iv) The federal implementing regulations of the federal individuals with disabilities education act require the state to monitor implementation of the individuals with disabilities education act to improve educational results and functional outcomes for all students with disabilities. The state must use indicators to measure school district performance, identify areas of noncompliance, and use appropriate enforcement mechanisms, such as technical assistance, corrective action, or withholding funds.

(b) The legislature acknowledges that it has not codified the federal requirements. Therefore, the legislature intends to codify the duty and authority of the superintendent of public instruction to establish standards for authorizing, monitoring, and investigating private schools approved by the state board of education under RCW 28A.305.130, other private in-state entities, and any out-of-state entities, that contract with school districts to provide special education and related services to students with disabilities. The legislature also intends to codify the requirement that these standards must ensure that any students with disabilities placed in the authorized entities by school districts have the same rights, protections, and access to special education and related services that they would have if served by school districts.

(2) (a) (i) The federal implementing regulations of the federal individuals with disabilities education act specify that, when a school district or other public agency has placed a student with disabilities in a private school or facility, responsibility for compliance with the federal individuals with disabilities education act remains with the school district or other public agency and with the office of the superintendent of public instruction.

(ii) State statute permits school districts to contract with entities authorized by the office of the superintendent of public instruction to operate special education programs for students with disabilities and specifies that the approval standards must conform substantially to those of special education programs in the school districts.

(iii) Rules of the office of the superintendent of public instruction specify the minimum elements of the written contract that must be made between a school district and an authorized entity. In addition, these rules specify that the school district remains responsible for ensuring that any student placed in an authorized entity is provided a free appropriate public education in conformance with the individualized education program developed by the school district.

(b) The legislature intends to codify the responsibilities of school districts placing students with disabilities in authorized entities, including specifying minimum contract and parent notification requirements.

(3) In addition, the legislature intends to ensure accountability is properly exercised and shared by directing the state auditor to conduct a performance audit of the system for overseeing the authorized entities that provide special education services to students with disabilities, as well as requiring school districts contracting with these authorized entities to report concerns about education overbilling to the office of the superintendent of public instruction and the office of the state auditor.

**Sec. 2.** RCW 28A.155.090 and 2007 c 115 s 11 are each amended to read as follows:

The superintendent of public instruction shall have the duty and authority, through the administrative section or unit for the education of children with ~~((disabling conditions))~~ disabilities, to:

(1) Assist school districts in the formation of programs to meet the needs of children with disabilities;

(2) Develop interdistrict cooperation programs for children with disabilities as authorized in RCW 28A.225.250;

(3) Provide, upon request, to parents or guardians of children with disabilities, information as to the special education programs for students with disabilities offered within the state;

(4) Assist, upon request, the parent or guardian of any child with disabilities in the placement of any child with disabilities who is eligible for but not receiving special educational services for children with disabilities;

(5) Approve school district and agency programs as being eligible for special excess cost financial aid to students with disabilities;

(6) Establish standards for authorizing, monitoring, and investigating private schools approved by the state board of education under RCW 28A.305.130, other private in-state entities, and any out-of-state entities, that contract with school districts under RCW 28A.155.060 to provide special education and related services to children with disabilities. The standards must ensure that any children with disabilities placed in authorized entities by school districts have the same rights, protections, and access to special education and related services that they would have if served by a school district;

(7) Consistent with the provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160, and part B of the federal individuals with disabilities education improvement act, administer administrative hearings and other procedures to ensure procedural safeguards of children with disabilities; and

~~((7))~~ (8) Promulgate such rules as are necessary to implement part B of the federal individuals with disabilities education improvement act or other federal law providing for special education services for children with disabilities and the several provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160 and to ensure appropriate access to and participation in the general education



curriculum and participation in statewide assessments for all students with disabilities.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction may authorize private schools approved by the state board of education under RCW 28A.305.130, other private in-state entities, and any out-of-state entities to contract with school districts under RCW 28A.155.060 to provide special education and related services to students with disabilities. For authorized entities with multiple locations, the office of the superintendent of public instruction must approve each location independently.

(2) The office of the superintendent of public instruction shall establish a process for private schools approved by the state board of education under RCW 28A.305.130 to apply for authorization or reauthorization for a period of up to five years and for other entities to apply for authorization or reauthorization for a period of up to three years.

(3) To qualify for authorization or reauthorization, an applicant must, at a minimum, meet the following requirements:

(a) Offer a program of basic education that will provide:

(i) Opportunities for students to meet the goals of RCW 28A.150.210, in accordance with an individual assessment of student strengths and needs as determined by the placing school districts, and any other requirements established by contract; and

(ii) Opportunities for students in grades nine through 12 to either meet high school graduation requirements under RCW 28A.230.090 or to earn a high school equivalency certificate under RCW 28B.50.536 or laws of the state in which the applicant is located;

(b) Maintain applicable facility licenses and applicable agency approvals of the state in which the applicant is located;

(c) Employ or contract with teachers and related services staff who meet the licensing requirements of the state in which the applicant is located;

(d) Meet applicable fire codes of the local fire marshal or the fire marshal of the state in which the applicant is located;

(e) Meet applicable health and safety standards of the local jurisdiction and state in which the applicant is located;

(f) Demonstrate through audits that the applicant is financially stable and has accounting systems that allow for separation of school district funds, including financial safeguards in place to track revenues and expenditures associated with contracted placements to ensure that funds are used to provide education and related services to students placed in the authorized entity by the school district;

(g) Demonstrate that the applicant has procedures in place that address staff employment and contracting, including checking personal and professional references, conducting state and federal criminal background checks, and conducting

regular staff evaluations that address staff competencies;

(h) Maintain a policy of nondiscrimination and provide procedural safeguards for students and their families; and

(i) Pass an on-site inspection conducted by the office of the superintendent of public instruction that confirms that the health and safety of the facilities, the staffing qualifications and levels, and the procedural safeguards are sufficient to provide a safe and appropriate learning environment for students.

(4) The office of the superintendent of public instruction must prohibit authorized entities from charging tuition or fees to students placed in the authorized entity by a school district.

(5) As used in this section, the term "authorized entity" means a private school approved by the state board of education under RCW 28A.305.130, another private in-state entity, or any out-of-state entity, that has been authorized by the office of the superintendent of public instruction to contract with a school district to provide a program of special education for students with disabilities.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.155 RCW to read as follows:

(1) On its webpage related to special education, the office of the superintendent of public instruction must develop and publish a complaint process for individuals to report noncompliance with local, state, or federal laws or violation of students rights by authorized entities. The webpage may include additional instructions for submitting complaints to the resident school district and for using the special education community complaint processes, when applicable.

(2) When an authorized entity notifies the office of the superintendent of public instruction about major program changes, the office shall review the changes with affected school districts to determine whether the entity remains authorized to provide contracted services.

(3) The office of the superintendent of public instruction must monitor and investigate authorized entities and contracting school districts to ensure compliance with the requirements of RCW 28A.155.060 and section 3 of this act. In completing this duty, the office of the superintendent of public instruction must use information and data gathered during on-site visits, submitted through the complaint processes, and provided by authorized entities and school districts. The office of the superintendent of public instruction must use this process to identify and address patterns of misconduct, including issuing corrective action or revoking an entity's authorization under section 3 of this act to contract with school districts.

(4) The office of the superintendent of public instruction may suspend, revoke, or refuse to renew the authorization of an entity under section 3 of this act if the entity:

(a) Fails to maintain authorization standards under section 3 of this act;

(b) Violates the rights of students placed in the authorized entity by a school district;

(c) Fails to adhere to applicable local, state, and federal laws, including health, safety, and civil rights laws;

(d) Fails to comply with contract requirements under RCW 28A.155.060; or

(e) Refuses to implement any corrective actions ordered by the office of the superintendent of public instruction.

(5) As used in this section, "authorized entity" and "entity" has the same meaning as in section 3 of this act.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28A.155 RCW to read as follows:

(1) The office of the superintendent of public instruction shall notify the state board of education if any private school authorized by the office of the superintendent of public instruction under section 3 of this act that is also approved by the state board of education under chapter 28A.195 RCW is investigated for noncompliance, is directed to complete corrective action, or fails to maintain authorization.

(2) The state board of education shall notify the office of the superintendent of public instruction of any unresolved concerns, deficiencies, or deviations related to a private school authorized by the office of the superintendent of public instruction under section 3 of this act that is also approved by the state board of education under chapter 28A.195 RCW.

**Sec. 6.** RCW 28A.155.060 and 2007 c 115 s 6 are each amended to read as follows:

(1) For the purpose of carrying out the provisions of RCW 28A.155.020 through 28A.155.050, the board of directors of every school district shall be authorized to contract with ~~((agencies approved by the superintendent of public instruction for operating special education programs for students with disabilities. Approval standards for such agencies shall conform substantially with those of special education programs in the common schools))~~ private schools approved by the state board of education under RCW 28A.305.130, other private in-state entities, and any out-of-state entities authorized by the office of the superintendent of public instruction under section 3 of this act to provide special education and related services to students with disabilities placed in the authorized entities by school districts.

(2) A school district that chooses to contract with an authorized entity must enter into a written contract to establish the responsibilities of the school district and the authorized entity, and set forth the rights of students with disabilities placed in the authorized entity by the school district as a means of providing special education and related services. The contract must include, at a minimum, the following elements:

(a) The names of the parties involved and the name of the student placed in the authorized entity by the school district;

(b) The locations and settings of the education and related services to be provided;

(c) (i) A description of the opportunities for the student to meet a program of basic education that meets the goals of RCW 28A.150.210, in accordance with an individual assessment of student strengths and needs initially performed by the placing school districts and updated by the authorized entity; and

(ii) When applicable, a description of the opportunities for the student to either meet high school graduation requirements under RCW 28A.230.090 or to earn a high school equivalency certificate under RCW 28B.50.536 or laws of the state in which the authorized entity is located;

(d) A schedule, of at least once per academic term, for the authorized entity to provide to the school district student progress reports. The progress reports must describe how the student is meeting personalized learning outcomes;

(e) The total contract cost and applicable charge and reimbursement systems, including billing and payment procedures;

(f) Acknowledgment that the authorized entity is responsible for full reimbursement to the school district of any overpayments determined to have been made by the school district;

(g) Acknowledgment that the authorized entity has a list of staff members providing the education and related services and a copy of the license that qualifies each staff member to provide the services;

(h) An agreement by the authorized entity to employ or contract with at least one licensed teacher with a special education endorsement;

(i) Acknowledgment that the staff of the authorized entity are regularly trained on the following topics:

(i) The constitutional and civil rights of students in schools;

(ii) Child and adolescent development;

(iii) Trauma-informed approaches to working with children and youth;

(iv) Cultural competency, diversity, equity, and inclusion, including best practices for interacting with students from particular backgrounds, including English learner, LGBTQ, immigrant, female, and nonbinary students. For the purposes of this subsection, "cultural competency," "diversity," "equity," and "inclusion" have the same meanings as in RCW 28A.415.443;

(v) Student isolation and restraint requirements under RCW 28A.600.485;

(vi) The federal family educational rights and privacy act (Title 20 U.S.C. Sec. 1232g) requirements including limits on access to and dissemination of student records for noneducational purposes;

(vii) Recognizing and responding to student mental health issues; and

(viii) Educational rights of students with disabilities, the relationship of disability to behavior, and best practices for interacting with students with disabilities;

(j) Acknowledgment that the school district and the authorized entity have clearly established their respective responsibilities and processes for student data collection and reporting;

(k) Acknowledgment that the authorized entity will promptly submit to the school district any complaints it receives;

(l) Acknowledgment that the authorized entity will submit other information required by the school district or the office of the superintendent of public instruction;

(m) Acknowledgment that the authorized entity must comply with student isolation and restraint requirements under RCW 28A.600.485;

(n) Acknowledgment that the authorized entity will notify:

(i) The office of the superintendent of public instruction and every school district with which it contracts of any major program changes that occur during the authorization period, including adding or eliminating services or changing the type of programs available to students;

(ii) The office of the superintendent of public instruction, every school district with which it contracts, and every parent or guardian of an affected student of any conditions that would affect the authorized entity's ability to continue to provide the contracted services; and

(iii) The office of the superintendent of public instruction and every school district with which it contracts of any complaints it receives regarding services to students, as well as any law enforcement incident reports involving the authorized entity and its enrolled students;

(o) Acknowledgment that the authorized entity must comply with all relevant Washington state and federal laws that are applicable to the school district; and

(p) Acknowledgment that the school district must provide the office of the superintendent of public instruction with the opportunity to review the contract and related documentation upon request.

(3)(a) A school district that contracts with an authorized entity under this section shall conduct an annual on-site visit to confirm that the health and safety of the facilities, the staffing qualifications and levels, and the procedural safeguards are sufficient to provide a safe and appropriate learning environment for students.

(b) A contracting school district may arrange for another school district to complete the annual on-site visit on its behalf, so long as the school district conducting the on-site visit provides a written report to the contracting school district that documents the results of the on-site visit and any concerns about the learning environment.

(4) Each school district contracting with an authorized entity under this section shall provide the following documents to the parents or guardians of each student placed in the authorized entity by the school district:

(a) A summary of the school district's and the authorized entity's responsibilities and processes for reporting incidents of

student isolation and restraint under RCW 28A.600.485; and

(b) A copy of the complaint procedure developed by the office of the superintendent of public instruction under section 4 of this act.

(5) Each school district contracting with an authorized entity under this section shall report to the office of the superintendent of public instruction and the office of the Washington state auditor any concerns the school district has about overbilling by the authorized entity.

(6) Each school district contracting with an authorized entity under this section shall remain responsible for ensuring that the students with disabilities placed in the authorized entity are:

(a) Provided a free appropriate public education in accordance with the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq. and this chapter;

(b) Provided with special education and related services at no cost to the student's parents and in conformance with an individualized education program as required by law, including evaluations and individualized education program team meetings that meet all applicable requirements; and

(c) Provided with an opportunity to participate in Washington state and school district assessments.

(7) As used in this section, the term "authorized entity" has the same meaning as in section 3 of this act.

**Sec. 7.** RCW 28A.155.210 and 2013 c 202 s 3 are each amended to read as follows:

~~A ((school that is required to develop a~~) ~~student's individualized education program ((as required by federal law)) must include ((within the plan)) procedures for notification of a parent or guardian regarding the use of restraint or isolation under RCW 28A.600.485. If a student is placed in an authorized entity under RCW 28A.155.060, the student's individualized education program must also specify any additional procedures required to ensure the authorized entity fully complies with RCW 28A.600.485.~~

**NEW SECTION. Sec. 8.** A new section is added to chapter 28A.155 RCW to read as follows:

(1) Beginning December 1, 2023, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction shall annually submit a report to the education committees of the legislature regarding placements of students with disabilities at authorized entities under RCW 28A.155.060. A summary of the report, including a link to the full report content, must also be posted on the office of the superintendent of public instruction's website. The report must include:

(a) The academic progress of students receiving special education services from authorized entities, using the results of the two most recent state assessments;

(b) The graduation rates of students who have received special education services from authorized entities;

(c) The rate at which students receiving special education services from authorized entities return to their resident school districts;

(d) Data on student restraint and isolation incidents, discipline, and attendance at authorized entities; and

(e) Any corrective action or change in an entity's authorization status, as ordered by the office of the superintendent of public instruction.

(2) The data published under subsection (1) of this section must be disaggregated by each authorized entity when it is possible to do so without disclosing, directly or indirectly, a student's personally identifiable information as protected under the federal family educational rights and privacy act (Title 20 U.S.C. Sec. 1232g).

(3) As used in this section, "authorized entity" has the same meaning as in section 3 of this act.

**NEW SECTION. Sec. 9.** (1) The state auditor shall conduct a performance audit of the authorization, monitoring, and investigation of authorized entities and the school districts that contract with authorized entities under RCW 28A.155.060 to provide special education and related services to students with disabilities. As appropriate, the state auditor shall make recommendations for improving the system for overseeing authorized entities. The state auditor may conduct the performance audit at a sample of school districts and authorized nonpublic entities as needed.

(2) By November 30, 2026, and in compliance with RCW 43.01.036, the state auditor shall report the performance audit's findings and recommendations to the governor and the education committees of the legislature.

(3) As used in this section, "authorized entity" has the same meaning as in section 3 of this act.

(4) This section expires August 1, 2027."

Correct the title.

Representatives Santos and Couture spoke in favor of the adoption of the striking amendment.

The striking amendment (766) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Santos and Couture spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5315, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5315, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Excused: Representatives Morgan and Wylie

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5315, as amended by the House, having received the necessary constitutional majority, was declared passed.

With the consent of the House, ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5315 was immediately transmitted to the Senate.

The Speaker assumed the chair.

There being no objection, the House reverted to the third order of business.

#### MESSAGES FROM THE SENATE

Thursday, April 20, 2023

Mme. Speaker:

The Senate receded from its amendment(s) to SUBSTITUTE HOUSE BILL NO. 1056, and passed the bill without said amendments.

SUBSTITUTE HOUSE BILL NO. 1056

and the same is herewith transmitted.

Sarah Bannister, Secretary

Thursday, April 20, 2023

Mme. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1110  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1134  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1169  
SUBSTITUTE HOUSE BILL NO. 1240  
HOUSE BILL NO. 1257  
SUBSTITUTE HOUSE BILL NO. 1682  
SUBSTITUTE HOUSE BILL NO. 1700  
SECOND SUBSTITUTE HOUSE BILL NO. 1724  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1744  
SECOND SUBSTITUTE HOUSE BILL NO. 1745  
ENGROSSED HOUSE BILL NO. 1823  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1838

and the same are herewith transmitted.

Sarah Bannister, Secretary

Thursday, April 20, 2023

Mme. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5096  
SECOND SUBSTITUTE SENATE BILL NO. 5134

ENGROSSED SENATE BILL NO. 5175  
 SENATE BILL NO. 5350  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5447  
 SUBSTITUTE SENATE BILL NO. 5742

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Thursday, April 20, 2023

Mme. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5583  
 SUBSTITUTE SENATE BILL NO. 5586  
 SECOND SUBSTITUTE SENATE BILL NO. 5593  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5599  
 SUBSTITUTE SENATE BILL NO. 5617  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5702  
 SUBSTITUTE SENATE BILL NO. 5714  
 SUBSTITUTE SENATE BILL NO. 5720  
 SUBSTITUTE SENATE BILL NO. 5753

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**SENATE BILL NO. 5768, by Senators Keiser, Dhingra, Cleveland, Frame, Hunt, Kuderer, Lovelett, Nobles, Pedersen, Randall, Robinson, Stanford, Trudeau, Valdez, Wellman and Wilson, C.**

**Protecting access to abortion medications by authorizing the department of corrections to acquire, sell, deliver, distribute, and dispense abortion medications.**

The bill was read the second time.

Representative Dye moved the adoption of amendment (771):

On page 2, line 26, after "(b)" strike "Any" and insert "(i) For any"

On page 2, beginning on line 27, after "wholesale" strike all material through "medication." on line 29 and insert ", the department must recover sufficient revenue to cover the cost of:

(A) The abortion medications not to exceed list price;

(B) Secure storage of the abortion medications;

(C) Delivery of the abortion medications to the health care provider or health care entity;

(D) Staffing to administer the program; and

(E) Any additional operational costs necessary to administer the program.

(ii)"

Representative Dye spoke in favor of the adoption of the amendment.

Representative Stonier spoke against the adoption of the amendment.

Amendment (771) was not adopted.

Representative Connors moved the adoption of amendment (767):

On page 2, line 34, after "(6)" insert "The department may not purchase additional abortion medications absent express legislative authority and appropriation in the omnibus operating appropriations act.  
 (7)"

Correct any internal references accordingly.

Representatives Connors and Walsh spoke in favor of the adoption of the amendment.

Representative Stonier spoke against the adoption of the amendment.

Amendment (767) was not adopted.

Representative Corry moved the adoption of amendment (768):

On page 5, after line 5, insert the following:

**"NEW SECTION. Sec. 6.** The sum of one million dollars, or so much thereof as may be necessary, is appropriated from the state general fund for the fiscal year ending June 30, 2023, and is provided solely for expenditure into the state self-insurance liability account under RCW 4.92.130 to address increased state liability for torts and injuries resulting from health care and for increased state costs of defending these claims."

Renumber the remaining section consecutively and correct internal references accordingly.

Correct the title.

## POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (768) to SENATE BILL NO. 5768.

## SPEAKER'S RULING

"The title of the bill is an act relating to protecting access to abortion medications by authorizing the department of corrections to acquire, sell, deliver, distribute, and dispense abortion medications.

The bill authorizes the Department of Corrections to engage in any activity constituting the practice of pharmacy or wholesale distribution of abortion medications; exempts the Department from wholesaler license requirements; and requires the Department to establish and operate a program to deliver, dispense, and distribute abortion medications.

Amendment (768) adds a one-million-dollar appropriation to the bill to pay for any state legal liabilities for torts and injuries resulting from health care and any state defense costs for such claims. The funds would be deposited into the state self-insurance liability account.

The amendment does not in any manner provide funding for the purposes of implementing Senate Bill 5768 or the program created under the bill. In fact, the amendment applies to state liability for health care torts and injuries in general rather the more limited subject of the bill. Finally, the amendment would

specifically dedicate its revenues to a fund that is not part of the bill.

The Speaker therefore finds and rules that the amendment is beyond the scope and object of the bill.

The point of order is well taken."

Representative Chambers moved the adoption of amendment (770):

On page 5, after line 9, insert the following:

"NEW SECTION. **Sec. 7.** This act expires June 30, 2027."

Correct the title.

Representative Chambers spoke in favor of the adoption of the amendment.

Representative Stonier spoke against the adoption of the amendment.

Amendment (770) was not adopted.

Representative Stokesbary moved the adoption of amendment (773):

On page 5, beginning on line 6, after "**Sec. 6.**" strike all material through "immediately." on line 9 and insert "(1) Sections 1 through 5 of this act take effect only if mifepristone is the subject of an order or regulatory determination that substantially restricts access to mifepristone in Washington state as determined by the attorney general in subsection (2) of this section.

(2) The attorney general must provide written notice of the effective date of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the attorney general.

NEW SECTION. **Sec. 7.** If by June 30, 2027, the attorney general has not provided notice of the effective date of this act, the state treasurer must transfer from the governor's emergency fund to the general fund-state account the amount equaling the total expenditures used to purchase or procure mifepristone by the department of corrections in contemplation of this act."

Correct the title.

Representative Stokesbary spoke in favor of the adoption of the amendment.

Representative Bateman spoke against the adoption of the amendment.

Amendment (773) was not adopted.

Representative Couture moved the adoption of amendment (774):

On page 5, beginning on line 6, after "**Sec. 6.**" strike all material through "immediately." on line 9 and insert "(1) The Washington state institute for public policy shall study and analyze the following:

(a) Any licensure or federal law compliance concerns related to the program established under section 2 of this act;

(b) The current regulatory status of mifepristone;

(c) Any potential liability for the state's role in the program and ways to mitigate any potential liability identified; and

(d) Which state agency is best suited to administer the program established under section 2 of this act based on the agency's current scope of duties, experience with prescription drugs and health care providers, and cost-effectiveness.

(2) The Washington state institute for public policy shall submit a report of the findings to the appropriate committees of the legislature by December 1, 2023.

NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act take effect July 1, 2024."

Correct the title.

Representative Couture spoke in favor of the adoption of the amendment.

Representative Bateman spoke against the adoption of the amendment.

Amendment (774) was not adopted.

Representative Schmick moved the adoption of amendment (769):

On page 2, beginning on line 14, after "requirements" strike all material through "from" on line 15 and insert "such as"

On page 3, beginning on line 13, strike all of section 3

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Schmick spoke in favor of the adoption of the amendment.

Representative Bateman spoke against the adoption of the amendment.

Amendment (769) was not adopted.

Representative Caldier moved the adoption of amendment (772):

On page 5, beginning on line 1, strike all of section 4

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Caldier spoke in favor of the adoption of the amendment.

Representative Bateman spoke against the adoption of the amendment.

Amendment (772) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Bateman spoke in favor of the passage of the bill.

Representative Couture spoke against the passage of the bill.

### MOTION

On motion of Representative Leavitt, Representative Reeves was excused.

Representative Thai spoke in favor of the passage of the bill.

Representatives Caldier and Chambers spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5768.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5768, and the bill passed the House by the following vote: Yeas, 55; Nays, 40; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Morgan, Reeves and Wylie

SENATE BILL NO. 5768, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

### THIRD READING

#### MESSAGE FROM THE SENATE

Thursday, April 20, 2023

Mme. Speaker:

The Senate receded from its amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1050, and under suspension of the rules returned ENGROSSED SUBSTITUTE HOUSE BILL NO. 1050 to second reading for purpose of amendment(s). The Senate further adopted amendment 1050-S.E AMS KING S3187.1 and passed the measure as amended.

On page 1, at the beginning of line 15, strike "\$1,000,000" and insert "\$2,000,000"

On page 1, line 16, after "apprentices." insert "For contracts advertised for bid on or after July 1, 2026, for all public works contracts awarded by a municipality estimated to cost \$1,500,000 or more, all specifications must require that no less than 15 percent of the labor hours be

performed by apprentices. For contracts advertised for bid on or after July 1, 2028, for all public works contracts awarded by a municipality estimated to cost \$1,000,000 or more, all specifications must require that no less than 15 percent of the labor hours be performed by apprentices."

On page 4, line 36, after "(b)" insert "The department of labor and industries and the municipal research and services center shall provide training, information, and ongoing technical assistance to municipalities in order to comply with apprenticeship utilization requirements. Training must include, but not be limited to, department of labor and industries reporting requirements, contract administration including sample contract language, and best practices on how a municipality's governing authority must adopt apprenticeship guidelines, including procedures, rules, and instructions to ensure compliance relating to a contractor that seeks a good faith waiver of apprenticeship utilization requirements.

(c)"

On page 5, after line 33, insert the following:

"NEW SECTION. Sec. 2. (1) It is the intent of the legislature that apprenticeship utilization requirements lead to increased on-the-job training placements for construction apprentices and a growing and diversified pool of labor in Washington. The department of labor and industries must study and report on public works project outcomes related to apprenticeship utilization requirements, access to apprentices, and participation by small, women, minority, and veteran-owned businesses. The study and report must include projects completed between July 1, 2020, and June 30, 2025, as well as projects in progress as of June 30, 2025, for in progress projects that have available data. Municipal projects with a bid due date before July 1, 2024, are not included in the study, except for data provided under (e) of this subsection. At a minimum, the study and report must:

(a) Delineate by project size and type of awarding entity, including the department of transportation, school districts, four-year institutions of higher education, and municipalities. Project data identified in (b) of this subsection for municipalities, if any, must be delineated by type of municipality;

(b) Include total project cost, total labor costs, the ratio of labor costs to total costs, apprentice hours worked by craft and percent of total hours worked, cost savings or increases from utilizing apprentices, number of projects achieving and not achieving apprentice utilization requirements, number of projects waiving apprentice utilization requirements for good faith efforts or other criteria deemed appropriate by the awarding agency with the reasons for the waivers, and the number and percentages of women, minority, and veteran-owned businesses as prime contractors or

subcontractors and whether they utilized apprentices;

(c) Include, by craft, the number and service area of construction apprenticeship programs, the number of training agents, and the number of construction apprentices;

(d) Identify the number of small, women, minority, and veteran-owned businesses performing work on public works projects as a prime contractor or subcontractor, and utilization of apprentices on those projects, and provide information on how small, women, minority, and veteran-owned businesses may access apprentices on public works projects and examine any barriers to registered apprenticeship and apprentices. The analysis should include project data and consultation with the office of minority and women's business enterprises and women, minority, and veteran-owned businesses;

(e) Identify and analyze existing applications of apprenticeship utilization requirements by municipalities and for subcontractors beyond requirements specified in RCW 39.04.320;

(f) Include recommendations and best practices for increasing apprenticeship utilization and supporting women, minority, and veteran-owned businesses in accessing apprentices; and

(g) Include recommendations and best practices for extending apprenticeship utilization requirements to subcontractors.

(2) The report must be submitted to the office of financial management, the senate labor and commerce committee, the house labor and workplace standards committee, the house capital budget committee, the house local government committee, the senate state government and elections committee, and the senate local government, land use, and tribal affairs committee, or their successor committees, no later than December 1, 2025.

(3) This section expires December 1, 2026."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "39.04.320;" strike "and providing an effective date" and insert "creating a new section; providing an effective date; and providing an expiration date"

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1050 and advanced the bill, as amended by the Senate, to final passage.

Representative Riccelli spoke in favor of the passage of the bill.

Representative Steele spoke against the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1050, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1050, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 38; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Morgan, Reeves and Wylie

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1050, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Thursday, April 20, 2023

Mme. Speaker:

The Senate receded from its amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1559, and under suspension of the rules returned SECOND SUBSTITUTE HOUSE BILL NO. 1559 to second reading for purpose of amendment(s). The Senate further adopted amendment 1559-S2 AMS RAND S3358.2 and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** In 2022, students at 39 colleges and universities across Washington state participated in a survey about basic needs insecurities, including access to food, housing, child care, and more. The survey found that nearly half of all students in all regions of the state experienced some type of basic needs insecurity. One in every three students experienced either food insecurity or housing insecurity. One in every 10 students had also experienced homelessness in the previous 12 months. Some students experienced these insecurities at higher rates than others, and former foster youth had the highest rates of basic needs insecurities with 75 percent experiencing either food or housing insecurity. Addressing basic needs challenges for students contributes to their ability to remain enrolled and pursue their educational goals as evidenced by data from the two student support programs the legislature previously enacted, the student emergency assistance grant program and the supporting students experiencing homelessness pilot program. When students received this



assistance, an average of 88 percent of them were able to persist in their programs.

Therefore, the legislature intends to continue to support students and help students meet their basic needs by increasing access to resources and support services.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, each institution of higher education, the university campuses created under chapter 28B.45 RCW, and the tribal college must have a minimum of one benefits navigator employed at a minimum .75 full-time equivalent rate, not to be divided between two or more staff, to assist students in accessing public benefits, existing emergency assistance programs such as those funded by RCW 28B.50.295, and other community resources. Each benefits navigator must be stationed at a single location on campus where students are directed to receive assistance. The institutions of higher education and the tribal college, in coordination with the respective benefits navigators, must each develop a hunger-free and basic needs campus strategic plan by April 1, 2024. Each strategic plan must:

(a) Identify campus food pantry policies that, in practice, create barriers to access and reduce or remove those barriers in the implementation of this subsection;

(b) Review and update methods to identify likely low-income and food-insecure students and conduct communications and outreach methods by the institution to promote opportunities for benefits assistance (such as basic food enrollment, working connections child care enrollment, referrals to the special supplemental nutrition program for women, infants, and children, affordable housing assistance) and emergency financial resources;

(c) Assess the needs and advantages of the benefits navigators;

(d) Identify opportunities for the institution and partnerships with community-based organizations to holistically support students' basic needs, access to benefits and community resources;

(e) Facilitate discussions and generate recommendations amongst community stakeholders on the basic needs of the institution's geographic postsecondary student population; and

(f) Assess the distribution of state funds for basic needs support provided to institutions of higher education and the tribal college.

(2) By the beginning of the 2024-25 academic year, the Washington student achievement council must collect and disseminate results of a student survey developed by the student achievement council, in collaboration with the state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education, to assess food security, housing security, and access to basic economic supports. Results from the

survey may be used by the institutions of higher education and the tribal college. Existing survey tools may be used for this purpose.

(3) Public four-year institutions of higher education and their respective university campuses shall coordinate with an organization representing the presidents of the public four-year institutions to submit a report that must include outcomes from implementation of benefits navigators and findings and activities from their respective hunger-free and basic needs campus strategic plans. The community and technical colleges shall coordinate with the state board for community and technical colleges to submit a report that must include outcomes from implementation of benefits navigators and findings and activities from their respective hunger-free and basic needs campus strategic plans. The organizations representing the presidents of the public four-year institutions and the state board for community and technical colleges must submit the reports by December 1, 2025, and every other year thereafter, to the appropriate committees of the legislature in accordance with RCW 43.01.036.

(4) The tribal college shall submit a report that must include the findings and activities from implementation of the benefits navigator and findings and activities from the hunger-free and basic needs campus strategic plan. The tribal college must submit the report by December 1, 2025, and every other year thereafter, to the appropriate committees of the legislature in accordance with RCW 43.01.036.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Benefits navigator" means an individual who is employed by an institution of higher education for the purpose of helping students seek, apply for, and receive assistance from benefits programs, emergency resources, and community resources.

(b) "Institutions of higher education" has the same meaning as in RCW 28B.10.016.

(c) "Student basic needs" means food, water, shelter, clothing, physical health, mental health, child care, or similar needs that students enrolled at an institution of higher education or tribal college may face difficulty with and that hinders their ability to begin or continue their enrollment.

(d) "Tribal colleges" means institutions of higher education operated by an Indian tribe as defined in RCW 43.376.010.

**NEW SECTION. Sec. 3.** (1) Subject to the availability of amounts appropriated for this specific purpose, a pilot program to provide free and low-cost meal plans or food vouchers to eligible low-income students is established at:

(a) Four college districts, two on each side of the crest of the Cascade mountains, selected by the state board for community and technical colleges; and

(b) Two public four-year institutions of higher education, one on each side of the crest of the Cascade mountains, selected by an organization representing the presidents of public four-year institutions.

(2) The pilot program expires July 1, 2026.

(3) This section expires January 1, 2027.

**NEW SECTION. Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "adding a new section to chapter 28B.10 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1559 and advanced the bill, as amended by the Senate, to final passage.

Representative Entenman spoke in favor of the passage of the bill.

Representative Ybarra spoke against the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1559, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1559, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 55; Nays, 40; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Morgan, Reeves and Wylie

SECOND SUBSTITUTE HOUSE BILL NO. 1559, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Thursday, April 20, 2023

Mme. Speaker:

The Senate receded from its amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853, and under suspension of the rules returned ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853 to second reading for purpose of amendment(s). The Senate further adopted amendment 1853-S.E AMS LIIA S3367.1 and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** During the regular legislative session of 2022, the legislature passed Engrossed Substitute Senate Bill No. 5974 (chapter 182, Laws of 2022), a significant transportation resources bill intended to provide needed transportation funding throughout the state. However, since the enactment of that act, certain drafting errors and omissions were identified within the act resulting in some provisions being enacted contrary to legislative intent. Additionally, some corrective changes were identified that would better conform certain provisions with original legislative intent. Therefore, it is the intent of the legislature to simply correct manifest drafting errors and omissions and adopt corrective changes in order to conform certain provisions with the original legislative intent of Engrossed Substitute Senate Bill No. 5974 (chapter 182, Laws of 2022). It is not the intent of the legislature to alter the intended substantive policy enacted in Engrossed Substitute Senate Bill No. 5974 (chapter 182, Laws of 2022), but rather to make certain corrective changes.

**Sec. 2.** RCW 46.17.015 and 2022 c 182 s 207 are each amended to read as follows:

(1) A person who applies for a vehicle registration or for any other right to operate a vehicle on the highways of this state shall pay a 25 cent license plate technology fee in addition to any other fees and taxes required by law. The license plate technology fee must be distributed under RCW 46.68.370.

(2) A vehicle registered under RCW 46.16A.455 or 46.17.330 is not subject to the license plate technology fee, except for a vehicle ~~((registered under RCW 46.16A.455(3)))~~ subject to the fee under RCW 46.17.355.

(3) The revenue generated from ~~((the license plate technology fee imposed on vehicles registered under RCW 46.16A.455(3)))~~ subsection (2) of this section must be deposited in the move ahead WA account created in RCW 46.68.510.

**Sec. 3.** RCW 46.17.025 and 2022 c 182 s 208 are each amended to read as follows:

(1) A person who applies for a vehicle registration or for any other right to operate a vehicle on the highways of this state shall pay a 50 cent license service fee in addition to any other fees and taxes required by law. The license service fee must be distributed under RCW 46.68.220.

(2) A vehicle registered under RCW 46.16A.455 or 46.17.330 is not subject to the license service fee, except for a

vehicle (~~registered under RCW 46.16A.455(3))~~ subject to the fee under RCW 46.17.355.

(3) The revenue generated from ~~(the license service fee imposed on vehicles registered under RCW 46.16A.455(3))~~ subsection (2) of this section must be deposited in the move ahead WA account created in RCW 46.68.510.

**Sec. 4.** RCW 81.104.170 and 2019 c 273 s 12 are each amended to read as follows:

(1) Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, public transportation benefit areas, high capacity transportation corridor areas, and regional transit authorities may submit an authorizing proposition to the voters and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter, solely for the purpose of providing high capacity transportation service.

(2) The tax authorized pursuant to this section is in addition to the tax authorized by RCW 82.14.030 and must be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district.

(a) Except for the tax imposed under (b) of this subsection by regional transit authorities that include a county with a population of more than ~~((one million five hundred thousand))~~ 1,500,000, the maximum rate of such tax must be approved by the voters and may not exceed one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The maximum rate of such tax that may be imposed may not exceed nine-tenths of one percent in any county that imposes a tax under RCW 82.14.340, or within a regional transit authority if any county within the authority imposes a tax under RCW 82.14.340.

(b) The maximum rate of such tax that may be imposed by a regional transit authority that includes a county with a population of more than ~~((one million five hundred thousand))~~ 1,500,000 must be approved by the voters and may not exceed 1.4 percent. If a regional transit authority imposes the tax authorized under this subsection (2)(b) in excess of 0.9 percent, the authority may not receive any state grant funds provided in an omnibus transportation appropriations act except transit coordination grants created in chapter 11, Laws of 2015 3rd sp. sess. and regional mobility grant program funds. To be eligible to receive regional mobility grant program funds, a regional transit authority must have adopted, at a minimum, a zero-fare policy that allows passengers 18 years of age and younger to ride free of charge on all modes provided by the authority by October 1, 2022.

(3)(a) The exemptions in RCW 82.08.820 and 82.12.820 are for the state portion of the sales and use tax and do not extend to the tax authorized in this section.

(b) The exemptions in RCW 82.08.962 and 82.12.962 are for the state and local sales

and use taxes and include the tax authorized by this section.

(c) The exemptions in RCW 82.14.532 are for the local sales and use taxes and include the tax authorized by this section.

**Sec. 5.** RCW 81.104.175 and 2018 c 81 s 1 are each amended to read as follows:

(1) A regional transit authority that includes a county with a population of more than ~~((one million five hundred thousand))~~ 1,500,000 may impose a regular property tax levy in an amount not to exceed ~~((twenty-five))~~ 25 cents per ~~((thousand dollars))~~ \$1,000 of the assessed value of property in the regional transit authority district in accordance with the terms of this section.

(2) Any tax imposed under this section must be used for the purpose of providing high capacity transportation service, as set forth in a proposition that is approved by a majority of the registered voters that vote on the proposition.

(3) Property taxes imposed under this section may be imposed for the period of time required to pay the cost to plan, design, construct, operate, and maintain the transit facilities set forth in the approved proposition. Property taxes pledged to repay bonds may be imposed at the pledged amount until the bonds are retired. After the bonds are retired, property taxes authorized under this section must be:

(a) Reduced to the level required to operate and maintain the regional transit authority's transit facilities; or

(b) Terminated, unless the taxes have been extended by public vote.

(4) The limitations in RCW 84.52.043 do not apply to the tax authorized in this section.

(5) The limitation in RCW 84.55.010 does not apply to the first levy imposed under this section.

(6) If a regional transit authority imposes the tax authorized under subsection (1) of this section, the authority may not receive any state grant funds provided in an omnibus transportation appropriations act except transit coordination grants created in chapter 11, Laws of 2015 3rd sp. sess. and regional mobility grant program funds. To be eligible to receive regional mobility grant program funds, a regional transit authority must have adopted, at a minimum, a zero-fare policy that allows passengers 18 years of age and younger to ride free of charge on all modes provided by the authority by October 1, 2022.

(7) Property taxes imposed under this section may not be imposed on less than a whole parcel.

**Sec. 6.** RCW 47.04.380 and 2022 c 182 s 417 are each amended to read as follows:

(1) The legislature finds that many communities across Washington state have not equitably benefited from investments in the active transportation network. The legislature also finds that legacy state transportation facilities designed primarily for vehicle use caused disconnections in safe routes for people who walk, bike, and

roll to work and to carry out other daily activities.

(2) To address these investment gaps, and to honor the legacy of community advocacy of Sandy Williams, the Sandy Williams connecting communities program is established within the department. The purpose of the program is to improve active transportation connectivity in communities by:

(a) Providing safe, continuous routes for pedestrians, bicyclists, and other nonvehicle users carrying out their daily activities;

(b) Mitigating for the health, safety, and access impacts of transportation infrastructure that bisects communities and creates obstacles in the local active transportation network;

(c) Investing in greenways providing protected routes for a wide variety of nonvehicular users; and

(d) Facilitating the planning, development, and implementation of projects and activities that will improve the connectivity and safety of the active transportation network.

(3) The department must select projects to propose to the legislature for funding. In selecting projects, the department must consider, at a minimum, the following criteria:

(a) Access to a transit facility, community facility, commercial center, or community-identified assets;

(b) The use of minority and women-owned businesses and community-based organizations in planning, community engagement, design, and construction of the project;

(c) Whether the project will serve:

(i) Overburdened communities as defined in RCW 70A.02.010 to mean a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020;

(ii) Vulnerable populations as defined in RCW 70A.02.010 to mean population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to adverse socioeconomic factors, such as unemployment, high housing, and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and sensitivity factors, such as low birth weight and higher rates of hospitalization. Vulnerable populations include, but are not limited to: Racial or ethnic minorities, low-income populations, populations disproportionately impacted by environmental harms, and populations of workers experiencing environmental harms;

(iii) Household incomes at or below 200 percent of the federal poverty level; and

(iv) People with disabilities;

(d) Environmental health disparities, such as those indicated by the diesel pollution burden portion of the Washington environmental health disparities map

developed by the department of health, or other similar indicators;

(e) Location on or adjacent to tribal lands or locations providing essential services to tribal members;

(f) Crash experience involving pedestrians and bicyclists; and

(g) Identified need by the community, for example in the state active transportation plan or a regional, county, or community plan.

(4) It is the intent of the legislature that the Sandy Williams connecting communities program comply with the requirements of chapter 314, Laws of 2021.

(5) The department shall submit a report to the transportation committees of the legislature by December 1, 2022, and each December 1st thereafter identifying the selected connecting communities projects for funding by the legislature. The report must also include the status of previously funded projects.

(6) This section expires July 1, 2027.

**Sec. 7.** RCW 47.04.390 and 2022 c 182 s 419 are each amended to read as follows:

(1) The department shall establish a statewide school-based bicycle education grant program. The grant will support two programs: One for elementary and middle school; and one for junior high and high school aged youth to develop the skills and street safety knowledge to be more confident bicyclists for transportation and/or recreation. In development of the grant program, the department is encouraged to consult with the environmental justice council and the office of equity.

(2)(a) For the elementary and middle school program, the department shall contract with a nonprofit organization with relevant reach and experience, including a statewide footprint and demonstrable experience deploying bicycling and road safety education curriculum via a train the trainer model in schools. The selected nonprofit shall identify partner schools that serve target populations, based on the criteria in subsection (3) of this section. Partner schools shall receive from the nonprofit: In-school bike and pedestrian safety education curriculum, materials, equipment guidance and consultation, and physical education teacher trainings. Youth grades three through eight are eligible for the program.

(b) Selected school districts shall receive and maintain a fleet of bicycles for the youth in the program. Youth and families participating in the school-base bicycle education grant program shall have an opportunity to receive a bike, lock, helmet, and lights free of cost.

(3) For the junior high and high school program, the department shall contract with a nonprofit organization with relevant reach and experience, including a statewide footprint; demonstrable experience developing and managing youth-based programming serving youth of color in an after-school and/or community setting; and deploying bicycling and road safety education curriculum via a train the trainer model. The selected nonprofit shall use the

equity-based criteria in subsection (4) of this section to identify target populations and partner organizations including, but not limited to, schools, community-based organizations, housing authorities, and parks and recreation departments, that work with the eligible populations of youth ages 14 to 18. Partner organizations shall receive from the nonprofit: Education curriculum, materials, equipment including, but not limited to, bicycles, helmets, locks, and lights, guidance and consultation, and initial instructor/volunteer training, as well as ongoing support.

(4) In selecting schools and partner organizations for the school-based bicycle education grant program, the department and nonprofit must consider, at a minimum, the following criteria:

(a) Population impacted by poverty, as measured by free and reduced lunch population or 200 percent federal poverty level;

(b) People of color;

(c) People of Hispanic heritage;

(d) People with disabilities;

(e) Environmental health disparities, such as those indicated by the diesel pollution burden portion of the Washington environmental health disparities map developed by the department of health, or other similar indicators;

(f) Location on or adjacent to an Indian reservation;

(g) Geographic location throughout the state;

(h) Crash experience involving pedestrians and bicyclists;

(i) Access to a community facility or commercial center; and

(j) Identified need in the state active transportation plan or a regional, county, or community plan.

(5) The department shall submit a report for both programs to the transportation committees of the legislature by December 1, 2022, and each December 1st thereafter identifying the selected programs and school districts for funding by the legislature. The report must also include the status of previously funded programs.

**Sec. 8.** RCW 46.68.480 and 2022 c 182 s 430 are each amended to read as follows:

The Cooper Jones active transportation safety account is created in the state treasury. All receipts from penalties collected under RCW 46.63.170 shall be deposited into the account. Expenditures from the account may be used only to fund grant projects or programs for bicycle, pedestrian, and nonmotorist safety improvement administered by the Washington traffic safety commission. By December 1, 2024, and every two years thereafter, the commission shall report to the transportation committees of the legislature regarding the activities funded from the account. The account is subject to allotment procedures under chapter 43.88 RCW. Moneys in the account may be spent only after appropriation.

**Sec. 9.** RCW 43.84.092 and 2022 c 182 s 403 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction

fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account,

the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the JUDY transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an

agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 10.** RCW 43.84.092 and 2022 c 182 s 404 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable,

educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2

and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the JUDY transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of

the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 11.** RCW 47.04.010 and 2015 3rd sp.s. c 10 s 3 are each reenacted and amended to read as follows:

The following words and phrases, wherever used in this title, shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary or unless otherwise defined in the chapter of which they are a part:

(1) "Alley." A highway within the ordinary meaning of alley not designated for general travel and primarily used as a means of access to the rear of residences and business establishments;

(2) "Arterial highway." Every highway, as herein defined, or portion thereof designated as such by proper authority;

(3) "Business district." The territory contiguous to and including a highway, as herein defined, when within any (~~six hundred~~)600 feet along such highway there are buildings in use for business or industrial purposes(~~(7)~~) including, but not limited to, hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least (~~three hundred~~)300 feet of frontage on one side or (~~(three hundred)~~)300 feet collectively on both sides of the highway;

(4) "Center line." The line, marked or unmarked parallel to and equidistant from the sides of a two-way traffic roadway of a highway except where otherwise indicated by painted lines or markers;

(5) "Center of intersection." The point of intersection of the center lines of the roadways of intersecting highways;

(6) "City street." Every highway as herein defined, or part thereof located within the limits of incorporated cities and towns, except alleys;

(7) "Combination of vehicles." Every combination of motor vehicle and motor vehicle, motor vehicle and trailer, or motor vehicle and semitrailer;

(8) "Commercial vehicle." Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire;

(9) "County road." Every highway as herein defined, or part thereof, outside the limits of incorporated cities and towns and



which has not been designated as a state highway, or branch thereof;

(10) "Crosswalk." The portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk;

(11) "Highway." Every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;

(12) "Intersection area." (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

(b) Where a highway includes two roadways (~~(thirty)~~) 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways (~~(thirty)~~) 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection;

(c) The junction of an alley with a street or highway shall not constitute an intersection;

(13) "Intersection control area." The intersection area as herein defined, together with such modification of the adjacent roadway area as results from the arc or curb corners and together with any marked or unmarked crosswalks adjacent to the intersection;

(14) "Laned highway." A highway the roadway of which is divided into clearly marked lanes for vehicular traffic;

(15) "Local authorities." Every county, municipal, or other local public board or body having authority to adopt local police regulations under the Constitution and laws of this state;

(16) "Marked crosswalk." Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof;

(17) "Metal tire." Every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material;

(18) "Motor truck." Any motor vehicle, as herein defined, designed or used for the transportation of commodities, merchandise, produce, freight, or animals;

(19) "Motor vehicle." Every vehicle, as herein defined, which is in itself a self-propelled unit;

(20) "Multiple lane highway." Any highway the roadway of which is of sufficient width to reasonably accommodate two or more separate lanes of vehicular traffic in the same direction, each lane of which shall be not less than the maximum legal vehicle width, and whether or not such lanes are marked;

(21) "Operator." Every person who drives or is in actual physical control of a vehicle as herein defined;

(22) "Peace officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the highways of this state;

(23) "Pedestrian." Any person afoot or who is using a wheelchair, power wheelchair as defined in RCW 46.04.415, or a means of conveyance propelled by human power other than a bicycle;

(24) "Person." Every natural person, firm, copartnership, corporation, association, or organization;

(25) "Personal wireless service." Any federally licensed personal wireless service;

(26) "Personal wireless service facilities." Unstaffed facilities that are used for the transmission or reception, or both, of personal wireless services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures;

(27) "Pneumatic tires." Every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon;

(28) "Private road or driveway." Every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons;

(29) "Railroad." A carrier of persons or property upon vehicles, other than streetcars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns;

(30) "Railroad sign or signal." Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;

(31) "Residence district." The territory contiguous to and including the highway, as herein defined, not comprising a business district, as herein defined, when the property on such highway for a continuous distance of (~~(three hundred)~~) 300 feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business;

(32) "Roadway." The paved, improved, or proper driving portion of a highway designed, or ordinarily used for vehicular travel;

(33) "Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise so as to be plainly discernible;

(34) "Sidewalk." That property between the curb lines or the lateral lines of a roadway, as herein defined, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a highway and dedicated to use by pedestrians;

(35) "Solid tire." Every tire of rubber or other resilient material which does not

depend upon inflation with compressed air for the support of the load thereon;

(36) "State highway." Every highway as herein defined, or part thereof, which has been designated as a state highway, or branch thereof, by legislative enactment;

(37) "Streetcar." A vehicle other than a train, as herein defined, for the transporting of persons or property and operated upon stationary rails principally within incorporated cities and towns;

(38) "Structurally deficient." A state bridge that is classified as in poor condition under the state bridge condition rating system and is reported by the state to the national bridge inventory as having a deck, superstructure, or substructure rating of four or below. Structurally deficient bridges are characterized by deteriorated conditions of significant bridge elements and potentially reduced load carrying capacity. Bridges deemed structurally deficient typically require significant maintenance and repair to remain in service, and require major rehabilitation or replacement to address the underlying deficiency;

(39) "Traffic." Pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highways for purposes of travel;

(40) "Traffic control signal." Any traffic device, as herein defined, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled;

(41) "Traffic devices." All signs, signals, markings, and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;

(42) "Train." A vehicle propelled by steam, electricity, or other motive power with or without cars coupled thereto, operated upon stationary rails, except streetcars;

(43) "Vehicle." Every device capable of being moved upon a highway and in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting power wheelchairs, as defined in RCW 46.04.415, or devices moved by human or animal power or used exclusively upon stationary rails or tracks;

(44) "Active transportation" includes forms of pedestrian mobility including walking or running, the use of a mobility assistive device such as a wheelchair, bicycling and cycling irrespective of the number of wheels, and the use of small personal devices such as foot scooters or skateboards. Active transportation includes both traditional and electric-assisted bicycles and other devices. Planning for active transportation must consider and address accommodation pursuant to the Americans with disabilities act and the distinct needs of each form of active transportation;

(45) "Complete streets" means an approach to planning, designing, building, operating, and maintaining streets that enable safe

access along and across the street for all people, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities. It incorporates principles of a safe system approach;

(46) "Population center" includes incorporated cities and towns, including their urban growth areas, and census-designated places;

(47) "Safe system approach" means an internationally recognized holistic and proactive approach to road safety intended to systematically reduce fatal and serious injury crash potential; as described by the federal highway administration, the approach is based on the following elements: Safe roads, safe speeds, safe vehicles, safe road users, and postcrash care. The safe system approach is incorporated through policies and practices of state agencies and local governments with appropriate jurisdiction;

(48) "Shared-use path," also known as a "multiuse path," means a facility designed for active transportation use and physically separated from motorized vehicular traffic within the highway right-of-way or on an exclusive right-of-way with minimal crossflow by motor vehicles. Shared-use paths are primarily used by pedestrians and people using bicycles or micromobility devices, including those who use nonmotorized or motorized wheeled mobility or assistive devices. With appropriate design considerations, equestrians may also be accommodated by a shared-use path facility.

Words and phrases used herein in the past, present, or future tense shall include the past, present, and future tenses; words and phrases used herein in the masculine, feminine, or neuter gender shall include the masculine, feminine, and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary.

**Sec. 12.** RCW 47.66.140 and 2022 c 182 s 422 are each amended to read as follows:

(1) The department shall establish a transit support grant program for the purpose of providing financial support to transit agencies for operating and capital expenses only. Public transit agencies must maintain or increase their local sales tax authority on or after January 1, 2022, and may not delay or suspend the collection of voter-approved sales taxes that were approved on or before January 1, 2022, in order to qualify for the grants.

(a) Grants for transit agencies must be prorated based on the amount expended for operations in the most recently published report of "Summary of Public Transportation" published by the department.

(b) No transit agency may receive more than 35 percent of these distributions.

(c) Fuel type may not be a factor in the grant selection process.

(2) To be eligible to receive a grant, the transit agency must have adopted, at a minimum, a zero-fare policy that allows passengers 18 years of age and younger to ride free of charge on all modes provided by the agency. Transit agencies must submit

documentation of a zero-fare policy for 18 years of age and under by October 1, 2022, to be eligible for the 2023-2025 biennium. Transit agencies that submit such fare policy documentation following the October 1, 2022, deadline shall become eligible for the next biennial distribution. To the extent practicable, transit agencies shall align implementation of youth zero-fare policies with equity and environmental justice principles consistent with recommendations from the environmental justice council, and ensure low-barrier accessibility of the program to all youth.

(3) The department shall, for the purposes of the "Summary of Public Transportation" report, require grantees to report the number of trips that were taken under this program.

(4) For the purposes of this section, "transit agency" or "agency" means a city transit system under RCW 35.58.2721 or chapter 35.95A RCW, a county public transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under RCW 36.57.100, or any special purpose district formed to operate a public transportation system.

**Sec. 13.** RCW 43.392.040 and 2022 c 182 s 429 are each amended to read as follows:

(1) Interagency electric vehicle coordinating council responsibilities include, but are not limited to:

(a) Development of a statewide transportation electrification strategy to ensure market and infrastructure readiness for all new vehicle sales;

(b) Identification of all electric vehicle infrastructure grant-related funding to include existing and future opportunities, including state, federal, and other funds, and also nongrant-related funding, including revenues generated by an electric utility from credits under the clean fuels program for transportation electrification programs or projects pursuant to RCW 70A.535.080(2);

(c) Coordination of grant funding criteria across agency grant programs to most efficiently distribute state and federal electric vehicle-related funding in a manner that is most beneficial to the state, advances best practices, and recommends additional criteria that could be useful in advancing transportation electrification;

(d) Development of a robust public and private outreach plan that includes engaging with:

(i) Community organizers and the environmental justice council to develop community-driven programs to address zero emissions transportation needs and priorities in overburdened communities; and

(ii) Local governments to explore procurement opportunities and work with local government and community programs to support electrification;

(e) Creation of an industry electric vehicle advisory committee; and

(f) Ensuring the statewide transportation electrification strategy, grant distribution, programs, and activities associated with advancing transportation electrification benefit vulnerable and overburdened communities.

(2) The council shall provide an annual report to the appropriate committees of the legislature summarizing electric vehicle implementation progress, gaps, and resource needs.

**NEW SECTION. Sec. 14.** A new section is added to chapter 70A.535 RCW to read as follows:

The clean fuels transportation investment account is created in the state treasury. All receipts to the state from clean fuel credits generated under this chapter from transportation investments, including those listed under RCW 70A.535.050(3), must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used for activities and projects that reduce greenhouse gas emissions and decarbonize the transportation sector.

**NEW SECTION. Sec. 15.** Sections 4 and 5 of this act are remedial in nature and apply retroactively to July 1, 2022.

**NEW SECTION. Sec. 16.** RCW 47.24.060 is recodified as a section in chapter 47.04 RCW.

**NEW SECTION. Sec. 17.** Section 9 of this act expires July 1, 2024.

**NEW SECTION. Sec. 18.** Section 10 of this act takes effect July 1, 2024.

**NEW SECTION. Sec. 19.** Sections 2 and 3 of this act take effect October 1, 2023."

On page 1, line 3 of the title, after "resources);" strike the remainder of the title and insert "amending RCW 46.17.015, 46.17.025, 81.104.170, 81.104.175, 47.04.380, 47.04.390, 46.68.480, 43.84.092, 43.84.092, 47.66.140, and 43.392.040; reenacting and amending RCW 47.04.010; adding a new section to chapter 70A.535 RCW; adding a new section to chapter 47.04 RCW; creating new sections; recodifying RCW 47.24.060; providing effective dates; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853 and advanced the bill, as amended by the Senate, to final passage.

Representative Fey spoke in favor of the passage of the bill.

Representative Hutchins spoke against the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE  
AMENDED**

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1853, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1853, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 50; Nays, 45; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Morgan, Reeves and Wylie

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:00 a.m., Friday, April 21, 2023, the 103rd Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

ONE HUNDRED THIRD DAY

House Chamber, Olympia, Friday, April 21, 2023

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Daisy Chase-Pelton and Evelyn Hing. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Jim Erlandson, Church of Christ, Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eighth order of business.

**MOTION**

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the second reading calendar:

HOUSE BILL NO. 1148

There being no objection, the House reverted to the third order of business.

**MESSAGE FROM THE SENATE**

Thursday, April 20, 2023

Mme. Speaker:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SENATE BILL NO. 5316  
SENATE BILL NO. 5765

and the same are herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the fourth order of business.

**INTRODUCTION & FIRST READING**

HB 1858 by Representatives Shavers and Ryu

AN ACT Relating to creating United States Naval Academy special license plates; amending RCW 43.60A.140; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.425; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1859 by Representatives Simmons, Harris and Ryu

AN ACT Relating to the rights of residents in long-term care facilities; amending RCW 70.129.005, 70.129.010, 70.128.125, 18.20.180, 70.97.040, and 18.51.009; and adding new sections to chapter 70.129 RCW.

Referred to Committee on Health Care & Wellness.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

**HOUSE BILL NO. 1148, by Representatives Tharinger, Callan and Wylie**

**Concerning state general obligation bonds and related accounts.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1148 was substituted for House Bill No. 1148 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1148 was read the second time.

Representative Tharinger moved the adoption of the striking amendment (775):

Strike everything after the enacting clause and insert the following:

**"PART I  
2021-2023 AND 2023-2025 BIENNIAL BOND  
AUTHORIZATION**

NEW SECTION. **Sec. 101.** For the purpose of providing funds to finance the projects described and authorized by the legislature in the omnibus capital and operating appropriations acts for the 2021-2023 and 2023-2025 fiscal biennia and future biennia, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of \$4,186,076,000, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. **Sec. 102.** (1) The proceeds from the sale of bonds authorized in section 101 of this act shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

(a) \$3,834,193,000 to remain in the state building construction account created by RCW 43.83.020;

(b) \$351,883,000 to the state taxable building construction account. All receipts from taxable bonds issued are to be deposited into the account. If the state treasurer, on behalf of the state finance committee, deems it necessary or advantageous to issue more than the amount specified in this subsection (1)(b) as taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds or in order to reduce the total financing costs for bonds issued, the proceeds of such additional taxable bonds shall be transferred to the state taxable building construction account in lieu of any transfer otherwise provided by this section. If the state treasurer, on behalf of the state finance committee, determines that a portion of the amount specified in this subsection (1)(b) as taxable bonds may be issued as nontaxable bonds in compliance with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, then such bond proceeds shall be transferred to the state building construction account in lieu of the transfer to the state taxable building construction account otherwise provided by this subsection (1)(b). The state treasurer, on behalf of the state finance committee, shall submit written notice to the director of the office of financial management if it is determined that any such additional transfer to the state taxable building construction account is necessary or that a transfer from the state taxable building construction account to the state building construction account may be made. Moneys in the account may be spent only after appropriation.

(2)(a) The state treasurer shall transfer bond proceeds deposited in the state building construction account into the outdoor recreation account created by RCW 79A.25.060, the habitat conservation account created by RCW 79A.15.020, the farm and forest account created by RCW 79A.15.130, and the Ruth Lecocq Kagi early learning facilities development account created by RCW 43.31.569, at various times and in various amounts necessary to support authorized expenditures from those accounts.

(b) The state treasurer shall transfer bond proceeds deposited in the state taxable building construction account into the Ruth Lecocq Kagi early learning facilities revolving account created by RCW 43.31.569 at various times and in various amounts necessary to support authorized expenditures from that account.

(3) These proceeds shall be used exclusively for the purposes specified in section 101 of this act and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of section 101 of this act, and shall be administered by the office of financial management subject to legislative appropriation.

NEW SECTION. **Sec. 103.** (1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in section 101 of this act.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing 12 months to meet the bond retirement and interest requirements on the bonds authorized in section 101 of this act.

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 102 (1) and (2) of this act the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

NEW SECTION. **Sec. 104.** (1) Bonds issued under section 101 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. **Sec. 105.** The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 101 of this act, and sections 102 and 103 of this act shall not be deemed to provide an exclusive method for the payment.

## **PART II UNISSUED BOND EXPIRATIONS**

**Sec. 201.** RCW 43.99U.010 and 2008 c 179 s 101 are each amended to read as follows:

(1) For the purpose of providing state funds for federally matched flood hazard mitigation and other projects throughout the Chehalis river basin, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of (~~fifty million dollars~~) \$50,000,000, or as much thereof as may be required, to finance the projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

(2) If any bonds authorized in this chapter have not been issued by June 30, 2025, the authority of the state finance committee to issue such remaining unissued bonds expires June 30, 2025.

**Sec. 202.** RCW 28A.527.010 and 2008 c 179 s 202 are each amended to read as follows:

(1) For the purpose of providing school construction assistance grants and needed capital improvements consisting of the predesign, design, acquisition, construction, modification, renovation, expansion, equipping, and other improvements of skill centers facilities, including capital improvements to support satellite or branch campus programs for underserved rural areas or high-density areas, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of ~~((one hundred million dollars))~~ \$100,000,000, or as much thereof as may be required, to finance all or a part of these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. If the state finance committee deems it necessary to issue taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, the proceeds of such taxable bonds shall be transferred to the state taxable building construction account in lieu of any deposits otherwise provided by this section. The state treasurer shall submit written notice to the director of financial management if it is determined that any such transfer to the state taxable building construction account is necessary.

(2) If any bonds authorized in this chapter have not been issued by June 30, 2025, the authority of the state finance committee to issue such remaining unissued bonds expires June 30, 2025.

**Sec. 203.** RCW 28A.527.020 and 2008 c 179 s 203 are each amended to read as follows:

This chapter is not intended to limit the legislature's ability to appropriate bond proceeds if the full amount authorized in this chapter has not been appropriated after one biennia ~~((, and the authorization to issue bonds contained in this chapter does not expire until the full authorization has been appropriated and issued))~~.

**Sec. 204.** RCW 43.99V.010 and 2009 c 6 s 1 are each amended to read as follows:

(1) For the purpose of providing funds to finance the school construction assistance grant program described and authorized by the legislature in the capital appropriations acts for the 2007-2009 and 2009-2011 fiscal biennia and future biennia, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of ~~((one hundred thirty-three million dollars))~~ \$133,000,000, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the

state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

(2) If any bonds authorized in this chapter have not been issued by June 30, 2025, the authority of the state finance committee to issue such remaining unissued bonds expires June 30, 2025.

**PART III  
ADJUSTING CAPACITY FOR BONDS PREVIOUSLY  
AUTHORIZED BUT NOT YET ISSUED**

**Sec. 301.** RCW 43.100A.316 and 2021 c 331 s 1 are each amended to read as follows:

For the purpose of providing funds to finance the projects described and authorized by the legislature in the omnibus capital and operating appropriations acts for the 2019-2021 and 2021-2023 fiscal biennia and future biennia, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of \$3,971,290,793, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

**Sec. 302.** RCW 43.100A.311 and 2019 c 414 s 1 are each amended to read as follows:

For the purpose of providing funds to finance the projects described and authorized by the legislature in the omnibus capital and operating appropriations acts for the 2017-2019 and 2019-2021 fiscal biennia and future biennia, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of three billion two hundred million nine hundred twenty-six thousand dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. **Sec. 303.** A new section is added to chapter 43.100A RCW to read as follows:

The legislature acknowledges that legislation authorizing the issuance of general obligation bonds of the state requires the legislature to appropriate the proceeds of sale of the bonds before the bonds may be issued. The legislature finds that the state has not fully expended all appropriations for capital projects that could have been supported by the issuance of state general obligation bonds, and that over time this under utilization of appropriation authority and the related bond

issuance authority has resulted in a cumulative difference between the amount of general obligation bonds authorized and the amount of bonds actually issued. This difference is reflected in LEAP Document No. BOND-1-HB-2023, which documents a cumulative amount of unused appropriation authority and related bond issuance authority.

The difference between the amount of bonds authorized and the amount of appropriations actually expended has not been reflected in the calculation of available debt capacity under the state debt limit, and has resulted in an understatement of available debt capacity of the state. The legislature intends to address this understatement by making a one-time adjustment of \$400,000,000 to the legislative balance sheet to reflect previously unused bond issuance authority enacted for the 2019-2021 and 2021-2023 fiscal biennia, and to utilize that bond issuance authority by authorizing appropriations for the 2023-2025 fiscal biennium that will be supported by that bond issuance authority.

#### **PART IV MISCELLANEOUS**

NEW SECTION. **Sec. 401.** RCW 43.100A.306 (Bond issuance—Intent) and 2018 c 3 s 202 are each repealed.

NEW SECTION. **Sec. 402.** Sections 101 through 105 of this act are each added to chapter 43.100A RCW.

NEW SECTION. **Sec. 403.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 404.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Tharinger and Steele spoke in favor of the adoption of the striking amendment.

The striking amendment (775) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tharinger and Steele spoke in favor of the passage of the bill.

#### **MOTION**

On motion of Representative Leavitt, Representatives Ortiz-Self and Reeves were excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1148.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1148, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1148, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5200, by Senate Committee on Ways & Means (originally sponsored by Mullet, Schoesler and Nguyen)**

#### **Concerning the capital budget.**

The bill was read the second time.

Representative Tharinger moved the adoption of the striking amendment (776):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2025, out of the several funds specified in this act.

(2) The definitions in this subsection apply throughout this act unless the context clearly requires otherwise.

(a) "Fiscal year 2024" or "FY 2024" means the period beginning July 1, 2023, and ending June 30, 2024.

(b) "Fiscal year 2025" or "FY 2025" means the period beginning July 1, 2024, and ending June 30, 2025.

(c) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(d) "Provided solely" means the specified amount may be spent only for the specified purpose.

(3) Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the



specified conditions and limitations to fulfill the specified purpose shall lapse.

(4) The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts. "Prior biennia" typically refers to the immediate prior biennium for reappropriations, but may refer to multiple biennia in the case of specific projects. A "future biennia" amount is an estimate of what may be appropriated for the project or program in the 2025-2027 biennium and the following three biennia; an amount of zero does not necessarily constitute legislative intent to not provide funding for the project or program in the future.

(5) "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 2023, from the 2021-2023 biennial appropriations for each project.

**PART 1  
GENERAL GOVERNMENT**

**NEW SECTION. Sec. 1001. FOR THE  
OFFICE OF THE SECRETARY OF STATE**

Library-Archives Building (30000033)

The appropriation in this section is subject to the following conditions and limitations: \$8,000,000 of the Washington state library-archives building account—state appropriation is provided solely for costs associated with the design and construction of the library-archives building. No later than December 1, 2023, the secretary of state shall present to the governor and the capital committees of the legislature funding options and a proposed construction schedule for construction of the library-archives building using anticipated revenue from a certificate of participation and no more than \$30,000,000 in state building construction bonds over the 2023-2025 and 2025-2027 fiscal biennia.

**Appropriation:**

Washington State Library-Archives Building  
Account—State. . . . . \$8,000,000  
Prior Biennia (Expenditures). \$5,300,000  
Future Biennia (Projected Costs).  
\$30,000,000  
TOTAL..... \$43,300,000

**NEW SECTION. Sec. 1002. FOR THE  
OFFICE OF THE SECRETARY OF STATE**

Archives Capital Minor Works (30000047)

**Appropriation:**

State Building Construction Account—  
State. . . . . \$1,507,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs).  
\$6,028,000  
TOTAL..... \$7,535,000

**NEW SECTION. Sec. 1003. FOR THE  
DEPARTMENT OF COMMERCE**

2023-25 Building Communities Fund Grant Program (40000279)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.125.

(2) The department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by this appropriation. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) The appropriation in this section is provided solely for the following list of projects:

American Legion Veteran Housing and Resource Center. . . . . \$493,000  
Asia Pacific Cultural Center Renovation.  
\$1,082,000  
Behavioral Health Clinic. . . . . \$250,000  
Benston Hall. . . . . \$247,000  
Capital Expansion for Job Skills, Training, Support, and More. . . . . \$100,000  
Carl Maxey Center Remodel - Phase 3. . . . \$350,000  
Cham Community Center. . . . . \$2,050,000  
Childcare and Development Center Phase II . . . . . \$200,000  
CLR Certified Community Behavioral Health Center. . . . . \$2,446,000  
Community Meal Program. . . . . \$672,000  
Culinary Training Academy and Community Event Space at HopeWorks. . . . . \$635,000  
CYS Marina View Building Renovation. . . . \$100,000  
Eloise's Cooking Pot Food Bank Capital Remodel Project. . . . . \$243,000  
Energy Retrofit Project. . . . . \$135,000  
Eritrean Community Center Expansion Project. . . . . \$312,000  
Expanding Capacity for Workforce Development. . . . . \$99,000  
Expansion of and Updates to GLOW Children ELC Space. . . . . \$185,000  
Expansion of Public Food Business Incubator. . . . . \$100,000  
Food Bank Renovation. . . . . \$425,000  
Food Pantry Renovation in Kittitas County . . . . . \$473,000  
Global Neighborhood Building Expansion: Enhancing Services for Local Refugees. \$229,000  
HVAC Replacement for ECEAP Classrooms. . \$188,000  
Lake Stevens Food Bank Building. \$675,000  
Landing Youth Service Center. . . \$297,000  
Latino Arts and Culture Community Center . . . . . \$90,000  
Makah Community Gymnasium. . . . \$160,000  
New Family Resource Center Construction.  
\$325,000

NEW Health Newport Capital Expansion. . . \$823,000  
 Nisqually Health and Wellness Center Project. . . . . \$6,000,000  
 North Seattle Family Support Center. . . \$1,090,000  
 Puyallup Food Bank Facilities. . . \$558,000  
 RAI Maker Space and Cultural Center. . . \$778,000  
 ReCyclery Infrastructure, Bathroom and Shop Improvement Project. . . . . \$144,000  
 Scott and Sis Names Family YMCA \$3,000,000  
 Sea Mar CHC - Concrete. . . . . \$186,000  
 Sea Mar CHC - Elma. . . . . \$187,000  
 Sedro-Woolley Club Renovation. . . \$100,000  
 SEYFS Renovations. . . . . \$187,000  
 Snohomish Family Center Improvements. . \$206,000  
 South Everett/Mukilteo Building Communities. . . . . \$100,000  
 Step By Step Early Learning Center. . . \$2,622,000  
 Teen Center Building Renovation. \$318,000  
 UHeights Community Kitchen, Safety, and Accessibility Project. . . . . \$250,000  
 Unbridled Spirit: Outdoor Program Space. \$68,000  
 United Learning Center. . . . . \$100,000  
 William Grose Innovation Center. \$250,000  
 Yelm Boys & Girls Club Remodel. \$100,000  
 YWCA Clark County Community Office Repairs and Renovation. . . . . \$101,000

(4) \$850,000 of the appropriation in this section is provided solely for the department to provide technical assistance to organizations interested in applying for the building communities fund grants.

**Appropriation:**

State Building Construction Account—  
 State. . . . . \$30,579,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$122,000,000  
**TOTAL..... \$152,579,000**

**NEW SECTION. Sec. 1004. FOR THE DEPARTMENT OF COMMERCE**

2023-25 Building for the Arts (40000280)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.750.

(2) Except as directed otherwise prior to the effective date of this section, the department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by this appropriation. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) The appropriation is provided solely for the following list of projects:

7th Street Theatre. . . . . \$145,000  
 Arté Noir. . . . . \$750,000

Cascade Public Media. . . . . \$1,000,000  
 Cornish College of the Arts. . . . \$350,000  
 Experience Learning Community. . . \$200,000  
 Fire Mountain Arts Council. . . . \$217,000  
 Friends of Gladish. . . . . \$600,000  
 Ghostlight Productions. . . . . \$200,000  
 Grand Tacoma Cinema Club DBA The Grand Cinema. . . . . \$500,000  
 Highland Park Improvement Club. \$400,000  
 Imagine Children's Museum. . . . . \$75,000  
 Lincoln Theatre Center Foundation Green. \$350,000  
 Magenta Theater. . . . . \$7,000  
 Orcas Center. . . . . \$350,000  
 Pacific Public Media. . . . . \$800,000  
 Pickford Film Center. . . . . \$550,000  
 Port Angeles Waterfront Center dba Field Arts &  
 Events Hall. . . . . \$2,000,000  
 Richland Players Inc. . . . . \$350,000  
 Sahak Khemararam Buddhist Association. . \$500,000  
 Sea Mar Community Health Centers \$350,000  
 Seattle Children's Theatre. . . . \$750,000  
 Seattle Repertory Theatre Renovations for Accessibility. . . . . \$1,200,000  
 Seattle Symphony Orchestra. . . . \$250,000  
 Seattle Theatre Group. . . . . \$491,000  
 Sequim City Band. . . . . \$401,000  
 SIFF Uptown Theater Renovation Project. \$500,000  
 Spokane Valley Summer Theatre. \$1,849,000  
 Tacoma Arts Live Tacoma Armory Performance Venue Renovation. . . . . \$2,000,000  
 The 5th Avenue Theatre Association. . . \$550,000  
 The Clymer Foundation. . . . . \$100,000  
 Theatre33. . . . . \$100,000  
 Vashon Allied Arts, Inc. . . . . \$115,000

**Appropriation:**

State Building Construction Account—  
 State. . . . . \$18,000,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$72,000,000  
**TOTAL..... \$90,000,000**

**NEW SECTION. Sec. 1005. FOR THE DEPARTMENT OF COMMERCE**

2023-25 CERB Capital Construction (40000281)

**Appropriation:**

Public Facility Construction Loan Revolving Account—State. . . . . \$25,000,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$100,000,000  
**TOTAL..... \$125,000,000**

**NEW SECTION. Sec. 1006. FOR THE DEPARTMENT OF COMMERCE**

Dig-Once Pilot Project and Enhanced Program Development (40000282)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for improvements to Reynolds Road and Harrison Avenue in Lewis county that demonstrate dig-once project practices that coordinate

construction of multiple infrastructure projects to maximize project efficiencies and minimize cost.

**Appropriation:**

State Building Construction Account—	
State. . . . .	\$500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
<b>TOTAL.....</b>	<b>\$500,000</b>

**NEW SECTION. Sec. 1007. FOR THE DEPARTMENT OF COMMERCE**

2023-25 Energy Retrofits and Solar Power for Public Buildings (40000283)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$22,500,000 of the appropriation in this section is provided solely for grants to local governments, public higher education institutions, school districts, tribal governments, and state agencies for improvements to facilities and related projects that result in energy and operational cost savings.

(a) At least 20 percent of each competitive grant round is designated for award to eligible projects in small cities or towns with a population of 5,000 or fewer residents.

(b) In each competitive round, a higher energy savings to investment ratio must result in a higher project ranking. Priority consideration must be given to applicants that have not received grant awards for this purpose in prior biennia.

(c) The department must determine a minimum match ratio to maximize the leverage of nonstate funds.

(2) \$22,500,000 of the appropriation in this section is provided solely for grants to be awarded in competitive rounds to local governments, public higher education institutions, school districts, tribal governments, and state agencies for projects that involve the purchase and installation of solar energy systems, including solar modules and inverters, with a preference for products manufactured in Washington.

(a) At least 20 percent of each competitive grant round is designated for award to eligible projects in small cities or towns with a population of 5,000 or fewer residents.

(b) In each competitive round, a higher energy savings to investment ratio must result in a higher project ranking. Priority consideration must be given to applicants that have not received grant awards for this purpose in prior biennia.

(c) The department must determine a minimum match ratio to maximize the leverage of nonstate funds.

(3) \$5,000,000 of the appropriation in this section is provided solely for the energy efficiency and environmental performance improvements to minor works, stand-alone, and emergency projects at facilities owned by agencies that repair or replace existing building systems and reduce greenhouse gas emissions from state operations, including, but not limited to, HVAC, lighting, insulation, windows, and

other mechanical systems. Eligibility for this funding is dependent on an analysis using the office of financial management's life-cycle cost tool that compares project design alternatives for initial and long-term cost-effectiveness. Assuming a reasonable return on investment, the department shall provide grants in the amount required to improve the project's energy efficiency compared to the original project request.

(4) The department shall develop metrics that indicate the performance of energy efficiency efforts.

(5) If a grant is provided in subsection (1) or (3) of this section to purchase heating devices or systems, the agency must, whenever possible and most cost effective, select devices and systems that do not use fossil fuels.

(6) Grants provided in subsections (1), (2), and (3) of this section to state agencies are exempt from the match requirements in this section.

**Appropriation:**

Climate Commitment Account—State.	
\$50,000,000	
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$200,000,000
<b>TOTAL.....</b>	<b>\$250,000,000</b>

**NEW SECTION. Sec. 1008. FOR THE DEPARTMENT OF COMMERCE**

Home Electrification and Appliance Rebates Program (HEAR) (40000284)

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$83,000,000 of the general fund—federal appropriation and \$75,000,000 of the climate commitment account—state appropriation are provided solely for the department to administer grants to eligible third-party administrators for heat pump and other high-efficiency electric equipment rebates, with a focus on low/moderate income households and small businesses. State incentives and rebates for installation of high efficiency electric equipment, including electrical panel upgrades, provide a benefit to the public consistent with the state's energy strategy and climate mandates by reducing greenhouse gas emissions from the built environment.

(b) \$5,000,000 of the climate commitment account—state appropriation is provided solely for the department to administer grants to eligible third-party administrators for heat pumps for adult family homes.

(2) The department shall implement a statewide high efficiency electric equipment program consistent with the following:

(a) Aid the transition of residential and commercial buildings away from fossil fuels by providing education and outreach resources for the installation of high efficiency electric heat pumps and other high efficiency electric equipment;

(b) Provide grants, coordination, and technical assistance to eligible third-party administrators to promote the adoption of

high-efficiency electric heat pump equipment for space and water heating; and

(c) Develop strategies to ensure that the program serves low-income households, vulnerable populations, and overburdened communities, including dedicating a portion of the program funding for this purpose. For the purposes of this subsection (2)(c), "overburdened communities" has the same meaning as defined in RCW 70A.65.010.

(3) For the purposes of this section, "eligible third-party administrators" include, but are not limited to, nonprofits, utilities, housing providers, community action agencies and community-based organizations.

**Appropriation:**

Climate Commitment Account—State.	
\$80,000,000	
General Fund—Federal. . . .	\$83,000,000
Subtotal Appropriation.....	\$163,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . .	\$0
TOTAL.....	\$163,000,000

**NEW SECTION. Sec. 1009. FOR THE DEPARTMENT OF COMMERCE**

2023-25 Early Learning Facilities - School Districts (40000285)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following list of projects:

Bethel School District. . . .	\$1,080,000
Highline School District. . . .	\$809,000
Issaquah School District. . . .	\$1,057,000
Orondo School District. . . .	\$1,080,000
South Bend School District. . . .	\$300,000
Toppenish School District. . . .	\$1,080,000

**Appropriation:**

Ruth Lecocq Kagi Early Learning Facilities	
Development Account—State.	\$5,406,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
\$21,624,000	
TOTAL.....	\$27,030,000

**NEW SECTION. Sec. 1010. FOR THE DEPARTMENT OF COMMERCE**

2023-25 Library Capital Improvement Program (40000286)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a local library capital improvement grant program for the following list of projects:

Camas Public Library. . . . .	\$730,000
City of Longview. . . . .	\$750,000
City of Port Townsend. . . . .	\$173,000
City of Shelton. . . . .	\$70,000
City of South Bend. . . . .	\$249,000
City of Walla Walla. . . . .	\$2,000,000
Pend Oreille County Library District. .	
\$200,000	
Pierce County Library - Bonney Lake. . .	
\$164,000	

Pierce County Library - Sumner	\$2,000,000
San Juan Island Library District. . . .	
\$2,000,000	
Stevens County Rural Library District. .	
\$615,000	
Tacoma Public Library. . . . .	\$2,000,000

(2) The department must establish a competitive process to solicit proposals for and prioritize projects whose primary objective is to assist libraries operated by governmental units, as defined in RCW 27.12.010, in acquiring, constructing, repairing, or rehabilitating facilities.

(3) The department must establish a committee to develop the grant program criteria established under subsection (2) of this section and review proposals. The committee must be composed of five members as provided in this subsection. The committee must include: (a) A representative from the department of commerce; (b) a representative from the department of archaeology and historic preservation; (c) the state librarian; (d) a representative from a library district; and (e) a representative from a municipal library.

(4) The department must conduct a statewide solicitation of project applications. The department must evaluate and rank applications in consultation with the committee established in subsection (3) of this section, using objective criteria. The ranking of projects must prioritize library district facilities listed on a local, state, or federal register of historic places and those located in distressed or rural counties. The evaluation and ranking process must also include an examination of existing assets that applicants propose to apply to projects. Grant assistance under this section may not exceed 50 percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

(5) The department must submit a prioritized list of recommended projects to the governor and the legislature by October 1, 2024, for inclusion in the department of commerce's 2025-2027 biennial capital budget request. The list must include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. Individual grants may not exceed \$2,000,000. The total amount of recommended state funding for the projects on a biennial project list may not exceed \$10,000,000.

(6) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee must repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued on the date most close in time to the date of authorization of the grant.

(7) The department must assist grant recipients under this section to apply for applicable competitive federal grant funding and, upon receipt of any such funding, an equal amount of the state building construction account—state appropriation must be placed in unallotted status.

Appropriation:

State Building Construction Account—
State. . . . . \$10,951,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs).
\$43,804,000
TOTAL..... \$54,755,000

NEW SECTION. Sec. 1011. FOR THE DEPARTMENT OF COMMERCE

Pacific Tower Capital Improvements (40000287)

Appropriation:

State Building Construction Account—
State. . . . . \$6,464,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs).
\$6,061,000
TOTAL..... \$12,525,000

NEW SECTION. Sec. 1012. FOR THE DEPARTMENT OF COMMERCE

2023-25 Public Works Assistance Account (PWAA) (40000289)

Appropriation:

Public Works Assistance Account—State.
\$400,000,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs).
\$1,000,000,000
TOTAL..... \$1,400,000,000

NEW SECTION. Sec. 1013. FOR THE DEPARTMENT OF COMMERCE

2023-25 Broadband Infrastructure Federal Match Projects (40000290)

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) \$50,000,000 of the state building construction account—state appropriation in this section is provided solely as match for federal authority allocated under this section and section 7017 of this act for the statewide broadband office to administer the broadband equity, access, and deployment state grants program in section 60102 of P.L. 117-58 (infrastructure investment and jobs act). Expenditure of the amount in this subsection is contingent on the receipt of this grant funding.

(b) To the extent permitted by federal law, the office shall provide state match only for projects where the lead applicant is a public entity.

(2) In addition to scoring and weighting criteria established pursuant to the federal broadband equity, access, and deployment program, the state broadband office must establish additional secondary selection criteria, including, but not limited to, criteria that give weight to projects that:

(a) Provide open-access wholesale last-mile broadband service for the useful life of the subsidized networks on fair, equal, and neutral terms to all potential retail providers; and

(b) Demonstrate support from the local government or any tribal government with oversight over the location or locations to be served.

(3) The statewide broadband office must include, in the five-year action plan developed using initial planning funds from the broadband equity, access, and deployment program funded under P.L. 117-58 (infrastructure investment and jobs act):

(a) Consideration of broadband infrastructure projects that use wireless technology in order to expand access at the lowest cost to the most unserved or underserved residents; and

(b) Steps the office will take to promote: The use of existing infrastructure; dig-once policies; streamlined permitting processes; and cost-effective access to poles, conduits, easements, and rights-of-way. To the extent permitted under federal law, the office must consider creating a pool of grant funds dedicated to pole costs.

(4) \$300,000 of the general fund—federal appropriation provided in this section is for a staff position dedicated to advising the statewide broadband office on the availability and feasibility of deploying new and emerging technologies in broadband internet service.

Appropriation:

General Fund—Federal. . . . \$150,000,000
State Building Construction Account—
State. . . . . \$50,000,000
Subtotal Appropriation. .... \$200,000,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs).
\$150,000,000
TOTAL..... \$350,000,000

NEW SECTION. Sec. 1014. FOR THE DEPARTMENT OF COMMERCE

2023-25 Weatherization Plus Health (40000291)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the state building construction account—state appropriation in this section is provided solely for grants for the Washington State University energy extension community energy efficiency program (CEEP) to support homeowners, tenants, and small business owners in making sound energy efficiency investments by providing consumer education and marketing, workforce support through training and lead generation, and direct consumer incentives for upgrades to existing homes and small commercial buildings. This is the maximum amount the department may expend for this purpose.

(2) The department must, to the extent practicable, implement the recommendations in the weatherization plus health 2022 report.

(3) If funding from these appropriations is used to purchase heating devices or

systems, the agency shall, whenever possible and most cost effective, select devices and systems that do not use fossil fuels.

(4) The department must:

(a) Recruit community energy efficiency program sponsors that are community-based organizations located in geographic areas of the state that have not received funding for low-income weatherization programs, targeting hard to reach market segments;

(b) Leverage funding from community energy efficiency program sponsors in an amount greater than or equal to the amount provided by the state through the weatherization program;

(c) Ensure that community energy efficiency program utility sponsors work with nonprofit community-based organizations to deliver community energy efficiency program services; and

(d) Identify community energy efficiency program sponsors that support the conversion of space and water heating from fossil fuels to electricity, as part of a set of energy efficiency investments.

**Appropriation:**

Climate Commitment Account—State.	
\$35,000,000	
State Building Construction Account—	
State. . . . .	\$5,000,000
Subtotal Appropriation.....	\$40,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
\$160,000,000	
TOTAL.....	\$200,000,000

**NEW SECTION. Sec. 1015. FOR THE DEPARTMENT OF COMMERCE**  
 2023-25 Youth Recreational Facilities Grant Program (40000292)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.135.

(2) Except as directed otherwise prior to the effective date of this section, the department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by this appropriation. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) The appropriation is provided solely for the following list of projects:

Camp Kilworth Lodges Renovation and Activation. . . . .	\$500,000
Coupeville Boys & Girls Club Construction Project. . . . .	\$391,000
Dylan Jude Harrell Community Center Gymnasium. . . . .	\$384,000
Evergreen Pool Upgrades. . . . .	\$75,000
EYFO Youth Enrichment Center. . . . .	\$1,200,000
GHHS Safe Learning Spaces. . . . .	\$254,000
Multicultural Youth Recreation Facility.	
\$226,000	
OIC Excel Youth Center. . . . .	\$1,054,000

Performing Arts Center Spokane Valley. .	\$1,176,000
The Auburn Valley YMCA Healthy Kids Campus. . . . .	\$1,200,000
The Lummi Nation BGC Facility Improvement Project. . . . .	\$340,000
University Family YMCA. . . . .	\$1,200,000

**Appropriation:**

State Building Construction Account—	
State. . . . .	\$8,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
\$32,000,000	
TOTAL.....	\$40,000,000

**NEW SECTION. Sec. 1016. FOR THE DEPARTMENT OF COMMERCE**  
 Capital Pre-Development Funding (40000293)

**Appropriation:**

State Taxable Building Construction Account—	
State. . . . .	\$5,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
\$20,000,000	
TOTAL.....	\$25,000,000

**NEW SECTION. Sec. 1017. FOR THE DEPARTMENT OF COMMERCE**  
 2023-25 Clean Energy Fund Program (40000294)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$500,000 of the appropriation in this section is provided solely for the department to convene a work group to:

(i) Analyze the financial investments required for owners of tier 1 covered buildings to comply with the state energy performance standard under RCW 19.27A.210; and

(ii) Make recommendations to the legislature to assist building owners in attaining compliance, which must include, but are not limited to:

(A) Identifying energy efficiency investments or other strategies and related timelines for increasing energy efficiency in the buildings sector;

(B) Providing a cost-benefit analysis of options, including energy efficiency, to meet the goal of reducing greenhouse gas emissions from the buildings sector; and

(C) Recommendations to balance financial investments while maximizing clean energy benefits for the state, including statutory changes that may be necessary for this purpose.

(b) The work group membership convened under this section must include, but is not limited to: One representative of the office of the superintendent of public instruction; one representative of a K-12 maintenance and operation administrators association; one representative of each of the state's public four-year institutions of higher education; one representative of the state board for community and technical colleges; one representative of the department of social and health services; one representative of

the department of corrections; one representative of the department of enterprise services; one representative of a health care organization; one representative from a local government; one representative from an organization representing privately owned tier 1 covered buildings; one representative from a business specializing in performance contracting for energy services; one representative from a nonprofit specializing in clean energy; and two representatives of a national association for industrial and office parks.

(c) The department must submit to the appropriate committees of the legislature:

(i) Analysis of financial investments as required by this section by December 15, 2023; and

(ii) A final report with recommendations as required by this section by September 1, 2024.

(2) Except as provided in subsections (1) and (13) of this section, the appropriation in this section is provided solely for competitive grants to eligible entities for predevelopment, design, and construction of projects that provide a public benefit through research, development, demonstration, or deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state. Priority must be given to projects that benefit vulnerable populations and overburdened communities, including tribes.

(3) Entities eligible for grant funding under this section include local governments, federally recognized tribal governments and tribes' contracted service providers, public and private utilities that serve retail customers in the state, for-profit entities, research institutions, nonprofit organizations, and state agencies.

(4) To be eligible, a project must be consistent with the state energy strategy adopted under chapter 43.21F RCW and policies under chapter 19.405 RCW. To the extent practicable, the department must prioritize projects that build upon Washington's strengths in aerospace, maritime, information and communications technology, grid modernization, advanced materials, and decarbonizing the built environment.

(5) The department must invite stakeholders to participate in the design and implementation of grant programs funded under this section. The department must consider equity and environmental justice when developing the program structure and opportunities for applicant participation.

(6) When soliciting and evaluating proposals, awarding contracts, and monitoring projects under this section, the department must:

(a) Ensure that competitive processes, rather than sole source contracting processes, are used to select all projects, except as otherwise noted in this section;

(b) Ensure that a public benefit results from the use of public funds through due diligence and monitoring of contracted projects, including ensuring compliance with all applicable laws related to the project selection process, project monitoring, and contracting; and

(c) Prioritize projects for funding that leverage the greatest amount of matching funds, such as local levy funding.

(7) (a) The department must require project applicants to:

(i) Disclose all sources of public funding invested in a project; and

(ii) Identify by name any former or current state of Washington employees employed by the applicant or its governing body in the 24 months preceding the application submittal. The identification must include the person's separation date and job title or position held. If the department determines that a conflict of interest or other violation of chapter 42.52 RCW exists, the application must be disqualified from further consideration.

(b) If, after a grant has been awarded, the department finds that a grantee has violated chapter 42.52 RCW, either in procuring or performing under the grant, the department in its sole discretion may terminate the grant funding by written notice. If the grant is terminated, the department must reserve its right to pursue all available remedies under law to address the violation.

(8) The department must specify the requirements in subsections (6) and (7) of this section in funding contracts entered into by the department under this section.

(9) \$10,000,000 of the appropriation in this section is provided solely for grants to tribes for clean energy development projects. Eligible uses of grant funding include planning, predesign, design, construction, project predevelopment, and deployment of clean energy projects that contribute to achieving the state's greenhouse gas emissions reduction goals and related policies. The department must collaborate with tribes in the design and development of this grant program.

(10) \$10,000,000 of the appropriation in this section is provided solely for state match for federal funding that aligns with subsection (2) of this section and accelerates meeting state clean energy and climate goals. Funding may be used to match federal grants to the state or nonstate entities for clean energy research, development, and demonstration projects.

(11) \$12,000,000 of the appropriation in the section is provided solely for grants for strategic research, development, and demonstration of new and emerging clean energy generation and storage technologies and climate change mitigation technologies, including greenhouse gas removal. Grants awarded under this subsection must reduce reliance on fossil fuels, reduce risk of irregularities in power supply, offer opportunities for economic and job growth, and strengthen technology supply chains. Grant funds are intended to catalyze diverse new technologies that change production, use, storage, and transportation of energy. The department may provide funding to projects at various stages of readiness, including early-stage research, pilot and demonstration projects, and dual use projects that produce clean energy and additional benefits.

(12) \$20,000,000 of the appropriation in this section is provided solely for grants

for electrical grid integration and innovation projects. To be eligible, a project must develop and demonstrate distributed energy resources, as defined in RCW 19.405.020, and nonwire alternatives that advance community resilience, support implementation of demand response and sustainable microgrids, improve integration of renewable energy and energy storage, and accelerate beneficial load integration and demand management for building electrification, equipment electrification, and electric vehicle charging.

(13) \$7,500,000 of the appropriation in this section is provided solely to support regional energy analytics capability at Pacific Northwest national laboratory.

(14) The department must strive to allocate all of the amounts appropriated in this section within the 2023-2025 fiscal biennium in the manner prescribed in each subsection. However, no sooner than January 1, 2024, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may reallocate funding among the purposes of subsections (9) through (12) of this section. Beginning January 1, 2024, the department must provide quarterly notice of any funding reallocations to the appropriate fiscal committees of the legislature.

**Appropriation:**

Climate Commitment Account—State.	
\$60,000,000	
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$240,000,000
TOTAL.....	\$300,000,000

**NEW SECTION. Sec. 1018. FOR THE DEPARTMENT OF COMMERCE**

Health Care Infrastructure (91002197)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the following list of projects:

Chelan Valley EMS/Access to Health Care Infrastructure (Chelan) . . . . .	\$11,000,000
Confluence Health: Radiation Treatment (Moses Lake) . . . . .	\$3,800,000
Jefferson Reproductive and Gynecological Health (Port Townsend) . . . . .	\$4,000,000
Samaritan Hospital (Moses Lake) . . . . .	\$8,418,000
Tubman Center for Health & Freedom (Seattle) . . . . .	\$11,700,000

(2) The department may not expend funding for a project in this section unless and until the nonstate share of that project's costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) Prior to receiving funding, grant recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-

term lease. This requirement does not apply to grants for preconstruction activities or grants in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(4) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the department finds the grantee to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

**Appropriation:**

State Building Construction Account—	
State. . . . .	\$38,918,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL.....	\$38,918,000

**NEW SECTION. Sec. 1019. FOR THE DEPARTMENT OF COMMERCE**

2023-25 Youth Shelters and Housing (91001682)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the following list of projects:

Community Youth Services (Olympia) . . . . .	\$200,000
Housing and Services for Youth Wellness (Seattle) . . . . .	\$5,000,000
OlyCap Pfeiffer House (Port Townsend) . . . . .	\$70,000
ROOTS Young Adult Shelter Phase 2 Renovations (Seattle) . . . . .	\$1,500,000
Safe Harbor Support Center (Kennewick) . . . . .	\$300,000
Serenity House (Port Angeles) . . . . .	\$50,000
Shelton Young Adult Transitional Housing (Shelton) . . . . .	\$1,200,000
Skagit Valley Family YMCA (Mt. Vernon) . . . . .	\$2,200,000
VOA Crosswalk 2.0 (Spokane) . . . . .	\$2,500,000
YouthCare (Seattle) . . . . .	\$1,500,000

(2) The department may not expend funding for a project in this section unless and until the nonstate share of that project's costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) Prior to receiving funding, grant recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to grants for preconstruction activities or grants in which the sole purpose is to



purchase real property that does not include a construction or renovation component.

(4) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the department finds the grantee to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

**Appropriation:**

State Building Construction Account—	
State. . . . .	\$14,520,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
\$58,080,000	
TOTAL.....	\$72,600,000

**NEW SECTION. Sec. 1020. FOR THE DEPARTMENT OF COMMERCE**

2023-25 Housing Trust Fund (40000295)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$163,663,000 of the state taxable building construction account—state appropriation is provided solely for the new construction, acquisition, or rehabilitation of affordable housing projects that serve and benefit low-income and special needs populations including, but not limited to, people with chronic mental illness or behavioral health conditions, farmworkers, people who are homeless, and people in need of permanent supportive housing. The department shall strive to invest at least 20 percent of the appropriation provided under this subsection with by and for organizations, as defined by the office of equity.

(2) \$25,000,000 of the state taxable building construction account—state appropriation is provided solely for affordable housing projects that serve and benefit low-income people with developmental or intellectual disabilities. The department must use a separate application form and evaluation criteria for applications under this subsection. The department must coordinate with the department of social and health services regarding any needed supportive services and make efforts to enact the recommendations of the housing needs study for individuals with intellectual and developmental disabilities, as provided in section 1068(6), chapter 332, Laws of 2021.

(3) \$100,000,000 of the state taxable building construction account—state appropriation is provided solely for the apple health and homes rapid permanent supportive housing program created in chapter 216, Laws of 2022. Of the amounts provided in this subsection, \$5,000,000 is provided solely for the St. Agnes Haven project in Spokane.

(4) \$40,000,000 of the state building construction account—state appropriation is provided solely for awards to organizations eligible under RCW 43.185A.040 for the development of homeownership projects affordable to first-time low-income households throughout the state. Projects serving homebuyers whose income is up to 80 percent of the area median income, adjusted for household size, for the county where the property is located are eligible to apply, except that projects located in rural areas of the state, as defined by the department, serving homebuyers whose income is up to 100 percent of the area median income, adjusted for household size, for the county where the property is located are eligible to apply. Eligible activities include, but are not limited to, down payment assistance, closing costs, acquisition, rehabilitation costs, and new construction. Eligible organizations may include those that plan to provide housing to socially disadvantaged communities as defined in 13 C.F.R. Sec. 124.103. The department shall strive to invest at least 50 percent of these funds with by and for organizations, as defined by the office of equity, and make efforts to enact the recommendations of the homeownership disparities work group created in section 128(100), chapter 297, Laws of 2022.

(5) \$25,000,000 of the state building construction account—state appropriation is provided solely for affordable housing preservation projects, which may include, but are not limited to:

(a) Projects preserving and extending the affordability commitment period for projects in the housing trust fund portfolio. The funds may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require a capital needs assessment be provided prior to contract execution. Funds may not be used to add or expand the capacity of the property. When allocating funds, the department must prioritize buildings that are older than 15 years and that serve very low-income and extremely low-income populations.

(b) Projects preserving affordable multifamily housing at risk of losing its affordability due to expiration of use restrictions that otherwise require affordability including, but not limited to, United States department of agriculture funded multifamily housing. The department must prioritize projects that satisfy the goal of long-term preservation of Washington's affordable multifamily housing stock, particularly in rural areas of the state. Funds may be used for acquisition or for acquisition and rehabilitation of properties to preserve the affordable housing units beyond their existing use restrictions and keep them in Washington's housing portfolio for a minimum of 40 years. If a capital needs assessment is required, the department must work with the applicant to ensure that this does not create an unnecessary impediment to rapidly accessing these funds.

(c) The funding provided under this subsection (5) is not subject to the 90-day application periods in RCW 43.185.070 or 43.185A.050.

(d) The amount awarded under this subsection (5) may not be calculated in award limitations for other housing trust fund awards.

(6) \$4,000,000 of the state taxable building construction account—state appropriation is provided solely for a grant to the northwest cooperative development center to provide subgrants for the acquisition and preservation of mobile or manufactured home communities. Funding provided under this subsection may be used to acquire mobile or manufactured home communities for the purpose of avoiding household displacement due to sale or other transactions and ensuring preservation of housing affordability for low-income households for a minimum of 40 years.

(7) \$2,000,000 of the state taxable building construction account—state appropriation is provided solely for a grant to the northwest cooperative development center to provide subgrants to organizations that are "mobile home park cooperatives" or "manufactured housing cooperatives" under RCW 59.20.030 for completing capital improvement processes. Subgrants provided under this subsection may be used solely for critical improvements, repairs, and infrastructure upgrades to promote the preservation of mobile or manufactured home communities as affordable housing. The grantee must award subgrants based on needs relating to health, safety, and cost.

(8) \$40,337,000 of the state taxable building construction account—state appropriation is provided solely for the following list of projects:

- African Diaspora Cultural Anchor Village (SeaTac) . . . . . \$4,000,000
- Gravelly Lake Commons at LASA (Lakewood) . . . . . \$500,000
- Kenmore Supportive Housing (Kenmore) . . . . . \$1,000,000
- Leavenworth Affordable Workforce Rental Housing (Leavenworth) . . . . . \$1,000,000
- Lewis County Homeless Shelter (Chehalis) . . . . . \$2,500,000
- Lincoln District Family Housing (Tacoma) . . . . . \$5,050,000
- Mary's Place Shelter Replacement (Burien) . . . . . \$6,000,000
- Mount Zion Housing (Seattle) . . . . . \$1,000,000
- Multicultural Village Design (Kent) . . . . . \$550,000
- New Hope Family Housing (Seattle) \$325,000
- Peninsula Community Health Housing (Bremerton) . . . . . \$412,000
- Shiloh Baptist Church New Life Housing (Tacoma) . . . . . \$1,000,000
- Skyway Affordable Housing (Skyway) . . . . . \$3,000,000
- Tacoma/Pierce County Habitat Affordable Housing (Pierce County) . . . . . \$14,000,000

(9) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(10) The department shall strive to allocate at least 30 percent of the funds provided in this section to projects located in rural areas of the state, as defined by the department.

(11) The department must strive to allocate all of the amounts appropriated in this section within the 2023-2025 fiscal biennium in the manner prescribed in each subsection. However, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may allocate funds to other affordable housing projects serving other low-income and special needs populations, provided those projects are located in an area with an identified need for the type of housing proposed.

**Appropriation:**

State Building Construction Account—	
State . . . . .	\$65,000,000
State Taxable Building Construction Account—	
State . . . . .	\$335,000,000
<b>Subtotal Appropriation . . . . .</b>	<b>\$400,000,000</b>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$1,600,000,000
<b>TOTAL . . . . .</b>	<b>\$2,000,000,000</b>

**NEW SECTION. Sec. 1021. FOR THE DEPARTMENT OF COMMERCE**

2023-25 Connecting Housing to Infrastructure (CHIP) (40000296)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for grants or deferred loans to local governments and public utility districts or their contracted service providers for system development charges and utility improvements for new affordable housing projects that serve and benefit low-income households. Where applicable, the extension must be consistent with the approved comprehensive plans under the growth management act and must be within the established boundaries of the urban growth area.

(2) \$37,202,000 of the state building construction account—state appropriation is provided solely for grants or deferred loans to local governments or public utilities located within a jurisdiction that impose a sales and use tax under RCW 82.14.530(1) (a) (ii) or (b) (i) (B), 82.14.540, or 84.52.105.

(3) \$20,000,000 of the state building construction account—state appropriation in this section is provided solely for grants to local governments or public utilities located within:

- (a) A city or county with a population of 150,000 or less; and
- (b) A jurisdiction that imposed a sales and use tax under RCW 82.14.530(1) (a) (ii) or (b) (i) (B).

(4) \$798,000 of the state building construction account—state appropriation in this section is provided solely for the Habitat for Humanity Infrastructure Project in Kennewick and Walla Walla.

(5) \$2,000,000 of the state building construction account—state appropriation in this section is provided solely for the Aviva Crossing Sanitary Sewer Upgrades Project (Tacoma).

(6) To be eligible for funding under this section, an applicant must demonstrate, at minimum:

(a) That affordable housing development will begin construction within 24 months of the grant or loan award; and

(b) A strong probability of serving the original target group or income level for a period of at least 25 years.

(7) For purposes of this section, the following definitions apply.

(a) "Affordable housing" has the same meaning as in RCW 43.185A.010.

(b) "Low-income household" has the same meaning as in RCW 43.185A.010.

(c) "System development charges" means charges for new drinking water, wastewater, or stormwater connections when a local government or public utility has waived standard fees normally applied to developers for connection charges on affordable housing projects.

(d) "Utility improvements" means drinking water, wastewater, or stormwater utility improvements.

**Appropriation:**

State Building Construction Account—	
State. . . . .	\$60,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
\$240,000,000	
<b>TOTAL.....</b>	<b>\$300,000,000</b>

**NEW SECTION. Sec. 1022. FOR THE DEPARTMENT OF COMMERCE**

Transit Oriented Housing Development Partnership Match (40000298)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely as match to private investment for grants to for-profit and nonprofit housing developers and public entities to carry out projects designed to increase the supply and affordability of transit-oriented housing development. Grants from this appropriation may only be used for the construction of units affordable at 80 percent of area median income or lower, if a project includes a range of affordability levels. The department shall work with the department of transportation to develop and administer a competitive grant program to assist in the financing of housing projects within rapid transit corridors. The department shall implement the program pursuant to the following eligibility criteria and definitions:

(1) Entities eligible to receive grant awards are state agencies, local governments, and nonprofit or for-profit housing developers. Eligible uses of grant awards include project capital costs and infrastructure costs and addressing gaps in project financing that would prevent ongoing or complete project construction.

(2) Eligible housing projects must meet the following requirements:

(a) Be within a rapid transit corridor. For purposes of this subsection (2), "rapid transit corridor" includes either one-half mile from light rail or commuter rail, or one-quarter mile from bus rapid transit.

(b) Produce at least 100 units of housing; and

(c) Include a covenant on the property requiring at least 10 percent of total housing units in the project remain affordable for households with incomes at or below 60 percent of area median income and at least 10 percent of total housing units in the project remain affordable for households with incomes at or below 80 percent of area median income for at least 99 years.

(3) The department must prioritize eligible projects by occupancy date, with a target occupancy date of December 31, 2025, or sooner.

(4) To source project requests, the department may first review the list of housing trust fund applications from the prior two years to determine if any projects not fully funded would meet the criteria listed in subsection (2) of this section and would be able to proceed to construction. If so, the department must conduct outreach to those project owners to discuss the grant program before soliciting new projects.

(5) The department must also consider the following criteria when prioritizing all projects:

(a) Are comprised of the largest number of affordable units;

(b) Have the largest total number of units affordable to households with incomes at or below 60 percent area median income;

(c) Include land acquired at a reduced price or without cost;

(d) Abide by any applicable antidisplacement measures;

(e) Include units with additional bedrooms or intended for occupancy by families with multiple dependents; or

(f) Have acquired all necessary permits.

(6) The department may adopt any necessary guidance or rules to implement the competitive grant program under this section, including any additional project eligibility criteria and prioritization criteria.

(7) The department must report a program update and any projects awarded on their website by June 30, 2024. The report must include project award data at the time of award, such as, but not limited to, the awardee, total project cost, amount of the award, number of households being served by household income, project location, and any other relevant information.

(8) The department must strive to allocate the amounts appropriated in this section by September 30, 2024, in the manner prescribed in this section. However, if upon review of applications the department determines there are not adequate suitable projects to receive awards, the department may allocate state funding to other affordable housing projects serving other low-income and special needs populations.

**Appropriation:**

General Fund—Private/Local.	\$25,000,000
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State Building Construction Account—	
State . . . . .	\$25,000,000
Subtotal Appropriation . . . . .	\$50,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$200,000,000
TOTAL . . . . .	\$250,000,000

**NEW SECTION. Sec. 1023. FOR THE DEPARTMENT OF COMMERCE**  
 2023-25 Behavioral Health Community Capacity Grants (40000299)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department to issue grants to community hospitals or other community providers to expand and establish new capacity for behavioral health services in communities. The department must consult an advisory group consisting of representatives from the department of social and health services, the health care authority, one representative from a managed care organization, one representative from an accountable care organization, and one representative from the association of county human services. Amounts provided in this section may be used for construction and equipment costs associated with establishment or preservation of the facilities. The department may approve funding for the acquisition of a facility if the project will result in increased behavioral health capacity. Amounts provided in this section may not be used for operating costs associated with the treatment of patients using these services.

(2) In awarding funding for projects in subsection (5) of this section, the department must establish criteria for the issuance of the grants, which must include:

(a) Evidence that the application was developed in collaboration with one or more regional behavioral health entities that administer the purchasing of services;

(b) Evidence that the applicant has assessed and would meet gaps in geographical availability of behavioral health services in their region;

(c) Evidence that the applicant is able to meet applicable licensing and certification requirements in the facility that will be used to provide services;

(d) A commitment by applicants to serve persons who are publicly funded and persons detained for involuntary commitment under chapter 71.05 RCW;

(e) A commitment by the applicant to maintain and operate the beds or facility for a time period commensurate to the state investment, but for at least a 10-year period;

(f) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(g) A detailed estimate of the costs associated with opening the beds;

(h) A financial plan demonstrating the applicant's ability to maintain and operate the facility; and

(i) The applicant's commitment to work with local courts and prosecutors to ensure that prosecutors and courts in the area served by the hospital or facility will be available to conduct involuntary commitment hearings and proceedings under chapter 71.05 RCW.

(3) In awarding funding for projects in subsection (5) of this section, the department, in consultation with the advisory group established in subsection (1) of this section, must strive for geographic distribution and to allocate funding based on population and service needs of an area. The department must consider current services available, anticipated services available based on projects underway, and the service delivery needs of an area.

(4) The department must prioritize projects that increase capacity in unserved and underserved areas of the state.

(5)(a) \$28,443,000 of the state building construction account—state appropriation in this section is provided solely for competitive community behavioral health grants to address regional needs. Applicants must provide confirmation that the health care authority, department of social and health services, or a managed care organization plans to contract with the facility sufficient to cover the facility's operating costs. The department must give priority to facilities that:

(i) Serve individuals on 90-day or 180-day civil commitments as an alternative to treatment in the state hospitals;

(ii) Serve individuals who will be transitioned from or diverted from the state hospitals;

(iii) Provide secure withdrawal management and stabilization treatment beds; or

(iv) Provide substance use disorder treatment.

(b) In awarding this funding to projects under (a)(i) of this subsection (5), the department must coordinate with the department of social and health services, the health care authority, and the department of health and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the health care authority;

(iv) The provider has demonstrated to the department of health and the health care authority that it is able to meet the applicable licensing and certification requirements for the facility that will be used to provide services; and

(v) The health care authority has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes.

(c) \$24,000,000 of the state building construction account—state appropriation in

this section is provided solely for grants to intensive behavioral health treatment facilities for long-term placement of behavioral health patients with complex needs and that are not subject to federal funding restrictions that apply to institutions of mental diseases.

(d) \$18,000,000 of the state building construction account—state appropriation in this section is provided solely for grants to community providers to increase behavioral health services and capacity for children and minor youth including, but not limited to, services for youth crisis walk-in intervention, substance use disorder treatment, sexual assault and traumatic stress, anxiety, or depression, children with behavioral health and intellectual or developmental disability needs, and interventions for children exhibiting aggressive or depressive behaviors in facilities that are not subject to federal funding restrictions. Consideration must be given to programs that incorporate outreach and treatment for youth dealing with behavioral health or social isolation issues.

(6) The amounts provided in this subsection are subject to the criteria in subsection (1) of this section, except the projects are not required to establish new capacity:

(a) \$7,500,000 of the state building construction account—state appropriation in this section is provided solely for grants to community providers to prevent the closure of existing behavioral health facilities. For purposes of this subsection (6) (a), the department must implement necessary procedures to enable rapid commitment of funds on a first-come, first-served basis to qualifying project proposals that satisfy the goal of long-term preservation of behavioral health facilities.

(b) \$133,057,000 of the appropriation in this section is provided solely for the following list of projects:

Aristo Healthcare Services (Renton) . . .	\$2,000,000
Center for Alcohol & Drug Treatment New Facility (Wenatchee) . . . . .	\$19,600,000
Compass Health Broadway Behavioral Health Services (Everett) . . . . .	\$18,700,000
CRMHS Satellite Building Project (Vancouver) . . . . .	\$2,500,000
Evergreen Treatment Services (Seattle).	\$6,000,000
Jamestown S'Klallam Behavior Health Center (Sequim) . . . . .	\$13,000,000
Lummi Nation Substance Abuse Treatment (Bellingham) . . . . .	\$8,147,000
Lynnwood Community Recovery Center (Lynnwood) . . . . .	\$2,750,000
Nisqually Tribe Healing Village (Olympia) . . . . .	\$12,000,000
Recovery Innovations Crisis Stabilization (Federal Way) . . . . .	\$1,900,000
SeaMar Youth Crisis Center (Seattle) . .	\$480,000
SHC Medical Center - Astria/Toppenish Hospital	

(Toppenish) . . . . .	\$2,500,000
SIHB Thunderbird Treatment Center (Vashon) . . . . .	\$1,030,000
Skagit County Crisis Stabilization Center (SCCSC) (Sedro-Woolley) . . . . .	\$12,700,000
Spokane Treatment and Recovery Service (Spokane) . . . . .	\$4,000,000
Substance Use Disorder & Mental Health Inpatient Treatment (Yakima) . . . . .	\$11,750,000
Three Rivers Behavioral Health Center (Kennewick) . . . . .	\$5,000,000
Whatcom 23-Hour Crisis Relief Center (Bellingham) . . . . .	\$9,000,000

(7) The department shall notify all applicants that they may be required to have a construction review performed by the department of health.

(8) To accommodate the emergent need for behavioral health services, the department and the department of health, in collaboration with the health care authority and the department of social and health services, must establish a concurrent and expedited process to assist grant applicants in meeting any applicable regulatory requirements necessary to operate inpatient psychiatric beds, freestanding evaluation and treatment facilities, enhanced services facilities, triage facilities, crisis stabilization facilities, or secure detoxification/secure withdrawal management and stabilization facilities.

(9) The department must strive to allocate all of the amounts provided in this section in the manner prescribed in each subsection. However, if upon review of applications, the department determines, in consultation with the advisory group established in subsection (1) of this section, that there are not adequate suitable projects in a category, the department may allocate funding to other project categories listed in this section, prioritizing projects that support serving individuals who will be transitioned from or diverted from the state hospitals. Underserved areas of the state may also be considered.

(10) In contracts for grants authorized under this section, the department must include provisions that require that the grantee or successor hold the capital improvements for at least a 10-year period. The provisions must require the facility to be used for behavioral health services, but may allow the facility to change ownership or facility type during the commitment period. The department shall monitor the activities of recipients of grants under this program to determine compliance with the terms and conditions set forth in its contract.

(11) The department must provide a progress report to the appropriate committees of the legislature by September 1, 2024. The report must include:

(a) The total number of applications and amount of funding requested;

(b) A list and description of the projects approved for funding including state funding, total project cost, services anticipated to be provided, bed capacity, and anticipated completion date;

(c) A statewide map of new capacity since 2018, including projected bed capacity and opening dates;

(d) A status report of projects that received funding in prior funding rounds, including details about the project completion and the date the facility began providing services; and

(e) Recommendations for statutory language that would codify the grant program on an ongoing basis including:

(i) Evaluation and prioritization criteria;

(ii) Monitoring and compliance requirements;

(iii) Preconstruction and technical assistance services; and

(iv) Data needed to determine the service needs by area of the state.

(12) The department must coordinate with the health care authority to submit capital budget requests to fund behavioral health community capacity grants for the 2025-2027 biennial budget by the due date established by the office of financial management. Associated state budget operating costs must also be identified and requested.

**Appropriation:**

State Building Construction Account—	
State. . . . .	\$211,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
\$844,000,000	
<b>TOTAL.....</b>	<b>\$1,055,000,000</b>

**NEW SECTION. Sec. 1024. FOR THE DEPARTMENT OF COMMERCE**

**2023-25 Early Learning Facilities Fund Grant Program (40000300)**

The appropriation in this section is subject to the following conditions and limitations:

(1) \$5,000,000 of the Ruth Lecocq Kagi early learning facilities development account—state appropriation in this section is provided solely for minor renovation grants.

(2) \$42,050,000 of the Ruth Lecocq Kagi early learning facilities development account—state appropriation in this section is provided solely for the early learning facility grant and loan program, subject to the provisions of RCW 43.31.573 through 43.31.583 and 43.84.092, to provide state assistance for designing, constructing, purchasing, expanding, or modernizing public or private early learning education facilities for eligible organizations. Up to four percent of the funding in this subsection may be used by the department of children, youth, and families to provide technical assistance to early learning providers interested in applying for the early learning facility grant or loan program.

(3) The department of children, youth, and families must develop methodology to identify, at the school district boundary level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the

caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district. This methodology must inform any early learning facilities needs assessment conducted by the department and the department of children, youth, and families. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(4) When prioritizing areas with the highest unmet need for early childhood education and assistance program slots, the committee of early learning experts convened by the department pursuant to RCW 43.31.581 must first consider those areas at risk of not meeting the entitlement specified in RCW 43.216.556.

(5) The department must track the number of slots being renovated separately from the number of slots being constructed and, within these categories, must track the number of slots separately by program for the working connections child care program and the early childhood education and assistance program.

(6) When prioritizing applications for projects pursuant to RCW 43.31.581, the department must award priority points to applications from a rural county or from extreme child care deserts as defined by the department of children, youth, and families.

(7) For early learning facilities collocated with affordable or supportive housing developments, the department may remit state funding on a reimbursement basis for 100 percent of eligible project costs, regardless of the project's match amount, once the nonstate share of project costs have been either expended or firmly committed in an amount sufficient to complete the entire project or a distinct phase of the project that is useable to the public as an early learning facility. These projects are not subject to section 8015 of this act or RCW 43.88.150.

(8) It is the intent of the legislature to reappropriate funding in the 2023-2025 omnibus capital appropriations act for early learning facilities appropriated in this section.

(9) \$17,600,000 of the Ruth Lecocq Kagi early learning facilities development account—state appropriation in this section is provided solely for the following list of early learning facility projects:

Cora Whitley Family Center (Tacoma). . .	\$2,500,000
Eastside Early Childhood Center (Bellevue). . . . .	\$1,100,000
New Tomorrow's Hope Child Development Center (Everett). . . . .	\$1,000,000
Northgate Jose Marti Early Learning Center (Seattle). . . . .	\$1,000,000
Rainier Valley Early Learning Center (Seattle). . . . .	\$6,000,000
Skyway Affordable Housing and Early Learning Center (Seattle). . . . .	\$3,000,000
YMCA Early Learning Center (Port Angeles)	\$2,000,000
Young Child & Family Center, North Thurston PS	

(Olympia) . . . . . \$1,000,000  
 (10) \$350,000 of the Ruth Lecocq Kagi early learning facilities development account—state appropriation in this section is provided solely for the early learning facilities capital readiness pilot program. The department, in partnership with the department of children, youth, and families, shall administer the program as part of the early learning facilities program. The early learning facilities capital readiness pilot program must support no more than 10 licensed early learning providers that will serve children through working connections child care or through the early childhood education and assistance program to study the feasibility of expanding, remodeling, purchasing, or constructing early learning facilities and classrooms. Participants must receive small grants and project support to conduct capital feasibility studies that cover financing, architectural design, construction, business operations, and other relevant topics. Participants must also have access to professional consultation related to financing, architectural design, construction, and business operations.

**Appropriation:**

Ruth Lecocq Kagi Early Learning Facilities  
 Development Account—State \$65,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$260,000,000  
**TOTAL..... \$325,000,000**

**NEW SECTION. Sec. 1025. FOR THE DEPARTMENT OF COMMERCE**  
 2024 Local and Community Projects (40000301)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards under chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department shall

include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The department must comply with the requirements set forth in executive order 21-02 and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of these projects on cultural resources and historic properties. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated before project funds are made available.

(8) The state building construction account—state appropriation in this section is provided solely for the following list of projects:

57th Ave Sewer Project (University Place) . . . . . \$200,000  
 ACT Historic Landmark Roof Restoration (Seattle) . . . . . \$539,000  
 ADA For Northwest Center Janitorial (Spokane Valley) . . . . . \$20,000  
 Admiral Theatre Facility Improvements (Bremerton) . . . . . \$165,000  
 Affordable Housing Land Acquisition (Tacoma) . . . . . \$1,500,000  
 Afterschool Program Expansion (Walla Walla) . . . . . \$45,000  
 Agricultural Innovation Center (Pasco) . . . . . \$200,000  
 Airlift Northwest Hangar (East Wenatchee) . . . . . \$500,000  
 Airway Heights Public Safety (Airway Heights) . . . . . \$1,340,000  
 Algona Wetland Preserve Interpretive Trail (Algona) . . . . . \$600,000  
 American Indian Community Center (Spokane) . . . . . \$1,000,000  
 American Legion Post 79 Roof Replacement (Snoqualmie) . . . . . \$49,000  
 Anderson Island Multipurpose Building (Anderson Island) . . . . . \$258,000  
 Angleside Reservoir Capacity Upgrades (Shelton) . . . . . \$1,850,000  
 Arlington Commercial Kitchen (Arlington) . . . . . \$581,000  
 ARTE NOIR Capital Construction Completion (Seattle) . . . . . \$381,000  
 Asbestos Abatement Old City Hall (Benton City) . . . . . \$309,000  
 Ashley House (Spokane) . . . . . \$515,000  
 Ashley House (Tacoma) . . . . . \$500,000  
 Asia Pacific Cultural Center (Tacoma) . . . . . \$2,000,000  
 ASUW Shell House (Seattle) . . . . . \$3,000,000

Athletic Field Lights For Ridgefield Outdoor (Ridgefield) . . . . .	\$250,000	City of Sequim Park Acquisition (Sequim) . . . . .	\$375,000
Auburn Avenue Theater Rebuild (Auburn). . . . .	\$1,545,000	Clallam Joint Public Safety Facility (Port Angeles) . . . . .	\$5,750,000
Avista Stadium Improvements (Spokane Valley) . . . . .	\$543,000	Cloney Inclusive Playground (Longview). . . . .	\$1,000,000
B5 Community Learning Center (Kennewick) . . . . .	\$773,000	Colfax Community Center (Colfax). . . . .	\$72,000
Ball Field at Historic Petes (Enumclaw). . . . .	\$439,000	Colfax Pool (Colfax) . . . . .	\$1,030,000
Ballard Boys & Girls Clubs Flooring Replacement (Seattle) . . . . .	\$49,000	Columbia Grove Community Playground (East Wenatchee) . . . . .	\$72,000
Behavioral Health Wellbeing Clinic (Spokane) . . . . .	\$1,571,000	Columbia Play Project Children's Museum (Vancouver) . . . . .	\$515,000
Bonney Lake Senior Center Rehab Project (Bonney Lake) . . . . .	\$650,000	Commercial Pumpouts to Save Puget Sound (Anacortes) . . . . .	\$800,000
Boys & Girls Club Parking Lot Renovation (Federal Way) . . . . .	\$168,000	Communications Devices for Officials (Olympia) . . . . .	\$15,000
Boys & Girls Club Seismic Upgrade & Roof Replacement (Vancouver) . . . . .	\$412,000	Community Center at Lake Chelan (Chelan) . . . . .	\$1,723,000
Brewster Boys and Girls Club Facility (Brewster) . . . . .	\$300,000	Community Center Roof Replacement (Aberdeen) . . . . .	\$165,000
Bridge Meadows Pre-Development (Tacoma). . . . .	\$515,000	Community Homes Renovations 41st LD (Bellevue) . . . . .	\$106,000
Bringing It Home II 24-Hour Domestic Violence Shelter (Yakima) . . . . .	\$125,000	Community Homes Renovations 45th LD (Woodinville) . . . . .	\$77,000
Browse Infrastructure (Seattle). . . . .	\$144,000	Community Homes Renovations 48th LD (Bellevue) . . . . .	\$243,000
Camp Thunderbird Wastewater Treatment Facility (Olympia) . . . . .	\$618,000	Community Homes Upgrades 1st LD (Bothell) . . . . .	\$104,000
Cannery Parking Lot & Sidewalk Rehab (Anacortes) . . . . .	\$110,000	Conconully Service Complex/Fire Hall (Conconully) . . . . .	\$2,050,000
Capitol Land Trust Public Access Preconstruction (Olympia) . . . . .	\$77,000	Coupeville Food Bank & Workforce Housing Apartments (Coupeville) . . . . .	\$230,000
Cathlamet Waterfront Park (Cathlamet) . . . . .	\$86,000	Cross Kirkland Corridor 132nd Avenue NE Improvements (Kirkland) . . . . .	\$515,000
Cedarwood Community Recreation Ctr Redevelopment (Lake Stevens) . . . . .	\$1,123,000	Day Island Bridge Design Project (University Place) . . . . .	\$200,000
Celebration Park Synthetic Turf Upgrade (Federal Way) . . . . .	\$822,000	Des Moines Marina Steps (Des Moines) . . . . .	\$1,000,000
Center Senior Living Housing Development (Grand Coulee) . . . . .	\$361,000	deWilde Rugby Fields (Ferndale) . . . . .	\$150,000
Central Colville Apartments (Colville). . . . .	\$52,000	Diking District 7 Fish Passage and Levee (Stanwood) . . . . .	\$1,900,000
Central Whidbey Fire & Rescue Station 53 (Coupeville) . . . . .	\$2,750,000	Dishman Hills Conservancy Education Ctr Site Planning (Spokane) . . . . .	\$46,000
Centralia Quad Infield Turf Project (Centralia) . . . . .	\$2,480,000	Double Culvert Replacement (Castle Rock) . . . . .	\$2,000,000
Chehalis River Raw Water (Chehalis) . . . . .	\$250,000	Downtown Pasco North Plaza (Pasco) . . . . .	\$155,000
Chelan Butte Acquisition Feasibility Study (Chelan) . . . . .	\$125,000	Eagle Track Raceway Stadium Light Project (Republic) . . . . .	\$117,000
Children's Therapy Center (University Place) . . . . .	\$500,000	East Hill North Community Park Phase 1 (Kent) . . . . .	\$1,000,000
Chinese Reconciliation Project Design (Tacoma) . . . . .	\$1,000,000	Eaton Urban Pathway Project (Battle Ground) . . . . .	\$1,000,000
City Hall Structural Assessment (Toledo) . . . . .	\$53,000	Ebey Waterfront Trail Phase 4 (Marysville) . . . . .	\$1,030,000
City of Longview Mint Valley Golf Course Irrigation Replacement (Longview) . . . . .	\$2,000,000	Edmonds Boys & Girls Clubs Capital Project (Edmonds) . . . . .	\$1,385,000
City of Othello Lions Park (Othello) . . . . .	\$600,000	Edmonds Center for the Arts Design (Edmonds) . . . . .	\$200,000
City of Selah Wastewater Treatment Plant Improvements (Selah) . . . . .	\$1,442,000	Ejidos Community Farm (Everson). . . . .	\$824,000
		El Centro de la Raza Federal Way Campus (Federal Way) . . . . .	\$1,545,000
		Electron Way & Contra Costa Ave Intersection Improvemnt (Fircrest) . . . . .	\$153,000
		Ellensburg Rodeo Grandstands (Ellensburg) . . . . .	\$1,030,000
		Emergency Operation Generator (Coupeville) . . . . .	\$386,000
		Emergency Shelter Capital Improvements (Shelton) . . . . .	\$103,000



Enumclaw Community Center (Enumclaw) . . . . .	Interurban Trail War Memorials (Pacific)
\$500,000	Consolidated
Evans Creek Relocation Project (Redmond)	Prk (Issaquah) . . . . . \$721,000
EWAM Handicap Parking Improvement Project	Japanese American Exclusion Memorial Vis
(Pomeroy) . . . . . \$98,000	Ctr
Fair Building Improvements (Graham) . . . . .	(Bainbridge Island) . . . . . \$350,000
\$77,000	Jarstad Aquatic Center Assessment & Roof
Fall City Business District Septic	Repair
Project (Fall	(Bremerton) . . . . . \$309,000
City) . . . . . \$1,550,000	Jenkins Creek Recreation Trail
Family Resource Center at Cedar Crossing	(Covington) . . . . . \$250,000
(Seattle) . . . . . \$360,000	Kalama Creek Hatchery Renovation
Felts Field Gateway Improvement (Spokane)	(Olympia) . . . . . \$3,350,000
. . . . . \$515,000	KCFD #50 Generator (Baring) . . . . . \$20,000
Ferndale Civic and Community Organization	Kelso School District-Construction &
Campus	Renovation
(Ferndale) . . . . . \$3,050,000	Projects (Kelso) . . . . . \$165,000
Ferry County Fairgrounds (Republic) . . . . .	Kelso Train Station Roof Replacement
\$50,000	(Kelso) . . . . . \$575,000
Fife Aquatic & Community Center	Kennewick Kiwanis Playground (Kennewick)
Improvements	. . . . . \$258,000
(Fife) . . . . . \$1,500,000	King County Sheriff's Office Air Support
Fire Panel Replacement & Integration	Unit
(Seattle) . . . . . \$294,000	(Seattle) . . . . . \$1,000,000
FISH Food Bank Expansion (Ellensburg) . . . . .	King Street Station Creative Youth
\$573,000	Empowerment Hub
Foothills Trail Crossing at Main Street	(Seattle) . . . . . \$500,000
(Buckley) . . . . . \$128,000	Kirkland Boys & Girls Clubs Community
Forest Park Pickleball Court Installation	Playfield
(Everett) . . . . . \$345,000	(Kirkland) . . . . . \$150,000
Free Clinic & Central Construction	Kirkland Performance Center Safety
Project (Walla	Improvements
Walla) . . . . . \$515,000	(Kirkland) . . . . . \$1,288,000
Frontier Park Horse Cover (Graham) . . . . .	Kitsap Humane Society Veterinary
\$1,388,000	Lifesaving Center
Ft Steilacoom Park Nisqually Indian Tribe	(Silverdale) . . . . . \$412,000
Improvements (Lakewood) . . . . . \$309,000	Klineline Bridge and ADA Improvements
Gibson Hall Improvement Project	(Vancouver) . . . . . \$1,365,000
(Issaquah) . . . . . \$206,000	Kulshan View (Mount Vernon) . . . . . \$309,000
Glen Tana (Spokane) . . . . . \$3,000,000	Lacamas Lake Water Improvements (Camas) .
Golden Tiger Multi-Use Trail Phase 2	\$515,000
(Republic) . . . . . \$168,000	Lake Boren CrossTown Recreational Trail
Goldendale Municipal Airport - Land	(Newcastle) . . . . . \$824,000
Acquisition	Lake Chelan Food Bank Building Remodel &
(Goldendale) . . . . . \$361,000	Addition
Greater Wenatchee Irrigation Dist	(Chelan) . . . . . \$2,000,000
Infrastructure	Lake Hills Clubhouse Renovation
(East Wenatchee) . . . . . \$2,000,000	(Bellevue) . . . . . \$583,000
Greenwood Early Learning Playground	Lake Wilderness Arboretum Improvements
(Seattle) . . . . . \$69,000	(Maple
Greg Cuoio Park Accessibility	Valley) . . . . . \$450,000
Improvements (Lacey) . . . . . \$515,000	Lakebay Marina (Lakebay) . . . . . \$300,000
Harbour Point Boulevard Pathway	Lambert House Flood Abatement &
(Mukilteo) . . . . . \$258,000	Foundation
Harlequin Theater Renovation (Olympia) . . . . .	Replacement (Seattle) . . . . . \$1,030,000
\$700,000	Larson Playfield Irrigation Conversion
Heritage Center at Meeker Mansion	(Moses
(Puyallup) . . . . . \$496,000	Lake) . . . . . \$258,000
Heritage Heights Remodel and Conversion	Latah Water System Rehabilitation Project
to Medical	(Latah) . . . . . \$180,000
Care (Chelan) . . . . . \$824,000	Latino Community Service Center
High Prairie Fire District 14 Emergency	(Lynnwood) . . . . . \$515,000
Preparedness (Lyle) . . . . . \$248,000	Lester Creek Personnel to Water Intake
Highland Park Improvement Club Rebuild	(Pe Ell) . . . . . \$640,000
(Seattle) . . . . . \$500,000	Lewis County Senior Centers (Chehalis) .
Historic Lamar Cabin Preservation	\$500,000
(Prescott) . . . . . \$267,000	Lincoln County Fair and Livestock
HUB Sports Fields (Liberty Lake) . . . . .	(Davenport) . . . . . \$1,000,000
\$1,030,000	Local Grain Conveyance & Storage System
ICOM 911 Microwave Radio Broadband System	(Tumwater) . . . . . \$255,000
(Oak	Logistics Facility (Vancouver) . . . . . \$874,000
Harbor) . . . . . \$500,000	Lynden Senior and Community Center
Indian American Community Services	(Lynden) . . . . . \$309,000
Community	
Center (Kent) . . . . . \$794,000	

Lynnwood Neighborhood Center (Lynnwood). \$2,050,000	(Everett) . . . . . \$273,000
Lyon Creek Culvert at SR 104 (Lake Forest Park) . . . . . \$1,820,000	Oak Harbor Boys & Girls Club Sports Court (Oak Harbor) . . . . . \$250,000
Madison Street School Sidewalk Project (South Bend) . . . . . \$175,000	Oak Harbor Economic Development (Oak Harbor) . . . . . \$621,000
Manson Fire Station - Training Room and Living Quarters (Manson) . . . . . \$206,000	ODT Land Purchase (Port Townsend) \$750,000
Marine Spills Operations Base (Friday Harbor) . . . . . \$210,000	Old Fort Lake Subarea Remediation & Public Access Proj (DuPont) . . . . . \$215,000
Marshall Park Inclusive Community Playground (Vancouver) . . . . . \$685,000	Othello's Regional Water Plan (Othello). \$412,000
Mason County Jail Expansion (Shelton) . . \$1,030,000	Parkland School (Parkland) . . . \$500,000
Mason PUD 1 Vuecrest Water System Storage Project (Union) . . . . . \$618,000	Pasado's Safe Haven Water and Safety Upgrades (Monroe) . . . . . \$485,000
Mason PUD Water Infrastructure (Matlock) . . . . . \$1,000,000	Pasco Boulevard Soccer Field (Pasco) . . \$750,000
Masonic Building Roof Renovation (Centralia) . . . . . \$170,000	Pasco Clubhouse Safety Modernization (Pasco) . . . . . \$840,000
Mays Pond Playground (Bothell) . . . . . \$650,000	Peninsula Medical Respite & Housing Center (Bremerton) . . . . . \$1,000,000
Medical Lake Storm Water Mitigation (Medical Lake) . . . . . \$1,000,000	Peninsula Senior Activity (Ocean Park). \$272,000
Medically-Tailored Meals & Groceries Expansion (Seattle) . . . . . \$1,175,000	PenMet Parks Community Recreation Center (Gig Harbor) . . . . . \$1,030,000
Memorial Stadium (Seattle) . . . . . \$4,000,000	Perfect Passage (Tonasket) . . . . \$730,000
Menastash Grange Revitalization and Expansion (Ellensburg) . . . . . \$85,000	Pierce County Food Hub (Bonney Lake) . . \$300,000
Mental Health Quiet Room (Moses Lake) . . \$31,000	Pike Place Market Elevator & Stair Replacement (Seattle) . . . . . \$515,000
Mill Creek City Hall North Renovation (Mill Creek) . . . . . \$515,000	Plaza Retreat Space (Vashon) . . . \$544,000
Mill Creek Multiuse Recreational Property (Mill Creek) . . . . . \$1,030,000	Pond to Pines Infrastructure (Ellensburg) . . . . . \$518,000
MLK Jr. Resource & Technology Center (Pasco) . . . . . \$250,000	Port Gamble Shoreline Restoration (Port Gamble) . . . . . \$2,400,000
MLK Jr. Park & Swimming Pool (Yakima) . . \$1,160,000	Port of Allyn Public Pier Replacement (Allyn) . . . . . \$515,000
Modernization of Pacific County Jail Facility (South Bend) . . . . . \$464,000	Port of Anacortes T-Dock Reconfiguration (Anacortes) . . . . . \$1,000,000
Monroe Therapeutic Facility (Monroe) . . . \$1,100,000	Port of Mattawa Event Center Phase 3 Upgrade Project (Mattawa) . . . . . \$361,000
Montesano Economic Development (Montesano) . . . . . \$700,000	Port of Skamania Cascades Business Park (North Bonneville) . . . . . \$1,000,000
Mt. Spokane Ski & Snowboard Park (Mead). \$100,000	Port of Willapa Harbor (South Bend) . . . \$800,000
Mukilteo First Responder Wellness Center (Mukilteo) . . . . . \$258,000	Port Orchard Breakwater Replacement (Port Orchard) . . . . . \$1,000,000
Muslim American Youth Foundation Center (Burien) . . . . . \$500,000	Port Remediation (Olympia) . . . \$2,200,000
National Nordic Museum East Garden Capital Project (Seattle) . . . . . \$258,000	Portland Avenue Park Sprayground (Tacoma) . . . . . \$500,000
Nespelem Community Longhouse (Nespelem). \$1,850,000	Poulsbo Historical Society - Nilsen-Sonju House (Poulsbo) . . . . . \$300,000
New Beginnings Homes (Puyallup). \$440,000	Prosser City Entrance Sign (Prosser) . . \$110,000
No. County Rec. Association Youth Sports (Castle Rock) . . . . . \$256,000	Public Works Facility & Vehicle Storage (Sedro Woolley) . . . . . \$500,000
Nooksack Community Housing (Deming) . . . \$470,000	Puyallup Elks Roof Replacement (Puyallup) . . . . . \$370,000
North Fork Skykomish River 911 Extension Project (Index) . . . . . \$420,000	Rainier Court Phase V (Seattle). \$750,000
North Seattle Boys & Girls Clubs Flooring Replacement (Seattle) . . . . . \$134,000	Raze Development Capital Project (Spokane) . . . . . \$500,000
NW Stream Center Sustainable Infrastructure	Redondo Fishing Pier Replacement Phase 1 (Des Moines) . . . . . \$1,000,000
	Refugee Welcoming & Healing Center (SeaTac) . . . . . \$515,000
	Regional Athletic Complex Transformer Upgrade

(Olympia) . . . . .	\$103,000	Snoqualmie Valley Youth Center Barn with Storage (North Bend) . . . . .	\$232,000
Regional Water & Sewer Upgrades (Rochester) . . . . .	\$250,000	South Seattle Community Food Hub (Seattle) . . . . .	\$499,000
Rejuvenation Community Day Center (Bremerton) . . . . .	\$200,000	South Thurston Fire & EMS New Fire Station (Tenino) . . . . .	\$3,050,000
Remembrance Gallery (Puyallup) . . . . .	\$257,000	South UGA Water and Sewer Extensions (Kennewick) . . . . .	\$1,122,000
Renovation and Addition to RP Theater Building (Richland) . . . . .	\$350,000	South Whidbey Aquatic Wellness Center (Langley) . . . . .	\$360,000
Renton Public Square (Renton) . . . . .	\$1,485,000	Southwest Boys & Girls Clubs Safety & Security Improve (Seattle) . . . . .	\$3,000
Republic Community Library (Republic) . . . . .	\$183,000	SPARC Capital Campaign (Mount Vernon) . . . . .	\$750,000
Reservoir Capacity & Seismic (Battle Ground) . . . . .	\$1,288,000	Spokane Civic Theatre Facility (Spokane) . . . . .	\$1,500,000
Ritzville Legion Hall Renovation (Ritzville) . . . . .	\$165,000	Spokane International Airport (Spokane) . . . . .	\$1,000,000
Ritzville Rodeo Bleachers Replacement (Ritzville) . . . . .	\$194,000	Spokane Scale House Market (Spokane Valley) . . . . .	\$750,000
Ritzville Theater (Ritzville) . . . . .	\$75,000	Spring Box Replacement/Water (Concrete) . . . . .	\$450,000
Rock Creek Horse Park (Ravensdale) . . . . .	\$206,000	St. Mary Medical Center (Walla Walla) . . . . .	\$75,000
Roslyn Old City Hall Community Center (Roslyn) . . . . .	\$77,000	Stanwood Art Center Design (Stanwood) . . . . .	\$327,000
Rotary Boys & Girls Clubs HVAC Replacement (Seattle) . . . . .	\$309,000	Stonerose Fossil Center (Republic) . . . . .	\$721,000
Rotary Morrow Community Park (Poulsbo) . . . . .	\$100,000	Storm Upgrades Downtown Phase N2 (Puyallup) . . . . .	\$696,000
Roy Water Preliminary Design (Roy) . . . . .	\$250,000	Sue Bird and Lenny Wilkens Statues (Seattle) . . . . .	\$412,000
Sail Sand Point (Seattle) . . . . .	\$258,000	Sultan Basin Park (Sultan) . . . . .	\$500,000
Sam Chastain Trail (Renton) . . . . .	\$500,000	Sumas Ave Water Pipe Replacement (Sumas) . . . . .	\$150,000
School Based Health Care Facility (Tacoma) . . . . .	\$515,000	SW WA Agricultural Business (Tenino) . . . . .	\$1,250,000
Scott Hill Park & Sports Complex of Woodland (Woodland) . . . . .	\$350,000	Swede Hall Renovation Project (Rochester) . . . . .	\$198,000
Scriber Place Housing for Homeless Students (Lynnwood) . . . . .	\$2,050,000	Take-A-Break Park Playground (Maple Valley) . . . . .	\$412,000
Search & Rescue Headquarters Feasibility Study (Snoqualmie) . . . . .	\$103,000	Tam O'Shanter Multi-Purpose Court Fencing and Lighting (Kelso) . . . . .	\$46,000
Seattle Aquarium (Seattle) . . . . .	\$3,000,000	Taproot Theatre Jewell Mainstage Renovation (Seattle) . . . . .	\$515,000
Seattle Public Library Holds Pick-Up Locker (Seattle) . . . . .	\$93,000	Tasveer Art Center (Bellevue) . . . . .	\$258,000
Seattle Public Theater Accessibility Upgrades (Seattle) . . . . .	\$77,000	Tenino Stone Carvers Guild Workshop and Classroom (Tenino) . . . . .	\$160,000
Security & Access Improvements (Shelton) . . . . .	\$250,000	Terminal 4 Expansion & Redevelopment Project (Aberdeen) . . . . .	\$3,500,000
Sentinel Gap Community Park (Mattawa) . . . . .	\$1,000,000	Thun Field - Emergency Response and Meeting Space (Puyallup) . . . . .	\$1,000,000
Sewer Pump Station 12 & Force Main (Bellevue) . . . . .	\$1,030,000	Town of Elmer City Fire Station Improvements (Elmer City) . . . . .	\$537,000
Shelton Day Care & Building Project (Shelton) . . . . .	\$215,000	Town of Index Water Line Repair and Replacement (Index) . . . . .	\$628,000
Short's Farm Purchase (Chimacum) . . . . .	\$1,000,000	Township Hall North & West (Spokane) . . . . .	\$100,000
Skagit PUD 10th District Waterlines (Skagit) . . . . .	\$650,000	Tribal Cultural Center & Museum Restoration (Steilacoom) . . . . .	\$200,000
Skagit PUD 39th District Waterline Relocations (Mt. Vernon) . . . . .	\$600,000	Tugboat Parthia Pavilion Construction (Olympia) . . . . .	\$148,000
Skagit PUD Headquarters Public Meeting Room (Mt. Vernon) . . . . .	\$206,000	Tukwila Community Center HVAC Replacement (Tukwila) . . . . .	\$515,000
Slavonian Hall (Tacoma) . . . . .	\$472,000	Tukwila Immigrant & Refugee Wadajir Land	
Snohomish Boys & Girls Club Teen Center (Snohomish) . . . . .	\$412,000		
Snohomish Public Safety & City Services Campus (Snohomish) . . . . .	\$700,000		
Snoqualmie Indian Tribe Consultation (Snoqualmie) . . . . .	\$150,000		

Acquisition (Tukwila) . . . \$2,250,000  
 Tulalip Creek Hatchery (Marysville) . . .  
 \$1,000,000  
 United Way Elevator and Disability Access  
 (Tacoma) . . . . . \$129,000  
 Van Zandt Community Hall Renovation  
 (Deming) . . . . . \$502,000  
 Veterans Memorial Balfour Park (Spokane  
 Valley) . . . . . \$207,000  
 VFW Post 2224 Critical Renovations  
 (Puyallup) . . . . . \$206,000  
 Village Theatre's Francis J Gaudette HVAC  
 Replacement (Issaquah) . . . . \$489,000  
 Wallace Heights Septic Elimination  
 Program  
 (Vancouver) . . . . . \$500,000  
 Washougal Civic Campus Project  
 (Washougal) . . . . . \$2,000,000  
 Washtucna Town Hall (Washtucna) . \$20,000  
 Wastewater Lift Stations (Concrete) . . .  
 \$450,000  
 Wastewater Treatment Facility & Loss  
 Project  
 (Carbonado) . . . . . \$500,000  
 Wastewater Treatment System Upgrades  
 (Long Beach) . . . . . \$340,000  
 Waterfront Organic Soil Removal  
 (Washougal) . . . . . \$2,000,000  
 Weld Seattle Reentry Resource Center  
 (Seattle) . . . . . \$5,000,000  
 Wenatchee Valley Museum Expansion and  
 Redesign  
 (Wenatchee) . . . . . \$1,000,000  
 Wenatchee Valley YMCA (Wenatchee) . . . .  
 \$1,030,000  
 West Biddle Lake Dam Restoration  
 (Vancouver) . . . . . \$412,000  
 Whatcom Ag Research Station (Lynden) . .  
 \$764,000  
 What-Comm Dispatch Center (Bellingham) .  
 \$1,000,000  
 White Bluffs Rail/Rail Replacement  
 (Richland) . . . . . \$1,250,000  
 White Center Community Hub (Seattle) . .  
 \$1,000,000  
 White Center Food Bank Renovation  
 (Seattle) . . . . . \$275,000  
 Wilkeson Infrastructure (Wilkeson) . . . .  
 \$824,000  
 Windermere Park Playground (Longview) . .  
 \$155,000  
 WRF Upgrades Solid Side (Yelm) . \$442,000  
 Yakama Nation "Creator Law Sculpture"  
 (Roslyn) . . . . . \$99,000  
 Yakima Co Fire Emergency Responder Radio  
 System  
 (Yakima) . . . . . \$139,000  
 Yakima County Fire District 12 Wildfire  
 Response  
 (Yakima) . . . . . \$38,000  
 Yakima County Meals on Wheels (Union Gap)  
 . . . . . \$1,000,000  
 Yakima Trolley Museum (Yakima) . . \$25,000  
 Youth Assist Program Skills Training  
 Center  
 (Tacoma) . . . . . \$500,000  
 Youth Emergency Shelter (Longview) . . .  
 \$250,000  
 Zillah Park Renovation (Zillah) . \$300,000  
 (9) The model toxics control capital  
 account—state appropriation in this section  
 is provided solely for the Port of Vancouver  
 Dock Demo and Removal of Creosote project in  
 Vancouver.

Appropriation:

Model Toxics Control Capital Account—  
 State . . . . . \$3,500,000  
 State Building Construction Account—  
 State . . . . . \$228,343,000  
**Subtotal Appropriation . . . . . \$231,843,000**  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . .  
 \$912,000,000  
**TOTAL . . . . . \$1,143,843,000**

**NEW SECTION. Sec. 1026. FOR THE DEPARTMENT OF COMMERCE**

2023-25 Dental Capacity Grants (92001393)

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding provided in this section must be used for the construction and equipment directly associated with dental facilities. The funding provided in this section is for projects that are maintained for at least a 10-year period and provide capacity to address unmet patient need and increase efficiency in dental access.

(2) The amount provided in this section is provided solely for the following list of projects:

CVCH East Wenatchee Dental Clinic (East Wenatchee) . . . . . \$1,850,000  
 HealthPoint (Seattle) . . . . . \$490,000  
 Lake Roosevelt Community Health Center (Inchelium) . . . . . \$160,000  
 Lake Roosevelt Community Health Center (Keller) . . . . . \$80,000  
 Neighborcare Health (Seattle) . \$1,800,000  
 Peninsula Community Health Services (Bremerton) . . . . . \$495,000  
 PNWU Dental School (Yakima) . . \$5,000,000  
 Sea Mar Community Health Center (Tacoma) . . . . . \$3,500,000  
 Seattle Indian Health Board (Seattle) . . \$305,000  
 Yakima Valley Farm Workers Clinic (Kennewick) . . . . . \$4,000,000

Appropriation:

State Building Construction Account—  
 State . . . . . \$17,680,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . .  
 \$70,720,000  
**TOTAL . . . . . \$88,400,000**

**NEW SECTION. Sec. 1027. FOR THE DEPARTMENT OF COMMERCE**

Tribal Climate Adaptation Pass-through Grants (40000421)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for grants to provide tribal assistance to mitigate and adapt to the effects of climate change, including, but not limited to, supporting relocation for Indian tribes located in areas of heightened risk due to anticipated sea level rise, flooding, or other disturbances caused by climate change. In developing the grant program, the department must collaborate with tribes to determine program parameters for award amounts, distribution, and

benchmarks for success. In order to meet the requirements of RCW 70A.65.230(1)(b), tribal applicants are encouraged to include a tribal resolution supporting their request with their application.

(2) \$12,050,000 of the climate commitment account—state appropriation is provided solely for the Quinault Indian nation for the following list of projects:

Architectural Drawings For The Quinault Museum. . . . .	\$150,000
Marine Climate Change Assessment	\$300,000
Queets Generations Building. . . . .	\$8,000,000
Queets Village Relocation Planning. . . . .	\$1,000,000
Taholah Water Tank. . . . .	\$2,600,000

**Appropriation:**

Climate Commitment Account—State.	
\$50,000,000	
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
\$151,800,000	
<b>TOTAL.....</b>	<b>\$201,800,000</b>

**NEW SECTION. Sec. 1028. FOR THE DEPARTMENT OF COMMERCE**

2023-25 Community Relief (40000556)

The appropriation in this section is subject to the following conditions and limitations: \$1,000,000 of the state taxable building construction account—appropriation in this section is provided solely for the department to contract with the communities of concern commission for development of a list of community-led capital projects that serve underserved communities. Eligible expenses include costs incurred by the communities of concern commission in conducting outreach, developing an application process, providing technical assistance, assisting project proponents with project readiness, and assisting the department with identifying barriers faced in accessing capital grant programs. The communities of concern commission must provide a report to the house capital budget committee and the senate ways and means committee that describes the transparency of their process to develop the list and how the \$1,000,000 was spent by December 1, 2023. The department may submit a list of identified projects prepared by the communities of concern commission to the governor and fiscal committees of the legislature for consideration for funding in the 2024 supplemental capital budget.

**Appropriation:**

State Taxable Building Construction Account—	
State. . . . .	\$1,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
\$4,000,000	
<b>TOTAL.....</b>	<b>\$5,000,000</b>

**NEW SECTION. Sec. 1029. FOR THE DEPARTMENT OF COMMERCE**

DOE Hydrogen Hub -State Match (40000561)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this

section is provided solely for state match for the Pacific Northwest hydrogen association application, supported by the department, for a United States department of energy hydrogen hub grant.

**Appropriation:**

Climate Commitment Account—State.	
\$20,000,000	
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
<b>TOTAL.....</b>	<b>\$20,000,000</b>

**NEW SECTION. Sec. 1030. FOR THE DEPARTMENT OF COMMERCE**

Home Efficiency Rebates Program (40000564)

**Appropriation:**

General Fund—Federal. . . . .	\$83,200,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
<b>TOTAL.....</b>	<b>\$83,200,000</b>

**NEW SECTION. Sec. 1031. FOR THE DEPARTMENT OF COMMERCE**

Housing Finance Commission Land Acquisition Program (40000568)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$28,000,000 of the capital community assistance account—state appropriation in this section is provided solely for the housing finance commission land acquisition program to assist eligible organizations purchase land for affordable rental or homeownership housing developments serving low-income households.

(a) In addition to affordable housing, facilities intended to provide supportive services to affordable housing residents and low-income households in the nearby community may be developed on the land.

(b) Priority must be given to projects serving households whose adjusted income is at or below 50 percent of the median family income for the county where the project is located.

(c) For purposes of this section, the following definitions apply:

(i) "Eligible organizations" has the same meaning as in RCW 43.185A.040.

(ii) "Low-income household" has the same meaning as in RCW 43.185A.010.

(2) The department must work with the housing finance commission and provide the governor and the appropriate committees of the legislature with a progress report by November 1, 2024. The report must include:

(a) The total number of applications and amount of funding requested; and

(b) A list and description of the projects approved for funding, including project location.

**Appropriation:**

Capital Community Assistance Account—	
State. . . . .	\$38,623,000
State Building Construction Account—	
State. . . . .	\$1,377,000
<b>Subtotal Appropriation.....</b>	<b>\$40,000,000</b>
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0

TOTAL..... \$40,000,000

NEW SECTION. Sec. 1032. FOR THE DEPARTMENT OF COMMERCE 2023-25 Defense Community Compatibility Projects (40000572)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following list of projects:

- City of Lakewood, McChord North Clear Zone (Lakewood) . . . . . \$900,000
Compatible Lands Foundation, Fairchild REPI Easement Acquisition (Spokane) . . . . \$2,500,000
Crescent Elementary (Oak Harbor) . . . . \$13,600,000
Lakewood Water District, Water Well (K-3, G-4) (Lakewood) . . . . . \$1,860,000
Oak Harbor Early Learning Center (Oak Harbor) . . . . . \$13,900,000
Quincy Square Civic Improvements (Bremerton) . . . . . \$1,750,000
Whidbey Camano Land Trust, Keystone Preserve (Greenbank) . . . . . \$1,300,000

Appropriation: State Building Construction Account— State . . . . . \$35,810,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) . . . . \$48,800,000
TOTAL..... \$84,610,000

NEW SECTION. Sec. 1033. FOR THE DEPARTMENT OF COMMERCE Rising Strong Project Grant Pass Through (40000576)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the rising strong project to construct supportive transitional housing to support no fewer than 24 households in western Washington to receive comprehensive family services as well as treatment for substance use disorders while preserving the family unit.

Appropriation: State Building Construction Account— State . . . . . \$13,356,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) . . . . \$0
TOTAL..... \$13,356,000

NEW SECTION. Sec. 1034. FOR THE DEPARTMENT OF COMMERCE Reducing Emissions in Hard-to-Decarbonize Sectors Program (40000577)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department to administer a grant program for greenhouse gas emissions reduction strategies for hard

to decarbonize sectors, including industry, aviation, and maritime.

(2) Grant awards may be used only to achieve near-term greenhouse gas emissions reductions in eligible sectors beyond what would have been achieved under business as usual. The grant program must prioritize projects that improve compliance with state greenhouse gas reduction policies including, but not limited to, the cap and invest program, the clean fuel standard, and the hydrofluorocarbon phasedown. Projects may include efficiency and process improvements. Awards per applicant may not exceed 15 percent of available funding. The department may require that applicants provide nonstate matching funds.

(3) Up to \$250,000 of the appropriation in this section is for the department to provide facilitation and consultation to eligible facilities to help them identify, plan, and implement near-term strategies to achieve reductions in the facility's greenhouse gas emissions. The department may also consult with eligible facilities to develop a long-term strategy for industrial decarbonization and emissions reduction.

(4) Up to \$324,000 of the appropriation provided in this section is for the department to develop a process, in consultation with Washington department of transportation, to select projects to advance the research, development, or manufacturing of sustainable aviation.

(5) Up to 5 percent of the appropriation in this section is for the department to administer the reducing emissions in hard-to-decarbonize sectors program, including, but not limited to, providing technical assistance, managing contracts, reporting, and providing assistance in the planning and implementation process.

(6) A minimum of 40 percent of the appropriation must be spent for projects that benefit vulnerable populations in overburdened communities as defined in RCW 70A.65.010.

Appropriation: Climate Commitment Account—State. \$20,000,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) . . . . \$80,000,000
TOTAL..... \$100,000,000

NEW SECTION. Sec. 1035. FOR THE DEPARTMENT OF COMMERCE Local Emission Reduction Projects (91002184)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for the following list of projects:

- C6 Forest to Farm Biochar Pilot Plant (Leavenworth) . . . . . \$1,425,000
Great Northern School District HVAC Installation (Spokane) . . . \$1,613,000
Hydrogen Storage & Fuel Cell for Peak Shaving (Okanogan) . . . . . \$1,648,000

Meydenbauer Center Energy Efficiency (Bellevue)	\$6,000,000
Outdoor Fields LED Retrofit and Solar Installation (Tukwila)	\$500,000
Process Water Reuse Facility (Pasco)	\$5,050,000
Small Faces Preschool HVAC Upgrades (Seattle)	\$435,000
Waterfront Low Carbon District Energy System (Bellingham)	\$100,000

(2) The department may not expend funding for a project in this section unless and until the nonstate share of that project's costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) Prior to receiving funding, grant recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to grants for preconstruction activities or grants in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(4) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the department finds the grantee to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

**Appropriation:**

Climate Commitment Account—State	\$15,346,000
Natural Climate Solutions Account—State	\$1,425,000
Subtotal Appropriation	\$16,771,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$16,771,000

**NEW SECTION. Sec. 1036. FOR THE DEPARTMENT OF COMMERCE**  
 2023-25 Rural Rehabilitation Grant Program (91002195)

**Appropriation:**

State Building Construction Account—State	\$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,000,000
TOTAL	\$30,000,000

**NEW SECTION. Sec. 1037. FOR THE DEPARTMENT OF COMMERCE**  
 Broadband Study (91002196)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the state broadband office to study and report on the feasibility of increasing broadband access in unserved and underserved areas of the state through low-orbit satellite networks. The study must evaluate factors such as unique topography, lack of population density, remote location, and other considerations related to cost-effective broadband service delivery. The study must include, at a minimum:

(a) A comparison of the estimated costs of satellite network build-out with the design and construction costs of other broadband service infrastructure types such as fiber optic and wireless technologies in unique geographic areas; and

(b) Identification of areas not prioritized for federal support in the five-year action plan submitted by the office in accordance with the broadband equity, access, and deployment program funded under P.L. 117-58 (infrastructure investment and jobs act) and recommendations for how to improve broadband service in those areas.

(2) The office must report findings and recommendations resulting from the study to the governor and the appropriate committees of the legislature by December 1, 2023.

**Appropriation:**

State Building Construction Account—State	\$75,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$75,000

**NEW SECTION. Sec. 1038. FOR THE DEPARTMENT OF COMMERCE**  
 Public Facility Improvement Fund (92001367)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$24,000,000 of the youth athletic facility account—state appropriation in this section is provided solely for the following list of projects:

Bellingham: Joe Martin Stadium	\$700,000
Everett School District: Everett Memorial Stadium	\$7,400,000
Lower Columbia College: David Story Field	\$1,300,000
Pasco: Gesa Stadium	\$3,000,000
Port Angeles: Civic Field	\$600,000
Ridgefield: Ridgefield Outdoor Recreational Complex	\$450,000
Spokane County: Avista Stadium	\$5,800,000
Tacoma: Cheney Stadium	\$3,000,000
Walla Walla: Borleske Stadium	\$525,000
Wenatchee Valley College: Paul Thomas Sr. Field	\$700,000
Yakima County: Yakima County Stadium	\$525,000

(2) The funding appropriated under this section must be combined with local funds.

(3) The department may not expend funding for a project in this section unless and until the nonstate share of that project's

costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(4) Prior to receiving funding, grant recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to grants for preconstruction activities or grants in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the department finds the grantee to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) \$360,000 of the state building construction account—state appropriation in this section is provided solely for administrative costs.

**Appropriation:**

State Building Construction Account—	
State . . . . .	\$360,000
Youth Athletic Facility Account—	
State . . . . .	\$24,000,000
Subtotal Appropriation . . . . .	\$24,360,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$24,360,000

**NEW SECTION. Sec. 1039. FOR THE DEPARTMENT OF COMMERCE**  
 2023-25 Landlord Mitigation Account (92001419)

The appropriation in this section is subject to the following conditions and limitations: \$5,000,000 of the state taxable building construction account—state appropriation is provided solely for deposit in the landlord mitigation program account.

**Appropriation:**

State Taxable Building Construction Account—	
State . . . . .	\$5,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$20,000,000
TOTAL . . . . .	\$25,000,000

**NEW SECTION. Sec. 1040. FOR THE DEPARTMENT OF COMMERCE**  
 Large Scale Solar Innovation Projects (92001669)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$20,000,000 of the appropriation in this section is provided solely for the Yakama Nation Solar project.

(2) \$19,000,000 of the appropriation in this section is provided solely for a competitive grant program for large scale solar innovation projects.

**Appropriation:**

Climate Commitment Account—State.	
\$39,000,000	
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$39,000,000

**NEW SECTION. Sec. 1041. FOR THE DEPARTMENT OF COMMERCE**

Public Utilities Relocation (91002418)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the public works board to enter into a professional services contract for the purpose of estimating the cost to local governments and special purpose districts for relocating publicly owned utility infrastructure due to state-funded fish barrier removal projects associated with roads and highways. The public works board shall consult with the department of transportation, the Brian Abbott fish barrier removal board, the transportation improvement board, the county road administration board, the department of fish and wildlife, the interagency, multijurisdictional system improvement team established in RCW 43.155.150, the municipal research and services center, the department of commerce, and other agencies as necessary, to evaluate the financial impact to local governments and special purpose districts.

(2) The public works board shall report to the governor and the appropriate fiscal committees of the legislature by November 1, 2024, the results of the evaluation, including the estimated:

- (a) Number of state and locally owned fish barriers remaining to be corrected;
- (b) Number of fish barriers that may require relocation of publicly owned utilities; and
- (c) Costs for relocation of publicly owned utilities due to removal of fish barriers along local or state roads and highways.

**Appropriation:**

Public Works Assistance Account—State.	
\$300,000	
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$300,000

**NEW SECTION. Sec. 1042. FOR THE DEPARTMENT OF COMMERCE**

Port of Everett (92001364)

The appropriation in this section is subject to the following conditions and limitations: To be eligible to receive state funds under this section, the port must first adopt a policy that requires vessels



that dock at the port facility to use shore power if such vessel is capable of using such power when such power is available at the port facility.

Appropriation:

Climate Commitment Account—State. \$5,000,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). . . . . \$0
TOTAL..... \$5,000,000

NEW SECTION. Sec. 1043. FOR THE OFFICE OF FINANCIAL MANAGEMENT
Emergency Repairs (40000005)

The appropriation in this section is subject to the following conditions and limitations:

(1) Emergency repair funding is provided solely to address unexpected building or grounds failures that will impact public health and safety and the day-to-day operations of the facility. To be eligible for funds from the emergency repair pool, a request letter for emergency funding signed by the affected agency director must be submitted to the office of financial management and the appropriate legislative fiscal committees. The request must include a statement describing the health and safety hazard and impacts to facility operations, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of other funding that may be applied to the project.

(2) For emergencies occurring during a legislative session, an agency must notify the legislative fiscal committees before requesting emergency funds from the office of financial management.

(3) The office of financial management must notify the legislative evaluation and accountability program committee and the legislative fiscal committees as emergency projects are approved for funding and include what funded level was approved.

Appropriation:

State Building Construction Account—State. . . . . \$4,000,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). . . . . \$16,000,000
TOTAL..... \$20,000,000

NEW SECTION. Sec. 1044. FOR THE DEPARTMENT OF ENTERPRISE SERVICES
Elevator Modernization (30000786)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations are subject to the provisions of section 1075, chapter 413, Laws of 2019.

(2) The appropriation in this section is provided solely for the following list of projects:

Plaza Garage, Elevator #4. . . \$1,417,000
Insurance - Elevator No. 1. . . \$932,000
Leg - Elevator No. 5. . . . . \$2,229,000
Leg - Elevator No. 6. . . . . \$2,229,000
TOJ - Elevator No. 1. . . . . \$886,000

Reappropriation:

State Building Construction Account—State. . . . . \$1,316,000
Thurston County Capital Facilities Account—State. . . . . \$1,229,000
Subtotal Reappropriation. . . . . \$2,545,000

Appropriation:

Capitol Building Construction Account—State. . . . . \$7,693,000
Prior Biennia (Expenditures). \$1,846,000
Future Biennia (Projected Costs). . . . . \$0
TOTAL..... \$12,084,000

NEW SECTION. Sec. 1045. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Capitol Campus Security & Safety Enhancements (40000226)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 1110, chapter 332, Laws of 2021.

(2) The appropriation in this section is provided solely for the following list of projects:

Capitol Campus Access Controls - Exterior Doors. . . . . \$1,000,000
Executive Residence Video Surveillance and Lighting Improvements. . . . . \$540,000
Wedge Barriers - Syd Snyder & Water Street. . . . . \$1,570,000

Reappropriation:

State Building Construction Account—State. . . . . \$5,135,000

Appropriation:

State Building Construction Account—State. . . . . \$3,110,000
Prior Biennia (Expenditures). . . . . \$922,000
Future Biennia (Projected Costs). . . . . \$11,682,000
TOTAL..... \$20,849,000

NEW SECTION. Sec. 1046. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Facility Professional Services Staffing (40000244)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for architectural and engineering services to manage public works contracting for all state facilities pursuant to RCW 43.19.450.

(2) At the end of each biennium, the department must report to the office of financial management and the appropriate committees of the legislature on performance, including the following:

(a) The number of projects managed by each project manager by fiscal year;

(b) The number of project predesigns completed on time, reported by project and fiscal year;

(c) The number of project designs completed, reported by project and fiscal year;

(d) The number of project constructions completed on time, reported by project and fiscal year and in total;

(e) Projects that were not completed on schedule, how many days they were delayed, and the reasons for the delays;

(f) The number and cost of the change orders and the reason for each change order; and

(g) A list of the interagency agreements executed with state agencies during the 2023-2025 fiscal biennium to provide staff support to state agencies that is over and above the allocation provided in this section. The list must include the agency, the amount of dollars by fiscal year, and the rationale for the additional service.

Appropriation:

State Building Construction Account—
State. . . . . \$23,951,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs).
\$95,804,000
TOTAL..... \$119,755,000

NEW SECTION. Sec. 1047. FOR THE DEPARTMENT OF ENTERPRISE SERVICES
Campus - Critical Fire System Upgrades (40000245)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided to fund the first item on the department's prioritized list of critical fire system upgrades. The legislature intends to fund further priorities in the 2024 supplemental capital budget upon completion of the department's evaluation and final prioritization of fire system upgrades.

Appropriation:

State Building Construction Account—
State. . . . . \$1,020,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs).
\$8,000,000
TOTAL..... \$9,020,000

NEW SECTION. Sec. 1048. FOR THE DEPARTMENT OF ENTERPRISE SERVICES
B&G Maintenance Facility - Rebuild (40000247)

Appropriation:

Thurston County Capital Facilities
Account—State. . . . . \$5,582,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). . . . . \$0
TOTAL..... \$5,582,000

NEW SECTION. Sec. 1049. FOR THE DEPARTMENT OF ENTERPRISE SERVICES
NRB - Replace Piping for Wet Fire Suppression (40000249)

Appropriation:

State Building Construction Account—
State. . . . . \$250,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs).
\$9,876,000

TOTAL..... \$10,126,000

NEW SECTION. Sec. 1050. FOR THE DEPARTMENT OF ENTERPRISE SERVICES
2023-25 Statewide Minor Works - Preservation (40000250)

Appropriation:

Thurston County Capital Facilities
Account—State. . . . . \$2,141,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs).
\$8,564,000
TOTAL..... \$10,705,000

NEW SECTION. Sec. 1051. FOR THE DEPARTMENT OF ENTERPRISE SERVICES
2023-25 Statewide Minor Works - Programmatic (40000305)

Appropriation:

Capitol Building Construction Account—
State. . . . . \$474,000
Thurston County Capital Facilities
Account—State. . . . . \$162,000
Subtotal Appropriation. . . . . \$636,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs).
\$2,544,000
TOTAL..... \$3,180,000

NEW SECTION. Sec. 1052. FOR THE DEPARTMENT OF ENTERPRISE SERVICES
Modular Building - Critical Repairs & Upgrades (40000314)

Appropriation:

State Building Construction Account—
State. . . . . \$2,850,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs).
\$27,268,000
TOTAL..... \$30,118,000

NEW SECTION. Sec. 1053. FOR THE DEPARTMENT OF ENTERPRISE SERVICES
GA - Building Demolition (40000317)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,300,000 of the state building construction account—state appropriation is provided solely for design and preparation activities to demolish the general administration building on the capitol campus. At a minimum, the department shall provide a plan, including recommended timeline and costs, for:

- (a) Capping of all utilities to the site;
(b) Completion of an asbestos survey;
(c) Preparation of the building for demolition;
(d) Evaluation of stabilizing the hillside; and
(e) Construction of a parking lot or other uses consistent with the capitol campus on the site of the demolished building.

(2) The department must submit the design to the appropriate committees of the legislature by June 30, 2024.

Appropriation:

State Building Construction Account—  
 State. . . . . \$4,300,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$14,198,000  
**TOTAL..... \$18,498,000**

**NEW SECTION. Sec. 1054. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**  
 Washington Building (40000331)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,200,000 of the state building construction account—state appropriation is provided solely for replacement of the roof and for asbestos abatement.

(2) \$2,801,000 of the climate commitment account—state appropriation is provided solely for replacement of the HVAC system.

**Appropriation:**

Climate Commitment Account—State.  
 \$2,801,000  
 State Building Construction Account—  
 State. . . . . \$2,200,000  
**Subtotal Appropriation..... \$5,001,000**  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . \$0  
**TOTAL..... \$5,001,000**

**NEW SECTION. Sec. 1055. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**  
 Old Cap - Roof Replacement (40000338)

**Appropriation:**

Thurston County Capital Facilities  
 Account—State. . . . . \$1,474,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$5,579,000  
**TOTAL..... \$7,053,000**

**NEW SECTION. Sec. 1056. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**  
 Legislative Building Centennial Skylights (40000340)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for design and the beginning of construction for the restoration of the legislative skylight systems located above the chambers of the house of representatives and the senate, to include work on each bronze ceiling laylight, skylight attic, roof and skylight system, and chamber acoustics.

(2) The legislature intends to provide funding in the amount of \$7,271,000 over the course of the 2023-2025, 2025-2027, and 2027-2029 fiscal biennia for construction of the legislative skylight system with completion in time for the legislative building's centennial in 2028. Pursuant to RCW 43.88.130, the department is authorized to enter into a multibiennium contract for the construction of the skylight system. Nothing in this section authorizes the agency to make an expenditure without an appropriation.

**Appropriation:**

Capitol Building Construction Account—  
 State. . . . . \$1,348,000  
 Thurston County Capital Facilities  
 Account—State. . . . . \$1,348,000  
**Subtotal Appropriation..... \$2,696,000**  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$4,575,000  
**TOTAL..... \$7,271,000**

**NEW SECTION. Sec. 1057. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**  
 Capitol Campus Emergency Generator Replacement (40000393)

**Appropriation:**

State Building Construction Account—  
 State. . . . . \$854,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$1,161,000  
**TOTAL..... \$2,015,000**

**NEW SECTION. Sec. 1058. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**  
 Legislative Building Cleaning (40000400)

**Appropriation:**

Capitol Building Construction Account—  
 State. . . . . \$1,970,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$5,708,000  
**TOTAL..... \$7,678,000**

**NEW SECTION. Sec. 1059. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**  
 HB 1390 - District Energy Systems (91000449)

**Appropriation:**

Climate Commitment Account—State \$450,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . \$0  
**TOTAL..... \$450,000**

**NEW SECTION. Sec. 1060. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**  
 2023-25 Capitol Campus Security (91000450)

The appropriations in this section are subject to the following conditions and limitations:

(1) The state building construction account—state appropriation is provided solely for the following list of projects:

Campus - Barrier Protection Predesign. . . \$418,000  
 Campus - Physical Access Control (Re-Key Locksets). . . . . \$200,000  
 Campus - Vehicle Access Control. \$601,000  
 Mansion - Enhancements & Security Improvements -  
 Guard Posts. . . . . \$1,660,000

(2) The capitol building construction account—state appropriation is provided solely for the following list of projects:

Campus - Duress System Replacement. . . \$120,000

Campus - Redundant Fiber Optic Pathway.  
\$376,000

**Appropriation:**

Capitol Building Construction Account—	
State. . . . .	\$496,000
State Building Construction Account—	
State. . . . .	\$2,879,000
<b>Subtotal Appropriation. . . . . \$3,375,000</b>	
Prior Biennia (Expenditures). . . . . \$0	
Future Biennia (Projected Costs) \$499,000	
<b>TOTAL. . . . . \$3,874,000</b>	

**NEW SECTION. Sec. 1061. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Legislative Campus Modernization  
(92000020)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations are subject to the provisions of section 1059, chapter 296, Laws of 2022.

(2) The department must consult with the senate facilities and operations committee or its designees and the house of representatives' executive rules committee or its designees at least every other month.

(3) All appropriations must be coded and tracked as separate discrete subprojects in the agency financial reporting system.

(4) If the department receives information, after value engineering has been performed, that projected costs for any of the subprojects in subsections (5), (6), or (7) of this section will exceed the amount provided in the respective subsections, including projected costs in future biennia, the department must timely notify and provide that information in writing to the project executive team. Prior to proceeding with design or construction, the department must:

(a) Provide at least three options that do not include square footage reduction to reduce the subproject costs to stay within the amount provided for that subproject and the project schedule;

(b) Consult with the project executive team on the options offered, prior to proceeding with a reduced cost option; and

(c) Receive majority consensus from the project executive team to either adopt and move forward with reduced cost options that bring the subproject costs within amounts appropriated or adopt a tentative modified budget for the subproject. If a tentative modified budget is adopted, the department must seek additional funding in the next agency budget submittal.

(5) \$20,751,000 of the amount provided in this section is provided solely for the Irv Newhouse building replacement design and construction subproject on opportunity site six west. The department must:

(a) Start Newhouse building construction by July 1, 2023;

(b) Complete Newhouse building construction by October 31, 2024; and

(c) Consult with the leadership of the senate, or their designees, at least every month, beginning July 1, 2023.

(6) \$87,000,000 of the amount provided in this section is provided solely for the

rehabilitation, design, and construction of the Pritchard building and the renovation of the John L. O'Brien building subproject. The legislature intends to provide funding in the amount of \$136,504,000 over the course of the 2023-2025 and the 2025-2027 fiscal biennia for design and construction of this project. Pursuant to RCW 43.88.130, the department may enter into a multibiennium contract for the construction of the subproject. Nothing in this section authorizes the agency to make an expenditure without an appropriation.

(7) \$4,865,000 of the amount provided in this section is provided solely for the legislative campus modernization global subproject that includes, but is not limited to, the visitor lot (opportunity site six east), Columbia street site work, the legislative modular building, and Water street site work.

**Reappropriation:**

State Building Construction Account—	
State. . . . .	\$72,346,000
Thurston County Capital Facilities	
Account—State. . . . .	\$2,665,000
<b>Subtotal Reappropriation. . . . . \$75,011,000</b>	

**Appropriation:**

State Building Construction Account—	
State. . . . .	\$112,616,000
Prior Biennia (Expenditures). \$14,925,000	
Future Biennia (Projected Costs). \$49,504,000	
<b>TOTAL. . . . . \$252,056,000</b>	

**NEW SECTION. Sec. 1062. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Temple of Justice HVAC, Lighting & Water Systems (92000040)

**Reappropriation:**

State Building Construction Account—	
State. . . . .	\$25,410,000

**Appropriation:**

Capitol Building Construction Account—	
State. . . . .	\$4,007,000
Prior Biennia (Expenditures). \$4,590,000	
Future Biennia (Projected Costs). . . \$0	
<b>TOTAL. . . . . \$34,007,000</b>	

**NEW SECTION. Sec. 1063. FOR THE MILITARY DEPARTMENT**

Joint Force Readiness Center: Replacement (30000591)

**Reappropriation:**

State Building Construction Account—	
State. . . . .	\$144,000

**Appropriation:**

General Fund—Federal. . . . \$42,000,000	
State Building Construction Account—	
State. . . . .	\$12,000,000
<b>Subtotal Appropriation. . . . . \$54,000,000</b>	
Prior Biennia (Expenditures). . \$156,000	
Future Biennia (Projected Costs). \$22,000,000	
<b>TOTAL. . . . . \$76,300,000</b>	

**NEW SECTION. Sec. 1064. FOR THE MILITARY DEPARTMENT**

King County Area Readiness Center  
(30000592)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1093, chapter 413, Laws of 2019.

Reappropriation:  
State Building Construction Account—  
State . . . . . \$569,000

Appropriation:  
State Building Construction Account—  
State . . . . . \$6,000,000  
Prior Biennia (Expenditures) . . \$6,486,000  
Future Biennia (Projected Costs) . . \$6,000,000  
TOTAL . . . . . \$19,055,000

**NEW SECTION. Sec. 1065. FOR THE MILITARY DEPARTMENT**  
Tri-Cities Readiness Center (30000808)

Reappropriation:  
General Fund—Federal . . . . . \$1,421,000  
Military Department Capital Account—  
State . . . . . \$204,000  
State Building Construction Account—  
State . . . . . \$265,000  
Subtotal Reappropriation . . . . . \$1,890,000

Appropriation:  
General Fund—Federal . . . . . \$2,000,000  
State Building Construction Account—  
State . . . . . \$944,000  
Subtotal Appropriation . . . . . \$2,944,000  
Prior Biennia (Expenditures) . . \$16,010,000  
Future Biennia (Projected Costs) . . \$0  
TOTAL . . . . . \$20,844,000

**NEW SECTION. Sec. 1066. FOR THE MILITARY DEPARTMENT**  
Snohomish Readiness Center (30000930)

Reappropriation:  
General Fund—Federal . . . . . \$3,872,000  
State Building Construction Account—  
State . . . . . \$1,406,000  
Subtotal Reappropriation . . . . . \$5,278,000

Appropriation:  
General Fund—Federal . . . . . \$2,196,000  
State Building Construction Account—  
State . . . . . \$1,707,000  
Subtotal Appropriation . . . . . \$3,903,000  
Prior Biennia (Expenditures) . . \$637,000  
Future Biennia (Projected Costs) . . \$0  
TOTAL . . . . . \$9,818,000

**NEW SECTION. Sec. 1067. FOR THE MILITARY DEPARTMENT**  
Field Maintenance Shop Addition—Sedro Woolley FMS (40000104)

Reappropriation:  
General Fund—Federal . . . . . \$1,373,000

Appropriation:  
General Fund—Federal . . . . . \$874,000  
Prior Biennia (Expenditures) . . \$3,000  
Future Biennia (Projected Costs) . . \$0  
TOTAL . . . . . \$2,250,000

**NEW SECTION. Sec. 1068. FOR THE MILITARY DEPARTMENT**  
Camp Murray Bldg 47 and 48 Barracks Replacement (40000190)

Reappropriation:  
General Fund—Federal . . . . . \$1,976,000

Appropriation:  
General Fund—Federal . . . . . \$853,000  
Prior Biennia (Expenditures) . . \$171,000  
Future Biennia (Projected Costs) . . \$0  
TOTAL . . . . . \$3,000,000

**NEW SECTION. Sec. 1069. FOR THE MILITARY DEPARTMENT**  
Camp Murray Bldg 65 Barracks Replacement (40000191)

Reappropriation:  
General Fund—Federal . . . . . \$2,051,000

Appropriation:  
General Fund—Federal . . . . . \$764,000  
Prior Biennia (Expenditures) . . \$185,000  
Future Biennia (Projected Costs) . . \$0  
TOTAL . . . . . \$3,000,000

**NEW SECTION. Sec. 1070. FOR THE MILITARY DEPARTMENT**  
Camp Murray Bldg 34 Renovation (40000192)

Appropriation:  
General Fund—Federal . . . . . \$4,915,000  
State Building Construction Account—  
State . . . . . \$3,425,000  
Subtotal Appropriation . . . . . \$8,340,000  
Prior Biennia (Expenditures) . . . . \$0  
Future Biennia (Projected Costs) . . \$0  
TOTAL . . . . . \$8,340,000

**NEW SECTION. Sec. 1071. FOR THE MILITARY DEPARTMENT**  
Moses Lake Readiness Center Renovation (40000194)

Appropriation:  
General Fund—Federal . . . . . \$3,080,000  
State Building Construction Account—  
State . . . . . \$2,462,000  
Subtotal Appropriation . . . . . \$5,542,000

Prior Biennia (Expenditures) . . . . \$0  
Future Biennia (Projected Costs) . . \$0  
TOTAL . . . . . \$5,542,000

**NEW SECTION. Sec. 1072. FOR THE MILITARY DEPARTMENT**  
JBLM Non-Organizational (POV) Parking Expansion (40000196)

Reappropriation:  
General Fund—Federal . . . . . \$1,210,000

Appropriation:  
General Fund—Federal . . . . . \$650,000  
Prior Biennia (Expenditures) . . . \$35,000  
Future Biennia (Projected Costs) . . \$0  
TOTAL . . . . . \$1,895,000

**NEW SECTION. Sec. 1073. FOR THE MILITARY DEPARTMENT**  
Minor Works Program 2023-25 Biennium (40000274)

Appropriation:

General Fund—Federal. . . . . \$7,764,000  
 State Building Construction Account—  
 State. . . . . \$4,721,000  
 Subtotal Appropriation. . . . . \$12,485,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$49,940,000  
 TOTAL. . . . . \$62,425,000

NEW SECTION.      **Sec. 1074.**      **FOR THE**  
**MILITARY DEPARTMENT**

WA Army National Guard Vehicle Storage  
 Buildings (40000290)

Appropriation:

General Fund—Federal. . . . . \$11,450,000  
 State Building Construction Account—  
 State. . . . . \$750,000  
 Subtotal Appropriation. . . . . \$12,200,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$1,960,000  
 TOTAL. . . . . \$14,160,000

NEW SECTION.      **Sec. 1075.**      **FOR THE**  
**MILITARY DEPARTMENT**

Yakima Training Center 951 Renovation  
 (40000297)

Appropriation:

General Fund—Federal. . . . . \$3,060,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$3,060,000

NEW SECTION.      **Sec. 1076.**      **FOR THE**  
**MILITARY DEPARTMENT**

Central Building Automation System for  
 National Guard Buildings (40000298)

Appropriation:

General Fund—Federal. . . . . \$2,227,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$2,227,000

NEW SECTION.      **Sec. 1077.**      **FOR THE**  
**MILITARY DEPARTMENT**

Spokane Readiness Center IT  
 Infrastructure Upgrade (40000300)

Appropriation:

General Fund—Federal. . . . . \$1,241,000  
 State Building Construction Account—  
 State. . . . . \$609,000  
 Subtotal Appropriation. . . . . \$1,850,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$1,850,000

NEW SECTION.      **Sec. 1078.**      **FOR THE**  
**MILITARY DEPARTMENT**

Minor Works Preservation 2023-25 Biennium  
 (40000301)

Appropriation:

General Fund—Federal. . . . . \$3,971,000  
 State Building Construction Account—  
 State. . . . . \$3,479,000  
 Subtotal Appropriation. . . . . \$7,450,000

Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$29,800,000  
 TOTAL. . . . . \$37,250,000

NEW SECTION.      **Sec. 1079.**      **FOR THE**  
**MILITARY DEPARTMENT**

Wenatchee Army National Guard Aviation  
 Support Facility (40000305)

Appropriation:

Military Department Capital Account—  
 State. . . . . \$3,500,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$76,700,000  
 TOTAL. . . . . \$80,200,000

NEW SECTION.      **Sec. 1080.**      **FOR THE**  
**MILITARY DEPARTMENT**

Kent Readiness Center Water Damage  
 Repairs (40000311)

Appropriation:

General Fund—Federal. . . . . \$1,707,000  
 State Building Construction Account—  
 State. . . . . \$569,000  
 Subtotal Appropriation. . . . . \$2,276,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$2,276,000

NEW SECTION.      **Sec. 1081.**      **FOR THE**  
**MILITARY DEPARTMENT**

Yakima Training Center Army NG Combat  
 Fitness Training Facility (40000314)

Appropriation:

General Fund—Federal. . . . . \$600,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$6,000,000  
 TOTAL. . . . . \$6,600,000

NEW SECTION.      **Sec. 1082.**      **FOR THE**  
**DEPARTMENT OF ARCHAEOLOGY AND HISTORIC**  
**PRESERVATION**

2023-25 Historic County Courthouse  
 Rehabilitation Grant Program (40000015)

The appropriation in this section is  
 subject to the following conditions and  
 limitations: The appropriation in this  
 section is provided solely for the following  
 list of projects:

Douglas County Courthouse. . . . . \$400,000  
 Grant County Courthouse. . . . . \$250,000  
 Grays Harbor County Courthouse. . . . . \$225,000  
 Klickitat County Courthouse. . . . . \$585,000  
 Lewis County Courthouse. . . . . \$120,000  
 Okanogan County Courthouse. . . . . \$670,000  
 Stevens County Courthouse. . . . . \$97,000  
 Yakima County Courthouse. . . . . \$815,000

Appropriation:

State Building Construction Account—  
 State. . . . . \$3,162,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$12,648,000  
 TOTAL. . . . . \$15,810,000

**NEW SECTION. Sec. 1083. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

2023-25 Historic Cemetery Grant Program (40000016)

**Appropriation:**

State Building Construction Account—	
State. . . . .	\$515,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
\$2,060,000	
<b>TOTAL.....</b>	<b>\$2,575,000</b>

**NEW SECTION. Sec. 1084. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

2023-25 Historic Theater Capital Grant Program (40000017)

The appropriation in this section is subject to the following conditions and limitations: The appropriation provided in this section is intended to fund activities that preserve the historic character of theaters and not maintenance and upkeep.

**Appropriation:**

State Building Construction Account—	
State. . . . .	\$515,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
\$2,060,000	
<b>TOTAL.....</b>	<b>\$2,575,000</b>

**NEW SECTION. Sec. 1085. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

2023-25 Heritage Barn Grant Program (40000018)

**Appropriation:**

State Building Construction Account—	
State. . . . .	\$1,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
\$4,000,000	
<b>TOTAL.....</b>	<b>\$5,000,000</b>

(End of part)

**PART 2 HUMAN SERVICES**

**NEW SECTION. Sec. 2001. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Omnibus Minor Works (40000017)

**Appropriation:**

State Building Construction Account—	
State. . . . .	\$356,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
\$1,424,000	
<b>TOTAL.....</b>	<b>\$1,780,000</b>

**NEW SECTION. Sec. 2002. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Criminal Justice Training Facilities (40000019)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this

section is provided solely to fund a predesign for a criminal justice training facility or facilities to serve the training needs of the commission.

(1) The predesign must include an option for renovation of the Burien campus that:

(a) Assesses the current condition of each building on campus, including an evaluation of major mechanical systems, building envelope, roofing, and energy upgrades.

(b) Assesses the viability of renovating each building on campus to meet the training needs of the commission and recommends whether each building should be renovated, demolished, or rebuilt.

(c) Recommends the placement and construction of any new buildings or structures on campus, which may include repurposing of the track, to meet the demands of the commission.

(d) Prioritizes each of the recommendations in subsections (b) and (c) of this section including a justification, estimated time of construction, and cost for each.

(e) Recommends mechanisms that will enable the commission to maintain training capacity during the course of construction. In addition to phased construction, recommendations may include the use of temporary modular buildings on the Burien campus or the use of leased space.

(2) As part of the predesign process, the commission must:

(a) Address the extent to which regional training centers will be used as a long-term delivery mechanism to deliver trainings around the state. The commission must include information regarding the current or proposed training location; facilities available or proposed to be provided at the regional location; type and target number of classes and students; and the cost or anticipated cost of the facilities; and

(b) Collaborate with the department of corrections and the Washington state patrol to identify and evaluate options for colocating training facilities and maximizing efficiencies in space usage. The commission shall consider where cost efficiencies and mutually beneficial shared arrangements for training could occur, including the possibility of a regional training facility or expanded tactical training at the Washington state patrol academy in Shelton. Any capital budget requests submitted by the commission for the 2024 supplemental capital budget or the 2025-2027 biennial capital budget that are related to the design, renovation, or construction of training facilities must include a discussion of the colocation options considered.

(3) The commission shall submit a plan for consideration in the 2025-2027 biennial budget cycle that includes a phased construction schedule over the next two or three biennia with a target total budget for the commission of \$100,000,000.

**Appropriation:**

State Building Construction Account—	
State. . . . .	\$500,000
Prior Biennia (Expenditures). . . . .	\$0

Future Biennia (Projected Costs).  
 \$100,000,000  
 TOTAL..... \$100,500,000

**NEW SECTION. Sec. 2003. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Regional Training Facilities (92000006)  
 The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following list of projects:

NW Regional Training Academy - Firing Range. . . . . \$360,000  
 Spokane Academy Expansion. . . \$1,400,000  
 SW Regional Training Academy. \$1,000,000

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$2,760,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$2,760,000

**NEW SECTION. Sec. 2004. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

Minor Works Preservation Projects (30000035)

Appropriation:  
 Accident Account—State. . . . . \$999,000  
 Medical Aid Account—State. . . . \$997,000  
 Subtotal Appropriation..... \$1,996,000  
 Prior Biennia (Expenditures). \$4,630,000  
 Future Biennia (Projected Costs).  
 \$7,984,000  
 TOTAL..... \$14,610,000

**NEW SECTION. Sec. 2005. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

Interior Lighting and Controls Upgrade (40000014)

Appropriation:  
 Climate Commitment Account—State.  
 \$1,925,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$1,924,000  
 TOTAL..... \$3,849,000

**NEW SECTION. Sec. 2006. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

Solar Panel Installation - Lab & Training Facility (40000015)

Appropriation:  
 Climate Commitment Account—State.  
 \$3,734,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$3,734,000

**NEW SECTION. Sec. 2007. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Lakeland Village: Code Required Campus Infrastructure Upgrades (30002238)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$1,000,000

Appropriation:

State Building Construction Account—  
 State. . . . . \$3,505,000  
 Prior Biennia (Expenditures). \$10,200,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$14,705,000

**NEW SECTION. Sec. 2008. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

DOC/DSHS McNeil Island-Main Dock: Float & Dolphin Replacement (30003234)

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$250,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$14,215,000  
 TOTAL..... \$14,465,000

**NEW SECTION. Sec. 2009. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Child Study and Treatment Center-Ketron: LSA Expansion (40000411)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$1,535,000

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$1,382,000  
 Prior Biennia (Expenditures). . . . \$83,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$3,000,000

**NEW SECTION. Sec. 2010. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital-Activity Therapy Building: HVAC Upgrades (40000493)

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$3,715,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$3,715,000

**NEW SECTION. Sec. 2011. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Child Study & Treatment Center-Emergency Power: Replacement (40000559)

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$800,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$800,000

**NEW SECTION. Sec. 2012. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Lakeland Village-Cottages: Roofing Replacement (40000572)

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$1,300,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$1,300,000



**NEW SECTION. Sec. 2013. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Rainier School-Cottages: Roofing Replacement (40000573)

Appropriation:  
 State Building Construction Account—  
 State . . . . . \$3,800,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$3,800,000

**NEW SECTION. Sec. 2014. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Western State Hospital-Multiple Bldgs: Sprinkler Head Replacement (40000594)

Appropriation:  
 State Building Construction Account—  
 State . . . . . \$1,394,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$1,394,000

**NEW SECTION. Sec. 2015. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Eastern State Hospital-Commissary: Building Repairs (40000606)

Appropriation:  
 Climate Commitment Account—State.  
 \$1,100,000  
 State Building Construction Account—  
 State . . . . . \$3,350,000  
 Subtotal Appropriation . . . . . \$4,450,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$4,450,000

**NEW SECTION. Sec. 2016. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Minor Works Programmatic 2023-25 (40000953)

Appropriation:  
 Charitable, Educational, Penal, and Reformatory  
 Institutions Account—State \$2,377,000  
 State Building Construction Account—  
 State . . . . . \$3,618,000  
 Subtotal Appropriation . . . . . \$5,995,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$18,920,000  
 TOTAL . . . . . \$24,915,000

**NEW SECTION. Sec. 2017. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Minor Works Preservation 2023-25 (40000954)

Appropriation:  
 Charitable, Educational, Penal, and Reformatory  
 Institutions Account—State \$3,482,000  
 State Building Construction Account—  
 State . . . . . \$7,666,000  
 Subtotal Appropriation . . . . . \$11,148,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$91,976,000  
 TOTAL . . . . . \$103,124,000

**NEW SECTION. Sec. 2018. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 DOC/DSHS McNeil Island-Infrastructure: Repairs & Upgrades 2023-25 (40000955)

Appropriation:  
 State Building Construction Account—  
 State . . . . . \$2,451,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$1,378,000  
 TOTAL . . . . . \$3,829,000

**NEW SECTION. Sec. 2019. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Statewide: Communications Systems Condition Assessment (40000959)

Appropriation:  
 Charitable, Educational, Penal, and Reformatory  
 Institutions Account—State \$6,292,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$81,998,000  
 TOTAL . . . . . \$88,290,000

**NEW SECTION. Sec. 2020. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Statewide: Clean Buildings Act (40000960)

Appropriation:  
 Climate Commitment Account—State.  
 \$3,727,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$8,875,000  
 TOTAL . . . . . \$12,602,000

**NEW SECTION. Sec. 2021. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 YVS Main Building: Exterior Window Replacement (40000962)

Appropriation:  
 Climate Commitment Account—State.  
 \$5,330,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$5,330,000

**NEW SECTION. Sec. 2022. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Medical Lake-Campus: Electrical Feeder Replacement (40000964)

Appropriation:  
 Charitable, Educational, Penal, and Reformatory  
 Institutions Account—State. \$685,000  
 State Building Construction Account—  
 State . . . . . \$1,392,000  
 Subtotal Appropriation . . . . . \$2,077,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$10,228,000  
 TOTAL . . . . . \$12,305,000

**NEW SECTION. Sec. 2023. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Special Commitment Center-Campus: Fire Alarm Replacement (40000965)

Appropriation:  
 State Building Construction Account—  
 State . . . . . \$5,115,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL..... \$5,115,000

**NEW SECTION. Sec. 2024. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Eastern State Hospital-AT Bldg:  
 Electrical & Emerg. Generator (40000969)

Appropriation:  
 State Building Construction Account—  
 State . . . . . \$3,205,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL..... \$3,205,000

**NEW SECTION. Sec. 2025. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Eastern State Hospital-Eastlake: Nursing  
 Station Improvements (40000970)

Appropriation:  
 State Building Construction Account—  
 State . . . . . \$1,740,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL..... \$1,740,000

**NEW SECTION. Sec. 2026. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Western State Hospital-Water System:  
 Assessment and Improvements (40001089)

The appropriation in this section is subject to the following conditions and limitations: As part of its assessment, the department must conduct a long-term cost-benefit analysis of transitioning the water system to the City of Lakewood and any cost mitigation strategies available to the state.

Appropriation:  
 State Building Construction Account—  
 State . . . . . \$2,490,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL..... \$2,490,000

**NEW SECTION. Sec. 2027. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Diversion and Recovery Community Capacity (40001140)

The appropriation in this section is subject to the following conditions and limitations: \$500,000 of the state building construction account—state appropriation is provided solely for a planning study to develop options for behavioral health diversion and treatment facilities for individuals with mental illnesses involved in or at risk of becoming involved in the criminal justice system.

Appropriation:  
 State Building Construction Account—  
 State . . . . . \$500,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0

TOTAL..... \$500,000

**NEW SECTION. Sec. 2028. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Western State Hospital: New Forensic  
 Hospital (91000067)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 2037, chapter 332, Laws of 2021.

(2) The legislature intends to provide funding in the amount of \$895,000,000 over the course of the 2023-2025 and 2025-2027 biennia for construction of the new forensic hospital on the Western State behavioral health campus. Pursuant to RCW 43.88.130, the department is authorized to enter into a multibiennium contract for this project. Nothing in this section authorizes the agency to make an expenditure without an appropriation.

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$43,870,000

Appropriation:  
 State Building Construction Account—  
 State . . . . . \$613,000,000  
 Prior Biennia (Expenditures) . . . . . \$8,130,000  
 Future Biennia (Projected Costs) . . . . . \$282,000,000  
 TOTAL..... \$947,000,000

**NEW SECTION. Sec. 2029. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 BH: State Owned, Mixed Use Community  
 Civil 48-Bed Capacity (91000077)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2054, chapter 413, Laws of 2019.

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$50,480,000

Appropriation:  
 State Building Construction Account—  
 State . . . . . \$20,629,000  
 Prior Biennia (Expenditures) . . . . . \$7,645,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL..... \$78,754,000

**NEW SECTION. Sec. 2030. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 BH Rapid Community Capacity (91000090)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to provide capital grants to entities for the commission or renovation of facilities as may be necessary for the department's immediate needs in treating clients committed to the department for competency evaluation, competency restoration, civil conversion, or treatment following acquittal by reason of insanity.

Appropriation:

State Building Construction Account—  
 State . . . . . \$5,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL..... \$5,000,000

NEW SECTION.      **Sec. 2031.**      **FOR THE**  
**DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Maple Lane - Rapid BH Bed Capacity  
 (92000046)

Appropriation:  
 State Building Construction Account—  
 State . . . . . \$21,070,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$20,200,000  
 TOTAL..... \$41,270,000

NEW SECTION.      **Sec. 2032.**      **FOR THE**  
**DEPARTMENT OF HEALTH**  
 Public Health Lab South Laboratory  
 Addition (30000379)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$4,131,000  
 Appropriation:  
 State Building Construction Account—  
 State . . . . . \$53,452,000  
 Prior Biennia (Expenditures) . . . . . \$998,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL..... \$58,581,000

NEW SECTION.      **Sec. 2033.**      **FOR THE**  
**DEPARTMENT OF HEALTH**  
 New LED Lighting and Controls in Existing  
 Laboratory Spaces (40000054)

Appropriation:  
 State Building Construction Account—  
 State . . . . . \$365,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$1,214,000  
 TOTAL..... \$1,579,000

NEW SECTION.      **Sec. 2034.**      **FOR THE**  
**DEPARTMENT OF HEALTH**  
 New Deionized Water (DI) Piping at Public  
 Health Laboratories (40000063)

Appropriation:  
 State Building Construction Account—  
 State . . . . . \$1,172,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL..... \$1,172,000

NEW SECTION.      **Sec. 2035.**      **FOR THE**  
**DEPARTMENT OF HEALTH**  
 Drinking Water System Rehabilitations and  
 Consolidations (40000065)

The appropriation in this section is subject to the following conditions and limitations: \$2,214,000 of the state building construction account—state appropriation is provided solely for the department to facilitate a water supply agreement between the City of North Bend and the Sallal Water System. Of that amount,

\$1,507,000 must be distributed to the Sallal Water System and \$707,000 to the City of North Bend, conditional on a signed water supply agreement that ensures a minimum of 100 acre feet per year of permanent mitigation water supply for the city.

Appropriation:  
 State Building Construction Account—  
 State . . . . . \$5,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$12,000,000  
 TOTAL..... \$17,000,000

NEW SECTION.      **Sec. 2036.**      **FOR THE**  
**DEPARTMENT OF HEALTH**  
 2023-25 DWSRF State Match (40000066)

The appropriation in this section is subject to the following conditions and limitations:

(1) For projects involving repair, replacement, or improvement of a clean water infrastructure facility or other public works facility for which an investment grade efficiency audit is reasonably obtainable, the department shall require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its drinking water state revolving fund program loan.

(2) The department must encourage local government use of federally funded drinking water infrastructure programs operated by the United States department of agriculture rural development agency.

Appropriation:  
 Drinking Water Assistance Account—State  
 . . . . . \$3,500,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$69,000,000  
 TOTAL..... \$72,500,000

NEW SECTION.      **Sec. 2037.**      **FOR THE**  
**DEPARTMENT OF HEALTH**  
 2023-25 DWSRF Construction Loan Program  
 (40000067)

The appropriation in this section is subject to the following conditions and limitations:

(1) For projects involving repair, replacement, or improvement of a clean water infrastructure facility or other public works facility for which an investment grade efficiency audit is reasonably obtainable, the department must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its drinking water state revolving fund program loan.

(2) The department must encourage local government use of federally funded drinking water infrastructure programs operated by the United States department of agriculture rural development agency.

Appropriation:  
 Drinking Water Assistance Account—  
 Federal . . . . . \$131,000,000

Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . .  
 \$261,000,000  
 TOTAL..... \$392,000,000

**NEW SECTION. Sec. 2038. FOR THE DEPARTMENT OF HEALTH**  
 Lower Yakima Valley Groundwater Management Area Water Supply (92000208)

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$850,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL..... \$850,000

**NEW SECTION. Sec. 2039. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 Minor Works Facilities Preservation (30000094)

Reappropriation:  
 Model Toxics Control Capital Account—  
 State. . . . . \$170,000  
 State Building Construction Account—  
 State. . . . . \$450,000  
 Subtotal Reappropriation..... \$620,000

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$1,860,000  
 Prior Biennia (Expenditures). \$4,918,000  
 Future Biennia (Projected Costs).  
 \$7,440,000  
 TOTAL..... \$14,838,000

**NEW SECTION. Sec. 2040. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 Northwest Washington State Veterans Cemetery Feasibility Study (40000035)

Appropriation:  
 Charitable, Educational, Penal, and Reformatory  
 Institutions Account—State. \$200,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL..... \$200,000

**NEW SECTION. Sec. 2041. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 WSVC - Raise, Realign, and Clean Markers (40000070)

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$1,250,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL..... \$1,250,000

**NEW SECTION. Sec. 2042. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 SVH - Skilled Nursing Facility Replacement - Feasibility Study (40000071)

Appropriation:  
 Charitable, Educational, Penal, and Reformatory  
 Institutions Account—State. \$200,000  
 Prior Biennia (Expenditures) . . . . . \$0

Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL..... \$200,000

**NEW SECTION. Sec. 2043. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 WSH Master Plan (40000075)

Appropriation:  
 Charitable, Educational, Penal, and Reformatory  
 Institutions Account—State. \$200,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL..... \$200,000

**NEW SECTION. Sec. 2044. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 WSVC - Burial and Columbarium Expansion Grant (40000092)

Appropriation:  
 General Fund—Federal. . . . . \$3,000,000  
 State Building Construction Account—  
 State. . . . . \$300,000  
 Subtotal Appropriation..... \$3,300,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL..... \$3,300,000

**NEW SECTION. Sec. 2045. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 WVH - Fire Alarm Replacement - 240 Building (40000099)

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$1,280,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL..... \$1,280,000

**NEW SECTION. Sec. 2046. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 DVA ARPA Federal Funds & State Match (91000013)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are subject to the provisions of section 7064 of this act.

Reappropriation:  
 General Fund—Federal. . . . . \$24,495,000  
 State Building Construction Account—  
 State. . . . . \$10,849,000  
 Subtotal Reappropriation..... \$35,344,000

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$6,810,000  
 Prior Biennia (Expenditures) . . . . . \$55,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL..... \$42,209,000

**NEW SECTION. Sec. 2047. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 HB 1390 - District Energy Systems (91000017)

Appropriation:  
 Climate Commitment Account—State \$400,000  
 Prior Biennia (Expenditures) . . . . . \$0

Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$400,000

**NEW SECTION. Sec. 2048. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 WSH - Roosevelt Building Restroom Renovation (92000002)

Appropriation:  
 General Fund—Federal. . . . \$3,800,000  
 Prior Biennia (Expenditures). . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$3,800,000

**NEW SECTION. Sec. 2049. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**  
 Echo Glen Secure Facility Improvements (40000546)

Appropriation:  
 State Building Construction Account—  
 State. . . . \$8,050,000  
 Prior Biennia (Expenditures). . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$8,050,000

**NEW SECTION. Sec. 2050. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**  
 Echo Glen Emergency Generator & Fuel Storage Tank (40000547)

The appropriation in this section is subject to the following conditions and limitations: The department must assess the environmental considerations of installing an above ground storage tank versus an underground storage tank, with preference given to an above ground storage tank.

Appropriation:  
 State Building Construction Account—  
 State. . . . \$2,630,000  
 Prior Biennia (Expenditures). . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$2,630,000

**NEW SECTION. Sec. 2051. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**  
 Green Hill Spruce Living Unit Renovation Minimum Security (40000552)

Appropriation:  
 State Building Construction Account—  
 State. . . . \$1,270,000  
 Prior Biennia (Expenditures). . . . \$0  
 Future Biennia (Projected Costs). . . \$7,463,000  
 TOTAL..... \$8,733,000

**NEW SECTION. Sec. 2052. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**  
 Statewide Minor Works (40000557)

Appropriation:  
 State Building Construction Account—  
 State. . . . \$2,959,000  
 Prior Biennia (Expenditures). . . . \$0  
 Future Biennia (Projected Costs). . . \$11,836,000  
 TOTAL..... \$14,795,000

**NEW SECTION. Sec. 2053. FOR THE DEPARTMENT OF CORRECTIONS**

WCC: Paint & Repair 300,000 Gallon Water Storage Tank (30000697)

The appropriations in this section are subject to the following conditions and limitations: \$600,000 of the model toxics control capital account—state appropriation is provided solely for the lead abatement activities associated with this project.

Reappropriation:  
 State Building Construction Account—  
 State. . . . \$500,000

Appropriation:  
 Model Toxics Control Capital Account—  
 State. . . . \$600,000  
 State Building Construction Account—  
 State. . . . \$2,406,000  
 Subtotal Appropriation. . . . \$3,006,000

Prior Biennia (Expenditures). . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$3,506,000

**NEW SECTION. Sec. 2054. FOR THE DEPARTMENT OF CORRECTIONS**  
 SW IMU Recreation Yard Improvement (30001123)

Reappropriation:  
 State Building Construction Account—  
 State. . . . \$2,244,000

Appropriation:  
 State Building Construction Account—  
 State. . . . \$2,000,000  
 Prior Biennia (Expenditures). . . \$756,000  
 Future Biennia (Projected Costs). . \$2,000,000  
 TOTAL..... \$7,000,000

**NEW SECTION. Sec. 2055. FOR THE DEPARTMENT OF CORRECTIONS**  
 SCCC Roof Replacement (30001128)

Appropriation:  
 State Building Construction Account—  
 State. . . . \$6,194,000  
 Prior Biennia (Expenditures). . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$6,194,000

**NEW SECTION. Sec. 2056. FOR THE DEPARTMENT OF CORRECTIONS**  
 ECWR: Foundation and Siding (40000067)

Reappropriation:  
 State Building Construction Account—  
 State. . . . \$850,000

Appropriation:  
 State Building Construction Account—  
 State. . . . \$5,111,000  
 Prior Biennia (Expenditures). . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$5,961,000

**NEW SECTION. Sec. 2057. FOR THE DEPARTMENT OF CORRECTIONS**  
 MCC: SOU and TRU - Domestic Water and HVAC Piping System (40000246)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation is subject

to the provisions of section 2026, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—  
State . . . . . \$2,962,000

Appropriation:

State Building Construction Account—  
State . . . . . \$26,000,000  
Prior Biennia (Expenditures) . . \$167,000  
Future Biennia (Projected Costs).  
\$21,143,000  
TOTAL..... \$50,272,000

**NEW SECTION. Sec. 2058. FOR THE DEPARTMENT OF CORRECTIONS**

CBC: Fire Pump Replacement (40000324)

Appropriation:

State Building Construction Account—  
State . . . . . \$1,411,000  
Prior Biennia (Expenditures) . . . . \$0  
Future Biennia (Projected Costs) . . \$0  
TOTAL..... \$1,411,000

**NEW SECTION. Sec. 2059. FOR THE DEPARTMENT OF CORRECTIONS**

CRCC Sage Unit Move to AHCC (40000414)

Reappropriation:

State Building Construction Account—  
State . . . . . \$1,026,000

Appropriation:

State Building Construction Account—  
State . . . . . \$1,452,000  
Prior Biennia (Expenditures) . . . \$24,000  
Future Biennia (Projected Costs) . . \$0  
TOTAL..... \$2,502,000

**NEW SECTION. Sec. 2060. FOR THE DEPARTMENT OF CORRECTIONS**

AHCC: Modular Building for Health Service Staff (40000415)

Reappropriation:

State Building Construction Account—  
State . . . . . \$791,000

Appropriation:

State Building Construction Account—  
State . . . . . \$408,000  
Prior Biennia (Expenditures) . . . . \$0  
Future Biennia (Projected Costs) . . \$0  
TOTAL..... \$1,199,000

**NEW SECTION. Sec. 2061. FOR THE DEPARTMENT OF CORRECTIONS**

CRCC: Modular Building for Health Service Staff (40000416)

Reappropriation:

State Building Construction Account—  
State . . . . . \$777,000

Appropriation:

State Building Construction Account—  
State . . . . . \$428,000  
Prior Biennia (Expenditures) . . . . \$0  
Future Biennia (Projected Costs) . . \$0  
TOTAL..... \$1,205,000

**NEW SECTION. Sec. 2062. FOR THE DEPARTMENT OF CORRECTIONS**

McNeil Island Passenger Ferry Replacement (40000418)

Appropriation:

State Building Construction Account—  
State . . . . . \$900,000  
Prior Biennia (Expenditures) . . . . \$0  
Future Biennia (Projected Costs).  
\$11,158,000  
TOTAL..... \$12,058,000

**NEW SECTION. Sec. 2063. FOR THE DEPARTMENT OF CORRECTIONS**

McNeil Island Transport Barge Replacement (40000419)

Appropriation:

State Building Construction Account—  
State . . . . . \$900,000  
Prior Biennia (Expenditures) . . . . \$0  
Future Biennia (Projected Costs).  
\$7,385,000  
TOTAL..... \$8,285,000

**NEW SECTION. Sec. 2064. FOR THE DEPARTMENT OF CORRECTIONS**

Minor Works Preservation Projects (40000427)

Appropriation:

State Building Construction Account—  
State . . . . . \$9,992,000  
Prior Biennia (Expenditures) . . . . \$0  
Future Biennia (Projected Costs).  
\$39,968,000  
TOTAL..... \$49,960,000

**NEW SECTION. Sec. 2065. FOR THE DEPARTMENT OF CORRECTIONS**

HB 1390 - District Energy Systems (91000434)

Appropriation:

Climate Commitment Account—State.  
\$1,600,000  
Prior Biennia (Expenditures) . . . . \$0  
Future Biennia (Projected Costs) . . \$0  
TOTAL..... \$1,600,000

**NEW SECTION. Sec. 2066. FOR THE DEPARTMENT OF CORRECTIONS**

WSP: Unit Six Roof Replacement (92000037)

Reappropriation:

State Building Construction Account—  
State . . . . . \$375,000

Appropriation:

State Building Construction Account—  
State . . . . . \$12,569,000  
Prior Biennia (Expenditures) . \$1,050,000  
Future Biennia (Projected Costs) . . \$0  
TOTAL..... \$13,994,000

**NEW SECTION. Sec. 2067. FOR THE DEPARTMENT OF CORRECTIONS**

Corrections Training Center (92001125)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation in this section is provided solely to fund a predesign for the construction or renovation of a training center or centers to provide for the staff training needs of the department.

(1) The predesign must include, at least:

(a) The projected training needs by fiscal year for fiscal years 2024 through 2027, to include the number of individuals to be trained and how the department will use existing training locations to meet training needs;

(b) A proposed plan for how training will be delivered to staff assigned to correctional facilities across the state, including the target training location, facilities served by the location, type and target number of classes and students, and cost or anticipated cost of the facilities by fiscal year for fiscal years 2024 through 2027;

(c) Where the department recommends locating potential new training facilities, to include all analysis and prioritization used to reach the recommendation; and

(d) For the proposed training plan, the estimated operational cost impacts to the department's base funded operating budget level by fiscal year.

(2) In reviewing facility options, the department must collaborate with the Washington state patrol and the criminal justice training commission to identify and evaluate options for colocating training facilities and maximizing efficiencies in space usage. The department shall consider where cost efficiencies and mutually beneficial shared arrangements for training could occur. Any capital budget requests submitted by the department for the 2024 supplemental capital budget or the 2025-2027 biennial capital budget that are related to the design, renovation, or construction of training facilities must include a discussion of the colocation options considered.

Appropriation:

State Building Construction Account—	
State . . . . .	\$350,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$12,000,000
TOTAL . . . . .	\$12,350,000

(End of part)

PART 3  
NATURAL RESOURCES

NEW SECTION.      **Sec. 3001.      FOR THE**  
**DEPARTMENT OF ECOLOGY**

2023-25 Reducing Diesel Greenhouse Gases (GHG) and Toxic Emissions (40000474)

Appropriation:

Model Toxics Control Capital Account—	
State . . . . .	\$15,632,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$62,528,000
TOTAL . . . . .	\$78,160,000

NEW SECTION.      **Sec. 3002.      FOR THE**  
**DEPARTMENT OF ECOLOGY**

2023-25 Coastal Wetlands Federal Funds (40000475)

Appropriation:

General Fund—Federal . . . . .	\$14,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$56,000,000
TOTAL . . . . .	\$70,000,000

NEW SECTION.      **Sec. 3003.      FOR THE**  
**DEPARTMENT OF ECOLOGY**

2023-25 Chehalis Basin Strategy (40000476)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$66,100,000 of the appropriation in this section is provided solely for board-approved projects:

(a) To protect and restore aquatic species habitat, including: Construction and property acquisition; preconstruction and acquisition planning and project development, feasibility, design, environmental review, and permitting; postconstruction and acquisition monitoring and adaptive management; and engagement of state agencies, tribes, conservation partners, landowners, and other parties;

(b) To reduce flood damage, including: Construction and property acquisition; preconstruction and acquisition project planning and development, feasibility, design, environmental review, and permitting; completion of environmental review and endangered species act consultation on the proposed flood protection facility; refinement and evaluation of the local action non-dam alternative; and engagement of state agencies, tribes, project sponsors, landowners, and other parties; and

(c) That advance both the habitat restoration and the flood damage reduction goals of the Chehalis Basin strategy using a multibenefit approach, including: Community outreach and education; construction and property acquisition; preconstruction and acquisition planning and project development, feasibility, design, environmental review, and permitting; post construction and acquisition monitoring and adaptive management; and engagement of federal, state, and local agencies, tribes, conservation partners, landowners, and other parties.

(2) \$3,900,000 of the appropriation in this section is provided solely for the operations of the office of Chehalis Basin and Chehalis Basin board to oversee the development, implementation, and amendment of the Chehalis Basin strategy, and this is the maximum amount the board may expend for this purpose. Oversight operations include, but are not limited to: Providing financial accountability, project management, and board meeting administration and facilitation.

(3) Specific projects must be approved by at least six of the seven voting members of the Chehalis Basin board. The Chehalis Basin

board has the discretion to allocate the funding between subsections (1) (a), (b), and (c) of this section as needed to meet the objectives of this appropriation and if approved by at least six of the seven voting members of the board. However, \$3,900,000 is the maximum amount the department may expend for the purposes of subsection (2) of this section.

(4) Up to 1.5 percent of the appropriation in this section may be used by the recreation and conservation office to administer contracts associated with the subprojects funded through this section. Contract administration includes, but is not limited to: Drafting and amending contracts, reviewing and approving invoices, tracking expenditures, and performing field inspections to assess project status when conducting similar assessments related to other agency contracts in the same geographic area.

Appropriation:

State Building Construction Account—
State . . . . . \$70,000,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) .
\$280,000,000
TOTAL . . . . . \$350,000,000

NEW SECTION. Sec. 3004. FOR THE DEPARTMENT OF ECOLOGY
2023-25 Freshwater Aquatic Invasive Plants Grant Program (40000477)

Appropriation:

Freshwater Aquatic Weeds Account—State.
\$1,700,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) .
\$6,800,000
TOTAL . . . . . \$8,500,000

NEW SECTION. Sec. 3005. FOR THE DEPARTMENT OF ECOLOGY
2023-25 Freshwater Algae Grant Program (40000478)

Appropriation:

Aquatic Algae Control Account—State.
\$710,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) .
\$2,840,000
TOTAL . . . . . \$3,550,000

NEW SECTION. Sec. 3006. FOR THE DEPARTMENT OF ECOLOGY
2023-25 Reducing Toxic Wood Stove Emissions (40000479)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,044,000 of the appropriation in this section is provided solely for the replacement of uncertified heating devices to reduce toxic air pollution. Whenever possible and most cost effective, the agency and local air agency partners must select home heating devices that are certified by the United States environmental protection

agency or that do not use natural gas to replace noncompliant devices.

(2) \$100,000 of the appropriation in this section is provided solely for air agencies to offer the opportunity to replace a noncompliant woodstove with a compliant woodstove under this program.

Appropriation:

Model Toxics Control Capital Account—
State . . . . . \$4,144,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) .
\$16,576,000
TOTAL . . . . . \$20,720,000

NEW SECTION. Sec. 3007. FOR THE DEPARTMENT OF ECOLOGY
2023-25 Affordable Housing Cleanup Grant Program (40000480)

Appropriation:

Model Toxics Control Capital Account—
State . . . . . \$12,259,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) .
\$49,036,000
TOTAL . . . . . \$61,295,000

NEW SECTION. Sec. 3008. FOR THE DEPARTMENT OF ECOLOGY
2023-25 Product Replacement Program (40000486)

Appropriation:

Model Toxics Control Capital Account—
State . . . . . \$6,500,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) .
\$26,000,000
TOTAL . . . . . \$32,500,000

NEW SECTION. Sec. 3009. FOR THE DEPARTMENT OF ECOLOGY
2023-25 Clean Up Toxic Sites - Puget Sound (40000487)

Appropriation:

Model Toxics Control Capital Account—
State . . . . . \$7,455,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) .
\$29,820,000
TOTAL . . . . . \$37,275,000

NEW SECTION. Sec. 3010. FOR THE DEPARTMENT OF ECOLOGY
2023-25 Remedial Action Grant Program (40000495)

Appropriation:

Model Toxics Control Capital Account—
State . . . . . \$115,111,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) .
\$460,444,000
TOTAL . . . . . \$575,555,000

NEW SECTION. Sec. 3011. FOR THE DEPARTMENT OF ECOLOGY
2023-25 Protect Investments in Cleanup Remedies (40000526)



**Appropriation:**

Model Toxics Control Capital Account—  
 State . . . . . \$4,450,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . .  
 \$17,800,000  
**TOTAL** . . . . . \$22,250,000

**NEW SECTION. Sec. 3012. FOR THE DEPARTMENT OF ECOLOGY**  
 2023-25 ASARCO Everett Smelter Plume Cleanup (40000529)

**Appropriation:**

Model Toxics Control Capital Account—  
 State . . . . . \$7,679,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . .  
 \$21,358,000  
**TOTAL** . . . . . \$29,037,000

**NEW SECTION. Sec. 3013. FOR THE DEPARTMENT OF ECOLOGY**  
 2023-25 PFAS Contaminated Drinking Water (40000530)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the state building construction account—state appropriation is provided solely for the investigation of PFAS contaminated drinking water in the Lower Issaquah Valley.

(2) \$7,857,000 of the model toxics control capital account—state appropriation is provided solely as state grant assistance to the Sammamish Plateau Water and Sewer District for a municipal water treatment plant. State grant assistance is provided as matching funds, not to exceed 50 percent of the estimated total capital cost or actual cost of the project, whichever is less.

**Appropriation:**

Model Toxics Control Capital Account—  
 State . . . . . \$7,857,000  
 State Building Construction Account—  
 State . . . . . \$1,500,000  
**Subtotal Appropriation** . . . . . \$9,357,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
**TOTAL** . . . . . \$9,357,000

**NEW SECTION. Sec. 3014. FOR THE DEPARTMENT OF ECOLOGY**  
 2023-25 Eastern Washington Clean Sites Initiative (40000533)

**Appropriation:**

Model Toxics Control Capital Account—  
 State . . . . . \$950,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . .  
 \$3,800,000  
**TOTAL** . . . . . \$4,750,000

**NEW SECTION. Sec. 3015. FOR THE DEPARTMENT OF ECOLOGY**  
 2023-25 Swift Creek Natural Asbestos Flood Control and Cleanup (40000538)

**Appropriation:**

State Building Construction Account—  
 State . . . . . \$4,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . .  
 \$30,828,000  
**TOTAL** . . . . . \$34,828,000

**NEW SECTION. Sec. 3016. FOR THE DEPARTMENT OF ECOLOGY**  
 2023-25 Stormwater Financial Assistance Program (40000539)

**Appropriation:**

Model Toxics Control Stormwater Account—  
 State . . . . . \$68,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . .  
 \$272,000,000  
**TOTAL** . . . . . \$340,000,000

**NEW SECTION. Sec. 3017. FOR THE DEPARTMENT OF ECOLOGY**  
 2023-25 Floodplains by Design (40000540)

**Appropriation:**

Natural Climate Solutions Account—State . . . . . \$17,592,000  
 State Building Construction Account—  
 State . . . . . \$49,800,000  
**Subtotal Appropriation** . . . . . \$67,392,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . .  
 \$269,568,000  
**TOTAL** . . . . . \$336,960,000

**NEW SECTION. Sec. 3018. FOR THE DEPARTMENT OF ECOLOGY**  
 2023-25 Sunnyside Valley Irrigation District Water Conservation (40000559)

**Appropriation:**

State Building Construction Account—  
 State . . . . . \$3,246,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . .  
 \$12,984,000  
**TOTAL** . . . . . \$16,230,000

**NEW SECTION. Sec. 3019. FOR THE DEPARTMENT OF ECOLOGY**  
 2023-25 Water Pollution Control Revolving Program (40000563)

**Appropriation:**

Water Pollution Control Revolving Fund—  
 Federal . . . . . \$200,000,000  
 Water Pollution Control Revolving Fund—  
 State . . . . . \$435,000,000  
**Subtotal Appropriation** . . . . . \$635,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . .  
 \$2,540,000,000  
**TOTAL** . . . . . \$3,175,000,000

**NEW SECTION. Sec. 3020. FOR THE DEPARTMENT OF ECOLOGY**  
 2023-25 State Match - Water Pollution Control Revolving Program (40000564)

**Appropriation:**

Water Pollution Control Revolving Fund—  
 State . . . . . \$35,000,000

Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs).  
 \$140,000,000  
**TOTAL..... \$175,000,000**

**NEW SECTION. Sec. 3021. FOR THE DEPARTMENT OF ECOLOGY**  
 2023-25 Streamflow Restoration Program (40000565)

**Appropriation:**  
 Watershed Restoration and Enhancement Bond  
 Account—State. . . . . \$40,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs).  
 \$160,000,000  
**TOTAL..... \$200,000,000**

**NEW SECTION. Sec. 3022. FOR THE DEPARTMENT OF ECOLOGY**  
 2023-25 Sewer Overflow & Stormwater Reuse Municipal Grants Prog (40000567)

**Appropriation:**  
 General Fund—Federal. . . . . \$16,700,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs).  
 \$66,800,000  
**TOTAL..... \$83,500,000**

**NEW SECTION. Sec. 3023. FOR THE DEPARTMENT OF ECOLOGY**  
 2023-25 Waste Tire Pile Cleanup and Prevention (40000568)

**Appropriation:**  
 Waste Tire Removal Account—State.  
 \$1,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs).  
 \$4,000,000  
**TOTAL..... \$5,000,000**

**NEW SECTION. Sec. 3024. FOR THE DEPARTMENT OF ECOLOGY**  
 2023-25 Stormwater Public Private Partnerships (40000569)

**Appropriation:**  
 Model Toxics Control Stormwater Account—State. . . . . \$3,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs).  
 \$100,000,000  
**TOTAL..... \$103,000,000**

**NEW SECTION. Sec. 3025. FOR THE DEPARTMENT OF ECOLOGY**  
 Elevator Restorations at Ecology Facilities (40000570)

**Appropriation:**  
 State Building Construction Account—State. . . . . \$1,735,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs).  
 \$2,813,000  
**TOTAL..... \$4,548,000**

**NEW SECTION. Sec. 3026. FOR THE DEPARTMENT OF ECOLOGY**

2023-25 Centennial Clean Water Program (40000571)

**Appropriation:**  
 Model Toxics Control Capital Account—State. . . . . \$40,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs).  
 \$160,000,000  
**TOTAL..... \$200,000,000**

**NEW SECTION. Sec. 3027. FOR THE DEPARTMENT OF ECOLOGY**  
 2023-25 Yakima River Basin Water Supply (40000572)

**Appropriation:**  
 State Building Construction Account—State. . . . . \$49,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs).  
 \$196,000,000  
**TOTAL..... \$245,000,000**

**NEW SECTION. Sec. 3028. FOR THE DEPARTMENT OF ECOLOGY**  
 2023-25 Columbia River Water Supply Development Program (40000583)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$32,800,000 of the state building construction account—state appropriation in this section is provided solely for planning, designing, engineering, development, coordination, and construction of the Odessa groundwater replacement project, sufficient to irrigate the acres located within the Odessa Subarea Special Study and facilities modifications necessary to accommodate capacity demands resulting from the individual public delivery systems within the Odessa groundwater replacement program.

(a) To be eligible for a grant under this subsection (1), a project must have at least 30 percent of its design work completed by July 1, 2023.

(b) The east Columbia basin irrigation district may only be allowed to make any administrative charges sufficient to administer the state grants, not to exceed one percent of amounts provided to them within this appropriation, with the requirement to report administrative expenditures to the office of Columbia river annually.

(2) \$850,000 of the state building construction account—state appropriation in this section is provided solely for the department to enter into an agreement with the United States bureau of reclamation to reimburse the bureau for costs related to the design and review activities necessary to complete the transfer of the groundwater replacement delivery system title to the United States by the east Columbia basin irrigation district and to secure project reserved power for public delivery systems.

**Appropriation:**  
 Columbia River Basin Water Supply Revenue Recovery Account—State. . . \$1,500,000

State Building Construction Account—  
 State . . . . . \$59,200,000  
 Subtotal Appropriation . . . . . \$60,700,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$242,800,000  
 TOTAL . . . . . \$303,500,000

**NEW SECTION. Sec. 3029. FOR THE DEPARTMENT OF ECOLOGY**  
 Product Testing Laboratory (40000604)  
 Appropriation:  
 State Building Construction Account—  
 State . . . . . \$350,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$16,111,000  
 TOTAL . . . . . \$16,461,000

**NEW SECTION. Sec. 3030. FOR THE DEPARTMENT OF ECOLOGY**  
 2023-25 Zosel Dam Preservation (40000605)  
 Appropriation:  
 State Building Construction Account—  
 State . . . . . \$5,549,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$5,549,000

**NEW SECTION. Sec. 3031. FOR THE DEPARTMENT OF ECOLOGY**  
 Improving Air Quality in Overburdened Communities Initiative (40000606)  
 Appropriation:  
 Air Quality and Health Disparities Improvement  
 Account—State . . . . . \$21,400,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$85,600,000  
 TOTAL . . . . . \$107,000,000

**NEW SECTION. Sec. 3032. FOR THE DEPARTMENT OF ECOLOGY**  
 Landfill Methane Capture (40000611)  
 The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department to administer a grant program for landfills to comply with methane emission requirements established in chapter 70A.540 RCW.  
 Appropriation:  
 Climate Commitment Account—State.  
 \$15,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$60,000,000  
 TOTAL . . . . . \$75,000,000

**NEW SECTION. Sec. 3033. FOR THE DEPARTMENT OF ECOLOGY**  
 Padilla Bay Samish Conservation Area (40000612)  
 Appropriation:  
 General Fund—Federal. . . . . \$2,333,000

Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$2,333,000

**NEW SECTION. Sec. 3034. FOR THE DEPARTMENT OF ECOLOGY**  
 PSCAA Ultra-fine Particle Monitoring (91000378)  
 Appropriation:  
 Air Quality and Health Disparities Improvement  
 Account—State . . . . . \$400,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$400,000

**NEW SECTION. Sec. 3035. FOR THE DEPARTMENT OF ECOLOGY**  
 PFAS Statewide Funding Strategy (91000382)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department, in consultation with the department of health, to develop a multiyear statewide funding strategy for reducing perfluoroalkyl and polyfluoroalkyl substances (PFAS) in the environment. The strategy must build upon the recommendations contained in the department's 2022 per- and polyfluoroalkyl substances chemical action plan and focus on funding for future capital projects related to safe drinking water, managing environmental contamination, and evaluating perfluoroalkyl and polyfluoroalkyl substances waste management options. The department must submit the strategy in a report to the governor and the appropriate fiscal and policy committees of the legislature by December 1, 2024. It is the intent of the legislature to identify future funding sources for perfluoroalkyl and polyfluoroalkyl substances mitigation, informed by the strategy developed under this section, that do not include the model toxics control capital account.

Appropriation:  
 Model Toxics Control Capital Account—  
 State . . . . . \$400,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$400,000

**NEW SECTION. Sec. 3036. FOR THE DEPARTMENT OF ECOLOGY**  
 North Shore Levee (92000200)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely as state grant assistance to the cities of Aberdeen and Hoquiam to match federal funding for the Aberdeen-Hoquiam flood protection project, north shore levee and north shore levee-west segments. The legislature intends to provide funds in the amount of \$35,500,000 over the course of the 2023-2025 and 2025-2027 fiscal biennia in grant funds for construction of the north shore levee project.

Appropriation:

State Building Construction Account—  
 State . . . . . \$18,500,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs). . . . .  
 \$17,000,000  
 TOTAL . . . . . \$35,500,000

**NEW SECTION. Sec. 3037. FOR THE DEPARTMENT OF ECOLOGY**  
 2023-25 Drought Response (92000205)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for projects that include drought mitigation measures, water rights acquisition, or long-term leasing of water rights.

Appropriation:

State Building Construction Account—  
 State . . . . . \$3,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs). . . . .  
 \$12,000,000  
 TOTAL . . . . . \$15,000,000

**NEW SECTION. Sec. 3038. FOR THE DEPARTMENT OF ECOLOGY**  
 DDT Soil Remediation Pilot (91000383)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department to implement a pilot program located in Okanogan county to remediate soil contaminated with dichlorodiphenyltrichloroethane (DDT) and DDT remnants, if the liquor and cannabis board determines the soil in the pilot program location produced cannabis products that meet or exceed state action levels under WAC 314-55-108. If the board determines that soil in the pilot program location does not produce cannabis products that meet or exceed these levels, the amount provided in this section shall lapse.

(2) If the department implements the pilot program under subsection (1) of this section, it shall provide a status report on remediation efforts to the legislature by December 1, 2023, and a final report on the outcome of its remediation efforts and any recommendations related to the implementation of a statewide remediation program for DDT-contaminated soil by December 1, 2024.

(3) The department shall coordinate implementation of the pilot program created under this section with the Washington department of agriculture and the liquor and cannabis board.

Appropriation:

Model Toxics Control Capital Account—  
 State . . . . . \$5,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL . . . . . \$5,000,000

**NEW SECTION. Sec. 3039. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM**

2023-25 Underground Storage Tank Capital Financial Assistance Program (40000002)

Appropriation:

Pollution Liability Insurance Agency  
 Underground  
 Storage Tank Revolving Account—State  
 . . . . . \$12,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs). . . . .  
 \$48,000,000  
 TOTAL . . . . . \$60,000,000

**NEW SECTION. Sec. 3040. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM**

2023-25 Heating Oil Capital Financing Assistance Program (40000003)

Appropriation:

Pollution Liability Insurance Agency  
 Underground  
 Storage Tank Revolving Account—State  
 . . . . . \$8,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs). . . . .  
 \$32,000,000  
 TOTAL . . . . . \$40,000,000

**NEW SECTION. Sec. 3041. FOR THE STATE PARKS AND RECREATION COMMISSION**

Lake Chelan State Park Moorage Dock Pile Replacement (30000416)

Reappropriation:

State Building Construction Account—  
 State . . . . . \$72,000

Appropriation:

State Building Construction Account—  
 State . . . . . \$574,000  
 Prior Biennia (Expenditures). \$1,772,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL . . . . . \$2,418,000

**NEW SECTION. Sec. 3042. FOR THE STATE PARKS AND RECREATION COMMISSION**

Local Grant Authority (30000857)

Appropriation:

Parks Renewal and Stewardship Account—  
 Private/Local. . . . . \$2,000,000  
 Prior Biennia (Expenditures). \$6,516,000  
 Future Biennia (Projected Costs). . . . .  
 \$8,000,000  
 TOTAL . . . . . \$16,516,000

**NEW SECTION. Sec. 3043. FOR THE STATE PARKS AND RECREATION COMMISSION**

Federal Grant Authority (30000858)

Appropriation:

General Fund—Federal. . . . . \$750,000  
 Prior Biennia (Expenditures). \$2,650,000  
 Future Biennia (Projected Costs). . . . .  
 \$3,000,000  
 TOTAL . . . . . \$6,400,000

**NEW SECTION. Sec. 3044. FOR THE STATE PARKS AND RECREATION COMMISSION**

Parkland Acquisition (30000976)

Appropriation:

Parkland Acquisition Account—State.  
 \$2,500,000  
 Prior Biennia (Expenditures). \$2,753,000  
 Future Biennia (Projected Costs).  
 \$10,000,000  
 TOTAL..... \$15,253,000

**NEW SECTION. Sec. 3045. FOR THE STATE  
 PARKS AND RECREATION COMMISSION**

Saltwater - Green Vision Project  
 (40000053)

The appropriation in this section is subject to the following conditions and limitations: During the 2023-2025 fiscal biennium, the state parks and recreation commission must pursue, to the extent practicable, relevant opportunities to fund the future costs of this project through other state and federal capital grant programs.

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$450,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL..... \$450,000

**NEW SECTION. Sec. 3046. FOR THE STATE  
 PARKS AND RECREATION COMMISSION**

Nisqually New Full Service Park  
 (40000153)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$10,244,000

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$21,825,000  
 Prior Biennia (Expenditures). \$4,739,000  
 Future Biennia (Projected Costs).  
 \$15,099,000  
 TOTAL..... \$51,907,000

**NEW SECTION. Sec. 3047. FOR THE STATE  
 PARKS AND RECREATION COMMISSION**

Fort Ebey Replace Campground Restroom  
 (40000186)

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$270,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$1,072,000  
 TOTAL..... \$1,342,000

**NEW SECTION. Sec. 3048. FOR THE STATE  
 PARKS AND RECREATION COMMISSION**

Recreational Marine Sewage Disposal  
 Program (CVA) (40000366)

Appropriation:  
 General Fund—Federal. . . . . \$2,600,000  
 Prior Biennia (Expenditures). \$2,600,000  
 Future Biennia (Projected Costs).  
 \$10,400,000  
 TOTAL..... \$15,600,000

**NEW SECTION. Sec. 3049. FOR THE STATE  
 PARKS AND RECREATION COMMISSION**

Palouse to Cascades Trail - Trail  
 Structure Repairs (40000438)

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$1,261,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$3,533,000  
 TOTAL..... \$4,794,000

**NEW SECTION. Sec. 3050. FOR THE STATE  
 PARKS AND RECREATION COMMISSION**

Fort Worden PDA Geothermal Heating  
 (40000457)

Appropriation:  
 Climate Commitment Account—State.  
 \$1,000,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$7,000,000  
 TOTAL..... \$8,000,000

**NEW SECTION. Sec. 3051. FOR THE STATE  
 PARKS AND RECREATION COMMISSION**

2023-25 Capital Preservation Pool  
 (91000443)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for minor works projects, as described in section 8017 of this act.

(2) The state parks and recreation commission may not use the appropriation in this section for planning, predesign, or design costs that will result in a request for construction funding in a subsequent biennium.

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$19,932,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$79,728,000  
 TOTAL..... \$99,660,000

**NEW SECTION. Sec. 3052. FOR THE STATE  
 PARKS AND RECREATION COMMISSION**

Nisqually Day Use Improvements (40000202)

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$2,468,000  
 Prior Biennia (Expenditures). . . . . \$383,000  
 Future Biennia (Projected Costs).  
 \$41,478,000  
 TOTAL..... \$44,329,000

**NEW SECTION. Sec. 3053. FOR THE STATE  
 PARKS AND RECREATION COMMISSION**

Enhancement of Puget Sound Pump Out  
 Facilities (92001127)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,000 of the state building construction account—state appropriation is provided solely for conducting a needs assessment of recreational marine pump out

facilities in Puget Sound with the goal of identifying areas underserved by the current infrastructure and new projects that will help meet the Puget Sound no discharge zone and prevent vessels from discharging sewage directly into Puget Sound.

(2) \$500,000 of the state building construction account—state appropriation is provided solely to assist facilities that might otherwise experience hardship paying the federal matching requirements for projects funded under the United States fish and wildlife service clean vessel act program.

Appropriation:

State Building Construction Account—	
State. . . . .	\$1,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 3054. FOR THE STATE PARKS AND RECREATION COMMISSION**

2023-25 State Parks Capital Projects Pool (92001128)

The appropriations in this section are subject to the following conditions and limitations:

(1) The following projects are the only projects eligible for funding provided in this section.

(a) \$23,548,000 of the state building construction account—state appropriation in this section is provided solely for the following pool of eligible projects owned by the state parks and recreation commission.

Cape Disappointment: Campground Access Road Culverts

Cape Disappointment - Welcome Center and Entrance Improvements

Fort Worden PDA Fire Alarm System Modifications and Upgrades

Lake Sylvia Culvert Replacement

Larrabee Water System Replacement

Millersylvania Replace Original 1940's Water System

NW Region Wide Culvert Replacements

Palouse to Cascade Trail - Kittitas Depot Historic Preservation

Sun Lakes Replace Primary Lift Station

Wallace Falls Water System Replacement

(b) \$1,375,000 of the natural climate solutions account—state appropriation in this section is provided solely for the statewide fish barrier removal project.

(2) The commission shall report to the governor and the appropriate committees of the legislature the list of projects with funding levels, allotments, and schedules for the projects in this section by January 1, 2024.

Appropriation:

Natural Climate Solutions Account—State	
. . . . .	\$1,375,000
State Building Construction Account—	
State. . . . .	\$23,548,000
Subtotal Appropriation.....	\$24,923,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
\$99,692,000	
TOTAL.....	\$124,615,000

**NEW SECTION. Sec. 3055. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

2023-25 Washington Wildlife Recreation Program (40000053)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-1-2023, developed April 10, 2023.

Appropriation:

Farm and Forest Account—State	\$12,000,000
Habitat Conservation Account—State.	
\$54,000,000	
Outdoor Recreation Account—State.	
\$54,000,000	
Subtotal Appropriation.....	\$120,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
\$480,000,000	
TOTAL.....	\$600,000,000

**NEW SECTION. Sec. 3056. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

2023-25 Salmon Recovery Funding Board Grant Programs (40000054)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,400,000 of the state building construction account—state appropriation is provided solely to maintain the lead entity program as described in chapter 77.85 RCW.

(2) \$640,000 of the state building construction account—state appropriation is provided solely for regional fisheries enhancement groups created in RCW 77.95.060.

Appropriation:

General Fund—Federal. . . . .	\$75,000,000
State Building Construction Account—	
State. . . . .	\$20,000,000
Subtotal Appropriation.....	\$95,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
\$380,000,000	
TOTAL.....	\$475,000,000

**NEW SECTION. Sec. 3057. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

2023-25 Boating Facilities Program (40000055)

Appropriation:

Recreation Resources Account—State.	
\$13,800,000	
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
\$55,200,000	
TOTAL.....	\$69,000,000

**NEW SECTION. Sec. 3058. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

2023-25 Nonhighway and Off-Road Vehicle Activities (40000056)

Appropriation:

NOVA Program Account—State.	\$12,063,000
Prior Biennia (Expenditures). . . . .	\$0

Future Biennia (Projected Costs).  
\$48,252,000  
TOTAL..... \$60,315,000

**NEW SECTION. Sec. 3059. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
2023-25 Firearms and Archery Range Recreation (40000057)

Appropriation:  
Firearms Range Account—State. . \$840,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs).  
\$3,360,000  
TOTAL..... \$4,200,000

**NEW SECTION. Sec. 3060. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
2023-25 Youth Athletics Facilities (40000058)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-3-2023, developed April 10, 2023.

Appropriation:  
Youth Athletic Facility Account—State.  
\$10,440,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs).  
\$41,760,000  
TOTAL..... \$52,200,000

**NEW SECTION. Sec. 3061. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
2023-25 Aquatic Lands Enhancement Account (40000059)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-4-2023, developed April 10, 2023.

Appropriation:  
Aquatic Lands Enhancement Account—State  
. . . . . \$3,500,000  
State Building Construction Account—  
State. . . . . \$2,358,000  
Subtotal Appropriation..... \$5,858,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs).  
\$23,432,000  
TOTAL..... \$29,290,000

**NEW SECTION. Sec. 3062. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
2023-25 Community Forest Grant Program (40000060)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-5-2023, developed April 10, 2023.

Appropriation:

State Building Construction Account—  
State. . . . . \$7,807,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs).  
\$31,228,000  
TOTAL..... \$39,035,000

**NEW SECTION. Sec. 3063. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
2023-25 Puget Sound Acquisition and Restoration (40000061)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-2-2023, developed April 10, 2023.

Appropriation:  
Natural Climate Solutions Account—State  
. . . . . \$10,115,000  
State Building Construction Account—  
State. . . . . \$49,050,000  
Subtotal Appropriation..... \$59,165,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs).  
\$236,660,000  
TOTAL..... \$295,825,000

**NEW SECTION. Sec. 3064. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
2023-25 Estuary and Salmon Restoration Program (40000062)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Except as provided under subsections (2) and (3) of this section, the appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-7-2023, developed April 10, 2023.
- (2) The recreation and conservation funding board may retain a portion of the funding appropriated in this section for the administration of the grants. The portion of the funding retained for administration may not exceed \$545,000.
- (3) The department of fish and wildlife may retain a portion of the funding appropriated in this section for costs related to technical assistance and program administration. The portion of the funding retained for costs related to technical assistance and program administration may not exceed \$545,000.

Appropriation:  
State Building Construction Account—  
State. . . . . \$14,309,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs).  
\$57,236,000  
TOTAL..... \$71,545,000

**NEW SECTION. Sec. 3065. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
2023-25 Washington Coastal Restoration and Resiliency Initiative (40000063)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as provided under subsection (2) of this section, the appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-8-2023, developed April 10, 2023.

(2) The recreation and conservation funding board may retain a portion of the funds appropriated in this section for the administration of the grants. The portion of the funding retained for administration may not exceed 4.12 percent of the appropriation.

Appropriation:

State Building Construction Account—
State . . . . . \$10,134,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) . . . . . \$40,536,000
TOTAL . . . . . \$50,670,000

NEW SECTION. Sec. 3066. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2023-25 Brian Abbott Fish Barrier Removal Board (40000064)

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided under subsections (2) and (3) of this section, the appropriations in this section are provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-6-2023, developed April 10, 2023.

(2) The recreation and conservation funding board may retain a portion of the funding appropriated in this section for the administration of the grants. The portion of the funding retained for administration may not exceed \$1,356,000 from the state building construction account—state appropriation in this section.

(3) The department of fish and wildlife may retain up to \$1,862,000 of the state building construction account—state appropriation in this section for the Brian Abbott fish barrier removal board for technical assistance in developing projects for consideration.

Appropriation:

Natural Climate Solutions Account—State . . . . . \$21,092,000
State Building Construction Account—
State . . . . . \$27,315,000
Subtotal Appropriation . . . . . \$48,407,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) . . . . . \$193,628,000
TOTAL . . . . . \$242,035,000

NEW SECTION. Sec. 3067. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2023-25 Recreational Trails Program (40000065)

Appropriation:

General Fund—Federal . . . . . \$5,000,000

Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) . . . . . \$20,000,000
TOTAL . . . . . \$25,000,000

NEW SECTION. Sec. 3068. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2023-25 Boating Infrastructure Grants (40000066)

Appropriation:

General Fund—Federal . . . . . \$5,000,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) . . . . . \$20,000,000
TOTAL . . . . . \$25,000,000

NEW SECTION. Sec. 3069. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2023-25 Land and Water Conservation Fund (40000067)

Appropriation:

General Fund—Federal . . . . . \$20,000,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) . . . . . \$80,000,000
TOTAL . . . . . \$100,000,000

NEW SECTION. Sec. 3070. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2023-25 Family Forest Fish Passage Program (40000068)

Appropriation:

Natural Climate Solutions Account—State . . . . . \$7,780,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) . . . . . \$31,120,000
TOTAL . . . . . \$38,900,000

NEW SECTION. Sec. 3071. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Planning for Recreation Access Grants (40000503)

Appropriation:

State Building Construction Account—
State . . . . . \$5,000,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) . . . . . \$20,000,000
TOTAL . . . . . \$25,000,000

NEW SECTION. Sec. 3072. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Upper Quinault River Restoration Project (91000958)

The appropriation in this section is subject to the following conditions and limitations: It is the intent of the legislature that future requests for state funding for the Upper Quinault River Restoration Project will be made through competitive grant programs.

Reappropriation:

State Building Construction Account—
State . . . . . \$2,123,000

Appropriation:



State Building Construction Account—  
 State. . . . . \$2,000,000  
 Prior Biennia (Expenditures). \$1,877,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$6,000,000

**NEW SECTION. Sec. 3073. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 Springwood Ranch in Kittitas County (91001663)

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided under subsection (4) of this section, the appropriations in this section are provided solely for a grant from the agency to The Trust for Public Land to cover the costs of the Trust's acquisition, disposition, and temporary management of real property in upper Kittitas County known as Springwood Ranch in exchange for an agreement to reconvey the real property for public purposes as described in this section.

(2) The recreation and conservation office shall enter into a grant agreement with The Trust for Public Land that allows for the disbursement of the funding described in subsection (1) of this section to The Trust for Public Land for the following purposes:

(a) To convey a portion of the Springwood Ranch property to Kittitas County for its ownership and management, including maintenance of existing agricultural uses and future uses allowed under current zoning or that provide a public use or benefit;

(b) To convey a portion of the Springwood Ranch property to the department of fish and wildlife for its ownership and management to provide public use and benefit;

(c) To convey a portion of the Springwood Ranch property to the Yakama Nation for its ownership and management to provide public benefit;

(d) To convey a portion of the Springwood Ranch property to the Kittitas Reclamation District, which shall hold the property until a transfer, without compensation and subject to section 8039 of this act, to the United States bureau of reclamation for the purposes of construction of a water supply reservoir for managing instream flow in accordance with the Yakima Basin integrated plan, or until such purpose is declared by the bureau of reclamation as no longer feasible; and

(e) To assist in achieving the goals of the Yakima Basin integrated plan.

(3) If the bureau of reclamation determines that the construction of a water supply reservoir is not feasible as described in subsection (2)(d) of this section, the Kittitas Reclamation District must work with Kittitas County, the Yakama Nation, the department of fish and wildlife, and other interested stakeholders to identify the appropriate public owner and manager and convey, without compensation and in accordance with RCW 87.03.136, as amended in section 8039 of this act, the Kittitas Reclamation District's portion of Springwood Ranch to that entity.

(4) The recreation and conservation office may use up to one percent of the appropriations in this section, if necessary, to recover its administrative costs.

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$10,000,000

**Appropriation:**

State Building Construction Account—  
 State. . . . . \$11,600,000  
 State Taxable Building Construction Account—  
 State. . . . . \$2,400,000  
 Subtotal Appropriation..... \$14,000,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$24,000,000

**NEW SECTION. Sec. 3074. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Salmon Recovery Funding Board: Riparian Grant Program (91001679)

The appropriation in this section is subject to the following conditions and limitations:

(1) The salmon recovery funding board shall develop and administer a grant category under this section that is specific to riparian areas. The legislature intends that the riparian area grant category complement the existing salmon recovery grant program that is designed to address the highest priority needs of salmon habitat and protection.

(2) In developing the riparian area grant category, the salmon recovery funding board:

(a) Shall use existing structures, processes, procedures, policies, and criteria developed pursuant to chapter 77.85 RCW; and

(b) May adopt additional criteria specific to riparian areas to achieve restoration of fully functioning riparian ecosystems.

**Appropriation:**

Natural Climate Solutions Account—State  
 . . . . . \$25,000,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$100,000,000  
 TOTAL..... \$125,000,000

**NEW SECTION. Sec. 3075. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Fish Barrier Removal Projects in Skagit County (91001662)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3046, chapter 296, Laws of 2022.

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$1,000,000

**Appropriation:**

State Building Construction Account—  
 State. . . . . \$1,000,000  
 Prior Biennia (Expenditures). . . . . \$0

Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$2,000,000

**NEW SECTION. Sec. 3076. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
Community Outdoor Athletic Facilities Program (92000458)

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided under subsection (2) of this section, the appropriations in this section are provided solely for a competitive grant program that improves equitable access to community outdoor athletic facilities as provided in RCW 43.99N.060, as amended in section 8036 of this act.

(2) Up to four percent of the appropriations in this section may be used by the recreation and conservation office for the costs of administration.

**Appropriation:**

Youth Athletic Facility Account—State.  
\$6,600,000  
State Building Construction Account—  
State. . . . . \$5,900,000  
Subtotal Appropriation..... \$12,500,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs).  
\$12,500,000  
TOTAL..... \$25,000,000

**NEW SECTION. Sec. 3077. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

City of LaCenter Breezee Creek Culvert Replacement (92000461)

**Appropriation:**

State Building Construction Account—  
State. . . . . \$1,000,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$1,000,000

**NEW SECTION. Sec. 3078. FOR THE STATE CONSERVATION COMMISSION**

2023-25 VSP Project Funding (40000021)

**Appropriation:**

State Building Construction Account—  
State. . . . . \$3,000,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs).  
\$12,000,000  
TOTAL..... \$15,000,000

**NEW SECTION. Sec. 3079. FOR THE STATE CONSERVATION COMMISSION**

2023-25 Natural Resource Investment for the Economy & Environment (40000022)

**Appropriation:**

State Building Construction Account—  
State. . . . . \$4,000,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs).  
\$16,000,000  
TOTAL..... \$20,000,000

**NEW SECTION. Sec. 3080. FOR THE STATE CONSERVATION COMMISSION**

2023-25 Conservation Reserve Enhancement Program (CREP) (40000023)

**Appropriation:**

Natural Climate Solutions Account—State  
. . . . . \$11,000,000  
State Building Construction Account—  
State. . . . . \$4,000,000  
Subtotal Appropriation..... \$15,000,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs).  
\$60,000,000  
TOTAL..... \$75,000,000

**NEW SECTION. Sec. 3081. FOR THE STATE CONSERVATION COMMISSION**

2023-25 Farmland Protection and Land Access (40000024)

**Appropriation:**

State Building Construction Account—  
State. . . . . \$4,000,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs).  
\$16,000,000  
TOTAL..... \$20,000,000

**NEW SECTION. Sec. 3082. FOR THE STATE CONSERVATION COMMISSION**

2023-25 Irrigation Efficiencies (40000025)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for technical assistance and grants to conservation districts for the purpose of implementing water conservation measures and irrigation efficiencies. The state conservation commission shall give preference to projects located in the 16 fish critical basins, other water-short or drought impacted basins, and basins with significant water resource and instream flow issues. Projects that are not within the basins described in this subsection are also eligible to receive funding.

(2) Conservation districts statewide are eligible for grants under subsection (1) of this section. A conservation district receiving funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency is available for other instream and out-of-stream uses and users. The proportion of saved water made available for other uses and users must be equal to the percentage of the public investment in the conservation measure or irrigation efficiency.

**Appropriation:**

State Building Construction Account—  
State. . . . . \$2,500,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs).  
\$10,000,000  
TOTAL..... \$12,500,000

**NEW SECTION. Sec. 3083. FOR THE STATE CONSERVATION COMMISSION**

2023-25 Regional Conservation Partnership Program (RCPP) (40000026)

The appropriation in this section is subject to the following conditions and limitations:

(1) The 2025-2027 fiscal biennium budget request for the regional conservation partnership program state match must include the following information:

(a) Total project cost broken out by federal, state, and other fund sources;

(b) Anticipated budget by fund source by state fiscal year;

(c) Whether or not the commission received the project cost information from the project sponsor prior to the sponsor applying for funding from the federal government; and

(d) The date of when the federal award was received or is anticipated to be received.

(2) It is the intent of the legislature to prioritize projects that report the need for state match to the commission prior to submitting an application to the federal government. The commission must communicate this requirement and legislative intent to conservation districts and other interested applicants.

Appropriation:

State Building Construction Account—
State . . . . . \$3,000,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) . . . . . \$12,000,000
TOTAL . . . . . \$15,000,000

NEW SECTION. Sec. 3084. FOR THE STATE CONSERVATION COMMISSION

2023-25 Conservation Reserve Enhancement Program (CREP) PIP (40000027)

Appropriation:

Conservation Assistance Rev Account—
State . . . . . \$100,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) . . . . . \$400,000
TOTAL . . . . . \$500,000

NEW SECTION. Sec. 3085. FOR THE STATE CONSERVATION COMMISSION

2023-25 Washington Shrubsteppe Restoration & Resiliency Initiative (40000028)

Appropriation:

State Building Construction Account—
State . . . . . \$1,500,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) . . . . . \$6,000,000
TOTAL . . . . . \$7,500,000

NEW SECTION. Sec. 3086. FOR THE STATE CONSERVATION COMMISSION

2023-25 Improve Shellfish Growing Areas (40000029)

Appropriation:

State Building Construction Account—
State . . . . . \$3,500,000
Prior Biennia (Expenditures) . . . . . \$0

Future Biennia (Projected Costs).
\$14,000,000

TOTAL . . . . . \$17,500,000

NEW SECTION. Sec. 3087. FOR THE STATE CONSERVATION COMMISSION

Riparian Restoration with Landowners (91000020)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for the state conservation commission to provide grants for riparian restoration projects with landowners.

(2)(a) Within funds appropriated in this section, the commission shall develop and implement the voluntary riparian grant program to fund protection and restoration of critical riparian management zones. The commission is responsible for developing the voluntary grant program criteria to achieve optimal restoration of functioning riparian ecosystems in priority critical riparian management zones.

(b) In adopting the program criteria under this section, the commission must:

(i) Invite federally recognized tribes to be full participants;

(ii) Coordinate with private landowners and other interested stakeholders;

(iii) Coordinate with the department of ecology, the department of fish and wildlife, conservation districts, and the department of agriculture; and

(iv) Consider the best available, locally applicable science that is specific to each region of the state where the program criteria will be applied.

(3)(a) The commission shall prioritize critical riparian management zones at the watershed or subbasin scale where grant funding under the program created in this section would be primarily targeted. The prioritization must be informed by, consistent with, and aligned with one or more of the following: Watershed plans developed pursuant to chapter 90.82 RCW; the action agenda developed under RCW 90.71.260; regional recovery plans created under RCW 77.85.090; the habitat project lists developed pursuant to RCW 77.85.050; the prioritization process developed under RCW 77.95.160; and priority projects identified for salmon recovery through agency grant programs.

(b) The prioritization of critical riparian management projects must be developed in coordination with:

(i) Local federally recognized tribes;

(ii) Local private landowners who are voluntarily participating in the program;

(iii) Local conservation districts; and

(iv) The local county, the department of fish and wildlife, the department of ecology, and water resource inventory area planning units organized pursuant to chapter 90.82 RCW.

(4)(a) Conditions for awarding funding for projects under this program include, but are not limited to:

(i) Consistency with the program criteria established under subsection (2) of this section;

(ii) Tiered incentive rates tied to improving functionality for riparian areas; and

(iii) Other requirements as determined by the commission.

(b) The commission must give preference and compensation for permanent protection of riparian areas or removal of riparian land from agricultural production or other development by purchase at fair market value.

(5) The commission must distribute riparian grant program funding equitably throughout the state, consistent with received grant applications and benefit to salmon habitat. Funding is intended primarily for projects located in salmon recovery regions, as defined in RCW 77.85.010, but funding may also be distributed to a project not located in a salmon recovery region upon a determination by the commission that the project will provide a unique benefit to salmon habitat.

(6) Allowable expenses to a grantee receiving funds under this section include, but are not limited to, labor, equipment, fencing, mulch, seed, seedling trees, manual weed control, and yearly maintenance costs for up to 10 years.

(7) Any native woody trees and shrubs planted with funding provided under this section must be maintained for a minimum of five years or as otherwise set by the commission for each grantee. Vegetation must be chosen to prevent invasive weed populations and ensure survival and successful establishment of plantings.

(8) The commission shall determine appropriate recordkeeping and data collections procedures required for program implementation and shall establish a data management system that allows for coordination between the commission and other state agencies. Any data collected or shared under this section may be used only to assess the successes of the riparian grant program in improving the functions of critical riparian habitat.

(9) The commission shall develop and implement a framework that includes monitoring, adaptive management, and metrics in order to ensure consistency with the requirements of the riparian grant program. The monitoring and adaptive management framework may include, but is not limited to, consideration of:

(a) Acres identified as eligible for restoration within a watershed;

(b) Acres planned to be restored;

(c) Acres actually planted and maintained;

(d) Success in targeting and achieving aggregated project implementation resulting in increase in linear miles restored;

(e) Plan review criteria; and

(f) Other similar factors as identified by the commission.

(10) The commission may use up to two percent of any amounts appropriated in this section for targeted outreach activities that focus on critically identified geographic locations for listed salmon species.

(11) The commission may use up to four percent of amounts appropriated in this section for administrative expenses.

(12) For the purposes of this section, "critical riparian management zone" means the area adjacent to freshwaters, wetlands, and marine waters that has been locally or regionally identified as an area where salmon recovery efforts would significantly benefit from enhanced protection or restoration.

Reappropriation:

Salmon Recovery Account—State \$10,000,000

Appropriation:

Natural Climate Solutions Account—State . . . . . \$25,000,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) . . . . . \$100,000,000
TOTAL . . . . . \$135,000,000

NEW SECTION. Sec. 3088. FOR THE STATE CONSERVATION COMMISSION

Whitman County Fire Recovery (92000017)

Appropriation:

State Building Construction Account—State . . . . . \$961,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) . . . . . \$0
TOTAL . . . . . \$961,000

NEW SECTION. Sec. 3089. FOR THE STATE CONSERVATION COMMISSION

Skagit County Voluntary Stewardship (92001497)

Appropriation:

State Building Construction Account—State . . . . . \$1,000,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) . . . . . \$0
TOTAL . . . . . \$1,000,000

NEW SECTION. Sec. 3090. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Migratory Waterfowl Habitat (20082045)

Reappropriation:

Limited Fish and Wildlife Account—State . . . . . \$1,182,000

Appropriation:

Limited Fish and Wildlife Account—State . . . . . \$600,000
Prior Biennia (Expenditures) . . . . . \$2,655,000
Future Biennia (Projected Costs) . . . . . \$2,400,000
TOTAL . . . . . \$6,837,000

NEW SECTION. Sec. 3091. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Mitigation Projects and Dedicated Funding (20082048)

Reappropriation:

General Fund—Federal . . . . . \$13,728,000
General Fund—Private/Local . . . . . \$2,080,000
Limited Fish and Wildlife Account—State . . . . . \$1,388,000
Special Wildlife Account—Federal . . . . . \$2,303,000
Special Wildlife Account—Private/Local . . . . . \$3,328,000
Subtotal Reappropriation . . . . . \$22,827,000

Appropriation:

Fish, Wildlife, and Conservation Account  
 —State . . . . . \$500,000  
   General Fund—Federal . . . . . \$10,000,000  
   General Fund—Private/Local . . . . . \$1,000,000  
   Special Wildlife Account—Federal.  
 \$1,000,000  
   Special Wildlife Account—Private/Local.  
 \$1,000,000  
   Subtotal Appropriation . . . . . \$13,500,000  
   Prior Biennia (Expenditures) . . . . . \$89,394,000  
   Future Biennia (Projected Costs).  
 \$54,000,000  
 TOTAL . . . . . \$179,721,000

**NEW SECTION. Sec. 3092. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Minter Hatchery Intakes (30000277)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$7,576,000

Appropriation:  
 State Building Construction Account—  
 State . . . . . \$1,441,000  
   Prior Biennia (Expenditures) . . . . . \$1,335,000  
   Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$10,352,000

**NEW SECTION. Sec. 3093. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Wallace River Hatchery - Replace Intakes and Ponds (30000660)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$6,810,000

Appropriation:  
 State Building Construction Account—  
 State . . . . . \$17,228,000  
   Prior Biennia (Expenditures) . . . . . \$8,495,000  
   Future Biennia (Projected Costs).  
 \$12,936,000  
 TOTAL . . . . . \$45,469,000

**NEW SECTION. Sec. 3094. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Soos Creek Hatchery Renovation (30000661)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$3,180,000

Appropriation:  
 State Building Construction Account—  
 State . . . . . \$2,054,000  
   Prior Biennia (Expenditures) . . . . . \$16,861,000  
   Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$22,095,000

**NEW SECTION. Sec. 3095. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Spokane Hatchery Renovation (30000663)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$2,277,000

Appropriation:  
 Model Toxics Control Capital Account—  
 State . . . . . \$8,647,000

State Building Construction Account—  
 State . . . . . \$8,153,000  
   Subtotal Appropriation . . . . . \$16,800,000  
   Prior Biennia (Expenditures) . . . . . \$523,000  
   Future Biennia (Projected Costs).  
 \$36,446,000  
 TOTAL . . . . . \$56,046,000

**NEW SECTION. Sec. 3096. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Naselle Hatchery Renovation (30000671)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$16,235,000

Appropriation:  
 State Building Construction Account—  
 State . . . . . \$11,500,000  
   Prior Biennia (Expenditures) . . . . . \$6,897,000  
   Future Biennia (Projected Costs).  
 \$25,588,000  
 TOTAL . . . . . \$60,220,000

**NEW SECTION. Sec. 3097. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Beaver Creek Hatchery - Renovation (30000680)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$129,000

Appropriation:  
 State Building Construction Account—  
 State . . . . . \$2,696,000  
   Prior Biennia (Expenditures) . . . . . \$6,000  
   Future Biennia (Projected Costs).  
 \$28,872,000  
 TOTAL . . . . . \$31,703,000

**NEW SECTION. Sec. 3098. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Toutle River Fish Collection Facility - Match (40000021)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3058, chapter 296, Laws of 2022.

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$2,042,000

Appropriation:  
 State Building Construction Account—  
 State . . . . . \$300,000  
   Prior Biennia (Expenditures) . . . . . \$667,000  
   Future Biennia (Projected Costs).  
 \$9,600,000  
 TOTAL . . . . . \$12,609,000

**NEW SECTION. Sec. 3099. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Fish and Wildlife Health and BioSecurity Facility (40000090)

Appropriation:  
 State Building Construction Account—  
 State . . . . . \$884,000  
   Prior Biennia (Expenditures) . . . . . \$0

Future Biennia (Projected Costs).  
 \$6,921,000  
 TOTAL..... \$7,805,000

**NEW SECTION. Sec. 3100. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 SRKW - Sol Duc Hatchery Modifications (40000147)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$127,000

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$1,186,000  
 Prior Biennia (Expenditures). . . \$73,000  
 Future Biennia (Projected Costs).  
 \$8,508,000  
 TOTAL..... \$9,894,000

**NEW SECTION. Sec. 3101. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Duckabush Estuary Habitat Restoration (40000163)

The appropriations in this section are subject to the following conditions and limitations: \$14,000,000 of the state building construction account—state appropriation is provided solely to fund construction of the Duckabush estuary habitat restoration project. The legislature intends to provide funding in the amount of \$41,000,000 over the course of the 2023-2025 and 2025-2027 fiscal biennia for this project.

Appropriation:  
 General Fund—Federal. . . . \$30,000,000  
 State Building Construction Account—  
 State. . . . . \$14,000,000  
 Subtotal Appropriation..... \$44,000,000  
 Prior Biennia (Expenditures). . . . \$0  
 Future Biennia (Projected Costs).  
 \$27,000,000  
 TOTAL..... \$71,000,000

**NEW SECTION. Sec. 3102. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Minor Works Preservation 23-25 (40000164)

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$11,255,000  
 Prior Biennia (Expenditures). . . . \$0  
 Future Biennia (Projected Costs).  
 \$45,020,000  
 TOTAL..... \$56,275,000

**NEW SECTION. Sec. 3103. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 SRKW - Palmer Ponds Expansion (40000175)

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$950,000  
 Prior Biennia (Expenditures). . . . \$0  
 Future Biennia (Projected Costs).  
 \$3,842,000  
 TOTAL..... \$4,792,000

**NEW SECTION. Sec. 3104. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Minor Works Programmatic 23-25 (40000178)

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$2,850,000  
 Prior Biennia (Expenditures). . . . \$0  
 Future Biennia (Projected Costs).  
 \$11,400,000  
 TOTAL..... \$14,250,000

**NEW SECTION. Sec. 3105. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Snohomish County Wildlife Rehabilitation Facility (PAWS) (40000267)

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$500,000  
 Prior Biennia (Expenditures). . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$500,000

**NEW SECTION. Sec. 3106. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Cooperative Elk and Deer Damage Fencing (91000162)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$1,200,000 of the appropriation provided in this section is provided solely for a cooperative elk fencing program administered by the department.
- (2) \$200,000 of the appropriation provided in this section is provided solely for the department to purchase deer fencing materials to provide to private landowners.

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$1,400,000  
 Prior Biennia (Expenditures). . . . \$0  
 Future Biennia (Projected Costs).  
 \$5,600,000  
 TOTAL..... \$7,000,000

**NEW SECTION. Sec. 3107. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Samish Hatchery - Friday Creek Intake & Fish Passage (30000843)

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$150,000  
 Prior Biennia (Expenditures). . . . \$0  
 Future Biennia (Projected Costs).  
 \$10,798,000  
 TOTAL..... \$10,948,000

**NEW SECTION. Sec. 3108. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Tribal Hatcheries (91000163)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$1,583,000 of the appropriation in this section is provided solely for the department to provide funding to the Puyallup Tribe for equipment installation,

operations, and improvements at salmon hatcheries.

(2) \$850,000 of the appropriation in this section is provided solely for the department to provide funding to the Suquamish Tribe for hatchery improvements and water quality enhancements.

(3) \$1,050,000 of the appropriation in this section is provided solely for the department to provide funding to the Yakama Nation for hatchery equipment and operations.

**Appropriation:**

State Taxable Building Construction Account—  
 State . . . . . \$3,483,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
**TOTAL..... \$3,483,000**

**NEW SECTION. Sec. 3109. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 2023-25 Forestry Riparian Easement Program (40000139)

**Appropriation:**

Natural Climate Solutions Account—State . . . . . \$10,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$40,000,000  
**TOTAL..... \$50,000,000**

**NEW SECTION. Sec. 3110. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 2023-25 Rivers and Habitat Open Space Program (RHOSP) (40000140)

**Appropriation:**

Natural Climate Solutions Account—State . . . . . \$1,660,000  
 State Building Construction Account—  
 State . . . . . \$3,354,000  
**Subtotal Appropriation..... \$5,014,000**  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$20,056,000  
**TOTAL..... \$25,070,000**

**NEW SECTION. Sec. 3111. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 2023-25 Safe and Sustainable Recreation (40000141)

**Appropriation:**

State Building Construction Account—  
 State . . . . . \$2,915,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$11,660,000  
**TOTAL..... \$14,575,000**

**NEW SECTION. Sec. 3112. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 2023-25 School Seismic Safety - Geologic Site Class Assessments (40000142)

**Appropriation:**

State Building Construction Account—  
 State . . . . . \$663,000  
 Prior Biennia (Expenditures) . . . . . \$0

Future Biennia (Projected Costs).  
 \$2,652,000  
**TOTAL..... \$3,315,000**

**NEW SECTION. Sec. 3113. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Whiteman Cove Restoration (40000143)

**Appropriation:**

State Building Construction Account—  
 State . . . . . \$6,937,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
**TOTAL..... \$6,937,000**

**NEW SECTION. Sec. 3114. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Lakebay Marina UST Cleanup (40000144)

**Appropriation:**

Model Toxics Control Capital Account—  
 State . . . . . \$1,009,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
**TOTAL..... \$1,009,000**

**NEW SECTION. Sec. 3115. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 2023-25 State Trust Land Replacement (40000145)

**Appropriation:**

Community and Technical College Forest Reserve  
 Account—State . . . . . \$1,000,000  
 Natural Resources Real Property Replacement  
 Account—State . . . . . \$49,571,000  
 Resource Management Cost Account—State.  
 \$30,000,000  
**Subtotal Appropriation..... \$80,571,000**  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$322,284,000  
**TOTAL..... \$402,855,000**

**NEW SECTION. Sec. 3116. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 2023-25 Federal Land Acquisition Grants (40000148)

**Appropriation:**

General Fund—Federal . . . . . \$5,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$20,000,000  
**TOTAL..... \$25,000,000**

**NEW SECTION. Sec. 3117. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 2023-25 Forest Legacy (40000149)

**Appropriation:**

General Fund—Federal . . . . . \$14,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$56,000,000  
**TOTAL..... \$70,000,000**

**NEW SECTION. Sec. 3118. FOR THE DEPARTMENT OF NATURAL RESOURCES**

2023-25 Structurally Deficient Bridges (40000150)

Appropriation:

State Building Construction Account— State . . . . . \$3,062,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs). \$12,248,000
TOTAL . . . . . \$15,310,000

NEW SECTION. Sec. 3119. FOR THE DEPARTMENT OF NATURAL RESOURCES
2023-25 Natural Areas Facilities Preservation and Access (40000151)

Appropriation:

State Building Construction Account— State . . . . . \$5,092,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs). \$20,368,000
TOTAL . . . . . \$25,460,000

NEW SECTION. Sec. 3120. FOR THE DEPARTMENT OF NATURAL RESOURCES
Revitalizing Trust Land Transfers (40000152)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for projects approved by the legislature, as identified in LEAP capital document No. DNR-1-2023, developed April 10, 2023.

Appropriation:

Natural Climate Solutions Account—State . . . . . \$8,000,000
State Building Construction Account— State . . . . . \$9,325,000
Subtotal Appropriation . . . . . \$17,325,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs). \$69,300,000
TOTAL . . . . . \$86,625,000

NEW SECTION. Sec. 3121. FOR THE DEPARTMENT OF NATURAL RESOURCES
Webster Nursery Seed Plant Replacement (40000153)

Appropriation:

State Building Construction Account— State . . . . . \$6,745,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs). . . . . \$0
TOTAL . . . . . \$6,745,000

NEW SECTION. Sec. 3122. FOR THE DEPARTMENT OF NATURAL RESOURCES
2023-25 Minor Works Preservation (40000154)

Appropriation:

Model Toxics Control Capital Account— State . . . . . \$824,000
State Building Construction Account— State . . . . . \$4,484,000
Subtotal Appropriation . . . . . \$5,308,000
Prior Biennia (Expenditures) . . . . . \$0

Future Biennia (Projected Costs). \$21,232,000

TOTAL . . . . . \$26,540,000

NEW SECTION. Sec. 3123. FOR THE DEPARTMENT OF NATURAL RESOURCES
Correction of Fish Barrier Culverts (40000155)

Appropriation:

State Building Construction Account— State . . . . . \$750,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs). \$3,000,000
TOTAL . . . . . \$3,750,000

NEW SECTION. Sec. 3124. FOR THE DEPARTMENT OF NATURAL RESOURCES
Omak Consolidation, Expansion and Relocation (40000156)

Appropriation:

State Building Construction Account— State . . . . . \$2,789,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs). \$20,740,000
TOTAL . . . . . \$23,529,000

NEW SECTION. Sec. 3125. FOR THE DEPARTMENT OF NATURAL RESOURCES
Webster Nursery Production Expansion (40000157)

Appropriation:

State Building Construction Account— State . . . . . \$663,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs). . . . . \$0
TOTAL . . . . . \$663,000

NEW SECTION. Sec. 3126. FOR THE DEPARTMENT OF NATURAL RESOURCES
2023-25 Emergent Environmental Mitigation Projects (40000158)

Appropriation:

Model Toxics Control Capital Account— State . . . . . \$720,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs). \$2,880,000
TOTAL . . . . . \$3,600,000

NEW SECTION. Sec. 3127. FOR THE DEPARTMENT OF NATURAL RESOURCES
Ahtanum Fire Camp Relocation or Renovation (40000161)

Appropriation:

State Building Construction Account— State . . . . . \$426,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs). . . . . \$0
TOTAL . . . . . \$426,000

NEW SECTION. Sec. 3128. FOR THE DEPARTMENT OF NATURAL RESOURCES
2023-25 Minor Works Programmatic (40000162)

Appropriation:



State Building Construction Account—  
 State. . . . . \$3,232,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$12,928,000  
**TOTAL..... \$16,160,000**

**NEW SECTION. Sec. 3129. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Eatonville Work Center and Fire Station (40000163)

**Appropriation:**

State Building Construction Account—  
 State. . . . . \$880,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
**TOTAL..... \$880,000**

**NEW SECTION. Sec. 3130. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Carbon Sequestration Forests (40000405)

The appropriation in this section is subject to the following conditions and limitations: \$83,000,000 of the appropriation is provided solely for the purchase of property to be managed for increased carbon sequestration and carbon storage through sustainable harvests and as replacement trust lands for existing encumbered forested state trust lands; and for structurally complex, carbon dense, forested state trust lands that may be transferred from trust status. The amount provided in this section is also to be used to carry out additional silvicultural activities on state trust lands, to convene a stakeholder group and conduct additional analysis related to the management of forested state trust lands, and to cover department costs to implement this section. Of the amount provided in this section:

(1) (a) \$70,000,000 of the appropriation is provided solely to purchase forestland in counties west of the crest of the Cascade mountains, all of Skamania county, and the western portion of Klickitat county. When feasible and appropriate, the department should prioritize the purchase of lands at risk of conversion to a nonforested use. Once purchased, the land must be considered as part of the land bank created in RCW 79.19.020. The property must be purchased before the transfer of any existing trust land is fully executed. The department must transfer the appropriated amount into the natural resources real property replacement account in accordance with RCW 79.17.210.

(b) Up to 2,000 acres of structurally complex, carbon dense forestland currently existing on state trust lands may be transferred out of trust status with, prior to the transfer, a letter of support issued to the department by the legislative authority of the county in which the forestland is located. Forestland transferred out of trust status according to this subsection (1) (b) must be replaced with lands purchased in (a) of this subsection (1). Replacement lands must be of equal value to the lands transferred. The department must prepare a preliminary identification of the acres intended to be

transferred out of trust status under this subsection (1) (b) and submit it to the board of natural resources no later than December 31, 2023.

(c) The remainder of the new purchased land may be used as exchange land for any encumbered state forest lands in Clallam, Jefferson, Pacific, Skamania, and Wahkiakum counties. Any exchanged land under this purpose must be designated as state forest transfer land and be managed under the department's habitat conservation plan and policy for sustainable forests.

(d) Forested state trust lands exchanged with lands purchased under this subsection (1) may be designated by the department as natural area preserves or natural resource conservation areas without being subject to the requirements of chapter 79.70 and 79.71 RCW. The legislative authority of the county from which the real property was transferred may not request that the department distribute a percentage of the proceeds associated with the valuable materials to the legislative authority of the county from which the real property was transferred.

(e) By December 1, 2023, the department must submit an initial progress report to the legislature on the implementation of this subsection (1).

(2) \$10,000,000 of the appropriation is provided solely for the department to enhance forest stand growth on managed trust lands in western Washington, employing silviculture to increase growth and vigor of the trees for healthy, resilient forests.

(3) \$2,500,000 of the appropriation is provided solely for the department to:

(a) Contract with an independent facilitator to convene a stakeholder group comprised of a balanced representation of relevant stakeholders and tribal interests to:

(i) Collaborate on approaches related to the conservation and management of older, carbon dense, structurally complex forest stands located on lands managed by the department; increasing carbon sequestration and storage in forests and harvested wood products from department managed forestlands; generating predictable beneficiary revenue; maintaining timber supplies that support local industry; and addressing economic needs in rural counties;

(ii) Develop an understanding of current timber supply by region and the effect of potential changes to forest management practices on regional wood supply for the timber market, including an analysis of what is currently known about the needs of existing forest industry infrastructure and what information gaps exist; and

(iii) Explore concepts and strategies relevant to the sequestration and storage of carbon in forests and wood products from forested state trust lands managed by the department, including the effect of potential changes to forest management practices, that satisfy the department's trust management responsibilities; and

(b) Contract with universities or other researchers or consultants for additional analysis or existing research that is beneficial in the execution of this section, which must include an analysis of:

(i) The existing and future demand for wood supply by region, including levels required to maintain existing industry related infrastructure, and modeled impacts on wood supply increases or decreases based on potential changes to forest management practices;

(ii) Carbon accounting and quantification methodologies outlined by the intergovernmental panel on climate change as well as emerging scientific research. The methodologies considered must be used to verify and assess the potential increases or decreases in carbon sequestration and storage, in both forests and harvested wood products based on potential changes to management practices on forested state trust lands that also account for increases or decreases in the availability of wood products harvested from forests managed by the department.

(c) A report of the stakeholder group's findings, including any information received in work performed in (b) of this subsection (3), must be submitted to the appropriate committees of the legislature by December 1, 2023.

(4) \$500,000 of the appropriation is provided solely for the department to analyze the appropriateness of using consulting businesses for buying large forest parcels in a competitive marketplace as a way to execute the provisions of this section, and, if appropriate, enter into contracts for that purpose. If the department does not enter into a contract or contracts with consultants for the purposes of purchasing large forest parcels, the funding appropriated for this subsection (4) may be solely used for the purposes of subsection (3) of this section.

**Appropriation:**

Natural Climate Solutions Account—State	
.....	\$83,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$320,000,000
<b>TOTAL.....</b>	<b>\$403,000,000</b>

**NEW SECTION. Sec. 3131. FOR THE DEPARTMENT OF NATURAL RESOURCES**

2023-25 State Forest Land Replacement - Encumbered Lands (40000146)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as provided for under subsections (2), (3), and (4) of this section, the appropriation in this section is provided solely for the department to disburse grants in the 2023-2025 fiscal biennium as follows: (a) \$1,820,000 to Pacific county; (b) \$1,820,000 to Wahkiakum county; and (c) \$1,820,000 to Skamania county.

(2) The department shall deposit \$240,000 of the appropriation in this section in the park land trust revolving account for the purpose of purchasing replacement land for Pacific, Wahkiakum, and Skamania counties.

(3) The department may retain up to \$300,000 of the appropriation in this section for its administrative costs.

(4) \$1,500,000 of the appropriation in this section is provided solely for the purchase and rehabilitation of commercial land, or other private or public land, located in Skamania county.

**Appropriation:**

State Building Construction Account—	
State.....	\$7,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$24,000,000
<b>TOTAL.....</b>	<b>\$31,500,000</b>

**NEW SECTION. Sec. 3132. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Removal of Aquatic Derelict Structures (40000147)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the removal and disposal of aquatic derelict structures, including the derelict structures known as Dickman Mill, Former High Tides Seafood Pier, Ray's Boathouse Pier, and Triton-America Pier.

(2) The department must first complete the four projects listed in this section before funding any additional aquatic derelict structure removal using the funding provided under this section. After completing the four projects listed in this section, the department may fund additional derelict aquatic structure removal projects under this section if the additional projects also meet the requirements of chapter 70A.305 RCW.

**Appropriation:**

Model Toxics Control Capital Account—	
State.....	\$9,650,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$38,600,000
<b>TOTAL.....</b>	<b>\$48,250,000</b>

**NEW SECTION. Sec. 3133. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Trust Land Transfer Program (40000034)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the completion of the Dabob Bay trust land transfer.

(2) The reappropriation is subject to the provisions of section 3281, chapter 413, Laws of 2019.

**Reappropriation:**

State Building Construction Account—	
State.....	\$1,692,000

**Appropriation:**

State Building Construction Account—	
State.....	\$2,246,000
Prior Biennia (Expenditures).....	\$4,708,000
Future Biennia (Projected Costs).....	\$0
<b>TOTAL.....</b>	<b>\$8,646,000</b>

**NEW SECTION. Sec. 3134. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Land Appraisals (92000057)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department to conduct land appraisals of parcel number 55161.9025 located in the City of Liberty Lake in Spokane county and the Geiger field property operated by the national guard and located at the Spokane international airport. The department shall complete the land appraisals and provide the legislature with findings by December 1, 2023.

Appropriation:

State Building Construction Account—
State. . . . . \$40,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). . . . . \$0
TOTAL..... \$40,000

NEW SECTION. Sec. 3135. FOR THE DEPARTMENT OF AGRICULTURE

2023-25 WA State Fairs Health and Safety Grants (92000006)

Appropriation:

State Building Construction Account—
State. . . . . \$8,000,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). . . . . \$32,000,000
TOTAL..... \$40,000,000

(End of part)

PART 4 TRANSPORTATION

NEW SECTION. Sec. 4001. FOR THE WASHINGTON STATE PATROL

Vancouver Crime Lab - New Roof (30000240)

Appropriation:

State Building Construction Account—
State. . . . . \$1,594,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). . . . . \$0
TOTAL..... \$1,594,000

NEW SECTION. Sec. 4002. FOR THE WASHINGTON STATE PATROL

Crime Laboratory I-5 North Corridor Consolidated Facility (30000290)

Reappropriation:

State Building Construction Account—
State. . . . . \$246,000

Appropriation:

State Building Construction Account—
State. . . . . \$7,200,000
Prior Biennia (Expenditures). . . . . \$87,000
Future Biennia (Projected Costs). . . . . \$82,900,000
TOTAL..... \$90,433,000

NEW SECTION. Sec. 4003. FOR THE WASHINGTON STATE PATROL

FTA Minor Works and Repairs (40000031)

Reappropriation:

State Building Construction Account—
State. . . . . \$181,000

Appropriation:

State Building Construction Account—
State. . . . . \$237,000
Prior Biennia (Expenditures). . . . . \$44,000
Future Biennia (Projected Costs) \$948,000
TOTAL..... \$1,410,000

NEW SECTION. Sec. 4004. FOR THE WASHINGTON STATE PATROL

Crime Laboratory South I-5 Corridor Consolidated Facility (40000072)

Appropriation:

State Building Construction Account—
State. . . . . \$8,600,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). . . . . \$94,200,000
TOTAL..... \$102,800,000

NEW SECTION. Sec. 4005. FOR THE WASHINGTON STATE PATROL

Fire Training Academy Roof Replacement (40000077)

Appropriation:

State Building Construction Account—
State. . . . . \$572,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). . . . . \$0
TOTAL..... \$572,000

NEW SECTION. Sec. 4006. FOR THE WASHINGTON STATE PATROL

Seattle Crime Laboratory Generator Replacement (40000081)

Appropriation:

State Building Construction Account—
State. . . . . \$450,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). . . . . \$0
TOTAL..... \$450,000

NEW SECTION. Sec. 4007. FOR THE DEPARTMENT OF TRANSPORTATION

2023-25 CARB Loans (40000003)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section must be deposited in the public use general aviation airport loan revolving account.

Appropriation:

Public Works Assistance Account—State.
\$5,000,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). . . . . \$20,000,000
TOTAL..... \$25,000,000

(End of part)

PART 5 EDUCATION

NEW SECTION. Sec. 5001. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

West Sound Technical Skills Center Modernization (40000015)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5003, chapter 269, Laws of 2022.

Reappropriation:

State Building Construction Account— State. . . . . \$10,990,000

Appropriation:

School Construction and Skill Centers Building Account—State. . . . . \$755,000 State Building Construction Account— State. . . . . \$40,606,000 Subtotal Appropriation. . . . . \$41,361,000 Prior Biennia (Expenditures). . . \$410,000 Future Biennia (Projected Costs). \$44,343,000 TOTAL. . . . . \$97,104,000

NEW SECTION. Sec. 5002. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2023-25 School Construction Assistance Program (40000063)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$412,044,000 of the state building construction account—state appropriation and \$171,097,000 of the common school construction account—state appropriation in this section are provided solely for school construction assistance grants for qualifying public school construction projects.

(2) \$5,031,000 of the common school construction account—state appropriation in this section is provided solely for study and survey grants and for completing inventory and building condition assessments for public school districts every six years, and for the acquisition of art pursuant to RCW 28A.335.210.

Appropriation:

Common School Construction Fund—State. \$176,128,000 State Building Construction Account— State. . . . . \$412,044,000 Subtotal Appropriation. . . . . \$588,172,000 Prior Biennia (Expenditures). . . . . \$0 Future Biennia (Projected Costs). \$5,136,683,000 TOTAL. . . . . \$5,724,855,000

NEW SECTION. Sec. 5003. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2023-25 Small District & Tribal Compact Schools Modernization (40000065)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$78,390,000 of the common school construction account—state appropriation and \$3,000,000 of the common school construction fund—federal appropriation in this section are provided solely for modernization grants for small school districts authorized under RCW 28A.525.159.

(2) \$1,496,000 of the common school construction account—state appropriation in this section is provided solely for planning grants for small school districts authorized under RCW 28A.525.159. Planning grants may not exceed \$50,000 per district. Planning grants may only be awarded to school districts with an estimated total project cost of \$6,000,000 or less.

(3) \$12,145,000 of the state building construction account—state appropriation in this section is provided solely for planning grants and modernization grants to state-tribal compact schools. The superintendent of public instruction may prioritize planning grants for state-tribal compact schools with the most serious building deficiencies and the most limited financial capacity.

(4) \$5,000,000 of the climate commitment account—state appropriation in this section is provided solely for energy assessment grants for small school districts eligible under RCW 28A.525.159. Grant funding awarded may be used to perform facility energy assessments of instructional buildings.

(5) The superintendent of public instruction shall submit a list of small school district modernization projects, as prioritized by the advisory committee under RCW 28A.525.159, to the legislature and the governor by September 15, 2024. The list must include: (a) A description of the project; (b) the proposed state funding level, not to exceed \$6,000,000 per project; (c) estimated total project costs; and (d) local funding resources.

(6) The appropriations in this section may be awarded only to projects approved by the legislature, as identified in LEAP capital document No. OSPI-1-2023, developed April 10, 2023.

Appropriation:

Climate Commitment Account—State. \$5,000,000 Common School Construction Account—State . . . . . \$79,886,000 Common School Construction Fund—Federal . . . . . \$3,000,000 State Building Construction Account— State. . . . . \$12,145,000 Subtotal Appropriation. . . . . \$100,031,000 Prior Biennia (Expenditures). . . . . \$0 Future Biennia (Projected Costs). \$400,124,000 TOTAL. . . . . \$500,155,000

NEW SECTION. Sec. 5004. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2023-25 School Seismic Safety Grant Program (40000066)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for seismic planning and remediation project grants to school districts and state-tribal education compact schools authorized under RCW 28A.525.320.

Appropriation:

State Building Construction Account— State. . . . . \$40,000,000

Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs).  
 \$160,000,000  
**TOTAL..... \$200,000,000**

**NEW SECTION. Sec. 5005. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 2023-25 School District Health and Safety (40000067)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$5,000,000 of the appropriation in this section is provided solely for emergency repair grants to address unexpected and imminent health and safety hazards at K-12 public schools, including skill centers, that will impact the day-to-day operations of the school facility, and this is the maximum amount that may be spent for this purpose. For emergency repair grants only, an emergency declaration must be signed by the school district board of directors and submitted to the superintendent of public instruction for consideration. The emergency declaration must include a description of the imminent health and safety hazard, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of local funding to be applied to the project. Grants of emergency repair moneys must be conditioned upon the written commitment and plan of the school district board of directors to repay the grant with any insurance payments or other judgments that may be awarded, if applicable.

(2) \$11,600,000 of the appropriation in this section is provided solely for urgent repair grants to address nonrecurring urgent small repair projects at K-12 public schools, excluding skill centers, that could impact the health and safety of students and staff if not completed, and this is the maximum amount that may be spent for this purpose. The office of the superintendent of public instruction, after consulting with maintenance and operations administrators of school districts, shall develop criteria and assurances for providing funding for specific projects through a competitive grant program. The criteria and assurances must include, but are not limited to, the following: (a) Limiting school districts to one grant, not to exceed \$500,000, per three-year period; (b) prioritizing applications based on limited school district financial resources for the project; and (c) requiring any district receiving funding provided in this section to demonstrate a consistent commitment to addressing school facility needs. The grant applications must include a comprehensive description of the health and safety issues to be addressed, a detailed description of the remedy, including a detailed cost estimate of the repair or replacement work to be performed, and identification of local funding, if any, which will be applied to the project. Grants may be used for, but are not limited to: Repair or replacement of failing building systems, abatement of

potentially hazardous materials, and safety-related structural improvements.

(3) \$3,600,000 of the appropriation in this section is provided solely for equal access grants for facility repairs and alterations at K-12 public schools, including skills centers, to improve compliance with the Americans with disabilities act and individuals with disabilities education act, and this is the maximum amount that may be spent for this purpose. The office of the superintendent of public instruction shall develop criteria and assurances for providing funding for specific projects through a competitive grant program. The criteria and assurances must include, but are not limited to, the following: (a) Limiting districts to one grant, not to exceed \$100,000, per three-year period; (b) prioritizing applications based on limited school district financial resources for the project; and (c) requiring recipient districts to demonstrate a consistent commitment to addressing school facility needs. The grant applications must include a description of the Americans with disabilities act or individuals with disabilities education act compliance deficiency, a comprehensive description of the facility accessibility issues to be addressed, a detailed description of the remedy including a detailed cost estimate of the repair or replacement work to be performed, and identification of local funding, if any, which will be applied to the project. Priority for grant funding must be given to school districts that demonstrate a lack of capital resources to address the compliance deficiencies outlined in the grant application.

(4) The superintendent of public instruction must notify the office of financial management, the legislative evaluation and accountability program committee, the house capital budget committee, and the senate ways and means committee as projects described in subsection (1) of this section are approved for funding.

**Appropriation:**  
 State Building Construction Account—  
 State. . . . . \$20,200,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs).  
 \$80,800,000  
**TOTAL..... \$101,000,000**

**NEW SECTION. Sec. 5006. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 2023-25 Healthy Kids-Healthy Schools (40000068)

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$10,000,000 of the common school construction account—state appropriation in this section is provided solely for healthy kids and healthy schools grants for projects that are consistent with the healthiest next generation priorities.

(b) The appropriation in this subsection (1) is provided solely for grant funding to school districts for the purchase of

equipment or to make repairs to existing equipment that is related to improving: (i) Children's physical health, and may include, but is not limited to, fitness playground equipment, covered play areas, and physical education equipment or related structures or renovation; and (ii) children's nutrition, and may include, but is not limited to, garden related structures and greenhouses to provide students access to fresh produce, and kitchen equipment or upgrades.

(c) The office of the superintendent of public instruction shall develop criteria for grant funding under this subsection (1) that include, but are not limited to, the following requirements: (i) Districts may apply for grants, but no single district may receive more than \$200,000 of the appropriation for grants awarded under this section; (ii) any district receiving funding provided in this section must demonstrate a consistent commitment to addressing school facilities' needs; and (iii) applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program may be prioritized.

(2) \$1,500,000 of the state building construction account—state appropriation in this section is provided solely for grants to school districts, charter schools, and state-tribal education compact schools for the replacement of lead-contaminated pipes, drinking water fixtures, and the purchase of water filters, including the labor costs of remediation design, installation, and construction.

**Appropriation:**

Common School Construction Account—State	\$10,000,000
State Building Construction Account—State	\$1,500,000
Subtotal Appropriation.....	\$11,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).	\$46,000,000
TOTAL.....	\$57,500,000

**NEW SECTION. Sec. 5007. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2023-25 Career Preparation and Launch Capital Grants (40000069)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the superintendent of public instruction to provide competitive grants to school districts to purchase and install career and technical education equipment that expands career connected learning and work-integrated learning opportunities.

(2) The office of the superintendent of public instruction, after consulting with school districts, Career Connect Washington, and the workforce training and education coordinating board, shall develop criteria and assurances for providing funding and outcomes for specific projects through a competitive grant program to stay within the appropriation level provided in this section consistent with the following priorities.

The criteria must include, but are not limited to, the following:

(a) Districts or schools must demonstrate that the request provides necessary equipment to deliver career and technical education; and

(b) Applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program must be prioritized.

(3) No single district may receive more than \$150,000 of the appropriation.

**Appropriation:**

Common School Construction Account—State	\$4,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).	\$16,000,000
TOTAL.....	\$20,000,000

**NEW SECTION. Sec. 5008. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2023-25 Skills Centers Minor Works (40000070)

**Appropriation:**

State Building Construction Account—State	\$5,135,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).	\$20,540,000
TOTAL.....	\$25,675,000

**NEW SECTION. Sec. 5009. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
K-12 Capital Programs Administration (40000090)

**Appropriation:**

Common School Construction Account—State	\$4,839,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).	\$19,356,000
TOTAL.....	\$24,195,000

**NEW SECTION. Sec. 5010. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
Chief Leschi School HVAC (40000099)

**Appropriation:**

Climate Commitment Account—State.	\$10,000,000
State Building Construction Account—State	\$15,000,000
Subtotal Appropriation.....	\$25,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$25,000,000

**NEW SECTION. Sec. 5011. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
Green Schools: Stormwater Infrastructure Projects (91000466)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a contract with a statewide community-based organization with experience planning and developing green stormwater infrastructure and related

educational programs on public school properties. The organization awarded funding under this section must use this funding solely for green stormwater infrastructure projects on public school properties.

(2) The organization selected under subsection (1) of this section must use geographic analysis to identify green stormwater infrastructure project locations based on the opportunity to reduce stormwater runoff.

(3) To qualify for a project under this section, schools must be eligible for financial assistance under Title I of the elementary and secondary education act, as amended by the every student succeeds act (P.L. 114-95). The organization selected under subsection (1) of this section must prioritize schools with high percentages of students eligible for the free and reduced-price meals program that also serve diverse student populations.

(4) Stormwater infrastructure projects under this section should aim to: (a) Provide equity of opportunity in high-need communities; and (b) engage students in conjunction with K-12 STEM education programs aligned with the Washington state science and learning standards.

**Appropriation:**

Model Toxics Control Stormwater Account—  
State . . . . . \$575,000  
Prior Biennia (Expenditures) . . . . . \$300,000  
Future Biennia (Projected Costs) . . . . . \$2,300,000  
TOTAL . . . . . \$3,175,000

**NEW SECTION. Sec. 5012. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

HB 1044 - Capital Assistance to Small School Districts (91000491)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for preconstruction grants and administrative implementation pursuant to Substitute House Bill No. 1044.

(2) If Substitute House Bill No. 1044 (capital assistance/schools) is not enacted by June 30, 2023, the amount provided in this section shall lapse.

**Appropriation:**

State Building Construction Account—  
State . . . . . \$3,979,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$1,356,583,000  
TOTAL . . . . . \$1,360,562,000

**NEW SECTION. Sec. 5013. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2023-25 Distressed Schools (92000928)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the following list of projects:

Cascadia Technical Academy (Vancouver). \$250,000  
Ingraham High School Construction Trades Skills

Center (Seattle) . . . . . \$527,000  
Maritime 253: South Puget Sound Maritime Skills Center (Tacoma) . . . . . \$8,000,000  
Rainier Beach High School Campus Skills Center . . . . . \$9,915,000  
Seattle Skills Center (Seattle) \$2,200,000  
Stevenson-Carson High School (Stevenson) . . . . . \$750,000  
Washington Middle School (Seattle) \$98,000

**Appropriation:**

State Building Construction Account—  
State . . . . . \$21,740,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$86,960,000  
TOTAL . . . . . \$108,700,000

**NEW SECTION. Sec. 5014. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2023-25 Agricultural Science in Schools Grant to FFA Foundation (92000931)

**Appropriation:**

State Building Construction Account—  
State . . . . . \$5,000,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$20,000,000  
TOTAL . . . . . \$25,000,000

**NEW SECTION. Sec. 5015. FOR THE STATE SCHOOL FOR THE BLIND**

2023-25 Campus Preservation (Minor Works) (40000021)

**Appropriation:**

State Building Construction Account—  
State . . . . . \$2,100,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$8,400,000  
TOTAL . . . . . \$10,500,000

**NEW SECTION. Sec. 5016. CENTER FOR DEAF AND HARD OF HEARING YOUTH**

Academic and Physical Education Building (30000036)

**Reappropriation:**

State Building Construction Account—  
State . . . . . \$47,706,000

**Appropriation:**

State Building Construction Account—  
State . . . . . \$12,453,000  
Prior Biennia (Expenditures) . . . . . \$7,370,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$67,529,000

**NEW SECTION. Sec. 5017. CENTER FOR DEAF AND HARD OF HEARING YOUTH**

Northrop Primary School Building Renovation (40000006)

**Appropriation:**

State Building Construction Account—  
State . . . . . \$2,100,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$10,342,000  
TOTAL . . . . . \$12,442,000

NEW SECTION. **Sec. 5018. CENTER FOR DEAF AND HARD OF HEARING YOUTH**  
2023-25 Minor Works (40000007)

Appropriation:

State Building Construction Account—  
State . . . . . \$830,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$3,320,000  
TOTAL . . . . . \$4,150,000

NEW SECTION. **Sec. 5019. FOR THE WASHINGTON STATE ARTS COMMISSION**  
2023-25 Creative Districts Capital Projects Program (30000003)

Appropriation:

State Building Construction Account—  
State . . . . . \$416,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$1,664,000  
TOTAL . . . . . \$2,080,000

NEW SECTION. **Sec. 5020. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
Great Hall Core Exhibit Renewal (40000145)

Reappropriation:

State Building Construction Account—  
State . . . . . \$575,000

Appropriation:

State Building Construction Account—  
State . . . . . \$3,900,000  
Prior Biennia (Expenditures) . . . . . \$751,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$5,226,000

NEW SECTION. **Sec. 5021. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
Heritage Capital Grant Projects 2023-25 (40000150)

Appropriation:

State Building Construction Account—  
State . . . . . \$10,000,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$40,000,000  
TOTAL . . . . . \$50,000,000

NEW SECTION. **Sec. 5022. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
Preservation - Minor Works 2023-25 (40000180)

Appropriation:

State Building Construction Account—  
State . . . . . \$973,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$3,892,000  
TOTAL . . . . . \$4,865,000

NEW SECTION. **Sec. 5023. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
Program-Museum Audio Visual Upgrades (40000181)

Appropriation:

State Building Construction Account—  
State . . . . . \$437,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$437,000

NEW SECTION. **Sec. 5024. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**  
Minor Works: Preservation 2023-25 (40000054)

Appropriation:

State Building Construction Account—  
State . . . . . \$2,482,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$9,928,000  
TOTAL . . . . . \$12,410,000

NEW SECTION. **Sec. 5025. FOR THE UNIVERSITY OF WASHINGTON**  
Anderson Hall Renovation (20091002)

Appropriation:

State Building Construction Account—  
State . . . . . \$28,650,000  
Prior Biennia (Expenditures) . . . . . \$200,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$28,850,000

NEW SECTION. **Sec. 5026. FOR THE UNIVERSITY OF WASHINGTON**  
UW Major Infrastructure (30000808)

Reappropriation:

State Building Construction Account—  
State . . . . . \$2,000,000  
University of Washington Building Account—  
—State . . . . . \$1,637,000  
Subtotal Reappropriation . . . . . \$3,637,000

Appropriation:

University of Washington Building Account—  
—State . . . . . \$14,300,000  
Prior Biennia (Expenditures) . . . . . \$38,863,000  
Future Biennia (Projected Costs) . . . . . \$18,000,000  
TOTAL . . . . . \$74,800,000

NEW SECTION. **Sec. 5027. FOR THE UNIVERSITY OF WASHINGTON**  
Magnuson Health Sciences Phase II-Renovation/Replacement (40000049)

Reappropriation:

State Building Construction Account—  
State . . . . . \$4,284,000

Appropriation:

State Building Construction Account—  
State . . . . . \$58,000,000  
Prior Biennia (Expenditures) . . . . . \$1,716,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$64,000,000

NEW SECTION. **Sec. 5028. FOR THE UNIVERSITY OF WASHINGTON**  
UW Clean Energy Testbeds (40000098)

Appropriation:

Climate Commitment Account—State.  
\$7,500,000  
Prior Biennia (Expenditures) . . . . . \$0



Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$7,500,000

**NEW SECTION. Sec. 5029. FOR THE UNIVERSITY OF WASHINGTON**  
 Intellectual House - Phase 2 (40000100)

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$9,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$9,000,000

**NEW SECTION. Sec. 5030. FOR THE UNIVERSITY OF WASHINGTON**  
 UW Tacoma - Land Acquisition (40000101)

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$7,700,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$7,700,000

**NEW SECTION. Sec. 5031. FOR THE UNIVERSITY OF WASHINGTON**  
 UW Seattle - Asset Preservation (Minor Works) 23-25 (40000103)

Appropriation:  
 University of Washington Building Account  
 —State. . . . . \$33,691,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs).  
 \$134,764,000  
 TOTAL..... \$168,455,000

**NEW SECTION. Sec. 5032. FOR THE UNIVERSITY OF WASHINGTON**  
 UW Bothell - Asset Preservation (Minor Works) 23-25 (40000129)

Appropriation:  
 University of Washington Building Account  
 —State. . . . . \$5,919,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs).  
 \$23,676,000  
 TOTAL..... \$29,595,000

**NEW SECTION. Sec. 5033. FOR THE UNIVERSITY OF WASHINGTON**  
 UW Tacoma - Asset Preservation (Minor Works) 23-25 (40000131)

Appropriation:  
 University of Washington Building Account  
 —State. . . . . \$4,915,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs).  
 \$19,660,000  
 TOTAL..... \$24,575,000

**NEW SECTION. Sec. 5034. FOR THE UNIVERSITY OF WASHINGTON**  
 Infrastructure Renewal (40000132)

Appropriation:  
 University of Washington Building Account  
 —State. . . . . \$9,175,000

Climate Commitment Account—State.  
 \$15,000,000  
 Subtotal Appropriation. . . . . \$24,175,000

Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs).  
 \$96,700,000  
 TOTAL..... \$120,875,000

**NEW SECTION. Sec. 5035. FOR THE UNIVERSITY OF WASHINGTON**  
 UWMC NW - Campus Behavioral Health Renovation (91000027)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5055, chapter 332, Laws of 2021.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$1,297,000

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$13,000,000  
 Prior Biennia (Expenditures) . . \$703,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$15,000,000

**NEW SECTION. Sec. 5036. FOR THE UNIVERSITY OF WASHINGTON**  
 Preventive Facility Maintenance and Building System Repairs (91000029)

Appropriation:  
 University of Washington Building Account  
 —State. . . . . \$25,825,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$25,825,000

**NEW SECTION. Sec. 5037. FOR THE UNIVERSITY OF WASHINGTON**  
 UW Tacoma Campus Soil Remediation (92000002)

Reappropriation:  
 Model Toxics Control Capital Account—  
 State. . . . . \$3,120,000

Appropriation:  
 Model Toxics Control Capital Account—  
 State. . . . . \$2,000,000  
 Prior Biennia (Expenditures) . \$7,680,000  
 Future Biennia (Projected Costs).  
 \$8,000,000  
 TOTAL..... \$20,800,000

**NEW SECTION. Sec. 5038. FOR WASHINGTON STATE UNIVERSITY**  
 Minor Capital Preservation 2023-25 (MCR) (40000340)

Appropriation:  
 Washington State University Building Account—  
 State. . . . . \$40,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs).  
 \$200,460,000  
 TOTAL..... \$240,460,000

NEW SECTION.            **Sec. 5039.**            **FOR**  
**WASHINGTON STATE UNIVERSITY**  
 Minor Capital Program 2023-25 (MCI & Omnibus Equip.) (40000341)

Appropriation:  
 Washington State University Building Account—  
   State. . . . . \$6,500,000  
   State Building Construction Account—  
   State. . . . . \$6,500,000  
     Subtotal Appropriation..... \$13,000,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$26,000,000  
**TOTAL..... \$39,000,000**

NEW SECTION.            **Sec. 5040.**            **FOR**  
**WASHINGTON STATE UNIVERSITY**  
 New Engineering Student Success Building & Infrastructure (40000342)

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$40,000,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
**TOTAL..... \$40,000,000**

NEW SECTION.            **Sec. 5041.**            **FOR**  
**WASHINGTON STATE UNIVERSITY**  
 Knott Dairy Infrastructure (40000343)

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$10,000,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
**TOTAL..... \$10,000,000**

NEW SECTION.            **Sec. 5042.**            **FOR**  
**WASHINGTON STATE UNIVERSITY**  
 Bustad Renovation (SIM for Vet Teaching Anatomy) (40000344)

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$8,000,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
**TOTAL..... \$8,000,000**

NEW SECTION.            **Sec. 5043.**            **FOR**  
**WASHINGTON STATE UNIVERSITY**  
 Clean Building Standard Energy Efficiency Improvements (40000346)

Appropriation:  
 Climate Commitment Account—State.  
 \$5,000,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$20,000,000  
**TOTAL..... \$25,000,000**

NEW SECTION.            **Sec. 5044.**            **FOR**  
**WASHINGTON STATE UNIVERSITY**  
 Spokane Team Health Education Building (40000361)

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$7,000,000

Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$30,000,000  
**TOTAL..... \$37,000,000**

NEW SECTION.            **Sec. 5045.**            **FOR**  
**WASHINGTON STATE UNIVERSITY**  
 Eastlick-Abelson Renovation (40000362)

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$22,000,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
**TOTAL..... \$22,000,000**

NEW SECTION.            **Sec. 5046.**            **FOR**  
**WASHINGTON STATE UNIVERSITY**  
 Preventive Facility Maintenance and Building System Repairs (91000037)

Appropriation:  
 Washington State University Building Account—  
   State. . . . . \$10,115,000  
 Prior Biennia (Expenditures). \$20,230,000  
 Future Biennia (Projected Costs). \$40,460,000  
**TOTAL..... \$70,805,000**

NEW SECTION.            **Sec. 5047.**            **FOR**  
**WASHINGTON STATE UNIVERSITY**  
 Agriculture Research Stations (92001125)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the following list of projects:  
 Grain Drill (Lind). . . . . \$200,000  
 Greenhouse Improvements (Prosser) \$700,000  
 Shop Improvements (Lind). . . . . \$100,000

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$1,000,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
**TOTAL..... \$1,000,000**

NEW SECTION.            **Sec. 5048.**            **FOR EASTERN**  
**WASHINGTON UNIVERSITY**  
 Science Renovation (30000507)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$26,452,000

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$58,000,000  
 Prior Biennia (Expenditures). \$26,835,000  
 Future Biennia (Projected Costs). . . . . \$0  
**TOTAL..... \$111,287,000**

NEW SECTION.            **Sec. 5049.**            **FOR EASTERN**  
**WASHINGTON UNIVERSITY**  
 Martin - Williamson Hall (40000113)

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$350,000  
 Prior Biennia (Expenditures). . . . . \$0

Future Biennia (Projected Costs).  
\$63,550,000  
TOTAL..... \$63,900,000

**NEW SECTION. Sec. 5050. FOR EASTERN WASHINGTON UNIVERSITY**  
Infrastructure Renewal IV (40000114)

Appropriation:  
State Building Construction Account—  
State. . . . . \$12,000,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs).  
\$13,800,000  
TOTAL..... \$25,800,000

**NEW SECTION. Sec. 5051. FOR EASTERN WASHINGTON UNIVERSITY**  
Minor Works: Preservation 2023-25 (40000116)

Appropriation:  
State Building Construction Account—  
State. . . . . \$5,375,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs).  
\$21,500,000  
TOTAL..... \$26,875,000

**NEW SECTION. Sec. 5052. FOR EASTERN WASHINGTON UNIVERSITY**  
Minor Works: Program 2023-25 (40000120)

Appropriation:  
Eastern Washington University Capital Projects  
Account—State. . . . . \$6,000,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs).  
\$24,000,000  
TOTAL..... \$30,000,000

**NEW SECTION. Sec. 5053. FOR EASTERN WASHINGTON UNIVERSITY**  
Preventative Maintenance/Backlog Reduction (40000134)

Appropriation:  
Eastern Washington University Capital Projects  
Account—State. . . . . \$2,217,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs).  
\$8,868,000  
TOTAL..... \$11,085,000

**NEW SECTION. Sec. 5054. FOR EASTERN WASHINGTON UNIVERSITY**  
HB 1390 - District Energy Systems (91000027)

Appropriation:  
Climate Commitment Account—State \$200,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs). . . . . \$0  
TOTAL..... \$200,000

**NEW SECTION. Sec. 5055. FOR CENTRAL WASHINGTON UNIVERSITY**  
Arts Education (30000836)

Appropriation:

State Building Construction Account—  
State. . . . . \$300,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs).  
\$75,472,000  
TOTAL..... \$75,772,000

**NEW SECTION. Sec. 5056. FOR CENTRAL WASHINGTON UNIVERSITY**  
Humanities & Social Science Complex (40000081)

Reappropriation:  
State Building Construction Account—  
State. . . . . \$2,844,000

Appropriation:  
Climate Commitment Account—State.  
\$7,000,000  
State Building Construction Account—  
State. . . . . \$85,600,000  
Subtotal Appropriation. . . . . \$92,600,000  
Prior Biennia (Expenditures). \$2,361,000  
Future Biennia (Projected Costs).  
\$11,158,000  
TOTAL..... \$108,963,000

**NEW SECTION. Sec. 5057. FOR CENTRAL WASHINGTON UNIVERSITY**  
Multicultural Center (40000123)

Appropriation:  
State Building Construction Account—  
State. . . . . \$6,000,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs). . . . . \$0  
TOTAL..... \$6,000,000

**NEW SECTION. Sec. 5058. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works Preservation 2023-2025 (40000128)

Appropriation:  
Central Washington University Capital Projects  
Account—State. . . . . \$7,594,000  
State Building Construction Account—  
State. . . . . \$1,035,000  
Subtotal Appropriation. . . . . \$8,629,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs).  
\$34,516,000  
TOTAL..... \$43,145,000

**NEW SECTION. Sec. 5059. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works Program 2023-2025 (40000145)

Appropriation:  
Central Washington University Capital Projects  
Account—State. . . . . \$1,000,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs).  
\$4,000,000  
TOTAL..... \$5,000,000

**NEW SECTION. Sec. 5060. FOR CENTRAL WASHINGTON UNIVERSITY**  
Preventive Facility Maintenance and Building System Repairs (91000023)

Appropriation:  
 Central Washington University Capital  
 Projects  
 Account—State. . . . . \$2,422,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL..... \$2,422,000

NEW SECTION.    **Sec. 5061.**    **FOR CENTRAL WASHINGTON UNIVERSITY**  
 HB 1390 - District Energy Systems (91000024)

Appropriation:  
 Climate Commitment Account—State \$800,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL..... \$800,000

NEW SECTION.    **Sec. 5062.**    **FOR THE EVERGREEN STATE COLLEGE**  
 Seminar I Renovation (30000125)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$1,679,000

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$25,227,000  
 Prior Biennia (Expenditures). \$1,533,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL..... \$28,439,000

NEW SECTION.    **Sec. 5063.**    **FOR THE EVERGREEN STATE COLLEGE**  
 Preventative Facility Maintenance and Building System Repairs (30000612)

Appropriation:  
 The Evergreen State College Capital  
 Projects  
 Account—State. . . . . \$880,000  
 Prior Biennia (Expenditures). \$2,493,000  
 Future Biennia (Projected Costs).  
 \$3,520,000  
 TOTAL..... \$6,893,000

NEW SECTION.    **Sec. 5064.**    **FOR THE EVERGREEN STATE COLLEGE**  
 Minor Works Preservation 2023-25 (40000085)

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$2,300,000  
 The Evergreen State College Capital  
 Projects  
 Account—State. . . . . \$5,790,000  
 Subtotal Appropriation..... \$8,090,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$35,880,000  
 TOTAL..... \$43,970,000

NEW SECTION.    **Sec. 5065.**    **FOR THE EVERGREEN STATE COLLEGE**  
 Minor Works Program 2023-25 (40000094)

Appropriation:  
 The Evergreen State College Capital  
 Projects

Account—State. . . . . \$500,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$2,000,000  
 TOTAL..... \$2,500,000

NEW SECTION.    **Sec. 5066.**    **FOR THE EVERGREEN STATE COLLEGE**  
 HB 1390 - District Energy Systems (91000037)

Appropriation:  
 Climate Commitment Account—State \$25,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL..... \$25,000

NEW SECTION.    **Sec. 5067.**    **FOR THE EVERGREEN STATE COLLEGE**  
 State Building Code Council Building Code Cycle (92000047)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the Washington state institute for public policy to study and report the costs and benefits to public construction projects of transitioning to a six-year building code cycle.

(2) The Washington state institute for public policy must provide a report to the appropriate committees of the legislature by July 1, 2024. At a minimum, the report must include an analysis of:

(a) The impact to the state's omnibus operating, transportation, and capital budgets of transitioning to a six-year building code cycle.

(b) The impact to local government and school district budgets of transitioning to a six-year building code cycle.

(c) The state building code council's staffing needs using a three-year code cycle versus a six-year code cycle.

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$250,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL..... \$250,000

NEW SECTION.    **Sec. 5068.**    **FOR WESTERN WASHINGTON UNIVERSITY**  
 Access Control Security Upgrades (30000604)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$1,290,000  
 Western Washington University Capital  
 Projects  
 Account—State. . . . . \$556,000  
 Subtotal Reappropriation..... \$1,846,000

Appropriation:  
 State Building Construction Account—  
 State. . . . . \$6,250,000  
 Prior Biennia (Expenditures). \$1,669,000  
 Future Biennia (Projected Costs).  
 \$25,000,000  
 TOTAL..... \$34,765,000

**NEW SECTION. Sec. 5069. FOR WESTERN WASHINGTON UNIVERSITY**  
Student Development and Success Center (30000919)

Appropriation:  
State Building Construction Account—  
State . . . . . \$47,950,000  
Prior Biennia (Expenditures) . . . . . \$225,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$48,175,000

**NEW SECTION. Sec. 5070. FOR WESTERN WASHINGTON UNIVERSITY**  
Environmental Studies Renovation (40000004)

Appropriation:  
State Building Construction Account—  
State . . . . . \$500,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$70,000,000  
TOTAL . . . . . \$70,500,000

**NEW SECTION. Sec. 5071. FOR WESTERN WASHINGTON UNIVERSITY**  
Heating Conversion Project (40000005)

Appropriation:  
Climate Commitment Account—State.  
\$10,000,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$139,000,000  
TOTAL . . . . . \$149,000,000

**NEW SECTION. Sec. 5072. FOR WESTERN WASHINGTON UNIVERSITY**  
Minor Works - Preservation 2023-25 (40000006)

Appropriation:  
Western Washington University Capital Projects  
Account—State . . . . . \$4,888,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$19,552,000  
TOTAL . . . . . \$24,440,000

**NEW SECTION. Sec. 5073. FOR WESTERN WASHINGTON UNIVERSITY**  
Minor Works - Program 2023-25 (40000007)

Appropriation:  
Western Washington University Capital Projects  
Account—State . . . . . \$3,000,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$12,000,000  
TOTAL . . . . . \$15,000,000

**NEW SECTION. Sec. 5074. FOR WESTERN WASHINGTON UNIVERSITY**  
Classroom, Lab, and Collaborative Space Upgrades (40000008)

Appropriation:  
State Building Construction Account—  
State . . . . . \$1,500,000  
Prior Biennia (Expenditures) . . . . . \$0

Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$1,500,000

**NEW SECTION. Sec. 5075. FOR WESTERN WASHINGTON UNIVERSITY**  
Preventative Facility Maintenance and Building System Repairs (40000012)

Appropriation:  
Western Washington University Capital Projects  
Account—State . . . . . \$3,614,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$14,456,000  
TOTAL . . . . . \$18,070,000

**NEW SECTION. Sec. 5076. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Lake Washington: Center for Design (40000102)

Reappropriation:  
State Building Construction Account—  
State . . . . . \$893,000  
Appropriation:  
State Building Construction Account—  
State . . . . . \$38,949,000  
Prior Biennia (Expenditures) . . . . . \$2,267,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$42,109,000

**NEW SECTION. Sec. 5077. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Tacoma: Center for Innovative Learning and Engagement (40000104)

Reappropriation:  
State Building Construction Account—  
State . . . . . \$2,379,000  
Appropriation:  
State Building Construction Account—  
State . . . . . \$39,606,000  
Prior Biennia (Expenditures) . . . . . \$613,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$42,598,000

**NEW SECTION. Sec. 5078. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Bates: Fire Service Training Center (40000130)

Reappropriation:  
State Building Construction Account—  
State . . . . . \$2,558,000  
Appropriation:  
State Building Construction Account—  
State . . . . . \$38,135,000  
Prior Biennia (Expenditures) . . . . . \$244,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$40,937,000

**NEW SECTION. Sec. 5079. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Everett: Baker Hall Replacement (40000190)

Reappropriation:  
State Building Construction Account—  
State . . . . . \$135,000  
Appropriation:

State Building Construction Account—  
 State. . . . . \$37,904,000  
 Prior Biennia (Expenditures). . . \$140,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$38,179,000

**NEW SECTION. Sec. 5080. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Wenatchee: Center for Technical Education and Innovation (40000198)

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$1,949,000

**Appropriation:**

State Building Construction Account—  
 State. . . . . \$46,471,000  
 Prior Biennia (Expenditures). \$1,317,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$49,737,000

**NEW SECTION. Sec. 5081. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Shoreline: STE(A)M Education Center (40000214)

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$1,735,000

**Appropriation:**

State Building Construction Account—  
 State. . . . . \$39,692,000  
 Prior Biennia (Expenditures). \$1,304,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$42,731,000

**NEW SECTION. Sec. 5082. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Facility Repairs (23-25) (40000595)

**Appropriation:**

Community and Technical College Capital Projects  
 Account—State. . . . . \$2,537,000  
 State Building Construction Account—  
 State. . . . . \$36,909,000  
 Subtotal Appropriation..... \$39,446,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$157,784,000  
 TOTAL..... \$197,230,000

**NEW SECTION. Sec. 5083. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Preservation (23-25) (40000630)

**Appropriation:**

Model Toxics Control Capital Account—  
 State. . . . . \$2,000,000  
 State Building Construction Account—  
 State. . . . . \$26,724,000  
 Subtotal Appropriation..... \$28,724,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$114,896,000  
 TOTAL..... \$143,620,000

**NEW SECTION. Sec. 5084. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Roof Repairs (23-25) (40000670)

**Appropriation:**

Community and Technical College Capital Projects  
 Account—State. . . . . \$5,000,000  
 State Building Construction Account—  
 State. . . . . \$6,207,000  
 Subtotal Appropriation..... \$11,207,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$44,828,000  
 TOTAL..... \$56,035,000

**NEW SECTION. Sec. 5085. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Site Repairs (23-25) (40000698)

**Appropriation:**

Community and Technical College Capital Projects  
 Account—State. . . . . \$1,000,000  
 State Building Construction Account—  
 State. . . . . \$5,171,000  
 Subtotal Appropriation..... \$6,171,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$24,684,000  
 TOTAL..... \$30,855,000

**NEW SECTION. Sec. 5086. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Infrastructure Replacement (23-25) (40000721)

**Appropriation:**

Community and Technical College Capital Projects  
 Account—State. . . . . \$3,000,000  
 State Building Construction Account—  
 State. . . . . \$37,300,000  
 Subtotal Appropriation..... \$40,300,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$161,200,000  
 TOTAL..... \$201,500,000

**NEW SECTION. Sec. 5087. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Program Improvements (23-25) (40000754)

**Appropriation:**

Community and Technical College Capital Projects  
 Account—State. . . . . \$5,000,000  
 State Building Construction Account—  
 State. . . . . \$48,200,000  
 Subtotal Appropriation..... \$53,200,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$212,800,000  
 TOTAL..... \$266,000,000

**NEW SECTION. Sec. 5088. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Preventive Facility Maintenance and Bldg System Repairs (40000871)

**Appropriation:**

Community and Technical College Capital Projects  
 Account—State. . . . . \$22,800,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$91,200,000  
 TOTAL..... \$114,000,000

**NEW SECTION. Sec. 5089. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 HB 1390 - District Energy Systems (91000443)

Appropriation:  
 Climate Commitment Account—State \$429,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL..... \$429,000

**NEW SECTION. Sec. 5090. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 2023-25 Career Preparation and Launch Grants (92000037)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the state board for community and technical colleges to provide competitive grants to community and technical colleges to purchase and install equipment that expands career-connected learning opportunities.

(2) The state board for community and technical colleges shall develop common criteria for providing competitive grant funding and outcomes for specific projects.

Appropriation:  
 State Building Construction Account—State. . . . . \$5,000,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$20,000,000  
 TOTAL..... \$25,000,000

(End of part)

**PART 6 REAPPROPRIATIONS**

**NEW SECTION. Sec. 6001. FOR THE OFFICE OF THE SECRETARY OF STATE**  
 Archives Minor Works (30000044)

Reappropriation:  
 State Building Construction Account—State. . . . . \$56,000  
 Prior Biennia (Expenditures). . . . . \$269,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL..... \$325,000

**NEW SECTION. Sec. 6002. FOR THE DEPARTMENT OF COMMERCE**  
 Community Economic Revitalization Board (30000097)

Reappropriation:  
 Public Facility Construction Loan Revolving Account—State. . . . . \$7,774,000  
 Prior Biennia (Expenditures). . . . . \$10,246,000

Future Biennia (Projected Costs). . . . . \$0  
 TOTAL..... \$18,020,000

**NEW SECTION. Sec. 6003. FOR THE DEPARTMENT OF COMMERCE**

Public Works Assistance Account Program 2013 Loan List (30000184)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1016, chapter 2, Laws of 2012 2nd sp. sess.

Reappropriation:  
 Public Works Assistance Account—State. \$503,000  
 Prior Biennia (Expenditures). . . . . \$31,655,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL..... \$32,158,000

**NEW SECTION. Sec. 6004. FOR THE DEPARTMENT OF COMMERCE**

Clean Energy and Energy Freedom Program (30000726)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6003, chapter 4, Laws of 2017 3rd sp. sess.

Reappropriation:  
 State Building Construction Account—State. . . . . \$2,086,000  
 State Taxable Building Construction Account—State. . . . . \$2,523,000  
 Subtotal Reappropriation..... \$4,609,000  
 Prior Biennia (Expenditures). . . . . \$35,791,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL..... \$40,400,000

**NEW SECTION. Sec. 6005. FOR THE DEPARTMENT OF COMMERCE**

2017 Local and Community Projects (30000846)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 6004, chapter 4, Laws of 2017 3rd sp. sess.

(2) The reappropriation for any project for which the department has not executed a contract by December 31, 2023, shall lapse. The department shall provide a list of lapsed projects to the legislative fiscal committees no later than January 15, 2024.

Reappropriation:  
 State Building Construction Account—State. . . . . \$1,229,000  
 Prior Biennia (Expenditures). . . . . \$9,517,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL..... \$10,746,000

**NEW SECTION. Sec. 6006. FOR THE DEPARTMENT OF COMMERCE**

2017-19 Housing Trust Fund Program (30000872)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are

subject to the provisions of section 1004, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—  
 State. . . . . \$3,645,000  
 State Taxable Building Construction  
 Account—  
 State. . . . . \$6,007,000  
 Washington Housing Trust Account—State.  
 \$1,476,000  
 Subtotal Reappropriation. . . . . \$11,128,000  
 Prior Biennia (Expenditures) \$102,161,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$113,289,000

**NEW SECTION. Sec. 6007. FOR THE DEPARTMENT OF COMMERCE**

Economic Opportunity Grants (30000873)

Reappropriation:

Rural Washington Loan Account—State.  
 \$325,000  
 Prior Biennia (Expenditures). \$6,425,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$6,750,000

**NEW SECTION. Sec. 6008. FOR THE DEPARTMENT OF COMMERCE**

Public Works Assistance Account Construction Loans (30000878)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1019, chapter 413, Laws of 2019.

Reappropriation:

State Taxable Building Construction  
 Account—  
 State. . . . . \$22,673,000  
 Prior Biennia (Expenditures). \$54,547,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$77,220,000

**NEW SECTION. Sec. 6009. FOR THE DEPARTMENT OF COMMERCE**

Weatherization Plus Health Matchmaker Program (30000879)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1014, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—  
 State. . . . . \$222,000  
 State Taxable Building Construction  
 Account—  
 State. . . . . \$3,492,000  
 Subtotal Reappropriation. . . . . \$3,714,000  
 Prior Biennia (Expenditures). \$19,786,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$23,500,000

**NEW SECTION. Sec. 6010. FOR THE DEPARTMENT OF COMMERCE**

Clean Energy Funds 3 (30000881)

The reappropriations in this section are subject to the following conditions and

limitations: The reappropriations are subject to the provisions of section 1007, chapter 296, Laws of 2022.

Reappropriation:

Energy Efficiency Account—State.  
 \$4,994,000  
 State Building Construction Account—  
 State. . . . . \$20,387,000  
 Subtotal Reappropriation. . . . . \$25,381,000  
 Prior Biennia (Expenditures). \$18,319,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$43,700,000

**NEW SECTION. Sec. 6011. FOR THE DEPARTMENT OF COMMERCE**

Energy Efficiency and Solar Grants (30000882)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6007, chapter 413, Laws of 2019.

Reappropriation:

Energy Efficiency Account—State.  
 \$1,293,000  
 State Building Construction Account—  
 State. . . . . \$782,000  
 Subtotal Reappropriation. . . . . \$2,075,000  
 Prior Biennia (Expenditures). \$8,925,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$11,000,000

**NEW SECTION. Sec. 6012. FOR THE DEPARTMENT OF COMMERCE**

2018 Local and Community Projects (40000005)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 1052, chapter 296, Laws of 2022.

(2) The reappropriation for any project for which the department has not executed a contract by December 31, 2024, shall lapse. The department shall provide a list of lapsed projects to the legislative fiscal committees no later than January 15, 2025.

Reappropriation:

State Building Construction Account—  
 State. . . . . \$21,708,000  
 Prior Biennia (Expenditures) \$106,629,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$128,337,000

**NEW SECTION. Sec. 6013. FOR THE DEPARTMENT OF COMMERCE**

Early Learning Facility Grants (40000006)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1005, chapter 298, Laws of 2018.

Reappropriation:

Early Learning Facilities Development  
 Account—  
 State. . . . . \$314,000



Early Learning Facilities Revolving  
Account—  
State . . . . . \$1,556,000  
Subtotal Reappropriation . . . . . \$1,870,000  
Prior Biennia (Expenditures) . . . \$13,595,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL . . . . . \$15,465,000

**NEW SECTION. Sec. 6014. FOR THE DEPARTMENT OF COMMERCE**

Dental Clinic Capacity Grants (40000007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1002, chapter 356, Laws of 2020.

**Reappropriation:**

State Building Construction Account—  
State . . . . . \$978,000  
Prior Biennia (Expenditures) . . . \$14,556,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL . . . . . \$15,534,000

**NEW SECTION. Sec. 6015. FOR THE DEPARTMENT OF COMMERCE**

PWAA Preconstruction and Emergency Loan Programs (40000009)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1027, chapter 413, Laws of 2019.

**Reappropriation:**

State Taxable Building Construction  
Account—  
State . . . . . \$1,702,000  
Prior Biennia (Expenditures) . . . \$17,298,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL . . . . . \$19,000,000

**NEW SECTION. Sec. 6016. FOR THE DEPARTMENT OF COMMERCE**

Behavioral Health Community Capacity (40000018)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6004, chapter 413, Laws of 2019.

**Reappropriation:**

State Building Construction Account—  
State . . . . . \$19,163,000  
Prior Biennia (Expenditures) . . . \$63,936,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL . . . . . \$83,099,000

**NEW SECTION. Sec. 6017. FOR THE DEPARTMENT OF COMMERCE**

2019-21 Housing Trust Fund Program (40000036)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6005, chapter 332, Laws of 2021.

**Reappropriation:**

State Building Construction Account—  
State . . . . . \$2,775,000  
State Taxable Building Construction  
Account—  
State . . . . . \$35,592,000  
Subtotal Reappropriation . . . . . \$38,367,000  
Prior Biennia (Expenditures) . . . \$134,383,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL . . . . . \$172,750,000

**NEW SECTION. Sec. 6018. FOR THE DEPARTMENT OF COMMERCE**

Public Works Board (40000038)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1020, chapter 356, Laws of 2020.

**Reappropriation:**

Public Works Assistance Account—State.  
\$17,000,000  
Prior Biennia (Expenditures) . . . \$76,578,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL . . . . . \$93,578,000

**NEW SECTION. Sec. 6019. FOR THE DEPARTMENT OF COMMERCE**

2019-21 Building for the Arts Grant Program (40000039)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6011, chapter 332, Laws of 2021.

**Reappropriation:**

State Building Construction Account—  
State . . . . . \$1,497,000  
Prior Biennia (Expenditures) . . . \$8,827,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL . . . . . \$10,324,000

**NEW SECTION. Sec. 6020. FOR THE DEPARTMENT OF COMMERCE**

2019-21 Community Economic Revitalization Board (40000040)

**Reappropriation:**

Public Facility Construction Loan  
Revolving  
Account—State . . . . . \$18,600,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . \$0  
TOTAL . . . . . \$18,600,000

**NEW SECTION. Sec. 6021. FOR THE DEPARTMENT OF COMMERCE**

2019-21 Youth Recreational Facilities Grant Program (40000041)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1034, chapter 413, Laws of 2019.

**Reappropriation:**

State Building Construction Account—  
State . . . . . \$3,190,000  
Prior Biennia (Expenditures) . . . \$2,690,000  
Future Biennia (Projected Costs) . . . \$0

TOTAL..... \$5,880,000

**NEW SECTION. Sec. 6022. FOR THE DEPARTMENT OF COMMERCE**

Clean Energy Transition 4 (40000042)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1005, chapter 356, Laws of 2020.

**Reappropriation:**

State Building Construction Account—  
State. . . . . \$15,234,000  
State Taxable Building Construction Account—  
State. . . . . \$901,000  
Subtotal Reappropriation..... \$16,135,000  
Prior Biennia (Expenditures). \$16,465,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$32,600,000

**NEW SECTION. Sec. 6023. FOR THE DEPARTMENT OF COMMERCE**

2019-21 Building Communities Fund Program (40000043)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1036, chapter 413, Laws of 2019.

**Reappropriation:**

State Building Construction Account—  
State. . . . . \$15,255,000  
Prior Biennia (Expenditures). \$21,530,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$36,785,000

**NEW SECTION. Sec. 6024. FOR THE DEPARTMENT OF COMMERCE**

2019-21 Early Learning Facilities (40000044)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1006, chapter 356, Laws of 2020.

**Reappropriation:**

Early Learning Facilities Development Account—  
State. . . . . \$1,140,000  
Early Learning Facilities Revolving Account—  
State. . . . . \$13,292,000  
State Building Construction Account—  
State. . . . . \$3,767,000  
Subtotal Reappropriation..... \$18,199,000  
Prior Biennia (Expenditures). \$16,821,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$35,020,000

**NEW SECTION. Sec. 6025. FOR THE DEPARTMENT OF COMMERCE**

2019-21 Weatherization (40000048)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1038, chapter 413, Laws of 2019.

**Reappropriation:**

State Building Construction Account—  
State. . . . . \$1,000,000  
Prior Biennia (Expenditures). \$19,000,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$20,000,000

**NEW SECTION. Sec. 6026. FOR THE DEPARTMENT OF COMMERCE**

2019-21 Energy Efficiency and Solar Grants Program (40000049)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1023, chapter 356, Laws of 2020.

**Reappropriation:**

State Building Construction Account—  
State. . . . . \$5,979,000  
Prior Biennia (Expenditures). \$6,521,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$12,500,000

**NEW SECTION. Sec. 6027. FOR THE DEPARTMENT OF COMMERCE**

2019-21 Behavioral Health Capacity Grants (40000114)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1010, chapter 356, Laws of 2020.

**Reappropriation:**

State Building Construction Account—  
State. . . . . \$35,919,000  
Prior Biennia (Expenditures). \$90,232,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$126,151,000

**NEW SECTION. Sec. 6028. FOR THE DEPARTMENT OF COMMERCE**

2020 Local and Community Projects (40000116)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6007, chapter 332, Laws of 2021, except that funding may not be directed to the Arivva Community Center.

**Reappropriation:**

State Building Construction Account—  
State. . . . . \$50,532,000  
Prior Biennia (Expenditures) \$115,775,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$166,307,000

**NEW SECTION. Sec. 6029. FOR THE DEPARTMENT OF COMMERCE**

Washington Broadband Program (40000117)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1012, chapter 356, Laws of 2020.

**Reappropriation:**

Statewide Broadband Account—State.  
 \$16,079,000  
 Prior Biennia (Expenditures). \$5,471,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$21,550,000

**NEW SECTION. Sec. 6030. FOR THE DEPARTMENT OF COMMERCE**

2019-21 Behavioral Rehabilitation Services Capacity Grants (40000124)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1044, chapter 413, Laws of 2019.

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$1,967,000  
 Prior Biennia (Expenditures). . . \$33,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$2,000,000

**NEW SECTION. Sec. 6031. FOR THE DEPARTMENT OF COMMERCE**

2021 Local and Community Projects (40000130)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6008, chapter 332, Laws of 2021.

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$11,416,000  
 Prior Biennia (Expenditures). \$21,256,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$32,672,000

**NEW SECTION. Sec. 6032. FOR THE DEPARTMENT OF COMMERCE**

Seattle Vocational Institute (40000136)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1009, chapter 356, Laws of 2020.

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$175,000  
 State Taxable Building Construction Account—  
 State. . . . . \$81,000  
 Subtotal Reappropriation..... \$256,000  
 Prior Biennia (Expenditures). \$1,044,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$1,300,000

**NEW SECTION. Sec. 6033. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Youth Recreational Facilities Grant Program (40000139)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1056, chapter 332, Laws of 2021.

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$3,019,000  
 Prior Biennia (Expenditures). . . \$670,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$3,689,000

**NEW SECTION. Sec. 6034. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Early Learning Facilities-School Districts Grant (40000140)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1057, chapter 332, Laws of 2021.

**Reappropriation:**

Early Learning Facilities Development Account—  
 State. . . . . \$2,281,000  
 Prior Biennia (Expenditures). \$2,438,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$4,719,000

**NEW SECTION. Sec. 6035. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Public Works Assistance Account-Construction (40000141)

**Reappropriation:**

Public Works Assistance Account—State.  
 \$217,510,000  
 Prior Biennia (Expenditures). \$31,490,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$249,000,000

**NEW SECTION. Sec. 6036. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Building Communities Fund Grant Program (40000142)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1059, chapter 332, Laws of 2021.

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$27,103,000  
 Prior Biennia (Expenditures). \$3,043,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$30,146,000

**NEW SECTION. Sec. 6037. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Building for the Arts Grant Program (40000143)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1060, chapter 332, Laws of 2021.

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$9,955,000  
 Prior Biennia (Expenditures). \$6,045,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$16,000,000

**NEW SECTION. Sec. 6038. FOR THE DEPARTMENT OF COMMERCE**  
 2021-23 CERB Capital Construction (40000144)

Reappropriation:  
 Capital Community Assistance Account—  
 State. . . . . \$40,000,000  
 Public Facility Construction Loan Revolving  
 Account—State. . . . . \$10,000,000  
 State Taxable Building Construction Account—  
 State. . . . . \$412,000  
 Subtotal Reappropriation. . . . . \$50,412,000  
 Prior Biennia (Expenditures). \$14,588,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$65,000,000

**NEW SECTION. Sec. 6039. FOR THE DEPARTMENT OF COMMERCE**  
 2021-23 Library Capital Improvement Program (LCIP) Grants (40000147)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1017, chapter 296, Laws of 2022.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$14,871,000  
 Prior Biennia (Expenditures). . . \$973,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$15,844,000

**NEW SECTION. Sec. 6040. FOR THE DEPARTMENT OF COMMERCE**  
 2021-23 Clean Energy V-Investing in Washington's Clean Energy (40000148)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 7005 of this act.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$52,821,000  
 State Taxable Building Construction Account—  
 State. . . . . \$2,410,000  
 Subtotal Reappropriation. . . . . \$55,231,000  
 Prior Biennia (Expenditures). \$1,067,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$56,298,000

**NEW SECTION. Sec. 6041. FOR THE DEPARTMENT OF COMMERCE**  
 2021-23 Energy Retrofits for Public Buildings Grant Program (40000149)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7011 of this act.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$8,211,000  
 Prior Biennia (Expenditures). \$1,746,000  
 Future Biennia (Projected Costs). . . \$0

TOTAL. . . . . \$9,957,000

**NEW SECTION. Sec. 6042. FOR THE DEPARTMENT OF COMMERCE**  
 2021-23 Weatherization Plus Health (40000150)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 7015 of this act.

Reappropriation:  
 Capital Community Assistance Account—  
 State. . . . . \$8,182,000  
 General Fund—Federal. . . . \$47,049,000  
 State Building Construction Account—  
 State. . . . . \$4,940,000  
 Subtotal Reappropriation. . . . . \$60,171,000  
 Prior Biennia (Expenditures). \$6,944,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$67,115,000

**NEW SECTION. Sec. 6043. FOR THE DEPARTMENT OF COMMERCE**  
 2021-23 PWB Broadband Infrastructure (40000152)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1067, chapter 332, Laws of 2021.

Reappropriation:  
 Coronavirus Capital Projects Account—  
 Federal. . . . . \$45,040,000  
 Statewide Broadband Account—State. \$14,000,000  
 Subtotal Reappropriation. . . . . \$59,040,000  
 Prior Biennia (Expenditures). . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$59,040,000

**NEW SECTION. Sec. 6044. FOR THE DEPARTMENT OF COMMERCE**  
 2021-23 Housing Trust Fund Investment in Affordable Housing (40000153)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1020, chapter 296, Laws of 2022.

Reappropriation:  
 Capital Community Assistance Account—  
 State. . . . . \$104,723,000  
 Coronavirus State Fiscal Recovery Fund—  
 Federal. . . . . \$66,268,000  
 State Building Construction Account—  
 State. . . . . \$28,793,000  
 State Taxable Building Construction Account—  
 State. . . . . \$56,051,000  
 Subtotal Reappropriation. . . . . \$255,835,000  
 Prior Biennia (Expenditures). \$31,856,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$287,691,000

**NEW SECTION. Sec. 6045. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Behavioral Health Community Capacity Grants (40000219)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 7010 of this act.

Reappropriation:

Table with 2 columns: Account Name, Amount. Rows include Capital Community Assistance Account—State (\$26,323,000), State Building Construction Account—State (\$89,011,000), Subtotal Reappropriation (\$115,334,000), Prior Biennia (Expenditures) (\$6,153,000), Future Biennia (Projected Costs) (\$0), and TOTAL (\$121,487,000).

NEW SECTION. Sec. 6046. FOR THE DEPARTMENT OF COMMERCE

2019-21 Housing Trust Fund Investment from Operating (40000220)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1070, chapter 332, Laws of 2021.

Reappropriation:

Table with 2 columns: Account Name, Amount. Rows include Washington Housing Trust Account—State (\$17,156,000), Prior Biennia (Expenditures) (\$30,285,000), Future Biennia (Projected Costs) (\$0), and TOTAL (\$47,441,000).

NEW SECTION. Sec. 6047. FOR THE DEPARTMENT OF COMMERCE

2021-23 Rapid Capital Housing Acquisition (40000222)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 7003 of this act.

Reappropriation:

Table with 2 columns: Account Name, Amount. Rows include Coronavirus State Fiscal Recovery Fund—Federal (\$16,532,000), State Building Construction Account—State (\$41,036,000), Subtotal Reappropriation (\$57,568,000), Prior Biennia (Expenditures) (\$62,567,000), Future Biennia (Projected Costs) (\$0), and TOTAL (\$120,135,000).

NEW SECTION. Sec. 6048. FOR THE DEPARTMENT OF COMMERCE

2021-23 Rural Rehabilitation Loan Program (40000223)

Reappropriation:

Table with 2 columns: Account Name, Amount. Rows include State Taxable Building Construction Account—State (\$2,833,000), Prior Biennia (Expenditures) (\$9,000), Future Biennia (Projected Costs) (\$0), and TOTAL (\$2,842,000).

NEW SECTION. Sec. 6049. FOR THE DEPARTMENT OF COMMERCE

2022 Local & Community Projects (40000230)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 7012 of this act.

(2) The department must reimburse the city of Chelan for its expenditures for the Chelan municipal airport extension project. The amount of the reimbursement to the city of Chelan under this section may not exceed the amount appropriated for the Chelan municipal airport extension project in section 1022, chapter 296, Laws of 2022.

(3) It is the intent of the legislature to appropriate funding for the remaining costs of the Chelan municipal airport extension project in fiscal year 2024.

Reappropriation:

Table with 2 columns: Account Name, Amount. Rows include State Building Construction Account—State (\$117,688,000), Prior Biennia (Expenditures) (\$51,879,000), Future Biennia (Projected Costs) (\$0), and TOTAL (\$169,567,000).

NEW SECTION. Sec. 6050. FOR THE DEPARTMENT OF COMMERCE

Economic Opportunity Grants Authority (40000246)

Reappropriation:

Table with 2 columns: Account Name, Amount. Rows include Rural Washington Loan Account—State (\$903,000), Prior Biennia (Expenditures) (\$0), Future Biennia (Projected Costs) (\$0), and TOTAL (\$903,000).

NEW SECTION. Sec. 6051. FOR THE DEPARTMENT OF COMMERCE

2022 Rapid Capital Housing Acquisition (40000260)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1024, chapter 296, Laws of 2022.

Reappropriation:

Table with 2 columns: Account Name, Amount. Rows include Apple Health and Homes Account—State (\$59,952,000), Capital Community Assistance Account—State (\$175,558,000), Coronavirus State Fiscal Recovery Fund—Federal (\$15,065,000), State Building Construction Account—State (\$22,935,000), Subtotal Reappropriation (\$273,510,000), Prior Biennia (Expenditures) (\$26,490,000), Future Biennia (Projected Costs) (\$0), and TOTAL (\$300,000,000).

NEW SECTION. Sec. 6052. FOR THE DEPARTMENT OF COMMERCE

2023 Local and Community Projects (40000266)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 7007 of this act.

Reappropriation:

Capital Community Assistance Account—  
 State. . . . . \$309,000  
 State Building Construction Account—  
 State. . . . . \$48,301,000  
 Subtotal Reappropriation. . . . . \$48,610,000  
 Prior Biennia (Expenditures). \$5,017,000  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL. . . . . \$53,627,000

**NEW SECTION. Sec. 6053. FOR THE DEPARTMENT OF COMMERCE**  
 Ports Infrastructure (40000278)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1027, chapter 296, Laws of 2022.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$14,328,000  
 Prior Biennia (Expenditures). \$1,718,000  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL. . . . . \$16,046,000

**NEW SECTION. Sec. 6054. FOR THE DEPARTMENT OF COMMERCE**  
 CERB Administered Broadband Infrastructure (91000943)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1011, chapter 296, Laws of 2022.

Reappropriation:  
 Coronavirus Capital Projects Account—  
 Federal. . . . . \$25,000,000  
 Public Works Assistance Account—State. \$3,450,000  
 State Taxable Building Construction Account—  
 State. . . . . \$2,100,000  
 Subtotal Reappropriation. . . . . \$30,550,000  
 Prior Biennia (Expenditures). \$7,900,000  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL. . . . . \$38,450,000

**NEW SECTION. Sec. 6055. FOR THE DEPARTMENT OF COMMERCE**  
 2019 Local and Community Projects (91001157)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1017, chapter 356, Laws of 2020.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$4,781,000  
 Prior Biennia (Expenditures). \$35,749,000  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL. . . . . \$40,530,000

**NEW SECTION. Sec. 6056. FOR THE DEPARTMENT OF COMMERCE**  
 Library Capital Improvement Program (91001239)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1053, chapter 413, Laws of 2019.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$4,702,000  
 Prior Biennia (Expenditures). \$8,136,000  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL. . . . . \$12,838,000

**NEW SECTION. Sec. 6057. FOR THE DEPARTMENT OF COMMERCE**

Rapid Response Community Preservation Pilot Program (91001278)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1018, chapter 356, Laws of 2020.

Reappropriation:  
 Capital Community Assistance Account—  
 State. . . . . \$2,000,000  
 Prior Biennia (Expenditures). \$2,000,000  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL. . . . . \$4,000,000

**NEW SECTION. Sec. 6058. FOR THE DEPARTMENT OF COMMERCE**

Dental Capacity Grants (91001306)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6012, chapter 332, Laws of 2021.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$485,000  
 Prior Biennia (Expenditures). \$1,093,000  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL. . . . . \$1,578,000

**NEW SECTION. Sec. 6059. FOR THE DEPARTMENT OF COMMERCE**

Continuing Affordability in Current Housing (91001659)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1072, chapter 332, Laws of 2021.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$10,000,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL. . . . . \$10,000,000

**NEW SECTION. Sec. 6060. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Dental Capacity Grants (91001660)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1043, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—	
State . . . . .	\$4,676,000
Prior Biennia (Expenditures). . . . . \$1,549,000	
Future Biennia (Projected Costs). . . . . \$0	
TOTAL.....	\$6,225,000

**NEW SECTION. Sec. 6061. FOR THE DEPARTMENT OF COMMERCE**

Substance Use Disorder Recovery Housing (91001675)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1031, chapter 296, Laws of 2022.

Reappropriation:

State Taxable Building Construction Account—	
State . . . . .	\$48,000
Prior Biennia (Expenditures). . . . . \$102,000	
Future Biennia (Projected Costs). . . . . \$0	
TOTAL.....	\$150,000

**NEW SECTION. Sec. 6062. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Early Learning Facilities (91001677)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1037, chapter 296, Laws of 2022.

Reappropriation:

Capital Community Assistance Account—	
State . . . . .	\$25,878,000
Early Learning Facilities Development Account—	
State . . . . .	\$18,841,000
Early Learning Facilities Revolving Account—	
State . . . . .	\$2,192,000
State Building Construction Account—	
State . . . . .	\$891,000
Subtotal Reappropriation.....	\$47,802,000
Prior Biennia (Expenditures). \$14,698,000	
Future Biennia (Projected Costs). . . . . \$0	
TOTAL.....	\$62,500,000

**NEW SECTION. Sec. 6063. FOR THE DEPARTMENT OF COMMERCE**

Early Learning Renovation Grants (91001681)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7014 of this act.

Reappropriation:

State Building Construction Account—	
State . . . . .	\$8,500,000
Prior Biennia (Expenditures). . . . . \$0	
Future Biennia (Projected Costs). . . . . \$0	
TOTAL.....	\$8,500,000

**NEW SECTION. Sec. 6064. FOR THE DEPARTMENT OF COMMERCE**

Grants for Affordable Housing Development Connections (91001685)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1032, chapter 296, Laws of 2022.

Reappropriation:

Coronavirus State Fiscal Recovery Fund—	
Federal . . . . .	\$27,000,000
State Building Construction Account—	
State . . . . .	\$17,910,000
Subtotal Reappropriation.....	\$44,910,000
Prior Biennia (Expenditures). . . . . \$390,000	
Future Biennia (Projected Costs). . . . . \$0	
TOTAL.....	\$45,300,000

**NEW SECTION. Sec. 6065. FOR THE DEPARTMENT OF COMMERCE**

Work, Education, Health Monitoring Projects (91001686)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7013 of this act.

Reappropriation:

State Building Construction Account—	
State . . . . .	\$805,000
Prior Biennia (Expenditures). . . . . \$21,000	
Future Biennia (Projected Costs). . . . . \$0	
TOTAL.....	\$826,000

**NEW SECTION. Sec. 6066. FOR THE DEPARTMENT OF COMMERCE**

Infrastructure Projects (91001687)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1033, chapter 296, Laws of 2022.

Reappropriation:

Capital Community Assistance Account—	
State . . . . .	\$25,714,000
Coronavirus State Fiscal Recovery Fund—	
Federal . . . . .	\$94,106,000
Public Works Assistance Account—State.	
	\$485,000
State Building Construction Account—	
State . . . . .	\$10,087,000
Subtotal Reappropriation.....	\$130,392,000
Prior Biennia (Expenditures). \$6,908,000	
Future Biennia (Projected Costs). . . . . \$0	
TOTAL.....	\$137,300,000

**NEW SECTION. Sec. 6067. FOR THE DEPARTMENT OF COMMERCE**

Capital Grant Program Equity (91001688)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 1093, chapter 332, Laws of 2021.

(2) The department may use up to 5 percent of the reappropriation in this section to administer the program, including, but not limited to, providing

technical assistance, managing contracts, and reporting.

(3) The department must provide a report to the appropriate committees of the legislature and the governor by October 1, 2024, on progress and recommendations for improving outreach to underrepresented and remote communities and eliminating barriers to participating in state capital funding programs.

Reappropriation:

State Building Construction Account—
State . . . . . \$5,000,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) . . . . . \$0
TOTAL . . . . . \$5,000,000

NEW SECTION. Sec. 6068. FOR THE DEPARTMENT OF COMMERCE

Food Banks (91001690)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1034, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—
State . . . . . \$6,900,000
Prior Biennia (Expenditures) . . . . . \$5,686,000
Future Biennia (Projected Costs) . . . . . \$0
TOTAL . . . . . \$12,586,000

NEW SECTION. Sec. 6069. FOR THE DEPARTMENT OF COMMERCE

Homeless Youth Facilities (91001991)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1048, chapter 296, Laws of 2022.

Reappropriation:

Capital Community Assistance Account—
State . . . . . \$9,723,000
Prior Biennia (Expenditures) . . . . . \$5,172,000
Future Biennia (Projected Costs) . . . . . \$0
TOTAL . . . . . \$14,895,000

NEW SECTION. Sec. 6070. FOR THE DEPARTMENT OF COMMERCE

2022 Permanent Supportive Housing Remediation (91002160)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1035, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—
State . . . . . \$200,000
Prior Biennia (Expenditures) . . . . . \$0
Future Biennia (Projected Costs) . . . . . \$0
TOTAL . . . . . \$200,000

NEW SECTION. Sec. 6071. FOR THE DEPARTMENT OF COMMERCE

Dig-Once Pilot Program (91002171)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1050, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—
State . . . . . \$17,000
Prior Biennia (Expenditures) . . . . . \$23,000
Future Biennia (Projected Costs) . . . . . \$0
TOTAL . . . . . \$40,000

NEW SECTION. Sec. 6072. FOR THE DEPARTMENT OF COMMERCE

Projects for Jobs & Economic Development (92000151)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6013, chapter 332, Laws of 2021.

Reappropriation:

Public Facility Construction Loan Revolving
Account—State . . . . . \$116,000
State Building Construction Account—
State . . . . . \$735,000
Subtotal Reappropriation . . . . . \$851,000
Prior Biennia (Expenditures) . . . . . \$35,786,000
Future Biennia (Projected Costs) . . . . . \$0
TOTAL . . . . . \$36,637,000

NEW SECTION. Sec. 6073. FOR THE DEPARTMENT OF COMMERCE

Projects that Strengthen Communities & Quality of Life (92000230)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is subject to the provisions of section 6006, chapter 3, Laws of 2015 3rd sp. sess.
(2) The reappropriation for any project for which the department has not executed a contract by December 31, 2023, shall lapse. The department shall provide a list of lapsed projects to the legislative fiscal committees no later than January 15, 2024.

Reappropriation:

State Building Construction Account—
State . . . . . \$982,000
Prior Biennia (Expenditures) . . . . . \$31,102,000
Future Biennia (Projected Costs) . . . . . \$0
TOTAL . . . . . \$32,084,000

NEW SECTION. Sec. 6074. FOR THE DEPARTMENT OF COMMERCE

Local & Community Projects 2016 (92000369)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is subject to the provisions of section 1030, chapter 296, Laws of 2022.
(2) The reappropriation for any project for which the department has not executed a contract by December 31, 2023, shall lapse. The department shall provide a list of



lapsed projects to the legislative fiscal committees no later than January 15, 2024.

**Reappropriation:**

State Building Construction Account—  
 State . . . . . \$5,917,000  
 Prior Biennia (Expenditures) \$123,002,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL . . . . . \$128,919,000

**NEW SECTION. Sec. 6075. FOR THE DEPARTMENT OF COMMERCE**  
 Enhanced Shelter Capacity Grants (92000939)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7008 of this act.

**Reappropriation:**

State Building Construction Account—  
 State . . . . . \$3,889,000  
 Prior Biennia (Expenditures) . . \$723,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL . . . . . \$4,612,000

**NEW SECTION. Sec. 6076. FOR THE DEPARTMENT OF COMMERCE**  
 2021-23 Broadband Office (92000953)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 7016 of this act.

**Reappropriation:**

Coronavirus Capital Projects Account—  
 Federal . . . . . \$124,726,000  
 Coronavirus State Fiscal Recovery Fund—  
 Federal . . . . . \$150,522,000  
 State Building Construction Account—  
 State . . . . . \$26,878,000  
 Subtotal Reappropriation . . . . . \$302,126,000  
 Prior Biennia (Expenditures) . \$1,468,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL . . . . . \$303,594,000

**NEW SECTION. Sec. 6077. FOR THE DEPARTMENT OF COMMERCE**  
 2021-23 Community Relief (92000957)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1044, chapter 296, Laws of 2022.

**Reappropriation:**

State Building Construction Account—  
 State . . . . . \$9,848,000  
 State Taxable Building Construction Account—  
 State . . . . . \$1,000  
 Subtotal Reappropriation . . . . . \$9,849,000  
 Prior Biennia (Expenditures) . \$4,901,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL . . . . . \$14,750,000

**NEW SECTION. Sec. 6078. FOR THE DEPARTMENT OF COMMERCE**

Reimann Roads, Telecomm and Utility Relocation (Pasco) (92001004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1088, chapter 332, Laws of 2021.

**Reappropriation:**

State Building Construction Account—  
 State . . . . . \$6,515,000  
 Prior Biennia (Expenditures) . . \$985,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL . . . . . \$7,500,000

**NEW SECTION. Sec. 6079. FOR THE DEPARTMENT OF COMMERCE**  
 Child Care Minor Renovation Grants (92001109)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1045, chapter 296, Laws of 2022.

**Reappropriation:**

General Fund—Federal . . . . \$28,011,000  
 Prior Biennia (Expenditures) . . \$511,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL . . . . . \$28,522,000

**NEW SECTION. Sec. 6080. FOR THE DEPARTMENT OF COMMERCE**  
 Increasing Housing Inventory (92001122)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1090, chapter 332, Laws of 2021.

**Reappropriation:**

State Building Construction Account—  
 State . . . . . \$2,183,000  
 Prior Biennia (Expenditures) . . \$317,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL . . . . . \$2,500,000

**NEW SECTION. Sec. 6081. FOR THE DEPARTMENT OF COMMERCE**  
 2022 Dental Capacity Grants (92001175)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1049, chapter 296, Laws of 2022.

**Reappropriation:**

State Building Construction Account—  
 State . . . . . \$5,705,000  
 Prior Biennia (Expenditures) . . . \$96,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL . . . . . \$5,801,000

**NEW SECTION. Sec. 6082. FOR THE DEPARTMENT OF COMMERCE**  
 2022 Broadband Office (92001178)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7017 of this act.

Reappropriation:  
 General Fund—Federal. . . . \$49,991,000  
 Prior Biennia (Expenditures). . . \$9,000  
 Future Biennia (Projected Costs). . . \$0  
**TOTAL..... \$50,000,000**

**NEW SECTION. Sec. 6083. FOR THE DEPARTMENT OF COMMERCE**  
 Energy Efficiency Revolving Loan Fund Capitalization Program (92001179)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1051, chapter 296, Laws of 2022.

Reappropriation:  
 Energy Efficiency Rev Loan Capital—State . . . . . \$1,869,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
**TOTAL..... \$1,869,000**

**NEW SECTION. Sec. 6084. FOR THE DEPARTMENT OF COMMERCE**  
 2022 Crisis Stabilization Facilities (92001286)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1025, chapter 296, Laws of 2022.

Reappropriation:  
 Capital Community Assistance Account—State. . . . . \$71,995,000  
 Prior Biennia (Expenditures). . . \$5,000  
 Future Biennia (Projected Costs). . . \$0  
**TOTAL..... \$72,000,000**

**NEW SECTION. Sec. 6085. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
 Cowlitz River Dredging (20082856)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1053, chapter 296, Laws of 2022.

Reappropriation:  
 State Building Construction Account—State. . . . . \$2,000,000  
 Prior Biennia (Expenditures). . \$700,000  
 Future Biennia (Projected Costs). . . \$0  
**TOTAL..... \$2,700,000**

**NEW SECTION. Sec. 6086. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
 Construction Cost Assessment (40000002)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1099, chapter 332, Laws of 2021.

Reappropriation:  
 Thurston County Capital Facilities Account—State. . . . . \$54,000  
 Prior Biennia (Expenditures). . \$246,000  
 Future Biennia (Projected Costs). . . \$0

**TOTAL..... \$300,000**

**NEW SECTION. Sec. 6087. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
 Fircrest School Land Use Assessment (92000035)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1100, chapter 332, Laws of 2021.

Reappropriation:  
 State Building Construction Account—State. . . . . \$165,000  
 Prior Biennia (Expenditures). . \$335,000  
 Future Biennia (Projected Costs). . . \$0  
**TOTAL..... \$500,000**

**NEW SECTION. Sec. 6088. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
 Inflation and Contingency Fund (92001124)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is subject to the provisions of section 1056, chapter 296, Laws of 2022, as amended by section 7020 of this act.

Reappropriation:  
 Capital Community Assistance Account—State. . . . . \$2,000,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
**TOTAL..... \$2,000,000**

**NEW SECTION. Sec. 6089. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**  
 Campus Physical Security & Safety Improvements (30000812)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6023, chapter 332, Laws of 2021.

Reappropriation:  
 Capitol Building Construction Account—State. . . . . \$292,000  
 State Building Construction Account—State. . . . . \$156,000  
 Thurston County Capital Facilities Account—State. . . . . \$544,000  
**Subtotal Reappropriation..... \$992,000**  
 Prior Biennia (Expenditures). \$5,184,000  
 Future Biennia (Projected Costs). . . \$0  
**TOTAL..... \$6,176,000**

**NEW SECTION. Sec. 6090. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**  
 21-31 Statewide Minor Works - Preservation (40000180)

Reappropriation:  
 State Building Construction Account—State. . . . . \$323,000  
 Prior Biennia (Expenditures). . \$564,000  
 Future Biennia (Projected Costs). . . \$0  
**TOTAL..... \$887,000**

NEW SECTION.      **Sec. 6091.**      **FOR THE**  
**DEPARTMENT OF ENTERPRISE SERVICES**  
 Executive Guard Post One (40000448)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$740,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL..... \$740,000

NEW SECTION.      **Sec. 6092.**      **FOR THE**  
**WASHINGTON STATE PATROL**  
 FTA Emergency Power Generator Replacement  
 (30000171)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$821,000  
 Prior Biennia (Expenditures). . . . . \$54,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL..... \$875,000

NEW SECTION.      **Sec. 6093.**      **FOR THE**  
**WASHINGTON STATE PATROL**  
 FTA - Student Dormitory HVAC (40000034)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$127,000  
 Prior Biennia (Expenditures). . . . . \$198,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL..... \$325,000

NEW SECTION.      **Sec. 6094.**      **FOR THE**  
**CRIMINAL JUSTICE TRAINING COMMISSION**  
 Omnibus Minor Works (40000014)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$726,000  
 Prior Biennia (Expenditures). . . . . \$9,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL..... \$735,000

NEW SECTION.      **Sec. 6095.**      **FOR THE**  
**DEPARTMENT OF LABOR AND INDUSTRIES**  
 Modernize Lab and Training Facility  
 (30000043)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 2005, chapter 413, Laws of 2019.

Reappropriation:  
 Accident Account—State. . . . . \$9,860,000  
 Medical Aid Account—State. . . . . \$1,730,000  
 Subtotal Reappropriation..... \$11,590,000  
 Prior Biennia (Expenditures). . . . . \$41,613,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL..... \$53,203,000

NEW SECTION.      **Sec. 6096.**      **FOR THE**  
**DEPARTMENT OF LABOR AND INDUSTRIES**  
 Air Handler Retrofit and Cooling Tower Replacement (30000059)

Reappropriation:  
 Accident Account—State. . . . . \$2,050,000  
 Medical Aid Account—State. . . . . \$2,050,000  
 Subtotal Reappropriation..... \$4,100,000

Prior Biennia (Expenditures). . . . . \$638,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL..... \$4,738,000

NEW SECTION.      **Sec. 6097.**      **FOR THE**  
**MILITARY DEPARTMENT**  
 Thurston County Readiness Center  
 (30000594)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1027, chapter 35, Laws of 2016 sp. sess.

Reappropriation:  
 General Fund—Federal. . . . . \$3,301,000  
 Military Department Capital Account—  
 State. . . . . \$553,000  
 Subtotal Reappropriation..... \$3,854,000  
 Prior Biennia (Expenditures). . . . . \$44,098,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL..... \$47,952,000

NEW SECTION.      **Sec. 6098.**      **FOR THE**  
**MILITARY DEPARTMENT**  
 Anacortes Readiness Center Major Renovation (40000004)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1100, chapter 413, Laws of 2019.

Reappropriation:  
 General Fund—Federal. . . . . \$2,472,000  
 Military Department Capital Account—  
 State. . . . . \$62,000  
 State Building Construction Account—  
 State. . . . . \$2,707,000  
 Subtotal Reappropriation..... \$5,241,000  
 Prior Biennia (Expenditures). . . . . \$2,010,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL..... \$7,251,000

NEW SECTION.      **Sec. 6099.**      **FOR THE**  
**MILITARY DEPARTMENT**  
 Stryker Canopies Kent Site (40000073)

Reappropriation:  
 General Fund—Federal. . . . . \$2,547,000  
 Prior Biennia (Expenditures). . . . . \$453,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL..... \$3,000,000

NEW SECTION.      **Sec. 6100.**      **FOR THE**  
**MILITARY DEPARTMENT**  
 Stryker Canopies Bremerton Site  
 (40000077)

Reappropriation:  
 General Fund—Federal. . . . . \$1,107,000  
 Prior Biennia (Expenditures). . . . . \$393,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL..... \$1,500,000

NEW SECTION.      **Sec. 6101.**      **FOR THE**  
**MILITARY DEPARTMENT**  
 Montesano Field Maintenance Shop (FMS) Addition (40000095)

Reappropriation:

General Fund—Federal. . . . \$2,964,000  
 Prior Biennia (Expenditures). . . \$36,000  
 Future Biennia (Projected Costs). . . \$0  
**TOTAL..... \$3,000,000**

**NEW SECTION. Sec. 6102. FOR THE MILITARY DEPARTMENT**

Minor Works Program 21-23 Biennium (40000185)

**Reappropriation:**

General Fund—Federal. . . . \$5,309,000  
 State Building Construction Account—  
 State. . . . \$2,002,000  
**Subtotal Reappropriation..... \$7,311,000**  
 Prior Biennia (Expenditures). \$1,351,000  
 Future Biennia (Projected Costs). . . \$0  
**TOTAL..... \$8,662,000**

**NEW SECTION. Sec. 6103. FOR THE MILITARY DEPARTMENT**

Minor Works Preservation 2021-23 Biennium (40000188)

**Reappropriation:**

General Fund—Federal. . . . \$6,289,000  
 State Building Construction Account—  
 State. . . . \$2,028,000  
**Subtotal Reappropriation..... \$8,317,000**  
 Prior Biennia (Expenditures). \$1,215,000  
 Future Biennia (Projected Costs). . . \$0  
**TOTAL..... \$9,532,000**

**NEW SECTION. Sec. 6104. FOR THE MILITARY DEPARTMENT**

Camp Murray Bldg. 20 Roof Top Unit Upgrade (40000189)

**Reappropriation:**

State Building Construction Account—  
 State. . . . \$307,000  
 Prior Biennia (Expenditures). . . \$6,000  
 Future Biennia (Projected Costs). . . \$0  
**TOTAL..... \$313,000**

**NEW SECTION. Sec. 6105. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital New Kitchen and Commissary Building (20081319)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2003, chapter 2, Laws of 2018.

**Reappropriation:**

State Building Construction Account—  
 State. . . . \$1,263,000  
 Prior Biennia (Expenditures). \$28,927,000  
 Future Biennia (Projected Costs). . . \$0  
**TOTAL..... \$30,190,000**

**NEW SECTION. Sec. 6106. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Fircrest School-Back-Up Power & Electrical Feeders (30000415)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2005, chapter 3, Laws of 2015 3rd sp. sess.

**Reappropriation:**

State Building Construction Account—  
 State. . . . \$1,035,000  
 Prior Biennia (Expenditures). \$4,165,000  
 Future Biennia (Projected Costs). . . \$0  
**TOTAL..... \$5,200,000**

**NEW SECTION. Sec. 6107. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital: New Boiler Plant (30000468)

**Reappropriation:**

State Building Construction Account—  
 State. . . . \$2,095,000  
 Prior Biennia (Expenditures). \$11,234,000  
 Future Biennia (Projected Costs). . . \$0  
**TOTAL..... \$13,329,000**

**NEW SECTION. Sec. 6108. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Preservation Projects: Statewide (30002235)

**Reappropriation:**

State Building Construction Account—  
 State. . . . \$1,419,000  
 Prior Biennia (Expenditures). \$25,266,000  
 Future Biennia (Projected Costs). . . \$0  
**TOTAL..... \$26,685,000**

**NEW SECTION. Sec. 6109. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Rainier School-Multiple Buildings: Roofing Replacement & Repairs (30002752)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2005, chapter 356, Laws of 2020.

**Reappropriation:**

State Building Construction Account—  
 State. . . . \$456,000  
 Prior Biennia (Expenditures). \$2,174,000  
 Future Biennia (Projected Costs). . . \$0  
**TOTAL..... \$2,630,000**

**NEW SECTION. Sec. 6110. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Fircrest School-Nursing Facilities: Replacement (30002755)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7023 of this act.

**Reappropriation:**

State Building Construction Account—  
 State. . . . \$10,032,000  
 Prior Biennia (Expenditures). . . \$261,000  
 Future Biennia (Projected Costs). . . \$0  
**TOTAL..... \$10,293,000**

**NEW SECTION. Sec. 6111. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital-Westlake: New HVAC DDC Controls (30002759)

**Reappropriation:**

State Building Construction Account—  
 State . . . . . \$1,589,000  
 Prior Biennia (Expenditures). \$2,261,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$3,850,000

**NEW SECTION. Sec. 6112. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Western State Hospital-Forensic Services:  
 Two Wards Addition (30002765)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$8,673,000  
 Prior Biennia (Expenditures). \$21,827,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$30,500,000

**NEW SECTION. Sec. 6113. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 DOC/DSHS McNeil Island-Infrastructure:  
 Repairs & Upgrades (30003211)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$979,000  
 Prior Biennia (Expenditures). . \$976,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$1,955,000

**NEW SECTION. Sec. 6114. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 DOC/DSHS McNeil Island-Infrastructure:  
 Water System Replacement (30003213)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$96,000  
 Prior Biennia (Expenditures). \$2,412,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$2,508,000

**NEW SECTION. Sec. 6115. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Child Study and Treatment Center: CLIP  
 Capacity (30003324)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$157,000  
 Prior Biennia (Expenditures). \$12,787,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$12,944,000

**NEW SECTION. Sec. 6116. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 State Psychiatric Hospitals: Compliance  
 with Federal Requirements (30003569)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2015, chapter 2, Laws of 2018.

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$94,000  
 Prior Biennia (Expenditures). \$1,906,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$2,000,000

**NEW SECTION. Sec. 6117. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Western State Hospital: Master Plan  
 Update (30003571)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2016, chapter 2, Laws of 2018.

Reappropriation:  
 Charitable, Educational, Penal, and  
 Reformatory  
 Institutions Account—State. . \$69,000  
 Prior Biennia (Expenditures). . \$456,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$525,000

**NEW SECTION. Sec. 6118. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Yakima Valley School-Multiple Buildings:  
 Safety Improvements (30003573)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$56,000  
 Prior Biennia (Expenditures). \$1,819,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$1,875,000

**NEW SECTION. Sec. 6119. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Special Commitment Center-Community  
 Facilities: New Capacity (30003577)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 2023, chapter 332, Laws of 2021.

Reappropriation:  
 Charitable, Educational, Penal, and  
 Reformatory  
 Institutions Account—State. \$176,000  
 State Building Construction Account—  
 State . . . . . \$6,000,000  
 Subtotal Reappropriation. .... \$6,176,000  
 Prior Biennia (Expenditures). . \$324,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$6,500,000

**NEW SECTION. Sec. 6120. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Western State Hospital-Multiple  
 Buildings: Fire Suppression (30003579)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$55,000  
 Prior Biennia (Expenditures). . \$945,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$1,000,000

**NEW SECTION. Sec. 6121. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Western State Hospital-Multiple  
 Buildings: Elevator Modernization (30003582)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$318,000  
 Prior Biennia (Expenditures). \$4,782,000

Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$5,100,000

**NEW SECTION. Sec. 6122. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Fircrest School: Campus Master Plan & Rezone (30003601)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 2007, chapter 296, Laws of 2022.

Reappropriation:  
 Charitable, Educational, Penal, and Reformatory  
 Institutions Account—State. . . \$1,000  
 State Building Construction Account—State. . . . . \$163,000  
 Subtotal Reappropriation..... \$164,000  
 Prior Biennia (Expenditures). . . \$329,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$493,000

**NEW SECTION. Sec. 6123. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Western State Hospital-Forensic Services: Roofing Replacement (30003603)

Reappropriation:  
 State Building Construction Account—State. . . . . \$54,000  
 Prior Biennia (Expenditures). . . \$1,901,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$1,955,000

**NEW SECTION. Sec. 6124. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Eastern State Hospital: Emergency Electrical System Upgrades (30003616)

Reappropriation:  
 State Building Construction Account—State. . . . . \$1,182,000  
 Prior Biennia (Expenditures). . . \$873,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$2,055,000

**NEW SECTION. Sec. 6125. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Behavioral Health: Compliance with Systems Improvement Agreement (30003849)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2033, chapter 413, Laws of 2019.

Reappropriation:  
 State Building Construction Account—State. . . . . \$124,000  
 Prior Biennia (Expenditures). . . \$8,776,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$8,900,000

**NEW SECTION. Sec. 6126. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Minor Works Preservation Projects: Statewide 2019-21 (40000381)

Reappropriation:  
 Charitable, Educational, Penal, and Reformatory

Institutions Account—State. \$913,000  
 State Building Construction Account—State. . . . . \$6,447,000  
 Subtotal Reappropriation..... \$7,360,000  
 Prior Biennia (Expenditures). \$7,690,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$15,050,000

**NEW SECTION. Sec. 6127. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Minor Works Program Projects: Statewide 2019-21 (40000382)

Reappropriation:  
 Charitable, Educational, Penal, and Reformatory  
 Institutions Account—State. \$566,000  
 State Building Construction Account—State. . . . . \$171,000  
 Subtotal Reappropriation..... \$737,000  
 Prior Biennia (Expenditures). \$2,018,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$2,755,000

**NEW SECTION. Sec. 6128. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Western State Hospital-Multiple Buildings: Fire Doors Replacement (40000392)

Reappropriation:  
 State Building Construction Account—State. . . . . \$4,602,000  
 Prior Biennia (Expenditures). . . \$498,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$5,100,000

**NEW SECTION. Sec. 6129. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Eastern State Hospital-Eastlake & Westlake: Fire & Smoke Controls (40000404)

Reappropriation:  
 State Building Construction Account—State. . . . . \$1,728,000  
 Prior Biennia (Expenditures). . . \$322,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$2,050,000

**NEW SECTION. Sec. 6130. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Eastern State Hospital-Westlake: Fire Stops (40000405)

Reappropriation:  
 State Building Construction Account—State. . . . . \$1,874,000  
 Prior Biennia (Expenditures). . . \$256,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$2,130,000

**NEW SECTION. Sec. 6131. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Eastern State Hospital-EL & WL: HVAC Compliance & Monitoring (40000492)

Reappropriation:  
 State Building Construction Account—State. . . . . \$570,000  
 Prior Biennia (Expenditures). \$1,345,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$1,915,000

**NEW SECTION. Sec. 6132. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Maple Lane-Columbia Cottage: Behavioral Health Expansion (40000567)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$3,871,000  
 Prior Biennia (Expenditures) . . \$1,129,000  
 Future Biennia (Projected Costs) . . \$0  
 TOTAL . . . . . \$5,000,000

**NEW SECTION. Sec. 6133. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Minor Works Program Projects: Statewide 2021-23 (40000569)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2046, chapter 332, Laws of 2021.

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$2,070,000  
 Prior Biennia (Expenditures) . . \$685,000  
 Future Biennia (Projected Costs) . . \$0  
 TOTAL . . . . . \$2,755,000

**NEW SECTION. Sec. 6134. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Minor Works Preservation Projects: Statewide 2021-23 (40000571)

Reappropriation:  
 Charitable, Educational, Penal, and Reformatory  
 Institutions Account—State \$1,612,000  
 State Building Construction Account—  
 State . . . . . \$7,600,000  
 Subtotal Reappropriation . . . . . \$9,212,000  
 Prior Biennia (Expenditures) . . \$2,378,000  
 Future Biennia (Projected Costs) . . \$0  
 TOTAL . . . . . \$11,590,000

**NEW SECTION. Sec. 6135. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Transitional Care Center-Main Building: Patient Rooms Cooling (40000574)

Reappropriation:  
 Coronavirus State Fiscal Recovery Fund—  
 Federal . . . . . \$2,315,000  
 Prior Biennia (Expenditures) . . \$20,000  
 Future Biennia (Projected Costs) . . \$0  
 TOTAL . . . . . \$2,335,000

**NEW SECTION. Sec. 6136. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Statewide-Behavioral Health: Patient Safety Improvements 2021-23 (40000578)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$6,151,000  
 Prior Biennia (Expenditures) . . \$849,000  
 Future Biennia (Projected Costs) . . \$0  
 TOTAL . . . . . \$7,000,000

**NEW SECTION. Sec. 6137. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital-Building 29: Roofing Replacement (40000589)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$4,867,000  
 Prior Biennia (Expenditures) . . \$168,000  
 Future Biennia (Projected Costs) . . \$0  
 TOTAL . . . . . \$5,035,000

**NEW SECTION. Sec. 6138. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Western State Hospital-Building 27: Roofing Replacement (40000888)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$512,000  
 Prior Biennia (Expenditures) . . \$688,000  
 Future Biennia (Projected Costs) . . \$0  
 TOTAL . . . . . \$1,200,000

**NEW SECTION. Sec. 6139. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Fircrest School-ICF Cottages: HVAC & Water Heater Improvements (40000946)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$5,605,000  
 Prior Biennia (Expenditures) . . \$175,000  
 Future Biennia (Projected Costs) . . \$0  
 TOTAL . . . . . \$5,780,000

**NEW SECTION. Sec. 6140. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Western State Hospital-Building 29: CMS Certification (40000948)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$30,000  
 Prior Biennia (Expenditures) . . \$190,000  
 Future Biennia (Projected Costs) . . \$0  
 TOTAL . . . . . \$220,000

**NEW SECTION. Sec. 6141. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 ESH and WSH-All Wards: Patient Safety Improvements (91000019)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$4,633,000  
 Prior Biennia (Expenditures) . . \$14,036,000  
 Future Biennia (Projected Costs) . . \$0  
 TOTAL . . . . . \$18,669,000

**NEW SECTION. Sec. 6142. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 DSHS & DCYF Fire Alarms (91000066)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2036, chapter 332, Laws of 2021.

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$6,026,000  
 Prior Biennia (Expenditures) . . \$10,793,000  
 Future Biennia (Projected Costs) . . \$0

TOTAL..... \$16,819,000

NEW SECTION. Sec. 6143. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES Eastern State Hospital Elevators (91000068)

Reappropriation: Charitable, Educational, Penal, and Reformatory Institutions Account—State. \$720,000 Prior Biennia (Expenditures). \$1,980,000 Future Biennia (Projected Costs). \$0 TOTAL..... \$2,700,000

NEW SECTION. Sec. 6144. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES Western State Hospital & CSTC Power Upgrades (91000070)

Reappropriation: State Building Construction Account— State. \$783,000 Prior Biennia (Expenditures). \$1,517,000 Future Biennia (Projected Costs). \$0 TOTAL..... \$2,300,000

NEW SECTION. Sec. 6145. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES BH: State Operated Community Civil 16-Bed Capacity (91000075)

Reappropriation: State Building Construction Account— State. \$2,255,000 Prior Biennia (Expenditures). \$17,935,000 Future Biennia (Projected Costs). \$0 TOTAL..... \$20,190,000

NEW SECTION. Sec. 6146. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES Rainier School—PATs E,C Cottage Cooling Upgrades (91000078)

Reappropriation: State Building Construction Account— State. \$143,000 Prior Biennia (Expenditures). \$7,857,000 Future Biennia (Projected Costs). \$0 TOTAL..... \$8,000,000

NEW SECTION. Sec. 6147. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES Western State Hospital Treatment & Recovery Center (91000080)

Reappropriation: State Building Construction Account— State. \$23,931,000 Prior Biennia (Expenditures). \$669,000 Future Biennia (Projected Costs). \$0 TOTAL..... \$24,600,000

NEW SECTION. Sec. 6148. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES Child Study & Treatment Center - Youth Housing (91000084)

Reappropriation: State Building Construction Account— State. \$350,000 Prior Biennia (Expenditures). \$0

Future Biennia (Projected Costs). \$0 TOTAL..... \$350,000

NEW SECTION. Sec. 6149. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES Residential Habilitation Center Land Management (92000044)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2060, chapter 332, Laws of 2021.

Reappropriation: Charitable, Educational, Penal, and Reformatory Institutions Account—State. \$150,000 Prior Biennia (Expenditures). \$0 Future Biennia (Projected Costs). \$0 TOTAL..... \$150,000

NEW SECTION. Sec. 6150. FOR THE DEPARTMENT OF HEALTH Drinking Water Preconstruction Loans (30000334)

Reappropriation: Drinking Water Assistance Account—State. \$4,279,000 Prior Biennia (Expenditures). \$1,721,000 Future Biennia (Projected Costs). \$0 TOTAL..... \$6,000,000

NEW SECTION. Sec. 6151. FOR THE DEPARTMENT OF HEALTH New Central Boiler Plant (30000381)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2064, chapter 332, Laws of 2021.

Reappropriation: State Building Construction Account— State. \$10,658,000 Prior Biennia (Expenditures). \$2,607,000 Future Biennia (Projected Costs). \$0 TOTAL..... \$13,265,000

NEW SECTION. Sec. 6152. FOR THE DEPARTMENT OF HEALTH Drinking Water Construction Loans (30000409)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2034, chapter 2, Laws of 2018.

Reappropriation: Drinking Water Assistance Account—State. \$36,094,000 Prior Biennia (Expenditures). \$81,906,000 Future Biennia (Projected Costs). \$0 TOTAL..... \$118,000,000

NEW SECTION. Sec. 6153. FOR THE DEPARTMENT OF HEALTH Drinking Water System Repairs and Consolidation (40000006)



The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2035, chapter 2, Laws of 2018.

**Reappropriation:**

State Building Construction Account—	
State . . . . .	\$760,000
Prior Biennia (Expenditures) . . . . .	\$4,240,000
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$5,000,000</b>

**NEW SECTION. Sec. 6154. FOR THE DEPARTMENT OF HEALTH**  
 2019-21 Drinking Water Assistance Program (40000025)

**Reappropriation:**

Drinking Water Assistance Account—	
Federal . . . . .	\$2,197,000
Prior Biennia (Expenditures) . . . . .	\$32,803,000
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$35,000,000</b>

**NEW SECTION. Sec. 6155. FOR THE DEPARTMENT OF HEALTH**  
 2019-21 Drinking Water System Repairs and Consolidation (40000027)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2068, chapter 413, Laws of 2019.

**Reappropriation:**

State Building Construction Account—	
State . . . . .	\$592,000
Prior Biennia (Expenditures) . . . . .	\$908,000
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$1,500,000</b>

**NEW SECTION. Sec. 6156. FOR THE DEPARTMENT OF HEALTH**  
 Small & Disadvantaged Communities DW (40000031)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2020, chapter 296, Laws of 2022.

**Reappropriation:**

General Fund—Federal . . . . .	
	\$20,042,000
Prior Biennia (Expenditures) . . . . .	\$764,000
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$20,806,000</b>

**NEW SECTION. Sec. 6157. FOR THE DEPARTMENT OF HEALTH**  
 Replace Air Handling Unit (AHU) in A/Q-wings (40000034)

**Reappropriation:**

Coronavirus State Fiscal Recovery Fund—	
Federal . . . . .	\$1,894,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$1,894,000</b>

**NEW SECTION. Sec. 6158. FOR THE DEPARTMENT OF HEALTH**  
 2021-23 Drinking Water Assistance Program (40000049)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2023, chapter 296, Laws of 2022.

**Reappropriation:**

Drinking Water Assistance Account—	
Federal . . . . .	\$112,900,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$112,900,000</b>

**NEW SECTION. Sec. 6159. FOR THE DEPARTMENT OF HEALTH**  
 2021-23 Drinking Water Construction Loans - State Match (40000051)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2024, chapter 296, Laws of 2022.

**Reappropriation:**

Drinking Water Assistance Account—State . . . . .	
	\$11,769,000
Prior Biennia (Expenditures) . . . . .	\$8,631,000
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$20,400,000</b>

**NEW SECTION. Sec. 6160. FOR THE DEPARTMENT OF HEALTH**  
 Lakewood Water District PFAS Treatment Facility (40000052)

**Reappropriation:**

State Building Construction Account—	
State . . . . .	\$936,000
Prior Biennia (Expenditures) . . . . .	\$4,633,000
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$5,569,000</b>

**NEW SECTION. Sec. 6161. FOR THE DEPARTMENT OF HEALTH**  
 Generator for New Central Boiler Plant (40000053)

**Reappropriation:**

State Building Construction Account—	
State . . . . .	\$1,837,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$1,837,000</b>

**NEW SECTION. Sec. 6162. FOR THE DEPARTMENT OF HEALTH**  
 Improve Critical Water Infrastructure (40000058)

**Reappropriation:**

Drinking Water Assistance Account—State . . . . .	
	\$20,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$20,000,000</b>

**NEW SECTION. Sec. 6163. FOR THE DEPARTMENT OF HEALTH**

Increase DWSRF Preconstruction Loans  
(40000059)

Reappropriation:

Drinking Water Assistance Account—State  
..... \$400,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$400,000

NEW SECTION. **Sec. 6164. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
WVH HVAC Retrofit (40000006)

Reappropriation:

State Building Construction Account—  
State. . . . . \$395,000  
Prior Biennia (Expenditures) . . \$355,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$750,000

NEW SECTION. **Sec. 6165. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
WSH - Life Safety Grant (40000013)

Reappropriation:

General Fund—Federal. . . . . \$315,000  
State Building Construction Account—  
State. . . . . \$164,000  
Subtotal Reappropriation..... \$479,000  
Prior Biennia (Expenditures) . . . \$21,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$500,000

NEW SECTION. **Sec. 6166. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
Transitional Housing Capital Improvements  
(40000066)

Reappropriation:

General Fund—Federal. . . . . \$2,286,000  
Prior Biennia (Expenditures) . . \$114,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$2,400,000

NEW SECTION. **Sec. 6167. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
Extended Care Facilities Construction  
Grants (92000001)

Reappropriation:

General Fund—Federal. . . . . \$12,538,000  
Prior Biennia (Expenditures) . . \$595,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$13,133,000

NEW SECTION. **Sec. 6168. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**  
Echo Glen-Housing Unit: Acute Mental  
Health Unit (30002736)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2078, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—  
State. . . . . \$5,043,000  
Prior Biennia (Expenditures) . . \$4,557,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$9,600,000

NEW SECTION. **Sec. 6169. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

Green Hill School-Recreation Building: Replacement (30003237)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2013, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—  
State. . . . . \$14,726,000  
Prior Biennia (Expenditures) . \$17,036,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$31,762,000

NEW SECTION. **Sec. 6170. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

Minor Works Preservation Projects: Statewide 2019-21 (40000400)

Reappropriation:

State Building Construction Account—  
State. . . . . \$140,000  
Prior Biennia (Expenditures) . \$2,300,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$2,440,000

NEW SECTION. **Sec. 6171. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

Minor Works Preservation Projects - SW 2021-23 (40000532)

Reappropriation:

Charitable, Educational, Penal, and Reformatory  
Institutions Account—State. \$739,000  
Prior Biennia (Expenditures) . . . \$22,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$761,000

NEW SECTION. **Sec. 6172. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

Green Hill School - Baker North Remodel (40000534)

Reappropriation:

State Building Construction Account—  
State. . . . . \$5,935,000  
Prior Biennia (Expenditures) . . \$689,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$6,624,000

NEW SECTION. **Sec. 6173. FOR THE DEPARTMENT OF CORRECTIONS**

MCC: WSR Perimeter Wall Renovation (30000117)

Reappropriation:

State Building Construction Account—  
State. . . . . \$905,000  
Prior Biennia (Expenditures) . . \$295,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$1,200,000

NEW SECTION. **Sec. 6174. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Transformers and Switches (30000143)

Reappropriation:

State Building Construction Account—  
 State . . . . . \$8,002,000  
 Prior Biennia (Expenditures). \$12,583,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$20,585,000

**NEW SECTION. Sec. 6175. FOR THE DEPARTMENT OF CORRECTIONS**

MCC: TRU Roof Programs and Recreation Building (30000738)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$5,840,000  
 Prior Biennia (Expenditures). . \$156,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$5,996,000

**NEW SECTION. Sec. 6176. FOR THE DEPARTMENT OF CORRECTIONS**

MCC: WSR Clinic Roof Replacement (40000180)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$9,123,000  
 Prior Biennia (Expenditures). . \$210,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$9,333,000

**NEW SECTION. Sec. 6177. FOR THE DEPARTMENT OF CORRECTIONS**

Minor Works - Preservation Projects (40000254)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$7,595,000  
 Prior Biennia (Expenditures). \$2,728,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$10,323,000

**NEW SECTION. Sec. 6178. FOR THE DEPARTMENT OF CORRECTIONS**

LCC: Boiler Replacement (40000255)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$1,210,000  
 Prior Biennia (Expenditures). . . \$90,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$1,300,000

**NEW SECTION. Sec. 6179. FOR THE DEPARTMENT OF CORRECTIONS**

WCC: Interim Mental Health Building (40000260)

Reappropriation:  
 Capital Community Assistance Account—  
 State . . . . . \$672,000  
 State Building Construction Account—  
 State . . . . . \$1,237,000  
 Subtotal Reappropriation..... \$1,909,000  
 Prior Biennia (Expenditures). . . \$38,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$1,947,000

**NEW SECTION. Sec. 6180. FOR THE DEPARTMENT OF CORRECTIONS**

MCC: TRU Support Building HVAC Replacement (40000379)

Reappropriation:  
 Coronavirus State Fiscal Recovery Fund—  
 Federal . . . . . \$4,606,000  
 Prior Biennia (Expenditures). . . \$40,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$4,646,000

**NEW SECTION. Sec. 6181. FOR THE DEPARTMENT OF CORRECTIONS**

WCC: Support Buildings Roof Replacement (40000380)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$6,746,000  
 Prior Biennia (Expenditures). . \$254,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$7,000,000

**NEW SECTION. Sec. 6182. FOR THE DEPARTMENT OF CORRECTIONS**

Inpatient Psychiatric Unit (40000413)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$350,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$350,000

**NEW SECTION. Sec. 6183. FOR THE STATE SCHOOL FOR THE BLIND**

Independent Living Skills Center (30000107)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$2,228,000  
 Prior Biennia (Expenditures). \$6,770,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$8,998,000

**NEW SECTION. Sec. 6184. FOR THE STATE SCHOOL FOR THE BLIND**

Minor Works: Campus Preservation 2019-21 (40000004)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$75,000  
 Prior Biennia (Expenditures). . \$580,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$655,000

**NEW SECTION. Sec. 6185. FOR THE STATE SCHOOL FOR THE BLIND**

21-23 Campus Preservation (40000015)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$459,000  
 Prior Biennia (Expenditures). . . \$16,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$475,000

**NEW SECTION. Sec. 6186. FOR THE WASHINGTON STATE CENTER FOR DEAFNESS AND HEARING LOSS**

Minor Works: Preservation 2021-23  
(30000047)

Reappropriation:

State Building Construction Account—  
State . . . . . \$75,000  
Prior Biennia (Expenditures) . . \$170,000  
Future Biennia (Projected Costs) . . \$0  
TOTAL . . . . . \$245,000

**NEW SECTION. Sec. 6187. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

Rehabilitation of Beverly Bridge (30000022)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1111, chapter 413, Laws of 2019.

Reappropriation:

General Fund—Private/Local . . \$429,000  
State Building Construction Account—  
State . . . . . \$156,000  
Subtotal Reappropriation . . . . . \$585,000  
Prior Biennia (Expenditures) . \$4,990,000  
Future Biennia (Projected Costs) . . \$0  
TOTAL . . . . . \$5,575,000

**NEW SECTION. Sec. 6188. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

2019-21 Historic County Courthouse Grants Program (30000023)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1112, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—  
State . . . . . \$160,000  
Prior Biennia (Expenditures) . . \$959,000  
Future Biennia (Projected Costs) . . \$0  
TOTAL . . . . . \$1,119,000

**NEW SECTION. Sec. 6189. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

2019-21 Historic Cemetery Grant Program (40000001)

Reappropriation:

State Building Construction Account—  
State . . . . . \$121,000  
Prior Biennia (Expenditures) . . \$394,000  
Future Biennia (Projected Costs) . . \$0  
TOTAL . . . . . \$515,000

**NEW SECTION. Sec. 6190. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

Ebey's National Historic Reserve (40000003)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1115, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—  
State . . . . . \$624,000  
Prior Biennia (Expenditures) . . \$696,000  
Future Biennia (Projected Costs) . . \$0  
TOTAL . . . . . \$1,320,000

**NEW SECTION. Sec. 6191. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

2021-23 Heritage Barn Grants (40000005)

Reappropriation:

State Building Construction Account—  
State . . . . . \$765,000  
Prior Biennia (Expenditures) . . \$235,000  
Future Biennia (Projected Costs) . . \$0  
TOTAL . . . . . \$1,000,000

**NEW SECTION. Sec. 6192. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

2021-23 Historic County Courthouse Rehabilitation Program (40000006)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1144, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—  
State . . . . . \$1,603,000  
Prior Biennia (Expenditures) . . \$259,000  
Future Biennia (Projected Costs) . . \$0  
TOTAL . . . . . \$1,862,000

**NEW SECTION. Sec. 6193. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

2021-23 Historic Cemetery Grant Program (40000007)

Reappropriation:

State Building Construction Account—  
State . . . . . \$275,000  
Prior Biennia (Expenditures) . . \$25,000  
Future Biennia (Projected Costs) . . \$0  
TOTAL . . . . . \$300,000

**NEW SECTION. Sec. 6194. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

2021-23 Historic Theater Capital Grant Program (40000012)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1146, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—  
State . . . . . \$288,000  
Prior Biennia (Expenditures) . . \$12,000  
Future Biennia (Projected Costs) . . \$0  
TOTAL . . . . . \$300,000

**NEW SECTION. Sec. 6195. FOR THE UNIVERSITY OF WASHINGTON**

UW Bothell (30000378)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5037, chapter 413, Laws of 2019.

Reappropriation:
State Building Construction Account—
State. . . . . \$24,018,000
Prior Biennia (Expenditures). \$55,420,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$79,438,000

NEW SECTION. Sec. 6196. FOR THE UNIVERSITY OF WASHINGTON

College of Engineering Interdisciplinary/ Education Research Ctr (30000492)

Reappropriation:
State Building Construction Account—
State. . . . . \$36,677,000
Prior Biennia (Expenditures). \$13,323,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$50,000,000

NEW SECTION. Sec. 6197. FOR THE UNIVERSITY OF WASHINGTON

Behavioral Health Teaching Facility (40000038)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 5014, chapter 296, Laws of 2022.

Reappropriation:
Capital Community Assistance Account—
State. . . . . \$10,000,000
State Building Construction Account—
State. . . . . \$88,777,000
Subtotal Reappropriation..... \$98,777,000
Prior Biennia (Expenditures) \$145,223,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$244,000,000

NEW SECTION. Sec. 6198. FOR THE UNIVERSITY OF WASHINGTON

UW Seattle - Asset Preservation (Minor Works) 21-23 (40000050)

Reappropriation:
University of Washington Building Account
—State. . . . . \$16,552,000
Prior Biennia (Expenditures). \$19,133,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$35,685,000

NEW SECTION. Sec. 6199. FOR THE UNIVERSITY OF WASHINGTON

UW Bothell - Asset Preservation (Minor Works) 2021-23 (40000070)

Reappropriation:
University of Washington Building Account
—State. . . . . \$1,429,000
Prior Biennia (Expenditures). \$2,209,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$3,638,000

NEW SECTION. Sec. 6200. FOR THE UNIVERSITY OF WASHINGTON

Ctr for Advanced Materials and Clean Energy Research Test Beds (91000016)

Reappropriation:
State Building Construction Account—
State. . . . . \$12,588,000
Prior Biennia (Expenditures). \$16,412,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$29,000,000

NEW SECTION. Sec. 6201. FOR WASHINGTON STATE UNIVERSITY

WSU Vancouver - Life Sciences Building (30000840)

Reappropriation:
State Building Construction Account—
State. . . . . \$32,017,000
Prior Biennia (Expenditures). \$25,083,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$57,100,000

NEW SECTION. Sec. 6202. FOR WASHINGTON STATE UNIVERSITY

Spokane-Biomedical and Health Sc Building Ph II (40000012)

Reappropriation:
State Building Construction Account—
State. . . . . \$9,095,000
Prior Biennia (Expenditures). \$6,405,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$15,500,000

NEW SECTION. Sec. 6203. FOR WASHINGTON STATE UNIVERSITY

Minor Capital Preservation (MCR): 2021-23 (40000145)

Reappropriation:
Washington State University Building Account—
State. . . . . \$13,607,000
Prior Biennia (Expenditures). \$14,186,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$27,793,000

NEW SECTION. Sec. 6204. FOR WASHINGTON STATE UNIVERSITY

Campus Fire Protection and Domestic Water Reservoir (40000272)

Reappropriation:
State Building Construction Account—
State. . . . . \$5,721,000
Prior Biennia (Expenditures). \$2,279,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$8,000,000

NEW SECTION. Sec. 6205. FOR WASHINGTON STATE UNIVERSITY

Clark Hall Research Lab Renovation (40000274)

Reappropriation:
Washington State University Building Account—
State. . . . . \$1,050,000
Prior Biennia (Expenditures). \$3,850,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$4,900,000

NEW SECTION.      **Sec. 6206.**      **FOR**  
**WASHINGTON STATE UNIVERSITY**  
Pullman Student Success Center Phase 1  
(40000339)

Reappropriation:  
State Building Construction Account—  
State. . . . . \$1,903,000  
Prior Biennia (Expenditures). . . \$97,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$2,000,000

NEW SECTION.      **Sec. 6207.**      **FOR EASTERN**  
**WASHINGTON UNIVERSITY**  
Infrastructure Renewal II (40000016)

Reappropriation:  
State Building Construction Account—  
State. . . . . \$5,436,000  
Prior Biennia (Expenditures). . . \$9,564,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$15,000,000

NEW SECTION.      **Sec. 6208.**      **FOR EASTERN**  
**WASHINGTON UNIVERSITY**  
Infrastructure Renewal III (40000070)

Reappropriation:  
State Building Construction Account—  
State. . . . . \$9,876,000  
Prior Biennia (Expenditures). . . \$124,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$10,000,000

NEW SECTION.      **Sec. 6209.**      **FOR EASTERN**  
**WASHINGTON UNIVERSITY**  
Lucy Covington Center (40000071)

Reappropriation:  
Eastern Washington University Capital  
Projects  
Account—State. . . . . \$272,000  
Prior Biennia (Expenditures). . . \$28,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$300,000

NEW SECTION.      **Sec. 6210.**      **FOR EASTERN**  
**WASHINGTON UNIVERSITY**  
Minor Works: Preservation 2021-23  
(40000107)

Reappropriation:  
Eastern Washington University Capital  
Projects  
Account—State. . . . . \$1,806,000  
Prior Biennia (Expenditures). . . \$1,194,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$3,000,000

NEW SECTION.      **Sec. 6211.**      **FOR EASTERN**  
**WASHINGTON UNIVERSITY**  
Minor Works: Program 2021-23 (40000110)

Reappropriation:  
Eastern Washington University Capital  
Projects  
Account—State. . . . . \$1,000,000  
Prior Biennia (Expenditures). . . \$0  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$1,000,000

NEW SECTION.      **Sec. 6212.**      **FOR CENTRAL**  
**WASHINGTON UNIVERSITY**  
Nutrition Science (30000456)

Reappropriation:  
State Building Construction Account—  
State. . . . . \$2,344,000  
Prior Biennia (Expenditures). . . \$57,236,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$59,580,000

NEW SECTION.      **Sec. 6213.**      **FOR CENTRAL**  
**WASHINGTON UNIVERSITY**  
Health Education (40000009)

Reappropriation:  
State Building Construction Account—  
State. . . . . \$24,224,000  
Prior Biennia (Expenditures). . . \$37,981,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$62,205,000

NEW SECTION.      **Sec. 6214.**      **FOR CENTRAL**  
**WASHINGTON UNIVERSITY**  
Chiller Addition (40000075)

Reappropriation:  
State Building Construction Account—  
State. . . . . \$952,000  
Prior Biennia (Expenditures). . . \$2,237,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$3,189,000

NEW SECTION.      **Sec. 6215.**      **FOR CENTRAL**  
**WASHINGTON UNIVERSITY**  
Minor Works Preservation 2021 - 2023  
(40000083)

Reappropriation:  
Central Washington University Capital  
Projects  
Account—State. . . . . \$2,504,000  
State Building Construction Account—  
State. . . . . \$300,000  
Subtotal Reappropriation..... \$2,804,000  
Prior Biennia (Expenditures). . . \$4,657,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$7,461,000

NEW SECTION.      **Sec. 6216.**      **FOR CENTRAL**  
**WASHINGTON UNIVERSITY**  
Minor Works Program 2021 - 2023  
(40000084)

Reappropriation:  
Central Washington University Capital  
Projects  
Account—State. . . . . \$511,000  
Prior Biennia (Expenditures). . . \$489,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$1,000,000

NEW SECTION.      **Sec. 6217.**      **FOR CENTRAL**  
**WASHINGTON UNIVERSITY**  
Electrical Grid Security (40000121)

Reappropriation:  
Central Washington University Capital  
Projects  
Account—State. . . . . \$576,000  
State Building Construction Account—  
State. . . . . \$576,000  
Subtotal Reappropriation..... \$1,152,000

Prior Biennia (Expenditures) . . \$356,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$1,508,000

**NEW SECTION. Sec. 6218. FOR THE EVERGREEN STATE COLLEGE**

Minor Works Preservation 2021-23 (40000034)

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$1,772,000  
 The Evergreen State College Capital  
 Projects  
 Account—State. . . . . \$850,000  
 Subtotal Reappropriation..... \$2,622,000  
 Prior Biennia (Expenditures). . . \$2,903,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$5,525,000

**NEW SECTION. Sec. 6219. FOR THE EVERGREEN STATE COLLEGE**

Lab II HVAC Upgrades (40000047)

**Reappropriation:**

Coronavirus State Fiscal Recovery Fund—  
 Federal. . . . . \$3,454,000  
 Prior Biennia (Expenditures). . . \$546,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$4,000,000

**NEW SECTION. Sec. 6220. FOR THE EVERGREEN STATE COLLEGE**

Recreation and Athletic Center Critical Repairs (40000082)

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$971,000  
 Prior Biennia (Expenditures). . . \$29,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$1,000,000

**NEW SECTION. Sec. 6221. FOR THE EVERGREEN STATE COLLEGE**

Emergency Dispatch & Communication System Replacement (40000084)

**Reappropriation:**

The Evergreen State College Capital  
 Projects  
 Account—State. . . . . \$992,000  
 Prior Biennia (Expenditures). . . \$8,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$1,000,000

**NEW SECTION. Sec. 6222. FOR WESTERN WASHINGTON UNIVERSITY**

Electrical Engineering/Computer Science Building (30000872)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 5028, chapter 296, Laws of 2022.

**Reappropriation:**

Capital Community Assistance Account—  
 State. . . . . \$1,863,000  
 State Building Construction Account—  
 State. . . . . \$46,324,000

Western Washington University Capital  
 Projects  
 Account—State. . . . . \$1,500,000  
 Subtotal Reappropriation. . . . . \$49,687,000

Prior Biennia (Expenditures). . . \$6,676,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$56,363,000

**NEW SECTION. Sec. 6223. FOR WESTERN WASHINGTON UNIVERSITY**

2021-23 Classroom & Lab Upgrades (30000911)

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$2,033,000  
 Prior Biennia (Expenditures). . . \$1,817,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$3,850,000

**NEW SECTION. Sec. 6224. FOR WESTERN WASHINGTON UNIVERSITY**

Coast Salish Longhouse (30000912)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 5105, chapter 332, Laws of 2021.

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$2,749,000  
 Western Washington University Capital  
 Projects  
 Account—State. . . . . \$1,500,000  
 Subtotal Reappropriation. . . . . \$4,249,000  
 Prior Biennia (Expenditures). . . \$251,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$4,500,000

**NEW SECTION. Sec. 6225. FOR WESTERN WASHINGTON UNIVERSITY**

Minor Works - Preservation 2021-23 (30000915)

**Reappropriation:**

Western Washington University Capital  
 Projects  
 Account—State. . . . . \$2,610,000  
 Prior Biennia (Expenditures). . . \$2,190,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$4,800,000

**NEW SECTION. Sec. 6226. FOR WESTERN WASHINGTON UNIVERSITY**

Minor Works - Program 2021-2023 (30000918)

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$544,000  
 Western Washington University Capital  
 Projects  
 Account—State. . . . . \$318,000  
 Subtotal Reappropriation. . . . . \$862,000  
 Prior Biennia (Expenditures). . . \$695,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$1,557,000

**NEW SECTION. Sec. 6227. FOR THE WASHINGTON STATE ARTS COMMISSION**

Creative Districts Capital Construction Projects (30000002)

Reappropriation:

State Building Construction Account—
State . . . . . \$381,000
Prior Biennia (Expenditures) . . . \$31,000
Future Biennia (Projected Costs) . . . \$0
TOTAL . . . . . \$412,000

NEW SECTION. Sec. 6228. FOR THE
WASHINGTON STATE HISTORICAL SOCIETY
Heritage Capital Grants Projects
(30000297)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5054, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—
State . . . . . \$1,003,000
Prior Biennia (Expenditures) . \$7,376,000
Future Biennia (Projected Costs) . . . \$0
TOTAL . . . . . \$8,379,000

NEW SECTION. Sec. 6229. FOR THE
WASHINGTON STATE HISTORICAL SOCIETY
Heritage Capital Grant Projects: 2019-21
(40000014)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5020, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—
State . . . . . \$2,303,000
Prior Biennia (Expenditures) . \$6,828,000
Future Biennia (Projected Costs) . . . \$0
TOTAL . . . . . \$9,131,000

NEW SECTION. Sec. 6230. FOR THE
WASHINGTON STATE HISTORICAL SOCIETY
Heritage Capital Grant Projects 2021-2023
(40000099)

Reappropriation:

State Building Construction Account—
State . . . . . \$7,457,000
Prior Biennia (Expenditures) . \$1,359,000
Future Biennia (Projected Costs) . . . \$0
TOTAL . . . . . \$8,816,000

NEW SECTION. Sec. 6231. FOR THE
WASHINGTON STATE HISTORICAL SOCIETY
Preservation - Minor Works 2021-23
(40000136)

Reappropriation:

State Building Construction Account—
State . . . . . \$2,637,000
Prior Biennia (Expenditures) . \$2,060,000
Future Biennia (Projected Costs) . . . \$0
TOTAL . . . . . \$4,697,000

NEW SECTION. Sec. 6232. FOR THE
WASHINGTON STATE HISTORICAL SOCIETY
Black History Commemoration (91000008)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5022, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—
State . . . . . \$17,000
Prior Biennia (Expenditures) . . . \$83,000
Future Biennia (Projected Costs) . . . \$0
TOTAL . . . . . \$100,000

NEW SECTION. Sec. 6233. FOR THE
EASTERN WASHINGTON STATE HISTORICAL SOCIETY
Campbell and Carriage House Repairs and Restoration
(40000017)

Reappropriation:

State Building Construction Account—
State . . . . . \$764,000
Prior Biennia (Expenditures) . \$1,192,000
Future Biennia (Projected Costs) . . . \$0
TOTAL . . . . . \$1,956,000

NEW SECTION. Sec. 6234. FOR THE
EASTERN WASHINGTON STATE HISTORICAL SOCIETY
Minor Works: Preservation 2021-23
(40000041)

Reappropriation:

State Building Construction Account—
State . . . . . \$109,000
Prior Biennia (Expenditures) . . \$669,000
Future Biennia (Projected Costs) . . . \$0
TOTAL . . . . . \$778,000

NEW SECTION. Sec. 6235. FOR THE
EASTERN WASHINGTON STATE HISTORICAL SOCIETY
Complete HVAC Controls Replacement
(40000052)

Reappropriation:

State Building Construction Account—
State . . . . . \$11,000
Prior Biennia (Expenditures) . . \$279,000
Future Biennia (Projected Costs) . . . \$0
TOTAL . . . . . \$290,000

NEW SECTION. Sec. 6236. FOR THE
EASTERN WASHINGTON STATE HISTORICAL SOCIETY
Garage & Emergency Exit Concrete Remediation
(40000053)

Reappropriation:

State Building Construction Account—
State . . . . . \$838,000
Prior Biennia (Expenditures) . . . \$63,000
Future Biennia (Projected Costs) . . . \$0
TOTAL . . . . . \$901,000

NEW SECTION. Sec. 6237. FOR THE
DEPARTMENT OF ECOLOGY
Water Supply Facilities (19742006)

Reappropriation:

State and Local Improvements Revolving Account—
Water Supply Facilities—State \$295,000
Prior Biennia (Expenditures) . \$15,116,000
Future Biennia (Projected Costs) . . . \$0
TOTAL . . . . . \$15,411,000



**NEW SECTION. Sec. 6238. FOR THE DEPARTMENT OF ECOLOGY**

Low-Level Nuclear Waste Disposal Trench Closure (19972012)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3002, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$1,774,000  
 Prior Biennia (Expenditures). . . \$5,128,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$6,902,000

**NEW SECTION. Sec. 6239. FOR THE DEPARTMENT OF ECOLOGY**

Twin Lake Aquifer Recharge Project (20042951)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$128,000  
 Prior Biennia (Expenditures). . . \$622,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$750,000

**NEW SECTION. Sec. 6240. FOR THE DEPARTMENT OF ECOLOGY**

Quad Cities Water Right Mitigation (20052852)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$116,000  
 Prior Biennia (Expenditures). . . \$1,484,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$1,600,000

**NEW SECTION. Sec. 6241. FOR THE DEPARTMENT OF ECOLOGY**

Transfer of Water Rights for Cabin Owners (20081951)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$57,000  
 Prior Biennia (Expenditures). . . \$393,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$450,000

**NEW SECTION. Sec. 6242. FOR THE DEPARTMENT OF ECOLOGY**

Watershed Plan Implementation and Flow Achievement (30000028)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$57,000  
 Prior Biennia (Expenditures). . . \$5,939,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$5,996,000

**NEW SECTION. Sec. 6243. FOR THE DEPARTMENT OF ECOLOGY**

Watershed Plan Implementation and Flow Achievement (30000213)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject

to the provisions of section 3030, chapter 49, Laws of 2011 1st sp. sess.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$67,000  
 Prior Biennia (Expenditures). . . \$7,933,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$8,000,000

**NEW SECTION. Sec. 6244. FOR THE DEPARTMENT OF ECOLOGY**

Remedial Action Grant Program (30000216)

Reappropriation:  
 Model Toxics Control Capital Account—  
 State. . . . . \$15,255,000  
 Prior Biennia (Expenditures). . . \$47,404,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$62,659,000

**NEW SECTION. Sec. 6245. FOR THE DEPARTMENT OF ECOLOGY**

ASARCO - Tacoma Smelter Plume and Mines (30000280)

Reappropriation:  
 Cleanup Settlement Account—State.  
 \$2,090,000  
 Prior Biennia (Expenditures). . . \$17,837,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$19,927,000

**NEW SECTION. Sec. 6246. FOR THE DEPARTMENT OF ECOLOGY**

Padilla Bay Federal Capital Projects (30000282)

Reappropriation:  
 General Fund—Federal. . . . . \$60,000  
 Prior Biennia (Expenditures). . . \$740,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$800,000

**NEW SECTION. Sec. 6247. FOR THE DEPARTMENT OF ECOLOGY**

Watershed Plan Implementation and Flow Achievement (30000331)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$895,000  
 Prior Biennia (Expenditures). . . \$9,105,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$10,000,000

**NEW SECTION. Sec. 6248. FOR THE DEPARTMENT OF ECOLOGY**

Dungeness Water Supply & Mitigation (30000333)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3082, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$375,000  
 Prior Biennia (Expenditures). . . \$1,675,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$2,050,000

NEW SECTION.      **Sec. 6249.      FOR THE**  
**DEPARTMENT OF ECOLOGY**  
 ASARCO Cleanup (30000334)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3001, chapter 296, Laws of 2022.

**Reappropriation:**

Cleanup Settlement Account—State \$443,000  
 Prior Biennia (Expenditures). \$35,817,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$36,260,000

NEW SECTION.      **Sec. 6250.      FOR THE**  
**DEPARTMENT OF ECOLOGY**  
 Remedial Action Grants (30000374)

**Reappropriation:**

Model Toxics Control Capital Account—  
 State. . . . . \$7,933,000  
 Prior Biennia (Expenditures). \$54,299,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$62,232,000

NEW SECTION.      **Sec. 6251.      FOR THE**  
**DEPARTMENT OF ECOLOGY**  
 Eastern Washington Clean Sites Initiative (30000432)

**Reappropriation:**

Model Toxics Control Capital Account—  
 State. . . . . \$4,684,000  
 Prior Biennia (Expenditures). \$3,124,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$7,808,000

NEW SECTION.      **Sec. 6252.      FOR THE**  
**DEPARTMENT OF ECOLOGY**  
 Remedial Action Grants (30000458)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3011, chapter 35, Laws of 2016 sp. sess.

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$9,421,000  
 Prior Biennia (Expenditures). \$34,584,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$44,005,000

NEW SECTION.      **Sec. 6253.      FOR THE**  
**DEPARTMENT OF ECOLOGY**  
 Floodplains by Design (30000537)

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$2,183,000  
 Prior Biennia (Expenditures). \$33,344,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$35,527,000

NEW SECTION.      **Sec. 6254.      FOR THE**  
**DEPARTMENT OF ECOLOGY**  
 ASARCO Cleanup (30000538)

**Reappropriation:**

Cleanup Settlement Account—State.  
 \$1,022,000

Prior Biennia (Expenditures). \$10,939,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$11,961,000

NEW SECTION.      **Sec. 6255.      FOR THE**  
**DEPARTMENT OF ECOLOGY**

Cleanup Toxics Sites - Puget Sound (30000542)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3013, chapter 35, Laws of 2016 sp. sess.

**Reappropriation:**

Model Toxics Control Capital Account—  
 State. . . . . \$2,054,000  
 Prior Biennia (Expenditures). \$11,418,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$13,472,000

NEW SECTION.      **Sec. 6256.      FOR THE**  
**DEPARTMENT OF ECOLOGY**

Columbia River Water Supply Development Program (30000588)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3068, chapter 3, Laws of 2015 3rd sp. sess.

**Reappropriation:**

Columbia River Basin Water Supply Revenue Recovery Account—State. . . \$462,000  
 Prior Biennia (Expenditures). \$18,538,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$19,000,000

NEW SECTION.      **Sec. 6257.      FOR THE**  
**DEPARTMENT OF ECOLOGY**

Sunnyside Valley Irrigation District Water Conservation (30000589)

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$1,125,000  
 Prior Biennia (Expenditures). \$1,930,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$3,055,000

NEW SECTION.      **Sec. 6258.      FOR THE**  
**DEPARTMENT OF ECOLOGY**

Yakima River Basin Water Supply (30000590)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7041 of this act.

**Reappropriation:**

State Taxable Building Construction Account—  
 State. . . . . \$294,000  
 Prior Biennia (Expenditures). \$26,456,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$26,750,000

NEW SECTION.      **Sec. 6259.      FOR THE**  
**DEPARTMENT OF ECOLOGY**

Watershed Plan Implementation and Flow Achievement (30000591)

Reappropriation:

State Building Construction Account—  
 State. . . . . \$875,000  
 Prior Biennia (Expenditures). \$4,125,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$5,000,000

**NEW SECTION. Sec. 6260. FOR THE DEPARTMENT OF ECOLOGY**  
 ASARCO Cleanup (30000670)

Reappropriation:

Cleanup Settlement Account—State.  
 \$10,884,000  
 Prior Biennia (Expenditures). \$17,876,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$28,760,000

**NEW SECTION. Sec. 6261. FOR THE DEPARTMENT OF ECOLOGY**  
 Sunnyside Valley Irrigation District Water Conservation (30000673)

Reappropriation:

State Building Construction Account—  
 State. . . . . \$1,815,000  
 Prior Biennia (Expenditures). \$2,869,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$4,684,000

**NEW SECTION. Sec. 6262. FOR THE DEPARTMENT OF ECOLOGY**  
 2015-17 Restored Eastern Washington Clean Sites Initiative (30000704)

Reappropriation:

State Building Construction Account—  
 State. . . . . \$2,068,000  
 Prior Biennia (Expenditures). . \$368,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$2,436,000

**NEW SECTION. Sec. 6263. FOR THE DEPARTMENT OF ECOLOGY**  
 2017-19 Centennial Clean Water program (30000705)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3009, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—  
 State. . . . . \$5,693,000  
 Prior Biennia (Expenditures). \$27,907,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$33,600,000

**NEW SECTION. Sec. 6264. FOR THE DEPARTMENT OF ECOLOGY**

Floodplains by Design 2017-19 (30000706)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3001, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—  
 State. . . . . \$8,919,000  
 Prior Biennia (Expenditures). \$26,522,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$35,441,000

**NEW SECTION. Sec. 6265. FOR THE DEPARTMENT OF ECOLOGY**  
 2017-19 Remedial Action Grants (30000707)

Reappropriation:

Model Toxics Control Capital Account—  
 State. . . . . \$1,123,000  
 Prior Biennia (Expenditures). \$4,420,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$5,543,000

**NEW SECTION. Sec. 6266. FOR THE DEPARTMENT OF ECOLOGY**  
 Swift Creek Natural Asbestos Flood Control and Cleanup (30000708)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3040, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—  
 State. . . . . \$123,000  
 Prior Biennia (Expenditures). \$8,318,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$8,441,000

**NEW SECTION. Sec. 6267. FOR THE DEPARTMENT OF ECOLOGY**  
 Columbia River Water Supply Development Program (30000712)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3006, chapter 298, Laws of 2018.

Reappropriation:

Columbia River Basin Water Supply Development  
 Account—State. . . . . \$5,836,000  
 Columbia River Basin Water Supply Revenue Recovery Account—State. . . \$893,000  
 State Building Construction Account—  
 State. . . . . \$1,529,000  
 Subtotal Reappropriation. .... \$8,258,000  
 Prior Biennia (Expenditures). \$25,542,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$33,800,000

**NEW SECTION. Sec. 6268. FOR THE DEPARTMENT OF ECOLOGY**  
 Watershed Plan Implementation and Flow Achievement (30000714)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3017, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—  
 State. . . . . \$3,374,000  
 Prior Biennia (Expenditures). \$1,626,000

Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$5,000,000

**NEW SECTION. Sec. 6269. FOR THE DEPARTMENT OF ECOLOGY**  
 Water Irrigation Efficiencies Program (30000740)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3007, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—  
 State. . . . . \$204,000  
 Prior Biennia (Expenditures). . . \$6,296,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$6,500,000

**NEW SECTION. Sec. 6270. FOR THE DEPARTMENT OF ECOLOGY**  
 2017-19 Eastern Washington Clean Sites Initiative (30000742)

Reappropriation:

Model Toxics Control Capital Account—  
 State. . . . . \$1,727,000  
 Prior Biennia (Expenditures). . . \$13,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$1,740,000

**NEW SECTION. Sec. 6271. FOR THE DEPARTMENT OF ECOLOGY**  
 2015-17 Restored Clean Up Toxic Sites - Puget Sound (30000763)

Reappropriation:

State Building Construction Account—  
 State. . . . . \$1,557,000  
 Prior Biennia (Expenditures). . . \$3,139,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$4,696,000

**NEW SECTION. Sec. 6272. FOR THE DEPARTMENT OF ECOLOGY**  
 2017-19 Stormwater Financial Assistance Program (30000796)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3049, chapter 332, Laws of 2021.

Reappropriation:

Model Toxics Control Stormwater Account—  
 State. . . . . \$4,138,000  
 State Building Construction Account—  
 State. . . . . \$19,192,000  
 Subtotal Reappropriation..... \$23,330,000  
 Prior Biennia (Expenditures). . . \$13,070,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$36,400,000

**NEW SECTION. Sec. 6273. FOR THE DEPARTMENT OF ECOLOGY**  
 2015-17 Restored Stormwater Financial Assistance (30000797)

Reappropriation:

State Building Construction Account—  
 State. . . . . \$11,172,000

Prior Biennia (Expenditures). \$18,928,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$30,100,000

**NEW SECTION. Sec. 6274. FOR THE DEPARTMENT OF ECOLOGY**  
 VW Settlement Funded Projects (40000018)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3008, chapter 298, Laws of 2018.

Reappropriation:

General Fund—Private/Local. \$92,185,000  
 Prior Biennia (Expenditures). \$20,515,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$112,700,000

**NEW SECTION. Sec. 6275. FOR THE DEPARTMENT OF ECOLOGY**  
 Reduce Air Pollution from Transit/Sch. Buses/State-Owned Vehicles (40000109)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3019, chapter 356, Laws of 2020.

Reappropriation:

Air Pollution Control Account—State.  
 \$10,587,000  
 Prior Biennia (Expenditures). \$17,813,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$28,400,000

**NEW SECTION. Sec. 6276. FOR THE DEPARTMENT OF ECOLOGY**  
 2019-21 Water Pollution Control Revolving Program (40000110)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3070, chapter 413, Laws of 2019.

Reappropriation:

Water Pollution Control Revolving Fund—  
 State. . . . . \$138,531,000  
 Prior Biennia (Expenditures). \$65,469,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$204,000,000

**NEW SECTION. Sec. 6277. FOR THE DEPARTMENT OF ECOLOGY**  
 2019-21 Sunnyside Valley Irrigation District Water Conservation (40000111)

Reappropriation:

State Building Construction Account—  
 State. . . . . \$2,673,000  
 Prior Biennia (Expenditures). \$1,561,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$4,234,000

**NEW SECTION. Sec. 6278. FOR THE DEPARTMENT OF ECOLOGY**  
 2019-21 ASARCO Cleanup (40000114)

Reappropriation:

Cleanup Settlement Account—State.  
\$6,352,000

Prior Biennia (Expenditures) . . \$448,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$6,800,000

**NEW SECTION. Sec. 6279. FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Reducing Toxic Diesel Emissions (40000115)

Reappropriation:  
Air Pollution Control Account—State.  
\$217,000

Prior Biennia (Expenditures) . . \$783,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$1,000,000

**NEW SECTION. Sec. 6280. FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Centennial Clean Water Program (40000116)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3074, chapter 413, Laws of 2019.

Reappropriation:  
State Building Construction Account—  
State . . . . . \$13,226,000

Prior Biennia (Expenditures) . \$16,774,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$30,000,000

**NEW SECTION. Sec. 6281. FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Eastern Washington Clean Sites Initiative (40000117)

Reappropriation:  
Model Toxics Control Capital Account—  
State . . . . . \$12,052,000

Prior Biennia (Expenditures) . . . \$58,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$12,110,000

**NEW SECTION. Sec. 6282. FOR THE DEPARTMENT OF ECOLOGY**

Padilla Bay Federal Capital Projects (40000127)

Reappropriation:  
General Fund—Federal . . . . . \$500,000

Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$500,000

**NEW SECTION. Sec. 6283. FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Floodplains by Design (40000129)

Reappropriation:  
State Building Construction Account—  
State . . . . . \$27,982,000

Prior Biennia (Expenditures) . \$22,418,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$50,400,000

**NEW SECTION. Sec. 6284. FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Clean Up Toxics Sites - Puget Sound (40000130)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3080, chapter 413, Laws of 2019.

Reappropriation:  
Model Toxics Control Capital Account—  
State . . . . . \$11,636,000

Prior Biennia (Expenditures) . \$1,131,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$12,767,000

**NEW SECTION. Sec. 6285. FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Stormwater Financial Assistance Program (40000144)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3020, chapter 356, Laws of 2020.

Reappropriation:  
Model Toxics Control Stormwater Account—  
State . . . . . \$26,731,000

Prior Biennia (Expenditures) . \$22,275,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$49,006,000

**NEW SECTION. Sec. 6286. FOR THE DEPARTMENT OF ECOLOGY**

2015 Drought Authority (40000146)

Reappropriation:  
State Drought Preparedness Account—  
State . . . . . \$669,000

Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$669,000

**NEW SECTION. Sec. 6287. FOR THE DEPARTMENT OF ECOLOGY**

Healthy Housing Remediation Program (40000149)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3085, chapter 413, Laws of 2019.

Reappropriation:  
Model Toxics Control Capital Account—  
State . . . . . \$3,449,000

Prior Biennia (Expenditures) . \$1,381,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$4,830,000

**NEW SECTION. Sec. 6288. FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Columbia River Water Supply Development Program (40000152)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3087, chapter 413, Laws of 2019.

Reappropriation:  
Columbia River Basin Water Supply Revenue

Recovery Account—State. . . \$2,323,000  
 State Building Construction Account—  
 State. . . . . \$16,144,000  
 State Taxable Building Construction  
 Account—  
 State. . . . . \$10,360,000  
 Subtotal Reappropriation. . . . . \$28,827,000  
 Prior Biennia (Expenditures). \$11,173,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$40,000,000

**NEW SECTION. Sec. 6289. FOR THE DEPARTMENT OF ECOLOGY**  
 2019-21 Streamflow Restoration Program (40000177)

Reappropriation:  
 Watershed Restoration and Enhancement  
 Bond  
 Account—State. . . . . \$26,806,000  
 Prior Biennia (Expenditures). \$13,194,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$40,000,000

**NEW SECTION. Sec. 6290. FOR THE DEPARTMENT OF ECOLOGY**  
 2019-21 Yakima River Basin Water Supply (40000179)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7047 of this act.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$14,008,000  
 Prior Biennia (Expenditures). \$22,906,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$36,914,000

**NEW SECTION. Sec. 6291. FOR THE DEPARTMENT OF ECOLOGY**  
 Zosel Dam Preservation (40000193)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$80,000  
 Prior Biennia (Expenditures). . \$137,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$217,000

**NEW SECTION. Sec. 6292. FOR THE DEPARTMENT OF ECOLOGY**  
 2019-21 Protect Investments in Cleanup Remedies (40000194)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6032, chapter 332, Laws of 2021.

Reappropriation:  
 Model Toxics Control Capital Account—  
 State. . . . . \$4,732,000  
 Prior Biennia (Expenditures). \$3,472,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$8,204,000

**NEW SECTION. Sec. 6293. FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Chehalis Basin Strategy (40000209)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3023, chapter 356, Laws of 2020.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$27,989,000  
 Prior Biennia (Expenditures). \$45,918,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$73,907,000

**NEW SECTION. Sec. 6294. FOR THE DEPARTMENT OF ECOLOGY**  
 Chemical Action Plan Implementation (40000210)

Reappropriation:  
 Model Toxics Control Capital Account—  
 State. . . . . \$261,000  
 Prior Biennia (Expenditures). \$3,443,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$3,704,000

**NEW SECTION. Sec. 6295. FOR THE DEPARTMENT OF ECOLOGY**  
 2019-21 Remedial Action Grants (40000211)

Reappropriation:  
 Model Toxics Control Capital Account—  
 State. . . . . \$31,903,000  
 Prior Biennia (Expenditures). \$16,979,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$48,882,000

**NEW SECTION. Sec. 6296. FOR THE DEPARTMENT OF ECOLOGY**  
 2020 Eastern Washington Clean Sites Initiative (40000286)

Reappropriation:  
 Model Toxics Control Capital Account—  
 State. . . . . \$632,000  
 Prior Biennia (Expenditures). . \$368,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$1,000,000

**NEW SECTION. Sec. 6297. FOR THE DEPARTMENT OF ECOLOGY**  
 2020 Remedial Action Grants (40000288)

Reappropriation:  
 Model Toxics Control Capital Account—  
 State. . . . . \$20,766,000  
 Prior Biennia (Expenditures). \$11,890,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$32,656,000

**NEW SECTION. Sec. 6298. FOR THE DEPARTMENT OF ECOLOGY**  
 2021-23 ASARCO Everett Smelter Plume Cleanup (40000303)

Reappropriation:  
 Model Toxics Control Capital Account—  
 State. . . . . \$10,797,000  
 Prior Biennia (Expenditures). . \$17,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$10,814,000

NEW SECTION. **Sec. 6299. FOR THE**  
**DEPARTMENT OF ECOLOGY**  
 2021-23 Remedial Action Grant Program  
 (40000304)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3082, chapter 332, Laws of 2021.

Reappropriation:  
 Model Toxics Control Capital Account—  
 State. . . . . \$68,985,000  
 Prior Biennia (Expenditures). \$2,209,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$71,194,000

NEW SECTION. **Sec. 6300. FOR THE**  
**DEPARTMENT OF ECOLOGY**  
 2021-23 Stormwater Financial Assistance  
 Program (40000336)

Reappropriation:  
 Model Toxics Control Stormwater Account—  
 State. . . . . \$67,181,000  
 Prior Biennia (Expenditures). \$7,819,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$75,000,000

NEW SECTION. **Sec. 6301. FOR THE**  
**DEPARTMENT OF ECOLOGY**  
 2021-23 Water Pollution Control Revolving  
 Program (40000337)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3003, chapter 296, Laws of 2022.

Reappropriation:  
 Water Pollution Control Revolving Fund—  
 Federal. . . . . \$14,603,000  
 Water Pollution Control Revolving Fund—  
 State. . . . . \$225,000,000  
 Subtotal Reappropriation..... \$239,603,000  
 Prior Biennia (Expenditures). \$18,397,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$258,000,000

NEW SECTION. **Sec. 6302. FOR THE**  
**DEPARTMENT OF ECOLOGY**  
 2021-23 Waste Tire Pile Cleanup and  
 Prevention (40000338)

Reappropriation:  
 Waste Tire Removal Account—State \$419,000  
 Prior Biennia (Expenditures). . \$581,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$1,000,000

NEW SECTION. **Sec. 6303. FOR THE**  
**DEPARTMENT OF ECOLOGY**  
 2021-23 Eastern Washington Clean Sites  
 Initiative (40000340)

Reappropriation:  
 Model Toxics Control Capital Account—  
 State. . . . . \$20,350,000  
 Prior Biennia (Expenditures). . \$470,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$20,820,000

NEW SECTION. **Sec. 6304. FOR THE**  
**DEPARTMENT OF ECOLOGY**  
 2021-23 Clean Up Toxic Sites - Puget  
 Sound (40000346)

Reappropriation:  
 Model Toxics Control Capital Account—  
 State. . . . . \$4,663,000  
 Prior Biennia (Expenditures). \$1,145,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$5,808,000

NEW SECTION. **Sec. 6305. FOR THE**  
**DEPARTMENT OF ECOLOGY**  
 2021-23 Centennial Clean Water Program  
 (40000359)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3089, chapter 332, Laws of 2021.

Reappropriation:  
 Model Toxics Control Capital Account—  
 State. . . . . \$35,222,000  
 Prior Biennia (Expenditures). \$4,778,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$40,000,000

NEW SECTION. **Sec. 6306. FOR THE**  
**DEPARTMENT OF ECOLOGY**  
 2021-23 Protect Investments in Cleanup  
 Remedies (40000360)

Reappropriation:  
 Model Toxics Control Capital Account—  
 State. . . . . \$10,137,000  
 Prior Biennia (Expenditures). . \$956,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$11,093,000

NEW SECTION. **Sec. 6307. FOR THE**  
**DEPARTMENT OF ECOLOGY**  
 2021-23 Reducing Toxic Wood Stove  
 Emissions (40000371)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3091, chapter 332, Laws of 2021.

Reappropriation:  
 Model Toxics Control Capital Account—  
 State. . . . . \$1,298,000  
 Prior Biennia (Expenditures). \$1,702,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$3,000,000

NEW SECTION. **Sec. 6308. FOR THE**  
**DEPARTMENT OF ECOLOGY**  
 2021-23 Freshwater Aquatic Invasive  
 Plants Grant Program (40000375)

Reappropriation:  
 Freshwater Aquatic Weeds Account—State.  
 \$1,055,000  
 Prior Biennia (Expenditures). . \$645,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$1,700,000

NEW SECTION. **Sec. 6309. FOR THE**  
**DEPARTMENT OF ECOLOGY**

2021-23 Freshwater Algae Grant Program (40000376)

Reappropriation:

Aquatic Algae Control Account—State. \$486,000

Prior Biennia (Expenditures). . . \$244,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$730,000

NEW SECTION. Sec. 6310. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Healthy Housing Remediation Program (40000378)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7050 of this act.

Reappropriation:

Model Toxics Control Capital Account—State. . . . . \$10,273,000

Prior Biennia (Expenditures). . . \$299,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$10,572,000

NEW SECTION. Sec. 6311. FOR THE DEPARTMENT OF ECOLOGY

2021-23 ASARCO Tacoma Smelter Plume Cleanup (40000386)

Reappropriation:

Cleanup Settlement Account—State. \$3,000,000

Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$3,000,000

NEW SECTION. Sec. 6312. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Chehalis Basin Strategy (40000387)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3096, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State. . . . . \$57,660,000

Prior Biennia (Expenditures). \$12,340,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$70,000,000

NEW SECTION. Sec. 6313. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Coastal Wetlands Federal Funds (40000388)

Reappropriation:

General Fund—Federal. . . . . \$10,836,000
Prior Biennia (Expenditures). \$3,164,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$14,000,000

NEW SECTION. Sec. 6314. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Floodplains by Design (40000389)

Reappropriation:

State Building Construction Account—State. . . . . \$41,349,000

Prior Biennia (Expenditures). \$9,559,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$50,908,000

NEW SECTION. Sec. 6315. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Reducing Diesel GHG & Toxic Emissions (40000390)

Reappropriation:

Model Toxics Control Capital Account—State. . . . . \$14,913,000

Prior Biennia (Expenditures). . . \$87,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$15,000,000

NEW SECTION. Sec. 6316. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Sunnyside Valley Irrigation District Water Conservation (40000391)

Reappropriation:

State Building Construction Account—State. . . . . \$4,281,000

Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$4,281,000

NEW SECTION. Sec. 6317. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Puget Sound Nutrient Reduction Grant Program (40000396)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3101, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State. . . . . \$8,981,000

Prior Biennia (Expenditures). . . \$19,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$9,000,000

NEW SECTION. Sec. 6318. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Streamflow Restoration Program (40000397)

Reappropriation:

Watershed Restoration and Enhancement Bond Account—State. . . . . \$39,943,000

Prior Biennia (Expenditures). . . \$57,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$40,000,000

NEW SECTION. Sec. 6319. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Columbia River Water Supply Development Program (40000399)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3103, chapter 332, Laws of 2021.

Reappropriation:

Columbia River Basin Water Supply Revenue



Recovery Account—State. . . \$1,464,000  
 State Building Construction Account—  
 State. . . . . \$39,574,000  
 Subtotal Reappropriation. . . . . \$41,038,000  
 Prior Biennia (Expenditures). . . \$3,962,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$45,000,000

**NEW SECTION. Sec. 6320. FOR THE DEPARTMENT OF ECOLOGY**  
 2021-23 Yakima River Basin Water Supply (40000422)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$18,909,000  
 Prior Biennia (Expenditures). \$23,091,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$42,000,000

**NEW SECTION. Sec. 6321. FOR THE DEPARTMENT OF ECOLOGY**  
 2021-23 Product Replacement Program (40000436)

Reappropriation:  
 Model Toxics Control Capital Account—  
 State. . . . . \$5,133,000  
 Prior Biennia (Expenditures). \$1,367,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$6,500,000

**NEW SECTION. Sec. 6322. FOR THE DEPARTMENT OF ECOLOGY**  
 Pacific Wood Treating Site Cleanup - Cleanup Settlement Account (40000464)

Reappropriation:  
 Cleanup Settlement Account—State. \$2,326,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$2,326,000

**NEW SECTION. Sec. 6323. FOR THE DEPARTMENT OF ECOLOGY**  
 2022 Clean Up Toxic Sites - Puget Sound (40000465)

Reappropriation:  
 Model Toxics Control Capital Account—  
 State. . . . . \$4,000,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$4,000,000

**NEW SECTION. Sec. 6324. FOR THE DEPARTMENT OF ECOLOGY**  
 2022 Community-Based Public-Private Stormwater Partnership (40000470)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3008, chapter 296, Laws of 2022.

Reappropriation:  
 Model Toxics Control Stormwater Account—  
 State. . . . . \$987,000  
 Prior Biennia (Expenditures). . . \$13,000  
 Future Biennia (Projected Costs). . . \$0

TOTAL. . . . . \$1,000,000

**NEW SECTION. Sec. 6325. FOR THE DEPARTMENT OF ECOLOGY**  
 2022 Water Pollution Control Revolving Program (40000473)

Reappropriation:  
 Water Pollution Control Revolving Fund—  
 State. . . . . \$200,000,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$200,000,000

**NEW SECTION. Sec. 6326. FOR THE DEPARTMENT OF ECOLOGY**  
 Skagit Water (91000347)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3012, chapter 298, Laws of 2018. By June 30, 2025, and in compliance with RCW 43.01.036, the department must submit all studies identified by the joint legislative task force on water supply to the house and senate committees responsible for water resource issues in the legislature.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$1,521,000  
 Prior Biennia (Expenditures). . . \$979,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$2,500,000

**NEW SECTION. Sec. 6327. FOR THE DEPARTMENT OF ECOLOGY**  
 PFAS Pilot Project (91000359)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3108, chapter 332, Laws of 2021.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$494,000  
 Prior Biennia (Expenditures). . . \$656,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$1,150,000

**NEW SECTION. Sec. 6328. FOR THE DEPARTMENT OF ECOLOGY**  
 2021-23 Water Banking (91000373)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 7052 of this act.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$5,000,000  
 State Drought Preparedness Account—  
 State. . . . . \$9,000,000  
 Subtotal Reappropriation. . . . . \$14,000,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$14,000,000

NEW SECTION. Sec. 6329. FOR THE DEPARTMENT OF ECOLOGY

Storm Water Improvements (92000076)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3028, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—  
State . . . . . \$17,004,000  
Prior Biennia (Expenditures). \$79,962,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$96,966,000

NEW SECTION. Sec. 6330. FOR THE DEPARTMENT OF ECOLOGY

Drought Response (92000142)

Reappropriation:

State Drought Preparedness Account—  
State . . . . . \$1,205,000  
Prior Biennia (Expenditures). \$5,518,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$6,723,000

NEW SECTION. Sec. 6331. FOR THE DEPARTMENT OF ECOLOGY

Pier 63 Creosote Removal (92000193)

Reappropriation:

Model Toxics Control Capital Account—  
State . . . . . \$1,500,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$1,500,000

NEW SECTION. Sec. 6332. FOR THE DEPARTMENT OF ECOLOGY

2022 Stormwater Projects (92000195)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3011, chapter 296, Laws of 2022.

Reappropriation:

Model Toxics Control Stormwater Account—  
State . . . . . \$4,855,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$4,855,000

NEW SECTION. Sec. 6333. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Capital Program Demonstration and Design (30000001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3085, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

Pollution Liability Insurance Program Trust Account—State. . . . . \$210,000  
Prior Biennia (Expenditures). \$1,590,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$1,800,000

NEW SECTION. Sec. 6334. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Capital Financial Assistance Program (30000002)

Reappropriation:

Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State . . . . . \$3,636,000  
Prior Biennia (Expenditures). \$6,364,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$10,000,000

NEW SECTION. Sec. 6335. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Capital Financing Assistance Pgm 2019-21 (30000702)

Reappropriation:

Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State . . . . . \$10,701,000  
Prior Biennia (Expenditures). \$1,799,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$12,500,000

NEW SECTION. Sec. 6336. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

2021-23 Underground Storage Tank Capital Financial Assistance Pgm (30000705)

Reappropriation:

Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State . . . . . \$11,733,000  
Prior Biennia (Expenditures). . \$267,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$12,000,000

NEW SECTION. Sec. 6337. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

2021-23 Heating Oil Capital Financing Assistance Program (30000706)

Reappropriation:

Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State . . . . . \$7,815,000  
Prior Biennia (Expenditures). . \$185,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$8,000,000

NEW SECTION. Sec. 6338. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Capital Financial Assistance Pgm 2017-19 (92000001)

Reappropriation:

Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State . . . . . \$9,022,000  
Prior Biennia (Expenditures). \$3,678,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$12,700,000

NEW SECTION. Sec. 6339. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Flagler - Welcome Center Replacement  
(30000097)

Reappropriation:

State Building Construction Account—  
State . . . . . \$1,387,000  
Prior Biennia (Expenditures) . . . \$59,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$1,446,000

**NEW SECTION. Sec. 6340. FOR THE STATE  
PARKS AND RECREATION COMMISSION**

Sun Lakes State Park: Dry Falls  
Campground Renovation (30000305)

Reappropriation:

State Building Construction Account—  
State . . . . . \$288,000  
Prior Biennia (Expenditures) . . . \$114,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$402,000

**NEW SECTION. Sec. 6341. FOR THE STATE  
PARKS AND RECREATION COMMISSION**

Schafer Relocate Campground (30000532)

Reappropriation:

State Building Construction Account—  
State . . . . . \$3,292,000  
Prior Biennia (Expenditures) . . . \$1,474,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$4,766,000

**NEW SECTION. Sec. 6342. FOR THE STATE  
PARKS AND RECREATION COMMISSION**

Kopachuck Day Use Development (30000820)

Reappropriation:

State Building Construction Account—  
State . . . . . \$6,902,000  
Prior Biennia (Expenditures) . . . \$1,106,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$8,008,000

**NEW SECTION. Sec. 6343. FOR THE STATE  
PARKS AND RECREATION COMMISSION**

Lake Sammamish Dock Grant Match  
(30000872)

Reappropriation:

State Building Construction Account—  
State . . . . . \$866,000  
Prior Biennia (Expenditures) . . . \$200,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$1,066,000

**NEW SECTION. Sec. 6344. FOR THE STATE  
PARKS AND RECREATION COMMISSION**

Field Spring Replace Failed Sewage Syst &  
Non-ADA Comfort Station (30000951)

Reappropriation:

State Building Construction Account—  
State . . . . . \$538,000  
Prior Biennia (Expenditures) . . . \$1,210,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$1,748,000

**NEW SECTION. Sec. 6345. FOR THE STATE  
PARKS AND RECREATION COMMISSION**

Mount Spokane - Maintenance Facility  
Relocation from Harms Way (30000959)

Reappropriation:

State Building Construction Account—  
State . . . . . \$1,750,000  
Prior Biennia (Expenditures) . . . \$691,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$2,441,000

**NEW SECTION. Sec. 6346. FOR THE STATE  
PARKS AND RECREATION COMMISSION**

Palouse Falls Day Use Area Renovation  
(30000983)

Reappropriation:

State Building Construction Account—  
State . . . . . \$214,000  
Prior Biennia (Expenditures) . . . \$6,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$220,000

**NEW SECTION. Sec. 6347. FOR THE STATE  
PARKS AND RECREATION COMMISSION**

Lake Sammamish Sunset Beach Picnic Area  
(30000984)

Reappropriation:

State Building Construction Account—  
State . . . . . \$1,968,000  
Prior Biennia (Expenditures) . . . \$792,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$2,760,000

**NEW SECTION. Sec. 6348. FOR THE STATE  
PARKS AND RECREATION COMMISSION**

Statewide New Park (30001019)

Reappropriation:

State Building Construction Account—  
State . . . . . \$94,000  
Prior Biennia (Expenditures) . . . \$219,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$313,000

**NEW SECTION. Sec. 6349. FOR THE STATE  
PARKS AND RECREATION COMMISSION**

Statewide Electric Vehicle Charging  
Stations (40000016)

Reappropriation:

State Building Construction Account—  
State . . . . . \$145,000  
Prior Biennia (Expenditures) . . . \$55,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$200,000

**NEW SECTION. Sec. 6350. FOR THE STATE  
PARKS AND RECREATION COMMISSION**

Preservation Minor Works 2019-21  
(40000151)

Reappropriation:

State Building Construction Account—  
State . . . . . \$611,000  
Prior Biennia (Expenditures) . . . \$3,836,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$4,447,000

**NEW SECTION. Sec. 6351. FOR THE STATE  
PARKS AND RECREATION COMMISSION**

Palouse to Cascade Trail - Crab Creek  
Trestle Replacement (40000162)

Reappropriation:

State Building Construction Account—  
 State . . . . . \$2,004,000  
 Prior Biennia (Expenditures) . . \$277,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$2,281,000

**NEW SECTION. Sec. 6352. FOR THE STATE  
 PARKS AND RECREATION COMMISSION**

Fort Flagler Historic Theater Restoration  
 (40000188)

**Reappropriation:**

State Building Construction Account—  
 State . . . . . \$67,000  
 Prior Biennia (Expenditures) . . \$129,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$196,000

**NEW SECTION. Sec. 6353. FOR THE STATE  
 PARKS AND RECREATION COMMISSION**

Saint Edward Maintenance Facility  
 (40000218)

**Reappropriation:**

State Building Construction Account—  
 State . . . . . \$2,426,000  
 Prior Biennia (Expenditures) . . . \$98,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$2,524,000

**NEW SECTION. Sec. 6354. FOR THE STATE  
 PARKS AND RECREATION COMMISSION**

Minor Works - Preservation 2021-23  
 (40000364)

**Reappropriation:**

State Building Construction Account—  
 State . . . . . \$6,227,000  
 Prior Biennia (Expenditures) . . \$773,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$7,000,000

**NEW SECTION. Sec. 6355. FOR THE STATE  
 PARKS AND RECREATION COMMISSION**

Minor Works - Program 2021-23 (40000365)

**Reappropriation:**

State Building Construction Account—  
 State . . . . . \$1,843,000  
 Prior Biennia (Expenditures) . . . \$93,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$1,936,000

**NEW SECTION. Sec. 6356. FOR THE STATE  
 PARKS AND RECREATION COMMISSION**

Fort Flagler Campground Road Relocation  
 (91000434)

**Reappropriation:**

State Building Construction Account—  
 State . . . . . \$620,000  
 Prior Biennia (Expenditures) . . . \$40,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$660,000

**NEW SECTION. Sec. 6357. FOR THE STATE  
 PARKS AND RECREATION COMMISSION**

Anderson Lake - New Day Use Facilities  
 and Trail Development (91000441)

The reappropriation in this section is  
 subject to the following conditions and

limitations: The reappropriation is subject  
 to the provisions of section 3023, chapter  
 296, Laws of 2022.

**Reappropriation:**

State Building Construction Account—  
 State . . . . . \$229,000  
 Prior Biennia (Expenditures) . . \$106,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$335,000

**NEW SECTION. Sec. 6358. FOR THE STATE  
 PARKS AND RECREATION COMMISSION**

State Parks Capital Preservation Pool  
 (92000014)

The reappropriation in this section is  
 subject to the following conditions and  
 limitations: The reappropriation is subject  
 to the provisions of section 3162, chapter  
 413, Laws of 2019.

**Reappropriation:**

State Building Construction Account—  
 State . . . . . \$7,501,000  
 Prior Biennia (Expenditures) . \$22,464,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$29,965,000

**NEW SECTION. Sec. 6359. FOR THE STATE  
 PARKS AND RECREATION COMMISSION**

2021-23 State Parks Capital Preservation  
 Pool (92000017)

The reappropriation in this section is  
 subject to the following conditions and  
 limitations: The reappropriation is subject  
 to the provisions of section 3025, chapter  
 296, Laws of 2022.

**Reappropriation:**

State Building Construction Account—  
 State . . . . . \$31,583,000  
 Prior Biennia (Expenditures) . \$8,667,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$40,250,000

**NEW SECTION. Sec. 6360. FOR THE  
 RECREATION AND CONSERVATION FUNDING BOARD**

Washington Wildlife Recreation Grants  
 (30000220)

The reappropriations in this section are  
 subject to the following conditions and  
 limitations: The reappropriations are  
 subject to the provisions of section 3029,  
 chapter 296, Laws of 2022.

**Reappropriation:**

Farm and Forest Account—State \$1,385,000  
 Habitat Conservation Account—State.  
 \$2,045,000  
 Outdoor Recreation Account—State.  
 \$2,879,000  
 Riparian Protection Account—State.  
 \$117,000  
 Subtotal Reappropriation. .... \$6,426,000  
 Prior Biennia (Expenditures) . \$48,897,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$55,323,000

**NEW SECTION. Sec. 6361. FOR THE  
 RECREATION AND CONSERVATION FUNDING BOARD**

Salmon Recovery Funding Board Programs  
 (30000221)

The reappropriations in this section are subject to the following conditions and limitations: The state building construction account—state reappropriation is subject to the provisions of section 3164, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

General Fund—Federal. . . . . \$4,100,000
State Building Construction Account—
State. . . . . \$1,312,000
Subtotal Reappropriation..... \$5,412,000
Prior Biennia (Expenditures). \$60,933,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$66,345,000

NEW SECTION. Sec. 6362. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Puget Sound Estuary and Salmon Restoration Program (30000227)

Reappropriation:

State Building Construction Account—
State. . . . . \$418,000
Prior Biennia (Expenditures). \$7,582,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$8,000,000

NEW SECTION. Sec. 6363. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Recreational Trails Program (30000229)

Reappropriation:

General Fund—Federal. . . . . \$552,000
Prior Biennia (Expenditures). \$4,035,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$4,587,000

NEW SECTION. Sec. 6364. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Salmon Recovery Funding Board Programs (30000408)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3070, chapter 2, Laws of 2018.

Reappropriation:

General Fund—Federal. . . . . \$20,925,000
State Building Construction Account—
State. . . . . \$2,437,000
Subtotal Reappropriation..... \$23,362,000
Prior Biennia (Expenditures). \$42,851,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$66,213,000

NEW SECTION. Sec. 6365. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2017-19 Washington Wildlife Recreation Grants (30000409)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3034, chapter 296, Laws of 2022.

Reappropriation:

Farm and Forest Account—State \$3,939,000
Habitat Conservation Account—State.
\$11,662,000

Outdoor Recreation Account—State.
\$9,541,000

Subtotal Reappropriation..... \$25,142,000

Prior Biennia (Expenditures). \$54,858,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$80,000,000

NEW SECTION. Sec. 6366. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Boating Facilities Program (30000410)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3072, chapter 2, Laws of 2018.

Reappropriation:

Recreation Resources Account—State.
\$5,473,000

Prior Biennia (Expenditures). \$11,702,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$17,175,000

NEW SECTION. Sec. 6367. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Nonhighway Off-Road Vehicle Activities (30000411)

Reappropriation:

NOVA Program Account—State. . \$2,397,000
Prior Biennia (Expenditures). \$10,798,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$13,195,000

NEW SECTION. Sec. 6368. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Youth Athletic Facilities (30000412)

Reappropriation:

State Building Construction Account—
State. . . . . \$1,218,000
Prior Biennia (Expenditures). \$2,859,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$4,077,000

NEW SECTION. Sec. 6369. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Aquatic Lands Enhancement Account (30000413)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3037, chapter 296, Laws of 2022.

Reappropriation:

Aquatic Lands Enhancement Account—State
. . . . . \$517,000
State Building Construction Account—
State. . . . . \$2,205,000
Subtotal Reappropriation..... \$2,722,000

Prior Biennia (Expenditures). \$9,563,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$12,285,000

NEW SECTION. Sec. 6370. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Puget Sound Acquisition and Restoration (30000414)

Reappropriation:

State Building Construction Account—  
 State . . . . . \$7,169,000  
 Prior Biennia (Expenditures). \$32,831,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$40,000,000

**NEW SECTION. Sec. 6371. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 Puget Sound Estuary and Salmon Restoration Program (30000415)

Reappropriation:

State Building Construction Account—  
 State . . . . . \$1,695,000  
 Prior Biennia (Expenditures). \$6,305,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$8,000,000

**NEW SECTION. Sec. 6372. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 Firearms and Archery Range Recreation (30000416)

Reappropriation:

Firearms Range Account—State. . \$390,000  
 Prior Biennia (Expenditures). . \$423,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$813,000

**NEW SECTION. Sec. 6373. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 Washington Coastal Restoration Initiative (30000420)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3082, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—  
 State . . . . . \$4,105,000  
 Prior Biennia (Expenditures). \$8,395,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$12,500,000

**NEW SECTION. Sec. 6374. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 Family Forest Fish Passage Program (40000001)

Reappropriation:

State Building Construction Account—  
 State . . . . . \$97,000  
 Prior Biennia (Expenditures). \$4,903,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$5,000,000

**NEW SECTION. Sec. 6375. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 2019-21 - Washington Wildlife Recreation Grants (40000002)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3200, chapter 413, Laws of 2019.

Reappropriation:

Farm and Forest Account—State \$5,286,000

Habitat Conservation Account—State.  
 \$17,489,000  
 Outdoor Recreation Account—State.  
 \$14,430,000  
 Subtotal Reappropriation. .... \$37,205,000

Prior Biennia (Expenditures). \$47,795,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$85,000,000

**NEW SECTION. Sec. 6376. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 2019-21 - Salmon Recovery Funding Board Programs (40000004)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3201, chapter 413, Laws of 2019.

Reappropriation:

General Fund—Federal. . . . \$17,126,000  
 State Building Construction Account—  
 State . . . . . \$2,174,000  
 Subtotal Reappropriation. .... \$19,300,000

Prior Biennia (Expenditures). \$55,700,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$75,000,000

**NEW SECTION. Sec. 6377. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 2019-21 - Boating Facilities Program (40000005)

Reappropriation:

Recreation Resources Account—State.  
 \$10,764,000  
 Prior Biennia (Expenditures). \$7,108,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$17,872,000

**NEW SECTION. Sec. 6378. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 2019-21 - Nonhighway Off-Road Vehicle Activities (40000006)

Reappropriation:

NOVA Program Account—State. . \$1,776,000  
 Prior Biennia (Expenditures). \$9,635,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$11,411,000

**NEW SECTION. Sec. 6379. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 2019-21 - Youth Athletic Facilities (40000007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3041, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—  
 State . . . . . \$3,764,000  
 Prior Biennia (Expenditures). \$8,236,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$12,000,000

**NEW SECTION. Sec. 6380. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

2019-21 - Aquatic Lands Enhancement Account (40000008)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3202, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account— State . . . . . \$1,813,000
Prior Biennia (Expenditures). \$4,787,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$6,600,000

NEW SECTION. Sec. 6381. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 - Puget Sound Acquisition and Restoration (40000009)

Reappropriation:

State Building Construction Account— State . . . . . \$15,350,000
Prior Biennia (Expenditures). \$34,157,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$49,507,000

NEW SECTION. Sec. 6382. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 - Puget Sound Estuary and Salmon Restoration Program (40000010)

Reappropriation:

State Building Construction Account— State . . . . . \$2,475,000
Prior Biennia (Expenditures). \$7,525,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$10,000,000

NEW SECTION. Sec. 6383. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 - Washington Coastal Restoration Initiative (40000011)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3208, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account— State . . . . . \$2,025,000
Prior Biennia (Expenditures). \$10,061,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$12,086,000

NEW SECTION. Sec. 6384. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 - Brian Abbott Fish Barrier Removal Board (40000012)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3209, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account— State . . . . . \$8,318,000
Prior Biennia (Expenditures). \$18,173,000
Future Biennia (Projected Costs). . . \$0
TOTAL..... \$26,491,000

NEW SECTION. Sec. 6385. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 - Firearms and Archery Range (40000013)

Reappropriation:

Firearms Range Account—State. . \$320,000
Prior Biennia (Expenditures). . \$415,000
Future Biennia (Projected Costs). . \$0
TOTAL..... \$735,000

NEW SECTION. Sec. 6386. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 - Recreational Trails Program (40000014)

Reappropriation:

General Fund—Federal. . . . . \$1,917,000
Prior Biennia (Expenditures). \$3,083,000
Future Biennia (Projected Costs). . \$0
TOTAL..... \$5,000,000

NEW SECTION. Sec. 6387. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 - Boating Infrastructure Grants (40000015)

Reappropriation:

General Fund—Federal. . . . . \$649,000
Prior Biennia (Expenditures). \$1,551,000
Future Biennia (Projected Costs). . \$0
TOTAL..... \$2,200,000

NEW SECTION. Sec. 6388. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 - Land and Water Conservation Fund (40000016)

Reappropriation:

General Fund—Federal. . . . . \$3,266,000
Prior Biennia (Expenditures). \$2,734,000
Future Biennia (Projected Costs). . \$0
TOTAL..... \$6,000,000

NEW SECTION. Sec. 6389. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 Family Forest Fish Passage Program (40000017)

Reappropriation:

State Building Construction Account— State . . . . . \$431,000
Prior Biennia (Expenditures). \$4,569,000
Future Biennia (Projected Costs). . \$0
TOTAL..... \$5,000,000

NEW SECTION. Sec. 6390. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2021-23 - Washington Wildlife Recreation Grants (40000019)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3213, chapter 332, Laws of 2021.

Reappropriation:

Farm and Forest Account—State \$9,110,000
Habitat Conservation Account—State. \$38,030,000
Outdoor Recreation Account—State. \$40,103,000

Subtotal Reappropriation.....\$87,243,000  
 Prior Biennia (Expenditures). \$12,757,000  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL..... \$100,000,000

**NEW SECTION. Sec. 6391. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 2021-23 - Salmon Recovery Funding Board Programs (40000021)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3042, chapter 296, Laws of 2022.

Reappropriation:  
 General Fund—Federal. . . . \$56,169,000  
 State Building Construction Account—  
 State. . . . \$22,331,000  
 Subtotal Reappropriation.....\$78,500,000  
 Prior Biennia (Expenditures). \$16,500,000  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL..... \$95,000,000

**NEW SECTION. Sec. 6392. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 2021-23 - Boating Facilities Program (40000023)

Reappropriation:  
 Recreation Resources Account—State.  
 \$12,283,000  
 Prior Biennia (Expenditures). \$2,667,000  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL..... \$14,950,000

**NEW SECTION. Sec. 6393. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 2021-23 - Nonhighway Off-Road Vehicle Activities (40000025)

Reappropriation:  
 NOVA Program Account—State. . . \$8,786,000  
 Prior Biennia (Expenditures). \$1,214,000  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL..... \$10,000,000

**NEW SECTION. Sec. 6394. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 2021-23 - Youth Athletic Facilities (40000027)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3217, chapter 332, Laws of 2021.

Reappropriation:  
 State Building Construction Account—  
 State. . . . \$9,417,000  
 Prior Biennia (Expenditures). \$1,810,000  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL..... \$11,227,000

**NEW SECTION. Sec. 6395. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 2021-23 - Aquatic Lands Enhancement Account (40000029)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are

subject to the provisions of section 3048, chapter 296, Laws of 2022.

Reappropriation:  
 Aquatic Lands Enhancement Account—State  
 . . . . \$418,000  
 State Building Construction Account—  
 State. . . . \$8,430,000  
 Subtotal Reappropriation.....\$8,848,000

Prior Biennia (Expenditures). . . \$670,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$9,518,000

**NEW SECTION. Sec. 6396. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 2021-23 - Puget Sound Acquisition and Restoration (40000031)

Reappropriation:  
 State Building Construction Account—  
 State. . . . \$45,361,000  
 Prior Biennia (Expenditures). \$7,446,000  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL..... \$52,807,000

**NEW SECTION. Sec. 6397. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 2021-23 - Washington Coastal Restoration Initiative (40000033)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3220, chapter 332, Laws of 2021.

Reappropriation:  
 State Building Construction Account—  
 State. . . . \$8,019,000  
 Prior Biennia (Expenditures). \$2,294,000  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL..... \$10,313,000

**NEW SECTION. Sec. 6398. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 2021-23- Brian Abbott Fish Barrier Removal Board (40000035)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3043, chapter 296, Laws of 2022.

Reappropriation:  
 State Building Construction Account—  
 State. . . . \$20,114,000  
 Prior Biennia (Expenditures). \$6,681,000  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL..... \$26,795,000

**NEW SECTION. Sec. 6399. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 2021-23 - Firearms and Archery Range (40000037)

Reappropriation:  
 Firearms Range Account—State. . . \$549,000  
 Prior Biennia (Expenditures). . . \$81,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$630,000

**NEW SECTION. Sec. 6400. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**



2021-23 - Recreational Trails Program  
(40000039)

Reappropriation:

General Fund—Federal. . . . \$3,915,000  
 Prior Biennia (Expenditures). . . \$1,085,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$5,000,000

NEW SECTION. **Sec. 6401. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

2021-23 - Boating Infrastructure Grants  
(40000041)

Reappropriation:

General Fund—Federal. . . . \$2,179,000  
 Prior Biennia (Expenditures). . . \$21,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$2,200,000

NEW SECTION. **Sec. 6402. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

2021-23 - Land and Water Conservation Fund (40000043)

Reappropriation:

General Fund—Federal. . . . \$18,874,000  
 Prior Biennia (Expenditures). . . \$1,126,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$20,000,000

NEW SECTION. **Sec. 6403. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

2021-23 - Puget Sound Estuary and Salmon Restoration Program (40000045)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3226, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—  
 State. . . . \$13,282,000  
 Prior Biennia (Expenditures). . . \$2,426,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$15,708,000

NEW SECTION. **Sec. 6404. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

2021-23 - Community Forest Grant Program (40000047)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3227, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—  
 State. . . . \$10,956,000  
 Prior Biennia (Expenditures). . . \$5,343,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$16,299,000

NEW SECTION. **Sec. 6405. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

2021-23 - Outdoor Recreation Equity (40000049)

The reappropriation in this section is subject to the following conditions and

limitations: The reappropriation is subject to the provisions of section 3203, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—  
 State. . . . \$3,908,000  
 Prior Biennia (Expenditures). . . \$92,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$4,000,000

NEW SECTION. **Sec. 6406. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

2021-23 - Family Forest Fish Passage Program (40000050)

Reappropriation:

State Building Construction Account—  
 State. . . . \$3,033,000  
 Prior Biennia (Expenditures). . . \$2,924,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$5,957,000

NEW SECTION. **Sec. 6407. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

2021-23 Salmon Recovery Investment from Operating (40000069)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7053 of this act.

Reappropriation:

Salmon Recovery Account—State \$50,000,000  
 Prior Biennia (Expenditures). . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$50,000,000

NEW SECTION. **Sec. 6408. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

2021-23 Grants For Watershed Projects from Operating (40000070)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7054 of this act.

Reappropriation:

Salmon Recovery Account—State \$25,000,000  
 Prior Biennia (Expenditures). . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$25,000,000

NEW SECTION. **Sec. 6409. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

2021-23 Duckabush Estuary Restoration Project from Operating (40000071)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7055 of this act.

Reappropriation:

Salmon Recovery Account—State \$25,000,000  
 Prior Biennia (Expenditures). . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$25,000,000

**NEW SECTION. Sec. 6410. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
Coastal Restoration Grants (91000448)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3177, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—	
State . . . . .	\$622,000
Prior Biennia (Expenditures). . . . .	\$10,563,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL.....	\$11,185,000

**NEW SECTION. Sec. 6411. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
Recreation & Conservation Office  
Recreation Grants (92000131)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3049, chapter 356, Laws of 2020.

Reappropriation:

Outdoor Recreation Account—State	\$433,000
State Building Construction Account—	
State . . . . .	\$6,143,000
Subtotal Reappropriation.....	\$6,576,000
Prior Biennia (Expenditures). . . . .	\$28,205,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL.....	\$34,781,000

**NEW SECTION. Sec. 6412. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
Statewide Multi-modal Trails Database (92000448)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3234, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—	
State . . . . .	\$93,000
Prior Biennia (Expenditures). . . . .	\$107,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL.....	\$200,000

**NEW SECTION. Sec. 6413. FOR THE STATE CONSERVATION COMMISSION**  
Match for Federal RCPP Program (30000017)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3033, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

General Fund—Federal. . . . .	\$1,426,000
Prior Biennia (Expenditures). . . . .	\$5,449,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL.....	\$6,875,000

**NEW SECTION. Sec. 6414. FOR THE STATE CONSERVATION COMMISSION**  
2019-21 Match for Federal RCPP (40000006)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3051, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—	
State . . . . .	\$212,000
Prior Biennia (Expenditures). . . . .	\$6,037,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL.....	\$6,249,000

**NEW SECTION. Sec. 6415. FOR THE STATE CONSERVATION COMMISSION**  
2019-21 Water Irrigation Efficiencies Program (40000009)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3224, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—	
State . . . . .	\$3,383,000
Prior Biennia (Expenditures). . . . .	\$617,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL.....	\$4,000,000

**NEW SECTION. Sec. 6416. FOR THE STATE CONSERVATION COMMISSION**  
2021-23 Conservation Reserve Enhancement Program (CREP) (40000013)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3241, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—	
State . . . . .	\$3,083,000
Prior Biennia (Expenditures). . . . .	\$917,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL.....	\$4,000,000

**NEW SECTION. Sec. 6417. FOR THE STATE CONSERVATION COMMISSION**  
2021-23 Water Irrigation Efficiencies Program (40000014)

Reappropriation:

State Building Construction Account—	
State . . . . .	\$2,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL.....	\$2,000,000

**NEW SECTION. Sec. 6418. FOR THE STATE CONSERVATION COMMISSION**  
2021-23 Conservation Reserve Enhancement Program (CREP) PIP loan (40000015)

Reappropriation:

Conservation Assistance Rev Account—	
State . . . . .	\$160,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL.....	\$160,000

**NEW SECTION. Sec. 6419. FOR THE STATE CONSERVATION COMMISSION**

2021-23 Natural Resource Investment for the Economy & Environment (40000016)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3244, chapter 332, Laws of 2021.

**Reappropriation:**

State Building Construction Account—	
State. . . . .	\$3,606,000
Prior Biennia (Expenditures). . .	\$394,000
Future Biennia (Projected Costs). . .	\$0
<b>TOTAL.....</b>	<b>\$4,000,000</b>

**NEW SECTION. Sec. 6420. FOR THE STATE CONSERVATION COMMISSION**

2021-23 Regional Conservation Partnership Program (RCPP) Match (40000017)

**Reappropriation:**

State Building Construction Account—	
State. . . . .	\$6,884,000
Prior Biennia (Expenditures). . .	\$116,000
Future Biennia (Projected Costs). . .	\$0
<b>TOTAL.....</b>	<b>\$7,000,000</b>

**NEW SECTION. Sec. 6421. FOR THE STATE CONSERVATION COMMISSION**

2021-23 Improve Shellfish Growing Areas (40000018)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3246, chapter 332, Laws of 2021.

**Reappropriation:**

State Building Construction Account—	
State. . . . .	\$2,952,000
Prior Biennia (Expenditures). . .	\$548,000
Future Biennia (Projected Costs). . .	\$0
<b>TOTAL.....</b>	<b>\$3,500,000</b>

**NEW SECTION. Sec. 6422. FOR THE STATE CONSERVATION COMMISSION**

2021-23 Farmland Protection and Land Access (40000020)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3050, chapter 296, Laws of 2022.

**Reappropriation:**

State Building Construction Account—	
State. . . . .	\$2,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . .	\$0
<b>TOTAL.....</b>	<b>\$2,000,000</b>

**NEW SECTION. Sec. 6423. FOR THE STATE CONSERVATION COMMISSION**

2021-23 Conservation Reserve Enhancement from Operating (40000038)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject

to the provisions of section 7057 of this act.

**Reappropriation:**

Salmon Recovery Account—State	\$5,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . .	\$0
<b>TOTAL.....</b>	<b>\$5,000,000</b>

**NEW SECTION. Sec. 6424. FOR THE STATE CONSERVATION COMMISSION**

2019-21 CREP Riparian Cost Share - State Match (91000017)

**Reappropriation:**

State Building Construction Account—	
State. . . . .	\$588,000
Prior Biennia (Expenditures). . .	\$1,212,000
Future Biennia (Projected Costs). . .	\$0
<b>TOTAL.....</b>	<b>\$1,800,000</b>

**NEW SECTION. Sec. 6425. FOR THE STATE CONSERVATION COMMISSION**

Natural Resource Investment for the Economy & Environment 2017-19 (92000011)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3090, chapter 2, Laws of 2018.

**Reappropriation:**

General Fund—Federal. . . . .	\$1,000,000
Prior Biennia (Expenditures). . .	\$4,000,000
Future Biennia (Projected Costs). . .	\$0
<b>TOTAL.....</b>	<b>\$5,000,000</b>

**NEW SECTION. Sec. 6426. FOR THE STATE CONSERVATION COMMISSION**

Voluntary Stewardship Program (92000016)

**Reappropriation:**

State Building Construction Account—	
State. . . . .	\$2,991,000
Prior Biennia (Expenditures). . .	\$9,000
Future Biennia (Projected Costs). . .	\$0
<b>TOTAL.....</b>	<b>\$3,000,000</b>

**NEW SECTION. Sec. 6427. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Bells Springs Hatchery Renovation (30000214)

**Reappropriation:**

State Building Construction Account—	
State. . . . .	\$396,000
Prior Biennia (Expenditures). . .	\$1,097,000
Future Biennia (Projected Costs). . .	\$0
<b>TOTAL.....</b>	<b>\$1,493,000</b>

**NEW SECTION. Sec. 6428. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Samish Hatchery Intakes (30000276)

**Reappropriation:**

State Building Construction Account—	
State. . . . .	\$228,000
Prior Biennia (Expenditures). . .	\$8,504,000
Future Biennia (Projected Costs). . .	\$0
<b>TOTAL.....</b>	<b>\$8,732,000</b>

**NEW SECTION. Sec. 6429. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Puget Sound and Adjacent Waters Nearshore Restoration - Match (30000753)

Reappropriation:  
 General Fund—Federal. . . . . \$500,000  
 State Building Construction Account—  
 State. . . . . \$281,000  
 Subtotal Reappropriation. . . . . \$781,000  
 Prior Biennia (Expenditures). . . \$219,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$1,000,000

**NEW SECTION. Sec. 6430. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Snow Creek Reconstruct Facility (30000826)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3271, chapter 332, Laws of 2021.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$917,000  
 Prior Biennia (Expenditures). . . \$219,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$1,136,000

**NEW SECTION. Sec. 6431. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Forks Creek Hatchery - Renovate Intake and Diversion (30000827)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$2,312,000  
 Prior Biennia (Expenditures). . . \$4,060,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$6,372,000

**NEW SECTION. Sec. 6432. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Hurd Creek - Relocate Facilities out of Floodplain (30000830)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$11,307,000  
 Prior Biennia (Expenditures). . . \$1,291,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$12,598,000

**NEW SECTION. Sec. 6433. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Dungeness Hatchery - Replace Main Intake (30000844)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$322,000  
 Prior Biennia (Expenditures). . . \$3,080,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$3,402,000

**NEW SECTION. Sec. 6434. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 PSNERP Match (30000846)

Reappropriation:

General Fund—Federal. . . . . \$40,563,000  
 State Building Construction Account—  
 State. . . . . \$2,376,000  
 Subtotal Reappropriation. . . . . \$42,939,000  
 Prior Biennia (Expenditures). . . \$1,148,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$44,087,000

**NEW SECTION. Sec. 6435. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Wiley Slough Dike Raising (40000004)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$5,401,000  
 Prior Biennia (Expenditures). . . \$1,052,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$6,453,000

**NEW SECTION. Sec. 6436. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Minor Works Preservation 2019-21 (40000007)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$550,000  
 Prior Biennia (Expenditures). . . \$7,480,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$8,030,000

**NEW SECTION. Sec. 6437. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Minor Works Programmatic 2019-21 (40000008)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$665,000  
 Prior Biennia (Expenditures). . . \$1,762,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$2,427,000

**NEW SECTION. Sec. 6438. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Elochoman Hatchery Demolition and Restoration (40000024)

Reappropriation:  
 General Fund—Federal. . . . . \$250,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$250,000

**NEW SECTION. Sec. 6439. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Region 1 Office - Construct Secure Storage (40000087)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$56,000  
 Prior Biennia (Expenditures). . . \$94,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$150,000

**NEW SECTION. Sec. 6440. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Minor Works Preservation 21-23 (40000089)

Reappropriation:

State Building Construction Account—  
 State . . . . . \$4,815,000  
 Prior Biennia (Expenditures). . . \$4,175,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$8,990,000

**NEW SECTION. Sec. 6441. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Minor Works Program 21-23 (40000092)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$2,127,000  
 Prior Biennia (Expenditures). . . \$801,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$2,928,000

**NEW SECTION. Sec. 6442. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 SRKW - New Cowlitz River Hatchery (40000145)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$124,000  
 Prior Biennia (Expenditures). . . \$176,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$300,000

**NEW SECTION. Sec. 6443. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 SRKW - Kendall Creek Hatchery Modifications (40000146)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$3,957,000  
 Prior Biennia (Expenditures). . . \$360,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$4,317,000

**NEW SECTION. Sec. 6444. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 SRKW - Voights Creek Hatchery Modifications (40000148)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$3,427,000  
 Prior Biennia (Expenditures). . . \$124,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$3,551,000

**NEW SECTION. Sec. 6445. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Klickitat WLA - Simcoe Fencing (40000161)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$422,000  
 Prior Biennia (Expenditures). . . \$28,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$450,000

**NEW SECTION. Sec. 6446. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Deschutes Watershed Center (20062008)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$3,888,000

Prior Biennia (Expenditures). \$13,807,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$17,695,000

**NEW SECTION. Sec. 6447. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Taneum Creek Property Acquisition Post Closing Activities (40000162)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$145,000  
 Prior Biennia (Expenditures). . . \$55,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$200,000

**NEW SECTION. Sec. 6448. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Upper Columbia River Salmon Reintroduction from Operating (40000266)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7058 of this act.

Reappropriation:  
 Salmon Recovery Account—State \$3,000,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$3,000,000

**NEW SECTION. Sec. 6449. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Kalama Creek Hatchery (91000160)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3062, chapter 296, Laws of 2022.

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$3,000,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$3,000,000

**NEW SECTION. Sec. 6450. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Western Pond Turtle Nest Hill Restoration (91000161)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3061, chapter 296, Laws of 2022.

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$192,000  
 Prior Biennia (Expenditures). . . \$8,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$200,000

**NEW SECTION. Sec. 6451. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Naches Rearing Ponds (92000049)

Reappropriation:

State Building Construction Account—  
 State. . . . . \$512,000  
 Prior Biennia (Expenditures). . . \$88,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$600,000

**NEW SECTION. Sec. 6452. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Shrubsteppe and Rangeland Cooperative Wildlife Fencing (92000050)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3294, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—  
 State. . . . . \$1,337,000  
 Prior Biennia (Expenditures). . . \$163,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$1,500,000

**NEW SECTION. Sec. 6453. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 2021-23 Cooperative Elk Damage Fencing (30000662)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3243, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—  
 State. . . . . \$1,097,000  
 Prior Biennia (Expenditures). . . \$2,503,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$3,600,000

**NEW SECTION. Sec. 6454. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Wooten Wildlife Area Improve Flood Plain (30000481)

Reappropriation:

General Fund—Federal. . . . . \$5,700,000  
 State Building Construction Account—  
 State. . . . . \$364,000  
 Subtotal Reappropriation..... \$6,064,000  
 Prior Biennia (Expenditures). . . \$4,636,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$10,700,000

**NEW SECTION. Sec. 6455. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Kalama Falls Hatchery Replace Raceways and PA System (30000848)

Reappropriation:

State Building Construction Account—  
 State. . . . . \$370,000  
 Prior Biennia (Expenditures). . . \$446,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$816,000

**NEW SECTION. Sec. 6456. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Recreational Fishing Access on the Grande Ronde River (92000051)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3064, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—  
 State. . . . . \$488,000  
 Prior Biennia (Expenditures). . . \$12,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$500,000

**NEW SECTION. Sec. 6457. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Upper Indian Creek Fish Screen Removal (92001248)

Reappropriation:

State Building Construction Account—  
 State. . . . . \$24,000  
 Prior Biennia (Expenditures). . . \$41,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$65,000

**NEW SECTION. Sec. 6458. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Port Angeles Storm Water Repair (40000015)

Reappropriation:

Model Toxics Control Stormwater Account—  
 State. . . . . \$1,134,000  
 Prior Biennia (Expenditures). . . \$86,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$1,220,000

**NEW SECTION. Sec. 6459. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Airway Heights Facility Replacement (40000025)

Reappropriation:

State Building Construction Account—  
 State. . . . . \$3,462,000  
 Prior Biennia (Expenditures). . . \$738,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$4,200,000

**NEW SECTION. Sec. 6460. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Omak Consolidation, Expansion and Relocation (40000033)

Reappropriation:

State Building Construction Account—  
 State. . . . . \$93,000  
 Prior Biennia (Expenditures). . . \$15,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$108,000

**NEW SECTION. Sec. 6461. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Teanaway (40000038)

Reappropriation:

State Building Construction Account—  
 State. . . . . \$592,000  
 Prior Biennia (Expenditures). . . \$1,264,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$1,856,000

NEW SECTION.      **Sec. 6462.**      **FOR THE**  
**DEPARTMENT OF NATURAL RESOURCES**  
 Land Acquisition Grants (40000039)

Reappropriation:  
 General Fund—Federal. . . . \$12,537,000  
 Prior Biennia (Expenditures). . . \$5,463,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$18,000,000

NEW SECTION.      **Sec. 6463.**      **FOR THE**  
**DEPARTMENT OF NATURAL RESOURCES**  
 Forest Hazard Reduction (40000049)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3292, chapter 413, Laws of 2019.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$2,190,000  
 Prior Biennia (Expenditures). \$12,010,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$14,200,000

NEW SECTION.      **Sec. 6464.**      **FOR THE**  
**DEPARTMENT OF NATURAL RESOURCES**

Grouse Ridge Fish Barriers & RMAP Compliance (40000056)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$227,000  
 Prior Biennia (Expenditures). \$4,748,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$4,975,000

NEW SECTION.      **Sec. 6465.**      **FOR THE**  
**DEPARTMENT OF NATURAL RESOURCES**

Emergent Environmental Mitigation Projects (40000058)

Reappropriation:  
 Forest Development Account—State \$67,000  
 Model Toxics Control Capital Account—  
 State. . . . . \$421,000  
 Resource Management Cost Account—State.  
 \$68,000  
 Subtotal Reappropriation..... \$556,000  
 Prior Biennia (Expenditures). . . \$554,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$1,110,000

NEW SECTION.      **Sec. 6466.**      **FOR THE**  
**DEPARTMENT OF NATURAL RESOURCES**

2021-23 Minor Works Preservation (40000070)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3072, chapter 296, Laws of 2022.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$1,804,000  
 Prior Biennia (Expenditures). \$1,318,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$3,122,000

NEW SECTION.      **Sec. 6467.**      **FOR THE**  
**DEPARTMENT OF NATURAL RESOURCES**  
 Webster Nursery Seed Plant Replacement (40000073)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$113,000  
 Prior Biennia (Expenditures). . . \$107,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$220,000

NEW SECTION.      **Sec. 6468.**      **FOR THE**  
**DEPARTMENT OF NATURAL RESOURCES**

2021-23 Community Forests (40000074)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3323, chapter 332, Laws of 2021.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$200,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$200,000

NEW SECTION.      **Sec. 6469.**      **FOR THE**  
**DEPARTMENT OF NATURAL RESOURCES**

2021-23 Forestry Riparian Easement Program (40000077)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$5,146,000  
 Prior Biennia (Expenditures). . . \$854,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$6,000,000

NEW SECTION.      **Sec. 6470.**      **FOR THE**  
**DEPARTMENT OF NATURAL RESOURCES**

2021-23 Puget Sound Corps (40000079)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3326, chapter 332, Laws of 2021.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$1,607,000  
 Prior Biennia (Expenditures). \$2,393,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$4,000,000

NEW SECTION.      **Sec. 6471.**      **FOR THE**  
**DEPARTMENT OF NATURAL RESOURCES**

2021-23 Rivers and Habitat Open Space Program (40000081)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3327, chapter 332, Laws of 2021.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$1,409,000  
 Prior Biennia (Expenditures). . . \$10,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$1,419,000

NEW SECTION.      **Sec. 6472.**      **FOR THE**  
**DEPARTMENT OF NATURAL RESOURCES**

Rural Broadband Investment (40000082)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3073, chapter 296, Laws of 2022.

**Reappropriation:**

State Building Construction Account—	
State . . . . .	\$1,854,000
Prior Biennia (Expenditures) . . . . .	\$146,000
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$2,000,000</b>

NEW SECTION.      **Sec. 6473.**      **FOR THE**  
**DEPARTMENT OF NATURAL RESOURCES**

2021-23 Structurally Deficient Bridges (40000086)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3066, chapter 296, Laws of 2022.

**Reappropriation:**

State Building Construction Account—	
State . . . . .	\$693,000
Prior Biennia (Expenditures) . . . . .	\$357,000
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$1,050,000</b>

NEW SECTION.      **Sec. 6474.**      **FOR THE**  
**DEPARTMENT OF NATURAL RESOURCES**

2021-23 Sustainable Recreation (40000088)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3299, chapter 332, Laws of 2021.

**Reappropriation:**

State Building Construction Account—	
State . . . . .	\$2,072,000
Prior Biennia (Expenditures) . . . . .	\$1,176,000
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$3,248,000</b>

NEW SECTION.      **Sec. 6475.**      **FOR THE**  
**DEPARTMENT OF NATURAL RESOURCES**

2021-23 Forest Legacy (40000090)

**Reappropriation:**

General Fund—Federal . . . . .	\$17,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$17,000,000</b>

NEW SECTION.      **Sec. 6476.**      **FOR THE**  
**DEPARTMENT OF NATURAL RESOURCES**

2021-23 Land Acquisition Grants (40000091)

**Reappropriation:**

General Fund—Federal . . . . .	\$10,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$10,000,000</b>

NEW SECTION.      **Sec. 6477.**      **FOR THE**  
**DEPARTMENT OF NATURAL RESOURCES**

2021-23 Road Maintenance and Abandonment Planning (40000092)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3303, chapter 332, Laws of 2021.

**Reappropriation:**

State Building Construction Account—	
State . . . . .	\$1,067,000
Prior Biennia (Expenditures) . . . . .	\$811,000
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$1,878,000</b>

NEW SECTION.      **Sec. 6478.**      **FOR THE**  
**DEPARTMENT OF NATURAL RESOURCES**

2021-23 Natural Areas Facilities Preservation and Access (40000093)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3304, chapter 332, Laws of 2021.

**Reappropriation:**

State Building Construction Account—	
State . . . . .	\$3,136,000
Prior Biennia (Expenditures) . . . . .	\$869,000
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$4,005,000</b>

NEW SECTION.      **Sec. 6479.**      **FOR THE**  
**DEPARTMENT OF NATURAL RESOURCES**

Forestry Riparian Easement Program from Operating (40000376)

**Reappropriation:**

Salmon Recovery Account—State	\$4,999,000
Prior Biennia (Expenditures) . . . . .	\$1,000
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$5,000,000</b>

NEW SECTION.      **Sec. 6480.**      **FOR THE**  
**DEPARTMENT OF NATURAL RESOURCES**

Port of Willapa Harbor Energy Innovation District Grant (91000099)

**Reappropriation:**

State Building Construction Account—	
State . . . . .	\$1,400,000
Prior Biennia (Expenditures) . . . . .	\$100,000
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$1,500,000</b>

NEW SECTION.      **Sec. 6481.**      **FOR THE**  
**DEPARTMENT OF NATURAL RESOURCES**

DNR and Camp Colman Collaboration (92000037)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3074, chapter 296, Laws of 2022.

**Reappropriation:**

State Building Construction Account—	
State . . . . .	\$459,000
Prior Biennia (Expenditures) . . . . .	\$511,000
Future Biennia (Projected Costs) . . . . .	\$0



TOTAL..... \$970,000

**NEW SECTION. Sec. 6482. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Camp Colman Cabin Preservation and Upgrades (92000039)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3075, chapter 296, Laws of 2022.

Reappropriation:  
State Building Construction Account—  
State. . . . . \$1,400,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs). . . . . \$0  
TOTAL..... \$1,400,000

**NEW SECTION. Sec. 6483. FOR THE DEPARTMENT OF AGRICULTURE**  
2021-23 WA State Fairs Health and Safety Grants (92000005)

Reappropriation:  
State Building Construction Account—  
State. . . . . \$4,695,000  
Prior Biennia (Expenditures). \$3,310,000  
Future Biennia (Projected Costs). . . . . \$0  
TOTAL..... \$8,005,000

**NEW SECTION. Sec. 6484. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Grays Harbor College: Student Services and Instructional Building (30000127)

Reappropriation:  
State Building Construction Account—  
State. . . . . \$31,008,000  
Prior Biennia (Expenditures). \$17,169,000  
Future Biennia (Projected Costs). . . . . \$0  
TOTAL..... \$48,177,000

**NEW SECTION. Sec. 6485. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Clark College: North County Satellite (30000135)

Reappropriation:  
State Building Construction Account—  
State. . . . . \$56,514,000  
Prior Biennia (Expenditures). \$2,404,000  
Future Biennia (Projected Costs). . . . . \$0  
TOTAL..... \$58,918,000

**NEW SECTION. Sec. 6486. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Olympic Innovation and Technology Learning Center (40000103)

Reappropriation:  
State Building Construction Account—  
State. . . . . \$2,329,000  
Prior Biennia (Expenditures). . . . . \$223,000  
Future Biennia (Projected Costs). . . . . \$0  
TOTAL..... \$2,552,000

**NEW SECTION. Sec. 6487. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Lower Columbia: Center for Vocational and Transitional Studies (40000106)

Reappropriation:  
State Building Construction Account—  
State. . . . . \$2,556,000  
Prior Biennia (Expenditures). . . . . \$650,000  
Future Biennia (Projected Costs). . . . . \$0  
TOTAL..... \$3,206,000

**NEW SECTION. Sec. 6488. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Everett Community College: Learning Resource Center (30000136)

Reappropriation:  
State Building Construction Account—  
State. . . . . \$12,939,000  
Prior Biennia (Expenditures). \$39,160,000  
Future Biennia (Projected Costs). . . . . \$0  
TOTAL..... \$52,099,000

**NEW SECTION. Sec. 6489. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Whatcom Community College: Learning Commons (30000138)

Reappropriation:  
State Building Construction Account—  
State. . . . . \$5,396,000  
Prior Biennia (Expenditures). \$31,378,000  
Future Biennia (Projected Costs). . . . . \$0  
TOTAL..... \$36,774,000

**NEW SECTION. Sec. 6490. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Spokane: Main Building South Wing Renovation (30000982)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5025, chapter 298, Laws of 2018.

Reappropriation:  
State Building Construction Account—  
State. . . . . \$126,000  
Prior Biennia (Expenditures). \$28,380,000  
Future Biennia (Projected Costs). . . . . \$0  
TOTAL..... \$28,506,000

**NEW SECTION. Sec. 6491. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Highline: Health and Life Sciences (30000983)

Reappropriation:  
State Building Construction Account—  
State. . . . . \$565,000  
Prior Biennia (Expenditures). \$26,588,000  
Future Biennia (Projected Costs). . . . . \$0  
TOTAL..... \$27,153,000

**NEW SECTION. Sec. 6492. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Wenatchee Valley: Wells Hall Replacement (30000985)

Reappropriation:  
State Building Construction Account—  
State. . . . . \$2,974,000  
Prior Biennia (Expenditures). \$29,397,000  
Future Biennia (Projected Costs). . . . . \$0  
TOTAL..... \$32,371,000

**NEW SECTION. Sec. 6493. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Olympic: Shop Building Renovation (30000986)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$7,716,000  
 Prior Biennia (Expenditures) . . \$889,000  
 Future Biennia (Projected Costs) . . \$0  
 TOTAL . . . . . \$8,605,000

**NEW SECTION. Sec. 6494. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Pierce Fort Steilacoom: Cascade Building Renovation - Phase 3 (30000987)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$7,923,000  
 Prior Biennia (Expenditures) . \$27,177,000  
 Future Biennia (Projected Costs) . . \$0  
 TOTAL . . . . . \$35,100,000

**NEW SECTION. Sec. 6495. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 South Seattle: Automotive Technology Renovation and Expansion (30000988)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$1,444,000  
 Prior Biennia (Expenditures) . \$24,433,000  
 Future Biennia (Projected Costs) . . \$0  
 TOTAL . . . . . \$25,877,000

**NEW SECTION. Sec. 6496. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Bates: Medical Mile Health Science Center (30000989)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$7,000  
 Prior Biennia (Expenditures) . \$44,059,000  
 Future Biennia (Projected Costs) . . \$0  
 TOTAL . . . . . \$44,066,000

**NEW SECTION. Sec. 6497. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Shoreline: Allied Health, Science & Manufacturing Replacement (30000990)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$22,590,000  
 Prior Biennia (Expenditures) . \$24,850,000  
 Future Biennia (Projected Costs) . . \$0  
 TOTAL . . . . . \$47,440,000

**NEW SECTION. Sec. 6498. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 North Seattle Library Building Renovation (30001451)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$12,626,000  
 Prior Biennia (Expenditures) . \$21,341,000  
 Future Biennia (Projected Costs) . . \$0  
 TOTAL . . . . . \$33,967,000

**NEW SECTION. Sec. 6499. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Walla Walla Science and Technology Building Replacement (30001452)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$638,000  
 Prior Biennia (Expenditures) . \$10,001,000  
 Future Biennia (Projected Costs) . . \$0  
 TOTAL . . . . . \$10,639,000

**NEW SECTION. Sec. 6500. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Spokane Falls: Fine and Applied Arts Replacement (30001458)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5140, chapter 332, Laws of 2021.

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$22,806,000  
 Prior Biennia (Expenditures) . \$19,363,000  
 Future Biennia (Projected Costs) . . \$0  
 TOTAL . . . . . \$42,169,000

**NEW SECTION. Sec. 6501. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Spokane: Apprenticeship Center (40000107)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$3,064,000  
 Prior Biennia (Expenditures) . . \$304,000  
 Future Biennia (Projected Costs) . . \$0  
 TOTAL . . . . . \$3,368,000

**NEW SECTION. Sec. 6502. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Centralia: Teacher Education and Family Development Center (40000109)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$1,447,000  
 Prior Biennia (Expenditures) . . \$821,000  
 Future Biennia (Projected Costs) . . \$0  
 TOTAL . . . . . \$2,268,000

**NEW SECTION. Sec. 6503. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Skagit: Library/Culinary Arts Building (40000110)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$2,052,000  
 Prior Biennia (Expenditures) . . \$205,000  
 Future Biennia (Projected Costs) . . \$0  
 TOTAL . . . . . \$2,257,000

**NEW SECTION. Sec. 6504. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Edmonds: Triton Learning Commons (40000114)

Reappropriation:  
 State Building Construction Account—  
 State . . . . . \$2,647,000

Prior Biennia (Expenditures). \$1,009,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$3,656,000

**NEW SECTION. Sec. 6505. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bellevue: Center for Transdisciplinary Learning and Innovation (40000168)

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$41,749,000  
 Prior Biennia (Expenditures). \$1,032,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$42,781,000

**NEW SECTION. Sec. 6506. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Renton: Health Sciences Center (40000204)

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$3,721,000  
 Prior Biennia (Expenditures). . \$276,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$3,997,000

**NEW SECTION. Sec. 6507. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Cascadia: CC5 Gateway building (40000222)

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$2,803,000  
 Prior Biennia (Expenditures). . \$293,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$3,096,000

**NEW SECTION. Sec. 6508. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce Puyallup: STEM building (40000293)

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$37,731,000  
 Prior Biennia (Expenditures). \$4,238,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$41,969,000

**NEW SECTION. Sec. 6509. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Infrastructure (40000431)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5037, chapter 296, Laws of 2022.

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$6,885,000  
 Prior Biennia (Expenditures). \$1,632,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$8,517,000

**NEW SECTION. Sec. 6510. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College Olympic South Asbestos Abatement and Restoration (40000516)

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$9,176,000

Prior Biennia (Expenditures). \$3,983,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$13,159,000

**NEW SECTION. Sec. 6511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2013-15 School Construction Assistance Program - Maintenance (30000145)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5001, chapter 35, Laws of 2016 sp. sess.

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$1,473,000  
 Prior Biennia (Expenditures) \$385,853,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$387,326,000

**NEW SECTION. Sec. 6512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2015-17 School Construction Assistance Program (30000169)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5013, chapter 3, Laws of 2015 3rd sp. sess.

**Reappropriation:**

Common School Construction Fund—State.  
 \$94,555,000  
 Prior Biennia (Expenditures) \$551,301,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$645,856,000

**NEW SECTION. Sec. 6513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Tri-Tech Skill Center - Core Growth (30000197)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5004, chapter 2, Laws of 2018.

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$46,000  
 Prior Biennia (Expenditures). \$10,761,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$10,807,000

**NEW SECTION. Sec. 6514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2017-19 School Construction Assistance Program (40000003)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 5003, chapter 298, Laws of 2018.

**Reappropriation:**

Common School Construction Fund—State.  
 \$48,232,000  
 State Building Construction Account—  
 State. . . . . \$1,581,000

Subtotal Reappropriation. . . . . \$49,813,000  
 Prior Biennia (Expenditures) \$898,937,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL. . . . . \$948,750,000

**NEW SECTION. Sec. 6515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 2019-21 School Construction Assistance Program - Maintenance Lvl (40000013)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6040, chapter 332, Laws of 2021.

Reappropriation:  
 Common School Construction Fund—State.  
 \$95,148,000  
 State Building Construction Account—  
 State. . . . . \$2,377,000  
 Subtotal Reappropriation. . . . . \$97,525,000  
 Prior Biennia (Expenditures) \$924,317,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL. . . . . \$1,021,842,000

**NEW SECTION. Sec. 6516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 School District Health and Safety 2019-21 (40000019)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5016, chapter 413, Laws of 2019.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$110,000  
 Prior Biennia (Expenditures). \$5,836,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL. . . . . \$5,946,000

**NEW SECTION. Sec. 6517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 Skills Centers Minor Works (40000023)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$368,000  
 Prior Biennia (Expenditures). \$2,632,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL. . . . . \$3,000,000

**NEW SECTION. Sec. 6518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 2021-23 School Construction Assistance Program (40000034)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 7061 of this act.

Reappropriation:  
 Common School Construction Fund—State.  
 \$28,690,000  
 Common School Construction Fund—Federal  
 . . . . . \$2,927,000  
 State Building Construction Account—  
 State. . . . . \$270,684,000  
 Subtotal Reappropriation. . . . . \$302,301,000

Prior Biennia (Expenditures) \$133,127,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL. . . . . \$435,428,000

**NEW SECTION. Sec. 6519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 2021-23 Small District and Tribal Compact Schools Modernization (40000039)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5005, chapter 296, Laws of 2022.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$25,727,000  
 Prior Biennia (Expenditures). \$16,386,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL. . . . . \$42,113,000

**NEW SECTION. Sec. 6520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 2021-23 Skills Centers Minor Works (40000040)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5006, chapter 296, Laws of 2022.

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$3,350,000  
 Prior Biennia (Expenditures) . . . \$38,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL. . . . . \$3,388,000

**NEW SECTION. Sec. 6521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 Pierce County Skills Center - Evergreen Building Modernization (40000048)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$9,597,000  
 Prior Biennia (Expenditures) . . . \$233,000  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL. . . . . \$9,830,000

**NEW SECTION. Sec. 6522. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 Seattle Public Schools Skills Center - Rainier Beach High School (40000050)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$300,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL. . . . . \$300,000

**NEW SECTION. Sec. 6523. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 Puget Sound Skills Center Preservation (40000051)

Reappropriation:  
 State Building Construction Account—  
 State. . . . . \$1,024,000  
 Prior Biennia (Expenditures) . . . . . \$0

Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$1,024,000

**NEW SECTION. Sec. 6524. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 2021-23 School District Health and Safety (40000052)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 5007, chapter 296, Laws of 2022.

**Reappropriation:**

Common School Construction Fund—State.  
 \$1,553,000  
 State Building Construction Account—  
 State. . . . . \$3,393,000  
 Subtotal Reappropriation..... \$4,946,000  
 Prior Biennia (Expenditures). \$3,947,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$8,893,000

**NEW SECTION. Sec. 6525. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 2021-23 Career Preparation and Launch Grants (40000056)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5025, chapter 332, Laws of 2021.

**Reappropriation:**

Common School Construction Fund—State.  
 \$694,000  
 Prior Biennia (Expenditures). \$1,306,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$2,000,000

**NEW SECTION. Sec. 6526. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 2021-23 Healthy Kids-Healthy Schools: Physical Health & Nutrition (91000464)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5016, chapter 332, Laws of 2021.

**Reappropriation:**

Common School Construction Account—State  
 . . . . . \$1,421,000  
 Prior Biennia (Expenditures). \$1,579,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$3,000,000

**NEW SECTION. Sec. 6527. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 2021-23 Healthy Kids-Healthy Schools: Remediation of Lead (91000465)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5027, chapter 332, Laws of 2021.

**Reappropriation:**

Common School Construction Account—State  
 . . . . . \$270,000  
 State Building Construction Account—  
 State. . . . . \$3,112,000

Subtotal Reappropriation..... \$3,382,000  
 Prior Biennia (Expenditures). . . \$216,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$3,598,000

**NEW SECTION. Sec. 6528. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 Healthy Kids/Healthy Schools - T-12 Lighting (91000483)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5009, chapter 296, Laws of 2022.

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$1,500,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$1,500,000

**NEW SECTION. Sec. 6529. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 Pierce College at New Bethel High School (92000036)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5012, chapter 296, Laws of 2022.

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$1,600,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$1,600,000

**NEW SECTION. Sec. 6530. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 K-3 Class-size Reduction Grants (92000039)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5023, chapter 413, Laws of 2019.

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$3,842,000  
 Prior Biennia (Expenditures) \$230,658,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$234,500,000

**NEW SECTION. Sec. 6531. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 Distressed Schools (92000041)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5004, chapter 356, Laws of 2020.

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$674,000  
 Prior Biennia (Expenditures). \$44,812,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL..... \$45,486,000

**NEW SECTION. Sec. 6532. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2019-21 Small District Modernization Grants (92000139)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5003, chapter 356, Laws of 2020.

**Reappropriation:**  
State Building Construction Account—  
State. . . . . \$1,128,000  
Prior Biennia (Expenditures). \$22,255,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$23,383,000

**NEW SECTION. Sec. 6533. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2019-21 STEM Grants (92000140)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5029, chapter 413, Laws of 2019.

**Reappropriation:**  
State Building Construction Account—  
State. . . . . \$32,000  
Prior Biennia (Expenditures). \$7,668,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$7,700,000

**NEW SECTION. Sec. 6534. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2019-21 Distressed Schools (92000142)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5005, chapter 356, Laws of 2020.

**Reappropriation:**  
State Building Construction Account—  
State. . . . . \$3,429,000  
Prior Biennia (Expenditures). \$22,508,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$25,937,000

**NEW SECTION. Sec. 6535. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2019-21 School Seismic Safety Retrofit Program (92000148)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5006, chapter 356, Laws of 2020.

**Reappropriation:**  
State Building Construction Account—  
State. . . . . \$6,511,000  
Prior Biennia (Expenditures). \$6,729,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$13,240,000

**NEW SECTION. Sec. 6536. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2021-23 Distressed Schools (92000917)

The reappropriation in this section is subject to the following conditions and

limitations: The reappropriation is subject to the provisions of section 5010, chapter 296, Laws of 2022.

**Reappropriation:**  
State Building Construction Account—  
State. . . . . \$20,276,000  
Prior Biennia (Expenditures). \$10,144,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$30,420,000

**NEW SECTION. Sec. 6537. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2021-23 School Seismic Safety Grant Program (5933) (92000923)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5008, chapter 296, Laws of 2022.

**Reappropriation:**  
State Building Construction Account—  
State. . . . . \$100,000,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$100,000,000

**NEW SECTION. Sec. 6538. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2022 Small District and Tribal Compact Schools Modernization (92000925)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5011, chapter 296, Laws of 2022.

**Reappropriation:**  
State Building Construction Account—  
State. . . . . \$7,496,000  
Prior Biennia (Expenditures). . \$116,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... \$7,612,000

(End of part)

**PART 7 SUPPLEMENTAL**

**Sec. 7001.** 2021 c 332 s 1039 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
Rural Rehabilitation Loan Program (40000052)

**Reappropriation:**  
State Taxable Building Construction Account—  
State. . . . . ((~~\$4,986,000~~))  
\$1,144,000  
Prior Biennia (Expenditures). . . \$14,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... ((~~\$5,000,000~~))  
\$1,158,000

**Sec. 7002.** 2021 c 332 s 1041 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
2020 Local and Community Projects (40000116)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section (~~1011, chapter 356, Laws of 2020~~) 6007, chapter 332, Laws of 2021, except funding may not be directed to the Arivva Community Center.

Reappropriation:

State Building Construction Account—	
State. . . . .	(( <del>\$94,196,000</del> ))
	<u>\$93,296,000</u>
Prior Biennia (Expenditures). . . . .	\$73,011,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL.....	(( <del>\$167,207,000</del> ))
	<u>\$166,307,000</u>

**Sec. 7003.** 2022 c 296 s 1021 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
2021-23 Rapid Capital Housing Acquisition (40000222)

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided in subsections (7) through (8) of this section, the appropriations in this section are provided solely for the department to issue competitive financial assistance to eligible organizations under RCW 43.185A.040 to acquire or rent real property for a rapid conversion into enhanced emergency shelters, permanent supportive housing, transitional housing, permanent housing, youth housing, drop-in center, or shelter for extremely low-income people, as well as individuals, families, unaccompanied youth, and young people experiencing sheltered and unsheltered homelessness. Amounts provided in this section may be also used for renovation and building update costs associated with establishment of the acquired or rented facilities. For youth housing, drop-in centers, and shelter projects, renovation of existing properties is an allowable activity. The department may only approve funding for projects resulting in increased shelter or housing capacity. Amounts provided in this section may not be used for operating or maintenance costs associated with providing housing, supportive services, or debt service.

(2) Funds may also be used for permanent financing for real estate acquired using other short term acquisition sources. To expand availability of permanent housing, financing of acquisition of unoccupied multifamily housing is a priority. Funds must also be provided specifically for the city of Seattle to move people experiencing unsheltered homelessness into safe spaces, including, but not limited to, tiny homes, hotels, enhanced emergency shelters, or other rapid housing alternatives.

(3) While emphasizing the rapid deployment of the amounts appropriated under this section to alleviate the immediate crisis of homelessness throughout the state, the department shall establish criteria for the issuance of the grants, during which time the property must be used for the express purpose of the grant. If the grantee is found to be out of compliance with

provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued on the date most close in time to the date of authorization of the grant. The criteria must include:

(a) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(b) A detailed estimate of the costs associated with the acquisition and any updates or improvements necessary to make the property habitable for its intended use;

(c) A detailed estimate of the costs associated with opening the beds or units; and

(d) A financial plan demonstrating the ability to maintain and operate the property and support its intended tenants throughout the end of the grant contract.

(4) The department must provide a progress report on its website by December 1, 2022. The report must include:

(a) The total number of applications and amount of funding requested; and

(b) A list and description of the projects approved for funding including state funding, total project cost, services anticipated to be provided, housing units, and anticipated completion date.

(5) The funding provided under this section is not subject to the 90-day application periods in RCW 43.185.070 or 43.185A.050. The department of commerce shall dispense funds to the city of Seattle and other qualifying applicants within 45 days of receipt of documentation from the applicant for qualifying uses and execution of any necessary contracts with the department in order to effect the purpose of rapid deployment of funds under this section.

(6) If the department receives simultaneous applications for funding under this program, proposals that reach the greatest public benefit, as defined by the department, must be prioritized. For purposes of this subsection (6), "greatest public benefit" must include, but is not limited to:

(a) The greatest number of accommodations or increased shelter capacity that will benefit extremely low-income people, as well as individuals, families, and youth experiencing homelessness.

(b) Whether the project has federally funded rental assistance tied to it;

(c) The scarcity of the affordable housing or shelter capacity applied for compared to the number of available affordable housing units or shelter capacity in the same geographic location; and

(d) The program's established funding priorities under RCW 43.185.070(5).

(7) ((~~\$17,500,000~~)) \$18,400,000 of the state building construction account—state appropriation is provided solely for the following list of projects:

- \$5,000,000 for the Tacoma Housing Authority affordable housing acquisition;
- \$4,000,000 for the Keiro nursing home acquisition in Seattle;

((~~\$1,500,000~~)) \$2,400,000 for the Parkland (~~/Spanaway homeless~~) Next Chapter shelter;

\$2,000,000 for the Illahee Affordable Housing project in Bellevue; and

\$5,000,000 for the City of Seattle for the acquisition of the Clay Apartments in partnership with a low-income housing provider.

(8) (a) ((~~\$6,565,000 of the coronavirus state fiscal recovery account federal appropriation and \$1,338,000~~)) \$7,903,000 of the state building construction account—state appropriation ((~~are~~)) is provided solely for the following list of youth housing projects identified by the office of homeless youth protection and prevention programs:

FYRE's Village: Housing Stability for Young Adults	
(Omak) . . . . .	\$3,350,000
NWYS Young Adult Shelter Services (Bellingham) . . . . .	\$438,000
OlyCap Pfeiffer House (Port Townsend) . . . . .	\$127,000
Ryan's House for Youth Campus (Coupeville) . . . . .	\$1,015,000
Shelton Young Adult Transitional Housing (Shelton) . . . . .	\$773,000
Volunteers of America Crosswalk 2.0 (Spokane) . . . . .	\$2,200,000

(b) If funding provided in (a) of this subsection needs to be reallocated, the department shall consult with the office of homeless youth prevention and protection programs to identify other eligible youth housing projects.

(9) The department must ensure compliance with conditions of the federal coronavirus state fiscal recovery fund. All expenditures from the coronavirus state fiscal recovery account—federal appropriation in this section must be obligated by December 31, 2024.

**Appropriation:**

State Building Construction Account—	
State . . . . .	(( <del>\$90,138,000</del> ))
	<u>\$97,603,000</u>
Coronavirus State Fiscal Recovery Fund—	
Federal . . . . .	(( <del>\$29,097,000</del> ))
	<u>\$22,532,000</u>
Subtotal Appropriation . . . . .	(( <del>\$119,235,000</del> ))
	<u>\$120,135,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(( <del>\$119,235,000</del> ))
	<u>\$120,135,000</u>

**Sec. 7004.** 2021 c 332 s 1073 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2021-23 Rural Rehabilitation Loan Program (40000223)

**Appropriation:**

State Taxable Building Construction Account—	
State . . . . .	(( <del>\$5,000,000</del> ))
	<u>\$2,842,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(( <del>\$5,000,000</del> ))
	<u>\$2,842,000</u>

**Sec. 7005.** 2022 c 296 s 1018 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2021-23 Clean Energy V - Investing in Washington's Clean Energy (40000148)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for projects that provide a benefit to the public through development, demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state. Priority must be given to projects that benefit vulnerable populations and overburdened communities, including tribes and communities with high environmental or energy burdens.

(2) The 2021 state energy strategy must guide the department in the design of programs under this section, using an equity and environmental justice lens for program structure and participation. To the extent practicable, the department must prioritize projects that build upon Washington's existing strengths in communities, aerospace, maritime, information and communications technology (particularly data center infrastructure, artificial intelligence and machine learning), grid modernization, advanced materials, and decarbonizing the built environment.

(3) Subject to the availability of funds, the department must reconvene an advisory committee to support involvement of a broad range of stakeholders in the design and implementation of programs implemented under this section to encourage collaboration, leverage partners, and engage communities and organizations in improving the equitable distribution of benefits from the program.

(4) In soliciting and evaluating proposals, awarding contracts, and monitoring projects under this section, the department must:

(a) Ensure that competitive processes, rather than sole source contracting processes, are used to select all projects, except as otherwise noted in this section; and

(b) Conduct due diligence activities associated with the use of public funds including, but not limited to, oversight of the project selection process, project monitoring, and ensuring that all applications and contracts fully comply with all applicable laws including disclosure and conflict of interest statutes.

(5) During project solicitation periods for grants funded with this appropriation, the department must maintain a list of applicants by grant program that scored competitively but did not receive a grant award due to lack of available funding. These applicants must be considered for funding during future grant award cycles. If the department submits a 2022 supplemental budget request for this program, the request must include a list of prioritized projects by grant type.

(6) (a) Pursuant to chapter 42.52 RCW, the ethics in public service act, the department must require a project applicant to identify



in application materials any state of Washington employees or former state employees employed by the firm or on the firm's governing board during the past 24 months. Application materials must identify the individual by name, the agency previously or currently employing the individual, job title or position held, and separation date. If it is determined by the department that a conflict of interest exists, the applicant may be disqualified from further consideration for award of funding.

(b) If the department finds, after due notice and examination, that there is a violation of chapter 42.52 RCW, or any similar statute involving a grantee who received funding under this section, either in procuring or performing under the grant, the department in its sole discretion may terminate the funding grant by written notice. If the grant is terminated, the department must reserve its right to pursue all available remedies under law to address the violation.

(7) The requirements in subsections (4) and (6) of this section must be specified in funding agreements issued by the department.

(8) \$17,594,000 of the state building construction account—state appropriation is provided solely for grid modernization grants.

(a)(i) \$11,000,000 is provided solely for projects that: Advance community resilience, clean and renewable energy technologies and transmission and distribution control systems; support integration of renewable energy sources, deployment of distributed energy resources and sustainable microgrids; and support state decarbonization goals pursuant to the clean energy transformation act, including requirements placed upon retail electric utilities.

(ii) Projects must be implemented by community organizations, local governments, federally recognized tribal governments, or by public and private electrical utilities that serve retail customers in the state (retail electric utilities). Projects submitted by applicants other than retail electric utilities must demonstrate partnership with their load serving entity to apply. Priority must be given to:

(A) Projects that benefit vulnerable populations, including tribes and communities with high environmental or energy burden; and

(B) Projects that demonstrate partnerships between eligible applicants in applying for funding, including utilities, public and private sector research organizations, businesses, tribes, and nonprofit organizations.

(iii) The department shall develop a grant application process to competitively select projects for grant awards, to include scoring conducted by a group of qualified experts with application of criteria specified by the department. In development of the application criteria, the department shall, to the extent possible, develop program guidelines that encourage smaller utilities or consortia of small utilities to apply for funding. Where suitable, this may include funding for projects consisting

solely of planning, predesign and/or predevelopment activities.

(iv) Applications for grants must disclose all sources of public funds invested in a project.

(b) \$3,550,000 of the appropriation in this section is provided solely for a grant to the Public Utility District No. 1 of Lewis county for land acquisition and construction of the Winlock Industrial Park and South County Substation and Transmission facility, located on North Military Road in Winlock.

(c) \$3,044,000 of the appropriation in this section is provided solely for a grant to the Klickitat County Public Hospital District #1 for the Electrical Upgrade and Smart Grid project at the Klickitat Valley Health Hospital in Goldendale.

(9) \$10,830,000 of the state building construction account—state appropriation is provided solely for grants for strategic research and development for new and emerging clean energy technologies. These grants must be used to match federal or other nonstate funds to research, develop, and demonstrate clean energy technologies, focusing on areas that help develop technologies to meet the state's climate goals, offer opportunities for economic and job growth, and strengthen technology supply chains. The program may include, but is not limited to: Solar technologies, advanced bioenergy and biofuels, development of new earth abundant materials or lightweight materials, advanced energy storage, recycling energy system components, and new renewable energy and energy efficiency technologies.

(a) \$5,000,000 of the appropriation in this section is provided solely for competitive grants.

(b) \$4,800,000 of the appropriation in this section is provided solely for a grant to the Pacific Northwest National Laboratory for a renewable energy platform to support ocean energy research and development testbeds for the Marine and Coastal Research Laboratory in Sequim.

(c) \$1,030,000 of the appropriation in this section is provided solely for a grant to the Chelan County Public Utility District for the hydroelectric turbine hub project at Rocky Reach dam near Wenatchee.

(10)(a) \$2,500,000 of the state taxable building construction account—state appropriation is provided solely as grants to nonprofit lenders to create a revolving loan fund to support the widespread use of proven energy efficiency and renewable energy technologies by households, or for the benefit of households, with high energy burden or environmental health risk now inhibited by lack of access to capital.

(b) The department shall provide grant funds to one or more competitively selected nonprofit lenders that must provide matching private capital and administer the loan fund. The department shall select the loan fund administrator or administrators through a competitive process, with scoring conducted by a group of qualified experts, applying criteria specified by the department.

(c) The department must establish guidelines that specify applicant eligibility, the screening process, and evaluation and selection criteria. The guidelines must be used by the nonprofit lenders.

(11) \$5,550,000 of the state building construction account—state appropriation is provided solely for grants to demonstrate innovative approaches to electrification of transportation systems.

(a) (i) \$3,000,000 of the appropriation is provided solely for competitive grants, prioritizing projects that:

(A) Demonstrate meaningful and enduring benefits to communities and populations disproportionately burdened by air pollution, climate change, or lack of transportation investments;

(B) Beneficially integrate load using behavioral, software, hardware, or other demand-side management technologies, such as demand response, time-of-use rates, or behavioral programming;

(C) Accelerate the transportation electrification market in Washington using market transformation principles; or

(D) Develop electric vehicle charging and hydrogen fueling infrastructure along highways, freeways, and other heavily trafficked corridors across the state to support long-distance travel.

(ii) Projects must be implemented by local governments, federally recognized tribal governments, by public and private electrical utilities that serve retail customers in the state, or state agencies. Eligible parties may partner with other public and private sector research organizations and businesses in applying for funding. The department shall consult and coordinate with the Washington state department of transportation on project selection and implementation. The department shall also coordinate with other state agencies that have other electrification programs, in order to determine to optimally accomplish each agency's respective policy and program goals.

(iii) Projects must be related to on-road end-uses and nonmaritime off-road uses.

(iv) Eligible technologies for these projects include, but are not limited to:

(A) Battery electric vehicle supply equipment;

(B) On-site generation or storage, where the technology directly supplies electricity to the electric vehicle supply equipment;

(C) Electric grid distribution system infrastructure upgrades, where the upgrade is needed as a result of the installed electric vehicle supply equipment;

(D) Hydrogen refueling station infrastructure that:

(I) Dispenses renewable hydrogen or hydrogen produced in Washington with electrolysis; and

(II) Aligns with the 2021 state energy strategy's recommended uses of hydrogen in the transportation sector.

(v) \$2,000,000 of the state building construction account—state appropriation is provided solely for federally recognized tribal governments and for local governments in rural communities, for projects aligning

with the above objectives and addressing electric vehicle supply infrastructure gaps in rural communities.

(b) \$2,550,000 of the appropriation in this section is provided solely for a grant to the Lewis Public Transportation Benefit Area to construct a hydrogen fueling station that dispenses renewable hydrogen or hydrogen produced in Washington with electrolysis for electric vehicles at Exit 74 on Interstate 5, near Chehalis.

(12) (a) \$10,000,000 of the state building construction account—state appropriation is provided solely for the purpose of building electrification projects that advance the goals of the 2021 state energy strategy to demonstrate grid-enabled, high-efficiency, all electric buildings.

(b) The program may include, but is not limited to: Shifting from fossil fuels to high-efficiency electric heat pumps and other electric equipment, control systems that enable grid integration or demand control, and on-site renewable generation and efficiency measures that significantly reduce building energy loads.

(c) Preference must be given to projects based on total greenhouse gas emissions reductions, accelerating the path to zero-energy, or that demonstrate early adoption of grid integration technology.

(d) Program funding may be administered to entities also receiving incentives provided according to RCW 19.27A.220 for buildings covered by the state energy performance standard, RCW 19.27A.210.

(e) \$5,000,000 of the appropriation in this section is provided solely for the purpose of supporting the transition of residential and commercial buildings away from fossil fuels through the installation of high-efficiency electric heat pumps and other electric equipment.

(13) \$4,924,000 of the state building construction account—state appropriation is provided solely for maritime electrification grants.

(a) \$4,450,000 of the appropriation in this section is provided solely for a grant to the Northwest Seaport Alliance to upgrade the reefer plug capacity at the Port of Seattle's Terminal 5, located in west Seattle.

(b) \$474,000 of the appropriation in this section is provided solely for a grant to the Skagit County Public Works Department for electric ferry charging infrastructure in Anacortes.

(14) \$4,900,000 of the state building construction account—state appropriation is provided solely for the department to develop targeted rural clean energy innovation projects as provided in this subsection (14).

(a) \$150,000 of the appropriation is provided solely for the department to develop targeted rural clean energy strategies informed by rural community and business engagement, outreach, and research. The department must convene a rural energy work group to identify investments, programs, and policy changes that align with the 2021 state energy strategy and increase access to clean energy opportunities in rural communities and agricultural and

forestry management practices. The group must identify existing federal funding opportunities and strategies to leverage these funds with state capital investment. By June 30, 2022, the department shall report recommendations and findings from the rural energy work group to the office of financial management, the governor, and the appropriate legislative committees and present a strategic plan for state rural clean energy investment.

(b) \$4,750,000 of the appropriation is provided solely for rural clean energy innovation grants.

(i) The department must award at least 40 percent of the funding to projects that enhance the viability of dairy digester bioenergy projects through advanced resource recovery systems that produce renewable natural gas and value-added biofertilizers, reduce greenhouse gas emissions, and improve soil health and air and water quality.

(ii) Grants may also be awarded to other clean energy innovation projects in rural communities, including, but not limited to, projects that enhance energy efficiency, demand response, energy storage, renewable energy, beneficial electrification, resilience, organic waste management, and biological carbon sequestration.

(iii) Grants may fund project predevelopment, research, and development, pilot projects, strategic implementation, field trials, and data dashboards and tools to inform rural project development.

(c) The department is encouraged to make 20 percent of the funds under (b) of this subsection (14) to tribal governments, designated subdivisions, and agencies.

(d) If a grant is awarded to purchase heating devices or systems, the agency must, whenever possible and most cost effective, select devices and systems that do not use fossil fuels.

~~((15) \$10,072,000 of the state building construction account state appropriation is provided solely for the first phase of an aluminum smelter restart project which, when fully deployed, will reduce emissions of greenhouse gases by a minimum of 750,000 tons per year, increase energy efficiency, and protect or create aluminum manufacturing jobs located in Whatcom county. It is the intent of the legislature that if the appropriation in this subsection is not spent by June 30, 2025, the funding provided in this subsection shall not be reappropriated.~~

~~(16) \$10,000,000 of the state building construction account state appropriation is provided solely for the Grant county public utility district for expenses related to public infrastructure development benefiting a large scale solar manufacturing facility in central Washington. If the department has not received a signed agreement between the Grant county public utility district and the large scale solar manufacturer indicating the manufacturer's intent to develop the site in central Washington by December 31, 2025, the funding provided in this subsection shall not be reappropriated.)~~

Appropriation:

State Building Construction Account—  
State. . . . . ((\$73,870,000))

	<u>\$53,798,000</u>
State Taxable Building Construction Account—	
State. . . . .	\$2,500,000
Subtotal Appropriation. . . . .	<u>(\$76,370,000))</u>
	<u>\$56,298,000</u>
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
\$100,000,000	
TOTAL. . . . .	<u>(\$176,370,000))</u>
	<u>\$156,298,000</u>

**Sec. 7006.** 2022 c 296 s 1020 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2021-23 Housing Trust Fund Investment in Affordable Housing (40000153)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$58,347,000 of the state taxable building construction account—state appropriation, \$73,606,000 of the coronavirus state fiscal recovery fund—federal appropriation, \$20,000,000 of the state building construction account—state appropriation, and \$96,028,000 of the capital community assistance account—state appropriation are provided solely for production and preservation of affordable housing projects that serve and benefit low-income and special needs populations including, but not limited to, people with chronic mental illness, people with developmental disabilities, farmworkers, people who are homeless, and people in need of permanent supportive housing. The department shall strive to allocate at least 30 percent of these funds to projects located in rural areas of the state, as defined by the department.

(a) In addition to the definition of "first-time home buyer" in RCW 43.185A.010, for the purposes of awarding homeownership projects during the 2021-2023 fiscal biennium "first-time home buyer" also includes:

(i) A single parent who has only owned a home with a former spouse while married;

(ii) An individual who is a displaced homemaker as defined in 24 C.F.R. Sec. 93.2 as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, and who has only owned a home with a spouse;

(iii) An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations; or

(iv) An individual who has only owned a property that is discerned by a licensed building inspector as being uninhabitable.

(b) \$5,000,000 of the appropriation provided in this subsection (1) is provided solely for housing that serves people with developmental disabilities;

(c)(i) \$20,000,000 of the appropriation in this subsection (1) is provided solely for housing preservation grants or loans to be awarded competitively.

(ii) The funds may be provided for major building improvements, preservation, and

system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require a capital needs assessment be provided prior to contract execution. Funds may not be used to add or expand the capacity of the property.

(iii) To allocate preservation funds, the department must review applications and evaluate projects based on the following criteria:

(A) The age of the property, with priority given to buildings that are more than 15 years old;

(B) The population served, with priority given to projects with at least 50 percent of the housing units being occupied by families and individuals at or below 50 percent area median income;

(C) The degree to which the applicant demonstrates that the improvements will result in a reduction of operating or utilities costs, or both;

(D) The potential for additional years added to the affordability period of the property; and

(E) Other criteria that the department considers necessary to achieve the purpose of this program.

(d) \$25,000,000 of the capital community assistance account—state appropriation in subsection (1) of this section is provided to nonprofit agencies for the development of homeownership projects affordable to low-income households throughout the state.

(2) \$10,000,000 of the state building construction account—state appropriation is provided solely for grant awards for the development of community housing and cottage communities to shelter individuals or households experiencing homelessness.

(a) \$8,775,000 of the state building construction account—state appropriation is provided solely for competitive grant awards. This funding must be awarded to projects that develop a minimum of four individual structures in the same location. Individual structures must contain insulation, electricity, overhead lights, and heating. Kitchens and bathrooms may be contained within the individual structures or offered as a separate facility that is shared with the community. When evaluating applications for this grant program, the department must prioritize projects that demonstrate:

(i) The availability of land to locate the community;

(ii) A strong readiness to proceed to construction;

(iii) A longer term of commitment to maintain the community;

(iv) A commitment by the applicant to provide, directly or through a formal partnership, case management and employment support services to the tenants;

(v) Access to employment centers, health care providers, and other services; and

(vi) A community engagement strategy.

(b) \$1,225,000 of the state building construction account—state appropriation is provided solely for Eagle Haven Cottage Village located in Bellingham.

(3)(a) \$11,500,000 of the state taxable building construction account—state

appropriation is provided solely for the following list of projects:

Bellwether Affordable Housing (Seattle).  
\$4,000,000  
Didgwalic Transitional Housing  
(Anacortes) . . . . . \$4,500,000  
Redondo Heights TOD (Federal Way) . . . . .  
\$3,000,000

(b) \$3,497,000 of the state building construction account—state appropriation is provided solely for the following list of projects:

Habitat for Humanity (North Bend) \$250,000  
Manette Affordable Housing Project  
(Bremerton) . . . . . \$515,000  
OlyCAP Port Townsend Affordable Housing  
and Child

(Port Townsend) . . . . . \$412,000  
Shelton Young Adult Transitional Housing  
(Shelton) . . . . . \$515,000  
Willapa Center (Raymond) . . . . . \$1,805,000  
(4) (~~(\$14,922,000)~~) \$14,613,000 of the

capital community assistance account—state appropriation in subsection (1) of this section is provided for the following list of projects:

Boat Street (Lakewood) . . . . . \$464,000  
Heron Park (Langley) . . . . . \$875,000  
Highland Village (Airway Heights) . . . . .  
\$3,000,000

Mary's Place Burien Project Shelter  
Replacement

(Burien) . . . . . \$3,000,000  
Oxford Housing Program (Lacey) . . . . . \$515,000  
Skyway Affordable Housing and Early  
Learning (Skyway) . . . . . \$500,000

(~~(Sno Valley Senior Housing (Carnation) —  
\$309,000)~~)

South Park Riverside Affordable Housing  
Preservation

(Seattle) . . . . . \$309,000  
Squire Park Plaza Affordable Housing  
Preservation

(Seattle) . . . . . \$3,000,000  
Veteran Housing & Resource Ctr (Raymond)  
. . . . . \$2,300,000

Yakima Valley Partners Habitat for  
Humanity (Yakima) . . . . . \$650,000

(5) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5). (6) The appropriations in this section are subject to the following reporting requirements:

(a) By June 30, 2023, the department must report on its website the following for every previous funding cycle: The number of homeownership and multifamily rental projects funded by housing trust fund moneys; the percentage of housing trust fund investments made to homeownership and multifamily rental projects; and the total number of households being served at up to 80 percent of the area median income, up to 50 percent of the area median income, and up to 30 percent of the area median income, for both homeownership and multifamily rental projects.

(b) Beginning December 1, 2021, and continuing annually, the department must provide the legislature with a report of its final cost data for each project under this section. Such cost data must, at a minimum, include total development cost per unit for each project completed within the past year,

descriptive statistics such as average and median per unit costs, regional cost variation, and other costs that the department deems necessary to improve cost controls and enhance understanding of development costs. The department must coordinate with the housing finance commission to identify relevant development costs data and ensure that the measures are consistent across relevant agencies. (7) \$100,000 of the state building construction account—state appropriation is provided solely for the department of social and health services to complete a study of the community-based housing needs of adults with intellectual and developmental disabilities. The department of social and health services shall collaborate with appropriate stakeholders and the department in completing this study and the study shall:

(a) Estimate the number of adults with intellectual and developmental disabilities who are facing housing insecurity;

(b) Make recommendations for how to improve housing stability for adults with intellectual and developmental disabilities who are facing housing insecurity;

(c) Make recommendations for how to increase the capacity of developers to support increasing the supply of housing that meets the needs of the intellectual and developmental disabilities population; and

(d) Be submitted to the appropriate committees of the legislature no later than December 1, 2022. (8) The legislature finds that there are insufficient data sources to identify adults with intellectual and developmental disabilities facing housing insecurity in Washington state and that the absence of reliable data limits the ability for the legislature to make informed decisions that will improve the outcomes of these individuals. The legislature further finds that reliable, current information about the unmet housing needs of this population will position Washington state to leverage community-based partnerships and funding to establish greater housing choice and increased community integration of individuals with intellectual and developmental disabilities.

**Appropriation:**

State Building Construction Account—	
State . . . . .	\$33,597,000
State Taxable Building Construction Account—	
State . . . . .	\$69,847,000
Coronavirus State Fiscal Recovery Fund—	
Federal . . . . .	\$73,606,000
Capital Community Assistance Account—	
State . . . . .	<del>(\$110,950,000)</del>
	<u>\$110,641,000</u>
Subtotal Appropriation . . . . .	<del>(\$288,000,000)</del>
	<u>\$287,691,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$620,000,000
TOTAL . . . . .	<del>(\$908,000,000)</del>
	<u>\$907,691,000</u>

**Sec. 7007.** 2022 c 296 s 1026 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**

2023 Local and Community Projects (40000266)

The appropriations in this section ~~((is))~~are subject to the following conditions and limitations:

(1) The department may not expend the appropriations provided in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high-performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The department must comply with the requirements set forth in executive order 21-02 and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of these projects on cultural resources and historic properties. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated before project funds are made available.

(8) The appropriations ~~((is))~~are provided solely for the following list of projects:

57th Avenue Sewer Project (University Place) . . . . .	\$100,000
988 Expansion (Everett) . . . . .	\$300,000
Accessibility and Upgrades for WHO (Vancouver) . . . . .	\$283,000
Allyn Community Center (Allyn) . . . . .	\$300,000
Anacortes Family Center (Anacortes) . . . . .	\$50,000

Ballard Boys & Girls Club Teen Ctr Remodel		Historic Paramount Theatre HVAC Upgrade (Seattle)	\$198,000
& Expansion (Seattle)	\$241,000	Howard Bowen Memorial Events Complex (Sumas)	\$319,000
Black Diamond Community Skatepark (Black Diamond)	\$85,000	HVAC Upgrade with New System and Heat Pumps (Shelton)	\$250,000
Boys & Girls Club Fire Safety Upgrade (Federal Way)	\$361,000	Illahee Preserve 'Homestead, Ph 1' Acquisition (Bremerton)	\$196,000
Bremerton Library Building - HVAC (Bremerton)	\$412,000	Imagine Children's Museum (Everett)	\$250,000
Burton Water Company Cooperative Conversion (Vashon)	\$26,000	Interfaith Family Shelter (Everett)	\$800,000
Camp Korey Internet & Telemedicine (Mount Vernon)	\$330,000	Island County Jail Intake Body Sensor (Coupeville)	\$200,000
Children's Therapy Center (Tacoma)	\$250,000	Jim Kaemingk Sr. Trail Missing Link (Lynden)	\$300,000
CHOB Electrical Upgrade to Emergency Shelter (Longview)	\$258,000	Kitsap Humane Society (Silverdale)	\$258,000
City Hall Preservation Phase II (Enumclaw)	\$289,000	Kiwanis Park Playground Accessibility Upgrades (Bremerton)	\$165,000
City of Tenino Playground (Tenino)	\$515,000	Klickitat County Animal Shelter (Goldendale)	\$670,000
City of Yelm Dog Park (Yelm)	\$52,000	La Conner Regional Library (La Conner)	\$640,000
Civil Air Patrol Hangar (Ephrata)	\$1,200,000	Lake Boren Park Fishing Dock and Viewing Platform (Newcastle)	\$62,000
Columbia Basin Dive Rescue's New Boat (Richland)	\$270,000	Lake Wilderness Lodge Emergency Generator (Maple Valley)	\$412,000
Communication Devices for Football Officials (Olympia)	\$36,000	Lewis County Regional Tennis and Wrestling Facility (Chehalis)	\$875,000
<del>((Community Boating Center for All - Magnuson Park))</del> <u>Sail Sand Point</u> (Seattle)	\$100,000	Library Commons Project (Mount Vernon)	\$4,000,000
Confluence Health Treatment Center (Moses Lake)	\$1,236,000	Logistics Facility (Vancouver)	\$160,000
Craft Beverage (Tumwater)	\$200,000	Longview Senior Center Roof and Energy Upgrades (Longview)	\$273,000
Darrington Wood Innovation Center (Darrington)	\$1,700,000	Luther Burbank Pk Waterfront Activity Center (Mercer Island)	\$85,000
Edmonds Boys & Girls Club Feasibility Study (Edmonds)	\$206,000	Marina View Building Renovation (Olympia)	\$103,000
Electrical & Safety Upgrades at N Seattle Boys & Girls (Seattle)	\$304,000	Marymount/Spana-Park Senior Center Roof (Spanaway)	\$103,000
Eli's Park Project (Seattle)	\$200,000	Mason Co Housing Authority Roof & Electrical (Shelton)	\$201,000
Elks 1450 Roof Replacement (Puyallup)	\$381,000	McKinney Center Minor Works (Seattle)	\$560,000
Felts Field Gateway Project (Spokane)	\$200,000	Mill Creek Library Project (Mill Creek)	\$200,000
Ferndale Civic and Community Campus (Ferndale)	\$1,500,000	Mill Creek Parks Master Plan (Mill Creek)	\$206,000
Field Arts and Events Hall	\$250,000	Mount Spokane Lodge Renovations (Mead)	\$397,000
Fircrest Campus Master Plan (Shoreline)	\$300,000	Mukai's Fruit Barreling Plant (Vashon, WA)	\$50,000
First Street Downtown Revitalization (Cle Elum)	\$465,000	Naches Rearing Pond (Naches)	\$50,000
Flooring Replacement Kirkland Boys & Girls Club (Kirkland)	\$53,000	New Beginnings Homes (Puyallup)	\$201,000
Foss Waterway Seaport Public Restrooms (Tacoma)	\$258,000	Newman Lake Milfoil Wash Station (Newman Lake)	\$100,000
Frontier Park Goat Barns (Graham)	\$70,000	Non Destructive Weld Testing (Sunnyside)	\$30,000
GenPride LGBTQ+ Senior Community Center (Seattle)	\$530,000	Nooksack River Integrated Floodplain Mitigation (Whatcom County)	\$2,000,000
GH Senior Center Office/Education Container (Gig Harbor)	\$61,000	North Creek Trail (Bothell)	\$500,000
Goldsborough Switching Station (Shelton)	\$103,000	North Trailhead Restroom & Covered Structure (Castle Rock)	\$155,000
Granger Historical Society New Museum Project (Granger)	\$100,000	Northwest Kidney Centers - Port Angeles Clinic (Port Angeles)	\$235,000
Harlequin Productions Theater Renovation (Olympia)	\$250,000	ODMF Multicultural Village (Kent)	\$450,000
Harper Estuary Restoration and Bridge Construction (Port Orchard)	\$100,000		
Historic Neptune Theatre HVAC Upgrade (Seattle)	\$100,000		
Historic Newcastle Cemetery (Newcastle)	\$75,000		

Old Fort Lake Subarea (DuPont). \$400,000  
 Pacific Co. Fair Three M Project  
 (Raymond). . . . . \$412,000  
 Pattison Property Redevelopment (Federal  
 Way). . . . . \$1,250,000  
 Pedestrian Boardwalk May Creek Trail  
 (Renton). . . . . \$258,000  
 Peshastin Cross Over Siphon Pipe  
 (Peshastin). . . . . \$309,000  
 Pilchuck Glass School Ventilation  
 (Stanwood). . . . . \$103,000  
 Pipe Lake Water Quality Improvement  
 Project (Covington). . . . . \$319,000  
 Planning Land Acquisition for Veteran  
 Rites (Tacoma). . . . . \$46,000  
 Port Gamble Forest Restoration (Port  
 Gamble). . . . . \$300,000  
 Port Marine Transportation Infrastructure  
 (Friday Harbor). . . . . \$258,000  
 Port of Mattawa Event Center (Mattawa).  
 \$125,000  
 Public Electric Vehicle Infrastructure  
 (Lacey). . . . . \$103,000  
 Pump Station Modernization: Design and  
 Permitting (Mount  
 Vernon). . . . . \$100,000  
 Rejuvenation Community Day Center &  
 Shower/Laundry  
 (Bremerton). . . . . \$250,000  
 Ridgefield Splashpad (Ridgefield) \$258,000  
 Rimrock Grange Renovation (Washtucna). .  
 \$105,000  
 Rister Stadium Elevator Lift (Kelso). . .  
 \$33,000  
 Roslyn Downtown Association Gazebo  
 (Roslyn). . . . . \$171,000  
 Rotary Morrow Community Park (Poulsbo).  
 \$50,000  
 Salmon Reintroduction in the Upper  
 Columbia (Spokane). . . . . \$375,000  
 Seattle Aquarium Ocean Pavilion (Seattle)  
 . . . . . \$500,000  
 Secure Parking for Shelton Police  
 (Shelton). . . . . \$206,000  
 Seismic Upgrade and Roof Replacement  
 (Vancouver). . . . . \$309,000  
 Senior Resources Svc HUB Feasibility  
 Study (Freeland). . . . . \$273,000  
 Serving the Community Through Capital  
 Improvements  
 (Walla Walla). . . . . \$336,000  
 Skokomish Water Line Extension  
 (Skokomish). . . . . \$50,000  
 Smokey Point Park (Arlington). . . \$278,000  
 Sno Valley Senior Housing (Carnation). . .  
\$309,000  
 Snohomish Teen Center Addition  
 (Snohomish). . . . . \$515,000  
 South Area Commercial Sewer  
 Infrastructure Ext. (Airway  
 Heights). . . . . \$300,000  
 South Sound Innovation and Education  
 Center  
 (Federal Way). . . . . \$300,000  
 South Whidbey Aquatic Wellness Center  
 (Langley). . . . . \$400,000  
 Starbuck Rodeo Arena Remodel (Dayton). . .  
 \$98,000  
 Steilacoom Electrical Charging Station  
 Project  
 (Steilacoom). . . . . \$50,000  
 Sultan-Monroe Commercial Kitchen (Monroe)  
 . . . . . \$134,000  
 The Tacoma Recovery Cafe Site Acquisition  
 (Tacoma). . . . . \$500,000

Titlow Park Bridge Replacement (Tacoma).  
 \$350,000  
 Toppenish Hospital (Toppenish) \$2,000,000  
 Town Center to Burke-Gilman Trail  
 Connector (Lake  
 Forest Park). . . . . \$103,000  
 Town of Naches Mobile Stage (Naches). . .  
 \$250,000  
 Transitions (Spokane). . . . . \$103,000  
 Tubman Health Clinic (Seattle) \$4,500,000  
 Tukwila ((~~Teen Center and Senior~~  
~~Intergenerational~~) Community  
 Center (Tukwila). . . . . \$258,000  
 Urban League of Metropolitan Seattle  
 Building (Seattle). . . . . \$500,000  
 Vandercook Park Restroom (Longview). . . .  
 \$309,000  
 Veteran Housing at Stratford Apartments  
 (Longview). . . . . \$206,000  
 VOA Veteran Transitional Housing Energy  
 Efficiency  
 (Spokane). . . . . \$195,000  
 Wa Na Wari Capital Improvements (Seattle)  
 . . . . . \$258,000  
 WA Soldiers Home Cemetery Road Pavement  
 Project  
 (Orting). . . . . \$180,000  
 Weld Collaborative Reintegration Resource  
 (Seattle). . . . . \$775,000  
 Wenatchee City Pool Repairs (Wenatchee). .  
 \$550,000  
 Wenatchee Valley YMCA (Wenatchee) \$515,000  
 West Plains Childcare Center (Airway  
 Heights). . . . . \$191,000  
 Westport Marina Gear Yard (Westport). . .  
 \$412,000  
 WGC - Accessibility and Education Support  
 (Waitsburg). . . . . \$42,000  
 Whelan Community Building (Pullman). . . .  
 \$153,000  
 White Center Food Bank Grow2Give  
 Relocation (Seattle). . . . . \$200,000  
 Wilkeson Water Treatment System  
 (Wilkeson). . . . . \$300,000  
 Willows Road Pedestrian Safety Connection  
 (Kirkland). . . . . \$206,000  
 Woodland Community Library Building  
 Project (Woodland). . . . . \$515,000  
 Yakima Canyon Interpretive  
 Center  
 (Ellensburg). . . . . \$150,000  
 Yakima Greenway Master Plan (Yakima). . .  
 \$67,000  
 Yakima YMCA Park Development (Yakima). . .  
 \$232,000  
 Youth Achievement Center (Seattle). . . .  
 \$500,000  
 YVT Bucket Truck (Yakima). . . . . \$70,000  
 Total. . . . . \$53,318,000

Appropriation:  
Capital Community Assistance Account—  
State. . . . . \$309,000  
State Building Construction Account—  
State. . . . . \$53,318,000  
Subtotal Appropriation. . . . . \$53,627,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . ((~~\$53,318,000~~))  
\$53,627,000

Sec. 7008. 2022 c 296 s 1036  
 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
 Enhanced Shelter Capacity Grants  
 (92000939)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1022, chapter 356, Laws of 2020, except that no funding may be directed to the Auburn Resource Center or the St. Vincent de Paul Cold Weather Shelter.

Reappropriation:

State Building Construction Account—	
State. . . . .	(( <del>\$4,818,000</del> ))
	\$4,612,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL.....	(( <del>\$4,818,000</del> ))
	\$4,612,000

**Sec. 7009.** 2022 c 296 s 1024 (unmodified) is amended to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

2022 Rapid Capital Housing Acquisition (40000260)

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) ((~~\$207,628,000~~))\$169,628,000 of the capital community assistance account—state appropriation, \$22,935,000 of the state building construction account—state appropriation, and \$15,065,000 of the coronavirus state fiscal recovery fund—federal appropriation in this section ((is)are) provided solely for the department to issue competitive financial assistance to eligible organizations under RCW 43.185A.040 to acquire real property for a rapid conversion into enhanced emergency shelters, permanent supportive housing, transitional housing, permanent housing, youth housing, or shelter for extremely low-income people, as well as individuals, families, unaccompanied youth, and young people experiencing sheltered and unsheltered homelessness. The department shall prioritize housing projects that will rapidly move people experiencing unsheltered homelessness into housing, including, but not limited to, individuals living in unsanctioned encampments, the public rights-of-way, or other public spaces. Amounts provided in this section may also be used for renovation and building update costs associated with establishment of the acquired facilities. The department may only approve funding for projects resulting in increased shelter or housing capacity. Amounts provided in this section may not be used for operating or maintenance costs associated with providing housing, supportive services, or debt service.

(b) \$20,000,000 of the capital community assistance account—state appropriation in this section is provided solely for housing projects in rural areas as defined by the department under RCW 43.185.050 and underserved communities with the goal of maximizing the investment and increasing the number of supportive housing units in rural, underserved communities.

(c) \$2,000,000 of the capital community assistance account—state appropriation in this section is provided solely for the

Woodley Place by Bayside Housing and Services project in Port Hadlock.

(d) \$172,000 of the capital community assistance account—state appropriation in this section is provided solely for Building Transitional Tiny Homes for the Homeless project in Seattle.

(e) \$200,000 of the capital community assistance account—state appropriation in this section is provided solely for the department to contract and work with a professional real estate broker to identify opportunities for rapid acquisition or conversion of properties.

(f) \$10,000,000 of the capital community assistance account—state appropriation in this section is provided solely for unexpected cost increases experienced by projects funded by prior rapid capital appropriations. The department must create a process by which providers that received prior rapid capital awards may request additional funding for unexpected costs of affordable housing projects that are under or ready for construction

(g) When selecting projects, the department shall balance the state's interest in quickly approving and financing projects, the degree to which the project will leverage other funds, the extent to which the project promotes racial equity, and the extent to which the project will promote priorities on a statewide basis, including in rural areas and in geographically diverse parts of the state.

(h) Amounts appropriated under this section may also be used for permanent financing for real estate acquired using other short-term acquisition sources. To expand availability of permanent housing, financing of acquisition of multifamily housing is a priority.

(i) While emphasizing the rapid deployment of the amounts appropriated under this section to alleviate the immediate crisis of homelessness throughout the state, the department shall use criteria for the issuance of funds that were developed to administer prior rapid capital appropriations, and which must include:

(i) The date upon which the units can be placed in service and occupied by the intended population, or the date any necessary structural modifications would begin and the anticipated date of completion of the project;

(ii) A detailed estimate of the costs associated with the acquisition and any updates or improvements necessary to make the property habitable for its intended use;

(iii) A detailed estimate of the costs associated with placing the beds or units in service; and

(iv) A financial plan demonstrating the ability to maintain and operate the property and support its intended tenants.

(j) If the recipient is found to be out of compliance with provisions of the contract, the recipient shall repay to the state general fund the principal amount of the award plus interest calculated at the rate of interest on state of Washington general obligation bonds issued on the date most close in time to the date of authorization of the award.



(k) The department must provide a progress report on its website by December 30, 2023. The report must include:

(i) The total number of applications and amount of funding requested; and

(ii) A list and description of the projects approved for funding including state funding, total project cost, services anticipated to be provided, housing units, and anticipated completion date.

(l) The funding provided under this section is not subject to the 90-day application periods in RCW 43.185.070 or 43.185A.050.

(m) The department shall prioritize proposals that reach the greatest public benefit, as defined by the department. For purposes of this subsection (1)(m), "greatest public benefit" must include, but is not limited to:

(i) The rapid transition of people living unsheltered or chronically homeless, into housing;

(ii) The greatest number of accommodations or increased shelter capacity that will benefit extremely low-income people, as well as individuals, families, and youth experiencing homelessness;

(iii) Whether the project has local funding commitments and rental assistance;

(iv) The scarcity of the affordable housing or shelter capacity applied for compared to the number of available affordable housing units or shelter capacity in the same geographic location; and

(v) The program's established funding priorities under RCW 43.185.070(5).

(n) The department must strive to allocate all of the amounts appropriated in this section within the 2021-2023 fiscal biennium in the manner prescribed in this section. However, if upon review of applications the department determines there are not adequate suitable projects in (a) of this subsection, the department may allocate funds to (f) of this subsection or to projects serving other low-income and special needs populations, provided those projects are located in an area with an identified need for the type of housing proposed.

(2) \$60,000,000 of the apple health and homes account—state appropriation in this section is provided solely for the rapid permanent supportive housing program created under chapter . . ., Laws of 2022 (Engrossed Substitute House Bill No. 1866) and the creation of a housing dashboard providing permanent supportive housing need and current capacity data. Of the amounts in this subsection, \$1,500,000 is provided solely for the St. Agnes Haven project in Spokane. If Engrossed Substitute House Bill No. 1866 is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Appropriation:**

Capital Community Assistance Account—	
State . . . . .	(( <del>\$240,000,000</del> ))
	<u>\$202,000,000</u>
Apple Health and Homes Account—State.	
\$60,000,000	
Coronavirus State Fiscal Recovery Fund—	
Federal . . . . .	\$15,065,000

<u>State Building Construction Account—</u>	
State . . . . .	\$22,935,000
<b>Subtotal Appropriation . . . . .</b>	<b>\$300,000,000</b>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL . . . . .</b>	<b>\$300,000,000</b>

**Sec. 7010.** 2022 c 296 s 1039 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2021-23 Behavioral Health Community Capacity Grants (40000219)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for the department to issue grants to community hospitals or other community providers to expand and establish new capacity for behavioral health services in communities. The department must consult an advisory group consisting of representatives from the department of social and health services, the health care authority, one representative from a managed care organization, one representative from an accountable care organization, and one representative from the association of county human services. Amounts provided in this section may be used for construction and equipment costs associated with establishment of the facilities. The department may approve funding for the acquisition of a facility if the project will result in increased behavioral health capacity. Amounts provided in this section may not be used for operating costs associated with the treatment of patients using these services.

(2) The department must establish criteria for the issuance of the grants, which must include:

(a) Evidence that the application was developed in collaboration with one or more regional behavioral health entities that administer the purchasing of services;

(b) Evidence that the applicant has assessed and would meet gaps in geographical behavioral health services needs in their region;

(c) Evidence that the applicant is able to meet applicable licensing and certification requirements in the facility that will be used to provide services;

(d) A commitment by applicants to serve persons who are publicly funded and persons detained under the involuntary treatment act under chapter 71.05 RCW;

(e) A commitment by the applicant to maintain and operate the beds or facility for a time period commensurate to the state investment, but for at least a 15-year period;

(f) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(g) A detailed estimate of the costs associated with opening the beds;

(h) A financial plan demonstrating the ability to maintain and operate the facility; and

(i) The applicant's commitment to work with local courts and prosecutors to ensure

that prosecutors and courts in the area served by the hospital or facility will be available to conduct involuntary commitment hearings and proceedings under chapter 71.05 RCW.

(3) In awarding funding for projects in subsection (5) of this section, the department, in consultation with the advisory group established in subsection (1) of this section, must strive for geographic distribution and allocate funding based on population and service needs of an area. The department must consider current services available, anticipated services available based on projects underway, and the service delivery needs of an area.

(4) The department must prioritize projects that increase capacity in unserved and underserved areas of the state.

(5) \$71,400,000 of the state building construction account—state appropriation in this section is provided solely for a competitive process for each category listed and is subject to the criteria in subsections (1), (2), (3), and (4) of this section:

(a) \$11,600,000 of the state building construction account—state appropriation in this section is provided solely for at least six enhanced service facilities for long-term placement of patients discharged or diverted from the state psychiatric hospitals and that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(b) \$10,000,000 of the state building construction account—state appropriation in this section is provided solely for enhanced adult residential care facilities for long-term placements of dementia discharged or diverted from the state psychiatric hospitals and are not subject to federal funding restrictions that apply to institutions of mental diseases;

(c) \$2,000,000 of the state building construction account—state appropriation in this section is provided solely for at least one facility with secure withdrawal management and stabilization treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(d) \$2,000,000 of the state building construction account—state appropriation in this section is provided solely for at least one crisis triage and stabilization facility that is not subject to federal funding restrictions that apply to institutions of mental diseases;

(e) \$12,000,000 of the state building construction account—state appropriation in this section is provided solely for two 16-bed crisis triage and stabilization facilities in the King county region consistent with the settlement agreement in *A.B. by and through Trueblood, et al., v. DSHS, et al.*, No. 15-35462, and that are not subject to federal funding restrictions that apply to institutions of mental disease;

(f) \$2,000,000 of the state building construction account—state appropriation in this section is provided solely for at least two mental health peer respite centers that are not subject to federal funding restrictions that apply to institutions of

mental diseases. No more than one mental health peer respite center should be funded in each of the nine regions;

(g) \$18,000,000 of the state building construction account—state appropriation in this section is provided solely for the department to provide grants to community hospitals, freestanding evaluation and treatment providers, or freestanding psychiatric hospitals to develop capacity for beds to serve individuals on 90-day or 180-day civil commitments as an alternative to treatment in the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the health care authority, and the department of health and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the health care authority;

(iv) The provider has demonstrated to the department of health and the health care authority that it is able to meet the applicable licensing and certification requirements for the facility that will be used to provide services; and

(v) The health care authority has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes;

(h) \$2,400,000 of the state building construction account—state appropriation in this section is provided solely for competitive community behavioral health grants to address regional needs;

(i) \$9,400,000 of the state building construction account—state appropriation in this section is provided solely for at least three intensive behavioral health treatment facilities for long-term placement of behavioral health patients with complex needs and that are not subject to federal funding restrictions that apply to institutions of mental diseases; and

(j) \$2,000,000 of the state building construction account—state appropriation in this section is provided solely for grants to community providers to increase behavioral health services and capacity for children and minor youth including, but not limited to, services for substance use disorder treatment, sexual assault and traumatic stress, anxiety, or depression, and interventions for children exhibiting aggressive or depressive behaviors in facilities that are not subject to federal funding restrictions. Consideration must be given to programs that incorporate outreach and treatment for youth dealing with mental health or social isolation issues.

(6) (a) \$15,648,000 of the state building construction account—state appropriation and \$8,748,000 of the capital community assistance account—state appropriation in this section are provided solely for the

following list of projects and is subject to the criteria in subsection (1) of this section:

Astria Toppenish Hospital (Toppenish) . . . . .	
\$1,648,000	
Compass Health Broadway (Everett) . . . . .	
\$14,000,000	
Evergreen Recovery Residential Treatment (Everett) . . . . .	\$1,000,000
EvergreenHealth Monroe (Monroe)	\$4,275,000
NE Spokane Community Behavioral Health Center (Spokane) . . . . .	\$700,000
Red Road Clean and Sober Housing (Renton) . . . . .	\$773,000
Seattle Clinic at Evergreen Treatment (Seattle) . . . . .	\$2,000,000
(b) \$8,116,000 of the state building construction account—state appropriation and \$17,575,000 of the capital community assistance account—state appropriation in this section are provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section, except that the following projects are not required to establish new capacity:	
Cascade Hall (Seattle) . . . . .	\$6,000,000
Comprehensive Health Care - ((Goldendale Facility (Goldendale))) Camp Hope (Yakima) . . . . .	\$1,030,000
Jamestown S'Klallam (Sequim) . . . . .	\$3,250,000
Lummi Nation Healing Wellness Center (Bellingham) . . . . .	\$1,250,000
Maplewood Enhanced Services Facility (Bellingham) . . . . .	\$1,500,000
SIHB Thunderbird Treatment Center (Seattle) . . . . .	\$3,000,000
Family Solutions (Vancouver) . . . . .	\$2,050,000
Renovation Youth Evaluation & Treatment Facility (Bremerton) . . . . .	\$316,000
Sound Enhanced Services Facility (Auburn) . . . . .	\$3,000,000
Three Rivers Behavioral Health Recovery Center (Kennewick) . . . . .	\$4,295,000

(7) The department must notify all applicants that they may be required to have a construction review performed by the department of health.

(8) To accommodate the emergent need for behavioral health services, the department and the department of health, in collaboration with the health care authority and the department of social and health services, must establish a concurrent and expedited process to assist grant applicants in meeting any applicable regulatory requirements necessary to operate inpatient psychiatric beds, freestanding evaluation and treatment facilities, enhanced services facilities, triage facilities, crisis stabilization facilities, or secure detoxification/secure withdrawal management and stabilization facilities.

(9) The department must strive to allocate all of the amounts appropriated within subsection (5) of this section in the manner prescribed. However, if upon review of applications, the department determines, in consultation with the advisory group established in subsection (1) of this section, that there are not adequate suitable projects in a category of projects

under subsection (5) of this section, the department may allocate funds to other behavioral health capacity project categories within subsection (5) of this section, prioritizing projects under subsections (5)(a), (g), and (i) of this section. Underserved areas of the state may also be considered.

(10) The department must provide a progress report by November 1, 2022. The report must include:

(a) The total number of applications and amount of funding requested;

(b) A list and description of the projects approved for funding including state funding, total project cost, services anticipated to be provided, bed capacity, and anticipated completion date; and

(c) A status report of projects that received funding in prior funding rounds, including details about the project completion and the date the facility began providing services.

**Appropriation:**

State Building Construction Account—	
State . . . . .	\$95,164,000
Capital Community Assistance Account—	
State . . . . .	\$26,323,000
<b>Subtotal Appropriation . . . . .</b>	<b>\$121,487,000</b>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$120,000,000
<b>TOTAL . . . . .</b>	<b>\$241,487,000</b>

**Sec. 7011.** 2021 c 332 s 1065 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
 2021-23 Energy Retrofits for Public Buildings Grant Program (40000149)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,000,000 of the appropriation in this section is provided solely for grants to local governments, public higher education institutions, school districts, federally recognized tribal governments, and state agencies for operational cost savings improvements to facilities and related projects that result in energy and operational cost savings.

(a)(i) \$3,000,000 of the appropriation in this section is provided solely for grants awarded in competitive rounds.

(ii) At least 20 percent of each competitive grant round is designated for award to eligible projects in small cities or towns with a population of 5,000 or fewer residents.

(iii) In each competitive round, a higher energy savings to investment ratio must result in a higher project ranking. Priority consideration must be given to applicants that have not received grant awards for this purpose in prior biennia.

(iv) The department must determine a minimum match ratio to maximize the leverage of nonstate funds.

(b) \$450,000 of the appropriation in this section is provided solely for a grant to Western Washington University for the heating system conversion feasibility study.

(c) \$550,000 of the appropriation in this section is provided solely for a grant to Whidbey Island Public Hospital District for energy upgrades at WhidbeyHealth Medical Center in Coupeville.

(2) (a) \$1,000,000 of the appropriation in this section is provided solely for grants to be awarded in competitive rounds to local governments, public higher education institutions, school districts, federally recognized tribal governments, and state agencies for projects that involve the purchase and installation of solar energy systems, including solar modules and inverters, with a preference for products manufactured in Washington.

(b) At least 20 percent of each competitive grant round is designated for award to eligible projects in small cities or towns with a population of 5,000 or fewer residents.

(c) In each competitive round, a higher energy savings to investment ratio must result in a higher project ranking. Priority consideration must be given to applicants that have not received grant awards for this purpose in prior biennia.

(d) The department must determine a minimum match ratio to maximize the leverage of nonstate funds.

(3) \$4,500,000 of the appropriation in this section is provided solely for the energy efficiency and environmental performance improvements to minor works, stand-alone, and emergency projects at facilities owned by agencies named by the state efficiency and environmental performance office executive order 20-01 that repair or replace existing building systems and reduce greenhouse gas emissions from state operations, including, but not limited to, HVAC, lighting, insulation, windows, and other mechanical systems. Eligibility for this funding is dependent on an analysis using the office of financial management's life-cycle cost tool that compares project design alternatives for initial and long-term cost-effectiveness. Assuming a reasonable return on investment, the department shall provide grants in the amount required to improve the project's energy efficiency compared to the original project request. Prior to awarding funds, the department shall submit to the office of financial management a list of all proposed awards for review and approval.

(4) The department shall develop metrics that indicate the performance of energy efficiency efforts.

(5) \$457,000 of the appropriation provided in this section is provided solely for photovoltaic panels for the capitol campus child care center.

(6) If a grant is provided in subsection (1) or (3) of this section to purchase heating devices or systems, the agency must, whenever possible and most cost effective, select devices and systems that do not use fossil fuels.

(7) Grants to state agencies provided under subsections (1), (2), and (3) of this section are exempt from the match requirements of this section.

Appropriation:

State Building Construction Account—	
State. . . . .	\$9,957,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL.....	\$9,957,000

**Sec. 7012.** 2022 c 296 s 1022 (unmodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2022 Local & Community Projects (40000230)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only or to the Chelan municipal airport extension project in subsection (8) (a) of this section.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high-performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The department must comply with the requirements set forth in executive order 21-02 and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of these projects on cultural resources and historic properties. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated before project funds are made available.

(8) (a) The appropriation is provided solely for the following list of projects:

300 Rainier Ave Building . . . . . \$206,000  
 Adams County Property/Evidence Processing Facility (Othello) . . . . . \$900,000  
 Amara 29 Acre Opportunity in Pierce County (Tacoma) . . . . . \$246,000  
 American Lake Park ADA Improvement Project (Lakewood) . . . . . \$258,000  
 American Legion Building Renovation (Goldendale) . . . . . \$262,000  
 American Legion Veterans Housing & Resource Ctr (Raymond) . . . . . \$88,000  
 Arlington Innovation Center (Arlington) . . . . . \$372,000  
 Ashley House (Spokane) . . . . . \$552,000  
 Auburn Resource Center (Auburn) \$1,500,000  
 Aurora Commons Acquisition (Seattle) . . . . . \$2,500,000  
 Ballinger Park - Hall Creek Restoration (Mountlake Terrace) . . . . . \$824,000  
 Battle Ground HealthCare Free Clinic Relocation (Battle Ground) . . . . . \$1,000,000  
 Bellevue High School Automotive Dynamometer Install (Bellevue) . . . . . \$277,000  
 Bigelow House Museum Preservation (Olympia) . . . . . \$52,000  
 BIPOC Artist Installation at Kraken Training Center (Seattle) . . . . . \$155,000  
 Brewery Park Visitor Center (Tumwater) . . . . . \$1,200,000  
 Bridges To Home (Shoreline) . . . . . \$2,000,000  
 Camp Kilworth - YMCA Day Camp/Environmental Educ (Federal Way) . . . . . \$1,030,000  
 Campus Towers Roofing Project (Longview) . . . . . \$301,000  
 Capitol Theatre Curtains/Soft Goods Replacement (Yakima) . . . . . \$250,000  
 Central Klickitat County Parks Improvements (Goldendale) . . . . . \$25,000  
 Chehalis Centralia Steam Locomotive Repair/Restore (Chehalis) . . . . . \$123,000  
 Chelan Municipal Airport Extension (Chelan) . . . . . \$5,700,000  
 Children's Village Neurodevelopmental Center Expansion (Yakima) . . . . . \$750,000  
 City of Wenatchee Community Center (Wenatchee) . . . . . \$2,500,000  
 Civic Park Mika's Playground (Edmonds) . . . . . \$258,000  
 Clallam Joint Emergency Services (Port Angeles) . . . . . \$1,700,000  
 Class A Biosolids Dryer (Yelm) . . . . . \$850,000  
 Clemans View Park (Naches) . . . . . \$442,000  
 Coastal Community Action Program Service Ctr (Aberdeen) . . . . . \$500,000  
 Communications Tower (Ocean Shores) . . . . . \$77,000  
 Community Action Resource and Training Center (Omak) . . . . . \$400,000  
 Community Multi-Use Center (Carnation) . . . . . \$1,030,000  
 Cornforth Campbell Demolition & Infrastructure (Puyallup) . . . . . \$330,000  
 Coulee City Medical ((Clinie)) Center & Library (Coulee

City) . . . . . ((~~\$846,000~~)) \$1,606,000  
 Coulon North Water Walk Repair and Enhancement (Renton) . . . . . \$1,339,000  
 Coupeville Boys & Girls Club (Coupeville) . . . . . \$1,236,000  
 Cow Skull Creek and Rushingwater Creek Acclimation Ponds (Orting) . . . . . \$690,000  
 Craft Beverage Lab & Instrumentation (Tumwater) . . . . . \$773,000  
 Cross Park Trail and Picnic Shelter (Tacoma) . . . . . \$206,000  
 CSML Food Bank Facility (Moses Lake) . . . . . \$1,900,000  
 Cultural Anchor Village (Tukwila) . . . . . \$1,500,000  
 Curran House Museum (University Place) . . . . . \$85,000  
 Dawson Place Facilities (Everett) \$258,000  
 Day/Night House Exhibit Rebuild - Design Phase (Seattle) . . . . . \$300,000  
 Daybreak Star Indian Cultural Center (Seattle) . . . . . \$2,600,000  
 Delridge Wetland Park (Seattle) . . . . . \$244,000  
 Des Moines North Marina Bulkhead Replacement Ph II (Des Moines) . . . . . \$2,000,000  
 Doris Morrison Learning Center (Greenacres) . . . . . \$1,030,000  
 Downtown Puyallup Redevelopment Infrastructure (Puyallup) . . . . . \$257,000  
 Downtown Revitalization (Blaine) \$500,000  
 Duffy's Pond Pathway Completion (Kennewick) . . . . . \$38,000  
 Early Learning Facility Project for Licensed Childcare (Hoquiam) . . . . . \$721,000  
 East County Family Resource Center Renovation (Washougal) . . . . . \$721,000  
 Edmonds Marsh ((Restoration)) Water Quality Improvement (Edmonds) . . . . . ((~~\$258,000~~)) \$458,000  
 Edmonds Waterfront Center (Edmonds) . . . . . \$250,000  
 Ejido Farm Project (Everson) . . . . . \$200,000  
 Ellensburg Masonic Temple (Ellensburg) . . . . . \$258,000  
 Ellensburg Rodeo Grandstands (Ellensburg) . . . . . \$1,500,000  
 Ephrata Rec Center Upgrade (Ephrata) . . . . . \$621,000  
 Esther's Home (Pasco) . . . . . \$1,000,000  
 Ethiopian Community Affordable Housing (Seattle) . . . . . \$3,000,000  
 Extruded Curb Improvements (Kirkland) . . . . . \$515,000  
 Family Engagement Center (Seattle) . . . . . \$1,030,000  
 Felts Field Gateway Project (Spokane) . . . . . \$400,000  
 Ferry County Airport Runway Lighting System (Republic) . . . . . \$450,000  
 Flag Plaza Redevelopment (Kennewick) . . . . . \$46,000  
 FOE Meeting and Dance Hall (Puyallup) . . . . . \$77,000  
 Fourth Plain Community Commons (Vancouver) . . . . . \$1,236,000  
 Franklin Pierce Farm Agricultural Resource Center (Tacoma) . . . . . \$3,900,000

Frontier Park - Goat Barn Roof (Graham). \$89,000	Mariner Community Campus (Everett) . . . \$1,670,000
Frontier Park-Horse Arena Cover (Graham) . . . . . \$1,811,000	Martin Luther King Center Improvements (Pasco) . . . . . \$1,000,000
Garfield Pool Upgrade (Garfield) \$500,000	Mary's Place Shelter Renovation (Burien) . . . . . \$352,000
Gas Station Park Improvements (Tacoma). \$515,000	Marysville Trail Connector (Marysville). \$515,000
Gold Mountain Communications Zone - Upgraded Telecomm (Bremerton) . . . . . \$835,000	Mason County Veterans Memorial Hall Refurbishment (Shelton) . . . . . \$62,000
Granger Historical Society Museum (Granger) . . . . . \$300,000	McKinney Center Renovations (Seattle) . . \$1,000,000
Green Lake Community Boathouse (Seattle) . . . . . \$100,000	Meadowglen Community Park (Spokane) . . . \$77,000
Grounds Improvement Proposal (Ritzville) . . . . . \$150,000	Medical Examiner's Facility Upgrades (Spokane) . . . . . \$600,000
Health Care Kiosk Deployment (Federal Way) . . . . . \$75,000	Miller Park (Yakima) . . . . . \$642,000
Historic Downtown Chelan Infrastructure Predesign (Chelan) . . . . . \$150,000	MLK Community Center Roof Replacement (Spokane) . . . . . \$1,380,000
Immigrant and Refugee Community Hub (Tukwila) . . . . . \$960,000	Moses Lake Business Incubator (Moses Lake) . . . . . \$1,313,000
Island County Criminal Justice Renovation (Coupeville) . . . . . \$600,000	Mountain Rescue Center (North Bend) . . . \$222,000
IT3 Discovery Center (Ridgefield) . . . . \$1,350,000	Nelson Dam Removal Project (Naches) . . . \$1,325,000
Japanese Gulch Daylighting (Mukilteo) . . \$206,000	New Ground Kirkland (Kirkland) . . \$258,000
Jim Kaemingk Sr. Trail (Lynden) . \$200,000	Next Chapter Morgan Shelter (Tacoma) . . \$16,000
Joya Child & Family Development Center (Spokane) . . . . . \$1,200,000	NJROTC/NNDC Program Peninsula School District (Gig Harbor) . . . . . \$170,000
JV Memorial Pool Roof (Oak Harbor) . . . \$250,000	North Bend Depot Rehab (North Bend) . . . \$151,000
Kitsap Lake Park Renovation & Accessibility (Bremerton) . . . . . \$258,000	North Clear Zone Land Acquisition (Lakewood) . . . . . \$1,400,000
Kittitas Valley Healthcare Laboratory Services Reno (Ellensburg) . . . . . \$397,000	North Creek Trail (Bothell) . . . \$618,000
La Center City Hall Improvements (La Center) . . . . . \$1,236,000	North Seattle Boys & Girls Club Safety Upgrades (Seattle) . . . . . \$361,000
Lake Lawrence Fire Station (Yelm) \$515,000	Northwest Kidney Centers Clinic (Port Angeles) . . . . . \$900,000
Lake Sacajawea Renovation Project (Longview) . . . . . \$900,000	Ocean Beach Medical Group - Ilwaco Clinic (Ilwaco) . . . . . \$309,000
Lake Stevens Civic Center Phase 3 (Lake Stevens) . . . . . \$2,100,000	Panther Lake Community Park (Kent) . . . \$2,000,000
Lakefront Property Acquisition (Lake Forest Park) . . . . . \$432,000	Patterson Park Preservation & Upgrade (Republic) . . . . . \$300,000
LASA Client Services Center (Lakewood). \$515,000	Pedestrian Overcrossing Replacement (Kalama) . . . . . \$2,250,000
Leavenworth Ski Hill ADA Restroom (Leavenworth) . . . . . \$52,000	Perfect Passage (Tonasket) . . \$1,698,000
Lewis County Public Safety Radio Infrastructure (Chehalis) . . . . . \$129,000	Perry Technical Institute Auditorium Renovation (Yakima) . . . . . \$1,550,000
Lewis County Youth Services Renovation and Addition (Chehalis) . . . . . \$824,000	Peter Kirk Community Center Roof and Retrofitted Emerg (Kirkland) . . . . . \$773,000
LGBTQ-Affirming Senior Center (Seattle). \$1,030,000	Phase 1 Master Plan - COVID Mitigation (Lake Stevens) . . . . . \$103,000
Links to Opportunity (Tacoma) . \$2,000,000	Phase 1 of Trails Plan Improvements (Issaquah) . . . . . \$251,000
Little League Field Improvement (Federal Way) . . . . . \$200,000	Planning & Upgrades Edmonds Boys & Girls Club (Edmonds) . . . . . \$200,000
<del>((Longview Hospice Care Center Renovation (Longview) . . . . . \$765,000))</del>	Point Hudson Breakwater (Port Townsend). \$1,000,000
Lopez Island Swim Center (Lopez Island). \$245,000	Police Station Renovations - City of Duvall (Duvall) . . . . . \$107,000
Lynnwood Neighborhood Center (Lynnwood). \$500,000	Port of Olympia Marine Center (Olympia). \$250,000
Maddie's Place (Spokane) . . . . \$644,000	Port of Vancouver Waterfront T1 Building Demo/Deconst (Vancouver) . . . . . \$1,000,000
Madrona Day Treatment School (Bremerton) . . . . . \$321,000	Port Susan Trail (Stanwood) . . . \$742,000
Magnuson Park Hangar 2 (Seattle) . . . . \$1,130,000	Port Townsend Affordable Housing Development (Port Townsend) . . . . . \$1,400,000
Main Street Phase 2 (Mountlake Terrace). \$1,200,000	

Proclaim Liberty Affordable Housing  
 (Spokane) . . . . . \$2,000,000  
 Project Chairlift: Lifting Up Washington  
 State (Mead) . . . . . \$750,000  
 Pts of Ilwaco/Chinook Nav Infrastructure  
 (Ilwaco & Chinook) . . . . . \$634,000  
 Public Pavilion for Shoreline Park  
 (Shoreline) . . . . . \$361,000  
 Puyallup Recreation Center (Puyallup) . .  
 \$1,030,000  
 Puyallup Valley Cultural Heritage Center  
 (Puyallup) . . . . . \$335,000  
 Rainier View Covered Court (Sumner) . . .  
 \$245,000  
 Ramstead Regional Park (Everson) . . . .  
 \$1,500,000  
 Redmond Senior and Community Center  
 (Redmond) . . . . . \$1,250,000  
 Redondo Fishing Pier (Des Moines) \$900,000  
 Replacement Hospice House (Richland) . .  
 \$900,000  
 Resource Center Planning (Pasco) \$250,000  
 Ridgefield I-5 Pedestrian Screen  
 (Ridgefield) . . . . . \$335,000  
 Ridgefield YMCA (Ridgefield) . . . \$258,000  
 Ridgetop DNR Trust Land Purchase  
 (Silverdale) . . . . . \$2,050,000  
 Ritzville Downtown Improvements  
 (Ritzville) . . . . . \$105,000  
 Sargent Oyster House Restoration (Allyn)  
 . . . . . \$344,000  
 School Based Health Care Clinic (Tacoma)  
 . . . . . \$750,000  
 SE 168th St. Bike Lanes/Safe Crossings  
 (Renton) . . . . . \$500,000  
 Seattle Aquarium Expansion (Seattle) . .  
 \$2,000,000  
 Seattle Kraken Multisport Courts  
 (Seattle) . . . . . \$103,000  
 Selah-Moxee Irrigation District (Moxee) .  
 \$300,000  
 Seminary Hill Natural and Heritage Trail  
 Project  
 (Centralia) . . . . . \$52,000  
 Sheffield Trail (Fife) . . . . . \$1,030,000  
 Shipley Senior Center (Sequim) . . . \$463,000  
 Shoreline Parks Restrooms (Shoreline) . .  
 \$412,000  
 SIHB Thunderbird Treatment Center  
 (Seattle) . . . . . \$309,000  
 Silver Crest Park (Mill Creek) . . . \$90,000  
 Skabob House Cultural Center Art Studio  
 (Skokomish) . . . . . \$500,000  
 Skagit County Morgue (Mount Vernon) . . .  
 \$139,000  
 Sky Valley Teen Center (Sultan) . \$773,000  
 Sno-Isle Regional Inter-County Libraries  
 (Lake Stevens) . . . . . \$1,100,000  
 Snohomish County Food and Farming Center  
 (Everett) . . . . . \$2,550,000  
 Snoqualmie Valley Youth Activity Center  
 (North Bend) . . . . . \$361,000  
 Soap Lake City Hall Reactivation (Soap  
 Lake) . . . . . \$157,000  
 SoCo Park (Covington) . . . . . \$1,300,000  
 South Bend School Multi-Use Field  
 Upgrades (South Bend) . . . . . \$361,000  
 South Kitsap Community Events Center  
 (Port Orchard) . . . . . \$1,236,000  
 South Kitsap HS Phys Ed Support (Port  
 Orchard) . . . . . \$15,000  
 Southwest Washington Grain Project  
 (Chehalis) . . . . . \$1,750,000  
 Spokane Public Radio (Spokane) \$1,000,000  
 Spokane Valley Boys & Girls Club (Spokane  
 Valley) . . . . . \$1,030,000

(~~Spokane Valley Fairgrounds Exhibition  
 Center (Spokane Valley) . . . . . \$750,000~~)  
 Sprinkler Recreation Center Outdoor  
 Improvements  
 (Tacoma) . . . . . \$400,000  
 Squire's Landing Park Waterfront & Open  
 Space Access Pr  
 (Kenmore) . . . . . \$927,000  
 Steilacoom Tribal Cultural Center  
 (Steilacoom) . . . . . \$814,000  
 Stonehenge Memorial Public Restroom  
 Project (Maryhill) . . . . . \$129,000  
 Sultan Basin Park Design (Sultan) \$26,000  
 Sumas Sidewalks and Trails (Sumas) \$75,000  
 Teaching & Commercial Kitchen (Kent) . .  
 \$515,000  
 The Campaign for Wesley Des Moines (Des  
 Moines) . . . . . \$500,000  
 The Eli's Park Project (Seattle) \$900,000  
 The Ethiopian Village (Seattle) . \$515,000  
 The Hilltop (Tacoma) . . . . . \$1,545,000  
 The Landing (Redmond) . . . . . \$258,000  
 The Millworks (Bellingham) . . . \$1,000,000  
 The Podium (Spokane) . . . . . \$774,000  
 The Way Station (Bellingham) . . . \$4,050,000  
 Therapeutic Play Spaces (Spokane) \$108,000  
 Tiny House Villages and Cottages  
 (Seattle) . . . . . \$2,000,000  
 Together Center (Redmond) . . . \$1,030,000  
 Toppenish Junior Livestock Facility  
 Planning (Toppenish) . . . . . \$21,000  
 Trails End Community Meeting Space  
 (Tumwater) . . . . . \$155,000  
 Treatment Plant Remodel (Duvall) \$742,000  
 Turf Field Lighting (Yakima) . . . \$500,000  
 Turning Pointe Youth Advocacy Addition  
 (Shelton) . . . . . \$82,000  
 Twisp Civic Center (Twisp) . . . \$1,500,000  
 United Way of King County Building  
 Restoration  
 (Seattle) . . . . . \$566,000  
 University Heights Center Renovation  
 (Seattle) . . . . . \$595,000  
 Upper Kittitas County Medic One - Station  
 99 (Cle Elum) . . . . . \$784,000  
 Vaughn Library Hall Restoration (Vaughn)  
 . . . . . \$103,000  
 Wards Lake Park Improvement Project  
 (Lakewood) . . . . . \$258,000  
 Water Efficiency Improvements (Royal  
 City) . . . . . \$193,000  
 Wenas Creek Screening, Passage  
 Engineering Design  
 (Selah) . . . . . \$150,000  
 West Biddle Lake Dam Restoration  
 (Vancouver) . . . . . \$1,881,000  
 Whatcom County Integrated Public Safety  
 Radio System  
 (Bellingham) . . . . . \$400,000  
 Woodland Scott Hill Park & Sports Complex  
 (Woodland) . . . . . \$600,000  
 Yakima County Fire Communications Radio  
 Repeaters  
 (Yakima) . . . . . \$103,000  
 Yakima Valley Fair (Grandview) . . \$235,000  
 Yelm Senior Center Repairs (Yelm) \$36,000  
 Youth Resource Center (Federal Way) . . .  
 \$82,000

(b) The funding for the Magnuson Park  
 Historic Hanger 2 (Seattle) project is  
 contingent on the contribution of at least  
 \$6,000,000 for the Magnuson Park Center For  
 Excellence. If the Magnuson Park Center For  
 Excellence has not certified to the  
 department of commerce that the project has

secured at least \$6,000,000 in total funding for the capital phase of the project by July 31, 2022, the funds in this subsection (8) (b) shall lapse. The lapse date of July 31, 2022, must be extended to the same extent that the city of Seattle grants an extension, if any, beyond that date for the same project, provided that no further extension may be granted past July 31, 2023. The Magnuson Park Center For Excellence must ensure that the long-term lease with Seattle Parks and Recreation stipulates meaningful public benefits that prioritize low-income, black, indigenous, and people of color youth and families of the Magnuson park and neighborhood and Northeast Seattle. The lease must include provisions to proactively recruit and provide no-cost access to the residents as well as the creation of a scholarship fund dedicated to the residents for the center's events and programming. Additional public benefits to improve accessibility for Magnuson Park residents must be considered in the lease negotiations.

**Appropriation:**

State Building Construction Account—	
State . . . . .	(((\$169,916,000))
	<u>\$169,567,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL.....	(((\$169,916,000))
	<u>\$169,567,000</u>

**Sec. 7013.** 2022 c 296 s 1046 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
 Work, Education, Health Monitoring Projects (91001686)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high-performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital

improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The department must comply with the requirements set forth in executive order 21-02 and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of these projects on cultural resources and historic properties. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated before project funds are made available.

(8) ~~(\$926,000 of the state building construction account—state)~~ The appropriation in this section is provided solely for the following list of projects:

<del>((Camp Waskowitz Restrooms (North Bend)) Sylvester Middle School Restrooms (Burien) . . . . .</del>	<del>\$250,000</del>
Mary's Place Burien Shelter ((COVID Updates)) (Seattle) . . . . .	\$550,000
Nordic Heritage Museum HVAC Renovation (Seattle) . . . . .	\$26,000
<del>((Sherwood COVID Mitigation (Lake Stevens) . . . . .</del>	<del>\$100,000))</del>

**Appropriation:**

State Building Construction Account—	
State . . . . .	(((\$926,000))
	<u>\$826,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL.....	(((\$926,000))
	<u>\$826,000</u>

**Sec. 7014.** 2021 c 332 s 1094 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**  
 Early Learning ((COVID-19)) Renovation Grants (91001681)

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~\$8,500,000 of the ((coronavirus capital projects—account—federal)) state building construction account—state~~ appropriation is provided solely for the Washington early learning loan fund to provide grants to early learning facilities for ~~((emergency)) renovation ((and)), remodeling ((changes in response to the public health emergency with respect to the coronavirus disease)), and expansion.~~

(2) The grants may not be used for operating expenditures, but must be used for capital needs to:

(a) Support increased social distancing requirements;



(b) Support increased health and safety measures;

(c) Provide increased outdoor space; or

(d) Increase or preserve early learning slots within a facility or community.

(3) Grant recipients must meet the requirements in RCW 43.31.575.

(4) Up to four percent of the funding in this appropriation may be used by the contractor to provide technical assistance to early learning providers interested in applying for the early learning facility grant or loan program.

Appropriation:

<del>((Coronavirus Capital Projects Account—</del>	
Federal.....	<del>\$8,500,000)</del>
State Building Construction Account—	
State.....	\$8,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$8,500,000

Sec. 7015. 2022 c 296 s 1019 (uncodified) is amended to read as follows: FOR THE DEPARTMENT OF COMMERCE 2021-23 Weatherization Plus Health (40000150)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the state building construction account—state appropriation in this section is provided solely for grants for the Washington State University energy extension community energy efficiency program (CEEP) to support homeowners, tenants, and small business owners in making sound energy efficiency investments by providing consumer education and marketing, workforce support through training and lead generation, and direct consumer incentives for upgrades to existing homes and small commercial buildings. This is the maximum amount the department may expend for this purpose.

(2) The department, in collaboration with the Washington State University, shall make recommendations to the appropriate committees of the legislature on strategies to expand and align the weatherization program and the rural rehabilitation loan program. The department shall report the recommendations to the appropriate committees of the legislature and the governor by November 1, 2022. The recommendations must include strategies to:

(a) Recruit community energy efficiency program sponsors that are community-based organizations located in geographic areas of the state that have not received funding for low-income weatherization programs, targeting hard to reach market segments;

(b) Leverage funding from community energy efficiency program sponsors in an amount greater than or equal to the amount provided by the state through the weatherization program;

(c) Ensure that community energy efficiency program utility sponsors work with non-profit community-based organizations to deliver community energy efficiency program services; and

(d) Identify community energy efficiency program sponsors that support the conversion of space and water heating from fossil fuels to electricity, as part of a set of energy efficiency investments.

(3) If funding from this appropriation is used to purchase heating devices or systems, the agency shall, whenever possible and most cost effective, select devices and systems that do not use fossil fuels.

(4) ~~(((\$69,766,000))~~\$47,115,000 of the general fund—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the department for the weatherization assistance program in section 40551 of P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this subsection is contingent on the receipt of this grant funding. ~~((If the department does not receive the grant funding by June 30, 2023, the expenditure authority in this section shall lapse.))~~

Appropriation:

State Building Construction Account—	
State.....	\$10,000,000
General Fund—Federal..	<del>(((\$69,766,000))</del>
	<u>\$47,115,000</u>
Capital Community Assistance Account—	
State.....	\$10,000,000
Subtotal Appropriation.....	<del>(((\$89,766,000))</del>
	<u>\$67,115,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
\$50,000,000	
TOTAL.....	<del>(((\$139,766,000))</del>
	<u>\$117,115,000</u>

Sec. 7016. 2022 c 296 s 1041 (uncodified) is amended to read as follows: FOR THE DEPARTMENT OF COMMERCE 2021-23 Broadband Office (92000953)

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The appropriations in this section are provided solely to the statewide broadband office for qualifying broadband infrastructure projects.

(b) Unless otherwise stated, eligible applicants for grants awarded under subsections (2) and (3) of this section are:

- (i) Local governments, including ports and public utility districts;
- (ii) Federally recognized tribes;
- (iii) Nonprofit organizations;
- (iv) Nonprofit cooperative organizations; and

(v) Multiparty entities comprised of a combination of public entity members or private entity members. A multiparty entity cannot be solely comprised of private entities.

(c) The department must prioritize eligible applications where the lead applicant is a public entity.

(d) Projects receiving grants under this section must:

- (i) Demonstrate that the project site is under the applicant's control for a minimum of 25 years, either through ownership or a long-term lease; and

(ii) Commit to using the infrastructure funded by the grant for the purposes of providing broadband connectivity for a minimum of 25 years. (e) Unless otherwise stated, priority must be given to projects:

(i) Located in unserved areas of the state, which for the purposes of this section means areas of Washington in which households and businesses lack access to broadband service of speeds at a minimum of 100 megabits per second download and at a minimum 20 megabits per second upload;

(ii) Located in geographic areas of greatest priority for the deployment of broadband infrastructure to achieve the state's broadband goals, as provided in RCW 43.330.536, identified with department and board mapping tools; or

(iii) That construct last mile infrastructure, as defined in RCW 43.330.530. (f) Unless otherwise stated, appropriations may not be used for projects where a broadband provider currently provides, or has begun construction to provide, broadband service, as defined in RCW 43.330.530, to end users in the proposed project area.

(g) The appropriations must be used for projects that use a technology-neutral approach in order to expand access at the lowest cost to the most unserved or underserved residents.

(h) (i) The statewide broadband office must act as fiscal agent for the grants authorized in subsections (2) and (3) of this section.

(ii) No more than 1.5 percent of the funds appropriated for the program may be expended by the statewide broadband office for administration purposes.

(i) The statewide broadband office must impose grant or contract conditions to help ensure that any project funded under this section will result in an enduring public benefit, where feasible, for at least 25 years.

(2) (a) (~~(\$50,000,000)~~) \$27,591,000 of the state building construction account—state appropriation is provided solely to the statewide broadband office to award as grants to eligible applicants as match funds to leverage federal broadband infrastructure program funding.

(b) (i) For the purposes of this subsection (2), "state broadband infrastructure funders" are the state broadband office, the public works board, and the community economic revitalization board.

(ii) The statewide broadband office must develop a project evaluation process to assist in coordination among state broadband infrastructure funders to maximize opportunities to leverage federal funding and ensure efficient state investment. The project evaluation process must help determine whether a project is a strong candidate for a known federal funding opportunity and if a project can be packaged as part of a regional or other coordinated federal grant proposal. The state broadband infrastructure funders are encouraged to enter into a memorandum of understanding outlining how coordination will take place so that the process can help with a

coordinated funding strategy across these entities.

(3) (a) \$150,996,000 of the coronavirus state fiscal recovery fund—federal appropriation, \$124,749,000 of the coronavirus capital projects account—federal appropriation, and \$258,000 of the state building construction account—state appropriation are provided solely for grants to eligible applicants for qualifying broadband infrastructure projects.

(b) (i) Projects that receive grant funding under this subsection (3) must be eligible for funds under section 9901 of the American rescue plan act.

(ii) To ensure compliance with conditions of the federal coronavirus state fiscal recovery fund and coronavirus capital projects account, all expenditures of amounts appropriated in this subsection (3) must be obligated by December 31, 2024.

(c) (i) \$5,000,000 of the appropriation in this subsection is provided for broadband equity and affordability grants.

(ii) Grants must be provided to eligible applicants located in areas:

(A) With existing broadband service with speeds at a minimum of 100 megabits per second download and at a minimum 20 megabits per second upload; and

(B) Where the state broadband office, in consultation with the department of equity, determine that access to existing broadband service is not affordable or equitable.

(iii) Eligible applicants for grants awarded under this subsection (3) (c) are:

(A) Local governments, including ports and public utility districts;

(B) Federally recognized tribes;

(C) Public school districts;

(D) Nonprofit organizations; and

(E) Multiparty entities comprised of public entity members to fund broadband deployment.

(d) \$258,000 of the state building construction account—state appropriation in this subsection is provided solely for the Precision Agriculture and Broadband pilot project.

(e) \$225,000 of the coronavirus capital projects account—federal appropriation in this subsection is provided solely for the Point Roberts rural broadband project.

(4) By January 30, 2022, and January 30, 2023, the statewide broadband office must develop and submit a report regarding the grants established in subsections (2) and (3) of this section to the office of financial management and appropriate fiscal committees of the legislature. The report must include:

(a) The total number of applications and amount of funding requested;

(b) A list and description of projects approved for grant funding in the preceding fiscal year;

(c) The total amount of grant funding that was disbursed during the preceding fiscal year;

(d) The total amount of funds obligated and timing of when the funds were obligated in the preceding fiscal year; and

(e) For projects funded in the prior biennium, the outcomes achieved by the approved projects.

(5) For eligible applicants providing service outside of their jurisdictional boundary, no more than three percent of the award amount may be expended for administration purposes.

Appropriation:

Table with 2 columns: Description and Amount. Includes State Building Construction Account, Coronavirus State Fiscal Recovery, and Subtotal Appropriation.

Sec. 7017. 2022 c 296 s 1042 (uncodified) is amended to read as follows: FOR THE DEPARTMENT OF COMMERCE 2022 Broadband Office (92001178)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely as expenditure authority for grant funding received by the department for the broadband equity, access, and deployment state grants program in section 60102 of P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded.

Appropriation:

Table with 2 columns: Description and Amount. Includes General Fund-Federal, Prior Biennia (Expenditures), and Future Biennia (Projected Costs).

Sec. 7018. 2022 c 296 s 1017 (uncodified) is amended to read as follows: FOR THE DEPARTMENT OF COMMERCE 2021-23 Library Capital Improvement Program (LCIP) Grants (40000147)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a local library capital improvement grant program for the following list of projects:

Table with 2 columns: Project Name and Amount. Lists projects like City of Colville, Sno-Isle Regional Inter-County Libraries, and Spokane County Library District.

Table with 2 columns: Project Name and Amount. Lists projects like Stevens County Rural Library District, North Central Regional Library, and City of Seattle.

(2) The department must establish a competitive process to solicit proposals for and prioritize projects whose primary objective is to assist libraries operated by governmental units, as defined in RCW 27.12.010, in acquiring, constructing, repairing, or rehabilitating facilities.

(3) The department must establish a committee to develop the grant program criteria and review proposals. The committee must be composed of five members as provided in this subsection. The committee must include: (a) A representative from the department of commerce; (b) a representative from the department of archaeology and historic preservation; (c) the state librarian; (d) a representative from a library district; and (e) a representative from a municipal library.

(4) The department must conduct a statewide solicitation of project applications. The department must evaluate and rank applications in consultation with the committee established in subsection (3) of this section, using objective criteria. The ranking of projects must prioritize library district facilities listed on a local, state, or federal register of historic places and those located in distressed or rural counties.

(5) The department must submit a prioritized list of recommended projects to the governor and the legislature by October 1, 2022, for inclusion in the department of commerce's 2023-2025 biennial capital budget request. The list must include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project.

(6) In contracts for grants authorized under this section, the department must

include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee must repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued on the date most close in time to the date of authorization of the grant.

(7) The department must assist grant recipients under this section to apply for applicable competitive federal grant funding and, upon receipt of any such funding, an equal amount of the state building construction account—state appropriation must be placed in unallotted status.

**Appropriation:**

State Building Construction Account—	
State. . . . .	(((\$16,604,000))
	<u>\$15,844,000</u>
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	\$30,000,000
TOTAL.....	(((\$46,604,000))
	<u>\$45,844,000</u>

**Sec. 7019.** 2021 c 332 s 1098 (uncodified) is amended to read as follows:  
**FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
 Emergency Repairs (30000041)

The appropriation in this section is subject to the following conditions and limitations:

(1) Emergency repair funding is provided solely to address unexpected building or grounds failures that will impact public health and safety and the day-to-day operations of the facility. To be eligible for funds from the emergency repair pool, a request letter for emergency funding signed by the affected agency director must be submitted to the office of financial management and the appropriate legislative fiscal committees. The request must include a statement describing the health and safety hazard and impacts to facility operations, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of other funding that may be applied to the project.

(2) For emergencies occurring during a legislative session, an agency must notify the legislative fiscal committees before requesting emergency funds from the office of financial management.

(3) The office of financial management must notify the legislative evaluation and accountability program committee and the legislative fiscal committees as emergency projects are approved for funding and include what funded level was approved.

(4) The office of financial management must report quarterly, beginning October 1, 2021, on the funding approved by agency and by emergency to the fiscal committees of the legislature.

**Appropriation:**

State Building Construction Account—	
State. . . . .	(((\$4,000,000))

\$2,660,000

Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	\$16,000,000
TOTAL.....	(((\$20,000,000))
	<u>\$18,660,000</u>

**Sec. 7020.** 2022 c 296 s 1056 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Inflation and Contingency Fund (92001124)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for inflationary cost increases of materials for state agency projects funded in an omnibus capital appropriations act that are currently active in the construction phase. Projects in the design phase are not eligible and must submit a budget decision package for the 2023 legislative session. ((The))Except as provided under subsection (6) of this section, the office of financial management shall allocate funds based on project necessity.

(2) To be eligible for funds from this inflation and contingency fund, a request letter signed by the affected agency director must be submitted to the office of financial management and the appropriate legislative fiscal committees. The request must include:

- (a) A statement describing the unexpected costs;
- (b) The ways the agency has already mitigated project costs; and
- (c) The identification of other funding that may be applied to the project.

(3) For requests during a legislative session, an agency must notify the legislative fiscal committees before requesting these funds from the office of financial management.

(4) The office of financial management must notify the legislative evaluation and accountability program committee and the fiscal committees of the legislature as inflation and contingency funds are approved, including the approved funding level by fund type, and a copy of all the materials submitted in subsection (2) of this section.

(5) The office of financial management must report quarterly, beginning October 1, 2022, on the funding approved by agency, by project number, and type of funds authorized, to the fiscal committees of the legislature.

(6) \$2,000,000 of the appropriation in this section is provided solely for Bellevue College to pay for cost increases to the Center for Transdisciplinary Learning and Innovation capital project. The requirements of subsection (2) do not apply to the project listed under this subsection.

**Appropriation:**

Capital Community Assistance Account—	
State. . . . .	(((\$8,000,000))
	<u>\$4,842,000</u>
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0

TOTAL.....(~~\$8,000,000~~)  
\$4,842,000

NEW SECTION. **Sec. 7021.** A new section is added to 2022 c 296 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**  
Executive Guard Post One (40000448)

**Appropriation:**

State Building Construction Account—  
State . . . . . \$740,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL..... \$740,000

**Sec. 7022.** 2022 c 296 s 1059 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**  
Legislative Campus Modernization  
(92000020)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations are subject to the provisions of section 6024 of this act.

(2) The department must consult with the senate facilities and operations committee or its designee(s) and the house of representatives executive rules committee or its designee(s) at least every other month.

(3) \$11,585,000 of the Thurston county capital facilities account—state appropriation is provided solely for the global legislative campus modernization subproject, which includes, but is not limited to, modular building leases or purchases and associated costs, site development work on campus to include Columbia street, stakeholder outreach, and historic mitigation for the project.

(4) \$69,037,000 of the amount provided in this section is provided solely for Irv Newhouse building replacement design and construction subproject on opportunity site six.

(a) The department must:

(i) Have a design contractor selected by September 1, 2021;

(ii) Start design validation by October 1, 2021; and

(iii) Start design by December 1, 2021.

(b) The design and construction must result in:

(i) A high performance building that meets net-zero-ready energy standards, with an energy use intensity of no greater than 35;

(ii) Sufficient program space required to support senate offices and support functions;

(iii) A building façade similar to the American neoclassical style with a base, shaft, and capitol expression focus with some relief expressed in modern construction methods to include adding more detailing and depth to the exterior so that it will fit with existing legislative buildings on west capitol campus, like the John Cherberg building;

(iv) Member offices of similar size as member offices in the John A. Cherberg building;

(v) Demolition of the buildings located on opportunity site six;

(vi) Consultation with the leadership of the senate, or their designee(s), at least every month, effective July 1, 2021; and

(vii) Ensure the subproject meets legislative intent to complete design by April 30, 2023, and start construction by September 1, 2023.

(5) \$8,538,000 of the amount provided in this section is provided solely for the Pritchard building and the John L. O'Brien renovation design subproject. The design contractor must be selected by September 1, 2022, and the design must result in:

(a) A high performance building that meets net-zero-ready energy standards, with an energy use intensity of no greater than 35;

(b) Sufficient program space required to support house of representatives offices and support functions; and

(c) Additional office space in the Pritchard building necessary to offset house of representatives members and staff office space that will be eliminated in the renovation of the third and fourth floors of the John L. O'Brien building.

(6) All appropriations must be coded and tracked as separate discrete subprojects in the agency financial reporting system.

(7) The state capitol committee, in consultation with capitol campus design advisory committee, may review architectural design proposals for continuity with the 2006 master plan for the capitol of the state of Washington and 2009 west capitol campus historic landscape preservation and vegetation management plan. As part of planning efforts, the state capitol committee may conduct a review of current design criteria and standards.

(8) The Irv Newhouse building replacement and Pritchard building designs should include an analysis of comprehensive impacts to the campus and the surrounding neighborhood, an evaluation of future workforce projections and an analysis of traffic impacts, parking needs, visual buffers, and campus aesthetics. The designs should include a public engagement process including the capitol campus design advisory committee and state capitol committee.

(9) \$180,000 of the appropriation in this section is provided solely for the department to conduct a preservation study of the Pritchard building as a continuation of the predesign in section 6024 of this act. The study must include an analysis of seismic, geotechnical, building codes, constructability, and costs associated with renovation and expansion of the Pritchard building to accommodate tenant space needs. The department shall contract with a third-party historic preservation specialist to ensure the study is in compliance with the secretary of the interior's standards and any other applicable standards for historic rehabilitation. The study must include a public engagement process including the capitol campus design advisory committee and state capitol committee. The study is subject to review and approval by the state capitol committee by March 31, 2022, to inform the design of a renovation,

expansion, or replacement of the Pritchard building.

(10) The department may sell by auction the Ayers and Carlyon houses, known as the press houses, separate and apart from the underlying land, subject to the following conditions:

(a) The purchaser, at its sole cost and expense, must remove the houses by December 31, 2021;

(b) The state is not responsible for any costs or expenses associated with the sale, removal, or relocation of the buildings from opportunity site six; and

(c) Any sale proceeds must be deposited into the Thurston county capital facilities account.

(11) Implementation of subsections (7) through (10) of this section is not intended to delay the design and construction of any of the subprojects included in the legislative campus modernization project.

(12) If the department receives information that projected costs for any of the subprojects in subsections (3), (4), or (5) of this section will exceed the amount provided in the respective subsections and the future biennia projected costs, the department must timely notify and provide that information in writing to the project executive team committee. ((The))Prior to proceeding with design or construction, the department must ((provide)):

((a) Provide at least ((two))three options to reduce subproject costs to stay within the amount provided for that subproject and ((to stay)) on the project schedule((- Before));

((b) Consult with the project executive team on the options offered, prior to proceeding with a reduced cost option((- the department must consult with the project executive team committee. The project executive team must reach majority consensus to either move forward with a lower cost option or to request additional capital budget funding)); and

((c) Receive majority consensus from the project executive team to either adopt and move forward with reduced cost options that bring the subproject costs within amounts appropriated or adopt a tentative modified budget for the subproject. If a tentative modified budget is adopted, the department must seek additional funding in the next agency budget submittal.

Reappropriation:

State Building Construction Account—  
State . . . . . \$9,900,000

Appropriation:

State Building Construction Account—  
State . . . . . \$67,855,000  
Thurston County Capital Facilities  
Account—State  
. . . . . \$11,585,000  
Subtotal Appropriation . . . . . \$79,440,000  
Prior Biennia (Expenditures) . . . . . \$596,000  
Future Biennia (Projected Costs).  
\$130,034,000  
TOTAL . . . . . \$219,970,000

Sec. 7023. 2022 c 296 s 2004 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Fircrest School-Nursing Facilities: Replacement (30002755)

The appropriations in this section are subject to the following conditions and limitations:

(1) It is the intent of the legislature to further the recommendations of the December 2019 report from the William D. Ruckleshaus center to redesign the intermediate care facility of the Fircrest Residential Habilitation Center to function as short-term crisis stabilization and intervention. It is also the intent of the legislature to concentrate the footprint of the Fircrest Residential Habilitation Center on the northern portion of the property. ~~((As a result, \$7,750,000 of the appropriation in this section is provided solely for design of a 120-bed nursing facility.~~

~~((2) \$2,243,000 of the appropriation is provided solely to relocate the adult training program to a different location on the Fircrest Rehabilitation Center campus. The department must consider the proposal to redesign the facility as a short-term crisis stabilization and intervention when devising options for relocation of the adult training program and submit a report of these options to the legislature no later than December 1, 2022.~~

~~((3))~~ (2) The department must seek input from individuals with intellectual and developmental disabilities, including the residents at Fircrest and their families or guardians, in design of a nursing facility.

Reappropriation:

State Building Construction Account—  
State . . . . . \$58,000

Appropriation:

State Building Construction Account—  
State . . . . . \$9,993,000  
Prior Biennia (Expenditures) . . . . . \$184,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$10,235,000

Sec. 7024. 2021 c 332 s 2032 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Wards Renovations for Forensic Services (40000026)

Reappropriation:

State Building Construction Account—  
State . . . . . (((\$1,770,000))  
\$1,602,000  
Prior Biennia (Expenditures) . . . . . \$8,790,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . (((\$10,560,000))  
\$10,392,000

Sec. 7025. 2021 c 332 s 2039 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Special Commitment Center: Strategic Master Plan (40000394)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State. ((~~\$250,000~~))

	<u>\$239,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>((<del>\$250,000</del>))</b>
	<u>\$239,000</u>

**NEW SECTION. Sec. 7026.** A new section is added to 2022 c 296 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

ESH FSU Chiller Replacement (40001136)

**Appropriation:**  
 State Building Construction Account—  
 State. . . . . \$600,000

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$600,000</b>

**NEW SECTION. Sec. 7027.** A new section is added to 2022 c 296 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Child Study & Treatment Center - Youth Housing (91000084)

**Appropriation:**  
 State Building Construction Account—  
 State. . . . . \$350,000

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$350,000</b>

**Sec. 7028.** 2021 c 332 s 2059 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Community Nursing Care Homes (92000042)

(1) It is the intent of the legislature to further the recommendations of the December 2019 report from the William D. Ruckleshaus center to redesign intermediate care facilities of the residential habilitation centers to function as short-term crisis stabilization and intervention by constructing smaller, nursing care homes in community settings to care for individuals with intellectual and developmental disabilities.

(2) ((~~\$300,000 of the~~)~~The~~ appropriation in this section is provided solely to complete a predesign of community nursing care homes to provide nursing facility level of care to individuals with intellectual and developmental disabilities. The predesign must include options for four or five individual facilities with a minimum of four beds in each and for an individual facility with a minimum of 30 beds.

(3) The department shall provide recommendations for where these community nursing care homes should be located geographically in the state and an analysis of the costs associated with operating these homes. The department shall submit a report of this information to the governor and the

appropriate committees of the legislature no later than December 1, 2021.

**Appropriation:**  
 State Building Construction Account—  
 State. . . . . ((~~\$300,000~~))

	<u>\$206,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>((<del>\$300,000</del>))</b>
	<u>\$206,000</u>

**NEW SECTION. Sec. 7029.** A new section is added to 2022 c 296 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Maple Lane - Rapid BH Bed Capacity (92000046)

**Appropriation:**  
 State Building Construction Account—  
 State. . . . . \$800,000

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$800,000</b>

**Sec. 7030.** 2021 c 332 s 2067 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

Othello Water Supply and Storage (40000008)

**Reappropriation:**  
 State Building Construction Account—  
 State. . . . . ((~~\$965,000~~))

	<u>\$781,000</u>
Prior Biennia (Expenditures) . . . . .	\$585,000
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>((<del>\$1,550,000</del>))</b>
	<u>\$1,366,000</u>

**Sec. 7031.** 2022 c 296 s 2037 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

WCC: Interim Mental Health Building (40000260)

**Appropriation:**  
 State Building Construction Account—  
 State. . . . . \$1,275,000

**Capital Community Assistance Account—**  
 State. . . . . \$672,000

**Subtotal Appropriation. . . . . \$1,947,000**

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>((<del>\$1,275,000</del>))</b>
	<u>\$1,947,000</u>

**Sec. 7032.** 2021 c 332 s 3002 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Low-Level Nuclear Waste Disposal Trench Closure (19972012)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3002, chapter 3, Laws of 2015 3rd sp. sess.

**Reappropriation:**  
 Site Closure Account—State ((~~\$8,472,000~~))

	<u>\$1,972,000</u>
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Prior Biennia (Expenditures). \$4,930,000  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL.....((\$13,402,000))  
\$6,902,000

**Sec. 7033.** 2021 c 332 s 3010  
 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF ECOLOGY**  
 Remedial Action Grant Program (30000216)

Reappropriation:

Model Toxics Control Capital Account—  
 State. . . . . ((\$17,040,000))  
\$16,835,000

Prior Biennia (Expenditures). \$45,824,000  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL.....((\$62,864,000))  
\$62,659,000

**Sec. 7034.** 2021 c 332 s 3019  
 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF ECOLOGY**  
 Remedial Action Grants (30000374)

Reappropriation:

Model Toxics Control Capital Account—  
 State. . . . . ((\$9,357,000))  
\$9,052,000

Prior Biennia (Expenditures). \$53,180,000  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL.....((\$62,537,000))  
\$62,232,000

**Sec. 7035.** 2021 c 332 s 3021  
 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF ECOLOGY**  
 Eastern Washington Clean Sites Initiative  
 (30000432)

Reappropriation:

Model Toxics Control Capital Account—  
 State. . . . . ((\$7,444,000))  
\$5,352,000

Prior Biennia (Expenditures). \$2,456,000  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL.....((\$9,900,000))  
\$7,808,000

**Sec. 7036.** 2021 c 332 s 3022  
 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF ECOLOGY**  
 Remedial Action Grants (30000458)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3011, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

Model Toxics Control Capital Account—  
 State. . . . . ((\$8,711,000))  
\$1,171,000

State Building Construction Account—  
 State. . . . . ((\$14,081,000))  
\$12,879,000

Subtotal Reappropriation.....((\$22,792,000))  
\$14,050,000

Prior Biennia (Expenditures). \$29,955,000  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL.....((\$52,747,000))  
\$44,005,000

**Sec. 7037.** 2021 c 332 s 3024  
 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF ECOLOGY**  
 Stormwater Financial Assistance Program  
 (30000535)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3012, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

Model Toxics Control Stormwater Account—  
 State. . . . . ((\$22,444,000))  
\$3,944,000

Prior Biennia (Expenditures). \$8,757,000  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL.....((\$31,201,000))  
\$12,701,000

**Sec. 7038.** 2021 c 332 s 3026  
 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF ECOLOGY**  
 Floodplains by Design (30000537)

Reappropriation:

State Building Construction Account—  
 State. . . . . ((\$10,094,000))  
\$10,061,000

Prior Biennia (Expenditures). \$25,466,000  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL.....((\$35,560,000))  
\$35,527,000

**Sec. 7039.** 2021 c 332 s 3027  
 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF ECOLOGY**  
 ASARCO Cleanup (30000538)

Reappropriation:

Cleanup Settlement Account—State.  
 ((\$1,982,000))  
\$1,797,000

Prior Biennia (Expenditures). \$10,164,000  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL.....((\$12,146,000))  
\$11,961,000

**Sec. 7040.** 2021 c 332 s 3028  
 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF ECOLOGY**  
 Cleanup Toxics Sites - Puget Sound  
 (30000542)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3013, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

Model Toxics Control Capital Account—  
 State. . . . . ((\$6,379,000))  
\$5,470,000

Prior Biennia (Expenditures). \$8,002,000  
 Future Biennia (Projected Costs). . . . \$0  
 TOTAL.....((\$14,381,000))  
\$13,472,000

**Sec. 7041.** 2021 c 332 s 3031  
 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF ECOLOGY**



Yakima River Basin Water Supply  
(30000590)

Future Biennia (Projected Costs) . . . \$0  
TOTAL . . . . . ~~(\$35,000,000)~~  
\$33,600,000

The reappropriation in this section is subject to the following conditions and limitations:

~~((1))~~ The reappropriations are subject to the provisions of section 3070, chapter 3, Laws of 2015 3rd sp. sess. ~~(, except as provided in subsection (2) of this section.~~

~~(2) (a) \$3,250,000 of the appropriation in this section is provided solely for the acquisition of real property in lower Kittitas county known as the Eaton Ranch property by the state through the department of enterprise services on behalf of the department. This appropriation is provided to fund the closing, project, and transaction costs related to the acquisition of the property. The departments must expedite the review and execution of the transaction by June 30, 2022. It is the intent of the legislature that the state hold the property until a transfer to the United States bureau of reclamation for the purposes of construction of a water supply reservoir in accordance with the Yakima Basin integrated plan, or until such purpose is declared by the bureau no longer feasible.~~

~~(b) The legislature recognizes and declares that the acquisition of a portion of the Eaton Ranch for the construction of a water supply reservoir in accordance with the goals and objectives of the Yakima Basin integrated plan is a unique circumstance and the Eaton Ranch property offers special and essential features that are expected to yield broad public benefit to the state. It is the intent of the legislature that the department provide the necessary funding through subsequent funding requests to maintain and principally operate the land for grazing of livestock with the local conservation district, or an equivalent organization, until a transfer of the property to the United States bureau of reclamation).~~

Reappropriation:  
State Taxable Building Construction Account—  
State . . . . . ~~(\$3,564,000)~~  
\$314,000  
Prior Biennia (Expenditures). \$26,436,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL . . . . . ~~(\$30,000,000)~~  
\$26,750,000

**Sec. 7042.** 2021 c 332 s 3037 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF ECOLOGY**

2017-19 Centennial Clean Water Program (30000705)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3009, chapter 2, Laws of 2018.

Reappropriation:  
State Building Construction Account—  
State . . . . . ~~(\$17,403,000)~~  
\$16,003,000  
Prior Biennia (Expenditures). \$17,597,000

**Sec. 7043.** 2021 c 332 s 3038 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF ECOLOGY**  
Floodplains by Design 2017-19 (30000706)

Reappropriation:  
State Building Construction Account—  
State . . . . . ~~(\$24,036,000)~~  
\$24,013,000  
Prior Biennia (Expenditures). \$11,428,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL . . . . . ~~(\$35,464,000)~~  
\$35,441,000

**Sec. 7044.** 2021 c 332 s 3039 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF ECOLOGY**  
2017-19 Remedial Action Grants (30000707)

Reappropriation:  
Model Toxics Control Capital Account—  
State . . . . . ~~(\$3,261,000)~~  
\$2,927,000  
Prior Biennia (Expenditures). \$2,616,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL . . . . . ~~(\$5,877,000)~~  
\$5,543,000

**Sec. 7045.** 2021 c 332 s 3048 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF ECOLOGY**

2015-17 Restored Clean Up Toxic Sites - Puget Sound (30000763)

Reappropriation:  
State Building Construction Account—  
State . . . . . ~~(\$2,155,000)~~  
\$1,611,000  
Prior Biennia (Expenditures). \$3,085,000  
Future Biennia (Projected Costs) . . . \$0  
TOTAL . . . . . ~~(\$5,240,000)~~  
\$4,696,000

**Sec. 7046.** 2021 c 332 s 3069 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF ECOLOGY**

Healthy Housing Remediation Program (40000149)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3085, chapter 413, Laws of 2019.

Reappropriation:  
Model Toxics Control Capital Account—  
State . . . . . ~~(\$5,000,000)~~  
\$4,830,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . \$0  
TOTAL . . . . . ~~(\$5,000,000)~~  
\$4,830,000

**Sec. 7047.** 2021 c 332 s 3072 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Yakima River Basin Water Supply (40000179)

(The reappropriation in this section is subject to the following conditions and limitations:

(1) \$3,250,000 of the appropriation in this section is provided solely for the acquisition of real property in lower Kittitas county known as the Eaton Ranch property by the state through the department of enterprise services on behalf of the department. This appropriation is provided to fund the closing, project, and transaction costs related to the acquisition of the property. The departments must expedite the review and execution of the transaction by June 30, 2022. It is the intent of the legislature that the state hold the property until a transfer to the United States bureau of reclamation for the purposes of construction of a water supply reservoir in accordance with the Yakima Basin integrated plan, or until such purpose is declared by the bureau no longer feasible.

(2) The legislature recognizes and declares that the acquisition of a portion of the Eaton Ranch for the construction of a water supply reservoir in accordance with the goals and objectives of the Yakima Basin integrated plan is a unique circumstance and the Eaton Ranch property offers special and essential features that are expected to yield broad public benefit to the state. It is the intent of the legislature that the department provide the necessary funding through subsequent funding requests to maintain and principally operate the land for grazing of livestock with the local conservation district, or an equivalent organization, until a transfer of the property to the United States bureau of reclamation.)

Reappropriation:

State Building Construction Account—
State. . . . . ((\$26,212,000))
\$23,126,000
Prior Biennia (Expenditures). \$13,788,000
Future Biennia (Projected Costs). . . \$0
TOTAL.....((\$40,000,000))
\$36,914,000

Sec. 7048. 2021 c 332 s 3078 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2019-21 Remedial Action Grants (40000211)

Reappropriation:

Model Toxics Control Capital Account—
State. . . . . ((\$46,763,000))
\$45,681,000
Prior Biennia (Expenditures). \$3,201,000
Future Biennia (Projected Costs). . . \$0
TOTAL.....((\$49,964,000))
\$48,882,000

Sec. 7049. 2022 c 296 s 3003 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2021-23 Water Pollution Control Revolving Program (40000337)

The appropriations in this section are subject to the following conditions and limitations: \$33,000,000 of the water

pollution control revolving—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the department for the clean water state revolving fund program in section 50210 of P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this section is contingent on the receipt of this grant funding. ((If the department does not receive the grant funding by June 30, 2023, the expenditure authority in this section shall lapse.))

Appropriation:

Water Pollution Control Revolving Fund—
State. . . . . \$225,000,000
Water Pollution Control Revolving Fund—
Federal. . . . . ((\$108,000,000))
\$33,000,000
Subtotal Appropriation. .... ((\$333,000,000))
\$258,000,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs).
\$1,200,000,000
TOTAL..... ((\$1,533,000,000))
\$1,458,000,000

Sec. 7050. 2021 c 332 s 3094 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2021-23 Healthy Housing Remediation Program (40000378)

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) ((\$10,161,000)) \$9,822,000 of the appropriation in this section is provided solely for the department to establish and administer a program to:

(i) Provide grants or other public funding to persons intending to remediate contaminated real property for development of affordable housing, as defined in RCW 43.185A.010. The grants or public funding may only be used for:

(A) Integrated planning to fund studies and other activities necessary to facilitate the acquisition, remediation, and adaptive reuse of known or suspected contaminated real property for affordable housing development, including:

(I) The activities specified under RCW 70A.305.190(5)(d); and

(II) Entry into development agreements pursuant to RCW 36.70B.170, 36.70B.180, and 36.70B.190 to accelerate the development of the contaminated real property into affordable housing; and

(B) Remediation of contaminated real property for affordable housing development; or

(ii) Remediate contaminated real property where a person intends to develop affordable housing, as defined in RCW 43.185A.010.

(b) When evaluating projects under this section, the department must consult with the department of commerce and consider at a minimum:

(i) The ability of the project to expedite the cleanup and reuse of the contaminated real property for affordable housing development;

\$46,000,000

(ii) The extent to which the project leverages other public or private funding for the cleanup and reuse of the contaminated real property for affordable housing development;

(iii) The suitability of the real property for affordable housing based on the threat posed by the contamination to human health;

(iv) Whether the work to be funded is ready to proceed and be completed; and

(v) The distribution of funding throughout the state and among public and private entities.

(c) Any remediation of contaminated real property funded under this section must be performed:

(i) Under an agreed order or consent decree issued under chapter 70A.305 RCW or by the department; and

(ii) In accordance with the rules established under chapter 70A.305 RCW.

(d) Real property remediated under this section must be restricted to affordable housing use for a period of no less than 30 years.

(i) To ensure that real property remediated under this section is used for affordable housing, the department may file a lien against the real property pursuant to RCW 70A.305.060, require the person to record an interest in the real property in accordance with RCW 64.04.130, or use other means deemed by the department to be no less protective of the affordable housing use and interests of the department.

(ii) Any person who refuses, without sufficient cause, to comply with this subsection is subject to enforcement pursuant to any agreement or chapter 70A.305 RCW for the repayment, with interest, of funds provided or expended by the department under this section.

(2) \$750,000 of the appropriation in this section is provided solely to mitigate soil contamination of toxic substances to enable the development of affordable housing, at the former University of Washington Mount Baker site, located at 2901 27th Ave South in Seattle and consisting of approximately four acres of land.

Appropriation:

Model Toxics Control Capital Account—	
State. . . . .	(\$10,911,000)
	\$10,572,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
\$40,000,000	
TOTAL.....	(\$50,911,000)
	\$50,572,000

Sec. 7051. 2021 c 332 s 3097 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2021-23 Coastal Wetlands Federal Funds (40000388)

Appropriation:

General Fund—Federal. . . . .	(\$8,000,000)
	\$14,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
\$32,000,000	
TOTAL.....	(\$40,000,000)

Sec. 7052. 2022 c 296 s 3010 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2021-23 Water Banking (91000373)

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The appropriations in this section are provided solely for the department to administer a pilot grant program for water banking strategies to meet local water needs.

(b) \$2,000,000 is provided solely for qualified applicants located within the Methow River Basin.

(2)(a) Grant awards may only be used for:

(i) Development of water banks in rural counties as defined in RCW 82.14.370(5);

(ii) Acquisition of water rights appropriate for use in a water bank including all costs necessary to evaluate the water right for eligibility for its intended use; and

(iii) Activities necessary to facilitate the creation of a water bank.

(b) For applicants located outside of the Methow River Basin, grant awards may only be used for the development of water banks in rural counties that have the headwaters of a major watershed within their borders and only for water banking strategies within the county of origin. For purposes of this section, "major watershed" has the same meaning as shoreline of statewide significance in RCW 90.58.030(2)(f)(v)(A) and (B).

(3) Grant awards may not exceed \$2,000,000 per applicant.

(4) For the purposes of a grant pursuant to this section, a water bank must meet water needs, which include, but are not limited to, agricultural use and instream flow for fish and wildlife. The water bank must preserve water rights for use in the county of origin and for permanent instream flows for fish and wildlife through the primary and secondary reaches of the water right.

(5) To be eligible to receive a grant under this section, an applicant must:

(a) Be a public entity or a participant in a public-private partnership with a public entity;

(b) Exhibit sufficient expertise and capacity to develop and maintain a water bank consistent with the purposes of this appropriation;

(c) Secure a valid interest to purchase a water right;

(d) Show that the water rights appear to be adequate for the intended use; and

(e) Agree to have one-third of any water right purchased with the funds appropriated under this section to have its purpose of use changed permanently to instream flow benefiting fish and wildlife.

(6) ~~(If the amounts provided in subsection (1)(b) of this section are not obligated by June 30, 2023, the water banking pilot program established in this section is null and void, and funding is not reappropriated.)~~ In determining whether a grant request is eligible for funding under

this section, the department may not disqualify proposals that purchase water rights from an existing water bank.

**Appropriation:**

State Building Construction Account—	
State . . . . .	\$5,000,000
State Drought Preparedness ((and Response))	
Account—State . . . . .	\$9,000,000
Subtotal Appropriation.....	\$14,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL.....	\$14,000,000

**NEW SECTION. Sec. 7053.** A new section is added to 2022 c 296 (uncodified) to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 Salmon Recovery Investment from Operating (40000069)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the salmon recovery board to provide grants for projects valued at greater than \$5,000,000 each that will benefit salmon recovery.

**Appropriation:**

Salmon Recovery Account—State	\$50,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL.....	\$50,000,000

**NEW SECTION. Sec. 7054.** A new section is added to 2022 c 296 (uncodified) to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 Grants for Watershed Projects from Operating (40000070)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the salmon recovery board to provide grants for watershed projects typically valued at less than \$5,000,000 each that will benefit salmon recovery.

**Appropriation:**

Salmon Recovery Account—State	\$25,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL.....	\$25,000,000

**NEW SECTION. Sec. 7055.** A new section is added to 2022 c 296 (uncodified) to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 Duckabush Estuary Restoration Project from Operating (40000071)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the office to provide a grant for the Duckabush estuary restoration project.

**Appropriation:**

Salmon Recovery Account—State	\$25,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL.....	\$25,000,000

**NEW SECTION. Sec. 7056.** A new section is added to 2022 c 296 (uncodified) to read as follows:

**FOR THE STATE CONSERVATION COMMISSION**

Riparian Restoration with Landowners (91000020)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the commission to provide grants for riparian restoration projects with landowners.

**Appropriation:**

Salmon Recovery Account—State	\$10,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL.....	\$10,000,000

**NEW SECTION. Sec. 7057.** A new section is added to 2022 c 296 (uncodified) to read as follows:

**FOR THE STATE CONSERVATION COMMISSION**

2021-23 Conservation Reserve Enhancement from Operating (40000038)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the purposes of the conservation reserve enhancement program, including additional project management and cost-share funding.

**Appropriation:**

Salmon Recovery Account—State	\$5,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL.....	\$5,000,000

**NEW SECTION. Sec. 7058.** A new section is added to 2022 c 296 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Upper Columbia River Salmon Reintroduction from Operating (40000266)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the department to provide grants and coordinate with the tribes of the upper Columbia River to reintroduce Chinook salmon.

**Appropriation:**

Salmon Recovery Account—State	\$3,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL.....	\$3,000,000

**Sec. 7059.** 2021 c 332 s 3295 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Port Angeles Storm Water Repair (40000015)

**Appropriation:**

Model Toxics Control Stormwater Account—	
State . . . . .	(\$1,020,000)
	\$1,220,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL.....	(\$1,020,000)

\$1,220,000

**NEW SECTION. Sec. 7060.** A new section is added to 2022 c 296 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Forestry Riparian Easement Program from Operating (40000376)

**Appropriation:**

Salmon Recovery Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$5,000,000</b>

**Sec. 7061.** 2022 c 296 s 5004 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2021-23 School Construction Assistance Program (40000034)

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$537,824,000)~~ \$432,005,000 of the appropriation in this section is provided solely for school construction assistance grants for qualifying public school construction projects.

(2) ~~(\$2,836,000)~~ \$3,403,000 of the appropriation in this section is provided solely for study and survey grants and for completing inventory and building condition assessments for public school districts every six years.

(3) \$20,000 of the appropriations in this section is provided solely for the Sunnyside School District for the transfer of the Yakima Valley Technical Skills Center Sunnyside Satellite Campus and its related property and equipment.

**Appropriation:**

State Building Construction Account—	
State	<del>(\$505,306,000)</del>
	<u>\$400,054,000</u>
Common School Construction Account—State	\$29,374,000
Common School Construction Account—	
Federal	\$6,000,000
<b>Subtotal Appropriation</b>	<b><del>(\$540,680,000)</del></b>
	<u>\$435,428,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,899,490,000
<b>TOTAL</b>	<b><del>(\$4,440,170,000)</del></b>
	<u>\$4,334,918,000</u>

**Sec. 7062.** 2022 c 296 s 5028 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

Electrical Engineering/Computer Science Building (30000872)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 5089, chapter 413, Laws of 2019.

(2) The University may pursue the living building challenge petal certification for this project instead of the LEED silver certification required by RCW 39.35D.030.

**Reappropriation:**

State Building Construction Account—	
State	\$500,000

**Appropriation:**

<u>Capital Community Assistance Account—</u>	
State	\$1,863,000
State Building Construction Account—	
State	\$51,000,000
Western Washington University Capital	
Projects	
Account—State	\$1,500,000
<b>Subtotal Appropriation</b>	<b><del>(\$52,500,000)</del></b>
	<u>\$54,363,000</u>
Prior Biennia (Expenditures)	\$1,500,000
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b><del>(\$54,500,000)</del></b>
	<u>\$56,363,000</u>

**Sec. 7063.** 2022 c 296 s 7002 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. (1) The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(3) Secretary of state: Enter into a financing contract for up to \$119,000,000 plus financing expenses ~~((and))~~ and required reserves, and capitalized interest pursuant to chapter 39.94 RCW to construct a new library-archives building.

(4) Washington state patrol: Enter into a financing contract for up to \$7,706,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a burn building for live fire training.

(5) Department of social and health services: Enter into a financing contract for up to ~~(\$115,700,000)~~ \$175,888,000 plus costs and financing expenses ~~((and))~~ and required reserves, and capitalized interest pursuant to chapter 39.94 RCW to construct a nursing facility on the fircrest residential

habilitation center campus. The department may contract to lease develop or lease purchase the facility. Before entering into a contract, the department must consult with the office of financial management and the office of the state treasurer. Should the department of social and health services choose to use a financing contract that does not provide for the issuance of certificates of participation, the financing contract shall be subject to approval by the state finance committee as required by RCW 39.94.010. In approving a financing contract not providing for the use of certificates of participation, the state finance committee should be reasonably certain that the contract is excluded from the computation of indebtedness, particularly that the contract is not backed by the full faith and credit of the state and the legislature is expressly not obligated to appropriate funds to make payments. For purposes of this subsection, "financing contract" includes but is not limited to a certificate of participation and tax exempt financing similar to that authorized in RCW 47.79.140.

(6) Community and technical colleges:

(a) Enter into a financing contract on behalf of Grays Harbor College for up to \$3,200,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student services and instructional building.

(b) Enter into a financing contract on behalf of Shoreline Community College for up to \$3,128,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an allied health, science, and manufacturing replacement building.

(c) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate a health education building.

(d) Enter into a financing contract on behalf of Bates Technical College for up to \$1,350,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and facilities.

(7) The department of ecology: Enter into a financing contract for up to \$3,797,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Lacey headquarters parking garage preservation project.

**Sec. 7064.** 2022 c 296 s 2030 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 DVA ARPA Federal Funds & State Match (91000013)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is granted federal expenditure authority in anticipation of the receipt of federal competitive grant funding for which it is eligible to apply under section 8004 of the American rescue plan act of 2021, P.L. 117-2.

(2) Funding appropriated in this section must be used for projects in the following priority order:

(a) The WVH HVAC Retrofit project (40000006); and

(b) Minor works projects that meet the requirements set forth in section 8004 of the American rescue plan act of 2021, P.L. 117-2.

(3) The state building construction account—state appropriation in this section is provided solely for state match funds to leverage the federal funding described in subsection (1) of this section. Any amount that exceeds the level of state match funds required to maximize the federal funding opportunity must be placed in unallotted status.

**Appropriation:**

General Fund—Federal. . . . .	\$24,515,000
State Building Construction Account—	
State. . . . .	\$10,884,000
<b>Subtotal Appropriation. . . . .</b>	<b>\$35,399,000</b>
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
<b>TOTAL. . . . .</b>	<b>\$35,399,000</b>

**NEW SECTION. Sec. 7065.** The following acts or parts of acts are each repealed:

- (1) 2022 c 296 s 1012 (uncodified);
- (2) 2022 c 296 s 1013 (uncodified); and
- (3) 2021 c 332 s 3111 (uncodified).

(End of part)

**PART 8  
 MISCELLANEOUS PROVISIONS**

**NEW SECTION. Sec. 8001.** RCW 43.88.031 requires the disclosure of the estimated debt service costs associated with new capital bond appropriations. The estimated debt service costs for the appropriations contained in this act are \$59,934,000 for the 2023-2025 biennium, \$371,683,000 for the 2025-2027 biennium, and \$519,454,000 for the 2027-2029 biennium.

**NEW SECTION. Sec. 8002.** ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. (1) The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(3) Secretary of state: Enter into a financing contract for up to \$119,000,000 plus financing expenses, required reserves, and capitalized interest pursuant to chapter 39.94 RCW to construct a new library-archives building.

(4) Department of social and health services: Enter into a financing contract for up to \$175,888,000 plus costs and financing expenses, required reserves, and capitalized interest pursuant to chapter 39.94 RCW to construct a nursing facility on the Fircrest residential habilitation center campus. The department may contract to lease develop or lease purchase the facility. Before entering into a contract, the department must consult with the office of financial management and the office of the state treasurer. Should the department of social and health services choose to use a financing contract that does not provide for the issuance of certificates of participation, the financing contract shall be subject to approval by the state finance committee as required by RCW 39.94.010. In approving a financing contract not providing for the use of certificates of participation, the state finance committee should be reasonably certain that the contract is excluded from the computation of indebtedness, particularly that the contract is not backed by the full faith and credit of the state and the legislature is expressly not obligated to appropriate funds to make payments. For purposes of this subsection, "financing contract" includes but is not limited to a certificate of participation and tax exempt financing similar to that authorized in RCW 47.79.140.

**NEW SECTION. Sec. 8003.** (1) To ensure that major construction projects are carried out in accordance with legislative and executive intent, agencies must complete a predesign for state construction projects with a total anticipated cost in excess of \$10,000,000. For purposes of this section, "total anticipated cost" means the sum of the anticipated cost of the predesign, design, and construction phases of the project.

(2) Appropriations for design may not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign.

(3) The predesign must explore at least three project alternatives. These alternatives must be both distinctly different and viable solutions to the issue being addressed. The chosen alternative should be the most reasonable and cost-effective solution. The predesign document must include, but not be limited to, program, site, and cost analysis, and an analysis of the life-cycle costs of the

alternatives explored, in accordance with the predesign manual adopted by the office of financial management.

(4) For projects exceeding the \$10,000,000 predesign threshold established in this section, the office of financial management may make an exception to some or all of the predesign requirements in this section. The office of financial management shall report any exception to the fiscal committees of the legislature:

(a) A description of the major capital project for which the predesign waiver is made;

(b) An explanation of the reason for the waiver; and

(c) A rough order of magnitude cost estimate for the project's design and construction.

(5) In deliberations related to submitting an exception under this section, the office of financial management shall consider the following factors:

(a) Whether there is any determination to be made regarding the site of the project;

(b) Whether there is any determination to be made regarding whether the project will involve renovation, new construction, or both;

(c) Whether, within six years of submitting the request for funding, the agency has completed, or initiated the construction of, a substantially similar project;

(d) Whether there is any anticipated change to the project's program or the services to be delivered at the facility;

(e) Whether the requesting agency indicates that the project may not require some or all of the predesign requirements in this section due to a lack of complexity; and

(f) Whether any other factors related to project complexity or risk, as determined by the office of financial management, could reduce the need for, or scope of, a predesign.

(6) If under this section, some or all predesign requirements are waived, the office of financial management may instead propose a professional project cost estimate instead of a request for predesign funding.

**NEW SECTION. Sec. 8004.** (1) The legislature finds that use of life-cycle cost analysis will aid public entities, architects, engineers, and contractors in making design and construction decisions that positively impact both the initial construction cost and the ongoing operating and maintenance cost of a project. To ensure that the total cost of a project is accounted for and the most reasonable and cost-efficient design is used, agencies shall develop life-cycle costs for any construction project over \$10,000,000. The life-cycle costs must represent the present value sum of capital costs, installation costs, operating costs, and maintenance costs over the life expectancy of the project. The legislature further finds the most effective approach to the life-cycle cost analysis is to integrate it into the early part of the design process.

(2) Agencies must develop a minimum of three project alternatives for use in the life-cycle cost analysis. These alternatives must be both distinctly different and viable solutions to the issue being addressed. Agencies must choose the most reasonable and cost-effective solution, as supported by the life-cycle cost analysis. A brief description of each project alternative and why it was chosen must be included in the life-cycle cost analysis section of the predesign.

(3) The office of financial management shall: (a) Make available a life-cycle cost model to be used for analysis; (b) in consultation with the department of enterprise services, provide assistance in using the life-cycle cost model; and (c) update the life-cycle cost model annually including assumptions for inflation rates, discount rates, and energy rates.

(4) Agencies shall consider architectural and engineering firms' and general contractors' experience using life-cycle costs, operating costs, and energy efficiency measures when selecting an architectural and engineering firm, or when selecting contractors using alternative contracting methods.

**NEW SECTION. Sec. 8005.** Agencies administering construction projects with a total anticipated cost in excess of \$10,000,000 must submit progress reports to the office of financial management and to the fiscal committees of the house of representatives and senate. "Total anticipated cost" means the sum of the anticipated cost of the predesign, design, and construction phases of the project. Reports must be submitted on July 1st and December 31st of each year in a format determined by the office of financial management. After the project is completed, agencies must also submit a closeout report that identifies the total project cost and any unspent appropriations.

**NEW SECTION. Sec. 8006.** (1) Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management and in compliance with RCW 43.88.110. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110.

(2) Each project is defined as proposed in the legislative budget notes or in the governor's budget document.

**NEW SECTION. Sec. 8007.** (1) The office of financial management may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended in making the appropriation. Such transfers may be effected only between capital appropriations

to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) The office of financial management may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the fiscal committees of the legislature by the office of financial management at least 30 days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within 30 days from the date of transfer.

**NEW SECTION. Sec. 8008.** (1) It is expected that projects be ready to proceed in a timely manner depending on the type or phase of the project or program that is the subject of the appropriation in this act. Except for major projects that customarily may take more than two biennia to complete from predesign to the end of construction, or large infrastructure grant or loan programs supporting projects that often take more than two biennia to complete, the legislature generally does not intend to reappropriate funds more than once, particularly for smaller grant programs, local/community projects, and minor works.

(2) Agencies shall expedite the expenditure of reappropriations and appropriations in this act in order to: (a) Rehabilitate infrastructure resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(3) To the extent feasible, agencies are directed to accelerate expenditure rates at their current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.



**NEW SECTION. Sec. 8009.** Any building project that receives over \$10,000,000 in funding from the capital budget must be built to sustainable standards. "Sustainable building" means a building that integrates and optimizes all major high-performance building attributes, including energy efficiency, durability, life-cycle performance, and occupant productivity, and minimizes greenhouse gas emissions. The following design and construction attributes must be integrated into the building project:

(1) **Employ integrated design principles:** Use a collaborative, integrated planning and design process that initiates and maintains an integrated project team in all stages of a project's planning and delivery. Establish performance goals for siting, energy, water, materials, and indoor environmental quality along with other comprehensive design goals and ensures incorporation of these goals throughout the design and life-cycle of the building. Consider all stages of the building's life-cycle, including deconstruction.

(2) **Commissioning:** Employ commissioning practices tailored to the size and complexity of the building and its system components in order to verify performance of building components and systems and help ensure that design requirements are met. This should include an experienced commissioning provider, inclusion of commissioning requirements in construction documents, a commissioning plan, verification of the installation and performance of systems to be commissioned, and a commissioning report.

(3) **Optimize energy performance:** Establish a whole building performance target that takes into account the intended use, occupancy, operations, plug loads, other energy demands, and design to earn the ENERGY STAR targets for new construction and major renovation where applicable. For new construction target low energy use index. For major renovations, target reducing energy use by 50 percent below prerenovations baseline.

(4) **On-site renewable energy:** Implement renewable energy generation projects on agency property for agency use, when life-cycle cost effective.

(5) **High-efficiency electric equipment:** Use only high-efficiency electric equipment for water and space heating needs not met through on-site renewable energy, when life-cycle cost effective.

(6) **Measurement and verification:** For buildings over 50,000 square feet, install building level electricity meters in new major construction and renovation projects to track and continuously optimize performance. Include equivalent meters for natural gas and steam, where natural gas and steam are used. Where appropriate, install dashboards inside buildings to display and incentivize occupants on energy use.

(7) **Benchmarking:** Compare performance data from the first year of operation with the energy design target. Verify that the building performance meets or exceeds the design target. For other building and space types, use an equivalent benchmarking tool.

**NEW SECTION. Sec. 8010.** State agencies, including institutions of higher education, shall allot and report full-time equivalent staff for capital projects in a manner comparable to staff reporting for operating expenditures.

**NEW SECTION. Sec. 8011.** Executive Order No. 21-02, archaeological and cultural resources, was issued effective April 7, 2021. Agencies shall comply with the requirements set forth in this executive order and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of projects on cultural resources and historic properties proposed in state-funded construction or acquisition projects, including grant or pass-through funding that culminates in construction or land acquisitions. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated early in the project planning process, prior to construction or taking title.

**NEW SECTION. Sec. 8012.** FOR THE ARTS COMMISSION—ART WORK ALLOWANCE. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding \$200,000 by colleges or universities is provided solely for the purposes of RCW 28B.10.027.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency identified in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200.

(4) At least 75 percent of the moneys spent by the Washington state arts commission during the 2023-2025 fiscal biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be expended solely for direct acquisition of works of art; 20 percent may be expended for program administration; and 5 percent may be expended to conserve or maintain existing pieces in the state art collection.

(5) Except for art allocations made under K-3 class size reduction grants under section 6530 of this act, art allocations not expended within the ensuing two fiscal biennia shall lapse.

**NEW SECTION. Sec. 8013.** To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

**NEW SECTION. Sec. 8014.** If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from

private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate ways and means committee and the house of representatives capital budget committee.

NEW SECTION. **Sec. 8015.** (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

NEW SECTION. **Sec. 8016.** NONTAXABLE AND TAXABLE BOND PROCEEDS. Portions of the appropriation authority granted by this act from the state building construction account, or any other account receiving bond proceeds, may be transferred to the state taxable building construction account as deemed necessary by the state treasurer, on behalf of the state finance committee, to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. Portions of the general obligation bond proceeds authorized by Substitute House Bill No. 1148 (state general obligation bonds and related accounts) for deposit into the state taxable building construction account that are in excess of amounts required to comply with the federal internal revenue service rules and regulations shall be deposited into the state building construction account. The state treasurer shall submit written notification to the director of financial management and the legislative evaluation and accountability program committee if it is determined that a shift of appropriation authority between the state building construction account, or any other account receiving bond proceeds, and the state taxable building construction account is necessary, or that a shift of appropriation authority from the state taxable building construction account to the state building construction account may be made.

NEW SECTION. **Sec. 8017.** (1) Minor works project lists are single line appropriations that include multiple projects of a similar nature and that are valued between \$25,000 and \$1,500,000 each, with the exception of higher education minor works projects that may be valued up to \$2,000,000. Funds appropriated in this act for minor works may not be initially allotted until agencies submit project lists to the office of financial management for review and approval.

(2) Revisions to the project lists, including the addition of projects and the transfer of funds between projects, are allowed but must be submitted to the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee for review and comment, and must include an explanation of variances from prior approved lists. Any project list revisions must be approved by the office of financial management before funds may be expended from the minor works appropriation.

(3)(a) All minor works projects should be completed within two years of the appropriation with the funding provided.

(b) Agencies are prohibited from including projects on their minor works lists that are a phase of a larger project, and that if combined over a continuous period of time, would exceed \$1,500,000, or \$2,000,000 for higher education minor works projects.

(c) Minor works appropriations may not be used for the following: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; movable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; rolling stock; computers; or to supplement funding for projects with funding shortfalls unless expressly authorized. The office of financial management may make an exception to the limitations described in this subsection (3)(c) for exigent circumstances after notifying the legislative fiscal committees and waiting 10 days for comments by the legislature regarding the proposed exception.

(d) Minor works preservation projects may include program improvements of no more than 25 percent of the individual minor works preservation project cost.

(e) Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the minor works categories.

NEW SECTION. **Sec. 8018.** To the extent that any appropriation authorizes expenditures of state funds from the state building construction account, or from any other capital project account in the state treasury, for a capital project or program that is specified to be funded with proceeds from the sale of bonds, the legislature declares that any such expenditures for that project or program made prior to the issue date of the applicable bonds are intended to be reimbursed from proceeds of those bonds in a maximum amount equal to the amount of such appropriation.

NEW SECTION. **Sec. 8019. FOR THE STATE TREASURER—TRANSFERS**

(1) Public Works Assistance Account: For transfer to the

water pollution control revolving account—  
state, up to  
\$17,500,000 for fiscal year 2024 and up to  
\$17,500,000  
for fiscal year 2025. . . . . \$35,000,000

(2) Public Works Assistance Account: For  
transfer  
to the drinking water assistance account—  
state, up to  
\$1,750,000 for fiscal year 2024 and up to  
\$1,750,000  
for fiscal year 2025. . . . . \$3,500,000

**NEW SECTION. Sec. 8020.** In order to  
accelerate the reduction of embodied carbon  
and improve the environmental performance of  
construction materials, agencies shall,  
whenever possible, review and consider  
embodied carbon reported in environmental  
product declarations when evaluating  
proposed structural materials for  
construction projects.

**NEW SECTION. Sec. 8021.** The  
department of natural resources, in  
coordination with the department of social  
and health services, shall enter into long-  
term, revenue-generating opportunities for  
underutilized portions of the Fircrest  
residential habilitation center bounded by  
15th Ave NE and NE 150th Street to benefit  
the charitable, educational, penal, and  
reformatory institutions account. Long-term,  
revenue generating opportunities may  
include, but are not limited to, land  
leases, land sales, and land swaps. The  
department of social and health services and  
the department of natural resources must  
amend their lease under chapter 7, Laws of  
1986 if necessary to conform with this  
section.

**Sec. 8022.** RCW 28A.320.330 and 2021 c  
332 s 7045 are each amended to read as  
follows:

School districts shall establish the  
following funds in addition to those  
provided elsewhere by law:

(1)(a) A general fund for the school  
district to account for all financial  
operations of the school district except  
those required to be accounted for in  
another fund.

(b) By the 2018-19 school year, a local  
revenue subfund of its general fund to  
account for the financial operations of a  
school district that are paid from local  
revenues. The local revenues that must be  
deposited in the local revenue subfund are  
enrichment levies and transportation vehicle  
levies collected under RCW 84.52.053, local  
effort assistance funding received under  
chapter 28A.500 RCW, and other school  
district local revenues including, but not  
limited to, grants, donations, and state and  
federal payments in lieu of taxes, but do  
not include other federal revenues, or local  
revenues that operate as an offset to the  
district's basic education allocation under  
RCW 28A.150.250. School districts must track  
expenditures from this subfund separately to  
account for the expenditure of each of these  
streams of revenue by source, and must  
provide the supplemental expenditure

schedule under (c) of this subsection, and  
any other supplemental expenditure schedules  
required by the superintendent of public  
instruction or state auditor, for purposes  
of RCW 43.09.2856.

(c) Beginning in the 2019-20 school year,  
the superintendent of public instruction  
must require school districts to provide a  
supplemental expenditure schedule by revenue  
source that identifies the amount expended  
by object for each of the following  
supplementary enrichment activities beyond  
the state funded amount:

(i) Minimum instructional offerings under  
RCW 28A.150.220 or 28A.150.260 not otherwise  
included on other lines;

(ii) Staffing ratios or program  
components under RCW 28A.150.260, including  
providing additional staff for class size  
reduction beyond class sizes allocated in  
the prototypical school model and additional  
staff beyond the staffing ratios allocated  
in the prototypical school formula;

(iii) Program components under RCW  
28A.150.200, 28A.150.220, or 28A.150.260,  
not otherwise included on other lines;

(iv) Program components to support  
students in the program of special  
education;

(v) Program components of professional  
learning, as defined by RCW 28A.415.430,  
beyond that allocated under RCW 28A.150.415;

(vi) Extracurricular activities;

(vii) Extended school days or an extended  
school year;

(viii) Additional course offerings beyond  
the minimum instructional program  
established in the state's statutory program  
of basic education;

(ix) Activities associated with early  
learning programs;

(x) Activities associated with providing  
the student transportation program;

(xi) Any additional salary costs  
attributable to the provision or  
administration of the enrichment activities  
allowed under RCW 28A.150.276;

(xii) Additional activities or  
enhancements that the office of the  
superintendent of public instruction  
determines to be a documented and  
demonstrated enrichment of the state's  
statutory program of basic education under  
RCW 28A.150.276; and

(xiii) All other costs not otherwise  
identified in other line items.

(d) For any salary and related benefit  
costs identified in (c)(xi), (xii), and  
(xiii) of this subsection, the school  
district shall maintain a record describing  
how these expenditures are documented and  
demonstrated enrichment of the state's  
statutory program of basic education. School  
districts shall maintain these records until  
the state auditor has completed the audit  
under RCW 43.09.2856.

(2) A capital projects fund shall be  
established for major capital purposes. All  
statutory references to a "building fund"  
shall mean the capital projects fund so  
established. Money to be deposited into the  
capital projects fund shall include, but not  
be limited to, bond proceeds, proceeds from  
excess levies authorized by RCW 84.52.053,  
state apportionment proceeds as authorized  
by RCW 28A.150.270, earnings from capital

projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation and replacement of facilities and systems where periodical repairs are no longer economical or extend the useful life of the facility or system beyond its original planned useful life. Such renovation and replacement shall include, but shall not be limited to, major repairs, exterior painting of facilities, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilating systems, floor covering in classrooms and public or common areas, and electrical and plumbing systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f) (i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or applications must be an integral part of the

district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. However, to the extent the funds are used for the purpose under this subsection (2)(f)(ii), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(g) Major equipment repair, painting of facilities, and other major preventative maintenance purposes. However, to the extent the funds are used for the purpose under this subsection (2)(g), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations. Based on the district's most recent two-year history of general fund maintenance expenditures, funds used for this purpose may not replace routine annual preventative maintenance expenditures made from the district's general fund.

(h) During the 2021-2023 fiscal biennium, renovation and replacement of facilities and systems, purchase or installation of items of equipment and furniture, including maintenance vehicles and machinery, and other preventative maintenance or infrastructure improvement purposes.

(i) During the 2023-2025 fiscal biennium, for moneys in the capital projects fund not attributable to capital levies, moving of equipment and furniture between buildings and warehouses for storage, moving of the content of teachers' classrooms between buildings, and furniture purchases, when these costs are due to the following activities: Construction, remodeling, replacement, temporary placement, consolidation, or directed transfer.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW. State forestland revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW.

**Sec. 8023.** RCW 28B.20.725 and 2021 c 332 s 7027 are each amended to read as follows:

The board is hereby empowered:

(1) To reserve the right to issue bonds later on a parity with any bonds being issued;

(2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;

(3) To authorize the transfer of money from the University of Washington building account to the bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;

(4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds;

(5) To authorize the transfer to the University of Washington building account of any money on deposit in the bond retirement fund in excess of debt service for a period of three years from the date of such transfer on all outstanding bonds payable out of such fund. ~~((However, during the 2019-2021 fiscal biennium, the legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within the 2019-2021 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund.))~~ However, during the 2021-2023 fiscal biennium, the legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within the 2021-2023 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund. However, during the 2023-2025 fiscal biennium, the legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within the 2023-2025 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund.

**Sec. 8024.** RCW 28B.15.210 and 2021 c 332 s 7025 are each amended to read as follows:

Within ~~((thirty-five))~~<sup>35</sup> days from the date of collection thereof, all building fees at the University of Washington, including building fees to be charged students registering in the schools of medicine and dentistry, shall be paid into the state treasury and credited as follows:

One-half or such larger portion as may be necessary to prevent a default in the payments required to be made out of the bond retirement fund to the "University of Washington bond retirement fund" and the remainder thereof to the "University of Washington building account." The sum so credited to the University of Washington building account shall be used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings, and for certificates of participation under chapter 39.94 RCW, except for any sums transferred as authorized in RCW 28B.20.725(3). The sum so

credited to the University of Washington bond retirement fund shall be used for the payment of principal of and interest on bonds outstanding as provided by chapter 28B.20 RCW except for any sums transferred as authorized in RCW 28B.20.725(5). ~~((During the 2019-2021 biennium, sums credited to the University of Washington building account may also be used for routine facility maintenance, utility costs, and facility condition assessments.))~~ During the 2021-2023 biennium, sums credited to the University of Washington building account may also be used for routine facility maintenance, utility costs, and facility condition assessments. During the 2023-2025 biennium, sums credited to the University of Washington building account may also be used for routine facility maintenance, utility costs, and facility condition assessments.

**Sec. 8025.** RCW 28B.15.310 and 2021 c 332 s 7026 are each amended to read as follows:

Within ~~((thirty-five))~~<sup>35</sup> days from the date of collection thereof, all building fees shall be paid and credited as follows: To the Washington State University bond retirement fund, one-half or such larger portion as may be necessary to prevent a default in the payments required to be made out of such bond retirement fund; and the remainder thereof to the Washington State University building account.

The sum so credited to the Washington State University building account shall be expended by the board of regents for buildings, equipment, or maintenance on the campus of Washington State University as may be deemed most advisable and for the best interests of the university, and for certificates of participation under chapter 39.94 RCW, except for any sums transferred as authorized by law. ~~((During the 2019-2021 biennium, sums credited to the Washington State University building account may also be used for routine facility maintenance, utility costs, and facility condition assessments.))~~ During the 2021-2023 biennium, sums credited to the Washington State University building account may also be used for routine facility maintenance, utility costs, and facility condition assessments. During the 2023-2025 biennium, sums credited to the Washington State University building account may also be used for routine facility maintenance, utility costs, and facility condition assessments. Expenditures so made shall be accounted for in accordance with existing law and shall not be expended until appropriated by the legislature.

The sum so credited to the Washington State University bond retirement fund shall be used to pay and secure the payment of the principal of and interest on building bonds issued by the university, except for any sums which may be transferred out of such fund as authorized by law.

**Sec. 8026.** RCW 28B.30.750 and 2021 c 332 s 7028 are each amended to read as follows:

The board is hereby empowered:

(1) To reserve the right to issue bonds later on a parity with any bonds being issued;

(2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;

(3) To authorize the transfer of money from the Washington State University building account to the bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;

(4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds;

(5) To authorize the transfer to the Washington State University building account of any money on deposit in the bond retirement fund in excess of debt service for a period of three years from the date of such transfer on all outstanding bonds payable out of such fund. (~~However, during the 2019-2021 fiscal biennium, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within the 2019-2021 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund.~~) However, during the 2021-2023 fiscal biennium, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within the 2021-2023 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund. However, during the 2023-2025 fiscal biennium, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within the 2023-2025 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund.

**Sec. 8027.** RCW 28B.35.370 and 2021 c 332 s 7029 are each amended to read as follows:

Within (~~(thirty-five))~~ 35 days from the date of collection thereof all building fees of each regional university and The Evergreen State College shall be paid into the state treasury and these together with such normal school fund revenues as provided in RCW 28B.35.751 as are received by the state treasury shall be credited as follows:

(1) On or before June 30th of each year the board of trustees of each regional university and The Evergreen State College, if issuing bonds payable out of its building fees and above described normal school fund revenues, shall certify to the state treasurer the amounts required in the ensuing (~~(twelve))~~ 12 months to pay and secure the payment of the principal of and interest on such bonds. The amounts so certified by each regional university and The Evergreen State College shall be a prior lien and charge against all building fees and above described normal school fund revenues of such institution. The state treasurer shall thereupon deposit the amounts so certified in the Eastern Washington University capital projects

account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The amounts deposited in the respective capital projects accounts shall be used to pay and secure the payment of the principal of and interest on the building bonds issued by such regional universities and The Evergreen State College as authorized by law. If in any (~~(twelve))~~ 12-month period it shall appear that the amount certified by any such board of trustees is insufficient to pay and secure the payment of the principal of and interest on the outstanding building and above described normal school fund revenue bonds of its institution, the state treasurer shall notify the board of trustees and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal of and interest on all such bonds then outstanding shall be fully met at all times.

(2) All normal school fund revenue pursuant to RCW 28B.35.751 shall be deposited in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The sums deposited in the respective capital projects accounts shall be appropriated and expended to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and normal school revenue and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto except for any sums transferred therefrom as authorized by law. (~~(During the 2019-2021 biennium, sums in the respective capital accounts may also be used for routine facility maintenance, utility costs, and facility condition assessments.)~~) During the 2021-2023 biennium, sums in the respective capital accounts may also be used for routine facility maintenance, utility costs, and facility condition assessments. During the 2023-2025 biennium, sums in the respective capital accounts may also be used for routine facility maintenance, utility costs, and facility condition assessments.

(3) Funds available in the respective capital projects accounts may also be used for certificates of participation under chapter 39.94 RCW.

**Sec. 8028.** RCW 28B.50.360 and 2021 c 332 s 7030 are each amended to read as follows:

Within (~~(thirty-five))~~ 35 days from the date of start of each quarter all collected building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board, if issuing bonds payable out of building fees, shall certify to the state treasurer the amounts required in the ensuing ~~((twelve))~~ 12-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college capital projects account. Such amounts of the funds deposited in the community and technical college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be devoted to that purpose. If in any ~~((twelve))~~ 12-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) The community and technical college capital projects account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, engineering and architectural services provided by the department of enterprise services, and for the payment of principal of and interest on any bonds issued for such purposes. ~~((During the 2019-2021 biennium, sums in the capital projects account may also be used for routine facility maintenance and utility costs.))~~ During the 2021-2023 biennium, sums in the capital projects account may also be used for routine facility maintenance and utility costs. During the 2023-2025 biennium, sums in the capital projects account may also be used for routine facility maintenance and utility costs.

(3) Funds available in the community and technical college capital projects account may also be used for certificates of participation under chapter 39.94 RCW.

**Sec. 8029.** RCW 39.35D.030 and 2021 c 332 s 7049 are each amended to read as follows:

(1) All major facility projects of public agencies receiving any funding in a state capital budget, or projects financed through a financing contract as defined in RCW 39.94.020, must be designed, constructed, and certified to at least the LEED silver standard. This subsection applies to major facility projects that have not entered the design phase prior to July 24, 2005, and to

the extent appropriate LEED silver standards exist for that type of building or facility.

(2) All major facility projects of any entity other than a public agency or public school district receiving any funding in a state capital budget must be designed, constructed, and certified to at least the LEED silver standard. This subsection applies to major facility projects that have not entered the grant application process prior to July 24, 2005, and to the extent appropriate LEED silver standards exist for that type of building or facility.

(3)(a) Public agencies, under this section, shall monitor and document ongoing operating savings resulting from major facility projects designed, constructed, and certified as required under this section.

(b) Public agencies, under this section, shall report annually to the department on major facility projects and operating savings.

(4) The department shall consolidate the reports required in subsection (3) of this section into one report and report to the governor and legislature by September 1st of each even-numbered year beginning in 2006 and ending in 2016. In its report, the department shall also report on the implementation of this chapter, including reasons why the LEED standard was not used as required by RCW 39.35D.020(5)(b). The department shall make recommendations regarding the ongoing implementation of this chapter, including a discussion of incentives and disincentives related to implementing this chapter.

(5) For the purposes of determining compliance with the requirement for a project to be designed, constructed, and certified to at least the LEED silver standard, the department must credit one additional point for a project that uses wood products with a credible third-party sustainable forest certification or from forests regulated under chapter 76.09 RCW, the Washington forest practices act. For projects that qualify for this additional point, and for which an additional point would have resulted in formal certification under the LEED silver standard, the project must be deemed to meet the standard under this section.

(6) During the 2021-2023 and 2023-2025 fiscal ~~((biennium))~~ biennia, an alternative high-performance building certification, as determined by the legislature, may be used instead of the LEED silver building design, construction, and certification standard required by this section.

**Sec. 8030.** RCW 43.07.410 and 2019 c 448 s 9 are each amended to read as follows:

The Washington state library-archives building account is created in the custody of the state treasurer. All moneys received under RCW 36.18.010(12), 36.22.175(3), and 43.07.370(3) must be deposited in the account. ~~((Expenditures))~~ Except for during the 2023-2025 fiscal biennium, expenditures from the account may be made only for the purposes of payment of the financing contract entered into by the secretary of state for the Washington state library-archives building. During the 2023-2025

fiscal biennium, the secretary of state may spend up to \$8,000,000 from the account for costs associated with the design and construction of the state library-archives building and for costs necessary to prepare the building for occupancy. Only the secretary of state or the secretary of state's designee may authorize expenditures from the account. An appropriation is not required for expenditures, but the account is subject to allotment procedures under chapter 43.88 RCW.

**Sec. 8031.** RCW 43.31.577 and 2021 c 130 s 1 are each amended to read as follows:

(1) Activities eligible for funding through the early learning facilities grant and loan program for eligible organizations include:

(a) Facility predesign grants or loans of no more than \$20,000 to allow eligible organizations to secure professional services or consult with organizations certified by the community development financial institutions fund to plan for and assess the feasibility of early learning facilities projects or receive other technical assistance to design and develop projects for construction funding;

(b) Grants or loans of no more than \$200,000 for minor renovations or repairs of existing early learning facilities or for predevelopment activities to advance a proposal from planning to major construction or renovation;

(c) Major construction and renovation grants or loans and grants or loans for facility purchases of no more than \$1,000,000 to create or expand early learning facilities, except that during the 2023-2025 fiscal biennium these grants or loans may not exceed \$2,500,000; and

(d) Administration costs associated with conducting application processes, managing contracts, and providing technical assistance.

(2) Activities eligible for funding through the early learning facilities grant and loan program for school districts include major construction, purchase, and renovation grants or loans of no more than \$1,000,000 to create or expand early learning facilities that received priority and ranking as described in RCW 43.31.581.

(3) Amounts in this section must be increased annually by the United States implicit price deflator for state and local government construction provided by the office of financial management.

**Sec. 8032.** RCW 43.82.010 and 2018 c 217 s 7 are each amended to read as follows:

(1) The director of enterprise services, on behalf of the agency involved and after consultation with the office of financial management, shall purchase, lease, lease purchase, rent, or otherwise acquire all real estate, improved or unimproved, as may be required by elected state officials, institutions, departments, commissions, boards, and other state agencies, or federal agencies where joint state and federal activities are undertaken and may grant easements and transfer, exchange, sell, lease, or sublease all or part of any

surplus real estate for those state agencies which do not otherwise have the specific authority to dispose of real estate. Any such transfer, exchange, or sale must comply with RCW 43.17.400, and may be made in accordance with RCW 39.33.015. This section does not transfer financial liability for the acquired property to the department of enterprise services.

(2) Except for real estate occupied by federal agencies, the director shall determine the location, size, and design of any real estate or improvements thereon acquired or held pursuant to subsection (1) of this section. Facilities acquired or held pursuant to this chapter, and any improvements thereon, shall conform to standards adopted by the director and approved by the office of financial management governing facility efficiency unless a specific exemption from such standards is provided by the director of enterprise services. The director of enterprise services shall report to the office of financial management and the appropriate committees of the legislature annually on any exemptions granted pursuant to this subsection.

(3) Except for leases permitted under subsection (4) of this section, the director of enterprise services may fix the terms and conditions of each lease entered into under this chapter, except that no lease shall extend greater than twenty years in duration. The director of enterprise services may enter into a long-term lease greater than ten years in duration upon a determination by the director of the office of financial management that the long-term lease provides a more favorable rate than would otherwise be available, it appears to a substantial certainty that the facility is necessary for use by the state for the full length of the lease term, and the facility meets the standards adopted pursuant to subsection (2) of this section. The director of enterprise services may enter into a long-term lease greater than ten years in duration if an analysis shows that the life-cycle cost of leasing the facility is less than the life-cycle cost of purchasing or constructing a facility in lieu of leasing the facility.

(4) (a) The director of enterprise services may fix the terms of leases for property under the department of enterprise services' control at the former Northern State Hospital site for up to sixty years.

(b) During the 2023-2025 fiscal biennium, the state board for community and technical colleges on behalf of north Seattle community college may enter into a long-term lease, not to exceed 99 years, of a portion of the north Seattle community college for purposes of affordable housing under RCW 39.33.015.

(5) Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a public offering. Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a



private placement without the prior written approval of the state treasurer. However, this limitation shall not prevent a lessor from assigning or encumbering its interest in a lease as security for the repayment of a promissory note provided that the transaction would otherwise be an exempt transaction under RCW 21.20.320. The state treasurer shall adopt rules that establish the criteria under which any such approval may be granted. In establishing such criteria the state treasurer shall give primary consideration to the protection of the state's credit rating and the integrity of the state's debt management program. If it appears to the state treasurer that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection, then he or she may recommend that the governor cause such lease to be terminated. The department of enterprise services shall promptly notify the state treasurer whenever it may appear to the department that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection.

(6) It is the policy of the state to encourage the colocation and consolidation of state services into single or adjacent facilities, whenever appropriate, to improve public service delivery, minimize duplication of facilities, increase efficiency of operations, and promote sound growth management planning.

(7) The director of enterprise services shall provide coordinated long-range planning services to identify and evaluate opportunities for colocating and consolidating state facilities. Upon the renewal of any lease, the inception of a new lease, or the purchase of a facility, the director of enterprise services shall determine whether an opportunity exists for colocating the agency or agencies in a single facility with other agencies located in the same geographic area. If a colocation opportunity exists, the director of enterprise services shall consult with the affected state agencies and the office of financial management to evaluate the impact colocation would have on the cost and delivery of agency programs, including whether program delivery would be enhanced due to the centralization of services. The director of enterprise services, in consultation with the office of financial management, shall develop procedures for implementing colocation and consolidation of state facilities.

(8) The director of enterprise services is authorized to purchase, lease, rent, or otherwise acquire improved or unimproved real estate as owner or lessee and to lease or sublet all or a part of such real estate to state or federal agencies. The director of enterprise services shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

(9) If the director of enterprise services determines that it is necessary or advisable to undertake any work, construction, alteration, repair, or improvement on any real estate acquired pursuant to subsection (1) or (8) of this section, the director shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in his or her office and the state agency benefiting thereby is hereby authorized to pay for such work out of any available funds: PROVIDED, That the cost of executing such work shall not exceed the sum of twenty-five thousand dollars. Work, construction, alteration, repair, or improvement in excess of twenty-five thousand dollars, other than that done by the owner of the property if other than the state, shall be performed in accordance with the public works law of this state.

(10) In order to obtain maximum utilization of space, the director of enterprise services shall make space utilization studies, and shall establish standards for use of space by state agencies. Such studies shall include the identification of opportunities for colocation and consolidation of state agency office and support facilities.

(11) The director of enterprise services may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his or her management. Prior to the construction of new buildings or major improvements to existing facilities or acquisition of facilities using a lease purchase contract, the director of enterprise services shall conduct an evaluation of the facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement.

(12) All conveyances and contracts to purchase, lease, rent, transfer, exchange, or sell real estate and to grant and accept easements shall be approved as to form by the attorney general, signed by the director of enterprise services or the director's designee, and recorded with the county auditor of the county in which the property is located.

(13) The director of enterprise services may delegate any or all of the functions specified in this section to any agency upon such terms and conditions as the director deems advisable. By January 1st of each year, beginning January 1, 2008, the department shall submit an annual report to the office of financial management and the appropriate committees of the legislature on all delegated leases.

(14) This section does not apply to the acquisition of real estate by:

- (a) The state college and universities for research or experimental purposes;
- (b) The state liquor and cannabis board for liquor stores and warehouses;
- (c) The department of natural resources, the department of fish and wildlife, the department of transportation, and the state parks and recreation commission for purposes other than the leasing of offices, warehouses, and real estate for similar purposes; and

(d) The department of commerce for community college health career training programs, offices for the department of commerce or other appropriate state agencies, and other nonprofit community uses, including community meeting and training facilities, where the real estate is acquired during the 2013-2015 fiscal biennium.

(15) Notwithstanding any provision in this chapter to the contrary, the department of enterprise services may negotiate ground leases for public lands on which property is to be acquired under a financing contract pursuant to chapter 39.94 RCW under terms approved by the state finance committee.

(16) The department of enterprise services shall report annually to the office of financial management and the appropriate fiscal committees of the legislature on facility leases executed for all state agencies for the preceding year, lease terms, and annual lease costs. The report must include leases executed under RCW 43.82.045 and subsection (13) of this section.

**Sec. 8033.** RCW 43.83B.430 and 2022 c 297 s 957 and 2022 c 296 s 7008 are each reenacted and amended to read as follows:

The state drought preparedness and response account is created in the state treasury. All receipts from appropriated funds designated for the account and all cost recovery revenues collected under RCW 43.83B.410(5) must be deposited into the account. Expenditures from the account may be used for drought preparedness and response activities under this chapter, including grants issued under RCW 43.83B.415. ~~((During the 2021-2023 fiscal biennium, moneys in the account may be used for water banking pilot projects.))~~ Moneys in the account may be spent only after appropriation. During the 2021-2023 and 2023-2025 fiscal ~~((biennium))~~ biennia, the legislature may appropriate moneys from the account for activities related to water banking.

**Sec. 8034.** RCW 43.88D.010 and 2021 c 332 s 7034 are each amended to read as follows:

(1) By October 1st of each even-numbered year, the office of financial management shall complete an objective analysis and scoring of all capital budget projects proposed by the public four-year institutions of higher education and submit the results of the scoring process to the legislative fiscal committees and the four-year institutions. Each project must be reviewed and scored within one of the following categories, according to the project's principal purpose. Each project may be scored in only one category. The categories are:

(a) Access-related projects to accommodate enrollment growth at all campuses, at existing or new university centers, or through distance learning. Growth projects should provide significant additional student capacity. Proposed projects must demonstrate that they are based on solid enrollment demand

projections, more cost-effectively provide enrollment access than alternatives such as university centers and distance learning, and make cost-effective use of existing and proposed new space;

(b) Projects that replace failing permanent buildings. Facilities that cannot be economically renovated are considered replacement projects. New space may be programmed for the same or a different use than the space being replaced and may include additions to improve access and enhance the relationship of program or support space;

(c) Projects that renovate facilities to restore building life and upgrade space to meet current program requirements. Renovation projects should represent a complete renovation of a total facility or an isolated wing of a facility. A reasonable renovation project should cost between sixty to eighty percent of current replacement value and restore the renovated area to at least twenty-five years of useful life. New space may be programmed for the same or a different use than the space being renovated and may include additions to improve access and enhance the relationship of program or support space;

(d) Major stand-alone campus infrastructure projects;

(e) Projects that promote economic growth and innovation through expanded research activity. The acquisition and installation of specialized equipment is authorized under this category; and

(f) Other project categories as determined by the office of financial management in consultation with the legislative fiscal committees.

(2) The office of financial management, in consultation with the legislative fiscal committees, shall establish a scoring system and process for each four-year project category that is based on the framework used in the community and technical college system of prioritization. Staff from the state board for community and technical colleges and the four-year institutions shall provide technical assistance on the development of a scoring system and process.

(3) The office of financial management shall consult with the legislative fiscal committees in the scoring of four-year institution project proposals, and may also solicit participation by independent experts.

(a) For each four-year project category, the scoring system must, at a minimum, include an evaluation of enrollment trends, reasonableness of cost, the ability of the project to enhance specific strategic master plan goals, age and condition of the facility if applicable, and impact on space utilization.

(b) Each four-year project category may include projects at the predesign, design, or construction funding phase.

(c) To the extent possible, the objective analysis and scoring system of all capital budget projects shall occur within the context of any and all performance agreements between the office of financial management and the governing board of a public, four-year institution of higher education that aligns goals, priorities,

desired outcomes, flexibility, institutional mission, accountability, and levels of resources.

(4) In evaluating and scoring four-year institution projects, the office of financial management shall take into consideration project schedules that result in realistic, balanced, and predictable expenditure patterns over the ensuing three biennia.

(5) The office of financial management shall distribute common definitions, the scoring system, and other information required for the project proposal and scoring process as part of its biennial budget instructions. The office of financial management, in consultation with the legislative fiscal committees, shall develop common definitions that four-year institutions must use in developing their project proposals and lists under this section.

(6) In developing any scoring system for capital projects proposed by the four-year institutions, the office of financial management:

(a) Shall be provided with all required information by the four-year institutions as deemed necessary by the office of financial management;

(b) May utilize independent services to verify, sample, or evaluate information provided to the office of financial management by the four-year institutions; and

(c) Shall have full access to all data maintained by the joint legislative audit and review committee concerning the condition of higher education facilities.

(7) By August 1st of each even-numbered year each public four-year higher education institution shall prepare and submit prioritized lists of the individual projects proposed by the institution for the ensuing six-year period in each category. The lists must be submitted to the office of financial management and the legislative fiscal committees. The four-year institutions may aggregate minor works project proposals by primary purpose for ranking purposes. Proposed minor works projects must be prioritized within the aggregated proposal, and supporting documentation, including project descriptions and cost estimates, must be provided to the office of financial management and the legislative fiscal committees.

(8) For ~~((the 2019-2021 fiscal biennium and))~~ the 2021-2023 fiscal biennium, pursuant to subsection (1) of this section, by November 1, 2022, the office of financial management must score higher education capital project criteria with a rating scale that assesses how well a particular project satisfies those criteria. The office of financial management may not use a rating scale that weighs the importance of those criteria.

(9) For ~~((the 2019-2021 fiscal biennium and))~~ the 2021-2023 fiscal biennium, pursuant to subsection (6)(a) of this section and in lieu of the requirements of subsection (7) of this section, by August 15, 2022, the institutions of higher education shall prepare and submit or resubmit to the office of financial

management and the legislative fiscal committees:

(a) Individual project proposals developed pursuant to subsection (1) of this section;

(b) Individual project proposals scored in prior biennia pursuant to subsection (1) of this section; and

(c) A prioritized list of up to five project proposals submitted pursuant to (a) and (b) of this subsection.

(10) The requirements of this section are suspended during the 2023-2025 fiscal biennium. However, instead of these requirements, the public four-year institutions of higher education must submit additional supporting information for major project funding requests for the 2025-2027 fiscal biennium that is equivalent to the information produced for the 2022 higher education scoring process under subsection (9) of this section. Examples of the information required under this subsection include, but are not limited to, measures of: (a) Space efficiency, (b) reasonableness of project cost, (c) facility condition, and (d) anticipated impacts of the requested major projects on projected degree totals. The public four-year institutions of higher education shall consult with the office of financial management and legislative fiscal staff regarding the implementation of this requirement and the content of the additional information.

**Sec. 8035.** RCW 43.88.030 and 2020 c 218 s 1 are each amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The biennial budget document or documents shall also describe performance indicators that demonstrate measurable progress towards priority results. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues and caseloads as approved by the economic and revenue forecast council and caseload forecast council or upon the estimated revenues and caseloads of the office of financial

management for those funds, accounts, sources, and programs for which the forecast councils do not prepare an official forecast. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues and caseloads for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue and caseload estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues and caseloads must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, and those anticipated for the ensuing biennium;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, and agency;

(f) The expenditures that include nonbudgeted, nonappropriated accounts outside the state treasury;

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.71 RCW, shown by agency and in total; and

(h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments, and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; and

(j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation.

(3) The governor's operating budget document or documents shall reflect the statewide priorities as required by RCW 43.88.090.

(4) The governor's operating budget document or documents shall identify activities that are not addressing the statewide priorities.

(5)(a) Beginning in the 2021-2023 fiscal biennium, the governor's operating budget document or documents submitted to the legislature must leave, in total, a positive ending fund balance in the general fund and related funds.

(b) Beginning in the 2021-2023 fiscal biennium, the projected maintenance level of the governor's operating budget document or documents submitted to the legislature must not exceed the available fiscal resources for the next ensuing fiscal biennium.

(c) For purposes of this subsection:

(i) "Available fiscal resources" means the beginning general fund and related funds balances and any fiscal resources estimated for the general fund and related funds, adjusted for proposed revenue legislation, and with forecasted revenues adjusted to the greater of (A) the official general fund and related funds revenue forecast for the ensuing biennium, or (B) the official general fund and related funds forecast for the second fiscal year of the current fiscal biennium, increased by 4.5 percent for each fiscal year of the ensuing biennium.

(ii) "Projected maintenance level" means estimated appropriations necessary to maintain the continuing costs of program and service levels either funded in the governor's budget document or documents submitted to the legislature or mandated by other state or federal law, adjusted by the estimated cost of proposed executive branch legislation, and the amount of any general fund moneys projected to be transferred to the budget stabilization account pursuant to

Article VII, section 12 of the state Constitution. Proposed executive branch legislation does not include proposals by institutions of higher education, other separately elected officials, or other boards, commissions, and offices not under the authority of the governor that are not funded or assumed in the governor's budget document or documents submitted to the legislature.

(iii) "Related funds" has the meaning defined in RCW 43.88.055.

(d) (b) of this subsection (5) does not apply:

(i) To any governor-proposed legislation submitted to the legislature that makes net reductions in general fund and related funds appropriations to prevent the governor from making across-the-board reductions in allotments for these particular funds as provided in RCW 43.88.110 ~~((+7))~~ (10); or

(ii) In a fiscal biennium for which the governor proposes appropriations from the budget stabilization account pursuant to Article VII, section 12(d)(ii) of the state Constitution.

(6) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;

(b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Inasmuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

(c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium;

(d) A strategic plan for reducing backlogs of maintenance and repair projects. The plan shall include a prioritized list of specific facility deficiencies and capital projects to address the deficiencies for each agency, cost estimates for each project, a schedule for completing projects over a reasonable period of time, and identification of normal maintenance activities to reduce future backlogs;

(e) A statement of the reason or purpose for a project;

(f) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(g) A statement about the proposed site, size, and estimated life of the project, if applicable;

(h) Estimated total project cost;

(i) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office

of financial management to allow comparisons between projects;

(j) Estimated total project cost for each phase of the project as defined by the office of financial management;

(k) Estimated ensuing biennium costs;

(l) Estimated costs beyond the ensuing biennium;

(m) Estimated construction start and completion dates;

(n) Source and type of funds proposed;

(o) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;

(p) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;

(q) For any capital budget request for funding in the 2023-2025 or 2025-2027 fiscal biennia by an institution of higher education to address a cost increase for any major project, a statement describing the unexpected project costs, ways the agency has mitigated or will mitigate the estimated project costs, and identification of other funding that may be applied to the project. For purposes of this subsection (6)(q):

(i) "Cost increases" means total project costs estimated above those listed in the prior agency budget request and for which the legislature relied in making a funding decision for design or construction, adjusted for C-100 inflation factors; and

(ii) "Institution of higher education" has the meaning provided in RCW 28B.10.016;

(r) Such other information bearing upon capital projects as the governor deems to be useful;

~~((+r))~~ (s) Standard terms, including a standard and uniform definition of normal maintenance, for all capital projects; and

~~((+s))~~ (t) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (6), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative evaluation and accountability program committee, and office of financial management.

(7) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report

presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

**Sec. 8036.** RCW 43.99N.060 and 2021 c 334 s 976 are each amended to read as follows:

(1) The stadium and exhibition center account is created in the custody of the state treasurer. All receipts from the taxes imposed under RCW 82.14.0494 and distributions under RCW 67.70.240(1)(d) shall be deposited into the account. Only the director of the office of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. An appropriation is not required for expenditures from this account.

(2) Until bonds are issued under RCW 43.99N.020, up to ~~((five million dollars))~~ \$5,000,000 per year beginning January 1, 1999, shall be used for the purposes of subsection (3)(b) of this section, all remaining moneys in the account shall be transferred to the public stadium authority, created under RCW 36.102.020, to be used for public stadium authority operations and development of the stadium and exhibition center.

(3) After bonds are issued under RCW 43.99N.020, all moneys in the stadium and exhibition center account shall be used exclusively for the following purposes in the following priority:

(a) On or before June 30th of each year, the office of financial management shall accumulate in the stadium and exhibition center account an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued under RCW 43.99N.020;

(b) An additional reserve amount not in excess of the expected average annual principal and interest requirements of bonds issued under RCW 43.99N.020 shall be accumulated and maintained in the account, subject to withdrawal by the state treasurer at any time if necessary to meet the requirements of (a) of this subsection, and, following any withdrawal, reaccumulated from the first tax revenues and other amounts deposited in the account after meeting the requirements of (a) of this subsection; and

(c) The balance, if any, shall be transferred to the youth athletic facility account under subsection (4) of this section.

Any revenues derived from the taxes authorized by RCW 36.38.010(5) and 36.38.040 or other amounts that if used as provided

under (a) and (b) of this subsection would cause the loss of any tax exemption under federal law for interest on bonds issued under RCW 43.99N.020 shall be deposited in and used exclusively for the purposes of the youth athletic facility account and shall not be used, directly or indirectly, as a source of payment of principal of or interest on bonds issued under RCW 43.99N.020, or to replace or reimburse other funds used for that purpose.

(4) Any moneys in the stadium and exhibition center account not required or permitted to be used for the purposes described in subsection (3)(a) and (b) of this section shall be deposited in the youth athletic facility account hereby created in the state treasury. Expenditures from the account may be used only for purposes of grants or loans to cities, counties, and qualified nonprofit organizations for community outdoor athletic facilities. Only the director of the recreation and conservation office or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The athletic facility grants or loans may be used for acquiring, developing, equipping, maintaining, and improving community outdoor athletic facilities. Funds shall be divided equally between the development of new community outdoor athletic facilities, the improvement of existing community outdoor athletic facilities, and the maintenance of existing community outdoor athletic facilities. Cities, counties, and qualified nonprofit organizations must submit proposals for grants or loans from the account. To the extent that funds are available, cities, counties, and qualified nonprofit organizations must meet eligibility criteria as established by the director of the recreation and conservation office. The grants and loans shall be awarded on a competitive application process and the amount of the grant or loan shall be in proportion to the population of the city or county for where the community outdoor athletic facility is located. Grants or loans awarded in any one year need not be distributed in that year. ~~((In the 2009-2011 biennium, if there are not enough project applications submitted in a category within the account to meet the requirement of equal distribution of funds to each category, the director of the recreation and conservation office may distribute any remaining funds to other categories within the account.))~~ The director of the recreation and conservation office may expend up to one and one-half percent of the moneys deposited in the account created in this subsection for administrative purposes. During the 2021-2023 fiscal biennium, the legislature may appropriate moneys from the youth athletic facility account to support a task force to consider ways to improve equitable access to K-12 schools' fields and athletic facilities and local parks agency facilities with the goal of increasing physical activity for youth and families. A portion of the appropriation must be used to

inventory K-12 school fields and athletic facilities and park agency facilities.

(5) During the 2023-2025 fiscal biennium, subsection (4) of this section applies to expenditures from the youth athletic facility account except as provided in this subsection.

(a) During the 2023-2025 fiscal biennium, the recreation and conservation office may spend appropriations made from the youth athletic facility account for grants and loans to political subdivisions of the state other than cities and counties as well as federally recognized Indian tribes for community outdoor athletic facilities. The office is not required to divide the expenditures equally between development, improvement, and maintenance of facilities. The office's authority to retain 1.5 percent of amounts deposited in the account for administration is suspended, and the office's administrative overhead is instead specified in the appropriations for this purpose.

(b) During the 2023-2025 fiscal biennium, the legislature may also appropriate moneys in the youth athletic facility account for the following:

(i) To the department of commerce for the public facility improvement fund as provided in section 1038 of this act; and

(ii) To the recreation and conservation office for the purpose of the youth athletic facilities program as provided in section 3060 of this act.

**Sec. 8037.** RCW 43.155.050 and 2022 c 296 s 7009, 2022 c 182 s 302, and 2022 c 157 s 15 are each reenacted and amended to read as follows:

(1) The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and grants and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated or transferred to the water pollution control revolving fund and the drinking water assistance account to provide for state match requirements under federal law. Moneys in the account may be transferred to the move ahead WA account to provide support of public works projects funded in the move ahead WA program. Not more than 20 percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans and grants, emergency loans and grants, or loans and grants for capital facility planning under this chapter. Not more than 10 percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated as grants for preconstruction, emergency, capital facility planning, and construction projects. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may appropriate moneys from the account for activities related to rural economic development, the growth management

act, the aviation revitalization loan program, the community economic revitalization board broadband program, and the voluntary stewardship program. During the 2021-2023 ~~((biennium))~~ and 2023-2025 fiscal biennia, the legislature may appropriate moneys from the account for activities related to the community aviation revitalization board. During the 2019-2021 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the education legacy trust account. During the 2019-2021 and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the statewide broadband account. The legislature may appropriate moneys from the public works assistance account for activities related to the voluntary stewardship program, rural economic development, and the growth management act. During the 2021-2023 biennium, the legislature may appropriate moneys from the account for projects identified in section 1033, chapter 296, Laws of 2022. During the 2023-2025 fiscal biennium, the legislature may appropriate moneys from the public works assistance account for an evaluation of the costs of relocating public utilities related to fish barrier removal projects.

(2) For fiscal year 2024 through fiscal year 2038, the state treasurer must transfer from the public works assistance account to the move ahead WA account created in RCW 46.68.510 \$57,000,000 each fiscal year in four equal quarterly transfers.

**Sec. 8038.** RCW 43.19.125 and 2011 1st sp.s. c 43 s 204 are each amended to read as follows:

(1) The director of enterprise services shall have custody and control of the capitol buildings and grounds, supervise and direct proper care, heating, lighting and repairing thereof, and designate rooms in the capitol buildings to be occupied by various state officials.

(2) ~~((During the 2007-2009 biennium, responsibility for development of the "Wheeler block" on the capitol campus as authorized in section 6013, chapter 520, Laws of 2007 shall be transferred from the department of general administration to the department of information services.))~~ During the 2023-2025 fiscal biennium, the director may access and tour the top of the legislative dome and, upon request, shall provide access to any legislative member and the member's guest.

**Sec. 8039.** RCW 87.03.136 and 2011 c 50 s 1 are each amended to read as follows:

An irrigation district has the power to sell or lease real property owned by the district whenever its board of directors, by resolution: Determines that the property is not necessary or needed for the use of the district; and authorizes the sale or lease. Notice of the district's intention to sell or lease the property shall be made by publication at least ~~((twenty))~~ 20 days before the transaction is executed regarding the property in a newspaper of general

circulation in the county where the property or part of the property is located or, if there is no such newspaper in the county, in a newspaper of general circulation published in an adjoining county. The publication shall be made at least once a week during three consecutive weeks. The notice shall state whether the sale or lease will be negotiated by the district or will be awarded by bid.

The district may lease the property for a duration determined by the board, afford the lessee the option to purchase the property, sell the property on contract for deferred payments, sell the property pursuant to a promissory note secured by a mortgage or deed of trust, or sell the property for cash and conveyance by deed. The appropriate documents shall be executed by the president of the board and acknowledged by the secretary.

The resolution authorizing the sale or lease shall be entered in the minutes of the board and shall fix the price at which the lease, option, or sale may be made. The price shall be not less than the reasonable market value of the property; however, the board may, without consideration, dedicate, grant, or convey district land or easements in district land for highway or public utility purposes that convenience the inhabitants of the district if the board deems that the action will enhance the value of the remaining district land to an extent equal to or greater than the value of the land or easement dedicated, granted, or conveyed.

During the 2023-2025 fiscal biennium, the limitations under this section on the power of an irrigation district to sell or lease real property owned by the district do not apply to property transferred to the bureau of reclamation or to a public owner under section 3073, chapter . . . , Laws of 2023 (section 3073 of this act).

**NEW SECTION. Sec. 8040.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

**NEW SECTION. Sec. 8041.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 8042.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

(End of part)

Correct the title.

Representatives Tharinger and Steele spoke in favor of the adoption of the striking amendment.

The striking amendment (776) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Tharinger, Steele, Hackney, Abbarno, Callan and Sandlin spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5200, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5200, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Ortiz-Self and Reeves

ENGROSSED SUBSTITUTE SENATE BILL NO. 5200, as amended by the House, having received the necessary constitutional majority, was declared passed.

With the consent of the House, the bills previously acted upon were immediately transmitted to the Senate.

The Speaker assumed the chair.

### SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1050  
 SUBSTITUTE HOUSE BILL NO. 1056  
 SUBSTITUTE HOUSE BILL NO. 1163  
 SUBSTITUTE HOUSE BILL NO. 1258  
 SUBSTITUTE HOUSE BILL NO. 1267  
 SUBSTITUTE HOUSE BILL NO. 1318  
 SECOND SUBSTITUTE HOUSE BILL NO. 1559  
 SUBSTITUTE HOUSE BILL NO. 1711  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853  
 SUBSTITUTE SENATE BILL NO. 5096  
 SECOND SUBSTITUTE SENATE BILL NO. 5134  
 ENGROSSED SENATE BILL NO. 5175  
 SENATE BILL NO. 5350  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5447  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5583  
 SUBSTITUTE SENATE BILL NO. 5586  
 SECOND SUBSTITUTE SENATE BILL NO. 5593  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5599  
 SUBSTITUTE SENATE BILL NO. 5617  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5702  
 SUBSTITUTE SENATE BILL NO. 5714



SUBSTITUTE SENATE BILL NO. 5720  
 SUBSTITUTE SENATE BILL NO. 5742  
 SUBSTITUTE SENATE BILL NO. 5753

Tuesday, April 11, 2023

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4644**, by Representatives Jinkins, Wilcox, Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goeher, Goodman, Graham, Ramos, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, and Ybarra

WHEREAS, In 1973, the Office of Program Research was founded to provide nonpartisan legislative services to all members of the Washington State House of Representatives; and

WHEREAS, The Office of Program Research provides a multitude of essential services throughout the legislative process, including performing fiscal, policy, and legal research and analysis; drafting bills, amendments, and budgets; crafting bill analyses and bill reports; providing briefings and other presentations; and supporting official committee activities; and

WHEREAS, The foundational tenet of the Office of Program Research is to provide excellent service to legislators in a confidential and nonpartisan manner while at all times maintaining the trust of all members of the House of Representatives, regardless of political affiliation; and

WHEREAS, The Office of Program Research is distinguished by the exceptional teamwork, subject-matter expertise, and institutional knowledge of its dedicated analysts, attorneys, and committee assistants; and

WHEREAS, Office of Program Research staff members demonstrate their extraordinary skill and dedication by working long hours and reliably producing top-quality work for members of the House of Representatives and the people of the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate the Office of Program Research on its 50th anniversary and the members express their gratitude to its staff; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the staff of the Office of Program Research.

There being no objection, HOUSE RESOLUTION NO. 4644 was adopted.

### POINT OF PERSONAL PRIVILEGE

Representative Wilcox recognized the staff of the Office of Program Research for all of their hard work and congratulated them for 50 years of dedicated service.

### SPEAKER'S PRIVILEGE

The Speaker also recognized the staff of the Office of Program Research for all of their hard work and congratulated them for 50 years of dedicated service.

The Speaker called upon Representative Bronoske to preside.

There being no objection, the House advanced to the seventh order of business.

### THIRD READING

### MESSAGE FROM THE SENATE

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1470, with the following amendment(s): 1470-S2 AMS HS S2405.2

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 42.56.475 and 2022 c 272 s 1 are each amended to read as follows:

(1) The following information or records created or maintained by the department of corrections or a private detention facility is exempt from public inspection and copying under this chapter:

(a) Body scanner images from any system designed to detect and visualize contraband hidden in body cavities or beneath clothing, including backscatter X-ray, millimeter wave, and transmission X-ray systems;

(b) The following information and records created or maintained pursuant to the federal prison rape elimination act, 34 U.S.C. Sec. 30301 et seq., and its regulations:

(i) Risk assessments, risk indicators, and monitoring plans;

(ii) Reports of sexual abuse or sexual harassment, as defined under 28 C.F.R. 115.6;

(iii) Records of open prison rape elimination act investigations; and

(iv) The identities of individuals other than department of corrections or private detention facility staff, contractors, and volunteers, in closed prison rape elimination act investigation reports and related investigative materials; however, the identity of an accused individual is not exempt if the allegation is determined to have been substantiated; and

(c) Health information in records other than an incarcerated individual's or detained individual's medical, mental health, or dental files.

(2) The exemption of information or records described under subsection (1)(b) and (c) of this section does not apply to requests by the incarcerated individual or detained individual who is the subject of the information, a requestor with the written permission of the incarcerated individual or detained individual who is the subject of the information, or a personal representative of an incarcerated individual or detained individual who is the subject of the information. In response to such requests, the department of corrections or private detention facility may withhold information revealing the identity of other incarcerated or detained individuals.

(3) An agency refusing, in whole or in part, inspection of a public record containing information listed in subsection (1)(c) of this section may cite to subsection (1)(c) of this section, without further explanation, when providing the brief explanation required by RCW 42.56.210(3), and shall also identify the number of pages withheld, if any pages are withheld in their entirety.

(4) For purposes of this section:

(a) "Health information" means any information that identifies or can readily be associated with the identity of an incarcerated individual or detained individual and directly relates to the following: Medical, mental health, or dental diagnoses or conditions; medical, mental health, or dental services, treatments, or procedures, including requests for or complaints about such services, treatments, or procedures; transgender, intersex, nonbinary, or gender nonconforming status; sexual orientation; genital anatomy; or gender-affirming care or accommodations other than an incarcerated individual's or detained individual's preferred name, pronouns, and gender marker.

(b) The following information is not "health information" under this section: (i) Health care information subject to RCW 42.56.360(2) and chapter 70.02 RCW; and (ii) information related to injuries, other than injuries related to medical procedures or genital anatomy, contained in incident reports, infraction records, or use of force reports, prepared by department of corrections or private detention facility staff other than health care providers.

(c) "Incarcerated individual" has the same meaning as "inmate" under RCW 72.09.015 and includes currently or formerly incarcerated individuals.

(d) "Detained individual" means a person confined in a private detention facility.

(e) "Private detention facility" has the same meaning as in RCW 70.395.020.

(5) A private detention facility operating pursuant to a contract with a state or local agency is subject to the requirements of this chapter.

**NEW SECTION. Sec. 2.** A new section is added to chapter 70.395 RCW to read as follows:

(1) The department of health shall adopt rules as may be necessary to effectuate the intent and purposes of this section in order to ensure private detention facilities comply with measurable standards providing sanitary, hygienic, and safe conditions for detained persons. The department of health rules shall include that:

(a) A detained person should have a safe, clean, and comfortable environment that allows a detained person to use the person's personal belongings to the extent possible;

(b) Living areas, including areas used for sleeping, recreation, dining, telecommunications, visitation, and bathrooms, must be cleaned and sanitized regularly;

(c) A private detention facility must provide laundry facilities, equipment, handling, and processes for linen and laundered items that are clean and in good repair, adequate to meet the needs of detained persons, and maintained according to the manufacturer's instructions. Laundry and linen must be handled, cleaned, and stored according to acceptable methods of infection control including preventing contamination from other sources. Separate areas for handling clean laundry and soiled laundry must be provided and laundry rooms

and areas must be ventilated to the exterior;

(d) Basic personal hygiene items must be provided to a detained person regularly at no cost;

(e) A private detention facility shall provide a nutritious and balanced diet, including fresh fruits and vegetables, and shall recognize a detained person's need for a special diet. A private detention facility must follow proper food handling and hygiene practices. A private detention facility must provide at least three meals per day, at no cost, and at reasonable hours;

(f) Safe indoor air quality must be maintained;

(g) The private detention facility must have both heating and air conditioning equipment that can be adjusted by room or area. Rooms used by a detained person must be able to maintain interior temperatures between 65 degrees Fahrenheit and 78 degrees Fahrenheit year-round. Excessive odors and moisture must be prevented in the building; and

(h) A private detention facility must implement and maintain an infection control program that prevents the transmission of infections and communicable disease among detained persons, staff, and visitors.

(2) The office of the attorney general may enforce violations of this section on its own initiative or in response to complaints or violations.

**NEW SECTION. Sec. 3.** A new section is added to chapter 70.395 RCW to read as follows:

(1) The department of health shall:

(a) Conduct routine, unannounced inspections of private detention facilities including, but not limited to, inspection of food service and food handling, sanitation and hygiene, and nutrition as provided in (c) of this subsection;

(b) Conduct investigations of complaints received relating to any private detention facility located within the state;

(c) Regularly review the list of food items provided to detained persons to ensure the specific nutrition and calorie needs of each detained person are met, including any needs related to medical requirements, food allergies, or religious dietary restrictions;

(d) Test water used for drinking and bathing and air quality every six months at private detention facilities both inside and outside of the facility; and

(e) Post inspection results on its website and in a conspicuous place viewable by detained persons and visitors to private detention facilities. Results should be posted in English and in languages spoken by detainees, to the extent practicable.

(2) The department of health may delegate food safety inspections to the local health jurisdiction, where the local health jurisdiction is in the county where the private detention facility is located, to conduct inspections pursuant to regulations.

(3) The department of health shall adopt rules as may be necessary to effectuate the intent and purposes of this section in order to ensure private detention facilities allow

regular inspections and comply with measurable standards providing sanitary, hygienic, and safe conditions for detained persons.

(4) The department of labor and industries shall conduct routine, unannounced inspections of workplace conditions at private detention facilities, including work undertaken by detained persons.

(5) The office of the attorney general may enforce violations of this section on its own initiative or in response to complaints or violations.

NEW SECTION. **Sec. 4.** A new section is added to chapter 70.395 RCW to read as follows:

(1) This section does not apply to private detention facilities operating pursuant to a valid contract that was in effect prior to January 1, 2023, for the duration of that contract, not to include any extensions or modifications made to, or authorized by, that contract.

(2) A private detention facility operating pursuant to a contract or agreement with a federal, state, or local government shall comply with the following:

(a) A detained person, upon admission to a private detention facility, must be issued new clothing and new footwear for both indoor and outdoor use and for protection against cold and heat. Clothing issued must be regularly laundered and replaced at no cost once no longer hygienic or serviceable;

(b) Any food items in the commissary must be available at reasonable prices taking into account the income and financial circumstances of detained persons;

(c) Telecommunications services must be provided free of charge to detained persons and any communication, whether initiated or received through such a service, must be free of charge to the detained person initiating or receiving the communication. Each detained person must be eligible to use these telecommunications services for at least 60 minutes on each day of the person's detention. Private detention facilities must not use the provision of telecommunications services or any other communication service to supplant in-person contact visits any detained person may be eligible to receive;

(d) In-person visitation must be available daily. Visitation rooms must allow for the presence of children and personal contact between visiting persons and detained persons may not be restricted. A detained person may receive reading and writing materials during visitation;

(e) Solitary confinement is prohibited;

(f) Televisions must be available and accessible to a detained person at no cost. The private detention facility shall make every effort to make television programming available in the language of the detained person;

(g) Handheld radios must be provided to a detained person at no cost;

(h) A detained person may invite persons to the private detention facility to provide legal education, know your rights

presentations, and other similar programming;

(i) Computer and internet access must be available and accessible to a detained person at no cost;

(j) A law library must be available and accessible;

(k) Communication from the private detention facility to a detained person, either in writing or verbally, must be delivered in the primary language of the detained person;

(l) Sexual violence and harassment grievances must be responded to immediately by culturally competent professionals on-site and reported to local law enforcement in the county where the private detention facility is located;

(m) Mental health evaluations should occur at intake and periodically, at least once a week. Culturally competent mental health therapy must be available and free;

(n) Requested medical care and attention must be provided without delay, including the provision of requested medical accommodations;

(o) Rooms used by a detained person for sleeping must have access to windows, natural light, and natural air circulation. Subject to safety limitations, sleeping rooms must include adjustable curtains, shades, blinds, or the equivalent installed at the windows for visual privacy and that are shatterproof, screened, or of the security type as determined by the private detention facility needs; and

(p) A private detention facility must be equipped to respond to natural and human-made emergencies, including earthquakes, lahar threats, tsunamis, and industrial accidents. A private detention facility must be earthquake resistant. A private detention facility shall develop emergency operation and continuity of operations plans and provide those plans to the local emergency management department. A private detention facility must stock all necessary personal protective equipment in case of disease outbreaks consistent with large numbers of people detained in close contact to one another.

(3) The office of the attorney general may enforce violations of this section on its own initiative or in response to complaints or violations.

NEW SECTION. **Sec. 5.** A new section is added to chapter 70.395 RCW to read as follows:

(1) A detained person aggrieved by a violation of this chapter has a right of action in superior court and may recover for each violation as follows:

(a) Against any person who negligently violates a provision of this chapter, \$1,000, or actual damages, whichever is greater, for each violation;

(b) Against any person who intentionally or recklessly violates a provision of this chapter, \$10,000, or actual damages, whichever is greater, for each violation;

(c) Reasonable attorneys' fees and costs if the detained person is the prevailing party; and

(d) Other relief, including an injunction, as the court may deem appropriate. Injunctive relief may be issued without bond in the discretion of the court, notwithstanding any other requirement imposed by statute.

(2) Any action under this chapter is barred unless the action is commenced within three years after the cause of action accrues.

(3) For the purposes of this section, "person" means an owner, operator, contractor, subcontractor, or employee of a private detention facility.

(4) The state and its agencies are not liable for a violation of this chapter.

**NEW SECTION. Sec. 6.** A new section is added to chapter 70.395 RCW to read as follows:

(1) Any person who fails to comply with this chapter may be subject to a civil penalty in an amount of not more than \$1,000 per violation per day.

(2) Subject to the availability of amounts appropriated for this specific purpose, the secretary of the department of health may adopt by rule a penalty matrix that establishes procedures for civil penalties assessed under this chapter.

(3) Each violation is a separate and distinct offense. The department of health shall impose the civil penalty in accordance with chapter 34.05 RCW. Moneys collected under this section must be deposited into the state general fund.

(4) If the civil penalty is not paid to the department of health within 15 days after receipt of notice, the office of the attorney general may bring an action to recover the penalty in the name of the state of Washington in the superior court of Thurston county or in the county where the private detention facility is located. In all such actions, the procedure and rules of evidence are the same as in ordinary civil actions. All penalties recovered by the attorney general under this chapter must be paid into the Washington state attorney general humane detention account created in section 7 of this act.

(5) For the purposes of this section, "person" means an owner, operator, contractor, subcontractor, or employee of a private detention facility.

(6) The state and its agencies are not liable for a violation of this chapter.

**NEW SECTION. Sec. 7.** A new section is added to chapter 70.395 RCW to read as follows:

The Washington state attorney general humane detention account is created in the custody of the state treasurer. All receipts from civil penalties under section 6 of this act must be deposited in the account. Only the attorney general or the attorney general's designee may authorize expenditures from the account. Moneys in the account must be used exclusively for the costs associated with the attorney general's enforcement of the provisions of this chapter governing the recovery of civil penalties. The account is subject to allotment procedures under chapter 43.88

RCW, but an appropriation is not required for expenditures.

**Sec. 8.** RCW 70.395.010 and 2021 c 30 s 1 are each amended to read as follows:

(1) The legislature finds that all people confined in prisons and detention facilities in Washington deserve basic health care, nutrition, and safety. As held in *United States v. California*, 921 F.3d 865, 886 (9th Cir. 2019), states possess "the general authority to ensure the health and welfare of inmates and detainees in facilities within its borders." States have broad authority to enforce generally applicable health and safety laws against contractors operating private detention facilities within the state. The ninth circuit reinforced this authority in *Geo Group, Inc. v. Newsom*, 50 F.4th 745, 750 (9th Cir. 2022), stating "[p]rivate contractors do not stand on the same footing as the federal government, so states can impose many laws on federal contractors that they could not apply to the federal government itself."

(2) The legislature finds that profit motives lead private prisons and detention facilities to cut operational costs, including the provision of food, health care, and rehabilitative services, because their primary fiduciary duty is to maximize shareholder profits. This is in stark contrast to the interests of the state to ensure the health, safety, and welfare of Washingtonians, including all inmates and detainees within Washington's borders.

(3) The legislature finds that people confined in for-profit prisons and detention facilities have experienced abuses and have been confined in dangerous and unsanitary conditions. Safety risks and abuses in private prisons and detention facilities at the local, state, and federal level have been consistently and repeatedly documented. The United States department of justice office of the inspector general found in 2016 that privately operated prisons "incurred more safety and security incidents per capita than comparable BOP [federal bureau of prisons] institutions." The office of inspector general additionally found that privately operated prisons had (~~"higher rates of inmate-on-inmate and inmate-on-staff assaults, as well as")~~ higher rates of staff uses of force and that people detained in private prisons submitted more safety and security related grievances, including those regarding the quality of food. ("")

(4) The legislature finds that private prison operators have cut costs by reducing essential security and health care staffing. The sentencing project, a national research and advocacy organization, found in 2012 that private prison staff earn an average of five thousand dollars less than staff at publicly run facilities and receive almost 60 hours less training. The office of inspector general also found that people confined in private facilities often failed to receive necessary medical care and that one private prison went without a full-time physician for eight months. People confined within private detention facilities are subjected to prolonged periods of confinement, inadequate nutrition, medical

and mental health access issues, and arbitrary and improper visitation and communication restrictions. In 2018, the sentencing project, a national research and advocacy organization, found that private prisons offer lower quality services and have higher staff turnover rates compared to publicly operated facilities. The office of inspector general also found that people confined in private facilities often failed to receive necessary medical care.

(5) The legislature finds that private prisons and detention centers are less accountable for what happens inside those facilities than state-run facilities, as they are not subject to the freedom of information act under 5 U.S.C. Sec. 552 or the Washington public records act under chapter 42.56 RCW.

(6) The legislature finds that at least 22 other states have stopped confining people in private for-profit facilities.

(7) Therefore, it is the intent of the legislature to prohibit the use of private, for-profit prisons and detention facilities in the state, and to set minimum standards for the conditions of confinement within private detention facilities in the state and to require the inspection and review of those facilities by appropriate state or local agencies to ensure public health and safety.

**Sec. 9.** RCW 70.395.020 and 2021 c 30 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Basic personal hygiene items" means items used to promote or preserve a detained person's health and contribute to the prevention of disease or infection, including soap, toothbrush and toothpaste, shampoo and conditioner, lotion, nail clippers, comb, towels, and menstrual products.

(2) "Culturally competent" includes: Knowledge of a detained person's cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community outreach; and skills in adapting services and treatment to a detained person's experiences and identifying cultural contexts for individuals.

(3) "Detained person" means a person confined in a private detention facility.

(4) "Detention facility" means any facility in which persons are incarcerated or otherwise involuntarily confined for purposes including prior to trial or sentencing, fulfilling the terms of a sentence imposed by a court, or for other judicial or administrative processes or proceedings.

~~((2))~~ (5) "Fresh fruits and vegetables" means any unprocessed fruits or vegetables, not including any processed, canned, frozen, or dehydrated fruits or vegetables, or any fruits or vegetables infested or infested with insects or other contaminants.

(6)(a) "Personal protective equipment" means equipment worn to minimize exposure to hazards that cause serious injuries and

illness, which may result from contact with chemical, radiological, physical, electrical, mechanical, or other hazards.

(b) Personal protective equipment may include items such as gloves, safety glasses and shoes, earplugs or muffs, hard hats, respirators, or coveralls, vests, and full body suits.

(7) "Private detention facility" means a detention facility that is operated by a private, nongovernmental for-profit entity and operating pursuant to a contract or agreement with a federal, state, or local governmental entity.

(8) "Solitary confinement" means the confinement of a detained person alone in a cell or similarly confined holding or living space for 20 hours or more per day under circumstances other than a partial or facility wide lockdown.

(9) "Telecommunications services" means phone calls or other voice communication services, video communications, and email services.

NEW SECTION. **Sec. 10.** Sections 2 through 6 of this act do not apply to a facility that is:

(1) Providing rehabilitative, counseling, treatment, mental health, educational, or medical services to juveniles who are subject to Title 13 RCW, or similarly applicable federal law;

(2) Providing evaluation and treatment or forensic services to a person who has been civilly detained or is subject to an order of commitment by a court pursuant to chapter 10.77, 71.05, 71.09, or 71.34 RCW, or similarly applicable federal law, including facilities regulated under chapters 70.41, 71.12, and 71.24 RCW;

(3) Used for the quarantine or isolation of persons for public health reasons pursuant to RCW 43.20.050, or similarly applicable federal law;

(4) Used for work release under chapter 72.65 RCW, or similarly applicable federal law;

(5) Used for extraordinary medical placement;

(6) Used for residential substance use disorder treatment; or

(7) Owned and operated by federally recognized tribes and contracting with a government.

NEW SECTION. **Sec. 11.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 12.** This act shall be construed liberally for the accomplishment of the purposes thereof.

NEW SECTION. **Sec. 13.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 14.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 42.56.475, 70.395.010, and 70.395.020; adding new sections to chapter 70.395 RCW; creating new sections; prescribing penalties; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1470 and advanced the bill, as amended by the Senate, to final passage.

Representative Ortiz-Self spoke in favor of the passage of the bill.

Representative Griffey spoke against the passage of the bill.

#### MOTION

On motion of Representative Ramel, Representative Mme. Speaker was excused.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1470, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1470, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen and Wylie

Voting Nay: Representatives Abbarno, Barkis, Barnard, Calder, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Reeves and Mme. Speaker

SECOND SUBSTITUTE HOUSE BILL NO. 1470, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### THIRD READING

#### MESSAGE FROM THE SENATE

Friday, April 14, 2023

Mme. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5440 and asks the House to recede therefrom.

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5440.

There being no objection, the rules were suspended, and ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5440 was returned to second reading for the purpose of amendment.

Representative Farivar moved the adoption of the striking amendment (777):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that defendants referred for services related to competency to stand trial requiring admission into a psychiatric facility are currently facing unprecedented wait times in jail for admission. The situation has been exacerbated by closure of forensic beds and workforce shortages related to COVID-19, and treatment capacity limits related to social distancing requirements. Moreover, a backlog of criminal prosecutions that were held back during the first two years of the pandemic due to capacity limitations in courts, prosecuting attorneys offices, and jails, are now being filed, causing a surge in demand for competency services which exceeds the state's capacity to make a timely response. In partial consequence, as of January 2023, wait times for admission to western state hospital for competency services, directed to be completed within seven days by order of the United States district court for western Washington, have risen to over ten months, while wait times for admission to eastern state hospital for the same services have risen to over five months. The state's forensic bed capacity forecast model indicates that if the state continues to receive competency referrals from local superior, district, and municipal courts at the same volume, the state will rapidly fall farther behind.

The legislature further finds that historical investments and policy changes have been made in behavioral health services over the past five years, designed to both increase capacity to provide competency to stand trial services and to reduce the need for them by creating opportunities for diversion, prevention, and improved community health. New construction at western state hospital is expected to result in the opening of 58 forensic psychiatric beds in the first quarter of 2023, while emergency community hospital contracts are expected to allow for the discharge or transfer of over 50 civil conversion patients occupying forensic state hospital

beds over the same period. Sixteen beds for civil conversion patients will open at Maple Lane school in the first quarter of 2023, with 30 additional beds for patients acquitted by reason of insanity expected to open by late 2023 or early 2024. Over a longer time period, 350 forensic beds are planned to open within a new forensic hospital on western state hospital campus between 2027 and 2029. Policy and budget changes have increased capacity for assisted outpatient treatment, 988 crisis response, use of medication for opioid use disorders in jails and community settings, reentry services, and mental health advance directives, and created new behavioral health facility types, supportive housing, and supportive employment services. Forensic navigator services, outpatient competency restoration programs, and other specialty forensic services are now available and continuing to be deployed in phase two Trueblood settlement regions.

The legislature further finds that despite these investments there is a need for everyone to come together to find solutions to both reduce demand for forensic services and to increase their supply. The state needs collaboration from local governments and other entities to identify any and all facilities that can be used to provide services to patients connected to the forensic system, to reduce the flow of competency referrals coming from municipal, district, and superior courts, and to improve availability and effectiveness of behavioral health services provided outside the criminal justice system.

**Sec. 2.** RCW 10.77.010 and 2022 c 288 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Authority" means the Washington state health care authority.

(3) "Clinical intervention specialist" means a licensed professional with prescribing authority who is employed by or contracted with the department to provide direct services, enhanced oversight and monitoring of the behavioral health status of in-custody defendants who have been referred for evaluation or restoration services related to competency to stand trial and who coordinate treatment options with forensic navigators, the department, and jail health services.

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

~~((4))~~(5) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

~~((5))~~(6) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

~~((6))~~(7) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and

thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

~~((7))~~(8) "Department" means the state department of social and health services.

~~((8))~~(9) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

~~((9))~~(10) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

~~((10))~~(11) "Developmental disabilities professional" means a person who has specialized training and ~~((three years of))~~ experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

~~((11))~~(12) "Developmental disability" means the condition as defined in RCW 71A.10.020 ~~((5))~~.

~~((12))~~(13) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

~~((13))~~(14) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

~~((14))~~(15) "Genuine doubt as to competency" means that there is reasonable cause to believe, based upon actual interactions with or observations of the defendant or information provided by counsel, that a defendant is incompetent to stand trial.

(16) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct.

~~((15))~~(17) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

~~((16))~~(18) "Immediate family member" means a spouse, child, stepchild, parent, stepparent, grandparent, sibling, or domestic partner.

~~((17))~~(19) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her

or to assist in his or her own defense as a result of mental disease or defect.

~~((18))~~ (20) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

~~((19))~~ (21) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

~~((20))~~ (22) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW;

(c) A psychiatric advanced registered nurse practitioner, as defined in RCW 71.05.020; or

(d) A social worker with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

~~((21))~~ (23) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

~~((22))~~ (24) "Secretary" means the secretary of the department of social and health services or his or her designee.

~~((23))~~ (25) "Treatment" means any currently standardized medical or mental health procedure including medication.

~~((24))~~ (26) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use

by a person providing treatment services for the department, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others.

~~((25))~~ (27) "Violent act" means behavior that: (a) (i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

**Sec. 3.** RCW 10.77.060 and 2022 c 288 s 2 are each amended to read as follows:

(1) (a) Whenever a defendant has pleaded not guilty by reason of insanity, ~~((or there is reason to doubt his or her competency,))~~ the court on its own motion or on the motion of any party shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.

(b) (i) Whenever there is a doubt as to competency, the court on its own motion or on the motion of any party shall first review the allegations of incompetency. The court shall make a determination of whether sufficient facts have been provided to form a genuine doubt as to competency based on information provided by counsel, judicial colloquy, or direct observation of the defendant. If a genuine doubt as to competency exists, the court shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.

(ii) Nothing in this subsection (1) (b) is intended to require a waiver of attorney-client privilege. Defense counsel may meet the requirements under this subsection (1) (b) by filing a declaration stating that they have reason to believe that a competency evaluation is necessary, and stating the basis on which the defendant is believed to be incompetent.

(c) The signed order of the court shall serve as authority for the evaluator to be given access to all records held by any mental health, medical, long-term services or supports, educational, or correctional facility that relate to the present or past mental, emotional, or physical condition of the defendant. If the court is advised by any party that the defendant may have a developmental disability, the evaluation must be performed by a developmental disabilities professional and the evaluator shall have access to records of the developmental disabilities administration of the department. If the court is advised by



any party that the defendant may have dementia or another relevant neurocognitive disorder, the evaluator shall have access to records of the aging and long-term support administration of the department.

~~((e))~~(d) The evaluator shall assess the defendant in a jail, detention facility, in the community, or in court to determine whether a period of inpatient commitment will be necessary to complete an accurate evaluation. If inpatient commitment is needed, the signed order of the court shall serve as authority for the evaluator to request the jail or detention facility to transport the defendant to a hospital or secure mental health facility for a period of commitment not to exceed fifteen days from the time of admission to the facility. Otherwise, the evaluator shall complete the evaluation.

~~((d))~~(e) The court may commit the defendant for evaluation to a hospital or secure mental health facility without an assessment if: (i) The defendant is charged with murder in the first or second degree; (ii) the court finds that it is more likely than not that an evaluation in the jail will be inadequate to complete an accurate evaluation; or (iii) the court finds that an evaluation outside the jail setting is necessary for the health, safety, or welfare of the defendant. The court shall not order an initial inpatient evaluation for any purpose other than a competency evaluation.

~~((e))~~(f) The order shall indicate whether, in the event the defendant is committed to a hospital or secure mental health facility for evaluation, all parties agree to waive the presence of the defendant or to the defendant's remote participation at a subsequent competency hearing or presentation of an agreed order if the recommendation of the evaluator is for continuation of the stay of criminal proceedings, or if the opinion of the evaluator is that the defendant remains incompetent and there is no remaining restoration period, and the hearing is held prior to the expiration of the authorized commitment period.

~~((f))~~(g) When a defendant is ordered to be evaluated under this subsection (1), or when a party or the court determines at first appearance that an order for evaluation under this subsection will be requested or ordered if charges are pursued, the court may delay granting bail until the defendant has been evaluated for competency or sanity and appears before the court. Following the evaluation, in determining bail the court shall consider: (i) Recommendations of the evaluator regarding the defendant's competency, sanity, or diminished capacity; (ii) whether the defendant has a recent history of one or more violent acts; (iii) whether the defendant has previously been acquitted by reason of insanity or found incompetent; (iv) whether it is reasonably likely the defendant will fail to appear for a future court hearing; and (v) whether the defendant is a threat to public safety.

(h) If the defendant ordered to be evaluated under this subsection (1) is charged with a serious traffic offense under RCW 9.94A.030, or a felony version of a

serious traffic offense, the prosecutor may make a motion to modify the defendant's conditions of release to include a condition prohibiting the defendant from driving during the pendency of the competency evaluation period.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the evaluation authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the evaluation shall include the following:

(a) A description of the nature of the evaluation;

(b) A diagnosis or description of the current mental status of the defendant;

(c) If the defendant ~~((suffers from))~~ has a mental disease or defect, or has a developmental disability, an opinion as to competency;

(d) If the defendant has indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, and an evaluation and report by an expert or professional person has been provided concluding that the defendant was criminally insane at the time of the alleged offense, an opinion as to the defendant's sanity at the time of the act, and an opinion as to whether the defendant presents a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, provided that no opinion shall be rendered under this subsection (3)(d) unless the evaluator or court determines that the defendant is competent to stand trial;

(e) When directed by the court, if an evaluation and report by an expert or professional person has been provided concluding that the defendant lacked the capacity at the time of the offense to form the mental state necessary to commit the charged offense, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant should be evaluated by a designated crisis responder under chapter 71.05 RCW.

(4) The secretary may execute such agreements as appropriate and necessary to implement this section and may choose to designate more than one evaluator.

(5) In the event that a person remains in jail more than 21 days after service on the department of a court order to transport the person to a facility designated by the department for inpatient competency restoration treatment, upon the request of

any party and with notice to all parties, the department shall perform a competency to stand trial status check to determine if the circumstances of the person have changed such that the court should authorize an updated competency evaluation. The status update shall be provided to the parties and the court. Status updates may be provided at reasonable intervals.

(6) If a finding of the competency evaluation under this section or under RCW 10.77.084 is that the individual is not competent due to an intellectual or developmental disability, dementia, or traumatic brain injury, the evaluator shall notify the department, which shall refer the individual to the developmental disabilities administration or the aging and long-term support administration of the department for review of eligibility for services. The department shall inform the forensic navigator about availability of services.

(7) If the expert or professional person appointed to perform a competency evaluation in the community is not able to complete the evaluation after two attempts at scheduling with the defendant, the department shall submit a report to the court and parties and include a date and time for another evaluation which must be at least four weeks later. The court shall provide notice to the defendant of the date and time of the evaluation. If the defendant fails to appear at that appointment, the court shall recall the order for competency evaluation and may issue a warrant for the failure to appear.

**Sec. 4.** RCW 10.77.068 and 2022 c 288 s 3 are each amended to read as follows:

(1)(a) The legislature establishes a performance target of seven days or fewer to extend an offer of admission to a defendant in pretrial custody for inpatient competency evaluation or inpatient competency restoration services, when access to the services is legally authorized.

(b) The legislature establishes a performance target of 14 days or fewer for the following services related to competency to stand trial, when access to the services is legally authorized:

(i) To complete a competency evaluation in jail and distribute the evaluation report; and

(ii) To extend an offer of admission to a defendant ordered to be committed to ~~((a state hospital))~~ the department for placement in a facility operated by or contracted by the department following dismissal of charges based on incompetency to stand trial under RCW 10.77.086.

(c) The legislature establishes a performance target of 21 days or fewer to complete a competency evaluation in the community and distribute the evaluation report.

(2)(a) A maximum time limit of seven days as measured from the department's receipt of the court order, or a maximum time limit of 14 days as measured from signature of the court order, whichever is shorter, is established to complete the services specified in subsection (1)(a) of this section, subject to the limitations under subsection (9) of this section.

(b) A maximum time limit of 14 days as measured from the department's receipt of the court order, or a maximum time limit of 21 days as measured from signature of the court order, whichever is shorter, is established to complete the services specified in subsection (1)(b) of this section, subject to the limitations under subsection (9) of this section.

(3) The legislature recognizes that these targets may not be achievable in all cases, but intends for the department to manage, allocate, and request appropriations for resources in order to meet these targets whenever possible without sacrificing the accuracy and quality of competency services.

(4) It shall be a defense to an allegation that the department has exceeded the maximum time limits for completion of competency services described in subsection (2) of this section if the department can demonstrate by a preponderance of the evidence that the reason for exceeding the maximum time limits was outside of the department's control including, but not limited to, the following circumstances:

(a) Despite a timely request, the department has not received necessary medical information regarding the current medical status of a defendant;

(b) The individual circumstances of the defendant make accurate completion of an evaluation of competency to stand trial dependent upon review of mental health, substance use disorder, or medical history information which is in the custody of a third party and cannot be immediately obtained by the department, provided that completion shall not be postponed for procurement of information which is merely supplementary;

(c) Additional time is needed for the defendant to no longer show active signs and symptoms of impairment related to substance use so that an accurate evaluation may be completed;

(d) The defendant is medically unavailable for competency evaluation or admission to a facility for competency restoration;

(e) Completion of the referral requires additional time to accommodate the availability or participation of counsel, court personnel, interpreters, or the defendant;

(f) The defendant asserts legal rights that result in a delay in the provision of competency services; or

(g) An unusual spike in the receipt of evaluation referrals or in the number of defendants requiring restoration services has occurred, causing temporary delays until the unexpected excess demand for competency services can be resolved.

(5) The department shall provide written notice to the court when it will not be able to meet the maximum time limits under subsection (2) of this section and identify the reasons for the delay and provide a reasonable estimate of the time necessary to complete the competency service. Good cause for an extension for the additional time estimated by the department shall be presumed absent a written response from the court or a party received by the department within seven days.

(6) The department shall:

(a) Develop, document, and implement procedures to monitor the clinical status of defendants admitted to a state hospital for competency services that allow the state hospital to accomplish early discharge for defendants for whom clinical objectives have been achieved or may be achieved before expiration of the commitment period;

(b) Investigate the extent to which patients admitted to a state hospital under this chapter overstay time periods authorized by law and take reasonable steps to limit the time of commitment to authorized periods; and

(c) Establish written standards for the productivity of forensic evaluators and utilize these standards to internally review the performance of forensic evaluators.

(7) Following any quarter in which a state hospital has failed to meet one or more of the performance targets or maximum time limits under subsection (1) or (2) of this section, the department shall report to the executive and the legislature the extent of this deviation and describe any corrective action being taken to improve performance. This report shall be made publicly available. An average may be used to determine timeliness under this subsection.

(8) The department shall report annually to the legislature and the executive on the timeliness of services related to competency to stand trial and the timeliness with which court referrals accompanied by charging documents, discovery, and criminal history information are provided to the department relative to the signature date of the court order. The report must be in a form that is accessible to the public and that breaks down performance by county.

(9) This section does not create any new entitlement or cause of action related to the timeliness of competency to stand trial services, nor can it form the basis for contempt sanctions under chapter 7.21 RCW or a motion to dismiss criminal charges.

**Sec. 5.** RCW 10.77.074 and 2019 c 326 s 2 are each amended to read as follows:

(1) Subject to the limitations described in subsection (2) of this section, a court may appoint an impartial forensic navigator employed by or contracted by the department to assist individuals who have been referred for competency evaluation and shall appoint a forensic navigator in circumstances described under section 10 of this act.

(2) A forensic navigator must assist the individual to access services related to diversion and community outpatient competency restoration. The forensic navigator must assist the individual, prosecuting attorney, defense attorney, and the court to understand the options available to the individual and be accountable as an officer of the court for faithful execution of the responsibilities outlined in this section.

(3) The duties of the forensic navigator include, but are not limited to, the following:

(a) To collect relevant information about the individual, including behavioral health

services and supports available to the individual that might support placement in outpatient restoration, diversion, or some combination of these;

(b) To meet with, interview, and observe the individual;

(c) To assess the individual for appropriateness for assisted outpatient treatment under chapter 71.05 RCW;

~~(d)~~ To present information to the court in order to assist the court in understanding the treatment options available to the individual to support the entry of orders for diversion from the forensic mental health system or for community outpatient competency restoration, ((and)) to facilitate that transition; ((and

~~(d))~~ (e) To provide regular updates to the court and parties of the status of the individual's participation in diversion or outpatient services and be responsive to inquiries by the parties about treatment status;

(f) When the individual is ordered to receive community outpatient restoration, to provide services to the individual including:

(i) Assisting the individual with attending appointments and classes relating to outpatient competency restoration;

(ii) Coordinating access to housing for the individual;

(iii) Meeting with the individual on a regular basis;

(iv) Providing information to the court concerning the individual's progress and compliance with court-ordered conditions of release, which may include appearing at court hearings to provide information to the court;

(v) Coordinating the individual's access to community case management services and mental health services;

(vi) Assisting the individual with obtaining prescribed medication and encouraging adherence with prescribed medication;

(vii) Assessing the individual for appropriateness for assisted outpatient treatment under chapter 71.05 RCW and coordinating the initiation of an assisted outpatient treatment order if appropriate;

(viii) Planning for a coordinated transition of the individual to a case manager in the community behavioral health system;

~~((viii))~~ (ix) Attempting to follow-up with the individual to check whether the meeting with a community-based case manager took place;

~~((ix))~~ (x) When the individual is a high utilizer, attempting to connect the individual with high utilizer services; and

~~((x))~~ (xi) Attempting to check up on the individual at least once per month for up to sixty days after coordinated transition to community behavioral health services, without duplicating the services of the community-based case manager;

(g) If the individual is an American Indian or Alaska Native who receives medical, behavioral health, housing, or other supportive services from a tribe within this state, to notify and coordinate with the tribe and Indian health care provider. Notification shall be made in

person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible.

(4) Forensic navigators may submit ~~((nonclinical))~~ recommendations to the court regarding treatment and restoration options for the individual, which the court may consider and weigh in conjunction with the recommendations of all of the parties.

(5) Forensic navigators shall be deemed officers of the court for the purpose of immunity from civil liability.

(6) The signed order for competency evaluation from the court shall serve as authority for the forensic navigator to be given access to all records held by a behavioral health, educational, or law enforcement agency or a correctional facility that relates to an individual. Information that is protected by state or federal law, including health information, shall not be entered into the court record without the consent of the individual or their defense attorney.

(7) Admissions made by the individual in the course of receiving services from the forensic navigator may not be used against the individual in the prosecution's case in chief.

(8) A court may not issue an order appointing a forensic navigator unless the department certifies that there is adequate forensic navigator capacity to provide these services at the time the order is issued.

**Sec. 6.** RCW 10.77.084 and 2016 sp.s. c 29 s 410 are each amended to read as follows:

(1)(a) If at any time during the pendency of an action and prior to judgment the court finds, following a report as provided in RCW 10.77.060, a defendant is incompetent, the court shall order the proceedings against the defendant be stayed except as provided in subsection (4) of this section. Beginning October 1, 2023, if the defendant is charged with a serious traffic offense under RCW 9.94A.030, or a felony version of a serious traffic offense, the court may order the clerk to transmit an order to the department of licensing for revocation of the defendant's driver's license for a period of one year.

(b) The court may order a defendant who has been found to be incompetent to undergo competency restoration treatment at a facility designated by the department if the defendant is eligible under RCW 10.77.086 or 10.77.088. At the end of each competency restoration period or at any time a professional person determines competency has been, or is unlikely to be, restored, the defendant shall be returned to court for a hearing, except that if the opinion of the professional person is that the defendant remains incompetent and the hearing is held before the expiration of the current competency restoration period, the parties may agree to waive the defendant's presence, to remote participation by the defendant at a hearing, or to presentation of an agreed order in lieu of a hearing. The facility shall promptly notify the court and all parties of the date on which the competency

restoration period commences and expires so that a timely hearing date may be scheduled.

(c) If, following notice and hearing or entry of an agreed order under (b) of this subsection, the court finds that competency has been restored, the court shall lift the stay entered under (a) of this subsection. If the court finds that competency has not been restored, the court shall dismiss the proceedings without prejudice, except that the court may order a further period of competency restoration treatment if it finds that further treatment within the time limits established by RCW 10.77.086 or 10.77.088 is likely to restore competency, and a further period of treatment is allowed under RCW 10.77.086 or 10.77.088.

(d) If at any time during the proceeding the court finds, following notice and hearing, a defendant is not likely to regain competency, the court shall dismiss the proceedings without prejudice and refer the defendant for civil commitment evaluation or proceedings if appropriate under RCW 10.77.065, 10.77.086, or 10.77.088.

(e) Beginning October 1, 2023, if the court issues an order directing revocation of the defendant's driver's license under (a) of this subsection, and the court subsequently finds that the defendant's competency has been restored, the court shall order the clerk to transmit an order to the department of licensing for reinstatement of the defendant's driver's license. The court may direct the clerk to transmit an order reinstating the defendant's driver's license before the end of one year for good cause upon the petition of the defendant.

(2) If the defendant is referred for evaluation by a designated crisis responder under this chapter, the designated crisis responder shall provide prompt written notification of the results of the evaluation and whether the person was detained. The notification shall be provided to the court in which the criminal action was pending, the prosecutor, the defense attorney in the criminal action, and the facility that evaluated the defendant for competency.

(3) The fact that the defendant is unfit to proceed does not preclude any pretrial proceedings which do not require the personal participation of the defendant.

(4) A defendant receiving medication for either physical or mental problems shall not be prohibited from standing trial, if the medication either enables the defendant to understand the proceedings against him or her and to assist in his or her own defense, or does not disable him or her from so understanding and assisting in his or her own defense.

(5) At or before the conclusion of any commitment period provided for by this section, the facility providing evaluation and treatment shall provide to the court a written report of evaluation which meets the requirements of RCW 10.77.060(3). For defendants charged with a felony, the report following the second competency restoration period or first competency restoration period if the defendant's incompetence is determined to be solely due to a developmental disability or the evaluator

concludes that the defendant is not likely to regain competency must include an assessment of the defendant's future dangerousness which is evidence-based regarding predictive validity.

**Sec. 7.** RCW 10.77.086 and 2022 c 288 s 4 are each amended to read as follows:

(1) If the defendant is charged with a felony and determined to be incompetent, until he or she has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, but in any event for a period of no longer than 90 days, the court shall commit the defendant to the custody of the secretary for inpatient competency restoration, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties.

(a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

(i) Adhere to medications or receive prescribed intramuscular medication;

(ii) Abstain from alcohol and unprescribed drugs; and

(iii) Comply with urinalysis or breathalyzer monitoring if needed.

(b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration.

(c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management. The court may order regular urinalysis testing. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

(d) If a defendant fails to comply with the restrictions of the outpatient restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement

personnel under (d)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the conditions of release of the defendant and anticipated release from treatment and issue appropriate orders.

(e) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient competency restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

(2) For a defendant whose highest charge is a class C felony, or a class B felony that is not classified as violent under RCW 9.94A.030, the maximum time allowed for the initial competency restoration period is 45 days if the defendant is referred for inpatient competency restoration, or 90 days if the defendant is referred for outpatient competency restoration, provided that if the outpatient competency restoration placement is terminated and the defendant is subsequently admitted to an inpatient facility, the period of inpatient treatment during the first competency restoration period under this subsection shall not exceed 45 days.

(3) If the court determines or the parties agree before the initial competency restoration period or at any subsequent stage of the proceedings that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo an initial or further period of competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection (5) of this section.

(4) On or before expiration of the initial competency restoration period the court shall conduct a hearing to determine whether the defendant is now competent to stand trial. If the court finds by a preponderance of the evidence that the defendant is incompetent to stand trial, the court may order an extension of the competency restoration period for an additional period of 90 days, but the court must at the same time set a date for a new hearing to determine the defendant's competency to stand trial before the expiration of this second restoration period. The defendant, the defendant's attorney, and the prosecutor have the right to demand that the hearing be before a jury. No extension shall be ordered for a second or third competency restoration period if the defendant's incompetence has been determined by the secretary to be solely the result of a developmental disability which is such that competence is not reasonably likely to be regained during an extension.

(5) ~~((A+))~~ (a) Except as provided in (b) of this subsection, at the hearing upon the expiration of the second competency restoration period, or at the end of the first competency restoration period if the defendant is ineligible for a second or third competency restoration period under subsection (4) of this section, if the jury or court finds that the defendant is incompetent to stand trial, the court shall dismiss the charges without prejudice and order the defendant to be committed to ((a state hospital)) the department for placement in a facility operated or contracted by the department for up to 120 hours if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services and up to 72 hours if the defendant engaged in inpatient competency restoration services starting from admission to the facility, excluding Saturdays, Sundays, and holidays, for evaluation for the purpose of filing a civil commitment petition under chapter 71.05 RCW. ((However, the)) If at the time the order to dismiss the charges without prejudice is entered by the court the defendant is already in a facility operated or contracted by the department, the 72-hour or 120-hour period shall instead begin upon department receipt of the court order.

(b) The court shall not dismiss the charges if the court or jury finds that: ((+a)) (i) The defendant ((+i)) (A) is a substantial danger to other persons; or ((+ii)) (B) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and ((+b)) (ii) there is a substantial

probability that the defendant will regain competency within a reasonable period of time. If the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months.

(6) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

**Sec. 8.** RCW 10.77.086 and 2022 c 288 s 4 are each amended to read as follows:

(1) ~~((I#))~~ (a) Except as otherwise provided in this section, if the defendant is charged with a felony and determined to be incompetent, until he or she has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, but in any event for a period of no longer than 90 days, the court shall commit the defendant to the custody of the secretary for inpatient competency restoration, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties.

(b) For a defendant who is determined to be incompetent and whose highest charge is a class C felony other than assault in the third degree under RCW 9A.36.031(1) (d) or (f), felony physical control of a vehicle under RCW 46.61.504(6), felony hit and run resulting in injury under RCW 46.52.020(4) (b), a hate crime offense under RCW 9A.36.080, a class C felony with a domestic violence designation, a class C felony sex offense as defined in RCW 9.94A.030, or a class C felony with a sexual motivation allegation, the court shall first consider all available and appropriate alternatives to inpatient competency restoration. The court shall dismiss the proceedings without prejudice upon agreement of the parties if the forensic navigator has found an appropriate and available diversion program willing to accept the defendant.

(2)(a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

(i) Adhere to medications or receive prescribed intramuscular medication;  
(ii) Abstain from alcohol and unprescribed drugs; and  
(iii) Comply with urinalysis or breathalyzer monitoring if needed.

(b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration.

(c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority,

must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management. The court may order regular urinalysis testing. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

(d) If a defendant fails to comply with the restrictions of the outpatient restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under (d)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the conditions of release of the defendant and

anticipated release from treatment and issue appropriate orders.

(e) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient competency restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

~~((2))~~ (3) For a defendant whose highest charge is a class C felony, or a class B felony that is not classified as violent under RCW 9.94A.030, the maximum time allowed for the initial competency restoration period is 45 days if the defendant is referred for inpatient competency restoration, or 90 days if the defendant is referred for outpatient competency restoration, provided that if the outpatient competency restoration placement is terminated and the defendant is subsequently admitted to an inpatient facility, the period of inpatient treatment during the first competency restoration period under this subsection shall not exceed 45 days.

~~((3))~~ (4) When any defendant whose highest charge is a class C felony other than assault in the third degree under RCW 9A.36.031(1) (d) or (f), felony physical control of a vehicle under RCW 46.61.504(6), felony hit and run resulting in injury under RCW 46.52.020(4)(b), a hate crime offense under RCW 9A.36.080, a class C felony with a domestic violence designation, a class C felony sex offense as defined in RCW 9.94A.030, or a class C felony with a sexual motivation allegation is admitted for inpatient competency restoration with an accompanying court order for involuntary medication under RCW 10.77.092, and the defendant is found not competent to stand trial following that period of competency restoration, the court shall dismiss the charges pursuant to subsection (7) of this section.

(5) If the court determines or the parties agree before the initial competency restoration period or at any subsequent stage of the proceedings that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo an initial or further period of competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection ~~((5))~~ (7) of this section.

~~((4))~~ (6) On or before expiration of the initial competency restoration period the court shall conduct a hearing to determine whether the defendant is now competent to stand trial. If the court finds by a preponderance of the evidence that the defendant is incompetent to stand trial, the court may order an extension of the competency restoration period for an additional period of 90 days, but the court must at the same time set a date for a new hearing to determine the defendant's competency to stand trial before the expiration of this second restoration

period. The defendant, the defendant's attorney, and the prosecutor have the right to demand that the hearing be before a jury. No extension shall be ordered for a second or third competency restoration period if the defendant is ineligible for a subsequent competency restoration period under subsection (4) of this section or the defendant's incompetence has been determined by the secretary to be solely the result of ((a))an intellectual or developmental disability, dementia, or traumatic brain injury which is such that competence is not reasonably likely to be regained during an extension.

~~((5) At)~~ (7) (a) Except as provided in (b) of this subsection, at the hearing upon the expiration of the second competency restoration period, or at the end of the first competency restoration period if the defendant is ineligible for a second or third competency restoration period under subsection ((4)) (3) or (6) of this section, if the jury or court finds that the defendant is incompetent to stand trial, the court shall dismiss the charges without prejudice and order the defendant to be committed to ((a state hospital)) the department for placement in a facility operated or contracted by the department for up to 120 hours if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services, and up to 72 hours if the defendant engaged in inpatient competency restoration services starting from admission to the facility, excluding Saturdays, Sundays, and holidays, for evaluation for the purpose of filing a civil commitment petition under chapter 71.05 RCW. ((However, the)) If at the time the order to dismiss the charges without prejudice is entered by the court the defendant is already in a facility operated or contracted by the department, the 72-hour or 120-hour period shall instead begin upon department receipt of the court order.

(b) The court shall not dismiss the charges if the defendant is eligible for a second or third competency restoration period under subsection (6) of this section and the court or jury finds that: ((a)) (i) The defendant ((i)) (A) is a substantial danger to other persons; or ((ii)) (B) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and ((b)) (ii) there is a substantial probability that the defendant will regain competency within a reasonable period of time. If the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months.

~~((6))~~ (8) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

**Sec. 9.** RCW 10.77.088 and 2022 c 288 s 5 are each amended to read as follows:

(1) If the defendant is charged with a nonfelony crime which is a serious offense as identified in RCW 10.77.092 and found by the court to be not competent, the court shall first consider all available and appropriate alternatives to inpatient competency restoration. If the parties agree that there is an appropriate diversion program available to accept the defendant, the court shall dismiss the proceedings without prejudice and refer the defendant to the recommended diversion program. If the parties do not agree that there is an appropriate diversion program available to accept the defendant, then the court:

(a) Shall dismiss the proceedings without prejudice and detain the defendant ~~((for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW))~~ pursuant to subsection (6) of this section, unless the prosecutor objects to the dismissal and provides notice of a motion for an order for competency restoration treatment, in which case the court shall schedule a hearing within seven days.

(b) At the hearing, the prosecuting attorney must establish that there is a compelling state interest to order competency restoration treatment for the defendant. The court may consider prior criminal history, prior history in treatment, prior history of violence, the quality and severity of the pending charges, any history that suggests whether competency restoration treatment is likely to be successful, in addition to the factors listed under RCW 10.77.092. If the defendant is subject to an order under chapter 71.05 RCW or proceedings under chapter 71.05 RCW have been initiated, there is a rebuttable presumption that there is no compelling state interest in ordering competency restoration treatment. If the prosecuting attorney proves by a preponderance of the evidence that there is a compelling state interest in ordering competency restoration treatment, then the court shall issue an order in accordance with subsection (2) of this section.

(2) ~~(a)~~ If a court finds pursuant to subsection (1) (b) of this section that there is a compelling state interest in pursuing competency restoration treatment, the court shall ~~((commit the defendant to the custody of the secretary for inpatient competency restoration, or may alternatively))~~ order the defendant to receive outpatient competency restoration ~~((based on a recommendation from a forensic navigator and input from the parties))~~ consistent with the recommendation of the forensic navigator, unless the court finds that an order for outpatient competency restoration is inappropriate considering the health and safety of the defendant and risks to public safety.

~~((a))~~ (b) To be eligible for an order for outpatient competency restoration, a defendant must be ((clinically appropriate and be)) willing to:

(i) Adhere to medications or receive prescribed intramuscular medication;

(ii) Abstain from alcohol and unprescribed drugs; and



(iii) Comply with urinalysis or breathalyzer monitoring if needed.

~~((b-))~~(c) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration under subsection (3) of this section.

~~((e-))~~(d) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management. The court may order regular urinalysis testing. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

~~((d-))~~(e) If a defendant fails to comply with the restrictions of the outpatient competency restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under ~~((d-))~~(e)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility for medical clearance once a bed is available at the

designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the conditions of release of the defendant and anticipated release from treatment and issue appropriate orders.

~~((e-))~~(f) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

(g) If the court does not order the defendant to receive outpatient competency restoration under (a) of this subsection, the court shall commit the defendant to the department for placement in a facility operated or contracted by the department for inpatient competency restoration.

(3) The placement under subsection (2) of this section shall not exceed 29 days if the defendant is ordered to receive inpatient competency restoration, and shall not exceed 90 days if the defendant is ordered to receive outpatient competency restoration. The court may order any combination of this subsection, but the total period of inpatient competency restoration may not exceed 29 days.

(4) Beginning October 1, 2023, if the defendant is charged with a serious traffic offense under RCW 9.94A.030, the court may order the clerk to transmit an order to the department of licensing for revocation of the defendant's driver's license for a period of one year. The court shall direct the clerk to transmit an order to the department of licensing reinstating the defendant's driver's license if the defendant is subsequently restored to competency, and may do so at any time before the end of one year for good cause upon the petition of the defendant.

(5) If the court has determined or the parties agree that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection ~~((5-))~~(6) of this section.

~~((5-))~~(6) (a) If the proceedings are dismissed under RCW 10.77.084 and the defendant was on conditional release at the time of dismissal, the court shall order the designated crisis responder within that

county to evaluate the defendant pursuant to chapter 71.05 RCW. The evaluation may be conducted in any location chosen by the professional.

(b) If the defendant was in custody and not on conditional release at the time of dismissal, the defendant shall be detained and sent to an evaluation and treatment facility for up to 120 hours if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services and up to 72 hours if the defendant engaged in inpatient competency restoration services, excluding Saturdays, Sundays, and holidays, for evaluation for purposes of filing a petition under chapter 71.05 RCW. The 120-hour or 72-hour period shall commence upon the next nonholiday weekday following the court order and shall run to the end of the last nonholiday weekday within the 120-hour or 72-hour period.

~~((6))~~(7) If the defendant is charged with a nonfelony crime that is not a serious offense as defined in RCW 10.77.092 and found by the court to be not competent, the court may stay or dismiss proceedings and detain the defendant for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW. The court must give notice to all parties at least 24 hours before the dismissal of any proceeding under this subsection, and provide an opportunity for a hearing on whether to dismiss the proceedings.

~~((7))~~(8) If at any time the court dismisses charges under subsections (1) through ~~((6))~~(7) of this section, the court shall make a finding as to whether the defendant has a history of one or more violent acts. If the court so finds, the defendant is barred from the possession of firearms until a court restores his or her right to possess a firearm under RCW 9.41.047. The court shall state to the defendant and provide written notice that the defendant is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

~~((8))~~(9) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

**NEW SECTION. Sec. 10.** A new section is added to chapter 10.77 RCW to read as follows:

(1) In counties with a forensic navigator program, a forensic navigator shall:

(a) Meet, interview, and observe all defendants charged with a nonfelony, or a class C felony other than assault in the third degree under RCW 9A.36.031(1) (d) or (f), felony physical control of a vehicle under RCW 46.61.504(6), felony hit and run resulting in injury under RCW 46.52.020(4) (b), a hate crime offense under RCW

9A.36.080, a class C felony with a domestic violence designation, a class C felony sex offense as defined in RCW 9.94A.030, or a class C felony with a sexual motivation allegation, who have had two or more cases dismissed due to a finding of incompetency to stand trial in the preceding 24 months and who are at risk for a finding of incompetency under their current charge. The forensic navigator shall determine the defendants' willingness to engage with services under this section; and

(b) Provide a diversion program plan to the parties in each case that includes a recommendation for a diversion program to defense counsel and the prosecuting attorney. Services under a diversion program may include a referral for assisted outpatient treatment under chapter 71.05 RCW.

(2) The court shall dismiss the criminal charges upon agreement of the parties that the defendant has been accepted into the diversion program recommended by the forensic navigator.

(3)(a) For defendants charged with a nonfelony, the court may order the defendant to a diversion program if recommended by the forensic navigator. Upon engagement with the diversion program, the defense may move to dismiss the charges without prejudice. The court shall hold a hearing on this motion within 10 days. The court shall grant the defense motion if it finds by a preponderance of the evidence that the defendant is amenable to the services described in the diversion program and can safely receive services in the community.

(b) For defendants charged with a class C felony other than assault in the third degree under RCW 9A.36.031(1) (d) or (f), felony physical control of a vehicle under RCW 46.61.504(6), felony hit and run resulting in injury under RCW 46.52.020(4) (b), a hate crime offense under RCW 9A.36.080, a class C felony with a domestic violence designation, a class C felony sex offense as defined in RCW 9.94A.030, or a class C felony with a sexual motivation allegation, the defense may move for dismissal of the charges without prejudice if the defendant is currently subject to a civil commitment order under chapter 71.05 RCW. The court shall grant the defense motion upon confirmation of an available treatment plan under chapter 71.05 RCW.

(4) Individuals who are referred to a diversion program described in this section shall have a forensic navigator assigned to assist them for up to six months while engaging in the services described in the diversion program.

(5) Forensic navigators shall collaborate with available *Trueblood* settlement diversion programs if they are accessible in the geographic location where criminal charges are currently filed.

**Sec. 11.** RCW 10.77.092 and 2014 c 10 s 2 are each amended to read as follows:

(1) For purposes of determining whether a court may authorize involuntary medication for the purpose of competency restoration pursuant to RCW 10.77.084 and for maintaining the level of restoration in the

jail following the restoration period, a pending charge involving any one or more of the following crimes is a serious offense per se in the context of competency restoration:

(a) Any violent offense, sex offense, serious traffic offense, and most serious offense, as those terms are defined in RCW 9.94A.030;

(b) Any offense, except nonfelony counterfeiting offenses, included in crimes against persons in RCW 9.94A.411;

(c) Any offense contained in chapter 9.41 RCW (firearms and dangerous weapons);

(d) Any offense listed as domestic violence in RCW 10.99.020;

(e) Any offense listed as a harassment offense in chapter 9A.46 RCW, except for criminal trespass in the first or second degree;

(f) Any violation of chapter 69.50 RCW that is a class B felony; or

(g) Any city or county ordinance or statute that is equivalent to an offense referenced in this subsection.

(2) Any time a petition is filed seeking a court order authorizing the involuntary medication for purposes of competency restoration pursuant to RCW 10.77.084, the petition must also seek authorization to continue involuntary medication for purposes of maintaining the level of restoration in the jail or juvenile detention facility following the restoration period.

(3)(a) In a particular case, a court may determine that a pending charge not otherwise defined as serious by state or federal law or by a city or county ordinance is, nevertheless, a serious offense within the context of competency restoration treatment when the conduct in the charged offense falls within the standards established in (b) of this subsection.

(b) To determine that the particular case is a serious offense within the context of competency restoration, the court must consider the following factors and determine that one or more of the following factors creates a situation in which the offense is serious:

(i) The charge includes an allegation that the defendant actually inflicted bodily or emotional harm on another person or that the defendant created a reasonable apprehension of bodily or emotional harm to another;

(ii) The extent of the impact of the alleged offense on the basic human need for security of the citizens within the jurisdiction;

(iii) The number and nature of related charges pending against the defendant;

(iv) The length of potential confinement if the defendant is convicted; and

(v) The number of potential and actual victims or persons impacted by the defendant's alleged acts.

**NEW SECTION. Sec. 12.** A new section is added to chapter 10.77 RCW to read as follows:

(1) When an individual has a prescription for an antipsychotic, antidepressant, antiepileptic, or other drug prescribed to the individual to treat a serious mental

illness by a state hospital or other state facility or a behavioral health agency or other certified medical provider, and the individual is medically stable on the drug, a jail or juvenile detention facility shall continue prescribing the prescribed drug and may not require the substitution of a different drug in a given therapeutic class, except under the following circumstances:

(a) The substitution is for a generic version of a name brand drug and the generic version is chemically identical to the name brand drug; or

(b) The drug cannot be prescribed for reasons of drug recall or removal from the market, or medical evidence indicating no therapeutic effect of the drug.

(2) This section includes but is not limited to situations in which the individual returns to a jail or juvenile detention facility directly after undergoing treatment at a state hospital, behavioral health agency, outpatient competency restoration program, or prison.

(3) The department shall establish a program to reimburse jails and juvenile detention facilities for the costs of any drugs the jail or juvenile detention facility does not otherwise have available and must continue prescribing under this section.

**NEW SECTION. Sec. 13.** A new section is added to chapter 10.77 RCW to read as follows:

(1) Following a competency evaluation under RCW 10.77.060, individuals who are found not competent to stand trial and not restorable due to an intellectual or developmental disability, dementia, or traumatic brain injury, shall not be referred for competency restoration services.

(2) The department shall develop a process for connecting individuals who have been found not competent to stand trial due to an intellectual or developmental disability, dementia, or traumatic brain injury to available wraparound services and supports in community-based settings, which may include residential supports. The process shall include provisions for individuals who are current clients of the department's developmental disabilities administration or aging and long-term support administration and for individuals who are not current clients of the department.

(a) For current clients of the developmental disabilities administration and aging and long-term support administration, the department's assigned case manager shall:

(i) Coordinate with the individual's services providers to determine if the individual can return to the same or like services, or determine appropriate new community-based services. This shall include updating the individual's service plan and identifying and coordinating potential funding for any additional supports to stabilize the individual in community-based settings funded by the developmental disabilities administration or aging and long-term support administration so that the

individual does not lose existing services, including submitting any exceptions to rule for additional services;

(ii) Conduct a current service eligibility assessment and send referral packets to all community-based service providers for services for which the individual is eligible; and

(iii) Connect with the individual's assigned forensic navigator and determine if the individual is eligible for any diversion, supportive housing, or case management programs as a *Trueblood* class member, and assist the individual to access these services.

(b) For individuals who have not established eligibility for the department's support services, the department shall:

(i) Conduct an eligibility determination for services and send referral packets to service providers for all relevant community-based services for which the individual is eligible. This process must include identifying and coordinating funding for any additional supports that are needed to stabilize the individual in any community-based setting funded by the developmental disabilities administration or aging and long-term support administration, including submitting any necessary exceptions to rule for additional services; and

(ii) Connect with the individual's assigned forensic navigator and determine if the individual is eligible for any diversion, supportive housing, or case management programs as a *Trueblood* class member, if additional specialized services are available to supplement diversion program services, and assist the individual to access these services.

(3) The department shall offer to transition the individual in services either directly from the jail or as soon thereafter as may be practicable, without maintaining the individual at an inpatient facility for longer than is clinically necessary. Nothing in this subsection prohibits the department from returning the individual to their home or to another less restrictive setting if such setting is appropriate, which may include provision of supportive services to help the person maintain stability. The individual is not required to accept developmental disabilities administration, aging and long-term support administration, or other diversionary services as a condition of having the individual's criminal case dismissed without prejudice, provided the individual meets the criteria of subsection (1) of this section.

(4) Subject to the availability of funds appropriated for this specific purpose, the department shall develop a program for individuals who have been involved with the criminal justice system and who have been found under RCW 10.77.084 as incompetent to stand trial due to an intellectual or developmental disability, traumatic brain injury, or dementia and who do not meet criteria under other programs in this section. The program must involve wraparound services and housing supports appropriate to the needs of the individual. It is sufficient to meet the criteria for participation in this program if the

individual has recently been the subject of criminal charges and was found incompetent to stand trial due to an intellectual or developmental disability, traumatic brain injury, or dementia.

**NEW SECTION. Sec. 14.** The University of Washington shall implement a pilot project to provide short-term stabilization and transition support for individuals found incompetent to stand trial due to an intellectual or developmental disability who are or have been *Trueblood* class members. The project will be implemented in three phases, beginning December 1, 2023, using an interdisciplinary approach across various settings and overlapping with existing resources, including those available to *Trueblood* class members and services and supports they are eligible to receive from the department of social and health services. The department of social and health services shall collaborate with the University of Washington on this project, including assistance in identifying resources available to class members and determination of eligibility. By November 30, 2026, the University of Washington shall submit a report to the appropriate fiscal and policy committees of the legislature on the pilot project, including the pilot project's outcomes, data analysis, evaluation, and recommendations for improvement. In addition, the University of Washington shall report on the background of current and former *Trueblood* class members with intellectual and developmental disabilities. The department of social and health services shall share data as needed to assist in report development.

**NEW SECTION. Sec. 15.** Subject to the availability of funds appropriated for this specific purpose, the health care authority shall require the programs it contracts with to increase compensation for staff in outpatient competency restoration programs to provide compensation at competitive levels to improve recruitment and allow for the full implementation of outpatient competency restoration programs.

**NEW SECTION. Sec. 16.** A new section is added to chapter 10.77 RCW to read as follows:

An outpatient competency restoration program must include access to a prescriber.

**NEW SECTION. Sec. 17.** A new section is added to chapter 10.77 RCW to read as follows:

(1) Subject to the security and background investigation requirements of the jail, jails shall allow clinical intervention specialists to have access to individuals who are referred to receive services under this chapter and to all records relating to the health or conduct of the individual while incarcerated. Clinical intervention specialists shall support jail health services in providing direct services, enhanced oversight and monitoring of the behavioral health status of participating individuals. Clinical

intervention specialists shall work collaboratively with jail health services to ensure appropriate prescriptions, medication compliance monitoring, and access to supportive behavioral health services to the individuals. Clinical intervention specialists shall coordinate with forensic navigators and the department to assist forensic navigators in making recommendations for appropriate placements, which may include recommendations for participation in an outpatient competency restoration program or a diversion program designed for the needs of the individual. The clinical intervention specialist shall notify the department if a participating individual appears to have stabilized in their behavioral health such that a new competency evaluation is appropriate to reassess the individual's need for competency restoration treatment.

(2) The department shall establish a memorandum of understanding and any contracts needed with the jail to address the terms and conditions of allowing access to defendants and their records subject to the requirements of this section.

**NEW SECTION. Sec. 18.** A new section is added to chapter 10.77 RCW to read as follows:

The department shall collect data so that information can be retrieved based on unique individuals, their complete Washington criminal history and referrals for forensic services.

**NEW SECTION. Sec. 19.** A new section is added to chapter 10.77 RCW to read as follows:

(1) The department shall coordinate with cities, counties, hospitals, and other public and private entities to identify locations that may be commissioned or renovated for use in treating clients committed to the department for competency evaluation, competency restoration, civil conversion, or treatment following acquittal by reason of insanity.

(2) The department may provide capital grants to entities to accomplish the purposes described in subsection (1) of this section subject to provision of funding provided for this specific purpose.

**Sec. 20.** RCW 10.77.065 and 2019 c 325 s 5006 are each amended to read as follows:

(1)(a)(i) The expert conducting the evaluation shall provide his or her report and recommendation to the court in which the criminal proceeding is pending. For a competency evaluation of a defendant who is released from custody, if the evaluation cannot be completed within twenty-one days due to a lack of cooperation by the defendant, the evaluator shall notify the court that he or she is unable to complete the evaluation because of such lack of cooperation.

(ii) A copy of the report and recommendation shall be provided to the designated crisis responder, the prosecuting attorney, the defense attorney, and the professional person at the local

correctional facility where the defendant is being held, or if there is no professional person, to the person designated under (a)(iv) of this subsection. Upon request, the evaluator shall also provide copies of any source documents relevant to the evaluation to the designated crisis responder.

(iii) Any facility providing inpatient services related to competency shall discharge the defendant as soon as the facility determines that the defendant is competent to stand trial. Discharge shall not be postponed during the writing and distribution of the evaluation report. Distribution of an evaluation report by a facility providing inpatient services shall ordinarily be accomplished within two working days or less following the final evaluation of the defendant. If the defendant is discharged to the custody of a local correctional facility, the local correctional facility must continue the medication regimen prescribed by the facility, when clinically appropriate, unless the defendant refuses to cooperate with medication and an involuntary medication order by the court has not been entered.

(iv) If there is no professional person at the local correctional facility, the local correctional facility shall designate a professional person as defined in RCW 71.05.020 or, in cooperation with the behavioral health administrative services organization, a professional person at the behavioral health administrative services organization to receive the report and recommendation.

(v) Upon commencement of a defendant's evaluation in the local correctional facility, the local correctional facility must notify the evaluator of the name of the professional person, or person designated under (a)(iv) of this subsection, to receive the report and recommendation.

(b) If the evaluator concludes, under RCW 10.77.060(3)(f), the person should be evaluated by a designated crisis responder under chapter 71.05 RCW, the court shall order such evaluation be conducted prior to release from confinement when the person is acquitted or convicted and sentenced to confinement for twenty-four months or less, or when charges are dismissed pursuant to a finding of incompetent to stand trial.

(2) The designated crisis responder shall provide written notification within twenty-four hours of the results of the determination whether to commence proceedings under chapter 71.05 RCW. The notification shall be provided to the persons identified in subsection (1)(a) of this section.

(3) The prosecuting attorney shall provide a copy of the results of any proceedings commenced by the designated crisis responder under subsection (2) of this section to the secretary.

(4) A facility conducting a civil commitment evaluation under RCW 10.77.086((4)) (7) or 10.77.088((1)(c)-(ii)) (6)(b) that makes a determination to release the person instead of filing a civil commitment petition must provide written notice to the prosecutor and defense attorney at least twenty-four hours prior to

release. The notice may be given by email, facsimile, or other means reasonably likely to communicate the information immediately.

(5) The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services under this chapter may also be disclosed to the courts solely to prevent the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

**Sec. 21.** RCW 71.05.235 and 2020 c 302 s 36 are each amended to read as follows:

(1) If an individual is referred to a designated crisis responder under RCW 10.77.088(~~((2)(d)(i))~~)(6)(a), the designated crisis responder shall examine the individual within forty-eight hours. If the designated crisis responder determines it is not appropriate to detain the individual or petition for a ninety-day less restrictive alternative under RCW 71.05.230(4), that decision shall be immediately presented to the superior court for hearing. The court shall hold a hearing to consider the decision of the designated crisis responder not later than the next judicial day. At the hearing the superior court shall review the determination of the designated crisis responder and determine whether an order should be entered requiring the person to be evaluated at an evaluation and treatment facility. No person referred to an evaluation and treatment facility may be held at the facility longer than one hundred twenty hours.

(2) If an individual is placed in an evaluation and treatment facility under RCW 10.77.088(~~((2)(d)(ii))~~)(6)(b), a professional person shall evaluate the individual for purposes of determining whether to file a ninety-day inpatient or outpatient petition under this chapter. Before expiration of the one hundred twenty hour evaluation period authorized under RCW 10.77.088(~~((2)(d)(ii))~~)(6)(b), the professional person shall file a petition or, if the recommendation of the professional person is to release the individual, present his or her recommendation to the superior court of the county in which the criminal charge was dismissed. The superior court shall review the recommendation not later than forty-eight hours, excluding Saturdays, Sundays, and holidays, after the recommendation is presented. If the court rejects the recommendation to unconditionally release the individual, the court may order the individual detained at a designated evaluation and treatment facility for not more than a one hundred twenty hour evaluation and treatment period. If the evaluation and treatment facility files a ninety-day petition within the one hundred twenty hour period, the clerk shall set a hearing after the day of filing consistent with RCW 71.05.300. Upon the individual's first appearance in court after a petition has been filed, proceedings under RCW 71.05.310 and 71.05.320 shall commence. For an individual subject to this subsection, the professional person may directly file a petition for ninety-day inpatient or

outpatient treatment and no petition for initial detention or fourteen-day detention is required before such a petition may be filed.

(3) If a designated crisis responder or the professional person and prosecuting attorney for the county in which the criminal charge was dismissed or attorney general, as appropriate, stipulate that the individual does not present a likelihood of serious harm or is not gravely disabled, the hearing under this section is not required and the individual, if in custody, shall be released.

**Sec. 22.** RCW 71.05.280 and 2022 c 210 s 15 are each amended to read as follows:

At the expiration of the fourteen-day period of intensive treatment, a person may be committed for further treatment pursuant to RCW 71.05.320 if:

(1) Such person after having been taken into custody for evaluation and treatment has threatened, attempted, or inflicted: (a) Physical harm upon the person of another or himself or herself, or substantial damage upon the property of another, and (b) as a result of a behavioral health disorder presents a likelihood of serious harm; or

(2) Such person was taken into custody as a result of conduct in which he or she attempted or inflicted physical harm upon the person of another or himself or herself, or substantial damage upon the property of others, and continues to present, as a result of a behavioral health disorder, a likelihood of serious harm; or

(3) Such person has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.086(~~((4))~~)(7), and has committed acts constituting a felony, and as a result of a behavioral health disorder, presents a substantial likelihood of repeating similar acts.

(a) In any proceeding pursuant to this subsection it shall not be necessary to show intent, willfulness, or state of mind as an element of the crime;

(b) For any person subject to commitment under this subsection where the charge underlying the finding of incompetence is for a felony classified as violent under RCW 9.94A.030, the court shall determine whether the acts the person committed constitute a violent offense under RCW 9.94A.030; or

(4) Such person is gravely disabled.

**Sec. 23.** RCW 71.05.290 and 2022 c 210 s 16 are each amended to read as follows:

(1) At any time during a person's 14-day intensive treatment period, the professional person in charge of a treatment facility or his or her professional designee or the designated crisis responder may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2)(a)(i) The petition shall summarize the facts which support the need for further commitment and shall be supported by affidavits based on an examination of the patient and signed by:

(A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(B) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner.

(b) The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter. If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(3) If a person has been determined to be incompetent pursuant to RCW 10.77.086(~~(4)~~) (7), then the professional person in charge of the treatment facility or his or her professional designee or the designated crisis responder may directly file a petition for 180-day treatment under RCW 71.05.280(3), or for 90-day treatment under RCW 71.05.280 (1), (2), or (4). No petition for initial detention or 14-day detention is required before such a petition may be filed.

**Sec. 24.** RCW 71.05.300 and 2020 c 302 s 43 are each amended to read as follows:

(1) The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. The clerk shall set a trial setting date as provided in RCW 71.05.310 on the next judicial day after the date of filing the petition and notify the designated crisis responder. The designated crisis responder shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, the prosecuting attorney, and the behavioral health administrative services organization administrator, and provide a copy of the petition to such persons as soon as possible. The behavioral health administrative services organization administrator or designee may review the petition and may appear and testify at the full hearing on the petition.

(2) The attorney for the detained person shall advise him or her of his or her right to be represented by an attorney, his or her right to a jury trial, and, if the petition is for commitment for mental health treatment, his or her loss of firearm rights if involuntarily committed. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician,

physician assistant, psychiatric advanced registered nurse practitioner, psychologist, psychiatrist, or other professional person, designated by the detained person to examine and testify on behalf of the detained person.

(3) The court may, if requested, also appoint a professional person as defined in RCW 71.05.020 to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a person with a developmental disability who has been determined to be incompetent pursuant to RCW 10.77.086(~~(4)~~) (7), the appointed professional person under this section shall be a developmental disabilities professional.

**Sec. 25.** RCW 71.05.425 and 2021 c 264 s 19 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before conditional release, final release, authorized leave under RCW 71.05.325(2), or transfer to a facility other than a state mental hospital, the superintendent shall send written notice of conditional release, release, authorized leave, or transfer of a person committed under RCW 71.05.280(3) or 71.05.320(4)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(~~(4)~~) (7) to the following:

(i) The chief of police of the city, if any, in which the person will reside;

(ii) The sheriff of the county in which the person will reside; and

(iii) The prosecuting attorney of the county in which the criminal charges against the committed person were dismissed.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed under RCW 71.05.280(3) or 71.05.320(4)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(~~(4)~~) (7):

(i) The victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.086(~~(4)~~) (7) preceding commitment under RCW 71.05.280(3) or 71.05.320(4)(c) or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the person in any court proceedings;

(iii) Any person specified in writing by the prosecuting attorney. Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter; and

(iv) The chief of police of the city, if any, and the sheriff of the county, if any, which had jurisdiction of the person on the date of the applicable offense.

(c) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical transfers.

(d) The existence of the notice requirements in this subsection will not

require any extension of the release date in the event the release plan changes after notification.

(2) If a person committed under RCW 71.05.280(3) or 71.05.320(4)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(~~((4))~~)(7) escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person escaped and in which the person resided immediately before the person's arrest and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed. If previously requested, the superintendent shall also notify the witnesses and the victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.086(~~((4))~~)(7) preceding commitment under RCW 71.05.280(3) or 71.05.320(4) or the victim's next of kin if the crime was a homicide. In addition, the secretary shall also notify appropriate parties pursuant to RCW 70.02.230(2)(o). If the person is recaptured, the superintendent shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department of social and health services learns of such recapture.

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parent or legal guardian of the child.

(4) The superintendent shall send the notices required by this chapter to the last address provided to the department of social and health services by the requesting party. The requesting party shall furnish the department of social and health services with a current address.

(5) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Next of kin" means a person's spouse, state registered domestic partner, parents, siblings, and children;

(d) "Felony harassment offense" means a crime of harassment as defined in RCW 9A.46.060 that is a felony.

**Sec. 26.** RCW 71.09.025 and 2009 c 409 s 2 are each amended to read as follows:

(1)(a) When it appears that a person may meet the criteria of a sexually violent predator as defined in RCW 71.09.020(~~((16))~~), the agency with jurisdiction shall refer the person in writing to the prosecuting attorney of the county in which an action under this chapter may be filed pursuant to RCW 71.09.030 and the attorney general, three months prior to:

(i) The anticipated release from total confinement of a person who has been convicted of a sexually violent offense;

(ii) The anticipated release from total confinement of a person found to have

committed a sexually violent offense as a juvenile;

(iii) Release of a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial pursuant to RCW 10.77.086(~~((4))~~)(7); or

(iv) Release of a person who has been found not guilty by reason of insanity of a sexually violent offense pursuant to RCW 10.77.020(3).

(b) The agency shall provide the prosecuting agency with all relevant information including but not limited to the following information:

(i) A complete copy of the institutional records compiled by the department of corrections relating to the person, and any such out-of-state department of corrections' records, if available;

(ii) A complete copy, if applicable, of any file compiled by the indeterminate sentence review board relating to the person;

(iii) All records relating to the psychological or psychiatric evaluation and/or treatment of the person;

(iv) A current record of all prior arrests and convictions, and full police case reports relating to those arrests and convictions; and

(v) A current mental health evaluation or mental health records review.

(c) The prosecuting agency has the authority, consistent with RCW 72.09.345(~~((3))~~)(4), to obtain all records relating to the person if the prosecuting agency deems such records are necessary to fulfill its duties under this chapter. The prosecuting agency may only disclose such records in the course of performing its duties pursuant to this chapter, unless otherwise authorized by law.

(d) The prosecuting agency has the authority to utilize the inquiry judge procedures of chapter 10.27 RCW prior to the filing of any action under this chapter to seek the issuance of compulsory process for the production of any records necessary for a determination of whether to seek the civil commitment of a person under this chapter. Any records obtained pursuant to this process may only be disclosed by the prosecuting agency in the course of performing its duties pursuant to this chapter, or unless otherwise authorized by law.

(2) The agency, its employees, and officials shall be immune from liability for any good-faith conduct under this section.

(3) As used in this section, "agency with jurisdiction" means that agency with the authority to direct the release of a person serving a sentence or term of confinement and includes the department of corrections, the indeterminate sentence review board, and the department of social and health services.

**Sec. 27.** RCW 71.09.030 and 2009 c 409 s 3 are each amended to read as follows:

(1) A petition may be filed alleging that a person is a sexually violent predator and stating sufficient facts to support such allegation when it appears that: (a) A



person who at any time previously has been convicted of a sexually violent offense is about to be released from total confinement; (b) a person found to have committed a sexually violent offense as a juvenile is about to be released from total confinement; (c) a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial is about to be released, or has been released, pursuant to RCW 10.77.086(~~((4+))~~)(7); (d) a person who has been found not guilty by reason of insanity of a sexually violent offense is about to be released, or has been released, pursuant to RCW 10.77.020(3), 10.77.110 (1) or (3), or 10.77.150; or (e) a person who at any time previously has been convicted of a sexually violent offense and has since been released from total confinement and has committed a recent overt act.

(2) The petition may be filed by:

(a) The prosecuting attorney of a county in which:

(i) The person has been charged or convicted with a sexually violent offense;

(ii) A recent overt act occurred involving a person covered under subsection (1)(e) of this section; or

(iii) The person committed a recent overt act, or was charged or convicted of a criminal offense that would qualify as a recent overt act, if the only sexually violent offense charge or conviction occurred in a jurisdiction other than Washington; or

(b) The attorney general, if requested by the county prosecuting attorney identified in (a) of this subsection. If the county prosecuting attorney requests that the attorney general file and prosecute a case under this chapter, then the county shall charge the attorney general only the fees, including filing and jury fees, that would be charged and paid by the county prosecuting attorney, if the county prosecuting attorney retained the case.

**Sec. 28.** RCW 71.09.060 and 2009 c 409 s 6 are each amended to read as follows:

(1) The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. In determining whether or not the person would be likely to engage in predatory acts of sexual violence if not confined in a secure facility, the fact finder may consider only placement conditions and voluntary treatment options that would exist for the person if unconditionally released from detention on the sexually violent predator petition. The community protection program under RCW 71A.12.230 may not be considered as a placement condition or treatment option available to the person if unconditionally released from detention on a sexually violent predator petition. When the determination is made by a jury, the verdict must be unanimous.

If, on the date that the petition is filed, the person was living in the community after release from custody, the state must also prove beyond a reasonable doubt that the person had committed a recent overt act. If the state alleges that the

prior sexually violent offense that forms the basis for the petition for commitment was an act that was sexually motivated as provided in RCW 71.09.020(~~((15)-(e))~~)(18)(c), the state must prove beyond a reasonable doubt that the alleged sexually violent act was sexually motivated as defined in RCW 9.94A.030.

If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the department of social and health services for placement in a secure facility operated by the department of social and health services for control, care, and treatment until such time as: (a) The person's condition has so changed that the person no longer meets the definition of a sexually violent predator; or (b) conditional release to a less restrictive alternative as set forth in RCW 71.09.092 is in the best interest of the person and conditions can be imposed that would adequately protect the community.

If the court or unanimous jury decides that the state has not met its burden of proving that the person is a sexually violent predator, the court shall direct the person's release.

If the jury is unable to reach a unanimous verdict, the court shall declare a mistrial and set a retrial within forty-five days of the date of the mistrial unless the prosecuting agency earlier moves to dismiss the petition. The retrial may be continued upon the request of either party accompanied by a showing of good cause, or by the court on its own motion in the due administration of justice provided that the respondent will not be substantially prejudiced. In no event may the person be released from confinement prior to retrial or dismissal of the case.

(2) If the person charged with a sexually violent offense has been found incompetent to stand trial, and is about to be or has been released pursuant to RCW 10.77.086(~~((4+))~~)(7), and his or her commitment is sought pursuant to subsection (1) of this section, the court shall first hear evidence and determine whether the person did commit the act or acts charged if the court did not enter a finding prior to dismissal under RCW 10.77.086(~~((4+))~~)(7) that the person committed the act or acts charged. The hearing on this issue must comply with all the procedures specified in this section. In addition, the rules of evidence applicable in criminal cases shall apply, and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged, the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on his or her own behalf, the extent to which the evidence could be reconstructed without the assistance of the person, and the strength of the prosecution's case. If, after the conclusion of the hearing on this issue, the court finds, beyond a reasonable doubt, that

the person did commit the act or acts charged, it shall enter a final order, appealable by the person, on that issue, and may proceed to consider whether the person should be committed pursuant to this section.

(3) Except as otherwise provided in this chapter, the state shall comply with RCW 10.77.220 while confining the person. During all court proceedings where the person is present, the person shall be detained in a secure facility. If the proceedings last more than one day, the person may be held in the county jail for the duration of the proceedings, except the person may be returned to the department's custody on weekends and court holidays if the court deems such a transfer feasible. The county shall be entitled to reimbursement for the cost of housing and transporting the person pursuant to rules adopted by the secretary. The department shall not place the person, even temporarily, in a facility on the grounds of any state mental facility or regional habilitation center because these institutions are insufficiently secure for this population.

(4) A court has jurisdiction to order a less restrictive alternative placement only after a hearing ordered pursuant to RCW 71.09.090 following initial commitment under this section and in accord with the provisions of this chapter.

NEW SECTION. **Sec. 29.** Sections 7 and 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. **Sec. 30.** Section 7 of this act expires when section 8 of this act takes effect.

NEW SECTION. **Sec. 31.** Section 13 of this act takes effect December 1, 2023.

NEW SECTION. **Sec. 32.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Farivar and Walsh spoke in favor of the adoption of the striking amendment.

The striking amendment (777) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Farivar and Cheney spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5440, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5440, as amended by the House, and the bill passed the House by the following vote: Yeas, 79; Nays, 18; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Connors, Cortes, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Chambers, Chandler, Christian, Corry, Couture, Dent, Graham, Griffey, Jacobsen, Maycumber, McEntire, Orcutt, Sandlin, Schmidt, Volz, Walsh and Ybarra

Excused: Representative Reeves

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5440, as amended by the House, having received the necessary constitutional majority, was declared passed.

With the consent of the House, ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5440 was immediately transmitted to the Senate.

There being no objection, the House adjourned until 9:00 a.m., Saturday, April 22, 2023, the 104th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## ONE HUNDRED FOURTH DAY

House Chamber, Olympia, Saturday, April 22, 2023

The House was called to order at 9:00 a.m. by the Speaker (Representative Stonier presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

Friday, April 21, 2023

Mme. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1050  
 SUBSTITUTE HOUSE BILL NO. 1056  
 SUBSTITUTE HOUSE BILL NO. 1163  
 SUBSTITUTE HOUSE BILL NO. 1258  
 SUBSTITUTE HOUSE BILL NO. 1267  
 SUBSTITUTE HOUSE BILL NO. 1318  
 SECOND SUBSTITUTE HOUSE BILL NO. 1559  
 SUBSTITUTE HOUSE BILL NO. 1711  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853

and the same are herewith transmitted.

Sarah Bannister, Secretary

Friday, April 21, 2023

Mme. Speaker:

The President has signed:

HOUSE BILL NO. 1018  
 HOUSE BILL NO. 1308  
 SECOND SUBSTITUTE HOUSE BILL NO. 1425  
 SUBSTITUTE HOUSE BILL NO. 1431  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1533  
 HOUSE BILL NO. 1573  
 SUBSTITUTE HOUSE BILL NO. 1638  
 SUBSTITUTE HOUSE BILL NO. 1756  
 SUBSTITUTE HOUSE BILL NO. 1764  
 ENGROSSED HOUSE BILL NO. 1812  
 SUBSTITUTE HOUSE BILL NO. 1850

and the same are herewith transmitted.

Sarah Bannister, Secretary

Friday, April 21, 2023

Mme. Speaker:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5120  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5123  
 SENATE BILL NO. 5316  
 SENATE BILL NO. 5765  
 SENATE BILL NO. 5768

and the same are herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the fourth order of business.

**INTRODUCTION & FIRST READING**

HB 1860 by Representatives Volz, Riccelli, Couture, Leavitt and Schmidt

AN ACT Relating to stay-to-play requirements; and adding a new chapter to Title 19 RCW.

Referred to Committee on Consumer Protection & Business.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the eleventh order of business.

**COMMITTEE APPOINTMENT(S)**

The Speaker (Representative Stonier presiding) announced that Representative Sandlin was appointed to replace Representative Couture of the Committee on Environment & Energy.

**COMMITTEE APPOINTMENT(S)**

The Speaker (Representative Stonier presiding) announced that Representative Couture was appointed to replace Representative Sandlin of the Committee on Education.

The Speaker (Representative Stonier presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the seventh order of business.

**THIRD READING****MESSAGE FROM THE SENATE**

Friday, April 21, 2023

Mme. Speaker:

The Senate refuses to concur in the House amendment to SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5536 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Robinson, Dhingra, Padden

and the same is herewith transmitted.

Sarah Bannister, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House granted the Senate's request for a Conference on SECOND ENGROSSED SECOND

SUBSTITUTE SENATE BILL NO. 5536. The Speaker (Representative Orwall presiding) appointed the following members as Conferees: Representatives Goodman, Taylor and Mosbrucker.

With the consent of the House, SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5536 was immediately transmitted to the Senate.

### THIRD READING

#### MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1324, with the following amendment(s): 1324.E AMS ENGR S2720.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature intends to:

(1) Give real effect to the juvenile justice system's express goals of rehabilitation and reintegration;

(2) Bring Washington in line with the majority of states, which do not consider prior juvenile offenses in sentencing range calculations for adults;

(3) Recognize the expansive body of scientific research on brain development, which shows that adolescent's perception, judgment, and decision making differs significantly from that of adults;

(4) Facilitate the provision of due process by granting the procedural protections of a criminal proceeding in any adjudication which may be used to determine the severity of a criminal sentence; and

(5) Recognize how grave disproportionality within the juvenile legal system may subsequently impact sentencing ranges in adult court.

**Sec. 2.** RCW 9.94A.525 and 2021 c 215 s 100 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) (a) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(b) For the purposes of this section, adjudications of guilt pursuant to Title 13 RCW which are not murder in the first or second degree or class A felony sex offenses may not be included in the offender score.

(2) (a) Class A and sex prior felony convictions shall always be included in the offender score.

(b) Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the

last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(c) Except as provided in (e) of this subsection, class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction.

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

(e) If the present conviction is felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate crimes for the offense as defined by RCW 46.61.5055(14) shall be included in the offender score, and prior convictions for felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)) shall always be included in the offender score. All other convictions of the defendant shall be scored according to this section.

(f) Prior convictions for a repetitive domestic violence offense, as defined in RCW 9.94A.030, shall not be included in the offender score if, since the last date of release from confinement or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(g) This subsection applies to both prior adult convictions and prior juvenile (~~(prior convictions)~~) adjudications.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Neither out-of-state or federal convictions which would have been presumptively adjudicated in juvenile court under Washington law may be included in the offender score unless they are comparable to murder in the first or second degree or a class A felony sex offense. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as

a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all ~~((adult))~~ convictions or adjudications served concurrently as one offense ~~((and count all juvenile convictions entered on the same date as one offense))~~. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction ~~((and 1/2 point for each juvenile prior nonviolent felony conviction))~~ which is scorable under subsection (1)(b) of this section.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), (12), or (13) of this section, count two points for each prior adult violent felony conviction and

juvenile violent felony conviction which is scorable under subsection (1)(b) of this section, and one point for each prior adult nonviolent felony conviction ~~((, and 1/2 point for each prior juvenile nonviolent felony conviction))~~.

(9) If the present conviction is for a serious violent offense, count three points for prior adult convictions and juvenile convictions which are scorable under subsection (1)(b) of this section for crimes in this category, two points for each prior adult and scorable juvenile violent conviction (not already counted), and one point for each prior adult nonviolent felony conviction ~~((, and 1/2 point for each prior juvenile nonviolent felony conviction))~~.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior ~~((adult))~~ Burglary 2 or residential burglary conviction ~~((, and one point for each prior juvenile Burglary 2 or residential burglary conviction))~~.

(11) If the present conviction is for a felony traffic offense count two points for each ~~((adult or juvenile))~~ prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult prior conviction and 1/2 point for each juvenile prior conviction which is scorable under subsection (1)(b) of this section; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult prior conviction and 1/2 point for each juvenile prior conviction which is scorable under subsection (1)(b) of this section; count one point for each adult ~~((and 1/2 point for each juvenile))~~ prior conviction for operation of a vessel while under the influence of intoxicating liquor or any drug.

(12) If the present conviction is for homicide by watercraft or assault by watercraft count two points for each adult ~~((or juvenile))~~ prior conviction for homicide by watercraft or assault by watercraft; for each felony offense count one point for each adult prior conviction and 1/2 point for each juvenile prior conviction which would be scorable under subsection (1)(b) of this section; count one point for each adult ~~((and 1/2 point for each juvenile))~~ prior conviction for driving under the influence of intoxicating liquor or any drug, actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, or operation of a vessel while under the influence of intoxicating liquor or any drug.

(13) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction ~~((and two points for each juvenile manufacture of methamphetamine offense))~~. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction ~~((and two points for each juvenile drug offense))~~. All other ~~((adult and juvenile))~~ felonies

are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only adult prior escape convictions in the offender score. Count ~~((adult))~~ prior escape convictions as one point ~~((and juvenile prior escape convictions as 1/2 point))~~.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions which are scorable under subsection (1)(b) of this section as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each ~~((adult and juvenile))~~ prior Burglary 1 conviction, and two points for each ((adult)) prior Burglary 2 or residential burglary conviction ~~((, and one point for each juvenile prior Burglary 2 or residential burglary conviction))~~.

(17) If the present conviction is for a sex offense, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult prior sex offense conviction and juvenile prior class A felony sex offense ((conviction)) adjudication.

(18) If the present conviction is for failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult prior sex offense conviction and juvenile prior sex offense conviction which is scorable under subsection (1)(b) of this section, excluding adult prior convictions for failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132, which shall count as one point.

(19) If the present conviction is for an offense committed while the offender was under community custody, add one point. For purposes of this subsection, community custody includes community placement or postrelease supervision, as defined in chapter 9.94B RCW.

(20) If the present conviction is for Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2, count priors as in subsections (7) through (18) of this section; however count one point for prior convictions of Vehicle Prowling 2, and three points for each adult ~~((and juvenile))~~ prior Theft 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2 conviction.

(21) If the present conviction is for a felony domestic violence offense where domestic violence as defined in RCW 9.94A.030 was pleaded and proven, count

priors as in subsections (7) through (20) of this section; however, count points as follows:

(a) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after August 1, 2011, for any of the following offenses: A felony violation of a no-contact or protection order (RCW 7.105.450 or former RCW 26.50.110), felony Harassment (RCW 9A.46.020(2)(b)), felony Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020), Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or Arson 2 (RCW 9A.48.030);

(b) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after July 23, 2017, for any of the following offenses: Assault of a child in the first degree, RCW 9A.36.120; Assault of a child in the second degree, RCW 9A.36.130; Assault of a child in the third degree, RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW 9A.42.020; or Criminal Mistreatment in the second degree, RCW 9A.42.030; and

~~((Count one point for each second and subsequent juvenile conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after August 1, 2011, for the offenses listed in (a) of this subsection; and~~

~~((d))~~ Count one point for each adult prior conviction for a repetitive domestic violence offense as defined in RCW 9.94A.030, where domestic violence as defined in RCW 9.94A.030, was pleaded and proven after August 1, 2011.

(22) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions. Prior convictions that were not included in criminal history or in the offender score shall be included upon any resentencing to ensure imposition of an accurate sentence."

On page 1, line 2 of the title, after "calculations;" strike the remainder of the title and insert "amending RCW 9.94A.525; and creating a new section."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1324 and advanced the bill, as amended by the Senate, to final passage.

Representative Hackney spoke in favor of the passage of the bill.

Representatives Mosbrucker and Cheney spoke against the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE  
AMENDED**

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1324, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1324, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Entenman, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Morgan, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Santos, Schmick, Schmidt, Shavers, Steele, Stokesbary, Street, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

ENGROSSED HOUSE BILL NO. 1324, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Friday, April 21, 2023

Mme. Speaker:

The Senate receded from its amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1436, and under suspension of the rules returned ENGROSSED SUBSTITUTE HOUSE BILL NO. 1436 to second reading for purpose of amendment(s). The Senate further adopted amendment 1436-S.E AMS WELL S3374.1 and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.155 RCW to read as follows:

(1) The superintendent of public instruction shall annually review data from local education agencies, including the percentage of students receiving special education services, to ensure there is not a disproportionate identification of students, as defined by the superintendent of public instruction in accordance with federal requirements of the individuals with disabilities education act, 20 U.S.C. Sec. 1400.

(2) The office of the superintendent of public instruction shall provide technical assistance to school districts experiencing issues related to disproportionality and

will make available professional development opportunities statewide to support local education agencies, schools, and community partners in promoting inclusionary teaching practices within a multitiered system of supports framework to help safeguard against over-identification and other issues related to disproportionality.

NEW SECTION. **Sec. 2.** (1) (a) It is the intent of the legislature to ensure that the state's special education funding formula does not result in a limitation on services or excess cost allocations to which students are entitled. To this end, the legislature acknowledges that a comprehensive review of the special education funding formula to examine the impacts of recent modifications and the potential need for future modifications is overdue, including the need to look at enrollment percent caps and minimum threshold values for access to the safety net.

(b) The legislature also intends to examine the current accounting and reporting methodologies to ensure that they continue to accurately serve their purpose of providing transparency and accountability and enable the legislature to oversee the state's funding of the program of special education.

(2) The joint legislative audit and review committee and the state auditor, in consultation with the office of the superintendent of public instruction, must collaborate to conduct a performance audit of the state's system of providing special education services to students with disabilities, including a review of each funding formula component used to allocate resources to school districts for the program of special education and the interplay between those different components. The joint legislative audit and review committee and the state auditor may divide responsibility for the work and reporting required in this section as appropriate, and contract with qualified third-party researchers or higher education institutions to perform any aspect of the report and audit. The report and audit must address:

(a) The prevalence of disabilities and whether the provisions and funding for evaluating students and providing services reflects the prevalence of disabilities, including whether any populations are disparately underevaluated or underserved;

(b) The degree to which changes in funding formulas intended to encourage increased inclusion are successful and whether the state and school districts are utilizing best practices to improve inclusion;

(c) Whether the changes in evaluation timelines or increases in the funded enrollment limit have resulted in funding for students who do not have disabilities or in excess of districts' costs to serve students with disabilities;

(d) Whether districts are appropriately accounting for and reporting use of basic education allocations for students with disabilities, including if statutory expectations for use of funds are being met.

As part of this review, the joint legislative audit and review committee shall revisit their special education excess cost accounting and reporting requirements report from February 2006 and determine if the special education excess cost accounting methodology and requirements are still functioning as intended with other changes in funding and service delivery focused on inclusion in a general education setting and if additional modifications are recommended;

(e) The amount of funding from levies or other local sources that school districts continue to utilize under current accounting methodologies in order to meet obligations to provide free and appropriate public education to students with disabilities, the degree to which funding shortfalls will continue following planned increases in multipliers, proposed changes to accounting methodologies, and the elimination of a cap on the percent of students for whom the state provides funding; and, options for additional changes to funding formulas to eliminate shortfalls in state funding for special education;

(f) How the state may improve recruitment and retention of certificated educators, instructional aides, or paraeducators and professionals serving students with disabilities;

(g) How the existing special education funding formula components used to allocate resources to school districts in Washington address the actual funding needs of school districts to fully serve all students with disabilities. This review must include an examination of each individual funding formula component including, but not limited to, the use of multiple student weights, the funded percentage cap, and safety net eligibility requirements. This review must also address how the funding formula components interplay within the overall funding model to address the diverse and variable needs of school district special education programs; and

(h) How Washington's special education funding model compares to different special education funding models used in other states. This review and comparison must identify the strengths and weaknesses of Washington's funding model as compared to other funding models and, at a minimum, review past studies and findings related to Washington's special education funding model. This review must identify which state formulas place a cap or threshold value on the number or percentage of special education students for purposes of generating funding and if those states differ in other ways from the states that do not have a limit, such as using tiered funding formulas or an average dollar allocation per special education student.

(3) To develop the appropriate scope, define study questions, and select one or more contractors to complete the performance audit and report, the joint legislative audit and review committee and state auditor shall consult with the office of the superintendent of public instruction, the office of the education ombuds, organizations representing and serving students with disabilities, the Washington state special education advisory council,

and labor organizations representing educators providing educational services to students with disabilities in developing study questions and choosing appropriate contractors. To address the study questions, the joint legislative audit and review committee and the state auditor may conduct the audit at a sample of school districts as needed.

(4) The performance audit required by this section must include charter schools to the same extent as school districts.

(5) Upon request, the office of financial management and any state or local agency must provide the joint legislative audit and review committee and the state auditor with education records necessary to conduct the performance audit required under this section. The joint legislative audit and review committee and the state auditor shall be considered authorized representatives of relevant state education authorities, including the superintendent of public instruction and the department of children, youth, and families, for the purpose of accessing records for this evaluation. The office of financial management and any state or local agency must provide records within four months from the date of an initial request. The office of financial management or agencies contributing data to the education research and data center must notify the joint legislative audit and review committee and the state auditor's office in writing if they determine a request does not comply with the federal educational rights and privacy act, no later than 21 days after the initial request.

(6) Prior to the 2024 legislative session, the joint legislative audit and review committee and the state auditor must identify a lead agency for each element of the report and audit defined in subsection (2)(a) through (h) of this section and any aspects of the study that are being conducted by contractors. These designations must be provided to the governor and the committees of the legislature with jurisdiction over fiscal matters and special education by December 31, 2023.

(7) The joint legislative audit and review committee and the state auditor must, in accordance with RCW 43.01.036, report the study's findings and recommendations to the governor and the committees of the legislature with jurisdiction over fiscal matters and special education by November 30, 2024.

(8)(a) As the joint legislative audit and review committee examines the current special education excess cost accounting and reporting methodologies, the following methodology shall be used by the superintendent of public instruction through the 2026-27 school year: If a school district's percentage used to calculate the state general apportionment revenue allocated to special education is lower than the percentage used for the 2022-23 school year, the superintendent of public instruction must allocate state general apportionment revenue to special education based on the percentage used in the 2022-23 school year, except as provided in (b) of this subsection.



(b)(i) Subsection (8)(a) of this section does not apply to school districts with a percentage used to calculate the state general apportionment revenue allocated to special education greater than 30 percent.

(ii) School districts with a percentage used to calculate the state general apportionment revenue allocated to special education less than 20 percent must be allocated at 20 percent.

(iii) If a school district's percentage of time students eligible for and receiving special education are served in a general education setting is at least five percentage points greater than its 2022-23 percentage in a school year, the school district's percentage used to calculate the state general apportionment revenue allocated to special education may be reduced by one percentage point for that school year from the 2022-23 percentage.

(iv) School districts with enrollments of less than 300 full-time equivalent students are exempt from all provisions of this subsection (8).

(9) This section expires December 31, 2026.

**Sec. 3.** RCW 28A.150.390 and 2020 c 90 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW 28A.150.260 (4) (a), (5), (6), and (8) and 28A.150.415.

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages three and four and those five year olds not yet enrolled in kindergarten who are eligible for and receiving special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by ~~((1.15))~~ 1.2;

(b)(i) Subject to the limitation in (b)(ii) of this subsection (2), a district's annual average enrollment of resident students who are eligible for and receiving special education, excluding students ages three and four and those five year olds not yet enrolled in kindergarten, multiplied by the district's base allocation per full-time equivalent student, multiplied by the special education cost multiplier rate of:

(A) ~~((In the 2019-20 school year, 0.995 for students eligible for and receiving special education.~~

~~(B))~~ Beginning in the 2020-21 school year, either:

(I) 1.0075 for students eligible for and receiving special education and reported to be in the general education setting for ~~((eighty))~~ 80 percent or more of the school day; or

(II) 0.995 for students eligible for and receiving special education and reported to

be in the general education setting for less than ~~((eighty))~~ 80 percent of the school day;

~~(B) Beginning in the 2023-24 school year, either:~~

~~(I) 1.12 for students eligible for and receiving special education and reported to be in the general education setting for 80 percent or more of the school day; or~~

~~(II) 1.06 for students eligible for and receiving special education and reported to be in the general education setting for less than 80 percent of the school day.~~

(ii) If the enrollment percent exceeds ~~((thirteen and five-tenths))~~ 15 percent, the excess cost allocation calculated under (b)(i) of this subsection must be adjusted by multiplying the allocation by ~~((thirteen and five-tenths))~~ 15 percent divided by the enrollment percent.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 (4)(a), (5), (6), and (8) and the allocation under RCW 28A.150.415, to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident annual average enrollment of students who are eligible for and receiving special education, excluding students ages three and four and those five year olds not yet enrolled in kindergarten and students enrolled in institutional education programs, as a percent of the district's annual average full-time equivalent basic education enrollment.

**Sec. 4.** RCW 28A.150.392 and 2019 c 387 s 2 are each amended to read as follows:

(1)(a) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A.150.390.

(b) If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need.

(2) Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall award additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas.

(b) In the determination of need, the committee shall consider additional available revenues from federal sources.

(c) Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(d) In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state revenues related to services for students eligible for special education and all federal revenues from federal impact aid, medicaid, and the individuals with disabilities education act-Part B and appropriate special projects. Awards associated with (e) and (f) of this subsection shall not exceed the total of a district's specific determination of need.

(e) The committee shall then consider the extraordinary high cost needs of one or more individual students eligible for and receiving special education. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(f) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services, which may include consideration of proximity to group homes, military bases, and regional hospitals. Safety net awards under this subsection (2) (f) shall be adjusted to reflect amounts awarded under (e) of this subsection.

(g) The committee shall then consider the extraordinary high cost needs of one or more individual students eligible for and receiving special education served in residential schools (~~as defined in RCW 28A.190.020~~), programs for juveniles under the department of corrections, and programs for juveniles operated by city and county jails to the extent they are providing a secondary program of education.

(h) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(i) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter 318, Laws of 1999.

(j) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(3) The superintendent of public instruction shall adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. By December 1, 2018, the superintendent shall review and revise the rules to achieve full and complete implementation of the requirements of this subsection and subsection (4) of this section including revisions to rules that provide additional flexibility to access community impact awards. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to

access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school districts in preparing and submitting special education safety net applications.

(4) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(5) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(6) (a) Beginning in the 2019-20 school year, a high-need student is eligible for safety net awards from state funding under subsection (2)(e) and (g) of this section if the student's individualized education program costs exceed two and three-tenths times the average per-pupil expenditure as defined in Title 20 U.S.C. Sec. 7801, the every student succeeds act of 2015.

(b) Beginning in the 2023-24 school year, a high-need student is eligible for safety net awards from state funding under subsection (2)(e) and (g) of this section if the student's individualized education program costs exceed:

(i) 2 times the average per-pupil expenditure, for school districts with fewer than 1,000 full-time equivalent students;

(ii) 2.2 times the average per-pupil expenditure, for school districts with 1,000 or more full-time equivalent students.

(c) For purposes of (b) of this subsection, "average per-pupil expenditure" has the same meaning as in 20 U.S.C. Sec. 7801, the every student succeeds act of 2015, and excludes safety net funding provided in this section.

**Sec. 5.** RCW 43.06B.010 and 2013 c 23 s 82 are each amended to read as follows:

(1) There is hereby created the office of the education ombuds within the office of the governor for the purposes of providing information to parents, students, and others regarding their rights and responsibilities with respect to the state's public elementary and secondary education system,

and advocating on behalf of elementary and secondary students.

(2)(a) The governor shall appoint an ombuds who shall be a person of recognized judgment, independence, objectivity, and integrity and shall be qualified by training or experience or both in the following areas:

(i) Public education law and policy in this state;

(ii) Dispute resolution or problem resolution techniques, including mediation and negotiation; and

(iii) Community outreach.

(b) The education ombuds may not be an employee of any school district, the office of the superintendent of public instruction, or the state board of education while serving as an education ombuds.

(3) Before the appointment of the education ombuds, the governor shall share information regarding the appointment to a six-person legislative committee appointed and comprised as follows:

(a) The committee shall consist of three senators and three members of the house of representatives from the legislature.

(b) The senate members of the committee shall be appointed by the president of the senate. Two members shall represent the majority caucus and one member the minority caucus.

(c) The house of representatives members of the committee shall be appointed by the speaker of the house of representatives. Two members shall represent the majority caucus and one member the minority caucus.

(4) If sufficient appropriations are provided, the education ombuds shall delegate and certify regional education ombuds. The education ombuds shall ensure that the regional ombuds selected are appropriate to the community in which they serve and hold the same qualifications as in subsection (2)(a) of this section. The education ombuds may not contract with the superintendent of public instruction, or any school, school district, or current employee of a school, school district, or the office of the superintendent of public instruction for the provision of regional ombuds services.

(5)(a) Subject to amounts appropriated for this specific purpose, the education ombuds shall delegate and certify at least one special education ombuds to serve each educational service district region. The education ombuds shall ensure that the special education ombuds selected are appropriate to the community in which they serve and hold the same qualifications as in subsection (2)(a) of this section. The education ombuds may not contract with the superintendent of public instruction, or any school, school district, educational service district, or current employee of a school, school district, educational service district, or the office of the superintendent of public instruction for the provision of special education ombuds services.

(b) Special education ombuds must serve as a resource for students eligible for special education services and their parents, including:

(i) Advocating on behalf of the student for a free and appropriate public education from the public school system that emphasizes special education and related services that are:

(A) Provided in the least restrictive environment;

(B) Designed to meet the student's unique needs;

(C) Appropriately ambitious and reasonably calculated to enable a student to make progress in light of the student's circumstances; and

(D) Addressing the student's further education, employment, and independent living goals.

(ii) Assisting students and parents with individualized education program development, including:

(A) Preparing for a meeting to develop or update a student's individualized education program;

(B) Attending individualized education program meetings to help present the parents' concerns, negotiate components that meet the parents' goals and requests, or otherwise assist the parent in understanding and navigating the individualized education program process; and

(C) Attending an individualized education program meeting to assist in writing an appropriate program when a parent opts out or otherwise cannot attend.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.150 RCW to read as follows:

(1) It is the policy of the state that for purposes of state funding allocations, students eligible for and receiving special education generate the full basic education allocation under RCW 28A.150.260 and, as a class, are to receive the benefits of this allocation for the entire school day, as defined in RCW 28A.150.203, whether the student is placed in the general education setting or another setting.

(2) The superintendent of public instruction shall develop an allocation and cost accounting methodology that ensures state general apportionment funding for students who receive their basic education services primarily in an alternative classroom or setting are prorated and allocated to the special education program and accounted for before calculating special education excess costs. Nothing in this section requires districts to provide services in a manner inconsistent with the students individualized education program or other than in the least restrictive environment as determined by the individualized education program team.

(3) The superintendent of public instruction shall provide the legislature with an accounting of prorated general apportionment allocations provided to special education programs broken down by school district by January 1, 2024, and then every January 1st of odd-numbered years thereafter."

On page 1, line 1 of the title, after "funding;" strike the remainder of the title and insert "amending RCW 28A.150.390, 28A.150.392, and 43.06B.010; adding a new

section to chapter 28A.155 RCW; adding a new section to chapter 28A.150 RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1436 and advanced the bill, as amended by the Senate, to final passage.

Representatives Pollet, Stokesbary, Couture, Walsh and Christian spoke in favor of the passage of the bill.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1436, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1436, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1436, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Friday, April 21, 2023

Mme. Speaker:

The Senate receded from its amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1447, and under suspension of the rules returned SECOND SUBSTITUTE HOUSE BILL NO. 1447 to second reading for purpose of amendment(s). The Senate further adopted amendment 1447-S2 AMS NGUY S3347.2 and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.04.005 and 2020 c 136 s 1 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Aged, blind, or disabled assistance program" means the program established under RCW 74.62.030.

(2) "Applicant" means any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(3) "Authority" means the health care authority.

(4) "County or local office" means the administrative office for one or more counties or designated service areas.

(5) "Department" means the department of social and health services.

(6) "Director" means the director of the health care authority.

(7) "Essential needs and housing support program" means the program established in RCW 43.185C.220.

(8) "Federal aid assistance" means the specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(9) "Income" means:

(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him or her to decrease his or her need for public assistance or to aid in rehabilitating him or her or his or her dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In addition, for cash assistance the department may disregard income pursuant to RCW 74.08A.230 and 74.12.350.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(10) "Need" means the difference between the applicant's or recipient's standards of assistance for himself or herself and the dependent members of his or her family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his or her family.

(11) "Public assistance" or "assistance" means public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, benefits under RCW 74.62.030 and 43.185C.220, and federal aid assistance.

(12) "Recipient" means any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(13) "Resource" means any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent. The department may by rule designate resources that an applicant may retain and not be ineligible for public assistance because of such resources. Exempt resources shall include, but are not limited to:

(a) A home that an applicant, recipient, or their dependents is living in, including the surrounding property;

(b) Household furnishings and personal effects;

(c) One motor vehicle, other than a motor home, that is used and useful (~~having an equity value not to exceed ten thousand dollars~~);

(d) A motor vehicle necessary to transport a household member with a physical disability. This exclusion is limited to one vehicle per person with a physical disability;

(e) Retirement funds, pension plans, and retirement accounts;

(f) All other resources, including any excess of values exempted, not to exceed (~~six thousand dollars~~) \$12,000 or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance;

(~~(f)~~) (g) Applicants for or recipients of benefits under RCW 74.62.030 and 43.185C.220 shall have their eligibility based on resource limitations consistent with the temporary assistance for needy families program rules adopted by the department; and

(~~(g)~~) (h) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property if:

(A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and

(D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property.

(14) "Secretary" means the secretary of social and health services.

(15) "Standards of assistance" means the level of income required by an applicant or recipient to maintain a level of living specified by the department.

(16)(a) "Victim of human trafficking" means a noncitizen and any qualifying family members who have:

(i) Filed or are preparing to file an application for T nonimmigrant status with the appropriate federal agency pursuant to 8 U.S.C. Sec. 1101(a)(15)(T), as it existed on January 1, 2020;

(ii) Filed or are preparing to file an application with the appropriate federal agency for status pursuant to 8 U.S.C. Sec. 1101(a)(15)(U), as it existed on January 1, 2020; or

(iii) Been harmed by either any violation of chapter 9A.40 or 9.68A RCW, or both, or by substantially similar crimes under federal law or the laws of any other state, and who:

(A) Are otherwise taking steps to meet the conditions for federal benefits eligibility under 22 U.S.C. Sec. 7105, as it existed on January 1, 2020; or

(B) Have filed or are preparing to file an application with the appropriate federal agency for status under 8 U.S.C. Sec. 1158.

(b)(i) "Qualifying family member" means:

(A) A victim's spouse and children; and

(B) When the victim is under (~~twenty-one~~) 21 years of age, a victim's parents and unmarried siblings under the age of (~~eighteen~~) 18.

(ii) "Qualifying family member" does not include a family member who has been charged with or convicted of attempt, conspiracy, solicitation, or commission of any crime referenced in this subsection or described under 8 U.S.C. Sec. 1101(a)(15)(T) or (U) as either existed on January 1, 2020, when the crime is against a spouse who is a victim of human trafficking or against the child of a victim of human trafficking.

(17) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

(18) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders, and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

**Sec. 2.** RCW 74.08A.010 and 2022 c 24 s 1 are each amended to read as follows:

(1) A family that includes an adult who has received temporary assistance for needy families for ~~((sixty))~~60 months after July 27, 1997, shall be ineligible for further temporary assistance for needy families assistance.

(2) For the purposes of applying the rules of this section, the department shall count any month in which an adult family member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the adult family member was a minor child and not the head of the household or married to the head of the household.

~~(3) ((The department shall adopt regulations to apply the sixty-month time limit to households in which a parent is in the home and ineligible for temporary assistance for needy families. Any regulations shall be consistent with federal funding requirements.~~

~~(4))~~ The department shall refer recipients who require specialized assistance to appropriate department programs, crime victims' programs through the department of commerce, or the crime victims' compensation program of the department of labor and industries.

~~((5)(a))~~ (4) The department shall add to adopted rules related to temporary assistance for needy families time limit extensions, the following criteria by which the department shall exempt a recipient and the recipient's family from the application of subsection (1) of this section:

~~((i))~~ (a) By reason of hardship, including when:

~~((A))~~ (i) The recipient's family includes a child or youth who is without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2020;

~~((B))~~ (ii) The recipient received temporary assistance for needy families during a month on or after March 1, 2020, when Washington state's unemployment rate as published by the Washington employment security department was equal to or greater than seven percent, and the recipient is otherwise eligible for temporary assistance for needy families except that they have exceeded 60 months. The extension provided for under this subsection ~~((5))~~ (4) ~~(a)~~ ~~((i))~~ ~~(B))~~ (ii) is equal to the number of months that the recipient received temporary assistance for needy families during a month on or after March 1, 2020, when the unemployment rate was equal to or greater than seven percent, and is applied sequentially to any other hardship extensions that may apply under this subsection ~~((5))~~ (4) or in rule; or

~~((C))~~ (iii) Beginning July 1, 2022, the Washington state unemployment rate most recently published by the Washington employment security department is equal to or greater than seven percent; or

~~((i))~~ (b) If the family includes an individual who meets the family violence options of section 402(A)(7) of Title IVA of

the federal social security act as amended by P.L. 104-193.

~~((b) Policies related to circumstances under which a recipient will be exempted from the application of subsection (1) or (3) of this section shall treat adults receiving benefits on their own behalf, and parents receiving benefits on behalf of their child similarly, unless required otherwise under federal law.~~

~~(6))~~ (5) The department shall not exempt a recipient and his or her family from the application of subsection (1) ~~((or (3)))~~ of this section until after the recipient has received ~~((fifty-two))~~52 months of assistance under this chapter.

~~((7))~~ (6) The department shall provide transitional food assistance for a period of five months to a household that ceases to receive temporary assistance for needy families assistance and is not in sanction status. If necessary, the department shall extend the household's basic food certification until the end of the transition period.

~~((8))~~ (7) The department may adopt rules specifying which published employment security department unemployment rates to use for the purposes of subsection ~~((5))~~ (4) ~~(a)~~ ~~((i))~~ ~~(B) and (C))~~ (ii) and (iii) of this section.

**Sec. 3.** RCW 74.08A.010 and 2022 c 98 s 1 and 2022 c 24 s 1 are each reenacted and amended to read as follows:

(1) A family that includes an adult who has received temporary assistance for needy families for ~~((sixty))~~60 months after July 27, 1997, shall be ineligible for further temporary assistance for needy families assistance.

(2) For the purposes of applying the rules of this section, the department shall count any month in which an adult family member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the adult family member was a minor child and not the head of the household or married to the head of the household.

~~(3) ((The department shall adopt regulations to apply the sixty-month time limit to households in which a parent is in the home and ineligible for temporary assistance for needy families. Any regulations shall be consistent with federal funding requirements.~~

~~(4))~~ The department shall refer recipients who require specialized assistance to appropriate department programs, crime victims' programs through the department of commerce, or the crime victims' compensation program of the department of labor and industries.

~~((5)(a))~~ (4) The department shall add to adopted rules related to temporary assistance for needy families time limit extensions, the following criteria by which the department shall exempt a recipient and the recipient's family from the application of subsection (1) of this section:

~~((i))~~ (a) By reason of hardship, including when:

~~((A))~~ (i) The recipient's family includes a child or youth who is without a

fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2020;

~~((B))~~ (ii) The recipient received temporary assistance for needy families during a month on or after March 1, 2020, when Washington state's unemployment rate as published by the Washington employment security department was equal to or greater than seven percent, and the recipient is otherwise eligible for temporary assistance for needy families except that they have exceeded 60 months. The extension provided for under this subsection ~~((5))~~ (4) ~~((i))~~ (ii) is equal to the number of months that the recipient received temporary assistance for needy families during a month on or after March 1, 2020, when the unemployment rate was equal to or greater than seven percent, and is applied sequentially to any other hardship extensions that may apply under this subsection ~~((5))~~ (4) or in rule; or

~~((C))~~ (iii) Beginning July 1, 2022, the Washington state unemployment rate most recently published by the Washington employment security department is equal to or greater than seven percent; or

~~((i))~~ (b) If the family includes an individual who meets the family violence options of section 402(A)(7) of Title IVA of the federal social security act as amended by P.L. 104-193.

~~((b))~~ Policies related to circumstances under which a recipient will be exempted from the application of subsection (1) or (3) of this section shall treat adults receiving benefits on their own behalf, and parents receiving benefits on behalf of their child similarly, unless required otherwise under federal law.

~~((6))~~ (5) The department shall not exempt a recipient and his or her family from the application of subsection (1) ~~((or (3)))~~ of this section until after the recipient has received ~~((fifty-two))~~ 52 months of assistance under this chapter.

~~((7))~~ (6) The department shall provide transitional food assistance for a period of five months to a household that ceases to receive temporary assistance for needy families assistance and is not in full-family sanction status. If a member of a household has been sanctioned but the household is still receiving benefits, the remaining eligible household members may receive transitional food assistance. If necessary, the department shall extend the household's basic food certification until the end of the transition period.

~~((8))~~ (7) The department may adopt rules specifying which published employment security department unemployment rates to use for the purposes of subsection ~~((5))~~ (4) ~~((i))~~ (B) and ~~((C))~~ (ii) and (iii) of this section.

**Sec. 4.** RCW 74.08A.015 and 2021 c 239 s 3 are each amended to read as follows:

All families who have received temporary assistance for needy families since March 1, 2020, are eligible for the extension under

RCW 74.08A.010 ~~((5))~~ (4) ~~((i))~~ (B) (ii), regardless of whether they are current recipients. Eligible families shall only receive temporary assistance for needy families benefits that accrue after July 25, 2021.

**Sec. 5.** RCW 74.08A.230 and 1997 c 58 s 308 are each amended to read as follows:

(1) In addition to their monthly benefit payment, a family may earn and keep the first \$500 of the family's earnings in addition to one-half of ((its))the family's remaining earnings during every month it is eligible to receive assistance under this section.

(2) In no event may a family be eligible for temporary assistance for needy families if its monthly gross earned income exceeds the maximum earned income level as set by the department. In calculating a household's gross earnings, the department shall disregard the earnings of a minor child who is:

- (a) A full-time student; or
- (b) A part-time student carrying at least half the normal school load and working fewer than ~~((thirty-five))~~ 35 hours per week.

**Sec. 6.** RCW 74.08A.250 and 2019 c 343 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, as used in this chapter, "work activity" means:

(1) Unsubsidized paid employment in the private or public sector;

(2) Subsidized paid employment in the private or public sector, including employment through the state or federal work-study program for a period not to exceed ~~((twenty-four))~~ 24 months;

(3) Work experience, including:

(a) An internship or practicum, that is paid or unpaid and is required to complete a course of vocational training or to obtain a license or certificate in a high-demand occupation, as determined by the employment security department. No internship or practicum shall exceed ~~((twelve))~~ 12 months; or

(b) Work associated with the refurbishing of publicly assisted housing, if sufficient paid employment is not available;

(4) On-the-job training;

(5) Job search and job readiness assistance;

(6) Community service programs, including a recipient's voluntary service at a child care or preschool facility licensed under chapter 43.216 RCW or an elementary school in which his or her child is enrolled;

(7) Vocational educational training, not to exceed ~~((twelve))~~ 12 months with respect to any individual except that this ~~((twelve-month))~~ 12-month limit may be increased to ~~((twenty-four))~~ 24 months subject to funding appropriated specifically for this purpose;

(8) Job skills training directly related to employment;

(9) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a high school equivalency certificate as provided in RCW 28B.50.536;

(10) Satisfactory attendance at secondary school or in a course of study leading to a high school equivalency certificate as provided in RCW 28B.50.536, in the case of a recipient who has not completed secondary school or received such a certificate;

(11) The provision of child care services to an individual who is participating in a community service program;

(12) Internships, that shall be paid or unpaid work experience performed by an intern in a business, industry, or government or nongovernmental agency setting;

(13) Practicums, which include any educational program in which a student is working under the close supervision of a professional in an agency, clinic, or other professional practice setting for purposes of advancing their skills and knowledge;

(14) Services required by the recipient under RCW 74.08.025(2) and 74.08A.010(~~(4)~~) (3) to become employable;

(15) Financial literacy activities designed to be effective in assisting a recipient in becoming self-sufficient and financially stable; and

(16) Parent education services or programs that support development of appropriate parenting skills, life skills, and employment-related competencies.

**Sec. 7.** RCW 74.08A.270 and 2017 3rd sp.s. c 21 s 2 are each amended to read as follows:

(1) Good cause reasons for failure to participate in WorkFirst program components include situations where: (a) ~~((Situations where the))~~The recipient is a parent or other relative personally providing care for a child under the age of six years, and formal or informal child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department fails to provide such care; ~~((or))~~ (b) the recipient is a parent with a child under the age of two years; or (c) the recipient is experiencing a hardship as defined by the department in rule.

(2) A parent claiming a good cause exemption from WorkFirst participation under subsection (1)(b) of this section may be required to participate in one or more of the following, up to a maximum total of twenty hours per week, if such treatment, services, or training is indicated by the comprehensive evaluation or other assessment:

- (a) Mental health treatment;
- (b) Alcohol or drug treatment;
- (c) Domestic violence services; or
- (d) Parenting education or parenting skills training, if available.

(3) The department shall: (a) Work with a parent claiming a good cause exemption under subsection (1)(b) of this section to identify and access programs and services designed to improve parenting skills and promote child well-being, including but not limited to home visitation programs and services; and (b) provide information on the

availability of home visitation services to temporary assistance for needy families caseworkers, who shall inform clients of the availability of the services. If desired by the client, the caseworker shall facilitate appropriate referrals to providers of home visitation services.

(4) Nothing in this section shall prevent a recipient from participating in the WorkFirst program on a voluntary basis.

(5) A parent is eligible for a good cause exemption under subsection (1)(b) of this section for a maximum total of ~~((twenty-four))~~24 months over the parent's lifetime.

**Sec. 8.** RCW 74.04.266 and 2011 1st sp.s. c 36 s 21 are each amended to read as follows:

In determining need for aged, blind, or disabled assistance, and medical care services, the department may by rule and regulation establish a monthly earned income exemption ~~((in an amount not to exceed the exemption allowable under disability programs authorized in Title XVI of the federal social security act))~~as provided for in RCW 74.08A.230.

NEW SECTION. **Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 10.** Section 2 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2023.

NEW SECTION. **Sec. 11.** Section 2 of this act expires January 1, 2024.

NEW SECTION. **Sec. 12.** Section 3 of this act takes effect January 1, 2024.

NEW SECTION. **Sec. 13.** Section 1 of this act takes effect February 1, 2024.

NEW SECTION. **Sec. 14.** Section 5 of this act takes effect August 1, 2024."

On page 1, line 3 of the title, after "families;" strike the remainder of the title and insert "amending RCW 74.04.005, 74.08A.010, 74.08A.015, 74.08A.230, 74.08A.250, 74.08A.270, and 74.04.266; reenacting and amending RCW 74.08A.010; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1447 and advanced the bill, as amended by the Senate, to final passage.



Representatives Peterson and Eslick spoke in favor of the passage of the bill.

Representative Caldier spoke against the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1447, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1447, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 62; Nays, 36; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

SECOND SUBSTITUTE HOUSE BILL NO. 1447, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Thursday, April 20, 2023

Mme. Speaker:

The Senate receded from its amendment(s) to SUBSTITUTE HOUSE BILL NO. 1521, and under suspension of the rules returned SUBSTITUTE HOUSE BILL NO. 1521 to second reading for purpose of amendment(s). The Senate further adopted amendment 1521-S AMS KEIS S3369.4 and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 51.48.080 and 2020 c 277 s 6 are each amended to read as follows:

(1) Every person, firm, or corporation who violates or fails to obey, observe, or comply with any statutory provision of this ~~((aet))~~ title or rule of the department promulgated under authority of this title, shall be subject to a penalty of not to exceed ~~((one thousand dollars))~~ \$1,000.

(2) The department may, for a violation of section 3 of this act, assess a penalty not to exceed three times the penalties provided in subsection (1) of this section, including adjustments pursuant to RCW 51.48.095.

**Sec. 2.** RCW 51.48.017 and 2020 c 277 s 2 are each amended to read as follows:

(1) Every time a self-insurer unreasonably delays or refuses to pay

benefits as they become due, the self-insurer shall pay a penalty not to exceed the greater of ~~((one thousand dollars))~~ \$1,000 or ~~((twenty-five))~~ 25 percent of: (a) The amount due or (b) each underpayment made to the claimant. For purposes of this section, "the amount due" means the total amount of payments due at the time of the calculation of the penalty.

(2) In making the determination of the penalty amount, the department shall weigh at least the following factors: The amount of any payment delayed, employer communication of the basis for or calculation of the payment, history or past practice of underpayments by the employer, department orders directing the payment, and any required adjustments to the amount of the payment.

(3) The director shall issue an order determining whether there was an unreasonable delay or refusal to pay benefits and the penalty amount owed within ~~((thirty))~~ 30 days upon the request of the claimant. Such an order shall conform to the requirements of RCW 51.52.050.

(4) The penalty shall accrue for the benefit of the claimant and shall be paid to the claimant with the benefits which may be assessed under this title.

(5) The department may, for a violation of section 3 of this act, assess a penalty not to exceed three times the penalties provided in subsection (1) of this section, including adjustments pursuant to RCW 51.48.095.

(6) This section applies to all requests for penalties made after September 1, 2020.

NEW SECTION. Sec. 3. A new section is added to chapter 51.14 RCW to read as follows:

(1) All self-insured municipal employers and self-insured private sector firefighter employers and their third-party administrators have a duty of good faith and fair dealing to workers relating to all aspects of this title. The duty of good faith requires fair dealing and equal consideration for the worker's interests.

(2) A self-insured municipal employer or self-insured private sector firefighter employer or their third-party administrator violates its duty to the worker if it coerces a worker to accept less than the compensation due under this title, or otherwise fails to act in good faith and fair dealing regarding its obligations under this title.

(3) The department shall adopt by rule additional applications of the duty of good faith and fair dealing as well as criteria for determining appropriate penalties for violations. In adopting a rule under this subsection, the department shall consider, among other factors, recognized and approved claim processing practices within the insurance industry, the department's own experience, and the industrial insurance and insurance laws and rules of this state.

(4) The department shall investigate each alleged violation of this section upon the filing of a written complaint or upon its own motion. After receiving notice and a request for a response from the department,

the municipal employer or private sector firefighter employer or their third-party administrator may file a written response within 10 working days. If the municipal employer or private sector firefighter employer or their third-party administrator fails to file a timely response, the department shall issue an order based on available information.

(5) The department shall issue an order determining whether a violation of this section has occurred, in conformance with RCW 51.52.050, within 30 calendar days of receipt of a complete complaint or its own motion. An order finding that a violation has occurred must also order the municipal employer or private sector firefighter employer to pay a penalty of one to 52 times the average weekly wage at the time of the order, depending upon the severity of the violation, which accrues for the benefit of the worker.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Municipal" means any counties, cities, towns, port districts, water-sewer districts, school districts, metropolitan park districts, fire districts, public hospital districts, regional fire protection service authorities, education service districts, or such other units of local government.

(b) "Private sector firefighter employer" means any private sector employer who employs over 50 firefighters, including supervisors, on a full-time, fully compensated basis as a firefighter of the employer's fire department, only with respect to their firefighters.

**Sec. 4.** RCW 51.14.080 and 1986 c 57 s 7 are each amended to read as follows:

(1) Certification of a self-insurer shall be withdrawn by the director upon one or more of the following grounds:

~~((1))~~ (a) The employer no longer meets the requirements of a self-insurer; or

~~((2))~~ (b) The self-insurer's deposit is insufficient; or

~~((3))~~ (c) The self-insurer intentionally or repeatedly induces employees to fail to report injuries, induces claimants to treat injuries in the course of employment as off-the-job injuries, persuades claimants to accept less than the compensation due, or unreasonably makes it necessary for claimants to resort to proceedings against the employer to obtain compensation; or

~~((4))~~ (d) The self-insurer habitually fails to comply with rules and regulations of the director regarding reports or other requirements necessary to carry out the purposes of this title; or

~~((5))~~ (e) The self-insurer habitually engages in a practice of arbitrarily or unreasonably refusing employment to applicants for employment or discharging employees because of nondisabling bodily conditions; or

~~((6))~~ (f) The self-insurer fails to pay an insolvency assessment under the procedures established pursuant to RCW 51.14.077; or

(g)(i) For a self-insured municipal employer, the self-insurer has been found to have violated the self-insurer's duty of good faith and fair dealing three times within a three-year period.

(ii) For purposes of determining whether there have been three violations within a three-year period, the director must use the date of the department's order. Any subsequent order of the department, board of industrial insurance appeals, or courts affirming a violation occurred relates back to the date of the department's order.

(iii) Errors or delays that are inadvertent or minor are not considered violations of good faith and fair dealing for purposes of this subsection (1)(g).

(2) The director may delay withdrawing the certification of the self-insured municipal employer while the employer has an enforceable contract with a licensed third-party administrator that may not be legally terminated. However, the self-insured municipal employer may not renew or extend the contract.

(3) For the purposes of this section, "municipal" has the same meaning as defined in section 3 of this act.

**NEW SECTION. Sec. 5.** A new section is added to chapter 51.14 RCW to read as follows:

Nothing in this act shall be interpreted as allowing a private cause of action outside of the original jurisdiction of the department to assess penalties and rights to appeal as provided in this title.

**NEW SECTION. Sec. 6.** This act applies to all claims regardless of the date of injury.

**NEW SECTION. Sec. 7.** This act takes effect July 1, 2024."

On page 1, line 2 of the title, after "duties;" strike the remainder of the title and insert "amending RCW 51.48.080, 51.48.017, and 51.14.080; adding new sections to chapter 51.14 RCW; creating a new section; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1521 and advanced the bill, as amended by the Senate, to final passage.

Representatives Bronoske, Robertson and Harris spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1521, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1521, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 84; Nays, 14; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Barnard, Chandler, Christian, Connors, Dent, Dye, Kretz, McEntire, Sandlin, Schmick, Schmidt, Volz, Walsh and Wilcox

SUBSTITUTE HOUSE BILL NO. 1521, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Wednesday, April 19, 2023

Mme. Speaker:

The Senate refuses to concur in the House amendment(s) to SENATE BILL NO. 5369 and asks the House to recede therefrom.

and the same is herewith transmitted.

Sarah Bannister, Secretary

### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SENATE BILL NO. 5369.

There being no objection, the rules were suspended, and SENATE BILL NO. 5369 was returned to second reading for the purpose of amendment.

Representative Doglio moved the adoption of the striking amendment (778):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that polychlorinated biphenyls, or PCBs, are a hazardous chemical class that have been identified as carcinogenic, a developmental toxicant, toxic to aquatic organisms, and persistent and bioaccumulative. According to the United States environmental protection agency, PCBs are probable human carcinogens and may have serious and potential effects on the immune system, reproductive system, nervous system, and endocrine system.

(2) Humans and other organisms can be exposed to PCBs in a number of ways. PCBs can be released into the environment from hazardous waste sites, illegal dumping, or disposal of PCB wastes or PCB-containing products in areas or landfills not designed to handle hazardous waste, leaks, or releases from electrical transformers containing PCBs, and wastewater discharges.

Once PCBs are released, the chemicals do not readily break down in the environment and can cycle for long periods between air, water, and soil. PCBs can accumulate in leaves and above-ground parts of plants and food crops, and they are also taken up into the bodies of small organisms and fish, resulting in potential exposure for people and organisms that ingest the fish.

(3) In 1979, the United States banned the production of PCBs under the toxic substances control act. However, the United States environmental protection agency's regulations implementing the toxic substances control act for PCBs allow some inadvertent generation of PCBs to occur in excluded manufacturing processes. These manufacturing by-product PCBs have been identified in wastewater, sediments, and air in numerous locations and have been positively identified in the testing of new products.

(4) The legislature finds that the state has done much to address PCB contamination, including cleanup, permitting, stormwater management, and fish advisories. In addition, the United States environmental protection agency, Washington state, and the Spokane tribe of Indians have established PCB water quality standards to protect human health and the environment. These standards are critical for addressing release and exposure from legacy and nonlegacy PCBs. However, the standards cannot be achieved with currently available water treatment technology if the waste stream continues to include new sources of PCBs allowable under the toxic substances control act at levels measured in products such as paints, inks, and pigments that are billions of times higher than applicable water quality standards. While the United States environmental protection agency has restored a human health criteria standard of seven parts per quadrillion in Washington waters, the toxic substances control act limit for PCBs in products is an annual average of 25 parts per million, with a maximum 50 parts per million adjusted total PCBs. Therefore, the legislature finds that nonlegacy PCB contamination may most effectively be managed upstream at the product and process source as opposed to downstream facilities at the end of the product life cycle. The toxic substances control act standard for inadvertent PCBs does not reflect current science on limits needed to protect human health and the environment and is overdue for revision.

(5) While previous industry analysis of toxic substances control act rule making has asserted negative impacts and infeasibility in disallowing by-product PCBs, the legislature finds that safer, feasible, and available alternatives to PCB-containing paints and printing inks now exist, as determined by the department in its June 2022 *Safer Products for Washington* report. Moreover, since safer and available products and processes to produce paints and printing inks do exist, the legislature finds that use of manufacturing processes resulting in products with PCB by-products is not inadvertent, but intentional, and constitutes a use of the chemical within the product.

(6) Therefore, the legislature intends to direct the department of ecology to petition the United States environmental protection agency to reassess its PCB regulations under the toxic substances control act.

**NEW SECTION. Sec. 2.** A new section is added to chapter 70A.350 RCW to read as follows:

(1) The department must petition the United States environmental protection agency to reassess its regulations on excluded manufacturing processes from prohibitions on manufacturing, processing, distribution in commerce, and use of PCBs and PCB items under 40 C.F.R. Sec. 761.3 for the purpose of eliminating or reducing the presence of PCBs in consumer products.

(2) In petitioning the United States environmental protection agency, the department must include legislative findings in section 1 of this act and information on:

(a) Health effects of PCBs;

(b) Release and exposure of PCBs including, but not limited to, concentrations of PCBs measured in consumer products and in state waters, soils, and fish tissue;

(c) Safer alternatives for consumer products that contain PCBs, including the availability and feasibility of alternatives; and

(d) Other relevant data or findings as determined by the department.

(3) The department is not required to generate new data and may use previously compiled data and findings developed in the performance of duties under this section.

(4) The department may consult with the department of health and other relevant state agencies in developing the petition under this section.

(5) To the extent practicable, the department must seek completion of the petition review by January 1, 2025."

Correct the title.

Representatives Doglio and Dye spoke in favor of the adoption of the striking amendment.

The striking amendment (778) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Doglio and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5369, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5369, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney,

Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SENATE BILL NO. 5369, as amended by the House, having received the necessary constitutional majority, was declared passed.

With the consent of the House, SENATE BILL NO. 5369 was immediately transmitted to the Senate.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

There being no objection, the House reverted to the third order of business.

#### MESSAGES FROM THE SENATE

Saturday, April 22, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1148

and the same is herewith transmitted.

Sarah Bannister, Secretary

Saturday, April 22, 2023

Mme. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5258

ENGROSSED SUBSTITUTE SENATE BILL NO. 5293  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5315

and the same are herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the seventh order of business.

#### THIRD READING

#### MESSAGE FROM THE SENATE

Saturday, April 22, 2023

Mme. Speaker:

The Senate receded from its amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1762, and under suspension of the rules returned SECOND SUBSTITUTE HOUSE BILL NO. 1762 to second reading for purpose of amendment(s). The Senate further adopted amendment 1762-S2 AMS KEIS S3372.1 and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affiliate" means a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person. For purposes of this subsection, "control" means the possession, directly or indirectly, of more than 50 percent of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise.

(2) "Aggregated data" means information that an employer has combined or collected in summary or other form such that the data cannot be identified with any individual.

(3) "Defined time period" means any unit of time measurement equal to or less than the duration of an employee's shift, and includes hours, minutes, and seconds and any fraction thereof.

(4) "Department" means the department of labor and industries.

(5) "Designated employee representative" means any employee representative, including but not limited to an authorized employee representative that has a collective bargaining relationship with the employer.

(6) "Director" means the director of the department of labor and industries or the director's designee.

(7) "Employee" means an employee who is not exempt under RCW 49.46.010(3)(c) and works at a warehouse distribution center.

(8)(a) "Employee work speed data" means information an employer collects, stores, analyzes, or interprets relating to an individual employee's performance of a quota including, but not limited to, quantities of tasks performed, quantities of items or materials handled or produced, rates or speeds of tasks performed, measurements or metrics of employee performance in relation to a quota, and time categorized as performing tasks or not performing tasks.

(b) Employee work speed data does not include qualitative performance assessments, personnel records, or itemized wage statements pursuant to department rules, except for any content of those records that includes employee work speed data as defined in this subsection.

(9)(a) "Employer" means a person who directly or indirectly, or through an agent or any other person, including through the services of a third-party employer, temporary services, or staffing agency, independent contractor, or any similar entity, at any time, employs or exercises control over the wages, hours, or working conditions of 100 or more employees at a single warehouse distribution center in the state or 1,000 or more employees at one or more warehouse distribution centers in the state.

(b) For the purposes of determining the number of employees employed at a single warehouse distribution center or at one or more warehouse distribution centers, all employees employed directly or indirectly, or through an agency or any other person, and all employees employed by an employer and its affiliates, must be counted.

(c) For the purposes of determining responsible employers, all agents or other persons, and affiliates must be deemed employers and are jointly and severally responsible for compliance with this chapter.

(10) "Person" means an individual, corporation, partnership, limited partnership, limited liability partnership, limited liability company, business trust, estate, trust, association, joint venture, agency, instrumentality, or any other legal or commercial entity, whether domestic or foreign.

(11) "Quota" means a work performance standard, whether required or recommended, where: (a) An employee is assigned or required to perform at a specified productivity speed, or perform a quantified number of tasks, or to handle or produce a quantified amount of material, within a defined time period and under which the employee may suffer an adverse employment action if they fail to complete the performance standard; or (b) an employee's actions are categorized between time performing tasks and not performing tasks, if the employee may suffer an adverse employment action if they fail to meet the performance standard.

(12) "Warehouse distribution center" means an establishment engaged in activities as defined by any of the following North American industry classification system codes, however such establishment is denominated:

(a) 493 for warehousing and storage, but does not include 493130 for farm product warehousing and storage;

(b) 423 for merchant wholesalers, durable goods;

(c) 424 for merchant wholesalers, nondurable goods; or

(d) 454110 for electronic shopping and mail-order houses.

**NEW SECTION. Sec. 2.** (1) An employer must provide to each employee, upon hire, or within 30 days of the effective date of this section, a written description of:

(a) Each quota to which the employee is subject, including the quantified number of tasks to be performed or materials to be produced or handled within a defined time period;

(b) Any potential adverse employment action that could result from failure to meet each quota; and

(c) Any incentives or bonus programs associated with meeting or exceeding each quota.

(2) Whenever there is a change to the quota that results in a different quota than the most recent written description provided to the employee, the employer must: (a) Notify the employee verbally or in writing as soon as possible and before the employee is subject to the new quota; and (b) provide the employee with an updated written description of each quota to which the employee is subject within two business days of the quota change.

(3) Whenever an employer takes an adverse action against an employee in whole or in part for failure to meet a quota, the

employer must provide that employee with the applicable quota for the employee and the personal work speed data for the employee that was the basis for the adverse action.

(4) The written description must be understandable, in plain language, and in the employee's preferred language. The department may adopt rules regarding the format, plain language, and language access requirements for the written description.

**NEW SECTION. Sec. 3.** (1) The time period considered in a quota, including time designated as productive time or time on task must include:

(a) Time for rest breaks and reasonable time to travel to designated locations for rest breaks;

(b) Reasonable travel time to on-site designated meal break locations. Meal breaks are not considered time on task or productive time unless the employee is required by the employer to remain on duty on the premises or at a prescribed worksite in the interest of the employer;

(c) Time to perform any activity required by the employer in order to do the work subject to any quota;

(d) Time to use the bathroom, including reasonable travel time; and

(e) Time to take any actions necessary for the employee to exercise the employee's right to a safe and healthful workplace pursuant to chapter 49.17 RCW, including but not limited to time to access tools or safety equipment necessary to perform the employee's duties.

(2) Reasonable travel time must include consideration of the architecture and geography of the facility and the location within the facility that the employee is located at the time.

**NEW SECTION. Sec. 4.** (1) Except as provided in section 5 of this act, a quota violates this chapter if the quota:

(a) Does not provide sufficient time as required under section 3(1) (a) through (c) of this act; or

(b) Prevents the performance of any activity required by the employer for the employee to do the work subject to any quota.

(2) An employee is not required to meet a quota that violates this section.

(3) An employer may not take adverse action against an employee for failing to meet a quota that violates this section or that was not disclosed to the employee as required under section 2 of this act.

**NEW SECTION. Sec. 5.** (1) A quota violates chapter 49.17 RCW if the quota:

(a) Does not provide sufficient time as required under section 3(1) (d) and (e) of this act;

(b) Prevents the performance of any activity related to occupational safety and health required by the employer for the employee to do the work subject to any quota; or

(c) Exposes an employee to occupational safety and health hazards in violation of

the requirements of chapter 49.17 RCW and the applicable rules or regulations.

(2) An employee is not required to meet a quota that violates this section.

(3) An employer may not take adverse action against an employee for failing to meet a quota that violates this section.

(4) All provisions of section 8 of this act apply to any person who complains to the employer, the director, or any local, state, or federal governmental agency or official, related to a quota alleging any violations of this section.

(5)(a) This section must be implemented and enforced, including penalties, violations, citations, and other administrative procedures, pursuant to chapter 49.17 RCW.

(b) An employer who fails to allow adequate inspection of records in an inspection by the department within a reasonable time period may not use such records in any appeal to challenge the correctness of any citation and notice issued by the department.

**NEW SECTION. Sec. 6.** (1) An employer must establish, maintain, and preserve contemporaneous, true, and accurate records of the following:

(a) Each employee's own personal work speed data;

(b) The aggregated work speed data for similar employees at the same warehouse distribution center; and

(c) The written descriptions of each quota the employee was provided pursuant to section 2 of this act.

(2)(a) The required records must be maintained and preserved throughout the duration of each employee's period of employment and for the period required by this subsection.

(b) Except as required under (c) of this subsection, subsequent to an employee's separation from the employer, records relating to the six-month period prior to the date of the employee's separation from the employer must be preserved for at least three years from the date of the employee's separation.

(c) Where an employer has taken adverse action against an employee in whole or in part for failure to meet a quota, the employer must preserve the records relating to the basis for the adverse action for at least three years from the date of the adverse action.

(d) The employer must make records available to the director upon request.

(3) Nothing in this section requires an employer to collect or keep such records if the employer does not use quotas or monitor work speed data.

(4) An employer who fails to allow adequate inspection of records in an inspection by the department within a reasonable time period may not use such records in any appeal to challenge the correctness of any citation and notice issued by the department.

**NEW SECTION. Sec. 7.** (1) An employee has the right to request, at any time, a written description of each quota to which

the employee is subject, a copy of the employee's own personal work speed data for the prior six months, and a copy of the prior six months of aggregated work speed data for similar employees at the same warehouse distribution center.

(2) A former employee has the right to request, within three years subsequent to the date of their separation from the employer, a written description of the quota to which they were subject as of the date of their separation, a copy of the employee's own personal work speed data for the six months prior to their date of separation, and a copy of aggregated work speed data for similar employees at the same warehouse distribution center for the six months prior to their date of separation.

(3) An employer must provide records requested under this section at no cost to the employee or former employee.

(4) An employer must provide records requested under this section as soon as practicable and subject to the following:

(a) Requested records of written descriptions of a quota must be provided no later than two business days following the date of the receipt of the request; and

(b) Requested personal work speed data and aggregated work speed data must be provided no later than seven business days following the date of the receipt of the request.

(5) Nothing in this section requires an employer to use quotas or monitor work speed data. An employer that does not use quotas or monitor work speed data has no obligation to provide records under this section.

**NEW SECTION. Sec. 8.** (1) A person, including but not limited to an employer, his or her agent, or person acting as or on behalf of a hiring entity, or the officer or agent of any entity, business, corporation, partnership, or limited liability company, may not discharge or in any way retaliate, discriminate, or take adverse action against an employee or former employee for exercising any rights established in this chapter, or for being perceived as exercising rights established in this chapter including, but not limited to:

(a) Initiating a request for information about a quota or personal work speed data pursuant to section 7 of this act; and

(b) Making a complaint to the employer, the director, or any local, state, or federal governmental agency or official, related to a quota that is allegedly in violation of this chapter or chapter 49.17 RCW.

(2) An employee or former employee need not explicitly refer to this section or the rights established in this chapter to be protected from an adverse action. The protection provided in this section applies to former employees and to employees who mistakenly but in good faith allege violations of this chapter.

(3) (a) If a person takes adverse action against an employee or former employee within 90 days of the employee engaging or attempting to engage in activities protected by this chapter, there is a rebuttable presumption that the adverse action is a

retaliatory action in violation of this section.

(b) The presumption may be rebutted by a preponderance of the evidence that: (i) The action was taken for other permissible reasons; and (ii) the engaging or attempting to engage in activities protected by this chapter was not a motivating factor in the adverse action.

(4) Except as provided for in section 5 of this act, the department must carry out and enforce the provisions of this section and section 4(3) of this act pursuant to procedures established under chapter 49.46 RCW and any applicable rules. The department may adopt new rules to implement or enforce this subsection.

**NEW SECTION. Sec. 9.** (1) (a) An employee may file a complaint with the department alleging a violation under this chapter or applicable rules, except for violations and enforcement of sections 5 and 8 of this act. The department must investigate the complaint.

(b) The department may not investigate any such alleged violation of rights that occurred more than three years before the date that the employee filed the complaint.

(c) If an employee files a timely complaint with the department, the department must investigate the complaint and issue either a citation and notice of assessment or a determination of compliance within 90 days after the date on which the department received the complaint, unless the complaint is otherwise resolved. The department may extend the period by providing advance written notice to the employee and the employer setting forth good cause for an extension of the period and specifying the duration of the extension.

(d) The department must send the citation and notice of assessment or the determination of compliance to both the employer and the employee by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to their last known addresses.

(2) If the department's investigation finds that the employee's allegation cannot be substantiated, the department must issue a determination of compliance to the employee and the employer detailing such finding.

(3) The director may initiate an investigation without an employee's complaint to ensure compliance with this chapter.

(4) The department may request an employer perform a self-audit of any records relating to this act, which must be provided within a reasonable time. Reasonable timelines will be specified in the self-audit request. The department must determine reasonable time based on the number of affected employees and the period of time covered by the self-audit. The records examined by the employer in order to perform the self-audit must be made available to the department upon request.

(5) Upon the department's request, an employer must notify affected employees in writing that the department is conducting an investigation. The department may require

the employer to include a general description of each investigation as part of the notification, including the allegations and whether the notified employee may be affected. The employer may consult with the department to provide the information for the description of the notification or investigation.

(6) If the department determines that the employer has violated a requirement of this chapter or any rule adopted under this chapter, the department also may order the employer to pay the department a civil penalty of not less than \$1,000. The first violation may not exceed \$1,000. The department may, at any time, waive or reduce any civil penalty assessed against an employer under this section if the department determines that the employer has taken corrective action to remedy a violation. The department must adopt rules creating a schedule to enhance penalties, not to exceed \$10,000 per violation, based on repeat violations by the employer. Civil penalties must be collected by the department and deposited into the supplemental pension fund established under RCW 51.44.033.

(7) Except as provided under subsection (1) of this section, an employer who is found to have violated a requirement of this chapter and the rules adopted under this chapter resulting in a rest or meal period violation, must pay the employee one additional hour of pay at the employee's regular rate of pay for each day there is a violation.

(8) Upon receiving a complaint, the department may request or subpoena the records of the warehouse distribution center.

(9) For enforcement actions under this section, if any person fails to pay an assessment under this chapter, or under any rule under this chapter, after it has become a final and unappealable order, or after the court has entered final judgment in favor of the agency, the director may initiate collection procedures in accordance with the collection procedures under RCW 49.48.086.

(10) If the department finds that a quota violates this act, the department may order the employer to review and provide a corrected written quota to the affected employee or employees within 15 calendar days and place a letter in the employee's personnel file to acknowledge the correction. If the employer fails to do so, the employer may be subject to the penalties under subsection (6) of this section and associated rules.

(11) In addition to any enforcement authority provided in this chapter or applicable rules, the department may enforce any violation under this chapter or applicable rules, except for violations and enforcement of section 5 of this act, by filing an action in the superior court for the county in which the violation is alleged to have occurred. If the department prevails, it is entitled to reasonable attorneys' fees and costs, in the amount to be determined by the court.

NEW SECTION. **Sec. 10.** (1) For enforcement actions under section 9 of this act, a person, firm, or corporation aggrieved by a citation and notice of assessment or determination of compliance by the department or any rules adopted under this chapter may appeal the citation and notice of assessment or determination of compliance to the director by filing a notice of appeal with the director within 15 calendar days of the department's issuance of the citation and notice of assessment or determination of compliance. A citation and notice of assessment or determination of compliance not appealed within 15 calendar days is final and binding, and not subject to further appeal.

(2) A notice of appeal filed with the director under this section stays the effectiveness of the citation and notice of assessment or determination of compliance pending final review of the appeal by the director as provided in chapter 34.05 RCW.

(3) Upon receipt of a notice of appeal, the director must assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures must be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation and notice of assessment must be de novo. Any party who seeks to challenge an initial order must file a petition for administrative review with the director within 30 days after service of the initial order. The director must conduct an administrative review in accordance with chapter 34.05 RCW.

(4) The director must issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(5) Orders that are not appealed within the time period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(6) An employer who fails to allow adequate inspection of records in an investigation by the department under this chapter within a reasonable time period may not use such records in any appeal under this section to challenge the correctness of any determination by the department of the penalty assessed.

NEW SECTION. **Sec. 11.** The department may adopt and implement rules to carry out and enforce the provisions of this chapter.

NEW SECTION. **Sec. 12.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 13.** Sections 1 through 12 of this act constitute a new chapter in Title 49 RCW.



NEW SECTION. **Sec. 14.** This act takes effect July 1, 2024."

On page 1, line 1 of the title, after "warehouses;" strike the remainder of the title and insert "adding a new chapter to Title 49 RCW; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1762 and advanced the bill, as amended by the Senate, to final passage.

Representative Berry spoke in favor of the passage of the bill.

Representative Schmidt spoke against the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1762, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1762, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walen, Walsh, Waters, Wilcox and Ybarra

SECOND SUBSTITUTE HOUSE BILL NO. 1762, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Saturday, April 22, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1715, with the following amendment(s): 1715-S2.E AMS ENGR S3377.E

Strike everything after the enacting clause and insert the following:

#### "Part I. Electronic Monitoring with Victim Notification Technology

NEW SECTION. **Sec. 101.** A new section is added to chapter 2.56 RCW to read as follows:

(1) Subject to funds appropriated for this specific purpose, by June 1, 2024, the Washington courts' board for judicial administration must develop model standards:

(a) Establishing best practices for the operation of electronic monitoring with victim notification technology by monitoring agencies, with the goal of improving victim safety;

(b) Establishing protocols for implementing court orders that include electronic monitoring with victim notification, including protocols for the installation and removal of monitoring devices to ensure uninterrupted monitoring services following release from detainment or incarceration; and

(c) Establishing any additional requirements necessary to promote compliance with RCW 2.56.260 and 9.94A.736, which may include, but not be limited to, training requirements for court officials, peace officers, 911 dispatchers, local corrections officers and staff, and other appropriate practitioners.

(2) In developing the standards required under this section, the Washington courts' board for judicial administration must solicit input from courts of general and limited jurisdiction, local governments, monitoring agencies, and statewide associations representing law enforcement leaders, prosecutors, the department of corrections, domestic violence victims, and domestic violence agencies.

(3) Subject to funds appropriated for this specific purpose, the Washington courts' board for judicial administration must develop a model policy on electronic monitoring with victim notification technology based on best practices where the technology is being currently used in Washington. Each law enforcement agency in the state must adopt its own policy based on the model policy.

(4) For the purposes of this section:

(a) "Electronic monitoring" has the meaning provided in RCW 9.94A.030; and

(b) "Monitoring agency" has the meaning provided in RCW 9.94A.736.

#### Part II. Civil Proceedings

**Sec. 201.** RCW 7.105.155 and 2022 c 268 s 10 are each amended to read as follows:

When service is to be completed under this chapter by a law enforcement officer:

(1) The clerk of the court shall have a copy of any order issued under this chapter, the confidential information form, as well as the petition for a protection order and any supporting materials, electronically forwarded on or before the next judicial day to the law enforcement agency in the county or municipality where the respondent resides, as specified in the order, for service upon the respondent. If the respondent has moved from that county or municipality and personal service is not required, the law enforcement agency specified in the order may serve the order;

(2) Service of an order issued under this chapter must take precedence over the service of other documents by law

enforcement unless they are of a similar emergency nature;

(3) Where personal service is required, the first attempt at service must occur within 24 hours of receiving the order from the court (~~whenever practicable, but not more than five days after receiving the order~~) unless an emergency situation renders the service infeasible. If an emergency situation prevents a first attempt at service within 24 hours, law enforcement must attempt service as soon as possible. If the first attempt is not successful, no fewer than two additional attempts should be made to serve the order, particularly for respondents who present heightened risk of lethality or other risk of physical harm to the petitioner or petitioner's family or household members. All attempts at service must be documented on a proof of service form and submitted to the court in a timely manner;

(4) If service cannot be completed within 10 calendar days, the law enforcement officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification. Law enforcement shall continue to attempt to complete service unless otherwise directed by the court. In the event that the petitioner does not provide a service address for the respondent or there is evidence that the respondent is evading service, the law enforcement officer shall use law enforcement databases to assist in locating the respondent;

(5) If the respondent is in a protected person's presence at the time of contact for service, the law enforcement officer should take reasonable steps to separate the parties when possible prior to completing the service or inquiring about or collecting firearms. When the order requires the respondent to vacate the parties' shared residence, law enforcement shall take reasonable steps to ensure that the respondent has left the premises and is on notice that ~~(his or her)~~ the respondent's return is a violation of the terms of the order. The law enforcement officer shall provide the respondent with copies of all forms with the exception of the confidential information form completed by the protected party and the proof of service form;

(6) Any law enforcement officer who serves a protection order on a respondent with the knowledge that the respondent requires special assistance due to a disability, brain injury, or impairment shall make a reasonable effort to accommodate the needs of the respondent to the extent practicable without compromise to the safety of the petitioner;

(7) Proof of service must be submitted to the court on the proof of service form. The form must include the date and time of service and each document that was served in order for the service to be complete, along with any details such as conduct at the time of service, threats, or avoidance of service, as well as statements regarding possession of firearms, including any denials of ownership despite positive purchase history, active concealed pistol license, or sworn statements in the petition

that allege the respondent's access to, or possession of, firearms; or

(8) If attempts at service were not successful, the proof of service form or the form letter showing that the order was not served, and stating the reason it was not served, must be returned to the court by the next judicial day following the last unsuccessful attempt at service. Each attempt at service must be noted and reflected in computer aided dispatch records, with the date, time, address, and reason service was not completed.

**Sec. 202.** RCW 7.105.255 and 2022 c 268 s 15 are each amended to read as follows:

(1) To help ensure familiarity with the unique nature of protection order proceedings, and an understanding of trauma-informed practices and best practices in the use of new technologies for remote hearings, judicial officers, including persons who serve as judicial officers pro tempore, should receive evidence-based training on procedural justice, trauma-informed practices, gender-based violence dynamics, coercive control, elder abuse, juvenile sex offending, teen dating violence, domestic violence homicide prevention, and requirements and best practices for the surrender of weapons before presiding over protection order hearings. Trainings should be provided on an ongoing basis as best practices, research on trauma, and legislation continue to evolve. As a method of continuous training, court commissioners, including pro tempore commissioners, shall be notified by the presiding judge or court administrator upon revision of any decision made under this chapter.

(2) Subject to funds appropriated for this specific purpose, the administrative office of the courts shall develop training for judicial officers on the topics listed in subsection (1) of this section, which must be provided free of charge to judicial officers.

**NEW SECTION. Sec. 203.** A new section is added to chapter 7.105 RCW to read as follows:

(1) The legislature recognizes the inherent volatility and danger associated with domestic violence, particularly when the court has made a finding that an ex parte order to surrender and prohibit weapons is necessary. The risk of domestic violence homicide is most acute when a victim is ending the relationship and throughout legal proceedings. The presence of a firearm in a domestic violence situation increases the risk of homicide by 11 times. The legislature acknowledges the potential for judicial or administrative error in hearings on full protection orders and the significant consequences that can result from such errors. In recognition of the potential for error, the legislature has previously established in RCW 2.24.050 that decisions of court commissioners are subject to revision and the courts have created processes for reconsideration of rulings. Therefore, in any proceeding in which the court enters a temporary protection order that includes a temporary order to surrender

and prohibit weapons, and after the hearing the court denies the petition for a full protection order, the order to surrender and prohibit weapons must remain in effect until the period for a petitioner to file a motion for reconsideration or revision has passed. If a motion for reconsideration or revision is filed, the order to surrender and prohibit weapons must remain in effect until the motion for reconsideration or revision is resolved.

(2) At the hearing in which the court denies the petition for a full protection order, if the petitioner is present, the court must notify the petitioner verbally of the procedures and timelines for filing a motion for reconsideration or a motion for revision. The court must provide the petitioner with written information explaining the procedures and timelines for filing a motion for reconsideration or a motion for revision. The information must also include contact information for civil legal aid organizations that may assist the petitioner with a motion for reconsideration or a motion for revision.

(3) Subsections (1) and (2) of this section do not apply if allowing the order to surrender and prohibit weapons to remain in effect would be manifestly unjust including, but not limited to, situations where the court finds the temporary protection order was entirely without merit, the petitioner was engaged in abusive use of litigation, or the petitioner was exerting coercive control, as defined in RCW 7.105.010, over the respondent.

### Part III. Domestic Violence Protections

**Sec. 301.** RCW 10.99.033 and 2019 c 367 s 2 are each amended to read as follows:

(1) All training relating to the handling of domestic violence complaints by law enforcement officers must stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) The criminal justice training commission shall implement by July 28, 2019, a course of instruction for the training of law enforcement officers in Washington in the handling of domestic violence complaints. The basic law enforcement curriculum of the criminal justice training commission must include at least twenty hours of basic training instruction on the law enforcement response to domestic violence. The course of instruction, the learning and performance objectives, and the standards for the training must be developed by the commission and focus on enforcing the criminal laws, safety of the victim, and holding the perpetrator accountable for the violence. The curriculum must include training on the extent and prevalence of domestic violence, the importance of criminal justice intervention, techniques for responding to incidents that minimize the likelihood of officer injury and that promote victim safety, investigation and

interviewing skills, evidence gathering and report writing, assistance to and services for victims and children, verification and enforcement of court orders, liability, and any additional provisions that are necessary to carry out the intention of this subsection.

(3) The criminal justice training commission shall develop and update annually an in-service training program to familiarize law enforcement officers with domestic violence laws. The program must include techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of all parties. The commission shall make the training program available to all law enforcement agencies in the state.

(4) Development of the training in subsections (2) and (3) of this section must be conducted in conjunction with agencies having a primary responsibility for serving victims of domestic violence with emergency shelter and other services, and representatives to the statewide organization providing training and education to these organizations and to the general public.

(5) Subject to funds appropriated for this specific purpose:

(a) The curriculum required in subsection (2) of this section must include trauma-informed investigation and interviewing skills, domestic violence homicide prevention, the intersection of firearms and domestic violence, best practices for serving and enforcing protection orders, and assistance to and services for victims and children; and

(b) The in-service training program required in subsection (3) of this section must include training on domestic violence homicide prevention, the intersection of firearms and domestic violence, best practices for serving and enforcing protection orders, and assistance to and services for victims and children.

**Sec. 302.** RCW 10.99.040 and 2021 c 215 s 122 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to ~~((his or her))~~ the attorney's client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence; and

(e) Shall not deny issuance of a no-contact order based on the existence of an applicable civil protection order preventing the defendant from contacting the victim.

(2)(a) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or ~~((protective))~~ protection order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the defendant to surrender, and prohibit the person from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

(c) The no-contact order shall also be issued in writing as soon as possible, and shall state that it may be extended as provided in subsection (3) of this section. By January 1, 2011, the administrative office of the courts shall develop a pattern form for all no-contact orders issued under this chapter. A no-contact order issued under this chapter must substantially comply with the pattern form developed by the administrative office of the courts.

(3)(a) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. So long as the court finds probable cause, the court may issue or extend a no-contact order even if the defendant fails to appear at arraignment. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed.

(b) In issuing the order, the court shall consider all information documented in the incident report concerning the person's possession of and access to firearms and whether law enforcement took temporary custody of firearms at the time of the arrest. The court may as a condition of release prohibit the defendant from possessing or accessing firearms and order the defendant to immediately surrender all firearms and any concealed pistol license to a law enforcement agency upon release.

(c) If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring as defined in RCW 9.94A.030. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a

condition of the sentence that the defendant ~~((reimburse the providing agency for))~~ pay the costs of the electronic monitoring. If a defendant enters into a deferred prosecution or stipulated order of continuance, the applicable order or agreement may require the defendant pay the costs of the electronic monitoring.

(4)(a) Willful violation of a court order issued under subsection (2), (3), or (7) of this section is punishable under RCW 7.105.450.

(b) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 7.105 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A certified copy of the order shall be provided to the victim.

(5) If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed.

(6) Whenever a no-contact order is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (3) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

(7) All courts shall develop policies and procedures by January 1, 2011, to grant victims a process to modify or rescind a no-contact order issued under this chapter. The administrative office of the courts shall develop a model policy to assist the courts in implementing the requirements of this subsection.

#### **Part IV. Firearms and Dangerous Weapons**

**Sec. 401.** RCW 9.41.340 and 2020 c 29 s 5 are each amended to read as follows:

(1) (a) Each law enforcement agency shall develop a notification protocol that ~~((allows))~~:

(i) Allows a family or household member or intimate partner to use an incident or

case number to request to be notified when a law enforcement agency returns a privately owned firearm to the individual from whom it was obtained or to an authorized representative of that person; and

(ii) Requires notification to any person identified in a no-contact order, restraining order, or protection order and any identified victim of the crime that resulted in the firearm surrender.

~~((a))~~(b)(i) Notification may be made via telephone, email, text message, or another method that allows notification to be provided without unnecessary delay.

~~((b))~~(ii) If a law enforcement agency is in possession of more than one privately owned firearm from ~~(a single person)~~ an individual, notification relating to the return of one firearm shall be considered notification for all privately owned firearms for that person.

(2) A law enforcement agency shall not provide notification to any party other than ~~((a family or household member or intimate partner who has an incident or case number and who has requested to be notified pursuant to this section or))~~ another criminal justice agency or as authorized or required under subsection (1) of this section.

(3) The information provided by a family or household member or intimate partner pursuant to chapter 130, Laws of 2015, including the existence of the request for notification, is not subject to public disclosure pursuant to chapter 42.56 RCW.

(4) An appointed or elected official, public employee, or public agency as defined in RCW 4.24.470, or combination of units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any release of information or the failure to release information related to this section, so long as the release or failure was without gross negligence.

(5) An individual who knowingly makes a request for notification under this section based on false information may be held liable under RCW 9A.76.175.

**Sec. 402.** RCW 9.41.345 and 2020 c 29 s 6 are each amended to read as follows:

(1) Before a law enforcement agency returns a privately owned firearm, the law enforcement agency must:

(a) Confirm that the individual to whom the firearm will be returned is the individual from whom the firearm was obtained or an authorized representative of that person;

(b) Confirm that the individual to whom the firearm will be returned is eligible to possess a firearm pursuant to RCW 9.41.040;

(c) Ensure that the firearm is not otherwise required to be held in custody or otherwise prohibited from being released; ~~((and))~~

(d) Ensure that ~~((twenty-four hours))~~ five business days have elapsed from the time the firearm was obtained by law enforcement ~~((unless the firearm was seized in connection with a domestic violence call pursuant to RCW 10.99.030, in which case the law enforcement agency must ensure that five~~

~~business days have elapsed from the time the firearm was obtained))~~; and

(e) If a family or household member or intimate partner has requested notification under RCW 9.41.340(1)(a)(i), or notification to an identified victim or protected person is required per RCW 9.41.340(1)(a)(ii), provide notice to the appropriate person within one business day of verifying that the requirements in (a) through (c) of this subsection have been met.

(2)(a) Once the requirements in subsections (1) and (3) of this section have been met, a law enforcement agency must release a firearm to the individual from whom it was obtained or an authorized representative of that person upon request without unnecessary delay.

(b)(i) If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from being released, a law enforcement agency must provide written notice to the individual from whom it was obtained within five business days of the individual requesting return of ~~((his or her))~~ the firearm and specify the reason the firearm must be held in custody.

(ii) Notification may be made via email, text message, mail service, or personal service. For methods other than personal service, service shall be considered complete once the notification is sent.

(3) If ~~((a family or household member or intimate partner has requested to be notified pursuant to RCW 9.41.340))~~ notification is required under RCW 9.41.340(1)(a)(i) or (ii), a law enforcement agency must ~~((~~

~~((a) Provide notice to the family or household member or intimate partner within one business day of verifying that the requirements in subsection (1) of this section have been met; and~~

~~((b) Hold) hold~~ the firearm in custody for ~~((seventy-two hours))~~ five business days from the time notification has been provided or information has been entered.

(4)(a) A law enforcement agency may not return a concealed pistol license that has been surrendered to, or impounded by, the law enforcement agency for any reason to the licensee until the law enforcement agency determines the licensee is eligible to possess a firearm under state and federal law and meets the other eligibility requirements for a concealed pistol license under RCW 9.41.070.

(b) A law enforcement agency must release a concealed pistol license to the licensee without unnecessary delay, and in no case longer than five business days, after the law enforcement agency determines the requirements of (a) of this subsection have been met.

(5) The provisions of chapter 130, Laws of 2015 and subsection (4) of this section shall not apply to circumstances where a law enforcement officer has momentarily obtained a firearm or concealed pistol license from an individual and would otherwise immediately return the firearm or concealed pistol license to the individual during the same interaction.

**Sec. 403.** RCW 9.41.801 and 2022 c 268 s 30 are each amended to read as follows:

(1) Because of the heightened risk of lethality to petitioners when respondents to protection orders become aware of court involvement and continue to have access to firearms, and the frequency of noncompliance with court orders prohibiting possession of firearms, law enforcement and judicial processes must emphasize swift and certain compliance with court orders prohibiting access, possession, and ownership of all firearms.

(2) A law enforcement officer serving a protection order, no-contact order, or restraining order that includes an order to surrender all firearms, dangerous weapons, and a concealed pistol license under RCW 9.41.800 shall inform the respondent that the order is effective upon service and the respondent must immediately surrender all firearms and dangerous weapons in the respondent's custody, control, or possession and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms, dangerous weapons, and concealed pistol license. The law enforcement officer shall take possession of all firearms, dangerous weapons, and any concealed pistol license belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. If the order is entered in open court and the respondent appears in person, the respondent shall be provided a copy and further service is not required. If the respondent refuses to receive a copy, an agent of the court may indicate on the record that the respondent refused to receive a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service shall be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms, dangerous weapons, and any concealed pistol license in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of firearms, dangerous weapons, and any concealed pistol license shall issue a receipt identifying all firearms, dangerous weapons, and any concealed pistol license that have been surrendered and provide a copy of the receipt to the respondent. The

law enforcement agency shall file the original receipt with the court within 24 hours after service of the order and retain a copy of the receipt, electronically whenever electronic filing is available.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms or dangerous weapons as required by an order issued under RCW 9.41.800 or 10.99.100, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms and dangerous weapons in their possession, custody, or control. If probable cause exists that a crime occurred, the court shall issue a warrant describing the firearms or dangerous weapons and authorizing a search of the locations where the firearms and dangerous weapons are reasonably believed to be and the seizure of all firearms and dangerous weapons discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms or dangerous weapons surrendered pursuant to this section, and the person is determined by the law enforcement agency to be the lawful owner of the firearm or dangerous weapon, the firearm or dangerous weapon shall be returned to the lawful owner, provided that:

(a) The firearm or dangerous weapon is removed from the respondent's access, custody, control, or possession and the lawful owner agrees by written document signed under penalty of perjury to store the firearm or dangerous weapon in a manner such that the respondent does not have access to or control of the firearm or dangerous weapon;

(b) The firearm or dangerous weapon is not otherwise unlawfully possessed by the owner; and

(c) The requirements of RCW 9.41.345 are met.

(6) (a) Courts shall develop procedures to verify timely and complete compliance with orders to surrender and prohibit weapons under RCW 9.41.800 or 10.99.100, including compliance review hearings to be held as soon as possible upon receipt from law enforcement of proof of service. ((A compliance review hearing is not required if the court can otherwise enter findings on the record or enter written findings that the proof of surrender or declaration of nonsurrender)) For any case where the court has indication that the respondent has in the respondent's possession, custody, or control firearms, dangerous weapons, or a concealed pistol license, a compliance review hearing shall be held. A compliance review hearing may be waived by the court or held at a later date if the information attested to by the person subject to the order, along with verification from law enforcement and any other relevant evidence, makes a sufficient showing that the person has timely and completely surrendered all firearms and dangerous weapons in the person's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, to a law enforcement agency, and the court is able to make a finding of compliance. If the court does not

have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible ~~((at which the))~~ and service by law enforcement shall be prioritized to minimize the time during which the respondent could access their firearms, dangerous weapons, or concealed pistol license. The respondent must be present and provide proof of compliance with the court's order. Courts shall make available forms that petitioners may complete and submit to the court in response to a respondent's declaration of whether the respondent has surrendered weapons.

(b) In making its findings regarding compliance, the court should also consider any available department of licensing and Washington state patrol firearm records; for criminal cases, the police report and any documentation of firearms, or their recovery pursuant to RCW 10.99.030(3)(a); and for civil protection order cases, the protection order narrative, any sections of the protection order petition that specifically reference or inquire about firearms and other dangerous weapons, any attachments to the protection order petition, any affidavits from law enforcement or the petitioner in response to a respondent's declaration regarding firearm surrender, or other relevant evidence regarding firearms, dangerous weapons, or a concealed pistol license in the person's custody, control, or possession.

(c) If the court is considering waiving or delaying the compliance review hearing, the petitioner, law enforcement, or the state or city attorney may request that the compliance hearing be held, if there is reasonable suspicion to believe that the respondent has not surrendered all firearms, dangerous weapons, and any concealed pistol license, or is otherwise out of compliance with the court's order.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order to surrender and prohibit weapons is addressed, that there is probable cause to believe the respondent was aware of and failed to fully comply with the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may issue an arrest warrant and initiate a contempt proceeding to impose remedial sanctions on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, and issue an order requiring the respondent to appear, with additional sanctions for failure to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable

statute. Law enforcement shall also serve a copy of the order to show cause on the petitioner, either electronically or in person, at no cost.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the order to surrender and prohibit weapons and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the underlying court order to surrender and prohibit weapons and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms and other dangerous weapons surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and ~~((the))~~ an agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of a declaration.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to surrender and prohibit weapons to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding shall not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard or submit written information at any hearing that concerns compliance with an order to surrender and prohibit weapons ~~((issued in connection with another type of protection order))~~.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does

not constitute the unauthorized practice of law.

(9) (a) ~~((An order to surrender and prohibit weapons issued pursuant to RCW 9.41.800 must state that the))~~ The act of voluntarily surrendering firearms or weapons, ~~((or))~~ providing testimony relating to the surrender of firearms or weapons, ~~((pursuant to such an order,))~~ or complying with an order to surrender and prohibit weapons issued pursuant to RCW 9.41.800 or 10.99.100, and any information directly or indirectly derived from such act or testimony, may not be used against the ~~((respondent))~~ person subject to the order in any criminal prosecution under this chapter, chapter 7.105 RCW, or RCW 9A.56.310, or in any criminal prosecution pursuant to which such order to surrender and prohibit weapons was issued, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order. Every such order issued subsequent to the effective date of this section shall contain language consistent with the statutory immunity set forth in this subsection.

(b) If a person subject to such an order invokes the privilege against self-incrimination at the time of issuance of the order or at a subsequent hearing, the court may afford the person subject to the order an opportunity to demonstrate that compliance with the surrender provision of the order would expose that person to a realistic threat of self-incrimination in a subsequent or pending criminal proceeding. The court may conduct this portion of the proceeding ex parte or receive evidence in camera, without the presence of the prosecuting attorney, after the court conducts an analysis under *State v. Bone-Club*, 128 wn.2d 254, and concludes that the courtroom may be closed.

(c) If the person subject to the order establishes such a realistic threat of self-incrimination regarding possible criminal prosecution that is not addressed by the immunity from prosecution set forth in (a) of this subsection, the court shall afford the relevant prosecuting attorney an opportunity to offer an immunity agreement tailored specifically to the firearms or weapons implicated by the potential self-incrimination. To achieve the purposes of this section, any immunity offered should be narrowly tailored to address any realistic threat of self-incrimination while ensuring that any other firearms not implicated are surrendered.

(d) Any immunity from prosecution beyond the immunity set forth in (a) of this subsection, may only be extended by the prosecuting attorney. If the prosecuting attorney declines to extend immunity such that the person subject to the order cannot fully comply with its surrender provision without facing a realistic threat of self-incrimination, the court's order must provide for the surrender of every firearm, dangerous weapon, and concealed pistol license that does not implicate a realistic threat of self-incrimination. The order's prohibitions regarding accessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other

dangerous weapons, or concealed pistol license, remain in effect.

(e) Nothing in this section shall be interpreted as diminishing the requirement that the person subject to the order fully comply with the order issued by the court. The burden remains on the person subject to the order to prove compliance.

~~((b))~~ (10) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

~~((10))~~ (11) All law enforcement agencies must have policies and procedures to provide for the acceptance, storage, and return of firearms, dangerous weapons, and concealed pistol licenses that a court requires must be surrendered under RCW 9.41.800. A law enforcement agency holding any firearm or concealed pistol license that has been surrendered under RCW 9.41.800 shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

~~((11))~~ (12) The administrative office of the courts shall create a statewide pattern form to assist the courts in ensuring timely and complete compliance in a consistent manner with orders issued under this chapter. The administrative office of the courts shall report annually on the number of ex parte and full orders issued under this chapter by each court, ~~((the degree of compliance, and the number of firearms obtained, and may make recommendations regarding additional procedures))~~ and, if available, the type of protection order, no-contact order, restraining order, or criminal charge with which the order was issued, the duration of the order, the period of time from issuance of the order until the court's finding of compliance, any violations, the nature of the violations, any sanctions imposed, the number of firearms obtained pursuant to each order, whether subsequent orders were issued involving the same respondent, and may make recommendations regarding additional procedures, training, or data collection and reporting to enhance compliance and victim safety.

**Sec. 404.** RCW 9.41.804 and 2014 c 111 s 5 are each amended to read as follows:

~~((A party ordered))~~ (1) To prove full compliance with the court's order to surrender firearms, dangerous weapons, and ~~((his or her))~~ any concealed pistol license under RCW 9.41.800 the person subject to the order must file with the clerk of the court ~~((a))~~: (a) A completed proof of surrender and receipt form ~~((or a declaration of nonsurrender form within five judicial days of the entry of the order))~~; (b) a declaration that the person has no firearms, dangerous weapons, or concealed pistol license; or (c) other evidence sufficient to establish full and timely compliance with the order.

(2) The verification of compliance required in subsection (1) of this section must be provided to the court within 24



hours of service of the order, unless the order is pursuant to a criminal proceeding. In a criminal proceeding, if the person subject to the order is in custody, proof of compliance must be provided to the court before the person subject to the order is released from custody; otherwise, proof of compliance must be provided before the conclusion of the sentencing hearing. If the court finds that surrender of all firearms, dangerous weapons, and any concealed pistol license is not possible prior to release or prior to the conclusion of the hearing, then arrangements for surrender shall be made and approved by the court before the person's release from custody or before the conclusion of the sentencing hearing, and the court shall order a law enforcement officer to accompany the person to the location where the firearms, dangerous weapons, and concealed pistol license are located so that they are surrendered directly to the law enforcement officer. Surrender to local law enforcement shall occur in a safe manner and proof of compliance provided by law enforcement to the court within 24 hours of either the person's release from custody or the conclusion of the sentencing hearing.

(3) By December 30, 2023, the administrative office of the courts shall develop and distribute any new or updated forms necessary to implement subsections (1) and (2) of this section, and other sections of this act where a form needs to be created or updated.

**Sec. 405.** RCW 7.105.340 and 2022 c 268 s 19 are each amended to read as follows:

(1) Upon the issuance of any extreme risk protection order under this chapter, including a temporary extreme risk protection order, the court shall:

(a) Order the respondent to surrender to the local law enforcement agency all firearms in the respondent's custody, control, or possession, or subject to the respondent's immediate possession or control, and any concealed pistol license issued under RCW 9.41.070; and

(b) Other than for ex parte temporary protection orders, direct law enforcement to revoke any concealed pistol license issued to the respondent.

(2) The law enforcement officer serving any extreme risk protection order under this chapter, including a temporary extreme risk protection order, shall request that the respondent immediately surrender all firearms in ~~((his or her))~~ the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms. The law enforcement officer shall take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. If the order is entered in open court and the respondent appears in person, the respondent must be provided a copy and further service is not required. If the respondent refuses to accept a copy, an agent of the court may indicate on the record that the respondent refused to accept a copy of the order. If

the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service must be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms and any concealed pistol license, not previously surrendered, in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. If the respondent is in custody, arrangements to recover the firearms must be made prior to release. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of a firearm or concealed pistol license shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the officer serving the order shall file the original receipt with the court and shall ensure that ~~((his or her))~~ the officer's law enforcement agency retains a copy of the receipt.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued under this chapter, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in ~~((his or her))~~ the respondent's possession, custody, or control. If probable cause for a violation of the order exists, the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms surrendered pursuant to this section, and that person is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm must be returned to that person, provided that:

(a) The firearm is removed from the respondent's custody, control, or possession, and the lawful owner provides written verification to the court regarding how the lawful owner will safely store the firearm in a manner such that the respondent does not have access to, or control of, the firearm for the duration of the order;

(b) The court advises the lawful owner of the penalty for failure to do so; and

(c) The firearm is not otherwise unlawfully possessed by the owner.

(6) Upon the issuance of a one-year extreme risk protection order, the court shall order a new compliance review hearing date and require the respondent to appear not later than three judicial days from the issuance of the order. The court shall require a showing that the respondent has surrendered any firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency. The compliance review hearing is not required upon a satisfactory showing on which the court can otherwise enter findings on the record that the respondent has timely and completely surrendered all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency, and is in compliance with the order. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible, at which the respondent must be present and provide proof of compliance with the court's order.

(7) (a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order is addressed, that there is probable cause to believe the respondent was aware of, and failed to fully comply with, the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, to impose remedial sanctions, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing, and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the extreme risk protection order and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order to show cause.

(d) (i) At the show cause hearing, the respondent must be present and provide proof of compliance with the extreme risk

protection order and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and that a law enforcement agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of an affidavit.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding must not be borne by the petitioner.

(8) (a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard or submit written information at any hearing that concerns compliance with an extreme risk protection order.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9) (a) An extreme risk protection order must state that the act of voluntarily surrendering firearms, or providing testimony relating to the surrender of firearms, pursuant to such an order, may not be used against the respondent in any criminal prosecution under this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

(10) All law enforcement agencies must develop and implement policies and procedures regarding the acceptance, storage, and return of firearms required to be surrendered under this chapter. Any surrendered firearms must be handled and

stored properly to prevent damage or degradation in appearance or function, and the condition of the surrendered firearms documented, including by digital photograph. A law enforcement agency holding any surrendered firearm or concealed pistol license shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

**Sec. 406.** RCW 10.21.050 and 2018 c 276 s 5 are each amended to read as follows:

The judicial officer in any felony, misdemeanor, or gross misdemeanor case must, in determining whether there are conditions of release that will reasonably assure the safety of any other person and the community, take into account the available information concerning:

(1) The nature and circumstances of the offense charged, including whether the offense is a crime of violence;

(2) The weight of the evidence against the defendant; and

(3) The history and characteristics of the defendant, including:

(a) The ~~((person's))~~ defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings;

(b) Whether, at the time of the current offense or arrest, the defendant was on community supervision, probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under federal, state, or local law; ~~((and))~~

(c) The nature and seriousness of the danger to any person or the community that would be posed by the defendant's release; and

(d) The defendant's firearms history, including purchase history, any concealed pistol license history, and the requirements of RCW 9.41.800 regarding issuance of an order to surrender and prohibit weapons.

#### **Part V. Residential Protections**

**Sec. 501.** RCW 40.24.030 and 2022 c 231 s 5 are each amended to read as follows:

(1)(a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, ~~((as defined in RCW 11.88.010,))~~ (b) any election official as described in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any ~~((family members))~~ person residing with him or her, and (c) any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv) and any criminal justice participant as defined in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any

~~((family members))~~ person residing with him or her, may apply to the secretary of state to have an address designated by the secretary of state serve as the person's address or the address of the minor or incapacitated person. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state and if it contains:

(i) A sworn statement, under penalty of perjury, by the applicant that the applicant has good reason to believe (A) that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, trafficking, or stalking and that the applicant fears for ~~((his or her))~~ the applicant's safety or ~~((his or her))~~ the applicant's children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made ~~((+))~~ (B) that the applicant, as an election official as described in RCW 9A.90.120, is a target for threats or harassment prohibited under RCW 9A.90.120(2) (b) (iii) or (iv); or (C) that the applicant, as a criminal justice participant as defined in RCW 9A.46.020, is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or that the applicant, as a criminal justice participant as defined in RCW 9A.90.120 is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv);

(ii) If applicable, a sworn statement, under penalty of perjury, by the applicant, that the applicant has reason to believe they are a victim of (A) domestic violence, sexual assault, or stalking perpetrated by an employee of a law enforcement agency, or ~~((+))~~ (B) threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv) or 9A.46.020(2)(b) (iii) or (iv);

(iii) A designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail;

(iv) The residential address and any telephone number where the applicant can be contacted by the secretary of state, which shall not be disclosed because disclosure will increase the risk of (A) domestic violence, sexual assault, trafficking, or stalking, or (B) threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv) or 9A.46.020(2)(b) (iii) or (iv);

(v) The signature of the applicant and of any individual or representative of any office designated in writing under RCW 40.24.080 who assisted in the preparation of the application, and the date on which the applicant signed the application.

(2) Applications shall be filed with the office of the secretary of state.

(3) Upon filing a properly completed application, the secretary of state shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The secretary of state shall by rule establish a renewal procedure.

(4)(a) During the application process, the secretary of state shall provide each applicant a form to direct the department of

licensing to change the address of registration for vehicles or vessels solely or jointly registered to the applicant and the address associated with the applicant's driver's license or identicaid to the applicant's address as designated by the secretary of state upon certification in the program. The directive to the department of licensing is only valid if signed by the applicant. The directive may only include information required by the department of licensing to verify the applicant's identity and ownership information for vehicles and vessels. This information is limited to the:

- (i) Applicant's full legal name;
- (ii) Applicant's Washington driver's license or identicaid number;
- (iii) Applicant's date of birth;
- (iv) Vehicle identification number and license plate number for each vehicle solely or jointly registered to the applicant; and
- (v) Hull identification number or vessel document number and vessel decal number for each vessel solely or jointly registered to the applicant.

(b) Upon certification of the applicants, the secretary of state shall transmit completed and signed directives to the department of licensing.

(c) Within 30 days of receiving a completed and signed directive, the department of licensing shall update the applicant's address on registration and licensing records.

(d) Applicants are not required to sign the directive to the department of licensing to be certified as a program participant.

(5) A person who knowingly provides false or incorrect information upon making an application or falsely attests in an application that disclosure of the applicant's address would endanger (a) the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, (b) the safety of any election official as described in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2) (b) (iii) or (iv), or (c) the safety of any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2) (b) (iii) or (iv) or of any criminal justice participant as defined in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2) (b) (iii) or (iv), or any family members residing with him or her, shall be punished under RCW 40.16.030 or other applicable statutes.

**Sec. 502.** RCW 42.17A.710 and 2019 c 428 s 36 are each amended to read as follows:

(1) The statement of financial affairs required by RCW 42.17A.700 shall disclose the following information for the reporting individual and each member of the reporting individual's immediate family:

(a) Occupation, name of employer, and business address;

(b) Each bank account, savings account, and insurance policy in which a direct financial interest was held that exceeds twenty thousand dollars at any time during

the reporting period; each other item of intangible personal property in which a direct financial interest was held that exceeds two thousand dollars during the reporting period; the name, address, and nature of the entity; and the nature and highest value of each direct financial interest during the reporting period;

(c) The name and address of each creditor to whom the value of two thousand dollars or more was owed; the original amount of each debt to each creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each debt; and the security given, if any, for each such debt. Debts arising from a "retail installment transaction" as defined in chapter 63.14 RCW (retail installment sales act) need not be reported;

(d) Every public or private office, directorship, and position held as trustee; except that an elected official or executive state officer need not report the elected official's or executive state officer's service on a governmental board, commission, association, or functional equivalent, when such service is part of the elected official's or executive state officer's official duties;

(e) All persons for whom any legislation, rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation. For the purposes of this subsection, "compensation" does not include payments made to the person reporting by the governmental entity for which the person serves as an elected official or state executive officer or professional staff member for the person's service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid;

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of two thousand dollars or more; the value of the compensation; and the consideration given or performed in exchange for the compensation;

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and: (i) With respect to a governmental unit in which the official seeks or holds any office or position, if the entity has received compensation in any form during the preceding twelve months from the governmental unit, the value of the compensation and the consideration given or performed in exchange for the compensation; and (ii) the name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which the entity has received compensation in any form in the amount of ten thousand dollars or more during the preceding twelve

months and the consideration given or performed in exchange for the compensation. As used in (g)(ii) of this subsection, "compensation" does not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing the service. With respect to any bank or commercial lending institution in which is held any office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of the bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by the bank or commercial lending institution from the governmental entity for which the individual is an official or candidate or professional staff member, or all interest paid by a borrower on loans from and all interest paid to a depositor by the bank or commercial lending institution if the interest exceeds two thousand four hundred dollars;

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for that interest;

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for that interest, and the name and address of the person furnishing the consideration;

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which a direct financial interest was held. If a description of the property has been included in a report previously filed, the property may be listed, for purposes of this subsection (1)(j), by reference to the previously filed report;

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds twenty thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm, or enterprise a ten percent or greater ownership interest was held;

(l) A list of each occasion, specifying date, donor, and amount, at which food and beverage in excess of fifty dollars was accepted under RCW 42.52.150(5);

(m) A list of each occasion, specifying date, donor, and amount, at which items specified in RCW 42.52.010(9) (d) and (f) were accepted; and

(n) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall prescribe by rule.

(2)(a) When judges, prosecutors, sheriffs, participants in the address confidentiality program under RCW 40.24.030, or their immediate family members are required to disclose real property that is the personal residence of the judge, prosecutor, ~~((or))~~ sheriff, or address confidentiality program participant, the requirements of subsection (1)(h) through (k) of this section may be satisfied for that property by substituting:

(i) The city or town;

(ii) The type of residence, such as a single-family or multifamily residence, and the nature of ownership; and

(iii) Such other identifying information the commission prescribes by rule for the mailing address where the property is located.

(b) Nothing in this subsection relieves the judge, prosecutor, or sheriff of any other applicable obligations to disclose potential conflicts or to recuse oneself.

(3)(a) Where an amount is required to be reported under subsection (1)(a) through (m) of this section, it may be reported within a range as provided in (b) of this subsection.

(b)

Code A	Less than thirty thousand dollars;
Code B	At least thirty thousand dollars, but less than sixty thousand dollars;
Code C	At least sixty thousand dollars, but less than one hundred thousand dollars;
Code D	At least one hundred thousand dollars, but less than two hundred thousand dollars;
Code E	At least two hundred thousand dollars, but less than five hundred thousand dollars;
Code F	At least five hundred thousand dollars, but less than seven hundred and fifty thousand dollars;
Code G	At least seven hundred fifty thousand dollars, but less than one million dollars; or
Code H	One million dollars or more.

(c) An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection may be interpreted to prevent any person from filing more information or more detailed information than required.

(4) Items of value given to an official's or employee's spouse, domestic partner, or family member are attributable to the official or employee, except the item is not attributable if an independent business, family, or social relationship exists between the donor and the spouse, domestic partner, or family member.

**Sec. 503.** RCW 9.41.800 and 2022 c 268 s 29 are each amended to read as follows:

(1) Any court when entering an order authorized under chapter 7.105 RCW, RCW 9A.40.102, 9A.44.210, 9A.46.080, 9A.88.160, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.26B.020, ((or)) 26.26A.470, or 46.61.5055 shall, upon a showing by a preponderance of the evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or is ineligible to possess a firearm under the provisions of RCW 9.41.040:

(a) Require that the party immediately surrender all firearms and other dangerous weapons;

(b) Require that the party immediately surrender any concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from accessing, having ~~((in his or her))~~ custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons;

(d) Prohibit the party from obtaining or possessing a concealed pistol license;

(e) Other than for ex parte temporary protection orders, unless the ex parte temporary protection order was reissued after the party received notice and had an opportunity to be heard, direct law enforcement to revoke any concealed pistol license issued to the party.

(2) During any period of time that the party is subject to a court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A, or 26.26B RCW that:

(a) Was issued after a hearing of which the party received actual notice, and at which the party had an opportunity to participate, whether the court then issues a full order or reissues a temporary order. If the court enters an agreed order by the parties without a hearing, such an order meets the requirements of this subsection;

(b) Restrains the party from harassing, stalking, or threatening an intimate partner of the party, the protected person, or child of the intimate partner, party, or protected person, or engaging in other conduct that would place an intimate partner or protected person in reasonable fear of bodily injury to the intimate partner, protected person, or child; and

(c) (i) Includes a finding that the party represents a credible threat to the physical safety of the intimate partner, protected person, or child; or

(ii) By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner, protected person, or child that would reasonably be expected to cause bodily injury, the court shall:

(A) Require that the party immediately surrender all firearms and other dangerous weapons;

(B) Require that the party immediately surrender a concealed pistol license issued under RCW 9.41.070;

(C) Prohibit the party from accessing, having ~~((in his or her))~~ custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons; and

(D) Prohibit the party from obtaining or possessing a concealed pistol license.

(3) The court may order temporary surrender and prohibit the purchase of all firearms and other dangerous weapons, and any concealed pistol license, without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.

(4) In addition to the provisions of subsections (1) and (3) of this section, the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm or other dangerous weapon by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

(5) The requirements of subsections (1) and (4) of this section may be for a period of time less than the duration of the order.

(6) The court shall require the party to surrender all firearms and other dangerous weapons in ~~((his or her immediate))~~ the party's custody, control, or possession ~~((or control))~~, or subject to ~~((his or her))~~ the party's immediate possession or control, and any concealed pistol license issued under RCW 9.41.070, to the local law enforcement agency. ~~((Law enforcement officers shall use law enforcement databases to assist in locating the party in situations where the protected person does not know where the party lives or where there is evidence that the party is trying to evade service.))~~

(7) If the court enters a protection order, restraining order, or no-contact order that includes an order to surrender firearms, dangerous weapons, and any concealed pistol license under this section:

(a) The order must be served by a law enforcement officer; ~~((and))~~

(b) Law enforcement must immediately ensure entry of the order to surrender and prohibit weapons and the revocation of any concealed pistol license is made into the appropriate databases making the party ineligible to possess firearms and a concealed pistol license; and

(c) Law enforcement officers shall use law enforcement databases to assist in locating the party in situations where the protected person does not know where the party lives or where there is evidence that the party is trying to evade service.

## Part VI. Statewide Resources

NEW SECTION. **Sec. 601.** A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer a pilot program to implement domestic violence high risk teams. A domestic violence high risk team must, at a minimum, include the following four elements:

(a) Early identification of the most dangerous cases through evidence-based lethality assessments;

(b) Increased access to supportive services for high-risk victims;

(c) Increased perpetrator monitoring and accountability; and

(d) A coordinated response to high-risk cases through a multidisciplinary team.

(2) A domestic violence program must be the lead or co-lead of the domestic violence high risk teams.

NEW SECTION. **Sec. 602.** A new section is added to chapter 28B.20 RCW to read as follows:

(1) Subject to funds appropriated for this specific purpose, the University of Washington shall develop a plan to establish a center of excellence in research, policy, and practice to reduce domestic violence.

(2) The plan must be developed with relevant disciplines across the schools of the University of Washington. The school of public health shall lead the development of the plan. The development of the plan must include, but not be limited to, the schools of social work, law, medicine, and nursing, and the Alene Moris women's center.

(3) The University of Washington must develop a report summarizing the plan, which must evaluate, but not be limited to, the following topics:

(a) Conducting scientifically rigorous intimate partner violence research that informs policy and practice in Washington;

(b) Disseminating existing research findings and best practices in order to proliferate evidence-based intimate partner violence policy and practice;

(c) Promoting effective strategies to reduce the incidence of domestic violence and domestic violence homicide; and

(d) Engaging in strategic planning efforts with relevant stakeholders to develop policy recommendations to improve the state's response to domestic violence.

(4) In developing the plan, the University of Washington shall establish an external stakeholder group that shall ensure that all work conducted by the center is informed by survivors of domestic violence, including Black, indigenous, and survivors of color, and LGBTQ survivors, to ensure that research interventions are holistic, trauma-informed, and antiracist and policy recommendations are appropriate and effective for Washington's diverse communities. The University of Washington shall include, but not be limited to, survivors of intimate partner violence, including low-income communities, immigrants, refugee communities, people with religious diversity, people with physical disabilities, children and other family members of survivors, representatives from systems that interact with survivors and perpetrators, and representatives from

communities disproportionately impacted by intimate partner violence in order to guide development of the plan's overarching goals and strategic vision. The University of Washington shall provide stipends to stakeholder participants to the extent necessary to maximize participation.

(5) The University of Washington shall provide a report to the relevant committees of the legislature with its findings and recommendations as soon as practicable, but no later than January 15, 2024.

(6) Subject to funds appropriated for this specific purpose, the University of Washington shall begin implementation of the plan by July 1, 2024.

## **Part VII. Law Enforcement**

NEW SECTION. **Sec. 701.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission must provide ongoing specialized, intensive, and integrative training for persons responsible for investigating domestic violence cases involving intimate partners. The training must be based on a victim-centered, trauma-informed approach to responding to domestic violence. Among other subjects, the training must include content on the neurobiology of trauma and trauma-informed interviewing, counseling, and investigative techniques.

(2) The training must: Be based on research-based practices and standards; offer participants an opportunity to practice interview skills and receive feedback from instructors; minimize the trauma of all persons who are interviewed during investigations; provide methods of reducing the number of investigative interviews necessary whenever possible; assure, to the extent possible, that investigative interviews are thorough, objective, and complete; recognize needs of special populations; recognize the nature and consequences of domestic violence victimization; require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; address record retention and retrieval; address documentation of investigative interviews; and educate investigators on the best practices for notifying victims of significant events in the investigative process.

(3) In developing the training, the commission must seek advice from the Washington association of sheriffs and police chiefs, organizations representing victims of domestic violence, survivors of domestic violence, and experts on domestic violence and the neurobiology of trauma. The commission must consult with the Washington association of prosecuting attorneys in an effort to design training containing consistent elements for all professionals engaged in interviewing and interacting with domestic violence victims in the criminal legal system.

(4) The commission must develop the training and begin offering it by January 1,

2025. Officers assigned to regularly investigate domestic violence must complete the training within one year of being assigned or by July 1, 2027, whichever is later.

**Sec. 702.** RCW 10.31.100 and 2021 c 215 s 118 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in subsections (1) through (11) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order has been issued, of which the person has knowledge, under chapter 7.105 RCW, or an order has been issued, of which the person has knowledge, under RCW 26.44.063, or chapter 9A.40, 9A.46, 9A.88, 10.99, 26.09, ~~((26.10,))~~ 26.26A, 26.26B, or 74.34 RCW, or any of the former chapters 7.90, 7.92, and 26.50 RCW, restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of, or entering, a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, or requiring the person to submit to electronic monitoring, or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person;

(b) An extreme risk protection order has been issued against the person under chapter 7.105 RCW or former RCW 7.94.040, the person has knowledge of the order, and the person has violated the terms of the order prohibiting the person from having in ~~((his or her))~~ the person's custody or control, purchasing, possessing, accessing, or receiving a firearm or concealed pistol license;

(c) A foreign protection order, as defined in RCW 26.52.010, or a Canadian domestic violence protection order, as

defined in RCW 26.55.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order or the Canadian domestic violence protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, or a violation of any provision for which the foreign protection order or the Canadian domestic violence protection order specifically indicates that a violation will be a crime; or

(d) The person is eighteen years or older and within the preceding four hours has assaulted a family or household member or intimate partner as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members or intimate partners have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary ~~((physical))~~ aggressor. In making this determination, the officer shall make every reasonable effort to consider: (A) The intent to protect victims of domestic violence under RCW 10.99.010; (B) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (C) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to, or death of, a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;

(f) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.



(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed, in connection with the accident, a violation of any traffic law or regulation.

(5)(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

(6) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(7) An officer may act upon the request of a law enforcement officer, in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(8) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(9) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an antiharassment protection order has been issued of which the person has knowledge under chapter 7.105 RCW or former chapter 10.14 RCW and the person has violated the terms of that order.

(10) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(11) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(12) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW 77.15.160(5)

may issue a citation for an infraction to the person in connection with the violation.

(13) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under RCW 77.15.809 or 77.15.811 may arrest the person in connection with the violation.

(14) Except as specifically provided in subsections (2), (3), (4), and (7) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(15) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (9) of this section if the police officer acts in good faith and without malice.

(16)(a) Except as provided in (b) of this subsection, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer: (i) Has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years; or (ii) has knowledge, based on a review of the information available to the officer at the time of arrest, that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction.

(b) A police officer is not required to keep in custody a person under (a) of this subsection if the person requires immediate medical attention and is admitted to a hospital.

#### **Part VIII. Miscellaneous**

NEW SECTION. **Sec. 801.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 802.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "partners;" strike the remainder of the title and insert "amending RCW 7.105.155, 7.105.255, 10.99.033, 10.99.040, 9.41.340, 9.41.345, 9.41.801, 9.41.804, 7.105.340, 10.21.050, 40.24.030, 42.17A.710, 9.41.800, and 10.31.100; adding a new section to chapter 2.56 RCW; adding a new section to chapter 7.105 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 28B.20 RCW; adding a new section to chapter 43.101 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1715 and advanced the bill, as amended by the Senate, to final passage.

Representatives Davis and Griffey spoke in favor of the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1715, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1715, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chandler, Christian, Dent, McEntire, Sandlin, Schmick and Walsh

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1715, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**CONFERENCE COMMITTEE REPORT**

April 21st, 2023

Engrossed Substitute House Bill 1125

Includes "New Item": YES

Madame Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL 1125, making transportation appropriations for the 2023-2025 fiscal biennium, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment (S-3376.1/23) be adopted

Strike everything after the enacting clause and insert the following:

**"2023-2025 FISCAL BIENNIUM**

NEW SECTION. **Sec. 1.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several

accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2025.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2024" or "FY 2024" means the fiscal year ending June 30, 2024.

(b) "Fiscal year 2025" or "FY 2025" means the fiscal year ending June 30, 2025.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

**GENERAL GOVERNMENT AGENCIES—OPERATING**

NEW SECTION. **Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

Motor Vehicle Account—State Appropriation. \$588,000

NEW SECTION. **Sec. 102. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Account—State Appropriation. . . . . \$504,000  
Pilottage Account—State Appropriation \$150,000  
TOTAL APPROPRIATION. . . . . \$654,000

NEW SECTION. **Sec. 103. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Motor Vehicle Account—State Appropriation. \$214,000  
Puget Sound Ferry Operations Account—State Appropriation. . . . . \$131,000  
TOTAL APPROPRIATION. . . . . \$345,000

NEW SECTION. **Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION**

Carbon Emissions Reduction Account—State Appropriation. . . . . \$2,000,000  
Motor Vehicle Account—State Appropriation. \$1,186,000  
Multimodal Transportation Account—State Appropriation. . . . . \$1,000  
TOTAL APPROPRIATION. . . . . \$3,187,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided in subsections (2) and (3) of this section, the appropriations

in this section are provided solely for road maintenance purposes.

(2) \$1,000 of the multimodal transportation account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 1004), Laws of 2023 (bridge jumping signs).

(3) \$2,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the replacement of agency vehicles and equipment with electric alternatives. In carrying out this subsection, the commission shall cooperate and provide assistance, as requested, in the joint transportation committee's development of program delivery evaluation tools and methodologies provided under section 204 of this act for programs that receive funding from the carbon emissions reduction account. The commission, with the assistance of designated staff in the Washington state department of transportation, must register for the clean fuels credit program and start tracking revenue generation pursuant to chapter 70A.535 RCW for investments funded in an omnibus transportation appropriations act.

**NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF AGRICULTURE**  
Motor Vehicle Account—State Appropriation.  
\$1,462,000

**NEW SECTION. Sec. 106. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**  
Motor Vehicle Account—State Appropriation.  
\$744,000

**NEW SECTION. Sec. 107. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**  
Multimodal Transportation Account—State Appropriation. . . . . \$150,000  
Move Ahead WA Flexible Account—State Appropriation. . . . . \$4,550,000  
TOTAL APPROPRIATION..... \$4,700,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire move ahead WA flexible account—state appropriation in this section is provided solely for increasing the number of certified women and minority-owned contractors in the transportation sector statewide, with priority given to areas outside of the Puget Sound area and supporting these contractors to successfully compete and earn more transportation contracting opportunities. This purpose must be accomplished through various programs including, but not limited to: (a) Outreach to women and minority-owned business communities and individuals; (b) technical assistance, mentorship, and consultation as needed in areas such as financing, accounting, contracting, procurement, and resolution of disputes and grievances; (c) language access programs for those with limited English proficiency; (d) developing a truck rotation program to allow smaller minority and women-owned trucking companies to pool their resources and compete with

larger scale trucking operations; and (e) other programs that aim to increase the number of women and minority contractors that are successful in obtaining contracts in the transportation sector directly with state agencies such as the department, with local jurisdictions, or as subcontractors for prime contractors.

(2) The entire multimodal transportation account—state appropriation in this section is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5583), Laws of 2023 (improving young driver safety). If chapter . . . (Engrossed Substitute Senate Bill No. 5583), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this section lapses.

**NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMERCE**  
Electric Vehicle Account—State Appropriation . . . . . \$220,000

The appropriation in this section is subject to the following conditions and limitations: \$220,000 of the electric vehicle account—state appropriation is provided solely to the department to commission an independent study, based on the findings of the transportation electrification strategy authorized under RCW 43.392.040, of costs of installation, maintenance, and operation of electrical distribution infrastructure on the utility's side of the meter to commercial customers installing electric vehicle supply equipment. The department shall gather data from at least five electric utilities serving retail customers in the state for purposes of completing the study. The department shall submit a report of study findings and an explanation of how those findings will support implementation of the transportation electrification strategy authorized under RCW 43.392.040 to the governor and appropriate legislative committees by November 1, 2024.

**NEW SECTION. Sec. 109. FOR THE BOARD OF PILOTAGE COMMISSIONERS**  
Pilotage Account—State Appropriation.  
\$3,574,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The board of pilotage commissioners shall file the annual report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) by September 1, 2023, and annually thereafter. The report must include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

(2) \$232,000 of the pilotage account—state appropriation is for a temporary environmental planner position to support rule making to fulfill the requirements of chapter 289, Laws of 2019.

**NEW SECTION. Sec. 110. FOR THE OFFICE OF THE GOVERNOR**

State Patrol Highway Account—State Appropriation. . . . . \$750,000

The appropriation in this section is subject to the following conditions and limitations: \$750,000 of the state patrol highway account—state appropriation is provided solely to the state office of equity to contract with an independent consultant to conduct the studies, evaluations, and reporting functions required in RCW 43.06D.060.

**NEW SECTION. Sec. 111. FOR THE UNIVERSITY OF WASHINGTON**

Multimodal Transportation Account—State Appropriation. . . . . \$5,000,000

The appropriation in this section is subject to the following conditions and limitations: \$5,000,000 of the multimodal transportation account—state appropriation is provided solely for the University of Washington's sidewalk inventory and accessibility mapping project to develop a public dataset under an open license and develop the tools needed to publish that data according to an open data specification. The project must include, but is not limited to, utilization of existing data sources, imagery, detailed surveys, and manually collected, detailed data for city streets, county rural and urban local access roads and collectors/arterials, state roads of all types, and roads owned by other entities. The project may draw on partially developed sidewalk data for all state facilities. To the extent practicable, the final product must be suitable for use by the department of transportation, local and regional agencies, tribal governments, and the general public. For the 2023-2025 fiscal biennium, the project will produce a base active transportation data layer for all counties, with priority given to counties with high proportions of overburdened communities. A project status report is due to the transportation committees of the legislature on December 1st of each year until the work is completed. The legislature intends that in the 2025-2027 fiscal biennium, \$5,000,000 of multimodal transportation account funds be provided to complete a second phase of work on the active transportation data.

**NEW SECTION. Sec. 112. FOR WASHINGTON STATE UNIVERSITY**

Multimodal Transportation Account—State Appropriation. . . . . \$100,000

The appropriation in this section is subject to the following conditions and limitations: \$100,000 of the multimodal transportation account—state appropriation is provided solely for Washington State University to study the potential impacts that current licensing requirements, including training hours, and testing may have on the shortage of commercial drivers, with a focus on public transit operators. The study must provide a comprehensive review and recommendations for improving the

state's commercial driver training and certification, including:

(1) A review of standards that identify federal mandates for transit operator training;

(2) The department of licensing's interpretation of the federal mandates and what constitutes an additive standard not required by federal mandates;

(3) Identifying areas for streamlining state training requirements;

(4) Reviewing similarities and differences of at least five states on their training and certification of commercial drivers; and

(5) Identifying challenges and issues for transit agencies regarding current training, notice, department response, certification, and commercial drivers licensing standards and what adjustments may be warranted to help alleviate the shortage of public transit operators.

Findings must be reported to the transportation committees of the legislature upon completion.

**NEW SECTION. Sec. 113. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

Motor Vehicle Account—State Appropriation. \$724,000

The appropriation in this section is subject to the following conditions and limitations: The entire motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 1838), Laws of 2023 (transportation revenue forecast). If chapter . . . (Engrossed Substitute House Bill No. 1838), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this section lapses.

**NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Carbon Emissions Reduction Account—State Appropriation. . . . . \$6,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$6,000,000 of the carbon emissions reduction account—state appropriation is provided solely for zero emission electric vehicle supply equipment infrastructure at facilities to accommodate charging station installations. The electric vehicle charging equipment must allow for the collection of usage data and must be coordinated with the state efficiency and environmental performance program. The department must prioritize locations based on state efficiency and environmental performance location priorities and where zero emission fleet vehicles are located or are scheduled to be purchased.

(2) The department must report when and where the equipment was installed, usage data at each charging station, and the state agencies and facilities that benefit from the installation of the charging station to the fiscal committees of the legislature by June 30, 2025, with an interim report due January 2, 2024. The department shall

collaborate with the interagency electric vehicle coordinating council to implement this section and must work to meet benchmarks established in chapter 182, Laws of 2022 (transportation resources).

(3) In carrying out this section, the department shall cooperate and provide assistance, as requested, in the joint transportation committee's development of program delivery evaluation tools and methodologies provided under section 204 of this act for programs that receive funding from the carbon emissions reduction account.

(4) The department, with the assistance of designated staff in the Washington state department of transportation, must register for the clean fuels credit program and start tracking revenue generation pursuant to chapter 70A.535 RCW for investments funded in an omnibus transportation appropriations act.

**NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Carbon Emissions Reduction Account—State Appropriation. . . . . \$2,200,000

The appropriation in this section is subject to the following conditions and limitations: \$2,200,000 of the carbon emissions reduction account—state appropriation is provided solely for a fleet charging infrastructure expansion assessment, to develop a charger installation plan by location with cost estimates, and to procure and deploy electric pickup trucks to gather practical information to support planning efforts and future large-scale electric vehicle adoption. In carrying out this section, the department shall cooperate and provide assistance, as requested, in the joint transportation committee's development of program delivery evaluation tools and methodologies provided under section 204 of this act for programs that receive funding from the carbon emissions reduction account. The department, with the assistance of designated staff in the Washington state department of transportation, must register for the clean fuels credit program and start tracking revenue generation pursuant to chapter 70A.535 RCW for investments funded in an omnibus transportation appropriations act.

(End of part)

**TRANSPORTATION AGENCIES—OPERATING**

**NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account—State Appropriation. \$5,252,000  
Highway Safety Account—Federal Appropriation . . . . . \$27,735,000  
Highway Safety Account—Private/Local Appropriation. . . . . \$60,000  
Cooper Jones Active Transportation Safety Account—  
State Appropriation. . . . . \$636,000  
School Zone Safety Account—State Appropriation. . . . . \$850,000  
TOTAL APPROPRIATION..... \$34,533,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within existing resources, the commission must examine national safety reports and recommendations on alcohol and drug impaired driving and report to the transportation committees of the legislature, by December 15, 2023, any recommendations for legislative or policy changes to improve traffic safety in Washington state.

(2)(a) \$235,500 of the Cooper Jones active transportation safety account—state appropriation is provided solely for the commission to conduct research pertaining to the issue of street lighting and safety, including a public input component and learning from counties, cities, the state, and other impacted entities. Research may include the following:

(i) Interviewing additional local and regional roads departments, water-sewer districts, and other utility services to gather a holistic data set or further input on which authority assumes primary responsibility for street illumination in various underserved areas throughout the state;

(ii) Systematically soliciting information from communities with poor street illumination and lighting to gather input as to whether this is an issue the community would like to see improved;

(iii) Conferring with regional and state-level police, fire, and emergency medical services to assess and document potential delays in emergency response times due to poor street illumination;

(iv) Further assessing the impact of using LED lights in roadway and pedestrian scale lighting in reducing carbon emissions and light pollution throughout the United States; and

(v) Subject to more in-depth findings, convening a meeting with appropriate state, regional, and local stakeholders and community partners.

(b) The commission must report research results and provide any recommendations for legislative or policy action to the transportation committees of the legislature by January 1, 2025.

(3) Within existing resources, the commission, through the Cooper Jones active transportation safety council, must prioritize the review of pedestrian, bicyclist, or nonmotorist fatality and serious injury review when the victim is a member of a federally recognized tribe. Consistent with RCW 43.59.156(5), the commission may recommend any policy or legislative changes to improve traffic safety for tribes through such review.

(4) Within existing resources, the commission must review and report to the transportation committees of the legislature, by December 15, 2023, on strategies and technologies used in other states to prevent and respond to wrong-way driving crashes.

(5) The Washington traffic safety commission shall coordinate with each city that implements a pilot program as authorized in RCW 46.63.170(6) to provide

the transportation committees of the legislature with the following information by June 30, 2025:

(a) The number of warnings and infractions issued to first-time violators under the pilot program;

(b) The number of warnings and infractions issued to the registered owners of vehicles that are not registered with an address located in the city conducting the pilot program; and

(c) The frequency with which warnings and infractions are issued on weekdays versus weekend days.

(6) \$50,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 1112), Laws of 2023 (negligent driving). If chapter . . . (House Bill No. 1112), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(7) The Washington traffic safety commission may oversee a pilot program in up to three cities implementing the use of automated vehicle noise enforcement cameras in zones that have been designated by ordinance as "Stay Out of Areas of Racing."

(a) Any programs authorized by the commission must be authorized by December 31, 2024.

(b) If a city has established an authorized automated vehicle noise enforcement camera pilot program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based upon the value of the equipment and services provided or rendered in support of the system.

(c) Any city administering a pilot program overseen by the traffic safety commission shall use the following guidelines to administer the program:

(i) Automated vehicle noise enforcement camera may record photographs or audio of the vehicle and vehicle license plate only while a violation is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(ii) The law enforcement agency of the city or county government shall install two signs facing opposite directions within 200 feet, or otherwise consistent with the uniform manual on traffic control devices, where the automated vehicle noise enforcement camera is used that state "Street Racing Noise Pilot Program in Progress";

(iii) Cities testing the use of automated vehicle noise enforcement cameras must post information on the city website and notify local media outlets indicating the zones in which the automated vehicle noise enforcement cameras will be used;

(iv) A city may only issue a warning notice with no penalty for a violation detected by automated vehicle noise enforcement cameras in a Stay Out of Areas of Racing zone. Warning notices must be mailed to the registered owner of a vehicle within 14 days of the detected violation;

(v) A violation detected through the use of automated vehicle noise enforcement cameras is not part of the registered

owner's driving record under RCW 46.52.101 and 46.52.120;

(vi) Notwithstanding any other provision of law, all photographs, videos, microphotographs, audio recordings, or electronic images prepared under this subsection (7) are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding. No photograph, microphotograph, audio recording, or electronic image may be used for any purpose other than the issuance of warnings for violations under this section or retained longer than necessary to issue a warning notice as required under this subsection (7); and

(vii) By June 30, 2025, the participating cities shall provide a report to the commission and appropriate committees of the legislature regarding the use, public acceptance, outcomes, warnings issued, data retention and use, and other relevant issues regarding automated vehicle noise enforcement cameras demonstrated by the pilot projects.

**NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State	
Appropriation. . . . .	\$2,405,000
Motor Vehicle Account—State	
Appropriation. . . . .	\$3,005,000
County Arterial Preservation Account—State	
Appropriation. . . . .	\$1,808,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$7,218,000</b>

The appropriations in this section are subject to the following conditions and limitations: Within appropriated funds, the county road administration board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2023 and 2024 annual reports to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

**NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Transportation Improvement Account—State	
Appropriation. . . . .	\$4,798,000

The appropriation in this section is subject to the following conditions and limitations: Within appropriated funds, the transportation improvement board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2023 and 2024 annual reports to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

**NEW SECTION. Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE**

Carbon Emissions Reduction Account—State	
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Appropriation. . . . . \$3,000,000  
 Multimodal Transportation Account—State  
 Appropriation. . . . . \$125,000  
 Motor Vehicle Account—State Appropriation.  
 \$4,270,000  
**TOTAL APPROPRIATION..... \$7,395,000**

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$300,000 of the motor vehicle account—state appropriation is for the joint transportation committee, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to convene a study of a statewide retail delivery fee on orders of taxable retail items delivered by motor vehicles within the state. The study must:

- (i) Determine the annual revenue generation potential of a range of fee amounts;
- (ii) Examine options for revenue distributions to state and local governments based upon total deliveries, lane miles, or other factors;
- (iii) Estimate total implementation costs, including start-up and ongoing administrative costs; and
- (iv) Evaluate the potential impacts to consumers, including consideration of low-income households and vulnerable populations and potential impacts to businesses.

(b) The study should document and evaluate similar programs adopted in other states. The joint transportation committee must submit a report on the study to the transportation committees of the legislature by June 30, 2024.

(2)(a) \$400,000 of the motor vehicle account—state appropriation is for the joint transportation committee, in collaboration with the department of transportation, to convene a work group to study and recommend a new statutory framework for the department's public-private partnership program. The committee may contract with a third-party consultant for work group support and drafting the new statutory framework.

(b)(i) The work group must consist of, but is not limited to, the following members:

- (A) The secretary of transportation or their designee;
- (B) Joint transportation committee executive committee members or their designees;
- (C) The state treasurer or the state treasurer's designee;
- (D) A representative of a national nonprofit organization specializing in public-private partnership program development;
- (E) A representative of the construction trades; and
- (F) A representative from an organization representing general contractors.

(ii) The work group must also consult with the Washington state transportation commission and the department of commerce.

(c)(i) The work group must review the 2012 joint transportation committee's "Evaluation of Public-Private Partnerships" study, consisting of an evaluation of the recommendations for replacing chapter 47.29

RCW and development of a process for implementing public-private partnerships that serve the defined public interest, including, but not limited to:

- (A) Protecting the state's ability to retain public ownership of assets constructed or managed under a public-private partnership contract;
- (B) Allowing for the most transparency during the negotiation of terms of a public-private partnership agreement; and
- (C) Addressing the state's ability to oversee the private entity's management of the asset.

(ii)(A) The work group must identify any barriers to the implementation of funding models that best protect the public interest, including statutory and constitutional barriers.

(B) The work group may also evaluate public-private partnership opportunities for required fish passage and culvert work on state highways, for the construction of, replacement of, or commercial retail options within Washington state ferries' terminals, and for other projects as determined by the work group.

(iii) The work group must update the 2012 recommendations and devise an implementation plan for the state.

(d) The work group must submit a preliminary report, including any recommendations or draft legislation, to the office of the governor and the transportation committees of the legislature by December 15, 2023. The work group must submit a final report with draft legislation to the office of the governor and the transportation committees of the legislature by July 1, 2024.

(3) \$450,000 of the motor vehicle account—state appropriation is for the joint transportation committee to provide oversight on the procurement of the hybrid-electric Olympic class vessels. The committee must hire an expert consultant to review Washington state ferries documents and procedures relating to the procurement and to identify opportunities to improve the process for the benefit of the state of Washington. The consultant must be familiar with vessel procurement best practices, the technologies and propulsion systems planned for use in new vessels, and Washington state ferries operations and procurement procedures. A report on the status and assessment of the procurement is due by December 15th of each year.

(4) \$300,000 of the motor vehicle account—state appropriation is for the joint transportation committee, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to contract with the municipal research and services center to convene a department of transportation-local government partnership work group to create a procedure in which the department of transportation can partner with a local jurisdiction to perform preservation and maintenance and construct projects on state highways.

(a) The work group must consist of, but is not limited to, the following members:

(i) One representative from a city with a population of more than 5,000 and fewer than 50,000;

(ii) One representative from a city with a population of more than 50,000;

(iii) One representative from a county with a population of more than 100,000 and fewer than 400,000;

(iv) One representative from a county with a population of more than 400,000;

(v) At least one representative of a public port;

(vi) A representative from the county road administration board;

(vii) A representative of the transportation improvement board;

(viii) At least one representative from the department of transportation's local programs division;

(ix) At least two representatives from the department of transportation with expertise in procurement and legal services; and

(x) At least one member from the house of representatives transportation committee and at least one member from the senate transportation committee.

(b) Of the members described in (a) of this subsection, at least one of the city representatives and one of the county representatives must have public works contracting experience, and at least one of the city representatives and one of the county representatives must have public works project management experience.

(c) The work group must make recommendations of how the department of transportation could better work in partnership with local jurisdictions to ensure that roadway construction projects can be performed when funds are made available in the omnibus transportation appropriations act even if the department of transportation does not have the capacity to be the project manager on a project and a local jurisdiction is ready, willing, and able to implement the project within the time frames envisioned in the omnibus transportation appropriations act. In developing its recommendations, the work group must consider, at a minimum:

(i) Differing roadway and construction standards between state and local agencies;

(ii) Revenue, reimbursement, and financial agreements between state and local agencies;

(iii) Differing procurement processes between state and local agencies;

(iv) Liability; and

(v) Other issues as determined by the work group.

(d) The work group must submit a preliminary report, including any recommendations, to the office of the governor and the transportation committees of the legislature by December 15, 2023. The work group must submit a final report to the office of the governor and the transportation committees of the legislature by July 1, 2024.

(5) (a) \$2,000,000 of the carbon emissions reduction account—state appropriation is for the joint transportation committee to oversee:

(i) The design of an infrastructure and incentive strategy to drive the purchase and use of zero emission medium and heavy duty vehicles, as well as cargo handling and off-road equipment, in the state including, but not limited to, programs for tractor trucks, box trucks, drayage trucks, refuse trucks, step and panel vans, heavy and medium-duty buses, school buses, on and off-road terminal tractors, transport refrigeration units, forklifts, container handling equipment, airport cargo loaders, and railcar movers; and

(ii) A review of the passenger vehicle tax incentive in current law and evaluation of its utility, to include possible modification of the criteria for eligibility and tax incentive amount maximums, as applicable.

(b) Design development must include recommendations for encouraging vehicle conversions for smaller commercial vehicle fleets and owner-operators of commercial vehicles, as well as tools for facilitating carbon emission reductions to benefit vulnerable populations and overburdened communities. Infrastructure and incentive programs recommended may include, but are not limited to, grant, rebate, tax incentive, and financing assistance programs.

(c) Consultation with legislative members identified by the chair and ranking members of the transportation committees of the legislature throughout design of the infrastructure and incentive strategy is required. A report is due to the transportation committees of the legislature by January 2, 2024.

(6) \$125,000 of the motor vehicle account—state appropriation and \$125,000 of the multimodal transportation account—state appropriation are for the joint transportation committee to evaluate potential options and make recommendations for a statewide household travel survey and additional analytical capacity regarding transportation research.

(a) The recommendation on the statewide household travel survey must be based on how well a statewide survey investment would: Address policy questions related to household travel; address gaps between separate regional and local transportation models; and create a dataset to allow both for analysis and response to policymakers' questions relating to household travel and for transportation modeling and development. In evaluating potential survey options, the committee shall consider opportunities for the state to partner and expand on developed established household travel surveys, including surveys conducted at both the Puget Sound regional council and the federal highway administration. In its recommendation, the committee shall outline the process required for a statewide survey, including the costs and timing of each option.

(b) The committee shall recommend an agency or agencies to perform ongoing analysis of a statewide household travel survey and other transportation research. The committee shall consider the ability of an agency or agencies to meet shorter



timeline policy needs, as well as longer timeline research projects. The recommendation must include the timing and costs associated with the development of such analytical capacity.

(7) \$1,000,000 of the carbon emissions reduction account—state appropriation is for the joint transportation committee to oversee the development of tools and methodologies to assist in program delivery evaluation for programs that receive appropriations from the carbon emissions reduction account. Program delivery evaluation must include carbon emissions reduction estimates by program and by unit of time, program cost per unit of emission reduction, quantified benefits to vulnerable populations and overburdened communities by program cost, any additional appropriate qualitative and quantitative metrics, and actionable recommendations for improvements in program delivery. A report is due to the transportation committees of the legislature by October 1, 2024.

(8) \$500,000 of the motor vehicle account—state appropriation is for the joint transportation committee to engage an independent review team to work in coordination with the Washington state department of transportation's analysis, funded in section 217(11) of this act, of highway, road, and freight rail transportation needs, options, and impacts from shifting the movement of freight and goods that currently move by barge through the lower Snake river dams to highways, other roads, and rail.

(a) The department shall include the independent review team in all phases of the analysis to enable the team to develop an independent assessment of the analysis, assumptions, stakeholder engagement, and cost and impact estimates. Summary findings from the independent assessment must be provided to the department, the governor's office, and the transportation committees of the legislature on a quarterly basis, with a final report due to the governor and the transportation committees of the legislature by June 30, 2025.

(b) The independent review team must conduct an independent stakeholder engagement effort. The river transportation work group must be formed to provide data and guidance to the independent review team for the independent stakeholder engagement effort. The river transportation work group must be made up of stakeholders, including farming and agricultural production, federally recognized tribes and fishing industry, tug and barge operators, shippers and receivers, public ports, railroad operators, cruise lines, the federal highway administration, and the army corps of engineers.

(c) The independent review team shall make regular presentations to the joint transportation committee and, by request, to the transportation committees of the legislature.

(9) The joint transportation committee shall also convene a work group that includes, but is not limited to, the executive committee of the joint transportation committee, the office of

financial management, the Washington state department of transportation, and the Washington state treasurer's office to develop recommendations, by October 15, 2023, to meet the challenge of identifying an achievable delivery schedule for completing transportation projects across the state.

**NEW SECTION. Sec. 205. FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account—State Appropriation.	
\$3,029,000	
Interstate 405 and State Route Number 167 Express	
Toll Lanes Account—State Appropriation.	
\$150,000	
Multimodal Transportation Account—State Appropriation. . . . .	\$200,000
State Route Number 520 Corridor Account—State Appropriation. . . . .	\$288,000
Tacoma Narrows Toll Bridge Account—State Appropriation. . . . .	\$179,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation. . . . .	\$167,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$4,013,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$125,000 of the multimodal transportation account—state appropriation and \$125,000 of the motor vehicle account—state appropriation are provided solely for the commission to update the statewide transportation plan required under RCW 47.01.071(4). The update process must be informed by guidance from a steering committee comprised of the commission, the joint transportation committee's executive committee, the governor's office, the secretary of the department of transportation, and representatives of metropolitan and regional transportation planning organizations. As part of the update process, the commission shall undertake specific actions in the following order:

(a) Conduct stakeholder outreach, gathering input, and framing the outreach around the current plan's policy construct and high level priorities, the 2022 transportation revenue package, and recently enacted significant policy legislation;

(b) Report outreach findings and results to the joint transportation committee for review and input;

(c) Restructure the plan to (i) primarily focus on high level policy priorities within the six transportation policy goals under RCW 47.04.280 and (ii) align policies, strategies, and objectives with the interests of stakeholders and legislators;

(d) Gather further input from stakeholders and the joint transportation committee on the restructured plan's format and content; and

(e) Finalize the updated plan, based upon input from stakeholders and the joint transportation committee.

(2) The legislature finds that the current balance of and projected revenues into the Alaskan Way viaduct replacement

project account are sufficient to meet financial obligations during fiscal years 2024 and 2025.

(3) Within the parameters established under RCW 47.56.880, the commission shall review toll revenue performance on the Interstate 405 and state route number 167 corridor and adjust Interstate 405 tolls as appropriate to increase toll revenue to provide sufficient funds for payments of future debt pursuant to RCW 47.10.896 and to support improvements to the corridor. The commission shall consider adjusting maximum toll rates, minimum toll rates, and time-of-day rates, and restricting direct access ramps to transit and HOV vehicles only, or any combination thereof, in setting tolls to increase toll revenue. The commission is encouraged to make any adjustments to toll rates in coordination with the planned expansion of express toll lanes between the cities of Renton and Bellevue.

(4) \$500,000 of the motor vehicle account—state appropriation is provided solely for the commission to conduct a route jurisdiction study aimed at assessing the current state highway inventory and local roadway designations to determine if changes are needed in jurisdictional assignment between the state, county, and city road systems. The study must also review current criteria used to define the state highway system to determine if such criteria continue to be applicable. The commission shall submit a report of study findings and recommendations to the transportation committees of the legislature by July 1, 2025.

(5) The commission may coordinate with the department of transportation to jointly seek federal funds available through the federal strategic innovations in revenue collection grant program, applying toll credits for meeting match requirements. The commission must provide draft applications for federal grant opportunities to the chairs and ranking members of the transportation committees of the legislature for review and comment prior to submission.

(6) The transportation commission shall conduct an assessment aimed at identifying approaches to streamlining the current rule-making process for setting toll rates and policies for eligible toll facilities, while maintaining public access and providing opportunities to provide input on proposals. The intent of the assessment is to identify rule-making approaches that support the state's ability to set toll rates and policies in a timely and efficient manner, so that the state can meet anticipated funding obligations. This assessment should include a review of rate-setting processes used by toll authorities in other states. The transportation commission shall provide recommendations to the transportation committees of the legislature by July 31, 2024.

(7) The commission shall provide regular updates on the status of ongoing coordination with the state of Oregon on any bistate agreements regarding the mutual or joint setting, adjustment, and review of toll rates and exemptions. Prior to finalizing any such agreement, the

commission shall provide a draft of the agreement to the transportation committees of the legislature for review and input. Additionally, the commission shall advise on the status of any bistate agreements to the joint transportation committee beginning in September 2023 and quarterly thereafter until any agreements are finalized.

(8) \$200,000 of the motor vehicle account—state appropriation is provided solely for the commission to carry out a study assessing approaches to increasing safety and compliance of high occupancy vehicle lanes, express toll lanes, tolled facilities, and construction zones, facilitated by advanced technologies.

(a) The approaches assessed must, at a minimum, focus on advanced roadside technologies that: Are able to operate independently without connection to the department of transportation's existing communication systems and utilities; have a limited physical footprint that does not use over-roadway infrastructure; and have a 95 percent or greater license plate reading accuracy.

(b) The study must review current laws, including assessing underlying policies related to prohibitions on program cost coverage coming from infraction or other revenues generated by advanced technology systems, and identify provisions needed to enable a future technology-based safety and compliance program.

(c) The commission shall submit an interim report to the transportation committees of the legislature by January 10, 2024, that, at a minimum, provides an initial assessment of the viability of deploying a system into operation. A final report of findings and recommendations must be submitted to the transportation committees of the legislature by June 30, 2024.

(9) \$75,000 of the multimodal transportation account—state appropriation is provided solely for the commission to carry out an initial assessment and scoping effort to determine the feasibility of creating a future west coast transportation network plan. This plan would serve to proactively identify and coordinate improvements and investments across the west coast states to freight rail, passenger rail, highways, and air transportation. The intent for the plan is to leverage and align west coast efforts to reduce our collective carbon footprint, improve freight and passenger mobility, and strengthen west coast resiliency. This effort must be carried out in partnership with the Oregon and California transportation commissions and the state department of transportations from each state, and must consider, but not be limited to:

(a) Current state activities, investments, and plans that support the establishment of clean transportation in the air, on the highways, and on rail lines moving freight and passengers;

(b) Currently identified resiliency risks along the west coast and existing strategic plans and investments that could inform a future west coast unified plan; and

(c) Incorporation of work from the statewide transportation policy plan.

**NEW SECTION. Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Multimodal Transportation Account—State	
Appropriation. . . . .	\$400,000
Freight Mobility Investment Account—State	
Appropriation. . . . .	\$1,591,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$1,991,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within appropriated funds, the freight mobility strategic investment board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2023 and 2024 annual reports to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

(2) The board shall on an annual basis provide a status update on project delivery, including information on project timeline, cost, and budgeted cash flow over time to the office of financial management and the transportation committees of the legislature on the delivery of the freight mobility strategic investment projects on LEAP Transportation Document 2023-2 ALL PROJECTS, as developed on April 21, 2023.

(3) \$731,000 of the freight mobility investment account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1084), Laws of 2023 (freight mobility priorities). If chapter . . . (Substitute House Bill No. 1084), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(4) \$400,000 of the multimodal transportation account—state appropriation is provided solely for the board, in consultation with the department of transportation, to develop an implementation plan for specific truck parking solutions. It is the intent of the legislature for the board to identify specific sites to increase truck parking capacity in the near term, as well as to recommend other steps that can be taken in the 2024 and 2025 legislative sessions to increase truck parking capacity. The board must provide a status report that includes funding recommendations for the 2024 legislative session to the transportation committees of the legislature by December 1, 2023, and a final report that includes detailed findings on additional specific sites and specific actions recommended to expand truck parking capacity in the near term to the transportation committees of the legislature by December 1, 2024.

**NEW SECTION. Sec. 207. FOR THE WASHINGTON STATE PATROL**

Alaskan Way Viaduct Replacement Project Account—	
State Appropriation. . . . .	\$43,000

State Patrol Highway Account—State	
Appropriation. . . . .	\$610,711,000
State Patrol Highway Account—Federal	
Appropriation. . . . .	\$20,340,000
State Patrol Highway Account—Private/Local	
Appropriation. . . . .	\$4,594,000
Highway Safety Account—State Appropriation.	
\$1,447,000	
Ignition Interlock Device Revolving Account—	
State	
Appropriation. . . . .	\$1,959,000
Multimodal Transportation Account—State	
Appropriation. . . . .	\$316,000
State Route Number 520 Corridor Account—	
State	
Appropriation. . . . .	\$89,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation. . . . .	\$275,000
I-405 and SR 167 Express Toll Lanes Account—	
State	
Appropriation. . . . .	\$2,895,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$642,669,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2023, and semiannually thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since July 1, 2023, to the director of the office of financial management and the transportation committees of the legislature. At the end of the fiscal quarter in which it is estimated that more than \$625,000 in state sales and use taxes have been remitted to the state since July 1, 2023, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406 of this act.

(2) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(3)(a) By December 1st of each year during the 2023-2025 fiscal biennium, the Washington state patrol must report to the transportation committees of the legislature on the status of recruitment and retention activities as follows:

(i) A summary of recruitment and retention strategies;

(ii) The number of transportation funded staff vacancies by major category;

(iii) The number of applicants for each of the positions by these categories;

(iv) The composition of workforce;

(v) Other relevant outcome measures with comparative information with recent comparable months in prior years; and

(vi) Activities related to the implementation of the agency's workforce diversity plan, including short-term and long-term, specific comprehensive outreach, and recruitment strategies to increase populations underrepresented within both commissioned and noncommissioned employee groups.

(b) During the 2023-2025 fiscal biennium, the office of financial management, with assistance of the Washington state patrol, must conduct two surveys regarding the competitiveness with law enforcement agencies within the boundaries of the state of Washington pursuant to RCW 43.43.380, with the first survey being informational regarding the change since the last survey was conducted and the second survey used as part of the collective bargaining process. Prior to the 2024 legislative session, the office of financial management, with assistance of the Washington state patrol, must also provide comparison information regarding recruitment bonus amounts currently being offered by local law enforcement agencies in the state.

(4)(a) \$6,575,000 of the state patrol highway account—state appropriation is provided solely for the land mobile radio system replacement, upgrade, and other related activities.

(b) Beginning January 1, 2024, the Washington state patrol must report semiannually to the office of the chief information officer on the progress related to the projects and activities associated with the land mobile radio system, including the governance structure, outcomes achieved in the prior six-month time period, and how the activities are being managed holistically as recommended by the office of the chief information officer. At the time of submittal to the office of the chief information officer, the report must be transmitted to the office of financial management and the transportation committees of the legislature.

(5) The appropriations in this section provide sufficient funding for state patrol staffing assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(6) \$2,688,000 of the state patrol highway account—state appropriation is provided solely for enhancing the state patrol's diversity, equity, and inclusion program, a community engagement program to improve relationships with historically underrepresented communities and to recruit and retain a diverse workforce, and contracting with an external psychologist to perform exams. The state patrol will work with the governor's office of equity and meet all reporting requirements and

responsibilities pursuant to RCW 43.06D.060. Funds provided for the community engagement program must ensure engagement with communities throughout the state.

(7)(a) \$10,000 of the state patrol highway account—state appropriation is provided solely for the Washington state patrol to administer a pilot program that implements a yellow alert system notifying the public when a hit-and-run accident resulting in a fatality or substantial bodily harm has occurred and been reported to the state patrol or other local law enforcement entity. The Washington state patrol must post on traffic message boards or share on public communication systems any identifying information acquired including, but not limited to, a complete or partial license plate number or a description of the vehicle. Each alert must be posted or shared as such for at least 24 hours.

(b) The Washington state patrol must report the following to the transportation committees of the legislature annually until June 30, 2025:

(i) The number of yellow alerts received;

(ii) The number of arrests made from accidents reported on the yellow alert system;

(iii) The number of hit-and-run accidents resulting in a fatality or substantial bodily harm statewide;

(iv) The number of arrests made from accidents described under (b)(iii) of this subsection; and

(v) The number of hit-and-run accidents reported statewide.

(c) The Washington state patrol must also report on the efficacy of the program and recommend in its final report if the pilot program should continue or be enacted on a permanent basis and implemented statewide, based on the results of the report.

(8)(a) \$2,608,000 of the state patrol highway account—state appropriation is provided solely for administrative costs, advertising, outreach, and bonus payments associated with developing and implementing a state trooper expedited recruitment incentive program for the purpose of recruiting and filling vacant trooper positions in the 2023-2025 fiscal biennium. The legislature is committed to continuing the state trooper expedited recruitment incentive program until the vacancy levels are significantly reduced from current levels. The recruitment, advertising, and outreach associated with this program must continue efforts to create a more diverse workforce and must also provide an accelerated pathway for joining the state patrol for high quality individuals who have previously been employed as a general authority peace officer.

(b) The state trooper expedited recruitment incentive program established by the Washington state patrol must include:

(i) Thorough hiring procedures to ensure that only the highest quality candidates are selected as cadets and as lateral hires, including extensive review of past law enforcement employment history through extensive reference checks, Brady list identification, and any other issues that

may impact the performance, credibility, and integrity of the individual.

(ii) An accelerated training program for lateral hires from other agencies that recognizes the knowledge and experience of candidates previously employed in law enforcement; and

(iii) A sign-on bonus for each trooper hired through the expedited recruitment incentive program as follows:

(A) \$5,000 for each cadet after completion of the Washington state patrol academy;

(B) \$5,000 for each successful graduating cadet after completion of a one-year probation period;

(C) \$8,000 for each lateral hire after completion of the accelerated training program for lateral hires;

(D) \$6,000 for each lateral hire after completion of a one-year probation period; and

(E) \$6,000 for each lateral hire after completion of two years of service.

(c) The expenditure on the state trooper expedited recruitment incentive program is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Expenditures and eligibility for the state trooper expedited recruitment incentive program established in this section are subject to the availability of amounts appropriated for this specific purpose.

(d) For the purposes of this subsection:

(i) "Cadet" means a person employed for the express purpose of receiving the on-the-job training required for attendance at the Washington state patrol academy and for becoming a commissioned trooper.

(ii) "Lateral hire" means an eligible employee previously employed as a general authority peace officer.

(9) \$3,896,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5272), Laws of 2023 (speed safety cameras). If chapter . . . (Engrossed Substitute Senate Bill No. 5272), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(10) \$500,000 of the state patrol highway account—state appropriation is provided solely for bonuses and other recruitment and retention-related compensation adjustments for communication officers and other noncommissioned staff of the Washington state patrol who are covered by a collective bargaining agreement. Funding in this subsection must first be used for targeted adjustments for communication officers. Remaining amounts may be used for compensation adjustments for other noncommissioned staff. Funding provided in this subsection is contingent upon the governor or the governor's designee reaching an appropriate memorandum of understanding with the exclusive bargaining representative. Agreements reached for compensation adjustments under this section may not exceed the amounts provided. If any agreement or combination of agreements

exceed the amount provided in this subsection, all the agreements are subject to the requirements of RCW 41.80.010(3).

(11) \$4,732,000 of the state patrol highway account—state appropriation is provided solely for two accelerated training programs for lateral hires.

(12) \$98,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 1179), Laws of 2023 (nonconviction data). If chapter . . . (House Bill No. 1179), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(13) \$76,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 1112), Laws of 2023 (negligent driving). If chapter . . . (House Bill No. 1112), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(14) \$107,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute House Bill No. 1715), Laws of 2023 (domestic violence). If chapter . . . (Engrossed Second Substitute House Bill No. 1715), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(15) By December 1, 2024, the Washington state patrol must provide a report to the governor and appropriate committees of the legislature on the status of *McClain v. Washington State Patrol* and an update on legal expenses associated with the case.

(16) \$32,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5606), Laws of 2023 (illegal racing). If chapter . . . (Senate Bill No. 5606), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF LICENSING**

Driver Licensing Technology Support Account—State	
Appropriation. . . . .	\$1,743,000
Marine Fuel Tax Refund Account—State	
Appropriation. . . . .	\$34,000
Motorcycle Safety Education Account—State	
Appropriation. . . . .	\$5,299,000
Limited Fish and Wildlife Account—State	
Appropriation. . . . .	\$765,000
Highway Safety Account—State Appropriation.	\$277,256,000
Highway Safety Account—Federal Appropriation	
. . . . .	\$2,371,000
Motor Vehicle Account—State Appropriation.	\$98,824,000
Motor Vehicle Account—Private/Local	
Appropriation. . . . .	\$1,336,000
Ignition Interlock Device Revolving Account—State	
Appropriation. . . . .	\$6,401,000
Department of Licensing Services Account—State	
Appropriation. . . . .	\$8,972,000
License Plate Technology Account—State	
Appropriation. . . . .	\$4,204,000

Abandoned Recreational Vehicle Account—State Appropriation. . . . .	\$3,091,000
Limousine Carriers Account—State Appropriation. . . . .	\$126,000
Electric Vehicle Account—State Appropriation . . . . .	\$443,000
DOL Technology Improvement & Data Management Account—State Appropriation. . . . .	\$944,000
Agency Financial Transaction Account—State Appropriation. . . . .	\$16,998,000
Move Ahead WA Flexible Account—State Appropriation. . . . .	\$2,096,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$430,903,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,100,000 of the highway safety account—state appropriation and \$1,100,000 of the move ahead WA flexible account—state appropriation are provided solely for the department to provide an interagency transfer to the department of children, youth, and families for the purpose of providing driver's license support. In addition to support services required under RCW 74.13.338(2), support services may include reimbursement of:

(a) The cost for a youth in foster care of any eligible age to complete a driver training education course, as outlined in chapter 46.82 or 28A.220 RCW;

(b) The costs incurred by foster youth in foster care for a motor vehicle insurance policy;

(c) The costs of roadside assistance, motor vehicle insurance deductibles, motor vehicle registration fees, towing services, car maintenance, comprehensive car insurance, and gas cards; and

(d) Any other costs related to obtaining a driver's license and driving legally and safely.

(2) \$150,000 of the highway safety account—state appropriation is provided solely for the department to conduct a study on the feasibility of implementing a mobile application for driver licensing. The department must submit a report of the study findings and any recommendations to the governor and the transportation committees of the legislature by December 1, 2024. The study must:

(a) Review the adoption actions in other states, including successes and lessons learned;

(b) Examine existing technical infrastructure and potential changes needed to maximize interoperability, utility, and privacy protection;

(c) Identify the technical investments and other costs associated with issuing digital drivers' licenses through a mobile application;

(d) Identify how the technology may impact and can be used by external stakeholders, such as law enforcement;

(e) Recommend any process changes required to implement the program successfully and ensure customer satisfaction; and

(f) Recommend any statutory changes required to allow for the usage of digital drivers' licenses, including recognition of interstate travelers.

(3) (a) \$350,000 of the highway safety account—state appropriation is provided solely for the department, in consultation with the Washington traffic safety commission, the department of health, the elder law section of the Washington state bar association, organizations representing older drivers, and driver rehabilitation specialists, to develop a comprehensive plan aimed at improving older driver safety. The department must submit a report on the comprehensive plan to the governor and the transportation committees of the legislature by December 1, 2024. The plan must include, but is not limited to:

(i) A comprehensive review of department policies surrounding older drivers and medically at-risk drivers, including:

(A) The medical assessment review process; and

(B) The counter assessment process in licensing service offices;

(ii) A feasibility analysis of the department establishing a medical advisory board to advise on general policy for at-risk drivers, driving privileges for individual medically at-risk drivers, and an appeals process for drivers whose privileges are revoked or restricted due to medical conditions;

(iii) A recommended assessment tool to determine a driver's potential risk to themselves or others when operating a motor vehicle so the department may make informed decisions on appropriate courses of action within the older driver program; and

(iv) Detailed information on how each component of the plan improves the safety associated with older drivers, while preserving the maximum level of older driver independence and privacy;

(b) The department may also use funds provided in this subsection to implement improvements to older driver traffic safety within existing authority.

(4) \$5,499,000 of the motor vehicle account—state appropriation is provided solely for the department to upgrade and improve its prorate and fuel tax system, and is subject to the conditions, limitations, and review requirements of section 701 of this act. In each phase of the project, the department must ensure and document the increase in business capabilities and customer service outcomes, the improvements in fuel tax collection related information designed to resolve historical discrepancies in reporting information, and how the implementation plan mitigates risks associated with the proposed timeline and results in the sustainability of systems and platforms for the future. Before initiating the implementation phase of the project, the department must report to the office of the chief information officer on how the project meets its FAST act modernization roadmap, and vendor management and resource plans.

(5) \$16,000 of the motorcycle safety education account—state appropriation, \$2,000 of the limited fish and wildlife account—state appropriation, \$947,000 of the highway safety account—state appropriation, \$308,000 of the motor vehicle account—state appropriation, \$14,000 of the ignition interlock device revolving account—state

appropriation, and \$14,000 of the department of licensing services account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements in section 701 of this act.

(6) The department shall report on a quarterly basis on licensing service office operations, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued and renewed, and the number of primary drivers' licenses and identicards issued and renewed. By November 1, 2024, the department must prepare a report with recommendations on the future of licensing service office operations based on the recent implementation of efficiency measures designed to reduce the time for licensing transactions and wait times, and the implementation of statutory and policy changes made during the pandemic.

(7) For the 2023-2025 fiscal biennium, the department shall charge \$1,336,000 for the administration and collection of a motor vehicle excise tax on behalf of a regional transit authority, as authorized under RCW 82.44.135. The amount in this subsection must be deducted before distributing any revenues to a regional transit authority.

(8) \$742,000 of the motor vehicle account—state appropriation is provided solely for the increased costs associated with improvements desired to resolve delays in the production of license plates, including converting all subagents to the standard ordering process as recommended in the December 2022 plate inventory report, and to provide updated annual reports detailing changes in license plate production, inventory, and other practices taken to guard against plate production delays. The reports must be submitted to the governor and the transportation committees of the legislature by December 1, 2023, and December 1, 2024.

(9) \$243,000 of the highway safety account—state appropriation is provided solely for the department to continue to provide written materials on, place signage in licensing service offices regarding, and include into new driver training curricula, the requirements of RCW 46.61.212, the slow down and move over law.

(10) The appropriations in this section provide sufficient funding for the department of licensing assuming vacancy savings which may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(11) \$3,082,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the

department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account. During the 2023-2025 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(12) \$1,077,000 of the highway safety account—federal appropriation is provided solely for implementation of chapter . . . (Senate Bill No. 5041), Laws of 2023 (CDL drug and alcohol clearinghouse) or chapter . . . (House Bill No. 1448), Laws of 2023 (CDL drug and alcohol clearinghouse). If neither chapter . . . (Senate Bill No. 5041), Laws of 2023 or chapter . . . (House Bill No. 1448), Laws of 2023 are enacted by June 30, 2023, the amount provided in this subsection lapses.

(13) \$116,000 of the highway safety account—state appropriation is provided solely for implementation of chapter . . . (Senate Bill No. 5251), Laws of 2023 (streamlining CDL issuance) or chapter . . . (House Bill No. 1058), Laws of 2023 (streamlining CDL issuance). If neither chapter . . . (Senate Bill No. 5251), Laws of 2023 or chapter . . . (House Bill No. 1058), Laws of 2023 are enacted by June 30, 2023, the amount provided in this subsection lapses.

(14) \$845,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5583), Laws of 2023 (improving young driver safety). If chapter . . . (Substitute Senate Bill No. 5583), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(15) \$180,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5504), Laws of 2023 (open motor vehicle safety recalls). If chapter . . . (Substitute Senate Bill No. 5504), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(16) \$497,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute Senate Bill No. 5112), Laws of 2023 (updating processes related to voter registration). If chapter . . . (Engrossed Second Substitute Senate Bill No. 5112), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(17) \$29,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5333), Laws of 2023 (the state sport special license plate). If chapter . . . (Senate Bill No. 5333), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(18) \$29,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter . . . (Senate Bill No. 5590), Laws of 2023 (Mount St. Helens special license plate) or chapter . . . (House Bill No. 1489), Laws of 2023 (Mount

St. Helens special license plate). If neither chapter . . . (Senate Bill No. 5590), Laws of 2023 or chapter . . . (House Bill No. 1489), Laws of 2023 are enacted by June 30, 2023, the amount provided in this subsection lapses.

(19) \$29,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter . . . (Substitute Senate Bill No. 5738) (LeMay special license plate) or chapter . . . (Substitute House Bill No. 1829), Laws of 2023 (LeMay special license plate). If neither chapter . . . (Substitute Senate Bill No. 5738), Laws of 2023 or chapter . . . (Substitute House Bill No. 1829), Laws of 2023 are enacted by June 30, 2023, the amount provided in this subsection lapses.

(20) \$29,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5347), Laws of 2023 (driver's abstract changes). If chapter . . . (Senate Bill No. 5347), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(21) \$47,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute Senate Bill No. 5440), Laws of 2023 (competency evaluations). If chapter . . . (Engrossed Second Substitute Senate Bill No. 5440), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(22) \$23,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5606), Laws of 2023 (illegal racing). If chapter . . . (Senate Bill No. 5606), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(23) \$155,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Second Substitute Senate Bill No. 5128), Laws of 2023 (jury diversity). If chapter . . . (Second Substitute Senate Bill No. 5128), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(24)(a) \$36,000 of the motor vehicle account—state appropriation is provided solely for the issuance of nonemergency medical transportation vehicle decals to implement the high occupancy vehicle lane access pilot program established in section 217(2) of this act. A for hire nonemergency medical transportation vehicle is a vehicle that is a "for hire vehicle" under RCW 46.04.190 that provides nonemergency medical transportation, including for life-sustaining transportation purposes, to meet the medical transportation needs of individuals traveling to medical practices and clinics, cancer centers, dialysis facilities, hospitals, and other care providers.

(b) As part of this pilot program, the owner of a for hire nonemergency medical transportation vehicle may apply to the department, county auditor or other agent, or subagent appointed by the director, for a

high occupancy vehicle exempt decal for a for hire nonemergency medical transportation vehicle. The high occupancy vehicle exempt decal allows the for hire nonemergency medical transportation vehicle to use a high occupancy vehicle lane as specified in RCW 46.61.165 and 47.52.025 during the 2023-2025 fiscal biennium.

(c) For the exemption in this subsection to apply to a for hire nonemergency medical transportation vehicle, the decal:

(i) Must be displayed on the vehicle so that it is clearly visible from outside the vehicle;

(ii) Must identify that the vehicle is exempt from the high occupancy vehicle requirements; and

(iii) Must be visible from the rear of the vehicle.

(d) The owner of a for hire nonemergency medical transportation vehicle or the owner's representative must apply for a high occupancy vehicle exempt decal on a form provided or approved by the department. The application must include:

(i) The name and address of the person who is the owner of the vehicle;

(ii) A full description of the vehicle, including its make, model, year, and the vehicle identification number;

(iii) The purpose for which the vehicle is principally used;

(iv) An attestation signed by the vehicle's owner or the owner's representative that the vehicle's owner has a minimum of one contract or service agreement to provide for hire transportation services for medical purposes with one or more of the following entities: A health insurance company; a hospital, clinic, dialysis center, or other medical institution; a day care center, retirement home, or group home; a federal, state, or local agency or jurisdiction; or a broker who negotiates these services on behalf of one or more of these entities; and

(v) Other information as required by the department upon application.

(e) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required under (f) of this subsection when issuing or renewing a high occupancy vehicle exempt decal.

(f) The department, county auditor or other agent, or subagent must collect a \$5 fee when issuing or renewing a decal under this subsection, in addition to any other fees and taxes required by law.

(g) A high occupancy vehicle exempt decal expires June 30, 2025, and must be marked to indicate its expiration date. The decal may be renewed if the pilot program is continued past the date of a decal's expiration. The status as an exempt vehicle continues until the high occupancy vehicle exempt decal is suspended or revoked for misuse, the vehicle is no longer used as a for hire nonemergency medical transportation vehicle, or the pilot program established in section 217(2) of this act is terminated.

(h) The department may adopt rules to implement this subsection.

(25)(a) \$265,000 of the highway safety account—state appropriation is provided



solely for the department to provide an interagency transfer to the Washington center for deaf and hard of hearing youth, in consultation with the department and the office of the superintendent of public instruction, to fund the cost of interpreters for driver training education for deaf and hard of hearing youth to enable them to access driver training education at the same cost as their peers, and to pilot a sustainable driver training education program to determine how best to meet the driver training education needs of deaf and hard of hearing youth in the state in the future. The pilot must include:

(i) Determination of an appropriate number of instructors and an appropriate method of certification for instructors who are fluent in American Sign Language (ASL);

(ii) Determination of how best to provide driver training education statewide to deaf and hard of hearing novice drivers;

(iii) Development of a program to offer the required curriculum under RCW 28A.220.035 to deaf and hard of hearing novice drivers; and

(iv) Capped course instruction costs for deaf and hard of hearing students at the average rate of their hearing peers.

(b) The department shall submit a report to the transportation committees of the legislature developed by the Washington center for deaf and hard of hearing youth by March 1, 2024, that provides recommendations for a permanent program to make driver education equitably accessible for deaf and hard of hearing students.

(26) \$350,000 of the highway safety account—state appropriation is provided solely for the department to improve the process for commercial driver's license (CDL) holders to submit medical certification documents and update self-certification status to the department. The department shall:

(a) Update license express to improve the process and make it more user friendly;

(b) Add options for the driver to renew or replace the driver's CDL credentials as part of the medical or self-certification process;

(c) Add a customer verification step confirming the requested changes and clearly stating how this change will impact the driver's CDL; and

(d) Add improved messaging throughout the process.

In addition, the department shall make available on the driving record abstract a complete medical certificate downgrade history, and provide a one-time mailing to all current CDL holders explaining the process to update their medical certificate documents and self-certification.

(27) \$1,962,000 of the highway safety account—state appropriation is provided solely for the establishment of a pilot mobile licensing unit to provide licensing and identicaid services. By December 1, 2024, the department must submit a report to the governor and the transportation committees of the legislature detailing the locations served, the number and type of documents issued, and other outcome measures associated with the mobile licensing unit.

The report must include consideration of the facility needs of licensing service offices in the context of flexible mobile licensing services.

(28) \$2,000,000 of the highway safety account—state appropriation is provided solely for driver's license assistance and support services in King county with an existing provider that is already providing these services to low-income immigrant and refugee women. By December 1st of each year, the department must submit information on the contracted provider, including: The annual budget of the contracted provider in the preceding year; information regarding private and other governmental support for the activities of the provider; and a description of the number of people served, services delivered, and outcome measures.

(29)(a) \$150,000 of the motor vehicle account—state appropriation is provided solely for the department, in consultation with the Washington state transportation commission, to conduct a study on the feasibility of implementing and administering a per-mile fee program. The study must:

(i) Identify the technical investment required to implement a per-mile program within existing technology platforms;

(ii) Identify the staffing and resources needed to administer the program, including any additional resources to support the vehicle licensing offices;

(iii) Research third-party vendor options for offering customers different mileage reporting methods or for outsourcing certain aspects of administering the program; and

(iv) Review use cases and adoption rates in other states, including successes and lessons learned.

(b) A report of the study findings is due to the transportation committees of the legislature and the governor by December 31, 2023.

(30) \$8,000 of the motorcycle safety education account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1171), Laws of 2023 (motorcycle safety board). If chapter . . . (Substitute House Bill No. 1171), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(31) \$168,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 1736), Laws of 2023 (vehicle odometer readings). If chapter . . . (Engrossed Substitute House Bill No. 1736), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(32) \$29,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 1853), Laws of 2023 (transportation resources). If chapter . . . (Engrossed Substitute House Bill No. 1853), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(33) \$426,000 of the highway safety account—state appropriation is provided

solely for the implementation of chapter . . . (Substitute House Bill No. 1493), Laws of 2023 (impaired driving). If chapter . . . (Substitute House Bill No. 1493), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(34) \$282,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 1112), Laws of 2023 (negligent driving). If chapter . . . (House Bill No. 1112), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF TRANSPORTATION—TOLL OPERATIONS AND MAINTENANCE—PROGRAM B**

State Route Number 520 Corridor Account—State	
Appropriation. . . . .	\$58,854,000
State Route Number 520 Civil Penalties Account—State	
Appropriation. . . . .	\$4,178,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation. . . . .	\$30,729,000
Alaskan Way Viaduct Replacement Project Account—	
State Appropriation. . . . .	\$20,701,000
Interstate 405 and State Route Number 167 Express	
Toll Lanes Account—State Appropriation.	\$23,756,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$138,218,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$12,484,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) As long as the facility is tolled, the department must provide annual reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell

(both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips; and

(b) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(3) \$314,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$734,000 of the state route number 520 corridor account—state appropriation, \$315,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$413,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the reappropriation of unspent funds on the new tolling back office system from the 2021-2023 fiscal biennium.

(4) The department shall make detailed annual reports to the transportation committees of the legislature and the public on the department's website in a manner consistent with past practices as specified in section 209(5), chapter 186, Laws of 2022.

(5) As part of the department's 2025-2027 biennial budget request, the department shall update the cost allocation recommendations that assign appropriate costs to each of the toll funds for services provided by relevant Washington state department of transportation programs, the Washington state patrol, and the transportation commission. The recommendations shall be based on updated traffic and toll transaction patterns and other relevant factors.

(6) Up to \$16,460,000 of the amounts provided for operations and maintenance expenses on the state route number 520 facility from the state route number 520 corridor account during the 2023-2025 fiscal biennium in this act are derived from the receipt of federal American rescue plan act of 2021 funds and not toll revenues.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF TRANSPORTATION—INFORMATION TECHNOLOGY—PROGRAM C**

Transportation Partnership Account—State	
Appropriation. . . . .	\$1,494,000
Motor Vehicle Account—State Appropriation.	\$122,240,000
Puget Sound Ferry Operations Account—State	
Appropriation. . . . .	\$307,000
Multimodal Transportation Account—State	
Appropriation. . . . .	\$2,986,000
Transportation 2003 Account (Nickel Account)—State	
Appropriation. . . . .	\$1,488,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$128,515,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,006,000 of the motor vehicle account—state appropriation is provided solely for hardware cost increases. Before any hardware replacement, the department, in consultation with WaTech, must further review leasing options.

(2) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING**

Motor Vehicle Account—State Appropriation.	
\$39,987,000	
Move Ahead WA Account—State Appropriation.	
\$2,532,000	
State Route Number 520 Corridor Account—State	
Appropriation. . . . .	\$34,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$42,553,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section provide sufficient funding for the department assuming vacancy savings which may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(2)(a)(i) \$500,000 of the move ahead WA account—state appropriation is provided solely for the department to conduct a detailed space study and develop an implementation plan that builds off the findings and recommendations of the department's "Telework Impact Study" completed in September 2022. Such efforts must also incorporate office space use reduction requirements for the department in this act as well as current and planned telework levels. The detailed space study and development of the implementation plan must be conducted in consultation with the office of financial management and the department of enterprise services, and must focus on office and administrative space efficiency, providing specific recommendations, cost estimates, and cost savings. While focused on office and administrative space, the department is encouraged to review other types of facilities where efficiencies can be achieved. The final study report must include:

(A) The development of low, medium, and high scenarios based on reducing space use, with the high space reduction scenario being based on a minimum of a 30 percent reduction by 2030;

(B) Detailed information on any increased capital and other implementation costs under each scenario;

(C) Detailed information on reduced costs, such as leases, facility maintenance, and utilities, under each scenario;

(D) An analysis of opportunities to collocate with other state, local, and other public agencies to reduce costs and improve cost-efficiency while meeting utilization standards; and

(E) An assessment of the commercial value and return to the state transportation funds associated with the sale of the property from consolidation and other space efficiency measures.

(ii) The department must submit the implementation plan and final report from the detailed space study to the office of financial management and the transportation committees of the legislature by October 1, 2024.

(b)(i) Conducting the detailed space study under (a) of this subsection must not prevent or delay the department from meeting other space use and related requirements, or where warranted by current information or opportunities.

(ii) In addition to the reporting requirement under (a) of this subsection, the department must provide information to the office of financial management in its comparative analysis of office space, leases, and relocation costs required by the omnibus operating appropriations act.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION EQUIPMENT FUND—PROGRAM E**

Move Ahead WA Account—State Appropriation.	
\$20,000,000	
Multimodal Transportation Account—State	
Appropriation. . . . .	\$433,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$20,433,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire move ahead WA account—state appropriation is provided solely for the department's costs related to replacing obsolete transportation equipment and replacing fuel sites. Beginning December 1, 2024, and annually thereafter, the department must provide a report to the office of financial management and the transportation committees of the legislature detailing the current progress on replacing obsolete equipment, progress towards reaching a level purchasing state, and the status of a fuel site replacement prioritization plan. The report must also include:

(a) A list of department owned and managed fuel sites prioritized by urgency of replacement;

(b) A discussion of department practices that would create a sustained revenue source for capital repair and replacement of fuel sites; and

(c) A discussion of to what extent the fuel site infrastructure can support zero emissions vehicles.

(2)(a) \$100,000 of the multimodal transportation account—state appropriation is provided solely for the department to administer a pilot program to install and test intelligent speed monitoring technology in a portion of the department's fleet of vehicles while using global positioning system technology and other mapping tools to monitor vehicle location and corresponding speed limits on traveled roadways.

(b) The pilot program must begin by January 1, 2024, for a 12-month period. By June 30, 2025, the department must report to

the transportation committees of the legislature the results of the pilot program and provide any legislative or policy recommendations.

<u>NEW SECTION.</u>	<b>Sec. 213.</b>	<b>FOR THE</b>
<b>DEPARTMENT</b>	<b>OF</b>	<b>TRANSPORTATION—AVIATION—</b>
<b>PROGRAM F</b>		
Aeronautics Account—State Appropriation.		
\$13,979,000		
Aeronautics Account—Federal Appropriation.		
\$3,650,000		
Aeronautics Account—Private/Local		
Appropriation. . . . . \$60,000		
<b>TOTAL APPROPRIATION.....</b>		<b>\$17,689,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the aeronautics account—state appropriation is provided solely for the move ahead WA aviation grants. The department shall prioritize projects eligible for federal funding.

(2) \$1,476,000 of the aeronautics account—state appropriation is provided solely for sustainable aviation grants recommended by the department under the sustainable aviation grants program. The department shall submit a report to the transportation committees of the legislature by October 1, 2024, identifying a selection of sustainable aviation projects for funding by the legislature. In considering projects to recommend to fund, the department shall only consider projects that advance the state of sustainable aviation technology and lead to future innovation. Innovative sustainable aviation projects may include, but are not limited to, pilot projects demonstrating the use of:

- (a) Mobile battery charging technology;
- (b) Hydrogen electrolyzers and storage;
- (c) Electric ground equipment; and
- (d) Hanger charging technology.

(3) \$300,000 of the aeronautics account—state appropriation is provided solely for the department to develop a statewide advanced air mobility aircraft plan to develop and integrate advanced air mobility aircraft into current modal systems. The department shall submit a report by June 1, 2025, to the office of financial management and the transportation committees of the legislature including, but not limited to:

(a) Near, medium, and long-term recommendations for land use planning for advanced and urban air mobility vertiports and vertistops;

(b) An inventory of infrastructure needs to support a statewide vertiport network and a recommended program to deploy funds to local governments to share costs;

(c) Proposed state governance structures and regulatory mechanisms to adequately complement federal aviation administration oversight;

(d) Recommended policies to foster vertiport and vertistop infrastructure development that ensure open public access, efficiency in land use siting, and equitable distribution across the state; and

(e) In consultation with local jurisdictions, planning organizations, and other modal managers, recommendations on

advanced air mobility aircraft integration into statewide transportation plans.

(4) \$1,931,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter . . . . (Engrossed Substitute House Bill No. 1791), Laws of 2023 (commercial aviation services). If chapter . . . (Engrossed Substitute House Bill No. 1791), Laws of 2023 is not enacted by June 30, 2023, the amount in this subsection lapses.

(5) \$100,000 of the aeronautics account—state appropriation is provided solely for the department, and where appropriate in conjunction with the state commercial aviation work group, to evaluate various operational and technological enhancements addressing the environmental impacts from commercial aviation activities. The enhancements may include, but are not limited to: (a) Climate-friendly routing of aircraft; (b) innovations addressing the climate change effects of noncarbon dioxide emissions from aviation activities; (c) simulation models applied to congested airports; and (d) online tools to track, analyze, and improve carbon footprints related to aviation activities. A report of findings is due to the governor and the transportation committees of the legislature by June 30, 2025.

<u>NEW SECTION.</u>	<b>Sec. 214.</b>	<b>FOR THE</b>
<b>DEPARTMENT</b>	<b>OF</b>	<b>TRANSPORTATION—PROGRAM</b>
<b>DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H</b>		
Motor Vehicle Account—State Appropriation.		
\$64,470,000		
Motor Vehicle Account—Federal Appropriation		
. . . . .		\$500,000
Multimodal Transportation Account—State		
Appropriation. . . . . \$851,000		
Move Ahead WA Flexible Account—State		
Appropriation. . . . . \$572,000		
<b>TOTAL APPROPRIATION.....</b>		<b>\$66,393,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2023-2025 fiscal biennium, if the department takes possession of the property situated in the city of Edmonds for which a purchase agreement was executed between Unocal and the department in 2005 (Tax Parcel Number 262703-2-003-0009), and if the department confirms that the property is still no longer needed for transportation purposes, the department shall provide the city of Edmonds with the first right of purchase at fair market value in accordance with RCW 47.12.063(3) for the city's intended use of the property to rehabilitate near-shore habitat for salmon and related species.

(2) \$469,000 of the motor vehicle account—state appropriation is reappropriated and provided solely for the implementation of chapter 217, Laws of 2021 (noxious weeds).

(3) The department shall determine the fair market value of the northern parcel of site 14 on the Puget Sound Gateway Program SR 509 Completion Project Surplus Property list, located immediately south of S. 216th Street and adjacent to the Barnes Creek Nature Trail in Des Moines, to be submitted to the transportation committees of the

legislature by December 15, 2023, for an evaluation of possible next steps for use of the property that is in the public interest.

(4) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(5) (a) \$572,000 of the move ahead WA flexible account—state appropriation is provided solely to track and maximize clean fuels credits and revenue generated by state agencies pursuant to chapter 70A.535 RCW.

(b) The LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, anticipates fulfillment of the requirements under chapter 70A.535 RCW of generating credits and revenue for transportation investments funded in an omnibus transportation appropriations act, including the move ahead WA transportation package. The omnibus transportation appropriations act anticipates credits for ferry electrification for new hybrid electric vessels, active transportation, transit programs and projects, alternative fuel infrastructure, connecting communities, and multimodal investments.

(c) Pursuant to the reporting requirements of RCW 70A.535.050(5), the department must present a detailed projection of the credit revenues generated and achieved directly as a result of the funding and activities in this subsection.

(6) \$93,000 of the multimodal transportation account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute House Bill No. 1170), Laws of 2023 (climate resilience strategy). If chapter . . . (Engrossed Second Substitute House Bill No. 1170), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(7) \$1,600,000 of the motor vehicle account—state appropriation is provided solely for real estate services activities. The legislature finds that the section of public roadway owned by the department that is located south of state route number 532 and west of Interstate 5 in the vicinity of the intersection of state route number 532 and 19th Avenue NW is no longer necessary for the state highway system. Therefore, pursuant to RCW 36.75.090, the department shall certify that the roadway is no longer needed by the state and convey the roadway to the county for continued use as a public highway for motor vehicle use. In consideration of the value of maintenance services provided by the county on the roadway during the time of department ownership, the department shall also convey to the county any access rights owned by the department limiting access to state route number 532 from 19th Avenue NW.

Electric Vehicle Account—State Appropriation . . . . .	\$4,746,000
Multimodal Transportation Account—State Appropriation. . . . .	\$4,400,000
Multimodal Transportation Account—Federal Appropriation. . . . .	\$25,000,000
Carbon Emissions Reduction Account—State Appropriation. . . . .	\$164,600,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$199,440,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,746,000 of the electric vehicle account—state appropriation and \$30,000,000 of the carbon reduction emissions account—state appropriation are provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287, Laws of 2019 (advancing green transportation adoption).

(2) \$1,000,000 of the electric vehicle account—state appropriation and \$500,000 of the multimodal transportation account—state appropriation are provided solely for a colocated DC fast charging and hydrogen fueling station near the Wenatchee or East Wenatchee area near a state route or near or on a publicly owned facility to service passenger, light-duty and heavy-duty vehicles. The hydrogen fueling station must include a DC fast charging station colocated at the hydrogen fueling station site. Funds may be used for one or more fuel cell electric vehicles that would utilize the fueling stations. The department must contract with a public utility district that produces hydrogen in the area to own and/or manage and provide technical assistance for the design, planning, permitting, construction, maintenance and operation of the hydrogen fueling station. The department and public utility district are encouraged to collaborate with and seek contributions from additional public and private partners for the fueling station.

(3) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(4) The legislature recognizes that for the state to meet long-term zero emissions goals requires consumers have options when investing in different vehicle technologies, including battery electric vehicles and fuel cell electric vehicles. Therefore, it is the intent of the legislature to appropriate multimodal transportation account funds not to exceed \$30,000,000 over the next three biennia as a state match for secured federal funds to finance hydrogen fueling stations in disadvantaged and overburdened communities for both passenger and light-truck vehicles and medium to heavy-duty vehicles. The department, in consultation with the interagency electric vehicle coordinating council, must pursue any federal funding available through the charging and fueling infrastructure discretionary grant program and any other

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K**

Motor Vehicle Account—State Appropriation. \$694,000

sources under the federal infrastructure investment and jobs act (P.L. 117-58).

(5) The public-private partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(6) \$1,200,000 of the multimodal transportation account—state appropriation and \$2,000,000 of the carbon reduction emissions account—state appropriation are provided solely for the pilot program established under chapter 287, Laws of 2019 (advancing green transportation adoption) to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards. Consistent with the geographical diversity element described in RCW 47.04.355(4), the legislature strongly encourages the department to consider implementing the pilot in both urban and rural communities if possible, to obtain valuable information on the needs of underserved communities located in different geographical locations in Washington.

(7) \$120,000,000 of the carbon emissions reduction account—state appropriation is provided solely for implementation of zero-emission commercial vehicle infrastructure and incentive programs and for the replacement of school buses powered by fossil fuels with zero-emission school buses, including the purchase and installation of zero-emission school bus refueling infrastructure.

(a) Of this amount, \$20,000,000 is for the department to administer an early action grant program to provide expedited funding to zero-emission commercial vehicle infrastructure demonstration projects. The department must contract with a third-party administrator to implement the early action grant program.

(b) The office of financial management shall place the remaining \$100,000,000 in unallotted status until the joint transportation committee completes the medium and heavy duty vehicle infrastructure and incentive strategy required under section 204 of this act. The director of the office of financial management or the director's designee shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(8) \$3,000,000 of the carbon emissions reduction account—state appropriation is provided solely for hydrogen refueling infrastructure investments. The office of financial management shall place the amounts provided in this subsection in unallotted status until the joint transportation committee completes the medium and heavy duty vehicle infrastructure and incentive strategy required under section 204 of this act. The director of the office of financial management or the director's designee shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(9) \$2,100,000 of the carbon emissions reduction account—state appropriation is provided solely to fund electric vehicle charging infrastructure for the electric charging megasite project at Mount Vernon library commons.

(10) \$2,500,000 of the carbon emissions reduction account—state appropriation is provided solely for zero emission cargo handling equipment incentives. The office of financial management shall place the amounts provided in this subsection in unallotted status until the joint transportation committee completes the medium and heavy duty vehicle and cargo handling and off-road equipment infrastructure and incentive strategy required under section 204 of this act. The director of the office of financial management or the director's designee shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(11) \$5,000,000 of the carbon emissions reduction account—state appropriation is provided solely for clean off-road equipment incentives. The office of financial management shall place the amounts provided in this subsection in unallotted status until the joint transportation committee completes the medium and heavy duty vehicle and cargo handling and off-road equipment infrastructure and incentive strategy required under section 204 of this act. The director of the office of financial management or the director's designee shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(12) \$2,500,000 of the multimodal transportation account—state appropriation is provided solely for the department to coordinate with cities, counties, ports, and private entities to develop actionable recommendations for state assistance in the development of specific candidate truck parking sites to be developed with amenities, identified by location. The department shall identify private land parcels for potential development of sites, which may include, but should not be limited to, a feasibility analysis of sites adjacent to Interstate 90 near North Bend for a 400 to 600 space truck parking site. The public benefit of each potential truck parking site must be included in this assessment. The department shall consider opportunities for the state to provide assistance in the development of truck parking sites, including possible opportunities to provide assistance in land acquisition and evaluating land use requirements. The department must update the transportation committees of the legislature on agency activities and their status by December 1, 2023, and to provide a final report to the transportation committees of the legislature by December 1, 2024.

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M**

Motor Vehicle Account—State Appropriation.  
\$535,033,000  
Motor Vehicle Account—Federal Appropriation  
. . . . . \$7,000,000  
Move Ahead WA Account—State Appropriation.  
\$50,000,000  
State Route Number 520 Corridor Account—  
State  
Appropriation. . . . . \$4,838,000  
Tacoma Narrows Toll Bridge Account—State  
Appropriation. . . . . \$1,585,000  
Alaskan Way Viaduct Replacement Project  
Account—  
State Appropriation. . . . . \$8,752,000  
Interstate 405 and State Route Number 167  
Express  
Toll Lanes Account—State Appropriation.  
\$2,624,000  
**TOTAL APPROPRIATION. . . . . \$609,832,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for snow and ice removal. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

(2) (a) \$115,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to enter into a dispute resolution process with local jurisdictions to produce interagency agreements to address the ongoing facility and landscape maintenance of the three state route number 520 eastside lids and surrounding areas at the Evergreen Point Road, 84th Avenue NE, and 92nd Avenue NE.

(b) The agreements pursuant to (a) of this subsection must be executed by June 30, 2024.

(3) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(4) (a) \$7,000,000 of the motor vehicle account—state appropriation is provided solely for the department to address the risks to safety and public health associated with homeless encampments on department owned rights-of-way. The department must coordinate and work with local government officials and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way and may reimburse the organizations doing this outreach assistance who transition people into treatment or housing or for debris clean up on highway rights-of-way. A minimum of \$2,000,000 of this appropriation must be used to deliver more frequent removal of litter on the highway rights-of-way that is generated by unsheltered people and may be used to hire crews specializing in collecting and

disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees. The department may use these funds to either reimburse local law enforcement costs or the Washington state patrol if they are providing enhanced safety to department staff during debris cleanup or during efforts to prevent future encampments from forming on highway rights-of-way.

(b) Beginning November 1, 2023, and semiannually thereafter, the Washington state patrol and the department of transportation must jointly submit a report to the governor and the transportation committees of the legislature on the status of these efforts, including:

(i) A summary of the activities related to addressing encampments, including information on arrangements with local governments or other entities related to these activities;

(ii) A description of the planned activities in the ensuing two quarters to further address the emergency hazards and risks along state highway rights-of-way; and

(iii) Recommendations for executive branch or legislative action to achieve the desired outcome of reduced emergency hazards and risks along state highway rights-of-way.

(5) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Spokane, to be administered in conjunction with subsection (4) of this section. The program must address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. \$555,000 of the motor vehicle account—state appropriation is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Spokane shall enter into a reimbursable agreement to cover up to \$445,000 of the city's expenses for clean-up crews and landfill costs.

(6) \$1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019, to be administered in conjunction with subsection (4) of this section. The department must maintain a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

(7) \$1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Tacoma, to be

administered in conjunction with subsection (4) of this section. The program must address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. \$570,000 of the motor vehicle account—state appropriation is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to \$445,000 of the city's expenses for clean-up crews and landfill costs.

(8) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for the department to contract with the city of Fife to address the risks to safety and public health associated with homeless encampments on department-owned rights-of-way along the SR 167/SR 509 Puget Sound Gateway project corridor in and adjacent to the city limits pursuant to section 216(10), chapter 186, Laws of 2022. However, the amount provided in this subsection must be placed in unallotted status and may not be spent prior to November 1, 2023. If, after November 1, 2023, the department, in consultation with the office of financial management, determines that the department fully spent the \$2,000,000 appropriated in section 216(10), chapter 186, Laws of 2022, within the 2021-2023 fiscal biennium for this purpose, the amount provided in this subsection must remain in unallotted status and unspent. If the department did not fully spend the \$2,000,000 within the 2021-2023 fiscal biennium, the department may only spend from the appropriation in this subsection an amount not in excess of the amount unspent from the \$2,000,000 within the 2021-2023 fiscal biennium, with any remaining amount to remain in unallotted status and unspent. In no event may the department spend more than \$2,000,000 within the 2021-2023 and 2023-2025 fiscal biennia for this purpose.

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION OPERATIONS—PROGRAM Q—OPERATING**

Highway Safety Fund—State Appropriation.	
\$3,529,000	
Motor Vehicle Account—State Appropriation.	
\$85,466,000	
Motor Vehicle Account—Federal Appropriation	
.....	\$2,050,000
Motor Vehicle Account—Private/Local	
Appropriation. ....	\$294,000
Move Ahead WA Account—State Appropriation.	
\$3,090,000	
Multimodal Transportation Account—State	
Appropriation. ....	\$5,000,000
State Route Number 520 Corridor Account—	
State	
Appropriation. ....	\$247,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation. ....	\$44,000
Alaskan Way Viaduct Replacement Project	
Account—	
State Appropriation. ....	\$1,122,000
Interstate 405 and State Route Number 167	
Express	

Toll Lanes Account—State Appropriation.  
\$37,000

**TOTAL APPROPRIATION..... \$100,879,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2)(a) During the 2023-2025 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to for hire nonemergency medical transportation vehicles, when in use for medical purposes, as described in section 208(24) of this act. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, nonemergency medical transportation vehicles that meet



the requirements identified in section 208(24) of this act must be authorized to use the reserved portion of the highway.

(d) Nothing in this subsection is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for express toll lanes.

(3) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least \$100,000 in credit card and other financial transaction costs related to the collection of fees imposed under RCW 46.17.400, 46.44.090, and 46.44.0941 for driver and vehicle fee transactions beginning January 1, 2023. The department may recover transaction fees incurred through credit card transactions.

(4) The department shall promote safety messages encouraging drivers to slow down and move over and pay attention when emergency lights are flashing on the side of the road and other suitable safety messages on electronic message boards the department operates across the state. The messages must be promoted through June 30, 2025. The department may coordinate such messaging with any statewide public awareness campaigns being developed by the department of licensing or the Washington state traffic safety commission, or both.

(5) \$5,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to address emergent issues related to safety for pedestrians and bicyclists. Funds may only be spent after approval from the office of financial management. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all emergent issues addressed in the prior fiscal biennium.

(6) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(7) \$3,529,000 of the highway safety account—state appropriation is provided solely for implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5272), Laws of 2023 (speed safety cameras). If chapter . . . (Engrossed Substitute Senate Bill No. 5272), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(8) \$1,279,000 of the move ahead WA account—state appropriation is provided solely for maintenance and operations of the virtual coordination center. The department is encouraged to apply for federal grant funds for the virtual coordination center and may use state funds as a match. By December 1, 2023, the department shall report to the transportation committees of the legislature: (a) Recommendations to expand the center's operations, including specific additional jurisdictions and corridors across the state; and (b) amounts received and dates of receipt of any new cash and in-kind matches from virtual

coordination center partners including, but not limited to, the city of Seattle, King county, other state and local jurisdictions, and private sector partners.

(9) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to prepare and submit a report to the transportation committees of the legislature by December 1, 2024, with a prioritized list of recommendations for improving safety and mobility on Interstate 90 between North Bend and Cle Elum during winter weather events, including estimated costs. The recommendations must include, but are not limited to, options to improve compliance with traction tire and chain requirements and reduce snow-related closures.

(10)(a) The department shall establish the weigh station preclearance program in accordance with the commercial vehicle information systems and networks electronic screening truck inspection and weigh station preclearance standards authorized by the federal motor carrier safety administration. The program must include preclearance systems providers that meet the following criteria:

(i) The preclearance system commercial mobile radio services and dedicated short-range communication devices as transponders technologies must be represented in the program.

(ii) The preclearance system must be broadly deployed across the state for interstate operability purposes on the effective date of this section.

(b) Computer software and hardware, including any infrastructure-based devices or technologies, that is necessary to implement this section and must be made available at no cost to the Washington state patrol. The preclearance system provider is responsible for all costs of operating and maintaining the computer software and hardware. The computer software and hardware must meet all of the following criteria:

(i) The computer software and hardware must meet the requirements of the federal motor carrier safety administration for core compliance with the commercial vehicle information systems and networks electronic screening truck inspection and weigh station preclearance standards.

(ii) In-vehicle equipment must be operated in compliance with applicable state law and regulations.

(iii) Preclearance messaging must be transmitted and received by the driver through electronic messaging within the cab of the commercial motor vehicle.

(iv) If required for preclearance services, real-time data from weigh-in-motion systems or any other systems shall be made available to preclearance system providers.

(c) The department, in consultation with the Washington state patrol, shall establish standards for the program in order to meet the needs of this state and conform with weigh station preclearance programs in other states, including standards regarding safety history credential status.

(11)(a) \$5,000,000 of the motor vehicle account—state appropriation is provided

solely for the department, in coordination with the independent review team of the joint transportation committee, to conduct an analysis of highway, road, and freight rail transportation needs, options, and impacts from shifting the movement of freight and goods that currently move by barge through the lower Snake river dams to highways, other roads, and rail. The study should generate volume estimates and evaluate scenarios for changes in infrastructure and operations that would be necessary to address those additional volumes. The assessment must include quantitative analysis based on available data in terms of both financial and carbon emission costs; and qualitative input gathered from tribal governments, local governments, freight interests, and other key stakeholders, including impacts on disadvantaged/underserved communities. The analysis must include a robust public engagement process to solicit feedback from interested stakeholders including but not limited to: Residents and officials in affected cities and counties; stakeholders involved in railroad, agriculture, fishing, trucking, shipping and other related industries; appropriate Native American tribes; representatives of advocacy and community organizations; and transportation, public works, and economic development organizations in the affected areas, federal highway administration and army corps of engineers. The analysis must be informed by the work of the joint transportation committee's independent review team, and must include the following:

- (i) Existing volumes and traffic patterns;
- (ii) Potential changes in volumes and traffic patterns immediately following the loss of freight movement by barge and over the following 20 years, including the carbon emissions impact of this mode shift;
- (iii) Identification of whether regional geography, land availability, and state and federal regulatory processes would allow for rail and road expansions and increased capacity;
- (iv) Identification of potential infrastructure and operational improvements to existing highways, other roads, and rail, including additional access to facilities, needed to accommodate the higher freight volumes and impacts and potential opportunities to mitigate impacts on shipping rates;
- (v) Identification of rail line development options, including impacts and potential opportunities to mitigate impacts on grain storage and handling facilities at regional unit train yards and port export facilities;
- (vi) An assessment of costs associated with mitigating potential slope failure and stabilization necessitated by the drawdown of the river. An assessment of impacts and potential opportunities to mitigate impacts on adjacent roads, bridges, railroads, and utility corridors shall be included;
- (vii) Both financial and carbon cost estimates for development and implementation of identified needs and options, including planning, design, and construction;

(viii) Analysis of the impacts and potential opportunities to mitigate impacts of these infrastructure changes on environmental justice and disadvantaged/underserved communities during construction, as well as from future operations;

(ix) Analysis of safety impacts and potential opportunities to mitigate impacts for a shift from barge transportation to rail or truck, including increases in rural community traffic and consistency with the Washington State Strategic Highway Safety Plan: Target Zero;

(x) Impacts and potential opportunities to mitigate impacts on highly affected commodities, including agriculture, petroleum, project cargo, and wind energy components;

(xi) Analysis of the impacts and potential opportunities to mitigate impacts that reduced competition resulting from removing barging of agricultural products on the Snake river would have on Washington's agricultural industry along with impacts modal shifts would have on the entire supply chain, including export facilities and ports on the Lower Columbia River; and

(xii) Determination of the feasibility that additional east-west freight rail capacity can be achieved, particularly through Columbia River Gorge, and the alternative routes that exist in the event that adding more infrastructure on these routes is not feasible.

(b) The department shall provide status updates on a quarterly basis in coordination with the joint transportation committee. The legislature intends to require a final report to the governor and the transportation committees of the legislature by December 31, 2026.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S**

Motor Vehicle Account—State Appropriation.	\$62,639,000
Motor Vehicle Account—Federal Appropriation	\$780,000
Motor Vehicle Account—Private/Local Appropriation.	\$500,000
Move Ahead WA Flexible Account—State Appropriation.	\$5,400,000
Puget Sound Ferry Operations Account—State Appropriation.	\$510,000
Multimodal Transportation Account—State Appropriation.	\$22,323,000
State Route Number 520 Corridor Account—State Appropriation.	\$220,000
Tacoma Narrows Toll Bridge Account—State Appropriation.	\$136,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation.	\$127,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation.	\$114,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$92,749,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$2,000,000 of the motor vehicle account—state appropriation and \$5,400,000 of the move ahead WA flexible account—state appropriation are provided solely for efforts to increase diversity in the transportation construction workforce through:

(i) The preapprenticeship support services (PASS) and career opportunity maritime preapprenticeship support services (COMPASS) programs, which aim to increase diversity in the highway construction and maritime workforces and prepare individuals interested in entering the highway construction and maritime workforces. In addition to the services allowed under RCW 47.01.435, the PASS and COMPASS programs may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems to support their participation in a transportation-related preapprenticeship program and support services to obtain necessary maritime documents and coast guard certification; and

(ii) Assisting minority and women-owned businesses to perform work in the highway construction industry.

(b) The department shall report annually to the transportation committees of the legislature on efforts to increase diversity in the transportation construction workforce.

(2) \$1,512,000 of the motor vehicle account—state appropriation and \$488,000 of the Puget Sound ferry operations account—state appropriation are provided solely for the department to develop, track, and monitor the progress of community workforce agreements, and to assist with the development and implementation of internal diversity, equity, and inclusion efforts and serve as subject matter experts on federal and state civil rights provisions. The department shall engage with relevant stakeholders, and provide a progress report on the implementation of efforts under this subsection to the transportation committees of the legislature and the governor by December 1, 2024.

(3) For Washington state department of transportation small works roster projects under RCW 39.04.155, the department may only allow firms certified as small business enterprises, under 49 C.F.R. 26.39, to bid on the contract, unless the department determines there would be insufficient bidders for a particular project. The department shall report on the effectiveness of this policy to the transportation committees of the legislature by December 1, 2024.

(4) \$21,195,000 of the motor vehicle account—state appropriation and \$21,194,000 of the multimodal transportation account—state appropriation are provided solely for the department to upgrade the transportation reporting and accounting information system to the current cloud version of the software, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(5) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will

be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(6) \$56,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . . (Engrossed Second Substitute House Bill No. 1216), Laws of 2023 (clean energy siting). If chapter . . . . (Engrossed Second Substitute House Bill No. 1216), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T**

Carbon Emissions Reduction Account—State	
Appropriation. . . . .	\$3,000,000
Motor Vehicle Account—State Appropriation.	
\$32,089,000	
Motor Vehicle Account—Federal Appropriation	
. . . . .	\$31,412,000
Motor Vehicle Account—Private/Local	
Appropriation. . . . .	\$400,000
Move Ahead WA Flexible Account—State	
Appropriation. . . . .	\$11,922,000
Multimodal Transportation Account—State	
Appropriation. . . . .	\$2,414,000
Multimodal Transportation Account—Federal	
Appropriation. . . . .	\$2,809,000
Multimodal Transportation Account—Private/	
Local	
Appropriation. . . . .	\$100,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$84,146,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$750,000 of the multimodal transportation account—state appropriation is provided solely for the department to partner with the department of commerce and regional transportation planning organizations in implementing vehicle miles traveled targets and supporting actions. As part of target setting, important factors that must be considered include land use patterns, safety, and vulnerable populations. The department shall provide an interim report by June 30, 2024, and a final report by June 30, 2025.

(2) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(3) \$150,000 of the motor vehicle account—state appropriation is provided solely for the department to continue implementation of a performance-based project evaluation model. The department must issue a report by September 1, 2024.

(4)(a) \$180,000 of the multimodal transportation account—state appropriation is provided solely for Thurston regional planning council (TRPC) to conduct a study examining options for multimodal high capacity transportation (HCT) to serve travelers on the Interstate 5 corridor

between central Thurston county (Olympia area) and Pierce county.

(b) The study will include an assessment of travelsheds and ridership potential and identify and provide an evaluation of options to enhance connectivity and accessibility for the greater south Puget Sound region with an emphasis on linking to planned or existing commuter or regional light rail. The study must account for previous and ongoing efforts by transit agencies and the department. The study will emphasize collaboration with a diverse community of interests, including but not limited to transit, business, public agencies, tribes, and providers and users of transportation who because of age, income, or ability may face barriers and challenges.

(c) The study is due to the governor and transportation committees of the legislature by September 1, 2024.

(5) \$400,000 of the multimodal transportation account—state appropriation is provided solely for the city of Seattle's office of planning and community development to support an equitable development initiative to reconnect the South Park neighborhood, currently divided by state route number 99.

(a) The support work must include:

(i) A public engagement and visioning process led by a neighborhood-based, community organization; and

(ii) A feasibility study of decommissioning state route number 99 in the South Park neighborhood to include, but not be limited to, traffic studies, environmental impact analysis, and development of alternatives, including the transfer of the land to a neighborhood-led community land trust.

(b) The support work must be conducted in coordination and partnership with neighborhood residents, neighborhood industrial and commercial representatives, the state department of transportation, and other entities and neighborhoods potentially impacted by changes to the operation of state route number 99.

(c) The city must provide a report on the plan that includes recommendations to the Seattle city council, state department of transportation, and the transportation committees of the legislature by December 1, 2024.

(6) \$2,557,000 of the motor vehicle account—state appropriation is provided solely for the department to upgrade the department's linear referencing system (LRS) and highway performance monitoring system (HPMS), and is subject to the conditions, limitations, and review requirements in section 701 of this act.

(7) \$306,000 of the multimodal transportation account—state appropriation is provided solely for the department to appoint or designate a liaison to serve as a point of contact and resource for the department, local governments, and project proponents regarding land use decisions and processing development permit applications. The liaison must, as a priority, facilitate and expedite any department decisions required for project approval.

(8) \$627,000 of the motor vehicle account—federal appropriation is provided solely for remaining work on the "Forward Drive" road usage charge research project overseen by the transportation commission using the remaining amounts of the federal grant award. The remaining work of this project includes:

(a) Analysis of road usage charge simulation and participant surveys;

(b) Follow up on road usage charge experiences related to payment installments, mileage exemptions, and vehicle-based mileage reporting;

(c) Completion of technology research; and

(d) Development of the final "Forward Drive" research program report.

(9) (a) \$11,922,000 of the move ahead WA flexible account—federal appropriation is provided solely for an Interstate 5 planning and environmental linkage study and a statewide Interstate 5 master plan, building upon existing work under way in the corridor. It is the intent of the legislature to provide a total of \$40,000,000 for this work by 2029.

(b) The work under (a) of this subsection must include, but is not limited to, the following:

(i) Seismic resiliency planning to refine the level of effort and develop informed cost estimates for the seismic vulnerability analysis;

(ii) HOV lane system-wide performance planning and initial steps to launch a pilot project that progresses innovative and emerging technologies;

(iii) Interstate 5 corridor planning work, including development of a framework, coordination of corridor needs, development of core evaluation criteria and a prioritization process, and identification of early action priority projects that address safety or resiliency, or both, along the corridor; and

(iv) A report to the transportation committees of the legislature by December 1, 2024, with recommendations for future phases and a detailed funding request for work planned through 2029.

(c) Of the amounts provided in this subsection, \$300,000 is provided solely for the department to conduct a Seattle Interstate 5 ramp reconfiguration study. The study must be conducted in coordination and partnership with the city of Seattle's department of transportation, informed by the input of Interstate 5 lid stakeholders, and coordinated with work under (a) and (b) of this subsection. The department must provide a study report, including recommendations, to the city of Seattle's department of transportation and the transportation committees of the legislature by December 1, 2024. The study must include an analysis of:

(i) Options and opportunities to reconfigure, relocate, or remove Interstate 5 ramps within and between Chinatown-International District and the University District for the purpose of improving through-traffic operations, enhancing multimodal transportation safety, and

enabling more efficient air rights development;

(ii) Potential mitigation needs and cost estimates of ramp changes and demolitions;

(iii) Benefits of ramp changes and demolitions to pedestrian and bicycle travel, transit operations, and future lid design;

(iv) Ramps for the mainline, collector-distributor lanes and express lanes including, at a minimum, ramps connecting to and from James Street, Cherry Street, 6th Avenue, Madison Street, Seneca Street, Spring Street, University Street, Union Street, Olive Way, Yale Avenue, NE 45th Street, and NE 50th Street;

(v) Removal of the existing ramps at Seneca Street, Spring Street, and University Street; and

(vi) Removal and consolidation options of the existing NE 45th Street and NE 50th Street ramps.

(d) The department shall work with the emergency management division of the military department to identify strategic transportation corridors, opportunities to improve resilience and reinforce the corridors against natural disasters, and opportunities to secure federal funding for investments in the resilience of the transportation network. The department shall provide a report to the transportation committees of the legislature by December 1, 2023, on:

(i) Strategic transportation corridors and opportunities to improve their resilience;

(ii) Federal funding opportunities the state should pursue; and

(iii) Recommendations for actions to maximize federal funding for the state of Washington.

(10) The department shall continue to coordinate planning work focused on the transportation system in western Washington across modes with the goal of maximizing system performance toward the policy goals in RCW 47.04.280 in the most cost-effective manner. This coordination must include, but is not limited to: The Interstate 5 highway corridor, existing rail infrastructure and future high-speed rail alignment, and commercial aviation capacity. The department must report to the joint transportation committee through existing reporting mechanisms on the status of these planning efforts including, but not limited to, a long-term strategy for addressing resilience of the transportation system in western Washington through consideration of changing demand, modal integration, and preservation needs. The coordinated work must include an analysis of different alternatives to promote system resilience, including performance and cost of each scenario.

(11) \$200,000 of the motor vehicle account—state appropriation is provided solely for planning and intersection improvements along state route number 904 and improvements to the local network that would feed intersections with state route number 904. This work must include, but is not limited to, the Medical Lake/Four Lakes Road/West 3rd Ave intersection and feeding local network. The department must

collaborate with Spokane county and the city of Cheney on this work and other improvement ideas along the corridor.

(12) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for a comprehensive analysis of the state and local transportation network in the US 12/A Street/Tank Farm Road/Sacajawea Road/Lewis Street Interchange vicinity to identify long-term, practical, and multimodal solutions that maximize the use of the existing transportation system and reduce the risk of crashes in the corridor.

(13) \$3,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the department, in coordination with the department's HEAL act team and environmental services office, to develop and implement a community outreach, education, and technical assistance program for overburdened communities and their community partners in order to develop community-centered carbon reduction strategies to make meaningful impacts in a community, and to provide assistance in gaining access to available funding to implement these strategies, where applicable. The department may provide appropriate compensation to members of overburdened communities who provide solicited community participation and input needed by the department to implement and administer the program established in this subsection. By June 1, 2024, and by June 1, 2025, the department must submit a report to the transportation committees of the legislature and to the governor that provides an update on the department's community outreach, education, and technical assistance program development and implementation efforts.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U**

Aeronautics Account—State Appropriation.	
\$1,000	
Transportation Partnership Account—State Appropriation. . . . .	\$29,000
Motor Vehicle Account—State Appropriation.	
\$105,197,000	
Puget Sound Ferry Operations Account—State Appropriation. . . . .	\$244,000
State Route Number 520 Corridor Account—State Appropriation. . . . .	\$69,000
Connecting Washington Account—State Appropriation. . . . .	\$233,000
Multimodal Transportation Account—State Appropriation. . . . .	\$5,585,000
Tacoma Narrows Toll Bridge Account—State Appropriation. . . . .	\$43,000
Alaskan Way Viaduct Replacement Project Account—	
State Appropriation. . . . .	\$38,000
Interstate 405 and State Route Number 167 Express	
Toll Lanes Account—State Appropriation.	
\$40,000	
<b>TOTAL APPROPRIATION.....</b>	<b>\$111,479,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Consistent with existing protocol and practices, for any negotiated settlement of a claim against the state for the department that exceeds \$5,000,000, the department, in conjunction with the attorney general and the department of enterprise services, shall notify the director of the office of financial management and the transportation committees of the legislature.

(2) On August 1, 2023, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the Washington state ferry system to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; (c) defense costs associated with those claims and settlements; and (d) information on the impacts of moving legal costs associated with the Washington state ferry system into the statewide self-insurance pool.

(3) On August 1, 2023, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

(4) When the department identifies significant legal issues that have potential transportation budget implications, the department must initiate a briefing for appropriate legislative members or staff through the office of the attorney general and its legislative briefing protocol.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V**

Carbon Emissions Reduction Account—State Appropriation. . . . .	\$500,000
Climate Transit Programs Account—State Appropriation. . . . .	\$406,287,000
State Vehicle Parking Account—State Appropriation. . . . .	\$784,000
Regional Mobility Grant Program Account—State Appropriation. . . . .	\$115,060,000
Rural Mobility Grant Program Account—State Appropriation. . . . .	\$32,774,000
Multimodal Transportation Account—State Appropriation. . . . .	\$118,255,000
Multimodal Transportation Account—Federal Appropriation. . . . .	\$4,374,000
Multimodal Transportation Account—Private/Local Appropriation. . . . .	\$100,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$678,134,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$64,354,000 of the multimodal transportation account—state appropriation and \$78,100,000 of the climate transit programs account—state appropriation are provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$14,420,000 of the multimodal transportation account—state appropriation and \$17,963,000 of the climate transit programs account—state appropriation are provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$48,278,000 of the multimodal transportation account—state appropriation and \$60,137,000 of the climate transit programs account—state appropriation are provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2021 as reported in the "2021 Summary of Public Transportation" published by the department of transportation. No transit agency may receive more than 30 percent of these distributions. Fuel type may not be a factor in the grant selection process.

(c) \$1,656,000 of the multimodal transportation account—state appropriation is provided solely for the reappropriation of amounts provided for this purpose in the 2021-2023 fiscal biennium.

(2) \$32,774,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100. Fuel type may not be a factor in the grant selection process.

(3) \$11,382,000 of the multimodal transportation account—state appropriation is provided solely for a public transit rideshare grant program for: (a) Public transit agencies to add or replace rideshare vehicles; and (b) incentives and outreach to increase rideshare use. The grant program for public transit agencies may cover capital costs only, and costs for operating vanpools at public transit agencies are not eligible for funding under this grant program. Awards from the grant program must not be used to supplant transit funds currently funding ride share programs, or to hire additional employees. Fuel type may not be a factor in the grant selection process. Of the amounts provided in this subsection, \$1,092,000 is for the reappropriation of amounts provided for this purpose in the 2021-2023 fiscal biennium.

(4) \$37,382,000 of the regional mobility grant program account—state appropriation is

reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Public Transportation Program (V).

(5) (a) \$77,679,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2023, and December 15, 2024, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than 25 percent of the amount appropriated in this subsection unless all other funding is awarded. Additionally, when allocating funding for the 2023-2025 fiscal biennium, no more than 30 percent of the total grant program may directly benefit or support one grantee unless all other funding is awarded. Fuel type may not be a factor in the grant selection process.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2023-2025 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(c) \$1,500,000 of the amount appropriated in this subsection is provided solely for a contingency fund to assist current regional mobility grantees with cost escalations and overages. The department shall create a system for grantees to request funds, and set a cap of contingency funds per grantee

to ensure an equitable distribution among requesters.

(d) During the 2023-2025 fiscal biennium, the department shall consider applications submitted by regional transportation planning organizations and metropolitan planning organizations for the regional mobility grant program funding in the 2025-2027 fiscal biennium.

(6) \$6,195,000 of the multimodal transportation account—state appropriation, \$3,300,000 of the climate transit programs account—state appropriation, and \$784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Fuel type may not be a factor in the grant selection process. Of this amount, \$495,000 of the multimodal transportation account—state appropriation is reappropriated and provided solely for continuation of previously approved projects under the first mile/last mile connections grant program.

(7) \$11,914,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023. It is the intent of the legislature that entities identified to receive funding in the LEAP transportation document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP transportation document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(8) The department shall not require more than a 10 percent match from nonprofit transportation providers for state grants.

(9) \$12,000,000 of the multimodal transportation account—state appropriation and \$39,400,000 of the climate transit programs account—state appropriation are provided solely for the green transportation capital projects identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Public Transportation Program (V). Of the amount of climate transit program account funds appropriated in this subsection, up to one percent may be used for program administration and staffing.

(10) \$4,407,000 of the multimodal transportation account—state appropriation is reappropriated and provided solely for the green transportation capital grant projects identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Public Transportation Program (V).

(11) \$10,000,000 of the climate transit programs account—state appropriation is provided solely for tribal transit grants. Up to one percent of the amount provided in this subsection may be used for program administration and staffing.

(a) The department must establish a tribal transit competitive grant program to be administered as part of the department's consolidated grant program. Grants to

federally recognized tribes may be for any transit purpose, including planning, operating costs, maintenance, and capital costs. The department shall report to the transportation committees of the legislature and the office of financial management with a list of projects recommended for funding by September 1, 2023, along with recommendations on how to remove barriers for tribes to access grant funds, including removal of grant match requirements, and recommendations for how the department can provide technical assistance.

(b) Within the amount provided in this subsection, \$5,038,000 is provided solely for move ahead Washington tribal transit grant projects as listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023. Of this amount, \$529,000 is for the Sauk-Suiattle Commuter project (L1000318).

(12) \$188,900,000 of the climate transit programs account—state appropriation is provided solely for transit support grants for public transit agencies that have adopted a zero-fare policy for youth 18 years of age and under by October 1, 2022. The department must confirm zero-fare policies are in effect at transit agencies to be eligible for biennial distributions.

(13) \$38,000,000 of the climate transit programs account—state appropriation is provided solely for the bus and bus facility grant program for replacement, rehabilitation, and purchase of transit rolling stock, or construction, modification, or rehabilitation of transit facilities.

(14) \$2,000,000 of the climate transit programs account—state appropriation is provided solely for newly selected transit coordination grants. The department shall prioritize grant proposals that promote the formation of joint partnerships between transit agencies or merge service delivery across entities.

(15) \$46,587,000 of the climate transit programs account—state appropriation is provided solely for move ahead Washington transit projects as listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Move Ahead WA - Transit Projects.

(a) For projects funded as part of this subsection, if the department expects to have substantial reappropriations for the 2023-2025 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that is unable to be used within the 2023-2025 fiscal biennium to advance one or more of the projects listed, prioritizing projects first by tier then by project readiness.

(b) In instances when projects listed in the LEAP transportation document referenced in this subsection (15) are no longer viable or have been completed, the department may recommend in its next budget submittal alternative project proposals from the local jurisdictions if the project is similar in type and scope and consistent with limitations on certain funds provided. In the event that the listed project has been completed, the local jurisdictions may, rather than submitting an alternative

project, be reimbursed in the year in which it was scheduled for documented costs incurred implementing the listed project, not in excess of the amount awarded from the funding program.

(c) At least 10 business days before advancing or swapping a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2023-2025 fiscal biennium.

(16) \$580,000 of the multimodal transportation account—state appropriation is provided solely for the department to provide a statewide vanpool benefit for all state employees. For department employees working in remote job sites, such as mountain passes, the department must ensure employees are able to access job sites via a subsidized vanpool or provide a modal alternative for the "last mile" to ensure employees can access the job site without additional charge.

(17) \$200,000 of the multimodal transportation account—state appropriation is provided solely for the department to update the 2019 feasibility study to add a fifth travel Washington intercity bus line in the Yakima Valley. The department must provide a summary report of the updated feasibility and cost estimates to the transportation committees of the legislature by December 1, 2024.

(18) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(19) \$555,000 of the multimodal transportation account—state appropriation and \$500,000 of the carbon emissions reduction account—state appropriation are provided solely for an interagency transfer to the Washington State University extension energy program to administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles. The Washington State University extension energy program shall prepare a report regarding the utilization of the program and submit this report to the transportation committees of the legislature by November 15, 2023.

(20) (a) \$400,000 of the multimodal transportation account—state appropriation is provided solely for King county metro to develop a pilot program to place teams, including human services personnel, along routes that are enduring significant public safety issues and various disruptive behavior in south King county. The team would be available to deescalate disruptions, provide immediate access to transit resources, and refer customers to community resources to break cycles of inappropriate behavior. The teams must consist of individuals trained in deescalation and outreach. Team functions



and duties should be cocreated with community stakeholders.

(b) King county metro must provide a report to the transportation committees of the legislature by June 30, 2024, regarding the effectiveness of the program, any suggestions for improving its efficacy, and any modifications that might be necessary for other transit providers to institute similar programs.

(21) \$500,000 of the multimodal transportation account—state appropriation is provided solely for planning to move Grays Harbor transit operation and administration facilities from the current location.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X**

Puget Sound Ferry Operations Account—State	
Appropriation. . . . .	\$575,986,000
Puget Sound Ferry Operations Account—Federal	
Appropriation. . . . .	\$163,791,000
Puget Sound Ferry Operations Account—	
Private/Local	
Appropriation. . . . .	\$121,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$739,898,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2023-2025 supplemental and 2025-2027 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs. The data in the tables in the report must be supplied in a digital file format.

(2) \$90,014,000 of the Puget Sound ferry operations account—federal appropriation and \$50,067,000 of the Puget Sound ferry operations account—state appropriation are provided solely for auto ferry vessel operating fuel in the 2023-2025 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 of this act. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(3) \$500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(4) The department must work to increase its outreach and recruitment of populations underrepresented in maritime careers and continue working to expand apprenticeship and internship programs, with an emphasis on

programs that are shown to improve recruitment for positions with the state ferry system.

(5) \$175,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the department to continue a study of passenger demographics. The study may be included as part of a larger origin and destination study. The department shall report study results to the transportation committees of the legislature by December 1, 2023.

(6) The department shall continue to oversee a consultant study to identify and recommend cost-effective strategies to maximize walk-on passenger ridership of the Anacortes - San Juan ferry routes. The study is due to the transportation committees of the legislature by December 1, 2023.

(7) \$11,842,000 of the Puget Sound ferry operations account—state appropriation is provided solely for Washington state ferries to:

(a) Provide scholarships, coursework fees, and stipends for candidates to become licensed deck officers (mates);

(b) Improve the process for unlicensed candidates who have achieved able-bodied sailor (AB) status to earn their mate's license;

(c) Annually hire, orient, train, and develop entry level engine room staff at the wiper classification with the intention of successfully promoting to oiler classification;

(d) Create an operations project management office; and

(e) Increase human resources capacity and add a workforce ombuds.

(8)(a) During negotiations of the 2025-2027 collective bargaining agreements, the department must conduct a review and analysis of the collective bargaining agreements governing state ferry employees, to identify provisions that create barriers for, or contribute to creating a disparate impact on, newly hired ferry employees, including those who are women, people of color, veterans, and other employees belonging to communities that have historically been underrepresented in the workforce. The review and analysis must incorporate, to the extent practicable, the findings and recommendations from the December 2022 joint transportation committee study on Washington state ferries' workforce, and must also include, but not be limited to, provisions regarding seniority, work assignments, and work shifts. The review and analysis must also include consultation with the governor's office of labor relations, the governor's office of equity, and the attorney general's office.

(b) For future negotiations or modifications of the collective bargaining agreements, it is the intent of the legislature that the collective bargaining representatives for the state and ferry employee organizations may consider the findings of the review and analysis required in (a) of this subsection and negotiate in a manner to remove identified barriers and address identified impacts so as not to perpetuate negative impacts.

(9) \$1,500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the restoration of service to Sidney, British Columbia. Funds must be held in unallotted status pending completion of the assessment referenced in subsection (12) of this section.

(10) \$1,504,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5550), Laws of 2023 (state ferry workforce development issues). If chapter . . . (Senate Bill No. 5550), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(11) \$1,000,000 of the Puget Sound ferry operations account—state appropriation is provided solely for support of the Kitsap transit passenger ferry to supplement service on the Seattle-Bremerton route.

(12) \$100,000 of the Puget Sound ferry operations account—state appropriation is provided solely to assess temporary service restoration options for the Sidney, British Columbia route until Washington state ferries can resume its service. Washington state ferries must provide service options and recommendations to the office of financial management and the transportation committees of the legislature by December 15, 2023.

(13) \$2,100,000 of the Puget Sound ferry operations account—state appropriation is provided solely for security services at Colman Dock.

(14) \$9,000,000 of the Puget Sound ferry operations account—state appropriation is provided solely for overtime and familiarization expenses incurred by engine, deck, and terminal staff. The department must provide updated staffing cost estimates for fiscal years 2024 and 2025 with its annual budget submittal and updated estimates by January 1, 2024.

(15) \$1,064,000 of the Puget Sound ferry operations account—state appropriation is provided solely for traffic control at ferry terminals at Seattle, Fauntleroy, Kingston, Edmonds, Mukilteo, and Bainbridge Island, during peak ferry travel times, with a particular focus on Sundays and holiday weekends.

(16) \$93,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the Washington state ferries to secure housing for workforce training sessions and to pay in advance for the costs of transportation worker identification credentials, merchant mariner credentials, and medical examinations for incoming ferry system employees and trainees.

(17) \$10,417,000 of the Puget Sound ferry operations account—state appropriation is provided solely for vessel maintenance initiatives to:

(a) Add a second shift at the Eagle Harbor maintenance facility;

(b) Establish maintenance management project controls to maximize vessel maintenance work at the Eagle Harbor facility;

(c) Expand the existing Washington state ferries Eagle Harbor apprenticeship program from two to eight apprentices; and

(d) Maintain assets in a state of good repair by investing in enterprise asset management operating capacity.

(18)(a) \$855,000 of the Puget Sound ferry operations account—state appropriation is provided solely for Washington state ferries to provide to Seattle Central Community College for a pilot with the Seattle Maritime Academy for the 2023-2025 fiscal biennium. Funding may not be expended until Washington state ferries certifies to the office of financial management that a memorandum of agreement with Seattle Central Community College has been executed, and the office of financial management determines that funds provided in this subsection are utilized for programs that are a benefit to the Washington state ferries or the prospective workforce pipeline of the Washington state ferries. The memorandum of agreement with Seattle Central Community College must address:

(i) Prioritized use of training and other facilities and implementation of joint training opportunities for Washington state ferries' employees and trainees;

(ii) Development of a joint recruitment plan with Seattle Central Community College aimed at increasing enrollment of women and people of color, with specific strategies to recruit existing community and technical college students, maritime skills center students, high school students from maritime programs, including maritime skills center students, foster care graduates, and former juvenile rehabilitation and adult incarcerated individuals; and

(iii) Consultation between the parties on the development of the training program, recruitment plan and operational plan, with an emphasis on increasing enrollment of women and people of color.

(b) The joint training and recruitment plan must be submitted to the appropriate policy and fiscal committees of the legislature by December 1, 2023. The Washington state ferries must submit findings of program effectiveness and recommendations for continuation of the pilot, to the appropriate committees of the legislature by December 1, 2024.

(19) \$420,000 of the Puget Sound ferry operations account appropriation—state is provided solely for a contract with an organization with experience evaluating and developing recommendations for the Washington state ferries' workforce to provide expertise on short-term strategies including, but not limited to, addressing recruitment, retention, diversity, training needs, leadership development, and succession planning. The consultant shall provide additional assistance as deemed necessary by the Washington state ferries to implement recommendations from the joint transportation committee 2022 workforce study. Periodic updates must be given to the joint transportation committee and the governor.

(20) By December 31st of each year, as part of the annual ferries division performance report, the department must

report on the status of efforts to increase the staff available for maintaining the customary level of ferry service, including staff for deck, engine, and terminals. The report must include data for a 12-month period up to the most recent data available, by staff group, showing the number of employees at the beginning of the 12-month period, the number of new employees hired, the number of employees separating from service, and the number of employees at the end of the 12-month period. The department report on additional performance measures must include:

(a) Numbers of trip cancellations due to crew availability or vessel mechanical issues; and

(b) Current level of service compared to the full-service schedules in effect in 2019.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING**

Carbon Emissions Reduction Account—State	
Appropriation. . . . .	\$2,250,000
Multimodal Transportation Account—State	
Appropriation. . . . .	\$90,565,000
Multimodal Transportation Account—Private/Local	
Appropriation. . . . .	\$46,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$92,861,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue to pursue restoring Amtrak Cascades service to pre-COVID service levels, and to the service levels committed to through the department's obligation of funding from the federal American recovery and reinvestment act. A status report must be provided to the transportation committees of the legislature and the office of financial management by September 1, 2023.

(2) (a) \$2,250,000 of the multimodal transportation account—state appropriation is provided solely for the continued coordination, engagement, and planning for a new ultra high-speed ground transportation corridor with participation from Washington state, Oregon state, and British Columbia, and is a reappropriation of funds appropriated in the 2021-2023 fiscal biennium. For purposes of this subsection, "ultra high-speed" means a maximum testing speed of at least 250 miles per hour. These efforts are to support and advance activities and must abide by the memorandum of understanding signed by the governors of Washington and Oregon states, and the premier of the province of British Columbia in November 2021. The department shall establish a policy committee with participation from Washington state, Oregon state, and British Columbia, including representation from the two largest caucuses of each chamber of the Washington state legislature, and coordinate the activities of the policy committee to include:

(i) Developing an organizational framework that facilitates input in decision-making from all parties;

(ii) Developing a public engagement approach with a focus on equity, inclusion, and meaningful engagement with communities, businesses, federal, state, provincial, and local governments including indigenous communities;

(iii) Developing and leading a collaborative approach to prepare and apply for potential future federal, state, and provincial funding opportunities, including development of strategies for incorporating private sector participation and private sector contributions to funding, including through the possible use of public-private partnerships;

(iv) Beginning work on scenario analysis addressing advanced transportation technologies, land use and growth assumptions, and an agreed to and defined corridor vision statement; and

(v) Developing a recommendation on the structure and membership of a formal coordinating entity that will be responsible for advancing the project through the project initiation stage to project development and recommended next steps for establishment of the coordinating entity. Project development processes must include consideration of negative and positive impacts on communities of color, low-income households, indigenous peoples, and other disadvantaged communities.

(b) By June 30, 2024, the department shall provide to the governor and the transportation committees of the legislature a high-level status update that includes, but is not limited to, the status of the items included in (a)(i) through (v) of this subsection.

(c) By June 30, 2025, the department shall provide to the governor and the transportation committees of the legislature a report detailing the work conducted by the policy committee and recommendations for establishing a coordinating entity. The report must also include an assessment of current activities and results relating to stakeholder engagement, planning, and any federal funding application. As applicable, the assessment should also be sent to the executive and legislative branches of government in Oregon state and appropriate government bodies in the province of British Columbia.

(3) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(4) \$1,800,000 of the multimodal transportation account—state appropriation is provided solely for the department to pursue federal grant opportunities to develop and implement a technology-based truck parking availability system along the Interstate 5 Corridor in partnership with Oregon state and California state to maximize utilization of existing truck parking capacity and deliver real-time parking availability information to truck drivers. The department may use a portion of the appropriation in this subsection for

grant proposal development and as state match funding for technology-based truck parking availability system federal grant applications. The department must update the transportation committees of the legislature on agency activities and their status by December 1, 2023, and to provide a final report to the transportation committees of the legislature by December 1, 2024.

(5) \$5,950,000 of the multimodal transportation account—state appropriation is provided solely for implementation of truck parking improvements recommended by the freight mobility strategic investment board in consultation with the department under section 206(4) of this act. The office of financial management must place this amount in unallotted status.

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS —PROGRAM Z—OPERATING**

Motor Vehicle Account—State Appropriation.	
\$13,569,000	
Motor Vehicle Account—Federal Appropriation	
.....	\$2,567,000
Multituse Roadway Safety Account—State	
Appropriation. ....	\$1,230,000
Multimodal Transportation Account—State	
Appropriation. ....	\$1,450,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$18,816,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the motor vehicle account —state appropriation is provided solely for development, administration, program management, and evaluation of the federal fund exchange pilot program.

(2) \$1,063,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

(a) Contract with the department of fish and wildlife to identify, inventory, and prioritize county-owned fish passage barriers;

(b) Continue streamlining and updating the county road administration board's data dashboard, to provide a more detailed, more transparent, and user-friendly platform for data management, reporting, and research by the public and other interested parties;

(c) Commission a study to develop guidance for county public works departments conducting environmental justice assessments in their communities and recommend best practices for community engagement plans to address environmental health disparities for identified overburdened communities;

(d) Contract for a study to identify best practices within public works for the recruitment and retention of employees, including: Recommendations for improving outreach and recruitment to underrepresented populations, methods to partner with local community colleges and universities, methods to expand apprenticeship and internship programs, strategies to increase training and development opportunities, and recommendations for career advancement

programs and better work-life balance outcomes;

(e) Update the 2020 county transportation revenue study; and

(f) By December 15, 2024, report to the office of financial management and the appropriate committees of the legislature the deliverables from and the amounts expended on the purposes enumerated in this subsection.

(3) The department shall examine the feasibility of creating a new departmental program for active transportation. By December 1, 2023, the department shall report findings and recommendations to the transportation committees of the legislature and the office of financial management, including, but not limited to:

(a) Estimated cost, new staffing needs, and time frame to establish the program;

(b) A proposed budget structure, and whether both operating and capital components should be established; and

(c) Identification of staff, capital projects, and other resources that would need to transfer from other existing programs.

(4) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(5)(a) \$200,000 of the multimodal transportation account—state appropriation is provided solely for the department to develop the preliminary phase of an action plan for the establishment of cycle highways in locations that connect population centers and support mode shift.

(b) The action plan may complement and incorporate existing resources, including the state trails database maintained by the recreation and conservation office, local and regional plans, and the state active transportation plan.

(c) The action plan may also include, but is not limited to:

(i) Recommended design; geometric and operational criteria and typologies appropriate to urban, suburban, and rural settings; settings that include shared use; and incremental approaches to achieve desired facility types;

(ii) A model or methodology to project potential demand and carrying capacity based on facility quality, level of traffic stress, location, directness, land use, and other key attributes;

(iii) Examination of the feasibility of developing high-capacity infrastructure for bicycle and micromobility device use within a variety of contexts and recommendations for pilot projects;

(iv) Identification of key gaps in regional networks, including planned and aspirational routes and locations within three miles of high-capacity transit or existing shared-use paths and trails suitable for transportation;

(v) Identification of legal, regulatory, financial, collaboration, and practical barriers to development and community

acceptance and support of such facilities; and

(vi) Recommended strategies to consider and address issues to avoid unintended consequences such as displacement, and to ensure equity in long-term development of such facilities.

(d) The department must provide a report with its initial findings, and recommendations for next steps, to the transportation committees of the legislature by June 30, 2025.

(6) \$140,000 of the motor vehicle account—state appropriation is provided solely for the Pierce county ferry to eliminate fares for passengers 18 years of age and younger.

(7) \$750,000 of the multimodal transportation account—state appropriation is provided solely for a grant program to support local initiatives that expand or establish civilian intervention programs for nonmoving violations, focusing on nonpunitive interventions such as helmet voucher programs, fee offset programs, fix-it tickets, and repair vouchers that provide solutions for vehicle equipment failures for low-income road users.

(a) Grants must be awarded to local jurisdictions based on locally developed proposals to establish or expand existing programs, including programs with community led organizations. Eligible jurisdictions under the grant program include cities, counties, tribal government entities, tribal organizations, law enforcement agencies, or nonprofit organizations.

(b) The department shall report on its website by December 1st of each year on the recipients, locations, and types of projects funded under this subsection.

(8) \$146,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed House Bill No. 1782), Laws of 2023 (Wahkiakum ferry). If chapter . . . (Engrossed House Bill No. 1782), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION—VACANCY-RELATED TRANSFER AUTHORITY**

(1) The appropriations to the department of transportation must be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of transportation must initially be allotted as required under this act. Subsequent allotment modifications may not include transfers of appropriation authority between sections of this act except as expressly provided in this act. Allotment modifications may not permit moneys that are provided solely for a specified purpose to be used for another purpose. However, between October 1, 2023, and March 1, 2024, subject to subsection (2) (a) of this section, the department of transportation may transfer state appropriation authority for the 2023-2025 fiscal biennium among operating programs after approval by the director of the office of financial management.

(2)(a) To ensure that staffing vacancy savings assumed in this act do not impair

the ability of each individual program to fill authorized staffing positions, maintain operational capacity, and provide anticipated service delivery levels, the department of transportation may, after approval by the director of the office of financial management: (i) Transfer state motor vehicle account and multimodal transportation account appropriation authority among operating programs, up to the amount of the assumed vacancy savings in each program receiving the transfer; and (ii) make associated staffing-related allotment modifications associated with expenditures for fiscal year 2024. However, transfers authorized in this section may not include the toll operations and maintenance program (program B) or the marine operations program (program X) appropriation authority or allotments, and transfers may only be made within each specific fund source. The department may not transfer appropriation authority, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds.

(b) The director of the office of financial management shall notify in writing the transportation committees of the legislature seven days before approving any allotment modifications or transfers under this section. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by programs and appropriation, both before and after any allotment modifications or transfers.

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION—CLEAN FUELS CREDIT PROGRAM**

The department of transportation, with the assistance of designated staff in the department, must register for the clean fuels credit program and start tracking revenue generation pursuant to chapter 70A.535 RCW for investments funded in an omnibus transportation appropriations act. The omnibus transportation appropriations act anticipates credits for ferry electrification for new hybrid electric vessels, active transportation, transit programs and projects, alternative fuel infrastructure, connecting communities, and multimodal investments.

(End of part)

**TRANSPORTATION AGENCIES—CAPITAL**

**NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account—State Appropriation. . . . . \$7,700,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$7,700,000 of the state patrol highway account—state appropriation is provided solely for the following projects:

(a) \$250,000 is for emergency repairs;

(b) \$2,000,000 is for roof replacements;  
 (c) \$350,000 is for fuel tank decommissioning;  
 (d) \$500,000 is for generator and electrical replacement;  
 (e) \$500,000 is for the exterior envelope of the Yakima office;  
 (f) \$2,000,000 is for energy efficiency projects;  
 (g) \$1,000,000 is for pavement surface improvements;  
 (h) \$300,000 is for fire alarm panel replacement;  
 (i) \$200,000 is for an academy master plan. As part of the academy master plan, the Washington state patrol must review and provide an analysis on the potential to colocate some training programs with other state agencies, including the department of corrections, the department fish and wildlife, the liquor and cannabis board, and the criminal justice training commission. The Washington state patrol must consult with the other state agencies to determine where cost efficiencies and mutually beneficial shared arrangements for training delivery could occur. The funding for this academy master plan is not a commitment to fund any components related to the expansion of the academy in the future;  
 (j) \$500,000 reappropriation is for the Tacoma district office generator replacement project; and  
 (k) \$100,000 reappropriation is for the energy improvement project at the SeaTac northbound facility.  
 (2) The Washington state patrol may transfer funds between projects specified in subsection (1) of this section to address cash flow requirements.  
 (3) If a project specified in subsection (1) of this section is completed for less than the amount provided, the remainder may be transferred to another project specified in subsection (1) of this section not to exceed the total appropriation provided in subsection (1) of this section after notifying the office of financial management and the transportation committees of the legislature 20 days before any transfer.  
 (4) By December 1, 2023, the Washington state patrol shall provide a report to the transportation committees of the legislature detailing utility incentives that will reduce the cost of heating, ventilating, and air conditioning systems funded in this section.  
 (5) By December 1, 2023, the Washington state patrol shall provide its capital improvement and preservation plan for agency facilities to the appropriate committees of the legislature.

**NEW SECTION. Sec. 302. FOR THE COUNTY ROAD ADMINISTRATION BOARD**  
 Move Ahead WA Account—State Appropriation. \$9,333,000  
 Rural Arterial Trust Account—State Appropriation. . . . . \$58,000,000  
 Motor Vehicle Account—State Appropriation. \$2,456,000  
 County Arterial Preservation Account—State Appropriation. . . . . \$35,500,000  
**TOTAL APPROPRIATION. . . . . \$105,289,000**

**NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD**  
 Small City Pavement and Sidewalk Account—State  
 Appropriation. . . . . \$3,975,000  
 Transportation Improvement Account—State  
 Appropriation. . . . . \$240,000,000  
 Complete Streets Grant Program Account—State  
 Appropriation. . . . . \$14,670,000  
 Move Ahead WA Account—State Appropriation. \$9,333,000  
 Climate Active Transportation Account—State  
 Appropriation. . . . . \$19,067,000  
**TOTAL APPROPRIATION. . . . . \$287,045,000**

**NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL**  
 Motor Vehicle Account—State Appropriation. \$29,173,000  
 Move Ahead WA Account—State Appropriation. \$12,011,000  
 Multimodal Transportation Account—State  
 Appropriation. . . . . \$1,200,000  
**TOTAL APPROPRIATION. . . . . \$42,384,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,025,000 of the motor vehicle account—state appropriation is provided solely for payments of a financing contract issued pursuant to chapter 39.94 RCW for the department facility located at 15700 Dayton Ave N in Shoreline. All payments from the department of ecology pursuant to the agreement with the department to pay a share of the financing contract for this facility must be deposited into the motor vehicle account.

(2)(a) \$10,011,000 of the move ahead WA account—state appropriation is provided solely for the department to improve its ability to keep facility assets in a state of good repair. In using the funds appropriated in this subsection, the department, with periodic reporting to the joint transportation committee, must develop and implement a prioritization of facility capital preservation needs and repair projects. The legislature intends these to be reasonable, forward-thinking investments that consider potential future space efficiency measures and consolidations, including those assessed as having high commercial value and potential returns to state transportation funds associated with the sale of the property. Prioritization must be based on, but not limited to, the following criteria: (i) Employee safety and facility security; (ii) state and federal regulatory and statutory requirements and compliance issues, including clean buildings requirements; (iii) quality of work issues; (iv) facility condition assessment evaluations and scoring; (v) asset preservation; and (vi) amount of operational support provided by the facility to the achievement of the department's performance measures and outcomes, including facility utilization based on field operations work supported at the location. "Field operations" include maintenance,

transportation operations, materials testing, and construction.

(b) By October 15, 2024, covering the first 15 months of the 2023-2025 fiscal biennium, the department must provide a report based on the prioritization of facility preservation needs and repair projects developed pursuant to (a) of this subsection to the office of financial management and the transportation committees of the legislature. The report must include: (i) A by facility ranking based on the criteria implemented; (ii) detailed information on the actions taken in the previous period to address the identified issues and deficiencies; and (iii) the plan, by facility, to address issues and deficiencies for the remainder of the 2023-2025 fiscal biennium and the 2025-2027 fiscal biennium.

(c) The by facility ranking developed under (b) of this subsection must be the basis of an agency budget submittal for the 2025-2027 fiscal biennium.

(3) (a) \$1,200,000 of the multimodal transportation account—state appropriation is provided solely for the department to evaluate safety rest areas along Interstate 5 and Interstate 90 for potential truck parking expansion opportunities. The department shall also evaluate commercial vehicle inspection locations, in coordination with the Washington state patrol, for potential truck parking expansion opportunities.

(b) These evaluations must include assessments of opportunities to provide additional truck parking through rest stop and inspection location reconfiguration, expansion, and conversion, as well as evaluation of potential improvements to restroom facilities at weigh stations with truck parking. The department shall consider opportunities to expand rest stop footprints onto additional department-owned property, as well as opportunities to acquire property for rest stop expansion. Opportunities to convert a rest stop to a commercial vehicle-only rest stop must be considered if property is available to develop a new light-duty vehicle rest stop within a reasonable distance. The department shall include an evaluation of a potential truck parking site at John Hill Rest Area along the Interstate 90 corridor identified in the joint transportation committee's "Truck Parking Action Plan." Evaluations must include cost estimates for reconfiguration, expansion, and conversion, as well as other recommendations for the development of these sites.

(c) The department should consult with the federal highway administration, the Washington state patrol, the Washington trucking association, the freight mobility strategic investment board, and local communities.

(d) The department must update the transportation committees of the legislature on agency activities and their status by December 1, 2023, and to provide a final report to the transportation committees of the legislature by December 1, 2024.

(4) \$15,457,000 of the motor vehicle account—state appropriation is provided

solely for making improvements to the department facility located at 11018 NE 51st Cir in Vancouver to meet the Washington state clean buildings performance standard.

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I**

Alaskan Way Viaduct Replacement Project Account—	
State Appropriation. . . . .	\$23,794,000
Climate Active Transportation Account—State	
Appropriation. . . . .	\$2,000,000
Move Ahead WA Account—Private/Local	
Appropriation. . . . .	\$137,500,000
Transportation 2003 Account (Nickel Account)	
—State	
Appropriation. . . . .	\$317,000
Transportation Partnership Account—State	
Appropriation. . . . .	\$32,643,000
Motor Vehicle Account—State Appropriation.	
\$80,524,000	
Motor Vehicle Account—Federal Appropriation	
. . . . .	\$445,933,000
Coronavirus State Fiscal Recovery Fund—	
Federal	
Appropriation. . . . .	\$300,000,000
Motor Vehicle Account—Private/Local	
Appropriation. . . . .	\$52,530,000
Connecting Washington Account—State	
Appropriation. . . . .	\$2,143,116,000
Special Category C Account—State	
Appropriation. . . . .	\$133,749,000
Multimodal Transportation Account—State	
Appropriation. . . . .	\$5,915,000
State Route Number 520 Corridor Account—	
State	
Appropriation. . . . .	\$400,000
Interstate 405 and State Route Number 167	
Express	
Toll Lanes Account—State Appropriation.	
\$304,480,000	
Move Ahead WA Account—State Appropriation.	
\$590,313,000	
Move Ahead WA Account—Federal Appropriation	
. . . . .	\$340,300,000
<b>TOTAL APPROPRIATION. . . . . \$4,593,514,000</b>	

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation, the entire move ahead WA account—federal appropriation, the entire move ahead WA account—state appropriation, and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2023-1 as developed April 21, 2023, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document

2023-2 ALL PROJECTS as developed April 21, 2023, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer appropriation authority between programs I and P, except for appropriation authority that is otherwise restricted in this act, as follows:

(a) Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised.

(b) The director of the office of financial management must first provide written authorization for such transfer to the department and the transportation committees of the legislature.

(c) The department shall submit a report on appropriation authority transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) The connecting Washington account—state appropriation includes up to \$1,737,009,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(5) The special category C account—state appropriation includes up to \$118,773,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(6) The transportation partnership account—state appropriation includes up to \$32,643,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(7) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this fiscal biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2023-2025 fiscal biennium in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Connecting Washington account—state, and move ahead WA account—state; and

(d) The office of financial management must provide notice of allotment modifications authorized under this subsection within 10 working days to the transportation committees of the legislature. By December 1, 2023, and December 1, 2024, the department must submit a report to the transportation committees of the legislature regarding the actions taken to date under this subsection.

(8) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(9) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70A.205.700, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

(10) By June 30, 2025, to the extent practicable, the department shall decommission the facilities for the Lacey project engineering office and the Tumwater project engineering office at the end of their lease terms and consolidate the Lacey project engineering office and the Tumwater project engineering office into the department's Olympic regional headquarters.

(11) The legislature intends that any savings realized on the following projects will not be attributable to the application of practical design, retired risk, or unused contingency funding for the purposes of RCW 47.01.480:

(a) I-5/Marvin Road/SR 510 Interchange (L1100110); and

(b) I-82/EB WB On and Off Ramps (L2000123).

(12) (a) \$300,000,000 of the coronavirus state fiscal recovery fund—federal appropriation, \$312,653,000 of the motor vehicle account—federal appropriation, \$427,459,000 of the move ahead WA account—state appropriation, and \$1,293,000 of the motor vehicle account—state appropriation are provided solely for the Fish Passage Barrier Removal project (OBI4001) with the intent of fully complying with the federal *U.S. v. Washington* court injunction by 2030.

(b) The fish passage barrier removal program, in consultation with the office of innovative partnerships, shall explore opportunities to employ innovative delivery methods to ensure compliance with the court injunction including, but not limited to, public-private partnerships and batched contracts. It is the intent of the legislature that appropriations for this purpose may be used to jointly leverage



state and local funds for match requirements in applying for competitive federal aid grants provided in the infrastructure investment and jobs act for removals of fish passage barriers under the national culvert removal, replacement, and restoration program. State funds used for the purpose described in this subsection must not compromise full compliance with the court injunction by 2030.

(c) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach by replacing both state and local culverts guided by the principle of providing the greatest fish habitat gain at the earliest time. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert conditions, other transportation projects in the area, and transportation impacts. The department and Brian Abbott fish barrier removal board must provide updates on the implementation of the statewide culvert remediation plan to the legislature by November 1, 2023, and June 1, 2024.

(d) The department must keep track of, for each barrier removed: (i) The location; (ii) the amount of fish habitat gain; and (iii) the amount spent to comply with the injunction.

(e) During the 2023-2025 fiscal biennium, the department shall provide reports of the amounts of federal funding received for this project to the governor and transportation committees of the legislature by November 1, 2023, and semiannually thereafter.

(13)(a) \$6,000,000 of the move ahead WA account—state appropriation is provided solely for the Stormwater Retrofits and Improvements project (L4000040). It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$500,000,000 for this program.

(b) The appropriation in this subsection is provided solely for the Urban Stormwater Partnership - I-5 Ship-Canal Bridge Pilot (Seattle) project.

(c) The funding provided for stormwater retrofits and improvements must enhance stormwater runoff treatment from existing roads and infrastructure with an emphasis on green infrastructure retrofits. Projects must be prioritized based on benefits to salmon recovery and ecosystem health, reducing toxic pollution, addressing health disparities, and cost-effectiveness. The department of transportation must submit progress reports on its efforts to reduce the toxicity of stormwater runoff from existing infrastructure, recommendations for addressing barriers to innovative solutions, and anticipated demand for funding each fiscal biennium.

(14)(a) \$35,465,000 of the connecting Washington account—state appropriation is provided solely for the SR 3 Freight Corridor (T30400R) project. The legislature intends to provide a total of \$78,910,000 for this project, including an increase of

\$12,000,000 in future biennia to safeguard against inflation and supply/labor interruptions and ensure that:

(i) The northern terminus remains at Lake Flora Road and the southern terminus at the intersection of SR 3/SR 302;

(ii) Multimodal safety improvements at the southern terminus remain in the project to provide connections to North Mason school district and provide safe routes to schools; and

(iii) Intersections on the freight corridor are constructed at Romance Hill and Log Yard road.

(b) With respect to right-of-way acquisition and the construction of the SR 3 Freight Corridor project (T30400R), tribal consultation with the Suquamish tribe shall begin at the earliest stage of planning, including without limitation on all funding decisions and funding programs, to provide a government-to-government mechanism for the tribe to evaluate, identify, and expressly notify governmental entities of any potential impacts to tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which the tribe possesses rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required under state law, or by a state agency, including the requirements of Executive Order 21-02 related to archaeological and cultural resources, and regardless of whether the agency receives a request for consultation from the Suquamish tribe. Regularly scheduled tribal consultation meetings with the Suquamish tribe shall continue throughout the duration of any funding or program decisions and proposed project approval.

(15) \$6,000,000 of the move ahead WA account—state appropriation and \$10,000,000 of the move ahead WA account—federal appropriation are provided solely for the SR 3/Gorst Area - Widening project (L4000017). Tribal consultation with the Suquamish tribe must begin at the earliest stage of planning, including, without limitation, all funding decisions and funding programs, to provide a government-to-government mechanism for the tribe to evaluate, identify, and expressly notify governmental entities of any potential impacts to tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which the tribe possesses rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required under state law, or by a state agency, including the requirements of Executive Order 21-02 related to archaeological and cultural resources, and regardless of whether the agency receives a request for consultation from the Suquamish tribe. Regularly scheduled tribal consultation meetings with the Suquamish tribe must continue throughout the duration of any funding program and proposed project approval.

(16) (a) \$84,500,000 of the move ahead WA account—federal appropriation, \$137,500,000 of the move ahead WA account—private/local appropriation, and \$53,000,000 of the move ahead WA account—state appropriation are provided solely for the I-5 Columbia river bridge project (L4000054). The legislature finds that the replacement of the I-5 Columbia river bridge is a project of national significance and is critical for the movement of freight. One span is now 105 years old, at risk for collapse in the event of a major earthquake, and no longer satisfies the needs of commerce and travel. Replacing the aging interstate bridge with a modern, seismically resilient, multimodal structure that provides improved mobility for people, goods, and services is a high priority. Therefore, the legislature intends to support the replacement of the I-5 Columbia river bridge with an investment of \$1,000,000,000 over the 16-year move ahead WA investment program.

(b) The legislature recognizes the importance of the I-5/Mill Plain Boulevard project (L2000099) and intends to provide funding for reconstruction of the existing interchange in coordination with construction of the Interstate 5 bridge over the Columbia river.

(c) The department shall provide regular updates on the status of ongoing coordination with the state of Oregon on any bistate agreements regarding sharing of revenues, use of revenues, and fiscal responsibilities of each state. Prior to finalizing any such agreement, the department shall provide a draft of the agreement to the transportation committees of the legislature for review and input. Additionally, the department shall advise on the status of any bistate agreements to the joint transportation committee beginning in September 2023 and quarterly thereafter until any agreements are finalized.

(17) The legislature recognizes the importance of the US-12/Walla Walla Corridor Improvements project (T20900R) and intends to advance funding to provide matching funds if competitive federal funding is awarded for the final remaining four-lane section between Wallula and Nine Mile Hill. The department, in consultation with local governments in the vicinity, must pursue any federal funding available.

(18) \$2,642,000 of the move ahead WA account—state appropriation is provided solely for the US 101/Simdars Bypass project (L4000013).

(19) \$570,842,000 of the connecting Washington account—state appropriation, \$155,000 of the multimodal transportation account—state appropriation, \$26,537,000 of the motor vehicle account—private/local appropriation, \$200,800,000 of the move ahead WA account—federal appropriation, \$68,191,000 of the move ahead WA account—state appropriation, and \$6,980,000 of the motor vehicle account—federal appropriation are provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall continue to collaborate with the affected stakeholders as it implements the corridor construction and implementation plan for state route number 167 and state route number 509. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(c) The entire multimodal transportation account—state appropriation in this subsection is for:

(i) The design phase of the Puyallup to Tacoma multiuse trail along the state route number 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park; and

(ii) Segment 2 of the state route number 167 completion project shared-use path to provide connections to the interchange of state route number 167 at 54th to the intersection of state route number 509 and Taylor Way in Tacoma.

(20) (a) \$394,963,000 of the connecting Washington account—state appropriation, \$400,000 of the state route number 520 corridor account—state appropriation, and \$4,496,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(b) Upon completion of the Montlake Phase of the West End project (current anticipated contract completion of 2023), the department shall sell that portion of the property not used for permanent transportation improvements and initiate a process to convey that surplus property to a subsequent owner.

(c) Of the amounts provided in this subsection, \$400,000 of the state route number 520 corridor account—state appropriation is provided solely for noise mitigation activities. It is the intent of the legislature to provide an additional \$600,000 for noise mitigation activities.

(21) \$450,000 of the motor vehicle account—state appropriation is provided solely for the SR 900 Safety Improvements project (L2021118). The department must: (a) Work in collaboration with King county and the Skyway coalition to align community assets, transportation infrastructure needs, and initial design for safety improvements along state route number 900; and (b) work with the Skyway coalition to lead community planning engagement and active transportation activities.

(22) \$25,000,000 of the motor vehicle account—federal appropriation is provided solely for a federal fund exchange pilot program. The pilot program must allow exchanges of federal surface transportation block grant population funding and state funds at an exchange rate of 95 cents in state funds per \$1.00 in federal funds. The projects receiving the exchanged federal

funds must adhere to all federal requirements, including the applicable disadvantaged business enterprise goals. The entirety of the appropriation in this subsection must be held in unallotted status until surface transportation block grant population funding has been offered to the state, and the department determines that a federalized project or projects funded in this section is eligible to spend the surface transportation block grant population funding. \$22,500,000 from existing state appropriations identified elsewhere within this section are available to be used as part of the exchange. Upon determination that a project or projects funded in this section is eligible to spend the offered surface transportation block grant population funding, state funds appropriated in this section for the eligible state project or projects in an amount equal to 100 percent of the offered surface transportation block grant population funding must be placed in unallotted status.

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P**

Move Ahead WA Account—State Appropriation.	
\$13,291,000	
Recreational Vehicle Account—State	
Appropriation. . . . .	\$793,000
Transportation 2003 Account (Nickel Account)	
—State	
Appropriation. . . . .	\$48,759,000
Motor Vehicle Account—State Appropriation.	
\$135,073,000	
Motor Vehicle Account—Federal Appropriation	
. . . . .	\$534,350,000
Motor Vehicle Account—Private/Local	
Appropriation. . . . .	\$12,000,000
Connecting Washington Account—State	
Appropriation. . . . .	\$37,078,000
State Route Number 520 Corridor Account—	
State	
Appropriation. . . . .	\$5,481,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation. . . . .	\$10,892,000
Alaskan Way Viaduct Replacement Project	
Account—	
State Appropriation. . . . .	\$12,000
Interstate 405 and State Route Number 167	
Express	
Toll Lanes Account—State Appropriation.	
\$27,026,000	
Transportation Partnership Account—State	
Appropriation. . . . .	\$10,000,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$834,755,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation, the entire move ahead WA account—federal appropriation, the entire move ahead WA account—state appropriation, and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2023-1 as developed April 21, 2023, Program

- Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer appropriation authority between programs I and P, except for appropriation authority that is otherwise restricted in this act, as follows:

(a) Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised.

(b) The director of the office of financial management must first provide written authorization for such transfer to the department and the transportation committees of the legislature.

(c) The department shall submit a report on appropriation authority transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) The transportation partnership account—state appropriation includes up to \$10,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(5) \$22,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund (L2000290). The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted.

(6) Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The department's next budget submittal after

using this subsection must appropriately reflect the transfer.

(7) By June 30, 2025, to the extent practicable, the department shall decommission the facilities for the Lacey project engineering office and the Tumwater project engineering office at the end of their lease terms and consolidate the Lacey project engineering office and the Tumwater project engineering office into the department's Olympic regional headquarters.

(8) The appropriations in this section include funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(9) \$25,000,000 of the motor vehicle account—federal appropriation is provided solely for a federal fund exchange pilot program. The pilot program must allow exchanges of federal surface transportation block grant population funding and state funds at an exchange rate of 95 cents in state funds per \$1.00 in federal funds. The projects receiving the exchanged federal funds must adhere to all federal requirements, including the applicable disadvantaged business enterprise goals. The entirety of the appropriation in this subsection must be held in unallotted status until surface transportation block grant population funding has been offered to the state and the department determines that a federalized project or projects funded in this section is eligible to spend the surface transportation block grant population funding. \$22,500,000 from existing state appropriations identified elsewhere within this section are available to be used as part of the exchange. Upon determination that a project or projects funded in this section is eligible to spend the offered surface transportation block grant population funding, state funds appropriated in this section for the eligible state project or projects in an amount equal to 100 percent of the offered surface transportation block grant population funding must be placed in unallotted status.

(10) \$21,000 of motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 1004), Laws of 2023 (bridge jumping signs). If chapter . . . (House Bill No. 1004), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION OPERATIONS—PROGRAM Q—CAPITAL**

Motor Vehicle Account—State Appropriation.	
\$9,738,000	
Motor Vehicle Account—Federal Appropriation	
.....	\$5,100,000
Motor Vehicle Account—Private/Local	
Appropriation. ....	\$500,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$15,338,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,918,000 of the motor vehicle account—state appropriation is provided solely for Programmatic Investment for Traffic Operations Capital projects (000005Q). By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all traffic operations capital project investments completed in the prior fiscal biennium.

(2) \$3,080,000 of the motor vehicle account—state appropriation is provided solely to construct pedestrian signals at nine locations on state route number 7 from 124th Street South to 189th Street South (0000YYY).

(3) \$1,463,000 of the motor vehicle account—state appropriation is provided solely for the replacement of 22 existing traffic cameras and installation of 10 new traffic cameras, including five pole installation sites, on the Interstate 90 corridor between mileposts 34 and 82 (L2021144). The department shall consult with news media organizations to explore options to allow such organizations access to traffic camera feeds.

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W**

Carbon Emissions Reduction Account—State	
Appropriation. ....	\$74,027,000
Move Ahead WA Account—State Appropriation.	
\$17,114,000	
Puget Sound Capital Construction Account—	
State	
Appropriation. ....	\$341,969,000
Puget Sound Capital Construction Account—	
Federal	
Appropriation. ....	\$33,698,000
Puget Sound Capital Construction Account—	
Private/Local Appropriation. .	\$1,081,000
Transportation Partnership Account—State	
Appropriation. ....	\$7,442,000
Connecting Washington Account—State	
Appropriation. ....	\$10,809,000
Capital Vessel Replacement Account—State	
Appropriation. ....	\$46,818,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$532,958,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Washington State Ferries Capital Program (W).

(2) \$5,000,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(3) \$46,818,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel (L2000329). The amounts provided in this subsection are contingent upon the enactment of

chapter . . . (Senate Bill No. 5760 or Engrossed House Bill No. 1846), Laws of 2023.

(4) The legislature intends that funding will be provided in the 2025-2027 fiscal biennium for the Future Hybrid Electric Ferry Class Pre-Design study (L2021131) to advance procurement of a new class of vessel that will account for changes in technology, staffing, and system needs. The legislature intends that part of the predesign study include a review of the benefits and costs of constructing all future new vessels based on the same design. The review may also compare and contrast the benefits and costs of a 144-vehicle capacity vessel with a 124-vehicle capacity vessel.

(5) \$8,032,000 of the Puget Sound capital construction account—state appropriation is provided solely for modernization of the ticketing and reservation system (990052C). Of this amount, \$3,032,000 must be held in unallotted status until Washington state ferries has consulted with the office of the chief information officer on the project scope and integration capabilities of the reservation system with existing Good to Go! and ORCA next generation products, and reported results to the office of financial management and the transportation committees of the legislature.

(6) \$125,000 of the Puget Sound capital construction account—state appropriation and \$125,000 of the Puget sound capital construction account—federal appropriation are provided solely for development of a terminal wait times information system (998609A). Washington state ferries must consult with the office of the chief information officer on a technology solution for automated vehicle detection, and report the project scope, along with office of the chief information officer recommendations, to the office of financial management and the transportation committees of the legislature by December 1, 2024.

(7) The transportation partnership account—state appropriation includes up to \$7,195,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(8) For the purposes of ferry and terminal electrification, the department must apply to the department of ecology for additional competitive grant funds available from Volkswagen settlement funds, and report on the status of the grant application by December 1, 2023.

(9) For the 2023-2025 fiscal biennium, the marine division shall provide to the office of financial management and the transportation committees of the legislature a report for ferry capital projects in a manner consistent with past practices as specified in section 308, chapter 186, Laws of 2022.

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL**

Carbon Emissions Reduction Account—State Appropriation. . . . . \$104,300,000  
Essential Rail Assistance Account—State Appropriation. . . . . \$676,000

Move Ahead WA Flexible Account—State Appropriation. . . . . \$35,000,000  
Transportation Infrastructure Account—State Appropriation. . . . . \$10,369,000  
Multimodal Transportation Account—State Appropriation. . . . . \$63,334,000  
Multimodal Transportation Account—Federal Appropriation. . . . . \$18,882,000  
**TOTAL APPROPRIATION..... \$232,561,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Rail Program (Y).

(2)(a) \$2,030,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than 15 years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(b) \$7,970,000 of the transportation infrastructure account—state appropriation is provided solely for new FRIB program loans recommended by the department for 2024 supplemental transportation appropriations. The department shall submit a prioritized list for any loans recommended to the office of financial management and the transportation committees of the legislature by November 15, 2023.

(c) The department may change the terms of existing loans in the essential rail assistance account for repayment of loans, including the repayment schedule and rate of interest, for a period of up to 15 years for any recipient with a total loan value in the program of over 10 percent as of June 30, 2023.

(3) \$7,566,836 of the multimodal transportation account—state appropriation is provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$369,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely for final reimbursement to Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects.

(5) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices

as specified in section 309, chapter 367, Laws of 2011. By November 15, 2024, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(6) \$50,000,000 of the carbon emissions reduction account—state appropriation is provided solely for state match contributions to support the department's application for federal grant opportunities for a new ultra high-speed ground transportation corridor. These funds are to remain in unallotted status and are available only upon award of federal funds. The department must provide periodic grant application updates to the transportation committees of the legislature, as well as anticipated state match estimates for successful grants.

(7) \$33,500,000 of the move ahead WA flexible account—state appropriation is provided solely for rehabilitation of the Palouse River and Coulee City Railroad (L4000079). Up to \$433,000 of the amount in this subsection may be used for management and oversight of operation and maintenance activities.

(8) \$15,000,000 of the multimodal transportation account—federal appropriation is provided solely for the rehabilitation of the Salmon Bay drawbridge (752010A) to ensure the efficient movement of freight and passenger trains.

(9) \$6,300,000 of the carbon emissions reduction account—state appropriation is provided solely to fund a zero emission drayage truck demonstration project (L1000324) at Northwest Seaport Alliance facilities.

(10) \$14,000,000 of the carbon emissions reduction account—state appropriation is provided solely to fund a zero emission shore power infrastructure demonstration project at Northwest Seaport Alliance facilities (L1000325). Local funds sufficient to fully fund this project must be contributed to the project, and any agreements required for the project must be secured.

(11) \$5,000,000 of the carbon emissions reduction account—state appropriation is provided solely to fund the replacement of two Tacoma rail diesel-electric switcher locomotives with zero emission battery-electric switcher locomotives and to install on-site charging equipment at a Tacoma rail facility (L1000327). Local funds sufficient to fully fund this project must be contributed to the project, and any agreements required for the project must be secured.

(12) \$150,000 of the multimodal transportation account—state appropriation is provided solely for the application of durable markings along state route number 906 to create up to 20 parking spaces for larger vehicles, including trucks.

(13) \$26,500,000 of the carbon emissions reduction account—state appropriation is provided solely for port electrification competitive grants (L2021182). To be eligible to receive state funds under this section, a port must first adopt a policy that requires vessels that dock at the port

facility to use shore power if such vessel is capable of using such power and when such power is available at the port facility.

(14) \$2,000,000 of the carbon emissions reduction account—state appropriation is provided solely for port electrification at the port of Bremerton (L1000337), which may include the purchase and installation of zero emission port shore power systems and other zero emission infrastructure, equipment, and technology.

(15) \$500,000 of the carbon emissions reduction account—state appropriation is provided solely for port electrification at the port of Anacortes (L1000338), which may include the purchase and installation of zero emission port shore power systems and other zero emission infrastructure, equipment, and technology.

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS —PROGRAM Z—CAPITAL**

Carbon Emissions Reduction Account—State	
Appropriation. . . . .	\$21,000,000
Climate Active Transportation Account—State	
Appropriation. . . . .	\$157,463,000
Freight Mobility Investment Account—State	
Appropriation. . . . .	\$21,098,000
Freight Mobility Multimodal Account—State	
Appropriation. . . . .	\$22,728,000
Highway Infrastructure Account—State	
Appropriation. . . . .	\$793,000
Highway Infrastructure Account—Federal	
Appropriation	
. . . . .	\$1,600,000
Move Ahead WA Account—State Appropriation.	
\$106,707,000	
Move Ahead WA Account—Federal Appropriation	
. . . . .	\$10,000,000
Move Ahead WA Flexible Account—State	
Appropriation. . . . .	\$29,000,000
Transportation Partnership Account—State	
Appropriation. . . . .	\$500,000
Motor Vehicle Account—State Appropriation.	
\$36,785,000	
Motor Vehicle Account—Federal Appropriation	
. . . . .	\$103,553,000
Connecting Washington Account—State	
Appropriation. . . . .	\$99,032,000
Multimodal Transportation Account—State	
Appropriation. . . . .	\$73,818,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$684,077,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) \$34,673,000 of the multimodal transportation account—state appropriation and \$37,563,000 of the climate active transportation account—state appropriation are provided solely for pedestrian and

bicycle safety program projects (L2000188 and L1000335). Of the amount of climate active transportation account funds appropriated in this subsection, up to one percent may be used for program administration and staffing.

(b) \$19,137,000 of the motor vehicle account—federal appropriation, \$38,915,000 of the climate active transportation account—state appropriation, and \$12,844,000 of the multimodal transportation account—state appropriation are provided solely for safe routes to school projects (L2000189 and L1000334). Of the amount of climate active transportation account funds appropriated in this subsection, up to one percent may be used for program administration and staffing.

(c) For future rounds of grant selection, the department must reevaluate the criteria to increase geographic diversity of jurisdictions consistent with the requirements of the healthy environment for all (HEAL) act.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2023, and December 1, 2024, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program and the Sandy Williams connecting communities grant program.

(4) \$6,875,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) \$36,640,000 of the motor vehicle account—federal appropriation is provided solely for acceleration of local preservation projects that ensure the reliable movement of freight on the national highway freight system (G2000100). The department will select projects as part of its update of the state freight plan, in consultation with the freight mobility strategic investment board and other stakeholders.

(6) \$23,750,000 of the motor vehicle account—state appropriation is provided solely for a federal fund exchange pilot program. The pilot program will allow exchanges of federal surface transportation block grant population funding and state funds at an exchange rate of 95 cents in state funds per \$1.00 in federal funds. The entirety of the appropriation in this subsection must be held in unallotted status until: Surface transportation block grant population funding has been offered to the state, the department determines that a federalized project or projects funded in section 305 or 306 of this act is eligible to spend the surface transportation block grant population funding, and state funds appropriated in section 305 or 306 for the eligible state project or projects in an amount equal to 100 percent of the offered surface transportation block grant population funding have been placed in unallotted status. A report on the effectiveness of the exchange program, the total estimated cost of program administration, and recommendations for

continuing the pilot program is due to the governor and transportation committees of the legislature by December 1, 2024.

(7) \$128,400,000 of the move ahead WA account—state appropriation and \$19,500,000 of the move ahead WA flexible account—state appropriation are provided solely for new move ahead WA road and highway projects listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Local Programs Program (Z).

(a) For projects funded in this subsection, the department expects to have substantial reappropriations for the 2023-2025 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that is unable to be used in the 2023-2025 fiscal biennium to advance one or more of the projects listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Local Programs Program (Z), prioritizing projects first by project readiness.

(i) In instances when projects listed in the LEAP transportation documents referenced in (a) of this subsection are no longer viable or have been completed, the department may recommend in its next budget submittal alternative project proposals from the local jurisdictions if the project is similar in type and scope and consistent with limitations of certain funds provided. In the event that the listed project has been completed the local jurisdictions may, rather than submitting an alternative project, instead be reimbursed in the year in which it was scheduled for documented costs incurred implementing the listed project, not in excess of the amount awarded from the funding program.

(ii) At least 10 business days before advancing or swapping a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2023-2025 fiscal biennium.

(b) Of the amounts provided in this subsection, \$21,000,000 of the move ahead WA account—state appropriation is provided solely for three roundabouts to be constructed on state route number 507 in partnership with local authorities. The roundabout at Vail is with Thurston county, the roundabout at Bald Hills is with the city of Yelm, and the roundabout at state route number 702 is with Pierce county. The department is to work cooperatively with each local jurisdiction to construct these facilities within department rights-of-way. The department must provide all project predesign and design information developed to date to the local jurisdictions and have a project implementation agreement in place with each local jurisdiction within 180 calendar days of the effective date of this act. The implementation agreement may provide full control for the local authority to construct the project. Once the roundabouts are completed, the operations and maintenance of the roundabouts are the responsibility of the department.

(8) \$39,185,000 of the climate active transportation account—state appropriation and \$3,000,000 of the move ahead WA flexible account—state appropriation are provided solely for move ahead WA pedestrian and bike projects listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Local Programs Program (Z). For projects funded in this subsection, if the department expects to have substantial reappropriations for the 2023-2025 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that is unable to be used in the 2023-2025 fiscal biennium to advance one or more of the projects listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Local Programs Program (Z), prioritizing projects first by tier then by project readiness.

(a) In instances when projects listed in the LEAP transportation document referenced in this subsection (8) of this section are no longer viable or have been completed, the department may recommend in its next budget submittal alternative project proposals from the local jurisdictions if the project is similar in type and scope and consistent with limitations of certain funds provided. In the event that the listed project has been completed the local jurisdictions may, rather than submitting an alternative project, instead be reimbursed in the year in which it was scheduled for documented costs incurred implementing the listed project, not in excess of the amount awarded from the funding program.

(b) At least 10 business days before advancing or swapping a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2023-2025 fiscal biennium.

(9) \$16,800,000 of the climate active transportation account—state appropriation is provided solely for the statewide school-based bicycle education grant program (L1000309). The department may partner with a statewide nonprofit to deliver programs.

(10) \$25,000,000 of the climate active transportation account—state appropriation is provided solely for the Sandy Williams connecting communities pilot program (L1000308) to deliver projects to reconnect communities that have been bifurcated by state highways. Priority must be given to historically marginalized or overburdened communities. The department may consult with the Cooper Jones active transportation safety council to identify geographic locations where there are high incidences of serious injuries and fatalities of active transportation users among vulnerable populations.

(11) \$14,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the Guemes Ferry Boat Replacement project (L4000124).

(12) \$6,500,000 of the move ahead WA flexible account—state appropriation is provided solely for development of an

applied sustainable aviation evaluation center (L2021135). Snohomish county, in partnership with Washington State University, shall plan and establish facilities to evaluate, qualify or certify, and research technologies that can minimize the impact of aviation on human health and the environment. Funds may be used for, but are not limited to, planning, construction, and land acquisition for sustainable aviation fuel (SAF) qualification testing (ASTM D4054), research on the impact of SAF on the environment and human health, and SAF storage for the purpose of advancing sustainable aviation. At a minimum, three sustainable aviation platforms must be considered:

(a) Sustainable aviation fuel (SAF);  
 (b) Hydrogen; and  
 (c) Battery electric energy storage mechanisms.

(13) The legislature intends to fund the Ballard and Magnolia Bridge project (L4000123) and the Aurora Avenue North Safety Improvements project (L4000154), as described in section 911(18) and (19) of this act.

(14) \$200,000 of the multimodal transportation account—state appropriation is provided solely for the Seattle office of planning and community development to update and add to the 2020 I-5 Lid Feasibility Study with additional test cases with ramp changes and removals in downtown Seattle and alternative assumptions with regards to parking, expansion of Freeway Park, affordable housing, and commercial real estate (L2021140). The Seattle office of planning and community development shall conduct ongoing community engagement with underrepresented constituencies to support the technical work of this study and raise public awareness of opportunities of I-5 lids. Focus should be given to low-income households living and working in the I-5 lid study areas in central Seattle.

(15) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to award grants to local jurisdictions to implement network-wide traffic conflict screening programs using video analytics in controlled intersections with a disproportionate number of traffic violations and injuries to active transportation users (L2021149). Grants must be awarded proportionally across the state and include controlled intersections in both urban and rural environments and along state highways and county roads. Grant recipients must report back to the department all traffic violation and active transportation facility data acquired during the grant period and provide the department with appropriate next steps for the state and the local jurisdiction to improve traffic safety for active transportation users in such intersections. The department must report such findings and recommendations to the transportation committees of the legislature by December 1, 2024.

(16) (a) (i) \$5,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the department to establish a program for



providing rebates to qualifying persons who purchase e-bikes and qualifying equipment and services from a qualifying retailer. Of this amount, \$3,000,000 is for rebate amounts as described under (a)(iii)(A) of this subsection, and \$2,000,000 is for rebate amounts as described under (a)(iii)(B) of this subsection.

(ii) To qualify for and use the rebate under this subsection, a person must be a resident of Washington state and purchase an e-bike and qualifying equipment and services, if any, from a qualifying retailer in this state. Qualifying equipment and services must be purchased as part of the same transaction as the e-bike.

(iii)(A) For persons who are at least 16 years of age and reside in households with incomes at or below 80 percent of the county area median income, the amount of the rebate is up to \$1,200 on the sale of an e-bike and any qualifying equipment and services.

(B) For all other persons who are at least 16 years of age, the amount of the rebate is up to \$300 on the sale of an e-bike and any qualifying equipment and services.

(C) No more than one rebate may be awarded per household.

(iv)(A) The department must establish application procedures for e-bike retailers to participate in the rebate program, and application and award procedures for applicants to participate in the program. If an applicant qualifies for a rebate amount and there is sufficient funds to award the applicant with the appropriate rebate amount, the department must provide the qualifying individual the rebate amount in a format that can be redeemed at the time of purchase at a qualifying retailer.

(B) An applicant must provide contact information, including a physical address, email address, and phone number, and demographic information, including the applicant's age, gender, race, and ethnicity, to the department on a form provided by the department at the time of applying for the rebate. The department may share or provide access to such information with the University of Washington to provide the University of Washington an opportunity to ask program applicants and recipients to fill out a survey collecting information only to the extent to inform its report described under (d) of this subsection.

(v) A qualifying retailer must register with the department before participating in the rebate program. A qualifying retailer must:

(A) Verify the identity of the qualifying individual at the time of purchase; and

(B) Calculate and apply the rebate at the time of purchase.

(vi) The department must reimburse a qualifying retailer that accepts a rebate from a qualifying individual no later than 30 days after the rebate is redeemed.

(vii) For purposes of this subsection (16)(a):

(A) "E-bike" means an electric assisted bicycle as defined in RCW 46.04.169, but does not include mountain bikes.

(B) "Qualifying equipment and services" means a bicycle helmet, safety vest, bicycle light, or bicycle lock, and any maintenance

or other services agreed upon by the qualifying retailer and qualifying individual at the time of purchase.

(C) "Qualifying retailer" means a retail business establishment with one or more physical retail locations in this state that provides on-site e-bike sales, service, and repair and has registered with the department to participate in the rebate program established under this subsection.

(b) For fiscal year 2025, \$2,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the department to establish an e-bike lending library and ownership grant program. The department may accept grant applications from other state entities, local governments, and tribes that administer or plan to administer an e-bike lending library or ownership program for their employees for commute trip reduction purposes. The department may also accept grant applications from nonprofit organizations or tribal governments that serve persons who are low-income or reside in overburdened communities and that administer or plan to administer an e-bike lending library or ownership program for qualifying persons. Grant recipients must report program information and participation data to the University of Washington to inform its report described under (d) of this subsection.

(c) It is the intent of the legislature that funding provided in (a) and (b) of this subsection continue to be appropriated in the 2025-2027 and 2027-2029 fiscal biennia.

(d) Of the amounts provided in this subsection (16), \$90,000 is for the department to contract with the University of Washington's sustainable transportation lab to publish a general policy brief that provides innovative e-bike rebate and lending library or ownership grant program models and recommendations, a report on survey results based on data and demographic information collected under the e-bike rebate program established in (a) of this subsection, and a report on program information and data collected under the e-bike lending library and ownership grant program established in (b) of this subsection. An initial brief and report must be submitted to the transportation committees of the legislature by July 1, 2024, with the final policy brief and report due to the transportation committees of the legislature by July 1, 2025.

(e) The department may not collect more than five percent of appropriated amounts to administer the programs under (a) and (b) of this subsection.

(17) \$21,098,000 of the freight mobility investment account—state appropriation and \$22,728,000 of the freight mobility multimodal account—state appropriation are provided solely for freight mobility strategic investment board projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(18) \$4,150,000 of the motor vehicle account—state appropriation is provided solely for matching funds for federal funds to reconstruct Grant county and Adams county

bridges as part of the Odessa groundwater replacement program (L1000322).

(19) \$9,240,000 of the connecting Washington account—state appropriation is provided solely for the Aberdeen US 12 Highway-Rail Separation project (L1000331).

(20) \$750,000 of the motor vehicle account—state appropriation is provided solely for the Grady Way overpass at Rainier Avenue South I-405 BRT Access study (L1000333).

(21) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this fiscal biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2023-2025 fiscal biennium in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Connecting Washington account—state, and move ahead WA account—state; and

(d) The office of financial management must provide notice of allotment modifications authorized under this subsection within 10 working days to the transportation committees of the legislature. By December 1, 2023, and December 1, 2024, the department must submit a report to the transportation committees of the legislature regarding the actions taken to date under this subsection.

**NEW SECTION. Sec. 311. ANNUAL REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

As part of its annual budget submittal, the department of transportation shall provide an update to the report provided to the legislature in the prior fiscal year in a manner consistent with past practices as specified in section 312, chapter 333, Laws of 2021.

**NEW SECTION. Sec. 312. QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees a report for all capital projects in a manner consistent with past practices as specified in section 313, chapter 186, Laws of 2022.

**NEW SECTION. Sec. 313. NOTIFICATION REQUIREMENTS FOR PAUSES AND CANCELLATIONS**

(1) The department of transportation shall notify the transportation committees of the legislature when it intends to pause for a significant length of time or not proceed with operating items or capital projects included as budget provisos or on project lists. When feasible, this notification shall be provided prior to the pause or cancellation and at least seven days in advance of any public announcement related to such a pause or cancellation.

(2) At the time of notification, the department shall provide an explanation for the reason or reasons for the pause or cancellation for each operating budget item and capital project. The explanation shall include specific reasons for each pause or cancellation, in addition to a statement of the broad rationale for the pause or cancellation.

(3) When feasible, the department shall make best efforts to keep the transportation committees of the legislature informed of an evaluation process underway for selecting operating budget items and capital projects to be paused or canceled, providing updates as its selection efforts proceed.

(4) When exigent circumstances prevent prior notice of a pause or cancellation from being provided to the transportation committees of the legislature, the department shall provide the information required under this section to the transportation committees of the legislature as soon as is practicable.

**NEW SECTION. Sec. 314. FOR THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION—FUNDS MANAGEMENT**

As part of the department's 2024 supplemental and 2025-2027 biennial budget requests, the department shall also report on:

(1) The federal grant programs it has applied for; and

(2) The federal competitive grant programs it could have applied for but did not and the reason or reasons it did not apply.

(End of part)

**TRANSFERS AND DISTRIBUTIONS**

**NEW SECTION. Sec. 401. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

Transportation Partnership Account—State	
Appropriation. . . . .	\$1,101,000
Connecting Washington Account—State	
Appropriation. . . . .	\$11,951,000
Special Category C Account—State	
Appropriation. . . . .	\$922,000
Highway Bond Retirement Account—State	
Appropriation. . . . .	\$1,470,291,000
Ferry Bond Retirement Account—State	
Appropriation. . . . .	\$4,616,000

Transportation Improvement Board Bond Retirement  
 Account—State Appropriation. \$10,895,000  
 Nondebt-Limit Reimbursable Bond Retirement Account—  
 State Appropriation. . . . . \$28,606,000  
 Toll Facility Bond Retirement Account—State  
 Appropriation. . . . . \$76,372,000  
**TOTAL APPROPRIATION..... \$1,604,754,000**

**NEW SECTION. Sec. 402. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Transportation Partnership Account—State  
 Appropriation. . . . . \$220,000  
 Transportation Improvement Account—State  
 Appropriation. . . . . \$20,000  
 Connecting Washington Account—State  
 Appropriation. . . . . \$2,391,000  
 Special Category C Account—State  
 Appropriation. . . . . \$183,000  
**TOTAL APPROPRIATION..... \$2,814,000**

**NEW SECTION. Sec. 403. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account—State Appropriation:  
 For motor vehicle fuel tax statutory distributions to cities and counties. . . . . \$465,354,000  
 Multimodal Transportation Account—State  
 Appropriation: For distribution to cities and counties. . . . . \$26,786,000  
 Motor Vehicle Account—State Appropriation:  
 For distribution to cities and counties.  
 \$23,438,000  
**TOTAL APPROPRIATION..... \$515,578,000**

**NEW SECTION. Sec. 404. FOR THE STATE TREASURER—TRANSFERS**

Motor Vehicle Account—State Appropriation:  
 For motor vehicle fuel tax refunds and statutory transfers. . . . . \$1,969,182,000

**NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF LICENSING—TRANSFERS**

Motor Vehicle Account—State Appropriation:  
 For motor vehicle fuel tax refunds and transfers.  
 \$246,480,000

**NEW SECTION. Sec. 406. FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS**

(1) (a) Pilotage Account—State  
 Appropriation: For transfer to the Multimodal Transportation Account—State. . . . . \$200,000  
 (b) The amount transferred in this subsection represents partial repayment of prior biennium transfers to cover self-insurance liability premiums.  
 (2) Transportation Partnership Account—State  
 Appropriation: For transfer to the Motor Vehicle Account—State. . . . . \$175,000,000

(3) Connecting Washington Account—State  
 Appropriation: For transfer to the Move Ahead WA Account—State. . . . . \$200,000,000  
 (4) Electric Vehicle Account—State  
 appropriation: For transfer to the Move Ahead WA Flexible Account—State. . . . . \$29,200,000  
 (5) Electric Vehicle Account—State  
 Appropriation: For transfer to the Multimodal Transportation Account—State. . . . . \$23,330,000  
 (6) Washington State Aviation Account—State  
 Appropriation: For transfer to the Aeronautics Account—State. . . . . \$150,000  
 (7) Carbon Emissions Reduction Account—State  
 Appropriation: For transfer to the Climate Active Transportation Account—State. . \$178,885,000  
 (8) Carbon Emissions Reduction Account—State  
 Appropriation: For transfer to the Climate Transit Programs Account—State. . . . . \$408,000,000  
 (9) Carbon Emissions Reduction Account—State  
 Appropriation: For transfer to the Puget Sound Ferry Operations Account—State. . . . . \$4,200,000  
 (10) Move Ahead WA Flexible Account—State  
 Appropriation: For transfer to the Move Ahead WA Account—State. . . . . \$100,000,000  
 (11) Alaskan Way Viaduct Replacement Project  
 Account—State Appropriation: For transfer to the Motor Vehicle Account—State. . . \$25,000,000  
 (12) Highway Safety Account—State  
 Appropriation: For transfer to the State Patrol Highway Account—State. . . . . \$77,000,000  
 (13) (a) Transportation Partnership Account—State  
 Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account—State. . . . . \$6,611,000  
 (b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases. An equivalent reimbursing transfer is to occur after the debt service and deferred sales tax on the Tacoma Narrows bridge construction costs are fully repaid in accordance with chapter 195, Laws of 2018.  
 (14) Motor Vehicle Account—State  
 Appropriation: For transfer to the State Patrol Highway Account—State. . . . . \$1,500,000  
 (15) Motor Vehicle Account—State  
 Appropriation: For transfer to the County Arterial Preservation Account—State. . . . . \$4,844,000  
 (16) Motor Vehicle Account—State  
 Appropriation: For transfer to the Freight Mobility Investment

Account—State. . . . . \$8,511,000  
 (17) Motor Vehicle Account—State  
 Appropriation: For  
 transfer to the Rural Arterial Trust Account  
 —State. . . . . \$4,844,000  
 (18) Motor Vehicle Account—State  
 Appropriation:  
 For transfer to the Transportation  
 Improvement  
 Account—State. . . . . \$9,688,000  
 (19) (a) State Route Number 520 Civil  
 Penalties  
 Account—State Appropriation: For transfer to  
 the Motor  
 Vehicle Account—State. . . . . \$1,000,000  
 (b) The transfer in this subsection is to  
 repay moneys loaned to the state route  
 number 520 civil penalties account in the  
 2019-2021 fiscal biennium.  
 (20) State Route Number 520 Civil  
 Penalties  
 Account—State Appropriation: For transfer to  
 the  
 State Route Number 520 Corridor Account—  
 State. . . . . \$560,000  
 (21) (a) Capital Vessel Replacement  
 Account—State  
 Appropriation: For transfer to the  
 Connecting Washington  
 Account—State. . . . . \$29,000,000  
 (b) It is the intent of the legislature  
 that this transfer is temporary, for the  
 purpose of minimizing the use of bonding in  
 the connecting Washington account.  
 (22) Multimodal Transportation Account—  
 State  
 Appropriation: For transfer to the Complete  
 Streets  
 Grant Program Account—State. . . \$14,670,000  
 (23) Multimodal Transportation Account—  
 State  
 Appropriation: For transfer to the Highway  
 Safety  
 Account—State. . . . . \$3,000,000  
 (24) Multimodal Transportation Account—  
 State  
 Appropriation: For transfer to the Motor  
 Vehicle  
 Account—State. . . . . \$15,000,000  
 (25) Multimodal Transportation Account—  
 State  
 Appropriation: For transfer to the Freight  
 Mobility  
 Multimodal Account—State. . . . . \$8,511,000  
 (26) Multimodal Transportation Account—  
 State  
 Appropriation: For transfer to the Move  
 Ahead WA Flexible  
 Account—State. . . . . \$11,790,000  
 (27) Multimodal Transportation Account—  
 State  
 Appropriation: For transfer to the Puget  
 Sound Capital  
 Construction Account—State. . . \$175,000,000  
 (28) Multimodal Transportation Account—  
 State  
 Appropriation: For transfer to the Puget  
 Sound  
 Ferry Operations Account—State. \$38,500,000  
 (29) Multimodal Transportation Account—  
 State  
 Appropriation: For transfer to the Regional  
 Mobility  
 Grant Program Account—State. . . \$27,679,000

(30) Multimodal Transportation Account—  
 State  
 Appropriation: For transfer to the Rural  
 Mobility  
 Grant Program Account—State. . . \$12,223,000  
 (31) Multimodal Transportation Account—  
 State  
 Appropriation: For transfer to the State  
 Patrol Highway  
 Account—State. . . . . \$59,000,000  
 (32) (a) Alaskan Way Viaduct Replacement  
 Project  
 Account—State Appropriation: For transfer to  
 the  
 Transportation Partnership Account—State. .  
 \$47,899,000  
 (b) \$22,899,000 of the amount transferred  
 in this subsection represents repayment of  
 debt service incurred for the construction  
 of the SR 99/Alaskan Way Viaduct Replacement  
 project (809936Z).  
 (33) Tacoma Narrows Toll Bridge Account—  
 State  
 Appropriation: For transfer to the Motor  
 Vehicle  
 Account—State. . . . . \$543,000  
 (34) (a) General Fund Account—State  
 Appropriation:  
 For transfer to the State Patrol Highway  
 Account—State. . . . . \$625,000  
 (b) The state treasurer shall transfer  
 the funds only after receiving notification  
 from the Washington state patrol under  
 section 207 of this act.  
 (35) Puget Sound Ferry Operations Account  
 —State  
 Appropriation: For transfer to the Puget  
 Sound Capital  
 Construction Account—State. . . \$121,828,000  
 (36) Move Ahead WA Account—State  
 Appropriation:  
 For transfer to the Puget Sound Ferry  
 Operations  
 Account—State. . . . . \$120,000,000

**NEW SECTION. Sec. 407. FOR THE STATE  
 TREASURER—BOND RETIREMENT AND INTEREST, AND  
 ONGOING BOND REGISTRATION AND TRANSFER  
 CHARGES: FOR DEBT TO BE PAID BY STATUTORILY  
 PRESCRIBED REVENUE**

Toll Facility Bond Retirement Account—  
 Federal  
 Appropriation. . . . . \$194,241,000  
 Toll Facility Bond Retirement Account—State  
 Appropriation. . . . . \$25,372,000  
**TOTAL APPROPRIATION. . . . . \$219,613,000**

The appropriations in this section are  
 subject to the following conditions and  
 limitations: \$35,250,000 of the toll  
 facility bond retirement account—federal  
 appropriation may be used to prepay certain  
 outstanding bonds if sufficient debt service  
 savings can be obtained.

(End of part)

**COMPENSATION**

**NEW SECTION. Sec. 501. COLLECTIVE  
 BARGAINING AGREEMENTS NOT IMPAIRED**

Nothing in this act prohibits the  
 expenditure of any funds by an agency or

institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of this section.

**NEW SECTION. Sec. 502. COLLECTIVE BARGAINING AGREEMENTS**

(1) In accordance with chapters 41.80, 41.56, and 47.64 RCW, agreements have been reached between the governor and organizations representing state employee bargaining units for the 2023-2025 fiscal biennium and funding is provided in this act for agreements and awards with the following organizations:

- (a) Washington federation of state employees, general government;
- (b) Washington public employees association, general government;
- (c) Professional and technical engineers, local 17;
- (d) The coalition of unions;
- (e) Washington state patrol troopers association;
- (f) Washington state patrol lieutenants and captains association;
- (g) Office and professional employees international union local 8;
- (h) Ferry agents, supervisors, and project administrators association;
- (i) Service employees international union local 6;
- (j) Pacific northwest regional council of carpenters;
- (k) Puget Sound metal trades council;
- (l) Marine engineers' beneficial association unlicensed engine room employees;
- (m) Marine engineers' beneficial association licensed engineer officers;
- (n) Marine engineers' beneficial association port engineers;
- (o) Masters, mates, and pilots - mates;
- (p) Masters, mates, and pilots - masters;
- (q) Masters, mates, and pilots - watch center supervisors; and
- (r) Inlandboatmen's union of the Pacific;

(2) Expenditures for agreements in this section may also be funded from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

**NEW SECTION. Sec. 503. COMPENSATION—INSURANCE BENEFITS**

(1)(a) An agreement was reached for the 2023-2025 fiscal biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies are sufficient to implement the provisions of the 2023-2025 collective bargaining agreement.

(b) Appropriations for state agencies in this act are sufficient for represented employees outside the coalition and for nonrepresented state employee health benefits.

(2) The appropriations for state agencies in this act for benefits provided by the public employees' benefits board are subject

to conditions and limitations as provided in the omnibus operating appropriations act.

**NEW SECTION. Sec. 504. GENERAL WAGE INCREASES AND LUMP SUM PAYMENTS**

(1)(a) Appropriations for state agency employee compensation in this act are sufficient to provide general wage increases to state agency employees and employees of institutions of higher education, who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475.

(b) Appropriations for state agency employee compensation in this act are sufficient to provide a retention lump sum payment and a lump sum COVID-19 booster incentive to state agency employees who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475.

(2) Funding is provided for a four percent general wage increase effective July 1, 2023, for all classified employees as specified in subsection (1)(a) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a four percent salary increase effective July 1, 2023, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(3) Funding is provided for a three percent general wage increase effective July 1, 2024, for all classified employees as specified in subsection (1)(a) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a three percent salary increase effective July 1, 2024, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(4) Funding is provided for a retention lump sum payment of \$1,000 for all employees as specified in subsection (1)(b) of this section who were employed on or before July 1, 2022, and continuously employed through July 1, 2023.

(5) Funding is provided for a COVID-19 booster incentive payment of \$1,000 for all employees as specified in subsection (1)(b) of this section who provide verification, beginning January 1, 2023, through December 31, 2023, that they are up-to-date with the COVID-19 vaccine booster.

**NEW SECTION. Sec. 505. COMPENSATION—PENSION CONTRIBUTIONS**

Appropriations in this act for state agencies are adjusted to reflect pension contribution rates adopted by the pension funding council and the law enforcement officers' and firefighters' retirement system plan 2 board and as otherwise

provided in the omnibus operating appropriations act.

(End of part)

**IMPLEMENTING PROVISIONS**

**NEW SECTION. Sec. 601. MANAGEMENT OF TRANSPORTATION FUNDS WHEN THE LEGISLATURE IS NOT IN SESSION**

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document 2023-1 as developed April 21, 2023, which consists of a list of specific projects by fund source and amount over multiple biennia. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a 16-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation document referenced in this subsection. For the 2023-2025 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers to a project may not occur if that project is a programmatic funding item described in broad general terms on the applicable project list without referencing a specific state route number;

(f) Transfers may not be made while the legislature is in session;

(g) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(h) Except for transfers made under (1) of this subsection, transfers may only be made in fiscal year 2024;

(i) The total amount of transfers under this section may not exceed \$50,000,000;

(j) Except as otherwise provided in (1) of this subsection, transfers made to a single project may not cumulatively total more than \$20,000,000 per fiscal biennium;

(k) Each transfer between projects may only occur if the director of the office of

financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature; and

(1) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount to a single project does not exceed \$250,000 or 10 percent of the total project per fiscal biennium, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section, including any effects to the total project budgets and schedules beyond the current fiscal biennium.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(4) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and address any concerns raised by the chairs and ranking members of the transportation committees.

(5) No fewer than 10 days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section, including any effects to the total project budgets and schedules beyond the current fiscal biennium.

**NEW SECTION. Sec. 602. BOND REIMBURSEMENT**

To the extent that any appropriation authorizes expenditures of state funds from the motor vehicle account, special category C account, Tacoma Narrows toll bridge account, transportation 2003 account (nickel account), transportation partnership account, transportation improvement account, Puget Sound capital construction account, multimodal transportation account, state route number 520 corridor account, connecting Washington account, or other transportation capital project account in the state treasury for a state transportation program that is specified to be funded with proceeds from the sale of bonds authorized in chapter 47.10 RCW, the

legislature declares that any such expenditures made before the issue date of the applicable transportation bonds for that state transportation program are intended to be reimbursed from proceeds of those transportation bonds in a maximum amount equal to the amount of such appropriation.

**NEW SECTION. Sec. 603. BELATED CLAIMS**

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

**NEW SECTION. Sec. 604. REAPPROPRIATIONS REPORTING**

(1) As part of its 2024 supplemental budget submittal, the department of transportation shall provide a report to the legislature and the office of financial management that:

(a) Identifies, by capital project, the amount of state funding that has been reappropriated from the 2021-2023 fiscal biennium into the 2023-2025 fiscal biennium; and

(b) Identifies, for each project, the amount of cost savings or increases in funding that have been identified as compared to the 2021 enacted omnibus transportation appropriations act.

(2) As part of the agency request for capital programs, the department shall load reappropriations separately from funds that were assumed to be required for the 2023-2025 fiscal biennium into budgeting systems.

**NEW SECTION. Sec. 605. WEBSITE REPORTING REQUIREMENTS**

The department of transportation shall post on its website every report that is due from the department to the legislature during the 2023-2025 fiscal biennium on one web page in a manner consistent with past practices as specified in section 605, chapter 333, Laws of 2021.

**NEW SECTION. Sec. 606. TRANSIT, BICYCLE, AND PEDESTRIAN ELEMENTS REPORTING**

By November 15th of each year, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, in a manner consistent with past practices as specified in section 602, chapter 186, Laws of 2022.

**NEW SECTION. Sec. 607. PROJECT SCOPE CHANGES**

(1) During the 2023-2025 fiscal biennium, while the legislature is not in session, the director of the office of financial management may approve project scope change requests to connecting Washington projects and move ahead WA projects in the highway

improvements program, provided that the requests meet the criteria outlined in RCW 47.01.480 if a connecting Washington project, and are subject to the limitations in this section.

(2) At the time the department of transportation submits a request for a project scope change under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(3) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested project scope changes.

(4) No fewer than 10 days after the receipt of a scope change request, the director of the office of financial management must provide written notification to the department of any decision regarding project scope changes, with copies submitted to the transportation committees of the legislature.

(5) As part of its annual budget submittal, the department of transportation must report on all approved scope change requests from the prior year, including a comparison of the scope before and after the requested change.

**NEW SECTION. Sec. 608. TOLL CREDITS**

The department of transportation may provide up to \$5,000,000 in toll credits to Kitsap transit for its role in delivering capital projects related to Kitsap transit public transportation services including, but not limited to, ferry service. The number of toll credits provided must be equal to, but no more than, the number sufficient to meet federal match requirements for grant funding for passenger-only ferry service, but must not exceed the amount authorized in this section.

**NEW SECTION. Sec. 609. LOCAL PARTNER COOPERATIVE AGREEMENTS**

(1) If a transportation project, where the Washington state department of transportation is the lead and the project is scheduled to be delivered or completed in the 2023-2025 fiscal biennium as shown on the LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, is in jeopardy of being delayed because the department is unable to deliver or complete the project within the 2023-2025 fiscal biennium and other local jurisdictions are able to deliver or complete the work, the department must coordinate with the appropriate local jurisdictions to determine if a potential local partner is ready, willing, and able to execute delivery and completion of the project within the 2023-2025 fiscal biennium.

(2) The department must compile a list of projects under this section, including the timing under which the local partner agency can deliver or complete the projects within the 2023-2025 and 2025-2027 fiscal biennia. The department must submit the compiled list of projects to the governor and the

transportation committees of the legislature by November 1, 2023.

(End of part)

**MISCELLANEOUS 2023-2025 FISCAL BIENNIUM**

**NEW SECTION. Sec. 701. INFORMATION TECHNOLOGY OVERSIGHT**

The following transportation projects are subject to the conditions, limitations, and review provided in section 701(2) through (12), chapter . . . (Engrossed Substitute Senate Bill No. 5187), Laws of 2023 (omnibus operating appropriations act):

(1) For the Washington state patrol: Aerial criminal investigation tools;

(2) For the department of licensing: Website accessibility and usability, and to upgrade and improve prorated and fuel tax system; and

(3) For the department of transportation: Linear referencing system (LRS) and highway performance monitoring system (HPMS) replacement, transportation reporting and accounting information system (TRAINS) upgrade and PROPEL - WSDOT support of one Washington, and capital systems replacement.

**NEW SECTION. Sec. 702. DEVELOPMENT OF CLIMATE COMMITMENT ACT EVALUATION TOOLS**

The department of transportation shall cooperate and provide assistance, as requested, in the joint transportation committee's development of program delivery evaluation tools and methodologies provided under section 204 of this act for programs, projects, and other activities that receive funding from the carbon emissions reduction account.

**Sec. 703.** RCW 43.19.642 and 2021 c 333 s 703 are each amended to read as follows:

(1) Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(2) Except as provided in subsection (5) of this section, effective June 1, 2009, state agencies are required to use a minimum of ~~((twenty))~~ 20 percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

(3) All state agencies using biodiesel fuel shall, beginning on July 1, 2016, file annual reports with the department of enterprise services documenting the use of the fuel and a description of how any problems encountered were resolved.

(4) By December 1, 2009, the department of enterprise services shall:

(a) Report to the legislature on the average true price differential for biodiesel by blend and location; and

(b) Examine alternative fuel procurement methods that work to address potential market barriers for in-state biodiesel producers and report these findings to the legislature.

(5) During the ~~((2019-2021—and))~~ 2021-2023 and 2023-2025 fiscal biennia, the Washington state ferries is required to use a minimum of five percent biodiesel as compared to total volume of all diesel purchases made by the Washington state ferries for the operation of the Washington state ferries diesel-powered vessels, as long as the price of a B5 or B10 biodiesel blend does not exceed the price of conventional diesel fuel by five percent or more.

**Sec. 704.** RCW 46.20.745 and 2021 c 333 s 704 are each amended to read as follows:

(1) The ignition interlock device revolving account program is created within the department to assist in covering the monetary costs of installing, removing, and leasing an ignition interlock device, and applicable licensing, for indigent persons who are required under RCW 46.20.385, 46.20.720, and 46.61.5055 to install an ignition interlock device in all vehicles owned or operated by the person. For purposes of this subsection, "indigent" has the same meaning as in RCW 10.101.010, as determined by the department. During the ~~((2019-2021—and))~~ 2021-2023 and 2023-2025 fiscal biennia, the ignition interlock device revolving account program also includes ignition interlock enforcement work conducted by the Washington state patrol.

(2) A pilot program is created within the ignition interlock device revolving account program for the purpose of monitoring compliance by persons required to use ignition interlock devices and by ignition interlock companies and vendors.

(3) The department, the state patrol, and the Washington traffic safety commission shall coordinate to establish a compliance pilot program that will target at least one county from eastern Washington and one county from western Washington, as determined by the department, state patrol, and Washington traffic safety commission.

(4) At a minimum, the compliance pilot program shall:

(a) Review the number of ignition interlock devices that are required to be installed in the targeted county and the number of ignition interlock devices actually installed;

(b) Work to identify those persons who are not complying with ignition interlock requirements or are repeatedly violating ignition interlock requirements; and

(c) Identify ways to track compliance and reduce noncompliance.

(5) As part of monitoring compliance, the Washington traffic safety commission shall also track recidivism for violations of RCW 46.61.502 and 46.61.504 by persons required to have an ignition interlock driver's license under RCW 46.20.385 and 46.20.720.



**Sec. 705.** RCW 46.68.060 and 2022 c 182 s 434 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which must be deposited all moneys directed by law to be deposited therein. This fund must be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010, chapters 46.72 and 46.72A RCW, and RCW 47.04.410. ~~((During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the highway safety fund to the Puget Sound ferry operations account, the motor vehicle fund, and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund.))~~ During the ~~((2017-2019, 2019-2021, and))~~ 2021-2023 ~~and 2023-2025~~ fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the highway safety fund to the multimodal transportation account and the state patrol highway account.

**Sec. 706.** RCW 46.68.063 and 2021 c 333 s 714 are each amended to read as follows:

The department of licensing technology improvement and data management account is created in the highway safety ~~((fund))~~ account. All receipts from fees collected under RCW 46.12.630(5) must be deposited into the account. Expenditures from the account may be used only for investments in technology and data management at the department. During the ~~((2019-2021 and))~~ 2021-2023 ~~and 2023-2025~~ fiscal biennia, the account may also be used for responding to public records requests. Moneys in the account may be spent only after appropriation.

**Sec. 707.** RCW 46.68.290 and 2022 c 157 s 16 are each amended to read as follows:

(1) The transportation partnership account is hereby created in the motor vehicle ~~((fund))~~ account. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as 2005 transportation partnership projects or improvements in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) The legislature finds that:

(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of transportation-related agencies overseen by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

(3) For purposes of chapter 314, Laws of 2005:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies. The Washington state patrol and the department of licensing shall not be considered transportation-related agencies under chapter 314, Laws of 2005.

(4) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for performance audits. Transportation-related agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(5) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies. The state auditor shall contract with private firms to conduct the performance audits.

(6) The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing

those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and management;

(l) Evaluation of purchasing operations and management policies and practices;

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and

(n) Evaluation of transportation-related project costs, including but not limited to environmental mitigation, competitive bidding practices, permitting processes, and capital project management.

(7) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within ~~((thirty))~~ 30 days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

(8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

(9) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the

audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

(10) For the period from July 1, 2005, until June 30, 2007, the amount of \$4,000,000 is appropriated from the transportation partnership account to the state auditors office for the purposes of subsections (2) through (9) of this section.

~~((During the 2015-2017 fiscal biennium, the legislature may transfer from the transportation partnership account to the connecting Washington account such amounts as reflect the excess fund balance of the transportation partnership account.~~

~~((12))~~ During the ~~((2019-2021 and))~~ 2021-2023 and 2023-2025 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the transportation partnership account to ~~((the connecting Washington account,))~~ the motor vehicle ~~((fund,))~~ account and the Tacoma Narrows toll bridge account ~~((, and the capital vessel replacement account)).~~

**Sec. 708.** RCW 46.68.300 and 2021 c 333 s 711 are each amended to read as follows:

The freight mobility investment account is hereby created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for freight mobility projects that have been approved by the freight mobility strategic investment board in RCW 47.06A.020 and may include any principal and interest on bonds authorized for the projects or improvements. During the ~~((2019-2021 and))~~ 2021-2023 and 2023-2025 fiscal biennia, the expenditures from the account may also be used for the administrative expenses of the freight mobility strategic investment board.

**Sec. 709.** RCW 46.68.370 and 2021 c 333 s 710 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.17.015 must be deposited into this account. Expenditures from this account must support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle account for any appropriation made to implement the digital license plate system. During the 2011-2013 and 2013-2015 fiscal biennia, the legislature may transfer from the license plate technology account to the highway safety fund such amounts as reflect the excess fund balance of the license plate technology account. During the ~~((2019-2021 and))~~ 2021-2023 and 2023-2025

fiscal biennia, the account may also be used for the maintenance of recently modernized information technology systems for vehicle registrations.

**Sec. 710.** RCW 46.68.395 and 2020 c 219 s 707 are each amended to read as follows:

(1) The connecting Washington account is created in the motor vehicle ~~((fund))~~ account. Moneys in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as connecting Washington projects or improvements in a transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) Moneys in the connecting Washington account may not be expended on the state route number 99 Alaskan Way viaduct replacement project.

(3) During the ~~((2019-2021))~~ 2023-2025 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the connecting Washington account to the ~~((motor vehicle fund))~~ move ahead WA account.

**Sec. 711.** RCW 46.68.490 and 2022 c 182 s 102 are each amended to read as follows:

(1) The climate active transportation account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the following active transportation grant programs: Safe routes to schools, school-based bike program, bicycle and pedestrian grant program, complete streets grants program, and connecting communities grant program, as well as pedestrian and bicycle or other active transportation projects identified in an omnibus transportation appropriations act as move ahead WA projects.

(2) Beginning July 1, 2023, the state treasurer shall annually transfer 24 percent of the revenues accruing annually to the carbon emissions reduction account created in RCW 70A.65.240 to the climate active transportation account. This subsection does not apply during the 2023-2025 fiscal biennium.

**Sec. 712.** RCW 46.68.500 and 2022 c 182 s 103 are each amended to read as follows:

(1) The climate transit programs account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the following transit grant programs: Transit support grant program, tribal transit mobility grants, transit coordination grants, special needs transit grants, bus and bus facility grant program, green transit grants, and transportation demand management grants, as well as transit projects identified in an omnibus transportation appropriations act as move ahead WA projects.

(2) Beginning July 1, 2023, the state treasurer shall annually transfer 56 percent of the revenues accruing annually to the

carbon emissions reduction account created in RCW 70A.65.240 to the climate transit programs account. This subsection does not apply during the 2023-2025 fiscal biennium.

**Sec. 713.** RCW 47.56.876 and 2022 c 157 s 17 are each amended to read as follows:

(1) A special account to be known as the state route number 520 civil penalties account is created in the state treasury. All state route number 520 bridge replacement and HOV program civil penalties generated from the nonpayment of tolls on the state route number 520 corridor must be deposited into the account, as provided under RCW 47.56.870(4)(b)(vii). Moneys in the account may be spent only after appropriation. Expenditures from the account must be used to fund legal obligations associated with bonds and loans associated with the construction and operation of state route number 520 under circumstances where the toll revenue collections at the time are not sufficient to fully cover such legal obligations, and then may be used to fund any project within the state route number 520 bridge replacement and HOV program, including mitigation. The legislature may direct the state treasurer to make transfers of moneys in the state route number 520 civil penalties account to the state route number 520 corridor account. During the 2021-2023 and 2023-2025 fiscal ~~((biennium))~~ biennia, the legislature may direct the state treasurer to transfer moneys in the state route number 520 civil penalties account to the motor vehicle account.

(2) For purposes of this section, "legal obligations associated with bonds and loans" includes, but is not limited to, debt service and all other activities necessary to comply with financial covenants associated with state route number 520, costs associated with the civil penalties program, and operation and maintenance costs.

**Sec. 714.** RCW 47.60.315 and 2021 c 333 s 716 are each amended to read as follows:

(1) The commission shall adopt fares and pricing policies by rule, under chapter 34.05 RCW, according to the following schedule:

(a) Each year the department shall provide the commission a report of its review of fares and pricing policies, with recommendations for the revision of fares and pricing policies for the ensuing year;

(b) By September 1st of each year, beginning in 2008, the commission shall adopt by rule fares and pricing policies for the ensuing year.

(2) The commission may adopt by rule fares that are effective for more or less than one year for the purposes of transitioning to the fare schedule in subsection (1) of this section.

(3) The commission may increase ferry fares included in the schedule of charges adopted under this section by a percentage that exceeds the fiscal growth factor.

(4) The chief executive officer of the ferry system may authorize the use of promotional, discounted, and special event

fares to the general public and commercial enterprises for the purpose of maximizing capacity use and the revenues collected by the ferry system. The department shall report to the commission a summary of the promotional, discounted, and special event fares offered during each fiscal year and the financial results from these activities.

(5) Fare revenues and other revenues deposited in the Puget Sound ferry operations account created in RCW 47.60.530 may not be used to support the Puget Sound capital construction account created in RCW 47.60.505, unless the support for capital is separately identified in the fare or except as provided in section 715, chapter 333, Laws of 2021 during the 2021-2023 biennium and section 716, chapter . . . , Laws of 2023 (this act) during the 2023-2025 fiscal biennium.

(6) The commission may not raise fares until the fare rules contain pricing policies developed under RCW 47.60.290, or September 1, 2009, whichever is later.

(7) The commission shall impose a vessel replacement surcharge of ~~((twenty-five))~~ 25 cents on every one-way and round-trip ferry fare sold, including multiride and monthly pass fares. This surcharge must be clearly indicated to ferry passengers and drivers and, if possible, on the fare media itself.

(8) Except as provided in subsection (10) of this section, beginning May 1, 2020, the commission shall impose an additional vessel replacement surcharge in an amount sufficient to fund ~~((twenty-five))~~ 25 year debt service on one 144-auto hybrid vessel taking into account funds provided in chapter 417, Laws of 2019 or chapter . . . (SSB 5419), Laws of 2019. The department of transportation shall provide to the commission vessel and debt service cost estimates. Information on vessels constructed or purchased with revenue from the surcharges must be publicly posted including, but not limited to, the commission website.

(9) The vessel replacement surcharges imposed in this section may only be used for the construction or purchase of ferry vessels and to pay the principal and interest on bonds authorized for the construction or purchase of new ferry vessels.

(10) The commission shall not impose the additional vessel replacement surcharge in subsection (8) of this section if doing so would increase fares by more than ~~((ten))~~ 10 percent.

(11) For the 2023-2025 fiscal biennium, any ferry fuel surcharge imposed by the commission may not go into effect until after the ensuing regular legislative session. If a fuel surcharge is imposed as provided under this subsection, the commission must reevaluate the need for the surcharge on at least a quarterly basis to determine if the surcharge is still needed to cover increased fuel costs, and revoke the surcharge if the determination is that the surcharge is no longer needed for this purpose.

**Sec. 715.** RCW 47.60.322 and 2021 c 333 s 712 are each amended to read as follows:

(1) The capital vessel replacement account is created in the motor vehicle ~~((fund))~~ account. All revenues generated from the vessel replacement surcharge under RCW 47.60.315(7) and service fees collected by the department of licensing or county auditor or other agent appointed by the director under RCW 46.17.040, 46.17.050, and 46.17.060 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the construction or purchase of ferry vessels and to pay the principal and interest on bonds authorized for the construction or purchase of ferry vessels. However, expenditures from the account must first be used to support the construction or purchase, including any applicable financing costs, of a ferry vessel with a carrying capacity of at least one hundred forty-four cars.

(2) The state treasurer may transfer moneys from the capital vessel replacement account to the transportation 2003 account (nickel account) for debt service on bonds issued for the construction of 144-car class ferry vessels.

(3) The legislature may transfer from the capital vessel replacement account to the connecting Washington account created under RCW 46.68.395 such amounts as reflect the excess fund balance of the capital vessel replacement account to be used for ferry terminal construction and preservation.

(4) ~~During the ((2019-2021 and))~~ 2021-2023 and 2023-2025 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the capital vessel replacement account to the transportation partnership account and the connecting Washington account.

**Sec. 716.** RCW 47.60.530 and 2021 c 333 s 715 are each amended to read as follows:

(1) The Puget Sound ferry operations account is created in the motor vehicle ~~((fund))~~ account.

(2) The following funds must be deposited into the account:

(a) All moneys directed by law;  
(b) All revenues generated from ferry fares; and

(c) All revenues generated from commercial advertising, concessions, parking, and leases as allowed under RCW 47.60.140.

(3) Moneys in the account may be spent only after appropriation.

(4) Expenditures from the account may be used only for the maintenance, administration, and operation of the Washington state ferry system.

~~(5) ((During the 2015-2017 fiscal biennium, the legislature may transfer from the Puget Sound ferry operations account to the connecting Washington account such amounts as reflect the excess fund balance of the Puget Sound ferry operations account.~~

~~(6) During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the Puget Sound ferry operations account to the connecting Washington account.~~

(7)) During the 2021-2023 and 2023-2025 fiscal ((biennium))biennia, the legislature may direct the state treasurer to make transfers of moneys in the Puget Sound ferry operations account to the Puget Sound capital construction account.

Sec. 717. RCW 47.66.120 and 2022 c 182 s 439 are each amended to read as follows:

(1) (a) The department's public transportation division shall establish a green transportation capital grant program. The purpose of the grant program is to aid any transit authority in funding cost-effective capital projects to reduce the carbon intensity of the Washington transportation system, examples of which include: Electrification of vehicle fleets, including battery and fuel cell electric vehicles; modification or replacement of capital facilities in order to facilitate fleet electrification and/or hydrogen refueling; necessary upgrades to electrical transmission and distribution systems; and construction of charging and fueling stations. The department's public transportation division shall identify projects and shall submit a prioritized list of all projects requesting funding to the legislature by December 1st of each even-numbered year.

(b) The department's public transportation division shall select projects based on a competitive process that considers the following criteria:

(i) The cost-effectiveness of the reductions in carbon emissions provided by the project; and

(ii) The benefit provided to transitioning the entire state to a transportation system with lower carbon intensity.

(c) During the 2023-2025 fiscal biennium, the department must incorporate principles into the grant selection process with the goal of increasing the distribution of funding to communities based on addressing environmental harms and providing environmental benefits for overburdened communities, as defined in RCW 70A.02.010, and vulnerable populations.

(2) The department's public transportation division must establish an advisory committee to assist in identifying projects under subsection (1) of this section. The advisory committee must include representatives from the department of ecology, the department of commerce, the utilities and transportation commission, and at least one transit authority.

(3) In order to receive green transportation capital grant program funding for a project, a transit authority must provide matching funding for that project that is at least equal to ((twenty))20 percent of the total cost of the project.

(4) The department's public transportation division must report annually to the transportation committees of the legislature on the status of any grant projects funded by the program created under this section.

(5) For purposes of this section, "transit authority" means a city transit system under RCW 35.58.2721 or chapter

35.95A RCW, a county public transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under RCW 36.57.100, a regional transit authority under chapter 81.112 RCW, or any special purpose district formed to operate a public transportation system.

(6) During the 2021-2023 fiscal biennium, the department may provide up to 20 percent of the total green transportation capital grant program funding for zero emissions capital transition planning projects. During the 2023-2025 fiscal biennium, the department may provide up to 10 percent of the total green transportation capital grant program funding for zero emissions capital transition planning projects.

Sec. 718. RCW 82.44.200 and 2022 c 187 s 501 are each amended to read as follows:

The electric vehicle account is created in the transportation infrastructure account. Proceeds from the principal and interest payments made on loans from the account must be deposited into the account. Expenditures from the account may be used only for the purposes specified in RCW 47.04.350, 82.08.9999, and 82.12.9999, and the support of other transportation electrification and alternative fuel related purposes, including RCW 47.01.520. Moneys in the account may be spent only after appropriation. During the 2021-2023 and 2023-2025 fiscal ((biennium))biennia, the legislature may direct the state treasurer to make transfers of moneys in the electric vehicle account to the move ahead WA flexible account and multimodal transportation account.

(End of part)

**2021-2023 FISCAL BIENNIUM  
TRANSPORTATION AGENCIES—OPERATING**

Sec. 801. 2022 c 186 s 205 (unmodified) is amended to read as follows:

**FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account—State Appropriation.	
\$3,804,000	
Interstate 405 and State Route Number 167 Express	
Toll Lanes Account—State Appropriation.	
\$127,000	
State Route Number 520 Corridor Account—State	
Appropriation. . . . .	\$276,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation. . . . .	\$180,000
Alaskan Way Viaduct Replacement Project Account—	
State Appropriation. . . . .	\$172,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$4,559,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) The commission shall reconvene the road usage charge steering committee, with the same membership described in chapter 297, Laws of 2018, and shall periodically

report to the steering committee with updates on activities undertaken in accordance with the federal grant awarded July 2020 ("Forward Drive"). A year-end update on the status of any federally-funded project for which federal funding is secured must be provided to the governor's office and the transportation committees of the legislature by January 1, 2022, and by January 1, 2023. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the president of the senate for a senate member vacancy.

(b) The commission shall coordinate with the department of transportation to jointly seek federal funds available through the federal strategic innovations in revenue collection grant program, applying toll credits for meeting match requirements. One or more grant applications may be developed that, at a minimum, propose to:

(i) Assess the impact of a road usage charge, incentives, and other factors on consumer purchase of electric vehicles and conduct a test with drivers to fully assess impacts;

(ii) Assess delivery vehicle fleets and how a road usage charge may be applied, identifying potential impacts to fleet operations and costs, and state transportation revenues, and conducting a pilot test to further inform the identification of potential impacts from a road usage charge;

(iii) Review the process for changing vehicle ownership and determine the considerations and possible implications with a road usage charge system, identifying the processes and structure needed for reconciling a road usage charge owed between sellers and purchasers of used vehicles; and

(iv) Identify opportunities for achieving large-scale data integration to support road usage charge service provisions that could be offered by private-sector service providers, conducting a pilot test to determine the ability of such service providers to support automated mileage reporting and periodic payment services.

(2) \$127,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$276,000 of the state route number 520 corridor account—state appropriation, \$180,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$172,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation commission's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(3) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for the commission to conduct a full planning-level traffic and revenue study of the Hood River Bridge to determine the viability of toll revenues to support future financing of improvements and possible replacement of the bridge, considering prior work and studies conducted. The commission shall coordinate this work with the

department of transportation, the Port of Hood River, the Oregon department of transportation, and other entities as needed. The results of the assessment must be submitted to the house and senate transportation committees by June 30, 2023.

(4) Within the parameters established by RCW 47.56.880, the commission shall review toll revenue performance on the Interstate 405 and state route number 167 corridor and adjust Interstate 405 tolls as appropriate to increase toll revenue to provide sufficient funds for payments of future debt pursuant to RCW 47.10.896 and to support improvements to the corridor. The commission may consider adjusting maximum toll rates, minimum toll rates, time-of-day rates, restricting direct access ramps to transit and HOV vehicles only, or any combination thereof, in setting tolls to increase toll revenue.

**Sec. 802.** 2022 c 186 s 206 (uncodified) is amended to read as follows:

**FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**  
 Freight Mobility Investment Account—State  
 Appropriation. . . . . ((\$843,000))  
\$895,000

The appropriations in this section are subject to the following conditions and limitations: Within appropriated funds, the freight mobility strategic investment board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2022 annual report to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

**Sec. 803.** 2022 c 186 s 207 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**  
 State Patrol Highway Account—State  
 Appropriation. . . . . ((\$524,348,000))  
\$523,903,000  
 State Patrol Highway Account—Federal  
 Appropriation. . . . . ((\$16,433,000))  
\$19,578,000  
 State Patrol Highway Account—Private/Local  
 Appropriation. . . . . \$4,314,000  
 Highway Safety Account—State Appropriation.  
 \$1,292,000  
 Ignition Interlock Device Revolving Account—  
 State  
 Appropriation. . . . . \$2,243,000  
 Multimodal Transportation Account—State  
 Appropriation. . . . . \$293,000  
 State Route Number 520 Corridor Account—  
 State  
 Appropriation. . . . . \$433,000  
 Tacoma Narrows Toll Bridge Account—State  
 Appropriation. . . . . \$77,000  
 I-405 and SR 167 Express Toll Lanes Account—  
 State  
 Appropriation. . . . . \$1,348,000  
**TOTAL APPROPRIATION. . . . . (\$550,781,000)**  
**\$553,481,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2021, and quarterly thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since January 1, 2021, to the director of the office of financial management and the transportation committees of the legislature. At the end of the calendar quarter in which it is estimated that more than \$625,000 in state sales and use taxes have been remitted to the state since January 1, 2021, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406, chapter 333, Laws of 2021.

(3) \$4,000,000 of the state patrol highway account—state appropriation is provided solely for a third arming and a third trooper basic training class. The cadet class is expected to graduate in June 2023.

(4) By December 1st of each year during the 2021-2023 biennium, the Washington state patrol must report to the house and senate transportation committees on the status of recruitment and retention activities as follows:

(a) A summary of recruitment and retention strategies;

(b) The number of transportation funded staff vacancies by major category;

(c) The number of applicants for each of the positions by these categories;

(d) The composition of workforce;

(e) Other relevant outcome measures with comparative information with recent comparable months in prior years; and

(f) Activities related to the implementation of the agency's workforce diversity plan, including short-term and long-term, specific comprehensive outreach and recruitment strategies to increase populations underrepresented within both commissioned and noncommissioned employee groups.

(5) \$493,000 of the state patrol highway account—state appropriation is provided solely for aerial criminal investigation tools, including software licensing and maintenance, and annual certification, and is subject to the conditions, limitations, and review requirements of section 701, chapter 333, Laws of 2021.

(6) (~~(\$6,422,000)~~) \$4,353,000 of the state patrol highway account—state appropriation is provided solely for the land mobile radio system replacement, upgrade, and other related activities. Beginning January 1, 2022, the Washington state patrol must report semiannually to the office of the state chief information officer on the progress related to the projects and activities associated with the land mobile radio system, including the governance structure, outcomes achieved in the prior six month time period, and how the activities are being managed holistically as recommended by the office of the chief information officer. At the time of submittal to the office of the state chief information officer, this report shall be transmitted to the office of financial management and the house and senate transportation committees.

(7) \$510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(8) \$1,348,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$433,000 of the state route number 520 corridor account—state appropriation, and \$77,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for the Washington state patrol's proportional share of time spent supporting tolling operations and enforcement for the respective tolling facilities.

(9) \$289,000 of the state patrol highway account—state appropriation is provided solely for the replacement of 911 workstations.

(10) \$35,000 of the state patrol highway account—state appropriation is provided solely for the replacement of bomb response equipment.

(11) \$713,000 of the state patrol highway account—state appropriation is provided solely for information technology infrastructure maintenance.

(12) The Washington state patrol must provide a report to the office of financial management and the house and senate transportation committees on its plan for implementing a transition to cloud computing and storage with its 2023-2025 budget submittal.

(13) \$945,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 329, Laws of 2021 (custodial interrogations).

(14) \$46,000 of the state patrol highway account—state appropriation is provided

solely for implementation of chapter 320, Laws of 2021 (peace officer tactics).

(15) \$46,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 324, Laws of 2021 (use of force by officers).

(16)(a) The legislature finds that the water connection extension constructed by the Washington state patrol from the city of Shelton's water facilities to the Washington state patrol academy was necessary to meet the water supply needs of the academy. The legislature also finds that the water connection provides an ongoing water supply that is necessary to the operation of the training facility, that the state is making use of the water connection for these public activities, and that any future incidental use of the municipal infrastructure put in place to support these activities will not impede the Washington state patrol's ongoing use of the water connection extension.

(b) \$2,220,000 of the transfer from the waste tire removal account to the motor vehicle ((fund))account, as required under RCW 70A.205.425, reimburses the motor vehicle ((fund))account for the portion of the water project costs assigned by the agreement to properties, other than the Washington state patrol academy, that make use of the water connection while the agreement remains in effect. This reimbursement to the motor vehicle ((fund))account is intended to address any possibility that the termination of this agreement could be determined to result in the unconstitutional use of 18th amendment designated funds for nonhighway purposes under the constitution of the state of Washington; however, this transfer is not intended to indicate that the incidental use of this infrastructure by these properties necessarily requires such reimbursement under the state Constitution. Immediately following the transfer of funds, Washington state patrol and the city of Shelton shall meet to formally update the terms of their "Agreement for Utility Connection and Reimbursement of Water Extension Expenses" executed on June 12, 2017, to reflect the intent of the proviso.

(17) The appropriations in this section provide sufficient funding for state patrol staffing assuming vacancy savings which may change over time. Funding for staffing will be monitored and adjusted in the 2023 supplemental budget to restore funding as authorized staffing levels are achieved.

(18) \$331,000 of the state patrol highway account—state appropriation is provided solely for the state patrol's diversity, equity, and inclusion program and a contract with an external psychologist to perform exams. If chapter 146, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(19) \$793,000 of the state patrol highway account—state appropriation is provided solely for the tenant improvements and higher than expected equipment costs for the toxicology lab in Federal Way, and preparing a report on the current cost recovery mechanisms and opportunities for expanding these cost recovery mechanisms in the future. The report must be submitted to the

governor and the transportation committees of the legislature by November 1, 2022.

(20) \$14,788,000 of the state patrol highway account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of commissioned and noncommissioned staff vacancies. Potential uses of the funding include, but are not limited to, the following: Operating a miniacademy and training opportunities for lateral transfers from other agencies; increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the state patrol must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection. The report must also include a description of the miniacademy training, including the number of lateral transfers that entered the training, the number which completed training, the cost of the miniacademy, and a comparison of how the training was different from a conventional academy class.

(21) \$122,000 of the state patrol highway account—state appropriation, \$1,000 of the highway safety account—state appropriation, and \$4,000 of the ignition interlock account—state appropriation are provided solely for implementation of chapter . . . (House Bill No. 1804), Laws of 2022 (interruptive military service credit for members of the state retirement systems). If chapter . . . (House Bill No. 1804), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(22) \$250,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 80, Laws of 2022 (peace officers/use of force). If chapter 80, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(23) \$949,000 of the state patrol highway account—state is provided solely for vehicle identification number inspection staff to reduce the backlog of inspections and a study of how to incorporate best practices into the program, including the timeliness of inspections.

(24) \$595,000 of the state patrol highway account—state appropriation is provided solely for legal expenses associated with McClain v. Washington State Patrol.

**Sec. 804.** 2022 c 186 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**  
Department of Licensing Technology Improvement and  
Data Management Account—State

<u>Appropriation. . . . .</u>	<u>\$874,000</u>
Marine Fuel Tax Refund Account—State	
Appropriation. . . . .	\$34,000
Motorcycle Safety Education Account—State	
Appropriation. . . . .	\$5,016,000
Limited Fish and Wildlife Account—State	
Appropriation. . . . .	\$922,000



Highway Safety Account—State Appropriation. (( <del>\$242,712,000</del> ))	<u>\$241,996,000</u>
Highway Safety Account—Federal Appropriation	\$1,294,000
Motor Vehicle Account—State Appropriation. (( <del>\$80,449,000</del> ))	<u>\$79,969,000</u>
Motor Vehicle Account—Federal Appropriation	\$400,000
Motor Vehicle Account—Private/Local Appropriation. . . . .	\$1,336,000
Ignition Interlock Device Revolving Account— State Appropriation. . . . .	\$6,123,000
Department of Licensing Services Account— State Appropriation. . . . .	(( <del>\$7,964,000</del> )) <u>\$7,916,000</u>
License Plate Technology Account—State Appropriation	(( <del>\$4,092,000</del> )) <u>\$4,068,000</u>
Abandoned Recreational Vehicle Disposal Account— State Appropriation. . . . .	\$3,078,000
Limousine Carriers Account—State Appropriation. . . . .	\$110,000
Electric Vehicle Account—State Appropriation	\$425,000
(DOL Technology Improvement & Data Management Account—State Appropriation—	(( <del>\$874,000</del> ))
Agency Financial Transaction Account—State Appropriation. . . . .	(( <del>\$22,257,000</del> )) <u>\$21,360,000</u>
Move Ahead WA Flexible Account—State Appropriation. . . . .	<u>\$1,260,000</u>
<b>TOTAL APPROPRIATION. . . . .</b>	<b><u>((<del>\$377,086,000</del>))</u></b> <b><u>\$376,181,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,100,000 of the highway safety account—state appropriation is provided solely for the department to provide an interagency transfer to the department of social and health services, children's administration division for the purpose of providing driver's license support to a larger population of foster youth than is already served within existing resources. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

(2) The appropriations in this section assume implementation by the department of cost recovery mechanisms to recoup at least \$21,257,000 during the 2021-2023 biennium in credit card and other financial transaction costs as part of charges imposed for driver and vehicle fee transactions. During the 2021-2023 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(3) (a) For the 2021-2023 biennium, the department shall charge \$1,336,000 for the administration and collection of a motor vehicle excise tax on behalf of a regional transit authority, as authorized under RCW 82.44.135. The amount in this subsection

must be deducted before distributing any revenues to a regional transit authority.

(b) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to work with the regional transit authority imposing a motor vehicle excise tax pursuant to RCW 81.104.160 and transportation benefit districts imposing vehicle fees pursuant to RCW 82.80.140, and other relevant parties, to determine cost recovery options for the administration and collection of the taxes and fees. The options must include:

(i) Full cost recovery for the direct and indirect expenses by the department of licensing, subagents, and counties;

(ii) Marginal cost recovery for the direct and indirect expenses by the department of licensing, subagents, and counties;

(iii) The estimated costs if the regional transit authority or transportation benefit districts had to contract out the entire collection and administrative activity with a nongovernmental entity.

(4) \$12,000 of the motorcycle safety education account—state appropriation, \$2,000 of the limited fish and wildlife account—state appropriation, \$728,000 of the highway safety account—state appropriation, \$238,000 of the motor vehicle account—state appropriation, \$10,000 of the ignition interlock device revolving account—state appropriation, and \$10,000 of the department of licensing services account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements of section 701, chapter 333, Laws of 2021.

(5) \$28,636,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall implement efficiency measures to reduce the time for licensing transactions and wait times including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the "keep your customer" initiative.

(6) \$500,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall continue the outreach plan that includes informational material

that can be effectively communicated to all communities and populations in Washington. To accomplish this work, the department shall contract with an external vendor with demonstrated experience and expertise in outreach and marketing to underrepresented communities in a culturally responsive fashion.

(7) \$523,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 158, Laws of 2021 (DOL issued documents).

(8) \$929,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 240, Laws of 2021 (suspension of licenses for traffic infractions).

(9) \$23,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 10, Laws of 2021 (restoring voter eligibility after felony conviction).

(10) \$3,074,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account. During the 2021-2023 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(11)(a) \$54,000 of the motor vehicle account—state appropriation is provided solely for the issuance of nonemergency medical transportation vehicle decals to implement the high occupancy vehicle lane access pilot program established in section 216, chapter 333, Laws of 2021. A for hire nonemergency medical transportation vehicle is a vehicle that is a "for hire vehicle" under RCW 46.04.190 that provides nonemergency medical transportation, including for life-sustaining transportation purposes, to meet the medical transportation needs of individuals traveling to medical practices and clinics, cancer centers, dialysis facilities, hospitals, and other care providers.

(b) As part of this pilot program, the owner of a for hire nonemergency medical transportation vehicle may apply to the department, county auditor or other agent, or subagent appointed by the director, for a high occupancy vehicle exempt decal for a for hire nonemergency medical transportation vehicle. The high occupancy vehicle exempt decal allows the for hire nonemergency medical transportation vehicle to use a high occupancy vehicle lane as specified in RCW 46.61.165 and 47.52.025 during the 2021-2023 fiscal biennium.

(c) For the exemption in this subsection to apply to a for hire nonemergency medical transportation vehicle, the decal:

(i) Must be displayed on the vehicle so that it is clearly visible from outside the vehicle;

(ii) Must identify that the vehicle is exempt from the high occupancy vehicle requirements; and

(iii) Must be visible from the rear of the vehicle.

(d) The owner of a for hire nonemergency medical transportation vehicle or the owner's representative must apply for a high occupancy vehicle exempt decal on a form provided or approved by the department. The application must include:

(i) The name and address of the person who is the owner of the vehicle;

(ii) A full description of the vehicle, including its make, model, year, and the vehicle identification number;

(iii) The purpose for which the vehicle is principally used;

(iv) An attestation signed by the vehicle's owner or the owner's representative that the vehicle's owner has a minimum of one contract or service agreement to provide for hire transportation services for medical purposes with one or more of the following entities: A health insurance company; a hospital, clinic, dialysis center, or other medical institution; a day care center, retirement home, or group home; a federal, state, or local agency or jurisdiction; or a broker who negotiates these services on behalf of one or more of these entities; and

(v) Other information as required by the department upon application.

(e) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required under (f) of this subsection when issuing a high occupancy vehicle exempt decal.

(f) The department, county auditor or other agent, or subagent, is required to collect a \$5 fee when issuing a decal under this subsection, in addition to any other fees and taxes required by law.

(g) A high occupancy vehicle exempt decal expires June 30, 2023, and must be marked to indicate its expiration date. The decal may be renewed if the pilot program is continued past the date of a decal's expiration. The status as an exempt vehicle continues until the high occupancy vehicle exempt decal is suspended or revoked for misuse, the vehicle is no longer used as a for hire nonemergency medical transportation vehicle, or the pilot program established in section 216, chapter 333, Laws of 2021 is terminated.

(h) The department may adopt rules to implement this subsection.

(12) \$434,000 of the highway safety account—state appropriation is provided solely for the implementation of the Thurston county superior court order in *Pierce et al. v. Department of Licensing*.

(13) The department shall consult with the department of corrections and state board for community and technical colleges to develop a pilot program that allows incarcerated individuals who are not prohibited by state or federal law from receiving a commercial driver's license upon release to participate in a prerelease commercial driver training program. The department must submit a report to the legislature by June 30, 2023, detailing the status of the program.

(14) \$100,000 of the highway safety account—state appropriation is provided solely for the department to lead a study on the potential impacts that current licensing requirements, including required training hours, and testing requirements may have on the shortage of commercial drivers, and whether adjustments to these requirements may be warranted to help alleviate the shortage. In completing the study, the department must consult with the workforce training board, state board for community and technical colleges, federal motor carrier safety officials, organizations representing veterans, organizations representing commercial drivers, and organizations representing businesses or government entities that rely on commercial drivers. The report must be submitted to the governor and the transportation committees of the legislature by December 1, 2022.

(15) \$965,000 of the motor vehicle account—state appropriation is provided solely for the increased costs associated with delays in the production of license plates, and to provide a report detailing license plate inventory practices and whether those practices should be changed to guard against potential future plate production delays. The report must be submitted to the governor and the transportation committees of the legislature by December 1, 2022.

(16) \$28,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 96, Laws of 2022 (state leadership board) and making improvements to the annual information submitted by special license plate sponsoring organizations pursuant to RCW 46.18.120(2). The improvements must include, but are not limited to, the following: An annual budget for the sponsoring organization's activities in the preceding year; information regarding private and other governmental support for the activities of the sponsoring organization; and a description of the number of people served or services delivered, as appropriate, by the sponsoring organization in the preceding year. If chapter 96, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(17) \$268,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Senate Bill No. 5054), Laws of 2022 (impaired driving). If chapter . . . (Engrossed Senate Bill No. 5054), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(18) \$113,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 51, Laws of 2022 (human trafficking disqualification for a commercial driver's license). If chapter 51, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(19) \$18,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 239, Laws of 2022 (Patches pal special license plates). If chapter 239, Laws of 2022 is not enacted

by June 30, 2022, the amount provided in this subsection lapses.

(20) \$350,000 of the highway safety account—state appropriation is provided solely to expand driver's license assistance and support services in King county with an existing provider that is already providing these services to low-income immigrant and refugee women. By March 1, 2023, the contracted provider must submit information on the annual budget in the preceding year; information regarding private and other governmental support for the activities of the provider; and a description of the number of people served, services delivered, and outcome measures.

(21) \$6,139,000 of the highway safety account—state appropriation, \$1,849,000 of the motor vehicle account—state appropriation, \$203,000 of the department of licensing services account—state appropriation, and \$105,000 of the department of licensing technology improvement and data management account—state appropriation are provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies and agency operations and customer service levels. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department shall submit a report to the governor and the legislative transportation committees detailing the specific expenditures made from the contingency funding provided in this subsection.

(22) \$28,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 191, Laws of 2022 (veterans and military suicide). If chapter 191, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(23) \$83,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 36, Laws of 2022 (vehicle registration certificate addresses). If chapter 36, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(24) \$57,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 40, Laws of 2022 (off-road vehicles fees). If chapter 40, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(25) \$18,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 117, Laws of 2022 (wine special license plate). If chapter 117, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(26) \$316,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 132, Laws of 2022 (temporary license plates). If chapter 132, Laws of 2022 is not

enacted by June 30, 2022, the amount provided in this subsection lapses.

(27) \$251,000 of the highway safety account—state appropriation is provided solely for the department to: (a) Provide each driver's license, identicard, instruction permit, intermediate license, and commercial driver's license applicant with written materials regarding the contents and requirements of RCW 46.61.212, the slow down and move over law, at the completion of the applicant's licensing transaction; (b) place signage in each of the licensing service offices that provide background on the written materials that the applicant will receive regarding the slow down and move over law; and (c) initiate the development of an appropriate training module relating to the requirements of RCW 46.61.212, for inclusion in all new driver training curricula.

(28) \$550,000 of the move ahead WA flexible account—state appropriation is provided solely for an interagency transfer to the department of children, youth, and families to provide driver's license support to a larger population of foster youth than is currently being served. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

(29) \$569,000 of the move ahead WA flexible account—state appropriation and \$103,000 of the agency financial transaction account—state appropriation are provided solely for estimated implementation costs associated with new revenues.

(30) \$141,000 of the move ahead WA flexible account—state appropriation is provided solely for chapter 57, Laws of 2022 (homeless identicard).

Sec. 805. 2022 c 186 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—TOLL OPERATIONS AND MAINTENANCE—PROGRAM B**

State Route Number 520 Corridor Account—State	
Appropriation. . . . .	<del>(\$58,356,000)</del>
	<u>\$55,324,000</u>
State Route Number 520 Civil Penalties Account—State	
Appropriation. . . . .	\$4,163,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation. . . . .	<del>(\$31,102,000)</del>
	<u>\$33,330,000</u>
Alaskan Way Viaduct Replacement Project Account—	
State Appropriation. . . . .	<del>(\$21,806,000)</del>
	<u>\$23,725,000</u>
Interstate 405 and State Route Number 167 Express	
Toll Lanes Account—State Appropriation.	
<del>(\$24,647,000)</del>	
	<u>\$23,146,000</u>
<b>TOTAL APPROPRIATION. . . . .</b>	<del><b>(\$140,074,000)</b></del>
	<u><b>\$139,688,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$12,484,000 of the state route number 520

corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) As long as the facility is tolled, the department must provide annual reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(3) (a) ~~(\$1,189,000)~~ \$875,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, ~~(\$2,783,000)~~ \$2,049,000 of the state route number 520 corridor account—state appropriation, ~~(\$1,218,000)~~ \$903,000 of the Tacoma Narrows toll bridge account—state appropriation, and ~~(\$1,568,000)~~ \$1,155,000 of the Alaskan Way viaduct

replacement project account—state appropriation are provided solely for the reappropriation of unspent funds on the new tolling back office system from the 2019-2021 biennium.

(b) The office of financial management shall place the amounts provided in this subsection in unallotted status until the department submits a detailed progress report on the progress of the new tolling back office system. The director of the office of financial management or their designee shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(4) \$121,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$288,000 of the state route number 520 corridor account—state appropriation, \$128,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$163,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the department to contract with the state auditor's office for a performance audit of the department's project to replace its electronic toll collection system. The audit should include an evaluation of the department's project planning, vendor procurement, contract management and project oversight. The final report is to be issued by December 31, 2022. The state auditor will transmit copies of the report to the jurisdictional committees of the legislature and the department.

(5) The department shall make detailed annual reports to the transportation committees of the legislature and the public on the department's web site on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants, and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs;

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement;

(d) The toll adjudication process, including a summary table for each toll facility that includes:

(i) The number of notices of civil penalty issued;

(ii) The number of recipients who pay before the notice becomes a penalty;

(iii) The number of recipients who request a hearing and the number who do not respond;

(iv) Workload costs related to hearings;

(v) The cost and effectiveness of debt collection activities; and

(vi) Revenues generated from notices of civil penalty; and

(e) A summary of toll revenue by facility on all operating toll facilities and express toll lane systems, and an itemized depiction of the use of that revenue.

(6) During the 2021-2023 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.

(7) \$19,908,000 of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the new state route number 99 tunnel toll facility's expected share of collecting toll revenues, operating customer services, and maintaining toll collection systems. The legislature expects to see appropriate reductions to the other toll facility accounts once tolling on the new state route number 99 tunnel toll facility stabilizes and any previously incurred costs for start-up of the new facility are charged back to the Alaskan Way viaduct replacement project account. The office of financial management shall closely monitor the application of the cost allocation model and ensure that the new state route number 99 tunnel toll facility is adequately sharing costs and the other toll facility accounts are not being overspent or subsidizing the new state route number 99 tunnel toll facility.

(8) The department shall submit a plan to the legislature for the Interstate 405 and state route number 167 express toll lanes account detailing how bond proceeds can cover the proposed construction plan on the Interstate 405 and state route number 167 express toll lane corridor outlined on LEAP Transportation Document 2021-1 as developed April 23, 2021, by January 1, 2022.

(9) ~~(\$4,554,000)~~ \$5,779,000 of the state route number 520 corridor account—state appropriation and ~~(\$580,000)~~ \$744,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for the increased costs of insurance for the state route number 520 floating bridge and the Tacoma Narrows bridge, respectively. The department shall conduct an evaluation of the short and long-term costs and benefits including risk mitigation of self-insurance as compared to the commercial insurance option for the state route number 520 floating bridge, as allowed under the terms of the state route number 520 master bond resolution. By December 15, 2021, the

department shall report to the legislature on the results of this evaluation.

(10) As part of the department's 2023-2025 biennial budget request, the department shall update the cost allocation recommendations that assign appropriate costs to each of the toll funds for services provided by relevant Washington state department of transportation programs, the Washington state patrol, and the transportation commission. The recommendations shall be based on updated traffic and toll transaction patterns and other relevant factors.

(11) All amounts provided for operations and maintenance expenses on the SR 520 facility from the state route number 520 corridor account during the 2021-2023 fiscal biennium in this act, up to a maximum of \$59,567,000, are derived from the receipt of federal American rescue plan act of 2021 funds and not toll revenues.

(12) \$14,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$32,000 of the state route number 520 corridor account—state appropriation, \$22,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$27,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely to implement chapter 132, Laws of 2022 (temporary license plates). If chapter 132, Laws of 2022 is not enacted by June 30, 2022, the amounts provided in this subsection lapse.

**Sec. 806.** 2022 c 186 s 210 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION— INFORMATION TECHNOLOGY—PROGRAM C**

Transportation Partnership Account—State	
Appropriation. . . . .	\$1,461,000
Motor Vehicle Account—State Appropriation.	
(( <del>\$101,010,000</del> ))	
	<u>\$101,020,000</u>
Puget Sound Ferry Operations Account—State	
Appropriation. . . . .	\$307,000
Multimodal Transportation Account—State	
Appropriation. . . . .	\$7,013,000
Transportation 2003 Account (Nickel Account)	
—State	
Appropriation. . . . .	\$1,461,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>((<del>\$111,252,000</del>))</b>
	<u>\$111,262,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,273,000 of the multimodal transportation account—state appropriation and \$4,273,000 of the motor vehicle account—state appropriation are provided solely for the department's cost related to the one Washington project, and is subject to the conditions, limitations, and review requirements of section 701, chapter 333, Laws of 2021.

(2) \$2,404,000 of the motor vehicle account—state appropriation and \$119,000 of the multimodal transportation account—state appropriation are provided solely for contingency funding to address emergent issues related to mitigating negative

impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

**Sec. 807.** 2022 c 186 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION— FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING**

Motor Vehicle Account—State Appropriation.	
(( <del>\$36,843,000</del> ))	
	<u>\$37,921,000</u>
State Route Number 520 Corridor Account—	
State	
Appropriation. . . . .	\$34,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>((<del>\$36,877,000</del>))</b>
	<u>\$37,955,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$780,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

**Sec. 808.** 2022 c 186 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION— TRANSPORTATION EQUIPMENT FUND—PROGRAM E**

Motor Vehicle Account—State Appropriation.	
(( <del>\$12,396,000</del> ))	
	<u>\$13,860,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) ((~~\$10,396,000~~)) \$11,860,000 of the motor vehicle account—state appropriation is provided solely for the department's costs related to replacing obsolete transportation equipment. The appropriations to the department in this section must be expended to maximize the amount of obsolete equipment replaced in the 2021-2023 biennium.

(2) \$2,000,000 of the motor vehicle account—state appropriation is provided solely for the department's costs related to replacing snow removal equipment. The appropriations to the department in this section must be expended to maximize the amount of snow removal equipment replaced in the 2021-2023 biennium.

**Sec. 809.** 2022 c 186 s 213 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F**  
 Aeronautics Account—State Appropriation. ((\$8,127,000))

	<u>\$9,129,000</u>
Aeronautics Account—Federal Appropriation.	
\$3,916,000	
Aeronautics Account—Private/Local Appropriation. . . . .	\$60,000
Multimodal Transportation Account—State Appropriation. . . . .	\$150,000
Move Ahead WA Flexible Account—State Appropriation. . . . .	<u>\$10,000</u>
<b>TOTAL APPROPRIATION. . . . .</b>	<b>(\$12,253,000)</b>
	<u>\$13,265,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,888,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public use airports for pavement, safety, maintenance, planning, and security.

(2) \$257,000 of the aeronautics account—state appropriation is provided solely for supporting the commercial aviation coordinating commission, pursuant to section 718, chapter 333, Laws of 2021.

(3) \$280,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter 131, Laws of 2021 (unpiloted aircraft system state coordinator). If chapter 131, Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(4)(a) \$150,000 of the multimodal transportation account—state appropriation is provided solely for the aviation program to continue the community engagement associated with the work of the commercial aviation coordinating commission to increase aviation capacity and provide a single preferred location for a new primary commercial aviation facility by June 15, 2023. The work of the commission shall include, but is not limited to, recommendations to the legislature on future Washington state long-range commercial aviation facility needs including possible additional aviation facilities or expansion of current aviation facilities.

(b) Community engagement efforts may include:

(i) Raising awareness among aviation stakeholders and the public on the complex issues that must be addressed by the commission;

(ii) Obtaining input from a representative cross section of the public on the construction of a new airport and the expansion of existing airports to meet future aviation demand;

(iii) Keeping people informed as the commission's work progresses, including diverse communities that are often underrepresented in processes to inform decision making;

(iv) Providing opportunities for members of the public to provide direct input to the commission during the pandemic that limits opportunities for direct social contact;

(v) Using surveys, open houses, focus groups, translation services, informational handouts, advertisements, social media, and other appropriate means of communicating with the public; and

(vi) Providing a focus on the demographics or people in the geographical areas most impacted by expanding aviation capacity or developing a new aviation facility.

(c) The department may use a communications consultant or community-based organizations to assist with community engagement efforts in (b) of this subsection.

(5) \$10,000 of the move ahead WA flexible account—state appropriation is provided solely for the creation of a sustainable aviation grant program for airports. The purpose of the grant program is to support adoption of zero emissions aircraft and sustainable aviation fuels, reduce harmful aviation-related emissions, and reduce the aviation industry's reliance on fossil fuels. Sustainable aviation projects may include, but are not limited to: (a) Sustainable aviation fuel storage; (b) electrification of ground support equipment; (c) electric aircraft charging infrastructure; (d) airport clean power production; or (e) electric vehicle charging stations whose infrastructure also supports ground support equipment and electric aircraft charging. The department must select projects, which may include planning, to propose to the legislature for funding. The department shall submit a report to the transportation committees of the legislature by December 1, 2022, identifying the initial selection of sustainable aviation projects for funding by the legislature and recommended changes to modify and sustain the program.

(6) \$1,000,000 of the aeronautics account—state appropriation is provided solely for move ahead WA aviation grants.

**Sec. 810.** 2022 c 186 s 214 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION—PROGRAM DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H**  
 Motor Vehicle Account—State Appropriation. ((\$58,254,000))

	<u>\$57,864,000</u>
Motor Vehicle Account—Federal Appropriation	
. . . . .	\$500,000
Multimodal Transportation Account—State Appropriation. . . . .	\$758,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>(\$59,512,000)</b>
	<u>\$59,122,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the

trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (1), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(2) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

(3) The department shall report to the transportation committees of the legislature by December 1, 2021, on the status of its efforts to consolidate franchises for broadband facilities across the state, including plans for increasing the number of consolidated franchises in the future.

(4) During the 2021-2023 biennium, if the department takes possession of the property situated in the city of Edmonds for which a purchase agreement was executed between Unocal and the department in 2005 (Tax Parcel Number 262703-2-003-0009), and if the department confirms that the property is still no longer needed for transportation purposes, the department shall provide the city of Edmonds with the right of first purchase at fair market value in accordance with RCW 47.12.063(3) for the city's intended use of the property to rehabilitate near-shore habitat for salmon and related species.

(5) ~~(\$535,000)~~ \$125,000 of the motor vehicle account—state appropriation is

provided solely for the implementation of chapter 217, Laws of 2021 (noxious weeds).

(6) ~~(\$1,026,000)~~ \$526,000 of the motor vehicle account—state appropriation and \$500,000 of the multimodal transportation account—state appropriation ~~(~~is~~)~~ are provided solely for the implementation of chapter 314, Laws of 2021 (environmental justice task force).

(7) \$2,399,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(8) The department shall offer to sell the northern parcel of site 14 on the Puget Sound Gateway Program SR 509 Completion Project Surplus Property list, located immediately south of S. 216th Street and adjacent to the Barnes Creek Nature Trail in Des Moines, to Seattle Goodwill Industries, a nonprofit organization with tax ID 91-05688708, located at 700 Dearborn Place S., Seattle, WA 98144, in accordance with RCW 47.12.063 at fair market value because the legislature finds it in the public interest to do so for the public benefit that will result from Goodwill's redevelopment of the property it owns at Rainier Ave. South and South Dearborn Street to increase the supply of affordable housing.

**Sec. 811.** 2022 c 186 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K**

Motor Vehicle Account—State Appropriation.	\$685,000
Electric Vehicle Account—State Appropriation	
.....	(\$11,900,000))
	\$9,164,000
Multimodal Transportation Account—State	
Appropriation. . . . .	(\$3,290,000))
	\$2,790,000
Multimodal Transportation Account—Federal	
Appropriation. . . . .	\$500,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>(\$15,875,000))</b>
	<b>\$13,139,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The public-private partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(2) ~~(\$10,900,000)~~ \$9,154,000 of the electric vehicle account—state appropriation is provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287, Laws



of 2019 (advancing green transportation adoption).

(3) \$2,400,000 of the multimodal transportation account—state appropriation is provided solely for the pilot program established under chapter 287, Laws of 2019 (advancing green transportation adoption) to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards. Consistent with the geographical diversity element described in RCW 47.04.355(4), the legislature strongly encourages the department to consider implementing the pilot in both urban and rural communities if possible, to obtain valuable information on the needs of underserved communities located in different geographical locations in Washington.

(4) ~~(\$1,000,000 of the electric vehicle account—state appropriation and \$500,000 of the multimodal transportation account—state appropriation are provided solely for a colocated DC fast charging and hydrogen fueling station near the Wenatchee or East Wenatchee area near a state route or near or on a publicly owned facility to service passenger, light-duty and heavy-duty vehicles. The hydrogen fueling station must include a DC fast charging station colocated at the hydrogen fueling station site. Funds may be used for one or more fuel cell electric vehicles that would utilize the fueling stations. The department must contract with a public utility district that produces hydrogen in the area to own and/or manage and provide technical assistance for the design, planning, permitting, construction, maintenance and operation of the hydrogen fueling station. The department and public utility district are encouraged to collaborate with and seek contributions from additional public and private partners for the fueling station.~~

~~(5))~~ \$140,000 of the multimodal transportation account—state appropriation is provided solely for the purpose of conducting an assessment of options for the development, including potential features and costs, for a publicly available mapping and forecasting tool that provides locations and essential information of charging and refueling infrastructure to support forecasted levels of electric vehicle adoption, travel, and usage across Washington state as described in chapter 300, Laws of 2021 (preparedness for a zero emissions transportation future).

~~((6-))~~(5) \$250,000 of the multimodal transportation account—state appropriation is provided solely to fund the design of an electric charging mega-site project at Mount Vernon library commons.

(6) \$500,000 of the multimodal transportation account—federal appropriation and \$10,000 of the electric vehicle account—state appropriation are provided solely to implement the national electric vehicle program, established in the federal infrastructure investment and jobs act (P.L. 117-58), as directed by the interagency electric vehicle coordinating council

created in chapter 43.392 RCW. The amounts provided in this subsection include staff support for the council. The funding provided in this subsection may be used to support the publicly available mapping and forecasting tool under RCW 47.01.520, but only to the extent not funded in the omnibus appropriations act.

**Sec. 812.** 2022 c 186 s 216 (unmodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M**

Motor Vehicle Account—State Appropriation. (( <del>\$505,015,000</del> ))	<u>\$508,000,000</u>
Motor Vehicle Account—Federal Appropriation	\$7,000,000
Motor Vehicle Account—Private/Local Appropriation. . . . .	\$17,000
State Route Number 520 Corridor Account— State Appropriation. . . . .	\$4,657,000
Tacoma Narrows Toll Bridge Account—State Appropriation. . . . .	\$1,560,000
Alaskan Way Viaduct Replacement Project Account— State Appropriation. . . . .	\$8,611,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation.	\$2,594,000
Waste Tire Removal Account—State Appropriation. . . . .	\$5,000,000
<u>Move Ahead WA Account—State Appropriation.</u>	<u>\$47,000,000</u>
<b>TOTAL APPROPRIATION. . . . .</b>	<b><u>((<del>\$534,454,000</del>))</u></b> <b><u>\$584,439,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,529,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways. Plan and reporting requirements as required in chapter 435, Laws of 2019 (Local Stormwater Charges) shall be consistent with the January 2012 findings of the Joint Transportation Committee Report for Effective Cost Recovery Structure for WSDOT, Jurisdictions, and Efficiencies in Stormwater Management.

(2) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for snow and ice removal. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

(3) \$1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019, to be administered in conjunction with subsection (9) of this section. The department must

maintain a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

(4) \$1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Tacoma, to be administered in conjunction with subsection (9) of this section. The program shall address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. \$570,000 is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to \$445,000 of the city's expenses for clean-up crews and landfill costs.

(5) The department must continue a pilot program for the 2021-2023 fiscal biennium at the four highest demand safety rest areas to create and maintain an online calendar for volunteer groups to check availability of weekends for the free coffee program. The calendar must be updated at least weekly and show dates and times that are, or are not, available to participate in the free coffee program. The department must submit a report to the legislature on the ongoing pilot by December 1, 2022, outlining the costs and benefits of the online calendar pilot, and including surveys from the volunteer groups and agency staff to determine its effectiveness.

(6) \$686,000 of the motor vehicle account—state appropriation is provided solely for reimbursing the Oregon department of transportation (ODOT) for the department's share of increased maintenance costs of six highway bridges over the Columbia River that are maintained by ODOT.

(7) \$8,290,000 of the motor vehicle account—state appropriation is provided solely for increased costs of highway maintenance materials.

(8) \$5,816,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for repairing damages to highways caused by known and unknown third parties. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for third-party damage repair and will begin using the contingency pool funding.

(9)(a) \$3,000,000 of the motor vehicle account—state appropriation and \$5,000,000 of the waste tire removal account—state appropriation are provided solely for the department to address the risks to safety and public health associated with homeless encampments on department owned rights-of-way. The department must coordinate and work

with local government officials and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way, and may reimburse the organizations doing this outreach assistance who transition people into treatment or housing or for debris clean up on highway rights-of-way. A minimum of \$2,000,000 of this appropriation must be used to provide more frequent removal of litter on the highway rights-of-way that is generated by unsheltered people and may be used to hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees. The department may use these funds to either reimburse local law enforcement costs or the Washington state patrol if they are providing enhanced safety to department staff during debris cleanup or during efforts to prevent future encampments from forming on highway rights-of-way.

(b) Beginning November 1, 2022, and semiannually thereafter, the Washington state patrol and the department of transportation must jointly submit a report to the governor and the house and senate transportation committees of the legislature on the status of these efforts, including:

(i) A detailed breakout of the size, location, risk level categorization, and number of encampments on or near department-owned rights-of-way, compared to the levels during the quarter being reported;

(ii) A summary of the activities in that quarter related to addressing these encampments, including information on arrangements with local governments or other entities related to these activities;

(iii) A description of the planned activities in the ensuing quarter to further address the emergency hazards and risks along state highway rights-of-way; and

(iv) Recommendations for executive branch or legislative action to achieve the desired outcome of reduced emergency hazards and risks along state highway rights-of-way.

(10)(a) \$2,000,000 of the motor vehicle account—state appropriation is provided solely for the department to contract with the city of Fife to address the risks to safety and public health associated with homeless encampments on department-owned rights-of-way along the SR 167/SR 509 Puget Sound Gateway project corridor in and adjacent to the city limits.

(b) The city must coordinate and work with the department and local governments and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way. State funds may be used to reimburse the organizations doing this outreach assistance who transition people into treatment or housing that is not on the rights-of-way or for debris clean up on highway rights-of-way.

(c) The department may hire crews specializing in collecting and disposing of

garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees.

(d) Funds may also be used to reimburse local law enforcement costs or the Washington state patrol if they are participating as part of a state or local government agreement to provide enhanced safety related activities along state highway rights-of-way.

(e) It is the intent of the legislature that the city and collaborating partners should place particular emphasis on utilizing available funds for addressing large scale and multiple homeless encampments that impact public safety and health. Funding for initiatives associated with such encampments may include targeted assistance to local governments and social service organizations, directing moneys toward not only initial efforts to clear encampments, clean up debris and restore sightlines, but to ongoing work, monitoring, and maintenance of efforts to place individuals in housing, treatment and services, and to better ensure individuals experiencing homelessness receive needed assistance while sites remain safe and secure for the traveling public.

(11) \$12,096,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

~~(12) ((\$5,400,000 of the motor vehicle account—state appropriation is provided solely for replacement of traffic signs and to increase the visibility of road pavement markings. Investments must replace traffic signs that do not meet the department's standards or that are faded, lacking in reflectivity, cracked, illegible, or damaged. Investments must also increase the visibility of road pavement markings during periods of low light conditions and during precipitation with pavement marking products that contain all weather optical reflectivity capability. The request for proposals and subsequent competitive procurement for the signs shall be performed following state specifications and standards.~~

(13)) \$17,000 of the motor vehicle account—local appropriation is provided solely to update existing signs along Interstate 5 in the vicinity of Seattle center. The department must install new Seattle center logos with a redesigned logo that recognizes climate pledge arena, but is not responsible for design or fabrication of the logo or new sign.

~~((14))~~ (13) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to install fencing to delineate between the privately leased property owned by the department and the public right-of-way property maintained by the city of Seattle. The parameters of the adjacent properties located under the Interstate 5 corridor, south of milepost 165, are south Jackson street and south King street going north and south, and 8th avenue south and 9th avenue south going west to east in the international district.

~~((15))~~ (14) (a) \$2,500,000 of the motor vehicle account—state appropriation is provided solely for:

(i) Additional resources for operations, maintenance, facility replacements, security, and upgrades to safety rest areas to ensure that safety rest areas owned and operated by the department are open for use except for seasonal closures or cleaning, maintenance, and repair; and

(ii) Reconfiguration of maintenance operations pursuant to chapter 262, Laws of 2022 (safety rest areas).

(b) The department may use the funds for additional labor, services, materials, or equipment needed to allow commercial vehicle parking stalls to remain open when rest areas might otherwise be closed.

(c) It is the intent of the legislature that these funds are additional resources for the department and not meant to supplant underlying resources for the maintenance and operations of safety rest areas.

(d) The department must make a report to the transportation committees of the legislature regarding the additional operations and maintenance activities made at safety rest areas to ensure that rest areas stayed open by January 15, 2023. The report must include the status per safety rest area of openings and closures that were impacted by the additional activities; the additional activities, including security efforts, that were performed at the rest areas; and an update on the status and a review of the safety rest area strategic plan.

~~((16))~~ (15) (a) \$50,000 of the motor vehicle account—state appropriation is provided solely for the department to install and inspect monthly human trafficking informational posters in every rest room in every safety rest area owned and operated by the department.

(b) In developing the informational posters, the department shall consult with human trafficking victim advocates to determine content.

(c) The posters must:

(i) Be printed in a variety of languages;

(ii) Include contact information for seeking help, which may include toll-free telephone numbers a person may call for assistance, including the number for the national human trafficking resource center and the number for the Washington state office of crime victims advocacy; and

(iii) Be made of durable material and permanently affixed.

(d) The department shall install the informational posters in every restroom at

every safety rest area owned and operated by the department by December 31, 2022.

(e) Beginning January 1, 2023, or one month after installation of informational posters, whichever is sooner, the department shall inspect the informational posters as part of its monthly maintenance activities to ensure that the posters are in fair condition and remain legible.

(f) The department must make a report to the transportation committees of the legislature regarding the installation of informational posters at safety rest areas by January 15, 2023. The report must include the number of informational posters installed, the location of the poster installations, and the completion date of the poster installations.

Sec. 813. 2022 c 186 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—OPERATING**

Motor Vehicle Account—State Appropriation.	
((\$73,760,000))	
	<u>\$73,968,000</u>
Motor Vehicle Account—Federal Appropriation	
.....	\$2,050,000
Motor Vehicle Account—Private/Local	
Appropriation.....	\$295,000
State Route Number 520 Corridor Account—	
State	
Appropriation.....	\$225,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation.....	\$40,000
Alaskan Way Viaduct Replacement Project	
Account—	
State Appropriation.....	\$1,112,000
Interstate 405 and State Route Number 167	
Express	
Toll Lanes Account—State Appropriation.	
\$20,000	
Agency Financial Transaction Account—State	
Appropriation.....	\$100,000
Move Ahead WA Account—State Appropriation.	
<u>\$1,850,000</u>	
<b>TOTAL APPROPRIATION.....</b>	<b><u>(\$77,602,000)</u></b>
	<b><u>\$79,660,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2) (a) During the 2021-2023 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto

transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to organ transport vehicles transporting a time urgent organ for an organ procurement organization as defined in RCW 68.64.010. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, organ transport vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(d) The department shall expand the high occupancy vehicle lane access pilot program to private, for hire vehicles regulated under chapter 81.72 RCW that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive device. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, wheelchair-accessible taxicabs that are clearly and identifiably marked as such on all sides of the vehicle are considered public transportation vehicles and must be authorized to use the reserved portion of the highway.

(e) The department shall expand the high occupancy vehicle lane access pilot program to for hire nonemergency medical transportation vehicles, when in use for medical purposes, as described in section 208, chapter 333, Laws of 2021. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, nonemergency medical transportation vehicles that meet

the requirements identified in section 208, chapter 333, Laws of 2021 must be authorized to use the reserved portion of the highway.

(f) Nothing in this subsection (2) is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for express toll lanes.

(3) \$2,574,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(4) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least \$100,000 in credit card and other financial transaction costs related to the collection of fees imposed under RCW 46.44.0941 for driver and vehicle fee transactions beginning January 1, 2023. The department may recover transaction fees incurred through credit card transactions. At the direction of the office of financial management, the department shall develop a method of tracking the additional amount of credit card and other financial cost-recovery revenues. In consultation with the office of financial management, the department shall notify the office of the state treasurer of these amounts and the state treasurer must deposit these revenues in the agency financial transaction account created in RCW 46.01.385 on a quarterly basis. The department shall also submit, as part of its 2023-2025 budget submittal, an overview of the credit card cost recovery approach, including fee rates and the amount of revenue expected to be generated in the 2021-2023 and 2023-2025 biennia.

(5) The department shall promote safety messages encouraging drivers to slow down and move over and pay attention when emergency lights are flashing on the side of the road and other suitable safety messages on electronic message boards the department operates across the state. The messages must be promoted multiple times each month through June 30, 2023. The department may coordinate such messaging with any statewide public awareness campaigns being developed by the department of licensing or the Washington state traffic safety commission or both.

(6) \$1,850,000 of the move ahead WA—state appropriation is provided solely for traffic operations enhancements. It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$30,000,000 for this purpose.

**FOR THE DEPARTMENT OF TRANSPORTATION—  
TRANSPORTATION MANAGEMENT AND SUPPORT—  
PROGRAM S**

Motor Vehicle Account—State Appropriation. (( <del>\$37,365,000</del> ))	<u>\$37,371,000</u>
Motor Vehicle Account—Federal Appropriation	\$780,000
Motor Vehicle Account—Private/Local Appropriation. . . . .	\$500,000
Puget Sound Ferry Operations Account—State Appropriation. . . . .	\$266,000
Multimodal Transportation Account—State Appropriation. . . . .	\$5,129,000
State Route Number 520 Corridor Account— State Appropriation. . . . .	\$186,000
Tacoma Narrows Toll Bridge Account—State Appropriation. . . . .	\$150,000
Alaskan Way Viaduct Replacement Project Account— State Appropriation. . . . .	\$121,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation. \$77,000	
<u>Move Ahead WA Flexible Account—State Appropriation. . . . .</u>	<u>\$2,000,000</u>
<b>TOTAL APPROPRIATION. . . . .</b>	<b><u>((<del>\$44,574,000</del>) \$46,580,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,000,000 of the multimodal transportation account—state appropriation is provided solely for efforts to increase diversity in the transportation construction workforce through: (a) The preapprenticeship support services (PASS) program, which aims to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce. In addition to the services allowed by RCW 47.01.435, the PASS program may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems in order to support the participation of these youth in a transportation-related preapprenticeship program; (b) assisting minority and women-owned businesses to perform work in the highway construction industry. This assistance shall include technical assistance, business training, counseling, guidance, prime to subcontractor relationship building, and a capacity building mentorship program. At a minimum, \$1,000,000 of the total appropriation in this subsection shall be directed toward the efforts outlined in (b) of this subsection. The provider(s) chosen to complete the work in this subsection shall be selected through a competitive bidding process. The program shall be administered by the Washington state department of transportation's office of equal opportunity.

(2) \$1,446,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and

other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(3) \$774,000 of the motor vehicle account—state appropriation and \$266,000 of the Puget Sound ferry operations account—state appropriation are provided solely for the department to hire a workforce development consultant to develop, track, and monitor the progress of community workforce agreements, and to hire staff to assist with the development and implementation of internal diversity, equity, and inclusion efforts and serve as subject matter experts on federal and state civil rights provisions. The department shall engage with relevant stakeholders, and provide a progress report on the implementation of efforts under this subsection to the transportation committees of the legislature and the governor by December 1, 2022.

(4) For Washington state department of transportation small works roster projects under RCW 39.04.155, the department may only allow firms certified as small business enterprises, under 49 C.F.R. 26.39, to bid on the contract, unless the department determines there would be insufficient bidders for a particular project. The department shall report on the effectiveness of this policy to the transportation committees of the legislature by January 31, 2023.

(5) \$2,000,000 of the move ahead WA flexible account—state appropriation is provided solely for efforts to increase diversity in the transportation construction and maritime workforce. Of this amount:

(a) \$500,000 of the move ahead WA flexible account—state appropriation is provided solely for: (i) The preapprenticeship support services (PASS) program, which aims to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce. In addition to the services allowed by RCW 47.01.435, the PASS program may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems in order to support the participation of these youth in a transportation-related preapprenticeship program; and (ii) assisting minority and women-owned businesses to perform work in the highway construction industry. This assistance shall include technical assistance, business training, counseling, guidance, prime to subcontractor relationship building, and a capacity building mentorship program.

(b) \$1,500,000 of the move ahead WA flexible account—state appropriation is provided solely for expansion of the PASS program to support apprenticeships and workforce development in the maritime industry through preapprenticeship training for inland waterways trades and support

services to obtain necessary documents and coast guard certification.

**Sec. 815.** 2022 c 186 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T**

Motor Vehicle Account—State Appropriation.	(( <del>\$26,483,000</del> ))
	\$26,502,000
Motor Vehicle Account—Federal Appropriation	\$34,865,000
Motor Vehicle Account—Private/Local Appropriation.	\$400,000
Multimodal Transportation Account—State Appropriation.	(( <del>\$1,902,000</del> ))
	\$1,322,000
Multimodal Transportation Account—Federal Appropriation.	\$2,809,000
Multimodal Transportation Account—Private/Local Appropriation.	\$100,000
State Route Number 520 Corridor Account—State Appropriation.	\$451,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation.	\$2,879,000
Move Ahead WA Flexible Account—State Appropriation.	\$1,500,000
Move Ahead WA Flexible Account—Federal Appropriation.	\$1,000,000
<b>TOTAL APPROPRIATION.....</b>	<b>((<del>\$69,889,000</del>))</b>
	<b>\$71,828,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,080,000 of the motor vehicle account—federal appropriation is provided solely for the Forward Drive road usage charge research project overseen by the transportation commission using a portion of the amount of the federal grant award. The purpose of the Forward Drive road usage charge research project is to advance research in key policy areas related to road usage charge including assessing impacts of future mobility shifts on road usage charge revenues, conducting an equity analysis, updating and assessing emerging mileage reporting methods, determining opportunities to reduce cost of collection, conducting small-scale pilot tests, and identifying a long-term, detailed phase-in plan.

(2) \$2,879,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for completion of updating the state route number 167 master plan.

(3) \$500,000 of the multimodal transportation account—state appropriation is provided solely for the department to partner with the department of commerce in developing vehicle miles traveled targets for the counties in Washington state with (a) a population density of at least 100 people per square mile and a population of at least 200,000; or (b) a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of

financial management. Given land use patterns are key factors in travel demand and should be taken into consideration when developing the targets, the department and the department of commerce shall partner with local jurisdictions, regional transportation planning organizations and other stakeholders to inventory existing laws and rules that promote transportation and land use, identify gaps and make recommendations for changes in laws, rules and agency guidance, and establish a framework for considering underserved and rural communities in the evaluation. The department and the department of commerce shall provide an initial technical report by December 31, 2021, an interim report by June 22, 2022, and a final report to the governor and appropriate committees of the legislature by June 30, 2023, that includes a process for establishing vehicle miles traveled reduction targets, a recommended suite of options for local jurisdictions to achieve the targets, and funding requirements for state and local jurisdictions.

(4) \$451,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to contract with the University of Washington department of mechanical engineering, to study measures to reduce noise impacts from the state route number 520 bridge expansion joints. The field testing shall be scheduled during existing construction, maintenance, or other scheduled closures to minimize impacts. The testing must also ensure safety of the traveling public. The study shall examine testing methodologies and project timelines and costs. A draft report must be submitted to the transportation committees of the legislature and the governor by March 1, 2022. A final report must be submitted to the transportation committees of the legislature and the governor by December 31, 2022.

(5) \$5,900,000 of the motor vehicle account—federal appropriation and \$400,000 of the motor vehicle account—private/local appropriation are provided solely for delivery of the department's state planning and research work program and pooled fund research projects.

(6) \$800,000 of the motor vehicle account—state appropriation is provided solely for WSDOT to do a corridor study of SR 302 (Victor Area) to recommend safety and infrastructure improvements to address current damage and prevent future roadway collapse and landslides that have caused road closures.

(7) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for a study on the need for additional connectivity in the area between SR 161, SR 7, SR 507, and I-5 in South Pierce County.

(8) \$1,654,000 of the motor vehicle account—state appropriation and \$108,000 of the multimodal transportation account—state appropriation are provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding

include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(9) \$450,000 of the motor vehicle account—state appropriation is provided solely for the department to complete a performance-based project evaluation model based on the initial work done for section 218(7), chapter 219, Laws of 2020, in a way that operationalizes the six transportation policy goals in RCW 47.04.280. This work should first include clarification of the transportation policy goals through development of objectives and criteria that reflect system priorities based on outcomes of community engagement. After a framework is established by which goals can be more directly related to outcomes, the project evaluation model should leverage the department's existing experts and best practices used for prioritizing programmatic funds to develop procedures by which evaluators could consistently score and rank all types of projects. The department must issue a report by June 30, 2023, summarizing the new project evaluation model, and provide recommendations for how this process could be implemented in coordination with the legislative work cycle.

(10)(a) ~~(\$250,000)~~ \$70,000 of the multimodal transportation account—state appropriation is provided solely for Thurston regional planning council (TRPC) to conduct a study examining options for multimodal high capacity transportation (HCT) to serve travelers on the I-5 corridor between central Thurston county (Olympia area) and Pierce county.

(b) The study will include an assessment of travelsheds and ridership potential and identify and provide an evaluation of options to enhance connectivity and accessibility for the greater south Puget Sound region with an emphasis on linking to planned or existing commuter or regional light rail. The study must account for previous and ongoing efforts by transit agencies and the department. The study will emphasize collaboration with a diverse community of interests, including but not limited to transit, business, public agencies, tribes, and providers and users of transportation who because of age, income, or ability may face barriers and challenges. TRPC will provide to the transportation committees of the legislature a study outline and recommendations of deliverables by December 1, 2022.

(11) ~~(\$600,000)~~ \$200,000 of the multimodal transportation account—state appropriation is provided solely for the city of Seattle's office of planning and community development to support an equitable development initiative to reconnect the South Park neighborhood, currently divided by State Route 99.

(a) The support work must include:

(i) A public engagement and visioning process led by a neighborhood-based, community organization; and

(ii) A feasibility study of decommissioning SR 99 in the South Park neighborhood to include, but not be limited to, traffic studies, environmental impact analysis, and development of alternatives, including the transfer of the land to a neighborhood-led community land trust.

(b) The support work must be conducted in coordination and partnership with neighborhood residents, neighborhood industrial and commercial representatives, the state department of transportation, and other entities and neighborhoods potentially impacted by changes to the operation of SR 99.

(c) The city must provide a report on the plan that includes recommendations to the Seattle city council, state department of transportation, and the transportation committees of the legislature by January 1, 2025.

(12) \$1,500,000 of the move ahead WA flexible account—state appropriation and \$1,000,000 of the move ahead WA flexible account—federal appropriation are provided solely for an Interstate 5 planning and environmental linkage study. This study will serve as a next step toward a statewide Interstate 5 master plan, building upon existing work underway in the corridor. It is the intent of the legislature to direct \$40,000,000 to complete the planning and environmental linkage study over the course of the 16-year move ahead WA investment program.

(a) The study must meet planning and environmental linkages requirements to assess strategies and actions to address preservation and safety needs; climate change; improve corridor efficiency and person-throughput; and operate managed lanes effectively in the long-term. The study must include a robust public engagement program; and must assess multimodal transportation system impacts as well as economic, revenue and equity considerations. The outcome of this work will provide a basis for preliminary project planning, design, and environmental work.

(b) The department shall conduct initial stakeholder listening sessions and submit an interim report on the Interstate 5 planning and environmental linkage study to the joint transportation committee by June 30, 2023. The interim report will set study limits; outline milestones and deliverables for environmental analysis; define committee structure and equitable engagement approaches; define subsequent phases of the study; and determine final scope, budget, and workforce needs.

(c) As an initial element of the study, the department must identify and prepare recommendations for near-term actions to improve HOV lane system-wide performance. The study should identify steps required to convert HOV lanes to a different managed lane operating concept such as express toll lanes, including detailed analysis and environmental process. The recommendations must include the planning, design, environmental review, equity considerations,

community engagement, traffic and revenue analysis, rate setting, and related engineering considerations necessary for a full I-5 HOV system conversion. The department shall submit an interim report on near-term recommendations to the legislative transportation committees by June 30, 2023.

(d) By December 1, 2022, the department must also submit a recommended approach and funding request to:

(i) Assess the seismic risk of the I-5 causeway from Boeing field to Lake City Way; and

(ii) Recommendations for future work to mitigate seismic risk on the causeway, including estimated costs.

**Sec. 816.** 2022 c 186 s 220 (unmodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U**

Aeronautics Account—State Appropriation.	\$1,000
Transportation Partnership Account—State Appropriation. . . . .	\$25,000
Motor Vehicle Account—State Appropriation.	\$101,849,000
Puget Sound Ferry Operations Account—State Appropriation. . . . .	\$244,000
State Route Number 520 Corridor Account—State Appropriation. . . . .	\$26,000
Connecting Washington Account—State Appropriation. . . . .	\$203,000
Multimodal Transportation Account—State Appropriation. . . . .	\$4,968,000
Tacoma Narrows Toll Bridge Account—State Appropriation. . . . .	\$19,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation. . . . .	\$14,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation.	\$15,000
Move Ahead WA Flexible Account—State Appropriation. . . . .	\$450,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>(\$107,364,000)</b>
	<b>\$107,814,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Consistent with existing protocol and practices, for any negotiated settlement of a claim against the state for the department that exceeds five million dollars, the department, in conjunction with the attorney general and the department of enterprise services, shall notify the director of the office of financial management and the transportation committees of the legislature.

(2) Beginning October 1, 2021, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the Washington state ferry system to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim



and settlement by type; (c) defense costs associated with those claims and settlements; and (d) information on the impacts of moving legal costs associated with the Washington state ferry system into the statewide self-insurance pool.

(3) Beginning October 1, 2021, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

(4) When the department identifies significant legal issues that have potential transportation budget implications, the department must initiate a briefing for appropriate legislative members or staff through the office of the attorney general and its legislative briefing protocol.

(5) \$450,000 of the move ahead WA flexible account—state appropriation is provided solely for enhanced funding to the office of minority and women's business enterprises to increase the number of certified women and minority-owned contractors in the transportation sector.

**Sec. 817.** 2022 c 186 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V**

State Vehicle Parking Account—State	
Appropriation. . . . .	\$784,000
Regional Mobility Grant Program Account—State	
Appropriation. . . . .	<del>(\$115,488,000)</del>
	\$81,988,000
Rural Mobility Grant Program Account—State	
Appropriation. . . . .	\$33,283,000
Multimodal Transportation Account—State	
Appropriation. . . . .	<del>(\$134,754,000)</del>
	\$128,845,000
Multimodal Transportation Account—Federal	
Appropriation. . . . .	\$3,574,000
Multimodal Transportation Account—Private/Local	
Appropriation. . . . .	\$100,000
Climate Transit Programs Account—State	
Appropriation. . . . .	\$53,436,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b><del>(\$287,983,000)</del></b>
	<b>\$302,010,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$67,821,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$15,568,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based

on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Fuel type may not be a factor in the grant selection process.

(b) \$52,253,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2019 as reported in the "Summary of Public Transportation - 2019" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. Fuel type may not be a factor in the grant selection process.

(2) \$33,283,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100. Fuel type may not be a factor in the grant selection process.

(3) \$2,000,000 of the multimodal transportation account—state appropriation is provided solely for a public transit rideshare grant program for: (a) Public transit agencies to add or replace rideshare vehicles; and (b) incentives and outreach to increase rideshare use. The grant program for public transit agencies may cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds. Fuel type may not be a factor in the grant selection process.

(4) \$37,809,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ~~((2022-2))~~ 2023-2 ALL PROJECTS as developed ~~((March 9, 2022))~~ April 21, 2023, Program - Public Transportation Program (V).

(5) (a) ~~(\$77,679,000)~~ \$44,179,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ~~((2022-2))~~ 2023-2 ALL PROJECTS as developed ~~((March 9, 2022))~~ April 21, 2023, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be

reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2021, and December 15, 2022, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. Additionally, when allocating funding for the 2023-2025 biennium, no more than thirty percent of the total grant program may directly benefit or support one grantee unless all other funding is awarded. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant. Fuel type may not be a factor in the grant selection process.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2021-2023 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$6,500,000 of the multimodal transportation account—state appropriation and \$784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Fuel type may not be a factor in the grant selection process. Of this amount:

(a) \$30,000 of the state vehicle parking account—state appropriation is provided solely for the STAR pass program for state employees residing in Mason and Grays Harbor Counties. Use of the pass is for public transportation between Mason County and Thurston County, and Grays Harbor and Thurston County. The pass may also be used within Grays Harbor County. The STAR pass commute trip reduction program is open to any state employee who expresses intent to commute to his or her assigned state worksite using a public transit system

currently participating in the STAR pass program.

(b) \$800,000 of the multimodal transportation account—state appropriation is provided solely for continuation of the first mile/last mile connections grant program. Eligible grant recipients include cities, businesses, nonprofits, and transportation network companies with first mile/last mile solution proposals. Transit agencies are not eligible. The commute trip reduction board shall develop grant parameters, evaluation criteria, and evaluate grant proposals. The commute trip reduction board shall provide the transportation committees of the legislature a report on the effectiveness of this grant program and best practices for continuing the program.

(8)(a) Except as provided otherwise in this subsection, (~~(\$29,030,000)~~)\$26,030,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document (~~(2022-2)~~)2023-2 ALL PROJECTS as developed (~~(March 9, 2022)~~)April 21, 2023. It is the intent of the legislature that entities identified to receive funding in the LEAP transportation document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP transportation document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(b) Within the amount provided in this subsection, (~~(\$900,000)~~)\$150,000 of the multimodal transportation account—state appropriation is provided solely to complete work on Martin Luther King Way, Rainier Ave improvements (G2000040).

(9) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(10) (~~(\$23,349,000)~~)\$20,849,000 of the multimodal transportation account—state appropriation is provided solely for the green transportation capital grant program established in chapter 287, Laws of 2019 (advancing green transportation adoption).

(11) \$555,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the Washington State University extension energy program to establish and administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles. The Washington State University extension energy program shall prepare a report regarding the utilization of the program and provide this report to the transportation committees of the legislature by November 15, 2021.

(12) The department must provide telework assistance to employers as part of its CTR activities. The objectives of telework assistance include improving transportation system performance, supporting economic vitality, and increasing equity and access to opportunity.

(13) \$150,000 of the multimodal transportation account—state appropriation is provided solely for Intercity Transit for the Dash shuttle program.

(14) (a) ~~(((\$500,000))~~\$100,000 of the multimodal transportation account—state appropriation is provided solely for King county metro to develop a pilot program to place teams including human services personnel along routes that are enduring significant public safety issues and various disruptive behavior in south King county. The team would be available to deescalate disruptions, provide immediate access to transit resources, and refer customers to community resources to break cycles of inappropriate behavior. The teams must be individuals trained in deescalation and outreach. The function and duties should be cocreated with community stakeholders.

(b) ~~((King county metro must provide a report to the transportation committees of the legislature by June 30, 2023, regarding the effectiveness of the program, any suggestions for improving its efficacy, and any modifications that might be necessary for other transit providers to institute similar programs.~~

(c) If King county metro does not provide at least \$500,000 to develop the pilot program funded by this subsection, the amount provided in this subsection lapses.

(15) (a) \$250,000 of the multimodal transportation account—state appropriation is provided solely for the department, in consultation with the joint transportation committee, to conduct a study of statewide transit service benchmarks. Elements of the study include:

(i) Development of definitions of frequent fixed route transit and accessible frequent fixed route transit; and

(ii) Identification of, to the extent possible using existing data, current gaps in frequent fixed route transit and accessible walking routes to frequent fixed route transit stops.

(b) An initial report is due by December 15, 2022, that proposes a definition of frequent transit and documents how many people in Washington live within one half mile walk of frequent transit. A final report is due by June 30, 2023, that identifies gaps in accessible frequent transit, analyzed for disparities in race, age, and disability, and develops funding scenarios to address the identified gaps.

(16) Within existing resources, the department shall prepare a report regarding the funding, implementation, and operation of the grant management system or systems utilized by the public transportation division. In preparing this report, the department must survey and report on all grant recipients experience with the operation of this system or systems. The department shall provide this report to the transportation committees of the legislature by November 15, 2022.

(17) \$14,120,000 of the climate transit programs account—state appropriation is provided solely for newly selected special needs grants. Of this amount:

(a) \$3,248,000 of the climate transit programs account—state appropriation is

provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost-effectiveness of trips provided.

(b) \$10,872,000 of the climate transit programs account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2019 as reported in the "Summary of Public Transportation - 2019" published by the department of transportation. No transit agency may receive more than 30 percent of these distributions.

(18) \$33,606,000 of the climate transit programs account—state appropriation is provided solely for transit support grants. To be eligible for transit support grant distribution, transit agencies must submit documentation of fare-free policy for 18 years and under by October 1, 2022, to be eligible for the 2023-2025 biennium. Transit agencies that submit fare policy documentation following the October 1, 2022, deadline shall become eligible for the next biennial distribution.

(19) \$4,710,000 of the climate transit programs account—state appropriation is provided solely for newly selected green transportation grants.

(20) \$1,000,000 of the climate transit programs account—state appropriation is provided solely for newly selected transit coordination grants. The department shall give priority to grant proposals that promote the formation of joint partnerships between transit agencies or merge service delivery across entities.

(21) It is the intent of the legislature that \$520,000 will be provided for the Sauk-Suiattle Commuter Bus Project (L1000318) in the 2023-2025 fiscal biennium.

(22) It is the intent of the legislature that \$1,760,000 of regional mobility grant program account—state funds be added to the 2023-2025 fiscal biennium for city of Kent: Rapid Ride Facility Passenger Amenities & Access project (20190004), and the LEAP transportation document referenced in subsection (4) of this section be changed accordingly.

**Sec. 818.** 2022 c 186 s 222 (unmodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—MARINE PROGRAM X**

Multimodal Transportation Account—State	
Appropriation . . . . .	\$1,009,000
Puget Sound Ferry Operations Account—State	
Appropriation . . . . .	(((\$430,388,000))
	\$444,799,000

Puget Sound Ferry Operations Account—Federal  
 Appropriation. . . . . ~~(\$156,789,000)~~  
\$155,934,000

Puget Sound Ferry Operations Account—  
 Private/Local  
 Appropriation. . . . . \$121,000

**TOTAL APPROPRIATION. . . . . ~~(\$587,298,000)~~**  
\$601,863,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2021-2023 supplemental and 2023-2025 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs. The data in the tables in the report must be supplied in a digital file format.

(2) For the 2021-2023 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee, which must include a representative of the department of enterprise services.

(3) \$32,905,000 of the Puget Sound ferry operations account—federal appropriation and ~~(\$53,794,000)~~ \$65,539,000 of the Puget Sound ferry operations account—state appropriation are provided solely for auto ferry vessel operating fuel in the 2021-2023 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 of this act. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(4) \$500,000 of the Puget Sound ferry operations account—state appropriation is ~~((provided—solely))~~ for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(5) \$2,400,000 of the Puget Sound ferry operations account—state appropriation and \$2,000,000 of the Puget Sound ferry operations account—federal appropriation are ~~((provided—solely))~~ for staffing and overtime expenses incurred by engine and deck crewmembers. The department must provide updated staffing cost estimates for fiscal years 2022 and 2023 with its annual budget submittal and updated estimates by January 1, 2022.

(6) \$688,000 of the Puget Sound ferry operations account—state appropriation and \$697,000 of the Puget Sound ferry operations account—federal appropriation are ~~((provided—solely))~~ for new employee training. The department must work to increase its outreach and recruitment of populations

underrepresented in maritime careers and continue working to expand apprenticeship and internship programs, with an emphasis on programs that are shown to improve recruitment for positions with the state ferry system.

(7) The department must request reimbursement from the federal transit administration for the maximum amount of ferry operating expenses eligible for reimbursement under federal law.

(8) \$484,000 of the Puget Sound ferry operations account—federal is ~~((provided—solely))~~ for the department to contract for additional traffic control assistance at the Kingston ferry terminal during peak ferry travel times, with a particular focus on Sundays and holiday weekends. Traffic control methods should include, but not be limited to, holding traffic on the shoulder at Lindvog Road until space opens for cars at the tollbooths and dock, and management of traffic on Highway 104 in order to ensure Kingston residents and business owners have access to businesses, roads, and driveways.

(9) \$336,000 of the Puget Sound ferry operations account—state appropriation is ~~((provided—solely))~~ for evacuation slide training.

(10) \$336,000 of the Puget Sound ferry operations account—state appropriation is ~~((provided—solely))~~ for fall restraint labor and industries inspections.

(11) \$735,000 of the Puget Sound ferry operations account—state appropriation and \$410,000 of the Puget Sound ferry operations account—federal appropriation are ~~((provided—solely))~~ for familiarization for new assignments of engine crew and terminal staff.

(12) \$160,000 of the Puget Sound ferry operations account—state appropriation is ~~((provided—solely))~~ for electronic navigation training.

(13) ~~(\$250,000)~~ \$75,000 of the Puget Sound ferry operations account—state appropriation is ~~((provided—solely))~~ for Washington State Ferries to conduct a study of passenger demographics. The study must include:

(a) Information on age, race, gender, income level of passengers by route in summer and winter seasons;

(b) Composition of passengers by travel purpose, such as commute, tourism, or commerce; and

(c) Frequency of passenger trips by mode and fare products utilized.

The study may be included as part of a larger origin and destination study. The department shall report study results to the transportation committees of the legislature by December 1, 2023.

(14) (a) \$8,419,000 of the Puget Sound ferry operations account—federal appropriation is ~~((provided—solely))~~ for Washington state ferries to:

(i) Continuously recruit and hire deck, engine, and terminal staff;

(ii) Contract with an external recruitment firm to increase recruitment efforts both locally and nationally with an emphasis on attracting maritime workers from communities underrepresented in the ferry system;

(iii) Enhance employee retention by standardizing on-call worker schedules;

(iv) Increase training and development opportunities for employees; and

(v) Make improvements to hiring processes by establishing additional positions to support timely hiring of employees.

(b) It is the intent of the legislature to continue funding for the activities outlined in this section as part of the move ahead WA package.

(15) \$248,000 of the Puget Sound ferry operations account—federal appropriation is (~~provided solely~~) for labor at the Vashon terminal.

(16) \$194,000 of the Puget Sound ferry operations account—federal appropriation is (~~provided solely~~) for operating costs at the Mukilteo terminal.

(17) \$294,000 of the Puget Sound ferry operations account—federal appropriation is (~~provided solely~~) for deck and engine internships.

(18) By December 1, 2022, the department must report on the status of efforts to increase training and development opportunities for employees. The report must include a description of the new training and career advancement programs for able-bodied sailors, mates, and engineers; the numbers of employees participating in each program; the number of employees completing each program; the number of open positions that the program is designed to fill; and the anticipated number of employee promotions as a result of program completion. The department must provide the report to the office of financial management and the transportation committees of the legislature.

(19) For the Mukilteo multimodal terminal, the department must submit a report showing for a 12-month period, on a monthly basis, how much electricity is generated by solar power generated on-site, electricity usage, and actual electricity cost savings. The report is due to the transportation committees of the legislature by June 30, 2023.

(20) \$93,000 of the Puget Sound ferry operations account—state appropriation is (~~provided solely~~) for Washington state ferries to partner with local community colleges and universities to secure housing for workforce training sessions and to pay in advance for the costs of transportation worker identification credentials for incoming ferry system employees and trainees.

(21) (a) (~~(\$300,000)~~) \$150,000 of the Puget Sound ferry operations account—state appropriation is (~~provided solely~~) for the department, in consultation with the joint transportation committee, to oversee a consultant study to identify and recommend cost-effective strategies to maximize walk-on passenger ridership of the Anacortes - San Juan ferry routes. The study must also identify available public funding sources to support these strategies. Reducing the need for passengers to bring their cars on the ferries will increase the capacity of each ferry run to transport more people.

(b) The evaluated options may include, but not be limited to:

(i) Increased public funding or other support for transit or shuttle service between ferry landings on Orcas, Lopez, San Juan, and Anacortes and nearby major town centers or connecting transit hubs;

(ii) Options to increase availability of taxi and rideshare services at each of the landings;

(iii) Short-term electric vehicle rentals at ferry landings, including electric bicycles and scooters;

(iv) Public funding or other support to increase the available locations for additional parking and reduce the cost for short-term parking near each landing;

(v) Marketing of the availability of options through the Washington state ferries reservation system website, on ferries and at ferry landings and ticketing facilities.

(c) Outreach for the study, including on the feasibility and effectiveness of each strategy evaluated, must include outreach to representatives of:

(i) Washington state ferries;  
(ii) San Juan county council;  
(iii) Anacortes and San Juan Islands ferry advisory committee members;

(iv) San Juan economic development council;

(v) City of Anacortes;  
(vi) City of Friday Harbor;

(vii) Skagit transit;

(viii) Skagit RTPO;

(ix) Eastsound;

(x) Lopez Village;

(xi) Transit dependent populations; and

(xii) Others as deemed appropriate by the committee.

(d) A report with recommendations on the most feasible and cost-effective strategies to maximize walk-on passenger ridership of the Anacortes - San Juan and Anacortes - Sidney ferry routes is due to the transportation committees of the legislature by January 6, 2023.

(22) (a) During negotiations of the 2023-2025 collective bargaining agreements, the department must conduct a review and analysis of the collective bargaining agreements governing state ferry employees, to identify provisions that create barriers for, or contribute to creating a disparate impact on, newly hired ferry employees, including those who are women, people of color, veterans, and other employees belonging to communities that have historically been underrepresented in the workforce. The review and analysis must include, but not be limited to, provisions regarding seniority, work assignments, and work shifts. The review and analysis must also include consultation with the governor's office of labor relations, the governor's office of equity, and the attorney general's office.

(b) For future negotiations or modifications of the collective bargaining agreements, it is the intent of the legislature that the collective bargaining representatives for the state and ferry employee organizations may consider the findings of the review and analysis required in (a) of this subsection and negotiate in a manner to remove identified barriers and address identified impacts so as not to perpetuate negative impacts.

(23) To the extent that an activity funded by federal funds in this section is not eligible for federal reimbursement, the department may transfer expenditure authority between state and federal appropriations provided in this section.

(24) \$1,700,000 of the Puget Sound ferry operations account—state appropriation is for the able-bodied sailor to mate program.

(25) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for costs related to the MV Walla Walla.

Sec. 819. 2022 c 186 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING**

Multimodal Transportation Account—State	
Appropriation. . . . .	(( <del>\$68,430,000</del> ))
	\$66,181,000
Multimodal Transportation Account—Private/Local	
Appropriation. . . . .	\$46,000
Multimodal Transportation Account—Federal	
Appropriation. . . . .	\$500,000
<b>TOTAL APPROPRIATION.....</b>	<b>((<del>\$68,976,000</del>))</b>
	<b>\$66,727,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is directed to continue to pursue efforts to reduce costs, increase ridership, and review Amtrak Cascades fares and fare schedules. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report annual credits to the office of financial management and the legislative transportation committees. Annual credits from Amtrak to the department including, but not limited to, credits due to higher ridership, reduced level of service, and fare or fare schedule adjustments, must be used to offset corresponding amounts of the multimodal transportation account—state appropriation, which must be placed in reserve.

(2) Consistent with the ongoing planning and service improvement for the intercity passenger rail program, \$500,000 of the multimodal transportation account—state is provided solely for the Cascades service development plan. This funding is to be used to analyze current and future market conditions and to develop a structured assessment of service options and goals based on anticipated demand and the results of the state and federally required 2019 state rail plan, including identifying implementation alternatives to meet the future service goals for the Amtrak Cascades route. The work must be consistent with federal railroad administration guidance and direction on developing service development plans. It must also leverage the \$500,000 in federal funding appropriated for development of a service development plan and comply with the planning and grant award obligations of the consolidated rail infrastructure and safety improvements (CRISI) program. A status report must be

provided to the transportation committees of the legislature by June 30, 2022.

(3) ~~((~~\$4,000,000~~))~~ \$1,750,000 of the multimodal transportation account—state appropriation is provided solely for the continued coordination, engagement, and planning for a new ultra high-speed ground transportation corridor with participation from Washington, Oregon, and British Columbia. This funding is contingent on meaningful financial contributions for this effort by Oregon or British Columbia. "Ultra high-speed" means a maximum testing speed of at least 250 miles per hour. These efforts are to support and advance activities and must abide by the memorandum of understanding signed by the governors of Washington and Oregon, and the premier of the province of British Columbia in November 2021. The department shall establish a policy committee with participation from Washington, Oregon, and British Columbia, including representation from the two largest caucuses of each chamber of the Washington state legislature, and coordinate the activities of the policy committee to include:

(a) Developing an organizational framework that facilitates input in decision-making from all parties;

(b) Developing a public engagement approach with a focus on equity, inclusion, and meaningful engagement with communities, businesses, federal, state, provincial, and local governments including indigenous communities;

(c) Developing and leading a collaborative approach to prepare and apply for potential future federal, state, and provincial funding opportunities, including development of strategies for incorporating private sector participation and private sector contributions to funding, including through the possible use of public-private partnerships;

(d) Beginning work on scenario analysis addressing advanced transportation technologies, land use and growth assumptions, and an agreed to and defined corridor vision statement; and

(e) Developing a recommendation on the structure and membership of a formal coordinating entity that will be responsible for advancing the project through the project initiation stage to project development and recommended next steps for establishment of the coordinating entity. Project development processes must include consideration of negative and positive impacts on communities of color, low-income households, indigenous peoples, and other disadvantaged communities.

By June 30, 2023, the department shall provide to the governor and the transportation committees of the legislature a report detailing the work conducted by the policy committee and recommendations for establishing a coordinating entity. The report must also include an assessment of current activities and results relating to stakeholder engagement, planning, and any federal funding application. As applicable, the assessment should also be sent to the executive and legislative branches of government in Oregon and appropriate

government bodies in the province of British Columbia.

(4) The department shall consider applying for federal grant opportunities that support the development of the Amtrak Cascades service. Grant submittals must align with the department's federally required service development plan and state rail plans and partnership agreements with Amtrak as the service provider and BNSF Railway as the host railroad.

Sec. 820. 2022 c 186 s 224 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING**

Motor Vehicle Account—State Appropriation. ((\$12,451,000))

	<u>\$12,454,000</u>
Motor Vehicle Account—Federal Appropriation	\$2,567,000
Multiuse Roadway Safety Account—State Appropriation. . . . .	((\$900,000))
	<u>\$450,000</u>
Multimodal Transportation Account—State Appropriation. . . . .	\$250,000
<b>TOTAL APPROPRIATION.....</b>	<b>(\$16,168,000)</b>
	<u>\$15,721,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire multiuse roadway safety account—state appropriation is provided solely for grants under RCW 46.09.540, subject to the following limitations:

(a) Twenty-five percent of the amounts provided are reserved for counties that each have a population of fifteen thousand persons or less; and

(b)(i) Seventy-five percent of the amounts provided are reserved for counties that each have a population exceeding fifteen thousand persons; and

(ii) No county that receives a grant or grants under (a) of this subsection may receive more than sixty thousand dollars in total grants.

(2) \$1,023,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

(a) In coordination with stakeholders, identify county-owned fish passage barriers, and assess which barriers share the same stream system as state-owned fish passage barriers;

(b) Streamline and update the county road administration board's data dashboard, county reporting systems, and program management software to provide a more detailed, more transparent, and user-friendly platform for data management, reporting, and research by the public and other interested parties; and

(c) Conduct a study of the use of county road right-of-way as a potential source of revenue for county road operating and maintenance needs with recommendations on their feasibility statewide.

(End of part)

**TRANSPORTATION AGENCIES—CAPITAL**

Sec. 901. 2022 c 186 s 301 (uncodified) is amended to read as follows: **FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account—State Appropriation. . . . .	((\$17,769,000))
	<u>\$4,331,000</u>
Freight Mobility Multimodal Account—State Appropriation. . . . .	((\$14,004,000))
	<u>\$5,296,000</u>
<b>TOTAL APPROPRIATION.....</b>	<b>(\$31,773,000)</b>
	<u>\$9,627,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document ((2022-2))2023-2 ALL PROJECTS as developed ((March 9, 2022))April 21, 2023, Freight Mobility Strategic Investment Board (FMSIB).

(2) Until directed by the legislature, the board may not initiate a new call for projects.

(3) It is the intent of the legislature to continue to make strategic investments in a statewide freight mobility transportation system with the help of the freight mobility strategic investment board, including projects that mitigate the impact of freight movement on local communities. To that end, and in coordination with WSDOT as it updates its federally-compliant freight plan, the board is directed to identify the highest priority freight investments for the state, across freight modes, state and local jurisdictions, and regions of the state. By December 1, 2021, the board must submit a preliminary report providing a status update on the process and methodology for identifying and prioritizing investments. By December 1, 2022, the board must submit a prioritized list of freight investments that are geographically balanced across the state and can proceed to construction in a timely manner. The prioritized freight project list for the state portion of national highway freight program funds must first address shortfalls in funding for connecting Washington act projects.

(4)(a) For the 2021-2023 project appropriations, unless otherwise provided in this act, the director of the office of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and support the efficient and timely delivery of all projects in the program. The office of financial management may authorize a transfer of appropriation authority between projects under the following conditions and limitations:

(i) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(ii) Each transfer between projects may only occur if the director of the office of

financial management finds that any resulting change will not hinder the completion of the projects on LEAP Transportation Document ((2022-2))2023-2 ALL PROJECTS as developed ((March 9, 2022))April 21, 2023;

(iii) Transfers between projects may be made by the board without the formal written approval provided under this subsection (3) (a), provided that the transfer amount does not exceed \$250,000 or 10 percent of the total project, whichever is less. These transfers must be reported to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees; and

(iv) Except for transfers made under (a) (iii) of this subsection, transfers may only be made in fiscal year 2023.

(b) At the time the board submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(c) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and consider any concerns raised by the chairs and ranking members of the transportation committees.

(d) No fewer than 10 days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the board of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

**Sec. 902.** 2022 c 186 s 302 (uncodified) is amended to read as follows:  
**FOR THE WASHINGTON STATE PATROL**  
 State Patrol Highway Account—State  
 Appropriation. . . . . ((\$4,803,000))  
\$4,203,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$695,000 of the state patrol highway account—state appropriation is provided solely for roof replacement.
- (2) (((\$3,501,000))\$3,508,000 of the state patrol highway account—state appropriation is provided solely for the following projects:
  - (a) \$250,000 for emergency repairs;
  - (b) \$350,000 for fuel tank decommissioning;
  - (c) (((\$750,000))\$250,000 for generator and electrical replacement;
  - (d) \$195,000 for the exterior envelope of the Yakima office;
  - (e) \$466,000 for equipment shelters;
  - (f) (((\$650,000))\$550,000 for the weatherization projects;
  - (g) \$200,000 for roof replacements reappropriation; and
  - (h) \$640,000 for water and fire suppression systems reappropriation and \$607,000 for additional water and fire suppression systems.

(3) The Washington state patrol may transfer funds between projects specified in this subsection to address cash flow requirements. If a project specified in this subsection is completed for less than the amount provided, the remainder may be transferred to another project specified in this subsection not to exceed the total appropriation provided in this subsection.

**Sec. 903.** 2022 c 186 s 303 (uncodified) is amended to read as follows:  
**FOR THE COUNTY ROAD ADMINISTRATION BOARD**  
 Rural Arterial Trust Account—State  
 Appropriation. . . . . ((\$55,028,000))  
\$47,908,000  
 Motor Vehicle Account—State Appropriation.  
 \$1,456,000  
 County Arterial Preservation Account—State  
 Appropriation. . . . . ((\$44,653,000))  
\$45,666,000  
Move Ahead WA Account—State Appropriation.  
\$10,000,000  
**TOTAL APPROPRIATION. . . . . ((\$101,137,000))**  
\$105,030,000

The appropriation in this section is subject to the following conditions and limitations: The entire move ahead WA account—state appropriation is provided solely for additional preservation funding allocations to counties through the county arterial preservation program.

**Sec. 904.** 2021 c 333 s 304 (uncodified) is amended to read as follows:  
**FOR THE TRANSPORTATION IMPROVEMENT BOARD**  
 Small City Pavement and Sidewalk Account—  
 State  
 Appropriation. . . . . \$4,100,000  
 Transportation Improvement Account—State  
 Appropriation. . . . . (((\$201,000,000))  
\$171,000,000  
 Complete Streets Grant Program Account—State  
 Appropriation. . . . . \$14,670,000  
Move Ahead WA Account—State Appropriation.  
\$10,000,000  
Climate Active Transportation Account—State  
Appropriation. . . . . \$3,000,000  
**TOTAL APPROPRIATION. . . . . ((\$219,770,000))**  
\$202,770,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,500,000 of the transportation improvement account—state appropriation is provided solely for the Relight Washington Program. The transportation improvement board shall conduct a comparative analysis of expanding the Relight Washington Program to all cities that are not currently eligible compared to utilizing the same funding amount for other preservation programs administered by the transportation improvement board. If needed to perform this analysis, the transportation improvement board shall gather additional information on the demand and return on investment from a follow up survey to cities currently ineligible for the Relight Washington Program. The transportation improvement board shall report the results of the analysis to the governor and the



transportation committees of the legislature by January 1, 2022.

(2) The entire climate active transportation account—state appropriation is provided solely for newly selected complete streets grants.

(3) The entire move ahead WA account—state appropriation is provided solely for additional preservation funding to cities.

Sec. 905. 2022 c 186 s 304 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION—ONLY PROJECTS)—CAPITAL**

Motor Vehicle Account—State Appropriation. ((~~\$16,076,000~~))

\$15,743,000

Connecting Washington Account—State Appropriation. . . . . \$3,667,000

TOTAL APPROPRIATION..... ((~~\$19,743,000~~))  
\$19,410,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$3,289,000~~)) \$3,667,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2) (a) ((~~\$4,325,000~~)) \$4,025,000 of the motor vehicle account—state appropriation is provided solely for payments of a financing contract issued pursuant to chapter 39.94 RCW for the department facility located at 15700 Dayton Ave N in Shoreline.

(b) Payments from the department of ecology pursuant to the agreement with the department to pay a share of the financing contract in (a) of this subsection must be deposited into the motor vehicle account.

Sec. 906. 2022 c 186 s 305 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I**

Transportation 2003 Account (Nickel Account)—State

Appropriation. . . . . ((~~\$482,000~~))  
\$486,000

Transportation Partnership Account—State

Appropriation. . . . . ((~~\$232,566,000~~))  
\$173,980,000

Motor Vehicle Account—State Appropriation. ((~~\$246,948,000~~))

\$234,148,000

Motor Vehicle Account—Federal Appropriation

. . . . . ((~~\$251,835,000~~))  
\$262,688,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation. . . . . ((~~\$400,000,000~~))  
\$100,000,000

Motor Vehicle Account—Private/Local

Appropriation. . . . . ((~~\$56,192,000~~))  
\$88,263,000

Connecting Washington Account—State

Appropriation. . . . . ((~~\$2,063,783,000~~))  
\$1,644,899,000

Special Category C Account—State  
Appropriation. . . . . ((~~\$86,198,000~~))  
\$71,101,000

Multimodal Transportation Account—State  
Appropriation. . . . . ((~~\$10,792,000~~))  
\$4,779,000

Puget Sound Gateway Facility Account—State  
Appropriation. . . . . \$8,400,000

State Route Number 520 Corridor Account—State

Appropriation. . . . . \$70,886,000

Interstate 405 and State Route Number 167

Express

Toll Lanes Account—State Appropriation. ((~~\$217,282,000~~))

\$34,028,000

Move Ahead WA Account—State Appropriation. ((~~\$10,771,000~~))

\$60,793,000

Move Ahead WA Account—Federal Appropriation . . . . . ((~~\$7,200,000~~))

\$52,312,000

TOTAL APPROPRIATION... ((~~\$3,663,335,000~~))

\$2,806,763,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire move ahead WA account—state appropriation, the entire connecting Washington account—state appropriation, and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2022-1)) 2023-1 as developed ((~~March 9, 2022~~)) April 21, 2023, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 ((~~chapter 333, Laws of 2021~~)) of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((2022-2)) 2023-2 ALL PROJECTS as developed ((~~March 9, 2022~~)) April 21, 2023, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (OBI4001) ((~~as long as the application of the funds is not inconsistent with subsection (26) of this section~~)).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer ((~~funds~~)) appropriation authority between programs I and P, except for ((~~funds~~)) appropriation authority that ((~~are~~)) is otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature

and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

~~(4) ((The connecting Washington account—state appropriation includes up to \$326,594,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.~~

~~(5))~~ The special category C account—state appropriation includes up to \$51,460,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

~~((6))~~ (5) The transportation partnership account—state appropriation includes up to ~~((124,629,000))~~ \$32,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

~~((7) \$161,792,000)~~ (6) \$106,947,000 of the transportation partnership account—state appropriation, \$3,882,000 of the motor vehicle account—private/local appropriation, ~~((9,000,000))~~ \$4,880,000 of the motor vehicle account—state appropriation, ~~((1,000 of the transportation 2003 account (nickel account)—state appropriation,))~~ and ~~((985,000))~~ \$987,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z). It is the intent of the legislature that any legal damages paid to the state as a result of a lawsuit related to contractual provisions for construction and delivery of the Alaskan Way viaduct replacement project be used to repay project cost increases paid from the transportation partnership account—state funds and motor vehicle account—state funds.

~~((8) \$186,820,000)~~ (7) \$168,663,000 of the connecting Washington account—state appropriation and \$488,000 of the motor vehicle account—local appropriation are provided solely for the US 395 North Spokane Corridor project (M00800R). If the department expects the original scope of this project to be completed under budget when a final design is approved for the interchange with I-90 and nearby on ramp access, then the scope of work for this project must also include constructing a land bridge in the vicinity of Liberty Park in Spokane, if appropriations are sufficient. It is the intent of the legislature, consistent with the move ahead WA proposal, to advance future funding for this project in order to accelerate delivery by up to two years.

~~((9))~~ (8) (a) ~~((177,982,000))~~ \$20,962,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project.

(b) The department may advance the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) and construct the project earlier than is scheduled in the LEAP transportation document referenced in

subsection (2) of this section if additional funding is identified and submitted through the existing unanticipated receipts process by September 1, 2021. The department and the state treasurer shall pursue alternatives to toll revenue funding including but not limited to federal loan and grant programs. The department shall explore phasing and modifying the project to attempt to align project completion with the anticipated deployment of bus rapid transit on the corridor in the 2023-2025 biennium. The department shall report back to the transportation committees of the legislature on this work by September 15, 2021.

~~((10))~~ (9) (a) ~~((329,681,000))~~ \$309,774,000 of the connecting Washington account—state appropriation, \$70,886,000 of the state route number 520 corridor account—state appropriation, and ~~((1,021,000))~~ \$1,411,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(b) Upon completion of the Montlake Phase of the West End project (current anticipated contract completion of 2023), the department shall sell that portion of the property not used for permanent transportation improvements and initiate a process to convey that surplus property to a subsequent owner.

(c) Of the amounts provided in this subsection ~~((10))~~ (9), \$100,000 of the state route number 520 corridor account—state appropriation is provided solely for noise mitigation activities. ~~((It is the intent of the legislature to provide an additional \$1,000,000 for noise mitigation activities over the course of the 16-year move ahead WA funding package.~~

~~((11) \$361,296,000)~~ (10) \$296,965,000 of the connecting Washington account—state appropriation, ~~((4,800,000))~~ \$2,145,000 of the multimodal transportation account—state appropriation, ~~((13,725,000))~~ \$4,242,000 of the motor vehicle account—private/local appropriation, \$4,000 of the motor vehicle account—state appropriation, \$7,200,000 of the move ahead WA account—federal appropriation, \$8,400,000 of the Puget Sound Gateway facility account—state appropriation, and ~~((85,015,000))~~ \$84,515,000 of the motor vehicle account—federal appropriation are provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall continue to collaborate with the affected stakeholders as it implements the corridor construction and implementation plan for state route number 167 and state route number 509. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed

on avoiding gaps in fund expenditures for either project.

(c) It is the legislature's intent that the department shall consult with the joint executive committee and joint steering committee to determine the most appropriate interchange at the junction of state route number 161 (Meridian avenue) and state route number 167.

(d) Of the amounts provided in this subsection, ~~(((\$2,300,000))~~ \$2,145,000 of the multimodal transportation account—state appropriation is provided solely for ~~((the))~~:

(i) ~~The~~ design phase of the Puyallup to Tacoma multiuse trail along the SR 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park(~~(-~~

~~(e) Of the amounts provided in this subsection, \$2,500,000 of the multimodal transportation account—state appropriation is provided solely for segment))~~; and

(ii) Segment 2 of the state route number 167 completion project shared-use path to provide connections to the interchange of state route number 167 at 54th to the intersection of state route number 509 and Taylor Way in Tacoma.

~~(((\$12))~~ (11) ~~(a)~~ (((\$25,378,000)) \$25,379,000 of the motor vehicle account—state appropriation, \$10,000,000 of the move ahead WA account—state appropriation, and ~~(((\$413,000))~~ \$36,414,000 of the motor vehicle account—private/local appropriation are provided solely to support a project office and the continued work toward the I-5 Interstate Bridge Replacement project ~~(((\$2000370))~~ (L4000054). The legislature finds that the replacement of the I-5 Columbia river bridge is a project of national significance and is critical for the movement of freight. One span is now 104 years old, at risk for collapse in the event of a major earthquake, and no longer satisfies the needs of commerce and travel. Replacing the aging interstate bridge with a modern, seismically resilient, multimodal structure that provides improved mobility for people, goods, and services is a high priority. Therefore, the legislature intends to support the replacement of the I-5 Columbia river bridge with an investment of \$1,000,000,000 over the 16-year move ahead WA investment program.

(b) The project office must also study the possible different governance structures for a bridge authority that would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the project office must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts.

(c) During the 2021-2023 biennium, the department shall have as a goal to:

(i) Conduct all work necessary to prepare and publish a draft SEIS;

(ii) Coordinate with regulatory agencies to begin the process of obtaining environmental approvals and permits;

(iii) Identify a locally preferred alternative; and

(iv) Begin preparing a final SEIS.

The department shall aim to provide progress reports on these activities to the governor and the transportation committees of the legislature by December 1, 2021, June 1, 2022, and December 1, 2022.

~~(((\$13))~~ (12) ~~(a)~~ (((\$400,000,000)) \$100,000,000 of the coronavirus state fiscal recovery fund—federal appropriation, ~~(((\$25,327,000))~~ \$167,194,000 of the connecting Washington account—state appropriation, \$35,263,000 of the motor vehicle account—federal appropriation, \$45,112,000 of the move ahead WA account—federal appropriation, \$5,618,000 of the motor vehicle account—local appropriation, \$9,016,000 of the transportation partnership account—state appropriation, \$38,021,000 of the move ahead WA account—state appropriation, and \$149,776,000 of the motor vehicle account—state appropriation are provided solely for the Fish Passage Barrier Removal project (OBI4001) ~~((with the intent of fully complying with the federal U.S. v. Washington court injunction by 2030))~~.

(b) It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$2,435,000,000 for fish passage barrier removal with the intent of fully complying with the federal U.S. v. Washington court injunction by 2030. Furthermore, it is the intent of the legislature that funding provided for this purpose may be used to jointly leverage state and local funds for match requirements in applying for competitive federal aid grants provided in the infrastructure investment and jobs act for removals of fish passage barriers under the national culvert removal, replacement, and restoration program. State funds used for the purpose described in this subsection must not compromise fully complying with the court injunction by 2030.

(c) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach by replacing both state and local culverts guided by the principle of providing the greatest fish habitat gain at the earliest time. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert conditions, other transportation projects in the area, and transportation impacts. The department and Brian Abbott fish barrier removal board must provide updates on the implementation of the statewide culvert remediation plan to the legislature by November 1, 2021, and June 1, 2022.

~~(((\$e))~~ (d) The department must keep track of, for each barrier removed: (i) The location; (ii) the amount of fish habitat gain; and (iii) the amount spent to comply with the injunction.

~~(((\$d))~~ (e) Of the amount provided in this subsection, \$142,923,000 of the motor vehicle account—federal appropriation reflects the department's portion of the unrestricted funds from the coronavirus response and relief supplemental

appropriations act of 2021. If the final amount from this act changes while the legislature is not in session, the department shall follow the existing unanticipated receipt process and adjust the list referenced in subsection (1) of this section accordingly, supplanting state funds with federal funds if possible as directed in section 601, chapter 333, Laws of 2021.

~~((14) \$14,367,000))~~ (13) \$13,542,000 of the connecting Washington account—state appropriation ~~((, \$311,000 of the motor vehicle account—state appropriation,))~~ and ~~(((\$3,149,000))\$4,285,000~~ of the motor vehicle account—private/local appropriation are provided solely for the I-90/Barker to Harvard - Improve Interchanges & Local Roads project (L2000122). The connecting Washington account appropriation for the improvements that fall within the city of Liberty Lake may only be expended if the city of Liberty Lake agrees to cover any project costs within the city of Liberty Lake above the \$20,900,000 of state appropriation provided for the total project on the list referenced in subsection (1) of this section.

~~((15) \$16,984,000))~~ (14) \$17,071,000 of the motor vehicle account—federal appropriation, ~~(((\$269,000))\$177,000~~ of the motor vehicle account—state appropriation, \$1,700,000 of the transportation partnership account—state appropriation, \$5,000 of the motor vehicle account—private/local appropriation, and ~~(((\$17,900,000))\$13,666,000~~ of the Interstate 405 and state route number 167 express toll lanes account—state appropriation are provided solely for the SR 167/SR 410 to SR 18 - Congestion Management project (316706C).

~~((16) \$18,915,000))~~ (15) \$17,019,000 of the Special Category C account—state appropriation is provided solely for the SR 18 Widening - Issaquah/Hobart Rd to Raging River project (L1000199) for improving and widening state route number 18 to four lanes from Issaquah-Hobart Road to Raging River.

~~((17) \$2,500,000))~~ (16) \$2,000,000 of the connecting Washington account—state appropriation is provided solely for the North Lewis County transportation study. The study shall examine new, alternate routes for vehicular and truck traffic at the Harrison interchange (Exit 82) in North Centralia and shall allow for a site and configuration to be selected and feasibility to be conducted for final design, permitting, and construction of the I-5/North Lewis county Interchange project (L2000204). It is the intent of the legislature to advance future funding for this project to accelerate delivery by up to two years.

~~((18) \$1,237,000))~~ (17) \$148,000 of the motor vehicle account—state appropriation is provided solely for the US 101/East Sequim Corridor Improvements project (L2000343).

~~((19) \$2,197,000))~~ (18) (a) \$1,223,000 of the motor vehicle account—state appropriation ~~((and \$749,000 of the connecting Washington account—state appropriation are))~~ is provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI).

(b) The department must consider reserving portions of state route number 522, including designated lanes or ramps, for the exclusive or preferential use of public transportation vehicles, privately owned buses, motorcycles, private motor vehicles carrying not less than a specified number of passengers, or private transportation provider vehicles pursuant to RCW 47.52.025.

~~((20) \$1,455,000))~~ (19) \$1,382,000 of the motor vehicle account—federal appropriation ~~((is))~~ and \$73,000 of the motor vehicle account—State appropriation are provided solely for the US 101/Morse Creek Safety Barrier project (L1000247).

~~((21) \$1,000,000))~~ (20) \$780,000 of the motor vehicle account—state appropriation is provided solely for the SR 162/410 Interchange Design and Right of Way project (L1000276).

~~((22) \$7,185,000))~~ (21) \$1,892,000 of the connecting Washington account—state appropriation ~~((is))~~, \$2,000 of the motor vehicle account—private/local appropriation, and \$7,000 of the motor vehicle account—state appropriation are provided solely for the US Hwy 2 Safety project (N00200R).

~~((23))~~ (22) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

~~((24))~~ (23) Any advisory group that the department convenes during the 2021-2023 fiscal biennium must consider the interests of the entire state of Washington.

~~((25))~~ (24) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

Further, the legislature determines construction aggregate and recycled concrete materials substantially meet widely recognized international, national, and local standards and specifications referenced in American society for testing and materials, American concrete institute, Washington state department of transportation, Seattle department of transportation, American public works association, federal aviation administration, and federal highway administration specifications, and are described as necessary and desirable products for recycling and reuse by state and federal agencies.

As these recyclable materials have well established markets, are substantially a

primary or secondary product of necessary construction processes and production, and are managed as an item of commercial value, construction aggregate and recycled concrete materials are exempt from chapter 173-350 WAC.

~~((26))~~ (25) \$2,738,000 of the motor vehicle account—state appropriation is provided solely for the US 97 Wildlife Crossing Improvements project (L2021117). It is the intent of the legislature that, to the extent possible, the department use this funding as match for competitive federal funding to make additional wildlife crossing improvements on the corridor. The department must report to the transportation committees of the legislature with additional corridors that could benefit from wildlife crossing improvements and that are likely to successfully compete for federal funding.

~~((27) —\$12,635,000)~~ (26) \$2,830,000 of the connecting Washington account—state appropriation is provided solely for the SR 3 Freight Corridor (T30400R) project. The legislature intends to provide a total of \$78,910,000 for this project, including an increase of \$12,000,000 in future biennia to safeguard against inflation and supply/labor interruptions and ensure that:

(a) The northern terminus remains at Lake Flora Road and the southern terminus at the intersection of SR 3/SR 302;

(b) Multimodal safety improvements at the southern terminus remain in the project to provide connections to North Mason school district and provide safe routes to schools; and

(c) Intersections on the freight corridor are constructed at Romance Hill and Log Yard road.

~~((28) —\$450,000 of the motor vehicle account—state appropriation is provided solely for the SR 900 Safety Improvements project (L2021118). The department must: (a) Work in collaboration with King county and Skyway coalition to align community assets, transportation infrastructure needs, and initial design for safety improvements along SR 900; and (b) work with the Skyway coalition to lead community planning engagement and active transportation activities.~~

~~(29) —\$5,694,000)~~ (27) \$3,686,000 of the connecting Washington account—state appropriation is provided solely for the I-5/Chamber Way Interchange Vicinity Improvements project (L2000223).

~~((30) —\$500,000)~~ (28) \$166,000 of the motor vehicle account—state appropriation is provided solely for SR 162/SR 161 Additional Connectivity in South Pierce County project (L1000312) to conduct a study on the need for additional connectivity in the area between SR 162, south of Military Road East and north of Orting, and SR 161 in South Pierce county.

(29) \$3,000,000 of the move ahead WA—state appropriation is provided solely for the US 2 Trestle Capacity Improvements & Westbound Trestle Replacement project (L4000056). It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$210,541,000 for planning, design, right-of-way acquisition, interim improvements, and

initial construction. It is the further intent of the legislature that this project enhance multimodal mobility options on the US 2 Trestle. The planning, design and engineering work must consider options to enhance transit and multimodal mobility, including bus rapid transit. The department must report to the legislature with its preliminary analysis of these options by June 30, 2023.

(30) It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$74,298,000 for the SR 3/Gorst Area - Widening project (L4000017). Tribal consultation with the Suquamish tribe must begin at the earliest stage of planning, including without limitation on all funding decisions and funding programs, to provide a government-to-government mechanism for the tribe to evaluate, identify, and expressly notify governmental entities of any potential impacts to tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which the tribe possesses rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required by state law, or by a state agency, including the requirements of Executive Order 21-02 related to archaeological and cultural resources, and regardless of whether the agency receives a request for consultation from the Suquamish tribe. Regularly scheduled tribal consultation meetings with the Suquamish tribe must continue throughout the duration of any funding program and proposed project approval.

(31)(a) It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$500,000,000 for the stormwater retrofits and improvements project (L4000040).

(b) The department shall ensure that \$6,000,000 is provided to the Urban Stormwater Partnership - I-5 Ship-Canal Bridge Pilot (Seattle) project from the \$500,000,000 provided from stormwater retrofits and improvements over the 16-year move ahead WA investment program.

(c) The funding provided for stormwater retrofits and improvements must enhance stormwater runoff treatment from existing roads and infrastructure with an emphasis on green infrastructure retrofits. Projects must be prioritized based on benefits to salmon recovery and ecosystem health, reducing toxic pollution, addressing health disparities, and cost-effectiveness. The department must submit progress reports on its efforts to reduce the toxicity of stormwater runoff from existing infrastructure, recommendations for addressing barriers to innovative solutions, and anticipated demand for funding each biennium.

**Sec. 907.** 2022 c 186 s 306 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P**  
Recreational Vehicle Account—State  
Appropriation. . . . . \$1,520,000

Transportation 2003 Account (Nickel Account) —State Appropriation. . . . .	\$53,911,000
Transportation Partnership Account—State Appropriation. . . . .	(( <del>\$21,441,000</del> )) <u>\$23,038,000</u>
Motor Vehicle Account—State Appropriation. (( <del>\$111,174,000</del> ))	<u>\$121,099,000</u>
Motor Vehicle Account—Federal Appropriation . . . . .	(( <del>\$545,560,000</del> )) <u>\$583,466,000</u>
Motor Vehicle Account—Private/Local Appropriation. . . . .	(( <del>\$13,735,000</del> )) <u>\$13,734,000</u>
Connecting Washington Account—State Appropriation. . . . .	(( <del>\$224,342,000</del> )) <u>\$129,001,000</u>
State Route Number 520 Corridor Account— State Appropriation. . . . .	(( <del>\$2,143,000</del> )) <u>\$812,000</u>
Tacoma Narrows Toll Bridge Account—State Appropriation. . . . .	(( <del>\$5,676,000</del> )) <u>\$3,578,000</u>
Alaskan Way Viaduct Replacement Project Account— State Appropriation. . . . .	(( <del>\$391,000</del> )) <u>\$251,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation. (( <del>\$12,830,000</del> ))	<u>\$9,216,000</u>
<b>TOTAL APPROPRIATION. . . . .</b>	<b>((<del>\$992,723,000</del>))</b> <b><u>\$939,626,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2022-1))2023-1 as developed ((~~March 9, 2022~~))April 21, 2023, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601((~~, chapter 333, Laws of 2021~~))of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((2022-2))2023-2 ALL PROJECTS as developed ((~~March 9, 2022~~))April 21, 2023, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (OBI4001)((~~, as long as the application of the funds is not inconsistent with subsection (10) of this section~~)).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer ((~~funds~~))appropriation authority between programs I and P, except for ((~~funds~~))appropriation authority that ((~~are~~))is otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) \$8,531,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701, chapter 333, Laws of 2021. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(5) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund (L2000290). The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project (809936Z).

(6) \$11,679,000 of the motor vehicle account—federal appropriation is provided solely for preservation projects within project L1100071 that ensure the reliable movement of freight on the national highway freight system. The department shall give priority to those projects that can be advertised by September 30, 2021.

(7) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(8) Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

~~((9) \$1,700,000 of the motor vehicle account state appropriation is provided solely for the SR 109/88 Corner Roadway project (G2000106).)~~

**Sec. 908.** 2022 c 186 s 307 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL**

Motor Vehicle Account—State Appropriation. ~~(\$9,618,000)~~ \$9,473,000  
Motor Vehicle Account—Federal Appropriation . . . . . \$11,215,000  
Motor Vehicle Account—Private/Local Appropriation. . . . . \$500,000  
Interstate 405 and State Route Number 167 Express  
Toll Lanes Account—State Appropriation. \$900,000  
Move Ahead WA Account—State Appropriation. \$611,000  
**TOTAL APPROPRIATION. . . . . ((~~\$22,233,000~~) \$22,699,000)**

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$579,000)~~ \$580,000 of the motor vehicle account—state appropriation is provided solely for the SR 99 Aurora Bridge ITS project (L2000338).

(2) \$1,001,000 of the motor vehicle account—state appropriation, \$611,000 of the move ahead WA account—state appropriation, and ~~(\$2,060,000)~~ \$2,018,000 of the motor vehicle account—federal appropriation are provided solely for the Challenge Seattle project (000009Q). The department shall provide a progress report on this project to the transportation committees of the legislature by January 15, 2022.

**Sec. 909.** 2022 c 186 s 308 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W**

Move Ahead WA Account—State Appropriation. \$2,804,000  
Puget Sound Capital Construction Account—State  
Appropriation. . . . . ~~(\$167,533,000)~~ \$141,382,000  
Puget Sound Capital Construction Account—Federal  
Appropriation. . . . . ~~(\$180,571,000)~~ \$154,634,000  
Puget Sound Capital Construction Account—Private/Local Appropriation ~~(\$2,181,000)~~ \$1,844,000  
Transportation Partnership Account—State

Appropriation. . . . . ~~(\$9,432,000)~~ \$3,759,000  
Connecting Washington Account—State  
Appropriation. . . . . ~~(\$99,141,000)~~ \$97,904,000  
Capital Vessel Replacement Account—State  
Appropriation. . . . . ~~(\$45,668,000)~~ \$5,769,000  
~~((Motor Vehicle Account—State Appropriation \$1,000))~~  
Transportation 2003 Account (Nickel Account)—State  
Appropriation. . . . . \$987,000  
**TOTAL APPROPRIATION. . . . . ((~~\$505,514,000~~) \$409,083,000)**

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ~~((2022-2))~~ 2023-2 ALL PROJECTS as developed ((March 9, 2022)) April 21, 2023, Program - Washington State Ferries Capital Program (W).

(2) For the 2021-2023 biennium, the marine division shall provide to the office of financial management and the legislative transportation committees the following reports on ferry capital projects:

(a) On a semiannual basis the report must include a status update on projects with funding provided in subsections (4), (5), (6), and (8) of this section including, but not limited to, the following:

- (i) Anticipated cost increases and cost savings;
- (ii) Anticipated cash flow and schedule changes; and
- (iii) Explanations for the changes.

(b) On an annual basis the report must include a status update on vessel and terminal preservation and improvement plans including, but not limited to, the following:

- (i) What work has been done;
- (ii) How have schedules shifted; and
- (iii) Associated changes in funding among projects, accompanied by explanations for the changes.

(c) On an annual basis the report must include an update on the implementation of the maintenance management system with recommendations for using the system to improve the efficiency of project reporting under this subsection.

(3) ~~(\$12,232,000)~~ \$19,940,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(4) ~~(\$2,385,000)~~ \$2,384,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ORCA card next generation project (L2000300). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(5) ~~(\$28,134,000)~~ \$3,656,000 of the Puget Sound capital construction account—state appropriation is provided solely for

the conversion of up to two Jumbo Mark II vessels to electric hybrid propulsion (G2000084). The department shall seek additional funds for the purposes of this subsection. The department may spend from the Puget Sound capital construction account—state appropriation in this section only as much as the department receives in Volkswagen settlement funds for the purposes of this subsection.

(6) (~~(\$45,668,000)~~) \$5,769,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel (L2000329). In 2019 the legislature amended RCW 47.60.810 to direct the department to modify an existing vessel construction contract to provide for an additional five ferries. As such, it is the intent of the legislature that the department award the contract for the hybrid electric Olympic class vessel #5 (L2000329) in a timely manner. In addition, the legislature intends to minimize costs and maximize construction efficiency by providing sufficient funding for construction of all five vessels, including funding for long lead time materials procured at the lowest possible prices. The commencement of construction of new vessels for the ferry system is important not only for safety reasons, but also to keep skilled marine construction jobs in the Puget Sound region and to sustain the capacity of the region to meet the ongoing construction and preservation needs of the ferry system fleet of vessels. The legislature has determined that the current vessel procurement process must move forward with all due speed, balancing the interests of both the taxpayers and shipyards. To accomplish construction of vessels in accordance with RCW 47.60.810, the prevailing shipbuilder, for vessels initially funded after July 1, 2020, is encouraged to follow the historical practice of subcontracting the construction of ferry superstructures to a separate nonaffiliated contractor located within the Puget Sound region, that is qualified in accordance with RCW 47.60.690. If the department elects not to execute a new modification to an existing option contract for one or more additional 144-auto ferries under RCW 47.60.810(4), the department shall proceed with development of a new design-build request for proposals in accordance with RCW 47.60.810, 47.60.812, 47.60.814, 47.60.815, 47.60.816, 47.60.818, 47.60.820, 47.60.822, 47.60.824, and 47.60.8241. Of the amounts provided in this section, \$200,000 is provided solely for hiring an independent owner's representative to perform quality oversight, manage the change order process, and ensure contract compliance.

(7) (~~The capital vessel replacement account state appropriation includes up to \$45,468,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.~~

(8) (~~\$4,200,000~~) \$2,838,000 of the connecting Washington account—state appropriation is provided solely for ferry vessel and terminal preservation (L2000110). The funds provided in this subsection must be used for unplanned preservation needs

before shifting funding from other preservation projects.

**Sec. 910.** 2022 c 186 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL**

Essential Rail Assistance Account—State	
Appropriation. . . . .	\$1,108,000
Transportation Infrastructure Account—State	
Appropriation. . . . .	<del>(\$6,218,000)</del>
	<u>\$6,219,000</u>
Multimodal Transportation Account—State	
Appropriation. . . . .	<del>(\$118,320,000)</del>
	<u>\$57,518,000</u>
Multimodal Transportation Account—Federal	
Appropriation. . . . .	<del>(\$6,567,000)</del>
	<u>\$7,885,000</u>
Multimodal Transportation Account—Private/Local	
Appropriation. . . . .	\$13,000
Motor Vehicle Account—State Appropriation.	
	\$1,810,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b><del>(\$134,036,000)</del></b>
	<b><u>\$74,553,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document (~~(2022-2)~~) 2023-2 ALL PROJECTS as developed (~~(March 9, 2022)~~) April 21, 2023, Program - Rail Program (Y).

(2) \$5,089,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued. FRIB program loans may be recommended by the department for 2022 supplemental transportation appropriations up to the amount provided in this appropriation that has not been provided for the projects listed in (~~2021-2 ALL PROJECTS, as~~) the LEAP transportation document referenced in subsection (1) of this section. The department shall submit a prioritized list for any loans recommended to the office of financial management and the transportation committees of the legislature by November 15, 2021.

(3) \$7,041,000 of the multimodal transportation account—state appropriation is provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline



Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(5) (a) \$1,008,000 of the essential rail assistance account—state appropriation is provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues and transfers deposited into the essential rail assistance account from leases and sale of property relating to the Palouse river and Coulee City railroad;

(ii) Revenues from trackage rights agreement fees paid by shippers; and

(iii) Revenues and transfers transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2022, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) (~~(\$32,996,000)~~) \$672,000 of the multimodal transportation account—state appropriation is provided solely for Passenger Rail Equipment Replacement (project 700010C). The appropriation in this subsection include insurance proceeds received by the state. The department must use these funds only to purchase replacement equipment that has been competitively procured and for service recovery needs and corrective actions related to the December 2017 derailment.

(8) It is the intent of the legislature to encourage the department to pursue federal grant opportunities leveraging up to \$6,696,000 in connecting Washington programmed funds to be used as a state match to improve the state-owned Palouse river and Coulee City system. The amount listed in this subsection is not a commitment for future legislatures, but is the legislature's intent that future

legislatures will work to approve biennial appropriations up to a state match share not to exceed \$6,696,000 of a grant award.

(9) \$500,000 of the multimodal transportation account—state appropriation is provided solely for the Chelatchie Prairie railroad for track improvement activities on the northern part of the railroad (L1000311).

**Sec. 911.** 2022 c 186 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL**

<u>Freight Mobility Investment Account—State</u>	
<u>Appropriation. . . . .</u>	<u>\$5,875,000</u>
<u>Freight Mobility Multimodal Account—State</u>	
<u>Appropriation. . . . .</u>	<u>\$910,000</u>
Highway Infrastructure Account—State	
Appropriation. . . . .	\$1,744,000
Highway Infrastructure Account—Federal	
Appropriation	
. . . . .	\$2,935,000
Transportation Partnership Account—State	
Appropriation. . . . .	<del>(\$1,000,000)</del>
	<u>\$500,000</u>
Motor Vehicle Account—State Appropriation.	
<del>(\$25,101,000)</del>	
	<u>\$21,481,000</u>
Motor Vehicle Account—Federal Appropriation	
. . . . .	<del>(\$79,306,000)</del>
	<u>\$44,945,000</u>
Motor Vehicle Account—Private/Local	
Appropriation. . . . .	\$6,600,000
Connecting Washington Account—State	
Appropriation. . . . .	<del>(\$178,464,000)</del>
	<u>\$134,915,000</u>
Multimodal Transportation Account—State	
Appropriation. . . . .	<del>(\$96,975,000)</del>
	<u>\$62,362,000</u>
<u>Move Ahead WA Account—State Appropriation.</u>	<u>\$4,000,000</u>
<u>Move Ahead WA Flexible Account—State</u>	
<u>Appropriation. . . . .</u>	<u>\$3,000,000</u>
<u>Climate Active Transportation Account—State</u>	
<u>Appropriation. . . . .</u>	<u>\$12,182,000</u>
<b>TOTAL APPROPRIATION. . . . .</b>	<b><del>(\$392,125,000)</del></b>
	<b><u>\$301,449,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((2022-2) 2023-2 ALL PROJECTS as developed ((~~March 9, 2022~~) April 21, 2023, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) (i) (~~(\$46,163,000)~~) \$29,870,000 of the multimodal transportation account—state appropriation is provided solely for pedestrian and bicycle safety program projects (L2000188).

(ii) The state route 99/Aurora Avenue North Planning Study funded in this subsection (2)(a) must prioritize designs that ensure slow vehicle speeds and

systematic improvement to the quality of multimodal access, and must be fully completed by September 30, 2023, in order to ensure construction of improvements begin no later than March 1, 2024.

(b) ~~(\$26,086,000)~~ \$18,349,000 of the motor vehicle account—federal appropriation and ~~(\$21,656,000)~~ \$16,562,000 of the multimodal transportation account—state appropriation are provided solely for safe routes to school projects (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2021, and December 1, 2022, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status. In its December 1, 2021, report the department must also include recommended changes to the pedestrian safety/safe routes to school grant program application and selection processes to increase utilization by a greater diversity of jurisdictions.

(4) ~~(\$11,987,000)~~ \$9,537,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for \$7,000,000 in federal funds during the 2021-2023 fiscal biennium.

(6) ~~(\$17,438,000)~~ \$16,438,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016 (L1000169).

(7) When the department updates its federally-compliant freight plan, it shall consult the freight mobility strategic investment board on the freight plan update and on the investment plan component that describes how the estimated funding allocation for the national highway freight program for federal fiscal years 2022-2025 will be invested and matched. The investment plan component for the state portion of national highway freight program funds must first address shortfalls in funding for connecting Washington act projects. The department shall complete the freight plan update in compliance with federal requirements and deadlines and shall provide an update on the development of the freight plan, including the investment plan

component, when submitting its 2022 supplemental appropriations request.

(8) ~~(\$35,411,000)~~ \$10,137,000 of the motor vehicle account—federal appropriation is provided solely for acceleration of local preservation projects that ensure the reliable movement of freight on the national highway freight system (G2000100). The department will identify projects through its current national highway system asset management call for projects with applications due in February 2021. The department shall give priority to those projects that can be obligated by September 30, 2021.

(9) ~~(\$400,000)~~ \$300,000 of the multimodal transportation account—state appropriation is provided solely for a grant to the Northwest Seaport Alliance (NWSA) to lead the creation and coordination of a multistakeholder zero emissions truck collaborative that will: (a) Facilitate the development and implementation of one or more zero-emissions drayage truck demonstration projects in Washington state; and (b) develop a roadmap for transitioning the entire fleet of approximately 4,500 drayage trucks that serve the NWSA cargo gateway to zero-emissions vehicles by 2050 or sooner.

(10) ~~(\$8,524,000)~~ \$2,900,000 of the connecting Washington account—state appropriation is provided solely for the I-5/Mellen Street Connector project.

(11) ~~(\$500,000)~~ \$100,000 of the motor vehicle account—state appropriation is provided solely for the 166th/SR 410 Interchange.

(12) ~~(\$1,063,000)~~ \$263,000 of the motor vehicle account—state appropriation is provided solely for repairs and rehabilitation of the Pierce county ferry landings at Anderson Island and Steilacoom.

(13) ~~(\$300,000)~~ \$150,000 of the motor vehicle account—state appropriation is provided solely for the city of Spokane for preliminary engineering of the US 195/Inland Empire Way project. Funds may be used for predesign environmental assessment work, community engagement, design, and project cost estimation.

(14) \$6,686,000 of the climate active transportation account—state appropriation is provided solely for newly selected safe routes to school grants.

(15) \$5,496,000 of the climate active transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle grants.

(16) It is the intent of the legislature that up to \$14,000,000 will be provided for the Guemes Ferry Boat Replacement project (L4000124).

(17) \$3,000,000 of the move ahead WA flexible account—state appropriation is provided solely for railroad crossing grant awards which match federal funds for city and county projects which eliminate at-grade highway-rail crossings.

(18) It is the intent of the legislature that \$25,000,000 will be provided as part of the move ahead WA investment package in a future biennium, as indicated on the list identified in subsection (1) of this section, for the Ballard and Magnolia Bridge

project (L4000123). As part of the project, the Seattle department of transportation (SDOT) must consult with an independent engineering firm to verify that the costs for the type, size, and location preliminary design report (TS&L), environmental impact statement (EIS), and 60 percent design work are within industry cost range standards in advance of moving forward with construction. SDOT must ensure that funds are maximized by limiting the percentage for TS&L, EIS, and 60 percent design work to 10 percent of the total cost of the project. Of the \$25,000,000, \$12,500,000 must remain in unallotted status, and may be distributed to SDOT only upon determination by the office of financial management that SDOT's cost estimates have been verified by an independent engineering firm as within industry cost range standards, and SDOT has secured the additional matching funding needed to complete the TS&L, EIS, and 60 percent design work.

(19)(a) It is the intent of the legislature, over the first five years of the move ahead WA program, that \$50,000,000 will be provided to SDOT to implement Aurora Avenue North Safety Improvements (L4000154). Under this program, SDOT will be required to implement strategic transportation investments for the Aurora Ave N Corridor from N 90th St to N 105th St that ensure slow vehicle speeds, walkability, multimodal mobility, safe routes to local schools, and safety for residents, which will demonstrate the benefits of similar transportation investments for other locations along Aurora Avenue and elsewhere. SDOT must convene a neighborhood oversight board consisting of residents of communities of the Aurora Ave N Corridor to prioritize investments and monitor project implementation. The oversight board should be composed of an equitable representation of local communities along the Aurora Ave N Corridor, including residents with disabilities. SDOT will ensure that the oversight board is consulted on a bimonthly basis during the prioritization process.

(b) The legislature intends, upon completion of the State Route 99/Aurora Avenue North Planning Study, that projects recommended in the study will be funded by this program. A specific focus must be on access management to consolidate driveways and improve safety for vulnerable users. This work must also include installation of full curb and sidewalks to improve safety, mobility, transit ridership, equity, and work towards the goals set forth in vision zero, target zero, and the Washington state active transportation plan. SDOT must ensure the design and implementation of an accessible sidewalk network to support users with mobility limitations, convenient and accessible transit stops, all-ages-and-abilities bicycle facilities, and safe pedestrian-activated crosswalks that puts safety over speed, balances the needs of different modes, reduces the level of traffic stress experienced by pedestrians and cyclists, connects to existing bicycle and transit networks, creates safe walking and bicycling routes to local schools including crosswalks, improves human and environmental health, and supports the

surrounding neighborhoods. SDOT must coordinate with the Washington state department of transportation and King county metro in implementing the investments. SDOT must ensure that funds are maximized by limiting the percentage for planning, predesign, design, permitting, and environmental review to 10 percent of the total cost of each project.

(c) The legislature intends that all Aurora Avenue North Safety Improvement projects funded in this program be completed by December 31, 2029, and that no funds may be expended for this purpose after this date.

(20) \$800,000 of the motor vehicle account—state appropriation is provided solely for the SR 109/88 Corner Roadway project (G2000106).

(21) The entire move ahead WA account—state appropriation is provided solely for the Move Ahead WA - Road and Highway Projects as listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023.

(End of part)

**TRANSFERS AND DISTRIBUTIONS**

**Sec. 1001.** 2022 c 186 s 401 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

Transportation Partnership Account—State	
Appropriation. . . . .	(((\$794,000))
	\$273,000
((Connecting Washington Account—State	
Appropriation. . . . .	\$1,633,000))
Special Category C Account—State	
Appropriation. . . . .	(((\$257,000))
	\$74,000
Highway Bond Retirement Account—State	
Appropriation. . . . .	(((\$1,408,622,000))
	\$1,406,513,000
Ferry Bond Retirement Account—State	
Appropriation. . . . .	\$17,150,000
Transportation Improvement Board Bond	
Retirement	
Account—State Appropriation.	
(((\$18,152,000))	
	\$18,055,000
Nondebt-Limit Reimbursable Bond Retirement	
Account—	
State Appropriation. . . . .	(((\$26,278,000))
	\$29,238,000
Toll Facility Bond Retirement Account—State	
Appropriation. . . . .	\$76,376,000
<b>TOTAL APPROPRIATION..</b>	<b>(((\$1,542,811,000))</b>
	<b>\$1,547,679,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$6,451,550 of the transportation improvement board bond retirement account—state appropriation is provided solely for the prepayment of certain outstanding bonds and debt service.

**Sec. 1002.** 2022 c 186 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES; FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Transportation Partnership Account—State  
 Appropriation. . . . . ((\$150,000))  
\$51,000  
 ((Connecting Washington Account—State  
 Appropriation. . . . . \$327,000))  
 Special Category C Account—State  
 Appropriation. . . . . ((\$51,000))  
\$18,000  
 Transportation Improvement Account—State  
 Appropriation. . . . . \$20,000  
**TOTAL APPROPRIATION.....** **(\$548,000)**  
\$89,000

**Sec. 1003.** 2022 c 186 s 403 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account—State Appropriation:  
 For motor vehicle fuel tax statutory distributions to cities and counties. . . ((\$474,003,000))  
\$467,037,000  
 Multimodal Transportation Account—State  
 Appropriation: For distribution to cities and counties. . . . . \$26,786,000  
 Motor Vehicle Account—State Appropriation:  
 For distribution to cities and counties.  
 \$23,438,000

**Sec. 1004.** 2022 c 186 s 404 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER—TRANSFERS**

Motor Vehicle Account—State Appropriation:  
 For motor vehicle fuel tax refunds and statutory transfers. . . . . ((\$2,000,419,000))  
\$1,971,401,000

**Sec. 1005.** 2022 c 186 s 405 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF LICENSING—TRANSFERS**

Motor Vehicle Account—State Appropriation:  
 For motor vehicle fuel tax refunds and transfers.  
 ((\$240,330,000))  
\$264,160,000

**Sec. 1006.** 2023 c 2 s 2 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS**

(1) Highway Safety Account—State  
 Appropriation:  
 For transfer to the State Patrol Highway  
 Account—State. . . . . ((\$47,000,000))  
\$52,000,000

(2) (a) Transportation Partnership Account—State  
 Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account—State \$30,293,000

(b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases. An equivalent reimbursing transfer is to occur after the debt service

and deferred sales tax on the Tacoma Narrows bridge construction costs are fully repaid in accordance with chapter 195, Laws of 2018.

(3) (a) Motor Vehicle Account—State  
 Appropriation:  
 For transfer to Alaskan Way Viaduct Replacement Project  
 Account—State. . . . . \$6,000,000

(b) The funds provided in (a) of this subsection are a loan to the Alaskan Way viaduct replacement project account—state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account—state at a later date when traffic on the toll facility has recovered from the COVID-19 pandemic.

(4) Motor Vehicle Account—State  
 Appropriation:  
 For transfer to the County Arterial Preservation  
 Account—State. . . . . \$7,666,000

(5) Motor Vehicle Account—State  
 Appropriation:  
 For transfer to the Freight Mobility Investment  
 Account—State. . . . . \$5,511,000

(6) Motor Vehicle Account—State  
 Appropriation:  
 For transfer to the Rural Arterial Trust  
 Account—State. . . . . ((\$9,331,000))  
\$4,844,000

(7) Motor Vehicle Account—State  
 Appropriation:  
 For transfer to the Transportation Improvement  
 Account—State. . . . . \$9,688,000

(8) Rural Mobility Grant Program Account—State  
 Appropriation: For transfer to the Multimodal  
 Transportation Account—State. . . \$3,000,000

(9) (a) State Route Number 520 Civil Penalties  
 Account—State Appropriation: For transfer to the  
 Motor Vehicle Account—State. . . \$2,000,000

(b) The transfer in this subsection is to repay moneys loaned to the state route number 520 civil penalties account in the 2019-2021 fiscal biennium.

(10) State Route Number 520 Civil Penalties  
 Account—State Appropriation: For transfer to the  
 State Route Number 520 Corridor Account—  
 State. . . . . ((\$1,532,000))  
\$1,508,000

(11) Capital Vessel Replacement Account—State  
 Appropriation: For transfer to the Connecting  
 Washington Account—State. . . . \$35,000,000

(12) (a) Capital Vessel Replacement Account—State  
 Appropriation: For transfer to the Transportation  
 Partnership Account—State. . . . \$35,547,000

(b) The amount transferred in this subsection represents proceeds from the sale of bonds authorized in the 2019-2021 biennium in RCW 47.10.873.

(13) Multimodal Transportation Account—State

Appropriation: For transfer to the Complete Streets Grant Program Account—State. . . \$14,670,000  
 (14) Multimodal Transportation Account—State  
 Appropriation: For transfer to the Connecting Washington Account—State. . . \$200,000,000  
 (15) Multimodal Transportation Account—State  
 Appropriation: For transfer to the Freight Mobility Multimodal Account—State. . . \$4,011,000  
 (16) Multimodal Transportation Account—State  
 Appropriation: For transfer to the Ignition Interlock Device Revolving Account—State. . . \$600,000  
 (17) Multimodal Transportation Account—State  
 Appropriation: For transfer to the Pilotage Account—State. . . \$2,000,000  
 (18) Multimodal Transportation Account—State  
 Appropriation: For transfer to the Puget Sound Capital Construction Account—State. ((~~\$816,700,000~~))  
 \$30,000,000  
 (19) Multimodal Transportation Account—State  
 Appropriation: For transfer to the Regional Mobility Grant Program Account—State. . . \$27,679,000  
 (20) Multimodal Transportation Account—State  
 Appropriation: For transfer to the Rural Mobility Grant Program Account—State. . . \$15,223,000  
 (21) (a) Alaskan Way Viaduct Replacement Project Account—State Appropriation: For transfer to the Transportation Partnership Account—State. \$22,884,000  
 (b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z).  
 (22) Tacoma Narrows Toll Bridge Account—State  
 Appropriation: For transfer to the Motor Vehicle Account—State. . . \$950,000  
 (23) Puget Sound Ferry Operations Account—State  
 Appropriation: For transfer to the Puget Sound Capital Construction Account—State. \$60,000,000  
 (24) (a) General Fund Account—State  
 Appropriation: For transfer to the State Patrol Highway Account—State. . . \$625,000  
 (b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207(2), chapter 333, Laws of 2021.  
 (25) ((~~Motor Vehicle Account—State~~))  
 Appropriation: For transfer to the Puget Sound Capital Construction Account—State. \$30,000,000

~~(26))~~ Multimodal Transportation Account—State  
 Appropriation: For transfer to the I-405 and SR 167 Express Toll Lanes Account—State \$268,433,000  
 ((~~+27~~)) (26) Multimodal Transportation Account—  
 State Appropriation: For transfer to the Move Ahead WA Account—State. . . . . ((~~\$874,081,000~~))  
 \$1,660,781,000  
 ((~~+28~~)) (27) Multimodal Transportation Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State \$70,786,000  
 ((~~+29~~)) ~~Motor Vehicle Account—State~~  
 Appropriation: For transfer to the Connecting Washington Account—State. . . . . \$80,000,000  
~~(30))~~ (28) Move Ahead WA Account—State  
 Appropriation: For transfer to the Connecting Washington Account—State. . . . . ((~~\$600,000,000~~))  
 \$510,000,000  
 ((~~+31~~)) (29) Transportation Improvement Account—State  
 Appropriation: For transfer to the Transportation Improvement Board Bond Retirement Account—State. . . . . ((~~\$6,451,550~~))  
 \$6,452,000  
(30) Carbon Emissions Reduction Account—State  
Appropriation: For transfer to the Puget Sound Ferry Operations Account—State. . . \$600,000  
The amount transferred in this subsection represents an estimate of fare replacement revenue to account for the implementation of 18 and under fare-free policies.  
(31) Motor Vehicle Account—State  
Appropriation: For transfer to the Move Ahead WA Account—State \$3,607,000  
(32) Electric Vehicle Account—State  
Appropriation: For transfer to the Move Ahead WA Flexible Account—State. . . . . \$16,064,000  
(33) Carbon Emissions Reduction Account—State  
Appropriation: For transfer to the Climate Active Transportation Account—State. \$15,182,000  
(34) Carbon Emissions Reduction Account—State  
Appropriation: For transfer to the Climate Transit Programs Account—State. \$53,436,000

**Sec. 1007.** 2021 c 333 s 407 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**  
 Toll Facility Bond Retirement Account—Federal  
 Appropriation . . . . . ((~~\$199,129,000~~))  
 \$199,040,000  
 Toll Facility Bond Retirement Account—State  
 Appropriation . . . . . \$25,372,000  
**TOTAL APPROPRIATION. . . . . ((~~\$224,501,000~~))**  
**\$224,412,000**

(End of part)

**MISCELLANEOUS 2021-2023 FISCAL BIENNIUM**

NEW SECTION. **Sec. 1101.** A new section is added to 2022 c 186 (uncodified) to read as follows:

The appropriations to the department of transportation in chapter 333, Laws of 2021, chapters 186 and 187, Laws of 2022, and this act must be expended for the programs and in the amounts specified in chapter 333, Laws of 2021, chapters 186 and 187, Laws of 2022, and this act. However, after May 1, 2023, unless specifically prohibited, the department may transfer state appropriations authority for the 2021-2023 fiscal biennium among operating programs upon approval by the director of the office of financial management. However, the department shall not transfer state moneys that are provided solely for a specific purpose. The department shall not transfer appropriations authority, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of the office of financial management shall notify the appropriate transportation committees of the legislature before approving any allotment modifications or transfers under this section.

NEW SECTION. **Sec. 1102.** The following acts or parts of acts are each repealed:

- (1) 2022 c 187 s 201 (uncodified);
- (2) 2022 c 187 s 202 (uncodified);
- (3) 2022 c 187 s 203 (uncodified);
- (4) 2022 c 187 s 204 (uncodified);
- (5) 2022 c 187 s 205 (uncodified);
- (6) 2022 c 187 s 206 (uncodified);
- (7) 2022 c 187 s 207 (uncodified);
- (8) 2022 c 187 s 208 (uncodified);
- (9) 2022 c 187 s 209 (uncodified);
- (10) 2022 c 187 s 210 (uncodified);
- (11) 2022 c 187 s 211 (uncodified);
- (12) 2022 c 187 s 301 (uncodified);
- (13) 2022 c 187 s 302 (uncodified);
- (14) 2022 c 187 s 303 (uncodified);
- (15) 2022 c 187 s 304 (uncodified);
- (16) 2022 c 187 s 305 (uncodified);
- (17) 2022 c 187 s 306 (uncodified);
- (18) 2022 c 187 s 307 (uncodified);
- (19) 2022 c 187 s 308 (uncodified); and
- (20) 2022 c 187 s 401 (uncodified).

(End of part)

**MISCELLANEOUS**

NEW SECTION. **Sec. 1201.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 1202.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its

existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 43.19.642, 46.20.745, 46.68.060, 46.68.063, 46.68.290, 46.68.300, 46.68.370, 46.68.395, 46.68.490, 46.68.500, 47.56.876, 47.60.315, 47.60.322, 47.60.530, 47.66.120, and 82.44.200; amending 2022 c 186 ss 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, and 405 (uncodified); amending 2021 c 333 ss 304 and 407 (uncodified); amending 2023 c 2 s 2 (uncodified); adding a new section to 2022 c 186 (uncodified); creating new sections; repealing 2022 c 187 ss 201-211, 301-308, and 401 (uncodified); making appropriations and authorizing expenditures for capital improvements; providing a contingent effective date; and declaring an emergency."

and that the conference committee amendment (S-3376.1/23) be further amended as follows:

On page 102, after line 39, insert the following:

"(23) \$5,000,000 of the motor vehicle account—state appropriation, \$5,000,000 of the connecting Washington account—state appropriation, and \$5,000,000 of the move ahead WA account—state appropriation are provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI), specifically for design of, preliminary engineering, and right-of-way acquisition for the interchange and widening as a single project. The department must consider reserving portions of state route 522, including designated lanes or ramps, for the exclusive or preferential use of public transportation vehicles, privately owned buses, motorcycles, private motor vehicles carrying not less than a specified number of passengers, or private transportation provider vehicles pursuant to RCW 47.52.025."

and that the bill do pass as recommended by the Conference Committee:

Senators King, Lias, Shewmake  
Representatives Barkis, Fey, Paul

There being no objection, the House adopted the conference committee report on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125 and advanced the bill as recommended by the conference committee to final passage.

**FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED  
BY CONFERENCE COMMITTEE**

Representatives Riccelli, Robertson, Paul, Low, Donaghy, Hutchins, Timmons, Barkis and Fey spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed

Substitute House Bill No. 1125, as recommended by conference committee.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1125, as recommended by the conference committee, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125, as recommended by the conference committee, having received the necessary constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Fey thanked the staff of the Office of Program Research for all of their long hours and hard work during session.

There being no objection, the House adjourned until 12:30 p.m., Sunday, April 23, 2023, the 105th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

HOUSE JOURNAL  
OF THE  
SIXTY-EIGHTH LEGISLATURE  
OF THE  
STATE OF WASHINGTON  
AT  
OLYMPIA, THE STATE CAPITOL

2023 Regular Session  
Convened January 9, 2023  
Adjourned Sine Die April 24, 2023  
2023 Special Session  
Convened May 16, 2023  
Adjourned Sine Die May 16, 2023

VOLUME 4



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**Laurie Jinkins**, Speaker  
**Tina Orwall**, Speaker Pro Tempore  
**Bernard Dean**, Chief Clerk

Compiled and edited by Gary Holt, House Journal Clerk

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**ONE HUNDRED FIFTH DAY**

House Chamber, Olympia, Sunday, April 23, 2023

The House was called to order at 12:30 p.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Washington State Sons of the American Revolution Color Guard under the command of Art Dolan; joined by Lee Thomasson and Lew Maudsley. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance.

The National Anthem was performed by Kate Connors of Kennewick. Kate is the daughter of the good member from the 8th District, Representative Connors.

The prayer was offered by Representative Hutchins, 26th Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

**INTRODUCTION & FIRST READING**

HB 1861 by Representatives Shavers, Lekanoff, Fosse, Ortiz-Self and Callan

AN ACT Relating to improving meaningful access to elections by increasing language assistance; and adding a new section to chapter 29A.04 RCW.

Referred to Committee on State Government & Tribal Relations.

HCR 4403 by Representatives Fitzgibbon and Kretz

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through IX of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 2023, and ending June 30, 2025, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "ARPA" means the American rescue plan act of 2021, P.L. 117-2.

(b) "CRRSA" means the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(c) "CRRSA/ESSER" means the elementary and secondary school emergency relief fund, as modified by the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(d) "Fiscal year 2024" or "FY 2024" means the fiscal year ending June 30, 2024.

(e) "Fiscal year 2025" or "FY 2025" means the fiscal year ending June 30, 2025.

(f) "FTE" means full time equivalent.

(g) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(h) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(3) Whenever the terms in subsection (2)(a) through (c) of this section are used in the context of a general fund—federal appropriation, the term is used to attribute the funding to that federal act.

Returning bills to their house of origin.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE CONCURRENT RESOLUTION NO. 4403, which was read the first time, and under suspension of the rules, was placed on the third reading calendar.

There being no objection, the House advanced to the seventh order of business.

**THIRD READING**

**CONFERENCE COMMITTEE REPORT**

April 22nd, 2023

Engrossed Substitute Senate Bill 5187

Includes "New Item": YES

Madame Speaker:

We of your Conference Committee, to whom was referred ESSB 5187, making 2023-2025 fiscal biennium operating appropriations and 2021-2023 fiscal biennium second supplemental operating appropriations, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment H-2006.4 be adopted

**PART I  
GENERAL GOVERNMENT**

**NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES**

General Fund—State Appropriation (FY 2024)	\$59,938,000
General Fund—State Appropriation (FY 2025)	\$62,150,000
<b>TOTAL APPROPRIATION</b>	<b>\$122,088,000</b>

**NEW SECTION. Sec. 102. FOR THE SENATE**

General Fund—State Appropriation (FY 2024)	\$44,398,000
General Fund—State Appropriation (FY 2025)	\$47,773,000
<b>TOTAL APPROPRIATION</b>	<b>\$92,171,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$260,000 of the general fund—state appropriation for fiscal year 2024 and \$270,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the payment of membership dues to the council of state governments, the national conference of state legislatures, the pacific northwest economic region, the pacific fisheries legislative task force, and the western legislative forestry task force.

**NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

Performance Audits of Government Account—State Appropriation	\$14,936,000
<b>TOTAL APPROPRIATION</b>	<b>\$14,936,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2023-2025 work plan as necessary to efficiently manage workload.

(2) \$250,000 of the performance audits of government account—state appropriation is for tax preference review costs from legislation enacted in the 2023 session.

(3) \$1,503,000 of the performance audits of government account—state appropriation is for implementation of Engrossed Substitute House Bill No. 1436 (special education funding). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(4) \$626,000 of the performance audits of government account—state appropriation is for the audit required in Engrossed Second Substitute Senate Bill No. 5080 (cannabis social equity). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(5) Within the amount appropriated in this section, the joint legislative audit and review committee shall conduct a review of the state's recreational boating programs. The committee shall complete the review by December 1, 2024. This review shall include examination of the following:

(a) Revenue sources for state recreational boating programs;

(b) Expenditures for state boating programs;

(c) Methods of administrating state recreational boating programs, including the roles of both state and local government entities; and

(d) Approaches other states have taken to funding and administering their recreational boating programs.

**NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Performance Audits of Government Account—State Appropriation	\$5,326,000
<b>TOTAL APPROPRIATION</b>	<b>\$5,326,000</b>

**NEW SECTION. Sec. 105. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund—State Appropriation (FY 2024)	\$21,727,000
General Fund—State Appropriation (FY 2025)	\$19,625,000
<b>TOTAL APPROPRIATION</b>	<b>\$41,352,000</b>

The appropriations in this section are subject to the following conditions and limitations: Within the amounts provided in this section, the joint legislative systems committee shall provide information technology support, including but not limited to internet service, for the district offices of members of the house of representatives and the senate.

**NEW SECTION. Sec. 106. FOR THE OFFICE OF STATE LEGISLATIVE LABOR RELATIONS**

General Fund—State Appropriation (FY 2024)	\$961,000
General Fund—State Appropriation (FY 2025)	\$964,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,925,000</b>

**NEW SECTION. Sec. 107. FOR THE OFFICE OF THE STATE ACTUARY**

General Fund—State Appropriation (FY 2024)	\$409,000
General Fund—State Appropriation (FY 2025)	\$423,000
State Health Care Authority Administrative Account— State Appropriation	\$291,000
Department of Retirement Systems Expense Account— State Appropriation	\$7,102,000
School Employees' Insurance Administrative Account— State Appropriation	\$258,000
<b>TOTAL APPROPRIATION</b>	<b>\$8,483,000</b>

**NEW SECTION. Sec. 108. FOR THE STATUTE LAW COMMITTEE**

General Fund—State Appropriation (FY 2024)	\$6,201,000
General Fund—State Appropriation (FY 2025)	\$6,808,000
<b>TOTAL APPROPRIATION</b>	<b>\$13,009,000</b>

**NEW SECTION. Sec. 109. FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES**

General Fund—State Appropriation (FY 2024)	\$5,852,000
General Fund—State Appropriation (FY 2025)	\$6,465,000
<b>TOTAL APPROPRIATION</b>	<b>\$12,317,000</b>

**NEW SECTION. Sec. 110. LEGISLATIVE AGENCIES**

In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, joint transportation committee, office of the state actuary, joint legislative systems committee, statute law committee, redistricting commission, office of state legislative labor relations, and office of legislative support services.

**NEW SECTION. Sec. 111. FOR THE SUPREME COURT**

General Fund—State Appropriation (FY 2024)	\$14,883,000
General Fund—State Appropriation (FY 2025)	\$15,196,000
<b>TOTAL APPROPRIATION</b>	<b>\$30,079,000</b>

**NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund—State Appropriation (FY 2024)	\$2,225,000
General Fund—State Appropriation (FY 2025)	\$2,206,000
<b>TOTAL APPROPRIATION</b>	<b>\$4,431,000</b>

**NEW SECTION. Sec. 113. FOR THE COURT OF APPEALS**

General Fund—State Appropriation (FY 2024)	\$25,901,000
General Fund—State Appropriation (FY 2025)	\$26,491,000
<b>TOTAL APPROPRIATION</b>	<b>\$52,392,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$764,000 of the general fund—state appropriation for fiscal year 2024 and \$764,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5046 (postconviction counsel). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 114. FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund—State Appropriation (FY 2024)	\$123,740,000
General Fund—State Appropriation (FY 2025)	\$118,331,000
General Fund—Federal Appropriation	\$2,209,000
General Fund—Private/Local Appropriation	\$681,000
Judicial Stabilization Trust Account—State Appropriation	\$112,345,000
Judicial Information Systems Account—State Appropriation	\$79,530,000
<b>TOTAL APPROPRIATION</b>	<b>\$436,836,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The distributions made under this section and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2) (a) \$7,000,000 of the general fund—state appropriation for fiscal year 2024 and \$7,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for distribution to county juvenile court administrators for the costs associated with

processing and case management of truancy, children in need of services, and at-risk youth referrals. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula must neither reward counties with higher than average per-petition/referral processing costs nor shall it penalize counties with lower than average per-petition/referral processing costs.

(b) Each fiscal year during the 2023-2025 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than 60 days after a fiscal year ends. These reports are informational in nature and are not for the purpose of distributing funds.

(3) \$1,094,000 of the general fund—state appropriation for fiscal year 2024 and \$1,094,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the statewide fiscal impact on Thurston county courts. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(4) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for distribution to local courts for costs associated with the court-appointed attorney and visitor requirements set forth in the uniform guardianship act, chapter 11.130 RCW. If the amount provided in this subsection is insufficient to fully fund the local court costs, distributions must be reduced on a proportional basis to ensure that expenditures remain within the available funds provided in this subsection. No later than December 31, 2023, the administrative office of the courts will provide a report on distributions to local courts including, but not limited to, the amount provided to each court, the number of guardianship cases funded at each court, costs segregated by attorney appointments and court visitor appointments, the amount of any pro rata reductions, and a recommendation on how to forecast distributions for potential future funding by the legislature.

(5) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the administrative office of the courts to use as matching funds to distribute to small municipal and county courts, located in a rural county as defined in RCW 43.160.020, for the purpose of increasing security for court facilities. Grants must be used solely for security equipment and services for municipal, district, and superior courts and may not be used for staffing or administrative costs.

(6) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the administrative office of the courts to provide grants to superior courts for the purpose of creating or expanding sanitary lactation spaces or pods that provide privacy for courthouse visitors needing to breastfeed or express breast milk.

(7) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the administrative office of the courts to contract with an equity and justice nonprofit organization to expand the capacity of the existing equity dashboard program. The contract must review and organize newly available criminal case data with the goal of consolidating and collecting adult felony case data to determine disparities in the legal justice system. The equity dashboard program must be expanded to include adult felony case data that is consolidated, interactable, transparent, and accessible to the public.

(8) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1766 (protection orders/hope cards). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(9) \$1,090,000 of the general fund—state appropriation for fiscal year 2024 and \$1,090,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to address data quality issues across Washington state court management systems.

(10) \$51,428,000 of the judicial stabilization trust account—state appropriation is provided solely to establish a direct refund process to individuals to refund legal financial obligations, collection costs, and document-verified costs paid to third parties previously paid by defendants whose convictions have been vacated by court order due to the *State v. Blake* ruling. Superior court clerks, district court administrators, and municipal court administrators must certify and send to the office the amount of any refund ordered by the court. The court order must either contain the amount of the refund or provide language for the clerk or court administrator to certify to the office the amount to be refunded to the individual.

(11) \$1,627,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for activities of the office relating to the resentencing of individuals and refund of legal financial obligations and costs associated with the *State v. Blake* ruling. In addition to contracting with cities and counties for the disbursement of funds appropriated for resentencing costs, the office must:

(a) Collaborate with superior court clerks, district court administrators, and municipal court administrators to prepare comprehensive reports, based on available court records, of all cause numbers impacted by *State v. Blake* going back to 1971. Such reports must include the refund amount related to each cause number;

(b) In collaboration with the office of public defense and the office of civil legal aid, establish a process that can be used by individuals seeking a refund, provide individuals information regarding the application process necessary to claim a refund, and issue payments from the refund bureau to individuals certified in subsection (10) of this section; and

(c) Collaborate with counties and municipalities to adopt standard coding for application to *State v. Blake* convictions and to develop a standardized practice regarding vacated convictions.

(12) \$38,000,000 of the judicial stabilization trust account—state appropriation is provided solely to assist counties with costs of complying with the *State v. Blake* decision that arise from the county's role in operating the state's criminal justice system, including resentencing, vacating prior convictions for simple drug possession, and certifying refunds of legal financial obligations and collections costs. The office shall contract with counties for judicial, clerk, defense, and prosecution expenses for these purposes. The office must collaborate with counties to adopt standard coding for application to *Blake* convictions and to develop a standardized practice regarding vacated convictions.

(13) \$11,500,000 of the judicial stabilization trust account—state appropriation is provided solely to assist cities with costs of complying with the *State v. Blake* decision that arise from the city's role in operating the city's criminal justice system, including vacating prior convictions for simple drug possession, to include cannabis and possession of paraphernalia, and certifying refunds of legal financial obligations and collections costs. The office shall contract with cities for judicial, clerk, defense, and prosecution expenses for these purposes. The office must collaborate with cities to adopt standard coding for application to *Blake* convictions and to develop a standardized practice regarding vacated convictions.

(14) \$439,000 of the general fund—state appropriation for fiscal year 2024 and \$304,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5128 (jury diversity). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(15) \$1,560,000 of the general fund—state appropriation for fiscal year 2024 is provided solely the office to administer a jury pay pilot program in Pierce county. Funding must be used to increase jury pay up to \$50 for each day served in Pierce county superior court. The funds provided in this subsection must supplement, and not supplant, existing local funding for juror pay. The office must compare juror demographics after the pay increase as compared to data collected from the 2022 jury demographic survey to measure the impact increasing juror pay has on jury diversity and juror response rates.

(16) \$1,800,000 of the judicial stabilization trust account—state appropriation is provided solely for distribution to counties to help cover the cost of electronic monitoring with victim notification technology when an individual seeking a protection order requests electronic monitoring with victim notification technology from the court and the respondent is unable to pay. Of the amount provided in this subsection, up to five percent of the funding each fiscal year may be used by the office for education and outreach to the courts regarding this technology.

(17) \$18,000 of the general fund—state appropriation for fiscal year 2024 and \$18,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1102 (judge pro tempore compensation). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(18) \$20,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Substitute House Bill No. 1562 (violence). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(19) \$109,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed House Bill No. 1324 (prior juvenile offenses). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(20) \$659,000 of the general fund—state appropriation for fiscal year 2024 and \$639,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the development and expansion of online and on-demand eLearning courses offered through the WACOURTS education portal for judicial officers, administrators, clerks, assistants, and other staff employed in state and local courts.

(21) \$686,000 of the general fund—state appropriation for fiscal year 2024 and \$686,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the administrative office of the courts to fund public guardianship services provided by the office of public guardianship.

(22) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the administrative office of the courts to develop a sequential intercept model pilot program. The intercept model pilot program must include the establishment of a coordinated care and services network in courts of limited jurisdiction located in two counties, one county east of the crest of the Cascade mountains and one county west of the crest of the Cascade mountains.

(a) In developing the pilot program, the administrative office of the courts must consult local government, the district and municipal court judges' association, the health care authority, the department of social and health services, the department of health, law enforcement agencies, and other impacted stakeholders as identified by the administrative office of the courts.

(ii) The pilot project shall include any sequential intercept mapping that is necessary to determine the availability of willing stakeholders and to determine gaps in services and programs in the geographic area served by the proposed coordinated care and services network.

(iii) The pilot project may include the use of a common source of peer support services as the means to link affected persons to the coordinated care and services network from the various intercepts in the sequential intercept model.

(iv) No court may be required by the administrative office of the courts to participate in the pilot program.

(v) For the purposes of this pilot project, "stakeholder" may include any public or private entity or individual that provides services, funds, or goods related to housing, shelter, education, employment, substance use disorder treatment or other behavioral health treatment, medical treatment, dental treatment, peer support, self-help, crisis care, income assistance, nutritional assistance, clothing, assistance with public benefits, or financial management and other life skills education.

(vi) The pilot project ends June 1, 2025. The administrative office of the courts shall submit a report to the legislature detailing the work of the pilot program project, which must include recommendations, if any, for continuation, modification, or expansion of the pilot program to other regions of the state, no later than June 30, 2025.

(23) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the Washington state center for court research of the administrative office of the courts to conduct a study of legal financial obligations (LFO) charged by superior courts, juvenile courts, and courts of limited jurisdiction, including the reviews required in Engrossed Substitute House Bill No. 1169 (legal financial obligations). The administrative office of the courts must submit a report of the findings to the appropriate committees of the legislature by November 30, 2023. At a minimum, the study must include statewide and county-level data that shows, during the previous five state fiscal years that data is available:

(a) The total number of juvenile and criminal cases handled by court, the number of cases where legal financial obligations were imposed pursuant to chapter 13.40 RCW, the percentage of cases where legal financial obligations were not imposed, and the total amount of legal financial obligations that were collected;

(b) The total amount assessed to, collected from, and waived for all individuals, in fees, court costs, fines, and restitution, disaggregated by the defendants' age at the time of adjudication or conviction, the underlying charge, race, gender, LFO type, and charging court, for each of the last five years data is available;

(c) The average amount assessed, collected, and waived per case by fines, fees, and restitution, disaggregated by defendants' age at the time of adjudication or conviction, the underlying charge, race, gender, LFO type, and charging court for each of the last five years data is available;

(d) The average amount collected per case by fines, fees, and restitution, disaggregated by defendants' age at the time of adjudication or conviction, race, gender, LFO type, and charging court, for each of the last five years data is available;

(e) The estimated annual collection rate for restitution and nonrestitution LFOs for the last five years data is available;

(f) An estimate of the proportion of restitution assessed, disaggregated by victim type including natural persons, businesses, state agencies, and insurance companies, for each of the last five years data is available;

(g) The percentage, number of cases, and total amount of legal financial obligations that are uncollectible pursuant to RCW 13.40.190 or 13.40.192, or other statutory authority for the expiration of legal financial obligation debt including debt assessed in criminal cases; and

(h) The total amount of outstanding debt owed in fees, court costs, fines, and restitution, disaggregated by the defendants' age at the time of adjudication or conviction, race, gender, legal financial obligation type, charging court, and date of assessment.

(24) \$653,000 of the general fund—state appropriation for fiscal year 2024 and \$264,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1715 (domestic violence). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 115. FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund—State Appropriation (FY 2024) . . . . .	\$66,616,000
General Fund—State Appropriation (FY 2025) . . . . .	\$70,129,000
General Fund—Federal Appropriation . . . . .	\$385,000
Judicial Stabilization Trust Account—State Appropriation . . . . .	\$9,894,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$147,024,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$900,000 of the general fund—state appropriation for fiscal year 2024 and \$900,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the purpose of improving the quality of trial court public defense services as authorized by chapter 10.101 RCW. The office of public defense must allocate these amounts so that \$450,000 per fiscal year is distributed to counties, and \$450,000 per fiscal year is distributed to cities, for grants under chapter 10.101 RCW.



(2) \$6,000,000 of the judicial stabilization trust account—state appropriation is provided solely to assist counties with public defense services related to vacating the convictions of defendants and/or resentencing for defendants whose convictions or sentences are affected by the *State v. Blake* decision. Of the amount provided in this subsection:

(a) \$900,000 of the judicial stabilization trust account—state appropriation is provided solely for the office of public defense to provide statewide attorney training, technical assistance, data analysis and reporting, and quality oversight, to administer financial assistance for public defense costs related to *State v. Blake* impacts, and to maintain a triage team to provide statewide support to the management and flow of hearings for individuals impacted by the *State v. Blake* decision.

(b) \$5,100,000 of the judicial stabilization trust account—state appropriation is provided solely to assist counties in providing counsel for defendants seeking to vacate a conviction and/or be resentenced under *State v. Blake*. Assistance shall be allocated to all counties based upon a formula established by the office of public defense. Counties may receive assistance by: (i) Applying for grant funding; and/or (ii) designating the office of public defense to contract directly with counsel.

(3) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to provide prefiling legal representation to pregnant parents and parents of newborns at risk of removal by the department of children, youth, and families.

(4) \$623,000 of the general fund—state appropriation for fiscal year 2024 and \$1,165,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5046 (postconviction counsel). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(5) \$6,863,000 of the general fund—state appropriation for fiscal year 2024 and \$6,602,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5415 (public defense/insanity). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(6) \$1,434,000 of the general fund—state appropriation for fiscal year 2024 and \$1,434,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the parents for parents program.

(7) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of public defense to establish and operate a telephone consultation line to provide contracted legal counsel for parents, guardians, or legal custodians when the department of children, youth, and families proposes a voluntary placement agreement when there is no pending dependency proceeding under chapter 13.34 RCW pursuant to RCW 13.34.090(4).

**NEW SECTION. Sec. 116. FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund—State Appropriation (FY 2024) . . . . .	\$53,283,000
General Fund—State Appropriation (FY 2025) . . . . .	\$59,838,000
General Fund—Federal Appropriation . . . . .	\$1,468,000
Judicial Stabilization Trust Account—State Appropriation . . . . .	\$3,851,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$118,440,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,917,000 of the general fund—state appropriation for fiscal year 2024 and \$7,711,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the appointed counsel program for children and youth in dependency cases under RCW 13.34.212(3) in accordance with revised practice, caseload, and training standards adopted by the supreme court commission on children in foster care and includes a vendor rate increase for contracted attorneys. By October 1, 2023, the office must develop a revised implementation schedule based on a caseload assumption of adding no more than 1,250 new dependency cases to the program each fiscal year for consideration by the governor and the legislature.

(2) \$2,408,000 of the general fund—state appropriation for fiscal year 2024 and \$2,579,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the provision of civil legal information, advice, and representation for tenants at risk of eviction but not yet eligible for appointed counsel services under RCW 59.18.640.

(3) \$15,425,000 of the general fund—state appropriation for fiscal year 2024 and \$16,030,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the appointed counsel program for tenants in unlawful detainer cases established in RCW 59.18.640 and includes a vendor rate increase for contracted attorneys.

(4) \$2,387,000 of the judicial stabilization trust account—state appropriation is provided solely to continue legal information, advice, assistance, and representation for individuals eligible for civil relief under the supreme court's ruling in *State v. Blake*.

(5) An amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2024 and an amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2025 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are 60 years of age or older on matters authorized by RCW 2.53.030(2)

(a) through (k) regardless of household income or asset level.

(6) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to the office of civil legal aid to establish a legal advice phone line to provide guidance and legal advice for kinship caregivers. The phone line must be staffed by two FTE contracted attorneys that have experience with kinship care, guardianship statutes, the child welfare system, and issues relating to legal custody.

(7) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of civil legal aid to expand civil legal aid services for survivors of domestic violence, including legal services for protection order proceedings, family law cases, immigration assistance, and other civil legal issues arising from or related to the domestic violence they experienced.

(8) \$1,009,000 of the general fund—state appropriation for fiscal year 2024 and \$1,022,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of civil legal aid to continue the statewide reentry legal aid project as established in section 115(12), chapter 357, Laws of 2020.

**NEW SECTION. Sec. 117. FOR THE OFFICE OF THE GOVERNOR**

General Fund—State Appropriation (FY 2024) . . . . .	\$24,543,000
General Fund—State Appropriation (FY 2025) . . . . .	\$24,253,000
Economic Development Strategic Reserve Account—State Appropriation . . . . .	\$2,282,000
GOV Central Service Account—State Appropriation . . . . .	\$18,967,000
Performance Audits of Government Account—State Appropriation . . . . .	\$720,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$70,765,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,146,000 of the general fund—state appropriation for fiscal year 2024 and \$1,146,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the education ombuds.

(2) \$18,667,000 of the GOV central service account—state appropriation is provided solely for the office of equity.

(3) \$480,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the governor to invite federally recognized tribes, local governments, agricultural producers, commercial and recreational fisher organizations, business organizations, salmon recovery organizations, forestry and agricultural organizations, and environmental organizations to participate in a process facilitated by an independent entity to develop recommendations on proposed changes in policy and spending priorities to improve riparian habitat to ensure salmon and steelhead recovery.

(a) The independent entity must develop recommendations on furthering riparian funding and policy, including but not limited to, strategies that can attract private investment in improving riparian habitat, and developing a regulatory or compensation strategy if voluntary programs do not achieve concrete targets.

(b) Preliminary recommendations shall be submitted to the legislature and governor by May 1, 2024, with a final report by June 30, 2024.

(c) The office of the governor may contract for an independent facilitator. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(4) \$3,020,000 of the general fund—state appropriation for fiscal year 2024 and \$2,980,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1580 (children in crisis). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse. Within the amounts provided in this subsection:

(a) \$2,359,000 of the general fund—state appropriation for fiscal year 2024 and \$2,359,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for flexible funding to support children in crisis. Uses of the flexible funding include, but are not limited to:

(i) Residential, housing, or wraparound supports that facilitate the safe discharge of children in crisis from hospitals;

(ii) Support for families and caregivers to mitigate the risk of a child going into or returning to a state of crisis;

(iii) Respite and relief services for families and caregivers that would assist in the safe discharge of a child in crisis from a hospital, or prevent or mitigate a child's future hospitalization due to crisis; or

(iv) Any support or service that would expedite a safe discharge of a child in crisis from an acute care hospital or that would prevent or mitigate a child's future hospitalization due to crisis.

(b) Flexible funding expenditures may not be used for administrative expenses.

(c) The care coordinator created in Second Substitute House Bill No. 1580 (children in crisis) must approve any expenditures of flexible funding.

(5) \$300,000 of the GOV central service account—state appropriation is provided solely for the office of equity to conduct community engagement and develop an equity toolkit. Within the amounts provided in this subsection:

(a) The office of equity must consult with state boards and commissions that support the participation of people from underrepresented populations in policy-making processes, and may consult with other relevant state agencies, departments, and offices, to identify:

(i) Barriers to access and meaningful participation in stakeholder engagement by people from underrepresented populations who have lived experience;

(ii) Tools to support access and meaningful participation in stakeholder engagement;

(iii) Modifications to stakeholder engagement processes that promote an increase in access and opportunities for participation by people from underrepresented populations who have lived experience in policy-making processes. Any modifications identified may not restrict or otherwise prevent compliance with requirements under federal statute or regulations; and

(iv) Changes to law or agency rules that will promote increased access and participation in the policy-making process.

(b) The office of equity must submit a report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature that details its findings under (a) of this subsection by July 1, 2024.

(c) By November 30, 2024, the office of equity must develop a toolkit on best practices for supporting meaningful engagement of underrepresented individuals with lived experience participating on statutory entities. The toolkit must be transmitted to all state agencies, including the office of the governor, members of the legislature, the secretary of the senate, and the chief clerk of the house of representatives. The toolkit must include:

(i) Best practices for identifying and recruiting underrepresented individuals with lived experience;

(ii) Best practices for appropriately and meaningfully engaging individuals from underrepresented populations with lived experience. Recommendations of these best practices may include suggestions from engagement conducted under (a) of this subsection;

(iii) Information on how to plan the work of a statutory entity using the principles of universal design, which may include suggestions from community engagement conducted under (a) of this subsection;

(iv) Best practices for onboarding all statutory entity members including how to support underrepresented individuals with lived experience in accessing compensation in accordance with chapter 43.03 RCW; and

(v) A list of state entities that appointing authorities may consult with when considering appointments to statutory entities for the purpose of increasing meaningful participation by people from underrepresented populations who have lived experience.

(d) For purposes of this subsection:

(i) "Lived experience" has the same meaning as provided in RCW 43.03.220.

(ii) "Statutory entity" means a multimember task force, work group, or advisory committee, that is temporary, established by legislation adopted after January 1, 2025, established for the specific purpose of examining a particular policy or issue which directly and tangibly affects one or more underrepresented populations, and is required to report to the legislature on the policy or issues it is tasked with examining. "Statutory entity" does not include legislative select committees or other statutorily created legislative entities composed of only legislative members.

(iii) "Underrepresented population" means a population group that is more likely to be at higher risk for disenfranchisement due to adverse socioeconomic factors such as unemployment, high housing and transportation costs relative to income, effects of environmental harms, limited access to nutritious food and adequate health care, linguistic isolation, and any other factors that may be barriers for participating in policy-making processes.

(6) Within the amounts appropriated in this section, the Washington state office of equity must cofacilitate the Washington digital equity forum with the statewide broadband office.

(7)(a) \$125,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office of the corrections ombuds to prepare a report on incarcerated persons who have been in solitary confinement or any other form of restrictive housing more than 120 days in total during their period of incarceration or have been in solitary confinement or any other form of restrictive housing more than 45 consecutive days in the prior fiscal year. The report must:

(i) Include the basis on which each person was placed in restrictive housing;

(ii) Define the types of restrictive housing used by the department of corrections including, but not limited to, solitary confinement, administrative segregation, disciplinary segregation, protective custody, and maximum custody;

(iii) Identify the specific type of restrictive housing each incarcerated person was placed in and the reason for such placement;

(iv) Provide information regarding each incarcerated person's underlying offenses;

(v) Identify any sanctions imposed during the incarceration of each person;

(vi) State the amount of time each person has remaining in total confinement;

(vii) Document any attempted suicides by each individual in restrictive housing over the past 10 years and the reason, if known;

(viii) Describe the programming offered to and accepted by each incarcerated person during the person's period of restrictive confinement; and

(ix) Identify any short-term policies identified, implemented, or improved by the department for the restrictive housing population including, but not limited to, lighting, ventilation, and access to personal property, communication, and visitation.

(b) The department shall provide a report to the governor and appropriate committees of the legislature by June 30, 2024.

**NEW SECTION. Sec. 118. FOR THE LIEUTENANT GOVERNOR**

General Fund—State Appropriation (FY 2024)	\$1,619,000
General Fund—State Appropriation (FY 2025)	\$1,640,000
General Fund—Private/Local Appropriation	\$90,000
<b>TOTAL APPROPRIATION</b>	<b>\$3,349,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the legislative committee on economic development and international relations to conduct an analysis of the statewide economic impact of the military and defense sector. The analysis shall be completed and submitted to the governor and appropriate committees of the legislature by September 1, 2024.

**NEW SECTION. Sec. 119. FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund—State Appropriation (FY 2024)	\$6,105,000
General Fund—State Appropriation (FY 2025)	\$5,913,000
Public Disclosure Transparency Account—State Appropriation	\$2,271,000
<b>TOTAL APPROPRIATION</b>	<b>\$14,289,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) No moneys may be expended from the appropriations in this section to establish an electronic directory, archive, or other compilation of political advertising unless explicitly authorized by the legislature.

(2) \$2,171,000 of the public disclosure transparency account—state appropriation is provided solely for the public disclosure commission for the purpose of improving the ability of the public to access information about political campaigns, lobbying, and elected officials, and facilitating accurate and timely reporting by the regulated community. The commission must report to the office of financial management and fiscal committees of the legislature by October 31st of each year detailing information on the public disclosure transparency account. The report shall include, but is not limited to:

(a) An investment plan of how funds would be used to improve the ability of the public to access information about political campaigns, lobbying, and elected officials, and facilitate accurate and timely reporting by the regulated community;

(b) A list of active projects as of July 1st of the fiscal year. This must include a breakdown of expenditures by project and expense type for all current and ongoing projects;

(c) A list of projects that are planned in the current and following fiscal year and projects the commission would recommend for future funding. The commission must identify priorities, and develop accountability measures to ensure the projects meet intended purposes; and

(d) Any other metric or measure the commission deems appropriate to track the outcome of the use of the funds.

(3) \$100,000 of the public disclosure transparency account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5284 (campaign finance disclosure). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 120. FOR THE SECRETARY OF STATE**

General Fund—State Appropriation (FY 2024)	\$40,397,000
General Fund—State Appropriation (FY 2025)	\$48,378,000
General Fund—Federal Appropriation	\$8,606,000
Public Records Efficiency, Preservation, and Access Account—State Appropriation	\$11,621,000
Charitable Organization Education Account—State Appropriation	\$1,161,000
Washington State Library Operations Account—State Appropriation	\$14,652,000
Local Government Archives Account—State Appropriation	\$11,997,000
Election Account—Federal Appropriation	\$4,487,000
Personnel Service Account—State Appropriation	\$2,262,000
<b>TOTAL APPROPRIATION</b>	<b>\$143,561,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,498,000 of the general fund—state appropriation for fiscal year 2024 and \$12,196,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$4,052,000 of the general fund—state appropriation for fiscal year 2024 and \$4,052,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events statewide. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for humanities Washington speaker's bureau community conversations.

(5) \$114,000 of the general fund—state appropriation for fiscal year 2024 and \$114,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for election reconciliation reporting. Funding provides for one staff to compile county reconciliation reports, analyze the data, and to complete an annual statewide election reconciliation report for every state primary and general election. The report must be submitted annually on July 31, to legislative policy and fiscal committees. The annual report must include statewide analysis and by county analysis on the reasons for ballot rejection and an analysis of the ways ballots are received, counted, rejected and cure data that can be used by policymakers to better understand election administration.

(6) \$896,000 of the general fund—state appropriation for fiscal year 2024 and \$870,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for staff dedicated to the maintenance and operations of the voter registration and election management system. These staff will manage database upgrades, database maintenance, system training and support to counties, and triage and customer service to system users.

(7) \$8,000,000 of the general fund—state appropriation for fiscal year 2024 and \$8,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for:

(a) Funding the security operations center, including identified needs for expanded operations, systems, technology tools, training resources;

(b) Additional staff dedicated to the cyber and physical security of election operations at the office and county election offices;

(c) Expanding security assessments, threat monitoring, enhanced security training; and

(d) Providing grants to county partners to address identified threats and expand existing grants and contracts with other public and private organizations such as the Washington military department, national guard, private companies providing cyber security, and county election offices.

(8) \$148,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute Senate Bill No. 5128 (jury diversity). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(9) \$148,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5112 (voter registration). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(10) \$148,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Substitute Senate Bill No. 5182 (candidate filing). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(11) \$148,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Substitute Senate Bill No. 5208 (online voter registration). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(12) \$616,000 of the personnel service account—state appropriation is provided solely for implementation of Engrossed Senate Bill No. 5015 (productivity board). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(13) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with humanities Washington to expand the prime time family reading program.

(14) The office of the secretary of state must conduct a feasibility study of replacing the combined fund drive donor management system. The office must report its findings and a plan for replacement to the appropriate committees of the legislature by December 31, 2023.

(15) \$200,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for legal services costs for *Vet Voice Foundation et al. v. Hobbs*.

(16) \$3,724,000 of the general fund—state appropriation for fiscal year 2024 and \$2,674,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the agency to design and implement strategies and products to counter false narratives surrounding election security and integrity, including community engagement with underserved populations such as young voters, voters with disabilities, tribal communities, and non-English-speaking voters. Of the amounts provided in this subsection, \$500,000 per fiscal year are provided solely for grants to county auditors for the same purposes.

(17) The office of the secretary of state must work with the office of the chief information officer to evaluate the office of the secretary of state's information technology infrastructure and applications to determine the appropriate candidates for the location of data and the systems that could be exempt from consolidated technology services oversight. The office shall report its findings to the appropriate committees of the legislature by December 31, 2023.

(18) \$83,000 of the general fund—state appropriation for fiscal year 2024 and \$67,000 of the general fund—state appropriation for fiscal year 2025 are provided solely the office of the secretary of state to assist businesses and nonprofits providing therapeutic rehabilitation within Washington state's juvenile secure residential facilities. It is well established that providing outreach and therapeutic education among incarcerated youth remains critical to successful community reentry. The amounts provided under this subsection are subject to the following conditions and limitations: To be eligible for a grant under this subsection, a business must (a) apply for or have applied for the grant; (b) be registered as a Washington state business or non-profit; (c) reported annual gross receipts are no more than \$1,000,000 in the most recent calendar year; (d) must have ability to conduct in-person business operations at one of Washington's juvenile correctional facilities; (e) of the total grant amount awarded, no more than 10 percent may be awarded for travel expenses; (f) agree to operate in-person, in accordance with the requirements of applicable federal, state, and local directives and guidance; and (g) at least one principal of entity must demonstrate the following educational credential, minimum masters degree in related field, and professional experience of conducting therapeutic gaming. The office of the secretary of state may use up to 10 percent of the amount provided in this subsection for administrative costs.

(19) \$730,000 of the general fund—state appropriation for fiscal year 2024 and \$580,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office's migration of its applications and systems to Azure cloud environments, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(20) \$160,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a contract with the University of Washington Evans school of public policy and governance to complete a study based on the preliminary report and research design submitted to the office on June 30, 2022. The preliminary report analyzed the 2022 state auditor's performance audit titled "evaluating Washington's ballot rejection rates." The study must be reported to the governor and the appropriate committees of the legislature by November 1, 2023.

(21) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to continue developing a statewide digital assessment tool and protocol for the tool's usage. The office must use the tool and protocol it developed to reach additional underserved audiences and make improvements to the tool and protocol. The office must develop and publish recommendations to improve implementation of the tool by June 30, 2025.

(22) \$198,000 of the general fund—state appropriation for fiscal year 2024 and \$154,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to establish a Washington state library branch at Green Hill school.

(23) \$90,000 of the general fund—state appropriation for fiscal year 2024 and \$90,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office to contract with the University of Washington Evans school of public policy and governance to examine processes for providing voting registration, voting materials, and voting assistance for people held in Washington jails.

(a) The study must:

(i) Identify challenges and obstacles to voting in Washington jails;

(ii) Examine how election offices and jails can ensure that voter registration, materials, and assistance are provided to registered voters and eligible citizens who are in jail prior to each election;

(iii) Develop recommendations for facilitating voter registration for eligible citizens and voting for registered voters in Washington jails; and

(iv) Develop recommendations for identifying individuals who are registered to vote upon jail admission and for providing voter assistance upon release from jail.

(b) The study is due to the office, the governor, and the appropriate committees of the legislature by December 1, 2024.

**NEW SECTION. Sec. 121. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund—State Appropriation (FY 2024)	\$801,000
General Fund—State Appropriation (FY 2025)	\$797,000
Climate Commitment Account—State Appropriation	\$658,000
<b>TOTAL APPROPRIATION</b>	<b>\$2,256,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2) (a) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to engage a contractor to:

(i) Conduct a detailed analysis of the opportunity gap for native American students;

(ii) Analyze the progress in developing effective government-to-government relations and identification and adoption of curriculum regarding tribal history, culture, and government as provided under RCW 28A.345.070;

(iii) Develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and

(iv) Identify performance measures to monitor adequate yearly progress.

(b) The contractor shall submit a study update by December 1, 2024, and submit a final report by June 30, 2025, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

(3) (a) \$404,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). Within amounts provided in this subsection, the governor's office of Indian affairs, in consultation with the department of ecology, the department of commerce, and the department of archaeology and historic preservation, must coordinate government-to-government engagement with federally recognized Indian tribes who have treaty rights in Washington. Topics of engagement may include:

(i) Implementation of environmental and energy laws, policy regulations, programs, and finances;

(ii) The climate commitment act, chapter 316, Laws of 2021;

(iii) Engrossed Second Substitute House Bill No. 1216 (clean energy siting); and

(iv) Other related policy.

(b) Funding provided within this subsection may support:

(i) Participation on the interagency clean energy siting coordinating council;

(ii) Creation and maintenance of a list of contacts of federally recognized tribes, and tribal preferences regarding outreach about clean energy siting and permitting; and

(iii) Development and delivery of training to clean energy project developers on consultation and engagement processes for federally recognized Indian tribes.

(4) The office must report to and coordinate with the department of ecology to track expenditures from climate commitment accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**NEW SECTION. Sec. 122. FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2024)	\$913,000
General Fund—State Appropriation (FY 2025)	\$897,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,810,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to engage a contractor to:

(i) Conduct a detailed analysis of the opportunity gap for Asian American students;

(ii) Develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and

(iii) Identify performance measures to monitor adequate yearly progress.

(b) The contractor shall submit a study update by December 1, 2024, and submit a final report by June 30, 2025, to the educational opportunity gap oversight and accountability

committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

(2) (a) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to engage a contractor to:

(i) Conduct a detailed analysis of the opportunity gap for Native Hawaiian and Pacific Islander students;

(ii) Develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and

(iii) Identify performance measures to monitor adequate yearly progress.

(b) The contractor shall submit a study update by December 1, 2024, and submit a final report by June 30, 2025, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

**NEW SECTION. Sec. 123. FOR THE STATE TREASURER**

State Treasurer's Service Account—State	
Appropriation. . . . .	\$23,658,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$23,658,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the state treasurer's service account—state appropriation is provided solely for the review of local government tax increment financing proposals as provided in RCW 39.114.020.

(2) \$500,000 of the state treasurer's service account—state appropriation is provided solely for the office to study existing and proposed laws in other jurisdictions that limit consideration of material factors in public financing and investments. The study must consider any investment risk and economic risk to Washington associated with identified laws. Authorized uses of the amount provided in this subsection include, but are not limited to, staffing, consulting fees, travel expenditures, or other goods and services. The office must submit the study to the appropriate committees of the legislature by December 1, 2024.

(3) Pursuant to RCW 82.08.225, the legislature authorizes the state treasurer to deposit up to \$3,000,000 of taxes collected pursuant to RCW 82.08.020(1) into the statewide tourism marketing account created in RCW 43.384.040 for the 2023-2025 fiscal biennium.

**NEW SECTION. Sec. 124. FOR THE STATE AUDITOR**

General Fund—State Appropriation (FY 2024). . . . .	\$1,072,000
General Fund—State Appropriation (FY 2025). . . . .	\$1,080,000
Auditing Services Revolving Account—State	
Appropriation. . . . .	\$18,519,000
Performance Audits of Government Account—State	
Appropriation. . . . .	\$1,871,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$22,542,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,585,000 of the performance audit of government account—state appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state-funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(2) Within existing resources of the performance audits of government account, the state auditor's office shall conduct a performance audit or accountability audit of Washington charter public schools to satisfy the requirement to contract for an independent performance audit pursuant to RCW 28A.710.030(2).

(3) \$825,000 of the auditing services revolving account—state appropriation is provided solely for accountability and risk based audits.

(4) \$1,030,000 of the general fund—state appropriation for fiscal year 2024 and \$1,030,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for law enforcement audits pursuant to RCW 43.101.460 and 43.101.465.

(5) \$1,523,000 of the performance audits of government account nonappropriated account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1436 (special education funding).

**NEW SECTION. Sec. 125. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund—State Appropriation (FY 2024). . . . .	\$299,000
General Fund—State Appropriation (FY 2025). . . . .	\$295,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$594,000</b>



**NEW SECTION. Sec. 126. FOR THE ATTORNEY GENERAL**

General Fund—State Appropriation (FY 2024) . . . . .	\$39,778,000
General Fund—State Appropriation (FY 2025) . . . . .	\$36,313,000
General Fund—Federal Appropriation . . . . .	\$23,595,000
Public Service Revolving Account—State Appropriation . . . . .	\$4,717,000
New Motor Vehicle Arbitration Account—State Appropriation . . . . .	\$1,889,000
Medicaid Fraud Penalty Account—State Appropriation . . . . .	\$6,584,000
Child Rescue Fund—State Appropriation . . . . .	\$80,000
Legal Services Revolving Account—State Appropriation . . . . .	\$401,733,000
Local Government Archives Account—State Appropriation . . . . .	\$1,117,000
Tobacco Prevention and Control Account—State Appropriation . . . . .	\$274,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$516,080,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of the office of financial management and the chairs and ranking members of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) \$1,217,000 of the general fund—state appropriation for fiscal year 2024 and \$1,217,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for multi-year arbitrations of the state's diligent enforcement of its obligations to receive amounts withheld from tobacco master settlement agreement payments.

(5) \$6,189,000 of the general fund—state appropriation for fiscal year 2024 and \$4,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 326, Laws of 2021 (law enforcement data).

(6) \$1,958,000 of the general fund—state appropriation for fiscal year 2024 and \$958,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of a program for receiving and responding to tips from the public regarding risks or potential risks to the safety or well-being of youth, called the YES tip line program. Risks to safety or well-being may include, but are not limited to, harm or threats of harm to self or others, sexual abuse, assault, rape, bullying or cyberbullying, substance use, and criminal acts. Any person contacting the YES tip line, whether for themselves or for another person, must receive timely assistance and not be turned away. The program must operate within the guidelines of this subsection.

(a) During the development and implementation of the YES tip line program the attorney general shall convene an advisory committee consisting of representatives from the Washington state patrol, the department of health, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the Washington association of educational service districts, and other participants the attorney general appoints.

(b) The attorney general shall develop and implement policies and processes for:

(i) Assessing tips based on the level of severity, urgency, and assistance needed using best triage practices including the YES tip line;

(ii) Risk assessment for referral of persons contacting the YES tip line to service providers;

(iii) Threat assessment that identifies circumstances requiring the YES tip line to alert law enforcement, mental health services, or other first responders immediately when immediate emergency response to a tip is warranted;

(iv) Referral and follow-up on tips to schools or postsecondary institution teams, local crisis services, law enforcement, and other entities;

(v) YES tip line information data retention and reporting requirements;

(vi) Ensuring the confidentiality of persons submitting a tip and to allow for disclosure when necessary to respond to a specific emergency threat to life; and

(vii) Systematic review, analysis, and reporting by the YES tip line program of YES tip line data including, but not limited to, reporting program utilization and evaluating whether the YES tip line is being implemented equitably across the state.

(c) The YES tip line shall be operated by a vendor selected by the attorney general through a competitive contracting process. The attorney general shall ensure that the YES tip line program vendor and its personnel are properly trained and resourced. The contract must require the vendor to be bound by confidentiality policies developed by the office. The contract must also provide that the state of Washington owns the data and information produced from the YES tip line and that vendor must comply with the state's data retention, use, and security requirements.

(d) The YES tip line program must develop and maintain a reference and best practices tool kit for law enforcement and mental health officials that identifies statewide and community mental health resources, services, and contacts, and provides best practices and strategies for investigators to use in investigating cases and assisting youths and their parents and guardians.

(e) The YES tip line program must promote and market the program and YES tip line to youth, families, community members, schools, and others statewide to build awareness of the program's resources and the YES tip line. Youth perspectives must be included and consulted in tip line development and implementation including creating marketing campaigns and materials required for the YES tip line program. The insights of youth representing marginalized and minority communities must be prioritized for their invaluable insight. Youths are eligible for stipends and reasonable allowances for reimbursement, lodging, and travel expenses as provided in RCW 43.03.220.

(7) \$561,000 of the general fund—state appropriation for fiscal year 2024 and \$508,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the attorney general to support the Washington state missing and murdered indigenous women and people task force in section 912 of this act.

(8) \$9,188,000 of the legal services revolving fund—state appropriation is provided solely for additional legal services to address additional legal services necessary for dependency actions where the state and federal Indian child welfare act apply. The office must report to the fiscal committees of the legislature within 90 days of the close of the fiscal year the following information for new cases initiated in the previous fiscal year to measure quantity and use of this funding:

(a) The number and proportion of cases where the state and federal Indian child welfare act (ICWA) applies as compared to non-ICWA new cases;

(b) The amount of time spent advising on, preparing for court, and litigating issues and elements related to ICWA's requirements as compared to the amount of time advising on, preparing for court, and litigating issues and elements that are not related to ICWA's requirements;

(c) The length of state and federal Indian child welfare act cases as compared to non-ICWA cases measured by time or number of court hearings; and

(d) Any other information or metric the office determines is appropriate to measure the quantity and use of the funding in this subsection.

(9) (a) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the establishment of a truth and reconciliation tribal advisory committee to conduct research and outreach to understand the operations and impact of Indian boarding schools in Washington run by public and faith-based institutions, and to develop recommendations for the state to acknowledge and address the historical and intergenerational harms caused by Indian boarding schools and other cultural and linguistic termination practices.

(b) The advisory committee shall consist of five members nominated by the attorney general. The committee members must be citizens from federally recognized tribes in diverse geographic areas across the state that possess personal, policy, or specific expertise with Indian boarding school history and policies, or who have expertise in truth and healing endeavors that are traditionally and culturally appropriate.

(c) The advisory committee must hold its first meeting by September 30, 2023, and shall meet at least quarterly. The advisory committee may conduct meetings in person or virtually and must accept written testimony. The advisory committee may, when feasible, invite and consult with any entity, agency, or individual deemed necessary to further its work, or with experts or professionals involved, having expertise, or having lived experience regarding Indian boarding schools or tribal engagement.

(d) The office and the advisory committee must conduct at least six listening sessions in collaboration with tribes and Native-led organizations. The listening sessions must be held with consideration of the cultural, emotional, spiritual, and psychological well-being of survivors, family members, and community members. In planning and facilitating the listening sessions, the office must seek to avoid imposing undue burdens on survivors, family members, or community members.

(e) The office of the attorney general must administer and provide staff support for the advisory committee.

(f) By June 30, 2025, the office must submit a final report to the appropriate committees of the legislature that includes, but is not limited to:

(i) A summary of activities undertaken by the advisory committee;

(ii) Findings regarding the extent and types of support provided by the state to Indian boarding schools;

(iii) Findings regarding current state policies and practices that originate from Indian boarding schools or other assimilationist policies and practices and that cause disproportionate harm to American Indian and Alaska Native people and communities; and

(iv) Recommendations regarding how the state can address the harm done by Indian boarding schools and other cultural and linguistic termination practices through a truth and reconciliation model, including but not limited to:

(A) Resources and assistance that the state may provide to aid in the healing of trauma caused by Indian boarding school policies; and

(B) Actions to correct current state policies and practices with origins in assimilationist policies or that cause disproportionate harm to Native people and communities.

(10) \$1,381,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for legal services and other costs related to redistricting commission litigation.

(11) \$566,000 of the general fund—state appropriation for fiscal year 2024 and \$436,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for legal services related to litigation challenging chapter 104, Laws of 2022 (ESSB 5078).

(12) \$749,000 of the general fund—state appropriation for fiscal year 2024 and \$689,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for legal services related to the defense of the state and its agencies in a federal environmental cleanup action involving the Quendall terminals superfund site.

(13) \$731,000 of the general fund—state appropriation for fiscal year 2024 and \$1,462,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for additional resources for the prosecution of sexually violent predator cases pursuant to chapter 71.09 RCW.

(14) \$699,000 of the general fund—state appropriation for fiscal year 2024 and \$699,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for additional resources for the criminal litigation unit to address increased wrongfully convicted person claims under chapter 4.100 RCW and increased workload and complexity of cases referred to the unit.

(15) \$755,000 of the general fund—state appropriation for fiscal year 2024 and \$1,510,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to create a centralized statewide organized retail crime task force to coordinate, investigate, and prosecute multijurisdictional retail crime.

(16) \$1,399,000 of the general fund—state appropriation for fiscal year 2024 and \$1,399,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5078 (firearms industry duties). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(17) \$50,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office of the attorney general to update the introduction to Washington water law legal primer. The updated primer must cover subjects including, but not limited to, municipal water law, the trusts water rights program, instream flows, and significant appellate water law cases that have been decided since the previous introduction to Washington water law was prepared in 2000. The office must complete the updated primer by June 30, 2025.

(18) \$39,000 of the general fund—state appropriation for fiscal year 2024, \$39,000 of the general fund—state appropriation for fiscal year 2025, and \$30,000 of the legal services revolving fund—state appropriation are provided solely for implementation of Second Substitute Senate Bill No. 5263 (psilocybin). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(19) \$2,071,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5080 (cannabis social equity). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(20) \$204,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5236 (hospital staffing standards). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(21) \$2,316,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5272 (speed safety cameras). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(22) \$138,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for staff support to the joint legislative task force on jail standards authorized by RCW 70.48.801. The task force shall report finding and recommendations to the governor and the appropriate committees of the legislature no later than December 1, 2023.

(23) \$463,000 of the general fund—state appropriation for fiscal year 2024, \$454,000 of the general fund—state appropriation for fiscal year 2025, \$398,000 of the general fund—federal appropriation, \$91,000 of the public service revolving account—state appropriation, \$133,000 of the medicaid fraud penalty account—state appropriation, and \$6,740,000 of the legal services revolving fund—state appropriation are provided solely for implementation of the legal matter management system and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(24) \$50,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(25) \$138,000 of the general fund—state appropriation for fiscal year 2024 and \$138,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1028 (crime victims and witnesses). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(26) \$213,000 of the general fund—state appropriation for fiscal year 2024 and \$213,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1469 (health care services/access). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(27) \$158,000 of the general fund—state appropriation for fiscal year 2024 and \$153,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1512 (missing persons). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(28) \$1,005,000 of the general fund—state appropriation for fiscal year 2024 and \$1,005,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1177 (indigenous women). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(29) \$26,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1470 (private detention facilities). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(30) \$75,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1570 (TNC insurance programs). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(31) \$106,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1762 (warehouse employees). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(32) \$338,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1175 (petroleum storage tanks). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(33)(a) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the attorney general, in collaboration with the office of the insurance commissioner, to study approaches to improve health care affordability including, but not limited to:

(i) Health provider price or rate regulation policies or programs, other than traditional health plan rate review, in use or under consideration in other states to increase affordability for health insurance purchasers and enrollees. At a minimum, this shall include:

(A) Analysis of payment rate or payment rate increase caps and reference pricing strategies;

(B) Analysis of research or other findings related to the outcomes of the policy or program, including experience in other states;

(C) A preliminary analysis of the regulatory authority and administrative capacity necessary to implement each policy or program reviewed in Washington state;

(D) Analysis of such approaches used in Washington state including, but not limited to, the operation of the hospital commission, formerly established under chapter 70.39 RCW; and

(E) A feasibility analysis of implementing a global hospital budget strategy in one or more counties or regions in Washington state, including potential impacts on spending and access to health care services if such a strategy were adopted;

(ii) Regulatory approaches in use or under consideration by other states to address any anticompetitive impacts of horizontal consolidation and vertical integration in the health care marketplace to supplement federal antitrust law. At a minimum, this regulatory review shall include:

(A) Analysis of research, case law, or other findings related to the outcomes of the state's activities to encourage competition, including implementation experience;

(B) A preliminary analysis of regulatory authority and administrative capacity necessary to implement each policy or program reviewed in Washington state; and

(C) Analysis of recent health care consolidation and vertical consolidation activity in Washington state, to the extent information is available;

(iii) Recommended actions based on other state approaches and Washington data, if any; and

(iv) Additional related areas of data or study needed, if any.

(b) The office of the insurance commissioner or office of the attorney general may contract with third parties and consult with other state entities to conduct all or any portion of the study.

(c) The attorney general and office of the insurance commissioner shall submit a preliminary report to the relevant policy and fiscal committees of the legislature by December 1, 2023, and a final report by August 1, 2024.

(34) \$9,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1069 (mental health counselor compensation). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(35) \$526,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 127. FOR THE CASELOAD FORECAST COUNCIL**

General Fund—State Appropriation (FY 2024)	\$2,378,000
General Fund—State Appropriation (FY 2025)	\$2,378,000
Workforce Education Investment Account—State Appropriation	\$356,000
<b>TOTAL APPROPRIATION</b>	<b>\$5,112,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$356,000 of the workforce education investment account—state appropriation is provided solely to forecast the caseload for the Washington college grant program.

(2) Within existing resources, and beginning with the November 2021 forecast, the caseload forecast council shall produce an unofficial forecast of the long-term caseload for juvenile rehabilitation as a courtesy.

(3) \$39,000 of the general fund—state appropriation for fiscal year 2024 and \$39,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1218 (caseload forecast/tax credit). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(4) Within the amounts appropriated in this section, the council must forecast the number of people eligible for the apple health expansion for Washington residents with incomes at or below 138 percent of the federal poverty level, regardless of immigration status, beginning in July 2024.

**NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMERCE**

The appropriations in sections 129 through 133 of this act are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(3)(a) The appropriations to the department of commerce in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2024, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2024 among programs after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose, except that provisoed amounts may be transferred among programs if they are transferred in their entirety.

(b) Within 30 days after the close of fiscal year 2024, the department must provide the office of financial management and the fiscal committees of the legislature with an accounting of any transfers under this subsection. The accounting shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers. The department must also provide recommendations for revisions to appropriations to better align funding with the new budget structure for the department in this act and to eliminate the need for the transfer authority in future budgets.

(4) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMERCE—COMMUNITY SERVICES AND HOUSING**

General Fund—State Appropriation (FY 2024)	\$334,486,000
General Fund—State Appropriation (FY 2025)	\$391,233,000
General Fund—Federal Appropriation	\$281,789,000
General Fund—Private/Local Appropriation	\$5,252,000
Affordable Housing for All Account—State Appropriation	\$109,227,000
Apple Health and Homes Account—State Appropriation	\$28,452,000
Climate Commitment Account—State Appropriation	\$35,000,000
Community Reinvestment Account—State Appropriation	\$200,000,000
Community and Economic Development Fee Account—State Appropriation	\$3,159,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	\$77,878,000
Covenant Homeownership Account—State Appropriation	\$150,000,000

Financial Fraud and Identity Theft Crimes

Investigation and Prosecution Account—State	
Appropriation. . . . .	\$2,631,000
Home Security Fund Account—State Appropriation. . . . .	\$290,410,000
Lead Paint Account—State Appropriation. . . . .	\$233,000
Prostitution Prevention and Intervention Account—	
State Appropriation. . . . .	\$26,000
Washington Housing Trust Account—State Appropriation. . . . .	\$9,863,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$1,919,639,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$10,500,000 of the general fund—state appropriation for fiscal year 2024 and \$10,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(2) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to the retired senior volunteer program.

(3) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(4) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(5) \$768,000 of the general fund—state appropriation for fiscal year 2024 and \$797,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(6) \$500,000 of the general fund—state appropriation for fiscal year 2024, \$500,000 of the general fund—state appropriation for fiscal year 2025, \$1,000,000 of the home security fund—state appropriation, \$2,000,000 of the Washington housing trust account—state appropriation, and \$1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(7) \$1,000,000 of the general fund—state appropriation for fiscal year 2024, \$1,000,000 of the general fund—state appropriation for fiscal year 2025, and \$2,000,000 of the home security fund—state appropriation are provided solely for the administration of the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(8)(a) \$1,980,000 of the general fund—state appropriation for fiscal year 2024 and \$1,980,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (i) shared permanent supportive housing; (ii) independent permanent supportive housing; and (iii) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

(b) Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(9) \$557,000 of the general fund—state appropriation for fiscal year 2024 and \$557,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to design and administer the achieving a better life experience program.

(10) \$8,000,000 of the general fund—state appropriation for fiscal year 2024 and \$8,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with organizations and attorneys to provide either legal representation or referral services for legal representation, or both, to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under any contract entered into pursuant to this subsection must be determined to be indigent under standards developed under chapter 10.101 RCW.

(11)(a) \$12,500,000 of the general fund—state appropriation for fiscal year 2024, \$12,500,000 of the general fund—state appropriation for fiscal year 2025, and \$37,000,000 of the affordable housing for all account—state appropriation are provided solely for grants to support the building operation, maintenance, and service costs of permanent supportive

housing projects or units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding that:

(i) Is dedicated as permanent supportive housing units;

(ii) Is occupied by low-income households with incomes at or below 30 percent of the area median income; and

(iii) Requires a supplement to rent income to cover ongoing property operating, maintenance, and service expenses.

(b) Permanent supportive housing projects receiving federal operating subsidies that do not fully cover the operation, maintenance, and service costs of the projects are eligible to receive grants as described in this subsection.

(c) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(12) \$7,000,000 of the home security fund—state appropriation is provided solely for the office of homeless youth prevention and protection programs to:

(a) Expand outreach, services, and housing for homeless youth and young adults including but not limited to secure crisis residential centers, crisis residential centers, and HOPE beds, so that resources are equitably distributed across the state;

(b) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(c) Support the development of an integrated services model, increase performance outcomes, and enable providers to have the necessary skills and expertise to effectively operate youth programs.

(13) \$4,000,000 of the general fund—state appropriation for fiscal year 2024 and \$4,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of homeless youth to build infrastructure and services to support a continuum of interventions, including but not limited to prevention, crisis response, and long-term housing, to reduce youth homelessness in communities identified as part of the anchor community initiative.

(14) \$2,125,000 of the general fund—state appropriation for fiscal year 2024 and \$2,125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of homeless youth to contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for youth under the age of 18. Young adult housing includes, but is not limited to, rental assistance and case management for young adults ages 18 to 24. The department shall submit an annual report to the legislature on the use of the funds. The report is due annually on June 30th. The report shall include but is not limited to:

(a) A breakdown of expenditures by program and expense type, including the cost per bed;

(b) The number of youth and young adults helped by each program;

(c) The number of youth and young adults on the waiting list for programs, if any; and

(d) Any other metric or measure the department deems appropriate to evaluate the effectiveness of the use of the funds.

(15) \$65,310,000 of the general fund—state appropriation for fiscal year 2024 and \$65,310,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the essential needs and housing support program and related services. The department may use a portion of the funds provided in this subsection to continue the pilot program established in section 127(106) of chapter 357, Laws of 2020 (addressing the immediate housing needs of low or extremely low-income elderly or disabled adults in certain counties who receive social security disability or retirement income). The department must ensure the timely redistribution of the funding provided in this subsection among entities or counties to reflect actual caseload changes as required under RCW 43.185C.220(5)(c).

(16) \$198,000 of the general fund—state appropriation for fiscal year 2024 and \$198,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to retain a behavioral health facilities siting administrator within the department to coordinate development of effective behavioral health housing options and provide technical assistance in siting of behavioral health treatment facilities statewide to aide in the governor's plan to discharge individuals from the state psychiatric hospitals into community settings. This position must work closely with the local government legislative authorities, planning departments, behavioral health providers, health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building behavioral health treatment and infrastructure capacity in addition to ongoing supportive housing benefits.

(17) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an entity located in the Beacon hill/Chinatown international district area of Seattle to provide low income housing, low income housing support services, or both. To the extent practicable, the chosen location must be colocated with other programs supporting the needs of children, the elderly, or persons with disabilities.

(18) \$4,740,000 of the general fund—state appropriation for fiscal year 2024, \$4,740,000 of the general fund—state appropriation for fiscal year 2025, and \$4,500,000 of the home security fund—state appropriation are provided solely for the consolidated homeless grant program.

(a) Of the amounts provided in this subsection, \$4,500,000 of the home security fund—state appropriation is provided solely for permanent supportive housing targeted at those families who are chronically homeless and where at least one member of the family has a disability. The department will also connect these families to medicaid supportive services.

(b) Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for diversion services for those families and individuals who are at substantial risk of losing stable housing or who have recently become homeless and are determined to have a high probability of returning to stable housing.

(c) Of the amounts provided in this subsection, \$3,240,000 of the general fund—state appropriation for fiscal year 2024 and \$3,240,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for up to nine months of rental assistance for individuals enrolled in the foundational community supports initiative who are transitioning off of benefits under RCW 74.04.805 due to increased income or other changes in eligibility. The health care authority, department of social and health services, and department of commerce shall collaborate on this effort.

(19) \$958,000 of the general fund—state appropriation for fiscal year 2024 and \$1,332,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the operations of the long-term care ombudsman program.

(20) \$1,007,000 of the general fund—state appropriation for fiscal year 2024 and \$1,007,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to administer a transitional housing program for nondependent homeless youth.

(21) \$80,000 of the general fund—state appropriation for fiscal year 2024 and \$80,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to establish an identification assistance and support program to assist homeless persons in collecting documentation and procuring an identicard issued by the department of licensing. This program may be operated through a contract for services. The program shall operate in one county west of the crest of the Cascade mountain range with a population of 1,000,000 or more and one county east of the crest of the Cascade mountain range with a population of 500,000 or more.

(22) (a) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of homeless youth prevention and protection programs to administer flexible funding to support the anchor community initiative and anchor communities through the homeless prevention and diversion fund and serve eligible youth and young adults. The flexible funding administered under this subsection may be used for the immediate needs of eligible youth or young adults. An eligible youth or young adult may receive support under this subsection more than once.

(b) Flexible funding provided under this subsection may be used for purposes including but not limited to:

(i) Car repair or other transportation assistance;

(ii) Rental application fees, a security deposit, or short-term rental assistance;

(iii) Offsetting costs for first and last month's rent and security deposits;

(iv) Transportation costs to go to work;

(v) Assistance in obtaining photo identification or birth certificates; and

(vi) Other uses that will support the eligible youth or young adult's housing stability, education, or employment, or meet immediate basic needs.

(c) The flexible funding provided under this subsection may be provided to:

(i) Eligible youth and young adults. For the purposes of this subsection, an eligible youth or young adult is a person under age 25 who is experiencing or at risk of experiencing homelessness, including but not limited to those who are unsheltered, doubled up or in unsafe living situations, exiting inpatient programs, or in school;

(ii) Community-based providers assisting eligible youth or young adults in attaining safe and stable housing; and

(iii) Individuals or entities, including landlords, providing safe housing or other support designed to lead to housing for eligible youth or young adults.

(23) \$607,000 of the general fund—state appropriation for fiscal year 2024 and \$607,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to assist homeowners at risk of foreclosure pursuant to chapter 61.24 RCW. Funding provided in this section may be used for activities to prevent mortgage or tax lien foreclosure, housing counselors, a foreclosure prevention hotline, legal services for low-income individuals, mediation, and other activities that promote homeownership. The department may contract with other foreclosure fairness program state partners to carry out this work.

(24) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a nonprofit entity located in Seattle that focuses on poverty reduction and racial equity to convene and staff a poverty reduction workgroup steering committee comprised of individuals that have lived experience with poverty. Funding provided in this section may be used to reimburse steering committee members for travel, child care, and other costs associated with participation in the steering committee.

(25) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for



capacity-building grants through the Latino community fund for emergency response services, educational programs, and human services support for children and families in rural and underserved communities.

(26) \$1,400,000 of the general fund—state appropriation for fiscal year 2024 and \$1,400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of homeless youth to administer a competitive grant process to award funding to licensed youth shelters, HOPE centers, and crisis residential centers to provide behavioral health support services for youth in crisis, and to increase funding for current grantees.

(27) \$9,864,000 of the general fund—state appropriation for fiscal year 2024 and \$9,864,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for long-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served.

(28) \$9,575,000 of the general fund—state appropriation for fiscal year 2024 and \$9,575,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to continue the Washington state office of firearm safety and violence prevention, including the creation of a state and federal grant funding plan to direct resources to cities that are most impacted by community violence. Of the amounts provided in this subsection:

(a) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for community-based violence prevention and intervention services to individuals identified through the King county shots fired social network analysis. The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by June 30, 2023.

(b) \$5,318,000 of the general fund—state appropriation for fiscal year 2024 and \$5,318,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to support existing programs and capacity building for new programs providing evidence-based violence prevention and intervention services to youth who are at high risk to perpetrate or be victims of firearm violence and who reside in areas with high rates of firearm violence as provided in RCW 43.330A.050.

(i) Priority shall be given to programs that partner with the University of Washington, school of medicine, department of psychiatry and behavioral sciences for training and support to deliver culturally relevant family integrated transition services through use of credible messenger advocates.

(ii) The office may enter into agreement with the University of Washington or another independent entity with expertise in evaluating community-based grant-funded programs to evaluate the grant program's effectiveness.

(iii) The office shall enter into agreement to provide funding to the University of Washington, school of medicine, department of psychiatry and behavioral sciences to directly deliver trainings and support to programs providing culturally relevant family integrated transition services through use of credible messenger and to train a third-party organization to similarly support those programs.

(iv) Of the amounts provided under (b) of this subsection, \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a certified credible messenger program that does work in at least three regions of Washington state to train and certify credible messengers to implement a culturally responsive, evidence-based credible messenger violence prevention and intervention services program.

(c) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided to further support firearm violence prevention and intervention programs and initiatives consistent with the duties of the office as set forth in RCW 43.330A.020.

(d) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided to support safe storage programs and suicide prevention outreach and education efforts across the state.

(29) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to administer grants to diaper banks for the purchase of diapers, wipes, and other essential baby products, for distribution to families in need. The department must give priority to providers serving or located in marginalized, low-income communities or communities of color; and providers that help support racial equity.

(30) \$4,500,000 of the general fund—state appropriation for fiscal year 2024 and \$4,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to counties to stabilize newly arriving refugees, including those from the 2021 Afghanistan conflict and the 2022 Ukraine-Russia conflict.

(31) \$120,000 of the general fund—state appropriation for fiscal year 2024 and \$120,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit resource center in King county that provides sexual assault advocacy services,

therapy services, and prevention and outreach to begin a three-year, multigrade sexual violence prevention program in the Renton school district.

(32) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of homeless youth prevention and protection programs to colead a prevention work group with the department of children, youth, and families. The work group must focus on preventing youth and young adult homelessness and other related negative outcomes. The work group shall consist of members representing the department of social and health services, the employment security department, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the interagency work group on homelessness, community-based organizations, and young people and families with lived experience of housing instability, child welfare involvement, justice system involvement, or inpatient behavioral health involvement.

(a) The work group shall help guide implementation of:

- (i) The state's strategic plan on prevention of youth homelessness;
- (ii) Chapter 157, Laws of 2018 (SSB 6560);
- (iii) Chapter 312, Laws of 2019 (E2SSB 5290);
- (iv) Efforts to reform family reconciliation services; and
- (v) Other state initiatives addressing the prevention of youth homelessness.

(b) The office of homeless youth prevention and protection programs must use the amounts provided in this subsection to contract with a community-based organization to support the involvement with the work group of young people and families with lived experience of housing instability, child welfare involvement, justice system involvement, or inpatient behavioral health involvement. The community-based organization must serve and be substantially governed by marginalized populations. The amounts provided in this subsection must supplement private funding to support the work group.

(33) \$22,802,000 of the general fund—state appropriation for fiscal year 2024 and \$22,803,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase existing grantee contracts providing rental or housing subsidy and services for eligible tenants in housing and homeless programs. The department must distribute funding in a manner that will prioritize maintaining current levels of homeless subsidies and services and stabilizing the homeless service provider workforce.

(34) (a) \$35,000,000 of the climate commitment account—state appropriation is provided solely for the department to administer grant funding through the existing network of federal low-income home energy assistance program grantees to provide low-income households with energy utility bill assistance.

(b) To qualify for assistance, a household must be below 80 percent of the area median income and living in a community that experiences high environmental health disparities.

(c) Under the grant program, each household accessing energy bill assistance must be offered an energy assessment that includes determining the household's need for clean cooling and heating system upgrades that improve safety and efficiency while meeting Washington's climate goals. If beneficial, households may be offered grant funding to cover the replacement of inefficient, outdated, or unsafe home heating and cooling systems with more energy efficient electric heating and cooling technologies, such as heat pumps.

(d) Of the amounts provided in this subsection, no more than 60 percent of the funding may be utilized by the department to target services to multifamily residential buildings across the state that experience high energy use, where a majority of the residents within the building are below 80 percent of the area median income and the community experiences high environmental health disparities.

(e) In serving low-income households who rent or lease a residence, the department must establish processes to ensure that the rent for the residence is not increased and the tenant is not evicted as a result of receiving assistance under the grant program.

(f) The department must incorporate data collected while implementing this program into future energy assistance reports as required under RCW 19.405.120. The department may publish information on its website on the number of furnace or heating and cooling system replacements, including replacements within multifamily housing units.

(g) The department may utilize a portion of the funding provided within this subsection to create an electronic application system.

(35) \$55,500,000 of the general fund—state appropriation for fiscal year 2025 and \$55,500,000 of the coronavirus state fiscal recovery account—federal appropriation are provided solely for the department to continue grant funding for emergency housing and shelter capacity and associated supports such as street outreach, diversion services, short-term rental assistance, hotel and motel vouchers, housing search and placement, and housing stability case management. Entities eligible for grant funding include local governments and nonprofit entities. The department may use existing programs, such as the consolidated homelessness grant program, to award funding under this subsection. Grants provided under this subsection must be used to maintain or increase current emergency housing capacity, funded by the shelter program grant and other programs, as practicable due to increased costs of goods, services, and wages. Emergency housing includes transitional housing, congregate or noncongregate shelter, sanctioned encampments, or short-term hotel or motel stays.

(36) (a) \$75,050,000 of the general fund—state appropriation for fiscal year 2024 and \$75,050,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a targeted grant program to transition persons residing in encampments to safer housing opportunities, with an emphasis on ensuring individuals living unsheltered reach permanent housing solutions. Eligible grant recipients include local governments and nonprofit

organizations operating to provide housing or services. The department may provide funding to state agencies to ensure individuals accessing housing services are also able to access other wrap-around services that enable them to obtain housing such as food, personal identification, and other related services. Local government and nonprofit grant recipients may use grant funding to provide outreach, housing, case management, transportation, site monitoring, and other services needed to assist individuals residing in encampments and on public rights-of-way with moving into housing.

(b) Of the amounts provided in this subsection:

(i) No less than \$120,000,000 must be used for housing services for persons residing on state-owned rights-of-way; and

(ii) All remaining funds may be used for housing services for persons residing in encampments, including encampments located on public lands, as defined in RCW 79.02.010, or state parks and parkways.

(c) Grant criteria must include, but are not limited to:

(i) Whether a site where the grantee will conduct outreach and engagement has been identified as a location where individuals residing in encampments or on the public right-of-way are in specific circumstances or physical locations that expose them to especially or imminently unsafe conditions;

(ii) A commitment to resolve encampments through extensive outreach followed by matching individuals with temporary lodging or permanent housing that is reasonably likely to fit with their actual needs and situation, is noncongregate whenever possible, and takes into consideration individuals' immediate and long-term needs and abilities to achieve and maintain housing stability;

(iii) A commitment to transition individuals who are initially matched to temporary lodging into a permanent housing placement within six months except under unusual circumstances;

(iv) Local government readiness and capacity to enter into and fulfill the grant requirements as applicable; and

(v) Other criteria as identified by the department.

(d) When awarding grants under (a) of this subsection, the department must prioritize applicants that focus on ensuring an expeditious path to sustainable permanent housing solutions, and that demonstrate an understanding of working with individuals to identify their optimal housing type and level of ongoing services through the effective use of outreach, engagement, and temporary lodging and permanent housing placement.

(e) Grant recipients under (a) of this subsection must enter into a memorandum of understanding with the department, and other state agencies if applicable, as a condition of receiving funds. Memoranda of understanding must specify the responsibilities of the grant recipients and the state agencies, consistent with the requirements of (c) of this subsection, and must include specific measurable outcomes for each entity signing the memorandum. The department must publish all signed memoranda on the department's website and must publish updates on outcomes for each memorandum at least every 90 days, while taking steps to protect the privacy of individuals served by the program. At a minimum, outcomes must include:

(i) The number of people actually living in any encampment identified for intervention by the department or grantees;

(ii) The demographics of those living in any encampment identified for intervention by the department or grantees;

(iii) The duration of engagement with individuals living within encampments;

(iv) The types of housing options that were offered;

(v) The number of individuals who accepted offered housing;

(vi) Any reasons given for why individuals declined offered housing;

(vii) The types of assistance provided to move individuals into offered housing;

(viii) Any services and benefits in which an individual was successfully enrolled; and

(ix) The housing outcomes of individuals who were placed into housing six months and one year after placement.

(f) Grant recipients under (a) of this subsection may not transition individuals from encampments or close encampments unless they have provided extensive outreach and offered each individual temporary lodging or permanent housing that matches the actual situation and needs of each person, is noncongregate whenever possible, and takes into consideration individuals' immediate and long-term needs and abilities to achieve and maintain housing stability. Grant recipients who initially match an individual to temporary lodging must make efforts to transition the person to a permanent housing placement within six months except under unusual circumstances. The department must establish criteria regarding the safety, accessibility, and habitability of housing options to be offered by grant recipients to ensure that such options are private, sanitary, healthy, and dignified, and that grant recipients provide options that are well-matched to an individual's assessed needs.

(g) Funding granted to eligible recipients under (a) of this subsection may not be used to supplant or replace existing funding provided for housing or homeless services.

(37) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase funding for the community services block grant program. Distribution of these funds to community action agencies shall prioritize racial equity and undoing inequity from historic underinvestment in Black, indigenous, and people of color, and rural communities.

(38) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the

department to provide a grant to a nonprofit organization to identify opportunities for cities in Whatcom county to improve access to affordable housing through conducting market research, engaging stakeholders, and developing tools and implementation strategies for cities that will increase access to affordable housing. The grant recipient must be a nonprofit organization based in Bellingham that promotes affordable housing solutions and with a mission to create thriving communities.

(39) \$225,000 of the general fund—state appropriation for fiscal year 2024 and \$225,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide a grant to a nonprofit organization located in the city of Redmond that serves Latino low-income, immigrant, and Spanish-speaking communities in King and Snohomish counties through arts and culture events and community services. The grant funding may be used to expand existing programs including, but not limited to, support for small businesses, rent assistance, vaccination and COVID-19 outreach, programs aimed at increasing postsecondary enrollments in college and trade schools, and other community services and programs.

(40) \$4,000,000 of the general fund—state appropriation for fiscal year 2024 and \$4,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to administer grants to community-based organizations that serve historically disadvantaged populations to conduct outreach and to assist community members in applying for state and federal assistance programs including, but not limited to, those administered by the department of social and health services, department of commerce, and department of children, youth, and families.

(41) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to provide a grant to a nonprofit organization located in the city of Issaquah to provide cultural programs and navigational supports for individuals and families who may face language or other cultural barriers when engaging with schools, public safety, health and human services, and local government agencies.

(42) \$200,000,000 of the community reinvestment account—state appropriation is provided solely for the department to distribute grants for economic development, civil and criminal legal assistance, community-based violence intervention and prevention services, and reentry services programs. Grants must be distributed in accordance with the recommendations of the community reinvestment plan developed pursuant to section 128(134), chapter 297, Laws of 2022 (ESSB 5693).

(43) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000,000 of the covenant homeownership account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1474 (covenant homeownership prg.). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(44) \$140,000 of the general fund—state appropriation for fiscal year 2024 and \$140,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for additional staffing for the developmental disabilities council.

(45) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization located in the city of Spokane to provide transitional housing, educational programs, and other resources for refugee and immigrant families.

(46) \$1,169,000 of the general fund—state appropriation for fiscal year 2024 and \$1,169,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1715 (domestic violence). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(47) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a dispute resolution center located in Snohomish county to provide mediation and resolution services for landlords and tenants, with the goal of avoiding evictions.

(48) \$500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for grants to nonprofit organizations to operate hunger relief response programs serving individuals living in permanent supportive housing. Of the amounts provided in this subsection:

(a) \$275,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to a nonprofit organization located in King county.

(b) \$225,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to a nonprofit organization located in Spokane county.

(49) \$180,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to a nonprofit organization operating a teen center in the city of Issaquah to provide case management and counseling services for youth ages 12 to 19.

(50)(a) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit community-based organization for the coordination of a gang violence prevention consortium with entities including community-based organizations, law enforcement, and members of the faith community, and to continue and expand after-school activities and social services for students and young adults in the Yakima valley. Social services may include, but are not limited to, employment, mental health, counseling, tutoring, and mentoring services. The grant recipient must be a community-based organization located in Granger operating a Spanish language public radio station and with the mission of

addressing the social, educational, and health needs of economically disadvantaged Spanish-speaking residents of central and eastern Washington.

(b) By June 30, 2025, the department must provide a report to the appropriate committees of the legislature. The report must include: (i) A description of the gang violence prevention programs conducted by the consortium and how they were implemented; and (ii) The number of individuals who participated in or received services through the programs conducted by the consortium, including any relevant demographic data for those individuals.

(51) \$400,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to contract with a nonprofit organization to develop an affordable housing predevelopment plan. The affordable housing predevelopment plan must assess the feasibility of using surplus public land located at or near north Seattle Community College and Highline Community College for the development of affordable colocated housing that could serve low and moderate-income state workers. The contract recipient must be an organization that provides consultation services on affordable housing development. In creating the predevelopment plan, the contract recipient must solicit input from interested parties including, but not limited to, low-income and affordable housing experts, policy staff in the office of the governor, state public employee unions, and legislators.

(52) \$781,000 of the general fund—state appropriation for fiscal year 2024 and \$781,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1406 (youth seeking housing assist). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(53)(a) \$1,750,000 of the general fund—state appropriation for fiscal year 2024 and \$1,750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of firearm safety and violence prevention to continue a healthy youth and violence prevention initiative demonstration program serving south King county, with the goal of preventing violence, decreasing involvement with the juvenile justice system, and encouraging health and wellbeing for youth and young adults ages 12 to 24. As part of the demonstration program, the office must provide grant funding to and partner with a community-based organization to serve as a regional coordinator to:

(i) Connect youth and young adults ages 12 to 24 who are most vulnerable to violence with programs that provide services including, but not limited to, street outreach, youth employment and preapprenticeship programs, case management, behavioral health services, and other services as appropriate; and

(ii) Assist local governments, service providers, and nonprofit organizations in accessing and leveraging federal, state, and local funding for violence prevention and related services.

(b) The grant recipient under (a) of this subsection must be a nonprofit health system currently administering a violence prevention initiative in King and Pierce counties. The grant recipient may subgrant or subcontract funds to programs providing services as described in (a)(i) of this subsection.

(54) \$300,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to a nonprofit sexual assault resource center located in Renton. Grant funding may be used for information technology improvements focused on client data management that will improve client access to health services, cybersecurity, and data privacy.

(55)(a) \$850,000 of the general fund—state appropriation for fiscal year 2024 and \$850,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continuation of existing contracts with a nonprofit organization to increase housing supply and equitable housing outcomes by advancing affordable housing developments, including supportive housing, transitional housing, shelter, or housing funded through the apple health and homes program, that are colocated with community services such as education centers, health clinics, nonprofit organizations, social services, or community spaces or facilities, available to residents or the public, on underutilized or tax-exempt land.

(b) The contract recipient must use the funding provided under this subsection to:

(i) Implement strategies to accelerate development of affordable housing with space for education centers, health clinics, nonprofit organizations, social services, or community space or facilities, available to residents or the public, on underutilized or tax-exempt land;

(ii) Analyze the suitability of properties and sites for affordable housing as described under (b)(i) of this subsection, including existing buildings for supportive housing, through completing due diligence, conceptual design, and financial analysis activities, and applying and implementing an equity lens in site selection, program planning, development, and operations;

(iii) Work with elected officials, local governments, educational institutions, public agencies, local housing and community development partners, early learning partners, health care providers, and nonprofit service organizations to:

(A) Identify and catalyze surplus, underutilized, or tax-exempt properties for the development of affordable housing;

(B) Provide catalytic funding and technical assistance to advance the development of affordable housing, including by identifying funding sources to support the needs of specific projects; and

(C) Identify impediments to the development of affordable housing and develop recommendations and strategies to address those impediments, reduce costs, advance community vision and equitable outcomes, and accelerate predevelopment and development times associated with affordable housing;

(iv) Organize community partners and build capacity to develop affordable housing sites;

(v) Facilitate collaboration and codevelopment between affordable housing and education centers, health clinics, nonprofit organizations, social services, or community spaces and facilities available to residents or the public;

(vi) Provide technical assistance and predevelopment services to support future development of sites; and

(vii) Catalyze the redevelopment of at least 20 sites to create approximately 2,000 affordable homes.

(c) Funding may also be used to:

(i) Partner with state, regional, and local public entities, nonprofit housing developers, and service providers to develop a broad range of housing types for supportive housing for populations authorized to receive the housing benefit under the apple health and homes act;

(ii) Provide technical assistance on the constructive alignment of state or local capital funds and other services for the construction, acquisition, refurbishment, redevelopment, master leasing of properties for noncongregate housing, or conversion of units from nonresidential to residential, of dwelling units for supportive housing funded through the apple health and homes program;

(iii) Advise on local community engagement, especially with populations with lived experience of homelessness and housing insecurity, for supportive housing funded through the apple health and homes program;

(iv) Subcontract for specialized predevelopment services, as needed, and subgrant to reimburse for supportive housing funded through the apple health and homes program; and

(v) Hire staff necessary to implement activities under (b) and (c) of this subsection.

(56)(a) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to continue a lifeline support system pilot project to assist individuals who have experienced or are at risk of entering into public systems of care. Public systems of care include office of homeless youth prevention and protection shelter and housing programs, the juvenile justice system, dependency under chapter 13.34 RCW, and inpatient behavioral health treatment.

(b)(i) The lifeline must function as a no-wrong-door access point for support and connections to services for qualifying individuals who require assistance to overcome a life challenge that could escalate into a crisis, or who are in need of general mentorship and counsel. The lifeline support system must facilitate and promote partnerships across state agencies, federally recognized tribes, counties, and community-based providers to coordinate trauma-informed and culturally responsive services for youth and young adults and their supports. The department is authorized to implement lifeline services through contracts with community partners and nonprofit organizations.

(ii) From amounts provided in this subsection, the department must allocate funding to establish a lifeline fund program. The department may use moneys allocated for the fund program to assist community partners and nonprofit organizations to implement lifeline services when those providers cannot identify an existing resource to resolve a recipient's need. The department must establish an application process and criteria for the fund program.

(c) By June 30, 2025, the department shall report to the legislature regarding the success and shortcomings of the lifeline support system, request-for-service outcomes, and the demographics of beneficiaries.

(57) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization to provide legal aid in subjects including, but not limited to, criminal law and civil rights cases for underserved populations focusing on Black gender-diverse communities. The grant recipient must be a nonprofit organization with offices in Seattle and Tacoma and with a mission to provide intersectional legal and social services for Black intersex and gender-diverse communities in Washington.

(58) \$213,000 of the general fund—state appropriation for fiscal year 2024 and \$213,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization within the city of Tacoma that provides social services and educational programming to assist Latino and indigenous communities in honoring heritage and culture through the arts, and in overcoming barriers to social, political, economic, and cultural community development. Of the amounts provided in this subsection:

(a) \$175,000 of the general fund—state appropriation for fiscal year 2024 and \$175,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for education and training programming in community health organizing, "promotora" health education, grassroots organizing, leadership development, and civic engagement focused on Latino and indigenous community members; and

(b) \$38,000 of the general fund—state appropriation for fiscal year 2024 and \$38,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for advocacy, translation services, emergency housing, and other services for victims of crime and domestic violence.

(59) \$500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to provide grants to nonprofit organizations including, but not limited to, religious nonprofits, to fund the physical security of such institutions. Grant recipients must have reasons to believe they have been subject to security threats and must demonstrate a need for enhanced security. Grant funding must be used and limited to the purchase of security hardware and equipment to enhance the security of the buildings and grounds of such organizations.

(60) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide grant funding to a nonprofit organization to provide supports, including behavioral health resources, housing services, and parenting education, to parents with substance use disorder. The grant recipient must be a nonprofit organization located in the south Puget Sound region that provides a parent child assistance program and focuses on building parenting skills and confidence to ensure children have safe and healthy childhoods.

(61) \$450,000 of the general fund—state appropriation for fiscal year 2024 and \$450,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for costs to develop and operate community-based residential housing and services for youth wellness spanning a range of needs and circumstances at the Pacific hospital preservation and development authority quarters, buildings three through 10 in Seattle. The amounts provided in this subsection may be used for planning, lease payments, and other related expenses for the development and operation of comprehensive residential programs providing housing, on-site social services, and community-based resources for youth identified by the department of commerce, the department of children, youth, and families, or the health care authority. The funding may also be used for the preparation and issuance of a request for qualifications for a site operator, or lease management and related administrative functions. The department is authorized to enter into a lease, with an option to enter into multiyear extensions, for the Pacific hospital preservation and development authority quarters, buildings three through 10.

(62) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization based in the city of Seattle that works to improve the quality of life for low-income families and members of the refugee and immigrant community, with a focus on the Somali and Oromos community. The grant funding may be used to expand current programs including, but not limited to, case management and referral services for immigrants and refugees, youth programs, and services for seniors.

(63) \$270,000 of the general fund—state appropriation for fiscal year 2024 and \$270,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization headquartered in Mount Vernon for costs to operate and provide homeless services at a low-barrier emergency temporary homeless center located in Burlington.

(64) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization located in the city of Seattle that provides legal assistance and representation to survivors of sexual and gender-based violence to expand their current services including, but not limited to, legal assistance and representation; technical assistance for advocates, providers, and attorneys; community education and trainings; and other legal support services. In providing services, the grant recipient must protect the privacy, safety, and civil rights of survivors and utilize trauma-informed practices and equity principles.

(65) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide a grant to a nonprofit organization serving King and Snohomish counties for a program conducted in partnership with King county, which serves individuals who are involved in the criminal justice system and who have experienced domestic, sexual, or gender-based violence. The grant recipient may use the funding for costs including, but not limited to, legal advocacy, outreach, connecting clients to housing and other resources, data analytics, and staffing.

(66) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of crime victims advocacy to contract for a study of the impacts of the commercial sex industry on Black and African American communities in Washington, with a focus on Black and African American persons who identify as female. The office must contract with an organization that has expertise on the topic of the commercial sex industry and Black communities in Washington. The study must include a review of the impacts of the commercial sex industry on Black and African American residents of Washington, and culturally informed and survivor-informed policy recommendations for reducing sex trafficking and sexual exploitation of Black and African American Washingtonians. The department must submit a report of the study findings to the appropriate committees of the legislature by September 1, 2024.

(67) \$20,656,000 of the general fund—state appropriation for fiscal year 2024 and \$20,655,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to crime victims service providers to ensure continuity of services impacted by reductions in federal victims of crime act funding and to help address increased demand for services attributable to the COVID-19 pandemic. The department must distribute the funding in a manner that is consistent with the office of crime victims advocacy's state plan. Of the amounts provided in this subsection:

(a) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to programs operated by and for historically marginalized populations to support "by and for" culturally specific services for victims of domestic violence, sexual assault, and other crimes in historically marginalized populations. Marginalized populations can include, but are not limited to, organizations or groups composed along racial, ethnic, religious, sexual orientation, and gender lines.

(b) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to programs developed to support the enhancement and development of additional services for tribal members, including programs to address needs of crime victims, including strategies which integrate services or multiple crime types.

(68) \$200,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to the city of Seattle for start-up costs for the Seattle social housing developer and to meet the requirements of the city of Seattle initiative 135, which concerns developing and maintaining affordable social housing in Seattle. The funding provided under this subsection may only be used for costs associated with creating social housing developments, operating costs associated with maintaining social housing developments, and administrative costs of operating social housing.

(69) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to contract with a nonprofit to provide wraparound services for homeless families with children, including prevention, shelter, and stabilization services. The nonprofit must be located in Pierce county and be an affiliate of a national organization dedicated to preventing and ending family homelessness by providing prevention, shelter, and stabilization services.

(70) Within existing resources, the department must submit an interim and a final report to the appropriate committees of the legislature on efforts taken by the department to stabilize rents for tenants of affordable housing units financed through the housing assistance program created under RCW 43.185.015 including, but not limited to, efforts to limit or mitigate the impacts of rent increases for tenants of qualifying units. The department must submit the interim report by December 1, 2023, and the final report by December 1, 2024.

(71) Before awarding or entering into grants or contracts for the 2023-2025 fiscal biennium for homeless housing and service programs that are funded from the home security fund account or the affordable housing for all account, the department must first consult with local governments and eligible grantees to ensure that funding from these accounts is used to maintain the quantity and types of homeless housing and services funded in local communities as of February 28, 2023. The department may take into consideration local document recording fee balances and individual county fluctuations in recording fee collections when allocating state funds. The department must redeploy funds to other nonprofit and county grantees if originally granted amounts are not expended or committed within a reasonable timeline. The department may then provide funding to eligible entities to undertake the activities described in RCW 36.22.176(1)(c)(i), such as funding for project-based vouchers and other assistance necessary to support permanent supportive housing as defined in RCW 36.70A.030 or as administered by the office of apple health and homes created in RCW 43.330.181.

(72) \$500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to an Everett-based affiliate of a national nonprofit human services organization to stabilize newly arriving refugees from the 2021 Afghanistan conflict and the 2022 Ukraine conflict.

(73) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with a nonprofit organization to expand private capacity to provide legal services for indigent foreign nationals in contested domestic relations and family law cases. The contract recipient must be a nonprofit organization headquartered in the city of Seattle that provides training to attorneys and judges on international family law issues and provides direct representation to qualified indigent clients. Amounts provided in this subsection may not be expended for direct private legal representation of clients in domestic relations and family law cases.

(74) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a youth development organization providing civic engagement and education through a youth and government program. The grant is provided solely for support of the organization's mock trial and youth legislature programs.

(75) \$252,000 of the general fund—state appropriation for fiscal year 2024 and \$229,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5198 (mobile home community sales). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(76) \$1,694,000 of the general fund—state appropriation for fiscal year 2024 and \$1,694,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5561 (law enforcement community grants). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(77) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5599 (protected health care/youth). The entirety of this amount is provided for the office of homeless youth for prevention and protection programs to provide supportive care grants to organizations to address the needs of youth seeking protected health care services. If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.



(78) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to the city of Monroe to continue existing pilot projects that enable the city to dispatch human services and social services staff in conjunction with law enforcement staff to support unsheltered residents and residents in crisis.

(79) \$2,850,000 of the general fund—state appropriation for fiscal year 2024 and \$2,850,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5114 (sex trafficking). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(80) (a) \$200,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to convene a work group to examine allowable expenses in human service provider contracts in Washington state's local and state contracting processes. The work group must:

(i) Assess if existing contracting structures at the state and local levels for human service providers are adequate for sustaining the human services sector;

(ii) Assess the viability of a lowest responsible bidder contracting structure for human service providers contracts at the state and local levels;

(iii) Facilitate discussion amongst interested parties; and

(iv) Develop recommendations for necessary changes in the law or rule.

(b) The department must, in consultation with the department of enterprise services, appoint a minimum of 12 members to the work group representing different stakeholder groups including, but not limited to:

(i) Organizations whose mission includes serving Black, indigenous, and communities of color;

(ii) State government agencies that manage human service contracts;

(iii) Associations representing human service provider organizations; and

(iv) Associations of city or county governments.

(c) The department must convene the first meeting of the work group by October 1, 2023. Members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for travel expenses for other nonlegislative members is subject to chapter 43.03 RCW, and may include stipends to individuals as provided in RCW 43.03.220.

(d) The department must submit a final report to the governor and appropriate committees of the legislature by December 1, 2024. The final report must include:

(i) An evaluation if existing funding structures at the state and local levels for human service provider contracts are creating hardship for human service providers; and

(ii) Recommendations for necessary changes in law or rule to address structural hardships in human services contracting.

(e) For purposes of this subsection "eligible individual" means an individual that is low income or has lived experience to support their participation in the work group when the agency determines such participation is desirable in order to implement the principles of equity described in RCW 43.06D.020, provided that the individuals are not otherwise compensated for their attendance at meetings.

(81) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to the city of Bellevue for one-time expenses required for the operation of an expanded community service center to help low-income individuals and immigrant and refugee community members. The center will join with community partners to provide utility rate and rent relief; health care access; energy assistance; food access; medical, legal and financial services; housing; childcare resources; employment assistance; and resources for starting a business.

(82) \$215,000 of the general fund—state appropriation for fiscal year 2024 and \$345,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to produce a report to the legislature detailing the scope of work, cost estimates, and implementation timeline to create or procure an online registry of rental units in Washington state subject to state information system planning and oversight requirements. The online rental unit registry must have the capacity to collect and report out timely information on each rental unit in the state. Information to collect includes, but is not limited to, the rental unit's physical address, identity of the property owner, monthly rent charged, and vacancy status. The scope of work must assume integration with existing rental registries operated by local governments. Cost and timeline estimates must provide two alternatives with one assuming statewide implementation and the other assuming implementation in the six largest counties of the state. The department shall consult with landlord representatives, tenant representatives, local governments operating existing rental registries, and other interested stakeholders as part of the process of developing the scope of work and timeline for the online rental unit registry. The department must submit the report to the legislature by December 1, 2024.

(83) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a Seattle based nonprofit to create a temporary space to allow youth and low-income populations to participate in ice rink related events during the 2024 national hockey league winter classic.

(84) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization based in Kitsap county that partners with the Bremerton and

central Kitsap school districts, first responders, and other organizations to expand implementation of the handle with care program.

(85) \$371,000 of the general fund—state appropriation for fiscal year 2024 and \$371,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for Pacific county to operate or participate in a drug task force to enhance coordination and intelligence while facilitating multijurisdictional criminal investigations.

(86) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for distribution to statewide and community asset building coalitions across Washington to support capacity in organizations that coordinate financial health services and outreach efforts around poverty reduction resources such as the earned income tax credit and the working families tax credit.

(87) \$400,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a community based organization in Whatcom county to expand services to unhoused and low-income residents of Ferndale and north Whatcom county and to provide a safe parking program.

(88) \$155,000 of the general fund—state appropriation for fiscal year 2024 and \$175,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to an organization in Pierce county experienced in providing peer-to-peer training, to develop and implement a program aimed at reducing workplace sexual harassment in the agricultural sector. Funding will be used to continue peer-to-peer trainings for farmworkers in Yakima county and expand services into Grant and Benton counties. Funding may also be used to support an established network of farmworker peer trainers whose primary purpose is to prevent workplace sexual harassment and assault through leadership and education. The organization is expected to share best practices from their peer-to-peer model at a statewide conference.

(89) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a Seattle-based nonprofit that provides holistic services to help refugee and immigrant women. Funds must be used to expand an existing program that increases equity in ice skating and hockey by providing skate lessons to preschoolers from diverse and low-income families.

(90)(a) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to administer grants to strengthen family resource center services and increase capacity statewide. Grant funding may be used: For an organization to provide new services in order to meet the statutory requirements of a family resource center, as defined in RCW 43.216.010; to increase capacity or enhance service provision at current family resource centers, including but not limited to direct staffing and administrative costs; and to conduct data collection, evaluation, and quality improvement activities. The department may award an amount from \$30,000 up to \$200,000 per grant recipient.

(b) Eligible applicants for a grant under (a) of this subsection include current family resource centers, as defined in RCW 43.330.010, or organizations in the process of becoming qualified as family resource centers. Applicants must affirm their ability and willingness to serve all families requesting services in order to receive a grant. Applicants must currently be or agree to become a member of a statewide family resource center network during the grant award period in order to receive a grant. Applicants must provide proof of certification in the standards of quality for family strengthening and support developed by the national family support network for one member of the applicant's organizational leadership in order to receive a grant.

(c) In distributing grant funding, the department must, to the extent it is practicable, award 75 percent of funding to organizations located west of the crest of the Cascade mountains, and 25 percent of funding to organizations located east of the crest of the Cascade mountains.

(d) By July 1, 2025, grant recipients must submit a report to the department on the use of grant funding, including, but not limited to, progress in attaining status as a family resource center, if applicable; the number and type of services offered to families; demographic and income data for families served; and family post-service outcomes. By September 1, 2025, the department must submit a report to the Legislature on topics including, but not limited to, the grant application process; needs identified by family resource centers; and use of funds by grant recipients.

(e) Of the amounts provided in (a) of this subsection, \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide a grant to the statewide nonprofit organization that serves as the registered Washington state network member of the national family support network. The grant recipient may use the grant funding for costs including, but not limited to, outreach and engagement, data and evaluation, and providing training and development opportunities in support of family resource centers statewide.

(91) \$9,000,000 of the general fund—state appropriation for fiscal year 2024 and \$9,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department for grants to local governments for maintaining programs and investments which are primarily funded through document recording fees pursuant to RCW 36.22.178, 36.22.179, and 36.22.1791. In allocating grant funding to local jurisdictions, awards must be based on a formula, determined by the department, to ensure that grants are distributed equitably among cities and counties.

(92) \$200,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the task force created in section 917 of this act to examine housing supply and affordability.

(93)(a) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a law enforcement technology grant program for the purpose of providing law enforcement with modern vehicle pursuit management technology including, but not limited to, global positioning system tracking equipment, automated license plate reading technology, aircraft, and nonarmed and nonarmored drone technology.

(b) Grants must be awarded to local law enforcement agencies based on locally developed proposals. The department shall establish policies for applications under this subsection in addition to criteria for evaluating and selecting grant recipients. A proposal must include a request for specific technology and a specific plan for the implementation, use, and effectiveness reporting of that technology.

(c) Before grants are awarded, each local law enforcement agency seeking to acquire vehicle pursuit technology must:

(i) Establish data-sharing and management policies including policies related to sharing data between law enforcement agencies and other third parties; and

(ii) Establish policies ensuring all personnel who operate the vehicle pursuit technology, or access the vehicle pursuit technology data, are trained to use that technology and are able to comply with the data-sharing and management policies prior to the operational use of the vehicle pursuit technology.

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMERCE—LOCAL GOVERNMENT**

General Fund—State Appropriation (FY 2024)	\$50,775,000
General Fund—State Appropriation (FY 2025)	\$46,258,000
General Fund—Federal Appropriation	\$39,374,000
General Fund—Private/Local Appropriation	\$1,050,000
Climate Commitment Account—State Appropriation	\$43,353,000
Community Preservation and Development Authority	
Account—State Appropriation	\$4,750,000
Growth Management Planning and Environmental Review	
Fund—State Appropriation	\$5,681,000
Liquor Excise Tax Account—State Appropriation	\$986,000
Liquor Revolving Account—State Appropriation	\$6,827,000
Model Toxics Control Stormwater Account—State	
Appropriation	\$100,000
Natural Climate Solutions Account—State	
Appropriation	\$2,747,000
Public Facilities Construction Loan Revolving	
Account—State Appropriation	\$1,026,000
Public Works Assistance Account—State Appropriation	\$7,267,000
<b>TOTAL APPROPRIATION</b>	<b>\$210,194,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(2) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(3) \$6,827,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(4) The department must develop a model ordinance for cities and counties to utilize for siting community based behavioral health facilities.

(5) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to produce the biennial report identifying a list of projects to address incompatible developments near military installations as provided in RCW 43.330.520.

(6) \$100,000 of the model toxics control stormwater account—state appropriation is provided solely for planning work related to stormwater runoff at the aurora bridge and I-5 ship canal bridge. Planning work may include, but is not limited to, coordination with project partners, community engagement, conducting engineering studies, and staff support.

(7) \$2,000,000 of the community preservation and development authority account—state/operating appropriation is provided solely for the operations of the Pioneer Square-International district community preservation and development authority established in RCW 43.167.060.

(8) \$1,160,000 of the general fund—state appropriation for fiscal year 2024 and \$1,159,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the statewide broadband office established in RCW 43.330.532.

(9) \$10,000,000 of the general fund—state appropriation for fiscal year 2024 and \$10,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely

for the department for grants for updating and implementing comprehensive plans and development regulations in order to implement the requirements of the growth management act.

(a) In allocating grant funding to local jurisdictions, awards must be based on a formula, determined by the department, to ensure that grants are distributed equitably among cities and counties. Grants will be used primarily to fund the review and update requirements for counties and cities required by RCW 36.70A.130. Funding provided on this formula basis shall cover additional county and city costs, if applicable, to implement chapter 254, Laws of 2021 (Engrossed Second Substitute House Bill No. 1220) and to implement Second Substitute Senate Bill No. 5412 (land use permitting/local).

(b) Within the amounts not utilized under (a) of this subsection, the department shall establish a competitive grant program to implement requirements of the growth management act.

(c) Up to \$500,000 per biennium may be allocated toward growth management policy research and development or to assess the ongoing effectiveness of existing growth management policy.

(d) The department must develop a process for consulting with local governments, affected stakeholders, and the appropriate committees of the legislature to establish emphasis areas for competitive grant distribution and for research priorities.

(10) \$1,100,000 of the general fund—state appropriation for fiscal year 2024 and \$1,100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with the municipal research and services center, in coordination with the Washington procurement technical assistance center, to provide training and technical assistance to local governments and contractors on public works contracting. Training topics may include utilization of supplemental bidding criteria, utilization of alternate public works, contracting, cost estimating, obtaining performance and payment bonds, and increasing participation of women-owned and minority-owned businesses.

(11) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to administer grants and provide technical assistance to cities or counties for actions relating to adopting ordinances that plan for and accommodate housing. Of this amount:

(a) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to cities and counties. Grants may be used for the following activities:

(i) Analyzing comprehensive plan policies and development regulations to determine the extent of amendments required to meet the goal of authorizing middle housing types on at least 30 percent of lots currently zoned as single family residential within the city, or for counties inside the unincorporated urban growth area. For the purposes of this subsection, "middle housing types" means buildings that are compatible in scale, form, and character with single family houses, and contain two or more attached, stacked, or clustered homes. This includes duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, courtyard apartments, and cottage housing;

(ii) Planning work to facilitate transit-oriented development, including costs associated with the preparation of state environmental policy act environmental impact statements, planned action ordinances, and subarea plans, costs associated with the use of other tools under the state environmental policy act, and the costs of local code adoption and implementation of such efforts; and

(iii) Planning for and accommodating housing that is affordable for individuals and families earning less than 50 percent of the area median income, including:

(A) Land use and regulatory solutions to address homelessness and low-income housing; and

(B) Bridging homeless service planning with land use planning.

(b) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for an affordable housing auditing program to monitor ongoing affordability of income-restricted units constructed with affordable housing incentives, including the multifamily tax exemption.

(12) Within the amounts provided in this section, the department must publish on its website housing data needed to complete housing needs assessments required by RCW 36.70A.070(2)(a). The data shall include:

(a) Housing profiles for each county and city in the state, including cost burden, vacancy, and income;

(b) Data to assess racially disparate impacts, exclusion, and displacement; and

(c) A dashboard to display data in an easily accessible format.

(13) \$1,330,000 of the general fund—state appropriation for fiscal year 2024 and \$995,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1110 (middle housing). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(14) \$15,000,000 of the general fund—state appropriation for fiscal year 2024 and \$15,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide grants to entities that provide digital navigator services, devices, and subscriptions. These services must include, but are not limited to, one-on-one assistance for people with limited access to services, including individuals seeking work, students seeking digital technical support, families supporting students, English language learners, medicaid clients, people experiencing poverty, and seniors.

(15) \$2,750,000 of the community preservation and development authority account—state appropriation is provided solely for the operations of the Central district community preservation and development authority established in RCW 43.167.070.

(16) \$375,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to the city of Battle Ground to contract for a study to explore feasible options to redesign their downtown corridor to emphasize pedestrian accessibility, improve safety, and highlight community amenities.

(17) \$175,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to the city of Cheney fire department for the purchase of a new type 6 fire truck to replace one destroyed in a mutual aid fire.

(18) \$175,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to Ferry/Okanogan fire protection district number 14 for the purchase of a new ambulance and related costs for response to 911 calls, including those from local residents, recreators, and hunters.

(19) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to the Pierce county public transportation benefit area corporation (Pierce transit) to administer a public transit and behavioral health co-responder pilot program in partnership with a Pierce county behavioral health professional agency.

(20) \$120,000 of the general fund—state appropriation for fiscal year 2024 and \$115,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the transportation demand management program at the canyon park subarea in the city of Bothell.

(21) \$40,953,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(22) \$490,000 of the public works assistance account—state appropriation is provided solely for the public works board to develop a data dashboard to map investments made by the public works board, the department of commerce, the department of health, the department of ecology, the department of transportation, the transportation improvement board, and by board partners to the system improvement team created in RCW 43.155.150.

(23) \$96,000 of the general fund—state appropriation for fiscal year 2024 and \$423,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to conduct a study on the feasibility of implementing a Washington state zoning atlas project that will provide a publicly available mapping tool illustrating key features of zoning codes across jurisdictions.

(24) \$733,000 of the general fund—state appropriation for fiscal year 2024 and \$734,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5268 (public works procurement). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(25) \$37,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5536 (controlled substances). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(26) \$134,000 of general fund—state appropriation for fiscal year 2024 and \$135,000 of general fund—state appropriation for fiscal year 2025 are provided solely to the city of Tacoma for the operating costs of the hilltop community hub. The hilltop community fund shall support a distribution center to provide housing goods.

(27) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to the city of Ferndale for the purpose of implementing and improving a wayfinding system throughout the greater Ferndale market area.

(28) \$3,464,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute Senate Bill No. 5290 (local permit review). Of the amount provided in this subsection, at least \$3,000,000 is provided solely for grants to local governments. If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(29) \$2,400,000 of the climate commitment account—state appropriation is provided solely for the Port Gamble S'Klallam Tribe for phase 3 of the Port Gamble shoreline restoration project.

**NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF COMMERCE—OFFICE OF ECONOMIC DEVELOPMENT**

General Fund—State Appropriation (FY 2024)	\$25,089,000
General Fund—State Appropriation (FY 2025)	\$24,967,000
General Fund—Federal Appropriation	\$108,069,000
General Fund—Private/Local Appropriation	\$1,230,000
Dedicated Cannabis Account—State Appropriation (FY 2024)	\$3,446,000
Dedicated Cannabis Account—State Appropriation (FY 2025)	\$3,587,000
Andy Hill Cancer Research Endowment Fund Match Transfer Account—State Appropriation	\$20,684,000
Climate Commitment Account—State Appropriation	\$352,000
Community and Economic Development Fee Account—State Appropriation	\$765,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	\$22,400,000

Economic Development Strategic Reserve Account—State	
Appropriation . . . . .	\$2,786,000
Statewide Tourism Marketing Account—State	
Appropriation . . . . .	\$9,000,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$222,375,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,304,000 of the general fund—state appropriation for fiscal year 2024 and \$4,304,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for associate development organizations. During the 2023-2025 fiscal biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086. The department must distribute the funding as follows:

(a) For associate development organizations serving urban counties, which are counties other than rural counties as defined in RCW 82.14.370, a locally matched allocation of up to \$1.00 per capita, totaling no more than \$300,000 per organization; and

(b) For associate development organizations in rural counties, as defined in RCW 82.14.370, a \$1.00 per capita allocation with a base allocation of \$75,000.

(2) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the northwest agriculture business center.

(3) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(4) \$1,070,000 of the general fund—state appropriation for fiscal year 2024 and \$1,070,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the small business export assistance program. The department must ensure that at least one employee is located outside the city of Seattle for purposes of assisting rural businesses with export strategies.

(5) \$60,000 of the general fund—state appropriation for fiscal year 2024 and \$60,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(6) \$1,808,000 of the general fund—state appropriation for fiscal year 2024 and \$1,808,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. Sector leads established by the department must include the industries of: (a) Aerospace; (b) clean technology and renewable and nonrenewable energy; (c) wood products and other natural resource industries; (d) information and communication technology; (e) life sciences and global health; (f) maritime; (g) military and defense; and (h) creative industries. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(7) \$20,684,000 of the Andy Hill cancer research endowment fund match transfer account—state appropriation is provided solely for the Andy Hill cancer research endowment program. Amounts provided in this subsection may be used for grants and administration costs.

(8) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to establish representation in key international markets that will provide the greatest opportunities for increased trade and investment for small businesses in the state of Washington. Prior to entering into any contract for representation, the department must consult with associate development organizations and other organizations and associations that represent small business, rural industries, and disadvantaged business enterprises.

(9) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to assist people with limited incomes in urban areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

(10) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a nonprofit organization whose sole purpose is to provide grants, capacity building, and technical assistance support to a network of microenterprise development organizations. The microenterprise development organizations will support rural and urban Black, indigenous and people of color owned businesses, veteran owned businesses, and limited resourced and other hard to serve businesses with five or fewer employees throughout the state with business training, technical assistance, and microloans.

(11) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a business center that provides confidential, no-cost, one-on-one, client-centered assistance to small businesses to expand outreach in underserved communities, especially Black, indigenous, and people of color-owned businesses, providing targeted assistance where needed. Funding may also be used to collaborate the department, the Washington economic development association, and others to develop a more effective and efficient service delivery system for Washington's women and minority-owned small businesses.

(12) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to strengthen capacity of the keep Washington working act work group established in RCW 43.330.510.

(13) \$7,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to continue to administer the small business innovation and competitiveness fund program created in section 128(167), chapter 297, Laws of 2022 (ESSB 5693). The department may prioritize projects that received conditional awards in the 2021-2023 fiscal biennium but were not funded due to the project's inability to be substantially completed by June 30, 2023.

(14) \$2,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to administer grants to businesses and nonprofits in the arts, heritage, and science sectors, including those that operate live entertainment venues, to provide bridge funding for continued recovery from the COVID-19 pandemic and related economic impacts. The department must develop criteria for successful grant applications in coordination with the Washington state arts commission.

(15) \$352,000 of the climate commitment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1176 (climate-ready communities). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(16) \$225,000 of the general fund—state appropriation for fiscal year 2024 and \$225,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an associate development organization located in Thurston county to provide a training curriculum to assist small businesses in scaling up to reach their next tier of operations. The contract recipient may use the funding for costs including, but not limited to, curriculum materials, trainers, and follow up coaching and mentorship in multiple languages.

(17) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract for technical assistance programs focused on assisting small minority, women, and veteran-owned businesses in south King and Pierce counties. The contract recipient must be a nonprofit organization located in Tukwila that provides educational and business assistance for underserved and minority groups, with a focus on the African American community. The department must provide a preliminary report on program outcomes by June 30, 2024, and a final report by June 30, 2025, to the relevant committees of the legislature. The preliminary and final reports must include outcome data including, but not limited to, the number of events or workshops provided, the number of businesses served, and ownership and other demographics of businesses served.

(18) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to contract with a nonprofit organization to conduct workforce and economic development activities serving the south Puget Sound region. The contract recipient must be a nongovernmental nonprofit organization located in Federal Way that has been in operation for at least 10 years and whose mission is to develop resources to enhance the economy of the south sound region by facilitating innovation, job creation, and the growth and development of businesses.

(19) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to provide grant funding to a nonprofit biotech incubator and science research center located in the city of Tacoma. The grant funding is to provide support for programs aimed at increasing workforce readiness and entrepreneurship in the life sciences, with a focus on promoting access to science, technology, engineering, and math careers for individuals from underserved communities.

(20) \$700,000 of the general fund—state appropriation for fiscal year 2024 and \$700,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to associate development organizations pursuant to Substitute House Bill No. 1783 (grant writers). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(21) \$9,000,000 of the statewide tourism marketing account—state appropriation is provided solely for the statewide tourism marketing program and operation of the statewide tourism marketing authority pursuant to chapter 43.384 RCW.

(22) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to renew licenses for cloud-based business engagement tools for state agencies and local workforce and economic development boards, and to procure additional licenses for state agency procurement professionals, to assist in complying with the department of enterprise services supplier diversity policy effective April 1, 2023.

(23) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for activities related to securing federal funding from programs created by or funded through federal legislation including, but not limited to, the inflation reduction act, P.L. 117-169; the chips and science act, P.L. 117-167; and the infrastructure investment and jobs act, P.L. 117-58. Funding provided under this subsection may be used to support regional and locally led initiatives seeking federal funding, to provide technical support for application development and grant writing, to conduct economic analysis of various sectors, and other activities the department deems necessary for the state and partners with the state to compete for federal funds.

(24) \$877,000 of the general fund—state appropriation for fiscal year 2024 and \$878,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5096 (employee ownership). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(25) \$409,000 of the general fund—state appropriation for fiscal year 2024 and \$411,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5269 (manufacturing). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(26) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department, in consultation with other agencies as necessary, to support activities related to cooperation with governmental and public agencies of the Republic of Finland, the Kingdom of Sweden, and the Kingdom of Norway. Eligible activities include, but are not limited to, cooperation in clean energy, clean technology, clean transportation, telecommunications, agriculture and wood science technology, general economic development, and other areas of mutual interest with Nordic nations and institutions.

(27) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a Bellingham based nonprofit that assists entrepreneurs to create, build, and grow businesses in northwest Washington to help establish a network of innovation centers for entrepreneurs and innovative small businesses between Seattle and the Canadian border.

(28)(a) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to develop strategies for cooperation with governmental agencies of Vietnam, including higher education institutions, and organizations around the following:

(i) Trade and investment, including, but not limited to, the agriculture, information technology, food processing, manufacturing, and textile industries;

(ii) Combating climate change, including, but not limited to, cooperation on clean energy, clean transportation, and climate-smart agriculture; and

(iii) Academic and cultural exchange.

(b) By June 30, 2024, the department must provide a report on the use of funds in this subsection, any key metrics and deliverables, and any recommendations for further opportunities for collaboration.

(29) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide an economic development grant to a nongovernmental organization established in Federal Way, in operation for at least 30 years, whose primary focus is the economic development of the greater Federal Way region, in order to provide assessment for the development of innovation campuses in identified economic corridors.

(30) \$200,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a grant to a Tacoma based automotive museum as businesses assistance to address COVID-19 pandemic impacts to revenues from decreased attendance and loss of other revenue generating opportunities.

**NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF COMMERCE—ENERGY AND INNOVATION**

General Fund—State Appropriation (FY 2024)	\$140,959,000
General Fund—State Appropriation (FY 2025)	\$141,187,000
General Fund—Federal Appropriation	\$39,461,000
General Fund—Private/Local Appropriation	\$34,000
Building Code Council Account—State Appropriation	\$13,000
Climate Commitment Account—State Appropriation	\$52,611,000
Community and Economic Development Fee Account—State Appropriation	\$160,000
Electric Vehicle Incentive Account—State Appropriation	\$50,000,000
Low-Income Weatherization and Structural Rehabilitation Assistance Account—State Appropriation	\$1,399,000
Natural Climate Solutions Account—State Appropriation	\$167,000
<b>TOTAL APPROPRIATION</b>	<b>\$425,991,000</b>

The appropriations in this section are subject to the following conditions and limitations:



(1) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(2)(a) \$50,000,000 of the electric vehicle incentive account—state appropriation is provided solely for the department to implement programs and incentives that promote the purchase of or conversion to alternative fuel vehicles. The department must work with the interagency electric vehicle coordinating council to develop and implement alternative fuel vehicle programs and incentives.

(b) In developing and implementing programs and incentives under this subsection, the department must prioritize programs and incentives that:

(i) Will serve individuals living in an overburdened community, as defined in RCW 70A.02.010;

(ii) Will serve individuals who are in greatest need of this assistance in order to reduce the carbon emissions and other environmental impacts of their current mode of transportation in the overburdened community in which they live; and

(iii) Will serve low-income communities, communities with the greatest health disparities, and communities of color that are most likely to receive the greatest health benefits from the programs through a reduction in greenhouse gas emissions and other pollutants that will result in improved groundwater and stormwater quality, improved air quality, and reductions in noise pollution.

(3) \$69,000,000 of the general fund—state appropriation for fiscal year 2024 and \$69,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the development of community electric vehicle charging infrastructure.

(a) Funding provided in this section must be used for projects that provide a benefit to the public through development, demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state.

(b) Projects that receive funding under this section must be implemented by, or include partners from, one or more of the following: Local governments, federally recognized tribal governments, or public and private electrical utilities that serve retail customers in the state.

(c) Grant funding must be used for level 2 or higher charging infrastructure and related costs including but not limited to construction and site improvements. Projects may include a robust public and private outreach plan that includes engaging with affected parties in conjunction with the new electric vehicle infrastructure.

(d) The department must prioritize funding for projects in the following order:

(i) Multifamily housing;

(ii) Publicly available charging at any location;

(iii) Schools and school districts;

(iv) State and local government buildings and office buildings;

(v) All other eligible projects.

(e) The department must coordinate with other electrification programs, including projects developed by the department of transportation, to determine the most effective distribution of the systems. The department must also collaborate with the interagency electric vehicle coordinating council established in RCW 43.392.030 to implement this subsection and must work to meet benchmarks established in chapter 182, Laws of 2022.

(4) \$37,000,000 of the general fund—state appropriation for fiscal year 2024 and \$37,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to increase solar deployment and installation of battery storage in community buildings to enhance grid resiliency and provide backup power for critical needs, such as plug load and refrigeration for medication, during outages or to provide incentives to support electric utility demand response programs that include customer-sited solar and battery storage systems. Eligible uses of the amounts provided in this subsection include, but are not limited to, planning and predevelopment work with vulnerable, highly impacted, and rural communities. For the purposes of this subsection "community buildings" means K-12 schools, community colleges, community centers, recreation centers, libraries, tribal buildings, state and local government buildings, and other publicly owned infrastructure.

(5) \$19,500,000 of the general fund—state appropriation for fiscal year 2024 and \$19,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant program to provide solar and battery storage community solar projects for public assistance organizations serving low-income communities. Eligible uses of the amounts provided in this subsection include, but are not limited to, planning and predevelopment work with vulnerable, highly impacted, and rural communities.

(a) Grants are not to exceed 100 percent of the cost of the project, taking into account any federal tax credits or other federal or nonfederal grants or incentives that the project is benefiting from.

(b) Priority must be given to projects sited on "preferred sites" such as rooftops, structures, existing impervious surfaces, landfills, brownfields, previously developed sites, irrigation canals and ponds, storm water collection ponds, industrial areas, dual-use solar projects that ensure ongoing agricultural operations, and other sites that do not displace critical habitat or productive farmland.

(c) For the purposes of this subsection "low-income" has the same meaning as provided in RCW 19.405.020 and "community solar project" means a solar energy system that: Has a direct current nameplate capacity that is greater than 12 kilowatts but no greater than 1,000

kilowatts; and has, at minimum, either two subscribers or one low-income service provider subscriber.

(6) \$8,500,000 of the general fund—state appropriation for fiscal year 2024 and \$8,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to build a mapping and forecasting tool that provides locations and information on charging and refueling infrastructure as required in chapter 300, Laws of 2021 (zero emissions transp.). The department shall collaborate with the interagency electric vehicle coordinating council established in chapter 182, Laws of 2022 (transportation resources) when developing the tool and must work to meet benchmarks established in chapter 182, Laws of 2022 (transportation resources).

(7) \$10,000,000 of the climate commitment account—state appropriation is provided solely for grants to support port districts, counties, cities, towns, special purpose districts, any other municipal corporations or quasi-municipal corporations, and tribes to support siting and permitting of clean energy projects in the state. Eligible uses of grant funding provided in this section include supporting predevelopment work for sites intended for clean energy projects, land use studies, conducting or engaging in planning efforts such as planned actions and programmatic environmental impact statements, and staff to improve permit timeliness and certainty.

(8) (a) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with one or more of the western national laboratories, or a similar independent research organization, in consultation with state and federal energy agencies, stakeholders, and relevant utilities, to conduct an analysis for new electricity generation, transmission, ancillary services, efficiency and storage sufficient to offset those presently provided by the lower Snake river dams. The analysis should include a list of requirements for a replacement portfolio that diversifies and improves the resilience and maintains the reliability and adequacy of the electric power system, is consistent with the state's statutory and regulatory requirements for clean electricity generation, and is supplementary to the resources that will be required to replace fossil fuels in the electrical generation, transportation, industry, and buildings sectors. The department and its contractor's assessment will include quantitative analysis based on available data as well as qualitative input gathered from tribal and other governments, the Northwest power and conservation council, relevant utilities, and other key stakeholders. The analysis must include the following:

(i) Expected trends for demand, and distinct scenarios that examine potential outcomes for electricity demand, generation, and storage technologies development, land use and land use constraints, and cost through 2050, as well as the most recent analysis of future resource adequacy and reliability;

(ii) A resource portfolio approach in which a combination of commercially available generating resources, energy efficiency, conservation, and demand response programs, transmission resources, and other programs and resources that would be necessary prerequisites to replace the power and grid reliability services otherwise provided by the lower Snake river dams and the time frame needed to put those resources into operation;

(iii) Identification of generation and transmission siting options consistent with the overall replacement resource portfolio, in coordination with other state processes and requirements supporting the planning of clean energy and transmission siting;

(iv) An evaluation of alternatives for the development, ownership and operation of the replacement resource portfolio;

(v) Examination of possible impacts and opportunities that might result from the renewal of the Columbia river treaty, revisions of the Bonneville power administration preference contracts, implementation of the western resource adequacy program (WRAP), and other changes in operation and governance of the regional electric power system, consistent with statutory and regulatory requirements of the clean energy transformation act;

(vi) Identification of revenue and payment structures sufficient to maintain reliable and affordable electricity supplies for ratepayers, with emphasis on overburdened communities;

(vii) Development of distinct scenarios that examine different potential cost and timeline potentials for development and implementation of identified generation and transmission needs and options including planning, permitting, design, and construction, including relevant federal authorities, consistent with the statutory and regulatory requirements of the clean energy transformation act;

(viii) Quantification of impacts to greenhouse gas emissions including life-cycle emissions analysis associated with implementation of identified generation and transmission needs and options including (A) planning, permitting, design, and construction, and, if relevant, emissions associated with the acquisition of non-Washington state domestic or foreign sources of electricity, and (B) any additional operations of existing fossil-fueled generating resources; and

(ix) An inventory of electricity demand by state-owned or operated facilities and information needed to complete a request for proposals (RFP) to satisfy this demand through new nonhydro renewable energy generation and/or conservation.

(b) The department shall, to the extent determined practicable, consider related analyses undertaken by the federal government as part of the Columbia river system operation stay of litigation agreed to in *National Wildlife Federation et al. v. National Marine Fisheries Service et al.* in October 2021.

(c) The department shall provide a status update to the energy and environment committees of the legislature and governor's office by December 31, 2024.

(9) \$10,664,000 of the climate commitment account—state appropriation is provided solely for the department to administer a pilot program to provide grants and technical assistance to support planning, predevelopment, and installation of commercial, dual-use solar power demonstration projects. Eligible grant recipients may include, but are not limited to, nonprofit organizations, public entities, and federally recognized tribes.

(10) \$20,592,000 of the climate commitment account—state appropriation is provided solely for the department to administer a grant program to assist owners of public buildings in covering the costs of conducting an investment grade energy audit for those buildings. Public buildings include those owned by state and local governments, tribes, and school districts.

(11) (a) \$300,000 of the climate commitment account—state appropriation is provided solely for the department to develop recommendations on a design for a statewide energy assistance program to address the energy burden and provide access to energy assistance for low-income households. The department may contract with a third-party entity to complete the work required in this subsection.

(b) The recommendations must include considerations for data collection on the energy burden and assistance need of households, universal intake coordination and data sharing across statewide programs serving low-income households, program eligibility, enrollment, multilingual services, outreach and community engagement, program administration, funding, and reporting.

(c) By January 1, 2024, the department must submit a report with the recommendations to the appropriate committees of the legislature.

(12) \$250,000 of the climate commitment account—state appropriation is provided solely for a grant to a nonprofit for a smart buildings education program to educate building owners and operators about smart building practices and technologies, including the development of onsite and digital trainings that detail how to operate residential and commercial facilities in an energy efficient manner. The grant recipient must be located in a city with a population of more than 700,000 and must serve anyone within Washington with an interest in better understanding energy efficiency in commercial and institutional buildings.

(13) \$111,000 of the general fund—state appropriation for fiscal year 2024 and \$109,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1390 (district energy systems). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(14) \$3,152,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(15) \$167,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(16) \$250,000 of the climate commitment account—state appropriation is provided solely for the department to convene stakeholders and plan for a statewide energy rebate navigator aimed at assisting residential and small commercial buildings, with priority for buildings owned or occupied by low-income, Black, indigenous, and people of color and converting overburdened communities to clean energy. Of this amount:

(a) \$50,000 of the climate commitment account—state appropriation is for the department to convene a summit of stakeholders around building energy topics related to the development of a statewide energy rebate navigator, including initial and ongoing guidance regarding program design and implementation. The summit should develop recommendations for the program to improve and grow, addressing gaps in program design and implementation, outreach into overburdened communities, HEAL Act compliance, workforce development issues, and contractor needs.

(b) \$200,000 of the climate commitment account—state appropriation is for statewide rebate navigator evaluation and project planning, which shall include:

(i) Evaluation of how technical assistance can focus on serving Black, indigenous, and people of color, and low-income communities;

(ii) Research of existing data and software solutions the state can leverage to provide a one-stop-shop for energy improvements;

(iii) Evaluation of program delivery models to optimize energy service delivery, including realizing economies of scale and reaching high rates of penetration in overburdened communities, indigenous communities, and communities of color;

(iv) Evaluation and cultivation of potential program implementers who are qualified to deliver navigator program services, including community energy efficiency program grantees; and

(v) Evaluation and cultivation of qualified potential energy services providers, including providers owned by Black, indigenous, and people of color, utility trade ally programs, and weatherization plus health weatherization agencies.

(17) \$33,000 of the general fund—state appropriation for fiscal year 2024 and \$17,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1329 (utility shutoffs/heat). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(18) \$93,000 of the general fund—state appropriation for fiscal year 2024 and \$96,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1032 (wildfires/electric utilities). If

the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(19) (a) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a third-party entity to conduct a study that analyzes how the economic impact of oil refining in Washington state is likely to impact Washington's refineries, refinery workers, and refinery communities. By December 31, 2024, the report must be distributed to the energy and environment committees of the state legislature.

(b) The study required in (a) of this subsection must include:

(i) An overview of Washington's five oil refineries including: Location, age, workforce demographics, direct and indirect jobs connected with the industry, health and environmental impacts, local tax revenues paid by refineries, and primary and secondary products and markets;

(ii) A summary of projected scenarios for Washington refineries' primary markets, taking into account realistic, real world outcomes, given existing mandated decarbonization targets, feedstock availability, and statutes that impact Washington refinery products;

(iii) A summary of anticipated short-term, medium-term, and long-term economic viability of the five Washington oil refineries based on refinery product demand forecasts as outlined in (b)(ii) of this subsection;

(iv) A forecast of direct and indirect effects of the projected petroleum decline, including indirect employment impacts, the geography of those impacts, and impacts to local jurisdictions, utilities, ports, and special purpose districts from reduction in tax revenues, and impacts to local nonprofits and community programs from the refining industry;

(v) An assessment of potential future uses of refinery sites that include energy industrial, nonenergy industrial, heavy manufacturing, and industrial symbiosis, including an assessment of previously closed refinery sites throughout the United States and current use of those sites. Each potential future use shall be assessed and include data regarding: Greenhouse gas emissions, local pollution and environmental health, direct and indirect employment benefits, estimated tax impacts, potential costs to Washington residents, and feasibility based on relevant market trends; and an assessment of previously closed refinery sites throughout the United States and current use of those sites;

(vi) The competitive position of Washington refineries to produce alternative fuels consistent with Washington's emissions reductions defined in RCW 70A.45.020, the anticipated regional, national, and global demand for these fuels between 2023 and 2050; and the likely employment, tax, environmental, cultural, and treaty impacts of refinery conversion to these alternative fuels;

(vii) An identification of refinery workers' skillsets, potential alternative sectors and industries of employment, an assessment and comparison of total compensation and benefit packages including retirement and health care programs of current and alternative jobs, impacts to apprenticeship utilization, and the current and expected availability of those jobs in Pierce, Skagit, and Whatcom counties;

(viii) A land and water remediation analysis; including cost estimates, current terrestrial and aquatic pollution mapping, an overview of existing policies and regulations that determine accountability for cleanup and identifies gaps that may leave local and state taxpayers financially liable, and an assessment of the workforce and skills required for potential cleanup;

(ix) A summary of existing petroleum refining capacity and trends in Washington, the United States, and internationally; and

(x) An assessment of decline or loss of tax revenues supporting state environmental programs including the model toxics control act, the pollution liability insurance agency, and other programs, as well as the decline or loss of transportation gas tax revenues.

(c) The department may require data and analysis from refinery owners and operators to inform the study. Pursuant to RCW 42.56.270, data shared or obtained in the course of this study is not subject to public disclosure. Where unavailable, the department and entity commissioned to complete the study shall rely on the best available public data.

(d) The study must include a robust public engagement process including local and state elected officials, labor groups, fence line communities, port districts, economic development associations, and environmental organizations in Skagit, Whatcom, and Pierce counties, and the five Washington refineries.

(e) The department must offer early, meaningful, and individual consultation with any affected Indian tribe for the purpose of understanding potential impacts to tribal rights and resources including cultural resources, archaeological sites, sacred sites, fisheries, and human health.

(20) (a) The department of commerce and the utilities and transportation commission must jointly convene a work group focused on the future of net metering in Washington state. The work group must include representatives from consumer-owned utilities, investor-owned utilities, the commission, the rooftop solar industry (including the Washington solar energy industries association), agricultural farms in the business of producing crops for food and fermented beverages, environmental justice advocates, clean energy advocates including the northwest energy coalition, labor unions, consumer advocates, the department of labor and industries, rural communities including communities east of the crest of the Cascade mountains, and federally recognized Indian tribes.

(i) The work group must report recommendations to the department and the commission on what alternatives to net metering should be considered by the legislature and when it is reasonable for these alternatives to be implemented. The work group should take into account

the findings of the study required in (b) of this subsection in its recommendations. The work group must be given at least 12 months to assemble recommendations after delivery of the study to the work group.

(ii) As part of its recommendations, the work group must consider the implications for the solar industry workforce, applicable labor standards to include prevailing wage and apprenticeship utilization, rate of deployment of consumer-owned solar and storage, future electric load growth, reduction in utility income associated with different levels of net metering, net metering system size, appropriate timelines for notifying customers of rate or tariff changes, the value of distributed solar resources in Washington state, and equitable distribution of the benefits of consumer-owned solar and storage.

(iii) The work group must provide an inventory of other states' deviation from net metering laws and the impact deviating from retail net metering had on solar installations, solar installers, utilities, utility customers, rural land, tribal land, and customer-generator payback periods.

(iv) The work group shall meet no less than two times per calendar quarter.

(b) The department of commerce, in consultation with the utilities and transportation commission and the work group, must conduct a study to investigate the value of distributed solar and magnitude of any cost shifts among ratepayers associated with retail rate net metering in Washington state, under scenarios assuming total net metered generation capacity of six percent, eight percent, and twelve percent of 1996 peak power. This study must consider the value of solar across utilities of various service territories and customer base sizes, expected solar insolation, population density and urbanization, topography, types of vegetation, and other characteristics the department, commission, or work group deem relevant. If the study is contracted to a third party, input from the work group convened in this section must inform any scope of work or request for proposals.

(c) The department and the utilities and transportation commission must summarize the work group's recommendations and the findings of the study in a report and must deliver the report to the appropriate committees of the legislature by June 30, 2025.

(d) Utilities shall wait until the work group process has concluded before proposing or adopting alternatives to net metering.

(21) \$600,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5447 (alternative jet fuel). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(22) \$1,000,000 of the climate commitment account—state appropriation is provided solely for a grant to the Yakama Nation for an advanced rail energy storage project.

**NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF COMMERCE—PROGRAM SUPPORT**

General Fund—State Appropriation (FY 2024)	\$26,300,000
General Fund—State Appropriation (FY 2025)	\$18,107,000
General Fund—Federal Appropriation	\$7,822,000
General Fund—Private/Local Appropriation	\$2,055,000
Dedicated Cannabis Account—State Appropriation (FY 2024)	\$5,000
Dedicated Cannabis Account—State Appropriation (FY 2025)	\$7,000
Affordable Housing for All Account—State Appropriation	\$184,000
Building Code Council Account—State Appropriation	\$4,000
Community and Economic Development Fee Account—State Appropriation	\$241,000
Economic Development Strategic Reserve Account—State Appropriation	\$47,000
Energy Efficiency Account—State Appropriation	\$20,000
Financial Fraud and Identity Theft Crimes Investigation and Prosecution Account—State Appropriation	\$47,000
Growth Management Planning and Environmental Review Fund—State Appropriation	\$147,000
Home Security Fund Account—State Appropriation	\$1,401,000
Lead Paint Account—State Appropriation	\$29,000
Liquor Excise Tax Account—State Appropriation	\$398,000
Liquor Revolving Account—State Appropriation	\$17,000
Low-Income Weatherization and Structural Rehabilitation Assistance Account—State Appropriation	\$10,000
Public Facilities Construction Loan Revolving Account—State Appropriation	\$320,000
Public Works Assistance Account—State Appropriation	\$2,005,000
Washington Housing Trust Account—State Appropriation	\$1,141,000
<b>TOTAL APPROPRIATION</b>	<b>\$60,307,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants and associated technical assistance and administrative costs to foster collaborative partnerships that expand child care capacity in communities. Eligible applicants include nonprofit organizations, school districts, educational service districts, and local governments. These funds may be expended only after the approval of the director of the department of commerce and must be used to support planning and activities that help communities address the shortage of child care, prioritizing partnerships serving in whole or in part areas identified as child care access deserts. The department must submit a report to the legislature on the use of funds by June 30, 2025. The report shall include, but is not limited to:

(a) The number and location of organizations, school districts, educational service districts, and local governments receiving grants;

(b) The number of grants issued and their size; and

(c) Any information from grantee organizations on outcomes.

(2) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization located in the city of Vancouver that is the lead organization in a collaborative partnership to expand child care capacity in southwest Washington, for activities that will increase access to affordable, high-quality child care and help meet community needs.

(3) \$50,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the work group created in section 916 of this act to examine fire service delivery.

(4)(a) \$30,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to produce a study of the retirement preparedness of Washington residents and the feasibility of establishing a portable individual retirement account savings program with automatic enrollment (auto-IRA) for private sector workers who do not have workplace retirement benefits. To conduct the study, the department shall enter into an agreement with a nonprofit, nonpartisan think tank and research center based in Washington, D.C. that is unaffiliated with any institution of higher education and with a mission to generate a foundation of facts that enriches the public dialog and supports sound decision making. This research center will be responsible for the production of the study to the department. The center shall not be reimbursed for costs nor shall it receive or retain any of the funds. With the advice and consent of the department, the center may select a research institution, entity, or individual located in Washington state with expertise and proficiency in demographic analysis, retirement systems, or retirement planning to collaborate with on this study. The appropriation may be used by the department to enter into a contract with this partner entity for the partner entity's contributions to the study. Any funds not provided to the partner entity or otherwise unused shall be returned.

(b) The study must analyze current state and federal programs and recent state and federal statutory and rule changes that encourage citizens to save for retirement by participating in retirement savings plans, including plans pursuant to sections 401(k), 403(b), 408, 408(a), 408(k), 408(p), and 457(b) of the internal revenue code. The scope of the analysis must include:

(i) An examination of potential retirement savings options for self-employed individuals, part-time employees, and full-time employees whose employers do not offer a retirement savings plan;

(ii) Estimates of the impact on the state budget from shortfalls in retirement savings or income, including on public budgets from taxpayer-financed elderly assistance programs and a loss of economic activity by seniors;

(iii) The level of interest by private sector Washington employers in participating in an auto-IRA program;

(iv) A determination of how prepared financial institutions will be to offer these plans in compliance with federal requirements on all new retirement plans going into effect in 2025;

(v) Findings that clarify the gaps in retirement savings services currently offered by financial institutions;

(vi) An examination of the impact of retirement savings on income and wealth inequality;

(vii) An estimate of the costs to start up an auto-IRA program, an estimate of the time for the program to reach self-sufficiency, and potential funding options;

(viii) The experience of other states that have implemented or are implementing a similar auto-IRA program for employers and employees, as well as program impacts on the market for retirement plan products and services;

(ix) An evaluation of the feasibility and benefits of interstate partnerships and cooperative agreements with similar auto-IRA programs established in other jurisdictions, including contracting with another state to use that state's auto-IRA program, partnering with one or more states to create a joint auto-IRA program, or forming a consortium with one or more other states in which certain aspects of each state's auto-IRA program are combined for administrative convenience and efficiency;

(x) An assessment of potential changes in enrollment in a joint auto-IRA program if potential participants are concurrently enrolled in the federal "saver's credit" program;

(xi) An assessment of how a range of individuals or communities view wealth, as well as ways to accumulate assets;

- (xii) The appropriate state agency and potential structure for implementing an auto-IRA program; and
  - (xiii) Recommendations for statutory changes or appropriations for establishing an auto-IRA program.
- (c) By December 15, 2023, the department must submit a report to the appropriate committees of the legislature in compliance with RCW 43.01.036 on the study findings.

**NEW SECTION. Sec. 134. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund—State Appropriation (FY 2024)	\$973,000
General Fund—State Appropriation (FY 2025)	\$1,040,000
Lottery Administrative Account—State Appropriation	\$50,000
<b>TOTAL APPROPRIATION</b>	<b>\$2,063,000</b>

**NEW SECTION. Sec. 135. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund—State Appropriation (FY 2024)	\$19,943,000
General Fund—State Appropriation (FY 2025)	\$21,286,000
General Fund—Federal Appropriation	\$38,384,000
General Fund—Private/Local Appropriation	\$1,499,000
Climate Investment Account—State Appropriation	\$909,000
Climate Commitment Account—State Appropriation	\$4,485,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	\$656,000
Economic Development Strategic Reserve Account—State Appropriation	\$68,000
Personnel Service Account—State Appropriation	\$26,815,000
Higher Education Personnel Services Account—State Appropriation	\$1,497,000
Statewide 988 Behavioral Health Crisis Response Line Account—State Appropriation	\$300,000
Statewide Information Technology System Development Revolving Account—State Appropriation	\$105,745,000
Office of Financial Management Central Service Account—State Appropriation	\$30,929,000
Performance Audits of Government Account—State Appropriation	\$108,000
Workforce Education Investment Account—State Appropriation	\$100,000
<b>TOTAL APPROPRIATION</b>	<b>\$252,724,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

- (i) The number of Washington college grant and college bound recipients;
  - (ii) Persistence and completion rates of Washington college grant recipients and college bound recipients, disaggregated by institution of higher education;
  - (iii) Washington college grant recipients grade point averages; and
  - (iv) Washington college grant and college bound scholarship program costs.
- (b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(2) \$100,000 of the workforce education investment account—state appropriation is provided solely to the office of financial management to implement career connected learning.

(3)(a) \$105,607,000 of the information technology system development revolving account—state appropriation is provided solely for the one Washington enterprise resource planning statewide program phase 1A (agency financial reporting system replacement) and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(b) Of the amount provided in this subsection:

(i) \$41,000,000 of the information technology system development revolving account—state appropriation is provided solely for a technology pool in fiscal year 2024 to pay for phase 1A (agency financial reporting system replacement—core financials) state agency costs due to legacy system remediation work associated with impacted financial systems and interfaces. The office of financial management must manage the pool, authorize funds, track costs by agency by fiscal month, and report after each fiscal month close on the agency spending to the consolidated technology services agency so that the spending is included in the statewide dashboard actual spending;

(ii) \$5,650,000 of the information technology system development revolving account—state appropriation is provided solely for organizational change management;

(iii) \$690,000 of the information technology system development revolving account—state appropriation is provided solely for an interagency agreement in fiscal year 2024 with

consolidated technology services for one dedicated information technology consultant and two dedicated system architect staff to be contracted from the office of the chief information officer. These staff will work with state agencies to ensure preparation and timely decommission of information technology systems that will no longer be necessary post implementation of phase 1A (agency financial reporting system replacement—core financials); and

(iv) \$1,854,000 of the information technology system development revolving account—state appropriation is provided solely for dedicated back office administrative support in fiscal year 2024. This includes resources for human resource staff, contract staff, information technology staff, and fiscal staff.

(c) The one Washington team must include at least the chair and ranking member of the technology committees and fiscal committees of the senate and house of representatives in system demonstrations of at least these key deliverables:

(i) Demonstration of integration build, which must be completed by July 31, 2023; and

(ii) Demonstration of workday tenant, which must be completed by November 30, 2023.

(d) The one Washington solution and team must use an agile development model holding live demonstrations of functioning software, developed using incremental user research, held at the end of two-week sprints.

(e) The one Washington solution must be capable of being continually updated, as necessary.

(f) Beginning July 1, 2023, the office of financial management shall provide written quarterly reports, within 30 calendar days of the end of each fiscal quarter, to legislative fiscal committees and the legislative evaluation and accountability program committee to include how funding was spent compared to the budget spending plan for the prior quarter by fiscal month and what the ensuing quarter budget will be by fiscal month. All reporting must be separated by phase of one Washington subprojects. The written report must also include:

(i) A list of quantifiable deliverables accomplished and amount spent associated with each deliverable, by fiscal month;

(ii) A report on the contract full-time equivalent charged compared to the budget spending plan by month for each contracted vendor, to include interagency agreements with other state agencies, and what the ensuing contract equivalent budget spending plan assumes by fiscal month;

(iii) A report identifying each state agency that applied for and received technology pool resources, the staffing equivalent used, and the cost by fiscal month by agency compared to the budget spending plan by fiscal month;

(iv) A report on budget spending plan by fiscal month by phase compared to actual spending by fiscal month, and the projected spending plan by fiscal month for the ensuing quarter; and

(v) A report on current financial office performance metrics that at least 10 state agencies use, to include the monthly performance data, that began July 1, 2021.

(g) Prior to the expenditure of the amounts provided in this subsection, the director of the office of financial management must review and approve the spending in writing.

(h) The legislature intends to provide additional funding for fiscal year 2025 costs for phase 1A (agency financial reporting system replacement) to be completed, which is scheduled to be done by June 30, 2025.

(4) \$250,000 of the office of financial management central services account—state appropriation is provided solely for a dedicated information technology budget staff for the work associated with statewide information technology projects that at least are subject to the conditions, limitations, and review requirements of section 701 of this act and are under the oversight of the office of the chief information officer. The staff will be responsible for providing a monthly financial report after each fiscal month close to fiscal staff of the senate ways and means and house appropriations committees to reflect at least:

(a) Fund balance of the information technology pool account after each fiscal month close;

(b) Amount by information technology project, differentiated if in the technology pool or the agency budget, of what funding has been approved to date and for the last fiscal month;

(c) Amount by agency of what funding has been approved to date and for the last fiscal month;

(d) Total amount approved to date, differentiated if in the technology pool or the agency budget, and for the last fiscal month;

(e) A projection for the information technology pool account by fiscal month through the 2023-2025 fiscal biennium close, and a calculation spent to date as a percentage of the total appropriation;

(f) A projection of each information technology project spending compared to budget spending plan by fiscal month through the 2023-2025 fiscal biennium, and a calculation of amount spent to date as a percentage of total project cost; and

(g) A list of agencies and projects that have not yet applied for nor been approved for funding by the office of financial management.

(5) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 245, Laws of 2022 (state boards, etc./stipends).

(6) \$137,000 of the climate investment account—state appropriation is provided solely for the office of financial management to complete an analysis of laws regulating greenhouse gas emissions as required by RCW 70A.65.200(10).



(7) \$3,060,000 of the general fund—federal appropriation and \$4,485,000 of the climate commitment account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1176 (climate-ready communities). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse. A minimum of 60 percent of climate service corps positions created pursuant to the bill shall be provided to members of vulnerable populations in overburdened communities as defined in RCW 70A.65.010, the climate commitment act.

(8) \$366,000 of the office of financial management central services account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5512 (higher ed. financial reports). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(9) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(10) \$298,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office of financial management to convene a task force created in section 913 of this act to identify, plan, and make recommendations on the conversion of the Naselle youth camp property and facilities to an alternate use. Staff support for the task force must be provided by the office of financial management.

(11) Within existing resources, the office of financial management shall convene a work group with the goal to improve the state salary survey and provide employees with a voice in the process. The work group shall consist of five employees from the office of financial management, five representatives from employee labor organizations to act as a coalition on behalf of all labor organizations representing state employees, and one chairperson appointed by the director of the office of financial management, to share information and identify concerns with the state salary survey and benchmark job descriptions. By December 31, 2023, the work group shall provide a report of identified concerns to the fiscal and state government committees of the legislature and the director of the office of financial management.

(12)(a) \$410,000 of the general fund—state appropriation for fiscal year 2024 and \$615,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to establish a difficult to discharge task force to oversee a pilot program and make recommendations about how to address challenges faced with discharging patients from acute care settings and postacute care capacity by July 1, 2023.

(b) The task force shall consist of six members, one from each of the following:

- (i) The governor's office;
- (ii) The health care authority;
- (iii) The department of social and health services;
- (iv) The Washington state hospital association;
- (v) Harborview medical center; and
- (vi) Postacute care provider organizations.

(c) In consultation with stakeholder groups, the governor's office will identify task force members.

(d) The task force shall provide recommendations to the governor and appropriate committees of the legislature on topics including, but not limited to:

(i) Pilot program implementation and evaluation, and recommendations for statewide implementation;

- (ii) Available funding mechanisms;
- (iii) Postacute care and administrative day rates;
- (iv) Managed care contracting; and
- (v) Legal, regulatory, and administrative barriers to discharge.

(e) The task force shall consult with stakeholders with relevant expertise to inform recommendations, including the health care authority, the department of social and health services, hospitals, postacute care providers, and medicaid managed care organizations.

(f) The task force may assemble ad hoc subgroups of stakeholders as necessary to complete its work.

(g) The task force and its operations, including any associated ad hoc subgroups, shall be organized and facilitated by the University of Washington through October 31, 2023. Beginning November 1, 2023, the office shall identify a contractor to undertake the following responsibilities, with oversight from the task force:

- (i) Organization and facilitation of the task force, including any associated subgroups;
- (ii) Management of task force process to ensure deliverables, including report writing;
- (iii) Oversight of the launch of a five-site, two-year pilot project based on a model created by Harborview medical center by November 1, 2023; and
- (iv) Coordination of pilot implementation, associated reports, and deliverables.

(h) The task force shall provide recommendations to the governor and appropriate committees of the legislature outlining its initial recommendations by November 1, 2023. A report outlining interim recommendations and findings shall be provided by July 1, 2024, and a final report shall be provided by July 1, 2025.

(13) \$277,000 of the office of financial management central services account—state appropriation is provided solely for implementation of House Bill No. 1679 (student homelessness group). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(14) \$772,000 of the climate investment account—state appropriation is provided solely for the office to develop a data portal to improve public understanding of expenditures from climate commitment act accounts. The development of the data portal must be coordinated with the department of ecology and the expenditure tracking process described in section 302(13) of this act. "Climate commitment act accounts" means the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in RCW 46.68.500, and the climate active transportation account created in RCW 46.68.490.

(15)(a) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a joint legislative and executive committee on behavioral health, with members as provided in this subsection:

(i) The president of the senate shall appoint three legislative members, including a chair of a senate committee that includes behavioral health within its jurisdiction and a member of the children and youth behavioral health work group;

(ii) The speaker of the house of representatives shall appoint three legislative members, including a chair of a house committee that includes behavioral health within its jurisdiction and a member of the children and youth behavioral health work group;

(iii) The governor or his or her designee;

(iv) The secretary of the department of social and health services or his or her designee;

(v) The director of the health care authority or his or her designee;

(vi) The insurance commissioner or his or her designee;

(vii) The secretary of the department of health or his or her designee; and

(viii) The secretary of the department of children, youth, and families or his or her designee;

(ix) Other agency directors or designees as necessary; and

(x) Two individuals representing the interests of individuals living with behavioral health conditions.

(b)(i) The committee must convene by September 1, 2023, and shall meet at least quarterly. Cochairs shall be one legislative member selected by members of the committee at the first meeting and the representative of the governor's office. All meetings are open to the public.

(ii) The office of financial management shall contract or hire dedicated staff to facilitate and provide staff support to the nonlegislative members and for facilitation and project management support of the committee. Senate committee services and the house of representatives office of program research shall provide staff support to the legislative members of the committee. The contractor shall support the work of all members of the committee, legislative and nonlegislative.

(iii) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate.

(c) The purpose of the committee is to identify key strategic actions to improve access to behavioral health services, by conducting at least, but not limited to, the following tasks:

(i) Establishing a profile of Washington's current population and its behavioral health needs and a projection of population growth and anticipated need through 2028;

(ii) Establishing an inventory of existing and anticipated behavioral health services and supports for adults, children, and youth, including health care providers and facilities;

(iii) Assessing the areas of the current system where additional support is needed for Washington's current population;

(iv) Establishing an anticipated inventory of future services and supports that will be required to meet the behavioral health needs of the population in 2028 and beyond with a specific emphasis on prevention, early intervention, and home or community-based capacity designed to reduce reliance on emergency, criminal legal, crisis, and involuntary services;

(v) Reviewing the integrated care initiative on access to timely and appropriate behavioral health services for individuals with acute behavioral health needs; and

(vi)(A) Developing a strategy of actions that the state may take to prepare for the future demographic trends in the population and building the necessary capacity to meet these demands, including but not limited to:

(I) Exploring the role that education, housing and homelessness response systems, the criminal legal system, primary health care, and insurance systems have in the identification and treatment of behavioral health issues;

(II) Evaluating behavioral health workforce demand and workforce education, training, and continuing education requirements; and

(III) Statutory and regulatory changes to promote the most efficient use of resources, such as simplifying administrative procedures, facilitating access to services and supports systems, and improving transitions between care settings.

(B) Strategies must:

(I) Be based on explicit and measurable actions;

- (II) Identify what must be done, by whom, and by when to assure implementation;
- (III) Estimate a cost to the party responsible for implementation;
- (IV) Recommend specific fiscal strategies that rely predominately on state and federal funding;

(V) Include recommendations for needed and appropriate additional caseload forecasting for state-funded behavioral health services; and

(VI) Incorporate and reconcile, where necessary, recommendations from past and current behavioral health work groups created by the legislature and network adequacy standards established by the health care authority.

(d) The committee shall incorporate input from the office of the insurance commissioner, the caseload forecast council, the health care authority, and other appropriate entities with specialized knowledge of the needs and growth trends of the population and people with behavioral health issues. In the conduct of its business, the committee shall have access, upon request, to health-related data available to state agencies by statute, as allowed by state and federal law. All requested data or other relevant information maintained by an agency shall be provided in a timely manner.

(e) The committee shall submit a sustainable five-year plan to substantially improve access to behavioral health for all Washington residents to the governor, the office of financial management, and the legislature by June 1, 2025.

(16) The office of financial management must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(17) \$300,000 of the statewide 988 behavioral health crisis response and suicide prevention line account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1134 (988 system). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 136. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account—State	
Appropriation. . . . .	\$72,194,000
Administrative Hearings Revolving Account—Local	
Appropriation. . . . .	\$12,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$72,206,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$597,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5080 (cannabis social equity). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(2) \$80,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5225 (working conn. child care). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(3) \$34,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5236 (hospital staffing standards). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(4) \$61,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1762 (warehouse employees). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(5) \$2,487,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5272 (speed safety cameras). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 137. FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account—State Appropriation. . . . .	\$32,896,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$32,896,000</b>

The appropriation in this section is subject to the following conditions and limitations:

(1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.

(2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce retail commissions to an average of 5.1 percent of sales.

**NEW SECTION. Sec. 138. FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund—State Appropriation (FY 2024). . . . .	\$1,494,000
General Fund—State Appropriation (FY 2025). . . . .	\$1,347,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$2,841,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to engage a contractor to:

- (i) Conduct a detailed analysis of the opportunity gap for Hispanic and Latinx students;
- (ii) Develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and
- (iii) Identify performance measures to monitor adequate yearly progress.

(b) The contractor shall submit a study update by December 1, 2024, and submit a final report by June 30, 2025, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

(2) \$105,000 of the general fund—state appropriation for fiscal year 2024 and \$105,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for gang youth intervention specialists for a pilot program within high schools in Washington.

**NEW SECTION. Sec. 139. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2024)	\$660,000
General Fund—State Appropriation (FY 2025)	\$662,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,322,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to engage a contractor to:

- (i) Conduct a detailed analysis of the opportunity gap for African American and Black students;
- (ii) Develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators, as identified in the state's every student succeeds act consolidated plan; and
- (iii) Identify performance measures to monitor adequate yearly progress.

(b) The contractor shall submit a study update by December 1, 2024, and submit a final report by June 30, 2025, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

**NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS**

General Fund—State Appropriation (FY 2024)	\$387,000
Department of Retirement Systems Expense Account— State Appropriation	\$115,088,000
<b>TOTAL APPROPRIATION</b>	<b>\$115,475,000</b>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$34,491,000 of the department of retirement systems expense account—state appropriation is provided solely for pension system modernization, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) \$143,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Substitute House Bill No. 1007 (military service credits). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(3) \$1,172,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5538 (postretirement nursing). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(4) \$1,058,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Substitute House Bill No. 1056 (postretirement employment). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(5) \$199,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of House Bill No. 1055 (public safety telecommunicators). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(6) \$536,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of House Bill No. 1481 (tribal peace officers/LEOFF). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF REVENUE**

General Fund—State Appropriation (FY 2024)	\$427,926,000
General Fund—State Appropriation (FY 2025)	\$436,344,000
Climate Commitment Account—State Appropriation	\$895,000
Timber Tax Distribution Account—State Appropriation	\$8,095,000

Business License Account—State Appropriation. . . . .	\$19,774,000
Waste Reduction, Recycling, and Litter Control Account—State Appropriation. . . . .	\$183,000
Model Toxics Control Operating Account—State Appropriation. . . . .	\$127,000
Financial Services Regulation Account—State Appropriation. . . . .	\$5,000,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$898,344,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,669,000 of the general fund—state appropriation for fiscal year 2024 and \$1,661,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of chapter 196, Laws of 2021 (capital gains tax).

(2) \$251,639,000 of the general fund—state appropriation for fiscal year 2024 and \$263,768,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 195, Laws of 2021 (working families tax exempt.). Of the total amounts provided in this subsection:

(a) \$16,639,000 of the general fund—state appropriation for fiscal year 2024 and \$15,768,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for administration of the working families tax exemption program; and

(b) \$235,000,000 of the general fund—state appropriation for fiscal year 2024 and \$248,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for remittances under the working families tax exemption program.

(3) \$2,408,000 of the general fund—state appropriation for fiscal year 2024, \$780,000 of the general fund—state appropriation for fiscal year 2025, and \$895,000 of the climate commitment account—state appropriation are provided solely for the department to implement 2023 revenue legislation.

(4) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to develop an implementation plan for an online searchable database of all taxes and tax rates in the state for each taxing district. A report summarizing options, estimated costs, and timelines to implement each option must be submitted to the appropriate committees of the legislature by June 30, 2024. The implementation plan must include an array of options, including low cost options that may change the scope of the database. However, each low cost option must still provide ease of public access to state and local tax information that is currently difficult for the public to collect and efficiently navigate.

(5) \$19,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of House Bill No. 1303 (property tax administration). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(6) \$3,639,000 of the general fund—state appropriation for fiscal year 2024 and \$3,582,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1477 (working families' tax credit). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(7) \$48,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Substitute House Bill No. 1175 (petroleum storage tanks). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(8) \$31,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Substitute Senate Bill No. 5565 (tax and revenue laws). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(9)(a) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to research and analyze wealth taxes imposed in other countries and wealth tax legislation recently proposed by other states and the United States. At a minimum, the department must examine how existing and proposed wealth taxes are structured, compliance and administrative challenges of wealth taxes, best practices in the design and administration of wealth taxes, and potential data sources to aid the department in estimating the revenue impacts of future wealth tax proposals for this state or assisting the department in the administration of a wealth tax. As part of its examination and analysis, the department must seek to consult with relevant subject matter experts from within and outside of the United States.

(b) The department may contract with one or more institutions of higher education as defined in RCW 28B.10.016 for assistance in carrying out its obligations under this subsection.

(c) The department must submit a status report to the appropriate fiscal committees of the legislature by January 1, 2024, and a final report to the appropriate fiscal committees of the legislature by November 1, 2024. The final report must include the department's findings.

(10) \$42,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Substitute Senate Bill No. 5448 (delivery of alcohol). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 142. FOR THE BOARD OF TAX APPEALS**

General Fund—State Appropriation (FY 2024) . . . . .	\$2,810,000
General Fund—State Appropriation (FY 2025) . . . . .	\$2,808,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$5,618,000</b>

**NEW SECTION. Sec. 143. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

General Fund—State Appropriation (FY 2024) . . . . .	\$3,837,000
General Fund—State Appropriation (FY 2025) . . . . .	\$3,799,000
Minority and Women's Business Enterprises Account— State Appropriation . . . . .	\$6,062,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$13,698,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The office of minority and women's business enterprises shall consult with the Washington state office of equity on the Washington state toolkit for equity in public spending.
- (2) \$540,000 of the general fund—state appropriation for fiscal year 2024 and \$529,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5268 (public works procurement). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.
- (3) \$151,000 of the general fund—state appropriation for fiscal year 2024 and \$151,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a policy analyst position.
- (4) \$941,000 of the general fund—state appropriation for fiscal year 2024 and \$900,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to expand its outreach and communications department.

**NEW SECTION. Sec. 144. FOR THE INSURANCE COMMISSIONER**

General Fund—Federal Appropriation . . . . .	\$4,723,000
Insurance Commissioner's Regulatory Account—State Appropriation . . . . .	\$79,157,000
Insurance Commissioner's Fraud Account—State Appropriation . . . . .	\$4,269,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$88,149,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$52,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Senate Bill No. 5242 (abortion cost sharing). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.
- (2) \$63,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of House Bill No. 1120 (annuity transactions). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.
- (3) \$72,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Senate Bill No. 5036 (audio-only telemedicine). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.
- (4) \$55,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5300 (behavioral health continuity). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.
- (5) \$19,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5189 (behavioral health support). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.
- (6) \$52,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5396 (breast exam cost sharing). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.
- (7) \$260,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of chapter 87, Laws of 2023 (SSB 5338).
- (8) \$1,206,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Senate Bill No. 5066 (health care benefit managers). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.
- (9) \$9,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of chapter 16, Laws of 2023 (SSB 5729).
- (10) \$272,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5581 (maternal support services). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.
- (11) \$237,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of chapter 42, Laws of 2023 (SB 5319).

(12) \$25,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5720 (risk mitigation). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(13)(a) \$500,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for the commissioner, in collaboration with the office of the attorney general, to study approaches to improve health care affordability including, but not limited to:

(i) Health provider price or rate regulation policies or programs, other than traditional health plan rate review, in use or under consideration in other states to increase affordability for health insurance purchasers and enrollees. At a minimum, this shall include:

(A) Analysis of payment rate or payment rate increase caps and reference pricing strategies;

(B) Analysis of research or other findings related to the outcomes of the policy or program, including experience in other states;

(C) A preliminary analysis of the regulatory authority and administrative capacity necessary to implement each policy or program reviewed in Washington state;

(D) Analysis of such approaches used in Washington state, including but not limited to the operation of the hospital commission, formerly established under chapter 70.39 RCW; and

(E) A feasibility analysis of implementing a global hospital budget strategy in one or more counties or regions in Washington state, including potential impacts on spending and access to health care services if such a strategy were adopted;

(ii) Regulatory approaches in use or under consideration by other states to address any anticompetitive impacts of horizontal consolidation and vertical integration in the health care marketplace to supplement federal antitrust law. At a minimum, this regulatory review shall include:

(A) Analysis of research, case law, or other findings related to the outcomes of the state's activities to encourage competition, including implementation experience;

(B) A preliminary analysis of regulatory authority and administrative capacity necessary to implement each policy or program reviewed in Washington state; and

(C) Analysis of recent health care consolidation and vertical consolidation activity in Washington state, to the extent information is available;

(iii) Recommended actions based on other state approaches and Washington data, if any; and

(iv) Additional related areas of data or study needed, if any.

(b) The office of the insurance commissioner or office of the attorney general may contract with third parties and consult with other state entities to conduct all or any portion of the study.

(c) The office of the insurance commissioner and office of the attorney general shall submit a preliminary report to the relevant policy and fiscal committees of the legislature by December 1, 2023, and a final report by August 1, 2024.

(14) \$190,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of chapter 27, Laws of 2023 (SHB 1266).

(15) \$66,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1222 (hearing instruments coverage). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(16) \$25,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of chapter 21, Laws of 2023 (HB 1061).

(17) \$14,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Substitute House Bill No. 1060 (mutual insurer reorg.). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(18) \$132,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1357 (prior authorization). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(19)(a) \$250,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for an analysis of how health plans define, cover, and reimburse for maternity care services, including prenatal, delivery, and postpartum care. The commissioner shall:

(i) Obtain necessary information regarding health plans offered by carriers with more than one percent accident and health market share based upon the commissioner's most recent annual market information report and health plans offered to public employees under chapter 41.05 RCW to evaluate:

(A) How health plan benefit designs define maternity care services;

(B) Whether and to what extent maternity care services are subject to deductibles and other cost-sharing requirements;

(C) Which maternity care services are considered preventive services under section 2713 of the federal public health service act and are therefore exempt from cost sharing;

(D) The five most used maternity care reimbursement methodologies used by each carrier; and

(E) With respect to reimbursement methodologies that bundle payment for maternity care services, which specific services are included in the bundled payment;

(ii) Estimate the total and per member per month impact on health plan rates of eliminating cost sharing for maternity care services in full, or for prenatal care only, for the following markets:

- (A) Individual health plans other than Cascade select plans;
- (B) Cascade select health plans;
- (C) Small group health plans;
- (D) Large group health plans;
- (E) Health plans offered to public employees under chapter 41.05 RCW; and
- (F) All health plans in the aggregate; and

(iii) Submit a report on the findings and cost estimate to the appropriate committees of the legislature by July 1, 2024.

(b) The commissioner may contract for all or a portion of the analysis required in this subsection.

**NEW SECTION. Sec. 145. FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account—State	
Appropriation. . . . .	\$83,426,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$83,426,000</b>

The appropriation in this section is subject to the following conditions and limitations: \$41,000 of the state investment board expense account—state appropriation is provided solely for implementation of Senate Bill No. 5084 (self-insured pensions/fund). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 146. FOR THE LIQUOR AND CANNABIS BOARD**

General Fund—State Appropriation (FY 2024). . . . .	\$2,383,000
General Fund—State Appropriation (FY 2025). . . . .	\$850,000
General Fund—Federal Appropriation. . . . .	\$3,187,000
General Fund—Private/Local Appropriation. . . . .	\$75,000
Dedicated Cannabis Account—State Appropriation	
(FY 2024). . . . .	\$13,481,000
Dedicated Cannabis Account—State Appropriation	
(FY 2025). . . . .	\$14,041,000
Liquor Revolving Account—State Appropriation. . . . .	\$124,765,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$158,782,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The liquor and cannabis board may require electronic payment of the cannabis excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(2) Of the liquor revolving account—state appropriation, \$35,278,000 is provided solely for the modernization of regulatory systems and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) \$1,526,000 of the liquor revolving account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5448 (delivery of alcohol). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(4) \$42,000 of the dedicated cannabis account—state appropriation for fiscal year 2024 and \$42,000 of the dedicated cannabis account—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5263 (psilocybin).

(5) \$250,000 of the dedicated cannabis account—state appropriation for fiscal year 2024 and \$159,000 of the dedicated cannabis account—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5367 (products containing THC).

(6) \$1,527,000 of the general fund—state appropriation for fiscal year 2024, \$2,255,000 of the dedicated cannabis account—state appropriation for fiscal year 2024, and \$1,463,000 of the dedicated cannabis account—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5080 (cannabis social equity).

(7) \$35,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the liquor and cannabis board to conduct an agency analysis of commercial tobacco and vaping enforcement actions from fiscal year 2018 through fiscal year 2022 involving youth under the age of 18. This analysis shall be submitted to the appropriate committees of the legislature by December 1, 2023, and must include:

- (a) The total number of such interactions by fiscal year;
- (b) Information on the nature of those interactions;
- (c) How many interactions convert to administrative violation notices (AVNs);
- (d) How many of those interactions and AVNs convert to retailer education and violations;

and

(e) Descriptions of training for liquor and cannabis board officers, and the number of officers trained on interacting with youth, particularly LGBTQ youth and youth of color.

(8) \$4,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5365 (vapor and tobacco/



minors). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(9) \$225,000 of the liquor revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1731 (short-term rentals/liquor). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 147. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

General Fund—State Appropriation (FY 2024)	\$1,201,000
General Fund—State Appropriation (FY 2025)	\$1,201,000
Public Service Revolving Account—State Appropriation	\$65,664,000
Public Service Revolving Account—Federal	
Appropriation	\$100,000
Pipeline Safety Account—State Appropriation	\$3,769,000
Pipeline Safety Account—Federal Appropriation	\$3,404,000
<b>TOTAL APPROPRIATION</b>	<b>\$75,339,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$800,000 of the public service revolving account—state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

(2) \$43,000 of the public service revolving account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5165 (electric transm. planning). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(3) \$100,000 of the public service revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1032 (wildfires/electric utilities). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(4) \$67,000 of the public service revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(5) \$57,000 of the public service revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1329 (utility shutoffs/heat). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(6) The commission must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(7) Communications providers receiving a distribution pursuant to RCW 80.36.650 must provide to the commission detailed compensation information for officers, directors, and the five highest compensated employees. The compensation information must include all monetary and non-monetary compensation, from whatever source derived, including, but not limited to, salary, stipends, health and welfare benefits, retirement benefits, expense accounts, deferred compensation, stock options, and fringe benefits. Communications providers receiving a distribution pursuant to RCW 80.36.650 must also provide the amounts of distributions and dividends to any interest holders, as defined in RCW 23.95.105, and the names of the interest holders that receive such distributions or dividends. The commission must compile this information into a report and submit it to the appropriate committees of the legislature by June 30, 2024.

**NEW SECTION. Sec. 148. FOR THE MILITARY DEPARTMENT**

General Fund—State Appropriation (FY 2024)	\$16,490,000
General Fund—State Appropriation (FY 2025)	\$16,446,000
General Fund—Federal Appropriation	\$146,122,000
911 Account—State Appropriation	\$54,306,000
Disaster Response Account—State Appropriation	\$59,466,000
Disaster Response Account—Federal Appropriation	\$1,184,618,000
Military Department Rent and Lease Account—State	
Appropriation	\$1,009,000
Military Department Active State Service Account—	
State Appropriation	\$400,000
Natural Climate Solutions Account—State	
Appropriation	\$113,000
Oil Spill Prevention Account—State Appropriation	\$1,040,000
Worker and Community Right to Know Fund—State	
Appropriation	\$2,042,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,482,052,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees by February 1st and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2023-2025 fiscal biennium based on current revenue and expenditure patterns.

(2) \$40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) \$11,000,000 of the 911 account—state appropriation is provided solely for financial assistance to counties.

(4) \$784,000 of the disaster response account—state appropriation is provided solely for fire suppression training, equipment, and supporting costs to national guard soldiers and airmen.

(5) \$386,000 of the military department rental and lease account—state appropriation is provided solely for maintenance staff.

(6) \$876,000 of the disaster response account—state appropriation is provided solely for a dedicated access and functional needs program manager, access and functional need services, and a dedicated tribal liaison to assist with disaster preparedness and response.

(7) \$136,000 of the general fund—state appropriation for fiscal year 2024 and \$132,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5518 (cybersecurity). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(8) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide a grant to Whatcom county for disaster relief and recovery activities in response to the November 2021 flooding and mudslides presidentially-declared disaster.

(9) \$625,000 of the general fund—state appropriation for fiscal year 2024 and \$625,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1728 (statewide resiliency program). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(10) \$113,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(11)(a) \$300,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to administer grants to local governments and federally recognized tribes for costs to respond to community needs during periods of extremely hot or cold weather or in situations of severe poor air quality from wildfire smoke.

(b) To qualify for a grant under (a) of this subsection, a local government or federally recognized tribe must:

(i) Be located in a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, as determined by the department;

(ii) Have demonstrated a lack of local resources to address community needs; and

(iii) Have incurred eligible costs as described in (c) of this subsection for the benefit of vulnerable populations.

(c) Costs eligible for reimbursement under (a) of this subsection include:

(i) Establishing and operating warming and cooling centers, including rental of equipment, purchase of supplies and water, staffing, and other associated costs;

(ii) Transporting individuals and their pets to warming and cooling centers;

(iii) Purchasing fans or other supplies needed for cooling of congregate living settings;

(iv) Providing emergency temporary housing such as rental of a hotel or convention center;

(v) Retrofitting or establishing facilities within warming and cooling centers that are pet friendly in order to permit individuals to evacuate with their pets; and

(vi) Other activities necessary for life safety during a period of extremely hot or cold weather or in situations of severe poor air quality from wildfire smoke, as determined by the department.

(12) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**NEW SECTION. Sec. 149. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund—State Appropriation (FY 2024) . . . . .	\$2,594,000
General Fund—State Appropriation (FY 2025) . . . . .	\$2,625,000
Personnel Service Account—State Appropriation . . . . .	\$4,825,000
Higher Education Personnel Services Account—State Appropriation . . . . .	\$1,629,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$11,673,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$98,000 of the higher education personnel services account—state appropriation

is provided solely for implementation of Substitute Senate Bill No. 5238 (academic employee bargaining). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 150. FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account—State	
Appropriation. . . . .	\$4,770,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$4,770,000</b>

**NEW SECTION. Sec. 151. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' and Reserve Officers'	
Administrative Account—State Appropriation. . . . .	\$3,533,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$3,533,000</b>

The appropriation in this section is subject to the following conditions and limitations: \$1,128,000 of the volunteer firefighters' and reserve officers' administrative account—state appropriation is provided solely for a benefits management system, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

**NEW SECTION. Sec. 152. FOR THE FORENSIC INVESTIGATION COUNCIL**

Death Investigations Account—State Appropriation. . . . .	\$822,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$822,000</b>

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) \$250,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(b) Of the amount provided in this subsection, \$30,000 of the death investigations account—state appropriation is provided solely for the Adams county crime lab to investigate a double homicide that occurred in fiscal year 2021.

(2) \$210,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

(3) Within the amount appropriated in this section, the forensic investigation council may enter into an interagency agreement with the department of enterprise services for the department to provide services related to public records requests, to include responding to, or assisting the council in responding to, public disclosure requests received by the council.

**NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

General Fund—State Appropriation (FY 2024). . . . .	\$14,819,000
General Fund—State Appropriation (FY 2025). . . . .	\$13,426,000
General Fund—Private/Local Appropriation. . . . .	\$102,000
Building Code Council Account—State Appropriation. . . . .	\$2,583,000
Electric Vehicle Incentive Account—State	
Appropriation. . . . .	\$1,722,000
Natural Climate Solutions Account—State	
Appropriation. . . . .	\$7,000,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$39,652,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,970,000 of the general fund—state appropriation for fiscal year 2024 and \$6,894,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the payment of facilities and services charges to include campus rent, parking, security, contracts, public and historic facilities, financial cost recovery, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to have all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(3) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2024 and \$1,300,000 in fiscal year 2025.

(4) Within existing resources, the department, in collaboration with consolidated technology services, must provide a report to the governor and fiscal committees of the

legislative by October 31 of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that same calendar year, and must also include any contract that was active since July 1 of the previous calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, contract term start and end dates, contract dollar amount in total, and contract dollar amounts by state fiscal year. The report must also include, by contract, the contract spending projections by state fiscal year for each ensuing state fiscal year through the contract term, and note the type of service delivered. The list of contracts must be provided electronically in Excel and be sortable by all field requirements. The report must also include trend analytics on information technology contracts, and recommendations for reducing costs where possible.

(5) \$654,000 of the general fund—state appropriation for fiscal year 2024 and \$654,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department, in collaboration with the state efficiency and environmental performance program, to implement the zero emission vehicle strategy.

(6) \$2,671,000 of the general fund—state appropriation for fiscal year 2024 and \$2,671,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for zero emission electric vehicle supply equipment infrastructure at facilities to accommodate charging station installation. The electric vehicle charging equipment must allow for the collection of usage data and must be coordinated with the state efficiency and environmental performance program. The department must prioritize locations based on state efficiency and environmental performance location priorities, and at least where zero emission fleet vehicles are or are scheduled to be purchased. The department must report when and where the equipment was installed, usage data at each charging station, and the state agencies and facilities that benefit from the installation of the charging station to the fiscal committees of the legislature by June 30. The department shall collaborate with the interagency electric vehicle coordinating council to implement this subsection and must work to meet benchmarks established in chapter 182, Laws of 2022 (transportation resources).

(7) \$200,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Substitute Senate Bill No. 5491 (residential building exits). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(8) (a) \$100,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the state building code council to implement a technical advisory group related to smoke control and smoke/fire dampers. The state building code council shall ensure the group includes but is not limited to representatives of the following:

- (i) Appropriate local governments;
- (ii) Building owners;
- (iii) Fire marshals;
- (iv) Companies who install, repair, or test smoke control systems and dampers;
- (v) Labor unions; and
- (vi) Engineers involved in smoke control system design.

(b) The technical advisory group will review the status of laws, codes, and rules related to smoke control and fire/smoke dampers including the implementation and enforcement of such laws, codes, and rules, and make recommendations, if any, for changes to the Revised Code Of Washington or Washington Administrative Code. A final report to the appropriate committees of the legislature and the governor is due June 30, 2024.

(c) Members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for members is subject to chapter 43.03 RCW.

(9) \$950,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for security enhancements to the governor's office lobby space and for security enhancement design for the remaining lobby and public spaces in the legislative building on the capitol campus. Enhancement designs must be provided to the senate committee on state government and elections and the house of representatives committee on state government and tribal relations no later than December 31, 2023.

(10) \$162,000 of the general fund—state appropriation for fiscal year 2024 and \$162,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to waive rent fees and charges through June 30, 2025, for vendors who are blind business enterprise program licensees by the department of services for the blind and who lease space and operate food service businesses, inclusive of delis, cafeterias, and espresso stands, in state government buildings.

(11) \$7,000,000 of the natural climate solutions account—state appropriation is provided solely to advance the preferred alternative of the final environmental impact statement for the capitol lake-Deschutes estuary long-term management project completed in October 2022. At a minimum, the department shall:

(a) Make tangible progress toward the next phase of design and permitting;

(b) Advance the memorandum of understanding for governance and funding of a restored estuary to an interlocal agreement that will govern long-term management of the restored estuary; and

(c) Initiate grant funding applications for design and permitting.

(12) \$400,000 of the state building code council account—state appropriation is provided solely for additional staffing to support the state building code council's work regarding the Washington state energy code.

(13) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**NEW SECTION. Sec. 154. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund—State Appropriation (FY 2024) . . . . .	\$4,043,000
General Fund—State Appropriation (FY 2025) . . . . .	\$4,010,000
General Fund—Federal Appropriation . . . . .	\$2,899,000
General Fund—Private/Local Appropriation . . . . .	\$14,000
Climate Commitment Account—State Appropriation . . . . .	\$977,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$11,943,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$103,000 of the general fund—state appropriation for fiscal year 2024 and \$103,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

(2) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington main street program.

(3) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the black historic sites survey project.

(4) \$477,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(5) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**NEW SECTION. Sec. 155. FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY**

General Fund—State Appropriation (FY 2024) . . . . .	\$21,697,000
General Fund—State Appropriation (FY 2025) . . . . .	\$1,700,000
Consolidated Technology Services Revolving Account— State Appropriation . . . . .	\$124,249,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$147,646,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$14,752,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of the chief information officer. Of this amount:

(a) \$2,000,000 of the consolidated technology services revolving account—state appropriation is provided solely for experienced information technology project managers to provide critical support to agency IT projects that are under oversight from the office of the chief information officer. The staff or vendors will:

- (i) Provide master level project management guidance to agency IT stakeholders;
- (ii) Consider statewide best practices from the public and private sectors, independent review and analysis, vendor management, budget and timing quality assurance and other support of current or past IT projects in at least Washington state and share these with agency IT stakeholders and legislative fiscal staff at least twice annually and post these to the statewide IT dashboard; and
- (iii) Provide independent recommendations to legislative fiscal committees by December of each calendar year on oversight of IT projects to include opportunities for accountability and performance metrics.

(b) \$2,960,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of privacy and data protection.

(c) \$2,226,000 of the consolidated technology services revolving account—state appropriation is provided solely for the enterprise data management pilot project, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) \$16,890,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4)(a) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures must include the following:

- (i) The agency's priority ranking of each information technology request;
- (ii) The estimated cost by fiscal year and by fund for the current biennium;

- (iii) The estimated cost by fiscal year and by fund for the ensuing biennium;
  - (iv) The estimated total cost for the current and ensuing biennium;
  - (v) The total cost by fiscal year, by fund, and in total, of the information technology project since it began;
  - (vi) The estimated cost by fiscal year and by fund over all biennia through implementation and close out and into maintenance and operations;
  - (vii) The estimated cost by fiscal year and by fund for service level agreements once the project is implemented;
  - (viii) The estimated cost by fiscal year and by fund for agency staffing for maintenance and operations once the project is implemented; and
  - (ix) The expected fiscal year when the agency expects to complete the request.
- (b) The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.
- (5) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.
- (6) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.
- (7) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.
- (8) The health care authority, the health benefit exchange, the department of social and health services, the department of health, the department of corrections, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.
- (9) \$4,508,000 of the consolidated technology services revolving account—state appropriation is provided solely for the creation and ongoing delivery of information technology services tailored to the needs of small agencies. The scope of services must include, at a minimum, full-service desktop support, service assistance, security, and consultation.
- (10) \$75,935,000 of the consolidated technology services revolving account—state appropriation is provided solely for the procurement and distribution of Microsoft 365 licenses which must include advanced security features and cloud-based private branch exchange capabilities for state agencies. The office must report annually to fiscal committees of the legislature each December 31, on the count and type of licenses distributed by consolidated technology services to each state agency. The report must also separately report on the count and type of Microsoft 365 licenses that state agencies have in addition to those that are distributed by consolidated technology services so that the total count, type of license, and cost is known for statewide Microsoft 365 licenses.
- (11) The office of the chief information officer shall maintain an information technology project dashboard that, at minimum, provides updated information each fiscal month on the projects subject to section 701 of this act.
- (a) The statewide information technology dashboard must include, at a minimum, the:
    - (i) Start date of the project;
    - (ii) End date of the project, when the project will close out and implementation will commence;
    - (iii) Term of the project in state fiscal years across all biennia to reflect the start of the project through the end of the project;
    - (iv) Total project cost from start date through the end date of the project in total dollars, and a subtotal of near general fund outlook;
    - (v) Near general fund outlook budget and actual spending in total dollars and by fiscal month for central service agencies that bill out project costs;
    - (vi) Start date of maintenance and operations;
    - (vii) Estimated annual state fiscal year cost of maintenance and operations after implementation and close out;
    - (viii) Actual spending by state fiscal year and in total for state fiscal years that have closed;
    - (ix) Date a feasibility study was completed or note if none has been completed to date;
    - (x) Monthly project status assessments on scope, schedule, budget, and overall by the:
      - (A) Office of the chief information officer;
      - (B) Quality assurance vendor, if applicable; and
      - (C) Agency project team;
    - (xi) Monthly quality assurance reports, if applicable;

- (xii) Monthly office of the chief information officer status reports on budget, scope, schedule, and overall project status; and
- (xiii) Historical project budget and expenditures through fiscal year 2023.
- (b) The statewide dashboard must retain a roll up of the entire project cost, including all subprojects, that can display subproject detail. This includes coalition projects that are active. For projects that include multiple agencies or subprojects and roll up, the dashboard must display:
- (i) A separate technology budget and investment plan for each impacted agency; and
  - (ii) A statewide project technology budget roll up that includes each affected agency at the subproject level.
- (c) The office of the chief information officer may recommend additional elements to include but must have agreement with legislative fiscal committees and the office of financial management prior to including additional elements.
- (d) The agency must ensure timely posting of project data on the statewide information technology dashboard for at least each project funded in the budget and those projects subject to the conditions of section 701 of this act to include, at a minimum, posting on the dashboard:
- (i) The budget funded level by project for each project under oversight within 30 calendar days of the budget being signed into law;
  - (ii) The project historical expenditures through completed fiscal years by December 31; and
  - (iii) Whether each project has completed a feasibility study.
- (e) The office of the chief information officer must post to the statewide dashboard a list of funding received by fiscal year by enacted session law, and how much was received citing chapter law as a list of funding provided by fiscal year.
- (12) Within existing resources, consolidated technology services must collaborate with the department of enterprise services on the annual contract report that provides information technology contract information. Consolidated technology services will:
- (a) Provide data to the department of enterprise services annually by September 1 of each year; and
  - (b) Provide analysis on contract information for all agencies comparing spending across state fiscal years by, at least, the contract spending towers.
- (13) \$8,666,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of the enterprise cloud computing program as outlined in the December 2020 Washington state cloud readiness report. Funding provided includes, but is not limited to, cloud service broker resources, cloud center of excellence, cloud management tools, a network assessment, cybersecurity governance, and a cloud security roadmap.
- (14) \$3,498,000 of the consolidated technology services revolving account—state appropriation is provided solely for the implementation of the recommendations of the cloud transition task force report to include:
- (a) A cloud readiness program to help agencies plan and prepare for transitioning to cloud computing;
  - (b) A cloud retraining program to provide a coordinated approach to skills development and retraining; and
  - (c) Staffing to define career pathways and core competencies for the state's information technology workforce.
- (15) \$20,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for statewide electronic health records projects, which must comply with the approved statewide electronic health records plan. The purpose of the plan is to implement a common technology solution to leverage shared business processes and data across the state in support of client services.
- (a) The statewide electronic health records plan must include, but is not limited to, the following elements:
- (i) A proposed governance model for the electronic health records solution;
  - (ii) An implementation plan for the technology solution from kickoff through five years maintenance and operations post implementation;
  - (iii) A technology budget to include estimated budget and resources needed to implement the electronic health records solution by agency and across the state, including fund sources and all technology budget element requirements as outlined in section 701(4) of this act;
  - (iv) A licensing plan in consultation with the department of enterprise services that seeks to utilize the state data center;
  - (v) A procurement approach, in consultation with the department of enterprise services;
  - (vi) A system that must be capable of being continually updated, as necessary;
  - (vii) A system that will use an agile development model holding live demonstrations of functioning software, developed using incremental user research, held at the end of every two-week sprint;
  - (viii) A system that will deploy usable functionality into production for users within 180 days from the date there is an executed procurement contract after a competitive request for proposal is closed;
  - (ix) A system that uses quantifiable deliverables that must include live, accessible demonstrations of software in development to program staff and end users at each sprint or at least monthly;
  - (x) A requirement that the agency implementing its electronic health record solution must invite the office and the agency comptrollers or their designee to sprint reviews;

(xi) A requirement that there is an annual independent audit of the system to evaluate compliance of the software solution vendor's performance standards and contractual requirements and technical code quality, and that it meets user needs;

(xii) A recommended program structure for implementing a statewide electronic health records solution;

(xiii) A list of individual state agency projects that will need to implement a statewide electronic health records solution and the readiness of each agency to successfully implement;

(xiv) The process for agencies to request funding from the consolidated technology services for their electronic health records projects. The submitted application must:

(A) Include at least a technology budget in compliance with the requirements of section 701(4) of this act that each agency budget office will assist with; and

(B) Be posted to the statewide information technology dashboard and meet all dashboard posting requirements as outlined in section 155(11) of this act; and

(xv) The approval criteria for agencies to receive funds for their electronic health records project. The approval may not be given without an approved current technology budget, and the office must notify the fiscal committees of the legislature. The office may not approve funding for the project any earlier than 10 business days from the date of notification to the fiscal committees of the legislature.

(b) The plan described in (a) of this subsection:

(i) Must be submitted to the office of financial management, the chair and ranking member of the senate environment, energy, and information technology policy committee, the chairs and ranking members of the fiscal committees of the legislature, and the technology services board by July 1, 2023; and

(ii) Must be approved by the office of financial management and the technology services board established in RCW 43.105.285.

(c) \$20,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for state agency electronic health record projects at the department of corrections, the department of social and health services, and the health care authority in accordance with the approved statewide electronic health record plan requirements in (a) of this subsection. For the amount provided in this subsection (15):

(i) Funding may not be released until the office of financial management and the technology services board have approved the statewide electronic health record plan.

(ii) Funding may not cover any costs incurred by the state agencies for services or project costs prior to the date of statewide electronic health record plan approval.

(iii) State agencies must submit their proposed electronic health records project and technology budget to the office of the chief information officer for approval.

(iv) When a funding request is approved, consolidated technology services will transfer the funds to the agency to execute their electronic health records project.

(16) \$134,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5518 (cybersecurity). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(17) The office of the chief information officer must collaborate with the office of the secretary of state in the evaluation of the office of the secretary of state's information technology infrastructure and applications in determining the appropriate candidates for the location of data and the systems that could be exempt from consolidated technology services oversight.

(18) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for innovative technology solutions and modernization of legacy systems within state government. This funding is to be used for projects at other state agencies to improve the health of the state's overall information technology portfolio. Submitted projects are subject to review and approval by the technology services board as established in RCW 43.105.285. The agency must report to the office of financial management and the fiscal committees of the legislature within 90 days of the close of fiscal year 2024 with the following information to measure the quantity of projects considered for this purpose and use of this funding:

(a) The agency name, project name, estimated time duration, estimated cost, and technology service board recommendation result of each project submitted for funding;

(b) The actual length of time and cost of the projects approved by the technology services board, from start to completion; and

(c) Any other information or metric the agency determines is appropriate to measure the quantity and use of the funding in this subsection.

**NEW SECTION. Sec. 156. FOR THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

Professional Engineers' Account—State Appropriation. . . . .	\$4,622,000
TOTAL APPROPRIATION.....	\$4,622,000

**NEW SECTION. Sec. 157. FOR THE WASHINGTON STATE LEADERSHIP BOARD**

Washington State Leadership Board Account—State Appropriation. . . . .	\$1,691,000
TOTAL APPROPRIATION.....	\$1,691,000



The appropriation in this section is subject to the following conditions and limitations:

(1) \$374,000 of the Washington state leadership board account—state appropriation is provided solely for implementation of chapter 96, Laws of 2022 (WA state leadership board).

(2) \$1,200,000 of the Washington state leadership board account—state appropriation is provided solely for implementing programming in RCW 43.388.010, and specifically the Washington world fellows program, sports mentoring program/boundless Washington, compassion scholars, and the Washington state leadership awards.

(End of part)

**PART II  
HUMAN SERVICES**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) The health care authority, the health benefit exchange, the department of social and health services, the department of health, the department of corrections, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in

a manner that ensures the efficient use of state resources, support the adoption of a cohesive technology and data architecture, and maximize federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM**

General Fund—State Appropriation (FY 2024) . . . . .	\$610,452,000
General Fund—State Appropriation (FY 2025) . . . . .	\$679,312,000
General Fund—Federal Appropriation . . . . .	\$148,488,000
General Fund—Private/Local Appropriation . . . . .	\$10,732,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$1,448,984,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The state psychiatric hospitals and residential treatment facilities may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(2) \$311,000 of the general fund—state appropriation for fiscal year 2024 and \$311,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection are for the salaries, benefits, supplies, and equipment for the city of Lakewood to produce incident and police response reports, investigate potential criminal conduct, assist with charging consultations, liaison between staff and prosecutors, provide staff training on criminal justice procedures, assist with parking enforcement, and attend meetings with hospital staff.

(3) \$45,000 of the general fund—state appropriation for fiscal year 2024 and \$45,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(4) \$311,000 of the general fund—state appropriation for fiscal year 2024 and \$311,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community services officer for policing efforts at eastern state hospital. The department must collect data from the city of Medical Lake on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(5) \$25,000 of the general fund—state appropriation for fiscal year 2024 and \$25,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas.

(6) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(a) By the first day of each December during the fiscal biennium, the department, in coordination with the health care authority, must submit a report to the office of financial management and the appropriate committees of the legislature that summarizes how the predictive modeling tool has been implemented and includes the following: (i) The number of individuals identified by the tool as having a high risk of future criminal justice involvement; (ii) the method and frequency for which the department is providing lists of high-risk clients to contracted managed care organizations and behavioral health administrative services organizations; (iii) a summary of how the managed care organizations and behavioral health administrative services organizations are utilizing the data to improve the coordination of care for the identified individuals; and (iv) a summary of the administrative data to identify whether implementation of the tool is resulting in increased access and service levels and lower recidivism rates for high-risk clients at the state and regional level.

(b) The department must provide staff support for the forensic and long-term civil commitment bed forecast which must be conducted under the direction of the office of financial management. The forecast methodology, updates, and methodology changes must be conducted in coordination with staff from the department, the health care authority, the office of financial management, and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities, which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for estimating the number of beds needed to meet the demand for civil and forensic state hospital services. Factors should include identification of need for the services and analysis of the effect of community investments in behavioral health services and other types of beds that may reduce the need for long-term civil commitment needs. The forecast must be updated each February, June, and

November during the fiscal biennium and the department must submit a report to the legislature and the appropriate committees of the legislature summarizing the updated forecast based on the caseload forecast council's schedule for entitlement program forecasts.

(7) \$9,119,000 of the general fund—state appropriation for fiscal year 2024 and \$9,145,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, forensic navigators, crisis diversion and supports, education and training, and workforce development.

(8) \$7,147,000 of the general fund—state appropriation for fiscal year 2024 and \$7,147,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to maintain implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of competency evaluators that began in fiscal year 2016 pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(9) \$71,690,000 of the general fund—state appropriation for fiscal year 2024 and \$77,825,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services) and the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. These amounts must be used to maintain increases that were implemented between fiscal year 2016 and fiscal year 2021, and further increase the number of forensic beds at western state hospital during the 2023-2025 fiscal biennium. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need.

(10) \$84,483,000 of the general fund—state appropriation for fiscal year 2024, \$77,343,000 of the general fund—state appropriation for fiscal year 2025, and \$1,042,000 of the general fund—federal appropriation are provided solely for the department to continue to implement an acuity based staffing tool at western state hospital and eastern state hospital in collaboration with the hospital staffing committees. The staffing tool must be used to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must evaluate interrater reliability of the tool within each hospital and between the two hospitals. The department must also continue to update, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan that looks at all positions and functions of the facilities.

(a) Within the amounts provided in this section, the department must establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services.

(b) By December 1, 2023, and December 1, 2024, the department must submit reports to the office of financial management and the appropriate committees of the legislature that provide a comparison of monthly spending, staffing levels, overtime, and use of locums for the prior year compared to allotments and to the recommended state hospital staffing model. The format for these reports must be developed in consultation with staff from the office of financial management and the appropriate committees of the legislature. The reports must include a summary of the results of the evaluation of the interrater reliability in use of the staffing acuity tool and an update from the hospital staffing committees.

(c) Monthly staffing levels and related expenditures at the state hospitals must not exceed official allotments without prior written approval from the director of the office of financial management. In the event the director of the office of financial management approves an increase in monthly staffing levels and expenditures beyond what is budgeted, notice must be provided to the appropriate committees of the legislature within 30 days of such approval. The notice must identify the reason for the authorization to exceed budgeted staffing levels and the time frame for the authorization. Extensions of authorizations under this subsection must also be submitted to the director of the office of financial management for written approval in advance of the expiration of an authorization. The office of financial management must notify the appropriate committees of the legislature of any extensions of authorizations granted under this subsection within 30 days of granting such authorizations and identify the reason and time frame for the extension.

(11) \$4,994,000 of the general fund—state appropriation for fiscal year 2024, \$7,535,000 of the general fund—state appropriation for fiscal year 2025, and \$672,000 of the general

fund—federal appropriation are provided solely for the department to establish a violence reduction team at western state hospital to improve patient and staff safety at eastern and western state hospitals. A report must be submitted by December 1, 2023, and December 1, 2024, which includes a description of the violence reduction or safety strategy, a profile of the types of patients being served, the staffing model being used, and outcomes associated with each strategy. The outcomes section should include tracking data on facility-wide metrics related to patient and staff safety as well as individual outcomes related to the patients served.

(12) \$2,593,000 of the general fund—state appropriation for fiscal year 2024 and \$2,593,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to increase services to patients found not guilty by reason of insanity under the *Ross v. Lashway* settlement agreement.

(13) Within the amounts provided in this subsection, the department must develop and submit an annual state hospital performance report for eastern and western state hospitals. Each measure included in the performance report must include baseline performance data, agency performance targets, and performance for the most recent fiscal year. The performance report must include a one page dashboard as well as charts for each fiscal year and quality of care measure broken out by hospital and including but not limited to: (a) Monthly FTE expenditures compared to allotments; (b) monthly dollar expenditures compared to allotments; (c) monthly FTE expenditures per thousand patient bed days; (d) monthly dollar expenditures per thousand patient bed days; (e) percentage of FTE expenditures for overtime; (f) average length of stay by category of patient; (g) average monthly civil wait list; (h) average monthly forensic wait list; (i) rate of staff assaults per thousand patient bed days; (j) rate of patient assaults per thousand patient bed days; (k) average number of days to release after a patient has been determined to be clinically ready for discharge; and (l) average monthly vacancy rates for key clinical positions. The department must submit the state hospital performance report to the office of financial management and the appropriate committees of the legislature by the first day of each December of the biennium.

(14) \$546,000 of the general fund—state appropriation for fiscal year 2024 and \$566,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for design and planning activities for the new forensic hospital being constructed on the grounds of western state hospital.

(15) \$135,000 of the general fund—state appropriation for fiscal year 2024 and \$135,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to maintain an on-site safety compliance officer, stationed at western state hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(16) \$10,364,000 of the general fund state—appropriation for fiscal year 2024 are provided solely for the department to provide behavioral health and stabilization services at the King county south correctional entity to class members of *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States district court for the western district of Washington, cause no. 14-cv-01178-MJP.

(17) \$2,619,000 of the general fund—state appropriation for fiscal year 2024 and \$5,027,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to hire additional forensic evaluators to provide in-jail competency evaluations and community-based evaluations.

(18) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to track compliance with the requirements of RCW 71.05.365 for transition of state hospital patients into community settings within 14 days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these amounts to track the following elements related to this requirement: (a) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (b) the date on which the behavioral health entities and other organizations responsible for resource management services for the person is notified of this determination; and (c) the date on which either the individual is transitioned to the community or has been reevaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health entities and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the 14 day standard by December 1, 2023, and December 1, 2024.

(19) \$10,547,000 of the general fund—state appropriation for fiscal year 2024 and \$37,480,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to operate the 48 bed Clark county facility to provide long-term inpatient care beds as defined in RCW 71.24.025. The department must use this facility to provide treatment services for individuals who have been committed to a state hospital pursuant to the dismissal of criminal charges and civil evaluation ordered under RCW 10.77.086 or 10.77.088. In considering placements at the facility, the department must maximize forensic bed capacity at the state hospitals for individuals in jails awaiting admission that are class members of *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States district court for the western district of Washington, cause no. 14-cv-01178-MJP. The department must submit a report to the office of financial management and the

appropriate committees of the legislature by December 1, 2023, and December 1, 2024, providing a status update on progress toward opening the new facility.

(20) \$8,048,000 of the general fund—state appropriation for fiscal year 2024 and \$7,677,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to reopen and operate a 30 bed ward for civil patients at western state hospital. The department must prioritize placements on this ward for individuals currently occupying beds on forensic wards at western state hospital who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088, in order to maximize forensic bed capacity for individuals in jails awaiting admission that are class members of *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States district court for the western district of Washington, cause no. 14-cv-01178-MJP.

(21) \$13,324,000 of the general fund—state appropriation for fiscal year 2024 and \$44,813,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to operate the maple lane campus. Of the amounts provided in this subsection:

(a) \$4,764,000 of the general fund—state appropriation for fiscal year 2024 and \$5,239,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to operate the Oak, Columbia, and Cascade cottages to provide:

(i) Treatment services to individuals committed to a state hospital under chapter 71.05 RCW pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088;

(ii) Treatment services to individuals acquitted of a crime by reason of insanity and subsequently ordered to receive treatment services under RCW 10.77.120; and

(iii) Through fiscal year 2024, competency restoration services at the Cascade cottage to individuals under RCW 10.77.086 or 10.77.088.

(b) \$8,560,000 of the general fund—state appropriation for fiscal year 2024 and \$39,574,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to open and operate the Baker and Chelan cottages to provide treatment services to individuals committed to a state hospital under chapter 71.05 RCW pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088.

(c) In considering placements at the maple lane campus, the department must maximize forensic bed capacity at the state hospitals for individuals in jails awaiting admission that are class members of *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States district court for the western district of Washington, cause no. 14-cv-01178-MJP.

(22) \$1,412,000 of the general fund—state appropriation for fiscal year 2024 and \$1,412,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for relocation, storage, and other costs associated with building demolition on the western state hospital campus.

(23) \$455,000 of the general fund—state appropriation for fiscal year 2024 and \$455,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for western state hospital's vocational rehabilitation program and eastern state hospital's work readiness program to pay patients working in the programs an hourly wage that is equivalent to the state's minimum hourly wage under RCW 49.46.020.

(24) \$4,054,000 of the general fund—state appropriation for fiscal year 2024 and \$5,236,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5440 (competency evaluations). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(25) \$2,233,000 of the general fund—state appropriation for fiscal year 2024, \$4,118,000 of the general fund—state appropriation for fiscal year 2025, and \$297,000 of the general fund—federal appropriation are provided solely for the department to address delays in patient discharge as provided in this subsection.

(a) The department shall hire staff dedicated to discharge reviews, including psychologists to complete reviews and staff for additional discharge review work, including, but not limited to, scheduling, planning, and providing transportation; and establish and implement a sex offense and problematic behavior program as part of the sex offense review and referral team program.

(b) Of the amounts provided in this subsection, \$504,000 per year shall be used for bed fees for patients who are not guilty by reason of insanity.

(c) The department shall track data as it relates to this subsection and, where available, compare it to historical data. The department will provide a report to the appropriate fiscal and policy committees of the legislature. A preliminary report is due by December 1, 2023, and the final report is due by September 15, 2024, and at a minimum must include the:

(i) Volume of patients discharged;

(ii) Volume of patients in a sex offense or problematic behavior program;

(iii) Number of beds held for not guilty by reason of insanity patients;

(iv) Average and median duration to complete discharges;

(v) Staffing as it relates to this subsection; and

(vi) Average discharge evaluation caseload.

(26) Within the amounts appropriated in this section, the department must:

(a) Participate in the Naselle task force established in section 913 of this act.

(b) Study the feasibility of using the former Naselle youth camp for inpatient services in order to create additional forensic bed capacity for individuals in jails awaiting admission to the state hospitals that are class members of *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States district court for the western district of Washington, cause no. 14-cv-01178-MJP. By June 30, 2024, the department must submit a report to the appropriate committees of the legislature and to the office of financial management that provides an evaluation of the potential uses of the former Naselle youth camp that would provide the greatest reduction to the forensic waitlist for admission to the state hospitals. The report must provide cost estimates and address workforce needs and considerations, including the potential for on-campus housing.

(27)(a) \$5,000,000 of the general fund—state appropriation for fiscal year 2024 and \$5,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to pursue immediate strategies to maximize existing forensic bed capacity for individuals in jails awaiting admission to the state hospitals that are class members of *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States district court for the western district of Washington, cause no. 14-cv-01178-MJP. The immediate strategies must include, but are not limited to:

(i) Additional approaches to resolving barriers to discharge for civil patients, including:

(A) In coordination with the behavioral health teaching facility at the University of Washington, identification of civil patients in the state hospitals that could receive appropriate treatment at the facility and work to resolve any barriers in such placement;

(B) Identification of civil patients in the state hospitals that could receive appropriate treatment at an enhanced services facility or any other community facility and work to resolve any barriers in such placement; and

(C) Coordination with the aging and long-term care administration and the office of public guardianship on the provision of qualified guardians for civil patients in need of guardianship that are otherwise eligible for discharge; and

(ii) Additional approaches to resolving any barriers to maximizing the use of existing civil wards at eastern state hospital for individuals currently occupying beds on forensic wards at western state hospital who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088.

(b) By December 1, 2023, the department must submit a preliminary report to the appropriate committees of the legislature and to the office of financial management that provides:

(i) The number of individuals currently occupying beds on forensic wards at western state hospital who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088; and

(ii) The department's plan for utilizing the funds provided in this subsection and estimated outcomes.

(c) By September 1, 2024, the department must submit a final report to the appropriate committees of the legislature and to the office of financial management that provides:

(i) The number of individuals currently occupying beds on forensic wards at western state hospital who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088; and

(ii) Detailed reporting on how the funds provided in this subsection were used and the associated outcomes.

(28) \$53,000 of the general fund—state appropriation for fiscal year 2024, \$53,000 of the general fund—state appropriation for fiscal year 2025, and \$94,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1580 (children in crisis). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(29) Within the amounts provided in this section, the department is provided funding to operate civil long-term inpatient beds at the state hospitals as follows:

(a) Funding is sufficient for the department to operate 192 civil beds at eastern state hospital in both fiscal year 2024 and fiscal year 2025.

(b) Funding is sufficient for the department to operate 287 civil beds at western state hospital in both fiscal year 2024 and fiscal year 2025.

(c) The department shall fully operate funded civil capacity at eastern state hospital, including reopening and operating civil beds that are not needed for eastern Washington residents to provide services for western Washington residents.

(d) The department shall coordinate with the health care authority toward increasing community capacity for long-term inpatient services required under section 215(50) of this act.

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund—State Appropriation (FY 2024)	\$1,129,397,000
General Fund—State Appropriation (FY 2025)	\$1,184,492,000
General Fund—Federal Appropriation	\$2,409,328,000
General Fund—Private/Local Appropriation	\$4,058,000

## Developmental Disabilities Community Services

Account—State Appropriation. . . . .	\$32,120,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$4,759,395,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2024 and \$225 per bed beginning in fiscal year 2025. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 must be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2024 and \$116 per bed beginning in fiscal year 2025.

(iii) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2024 and \$359 per bed beginning in fiscal year 2025.

(c) \$32,240,000 of the general fund—state appropriation for fiscal year 2024, \$52,060,000 of the general fund—state appropriation for fiscal year 2025, and \$108,994,000 of the general fund—federal appropriation are provided solely for the rate increase for the new consumer-directed employer contracted individual providers as set by the consumer-directed employer rate setting board in accordance with RCW 74.39A.530.

(d) \$5,095,000 of the general fund—state appropriation for fiscal year 2024, \$7,299,000 of the general fund—state appropriation for fiscal year 2025, and \$16,042,000 of the general fund—federal appropriation are provided solely for the homecare agency parity consistent with the rate set by the consumer-directed employer rate setting board in accordance with RCW 74.39A.530.

(e) \$1,099,000 of the general fund—state appropriation for fiscal year 2024, \$2,171,000 of the general fund—state appropriation for fiscal year 2025, and \$5,515,000 of the general fund—federal appropriation are provided solely for administrative costs of the consumer-directed employer as set by the consumer-directed employer rate setting board in accordance with RCW 74.39A.530.

(f) \$328,000 of the general fund—state appropriation for fiscal year 2024, \$444,000 of the general fund—state appropriation for fiscal year 2025, and \$998,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by 56 cents per hour effective July 1, 2023.

(g) \$9,371,000 of the general fund—state appropriation for fiscal year 2024, \$10,798,000 of the general fund—state appropriation for fiscal year 2025, and \$25,267,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2023-2025 fiscal biennium, as provided in section 907 of this act.

(h) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(i) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(j) Sufficient appropriations are provided to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (j) (i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (j)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(k) Sufficient appropriations are provided for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(l) \$476,000 of the general fund—state appropriation for fiscal year 2024 and \$481,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1128 (personal needs allowance). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(m) The annual certification renewal fee for community residential service businesses is \$859 per client in fiscal year 2024 and \$859 per client in fiscal year 2025. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(n) \$2,648,000 of the general fund—state appropriation for fiscal year 2024, \$2,631,000 of the general fund—state appropriation for fiscal year 2025, and \$2,293,000 of the general fund—federal appropriation are provided solely for enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(o) \$2,173,000 of the general fund—state appropriation for fiscal year 2024 and \$2,154,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for 13 community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(p) \$144,000 of the general fund—state appropriation for fiscal year 2025 and \$181,000 of the general fund—federal appropriation are provided solely for funding the unfair labor practice settlement in the case of *Adult Family Home Council v Office of Financial Management*, PERC case no. 135737-U-22. If the settlement agreement is not reached by June 30, 2024, the amounts provided in this subsection shall lapse.

(q) \$351,000 of the general fund—state appropriation for fiscal year 2024, \$375,000 of the general fund—state appropriation for fiscal year 2025, and \$905,000 of the general fund—federal appropriation are provided solely to increase funding of the assisted living medicaid methodology established in RCW 74.39A.032 to 79 percent of the labor component and 68 percent of the operations component, effective July 1, 2023.

(r) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of \$485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(s) The appropriations in this section include sufficient funding to provide access to the individual and family services waiver and the basic plus waiver to those individuals on the service request list as forecasted by the caseload forecast council. For subsequent policy level budgets, the department shall submit a request for funding associated with individuals requesting to receive the individual and family services waiver and the basic plus waiver in accordance with the courtesy forecasts provided by the caseload forecast council.

(t) \$1,729,000 of the general fund—state appropriation for fiscal year 2024, \$2,669,000 of the general fund—state appropriation for fiscal year 2025, and \$4,206,000 of the general fund—federal appropriation are provided solely to operate intensive habilitation services and enhanced out-of-home services facilities.

(u) \$1,363,000 of the general fund—state appropriation for fiscal year 2024, \$1,363,000 of the general fund—state appropriation for fiscal year 2025, and \$2,092,000 of the general fund—federal appropriation are provided solely for additional staff to reduce the timeline for completion of financial eligibility determinations. No later than December 31, 2024, the department of social and health services shall submit a final report to the appropriate committees of the legislature that details how the funds were utilized and the associated outcomes, including, but not limited to, a description of how the timeline for completion of these determinations has changed.



(v) \$485,000 of the general fund—state appropriation for fiscal year 2024 and \$484,000 of the general fund—federal appropriation are provided solely for a feasibility study of the developmental disabilities assessment tool and is subject to the conditions, limitations, and review requirements of section 701 of this act. The resulting study must determine whether the assessment and its technology can be improved to meet regulatory obligations, be quicker and person-centered, reduce manual notations, and maintain viability across age groups and settings.

(w) \$1,223,000 of the general fund—state appropriation for fiscal year 2024, \$2,763,000 of the general fund—state appropriation for fiscal year 2025, and \$3,248,000 of the general fund—federal appropriation are provided solely for supported employment and community inclusion services for those individuals with intellectual or developmental disabilities who are transitioning from high school in the 2023-2025 fiscal biennium and are anticipated to utilize these services.

(x) \$11,074,000 of the general fund—state appropriation for fiscal year 2024, \$13,222,000 of the general fund—state appropriation for fiscal year 2025, and \$19,206,000 of the general fund—federal appropriation are provided solely to increase rates paid to supported employment and community inclusion providers.

(y) (i) \$79,000 of the general fund—state appropriation for fiscal year 2024, \$76,000 of the general fund—state appropriation for fiscal year 2025, and \$121,000 of the general fund—federal appropriation are provided solely for the department to develop a plan for implementing an enhanced behavior support specialty contract for community residential supported living, state-operated living alternative, or a group training home to provide intensive behavioral services and support to adults with intellectual and developmental disabilities who require enhanced services and support due to challenging behaviors that cannot be safely and holistically managed in an exclusively community setting, and who are at risk of institutionalization or out-of-state placement, or are transitioning to the community from an intermediate care facility, hospital, or other state-operated residential facility. The enhanced behavior support specialty contract shall be designed to ensure that enhanced behavior support specialty settings serve a maximum capacity of four clients and that they have the adequate levels of staffing to provide 24-hour nonmedical care and supervision of residents.

(ii) No later than June 30, 2025, the department must submit to the governor and the appropriate committees of the legislature a report that includes:

(A) A detailed description of the design of the enhanced behavior support specialty contract and setting, including a description of and the rationale for the number of staff required within each behavior support specialty setting and the necessary qualifications of these staff;

(B) A detailed description of and the rationale for the number of department staff required to manage the enhanced behavior support specialty program;

(C) A plan for implementing the enhanced behavior support specialty contracts that includes:

(I) An analysis of areas of the state where enhanced behavior support specialty settings are needed, including recommendations for how to phase in the enhanced behavior support specialty settings in these areas; and

(II) An analysis of the sufficiency of the provider network to support a phase in of the enhanced behavior support specialty settings, including recommendations for how to further develop this network; and

(D) An estimate of the costs to implement the enhanced behavior support specialty settings and program and any necessary recommendations for legislative actions to facilitate the ability of the department to:

(I) Enter into contracts and payment arrangements with providers choosing to provide the enhanced behavior support specialty setting and to supplement care in all community-based residential settings with experts trained in enhanced behavior support so that state-operated living alternatives, supported living facilities, and other community-based settings can specialize in the needs of individuals with developmental disabilities who are living with high, complex behavioral support needs;

(II) Enter into funding agreements with the health care authority for the provision of applied behavioral analysis and other applicable health care services within the community-based residential setting; and

(III) Provide the enhanced behavior support specialty through a medicaid waiver or other federal authority administered by the department, to the extent consistent with federal law and federal funding requirements to receive federal matching funds.

(z) \$2,494,000 of the general fund—state appropriation for fiscal year 2024 and \$3,345,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide personal care services for up to 33 clients who are not United States citizens and who are ineligible for medicaid upon their discharge from an acute care hospital. The department must prioritize the funding provided in this subsection for such clients in acute care hospitals who are also on the department's wait list for services.

(aa) \$2,605,000 of the general fund—state appropriation for fiscal year 2024, \$2,402,000 of the general fund—state appropriation for fiscal year 2025, and \$3,840,000 of the general fund—federal appropriation are provided solely to establish transition coordination teams to coordinate transitions of care for clients who move from one care setting to another. The department of social and health services shall submit annual reports no later than December

1, 2023, and December 1, 2024, to the appropriate committees of the legislature that detail how the funds were utilized and the associated outcomes including, but not limited to:

(i) A detailed reporting of the number of clients served, the settings in which clients received care, and the progress made toward increasing stability of client placements;

(ii) A comparison of these outcomes against the outcomes achieved in prior fiscal years;

(iii) A description of lessons learned since the transition coordination teams were first implemented, including an identification of what processes were improved to reduce the timelines for completion; and

(iv) Recommendations for changes necessary to the transition coordination teams to improve increasing stability of client placements.

(bb) \$1,448,000 of the general fund—state appropriation for fiscal year 2024, \$1,807,000 of the general fund—state appropriation for fiscal year 2025, and \$3,626,000 of the general fund—federal appropriation are provided solely to pilot a specialty rate for adult family homes to serve up to 100 individuals with intellectual or developmental disabilities who also have co-occurring health or behavioral health diagnoses. No later than December 1, 2024, the department of social and health services shall submit a report to the governor and the appropriate committees of the legislature that details how the funds were utilized and the associated outcomes including, but not limited to:

(i) A detailed reporting of the number of clients served and the setting from which each client entered the adult family home receiving this specialty rate;

(ii) A comparison of the rate of admissions to the adult family homes receiving this specialty rate against the rate of admissions to other state-operated settings including, but not limited to, state-operated living alternatives, enhanced services facilities, and the transitional care center of Seattle; and

(iii) A comparison of the length of stay in the setting from which the client entered the adult family home receiving this specialty rate against the average length of stay in settings prior to entering other state-operated settings including, but not limited to, state-operated living alternatives, enhanced services facilities, and the transitional care center of Seattle.

(cc) \$2,856,000 of the general fund—state appropriation for fiscal year 2024, \$3,104,000 of the general fund—state appropriation for fiscal year 2025, and \$5,948,000 of the general fund—federal appropriation are provided solely to pilot a program that provides a specialty rate for community residential providers who receive additional training to support individuals with complex physical and behavioral health needs.

(i) Of the amounts provided in this subsection, \$2,453,000 of the general fund—state appropriation for fiscal year 2024, \$2,705,000 of the general fund—state appropriation for fiscal year 2025, and \$5,259,000 of the general fund—federal appropriation are provided solely for the specialty rate for community residential providers to serve up to 30 individuals.

(ii) Of the amounts provided in this subsection, \$403,000 of the general fund—state appropriation for fiscal year 2024, \$399,000 of the general fund—state appropriation for fiscal year 2025, and \$689,000 of the general fund—federal appropriation are provided solely for the department to hire staff to support this specialty program, including expanding existing training programs available for community residential providers and to support providers in locating affordable housing.

(iii) No later than December 1, 2024, the department of social and health services shall submit a report to the governor and the appropriate committees of the legislature that details how the funds were utilized and the associated outcomes including, but not limited to:

(A) A detailed reporting of the number of clients served and the setting from which each client entered the community residential setting receiving this specialty rate;

(B) A comparison of the rate of admissions to the community residential setting receiving this specialty rate against the rate of admissions to other community residential settings not receiving this specialty rate as well as against the rate of admissions to other state-operated settings including, but not limited to, state-operated living alternatives, enhanced services facilities, and the transitional care center of Seattle; and

(C) A comparison of the length of stay in the setting from which the client entered the community residential setting receiving this specialty rate against the average length of stay in settings prior to entering other community residential settings not receiving this specialty rate as well as prior to entering other state-operated settings including, but not limited to, state-operated living alternatives, enhanced services facilities, and the transitional care center of Seattle.

(dd) (i) \$104,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to contract with the Ruckleshaus center for a progress report on the recommendations in the December 2019 report, "Rethinking Intellectual and Developmental Disability Policy to Empower Clients, Develop Providers and Improve Services."

(ii) By February 29, 2024, a final report shall be submitted to the governor and the appropriate committees of the legislature that includes:

(A) Detailed information about the successes and barriers related to meeting the recommendations in the December 2019 report;

(B) Identification of other potential issues or options for meeting the recommendations in the December 2019 report, including but not limited to, an exploration of the enhanced behavioral support homes concept;

(C) A review of other state's approaches and innovations regarding any of the recommendations in the December 2019 report;

(D) Identification of any emergent issues; and

(E) Identification or recommendation for the organization of focus groups of state agencies and respective stakeholders.

(iii) In compiling the final report, members of the previous workgroup, as well as other interested parties, should be consulted for their feedback and to identify areas where there is potential for agreement to move forward and to make process recommendations if applicable.

(ee) \$127,000 of the general fund—state appropriation for fiscal year 2024, \$28,000 of the general fund—state appropriation for fiscal year 2025, and \$55,000 of the general fund—federal appropriation are provided solely for adult day respite. Of the amounts appropriated in this subsection:

(i) \$27,000 of the general fund—state appropriation for fiscal year 2024, \$28,000 of the general fund—state appropriation for fiscal year 2025, and \$55,000 of the general fund—federal appropriation are provided solely to increase adult day respite rates from \$3.40 to \$5.45 per 15-minute unit to expand and ensure the sustainability of respite services for clients with intellectual or developmental disabilities and their family caregivers.

(ii) \$100,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to hire a project position to conduct a study and submit a report by December 1, 2023 to the governor and the appropriate committees of the legislature that examines the feasibility and operational resources needed to add adult day services to a state plan 1915(i) option or to the existing basic plus and core 1915(c) waivers.

(ff) \$2,500,000 of the general fund—state appropriation for fiscal year 2024, \$4,284,000 of the general fund—state appropriation for fiscal year 2025, and \$4,178,000 of the general fund—federal appropriation are provided solely for the department to add 10 adult stabilization beds by June 2025, increase rates for existing adult stabilization beds by 23 percent, and expand mobile crisis diversion services to cover all three regions of the state.

(gg)(i) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to study opportunities to enhance data collection on clients in family units with at least one parent having a developmental or intellectual disability. The study must identify:

(A) Opportunities to improve the existing assessment form and information technology systems by adding questions about clients' children, such as their ages, the number of children, and the K-12 enrollment status of each child;

(B) Ways to strengthen data sharing agreements with other departments, including the department of children, youth, and families, and local school districts;

(C) Strategies for surveying clients to collect information on their parenting and living arrangements, including support from other family members;

(D) Methods for analyzing new and existing data to determine and identify the total number of children with parents that have a developmental or intellectual disability, their needs, and access to specialized services;

(E) An inventory of existing support programs designed for families with a parent having a developmental or intellectual disability and their children, including educational support, financial assistance, and access to specialized services.

(ii) The department shall report its findings to the governor and appropriate committees of the legislature by June 30, 2024.

(hh) \$81,000 of the general fund—state appropriation for fiscal year 2024, \$219,000 of the general fund—state appropriation for fiscal year 2025, and \$371,000 of the general fund—federal appropriation are provided solely to implement House Bill No. 1407 (dev. disability/eligibility). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(ii) \$62,000 of the general fund—state appropriation for fiscal year 2024, \$72,000 of the general fund—state appropriation for fiscal year 2025, and \$116,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1580 (children in crisis). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(jj) \$63,000 of the general fund—state appropriation for fiscal year 2024, \$73,000 of the general fund—state appropriation for fiscal year 2025, and \$136,000 of the general fund—federal appropriation are provided solely for the department to conduct a study to explore opportunities to restructure services offered under the medicaid waivers for individuals with developmental disabilities served by the department. The plan should propose strategies to enhance service accessibility across the state and align services with the needs of clients, taking into account current and future demand. It must incorporate valuable input from knowledgeable stakeholders and a national organization experienced in home and community-based waivers in other states. This plan must be submitted to the governor and relevant legislative committees by December 1, 2024.

(kk) \$5,431,000 of the general fund—state appropriation for fiscal year 2024, \$11,084,000 of the general fund—state appropriation for fiscal year 2025, and \$16,737,000 of the general fund—federal appropriation are provided solely to increase rates by 2.5 percent, effective January 1, 2024, for community residential service providers offering supported living, group home, group training home, licensed staff residential services, community protection, and children's out-of-home services to individuals with developmental disabilities.

(ll) \$456,000 of the general fund—state appropriation for fiscal year 2024, \$898,000 of the general fund—state appropriation for fiscal year 2025, and \$416,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute

House Bill No. 1188 (child welfare services/DD). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(mm) \$446,000 of the general fund—state appropriation for fiscal year 2024, \$5,274,000 of the general fund—state appropriation for fiscal year 2025, and \$2,089,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5440 (competency evaluations). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2024)	\$138,560,000
General Fund—State Appropriation (FY 2025)	\$140,682,000
General Fund—Federal Appropriation	\$254,857,000
General Fund—Private/Local Appropriation	\$19,488,000
<b>TOTAL APPROPRIATION</b>	<b>\$553,587,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund—state appropriation for fiscal year 2024 and \$495,000 of the general fund—state appropriation for fiscal year 2025 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) The residential habilitation centers may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(d) \$61,000 of the general fund—state appropriation for fiscal year 2024, \$61,000 of the general fund—state appropriation for fiscal year 2025, and \$117,000 of the general fund—federal appropriation are provided solely for implementation of House Bill No. 1128 (personal needs allowance). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2024)	\$4,103,000
General Fund—State Appropriation (FY 2025)	\$4,179,000
General Fund—Federal Appropriation	\$4,951,000
<b>TOTAL APPROPRIATION</b>	<b>\$13,233,000</b>

(4) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2024)	\$66,000
General Fund—State Appropriation (FY 2025)	\$66,000
General Fund—Federal Appropriation	\$1,094,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,226,000</b>

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM**

General Fund—State Appropriation (FY 2024)	\$2,202,547,000
General Fund—State Appropriation (FY 2025)	\$2,385,171,000
General Fund—Federal Appropriation	\$5,611,805,000
General Fund—Private/Local Appropriation	\$53,719,000
Traumatic Brain Injury Account—State Appropriation	\$5,586,000
Skilled Nursing Facility Safety Net Trust Account— State Appropriation	\$133,360,000
Long-Term Services and Supports Trust Account—State Appropriation	\$44,301,000
<b>TOTAL APPROPRIATION</b>	<b>\$10,436,489,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate may not exceed \$341.41 for fiscal year 2024 and may not exceed \$364.67 for fiscal year 2025. The weighted average nursing facility payment rates in this subsection (1)(a) include the following:

(i) \$17,361,000 of the general fund—state appropriation for fiscal year 2024, \$17,361,000 of the general fund—state appropriation for fiscal year 2025, and \$34,722,000 of the general fund—federal appropriation are provided solely to maintain rate add-ons funded in the 2021-2023 fiscal biennium to address low-wage equity for low-wage direct care workers. To the maximum extent possible, the facility-specific wage rate add-on shall be equal to the wage payment received on June 30, 2023.

(ii) \$2,227,000 of the general fund—state appropriation for fiscal year 2024, \$2,227,000 of the general fund—state appropriation for fiscal year 2025, and \$4,456,000 of the general fund—federal appropriation are provided solely to maintain rate add-ons funded in the 2021-2023 fiscal biennium to address low-wage equity for low-wage indirect care workers. To

the maximum extent possible, the facility-specific wage rate add-on shall be equal to the wage payment received on June 30, 2023.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2024 and \$225 per bed beginning in fiscal year 2025. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2024 and \$116 per bed beginning in fiscal year 2025.

(c) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2024 and \$359 per bed beginning in fiscal year 2025.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state-only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4) \$69,777,000 of the general fund—state appropriation for fiscal year 2024, \$113,969,000 of the general fund—state appropriation for fiscal year 2025, and \$237,558,000 of the general fund—federal appropriation are provided solely for the rate increase for the new consumer-directed employer contracted individual providers as set by the consumer-directed rate setting board in accordance with RCW 74.39A.530.

(5) \$19,044,000 of the general fund—state appropriation for fiscal year 2024, \$30,439,000 of the general fund—state appropriation for fiscal year 2025, and \$63,986,000 of the general fund—federal appropriation are provided solely for the homecare agency parity consistent with the rate set by the consumer-directed employer rate setting board in accordance with RCW 74.39A.530.

(6) \$2,385,000 of the general fund—state appropriation for fiscal year 2024, \$4,892,000 of the general fund—state appropriation for fiscal year 2025, and \$12,502,000 of the general fund—federal appropriation are provided solely for administrative costs of the consumer-directed employer as set by the consumer-directed employer rate setting board in accordance with RCW 74.39A.530.

(7) \$2,547,000 of the general fund—state appropriation for fiscal year 2024, \$3,447,000 of the general fund—state appropriation for fiscal year 2025, and \$7,762,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by 56 cents per hour effective July 1, 2023.

(8) \$425,000 of the general fund—state appropriation for fiscal year 2025 and \$542,000 of the general fund—federal appropriation are provided solely for funding the unfair labor practice settlement in the case of *Adult Family Home Council v Office of Financial Management*, PERC case no. 135737-U-22. If the settlement agreement is not reached by June 30, 2024, the amounts provided in this subsection shall lapse.

(9) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(10) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$900 for each facility.

(11) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington and to serve people with disabilities, including state budget and policy options, and may conduct, but are not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.

(c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Meetings of the task force must be scheduled and conducted in accordance with the rules of both the senate and the house of representatives. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(12) Appropriations in this section are sufficient to fund discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(13) Appropriations in this section are sufficient to fund financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(14) The department shall continue to administer tailored support for older adults and medicaid alternative care as described in initiative 2 of the 1115 demonstration waiver. This initiative will be funded by the health care authority through the medicaid quality improvement program. The secretary in collaboration with the director of the health care authority shall report to the office of financial management all expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested. The department shall not increase general fund—state expenditures on this initiative.

(15) \$61,209,000 of the general fund—state appropriation for fiscal year 2024, \$70,352,000 of the general fund—state appropriation for fiscal year 2025, and \$161,960,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2023-2025 fiscal biennium, as provided in section 907 of this act.

(16) \$1,761,000 of the general fund—state appropriation for fiscal year 2024, \$1,761,000 of the general fund—state appropriation for fiscal year 2025, and \$4,162,000 of the general fund—federal appropriation are provided solely for case managers at the area agencies on aging to coordinate care for medicaid clients with mental illness who are living in their own homes. Work shall be accomplished within existing standards for case management and no requirements will be added or modified unless by mutual agreement between the department of social and health services and area agencies on aging.

(17) Appropriations provided in this section are sufficient for the department to contract with an organization to provide educational materials, legal services, and attorney training to support persons with dementia. The funding provided in this subsection must be used for:

(a) An advance care and legal planning toolkit for persons and families living with dementia, designed and made available online and in print. The toolkit should include educational topics including, but not limited to:

(i) The importance of early advance care, legal, and financial planning;

(ii) The purpose and application of various advance care, legal, and financial documents;

(iii) Dementia and capacity;

(iv) Long-term care financing considerations;

- (v) Elder and vulnerable adult abuse and exploitation;
- (vi) Checklists such as "legal tips for caregivers," "meeting with an attorney," and "life and death planning;"
- (vii) Standardized forms such as general durable power of attorney forms and advance health care directives; and
- (viii) A selected list of additional resources.

(b) Webinars about the dementia legal and advance care planning toolkit and related issues and topics with subject area experts. The subject area expert presenters must provide their services in-kind, on a volunteer basis.

(c) Continuing legal education programs for attorneys to advise and assist persons with dementia. The continuing education programs must be offered at no cost to attorneys who make a commitment to participate in the pro bono program.

(d) Administrative support costs to develop intake forms and protocols, perform client intake, match participating attorneys with eligible clients statewide, maintain records and data, and produce reports as needed.

(18) Appropriations provided in this section are sufficient to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, assisted living facility beds, adult residential care beds, and specialized dementia beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(19) The annual certification renewal fee for community residential service businesses is \$859 per client in fiscal year 2024 and \$859 per client in fiscal year 2025. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(20) \$5,094,000 of the general fund—state appropriation for fiscal year 2024 and \$5,094,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(21) \$63,938,000 of the general fund—state appropriation for fiscal year 2024, \$40,714,000 of the general fund—state appropriation for fiscal year 2025, and \$110,640,000 of the general fund—federal appropriation are provided solely for rate adjustments for skilled nursing facilities.

(22) \$32,470,000 of the general fund—state appropriation for fiscal year 2024, \$34,090,000 of the general fund—state appropriation for fiscal year 2025, and \$72,783,000 of the general fund—federal appropriation are provided solely for rate adjustments for assisted living providers. Of the amounts provided in this subsection:

(a) \$23,751,000 of the general fund—state appropriation for fiscal year 2024, \$25,487,000 of the general fund—state appropriation for fiscal year 2025, and \$54,687,000 of the general fund—federal appropriation are provided solely to increase funding of the assisted living medicaid methodology established in RCW 74.39A.032 to 79 percent of the labor component and 68 percent of the operations component, effective July 1, 2023. The department of social and health services shall report, by December 1st of each year, on medicaid resident utilization of and access to assisted living facilities.

(b) \$5,505,000 of the general fund—state appropriation for fiscal year 2024, \$5,389,000 of the general fund—state appropriation for fiscal year 2025, and \$11,588,000 of the general fund—federal appropriation are provided solely for a specialty dementia care rate add-on for all assisted living facilities of \$43.48 per patient per day.

(c) \$2,573,000 of the general fund—state appropriation for fiscal year 2024, \$2,573,000 of the general fund—state appropriation for fiscal year 2025, and \$5,146,000 of the general fund—federal appropriation are provided solely for a one-time bridge rate for assisted living facilities, enhanced adult residential centers, and adult residential centers, with high medicaid occupancy. The bridge rate does not replace or substitute the capital add-on rate found in RCW 74.39A.320 and the same methodology from RCW 74.39A.320 shall be used to determine each facility's medicaid occupancy percentage for the purposes of this one-time

bridge rate add-on. Facilities with a medicaid occupancy level of 90 percent or more shall receive a \$20.99 add-on per resident day.

(d) \$641,000 of the general fund—state appropriation for fiscal year 2024, \$641,000 of the general fund—state appropriation for fiscal year 2025, and \$1,362,000 of the general fund—federal appropriation are provided solely to increase the rate add-on for expanded community services by 5 percent.

(23) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(24) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of \$485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(25) \$1,858,000 of the general fund—state appropriation for fiscal year 2024 and \$1,857,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for operation of the volunteer services program. Funding must be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(26) \$479,000 of the general fund—state appropriation for fiscal year 2024 and \$479,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(27) The traumatic brain injury council shall collaborate with other state agencies in their efforts to address traumatic brain injuries to ensure that efforts are complimentary and continue to support the state's broader efforts to address this issue.

(28) \$1,297,000 of the general fund—state appropriation for fiscal year 2024 and \$1,297,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for community-based dementia education and support activities in three areas of the state, including dementia resource catalyst staff and direct services for people with dementia and their caregivers.

(29) \$5,410,000 of the general fund—state appropriation for fiscal year 2024, \$9,277,000 of the general fund—state appropriation for fiscal year 2025, and \$14,909,000 of the general fund—federal appropriation are provided solely for the operating costs associated with the phase-in of enhanced services facilities and specialized dementia care beds that were established with behavioral health community capacity grants.

(30) (a) \$71,000 of the general fund—state appropriation for fiscal year 2024, \$68,000 of the general fund—state appropriation for fiscal year 2025, and \$141,000 of the general fund—federal appropriation are provided solely for the department to develop a plan for implementing an enhanced behavior support specialty contract for community residential supported living, state-operated living alternative, or a group training home to provide intensive behavioral services and support to adults with intellectual and developmental disabilities who require enhanced services and support due to challenging behaviors that cannot be safely and holistically managed in an exclusively community setting, and who are at risk of institutionalization or out-of-state placement, or are transitioning to the community from an intermediate care facility, hospital, or other state-operated residential facility. The enhanced behavior support specialty contract shall be designed to ensure that enhanced behavior support specialty settings serve a maximum capacity of four clients and that they have the adequate levels of staffing to provide 24-hour nonmedical care and supervision of residents.

(b) No later than June 30, 2025, the department must submit to the governor and the appropriate committees of the legislature a report that includes:

(i) A detailed description of the design of the enhanced behavior support specialty contract and setting, including a description of and the rationale for the number of staff required within each behavior support specialty setting and the necessary qualifications of these staff;

(ii) A detailed description of and the rationale for the number of department staff required to manage the enhanced behavior support specialty program;

(iii) A plan for implementing the enhanced behavior support specialty contracts that includes:

(A) An analysis of areas of the state where enhanced behavior support specialty settings are needed, including recommendations for how to phase in the enhanced behavior support specialty settings in these areas; and

(B) An analysis of the sufficiency of the provider network to support a phase in of the enhanced behavior support specialty settings, including recommendations for how to further develop this network; and

(iv) An estimate of the costs to implement the enhanced behavior support specialty settings and program and any necessary recommendations for legislative actions to facilitate the ability of the department to:

(A) Enter into contracts and payment arrangements with providers choosing to provide the enhanced behavior support specialty setting and to supplement care in all community-based residential settings with experts trained in enhanced behavior support so that state-operated living alternatives, supported living facilities, and other community-based settings can specialize in the needs of individuals with developmental disabilities who are living with high, complex behavioral support needs;



(B) Enter into funding agreements with the health care authority for the provision of applied behavioral analysis and other applicable health care services within the community-based residential setting; and

(C) Provide the enhanced behavior support specialty through a medicaid waiver or other federal authority administered by the department, to the extent consistent with federal law and federal funding requirements to receive federal matching funds.

(31) \$2,874,000 of the general fund—state appropriation for fiscal year 2024, \$2,211,000 of the general fund—state appropriation for fiscal year 2025, and \$70,000 of the general fund—federal appropriation are provided solely for the kinship care support program. Of the amounts provided in this subsection:

(a) \$667,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to continue the kinship navigator case management pilot program.

(b) \$900,000 of the general fund—state appropriation for fiscal year 2024 and \$900,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase the rates paid to kinship navigators and to increase the number of kinship navigators so that each area agency on aging has one kinship navigator and King county has two kinship navigators.

(32) \$2,574,000 of the general fund—state appropriation for fiscal year 2024 and \$2,567,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide personal care services for up to 40 clients who are not United States citizens and who are ineligible for medicaid upon their discharge from an acute care hospital. The department must prioritize the funding provided in this subsection for such clients in acute care hospitals who are also on the department's wait list for services.

(33) \$691,000 of the general fund—state appropriation for fiscal year 2024, \$658,000 of the general fund—state appropriation for fiscal year 2025, and \$1,347,000 of the general fund—federal appropriation are provided solely for the department to provide staff support to the difficult to discharge task force described in section 135(12) of this act, including any associated ad hoc subgroups, and to develop home and community services assessment timeliness requirements for pilot participants in cooperation with the health care authority as described in section 211(65) of this act.

(34) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a study of functional assessments conducted by the department prior to acute care hospital discharge and placement in a post-acute facility. No later than June 30, 2025, a report must be submitted to the governor and the appropriate committees of the legislature that evaluates:

(a) The timeliness of the completion of these assessments;

(b) How requiring these assessments impacts:

(i) The length of a patient's hospital stay;

(ii) The patient's medical, emotional, and mental well-being;

(iii) The hospital staff who care for these patients; and

(iv) Access to inpatient and emergency beds for other patients;

(c) Best practices from other states for placing hospitalized patients in post-acute care settings in a timely and effective manner that includes:

(i) Identification of the states that require these assessments prior to post-acute placement; and

(ii) An analysis of a patient's hospital length of stay and a patient's medical, emotional, and mental well-being in states that require these assessments compared to the states that do not; and

(d) The potential benefits of, and barriers to, outsourcing some or all of the functional assessment process to hospitals. Barriers evaluated must include department policies regarding staff workloads, outsourcing work, and computer system access.

(35) \$63,000 of the general fund—state appropriation for fiscal year 2024, \$73,000 of the general fund—state appropriation for fiscal year 2025, and \$136,000 of the general fund—federal appropriation are provided solely to employ and train staff for outreach efforts aimed at connecting adult family home owners and their employees with health care coverage through the adult family home training network as outlined in RCW 70.128.305. These outreach activities must consist of:

(a) Informing adult family home owners and their employees about various health insurance options;

(b) Creating and distributing culturally and linguistically relevant materials to assist these individuals in accessing affordable or free health insurance plans;

(c) Offering continuous technical support to adult family home owners and their employees regarding health insurance options and the application process; and

(d) Providing technical assistance as a certified assister for the health benefit exchange, enabling adult family home owners and their employees to comprehend, compare, apply for, and enroll in health insurance via Washington healthplanfinder. Participation in the certified assister program is dependent on meeting contractual, security, and other program requirements set by the health benefit exchange.

(36) \$300,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department, in collaboration with the office of the insurance commissioner and the office of the attorney general, to create a regulatory oversight plan for continuing care retirement communities, focusing primarily on establishing and implementing resident consumer protections, as recommended in the 2022 report of the office of the insurance commissioner. As part of the process, the agencies must engage with relevant stakeholder groups for

consultation. The final plan must be submitted to the health care committees of the legislature by December 1, 2024.

(37) \$16,952,000 of the general fund—state appropriation for fiscal year 2024, \$23,761,000 of the general fund—state appropriation for fiscal year 2025, and \$41,407,000 of the general fund—federal appropriation are provided solely for nursing home services and emergent building costs at the transitional care center of Seattle. No later than December 1, 2024, the department must submit to the appropriate fiscal committees of the legislature a report that includes, but is not limited to:

(a) An itemization of the costs associated with providing direct care services to residents and managing and caring for the facility; and

(b) An examination of the impacts of this facility on clients and providers of the long-term care and medical care sectors of the state that includes, but is not limited to:

(i) An analysis of areas that have realized cost containment or savings as a result of this facility;

(ii) A comparison of individuals transitioned from hospitals to this facility compared to other skilled nursing facilities over the same period of time; and

(iii) Impacts of this facility on lengths of stay in acute care hospitals, other skilled nursing facility, and transitions to home and community-based settings.

(38) \$911,000 of the general fund—state appropriation for fiscal year 2024, \$935,000 of the general fund—state appropriation for fiscal year 2025, and \$365,000 of the general fund—federal appropriation are provided solely for implementation of House Bill No. 1128 (personal needs allowance). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(39) \$562,000 of the general fund—state appropriation for fiscal year 2024, \$673,000 of the general fund—state appropriation for fiscal year 2025, and \$1,244,000 of the general fund—federal appropriation are provided solely to increase rates for long-term care case management services offered by area agencies on aging. The department must include this adjustment in the monthly per client rates paid to these agencies for case management services in the governor's projected maintenance level budget process, in accordance with RCW 43.88.030.

(40) \$500,000 of the general fund—state appropriation for fiscal year 2024, \$500,000 of the general fund—state appropriation for fiscal year 2025, and \$1,000,000 of the general fund—federal appropriation are provided solely to contract with an organization to design and deliver culturally and linguistically competent training programs for home care workers, including individual providers.

(41) \$200,000 of the general fund—state appropriation for fiscal year 2024, \$200,000 of the general fund—state appropriation for fiscal year 2025, and \$400,000 of the general fund—federal appropriation are provided solely for a pilot project focused on providing translation services for interpreting mandatory training courses offered through the adult family home training network. The department of social and health services must collaborate with the adult family home council and the adult family home training network to assess the pilot project's outcomes. The department of social and health services shall submit a comprehensive report detailing the results to the governor and the appropriate committees of the legislature no later than September 30, 2025.

(42) \$635,000 of the general fund—state appropriation for fiscal year 2024 and \$635,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue the current pilot projects to provide personal care services to homeless seniors and people with disabilities from the time the person presents at a shelter to the time they become eligible for medicaid.

(43) \$75,000 of the general fund—state appropriation for fiscal year 2024, \$72,000 of the general fund—state appropriation for fiscal year 2025, and \$147,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1188 (child welfare services/DD). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(44) \$125,000 of the general fund—state appropriation for fiscal year 2024, \$125,000 of the general fund—state appropriation for fiscal year 2025, and \$250,000 of the general fund—federal appropriation are provided solely for the department, in collaboration with the consumer directed employer and home care agencies, to establish guidelines, collect and analyze data, and research the reasons and timing behind home care workers leaving the workforce.

(45) \$703,000 of the general fund—state appropriation for fiscal year 2024, \$3,297,000 of the general fund—state appropriation for fiscal year 2025, and \$2,735,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5440 (competency evaluations). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(46) (a) \$4,792,000 of the general fund—state appropriation for fiscal year 2024, \$4,894,000 of the general fund—state appropriation for fiscal year 2025, and \$9,881,000 of the general fund—federal appropriation are provided solely to support providers that are ready to accept patients who are in acute care beds and no longer require inpatient care, but are unable to be transitioned to appropriate postacute care settings. These patients are generally referred to as difficult to discharge hospital patients because of their behaviors.

(i) The department shall broaden the current discharge and referral case management practices for difficult to discharge hospital patients waiting in acute care hospitals to

include referrals to all long-term care behavioral health settings, including enhanced services facilities, enhanced adult residential care, and enhanced adult residential care with community stability supports contracts or community behavioral health support services, including supportive supervision and oversight and skills development and restoration. These home and community-based providers are contracted to provide various levels of personal care, nursing, and behavior supports for difficult to discharge hospital patients with significant behavior support needs.

(ii) Patients ready to discharge from acute care hospitals with diagnosed behaviors or behavior history, and a likelihood of unsuccessful placement in other licensed long-term care facilities, a history of rejected applications for admissions, or a history of unsuccessful placements shall be fully eligible for referral to available beds in enhanced services facilities or enhanced adult residential care with contracts that adequately meet the patient's long-term care needs.

(iii) Previous or current detainment under the involuntary treatment act shall not be a requirement for individuals in acute care hospitals to be eligible for these specialized settings. The department shall develop a standard process for acute care hospitals to refer patients to the department for placement in enhanced services facilities and enhanced adult residential care with contracts to provide behavior support.

(b) The department must adopt a payment model that incorporates the following adjustments:

(i) The enhanced behavior services plus and enhanced behavior services respite rates for skilled nursing facilities shall be converted to \$175 per patient per day add-on in addition to daily base rates to recognize additional staffing and care needs for patients with behaviors.

(ii) Enhanced behavior services plus with specialized services rates for skilled nursing facilities shall be converted to \$235 per patient per day add-on on top of daily base rates.

(iii) The ventilator rate add-on for all skilled nursing facilities shall be \$192 per patient per day.

(iv) The tracheotomy rate add-on for all skilled nursing facilities shall be \$123 per patient per day.

(c) Of the amounts provided in (a) of this subsection, \$3,838,000 of the general fund—state appropriation for fiscal year 2024, \$3,917,000 of the general fund—state appropriation for fiscal year 2025, and \$7,911,000 of the general fund—federal appropriation are provided solely for an increase in the daily rate for enhanced services facilities to \$596.10 per patient per day.

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM**

General Fund—State Appropriation (FY 2024)	\$606,767,000
General Fund—State Appropriation (FY 2025)	\$604,555,000
General Fund—Federal Appropriation	\$1,648,987,000
General Fund—Private/Local Appropriation	\$5,274,000
Domestic Violence Prevention Account—State Appropriation	\$2,404,000
<b>TOTAL APPROPRIATION</b>	<b>\$2,867,987,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$169,050,000 of the general fund—state appropriation for fiscal year 2024, \$164,246,000 of the general fund—state appropriation for fiscal year 2025, and \$853,777,000 of the general fund—federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b) \$450,773,000 of the amounts in (a) of this subsection is for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance. Of the amounts provided in this subsection (1)(b):

(i) \$17,315,000 of the general fund—federal appropriation is provided solely to increase the temporary assistance for needy families and state family assistance cash grants by \$100 per month for households with a child under the age of three, effective November 1, 2023. The funding is intended to assist families with the cost of diapers as described in chapter 100, Laws of 2022.

(ii) \$3,060,000 of the general fund—state appropriation for fiscal year 2024, \$4,665,000 of the general fund—state appropriation for fiscal year 2025, and \$19,000,000 of the general fund—federal appropriation are provided solely for the department to increase temporary assistance for needy families grants by eight percent, effective January 1, 2024.

(iii) \$296,000 of the general fund—state appropriation for fiscal year 2024, \$5,293,000 of the general fund—state appropriation for fiscal year 2025, and \$1,089,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1447 (assistance programs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(c) \$167,710,000 of the amounts in (a) of this subsection is for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Within amounts provided in this subsection (1)(c), the department shall implement the working family support program.

(i) \$2,474,000 of the amounts provided in this subsection (1)(c) is for enhanced transportation assistance. The department must prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(ii) \$482,000 of the general fund—state appropriation for fiscal year 2024 and \$1,417,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the costs associated with increasing the temporary assistance for needy families grants by eight percent, effective January 1, 2024.

(iii) \$185,000 of the general fund—state appropriation for fiscal year 2024 and \$1,820,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1447 (assistance programs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(d) Of the amounts in (a) of this subsection, \$353,402,000 of the general fund—federal appropriation is for the working connections child care program under RCW 43.216.020 within the department of children, youth, and families. The department is the lead agency for and recipient of the federal temporary assistance for needy families grant. A portion of this grant must be used to fund child care subsidies expenditures at the department of children, youth, and families.

(i) The department of social and health services shall work in collaboration with the department of children, youth, and families to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families.

(ii) Effective December 1, 2023, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(e) Of the amounts in (a) of this subsection, \$68,496,000 of the general fund—federal appropriation is for child welfare services within the department of children, youth, and families.

(f) Of the amounts in (a) of this subsection, \$146,692,000 is for WorkFirst administration and overhead. Of the amounts provided in this subsection (1)(f):

(i) \$147,000 of the general fund—state appropriation for fiscal year 2024 and \$69,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for costs associated with increasing the temporary assistance for needy families grants by eight percent, effective January 1, 2024.

(ii) \$204,000 of the general fund—state appropriation for fiscal year 2024, \$179,000 of the general fund—state appropriation for fiscal year 2025, and \$575,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1447 (assistance programs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(g)(i) The department shall submit quarterly expenditure reports to the governor, the fiscal committees of the legislature, and the legislative WorkFirst poverty reduction oversight task force under RCW 74.08A.341. In addition to these requirements, the department must detail any fund transfers across budget units identified in (a) through (e) of this subsection. The department shall not initiate any services that require expenditure of state general fund moneys that are not consistent with policies established by the legislature.

(ii) The department may transfer up to 10 percent of funding between budget units identified in (b) through (f) of this subsection. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst poverty reduction oversight

task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) On January 2nd and July 1st of each year, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst poverty reduction oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort;

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements; and

(vii) Proposed and enacted federal law changes affecting maintenance of effort or the participation rate, what impact these changes have on Washington's temporary assistance for needy families program, and the department's plan to comply with these changes.

(i) In the 2023-2025 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (a) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) \$3,545,000 of the general fund—state appropriation for fiscal year 2024 and \$3,545,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On January 1, 2024, and January 1, 2025, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be 100 percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(8) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for operational support of the Washington information network 211 organization.

(9) \$377,000 of the general fund—state appropriation for fiscal year 2024 and \$377,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the consolidated emergency assistance program.

(10) \$560,000 of the general fund—state appropriation for fiscal year 2024 and \$560,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a state-funded employment and training program for recipients of the state's food assistance program.

(11) \$5,244,000 of the general fund—state appropriation for fiscal year 2024, \$3,805,000 of the general fund—state appropriation for fiscal year 2025, and \$21,115,000 of the general fund—federal appropriation are provided solely for the integrated eligibility and enrollment modernization project to create a comprehensive application and benefit status tracker for multiple programs and to establish a foundational platform. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(12) \$3,307,000 of the general fund—state appropriation for fiscal year 2024, \$257,000 of the general fund—state appropriation for fiscal year 2025, and \$8,318,000 of the general fund—federal appropriation are provided solely for the integrated eligibility and enrollment modernization project for the discovery, innovation, and customer experience phase. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(13) \$1,067,000 of the general fund—state appropriation for fiscal year 2024, \$1,067,000 of the general fund—state appropriation for fiscal year 2025, and \$4,981,000 of the general fund—federal appropriation are provided solely for the integrated eligibility and enrollment modernization project office.

(14) \$189,000 of the general fund—state appropriation for fiscal year 2024 and \$953,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the expansion of the ongoing additional requirements program, effective April 1, 2024. Of the amount provided in this subsection, the maximum amount that may be expended on new items added to the ongoing additional requirements program is \$53,000 in fiscal year 2024 and \$710,000 in fiscal year 2025.

(15)(a) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for sponsorship stabilization funds for eligible unaccompanied children and their sponsors and a study to assess needs and develop recommendations for ongoing supports for this population.

(b) Of the amounts provided in (a) of this subsection, \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for sponsorship stabilization funds for eligible unaccompanied children and their sponsors in order to address financial hardship and support household well-being. Stabilization funds can be used to support the sponsorship household with costs of housing, childcare, transportation, internet and data services, household goods, and other unmet needs. The funds may be provided on behalf of an unaccompanied child when the following eligibility criteria are met:

(i) The unaccompanied child is between the ages of 0-17, has been placed in Washington under the care of a nonparental sponsor following release from the United States office of refugee resettlement custody, and has not been reunified with a parent; and

(ii) The sponsorship household demonstrates financial need and has an income below 250 percent of the federal poverty level. A sponsorship household receiving stabilization funds on behalf of a child who turns 18 may continue to receive funds for an additional 60 days after the child reaches 18 years of age.

(c) The department may work with community-based organizations to administer sponsorship stabilization supports. Up to 10 percent of the amounts provided in (b) of this subsection may be used by the community-based organizations to cover administrative expenses associated with the distribution of these supports.

(d) Of the amounts provided in (a) of this subsection, \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to cover the administrative resources necessary for the department to administer the sponsorship stabilization program and to convene a work group with the department of children, youth, and families, department of commerce's office of homeless youth prevention and programs, stakeholders, and community-based organization who have pertinent information regarding sponsorship households. The work group shall identify and analyze the resource and service needs for unaccompanied children and their sponsors, including the types and levels of financial supports and related services that will promote stability of sponsorship placements for this population.

(i) The department must produce a report that includes an overview of the number of impacted children and sponsors, existing services and supports that are available, any gaps in services, and potential changes to federal programs and policies that could impact unaccompanied children. The report shall include recommendations for how state agencies and community organizations can partner with the federal government to support sponsorship households, proposed services and supports that the state could provide to promote the ongoing stability of sponsorship households, and a recommended service delivery model.

(ii) The department shall submit the report required by (d)(i) of this subsection (15) to the governor and appropriate legislative committees no later than June 30, 2025.

(16) \$111,000 of the general fund—state appropriation for fiscal year 2024, \$1,016,000 of the general fund—state appropriation for fiscal year 2025, and \$21,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1447 (assistance programs) for the aged, blind, or disabled, refugee cash assistance, pregnant women assistance, and consolidated emergency assistance programs. If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(17) \$500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to contract with an organization located in Seattle with expertise in culturally and linguistically appropriate communications and outreach to conduct an outreach, education, and media campaign related to communities significantly impacted by or at risk for benefits trafficking, skimming, or other fraudulent activities, with particular focus on immigrant, refugee, migrant, and senior populations. This campaign must provide community-focused, culturally and linguistically appropriate education and assistance targeted to meet the needs of each community and related to safeguarding public assistance benefits provided through an electronic benefit card and how to avoid the trafficking or

skimming of benefits. To the extent practical, the department must make available information and data to refine this campaign for those communities most impacted to ensure inclusion of any relevant groups not already identified in this provision. The contracted organization, in collaboration with the department, must focus its outreach in highly impacted geographic areas including, but not limited to, Burien, Federal Way, Kent, Lynnwood, White Center, West Seattle, Seattle's International District, Chinatown, and the Central District, Yakima and other identified locations.

(18) \$10,881,000 of the general fund—state appropriation for fiscal year 2024, \$10,131,000 of the general fund—state appropriation for fiscal year 2025, \$6,734,000 of the general fund—federal appropriation, and \$2,404,000 of the domestic violence prevention account—state appropriation are provided solely for domestic violence victim services. Of the amounts provided in this subsection, \$750,000 of the general fund—state appropriation for fiscal year 2024 must be distributed to domestic violence services providers proportionately, based upon bed capacity.

(19) \$1,100,000 of the general fund—state appropriation for fiscal year 2024 and \$715,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to meet the terms of its settlement agreement with the United States department of agriculture (USDA).

(a) Of the amounts provided in this subsection, \$500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to repay USDA as part of the settlement agreement.

(b) Of the amounts provided in this subsection, \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$715,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to fund employment and training activities for able-bodied adults without dependents receiving food benefits from the USDA supplemental nutrition assistance program.

(20) \$3,844,000 of the general fund—state appropriation for fiscal year 2024, \$7,921,000 of the general fund—state appropriation for fiscal year 2025, and \$1,374,000 of the general fund—federal appropriation are provided solely for the department to increase the aged, blind, or disabled, refugee cash assistance, pregnant women assistance, and consolidated emergency assistance grants by eight percent, effective January 1, 2024.

(21) \$950,000 of the general fund—state appropriation for fiscal year 2024 and \$950,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a nonprofit organization in Pierce county to continue the operation of the guaranteed basic income program in Tacoma.

(22) \$58,000 of the general fund—state appropriation for fiscal year 2024 and \$59,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to implement Substitute Senate Bill No. 5398 (domestic violence funding). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2024) . . . . .	\$26,670,000
General Fund—State Appropriation (FY 2025) . . . . .	\$26,962,000
General Fund—Federal Appropriation . . . . .	\$110,047,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$163,679,000</b>

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM**

General Fund—State Appropriation (FY 2024) . . . . .	\$82,011,000
General Fund—State Appropriation (FY 2025) . . . . .	\$81,976,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$163,987,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(2) During the 2023-2025 fiscal biennium, the department must implement a pilot project for community notice and consultation as provided in this subsection.

(a) The department must provide notice and opportunity to comment to any community in which the department intends to propose placement of a sexually violent predator. Additionally, if the department intends to propose placement of a sexually violent predator within one mile, as measured in any direction, of the exterior boundary of the reservation of any federally recognized Indian tribe, the department must first consult with the tribe. When the department makes a sexually violent predator placement recommendation to a court, the department must provide the court with the results of the community feedback and tribal consultation, if applicable. The pilot project expires June 30, 2025.

(b) The department must report to the appropriate policy and fiscal committees of the legislature on the pilot project as follows:

(i) By October 1, 2023, the department must provide a preliminary report to the appropriate policy and fiscal committees of the legislature on the location of any proposed new placements and the community notification and tribal consultation processes.

(ii) By June 30, 2024, the department must provide a final report on the community notification and tribal consultation processes, along with recommended statutory language to codify a process for ongoing notification and consultation into the placement process, including recommended time frames for notice, opportunity to comment, and local government and tribal notification and involvement.

(3) As a condition of expending appropriations in this section for administration of the program for conditional release of sexually violent predators to less restrictive alternatives, the department must consider the following additional criteria when developing or issuing new requests for proposals: The distance of the housing facility from the reservation of any federally recognized Indian tribe; and for any housing facility within one mile, as measured in any direction, of the exterior boundary of the reservation of any federally recognized Indian tribe, whether the housing provider has consulted with the tribe and whether that tribe would support the placement.

(4) (a) \$125,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to:

(i) Explore regulatory framework options for conditional release less restrictive alternative placements and make recommendations for a possible future framework. This exploration shall include collaboration with the department of corrections regarding their community custody programs;

(ii) Review and refine agency policies regarding communication and engagement with impacted local governments related to less restrictive alternatives, including exploring options for public facing communications on current county fair share status and any projected future need;

(iii) Identify opportunities for greater collaboration and possible fiscal support for local government entities regarding placements of conditional release less restrictive alternatives; and

(iv) Provide recommendations to improve cost-effectiveness of all less restrictive alternative placements.

(b) The department shall submit a report to the governor and appropriate fiscal and policy committees of the legislature by December 1, 2023, with a summary of the results and provide any additional recommendations to the legislature that the department identifies. The report shall also include a summary of costs to the department for contracted and uncontracted less restrictive alternatives.

(5) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to conduct an assessment of wireless internet implementation needs and options, and must include an assessment of satellite and fiber options. The department shall provide a report that includes the assessment and estimated implementation time frame and costs to the appropriate committees of the legislature by December 15, 2023.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund—State Appropriation (FY 2024) . . . . .	\$49,968,000
General Fund—State Appropriation (FY 2025) . . . . .	\$50,544,000
General Fund—Federal Appropriation . . . . .	\$57,444,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$157,956,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2024, and February 1, 2025. The report must provide:

- (a) The number of people in Washington who are eligible for the program;
- (b) The number of people in Washington who participated in the program;
- (c) The average annual participation rate in the program;
- (d) Participation rates by geographic distribution; and
- (e) The annual federal funding of the program in Washington.

(2) \$5,000 of the general fund—state appropriation for fiscal year 2024, \$22,000 of the general fund—state appropriation for fiscal year 2025, and \$14,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2023-2025 fiscal biennium as provided in section 907 of this act.

(3) \$85,000 of the general fund—state appropriation for fiscal year 2024 and \$85,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support the joint legislative and executive committee on behavioral health established in section 135 of this act.

(4) \$115,000 of the general fund—state appropriation for fiscal year 2024, \$111,000 of the general fund—state appropriation for fiscal year 2025, and \$64,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1745 (diversity in clinical trials). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.



(5) \$100,000 of the general fund—state appropriation for fiscal year 2024, \$96,000 of the general fund—state appropriation for fiscal year 2025, and \$149,000 of the general fund—federal appropriation are provided solely for implementation of Senate Bill No. 5497 (medicaid expenditures). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(6) \$231,000 of the general fund—state appropriation for fiscal year 2024 and \$65,000 of the general fund—federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5304 (language access/testing). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund—State Appropriation (FY 2024) . . . . .	\$63,781,000
General Fund—State Appropriation (FY 2025) . . . . .	\$60,934,000
General Fund—Federal Appropriation . . . . .	\$60,794,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$185,509,000</b>

The appropriations in this section are subject to the following conditions and limitations: Within the amounts appropriated in this section, the department must extend master property insurance to all buildings owned by the department valued over \$250,000 and to all locations leased by the department with contents valued over \$250,000.

**NEW SECTION. Sec. 210. FOR THE STATE HEALTH CARE AUTHORITY**

(1)(a) During the 2023-2025 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

(b) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

(2) The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The health care authority, the health benefit exchange, the department of social and health services, the department of health, the department of corrections, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(b) The health care authority must submit a report on November 1, 2023, and annually thereafter, to the fiscal committees of the legislature. The report must include, at a minimum:

(i) A list of active coalition projects as of July 1st of the fiscal year. This must include all current and ongoing coalition projects, which coalition agencies are involved in these projects, and the funding being expended on each project, including in-kind funding. For each project, the report must include which federal requirements each coalition project is working to satisfy, and when each project is anticipated to satisfy those requirements; and

(ii) A list of coalition projects that are planned in the current and following fiscal year. This must include which coalition agencies are involved in these projects, including the anticipated in-kind funding by agency, and if a budget request will be submitted for funding. This must reflect all funding required by fiscal year and by fund source and include the budget outlook period.

**NEW SECTION. Sec. 211. FOR THE STATE HEALTH CARE AUTHORITY—MEDICAL ASSISTANCE**

General Fund—State Appropriation (FY 2024) . . . . .	\$2,682,912,000
General Fund—State Appropriation (FY 2025) . . . . .	\$2,672,393,000
General Fund—Federal Appropriation . . . . .	\$15,431,138,000
General Fund—Private/Local Appropriation . . . . .	\$1,074,465,000
Dedicated Cannabis Account—State Appropriation (FY 2024) . . . . .	\$25,544,000
Dedicated Cannabis Account—State Appropriation (FY 2025) . . . . .	\$28,936,000
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation . . . . .	\$15,086,000
Hospital Safety Net Assessment Account—State Appropriation . . . . .	\$1,524,493,000
Medical Aid Account—State Appropriation . . . . .	\$540,000
Statewide 988 Behavioral Health Crisis Response Line Account—State Appropriation . . . . .	\$21,606,000
Telebehavioral Health Access Account—State Appropriation . . . . .	\$8,394,000
Ambulance Transport Fund—State Appropriation . . . . .	\$13,872,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$23,499,379,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The authority shall submit an application to the centers for medicare and medicaid services to renew the 1115 demonstration waiver for an additional five years as described in subsections (2), (3), and (4) of this section. The authority may not accept or expend any federal funds received under an 1115 demonstration waiver except as described in this section unless the legislature has appropriated the federal funding. To ensure compliance with legislative requirements and terms and conditions of the waiver, the authority shall implement the renewal of the 1115 demonstration waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the renewal of the 1115 demonstration waiver as set forth in subsections (2), (3), and (4) of this section requires sound, consistent, timely, and transparent oversight and analytic review in addition to lack of redundancy with other established measures. The patient must be considered first and foremost in the implementation and execution of the demonstration waiver. To accomplish these goals, the authority shall develop consistent performance measures that focus on population health and health outcomes. The authority shall limit the number of projects that accountable communities of health may participate in under initiative 1 to a maximum of six and shall seek to develop common performance measures when possible. The joint select committee on health care oversight will evaluate the measures chosen: (a) For effectiveness and appropriateness; and (b) to provide patients and health care providers with significant input into the implementation of the demonstration waiver to promote improved population health and patient health outcomes. In cooperation with the department of social and health services, the authority shall consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget to the joint select committee on health care oversight prior to submitting these waivers for federal approval. Prior to final approval or acceptance of funds by the authority, the authority shall submit the special terms and conditions as submitted to the centers for medicare and medicaid services and the anticipated budget for the duration of the renewed waiver to the governor, the joint select committee on health care, and the fiscal committees of the legislature. By federal standard any programs created or funded by this waiver do not create an entitlement. The demonstration period for the waiver as described in subsections (2), (3), and (4) of this section begins July 1, 2023.

(2)(a) \$150,219,000 of the general fund—federal appropriation and \$150,219,000 of the general fund—local appropriation are provided solely for accountable communities of health described in initiative 1 of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. In renewing this initiative, the authority shall consider local input regarding community needs and shall limit total local projects to no more than six. To provide transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not supplement the amounts provided in this subsection with any general fund—state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the fiscal committees of the legislature all expenditures under this subsection and provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) \$438,515,000 of the general fund—federal appropriation and \$179,111,000 of the general fund—private/local appropriation are provided solely for the medicaid quality improvement program and this is the maximum amount that may be expended for this purpose. Medicaid quality improvement program payments do not count against the 1115 demonstration waiver spending limits and are excluded from the waiver's budget neutrality calculation. The authority may provide medicaid quality improvement program payments to apple health managed care organizations and their partnering providers as they meet designated milestones. Partnering providers and apple health managed care organizations must work together to

achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority may only use the medicaid quality improvement program to support initiatives 1, 2, and 3 as described in the 1115 demonstration waiver and may not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program do not constitute an entitlement for clients or providers. The authority shall not supplement the amounts provided in this subsection with any general fund—state, general fund—federal, or general fund—local moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(c) In collaboration with the accountable communities of health, the authority will submit a report to the governor and the joint select committee on health care oversight describing how each of the accountable community of health's work aligns with the community needs assessment no later than December 1, 2023.

(d) Performance measures and payments for accountable communities of health shall reflect accountability measures that demonstrate progress toward transparent, measurable, and meaningful goals that have an impact on improved population health and improved health outcomes, including a path to financial sustainability. While these goals may have variation to account for unique community demographics, measures should be standardized when possible.

(3) \$115,713,000 of the general fund—federal appropriation and \$115,725,000 of the general fund—local appropriation are provided solely for long-term support services as described in initiative 2 of the 1115 demonstration waiver as well as administrative expenses for initiative 3 and this is the maximum amount that may be expended for this purpose. The authority shall contract with and provide funding to the department of social and health services to administer initiative 2. The director in cooperation with the secretary of the department of social and health services shall report to the office of financial management all of the expenditures of this section and shall provide such fiscal data in the time, manner, and form requested. The authority shall not supplement the amounts provided in this subsection with any general fund—state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section.

(4)(a) \$54,912,000 of the general fund—federal appropriation and \$30,162,000 of the general fund—local appropriation are provided solely for supported housing and employment services described in initiative 3a and 3b of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third-party administrator. The authority and the department, in consultation with the medical assistance expenditure forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not supplement the amounts provided in this subsection with any general fund—state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) The authority and the department shall seek additional flexibilities for housing supports through the centers for medicare and medicaid services and shall coordinate with the office of financial management and the department of commerce to ensure that services are not duplicated.

(c) The director shall report to the joint select committee on health care oversight no less than quarterly on utilization and caseload statistics for both supportive housing and employment services and its progress toward increasing uptake and availability for these services.

(5) \$1,432,000 of the general fund—state appropriation for fiscal year 2024 and \$3,008,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for supported employment services and \$1,478,000 of the general fund—state appropriation for fiscal year 2024 and \$3,162,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for supported housing services, similar to the services described in initiatives 3a and 3b of the 1115 demonstration waiver to individuals who are ineligible for medicaid. Under these initiatives, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its third-party administrator. Before authorizing services, eligibility for initiative 3a or 3b of the 1115 demonstration waiver must first be determined.

(6) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

(7) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population

in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(8) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(9) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(10) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(11) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(12) \$4,176,000 of the general fund—state appropriation for fiscal year 2024, \$4,261,000 of the general fund—state appropriation for fiscal year 2025, and \$8,607,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

(13) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

(14) \$7,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(15) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2023-2025 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2023, and by November 1, 2024, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2024 and fiscal year 2025, hospitals in the program shall be paid and shall retain 100 percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and 100 percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. For the purpose of determining the amount of any state grant under this subsection, payments will include the federal portion of medicaid program supplemental payments received by the hospitals. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2023-2025 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2019-2021 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in

monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within 11 months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$237,000 of the general fund—state appropriation for fiscal year 2024 and \$218,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for state grants for the participating hospitals.

(16) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide ongoing support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(17) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(18) The authority shall submit reports to the governor and the legislature by September 15, 2023, and no later than September 15, 2024, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

(19) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

(20) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

(21) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(22) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

(23) \$90,000 of the general fund—state appropriation for fiscal year 2024, \$90,000 of the general fund—state appropriation for fiscal year 2025, and \$180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

(24) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

(25) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

(26) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

(27) The authority shall use revenue appropriated from the dedicated cannabis account for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(28) Beginning no later than July 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority.

(29) Sufficient amounts are appropriated in this section for the authority to provide a medicaid equivalent adult dental benefit to clients enrolled in the medical care service program.

(30) During the 2023-2025 fiscal biennium, sufficient amounts are provided in this section for the authority to provide services identical to those services covered by the Washington state family planning waiver program as of August 2018 to individuals who:

- (a) Are 19 years of age;
- (b) Are at or below 260 percent of the federal poverty level as established in WAC 182-505-0100;
- (c) Are not covered by other public or private insurance; and
- (d) Need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.

(31) Sufficient amounts are appropriated within this section for the authority to incorporate the expected outcomes and criteria to measure the performance of managed care organizations that provide services to clients under chapter 74.09 RCW. The authority must:

(a) Contract with an external quality improvement organization to annually analyze the performance of managed care organizations providing services to clients under chapter 74.09 RCW based on seven performance measures. The analysis required under this subsection must:

(i) Measure managed care performance in four common measures across each managed care organization, including:

(A) At least one common measure that must be weighted towards having the potential to impact managed care costs; and

(B) At least one common measure that must be weighted towards population health management, as defined by the measure; and

(ii) Measure managed care performance in an additional three quality focus performance measures specific to a managed care organization. Quality focus performance measures chosen by the authority must:

(A) Be chosen from the statewide common measure set;

(B) Reflect specific measures where a managed care organization has poor performance; and

(C) Be substantive and clinically meaningful in promoting health status.

(b) The authority shall set the four common measures to be analyzed across all managed care organizations.

(c) The authority shall set three quality focus performance measures specific to each managed care organization. The authority must determine performance measures for each managed care organization based on the criteria established in (a)(ii) of this subsection.

(d) By September 15, 2023, and annually thereafter, the authority shall notify each managed care organization of the performance measures for the organization for the subsequent plan year.

(e) Two percent of the total plan year funding provided to each managed care organization that provides services to clients under chapter 70.320 RCW shall be withheld. At least 75 percent of the withhold shall be held contingent on each managed care organization's performance on the seven performance measures identified in this subsection. Each managed care organization may earn back the annual withhold if the external quality improvement organization finds that the managed care organization:

(i) Made statistically significant improvement in the seven performance measures as compared to the preceding plan year; or

(ii) Scored in the top national medicaid quartile of the performance measures.

(f) The amount of withhold annually paid to each managed care organization shall be proportional to findings of statistically significant improvement or top national medicaid quartile scoring by a managed care organization.

(g) For no more than two of the four quality focus performance measures, the authority may use an alternate methodology to approximate top national medicaid quartile performance where top quartile performance data is unavailable.

(h) For the purposes of this subsection, "external quality improvement organization" means an organization that meets the competence and independence requirements under 42 C.F.R. Sec. 438.354, as it existed on the effective date of this section.

(i) By September 15, 2023, the authority, in collaboration with the medical assistance expenditure forecast work group, shall develop new performance measures for the 2025 plan year. Quality focus performance measures chosen by the authority must, at a minimum:

(A) Be chosen from the statewide common measure set;

(B) Reflect specific measures where a managed care organization has poor performance;

(C) Be substantive and clinically meaningful in promoting health status;

(D) Include ways to improve behavioral health reporting;

(E) Be selected with consideration to health equity;

(F) Ensure that measures that have an impact on funding have a direct relationship to the funding plans receive; and

(G) Include participation from the authority's actuary to ensure that the measures and methods chosen meet required tests for actuarial soundness.

(j) By October 15, 2023, the authority shall provide a report to the governor and fiscal committees of the legislature outlining the measures it has chosen for the 2025 plan year, including the information outlined in (i) of this subsection.

(32)(a) The authority shall ensure that appropriate resources are dedicated to implementing the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report. Additionally, the authority shall:

(i) Work to ensure the efficient operations of the managed care plans, including but not limited to, a deconflicting process for audits with and among the managed care plans and the medicaid fraud division at the attorney general's office, to ensure the authority staff

perform central audits of cases that appear across multiple managed care plans, versus the audits performed by the individual managed care plans or the fraud division;

(ii) Remain accountable for operating in an effective and efficient manner, including performing program integrity activities that ensure high value in the medical assistance program in general and in medicaid managed care specifically;

(iii) Work with its contracted actuary and the medical assistance expenditure forecast work group to develop methods and metrics related to managed care program integrity activity that shall be incorporated into annual rate setting; and

(iv) Work with the medical assistance expenditure forecast work group to ensure the results of program integrity activity are incorporated into the rate setting process in a transparent, timely, measurable, quantifiable manner.

(b) \$50,000 of the general fund—state appropriation for fiscal year 2024, \$50,000 of the general fund—state appropriation for fiscal year 2025, and \$100,000 of the general fund—federal appropriation are provided solely for the authority to consider, as part of its program integrity activities, whether it is providing economical, efficient, and quality prescription drug services through its administrative services model and the quantifiable cost and benefit of this service delivery method. The authority must establish an annual reporting requirement for all covered entities participating in the 340B drug pricing program that receive medicaid funds under this section; and the authority shall provide at an aggregate level, broken down by covered entities defined by 42 U.S.C. §256b(a)(4)(A)-(O), the following minimum information to the governor and fiscal committees of the legislature no later than October 15, 2023:

(i) The cost and benefits of providing these prescription drug benefits through a carved-out fee-for-service benefit, both total cost and net of rebates;

(ii) The cost and benefits of providing these prescription drug benefits through a carved-in managed care benefit, both total cost and net of rebates;

(iii) The cost and benefits of providing these prescription drug benefits through the administrative services model, both total and net of rebates;

(iv) The community benefit attributable to 340B providers as a result of the administrative services or carved-in model as compared to each other and as compared to the carved-out model; and

(v) The federal financial participation provided to the state under each of these models.

(c) The authority shall submit a report to the governor and appropriate committees of the legislature by October 1, 2023, that includes, but is not limited to:

(i) Specific, quantified actions that have been taken, to date, related to the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report;

(ii) Specific, quantified information regarding the work done with its contracted actuary and the medical assistance expenditure forecast expenditure work group to develop methods and metrics related to managed care program integrity activity that shall be incorporated into annual rate setting;

(iii) Specific, quantified information regarding the work done with the medical assistance expenditure forecast work group to ensure the results of program integrity activity are incorporated into the rate setting process in a transparent, timely, measurable, quantifiable manner;

(iv) Accounting by fiscal year, medicaid eligibility group, and service beginning with state fiscal year 2020 to include all program integrity recoveries attributable to the authority, including how these recoveries are categorized, to which year they are reported, how these recoveries are applied against legislative savings requirements, and what recoveries are attributable to the office of the attorney general's medicaid fraud control division and how these recoveries are considered when reporting program integrity activity and determining managed care rates; and

(v) Information detailing when the agency acquired a new fraud and abuse detection system and to what extent this system is being utilized.

(33)(a) The authority shall not enter into any future value-based arrangements with federally qualified health centers or rural health clinics prior to receiving approval from the office of financial management and the appropriate committees of the legislature.

(b) The authority shall not modify the reconciliation process with federally qualified health centers or rural health clinics without notification to and the opportunity to comment from the office of financial management.

(c) The authority shall require all managed care organizations to provide information to the authority to account for all payments to rural health clinics and federally qualified health centers to include how payments are made, including any additional payments and whether there is a sub-capitation arrangement or value-based purchasing arrangement.

(d) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall reconcile on an annual basis with rural health clinics and federally qualified health centers.

(e) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with rural health clinics and federally qualified health centers during the fiscal year close process following generally accepted accounting practices.

(34) Within the amounts appropriated in this section, the authority is to include allergen control bed and pillow covers as part of the durable medical equipment benefit for children with an asthma diagnosis enrolled in medical assistance programs.

(35) Within the amounts appropriated in this section, the authority shall reimburse for maternity services provided by doulas.

(36) Sufficient funds are provided in this section for the authority to extend continuous eligibility for apple health to children ages zero to six with income at or below 215 percent of the federal poverty level. The centers for medicare and medicaid services must approve the 1115 medicaid waiver prior to the implementation of this policy.

(37) Sufficient funds are provided to continue reimbursing dental health aid therapists for services performed in tribal facilities for medicaid clients. The authority must leverage any federal funding that may become available as a result of appeal decisions from the centers for medicare and medicaid services or the United States court of appeals for the ninth circuit.

(38) Within the amounts appropriated in this section, the authority shall implement the requirements of RCW 74.09.830 (postpartum health care) and the American rescue plan act of 2021, P.L. 117-2, in extending health care coverage during the postpartum period. The authority shall make every effort to expedite and complete eligibility determinations for individuals who are likely eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act to ensure the state is receiving maximum federal match. This includes, but is not limited to, working with managed care organizations to provide continuous outreach in various modalities until the individual's eligibility determination is completed. Beginning June 1, 2022, the authority must submit quarterly reports to the caseload forecast work group on the number of individuals who are likely eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act but are waiting for the authority to complete eligibility determination, the number of individuals who were likely eligible but are now receiving health care coverage with the maximum federal match under Title XIX or Title XXI of the federal social security act, and outreach activities including the work with managed care organizations.

(39) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the perinatal support warm line to provide peer support, resources, and referrals to new and expectant parents and people in the emotional transition to parenthood experiencing, or at risk of, postpartum depression or other mental health issues.

(40) Sufficient funding is provided to remove the asset test from the medicare savings program review process.

(41) Sufficient funding is provided to eliminate the mid-certification review process for the aged, blind, or disabled and housing and essential needs referral programs.

(42) \$403,000 of the general fund—state appropriation for fiscal year 2025 and \$1,185,000 of the general fund—federal appropriation are provided solely for an adult acupuncture benefit beginning January 1, 2025.

(43) \$581,000 of the general fund—state appropriation for fiscal year 2025 and \$1,706,000 of the general fund—federal appropriation are provided solely for an adult chiropractic benefit beginning January 1, 2025.

(44) (a) \$4,109,000 of the general fund—state appropriation for fiscal year 2024 and \$2,055,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to establish a two-year grant program for reimbursement for services to patients up to age 18 provided by community health workers in primary care clinics whose patients are significantly comprised of pediatric patients enrolled in medical assistance under chapter 74.09 RCW beginning January 1, 2023. Community health workers funded under this subsection may provide outreach, informal counseling, and social supports for health-related social needs. The authority shall seek a state plan amendment or federal demonstration waiver should they determine these services are eligible for federal matching funds. Within the amounts provided in this subsection, the authority will provide an initial report to the governor and appropriate committees of the legislature by January 1, 2024, and a final report by January 1, 2025. The report shall include, but not be limited to, the quantitative impacts of the grant program, how many community health workers are participating in the grant program, how many clinics these community health workers represent, how many clients are being served, and evaluation of any measurable health outcomes identified in the planning period prior to January 2023.

(b) In collaboration with key stakeholders including pediatric primary care clinics and medicaid managed care organizations, the authority shall explore longer term, sustainable reimbursement options for the integration of community health workers in primary care to address the health-related social needs of families, including approaches to incorporate federal funding.

(45) \$1,635,000 of the general fund—state appropriation for fiscal year 2024, \$1,024,000 of the general fund—state appropriation for fiscal year 2025, and \$1,765,000 of the general fund—federal appropriation are provided solely for a technology solution for an authoritative client identifier, or master person index, for state programs within the health and human services coalition to uniformly identify clients across multiple service delivery systems. The coalition will clearly identify all state programs impacted by and all fund sources used in development and implementation of this project. This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(46) (a) Sufficient amounts are appropriated in this section for the authority to provide coverage for all federal food and drug administration-approved HIV antiviral drugs without prior authorization. This coverage must be provided to apple health clients enrolled in both fee-for-service and managed care programs.



(b) Beginning July 1, 2023, upon initiation or renewal of a contract with the authority to administer a medicaid managed care plan, a managed care health care system shall provide coverage without prior authorization for all federal food and drug administration-approved HIV antiviral drugs.

(c) By December 1, 2023, and December 1, 2024, the authority must submit to the fiscal committees of the legislature the projected and actual expenditures and percentage of medicaid clients who switch to a new drug class without prior authorization as described in (a) and (b) of this subsection.

(47) The authority shall consider evidence-based recommendations from the Oregon health evidence review commission when making coverage decisions for the treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute-onset neuropsychiatric syndrome.

(48) \$2,120,000 of the general fund—state appropriation for fiscal year 2024, \$2,120,000 of the general fund—state appropriation for fiscal year 2025, and \$9,012,000 of the general fund—federal appropriation are provided solely to increase advanced life support code A0426 by 64 percent, basic life support base rates for nonemergency ambulance transports code A0428 by 80 percent, and mileage for both nonemergency and emergency ambulance transportation code A0425 by 35 percent, beginning July 1, 2023.

(49) \$2,047,000 of the general fund—state appropriation for fiscal year 2024, \$3,390,000 of the general fund—state appropriation for fiscal year 2025, and \$5,135,000 of the general fund—federal appropriation are provided solely to increase reimbursement rates by 20 percent for applied behavior analysis codes 0362T and 0373T for individuals with complex behavioral health care needs; and by 15 percent for all other applied behavior analysis codes with the exception of Q3014, beginning January 1, 2024.

(50) \$280,000 of the general fund—state appropriation for fiscal year 2024 and \$1,992,000 of the general fund—federal appropriation are provided solely for modular replacement costs of the ProviderOne pharmacy point of sale system and are subject to the conditions, limitations, and review provided in section 701 of this act.

(51) \$709,000 of the general fund—state appropriation for fiscal year 2024, \$1,410,000 of the general fund—state appropriation for fiscal year 2025, and \$4,075,000 of the general fund—federal appropriation are provided solely to maintain and increase access for behavioral health services through increased provider rates. The rate increases are effective January 1, 2024, and must be applied to the following codes for children and adults enrolled in the medicaid program: 90785, 90791, 90832, 90833, 90834, 90836, 90837, 90838, 90845, 90846, 90847, 90849, 90853, 96156, 96158, 96159, 96164, 96165, 96167, 96168, 96170, 96171, H0004, H0023, H0036, and H2015. The authority may use a substitute code in the event that any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection the authority must:

(a) Implement this rate increase in accordance with the process established in RCW 71.24.885 (medicaid rate increases);

(b) Raise the state fee-for-service rates for these codes by up to 7 percent, except that the state medicaid rate may not exceed the published medicare rate or an equivalent relative value unit rate if a published medicare rate is not available;

(c) Require in contracts with managed care organizations that, beginning January 2024, managed care organizations pay no lower than the fee-for-service rate for these codes, and adjust managed care capitation rates accordingly; and

(d) Not duplicate rate increases provided in subsection (52) of this section.

(52) \$1,055,000 of the general fund—state appropriation for fiscal year 2025 and \$2,046,000 of the general fund—federal appropriation are provided solely to maintain and increase access for primary care services for medicaid-enrolled patients through increased provider rates beginning January 1, 2025. Within the amounts provided in this subsection the authority must:

(a) Increase the medical assistance rates for adult primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 2 percent above medical assistance rates in effect on January 1, 2023;

(b) Increase the medical assistance rates for pediatric primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 2 percent above medical assistance rates in effect on January 1, 2023;

(c) Increase the medical assistance rates for pediatric critical care, neonatal critical care, and neonatal intensive care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 2 percent above medical assistance rates in effect on January 1, 2023;

(d) Apply reimbursement rates required under this subsection to payment codes in a manner consistent with the temporary increase in medicaid reimbursement rates under federal rules and guidance in effect on January 1, 2014, implementing the patient protection and affordable care act, except that the authority may not require provider attestations;

(e) Pursue state plan amendments to require medicaid managed care organizations to increase rates under this subsection through adoption of a uniform percentage increase for network providers pursuant to 42 C.F.R. Sec. 438.6(c)(1)(iii)(B), as existing on January 1, 2023; and

(f) Not duplicate rate increases provided in subsection (51) of this section.

(53) The authority shall seek a waiver from the federal department of health and human services necessary to implement the requirements of RCW 74.09.670 (medical assistance

benefits—incarcerated or committed persons—suspension). Additionally, the authority shall explore expanding its waiver application for prerelease services from 30 to 90 days; and provide the governor and fiscal committees of the legislature estimates of costs for implementation or maintenance of effort requirements of this expansion prior to entering into agreement with the centers for medicare and medicaid services.

(54) Within the amounts appropriated in this section the authority in collaboration with UW Medicine shall explore funding options for clinical training programs including, but not limited to, family medical practice, psychiatric residencies, advanced registered nurse practitioners, and other primary care providers. Options should include, but not be limited to, shifting direct medicaid graduate medical education payments or indirect medicaid graduate medical education payments, or both, from rates to a standalone program. The authority in collaboration with UW Medicine shall submit a report outlining its findings to the office of financial management and the fiscal committees of the legislature no later than December 1, 2023.

(55) \$143,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute Senate Bill No. 5263 (psilocybin). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(56) \$100,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute Senate Bill No. 5532 (small rural hospital payment). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(57) \$56,000 of the general fund—state appropriation for fiscal year 2024, \$111,000 of the general fund—state appropriation for fiscal year 2025, and \$166,000 of the general fund—federal appropriation are provided solely for the authority to increase pediatric palliative care rates to the equivalent medicare rates paid for hospice care in effect October 1, 2022, beginning January 1, 2024.

(58) \$598,000 of the general fund—state appropriation for fiscal year 2024 and \$591,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for work required of the authority as specified in RCW 41.05.840 (universal health care commission). Of the amounts provided in this subsection:

(i) \$216,000 of the general fund—state appropriation for fiscal year 2024 and \$216,000 of the general fund—state appropriation for fiscal year 2025 are for staff dedicated to contract procurement, meeting coordination, legislative reporting, federal application requirements, and administrative support;

(ii) \$132,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are for additional staff dedicated to the work of the finance technical advisory committee; and

(iii) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are for consultant services, dedicated actuarial support, and economic modeling.

(59) \$2,395,000 of the general fund—state appropriation for fiscal year 2024, \$2,395,000 of the general fund—state appropriation for fiscal year 2025, and \$10,178,000 of the general fund—federal appropriation are provided solely to increase air ambulance-fixed wing code A0430 by 189 percent, air ambulance-rotary wing code A0431 by 265 percent, fixed wing air mileage code A0435 by 57 percent, and rotary wing air mileage code A0436 by 68 percent, beginning July 1, 2023.

(60) \$37,000 of the general fund—state appropriation for fiscal year 2024, \$73,000 of the general fund—state appropriation for fiscal year 2025, and \$218,000 of the general fund—federal appropriation are provided solely for the authority to increase the allowable number of periodontal treatments to up to four per 12 month period for apple health eligible adults, ages 21 and over, with a current diagnosis of diabetes, beginning January 1, 2024.

(61)(a) \$8,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for one-time bridge grants to hospitals in financial distress.

(b) To qualify for these grants, a hospital must:

(i) Be located in Washington;

(ii) Serve individuals enrolled in state and federal medical assistance programs;

(iii) Continue to maintain a medicaid population at similar utilization levels as in calendar year 2022;

(iv) Be necessary for an adequate provider network for the medicaid program;

(v) Demonstrate a plan for long-term financial sustainability; and

(vi) Meet one of the following criteria:

(A) Lack adequate cash-on-hand to remain financially solvent;

(B) Have experienced financial losses during hospital fiscal year 2022; or

(C) Be at risk of bankruptcy.

(c) Of the amounts appropriated in this subsection, \$4,000,000 must be distributed to a hospital that meets the qualifications in subsection (b) and is located on tribal land.

(62)(a) Sufficient funds are provided in this section for an outpatient directed payment program.

(b) The authority shall:

(i) Maintain the program to support the state's access and other quality of care goals and to not increase general fund—state expenditures;

(ii) Seek approval from the centers for medicare and medicaid services to expand the medicaid outpatient directed payment program for hospital outpatient services provided to

medicaid program managed care recipients by UW Medicine hospitals and, at their option, UW Medicine affiliated hospitals;

(iii) Direct managed care organizations to make payments to eligible providers at levels required to ensure enrollees have timely access to critical high-quality care as allowed under 42 C.F.R. 438.6(c); and

(iv) Increase medicaid payments for hospital outpatient services provided by UW Medicine hospitals and, at their option, UW Medicine affiliated hospitals to the average payment received from commercial payers.

(c) Any incremental costs incurred by the authority in the development, implementation, and maintenance of this program shall be the responsibility of the participating hospitals.

(d) Participating hospitals shall retain the full amount of payments provided under this program.

(63)(a) No more than \$200,661,000 of the general fund—federal appropriation and no more than \$91,430,000 of the general fund—local appropriation may be expended for an inpatient directed payment program.

(b) The authority shall:

(i) Design the program to support the state's access and other quality of care goals and to not increase general fund—state expenditures;

(ii) Seek approval from the centers for medicare and medicaid services to create a medicaid inpatient directed payment program for hospital inpatient services provided to medicaid program managed care recipients by UW Medicine hospitals and, at their option, UW Medicine affiliated hospitals;

(iii) Upon approval, direct managed care organizations to make payments to eligible providers at levels required to ensure enrollees have timely access to critical high-quality care as allowed under 42 C.F.R. 438.6(c); and

(iv) Increase medicaid payments for hospital inpatient services provided by UW Medicine and, at their option, UW Medicine affiliated hospitals to the average payment received from commercial payers.

(c) Any incremental costs incurred by the authority in the development, implementation, and maintenance of this program shall be the responsibility of the participating hospitals.

(d) Participating hospitals shall retain the full amount of payments provided under this program.

(e) Participating hospitals will provide the local funds to fund the required nonfederal contribution.

(f) This program shall be effective as soon as administratively possible.

(64) Within the amounts appropriated in this section, the authority shall maintain and increase access for family planning services for patients seeking services through department of health sexual and reproductive health program family planning providers based on the rates in effect as of July 1, 2022.

(65)(a) \$9,563,000 of the general fund—state appropriation for fiscal year 2024, \$12,727,000 of the general fund—state appropriation for fiscal year 2025, and \$259,000 of the general fund—federal appropriation are provided solely for the authority to implement a five-site pilot program for difficult to discharge individuals as described in section 135(12) of this act.

(b) The authority shall work in collaboration with the contractor and task force identified in section 135(12) of this act to carry out the goals and objectives of the pilot program, including but not limited to:

(i) Providing enhanced care management and wraparound services that shall be provided by or delegated by managed care pilot participants, based on services currently provided by the Harborview medical center program;

(ii) Providing incentive payments to participating post acute care providers;

(iii) Developing home and community services assessment timeliness requirements for pilot participants in cooperation with the department of social and health services; and

(iv) Providing reimbursement for administrative support through Harborview medical center for the duration of the pilot project, including training and education to support pilot participants.

(c) Of the amounts provided in this subsection, \$44,000 of the general fund—state appropriation for fiscal year 2024, \$42,000 of the general fund—state appropriation for fiscal year 2025, and \$259,000 of the general fund—federal appropriation are provided solely for the authority to provide staff support to the difficult to discharge task force described in section 135(12) of this act, including any associated ad hoc subgroups.

(66)(a) Within the amounts appropriated in this section the authority, in consultation with the health and human services enterprise coalition, community-based organizations, health plans, accountable communities of health, and safety net providers, shall determine the cost and implementation impacts of a statewide community information exchange (CIE). A CIE platform must serve as a tool for addressing the social determinants of health, defined as nonclinical community and social factors such as housing, food security, transportation, financial strain, and interpersonal safety, that affect health, functioning, and quality-of-life outcomes.

(b) Prior to issuing a request for proposals or beginning this project, the authority must work with stakeholders in (a) of this subsection to determine which platforms already exist within the Washington public and private health care system to determine interoperability needs and fiscal impacts to both the state and impacted providers and organizations that will be using a single statewide community information exchange platform.

(c) The authority shall provide the office of financial management and fiscal committees of the legislature a proposal to leverage medicaid enterprise financing or other federal funds prior to beginning this project and shall not expend funds under a 1115 waiver or any other waiver without legislative authorization.

(d) This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(67) \$252,000 of the general fund—state appropriation for fiscal year 2024 and \$252,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for staff dedicated to data review, analysis, and management, and policy analysis in support of the health care cost transparency board as described in chapter 70.390 RCW.

(68) \$76,000 of the general fund—state appropriation for fiscal year 2024, \$76,000 of the general fund—state appropriation for fiscal year 2025, \$152,000 of the general fund—federal appropriation, and \$606,000 of the telebehavioral health access account—state appropriation are provided solely for additional staff support for the mental health referral service for children and teens.

(69) \$1,608,000 of the general fund—state appropriation for fiscal year 2024, \$2,015,000 of the general fund—state appropriation for fiscal year 2025, and \$3,681,000 of the general fund—federal appropriation are provided solely for a rate increase for the health homes program for fee-for-service enrollees, beginning July 1, 2023.

(70) \$295,000 of the general fund—state appropriation for fiscal year 2024, \$307,000 of the general fund—state appropriation for fiscal year 2025, and \$123,000 of the general fund—federal appropriation are provided solely for the first approach skills training program through the partnership access line.

(71) (a) \$358,000 of the general fund—state appropriation for fiscal year 2024, \$358,000 of the general fund—state appropriation for fiscal year 2025, and \$568,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1357 (prior authorization). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(b) The authority, in collaboration with managed care organizations, must provide a report to the office of financial management and the fiscal committees of the legislature no later than December 1, 2023, outlining any challenges experienced by carriers in hiring sufficient numbers and types of staff to comply with the prior authorization response times required by Engrossed Second Substitute House Bill No. 1357 (prior authorization).

(72) \$9,369,000 of the general fund—state appropriation for fiscal year 2025 and \$22,611,000 of the general fund—federal appropriation are provided solely for an increase in medicaid reimbursement rates for professional services, beginning July 1, 2024, as follows:

(a) Service categories including diagnostics, intense outpatient, opioid treatment programs, emergency room, inpatient and outpatient surgery, inpatient visits, low-level behavioral health, office administered drugs, and other physician services are increased up to 50 percent of medicare rates.

(b) Service categories including office and home visits and consults are increased up to 65 percent of medicare rates.

(c) Service categories including maternity services are increased up to 100 percent of medicare rates.

(73) \$21,606,000 of the statewide 988 behavioral health crisis response line account—state appropriation and \$2,946,000 of the general fund—federal appropriation are provided solely for the 988 technology platform implementation project. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act and any requirements as established in Engrossed Second Substitute House Bill No. 1134 (988 system).

(74) \$969,000 of the general fund—state appropriation for fiscal year 2024, \$1,938,000 of the general fund—state appropriation for fiscal year 2025, and \$3,024,000 of the general fund—federal appropriation are provided solely for the authority, beginning January 1, 2024, to increase the children's dental rate for procedure code D1120 by at least 40 percent above the medical assistance fee-for-service rate in effect on January 1, 2023.

(75) \$300,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to the nonprofit foundation managing the Washington patient safety coalition to support the communication and resolution programs certification program to improve outcomes for patients by providing in-depth feedback to health care organizations.

(76) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to continue a public-private partnership with a state-based oral health foundation to connect medicaid patients to dental services and reduce barriers to accessing care. The authority shall submit a progress report to the appropriate committees of the legislature by June 30, 2024.

(77) \$103,000 of the general fund—state appropriation for fiscal year 2024, \$205,000 of the general fund—state appropriation for fiscal year 2025, and \$442,000 of the general fund—federal appropriation are provided solely to increase birth center facility fee reimbursement to \$2,500 and home birth kit reimbursement to \$500 for providers approved by the authority within the planned home births and births in birth centers program.

(78) \$90,000 of the general fund—state appropriation for fiscal year 2024, \$45,000 of the general fund—state appropriation for fiscal year 2025, and \$133,000 of the general fund—federal appropriation are provided solely for implementation of Substitute House Bill No.

1435 (home care safety net assess.). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(79) \$194,000 of the general fund—state appropriation for fiscal year 2024, \$1,724,000 of the general fund—state appropriation for fiscal year 2025 and \$1,918,000 of the general fund—federal appropriation are provided solely for the authority in coordination with the department of social and health services to develop and implement a Katie Beckett 1115 demonstration waiver. The authority shall limit enrollment to 1,000 clients during the waiver period. Based upon the experience developed during the waiver period, the authority shall make recommendations to the legislature for a future tax equity and fiscal responsibility act state plan option.

(80) \$1,089,000 of the general fund—state appropriation for fiscal year 2024, \$2,231,000 of the general fund—state appropriation for fiscal year 2025, and \$2,657,000 of the general fund—federal appropriation are provided solely for kidney dialysis services for medicaid-enrolled patients through increased reimbursement rates beginning January 1, 2024. Within the amounts provided in this subsection, the authority must increase the medical assistance rates for revenue code 0821 billed with procedure code 90999 and revenue codes 0831, 0841, and 0851, when reimbursed on a fee-for-service basis or through managed care plans, by at least 30 percent above the fee-for-service composite rates in effect on January 1, 2023.

(81) \$1,360,000 of the general fund—state appropriation for fiscal year 2024 and \$3,252,000 of the general fund—federal appropriation are provided solely to increase the rates paid to rural hospitals that meet the criteria in (a) through (d) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to 150 percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2024, and return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018. Hospitals participating in the certified public expenditures program may not receive increased reimbursement for inpatient services. Hospitals qualifying for this rate increase must:

(a) Be certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2014;

(b) Have had less than 150 acute care licensed beds in fiscal year 2011;

(c) Have a level III adult trauma service designation from the department of health as of January 1, 2014; and

(d) Be owned and operated by the state or a political subdivision.

(82) \$55,000 of the general fund—state appropriation for fiscal year 2024 and \$110,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with a medicaid managed care organization for continuous coverage beginning January 1, 2024, for individuals under age 26 that were enrolled in the unaccompanied refugee minor program as authorized by the office of refugee and immigrant assistance. There are no residency, social security number, or citizenship requirements to receive the continuous coverage as described in this subsection.

(83) (a) \$45,696,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the authority, beginning July 1, 2024, to implement a program with coverage comparable to the amount, duration, and scope of care provided in the categorically needy medicaid program for adult individuals who:

(i) Have an immigration status making them ineligible for federal medicaid or federal subsidies through the health benefit exchange;

(ii) Are age 19 and older, including over age 65, and have countable income of up to 138 percent of the federal poverty level; and

(iii) Are not eligible for another full scope federally funded medical assistance program, including any expansion of medicaid coverage for deferred action for childhood arrivals recipients.

(b) Within the amounts provided in this subsection, the authority shall use the same eligibility, enrollment, redetermination and renewal, and appeals procedures as categorically needy medicaid, except where flexibility is necessary to maintain privacy or minimize burden to applicants or enrollees.

(c) The authority in collaboration with the health benefit exchange, the department of social and health services, and community organizations must develop and implement an outreach and education campaign.

(d) The authority must provide the following information to the governor's office and appropriate committees of the legislature by February 1st and November 1st of each year:

(i) Actual and forecasted expenditures;

(ii) Actual and forecasted data from the caseload forecast council; and

(iii) The availability and impact of any federal program or proposed rule that expands access to health care for the population described in this subsection, such as the expansion of medicaid coverage for deferred action for childhood arrivals recipients.

(e) The amount provided in this subsection is the maximum amount allowable for the purposes of this program.

(84) (a) \$604,000 of the general fund—state appropriation for fiscal year 2024, \$2,528,000 of the general fund—state appropriation for fiscal year 2025, and \$3,132,000 of the general fund—federal appropriation are provided solely for the authority to increase the eligibility threshold for the qualified medicare beneficiary program to up to 110 percent of the federal poverty level.

(b) The authority shall seek to maximize the availability of the qualified individual program through the centers for medicare and medicaid services.

(c) The authority may adopt any rules necessary to administer this subsection. Nothing in this subsection limits the authority's existing rule-making authority related to medicare savings programs.

(85) \$361,000 of the general fund—state appropriation for fiscal year 2024, \$766,000 of the general fund—state appropriation for fiscal year 2025, and \$2,093,000 of the general fund—federal appropriation are provided solely for the costs of, and pursuant to the conditions prescribed for, implementing the rate increase directed in section 215(44) for children for whom base funding for community behavioral health services is provided within this section.

**NEW SECTION. Sec. 212. FOR THE STATE HEALTH CARE AUTHORITY—PUBLIC EMPLOYEES' BENEFITS BOARD AND EMPLOYEE BENEFITS PROGRAM**

State Health Care Authority Administrative Account—

State Appropriation. . . . .	\$44,102,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$44,102,000</b>

The appropriation in this section is subject to the following conditions and limitations:

(1) Any savings from reduced claims costs must be reserved for funding employee benefits during future fiscal biennia and may not be used for administrative expenses. The health care authority shall deposit any moneys received on behalf of the uniform medical plan resulting from rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys received as a result of prior uniform medical plan claims payments, in the public employees' and retirees' insurance account to be used for insurance benefits.

(2) Any changes to benefits must be approved by the public employees' benefits board. The board shall not make any changes to benefits without considering a comprehensive analysis of the cost of those changes, and shall not increase benefits unless offsetting cost reductions from other benefit revisions are sufficient to fund the changes. The board shall not make any change in retiree eligibility criteria that reestablishes eligibility for enrollment in retiree benefits.

(3) Except as may be provided in a health care bargaining agreement pursuant to RCW 41.80.020, to provide benefits within the level of funding provided in part IX of this bill, the public employees' benefits board shall require: Employee premium copayments, increases increase in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(4) The board shall collect a surcharge payment of not less than \$25 dollars per month from members who use tobacco products, and a surcharge payment of not less than \$50 per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(5) \$78,000 of the health care authority administrative account—state appropriation is provided solely for administrative costs associated with extending retiree coverage under Substitute House Bill No. 1804 (PEBB/subdivision retirees). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(6) \$500,000 of the state health care authority administrative account—state appropriation is provided solely for consultation with retirees, including conducting listening sessions and facilitating public forums to gather feedback about retiree needs. By December 1, 2023, the authority must report to the legislature with its findings, including an analysis of government self-insured plans with benefits that are equal to or richer, and with more affordable premiums, than uniform medical plan classic medicare. The legislature intends that the results of stakeholder engagements will be used to inform future health care plan selections.

(7) During the 2023-2025 fiscal biennium, the health care authority, in consultation with the office of financial management, shall review consolidating the administrative sections of the operating budget for the public employees' and school employees' benefits boards. Any change in budget structure must not result in changes to board or benefit policies. A budget structure change developed under this subsection may be included in the 2024 supplemental or the 2025-2027 biennial governor's budget submittal without being subject to the legislative evaluation and accountability program committee approval under RCW 43.88.030(7).

**NEW SECTION. Sec. 213. FOR THE STATE HEALTH CARE AUTHORITY—SCHOOL EMPLOYEES' BENEFITS BOARD**

School Employees' Insurance Administrative Account—

State Appropriation. . . . .	\$33,743,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$33,743,000</b>

The appropriation in this section is subject to the following conditions and limitations: \$324,000 of the school employees' insurance administrative account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5275 (SEBB benefit access). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 214. FOR THE STATE HEALTH CARE AUTHORITY—HEALTH BENEFIT EXCHANGE**

General Fund—State Appropriation (FY 2024) . . . . .	\$8,242,000
General Fund—State Appropriation (FY 2025) . . . . .	\$6,472,000
General Fund—Federal Appropriation . . . . .	\$61,983,000
Education Legacy Trust Account—State Appropriation . . . . .	\$350,000
Health Benefit Exchange Account—State Appropriation . . . . .	\$76,214,000
State Health Care Affordability Account—State Appropriation . . . . .	\$110,000,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$263,261,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(2) (a) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation, one-half the health benefit exchange account—state appropriation, and one-half the health care affordability account—state appropriation to the exchange.

(b) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(c) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(3) \$1,939,000 of the health benefit exchange account—state appropriation and \$6,189,000 of the general fund—federal appropriation are provided solely for the modernizing healthplanfinder project. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(4) (a) \$100,000,000 of the state health care affordability account—state appropriation is provided solely for the exchange to administer a premium assistance program, beginning for plan year 2023, as established in RCW 43.71.110. An individual is eligible for the premium assistance provided if the individual: (i) Has income up to 250 percent of the federal poverty level; and (ii) meets other eligibility criteria as established in RCW 43.71.110(4) (a).

(b) \$260,000 of general fund—state appropriation for fiscal year 2024 is provided solely for a study, in consultation with the health care authority and office of the insurance commissioner, of how the exchange's current section 1332 waiver could be amended to generate federal pass-through funding to support the affordability programs established in RCW 43.71.110. The actuarial study must focus on methods that could be most readily leveraged in Washington, considering those being used in other public option programs. Study findings must be reported to the appropriate committees of the legislature by December 1, 2023.

(5) \$10,000,000 of the state health care affordability account—state appropriation is provided solely to provide premium assistance for customers ineligible for federal premium tax credits who meet the eligibility criteria established in subsection (4)(a) of this section.

(6) \$102,000 of the general fund—state appropriation for fiscal year 2024, \$865,000 of the general fund—federal appropriation, and \$123,000 of the health benefit exchange account—state appropriation are provided solely for a technology solution for an authoritative client identifier, or master person index, in Healthplanfinder to support the health and human services coalition in uniformly identifying clients across multiple state service delivery systems. These amounts are subject to the conditions, limitations, and review requirements of section 701 of this act.

(7) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the exchange, in collaboration with the department of social and health services and the home training network as described in RCW 70.128.305, to provide educational resources and trainings to help connect owners and employees of adult family homes to health care coverage.

(8) \$299,000 of the general fund—state appropriation for fiscal year 2024, \$299,000 of the general fund—state appropriation for fiscal year 2025, and \$202,000 of the general fund—federal appropriation are provided solely for pass-through funding in the annual amount of \$100,000 for each lead navigator organization in the four regions with the highest concentration of citizens of the compact of free association (COFA) to:

- (a) Support a staff position within the COFA community to provide enrollment assistance to the COFA community beyond the scope of the current COFA program; and
- (b) Support COFA community-led outreach and enrollment activities.

**NEW SECTION. Sec. 215. FOR THE STATE HEALTH CARE AUTHORITY—COMMUNITY BEHAVIORAL HEALTH PROGRAM**

General Fund—State Appropriation (FY 2024)	\$1,015,063,000
General Fund—State Appropriation (FY 2025)	\$1,097,193,000
General Fund—Federal Appropriation	\$2,853,321,000
General Fund—Private/Local Appropriation	\$38,826,000
Criminal Justice Treatment Account—State Appropriation	\$22,001,000
Problem Gambling Account—State Appropriation	\$2,243,000
Dedicated Cannabis Account—State Appropriation (FY 2024)	\$28,498,000
Dedicated Cannabis Account—State Appropriation (FY 2025)	\$28,501,000
Opioid Abatement Settlement Account—State Appropriation	\$54,415,000
Statewide 988 Behavioral Health Crisis Response Line Account—State Appropriation	\$33,135,000
<b>TOTAL APPROPRIATION</b>	<b>\$5,173,196,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) For the purposes of this section, "behavioral health entities" means managed care organizations and behavioral health administrative services organizations that reimburse providers for behavioral health services.

(2) Within the amounts appropriated in this section, funding is provided for implementation of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. In addition to amounts provided solely for implementation of the settlement agreement, class members must have access to supports and services funded throughout this section for which they meet eligibility and medical necessity requirements. The authority must include language in contracts that requires regional behavioral health entities to develop and implement plans for improving access to timely and appropriate treatment for individuals with behavioral health needs and current or prior criminal justice involvement who are eligible for services under these contracts.

(3) (a) \$44,320,000 of the general fund—state appropriation for fiscal year 2024, \$49,525,000 of the general fund—state appropriation for fiscal year 2025, and \$17,368,000 of the general fund—federal appropriation are provided solely to continue the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The authority, in collaboration with the department of social and health services and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development. Within these amounts, sufficient funding is provided to implement Engrossed Second Substitute Senate Bill No. 5440 (competency evaluations).

(b) Of the amounts provided in this subsection, \$5,108,000 of the general fund—state appropriation for fiscal year 2024 and \$6,341,000 of the general fund—state appropriation for fiscal year 2025 are provided for implementation of Engrossed Second Substitute Senate Bill No. 5440 (competency evaluations). Of these amounts, \$186,000 of the general fund—state appropriation for fiscal year 2024 and \$186,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase compensation for staff in outpatient competency restoration programs pursuant to Engrossed Second Substitute Senate Bill No. 5440 (competency evaluations).

(4) \$8,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to continue diversion grant programs funded through contempt fines pursuant to *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The authority must consult with the plaintiffs and court monitor to determine, within the amounts provided, which of the programs will continue to receive funding through this appropriation. The programs shall use this funding to provide assessments, mental health treatment, substance use disorder treatment, case management, employment, and other social services. By December 1, 2023, the authority, in consultation with the plaintiffs and the court monitor, must submit a report to the office of financial management and the appropriate fiscal committees of the legislature which includes: Identification of the programs that receive funding through this subsection; a narrative description of each program model; the number of individuals being served by each program on a monthly basis; metrics or outcomes reported as part of the contracts; and recommendations related to further support of these programs in the 2023-2025 fiscal biennium.

(5) \$12,359,000 of the general fund—state appropriation for fiscal year 2024, \$12,359,000 of the general fund—state appropriation for fiscal year 2025, and \$23,444,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health entities to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health entities with PACT teams, the authority shall consider the differences between behavioral health entities in the percentages of services and other



costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health entities which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under subsection (7) of this section. The authority and behavioral health entities shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(6) \$3,520,000 of the general fund—federal appropriation is provided solely for the authority to maintain a pilot project to incorporate peer bridging staff into behavioral health regional teams that provide transitional services to individuals returning to their communities.

(7) \$144,519,000 of the general fund—state appropriation for fiscal year 2024 and \$163,088,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health entity spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health entities as follows:

(a) \$108,803,000 of the general fund—state appropriation for fiscal year 2024 and \$124,713,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with behavioral health administrative service organizations for behavioral health treatment services not covered under the medicaid program. Within these amounts, behavioral health administrative service organizations must provide a 15 percent rate increase to providers receiving state funds for nonmedicaid services under this section effective January 1, 2024.

(b) \$35,716,000 of the general fund—state appropriation for fiscal year 2024 and \$38,375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with medicaid managed care organizations for wraparound services to medicaid enrolled individuals that are not covered under the medicaid program. Within the amounts provided in this subsection:

(i) Medicaid managed care organizations must provide a 15 percent rate increase to providers receiving state funding for nonmedicaid services under this section effective January 1, 2024.

(ii) The authority shall assure that managed care organizations reimburse the department of social and health services, aging and long-term support administration for the general fund—state cost of exceptional behavioral health personal care services for medicaid enrolled individuals who require these because of a psychiatric disability. Funding for the federal share of these services is separately appropriated to the department of social and health services.

(iii) Pursuant to RCW 41.56.029, during fiscal year 2024, the authority may work with the office of financial management to negotiate a tiered rate structure for behavioral health personal care services for adult family home providers serving medicaid enrollees. An agreement reached with the adult family home council must be submitted to the director of financial management by October 1, 2023, and certified as financially feasible in order to be considered for funding during the 2024 legislative session. Upon completion of bargaining, the authority shall coordinate with the department of social and health services to develop and submit to the centers for medicare and medicaid services an application to provide a 1915(i) state plan home and community-based services benefit. The application shall be developed to allow for the delivery of wraparound supportive behavioral health services for individuals with mental illnesses who also have a personal care need. The 1915(i) state plan shall be developed to standardize coverage and administration, improve the current benefit design, and clarify roles in administration of the behavioral health personal care services benefit.

(8) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health entities for children's long-term inpatient facility services.

(9) \$1,204,000 of the general fund—state appropriation for fiscal year 2024 and \$1,204,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

(10) Behavioral health entities may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health entities may use a portion of the state funds allocated in accordance with subsection (7) of this section to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(11) \$2,291,000 of the general fund—state appropriation for fiscal year 2024 and \$2,291,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health entities on their plan for using these funds, the numbers of individuals served, and the types of services provided.

(12) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(13) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health administrative service organization contracts and include contract language that clearly states the requirements and limitations. The reserve levels must be informed by the types of risk carried by behavioral health administrative service organizations for mandatory services and also consider reasonable levels of operating reserves. The authority must monitor and ensure that behavioral health administrative service organization reserves do not exceed maximum levels. The authority must monitor revenue and expenditure reports and must require a behavioral health administrative service organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health administrative service organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the entity in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the entity has come into substantial compliance with an approved excess reserve corrective action plan. The authority must submit to the office of financial management and the appropriate committees of the legislature, each December of the biennium, the minimum and maximum reserve levels established in contract for each of the behavioral health administrative service organizations for the prior fiscal year and the actual reserve levels reported at the end of the fiscal year.

(14) During the 2023-2025 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and pregnant and parenting women case management providers.

(15) \$3,500,000 of the general fund—federal appropriation is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(16) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, postpartum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the authority by request; and (b) indirect charges for administering the program must not exceed 10 percent of the total contract amount.

(17) Within the amounts provided in this section, behavioral health entities must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health entities must require that behavioral health entities include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(18) The criminal justice treatment account—state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with behavioral health entities to administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). Funding from the criminal justice treatment account may be used to provide treatment and support services through the conclusion of an individual's treatment plan to individuals participating in a drug court program as of February 24, 2021, if that individual wishes to continue treatment following dismissal of charges they were facing under RCW 69.50.4013(1). Such participation is voluntary and contingent upon substantial compliance with drug court program requirements. The authority must provide a report to the office of financial management and the appropriate committees of the legislature that identifies the distribution of criminal justice treatment account funds by September 30, 2023.

(19)(a) \$11,426,000 of the general fund—state appropriation for fiscal year 2024, \$15,501,000 of the general fund—state appropriation for fiscal year 2025, and \$21,554,000 of the general fund—federal appropriation are provided solely for crisis triage facilities, crisis relief centers, or crisis stabilization units. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(b) Within these amounts, the health care authority shall convene representatives from medicaid managed care organizations, behavioral health administrative organizations, private insurance carriers, self-insured organizations, crisis providers, and the office of the insurance commissioner to assess gaps in the current funding model for crisis services and recommend options for addressing these gaps including, but not limited to, an alternative

funding model for crisis services. The assessment must consider available data to determine to what extent the costs of crisis services for clients of private insurance carriers, medicaid managed care organizations, and individuals enrolled in medicaid fee-for-service are being subsidized through state funded behavioral health administrative services organization contracts. The analysis shall examine crisis services provided by mobile crisis teams as well as facility-based services such as crisis triage and crisis stabilization units. In the development of an alternative funding model, the authority and office of the insurance commissioner must explore mechanisms that: (i) Determine the annual cost of operating crisis services and collect a proportional share of the program cost from each health insurance carrier; and (ii) differentiate between crisis services eligible for medicaid funding from other nonmedicaid eligible activities. The authority must submit a preliminary report to the office of financial management and the appropriate committees of the legislature by December 1, 2023, and a final report by December 1, 2024. Up to \$300,000 of the general fund—state appropriation for fiscal year 2024, and \$300,000 of the general fund—state appropriation for fiscal year 2025 may be used for the assessment and reporting activities required under this subsection.

(c) Sufficient funding is provided in this subsection to implement Second Substitute Senate Bill No. 5120 (crisis relief centers).

(20) \$9,795,000 of the general fund—state appropriation for fiscal year 2024, \$10,015,000 of the general fund—state appropriation for fiscal year 2025, and \$15,025,000 of the general fund—federal appropriation are provided solely for the operation of secure withdrawal management and stabilization facilities. The authority may not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities. Within these amounts, funding is provided to increase the fee for service rate for these facilities up to \$650 per day. The authority must require in contracts with behavioral health entities that they pay no lower than the fee for service rate. The authority must coordinate with regional behavioral health entities to identify and implement purchasing strategies or regulatory changes that increase access to services for individuals with complex behavioral health needs at secure withdrawal management and stabilization facilities.

(21) \$1,401,000 of the general fund—state appropriation for fiscal year 2024, \$1,401,000 of the general fund—state appropriation for fiscal year 2025, and \$3,210,000 of the general fund—federal appropriation are provided solely for the implementation of intensive behavioral health treatment facilities within the community behavioral health service system pursuant to chapter 324, Laws of 2019 (2SHB 1394).

(22) (a) \$12,878,000 of the dedicated cannabis account—state appropriation for fiscal year 2024 and \$12,878,000 of the dedicated cannabis account—state appropriation for fiscal year 2025 are provided solely for:

(i) A memorandum of understanding with the department of children, youth, and families to provide substance abuse treatment programs;

(ii) A contract with the Washington state institute for public policy to conduct a cost-benefit evaluation of the implementations of chapter 3, Laws of 2013 (Initiative Measure No. 502);

(iii) Designing and administering the Washington state healthy youth survey and the Washington state young adult behavioral health survey;

(iv) Maintaining increased services to pregnant and parenting women provided through the parent child assistance program;

(v) Grants to the office of the superintendent of public instruction for life skills training to children and youth;

(vi) Maintaining increased prevention and treatment service provided by tribes and federally recognized American Indian organization to children and youth;

(vii) Maintaining increased residential treatment services for children and youth;

(viii) Training and technical assistance for the implementation of evidence-based, research based, and promising programs which prevent or reduce substance use disorder;

(ix) Expenditures into the home visiting services account; and

(x) Grants to community-based programs that provide prevention services or activities to youth.

(b) The authority must allocate the amounts provided in (a) of this subsection amongst the specific activities proportionate to the fiscal year 2021 allocation.

(23) (a) \$1,125,000 of the general fund—state appropriation for fiscal year 2024 and \$1,125,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for Spokane behavioral health entities to implement services to reduce utilization and the census at eastern state hospital. Such services must include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the 16-bed evaluation and treatment facility.

(b) At least annually, the Spokane county behavioral health entities shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(24) \$1,850,000 of the general fund—state appropriation for fiscal year 2024, \$1,850,000 of the general fund—state appropriation for fiscal year 2025, and \$13,312,000 of the general fund—federal appropriation are provided solely for substance use disorder peer support services included in behavioral health capitation rates in accordance with section 213(5) (ss), chapter 299, Laws of 2018. The authority shall require managed care organizations to provide access to peer support services for individuals with substance use disorders transitioning from emergency departments, inpatient facilities, or receiving treatment as part of hub and spoke networks.

(25) \$1,423,000 of the general fund—state appropriation for fiscal year 2024, \$1,423,000 of the general fund—state appropriation for fiscal year 2025, and \$5,908,000 of the general fund—federal appropriation are provided solely for the authority to continue to implement discharge wraparound services for individuals with complex behavioral health conditions transitioning or being diverted from admission to psychiatric inpatient programs. The authority must coordinate with the department of social and health services in establishing the standards for these programs.

(26) \$500,000 of the general fund—state appropriation for fiscal year 2024, \$500,000 of the general fund—state appropriation for fiscal year 2025, and \$1,000,000 of the general fund—federal appropriation are provided solely for the authority to maintain a memorandum of understanding with the criminal justice training commission to provide funding for community grants pursuant to RCW 36.28A.450.

(27) \$350,000 of the general fund—federal appropriation and \$300,000 of the opioid abatement settlement account—state appropriation are provided solely to contract with a nationally recognized recovery residence organization and to provide technical assistance to operators of recovery residences seeking certification in accordance with chapter 264, Laws of 2019 (2SHB 1528).

(28) \$3,396,000 of the general fund—state appropriation for fiscal year 2024, \$3,396,000 of the general fund—state appropriation for fiscal year 2025, and \$16,200,000 of the general fund—federal appropriation are provided solely for support of and to continue to increase clubhouse programs across the state. The authority shall work with the centers for medicare and medicaid services to review opportunities to include clubhouse services as an optional "in lieu of" service in managed care organization contracts in order to maximize federal participation.

(29) \$708,000 of the general fund—state appropriation for fiscal year 2024, \$708,000 of the general fund—state appropriation for fiscal year 2025, and \$1,598,000 of the general fund—federal appropriation are provided solely for implementing mental health peer respite centers and a pilot project to implement a mental health drop-in center in accordance with chapter 324, Laws of 2019 (2SHB 1394).

(30) \$800,000 of the general fund—state appropriation for fiscal year 2024, \$800,000 of the general fund—state appropriation for fiscal year 2025, and \$1,452,000 of the general fund—federal appropriation are provided solely for the authority to implement strategies related to suicide prevention and treatment.

(31) \$446,000 of the general fund—state appropriation for fiscal year 2024, \$446,000 of the general fund—state appropriation for fiscal year 2025, and \$178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(32) As an element of contractual network adequacy requirements and reporting, the authority shall direct managed care organizations to make all reasonable efforts to develop or maintain contracts with provider networks that leverage local, federal, or philanthropic funding to enhance effectiveness of medicaid-funded integrated care services. These networks must promote medicaid clients' access to a system of services that addresses additional social support services and social determinants of health as defined in RCW 43.20.025 in a manner that is integrated with the delivery of behavioral health and medical treatment services.

(33) \$9,000,000 of the criminal justice treatment account—state appropriation is provided solely for the authority to maintain funding for new therapeutic courts created or expanded during fiscal year 2021, or to maintain the fiscal year 2021 expansion of services being provided to an already existing therapeutic court that engages in evidence-based practices, to include medication assisted treatment in jail settings pursuant to RCW 71.24.580. Funding provided under this subsection shall not supplant existing funds utilized for this purpose.

(34) In establishing, re-basing, enhancing, or otherwise updating medicaid rates for behavioral health services, the authority and contracted actuaries shall use a transparent process that provides an opportunity for medicaid managed care organizations, behavioral health administrative service organizations, and behavioral health provider agencies, and their representatives, to review and provide data and feedback on proposed rate changes within their region or regions of service operation. The authority and contracted actuaries shall transparently incorporate the information gained from this process and make adjustments allowable under federal law when appropriate.

(35) The authority shall seek input from representatives of the managed care organizations (MCOs), licensed community behavioral health agencies, and behavioral health

administrative service organizations to develop specific metrics related to behavioral health outcomes under integrated managed care. These metrics must include, but are not limited to: (a) Revenues and expenditures for community behavioral health programs, including medicaid and nonmedicaid funding; (b) access to services, service denials, and utilization by state plan modality; (c) claims denials and record of timely payment to providers; (d) client demographics; and (e) social and recovery measures and managed care organization performance measures. The authority must work with managed care organizations and behavioral health administrative service organizations to integrate these metrics into an annual reporting structure designed to evaluate the performance of the behavioral health system in the state over time. The authority must submit a report to the office of financial management and the appropriate committees of the legislature, before December 30th of each year during the fiscal biennium, that details the implemented metrics and relevant performance outcomes for the prior calendar year.

(36) \$4,061,000 of the general fund—state appropriation for fiscal year 2024, \$3,773,000 of the general fund—state appropriation for fiscal year 2025, and \$6,419,000 of the general fund—federal appropriation are provided solely for the authority to maintain pilot programs for intensive outpatient services and partial hospitalization services for certain children and adolescents and, pursuant to chapter 94, Laws of 2022 (2SSB 5736), add coverage for these services into the state medicaid program beginning January 1, 2024.

(a) The authority must establish minimum standards, eligibility criteria, authorization and utilization review processes, and payment methodologies for the programs in contract.

(b) Eligibility for the pilot sites is limited pursuant to the following:

(i) Children and adolescents discharged from an inpatient hospital treatment program who require the level of services offered by the pilot programs in lieu of continued inpatient treatment;

(ii) Children and adolescents who require the level of services offered by the pilot programs in order to avoid inpatient hospitalization; and

(iii) Services may not be offered if there are less costly alternative community-based services that can effectively meet the needs of an individual referred to the program.

(c) Eligibility for services through the state medicaid program shall be consistent with criteria approved by the centers for medicare and medicaid services pursuant to implementation of chapter 94, Laws of 2022 (2SSB 5736).

(d) The authority must collect data on the program sites and work with the actuaries responsible for establishing managed care rates for medicaid enrollees to develop and submit an annual report to the office of financial management and the appropriate committees of the legislature each December of the fiscal biennium that includes the following information:

(i) A narrative description of the services provided at each program site and identification of any specific gaps the sites were able to fill in the current continuum of care;

(ii) Clinical outcomes and estimated reductions in psychiatric inpatient costs associated with each of the program sites;

(iii) Recommendations for whether the pilot models should be expanded statewide, whether modifications should be made to the models to better address gaps in the continuum identified through the pilot sites, whether the models could be expanded to community behavioral health providers, and whether statewide implementation should be achieved through a state plan amendment or some other mechanism for leveraging federal medicaid match;

(iv) Actuarial projections on the statewide need for services related to the pilot sites and estimated costs of adding each of the services to the medicaid behavioral health benefit for children and adolescents and adults; and

(v) Annual costs and any quantifiable cost offsets associated with the program sites.

(37) \$25,587,000 of the general fund—federal appropriation (ARPA) and \$9,828,000 of the general fund—federal appropriation are provided solely to promote the recovery of individuals with substance use disorders through expansion of substance use disorder services. The authority shall implement this funding to promote integrated, whole-person care to individuals with opioid use disorders, stimulant use disorders, and other substance use disorders. The authority shall use this funding to support evidence-based and promising practices as follows:

(a) \$8,500,000 of the amounts provided in this subsection is provided solely for treatment services to low-income individuals with substance use disorders who are not eligible for services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of \$7,500,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, mobile opioid use disorder treatment programs, law enforcement assisted diversion programs, contingency management interventions, modified assertive community treatment, trauma informed care, crisis respite, and for reimbursement of one-time start-up operating costs for opening new beds in withdrawal management treatment programs.

(b) \$2,015,000 of the amounts provided in this subsection is provided solely for outreach programs that link individuals with substance use disorders to treatment options to include medication for opioid use disorder. The authority must contract for these services with programs that use interdisciplinary teams, which include peer specialists, to engage and facilitate linkage to treatment for individuals in community settings such as homeless encampments, shelters, emergency rooms, harm reduction programs, churches, community service offices, food banks, libraries, legal offices, and other settings where individuals with substance use disorders may be engaged. The services must be coordinated with emergency

housing assistance and other services administered by the authority to promote access to a full continuum of treatment and recovery support options.

(c) \$7,500,000 of the amounts provided in this subsection is provided solely for substance use disorder recovery support services not covered by the medicaid program including, but not limited to, emergency housing, recovery housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(d) \$3,550,000 of the amounts provided in this subsection is provided solely for efforts to support the recovery of American Indians and Alaska natives with substance use disorders. This funding may be used for grants to urban Indian organizations, tribal opioid prevention media campaigns, and support for government to government communication, planning, and implementation of opioid use disorder related projects.

(e) \$5,000,000 of the amounts provided in this subsection is provided solely for the authority, in coordination with the department of health, to expand the distribution of naloxone through the department's overdose education and naloxone distribution program. Funding must be prioritized to fill naloxone access gaps in community behavioral health and other community settings, including providing naloxone for agency staff in organizations such as syringe service programs, housing providers, and street outreach programs, and for law enforcement and emergency responders.

(f) \$7,100,000 of the amounts provided in this subsection is provided solely for community services grants that support the implementation and evaluation of substance use disorder prevention services.

(g) Up to \$1,750,000 of the amounts provided in this subsection may be used for the authority's administrative costs associated with services funded in this subsection.

(38) \$3,109,000 of the general fund—state appropriation for fiscal year 2024 and \$3,109,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for short-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served. Each December of the fiscal biennium, the authority must submit a report identifying the expenditures and number of individuals receiving short-term rental supports through the agency budget during the prior fiscal year broken out by region, treatment need, and the demographics of those served, including but not limited to age, country of origin within racial/ethnic categories, gender, and immigration status.

(39) \$25,332,000 of the general fund—federal appropriation (ARPA) is provided solely to promote the recovery of individuals with mental health disorders through expansion of mental health services. The authority shall implement this funding to promote integrated, whole-person care through evidence based and promising practices as follows:

(a) \$8,153,000 of the amounts provided in this subsection is provided solely for treatment services to low-income individuals with mental health disorders who are not eligible for services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of \$7,000,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, law enforcement assisted diversion programs, modified assertive community treatment, and trauma informed care.

(b) \$8,200,000 of the amounts provided in this subsection is provided solely for mental health recovery support services not covered by the medicaid program including, but not limited to, supportive housing, emergency housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(c) \$2,553,000 of the amounts provided in this subsection is provided solely for efforts to support the recovery of American Indians and Alaska natives with mental health disorders.

(d) \$1,300,000 of the amounts provided in this subsection is provided solely to enhance crisis services and may be used for crisis respite care.

(e) \$2,600,000 of the amounts provided in this subsection is provided solely for the expansion of first episode psychosis programs.

(f) Up to \$1,279,000 of the amounts provided in this subsection may be used for the authority's administrative costs associated with services funded in this subsection.

(40) The authority must pursue opportunities for shifting state costs to the state's unused allocation of federal institutions for mental disease disproportionate share hospital funding.

(41) \$500,000 of the general fund—federal appropriation is provided solely to establish an emotional support network program for individuals employed as peer specialists. The authority must contract for these services which shall include, but not be limited to, facilitating support groups for peer specialists, support for the recovery journeys of the peer specialists themselves, and targeted support for the secondary trauma inherent in peer work.

(42) \$1,500,000 of the general fund—federal appropriation is provided solely for the authority to contract on a one-time basis with the University of Washington behavioral health institute to continue and enhance its efforts related to training and workforce development. This funding may be used for the following activities:

- (a) Making substance use disorder training content accessible to all community behavioral health providers;
- (b) Refining and implementing a substance use disorder provider needs assessment to advance best practice implementation for treatment in inpatient and outpatient settings;
- (c) Disseminating innovative best practices through training and technical assistance;
- (d) Developing and launching a telebehavioral health training series, providing webinars and packaging the training content so that it is accessible to all community behavioral health providers;
- (e) Planning for advanced telebehavioral health training and support to providers;
- (f) Convening a race, equity, and social justice in behavioral health conference annually;
- (g) Developing training and technical assistance opportunities for an annual series that translates lessons learned in behavioral health equity into actionable and sustainable change at the provider, organizational, and system levels;
- (h) Developing recommendations for reducing health disparities and training the workforce in culturally and linguistically relevant practices to achieve improved outcomes;
- (i) Increasing the number of community substance use providers that are trained in best practice assessment and treatment models;
- (j) Convening a telebehavioral health summit of leading experts regarding long-term provider telebehavioral health training and workforce needs;
- (k) Creating a behavioral health workforce strategy plan that identifies gaps that are not being addressed and suggests system improvements to address those gaps;
- (l) Working with community partners and key stakeholders to identify best practice strategies to evaluate and measure equity and health disparities within the behavioral health system and make recommendations regarding potential metrics to help advance system change; and
- (m) Developing metrics and evaluating telebehavioral health training needs and the impact of telebehavioral health training on provider knowledge and treatment protocols.
- (43) \$1,250,000 of the general fund—state appropriation for fiscal year 2024 and \$1,250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with the King county behavioral health administrative services organization to maintain children's crisis outreach response system services that were previously funded through the department of children, youth, and families. The authority, in consultation with the behavioral health administrative services organization, medicaid managed care organizations, and the actuaries responsible for developing medicaid managed care rates, must work to maximize federal funding provided for the children's crisis outreach response system program.
- (44) \$31,891,000 of the general fund—state appropriation for fiscal year 2024, \$63,395,000 of the general fund—state appropriation for fiscal year 2025, and \$172,425,000 of the general fund—federal appropriation are provided solely to implement a 15 percent increase to medicaid reimbursement for community behavioral health providers contracted through managed care organizations to be effective January 1, 2024. The authority must employ mechanisms such as directed payment or other options allowable under federal medicaid law to assure the funding is used by the managed care organizations for a 15 percent provider rate increase as intended and verify this pursuant to the process established in chapter 285, Laws of 2020 (EHB 2584). The rate increase shall be implemented to all behavioral health nonhospital inpatient, residential, and outpatient providers contracted through the medicaid managed care organizations. Psychiatric hospitals and other providers receiving rate increases under other subsections of this section must be excluded from the rate increase directed in this subsection.
- (45) \$532,000 of the general fund—state appropriation for fiscal year 2024, \$2,935,000 of the general fund—state appropriation for fiscal year 2025, and \$3,467,000 of the general fund—federal appropriation are provided solely to increase the number of beds and rates for community children's long-term inpatient program providers. The number of beds is increased on a phased in basis to 72 beds by the end of fiscal year 2024. The bed day rates are increased from \$1,030 per day to \$1,121 per day effective July 1, 2023.
- (46) \$505,000 of the general fund—state appropriation for fiscal year 2024, \$1,011,000 of the general fund—state appropriation for fiscal year 2025, and \$1,095,000 of the general fund—federal appropriation are provided solely to increase rates for parent child assistance program providers by 15 percent effective January 1, 2024.
- (47) \$300,000 of the general fund—federal appropriation is provided solely for training of behavioral health consumer advocates. The authority must enter into a memorandum of understanding with the department of commerce to provide support for training of behavioral health consumer advocates pursuant to chapter 202, Laws of 2021 (E2SHB 1086).
- (48) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with a statewide mental health nonprofit organization that provides free community and school-based mental health education and support programs for consumers and families. The contractor must use this funding to provide access to programs tailored to peers living with mental illness as well as family members of people with mental illness and the community at large. Services provided by the contracted program shall include education, support, and assistance to reduce isolation and help consumers and families understand the services available in their communities.

(49) \$15,474,000 of the general fund—state appropriation for fiscal year 2024, \$15,474,000 of the general fund—state appropriation for fiscal year 2025, and \$14,312,000 of the general fund—federal appropriation are provided solely for maintaining the expansion of local behavioral health mobile crisis response team capacity and ensuring each region has at least one adult and one children and youth mobile crisis team that is able to respond to calls coming into the 988 crisis hotline.

(a) In prioritizing this funding, the health care authority shall assure that there are a minimum of six new children and youth mobile crisis teams in comparison to the number of teams at the end of fiscal year 2021 and that there is one children and youth mobile crisis team in each region.

(b) In implementing funding for adult and youth mobile crisis response teams, the authority must establish standards in contracts with managed care organizations and behavioral health administrative services organizations for the services provided by these teams.

(c) Of these amounts, \$3,000,000 of the general fund—state appropriation for fiscal year 2024, \$3,000,000 of the general fund—state appropriation for fiscal year 2025, and \$2,024,000 of the general fund—federal appropriation are provided solely to maintain increased capacity for mobile crisis services in King county that was funded in fiscal year 2023. These amounts must supplement and not supplant funding to the county previously allocated by the authority under this subsection.

(50) \$57,580,000 of the general fund—state appropriation for fiscal year 2024, \$61,807,000 of the general fund—state appropriation for fiscal year 2025, and \$109,146,000 of the general fund—federal appropriation are provided solely for the authority to contract with community hospitals or freestanding evaluation and treatment centers to provide long-term inpatient care beds as defined in RCW 71.24.025. Within these amounts, the authority must meet the requirements for reimbursing counties for the judicial services for patients being served in these settings in accordance with RCW 71.05.730. The authority must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities. Of the amounts in this subsection, sufficient amounts are provided in fiscal year 2024 and fiscal year 2025 for the authority to reimburse community hospitals and nonhospital residential treatment centers serving clients in long-term inpatient care beds as defined in RCW 71.24.025 as follows:

(a) For a hospital licensed under chapter 70.41 RCW that requires a hospital specific medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients because the hospital has completed a medicare cost report, the authority shall analyze the most recent medicare cost report of the hospital after a minimum of 200 medicaid inpatient psychiatric days. The authority shall establish the inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at 100 percent of the allowable cost of care, based on the most recent medicare cost report of the hospital.

(b) For a hospital licensed under chapter 70.41 RCW that has not completed a medicare cost report with more than 200 medicaid inpatient psychiatric days, the authority shall establish the medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at the higher of the hospital's current medicaid inpatient psychiatric rate; or the annually updated statewide average of the medicaid inpatient psychiatric per diem payment rate of all acute care hospitals licensed under chapter 70.41 RCW providing long-term civil commitment services.

(c) For a hospital licensed under chapter 71.12 RCW and currently providing long-term civil commitment services, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at \$940 plus adjustments that may be needed to capture costs associated with long-term psychiatric patients that are not allowable on the medicare cost report or reimbursed separately. The hospital may provide the authority with supplemental data to be considered and used to make appropriate adjustments to the medicaid inpatient psychiatric per diem payment rate of the hospital. Adjustment of costs may include:

(i) Costs associated with professional services and fees not accounted for in the hospital's medicare cost report or reimbursed separately;

(ii) Costs associated with the hospital providing the long-term psychiatric patient access to involuntary treatment court services that are not reimbursed separately; and

(iii) Other costs associated with caring for long-term psychiatric patients that are not reimbursed separately.

(d) For a hospital licensed under chapter 71.12 RCW that requires an initial medicaid inpatient psychiatric per diem payment rate for long-term civil commitment services because it has not yet completed a medicare cost report, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at the higher of:

(i) The hospital's current medicaid inpatient psychiatric rate; or

(ii) The annually updated statewide average of the medicaid long-term inpatient psychiatric per diem payment rate of all freestanding psychiatric hospitals licensed under chapter 71.12 RCW providing long-term civil commitment services.

(e) For nonhospital residential treatment centers certified to provide long-term inpatient care beds as defined in RCW 71.24.025, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at the fiscal year 2023 level.

(f) Beginning in fiscal year 2024, the authority shall pay a rate enhancement for patients committed pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The enhancement shall be available to all hospital and nonhospital facilities providing services under this subsection except those whose rates



are set at 100 percent of their most recent medicare cost report. The rate enhancement shall not exceed the tiered rate enhancements established under the 1915(i) state plan.

(g) Provider payments for vacant bed days shall not exceed six percent of their annual contracted bed days.

(h) The authority, in coordination with the department of social and health services, the office of the governor, the office of financial management, and representatives from medicaid managed care organizations, behavioral health administrative service organizations, and community providers, must update its plan to continue the expansion of civil community long-term inpatient capacity. The plan shall identify gaps and barriers in the current array of community long-term inpatient beds in serving higher need individuals including those committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The plan shall identify strategies to overcome these barriers including, but not limited to, potential rate enhancements for high needs clients. The authority must submit its updated implementation plan to the office of financial management and the appropriate fiscal committees of the legislature by December 1, 2023, and submit a status update on the implementation plan by October 15, 2024.

(51)(a) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a one-time grant to Island county to maintain support for a pilot program to improve behavioral health outcomes for young people in rural communities. In administering the pilot program, Island county shall coordinate with school districts, community groups, and health care providers to increase access to behavioral health programs for children and youth aged birth to 24 years of age. The grant funds shall be used to coordinate and expand behavioral health services. The grant funding must not be used to supplant funding from existing programs. No more than 10 percent of the funds may be used for administrative costs incurred by Island county in administering the program. Services that may be provided with the grant funding include, but are not limited to:

(i) Support for children and youth with significant behavioral health needs to address learning loss caused by COVID-19 and remote learning;

(ii) School based behavioral health education, assessment, and brief treatment;

(iii) Screening and referral of children and youth to long-term treatment services;

(iv) Behavioral health supports provided by community agencies serving youth year-round;

(v) Expansion of mental health first aid, a program designed to prepare adults who regularly interact with youth for how to help people in both crisis and noncrisis mental health situations;

(vi) Peer support services; and

(vii) Compensation for the incurred costs of clinical supervisors and internships.

(b) The authority, in coordination with Island county, must submit to the office of financial management and the appropriate committees of the legislature, a report summarizing how the funding was used and providing the number of children and youth served by the pilot during fiscal year 2024 by December 1, 2024.

(52) \$265,000 of the general fund—state appropriation for fiscal year 2024, \$281,000 of the general fund—state appropriation for fiscal year 2025, and \$546,000 of the general fund—federal appropriation are provided solely for the authority to provide specialized training and consultation for physicians and professionals to support children with developmental disabilities and behavioral health needs.

(53) \$2,184,000 of the general fund—federal appropriation and \$2,184,000 of the general fund—local appropriation are provided solely for supported housing and employment services described in initiative 3a and 3b of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. Within these amounts, funding is provided for the authority to support community discharge efforts for patients at the state hospitals. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures above appropriated levels for this specific purpose. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(54) \$130,000 of the general fund—federal appropriation is provided solely for the authority to participate in efforts to ensure behavioral health agencies are compensated for their role as teaching clinics for students seeking professional education in behavioral health disciplines and for new graduates working toward licensure.

(55) \$250,000 of the general fund—state appropriation for fiscal year 2024, \$934,000 of the general fund—state appropriation for fiscal year 2025, and \$1,447,000 of the general fund—federal appropriation are provided solely for increasing case management services to pregnant and parenting women provided through the parent child assistance program and for increasing the number of residential treatment beds available for pregnant and parenting women.

(56) Within the amounts provided in this section, sufficient funding is provided for the authority to maintain and increase the capabilities of a tool to track medication assisted treatment provider capacity.

(57) \$2,000,000 of the general fund—federal appropriation is provided solely for grants to law enforcement and other first responders to include a mental health professional on the team of personnel responding to emergencies.

(58) \$1,653,000 of the general fund—state appropriation for fiscal year 2025 and \$2,024,000 of the general fund—federal appropriation are provided solely for the authority to contract for long-term involuntary treatment services in a 16-bed residential treatment facility being developed by the Tulalip tribe in Stanwood.

(59) \$956,000 of the general fund—state appropriation for fiscal year 2024 and \$956,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for wraparound with intensive services for youth ineligible for medicaid as outlined in the settlement agreement under *AGC v. Washington State Health Care Authority*, Thurston county superior court no. 21-2-00479-34.

(60) \$18,188,000 of the general fund—state appropriation for fiscal year 2024 and \$18,188,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for claims for services rendered to medicaid eligible clients admitted to institutions of mental disease that were determined to be unallowable for federal reimbursement due to medicaid's institutions for mental disease exclusion rules.

(61) \$6,010,000 of the general fund—state appropriation for fiscal year 2024, \$6,010,000 of the general fund—state appropriation for fiscal year 2025, and \$1,980,000 of the general fund—federal appropriation are provided solely for the authority, in coordination with the department of health, to deploy an opioid awareness campaign and to contract with syringe service programs and other service settings assisting people with substance use disorders to: Prevent and respond to overdoses; provide other harm reduction services and supplies, including but not limited to distributing naloxone; fentanyl testing and other drug testing supplies; and for expanding contingency management services. The authority is encouraged to use these funds to leverage federal funding for this purpose to expand buying power when possible. The authority should prioritize funds for naloxone in coordination with the department of health, to expand the distribution of naloxone through the department's overdose education and naloxone distribution program. Funding must be prioritized to fill naloxone access gaps in community behavioral health and other community settings, including providing naloxone for agency staff in organizations such as syringe service programs, housing providers, and street outreach programs. Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to deploy an opioid awareness campaign targeted at youth to increase the awareness of the dangers of fentanyl.

(62) \$4,763,000 of the general fund—state appropriation for fiscal year 2024, \$4,763,000 of the general fund—state appropriation for fiscal year 2025, and \$25,754,000 of the general fund—federal appropriation are provided solely to maintain a rate increase authorized for opioid treatment providers on January 1, 2023.

(63) \$2,387,000 of the general fund—state appropriation for fiscal year 2024 and \$2,387,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support individuals enrolled in the foundational community supports initiative who are transitioning from benefits under RCW 74.04.805 due to increased income or other changes in eligibility. The authority, department of social and health services, and department of commerce shall collaborate on this effort.

(64) \$2,249,000 of the general fund—state appropriation for fiscal year 2024 and \$2,249,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with programs to provide medical respite care for individuals with behavioral health needs. The programs must serve individuals with significant behavioral health needs and medical issues who do not require hospitalization but are unable to provide adequate self-care for their medical conditions. The programs must prioritize services to individuals with complex medical and behavioral health issues who are homeless or who were recently discharged from a hospital setting. The services must meet quality standards and best practices developed by the national health care for the homeless council and may include, but are not limited to, medical oversight and health education; care transitions; and discharge planning to and from primary care, inpatient hospital, emergency rooms, and supportive housing. In selecting the contractors, the authority must prioritize projects that demonstrate the active involvement of an established medical provider that is able to leverage federal medicaid funding in the provision of these services. The authority must work with the medicaid managed care organizations to encourage their participation and assist the plans and the contractor in identifying mechanisms for appropriate use of medicaid reimbursement in this setting.

(65) \$988,000 of the general fund—state appropriation for fiscal year 2024, \$988,000 of the general fund—state appropriation for fiscal year 2025, and \$618,000 of the general fund—federal appropriation are provided solely for the authority to contract for three regional behavioral health mobile crisis response teams focused on supported housing to prevent individuals with behavioral health conditions at high risk of losing housing from becoming homeless, identify and prioritize serving the most vulnerable people experiencing homelessness, and increase alternative housing options to include short-term alternatives

which may temporarily deescalate situations where there is high risk of a household from becoming homeless.

(66) \$5,623,000 of the general fund—state appropriation for fiscal year 2024, \$5,623,000 of the general fund—state appropriation for fiscal year 2025, and \$3,748,000 of the general fund—federal appropriation are provided solely to maintain and expand access to no barrier, and low-barrier programs using a housing first model designed to assist and stabilize housing supports for adults with behavioral health conditions. Housing supports and services shall be made available with no requirement for treatment for their behavioral health condition and must be individualized to the needs of the individual. The authority and department of commerce shall collaborate on this effort and must submit a status report to the office of financial management and the appropriate committees of the legislature by December 31, 2023.

(67) \$675,000 of the general fund—state appropriation for fiscal year 2024 and \$675,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a rental voucher and bridge program and to implement strategies to reduce instances where an individual leaves a state operated behavioral or private behavioral health facility directly into homelessness. The authority must prioritize this funding for individuals being discharged from state operated behavioral health facilities.

(68) \$361,000 of the general fund—state appropriation for fiscal year 2024, \$361,000 of the general fund—state appropriation for fiscal year 2025, and \$482,000 of the general fund—federal appropriation are provided solely for the authority, in collaboration with the department of social and health services research and data analysis division, to implement community behavioral health service data into the existing executive management information system. Of these amounts, \$288,000 of the general fund—state appropriation for fiscal year 2024, \$288,000 of the general fund—state appropriation for fiscal year 2025, and \$384,000 of the general fund—federal appropriation are provided solely for the authority to reimburse the research and data analysis division for staff costs associated with this project. The data elements shall be incorporated into the monthly executive management information system reports on a phased-in basis, allowing for elements which are readily available to be incorporated in the initial phase, and elements which require further definition and data collection changes to be incorporated in a later phase. The authority must collaborate with the research and data analysis division to ensure data elements are clearly defined and must include requirements in medicaid managed care organization and behavioral health administrative services organization contracts to provide the data in a consistent and timely manner for inclusion into the system. The community behavioral health executive management system information data elements must include, but are not limited to: Psychiatric inpatient bed days; evaluation and treatment center bed days; long-term involuntary community psychiatric inpatient bed days; children's long-term inpatient bed days; substance use disorder inpatient, residential, withdrawal evaluation and management, and secure withdrawal evaluation and management bed days; crisis triage and stabilization services bed days; mental health residential bed days; mental health and substance use disorder outpatient treatment services; opioid substitution and medication assisted treatment services; program of assertive treatment team services; wraparound with intensive services; mobile outreach crisis services; recovery navigator team services; foundational community supports housing and employment services; projects for assistance in transition from homelessness services; housing and recovery through peer services; other housing services administered by the authority; mental health and substance use disorder peer services; designated crisis responder investigations and outcomes; involuntary commitment hearings and outcomes; pregnant and parenting women case management services; and single bed certifications and no available bed reports. Wherever possible and practical, the data must include historical monthly counts and shall be broken out to distinguish services to medicaid and nonmedicaid individuals and children and adults. The authority and the research and data analysis division must consult with the office of financial management and staff from the fiscal committees of the legislature on the development and implementation of the community behavioral health data elements.

(69) \$2,587,000 of the general fund—state appropriation for fiscal year 2024 and \$2,587,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to support efforts by counties and cities to implement local response teams. Of these amounts:

(a) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to provide a grant to the association of Washington cities to assist cities with the costs of implementing alternative response teams. This funding must be used to reimburse cities for documented costs associated with creating co-responder teams within different alternative diversion models including law enforcement assisted diversion programs, community assistance referral and education programs, and as part of mobile crisis teams. Cities are encouraged to partner with each other to create a regional response model. In awarding these funds, the association must prioritize applicants with demonstrated capacity for facility-based crisis triage and stabilization services. The association and authority must collect and report information regarding the number of facility-based crisis stabilization and triage beds available in the locations receiving funding through this subsection and submit a report to the office of financial management and the appropriate committees of the legislature with this information by December 1, 2023.

(b) \$587,000 of the general fund—state appropriation for fiscal year 2024 and \$587,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support the Whatcom county alternative response team.

(70) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with the University of Washington addictions, drug, and alcohol institute. This funding must be used for advanced, evidence-based training for law enforcement to improve interactions with individuals who use drugs. The training must be developed so it can be adapted and used statewide to decrease stigmatizing beliefs among law enforcement through positive contact with people who use drugs and improve officer well-being and effectiveness by providing skills and techniques to address the drug overdose epidemic. The institute must develop and refine this training, leveraging prior work, and in partnership with a steering committee that includes people with lived or living experience of substance use disorder and criminal legal involvement, researchers, clinicians, law enforcement officers, and others. The training must complement, but not duplicate, existing curricula already provided by the criminal justice training commission. The institute must pilot the advanced training in a subset of regional law enforcement agencies and evaluate its acceptability and feasibility through participant interviews and pretraining and posttraining ratings of stigmatizing beliefs. The institute must incorporate feedback from the pilot training sessions into a final training program that it must make available to law enforcement agencies across the state.

(71) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the authority to continue development and implementation of the certified community behavioral health clinic model for comprehensive behavioral health services. Funding must be used to secure actuarial expertise, conduct research into national data and other state models, including obtaining resources and expertise from the national council for mental well-being certified community behavioral health clinic success center; and engage stakeholders, including representatives of licensed community behavioral health agencies and medicaid managed care organizations, in the process. The authority must provide a report to the office of financial management and the appropriate committees of the legislature with findings, recommendations, and cost estimates by December 31, 2024. The study must build on the preliminary report submitted to the legislature in December 2022 and include:

(a) Overviews of options and considerations for implementing the certified community behavioral health clinic model within Washington state, including participation as a certified community behavioral health clinic demonstration state or for independent statewide implementation;

(b) An analysis of the impact of expanding the certified community behavioral health clinic model on the state's behavioral health systems;

(c) Relevant federal regulations and options to implement the certified community behavioral health clinic model under those regulations;

(d) Options for implementing a prospective payment system methodology;

(e) An analysis of the benefits and potential challenges for integrating the certified community behavioral health clinic reimbursement model within an integrated care environment;

(f) Actuarial analysis on the costs for implementing the certified community behavioral health clinic model, including opportunities for leveraging federal funding; and

(g) Recommendations to the legislature on a pathway for statewide implementation.

(72) \$1,135,000 of the general fund—state appropriation for fiscal year 2025 and \$568,000 of the general fund—federal appropriation are provided solely to develop and operate a 16-bed substance use disorder inpatient facility in Grays Harbor county that specializes in treating pregnant and parenting women using a family preservation model. The authority must contract for these services through behavioral health entities in a manner that allows leveraging of federal medicaid funds to pay for a portion of the costs. The authority must consult with the department of children, youth, and families in the implementation of this funding. The facility must allow families to reside together while a parent is receiving treatment. Of these amounts, \$568,000 may be used for documented startup costs including the recruitment, hiring, and training of staff. If the authority is able to identify a provider that can begin developing these services before July 2024, it must notify the office of financial management and the appropriate committees of the legislature and submit a request for funding in the fiscal year 2024 supplemental operating budget.

(73) \$160,000 of the general fund—state appropriation for fiscal year 2024 is provided on a one-time basis solely for the authority to continue a grant to the city of Snoqualmie to pilot behavioral health emergency response and coordination services through a regional behavioral health coordinator. The regional behavioral health coordinator shall be a licensed mental health or substance use disorder professional who works directly with and accompanies law enforcement officers and fire and rescue first responders to help respond to crises involving persons with behavioral health needs. The coordinator shall plan, implement, and coordinate services related to crisis response and social service needs with the city of Snoqualmie, the city of North Bend, the Snoqualmie police and fire departments, and the eastside fire and rescue agency serving North Bend, and local community services, school districts, hospitals, and crisis response systems provided by King county for the region. The coordinator shall support the social services needs identified through police and fire response in the lower Snoqualmie valley and serve as a liaison between law enforcement, first responders, and persons accessing or requesting emergency services with social service needs. The authority shall collect information on the pilot project and, in coordination with the city of Snoqualmie, must submit a report to the office of financial management and the

appropriate committees of the legislature by December 31, 2023, summarizing the services provided through the grant funds and identifying recommendations on how to implement effective, integrated, coordinated behavioral health emergency response and community care services. The authority must also provide the report to the criminal justice training commission, the Washington association of sheriffs and police chiefs, and the Washington fire commissioners association.

(74) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract for services with a statewide recovery community organization. The authority must award this funding to an organization that: (a) Has experience building the capacity of the recovery community to advance substance use recovery and mental health wellness by catalyzing public understanding and shaping public policy; (b) is led and governed by representatives of local communities of recovery; (c) centers the voices of people with lived experience who are touched by addiction and mental health challenges, and harnesses the power of story to drive change in the mental health and addiction treatment systems; and (d) provides free community education, skills trainings, events, and a conference in order to increase the understanding of issues around behavioral health and recovery. Services provided by the contracted program must include education, support, and assistance to increase connection of the recovery community, recovery capital, and knowledge about recovery and mental health resources. In conducting this work, the contractor must engage diverse individuals in recovery, impacted families, and providers from all regions of the state and leverage the assistance of affiliated groups and organizations. The organization must also prioritize diversity, equity, and justice in their work to eradicate health disparities of marginalized communities.

(75) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to continue and expand a contract with a Seattle based nonprofit organization with experience matching voluntary specialty care providers with patients in need of care to provide pro bono counseling and behavioral health services to uninsured and underinsured individuals with incomes below 300 percent of the federal poverty level. The authority may require the contractor to seek, document, and report to the authority on efforts to leverage local, federal, or philanthropic funding to provide sustained operational support for the program.

(76) \$2,437,000 of the general fund—state appropriation for fiscal year 2024, \$4,772,000 of the general fund—state appropriation for fiscal year 2025, and \$1,705,000 of the general fund—federal appropriation are provided solely for the authority to contract for youth inpatient navigator services in seven regions of the state. The services must be provided through clinical response teams that receive referrals for children and youth inpatient services and manage a process to coordinate placements and alternative community treatment plans. Of these amounts for each fiscal year, \$445,000 of the general fund—state appropriation and \$79,000 of the general fund—federal appropriation are provided solely to contract for services through an existing program located in Pierce county.

(77) \$7,601,000 of the general fund—state appropriation for fiscal year 2024, \$7,601,000 of the general fund—state appropriation for fiscal year 2025, and \$2,820,000 of the general fund—federal appropriation are provided solely for assisted outpatient treatment and other costs associated with implementation of chapter 210, Laws of 2022 (SHB 1773). Of the amount provided in this subsection, \$1,000 is for implementation of Engrossed Senate Bill No. 5130 (assisted outpatient treatment).

(78) \$1,878,000 of the general fund—state appropriation for fiscal year 2024 and \$429,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue to support the children and youth behavioral health work group to consider and develop longer term strategies and recommendations regarding the delivery of behavioral health services for children, transitioning youth, and their caregivers pursuant to chapter 76, Laws of 2022 (2SHB 1890).

(79) Sufficient funding is provided for the authority to extend continuous eligibility for apple health to children ages zero to six with income at or below 215 percent of the federal poverty level. The centers for medicare and medicaid services must approve the 1115 medicaid waiver prior to the implementation of this policy.

(80) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for contingency management resources in accordance with chapter 311, Laws of 2021 (ESB 5476).

(81) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to continue a contract for services funded in section 215(127), chapter 297, Laws of 2022 (ESSB 5693) to provide information and support related to safe housing and support services for youth exiting inpatient mental health and/or substance use disorder facilities to stakeholders, inpatient treatment facilities, young people, and other community providers that serve unaccompanied youth and young adults.

(82) \$2,336,000 of the general fund—state appropriation for fiscal year 2024, 2,336,000 of the general fund—state appropriation for fiscal year 2025, and \$3,036,000 of the general fund—federal appropriation are provided solely for the authority to contract with opioid treatment providers to operate mobile methadone units to address treatment gaps statewide.

(83) \$216,000 of the general fund—state appropriation for fiscal year 2024, \$427,000 of the general fund—state appropriation for fiscal year 2025, and \$1,454,000 of the general

fund—federal appropriation are provided solely for the authority to increase fee for service rates for mental health and substance use disorder treatment by 22 percent. This rate increase shall be effective January 1, 2024. This rate increase does not apply to per diem costs for long-term civil commitment inpatient services or for services for which rate increases were provided under other subsections of this section. Services affected by the psychiatric rebase in subsection (84) of this section are excluded from this rate increase. The authority must include the proportional costs of increasing fee-for-service rates for mental health and substance use disorder treatment paid on behalf of tribal members not electing enrollment in managed care plans in any agency request decision package it submits during the fiscal biennium for increasing provider rates in the managed care behavioral health program.

(84) Sufficient amounts are provided in this section for the authority to rebase community hospital psychiatric inpatient rates effective January 1, 2024. Rebasings adjustments shall be based on adjusted calendar year 2020 medicare cost reports.

(85)(a) \$3,805,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the authority, beginning July 1, 2024, to implement a program with coverage comparable to the amount, duration, and scope of care provided in the categorically needy medicaid program for adult individuals who:

(i) Have an immigration status making them ineligible for federal medicaid or federal subsidies through the health benefit exchange;

(ii) Are age 19 and older, including over age 65, and have countable income of up to 138 percent of the federal poverty level; and

(iii) Are not eligible for another full scope federally funded medical assistance program, including any expansion of medicaid coverage for deferred action for childhood arrivals recipients.

(b) Within the amount provided in this subsection, the authority shall use the same eligibility, enrollment, redetermination and renewal, and appeals procedures as categorically needy medicaid, except where flexibility is necessary to maintain privacy or minimize burden to applicants or enrollees.

(c) The authority in collaboration with the health benefit exchange, the department of social and health services, and community organizations must develop and implement an outreach and education campaign.

(d) The authority must provide the following information to the governor's office and appropriate committees of the legislature by February 1st and November 1st of each year:

(i) Actual and forecasted expenditures;

(ii) Actual and forecasted data from the caseload forecast council; and

(iii) The availability and impact of any federal program or proposed rule that expands access to health care for the population described in this subsection, such as the expansion of medicaid coverage for deferred action for childhood arrivals recipients.

(e) The amount provided in this subsection is the maximum amount that may be expended for the purposes of this program.

(86)(a) \$2,317,000 of the general fund—state appropriation for fiscal year 2024 and \$4,433,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a targeted grant program to three behavioral health administrative services organizations to transition persons who are either being diverted from criminal prosecution to behavioral health treatment services or are in need of housing upon discharge from crisis stabilization services. The authority must provide an opportunity for all of the behavioral health administrative service organizations to submit plans for consideration.

(b) Grant criteria must include, but are not limited to:

(i) A commitment to matching individuals with temporary lodging or permanent housing, including supportive housing services and supports, that is reasonably likely to fit their actual needs and situation, is noncongregate whenever possible, and takes into consideration individuals' immediate and long-term needs and abilities to achieve and maintain housing stability; and

(ii) A commitment to transition individuals who are initially matched to temporary lodging into a permanent housing placement, including appropriate supportive housing supports and services, within six months except under unusual circumstances.

(c) When awarding grants, the authority must prioritize applicants that:

(i) Provide matching resources;

(ii) Focus on ensuring an expeditious path to sustainable permanent housing solutions; and

(iii) Demonstrate an understanding of working with individuals who experience homelessness or have interactions with the criminal legal system to understand their optimal housing type and level of ongoing services.

(87)(a) \$2,266,000 of the general fund—state appropriation for fiscal year 2024, \$14,151,000 of the general fund—state appropriation for fiscal year 2025, and \$19,269,000 of the general fund—federal appropriation are provided solely for services to medicaid and state funded clients in behavioral health residential treatment facilities that are scheduled to open during the 2023-2025 fiscal biennium.

(b) Within the amounts provided in this subsection, \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to reimburse the department of social and health services for staffing costs related to tracking behavioral health community capacity through the community behavioral health executive management information system and providing annual reports on the implementation of new behavioral health community capacity.

(c) The department of commerce, the department of health, and the authority must cooperate with the department of social and health services in collecting and providing the data necessary to incorporate tracking of behavioral health beds into the behavioral health executive management information system and to prepare the required reports. The agencies must work to ensure they are using consistent definitions in classifying behavioral health bed types for the purpose of reporting capacity and utilization.

(d) The authority and the department of social and health services must begin tracking behavioral health bed utilization for medicaid and state funded clients by type of bed in the executive management information system by October 1, 2023. The department of commerce shall identify to the department of social and health services all providers that have received funding through their capital grant program since the 2013-2015 fiscal biennium. The department of social and health services must incorporate tracking of services by provider including an element to identify providers that have received funding through the capital budget so that reports can be provided related to the average daily client counts for medicaid and state funded clients being served by provider and by facility type.

(e) By November 1, 2023, the department of social and health services, in coordination with the department of commerce, the department of health, and the authority, must submit an annual report to the office of financial management and the appropriate committees of the legislature. The first annual report must provide information on the facilities that received funding through the department of commerce's behavioral health community capacity grant funding since the 2013-2015 fiscal biennium and the utilization across all behavioral health facilities for medicaid and state funded clients. The report must provide the following information for each facility that has received funding through the capital budget: (i) The amount received by the state and the total project cost; (ii) the facility address; (iii) the number of new beds or additional bed capacity by the service type being provided; and (iv) the utilization of the additional beds by medicaid or state funded clients by service type.

(f) By November 1, 2024, the department of social and health services must submit the second annual report to the office of financial management and the appropriate committees of the legislature. The second annual report must update the bed capacity and utilization information required in the first report and compare that capacity to demand by service type by geographical region of the state.

(88) \$85,000 of the general fund—state appropriation for fiscal year 2024 and \$85,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support the efforts of the joint legislative and executive committee on behavioral health established in section 135 of this act.

(89) \$500,000 of the general fund—state appropriation for fiscal year 2024, \$500,000 of the general fund—state appropriation for fiscal year 2025, and \$1,000,000 of the general fund—federal appropriation are provided solely to support the provision of behavioral health co-responder services on nonlaw enforcement emergency medical response teams.

(90) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract on a one-time basis with the King county behavioral health administrative services organization to expand medication for opioid use disorder treatment services in King county.

(91) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the authority to contract on a one-time basis with the behavioral health administrative services organization serving Kitsap county for crisis triage services in the county that are not being reimbursed through the medicaid program.

(92) \$1,100,000 of the general fund—state appropriation for fiscal year 2024 and \$1,100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract on a one-time basis with the behavioral health administrative services organization serving Snohomish county for start-up costs in a new 32-bed community recovery center in Lynnwood that will provide crisis services to medicaid and other low income residents.

(93) \$3,142,000 of the general fund—state appropriation for fiscal year 2024, \$3,869,000 of the general fund—state appropriation for fiscal year 2025, and \$10,574,000 of the general fund—federal appropriation are provided solely to reimburse the department of social and health services for the costs of medicaid services at a 16-bed residential treatment facility serving long-term involuntary inpatient patients. The authority and the department of social and health services must utilize case rate and cost based reimbursement models to maximize federal matching funds at the facility. Up to \$200,000 of the general fund—state appropriation for fiscal year 2024 may be used to facilitate these efforts.

(94) \$313,000 of the general fund—federal appropriation is provided solely to support a media campaign for Native Americans related to the prevention of substance abuse and suicide.

(95) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with up to two behavioral health agencies that are interested in offering or expanding wraparound with intensive services for children and youth. The funds may be used to support costs associated with recruitment, training, technical assistance, or other appropriate costs required to develop the capacity to offer these specialized services.

(96) \$22,000,000 of the general fund—state appropriation for fiscal year 2024 and \$22,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with behavioral health administrative service organizations to implement the statewide recovery navigator program established in chapter 311, Laws of 2021

(ESB 5476) and for related technical assistance to support this implementation. This includes funding for recovery navigator teams to provide community-based outreach and case management services based on the law enforcement assisted diversion model and for technical assistance support from the law enforcement assisted diversion national support bureau. Of the amounts provided in this subsection, \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 must be allocated to maintain recovery navigator services in King, Pierce, and Snohomish counties. These amounts must be in addition to the proportion of the allocation of the remaining funds in this subsection the regional behavioral health administrative services organizations serving those counties were allocated pursuant to section 22(1), chapter 311, Laws of 2021.

(97) \$3,114,000 of the general fund—state appropriation for fiscal year 2024, \$3,114,000 of the general fund—state appropriation for fiscal year 2025, and \$5,402,000 of the general fund—federal appropriation are provided solely for the authority to implement clubhouse services in every region of the state.

(98) \$7,500,000 of the general fund—state appropriation for fiscal year 2024 and \$7,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to implement homeless outreach stabilization teams pursuant to chapter 311, Laws of 2021 (ESB 5476).

(99) \$2,500,000 of the general fund—state appropriation for fiscal year 2024, \$2,500,000 of the general fund—state appropriation for fiscal year 2025, and \$5,000,000 of the opioid abatement settlement account—state appropriation are provided solely for the authority to expand efforts to provide opioid use disorder medication in city, county, regional, and tribal jails.

(100) \$1,400,000 of the general fund—state appropriation for fiscal year 2024 and \$1,400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for behavioral health administrative service organizations to develop regional recovery navigator program plans pursuant to chapter 311, Laws of 2021 (ESB 5476), and to establish positions focusing on regional planning to improve access to and quality of regional behavioral health services with a focus on integrated care.

(101) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with an organization with expertise in supporting efforts to increase access to and improve quality in recovery housing and recovery residences. This funding shall be used to increase recovery housing availability through partnership with private landlords, increase accreditation of recovery residences statewide, operate a grievance process for resolving challenges with recovery residences, and conduct a recovery capital outcomes assessment for individuals living in recovery residences.

(102) \$500,000 of the general fund—state appropriation for fiscal year 2024, \$500,000 of the general fund—state appropriation for fiscal year 2025, and \$4,000,000 of the opioid abatement settlement account—state appropriation are provided solely for the authority to provide short-term housing vouchers for individuals with substance use disorders.

(103) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to convene and provide staff and contracted services support to the recovery oversight committee established in chapter 311, Laws of 2021 (ESB 5476).

(104) \$2,565,000 of the general fund—state appropriation for fiscal year 2024 and \$2,565,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to develop and implement the recovery services plan and to carry out other requirements of chapter 311, Laws of 2021 (ESB 5476). Within these amounts, funding is provided for the authority to:

(a) Establish an occupational nurse consultant position within the authority to provide contract oversight, accountability, and performance improvement activities, and to ensure medicaid managed care organization plan compliance with provisions in law and contract related to care transitions work with local jails; and

(b) Establish a position within the authority to create and oversee a program to initiate and support emergency department programs for inducing medications for patients with opioid use disorder paired with a referral to community-based outreach and case management programs.

(105) \$400,000 of the general fund—federal appropriation is provided solely to support the development and implementation of the parent portal directed in chapter 134, Laws of 2022 (SHB 1800).

(106) \$23,763,000 of the general fund—federal appropriation is provided solely for the authority to contract with the University of Washington behavioral health teaching facility to provide long-term inpatient care beds as defined in RCW 71.24.025. The authority must coordinate with the department of social and health services and the University of Washington to evaluate and determine criteria for the current population of state hospital patients, committed pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088, who can be effectively treated at the University of Washington behavioral health teaching facility. The authority, in coordination with the department of social and health services and the University of Washington, must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2023, summarizing the numbers and types of patients that are committed to the state hospitals pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088, the numbers and types that would be appropriate to be served at



the University of Washington behavioral health teaching facility, and the criteria that was used to make the determination.

(107) \$444,000 of the general fund—state appropriation for fiscal year 2024, \$444,000 of the general fund—state appropriation for fiscal year 2025, and \$716,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1515 (behavioral health contracts). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(108) (a) \$320,000 of the general fund—state appropriation for fiscal year 2024, \$796,000 of the general fund—state appropriation for fiscal year 2025, and \$1,196,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1168 (prenatal substance exposure). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(b) Of the amounts provided in (a) of this subsection, \$500,000 of the general fund—federal appropriation is provided solely for the authority to contract with a statewide nonprofit entity with expertise in fetal alcohol spectrum disorders and experience in supporting parents and caregivers to offer free support groups for individuals living with fetal alcohol spectrum disorders and their parents and caregivers.

(109) \$91,000 of the general fund—state appropriation for fiscal year 2024, \$91,000 of the general fund—state appropriation for fiscal year 2025, and \$126,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1580 (children in crisis). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(110) \$618,000 of the problem gambling account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1681 (problem gambling). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(111) \$5,474,000 of the statewide 988 behavioral health crisis response line account—state appropriation and \$210,000 of the general fund—federal appropriation are provided solely for the authority to implement Engrossed Second Substitute House Bill No. 1134 (988 system).

(a) Within these amounts, \$4,000,000 of the statewide 988 behavioral health crisis response line account—state appropriation is provided solely for the authority to provide grants to new or existing mobile rapid response teams and to community-based crisis teams to support efforts for meeting the standards and criteria for receiving an endorsement pursuant to provisions of the bill. In awarding grants under this subsection, the authority must prioritize funding for proposals that demonstrate experience and strategies that prioritize culturally relevant services to community members with the least access to behavioral health services.

(b) Within the remaining amounts, sufficient funding is provided for the authority to conduct the actuarial analysis and development of options for payment mechanisms for rate enhancements as directed in section 8 of Engrossed Second Substitute House Bill No. 1134 (988 system) and to implement other activities required by the bill.

(c) If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(112) \$26,854,000 of the statewide 988 behavioral health crisis response line account—state appropriation and \$17,636,000 of the general fund—federal appropriation are provided solely for the authority to expand and enhance regional crisis services. These amounts must be used to expand services provided by mobile crisis teams and community-based crisis teams either endorsed or seeking endorsement pursuant to standards adopted by the authority. Beginning in fiscal year 2025, the legislature intends to direct amounts within this subsection to be used for performance payments to mobile rapid response teams and community-based crisis teams that receive endorsements pursuant to Engrossed Second Substitute House Bill No. 1134 (988 system).

(113) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the authority to increase resources for behavioral health administrative service organizations and managed care organizations for the increased costs of room and board for behavioral health inpatient and residential services provided in nonhospital facilities.

(114) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with a youth behavioral inpatient and outpatient program with facilities in Clark and Spokane counties that serve over 65 percent medicaid eligible clients for co-occurring substance use and mental health disorders and sexual exploitation behavioral health treatment. This funding is provided on a one-time basis and must be used for treatment and services.

(115) \$18,168,000 of the opioid abatement settlement account—state appropriation is provided solely for prevention, treatment, and recovery support services to address and remediate the opioid epidemic. Of these amounts:

(a) \$2,500,000 is provided solely for the authority to provide or contract for opioid prevention, outreach, treatment, or recovery support services that are not reimbursable under the state medicaid plan.

(b) \$500,000 is provided solely for Spanish language opioid prevention services.

(c) \$2,000,000 is provided solely to maintain prevention services that address underage drinking, cannabis and tobacco prevention, and opioid, prescription, and other drug misuse among individuals between the ages of 12 and 25.

- (d) \$1,830,000 is provided solely for programs to prevent inappropriate opioid prescribing.
- (e) \$538,000 is provided solely for technical support to improve access to medications for opioid use disorder in jails.
- (f) \$2,000,000 of the opioid abatement settlement account—state appropriation is provided solely for the authority, in coordination with the department of health, to develop and implement a health promotion and education campaign, with a focus on synthetic drug supplies, including fentanyl, and accurate harm reduction messaging for communities, law enforcement, emergency responders, and others.
- (g) \$3,500,000 of the opioid abatement settlement account—state appropriation is provided solely for the authority to provide support funds to new and established clubhouses throughout the state.
- (h) \$6,000,000 of the opioid abatement settlement account—state appropriation is provided solely for the authority to provide grants for the operational costs of new staffed recovery residences which serve individuals with substance use disorders who require more support than a level 1 recovery residence.
- (i) Of the amounts provided in this subsection, the authority may use up to 10 percent for staffing and administrative expenses.
- (j) In contracting for programs and services under this subsection, the authority must consider data and implement strategies that prioritize culturally relevant services to community members with the least access to behavioral health services.
- (116) \$5,000,000 of the opioid abatement settlement account—state appropriation is provided solely for the authority to maintain funding for ongoing grants to law enforcement assisted diversion programs outside of King county under RCW 71.24.590.
- (117) \$5,500,000 of the opioid abatement settlement account—state appropriation is provided on a one-time basis solely for the authority to implement a pilot program to reimburse a licensed pediatric transitional care facility in Spokane county to provide neonatal abstinence syndrome services to infants who have prenatal substance exposure. The pilot program must study and evaluate the efficacy, outcomes, and impact of providing these services to avoid more costly medical interventions. Within these amounts, \$190,000 is provided solely for the authority to contract with Washington State University to conduct research analyzing the prevalence of neonatal abstinence syndrome and infant and maternal health outcomes associated with neonatal transitional nurseries in Washington. The university must submit a report articulating findings to the appropriate committees of the legislature by December 1, 2024. The report must identify to what extent the federal medicaid program allows for reimbursement of these services and identify the barriers in leveraging federal medicaid funding for these services in Washington's state medicaid plan.
- (118) \$15,447,000 of the opioid abatement settlement account—state appropriation is provided solely for the authority to pass through to tribes and urban Indian health programs for opioid and overdose response activities. The funding must be used for prevention, outreach, treatment, recovery support services, and other strategies to address and mitigate the effects of the misuse and abuse of opioid related products. The authority must provide the tribes and urban Indian health programs the latitude to use the funding as they see fit to benefit their communities, provided the activities are allowable under the terms of the opioid settlement agreements.
- (119) \$66,000 of the general fund—state appropriation for fiscal year 2024, \$502,000 of the general fund—state appropriation for fiscal year 2025, and \$171,000 of the general fund—federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5189 (behavioral health support). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.
- (120) \$190,000 of the general fund—state appropriation for fiscal year 2024, \$354,000 of the general fund—state appropriation for fiscal year 2025, and \$1,106,000 of the general fund—federal appropriation are provided solely for implementation of Senate Bill No. 5228 (behavioral health OT). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.
- (121) \$3,605,000 of the general fund—state appropriation for fiscal year 2024, \$1,850,000 of the general fund—state appropriation for fiscal year 2025, and \$1,539,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute Senate Bill No. 5555 (certified peer specialists). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.
- (122) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to the city of Arlington in partnership with the north county regional fire authority for a mobile integrated health pilot project. The project shall provide mobile integrated health services for residents who cannot navigate resources through typical methods through brief therapeutic intervention, biopsychosocial assessment and referral, and community care coordination.
- (123) \$1,000 of the general fund—state appropriation for fiscal year 2024 is for implementation of Engrossed Second Substitute Senate Bill No. 5536 (controlled substances).
- (124) \$300,000 of the opioid abatement settlement account—state appropriation is provided for support of a statewide safe supply work group. The purpose of the work group is to evaluate potential models for safe supply services and make recommendations on inclusion of a safe supply framework in the Washington state substance use recovery services plan to provide a regulated, tested supply of controlled substances to individuals at risk of drug overdose.

The work group membership shall be reflective of the community of individuals living with substance use disorder, including persons who are black, indigenous, and persons of color, persons with co-occurring substance use disorders and mental health conditions, as well as persons who represent the unique needs of rural communities.

(a) The work group membership shall consist of, but is not limited to, members appointed by the governor representing the following:

- (i) At least one adult in recovery from substance use disorder;
- (ii) At least one youth in recovery from substance use disorder;
- (iii) One expert from the addictions, drug, and alcohol institute at the University of Washington;
- (iv) One outreach services provider;
- (v) One substance use disorder treatment provider;
- (vi) One peer recovery services provider;
- (vii) One recovery housing provider;
- (viii) One expert in serving persons with co-occurring substance use disorders and mental health conditions;
- (ix) One expert in antiracism and equity in health care delivery systems;
- (x) One employee who provides substance use disorder treatment or services as a member of a labor union representing workers in the behavioral health field;
- (xi) One representative of the association of Washington healthcare plans;
- (xii) One representative of sheriffs and police chiefs;
- (xiii) One representative of a federally recognized tribe; and
- (xiv) One representative of local government.

(b) The work group's evaluation shall include, but is not limited to, the following:

- (i) Examining the concept of "safe supply," defined as a legal and regulated supply of mind or body altering substances that traditionally only have been accessible through illicit markets;
- (ii) Examining whether there is evidence that a proposed "safe supply" would have an impact on fatal or nonfatal overdose, drug diversion, or associated health and community impacts;
- (iii) Examining whether there is evidence that a proposed "safe supply" would be accompanied by increased risks to individuals, the community, or other entities or jurisdictions;
- (iv) Examining historical evidence regarding the overprescribing of opioids; and
- (v) Examining whether there is evidence that a proposed "safe supply" would be accompanied by any other benefits or consequences.

(c) Staffing for the work group shall be provided by the authority.

(d) The work group shall provide a preliminary report and recommendations to the governor and the appropriate committees of the legislature by December 1, 2023, and shall provide a final report by December 1, 2024.

**NEW SECTION. Sec. 216. FOR THE HUMAN RIGHTS COMMISSION**

General Fund—State Appropriation (FY 2024) . . . . .	\$4,799,000
General Fund—State Appropriation (FY 2025) . . . . .	\$4,720,000
General Fund—Federal Appropriation . . . . .	\$2,975,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$12,494,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$448,000 of the general fund—state appropriation for fiscal year 2024 and \$420,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for investigative staff to address the commission's caseload backlog.
- (2) \$77,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5186 (contracting/discrimination). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 217. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right to Know Fund—State Appropriation . . . . .	\$10,000
Accident Account—State Appropriation . . . . .	\$27,516,000
Medical Aid Account—State Appropriation . . . . .	\$27,510,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$55,036,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$650,000 of the accident account—state appropriation and \$650,000 of the medical aid account—state appropriation are provided solely for the board of appeals information system modernization project, and is subject to the conditions, limitations, and review requirements of section 701 of this act.
- (2) \$47,000 of the accident account—state appropriation and \$47,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1521 (industrial insurance/duties). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(3) \$22,000 of the accident account—state appropriation and \$21,000 of the medical aid account—state appropriation are provided solely for implementation of Second Substitute Senate Bill No. 5454 (RN PTSD/industrial insurance). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 218. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund—State Appropriation (FY 2024) . . . . .	\$53,805,000
General Fund—State Appropriation (FY 2025) . . . . .	\$50,466,000
General Fund—Private/Local Appropriation . . . . .	\$11,970,000
Death Investigations Account—State Appropriation . . . . .	\$1,708,000
Municipal Criminal Justice Assistance Account—State Appropriation . . . . .	\$460,000
Washington Auto Theft Prevention Authority Account— State Appropriation . . . . .	\$7,167,000
Washington Internet Crimes Against Children Account— State Appropriation . . . . .	\$2,270,000
24/7 Sobriety Account—State Appropriation . . . . .	\$20,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$127,866,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund—state appropriation for fiscal year 2024 and \$5,000,000 of the general fund—state appropriation for fiscal year 2025 are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) Funding in this section is sufficient for 75 percent of the costs of providing 23 statewide basic law enforcement trainings in each fiscal year 2024 and fiscal year 2025. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least three classes must be held in Spokane each year.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) \$2,270,000 of the Washington internet crimes against children account—state appropriation is provided solely for the implementation of chapter 84, Laws of 2015.

(5) \$4,000,000 of the general fund—state appropriation for fiscal year 2024 and \$4,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the mental health field response team program administered by the Washington association of sheriffs and police chiefs. The association must distribute \$7,000,000 in grants to the phase one and phase two regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court—Western District, Cause No. 14-cv-01178-MJP. The association must submit an annual report to the Governor and appropriate committees of the legislature by September 1st of each year of the biennium. The report shall include best practice recommendations on law enforcement and behavioral health field response and include outcome measures on all grants awarded.

(6) \$899,000 of the general fund—state appropriation for fiscal year 2024 and \$899,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for crisis intervention training for the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court—Western District, Cause No. 14-cv-01178-MJP.

(7) \$1,598,000 of the death investigations account—state appropriation is provided solely for the commission to provide 240 hours of medicolegal forensic investigation training to coroners and medical examiners to meet the recommendations of the national commission on forensic science for certification and accreditation.

(8) \$346,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of chapter 321, Laws of 2021 (officer duty to intervene).

(9) \$30,000 of the general fund—state appropriation for fiscal year 2024 and \$30,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for additional grants to local jurisdictions to investigate instances where a purchase or transfer of a firearm was attempted by an individual who is prohibited from owning or possessing a firearm.

(10) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the criminal justice training commission to provide grant funding to local law enforcement agencies to support law enforcement wellness programs. Of the amount provided in this subsection:

(a) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to provide grants to local law enforcement agencies for the purpose of establishing officer wellness programs. Grants provided under this subsection may be used for, but not limited to building resilience, injury prevention, peer support programs, physical fitness, proper nutrition, stress management, suicide prevention, and physical or behavioral health services. The commission must consult with a representative from the Washington association of sheriffs and police chiefs and a representative of the Washington

state fraternal order of police and the Washington council of police and sheriffs in the development of the grant program.

(b) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington association of sheriffs and police chiefs to establish and coordinate an online or mobile-based application for any Washington law enforcement officer; 911 operator or dispatcher; and any other current or retired employee of a Washington law enforcement agency, and their families, to anonymously access on-demand wellness techniques, suicide prevention, resilience, physical fitness, nutrition, and other behavioral health and wellness supports.

(11) \$290,000 of the general fund—state appropriation for fiscal year 2024 and \$290,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for academy training for limited authority Washington peace officers employed by the Washington state gambling commission, Washington state liquor and cannabis board, Washington state parks and recreation commission, department of natural resources, and the office of the insurance commissioner.

(a) Up to 30 officers must be admitted to attend the basic law enforcement academy and up to 30 officers must be admitted to attend basic law enforcement equivalency academy.

(b) Allocation of the training slots amongst the agencies must be based on the earliest application date to the commission. Training does not need to commence within six months of employment.

(c) The state agencies must reimburse the commission for the actual cost of training.

(12) \$6,687,000 of the general fund—state appropriation for fiscal year 2024 and \$4,668,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to establish and provide basic law enforcement academy classes at three new regional training academies, one in Pasco, one in Skagit county, and one in Clark county. Funding in this subsection is sufficient for 75 percent of the costs of providing six classes per year beginning in fiscal year 2024. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. The six classes per year are in addition to the classes in subsection (2) of this section.

(13) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the criminal justice training commission to develop plans for increasing training capacity. The planning process should include engagement with limited law enforcement agencies, tribal law enforcement representatives, and local law enforcement agencies and representatives. The criminal justice training commission will provide recommendations to the governor and the appropriate committees of the legislature in a preliminary report due November 15, 2023, and in a final report due September 30, 2024. The reports should include the following:

(a) Identifying the demand for additional basic law enforcement academy courses to support law enforcement agencies and develop a proposal to meet any identified training needs, including basic law enforcement academy and advanced training needs;

(b) A plan for how to provide basic law enforcement academy training to limited law enforcement officers and tribal law enforcement officers, including providing additional capacity for training classes. The plan should also consider alternatives for distribution of the costs of the training course; and

(c) A plan for providing at least two basic law enforcement training academy classes per year to candidates who are not yet employed with a law enforcement agency. The plan should, at a minimum, include the following:

(i) A recruitment strategy that emphasizes recruitment of diverse candidates from different geographic areas of the state; diverse race, ethnicity, gender, and sexual orientation; and candidates with diverse backgrounds and experiences including nontraditional educational programs or work experience;

(ii) Pathways from training to employment with a law enforcement agency; and

(iii) Plans to address capacity for and delivery of training.

(14) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the criminal justice training commission to provide accreditation incentive awards.

(a) The commission may provide an accreditation incentive award totaling up to \$50,000 to each law enforcement agency that receives an accreditation during the fiscal biennium from a national or state accrediting entity recognized by the commission. The commission must divide award amounts provided pursuant to this section equally among qualifying law enforcement agencies. A law enforcement agency may not receive more than one accreditation incentive award per fiscal biennium. Funds received by a law enforcement agency pursuant to this subsection must be made available to the law enforcement agency to which they are awarded and may not supplant or replace existing funding received by the law enforcement agency.

(b) The commission must submit a report to the legislature by June 30th of each fiscal year during the biennium that lists each law enforcement agency that received an accreditation incentive award during the fiscal year.

(15) \$1,085,000 of the general fund—state appropriation for fiscal year 2024 and \$1,040,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1028 (crime victims & witnesses). If

the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(16) \$236,000 of the general fund—state appropriation for fiscal year 2024 and \$226,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1132 (limited authority officers). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(17) \$1,200,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for body camera grant funding to local law enforcement agencies.

(a) The Washington association of sheriffs and police chiefs shall develop and implement a body-worn camera grant program. The purpose of the program is to assist law enforcement agencies to establish and expand body-worn camera programs.

(b) Law enforcement agencies may use the grants for: (i) The initial purchase, maintenance, and replacement of body-worn cameras; (ii) ongoing costs related to the maintenance and storage of data recorded by body worn cameras; (iii) costs associated with public records requests for body worn-camera footage; and (iv) hiring of personnel necessary to operate a body-worn camera program.

(c) The Washington association of sheriffs and police chiefs shall develop and implement a grant application process and review applications from agencies based on locally developed proposals to establish or expand body-worn camera programs.

(d) Law enforcement agencies that are awarded grants must:

(i) Comply with the provisions of chapter 10.109 RCW;

(ii) Demonstrate the ability to redact body-worn camera footage consistent with RCW 42.56.240 and other applicable provisions;

(iii) Provide training to officers who will wear body-worn cameras and other personnel associated with implementation of the body-worn camera program; and

(iv) Agree to comply with any data collection and reporting requirements that are established by the Washington association of sheriffs and police chiefs.

(e) The Washington association of sheriffs and police chiefs must submit an annual report regarding the grant program to the governor and appropriate committees of the legislature by December 1st of each year the program is funded. The report must be submitted in compliance with RCW 43.01.036.

(18) \$381,000 of the general fund—state appropriation for fiscal year 2024 and \$628,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1715 (domestic violence). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 219. FOR THE OFFICE OF INDEPENDENT INVESTIGATIONS**

General Fund—State Appropriation (FY 2024) . . . . .	\$17,037,000
General Fund—State Appropriation (FY 2025) . . . . .	\$17,211,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$34,248,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,383,000 of the general fund—state appropriation for fiscal year 2024 and \$9,383,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for dedicated staffing at regional offices to include at least regional investigator supervisors, investigators, forensic investigators, family liaisons, and evidence technicians.

(2) \$1,124,000 of the general fund—state appropriation for fiscal year 2024 and \$1,124,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to contract with the Washington state patrol for laboratory-based testing and processing of crime scene evidence collected during investigations.

(3) \$251,000 of the general fund—state appropriation for fiscal year 2024 and \$251,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for contracted specialized training for investigators relating to death investigations in cases involving deadly force.

(4) \$2,257,000 of the general fund—state appropriation for fiscal year 2024 and \$2,057,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for training development, additional staff training costs, crime lab processing, and contract services to include polygraphs, background checks, personnel evaluations, contracted security, and software licensing.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund—State Appropriation (FY 2024) . . . . .	\$15,789,000
General Fund—State Appropriation (FY 2025) . . . . .	\$19,773,000
General Fund—Federal Appropriation . . . . .	\$11,470,000
Asbestos Account—State Appropriation . . . . .	\$629,000
Electrical License Account—State Appropriation . . . . .	\$71,526,000
Farm Labor Contractor Account—State Appropriation . . . . .	\$28,000
Opioid Abatement Settlement Account—State Appropriation . . . . .	\$250,000
Worker and Community Right to Know Fund—State	

Appropriation. . . . .	\$1,138,000
Construction Registration Inspection Account—State Appropriation. . . . .	\$30,754,000
Public Works Administration Account—State Appropriation. . . . .	\$18,304,000
Manufactured Home Installation Training Account— State Appropriation. . . . .	\$455,000
Accident Account—State Appropriation. . . . .	\$427,767,000
Accident Account—Federal Appropriation. . . . .	\$15,823,000
Medical Aid Account—State Appropriation. . . . .	\$414,710,000
Medical Aid Account—Federal Appropriation. . . . .	\$3,571,000
Plumbing Certificate Account—State Appropriation. . . . .	\$3,624,000
Pressure Systems Safety Account—State Appropriation. . . . .	\$5,065,000
Workforce Education Investment Account—State Appropriation. . . . .	\$14,200,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$1,054,876,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,714,000 of the accident account—state appropriation and \$4,711,000 of the medical aid account—state appropriation are provided solely for the labor and industries workers' compensation information system replacement project and is subject to the conditions, limitations, and review provided in section 701 of this act. The department must:

(a) Submit quarterly data within 30 calendar days of the end of each quarter, effective July 1, 2023, on:

(i) The quantifiable deliverables accomplished and the amount spent by each deliverable in each of the following subprojects:

- (A) Business readiness;
- (B) Change readiness;
- (C) Commercial off the shelf procurement;
- (D) Customer access;
- (E) Program foundations;
- (F) Independent assessment; and
- (G) In total by fiscal year;

(ii) All of the quantifiable deliverables accomplished by subprojects identified in (a) (i) (A) through (F) of this subsection and in total and the associated expenditures by each deliverable by fiscal month;

(iii) The contract full time equivalent charged by subprojects identified in (a) (i) (A) through (F) of this subsection, and in total, compared to the budget spending plan by month for each contracted vendor and what the ensuing contract equivalent budget spending plan by subprojects identified in (a) (i) (A) through (F) of this subsection, and in total, assumes by fiscal month;

(iv) The performance metrics by subprojects identified in (a) (i) (A) through (F) of this subsection, and in total, that are currently used, including monthly performance data; and

(v) The risks identified independently by at least the quality assurance vendor and the office of the chief information officer, and how the project:

- (A) Has mitigated each risk; and
- (B) Is working to mitigate each risk, and when it will be mitigated;

(b) Submit the report in (a) of this subsection to fiscal and policy committees of the legislature; and

(c) Receive an additional gated project sign off by the office of financial management, effective September 1, 2023. Prior to spending any project funding in this subsection each quarter, there is an additional gate of approval required for this project. The director of financial management must agree that the project shows accountability, effective and appropriate use of the funding, and that risks are being mitigated to the spending and sign off on the spending for the ensuing quarter.

(2) \$250,000 of the medical aid account—state appropriation and \$250,000 of the accident account—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must produce annual progress reports through the year 2025 or until the tools are fully developed and deployed. The annual progress report must be submitted to the governor and legislature by December 1st of each year such report is due.

(3) \$258,000 of the accident account—state appropriation and \$258,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries safety and health assessment research for prevention program to conduct research to prevent the types of work-related injuries that require immediate hospitalization. The department will develop and maintain a tracking system to identify and respond to all immediate in-patient hospitalizations and will examine incidents in defined high-priority areas, as

determined from historical data and public priorities. The research must identify and characterize hazardous situations and contributing factors using epidemiological, safety-engineering, and human factors/ergonomics methods. The research must also identify common factors in certain types of workplace injuries that lead to hospitalization. The department must submit a report to the governor and appropriate legislative committees by August 30, 2023, and annually thereafter, summarizing work-related immediate hospitalizations and prevention opportunities, actions that employers and workers can take to make workplaces safer, and ways to avoid severe injuries.

(4) (a) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to promote workforce development in aerospace and aerospace related supply chain industries by: Expanding the number of registered apprenticeships, preapprenticeships, and aerospace-related programs; and providing support for registered apprenticeships or programs in aerospace and aerospace-related supply chain industries.

(b) Grants awarded under this section may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training space and lab locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations;

(iii) Curriculum development and instructor training for industry experts;

(iv) Tuition assistance for degrees in engineering and high-demand degrees that support the aerospace industry; and

(v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant under this subsection if it is a nonprofit, nongovernmental, or institution of higher education that provides training opportunities, including apprenticeships, preapprenticeships, preemployment training, aerospace-related degree programs, or incumbent worker training to prepare workers for the aerospace and aerospace-related supply chain industries.

(d) The department may use up to 5 percent of these funds for administration of these grants.

(5) \$3,774,000 of the accident account—state appropriation and \$890,000 of the medical aid account—state appropriation are provided solely for the creation of an agriculture compliance unit within the division of occupational safety and health. The compliance unit will perform compliance inspections and provide bilingual outreach to agricultural workers and employers.

(6) \$1,642,000 of the medical aid account—state appropriation is provided solely to cover the overhead rent costs to increase the number of labor and industry vocational specialists embedded in WorkSource offices and to implement a comprehensive quality-assurance team to ensure the continuous improvement of vocational services for injured workers through the workers' compensation program.

(7) \$1,798,000 of the public works administration account—state appropriation is provided solely to maintain expanded capacity to investigate and enforce prevailing-wage complaints.

(8) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the crime victims' compensation program to pay for medical exams for suspected victims of domestic violence. Neither the hospital, medical facility, nor victim is to pay for the cost of the medical exam. This funding must not supplant existing funding for sexual assault medical exams. If the cost of medical exams exceeds the funding provided in this subsection, the program shall not reduce the reimbursement rates for medical providers seeking reimbursement for other claimants, and instead the program shall return to paying for domestic violence medical exams after insurance.

(9) \$1,065,000 of the construction registration inspection account—state appropriation, \$57,000 of the accident account—state appropriation, and \$12,000 of the medical aid account—state appropriation are provided solely for the conveyance management system replacement project and are subject to the conditions, limitations, and review provided in section 701 of this act.

(10) \$250,000 of the opioid abatement settlement account—state appropriation is provided solely for the department to analyze patients who are maintained on chronic opioids. The department must submit an annual report of its findings to the governor and the appropriate committees of the legislature no later than October 1st of each year of the fiscal biennium. The report shall include analysis of patient data, describing the characteristics of patients who are maintained on chronic opioids and their clinical needs, and a preliminary evaluation of potential interventions to improve care and reduce harms in this population.

(11) \$1,363,000 of the medical aid account—state appropriation is provided solely to improve access to medical and vocational providers of the workers' compensation program by expanding the use of navigators to recruit and assist providers in underserved communities and by ensuring access to high quality and reliable interpreter services.

(12) \$3,000,000 of the workforce education investment account—state appropriation, \$1,870,000 of the accident account—state appropriation, and \$330,000 of the medical aid account—state appropriation are provided solely for the department, in coordination with the Washington state apprenticeship council, to administer grants to continue the growth of behavioral health apprenticeship programs. Grants may be awarded for provider implementation costs, apprentice tuition and stipend costs, curriculum development, and program administration. Grant awardees must use a minimum of one-half of amounts provided to



compensate behavioral health providers for employer implementation costs including mentor wage differentials, related instruction wages, and administrative costs. In awarding this funding, special preference must be given to entities with experience in implementation of behavioral health sector apprenticeships and labor-management partnerships. By June 30, 2024, and June 30, 2025, grantees must report to the department on the number of individuals that were recruited and upskilled in the preceding fiscal year. The department may use up to five percent of the amount provided in this subsection for administration of these grants.

(13) \$1,000,000 of the workforce education investment account—state appropriation is provided solely for the department, in coordination with the Washington state apprenticeship training council, to administer grants to address the behavioral health workforce shortage through behavioral health preapprenticeship and behavioral health entry level training, including nursing assistant certified programs. Grants may cover program costs including, but not limited to, provider implementation costs, apprentice tuition and stipend costs, curriculum development, and program administration. In awarding this funding, special preference must be given to entities with experience in implementation of behavioral health sector apprenticeships and labor-management partnerships. By June 30, 2024, and June 30, 2025, grantees must report to the department on the number of individuals that were recruited and upskilled in the preceding fiscal year. The department may use up to five percent of the amount provided in this subsection for administration of these grants.

(14)(a) \$300,000 of the workforce education investment account—state appropriation is provided solely for certified construction trade preapprenticeship programs that use a nationally approved multicraft curriculum and emphasize construction math, tool use, job safety, equipment, life skills, and financial literacy. The preapprenticeship programs should focus on disadvantaged, nontraditional, and underrepresented populations, and on populations reentering the community from incarceration and homelessness. Funding provided in this subsection may be used to:

(i) Provide incentives for participation in preapprenticeship programs, such as covering program costs, providing stipends to preapprentices, or covering the costs of construction tools; or

(ii) Address barriers for participation in preapprenticeship programs, such as covering costs of child care or transportation, or facilitating interviews for apprenticeship programs.

(b) The department may use up to five percent of the amount provided in (a) of this subsection for administration of these grants.

(15)(a) \$400,000 of the workforce education investment account—state appropriation is provided solely for grants to nonprofit organizations to:

(i) Expand meatcutter registered apprenticeship and preapprenticeship programs to new locations; or

(ii) Develop a new fishmonger registered apprenticeship program.

(b) Grants awarded under this subsection may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training space and lab locations to support the expansion and establishment of apprenticeship and preapprenticeship training in new locations;

(iii) Curriculum development, including the creation of elearning content, and instructor training for apprenticeship and preapprenticeship instructors;

(iv) Tuition assistance for apprentices in registered apprenticeship programs accredited by a community or technical college;

(v) Stipends for preapprentices; and

(vi) Apprenticeship and preapprenticeship coordination and administration services.

(c) An entity is eligible to receive a grant under this subsection if it is a nonprofit organization that administers or directly provides apprenticeship and preapprenticeship training opportunities, overseen by a committee with at least one labor union and one employer representative or with an active program with participation of both labor union and employer partners, for retail meatcutters and/or fishmongers.

(d) The department may use up to five percent of the amount provided in this subsection for administration of these grants.

(16) \$6,000,000 of the workforce education investment account—state appropriation is provided solely for the department to distribute funding to nonprofit programs providing apprenticeship education and job training for general journey level (01) electricians to increase funding for related supplemental instruction costs. Funding shall be allocated to programs by formula based on delivered related supplemental instruction hours for active apprentices under chapter 49.04 RCW and operating in compliance for administrative procedures. If a program is partnered with a Washington community or technical college to deliver the related supplemental instruction, the program may apply for up to a 25 percent increase in allocated funding based on the level of contracted support provided by the college. The department may use up to five percent of the amount provided in this subsection for administration of these grants.

(17) \$1,249,000 of the accident account—state appropriation and \$507,000 of the medical aid account—state appropriation are provided solely for the creation of the center for work equity research. The center will study and systematically address employer and employment factors that place historically marginalized workers at increased risk for work-related injuries and illnesses and social and economic hardship.

(18) \$2,908,000 of the public works administration account—state appropriation is provided solely for system improvements to the prevailing wage program information technology

system. This project is subject to the conditions, limitations, and review provided in section 701 of this act.

(19) \$205,000 of the general fund—state appropriation for fiscal year 2024 and \$205,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue conducting a four-year retention study of state registered apprentices as provided in chapter 156, Laws of 2022 (apprenticeship programs). The study shall include the collection of data from all apprentices three months into their apprenticeship to understand challenges and barriers they face towards program participation. The aggregate data by trade must be displayed on a publicly available dashboard. Study data must be provided with apprenticeship coordinators to implement an early response to connect apprentices with needed supports. The department shall submit an annual report to the governor and appropriate legislative committees on June 30, 2024 and June 30, 2025.

(20) \$3,500,000 of the workforce education investment account—state appropriation is provided solely to administer a grant program intended to provide wraparound support services to mitigate barriers to beginning or participating in apprenticeship programs as described in chapter 156, Laws of 2022. Up to five percent of the total funding provided in this subsection may be used to cover administrative expenses.

(21) \$1,963,000 of the accident account—state appropriation and \$797,000 of the medical aid account—state appropriation are provided solely to expand access to worker rights and safety information for workers with limited English proficiency (LEP) through outreach and translation of safety-related information, training, and other materials. \$1,000,000 of the amount provided in this subsection is provided solely for grants to community-based organizations to provide workplace rights and safety outreach to underserved workers.

(22) \$857,000 of the accident account—state appropriation and \$855,000 of the medical aid account—state appropriation are provided solely for enhancements to the workers' compensation training modules to include strategies on reducing long-term disability among claimants.

(23) \$6,702,000 from the electrical license account—state appropriation is provided solely for an additional wage increase for all positions within the electrical construction inspector, electrical construction inspector lead, electrical inspection field supervisor/technical specialist, and electrical plans examiner job class series consistent with the July 1, 2023, range differentials, subject to an agreement between the state and the exclusive collective bargaining representative of the electrical construction inspectors.

(24) \$165,000 of the general fund—state appropriation for fiscal year 2024 and \$165,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to an organization in Pierce county experienced in providing peer-to-peer training to continue implementation of a program aimed at reducing workplace sexual harassment in the agricultural sector. The department may use up to five percent of the amount provided in this subsection for administration of this grant. The organization receiving the grant must:

(a) Continue peer-to-peer trainings for farmworkers in Yakima county and expand to provide peer-to-peer trainings for farmworkers in Grant and Benton counties;

(b) Support an established network of peer trainings as farmworker leaders, whose primary purpose is to prevent workplace sexual harassment and assault through leadership, education, and other tools; and

(c) Share best practices from the peer-to-peer model at a statewide conference for farmworkers, industry representatives, and advocates.

(25) \$250,000 of the accident account—state appropriation and \$278,000 of the medical aid account—state appropriation is provided solely for implementation of House Bill No. 1197 (workers' comp. providers). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(26) \$1,645,000 of the public works administration account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1050 (apprenticeship utilization). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(27) \$365,000 of the accident account—state appropriation and \$64,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1217 (wage complaints). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(28) \$105,000 of the accident account—state appropriation and \$19,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1323 (fire-resistant materials). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(29) \$239,000 of the accident account—state appropriation and \$239,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1521 (industrial insurance/duties). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(30) \$256,000 of the construction registration inspection account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1534 (construction consumers). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(31) \$1,311,000 of the accident account—state appropriation and \$243,000 of the medical aid account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1762 (warehouse employees). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(32) \$431,000 of the accident account—state appropriation and \$76,000 of the medical aid account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1013 (regional apprenticeship prgs). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(33) \$560,000 of the public works administration account—state appropriation is provided solely to update computer applications for implementation of Senate Bill No. 5088 (contractor registration). This project is subject to the conditions, limitations, and review provided in section 701 of this act. If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(34) \$84,000 of the accident account—state appropriation and \$84,000 of the medical aid account—state appropriation are provided solely for implementation of Senate Bill No. 5084 (self-insured pensions/fund). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(35) \$226,000 of the general fund—state appropriation for fiscal year 2024 and \$240,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Senate Bill No. 5070 (nonfatal strangulation). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(36) \$216,000 of the accident account—state appropriation and \$37,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5156 (farm internship program). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(37) \$1,470,000 of the accident account—state appropriation and \$260,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5217 (musculoskeletal injuries/L&I). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(38) \$354,000 of the public works administration account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5268 (public works procurement). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(39) \$234,000 of the accident account—state appropriation and \$41,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5582 (nurse supply). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(40) \$230,000 of the accident account—state appropriation and \$41,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5111 (sick leave/construction). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(41) \$4,663,000 of the accident account—state appropriation and \$884,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5236 (hospital staffing standards). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(42) \$333,000 of the accident account—state appropriation and \$333,000 of the medical aid account—state appropriation are provided solely for implementation of Second Substitute Senate Bill No. 5454 (RN PTSD/industrial insurance). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) The appropriations in this section are subject to the following conditions and limitations:

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys that are unrelated to the coronavirus response and not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys that are unrelated to the coronavirus response, those moneys must be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. In response to any request by the department for general fund—state appropriation to backfill a loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

(2) HEADQUARTERS

General Fund—State Appropriation (FY 2024) . . . . .	\$4,932,000
General Fund—State Appropriation (FY 2025) . . . . .	\$4,978,000

Charitable, Educational, Penal, and Reformatory

Institutions Account—State Appropriation. . . . .	\$10,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$9,920,000</b>

(3) FIELD SERVICES

General Fund—State Appropriation (FY 2024). . . . .	\$10,998,000
General Fund—State Appropriation (FY 2025). . . . .	\$10,860,000
General Fund—Federal Appropriation. . . . .	\$10,323,000
General Fund—Private/Local Appropriation. . . . .	\$6,538,000
Veteran Estate Management Account—Private/Local Appropriation. . . . .	\$717,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$39,436,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,200,000 of the general fund—state appropriation for fiscal year 2024 and \$1,200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5358 (veterans' services). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse. Of the amounts provided in this subsection:

(i) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one veterans service officer each in Island county, Walla Walla county, Clallam county, and Stevens county.

(b) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to contract with an organization located in Thurston county that has experience in the delivery of no-cost equine therapy for military veterans and active members of the military.

(c) \$138,000 of the general fund—state appropriation for fiscal year 2024 and \$135,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5268 (public works procurement). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(4) STATE VETERANS HOMES PROGRAM

General Fund—State Appropriation (FY 2024). . . . .	\$25,818,000
General Fund—State Appropriation (FY 2025). . . . .	\$20,386,000
General Fund—Federal Appropriation. . . . .	\$127,227,000
General Fund—Private/Local Appropriation. . . . .	\$17,330,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$190,761,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) If the department receives additional unanticipated federal resources that are unrelated to the coronavirus response at any point during the remainder of the 2023-2025 fiscal biennium, an equal amount of general fund—state must be placed in unallotted status so as not to exceed the total appropriation level specified in this subsection. The department may submit as part of the policy level budget submittal documentation required by RCW 43.88.030 a request to maintain the general fund—state resources that were unallotted as required by this subsection.

(b) Appropriations have been adjusted in this section to reflect anticipated changes in state, federal, and local resources as a result of census changes. The department shall incorporate these adjustments in the governor's projected maintenance level budget required in RCW 43.88.030.

(5) CEMETERY SERVICES

General Fund—State Appropriation (FY 2024). . . . .	\$167,000
General Fund—State Appropriation (FY 2025). . . . .	\$169,000
General Fund—Federal Appropriation. . . . .	\$1,055,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$1,391,000</b>

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF HEALTH**

General Fund—State Appropriation (FY 2024). . . . .	\$168,127,000
General Fund—State Appropriation (FY 2025). . . . .	\$148,005,000
General Fund—Federal Appropriation. . . . .	\$589,208,000
General Fund—Private/Local Appropriation. . . . .	\$174,244,000
Dedicated Cannabis Account—State Appropriation (FY 2024). . . . .	\$11,863,000
Dedicated Cannabis Account—State Appropriation (FY 2025). . . . .	\$12,356,000
Climate Commitment Account—State Appropriation. . . . .	\$89,552,000
Climate Investment Account—State Appropriation. . . . .	\$902,000
Foundational Public Health Services Account—State Appropriation. . . . .	\$23,066,000
Hospital Data Collection Account—State Appropriation. . . . .	\$592,000
Health Professions Account—State Appropriation. . . . .	\$192,069,000

Aquatic Lands Enhancement Account—State Appropriation. . . . .	\$642,000
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation. . . . .	\$10,175,000
Medicaid Fraud Penalty Account—State Appropriation. . . . .	\$3,027,000
Natural Climate Solutions Account—State Appropriation. . . . .	\$72,000
Public Health Supplemental Account—State Appropriation. . . . .	\$293,000
Safe Drinking Water Account—State Appropriation. . . . .	\$8,946,000
Drinking Water Assistance Account—Federal Appropriation. . . . .	\$25,867,000
Waterworks Operator Certification Account—State Appropriation. . . . .	\$2,089,000
Drinking Water Assistance Administrative Account— State Appropriation. . . . .	\$2,480,000
Site Closure Account—State Appropriation. . . . .	\$197,000
Biotoxin Account—State Appropriation. . . . .	\$1,773,000
Model Toxics Control Operating Account—State Appropriation. . . . .	\$8,953,000
Medical Test Site Licensure Account—State Appropriation. . . . .	\$5,239,000
Secure Drug Take-Back Program Account—State Appropriation. . . . .	\$1,474,000
Youth Tobacco and Vapor Products Prevention Account— State Appropriation. . . . .	\$3,273,000
Public Health Supplemental Account—Private/Local Appropriation. . . . .	\$3,824,000
Accident Account—State Appropriation. . . . .	\$388,000
Medical Aid Account—State Appropriation. . . . .	\$58,000
Statewide 988 Behavioral Health Crisis Response Line Account—State Appropriation. . . . .	\$42,865,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation. . . . .	\$27,022,000
Opioid Abatement Settlement Account—State Appropriation. . . . .	\$7,400,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$1,566,041,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2023-2025 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to \$25 annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt license and certification fees in fiscal years 2024 and 2025 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) Within the amounts appropriated in this section, and in accordance with RCW 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(5) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment

programs in fiscal years 2024 and 2025 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(6) The health care authority, the health benefit exchange, the department of social and health services, the department of health, the department of corrections, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(7) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(8) \$492,000 of the general fund—state appropriation for fiscal year 2024 and \$492,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to coordinate with local health jurisdictions to establish and maintain comprehensive group B programs to ensure safe drinking water. These funds shall be used for implementation costs, including continued development and adoption of rules, policies, and procedures; technical assistance; and training.

(9) \$96,000 of the general fund—state appropriation for fiscal year 2024 and \$92,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for community outreach to prepare culturally and linguistically appropriate hepatitis B information in a digital format to be distributed to ethnic and cultural leaders and organizations to share with foreign-born and limited or non-English speaking community networks.

(10) Within amounts appropriated in this section, the Washington nursing commission must hire sufficient staff to process applications for nursing licenses so that the time required for processing does not exceed seven days.

(11) \$725,000 of the general fund—state appropriation for fiscal year 2024 and \$725,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the Washington poison center. This funding is provided in addition to funding pursuant to RCW 69.50.540.

(12) \$622,000 of the general fund—state appropriation for fiscal year 2024, \$622,000 of the general fund—state appropriation for fiscal year 2025, and \$3,000,000 of the medicaid fraud penalty account—state appropriation are provided solely for the ongoing operations and maintenance of the prescription monitoring program maintained by the department.

(13) \$2,265,000 of the general fund—state appropriation for fiscal year 2024 and \$2,265,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for:

(a) Staffing by the department, the department of veterans affairs, and the department of corrections to expand statewide suicide prevention efforts, which efforts include suicide prevention efforts for military service members and veterans and incarcerated persons;

(b) A suicide prevention public awareness campaign to provide education regarding the signs of suicide, interventions, and resources for support;

(c) Staffing for call centers to support the increased volume of calls to suicide hotlines;

(d) Training for first responders to identify and respond to individuals experiencing suicidal ideation;

(e) Support for tribal suicide prevention efforts;

(f) Strengthening behavioral health and suicide prevention efforts in the agricultural sector;

(g) Support for the three priority areas of the governor's challenge regarding identifying suicide risk among service members and their families, increasing the awareness of resources available to service members and their families, and lethal means safety planning;

(h) Training for community health workers to include culturally informed training for suicide prevention;

(i) Coordination with the office of the superintendent of public instruction; and

(j) Support for the suicide prevention initiative housed in the University of Washington.

(14) \$4,500,000 of the general fund—state appropriation for fiscal year 2024 and \$4,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the fruit and vegetable incentives program.

(15) \$627,000 of the general fund—state appropriation for fiscal year 2024 and \$627,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to implement the recommendations from the community health workers task force to provide statewide leadership, training, and integration of community health workers with insurers, health care providers, and public health systems.

(16) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington nursing commission to manage a grant process to incentivize nurses to supervise nursing students in health care settings. The goal of the grant program is to create more clinical placements for nursing students to complete required clinical hours to earn their nursing degree and related licensure.

(17) \$1,490,000 of the health professional services account—state appropriation is provided solely for the Washington nursing commission to continue to implement virtual nursing assistant training and testing modalities, create an apprenticeship pathway into nursing for nursing assistants, implement rule changes to support a career path for nursing assistants, and collaborate with the workforce training and educational coordinating board on a pilot project to transform the culture and practice in long term care settings. The goal of these activities is to expand the nursing workforce for long term care settings.

(18) \$186,000 of the general fund—state appropriation for fiscal year 2024 and \$186,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to test for lead in child care facilities to prevent child lead exposure and to research, identify, and connect facilities to financial resources available for remediation costs.

(19) \$814,000 of the general fund—state appropriation for fiscal year 2024 and \$814,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide grants to support school-based health centers and behavioral health services.

(20) \$1,300,000 of the general fund—state appropriation for fiscal year 2024 and \$1,300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to coordinate and lead a multi-agency approach to youth suicide prevention and intervention.

(21) (a) \$486,000 of the general fund—state appropriation for fiscal year 2024 and \$85,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for maintenance of the community health worker platform and continued implementation of the community health worker trainings in the pediatric setting for children with behavioral health needs.

(b) Of the amounts provided in this subsection for fiscal year 2024, \$250,000 is provided solely for a grant to a pediatric organization to convene a learning collaborative to support community health workers to ensure their success while on the job with their multidisciplinary clinic teams and for the development of this new integrated health care worker field.

(22) \$1,390,000 of the general fund—state appropriation for fiscal year 2024 and \$1,378,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the child profile health promotion notification system.

(23) \$5,000,000 of the opioid abatement settlement account—state appropriation is provided solely for the department to expand the distribution of naloxone through the department's overdose education and naloxone distribution program. Funding must be prioritized to fill naloxone access gaps in community behavioral health and other community settings, including providing naloxone to first responders and agency staff in organizations such as syringe service programs, house providers, and street outreach programs.

(24) \$2,000,000 of the opioid abatement settlement account—state appropriation is provided solely for prevention, treatment, and recovery support services to remediate the impacts of the opioid epidemic. This funding must be used consistent with conditions of the opioid settlement agreements that direct how funds deposited into the opioid abatement settlement account created in Engrossed Substitute Senate Bill No. 5293 must be used.

(25) \$400,000 of the opioid abatement settlement account—state appropriation is provided solely for the completion of work identified in the state opioid response plan related to maternal and infant health.

(26) (a) \$10,000,000 of the climate commitment account—state appropriation is provided solely to support and administer a workplace health and safety program for workers who are affected by climate impacts, including but not limited to, extreme heat and cold, wildfire smoke, drought, and flooding. This program will focus on workplace health and safety for farmworkers, construction workers, and other workers who face the most risk from climate-related impacts. This amount shall be limited to supporting vulnerable populations in overburdened communities under the climate commitment act as defined in RCW 70A.65.010. Funding shall be provided for:

(i) Pass through grants to community-based organizations, tribal governments, and tribal organizations to support workplace health and safety for workers who are burdened by the intersection of their work and climate impacts; and

(ii) Procurement and distribution of equipment and resources for workers who are burdened by the intersection of their work and climate impacts directly by the department of health, or through pass-through grants to community-based organizations, tribal governments, and tribal organizations. Equipment and resources may include but are not limited to: Personal protective equipment, other protective or safety clothing for cold and heat, air purifiers

for the workplace or worker housing, protection from ticks and mosquitoes, and heating and cooling devices.

(b) The department of health, in consultation with the environmental justice council, community groups, and the department of labor and industries, shall evaluate mechanisms to provide workers with financial assistance to cover lost wages or other financial hardships caused by extreme weather events and climate threats.

(c) No more than five percent of this funding may be used to administer this grant program.

(27) \$5,996,000 of the climate commitment account—state appropriation is provided solely for the department to implement the healthy environment for all act under chapter 70A.02 RCW, including additional staff and support for the environmental justice council and implementation of a community engagement plan.

(28)(a) \$26,355,000 of the climate commitment account—state appropriation is provided solely for the department to administer capacity grants to tribes and tribal organizations and to overburdened communities and vulnerable populations to provide guidance and input:

(i) To agencies and to the environmental justice council on implementation of the healthy environment for all act; and

(ii) To the department on updates to the environmental health disparities map.

(b) At least 50 percent of the total amount distributed for capacity grants in this subsection must be reserved for grants to tribes and tribal organizations.

(c) Funding provided in this subsection may be used for tribes and tribal organizations to hire staff or to contract with consultants to engage in updating the environmental health disparities map or on implementing the healthy environment for all act.

(d) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(29) \$17,752,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to sustain information technology infrastructure, tools, and solutions developed to respond to the COVID-19 pandemic. The department shall submit a plan to the office of financial management by September 15, 2023, that identifies a new funding strategy to maintain these information technology investments within the department's existing state, local, and federal funding. Of this amount, a sufficient amount is appropriated for the department to create an implementation plan for real-time bed capacity and tracking for hospitals and skilled nursing facilities, excluding behavioral health hospitals and facilities. The department will provide the implementation plan and estimated cost for an information technology system and implementation costs to the office of financial management by September 15, 2023, for the bed capacity and tracking tool.

(30) \$20,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to support COVID-19 public health and response activities. The department must continue to distribute COVID-19 testing supplies to agricultural workers and tribal governments. The department must submit a spending plan to the office of financial management for approval. These funds may only be allocated and expended after approval of the spending plan.

(31) \$7,657,000 of the general fund—state appropriation for fiscal year 2024 and \$7,853,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for programs and grants to maintain access to abortion care. Of the amounts provided in this subsection:

(a) \$2,939,000 of the general fund—state appropriation for fiscal year 2024 and \$2,939,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to providers of abortion care;

(b) \$368,000 of the general fund—state appropriation for fiscal year 2024 and \$364,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for outreach, patient navigation, staffing at the department, and training;

(c) \$4,100,000 of the general fund—state appropriation for fiscal year 2024 and \$4,300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to providers of abortion care who participate in the department's sexual and reproductive health program for workforce retention and recruitment initiatives to ensure continuity of services; and

(d) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to providers of abortion care that participate in the department's sexual and reproductive health program for security investments.

(32) \$285,000 of the general fund—state appropriation for fiscal year 2024, \$295,000 of the general fund—state appropriation for fiscal year 2025, and \$214,000 of the general fund—private/local appropriation are provided solely for the behavioral health agency program for licensure and regulatory activities.

(33) \$104,000 of the general fund—state appropriation for fiscal year 2024, \$104,000 of the general fund—state appropriation for fiscal year 2025, and \$42,000 of the health professions account—state appropriation are provided solely for the department to conduct credentialing and inspections under chapter 324, Laws of 2019 (behavioral health facilities).

(34) \$3,298,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the breast, cervical and colon screening program, comprehensive cancer community partnerships, and Washington state cancer registry.

(35) \$85,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for continued implementation of chapter 58, Laws of 2022 (cardiac & stroke response).



(36) \$671,000 of the general fund—state appropriation for fiscal year 2024 and \$329,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the care-a-van mobile health program.

(37) \$702,000 of the climate investment account—state appropriation is provided solely for implementation of chapter 316, Laws of 2021 (climate commitment act).

(38) \$200,000 of the climate investment account—state appropriation is provided solely for the environmental justice council to coordinate with the department of ecology on a process to track state agency expenditures from climate commitment act accounts, as described in section 302(13) of this act. Funding is for the following as they relate to development of the department of ecology process:

(a) Public engagement with tribes and vulnerable populations within the boundaries of overburdened communities; and

(b) Cost recovery or stipends for participants in the public process to reduce barriers to participation, as described in RCW 43.03.220.

(39) \$31,000 of the general fund—state appropriation for fiscal year 2024 and \$31,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 204, Laws of 2022 (truck drivers/restrooms).

(40) \$808,000 of the drinking water assistance administrative account—state appropriation is provided solely for the water system consolidation grant program.

(41) \$1,044,000 of the safe drinking water account—state appropriation is provided solely for the drinking water technical services program.

(42) \$288,000 of the secure drug take-back program account—state appropriation is provided solely for implementation of chapter 155, Laws of 2021 (drug take-back programs).

(43) \$7,146,000 of the drinking water assistance account—federal appropriation is provided solely for the office of drinking water to provide technical assistance, direct engineering support, and construction management to small water systems.

(44) \$381,000 of the general fund—state appropriation for fiscal year 2024 and \$607,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the early hearing detection, diagnosis, and intervention program.

(45) \$954,000 of the general fund—state appropriation for fiscal year 2024 and \$686,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5263 (psilocybin). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(46) \$12,466,000 of the health professions account—state appropriation is provided solely for the regulation of health professions.

(47) \$599,000 of the health professions account—state appropriation is provided solely for ongoing maintenance of the HEALWA web portal to provide access to health information for health care providers.

(48) \$1,359,000 of the general fund—state appropriation for fiscal year 2024, \$680,000 of the general fund—state appropriation for fiscal year 2025, and \$680,000 of the general fund—private/local appropriation are provided solely for the department to perform investigations to address the backlog of hospital complaints.

(49) \$12,000 of the health professions account—state appropriation is provided solely for implementation of chapter 204, Laws of 2021 (international medical grads).

(50) \$634,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to onboard systems to, and maintain, the master person index as part of the health and human services coalition master person index initiative, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(51) \$2,062,000 of the general fund—state appropriation for fiscal year 2024 and \$1,454,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to complete upgrades to the medical cannabis authorization database to improve reporting functions and accessibility, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(52) \$1,865,000 of the medical test site licensure account—state appropriation is provided solely for the medical test site regulatory program for inspections and other regulatory activities.

(53) \$2,276,000 of the health professions account—state appropriation is provided solely for the nursing care quality assurance commission for nursing licensure and other regulatory activities.

(54) \$813,000 of the general fund—state appropriation for fiscal year 2024 and \$811,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to assist with access to safe drinking water for homes and businesses with individual wells or small water systems that are contaminated.

(55) \$146,000 of the model toxics control operating account—state appropriation is provided solely for implementation of chapter 264, Laws of 2022 (chemicals/consumer products).

(56) \$1,150,000 of the general fund—state appropriation for fiscal year 2024 and \$1,150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to expand the birth equity project with the goal of reducing prenatal and perinatal health disparities.

(57) \$1,738,000 of the general fund—private/local appropriation is provided solely for implementation of chapter 115, Laws of 2020 (psychiatric patient safety).

(58) \$23,066,000 of the foundational public health services account—state appropriation is provided solely for the department to maintain the RAINIER (reporting array for incident, noninfectious and infectious event response) suite, RHINO (rapid health information network) program, WAIIS (Washington immunization information system) system, and data exchange services.

(59) \$7,355,000 of the general fund—state appropriation for fiscal year 2025 and \$7,022,000 of the coronavirus state fiscal recovery—federal appropriation are provided solely for operation of the statewide medical logistics center. Within these amounts, the department must coordinate with the department of social and health services to develop processes that will minimize the disposal and destruction of personal protective equipment and for interagency distribution of personal protective equipment.

(60) \$315,000 of the general fund—state appropriation for fiscal year 2024 and \$315,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to operate the universal development screening system.

(61) \$2,000,000 of the health professions account—state appropriation and \$293,000 of the public health supplemental account—state appropriation are provided solely for the Washington medical commission for regulatory activities, administration, and addressing equity issues in processes and policies.

(62) \$200,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department, in collaboration with the Washington medical coordination center, to create an implementation plan for real-time bed capacity and tracking for hospitals. The department must provide the implementation plan and estimated costs for the bed capacity and tracing tool to the office of financial management by September 15, 2023.

(63) \$48,000 of the model toxics control operating account—state appropriation is provided solely for the Puget Sound clean air agency to coordinate meetings with local health jurisdictions in King, Pierce, Snohomish, and Kitsap counties to better understand air quality issues, align messaging, and facilitate delivery of ready-to-go air quality and health interventions. The amount provided in this subsection may be used for agency staff time, meetings and events, outreach materials, and tangible air quality and health interventions.

(64) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than \$525 annually for new or renewed licenses for the midwifery program.

(65) \$50,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office of radiation protection to conduct a review of the state's readiness for licensing fusion energy projects. The legislature intends for Washington to support the deployment of fusion energy projects and larger research facilities by taking a leading role in the licensing of future fusion power plants. The department, in consultation with relevant state-level regulatory agencies, must review and provide recommendations and costs estimates for the necessary staffing and technical resources to fulfill the state's registration, inspection, and licensure obligations. The department must report its findings and any recommendations to the governor and appropriate legislative committees by December 1, 2023.

(66) \$500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for blood supply relief. The department must distribute this amount equally between the four largest nonprofit blood donation organizations operating in the state. The amounts distributed may be used only for activities to rebuild the state's blood supply, including increased staffing support for donation centers and mobile blood drives.

(67) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for tobacco, vapor product, and nicotine control, cessation, treatment, and prevention, and other substance use prevention and education, with an emphasis on community-based strategies. These strategies must include programs that consider the disparate impacts of nicotine addiction on specific populations, including youth and racial or other disparities.

(68) \$500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for an existing program that works with community members and partners to bridge health equity gaps to establish a pilot health care program in Pierce county to serve the unique needs of the African American community, including addressing diabetes, high blood pressure, low birth weight, and health care for preventable medical, dental, and behavioral health diagnoses.

(69) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to Island county to contract for a study of cost-effective waste treatment solutions, as an alternative to septic and sewer, for unincorporated parts of Island county. The study must:

(a) Identify any regulatory barriers to the use of alternative technology-based solutions;

(b) Include an opportunity for review and consultation by the department; and

(c) Include any recommendations from the department in the final report.

(70) \$2,656,000 of the general fund—private/local appropriation is provided solely for the department to provide cystic fibrosis DNA testing and to engage with a courier service to transport specimens to the public health laboratory.

(71) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely in support of

the department's activities pursuant to chapter 226, Laws of 2016 (commonly known as the caregiver advise, record, enable act). This funding must be used to:

(a) Create a communication campaign to notify hospitals across the state of available resources to support family caregivers;

(b) Curate or create a set of online training videos on common caregiving tasks including, but not limited to, medication management, injections, nebulizers, wound care, and transfers; and

(c) Provide information to patients and family caregivers upon admission.

(72) \$29,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1275 (athletic trainers). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(73) \$126,000 of the health professions account—state appropriation is provided solely for implementation of House Bill No. 1001 (audiology & speech compact). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(74) \$9,157,000 of the statewide 988 behavioral health crisis response line account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1134 (988 system). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(75) \$1,016,000 of the general fund—state appropriation for fiscal year 2024, \$453,000 of the general fund—state appropriation for fiscal year 2025, \$30,000 of the general fund—private/local appropriation, and \$676,000 of the health professions account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1724 (behavioral health workforce). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(76) \$72,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(77) \$418,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Substitute House Bill No. 1047 (cosmetic product chemicals). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(78) \$46,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1466 (dental auxiliaries). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(79) \$12,000 of the health professions account—state appropriation is provided solely for implementation of House Bill No. 1287 (dental hygienists). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(80) \$136,000 of the general fund—state appropriation for fiscal year 2025 and \$193,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1678 (dental therapists). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(81) \$158,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1576 (dentist compact). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(82) \$4,000 of the general fund—state appropriation for fiscal year 2025 and \$700,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1503 (health care licenses/info.). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(83) \$29,000 of the general fund—state appropriation for fiscal year 2024 and \$124,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1255 (health care prof. SUD prg.). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(84) \$48,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1694 (home care workforce shortage). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(85) \$282,000 of the health professions account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1039 (intramuscular needling). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(86) \$1,892,000 of the general fund—state appropriation for fiscal year 2024 and \$2,895,000 of the general fund—private/local appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5236 (hospital staffing standards). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(87) \$407,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(88) \$65,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1073 (medical assistants). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(89) \$447,000 of the general fund—state appropriation for fiscal year 2024 and \$448,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for

implementation of Second Substitute House Bill No. 1452 (medical reserve corps). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(90) \$195,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1069 (mental health counselor comp). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(91) \$158,000 of the health professions account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1009 (military spouse employment). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(92) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$165,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1457 (motor carriers/restrooms). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(93) \$126,000 of the general fund—state appropriation for fiscal year 2024, \$102,000 of the general fund—state appropriation for fiscal year 2025, and \$81,000 of the health professions account—state appropriation are provided solely for implementation of Substitute House Bill No. 1247 (music therapists). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(94) \$39,000 of the general fund—state appropriation for fiscal year 2024 and \$119,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1271 (organ transport vehicles). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(95) \$862,000 of the general fund—state appropriation for fiscal year 2024 and \$526,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1470 (private detention facilities). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(96) \$97,000 of the general fund—state appropriation for fiscal year 2024 and \$27,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1230 (school websites/drug info.). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(97) \$77,000 of the general fund—state appropriation for fiscal year 2024 and \$76,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1578 (wildland fire safety). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(98) \$2,773,000 of the general fund—state appropriation for fiscal year 2024 and \$2,773,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grant funding and administrative costs for the school-based health center program established in chapter 68, Laws of 2021 (school-based health centers).

(99) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a community-based nonprofit organization located in the Yakima Valley to continue a Spanish-language public radio media campaign aimed at providing education on the COVID-19 pandemic through an outreach program. The goal of the radio media campaign is to reach residents considered "essential workers," including but not limited to farmworkers, and provide information on health and safety guidelines, promote vaccination events, and increase vaccine confidence. The nonprofit organization must coordinate with medical professionals and other stakeholders on the content of the radio media campaign. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2024. A final report to the legislature must be submitted no later than June 30, 2025. Both reports must include: (a) A description of the outreach program and its implementation; (b) the number of individuals reached through the outreach program; and (c) any relevant demographic data regarding those individuals.

(100) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$25,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an equity consultant to evaluate the effect of changes made by, and vulnerabilities in, Engrossed Substitute Senate Bill No. 5179 (death with dignity act). The consultant shall partner with interested parties, vulnerable populations, and communities of color to solicit feedback on barriers to accessing the provisions of the act, any unintended consequences, and any challenges and vulnerabilities in the provision of services under the act, recommendations on ways to improve data collection, and recommendations on additional measures to be reported to the department. The department must report the findings and recommendations to the legislature by June 30, 2025.

(101) \$350,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a rural nursing workforce initiative to create a hub for students to remain in rural environments while working toward nursing credentials, including for program personnel, support, and a rural nursing needs assessment. Funding is provided to develop a program based on the rural nursing needs assessment.

(102)(a) \$1,393,000 of the climate commitment account—state appropriation is provided solely for grants to King county to address the disproportionate rates of asthma among children who reside within 10 miles of the Seattle-Tacoma international airport.

(b) Of the amount provided in this subsection, \$971,000 is provided to increase access to community health worker asthma interventions.

(c) Of the amount provided in this subsection, \$412,000 is for an independent investigation of the added benefit of indoor air quality interventions, including high efficiency particulate air filters, on disparities in indoor air pollution.

(d) Of the amount provided in this subsection, \$10,000 is for a regional data analysis and surveillance of asthma diagnoses and hospitalizations in King county.

(e) The county may contract with the University of Washington for the work described in (c) and (d) of this subsection.

(103) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue the collaboration between the local public health jurisdiction, related accountable communities of health, and health care providers to reduce potentially preventable hospitalizations in Pierce county. This collaboration will build from the first three years of the project, planning to align care coordination efforts across health care systems and support the related accountable communities of health initiatives, including innovative, collaborative models of care. Strategies to reduce costly hospitalizations include the following: (a) Working with partners to prevent chronic disease; (b) improving heart failure rates; (c) incorporating community health workers as part of the health care team and improving care coordination; (d) supporting the COVID-19 response with improved access to immunizations; and (e) the use of community health workers to provide necessary resources to prevent hospitalization of people who are in isolation and quarantine. By December 15, 2024, the members of the collaboration shall report to the legislature regarding the effectiveness of each of the strategies identified in this subsection. In addition, the report shall describe the most significant challenges and make further recommendations for reducing costly hospitalizations.

(104) \$70,000 of the general fund—state appropriation for fiscal year 2024 and \$30,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a community-based organization to host a deliberative democratic processes workshop for the HEAL act interagency work group established under RCW 70A.02.110, then develop, in consultation with environmental justice council or its staff, best practices for how agencies can incorporate deliberative democratic processes into community engagement practices.

(105) \$1,305,000 of the climate commitment account—state appropriation is provided solely for the climate health adaptation initiative.

(106) \$65,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5179 (death with dignity act). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(107) \$604,000 of the general fund—state appropriation for fiscal year 2024 and \$552,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5582 (nurse supply). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(108) \$95,000 of the health professions account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5389 (optometry). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(109) \$1,205,000 of the health professions account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5499 (multistate nurse licensure). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(110) \$30,000 of the general fund state—appropriation for fiscal year 2024, \$25,000 of the general fund—state appropriation for fiscal year 2025, and \$52,000 of the health professions account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5547 (nursing pool transparency). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(111) \$32,000 of the general fund—private/local appropriation is provided solely for implementation of Substitute Senate Bill No. 5569 (kidney disease centers). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(112) \$446,000 of the general fund—state appropriation for fiscal year 2024 and \$441,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5453 (female genital mutilation). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(113) \$466,000 of the general fund—state appropriation for fiscal year 2024 and \$487,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5278 (home care aide certification). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(114) \$131,000 of the general fund—state appropriation for fiscal year 2024 and \$91,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5523 (forensic pathologist). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(115) \$36,000 of the general fund—private/local appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5515 (child abuse and neglect). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(116) \$339,000 of the general fund—state appropriation for fiscal year 2024 and \$485,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for

implementation of Second Substitute Senate Bill No. 5555 (certified peer specialists). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(117) \$198,000 of the general fund—private/local appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5120 (crisis relief centers). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(118) \$125,000 of the general fund—state appropriation for fiscal year 2024, \$207,000 of the general fund—state appropriation for fiscal year 2025, and \$133,000 of the health professions account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5189 (behavioral health support). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(119) \$150,000 of general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department of health to provide grants to federally qualified health centers (FQHCs) for the purchase of long-acting reversible contraceptives (LARCs). For LARCs purchased with the funding provided in this subsection, FQHCs shall provide patients with LARCs the same day they are seeking that family planning option.

(a) The department shall develop criteria for how the grant dollars will be distributed, including that FQHCs are required to participate in contraceptive training related to patient-centered care, shared decision making, and reproductive bias and coercion.

(b) The department shall survey the FQHCs participating in the grant program regarding the use of LARCs by their patients, as compared to the two years prior to participation in the grant program, and report the results of the survey to the appropriate committees of the legislature by December 1, 2025.

(120) \$63,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to utilize materials from the "count the kicks" program in designing, preparing, and making available online written materials to inform health care providers and staff of evidence-based research and practices that reduce the incident of stillbirth, by December 31, 2023.

(121) \$351,000 of the general fund—state appropriation for fiscal year 2024 and \$624,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Snohomish county health department to convene a leadership planning group that will:

(a) Conduct a landscape analysis of current sexually transmitted infection, postexposure prophylaxis, preexposure prophylaxis, and hepatitis B virus services and identify treatment improvements for HIV preexposure prophylaxis;

(b) Establish sexually transmitted infection clinical services at the Snohomish county health department and identify opportunities to expand sexual health services provided outside of clinical settings;

(c) Conduct research on opportunities to expand jail-based sexual health services;

(d) Establish an epidemiology and technical team;

(e) Expand field-based treatment for syphilis; and

(f) Establish an in-house comprehensive, culturally responsive sexual health clinic at the Snohomish county health department.

(122) \$49,000 of the general fund—state appropriation for fiscal year 2024 and \$53,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(123) \$5,496,000 of the climate commitment account—state appropriation is provided solely for the department to provide grants to school districts making updates to existing heating, venting, and air conditioning systems using small district modernization grants.

(124) \$38,600,000 of the climate commitment account—state appropriation is provided solely for the department to develop a grant program to fund projects that benefit overburdened communities as defined in RCW 70A.02.010(11). Of the amount provided in this subsection:

(a) \$6,000,000 of the climate commitment account—state appropriation is provided solely for fiscal year 2024 for the department and the environmental justice council created in RCW 70A.02.110 to engage in a participatory budgeting process with five overburdened communities, as identified by the department, to develop a process to select and fund projects that mitigate the disproportional impacts of climate change on overburdened communities. The process must allow for full community engagement and develop criteria for eligible entities and projects and establish priorities to achieve the greatest gain for decarbonization and resiliency. A report of the outcomes of the participatory budgeting process detailing its recommendations for funding as well as future improvements to the participatory budgeting process must be provided to the appropriate committees of the legislature by December 31, 2023.

(b) \$32,600,000 of the climate commitment account—state appropriation is provided solely for fiscal year 2025 for the department to provide grants that benefit overburdened communities. The department must submit to the governor and the legislature a ranked list of projects consistent with the recommendations developed in (a) of this subsection. The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

(125) \$5,430,000 of the general fund—state appropriation for fiscal year 2024 and \$5,326,000 of the general fund—state appropriation for fiscal year 2025 are provided solely

for the department to maintain the current level of credentialing staff until the completion of the study on fees by Results WA.

(126) \$280,000 of the general fund—state appropriation for fiscal year 2024 and \$280,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with the central nursing resource center established in RCW 18.79.202 to facilitate communication between nursing education programs and health care facilities that offer clinical placements for the purpose of increasing clinical education and practice experiences for nursing students. The department shall contract with the central nursing resource center to:

- (a) Gather data to assess current clinical placement practices, opportunities, and needs;
- (b) Identify all approved nursing education programs and health care facilities that offer clinical placement opportunities in the state;
- (c) Convene and facilitate quarterly stakeholder meetings between representatives from approved nursing education programs and health care facilities that offer clinical placement opportunities, and other relevant stakeholders, in order to:
  - (i) Connect representatives by region;
  - (ii) Facilitate discussions between representatives, by region, to determine:
    - (A) Clinical placement barriers;
    - (B) The number and types of clinical placement opportunities needed; and
    - (C) The number and types of clinical placement opportunities available; and
  - (iii) Develop strategies to resolve clinical placement barriers;
- (d) Provide a digital message board and communication platform representatives can use to maintain ongoing communication and clinical placement needs and opportunities;
- (e) Identify other policy options and recommendations to help increase the number of clinical placement opportunities, if possible; and
- (f) Submit a report of findings, progress, and recommendations to the governor and appropriate committees of the legislature by December 1, 2025.

(127) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department of health to contract with an organization located in Thurston county that dedicates itself to the promotion of education, holistic health, and trauma healing in the African American community to provide behavioral health education, mental wellness training, evidence based health programs, events, and conferences to individuals, youth/adults, parents/parent partners, and families, that have suffered from generational and systemic racism. In conducting this work, the organization will engage diverse individuals in racial healing and reparative justice in the field of mental wellness. The organization will also prioritize mental health equity and reparative justice in their work to eradicate health disparities that African American communities have faced due to generational racism.

(128) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute House Bill No. 1745 (diversity in clinical trials). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF CORRECTIONS**

The health care authority, the health benefit exchange, the department of social and health services, the department of health, the department of corrections, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multiorganization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund—State Appropriation (FY 2024) . . . . .	\$96,389,000
General Fund—State Appropriation (FY 2025) . . . . .	\$95,589,000
General Fund—Federal Appropriation . . . . .	\$400,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$192,378,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) \$819,000 of the general fund—state appropriation for fiscal year 2024 and \$58,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month beginning with fiscal year 2023 and the count

of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(b) \$445,000 of the general fund—state appropriation for fiscal year 2024 and \$452,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for restrictive housing to reduce the use of solitary confinement by increasing correctional staffing, incorporating mental health training, and implementing change to restrictive housing environments.

(c) \$932,000 of the general fund—state appropriation for fiscal year 2024 and \$434,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the amend collaboration and training statewide program administration team.

(d) \$2,056,000 of the general fund—state appropriation for fiscal year 2024 and \$2,056,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for reentry investments to include reentry and discharge services. The staffing and resources must provide expanded reentry and discharge services to include, but not limited to, transition services, preemployment testing, enhanced discharge planning, housing voucher assistance, cognitive behavioral interventions, educational programming, and community partnership programs.

(e) \$127,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for chapter 160, Laws of 2022 (body scanners).

(2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2024) . . . . .	\$729,679,000
General Fund—State Appropriation (FY 2025) . . . . .	\$738,933,000
General Fund—Federal Appropriation . . . . .	\$4,326,000
General Fund—Private/Local Appropriation . . . . .	\$334,000
Washington Auto Theft Prevention Authority Account—	
State Appropriation . . . . .	\$4,837,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$1,478,109,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may contract for local jail beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The department shall not pay a rate greater than \$85 per day per offender excluding the costs of department of corrections provided services, including evidence-based substance abuse programming, dedicated department of corrections classification staff on-site for individualized case management, transportation of offenders to and from department of corrections facilities, and gender responsive training for jail staff. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as close medium or lower security offenders. Programming provided for offenders held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meets standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) \$671,000 of the general fund—state appropriation for fiscal year 2024 and \$671,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester.

(c) \$1,713,000 of the general fund—state appropriation for fiscal year 2024 and \$146,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month beginning with fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(d) Within the appropriated amounts in this subsection, the department of corrections must provide a minimum of one dedicated prison rape elimination act compliance specialist at each institution.

(e) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$320,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for continuing two contracted parent navigator positions. One parent navigator must be located at the



Washington correction center for women and one parent navigator position must be located at the Airway Heights corrections center or another state correctional facility that houses incarcerated male individuals and is selected by the department of corrections as a more suitable fit for a parent navigator. The parent navigators must have lived experience in navigating the child welfare system. The parent navigators must provide guidance and support to incarcerated individuals towards family reunification including, but not limited to, how to access services, navigating the court system, assisting with guardianship arrangements, and facilitating visitation with their children. The goal of the parent navigator program is to assist incarcerated parents involved in dependency or child welfare cases to maintain connections with their children and to assist these individuals in successfully transitioning and reuniting with their families upon release from incarceration. As part of the parent navigation program, the department of corrections must also review and provide a report to the legislature on the effectiveness of the program that includes the number of incarcerated individuals that received assistance from the parent navigators and the type of assistance the incarcerated individuals received, and that tracked the outcome of the parenting navigator program. A final report must be submitted to the legislature by September 1, 2024. Of the amounts provided in this subsection, \$20,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department's review and report on the effectiveness of the parent navigator program.

(f) \$4,504,000 of the general fund—state appropriation for fiscal year 2024 and \$4,009,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for restrictive housing to reduce the use of solitary confinement by increasing correctional staffing, incorporating mental health training, and implementing change to restrictive housing environments.

(g) \$579,000 of the general fund—state appropriation for fiscal year 2024 and \$2,058,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the amend collaboration and training program.

(h) \$1,294,000 of the general fund—state appropriation for fiscal year 2024 and \$1,294,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for reentry investments to include reentry and discharge services. The staffing and resources must provide expanded reentry and discharge services to include, but not limited to, transition services, preemployment testing, enhanced discharge planning, housing voucher assistance, cognitive behavioral interventions, educational programming, and community partnership programs.

(i) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Senate Bill No. 5131 (commissary funds). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(j) \$1,839,000 of the general fund—state appropriation for fiscal year 2024 and \$1,839,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5134 (reentry services & supports) to increase gate money from \$40 to \$300 at release. If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(k) \$2,871,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for chapter 160, Laws of 2022 (body scanners).

(l) \$586,000 of the general fund—state appropriation for fiscal year 2024 and \$576,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a planning and development manager and an executive secretary in the women's prison division.

(3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2024)	\$242,761,000
General Fund—State Appropriation (FY 2025)	\$252,147,000
General Fund—Federal Appropriation	\$4,142,000
<b>TOTAL APPROPRIATION</b>	<b>\$499,050,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall contract with local and tribal governments for jail capacity to house offenders who violate the terms of their community supervision. A contract rate increase may not exceed five percent each year. The department may negotiate to include medical care of offenders in the contract rate if medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff. If medical care of offender is included in the contract rate, the contract rate may exceed five percent to include the cost of that service.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

(c) \$1,233,000 of the general fund—state appropriation for fiscal year 2024 and \$88,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and

actual tolling staffing levels by fiscal month beginning with fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(d) \$110,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the amend collaboration and training program.

(e) \$1,409,000 of the general fund—state appropriation for fiscal year 2024 and \$1,386,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for staffing and operational costs to operate the Bellingham reentry center as a state-run facility.

(f) \$1,320,000 of the general fund—state appropriation for fiscal year 2024 and \$1,320,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for staffing and operational costs to operate the Helen B. Ratcliff reentry center as a state-run facility.

(g) \$18,813,000 of the general fund—state appropriation for fiscal year 2024 and \$19,027,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for reentry investments to include reentry and discharge services. The staffing and resources must provide expanded reentry and discharge services to include, but not limited to, transition services, preemployment testing, enhanced discharge planning, housing voucher assistance, cognitive behavioral interventions, educational programming, and community partnership programs.

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2024)	\$12,638,000
General Fund—State Appropriation (FY 2025)	\$12,836,000
<b>TOTAL APPROPRIATION</b>	<b>\$25,474,000</b>

The appropriations in this subsection are subject to the following conditions and limitations: \$3,500,000 of the general fund—state appropriation for fiscal year 2024 and \$3,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department of corrections to provide wages and gratuities of no less than \$1.00 per hour to incarcerated persons working in class III correctional industries.

(5) INTERAGENCY PAYMENTS

General Fund—State Appropriation (FY 2024)	\$68,680,000
General Fund—State Appropriation (FY 2025)	\$64,929,000
<b>TOTAL APPROPRIATION</b>	<b>\$133,609,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$6,000 of the general fund—state appropriation for fiscal year 2024 and \$6,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5134 (reentry services & supports). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(b) \$19,000 of the general fund—state appropriation for fiscal year 2024 and \$19,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5502 (sub. use disorder treatment). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(c) \$36,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for chapter 160, Laws of 2022 (body scanners).

(6) OFFENDER CHANGE

General Fund—State Appropriation (FY 2024)	\$83,659,000
General Fund—State Appropriation (FY 2025)	\$84,659,000
General Fund—Federal Appropriation	\$1,436,000
<b>TOTAL APPROPRIATION</b>	<b>\$169,754,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall use funds appropriated in this subsection (6) for programming for incarcerated individuals. The department shall develop and implement a written comprehensive plan for programming for incarcerated individuals that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) The department of corrections shall collaborate with the state health care authority to explore ways to utilize federal medicaid funds as a match to fund residential substance use disorder treatment-based alternative beds under RCW 9.94A.664 under the drug offender sentencing alternative program and residential substance use disorder treatment beds that serve individuals on community custody.

(c) Within existing resources, the department of corrections may provide reentry support items such as disposable cell phones, prepaid phone cards, hygiene kits, housing vouchers, and release medications associated with individuals resentenced or ordered released from confinement as a result of policies or court decisions including, but not limited to, the *State v. Blake* decision.

(d) \$11,454,000 of the general fund—state appropriation for fiscal year 2024 and \$11,454,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for expanded reentry investments to include, but not be limited to, transition services, preemployment testing, enhanced discharge planning, housing voucher assistance, cognitive behavioral interventions, educational programming, and community partnership programs.

(e) \$337,000 of the general fund—state appropriation for fiscal year 2024 and \$321,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5134 (reentry services & supports) and provides funding for dedicated discharge planning staff. If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(f) \$1,177,000 of the general fund—state appropriation for fiscal year 2024 and \$1,154,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5502 (sub. use disorder treatment) for dedicated staffing for substance use disorder assessments and for coordinated treatment care in the community at release. If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(g) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization to assist fathers transitioning from incarceration to community and family reunification. The grant recipient must have experience contracting with the department of corrections to support incarcerated individual betterment projects and contracting with the department of social and health services to provide access and visitation services.

(h) \$424,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for chapter 160, Laws of 2022 (body scanners).

(7) HEALTH CARE SERVICES

General Fund—State Appropriation (FY 2024) . . . . .	\$241,145,000
General Fund—State Appropriation (FY 2025) . . . . .	\$245,589,000
General Fund—Federal Appropriation . . . . .	\$3,084,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$489,818,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison medical facilities may use funds appropriated in this subsection to purchase goods, supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

(b) \$175,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department of corrections to conduct a medical mental and physical health evaluation of incarcerated persons who have been in solitary confinement or any other form of restrictive housing more than 120 days in total during their period of incarceration or more than 45 consecutive days in the prior fiscal year. The department shall provide a report to the governor and appropriate committees of the legislature by June 30, 2024.

(c) \$842,000 of the general fund—state appropriation for fiscal year 2024 and \$1,192,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for restrictive housing to reduce the use of solitary confinement by increasing correctional staffing, incorporating mental health training, and implementing change to restrictive housing environments.

(d) \$73,000 of the general fund—state appropriation for fiscal year 2024 and \$387,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the amend collaboration and training program.

(e) \$1,236,000 of the general fund—state appropriation for fiscal year 2024 and \$1,236,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for reentry investments to include reentry and discharge services. The staffing and resources must provide expanded reentry and discharge services to include, but not limited to, transition services, enhanced health care discharge planning, case management, and evaluation of physical health and behavioral health.

(f) \$13,605,000 of the general fund—state appropriation for fiscal year 2024 and \$13,605,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for medical staffing in prisons for patient centered care and behavioral health care. Funding must be used to increase access to care, addiction care, and expanded screening of individuals in prison facilities to include chronic illnesses, infectious disease, diabetes, heart disease, serious mental health, and behavioral health services.

(g) \$1,612,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for chapter 160, Laws of 2022 (body scanners).

(h) \$1,115,000 of the general fund—state appropriation for fiscal year 2024 and \$1,115,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for an electronic health records system solution and is subject to the conditions, limitations, and review requirements of section 701 of this act and must be in compliance with the statewide electronic health records plan that must be approved by the office of financial management and the technology services board.

(i) \$405,000 of the general fund—state appropriation for fiscal year 2024 and \$399,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Senate Bill No. 5768 (DOC/abortion medications). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund—State Appropriation (FY 2024)	\$7,061,000
General Fund—State Appropriation (FY 2025)	\$7,387,000
General Fund—Federal Appropriation	\$25,672,000
General Fund—Private/Local Appropriation	\$61,000
<b>TOTAL APPROPRIATION</b>	<b>\$40,181,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$201,000 of the general fund—state appropriation for fiscal year 2024 and \$201,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continuation of statewide services for blind or low vision youth under the age of 14.

(2) \$184,000 of the general fund—state appropriation for fiscal year 2024 and \$367,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the independent living program.

**NEW SECTION. Sec. 225. FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund—State Appropriation (FY 2024)	\$33,506,000
General Fund—State Appropriation (FY 2025)	\$23,898,000
General Fund—Federal Appropriation	\$216,616,000
General Fund—Private/Local Appropriation	\$38,458,000
Climate Commitment Account—State Appropriation	\$404,000
Unemployment Compensation Administration Account— Federal Appropriation	\$270,724,000
Administrative Contingency Account—State Appropriation	\$28,741,000
Employment Service Administrative Account—State Appropriation	\$85,070,000
Family and Medical Leave Insurance Account—State Appropriation	\$158,644,000
Workforce Education Investment Account—State Appropriation	\$14,556,000
Long-Term Services and Supports Trust Account—State Appropriation	\$40,960,000
<b>TOTAL APPROPRIATION</b>	<b>\$911,577,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) \$15,399,000 of the long-term services and supports trust account—state appropriation is provided solely for implementation of the long-term services and support trust program information technology project and is subject to the conditions, limitations, and review provided in section 701 of this act.

(3) Within existing resources, the department must reassess its ongoing staffing and funding needs for the paid family medical leave program and submit documentation of the updated need to the governor and appropriate committees of the legislature by September 1, 2023, and annually thereafter.

(4) Within existing resources, the department shall coordinate outreach and education to paid family and medical leave benefit recipients with a statewide family resource, referral, and linkage system that connects families with children prenatal through age five and residing in Washington state to appropriate services and community resources. This coordination shall include but is not limited to placing information about the statewide family resource, referral, and linkage system on the paid family and medical leave program web site and in printed materials, and conducting joint events.

(5) Within existing resources, the department shall report the following to the legislature and the governor by October 15, 2023, and each year thereafter:

(a) An inventory of the department's programs, services, and activities, identifying federal, state, and other funding sources for each;

(b) Federal grants received by the department, segregated by line of business or activity, for the most recent five fiscal years, and the applicable rules;

(c) State funding available to the department, segregated by line of business or activity, for the most recent five fiscal years;

(d) A history of staffing levels by line of business or activity, identifying sources of state or federal funding, for the most recent five fiscal years;

(e) A projected spending plan for the employment services administrative account and the administrative contingency account. The spending plan must include forecasted revenues and estimated expenditures under various economic scenarios.

(6) \$14,510,000 of the workforce education investment account—state appropriation is provided solely for career connected learning grants as provided in RCW 28C.30.050, including sector intermediary grants and administrative expenses associated with grant administration.

(7) \$2,000,000 of the unemployment compensation administration account—federal appropriation is provided solely for the department to continue implementing the federal

United States department of labor equity grant. This grant includes improving the translation of notices sent to claimants as part of their unemployment insurance claims into any of the 10 languages most frequently spoken in the state and other language, demographic, and geographic equity initiatives approved by the grantor. The department must also ensure that letters, alerts, and notices produced manually or by the department's unemployment insurance technology system are written in plainly understood language and evaluated for ease of claimant comprehension before they are approved for use.

(8) \$3,136,000 of the unemployment compensation administration account—federal appropriation is provided solely for a continuous improvement team to make customer, employer, and equity enhancements to the unemployment insurance program. If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection.

(9) \$404,000 of the climate commitment account—state appropriation is provided solely for participation on the clean energy technology work force advisory committee and collaboration on the associated report established in Second Substitute House Bill No. 1176 (climate-ready communities). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(10) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(11) (a) \$9,323,000 of the employment service administrative account—state appropriation is provided solely for the replacement of the WorkSource integrated technology platform. The replacement system must support the workforce administration statewide to ensure adoption of the United States department of labor's integrated service delivery model and program performance requirements for the state's workforce innovation and opportunity act and other federal grants. This subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(b) \$2,290,000 of the employment services administrative account—state appropriation is provided solely for the maintenance and operation of the WorkSource integrated technology platform.

(12) \$6,208,000 of the general fund—state appropriation for fiscal year 2024 and \$6,208,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continuation of the economic security for all program. The department must collect quarterly data on the number of participants that participate in the program, the costs associated with career, training, and other support services provided by category, including but not limited to, child care, housing, transportation, and car repair, and progress made towards self-sufficiency. The department must provide a report to the governor and the legislature on December 1 and June 1 of each year that includes an analysis of the program, a detailed summary of the quarterly data collected, and associated recommendations for program delivery.

(13) (a) \$5,292,000 of the employment service administrative account—state appropriation is provided to expand the economic security for all program to residents of Washington state that are over 200 percent of the federal poverty level but who demonstrate financial need for support services or assistance with training costs to either maintain or secure employment. Supports to each participant must not exceed \$5,000 per year.

(b) The department must collect quarterly data on the number of participants that participate in the program, the costs associated with career, training, and other support services provided by category, including but not limited to, child care, housing, transportation, and car repair, and progress made towards self-sufficiency. The department must provide a report to the governor and the legislature on December 1 and June 1 of each year that includes an analysis of the program, a detailed summary of the quarterly data collected, and associated recommendations for program delivery.

(c) Of the amounts in (a) of this subsection, the department may use \$146,000 each year to cover program administrative expenses.

(14) \$1,655,000 of the administrative contingency account—state appropriation is provided to increase the department's information security team to proactively address critical security vulnerabilities, audit findings, and process gaps.

(15) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for two project managers to assist with the coordination of state audits.

(16) \$1,448,000 of the general fund—state appropriation for fiscal year 2024 and \$1,448,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for business navigators at the local workforce development boards to increase employer engagement in an effort to support industry recovery and growth. Of the amounts in this subsection, the department may use \$148,000 per year to cover associated administrative expenses.

(17) \$11,895,000 of the general fund—federal appropriation is provided solely for the implementation of the quality jobs, equity strategy, and training (QUEST) grant to enhance the workforce system's ongoing efforts to support employment equity and employment recovery from the COVID-19 pandemic. The funds are for partnership development, community outreach, business engagement, and comprehensive career and training services.

(18) \$3,264,000 of the employment services administration account—state appropriation is provided solely for the continuation of the office of agricultural and seasonal workforce services.

(19) \$3,539,000 of the long-term services and supports trust account—state appropriation is provided solely for the programs in the department's leave and care division to increase outreach to underserved communities, perform program evaluation and data management, perform necessary fiscal functions, and make customer experience enhancements.

(20) Within the amounts appropriated in this section, the department shall hire or assign a full time communications staff dedicated to outreach to employers and the public about the long-term services and supports trust program, the Washington cares program, in collaboration with the department of social and health services and the Washington cares program. The department shall collaborate with the department of social and health services and the Washington cares program on all communications to employers about the long-term services and supports trust program implementation including receiving final sign off by the Washington cares program.

(21) \$140,000 of the general fund—state appropriation for fiscal year 2024 and \$140,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one full-time employee to provide casework on behalf of constituents who contact their legislators to escalate unresolved claims.

(22) (a) \$250,000 of the family and medical leave insurance account—state appropriation is provided solely for the department to contract with the University of Washington Evans school of public policy and governance to conduct a study on the impacts of the state family and medical leave program's job protection standards on equitable utilization of paid leave benefits under the program.

(b) The study shall consider the following:

(i) The rates at which paid leave benefits under chapter 50A.15 RCW are used by persons who qualify for job protection under RCW 50A.35.010 or the federal family and medical leave act;

(ii) Worker perspectives on the effects of job protection under RCW 50A.35.010 and the federal family and medical leave act on the use of paid leave benefits under chapter 50A.15 RCW; and

(iii) Employment outcomes and other impacts for persons using paid leave benefits under chapter 50A.15 RCW.

(c) (i) In conducting the study, the university must collect original data directly from workers about paid leave and job protection, including demographic information such as race, gender, income, geography, primary language, and industry or job sector.

(ii) In developing the study, the university must consult with the advisory committee under RCW 50A.05.030, including three briefings: An overview on the initial research design with an opportunity to provide feedback; a midpoint update; and final results. The university must consult with the committee regarding appropriate methods for collecting and assessing relevant data in order to protect the reliability of the study.

(d) A preliminary report, including the initial research design and available preliminary results must be submitted by December 1, 2023, and a final report by December 1, 2024, to the governor and the appropriate policy and fiscal committees of the legislature, in accordance with RCW 43.01.036.

(23) \$4,433,000 of the family and medical leave insurance account—state appropriation and \$351,000 of the unemployment compensation administration account—federal appropriation are provided solely for implementation of Substitute House Bill No. 1570 (TNC insurance programs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(24) \$50,000 of the unemployment compensation administration account—federal appropriation is provided solely for implementation of Substitute House Bill No. 1458 (apprenticeship programs/UI). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(25) (a) \$10,000,000 of the general fund—state appropriation for fiscal year 2024 and \$11,227,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to address a projected shortfall of federal revenue that supports the administration of the unemployment insurance program.

(b) The department must submit an initial report no later than November 1, 2023, and a subsequent report no later than November 1, 2024, to the governor and the appropriate committees of the legislature outlining how the funding in (a) of this subsection is being utilized and recommendations for long-term solutions to address future decreases in federal funding.

(26) \$11,976,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to create a dedicated team of staff to process the unemployment insurance overpayment caseload backlog.

(27) \$3,389,000 of the general fund—state appropriation for fiscal year 2024 and \$4,540,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase the stipend for Washington service corps members to \$26,758 per year and for one staff member to assist with program outreach. The stipend increase is for members that enter into a service year with income below 200 percent of the federal poverty level.

(28) \$794,000 of the unemployment compensation administration account—federal appropriation is provided solely for implementation of Substitute Senate Bill No. 5176

(employee-owned coop UI). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(29) \$30,000 of the family and medical leave insurance account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5286 (paid leave premiums). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(30) \$2,896,000 of the family and medical leave insurance account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5586 (paid leave data). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(31) \$35,000 of the employment service administrative account—state appropriation is provided solely for the department to provide research and consultation on the feasibility of replicating the unemployment insurance program for and expanding other social net programs to individuals regardless of their citizenship status.

(32) \$10,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to design a form for employer use to voluntarily report no show, no call interview data. This data shall be used to inform potential trend analysis or policy development for job search compliance.

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—GENERAL**

(1) The appropriations to the department of children, youth, and families in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of children, youth, and families shall initially be allotted as required by this act. The department shall seek approval from the office of financial management prior to transferring moneys between sections of this act except as expressly provided in this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The health care authority, the health benefit exchange, the department of social and health services, the department of health, the department of corrections, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation.

(3) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department are subject to technical oversight by the office of the chief information officer.

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—CHILDREN AND FAMILIES SERVICES PROGRAM**

General Fund—State Appropriation (FY 2024) . . . . .	\$488,869,000
General Fund—State Appropriation (FY 2025) . . . . .	\$500,457,000
General Fund—Federal Appropriation . . . . .	\$503,359,000
General Fund—Private/Local Appropriation . . . . .	\$2,824,000
Opioid Abatement Settlement Account—State Appropriation . . . . .	\$2,304,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$1,497,813,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$748,000 of the general fund—state appropriation for fiscal year 2024 and \$748,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to 13 children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(2) \$453,000 of the general fund—state appropriation for fiscal year 2024 and \$453,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the costs of hub home foster and kinship families that provide a foster care delivery model that includes a hub home. Use of the hub home model is intended to support foster parent retention, provide support to biological families, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(3) \$579,000 of the general fund—state appropriation for fiscal year 2024, \$579,000 of the general fund—state appropriation for fiscal year 2025, and \$110,000 of the general fund

—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(4) \$1,620,000 of the general fund—state appropriation for fiscal year 2024 and \$1,620,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for services provided through children's advocacy centers.

(5) In fiscal year 2024 and in fiscal year 2025, the department shall provide a tracking report for social service specialists and corresponding social services support staff to the office of financial management, and the appropriate policy and fiscal committees of the legislature. The report shall detail continued implementation of the targeted 1:18 caseload ratio standard for child and family welfare services caseload-carrying staff and targeted 1:8 caseload ratio standard for child protection services caseload carrying staff. To the extent to which the information is available, the report shall include the following information identified separately for social service specialists doing case management work, supervisory work, and administrative support staff, and identified separately by job duty or program, including but not limited to intake, child protective services investigations, child protective services family assessment response, and child and family welfare services:

(a) Total full-time equivalent employee authority, allotments and expenditures by region, office, classification, and band, and job duty or program;

(b) Vacancy rates by region, office, and classification and band; and

(c) Average length of employment with the department, and when applicable, the date of exit for staff exiting employment with the department by region, office, classification and band, and job duty or program.

(6) \$94,000 of the general fund—state appropriation for fiscal year 2024 and \$94,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(7)(a) \$999,000 of the general fund—state appropriation for fiscal year 2024, \$1,000,000 of the general fund—state appropriation for fiscal year 2025, \$656,000 of the general fund—private/local appropriation, and \$252,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, regions where backlogs of youth that have formerly requested educational outreach services exist, or youth with high educational needs. The department is encouraged to use private matching funds to maintain educational advocacy services.

(b) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(8) For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(9) \$197,000 of the general fund—state appropriation for fiscal year 2024 and \$197,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(10)(a) \$6,195,000 of the general fund—state appropriation for fiscal year 2024, \$6,195,000 of the general fund—state appropriation for fiscal year 2025, and \$1,188,000 of the general fund—federal appropriation are provided solely for the department to operate emergent placement and enhanced emergent placement contracts.

(b) The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments and shall submit as part of the budget submittal documentation required by RCW 43.88.030 any costs associated with increases in the number of emergent placement contract beds after the effective date of this section that cannot be sustained within existing appropriations.

(11) Beginning January 1, 2024, and continuing through the 2023-2025 fiscal biennium, the department must provide semiannual reports to the governor and appropriate legislative committees that includes the number of in-state behavioral rehabilitation services providers and licensed beds, the number of out-of-state behavioral rehabilitation services placements, and a comparison of these numbers to the same metrics expressed as an average over the prior six months. The report shall identify separately beds with the enhanced behavioral rehabilitation services rate. Effective January 1, 2024, and to the extent the information is available, the report shall include the same information for emergency placement services beds and enhanced emergency placement services beds.

(12) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for



implementing the supportive visitation model that utilizes trained visit navigators to provide a structured and positive visitation experience for children and their parents.

(13) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for enhanced adoption placement services for legally free children in state custody, through a partnership with a national nonprofit organization with private matching funds. These funds must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children with high needs.

(14) The department of children, youth, and families shall make foster care maintenance payments to programs where children are placed with a parent in a residential program for substance abuse treatment. These maintenance payments are considered foster care maintenance payments for purposes of forecasting and budgeting at maintenance level as required by RCW 43.88.058.

(15) \$511,000 of the general fund—state appropriation for fiscal year 2024, \$511,000 of the general fund—state appropriation for fiscal year 2025, and \$306,000 of the general fund—federal appropriation are provided solely for continued implementation of chapter 210, Laws of 2021 (2SHB 1219) (youth counsel/dependency).

(16) If the department receives an allocation of federal funding through an unanticipated receipt, the department shall not expend more than what was approved or for another purpose than what was approved by the governor through the unanticipated receipt process pursuant to RCW 43.79.280.

(17) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with one or more nonprofit, nongovernmental organizations to purchase and deliver concrete goods to low-income families.

(18) \$2,400,000 of the general fund—state appropriation for fiscal year 2024 and \$2,400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(19) The department will only refer child welfare cases to the department of social and health services division of child support enforcement when the court has found a child to have been abandoned by their parent or guardian as defined in RCW 13.34.030.

(20) \$100,000 of the general fund—state appropriation for fiscal year 2024 and 100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the provision of SafeCare, an evidence-based parenting program, for families in Grays Harbor county.

(21) \$7,685,000 of the general fund—state appropriation for fiscal year 2024, \$8,354,000 of the general fund—state appropriation for fiscal year 2025, and \$2,682,000 of the general fund—federal appropriation are provided solely for the phase-in of the settlement agreement under *D.S. et al. v. Department of Children, Youth and Families et al.*, United States district court for the western district of Washington, cause no. 2:21-cv-00113-BJR. The department must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to the emerging adulthood housing program, professional therapeutic foster care, statewide hub home model, revised licensing standards, family group planning, referrals and transition, qualified residential treatment program, and monitoring and implementation. To comply with the settlement agreement, funding in this subsection is provided as follows:

(a) \$276,000 of the general fund—state appropriation for fiscal year 2024, \$264,000 of the general fund—state appropriation for fiscal year 2025, and \$104,000 of the general fund—federal appropriation are provided solely for implementation and monitoring of the state's implementation plan, which includes receiving recurring updates, requesting data on compliance, reporting on progress, and resolving disputes that may arise.

(b) \$2,022,000 of the general fund—state appropriation for fiscal year 2024, \$2,432,000 of the general fund—state appropriation for fiscal year 2025, and \$42,000 of the general fund—federal appropriation are provided solely for the statewide hub home model. The department shall develop and adapt the existing hub home model to serve youth as described in the settlement agreement.

(c) \$452,000 of the general fund—state appropriation for fiscal year 2024, \$864,000 of the general fund—state appropriation for fiscal year 2025, and \$334,000 of the general fund—federal appropriation are provided solely for the department to establish a negotiated rule-making method to align and update foster care and group care licensing standards.

(d) \$2,195,000 of the general fund—state appropriation for fiscal year 2024, \$2,110,000 of the general fund—state appropriation for fiscal year 2025, and \$238,000 of the general fund—federal appropriation are provided solely for revised referral and transition procedures for youth entering foster care.

(e) \$1,868,000 of the general fund—state appropriation for fiscal year 2024, \$1,852,000 of the general fund—state appropriation for fiscal year 2025, and \$1,543,000 of the general fund—federal appropriation are provided solely for the department to develop and implement a professional therapeutic foster care contract and licensing category. Therapeutic foster care professionals are not required to have another source of income and must receive specialized training and support.

(f) \$872,000 of the general fund—state appropriation for fiscal year 2024, \$832,000 of the general fund—state appropriation for fiscal year 2025, and \$421,000 of the general fund—federal appropriation are provided solely to update assessment and placement procedures prior to placing a youth in a qualified residential treatment program, as well as updating the assessment schedule to every 90 days.

(g) The department shall implement all provisions of the settlement agreement, including those described in (a) through (f) of this subsection; revisions to shared planning meeting and family team decision-making policies and practices; and any and all additional settlement agreement requirements and timelines established.

(22) \$8,919,000 of the general fund—state appropriation for fiscal year 2024, \$19,521,000 of the general fund—state appropriation for fiscal year 2025, and \$6,595,000 of the general fund—federal appropriation are provided solely for implementation of a seven-level foster care support system. Of the amounts provided in this subsection:

(a) \$5,527,000 of the general fund—state appropriation for fiscal year 2024, \$11,054,000 of the general fund—state appropriation for fiscal year 2025, and \$5,284,000 of the general fund—federal appropriation are provided solely to expand foster care maintenance payments from a four-level to a seven-level support system, beginning January 1, 2024.

(b) \$2,572,000 of the general fund—state appropriation for fiscal year 2024, \$7,717,000 of the general fund—state appropriation for fiscal year 2025, and \$1,173,000 of the general fund—federal appropriation are provided solely for expanded caregiver support services. Services include, but are not limited to, placement, case aide, and after-hours support, as well as training, coaching, child care, and respite coordination.

(c) \$573,000 of the general fund—state appropriation for fiscal year 2024 and \$566,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for project management to oversee the shift in systems and practices.

(d) \$247,000 of the general fund—state appropriation for fiscal year 2024, \$184,000 of the general fund—state appropriation for fiscal year 2025, and \$138,000 of the general fund—federal appropriation are provided solely for a contract with the department of social and health services research and data analysis division to track program outcomes through monitoring and analytics.

(23) \$732,000 of the general fund—state appropriation for fiscal year 2024, \$732,000 of the general fund—state appropriation for fiscal year 2025, and \$362,000 of the general fund—federal appropriation are provided solely to increase staff to support statewide implementation of the kinship caregiver engagement unit.

(24) \$7,332,000 of the general fund—state appropriation for fiscal year 2024 and \$7,332,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to issue foster care maintenance payments for up to 90 days to those kinship caregivers who obtain an initial license.

(25) \$6,696,000 of the general fund—state appropriation for fiscal year 2024, \$6,696,000 of the general fund—state appropriation for fiscal year 2025, and \$2,940,000 of the general fund—federal appropriation are provided solely for contracted visitation services for children in temporary out-of-home care. Funding is provided to reimburse providers for certain uncompensated services, which may include work associated with missed or canceled visits.

(26) \$4,104,000 of the general fund—state appropriation for fiscal year 2024 and \$5,589,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to expand combined in-home services to serve more families. By December 1, 2023, and annually thereafter, the department shall provide a report to the legislature detailing combined in-home services expenditures and utilization, including the number of families served and a listing of services received by those families.

(27) \$892,000 of the general fund—state appropriation for fiscal year 2024, \$892,000 of the general fund—state appropriation for fiscal year 2025, and \$796,000 of the general fund—federal appropriation are provided solely for increased licensing staff. Licensing staff are increased in anticipation that more kinship placements will become licensed due to recent legislation and court decisions, including *In re Dependency of K.W.* and chapter 211, Laws of 2021 (E2SHB 1227) (child abuse or neglect).

(28) \$755,000 of the general fund—state appropriation for fiscal year 2024 and \$2,014,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5124 (nonrelative kin placement). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(29) \$338,000 of the general fund—state appropriation for fiscal year 2024, \$317,000 of the general fund—state appropriation for fiscal year 2025, and \$54,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5515 (child abuse and neglect). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(30) \$851,000 of the general fund—state appropriation for fiscal year 2024, \$2,412,000 of the general fund—state appropriation for fiscal year 2025, and \$108,000 of the general fund—federal appropriation are provided solely for implementation of Senate Bill No. 5683 (foster care/Indian children). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(31) \$2,304,000 of the opioid abatement settlement account—state appropriation is for implementation of Engrossed Second Substitute Senate Bill No. 5536 (controlled substances).

(32) \$375,000 of the general fund—state appropriation for fiscal year 2024, \$375,000 of the general fund—state appropriation for fiscal year 2025, and \$112,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature regarding these strategies by September 1, 2023. The report shall include the number and percentage of parents requiring supervised visitation and the number and percentage of parents with unsupervised visitation, prior to reunification.

(33) \$499,000 of the general fund—state appropriation for fiscal year 2024, \$499,000 of the general fund—state appropriation for fiscal year 2025, and \$310,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1204 (family connections program), which will support the family connections program in areas of the state in which the program is already established. To operate the program, the department must contract with a community-based organization that has experience working with the foster care population and administering the family connections program. If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(34) \$2,020,000 of the general fund—state appropriation for fiscal year 2024, \$1,894,000 of the general fund—state appropriation for fiscal year 2025, and \$1,247,000 of the general fund—federal appropriation are provided solely to increase the basic foster care maintenance rate for all age groups and the supervised independent living subsidy for youth in extended foster care each by \$50 per youth per month effective July 1, 2023.

(35) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with a Washington state mentoring organization to provide oversight and training for a pilot program that mentors foster youth. The goal of the program is to improve outcomes for youth in foster care by surrounding them with ongoing support from a caring adult mentor. Under the program, mentors provide a positive role model and develop a trusted relationship that helps the young person build self-confidence, explore career opportunities, access their own resourcefulness, and work to realize their fullest potential. The organization shall serve as the program administrator to provide grants to nonprofit organizations based in Washington state that meet department approved criteria specific to mentoring foster youth. Eligible grantees must have programs that currently provide mentoring services within the state and can provide mentors who provide one-to-one services to foster youth, or a maximum ratio of one mentor to three youth.

(36) \$1,100,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to a nonprofit organization in Spokane that has experience administering a family-centered drug treatment and housing program for families experiencing substance use disorder. The amount provided in this subsection is intended to support the existing program while the department works to develop a sustainable model of the program and expand to new regions of the state.

(37) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to lead the development of a sustainable operating funding model for programs using the rising strong model that provides comprehensive, family-centered drug treatment and housing services to keep families together while receiving treatment and support. The department shall work in coordination with the health care authority, the department of commerce, other local agencies, and stakeholders on development of the model. The department shall submit the sustainable operating model to the appropriate committees of the legislature by July 1, 2024.

(38) \$107,000 of the general fund—state appropriation for fiscal year 2024, \$102,000 of the general fund—state appropriation for fiscal year 2025, and \$50,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1580 (children in crisis). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(39) \$269,000 of the general fund—state appropriation for fiscal year 2024 and \$269,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase the new foster home incentive payment for child-placing agencies to \$1,000 for each new foster home certified for licensure, effective July 1, 2023.

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—JUVENILE REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2024) . . . . .	\$140,231,000
General Fund—State Appropriation (FY 2025) . . . . .	\$143,975,000
General Fund—Federal Appropriation . . . . .	\$694,000
General Fund—Private/Local Appropriation . . . . .	\$205,000
Washington Auto Theft Prevention Authority Account—	
State Appropriation . . . . .	\$196,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$285,301,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,841,000 of the general fund—state appropriation for fiscal year 2024 and \$2,841,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to county juvenile courts for effective, community-based programs that are culturally relevant, research-informed, and focused on supporting positive youth development, not just reducing recidivism. Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the department of children, youth, and families for funding for program-specific participation and the department shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute. The block grant oversight committee, in consultation with the Washington state institute for public policy, shall identify effective, community-based programs that are culturally relevant, research-informed, and focused on supporting positive youth development to receive funding.

(2) \$1,537,000 of the general fund—state appropriation for fiscal year 2024 and \$1,537,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for expansion of the juvenile justice treatments and therapies in department of children, youth, and families programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The department may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(3)(a) \$6,198,000 of the general fund—state appropriation for fiscal year 2024 and \$6,198,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(b) The department of children, youth, and families shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service funds, community juvenile accountability act grants, chemical dependency/mental health disposition alternative, and suspended disposition alternative. The department of children, youth, and families shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for the assessment of low, moderate, and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency and mental health disposition alternative; and (vi) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the department of children, youth, and families and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(c) The department of children, youth, and families and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the department of children, youth, and families and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (b) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(d) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the department of children, youth, and families and the Washington state institute for public policy related to program and outcome data. The department of children, youth, and families and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(4) \$645,000 of the general fund—state appropriation for fiscal year 2024 and \$645,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for funding of the teamchild project.

(5) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant

program focused on criminal street gang prevention and intervention. The department of children, youth, and families may award grants under this subsection. The department of children, youth, and families shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the department of children, youth, and families on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(6) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(7) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to county juvenile courts to establish alternative detention facilities similar to the proctor house model in Jefferson county, Washington, that will provide less restrictive confinement alternatives to youth in their local communities. County juvenile courts shall apply to the department of children, youth, and families for funding and each entity receiving funds must report to the department on the number and types of youth serviced, the services provided, and the impact of those services on the youth and the community.

(8) \$432,000 of the general fund—state appropriation for fiscal year 2024 and \$432,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

(9) (a) \$878,000 of the general fund—state appropriation for fiscal year 2024 and \$879,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 206, Laws of 2021 (concerning juvenile rehabilitation community transition services).

(b) Of the amounts provided in (a) of this subsection, \$105,000 of the general fund—state appropriation for fiscal year 2024 and \$105,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for housing vouchers.

(10) \$123,000 of the general fund—state appropriation for fiscal year 2024 and \$123,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 265, Laws of 2021 (supporting successful reentry).

(11) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a credible messenger mentorship organization located in Kitsap county to provide peer counseling, peer support services, and mentorship for at-risk youth and families.

(12) \$1,791,000 of the general fund—state appropriation for fiscal year 2024 and \$1,754,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for maintenance of the facility, property, and assets at the facility formerly known as the Naselle youth camp in Naselle. The department of children, youth, and families must enter into an interagency agreement with the department of social and health services for the management and warm closure maintenance of the Naselle youth camp facility and grounds during the 2023-2025 fiscal biennium.

(13) (a) \$140,000 of the general fund—state appropriation for fiscal year 2024 and \$140,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1394 (sexual offenses by youth). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(b) The department of children, youth, and families—juvenile rehabilitation shall develop and implement a grant program that allows defense attorneys and counties to apply for funding for sex offender evaluation and treatment programs. The department shall provide funding to counties for: (a) Process mapping, site assessment, and training for additional sex offender treatment modalities such as multisystemic therapy-problem sexual behavior or problematic sexual behavior-cognitive behavioral therapy; and (b) for any evaluation and preadjudication treatment costs which are not covered by the court.

(14) \$2,436,000 of the general fund—state appropriation for fiscal year 2024 and \$2,206,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a dedicated institutional educational oversight and accountability team and 12 staff to provide a transition team at both green hill and echo glen that will serve as an education engagement team at the facility and will also coordinate and engage with community enrichment programs and community organizations to afford more successful transitions.

(15) \$505,000 of the general fund—state appropriation for fiscal year 2024 and \$505,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for contracted services for housing for youth exiting juvenile rehabilitation facilities.

(16) \$3,306,000 of the general fund—state appropriation for fiscal year 2024 and \$8,732,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for caseload costs and staffing. Of the amount provided in this subsection: \$1,752,000 of the general fund—state appropriation for fiscal year 2024 and \$2,428,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for staffing necessary to operate the baker cottage north living unit at green hill school that is anticipated to be operational by February 1, 2024.

(17) \$1,000 of the Washington auto theft prevention authority account—state appropriation is for implementation of Substitute Senate Bill No. 5672 (auto theft authority account).

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—EARLY LEARNING PROGRAM**

General Fund—State Appropriation (FY 2024)	\$576,454,000
General Fund—State Appropriation (FY 2025)	\$699,147,000
General Fund—Federal Appropriation	\$525,447,000
General Fund—Private/Local Appropriation	\$104,000
Education Legacy Trust Account—State Appropriation	\$385,965,000
Home Visiting Services Account—State Appropriation	\$35,809,000
Home Visiting Services Account—Federal Appropriation	\$36,417,000
Washington Opportunity Pathways Account—State Appropriation	\$80,000,000
Workforce Education Investment Account—State Appropriation	\$22,764,000
<b>TOTAL APPROPRIATION</b>	<b>\$2,362,107,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) \$123,623,000 of the general fund—state appropriation for fiscal year 2024, \$148,314,000 of the general fund—state appropriation for fiscal year 2025, \$91,810,000 of the education legacy trust account—state appropriation, and \$80,000,000 of the opportunity pathways account—state appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 16,778 slots in fiscal year 2024 and 17,278 slots in fiscal year 2025. Of the total slots in each fiscal year, 100 slots must be reserved for foster children to receive school-year-round enrollment.

(b) Of the amounts provided in this subsection:

(i) \$23,647,000 of the general fund—state appropriation for fiscal year 2024 and \$26,412,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a slot rate increase of 18 percent for full day slots, a 9 percent increase for extended day slots, and a 7 percent increase for part day slots, beginning July 1, 2023.

(ii) \$9,862,000 of the general fund—state appropriation for fiscal year 2024 and \$9,862,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to convert 1,000 part day slots to full day slots, and to increase full day slots by 500, beginning in fiscal year 2024.

(iii) \$9,862,000 of the general fund—state appropriation for fiscal year 2025 is provided solely to convert 1,000 part day slots to full day slots, and to increase full day slots by 500, beginning in fiscal year 2025.

(c) Of the amounts provided in this subsection, \$2,509,000 of the general fund—state appropriation for fiscal year 2024 and \$3,278,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase complex needs grant funds for the early childhood education and assistance program.

(d) The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(2) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies.

(3) The department of children, youth, and families shall work in collaboration with the department of social and health services to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families. Effective December 1, 2023, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(4) (a) \$144,632,000 of the general fund—state appropriation for fiscal year 2024, \$208,181,000 of the general fund—state appropriation for fiscal year 2025, \$56,400,000 of the general fund—federal appropriation, and \$51,500,000 of the general fund—federal

appropriation (ARPA) are provided solely for enhancements to the working connections child care program.

(b) Of the amounts provided in this subsection:

(i) \$47,637,000 of the general fund—state appropriation for fiscal year 2024, \$87,556,000 of the general fund—state appropriation for fiscal year 2025, \$36,249,000 of the general fund—federal appropriation, and \$33,085,000 of the general fund—federal appropriation (ARPA) are provided solely to increase subsidy base rates to the 85th percentile of market based on the 2021 market rate survey for child care centers.

(ii) \$96,995,000 of the general fund—state appropriation for fiscal year 2024, \$120,625,000 of the general fund—state appropriation for fiscal year 2025, \$20,151,000 of the general fund—federal appropriation, and \$18,415,000 of the general fund—federal appropriation (ARPA) are provided solely to implement the 2023-2025 collective bargaining agreement covering family child care providers as provided in section 907 of this act. Of the amounts provided in this subsection:

(A) \$8,263,000 of the general fund—state appropriation for fiscal year 2024 and \$9,793,000 of the general fund—state appropriation for fiscal year 2025 are for an 85 cent per hour per child rate increase for family, friends, and neighbor providers (FFNs) beginning July 1, 2023, and a 15 cent per hour per child rate increase beginning July 1, 2024.

(B) \$26,515,000 of the general fund—state appropriation for fiscal year 2024, \$48,615,000 of the general fund—state appropriation for fiscal year 2025, \$20,151,000 of the general fund—federal appropriation, and \$18,415,000 of the general fund—federal appropriation (ARPA) are provided to increase subsidy base rates to the 85th percentile of market based on the 2021 market rate survey.

(C) \$370,000 of the general fund—state appropriation for fiscal year 2024 and \$370,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to pay the background check application and fingerprint processing fees.

(D) \$61,847,000 of the general fund—state appropriation for fiscal year 2024 and \$61,847,000 of the general fund—state appropriation for fiscal year 2025 are for a cost of care rate enhancement.

(c) Funding in this subsection must be expended with internal controls that provide child-level detail for all transactions.

(d) On July 1, 2023, and July 1, 2024, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(i) A summary of the number of overpayments that occurred;

(ii) The reason for each overpayment;

(iii) The total cost of overpayments;

(iv) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(v) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(e) Within available amounts, the department in consultation with the office of financial management shall report enrollments and active caseload for the working connections child care program to the governor and the legislative fiscal committees and the legislative-executive WorkFirst poverty reduction oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(5) \$2,362,000 of the general fund—state appropriation for fiscal year 2024 and \$2,362,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase the nonstandard hours bonus to \$135 per child per month.

(6) \$22,764,000 of the workforce education investment account—state appropriation is provided solely for the working connections child care program under RCW 43.216.135.

(7) \$353,402,000 of the general fund—federal appropriation is reimbursed by the department of social and health services to the department of children, youth, and families for qualifying expenditures of the working connections child care program under RCW 43.216.135.

(8) \$1,560,000 of the general fund—state appropriation for fiscal year 2024, \$1,560,000 of the general fund—state appropriation for fiscal year 2025, and \$6,701,000 of the general fund—federal appropriation are provided solely for the seasonal child care program.

(9) \$871,000 of the general fund—state appropriation for fiscal year 2024 and \$871,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department of children, youth, and families to contract with a countywide nonprofit organization with early childhood expertise in Pierce county for a project to prevent child abuse and neglect using nationally recognized models.

(a) The nonprofit organization must continue to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(b) The nonprofit organization must offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home

visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by September 1, 2023.

(10) \$3,577,000 of the general fund—state appropriation for fiscal year 2024, \$3,587,000 of the general fund—state appropriation for fiscal year 2025, and \$9,588,000 of the education legacy trust account—state appropriation are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall pursue opportunities to leverage other funding to continue and expand ECLIPSE services. Priority for services shall be given to children referred from the department.

(11) The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In a bi-annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements.

(12) \$1,728,000 of the general fund—state appropriation for fiscal year 2024 and \$1,728,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(13) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(14) \$4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(15) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(16) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for continued implementation of chapter 202, Laws of 2017 (children's mental health).

(17) Within existing resources, the department shall continue implementation of chapter 409, Laws of 2019 (early learning access).

(18) \$515,000 of the general fund—state appropriation for fiscal year 2024 and \$515,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a statewide family resource and referral linkage system, with coordinated access point of resource navigators who will connect families with children prenatal through age five with services, programs, and community resources through a facilitated referral and linkage process.

(19)(a) \$114,000 of the general fund—state appropriation for fiscal year 2024, \$173,000 of the general fund—state appropriation for fiscal year 2025, \$6,000 of the general fund—federal appropriation, and \$31,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to complete its pilot project to determine the feasibility of a child care license category for multi-site programs operating under one owner or one entity and to complete one year of transition activities. The department shall adopt rules to implement the pilot project and may waive or adapt licensing requirements when necessary to allow for the operation of a new license category. Pilot participants must include, at least:

- (i) One governmental agency;
- (ii) One nonprofit organization; and
- (iii) One for-profit private business.

(b) New or existing license child care providers may participate in the pilot. When selecting and approving pilot project locations, the department shall aim to select a mix of rural, urban, and suburban locations. By July 1, 2024, the department shall submit to the governor and relevant committees of the legislature a plan for permanent implementation of this license category, including any necessary changes to law.

(20) \$3,020,000 of the home visiting account—state appropriation and \$6,540,000 of the home visiting account—federal appropriation are provided solely for the home visiting program. Of the amounts in this subsection:

(a) \$2,020,000 of the home visiting account—state appropriation and \$6,540,000 of the home visiting account—federal appropriation are provided solely for a funding increase, including to increase funding for contracts to support wage and cost increases and create more equity in contracting among the home visiting workforce.

(b) \$1,000,000 of the home visiting account—state appropriation is provided solely for the expansion of visiting services.

(21) Within the amounts provided in this section, funding is provided for the department to make permanent the two language access coordinators with specialties in Spanish and Somali as funded in chapter 334, Laws of 2021.

(22)(a) The department must provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license-exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on



children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(b) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(c) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(d) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data every March for the previous school year.

(e) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(23) \$260,000 of the general fund—state appropriation for fiscal year 2024 and \$260,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to continue implementation of an infant and early childhood mental health consultation initiative to support tribal child care and early learning programs. Funding may be used to provide culturally congruent infant and early childhood mental health supports for tribal child care, the tribal early childhood education and assistance program, and tribal head start providers. The department must consult with federally recognized tribes which may include round tables through the Indian policy early learning committee.

(24) \$860,000 of the general fund—state appropriation for fiscal year 2024 and \$860,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for continued expansion and support of family, friend, or neighbor caregivers with a focus on the provision of play and learn groups. The amounts provided in this subsection may be used for the department to:

(a) Fund consistent staffing across the state's six geographic regions to support the needs of family, friend, or neighbor caregivers;

(b) Contract with a statewide child care resource and referral program to sustain and expand the number of facilitated play groups to meet the needs of communities statewide;

(c) Support existing infrastructure for organizations that have developed the three existing play and learn program models so they have capacity to provide training, technical assistance, evaluation, data collection, and other support needed for implementation; and

(d) Provide direct implementation support to community-based organizations that offer play and learn groups.

(25) \$3,750,000 of the general fund—state appropriation for fiscal year 2024 and \$3,750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for tribal early learning grants to be distributed to providers with tribal children enrolled in early childhood education and assistance program, early ECEAP, childcare, head start, early head start and home visiting programs. Grants will be administered by the department of children, youth and families office of tribal relations and may be awarded for purposes including but not limited to culturally appropriate mental health supports for addressing historical trauma, incorporating indigenous foods, culturally-responsive books and materials, staff professional development, curriculum adaptations and supplements, tribal language education, elders and storytelling in classrooms, traditional music and arts instruction, and transportation to facilitate tribal child participation in early childhood education. Of the amounts in this subsection, the department may use \$143,000 in fiscal year 2024 and up to \$136,000 in fiscal year 2025 to cover associated administrative expenses.

(26) \$7,698,000 of the general fund—state appropriation for fiscal year 2024 and \$7,698,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase complex needs grant funds for child care providers.

(27) \$2,624,000 of the general fund—state appropriation for fiscal year 2024 and \$2,624,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for equity grants established under chapter 199, Laws of 2021 (E2SSB 5237).

(28) \$2,354,000 of the general fund—state appropriation for fiscal year 2024 and \$2,431,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to continue the birth-to-three early childhood education and assistance program. Funding is sufficient for a 20 percent rate increase beginning July 1, 2023, and a 1.8 percent rate increase beginning July 1, 2024.

(29) \$3,352,000 of the general fund—state appropriation for fiscal year 2024 and \$9,916,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to implement Second Substitute Senate Bill No. 5225 (working conn. child care). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(30) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to help close the gap in childcare access in the King county region by providing pandemic recovery support funding to the Launch learning organization.

(31) \$533,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to submit an implementation plan to expand access to Washington's mixed delivery child care system. The plan must assume that any financial contribution by families is capped at no more than seven percent of household income and that the child care

workforce are provided living wages and benefits. The plan must be submitted to the appropriate committees of the legislature by June 30, 2025, and should:

- (a) Follow the intent of chapter 199, Laws of 2021;
- (b) Be aligned with the cost of quality care rate model;
- (c) Include timelines, costs, and statutory changes necessary for timely and effective implementation; and
- (d) Be developed through partnership with the statewide child care resource and referral organization and the largest union representing child care providers, with consultation from families.

(32) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for infant and early childhood mental health consultation.

(33) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with Washington communities for children to maintain a community-based early childhood network.

(34) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a Washington state based nonprofit digital child care marketing and matching service to deliver child care marketing and matching services in order to increase the number of licensed providers offering nonstandard hours care and to provide effective outreach to workforces in order to help them find and match with available nonstandard hours care providers.

(35) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an organization that provides relationship-based professional development support to family, friend, and neighbor, child care center, and licensed family care providers to work with child care workers to establish new affordable, high quality child care and early learning programs. To be eligible to receive funding, the organization must:

- (a) Provide professional development services for child care providers and early childhood educators, including training and mentorship programs;
- (b) Provide mentorship and other services to assist with child care provider and facility licensing;
- (c) Administer or host a system of shared services and consulting related to operating a child care business; and
- (d) Administer a state sponsored substitute pool child care provider program.

(36) \$830,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 1447 (assistance programs). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(37) \$972,000 of the general fund—state appropriation for fiscal year 2024 and \$1,728,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1525 (apprenticeships/child care). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(38) \$2,438,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to provide a one-time rate enhancement in fiscal year 2024 for early support for infants and toddlers program providers.

(39) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the imagination library.

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—PROGRAM SUPPORT**

General Fund—State Appropriation (FY 2024) . . . . .	\$269,989,000
General Fund—State Appropriation (FY 2025) . . . . .	\$267,333,000
General Fund—Federal Appropriation . . . . .	\$154,741,000
General Fund—Private/Local Appropriation . . . . .	\$2,133,000
Education Legacy Trust Account—State Appropriation . . . . .	\$180,000
Home Visiting Services Account—State Appropriation . . . . .	\$482,000
Home Visiting Services Account—Federal Appropriation . . . . .	\$380,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$695,238,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a Washington state mentoring organization to continue its public-private partnerships providing technical assistance and training to mentoring programs that serve at-risk youth.

(2) \$2,000 of the general fund—state appropriation for fiscal year 2024, \$6,000 of the general fund—state appropriation for fiscal year 2025, and \$2,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2023-2025 fiscal biennium, as provided in section 907 of this act.

(3) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a full-time employee to coordinate policies and programs to support pregnant and parenting individuals receiving chemical dependency or substance use disorder treatment.

(4) \$2,719,000 of the general fund—state appropriation for fiscal year 2024, \$2,632,000 of the general fund—state appropriation for fiscal year 2025, and \$174,000 of the general fund—federal appropriation are provided solely for the phase-in of the settlement agreement under *D.S. et al. v. Department of Children, Youth and Families et al.*, United States district court for the western district of Washington, cause no. 2:21-cv-00113-BJR. The department must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to the emerging adulthood housing program, professional therapeutic foster care, statewide hub home model, revised licensing standards, family group planning, referrals and transition, qualified residential treatment program, and monitoring and implementation. To comply with the settlement agreement, funding in this subsection is provided as follows:

(a) \$2,406,000 of the general fund—state appropriation for fiscal year 2024, \$2,382,000 of the general fund—state appropriation for fiscal year 2025, and \$174,000 of the general fund—federal appropriation are provided solely for supported housing programs for hard-to-place foster youth age 16 and above. The department shall provide housing and case management supports that ensure youth placement stability, promote mental health and well-being, and prepare youth for independent living.

(b) \$313,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation and monitoring of the state's implementation plan, which includes receiving recurring updates, requesting data on compliance, reporting on progress, and resolving disputes that may arise.

(5) \$704,000 of the general fund—state appropriation for fiscal year 2024, \$1,022,000 of the general fund—state appropriation for fiscal year 2025, and \$222,000 of the general fund—federal appropriation are provided solely for the department to implement a language access plan, which will include but is not limited to:

(a) Translation of department materials;

(b) Hiring staff to form a centralized language access team to provide language access supports and coordination across all department divisions;

(c) Outreach to community organizations serving multilingual children and families regarding department programs;

(d) Webinars and other technical assistance provided in multiple languages for department programs;

(e) Training for department staff on language access resources; and

(f) Other means of increasing language access and equity for providers and caregivers in health and safety, licensing and regulations, and public funding opportunities for programs offered by the department.

(6) \$1,885,000 of the general fund—state appropriation for fiscal year 2024 and \$1,885,000 of the general fund—federal appropriation are provided solely for a feasibility study to develop an implementation plan and determine costs for a new child welfare information system.

(7) \$1,187,000 of the general fund—state appropriation for fiscal year 2024 and \$1,187,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for housing support services for youth exiting foster care and juvenile rehabilitation.

(8) \$19,000 of the general fund—state appropriation for fiscal year 2024, \$19,000 of the general fund—state appropriation for fiscal year 2025, and \$6,000 of the general fund—federal appropriation are provided solely for indirect costs associated with the implementation of a seven-level foster care support system.

(9) \$1,494,000 of the general fund—federal appropriation is provided solely for continued implementation of the family first prevention services act requirements, including technology enhancements to support the automated assessments, data quality, and reporting requirements. Funding provided in this subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(10) \$717,000 of the general fund—state appropriation for fiscal year 2024, \$717,000 of the general fund—state appropriation for fiscal year 2025, and \$324,000 of the general fund—federal appropriation are provided solely for continued implementation of chapter 210, Laws of 2021 (2SHB 1219).

(11) \$1,248,000 of the general fund—state appropriation for fiscal year 2024 and \$1,248,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continuation of the emergency adolescent housing pilot program. The housing pilot will serve hard-to-place foster youth who are at least 16 years old with housing and intensive case management.

(12) \$319,000 of the general fund—state appropriation for fiscal year 2024, \$319,000 of the general fund—state appropriation for fiscal year 2025, and \$170,000 of the general fund—federal appropriation are provided solely to continue implementation of chapter 137, Laws of 2022 (2SHB 1905).

(13) \$26,000 of the general fund—state appropriation for fiscal year 2024 and \$26,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue implementation of chapter 39, Laws of 2022 (SHB 2068).

(14) \$23,000 of the general fund—state appropriation for fiscal year 2024, \$31,000 of the general fund—state appropriation for fiscal year 2025, and \$7,000 of the general fund—federal appropriation are provided solely to implement Second Substitute Senate Bill No. 5225 (working conn. child care). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(15) \$1,571,000 of the general fund—state appropriation for fiscal year 2024 and \$1,571,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to implement Senate Bill No. 5316 (DCYF background check fees). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(16) \$53,000 of the general fund—state appropriation for fiscal year 2024, \$53,000 of the general fund—state appropriation for fiscal year 2025, and \$16,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5515 (child abuse and neglect). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(17) \$43,000 of the general fund—state appropriation for fiscal year 2024, \$78,000 of the general fund—state appropriation for fiscal year 2025, and \$18,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5124 (nonrelative kin placement). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(18) \$2,627,000 of the general fund—state appropriation for fiscal year 2024 and \$2,628,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5256 (child welfare housing). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(19) \$33,000 of the general fund—state appropriation for fiscal year 2024, \$58,000 of the general fund—state appropriation for fiscal year 2025, and \$14,000 of the general fund—federal appropriation are provided solely for implementation of Senate Bill No. 5683 (foster care/Indian children). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(20) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the partnership council for juvenile justice to consider and provide recommendations regarding juvenile justice policy projects and for one additional staff for ongoing policy and program analysis. The partnership council is authorized to consult with experts to study and gather research on best practices regarding juvenile justice, and to consult with relevant stakeholders regarding its potential recommendations. Relevant stakeholders may include but are not limited to the superior court judges association; Washington association of juvenile court administrators; Washington association of county clerks; the association of Washington counties; community-based organizations with expertise in legal financial obligation reform, community compensation funds, supporting victims and survivors of crime, or supporting youth who have been convicted or adjudicated of criminal offenses; law enforcement, prosecutors; public defenders; incarcerated and formerly incarcerated youth and young adults; the administrative office of the courts; the crime victims compensation program; and the office of crime victims advocacy.

(a) The council shall:

(i) By October 31, 2024, report to the governor and appropriate committees of the legislature recommendations for establishing a state-funded community compensation program to address out of pocket expenses for those who have been harmed by juvenile criminal offenses. Recommendations shall consider restorative principles and best practices and shall be developed in consultation with those who have been adjudicated and charged restitution and those who have been owed restitution. The council shall provide recommendations for program implementation including, but not limited to, structure and placement within state government; scope and scale of funding including eligibility criteria; retroactivity; documentation requirements; and coordination with the existing crime victims compensation fund. The council shall provide estimates of startup costs and ongoing operational costs, including administration and direct compensation to victims.

(ii) By October 31, 2024, report to the governor and appropriate committees of the legislature recommendations regarding retention, dissemination, confidentiality, sealing, consequences, and general treatment of juvenile court records. In making recommendations, the council shall take into consideration developments in brain science regarding decision-making amongst youth; the impact the juvenile court records can have on future individual well-being; principles of racial equity; and impacts that the recommendations could have on recidivism.

(iii) By June 30, 2025, report to the governor and appropriate committees of the legislature recommendations regarding implementation of juvenile court jurisdiction expansion to encompass persons 18, 19, and 20 years old. Recommendations shall include an implementation plan for the expansion, including necessary funding, essential personnel and programmatic resources, measures necessary to avoid a negative impact on the state's child protection response, and specific milestones related to operations and policy. The implementation plan shall also include a timeline for structural and systemic changes within the juvenile justice system for the juvenile rehabilitation division; the department of children, youth, and families; the department of corrections; and the juvenile court pursuant

to chapter 13.04 RCW. The implementation plan shall also include an operations and business plan that defines benchmarks including possible changes to resource allocations; a review of the estimated costs avoided by local and state governments with the reduction of recidivism and an analysis of cost savings reinvestment options; and estimated new costs incurred to provide juvenile justice services to persons 18, 19, and 20 years old.

(21) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a statewide nonprofit with demonstrated capability of partnering with agencies and community organizations to develop public-facing regionalized data dashboards and reports to measure change in equitable early learning access as a result of programs and grants administered by the department. The nonprofit must provide the data in a consumer-friendly format and include updates on program supply and demand for subsidized child care and preschool programs. The data must be disaggregated by program and facility type, geography, family demographics, copayments, and outcomes of grants and rate enhancements disaggregated by staff role, program and facility type, and geography.

(22) \$1,206,000 of the general fund—state appropriation for fiscal year 2024, \$1,554,000 of the general fund—state appropriation for fiscal year 2025, and \$1,416,000 of the general fund—private/local appropriation are provided solely for the department to contract with one or more community organizations with expertise in the LifeSet case management model to serve youth and adults currently being served in or exiting the foster care, juvenile justice, and mental health systems to successfully transition to adulthood.

(23) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to increase rates for independent living service providers.

(24) \$700,000 of the general fund—state appropriation for fiscal year 2024 and \$700,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for funding of the teamchild project.

(25) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an entity for three separate studies. The department must submit the studies to the governor and the legislature by June 30, 2025. The studies must analyze:

(a) The feasibility of implementing a universal child allowance, universal child care, and universal baby boxes;

(b) The feasibility of a social wealth fund for Washington state; and

(c) The current cash and cash-equivalent benefits currently available for Washington state residents who are nonworkers.

(26) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an all-male, African American organization to mentor youth ages 12 through 19 in south King county.

(27) \$37,000 of the general fund—state appropriation for fiscal year 2024, \$37,000 of the general fund—state appropriation for fiscal year 2025, and \$74,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1188 (child welfare services/DD). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(28) \$18,000 of the general fund—state appropriation for fiscal year 2024, \$18,000 of the general fund—state appropriation for fiscal year 2025, and \$8,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1580 (children in crisis). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(29) (a) \$118,000 of the general fund—state appropriation for fiscal year 2024 and \$41,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to report on a plan to discontinue the practice of using any benefits, payments, funds, or accrual paid to or on behalf of a child or youth to reimburse itself for cost of care by the earliest date feasible. The report must include an implementation plan to conserve funds for the future needs of the child in a manner in which the funds will not count against eligibility for federal or state means tested programs. The report must include a strategy for developing the financial literacy and capability of youth and young adults exiting foster care and juvenile rehabilitation. The department will develop the report in consultation with stakeholders, including but not limited to:

(i) Individuals with disabilities and organizations representing the interests of or serving individuals with disabilities;

(ii) Youth in foster care and juvenile rehabilitation and their parents;

(iii) The social security administration; and

(iv) Other relevant state agencies.

(b) The department must provide periodic status updates and must submit the final report no later than October 1, 2024. The department must convene the first meeting of the work group no later than September 1, 2023.

(End of part)

**NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund—State Appropriation (FY 2024)	\$1,728,000
General Fund—State Appropriation (FY 2025)	\$1,273,000
General Fund—Federal Appropriation	\$32,000
General Fund—Private/Local Appropriation	\$2,574,000
Climate Commitment Account—State Appropriation	\$138,000
<b>TOTAL APPROPRIATION</b>	<b>\$5,745,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$105,000 of the general fund—state appropriation for fiscal year 2024 and \$108,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a land use planner to provide land use planning services dedicated to Klickitat county. Because the activities of the land use planner are solely for the benefit of Washington state, Oregon is not required to provide matching funds for this activity.

(2) \$553,000 of the general fund—state appropriation for fiscal year 2024, \$352,000 of the general fund—state appropriation for fiscal year 2025, and \$905,000 of the general fund—private/local appropriation are provided solely for the access database replacement project. The commission must consult with the office of the chief information officer regarding the access database replacement project.

(3) \$138,000 of the climate commitment account—state appropriation is provided solely for staff to lead implementation of the agency's climate change action plan and to support implementation of the vital sign indicators monitoring program.

(4) The commission must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**

General Fund—State Appropriation (FY 2024)	\$39,381,000
General Fund—State Appropriation (FY 2025)	\$37,256,000
General Fund—Federal Appropriation	\$108,485,000
General Fund—Private/Local Appropriation	\$29,544,000
Climate Commitment Account—State Appropriation	\$14,792,000
Emergency Drought Response Account—State Appropriation	\$6,000,000
Natural Climate Solutions Account—State Appropriation	\$12,795,000
Reclamation Account—State Appropriation	\$4,753,000
Flood Control Assistance Account—State Appropriation	\$5,041,000
Aquatic Lands Enhancement Account—State Appropriation	\$150,000
Refrigerant Emission Management Account—State Appropriation	\$2,795,000
State Emergency Water Projects Revolving Account— State Appropriation	\$40,000
Waste Reduction, Recycling, and Litter Control Account—State Appropriation	\$33,866,000
State Drought Preparedness Account—State Appropriation	\$2,204,000
State and Local Improvements Revolving Account—Water Supply Facilities—State Appropriation	\$186,000
Water Rights Tracking System Account—State Appropriation	\$48,000
Site Closure Account—State Appropriation	\$582,000
Wood Stove Education and Enforcement Account—State Appropriation	\$605,000
Worker and Community Right to Know Fund—State Appropriation	\$2,212,000
Water Rights Processing Account—State Appropriation	\$39,000
Water Quality Permit Account—State Appropriation	\$65,774,000
Underground Storage Tank Account—State Appropriation	\$4,987,000
Biosolids Permit Account—State Appropriation	\$3,054,000
Hazardous Waste Assistance Account—State Appropriation	\$9,393,000
Radioactive Mixed Waste Account—State Appropriation	\$23,955,000
Air Pollution Mixed Control Account—State Appropriation	\$4,706,000
Oil Spill Prevention Account—State Appropriation	\$8,485,000
Air Operating Permit Account—State Appropriation	\$5,510,000
Wastewater Treatment Plant Operator Certification Account—State Appropriation	\$801,000
Oil Spill Response Account—State Appropriation	\$7,076,000
Model Toxics Control Operating Account—State	

Appropriation. . . . .	\$342,888,000
Model Toxics Control Operating Account—Local	
Appropriation. . . . .	\$499,000
Model Toxics Control Stormwater Account—State	
Appropriation. . . . .	\$16,991,000
Voluntary Cleanup Account—State Appropriation. . . . .	\$344,000
Paint Product Stewardship Account—State	
Appropriation. . . . .	\$151,000
Water Pollution Control Revolving Administration	
Account—State Appropriation. . . . .	\$8,506,000
Clean Fuels Program Account—State Appropriation. . . . .	\$4,801,000
Climate Investment Account—State Appropriation. . . . .	\$50,290,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$858,985,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$455,000 of the general fund—state appropriation for fiscal year 2024 and \$455,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to grant to the northwest straits commission to provide funding, technical assistance, and/or coordination support equally to the seven Puget Sound marine resources committees.

(2) \$170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(3) \$102,000 of the general fund—state appropriation for fiscal year 2024 and \$102,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Executive Order No. 12-07, Washington's response to ocean acidification.

(4) \$24,000,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide grants to local governments for the purpose of supporting local solid waste and financial assistance programs.

(5) \$150,000 of the aquatic lands enhancement account—state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

(6) \$2,000,000 of the model toxics control operating account—state appropriation is provided solely for the department to convene a stakeholder group, including representatives from overburdened communities, to assist with developing a water quality implementation plan for polychlorinated biphenyls and to address other emerging contaminants in the Spokane river. The department must also consult with the Spokane tribe of Indians and other interested tribes when developing and implementing actions to address water quality in the Spokane river.

(7) \$4,002,000 of the natural climate solutions account—state appropriation is provided solely to address flood prevention in the Nooksack basin and Sumas prairie. Of this amount:

(a) \$2,000,000 is provided solely to expand and sustain Whatcom county's floodplain integrated planning (FLIP) team planning process, including supporting communication, community participation, coordination, technical studies and analysis, and development of local solutions.

(b) \$900,000 is provided solely for the department to support transboundary coordination, including facilitation and technical support to develop and evaluate alternatives for managing transboundary flooding in Whatcom county and British Columbia.

(c) \$1,102,000 is provided solely to support dedicated local and department capacity for floodplain planning and technical support. Of the amount in this subsection (c), \$738,000 is solely for a grant to Whatcom county. The remaining amount is for the department to provide ongoing staff technical assistance and support to flood prevention efforts in this area.

(8) \$16,472,000 of the climate investment account—state appropriation is provided solely for capacity grants to federally recognized tribes for: (a) Consultation on spending decisions on grants in accordance with RCW 70A.65.305; and (b) consultation on clean energy siting projects. In order to meet the requirements of RCW 70A.65.230(1)(b), tribal applicants are encouraged to include a tribal resolution supporting their request with their grant application.

(9) \$1,363,000 of the general fund—state appropriation for fiscal year 2024 and \$1,375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for preparation and filing of adjudications of state water rights in water resource inventory area 1 (Nooksack).

(10) \$573,000 of the general fund—state appropriation for fiscal year 2024 and \$963,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for preparation and filing of adjudications of state water rights in lake Roosevelt and its immediate tributaries.

(11) \$2,479,000 of the climate investment account—state appropriation is provided solely for addressing air quality in overburdened communities highly impacted by air pollution under RCW 70A.65.020.

(12) \$177,000 of the general fund—state appropriation for fiscal year 2024 and \$177,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to validate

a proposed standardized channel migration zone mapping methodology, develop a statewide channel migration zone mapping implementation plan, and provide technical assistance to local and tribal governments looking to use the new standard.

(13) (a) \$640,000 of the climate investment account—state appropriation is provided solely for the department, in consultation with the office of financial management and the environmental justice council, to develop and implement a process to track, summarize, and report on state agency expenditures from climate commitment act accounts that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities as described in RCW 70A.65.030 and 70A.65.230, and expenditures that are formally supported by a resolution of an Indian tribe as described in RCW 70A.65.230. The department must incorporate the process under this subsection into existing efforts to track climate commitment act expenditures under RCW 70A.65.300. The department must incorporate the Washington state proequity antiracism (PEAR) plan and playbook and executive order 22-04 into the work of this subsection as appropriate.

(b) The information that agencies provide to the department, and that the department tracks and reports on under this subsection, must include, at a minimum:

(i) The amount of each expenditure that provides direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities;

(ii) An explanation of how the expenditure provides such benefits;

(iii) The methods by which overburdened communities and vulnerable populations were identified by the agency and an explanation of the outcomes of those identification processes, including the geographic location impacted by the expenditure where relevant, and the geographic boundaries of overburdened communities identified by the agency;

(iv) The amount of each expenditure used for programs, activities, or projects formally supported by a resolution of an Indian tribe; and

(v) For expenditures that do not meet, or it is unclear whether they meet, (b) (i) or (iv) of this subsection, an explanation of why.

(c) The department, in consultation with the environmental justice council and the office of financial management, and in coordination with reporting under RCW 70A.65.300, must report to the appropriate committees of the legislature by September 30, 2024, on the following:

(i) A summary of the information provided by agencies through the process in this subsection; and

(ii) Any recommendations for improvements to the process under this subsection or potential amendments to RCW 70A.65.030, 70A.65.230, or 70A.02.080, or other statutes relevant to this subsection. In making recommendations, the department must consider any statutory changes necessary to ensure consistent tracking of the uses of climate commitment account funds, including standardization or coordination of the process for identifying the overburdened communities used for purposes of tracking expenditures and the methods for determining whether an expenditure contributes a direct and meaningful benefit to a vulnerable population or overburdened community.

(d) "Climate commitment act accounts" means the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in RCW 46.68.500, and the climate active transportation account created in RCW 46.68.490.

(14) \$238,000 of the model toxics control operating account—state appropriation is provided solely for technical assistance and compliance assurance associated with the ban of certain hydrofluorocarbon-related products.

(15) \$2,500,000 of the model toxics control operating account—state appropriation is provided solely for the department to conduct a statewide compost emissions study, which will provide essential data needed to improve the quality of air permitting decisions, improve compost facility operations, and support state goals to reduce organic waste in landfills reducing climate change impacts.

(16) \$2,256,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide technical assistance to landowners and local governments to promote voluntary compliance, implement best management practices, and support implementation of water quality clean-up plans in shellfish growing areas, agricultural areas, forestlands, and other types of land uses, including technical assistance focused on protection and restoration of critical riparian management areas important for salmon recovery.

(17) \$2,702,000 of the model toxics control operating account—state appropriation is provided solely for the department to develop a 6PPD action plan and complete a safer alternatives assessment of the 6PPD compound used in tires, including obtaining any data necessary to complete the alternatives assessment. The action plan should identify, characterize, and evaluate uses and releases of 6PPD and related chemicals, and recommend actions to protect human health and the environment. The department shall provide a progress report on the action plan and alternatives assessment to the governor's office, the office of financial management, and the appropriate committees of the legislature by December 31, 2024. The department may provide funding from this subsection to the University of Washington and Washington State University for the purposes of this subsection.

(18) \$5,195,000 of the model toxics control operating account—state appropriation is provided solely to establish a program to monitor 6PPD compounds in water and sediment, identify effective best management practices to treat 6PPD in stormwater runoff, produce guidance on how and when to use best management practices for toxicity reduction to protect



salmon and other aquatic life, and incorporate the guidance into stormwater management manuals. The department may provide funding from this subsection to the University of Washington and Washington State University for the purposes of this subsection.

(19) \$2,296,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Senate Bill No. 5104 (marine shoreline habitat). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(20)(a) \$500,000 of the model toxics control operating account—state appropriation is provided solely for the department to carry out the following activities to inform the development of legislative proposals to increase recycling, reuse, and source reduction rates, which must include consideration of how to design and implement a producer responsibility model for consumer packaging, including paper, plastic, metal, and glass, and paper products:

(i) Conduct a recycling, reuse, and source reduction targets study; and

(ii) Carry out a community input process on the state's recycling system.

(b) The department must contract with an impartial third-party consultant with relevant technical expertise and capabilities in facilitation and gathering public input, including from overburdened communities, to carry out the activities specified in (a) of this subsection. In order to ensure that the state is receiving a variety of expert perspectives on the topic of packaging management, the contractor should include in their team individuals and/or subcontractors with a wide range of expertise and experience. The third party consultant must submit a report to the appropriate committees of the house of representatives and the senate by December 1, 2023.

(c) The recycling, reuse, and source reduction targets study must:

(i) Document recycling rates, reuse rates, and the reduction of single-use plastics for consumer packaging and paper products that have been adopted in other jurisdictions, measure methods used, and the basis or justification for recommended target rates selected;

(ii) Recommend highest achievable performance rates, including an overall recycling rate, a separate specific minimum reuse rate, a recycling rate for each material category, and a source reduction rate to be achieved solely by eliminating plastic components, that could be achieved under up to four different scenarios, including a producer responsibility program and other policies; and

(iii) Make recommendations that consider the commercial viability and technological feasibility of achieving rates based on current rates achieved in the state, rates achieved based on real world performance data, and other data, with performance rates designed to be achieved statewide by 2032.

(d) For purposes of this subsection, "eliminate" or "elimination," with respect to source reduction, means the removal of a plastic component from a covered material without replacing that component with a nonplastic component.

(e) The community input process on the state's recycling system must include:

(i) In-person and virtual workshops and community meetings held at locations in urban and rural areas and in ways that are accessible to stakeholders across the state, including overburdened communities;

(ii) Public opinion surveys that are representative of Washington residents across the state, including overburdened communities and urban and rural areas; and

(iii) A focus on eliciting an improved understanding of public values and opinions related to the state's recycling system, the current public experience with respect to the state's recycling systems, and ways the public believes that their recycling experience and system outcomes could be improved.

(21)(a) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department, in consultation with other agencies as necessary, to conduct an analysis of water use for irrigation under the potential scenario of lower Snake river dam removal. Analysis must include continued water use during drawdown and thereafter from the river postremoval. The analysis must include the following:

(i) A plan identifying potential mitigation needs and interim approaches for delivery of water for irrigation pursuant to existing water rights for those using pumps, wells, or both, from Ice Harbor reservoir during a possible transition from the current reservoir-based irrigation to irrigation from the river;

(ii) Identification of cost-effective options for continued irrigation at current amounts and with existing water rights from the lower Snake river at the area of the current Ice Harbor pool; and

(iii) Cost estimates for any necessary irrigation system upgrades required to continue irrigation from the lower Snake river.

(b) The department may, as necessary and appropriate, consult for this analysis with irrigators and tribal governments.

(c) The department shall provide a status update to the environment and energy committees of the legislature and the office of the governor by December 31, 2024.

(22) \$3,914,000 of the natural climate solutions account—state appropriation is provided solely for activities related to coastal hazards, including expanding the coastal monitoring and analysis program, establishing a coastal hazard organizational resilience team, and establishing a coastal hazards grant program to help local communities design projects and apply for funding opportunities. At least 25 percent of the funding in this subsection must be used for the benefit of tribes.

(23) \$340,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1033 (compostable

product usage). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(24) \$1,124,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Substitute House Bill No. 1047 (cosmetic product chemicals). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(25) \$139,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Substitute House Bill No. 1085 (plastic pollution). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(26) \$6,000,000 of the emergency drought response account—state appropriation and \$2,000,000 of the state drought preparedness account—state appropriation are provided solely for implementation of Substitute House Bill No. 1138 (drought preparedness). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(27) \$1,123,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(28) \$43,000 of the underground storage tank account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1175 (petroleum storage tanks). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(29) \$1,174,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(30) \$13,248,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(31) \$140,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1578 (wildland fire safety). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(32) Expenditures on upgrading or developing the turboplan system, Washington fuel reporting system, and EAGL system are subject to the conditions, limitations, and review requirements of section 701 of this act.

(33) \$1,263,000 of the clean fuels program account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5447 (alternative jet fuel). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(34) \$370,000 of the climate commitment account—state appropriation is provided solely as a grant to the Puget Sound clean air agency to identify emission reduction projects and to help community-based organizations, local governments, and ports in overburdened communities author grant applications and provide support for grant reporting for entities that receive grants. The department must prioritize projects located in overburdened communities so that those communities can reap the public health benefits from the climate commitment act, inflation reduction act, and other new funding opportunities.

(35) \$1,220,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5144 (batteries/environment). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(36) \$822,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Senate Bill No. 5369 (polychlorinated biphenyls). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(37) \$330,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide a grant to Clark county for the purpose of developing and implementing a lake management plan to restore and maintain the health of Vancouver lake, a category 5 303(d) status impaired body of water. The department must work with the county to include involvement by property owners around the lake and within the watersheds that drain to the lake, the department of natural resources, other state agencies and local governments with proprietary or regulatory jurisdiction, tribes, and nonprofit organizations advocating for the health of the lake. The plan should incorporate work already completed by the county and other entities involved in development of the lake management strategy.

(38) \$276,000 of the model toxics control operating account—state appropriation is provided solely for a grant to San Juan county for the enhancement of ongoing oil spill response preparedness staff hiring, spill response equipment acquisition, and spill response training and operational expenses.

(39) \$1,460,000 of the natural climate solutions account—state appropriation is provided solely for the department to provide grants to the following organizations in the amounts specified for the purpose of coordinating, monitoring, restoring, and conducting research for Puget Sound kelp conservation and recovery:

- (a) \$300,000 to the Squaxin Island Tribe;
- (b) \$200,000 to the Samish Indian Nation;
- (c) \$144,000 to the Lower Elwha Klallam Tribe;

- (d) \$200,000 to the Northwest straits commission;
- (e) \$366,000 to the Puget Sound restoration fund to subcontract with sound data systems and Vashon nature center; and
- (f) \$250,000 to the reef check foundation.

(40) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department's engagement with the federal government, Indian tribes, water users, and local governments on a process that could result in a federal Indian water rights settlement through the Nooksack adjudication. The department shall produce a monthly report during the claims filing period to monitor the progress of claims filed by water users. The department shall provide a report to the appropriate standing committees of the legislature regarding the status of the adjudication and any potential settlement structure by June 30, 2024, and by June 30, 2025.

(41) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to Whatcom county to provide technical assistance that must be made available to all water users in WRIA 1 in filing adjudication claims under RCW 90.03.140. This assistance must be administered by Whatcom county and no portion of this funding may be used to contest the claims of any other claimant in the adjudication.

(42) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to Whatcom county acting as fiscal agent for the WRIA 1 watershed management board, in support of collaborative water supply planning in WRIA 1. Funding may be used to collect or analyze technical information, to develop and assess the feasibility of water supply solutions in WRIA 1, and for facilitation and mediation among parties including, but not limited to, the department, Whatcom county, the public utility district, the city of Bellingham, Lummi Nation, and the Nooksack Tribe. Specific funding allocations, including purpose and amount, will be determined by the WRIA 1 watershed management board. Funding under this subsection will be available only after the filing of the Nooksack adjudication, and no funding provided for the Nooksack adjudication will be used to support the activities funded by this subsection. It is anticipated that these activities will run in parallel with the Nooksack adjudication.

(43) \$200,000 of the model toxics control operating account—state appropriation is provided solely for the department to contract with a consultant to develop a report that conducts a full emissions life cycle assessment for solid waste processed at the Spokane Waste to Energy Facility (WTEF) compared to solid waste processed at three other landfills within the region that waste may be sent to if the WTEF were to cease operations. The report must be submitted to the appropriate committees of the legislature by December 31, 2023.

**NEW SECTION. Sec. 303. FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM**

General Fund—Federal Appropriation. . . . .	\$868,000
Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State Appropriation. . . . .	\$957,000
Pollution Liability Insurance Program Trust Account— State Appropriation. . . . .	\$10,190,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$12,015,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$8,340,000 of the pollution liability insurance program trust account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1175 (petroleum storage tanks). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 304. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund—State Appropriation (FY 2024). . . . .	\$39,617,000
General Fund—State Appropriation (FY 2025). . . . .	\$39,564,000
General Fund—Federal Appropriation. . . . .	\$7,231,000
Climate Commitment Account—State Appropriation. . . . .	\$1,083,000
Natural Climate Solutions Account—State Appropriation. . . . .	\$350,000
Winter Recreation Program Account—State Appropriation. . . . .	\$4,928,000
ORV and Nonhighway Vehicle Account—State Appropriation. . . . .	\$396,000
Snowmobile Account—State Appropriation. . . . .	\$5,715,000
Aquatic Lands Enhancement Account—State Appropriation. . . . .	\$367,000
Parks Renewal and Stewardship Account—State Appropriation. . . . .	\$148,388,000
Parks Renewal and Stewardship Account—Private/Local Appropriation. . . . .	\$420,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$248,059,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000 of the general fund—state appropriation for fiscal year 2024, \$5,000 of the general fund—state appropriation for fiscal year 2025, and \$142,000 of the parks renewal and stewardship account—state appropriation are provided solely for operating budget impacts from capital budget projects completed in the 2021-2023 fiscal biennium.

(2) \$127,000 of the general fund—state appropriation for fiscal year 2024, \$128,000 of the general fund—state appropriation for fiscal year 2025, and \$750,000 of the parks renewal and stewardship account—state appropriation are provided solely to monitor known cultural resource sites, perform needed evaluations for historic properties, manage historic preservation capital projects, and support native American grave protection and repatriation act compliance.

(3) \$299,000 of the general fund—state appropriation for fiscal year 2024, \$299,000 of the general fund—state appropriation for fiscal year 2025, and \$1,797,000 of the parks renewal and stewardship account—state appropriation are provided solely for additional staff and technical support for scoping and scheduling to proactively address tribal and community concerns and increase the quality of capital project requests.

(4) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to complete a park master plan and an environmental impact statement for Miller peninsula park.

(5) \$3,750,000 of the general fund—state appropriation for fiscal year 2024 and \$3,750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the maintenance of state parks, including maintaining grounds and facilities, trails, restrooms, water access areas, and similar activities.

(6) \$1,083,000 of the climate commitment account—state appropriation and \$350,000 of the natural climate solutions account—state appropriation are provided solely to identify and reduce the state park system's carbon emissions and assess areas of vulnerability for climate change.

(7) \$336,000 of the general fund—state appropriation for fiscal year 2024 and \$336,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to create a statewide data management system with the department of natural resources and the department of fish and wildlife to make informed management decisions that meet conservation goals for public lands. The agencies will also collaborate with tribal governments to ensure cultural resources and cultural practices are considered and incorporated into management plans.

(8) \$129,000 of the general fund—state appropriation for fiscal year 2024 and \$129,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(9) The commission must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(10)(a) \$170,000 of the general fund—state appropriation for fiscal year 2024 and \$170,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with a statewide trail maintenance and hiking nonprofit organization to provide the emerging leaders program: expanding equity in the outdoors. The goal of the program is expanding both the number and diversity of trained, qualified individuals available for employment in the outdoor recreation and natural resource management sectors.

(b) The program must demonstrate a commitment to diversity, equity, and inclusion by providing a safe and supportive environment for individuals of diverse backgrounds, including those who have been historically underrepresented in the outdoor recreation and natural resource sectors, such as indigenous people and people of color.

(c) The program must provide both technical outdoor skills training and professional development opportunities that include, but are not limited to, outdoor leadership, representation in the outdoors, and team building.

(11) \$21,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5371 (orca vessel protection). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 305. FOR THE RECREATION AND CONSERVATION OFFICE**

General Fund—State Appropriation (FY 2024)	\$10,190,000
General Fund—State Appropriation (FY 2025)	\$6,501,000
General Fund—Federal Appropriation	\$6,196,000
General Fund—Private/Local Appropriation	\$24,000
Aquatic Lands Enhancement Account—State Appropriation	\$464,000
Climate Investment Account—State Appropriation	\$200,000
Firearms Range Account—State Appropriation	\$37,000
Natural Climate Solutions Account—State Appropriation	\$398,000
Recreation Resources Account—State Appropriation	\$5,040,000
NOVA Program Account—State Appropriation	\$1,564,000
<b>TOTAL APPROPRIATION</b>	<b>\$30,614,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$37,000 of the firearms range account—state appropriation is provided solely to the recreation and conservation funding board for administration of the firearms range grant program as described in RCW 79A.25.210.

(2) \$5,040,000 of the recreation resources account—state appropriation is provided solely to the recreation and conservation funding board for administrative and coordinating costs of the recreation and conservation office and the board as described in RCW 79A.25.080(1).

(3) \$1,564,000 of the NOVA program account—state appropriation is provided solely to the recreation and conservation funding board for administration of the nonhighway and off-road vehicle activities program as described in chapter 46.09 RCW.

(4) \$135,000 of the general fund—state appropriation for fiscal year 2024 and \$135,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the governor's salmon recovery office to implement the governor's salmon recovery strategy update by convening the natural resources subcabinet on a regular basis and developing biennial statewide work priorities with a recommended budget for salmon recovery pursuant to RCW 77.85.030(4)(e) that align with tribal priorities and regional salmon recovery plans. The office shall submit the biennial implementation plan to the governor's office and the office of financial management no later than October 31, 2024.

(5) \$1,714,000 of the general fund—state appropriation for fiscal year 2024 and \$1,714,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for operational and administrative support of lead entities and salmon recovery regions.

(6) \$200,000 of the climate investment account—state appropriation is provided solely for the agency to complete the required community engagement plan as outlined in RCW 70A.65.030, the climate commitment act.

(7) \$1,464,000 of the general fund—federal appropriation and \$50,000 of the aquatic lands enhancement account—state appropriation are provided solely to support removal efforts for flowering rush in the Columbia river basin and Whatcom county.

(8) \$398,000 of the natural climate solutions account—state appropriation is provided solely to establish a riparian coordinator position within the governor's salmon recovery office to work with state agencies to improve project coordination, develop common metrics across programs, and consolidate data platforms.

(9) \$3,500,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization with a mission for salmon and steelhead restoration to install near-term solutions to prevent steelhead mortality at the Hood canal bridge.

(10) The office must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(11) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the connections and snow to sea programs, which provide youth outdoor learning experiences in the Blaine, Mount Baker, and Nooksack Valley school districts.

(12) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to local parks to address any maintenance backlog of existing facilities, trails, and capital improvements. The funds should be dispersed on a needs-based set of criteria and on a one-time basis. Grants are limited to \$100,000 per organization. Allowable uses of grant funding include, but are not limited to, maintenance, repair, or replacement of trails, restroom facilities, picnic sites, playgrounds, signage, and kiosks, as well as necessary Americans with disabilities act upgrades delayed due to the pandemic. Local parks agencies may partner with nonprofit organizations in deploying this maintenance and Americans with disabilities act funding.

**NEW SECTION. Sec. 306. FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE**

General Fund—State Appropriation (FY 2024) . . . . .	\$3,484,000
General Fund—State Appropriation (FY 2025) . . . . .	\$3,792,000
Climate Investment Account—State Appropriation . . . . .	\$898,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$8,174,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$164,000 of the general fund—state appropriation for fiscal year 2024, \$379,000 of the general fund—state appropriation for fiscal year 2025, and \$898,000 of the climate investment account—state appropriation are provided solely for the agency to hire staff to respond to increased caseloads, including appeals as a result of the climate commitment act, chapter 316, Laws of 2021.

(2) \$52,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 1047 (cosmetic product chemicals). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(3) \$20,000 of the general fund—state appropriation for fiscal year 2024 and \$20,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for

implementation of Engrossed Second Substitute House Bill No. 1110 (middle housing). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(4) The office must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**NEW SECTION. Sec. 307. FOR THE CONSERVATION COMMISSION**

General Fund—State Appropriation (FY 2024) . . . . .	\$16,461,000
General Fund—State Appropriation (FY 2025) . . . . .	\$16,453,000
General Fund—Federal Appropriation . . . . .	\$2,482,000
Climate Commitment Account—State Appropriation . . . . .	\$30,200,000
Climate Investment Account—State Appropriation . . . . .	\$250,000
Natural Climate Solutions Account—State Appropriation . . . . .	\$20,023,000
Public Works Assistance Account—State Appropriation . . . . .	\$10,332,000
Model Toxics Control Operating Account—State Appropriation . . . . .	\$1,110,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$97,311,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the climate investment account—state appropriation is provided solely for the agency to complete the required community engagement plan as outlined in RCW 70A.65.030, the climate commitment act.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase technical assistance and operational capacity of conservation districts.

(3) \$3,000,000 of the natural climate solutions account—state appropriation is provided solely to support the outreach, identification, and implementation of salmon riparian habitat restoration projects.

(4) \$5,000,000 of the natural climate solutions account—state appropriation is provided solely to the commission to work with conservation districts to address unhealthy forests and build greater community resiliency to wildfire.

(5) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to connect scientists, practitioners, and researchers and coordinate efforts to monitor and quantify benefits of best management practices on agricultural lands, and better understand values and motivations of landowners to implement voluntary incentive programs.

(6) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support the continued development of the disaster assistance program established in RCW 89.08.645, to provide short-term financial support for farmers and ranchers during disasters. Funding must be prioritized for farmers and ranchers who are the most economically vulnerable.

(7) \$1,420,000 of the public works assistance account—state appropriation is provided solely to support monitoring and reporting efforts necessary to evaluate the implementation and effectiveness of voluntary stewardship program work plans.

(8) \$8,533,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(9) \$30,000,000 of the climate commitment account—state appropriation is provided solely for grants through the sustainable farms and fields program for organic agricultural waste and greenhouse gas emissions reduction through climate-smart livestock management. Of the amounts provided in this subsection:

(a)(i) The commission may grant up to \$22,000,000 toward cost share agreements for anaerobic digester development to dairy farm owners. Grants awarded for anaerobic digester development must have at least a 50 percent nonstate match and be awarded through a competitive process that considers:

- (A) The amount of greenhouse gas reduction that will be achieved by the proposal; and
- (B) The amount of untreated effluent that will be decreased.

(ii) Recipients of grants under (a)(i) of this subsection must provide a report to the commission within one year of receipt of the grant, detailing the success of the project in meeting the stated criteria for the competitive process.

(b) The commission may grant up to \$6,000,000 for technical and financial assistance to increase implementation of climate-smart livestock management, alternative manure management, and other best management practices to reduce greenhouse gas emissions and increase carbon sequestration.

(c) The commission may grant up to \$2,000,000 for research on, or demonstration of, projects with greenhouse gas reduction benefits.

(d) When funding for specific technologies, including anaerobic digesters, the commission must enter into appropriate agreements to support the state's interest in advancing innovation solution to decarbonize while ensuring compliance with Article VIII, section 5 and Article XIII, section 9 of the state Constitution.

(e) The commission must submit a report summarizing the grants awarded and the likely annual greenhouse gas emission reductions achieved as a result to the appropriate committees of the legislature by December 1, 2024.

(10) \$23,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(11) \$379,000 of the public works assistance account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5353 (voluntary stewardship program). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(12) The commission must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(13) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to the King county conservation district to reduce the impacts of artificial lighting on or near the water on the behavior of salmon and other aquatic life in Lake Sammamish and Lake Washington. The grant funding may be used for:

- (a) Research, including quantifying light intensities and conducting field studies of fish behavior;
- (b) Community education, engagement, and technical assistance; and
- (c) Development of model lighting ordinances.

(14) \$2,000,000 of the natural climate solutions account—state appropriation is provided solely to develop and implement an educational communication plan to the general public and landowners in urban, suburban, rural, agricultural, and forested areas regarding the importance of riparian buffers and the actions they can take to protect and enhance these critical areas.

(15) \$200,000 of the climate commitment account—state appropriation is provided solely for the commission to conduct an evaluation of the current contribution that organic and climate smart agriculture makes toward Washington's climate response goals, what potential there is for increasing this contribution, and how additional investments will help realize this potential, while supporting resiliency. The commission must include the departments of agriculture and ecology and other relevant state agencies, Washington state university, conservation districts, tribal governments, nongovernmental organizations, and other relevant stakeholders who will participate in the evaluation. The commission must submit a report of its findings and recommendation to the appropriate committees of the legislature by May 1, 2024.

(16) \$10,000,000 of the natural climate solutions account—state appropriation is provided solely for the commission to provide grants to local government and private landowners for fire wise projects to reduce forest fuel loading in areas deemed a high hazard for potential wildfire.

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund—State Appropriation (FY 2024)	\$159,066,000
General Fund—State Appropriation (FY 2025)	\$163,912,000
General Fund—Federal Appropriation	\$144,941,000
General Fund—Private/Local Appropriation	\$69,907,000
Climate Commitment Account—State Appropriation	\$3,398,000
Natural Climate Solutions Account—State Appropriation	\$3,748,000
ORV and Nonhighway Vehicle Account—State Appropriation	\$696,000
Aquatic Lands Enhancement Account—State Appropriation	\$14,104,000
Recreational Fisheries Enhancement Account—State Appropriation	\$3,721,000
Salmon Recovery Account—State Appropriation	\$3,000,000
Warm Water Game Fish Account—State Appropriation	\$3,088,000
Eastern Washington Pheasant Enhancement Account— State Appropriation	\$673,000
Limited Fish and Wildlife Account—State Appropriation	\$36,826,000
Special Wildlife Account—State Appropriation	\$2,924,000
Special Wildlife Account—Federal Appropriation	\$531,000
Special Wildlife Account—Private/Local Appropriation	\$3,819,000
Wildlife Rehabilitation Account—State Appropriation	\$661,000
Ballast Water and Biofouling Management Account— State Appropriation	\$10,000
Regional Fisheries Enhancement Salmonid Recovery Account—Federal Appropriation	\$5,001,000
Oil Spill Prevention Account—State Appropriation	\$1,284,000
Aquatic Invasive Species Management Account—State	

Appropriation. . . . .	\$1,154,000
Model Toxics Control Operating Account—State	
Appropriation. . . . .	\$7,724,000
Fish, Wildlife, and Conservation Account—State	
Appropriation. . . . .	\$83,640,000
Forest Resiliency Account—State Appropriation. . . . .	\$4,000,000
Oyster Reserve Land Account—State Appropriation. . . . .	\$524,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$718,352,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,777,000 of the general fund—state appropriation for fiscal year 2024 and \$1,777,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to grant to the northwest Indian fisheries commission for hatchery operations that are prioritized to increase prey abundance for southern resident orcas, including \$200,000 per fiscal year for tagging and marking costs, and the remainder to grant to tribes in the following amounts per fiscal year: \$150,000 for the Quinault Indian Nation, \$199,000 for the Tulalip Tribes, \$268,000 for the Quileute Tribe, \$186,000 for the Puyallup Tribe, \$122,000 for the Port Gamble S'Klallam Tribe, \$25,000 for the Muckleshoot Indian Tribe, \$207,000 for the Squaxin Island Tribe, \$142,000 for the Skokomish Indian Tribe, and \$278,000 for the Lummi Nation.

(2) \$330,000 of the general fund—state appropriation for fiscal year 2024 and \$330,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide to the Yakama Nation for hatchery operations that are prioritized to increase prey abundance for southern resident orcas.

(3) \$175,000 of the general fund—state appropriation for fiscal year 2024 and \$175,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to grant to public utility districts for additional hatchery production that is prioritized to increase prey abundance for southern resident orcas.

(4) \$467,000 of the general fund—state appropriation for fiscal year 2024 and \$467,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(5) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(6) \$6,082,000 of the general fund—state appropriation for fiscal year 2024 and \$6,082,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to implement eradication and control measures on European green crabs through coordination and grants with partner organizations. The department must provide quarterly progress reports on the success and challenges of the measures to the appropriate committees of the legislature.

(7) \$403,000 of the general fund—state appropriation for fiscal year 2024 and \$377,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to develop conflict mitigation strategies for wolf recovery and staff resources in northeast Washington for response to wolf-livestock conflicts. The department shall not hire contract range riders in northeast Washington unless there is a gap in coverage from entities funded through the northeast Washington wolf-livestock management grant program as provided in RCW 16.76.020. No contract riders shall be deployed in areas already sufficiently covered by other riders. The department must focus on facilitating coordination with other entities providing conflict deterrence, including range riding, and technical assistance to livestock producers in order to minimize wolf-livestock issues in the Kettle Range and other areas of northeast Washington with existing or emerging chronic conflict. The department is discouraged from the use of firearms from helicopters for removing wolves.

(8) \$852,000 of the general fund—state appropriation for fiscal year 2024 and \$852,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide additional capacity to the attorney general's office to prosecute environmental crimes. The department must provide an annual report by December 1st of each year, to the appropriate committees of the legislature, on the progress made in prosecuting environmental crimes.

(9) \$753,000 of the general fund—state appropriation for fiscal year 2024 and \$753,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for expanded management of pinniped populations on the lower Columbia river and its tributaries with the goal of increasing chinook salmon abundance and prey availability for southern resident orcas.

(10) \$470,000 of the general fund—state appropriation for fiscal year 2024 and \$470,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to expand efforts to survey the diets of seals and sea lions in the Salish sea and identify nonlethal management actions to deter them from preying on salmon and steelhead.

(11) \$518,000 of the general fund—state appropriation for fiscal year 2024 and \$519,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to continue to provide policy and scientific support to the department of ecology



regarding surface and groundwater management issues as part of implementing chapter 90.94 RCW streamflow restoration.

(12) \$4,096,000 of the model toxics control operating account—state appropriation is provided solely to analyze salmon contaminants of emerging concern (CEC), including substances such as 6PPD-quinone and polychlorinated biphenyls (PCB) in already collected tissue samples. This research will accelerate recovery and protection by identifying the location and sources of CEC exposure.

(13) \$130,000 of the general fund—state appropriation for fiscal year 2024 and \$130,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for an external facilitator to seek solutions through a collaborative process using the department's wolf advisory group.

(14) \$194,000 of the general fund—state appropriation for fiscal year 2024 and \$194,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to update and maintain rule making related to chapter 77.57 RCW, fishways, flow, and screening.

(15) \$822,000 of the general fund—state appropriation for fiscal year 2024 and \$822,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to monitor recreational steelhead spawning and harvest in freshwater streams and rivers in Puget Sound.

(16) \$2,714,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for additional law enforcement officers for marine and freshwater fisheries compliance and a patrol vessel dedicated to coastal operations.

(17) \$509,000 of the general fund—state appropriation for fiscal year 2024 and \$305,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to monitor recreational shellfish harvests, monitor intertidal and crustacean fisheries, address emerging environmental issues, maintain a new data management infrastructure, and develop a disease and pest management program to protect shellfish fisheries in the Puget Sound.

(18) \$360,000 of the general fund—state appropriation for fiscal year 2024 and \$224,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to complete and maintain a statewide prioritization of fish passage barriers in collaboration with regional salmon recovery organizations.

(19) \$997,000 of the general fund—state appropriation for fiscal year 2024 and \$997,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue the assessment of riparian ecosystems. The assessment must include identifying common statewide definitions of terms for riparian usage, recommendations to improve data sharing, and identifying any gaps in vegetated cover relative to a science-based standard for a fully functioning riparian ecosystem and comparing the status and gaps to water temperature impairments, known fish passage barriers, and status of salmonid stocks.

(20) \$900,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the Lummi Nation to make infrastructure updates at the Skookum hatchery.

(21) \$285,000 of the general fund—state appropriation for fiscal year 2024 and \$285,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to manage electronic tracked crab fishery gear to avoid whale entanglements during their migration as the agency develops a conservation plan to submit for an endangered species act incidental take permit.

(22) \$480,000 of the general fund—state appropriation for fiscal year 2024 and \$435,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to equip officers with body worn cameras to advance public safety.

(23) \$158,000 of the general fund—state appropriation for fiscal year 2024 and \$163,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5371 (orca vessel protection). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(24) \$3,000,000 of the salmon recovery account—state appropriation is provided solely for pass-through to tribes of the upper Columbia river to support reintroduction of Chinook salmon above Grand Coulee and Chief Joseph dams.

(25) \$741,000 of the general fund—state appropriation for fiscal year 2024 and \$741,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for operation and maintenance capacity and technical assistance for state fish passage facilities.

(26) \$948,000 of the general fund—state appropriation for fiscal year 2024 and \$948,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue operations of the Toutle and Skamania hatcheries.

(27) \$283,000 of the general fund—state appropriation for fiscal year 2024 and \$283,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to create a statewide data management system with the department of natural resources and the state parks and recreation commission to make informed management decisions that meet conservation goals for public lands. The agencies will also collaborate with tribal governments to ensure cultural resources and cultural practices are considered and incorporated into management plans.

(28) \$385,000 of the general fund—state appropriation for fiscal year 2024 and \$385,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase wildlife conflict specialists to address crop damage, dangerous wildlife interactions, and conflict preventative education and outreach.

(29) \$430,000 of the general fund—state appropriation for fiscal year 2024, \$430,000 of the general fund—state appropriation for fiscal year 2025, and \$3,564,000 of the natural climate solutions account—state appropriation are provided solely to increase capacity in three aspects of the department's mission most vulnerable to climate change including species recovery planning, providing technical assistance, permitting, and planning support, and managing agency lands and infrastructure.

(30) \$1,752,000 of the climate commitment account—state appropriation is provided solely for the first phase of the department's sustainability plan, including advancing energy efficiency and renewable energy projects, creating a commute trip reduction program, and supporting foundational research and capacity-building.

(31) \$4,000,000 of the forest resiliency account—state appropriation is provided solely to reduce severe wildfire risk and increase forest resiliency through fuels reduction, thinning, fuel break creation, and prescribed burning on agency lands.

(32)(a) \$8,000,000 of the general fund—state appropriation for fiscal year 2024 and \$15,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the protection, recovery, and restoration of biodiversity, the recovery of threatened and endangered species, and a review of the department of fish and wildlife. Examples include habitat protection and restoration, technical assistance for growth management act planning, fish passage improvements, conservation education, scientific research for species and ecosystem protection, and similar activities. Funding in this subsection may include pass-throughs to public, nonprofit, academic, or tribal entities for the purposes of this subsection.

(b) Of the amounts provided in this subsection, \$300,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to the Ruckelshaus center for a review of the department of fish and wildlife, as referenced in (a) of this subsection. The review must focus on the department's efforts to fulfill its obligations as the trustee of state fish and wildlife on behalf of all current and future Washingtonians, to meet the mixed goals of the mandate set forth in RCW 77.04.012, and to respond to the equity principles articulated in RCW 43.06D.020. The review must explore the following areas and recommend changes as appropriate:

(i) The department's ability to meet threats created by climate change and biodiversity loss;

(ii) An alignment of mandate with the department's responsibility as a public trustee;

(iii) The department's governance structure;

(iv) The department's funding model; and

(v) Accountability and transparency in department decision making at both the commission and management levels.

(c) Within this scope, the Ruckelshaus center must also examine the following areas and provide recommendations as appropriate:

(i) Fish and wildlife commission structure, composition, duties, and compensation;

(ii) Influence on the department by special interest groups;

(iii) The process by which the department uses science and social values in its decision making;

(iv) Outreach and involvement of Washington citizens who have historically been excluded from fish and wildlife decisions, including nonconsumptive users and marginalized communities;

(v) The department's adherence to state laws, including the state environmental policy act and the public records act; and

(vi) Any other related issues that arise during the review.

(d) Based on the results of the review, the Ruckelshaus center must provide options for making changes to the department's mandate and governance structure as deemed necessary to improve the department's ability to function as a trustee for state fish and wildlife.

(e) The Ruckelshaus center must submit a report to the appropriate committees of the legislature by June 30, 2024.

(33) \$125,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a contract with a nonprofit organization that operates a zoological garden in King county and that has developed an educators' toolkit for nature play programming for youth in communities historically excluded from nature experiences to provide inclusive nature-based programming statewide to children from racially, ethnically, and culturally diverse backgrounds.

(34) \$310,000 of the general fund—state appropriation for fiscal year 2024 and \$160,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to perform the following tasks related to net ecological gain:

(a) Of the amount provided in this subsection, \$160,000 in fiscal year 2024 and \$160,000 in fiscal year 2025 are provided solely for the department to facilitate a work group focused on developing a net ecological gain implementation framework.

(i) Participation in the work group is as follows:

(A) The work group must include representatives from the department, the department of commerce, the department of ecology, and the department of transportation; and

(B) The work group may include representatives from, and consultation with, as appropriate, other state agencies, federally recognized Indian tribes, local governments, and other relevant stakeholders.

(ii) The work group is responsible for accomplishing the following tasks:

(A) Define net ecological gain criteria;

(B) Create monitoring and assessment criteria related to net ecological gain;

- (C) Develop an assessment model to evaluate and quantify contributions to overall net ecological gain;
- (D) Consider the geographic scale at which net ecological gain criteria may be effectively applied;
- (E) Provide budget and policy recommendations for net ecological gain to the legislature and to the office of financial management;
- (F) Identify existing state-administered or state-funded programs and projects that:
- (I) Already contribute to net ecological gain;
- (II) Can or should give funding priority to funding applicants that commit to incorporating net ecological gain principles; and
- (III) Programs and projects that can or should have a net ecological gain requirement in the future; and
- (G) Generate interim recommendations for a project to serve as a net ecological gain proof of concept within a county that chooses to adopt a net ecological gain standard.
- (iii) The department may contract with an independent entity to facilitate the work group, including the tasks identified in (b) of this subsection.
- (iv) The work group must submit an interim and final report of its work, including any budget and policy recommendations, to the office of financial management and the appropriate committees of the legislature no later than June 30, 2024, and June 30, 2025.
- (b) Of the amount provided in this subsection, \$150,000 in fiscal year 2024 is provided solely for the department to contract with an independent entity to perform the following tasks:
- (i) Review existing grant programs; and
- (ii) Make recommendations on the potential addition of net ecological gain into grant prioritization criteria.
- (35)(a) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to initiate a demonstration project to contribute to rebuilding of salmon runs in the Lake Washington basin through suppression of predatory fish species. The project shall include:
- (i) Removal of nonnative species and northern pike minnow using trap, nets, or other means;
- (ii) Assessment of the benefits of reduced predator abundance on juvenile salmon survival; and
- (iii) Assessment of the recreational fishing rules that were implemented in 2020 in the Lake Washington basin.
- (b) An interim report on the demonstration project must be provided to the appropriate committees of the legislature by December 1, 2024.
- (36) \$165,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 1010 (shellfish sanitary control). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.
- (37) \$270,000 of the general fund—state appropriation for fiscal year 2024 and \$57,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1085 (plastic pollution). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.
- (38) \$184,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.
- (39) \$1,026,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.
- (40) \$620,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.
- (41) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.
- (42) \$100,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to enter into individual damage prevention contract agreements for the use of hiring range riders for proactive wolf-livestock conflict deterrence outside of the service area of the northeast Washington wolf-livestock management grant program as provided in RCW 16.76.020.
- (43) \$175,000 of the general fund—state appropriation for fiscal year 2024 and \$175,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a conflict resolution process mediated by the federal mediation and conciliation service. This funding must be used by the department to facilitate meetings between Skagit tribes, drainage and irrigation districts, and state and federal resource agencies and support the technical work necessary to resolve conflict. Invited parties must include the national marine fisheries service, Washington state department of agriculture, Washington state department of fish and wildlife, Swinomish Indian tribal community, Upper Skagit Indian Tribe, Sauk-Suiattle Indian Tribe, and Skagit drainage and irrigation districts consortium LLC. A report

documenting meeting notes, points of resolution, and recommendations must be provided to the legislature no later than June 30, 2025.

(44) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to evaluate the abundance and distribution of white and green sturgeon on the Washington coast and Puget Sound tributaries and to evaluate genetic relatedness with Columbia and Fraser river sturgeon populations. The funding is also provided to increase monitoring of the abundance and distribution of eulachon to use the information as a baseline for sturgeon and eulachon management plans.

(45) \$235,000 of the general fund—state appropriation for fiscal year 2024 and \$409,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to the department of fish and wildlife to proactively survey for wildlife disease risks and provide action plans and management for healthy wildlife in Washington.

(46) \$325,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a contract with a nonprofit organization that operates a zoological garden in King county for the purpose of an outreach campaign on pollinator health issues. The pollinator outreach campaign is intended to further the mission of the department's pollinator conservation efforts and the department of agriculture's pollinator health task force goals.

(47) Within amounts provided in this section, but not to exceed \$20,000, the department must prioritize derelict and abandoned crab pot removal in north Hood Canal.

(48) \$1,175,000 of the general fund—state appropriation for fiscal year 2024 and \$1,175,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to continue to restore shrubsteppe habitat and associated wildlife on public lands as well as private lands by landowners who are willing to participate. The restoration effort must be coordinated with other natural resource agencies and interested stakeholders.

(49) \$5,000,000 of the general fund—state appropriation for fiscal year 2024 and \$5,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue to address the maintenance backlog associated with providing recreation on lands managed by the department. Allowable uses include, but are not limited to, maintenance, repair, or replacement of trails, toilet facilities, roads, parking lots, campgrounds, picnic sites, water access areas, signs, kiosks, and gates. The department is encouraged to partner with nonprofit organizations in the maintenance of public lands.

(50) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to increase the work of regional fisheries enhancement groups.

(51) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to commercial fishers to modify fishing gear in order to facilitate participation in the emerging commercial fishery in the lower Columbia river, and to fund staffing and supplies needed to monitor the emerging commercial fishery on the lower Columbia river. The purpose of the grants to modify fishing gear is to support the state's efforts to develop fishing tools that allow for increased harvest of hatchery fish while minimizing impacts to salmonid species listed as threatened or endangered under the federal endangered species act. The department must provide a report of goods and services purchased with grant funds to the appropriate committees of the legislature by June 30, 2025.

**NEW SECTION. Sec. 309. FOR THE PUGET SOUND PARTNERSHIP**

General Fund—State Appropriation (FY 2024) . . . . .	\$9,218,000
General Fund—State Appropriation (FY 2025) . . . . .	\$9,213,000
General Fund—Federal Appropriation . . . . .	\$32,036,000
Aquatic Lands Enhancement Account—State	
Appropriation . . . . .	\$1,503,000
Model Toxics Control Operating Account—State	
Appropriation . . . . .	\$1,350,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$53,320,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) By October 15, 2024, the Puget Sound partnership shall provide the governor and appropriate legislative fiscal committees a single, prioritized list of state agency 2025-2027 capital and operating budget requests related to Puget Sound recovery and restoration.

(2) \$14,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(3) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the partnership to implement shipping noise reduction initiatives and monitoring programs in the Puget Sound, in coordination with Canadian and United States authorities. The partnership must contract with Washington maritime blue in order to establish and administer the quiet sound program to better understand and reduce the cumulative effects of acoustic and physical disturbance from large commercial vessels on southern resident orcas throughout their range

in Washington state. Washington maritime blue will support a quiet sound leadership committee and work groups that include relevant federal and state agencies, ports, industry, research institutions, and nongovernmental organizations and consult early and often with relevant federally recognized tribes.

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund—State Appropriation (FY 2024)	\$152,490,000
General Fund—State Appropriation (FY 2025)	\$154,017,000
General Fund—Federal Appropriation	\$49,985,000
General Fund—Private/Local Appropriation	\$3,500,000
Access Road Revolving Nonappropriated Account—State Appropriation	\$108,000
Climate Commitment Account—State Appropriation	\$11,820,000
Contract Harvesting Revolving Nonappropriated Account—State Appropriation	\$78,000
Forest Development Account—State Appropriation	\$58,594,000
Forest Fire Protection Assessment Nonappropriated Account—State Appropriation	\$88,000
Forest Health Revolving Nonappropriated Account— State Appropriation	\$106,000
Natural Climate Solutions Account—State Appropriation	\$29,571,000
Natural Resources Federal Lands Revolving Nonappropriated Account—State Appropriation	\$6,000
ORV and Nonhighway Vehicle Account—State Appropriation	\$7,928,000
State Forest Nursery Revolving Nonappropriated Account—State Appropriation	\$34,000
Surveys and Maps Account—State Appropriation	\$2,376,000
Aquatic Lands Enhancement Account—State Appropriation	\$20,003,000
Resource Management Cost Account—State Appropriation	\$121,583,000
Surface Mining Reclamation Account—State Appropriation	\$4,628,000
Disaster Response Account—State Appropriation	\$23,594,000
Forest and Fish Support Account—State Appropriation	\$12,667,000
Aquatic Land Dredged Material Disposal Site Account— State Appropriation	\$405,000
Natural Resources Conservation Areas Stewardship Account—State Appropriation	\$211,000
Forest Practices Application Account—State Appropriation	\$2,181,000
Air Pollution Control Account—State Appropriation	\$920,000
Model Toxics Control Operating Account—State Appropriation	\$2,000,000
Wildfire Response, Forest Restoration, and Community Resilience Account—State Appropriation	\$118,115,000
Derelict Vessel Removal Account—State Appropriation	\$10,643,000
Community Forest Trust Account—State Appropriation	\$52,000
Agricultural College Trust Management Account—State Appropriation	\$4,414,000
<b>TOTAL APPROPRIATION</b>	<b>\$792,117,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,857,000 of the general fund—state appropriation for fiscal year 2024 and \$1,857,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board.
- (2) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the small forest landowner office, in order to restore staffing capacity reduced during the great recession and to support small forest landowners, including assistance related to forest and fish act regulations.
- (3) \$1,583,000 of the general fund—state appropriation for fiscal year 2024 and \$1,515,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(4) \$60,883,000 of the general fund—state appropriation for fiscal year 2024, \$60,883,000 of the general fund—state appropriation for fiscal year 2025, and \$16,050,000 of the disaster response account—state appropriation are provided solely for emergency response, including fire suppression. The department shall provide a monthly report to the office of financial management and the appropriate fiscal and policy committees of the legislature with an update of fire suppression costs incurred and the number and type of wildfires suppressed.

(5) \$5,647,000 of the general fund—state appropriation for fiscal year 2024, \$8,470,000 of the general fund—state appropriation for fiscal year 2025, and \$330,000 of the disaster response account—state appropriation are provided solely for indirect and administrative expenses related to fire suppression.

(6) \$5,500,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. Of the amount provided in this subsection, \$500,000 is contingent upon receipts under RCW 82.04.261 exceeding \$8,000,000 per biennium. If receipts under RCW 82.04.261 are more than \$8,000,000 but less than \$8,500,000 for the biennium, an amount equivalent to the difference between actual receipts and \$8,500,000 shall lapse.

(7) Consistent with the recommendations of the *Wildfire Suppression Funding and Costs (18-02)* report of the joint legislative audit and review committee, the department shall submit a report to the governor and legislature by December 1, 2023, and December 1, 2024, describing the previous fire season. At a minimum, the report shall provide information for each wildfire in the state, including its location, impact by type of land ownership, the extent it involved timber or range lands, cause, size, costs, and cost-share with federal agencies and nonstate partners. The report must also be posted on the agency's website.

(8) \$4,206,000 of the aquatic land enhancement account—state appropriation is provided solely for the removal of creosote pilings and debris from the marine environment and to continue monitoring zooplankton and eelgrass beds on state-owned aquatic lands managed by the department. Actions will address recommendations to recover the southern resident orca population and to monitor ocean acidification as well as help implement the Puget Sound action agenda.

(9) \$279,000 of the general fund—state appropriation for fiscal year 2024 and \$286,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation to the trust beneficiaries and department for lost revenue from leases to amateur radio operators who use space on the department managed radio towers for their equipment. The department is authorized to lease sites at the rate of up to \$100 per year, per site, per lessee. The legislature makes this appropriation to fulfill the remaining costs of the leases at market rate per RCW 79.13.510.

(10) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to collect and refresh statewide lidar data.

(11) \$1,200,000 of the resource management cost account—state appropriation is provided solely for the agency to pursue opportunities to provide workforce housing on state trust lands.

(12)(a) \$1,500,000 of the natural climate solutions account—state appropriation is provided solely for the department, in close collaboration with the department of ecology, to convene a group composed of a balanced representation of experts and stakeholders to conduct a state ecosystem services inventory and develop a state lands ecosystem services asset plan. The plan must outline how state lands under the department's jurisdiction can be monetized, including ecosystem services credits, and utilized to reduce the overall greenhouse emissions, or increase greenhouse gas sequestration and storage, in the state, including both public and private emissions.

(b) In developing the plan, the department must:

(i) Conduct a resource and asset inventory to identify all state-owned or controlled lands under its jurisdiction that could be eligible or utilized in ecosystem services credits, including carbon offset markets;

(ii) Explore opportunities for the department to utilize its inventoried proprietary assets in offering ecosystem services credits, including carbon offset credits, both under the regulatory offset programs, such as the one established under RCW 70A.65.170, and existing or future voluntary, private ecosystem service markets, including carbon offset programs;

(iii) Develop a marginal cost abatement model to inform highest and best use of state assets in ecosystem services markets, including carbon markets;

(iv) Conduct a needs assessment in relation to marketing state-owned carbon assets on state lands under the department's jurisdiction to third party developers, including a proposed implementation plan and recommendations for plan execution;

(v) Identify any known or suspected policy or regulatory limitations to the formation and full execution of the ecosystem services inventory and asset plan identified above;

(vi) Create an implementation plan for a virtual dashboard where public and private sector participants in regulatory or voluntary carbon markets can locate the inventory created under this subsection, understand the marginal cost abatement model, and locate any requests for proposals from state asset-involved carbon projects on lands under the department's jurisdiction; and

(vii) Make recommendations for the creation of an ecosystems services equity and innovation account that includes:

(A) New modes of ecosystem services; and

(B) Identification of new or different beneficiaries of carbon investments that increase the participation of historically marginalized groups in ecosystem service opportunities.

(c) The department must report its progress and findings under this subsection to the legislature no later than December 31, 2024.

(13) \$3,166,000 of the natural climate solutions account—state appropriation is provided solely for silvicultural treatments on forested trust lands in western Washington to support maintenance of healthy, resilient forests as a critical component of climate adaptation and mitigation efforts.

(14) \$2,185,000 of the general fund—state appropriation for fiscal year 2024 and \$1,705,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for increased law enforcement capacity on agency managed lands, to develop a statewide recreation plan, and to jointly create a statewide data management system with the Washington department of fish and wildlife and the state parks and recreation commission to make informed management decisions that meet conservation goals for public lands. The agencies will also collaborate with tribal governments to ensure cultural resources and cultural practices are considered and incorporated into management plans.

(15) \$2,066,000 of the natural climate solutions account—state appropriation is provided solely for the agency to develop a comprehensive strategy to tackle barriers to reforestation, including through expanding seed collection, increasing the capacity of the state's public nursery, and addressing workforce needs.

(16) \$2,864,000 of the natural climate solutions account—state appropriation is provided solely for the agency to implement aspects of their watershed resilience action plan for the Snohomish watershed, including activities to support kelp and eelgrass stewardship, a large woody debris program, aquatic restoration grants, and culvert removal.

(17) \$5,991,000 of the natural climate solutions account—state appropriation is provided solely for investment in urban forestry to support reduction of negative environmental conditions such as heat, flooding, and pollution and helping communities become greener, cleaner, healthier, and more resilient.

(18) \$7,791,000 of the climate commitment account—state appropriation is provided solely for the agency to analyze current infrastructure and build a plan for the department to achieve its greenhouse gas emission reduction targets.

(19) \$2,365,000 of the climate commitment account—state appropriation is provided solely for the department to make investments in education and training to bolster a statewide natural resources workforce to support the health and resilience of Washington's forests. Of this amount, \$800,000 is provided solely to provide wildland fire management training to tribal communities and members.

(20) \$3,356,000 of the natural climate solutions account—state appropriation is provided solely to increase the agency's capacity to provide active management of department of natural resources natural areas.

(21) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for full-time and seasonal crews from the Washington conservation corps and other corps programs to conduct work benefiting the management of state managed lands, including natural areas restoration and conservation, trail work, and forest resiliency activities as well as other recreation and habitat projects with agency partners.

(22) (a) \$475,000 of the general fund—state appropriation for fiscal year 2024, \$253,000 of the general fund—state appropriation for fiscal year 2025, and \$62,000 of the model toxics control operating account—state appropriation are provided solely for a geoduck task force. Of the amounts provided in this subsection, \$411,000 of the general fund—state appropriation for fiscal year 2024 and \$208,000 of the general fund—state appropriation for fiscal year 2025 are for the department's costs for the task force, and the remaining amounts are for the department to provide to the department of ecology, the department of fish and wildlife, and the Puget Sound partnership for their projected costs for the task force.

(b) The task force must investigate opportunities to reduce negative impacts to tribal treaty and state geoduck harvest and promote long-term opportunities to expand or sustain geoduck harvest. The task force must provide a report to the commissioner of public lands and the legislature, in compliance with RCW 43.01.036, by December 1, 2024, that includes analysis and recommendations related to the following elements:

(i) The feasibility of intervention to enhance the wildstock of geoduck, including reseeding projects;

(ii) Factors that are preventing areas from being classified for commercial harvest of wildstock geoduck or factors that are leading to existing wildstock geoduck commercial tract classification downgrade, and recommendations to sustainably and cost-effectively increase the number and area of harvestable tracts, including:

(A) Consideration of opportunities and recommendations presented in previous studies and reports;

(B) An inventory of wastewater treatment plant and surface water runoff point sources impacting state and tribal geoduck harvesting opportunities within the classified commercial shellfish growing areas in Puget Sound;

(C) A ranking of outfalls and point sources identified in (b)(ii)(B) of this subsection prioritized for future correction to mitigate downgraded classification of areas with commercial geoduck harvest opportunity;

(D) An inventory of wildstock geoduck tracts that are most impacted by poor water quality or other factors impacting classification;

(E) Consideration of the role of sediment load and urban runoff, and pathways to mitigate these impacts; and

(F) Recommendations for future actions to improve the harvest quantity of wildstock geoduck and to prioritize areas that can attain improved classification most readily, while considering the influence of outfalls ranked pursuant to (b)(ii)(C) of this subsection.

(c) The commissioner of public lands must invite the following representatives to participate in the task force:

(i) A representative of the department of natural resources, who shall serve as the chair of the task force;

(ii) Representatives of tribes with treaty or reserved rights to geoduck harvest in Washington state;

(iii) A representative of the department of ecology;

(iv) A representative of the department of health;

(v) A representative of the department of fish and wildlife;

(vi) A representative of the Puget Sound partnership; and

(vii) A representative of the academic community.

(d) The commissioner of public lands must appoint each representative. The commissioner may invite and appoint other individuals to the task force, not to exceed the number of seats of tribal entities.

(e) Members of the task force may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060.

(23) \$636,000 of the general fund—state appropriation for fiscal year 2024 and \$353,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1032 (wildfires/electric utilities). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(24) \$65,000 of the general fund—state appropriation for fiscal year 2024 and \$55,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1085 (plastic pollution). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(25) \$350,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(26) \$250,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(27) \$164,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(28) \$591,000 of the general fund—state appropriation for fiscal year 2024 and \$552,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5433 (derelict aquatic structures). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(29) \$431,000 of the general fund—state appropriation for fiscal year 2024 and \$331,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1498 (aviation assurance funding). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(30) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1578 (wildland fire safety). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(31) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(32) \$1,000,000 of the model toxics control operating account—state appropriation is provided solely for tire removal projects in Puget Sound, with specific priority to remove tire reefs.

(33) \$321,000 of the general fund—state appropriation for fiscal year 2024 and \$427,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Senate Bill No. 5390 (forestlands/safeharbor). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(34) \$70,000 of the general fund—state appropriation for fiscal year 2024 and \$30,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to advance research and cooperation with governmental agencies of Finland and Finnish organizations to implement sustainable forestry practices. The department must report



to the appropriate committees of the legislature by June 30, 2024, on the use of the funds and the research conducted and cooperation accomplished, and make recommendations for further opportunities for collaboration.

(35) \$278,000 of the natural climate solutions account—state appropriation is provided solely for the department to perform coordination and monitoring related to Puget Sound kelp conservation and recovery.

(36) \$312,000 of the general fund—state appropriation for fiscal year 2024 and \$313,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to coordinate with the Olympic natural resources center to study emerging ecosystem threats such as Swiss needlecast disease, fully implement the T3 watershed experiments on state trust lands, continue field trials for long-term ecosystem productivity, and engage stakeholders through learning-based collaboration. The department may expend up to \$30,000 in one fiscal year to conduct Swiss needlecast surveys.

(37) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to continue the work specified in section 3291, chapter 413, Laws of 2019 to assess public school seismic safety for school buildings not yet assessed, focused on highest risk areas of the state as a priority.

(38) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to gain the approval of the board of natural resources for any new lease or existing lease subject to renewal, except for agricultural, grazing, or communication site leases or commercial leases with an annual value of less than \$50,000.

(a) The department must make general summary lease information for state public lands available to the public on a per parcel basis. The information must be readily available and easy to access for the public.

(b) The department must not disclose sensitive or confidential information regarding departmental leases. Nothing in this subsection authorizes the disclosure of information that is otherwise confidential.

(39) \$10,000,000 of the natural climate solutions account—state appropriation is provided solely for the department to prepare commercial thinning timber sales for the purposes of restoring spotted owl and riparian habitat as specified in the 1997 state lands habitat conservation plan, facilitating access to more timber volume than is possible under normal operating funding and increasing carbon sequestration. Thinning operations in designated spotted owl management areas must be conducted in stands that do not yet meet spotted owl habitat conditions. Thinning in riparian areas must comply with department procedures for restoring riparian habitat under the 1997 state lands habitat conservation plan.

(40) \$5,000,000 of the general fund—state appropriation for fiscal year 2024 and \$5,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue to address the maintenance backlog associated with providing recreation on lands managed by the department. Allowable uses include, but are not limited to, maintenance, repair, or replacement of trails, toilet facilities, roads, parking lots, campgrounds, picnic sites, water access areas, signs, kiosks, and gates. The department is encouraged to partner with nonprofit organizations in the maintenance of public lands.

(41) \$175,000 of the general fund—state appropriation for fiscal year 2024 and \$175,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to implement a pilot project to evaluate the costs and benefits of marketing and selling specialty forest products including cedar salvage, alder, and other hardwood products. The pilot project must include: Identifying suitable areas for hardwood or cedar sales within the administrative areas of the Olympic and Pacific Cascade regions, preparing and conducting sales, and evaluating the costs and benefits from conducting the sales.

(a) The pilot project must include an evaluation that:

(i) Determines if revenues from the sales are sufficient to cover the costs of preparing and conducting the sales;

(ii) Identifies and evaluates factors impacting the sales, including regulatory constraints, staffing levels, or other limitations;

(iii) Compares the specialty sales to other timber sales that combine the sale of cedar and hardwoods with other species;

(iv) Evaluates the bidder pool for the pilot sales and other factors that impact the costs and revenues received from the sales; and

(v) Evaluates the current and future prices and market trends for cedar salvage and hardwood species.

(b) The department must work with affected stakeholders and report to the appropriate committees of the legislature with the results of the pilot project and make recommendations for any changes to statute by June 30, 2025.

**NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund—State Appropriation (FY 2024)	\$52,938,000
General Fund—State Appropriation (FY 2025)	\$69,710,000
General Fund—Federal Appropriation	\$38,414,000
General Fund—Private/Local Appropriation	\$193,000
Aquatic Lands Enhancement Account—State	
Appropriation	\$2,839,000
Climate Commitment Account—State Appropriation	\$3,819,000

Natural Climate Solutions Account—State	
Appropriation. . . . .	\$261,000
Water Quality Permit Account—State Appropriation. . . . .	\$73,000
Model Toxics Control Operating Account—State	
Appropriation. . . . .	\$13,589,000
Northeast Washington Wolf-Livestock Management	
Nonappropriated Account—State Appropriation. . . . .	\$1,600,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation. . . . .	\$36,875,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$220,311,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000,000 of the general fund—state appropriation for fiscal year 2024 and \$17,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue the we feed Washington program, a state alternative to the United States department of agriculture farmers to families food box program, and provide resources for hunger relief organizations.

(2) \$4,000,000 of the general fund—state appropriation for fiscal year 2024 and \$4,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for local food system infrastructure and market access grants.

(3) \$3,655,000 of the general fund—state appropriation for fiscal year 2024 and \$3,655,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementing a *Popillia japonica* monitoring and eradication program in central Washington.

(4) \$15,000,000 of the general fund—state appropriation for fiscal year 2025 and \$15,000,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for implementing the emergency food assistance program as defined in RCW 43.23.290.

(5) \$246,000 of the general fund—state appropriation for fiscal year 2024, \$246,000 of the general fund—state appropriation for fiscal year 2025, and \$1,550,000 of the general fund—federal appropriation are provided solely for implementing a *Vespa mandarinia* eradication program.

(6) \$1,600,000 of the northeast Washington wolf-livestock management nonappropriated account—state appropriation is provided solely for the department to conduct the following:

(a) Offer grants for the northeast Washington wolf-livestock management program as provided in RCW 16.76.020, in the amount of \$1,400,000 for the biennium.

(i) Funds from the grant program must be used only for the deployment of nonlethal deterrence, specifically with the goal to reduce the likelihood of cattle being injured or killed by wolves by deploying proactive, preventative methods that have a high probability of producing effective results. Grant proposals will be assessed partially on this intent. Grantees who use funds for range riders or herd monitoring must deploy this tool in a manner so that targeted areas with cattle are visited daily or near daily. Grantees must collaborate with other grantees of the program and other entities providing prevention efforts resulting in coordinated wolf-livestock conflict deterrence efforts, both temporally and spatially, therefore providing well timed and placed preventative coverage on the landscape. Additionally, range riders must document their activities with GPS track logs and provide written description of their efforts to the department of fish and wildlife on a monthly basis. The department shall incorporate the requirements of this subsection into contract language with the grantees.

(ii) In order to provide continuity of services to meet the long-term intent of the program, no less than \$1,100,000 of the funding allocated in this subsection (a) shall be awarded to entities who have proven ability to meet program intent as described in (a)(i) of this subsection and who have been awarded funds through this grant program or pass-through funds from the northeast Washington wolf-livestock management nonappropriated account in the past. The remaining \$300,000 may be awarded to new applicants whose applications meet program intent and all of other requirements of the program. If no applications from new entities are deemed qualified, the unused funds shall be awarded in equal amounts to successful grantees. The department retains the final decision making authority over disbursement of funds. Annual reports from grantees will be assessed for how well grant objectives were met and used to decide whether future grant funds will be awarded to past grantees.

(b) Within the amounts provided in this subsection, the department must provide \$100,000 each fiscal year to the sheriffs offices of Ferry and Stevens counties for providing a local wildlife specialist to aid the department of fish and wildlife in the management of wolves in northeast Washington.

(7) \$1,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for grants and technical assistance to producers and processors for meat and poultry processing.

(8) \$842,000 of the general fund—state appropriation for fiscal year 2024 and \$822,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 135, Laws of 2022, which requires the department to establish cannabis testing lab quality standards by rule.

(9) \$3,038,000 of the climate commitment account—state appropriation is provided solely to implement organic materials legislation passed in the 2022 legislative session.

(10) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to contract with Washington State University's IMPACT Center to conduct an analysis of the threats, barriers, and challenges facing the state's agricultural producers.

(11) \$581,000 of the climate commitment account—state appropriation is provided solely to implement a science-based, voluntary software program called saving tomorrow's agricultural resources (STAR) which provide producers tools to track soil health improvements and the ability to generate market-based incentives.

(12) \$1,492,000 of the model toxics control operating account—state appropriation is provided solely to increase capacity and support work to reduce nitrate pollution in groundwater from irrigated agriculture in the lower Yakima valley.

(13) \$88,000 of the general fund—state appropriation for fiscal year 2024, \$88,000 of the general fund—state appropriation for fiscal year 2025, and \$702,000 of the general fund—federal appropriation are provided solely to match federal funding for eradication treatments and follow-up monitoring of invasive moths.

(14) \$120,000 of the general fund—state appropriation for fiscal year 2024 and \$120,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue the early detection program for the spotted lanternfly and the associated invasive *Ailanthus altissima*, known colloquially as tree-of-heaven, survey and control programs.

(15) \$90,000 of the general fund—state appropriation for fiscal year 2024 and \$90,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to implement changes that advance equity for underrepresented farmers and ranchers in the department's programs and services. In carrying out this duty, the department may focus on implementation of:

(a) Proequity and inclusion strategies within the activities and services of the regional markets program;

(b) Recommendations from the department's 2022 report to the legislature on equity for underrepresented farmers and ranchers; and

(c) Community-generated suggestions resulting from stakeholder engagement activities. In carrying out this duty, the department may engage with underrepresented farmers and ranchers to advise and provide guidance as the department works to implement changes to improve equity and inclusion in the department's services and programs, and where possible in the agricultural industry more broadly.

(16) \$261,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(17) \$200,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(18) \$116,000 of the general fund—state appropriation for fiscal year 2024 and \$110,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1500 (cottage food sales cap). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(19) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(20) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a community-based organization in Whatcom county for the food and farm finder program, which connects local food producers with retail and wholesale consumers throughout the state.

(21) \$10,600,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for local food system infrastructure and market access grants, the emergency food assistance program, and a state farmers to families food box program. The total expenditures from the coronavirus state fiscal recovery fund—federal for these purposes in fiscal year 2023 and fiscal year 2024 may not exceed the total amounts provided in section 311(1), (3), and (7), chapter 334, Laws of 2021, from the coronavirus state fiscal recovery fund—federal for these purposes.

(22) \$47,000 of the general fund—state appropriation for fiscal year 2024 and \$47,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5263 (psilocybin). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(23) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide a grant to a food bank in Pierce county for the continued provision of food bank services to low-income individuals, including costs related to the potential relocation of the food bank.

(24) \$128,000 of the general fund—state appropriation for fiscal year 2024 and \$127,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to the Tri-Cities food bank for operations including food storage.

(25) \$170,000 of the general fund—state appropriation for fiscal year 2024 and \$170,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue a shellfish coordinator position.

(26) \$635,000 of the general fund—state appropriation for fiscal year 2024 and \$635,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compliance-based laboratory analysis of pesticides in cannabis.

**NEW SECTION. Sec. 312. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL**

General Fund—State Appropriation (FY 2024)	\$924,000
General Fund—State Appropriation (FY 2025)	\$919,000
Climate Commitment Account—State Appropriation	\$7,369,000
Energy Facility Site Evaluation Council Account— Private/Local Appropriation	\$26,896,000
<b>TOTAL APPROPRIATION</b>	<b>\$36,108,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,352,000 of the climate commitment account—state appropriation is provided solely to support agency operations and to hire additional environmental siting and compliance positions needed to support an anticipated workload increase from new clean energy projects.

(2) \$757,000 of the climate commitment account—state appropriation is provided solely for grants to tribes to review green energy project applications.

(3) \$358,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(4) The council must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(5) \$3,902,000 of the climate commitment account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5165 (electric transm. planning). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(End of part)

**PART IV  
TRANSPORTATION**

**NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING**

General Fund—State Appropriation (FY 2024)	\$4,041,000
General Fund—State Appropriation (FY 2025)	\$3,640,000
Architects' License Account—State Appropriation	\$1,759,000
Real Estate Commission Account—State Appropriation	\$15,753,000
Uniform Commercial Code Account—State Appropriation	\$3,481,000
Real Estate Education Program Account—State Appropriation	\$316,000
Real Estate Appraiser Commission Account—State Appropriation	\$2,067,000
Business and Professions Account—State Appropriation	\$30,924,000
Real Estate Research Account—State Appropriation	\$461,000
Firearms Range Account—State Appropriation	\$74,000
Funeral and Cemetery Account—State Appropriation	\$118,000
Landscape Architects' License Account—State Appropriation	\$86,000
Appraisal Management Company Account—State Appropriation	\$250,000
Concealed Pistol License Renewal Notification Account—State Appropriation	\$142,000
Geologists' Account—State Appropriation	\$48,000
Derelict Vessel Removal Account—State Appropriation	\$37,000
<b>TOTAL APPROPRIATION</b>	<b>\$63,197,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$142,000 of the concealed pistol license renewal notification account—state appropriation and \$74,000 of the firearms range account—state appropriation are provided solely to implement chapter 74, Laws of 2017 (concealed pistol license).

(2) \$6,000 of the general fund—state appropriation for fiscal year 2024, \$9,000 of the general fund—state appropriation for fiscal year 2025, \$8,000 of the architects' license account—state appropriation, \$74,000 of the real estate commission account—state appropriation, \$14,000 of the uniform commercial code account—state appropriation, \$10,000 of the real estate appraiser commission account—state appropriation, and \$139,000 of the business and professions account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) \$7,000 of the general fund—state appropriation for fiscal year 2024, \$9,000 of the general fund—state appropriation for fiscal year 2025, \$5,000 of the architects' license account—state appropriation, \$43,000 of the real estate commission account—state appropriation, \$8,000 of the uniform commercial code account—state appropriation, \$8,000 of the real estate education program account—state appropriation, \$166,000 of the business and professions account—state appropriation, \$9,000 of the funeral and cemetery account—state appropriation, \$3,000 of the landscape architects' license account—state appropriation, \$2,000 of the appraisal management company account—state appropriation, and \$5,000 of the geologists' account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1009 (military spouse employment). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(4) \$20,000 of the business and professions account—state appropriation is provided solely for implementation of House Bill No. 1017 (cosmetologists, licenses, etc.). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(5) \$320,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1143 (firearms purchase and transfer). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(6) \$5,000 of the architects' license account—state appropriation, \$31,000 of the real estate commission account—state appropriation, \$5,000 of the real estate appraiser commission account—state appropriation, \$64,000 of the business and professions account—state appropriation, \$5,000 of the funeral and cemetery account—state appropriation, \$5,000 of the landscape architects' license account—state appropriation, \$5,000 of the appraisal management company account—state appropriation, and \$5,000 of the geologists' account—state appropriation are provided solely for implementation of House Bill No. 1301 (license review and requirements). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(7) \$25,000 of the real estate appraiser commission account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5191 (real estate agency). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(8) \$19,000 of the funeral and cemetery account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5261 (cemetery authority deadlines). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(9) \$308,000 of the real estate commission account—state appropriation is provided solely for implementation of Engrossed House Bill No. 1797 (real estate appraisers). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 402. FOR THE WASHINGTON STATE PATROL**

General Fund—State Appropriation (FY 2024) . . . . .	\$77,651,000
General Fund—State Appropriation (FY 2025) . . . . .	\$78,281,000
General Fund—Federal Appropriation . . . . .	\$16,972,000
General Fund—Private/Local Appropriation . . . . .	\$3,091,000
Death Investigations Account—State Appropriation . . . . .	\$9,145,000
County Criminal Justice Assistance Account—State Appropriation . . . . .	\$4,893,000
Municipal Criminal Justice Assistance Account—State Appropriation . . . . .	\$1,800,000
Fire Service Trust Account—State Appropriation . . . . .	\$131,000
Vehicle License Fraud Account—State Appropriation . . . . .	\$119,000
Disaster Response Account—State Appropriation . . . . .	\$8,000,000
Fire Service Training Account—State Appropriation . . . . .	\$13,456,000
Model Toxics Control Operating Account—State Appropriation . . . . .	\$596,000
Fingerprint Identification Account—State Appropriation . . . . .	\$15,200,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$229,335,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,000,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(2) \$79,000 of the general fund—state appropriation for fiscal year 2024 and \$146,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation adjustments for commissioned staff as provided for in the omnibus transportation appropriations act.

(3) \$20,000 of the fingerprint identification account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1452 (medical reserve corps).

If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(4) \$16,000 of the general fund—state appropriation for fiscal year 2024 and \$15,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1179 (nonconviction data/auditor). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(5) \$26,000 of the fingerprint identification account—state appropriation is provided solely for implementation of Substitute House Bill No. 1069 (mental health counselor compensation). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(6) \$500,000 of the disaster response account—state appropriation, is provided solely to continue a pilot project for the early deployment or repositioning of Washington state fire service resources in advance of an expected mobilization event. Any authorization for the deployment of resources under this section must be authorized in accordance with section 6 of the Washington state fire services resource mobilization plan.

(7) \$320,000 of the general fund—state appropriation for fiscal year 2024 and \$68,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5367 (products containing THC). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(8) \$1,133,000 of the fingerprint identification account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5499 (multistate nurse licensure). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(9) \$1,000,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(10) \$12,000 of the general fund—state appropriation for fiscal year 2024 and \$12,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support the Washington state missing and murdered indigenous women and people task force in section 912 of this act.

(End of part)

**PART V  
EDUCATION**

**NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

General Fund—State Appropriation (FY 2024)	\$46,191,000
General Fund—State Appropriation (FY 2025)	\$45,208,000
General Fund—Federal Appropriation	\$108,354,000
General Fund—Private/Local Appropriation	\$8,079,000
Dedicated Cannabis Account—State Appropriation (FY 2024)	\$593,000
Dedicated Cannabis Account—State Appropriation (FY 2025)	\$618,000
Washington Opportunity Pathways Account—State Appropriation	\$8,429,000
Performance Audits of Government Account—State Appropriation	\$213,000
Workforce Education Investment Account—State Appropriation	\$9,479,000
Elementary and Secondary School Emergency Relief III Account—Federal Appropriation	\$3,524,000
<b>TOTAL APPROPRIATION</b>	<b>\$230,688,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) **BASE OPERATIONS AND EXPENSES OF THE OFFICE**

(a) \$21,778,000 of the general fund—state appropriation for fiscal year 2024 and \$21,778,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) By October 31st of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in section 501, chapter 415, Laws of 2019 and sections 515 and 522, chapter 334, Laws of 2021. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(iii) Districts shall annually report to the office of the superintendent of public instruction on: (A) The annual number of graduating high school seniors within the district

earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (B) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(iv) The office of the superintendent of public instruction shall perform ongoing program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(v) The superintendent of public instruction shall integrate climate change content into the Washington state learning standards across subject areas and grade levels. The office shall develop materials and resources that accompany the updated learning standards that encourage school districts to develop interdisciplinary units focused on climate change that include authentic learning experiences, that integrate a range of perspectives, and that are action oriented.

(vi) Funding provided in this subsection (1)(a) is sufficient for maintenance of the apportionment system, including technical staff and the data governance working group.

(b) \$494,000 of the general fund—state appropriation for fiscal year 2024 and \$494,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(c) \$61,000 of the general fund—state appropriation for fiscal year 2024 and \$61,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(d) \$96,000 of the general fund—state appropriation for fiscal year 2024 and \$96,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(e) \$285,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(f) \$123,000 of the general fund—state appropriation for fiscal year 2024 and \$123,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(g) \$1,060,000 of the general fund—state appropriation for fiscal year 2024 and \$1,060,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government. The professional development must be done in collaboration with school district administrators and school directors. Funding in this subsection is sufficient for the office, the Washington state school directors' association government-to-government task force, and the association of educational service districts to collaborate with the tribal leaders congress on education to develop a tribal consultation training and schedule. Of the amounts provided in this subsection: \$525,000 of the general fund—state appropriation for fiscal year 2024 and \$525,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of native education to convene a work group to develop the supports necessary to serve American Indian and Alaska Native students identified as needing additional literacy supports. The work group must include representation from Washington's federally recognized tribes and federally recognized tribes with reserved treaty rights in Washington. The work group must conduct tribal consultations, develop best practices, engage in professional learning, and develop curricula and resources that may be provided to school districts and state-tribal education compact schools to serve American Indian and Alaska Native students with appropriate, culturally affirming literacy supports.

(h) \$481,000 of the general fund—state appropriation for fiscal year 2024 and \$481,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(i) Districts shall report to the office the results of each collective bargaining agreement for certificated staff within their district using a uniform template as required by the superintendent, within thirty days of finalizing contracts. The data must include but is not limited to: Minimum and maximum base salaries, supplemental salary information, and average percent increase for all certificated instructional staff. Within existing resources by December 1st of each year, the office shall produce a report for the legislative evaluation and accountability program committee summarizing the district level collective bargaining agreement data.

(j) \$3,524,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for administrative costs related to the management of federal funds provided for COVID-19 response and other emergency needs.

(k) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office of the superintendent of public instruction to plan for the development and implementation of a common substitute teacher application platform.

(2) DATA SYSTEMS

(a) \$1,802,000 of the general fund—state appropriation for fiscal year 2024 and \$1,802,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(b) \$281,000 of the general fund—state appropriation for fiscal year 2024 and \$281,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) \$450,000 of the general fund—state appropriation for fiscal year 2024 and \$450,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

(3) WORK GROUPS

(a) \$68,000 of the general fund—state appropriation for fiscal year 2024 and \$68,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1013 (regional apprenticeship prgs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(b) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(c) \$118,000 of the general fund—state appropriation for fiscal year 2024 and \$118,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 75, Laws of 2018 (dyslexia).

(d) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 386, Laws of 2019 (social emotional learning).

(e) \$107,000 of the general fund—state appropriation for fiscal year 2024 and \$107,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to support the children and youth behavioral health work group created in chapter 130, Laws of 2020 (child. mental health wk. grp).

(4) STATEWIDE PROGRAMS

(a) \$2,590,000 of the general fund—state appropriation for fiscal year 2024 and \$2,590,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(b) \$703,000 of the general fund—state appropriation for fiscal year 2024 and \$703,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 72, Laws of 2016 (educational opportunity gap).

(c) \$950,000 of the general fund—state appropriation for fiscal year 2024 and \$950,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(d) \$457,000 of the general fund—state appropriation for fiscal year 2024 and \$260,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for chapter 102, Laws of 2014 (biliteracy seal). Of the amounts provided in this subsection:

(i) \$197,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office to develop and establish criteria for school districts to award the seal of biliteracy to graduating high school students.

(ii) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to provide students with access to methods for students to demonstrate proficiency in less commonly taught or assessed languages.



(e) (i) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for school bullying and harassment prevention activities.

(ii) \$15,000 of the general fund—state appropriation for fiscal year 2024 and \$15,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 240, Laws of 2016 (school safety).

(iii) \$570,000 of the general fund—state appropriation for fiscal year 2024 and \$570,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to provide statewide support and coordination for the regional network of behavioral health, school safety, and threat assessment established in chapter 333, Laws of 2019 (school safety and well-being).

(iv) \$196,000 of the general fund—state appropriation for fiscal year 2024 and \$196,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the school safety center within the office of the superintendent of public instruction.

(A) Within the amounts provided in this subsection (4)(e)(iv), \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a school safety program to provide school safety training for all school administrators and school safety personnel. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety.

(B) Within the amounts provided in this subsection (4)(e)(iv), \$96,000 of the general fund—state appropriation for fiscal year 2024 and \$96,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for administration of the school safety center. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information web site.

(f) (i) \$162,000 of the general fund—state appropriation for fiscal year 2024 and \$162,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for youth suicide prevention activities.

(ii) \$76,000 of the general fund—state appropriation for fiscal year 2024 and \$76,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 64, Laws of 2018 (sexual abuse of students).

(g) (i) \$280,000 of the general fund—state appropriation for fiscal year 2024, \$280,000 of the general fund—state appropriation for fiscal year 2025, \$593,000 of the dedicated cannabis account—state appropriation for fiscal year 2024, and \$618,000 of the dedicated cannabis account—state appropriation for fiscal year 2025 are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, the entire dedicated cannabis account—state appropriation is provided solely for the building bridges statewide program.

(ii) \$293,000 of the general fund—state appropriation for fiscal year 2024 and \$293,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(iii) \$178,000 of the general fund—state appropriation for fiscal year 2024 and \$178,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 291, Laws of 2017 (truancy reduction efforts).

(h) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

(i) \$358,000 of the general fund—state appropriation for fiscal year 2024 and \$358,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of chapter 221, Laws of 2019 (CTE course equivalencies).

(j) \$196,000 of the general fund—state appropriation for fiscal year 2024 and \$196,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of chapter 252, Laws of 2019 (high school graduation reqs.).

(k) \$60,000 of the general fund—state appropriation for fiscal year 2024, \$60,000 of the general fund—state appropriation for fiscal year 2025, and \$680,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply). Of the amounts provided in this subsection, \$680,000 of the general fund—federal appropriation is provided solely for title II SEA state-level activities to implement section 103, chapter 295, Laws of 2019 relating to the regional recruiters program.

(l) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a tribal

liaison at the office of the superintendent of public instruction to facilitate access to and support enrollment in career connected learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

(m) \$57,000 of the general fund—state appropriation for fiscal year 2024 and \$57,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 288, Laws of 2020 (school meals at no cost).

(n) \$269,000 of the general fund—state appropriation for fiscal year 2024 and \$142,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 353, Laws of 2020 (innovative learning pilot).

(o) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to provide statewide coordination towards multicultural, culturally responsive, and anti-racist education to support academically, socially, and culturally literate learners. The office must engage community members and key interested parties to:

(i) Develop a clear definition and framework for African American studies to guide instruction in grades seven through twelve;

(ii) Develop a plan for aligning African American studies across all content areas; and

(iii) Identify professional development opportunities for educators and administrators to build capacity in creating high-quality learning environments centered in belonging and racial equity, anti-racist approaches, and asset-based methodologies that pull from all students' cultural funds of knowledge.

(p) \$49,000 of the general fund—state appropriation for fiscal year 2024 and \$49,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 38, Laws of 2021 (K-12 safety & security serv.).

(q) \$135,000 of the general fund—state appropriation for fiscal year 2024 and \$135,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 111, Laws of 2021 (learning assistance program).

(r) \$1,152,000 of the general fund—state appropriation for fiscal year 2024 and \$1,157,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 164, Laws of 2021 (institutional ed./release).

(s) \$553,000 of the general fund—state appropriation for fiscal year 2024 and \$553,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to develop and implement a mathematics pathways pilot to modernize algebra II. The office should use research and engage stakeholders to develop a revised and expanded course.

(t) \$3,348,000 of the general fund—state appropriation for fiscal year 2024 and \$3,348,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 107, Laws of 2022 (language access in schools).

(u) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the superintendent to establish a media literacy and digital citizenship ambassador program to promote the integration of media literacy and digital citizenship instruction.

(v) \$294,000 of the general fund—state appropriation for fiscal year 2024 and \$294,000 of the general fund—state appropriation for fiscal year 2025 provided solely for implementation of chapter 9, Laws of 2022 (school consultation/tribes).

(w) \$8,144,000 of the Washington state opportunity pathways account—state appropriation is provided solely for support to small school districts and public schools receiving allocations under chapters 28A.710 and 28A.715 RCW that have less than 800 enrolled students, are located in urban or suburban areas, and budgeted for less than \$20,000 per pupil in general fund expenditures in the 2022-23 school year. For eligible school districts and schools, the superintendent of public instruction must allocate an amount equal to the lesser of amount 1 or amount 2, as provided in (w)(i) and (ii) of this subsection, multiplied by the school district or school's budgeted enrollment in the 2022-23 school year.

(i) Amount 1 is \$1,550.

(ii) Amount 2 is \$20,000 minus the school district or school's budgeted general fund expenditures per pupil in the 2022-23 school year.

(x) \$76,000 of the general fund—state appropriation for fiscal year 2024 and \$15,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5072 (highly capable students). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(y) \$72,000 of the general fund—state appropriation for fiscal year 2024 and \$96,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5243 (high school and beyond plan). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(z) \$17,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5257 (elementary school recess). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(aa) \$169,000 of the general fund—state appropriation for fiscal year 2024 and \$76,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5315 (special education/nonpublic). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(bb) \$39,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Senate Bill No. 5403 (school depreciation subfunds). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(cc) \$532,000 of the general fund—state appropriation for fiscal year 2024 and \$436,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5593 (student data transfer). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(dd) \$51,000 of the general fund—state appropriation for fiscal year 2024 and \$36,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5617 (career and technical education courses). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(ee) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to contract with a community-based youth development nonprofit organization for a pilot program to provide behavioral health support for youth and trauma-informed, culturally responsive staff training.

(ff) \$50,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office to consult with one or two public high schools that offer established courses in the early childhood development and services career pathway and develop model materials that may be employed by other school districts with an interest in establishing or expanding similar instructional offerings to students. The model materials must be developed by January 1, 2024.

(gg) \$62,000 of the general fund—state appropriation for fiscal year 2024 and \$62,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the creation of a deliberative democratic climate change education program in public high schools based on the Washington student climate assembly pilot program. The office must use the funding to develop and promote a full curriculum for student climate assemblies that can be replicated in public high schools across the state and to fund a part-time statewide coordinator position to oversee program outreach and implementation. By January 1, 2025, the office must collect and evaluate feedback from teachers, students, local government employees, and elected officials participating in the pilot program and report to the legislature on options to improve, expand, and extend the program.

(hh) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to contract with a nongovernmental agency to coordinate and serve as a fiscal agent and to cover direct costs of the project education impact workgroup to achieve educational parity for students experiencing foster care and/or homelessness, consistent with chapter 233, Laws of 2020. The office must contract with a nongovernmental agency with experience coordinating administrative and fiscal support for project education impact.

(ii) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office to contract for a feasibility study for the creation of a maritime academy on the Olympic peninsula. The study must include the scope, location, design, and budget for the construction of the maritime academy. The study must include plans to address systems, policies, and practices that address disparities of historically marginalized communities in the maritime industry. A preliminary report is due to the legislature by December 1, 2023, with the final feasibility study due to the legislature by June 3, 2024. Funding provided in this subsection may be matched by a nonprofit organization that provides high school students with accredited career and technical postsecondary education for maritime vessel operations and maritime curriculum to high schools in Jefferson, Clallam, Kitsap, King, Mason, Pierce, Island, and Snohomish counties.

(jj) \$74,000 of the general fund—state appropriation for fiscal year 2024 and \$69,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1701 (institutional ed. programs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(kk) \$141,000 of the general fund—state appropriation for fiscal year 2024 and \$130,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1308 (graduation pathway options). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(ll) \$73,000 of the general fund—state appropriation for fiscal year 2024 and \$72,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1346 (purple star award). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(mm) (i) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to provide statewide professional development and technical assistance to school districts and to provide a limited number of grants for demonstration projects. The demonstration projects must build school-level and district-level systems that eliminate student isolation, track and reduce restraint use, and build schoolwide systems to support

students in distress and prevent crisis escalation cycles that may result in restraint or isolation. The schoolwide systems must include trauma-informed positive behavior and intervention supports, de-escalation, and problem-solving skills. Of the amounts provided in this subsection:

(A) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are for grants for 10 district demonstration sites;

(B) \$1,334,000 of the general fund—state appropriation for fiscal year 2024 and \$1,334,000 of the general fund—state appropriation for fiscal year 2025 are for professional development and training; and

(C) \$166,000 of the general fund—state appropriation for fiscal year 2024 and \$166,000 of the general fund—state appropriation for fiscal year 2025 are for staff and administration support for the demonstration sites and the professional development and training.

(ii) The office must create a technical assistance manual to support the elimination of isolation and reduction of restraint and room clears based on the results of the demonstration projects, and must provide a report to the education committees of the legislature by September 1, 2024. The report must include:

(A) A status update on demonstration projects that occurred during the 2023-24 school year, the technical assistance manual, and professional development offered statewide;

(B) Key implementation challenges and findings; and

(C) Recommendations for statewide policy changes or funding.

(iii) In developing the manual, the office must consult with, at minimum:

(A) Representatives from state associations representing both certificated and classified staff;

(B) An association representing principals;

(C) An association representing school administrators;

(D) The Washington state school directors' association;

(E) An association representing parents;

(F) An individual with lived experience of restraint and isolation; and

(G) A representative of the protection and advocacy agency of Washington.

(iv) The office must prioritize the provision of professional development and selection of the demonstration sites to local education agencies, educational programs, and staff who provide educational services to students in prekindergarten through grade five and who have high incidents of isolation, restraint, or injury related to use of restraint or isolation. Grant recipients must commit to isolation phaseout and must report on restraint reduction and progress to the office by June 30, 2025.

(5) CAREER CONNECTED LEARNING

(a) \$919,000 of the workforce education investment account—state appropriation is provided solely for expanding career connected learning as provided in RCW 28C.30.020.

(b) \$960,000 of the workforce education investment account—state appropriation is provided solely for increasing the funding per full-time equivalent for career launch programs as described in RCW 28A.700.130. In the 2023-2025 fiscal biennium, for career launch enrollment exceeding the funding provided in this subsection, funding is provided in section 504 of this act.

(c) \$3,600,000 of the workforce education investment account—state appropriation is provided solely for the office of the superintendent of public instruction to administer grants to skill centers for nursing programs to purchase or upgrade simulation laboratory equipment.

(d) \$4,000,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1013 (regional apprenticeship prgs.). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse. Of the amount provided in this subsection, \$2,000,000 of the workforce education investment account—state appropriation is provided solely for the Marysville school district to collaborate with Arlington school district, Everett Community College, other local school districts, local labor unions, local Washington state apprenticeship and training council registered apprenticeship programs, and local industry groups to continue the regional apprenticeship pathways program.

**NEW SECTION. Sec. 502. FOR THE STATE BOARD OF EDUCATION**

General Fund—State Appropriation (FY 2024) . . . . .	\$2,155,000
General Fund—State Appropriation (FY 2025) . . . . .	\$6,695,000
Elementary and Secondary School Emergency Relief III	
Account—Federal Appropriation . . . . .	\$1,779,000
Washington Opportunity Pathways Account—State	
Appropriation . . . . .	\$353,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$10,982,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,852,000 of the general fund—state appropriation for fiscal year 2024 and \$1,864,000 of the general fund—state appropriation for fiscal year 2025 are for the operation and expenses of the state board of education.

(2) \$1,779,000 of the elementary and secondary school emergency relief III account—federal appropriation, \$280,000 of the general fund—state appropriation for fiscal year

2024, and \$4,808,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to the state board of education for implementation of mastery-based learning in school district demonstration sites. The state board of education shall require grant recipients to report on impacts and participate in a collaborative to share best practices. The funds must be used for grants to school districts, charter schools, or state tribal education compact schools established under chapter 28A.715 RCW; professional development of educators; development of a resource suite for school districts statewide; evaluation of the demonstration project; implementation and policy support provided by the state board of education and other partners; and a report outlining findings and recommendations to the governor and education committees of the legislature by December 31, 2025. Grants for mastery-based learning may be made in partnership with private matching funds.

(3) \$23,000 of the general fund—state appropriation for fiscal year 2024 and \$23,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the state board of education to be a member in the education commission of the states.

**NEW SECTION. Sec. 503. FOR THE PROFESSIONAL EDUCATOR STANDARDS BOARD**

General Fund—State Appropriation (FY 2024) . . . . .	\$22,535,000
General Fund—State Appropriation (FY 2025) . . . . .	\$21,417,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$43,952,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,930,000 of the general fund—state appropriation for fiscal year 2024 and \$1,945,000 of the general fund—state appropriation for fiscal year 2025 are for the operation and expenses of the Washington professional educator standards board including implementation of chapter 172, Laws of 2017 (educator prep. data/PESB).

(2) (a) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to improve preservice teacher training and funding of alternate routes to certification programs administered by the professional educator standards board.

(b) Within the amounts provided in this subsection (2), up to \$500,000 of the general fund—state appropriation for fiscal year 2024 and up to \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to public or private colleges of education in Washington state to develop models and share best practices for increasing the classroom teaching experience of preservice training programs.

(3) \$1,005,000 of the general fund—state appropriation for fiscal year 2024 and \$1,001,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the recruiting Washington teachers program with priority given to programs that support bilingual teachers, teachers from populations that are underrepresented, and English language learners. Of the amounts provided in this subsection (3), \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation and expansion of the bilingual educator initiative pilot project established under RCW 28A.180.120.

(4) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply).

(5) \$17,535,000 of the general fund—state appropriation for fiscal year 2024 and \$17,535,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators). Of the amounts provided in this subsection: \$16,873,000 of the general fund—state appropriation for fiscal year 2024 and \$16,873,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to districts to provide two days of training per school year in the paraeducator certificate program to all paraeducators. Funds in this subsection are provided solely for reimbursement to school districts that provide paraeducators with two days of training in the paraeducator certificate program in each of the 2022-23 and 2023-24 school years. Funding provided in this subsection is sufficient for new paraeducators to receive four days of training in the paraeducator certificate program during their first year.

(6) \$85,000 of the general fund—state appropriation for fiscal year 2024 and \$28,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the board to review national certification opportunities for educational staff associates through the relevant national associations for their profession and through the national board for professional teaching standards. The board must compare the standards and processes for achieving these certifications, including an analysis of how educational staff associate positions' national certification aligns with school roles and the professional expertise of school-based education staff associates. The board must submit the comparison report to the education committees of the legislature by October 1, 2024.

(7) \$147,000 of the general fund—state appropriation for fiscal year 2024 and \$158,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1009 (military spouse employment). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(8) \$71,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the professional educator standards board and the paraeducator board to collaborate with the office of the superintendent of public instruction to report on a plan to align bilingual education and English language learner endorsement standards and to

determine language assessment requirements for multilingual teachers and paraeducators. The report is due to the legislature by September 1, 2023.

(9) \$1,012,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the professional educator standards board, in coordination with the office of the superintendent of public instruction, to develop a teacher residency program through Western Washington University focused on special education instruction beginning in the 2024-25 school year.

**NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT**

General Fund—State Appropriation (FY 2024) . . . . .	\$9,765,637,000
General Fund—State Appropriation (FY 2025) . . . . .	\$10,027,638,000
Education Legacy Trust Account—State Appropriation . . . . .	\$1,538,730,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$21,332,005,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2023-24 and 2024-25 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 504 and 505 of this act, excluding (c) of this subsection.

(c) From July 1, 2023, to August 31, 2023, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 504 and 505, chapter 297, Laws of 2022, as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2023-24 and 2024-25 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

**(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS**

Allocations for certificated instructional staff salaries for the 2023-24 and 2024-25 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school, including those at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:

Grade	RCW 28A.150.260	2023-24 School Year	2024-25 School Year
Grade K		17.00	17.00
Grade 1		17.00	17.00
Grade 2		17.00	17.00
Grade 3		17.00	17.00
Grade 4		27.00	27.00

Grades 5-6	27.00	27.00
Grades 7-8	28.53	28.53
Grades 9-12	28.74	28.74

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 19. Certificated instructional staff units provided for skills centers that exceed the minimum requirements of RCW 28A.150.260 achieve class size reductions under RCW 28A.400.007 and are part of the state's program of basic education.

(ii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iii) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260, as amended by chapter 109, Laws of 2022, and is considered certificated instructional staff.

(ii) For qualifying high-poverty schools in the 2023-24 school year, at which more than 50 percent of the students were eligible for free and reduced-price meals in the prior school year, in addition to the allocation under (d)(i) of this subsection, the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school as follows:

	Elementary	Middle	High
Guidance counselors	0.166	0.166	0.157

(iii) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2023-24 School Year	2024-25 School Year
Career and Technical Education	3.65	3.91
Skill Center	3.98	4.25

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2023-24 and 2024-25 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistant principals, and other certificated building level administrators:

Prototypical School Building:

Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors:

Career and Technical Education students. . . . .	1.025
Skill Center students. . . . .	1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2023-24 and 2024-25 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2023-24 and 2024-25 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.48 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 12.30 percent in the 2023-24 school year and 12.46 percent in the 2024-25 school year for career and technical education students, and 17.62 percent in the 2023-24 school year and 17.79 percent in the 2024-25 school year for skill center students.

#### (6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 17.97 percent in the 2023-24 school year and 17.97 percent in the 2024-25 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 22.06 percent in the 2023-24 school year and 21.56 percent in the 2024-25 school year for classified salary allocations provided under subsections (4) and (5) of this section.

#### (7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on the number of benefit units determined as follows: Except for nonrepresented employees of educational service districts, the number of calculated benefit units determined below. Calculated benefit units are staff units multiplied by the benefit allocation factors established in the collective bargaining agreement referenced in section 909 of this act. These factors are intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent employees may be calculated on the basis of 630 hours of work per year, with no individual employee counted as more than one full-time equivalent. The number of benefit units is determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section multiplied by 1.02; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.43.

#### (8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

#### MSOC RATES/STUDENT FTE

MSOC Component	2023-24 School Year	2024-25 School Year
Technology	\$178.98	\$182.72
Utilities and Insurance	\$416.26	\$425.01
Curriculum and Textbooks	\$164.48	\$167.94
Other Supplies	\$326.54	\$333.40
Library Materials	\$22.65	\$23.13
Instructional Professional Development for Certificated and Classified Staff	\$25.44	\$25.97
Facilities Maintenance	\$206.22	\$210.55
Security and Central Office	\$142.87	\$145.87



TOTAL MSOC/STUDENT FTE \$1,483.44 \$1,514.59

(ii) For the 2023-24 school year and 2024-25 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (a)(ii)(A) of this subsection (8) exceeds (a)(ii)(B) of this subsection (8), any proposed use of this difference and how this use will improve student achievement.

(iii) Within the amount provided in (a)(i) of this subsection (8), allocations for MSOC technology in excess of RCW 28A.150.260 are not part of the state's basic education.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,724.62 for the 2023-24 school year and \$1,760.84 for the 2024-25 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,724.62 for the 2023-24 school year and \$1,760.84 for the 2024-25 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2023-24 School Year	2024-25 School Year
Technology	\$44.04	\$44.97
Curriculum and Textbooks	\$48.06	\$49.06
Other Supplies	\$94.07	\$96.04
Library Materials	\$6.05	\$6.18
Instructional Professional Development for Certified and Classified Staff	\$8.01	\$8.18
TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE	\$200.23	\$204.43

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2023-24 and 2024-25 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2023, to August 31, 2023, are adjusted to reflect provisions of chapter 297, Laws of 2022, as amended (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

(12) ALL DAY KINDERGARTEN PROGRAMS

\$670,803,000 of the general fund—state appropriation for fiscal year 2024 and \$869,125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to fund all day kindergarten programs in all schools in the 2023-24 school year and 2024-25 school year, pursuant to RCW 28A.150.220 and 28A.150.315. Beginning in the 2023-24 school year, funding for students admitted early to kindergarten under exceptions to the uniform entry qualifications under RCW 28A.225.160 must be limited to children deemed to be likely to be "successful in kindergarten."

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding

career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2024 and 2025 as follows:

(a) \$650,000 of the general fund—state appropriation for fiscal year 2024 and \$650,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund—state appropriation for fiscal year 2024 and \$436,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Funding in this section is sufficient to fund a maximum of 1.2 FTE enrollment for career launch students pursuant to RCW 28A.700.130. Expenditures for this purpose must come first from the appropriations provided in section 501(5) of this act; funding for career launch enrollment exceeding those appropriations is provided in this section. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by January 1, 2024. The report must include the total FTE enrollment for career launch students, the FTE enrollment for career launch students that exceeded the appropriations provided in section 501(5) of this act, and the amount expended from this section for those students.

(18) (a) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.4 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.4 FTE, the office of the superintendent of public instruction:

(i) Must adopt rules to fund the participating student's enrollment in running start courses provided by the institution of higher education during the summer academic term; and

(ii) May average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and the institution of higher education.

(iii) In consultation with the state board for community and technical colleges, the participating institutions of higher education, the student achievement council, and the education data center, must annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(b) \$1,000 of the general fund—state appropriation for fiscal year 2024 is provided for implementation of Second Substitute House Bill No. 1316 (dual credit program access).

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (13) of this section shall be reduced in increments of twenty percent per year.

(20) (a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2023-2025 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

**NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.260, and under section 504 of this act: For the 2023-24 school year and the 2024-25 school year salary allocations for certificated instructional staff, certificated administrative staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

Statewide Minimum Salary Allocation

Staff Type	2023-24 School Year	2024-25 School Year
Certificated Instructional	\$75,419	\$78,360
Certificated Administrative	\$111,950	\$116,316
Classified	\$54,103	\$56,213

(2) For the purposes of this section, "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on April 20, 2023, at 6:09 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 17.33 percent for school year 2023-24 and 17.33 percent for school year 2024-25 for certificated instructional and certificated administrative staff and 18.56 percent for school year 2023-24 and 18.06 percent for the 2024-25 school year for classified staff.

(4) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW 28A.400.200, as amended by chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education).

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund—State Appropriation (FY 2024)	\$391,668,000
General Fund—State Appropriation (FY 2025)	\$871,433,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,263,101,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The salary increases provided in this section are 3.7 percent for the 2023-24 school year, and 3.9 percent for the 2024-25 school year, the annual inflationary adjustments pursuant to RCW 28A.400.205.

(2)(a) In addition to salary allocations, the appropriations in this section include funding for professional learning as defined in RCW 28A.415.430, 28A.415.432, and 28A.415.434. Funding for this purpose is calculated as the equivalent of three days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

(b) Of the funding provided for professional learning in this section, the equivalent of one day of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in the 2023-24 school year must be used to train school district staff on cultural competency, diversity, equity, or inclusion, as required in chapter 197, Laws of 2021.

(3)(a) The appropriations in this section include associated incremental fringe benefit allocations at 17.33 percent for the 2023-24 school year and 17.33 percent for the 2024-25 school year for certificated instructional and certificated administrative staff and 18.56 percent for the 2023-24 school year and 18.06 percent for the 2024-25 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in sections 504 and 505 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 504 and 505 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 504, 505, and 506 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

(4) The appropriations in this section are sufficient to fund the collective bargaining agreement referenced in part 9 of this act and reflect the incremental change in cost of allocating rates as follows: For the 2023-24 school year, \$1,100 per month and for the 2024-25 school year, \$1,157 per month.

(5) The rates specified in this section are subject to revision each year by the legislature.

(6) \$46,426,000 of the general fund—state appropriation for fiscal year 2024 and \$211,538,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 50, Laws of 2023.

(7) \$5,155,000 of the general fund—state appropriation for fiscal year 2024 and \$12,076,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1436 (special education funding). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund—State Appropriation (FY 2024) . . . . .	\$763,749,000
General Fund—State Appropriation (FY 2025) . . . . .	\$762,332,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$1,526,081,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) (a) For the 2023-24 and 2024-25 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2023, to August 31, 2023, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 507, chapter 297, Laws of 2022, as amended.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2024 and up to \$10,000,000 of the general fund—state appropriation for fiscal year 2025 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$939,000 of the general fund—state appropriation for fiscal year 2024 and a maximum of \$939,000 of the general fund—state appropriation for fiscal year 2025 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) Subject to available funds under this section, school districts may provide student transportation for summer skills center programs.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(8) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

(9) (a) \$13,000,000 of the general fund—state appropriation for fiscal year 2024 and \$13,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the superintendent to provide transportation safety net funding to school districts with a convincingly demonstrated need for additional transportation funding for special passengers. Transportation safety net awards shall only be provided when a school district's allowable transportation expenditures attributable to serving special passengers exceeds the amount allocated under subsection (2) (a) of this section and any excess transportation costs reimbursed by federal, state, tribal, or local child welfare agencies. A transportation safety net award may not exceed a school district's excess expenditures directly attributable to serving special passengers in the pupil transportation program.

(b) To be eligible for additional transportation safety net award funding, the school district must report, in accordance with statewide accounting guidance, the amount of the excess costs and the specific activities or services provided to special passengers that created the excess costs. The office of the superintendent of public instruction must request from school districts an application for transportation safety net funding. The office must submit to the office of financial management, and to the education and fiscal committees of the legislature, the total demonstrated need and awards by school district.

(c) Transportation safety net awards allocated under this subsection are not part of the state's program of basic education.

**NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL FOOD SERVICES**

General Fund—State Appropriation (FY 2024) . . . . .	\$33,334,000
General Fund—State Appropriation (FY 2025) . . . . .	\$79,857,000
General Fund—Federal Appropriation . . . . .	\$573,104,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$686,295,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$11,548,000 of the general fund—state appropriation for fiscal year 2024 and \$11,548,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades pre-kindergarten through twelfth grades who are eligible for reduced-price lunch as required in chapter 74, Laws of 2021 (reduced-price lunch copays);

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced-price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

(2) The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in subsection (1) (a) through (c) of this section.

(3) The superintendent of public instruction shall provide the department of health with the following data, where available, for all nutrition assistance programs that are funded by the United States department of agriculture and administered by the office of the superintendent of public instruction. The superintendent must provide the report for the preceding federal fiscal year by February 1, 2024, and February 1, 2025. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(4) (a) \$21,167,000 of the general fund—state appropriation for fiscal year 2024, \$52,167,000 of the general fund—state appropriation for fiscal year 2025, and \$28,500,000 of the general fund—federal appropriation (CRRSA) are provided solely for reimbursements to school districts for schools and groups of schools required to participate in the federal community eligibility program under section 1, chapter 7, Laws of 2022 (schools/comm. eligibility) for meals not reimbursed at the federal free meal rate.

(b) \$119,000 of the general fund—state appropriation for fiscal year 2024 and \$119,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 271, Laws of 2018 (school meal payment) to increase the number of schools participating in the federal community eligibility program and to support breakfast after the bell programs authorized by the legislature that have adopted the community eligibility provision, and for staff at the office of the superintendent of public instruction to implement section 1, chapter 7, Laws of 2022 (schools/comm. eligibility).

(5) \$7,426,000 of the general fund—federal appropriation (CRRSA/GEER) and \$16,023,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1238 (free school meals). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2024) . . . . .	\$1,719,541,000
General Fund—State Appropriation (FY 2025) . . . . .	\$1,789,729,000
General Fund—Federal Appropriation . . . . .	\$529,429,000
Education Legacy Trust Account—State Appropriation . . . . .	\$54,694,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$4,093,393,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 504 and 506 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2) (a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) (i) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006, except as provided in (b) (ii) of this subsection.

(ii) The superintendent of public instruction shall implement any changes to excess cost accounting methods required under Engrossed Substitute House Bill No. 1436 (special education funding).

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) (a) For the 2023-24 and 2024-25 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390, except that the calculation of the base allocation also includes allocations provided under section 504 (2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2023, to August 31, 2023, the superintendent shall allocate funding to school district programs for special education students as provided in section 509, chapter 297, Laws of 2022, as amended.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 15 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) \$106,931,000 of the general fund—state appropriation for fiscal year 2024, \$112,431,000 of the general fund—state appropriation for fiscal year 2025, and \$29,574,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2023-24 and 2024-25 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (education).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$1,250,000 may be expended from the general fund—state appropriations to fund teachers and aides at Seattle children's hospital. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$87,000 of the general fund—state appropriation for fiscal year 2024, \$87,000 of the general fund—state appropriation for fiscal year 2025, and \$214,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(12) (a) \$13,538,000 of the general fund—federal appropriation (ARPA) is provided solely for allocations from federal funding as authorized in section 2014, the American rescue plan act of 2021, P.L. 117-2.

(b) \$1,777,000 of the general fund—federal appropriation (ARPA) is provided solely for providing preschool services to qualifying special education students under section 619 of the federal individuals with disabilities education act, pursuant to section 2002, the American rescue plan act of 2021, P.L. 117-2.

(13) \$153,091,000 of the general fund—state appropriation for fiscal year 2024 and \$199,246,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1436 (special education funding). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund—State Appropriation (FY 2024) . . . . .	\$40,799,000
General Fund—State Appropriation (FY 2025) . . . . .	\$35,780,000
Workforce Education Investment Account—State Appropriation . . . . .	\$2,700,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$79,279,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) Funding in this section is provided for regional professional development related to English language arts curriculum and instructional strategies aligned with common core state standards. Each educational service district shall use this funding solely for salary and benefits for certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(4) Funding in this section is provided for regional technical support for the K-20 telecommunications network to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(5) Funding in this section is provided for a corps of nurses located at the educational service districts, to be dispatched in coordination with the office of the superintendent of public instruction, to provide direct care to students, health education, and training for school staff. In fiscal years 2024 and 2025, allocations for the corps of nurses is sufficient to provide one day per week of nursing services for all second-class school districts.

(6) Funding in this section is provided for staff and support at the nine educational service districts to provide a network of support for school districts to develop and implement comprehensive suicide prevention and behavioral health supports for students.

(7) Funding in this section is provided for staff and support at the nine educational service districts to provide assistance to school districts with comprehensive safe schools planning, conducting needs assessments, school safety and security trainings, coordinating appropriate crisis and emergency response and recovery, and developing threat assessment and crisis intervention teams. In fiscal years 2024 and 2025, allocations for staff and support for regional safety centers are increased to 3 full-time equivalent certificated instructional staff for each regional safety center.

(8) Funding in this section is provided for regional English language arts coordinators to provide professional development of teachers and principals around the new early screening for dyslexia requirements.

(9) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

(10) \$2,169,000 of the general fund—state appropriation for fiscal year 2024 and \$2,169,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for each educational service district to provide technology consultation, procurement, and training required under chapter 301, Laws of 2021 (schools/computers & devices).

(11) \$1,009,000 of the general fund—state appropriation for fiscal year 2024 and \$1,009,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 87, Laws of 2022 (ed. service district funding).

(12) \$2,700,000 of the workforce education investment account—state appropriation is provided solely for the cost of employing one full-time equivalent employee at each of the nine education service districts to support the expansion of career connected learning.

(13) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for educational service districts to provide students attending school in rural areas with access to a mental health professional using telemedicine. Funding must be prioritized to districts where mental health services are inadequate or nonexistent due to geographic constraints. Funding may be used for schools or school districts for technology upgrades to provide secure access for students, for contracted services, or to pay applicable copays or fees for telemedicine visits if not covered by a student's public or private insurance.

(14) \$325,000 of the general fund—state appropriation for fiscal year 2024 and \$325,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the



Puget Sound educational service district 121 to administer a Washington state capitol civic engagement grant program for the Auburn, Federal Way, Highline, Kent, Renton, and Tukwila public school districts. Grant recipients must use the grant awards to transport one grade of either fourth or fifth grade students to the Washington state capitol campus for a day of civic engagement, which may include a capitol tour, mock legislative committee hearings, presentations on the legislative process, meet and greets with legislative members, and other related activities. If funding remains after all eligible school districts have received grant awards, the remaining funding may be used to support the program for high school students within the eligible school districts. Of the amounts provided in this subsection, \$5,000 of the general fund—state appropriation for fiscal year 2024 and \$5,000 of the general fund—state appropriation for fiscal year 2025 are provided for the Puget Sound educational service district to administer the grant program.

(15) \$5,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to continue behavioral health regional services grants to support school districts with the least access to behavioral health services.

(16) \$2,800,000 of the general fund—state appropriation for fiscal year 2024 and \$2,800,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the educational service districts to expand and maintain student behavioral health and mental health services.

(17) \$643,000 of the general fund—state appropriation for fiscal year 2024 and \$643,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for educational service districts 121 and 101 to coordinate with local mental health agencies and local school districts to arrange for in-school placements of social worker associates licensed under RCW 18.225.145 and masters in social work candidates enrolled in an accredited university program who commit to working as school social workers, and to coordinate clinical supervision for approved supervisors that meet the requirements as defined in rule by the department of health to provide the necessary supervision to the social worker associates and masters in social work candidates.

**NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE**

General Fund—State Appropriation (FY 2024) . . . . .	\$215,327,000
General Fund—State Appropriation (FY 2025) . . . . .	\$211,159,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$426,486,000</b>

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2024) . . . . .	\$14,899,000
General Fund—State Appropriation (FY 2025) . . . . .	\$14,635,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$29,534,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$701,000 of the general fund—state appropriation for fiscal year 2024 and \$701,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) Within the amounts provided in this section, funding is provided to increase the capacity of institutional education programs to differentiate instruction to meet students' unique educational needs, including students with individualized educational plans. Those needs may include but are not limited to one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility. Allocations of amounts for this purpose in a school year must be based on 45 percent of full-time enrollment in institutional education receiving a differentiated instruction amount per pupil equal to the total statewide allocation generated by the distribution formula under RCW 28A.150.260 (4)

(a), (5), (6), and (8) and the allocation under RCW 28A.150.415, per the statewide full-time equivalent enrollment in common schools.

(7) \$200,000 of the general fund—state appropriation in fiscal year 2024 and \$200,000 of the general fund—state appropriation in fiscal year 2025 are provided solely to support two student records coordinators to manage the transmission of academic records for each of the long-term juvenile institutions. One coordinator is provided for each of the following: The Issaquah school district for the Echo Glen children's center and for the Chehalis school district for Green Hill academic school.

(8) Ten percent of the funds allocated for the institution may be carried over from one year to the next.

(9) \$588,000 of the general fund—state appropriation for fiscal year 2024 and \$897,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one educational advocate to each institution with enrollments above 40 full-time equivalent students in addition to any educational advocates supported by federal funding. Educational advocates will provide the following supports to students enrolled in or just released from institutional education programs:

(a) Advocacy for institutional education students to eliminate barriers to educational access and success;

(b) Consultation with juvenile rehabilitation staff to develop educational plans for and with participating youth;

(c) Monitoring educational progress of participating students;

(d) Providing participating students with school and local resources that may assist in educational access and success upon release from institutional education facilities; and

(e) Coaching students and caregivers to advocate for educational needs to be addressed at the school district upon return to the community.

(10) Within the amounts provided in this section, funding is provided to increase materials, supplies, and operating costs by \$85 per pupil for technology supports for institutional education programs. This funding is in addition to general education materials, supplies, and operating costs provided to institutional education programs, which exclude formula costs supported by the institutional facilities.

(11) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support instruction in cohorts of students grouped by similar age and academic levels.

**NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund—State Appropriation (FY 2024) . . . . .	\$33,233,000
General Fund—State Appropriation (FY 2025) . . . . .	\$32,990,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$66,223,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2023-24 and 2024-25 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 505 and 506 of this act.

(b) From July 1, 2023, to August 31, 2023, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 513, chapter 297, Laws of 2022, as amended.

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MISCELLANEOUS —EVERY STUDENT SUCCEEDS ACT**

General Fund—Federal Appropriation. . . . .	\$9,802,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$9,802,000</b>

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS**

General Fund—State Appropriation (FY 2024) . . . . .	\$139,296,000
General Fund—State Appropriation (FY 2025) . . . . .	\$141,513,000
General Fund—Federal Appropriation. . . . .	\$95,825,000
General Fund—Private/Local Appropriation. . . . .	\$1,450,000
Education Legacy Trust Account—State Appropriation. . . . .	\$1,664,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$379,748,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) ACCOUNTABILITY

(a) \$26,975,000 of the general fund—state appropriation for fiscal year 2024, \$26,975,000 of the general fund—state appropriation for fiscal year 2025, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(b) \$14,352,000 of the general fund—state appropriation for fiscal year 2024 and \$14,352,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 159, Laws of 2013 (K-12 education - failing schools).

(2) EDUCATOR CONTINUUM

(a) \$75,317,000 of the general fund—state appropriation for fiscal year 2024 and \$77,424,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$6,206 per teacher in the 2023-24 school year and a bonus of \$6,336 per teacher in the 2024-25 school year;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2023-24 and 2024-25 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after fully exhausting all years of candidacy as set by the national board for professional teaching standards are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(b) \$3,418,000 of the general fund—state appropriation for fiscal year 2024 and \$3,418,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(c) \$477,000 of the general fund—state appropriation for fiscal year 2024 and \$477,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$810,000 of the general fund—state appropriation for fiscal year 2024 and \$810,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(e) \$11,500,000 of the general fund—state appropriation for fiscal year 2024 and \$11,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a beginning educator support program (BEST). The program shall prioritize first year educators in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning educator aligned with professional certification; release time for mentors and new educators to work together; and educator observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators. Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—

state appropriation for fiscal year 2025 are provided solely to support first year educators in the mentoring program.

(f) \$4,000,000 of the general fund—state appropriation for fiscal year 2024 and \$4,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund—State Appropriation (FY 2024)	\$236,993,000
General Fund—State Appropriation (FY 2025)	\$236,173,000
General Fund—Federal Appropriation	\$107,124,000
<b>TOTAL APPROPRIATION</b>	<b>\$580,290,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2023-24 and 2024-25 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2023-24 and 2024-25; (ii) additional instruction of 3.0000 hours per week in school years 2023-24 and 2024-25 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 505 and 506 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2023, to August 31, 2023, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 516, chapter 297, Laws of 2022, as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: 1.75 percent for school year 2023-24 and 1.74 percent for school year 2024-25.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund—state appropriation for fiscal year 2024 and \$35,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to track current and former transitional bilingual program students.

(6) \$1,461,000 of the general fund—state appropriation in fiscal year 2024 and \$1,916,000 of the general fund—state appropriation in fiscal year 2025 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

**NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 2024)	\$467,338,000
General Fund—State Appropriation (FY 2025)	\$466,985,000
General Fund—Federal Appropriation	\$533,487,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,467,810,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2023-24 and 2024-25 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a). In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2023-24 and 2024-25 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2023-24 and 2024-25 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 505 and 506 of this act.

(ii) From July 1, 2023, to August 31, 2023, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 517, chapter 297, Laws of 2022, as amended.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the school year period defined under RCW 28A.150.260(10)(a). A school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2023-24 and 2024-25 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

**NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS**

Statewide Average Allocations

Per Annual Average Full-Time Equivalent Student

Basic Education Program	2023-24 School Year	2024-25 School Year
General Apportionment	\$10,329	\$10,814
Pupil Transportation	\$725	\$745
Special Education Programs	\$11,960	\$12,495
Institutional Education Programs	\$26,938	\$27,909
Programs for Highly Capable Students	\$648	\$674
Transitional Bilingual Programs	\$1,555	\$1,591
Learning Assistance Program	\$1,008	\$1,049

**NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocation purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) When adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, except as provided in subsection (6) of this section.

(4) Appropriations in sections 504 and 506 of this act for insurance benefits under chapter 41.05 RCW are provided solely for the superintendent to allocate to districts for employee health benefits as provided in section 909 of this act. The superintendent may not allocate, and districts may not expend, these amounts for any other purpose beyond those authorized in section 909 of this act.

(5) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

(6) By January 15, 2024, the office of the superintendent of public instruction must identify funding in this Part V from the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f), the American rescue plan act of 2021, P.L. 117-2 and general fund—federal appropriation (CRRSA/GEER) that are provided solely for the purposes defined in sections 507, 522, and 523 of this act and are at risk of being unobligated or unspent by federal deadlines, as of January 15, 2024.

Funding identified at risk under this subsection must be reported to the fiscal committees of the legislature and expended as allocations to school districts in the same proportion as received under part A of title I of the elementary and secondary education act of 1965 in the most recent fiscal year.

**NEW SECTION. Sec. 520. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS**

Washington Opportunity Pathways Account—State	
Appropriation. . . . .	\$184,721,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$184,721,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.
- (2) \$3,293,000 of the opportunity pathways account—state appropriation is provided solely for implementation of chapter 50, Laws of 2023 (K-12 inflationary increases).
- (3) \$1,421,000 of the opportunity pathways account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1436 (special education funding). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 521. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION**

Washington Opportunity Pathways Account—State	
Appropriation. . . . .	\$23,000
Charter Schools Oversight Account—State	
Appropriation. . . . .	\$4,572,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$4,595,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.
- (2) \$28,000 of the charter schools oversight account—state appropriation is provided solely to the Washington state charter school commission to enable each charter school to participate in the governance training required under chapter 197, Laws of 2021 (schools/ equity training).
- (3) \$238,000 of the charter schools oversight account—state appropriation is provided solely for office of the attorney general legal services related to litigation challenging the commission's authority to oversee and regulate charter schools.

**NEW SECTION. Sec. 522. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GRANTS AND PASS THROUGH FUNDING**

General Fund—State Appropriation (FY 2024). . . . .	\$85,370,000
General Fund—State Appropriation (FY 2025). . . . .	\$81,400,000
General Fund—Federal Appropriation. . . . .	\$111,255,000
Elementary and Secondary School Emergency Relief III	
Account—Federal Appropriation. . . . .	\$897,895,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$1,175,920,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$132,000 of the general fund—state appropriation for fiscal year 2024 and \$162,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for global compensation changes.
- (2) GRADUATION SUCCESS AND PREPARATION FOR POSTSECONDARY PATHWAYS
  - (a) \$4,894,000 of the general fund—state appropriation for fiscal year 2024 and \$4,894,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to administer programs and grants which increase equitable access to dual credit programs, including subsidizing or eliminating student costs for dual credit courses or exams. By November 2024, the office shall submit a report to relevant committees of the legislature describing options for entering into statewide agreements with dual credit exam companies that will reduce the overall costs for all students and eliminate costs for students who are low income.
  - (b) \$3,152,000 of the general fund—state appropriation for fiscal year 2024 and \$3,152,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, \$1,475,000 of the 2024 appropriation and \$1,475,000 of the 2025 appropriation shall be used to support FIRST robotics programs in grades four

through twelve. Of the amounts provided in this subsection (2)(b), \$800,000 of the fiscal year 2024 appropriation and \$800,000 of the fiscal year 2025 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(c) \$135,000 of the general fund—state appropriation for fiscal year 2024 and \$135,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(d) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2024, a high school must have offered a foundational project lead the way course during the 2022-23 school year. The 2024 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2023-24 school year. To be eligible for funding in 2025, a high school must have offered a foundational project lead the way course during the 2023-24 school year. The 2025 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2024-25 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(e) \$2,527,000 of the general fund—state appropriation for fiscal year 2024 and \$2,527,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for annual startup, expansion, or maintenance of core plus programs in maritime, construction, and aerospace and advanced manufacturing programs. To be eligible for funding to start up, maintain, or expand programs under (e)(i) through (iii) of this subsection (2), the skills center, high school, or middle school must be selected through a grant process administered by the office of the superintendent of public instruction in consultation with the advisory committee established in (e)(vi) of this subsection (2). The office and the education research and data center shall report annually student participation and long-term outcome data. Within the amounts provided in this subsection (2)(e):

(i) \$900,000 of the general fund—state appropriation for fiscal year 2024 and \$900,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in aerospace and advanced manufacturing programs.

(ii) \$550,000 of the general fund—state appropriation for fiscal year 2024 and \$550,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in construction programs.

(iii) \$550,000 of the general fund—state appropriation for fiscal year 2024 and \$550,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in maritime programs.

(iv) For (e)(i) through (iii) of this subsection (2), when the grant demand does not align with the specified allocation, the superintendent may allocate funding toward sector areas that meet criteria based on agreement from industry sector representatives.

(v) \$527,000 of the general fund—state appropriation for fiscal year 2024 and \$527,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to administer, evaluate, and promote programs under (e)(i) through (iii) of this subsection (2) based on industry sector recommendations, including contracts with sector-specific entities to expand sector-specific employer engagement programs, increase work placement opportunities, validate credentials necessary for direct employment, and provide professional development to support schools, teachers, and students. Professional development must include pedagogy-based learning to increase English language arts, mathematics, and science outcomes through core plus programming.

(vi) The office shall collaborate with industry sector leadership from the core plus program areas and a representative from a statewide business and manufacturing association to inform the administration and continual improvement of core plus programs, review data and outcomes, recommend program improvements, ensure core plus programs reflect current industry competencies, and identify appropriate program credentials.

(f) \$4,940,000 of the general fund—state appropriation for fiscal year 2024 and \$4,940,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(g) \$1,454,000 of the general fund—state appropriation for fiscal year 2024 and \$1,454,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007. The office may require the recipient of these funds to report

the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(h) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for an education and workforce pathway pilot program at the northwest career and technical academy. The pilot program will oversee a pathway including high schools, skills centers, community and technical colleges, and employers that results in students earning a high school diploma and an associate in technical arts degree, while maintaining summer employment.

(i) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to distribute after-exit running start grants to school districts that identify running start students that have exceeded maximum enrollment under running start formulas and high school graduates who have 15 or fewer college credits to earn before meeting associate degree requirements for instruction not funded under section 504(18) of this act. High school graduates who meet these requirements are eligible to receive funds from these grants for fees to the community and technical college to earn up to 15 college credits during the summer academic term following their high school graduation.

(j) \$2,094,000 of the general fund—state appropriation for fiscal year 2024 and \$2,076,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the competitive grant program created in Engrossed Second Substitute Senate Bill No. 5582 (nurse supply). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(k) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the West Sound STEM Network to increase STEM activities for students in school and after school and to develop industry education pathways in high demand sectors.

(l) \$500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office to contract with a nongovernmental entity for a controls programmer apprenticeship program.

(m) \$25,000 of the general fund—state appropriation for fiscal year 2024 and \$25,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a skill center located in Vancouver, Washington to support the center's criminal justice and fire science programs.

(n) \$1,250,000 of the general fund—state appropriation for fiscal year 2024 and \$1,250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to conduct summer open doors pilots with up to 12 dropout reengagement programs to support summer programming. To select pilot participants, the office must prioritize schools and programs that work with postresident youth as defined in RCW 28A.190.005. Amounts provided in this subsection must be used to support programming during the summer months and are in addition to funding generated by enrollment under state funding formulas.

(3) CURRICULUM DEVELOPMENT, DISSEMINATION, AND SUPPORTS

(a) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for project citizen and we the people: The citizen and the constitution programs sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle and high school students. Of the amounts provided, \$15,000 of the general fund—state appropriation for fiscal year 2024 and \$15,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for awarding a travel grant to the winner of the we the people: The citizen and the constitution state competition.

(b) \$373,000 of the general fund—state appropriation for fiscal year 2024 and \$373,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 127, Laws of 2018 (civics education). Of the amounts provided in this subsection (3)(b), \$10,000 of the general fund—state appropriation for fiscal year 2024 and \$10,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grant programs to school districts to help cover travel costs associated with civics education competitions.

(c) \$55,000 of the general fund—state appropriation for fiscal year 2024 and \$55,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(d) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(e) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to provide grants to school



districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated \$1,000,000 is provided solely for community-based nonprofits including tribal education organizations to partner with public schools for next generation science standards.

(f) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(g) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities, including instructional material purchases, teacher and principal professional development, and school and community engagement events. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(h) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(i) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. The office of the superintendent of public instruction may award up to \$500,000 each year, without a matching requirement, to districts with greater than fifty percent of students eligible for free and reduced-price meals. All other awards must be equally matched by private sources for the program, including gifts, grants, or endowments.

(j) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to contract with a qualified 501(c)(3) nonprofit community-based organization physically located in Washington state that has at least 18 years of experience collaborating with the office and school districts statewide to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(k) \$62,000 of the general fund—state appropriation for fiscal year 2024 and \$62,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(l) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(m) \$85,000 of the general fund—state appropriation for fiscal year 2024 and \$85,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the centrum program at Fort Worden state park.

(n) \$20,000,000 of the general fund—state appropriation for fiscal year 2024 and \$20,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to administer an outdoor learning grant program to develop and support outdoor educational experiences for students in Washington public schools. A portion of the amount provided must be used to provide outdoor educational opportunities for people with

disabilities. The office may consult with the Washington recreation and conservation office on outdoor learning program grants. Of the amounts provided in this subsection (3)(n):

(i) \$195,000 of the general fund—state appropriation for fiscal year 2024 and \$195,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to implement chapter 112, Laws of 2022 (outdoor learning grant prg.).

(ii) \$3,903,000 of the general fund—state appropriation for fiscal year 2024 and \$3,903,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the outdoor learning grant program, which consists of two types of grants:

(A) Allocation-based grants for school districts to develop or support outdoor educational experiences; and

(B) Competitive grants for outdoor education providers that are designed to support existing capacity and to increase future capacity for outdoor learning experiences.

(iii) \$15,902,000 of the general fund—state appropriation for fiscal year 2024 and \$15,902,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the outdoor education experiences program. The office must prioritize providing the program to fifth and sixth grade students in high poverty schools, expanding to other fifth and sixth grade students subject to available funds.

(o) \$3,205,000 of the general fund—state appropriation for fiscal year 2024 and \$3,205,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 238, Laws of 2022 (student financial literacy) which provides grants to school districts for integrating financial literacy education into professional development for certificated staff.

(p)(i) \$1,425,000 of the general fund—state appropriation for fiscal year 2024 and \$4,725,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for dual language grants to grow capacity for high quality dual language learning. Grant funding may be used for new and existing dual language programs, heritage language programs for immigrant and refugee students, and indigenous language programs for native students. Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for tribal language grants.

(ii) Each grant recipient must convene an advisory board to guide the development and continuous improvement of its dual language program, including but not limited to: Determining which schools and languages will be prioritized; conducting outreach to the community; and addressing enrollment considerations and the hiring of staff. At least half the members of the board must be parents of English learner students or current or former English learner students. The other members of the board must represent teachers, students, school leaders, governing board members, youth, and community-based organizations that support English learners.

(q) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a statewide information technology academy program. This public-private partnership will provide educational technology, as well as information technology certification and software training opportunities for students and staff in public schools for the 2023-24 school year only. The office must evaluate other options that may be available in the state for a future public-private partnership to deliver similar services to students and staff of public schools at no cost to the state.

(r) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to contract with a nongovernmental entity whose goals are to reduce disparities in student performance and improve algebraic achievement to create a statewide interactive math tutoring tool for middle and high school students that is accessible on a 24 hour basis to students, teachers, and parents across the state. The nongovernmental entity must have previously contracted with five other states and have demonstrated experience creating statewide interactive math tools with proven outcomes in math proficiency.

(s) \$2,036,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a gravitational wave observatory located in southeastern Washington that is supported through the national science foundation to purchase hands-on, interactive exhibits to expand the number of developmentally appropriate learning activities available for K-12 students attending the observatory.

(t) \$170,000 of the general fund—state appropriation for fiscal year 2024 and \$170,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continuation of the math improvement pilot program. Of the amounts provided in this subsection:

(i) \$85,000 of the general fund—state appropriation for fiscal year 2024 and \$85,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Spokane school district.

(ii) \$85,000 of the general fund—state appropriation for fiscal year 2024 and \$85,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Chehalis school district.

(u) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to administer grants to school districts for a plant-based school meals pilot program. Grants may be used for food supplies, delivery costs, equipment purchases, education, and other expenditures to increase access to plant-based school meals. Grant awards to school districts may not exceed \$10,000 per district and may

only be distributed to school districts that have not received funding for the pilot program previously.

(v) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to contract with an organization that works with educators to secure salmon eggs, offer learning opportunities as the fry develop, and assist when students release their fry into local creeks and lakes. Funding may only be used for new programs located in elementary schools that are eligible for high-poverty allocations from the learning assistance program. Of the amounts provided in this subsection, the office may use no more than \$35,000 each fiscal year for office administration costs related to the contract.

(w) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for transitional support grants to school districts to support schools that incur costs transitioning from Native American school mascots, logos, or team names under chapter 301, Laws of 2021. In awarding grants under this subsection, the office must prioritize maximizing the number of schools that receive grant awards and address the most immediate school needs in order to comply with chapter 301, Laws of 2021, and must prioritize applications that are narrowly tailored to address specific compliance issues. School districts receiving funding to comply with the requirements of chapter 301, Laws of 2021 must use the methods that are the least costly and that leave intact existing facilities, including interiors and flooring, to the greatest extent possible. Grants awarded under this section may not be used for general maintenance or improvements of school facilities.

(4) ELIMINATING INEQUITABLE STUDENT OUTCOMES

(a) \$5,895,000 of the general fund—state appropriation for fiscal year 2024, \$1,105,000 of the elementary and secondary school emergency relief III account—federal appropriation, and \$7,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (foster youth edu. outcomes). The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework

(i) Of the amount provided in this subsection (4)(a), \$446,000 of the general fund—state appropriation for fiscal year 2024 and \$446,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(ii) Of the amount provided in this subsection (4)(a), \$1,015,000 of the general fund—state appropriation for fiscal year 2024 and \$1,015,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(iii) Of the amounts provided in this subsection (4)(a), \$684,000 of the general fund—state appropriation for fiscal year 2024 and \$684,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the demonstration site established with funding provided in the 2017-2019 omnibus appropriations act, chapter 1, Laws of 2017, 3rd sp. sess., as amended.

(iv) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the demonstration site established with funding provided in this act.

(v) \$55,000 of the general fund—state appropriation for fiscal year 2024 and \$55,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for maintaining and implementing the data sharing agreement between the office, the department of children, youth, and families, and the contractors to support targeted service delivery, program evaluation, and statewide education outcomes measurement for students served under this section.

(vi) Of the amounts provided in this subsection (4)(a), \$1,105,000 of the elementary and secondary school emergency relief III account—federal appropriation and \$1,105,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the expansion of individualized education services such as monitoring and supporting completion of educational milestones, remediation needs, and special education needs of middle school students who are dependent pursuant to chapter 13.34 RCW.

(b) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 157, Laws of 2016 (homeless students).

(c) \$36,000 of the general fund—state appropriation for fiscal year 2024 and \$36,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for chapter 212, Laws of 2014 (homeless student educational outcomes).

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for contracts with Washington state based nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. An applicant requesting funding under this subsection must successfully demonstrate to the office that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring school youth for at least 20 years in the state prior to application.

(e) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to contract with an organization to create an after-school and summer learning program in the city of Federal Way. The program shall provide comprehensive, culturally competent academic support and cultural enrichment for primarily latinx, spanish-speaking, low-income sixth, seventh, and eighth grade students. The department must contract with an organization with over forty years of experience that serves the latino community in Seattle and King county and has previously established an after-school and summer learning program.

(f) \$850,000 of the general fund—state appropriation for fiscal year 2024 and \$850,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to create and administer a grant program for districts to reduce associated student body fees or participation fees for students who are eligible to participate in the federal free and reduced-price meals program. The office must distribute grants for the 2023-24 school year to school districts by August 10, 2023, and grants for the 2024-25 school year by August 1, 2024.

(i) Grant awards must be prioritized in the following order:

(A) High schools implementing the United States department of agriculture community eligibility provision;

(B) High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal free and reduced-price meals program; and

(C) High schools located in school districts enrolling 5,000 or fewer students.

(ii) High schools that do not comply with the data collection and reporting requirements in RCW 28A.320.540 are not eligible for grant funding.

(iii) The office of the superintendent of public instruction shall award grants that are the lesser of the cost of the high school's associated student body card multiplied by the number of students eligible for the free or reduced-price meals program that purchased a student body card in either 2022-23 or 2023-24 school year, whichever is higher, or \$10,000.

(iv) The office may award additional funding if:

(A) The appropriations provided are greater than the total amount of funding requested at the end of the application cycle; and

(B) The applicant shows a demonstrated need for additional support.

(g) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to contract with a Washington-based nonprofit organization to promote equitable access in science, technology, engineering, and math education for historically underserved students and communities. The nonprofit shall provide a system of science educational programming specifically for migrant and bilingual students, including teacher professional development, culturally responsive classroom resources that are aligned with Washington state science and environmental and sustainability learning standards, and implementation support. At least 50 percent of the funding provided in this subsection must serve schools and school districts in eastern Washington. The nonprofit organization must have experience developing and implementing science and environmental science programming and resources for migrant and bilingual students.

(h) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization serving opportunity youth in Pierce, King and Snohomish counties. The organization must assist traditionally underrepresented students on nontraditional educational pathways by providing mentorship and technical assistance in navigating higher education and financial aid. The office may require the recipient of these funds to report the impacts of the efforts in alignment with the measures of the Washington school improvement framework.

(i) \$1,399,000 of the general fund—state appropriation for fiscal year 2024 and \$1,399,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for school districts to support youth who are truant under chapter 28A.225 RCW or at risk of becoming truant, and for costs associated with filing or serving petitions under RCW 28A.225.030.

(j) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to school districts and educational service districts operating institutional education programs for youth in state long-term juvenile institutions to provide access to computer science elective courses created in chapter 234, Laws of 2022 (computer science instruction).

(k) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to school districts, charter schools, and state-tribal education compact schools to establish K-12 intensive tutoring programs. Grants shall be used to recruit, train, and hire tutors to provide one-on-one tutoring services to K-12 students experiencing learning loss as a result of the COVID-19 pandemic. The tutors must receive training in proven tutoring models to ensure their effectiveness in addressing learning loss.

(l) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 180, Laws of 2017 (Washington Aim program).

(m) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to

the pacific science center to increase hands-on learning opportunities for Title I K-5 students statewide by increasing access to science on wheels and virtual field trips.

(n) (i) \$216,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to administer a peer support competitive grant program in Washington public schools. The office must award grants to eligible school districts starting in the 2023-24 school year. Programs should be designed to be primarily youth-led and aim to increase youth school engagement and support personal/cultural identities, and reduce risks associated with depression, school violence, and bullying. Successful grantees may consult with Washington teen link and the natural helper program in the development of the grant criteria, and the development of training material support. Program components should include:

- (A) Identification of trusted peers and staff who other students confide in;
- (B) Development or adaption of training materials;
- (C) Intensive training for peer and staff supporters;
- (D) Avenues to advertise peer support communication strategies; and
- (E) Participant and program evaluations.

(ii) School districts may also use funds to develop a sister school rapid trauma response strategy. Under this component, successful applicants reach out to other schools also receiving a peer support grant to develop a trauma response plan that quickly organizes students and staff to contact peers within those schools during times of school trauma and offer support.

(iii) The office shall evaluate the program to share best practices and for consideration by other school districts.

(o) \$175,000 of the general fund—state appropriation for fiscal year 2024 and \$175,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to contract with a nonprofit organization to develop and provide a Latino youth-on-youth gang violence prevention program for students. The program must target Latino students ages 11 through 17 who are either involved in or at risk of becoming involved in a gang or in gang activities. Eligible youth must be enrolled in either the Moses Lake or Federal Way school districts. The nonprofit organization must have at least 15 years of experience serving Latino communities and promoting advocacy and must provide social kindergarten through 12th grade social emotional learning, mental health wraparound services, and parent engagement programs in Washington.

(p) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to administer the technology grant program established under chapter 301, Laws of 2021.

(q) \$625,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office to contract with an organization located in SeaTac, Washington to provide wraparound social services and expand and maintain existing education and family engagement programs that serve students and their families in the Federal Way and Highline public school districts. The work of the organization must focus on housing and social services, education, and economic development for African immigrant and refugee communities.

(r) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to contract with a nonprofit organization located in Everett, Washington to provide arts and culture programs to 500 low-income children and youth from diverse racial and ethnic backgrounds to close the education achievement gap in Snohomish county by improving student and youth confidence and improving mental health outcomes.

(s) \$360,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the Shelton School District to contract with an organization that provides a free early childhood music education to teach music literacy and key skills to prepare children for success in school. The organization must provide Spanish, Mam, and Q'anjob'al versions of the early learning music education program during the 2023-24 school year.

(5) EDUCATOR GROWTH AND DEVELOPMENT

(a) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(b) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office to contract with the association of Washington school principals to provide support, mentoring, mediation, and professional learning services to school principals and assistant principals in the greater Seattle area.

(c) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization that supports Washington teachers in implementing lessons on the Holocaust for the expansion of comprehensive Holocaust and genocide education.

(6) FEDERAL GRANTS FOR COVID-19 RECOVERY

(a) \$7,791,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely to administer a grant program for community-based organizations to collaborate with school districts to support learning recovery and acceleration.

(b) \$102,002,000 of the general fund—federal appropriation (CRRSA/ESSER) from funds attributable to subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M is provided solely for subgrants to local education agencies. Total subgrants awarded under this subsection (6)(b), section 1517(47)(b) of this act, and section 12, chapter 3, Laws of 2021 may not exceed the federal amounts provided under subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(c) \$9,253,000 of the general fund—federal appropriation (CRRSA/GEER) is provided solely to provide emergency assistance to nonpublic schools, as authorized in section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. Total funds provided under this subsection (6)(c), section 1517(47)(c)(i) of this act, and section 13, chapter 3, Laws of 2021 may not exceed the federal amounts provided in section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(d) \$671,375,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(2) the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies. Total subgrants awarded under this subsection (6)(d) and section 1517(47)(d) of this act may not exceed the federal amounts provided under subsection 2001(e)(2), the American rescue plan act of 2021, P.L. 117-2.

(e) \$123,373,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(1), the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies to address learning loss. Total subgrants awarded under this subsection (6)(e) and section 1517(47)(e) of this act may not exceed the federal amounts provided under subsection 2001(e)(1), the American rescue plan act of 2021, P.L. 117-2, and may not exceed the funding authorized in section 1517(47)(e) of this act.

(f) \$10,335,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(3), the American rescue plan act of 2021, P.L. 117-2 is provided solely to support evidence-based comprehensive afterschool programs. Total funds provided under this subsection (6)(f) and section 1517(47)(g) of this act may not exceed the funding authorized in section 1517(47)(g) of this act.

(g) \$6,184,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to districts to expand the number of dual language classrooms in early grades and professional development to accelerate literacy gains in early grades, especially for English learners. Total funds provided under this subsection (6)(g) and section 1517(47)(h) of this act may not exceed the funding authorized in section 1517(47)(h) of this act.

(h)(i) \$8,428,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the purposes of identifying children and youth experiencing homelessness and providing children and youth experiencing homelessness with:

(A) Wrap-around services due to the challenges of the COVID-19 public health emergency; and

(B) Assistance needed to enable children and youth experiencing homelessness to attend school and participate fully in school activities.

(ii) Total funds provided under this subsection (6)(h) and section 1517(47)(n) of this act may not exceed the federal amounts provided in subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2.

(i) \$65,610,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for the office of the superintendent of public instruction to administer grants for the purposes of learning recovery and acceleration. Allowable uses of the funds are limited to:

(i) One-time contracts for classified, certificated, or administrative staff who will provide tiered academic and social-emotional supports to students most impacted by the disruption of in-person learning, including locating and reengaging students who have disengaged from school, one-on-one and small-group instruction, and other intensive learning supports;

(ii) Professional learning for educators focused on learning recovery and acceleration, including assessing student learning and social-emotional needs, transitioning to standards-based curricula and grading, adopting competency or mastery-based options specifically for credit retrieval purposes, and family and student engagement strategies;

(iii) Procuring assessment or data systems that provide actionable just-in-time data regarding student progress throughout the school year; and

(iv) Direct supports to students to improve school engagement and accelerate learning.

(j) \$995,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the office of the superintendent of public instruction to contract with the Washington school principals' education foundation to support pandemic related learning loss through outdoor learning and overnight camp experiences.

(k) \$173,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(2), the American rescue plan act

of 2021, P.L. 117-2 is provided solely for grants to entities or organizations to provide outdoor education summer enrichment programs to youth. Recipients must prioritize activities or programs that:

- (i) Promote students connecting socially with their classmates;
- (ii) Encourage students to engage in physical activity; and
- (iii) Support families who have struggled with child care needs.

(l) \$143,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants for supplies, equipment, staffing, and services to increase access to summer meals and safe school meals in the 2023-24 school year and summer prior to the start of the school year.

(m) \$2,383,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, is provided solely for grants to school districts to expand career and technical education graduation pathway options, including career-connected learning opportunities. Total funds provided under this subsection (6)(m) and section 1517(47)(i) of this act for the same purpose may not exceed the funding authorized in section 1517(47)(i) of this act.

**NEW SECTION. Sec. 523. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITION TO KINDERGARTEN PROGRAMS**

General Fund—State Appropriation (FY 2024) . . . . .	\$5,172,000
General Fund—State Appropriation (FY 2025) . . . . .	\$67,008,000
General Fund—Federal Appropriation . . . . .	\$41,848,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$114,028,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$5,172,000 of the general fund—state appropriation for fiscal year 2024, \$67,008,000 of the general fund—state appropriation for fiscal year 2025, and \$41,848,000 of the general fund—federal appropriation (CRRSA/GEER) are for implementation of Second Substitute House Bill No. 1550 (transition to kindergarten). If the bill is not enacted by June 30, 2023, the office of the superintendent of public instruction must distribute the amounts appropriated in this section for enrollment funding for transitional kindergarten programs to participating school districts, charter schools authorized pursuant to RCW 28A.710.080(2), and state-tribal education compact schools during the 2023-24 and 2024-25 school years. Enrollment funding for transitional kindergarten is not part of the state's statutory program of basic education.

(End of part)

**PART VI  
HIGHER EDUCATION**

**NEW SECTION. Sec. 601.** The appropriations in sections 605 through 611 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 605 through 611 of this act.

(2) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the office of financial management for inclusion in the agency's data warehouse. Uniform reporting procedures shall be established by the office of financial management's office of the state human resources director for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(4)(a) For employees under the jurisdiction of chapter 41.56 or 41.80 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(b) For each institution of higher education receiving appropriations under sections 606 through 611 of this act:

(i) The only allowable salary increases are those associated with normally occurring promotions and increases related to faculty and staff retention and as provided in Part IX of this act.

(ii) Institutions may provide salary increases from sources other than general fund appropriations and tuition revenues to instructional and research faculty, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under chapter 41.80 RCW. It is the intent of the legislature that salary increases provided under

this subsection (4)(b)(ii) not increase state general fund support or impact tuition expenditures by an institution unless the legislature so determines.

(iii) Funding for salary increases provided under (b)(ii) of this subsection and RCW 41.76.035 and 28B.52.035 on or after July 1, 2019, must be excluded from the general fund and tuition salary base when calculating state funding for future general wage or other salary increases on or after July 1, 2019. In order to facilitate this funding policy, each institution shall report to the office of financial management on the details of locally authorized salary increases granted under (b)(ii) of this subsection and RCW 41.76.035 and 28B.52.035 with its 2023-2025 biennium budget submittal. At a minimum, the report must include the total cost of locally authorized increases by fiscal year, a description of the locally authorized provision, and the long-term source of funds that is anticipated to cover the cost.

(5) Within funds appropriated to institutions in sections 605 through 611 of this act, teacher preparation programs shall meet the requirements of RCW 28B.10.710 to incorporate information on the culture, history, and government of American Indian people in this state by integrating the curriculum developed and made available free of charge by the office of the superintendent of public instruction into existing programs or courses and may modify that curriculum in order to incorporate elements that have a regionally specific focus.

(6) Each institution of higher education must include the phone number of a campus, local, state, or national suicide, crisis, or counseling hotline on the back of newly issued student and faculty identification cards.

(7)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

- (i) The number of Washington college grant and college bound recipients;
  - (ii) Persistence and completion rates of Washington college grant recipients and college bound recipients, disaggregated by institution of higher education;
  - (iii) Washington college grant recipient grade point averages; and
  - (iv) Washington college grant and college bound scholarship program costs.
- (b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

**NEW SECTION. Sec. 602.** (1) Within the amounts appropriated in this act, each institution of higher education shall seek to:

- (a) Maintain and to the extent possible increase enrollment opportunities at campuses;
- (b) Maintain and to the extent possible increase enrollment opportunities at university centers and other partnership programs that enable students to earn baccalaureate degrees on community college campuses; and
- (c) Eliminate and consolidate programs of study for which there is limited student or employer demand, or that are not areas of core academic strength for the institution, particularly when such programs duplicate offerings by other in-state institutions.

(2) For purposes of monitoring and reporting statewide enrollment, the University of Washington and Washington State University shall notify the office of financial management of the number of full-time student equivalent enrollments for each of their campuses.

**NEW SECTION. Sec. 603. PUBLIC BACCALAUREATE INSTITUTIONS**

(1) The state universities, the regional universities, and The Evergreen State College must accept the transfer of college-level courses taken by students under RCW 28A.600.290 or 28A.600.300 if a student seeking a transfer of the college-level courses has been admitted to the state university, the regional university, or The Evergreen State College, and if the college-level courses are recognized as transferrable by the admitting institution of higher education.

(2) Appropriations in sections 606 through 611 of this act are sufficient to implement 2023-25 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80 RCW.

(3) For institutions of higher education receiving funding for cybersecurity and nursing academic programs for students in sections 606 through 611 of this act, each institution must coordinate with the student achievement council as provided in section 612(10) of this act and submit a progress report on new or expanded cybersecurity and nursing academic programs, including the number of students enrolled.

**NEW SECTION. Sec. 604. STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

Appropriations in section 605 of this act are sufficient to implement 2023-25 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80 RCW and as set forth in part IX of this act.

**NEW SECTION. Sec. 605. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund—State Appropriation (FY 2024) . . . . .	\$918,693,000
General Fund—State Appropriation (FY 2025) . . . . .	\$984,293,000
Community/Technical College Capital Projects	



Account—State Appropriation. . . . .	\$21,368,000
Education Legacy Trust Account—State Appropriation. . . . .	\$164,067,000
Workforce Education Investment Account—State Appropriation. . . . .	\$300,417,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$2,388,838,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,261,000 of the general fund—state appropriation for fiscal year 2024 and \$33,261,000 of the general fund—state appropriation for fiscal year 2025 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2024 and at least 7,170 full-time equivalent students in fiscal year 2025.

(2) \$5,000,000 of the general fund—state appropriation for fiscal year 2024, \$5,000,000 of the general fund—state appropriation for fiscal year 2025, and \$5,450,000 of the education legacy trust account—state appropriation are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature under RCW 43.01.036 regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund—state appropriation for fiscal year 2024 and \$425,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for Seattle Central College's expansion of allied health programs.

(4) \$5,250,000 of the general fund—state appropriation for fiscal year 2024 and \$5,250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the student achievement initiative.

(5) \$1,610,000 of the general fund—state appropriation for fiscal year 2024, \$1,610,000 of the general fund—state appropriation for fiscal year 2025, and \$904,000 of the workforce education investment account—state appropriation are provided solely for the mathematics, engineering, and science achievement program.

(6) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(8) \$23,748,000 of the general fund—state appropriation for fiscal year 2024 and \$24,270,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) \$157,000 of the general fund—state appropriation for fiscal year 2024 and \$157,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Wenatchee Valley college wildfire prevention program.

(12) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Puget Sound welcome back center at Highline College to create a grant program for internationally trained individuals seeking employment in the behavioral health field in Washington state.

(13) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(14) \$216,000 of the general fund—state appropriation for fiscal year 2024 and \$216,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the opportunity center for employment and education at North Seattle College.

(15) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for Highline College to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(16) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for Peninsula College to maintain the annual cohorts of the specified programs as follows:

- (a) Medical assisting, 40 students;
- (b) Nursing assistant, 60 students; and
- (c) Registered nursing, 32 students.

(17) \$338,000 of the general fund—state appropriation for fiscal year 2024 and \$338,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington state labor education and research center at South Seattle College.

(18) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the aerospace and advanced manufacturing center of excellence hosted by Everett Community College to develop a semiconductor and electronics manufacturing branch in Vancouver.

(19)(a) \$80,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a pilot program to help students, including those enrolled in state registered apprenticeship programs, connect with health care coverage. The state board for community and technical colleges must provide resources for up to two community or technical colleges, one on the east side and one on the west side of the Cascade mountains, to hire or train an employee to:

(i) Provide information to students and college staff about available health insurance options;

(ii) Develop culturally relevant materials and conduct outreach for historically marginalized and underserved student populations to assist these populations in their knowledge of access to low cost or free health insurance plans;

(iii) Provide ongoing technical assistance to students about health insurance options or the health insurance application process; and

(iv) Provide technical assistance to students as a health benefit exchange certified assister, to help students understand, shop, apply, and enroll in health insurance through Washington health planfinder.

(b) Participation in the exchange assister program is contingent on fulfilling applicable contracting, security, and other program requirements.

(c) The state board, in collaboration with the student achievement council and the health benefit exchange, must submit a report by June 30, 2024, to the appropriate committees of the legislature, pursuant to RCW 43.01.036, on information about barriers students, including those enrolled in state registered apprenticeship programs, encountered accessing health insurance coverage; and to provide recommendations on how to improve student access to health coverage based on data gathered from the pilot program.

(20) \$1,500,000 of the general fund—state appropriation for fiscal year 2024, \$1,500,000 of the general fund—state appropriation for fiscal year 2025, and \$75,847,000 of the workforce education investment account—state appropriation are provided solely for statewide implementation of guided pathways at each of the state's community and technical colleges or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(21) \$15,220,000 of the workforce education investment account—state appropriation is provided solely for college operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(22) \$15,220,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(23) \$40,800,000 of the workforce education investment account—state appropriation is provided solely to continue to fund nurse educator salaries.

(24) \$40,000,000 of the workforce education investment account—state appropriation is provided to continue to fund high-demand program faculty salaries, including but not limited to nurse educators, other health-related professions, information technology, computer science, and trades.

(25) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for the state board for community and technical colleges to maintain high-demand and career launch enrollments, as provided under RCW 28C.30.020. Within the amounts provided in this subsection (25):

(a) \$6,000,000 of the amounts in this subsection (25) are provided to maintain career launch enrollments, as provided under RCW 28C.30.020.

(b) \$2,000,000 of the amounts in this subsection (25) are provided to maintain enrollments in high demand programs. These programs include, but are not limited to, allied health, computer and information science, manufacturing, and other fields identified by the state board for community and technical colleges.

(c) The state board for community and technical colleges may transfer amounts between (a) and (b) of this subsection if either program does not have sufficient demand to spend the allocated funding. Any transfer must be approved by the state board for community and technical colleges and the office of financial management.

(26) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for the emergency assistance grant program in RCW 28B.50.295.

(27) \$1,119,000 of the general fund—state appropriation for fiscal year 2024, \$1,119,000 of the general fund—state appropriation for fiscal year 2025, and \$4,221,000 of the workforce education investment account—state appropriation are provided solely for implementation of diversity, equity, inclusion, and antiracism provisions in chapter 28B.10 RCW.

(28) \$20,473,000 of the workforce education investment account—state appropriation is provided solely for implementation of equity and access provisions in chapter 28B.50 RCW.

(29)(a) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to promote workforce development in trucking and trucking-related supply chain industries and the school bus driving industry by expanding the number of registered apprenticeships, preapprenticeships, and trucking related training programs; and providing support for registered apprenticeships or programs in trucking and trucking-related supply chain industries and the school bus driving industry.

(b) Grants awarded under this subsection may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training spaces and locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations to include foster care and homeless transition populations and previously incarcerated persons;

(iii) Faculty curriculum development and instructor training for driving, repair, and service of technological advancements facing the industries;

(iv) Tuition assistance for commercial vehicle driver and related supply chain industry training, fees associated with driver testing, and other reasonable and necessary student support services, including child care costs; and

(v) Fees and other reasonable costs associated with commercial truck driving examiner training and certification.

(c) An entity is eligible to receive a grant if it is a nonprofit, nongovernmental, or institution of primary or higher education that provides training opportunities, including apprenticeships, preapprenticeships, preemployment training, commercial vehicle driver training and testing, or vocational training related to mechanical and support functions that support the trucking industry or the school bus driving industry; or incumbent worker training to prepare workers for the trucking and trucking-related supply chain industries or the school bus driving industry. Preference will be given to entities in compliance with government approved or accredited programs. Reporting requirements, as determined by the board, shall be required.

(d) The board may use up to five percent of funds for administration of grants.

(30) \$3,200,000 of the workforce education investment account—state appropriation is provided solely for costs associated with grants awarded in fiscal year 2023 for nursing programs to purchase or upgrade simulation laboratory equipment.

(31)(a) \$9,336,000 of the workforce education investment account—state appropriation is provided solely to expand cybersecurity academic enrollments by 500 FTE students.

(b) The state board for community and technical colleges must coordinate with the student achievement council as provided in section 612(10) of this act to submit a progress report on the new or expanded cybersecurity academic programs, including the number of students enrolled.

(32) \$410,000 of the workforce education investment account—state appropriation is provided solely to establish a center for excellence in cybersecurity.

(33) \$2,068,000 of the general fund—state appropriation for fiscal year 2024 and \$2,068,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for legal services related to litigation by employees within the community and technical college system challenging the denial of retirement and sick leave benefits. The cases include *Wolf v. State and SBCTC*, *Rush v. State and SBCTC* (retirement), and *Rush v. State and SBCTC* (sick leave).

(34) \$4,000,000 of the general fund—state appropriation for fiscal year 2024 and \$4,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the opportunity grant program to provide health care workforce grants for students.

(35) \$2,720,000 of the general fund—state appropriation for fiscal year 2024 and \$2,720,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for each community and technical college to contract with a community-based organization to assist with financial aid access and support in communities.

(36) \$6,456,000 of the workforce education investment account—state appropriation is provided solely for the expansion of existing programming to accommodate refugees and immigrants who have arrived in Washington state on or after July 1, 2021, and are eligible for federal refugee resettlement services, including those from Afghanistan and Ukraine.

(37)(a) \$2,160,000 of the general fund—state appropriation for fiscal year 2024, \$2,160,000 of the general fund—state appropriation for fiscal year 2025, and \$3,600,000 of the workforce education investment account—state appropriation are provided solely for nursing education, to increase the number of nursing slots by at least 400 new slots in the 2023-2025 fiscal biennium.

(b) The state board for community and technical colleges must coordinate with the student achievement council as provided in section 612(10) of this act to submit a progress report on the new or expanded nursing academic programs, including the number of students enrolled per program.

(38) \$200,000 of the workforce education investment account—state appropriation is provided solely for the Bellingham Technical College maritime apprenticeship program.

(39) \$2,100,000 of the workforce education investment account—state appropriation is provided solely for the Skagit Valley College dental therapy education program.

(40) \$855,000 of the workforce education investment account—state appropriation is provided solely for the Seattle Central College for partnership with the Seattle maritime academy. Seattle Central College must enter into a memorandum of agreement with Washington state ferries. Funding may not be expended until Seattle Central College certifies to the office of financial management that a memorandum of agreement with Washington state ferries has been executed. The memorandum of agreement must address:

(A) The shared use of training and other facilities and implementation of joint training opportunities where practicable;

(B) Development of a joint recruitment plan aimed at increasing enrollment of women and people of color, with specific strategies to recruit existing community and technical college students, maritime skills center students, high school students from maritime programs, foster care graduates, and former juvenile rehabilitation and adult incarcerated individuals; and

(C) Development of a training program and recruitment plan and a five-year operational plan.

(ii) The joint training program and recruitment plan and the five-year operational plan must be submitted to the appropriate policy and fiscal committees of the legislature by December 1, 2023.

(41) \$200,000 of the workforce education investment account—state appropriation is provided solely for the state board for community and technical colleges to work with interested parties, such as local law enforcement agencies, the department of corrections, representatives of county or city jail facilities, the Washington state patrol, Washington community and technical colleges, and other organizations and entities as appropriate to assess the recruitment and retention challenges for their agencies and develop recommendations to meet the workforce needs. These recommendations should focus on education and training programs that meet the needs of law enforcement and corrections agencies and must include an outreach strategy designed to inform and attract students in non-traditional program pathways. The assessment and recommendations shall be provided in a report to the governor and the appropriate committees of the legislature, pursuant to RCW 43.01.036, by October 1, 2024.

(42) \$12,000,000 of the workforce education investment account—state appropriation is provided solely to support the continued diversity, equity, and inclusion efforts of institutions.

(43) \$331,000 of the general fund—state appropriation for fiscal year 2024, \$331,000 of the general fund—state appropriation for fiscal year 2025, and \$1,360,000 of the workforce education investment account—state appropriation are provided solely for implementation of state registered apprenticeship provisions in chapter 28B.124 RCW.

(44) \$200,000 of the workforce education investment account—state appropriation is provided solely for the Everett Community College parent leadership training institute to recruit and train new course instructors to build additional capacity.

(45) \$19,850,000 of the general fund—state appropriation for fiscal year 2024 and \$35,024,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation support.

(46) \$243,000 of the general fund—state appropriation for fiscal year 2024, \$180,000 of the general fund—state appropriation for fiscal year 2025, and \$400,000 of the workforce education investment account—state appropriation are provided solely for Renton Technical College. Of the amounts provided in this subsection:

(a) \$400,000 of the workforce education investment account—state appropriation is for the college to award full tuition and fees to students who attend the college and graduated high school in the school district where the main campus is located. Eligible students must complete a free application for federal student aid or the Washington application for state financial aid. A report on the number of students utilizing the funding must be submitted to the appropriate committees of the legislature, pursuant to RCW 43.01.036, by January 15, 2024.

(b) \$243,000 of the general fund—state appropriation for fiscal year 2024 and \$180,000 of the general fund—state appropriation for fiscal year 2025 are for continuing outreach and participation in running start and adult education programs, including the program described in (a) of this subsection.

(47)(a) \$700,000 of the workforce education investment account—state appropriation is provided solely for the state board to administer a pilot program to increase career and technical education dual credit participation and credential attainment in professional technical programs. The state board, in collaboration with the office of the superintendent of public instruction, must select up to three community and technical colleges to participate in the pilot program during the 2023-24 and 2024-25 academic years. The three colleges must be located within the same educational service district and one must be located in a county with a population between 115,000 and 150,000. Colleges and school districts participating in the career and technical education dual credit grant program may utilize funding to cover the following expenses:

(i) Subsidized out-of-pocket costs to students and families for supplies, textbooks, materials, and credit transcription fees;

(ii) Outreach to prospective students and students who have completed career and technical education dual credit courses and are eligible to receive postsecondary credit to encourage participation and credit transcription;

(iii) Costs associated with staff or teacher time dedicated to curriculum alignment or the development of articulation agreements; and

(iv) Equipment and supplies for career and technical education dual credit courses required to meet postsecondary learning objectives.

(b) By December 10, 2024, the state board, in collaboration with the office of the superintendent of public instruction, must issue a preliminary report to the appropriate committees of the legislature, pursuant to RCW 43.01.036, with findings and recommendations regarding the pilot program that may be scaled statewide. The final report is due by December 10, 2025. The state board must establish a stakeholder committee that is representative of students, faculty, staff, and agency representatives to inform this work. The report must include recommendations on the following topics:

(i) Course articulation and development of model articulation agreements;

(ii) Data collection and reporting;

(iii) Credit transcription and transfer;

(iv) Student advising and career guidance supports;

(v) Alignment of career and technical education dual credit programs with credential pathways and in-demand career fields;

(vi) Funding for industry-recognized credentials;

(vii) Identification of priority courses and programs; and

(viii) Evaluation of the statewide enrollment and data system, and recommendations for improvements to or replacement of the system to reflect articulation agreement data, student data, and transcription information to support data validity, credit portability, and program improvement.

(48) \$500,000 of the workforce education investment account—state appropriation is provided solely for Olympic College to partner with regional high schools for college in the high school courses on-site at one or more regional high schools.

(49) \$1,262,000 of the workforce education investment account—state appropriation is provided solely for the centers of excellence.

(50) \$5,236,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(51) \$3,718,000 of the workforce education investment account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5702 (student homelessness pilot). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(52) \$7,470,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5048 (college in high school fees). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(53) \$882,000 of the workforce education investment account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5582 (nurse supply). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(54) Within the amounts appropriated in this section, the state board for community and technical colleges shall develop a plan that includes the cost to provide compensation to part-time and adjunct faculty that equals or exceeds 85 percent of the compensation provided to comparably qualified full-time and tenured faculty by the 2026-27 academic year. The plan must be submitted to the governor and the higher education committees of the legislature, in accordance with RCW 43.01.036, by July 1, 2024.

**NEW SECTION. Sec. 606. FOR THE UNIVERSITY OF WASHINGTON**

General Fund—State Appropriation (FY 2024)	\$521,181,000
General Fund—State Appropriation (FY 2025)	\$453,529,000
Aquatic Lands Enhancement Account—State	
Appropriation	\$1,646,000
Climate Commitment Account—State Appropriation	\$3,150,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation	\$20,000,000
Natural Climate Solutions Account—State	
Appropriation	\$837,000
Statewide 988 Behavioral Health Crisis Response Line	
Account—State Appropriation	\$280,000
University of Washington Building Account—State	
Appropriation	\$1,546,000
Education Legacy Trust Account—State Appropriation	\$39,643,000
Economic Development Strategic Reserve Account—State	
Appropriation	\$3,127,000
Biotoxin Account—State Appropriation	\$632,000
Dedicated Cannabis Account—State Appropriation	
(FY 2024)	\$351,000

Dedicated Cannabis Account—State Appropriation (FY 2025) . . . . .	\$365,000
Accident Account—State Appropriation . . . . .	\$8,586,000
Medical Aid Account—State Appropriation . . . . .	\$8,025,000
Workforce Education Investment Account—State Appropriation . . . . .	\$89,216,000
Geoduck Aquaculture Research Account—State Appropriation . . . . .	\$414,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$1,152,528,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$49,289,000 of the general fund—state appropriation for fiscal year 2024 and \$50,374,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2024, \$200,000 of the general fund—state appropriation for fiscal year 2025, and \$100,000 of the workforce education investment account—state appropriation are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(3) \$10,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to maintain and expand the number of residency slots available in Washington.

(4) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(5) \$14,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(6) \$3,062,000 of the economic development strategic reserve account—state appropriation is provided solely to support the joint center for aerospace innovation technology.

(7) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(8) \$7,345,000 of the general fund—state appropriation for fiscal year 2024 and \$7,345,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(9) \$2,625,000 of the general fund—state appropriation for fiscal year 2024 and \$2,625,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(10) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

(11) \$1,200,000 of the general fund—state appropriation for fiscal year 2024, \$1,200,000 of the general fund—state appropriation for fiscal year 2025, and \$1,200,000 of the workforce education investment account—state appropriation are provided solely for the adult psychiatry residency program at the University of Washington to offer additional residency positions that are approved by the accreditation council for graduate medical education.

(12) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—appropriation for fiscal year 2025 are provided solely for the University of Washington's psychiatry integrated care training program.

(13) \$427,000 of the general fund—state appropriation for fiscal year 2024, \$427,000 of the general fund—state appropriation for fiscal year 2025, and \$426,000 of the workforce education investment account—state appropriation are provided solely for child and adolescent psychiatry residency positions that are approved by the accreditation council for graduate medical education, as provided in RCW 28B.20.445.

(14) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the University of Washington School of Dentistry to support its role as a major oral health provider to individuals covered by medicaid and the uninsured.

(15) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the pre-law pipeline and social justice program at the University of Washington-Tacoma.

(16) \$226,000 of the general fund—state appropriation for fiscal year 2024 and \$226,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the university's neurology department to create a telemedicine program to disseminate dementia care best practices to primary care practitioners using the project ECHO model. The program shall provide a virtual connection for providers and content experts and include didactics, case conferences, and an emphasis on practice transformation and systems-level issues that affect care delivery. The initial users of this program shall include referral sources in health care systems and clinics, such as the university's neighborhood clinics and Virginia Mason Memorial in Yakima with a goal of adding 15 to 20 providers from smaller clinics and practices per year.

(17) \$102,000 of the general fund—state appropriation for fiscal year 2024, \$102,000 of the general fund—state appropriation for fiscal year 2025, and \$350,000 of the workforce education investment account—state appropriation are provided solely for the university's center for international trade in forest products.

(18) \$500,000 of the general fund—state appropriation for fiscal year 2024, \$500,000 of the general fund—state appropriation for fiscal year 2025, and \$500,000 of the workforce education investment account—state appropriation are provided solely for the Latino center for health.

(19) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a firearm policy research program. The program will:

- (a) Support investigations of firearm death and injury risk factors;
- (b) Evaluate the effectiveness of state firearm laws and policies;
- (c) Assess the consequences of firearm violence; and
- (d) Develop strategies to reduce the toll of firearm violence to citizens of the state.

(20) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the climate impacts group in the college of the environment.

(21) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the college of education to collaborate with teacher preparation programs and the office of the superintendent of public instruction to develop open access climate science educational curriculum for use in teacher preparation programs.

(22) \$300,000 of the general fund—state appropriation for fiscal year 2024, \$300,000 of the general fund—state appropriation for fiscal year 2025, and \$300,000 of the workforce education investment account—state appropriation are provided solely for the Harry Bridges center for labor studies. The center shall work in collaboration with the state board for community and technical colleges.

(23) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(24) \$8,000,000 of the workforce education investment account—state appropriation is provided solely to maintain degree production in the college of engineering at the Seattle campus.

(25) (a) \$2,724,000 of the workforce education investment account—state appropriation is provided solely to maintain the Washington state academic redshirt program on the Seattle campus and establish a program on the Bothell campus.

(b) The university must provide a report on the redshirt program at the Seattle and Bothell campuses, including, but not limited to, the following:

- (i) The number of students who have enrolled in the program and the number of students by cohort;
- (ii) The number of students who have completed the program and the number of students by cohort;
- (iii) The placements of students by academic major;
- (iv) The number of students placed in first-choice majors;
- (v) The number of underrepresented minority students in the program;
- (vi) The number of first-generation college students in the program;
- (vii) The number of Washington college grant eligible or Pell grant eligible students in the program;
- (viii) The number of Washington state opportunity scholarship recipients in the program;
- (ix) The number of students who completed the program and graduated with a science, technology, engineering, or math related degree and the number of graduates by cohort; and
- (x) Other program outcomes.

(c) A preliminary report is due to the appropriate committees of the legislature, pursuant to RCW 43.01.036, by December 1, 2023, and a final report is due December 1, 2024.

(26) \$2,700,000 of the workforce education investment account—state appropriation is provided solely to maintain degree capacity and undergraduate enrollments in engineering, mathematics, and science programs to support the biomedical innovation partnership zone at the Bothell campus.

(27) \$3,268,000 of the workforce education investment account—state appropriation is provided solely to maintain bachelor of science programs in mechanical and civil engineering to support increased student and local employer demand for graduates in these fields at the Tacoma campus.

(28) \$150,000 of the general fund—state appropriation for fiscal year 2024, \$150,000 of the general fund—state appropriation for fiscal year 2025, and \$700,000 of the workforce education investment account—state appropriation are provided solely for Washington mathematics, engineering, science achievement programs to provide enrichment opportunities in mathematics, engineering, science, and technology to students who are traditionally underrepresented in these programs. Of the amounts provided in this subsection, \$500,000 of the workforce education investment account—state appropriation is for Washington State University to plan and implement expansion of MESA activities at the Everett campus to facilitate increased attendance and degree completion by students who are underrepresented in science, technology, engineering, and mathematics degrees.

(29) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a community care coordinator for transitional-age youth for the doorway project in partnership with the Seattle campus.

(30) \$14,000,000 of the workforce education investment account—state appropriation is provided solely for the expansion of the Paul G. Allen school of computer science and engineering in order to award an additional 200 degrees per year focusing on traditionally underrepresented students. A report on the program graduation rates, waitlist for entry into the program, time to degree completion, and degrees awarded must be submitted to the appropriate committees of the legislature, pursuant to RCW 43.01.036, by June 30, 2024, and June 30, 2025.

(31) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to expand a series of online courses related to behavioral health and student well-being that are currently offered at the Bothell campus for school district staff. The standards for the courses must be consistent with knowledge, skill, and performance standards related to mental health and well-being of public school students. The online courses must provide:

(a) Foundational knowledge in behavioral health, mental health, and mental illness;

(b) Information on how to assess, intervene upon, and refer behavioral health and intersection of behavioral health and substance use issues; and

(c) Approaches to promote health and positively influence student health behaviors.

(32) To ensure transparency and accountability, in the 2023-2025 fiscal biennium the University of Washington shall comply with any and all financial and accountability audits by the Washington state auditor including any and all audits of university services offered to the general public, including those offered through any public-private partnership, business venture, affiliation, or joint venture with a public or private entity, except the government of the United States. The university shall comply with all state auditor requests for the university's financial and business information including the university's governance and financial participation in these public-private partnerships, business ventures, affiliations, or joint ventures with a public or private entity. In any instance in which the university declines to produce the information to the state auditor, the university will provide the state auditor a brief summary of the documents withheld and a citation of the legal or contractual provision that prevents disclosure. The summaries must be compiled into a report by the state auditor and provided on a quarterly basis to the legislature.

(33) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Burke museum of natural history and culture to make education programs offered by the museum accessible to more students across Washington, especially students in underserved schools and locations. The funding shall be used for:

(a) Increasing the number of students who participate in Burke education programs at reduced or no cost, including virtual programs;

(b) Providing bus reimbursement for students visiting the museum on field trips and to support travel to bring museum programs across the state;

(c) Staff who will form partnerships with school districts to serve statewide communities more efficiently and equitably, including through the Burkemobile program; and

(d) Support of tribal consultation work, including expanding Native programming, and digitization of Native collections.

(34) \$410,000 of the general fund—state appropriation for fiscal year 2024 and \$410,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the university's center for human rights. The appropriation must be used to supplement, not supplant, other funding sources for the center for human rights.

(35) \$143,000 of the general fund—state appropriation for fiscal year 2024 and \$143,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to the University of Washington for the establishment and operation of the state forensic anthropologist. The university shall work in conjunction with and provide the full funding directly to the King county medical examiner's office to support the statewide work of the state forensic anthropologist.

(36) \$64,000 of the general fund—state appropriation for fiscal year 2024 and \$64,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.



(37) \$443,000 of the general fund—state appropriation for fiscal year 2024 and \$443,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the operation of the center for environmental forensic science.

(38) \$1,250,000 of the general fund—state appropriation for fiscal year 2024 and \$1,250,000 of the general fund—state appropriation are provided solely for the community-engagement test to facilitate clean energy transitions by partnering with communities, utilities, and project developers.

(39) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for staffing and operational expenditures related to the battery fabrication testbed.

(40) \$505,000 of the general fund—state appropriation for fiscal year 2024 and \$505,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for pharmacy behavioral health. The University of Washington school of pharmacy/medicine pharmacy services will hire two residency training positions and one behavioral health faculty to create a residency program focused on behavioral health.

(41) \$1,242,000 of the general fund—state appropriation for fiscal year 2024, \$1,242,000 of the general fund—state appropriation for fiscal year 2025, and \$742,000 of the workforce education investment account—state appropriation are provided solely for an increase in the number of nursing slots and graduates in the already established accelerated bachelor of science in nursing program. Of the amounts provided in this subsection, \$273,000 of the general fund—state appropriation for fiscal year 2024 and \$273,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Tacoma school of nursing and healthcare leadership.

(42) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the memory and brain wellness center to support the statewide expansion of the dementia friends program.

(43) \$77,000 of the general fund—state appropriation for fiscal year 2024 and \$77,000 of the general fund—state appropriation are provided solely to maintain a data repository to assist the state and all political subdivisions with evaluating whether and to what extent existing laws and practices with respect to voting and elections are consistent with public policy, implementing best practices in voting and elections, and to investigate potential infringements upon the right to vote.

(44) \$122,000 of the general fund—state appropriation for fiscal year 2024 and \$122,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for sexual assault nurse examiner training.

(45) \$143,000 of the general fund—state appropriation for fiscal year 2024 and \$143,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to the University of Washington for the operation of the state forensic anthropologist. The university shall work in conjunction with and provide the full funding directly to the King county medical examiner's office to support the statewide work of the state forensic anthropologist.

(46) Within existing resources, the institution must resume a mentoring, organization, and social support for autism inclusion on campus program. The program must focus on academic coaching, peer-mentoring, support for social interactions, and career preparation.

(47) \$6,532,000 of the general fund—state appropriation for fiscal year 2024 and \$11,108,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation support.

(48) \$712,000 of the general fund—state appropriation for fiscal year 2024 and \$4,183,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the behavioral health teaching faculty physician and facility support.

(49) \$1,869,000 of the general fund—state appropriation for fiscal year 2024 and \$3,738,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for operations and maintenance support of the behavioral health teaching faculty.

(50) \$1,000,000 of the workforce education investment account—state appropriation is provided solely for the center for indigenous health to increase the number of American Indian and Alaska Native physicians practicing in the state of Washington.

(51) \$484,000 of the workforce education investment account—state appropriation is provided solely to the university for Friday harbor labs in the amount of \$125,000 each fiscal year and the school of aquatic and fishery sciences in the amount of \$117,000 each fiscal year to perform coordinating, monitoring, and research related to Puget Sound kelp conservation and recovery.

(52) \$200,000 of the workforce education investment account—state appropriation is provided solely to develop a framework for research to help determine inequities in poverty, access to service, language, barriers, and access to justice for individuals of Middle Eastern descent.

(53) \$3,000,000 of the climate commitment account—state appropriation is provided solely for the development of an energy transformation strategy to modernize the energy infrastructure and better align the institution's sustainability values at the Seattle campus.

(54) \$2,854,000 of the workforce education investment account—state appropriation is provided solely for increasing enrollments in computing and engineering programs at the Tacoma campus.

(55) (a) \$800,000 of the workforce education investment account—state appropriation is provided solely for the colab for community and behavioral health policy to collaborate with the Latino center for health and allies in healthier systems for health and abundance in youth to pilot test a culturally responsive training curricula for an expanded children's mental health workforce in community behavioral health sites. Community and lived experience stakeholders, representing communities of color, must make up over half of the project team. The pilot implementation shall include expansion of:

(i) The clinical training of both a lived experience workforce and licensed workforce to provide culturally responsive and evidence-informed mental health services focused on families, children, and youth;

(ii) An implementation plan that allows for local flexibility and local community input; and

(iii) An evaluation plan that will yield information about the potential success in implementation statewide and the improved experiences of those seeking mental health services.

(b) The project team must report its findings and recommendations to the appropriate committees of the legislature in compliance with RCW 43.01.036 by June 30, 2025.

(56) \$520,000 of the natural climate solutions account—state appropriation is provided solely for the biological response to ocean acidification to advance high-priority biological experiments to better understand the relationship between marine organisms and ocean acidification.

(57) \$300,000 of the natural climate solutions account—state appropriation is provided solely for monitoring assistance at the Washington ocean acidification center.

(58) \$104,000 of the general fund—state appropriation for fiscal year 2024 and \$104,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continued implementation of chapter 191, Laws of 2022 (veterans & military suicide).

(59) \$426,000 of the workforce education investment account—state appropriation is provided solely for the continued implementation of RCW 49.60.525 (racial restrictions/review).

(60) \$205,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to organize and facilitate the difficult to discharge task force described in section 135(12) of this act and its operations, including any associated ad hoc subgroups through October 31, 2023.

(61) \$500,000 of the workforce education investment account—state appropriation is provided solely for the addictions, drug and alcohol institute to continue cannabis and public health impact research. Funding may be used to develop resources regarding the connection between first episode psychosis and cannabis use.

(62) \$2,224,000 of the workforce education investment account—state appropriation is provided solely for program support and student scholarships for the expansion of the master of arts in applied child and adolescent psychology program. Of the amounts provided in this subsection:

(a) \$1,116,000 of the workforce education investment account—state appropriation is provided solely for program support at the Seattle site.

(b) \$1,108,000 of the workforce education investment account—state appropriation is provided solely for student scholarships at the Seattle site.

(63) \$800,000 of the workforce education investment account—state appropriation is provided solely for the development and implementation of a program to support pathways from prison to the university's Tacoma campus. The university shall collaborate with formerly incarcerated women, Tacoma Community College, the freedom education project Puget Sound, the women's village, the state board for community and technical colleges, and the department of corrections, in development and implementation of the pathways program.

(64) \$250,000 of the workforce education investment account—state appropriation is provided solely for the startup program.

(65) \$1,397,000 of the workforce education investment account—state appropriation is provided solely for increased student support services at the Tacoma campus.

(66) \$158,000 of the general fund—state appropriation for fiscal year 2024, \$158,000 of the general fund—state appropriation for fiscal year 2025, and \$798,000 of the workforce education investment account—state appropriation are provided solely for continued implementation of diversity, equity, inclusion, and antiracism professional development for faculty and staff, student training, and campus climate assessments in chapter 28B.10 RCW.

(67) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2024 are provided solely for the college of education to partner with the Chehalis and Spokane school districts to continue the math improvement pilot program.

(68) \$300,000 of the workforce education investment account—state appropriation is provided solely for support and promotion of a long-term care nursing residency program and externship.

(69) \$400,000 of the workforce education investment account—state appropriation is provided solely for nanocellulose based research to produce a replacement for cellophane and clear plastic products with one made with plant materials that is biodegradable.

(70) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$450,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to the University of Washington for the operation of a pilot plant to produce nanocellulose based

materials for evaluation by potential users, such as packaging manufacturers and companies that produce polylactic acid composites.

(71) \$1,238,000 of the workforce education investment account—state appropriation is provided solely to establish washpop, a statewide integrated data repository for population and policy research on topics, including criminal justice and safety, economic prosperity and equity, and health and social well-being.

(72) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for continuation of the collaborative for the advancement of telemedicine, hosted by the institution's telehealth services.

(73) \$100,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the center for health workforce studies to continue a program to track dental workforce trends, needs, and enhancements to better serve the increasing population and demand for access to adequate oral health care. The center shall continue the program in consultation with dental stakeholders including, but not limited to, provider associations and oral health philanthropic leaders. The workforce reporting program is to be considered a public-private partnership. The institutions may accept matching funds from interested stakeholders to help facilitate and administer the workforce reporting program. Information generated by the dental workforce reporting program shall be made available on the center's website in a deidentified, aggregate format.

(74) \$200,000 of the workforce education investment account—state appropriation is provided solely for planning student studios to assist cities and counties with planning projects. Assistance shall focus on students and supporting faculty to facilitate on-site learning with cities and counties.

(75) The institution must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(76) \$440,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(77) \$686,000 of the general fund—state appropriation for fiscal year 2024 and \$669,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1745 (diversity clinical trials). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(78) \$150,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(79) \$208,000 of the statewide 988 behavioral health crisis response account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1134 (988 system). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(80) \$3,288,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5048 (college in high school fees). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(81) \$157,000 of the workforce education investment account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5189 (behavioral health support). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(82) \$7,500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for support of staff, training, and other costs necessary to facilitate the opening of the behavioral health teaching facility.

(83) \$450,000 of the workforce education investment account—state appropriation is provided solely to continue financial student assistance in public service oriented graduate and professional degree programs, referred to as "fee-based" programs, whose tuition for public service degrees is over \$18,000 per year. Programs shall create mechanisms to prioritize assistance to traditionally underrepresented students, specifically those who have expressed a commitment to service in the physician assistant, community oriented public health, or social work programs. The institution may offer financial assistance for students that volunteer or work with public health agencies, including as contact tracers.

(84) \$1,100,000 of the general fund—state appropriation for fiscal year 2024 and \$1,100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a pilot program for short-term stabilization and transition support for individuals incompetent to stand trial due to intellectual or developmental disability as provided in Engrossed Second Substitute Senate Bill No. 5440 (competency evaluations). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(85) \$1,464,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5263 (psilocybin). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(86) \$2,000,000 of the workforce education investment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1715

(domestic violence). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(87) \$80,000,000 of the general fund—state appropriation for fiscal year 2024 and \$20,000,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely to support the operations and teaching mission of the University of Washington medical center and harborview medical center.

**NEW SECTION. Sec. 607. FOR WASHINGTON STATE UNIVERSITY**

General Fund—State Appropriation (FY 2024)	\$277,544,000
General Fund—State Appropriation (FY 2025)	\$286,975,000
Climate Commitment Account—State Appropriation	\$8,321,000
Washington State University Building Account—State Appropriation	\$792,000
Education Legacy Trust Account—State Appropriation	\$33,995,000
Model Toxics Control Operating Account—State Appropriation	\$2,771,000
Dedicated Cannabis Account—State Appropriation (FY 2024)	\$189,000
Dedicated Cannabis Account—State Appropriation (FY 2025)	\$197,000
Workforce Education Investment Account—State Appropriation	\$48,117,000
<b>TOTAL APPROPRIATION</b>	<b>\$658,901,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$90,000 of the general fund—state appropriation for fiscal year 2024 and \$90,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) \$7,000,000 of the general fund—state appropriation for fiscal year 2024, \$7,000,000 of the general fund—state appropriation for fiscal year 2025, and \$22,800,000 of the workforce education investment account—state appropriation are provided solely for the continued development and operations of a medical school program in Spokane.

(6) \$135,000 of the general fund—state appropriation for fiscal year 2024 and \$135,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a honey bee biology research position.

(7) \$35,037,000 of the general fund—state appropriation for fiscal year 2024 and \$35,808,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(8) \$580,000 of the general fund—state appropriation for fiscal year 2024 and \$580,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(9) \$630,000 of the general fund—state appropriation for fiscal year 2024 and \$630,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(10) \$1,370,000 of the general fund—state appropriation for fiscal year 2024 and \$1,370,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(11) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(12) \$1,154,000 of the general fund—state appropriation for fiscal year 2024 and \$1,154,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for RCW 82.16.120 and 82.16.165 (renewable energy, tax incentives).

(13) \$376,000 of the general fund—state appropriation for fiscal year 2024 and \$376,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for RCW 28B.30.357 (children's mental health).

(14) \$585,000 of the general fund—state appropriation for fiscal year 2024 and \$585,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for RCW 77.12.272 (elk hoof disease).

(15) \$2,076,000 of the model toxics control operating account—state appropriation is provided solely for the university's soil health initiative and its network of long-term agroecological research and extension (LTARE) sites. The network must include a Mount Vernon REC site.

(16) \$42,000 of the general fund—state appropriation for fiscal year 2024 and \$42,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(17) \$33,000 of the general fund—state appropriation for fiscal year 2024 and \$33,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for compensation funding for Western Washington University employees that work on the Washington State University Everett campus.

(18) \$327,000 of the general fund—state appropriation for fiscal year 2024 and \$327,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for pharmacy behavioral health. Washington State University college of pharmacy and pharmaceutical sciences will hire two residency training positions and one behavioral health faculty to create a residency program focused on behavioral health.

(19) \$1,921,000 of the general fund—state appropriation for fiscal year 2024 and \$3,526,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation support.

(20) \$608,000 of the general fund—state appropriation for fiscal year 2024 and \$608,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the Washington state academy of sciences to provide support for core operations and to accomplish its mission of providing science in the service of Washington, pursuant to its memorandum of understanding with the university.

(21) \$188,000 of the general fund—state appropriation for fiscal year 2024 and \$188,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for stormwater research to study the long-term efficacy of green stormwater infrastructure that incorporates compost to remove pollutants.

(22) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the joint center for deployment and research in earth abundant materials.

(23) \$4,112,000 of the workforce education investment account—state appropriation is provided solely to establish a bachelor's degree in cybersecurity operations.

(24) \$568,000 of the general fund—state appropriation for fiscal year 2024 and \$568,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 212, Laws of 2022 (community solar projects).

(25) \$7,721,000 of the climate commitment account—state appropriation is provided solely for the creation of the institute for northwest energy futures.

(26) \$3,910,000 of the workforce education investment account—state appropriation is provided solely for increasing nursing salaries at the institution.

(27) \$476,000 of the workforce education investment account—state appropriation is provided solely for nursing program equipment.

(28) \$2,521,000 of the workforce education investment account—state appropriation is provided solely for the establishment of a bachelor of science in public health degree at the Pullman, Spokane, and Vancouver campuses.

(29) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for increasing the base funding for the William D. Ruckleshaus Center.

(30) \$200,000 of general fund—state appropriation for fiscal year 2024 is provided solely for Washington State University extension service to hire a qualified contractor to assess program performance of the northeast Washington wolf-livestock management grant program as provided in RCW 16.76.020 and recipients of pass-through grants from the northeast Washington wolf-livestock management nonappropriated account. The program must be assessed for the period of 2021-2023 as to whether grant recipients met the intent of the appropriation.

(a) For recipients of grant funds from the program authorized in RCW 16.76.020, performance must be evaluated on the deployment of nonlethal deterrence, specifically with the goal to reduce the likelihood of cattle being injured or killed by wolves by deploying proactive, preventative methods that have a good probability of producing effective results. Grantees who use funds for range riders or herd monitoring must deploy this tool in a manner so that targeted areas with cattle are visited daily or near daily. Grantees must collaborate with other entities providing prevention efforts resulting in coordinated wolf-livestock

conflict deterrence efforts, both temporally and spatially, therefore providing well timed and placed preventative coverage on the landscape.

(b) For recipient of the pass-through funds from the northeast Washington wolf-livestock management nonappropriated account, performance must be based on the intent of conducting proactive deterrence activities with the goal to reduce the likelihood of cattle being injured or killed by wolves.

(c) The contractor must have at least five years of experience in the combination of field work as a range rider and running range riding programs in areas with wolf-livestock conflict in the western United States. In conducting the assessment, the contractor may access written range rider logs and georeferenced data produced by the grant recipients, in addition to reading annual reports of the recipients and interviewing relevant participants. The contractor may also provide general recommendations for improvement of programs intended to provide effective wolf-livestock deterrence, taking into account the terrain and other challenges faced in northeast Washington. The contractor must complete their assessment for Washington State University extension service to be delivered to the legislature, pursuant to RCW 43.01.036, by June 30, 2024.

(31) \$500,000 of the workforce education investment account—state appropriation is provided solely for the energy program for residential energy code education and support, including training, hotline support to the building industry, and information material and web resources.

(32) \$695,000 of the model toxics control operating account—state appropriation is provided solely for turf grass resilience research in high traffic areas.

(33)(a) \$95,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the William D. Ruckelshaus center to conduct a jail modernization task force convening assessment and design a facilitated collaborative process and work plan for the jail modernization task force created in section 915 of this act. The assessment shall include, but not be limited to:

(i) Gathering and reviewing additional background information relevant to the project;

(ii) Meeting and consulting with the Washington state association of counties to gather background on issues, confirm the list of members to interview, and provide updates throughout the duration of the work; and meeting and consulting with the Washington state institute for public policy to coordinate, inform, and share information and findings gathered; and

(iii) Setting up individual conversations with task force members, and others as needed, to assess their goals, expectations, interests, and desired outcomes for the task force. The purpose of these conversations will also be to gather insights and perspectives from members about, but not limited to, the following:

(A) What key components and issues should be included in a statewide jail modernization plan, what existing facilities are in need of upgrades or remodel, and any need for building new facilities;

(B) Identifying any additional key stakeholders;

(C) Employee retention issues and potential solutions;

(D) The impact of overtime, jail atmosphere, emergency response time, inexperienced corrections officers, and how to overcome these challenges;

(E) The type of and design of facilities needed to house those with behavioral health needs and associated costs of these facilities;

(F) Available diversion programs and their costs;

(G) Types of existing behavioral health facilities for those involved in the criminal justice system, the costs of building and running these facilities, how these facilities vary by location, the viability of offering facilities in every county, and potential system improvements to the types of services and supports offered and delivered to those with behavioral health needs;

(H) The types of services and supports provided to those exiting the jail system; and

(I) Reforms necessary to create and enhance a seamless transition back to the community following jail confinement.

(b) Center staff will provide a convening assessment report that will include the overall process design and work plan for the task force by June 30, 2025.

(34) \$1,596,000 of the workforce education investment account—state appropriation is provided solely for the creation of a bachelor's and master's degree in social work at the Tri-Cities campus.

(35) The institution must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(36) \$372,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(37) \$77,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute House Bill No. 1390 (district energy systems). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(38) \$600,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting), for a least-conflict pumped storage siting project. If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(39) \$125,000 of the workforce education investment account—state appropriation is provided solely for implementation of Senate Bill No. 5287 (wind turbine blades). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(40) (a) \$1,200,000 of the workforce education investment account—state appropriation is provided solely for the development and implementation of a Native American scholarship program during the 2023-2025 biennium. Of the amounts in this subsection, no more than \$100,000 of the workforce education investment account—state appropriation for fiscal year 2024 and \$100,000 of the workforce education investment account—state appropriation for fiscal year 2025 may be spent on administration; development of the program; support services for students; outreach regarding the program; and technical support for application.

(b) "Eligible student" means a member of a federally recognized Indian tribe located within Washington who files a free application for federal student aid (FAFSA) and enrolls in an undergraduate degree program. Eligible students need to maintain satisfactory academic progress during the 2023-2025 biennium to remain eligible for the scholarship. The institution shall determine award priorities based on tribal consultation. Awards must be distributed to students no later than May of each fiscal year.

(c) The institution must submit a report to the appropriate committees of the legislature, pursuant to RCW 43.01.036, by June 30, 2025. The report must include: The number of eligible students; the number of students who receive a scholarship; how recipients were determined; and how many members of federally recognized Indian tribes in Washington received scholarships versus members of federally recognized Indian tribes from other states.

(41) \$44,000 of the general fund—state appropriation for fiscal year 2024 and \$49,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1745 (diversity in clinical trials). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(42) \$2,425,000 of the workforce education investment account—state appropriation is provided solely for the development and operations of a journalism fellowship program focused on civic affairs.

(43) \$70,000 of the general fund—state appropriation for fiscal year 2024 and \$70,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5447 (alternative jet fuel). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 608. FOR EASTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2024) . . . . .	\$65,367,000
General Fund—State Appropriation (FY 2025) . . . . .	\$67,576,000
Education Legacy Trust Account—State Appropriation . . . . .	\$16,838,000
Workforce Education Investment Account—State Appropriation . . . . .	\$24,730,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$174,511,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$350,000 of the general fund—state appropriation for fiscal year 2024 and at least \$350,000 of the general fund—state appropriation for fiscal year 2025 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) \$12,586,000 of the general fund—state appropriation for fiscal year 2024 and \$12,862,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(6) \$2,274,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(7) \$2,636,000 of the workforce education investment account—state appropriation is provided solely to maintain a computer engineering degree program in the college of science, technology, engineering, and math.

(8) \$45,000 of the general fund—state appropriation for fiscal year 2024 and \$45,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(9) \$300,000 of the workforce education investment account—state appropriation is provided solely to establish a center for inclusive excellence for faculty and staff.

(10) \$536,000 of the workforce education investment account—state appropriation is provided solely for a professional masters of science cyber operations degree option.

(11) \$2,144,000 of the workforce education investment account—state appropriation is provided solely for the operation of a bachelor of science in cybersecurity degree option through the computer science program.

(12) \$2,108,000 of the workforce education investment account—state appropriation is provided solely for the operation of a coordinated care network that will help to maximize the collaboration of various student support services to create wraparound care for students to address obstacles to degree completion. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(13) \$532,000 of the general fund—state appropriation for fiscal year 2024 and \$940,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation support.

(14) \$4,598,000 of the workforce education investment account—state appropriation is provided solely to expand faculty and staff to create a cohort of 80 students in the bachelor of nursing program.

(15) \$476,000 of the workforce education investment account—state appropriation is provided solely for the continued implementation of RCW 49.60.525 (racial restrictions/review).

(16) \$110,000 of the general fund—state appropriation for fiscal year 2024 and \$110,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a summer bridge program.

(17) \$500,000 of the workforce education investment account—state appropriation is provided solely for the establishment of a university mathematics, engineering, and science achievement program.

(18) \$200,000 of the workforce education investment account—state appropriation is provided solely for planning student studios to assist cities and counties with planning projects. Assistance shall focus on students and supporting faculty to facilitate on-site learning with cities and counties.

(19) \$118,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(20) \$25,000 of the general fund—state appropriation for fiscal year 2024 and \$10,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1028 (crime victims and witnesses). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(21) \$5,000,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5048 (college in high school fees). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(22) \$18,000 of the general fund—state appropriation for fiscal year 2024 and \$18,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5238 (academic employee bargaining). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 609. FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2024) . . . . .	\$68,760,000
General Fund—State Appropriation (FY 2025) . . . . .	\$71,733,000
Central Washington University Capital Projects	
Account—State Appropriation . . . . .	\$76,000
Education Legacy Trust Account—State Appropriation . . . . .	\$19,076,000
Workforce Education Investment Account—State	
Appropriation . . . . .	\$16,537,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$176,182,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$14,186,000 of the general fund—state appropriation for fiscal year 2024 and \$14,498,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.



(5) \$2,236,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) \$1,050,000 of the workforce education investment account—state appropriation is provided solely to increase the number of certified K-12 teachers.

(7) \$736,000 of the workforce education investment account—state appropriation is provided solely to maintain mental health counseling positions.

(8) \$240,000 of the general fund—state appropriation for fiscal year 2024 and \$240,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for two counselor positions to increase access to mental health counseling for traditionally underrepresented students.

(9) \$52,000 of the general fund—state appropriation for fiscal year 2024 and \$52,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one full-time mental health outreach and service coordination position who has knowledge of issues relevant to veterans.

(10) \$240,000 of the workforce education investment account—state appropriation is provided solely for expanding cybersecurity capacity by adding additional faculty resources in the department of computer science.

(11) \$586,000 of the workforce education investment account—state appropriation is provided solely for a peer mentoring program. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(12) \$286,000 of the workforce education investment account—state appropriation is provided solely for the operation of an extended orientation program to help promote retention of underserved students. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(13) \$12,000 of the general fund—state appropriation for fiscal year 2024 and \$12,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the cost of the criminal justice training center's use of office and classroom space at the Lynnwood campus.

(14) \$592,000 of the general fund—state appropriation for fiscal year 2024 and \$1,091,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation support.

(15) \$1,406,000 of the workforce education investment account—state appropriation is provided solely for student success. Students will receive discipline specific tutoring programs, peer assisted learning sessions, and academic success coaching.

(16) \$967,000 of the workforce education investment account—state appropriation is provided solely for grow your own teacher residency programs in high need areas of elementary, bilingual, special education, and English language learners.

(17) \$844,000 of the workforce education investment account—state appropriation is provided solely for dual language expansion programs in Yakima and Des Moines.

(18) \$126,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(19) \$25,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute House Bill No. 1028 (crime victims and witnesses). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(20) \$57,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute House Bill No. 1390 (district energy systems). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(21) \$8,060,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5048 (college in high school fees). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(22) \$18,000 of the general fund—state appropriation for fiscal year 2024 and \$18,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5238 (academic employee bargaining). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 610. FOR THE EVERGREEN STATE COLLEGE**

General Fund—State Appropriation (FY 2024) . . . . .	\$39,088,000
General Fund—State Appropriation (FY 2025) . . . . .	\$38,499,000
The Evergreen State College Capital Projects	
Account—State Appropriation . . . . .	\$80,000
Education Legacy Trust Account—State Appropriation . . . . .	\$5,450,000
Workforce Education Investment Account—State	
Appropriation . . . . .	\$5,554,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$88,671,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,315,000 of the general fund—state appropriation for fiscal year 2024 and \$4,410,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(4) \$4,063,000 of the general fund—state appropriation for fiscal year 2024 and \$2,732,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington state institute for public policy to initiate, sponsor, conduct, and publish research that is directly useful to policymakers and manage reviews and evaluations of technical and scientific topics as they relate to major long-term issues facing the state. Within the amounts provided in this subsection (4):

(a) \$1,665,000 of the amounts in fiscal year 2024 and \$1,685,000 of the amounts in fiscal year 2025 are provided for administration and core operations.

(b) \$1,229,000 of the amounts in fiscal year 2024 and \$529,000 of the amounts in fiscal year 2025 are provided solely for ongoing and continuing studies on the Washington state institute for public policy's work plan.

(c) \$202,000 of the amounts in fiscal year 2024 and \$80,000 of the amounts in fiscal year 2025 are provided solely for the Washington state institute for public policy to update its adult corrections inventory of evidence-based, research-based, and promising programs and expand the inventory to include new programs that were not included in the last published Washington state institute for public policy inventory in 2018. This update must focus on programs for incarcerated individuals in prison facilities to include family and relationships programs, learning and working programs, and therapeutic and support programs. The institute should prioritize the addition of programs currently offered by the Washington state department of corrections. Of this amount:

(i) No later than December 31, 2023, the institute shall publish a preliminary report identifying the list of programs currently offered in Washington state department of corrections prison facilities and the list of new programs to be analyzed for inclusion on the updated adult corrections inventory. The preliminary report must include an indication of whether the Washington state department of corrections programs have ever been evaluated for their effect on recidivism; and

(ii) No later than December 31, 2024, the institute shall publish a final report with the updated adult corrections inventory classifying programs as evidence-based, research-based, or promising programs. The report shall include a list of programs currently offered in Washington state department of corrections prison facilities and a determination of their likely effectiveness in reducing recidivism based on the results of the adult corrections inventory.

(d) (i) \$154,000 of the amount for fiscal year 2024 is provided solely for the institute to examine the costs associated with conservation district elections under current law, and the projected costs and benefits for shifting conservation district election to be held on general election ballots under Title 29A RCW. The examination must include, to the extent that the data allows:

(A) An analysis of the amount of money that each conservation district spends on holding elections for supervisors under current law, and a description of the funding sources that each conservation district utilizes to fund its elections;

(B) Information about voter turnout in each conservation district supervisor election in at least the past six years and up to the past 20 years, if the conservation district has such data, as well as a calculation of the total cost per ballot cast that each conservation district spent in those elections;

(C) A projection of the costs that would be expected to be incurred by each county and each conservation district for its supervisor elections if the district were to hold its supervisor elections on general election ballots under the processes and procedures in Title 29A RCW, including:

(I) Switching all supervisor positions to elected positions; and

(II) Changing term lengths to four years, with terms staggered such that elections are held every two years, to align with the elections for other local government officials;

(D) A projection of the costs that would be expected to be incurred by each county and each conservation district for its supervisor elections if, in addition to the changes described in (d) (i) (C) of this subsection, the conservation districts were divided into zones such that each zone is represented by a single supervisor, rather than electing each supervisor at-large throughout the district; and

(E) An overall description of potential nonmonetary costs and benefits associated with switching conservation district supervisor elections to the general election ballots under Title 29A RCW and incorporating the changes described in (d) (i) (C) and (D) of this subsection.

(ii) A preliminary report which contains any available information to date must be completed by December 1, 2023. A final report must be completed by June 30, 2024, and submitted in accordance with RCW 43.01.036 to the standing committees of the house of representatives and the senate with jurisdiction over elections and conservation district issues.

(e) \$100,000 of the amounts for fiscal year 2024 and \$100,000 of the amounts for fiscal year 2025 are provided solely for the institute to conduct a review of all assessments and charges imposed on individuals incarcerated in department of corrections facilities and their family members and its effect on the financial status of incarcerated individuals. The review must include, at a minimum:

(i) An evaluation of all costs incurred by incarcerated individuals for items that include but are not limited to:

- (A) Food;
- (B) Commissary items;
- (C) Personal hygiene items;
- (D) Electronic devices and services, tablets, digital stamps, and downloadable media and services such as music, movies, and other programs;
- (E) Stationary, mail, and postage;
- (F) Communication devices such as telephones, local and nonlocal telephone services, and video chat services;
- (G) Clothing and shoes;
- (H) Copayments for medical, dental, and optometry visits, care, and medication;
- (I) Eyeglasses;
- (J) Gym, television services, and any other recreational activities;
- (K) Educational and vocational classes, programming, and related materials; and
- (L) Any and all items and services charged to incarcerated persons under RCW 72.09.450 and 72.09.470 including, but not limited to, a complete list of any other item that an individual was or could have been charged for while incarcerated;

(ii) A complete itemized list of: (A) All items in (e)(i) of this subsection; (B) the cost of each item and service purchased by the department or negotiated with a vendor in (e)(i) of this subsection; (C) the resale or purchased price charged to incarcerated individuals and their family members for the same items in (e)(i) of this subsection; (D) the revenue or profit retained or reinvested by the department for each individual item in (e)(i) of this subsection; (E) the cost of items and services listed in (e)(i) of this subsection compared to comparable items and services that are not provided through correctional industries; and (F) an assessment of the prices charged for the items and services listed in (e)(i) of this subsection as compared to comparable items and services provided by other companies and vendors that do not service prisons;

(iii) A complete list of all items including, but not limited to, clothing and personal hygiene items, that are distributed monthly free of charge: (A) To all incarcerated individuals irrespective of their financial status; and (B) solely to indigent inmates as defined in RCW 72.09.015 provided the individual remains in indigent status during his or her period of incarceration;

(iv) The average annual debt incurred by an individual while incarcerated. This includes debt solely recorded and posted by the department for debt incurred between the individual's first day of confinement within the department of corrections through the individual's day of release from incarceration from prison;

(v) The average debt owed by incarcerated individuals to the department for items and services under (e)(i) of this subsection upon release from confinement;

(vi) The average amount paid by incarcerated individuals to the department for items and services under (e)(i) of this subsection during their period of confinement;

(vii) A list of the: (A) Required deductions from wages and gratuities earned pursuant to RCW 72.09.100 through 72.09.111; (B) required deductions from the funds received, by the department on behalf of an incarcerated person from outside sources, in addition to an incarcerated individual's wages or gratuities pursuant to RCW 72.09.480; and (C) wages and gratuities earned by an incarcerated individual and any funds received, by the department on behalf of an incarcerated person, from outside sources for specific items listed in (e)(i) of this subsection that are exempt from statutory deductions;

(viii) The average amount of funds remaining in an incarcerated individual's savings account at the time of his or her release from confinement; and

(ix) A review and evaluation of the fines, fees, and commission generated from any of the items and services listed in (e)(i) of this subsection that are used in the department's budget.

The institute must provide a final report to the governor and the appropriate committees of the legislature by June 30, 2025.

(f)(i) \$50,000 of the amount for fiscal year 2024 is provided solely for the institute to study the contracting practices for goods and services, and manufactured products, made or offered by correctional industries to state agencies and various political subdivisions within the state. A cost benefit analysis must be included in the report which must:

(A) Determine the costs of all contracts utilizing the labor of incarcerated individuals providing services or the manufacture of goods for state entities and other political subdivisions;

(B) Compare the cost savings to the state of Washington that is projected when those goods and services are procured from or produced by corrections industries and not private businesses engaged in a competitive bidding process with the state and its various political subdivisions;

(C) Provide a detailed break out of total number of labor positions that are offered to incarcerated individuals, ranked from least skilled to most skilled and the rate per hour of the gratuities the individuals are given monthly for this labor, including the amount if the gratuity given to incarcerated individuals was the federal or state mandated minimum wage;

(D) Provide a detailed listing of all commissary items purchased by and offered for sale to individuals incarcerated within the facilities operated by the department of corrections. This listing of individual items must also include the wholesale price from outside vendors that correction industries pays for each line item offered to incarcerated individuals, and the price charged to the incarcerated individual for those items; and

(E) Provide a comprehensive list of all positions offered by corrections industries that provide substantive training and labor ready skills for individuals to assume positions in the workforce outside of incarceration; and to the extent the data allows, provide the number of individuals who have positions upon release that were obtained with skills obtained through work at correctional industries.

(ii) The institute must submit a report to the appropriate committees of the legislature by June 30, 2025, in compliance with RCW 43.01.036.

(g)(i) \$260,000 of the amounts in fiscal year 2024 and \$98,000 of the amounts in fiscal year 2025 are provided solely for the Washington state institute for public policy to conduct a study of the Washington jail system and county juvenile justice facilities.

(ii) The institute's report shall include, to the extent possible, consideration of the following:

(A) A longitudinal study of how the county jail and county juvenile detention populations have changed over the last 12 years including, but not limited to, an analysis of demographics, physical and behavioral health issues, number of inmates, and types of convictions;

(B) An analysis of county jail and county juvenile detention facility survey data provided by the Washington state association of counties as described in (g)(v) of this subsection; and

(C) Examination of the availability of criminal justice training commission classes for corrections officers.

(iii) The health care authority, department of social and health services, administrative office of the courts, criminal justice training commission, state auditor's office, office of financial management, and Washington state patrol must provide the institute with access to data or other resources if necessary to complete this work.

(iv) The institute shall submit the report to the appropriate committees of the legislature and the governor by December 1, 2024.

(v) As part of the study, the institute shall contract with the Washington state association of counties to conduct a survey of jail and juvenile detention facilities in Washington state. The survey shall include, but not be limited to, the following:

(A) Age of the facilities;

(B) Age of systems within the facilities;

(C) Cost of remodeling facilities;

(D) Cost of building new facilities;

(E) General maintenance costs of the facilities;

(F) Operational costs of the facilities;

(G) Workforce, to include, but not be limited to, employee vacancies as a percentage of total employees;

(H) Services, supports, and programming, to include, but not be limited to:

(I) Costs of housing those with behavioral health needs;

(II) Number of individuals with behavioral health needs;

(III) Cost of competency restoration;

(IV) Physical health services and related costs;

(V) Number of individuals booked and housed on behalf of state agencies;

(VI) Percent of individuals waiting for a state hospital;

(VII) Available nonincarcerative alternatives and diversion programs; and

(VIII) Available release and reentry services;

(I) Funding sources, to include, but not be limited to:

(I) County tax structure and revenue raising ability; and

(II) Jail and juvenile detention facility funding sources.

(vi) The Washington state association of counties shall consult with the Washington state institute for public policy during the design and distribution of the survey. Responses to the survey shall be compiled and provided to the Washington state institute for public policy by December 31, 2023.

(h)(i) \$240,000 of the amounts in fiscal year 2024 and \$240,000 of the amounts in fiscal year 2025 are provided solely for the Washington state institute for public policy, in consultation with the Washington traumatic brain injury strategic partnership advisory council, to study the potential need for developing specialized long-term services and supports for adults with traumatic brain injuries.

(ii) At a minimum, the study must include an examination of:

(A) The demographics of adults with traumatic brain injuries in the state who are anticipated to be in need of long-term services and supports, including an examination of those who are likely to be eligible for medicaid long-term services and supports;

(B) The industry standards of providing long-term care services and supports to individuals with traumatic brain injuries; and

(C) The methods other states are utilizing to provide long-term services and supports to individuals with traumatic brain injuries, including identifying the rates paid for these services and a description of any specialized facilities established to deliver these services.

(iii) A report of the findings of this study and any recommendations for increasing access to appropriate long-term services and supports for individuals with traumatic brain injuries shall be submitted to the governor and the appropriate committees of the legislature no later than June 30, 2025.

(i) \$163,000 of the amounts in fiscal year 2024 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5236 (hospital staffing standards). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(j) Notwithstanding other provisions in this subsection, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2023-25 work plan as necessary to efficiently manage workload.

(5) \$213,000 of the general fund—state appropriation for fiscal year 2024 and \$213,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for additional faculty to support Native American and indigenous programs.

(6) \$85,000 of the general fund—state appropriation for fiscal year 2024 and \$85,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to the native pathways program for an assistant director.

(7) \$110,000 of the general fund—state appropriation for fiscal year 2024 and \$110,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a tribal liaison position.

(8) \$39,000 of the general fund—state appropriation for fiscal year 2024 and \$39,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(9) \$137,000 of the general fund—state appropriation for fiscal year 2024 and \$137,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for student mental health and wellness. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(10) \$196,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for additional laboratory, art, and media lab sections.

(11) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to develop and expand current corrections education programs offered in department of corrections facilities. The college shall appoint a project implementation team, collaborate with stakeholders to plan student success programs and curriculum which lead to transferable credit, associate and bachelor's degrees, and other workforce credentials, and train faculty and staff on working with incarcerated populations.

(12) \$2,636,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(13) \$670,000 of the workforce education investment account—state appropriation is provided solely to maintain enrollment capacity in psychology programs.

(14) \$600,000 of the workforce education investment account—state appropriation is provided solely to increase student success by maintaining support for a student precollege immersion program and the Evergreen first-year experience.

(15) \$988,000 of the workforce education investment account—state appropriation is provided solely for student enrollment and retention support. Funding is provided for hiring a student advisor and underserved student specialist to provide student support and administrative support for the native pathways program.

(16) \$554,000 of the workforce education investment account—state appropriation is provided solely for the expansion of corrections education offerings to currently incarcerated students and the expansion of reentry services.

(17) \$106,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(18) \$26,000 of the general fund—state appropriation for fiscal year 2024 and \$26,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5238 (academic employee bargaining). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(19) \$6,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute House Bill No. 1028 (crime victims and witnesses). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 611. FOR WESTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2024) . . . . .	\$98,802,000
General Fund—State Appropriation (FY 2025) . . . . .	\$103,707,000
Western Washington University Capital Projects	
Account—State Appropriation . . . . .	\$1,424,000
Education Legacy Trust Account—State Appropriation . . . . .	\$13,831,000
Workforce Education Investment Account—State	

Appropriation. . . . .	\$21,399,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$239,163,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$19,580,000 of the general fund—state appropriation for fiscal year 2024 and \$20,010,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) \$700,000 of the general fund—state appropriation for fiscal year 2024 and \$700,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(5) \$1,306,000 of the general fund—state appropriation for fiscal year 2024 and \$1,306,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the university to develop a new program in marine, coastal, and watershed sciences.

(6) \$886,000 of the general fund—state appropriation for fiscal year 2024 and \$886,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the university to reduce tuition rates for four-year degree programs offered in partnership with Olympic college—Bremerton, Olympic college—Poulsbo, and Peninsula college—Port Angeles that are currently above state-funded resident undergraduate tuition rates.

(7) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to recruit and retain high quality and diverse graduate students.

(8) \$548,000 of the general fund—state appropriation for fiscal year 2024 and \$548,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for critical support services to ensure traditionally underrepresented students receive the same opportunities for academic success as their peers.

(9) \$48,000 of the general fund—state appropriation for fiscal year 2024 and \$48,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(10) \$530,000 of the general fund—state appropriation for fiscal year 2024 and \$530,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the operation of two bilingual educator programs in the south King county region, including a bilingual elementary education degree program and a secondary education degree program. At full implementation, each cohort shall support up to 25 students per year.

(11) \$361,000 of the general fund—state appropriation for fiscal year 2024 and \$361,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a master of science program in nursing.

(12) \$433,000 of the general fund—state appropriation for fiscal year 2024 and \$433,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the registered nurse to bachelors in nursing program.

(13) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(14) \$2,256,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(15) \$3,426,000 of the workforce education investment account—state appropriation is provided solely to maintain access to science, technology, engineering, and mathematics degrees.

(16) \$908,000 of the workforce education investment account—state appropriation is provided solely to establish an academic curriculum in ethnic studies.

(17) \$400,000 of the workforce education investment account—state appropriation is provided solely for upgrading cyber range equipment and software.

(18) \$2,520,000 of the workforce education investment account—state appropriation is provided solely for student support services that include resources for outreach and financial aid support, retention initiatives including targeted support for underserved student populations, mental health support, and initiatives aimed at addressing learning disruption due to the global pandemic. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for student support services.

(19) \$200,000 of the workforce education investment account—state appropriation is provided solely for planning student studios to assist cities and counties with planning projects. Assistance shall focus on students and supporting faculty to facilitate on-site learning with cities and counties.

(20) \$500,000 of the workforce education investment account—state appropriation is provided solely for the student civic leaders initiative.

(21) \$1,610,000 of the general fund—state appropriation for fiscal year 2024 and \$2,875,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation support.

(22) \$3,186,000 of the workforce education investment account—state appropriation is provided solely for the western on the peninsulas expansion. This includes new two plus two degrees programs such as industrial engineering, data science, and sociology.

(23) \$1,577,000 of the workforce education investment account—state appropriation is provided solely for expanded remedial math and additional English 101 courses, as well first year seminars, and disability accommodation counselors. Of the amounts provided in this subsection for first year seminars, \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided for the university to develop a student orientation program for students receiving the Washington college grant, focusing on first-generation and traditionally underrepresented students. The program may include evidence-based student success metrics, peer support, and mentorship following orientation. The program proposal must be submitted to the legislature by December 1, 2023 for implementation in the 2024-2025 academic year.

(24) \$100,000 of the workforce education investment account—state appropriation is provided solely for mental health first aid training for faculty.

(25) \$150,000 of the workforce education investment account—state appropriation is provided solely for the small business development center to increase technical assistance to black, indigenous, and other people of color small business owners in Whatcom county.

(26) \$694,000 of the workforce education investment account—state appropriation is provided to establish a master of social work program at western on the peninsulas.

(27) \$2,478,000 of the workforce education investment account—state appropriation is provided solely for expansion of bilingual educators education.

(28) \$1,000,000 of the workforce education investment account—state appropriation is provided for additional student support and outreach at western on the peninsulas.

(29) \$580,000 of the workforce education investment account—state appropriation is provided solely to convert the human services program at western on the peninsulas from self-sustaining to state-supported to reduce tuition rates for students in the program.

(30) \$118,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(31) \$23,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute House Bill No. 1028 (crime victims and witnesses). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(32) \$10,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Substitute Senate Bill No. 5238 (academic employee bargaining). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(33) \$1,306,000 of the workforce education investment account—state appropriation is provided solely to establish and administer a teacher residency program focused on special education instruction beginning in the 2024-25 school year. Amounts provided in this subsection are sufficient to support one cohort of 17 residents per school year, and must be prioritized to communities that are anticipated to be most positively impacted by teacher residents who fill teacher vacancies upon completing the teacher residency program and who remain in the communities in which they are mentored. The teacher residency program must meet the following requirements:

(a) Residents receive compensation equivalent to first year paraeducators, as defined in RCW 28A.413.010;

(b) Each resident is assigned a preservice mentor;

(c) Preservice mentors receive a stipend of \$2,500 per year;

(d) Residents receive at least 900 hours of preservice clinical practice over the course of the school year;

(e) At least half of the residency hours specified in (d) of this subsection are in a coteaching setting with the resident's preservice mentor and the other half of the residency hours are in a coteaching setting with another teacher;

(f) Residents may not be assigned the lead or primary responsibility for student learning;

(g) Coursework taught during the residency is codesigned by the teacher preparation program and the school district, state-tribal education compact school, or consortium, tightly integrated with residents' preservice clinical practice, and focused on developing culturally responsive teachers; and

(h) The program must prepare residents to meet or exceed the knowledge, skills, performance, and competency standards described in RCW 28A.410.270(1).

**NEW SECTION. Sec. 612. FOR THE STUDENT ACHIEVEMENT COUNCIL—POLICY COORDINATION AND ADMINISTRATION**

General Fund—State Appropriation (FY 2024) . . . . .	\$9,850,000
General Fund—State Appropriation (FY 2025) . . . . .	\$9,416,000
General Fund—Federal Appropriation . . . . .	\$20,996,000
Washington Student Loan Account—State Appropriation . . . . .	\$90,000,000
Workforce Education Investment Account—State Appropriation . . . . .	\$16,311,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$146,573,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$126,000 of the general fund—state appropriation for fiscal year 2024 and \$126,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the consumer protection unit.

(2) The student achievement council must ensure that all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW provide the data needed to analyze and evaluate the effectiveness of state financial aid programs. This data must be promptly transmitted to the education data center so that it is available and easily accessible.

(3) Community-based organizations that receive state funding under subsection (11) of this section and section 605(35) of this act are not eligible for Washington career and college pathways innovation challenge program grant funding for the same purpose.

(4) \$575,000 of the general fund—state appropriation for fiscal year 2024 and \$575,000 of the general fund—state appropriation for fiscal year 2025 are provided to increase the number of high school seniors and college bound scholars that complete the free application for federal student aid and the Washington application for state financial aid through digital engagement tools, expanded training, and increased events for high school students.

(5) \$850,000 of the general fund—state appropriation for fiscal year 2024 and \$850,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for administrative support services to carry out duties and responsibilities necessary for recipients of the Washington college grant who are enrolled in a state registered apprenticeship program.

(6) (a) \$80,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a pilot program to help students, including those enrolled in state registered apprenticeship programs, connect with health care coverage. The student achievement council, in cooperation with the council of presidents, must provide resources for up to two four-year colleges or universities, one on the east side and one on the west side of the Cascade mountains, to hire or train an employee to:

(i) Provide information to students and college and university staff about available health insurance options;

(ii) Develop culturally relevant materials and conduct outreach for historically marginalized and underserved student populations to assist these populations in their knowledge of access to low cost or free health insurance plans;

(iii) Provide ongoing technical assistance to students about health insurance options or the health insurance application process; and

(iv) Provide technical assistance to students as a health benefit exchange certified assister, to help students understand, shop, apply, and enroll in health insurance through Washington health planfinder.

(b) Participation in the exchange assister program is contingent on fulfilling applicable contracting, security, and other program requirements.

(c) The council, in collaboration with the council of presidents and the health benefit exchange, must submit a report by June 30, 2024, to the appropriate committees of the legislature, pursuant to RCW 43.01.036, on information about barriers students, including those enrolled in state registered apprenticeship programs, encountered accessing health insurance coverage; and to provide recommendations on how to improve student and staff access to health coverage based on data gathered from the pilot program.

(7) \$1,208,000 of the general fund—state appropriation for fiscal year 2024 and \$1,208,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington award for vocational excellence. Of the amount provided in this subsection, \$70,000 of the general fund—state appropriation for fiscal year 2024 and \$70,000 of the general fund—state appropriation for fiscal year 2025 may be used for administration and that is the maximum amount that may be expended for this purpose.

(8) \$2,000,000 of the workforce education investment account—state appropriation is provided solely for the career launch grant pool for the public four-year institutions.

(9) \$179,000 of the general fund—state appropriation for fiscal year 2024 and \$179,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the complete Washington program.

(10) \$10,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the council to submit a progress report on the new or expanded cybersecurity and nursing academic programs that receive funding in sections 605 through 611 of this act, including the number of students enrolled. The council must coordinate with the institutions of higher education and the state board for community and technical colleges as provided in sections 603(3), 605(31), and 605(37) of this act. The progress report must be submitted to



the appropriate committees of the legislature, pursuant to RCW 43.01.036, by December 1, 2024.

(11) \$5,778,000 of the workforce education investment account—state appropriation is provided solely for the Washington student achievement council to contract with a statewide nonprofit organization located in King county to expand college services to support underserved students and improve college retention and completion rates.

(12) \$46,000 of the general fund—state appropriation for fiscal year 2024 and \$46,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the state of Washington's annual dues to the education commission of the state.

(13) \$150,000 of the workforce education investment account—state appropriation is provided solely for an implementation review of the passport to careers program. The review must include short and long-term recommendations to improve the reach and effectiveness of the passport program. The review must include consultation with organizations serving foster youth, the state board of community and technical colleges, public four-year institutions, and other organizations involved in the passport to college and passport to apprenticeship programs. Amounts provided in this subsection may be used to provide stipends for youth participating in the review who are receiving funds from passport programs or are eligible to receive funds from passport programs. The review must be submitted to the appropriate committees of the legislature by June 30, 2024.

(14) \$1,485,000 of the workforce education investment account—state appropriation and \$90,000,000 of the Washington student loan account—state appropriation are provided solely for implementation of Engrossed House Bill No. 1823 (WA student loan program). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(15) \$16,000,000 of the general fund—federal appropriation is provided solely for the good jobs challenge grant expenditure authority.

(16) \$200,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for contraception vending machines for students and staff stocked with emergency contraceptive medication and other forms of contraception, including condoms, at discreet and geographically accessible locations, such as gender-neutral restrooms and student union buildings, and locations that are accessible on weekends and after 5:00 p.m. The council must distribute \$10,000 to each public four-year institution and community and technical college who apply on a first-come, first-served basis.

(17) \$1,150,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(18) \$200,000 of the workforce education investment account—state appropriation is provided solely for the council to provide grants to law schools in the state who offer a law clinic focusing on crime victim support.

(19)(a) \$100,000 of the workforce education investment account—state appropriation is provided solely to contract with a nonprofit organization located in Tacoma that focuses on coordinated systems of support for postsecondary success to conduct a comprehensive study on the feasibility and potential impacts on postsecondary enrollment of a policy of universal free application for federal financial aid (FAFSA) completion. For purposes of this subsection, universal FAFSA completion means making completion of the financial aid form a requirement for high school graduation and requiring schools to support students through the process. The study will include, but is not limited to, the following:

(i) A landscape scan of existing state and local level universal FAFSA completion policies, both in Washington and nationally;

(ii) Input from key stakeholder groups, including students, parents, state agency staff, K-12 district staff and leadership, and student serving organizations; and

(iii) Recommendations for possible policy change at the state level.

(b) A report of findings and recommendations must be submitted to the appropriate committees of the legislature pursuant to RCW 43.01.036 by November 30, 2023.

(20) \$648,000 of the workforce education investment account—state appropriation is provided solely for distribution to four-year institutions of higher education participating in the students experiencing homelessness program without reduction by the Washington student achievement council, pursuant to Engrossed Substitute Senate Bill No. 5702 (student homelessness pilot). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(21) \$46,000 of the workforce education investment account—state appropriation is provided solely for the administration of the students experiencing homelessness program pursuant to Engrossed Substitute Senate Bill No. 5702 (student homelessness pilot). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(22) \$400,000 of the workforce education investment account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5687 (wrestling grant program). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(23) \$356,000 of the workforce education investment account—state appropriation is provided solely for the Washington student achievement council to staff the workforce education investment accountability and oversight board as provided in Engrossed Senate Bill No. 5534 (workforce investment board). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 613. FOR THE STUDENT ACHIEVEMENT COUNCIL—OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund—State Appropriation (FY 2024)	\$302,029,000
General Fund—State Appropriation (FY 2025)	\$301,772,000
General Fund—Federal Appropriation	\$12,250,000
General Fund—Private/Local Appropriation	\$300,000
Education Legacy Trust Account—State Appropriation	\$85,488,000
Washington Opportunity Pathways Account—State Appropriation	\$78,914,000
Aerospace Training Student Loan Account—State Appropriation	\$220,000
Workforce Education Investment Account—State Appropriation	\$226,415,000
Health Professionals Loan Repayment and Scholarship Program Account—State Appropriation	\$11,720,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,019,108,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,834,000 of the general fund—state appropriation for fiscal year 2024 and \$7,835,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for student financial aid payments under the state work study program, including up to four percent administrative allowance for the state work study program.

(2) \$276,416,000 of the general fund—state appropriation for fiscal year 2024, \$276,416,000 of the general fund—state appropriation for fiscal year 2025, \$169,036,000 of the workforce education investment account—state appropriation, \$69,639,000 of the education legacy trust fund—state appropriation, and \$67,654,000 of the Washington opportunity pathways account—state appropriation are provided solely for the Washington college grant program as provided in RCW 28B.92.200.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2023-2025 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) \$1,165,000 of the general fund—state appropriation for fiscal year 2024, \$1,165,000 of the general fund—state appropriation for fiscal year 2025, \$15,849,000 of the education legacy trust account—state appropriation, and \$11,260,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall not consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010.

(5) \$6,999,000 of the general fund—state appropriation for fiscal year 2024 and \$6,999,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2024 and 2025 for this purpose.

(6) \$55,254,000 of the workforce education investment account—state appropriation is provided solely for an annual bridge grant of \$500 to eligible students. A student is eligible for a grant if the student receives a maximum college grant award and does not receive the college bound scholarship program under chapter 28B.118 RCW. Bridge grant funding provides supplementary financial support to low-income students to cover higher education expenses.

(7) \$500,000 of the workforce education investment account—state appropriation is provided solely for the behavioral health apprenticeship stipend pilot program, with stipends of \$3,000 available to students. The pilot program is intended to provide a stipend to assist students in high-demand programs for costs associated with completing a program, including child care, housing, transportation, and food.

(8) \$1,000,000 of the workforce education investment account—state appropriation is provided solely for the national guard grant program.

(9) \$1,000,000 of the workforce education investment account—state appropriation is provided solely for educator conditional scholarship and loan repayment programs established in chapter 28B.102 RCW. Dual language educators must receive priority.

(10) \$10,000,000 of the health professionals loan repayment and scholarship program account—state appropriation is provided solely to increase loans within the Washington health corps.

(11) \$1,156,000 of the workforce education investment account—state appropriation is provided solely for implementation of House Bill No. 1232 (college bound scholarship). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 614. FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund—State Appropriation (FY 2024) . . . . .	\$4,845,000
General Fund—State Appropriation (FY 2025) . . . . .	\$4,311,000
General Fund—Federal Appropriation . . . . .	\$55,868,000
General Fund—Private/Local Appropriation . . . . .	\$212,000
Climate Commitment Account—State Appropriation . . . . .	\$904,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation . . . . .	\$250,000
Workforce Education Investment Account—State Appropriation . . . . .	\$2,350,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$68,740,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$240,000 of the general fund—state appropriation for fiscal year 2024 and \$240,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the health workforce council of the state workforce training and education coordinating board. In partnership with the office of the governor, the health workforce council shall continue to assess workforce shortages across behavioral health disciplines and incorporate the recommended action plan completed in 2020.

(2) \$250,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for an accredited osteopathic medical school to purchase necessary equipment to support the education and training of community-focused occupational therapists.

(3) \$564,000 of the general fund—state appropriation for fiscal year 2024 and \$573,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to conduct health workforce surveys, in collaboration with the nursing care quality assurance commission, to collect and analyze data on the long-term care workforce, and to manage a stakeholder process to address retention and career pathways in long-term care facilities.

(4) \$1,200,000 of the general fund—state appropriation for fiscal year 2024 and \$1,100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for apprenticeship grants, in collaboration with the nursing care quality assurance commission and the department of labor and industries, to address the long-term care workforce.

(5) \$109,000 of the general fund—state appropriation for fiscal year 2024 and \$109,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for administrative expenditures for the Washington award for vocational excellence.

(6) \$2,000,000 of the workforce education investment account—state appropriation is provided solely for the workforce board to award grants for the purposes of providing apprenticeship, industry certifications and wraparound student supports to workers pursuing job advancement and enhancement through college readiness, apprenticeship, degree, certification, or professional development opportunities in the health care field. Grant recipients must be labor-management partnerships established under section 302 of the labor-management relations act, 29 U.S.C. Sec. 186 that demonstrate adequate funding match and competency in the provision of student supports, or employers who can demonstrate service serving greater than 50 percent medicaid populations who can demonstrate that they will use the grant to join or establish a labor-management partnership dedicated to the purposes of this section. Preference must be given to applications that demonstrate an ability to support students from racially diverse backgrounds, and that are focused on in-demand fields with career ladders to living wage jobs. Grant recipients must use the funds to provide services including, but not limited to, development and implementation of apprenticeship and industry certifications, benefits administration, tuition assistance, counseling and navigation, tutoring and test preparation, instructor/mentor training, materials and technology for students, childcare, and travel costs.

(7) \$92,000 of the general fund—state appropriation for fiscal year 2024 and \$92,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a full-time information technology position to collaborate with other state workforce agencies to establish and support a governance structure that provides strategic direction on cross-organizational information technology projects. The board must submit a report to the governor's office and the appropriate committees of the legislature, pursuant to RCW 43.01.036, with a progress update and recommendations on a coalition model that will result in better service coordination and public stewardship that enables the efficient delivery of workforce development services by September 1, 2023, and September 1, 2024.

(8) The workforce board must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(9) \$84,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1724 (behavioral health workforce). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

(10) \$904,000 of the climate commitment account—state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1176 (climate-ready communities), which creates a clean energy technology workforce advisory committee. If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse. The agency must conduct a study in fiscal year 2024 of the feasibility of a transition to retirement program to ensure income and medical and retirement benefits are not interrupted for workers close to

retirement that face job loss or transition because of clean energy technology sector changes.

(11) \$256,000 of the workforce education investment account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5582 (nurse supply). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 615. FOR THE STATE SCHOOL FOR THE BLIND**

General Fund—State Appropriation (FY 2024)	\$11,090,000
General Fund—State Appropriation (FY 2025)	\$11,186,000
General Fund—Private/Local Appropriation	\$34,000
<b>TOTAL APPROPRIATION</b>	<b>\$22,310,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the school to offer to students enrolled in grades six through twelve for full-time instructional services at the Vancouver campus or online with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

**NEW SECTION. Sec. 616. FOR THE WASHINGTON CENTER FOR DEAF AND HARD OF HEARING YOUTH**

General Fund—State Appropriation (FY 2024)	\$17,953,000
General Fund—State Appropriation (FY 2025)	\$17,997,000
General Fund—Private/Local Appropriation	\$3,050,000
<b>TOTAL APPROPRIATION</b>	<b>\$39,000,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the center to offer students ages three through 21 enrolled at the center the opportunity to participate in a minimum of 1,080 hours of instruction and the opportunity to earn 24 high school credits.

(2) \$225,000 of the general fund—state appropriation for fiscal year 2024 and \$225,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a mentoring program for persons employed as educational interpreters in public schools.

**NEW SECTION. Sec. 617. FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund—State Appropriation (FY 2024)	\$6,615,000
General Fund—State Appropriation (FY 2025)	\$6,795,000
General Fund—Federal Appropriation	\$2,230,000
General Fund—Private/Local Appropriation	\$184,000
<b>TOTAL APPROPRIATION</b>	<b>\$15,824,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$79,000 of the general fund—state appropriation for fiscal year 2024 and \$79,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the creative districts program.

(2) \$868,000 of the general fund—state appropriation for fiscal year 2024 and \$867,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the establishment of a tribal cultural affairs program. Of the amounts provided in this subsection, \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to support tribal cultural, arts, and creative programs.

(3) \$151,000 of the general fund—state appropriation for fiscal year 2024 and \$137,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to hire a temporary collections technician to maintain and repair public art in the state art collection.

(4) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to implement a pilot program for in-person and online arts programming, targeting adults and families impacted by housing instability, mental health challenges, and trauma.

(5) \$489,000 of the general fund—state appropriation for fiscal year 2024 and \$654,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1639 (Billy Frank Jr. statue). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 618. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2024)	\$5,327,000
General Fund—State Appropriation (FY 2025)	\$5,467,000
Local Museum Account—Washington State Historical Society—Private/Local Appropriation	\$70,000
<b>TOTAL APPROPRIATION</b>	<b>\$10,864,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the purpose of supporting the Washington museums connect initiative, creating an inventory of rural, volunteer, and multidiscipline museums and place-based heritage groups to connect at-risk museums to a statewide funding and operational network. The department shall contract with an organization that works with and connects museums in Washington state.

(a) The contracted organization must:

(i) Submit to the department a report regarding funding needs for the museums and place-based heritage groups identified in the statewide inventory created in the first phase of the initiative;

(ii) Submit to the department a strategic plan assessing opportunities for the entities identified in the statewide inventory to access local, state, and national funding; and

(iii) Distribute to the entities identified in the inventory information regarding opportunities to apply for local, state, and national funding for the duration of the contract.

(b) The report and the strategic plan are due by June 30, 2025.

(2) \$90,000 of the general fund—state appropriation for fiscal year 2024 and \$88,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for an assistant curator at the Washington state history museum.

(3) \$4,000 of the general fund—state appropriation for fiscal year 2024, \$4,000 of the general fund—state appropriation for fiscal year 2025, and \$70,000 of the local museum account—Washington state historical society—private/local appropriation are provided solely for implementation of Second Substitute House Bill No. 1639 (Billy Frank Jr. statue). If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.

(4) \$99,000 of the general fund—state appropriation for fiscal year 2024 and \$242,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington state historical society to partner with statewide organizations specializing in the preservation of Washington state aviation history to organize a centennial celebration of the first round-the-world flight that captures the narratives and contributions of Washingtonians to the history of aviation.

**NEW SECTION. Sec. 619. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2024) . . . . .	\$4,429,000
General Fund—State Appropriation (FY 2025) . . . . .	\$4,452,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$8,881,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$103,000 of the general fund—state appropriation for fiscal year 2024 and \$103,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a director of support services.

(2) \$52,000 of the general fund—state appropriation for fiscal year 2024 and \$52,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for an information technology staff to replace the society's contracted information technology support.

(End of part)

**PART VII  
SPECIAL APPROPRIATIONS**

**NEW SECTION. Sec. 701. FOR THE OFFICE OF FINANCIAL MANAGEMENT—INFORMATION TECHNOLOGY INVESTMENT POOL**

General Fund—State Appropriation (FY 2024) . . . . .	\$26,470,000
General Fund—State Appropriation (FY 2025) . . . . .	\$9,022,000
Other Appropriated Funds . . . . .	\$6,559,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$42,051,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for expenditure into the information technology investment revolving account created in RCW 43.41.433. Amounts in the account are provided solely for the information technology projects shown in LEAP omnibus document IT-2023, dated April 22, 2023, which is hereby incorporated by reference. To facilitate the transfer of moneys from other funds and accounts that are associated with projects contained in LEAP omnibus document IT-2023, dated April 22, 2023, the state treasurer is directed to transfer moneys from other funds and accounts to the information technology investment revolving account in accordance with schedules provided by the office of financial management. Restricted federal funds may be transferred only to the extent permitted by law, and will otherwise remain outside the information technology investment account. The projects affected remain subject to the other provisions of this section.

(2) Agencies must apply to the office of the chief information officer for certification and release of funding for each gate of the project. When the office of the chief information officer certifies the key deliverables of the gate have been met, a current technology budget is approved; and if applicable to the stage or gate of the project, that the project is putting functioning software into production that addresses user needs, is in compliance with the quality assurance plan, and meets a defined set of industry best practices for code quality that the office of the chief information officer will post to their website by July 1, 2023, it must notify the office of financial management and the fiscal committees of the legislature. The office of financial management may not approve funding for the certified project gate any earlier than ten business days from the date of notification to the fiscal committees of the legislature.

(3) (a) Allocations and allotments of information technology investment revolving account must be made for discrete stages of projects as determined by the technology budget approved by the office of the chief information officer and the office of financial management.

(b) Fifteen percent of total funding allocated by the office of financial management, or another amount as defined jointly by the office of financial management and the office of the chief information officer, will be retained in the account, but remain allocated to that project. The retained funding will be released to the agency only after successful completion of that stage of the project and only after the office of the chief information officer certifies the stage as required in subsection (2) of this section. For the one Washington project, the amount retained is increased to at least twenty percent of total funding allocated for any stage of that project.

(4) (a) Each project must have a technology budget. The technology budget must have the detail by fiscal month for the 2023-2025 fiscal biennium. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out, as well as at least five years of maintenance and operations costs.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit an updated technology budget, if changes occurred, to include detailed financial information to the office of financial management and the office of the chief information officer. The technology budget must describe the total cost of the project, as well as maintenance and operations costs, to include and identify at least:

(i) Fund sources:

(A) If the project is funded from the information technology revolving account, the technology budget must include a worksheet that provides the fund sources that were transferred into the account by fiscal year;

(B) If the project is by a central service agency, and funds are driven out by the central service model, the technology budget must provide a statewide impact by agency by fund as a worksheet in the technology budget file;

(ii) Full time equivalent staffing level to include job classification assumptions. This is to assure that the project has adequate state staffing and agency support to ensure success, ensure user acceptance, and adequately test the functionality being delivered in each sprint before it is accepted by the agency's contracting officer or their representative. Key project functions that are deemed "critical" must be retained by state personnel and not outsourced, to ensure that knowledge is retained within state government and that the state can self-sufficiently support the system and make improvements without long-term dependence on a vendor;

(iii) Discrete financial budget codes to include at least the appropriation index and program index;

(iv) Object and subobject codes of expenditures;

(v) Anticipated deliverables to include software demonstration dates;

(vi) Historical budget and expenditure detail by fiscal year; and

(vii) Maintenance and operations costs by fiscal year for at least five years as a separate worksheet.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(5) (a) Each project must have a project charter. The charter must include:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities, and shows that the project is adequately staffed by state personnel in key functions to ensure success;

(ii) The office of the chief information officer staff assigned to the project;

(iii) A project roadmap that includes the problems the team is solving and the sequence in which the team intends to take on those problems, updated periodically to reflect what has been learned;

(iv) Metrics to support the project strategy and vision, to determine that the project is incrementally meeting user needs;

(v) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(vi) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(vii) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(viii) Financial budget coding to include at least discrete financial coding for the project.

(b) If required by the office of the chief information officer, a project may also need to have an investment plan. The office of the chief information officer must:

(i) Base the requirement of an agency needing to have an investment plan on the complexity and risk of the project;

(ii) Establish requirements by project risk level in statewide technology policy, and publish the requirements by September 30, 2023; and

(iii) In collaboration with the department of enterprise services, define the circumstances under which the vendor will be terminated or replaced and establish the process by which the agency will transition to a new vendor with a minimal reduction in project productivity.

(6)(a) Projects with estimated costs greater than \$100,000,000 from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the chief information officer, except for the one Washington project which must be divided into the following discrete subprojects: Core financials, expanding financials and procurement, budget, and human resources. Each subproject must have a technology budget as provided in this section.

(b) If the project affects more than one agency:

(i) A separate technology budget and investment plan must be prepared by each agency; and

(ii) There must be a budget roll up that includes each affected agency at the subproject level.

(7) The office of the chief information officer shall maintain a statewide information technology project dashboard that provides updated information each fiscal month on projects subject to this section. The statewide dashboard must meet the requirements in section 155 of this act.

(8) For any project that exceeds \$2,000,000 in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Independent quality assurance services for the project must report independently to the office of the chief information officer;

(b) The office of the chief information officer, based on project risk assessments, may require additional quality assurance services and independent verification and validation services;

(c) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(d) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(e) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed;

(f) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements;

(g) The agency and project must use an agile development model holding live demonstrations of functioning software, developed using incremental user research, held at the end of every two-week sprint;

(h) The project solution must be capable of being continually updated, as necessary; and

(i) The agency and project must deploy usable functionality into production for users within 180 days from the date of an executed procurement contract in response to a competitive request for proposal.

(9) The office of the chief information officer must evaluate the project at each stage and certify whether the project is putting functioning software into production that addresses user needs, is projected to be completed within budget, is in compliance with the quality assurance plan, and meets a defined set of industry best practices for code quality, and whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(10) The office of the chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the chief information officer must report on December 1 each calendar year any suspension or termination of a project in the previous 12-month period to the legislative fiscal committees.

(11) The office of the chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the chief information officer must report on December 1 each calendar year any additional projects to be subjected to this section that were identified in the previous 12-month period to the legislative fiscal committees.

(12) Any cost to administer or implement this section for projects listed in subsection (1) of this section, must be paid from the information technology investment revolving

account. For any other information technology project made subject to the conditions, limitations, and review of this section, the cost to implement this section must be paid from the funds for that project.

(13) The following information technology projects are subject to the conditions, limitations, and review of this section:

- (a) The state network firewall replacement of the consolidated technology services agency;
- (b) The resident portal of the consolidated technology services agency; and
- (c) The resident identity and access management modernization project of the consolidated technology services agency.

**NEW SECTION. Sec. 702. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund—State Appropriation (FY 2024)	\$1,419,445,000
General Fund—State Appropriation (FY 2025)	\$1,549,610,000
State Building Construction Account—State Appropriation	\$14,092,000
Watershed Restoration and Enhancement Bond Account— State Appropriation	\$204,000
State Taxable Building Construction Account—State Appropriation	\$876,000
Debt-Limit Reimbursable Bond Retirement Account— State Appropriation	\$119,000
<b>TOTAL APPROPRIATION</b>	<b>\$2,984,346,000</b>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

**NEW SECTION. Sec. 703. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

Nondebt-Limit Reimbursable Bond Retirement Account— State Appropriation	\$51,730,000
<b>TOTAL APPROPRIATION</b>	<b>\$51,730,000</b>

The appropriation in this section is subject to the following conditions and limitations: The general fund appropriation is for expenditure into the nondebt limit general fund bond retirement account.

**NEW SECTION. Sec. 704. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund—State Appropriation (FY 2024)	\$1,400,000
General Fund—State Appropriation (FY 2025)	\$1,400,000
State Building Construction Account—State Appropriation	\$2,821,000
Watershed Restoration and Enhancement Bond Account— State Appropriation	\$44,000
State Taxable Building Construction Account—State Appropriation	\$176,000
<b>TOTAL APPROPRIATION</b>	<b>\$5,841,000</b>

**NEW SECTION. Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT—GOVERNOR'S EMERGENCY FUNDING**

General Fund—State Appropriation (FY 2024)	\$3,500,000
General Fund—State Appropriation (FY 2025)	\$3,500,000
<b>TOTAL APPROPRIATION</b>	<b>\$7,000,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided for the critically necessary work of any state agency in the event of an emergent or unforeseen circumstance. Prior to the allocation of funding from this subsection (1), the requesting agency and the office of financial management must comply with the provisions of RCW 43.88.250.

(2) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided for individual assistance consistent with RCW 38.52.030(9) during an emergency proclaimed by the governor, as defined in RCW 38.52.010. The office of financial management must notify the fiscal committees of the legislature of the receipt by the governor or adjutant general of each application or request for individual assistance from the amounts provided in this



subsection (2). The office of financial management may not approve or release funding for 10 business days from the date of notification to the fiscal committees of the legislature.

**NEW SECTION. Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT—EDUCATION TECHNOLOGY REVOLVING ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$9,000,000
General Fund—State Appropriation (FY 2025)	\$9,000,000
<b>TOTAL APPROPRIATION</b>	<b>\$18,000,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the education technology revolving account for the purpose of covering ongoing operational and equipment replacement costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

**NEW SECTION. Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT—O'BRIEN BUILDING IMPROVEMENT**

General Fund—State Appropriation (FY 2024)	\$2,585,000
General Fund—State Appropriation (FY 2025)	\$2,584,000
<b>TOTAL APPROPRIATION</b>	<b>\$5,169,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the enterprise services account for payment of principal, interest, and financing expenses associated with the certificate of participation for the O'Brien building improvement, project number 20081007.

**NEW SECTION. Sec. 708. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CHERBERG BUILDING REHABILITATION**

General Fund—State Appropriation (FY 2024)	\$550,000
General Fund—State Appropriation (FY 2025)	\$552,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,102,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the enterprise services account for payment of principal, interest, and financing expenses associated with the certificate of participation for the Cherberg building improvements, project number 2002-1-005.

**NEW SECTION. Sec. 709. FOR THE STATE TREASURER—COUNTY PUBLIC HEALTH ASSISTANCE**

General Fund—State Appropriation (FY 2024)	\$36,386,000
General Fund—State Appropriation (FY 2025)	\$36,386,000
<b>TOTAL APPROPRIATION</b>	<b>\$72,772,000</b>

The appropriations in this section are subject to the following conditions and limitations: The state treasurer shall distribute the appropriations to the following counties and health districts in the amounts designated to support public health services, including public health nursing:

<b>Health District</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>2023-2025 Biennium</b>
Adams County Integrated Health Care Services	\$121,213	\$121,213	\$242,426
Asotin County Health District	\$159,890	\$159,890	\$319,780
Benton-Franklin Health District	\$1,614,337	\$1,614,337	\$3,228,674
Chelan-Douglas Health District	\$399,634	\$399,634	\$799,268
Clallam County Health and Human Services Department	\$291,401	\$291,401	\$582,802
Clark County Public Health	\$1,767,341	\$1,767,341	\$3,534,682
Skamania County Community Health	\$111,327	\$111,327	\$222,654
Columbia County Health District	\$119,991	\$119,991	\$239,982
Cowlitz County Health and Human Services	\$477,981	\$477,981	\$955,962
Garfield County Health District	\$93,154	\$93,154	\$186,308
Grant County Health District	\$297,761	\$297,761	\$595,522
Grays Harbor Public Health and Social Services	\$335,666	\$335,666	\$671,332
Island County Health Department	\$255,224	\$255,224	\$510,448

Jefferson County Public Health	\$184,080	\$184,080	\$368,160
Public Health - Seattle & King County	\$12,685,521	\$12,685,521	\$25,371,042
Kitsap Public Health District	\$997,476	\$997,476	\$1,994,952
Kittitas County Public Health	\$198,979	\$198,979	\$397,958
Klickitat County Public Health	\$153,784	\$153,784	\$307,568
Lewis County Public Health and Social Services	\$263,134	\$263,134	\$526,268
Lincoln County Health Department	\$113,917	\$113,917	\$227,834
Mason County Public Health and Human Services	\$227,448	\$227,448	\$454,896
Okanogan County Public Health	\$169,882	\$169,882	\$339,764
Pacific County Health and Human Services	\$169,075	\$169,075	\$338,150
Tacoma-Pierce County Health Department	\$4,143,169	\$4,143,169	\$8,286,338
San Juan County Health and Community Services	\$126,569	\$126,569	\$253,138
Skagit County Health Department	\$449,745	\$449,745	\$899,490
Snohomish Health District	\$3,433,291	\$3,433,291	\$6,866,582
Spokane Regional Health District	\$2,877,318	\$2,877,318	\$5,754,636
Northeast Tri-County Health District	\$249,303	\$249,303	\$498,606
Thurston County Public Health and Social Services	\$1,046,897	\$1,046,897	\$2,093,794
Wahkiakum County Health and Human Services	\$93,181	\$93,181	\$186,362
Walla Walla County Department of Community Health	\$302,173	\$302,173	\$604,346
Whatcom County Health Department	\$1,214,301	\$1,214,301	\$2,428,602
Whitman County Health Department	\$189,355	\$189,355	\$378,710
Yakima Health District	\$1,052,482	\$1,052,482	\$2,104,964
TOTAL APPROPRIATIONS	\$36,386,000	\$36,386,000	\$72,772,000

**NEW SECTION. Sec. 710. FOR THE STATE TREASURER—COUNTY CLERK LEGAL FINANCIAL OBLIGATION GRANTS**

General Fund—State Appropriation (FY 2024)	\$541,000
General Fund—State Appropriation (FY 2025)	\$441,000
<b>TOTAL APPROPRIATION</b>	<b>\$982,000</b>

The appropriations in this section are subject to the following conditions and limitations: By October 1st of each fiscal year, the state treasurer shall distribute the appropriations to the following county clerk offices in the amounts designated as grants for the collection of legal financial obligations pursuant to RCW 2.56.190:

<b>County Clerk</b>	<b>FY 2024</b>	<b>FY 2025</b>
Adams County Clerk	\$2,103	\$1,714
Asotin County Clerk	\$2,935	\$2,392
Benton County Clerk	\$18,231	\$14,858
Chelan County Clerk	\$7,399	\$6,030
Clallam County Clerk	\$5,832	\$4,753
Clark County Clerk	\$32,635	\$26,597
Columbia County Clerk	\$384	\$313
Cowlitz County Clerk	\$16,923	\$13,792

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Douglas Clerk	County	\$3,032	\$2,471
Ferry County Clerk		\$422	\$344
Franklin Clerk	County	\$5,486	\$4,471
Garfield Clerk	County	\$243	\$198
Grant County Clerk		\$10,107	\$8,237
Grays County Clerk	Harbor	\$8,659	\$7,057
Island Clerk	County	\$3,059	\$2,493
Jefferson Clerk	County	\$1,859	\$1,515
King County Clerk	Court	\$119,290	\$97,266
Kitsap Clerk	County	\$22,242	\$18,127
Kittitas Clerk	County	\$3,551	\$2,894
Klickitat Clerk	County	\$2,151	\$1,753
Lewis County Clerk		\$10,340	\$8,427
Lincoln Clerk	County	\$724	\$590
Mason County Clerk		\$5,146	\$4,194
Okanogan Clerk	County	\$3,978	\$3,242
Pacific Clerk	County	\$2,411	\$1,965
Pend County Clerk	Oreille	\$611	\$498
Pierce Clerk	County	\$77,102	\$62,837
San Juan Clerk	County	\$605	\$493
Skagit Clerk	County	\$11,059	\$9,013
Skamania Clerk	County	\$1,151	\$938
Snohomish Clerk	County	\$38,143	\$31,086
Spokane Clerk	County	\$44,825	\$36,578
Stevens Clerk	County	\$2,984	\$2,432
Thurston Clerk	County	\$22,204	\$18,096
Wahkiakum Clerk	County	\$400	\$326
Walla Walla Clerk	County	\$4,935	\$4,022
Whatcom Clerk	County	\$20,728	\$16,893
Whitman Clerk	County	\$2,048	\$1,669

Yakima County	\$25,063	\$20,426
Clerk		
TOTAL	\$541,00	\$441,00
APPROPRIATIONS	0	0

**NEW SECTION. Sec. 711. BELATED CLAIMS**

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

**NEW SECTION. Sec. 712. FOR THE OFFICE OF FINANCIAL MANAGEMENT—FOUNDATIONAL PUBLIC HEALTH SERVICES**

General Fund—State Appropriation (FY 2024)	\$122,023,000
General Fund—State Appropriation (FY 2025)	\$151,091,000
Foundational Public Health Services Account—State Appropriation	\$28,050,000
<b>TOTAL APPROPRIATION</b>	<b>\$301,164,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for distribution as provided in RCW 43.70.515.

**NEW SECTION. Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COMMON SCHOOL CONSTRUCTION ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$600,000
General Fund—State Appropriation (FY 2025)	\$600,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,200,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the common school construction account—state on July 1, 2023, and July 1, 2024, for an interest payment pursuant to RCW 90.38.130.

**NEW SECTION. Sec. 714. FOR THE OFFICE OF FINANCIAL MANAGEMENT—NATURAL RESOURCES REAL PROPERTY REPLACEMENT ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$300,000
General Fund—State Appropriation (FY 2025)	\$300,000
<b>TOTAL APPROPRIATION</b>	<b>\$600,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the natural resources real property replacement account—state on July 1, 2023, and July 1, 2024, for an interest payment pursuant to RCW 90.38.130.

**NEW SECTION. Sec. 715. FOR THE OFFICE OF FINANCIAL MANAGEMENT—ANDY HILL CANCER RESEARCH ENDOWMENT FUND MATCH TRANSFER ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$684,000
<b>TOTAL APPROPRIATION</b>	<b>\$684,000</b>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the Andy Hill cancer research endowment fund match transfer account per RCW 43.348.080 to fund the Andy Hill cancer research endowment program. Matching funds using the amounts appropriated in this section may not be used to fund new grants that exceed two years in duration.

**NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT—NORTHEAST WASHINGTON WOLF-LIVESTOCK MANAGEMENT ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$800,000
General Fund—State Appropriation (FY 2025)	\$800,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,600,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the northeast Washington wolf-livestock management account for the deployment of nonlethal wolf deterrence resources as provided in chapter 16.76 RCW.

**NEW SECTION. Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT—STATE HEALTH CARE AFFORDABILITY ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$55,000,000
General Fund—State Appropriation (FY 2025)	\$30,000,000
<b>TOTAL APPROPRIATION</b>	<b>\$85,000,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for expenditure into the state health care affordability account created in RCW 43.71.130.

(2) It is the intent of the legislature to continue the policy of expending \$5,000,000 into the account each fiscal year in future biennia for the purpose of funding premium assistance for customers ineligible for federal premium tax credits who meet the eligibility criteria established in section 214(4)(a) of this act. Future expenditures into the account are contingent upon approval of the waiver described in RCW 43.71.120.

**NEW SECTION. Sec. 718. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT: JUVENILE CODE REVISIONS**

General Fund—State Appropriation (FY 2024)	\$331,000
General Fund—State Appropriation (FY 2025)	\$331,000
<b>TOTAL APPROPRIATION</b>	<b>\$662,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

**NEW SECTION. Sec. 719. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT: REPEAT OFFENDERS**

General Fund—State Appropriation (FY 2024)	\$226,000
General Fund—State Appropriation (FY 2025)	\$226,000
<b>TOTAL APPROPRIATION</b>	<b>\$452,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations, or so much thereof as may be necessary, are provided solely for expenditure into the county criminal justice assistance account. The treasurer shall make quarterly distributions from the county criminal justice assistance account of the amounts provided in this section in accordance with RCW 82.14.310 for the purposes of reimbursing local jurisdictions for increased costs incurred as a result of the mandatory arrest of repeat offenders pursuant to chapter 35, Laws of 2013 2nd sp. sess. The appropriations and distributions made under this section constitute appropriate reimbursement for costs for any new programs or increased level of services for the purposes of RCW 43.135.060.

**NEW SECTION. Sec. 720. FOR THE OFFICE OF FINANCIAL MANAGEMENT—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT: REPEAT OFFENDERS**

General Fund—State Appropriation (FY 2024)	\$133,000
General Fund—State Appropriation (FY 2025)	\$133,000
<b>TOTAL APPROPRIATION</b>	<b>\$266,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations, or so much thereof as may be necessary, are appropriated for expenditure into the municipal criminal justice assistance account. The treasurer shall make quarterly distributions from the municipal criminal justice assistance account of the amounts provided in this section in accordance with RCW 82.14.320 and 82.14.330, for the purposes of reimbursing local jurisdictions for increased costs incurred as a result of the mandatory arrest of repeat offenders pursuant to chapter 35, Laws of 2013 2nd sp. sess. The appropriations and distributions made under this section constitute appropriate reimbursement for costs for any new programs or increased level of services for the purposes of RCW 43.135.060.

**NEW SECTION. Sec. 721. FOR THE OFFICE OF FINANCIAL MANAGEMENT—INDIAN HEALTH IMPROVEMENT REINVESTMENT ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$708,000
General Fund—State Appropriation (FY 2025)	\$708,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,416,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the Indian health improvement reinvestment account created in RCW 43.71B.040.

**NEW SECTION. Sec. 722. FOR THE OFFICE OF FINANCIAL MANAGEMENT—OUTDOOR EDUCATION ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$2,250,000
General Fund—State Appropriation (FY 2025)	\$2,250,000
<b>TOTAL APPROPRIATION</b>	<b>\$4,500,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the outdoor education and recreation program account for the purposes identified in RCW 79A.05.351.

**NEW SECTION. Sec. 723. FOR THE OFFICE OF FINANCIAL MANAGEMENT—UNIVERSAL COMMUNICATIONS SERVICES ACCOUNT**

General Fund—State Appropriation (FY 2024) . . . . .	\$5,000,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$5,000,000</b>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the universal communications services account created in RCW 80.36.690.

**NEW SECTION. Sec. 724. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON CAREER AND COLLEGE PATHWAYS INNOVATION CHALLENGE PROGRAM ACCOUNT**

General Fund—State Appropriation (FY 2024) . . . . .	\$6,000,000
General Fund—State Appropriation (FY 2025) . . . . .	\$6,000,000
Workforce Education Investment Account—State Appropriation. . . . .	\$4,000,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$16,000,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the Washington career and college pathways innovation challenge program account created in RCW 28B.120.040 to implement RCW 28B.120.060. The student achievement council must report to the governor and appropriate committees of the legislature on the uses of the general fund moneys deposited in the account by December 1 of each fiscal year of the biennium.

**NEW SECTION. Sec. 725. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON INTERNET CRIMES AGAINST CHILDREN ACCOUNT**

General Fund—State Appropriation (FY 2024) . . . . .	\$1,135,000
General Fund—State Appropriation (FY 2025) . . . . .	\$1,135,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$2,270,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the Washington internet crimes against children account created in RCW 43.101.435.

**NEW SECTION. Sec. 726. FOR THE OFFICE OF FINANCIAL MANAGEMENT—LANDLORD MITIGATION PROGRAM ACCOUNT**

General Fund—State Appropriation (FY 2024) . . . . .	\$8,000,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$8,000,000</b>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the landlord mitigation program account created in RCW 43.31.615.

**NEW SECTION. Sec. 727. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

(1) The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(2) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund—State Appropriation (FY 2024) . . . . .	\$88,700,000
General Fund—State Appropriation (FY 2025) . . . . .	\$92,600,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$181,300,000</b>

(3) There is appropriated for contributions to the judicial retirement system:

General Fund—State Appropriation (FY 2024) . . . . .	\$6,300,000
General Fund—State Appropriation (FY 2025) . . . . .	\$6,000,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$12,300,000</b>

(4) There is appropriated for contributions to the judges' retirement system:

General Fund—State Appropriation (FY 2024) . . . . .	\$300,000
General Fund—State Appropriation (FY 2025) . . . . .	\$300,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$600,000</b>

**NEW SECTION. Sec. 728. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

There is appropriated for state contributions to the volunteer firefighters' and reserve officers' relief and pension principal fund:

Volunteer Firefighters' and Reserve Officers'

Administrative Account—State Appropriation. . . . .	\$18,704,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$18,704,000</b>

**NEW SECTION. Sec. 729. FOR THE OFFICE OF FINANCIAL MANAGEMENT—LEASE COST POOL**

General Fund—Federal Appropriation. . . . .	\$1,649,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$1,649,000</b>

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is provided solely for expenditure into the state agency office relocation pool account created in RCW 43.41.455.
- (2) Impacted agencies are shown in LEAP omnibus document LEAS-2023, dated April 22, 2023, which is hereby incorporated by reference.
- (3) Agencies may apply to the office of financial management to receive funds from the state agency office relocation pool amount. Prior to applying, the agencies must submit to the office of financial management statewide oversight office a relocation plan that identifies estimated project costs, including how the lease aligns to the agency's six-year leased facility plan.

**NEW SECTION. Sec. 730. FOR THE WASHINGTON STUDENT ACHIEVEMENT COUNCIL—BEHAVIORAL HEALTH LOAN REPAYMENT PROGRAM ACCOUNT**

General Fund—State Appropriation (FY 2024). . . . .	\$1,000,000
General Fund—State Appropriation (FY 2025). . . . .	\$1,000,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$2,000,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the behavioral health loan repayment program account created in RCW 28B.115.135.

**NEW SECTION. Sec. 731. FOR THE WASHINGTON STUDENT ACHIEVEMENT COUNCIL—HEALTH PROFESSIONALS LOAN REPAYMENT AND SCHOLARSHIP PROGRAM ACCOUNT**

General Fund—State Appropriation (FY 2024). . . . .	\$3,800,000
General Fund—State Appropriation (FY 2025). . . . .	\$3,800,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$7,600,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriations are provided solely for expenditure into the health professionals loan repayment and scholarship program account created in RCW 28B.115.130.
- (2) These amounts must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office of student financial assistance and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current number and amount of awards for the program in the 2025-2027 fiscal biennium on the basis of these contractual obligations.
- (3) Funding may be used for the forensic pathologist loan repayment program established in Substitute Senate Bill No. 5523 (forensic pathologists).

**NEW SECTION. Sec. 732. FOR THE WASHINGTON STUDENT ACHIEVEMENT COUNCIL—MEDICAL STUDENT LOAN ACCOUNT**

General Fund—State Appropriation (FY 2024). . . . .	\$252,000
General Fund—State Appropriation (FY 2025). . . . .	\$252,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$504,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the medical student loan account created in RCW 28B.99.030.

**NEW SECTION. Sec. 733. FOR THE WASHINGTON STUDENT ACHIEVEMENT COUNCIL—NURSE EDUCATOR LOAN REPAYMENT PROGRAM**

General Fund—State Appropriation (FY 2024). . . . .	\$3,000,000
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General Fund—State Appropriation (FY 2025)	\$3,000,000
<b>TOTAL APPROPRIATION</b>	<b>\$6,000,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the health professionals loan repayment and scholarship program account created in RCW 28B.115.130 for the nurse educator loan repayment program.

**NEW SECTION. Sec. 734. FOR THE WASHINGTON STUDENT ACHIEVEMENT COUNCIL—RURAL JOBS PROGRAM MATCH TRANSFER ACCOUNT**

Workforce Education Investment Account—State	
Appropriation	\$400,000
<b>TOTAL APPROPRIATION</b>	<b>\$400,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the rural jobs program match transfer account created in RCW 28B.145.120.

**NEW SECTION. Sec. 735. FOR THE WASHINGTON STUDENT ACHIEVEMENT COUNCIL—OPPORTUNITY SCHOLARSHIP MATCH TRANSFER ACCOUNT**

Workforce Education Investment Account—State	
Appropriation	\$11,600,000
<b>TOTAL APPROPRIATION</b>	<b>\$11,600,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the opportunity scholarship match transfer account created in RCW 28B.145.050.

**NEW SECTION. Sec. 736. FOR THE WASHINGTON STUDENT ACHIEVEMENT COUNCIL—EDUCATOR CONDITIONAL SCHOLARSHIP PROGRAM**

Workforce Education Investment Account—State	
Appropriation	\$2,000,000
<b>TOTAL APPROPRIATION</b>	<b>\$2,000,000</b>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the educator conditional scholarship account created in RCW 28B.102.080 for the teacher shortage conditional grant program.

**NEW SECTION. Sec. 737. FOR THE OFFICE OF FINANCIAL MANAGEMENT—DEVELOPMENTAL DISABILITIES COMMUNITY SERVICES ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$1,000,000
General Fund—State Appropriation (FY 2025)	\$1,000,000
<b>TOTAL APPROPRIATION</b>	<b>\$2,000,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the developmental disabilities community services account (Dan Thompson memorial community services account) for the purposes identified in RCW 71A.20.170.

**NEW SECTION. Sec. 738. FOR THE OFFICE OF FINANCIAL MANAGEMENT—HOME VISITING SERVICES ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$12,247,000
General Fund—State Appropriation (FY 2025)	\$14,347,000
<b>TOTAL APPROPRIATION</b>	<b>\$26,594,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the home visiting services account created in RCW 43.216.130 for the home visiting program.

**NEW SECTION. Sec. 739. FOR THE OFFICE OF FINANCIAL MANAGEMENT—AFFORDABLE HOUSING FOR ALL ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$18,500,000
General Fund—State Appropriation (FY 2025)	\$18,500,000
<b>TOTAL APPROPRIATION</b>	<b>\$37,000,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the affordable housing for all account created in RCW 43.185C.190 for operations, maintenance, and services for permanent supportive housing as defined in RCW 36.70A.030.

**NEW SECTION. Sec. 740. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON STATE LEADERSHIP BOARD ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$843,000
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General Fund—State Appropriation (FY 2025) . . . . . \$848,000  
**TOTAL APPROPRIATION**..... \$1,691,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the Washington state leadership board account created in RCW 43.388.020.

**NEW SECTION. Sec. 741. FOR THE OFFICE OF FINANCIAL MANAGEMENT—MEDICATION FOR PEOPLE LIVING WITH HIV REBATE REVENUE ACCOUNT**

General Fund—Private/Local Appropriation . . . . . \$43,000,000  
**TOTAL APPROPRIATION**..... \$43,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the medication for people living with HIV rebate revenue account. On or before July 1, 2023, the department of health must determine, and report to the office of financial management, the amount of expended revenues from receipt of pharmaceutical rebates generated by the purchase of medications with federal grant funds and revenue generated from federal grant funds for any person enrolled in the early intervention program residing in the general fund. After the office of financial management verifies the accuracy of the information, the office must direct the state treasurer to transfer such amount, not to exceed \$43,000,000, on July 1, 2023, from the general fund to the medication for people living with HIV rebate revenue account created in Engrossed Substitute Senate Bill No. 5142 (HIV medication rebate rev.). If the bill is not enacted by June 30, 2023, the amount appropriated in this section shall lapse.

**NEW SECTION. Sec. 742. FOR THE OFFICE OF FINANCIAL MANAGEMENT—JUDICIAL INFORMATION SYSTEM ACCOUNT**

General Fund—State Appropriation (FY 2024) . . . . . \$10,000,000  
 General Fund—State Appropriation (FY 2025) . . . . . \$10,000,000  
**TOTAL APPROPRIATION**..... \$20,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the judicial information systems account created in RCW 2.68.020.

**NEW SECTION. Sec. 743. FOR THE OFFICE OF FINANCIAL MANAGEMENT—OFFICE SPACE USE REDUCTIONS**

General Fund—State Appropriation (FY 2024) . . . . . (\$3,019,000)  
 General Fund—State Appropriation (FY 2025) . . . . . (\$2,035,000)  
**TOTAL APPROPRIATION**..... (\$5,054,000)

The appropriations in this section are subject to the following conditions and limitations:

(1) In response to the COVID-19 pandemic, Washington state agencies rapidly implemented telework for employees whose job duties did not require on-site presence. This shift in state government operations has led to agencies' reevaluation of the amount of physical office space they will require as they implement hybrid work environments and adopt expanded telework opportunities. The appropriations in this section reflect adjustments in agency appropriations related to office space reductions to be achieved from hybrid work, telework, and the strategy provided in this section. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document LSSV-2023, dated April 22, 2023, and adjust appropriation schedules accordingly.

(2) To meet the goal of efficient use of state funds and office space, state agencies, institutions of higher education, and separately elected officials must adhere to the office of financial management's statewide space use policy, data integrity and system access policy, inventory policy, and the human resource management system data validation guide to ensure space use data is complete, accurate, and consistent for reporting and analysis.

(3) State agencies, institutions of higher education, and separately elected officials with leases expiring in fiscal years 2024 and 2025 must work toward reducing leased office space a minimum of 20 percent upon lease renewal or when requesting office relocation. Reductions in lease costs will be reflected in subsequent budgets.

(4) It is the intent of the legislature that state agencies, institutions of higher education, and separately elected officials with leases expiring in fiscal years 2026 and 2027 work to reduce their office space portfolio a minimum of 30 percent upon lease renewal or when requesting office relocation. The reductions in costs will be reflected in subsequent budgets.

(5) State agencies must:

(a) Work with the office of financial management's facilities oversight and planning program and the department of enterprise services to backfill office space and reduce full leases;

(b) Update monthly the office of financial management's facilities portfolio management tool to maximize collocation opportunities and better inform decision making;

(c) Update telework and employee location data monthly in the human resource management system to reflect office space use and needs; and

(d) Maintain a telework policy in accordance with executive order 16-07, building a modern work environment.

(6) The anticipated general fund savings from reduced office space need is \$13,759,000 during the 2025-2027 fiscal biennium.

(7) The office of financial management, working collaboratively with the department of enterprise services, must report to the fiscal and appropriate policy committees of the legislature with comparative analysis on the total estimated office space use savings by fiscal year for all impacted state agencies, institutions of higher education, and separately elected offices compared to the actual realized savings achieved by fiscal year. The report must be submitted each January 1st, beginning January 1, 2024, for the prior fiscal year. In addition to this high-level reporting requirement, the office must also report on each lease that was set to expire in the prior fiscal year, starting with fiscal year 2023, to provide actual detail for each lease by impacted state agency, institution of higher education, and separately elected office. The detail must include:

(a) Detail on the lease expiring to include the unique facility identification, the lease number, the address, the total square feet leased, the terms of the lease to include price per square foot, whether the lease is full service or not and what services are included in the rate, and how many workstations and offices will be available;

(b) Detail on the new lease, if applicable, to include the unique facility identification, the lease number, the address, the total square feet leased, the terms of the lease to include price per square foot, whether the lease is full service or not and what is included in the rate, and how many workstations and offices will be available;

(c) The estimated relocation costs for moving furniture and people to the new location;

(d) The estimated cost for new furniture and why existing furniture was not utilized;

(e) If tenant improvement costs are being paid for as one-time costs in the new location, what improvements are being made and at what cost;

(f) If tenant improvement costs are not being paid for as one-time costs in the new location, whether the costs for the tenant improvements are built into the new lease price per square foot and if so the estimated cost added to the base price per square feet;

(g) The triple net lease detail, if applicable, for the new space; and

(h) The net fiscal impact to the agency of the new lease and any additional one-time or ongoing new costs, compared to the lease that is expiring.

**NEW SECTION. Sec. 744. FOR THE OFFICE OF FINANCIAL MANAGEMENT—STATEWIDE TOURISM MARKETING ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$2,983,000
General Fund—State Appropriation (FY 2025)	\$2,983,000
<b>TOTAL APPROPRIATION</b>	<b>\$5,966,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the statewide tourism marketing account created in RCW 43.384.040.

**NEW SECTION. Sec. 745. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON HORSE RACING COMMISSION OPERATING ACCOUNT**

Coronavirus State Fiscal Recovery Fund—Federal Appropriation	\$1,150,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,150,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the Washington horse racing commission operating account created in RCW 67.16.280.

**NEW SECTION. Sec. 746. FOR THE OFFICE OF FINANCIAL MANAGEMENT—BEHAVIORAL HEALTH LOAN REPAYMENT PROGRAM ACCOUNT**

Washington Student Loan Account—State Appropriation	\$10,000,000
<b>TOTAL APPROPRIATION</b>	<b>\$10,000,000</b>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the behavioral health loan repayment program account created in RCW 28B.115.135.

**NEW SECTION. Sec. 747. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CRIME VICTIM AND WITNESS ASSISTANCE ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$2,000,000
General Fund—State Appropriation (FY 2025)	\$2,000,000
<b>TOTAL APPROPRIATION</b>	<b>\$4,000,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the state crime victim and witness assistance account created in Engrossed Substitute House Bill No. 1169 (legal financial obligations). If the bill is not enacted by June 30, 2023, the amounts appropriated in this section shall lapse.

**NEW SECTION. Sec. 748. FOR THE OFFICE OF FINANCIAL MANAGEMENT—DNA DATABASE ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$482,000
General Fund—State Appropriation (FY 2025)	\$482,000
<b>TOTAL APPROPRIATION</b>	<b>\$964,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the state DNA database account created in RCW 43.43.7532. If Engrossed Substitute House Bill No. 1169 (legal financial obligations) is not enacted by June 30, 2023, the amounts appropriated in this section shall lapse.

**NEW SECTION. Sec. 749. FOR THE OFFICE OF FINANCIAL MANAGEMENT—HEALTH PROFESSIONAL LOAN REPAYMENT AND SCHOLARSHIP PROGRAM FUND**

Washington Student Loan Account—State Appropriation	\$10,000,000
<b>TOTAL APPROPRIATION</b>	<b>\$10,000,000</b>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the health professional loan repayment and scholarship program fund created in RCW 28B.115.130.

**NEW SECTION. Sec. 750. FOR THE OFFICE OF FINANCIAL MANAGEMENT—OPERATING SUBACCOUNT OF THE COMMUNITY PRESERVATION AND DEVELOPMENT AUTHORITY ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$3,336,000
<b>TOTAL APPROPRIATION</b>	<b>\$3,336,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the operating subaccount of the community preservation and development authority account.

(End of part)

**PART VIII**

**OTHER TRANSFERS AND APPROPRIATIONS**

**NEW SECTION. Sec. 801. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions	\$13,766,000
General Fund Appropriation for prosecuting attorney distributions	\$8,284,000
General Fund Appropriation for boating safety and education distributions	\$4,272,000
General Fund Appropriation for public utility district excise tax distributions	\$71,825,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$4,947,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distributions	\$140,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties	\$82,143,000
County Criminal Justice Assistance Appropriation	\$129,509,000
Municipal Criminal Justice Assistance Appropriation	\$51,247,000
City-County Assistance Appropriation	\$45,960,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution	\$89,385,000
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation	\$9,587,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians	\$6,893,000
Liquor Revolving Account Appropriation for liquor profits distribution	\$98,876,000
General Fund Appropriation for other tax distributions	\$104,000
Dedicated Cannabis Account Appropriation for Cannabis Excise Tax distributions pursuant to Engrossed Second Substitute Senate Bill No. 5796 (cannabis revenue)	\$50,472,000
General Fund Appropriation for Habitat Conservation Program distributions	\$5,754,000
General Fund Appropriation for payment in lieu of taxes to counties under Department of Fish and Wildlife Program	\$4,496,000
Puget Sound Taxpayer Accountability Account	

Appropriation for distribution to counties in amounts not to exceed actual deposits into the account and attributable to those counties' share pursuant to RCW 43.79.520.. . . . .	\$27,990,000
Manufacturing and Warehousing Job Centers Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistributions effect of sourcing law changes pursuant to chapter 83, Laws of 2021 (warehousing & manufacturing jobs).. . . . .	\$7,780,000
State Crime Victim and Witness Assistance Account Appropriation for distribution to counties. If Engrossed Substitute House Bill No. 1169 is not enacted by June 30, 2023, this amount shall lapse.. . . . .	\$4,000,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$717,430,000</b>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 802. FOR THE STATE TREASURER—FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation. . . . .	\$2,065,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$2,065,000</b>

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2023-2025 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**NEW SECTION. Sec. 803. FOR THE STATE TREASURER—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation. . . . .	\$1,377,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$1,377,000</b>

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2023-2025 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**NEW SECTION. Sec. 804. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION**

General Fund Appropriation for federal flood control funds distribution. . . . .	\$68,000
General Fund Appropriation for federal grazing fees distribution. . . . .	\$56,000
General Fund Appropriation for federal military fees distribution. . . . .	\$1,172,000
Forest Reserve Fund Appropriation for federal forest reserve fund distribution. . . . .	\$29,502,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$30,798,000</b>

**NEW SECTION. Sec. 805. FOR THE STATE TREASURER—TRANSFERS**

Dedicated Cannabis Account: For transfer to the basic health plan trust account, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2024, \$269,000,000 and this amount for fiscal year 2025, \$278,000,000. . . . .	\$547,000,000
Dedicated Cannabis Account: For transfer to the	

state general fund, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2024, \$162,000,000 and this amount for fiscal year 2025, \$172,000,000. . . . .	\$334,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2024. . . . .	\$92,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2025. . . . .	\$92,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the tobacco arbitration payment to the tobacco settlement account, for fiscal year 2024. . . . .	\$24,500,000
State Treasurer's Service Account: For transfer to the state general fund, \$15,000,000 for fiscal year 2024 and \$15,000,000 for fiscal year 2025. It is the intent of the legislature to continue this policy in the subsequent fiscal biennium. . . . .	\$30,000,000
General Fund: For transfer to the fair fund under RCW 15.76.115, \$3,500,000 for fiscal year 2024 and \$3,500,000 for fiscal year 2025. . . . .	\$7,000,000
Financial Services Regulation Account: For transfer to the state general fund, \$3,500,000 for fiscal year 2024 and \$3,500,000 for fiscal year 2025. It is the intent of the legislature to continue this policy in the subsequent fiscal biennium. . . . .	\$7,000,000
General Fund: For transfer to the wildfire response, forest restoration, and community resilience account, solely for the implementation of chapter 298, Laws of 2021 (2SHB 1168) (long-term forest health), \$44,903,000 for fiscal year 2024 and \$44,903,000 for fiscal year 2025. . . . .	\$89,806,000
Washington Rescue Plan Transition Account: For transfer to the state general fund, \$1,302,000,000 for fiscal year 2024. . . . .	\$1,302,000,000
Business License Account: For transfer to the state general fund, \$7,200,000 for fiscal year 2025. . . . .	\$7,200,000
General Fund: For transfer to the manufacturing and warehousing job centers account pursuant to RCW 82.14.545 for distribution in section 801 of this act, \$4,320,000 for fiscal year 2024 and \$3,460,000 for fiscal year 2025. . . . .	\$7,780,000
Long-Term Services and Supports Trust Account: For transfer to the state general fund as full repayment of the long-term services program start-up costs and interest for fiscal year 2024. . . . .	\$64,281,000
General Fund: For transfer to the forest resiliency account trust fund, \$4,000,000 for fiscal year 2024. . . . .	\$4,000,000
Water Pollution Control Revolving Administration Account: For transfer to the water pollution control revolving account, \$6,000,000 for fiscal year 2024. . . . .	\$6,000,000
General Fund: For transfer to the salmon recovery account, \$3,000,000 for fiscal year 2024. . . . .	\$3,000,000
Washington Student Loan Account: For transfer to the state general fund, \$40,000,000 for fiscal year 2024. . . . .	\$40,000,000
Model Toxics Control Operating Account: For transfer to the state general fund, \$50,000,000 for fiscal year 2025. . . . .	\$50,000,000
General Fund: For transfer to the home security fund, \$44,500,000 for fiscal year 2024 and \$4,500,000 for fiscal year 2025. . . . .	\$49,000,000
General Fund: For transfer to the state drought preparedness account, \$2,000,000 for fiscal year 2024. . . . .	\$2,000,000

From auction proceeds received under RCW 70A.65.100(7) (b): For transfer to the air quality and health disparities improvement account, \$2,500,000 for fiscal year 2024. . . . .	\$2,500,000
From auction proceeds received under RCW 70A.65.100(7) (c): For transfer to the air quality and health disparities improvement account, \$2,500,000 for fiscal year 2025. . . . .	\$2,500,000
Climate Investment Account: For transfer to the carbon emissions reduction account, \$200,000,000 for fiscal year 2025. . . . .	\$200,000,000
Climate Investment Account: For transfer to the climate commitment account, \$100,000,000 for fiscal year 2025. . . . .	\$100,000,000
Climate Investment Account: For transfer to the natural climate solutions account, \$70,000,000 for fiscal year 2025. . . . .	\$70,000,000

(End of part)

**PART IX  
MISCELLANEOUS**

**NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS**

The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 2021-2023 fiscal biennium.

**NEW SECTION. Sec. 902. EMERGENCY FUND ALLOCATIONS**

Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. An appropriation is not necessary to effect such repayment.

**NEW SECTION. Sec. 903. STATUTORY APPROPRIATIONS**

In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and firefighters' retirement system plan 2 and bond retirement and interest, including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94, 39.96, and 39.98 RCW or any proper bond covenant made under law.

**NEW SECTION. Sec. 904. BOND EXPENSES**

In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 905. VOLUNTARY RETIREMENT AND SEPARATION**

(1) As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may implement either a voluntary retirement or separation program, or both, that is cost neutral or results in cost savings, including costs to the state pension systems, over a two-year period following the commencement of the program, provided that such a program is approved by the director of financial management. Agencies participating in this authorization may offer voluntary retirement and/or separation incentives and options according to procedures and guidelines established by the office of financial management in consultation with the department of retirement systems. The options may include, but are not limited to, financial incentives for voluntary separation or retirement. An employee does not have a contractual right to a financial incentive offered under this section. The office of financial management and the department of retirement systems may review and monitor incentive offers. Agencies are required to submit a report by the date established by the office of financial management in the guidelines required in this section to the legislature and the office of financial management on the outcome of their approved incentive program. The report should include information on the details of the program, including the incentive payment amount for each participant, the total cost to the state, and the projected or actual net dollar savings over the two-year period.

(2) The department of retirement systems may collect from employers the actuarial cost of any incentive provided under this program, or any other incentive to retire provided by employers to members of the state's pension systems, for deposit in the appropriate pension account.

**NEW SECTION. Sec. 906. COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED**

Nothing in this act prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of this section.

**NEW SECTION. Sec. 907. COLLECTIVE BARGAINING AGREEMENTS**

(1) In accordance with chapters 41.80 and 41.56 RCW, agreements have been reached between the governor and organizations representing state employee bargaining units and nonstate employee bargaining units for the 2023-2025 fiscal biennium presented to the legislature during the 2023 legislative session. Funding is not provided for compensation and fringe benefit provisions not presented to the legislature by the end of the 2023 legislative session. Funding is approved for agreements and awards with the following organizations:

- (a) Washington federation of state employees, general government;
- (b) Teamsters local 117, department of corrections;
- (c) Washington public employees association, general government;
- (d) Teamsters 117, department of enterprise services;
- (e) Service employees international union, healthcare 1199NW;
- (f) Professional and technical engineers, local 17;
- (g) Washington association of fish and wildlife professionals;
- (h) The coalition of unions;
- (i) Association of Washington assistant attorneys general;
- (j) Washington federation of state employees, administrative law judges;
- (k) Washington state patrol troopers association;
- (l) Washington state patrol lieutenants and captains association;
- (m) Fish and wildlife officers guild;
- (n) Teamsters 760, fish and wildlife sergeants;
- (o) Washington federation of state employees, higher education community college coalition;
- (p) Washington public employees association, higher education community college coalition;
- (q) Service employees international union local 925, family child care providers;
- (r) Adult family home council, adult family home providers; and
- (s) Washington federation of state employees, language access providers.

(2) In accordance with chapters 41.80 and 41.56 RCW, agreements have been reached between institutions of higher education and employee organizations representing state employee bargaining units for the 2023-2025 fiscal biennium and funding is provided in Part VI of this act for agreements and awards with the following organizations:

- (a) University of Washington:
  - (i) Washington federation of state employees;
  - (ii) Service employees international union local 925;
  - (iii) Teamsters local 117, police; and
  - (iv) Washington federation of state employees, police management;
- (b) Washington State University:
  - (i) Washington federation of state employees; and
  - (ii) Police guild;
- (c) Central Washington University:
  - (i) Washington federation of state employees; and
  - (ii) Public school employees;
- (d) The Evergreen State College:
  - (i) Washington federation of state employees; and
  - (ii) Washington federation of state employees, uniformed personnel;
- (e) Western Washington University:
  - (i) Washington federation of state employees; and
  - (ii) Fraternal order of police, lodge no. 24;
- (f) Eastern Washington University:
  - (i) Washington federation of state employees;
  - (ii) Washington federation of state employees, uniformed personnel; and
  - (iii) Public school employees;
- (g) Yakima Valley College: Washington public employees association; and
- (h) Highline College: Washington public employees association.

(3) Expenditures for agreements in subsections (1) and (2) of this section may also be funded from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

(4) Collective bargaining agreements that are not required to be approved by the legislature under RCW 41.80.010(4)(c)(ii)(A) are not rejected but are left to the institutions delegated to manage those bargained relationships under state employee collective bargaining law. The following agreements are not rejected, but do not require legislative approval:

- (a) Service employees international union local 1199, research/hall health;

- (b) Service employees international union local 1199, Harborview medical center/airlift northwest;
- (c) Service employees international union local 1199, UW medical center—northwest;
- (d) Washington state nurses association, UW medical center—northwest; and
- (e) Washington state nurses association, UW medical center—Montlake.

**NEW SECTION. Sec. 908. COMPENSATION—REPRESENTED EMPLOYEES—HEALTH CARE COALITION—INSURANCE BENEFITS**

(1) (a) An agreement was reached for the 2023-2025 biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2023-2025 collective bargaining agreement, which maintains the provisions of the prior agreement.

(b) Appropriations for state agencies in this act are sufficient for represented employees outside the coalition and for nonrepresented state employee health benefits.

(2) The appropriations for state agencies in this act are subject to the following conditions and limitations:

(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$1,145 per eligible employee for fiscal year 2024. For fiscal year 2025, the monthly employer funding rate shall not exceed \$1,191 per eligible employee. These rates are sufficient to separate vision benefits out of medical plans into stand-alone vision insurance, beginning January 1, 2025, and sufficient to cover in the uniform medical plan, effective July 1, 2023, coverage with no cost share for up to two over the counter COVID-19 tests for each member each month.

(b) The board shall collect a \$25 per month surcharge payment from members who use tobacco products and a surcharge payment of not less than \$50 per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(c) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2024 and 2025, the subsidy shall be up to \$183 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized in this subsection.

(d) School districts and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(i) For each full-time employee, \$68.41 per month beginning September 1, 2023, and \$78.58 beginning September 1, 2024;

(ii) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$68.41 each month beginning September 1, 2023, and \$78.58 beginning September 1, 2024, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection do not apply to employees of a school district or educational service district who purchase insurance benefits through contracts with the health care authority.

**NEW SECTION. Sec. 909. COMPENSATION—SCHOOL EMPLOYEES—INSURANCE BENEFITS**

An agreement was reached for the 2023-2025 biennium between the governor and the school employee coalition under the provisions of chapters 41.56 and 41.59 RCW. Appropriations in this act for allocations to school districts are sufficient to implement the provisions of the 2023-2025 collective bargaining agreement, which maintains the provisions of the prior agreement, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, school employees' benefits board administration, retiree remittance, and the uniform medical plan, shall not exceed the rates identified in section 506(4) of this act.

(a) These rates are sufficient to cover, effective January 1, 2024:

(i) The following in the uniform medical plan:

(A) Offering a diabetes management program; and

(B) Effective July 1, 2023, coverage with no cost share for up to two over the counter COVID-19 tests for each member each month; and

(ii) The following in the uniform dental plan:

(A) Increasing the temporomandibular joint benefit to \$1,000 annually and \$5,000 per lifetime;

(B) Eliminating the deductible for children up to age 15;

(C) Covering composite fillings on posterior teeth; and

(D) Increasing plan coverage of crowns to 70 percent.

(b) These rates include funding to cover, effective January 1, 2025, increasing the stand-alone vision insurance benefit to \$200 every 2 years.



(2) Rates established in subsection (1) of this section are sufficient to reduce member costs as provided in article 1.3 of the school employees health care funding agreement.

(3) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the school employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.740. The board shall collect a \$25 per month surcharge payment from members who use tobacco products and a surcharge payment of not less than \$50 per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(4) The health care authority shall deposit any moneys received on behalf of the school employees' medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the school employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

(5) When bargaining for funding for school employees health benefits for subsequent fiscal biennia, any proposal agreed upon must assume the imposition of a \$25 per month surcharge payment from members who use tobacco products and a surcharge payment of not less than \$50 per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

**NEW SECTION. Sec. 910. GENERAL WAGE INCREASES AND LUMP SUM PAYMENTS**

(1)(a) Appropriations for state agency employee compensation in this act are sufficient to provide general wage increases to state agency employees and employees of institutions of higher education, who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475.

(b) Appropriations for state agency employee compensation in this act are sufficient to provide a retention lump sum payment and a lump sum COVID-19 booster incentive to state agency employees who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475.

(2) Funding is provided for a four percent general wage increase effective July 1, 2023, for all classified employees as specified in subsection (1)(a) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a four percent salary increase effective July 1, 2023, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(3) Funding is provided for a three percent general wage increase effective July 1, 2024, for all classified employees as specified in subsection (1)(a) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a three percent salary increase effective July 1, 2024, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(4) Funding is provided for a retention lump sum payment of \$1,000 for all employees as specified in subsection (1)(b) of this section who were employed on or before July 1, 2022, and continuously employed through July 1, 2023.

(5) Funding is provided for a COVID-19 booster incentive payment of \$1,000 for all employees as specified in subsection (1)(b) of this section who provide verification, beginning January 1, 2023, through December 31, 2023, that they are up-to-date with the COVID-19 vaccine booster.

**NEW SECTION. Sec. 911. COMPENSATION—PENSION CONTRIBUTIONS**

The appropriations in this act for school districts and state agencies, including institutions of higher education, are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect changes to agency appropriations to reflect pension contribution rates adopted by the pension funding council and the law enforcement officers' and firefighters' retirement system plan 2 board, and as adjusted under Engrossed Substitute Senate Bill No. 5294 (plan 1 UAAL rates).

(2) An increase of 0.12 percent is funded for state employer contributions to the public employees' retirement system, the public safety employees' retirement systems, and the school employees' retirement system, and an increase of 0.23 percent for employer contributions to the teachers' retirement system is funded for the provisions of Senate Bill No. 5350 (providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1). If the bill is not enacted by June 30, 2023, this subsection is null and void and appropriations for school districts and state agencies, including institutions of higher education, shall be held in unallotted status.

(3) An increase of 0.13 percent is funded for state employer contributions to the Washington state patrol retirement system and an increase of 0.01 percent is funded for state contributions to the law enforcement officers' and firefighters' retirement system plan 2 for the provisions of Substitute House Bill No. 1007 (military service credit). If the bill is not enacted by June 30, 2023, this subsection is null and void and appropriations for state agencies shall be held in unallotted status.

(4) An increase of 0.01 percent for school district and state employer contributions is funded for the teachers' retirement system for the provisions of Substitute House Bill No. 1056 (postretirement employment). If the bill is not enacted by June 30, 2023, this subsection is null and void and appropriations for state agencies shall be held in unallotted status.

**NEW SECTION. Sec. 912.** The Washington state missing and murdered indigenous women and people task force is established.

(1) The task force is composed of members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The governor's office of Indian affairs shall appoint five representatives from federally recognized Indian tribes in Washington state.

(d) The president of the senate and the speaker of the house of representatives jointly shall appoint the following:

(i) One member representing the Seattle Indian health board;

(ii) One member representing the NATIVE project;

(iii) One member representing Northwest Portland area Indian health board;

(iv) One member representing the American Indian health commission;

(v) Two indigenous women or family members of indigenous women that have experienced violence;

(vi) One member representing the governor's office of Indian affairs;

(vii) The chief of the Washington state patrol or his or her representative;

(viii) One member representing the Washington state office of the attorney general;

(ix) One member representing the Washington association of sheriffs and police chiefs;

(x) One member representing the Washington state association of counties;

(xi) One member representing the association of Washington cities;

(xii) One member representing the Washington association of prosecuting attorneys; and

(xiii) One representative of the Washington association of criminal defense lawyers.

(e) Where feasible, the task force may invite and consult with any entity, agency, or individual deemed necessary.

(2) The legislative members shall convene the initial meeting of the task force no later than the end of 2023 and thereafter convene:

(a) A minimum of two subsequent meetings annually. The membership shall select the task force's cochairs, which must include one legislator and one nonlegislative member; and

(b) One summit annually.

(3) The task force shall review the laws and policies relating to missing and murdered American Indian and Alaska Native people. The task force shall review current policies and develop recommendations for the purpose of:

(a) Assessing systemic causes behind violence including patterns and underlying historical, social and economic, institutional, and cultural factors which may contribute to disproportionately high levels of violence that occur against American Indian and Alaska Native people and recommending changes to address these systemic causes;

(b) Identifying ways to improve cross-border coordination between law enforcement and federally recognized tribes that share a border with Washington state;

(c) Assessing and recommending improvements to data tracking and reporting practices relating to violence against American Indian and Alaska Native people in Washington state;

(d) Making recommendations and best practices for improving:

(i) The collection and reporting of data by tribal, local, and state law enforcement agencies to more effectively understand and address issues of violence facing American Indian and Alaska Native people;

(ii) Jurisdictional and data-sharing issues on tribal reservation land and urban areas that impact gender-based violence against American Indian and Alaska Native people;

(iii) The collaboration and coordination between law enforcement agencies and federal, state, county, local, and tribal social and health services; and

(iv) Strategies and practices to improve communication and transparency with family members in missing and murdered indigenous women and people cases;

(e) Reviewing prosecutorial trends and practices relating to crimes of violence against American Indian and Alaska Native people in Washington state, identifying disparities, and recommending changes to address such disparities;

(f) Identifying barriers to providing more state resources in tracking and addressing violence against American Indian and Alaska Native people and reducing the incidences of violence;

(g) Assessing and identifying state resources to support programs and services for survivors, impacted family members, and tribal and urban Indian service providers working with American Indian and Alaska Native people who have experienced violence and identifying

needs of survivors, impacted family members, and tribal and urban Indian service providers that are not currently being met;

(h) Identifying and making recommendations for increasing state resources for trainings on culturally attuned best practices for working with American Indian and Alaska Native communities for tribal, local, and state law enforcement personnel in Washington state; and

(i) Supporting efforts led by American Indian and Alaska Native people to address this crisis, with the recognition that those personally impacted are already doing critical work to address the impacts of the missing and murdered indigenous women and people crisis in communities and that community-led work must be centered in order to identify and fully address the scope of the issue.

(4) The task force, with the assistance of the Washington state office of the attorney general, must consult with federally recognized tribes in Washington state and in states bordering Washington state, and engage with urban Indian organizations to submit reports to the governor and the appropriate committees of the legislature by December 1, 2023, and June 1, 2025.

(5)(a) The office of the attorney general administers and provides staff support to the task force, organizes the summit required under subsection (2)(b) of this section, and oversees the development of the task force reports required under subsection (4) of this section. The task force and the office of the attorney general shall conduct four site visits in different locations across the state in collaboration with tribes and native-led organizations. The office of the attorney general may contract for the summit.

(b) The office of the attorney general may, when deemed necessary by the task force, retain consultants to provide data analysis, research, recommendations, training, and other services to the task force for the purposes provided in subsection (3) of this section.

(c) The office of the attorney general may share and exchange information received or created on behalf of the task force with other states, federally recognized Indian tribes, urban Indian organizations, and other national groups working on missing and murdered indigenous women and people issues.

(d) The office of the attorney general must coordinate with the task force to create and update a missing and murdered indigenous women and people resource. The resource must include:

(i) Instructions on how to report a missing indigenous woman or person;

(ii) General information about the investigative processes in missing and murdered indigenous women and people cases;

(iii) Best practices for family members in missing and murdered indigenous women and people cases when working with law enforcement; and

(iv) Other useful information and resources.

(6) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) To ensure that the task force has diverse and inclusive representation of those affected by its work, task force members whose participation in the task force may be hampered by financial hardship may be compensated as provided in RCW 43.03.220.

(8) This section expires June 30, 2025.

**NEW SECTION. Sec. 913.** (1) The office of financial management must convene a task force to identify, plan, and make recommendations on the conversion of the Naselle youth camp property and facilities to an alternate use.

(2) The task force must include representatives appointed by the following entities and organizations:

(a) The Pacific county commissioners;

(b) The tribe located nearest to the facility;

(c) The Naselle-Grays river school district;

(d) Educational service district 112;

(e) The Pacific county sheriff's office;

(f) The Naselle chamber of commerce;

(g) A citizen residing near the Naselle youth camp, chosen by the Pacific county commissioners;

(h) The department of natural resources;

(i) The department of social and health services;

(j) The department of ecology; and

(k) The office of financial management.

(3) The task force must include the state senator and a state representative whose district represents the Naselle community.

(4) The task force must meet at least every other month, and the first meeting must be held by July 31, 2023.

(5) The task force shall report its findings and a prioritized list of recommendations to the governor and the fiscal committees of the legislature June 30, 2024.

(6) Task force members that are not elected officials or a representative of a governmental entity may be reimbursed for travel expenses in accordance with chapter 43.03 RCW.

**NEW SECTION. Sec. 914.** (1) The Washington state housing finance commission must submit an interim and a final report to the appropriate committees of the legislature on efforts taken by the commission to stabilize rents for tenants of affordable housing units financed through federal low-income housing tax credits allocated by the commission, and other housing finance programs administered by the commission as applicable. Rent stabilization efforts may include, but are not limited to, limiting or mitigating the impacts of rent increases for tenants of qualifying units. The commission must submit the interim report by December 1, 2023, and the final report by December 1, 2024.

(2) This section expires June 30, 2025.

**NEW SECTION. Sec. 915.** (1) The jail modernization task force is established, to be composed of the following members:

(a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) A representative from the caseload forecast council, as an advisory member;

(d) One member appointed by and representing each of the following:

(i) The governor;

(ii) The department of corrections;

(iii) The sentencing guidelines commission;

(iv) The department of social and health services, representing the behavioral health administration's state hospitals;

(v) The health care authority;

(vi) The criminal justice training commission;

(vii) The superior court judges association;

(viii) The district and municipal court judges association;

(ix) The Washington association of criminal defense attorneys or the Washington defender association;

(x) The Washington association of prosecuting attorneys;

(xi) The Washington state minority and justice commission;

(xii) Disability rights Washington;

(xiii) A behavioral health administrative service organization; and

(xiv) An individual with lived experience; and

(e) Two members appointed by and representing each of the following:

(i) The Washington state association of counties, with one representative from east of the crest of the Cascades and one representative from west of the crest of the Cascades; and

(ii) The Washington association of sheriffs and police chiefs, with one representative from east of the crest of the Cascades and one representative from west of the crest of the Cascades.

(2) Any additions or modifications to the membership provided in subsection (1) of this section will be informed by the analysis performed by the Washington state institute for public policy and the convening assessment performed by the William D. Ruckelshaus center.

(3) The initial meeting of the task force must be no later than December 1, 2024.

(4) The task force shall review the Washington state institute for public policy's report on jail characteristics, any resulting legislation from the criminal sentencing task force, and any resulting legislation from the Washington state joint legislative task force on jail standards. At a minimum, the task force shall also discuss the following:

(a) Employee retention issues and potential solutions;

(b) The impact of overtime, jail atmosphere, emergency response time, and inexperienced corrections officers, and how to overcome these challenges;

(c) The type of facility needed to house those with behavioral health needs and associated costs of these facilities;

(d) Available diversion programs and their costs;

(e) Types of existing behavioral health facilities for those involved in the criminal justice system, the costs of building and running these facilities, how these facilities vary by location, the viability of offering facilities in every county, and potential system improvements to the types of services and supports offered and delivered to those with behavioral health needs;

(f) The types of services and supports provided to those exiting the jail system; and

(g) What reforms are necessary to create and enhance a seamless transition back to the community following jail confinement.

(5) The task force shall develop a set of statewide jail modernization recommendations to include, at a minimum, identifying existing facilities in need of upgrades or remodel and any need for building new facilities, and potential funding sources or mechanisms to make the recommendations feasible.

(6) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) The task force shall submit an initial report, including findings and recommendations, to the governor and the appropriate committees of the legislature by July 1, 2025. The task force shall submit a final report by December 31, 2025.

**NEW SECTION. Sec. 916.** (1) The fire service delivery work group is established.

(2) The executive director of the Washington fire chiefs or their designee must chair the work group. The work group is composed of the following additional members who serve without compensation or reimbursement for expenses:

(a) The president of the Washington state council of firefighters or the president's designee;

(b) The executive director of the Washington fire commissioners association or the director's designee; and

(c) The president of the Washington state fire fighters' association or the president's designee.

(3) Staff support for the work group must be provided by the department of commerce.

(4) The work group must evaluate existing funding and service delivery models of fire service functions including, but not limited to:

(a) Fire service training and certifications;

(b) Apprenticeships;

(c) Risk mobilization;

(d) Fire prevention;

(e) Inspections and plan review;

(f) Data collection;

(g) Building codes and fire sprinkler and monitoring systems; and

(h) Fireworks and fire safe cigarettes.

(5) The work group must report its findings and recommendations for the future delivery of these functions to the legislature and the governor by December 1, 2023. The work group may also convene a fire service summit to accomplish the goals of this section.

**NEW SECTION. Sec. 917.** (1)(a) The housing supply and affordability task force is established, with members as provided in this subsection.

(i) The president of the senate shall appoint two members from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives.

(iii) A representative from the department of commerce, the Washington housing finance commission, and the University of Washington's school of public policy.

(iv) Two county elected officials appointed by the Washington state association of counties with one from an urban county and one from a rural county.

(v) Two municipal elected officials appointed by the association of Washington cities with one from an urban city and one from a rural city.

(vi) A business owner appointed by the association of Washington business.

(vii) A board member or nonstaff person appointed by habitat for humanity Seattle-King & Kittitas counties.

(viii) A board member or nonstaff person appointed by the Washington environmental council.

(ix) A board member or nonstaff person appointed by building industry association of Washington.

(x) A board member or nonstaff person appointed by the Washington realtors association.

(xi) A board member or nonstaff person appointed by the Washington building trades council.

(xii) A board member or nonstaff person appointed by the Washington building officials association.

(xiii) A board member or nonstaff person appointed by the Association of Washington housing authorities.

(b) Advisory committees may be established as appropriate to provide the task force with perspectives from public, private, and academic organizations.

(c) In addition, the task force shall retain the services of an independent facilitator to assemble, analyze, and present information as directed by the task force.

(d) The task force shall convene its first meeting no later than June 1, 2023, and shall choose two cochairs from among its legislative membership. The task force shall submit an interim report to the governor and legislature not later than November 1, 2023, which shall contain, at minimum, the findings to date of the independent fact-finder. The task force shall submit its final report and recommendations for legislative changes, if any, to the governor and the legislature not later than December 1, 2024.

(2) The task force will identify:

(a) Strategies to increase the diversity and supply of affordable, attainable housing at all income levels;

(b) Reforms to land use and zoning laws to increase and diversify housing choices;

(c) Strategies to address government actions and requirements that may increase housing costs or prevent supply from increasing to meet demand;

(d) Federal, state, and local partnership opportunities to increase and preserve affordable housing;

(e) Actions to expand the state's construction workforce; and

(f) Other subjects that the task force identifies as root causes or barriers that have made housing inaccessible and unaffordable throughout the state.

(3) The strategies developed by the task force must also recognize the urban, rural, and regional differences in income, economies, and land and water resources within the state.

(4) The task force, when appropriate, may consult with individuals from the public and private sectors or ask those individuals to establish one or more advisory committees. Members of these advisory committees are not entitled to expense reimbursement.

(5) The task force may contract with additional persons who have specific technical expertise if that expertise is necessary to carry out the provisions of this section.

(6) Staff support for the task force shall be provided by the department of commerce.

(7) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(8) The expenses of the task force shall be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house executive rules committee, or their successor committees.

**NEW SECTION. Sec. 918.** (1) The legislature finds that survivors of gender based violence should be empowered in our state to choose how they want to respond to their situation from choosing to engage in the criminal system, the civil system, or to engage in community lead services. As a state, we are responsible for ensuring that regardless of the choice made by the survivor, we have the resources, services, and support needed to assist them in their journey to safety and self empowerment which involves multiple legal systems. Providers and advocates engaged in providing direct services, along with survivors should be the priority for leading this effort. As a result, the crime victim services work group is established.

(2) The co-chairs of the gender and justice commission or their designee must chair the work group. The work group is composed of the following additional members who serve without compensation or reimbursement for expenses:

(i) The director of the King county sexual assault resource center or the director's designee;

(ii) The executive director of the northwest justice project or the director's designee;

(iii) The executive director of the sexual violence law center or the director's designee;

(iv) Representatives from 4 community based domestic violence service providers from across the state;

(v) The executive director of the family violence appellate project or the director's designee;

(vi) The executive director of the protection order advocacy program or the director's designee;

(vii) The director of the department of commerce or the director's designee;

(viii) The director of the department of social and health services or the director's designee;

(ix) The director of the department of children, youth, and families or the director's designee;

(x) The state treasurer or the treasurer's designee;

(xi) Tribal representation;

(xii) Representatives from no less than 4 organization working with survivors of trafficking; and

(xiii) Representatives from no less than 4 of the state's children's advocacy centers.

(3) The work group must:

(a) Survey the need in the legal (protection orders, family law, abusive litigation) and community based systems including the need for evidence based training for all participants;

(b) Develop a plan to standardize and expand access to legal and community based assistance while utilizing and leveraging both public and private funding sources;

(b) Assess the different financial accounts which can be utilized for victim services including but not limited to those that exist in:

(i) The United States department of treasury;

(ii) The department of commerce;

(iii) The department of children, youth, and families;

(iv) The department of labor and industries;

(v) The department of social and health services; and

(c) Develop a sustainable funding formula and criteria for future state funding.

(4) Staff support for the work group must be provided by the administrative office of the courts.

(5) The work group must report its findings and recommendations to the legislature by October 1, 2024.

**NEW SECTION. Sec. 919.** (1) During the 2023-2025 fiscal biennium, the health care authority, department of commerce, department of corrections, and department of children, youth, and families must revise their agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(a) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed.

(b) Vendors may allow differentials in compensation for their workers based in good faith on any of the following: A seniority system, a merit system, a system that measures earnings by quantity or quality of production, a bona fide job-related factor or factors, or a bona fide regional difference in compensation levels.

(c) A bona fide job-related factor or factors may include, but is not limited to, education, training, or experience, that is consistent with business necessity, not based on or derived from a gender-based differential, and accounts for the entire differential.

(d) A bona fide regional difference in compensation level must be consistent with business necessity, not based on or derived from a gender-based differential, and account for the entire differential.

(2) The provision must allow for the termination of the contract if the agency or the department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(3) Agencies must implement this provision with any new contract and at the time of renewal of any existing contract.

(4) The department of enterprise services must revise its master contracts with vendors, including cooperative purchasing agreements under RCW 39.26.060, in accordance with this section. Any cost incurred by the department of enterprise services to implement this section must be recouped from the fees charged to master contract vendors.

**Sec. 920.** RCW 16.76.030 and 2021 c 334 s 960 are each amended to read as follows:

(1) The northeast Washington wolf-livestock management account is created as a nonappropriated account in the custody of the state treasurer. All receipts, any legislative appropriations, private donations, or any other private or public source directed to the northeast Washington wolf-livestock management grant must be deposited into the account. Expenditures from the account may be used only for the deployment of nonlethal wolf deterrence resources as described in RCW 16.76.020. Only the director may authorize expenditures from the account in consultation with the advisory board created in RCW 16.76.020. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Interest earned by deposits in the account must be retained in the account.

(2) The advisory board created in RCW 16.76.020 may solicit and receive gifts and grants from public and private sources for the purposes of RCW 16.76.020.

(3) During the 2021-2023 and 2023-2025 fiscal (~~biennium~~)biennia, expenditures from the account may be used for wolf-livestock management as well as for grants to the sheriffs' offices of Stevens and Ferry counties for providing a local wildlife specialist to aid the department of fish and wildlife in the management of wolves.

**Sec. 921.** RCW 19.02.210 and 2016 sp.s. c 36 s 916 are each amended to read as follows:

The business license account is created in the state treasury. Unless otherwise indicated in RCW 19.02.075, all receipts from handling and business license delinquency fees must be deposited into the account. Moneys in the account may be spent only after appropriation beginning in fiscal year 1993. Expenditures from the account may be used only to administer the business licensing service program. During the 2015-2017 fiscal biennium, moneys from the business license account may be used for operations of the department of revenue. During the 2023-2025 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the business license account to the state general fund.

**Sec. 922.** RCW 28B.76.526 and 2020 c 357 s 911 are each amended to read as follows:

The Washington opportunity pathways account is created in the state treasury. Expenditures from the account may be used only for programs in chapter 28A.710 RCW (charter schools), chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington award for vocational excellence), chapter 28B.92 RCW (Washington college grant program), chapter 28B.105 RCW (GET ready for math and science scholarship), chapter 28B.117 RCW (passport to careers), chapter 28B.118 RCW (college bound scholarship), and chapter 43.216 RCW (early childhood education and assistance program). During the 2019-2021, 2021-2023, and 2023-2025 fiscal (~~biennium~~)biennia, the account may also be appropriated for public schools funded under chapters 28A.150 and 28A.715 RCW.

**Sec. 923.** RCW 28B.92.205 and 2022 c 297 s 949 are each amended to read as follows:

In addition to other eligibility requirements outlined in this chapter, students who demonstrate financial need are eligible to receive the Washington college grant. Financial need is as follows:

(1) Until academic year 2020-21, students with family incomes between zero and fifty percent of the state median family income, adjusted for family size, shall receive the maximum Washington college grant as defined in RCW 28B.92.030. Grants for students with incomes between fifty-one and seventy percent of the state median family income, adjusted for family size, shall be prorated at the following percentages of the maximum Washington college grant amount:

(a) Seventy percent for students with family incomes between fifty-one and fifty-five percent of the state median family income;

(b) Sixty-five percent for students with family incomes between fifty-six and sixty percent of the state median family income;

(c) Sixty percent for students with family incomes between sixty-one and sixty-five percent of the state median family income; and

(d) Fifty percent for students with family incomes between sixty-six and seventy percent of the state median family income.

(2) Beginning with academic year 2020-21, except during the 2022-23, 2023-24, and 2024-25 academic years, students with family incomes between zero and fifty-five percent of the state median family income, adjusted for family size, shall receive the maximum Washington college grant as defined in RCW 28B.92.030. During the 2022-23, 2023-24, and 2024-25 academic years, students with family incomes between zero and ~~((60))~~sixty percent of the state median family income, adjusted for family size, shall receive the maximum Washington college grant. Grants for students with incomes between fifty-six and one hundred percent of the state median family income, adjusted for family size, shall be prorated at the following percentages of the maximum Washington college grant amount:

(a) Seventy percent for students with family incomes between fifty-six and sixty percent of the state median family income, except during the 2022-23, 2023-24, and 2024-25 academic years;

(b) Sixty percent for students with family incomes between sixty-one and sixty-five percent of the state median family income, except during the 2023-24 and 2024-25 academic years when student grant award shall not be prorated and students shall receive the maximum award;

(c) Fifty percent for students with family incomes between sixty-six and seventy percent of the state median family income;

(d) Twenty-four and one-half percent for students with family incomes between seventy-one and seventy-five percent of the state median family income; and

(e) Ten percent for students with family incomes between seventy-six and one hundred percent of the state median family income.

**Sec. 924.** RCW 28B.93.060 and 2022 c 206 s 7 are each amended to read as follows:

The Washington student loan account is created in the custody of the state treasurer. All receipts from the Washington student loan program must be deposited in the account. Expenditures from the account may be used only for administration and the issuance of new student loans. Only the executive director of the Washington student achievement council or the executive director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, moneys in the account may be spent only after appropriation. During the 2023-2025 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the Washington student loan account to the state general fund.

**Sec. 925.** RCW 28B.115.070 and 2022 c 276 s 4 are each amended to read as follows:

(1) After June 1, 1992, the department, in consultation with the office and the department of social and health services, shall:

(a) Determine eligible credentialed health care professions for the purposes of the health professional loan repayment and scholarship program and the behavioral health loan repayment program authorized by this chapter. Eligibility shall be based upon an assessment that determines that there is a shortage or insufficient availability of a credentialed profession so as to jeopardize patient care and pose a threat to the public health and safety. The department shall consider the relative degree of shortages among professions when determining eligibility. The department may add or remove professions from eligibility based upon the determination that a profession is no longer in shortage. Should a profession no longer be eligible, participants or eligible students who have received scholarships shall be eligible to continue to receive scholarships or loan repayments until they are no longer eligible or until their service obligation has been completed;

(b) Determine health professional shortage areas for each of the eligible credentialed health care professions; and

(c) Determine underserved behavioral health areas for each of the eligible credentialed health care professions.

(2) The office, in consultation with the department, shall determine selection criteria for nurse educators and approved nursing programs.

(3) For the 2023-2025 fiscal biennium, consideration for eligibility for loan repayment shall also be given to chiropractors and psychiatric mental health nurse practitioners.

**Sec. 926.** RCW 41.05.120 and 2018 c 260 s 25 are each amended to read as follows:

(1) The public employees' and retirees' insurance account is hereby established in the custody of the state treasurer, to be used by the director for the deposit of contributions, the remittance paid by school districts and educational service districts under RCW 28A.400.410, reserves, dividends, and refunds, for payment of premiums and claims for employee and retiree insurance benefit contracts and subsidy amounts provided under RCW 41.05.085, and transfers from the flexible spending administrative account as authorized in RCW 41.05.123. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the director. Moneys from the account may be transferred to the flexible spending administrative account to provide reserves and start-up costs for the operation of the flexible spending administrative account program.

(2) The state treasurer and the state investment board may invest moneys in the public employees' and retirees' insurance account. All such investments shall be in accordance with



RCW 43.84.080 or 43.84.150, whichever is applicable. The director shall determine whether the state treasurer or the state investment board or both shall invest moneys in the public employees' and retirees' insurance account.

(3) The school employees' insurance account is hereby established in the custody of the state treasurer, to be used by the director for the deposit of contributions, reserves, dividends, and refunds, for payment of premiums and claims for school employee insurance benefit contracts, and for transfers from the school employees' benefits board flexible spending and dependent care administrative account as authorized in this subsection. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the director. Moneys from the account may be transferred to the school employees' benefits board flexible spending and dependent care administrative account to provide reserves and start-up costs for the operation of the school employees' benefits board flexible spending arrangement and dependent care assistance program.

(4) The state treasurer and the state investment board may invest moneys in the school employees' insurance account. These investments must be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The director shall determine whether the state treasurer or the state investment board or both shall invest moneys in the school employees' insurance account.

(5) During fiscal year 2023 and the 2023-2025 fiscal biennium, moneys may be transferred between the public employees' and retirees' insurance account and the school employees' insurance account for short-term cash management and cash balance purposes.

**Sec. 927.** RCW 41.26.450 and 2021 c 334 s 965 are each amended to read as follows:

(1) Port districts established under Title 53 RCW and institutions of higher education as defined in RCW 28B.10.016 shall contribute both the employer and state shares of the cost of the retirement system for any of their employees who are law enforcement officers.

(2) Institutions of higher education shall contribute both the employer and the state shares of the cost of the retirement system for any of their employees who are firefighters.

(3) During fiscal years 2018 and 2019 and during the 2019-2021 (~~and~~), 2021-2023, and 2023-2025 fiscal biennia:

When an employer charges a fee or recovers costs for work performed by a plan member where:

(a) The member receives compensation that is includable as basic salary under RCW 41.26.030(4)(b); and

(b) The service is provided, whether directly or indirectly, to an entity that is not an "employer" under RCW 41.26.030(14)(b);

the employer shall contribute both the employer and state shares of the cost of the retirement system contributions for that compensation. Nothing in this subsection prevents an employer from recovering the cost of the contribution from the entity receiving services from the member.

**Sec. 928.** RCW 43.09.475 and 2022 c 157 s 14 are each amended to read as follows:

The performance audits of government account is hereby created in the custody of the state treasurer. Revenue identified in RCW 82.08.020(5) and 82.12.0201 shall be deposited in the account. Money in the account shall be used to fund the performance audits and follow-up performance audits under RCW 43.09.470 and shall be expended by the state auditor in accordance with chapter 1, Laws of 2006. Only the state auditor or the state auditor's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The performance audits of government account may be appropriated for the joint legislative audit and review committee, the legislative evaluation and accountability program committee, and for the office of financial management's performance audit and compliance audit activities. During the 2019-2021 (~~and~~), 2021-2023, and 2023-2025 fiscal biennia, the performance audits of government account may be appropriated for the superintendent of public instruction, the (~~department of fish and wildlife~~)office of the governor, and audits of school districts. In addition, during the 2019-2021 and 2021-2023 fiscal biennia the account may be used to fund the office of financial management's contract for the compliance audit of the state auditor and audit activities at the department of revenue.

**Sec. 929.** RCW 43.79.555 and 2022 c 157 s 5 are each amended to read as follows:

The Washington rescue plan transition account is created in the state treasury. Moneys in the account may be spent only after appropriation. Revenues to the account consist of moneys directed by the legislature to the account. Allowable uses of moneys in the account include responding to the impacts of the COVID-19 pandemic including those related to education, human services, health care, and the economy. In addition, the legislature may appropriate from the account to continue activities begun with, or augmented with, COVID-19 related federal funding. During the 2023-2025 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the Washington rescue plan transition account to the state general fund.

**Sec. 930.** RCW 43.79.567 and 2022 c 297 s 947 are each amended to read as follows:

(1) The community reinvestment account is created in the state treasury. Revenues to the account shall consist of appropriations and transfers by the legislature and all other moneys

directed for deposit into the account. Moneys in the account may be spent only after appropriation.

(2) Expenditures from the account may be used by the department of commerce for:

(a) Economic development, which includes addressing wealth disparities to promote asset building such as home ownership and expanding access to financial resources including, but not limited to, grants and loans for small businesses and entrepreneurs, financial literacy training, and other small business training and support activities;

(b) Civil and criminal legal assistance to provide postconviction relief and case assistance, including the expungement of criminal records and vacation of criminal convictions;

(c) Community-based violence intervention and prevention services, which may include after-school programs focused on providing education and mentorship to youths; and

(d) Reentry services to facilitate successful transitions for persons formerly incarcerated in an adult correctional facility or juvenile residential facility in Washington.

(3) The distribution of the grants under this section must be done in collaboration with the governor's office of Indian affairs and "by and for community organizations" as defined by the department of commerce and the office of equity. For the 2023-2025 fiscal biennium, the distribution of grants must be done only in collaboration with "by and for community organizations" as defined by the department of commerce and the office of equity.

**Sec. 931.** RCW 43.101.200 and 2021 c 334 s 977 and 2021 c 323 s 31 are each reenacted and amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) Except as provided in RCW 43.101.170, the commission shall provide the aforementioned training and shall have the sole authority to do so. The commission shall provide necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week, except during the 2017-2019, 2019-2021, ~~((and))~~ 2021-2023, and 2023-2025 fiscal biennia when the employing, county, city, or state law enforcement agency shall reimburse the commission for twenty-five percent of the cost of training its personnel. Additionally, to the extent funds are provided for this purpose, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his or her training period.

**Sec. 932.** RCW 43.155.050 and 2022 c 296 s 7009, 2022 c 182 s 302, and 2022 c 157 s 15 are each reenacted and amended to read as follows:

(1) The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and grants and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated or transferred to the water pollution control revolving fund and the drinking water assistance account to provide for state match requirements under federal law. Moneys in the account may be transferred to the move ahead WA account to provide support of public works projects funded in the move ahead WA program. Not more than 20 percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans and grants, emergency loans and grants, or loans and grants for capital facility planning under this chapter. Not more than 10 percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated as grants for preconstruction, emergency, capital facility planning, and construction projects. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may appropriate moneys from the account for activities related to rural economic development, the growth management act, the aviation revitalization loan program, the community economic revitalization board broadband program, and the voluntary stewardship program. During the 2021-2023 biennium, the legislature may appropriate moneys from the account for activities related to the aviation revitalization board. During the 2019-2021 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the education legacy trust account. During the 2019-2021 and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the statewide broadband account. The legislature may appropriate moneys from the public works assistance account for activities related to the voluntary stewardship program, rural economic development, and the growth management act.

During the 2021-2023 biennium, the legislature may appropriate moneys from the account for projects identified in section 1033, chapter 296, Laws of 2022. During the 2023-2025 fiscal biennium, the legislature may appropriate moneys from the account for activities related to developing a data dashboard to map investments made by the public works board, the department of commerce, the department of health, the department of ecology, the department of transportation, the transportation improvement board, and by board partners to the system improvement team created in RCW 43.155.150.

(2) For fiscal year 2024 through fiscal year 2038, the state treasurer must transfer from the public works assistance account to the move ahead WA account created in RCW 46.68.510 \$57,000,000 each fiscal year in four equal quarterly transfers.

**Sec. 933.** RCW 43.320.110 and 2021 c 334 s 982 are each amended to read as follows:

(1) There is created in the custody of the state treasurer a local fund known as the "financial services regulation fund" which shall consist of all moneys received by the divisions of the department of financial institutions, except as provided in subsection (2) of this section.

(2) The division of securities shall deposit thirteen percent of all moneys received, except as provided in RCW 43.320.115 and subsection (3) of this section, and which shall be used for the purchase of supplies and necessary equipment; the payment of salaries, wages, and utilities; the establishment of reserves; and other incidental costs required for the proper regulation of individuals and entities subject to regulation by the department.

(3) The division of securities shall deposit one hundred percent of all moneys received that are attributable to increases in fees implemented by rule pursuant to RCW 21.20.340(15).

(4) Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

(5) During the 2017-2019 fiscal biennium, the legislature may transfer from the financial services regulation fund to the state general fund such amounts as reflect the excess fund balance of the fund. During the 2017-2019 and 2021-2023 fiscal biennia, moneys from the financial services regulation fund may be appropriated for the family prosperity account program at the department of commerce and for the operations of the department of revenue.

(6)(a) Beginning in the 2020-2021 fiscal year, the state treasurer shall annually transfer from the fund to the student loan advocate account created in RCW 28B.77.008, the greater of one hundred seventy-five thousand dollars or twenty percent of the annual assessment derived from student education loan servicing.

(b) The department must provide information to the state treasurer regarding the amount of the annual assessment derived from student education loan servicing.

(7) The director's obligations or duties under chapter 62, Laws of 2018 are subject to section 21, chapter 62, Laws of 2018.

(8) During the 2019-2021 and 2023-2025 fiscal ~~((biennium))~~ biennia, moneys in the financial services regulation fund may be appropriated for the operations of the department of revenue. ~~((It is the intent of the legislature to continue this policy in subsequent biennia.))~~

(9) During the ~~((2019-2021 and))~~ 2021-2023 and 2023-2025 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the financial services regulation fund to the general fund. It is the intent of the legislature to continue this policy in subsequent biennia.

**Sec. 934.** RCW 50.24.014 and 2021 c 2 s 15 are each amended to read as follows:

(1)(a) A separate and identifiable account to provide for the financing of special programs to assist the unemployed is established in the administrative contingency fund. All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever, except as provided in subsection (4) of this section. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, at a basic rate of two one-hundredths of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010.

(b) A separate and identifiable account is established in the administrative contingency fund for financing the employment security department's administrative costs under RCW 50.22.150 and 50.22.155 and the costs under RCW 50.22.150(11) and 50.22.155 (1)(m) and (2)(m). All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, those employers who are required to make payments in lieu of contributions, those employers described under RCW 50.29.025(1)(d), and those qualified employers assigned rate class 20 or rate class 40, as applicable, under RCW 50.29.025, at a basic rate of one one-hundredth of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010. Any amount of contributions payable under this subsection (1)(b) that exceeds the amount that would have been collected at a rate of four one-thousandths of one percent must be deposited in the account created in (a) of this subsection.

(2)(a) Contributions under this section shall become due and be paid by each employer under rules as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

(b) In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(3) If the commissioner determines that federal funding has been increased to provide financing for the services specified in chapter 50.62 RCW, the commissioner shall direct that collection of contributions under this section be terminated on the following January 1st.

(4) During the 2023-2025 fiscal biennium, moneys in the account in subsection (1)(a) of this section may be appropriated for poverty reduction programs that coordinate employment, training, education, and other existing systems designed to assist low-income individuals attain self-sufficiency.

**Sec. 935.** RCW 70.48.801 and 2021 c 334 s 957 are each amended to read as follows:

(1) A joint legislative task force on jail standards is established, with members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint 13 members representing the interests of: Prosecutors, defense attorneys, law enforcement, counties, cities, jail administrators, superior courts, district and municipal courts, a state designated protection and advocacy agency, medical and mental health service providers, a statewide civil legal aid organization, persons with lived experience, and other entities involved with or interested in the operation of local jails.

(2) The legislative membership shall convene the initial meeting of the task force. The task force shall choose its chair from among its legislative membership.

(3) Staff support for the task force must be provided by the office of the attorney general.

(4)(a) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Except as provided in (b) of this subsection, nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(b) Nonlegislative members of the task force who demonstrate financial hardship must be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, as well as other expenses as needed for each day a nonlegislative task force member attends a task force meeting to provide consultative assistance.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house executive rules committee, or their successor committees.

(6) The task force shall review the following issues:

(a) The adequacy of standards adopted and used by jails including, but not limited to, standards for conditions and operations, inspections, enforcement, and oversight;

(b) Current data on jails in the state including, but not limited to, square footage of living space per individual, jail capacity, average daily population over the previous five years, medical and dental services, mental health services, treatment programming options, accreditation status, use of force incidents over the previous five years, and in-custody deaths and the causes of those deaths;

(c) How the jails in the state compare to jail standards and practices in other states regarding safety and physical conditions; health and welfare; access to medical, mental health, dental care, and substance use disorder treatment; food quality and quantity; use of force; use of solitary confinement; and recreational activities and programming;

(d) The revenue sources and funding mechanisms used by other states to pay for local jails and the kinds of services that are provided to inmates in jails in other states, including identifying the entity that is responsible for financing those services;

(e) Inmate's access to jail telecommunication, electronic media, and commissary services, including the rates and fees charged by the jail for these services that are often borne by families of incarcerated individuals; and

(f) Other issues the task force deems relevant to the conditions of jails.

(7) The task force shall make recommendations regarding:

(a) Statewide minimum jail standards, oversight, or other policy changes to ensure jail conditions meet state and federal constitutional and statutory standards and include adequate safety and welfare safeguards for incarcerated persons and staff; and

(b) Restoration of a statewide authority to set mandatory minimum jail standards and conduct inspections of jails for compliance and enforcement of those standards.

(8) The task force shall consult with organizations and entities with interest or experience in jail standards and operations including, but not limited to, treatment providers, victims' advocates, inmate advocates, organizations representing jail employees and officers, and other community organizations.

(9) The Washington association of sheriffs and police chiefs and representatives from county, city, and regional jails must provide any data or information that is requested by the task force to perform its duties under this section.

(10) The task force shall report findings and recommendations to the governor and the appropriate committees of the legislature by ~~((June 30))~~ December 1, 2023.

**Sec. 936.** RCW 70A.65.030 and 2022 c 182 s 104 and 2022 c 181 s 13 are each reenacted and amended to read as follows:

(1) ~~((Each))~~ Except as provided in subsection (4) of this section, each year or biennium, as appropriate, when allocating funds from the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in RCW 46.68.500, or the climate active transportation account created in RCW 46.68.490, or administering grants or programs funded by the accounts, agencies shall conduct an environmental justice assessment consistent with the requirements of RCW 70A.02.060 and establish a minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities through: (a) The direct reduction of environmental burdens in overburdened communities; (b) the reduction of disproportionate, cumulative risk from environmental burdens, including those associated with climate change; (c) the support of community led project development, planning, and participation costs; or (d) meeting a community need identified by the community that is consistent with the intent of this chapter or RCW 70A.02.010.

(2) The allocation of funding under subsection (1) of this section must adhere to the following principles, additional to the requirements of RCW 70A.02.080: (a) Benefits and programs should be directed to areas and targeted to vulnerable populations and overburdened communities to reduce statewide disparities; (b) investments and benefits should be made roughly proportional to the health disparities that a specific community experiences, with a goal of eliminating the disparities; (c) investments and programs should focus on creating environmental benefits, including eliminating health burdens, creating community and population resilience, and raising the quality of life of those in the community; and (d) efforts should be made to balance investments and benefits across the state and within counties, local jurisdictions, and unincorporated areas as appropriate to reduce disparities by location and to ensure efforts contribute to a reduction in disparities that exist based on race or ethnicity, socioeconomic status, or other factors.

(3) ~~((State))~~ Except as provided in subsection (4) of this section, state agencies allocating funds or administering grants or programs from the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in RCW 46.68.500, or the climate active transportation account created in RCW 46.68.490, must:

(a) Report annually to the environmental justice council created in RCW 70A.02.110 regarding progress toward meeting environmental justice and environmental health goals;

(b) Consider recommendations by the environmental justice council; and

(c)(i) If the agency is not a covered agency subject to the requirements of chapter 70A.02 RCW, create and adopt a community engagement plan to describe how it will engage with overburdened communities and vulnerable populations in allocating funds or administering grants or programs from the climate investment account.

(ii) The plan must include methods for outreach and communication with those who face barriers, language or otherwise, to participation.

(4) During the 2023-2025 fiscal biennium:

(a) The requirement of subsection (1) of this section to conduct an environmental justice assessment applies only to covered agencies as defined in RCW 70A.02.010 and to significant agency actions as defined in RCW 70A.02.010.

(b) Agencies shall coordinate with the department and the office of financial management to achieve total statewide spending from the accounts listed in subsection (1) of this section of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities as otherwise described in subsection (1)(a) through (d) of this section and in accordance with RCW 70A.65.230.

(c) The requirements of subsection (3)(c) of this section for agencies other than covered agencies to create and adopt community engagement plans apply only to executive branch agencies and institutions of higher education, as defined in RCW 28B.10.016, receiving total appropriations of more than \$2,000,000 for the 2023-2025 fiscal biennium from the accounts listed in subsection (1) of this section.

**Sec. 937.** RCW 70A.65.100 and 2022 c 181 s 3 are each amended to read as follows:

(1) Except as provided in RCW 70A.65.110, 70A.65.120, and 70A.65.130, the department shall distribute allowances through auctions as provided in this section and in rules adopted by the department to implement these sections. An allowance is not a property right.

(2)(a) The department shall hold a maximum of four auctions annually, plus any necessary reserve auctions. An auction may include allowances from the annual allowance budget of the current year and allowances from the annual allowance budgets from prior years that remain to

be distributed. The department must transmit to the environmental justice council an auction notice at least 60 days prior to each auction, as well as a summary results report and a postauction public proceeds report within 60 days after each auction. The department must communicate the results of the previous calendar year's auctions to the environmental justice council on an annual basis beginning in 2024.

(b) The department must make future vintage allowances available through parallel auctions at least twice annually in addition to the auctions through which current vintage allowances are exclusively offered under (a) of this subsection.

(3) The department shall engage a qualified, independent contractor to run the auctions. The department shall also engage a qualified financial services administrator to hold the bid guarantees, evaluate bid guarantees, and inform the department of the value of bid guarantees once the bids are accepted.

(4) Auctions are open to covered entities, opt-in entities, and general market participants that are registered entities in good standing. The department shall adopt by rule the requirements for a registered entity to register and participate in a given auction.

(a) Registered entities intending to participate in an auction must submit an application to participate at least 30 days prior to the auction. The application must include the documentation required for review and approval by the department. A registered entity is eligible to participate only after receiving a notice of approval by the department.

(b) Each registered entity that elects to participate in the auction must have a different representative. Only a representative with an approved auction account is authorized to access the auction platform to submit an application or confirm the intent to bid for the registered entity, submit bids on behalf of the registered entity during the bidding window, or to download reports specific to the auction.

(5) The department may require a bid guarantee, payable to the financial services administrator, in an amount greater than or equal to the sum of the maximum value of the bids to be submitted by the registered entity.

(6) To protect the integrity of the auctions, a registered entity or group of registered entities with a direct corporate association are subject to auction purchase and holding limits. The department may impose additional limits if it deems necessary to protect the integrity and functioning of the auctions:

(a) A covered entity or an opt-in entity may not buy more than 10 percent of the allowances offered during a single auction;

(b) A general market participant may not buy more than four percent of the allowances offered during a single auction and may not in aggregate own more than 10 percent of total allowances to be issued in a calendar year;

(c) No registered entity may buy more than the entity's bid guarantee; and

(d) No registered entity may buy allowances that would exceed the entity's holding limit at the time of the auction.

(7)(a) For fiscal year 2023, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) \$127,341,000 must first be deposited into the carbon emissions reduction account created in RCW 70A.65.240; and (ii) the remaining auction proceeds to the climate investment account created in RCW 70A.65.250 and the air quality and health disparities improvement account created in RCW 70A.65.280.

(b) For fiscal year 2024, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) \$356,697,000 must first be deposited into the carbon emissions reduction account created in RCW 70A.65.240, except during fiscal year 2024, the deposit as provided in this subsection (7)(b)(i) may be prorated equally across each of the auctions occurring in fiscal year 2024; and (ii) the remaining auction proceeds to the climate investment account created in RCW 70A.65.250 and the air quality and health disparities improvement account created in RCW 70A.65.280, which may be prorated equally across each of the auctions occurring in fiscal year 2024.

(c) For fiscal year 2025, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) \$366,558,000 must first be deposited into the carbon emissions reduction account created in RCW 70A.65.240, except that during fiscal year 2025, the deposit as provided in this subsection (7)(c)(i) may be prorated equally across each of the auctions occurring in fiscal year 2025; and (ii) the remaining auction proceeds to the climate investment account created in RCW 70A.65.250 and the air quality and health disparities improvement account created in RCW 70A.65.280, which may be prorated equally across each of the auctions occurring in fiscal year 2025.

(d) For fiscal years 2026 through 2037, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) \$359,117,000 per year must first be deposited into the carbon emissions reduction account created in RCW 70A.65.240; and (ii) the remaining auction proceeds to the climate investment account created in RCW 70A.65.250 and the air quality and health disparities improvement account created in RCW 70A.65.280.

(e) The deposits into the carbon emissions reduction account pursuant to (a) through (d) of this subsection must not exceed \$5,200,000,000 over the first 16 fiscal years and any remaining auction proceeds must be deposited into the climate investment account created in RCW 70A.65.250 and the air quality and health disparities improvement account created in RCW 70A.65.280.

(f) For fiscal year 2038 and each year thereafter, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) 50 percent of the auction proceeds to the carbon emissions reduction account created in RCW 70A.65.240; and (ii) the remaining auction proceeds to the climate investment account created in RCW 70A.65.250 and the air quality and health disparities improvement account created in RCW 70A.65.280.

(8) The department shall adopt by rule provisions to guard against bidder collusion and minimize the potential for market manipulation. A registered entity may not release or disclose any bidding information including: Intent to participate or refrain from participation; auction approval status; intent to bid; bidding strategy; bid price or bid quantity; or information on the bid guarantee provided to the financial services administrator. The department may cancel or restrict a previously approved auction participation application or reject a new application if the department determines that a registered entity has:

- (a) Provided false or misleading facts;
- (b) Withheld material information that could influence a decision by the department;
- (c) Violated any part of the auction rules;
- (d) Violated registration requirements; or
- (e) Violated any of the rules regarding the conduct of the auction.

(9) Records containing the following information are confidential and are exempt from public disclosure in their entirety:

- (a) Bidding information as identified in subsection (8) of this section;
- (b) Information contained in the secure, online electronic tracking system established by the department pursuant to RCW 70A.65.090(6);
- (c) Financial, proprietary, and other market sensitive information as determined by the department that is submitted to the department pursuant to this chapter;
- (d) Financial, proprietary, and other market sensitive information as determined by the department that is submitted to the independent contractor or the financial services administrator engaged by the department pursuant to subsection (3) of this section; and
- (e) Financial, proprietary, and other market sensitive information as determined by the department that is submitted to a jurisdiction with which the department has entered into a linkage agreement pursuant to RCW 70A.65.210, and which is shared with the department, the independent contractor, or the financial services administrator pursuant to a linkage agreement.

(10) Any cancellation or restriction approved by the department under subsection (8) of this section may be permanent or for a specified number of auctions and the cancellation or restriction imposed is not exclusive and is in addition to the remedies that may be available pursuant to chapter 19.86 RCW or other state or federal laws, if applicable.

(11) The department shall design allowance auctions so as to allow, to the maximum extent practicable, linking with external greenhouse gas emissions trading programs in other jurisdictions and to facilitate the transfer of allowances when the state's program has entered into a linkage agreement with other external greenhouse gas emissions trading programs. The department may conduct auctions jointly with linked jurisdictions.

(12) In setting the number of allowances offered at each auction, the department shall consider the allowances in the marketplace due to the marketing of allowances issued as required under RCW 70A.65.110, 70A.65.120, and 70A.65.130 in the department's determination of the number of allowances to be offered at auction. The department shall offer only such number of allowances at each auction as will enhance the likelihood of achieving the goals of RCW 70A.45.020.

**Sec. 938.** RCW 70A.65.250 and 2022 c 253 s 2 are each amended to read as follows:

(1)(a) The climate investment account is created in the state treasury. Except as otherwise provided in chapter 316, Laws of 2021, all receipts from the auction of allowances authorized in this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation.

(b) Projects or activities funded from the account must meet high labor standards, including family sustaining wages, providing benefits including health care and employer-contributed retirement plans, career development opportunities, and maximize access to economic benefits from such projects for local workers and diverse businesses. Each contracting entity's proposal must be reviewed for equity and opportunity improvement efforts, including: (i) Employer paid sick leave programs; (ii) pay practices in relation to living wage indicators such as the federal poverty level; (iii) efforts to evaluate pay equity based on gender identity, race, and other protected status under Washington law; (iv) facilitating career development opportunities, such as apprenticeship programs, internships, job-shadowing, and on-the-job training; and (v) employment assistance and employment barriers for justice affected individuals.

(2) Moneys in the account may be used only for projects and programs that achieve the purposes of the greenhouse gas emissions cap and invest program established under this chapter and for tribal capacity grants under RCW 70A.65.305. Moneys in the account as described in this subsection must first be appropriated for the administration of the requirements of this chapter, in an amount not to exceed five percent of the total receipt of funds from allowance auction proceeds under this chapter. Beginning July 1, ((2024))2023, and annually thereafter, the state treasurer shall distribute funds in the account that exceed the amounts appropriated for the purposes of this subsection (2) as follows:

(a) Seventy-five percent of the moneys to the climate commitment account created in RCW 70A.65.260; and

(b) Twenty-five percent of the moneys to the natural climate solutions account created in RCW 70A.65.270.

(3) The allocations specified in subsection (2)(a) and (b) of this section must be reviewed by the legislature on a biennial basis based on the changing needs of the state in meeting its clean economy and greenhouse gas reduction goals in a timely, economically advantageous, and equitable manner.

(4) During the 2023-2025 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the climate investment account to the carbon emissions reduction account, the climate commitment account, and the natural climate solutions account.

**Sec. 939.** RCW 70A.65.260 and 2022 c 179 s 17 are each amended to read as follows:

(1) The climate commitment account is created in the state treasury. The account must receive moneys distributed to the account from the climate investment account created in RCW 70A.65.250. Moneys in the account may be spent only after appropriation. Projects, activities, and programs eligible for funding from the account must be physically located in Washington state and include, but are not limited to, the following:

(a) Implementing the working families' tax (~~(rebate)~~) credit in RCW 82.08.0206;

(b) Supplementing the growth management planning and environmental review fund established in RCW 36.70A.490 for the purpose of making grants or loans to local governments for the purposes set forth in RCW 43.21C.240, 43.21C.031, 36.70A.500, and 36.70A.600, for costs associated with RCW 36.70A.610, and to cover costs associated with the adoption of optional elements of comprehensive plans consistent with RCW 43.21C.420;

(c) Programs, activities, or projects that reduce and mitigate impacts from greenhouse gases and copollutants in overburdened communities, including strengthening the air quality monitoring network to measure, track, and better understand air pollution levels and trends and to inform the analysis, monitoring, and pollution reduction measures required in RCW 70A.65.020;

(d) Programs, activities, or projects that deploy renewable energy resources, such as solar and wind power, and projects to deploy distributed generation, energy storage, demand-side technologies and strategies, and other grid modernization projects;

(e) Programs, activities, or projects that increase the energy efficiency or reduce greenhouse gas emissions of industrial facilities including, but not limited to, proposals to implement combined heat and power, district energy, or on-site renewables, such as solar and wind power, to upgrade the energy efficiency of existing equipment, to reduce process emissions, and to switch to less emissions intensive fuel sources;

(f) Programs, activities, or projects that achieve energy efficiency or emissions reductions in the agricultural sector including:

(i) Fertilizer management;

(ii) Soil management;

(iii) Bioenergy;

(iv) Biofuels;

(v) Grants, rebates, and other financial incentives for agricultural harvesting equipment, heavy-duty trucks, agricultural pump engines, tractors, and other equipment used in agricultural operations;

(vi) Grants, loans, or any financial incentives to food processors to implement projects that reduce greenhouse gas emissions;

(vii) Renewable energy projects;

(viii) Farmworker housing weatherization programs;

(ix) Dairy digester research and development;

(x) Alternative manure management; and

(xi) Eligible fund uses under RCW 89.08.615;

(g) Programs, activities, or projects that increase energy efficiency in new and existing buildings, or that promote low carbon architecture, including use of newly emerging alternative building materials that result in a lower carbon footprint in the built environment over the life cycle of the building and component building materials;

(h) Programs, activities, or projects that promote the electrification and decarbonization of new and existing buildings, including residential, commercial, and industrial buildings;

(i) Programs, activities, or projects that improve energy efficiency, including district energy, and investments in market transformation of high efficiency electric appliances and equipment for space and water heating;

(j) Clean energy transition and assistance programs, activities, or projects that assist affected workers or people with lower incomes during the transition to a clean energy economy, or grow and expand clean manufacturing capacity in communities across Washington state including, but not limited to:

(i) Programs, activities, or projects that directly improve energy affordability and reduce the energy burden of people with lower incomes, as well as the higher transportation fuel burden of rural residents, such as bill assistance, energy efficiency, and weatherization programs;

(ii) Community renewable energy projects that allow qualifying participants to own or receive the benefits of those projects at reduced or no cost;

(iii) Programs, activities, or other worker-support projects for bargaining unit and non-supervisory fossil fuel workers who are affected by the transition away from fossil fuels



to a clean energy economy. Worker support may include, but is not limited to: (A) Full wage replacement, health benefits, and pension contributions for every worker within five years of retirement; (B) full wage replacement, health benefits, and pension contributions for every worker with at least one year of service for each year of service up to five years of service; (C) wage insurance for up to five years for workers reemployed who have more than five years of service; (D) up to two years of retraining costs, including tuition and related costs, based on in-state community and technical college costs; (E) peer counseling services during transition; (F) employment placement services, prioritizing employment in the clean energy sector; and (G) relocation expenses;

(iv) Direct investment in workforce development, via technical education, community college, institutions of higher education, apprenticeships, and other programs including, but not limited to:

(A) Initiatives to develop a forest health workforce established under RCW 76.04.521; and

(B) Initiatives to develop new education programs, emerging fields, or jobs pertaining to the clean energy economy;

(v) Transportation, municipal service delivery, and technology investments that increase a community's capacity for clean manufacturing, with an emphasis on communities in greatest need of job creation and economic development and potential for commute reduction;

(k) Programs, activities, or projects that reduce emissions from landfills and waste-to-energy facilities through diversion of organic materials, methane capture or conversion strategies, installation of gas collection devices and gas control systems, monitoring and reporting of methane emissions, or other means, prioritizing funding needed for any activities by local governments to comply with chapter 70A.540 RCW;

(l) Carbon dioxide removal projects, programs, and activities; and

(m) Activities to support efforts to mitigate and adapt to the effects of climate change affecting Indian tribes, including capital investments in support of the relocation of Indian tribes located in areas at heightened risk due to anticipated sea level rise, flooding, or other disturbances caused by climate change. The legislature intends to dedicate at least \$50,000,000 per biennium from the account for purposes of this subsection.

(2) Moneys in the account may not be used for projects or activities that would violate tribal treaty rights or result in significant long-term damage to critical habitat or ecological functions. Investments from this account must result in long-term environmental benefits and increased resilience to the impacts of climate change.

(3) During the 2023-2025 fiscal biennium, the legislature may appropriate moneys from the climate commitment account for activities related to environmental justice, including implementation of chapter 314, Laws of 2021.

**Sec. 940.** RCW 70A.305.180 and 2021 c 334 s 988 are each amended to read as follows:

(1) The model toxics control operating account is hereby created in the state treasury.

(2) Moneys in the model toxics control operating account must be used only to carry out the purposes of this chapter, including but not limited to the following:

(a) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70A.300 RCW;

(b) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70A.205 RCW;

(c) The hazardous waste clean-up program required under this chapter;

(d) State matching funds required under federal cleanup law;

(e) Financial assistance for local programs and plans, including local solid waste financial assistance, in accordance with chapters 70A.405, 70A.205, 70A.214, 70A.224, and 70A.300 RCW;

(f) State government programs for the safe reduction, recycling, or disposal of paint and hazardous wastes from households, small businesses, and agriculture;

(g) Oil and hazardous materials spill prevention, preparedness, training, and response activities;

(h) Water and environmental health protection and monitoring programs;

(i) Programs authorized under chapter 70A.135 RCW;

(j) A public participation program;

(k) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70A.300.260;

(l) State agriculture and health programs for the safe use, reduction, recycling, or disposal of pesticides;

(m) Funding requirements to maintain receipt of federal funds under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et seq.);

(n) Air quality programs and actions for reducing public exposure to toxic air pollution;

(o) Petroleum-based plastic or expanded polystyrene foam debris clean-up activities in fresh or marine waters; and

(p) For the 2021-2023 fiscal biennium, and solely to continue the policy of previous biennia, forest practices at the department of natural resources.

(3) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in model toxics control operating account may be spent only after appropriation by statute.

(4) One percent of the moneys collected under RCW 82.21.030 must be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened

releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation that are not expended at the close of any biennium revert to the model toxics control operating account.

(5) The department must adopt rules for grant or loan issuance and performance.

(6) During the 2023-2025 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the model toxics control operating account to the state general fund.

**Sec. 941.** RCW 71.24.580 and 2022 c 297 s 964 and 2022 c 157 s 18 are each reenacted and amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance use disorder treatment and treatment support services for offenders with a substance use disorder that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; (b) the provision of substance use disorder treatment services and treatment support services for nonviolent offenders within a drug court program and, during the 2021-2023 and 2023-2025 fiscal (~~biennium~~) biennia, for 180 days following graduation from the drug court program; and (c) the administrative and overhead costs associated with the operation of a drug court. Amounts provided in this subsection must be used for treatment and recovery support services for criminally involved offenders and authorization of these services shall not be subject to determinations of medical necessity. During the 2019-2021 and 2021-2023 fiscal biennia, funding from the criminal justice treatment account may be used to provide treatment and support services through the conclusion of an individual's treatment plan to individuals participating in a drug court program as of February 24, 2021, if that individual wishes to continue treatment following dismissal of charges they were facing under RCW 69.50.4013(1). Such participation is voluntary and contingent upon substantial compliance with drug court program requirements. The legislature may appropriate from the account for municipal drug courts and increased treatment options. During the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the criminal justice treatment account to the home security fund account created in RCW 43.185C.060. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance use disorder treatment program, including but not limited to the recovery support and other programmatic elements outlined in RCW 2.30.030 authorizing therapeutic courts; and

(b) "Treatment support" includes transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4) (a) For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the department for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the authority from the criminal justice treatment account shall be distributed as specified in this subsection. The authority may retain up to three percent of the amount appropriated under subsection (4)(b) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the authority from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The authority, in consultation with the department of corrections, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance use disorder treatment providers, and any other person deemed by the authority to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the authority from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The authority shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, and substance use disorder treatment providers. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under

this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The submitted plan should incorporate current evidence-based practices in substance use disorder treatment. The funds shall be used solely to provide approved alcohol and substance use disorder treatment pursuant to RCW 71.24.560 and treatment support services. No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) If a region or county uses criminal justice treatment account funds to support a therapeutic court, the therapeutic court must allow the use of all medications approved by the federal food and drug administration for the treatment of opioid use disorder as deemed medically appropriate for a participant by a medical professional. If appropriate medication-assisted treatment resources are not available or accessible within the jurisdiction, the health care authority's designee for assistance must assist the court with acquiring the resource.

(10) Counties must meet the criteria established in RCW 2.30.030(3).

(11) The authority shall annually review and monitor the expenditures made by any county or group of counties that receives appropriated funds distributed under this section. Counties shall repay any funds that are not spent in accordance with the requirements of its contract with the authority.

**Sec. 942.** RCW 74.46.561 and 2023 c ... s 1903 (section 1903 of this act) are each amended to read as follows:

(1) The legislature adopts a new system for establishing nursing home payment rates beginning July 1, 2016. Any payments to nursing homes for services provided after June 30, 2016, must be based on the new system. The new system must be designed in such a manner as to decrease administrative complexity associated with the payment methodology, reward nursing homes providing care for high acuity residents, incentivize quality care for residents of nursing homes, and establish minimum staffing standards for direct care.

(2) The new system must be based primarily on industry-wide costs, and have three main components: Direct care, indirect care, and capital.

(3) (a) The direct care component must include the direct care and therapy care components of the previous system, along with food, laundry, and dietary services. Except as provided in (b) of this subsection, direct care must be paid at a fixed rate, based on one hundred percent or greater of statewide case mix neutral median costs, but shall be capped so that a nursing home provider's direct care rate does not exceed 118 percent of its base year's direct care allowable costs except if the provider is below the minimum staffing standard established in RCW 74.42.360(2). (~~The legislature intends to remove the cap on direct care rates by June 30, 2027.~~) Direct care must be performance-adjusted for acuity every six months, using case mix principles. Direct care must be regionally adjusted using countywide wage index information available through the United States department of labor's bureau of labor statistics. There is no minimum occupancy for direct care. The direct care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(b) Unless a nursing home provider is below the minimum staffing standard established in RCW 74.42.360(2), a provider's direct care rate relative to its base year's direct care allowable costs must be capped as follows:

(i) For fiscal year 2023, the cap must not exceed 165 percent;

(ii) For fiscal year 2024, the cap must not exceed 153 percent; and

(iii) For fiscal year 2025, the cap must not exceed 142 percent.

(4) (a) The indirect care component must include the elements of administrative expenses, maintenance costs, and housekeeping services from the previous system. Except as provided in (b) of this subsection, a minimum occupancy assumption of ninety percent must be applied to indirect care. Indirect care must be paid at a fixed rate, based on ninety percent or greater of statewide median costs. The indirect care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(b) A minimum occupancy assumption must be applied to indirect care as follows:

(i) For fiscal year 2023, the assumption must be 75 percent;

(ii) For fiscal year 2024, the assumption must be 80 percent; and

(iii) For fiscal year 2025, the assumption must be 80 percent.

(5) The capital component must use a fair market rental system to set a price per bed. The capital component must be adjusted for the age of the facility, and must use a minimum occupancy assumption of ninety percent.

(a) Beginning July 1, 2016, the fair rental rate allocation for each facility must be determined by multiplying the allowable nursing home square footage in (c) of this subsection by the RSMean rental rate in (d) of this subsection and by the number of licensed beds yielding the gross unadjusted building value. An equipment allowance of ten percent must be added to the unadjusted building value. The sum of the unadjusted building value and equipment allowance must then be reduced by the average age of the facility as determined by (e) of this subsection using a depreciation rate of one and one-half percent. The depreciated building and equipment plus land valued at ten percent of the gross unadjusted building value before depreciation must then be multiplied by the rental rate at seven and one-half percent to yield an allowable fair rental value for the land, building, and equipment.

(b) The fair rental value determined in (a) of this subsection must be divided by the greater of the actual total facility census from the prior full calendar year or imputed census based on the number of licensed beds at ninety percent occupancy.

(c) For the rate year beginning July 1, 2016, all facilities must be reimbursed using four hundred square feet. For the rate year beginning July 1, 2017, allowable nursing facility square footage must be determined using the total nursing facility square footage as reported on the medicaid cost reports submitted to the department in compliance with this chapter. The maximum allowable square feet per bed may not exceed four hundred fifty.

(d) Each facility must be paid at eighty-three percent or greater of the median nursing facility RSMean construction index value per square foot. The department may use updated RSMean construction index information when more recent square footage data becomes available. The statewide value per square foot must be indexed based on facility zip code by multiplying the statewide value per square foot times the appropriate zip code based index. For the purpose of implementing this section, the value per square foot effective July 1, 2016, must be set so that the weighted average fair rental value rate is not less than ten dollars and eighty cents per patient day. The capital component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(e) The average age is the actual facility age reduced for significant renovations. Significant renovations are defined as those renovations that exceed two thousand dollars per bed in a calendar year as reported on the annual cost report submitted in accordance with this chapter. For the rate beginning July 1, 2016, the department shall use renovation data back to 1994 as submitted on facility cost reports. Beginning July 1, 2016, facility ages must be reduced in future years if the value of the renovation completed in any year exceeds two thousand dollars times the number of licensed beds. The cost of the renovation must be divided by the accumulated depreciation per bed in the year of the renovation to determine the equivalent number of new replacement beds. The new age for the facility is a weighted average with the replacement bed equivalents reflecting an age of zero and the existing licensed beds, minus the new bed equivalents, reflecting their age in the year of the renovation. At no time may the depreciated age be less than zero or greater than forty-four years.

(f) A nursing facility's capital component rate allocation must be rebased annually, effective July 1, 2016, in accordance with this section and this chapter.

(g) For the purposes of this subsection (5), "RSMean" means building construction costs data as published by Gordian.

(6) A quality incentive must be offered as a rate enhancement beginning July 1, 2016.

(a) An enhancement no larger than five percent and no less than one percent of the statewide average daily rate must be paid to facilities that meet or exceed the standard established for the quality incentive. All providers must have the opportunity to earn the full quality incentive payment.

(b) The quality incentive component must be determined by calculating an overall facility quality score composed of four to six quality measures. For fiscal year 2017 there shall be four quality measures, and for fiscal year 2018 there shall be six quality measures. Initially, the quality incentive component must be based on minimum data set quality measures for the percentage of long-stay residents who self-report moderate to severe pain, the percentage of high-risk long-stay residents with pressure ulcers, the percentage of long-stay residents experiencing one or more falls with major injury, and the percentage of long-stay residents with a urinary tract infection. Quality measures must be reviewed on an annual basis by a stakeholder work group established by the department. Upon review, quality measures may be added or changed. The department may risk adjust individual quality measures as it deems appropriate.

(c) The facility quality score must be point based, using at a minimum the facility's most recent available three-quarter average centers for medicare and medicaid services quality data. Point thresholds for each quality measure must be established using the corresponding statistical values for the quality measure point determinants of eighty quality measure points, sixty quality measure points, forty quality measure points, and twenty quality measure points, identified in the most recent available five-star quality rating system technical user's guide published by the centers for medicare and medicaid services.

(d) Facilities meeting or exceeding the highest performance threshold (top level) for a quality measure receive twenty-five points. Facilities meeting the second highest performance threshold receive twenty points. Facilities meeting the third level of performance threshold receive fifteen points. Facilities in the bottom performance threshold level receive no points. Points from all quality measures must then be summed into a single aggregate quality score for each facility.

(e) Facilities receiving an aggregate quality score of eighty percent of the overall available total score or higher must be placed in the highest tier (tier V), facilities

receiving an aggregate score of between seventy and seventy-nine percent of the overall available total score must be placed in the second highest tier (tier IV), facilities receiving an aggregate score of between sixty and sixty-nine percent of the overall available total score must be placed in the third highest tier (tier III), facilities receiving an aggregate score of between fifty and fifty-nine percent of the overall available total score must be placed in the fourth highest tier (tier II), and facilities receiving less than fifty percent of the overall available total score must be placed in the lowest tier (tier I).

(f) The tier system must be used to determine the amount of each facility's per patient day quality incentive component. The per patient day quality incentive component for tier IV is seventy-five percent of the per patient day quality incentive component for tier V, the per patient day quality incentive component for tier III is fifty percent of the per patient day quality incentive component for tier V, and the per patient day quality incentive component for tier II is twenty-five percent of the per patient day quality incentive component for tier V. Facilities in tier I receive no quality incentive component.

(g) Tier system payments must be set in a manner that ensures that the entire biennial appropriation for the quality incentive program is allocated.

(h) Facilities with insufficient three-quarter average centers for medicare and medicaid services quality data must be assigned to the tier corresponding to their five-star quality rating. Facilities with a five-star quality rating must be assigned to the highest tier (tier V) and facilities with a one-star quality rating must be assigned to the lowest tier (tier I). The use of a facility's five-star quality rating shall only occur in the case of insufficient centers for medicare and medicaid services minimum data set information.

(i) The quality incentive rates must be adjusted semiannually on July 1 and January 1 of each year using, at a minimum, the most recent available three-quarter average centers for medicare and medicaid services quality data.

(j) Beginning July 1, 2017, the percentage of short-stay residents who newly received an antipsychotic medication must be added as a quality measure. The department must determine the quality incentive thresholds for this quality measure in a manner consistent with those outlined in (b) through (h) of this subsection using the centers for medicare and medicaid services quality data.

(k) Beginning July 1, 2017, the percentage of direct care staff turnover must be added as a quality measure using the centers for medicare and medicaid services' payroll-based journal and nursing home facility payroll data. Turnover is defined as an employee departure. The department must determine the quality incentive thresholds for this quality measure using data from the centers for medicare and medicaid services' payroll-based journal, unless such data is not available, in which case the department shall use direct care staffing turnover data from the most recent medicaid cost report.

(7) Reimbursement of the safety net assessment imposed by chapter 74.48 RCW and paid in relation to medicaid residents must be continued.

(8) (a) The direct care and indirect care components must be rebased in even-numbered years, beginning with rates paid on July 1, 2016. Rates paid on July 1, 2016, must be based on the 2014 calendar year cost report. On a percentage basis, after rebasing, the department must confirm that the statewide average daily rate has increased at least as much as the average rate of inflation, as determined by the skilled nursing facility market basket index published by the centers for medicare and medicaid services, or a comparable index. If after rebasing, the percentage increase to the statewide average daily rate is less than the average rate of inflation for the same time period, the department is authorized to increase rates by the difference between the percentage increase after rebasing and the average rate of inflation.

(b) It is the intention of the legislature that direct and indirect care rates paid in fiscal year 2022 will be rebased using the calendar year 2019 cost reports. For fiscal year 2021, in addition to the rates generated by (a) of this subsection, an additional adjustment is provided as established in this subsection (8) (b). Beginning May 1, 2020, and through June 30, 2021, the calendar year costs must be adjusted for inflation by a twenty-four month consumer price index, based on the most recently available monthly index for all urban consumers, as published by the bureau of labor statistics. It is also the intent of the legislature that, starting in fiscal year 2022, a facility-specific rate add-on equal to the inflation adjustment that facilities received solely in fiscal year 2021, must be added to the rate. For fiscal year 2024, the direct care and indirect care components shall be rebased to the 2021 calendar year cost report plus a 4.7 percent adjustment for inflation. For fiscal year 2025, the direct and indirect care components shall be rebased to the 2022 calendar year cost report plus a five percent adjustment for inflation.

(c) To determine the necessity of regular inflationary adjustments to the nursing facility rates, by December 1, 2020, the department shall provide the appropriate policy and fiscal committees of the legislature with a report that provides a review of rates paid in 2017, 2018, and 2019 in comparison to costs incurred by nursing facilities.

(9) The direct care component provided in subsection (3) of this section is subject to the reconciliation and settlement process provided in RCW 74.46.022(6). Beginning July 1, 2016, pursuant to rules established by the department, funds that are received through the reconciliation and settlement process provided in RCW 74.46.022(6) must be used for technical assistance, specialized training, or an increase to the quality enhancement established in subsection (6) of this section. The legislature intends to review the utility of maintaining the reconciliation and settlement process under a price-based payment methodology, and may discontinue the reconciliation and settlement process after the 2017-2019 fiscal biennium.

(10) Compared to the rate in effect June 30, 2016, including all cost components and rate add-ons, no facility may receive a rate reduction of more than one percent on July 1, 2016,

more than two percent on July 1, 2017, or more than five percent on July 1, 2018. To ensure that the appropriation for nursing homes remains cost neutral, the department is authorized to cap the rate increase for facilities in fiscal years 2017, 2018, and 2019.

(11) It is the intent of the legislature that a rate add-on be applied to the weighted average nursing facility payment rate referenced in the omnibus operating appropriations act in an amount necessary to ensure that the weighted average nursing facility payment rate for fiscal year 2026 is equal to the weighted average nursing facility payment rate for fiscal year 2025.

**Sec. 943.** RCW 79.64.040 and 2021 c 334 s 994 are each amended to read as follows:

(1) The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the moneys received from all leases, sales, contracts, licenses, permits, easements, and rights-of-way issued by the department and affecting state lands and aquatic lands, except as provided in RCW 79.64.130, provided that no deduction shall be made from the proceeds from agricultural college lands.

(2) Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.15.100, 79.15.080, and 79.11.150 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section.

(3) Except as otherwise provided in subsection (5) of this section, the deductions authorized under this section shall not exceed twenty-five percent of the moneys received by the department in connection with any one transaction pertaining to state lands and aquatic lands other than second-class tide and shore lands and the beds of navigable waters, and fifty percent of the moneys received by the department pertaining to second-class tide and shore lands and the beds of navigable waters.

(4) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

(5) During the 2015-2017, 2017-2019, 2019-2021, ~~((and))~~ 2021-2023, and 2023-2025 fiscal biennia, the board may increase the twenty-five percent limitation up to thirty-two percent.

**Sec. 944.** RCW 79.64.110 and 2021 c 334 s 995 and 2021 c 145 s 3 are each reenacted and amended to read as follows:

(1) Any moneys derived from the lease of state forestlands or from the sale of valuable materials, oils, gases, coal, minerals, or fossils from those lands, except as provided in RCW 79.64.130, or the appraised value of these resources when transferred to a public agency under RCW 79.22.060, except as provided in RCW 79.22.060(4), must be distributed as follows:

(a) For state forestlands acquired through RCW 79.22.040 or by exchange for lands acquired through RCW 79.22.040:

(i) The expense incurred by the state for administration, reforestation, and protection, not to exceed twenty-five percent, which rate of percentage shall be determined by the board, must be returned to the forest development account created in RCW 79.64.100. During the 2017-2019, 2019-2021, ~~((and))~~ 2021-2023, and 2023-2025 fiscal biennia, the board may increase the twenty-five percent limitation up to twenty-seven percent.

(ii) Any balance remaining must be paid to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board. Payments made under this subsection are to be paid, distributed, and prorated, except as otherwise provided in this section, to the various funds in the same manner as general taxes are paid and distributed during the year of payment. However, in order to test county flexibility in distributing state forestland revenue, a county may in its discretion pay, distribute, and prorate payments made under this subsection of moneys derived from state forestlands acquired by exchange between July 28, 2019, and June 30, 2020, for lands acquired through RCW 79.22.040, within the same county, in the same manner as general taxes are paid and distributed during the year of payment for the former state forestlands that were subject to the exchange.

(iii) Any balance remaining, paid to a county with a population of less than sixteen thousand, must first be applied to the reduction of any indebtedness existing in the current expense fund of the county during the year of payment.

(iv) With regard to moneys remaining under this subsection (1)(a), within seven working days of receipt of these moneys, the department shall certify to the state treasurer the amounts to be distributed to the counties. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date.

(b) For state forestlands acquired through RCW 79.22.010 or by exchange for lands acquired through RCW 79.22.010, except as provided in RCW 79.64.120:

(i) Fifty percent shall be placed in the forest development account.

(ii) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board, and according to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 (1) and (2) and the levy rate for any school district enrichment levies. With regard to the portion to be distributed to the counties, the department shall certify to the state treasurer the amounts to be

distributed within seven working days of receipt of the money. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date. The money distributed to the county must be paid, distributed, and prorated to the various other funds in the same manner as general taxes are paid and distributed during the year of payment.

(2) A school district may transfer amounts deposited in its debt service fund pursuant to this section into its capital projects fund as authorized in RCW 28A.320.330.

**Sec. 945.** RCW 79A.25.210 and 2021 c 334 s 997 are each amended to read as follows:

The firearms range account is hereby created in the state general fund. Moneys in the account shall be subject to legislative appropriation and shall be used for purchase and development of land, construction or improvement of range facilities, including fixed structure construction or remodeling, equipment purchase, safety or environmental improvements, noise abatement, and liability protection for public and nonprofit firearm range training and practice facilities.

Grant funds shall not be used for expendable shooting supplies, or normal operating expenses. In making grants, the board shall give priority to projects for noise abatement or safety improvement. Grant funds shall not supplant funds for other organization programs.

The funds will be available to nonprofit shooting organizations, school districts, and state, county, or local governments on a match basis. All entities receiving matching funds must be open on a regular basis and usable by law enforcement personnel or the general public who possess Washington concealed pistol licenses or Washington hunting licenses or who are enrolled in a firearm safety class.

Applicants for a grant from the firearms range account shall provide matching funds in either cash or in-kind contributions. The match must represent one dollar in value for each one dollar of the grant except that in the case of a grant for noise abatement or safety improvements the match must represent one dollar in value for each two dollars of the grant. In-kind contributions include but are not limited to labor, materials, and new property. Existing assets and existing development may not apply to the match.

Applicants other than school districts or local or state government must be registered as a nonprofit or not-for-profit organization with the Washington secretary of state. The organization's articles of incorporation must contain provisions for the organization's structure, officers, legal address, and registered agent.

Organizations requesting grants must provide the hours of range availability for public and law enforcement use. The fee structure will be submitted with the grant application.

Any nonprofit organization or agency accepting a grant under this program will be required to pay back the entire grant amount to the firearms range account if the use of the range facility is discontinued less than ten years after the grant is accepted.

Entities receiving grants must make the facilities for which grant funding is received open for hunter safety education classes and firearm safety classes on a regular basis for no fee.

Government units or school districts applying for grants must open their range facility on a regular basis for hunter safety education classes and firearm safety classes.

The board shall adopt rules to implement chapter 195, Laws of 1990, pursuant to chapter 34.05 RCW. During the 2017-2019 and 2019-2021 fiscal biennia, expenditures from the firearms range account may be used to implement chapter 74, Laws of 2017 (SHB 1100) (concealed pistol licenses) and chapter 282, Laws of 2017 (SB 5268) (concealed pistol license notices). During the 2021-2023 and 2023-2025 fiscal ((biennium))biennia, expenditures from the firearms range account may be used to implement chapter 74, Laws of 2017 (SHB 1100) (concealed pistol licenses).

**Sec. 946.** 2022 c 180 s 104 (uncodified) is amended to read as follows:

(1) The department of ecology must contract with a third-party consultant to conduct a study of the adequacy of local government solid waste management funding, including options and recommendations to provide funding for solid waste programs in the future if significant statewide policy changes are enacted. The department must include the Washington association of county solid waste managers, the association of Washington cities, an association that represents the private sector solid waste industry, and other stakeholders in scoping the study and reviewing the consultant's findings and recommendations prior to submittal to the legislature.

(2) The study must include:

(a) Consideration for jurisdictional type, location, size, service level, and other relevant differences between cities and counties;

(b) A review and update of current funding types and levels available, and their rate of adoption;

(c) The funding needs to implement the solid waste core services model developed by the Washington association of county solid waste managers;

(d) Alternative funding models utilized by other publicly managed solid waste programs in other states or countries that may be relevant to Washington; and

(e) An evaluation of the impacts on solid waste funding resources available to cities and counties from statewide solid waste management policy proposals considered by the legislature or enacted in the last four years, including proposals to:

(i) Reduce the quantity of organic waste to landfills;

(ii) Manage products through product stewardship or extended producer responsibility programs;

- (iii) Improve or install new or updated methane capture systems;
  - (iv) Increase postconsumer content requirements for materials collected in solid waste programs; and
  - (v) Other related proposals that may impact solid waste funding resources.
- (3) The study must evaluate a range of forecasted fiscal impacts for each type of policy change on local government solid waste management programs, including:
- (a) The level of service provided by local government;
  - (b) Costs to the local government;
  - (c) Existing revenue levels; and
  - (d) The need for additional revenue.
- (4) The department must submit the report, including findings and any recommendations, to the appropriate committees of the legislature by ~~((July 1))~~ December 31, 2023.

NEW SECTION. **Sec. 947.** Sections 926 and 930 of this act are null and void if Engrossed Substitute Senate Bill No. 5293 (accounts) is enacted by June 30, 2023.

(End of part)

**PART XI  
GENERAL GOVERNMENT  
SUPPLEMENTAL**

**Sec. 1101.** 2022 c 297 s 101 (uncodified) is amended to read as follows:

**FOR THE HOUSE OF REPRESENTATIVES**

General Fund—State Appropriation (FY 2022)	\$46,838,000
General Fund—State Appropriation (FY 2023)	<del>((53,280,000))</del>
	<u>\$53,080,000</u>
<b>TOTAL APPROPRIATION</b>	<del><b>((100,118,000))</b></del> <u><b>\$99,918,000</b></u>

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a work group to continue the house of representatives' examination of employment practices and policies and to develop options and recommendations for the house of representatives.

(a) The work group is composed of the following members:

- (i) Two legislative assistants from each of the two largest caucuses of the house of representatives;
- (ii) One nonsupervisory staff and one supervisory staff from each of the two largest caucuses of the house of representatives;
- (iii) One committee assistant, one coordinator, one analyst or counsel, and one administrative staff from the house of representatives office of program research;
- (iv) One nonsupervisory staff and one supervisory staff from the house of representatives administration;
- (v) The chief clerk of the house of representatives or their designee; and
- (vi) The house of representatives human resource director.

(b) Staff who wish to be appointed to the work group must submit an application to the office of human resources. The house of representatives human resource officer shall make recommendations to the house of representatives executive rules committee who shall then confirm appointments to the work group.

(c) The chief clerk of the house of representatives shall contract for an external facilitator to staff and assist the work group. The facilitator must have a background or experience in organizational development. The chief clerk may also contract for legal services and other expert services, as necessary, to assist the work group.

(d) The work group shall consider issues related to employment practices and policies including, but not limited to:

- (i) The supervisory structure of employees;
- (ii) Workplace terms and conditions; and
- (iii) Professional development.

(e) The expenses of the work group must be paid from the amount appropriated in this section subject to approval by the house of representatives executive rules committee.

(f) The work group must report its findings and recommendations to the house of representatives executive rules committee by December 1, 2022.

(g) If Engrossed Substitute House Bill No. 2124 is enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

**Sec. 1102.** 2022 c 297 s 102 (uncodified) is amended to read as follows:

**FOR THE SENATE**

General Fund—State Appropriation (FY 2022)	\$33,755,000
General Fund—State Appropriation (FY 2023)	<del>((41,625,000))</del>
	<u>\$41,425,000</u>
<b>TOTAL APPROPRIATION</b>	<del><b>((75,380,000))</b></del> <u><b>\$75,180,000</b></u>



The appropriations in this section are subject to the following conditions and limitations:

(1) \$260,000 of the general fund—state appropriation for fiscal year 2022 and \$270,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the payment of membership dues to the council of state governments, the national conference of state legislatures, the pacific northwest economic region, the pacific fisheries legislative task force, and the western legislative forestry task force.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a work group to continue the senate's examination of employment practices and policies and to develop options and recommendations for the senate.

(a) The work group is composed of the following 17 members:

(i) Two legislative assistants from each of the two largest caucuses of the senate;

(ii) One nonsupervisory staff and one supervisory staff from each of the two largest caucuses of the senate;

(iii) One committee assistant, one coordinator, one analyst or counsel, and one administrative staff from senate committee services;

(iv) One nonsupervisory staff and one supervisory staff from senate administration;

(v) The secretary of the senate or their designee; and

(vi) The senate human resource director and senate diversity, equity, and inclusion coordinator.

(b) Staff who wish to be appointed to the work group must submit an application to the office of human resources. The senate human resource officer shall make recommendations to the senate facilities and operations committee who shall then confirm appointments to the work group.

(c) The secretary of the senate shall contract for an external facilitator to staff and assist the work group. The facilitator must have a background or experience in organizational development. The secretary may also contract for legal services and other expert services, as necessary, to assist the work group.

(d) The work group shall consider issues related to employment practices and policies including, but not limited to:

(i) The supervisory structure of employees;

(ii) Workplace terms and conditions; and

(iii) Professional development.

(e) The expenses of the work group must be paid from the amount appropriated in this section subject to approval by the senate facilities and operations committee.

(f) The work group must report its findings and recommendations to the senate facilities and operations committee by December 1, 2022.

(g) If Engrossed Substitute House Bill No. 2124 is enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

**Sec. 1103.** 2022 c 297 s 103 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

General Fund—State Appropriation (FY 2022)	\$342,000
General Fund—State Appropriation (FY 2023)	(( <del>\$296,000</del> ))
	<u>\$288,000</u>
Performance Audits of Government Account—State	
Appropriation	(( <del>\$10,036,000</del> ))
	<u>\$10,031,000</u>
<b>TOTAL APPROPRIATION</b>	<b><u>((<del>\$10,674,000</del>))</u></b>
	<b><u>\$10,661,000</u></b>

The appropriations in this section (~~is~~)are subject to the following conditions and limitations:

(1) \$273,000 of the general fund—state appropriation for fiscal year 2022 and \$244,000 of the general fund—state appropriation for fiscal year 2023 are provided for implementation of Engrossed Substitute Senate Bill No. 5405 (racial equity analyses).

(2) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2021-2023 work plan as necessary to efficiently manage workload.

(3) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000 of the general fund—state appropriation for fiscal year 2023 are provided to implement House Bill No. 1296 (behavioral health service organizations).

(4) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000 of the general fund—state appropriation for fiscal year 2023 are provided to implement Second Substitute House Bill No. 1033 (employment training program).

(5) \$50,000 of the performance audits of government account—state appropriation is for implementation of Engrossed Substitute Senate Bill No. 5268 (developmental disability services). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(6) Sufficient funding is appropriated in this section to conduct performance audits related to state agency programs and services to address the needs of farmworkers. The audits will assess how the agency is administering the programs and enforcing the relevant laws and provide recommendations to improve service delivery and effectiveness for the protection and needs farmworkers. The committee must incorporate the performance audits in this subsection

into its work plan and must provide annual progress reports on their status. The committee may prioritize its work based on available resources and staff capacity, and may contract for services as necessary, to complete the following performance audits:

(a) The department of labor and industries' programs and responsibilities to investigate and enforce:

(i) Wage and hour laws applicable to farmworkers;

(ii) Workplace health and safety standards applicable to farmworkers; and

(iii) Laws prohibiting harassment, discrimination, and retaliation against farmworkers for, among other things, asserting their rights regarding health and safety standards and wage and hour laws;

(b) The employment security department's administration of the H-2A program; and

(c) The department of health's administration of laws and rules related to pesticide safety that are intended to protect farmworkers from hazardous exposures.

(7) \$42,000 of the performance audits of government account—state appropriation is for implementation of Second Substitute Senate Bill No. 5649 (family and medical leave). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(8) \$13,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000 of the general fund—state appropriation for fiscal year 2023 are for the implementation of Engrossed Substitute House Bill No. 1643 (affordable housing/REET). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(9) \$36,000 of the general fund—state appropriation for fiscal year 2023 is for the implementation of Engrossed Second Substitute House Bill No. 1015 (equitable access to credit). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((12))~~ (10) (a) The joint legislative audit and review committee shall conduct a performance audit of the department of health's oversight of hospital data reporting, inspections, and complaints. The study must explore:

(i) The types of data that hospitals are required to collect and report to state and federal regulatory entities, hospitals' compliance with these reporting requirements, and the department's enforcement and use of such reporting. This data includes: Hospital financial data, patient discharge data, charity care data, adverse health events and incidents notification and reporting, and community health needs, assessments, and benefits implementation strategies;

(ii) The type and frequency of hospital inspections conducted by state and federal regulatory entities, and hospitals' correction of any deficiencies; and

(iii) The hospital facility complaint process, including how consumers may file complaints, how the department investigates complaints, and how hospitals resolve any violations.

(b) The committee must incorporate the performance audit in this subsection into its work plan and prioritize its work based on available resources and staff capacity.

~~((13))~~ (11) \$17,000 of the performance audits of government account—state appropriation is for implementation of Senate Bill No. 5713 (limited equity cooperative housing). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((15))~~ (12) \$17,000 of the performance audits of government account—state appropriation is for implementation of Engrossed Substitute Senate Bill No. 5714 (solar canopies tax deferral). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1104.** 2021 c 334 s 109 (uncodified) is amended to read as follows:

**FOR THE REDISTRICTING COMMISSION**

General Fund—State Appropriation (FY 2022) . . . . .	\$1,633,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$22,000)
	<u>\$132,000</u>
<b>TOTAL APPROPRIATION</b> . . . . .	<b>(\$1,655,000)</b>
	<u>\$1,765,000</u>

The appropriations in this section ~~((is))~~ are subject to the following conditions and limitations: The entire general fund—state appropriation for fiscal year 2023 is provided solely for the payment of expenses associated with the cessation of the commission's operations. The secretary of the senate and chief clerk of the house of representatives may jointly authorize the expenditure of these funds.

**Sec. 1105.** 2021 c 334 s 110 (uncodified) is amended to read as follows:

**LEGISLATIVE AGENCIES**

In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, joint transportation committee, office of the state actuary, joint legislative systems committee, statute law committee, redistricting commission, office of state legislative labor relations, and office of legislative support services.

**Sec. 1106.** 2022 c 297 s 113 (uncodified) is amended to read as follows:

**FOR THE COURT OF APPEALS**

General Fund—State Appropriation (FY 2022)	\$21,709,000
General Fund—State Appropriation (FY 2023)	(( \$22,673,000 ))
	<u>\$22,833,000</u>
<b>TOTAL APPROPRIATION</b>	<b>(( \$44,382,000 ))</b>
	<u>\$44,542,000</u>

**Sec. 1107.** 2022 c 297 s 114 (uncodified) is amended to read as follows:

**FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund—State Appropriation (FY 2022)	\$86,711,000
General Fund—State Appropriation (FY 2023)	(( \$118,611,000 ))
	<u>\$118,666,000</u>
General Fund—Federal Appropriation	\$3,994,000
General Fund—Private/Local Appropriation	\$681,000
Judicial Stabilization Trust Account—State Appropriation	\$119,442,000
Judicial Information Systems Account—State Appropriation	(( \$61,471,000 ))
	<u>\$68,171,000</u>
<b>TOTAL APPROPRIATION</b>	<b>(( \$390,910,000 ))</b>
	<u>\$397,665,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The distributions made under this section and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2) (a) \$7,000,000 of the general fund—state appropriation for fiscal year 2022 and \$7,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for distribution to county juvenile court administrators for the costs associated with processing and case management of truancy, children in need of services, and at-risk youth referrals. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula must neither reward counties with higher than average per-petition/referral processing costs nor shall it penalize counties with lower than average per-petition/referral processing costs.

(b) Each fiscal year during the 2021-2023 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than 60 days after a fiscal year ends. These reports are informational in nature and are not for the purpose of distributing funds.

(3) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for providing all courts with an electronic demographic survey for jurors who begin a jury term. The survey must collect data on each juror's race, ethnicity, age, sex, employment status, educational attainment, and income, as well as any other data approved by order of the chief justice of the Washington state supreme court. This electronic data gathering must be conducted and reported in a manner that preserves juror anonymity. The administrative office of the courts shall provide this demographic data in a report to the governor and the appropriate committees of the legislature, and publish a copy of the report on a publicly available internet address by June 30, 2023.

(4) (a) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the center for court research at the administrative office of the courts to review the number and types of young individuals placed on electronic home monitoring over a 10 year time period. The center for court research shall work in collaboration with the Washington state partnership council on juvenile justice and the juvenile block grant proviso committee (which includes a representative from the juvenile rehabilitation administration, the office of the administrator of the courts, the office of financial management, and the juvenile courts) to identify the number of individuals under the age of 26 that have been placed on electronic home monitoring by the department of children, youth, and families and the number of individuals placed on electronic home monitoring by or through juvenile courts from the year 2010 through 2020. At a minimum, the study must identify:

- (i) How electronic home monitoring is defined and used by each entity;
- (ii) The various types of electronic home monitoring services and the equipment used by each entity;
- (iii) Whether the type of electronic home monitoring equipment used is different depending upon the age or type of the offender;
- (iv) Whether the state or local entity provides the supervision and monitoring of individuals placed on electronic home monitoring or whether the supervision and monitoring are contracted services;

- (v) By age, demographics, ethnicity, and race, the number of individuals that participated on electronic home monitoring each year;
- (vi) By age, the offense committed that resulted in the individual being placed on electronic home monitoring, and the average duration of time individuals spent on electronic home monitoring; and
- (vii) Whether electronic home monitoring was used as an alternative to or in lieu of incarceration or whether electronic home monitoring was used in addition to incarceration.
- (b) The center for court research must complete a preliminary report by June 30, 2022, and submit a final report to the appropriate committees of the legislature by June 30, 2023.
- (5) \$44,500,000 of the judicial stabilization trust account—state appropriation is provided solely to assist counties with costs of complying with the *State v. Blake* decision that arise from the county's role in operating the state's criminal justice system, including resentencing, vacating prior convictions for simple drug possession, and certifying refunds of legal financial obligations and collections costs. The office shall contract with counties for judicial, clerk, and prosecution expenses for these purposes.
- (6) \$46,750,000 of the judicial stabilization trust account—state appropriation is provided solely to establish a legal financial obligation aid pool for counties to refund legal financial obligations and collection costs previously paid by defendants whose convictions have been vacated by court order due to the *State v. Blake* ruling. Once a direct refund process is established, superior court clerks or district court administrators must certify, and send to the office, the amount of any refund ordered by the court.
- (7) \$1,665,000 of the general fund—state appropriation for fiscal year 2022 and \$749,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1320 (civil protection orders).
- (8) \$68,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel-dependency).
- (9) \$110,000 of the general fund—state appropriation for fiscal year 2022 and \$165,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of House Bill No. 1167 (Thurston county superior court judge).
- (10) \$1,094,000 of the general fund—state appropriation for fiscal year 2022 and \$1,094,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the statewide fiscal impact on Thurston county courts. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.
- (11) \$4,505,000 of the general fund—state appropriation for fiscal year 2022 and \$7,505,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5160 (landlord-tenant relations), including the management of an eviction resolution pilot program. By June 30, 2022, the administrative office of the courts shall provide to the legislature a detailed report of eviction resolution program expenditures and outcomes including but not limited to the number of individuals served by dispute resolution centers in the program, the average cost of resolution proceedings, and the number of qualified individuals who applied but were unable to be served by dispute resolution centers due to lack of funding or other reasons. Funding under this subsection for the eviction resolution pilot program is not subject to or conditioned upon adoption of a standing judicial order of an individual superior court.
- (12) \$325,000 of the general fund—state appropriation for fiscal year 2022 and \$304,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5331 (early childhood court program).
- (13) \$44,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5226 (license suspensions/traffic).
- (14) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and \$3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for distribution to local courts for costs associated with the court-appointed attorney and visitor requirements set forth in the uniform guardianship act in chapter 11.130 RCW. If the amount provided in this subsection is insufficient to fully fund the local court costs, distributions must be reduced on a proportional basis to ensure that expenditures remain within the available funds provided in this subsection. No later than December 31, 2022, the administrative office of the courts will provide a report on distributions to local courts including, but not limited to, the amount provided to each court, the number of guardianship cases funded at each court, costs segregated by attorney appointments and court visitor appointments, the amount of any pro rata reductions, and a recommendation on how to forecast distributions for potential future funding by the legislature.
- (15) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$3,185,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for lease expenses and costs to relocate staff from the temple of justice to another workspace if the omnibus capital appropriation act provides funding for improvements to the heating, ventilation, lighting, and plumbing improvements to the temple of justice. Staff from the administrative office of the courts shall work with the department of enterprise services and the office of financial management to acquire temporary space in a state owned facility that meets the needs of the supreme court. If a state facility cannot be found, the court may acquire temporary workspace as it chooses.
- (16) \$63,000 of the general fund—state appropriation for fiscal year 2022 and \$251,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to facilitate

and coordinate the scheduling of resentencing hearings for individuals impacted by the *State v. Blake* decision.

(17) \$830,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to address data quality issues across Washington state court management systems.

(18) \$2,050,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for assistance to trial courts across the state to address the trial court backlog created by the pandemic through the use of pro tem judges and backlog coordinators.

(19) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for audio visual upgrades in courtrooms across the state.

(20) \$2,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for distribution to the trial courts to address impacts of the COVID-19 pandemic.

(21) \$4,900,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the administrative office of the courts to provide grant funding for the creation of new therapeutic courts or the expansion of services being provided to an existing therapeutic court. For purposes of this subsection, "therapeutic court" has the meaning defined in RCW 2.30.020. Funding provided under this subsection may not supplant existing funds utilized for this purpose.

(22) \$2,469,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the administrative office of the courts to support community justice counselors and community coordinators that work with municipal and district court drug and therapeutic court programs. The community justice counselors and community coordinators are responsible for working with court participants to ensure connection to community services and existing resources to support completion of court requirements. Funding must be used for a minimum of four municipal court programs, with at least two programs located east of the Cascade mountains and two programs located west of the Cascade mountains, including Spokane county and Snohomish county. Funding may also be used for additional supports for participants, including bus passes and other transportation assistance, basic cell phones and phone cards, and translation services. Counties and cities that receive funding must provide a report back to the administrative office of the courts that shows how funds were expended.

(23) \$520,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to establish pilot self-help centers in two courthouses, one on each side of the state.

(24) \$82,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5490 (interbranch advisory committee). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(25) \$341,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5575 (superior court judges in Snohomish county). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(26) \$116,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5788 (minor guardianship). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(27) \$26,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1773 (assisted outpatient treatment). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(28) \$502,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1901 (civil protection orders). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(29) \$2,025,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for activities of the office relating to the resentencing of individuals and refund of legal financial obligations and costs associated with the *State v. Blake* ruling. In addition to contracting with cities and counties for the disbursement of funds appropriated for resentencing costs, the office must:

(a) Collaborate with superior court clerks, district court administrators, and municipal court administrators to prepare comprehensive reports, based on available court records, of all cause numbers impacted by *State v. Blake* going back to 1971; and

(b) Establish a process to locate and notify individuals of available refunds and notify those individuals of the application process necessary to claim the refund and issue payment from the legal financial obligation aid pool upon submission and approval of applications. The office shall continue to reimburse counties for any legal and financial obligation refunds made pursuant to a court order pending the implementation of a direct refund process.

(30) \$131,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a court policy analyst position to support the district and municipal court judges' association. The court policy analyst position must assist with the development, implementation, monitoring, and evaluation of district and municipal court programs, court operations, and court costs that relate to the *State v. Blake* decision.

(31) \$11,500,000 of the judicial stabilization trust account—state appropriation is provided solely to assist cities with costs of complying with the *State v. Blake* ruling that arise from the city's role in operating the municipal criminal justice system, including resentencing, vacating prior convictions for simple drug possession, and certifying refunds of legal financial obligations and collections costs. The office shall contract with cities for judicial, clerk, prosecution, and defense expenses for these purposes.

(32) \$10,000,000 of the judicial stabilization trust account—state appropriation is provided solely to establish a legal financial obligation aid pool for cities to refund legal financial obligations and collection costs previously paid by defendants whose convictions have been vacated by court order due to the *State v. Blake* ruling. Once a direct refund process is established, municipal administrators must certify, and send to the office, the amount of any refund ordered by the court.

(33) \$1,892,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for distribution to counties to help cover the cost of electronic monitoring with victim notification technology when an individual seeking a protection order requests electronic monitoring with victim notification technology from the court and the respondent is unable to pay.

(34) \$266,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for pass-through funding to the Washington association of child advocate programs to hire and coordinate AmeriCorps members to assist in community-based recruitment activities to promote child advocates and the need for volunteers, develop and distribute recruitment materials, and assist volunteers in preparing for required training. No later than June 30, 2023, the Washington association of child advocate programs must submit a report to the appropriate committees of the legislature on the efficacy of the program in recruiting volunteers.

(35) \$1,785,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 response expenditures in fiscal year 2022. This funding expires December 31, 2021.

**Sec. 1108.** 2022 c 297 s 116 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund—State Appropriation (FY 2022) . . . . .	\$41,710,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$51,001,000</del> ))
	<u>\$52,393,000</u>
General Fund—Federal Appropriation . . . . .	\$379,000
Judicial Stabilization Trust Account—State Appropriation . . . . .	\$1,464,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>((<del>\$94,554,000</del>))</b>
	<u><b>\$95,946,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2022 and an amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2023 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) The office of civil legal aid shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for child representation services.

(3) \$568,000 of the general fund—state appropriation for fiscal year 2022 is appropriated solely to continue and expand civil legal representation for tenants in eviction cases.

(4) Up to \$165,000 of the general fund—state appropriation for fiscal year 2022 may be used to wind down the children's representation study authorized in section 28, chapter 20, Laws of 2017 3rd sp. sess.

(5) \$5,440,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue civil legal assistance to individuals and families directly and indirectly affected by the COVID-19 pandemic and its related health, social, economic, legal, and related consequences.

(6) \$159,000 of the general fund—state appropriation for fiscal year 2022 and \$1,511,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency).

(7) \$11,122,000 of the general fund—state appropriation for fiscal year 2022 and \$12,957,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5160 (landlord-tenant relations), including representation of indigent tenants in unlawful detainer cases. By June 30, 2022, the department shall provide to the legislature a detailed report of program expenditures and outcomes including but not limited to the number of individuals served, the average cost of a representation case, and the number of qualified individuals who qualified for but were unable to receive representation for funding or other reasons.

(8) \$600,000 of the general fund—state appropriation for fiscal year 2022 and \$2,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue and expand online automated plain language forms, outreach, education, technical assistance, and legal assistance to help resolve civil matters relating to legal financial obligations and vacating the sentences of defendants whose convictions or sentences are affected by the *State v. Blake* decision.

(9) \$78,000 of the general fund—state appropriation for fiscal year 2022 and \$313,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of civil legal aid to cover the cost of contract adjustments necessary to conform attorney

contracting practices with applicable caseload standards established by the supreme court commission on children in foster care.

(10) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to support civil legal information, advice, and representation to tenants at risk of eviction and against whom an unlawful detainer action has not yet been commenced.

(11) \$350,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the office of civil legal aid to establish a legal advice phone line to provide guidance and legal advice for kinship caregivers. The phone line must be staffed by two FTE contracted attorneys that have experience with kinship care, guardianship statutes, the child welfare system, and issues relating to legal custody.

(12) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of legal aid to expand civil legal aid services for survivors of domestic violence, including legal services for protection order proceedings, family law cases, immigration assistance, and other civil legal issues arising from or related to the domestic violence they experienced.

(13) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of civil legal aid to expand the statewide reentry legal aid project as established in section 115(12), chapter 357, Laws of 2020.

(14) \$743,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to meet adjusted contractual obligations to ensure continued operation of the appointed counsel program for indigent tenants in unlawful detainer cases established in RCW 59.18.640.

(15) \$649,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to meet adjusted contractual obligations necessary for effective operation of the appointed counsel program for dependent children established in RCW 13.34.212(3) in accordance with revised practice, caseload, and training standards adopted by the supreme court commission on children in foster care.

**Sec. 1109.** 2022 c 297 s 117 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE GOVERNOR**

General Fund—State Appropriation (FY 2022) . . . . .	\$11,766,000
General Fund—State Appropriation (FY 2023) . . . . .	(((\$16,207,000))
	<u>\$18,081,000</u>
Economic Development Strategic Reserve Account—State Appropriation . . . . .	\$5,000,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>(((\$32,973,000))</b>
	<u><b>\$34,847,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$917,000 of the general fund—state appropriation for fiscal year 2022 and \$1,146,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the education ombuds.

(2) \$1,289,000 of the general fund—state appropriation for fiscal year 2022 and ~~(((\$3,545,000))~~ \$4,305,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement the provisions of chapter 332, Laws of 2020 (state equity office).

(3) \$123,000 of the general fund—state appropriation for fiscal year 2022 and \$118,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5119 (individuals in custody).

(4) \$180,000 of the general fund—state appropriation for fiscal year 2022 and \$209,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act).

(5) \$33,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of the education ombuds to support the language access work group that is reconvened and expanded in section 501(3)(g) of this act.

(6) (a) \$20,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the Washington state LGBTQ commission, in collaboration with the health care authority, department of health, advocates for people living with HIV in Washington, consumers, and medical professionals with expertise in serving the medicaid population living with HIV, to consider and develop recommendations regarding:

(i) Access to HIV antiretroviral drugs on the medicaid drug formulary, including short- and long-term fiscal implications of eliminating current prior authorization and fail-first requirements;

(ii) Impact of drug access on public health and the statewide goal of reducing HIV transmissions; and

(iii) Maximizing pharmaceutical drug rebates for HIV antiretroviral drugs.

(b) The commission shall submit a brief report with recommendations to the appropriate committees of the legislature by November 1, 2021.

(7) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the cost to support the blue ribbon commission on the intersection of the criminal justice and behavioral health crisis systems that will be established by governor executive order.

(8) Within the amounts appropriated in this section, the Washington state office of equity must cofacilitate the Washington digital equity forum, as provided in section 129(70) of this act, with the statewide broadband office.

(9) \$80,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of equity to develop resources and provide technical assistance to state agencies on best practices on how to engage communities regarding equity and inclusion when creating equitable budget and policy recommendations.

(10) ~~(\$25,000)~~ \$59,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to complete an analysis on options to replace the benefits of the four lower Snake river dams as part of a comprehensive salmon recovery strategy for the Columbia and Snake river basins. The analysis shall be completed by July 30, 2022.

~~((+12))~~ (11) \$50,000 of the general fund—state appropriation for fiscal year 2022 and ~~((+250,000))~~ \$519,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the governor to invite federally recognized tribes, legislative leadership, local governments, agricultural producers, commercial and recreational fisher organizations, business organizations, salmon recovery organizations, forestry and agriculture organizations, and environmental organizations to participate in a process facilitated by an independent entity to develop recommendations on proposed changes in policy and spending priorities to improve riparian habitat to ensure salmon and steelhead recovery.

(a) The recommendations must include:

(i) Ideas for improvements to land use planning and development that ensure the protection and recovery of salmon;

(ii) Standards to protect areas adjacent to streams and rivers;

(iii) Standards to restore areas adjacent to streams and rivers;

(iv) Financial incentives for landowners to protect and restore streamside habitat;

(v) Recommendations to improve salmon recovery program coordination among state agencies; and

(vi) Recommendations for additional changes when voluntary measures and financial incentives do not achieve streamside protection and restoration.

(b) Preliminary recommendations shall be submitted to the legislature and governor by October 1, 2022, with a final report by November 1, 2022.

(c) The office of the governor may contract for an independent facilitator. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

~~((+13))~~ (12) \$207,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of equity to address additional workload created by legislation enacted during the 2021 legislative session.

~~((+14))~~ (13) \$609,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of equity to establish and support a community engagement board.

~~((+16))~~ (14) \$175,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1723 (digital equity act). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1110.** 2022 c 297 s 120 (uncodified) is amended to read as follows:

**FOR THE SECRETARY OF STATE**

General Fund—State Appropriation (FY 2022) . . . . .	\$22,662,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>((+49,118,000))</del>
	<u>\$55,360,000</u>
General Fund—Federal Appropriation. . . . .	<del>((+12,894,000))</del>
	<u>\$13,399,000</u>
Public Records Efficiency, Preservation, and Access	
Account—State Appropriation. . . . .	\$10,606,000
Charitable Organization Education Account—State	
Appropriation. . . . .	\$1,367,000
Washington State Library Operations Account—State	
Appropriation. . . . .	\$14,607,000
Local Government Archives Account—State	
Appropriation. . . . .	\$10,937,000
Election Account—Federal Appropriation. . . . .	\$4,401,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation. . . . .	\$405,000
Personnel Service Account—State Appropriation. . . . .	\$1,276,000
<b>TOTAL APPROPRIATION.</b> . . . .	<del>((+128,273,000))</del>
	<u>\$135,020,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$12,196,000)~~ \$17,696,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be



reimbursed only for those costs that the secretary of state validates as eligible for reimbursement.

(2) (a) \$3,051,500 of the general fund—state appropriation for fiscal year 2022 and \$3,051,500 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2021-2023 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for humanities Washington speaker's bureau community conversations.

(5) \$114,000 of the general fund—state appropriation for fiscal year 2022 and \$114,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for election reconciliation reporting. Funding provides for one staff to compile county reconciliation reports, analyze the data, and to complete an annual statewide election reconciliation report for every state primary and general election. The report must be submitted annually on July 31, beginning July 31, 2021, to legislative policy and fiscal committees. The annual report must include statewide analysis and by county analysis on the reasons for ballot rejection and an analysis of the ways ballots are received, counted, rejected and cure data that can be used by policymakers to better understand election administration.

(6) \$546,000 of the general fund—state appropriation for fiscal year 2022 and \$546,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staff dedicated to the maintenance and operations of the voter registration and election management system. These staff will manage database upgrades, database maintenance, system training and support to counties, and the triage and customer service to system users.

(7) \$626,000 of the public records efficiency, preservation, and access account—state appropriation is provided solely for additional project staff to pack, catalog, and move the states archival collection in preparation for the move to the new library archives building that will be located in Tumwater.

(8) Within existing resources, the office of the secretary of state must research and evaluate availability of online trainings to include, but not be limited to, job-related, educational, and information technology trainings that are available free of charge. The office must compare those to the online trainings available from the Microsoft linked in academy. The office must report the comparative findings to fiscal committees of the legislature by September 1, 2022.

(9) \$251,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute Senate Bill No. 5034 (nonprofit corporations).

(10) \$269,000 of the government archives account—state appropriation is provided solely for implementation of Senate Bill No. 5019 (recording standards commission).

(11) \$1,000,000 of the general fund—federal appropriation (ARPA) is provided solely for humanities Washington to provide grants to humanities organizations in Washington state pursuant to the American rescue plan act of 2021, P.L. 117-2. Of the amounts provided in this subsection:

(a) Forty percent must be used for grants to state humanities organizations' programming and general operating expenses to cover up to 100 percent of the costs of the programs which the grants support, to prevent, prepare for, respond to, and recover from coronavirus; and

(b) Sixty percent must be used for direct grants, and relevant administrative expenses, that support humanities organizations' programming and general operating expenses to cover up to 100 percent of the costs of the programs which the grants support, to prevent, prepare for, respond to, and recover from coronavirus.

(12) \$3,600,000 of the general fund—federal appropriation (ARPA) is provided to the state library as the designated state library administrative agency solely to administer and distribute institute of museum and library services grants to museums, tribal partners, and

libraries for eligible expenses and services. Pursuant to federal directive, no more than four percent of distributed funds may be held for grant administration.

(13) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for educational outreach related to voter registration, voting, and elections; and to improve access to voting and the election process.

(14) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with humanities Washington to expand the prime time family reading program.

(15) \$8,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for:

(a) Funding the security operations center, including identified needs for expanded operations, systems, technology tools, training resources;

(b) Additional staff dedicated to the cyber and physical security of election operations at the office and county election offices;

(c) Expanding security assessments, threat monitoring, enhanced security training; and

(d) Providing grants to county partners to address identified threats and expand existing grants and contracts with other public and private organizations such as the Washington military department, national guard, private companies providing cyber security, and county election offices.

(16) \$1,276,000 of the personnel service account—state appropriation is provided solely for administration of the productivity board established in chapter 41.60 RCW. The secretary of state shall convene the first meeting of the board by September 1, 2022. By June 30, 2023, the board must provide the legislature and all other state agencies with a topical list of all productivity awards granted in fiscal year 2023 for the purpose of providing agencies with the opportunity to adopt or modify for agency use the suggestions identified by awardees.

(17) \$405,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for TVW equipment upgrades, including new encoders and router cards, and a refresh of its robotics system.

(18) \$55,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for upgrading technology and usefulness of a conference room in the main office of the secretary of state with modern telecommunications tools and technology and increasing privacy.

(19) \$25,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementing a voter registration system in conjunction with the department of licensing, department of social and health services, health benefit exchange, and county election officials by December 31, 2023, that uses information and documentation already presented by eligible agency customers to automatically transmit information necessary for voter registration and voter registration updates, and enables applicants to make a decision about voter registration and any necessary corrections by returning a notice mailed by election officials. The proposal shall consider upgraded systems implemented in Colorado and other states to enact this change in their voter registration system in 2022. Recommendations must be developed with the full participation of community organizations that work in support of civic engagement. The secretary shall present their recommendations, and any barriers to their implementation, to the legislature by December 1, 2022.

(20) \$2,534,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to counties to support voter registration and voting within county jails. Grants may be used to develop and implement a plan to increase voting amongst the jail population, create voting materials specific to the jail population, purchase supplies and equipment for voting in jails, and provide direct staffing in jails to support voting activities. Each county grantee must submit a postelection report by February 1, 2023, to the secretary of state detailing the use of grant funding, evaluation of the grant's overall effectiveness in achieving its objective to increase voter registration and voting of the jailed population, and recommendations regarding best practices and law changes, if needed. Of the amounts provided in this subsection, up to \$100,000 may be used for the office of the secretary of state to compile the reports received in this subsection into a single report. The report must include an analysis of the county grant projects, including recommended policies and procedures for county jails regarding inmate voting. The report must be delivered to the governor and legislature by June 30, 2023.

(21) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided to the state library to develop a digital literacy assessment tool and protocol to be used by organizations that provide digital literacy support; conduct a baseline assessment of digital readiness for a representative sample of Washington residents; and publish the assessment tool, protocol, and baseline assessment findings on the state library website for public use by June 1, 2023. The office must also submit a report to the governor and legislature by June 1, 2023, that describes the tool, protocol, and assessment findings.

(22) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office to contract with the University of Washington Evans school of public policy and governance to review the data used in the 2022 state auditor's performance audit titled "evaluating Washington's ballot rejection rates," which found that voters from certain counties, younger voters, male voters, Black voters, Native American voters, and Latino voters were more likely to have their ballots rejected. The review must include an analysis of: (a) Voter interaction with the vote-by-mail and ballot return process; (b) circumstances in which voted returned ballots are not accepted due to signature mismatch, including whether

the ballot was rejected due to late return, a signature by another person, a blank signature line, a different name used, or the signature could not conclude that the voter was the signatory; (c) processes used by county election offices to allow voters to cure ballots; (d) methods in which counties collect, maintain, and update voter signatures on file; (e) communication with voters concerning how to prepare and return a voted ballot for counting; (f) best practices for curing rejected signatures; and (e) education and outreach methods emphasizing the importance of voter signatures on voted returned ballots with a focus on increasing successful voting. The results of the analysis must be reported to the governor and the appropriate committees of the legislature by October 15, 2022.

(23) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1835 (postsecondary enrollment). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(24) \$1,000 is for implementation of Engrossed Substitute House Bill No. 1357 (voters' pamphlets overseas).

(25) \$350,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for legal services costs for Vet Voice Foundation et al. v. Hobbs.

**Sec. 1111.** 2022 c 297 s 121 (uncodified) is amended to read as follows:

**FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund—State Appropriation (FY 2022)	\$943,000
General Fund—State Appropriation (FY 2023)	(( <del>\$1,159,000</del> ))
	<u>\$999,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$2,102,000</del>))</b>
	<u><b>\$1,942,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the governor's office of Indian affairs to engage in a process to develop recommendations on improving executive and legislative tribal relationships. In developing the recommendations, the governor's office of Indian affairs may contract with a third party facilitator.

(a) The governor's office of Indian affairs or the contracted third party must host and facilitate discussions between the executive branch, the legislative branch, and Indian tribes as defined in RCW 43.376.010 to develop the recommendations.

(b) By December 20, 2021, the governor's office of Indian affairs must submit a report of recommendations to the Governor and legislature in accordance with RCW 43.01.036. At a minimum, the report should include recommendations on:

- (i) An examination of government-to-government relationship with Indian tribes as in chapter 43.376 RCW;
- (ii) The consultation processes; and
- (iii) Training to be provided to state agencies and the legislature.

(3)(a) \$350,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the governor's office of Indian affairs to expand capacity of the office to improve state and local executive and tribal relationships. Funds must be used to support:

- (i) Consultation with tribes and local governments on implementation of the climate commitment act and growth management act;
- (ii) Government-to-government engagement on natural resources, environment, and infrastructure;
- (iii) Consultation with tribes and local governments on tribal legal definitions;
- (iv) Early engagement on legislative and executive consultation and dispute resolution policy and processes with all agencies; and
- (v) Coordination with a third party to facilitate roundtable meetings for agencies, tribes, and stakeholders to assess and provide recommendations in a report for streamlining statewide salmon recovery planning, policy, programs, and budgets. The report should be provided to the appropriate committees in the legislature by June 30, 2023.

(b) The legislature intends to provide additional funding for activities under this subsection (3) in the next fiscal biennium.

**Sec. 1112.** 2022 c 297 s 122 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2022)	\$554,000
General Fund—State Appropriation (FY 2023)	(( <del>\$857,000</del> ))
	<u>\$537,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$1,411,000</del>))</b>
	<u><b>\$1,091,000</b></u>

Sec. 1113. 2022 c 297 s 126 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund—State Appropriation (FY 2022) . . . . .	\$22,392,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$27,543,000)</del>
	<u>\$25,107,000</u>
General Fund—Federal Appropriation . . . . .	\$21,913,000
Public Service Revolving Account—State Appropriation . . . . .	\$4,331,000
New Motor Vehicle Arbitration Account—State Appropriation . . . . .	\$1,781,000
Medicaid Fraud Penalty Account—State Appropriation . . . . .	\$6,098,000
Child Rescue Fund—State Appropriation . . . . .	\$80,000
Legal Services Revolving Account—State Appropriation . . . . .	<del>(\$340,402,000)</del>
	<u>\$341,735,000</u>
Local Government Archives Account—State Appropriation . . . . .	\$1,045,000
Tobacco Prevention and Control Account—State Appropriation . . . . .	\$275,000
<b>TOTAL APPROPRIATION</b> . . . . .	<del>(\$425,860,000)</del>
	<u>\$424,757,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs and ranking members of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) \$161,000 of the general fund—state appropriation for fiscal year 2022 and \$161,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the civil rights unit to provide additional services in defense and protection of civil and constitutional rights for people in Washington.

(5) \$8,392,000 of the legal services revolving account—state appropriation is provided solely for child welfare and permanency staff.

(6) \$617,000 of the general fund—state appropriation for fiscal year 2022 and \$617,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for multi-year arbitrations of the state's diligent enforcement of its obligations to receive amounts withheld from tobacco master settlement agreement payments.

(7) \$1,600,000 of the legal services revolving fund—state appropriation is provided solely for the office to compel the United States department of energy to meet Hanford cleanup deadlines.

(8) \$28,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5022 (recycling, waste and litter).

(9) \$584,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5051 (peace & correction officers).

(10) \$122,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5096 (capital gains tax).

(11) \$256,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5097 (paid leave coverage).

(12) \$284,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment).

(13) \$395,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5141 (environmental justice task force).

(14) \$1,198,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5163 (conditionally released SVPs).

(15) \$218,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$5,107,000)~~ \$918,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data).

(16) \$693,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$1,750,000)~~) \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of a program for receiving and responding to tips from the public regarding risks or potential risks to the safety or well-being of youth, called the YES tip line program. Risks to safety or well-being may include, but are not limited to, harm or threats of harm to self or others, sexual abuse, assault, rape, bullying or cyberbullying, substance use, and criminal acts. Any person contacting the YES tip line, whether for themselves or for another person, must receive timely assistance and not be turned away. The program must operate within the guidelines of this subsection.

(a) During the development and implementation of the YES tip line program the attorney general shall convene an advisory committee consisting of representatives from the Washington state patrol, the department of health, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the Washington association of educational service districts, and other participants the attorney general appoints.

(b) The attorney general shall develop and implement policies and processes for:

(i) Assessing tips based on the level of severity, urgency, and assistance needed using best triage practices including the YES tip line;

(ii) Risk assessment for referral of persons contacting the YES tip line to service providers;

(iii) Threat assessment that identifies circumstances requiring the YES tip line to alert law enforcement, mental health services, or other first responders immediately when immediate emergency response to a tip is warranted;

(iv) Referral and follow-up on tips to schools or postsecondary institution teams, local crisis services, law enforcement, and other entities;

(v) YES tip line information data retention and reporting requirements;

(vi) Ensuring the confidentiality of persons submitting a tip and to allow for disclosure when necessary to respond to a specific emergency threat to life; and

(vii) Systematic review, analysis, and reporting by the YES tip line program of YES tip line data including, but not limited to, reporting program utilization and evaluating whether the YES tip line is being implemented equitably across the state.

(c) The YES tip line shall be operated by a vendor selected by the attorney general through a competitive contracting process. The attorney general shall ensure that the YES tip line program vendor and its personnel are properly trained and resourced. The contract must require the vendor to be bound confidentiality policies developed by the office. The contract must also provide that the state of Washington owns the data and information produced from the YES tip line and that vendor must comply with the state's data retention, use, and security requirements.

(d) The YES tip line program must develop and maintain a reference and best practices tool kit for law enforcement and mental health officials that identifies statewide and community mental health resources, services, and contacts, and provides best practices and strategies for investigators to use in investigating cases and assisting youths and their parents and guardians.

(e) The YES tip line program must promote and market the program and YES tip line to youth, families, community members, schools, and others statewide to build awareness of the program's resources and the YES tip line. Youth perspectives must be included and consulted in tip line development and implementation including creating marketing campaigns and materials required for the YES tip line program. The insights of youth representing marginalized and minority communities must be prioritized for their invaluable insight. The attorney general may determine the criteria for honorariums and award youth who participate in the tip line development and implementation an honorarium of up to \$200 per day.

(f) In addition to honorarium amounts, youth are eligible for reasonable allowances for reimbursement, lodging, and travel expenses as provided in RCW 43.03.050 and 43.03.060.

(g) Nothing in this subsection creates an employment relationship, or any membership or qualification in any state or other publicly supported retirement system, due to the payment of an honorarium or lodging and travel expenses provided under this subsection where such a relationship, membership, or qualification did not already exist. (17) \$196,000 of the legal services revolving account—state appropriation is provided solely to provide staff support to the joint legislative task force on jail standards created in section 957 of this act.

(18) \$38,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1148 (acute care hospitals).

(19) \$294,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1259 (women & minority contracting).

(20) \$1,207,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency).

(21) \$28,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1089 (law enforcement audits).

(22) \$123,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon).

(23) \$2,080,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1194 (parent-child visitation).

(24) \$121,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1073 (paid leave coverage).

(25) \$247,000 of the general fund—state appropriation for fiscal year 2022 and \$247,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1310 (uses of force by officers).

(26) \$25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1109 (victims of sexual assault).

(27) \$146,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5172 (agricultural overtime).

(28) \$275,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the attorney general to support the Washington state missing and murdered indigenous women and people task force created in section 943 of this act.

(29) \$5,743,000 of the legal services revolving fund—state appropriation is provided solely for additional legal services to address additional legal services necessary for dependency actions where the state and federal Indian child welfare act apply. The office must report to the fiscal committees of the legislature within 90 days of the close of fiscal year 2023 the following information for new cases initiated in fiscal year 2023 to measure quantity and use of this funding:

(a) The number and proportion of cases where the state and federal Indian child welfare act (ICWA) applies as compared to non-ICWA new cases;

(b) The amount of time spent advising on, preparing for court, and litigating issues and elements related to ICWA's requirements as compared to the amount of time advising on, preparing for court, and litigating issues and elements that are not related to ICWA's requirements;

(c) The length of state and federal Indian child welfare act cases as compared to non-ICWA cases measured by time or number of court hearings; and

(d) Any other information or metric the office determines is appropriate to measure the quantity and use of the funding in this subsection.

(30) \$470,000 of the general fund—state appropriation for fiscal year 2022 and \$280,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for legal services in *Wahkiakum School District v. State*.

(31) \$1,910,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office to pass through to King county to adequately fund and retain its prosecution services pursuant to chapter 71.09 RCW in King county.

(32) \$728,000 of the general fund—state appropriation for fiscal year 2022 and \$693,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for legal services related to the voting rights case *Palmer, et al v. State*.

(33) \$752,000 of the general fund—state appropriation for fiscal year 2023 and \$119,000 of the legal services revolving account—state appropriation are provided solely for implementation of Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(34) \$33,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1815 (catalytic converter theft). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(35) \$65,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1747 (child relative placements). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(36) \$17,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1286 (psychology compact). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(37) \$133,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1735 (use of force). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(38) (a) \$125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a study regarding state and local responses to acts or potential acts of domestic terrorism in Washington state.

(b) In conducting the study, the office must review laws and policies regarding domestic terrorism, including but not limited to:

(i) Federal, state, and local laws regarding acts of domestic terrorism, including how a criminal incident is determined to be an act of domestic terrorism;

(ii) State and local data collection, tracking, and reporting practices as related to acts of domestic terrorism; and

(iii) State and local policies regarding responding to acts of domestic terrorism.

(c) By December 15, 2022, the office must submit a report to the appropriate committees of the legislature that includes but is not limited to:

(i) A summary of current laws and policies as identified in (b) of this subsection;

- (ii) Recommended best practices for:
  - (A) Standardizing and improving data collection, tracking, and reporting on acts of domestic terrorism at the state and local level; and
  - (B) Strengthening law enforcement, prosecutorial, and other local government responses to a potential act of domestic terrorism; and
- (iii) Recommendations for any statutory changes that may be necessary for clarity and consistency.
- (d) The office may consult with experts or professionals involved or having expertise in the topic of domestic terrorism to complete the study.
- (39) \$58,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to support the sexual assault forensic examination best practices advisory group. The office of the attorney general shall reconvene a sexual assault forensic examination best practices advisory group to continue the work of the previous sexual assault forensic examination best practices advisory group as established in section 1, chapter 93, Laws of 2019. The advisory group must review best practice models for managing all aspects of sexual assault investigations and for reducing the number of untested sexual assault kits in Washington state. The advisory group must meet no less than twice annually.
- (40) \$25,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5761 (wage and salary information). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.
- (41) The attorney general must deposit the state's portion of any proceeds received during the 2021-2023 fiscal biennium from the settlement with Purdue Pharma and the Sackler families into the state general fund to be appropriated for opioid abatement programs and services.

**Sec. 1114.** 2022 c 297 s 128 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**

General Fund—State Appropriation (FY 2022)	\$201,157,000
General Fund—State Appropriation (FY 2023)	(( <del>\$550,623,000</del> ))
	<u>\$544,329,000</u>
General Fund—Federal Appropriation	(( <del>\$1,450,865,000</del> ))
	<u>\$1,277,481,000</u>
General Fund—Private/Local Appropriation	\$9,083,000
Public Works Assistance Account—State Appropriation	\$8,420,000
Lead Paint Account—State Appropriation	\$112,000
Building Code Council Account—State Appropriation	\$17,000
Liquor Excise Tax Account—State Appropriation	\$1,316,000
Home Security Fund Account—State Appropriation	\$326,423,000
Affordable Housing for All Account—State Appropriation	\$105,264,000
Financial Fraud and Identity Theft Crimes Investigation and Prosecution Account—State Appropriation	\$2,678,000
Low-Income Weatherization and Structural Rehabilitation Assistance Account—State Appropriation	\$1,400,000
Statewide Tourism Marketing Account—State Appropriation	\$3,034,000
Community and Economic Development Fee Account—State Appropriation	\$4,252,000
Growth Management Planning and Environmental Review Fund—State Appropriation	\$5,802,000
Liquor Revolving Account—State Appropriation	\$5,921,000
Washington Housing Trust Account—State Appropriation	\$20,773,000
Prostitution Prevention and Intervention Account— State Appropriation	\$146,000
Public Facility Construction Loan Revolving Account— State Appropriation	\$1,278,000
Model Toxics Control Stormwater Account—State Appropriation	\$100,000
Dedicated Marijuana Account—State Appropriation (FY 2022)	\$1,813,000
Dedicated Marijuana Account—State Appropriation (FY 2023)	\$3,200,000
Andy Hill Cancer Research Endowment Fund Match Transfer Account—State Appropriation	\$50,281,000
Community Preservation and Development Authority Account—State Appropriation	\$2,500,000
Economic Development Strategic Reserve Account—State Appropriation	\$2,798,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	(( <del>\$937,440,000</del> ))

	<u>\$895,162,000</u>
Apple Health and Homes Account—State Appropriation. . . . .	\$8,740,000
Electric Vehicle Incentive Account—State Appropriation. . . . .	\$25,000,000
<b>TOTAL APPROPRIATION.....</b>	<b><u>(\$3,730,436,000)</u></b>
	<u>\$3,508,480,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and \$7,096,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) \$4,304,000 of the general fund—state appropriation for fiscal year 2022 and \$4,304,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for associate development organizations. During the 2021-2023 biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086. The department must distribute the funding as follows:

(a) For associate development organizations serving urban counties, which are counties other than rural counties as defined in RCW 82.14.370, a locally matched allocation of up to \$1.00 per capita, totaling no more than \$300,000 per organization; and

(b) For associate development organizations in rural counties, as defined in RCW 82.14.370, a \$1.00 per capita allocation with a base allocation of \$75,000.

(7) \$5,907,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(8) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(9) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(10) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the northwest agriculture business center.

(11) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(12) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$1,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(13) \$643,000 of the general fund—state appropriation for fiscal year 2022 and \$643,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(14) \$1,000,000 of the home security fund—state appropriation, \$2,000,000 of the Washington housing trust account—state appropriation, and \$1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(15) \$2,000,000 of the home security fund—state appropriation is provided solely for the administration of the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(16) (a) \$1,980,000 of the general fund—state appropriation for fiscal year 2022 and \$1,980,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community beds for individuals with a history of mental illness. Currently, there is



little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (i) shared permanent supportive housing; (ii) independent permanent supportive housing; and (iii) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

(b) Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(17) \$557,000 of the general fund—state appropriation for fiscal year 2022 and \$557,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to design and administer the achieving a better life experience program.

(18) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(19) \$1,070,000 of the general fund—state appropriation for fiscal year 2022 \$1,070,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the small business export assistance program. The department must ensure that at least one employee is located outside the city of Seattle for purposes of assisting rural businesses with export strategies.

(20) \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(21) \$2,200,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with organizations and attorneys to provide either legal representation or referral services for legal representation, or both, to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under any contract entered into pursuant to this subsection must be determined to be indigent under standards developed under chapter 10.101 RCW. Of the amounts provided in this section, \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000,000 of the general fund—state appropriation for fiscal year 2023 must be used for pro bono or low bono legal services to assist indigent Washington residents, who were temporarily paroled into the United States in 2021 or 2022, with asylum applications or other matters related to adjusting immigration status.

(22)(a) \$37,000,000 of the affordable housing for all account—state appropriation is provided solely for grants to support the building operation, maintenance, and service costs of permanent supportive housing projects or units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding that:

(i) Is dedicated as permanent supportive housing units;

(ii) Is occupied by low-income households with incomes at or below thirty percent of the area median income; and

(iii) Requires a supplement to rent income to cover ongoing property operating, maintenance, and service expenses.

(b) Permanent supportive housing projects receiving federal operating subsidies that do not fully cover the operation, maintenance, and service costs of the projects are eligible to receive grants as described in this subsection.

(c) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(23) \$7,000,000 of the home security fund—state appropriation is provided solely for the office of homeless youth prevention and protection programs to:

(a) Expand outreach, services, and housing for homeless youth and young adults including but not limited to secure crisis residential centers, crisis residential centers, and HOPE beds, so that resources are equitably distributed across the state;

(b) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(c) Support the development of an integrated services model, increase performance outcomes, and enable providers to have the necessary skills and expertise to effectively operate youth programs.

(24) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to fund program models that prevent youth from exiting public systems into homelessness.

(25) \$2,408,000 of the general fund—state appropriation for fiscal year 2022 and \$5,592,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to build infrastructure and services to support a continuum of interventions, including but not limited to prevention, crisis response, and long-term

housing, to reduce youth homelessness in communities identified as part of the anchor community initiative.

(26) \$2,125,000 of the general fund—state appropriation for fiscal year 2022 and \$2,125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for youth under the age of 18. Young adult housing includes, but is not limited to, rental assistance and case management for young adults ages 18 to 24. The department shall submit an annual report to the legislature on the use of the funds. The first report is due June 30, 2022, and each June 30th thereafter. The report shall include but is not limited to:

- (a) A breakdown of expenditures by program and expense type, including the cost per bed;
- (b) The number of youth and young adults helped by each program;
- (c) The number of youth and young adults on the waiting list for programs, if any; and
- (d) Any other metric or measure the department deems appropriate to evaluate the effectiveness of the use of the funds.

(27) \$62,720,000 of the general fund—state appropriation for fiscal year 2022, \$65,330,000 of the general fund—state appropriation for fiscal year 2023, and \$2,610,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for the essential needs and housing support program and related services. The department may use a portion of the funds provided in this subsection to continue the pilot program established in section 127(106) of chapter 357, Laws of 2020, by providing grants to participating counties who request additional funding in order to continue serving participating and eligible clients.

(28) \$1,436,000 of the general fund—state appropriation for fiscal year 2022 and \$1,436,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. Sector leads established by the department must include the industries of: (a) Aerospace; (b) clean technology and renewable and nonrenewable energy; (c) wood products and other natural resource industries; (d) information and communication technology; (e) life sciences and global health; (f) maritime; and (g) military and defense. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(29) The department must develop a model ordinance for cities and counties to utilize for siting community based behavioral health facilities.

(30) \$198,000 of the general fund—state appropriation for fiscal year 2022 and \$198,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to retain a behavioral health facilities siting administrator within the department to coordinate development of effective behavioral health housing options and provide technical assistance in siting of behavioral health treatment facilities statewide to aide in the governor's plan to discharge individuals from the state psychiatric hospitals into community settings. This position must work closely with the local government legislative authorities, planning departments, behavioral health providers, health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building behavioral health treatment and infrastructure capacity in addition to ongoing supportive housing benefits.

(31) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with an entity located in the Beacon hill/Chinatown international district area of Seattle to provide low income housing, low income housing support services, or both. To the extent practicable, the chosen location must be collocated with other programs supporting the needs of children, the elderly, or persons with disabilities.

(32) \$1,500,000 of the general fund—state appropriation for fiscal year 2022, \$4,740,000 of the general fund—state appropriation for fiscal year 2023 and \$4,500,000 of the home security fund—state appropriation are provided solely for the consolidated homeless grant program.

(a) Of the amounts provided in this subsection, \$4,500,000 of the home security fund—state appropriation is provided solely for permanent supportive housing targeted at those families who are chronically homeless and where at least one member of the family has a disability. The department will also connect these families to medicaid supportive services.

(b) Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for diversion services for those families and individuals who are at substantial risk of losing stable housing or who have recently become homeless and are determined to have a high probability of returning to stable housing.

(c) Of the amounts provided in this subsection, \$3,240,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for up to nine months of rental

assistance for individuals enrolled in the foundational community supports initiative who are transitioning off of benefits under RCW 74.04.805 due to increased income or other changes in eligibility. The health care authority, department of social and health services, and department of commerce shall collaborate on this effort.

(33) \$50,281,000 of the Andy Hill cancer research endowment fund match transfer account—state appropriation is provided solely for the Andy Hill cancer research endowment program. Amounts provided in this subsection may be used for grants and administration costs.

(34) \$550,000 of the general fund—state appropriation for fiscal year 2022 and \$550,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the operations of the long-term care ombudsman program.

(35) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to produce the biennial report identifying a list of projects to address incompatible developments near military installations as provided in RCW 43.330.520.

(36) \$35,000,000 of the home security fund—state appropriation is provided solely for increasing local temporary shelter capacity. The amount provided in this subsection is subject to the following conditions and limitations:

(a) A city or county applying for grant funding shall submit a sheltering proposal that aligns with its local homeless housing plan under RCW 43.185C.050. This proposal must include at a minimum:

(i) A strategy for outreach to bring currently unsheltered individuals into shelter;

(ii) Strategies for connecting sheltered individuals to services including but not limited to: Behavioral health, chemical dependency, education or workforce training, employment services, and permanent supportive housing services;

(iii) An estimate on average length of stay;

(iv) An estimate of the percentage of persons sheltered who will exit to permanent housing destinations and an estimate of those that are expected to return to homelessness;

(v) An assessment of existing shelter capacity in the jurisdiction, and the net increase in shelter capacity that will be funded with the state grant; and

(vi) Other appropriate measures as determined by the department.

(b) Eligible uses of funds include shelter operations, shelter maintenance, shelter rent, loan repayment, case management, navigation to other services, efforts to address potential impacts of shelters on surrounding neighborhoods, capital improvements and construction, and outreach directly related to bringing unsheltered people into shelter. The department shall coordinate with local governments to encourage cost-sharing through local matching funds.

(c) The department shall not reimburse more than \$10,000 per shelter bed prior to occupancy, for costs associated with creating additional shelter capacity or improving existing shelters to improve occupancy rates and successful outcomes. Eligible costs prior to occupancy include acquisition, construction, equipment, staff costs, and other costs directly related to creating additional shelter capacity.

(d) For the purposes of this subsection "shelter" means any facility, the primary purpose of which is to provide space for homeless in general or for specific populations of homeless. The shelter must: Be structurally sound to protect occupants from the elements and not pose any threat to health or safety, have means of natural or mechanical ventilation, and be accessible to persons with disabilities, and the site must have hygiene facilities, which must be accessible but do not need to be in the structure.

(37) \$950,000 of the general fund—state appropriation for fiscal year 2022 and \$1,064,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer a transitional housing pilot program for nondependent homeless youth. In developing the pilot program, the department will work with the adolescent unit within the department of children, youth, and families, which is focused on cross-system challenges impacting youth, including homelessness.

(38) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish representation in key international markets that will provide the greatest opportunities for increased trade and investment for small businesses in the state of Washington. Prior to entering into any contract for representation, the department must consult with associate development organizations and other organizations and associations that represent small business, rural industries, and disadvantaged business enterprises.

(39) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish an identification assistance and support program to assist homeless persons in collecting documentation and procuring an identicard issued by the department of licensing. This program may be operated through a contract for services. The program shall operate in one county west of the crest of the Cascade mountain range with a population of one million or more and one county east of the crest of the Cascade mountain range with a population of five hundred thousand or more.

(40) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth prevention and protection programs to create a centralized diversion fund to serve homeless or at-risk youth and young adults, including those who are unsheltered, exiting inpatient programs, or in school. Funding provided in this subsection may be used for short-term rental assistance, offsetting costs for first and last month's

rent and security deposits, transportation costs to go to work, and assistance in obtaining photo identification or birth certificates.

(41) \$100,000 of the model toxics control stormwater account—state appropriation is provided solely for planning work related to stormwater runoff at the aurora bridge and I-5 ship canal bridge. Planning work may include, but is not limited to, coordination with project partners, community engagement, conducting engineering studies, and staff support.

(42) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to assist people with limited incomes in urban areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

(43) \$1,500,000 of the community preservation and development authority account—state/operating appropriation is provided solely for the operations of the Pioneer Square-International District community preservation and development authority established in RCW 43.167.060.

(44) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants and associated technical assistance and administrative costs to foster collaborative partnerships that expand child care capacity in communities. Eligible applicants include nonprofit organizations, school districts, educational service districts, and local governments. These funds may be expended only after the approval of the director of the department of commerce and must be used to support planning and activities that help communities address the shortage of child care, prioritizing partnerships serving in whole or in part areas identified as child care access deserts.

(45) (~~(\$278,476,000)~~)\$228,476,000 of the general fund—federal appropriation (ARPA) and (~~(\$403,000,000)~~)\$383,000,000 of the coronavirus state fiscal recovery account—federal appropriation are provided solely for the department to administer an emergency rental assistance program. The department shall distribute funding in the form of grants to local housing providers. In making distributions, the department must consider the number of unemployed persons and renters in each jurisdiction served by the provider as well as consider any funding that jurisdiction, including cities within each county, received directly from the federal government for emergency rental assistance. Of the amounts provided in this subsection:

(a) (~~(\$278,476,000)~~)\$228,476,000 of the general fund—federal appropriation (ARPA) is provided solely for grants to provide emergency rental and utility assistance pursuant to P.L. 117-2. A provider may use up to 14.5 percent of the grant award provided under this subsection for administrative costs and the remainder must be used for financial assistance as defined in P.L. 117-2. Unless otherwise prohibited under federal guidance, a housing provider may provide financial assistance for an eligible household's rent and rental arrears of up to 150 percent of the fair market rent for the area in which the household resides, as determined by the department of housing and urban development.

(b) (i) (~~(\$403,000,000)~~)\$383,000,000 of the coronavirus state fiscal recovery account—federal appropriation is provided solely for grants to provide emergency rental and utility assistance, subject to (b)(ii) of this subsection. Providers must make rental payments directly to landlords and utility payments directly to utility providers. To be eligible for assistance under this subsection, households must, at a minimum, have an income at or below 80 percent of the area median income and must have a missed or partially paid rent payment. The department may establish additional eligibility criteria to target these resources to households most likely to become homeless if they do not receive rental assistance. A provider may provide financial assistance for an eligible household's rent and rental arrears of up to 150 percent of the fair market rent for the area in which the household resides, as determined by the department of housing and urban development.

(ii) From the amount provided in (b) of this subsection, each local housing provider must subgrant with community organizations that serve historically disadvantaged populations within their jurisdiction. Subgrants may be used for program outreach and assisting community members in applying for assistance under (a) and (b) of this subsection. The amount of the subgrant must be at least five percent of the total funding each provider received under (a) and (b) of this subsection.

(c) The department may retain up to 0.5 percent of the amounts provided in this subsection for administration of the program.

(46) \$7,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to provide grants to entities that provide digital navigator services, devices, and subscriptions. These services must include but are not limited to one-on-one assistance for people with limited access to services, including individuals seeking work, families supporting students, English language learners, medicaid clients, people experiencing poverty, and elders. Of the amounts provided in this subsection, the department must prioritize allocating \$1,500,000 as grants or portions of grants that serve medicaid clients.

(47) \$240,000 of the general fund—state appropriation for fiscal year 2022, \$240,000 of the general fund—state appropriation for fiscal year 2023, and \$1,000,000 of the community preservation and development authority account—state appropriation are provided solely for the operations of the Central district community preservation and development authority established in RCW 43.167.070.

(48) \$607,000 of the general fund—state appropriation for fiscal year 2022 and \$607,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to assist homeowners at risk of foreclosure pursuant to chapter 61.24 RCW. Funding provided in this section may be used for activities to prevent mortgage or tax lien foreclosure, housing counselors, a foreclosure prevention hotline, legal services for low-income individuals, mediation, and other activities that promote homeownership. The department may contract with other foreclosure fairness program state partners to carry out this work.

(49) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit entity located in Seattle that focuses on poverty reduction and racial equity to convene and staff a poverty reduction workgroup steering committee comprised of individuals that have lived experience with poverty. Funding provided in this section may be used to reimburse steering committee members for travel, child care, and other costs associated with participation in the steering committee.

(50) \$29,255,000 of the general fund—federal appropriation (CRF) and \$284,200,000 of the general fund—federal appropriation (CRRSA), not to exceed the amount appropriated in section 3, chapter 3, Laws of 2021, that is unobligated at the end of fiscal year 2021, are provided solely for rental assistance and housing and are subject to the same terms and conditions as the appropriation in section 3, chapter 3, Laws of 2021, as amended in section 1905 of this act.

(51) \$4,800,000 of the general fund—federal appropriation (CRF), not to exceed the amount appropriated in section 4, chapter 3, Laws of 2021, that is unobligated at the end of fiscal year 2021, is provided solely for working Washington grants and is subject to the same terms and conditions as the appropriation in section 4, chapter 3, Laws of 2021.

(52) \$1,147,000 of the general fund—state appropriation for fiscal year 2022 and \$1,629,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the statewide broadband office established in RCW 43.330.532.

(53) \$450,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization for an initiative to advance affordable housing projects and education centers on public or tax-exempt land. The department must award the grant to an organization with an office located in the city of Seattle that has experience in catalyzing early learning and affordable housing developments. The grant recipient must use the funding to:

(a) Implement strategies to accelerate development of affordable housing projects with space for early learning centers or community space on underutilized tax-exempt properties;

(b) Analyze the suitability of properties for affordable housing, early learning centers, or community space through completing due diligence, conceptual design, and financial analysis activities;

(c) Organize community partners and build capacity to develop these sites, as well as coordinate negotiations among partners and public owners;

(d) Facilitate collaboration and co-development between affordable housing, early learning centers, or community space; and

(e) Catalyze the redevelopment of at least 10 sites to create approximately 1,500 affordable homes.

(54) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in King county to operate a hunger relief response program serving individuals living in permanent supportive housing.

(55) \$75,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a nonprofit organization located in the city of Federal Way that conducts collaborative policy development and provides access to resources and consultation to historically disadvantaged communities. The grant funding must be used for capacity-building activities to support community-based organizations serving youth and young adults in the city of Federal Way.

(56) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for capacity-building grants through the Latino community fund for emergency response services, educational programs, and human services support for children and families in rural and underserved communities.

(57) \$12,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a single contract with the non-profit statewide tourism marketing organization that is party to the contract pursuant to RCW 43.384.020. The funds will be used to assist recovery for tourism-related businesses, generate tourism demand for Washington communities and businesses, and sustain recovery market share with competing Western states. The department and the contractor shall submit a report to the legislature June 30, 2022, and June 30, 2023.

(58) \$354,000 of the general fund—state appropriation for fiscal year 2022 and \$354,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the Port Gamble S'Klallam tribe for a reentry program providing tailored support services to moderate-needs and high-needs individuals leaving local or tribal incarceration, with the goals of reducing criminal recidivism and fostering community wellbeing. Services may be provided to clients pre-release and post-release.

(59) \$217,000 of the general fund—state appropriation for fiscal year 2022 and \$477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization serving King and Snohomish counties for a program conducted in partnership with King county serving criminal justice-involved individuals who have experienced domestic, sexual, or gender-based violence. The grant recipient may use the funding for costs including but not limited to legal advocacy, outreach, connecting clients to housing and other resources, data analytics, and staffing.

(60) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the city of Kent to contract with one or more nonprofit organizations to serve community immersion law enforcement trainees through mentorship or community-based placement, or both.

(61) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to administer a competitive grant process to award funding to licensed youth shelters, HOPE centers, and crisis residential centers to provide behavioral health support services for youth in crisis, and to increase funding for current grantees.

(62) \$310,000 of the general fund—state appropriation for fiscal year 2022 and \$640,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit located in King county that develops training and support for low-income individuals, with a focus on women and people of color, to move into the construction industry for living wage jobs. The grant funding must be used to develop a pre-apprenticeship program that, through the construction of units, integrates housing and workforce development in service of the following goals:

(a) Creating a blueprint to integrating workforce development and housing for local jurisdictions;

(b) Providing construction training to underserved populations;

(c) Creating a pathway for trainees to enter construction careers; and

(d) Addressing the systemic effects of sexism and racism in housing, wealth, education, training, employment, and career development.

(63) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization operating an emergency shelter located in the Yakima valley for case management, outreach, and other homeless services.

(64) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization for activities to advance affordable housing. The grant recipient must be an organization that partners in equitable, transit-oriented development. The grant recipient must use the funding to:

(a) Facilitate partnerships to enable equitable transit-oriented development across the Puget Sound region that builds housing at scale; and

(b) Assist the cities of Tacoma, Renton, and Everett, as well as other cities, in:

(i) Creating or updating local subarea plans to be consistent with the regional growth strategy for future population growth to be near high capacity transit and to facilitate development within the station area that will produce a mix of affordable housing;

(ii) Ensuring equitable transit-oriented development processes and outcomes that minimize displacement; and

(iii) Identifying strategies for land acquisition and assembly around high capacity transit stations that will result in a mix of housing.

(65) \$700,000 of the general fund—state appropriation for fiscal year 2022 and \$3,700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a nonprofit organization whose sole purpose is to provide grants, capacity building, and technical assistance support to a network of microenterprise development organizations. The microenterprise development organizations will support rural and urban Black, indigenous and people of color owned businesses, veteran owned businesses, and limited resourced and other hard to serve businesses with five or fewer employees throughout the state with business training, technical assistance, and microloans.

(66) \$1,175,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to support implementation of the 2021 state energy strategy as it pertains to emissions from energy use in new and existing buildings, including measures to support local government emission reductions, workforce measures, and utility electrification benefits.

(67) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to identify and develop effective interventions and responses to primary and secondary workplace trauma experienced by direct service staff who work in homeless shelters, homeless outreach, and permanent supportive housing. The department must collect data through methods such as surveys, interviews, and small group conversations, and engage interested parties, including but not limited to direct service staff. The department may contract with a third party to complete the work required in this subsection. By June 1, 2023, the department shall submit a report identifying interventions and providing recommendations to the appropriate committees of the legislature.

(68) (a) \$340,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with the University of Washington college of built environments to

create a database and reporting system for promoting transparency on procurement of building materials that make up the primary structure and enclosure used for state-funded construction projects. The department and university may use publicly available information and data sources as well as consult with outside experts to create the database. The database may include fields for environmental product declarations, product quantity, manufacturer location, global warming potential, health certifications, supplier codes of conduct, and working conditions.

(b) When developing the reporting system required under (a) of this subsection, the department and the University of Washington must conduct a case study analysis. In conducting the analysis, the department and the university must identify up to 10 case studies of publicly funded projects and analyze considerations including but not limited to cost impacts, materials procured, embodied carbon contribution to reducing greenhouse gas emissions, and supply chain considerations. By January 1, 2022, the department and the university shall submit a progress report on the case study analysis to the legislature. By November 1, 2022, the department and the university shall submit a final report to the legislature with findings from the case study analysis and recommendations for the reporting system based on lessons learned.

(69) \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to provide job readiness skills and training to traditionally underrepresented populations to support the transition to a registered apprenticeship, trade training, or employment. The grant recipient must be a nonprofit organization serving traditionally underrepresented populations in King and Pierce counties, with a focus on youth development programs. The grant funding must be used for activities including but not limited to counseling and training in support of the goals of:

(a) Minimizing barriers to transitioning to an apprenticeship, trade training program, or employment for participants;

(b) Increasing participants' workforce and life balance skills; and

(c) Increasing participants' specialized skills and knowledge in targeted industries, including construction, urban agriculture, and maritime trades.

(70) (a) \$51,000 of the general fund—state appropriation for fiscal year 2022 and \$121,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the statewide broadband office to cofacilitate the Washington digital equity forum with the Washington state office of equity.

(b) Of the amounts provided in this subsection, \$70,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1723 (telecommunications access). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection (70) (b) shall lapse.

(71) \$500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to law enforcement agencies to implement group violence intervention strategies in areas with high rates of gun violence. Grant funding will be awarded to two sites, with priority given to Yakima county and south King county. The sites must be located in areas with high rates of gun violence, include collaboration with the local leaders and community members, use data to identify the individuals most at risk to perpetrate gun violence for interventions, and include a component that connects individuals to services. In selecting the sites, the department must give priority to sites meeting these criteria that also can leverage existing local or federal resources.

(72) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract for a business recovery program serving the city of Federal Way and surrounding area. The contract recipient must be a nongovernmental organization located in the city of Federal Way whose primary focus is the economic development of the city of Federal Way and surrounding area. The contract funding must be used for:

(a) Business development training and education for small businesses located in or serving the city of Federal Way and surrounding area, with a focus on Black, indigenous, and people of color-owned, women-owned, and veteran-owned businesses;

(b) Workforce programming for skill set development, especially as related to business retention and expansion; and

(c) Research and collection of economic baseline data for the city of Federal Way and surrounding area for the development of data-driven programming, with a focus on key economic recovery indicators.

(73) \$202,000 of the general fund—state appropriation for fiscal year 2022 and \$89,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to provide emergency housing, permanent supportive housing, and wraparound services focusing on Black transgender and nonbinary individuals who are currently experiencing or at risk of homelessness. The grant recipient must be a nonprofit organization with locations in the cities of Seattle and Tacoma that provides legal and other services for LGBTQ individuals in Washington. The grant recipient may subgrant or subcontract with other organizations to provide emergency housing, permanent supportive housing, and wraparound services.

(74) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit for a smart buildings education program to educate building owners and operators on smart building practices and technologies, including the development of onsite and digital trainings that detail how to operate residential and commercial facilities in an

energy efficient manner. The grant recipient must be located in a city with a population of more than 700,000 and must serve anyone within Washington with an interest in better understanding energy efficiency in commercial and institutional buildings.

(75) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish a sector lead position for the creative industries, including but not limited to the performing arts, literary arts, music, and film. The sector lead must work with interested parties to further the goals of creating economic development opportunities, retaining and growing jobs, and supporting small business development and expansion within the creative industries.

(76) \$221,920,000 of the home security fund—state appropriation and \$58,400,000 of the affordable housing for all account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1277 (housing/revenue source). Of the amounts provided in this subsection:

(a) \$88,768,000 of the home security fund—state appropriation is provided solely to implement the eviction prevention rental assistance program created in the bill; and

(b) \$133,152,000 of the home security fund—state appropriation is provided solely for project-based vouchers and related services, rapid rehousing, housing acquisition, and supportive services for individuals and families accessing vouchers and rapid rehousing. Of the total amount provided in this subsection, at least \$20,000,000 must be used for hotel and motel vouchers, rapid rehousing, and supportive services for individuals and families accessing vouchers and rapid rehousing.

(77) \$59,000 of the general fund—state appropriation for fiscal year 2022 and \$696,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers).

(78) \$163,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and \$159,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1443 (cannabis industry/equity).

(79) \$298,000 of the general fund—state appropriation for fiscal year 2022 and \$404,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1220 (emergency shelters & housing).

(80) \$121,000 of the general fund—state appropriation for fiscal year 2022 and \$668,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.).

(81) \$21,000 of the general fund—state appropriation for fiscal year 2022 and \$42,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon).

(82) \$42,000 of the general fund—state appropriation for fiscal year 2022 and \$42,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1168 (long-term forest health).

(83) \$2,798,000 of the economic development strategic reserve account manufacturing cluster acceleration subaccount—state appropriation is provided solely for implementation of Substitute House Bill No. 1170 (manufacturing).

(84) \$174,000,000 of the general fund—federal appropriation (ARPA) and \$4,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a homeowner assistance program to provide mortgage, foreclosure, and other assistance to eligible homeowners pursuant to P.L. 117-2. The department may subgrant or contract with other entities to provide assistance under the program. Of the amount provided in this subsection, \$2,000,000 of the general fund—federal appropriation (ARPA) and \$4,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for foreclosure assistance.

(85) \$9,864,000 of the general fund—state appropriation for fiscal year 2022 and \$9,864,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for long-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served. By December 1, 2021, and December 1, 2022, the department must submit a report identifying the expenditures and number of individuals receiving long-term rental supports through the agency budget broken out by region, treatment need, and the demographics of those served during the prior fiscal year.

(86) (a) \$70,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to provide grants to small businesses through the working Washington grant program.

(b) Of the amount provided in this subsection, \$42,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to assist businesses maintain their operations. To be eligible for a grant under this subsection, the business must:

(i) Apply for or have applied for the grant;



- (ii) Have not reported annual gross receipts of more than \$5,000,000 in calendar year 2019;
- (iii) Have expenses that are necessary to continue business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;
- (iv) Self-attest that the expense is not funded by any other government or private entity;
- (v) Have experienced a reduction in business income or activity related to COVID-19 or state or local actions in response to COVID-19; and
- (vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives.
- (c) Of the amount provided in this subsection, \$28,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to assist the reopening of businesses that temporarily totally closed their operations. To be eligible for a grant under this subsection, the business must:
- (i) Apply for the grant;
- (ii) Have not reported annual gross receipts of more than \$5,000,000 in calendar year 2019;
- (iii) Demonstrate the business was actively engaged in business, and as a result of the governor's proclamations 20-25.8, issued on November 15, 2020, through 20-25.12 ("stay safe-stay healthy"), temporarily totally closed operations. Demonstration of active engagement in business can be given through but is not limited to taxable activity reported to the department of revenue. The department may use other methods to determine if this criterion has been met;
- (iv) Have expenses that are necessary to reopen business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;
- (v) Self-attest that the expense is not funded by any other government or private entity; and
- (vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives.
- (d) Grant awards are subject to the availability of amounts appropriated in this subsection. The department must conduct outreach to underrepresented and unserved communities observed from prior rounds of awards. The department must ensure equitable distributions of grant funding, including considerations for geographic location and businesses owned by members of historically disadvantaged communities.
- (e) (i) Eligible businesses may receive up to a \$75,000 grant.
- (ii) If a business was awarded one or more working Washington small business grants after February 1, 2021, the grant award under this subsection may be reduced to reflect the amounts received from previous working Washington small business grants. The department may prioritize businesses and nonprofit organizations that have not yet received a grant under the working Washington small business grant program.
- (f) For purposes of this subsection, reopening costs include, but are not limited to:
- (i) Upgrading physical workplaces to adhere to new safety or sanitation standards;
- (ii) Procuring required personal protective supplies for employees and business patrons and clients;
- (iii) Updating business plans;
- (iv) Employee costs, including payroll, training, and onboarding;
- (v) Rent, lease, mortgage, insurance, and utility payments; and
- (vi) Securing inventory, supplies, and services for operations.
- (g) Nonprofit organizations are eligible to receive funding under (b) or (c) of this subsection if they have a primary business activity that has been impacted as described in (b)(v) or (c)(iii) of this subsection.
- (h) The department is authorized to shift funding among the purposes in (b) and (c) of this subsection based on overutilization or underutilization of the different types of grants.
- (i) Of the total amount provided in this subsection, \$45,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for grants under (b) or (c) of this subsection to eligible businesses and nonprofit organizations in the arts, heritage, and science sectors, including those that operate live entertainment venues. The department must develop criteria for successful applications under this subsection in combination with the Washington state arts commission.
- (87) (~~(\$138,000,000)~~) \$38,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to implement small business capital access and other credit support programs under the state small business credit initiative, pursuant to P.L. 117-2. The department may contract with other entities to implement the capital access program and other credit support programs. The department is highly encouraged to use local nonprofit community development financial institutions to deliver access to credit to the maximum extent allowed by federal law, rules, and guidelines. The department must apply for the maximum possible allocation of federal funding under P.L. 117-2, including but not limited to funds set aside for extremely small businesses and business enterprises owned and controlled by socially and economically disadvantaged individuals. The funding provided in this section also includes federal funds allocated to the state for technical assistance to businesses. The department must ensure businesses owned and controlled by socially and economically disadvantaged individuals, as defined in P.L. 117-2, have equitable access to program services.

(88)(a) \$6,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to create a grant program to reimburse local governments for eligible costs of providing emergency noncongregate sheltering during the COVID-19 public health emergency.

(b) A city or county is eligible to apply for grant funding if it:

(i) Applies to the federal emergency management agency public assistance program for reimbursement of costs to provide emergency non-congregate sheltering; and

(ii) Incurs eligible costs.

(c) Eligible costs are costs to provide emergency noncongregate sheltering that:

(i) Were deemed eligible for reimbursement in the federal emergency management agency policy 104-009-18, version 3, titled *FEMA emergency non-congregate sheltering during the COVID-19 public health emergency (interim)* and dated January 29, 2021; and

(ii) Are incurred by the applicant beginning January 21, 2021, through September 30, 2021.

(d) The department must give priority to applicants who demonstrate use of funds received under P.L. 117-2 for the acquisition, development, and operation of noncongregate sheltering.

(e) The department must coordinate with the military department to confirm that grant recipients have applied to the federal emergency management agency public assistance program for costs identified in their grant application.

(f) For the purposes of this subsection, "noncongregate sheltering" means sheltering provided in locations where each individual or household has living space that offers some level of privacy such as hotels, motels, or dormitories.

(89)(a) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to conduct a comprehensive equity review of state capital grant programs administered by the department. The department may, in consultation with interested parties identified in ~~((subsection))~~ (d) of this ~~((section))~~ subsection, contract with a consultant to assist with the community engagement and review necessary to complete this review process.

(b) The purposes of this comprehensive equity review are: To reduce barriers to historically underserved populations' participation in the capital grant programs; to redress inequities in existing capital grant policies and programs; and to improve the equitable delivery of resources and benefits in these programs.

(c) In completing the comprehensive equity review required under this section, the department shall: (i) Identify changes to policy and operational norms and practices in furtherance of the equity review purposes identified in (b) of this subsection; (ii) identify new investments and programs that prioritize populations and communities that have been historically underserved by capital grant policies and programs; and (iii) include consideration of historic and systemic barriers that may arise due to any of the following factors: (A) Race; (B) ethnicity; (C) religion; (D) income; (E) geography; (F) disability; and (G) educational attainment.

(d) The department must collaborate with the Washington state commission on African American affairs; the Washington state commission on Asian Pacific American affairs; the Washington state commission on Hispanic affairs; the governor's office of Indian affairs; the governor's committee on disability issues and employment; the office of equity; the office of minority and women's business enterprises; the environmental justice council if established by passage of Engrossed Second Substitute Senate Bill No. 5141; and other interested parties as appropriate to develop and conduct a community engagement process to inform the review.

(e) The department shall complete the comprehensive equity review under this section and submit a final report, containing all of the elements and considerations specified in this section, to the legislature by June 30, 2022.

(90) ~~(\$23,444,000)~~ \$56,000 of the general fund—federal appropriation (ARPA) is provided solely for the HOME investment partnerships program pursuant to P.L. 117-2. ~~((Of the amount provided in this subsection, \$18,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to issue competitive financial assistance to eligible organizations under RCW 43.185A.040 for the acquisition and development of noncongregate shelter units, subject to the following conditions and limitations:~~

~~(a) Grants provided under this subsection may be used to acquire real property for quick conversion into noncongregate shelter units or for renovation and building update costs associated with establishment of the acquired facilities. Grants provided under this subsection may not be used for operating or maintenance costs associated with providing housing, supportive services, or debt service. For the purposes of this subsection, "noncongregate" shelter units means units provided in locations where each individual or household has living space that offers some level of privacy, such as hotels, motels, or dormitories.~~

~~(b) Units acquired or developed under this subsection must serve qualifying individuals or families as defined in P.L. 117-2.~~

~~(c) The department must establish criteria for the issuance of the grants, which must follow the guidelines and compliance requirements of the housing trust fund program and the federal HOME investment partnership program. The criteria must include:~~

~~(i) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;~~

~~(ii) A detailed estimate of the costs associated with the acquisition and any updates or improvements necessary to make the property habitable for its intended use;~~

~~(iii) A detailed estimate of the costs associated with opening the units; and~~

~~(iv) A financial plan demonstrating the ability to maintain and operate the property and support its intended tenants throughout the end of the grant contract.~~

~~(d) The department must provide a progress report on its website by November 1, 2022. The report must include:~~

~~(i) The total number of applications and amount of funding requested; and~~

~~(ii) A list and description of the projects approved for funding including state funding, total project cost, number of units, and anticipated completion date.~~

~~(c) The funding in this subsection is not subject to the 90 day application periods in RCW 43.185.070 or 43.185A.050.)~~

(91) \$391,000 of the general fund—state appropriation for fiscal year 2022 and \$391,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Pacific county to operate or participate in a drug task force to enhance coordination and intelligence while facilitating multijurisdictional criminal investigations.

(92) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a nonprofit organization providing housing services in western Washington to conduct a master planning process for the development of a family-centered drug treatment and housing program. The grant recipient must be a nonprofit organization that has experience administering a comparable program in another region of the state. The program must provide housing units for families with members who have substance use disorders and who are involved in the child welfare system, and services including but not limited to case management, counseling, substance use disorder treatment, and parenting skills classes. The program site must be located within or in close proximity to King county, and include living quarters for families, space for services, and childcare and play areas for children. The nonprofit must include housing developers, service providers, and other interested parties in the master planning process. By December 31, 2021, the nonprofit must submit the plan to the department, the senate ways and means committee, and the house capital budget committee.

(93) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to assist fathers transitioning from incarceration to family reunification. The grant recipient must have experience contracting with the department of corrections to support offender betterment projects and the department of social and health services to provide access and visitation services.

(94) \$4,000,000 of the general fund—state appropriation for fiscal year 2022 and \$6,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to community organizations that serve historically disadvantaged populations to conduct outreach and assist community members in applying for state and federal assistance programs, including but not limited to those administered by the departments of social and health services; commerce; and children, youth, and families. By June 31, 2023, the department must provide to the appropriate committees of the legislature a detailed report of the activities funded in this subsection. The report must include, but is not limited to:

(a) A list of grant recipients, their location, and the grant amount each received;

(b) Input from grantees on best practices for engagement with populations experiencing systemic inequities;

(c) Suggestions from the department and grant recipients on how to engage populations experiencing systemic inequities with future programming; and

(d) Other information and recommendations on need for this type of outreach work in future grant programs.

(95) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to accelerate implementation of the low-income rural home rehabilitation program by contracting with up to seven home rehabilitation agencies, as defined under WAC 365-175-030, in a variety of regions of the state. Funding provided in this subsection may be used by home rehabilitation agencies for program support in order to increase the number of households participating in the program. Home rehabilitation agencies receiving funding under this subsection must provide the department with a summary of their direct and indirect costs associated with implementing the program.

(96) \$450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for pre-development activities for state-operated or contracted residential or supportive housing facilities at the Pacific hospital preservation and development authority buildings three through ten in Seattle, to help carry out Washington state's plans for new community-based residential facilities, including supportive housing. The facilities may be used for behavioral health, long-term care, developmentally disabled community housing, recovery residences, state-operated living alternatives, group homes, or family-centered substance use disorder recovery housing. The amounts provided in this subsection may be used for concept development, planning, lease payments, and other related expenses for pre-development of state- or nonprofit-operated residential facilities identified by the health care authority or the departments of social and health services, children, youth, and families, and commerce. The department is authorized to enter into a short-term lease, with an option to enter into a multiyear extension, for the Pacific hospital preservation and development authority quarters buildings three through ten.

(97) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization dedicated to supporting forest health restoration located in Okanogan county for work toward a biochar research and demonstration project and initial efforts toward full-size operation of an industrial-sized facility in the Methow valley.

(98) \$6,800,000 of the general fund—state appropriation for fiscal year 2022 and \$15,700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to ensure continuity of crime victim services impacted by reductions in federal victims of crime act funding and help address increased demand for crime victim services attributable to the COVID-19 pandemic. The department shall consult with crime victim service providers and other stakeholders to inform a plan to invest any amount above what is required to maintain existing services in immediate, short-term needs and in a manner that is consistent with the office of crime victims advocacy's state plan.

(99)(a) \$115,000 of the general fund—state appropriation for fiscal year 2022 and \$335,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to appoint and maintain an aviation and aerospace advisory committee to generally advise the director of the department and the secretary of the department of transportation on matters related to aviation and aerospace in Washington state. The advisory committee must develop recommendations regarding operating budget and capital budget requests relating to aviation and aerospace needs, and strategies to enhance the safe and effective use of public use airports and aerospace facilities in Washington state. The aviation and aerospace advisory committee must also advise the director and secretary, or their designees, and make recommendations on the following matters:

(i) Employment of emerging aviation and aerospace technologies to include unmanned, autonomous, and alternative propulsion systems;

(ii) New, changed, or proposed federal regulations;

(iii) Industry needs to remain nationally and internationally competitive;

(iv) Policy considerations;

(v) Funding priorities and capital project needs;

(vi) Methods to reduce greenhouse gas emissions;

(vii) Workforce development needs and opportunities;

(viii) Multimodal requirements; and

(ix) Other matters pertaining to the aviation and aerospace industries as the aviation and aerospace advisory committee deems appropriate.

(b) The director of the department of commerce, or the director's designee, shall appoint members to the aviation and aerospace advisory committee including, at a minimum:

(i) Two county commissioners, one from east of the crest of the Cascade mountains and one from west of the crest of the Cascade mountains;

(ii) An owner of an aviation company and an owner of an aerospace company or their representatives;

(iii) The director of the aviation division of the department of transportation, or the director's designee;

(iv) Two individuals who are top executive officials of a commercial service airport, typically with the title of chief executive officer, airport director, or executive director, one from an airport located east of the crest of the Cascade mountains and one from an airport located west of the crest of the Cascade mountains;

(v) Advisory members from the federal aviation administration;

(vi) The aerospace lead from the department of commerce or a representative of the department;

(vii) A representative of a statewide environmental organization;

(viii) A representative of the military department;

(ix) A representative of the state board for community and technical colleges;

(x) Representatives from airport associations;

(xi) Representatives from an aviation and aerospace educational program; and

(xii) Representatives from both aviation and aerospace associations.

(c) The director of the department and the secretary of the department of transportation, or their designees, shall serve as the administrative cochaIRS of the aviation and aerospace advisory committee.

(d) The department must provide staff support for all aviation and aerospace advisory committee meetings.

(e) The aviation and aerospace advisory committee must meet at the call of the administrative cochaIRS for any purpose that directly relates to the duties set forth in (a) of this subsection, or as otherwise requested by the director, secretary, or their designees as the administrative cochaIRS.

(f) In consultation with the aviation and aerospace advisory committee, the department must develop a strategic plan for the department's aerospace, aviation, and airport economic development program. The strategic plan should identify: (i) Changing market conditions in the aerospace industry; (ii) emerging opportunities to diversify and grow Washington's aerospace sector; and (iii) strategies and action steps to build on the state's core strengths in aerospace infrastructure and workforce expertise to diversify and grow employment in Washington's aerospace sector. The department must submit the strategic plan to the appropriate committees of the legislature by June 30, 2023.

(g) The cochaIRS may seek recommendations and input from the aviation and aerospace advisory committee to inform the legislature on aviation and aerospace issues.

(100)(a) \$270,000 of the general fund—state appropriation for fiscal year 2022 and \$30,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to convene a work group on reducing racial disparities in Washington state homeownership rates. The goals of the work group are to assess perspectives on housing and lending laws, policies, and practices; facilitate discussion among interested parties; and develop budgetary, administrative policy, and legislative recommendations.

(b) The director of the department, or the director's designee, must chair the work group. The department must, in consultation with the Washington state office of equity and the governor's office of Indian affairs, appoint a minimum of twelve members to the work group representing groups including but not limited to:

(i) Organizations and state entities led by and serving Black, indigenous, and people of color;

(ii) State or local government agencies with expertise in housing and lending laws;

(iii) Associations representing cities and housing authorities; and

(iv) Professionals from private-sector industries including but not limited to banks, credit unions, mortgage brokers, and housing developers.

(c) The department must convene the first meeting of the work group by August 1, 2021. The department must submit a final report to the governor and appropriate committees of the legislature by August 1, 2022. The final report must:

(i) Evaluate the distribution of state affordable housing funds and its impact on the creation of homeownership units serving Black, indigenous, and people of color;

(ii) Evaluate the eligibility requirements, access, and use of state-funded down payment assistance funds, and their impact on homeownership rate disparities;

(iii) Review barriers preventing Black, indigenous, and people of color from accessing credit and loans through traditional banks for residential loans; and

(iv) Provide budgetary, administrative policy, and legislative recommendations to increase ownership unit development and access to credit.

(101) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to convene a task force to make recommendations regarding needed reforms to the state's growth policy framework, including the growth management act, state environmental policy act, and other statutes related to growth, change, economic development, housing, social equity, and environmental conservation. The process will build upon the findings, concepts, and recommendations in recent state-funded reports, including the "road map to Washington's future" issued by the William D. Ruckelshaus center in 2019, the report of the environmental justice task force issued in 2020, and "updating Washington's growth policy framework" issued by the University of Washington in 2021. The task force must involve diverse perspectives including but not limited to representatives of counties, cities, special districts, the real estate, building, and agricultural industries, planning and environmental organizations, tribal governments, and state agencies. Special effort must be made to include in these discussions the lived experiences and perspectives of people and communities who have too often been excluded from public policy decision-making and unevenly impacted by those decisions. The work group must report on its activities and recommendations prior to the 2022 and 2023 legislative sessions.

(102) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in the city of Seattle for providing resident services and on-site programming for affordable housing residents in Delridge, supporting local youth with leadership pathways, and other community development initiatives that improve the health and well-being of southwest Seattle residents.

(103) \$61,000 of the general fund—state appropriation for fiscal year 2022 and \$31,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for San Juan county health and community services to enter into an agreement with the United States geological survey to evaluate available groundwater, surface water, and meteorological data for the county, complete recharge estimations for the county, and update the water balance for the county.

(104) \$140,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to contract with businesses ending slavery and trafficking for a human trafficking initiative.

(a) Of the amounts provided in this subsection, \$60,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to extend job readiness services and employment opportunities for survivors of human trafficking and persons at risk of human trafficking, in near-airport communities in south King county.

(b) Of the amounts provided in this subsection, \$80,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to develop a national awareness campaign. The campaign will increase signage in seaports, airports, and near-airport communities so that people who are vulnerable to trafficking or experiencing human trafficking can access assistance through the national human trafficking hotline.

(105) \$278,000 of the general fund—state appropriation for fiscal year 2022 and \$277,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization within the city of Tacoma for social services and educational programming to assist Latino and indigenous communities in honoring heritage and culture, becoming proficient in civic education, and overcoming barriers to social, political, racial, economic, and cultural community development.

(106) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to provide college accredited courses through alternative methods to disadvantaged adults, such as those experiencing homelessness, who are low-income, come from generational poverty, or have a disabling condition, including those that are further impacted by systemic racism, who do not believe they can be successful or have not yet contemplated college for their future with the

intent of engaging these individuals in further education to increase their lifelong wage potential.

(107)(a) \$151,000 of the general fund—state appropriation for fiscal year 2022 and \$532,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit organization with demonstrated expertise in the creative arts and strategic planning to establish a Washington state creative economy work group that within two years, and with the advice of the work group, develops a strategic plan to improve the Washington state creative economy that can be rolled out in incremental phases to reach identified economic, social justice, and business development goals.

(b) The goal of the strategic plan must be to ensure that the state of Washington is competitive with respect to attracting creative economy business, retaining talent within the state, and developing marketable content that can be exported for national and international consumption and monetization. The strategic plan must address support for the creative community within historically marginalized communities, as well as the creative economy at large, and take into account the diverse interests, strengths, and needs of Washington's population on both sides of the Cascade mountains.

(c) The chair of the work group must be the director of the nonprofit organization contracted with by the department or the director's designee, and must have significant experience working as an artist, producer, or director and in business development, including drafting business plans and multidisciplinary planning documents. The chair must appoint representatives to the work group who represent the range of demographic diversity across the state of Washington, including:

- (i) A representative from the Washington state association of counties;
- (ii) A representative from the association of Washington cities;
- (iii) A representative from the Washington state arts commission;
- (iv) A representative from the Washington state labor council;
- (v) A representative from the banking industry with experience in matters involving the federal small business administration;
- (vi) An appropriate number of representatives from the Washington state arts community including, but not limited to, the following sectors:
  - (A) Film, television, and video production;
  - (B) Recorded audio and music production;
  - (C) Animation production;
  - (D) Video game development;
  - (E) Live theater, orchestra, dance, and opera;
  - (F) Live music performance;
  - (G) Visual arts, including sculpture, painting, graphic design, and photography;
  - (H) Production facilities, such as film and television studios; and
  - (I) Live music or performing arts venues;
- (vii) A representative from a certified public accounting firm or other company with experience in financial modeling and in the creative arts;
- (viii) A representative selected by the Washington state commission on African American affairs, the Washington state commission on Hispanic affairs, the governor's office of Indian affairs, and the Washington state commission on Asian Pacific American affairs to represent the entities on the work group;
- (ix) A representative of a federally recognized Indian tribe with a reservation located east of the crest of the Cascade mountains;
- (x) A representative of a federally recognized Indian tribe with a reservation located west of the crest of the Cascade mountains; and
- (xi) Other state agency representatives or stakeholder group representatives, at the discretion of the work group, for the purpose of participating in specific topic discussions.

(d) In developing the strategic plan for the Washington state creative economy, the work group must:

- (i) Identify existing studies of aspects affecting the creative economy, including studies relating to tax issues, legislation, finance, population and demographics, and employment;
- (ii) Conduct a comparative analysis with other jurisdictions that have successfully developed creative economy plans and programs, including the states of Georgia and New Mexico, and the provinces of British Columbia and Ontario, Canada;
- (iii) Conduct in-depth interviews to identify best practices for structuring a strategic plan for the state of Washington;
- (iv) Evaluate existing banking models for financing creative economy projects in the private sector and develop a financial model to promote investment in Washington's creative economy;
- (v) Evaluate existing state and county tax incentives and make recommendations for improvements to support the creative economy;
- (vi) Identify the role that counties and cities play with respect to the strategic plan, and identify specific counties and cities that may need or want a stronger creative economy;
- (vii) Identify opportunities for synergies with new business models and the integration of new technologies; and
- (viii) Identify the role that state education programs in the creative arts play in the creative economy and with respect to advancing the strategic plan.

(e) The department of commerce shall facilitate the timely transmission of information and documents from all appropriate state departments and agencies to the nonprofit organization contracted under this subsection. The work group must report its findings and

recommendations to the appropriate committees of the legislature by December 1, 2022. The contracted nonprofit must administer the expenses of the work group.

(108) \$153,000 of the general fund—state appropriation for fiscal year 2022 and \$147,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit museum and science and technology center located in the city of Seattle that provides youth educational programming related to discovery, experimentation, and critical thinking in the sciences for a maker and innovation lab and to develop and operate new experiential learning opportunities.

(109) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to contract with a statewide association that supports a network of local asset building coalitions for programs to increase the financial stability of low-income Washingtonians adversely affected economically by COVID-19 through increasing participation in earned income tax credit refunds, the Washington retirement marketplace, and programs that build personal savings.

(110) \$971,000 of the general fund—state appropriation for fiscal year 2022 and \$3,561,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to continue starting up the Washington state office of firearm safety and violence prevention, including the creation of a state and federal grant funding plan to direct resources to cities that are most impacted by community violence. Of the amounts provided in this subsection:

(a) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community-based violence prevention and intervention services to individuals identified through the King county shots fired social network analysis. The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by June 30, 2023.

(b)(i) \$450,000 of the general fund—state appropriation for fiscal year 2022 and \$1,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant program through the office of firearm safety and violence prevention for evidence-based services to youth who are at high risk to perpetrate gun violence and who reside in areas with high rates of gun violence. Priority shall be given to:

(A) One site serving in Yakima county, one site in south King county, one site in Federal Way, and one site in Tacoma;

(B) Sites that partner with the University of Washington public behavioral health & justice policy division to deliver culturally relevant family integrated transition services through use of credible messenger advocates;

(C) Sites that partner with the University of Washington Harborview firearm injury and policy research program for social impact evaluation; and

(D) Sites that partner an organization focused on evidence-based implementation management identified by the department.

(ii) The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by June 30, 2023.

(111) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct a study and report to the legislature on city and county implementation of the multifamily housing property tax exemption. The report must:

(a) Review whether cities have practices in five areas:

(i) Evaluating the financial feasibility and total costs of proposed developments under the exemption;

(ii) Monitoring rent, occupancy, and demographics of tenants of exempt housing;

(iii) Identifying direct or indirect displacement risks, and changes in income and rent distributions associated with new housing development, and plans and approaches;

(iv) Identifying practices that encourage permanent affordable rental opportunities; and

(v) Monitoring whether the exemption assists cities in meeting goals under the growth management act;

(b) Identify at least five case studies on a range of cities and provide analysis:

(i) Comparing the rent in income restricted units to market rate units in the same development and to the surrounding area;

(ii) Comparing the anticipated impact on rents and project budgets, and on public benefit under eight-year, 12-year, and 20-year property tax exemption scenarios;

(iii) Looking at permanent affordable rentals; and

(iv) Evaluating changes in income distribution, rent distribution, commute/location, and displacement risks in areas with exempt housing; and

(c) Estimate other state and local tax revenue generated by new housing developments and how it compares to the property tax exemption.

(112) \$195,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to Spokane county for costs related to redistricting activities required by chapter 36.32 RCW.

(113) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit organization to provide tiny homes for veterans.

(114) \$170,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to perform an analysis of the property operations and maintenance costs and tenant

supportive services costs for affordable housing projects that receive funding from the Washington housing trust fund. The projects to be analyzed must include, but are not limited to, permanent supportive housing and youth housing taking into consideration housing projects that have been in service for a sufficient time that actual costs can be determined. The analysis shall include a categorized overview of the expenses and fund sources related to the maintenance, operations, and supportive services necessary for the affordable housing projects to be successful in housing the intended population, as well as identify other available funding sources for these costs. The analysis must also explore the timing and alignment challenges for pairing operational and supportive services funding with the initial capital investments, and make recommendations relating to any benchmarks that can be established regarding future costs that would impact the operating budget, and about the state's role in planning, support, and oversight to ensure long-term sustainability of these projects. The department may hire a consultant to conduct this study. The department shall report its findings and recommendations to the office of financial management and the appropriate committees of the legislature by December 1, 2022.

(115) \$157,000 of the general fund—state appropriation for fiscal year 2022 and \$154,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5383 (public telecom services).

(116) \$1,555,000 of the general fund—state appropriation for fiscal year 2022 and \$1,592,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force).

(117) \$946,000 of the general fund—state appropriation for fiscal year 2022 and \$921,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5368 (rural economic development).

(118) \$114,000 of the general fund—state appropriation for fiscal year 2022 and \$110,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5287 (affordable housing incentives).

(119) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$1,026,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Senate Bill No. 5345 (industrial waste program). Of the amounts provided in this subsection, \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$951,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to local industrial waste symbiosis projects as provided in the bill.

(120) \$700,000 of the general fund—state appropriation for fiscal year 2022 and \$1,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5353 (law enforcement community engagement). Of the amounts provided in this subsection, \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$950,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants awarded under this bill.

(121) \$66,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Second Substitute Senate Bill No. 5183 (nonfatal strangulation).

(122) \$40,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute Senate Bill No. 5126 (climate commitment).

(123) \$2,500,000 of the general fund—state appropriation for fiscal year 2022 and \$2,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer a competitive grant program for grants to community-based programs to provide reentry services for formerly incarcerated persons and supports to facilitate successful transitions to the community. The department must work in collaboration with the statewide reentry council to administer the program. Applicants must provide a project proposal to the department as a part of the application process. Grant awards provided under this subsection may be used for costs including but not limited to housing, case management and navigators, employment services, family reunification, and legal services to respond to collateral impacts of reentry. The department must award at least 30 percent of the funding provided in this subsection to applicants located in rural counties.

(124) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer grants to diaper banks for the purchase of diapers, wipes, and other essential baby products, for distribution to families in need. The department must give priority to providers serving or located in marginalized, low-income communities or communities of color; and providers that help support racial equity.

(125)(a) \$5,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to provide grant funds to Clallam county to support the preservation of private marine transportation activities and jobs associated with such activities that have been directly impacted by the closure of the United States-Canada border during the COVID-19 pandemic.

(b) To be eligible for a grant from the county under this subsection the business must:

(i) Apply for or have applied for the grant from the county;

(ii) Have expenses that are necessary to continue business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(iii) Provide documentation to demonstrate that the expense is not funded by any other government or private entity;



(iv) Demonstrate the business was actively engaged in business, and as a result of the border closures the business temporarily totally closed operations;

(v) Have experienced at least a significant reduction in business income or activity related to United States-Canada border closures;

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public regulations including health and safety measures;

(vii) Demonstrate significant economic contribution of their business to the state and local economy; and

(viii) Be a majority United States owned entity operating a United States flag vessel registered and operated under the laws of the United States.

(c) Grant funds may be used only for expenses incurred on or after March 1, 2020. Eligible expenses for grant funds include:

(i) Upgrading physical workplaces to adhere to new safety or sanitation standards;

(ii) Procuring required personal protective supplies for employees and business patrons and clients;

(iii) Updating business plans;

(iv) Employee costs, including payroll, training, and onboarding;

(v) Rent, lease, mortgage, insurance, and utility payments;

(vi) Securing inventory, supplies, and services for operations; and

(vii) Maintenance and operations costs associated with vessel operations.

(d) The county must submit a report to the department by June 30, 2022, outlining the use of funds, specific expenditures of the grantees, and revenue and expenses of the grantees including additional government or private funds or grants received.

(126) \$1,162,000 of the general fund—state appropriation for fiscal year 2022 and \$2,109,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to publish the guidelines and guidance set forth in (a), (b), and (c) of this subsection. The department shall publish the guidelines and guidance described in (a), (b), and (c) of this subsection no later than June 30, 2023. From amounts provided in this subsection, pursuant to an interagency agreement, the department shall provide funding to the department of ecology, the department of health, the department of fish and wildlife, the department of natural resources, the department of health, and the emergency management division of the military department to fund activities that support the work specified in (a), (b) and (c) of this subsection.

(a) The department, in consultation with the department of ecology, the department of health, and the department of transportation, shall publish guidelines that provide a set of actions counties and cities may take, under existing statutory authority, through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce greenhouse gas emissions in order to achieve the statewide greenhouse gas emissions reductions set forth in RCW 70A.45.020(1), allowing for consideration of the emissions reductions achieved through the adoption of statewide programs. The guidelines must prioritize reductions in communities that have experienced disproportionate harm due to air pollution and may draw upon the most recent health disparities data from the department of health to identify high pollution areas and disproportionately burdened communities.

(b) The department, in consultation with the department of transportation, shall publish guidelines that specify a set of actions counties and cities may take through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce per capita vehicle miles traveled, including measures that are designed to be achievable throughout the state, including in small cities and rural cities.

(c) The department shall develop, in collaboration with the department of ecology, the department of fish and wildlife, the department of natural resources, the department of health, and the emergency management division of the military department, as well as any federally recognized tribe who chooses to voluntarily participate, guidance that creates a model climate change and resiliency element that may be used by counties, cities, and multiple-county planning regions for developing and implementing climate change and resiliency plans and policies subject to the following provisions:

(i) The model element should provide guidance on identifying, designing, and investing in infrastructure that supports community resilience to climate impacts, including the protection, restoration, and enhancement of natural infrastructure as well as traditional infrastructure and protecting natural areas resilient to climate impacts, as well as areas of vital habitat for safe passage and species migration;

(ii) The model element should provide guidance on identifying and addressing natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, wildfires, and other effects of reasonably anticipated changes to temperature and precipitation patterns;

(iii) The model element must recognize and promote as many cobenefits of climate resilience as possible, such as salmon recovery, ecosystem services, and supporting treaty rights; and

(iv) The model element must prioritize actions in communities that will disproportionately suffer from compounding environmental impacts and will be most impacted by natural hazards due to climate change and may draw upon the most recent health disparities data from the department of health to identify disproportionately burdened communities.

(d) If the department publishes any subsequent updates to the guidelines published pursuant to (a) or (b) of this subsection, the department shall include in any such update a determination of whether adequate progress has been made toward the statewide greenhouse gas and per capita vehicle miles traveled reduction goals. If adequate progress is not being

made, the department must identify in any updates to the guidelines what additional measures cities and counties may take in order to make further progress.

(e) The department, in the course of implementing this subsection, shall provide and prioritize options that support housing diversity and that assist counties and cities in meeting greenhouse gas emissions reduction and other requirements established under chapter 70A.45 RCW.

(127) \$240,000 of the general fund—state appropriation for fiscal year 2022 and \$95,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to collaborate with the department of children, youth, and families to jointly convene and facilitate a child care collaborative task force to continue the work of the task force created in chapter 368, Laws of 2019 (2SHB 1344) to establish a true cost of quality of child care. The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by November 1, 2022.

(128) \$10,000,000 of the Washington housing trust account—state appropriation is provided solely for housing that serves people with intellectual and developmental disabilities.

(129) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department for grants for updating and implementing comprehensive plans and development regulations in order to implement the requirements of the growth management act.

(a) In allocating grant funding to local jurisdictions, awards must be based on a formula, determined by the department, to ensure that grants are distributed equitably among cities and counties. Grants will be used primarily to fund the review and update requirements for counties and cities required by RCW 36.70A.130. Funding provided on this formula basis shall cover additional county and city costs, if applicable, to implement chapter 254, Laws of 2021 (Engrossed Second Substitute House Bill No. 1220).

(b) Within the amounts not utilized under (a) of this subsection, the department shall establish a competitive grant program to implement requirements of the growth management act.

(c) Up to \$500,000 per biennium may be allocated toward growth management policy research and development or to assess the ongoing effectiveness of existing growth management policy.

(d) The department must develop a process for consulting with local governments, affected stakeholders, and the legislature to establish emphasis areas for competitive grant distribution and for research priorities. The department must complete a report on emphasis areas and research priorities by June 30, 2023.

(130) \$87,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1914 (motion picture program). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(131) \$4,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to the city of Seattle for deposit into the Skagit environmental endowment fund to support the protection of the headwaters of the Skagit river watershed through the acquisition of land, mining, and/or timber rights. This grant must be matched by nonstate sources.

(132) (a) (~~(\$45,050,000)~~) \$39,050,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a targeted grant program to transition persons residing on state-owned rights-of-way to safer housing opportunities, with an emphasis on permanent housing solutions. Eligible grant recipients include local governments and nonprofit organizations operating to provide housing or services. Recipients may use grant funding to provide outreach, housing, transportation, and other services needed to assist individuals residing on public rights-of-way with moving into housing.

(b) Prior to awarding grants under (a) of this subsection, the department must work with the department of transportation, representatives of local governments, and representatives of nonprofit housing and homeless services providers to determine the process and criteria that will be used to award grants. Grant criteria must include, but are not limited to:

(i) Whether a site where the grantee will conduct outreach and engagement has been identified by the department of transportation as a location where individuals residing on the public right-of-way are in specific circumstances or physical locations that expose them to especially or imminently unsafe conditions, including but not limited to active construction zones and risks of landslides, or when the location of an individual poses a significant threat to the safety of others;

(ii) Local government readiness and capacity to enter into and fulfill the grant requirements as applicable; and

(iii) Other criteria as identified by the department.

(c) When awarding grants under (a) of this subsection, the department must prioritize applicants that focus on permanent housing solutions.

(d) Grant recipients under (a) of this subsection must enter into a memorandum of understanding with the department, and other state agencies if applicable, as a condition of receiving funds. Memoranda of understanding must specify the responsibilities of the grant recipients and the state agencies, and must include specific measurable outcomes for each entity signing the memorandum. The department must publish all signed memoranda on the department's website and must publish an update on outcomes for each memorandum at least every 60 days. At a minimum, outcomes must include:

(i) The number of people living on the right-of-way whom the parties engage;

(ii) The demographics of those engaged;

(iii) The type and duration of engagement with individuals living on rights-of-way;

(iv) The types of housing options that were offered;

(v) The number of individuals who accepted offered housing;

(vi) The types of assistance provided to move individuals into offered housing;  
 (vii) Any services and benefits in which an individual was successfully enrolled; and  
 (viii) The housing outcomes of individuals who were placed into housing six months and one year after placement.

(e) Grant recipients under (a) of this subsection may not transition individuals from public rights-of-way unless they in good faith offer individuals a housing option that is safer than their current living situation. The department must establish criteria regarding the safety, accessibility, and habitability of housing options to be offered by grant recipients to ensure that such options are a meaningful improvement over an individual's current living situation and that grant recipients provide options that are well-matched to an individual's assessed needs.

(f) The department must submit a preliminary report to the appropriate policy and fiscal committees of the legislature by December 15, 2022, and a full report by September 30, 2023. The reports must identify barriers to housing and gaps in services that prevented or otherwise impacted the housing outcomes of individuals engaged by the grantees, and policy and budgetary recommendations to improve the transition of individuals residing on public rights-of-way to permanent housing.

(133) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with a consultant to study incorporating the unincorporated communities of Fredrickson, Midland, North Clover Creek-Collins, Parkland, Spanaway, Summit-Waller, and Summit View into a single city. The study must include, but not be limited to, the impacts of incorporation on the local tax base, crime, homelessness, infrastructure, public services, and behavioral health services, in the listed communities. The department must submit the study to the office of financial management and the appropriate committees of the legislature by June 1, 2023.

(134) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to develop a community reinvestment plan to guide the distribution of grants from the community reinvestment account created in section 947 of this act.

(a) The department shall, in partnership with the office of equity, and "by and for community organizations" as defined by the office of equity, develop a community reinvestment plan for how funds would be distributed to address racial, economic, and social disparities in communities across the state created by the historical design and enforcement of state and federal criminal laws and penalties for drug possession. The community reinvestment plan should address funding in the following areas:

(i) Economic development, which includes addressing wealth disparities to promote asset building such as home ownership and expanding access to financial resources including, but not limited to, grants and loans for small businesses and entrepreneurs, financial literacy training, and other small business training and support activities;

(ii) Civil and criminal legal assistance to provide postconviction relief and case assistance, including the expungement of criminal records and vacation of criminal convictions;

(iii) Community-based violence intervention and prevention services; and

(iv) Reentry services to facilitate successful transitions for persons formerly incarcerated in an adult correctional facility or juvenile residential facility in Washington.

(b) The plan must include a timeline for regular review by the department and the office of equity, criteria for eligible communities and programs, development of accountability measures to ensure that distribution and use of funding meets intended purposes, and tracking of outcomes for the funds. At a minimum, the plan must address how the community reinvestment account funding will:

(i) Produce significant long-term economic benefits to the state, a region of the state, or a particular community in the state;

(ii) Result in significant long-term economic benefits in the form of new jobs, job retention, increased personal wealth, or higher incomes for citizens of the state or a particular community in the state; and

(iii) Ensure that:

(A) Projects or programs do not require continuing state support;

(B) An expenditure will not supplant private investment;

(C) An expenditure is accompanied by additional public or private investment; and

(D) Nonprofit, faith-based, and grassroots organizations are prioritized for funding.

(c) In developing the plan, the department is encouraged to incorporate existing and ongoing work from relevant task forces and work groups including, but not limited to, the social equity in cannabis task force, the reentry council, and the homeownership disparities work group.

(d) The department shall submit a preliminary report to the governor and relevant committees of the legislature by December 1, 2022. A final report on the implementation plan must be submitted to the governor and relevant committees of the legislature by June 30, 2023.

(135) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct outreach activities for the working families tax exemption established in RCW 82.08.0206 and the federal earned income tax credit. Of the amounts provided in this subsection:

(a) \$6,860,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to community-based organizations to conduct outreach activities and application assistance for individuals eligible for the working families tax exemption. In

awarding the funds, the department must award grants to at least two community-based organizations in each county. Of the amounts provided in this subsection (135)(a), 25 percent must be used for outreach activities serving tribal and urban Indian communities, communities of color, and households in rural areas.

(b) \$2,860,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to community-based organizations to conduct outreach activities and application assistance for individuals eligible for the working families tax exemption who file or may be eligible to file using a valid individual taxpayer identification number. Grant recipients may also use grant funds to assist individuals in obtaining valid individual tax identification numbers.

(c) \$280,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide oversight, technical assistance, and training for grant recipients; conduct language access activities; create a statewide outreach plan; and for other administrative costs.

(136) \$5,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for grants to nonprofit arts, heritage, science, and culture organizations for costs associated with COVID-19 testing and safety monitoring required by state and local governments and by union contracts. To receive a grant under this section, an applicant must certify that they have reported annual gross receipts of greater than \$5,000,000 in calendar year 2019, and that they applied for but did not receive funding from a state or federal source for the same eligible costs.

(137) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to provide programming that offers pathways to higher education and career opportunities in the arts, entertainment, and related creative industries for youth and young adults in south King county, with a focus on low-income individuals and historically disadvantaged populations. The grant recipient must be a nonprofit organization headquartered in the city of Federal Way that: Has experience working with BIPOC communities; serves youth and young adults through programs focused on cultivating creative talents through the professional entertainment and arts industries; can directly facilitate the placement of program participants in industry-related internships and job opportunities; and can demonstrate a working relationship or strategic partnerships with global commercial entertainment and digital arts industry experts, networks, and companies in areas such as music, film, television, and fashion. The organization may use the grant for activities including, but not limited to, workshops and other events that support the goal of improving the business and professional skills of youth and young adults interested in the arts and entertainment industries.

~~((+139))~~ (138) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department of commerce to develop a report on the behavioral health and long-term care facilities and residential settings that provide services within the continuum of care for individuals who are discharged from state psychiatric hospitals. For the purposes of this subsection, "continuum of care" means transitional housing or residential placements that provide supportive services and skill development needed for individuals to be permanently housed, and permanent supportive housing or residential placements that provide individuals with an appropriate place to live with services available as needed. The report must map the geographic location of each facility or residential setting, and it must highlight geographic gaps in service availability. In preparing the report, the department must coordinate with the department of social and health services, the department of health, and the health care authority. The department must submit its report to the governor and appropriate legislative committees no later than December 1, 2022.

~~((+140))~~ (139) \$5,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to establish a grant program to assist businesses and nonprofits that are dependent to maintain their operations on the economic activity created through conventions hosted in Washington state. The amount provided under this subsection is subject to the following conditions and limitations:

(a) To be eligible for a grant under this subsection, a business must:

(i) Apply for or have applied for the grant;

(ii) Have not reported annual gross receipts of more than \$100,000,000 in calendar year 2019;

(iii) Have expenses that are necessary to continue business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(iv) Self-attest that the expense is not funded by any other government or private entity;

(v) Have experienced a reduction in business income or activity related to COVID-19 or state or local actions in response to COVID-19;

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives; and

(vii) Have met one or more of the following criteria:

(A) Hosted a convention in Washington state;

(B) Provided support services to conventions in Washington state; or

(C) Depended on the function of conventions to sell goods and services in Washington state.

(b)(i) Eligible businesses may receive a grant of up to \$500,000 for revenue lost due to a cancellation or a reduction of participants in a convention hosted in Washington state in 2020 or 2021.

(ii) To receive a grant under this subsection, eligible businesses must provide the department with:

(A) Financial records from 2019 that provide a basis for revenue received from convention activity in Washington state prior to the COVID-19 pandemic; and

(B) Financial records from 2020 and 2021 that show a reduction in gross revenue received from convention activity in Washington state during the COVID-19 pandemic.

(iii) If a business received one or more working Washington small business grants, the grant awarded under this subsection must be reduced to reflect the amounts received from previous working Washington small business grants.

(c) Nonprofit organizations are eligible to receive funding under this subsection if they have a primary business activity that has been impacted as described in (a)(v) of this subsection.

(d) The department may use up to 10 percent of the amount provided in this subsection for administrative costs.

~~((+141))~~ (140) \$325,000 of the general fund—state appropriation for fiscal year 2022 and \$325,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in the city of Redmond that serves Latino low-income, immigrant, and Spanish-speaking communities in King and Snohomish counties through arts and culture events and community services. Grant funding may be used to expand existing programs including, but not limited to, rent assistance, vaccination assistance, COVID-19 outreach, microbusiness support, and other community services.

~~((+142))~~ (141) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a program to build capacity and promote the development of nonprofit community land trust organizations in the state. Funds shall be granted by the department to one or more nonprofit organizations with technical expertise on community land trusts. These funds shall be used to provide technical assistance and training to help community land trusts increase the production of affordable housing.

~~((+143))~~ (142) \$900,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to conduct community outreach and culturally relevant training on prevention of digital fraud and other consumer fraud, with a focus on serving low-income, rural, and BIPOC communities. The grant recipient must be the Washington state affiliate of a national nonprofit organization that provides services, research, and advocacy for individuals aged 50 and up. Funding may be used to expand existing consumer fraud education programs; partner with locally trusted community-based organizations to provide public awareness of digital and other consumer fraud; and conduct research to capture baseline data regarding digital and fraud literacy in Washington state.

~~((+144))~~ (143) \$631,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the developmental disabilities council's efforts to partner with racially diverse communities across the state and to build the capacity of a coalition of intellectual and developmental disabilities self-advocates and advocates. Of the amounts provided in this subsection:

(a) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the developmental disabilities council to enter into a contract with a nonprofit organization led by individuals who are Black, indigenous, or people of color to facilitate the development and implementation of recommendations on ways to reduce barriers to services and improve access to services for individuals with intellectual and developmental disabilities who are from immigrant communities, communities of color, and other underserved communities. The contract must require the nonprofit organization to prepare a racial equity plan for ongoing policy development within the intellectual and developmental disabilities service delivery system for submittal to the developmental disabilities council. The developmental disabilities council must submit the plan to the governor and appropriate legislative committees no later than June 30, 2023.

(b) \$131,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one full-time equivalent policy analyst to manage the developmental disabilities council's overall policy development and diversity, equity, and inclusion efforts. The policy analyst shall serve as a liaison between self-advocates, advocates, community members, and the nonprofit organization under contract in (a) of this subsection.

~~((+145))~~ (144) \$584,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a dispute resolution center located in the city of Seattle and serving King county to develop a basic mediation training curriculum for organizations that serve communities in south King county, with a focus on organizations serving and operated by members of historically disadvantaged communities. The grant recipient may use the funding for activities including, but not limited to, conducting a needs assessment, developing and designing the curriculum, engaging subject matter experts, and conducting training sessions.

~~((+146))~~ (145) \$45,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the eviction prevention rental assistance program created in RCW 43.185C.185.

~~((+147))~~ (146) \$4,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant program to community-based organizations that provide services for survivors of domestic violence. Grant recipients may use funding for domestic violence survivor advocates to provide case management, safety planning, and other services for survivors, and as flexible funding to meet the immediate needs of survivors of domestic violence.

((~~(148)~~ \$15,000,000)) (147) \$1,800,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to expand the small business resiliency network program. Program expansion activities may include:

(a) Providing funding for new or existing network partners to provide wraparound services and support to assist small business owners, including support in accessing financing; and

(b) Establishing a credit repair pilot program by contracting with community foundations and nonprofit credit unions with existing character-based lending programs to provide credit counseling and other services to build or improve credit for small businesses and entrepreneurs who are unable to access conventional lending.

((~~(149)~~)) (148) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$290,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization that operates a resource center in the city of Ferndale to expand social services programs. Eligible social services programs include, but are not limited to, basic needs supports for low-income and vulnerable families; emergency preparedness programs that connect community volunteers to opportunities to assist community members during emergencies; and conducting antiracist events and learning opportunities in order to build community.

((~~(150)~~)) (149) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of firearm safety and violence prevention for programs relating to firearm removals in domestic violence cases. Programs may include:

(a) Grants for local law enforcement agencies to coordinate the removal of firearms pursuant to RCW 9.41.800 and 9.41.801 in civil and criminal domestic violence cases at a regional level; and

(b) Activities to increase statewide adherence to RCW 9.41.800 and 9.41.801, including, but not limited to, technical assistance, training, and collecting data from local law enforcement agencies relating to firearm removals in cases where a court orders the surrender of weapons.

((~~(151)~~ \$55,000,000)) (150) \$52,922,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to administer stipends to eligible homeless service provider employees for their immediate economic needs and to conduct a homeless service provider workforce study.

(a) Of the amount provided in this subsection:

(i) ((~~\$27,250,000~~)) \$26,230,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a stipend payment of up to \$2,000 for eligible homeless service provider employees with an income at or below 80 percent of the area median income. An individual who works for two or more eligible entities in an eligible position may only receive one stipend under this subsection.

(ii) ((~~\$27,250,000~~)) \$26,192,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a second stipend payment of up to \$2,000 for individuals who received an initial stipend payment under (i) of this subsection ((~~(151)~~)) (150) (a) and who are still employed at the same eligible entity six months after receipt of the first stipend payment. An individual who works for two or more eligible entities in an eligible position may only receive one stipend under this subsection.

(iii) (A) \$500,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to contract with a third-party entity to conduct a study on the workforce needs of nonprofit organizations employing eligible homeless service provider employees, with the goal of developing state-level strategies for improving workforce retention among organizations providing homeless services.

(B) The study must examine topics including, but not limited to, pay and benefits; training and supervision; caseloads; safety and morale; and other factors impacting hiring and retention.

(C) The study must examine the potential impact on workforce retention of inflationary increases for administrative allowances and other automatic escalators on state-funded homelessness service contracts, including contracts administered by the office of homeless youth.

(D) The study must include a pay equity and comparable worth analysis that compares eligible homeless service provider positions with jobs with similar complexity, difficulty, and educational and skill requirements in the public and private sectors that were deemed essential during the COVID-19 pandemic.

(E) In conducting the study, the third-party entity must consult with eligible homeless service provider employees; employees of eligible entities with lived experience of homelessness; and organizations led by or serving BIPOC populations.

(F) The department must report the results of the study, including any policy recommendations, to the appropriate committees of the legislature by September 30, 2023.

(b) The department must contract with an entity located in Washington state to administer the stipend payments in (a) (i) and (ii) of this subsection. The entity must demonstrate an ability to efficiently administer stipend payments statewide by showing successful administration of similar programs; an ability to adhere to federal tax requirements, including sending stipend recipients 1099 or other required tax forms; and an ability to track and report on demographic data of stipend recipients and fulfill other reporting requirements as determined by the department. The entity must conduct marketing and outreach for the program by September 1, 2022, and begin administering stipend payments under (a) (i) of this subsection by October 1, 2022. The administrator must pay the stipends on a first-come, first-served basis and there is no individual entitlement to receive a stipend.

(c) The department is authorized to shift funding among the purposes in (a)(i) and (ii) of this subsection based on the level of demonstrated need.

(d) The department may retain up to five percent of the funding allocated under (a) of this subsection for administrative costs.

(e) The administrating entity selected under (b) of this subsection may use up to 15 percent of the funding allocated under (a)(i) and (ii) of this subsection for administrative costs and up to five percent of the funding allocated under (a)(i) and (ii) of this subsection for outreach and marketing costs.

(f) For the purposes of this subsection:

(i) "Eligible homeless service provider employee" means an individual currently employed on a full-time or part-time basis at an eligible entity that works directly on-site with persons experiencing homelessness or residents of transitional or permanent supportive housing. This includes, but is not limited to, emergency shelter and transitional housing staff; street outreach workers; caseworkers; peer advisors; reception and administrative support staff; maintenance and custodial staff; and individuals providing direct services for homeless youth and young adults. This does not include executive and senior administrative employees of an eligible entity. Nothing in this subsection creates an employment relationship, or any membership or qualification in any state or other publicly supported retirement system, due to the payment of a stipend.

(ii) "Eligible entity" means an organization with whom state agencies or local governments grant or subcontract to provide homeless services under their homeless housing program as defined in RCW 43.185C.010.

(iii) "Immediate economic needs" means costs including, but not limited to, rent or mortgage payments; utilities and other household bills; medical expenses; student loan payments; transportation-related costs; child care-related costs; behavioral health-related costs; and other basic necessities.

~~((152))~~ (151) (a) \$100,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to administer a business assistance program for qualifying hospitality industry businesses that have been negatively impacted by the COVID-19 public health emergency or its negative economic impacts. The department must administer the program under appropriate agreements. For the purposes of this subsection, "qualifying hospitality industry businesses" means restaurants, hotels, motels, and other businesses in the hospitality industry as determined by the department.

(b) Of the amount provided in this subsection, \$15,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for grants to reimburse lodging establishments that have experienced losses during the state's eviction moratorium pursuant to the governor's proclamations. The department must work with impacted lodging establishments to develop criteria for the administration of this grant program. The department will verify actual eligible losses to be reimbursed. Actual eligible losses include room charges not paid by persons who stayed during the moratorium, any legal expenses incurred by lodging establishments as a result of the moratorium, and any repair expenses directly attributed to damages to rooms. For the purposes of this subsection ~~((152))~~ (151) (b), "lodging establishment" means a hotel, motel, or similar establishment taxable by the state under chapter 82.08 RCW that has 40 or more lodging units.

~~((153))~~ (152) \$3,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for housing assistance for victims of human trafficking. The department must allocate funding through contracts with service providers that have current contracts with the office of crime victims advocacy to provide services for victims of human trafficking. A provider must use at least 80 percent of contracted funds for rental payments to landlords and the remainder for other program operation costs, including services addressing barriers to acquiring housing that are common for victims of human trafficking.

~~((154))~~ (153) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization operating a low-barrier emergency shelter located in the town of Wapato serving Native and non-Native chronically homeless individuals. Grant funds must be used to provide daytime services such as meals and hygiene services; case management; outreach; and other homeless services.

~~((155))~~ (154) \$75,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with a nonprofit organization in Kitsap county to provide services for families experiencing domestic violence. Amounts provided in this subsection must be used to expand supports for survivors and their children fleeing immediately dangerous situations, including emergency shelter, case management, housing advocacy, child care, mental health services, and resources and referrals. The nonprofit organization must be located in Kitsap county and must operate a state-certified domestic violence shelter.

~~((156))~~ (155) \$3,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to the city of Kent for operational improvements and other actions to improve safety and reduce train noise, with the goal of increasing quality of life and facilitating transit-oriented living in downtown Kent.

~~((157))~~ (156) (a) \$750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to establish a lifeline support system pilot project to assist individuals who have experienced or are at risk of entering into public systems of care. Public systems of care include office of homeless youth prevention and protection shelter and housing programs, the juvenile justice system, dependency under chapter 13.34 RCW, and inpatient behavioral health treatment.

(b)(i) The lifeline must function as a no-wrong-door access point for support and connections to services for qualifying individuals who require assistance to overcome a life challenge that could escalate into a crisis, or who are in need of general mentorship and counsel. The lifeline support system must facilitate and promote partnerships across state agencies, federally recognized tribes, counties, and community-based providers to coordinate trauma-informed and culturally responsive services for youth and young adults and their supports. The department is authorized to implement lifeline services through contracts with community partners and nonprofit organizations.

(ii) The department must establish a lifeline fund. Moneys in the fund can be used to assist community partners and nonprofit organizations to implement lifeline services when they cannot identify an existing resource to resolve a beneficiary need. The department must establish an application process and criteria for the fund.

(c) The department and a nonprofit organization, selected by the office of homeless youth, shall coconvene a work group that will design a lifeline support services system and framework for statewide implementation. This group shall have an inaugural meeting no later than August 31, 2022, and have a design ready no later than October 31, 2022. By December 31, 2022, the department, with assistance from the work group, must provide a report to the appropriate committees of the legislature on approaches to continue this pilot project in the 2023-2025 fiscal biennium.

(d) By June 30, 2023, the department, with assistance from the nonprofit organization that coconvened the work group, shall provide a report to the legislature describing the success and shortcomings of the lifeline support system, as well as other data such as request-for-service conclusions and the demographics of beneficiaries. The report must include a recommendation for how the state can permanently establish the lifeline.

~~((158))~~ (157) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization that provides services to survivors of domestic violence in north and east King county. Grant funding may be used for services including, but not limited to, staffing support for emergency and advocacy services and costs to expand emergency and transitional housing services for survivors of domestic violence with the greatest safety risks and highest barriers to acquiring safe housing.

~~((159))~~ (158) \$850,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization for costs to operate a low-barrier homeless shelter and provide housing intervention and placement services. The grant recipient must be a nonprofit organization that provides permanent supportive housing services, provides homeless services for youth and young adults, and operates a low-barrier homeless shelter for women over the age of 18 in the city of Spokane.

~~((160))~~ (159) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with a nonprofit to provide technical assistance to manufactured home community resident organizations who wish to convert the park in which they reside to resident ownership, pursuant to RCW 59.22.039. Technical assistance includes, but is not limited to, assistance with prepurchase efforts and resident outreach and engagement activities prior to filing an intent to purchase.

~~((161))~~ (160) \$900,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with one or more community-based organizations to administer a homeownership assistance program for low-income households who have been displaced from their manufactured/mobile homes due to the closure or conversion of a mobile home park or manufactured housing community in south King county. The program may offer services including credit counseling; financial education courses; assistance in locating, understanding, and preparing necessary financial and legal documentation for homeownership; outreach and engagement services, including in-language services; and other technical support to prepare households for homeownership.

~~((162))~~ (161) \$185,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to provide advocacy, translation, emergency housing, and other services for victims of domestic violence, with a focus on serving members of the Latino and indigenous communities. The grant recipient must be a community-based nonprofit organization located in the city of Tacoma that provides educational programs, crisis intervention, family outreach services, arts and culture programming, and advocacy with a focus on serving Latino and indigenous communities.

~~((163))~~ (162) \$1,400,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with the municipal research and services center, in coordination with the Washington procurement technical assistance center, to provide training and technical assistance to local governments and contractors on public works contracting. Training topics may include utilization of supplemental bidding criteria, utilization of alternate public works, contracting, cost estimating, obtaining performance and payment bonds, and increasing participation of women-owned and minority-owned businesses.

~~((164))~~ (163) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization in the city of Tacoma that provides on-water marine science and maritime programs, as well as mentoring and community service opportunities, for youth and young adults. Grant funding must be used to expand program participation of youth and young adults from underserved and underrepresented communities.

~~((165))~~ (164) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to the city of Poulsbo to expand the service capacity of the fire cares behavioral health mobile outreach program.

~~((166))~~ (165) \$600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for concept development, design, and planning of state-operated or contracted



residential housing facilities and services at the Pacific hospital preservation and development authority quarters buildings three through ten in Seattle. The residential housing facilities may be used for recovery residences, group care, transitional housing, supportive housing, or family-centered substance use disorder recovery housing. Of the amounts provided in this subsection:

(a) \$375,000 of the general fund—state appropriation for fiscal year 2023 is for lease payments for the Pacific hospital preservation and development authority quarters buildings three through ten.

(b) \$75,000 of the general fund—state appropriation for fiscal year 2023 is for the department to convene a work group to develop a programming plan for utilization of the repurposed quarters buildings three through ten, subject to the following requirements:

(i) The department must contract with a nonprofit organization to facilitate the work group. The nonprofit organization must be located in the city of Seattle with experience working with systems of care, including foster care, juvenile justice, and behavioral health, and have statewide experience as an advocate, provider, and convener of programming needs for youth and young adults.

(ii) The work group must include members representing the department of children, youth, and families; the health care authority; social service providers led by and serving people of color; social service providers whose leadership represent and who serve LGBTQ youth and young adults; and persons with lived experience.

(iii) By December 31, 2022, the department must submit a report to the appropriate committees of the legislature with recommendations on housing and program models, service arrays, and estimates of operation costs.

~~((167) \$34,500,000)~~ (166) \$27,500,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a small business innovation and competitiveness fund program to spur small business recovery, startup, and growth, with a focus on initiatives that will serve BIPOC entrepreneurs and small businesses located in underserved, low-income, and rural areas.

(a) The department must competitively award grants to nonprofit organizations that work with or provide assistance to small businesses.

(b) Grant funding may be used for activities such as:

(i) Small business incubator programs;

(ii) Small business accelerator programs;

(iii) Local procurement initiatives;

(iv) Small business competitiveness programs focused on hiring and retention;

(v) Improvements and repairs to physical workplaces, including in response to public health guidelines or acts of vandalism; and

(vi) Other initiatives as determined by the department.

(c) The department may require applicants to provide a description of how proposed initiatives will benefit small businesses and entrepreneurs that are not members of the recipient organization, if applicable.

(d) The department may encourage, but may not require, a local one-to-one match of state funding awarded under the program.

(e) The department may establish regional targets or other benchmarks to ensure equitable geographic distribution of funding. If regional targets or benchmarks are adopted, the department must assess and report to the legislature on the program's performance by June 1, 2023.

(f) In developing the program, the department must consult with economic development professionals and small business support organizations. The department may consult with other interested parties at its discretion.

~~((168))~~ (167) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract for technical assistance services for small businesses owned or operated by members of historically disadvantaged populations located in western Washington, with a focus on Black-owned small businesses. The contract recipient must be a business in the arts, entertainment, and media services sector based in the city of Federal Way and with experience working with BIPOC communities. Technical assistance includes but is not limited to services such as: Business and intellectual property development; franchise development and expansion; digital and social media marketing and brand development; community outreach; opportunities to meet potential strategic partners or corporate sponsors; executive workshops; networking events; small business coaching; and start-up assistance.

~~((169))~~ (168) \$97,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to examine actual and potential school director compensation, including salaries, per diem rates, expense reimbursements, and health care benefits for the purpose of determining what changes in statute or practice, if any, would be necessary to align provisions governing school director compensation with those governing the compensation of other elected officials with comparable duties and responsibilities.

(a) The examination required by this subsection, at a minimum, must address:

(i) The duties and responsibilities of school directors and to what extent those duties, and the factors relevant to their completion, may have changed in the previous 10 years;

(ii) Demographic data about school district boards of directors and the communities they represent for the purpose of understanding the diversity of school district boards of directors and whether that diversity reflects the communities they serve;

(iii) The significant variances in school district budgets, student enrollments, tax bases, and revenues;

(iv) Options for periodically updating school director compensation, including the frequency and timing of potential compensation reviews, potential entities that may be qualified to conduct the reviews, and considerations related to inflationary indices or other measures that reflect cost-of-living changes; and

(v) Options for funding the actual and potential costs of school director compensation, including salaries, per diem amounts, expense reimbursements, and health care benefits.

(b) In completing the examination required by this subsection, the department shall consult with interested parties, including the office of the superintendent of public instruction, the Washington state school directors' association, the Washington association of school administrators, and educational service districts.

(c) The department shall, in accordance with RCW 43.01.036, report its findings and recommendations to the governor, the superintendent of public instruction, and the committees of the legislature with jurisdiction over fiscal matters and K-12 education by January 6, 2023.

~~((170))~~ (169) \$175,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to the south King fire and rescue district located in south King county to implement a workforce development initiative, with the goals of increasing recruitment and retention of employees from south King county communities and increasing the diversity of the district's workforce.

~~((171))~~ (170) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract for a diversity, equity, and inclusion initiative focused on youth sports and other activities, with an emphasis on basketball. The contract recipient must be a nongovernmental entity that serves as a resource for professional, amateur, collegiate, and youth sports organizations and venues in the greater Seattle region. Contract funding may be used to provide engagement and support for Washington state youth basketball organizations, with a focus on organizations in the Puget Sound region, and to provide assistance for activities including sport academies, youth leagues and sport camps, promotion of community basketball events, scholarships, and an equity in sports summit.

~~((172))~~ (171) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$850,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in the city of Seattle that provides legal assistance and representation to survivors of sexual and gender-based violence to expand their current services, including but not limited to legal assistance and representation; technical assistance for advocates, providers, and attorneys; community education and trainings; and other legal support services. In providing services, the grant recipient must protect the privacy, safety, and civil rights of survivors and utilize trauma-informed practices and equity principles.

~~((173))~~ (172) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract for a small business assistance program serving the city of Silverdale and central Kitsap county. The contract recipient must be a nongovernmental organization located in the city of Silverdale whose primary focus is the economic development of the city of Silverdale and central Kitsap county. The contract funding must be used to provide financial assistance in the form of grants or loans and other entrepreneurship opportunities for small businesses that have experienced a loss of business income or activity or have been otherwise economically disadvantaged during the COVID-19 pandemic. The contract recipient must conduct targeted outreach and education to ensure small businesses owned by members of historically marginalized communities are aware of business assistance opportunities available through the program.

~~((174))~~ (173) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization for activities that will improve access to child care in southwest Washington, including but not limited to activities to begin using a shared services model for regional child care providers, and to convene a short-term work group on expanding child care access and affordability in the region. The grant recipient must be a nonprofit organization located in the city of Vancouver that is the lead organization in a collaborative partnership to expand child care capacity in southwest Washington.

~~((175))~~ (174) \$135,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to provide sexual assault prevention programming to middle and high schools in the Tacoma school district. The grant recipient must be a nonprofit organization serving the city of Tacoma that provides education, intervention, and social advocacy programs for victims of sexual assault, domestic violence, human trafficking, and other forms of abuse.

~~((176))~~ (175) \$80,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a grant to a nonprofit organization for information technology needs, including, but not limited to, hardware, software, and other subscriptions, so that the recipient may continue and expand services to address poverty. The grant recipient must be a nonprofit organization that works with public, private, and nonprofit partners to address poverty in Snohomish county, with a focus on serving families with young children.

~~((178))~~ (176) \$27,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the landlord mitigation program created in RCW 43.31.605(1). Of the amount provided in this subsection, \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is for program claims made pursuant to Substitute House Bill No. 1593 (landlord mitigation/victims).

~~((179))~~ (177) \$1,161,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1571 (indigenous persons/services). Of the amount provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants awarded under Substitute House Bill No. 1571. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((180))~~ (178) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute House Bill No. 1629 (aerial imaging technology). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((181))~~ (179) \$486,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1717 (tribal participation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((182))~~ (180) \$953,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1723 (telecommunications access). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((183))~~ (181) \$155,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1724 (supportive housing resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((184))~~ (182) (a) \$7,790,000 of the apple health and homes account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1866 (supportive housing). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(b) Of the amount provided in this subsection, \$6,500,000 of the apple health and homes account—state appropriation is provided solely for permanent supportive housing services including operations, maintenance, and service costs of permanent supportive housing units; project-based vouchers; rental subsidies; and provider grants. These funds shall not be used for costs that are eligible for coverage through the foundational community supports program established pursuant to the health care authority's federal medicaid transformation project waiver.

~~((185))~~ (183) \$4,434,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1905 (homelessness/youth discharge). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. Of the amount provided in this subsection:

(a) \$1,600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for flexible funding administered by the office of homeless youth to support persons under the age of 25 exiting publicly funded systems of care that need discrete support or funding to secure safe housing;

(b) \$625,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to counties to administer housing stability for youth in crisis programs; and

(c) \$2,018,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for system of care grants. Of this amount, \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to assist young adults discharging from inpatient behavioral health treatment facilities to obtain housing.

~~((186))~~ (184) (a) \$20,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a small business disaster recovery financial assistance program to provide resources to small businesses that have sustained physical damage or economic loss due to a natural or other comparable disaster.

(b) The department may provide financial assistance in the form of grants to eligible businesses. Grant funds may be used for payroll, utilities and rent, marketing and advertising, building improvements or repairs, replacing damaged inventory and equipment, and other operations and business expenses.

(c) A business is eligible to apply for financial assistance through the program if they provide documentation to the department of:

(i) Annual gross receipts of \$5,000,000 or less; and

(ii) A reduction in business income or activity as a result of a natural disaster such as a flood, earthquake, or wildfire, or a comparable disaster such as major utility disruptions resulting in property damage or prolonged outages.

(d) A department must provide assistance to an eligible business within three months of receiving an application.

(e) The department must coordinate with local economic development entities in conducting outreach to small businesses in order to increase awareness and understanding of the program.

(f) Of the amounts provided in this subsection, \$10,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for financial assistance for eligible businesses located in northwest Washington.

~~((187))~~ (185) \$214,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1015 (equitable access to credit). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((188))~~ (186) (a) \$950,000 of the apple health and homes account—state appropriation is provided solely for a grant to a nonprofit organization for an initiative to advance supportive housing projects, including those funded through the apple health and homes program created in Engrossed Substitute House Bill No. 1866 (supportive housing). The department is directed to extend the contract of the grantee of the 2021 request for qualifications and quotations advancing affordable housing and education centers due to the recipient's national experience with programs to sustain and rapidly expand housing for persons experiencing homelessness or at risk of homelessness, and who are, thereby, inherently impacted by COVID-19.

(b) The grant recipient must use the funding to:

(i) Partner with state, regional, and local public entities, nonprofit housing developers, and service providers to develop a broad range of housing types for supportive housing;

(ii) Provide technical assistance on the constructive alignment of yet-to-be-secured state or local capital funds, and other services, for the construction, acquisition, refurbishment, redevelopment, master leasing of properties for noncongregate housing, or conversion of units from nonresidential to residential, of dwelling units for supportive housing;

(iii) Analyze the suitability of properties and sites, including existing buildings for supportive housing, through completing due diligence, conceptual design, and financial analysis activities, applying and implementing an equity lens in site selection, program planning, development, and operations;

(iv) Advise and collaborate with the office of health and homes to prepare projects for capital funding;

(v) Advise on supportive housing best practices;

(vi) Advise on service delivery for vulnerable populations;

(vii) Advise on local community engagement, especially with populations with lived experience of homelessness; and

(viii) Subcontract for specialized predevelopment services as needed.

~~((189))~~ (187) \$7,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to administer grants to eligible cities for actions relating to adopting ordinances that would authorize middle housing types on at least 30 percent of lots currently zoned as single family residential.

(a) For the purposes of this subsection, a city is eligible to receive a grant if:

(i) The city is required to plan under RCW 36.70A.040; and

(ii) The city is required to take action on or before June 30, 2024, to review and, if needed, revise its comprehensive plan and development regulations pursuant to RCW 36.70A.130(5)(a).

(b) Grant recipients must use grant funding for costs to conduct at least three of the following activities:

(i) Analyzing comprehensive plan policies and municipal code to determine the extent of amendments required to meet the goal of authorizing middle housing types on at least 30 percent of lots currently zoned as single family residential;

(ii) Preparing informational material for the public;

(iii) Conducting outreach, including with the assistance of community-based organizations, to inform and solicit feedback from a representative group of renters and owner-occupied households in residential neighborhoods, and from for-profit and nonprofit residential developers;

(iv) Drafting proposed amendments to zoning ordinances for consideration by the city planning commission and city council;

(v) Holding city planning commission public hearings;

(vi) Publicizing and presenting the city planning commission's recommendations to the city council; and

(vii) Holding city council public hearings on the planning commission's recommendations.

(c) Before updating their zoning ordinances, a city must use a racial equity analysis and establish antidisplacement policies as required under RCW 36.70A.070(2)(e) through (h) to ensure there will be no net displacement of very low, low, or moderate-income households, as defined in RCW 43.63A.510, or individuals from racial, ethnic, and religious communities which have been subject to discriminatory housing policies in the past.

(d) The department shall prioritize applicants who:

(i) Aim to authorize middle housing types in the greatest proportion of zones; and

(ii) Subcontract with multiple community-based organizations that represent different vulnerable populations in overburdened communities, as defined in RCW 70A.02.010, that have traditionally been disparately impacted by planning and zoning policies and practices, to engage in eligible activities as described in (b) of this subsection.

(e) For the purposes of this subsection, "middle housing types" include duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, courtyard apartments, cottage housing, and stacked flats.

~~((190))~~ (188) (a) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to administer an energy efficient housing pilot program with the goal of reducing energy consumption and related expenses for low-income agricultural workers in the Yakima valley. Funding must be distributed in the form of grants to community-based organizations, with priority given to organizations with a proven track record of assisting agricultural workers.

(b) Grant recipients may use the funds awarded under (a) of this subsection to conduct the following activities for eligible housing:

(i) Install photovoltaic solar panel systems, solar water heating systems, and battery backups;

(ii) Replace energy inefficient appliances with energy star certified appliances;

(iii) Replace existing lighting with light emitting diode lighting; and

(iv) Conduct weatherization of homes and other residences.

(c) Eligible housing includes:

(i) Homes owned and occupied by agricultural workers; and

(ii) Homes, apartments, and other residential facilities providing rental housing to agricultural workers, provided that the owners of the facilities pass the savings in energy costs to agricultural worker tenants and commit to the use of the facilities as agricultural worker housing for 15 years as a condition of accepting assistance as described in (b) of this subsection.

(d) For the purposes of this subsection, "agricultural workers" means workers on farms and workers performing packing or processing work of agricultural products. "Agricultural workers" does not mean the owners of agricultural enterprises.

~~((+191))~~ (189) (a) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with a community-based nonprofit organization located in the Yakima valley to develop a community consortium for the purpose of developing and implementing strategies for the prevention of gang violence in Yakima county.

(b) The consortium must include representation from community-based organizations, gang-involved youth, law enforcement agencies, and state agencies involved in juvenile justice.

(c) The consortium must develop after-school activities such as counseling, tutoring, and computer literacy for gang-involved youth, in conjunction with local school districts.

(d) The consortium must, in conjunction with a public radio station, conduct a Spanish-language public radio media outreach campaign with the aim of linking gang-involved youth with employment, educational, and training opportunities. In conducting the outreach campaign, the consortium may work with schools, grassroots organizations, faith-based groups, law enforcement, families, and juvenile justice agencies.

(e) In developing its outreach and intervention activities, the consortium may facilitate workshops and conferences, either in person or virtual, with educators, parents, and youth.

(f) By June 30, 2023, the department must provide a report to the appropriate committees of the legislature. The report must include:

(i) A description of the gang violence prevention programs conducted by the consortium and how they were implemented;

(ii) A description of any virtual community events, workshops, and conferences held; and

(iii) The number of individuals who participated in or received services through the programs conducted by the consortium, including any relevant demographic data for those individuals.

~~((+192))~~ (190) (a) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to administer grants to strengthen family resource center services and increase capacity statewide. Grant funding may be used: For an organization to provide new services in order to meet the statutory requirements of a family resource center, as defined in RCW 43.216.010; to increase capacity or enhance service provision at current family resource centers, including but not limited to direct staffing and administrative costs; and to conduct data collection, evaluation, and continuous quality improvement activities. The department may award an amount from \$30,000 up to \$200,000 per grant recipient.

(b) Eligible applicants for a grant under (a) of this subsection include current family resource centers, as defined in RCW 43.330.010, or organizations in the process of becoming qualified as family resource centers. Applicants must affirm their ability and willingness to serve all families requesting services in order to receive a grant. Applicants must currently be or agree to become a member of a statewide family resource center network during the grant award period in order to receive a grant.

(c) The department must co-convene an advisory group with the department of children, youth, and families that includes representatives from family resource centers; parents, caregivers, and individuals who have used family resource services; and other stakeholders as determined by the department. The department must develop application guidelines and award funding to eligible applicants in consultation with the department of children, youth, and families and the advisory group. Advisory group members representing family resource centers or other organizations that apply for grant funding may not participate in the process of determining grant award recipients.

(d) In distributing grant funding, the department must, to the extent it is practicable, award 75 percent of funding to organizations located west of the crest of the Cascade mountains, and 25 percent of funding to organizations located east of the crest of the Cascade mountains.

(e) By July 1, 2023, grant recipients must submit a report to the department on the use of grant funding, including but not limited to progress in attaining status as a family resource center, if applicable; the number and type of services offered to families; demographic and income data for families served; and family postservice outcomes. By September 1, 2023, the department must submit a report to the legislature on topics including but not limited to the grant application process; needs identified by family resource centers; and use of funds by grant recipients.

~~((193))~~ (191) (a) \$2,800,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of firearm safety and violence prevention for a healthy youth and violence prevention initiative with the goal of preventing violence, decreasing engagement with the juvenile justice system, and encouraging health and well-being for youth and young adults ages 12 to 24. As part of the initiative, the office must partner with community-based organizations to serve as regional coordinators who will:

(i) Connect youth and young adults ages 12 to 24 who are most vulnerable to violence with programs that provide services including, but not limited to, street outreach, youth employment and preapprenticeship programs, case management, behavioral health services, and other services as appropriate; and

(ii) Assist local governments, service providers, and nonprofit organizations in accessing and leveraging federal, state, and local funding for violence prevention and related services.

(b) In developing the healthy youth and violence prevention initiative, the office must consult with interested parties including members of the legislature, community members with expertise in public health strategies to address youth violence, and people impacted by youth and young adult violence.

(c) Of the amount provided in this subsection:

(i) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant for a demonstration program serving south King county. The grant recipient must be a nonprofit health system currently administering a violence prevention initiative in King and Pierce counties. The grant recipient may subgrant or subcontract funds to programs providing services as described in (a) (i) of this subsection.

(ii) \$600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for planning grants for future programs serving Pierce county, Yakima county, and the city of Vancouver. Grant recipients must be community-based nonprofit organizations.

(iii) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to develop a database and reporting system for regional coordinators to report program outcomes for service providers receiving grants or subgrants through the initiative. The database must be accessible to and utilized by all organizations serving as regional coordinators. In developing the database fields, the office must, to the extent it is feasible, use categories identified as part of the developmental assets framework developed by the Search Institute.

~~((194))~~ (192) (a) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct an evaluation of the costs for cities and counties to review and revise their comprehensive plans to ensure compliance with chapter 36.70A RCW. The evaluation must include, at a minimum, the costs for each general jurisdiction size and type, and the costs to complete various types of planning requirements, including:

(i) Meeting the requirements of a new goal in RCW 36.70A.020;

(ii) Meeting the requirements of a new comprehensive plan element in RCW 36.70A.070;

(iii) Updating a critical areas ordinance;

(iv) Updating a shoreline master program ordinance;

(v) Making a minor update of a comprehensive plan element;

(vi) Making a complex update of a comprehensive plan element;

(vii) Updating a development regulation; and

(viii) Implementing a new development regulation.

(b) The department must consult with the Washington state association of counties and the association of Washington cities in conducting the evaluation.

(c) The department must submit a report of the results of the evaluation to the legislature by December 1, 2022.

~~((195))~~ (193) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide support to a public-private partnership that leverages private sector leadership and is composed of multiple interests, including public and private project developers, manufacturers and end users, research institutions, academia, government, and communities around the state, to develop and submit a competitive application for the federal department of energy regional clean hydrogen hubs grant. The application must focus on the sectors of the economy that are hardest to decarbonize, including industry, heavy transportation, maritime, and aviation.

~~((196))~~ (194) \$3,335,000 of the general fund—state appropriation for fiscal year 2022 and \$2,223,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to counties to stabilize newly arriving refugees from the 2022 Ukraine-Russia conflict.

~~((197))~~ (195) \$50,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for digital equity and broadband access programs. Programs funded under this subsection may include programs to fulfill the recommendations of the Washington digital equity forum; programs to conduct activities identified by the statewide broadband office when developing the digital equity plan required as part of the state digital equity capacity grant program created in P.L. 117-58; and programs to increase broadband access for low-income and rural communities, including through low-orbit satellite broadband networks.

~~((198))~~ (196) (a) \$25,000,000 of the electric vehicle incentive account—state appropriation is provided solely for the department to implement programs and incentives that promote the purchase of or conversion to alternative fuel vehicles. The department must work with the interagency electric vehicle coordinating council created in Engrossed Substitute

Senate Bill No. 5974 (transportation resources) to develop and implement alternative fuel vehicle programs and incentives.

(b) In developing and implementing programs and incentives under this subsection, the department must prioritize programs and incentives that:

(i) Will serve individuals living in an overburdened community, as defined in RCW 70A.02.010;

(ii) Will serve individuals who are in greatest need of this assistance in order to reduce the carbon emissions and other environmental impacts of their current mode of transportation in the overburdened community in which they live; and

(iii) Will serve low-income communities, communities with the greatest health disparities, and communities of color that are most likely to receive the greatest health benefits from the programs through a reduction in greenhouse gas emissions and other pollutants that will result in improved groundwater and stormwater quality, improved air quality, and reductions in noise pollution.

~~((199))~~ (197) \$100,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for grants for public and private water, sewer, garbage, electric, and natural gas utilities to address low-income customer arrearages compounded by the COVID-19 pandemic and the related economic downturn that were accrued between March 1, 2020, and December 31, 2021.

(a) By May 27, 2022, each utility that wishes to participate, must opt-in to the grant program by providing the department the following information:

(i) Current arrearage balances for residential customers as of March 31, 2022; and

(ii) Available information on arrearage balances of low-income customers, including customers who received assistance from the low-income home energy assistance program, low-income water assistance program, or ratepayer-funded assistance programs between April 1, 2020, and March 31, 2022, as of March 31, 2022. If a utility does not have access to information regarding customer participation in these programs, the department must distribute funding to the community action program serving the same service area as the utility instead of the utility.

(b) In determining the amount of funding each utility may receive, the department must consider:

(i) Each participating utility's proportion of the aggregate amount of arrearages among all participating utilities;

(ii) Utility service areas that are situated in locations experiencing disproportionate environmental health disparities;

(iii) American community survey poverty data; and

(iv) Whether the utility has leveraged other fund sources to reduce customer arrearages.

(c) The department may retain up to one percent of the funding provided in this subsection to administer the program.

(d) Each utility shall disburse funds directly to customer accounts (~~by December 31, 2022~~). Funding shall only be distributed to customers that have participated in the low-income home energy assistance program, low-income water assistance program, or ratepayer-funded assistance programs.

(e) Utilities may, but are not required to, work with other utilities or use community action agencies to administer these funds following the eligibility criteria for the low-income home energy assistance program and the low-income household water assistance program.

(f) By March 1, 2023, each utility who opted into the grant program must report to the department, utilities and transportation commission, and state auditor on how the funds were utilized and how many customers were supported.

(g) Utilities may account for and recover in rates administrative costs associated with the disbursement of funds provided in this subsection.

~~((200))~~ (198) \$4,092,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5566 (independent youth housing). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((201))~~ (199) \$7,300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase funding for the community services block grant program. Distribution of these funds to community action agencies shall prioritize racial equity and undoing inequity from historic underinvestment in Black, indigenous, and people of color and rural communities.

~~((202))~~ (200) \$1,124,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to expand health care access points with increased services from the Tubman center for health and freedom to address disparate health outcomes of Black Washingtonians.

~~((203))~~ (201) \$3,335,000 of the general fund—state appropriation for fiscal year 2022 and \$2,223,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to Snohomish county to stabilize newly arriving refugees from the 2021 Afghanistan conflict and the 2022 Ukraine conflict.

~~((204))~~ (202) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a peer-led community and hospitality space located in south King county to expand services for women engaging in the sex trade.

~~((205))~~ (203) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to develop a K-12 school building ventilation technical assistance, outreach, and education program. The grant recipient must be located in

a city with a population of more than 700,000 and must have experience administering a statewide technical assistance, outreach, and education program for building operators.

~~((206))~~ (204) \$500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a Tacoma-based nonprofit dental clinic with a location in unincorporated Pierce county to continue to provide dental services to low-income youth.

~~((207))~~ (205) \$120,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit resource center in King county that provides sexual assault advocacy services, therapy services, and prevention and outreach to begin a three-year, multigrade sexual violence prevention program in the Renton school district.

~~((208))~~ (206) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a Tacoma-based nonprofit multicultural center to support the operations of food bank networks and to be reimbursed for equipment purchased for preventative maintenance on food bank network buildings.

~~((209))~~ (207) \$500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a Kent-based, community-based nonprofit organization that serves culturally and linguistically diverse families of persons with developmental and intellectual disabilities for predevelopment funds to accelerate the production of new affordable housing and a multicultural community center.

~~((210))~~ (208) \$400,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a Tacoma-based business center that supports women and minority-owned businesses to expand outreach in underserved communities, providing targeted assistance where needed. Funding may also be used to collaborate the department, the Washington economic development association, and others to develop a more effective and efficient service delivery system for Washington's women and minority-owned small businesses.

~~((211))~~ (209) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a business center that provides confidential, no-cost, one-on-one, client-centered assistance to small businesses to expand outreach in underserved communities, especially Black, indigenous, and people of color-owned businesses, providing targeted assistance where needed. Funding may also be used to collaborate the department, the Washington economic development association, and others to develop a more effective and efficient service delivery system for Washington's women and minority-owned small businesses.

~~((212))~~ (210) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of homeless youth prevention and protection programs to colead a prevention work group with the department of children, youth, and families. The work group must focus on preventing youth and young adult homelessness and other related negative outcomes. The work group shall consist of members representing the department of social and health services, the employment security department, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the interagency work group on homelessness, community-based organizations, and young people and families with lived experience of housing instability, child welfare involvement, justice system involvement, or inpatient behavioral health involvement.

(a) The work group shall help guide implementation of:

(i) The state's strategic plan on prevention of youth homelessness;

(ii) Chapter 157, Laws of 2018 (SSB 6560);

(iii) Chapter 312, Laws of 2019 (E2SSB 5290);

(iv) Efforts to reform family reconciliation services; and

(v) Other state initiatives addressing the prevention of youth homelessness.

(b) The office of homeless youth prevention and protection programs must use the amounts provided in this subsection to contract with a community-based organization to support the involvement with the work group of young people and families with lived experience of housing instability, child welfare involvement, justice system involvement, or inpatient behavioral health involvement. The community-based organization must serve and be substantially governed by marginalized populations. The amounts provided in this subsection must supplement private funding to support the work group.

~~((213))~~ (211) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a maritime education nonprofit that will support outreach, recruitment, and maritime educational experiences at the new maritime high school in the highline public school district including developing mentorship and internship programs. Funds may be used to support the school's growth to full enrollment of 400 students, to pursue enrollment that reflects the diversity of the district, to aid recruitment activities that will include partnering with regional middle schools including hands-on learning experiences on vessels, and to support curriculum that gives students STEM skills and pathways to maritime careers, including in the sciences, vessel operations and design, and marine construction.

~~((214))~~ (212) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to strengthen capacity of the keep Washington working act work group established in RCW 43.330.510.

~~((215))~~ (213) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the transportation demand management program at the canyon park subarea in the city of Bothell.

~~((216))~~ (214) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to report how the department will collect demographic and geographic information from organizations who receive direct or indirect grants from the department.



(a) The department may contract to complete the report. The department must collaborate with the one Washington enterprise resource planning team to determine what demographic and geographic data elements would be consistent with data elements in the extended financials and procurement phase of one Washington.

(b) The report must also include accurate cost and time estimates needed to collect the demographic and geographic information from department grantees and their subgrantees. The department must consult with the office of equity to ensure that demographic tracking information can be used to help create an accurate definition of "by and for organizations." The department must report to the legislature by June 30, 2023. The report must include, but is not limited to, the following information:

(i) The cost and time required for the department to revise current grant agreements to collect demographic and geographic data;

(ii) The cost and time required for the department to incorporate the collection of demographic and geographic data into future grant agreements;

(iii) The cost and time required for the department to align demographic and geographic data points to the one Washington program to serve as a data collection system and repository of demographic and geographic data on all department grant agreements;

(iv) In addition to the one Washington program, an analysis of other information technology systems that can serve as a unified single data collection system and repository for demographic and geographic data on all department grant agreements. This analysis should compare and contrast the efficiency and effectiveness of each system with the capabilities, cost, and timeliness of using the one Washington program for this purpose; and

(v) Recommendations on grants that should be excluded from the responsibility to collect demographic and geographic data.

~~((217))~~ (215) \$88,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a Seattle-based nonprofit that teaches math using hands-on learning experiences and collaborates with community partners to create equity-based, culturally relevant math education opportunities.

~~((218))~~ (216) \$20,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to provide a grant to a public facility district created under chapter 36.100 RCW that can document losses of more than \$200,000,000 in cumulative anticipated tax, event, and marketing revenues in 2020, 2021, and 2022, including lost revenue due to cancellations or a reduction of participants in conventions that would have been hosted in Washington state, less grants or loans from federal and state government programs. Eligible public facilities districts may receive a maximum \$20,000,000 grant. Public facility districts must provide the department with financial records that document the lost revenue to be eligible to receive a grant.

~~((219))~~ (217) \$7,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase existing grantee contracts providing rental or housing subsidy and services for eligible tenants in housing and homeless programs. The department will work with stakeholders and grantees to increase current contracts and distribute funds to account for increases in housing and services costs across the state.

~~((220))~~ (218) (a) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct a cost-benefit analysis on the use of agrivoltaic and green roof systems on projected new buildings with a floor area of 10,000 square feet or larger to be developed over the next 20 years in communities of 50,000 or greater. The department shall consult with the department of ecology, private sector representatives, and an organization that has experience conducting cost-benefit analyses on green roofing. The cost-benefit analysis must include:

(i) The impact of widespread green and agrivoltaic roof installation on stormwater runoff and water treatment facilities in communities with a population of greater than 50,000;

(ii) Potential water quality and peak flow benefits of widespread green and agrivoltaic roof installation;

(iii) Public health impacts;

(iv) Air quality impacts;

(v) Reductions in fossil fuel use for buildings with agrivoltaic systems;

(vi) Energy efficiency of buildings with agrivoltaic systems;

(vii) Job creation; and

(viii) Agrivoltaic installation and maintenance costs.

(b) The department shall submit the report to the energy policy and fiscal committees of the legislature by June 30, 2023, that includes, but is not limited to:

(i) The results of the cost-benefit analysis in (a) of this subsection;

(ii) Recommendations on how agrivoltaic and green roofs can be integrated into new and existing building code requirements related to stormwater codes, energy codes, and the transition away from natural gas;

(iii) An examination of existing programs at the city and county level in Washington state;

(iv) A description of the policy components and framework for green and agrivoltaic roof policies and related incentive programs; and

(v) Incentive recommendations for building owners who cover more than 50 percent of the roof surface with a green or agrivoltaic roof.

~~((221))~~ \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a community-based organization in Whatcom county for a program that connects local food producers with retail and wholesale consumers.

~~((222))~~ (219) \$60,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to Yakima county to contract with a Yakima-based nonprofit organization to complete the planning and development of a community wildfire protection plan.

~~((223))~~ (220) \$1,091,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5910 (hydrogen). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((224))~~ (221) \$1,637,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5722 (greenhouse gases/buildings). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((225))~~ (222) \$8,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to build a mapping and forecasting tool that provides locations and information on charging and refueling infrastructure as required in chapter 300, Laws of 2021. The department shall collaborate with the interagency electric vehicle coordinating council established in Engrossed Substitute Senate Bill No. 5974 (transportation resources) when developing the tool and must work to meet benchmarks established in Engrossed Substitute Senate Bill No. 5974 (transportation resources).

~~((226))~~ (223) \$69,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant program for the development of electric vehicle charging infrastructure in rural areas, office buildings, multifamily housing, ports, schools and school districts, and state and local government offices.

(a) Grants in this subsection are provided solely for projects that provide a benefit to the public through development, demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state.

(b) Projects that receive funds under this subsection must be implemented by local governments, federally recognized tribal governments, or by public and private electrical utilities that serve retail customers in the state. Grant funding must be used for level 2 or higher charging infrastructure.

(c) The department must give preference to projects that provide level 3 or higher charging infrastructure.

(d) The department of commerce must coordinate with other electrification programs, including projects the department of transportation is developing, to determine the most effective distribution of the systems. The department must also collaborate with the interagency electric vehicle coordinating council established in Engrossed Substitute Senate Bill No. 5974 (transportation resources) to implement this subsection and must work to meet benchmarks established in Engrossed Substitute Senate Bill No. 5974 (transportation resources).

~~((227))~~ (224) \$37,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to increase solar deployment and installation of battery storage in community buildings to enhance grid resiliency and provide backup power for critical needs, such as plug load and refrigeration for medication, during outages or to provide incentives to support electric utility demand response programs that include customer-sited solar and battery storage systems. Eligible uses of the amounts provided in this subsection include, but are not limited to, planning and predevelopment work with vulnerable, highly impacted, and rural communities. For the purposes of this subsection "community buildings" means K-12 schools, community colleges, community centers, recreation centers, libraries, tribal buildings, government buildings, and other publicly owned infrastructure.

~~((228))~~ (225) \$20,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant program to provide solar and battery storage community solar projects for public assistance organizations serving low-income communities. Eligible uses of the amounts provided in this subsection include, but are not limited to, planning and predevelopment work with vulnerable, highly impacted, and rural communities.

(a) Grants are not to exceed ~~(((\$20,000 per community solar project and are not to exceed))~~ 100 percent of the cost of the project, taking into account any federal tax credits or other federal or nonfederal grants or incentives that the ~~((program))~~ project is benefiting from.

(b) Priority must be given to projects sited on "preferred sites" such as rooftops, structures, existing impervious surfaces, landfills, brownfields, previously developed sites, irrigation canals and ponds, stormwater collection ponds, industrial areas, dual-use solar projects that ensure ongoing agricultural operations, and other sites that do not displace critical habitat or productive farmland.

(c) For the purposes of this subsection "low-income" has the same meaning as provided in RCW 19.405.020 and "community solar project" means a solar energy system that: Has a direct current nameplate capacity that is greater than 12 kilowatts but no greater than ~~((199))~~ 1,000 kilowatts; and has, at minimum, either two subscribers or one low-income service provider subscriber.

~~((229))~~ (226) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5758 (condominium conversions). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((231))~~ (227) \$1,054,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5974

(transportation resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((232))~~ (228) \$200,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a grant to a Tacoma-based automotive museum as businesses assistance to address COVID-19 pandemic impacts to revenues from decreased attendance and loss of other revenue generating opportunities.

~~((233))~~ (229) \$63,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5544 (blockchain work group). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((234))~~ (230) (a) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to develop strategies for cooperation with governmental agencies of Finland, including higher education institutions, and organizations around the following:

- (i) 5G connectivity, end-user applications utilizing new connectivity, and 6G;
- (ii) Safety, efficiency, and green transformation of ports and other logistics including digitalization and connectivity; and
- (iii) Green transformation of transport, including circular economy solutions for batteries.

(b) By June 30, 2023, the department must provide a report on the use of funds in this subsection, any key metrics and deliverables, and any recommendations for further opportunities for collaboration.

(231) \$270,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization headquartered in Mount Vernon for costs to operate and provide homeless services at a low-barrier emergency temporary homeless center located in Burlington.

(232) \$6,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to award to a local government in a county with a population greater than two million to maintain the operations of, and transition people out of, as appropriate, a hotel housing more than 100 people experiencing homelessness that is at imminent risk of closure due to a lack of funding.

**Sec. 1115.** 2022 c 297 s 129 (uncodified) is amended to read as follows:

**FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund—State Appropriation (FY 2022)	\$908,000
General Fund—State Appropriation (FY 2023)	<del>(\$1,001,000)</del>
	<u>\$1,068,000</u>
Lottery Administrative Account—State Appropriation	\$50,000
<b>TOTAL APPROPRIATION</b>	<b><del>(\$1,959,000)</del></b> <b><u>\$2,026,000</u></b>

**Sec. 1116.** 2022 c 297 s 130 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund—State Appropriation (FY 2022)	\$16,482,000
General Fund—State Appropriation (FY 2023)	\$21,640,000
General Fund—Federal Appropriation	\$33,352,000
General Fund—Private/Local Appropriation	<del>(\$531,000)</del>
	<u>\$923,000</u>
<u>Climate Investment Account—State Appropriation</u>	<u>\$83,000</u>
Economic Development Strategic Reserve Account—State Appropriation	\$333,000
Workforce Education Investment Account—State Appropriation	\$100,000
Personnel Service Account—State Appropriation	\$18,813,000
Higher Education Personnel Services Account—State Appropriation	\$1,497,000
Statewide Information Technology System Development Revolving Account—State Appropriation	\$97,432,000
Office of Financial Management Central Service Account—State Appropriation	\$22,453,000
Statewide Information Technology System Maintenance and Operations Revolving Account—State Appropriation	\$4,609,000
Performance Audits of Government Account—State Appropriation	\$692,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	\$1,560,000
<b>TOTAL APPROPRIATION</b>	<b><del>(\$219,494,000)</del></b> <b><u>\$219,969,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of Washington college grant and college bound recipients;  
 (ii) Persistence and completion rates of Washington college grant recipients and college bound recipients, disaggregated by institution of higher education;  
 (iii) Washington college grant recipients grade point averages; and  
 (iv) Washington college grant and college bound scholarship program costs.  
 (b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(2) \$100,000 of the workforce education investment account—state appropriation is provided solely to the office of financial management to implement career connected learning.

(3)(a) \$97,428,000 of the information technology system development revolving account—state appropriation, \$4,609,000 of the information technology system maintenance and operations revolving account—state appropriation, \$162,000 of the personnel services account—state appropriation, and \$162,000 of the office of financial management central services account—state appropriation are provided solely for the one Washington enterprise resource planning statewide program. Of this amount:

(i) \$7,756,000 of the information technology system development revolving account—state appropriation is provided solely for an organizational change management pool to pay for phase 1A (agency financial reporting system replacement—core financials) state agency organizational change management resources. The office of financial management will manage the pool, authorize funds, and track costs by agency by fiscal month;

(ii) \$22,000,000 of the information technology system development revolving account—state appropriation is provided solely for a technology pool to pay for phase 1A (agency financial reporting system replacement—core financials) state agency costs due to work associated with impacted financial systems and interfaces. The office of financial management will manage the pool, authorize funds, and track costs by agency by fiscal month;

(iii) \$1,326,000 of the information technology system development revolving account—state appropriation is provided solely for three dedicated information technology consultant staff to be contracted from the office of the chief information officer. These staff will work with state agencies to ensure preparation and timely decommission of information technology systems that will no longer be necessary post implementation of phase 1A (agency financial reporting system replacement—core financials);

(iv) \$4,609,000 of the information technology system maintenance and operations revolving account—state appropriation is provided solely for maintenance and operations costs for phase 1A (agency financial reporting system replacement—core financials), which will begin in fiscal year 2023;

(v) \$9,153,000 of the information technology system development revolving account—state appropriation is provided solely for phase 1B (procurement and extended financials) in fiscal year 2023;

(vi) \$162,000 of the personnel services account—state appropriation is provided solely for a dedicated staff for phase 2 (human resources) coordination; and

(vii) \$162,000 of the office of financial management central services account—state appropriation is provided solely for a dedicated staff for phase 3 (budget) coordination.

(b) Beginning July 1, 2021, the office of financial management shall provide written quarterly reports, within 30 calendar days of the end of each fiscal quarter, to legislative fiscal committees and the legislative evaluation and accountability program committee to include how funding was spent compared to the budget spending plan for the prior quarter by fiscal month and what the ensuing quarter budget will be by fiscal month. All reporting must be separated by phase of one Washington subprojects. The written report must also include:

(i) A list of quantifiable deliverables accomplished and the associated expenditures by each deliverable by fiscal month;

(ii) A report on the contract full time equivalent charged compared to the budget spending plan by month for each contracted vendor and what the ensuing contract equivalent budget spending plan assumes by fiscal month;

(iii) A report identifying each state agency that applied for and received organizational change management pool resources, the staffing equivalent used, and the cost by fiscal month by agency compared to budget spending plan;

(iv) A report identifying each state agency that applied for and received technology pool resources, the staffing equivalent used, and the cost by fiscal month by agency compared to the budget spending plan;

(v) A report on budget spending plan by fiscal month by phase compared to actual spending by fiscal month; and

(vi) A report on current financial office performance metrics that at least 10 state agencies use, to include the monthly performance data, starting July 1, 2021.

(c) Prior to spending any funds, the director of financial management must agree to the spending and sign off on the spending.

(d) This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(e) The phase 1A schedule must be presented to the executive steering committee by May 24, 2023 for approval, and both the decision by the executive steering committee and the schedule must be shared in writing to the appropriate fiscal committees of the legislature by May 31, 2023.

(4) \$250,000 of the office of financial management central services account—state appropriation is provided solely for a dedicated information technology budget staff for the work associated with statewide information technology projects that are under the oversight of the office of the chief information officer. The staff will be responsible for providing a monthly financial report after each fiscal month close to fiscal staff of the senate ways and means and house appropriations committees to reflect at least:

(a) Fund balance of the information technology pool account after each fiscal month close;

(b) Amount by information technology project, differentiated if in the technology pool or the agency budget, of what funding has been approved to date and for the last fiscal month;

(c) Amount by agency of what funding has been approved to date and for the last fiscal month;

(d) Total amount approved to date, differentiated if in the technology pool or the agency budget, and for the last fiscal month;

(e) A projection for the information technology pool account by fiscal month through the 2021-2023 fiscal biennium close, and a calculation spent to date as a percentage of the total appropriation;

(f) A projection of each information technology project spending compared to budget spending plan by fiscal month through the 2021-2023 fiscal biennium, and a calculation of amount spent to date as a percentage of total project cost; and

(g) A list of agencies and projects that have not yet applied for nor been approved for funding by the office of financial management.

(5) \$6,741,000 of the personnel service account—state appropriation is provided solely for administration of orca pass benefits included in the 2021-2023 collective bargaining agreements and provided to nonrepresented employees. The office of financial management must bill each agency for that agency's proportionate share of the cost of orca passes. The payment from each agency must be deposited into the personnel service account and used to purchase orca passes. The office of financial management may consult with the Washington state department of transportation in the administration of these benefits.

(6) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(7)(a) The office of financial management statewide leased facilities oversight team must identify opportunities to reduce statewide leased facility space given the change in business practices since 2020 whereby many state employees were mostly working remotely and may continue to do so going forward, or at least more state employees are anticipated to work remotely than in calendar year 2019.

(b) The office of financial management will work to identify opportunities for downsizing office space and increased collocation by state agencies, especially for any leases that will be up for renewal effective July 1, 2022, through June 30, 2024.

(c) The office of financial management must, in collaboration with the department of enterprise services, identify and make recommendations on reduction in leased office space by agency for fiscal years 2024 and 2025. The analysis must include detailed information on any reduced costs, such as lease contract costs, and include at least:

(i) Agency name;

(ii) Lease contract number and term (start and end date);

(iii) Contract amount by fiscal year; and

(iv) Current and future projected collocated agency tenants.

(d) The office of financial management must submit a report responsive to (a), (b), and (c) of this subsection to fiscal and appropriate policy committees of the legislature by June 30, 2022.

(8) \$105,000 of the general fund—state appropriation for fiscal year 2022 and \$68,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5163 (conditionally released sexually violent predators).

(9) \$79,000 of the general fund—state appropriation for fiscal year 2022 and \$79,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staffing for the sentencing guidelines commission.

(10) \$45,000 of the general fund—state appropriation for fiscal year 2022 and \$113,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the work of the office of financial management to conduct a feasibility study and make recommendations regarding the establishment of a system for streamlining the vacation of criminal conviction records in section 953 of this act.

(11)(a) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of financial management to provide recommendations, as described in (b) of this subsection, on the procedure for providing an equity impact statement for legislative proposals, and content and format requirements for the equity impact statement.

(b) By July 1, 2022, the office of financial management must submit a report to the governor, appropriate committees of the legislature, and statutory commissions that details recommendations on:

- (i) The procedure for providing an equity impact statement for legislative proposals;
- (ii) The format and content requirements for the equity impact statement;
- (iii) A plan, including information technology additions or revisions, necessary to provide equity impact statements;
- (iv) Recommendations on which office or agency should be principally responsible for coordinating the provision of equity impact statements with state agencies; and
- (v) Recommendations on any policy changes needed to implement the provision of equity impact statements.

(c) For the purpose of implementing this subsection, the office of financial management may contract with an entity or entities that have expertise in equity impact assessments.

(d) The office of financial management must consult with the governor's interagency council on health disparities and the office of equity in developing the procedures, and content and format requirements.

(e) For purposes of this subsection, "statutory commission" means the Washington state commission on African American affairs established in chapter 43.113 RCW, the Washington state commission on Asian Pacific American affairs established in chapter 43.117 RCW, the Washington state commission on Hispanic affairs established in chapter 43.115 RCW, the Washington state women's commission established in chapter 43.119 RCW, the Washington state LGBTQ commission established in chapter 43.114 RCW, and the human rights commission established in chapter 49.60 RCW. (12) \$785,000 of the general fund—state appropriation for fiscal year 2022 and \$960,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1267 (police use of force).

(13) \$172,000 of the general fund—state appropriation for fiscal year 2022 and \$167,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release).

(14) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of financial management to assist the health care authority, the department of social and health services, and the department of health in coordinating efforts to transform the behavioral health system and improve the collection and availability of data. Within these amounts, the office must provide direction and ensure coordination between state agencies in the forecasting of forensic and long-term civil commitment beds, transition of civil long-term inpatient capacity from state hospital to community settings, and efforts to improve the behavioral health crisis response system. Sufficient funding within this section is provided for the staff support and other costs related to the crisis response improvement strategy committee established in section 104 of Engrossed Second Substitute House Bill No. 1477 (national 988 system).

(15) \$40,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of financial management to review and report on vendor rates for services provided to low-income individuals at the department of children, youth, and families, the department of corrections, and the department of social and health services. ~~((The))~~ A status report must be submitted to the governor and the appropriate committees of the legislature by December 1, 2022. A final report must be submitted to the governor and the appropriate committees of the legislature by May 31, 2023, and must include review of, at least:

- (a) The current rates for services by vendor;
- (b) A history of increases to the rates since fiscal year 2010 by vendor;
- (c) A comparison of how the vendor increases and rates compare to inflation; and
- (d) A summary of the billing methodology for the vendor rates.

(16) \$35,000 of the general fund—state appropriation for fiscal year 2022 and \$86,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1867 (dual credit program data). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(17)(a) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with a third-party facilitator to convene an applicant background check work group. The purpose of the work group is to review existing requirements and processes for conducting applicant background checks for impacted individuals, and to provide a feasibility study and implementation plan for establishing a state office to centrally manage criminal background check processes for impacted individuals.

(b) For the purposes of this subsection, "impacted individuals" means applicants for state employment, current state employees, and individuals for whom an applicant background check is required as a condition of employment or to provide state services, including but not limited to individuals subject to the requirements of RCW 26.44.240, 28A.400.303, 43.43.830 through 43.43.845, 43.101.095, 43.216.270, 74.15.030, and 74.39A.056.

(c) The director of the office, or the director's designee, must chair the work group. The chair must appoint representatives to the work group including but not limited to:

- (i) A representative of the department of social and health services;
- (ii) A representative of the department of children, youth, and families;
- (iii) A representative of the Washington state patrol;

(iv) A representative of the department of corrections;

(v) A representative of the office of the superintendent of public instruction; and

(vi) Other state agency representatives or representatives of interested parties, at the discretion of the chair, who have expertise in topics considered by the work group.

(d) By December 1, 2022, the work group must submit a preliminary feasibility study and implementation plan for a state central background check office to the governor and appropriate committees of the legislature. By June 1, 2023, the work group must submit a final feasibility study and implementation plan to the governor and appropriate committees of the legislature. In developing the feasibility study and implementation plan, the work group must include the following:

(i) A review of current background check requirements and processes for impacted individuals, including:

(A) A list of all state positions and purposes that require a criminal background check as a condition of employment, certification, licensure, or unsupervised access to vulnerable persons;

(B) An analysis of any "character, suitability, and competence" components that are required in addition to an applicant background check, including whether such components are warranted and whether they result in unrealistic and unnecessary barriers or result in disproportionate negative outcomes for members of historically disadvantaged communities; and

(C) A review of current costs of applicant background checks for state agencies and impacted individuals, including a comparison of current vendor contracts for fingerprint background checks; and

(ii) A proposal and implementation plan to establish a central state office to manage applicant background check processes. In developing the proposal, the work group must consider policy and budgetary factors including, but not limited to:

(A) Cost structure and sharing for impacted agencies, including any cost savings that may occur from transitioning to a centralized criminal background check process;

(B) Information technology needs for the new office and individual agencies, including any necessary information sharing agreements;

(C) Staffing;

(D) Comparable solutions and processes in other states;

(E) Potential usage of the federal rap back system, including steps necessary to join the system and associated costs and benefits;

(F) Processes and considerations to make criminal background check results portable for impacted individuals;

(G) Steps necessary to meet federal regulatory requirements and ensure federal approval of state criminal background check processes;

(H) The impact of the proposed process changes for impacted individuals who are members of historically disadvantaged populations; and

(I) Any statutory changes that may be necessary to ensure clarity and consistency.

(18) \$337,000 of the general fund—state appropriation for fiscal year 2022, \$763,000 of the general fund—state appropriation for fiscal year 2023, and \$1,560,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for staff and contract costs to conduct activities related to the receipt, coordination, and tracking of federal funds.

(19) \$193,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5847 (public employee PSLF info.). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(20) \$20,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of financial management to conduct a comprehensive study on student access to health care, including behavioral health care, at Washington's public institutions of higher education. The comprehensive study must also include students enrolled in state registered apprenticeship programs. The study must be conducted in collaboration with the health benefit exchange, the health care authority, the state board for community and technical colleges, the council of presidents, and the student achievement council.

(a) The community and technical colleges and the four-year institutions of higher education will make the following data for the 2022-23 academic year available to the office of financial management, the state board of community and technical colleges, and the student achievement council:

(i) The health insurance status of enrolled students;

(ii) The minimum requirements for enrolled students related to health insurance coverage;

(iii) Health insurance or health care coverage options available from the school;

(iv) A description of health care services and facilities available on campus for students, including type of providers, and ways students can access these services;

(v) Out-of-pocket costs associated with accessing or using on-campus health care services and facilities;

(vi) Student demographic information regarding utilization of on-campus health care services and facilities;

(vii) Barriers to accessing on-campus health care services and facilities;

(viii) How the college or university helps students obtain health care services not offered on campus; and

(ix) Information related to partnerships with off-campus health care providers or facilities to provide services to currently enrolled students.

(b) The office of financial management shall make reasonable efforts to provide the following information:

- (i) The health insurance status of students enrolled in the 2022-23 academic year;
- (ii) The minimum level of health insurance coverage, if any, community and technical colleges and four-year institutions of higher education require for students;
- (iii) The types of health insurance schools provide for enrolled students;
- (iv) The types of health care services available on campus, including primary care and specialty care, such as emergency services and behavioral health care resources;
- (v) A description of health care services available in the communities around campuses, including emergency services and behavioral health providers;
- (vi) Data collection gaps that exist related to student health insurance coverage and utilization of health care resources;
- (vii) On-campus primary care and specialty care services that are common on school campuses; and
- (viii) Other important information in addressing health insurance access and care for students at public institutions of higher education, including issues around equity.

(c) The legislature expects the office of financial management to submit a report to the appropriate health and education committees of the legislature. The final report must include a summary of the data reviewed by the office, including information specific to each type of campus and school, when available, and recommendations for the legislature and public institutions of higher education for improving student health care coverage and access to health care services, including for students enrolled in state registered apprenticeship programs.

(21) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5649 (family and medical leave). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(22) (a) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$201,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to evaluate the effectiveness, utilization, and outcomes of the voluntary incentive programs for landowners and of existing regulatory programs responsible for protecting and restoring areas along streams and rivers toward achieving a science-based standard for a fully functioning riparian ecosystem. To accomplish the evaluation, the office must:

(i) Contract with an independent entity for the analysis. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW; and

(ii) Assist agencies with funding and advice to gather and provide the data necessary for the analysis.

(b) A preliminary report is due to the governor and the appropriate committees of the legislature by September 1, 2022, to inform the development of recommendations to be contained in a final report due by December 1, 2022.

(23) \$1,326,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for additional staff for information technology and payroll support for the office of independent investigations, which was created by chapter 318, Laws of 2021 (Engrossed Substitute House Bill No. 1267).

(24) Within existing resources, the education research and data center shall submit to the student achievement council the data received from institutions of higher education as described in RCW 28B.118.090. The data shall be submitted by June 30, 2022, and June 30, 2023, and include the most recent data received from institutions of higher education.

(25) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5793 (state boards, etc./ stipends). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(26) \$83,000 of the climate investment account—state appropriation is provided solely for the agency to complete an analysis of laws regulating greenhouse gas emission as required by RCW 70A.65.200(10).

**Sec. 1117.** 2022 c 297 s 133 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund—State Appropriation (FY 2022)	\$538,000
General Fund—State Appropriation (FY 2023)	(( <del>\$694,000</del> ))
	<u>\$534,000</u>
TOTAL APPROPRIATION	(( <del>\$1,232,000</del> ))
	<u>\$1,072,000</u>

**Sec. 1118.** 2022 c 297 s 134 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2022)	\$585,000
General Fund—State Appropriation (FY 2023)	(( <del>\$1,350,000</del> ))
	<u>\$1,190,000</u>
TOTAL APPROPRIATION	(( <del>\$1,935,000</del> ))
	<u>\$1,775,000</u>

The appropriations in this section are subject to the following conditions and limitations:



(1) (a) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission on African American affairs to contract with a Washington state based organization that focuses on the health of African Americans to conduct a Black community health needs assessment. The assessment must include the following activities:

(i) Lead and produce a statewide community assets mapping project to identify institutions, providers, and nongovernmental organizations that contribute to or have impact on Black well-being;

(ii) Collect and organize Black community health needs data and information; and

(iii) Identify priorities for additional phases of work.

(b) By June 30, 2023, the commission shall submit a report to the legislature with findings and recommended solutions that will inform the structure and establishment of an African American health board network.

**Sec. 1119.** 2022 c 297 s 135 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS**

General Fund—State Appropriation (FY 2023)	\$609,000
Department of Retirement Systems Expense Account—	
State Appropriation	(( <del>\$74,308,000</del> ))
	<u>\$74,618,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$74,917,000</del>))</b>
	<b><u>\$75,227,000</u></b>

The appropriations in this section (~~is~~)are subject to the following conditions and limitations:

(1) \$6,007,000 of the department of retirement systems expense account—state appropriation is provided solely for pension system modernization, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) \$619,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Senate Bill No. 5367 (inactive retirement accounts).

(3) \$7,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5399 (universal health care commission).

(4) \$286,000 of the department of retirement systems—state appropriation is provided solely for implementation of Senate Bill No. 5021 (effects of expenditure reduction).

(5) \$48,000 of the department of retirement systems—state appropriation is provided solely for implementation of Senate Bill No. 5676 (PERS/TRS 1 benefit increase). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(6) \$82,000 of the department of retirement systems—state appropriation is provided solely for implementation of House Bill No. 1669 (PSERS disability benefits). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(7) \$609,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to implement a Roth individual retirement plan option in the deferred compensation program, including implementation of Engrossed House Bill No. 1752 (deferred compensation/Roth).

(8) \$310,000 of the department of retirement systems—state appropriation is provided solely for implementation of chapter 110, Laws of 2022 (work in retirement/schools).

**Sec. 1120.** 2022 c 297 s 136 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF REVENUE**

General Fund—State Appropriation (FY 2022)	\$172,407,000
General Fund—State Appropriation (FY 2023)	(( <del>\$415,510,000</del> ))
	<u>\$404,500,000</u>
Timber Tax Distribution Account—State Appropriation	\$7,616,000
Business License Account—State Appropriation	\$21,071,000
Waste Reduction, Recycling, and Litter Control	
Account—State Appropriation	\$173,000
Model Toxics Control Operating Account—State	
Appropriation	\$119,000
Financial Services Regulation Account—State	
Appropriation	\$5,000,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$621,896,000</del>))</b>
	<b><u>\$610,886,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,056,000 of the general fund—state appropriation for fiscal year 2022 and \$409,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement 2021 revenue legislation.

(2) (a) \$1,303,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to facilitate a tax structure work group, initially created within chapter 1, Laws of 2017 3rd sp. sess. (SSB 5883) and hereby reauthorized.

(b) (i) Members serving on the tax structure work group as of the effective date of this section may continue serving on the work group. Any member not wishing to continue serving on the tax structure work group must provide written notice to the work group and the vacancy must be filled as provided in (c) of this subsection.

(ii) The work group must include the following voting members:

(A) The president of the senate must appoint two members from each of the two largest caucuses of the senate;

(B) The speaker of the house of representatives must appoint two members from each of the two largest caucuses of the house of representatives; and

(C) The governor must appoint one member who represents the office of the governor.

(iii) The work group must include the following nonvoting members:

(A) One representative of the department of revenue;

(B) One representative of the association of Washington cities; and

(C) One representative of the Washington state association of counties.

(c) Elected officials not reelected to their respective offices may be relieved of their responsibilities on the tax structure work group. Vacancies on the tax structure work group must be filled within 60 days of notice of the vacancy. The work group must choose a chair or cochair from among its legislative membership. The chair is, or cochair is, responsible for convening the meetings of the work group no less than quarterly each year. Recommendations of the work group may be approved by a simple majority vote. All work group members may have a representative attend meetings of the tax structure work group in lieu of the member, but voting by proxy is not permitted. Staff support for the work group must be provided by the department. The department may engage one or more outside consultants to assist in providing support for the work group. Members of the work group must serve without compensation but may be reimbursed for travel expenses under RCW 44.04.120, 43.03.050, and 43.03.060.

(d) The duties of the work group are to:

(i) By December 1, 2019, convene no less than one meeting to elect a chair, or cochair, and conduct other business of the work group;

(ii) By December 31, 2020, the department and technical advisory group must prepare a summary report of their preliminary findings and alternatives described in (f) of this subsection;

(iii) By May 31, 2021, the work group must:

(A) Hold no less than one meeting in Olympia or virtually to review the preliminary findings described in (f) of this subsection. At least one meeting must engage stakeholder groups, as described in (e)(i) of this subsection;

(B) Begin to plan strategies to engage taxpayers and key stakeholder groups to encourage participation in the public meetings described in (f) of this subsection;

(C) Present the summary report described in (d)(ii) of this subsection in compliance with RCW 43.01.036 to the appropriate committees of the legislature;

(D) Be available to deliver a presentation to the appropriate committees of the legislature including the elements described in (e)(ii) of this subsection; and

(E) Finalize the logistics of the engagement strategies described in (d)(iv) of this subsection;

(iv) After the conclusion of the 2021 legislative session, the work group must:

(A) Hold no less than five public meetings organized by geographic region (in person or online) with special consideration for regional geographies throughout the state, rural areas, and border communities;

(B) Participate in no less than 10 existing meetings of various associations, community-based organizations, nonprofits, and similar groups in order to engage low-income and middle-income taxpayers, communities of color, senior citizens, and people with disabilities;

(C) Participate in no less than 10 existing meetings of various business and agricultural associations, chambers of commerce, ports, associate development organizations, and similar groups in order to engage small, start-up, and low-margin businesses, and other businesses;

(D) Hold no less than three listening sessions in a language other than English to engage taxpayers who speak languages including, but not limited to, Spanish, Vietnamese, Russian, and Somali;

(E) Present the findings described in (f) of this subsection and alternatives to the state's current tax structure at the public meetings utilizing a range of methods that account for different learning styles including, but not limited to, written documents, videos, animations, and graphics;

(F) Provide an opportunity at the public and other meetings for taxpayers to engage in a conversation about the state tax structure including, but not limited to, providing feedback on possible recommendations for changes to the state tax structure and asking questions about the report and findings and alternatives to the state's current tax structure presented by the work group;

(G) Utilize methods to collect taxpayer feedback before, during, or after the public meetings that may include, but is not limited to: Small group discussions, in-person written surveys, in-person visual surveys, online surveys, written testimony, and public testimony;

(H) Encourage legislators to inform their constituents about the public meetings that occur within and near their legislative districts (whether in person or online);

(I) Inform local elected officials about the public meetings that occur within and near their communities (whether in person or online);

(J) Summarize the feedback that taxpayers and other stakeholders communicated during the public meetings and other public engagement methods, and submit a final summary report, in accordance with RCW 43.01.036, to the appropriate committees of the legislature. This report

may be submitted as an appendix or update to the summary report described in (d)(ii) of this subsection; and

(K) To the degree it is practicable, conduct analysis of the current tax structure and proposed alternatives to estimate the impact on taxpayers, including tax paid as a share of household income for various racial and ethnic groups as reported in the most current census data available, American community survey, or other similar data sources;

(v) During the 2022 legislative session, the work group must:

(A) Present the findings and reports described in (d)(ii) of this subsection to the appropriate committees of the legislature; and

(B) Be available to deliver a presentation to or participate in a work session for the appropriate committees of the legislature, or both;

(vi) Between the conclusion of the 2022 legislative session and December 31, 2022, the work group is directed to finalize policy recommendations and develop legislation to implement modifications to the tax structure, informed by the findings described in (d)(ii) of this subsection and the feedback received from taxpayers as reflected in the report described in (d)(iv) of this subsection. Legislative proposals recommended by the work group may not collectively result in a loss of revenue to the state as compared to the November 2022 biennial revenue forecast published by the economic and revenue forecast council. In making the recommendations, the work group must be guided by the following principles for a well designed tax system: Equity, adequacy, stability, and transparency;

(vii) During the 2023 legislative session, it is the intent of the legislature to consider the proposal described in (d)(vi) of this subsection;

(viii) If the proposal is not adopted during the 2023 legislative session, the work group is directed to host no less than three public meetings to collect feedback on the legislation proposed in the 2023 session, and may also collect feedback on other proposals under consideration by the work group, subject to the availability of funds in the 2023-2025 biennial budget. The work group is directed to modify the proposal to address the feedback collected during the public meetings;

(ix) During the 2024 legislative session, it is the intent of the legislature to consider the modified proposal described in (d)(iv) of this subsection; and

(x) By December 31, 2024, subject to the availability of funds in the 2023-2025 biennial budget, the work group is directed to submit a final report that is a compilation of all other reports previously submitted since July 1, 2019, and may include additional content to summarize final activities of the tax structure work group and related legislation, in compliance with RCW 43.01.036, to the appropriate committees of the legislature.

(e)(i) The stakeholder groups referenced by (d)(iii)(A) of this subsection must include, at a minimum, organizations and individuals representing the following:

(A) Small, start-up, or low-margin business owners and employees or associations expressly dedicated to representing these businesses, or both; and

(B) Individual taxpayers with income at or below 100 percent of area median income in their county of residence or organizations expressly dedicated to representing low-income and middle-income taxpayers, or both;

(ii) The presentation referenced in (d)(iii)(D) of this subsection must include the following elements:

(A) The findings and alternatives included in the summary report described in (d)(ii) of this subsection; and

(B) The preliminary plan to engage taxpayers directly in a robust conversation about the state's tax structure, including presenting the findings described in (f) of this subsection and alternatives to the state's current tax structure, and collecting feedback to inform development of recommendations.

(f) The duties of the department, with assistance of one or more technical advisory groups, are to:

(i) With respect to the final report of findings and alternatives submitted by the Washington state tax structure study committee to the legislature under section 138, chapter 7, Laws of 2001 2nd sp. sess.:

(A) Update the data and research that informed the recommendations and other analysis contained in the final report;

(B) Estimate how much revenue all the revenue replacement alternatives recommended in the final report would have generated for the 2017-2019 fiscal biennium if the state had implemented the alternatives on January 1, 2003;

(C) Estimate the tax rates necessary to implement all recommended revenue replacement alternatives in order to achieve the revenues generated during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council;

(D) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities, for (f)(i)(B) and (C) of this subsection; and

(E) Estimate how much revenue would have been generated in the 2017-2019 fiscal biennium if the incremental revenue alternatives recommended in the final report would have been implemented on January 1, 2003, excluding any recommendations implemented before May 21, 2019;

(ii) With respect to the recommendations in the final report of the 2018 tax structure work group:

(A) Conduct economic modeling or comparable analysis of replacing the business and occupation tax with an alternative, such as corporate income tax or margins tax, and estimate the impact on taxpayers, such as tax paid as a share of total business revenue for various business activities, assuming the same revenues generated by business and occupation taxes

during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(B) Estimate how much revenue would have been generated for the 2017-2019 fiscal biennium if the one percent revenue growth limit on regular property taxes was replaced with a limit based on population growth and inflation if the state had implemented this policy on January 1, 2003;

(iii) Analyze our economic competitiveness with border states:

(A) Estimate the revenues that would have been generated during the 2017-2019 fiscal biennium, had Washington adopted the tax structure of those states, assuming the economic tax base for the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(B) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities for (f)(iii)(A) of this subsection;

(iv) Analyze our economic competitiveness in the context of a national and global economy, provide comparisons of the effective state and local tax rate of the tax structure during the 2017-2019 fiscal biennium and various alternatives under consideration, as they compare to other states and the federal government, as well as consider implications of recent changes to federal tax law;

(v) Conduct, to the degree it is practicable, tax incidence analysis of the various alternatives under consideration to account for the impacts of tax shifting, such as business taxes passed along to consumers and property taxes passed along to renters;

(vi) Present findings and alternatives, to the degree it is practicable, by geographic area, in addition to statewide; and

(vii) Conduct other analysis as directed by the work group.

(3) \$292,000 of the general fund—state appropriation for fiscal year 2022 and \$162,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 4, Laws of 2021 (SHB 1095) (emergency assistance/tax).

(4) \$212,000 of the general fund—state appropriation for fiscal year 2022 and \$33,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1477 (national 988 system).

(5) \$213,000 of the general fund—state appropriation for fiscal year 2022 and \$55,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5000 (hydrogen/electric vehicles).

(6) \$2,489,000 of the general fund—state appropriation for fiscal year 2022 and \$4,189,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5096 (capital gains tax).

(7) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$11,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Senate Bill No. 5220 (salmon recovery grants/tax).

(8) \$7,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5251 (tax and revenue laws).

(9) \$115,000 of the general fund—state appropriation for fiscal year 2022 and \$44,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5396 (farmworker housing/tax).

(10) \$97,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1480 (liquor licensee privileges).

(11) \$4,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Senate Bill No. 5454 (prop. tax/natural disasters).

(12) \$5,567,000 of the general fund—state appropriation for fiscal year 2022 and \$245,997,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1297 (working families tax exempt.). Of the total amounts provided in this subsection:

(a) \$5,567,000 of the general fund—state appropriation for fiscal year 2022 and \$13,997,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for administration of the working families tax exemption program; and

(b) (~~(\$232,000,000)~~)\$221,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for remittances under the working families tax exemption program.

(13) From within the department's administrative expenditures from the unclaimed personal property account, the department must provide a report by December 1, 2022, to the governor and the legislature on the unclaimed property program. The report must include:

(a) Annual data for the years 2012 through 2022, that includes:

(i) The number of items of unclaimed property received by the program and the number of holders of unclaimed property who submitted items to the program; and

(ii) The top 10 holders who submitted unclaimed property and the percentage of those holders' submissions that have been subsequently claimed;

(b) Historic data since the inception of the program that shows:

(i) The cumulative number of all unclaimed property items and the aggregate, median, and mean value of those items at the end of each calendar year;

(ii) The annual number of unclaimed property items valued at less than \$75 and the percentage of these items for which the department made contact with a claimant that year; and

(iii) The annual number of direct mail contacts to prospective claimants made by the department and the resulting number of claims made within the following three months; and

(c) Customer service data for the period of December 1, 2020, through December 1, 2022, that includes:

(i) The average length of time between a claim was filed and when it was paid;

(ii) The number and percentage of claims initiated online but not able to be paid to the claimant and the reasons, by percentage, for the failure to successfully pay the claim; and

(iii) The monthly website traffic for the unclaimed property website.

(14) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement 2022 revenue legislation. Funding in this subsection is sufficient to implement legislation for which the department has administrative costs.

(15) \$146,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(16) \$108,000 of the general fund—state appropriation for fiscal year 2022 and \$157,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute House Bill No. 1015 (equitable access to credit). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(17) \$141,000 of the general fund—state appropriation for fiscal year 2022 and \$190,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Substitute House Bill No. 1643 (affordable housing/REET). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(18) \$197,000 of the general fund—state appropriation for fiscal year 2022 and \$245,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Substitute House Bill No. 1846 (data centers tax preference). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(19) \$433,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement Engrossed Substitute Senate Bill No. 5531 (uniform unclaimed property). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(20) \$617,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the agency to relocate staff in the Bothell office to a more affordable location that has a lower lease cost than the current facility.

~~((22))~~ (21) \$189,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement Engrossed Substitute Senate Bill No. 5980 (B&O tax credits). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1121.** 2022 c 297 s 137 (uncodified) is amended to read as follows:

**FOR THE BOARD OF TAX APPEALS**

General Fund—State Appropriation (FY 2022) . . . . .	\$2,621,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$2,721,000)</del>
	<u>\$2,776,000</u>
<b>TOTAL APPROPRIATION</b> . . . . .	<b><del>(\$5,342,000)</del></b>
	<b><u>\$5,397,000</u></b>

**Sec. 1122.** 2022 c 297 s 141 (uncodified) is amended to read as follows:

**FOR THE LIQUOR AND CANNABIS BOARD**

General Fund—State Appropriation (FY 2022) . . . . .	\$407,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$1,612,000)</del>
	<u>\$1,277,000</u>
General Fund—Federal Appropriation . . . . .	\$3,083,000
General Fund—Private/Local Appropriation . . . . .	\$75,000
Dedicated Marijuana Account—State Appropriation (FY 2022) . . . . .	\$11,846,000
Dedicated Marijuana Account—State Appropriation (FY 2023) . . . . .	\$12,500,000
Liquor Revolving Account—State Appropriation . . . . .	<del>(\$100,265,000)</del>
	<u>\$91,934,000</u>
<b>TOTAL APPROPRIATION</b> . . . . .	<b><del>(\$129,788,000)</del></b>
	<b><u>\$121,122,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The liquor and cannabis board may require electronic payment of the cannabis excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(2) Of the liquor revolving account—state appropriation, (~~(\$20,754,000)~~) \$13,754,000 is provided solely for the modernization of regulatory systems and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) \$1,441,000 of the liquor revolving account—state appropriation is provided solely for the implementation of chapter 48, Laws of 2021 (E2SHB 1480) (liquor licensee privileges).

(4) \$58,000 of the liquor revolving account—state appropriation is provided solely for the implementation of chapter 6, Laws of 2021 (ESSB 5272) (liquor & cannabis board fees).

(5) \$38,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 is provided solely to implement Engrossed Substitute House Bill No. 1443 (cannabis industry/equity).

(6) \$316,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementing House Bill No. 1859 (cannabis analysis labs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(7) \$20,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 is provided solely for implementing Second Substitute House Bill No. 1210 (cannabis terminology). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(8) The appropriations in this section include sufficient funding for implementation of Third Substitute House Bill No. 1359 (liquor license fees).

(9) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the board, in consultation with the office of equity and community organizations, to select a third-party contractor to prioritize applicants in the cannabis social equity program under RCW 69.50.335.

~~((+12))~~ (10) \$27,000 of the liquor revolving account—state appropriation is provided solely for implementation of Senate Bill No. 5940 (liquor licenses). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((+13))~~ (11) \$123,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5796 (dedicated cannabis distributions).

**Sec. 1123.** 2022 c 297 s 142 (uncodified) is amended to read as follows:

**FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

General Fund—State Appropriation (FY 2022)	\$515,000
General Fund—State Appropriation (FY 2023)	<del>(\$1,502,000)</del>
	<u>\$1,210,000</u>
General Fund—Private/Local Appropriation	<del>(\$8,564,000)</del>
	<u>\$8,081,000</u>
Public Service Revolving Account—State Appropriation	<del>(\$44,196,000)</del>
	<u>\$44,256,000</u>
Public Service Revolving Account—Federal Appropriation	\$100,000
Pipeline Safety Account—State Appropriation	<del>(\$3,593,000)</del>
	<u>\$3,537,000</u>
Pipeline Safety Account—Federal Appropriation	\$3,241,000
<b>TOTAL APPROPRIATION</b>	<del>(\$61,711,000)</del>
	<u>\$60,940,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$800,000 of the public service revolving account—state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

(2) \$137,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act).

(3) \$179,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5295 (gas & electric rates).

(4) (a) \$251,000 of the general fund—state appropriation for fiscal year 2022 and \$199,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to examine feasible and practical pathways for investor-owned electric and natural gas utilities to contribute their share to greenhouse gas emissions reductions as described in RCW 70A.45.020, and the impacts of energy decarbonization on residential and commercial customers and the electrical and natural gas utilities that serve them.

(b) The examination required in (a) of this subsection must identify and consider:

(i) How natural gas utilities can decarbonize;

(ii) The impacts of increased electrification on the ability of electric utilities to deliver services to current natural gas customers reliably and affordably;

(iii) The ability of electric utilities to procure and deliver electric power to reliably meet that load;

(iv) The impact on regional electric system resource adequacy, and the transmission and distribution infrastructure requirements for such a transition;

(v) The costs and benefits to residential and commercial customers, including environmental, health, and economic benefits;

(vi) Equity considerations and impacts to low-income customers and highly impacted communities; and

(vii) Potential regulatory policy changes to facilitate decarbonization of the services that gas companies provide while ensuring customer rates are fair, just, reasonable, and sufficient.

(c) The commission may require data and analysis from investor-owned natural gas and electric utilities, and consumer owned utilities may submit data to the commission to inform the investigation. The results of the examination must be reported to the appropriate legislative committees by June 1, 2023.

(5) \$76,000 of the public service revolving account—state appropriation is provided solely to implement Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon).

(6) \$36,000 of the public service revolving account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1114 (urban heat island mitigation).

(7) \$667,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1723 (digital equity act). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(8) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the commission to coordinate with the office of the insurance commissioner to study the issue of utility liability insurance and report its findings to the governor and the appropriate committees of the legislature by June 1, 2023.

(9) \$68,000 of the public service revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5974 (transportation resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(10) \$92,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5678 (energy project orders). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(11) ~~(\$358,000)~~ \$202,000 of the general fund—state appropriation for fiscal year 2023 and ~~(\$56,000 of the pipeline safety account—state appropriation)~~ \$60,000 of the public service revolving account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5910 (hydrogen). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

**Sec. 1124.** 2022 c 297 s 143 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund—State Appropriation (FY 2022) . . . . .	\$10,422,000
General Fund—State Appropriation (FY 2023) . . . . .	\$13,291,000
General Fund—Federal Appropriation . . . . .	\$132,559,000
( <del>Enhanced</del> ) 911 Account—State Appropriation . . . . .	\$54,034,000
Disaster Response Account—State Appropriation . . . . .	( <del>(\$75,553,000)</del> )
	<u>\$63,546,000</u>
Disaster Response Account—Federal Appropriation . . . . .	( <del>(\$1,068,847,000)</del> )
	<u>\$1,668,646,000</u>
Military Department Rent and Lease Account—State Appropriation . . . . .	\$1,000,000
Military Department Active State Service Account— State Appropriation . . . . .	\$400,000
Oil Spill Prevention Account—State Appropriation . . . . .	\$1,040,000
Worker and Community Right to Know Fund—State Appropriation . . . . .	\$1,919,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>(<del>(\$1,359,065,000)</del>)</b>
	<b><u>\$1,946,857,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees by February 1st and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2021-2023 biennium based on current revenue and expenditure patterns.

(2) \$40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) \$11,000,000 of the (~~enhanced~~) 911 account—state appropriation is provided solely for financial assistance to counties.

(4) \$784,000 of the disaster response account—state appropriation is provided solely for fire suppression training, equipment, and supporting costs to national guard soldiers and airmen.

(5) (~~(\$200,000)~~)\$386,000 of the military department rental and lease account—state appropriation is provided solely for maintenance staff.

(6) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$700,000 of the disaster response account—state appropriation are provided solely for grants to assist eligible individuals and families with the purchase of household appliances, home repair, and home replacement including construction, building materials, site preparation, and permitting fees. The maximum grant to an eligible individual or household is \$2,500. Grants will be awarded on a first-come, first-serve basis subject to availability of amounts provided in this subsection. For purposes of this subsection, "household appliance" means a machine that assists with household functions such as cooking, cleaning and food preservation. To be eligible, an individual or family must:

(a) Be a resident of Douglas, Okanogan, Pierce, or Whitman county;

(b) Have suffered damage to their home or was displaced from a rental unit used as their primary residence due to a wildfire occurring in fiscal year 2021;

(c) Not have or have inadequate private insurance to cover the cost of household appliance replacement;

(d) Not qualify for individual assistance through the federal emergency management agency; and

(e) Meet one of the following criteria:

(i) Is disabled;

(ii) Has a household income equal to or less than 80 percent of county median household income;

(iii) The home qualified for the property tax exemption program in RCW 84.36.379 through 84.36.389; or

(iv) The home qualified for the property tax deferral program in chapter 84.38 RCW.

(7) \$2,136,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to administer the emergency management performance grants according to federal laws and guidelines.

(8) \$3,808,000 of the disaster response account—state appropriation and \$46,039,000 of the disaster response account—federal appropriation are provided solely for agency costs for acquiring personal protective equipment as listed in LEAP omnibus document 2021-FEMA PPE, dated April 24, 2021. The department must coordinate with the agencies who have costs listed in LEAP omnibus document 2021-FEMA PPE, dated April 24, 2021, to ensure application to the federal emergency management agency for reimbursement.

(9) (a) \$251,000 of the general fund—state appropriation for fiscal year 2022 and \$775,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the military department to facilitate a task force to conduct a comprehensive after-action review of the statewide pandemic response and recovery.

(b) The task force is composed of the following members:

(i) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(ii) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(iii) The secretary of the department of health, or the secretary's designee;

(iv) The adjutant general of the military department, or the adjutant general's designee;

(v) The commissioner of the employment security department, or the commissioner's designee;

(vi) The director of the department of financial institutions, or the director's designee;

(vii) The insurance commissioner, or the commissioner's designee;

(viii) The secretary of the department of social and health services, or the secretary's designee;

(ix) The superintendent of public instruction, or the superintendent's designee;

(x) The director of the department of labor and industries, or the director's designee;

(xi) The director of the department of commerce, or the director's designee;

(xii) The director of the department of enterprise services, or the director's designee;

(xiii) The secretary of the department of transportation, or the secretary's designee;

(xiv) The director of the department of licensing, or the director's designee;

(xv) The director of the office of financial management, or the director's designee;

(xvi) The director of the health care authority, or the director's designee;

(xvii) The executive director of the pharmacy quality assurance commission, or the executive director's designee;

(xviii) One member representing the Washington association of sheriffs and police chiefs;

(xix) One member representing the association of Washington businesses; and

(xx) Additional members to be appointed by the governor, as follows:

(A) One member representing the office of the governor;

(B) One member representing the association of Washington cities;

(C) One member representing the Washington state association of counties;

(D) One member representing emergency and transitional housing providers;

(E) One member representing a statewide association representing physicians;

(F) One member representing a statewide association representing nurses;

(G) One member representing a statewide association representing hospitals;



- (H) One member representing community health centers;
- (I) Two members representing local public health officials;
- (J) Two members representing local emergency management agencies, one member located west of the crest of the Cascade mountains and one member located east of the crest of the Cascade mountains;
- (K) At least one member representing federally recognized tribes;
- (L) Up to 10 members representing demographic groups that have been disproportionately impacted by the COVID-19 pandemic, that include, but are not limited to, individuals of different race, class, gender, ethnicity, and immigration status;
- (M) One member representing leisure and hospitality industries;
- (N) One member representing education services; and
- (O) One member representing manufacturing and trade industries.
- (c) The adjutant general, or the adjutant general's designee, and the secretary of the department of health, or the secretary's designee, shall cochair the task force and convene its initial meeting.
- (d) (i) The task force shall conduct the comprehensive after-action review of the COVID-19 pandemic response in accordance with established national standards for emergency or disaster after-action reviews. In order to improve the response to and recovery from future pandemics, the task force shall develop lessons learned and make recommendations that include, but are not limited to, the following:
- (A) Aspects of the COVID-19 response that may inform future pandemic and all-hazards responses;
- (B) Emergency responses that would benefit the business community and workers during a pandemic;
- (C) Standards regarding flexible rent and repayment plans for residential and commercial tenants during a pandemic;
- (D) Whether establishing regional emergency management agencies would benefit Washington state emergency response to future pandemics;
- (E) Gaps and needs for volunteers to support medical professionals in performing their pandemic emergency response functions within Washington state;
- (F) Gaps and needs for tools to measure the scale of an impact caused by a pandemic and tailoring the pandemic response to affected regions based on the scale of the impact in those regions;
- (G) Gaps and needs in health care system capacity and case tracking, monitoring, control, isolation and quarantine, and deploying medical supplies and personnel; and
- (H) Implementing guidelines for school closures during a pandemic.
- (ii) The topics identified in (i) of this subsection (9)(d) are intended to be illustrative but not exhaustive. The task force should consider issues relating to equity, disparities, and discrimination in each topic it studies and for which it makes recommendations.
- (e) The military department must provide staff support for the task force. The military department may employ staff and contracted support to fulfill the requirements of this subsection.
- (f) The task force shall consult with owners of small businesses, epidemiologists, and representatives of immigrant communities.
- (g) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses in accordance with chapter 43.03 RCW.
- (h) The task force shall report its initial findings and recommendations to the governor and the appropriate committees of the legislature by June 30, 2022. The task force shall report its final findings and recommendations to the governor and the appropriate committees of the legislature by June 30, 2023.
- (10) (a) Within amounts appropriated in this act, the department must coordinate with the department of commerce in the administration of the grant program created in section 129(88) of this act.
- (b) If the federal emergency management agency provides reimbursement for any portion of the costs incurred by a city or county that were paid for using state grant funding provided under section 129(88) of this act, the military department shall remit the reimbursed funds to the state general fund.
- (c) The department must provide technical assistance for the public assistance program application process to applicants to the grant program created in section 129(88) of this act.
- (11) \$438,000 of the disaster response account—state appropriation is provided solely for a dedicated access and functional needs program manager, access and functional need services, and a dedicated tribal liaison to assist with disaster preparedness and response.
- (12) \$275,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide a grant to the Ruckelshaus center to compare traditional decision making systems with other decision making structures and provide recommendations for future emergency responses.
- (13) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract for the development of a plan for a state-level disaster individual assistance program. The program should be modeled after successful programs in other states and be linked to complimentary programs at agencies such as the departments of commerce and social and health services, and the office of the governor. The fully developed program will detail the establishment, operations, and maintenance of a

state-level disaster individual assistance program. A report detailing findings and recommendations for creating the program shall be delivered to the appropriate legislative committees by June 30, 2023.

(14) \$15,000 of the (~~enhanced~~) 911 account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5555 (safety telecommunicators). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(15) \$7,500,000 of the disaster response account—state appropriation is provided solely for the department to make grants for individual assistance to those impacted by extreme weather events and natural disasters in fiscal year 2022 and fiscal year 2023.

(16) (~~(\$4,853,000)~~) \$816,000 of the disaster response account—state appropriation is provided solely for the department to use as matching funds for the federal emergency management agency building resilient infrastructure and communities (BRIC) grant program.

**Sec. 1125.** 2022 c 297 s 146 (uncodified) is amended to read as follows:

**FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' and Reserve Officers'

Administrative Account—State Appropriation. . . . . (~~(\$4,978,000)~~)

\$2,575,000

TOTAL APPROPRIATION.....(~~(\$4,978,000)~~)

\$2,575,000

The appropriation in this section is subject to the following conditions and limitations: (~~(\$3,930,000)~~) \$1,527,000 of the volunteer firefighters' and reserve officers' administrative account—state appropriation is provided solely for a benefits management system, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

**Sec. 1126.** 2022 c 297 s 147 (uncodified) is amended to read as follows:

**FOR THE FORENSIC INVESTIGATION COUNCIL**

Death Investigations Account—State Appropriation. . . . . (~~(\$754,000)~~)

\$770,000

TOTAL APPROPRIATION.....(~~(\$754,000)~~)

\$770,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$250,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(b) Of the amounts provided in this subsection, \$30,000 of the death investigations account—state appropriation is provided solely for the Adams county crime lab to investigate a double homicide that occurred in fiscal year 2021.

(2) \$210,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

(3) Within the amount appropriated in this section, the forensic investigation council may enter into an interagency agreement with the department of enterprise services for the department to provide services related to public records requests, to include responding to, or assisting the council in responding to, public disclosure requests received by the council.

**Sec. 1127.** 2022 c 297 s 148 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

General Fund—State Appropriation (FY 2022). . . . . \$7,016,000

General Fund—State Appropriation (FY 2023). . . . . (~~(\$12,516,000)~~)

\$13,280,000

General Fund—Private/Local Appropriation. . . . . \$102,000

Building Code Council Account—State Appropriation. . . . . \$2,277,000

TOTAL APPROPRIATION.....(~~(\$21,911,000)~~)

\$22,675,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,151,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$6,127,000)~~) \$6,741,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the payment of facilities and services charges to include campus rent, parking, security, contracts, public and historic facilities charges, financial cost recovery, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(3) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2022 and \$1,300,000 in fiscal year 2023.

(4) Within existing resources, beginning October 31, 2021, the department, in collaboration with consolidated technology services, must provide a report to the governor and fiscal committees of the legislative by October 31 of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that same calendar year, and must also include any contract that was active since July 1 of the previous calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, contract term start and end dates, contract dollar amount in total, and contract dollar amounts by state fiscal year. The report must also include, by contract, the contract spending projections by state fiscal year for each ensuing state fiscal year through the contract term, and note the type of service delivered. The list of contracts must be provided electronically in Excel and be sortable by all field requirements. The report must also include trend analytics on information technology contracts, and recommendations for reducing costs where possible.

(5) \$162,000 of the general fund—state appropriation in fiscal year 2022 and \$162,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to waive rent fees and charges through June 30, 2023, for vendors who are blind business enterprise program licensees by the department of services for the blind and who lease space and operate food service businesses, inclusive of delis, cafeterias, and espresso stands, in state government buildings.

(6) Within existing resources, the state building code council, in collaboration with the LGBTQ commission, must develop a plan to incorporate into future Washington state building codes options for the design and construction of inclusive bathroom facilities that are consistent with a person's own gender expression or gender identity. Coordination must begin by September 1, 2021, and a preliminary report of the plan is due by September 1, 2022.

(7)(a) The department must work with the office of financial management to identify leases that will be up for renewal effective July 1, 2022, through June 30, 2024.

(b) The department must collaborate with the office of financial management on reduction in leased office space by agency for fiscal years 2024 and 2025.

(8)(a) The department must work collaboratively with at least each state agency that has fleet vehicles to discuss the agency need for the number of fleet vehicles each agency has as of July 1, 2021. The department must identify and report, at least:

(i) The count of fleet vehicles by agency by type, and the cost by fund source by fiscal year for fiscal year 2019, 2020, 2021, 2022, and 2023 for agency fleet vehicles;

(ii) The mileage data by agency by fleet vehicle for fiscal year 2019, 2020, and 2021, and the estimates for fiscal year 2022 and 2023; and

(iii) The business justification for the amount of fleet vehicles in fiscal year 2022 and 2023, by agency, given the change in business practice from in-person to remote work and video conferencing that began in 2020.

(b) The department must submit the report to fiscal and appropriate policy committees of the legislature by December 1, 2021.

(9)(a) The department must examine the motor pool fleet to determine the need for the number of vehicles. The department must identify, at least:

(i) The count of motor pool vehicles by type;

(ii) The cost recovery needed by fiscal year for fiscal year 2021, 2022, and 2023. This must include the anticipated recovery by fund source by fiscal year for fiscal year 2021, 2022, and 2023;

(iii) The mileage data by motor pool vehicle for fiscal year 2019, 2020, and 2021, and the estimates for 2022 and 2023; and

(iv) The business justification for the amount of motor vehicles in fiscal year 2022 and 2023, given the change in business practice from in-person to remote work and video conferencing.

(b) The department must report to fiscal and appropriate policy committees of the legislature by December 1, 2021.

(10) \$69,000 of the building code council account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1184 (risk-based water quality standards).

(11)(a) \$654,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department, in collaboration with the state efficiency and environmental performance program, to:

(i) Prepare a zero emission vehicle implementation strategy, to include standard metrics and reporting requirements, for the department's managed vehicles, as outlined in executive order 21-04, to include at least passenger vehicles and maintenance vehicles;

(ii) Prepare a zero emission vehicle implementation strategy in collaboration with state agencies, to include standard metrics and reporting requirements, for state-owned agency

fleet vehicles, as outlined in executive order 21-04, to include at least passenger vehicles and maintenance vehicles;

(iii) Collect and report on what vehicles from (a)(i) and (ii) of this subsection are covered under executive order 21-04 as EV ready, and at what interval by fiscal year and at what cost by vehicle make and model;

(iv) Identify current barriers to EV replacement strategies and outline strategies to overcome these barriers for (a)(i) and (ii) of this subsection and report on these discretely;

(v) Identify optimal charging hub locations by fiscal year for (a)(i) and (ii) of this subsection and the estimated costs to do so by fiscal year;

(vi) Prepare a comprehensive fleet transition schedule for (a)(i) and (ii) of this subsection;

(vii) Create implementation plan templates for use by state agencies; and

(viii) Estimate fiscal impacts of EV costs by vehicle type compared to the base funding that was used to purchase or lease the vehicles being replaced for (a)(i) and (ii) of this subsection.

(b) The department must submit a preliminary report responsive to (a)(i) through (viii) of this subsection by April 30, 2023, to the fiscal committees of the legislature, and a final report by June 30, 2023.

(12) \$2,952,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for zero emission electric vehicle supply equipment infrastructure at state-owned facilities to accommodate charging station installation. The electric vehicle charging equipment must allow for the collection of usage data and must be coordinated with the state efficiency and environmental performance program. The department must prioritize locations based on state efficiency and environmental performance location priorities, and at least where zero emission fleet vehicles are scheduled to be purchased in fiscal year 2023. The department must report when and where the equipment was installed, usage data at each charging station, and the state agencies and state facilities that benefit from the installation of the charging station to the fiscal committees of the legislature by June 30, 2023, for those installed in fiscal year 2023, and each fiscal year thereafter if further funding is provided. The department shall collaborate with the interagency electric vehicle coordinating council established in Engrossed Substitute Senate Bill No. 5974 (transportation resources) to implement this subsection and must work to meet benchmarks established in Engrossed Substitute Senate Bill No. 5974 (transportation resources).

**Sec. 1128.** 2022 c 297 s 150 (uncodified) is amended to read as follows:

**FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY**

General Fund—State Appropriation (FY 2022) . . . . .	\$581,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$631,000</del> ))
	<u>\$531,000</u>
Consolidated Technology Services Revolving Account—	
State Appropriation . . . . .	\$60,113,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>((<del>\$61,325,000</del>))</b>
	<u>\$61,225,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$11,598,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of the chief information officer. Of this amount:

(a) \$2,000,000 of the consolidated technology services revolving account—state appropriation is provided solely for experienced information technology project managers to provide critical support to agency IT projects that are under oversight from the office of the chief information officer. The staff or vendors will:

(i) Provide master level project management guidance to agency IT stakeholders;

(ii) Consider statewide best practices from the public and private sectors, independent review and analysis, vendor management, budget and timing quality assurance and other support of current or past IT projects in at least Washington state and share these with agency IT stakeholders and legislative fiscal staff at least twice annually and post these to the statewide IT dashboard; and

(iii) Provide independent recommendations to legislative fiscal committees by December of each calendar year on oversight of IT projects to include opportunities for accountability and performance metrics.

(b) \$2,960,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of privacy and data protection.

(2) \$12,168,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4) (a) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures must include the following:

- (i) The agency's priority ranking of each information technology request;
- (ii) The estimated cost by fiscal year and by fund for the current biennium;
- (iii) The estimated cost by fiscal year and by fund for the ensuing biennium;
- (iv) The estimated total cost for the current and ensuing biennium;
- (v) The total cost by fiscal year, by fund, and in total, of the information technology project since it began;
- (vi) The estimated cost by fiscal year and by fund over all biennia through implementation and close out and into maintenance and operations;
- (vii) The estimated cost by fiscal year and by fund for service level agreements once the project is implemented;
- (viii) The estimated cost by fiscal year and by fund for agency staffing for maintenance and operations once the project is implemented; and
- (ix) The expected fiscal year when the agency expects to complete the request.

(b) The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(5) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(6) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(7) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

(8) The health care authority, the health benefit exchange, the department of social and health services, the department of health, the department of corrections, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(9) \$4,330,000 of the consolidated technology services revolving account—state appropriation is provided solely for the creation and ongoing delivery of information technology services tailored to the needs of small agencies. The scope of services must include, at a minimum, full-service desktop support, service assistance, security, and consultation.

(10) \$23,150,000 of the consolidated technology services revolving account—state appropriation is provided solely for the procurement and distribution of Microsoft 365 licenses which must include advanced security features and cloud-based private branch exchange capabilities for state agencies. The office must report annually to fiscal committees of the legislature beginning December 31, 2021, and each December 31 thereafter, on the count and type of licenses distributed by consolidated technology services to each state agency. The report must also separately report on the count and type of Microsoft 365 licenses that state agencies have in addition to those that are distributed by consolidated technology services so that the total count, type of license, and cost is known for statewide Microsoft 365 licenses.

(11) (a) The statewide information technology dashboard elements must include, at a minimum, the:

- (i) Start date of the project;
- (ii) End date of the project, when the project will close out and implementation will commence;
- (iii) Term of the project in state fiscal years across all biennia to reflect the start of the project through the end of the project;
- (iv) Total project cost from start date through the end date of the project in total dollars, and a subtotal of near general fund outlook;
- (v) Near general fund outlook budget and actual spending in total dollars and by fiscal month for central service agencies that bill out project costs;
- (vi) Start date of maintenance and operations;
- (vii) Estimated annual state fiscal year cost of maintenance and operations after implementation and close out;
- (viii) Actual spending by state fiscal year and in total for state fiscal years that have closed;
- (ix) Date a feasibility study was completed; and
- (x) A list of funding received by fiscal year by enacted session law, and how much was received citing chapter law as a list of funding provided by fiscal year.

(b) The office of the chief information officer may recommend additional elements to include but must have agreement with legislative fiscal committees and the office of financial management prior to including additional elements.

(c) The agency must ensure timely posting of project data on the statewide information technology dashboard for at least each project funded in the budget and under oversight to include, at a minimum, posting on the dashboard:

(i) The budget funded level by project for each project under oversight within 30 calendar days of the budget being signed into law;

(ii) The project historical expenditures through fiscal year 2021, by December 31, 2021, for all projects that started prior to July 1, 2021;

(iii) The project historical expenditures through fiscal year 2022, by December 31, 2022, for all projects that started prior to July 1, 2022; and

(iv) Whether each project has completed a feasibility study.

(12) Within existing resources, consolidated technology services must collaborate with the department of enterprise services on the annual contract report that provides information technology contract information. Consolidated technology services will:

(a) Provide data to the department of enterprise services annually beginning September 1, 2021, and each September 1 of each year; and

(b) Provide analysis on contract information for all agencies comparing spending across state fiscal years by, at least, the contract spending towers.

(13) \$12,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of the chief information officer who must convene a work group to examine how automated decision making systems can best be reviewed before adoption and while in operation and be periodically audited to ensure that such systems are fair, transparent, accountable and do not improperly advantage or disadvantage Washington residents.

(a) The work group must be composed of:

(i) A representative of the department of children, youth, and families;

(ii) A representative of the department of corrections;

(iii) A representative of the department of social and health services;

(iv) A representative of the department of enterprise services;

(v) At least two representatives from universities or research institutions who are experts in the design and effect of an algorithmic system; and

(vi) At least five representatives from advocacy organizations that represent communities that are disproportionately vulnerable to being harmed by algorithmic bias, including but not limited to, African American, Hispanic American, Native American, and Asian American communities, religious minorities, people with disabilities, and other vulnerable communities.

(b) The purpose of the work group is to develop recommendations for changes in state law and policy regarding the development, procurement, and use of automated decision systems by public agencies. The work group must examine:

(i) When state agency use of automated decision making systems should be prohibited;

(ii) When state agency use of artificial intelligence-enabled profiling systems should be prohibited;

(iii) Changes in the procurement of automated decision systems, including when the procurement must receive prior approval by the office of chief information officer;

(iv) How to review, identify, and audit systems to ensure that the system prior to procurement and after placed into service does not discriminate against an individual, or treat an individual less favorably than another, in whole or in part, on the basis of one or more factors enumerated in RCW 49.60.010;

(v) How to provide public notice when an automated decision system is in use and how to appeal such decisions;

(vi) How automated decision system data should be stored and whether such data should be shared outside the system; and

(vii) Other issues determined by the office of chief information officer or the department of enterprise services that are necessary to govern state agency procurement and use of automated decision systems.

(c) To demonstrate the impacts of its recommendations, the work group must select one of following automated decision making systems and describe how their implementation would affect the procurement of a new system and the use the existing system:

(i) The department of children, youth, and families system used to determine risk in the family child welfare system;

(ii) The department of corrections system used to determine risk for purposes of evaluating early release and/or sentencing; or

(iii) The department of social and health services system used for hospital admissions.

(d) The work group shall meet at least four times, or more frequently to accomplish its work. The office of the chief information officer must lead the work group. Each of the state agencies identified in (a) of this subsection must provide staff support to the work group and its activities.

(e) The work group must submit a report to the fiscal committees of the legislature and the governor no later than December 1, 2021.

(f) For purposes of this subsection, "automated decision system" or "system" means any algorithm, including one incorporating machine learning or other artificial intelligence techniques, that uses data-based analysis or calculations to make or support government decisions, judgments, or conclusions that cause a Washington resident to be treated differently than another Washington resident in the nature or amount of governmental

interaction with that individual including, without limitation, benefits, protections, required payments, penalties, regulations, timing, application, or process requirements.

(14) \$81,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1274 (cloud computing solutions).

(15)(a) \$381,000 of the general fund—state appropriation for fiscal year 2022 and \$343,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the chief information officer to provide a common platform for hosting existing state data on natural hazards risks into a comprehensive, multihazard, statewide, geospatial data portal to assist with state hazard risk and resilience mapping and analysis. In performing this work, the office of the chief information officer will:

(i) Coordinate with the state emergency management division, office of the insurance commissioner, University of Washington climate impacts group and Washington sea grant, Washington State University water research center, and the state departments of ecology, health, natural resources, and transportation on the project scope, user needs, and deliverables;

(ii) Organize data in standardized and compatible formats including temporal data, where able; and

(iii) Address credentialing for secure access to protect sensitive data needed for risk analyses.

(b) By December 1, 2022, in consultation with the governor's office and the other agencies listed above, the office of the chief information officer will provide a progress report to the relevant legislative committees on the development of the platform and data sharing agreements.

(c) By June 1, 2023, in consultation with the governor's office and the other agencies listed above, the office of the chief information officer will provide a final report with recommendations for further enhancing natural hazards resiliency by using data to inform the development of a statewide resilience strategy.

(d) This subsection is subject to the conditions, limitations, and review of section 701 of this act.

(16) \$1,493,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5432 (cybersecurity/state gov.).

(17) \$4,333,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of the enterprise cloud computing program as outlined in the December 2020 Washington state cloud readiness report. Funding provided includes, but is not limited to, cloud service broker resources, cloud center of excellence, cloud management tools, a network assessment, cybersecurity governance, and a cloud security roadmap.

(18) \$2,375,000 of the consolidated technology services revolving account—state appropriation is provided solely for the implementation of the recommendations of the cloud transition task force report to include:

(a) Establishing a cloud readiness program to help agencies plan and prepare for transitioning to cloud computing;

(b) Establishing the cloud retraining program to provide a coordinated approach to skills development and retraining; and

(c) Staffing to define career pathways and core competencies for the state's information technology workforce.

(19)(a) The office must develop a statewide electronic health records plan, in coordination with the department of social and health services, department of corrections, and health care authority. Each agency must provide staff support for developing the statewide electronic health records plan. The purpose of the plan is to implement a common technology solution to leverage shared business processes and data across the state in support of client services.

(b) The statewide electronic health records plan must include, but is not limited to, the following elements:

(i) A proposed governance model for the electronic health records solution;

(ii) An implementation plan for the technology solution from kickoff through five years maintenance and operations post implementation;

(iii) A technology budget to include estimated budget and resources needed to implement the electronic health records solution by agency and across the state, including fund sources and all technology budget element requirements as outlined in section 701(4), chapter 297, Laws of 2022;

(iv) A licensing plan in consultation with the department of enterprise services that seeks to utilize the state data center;

(v) A procurement approach, in consultation with the department of enterprise services;

(vi) A system that must be capable of being continually updated, as necessary;

(vii) A system that will use an agile development model holding live demonstrations of functioning software, developed using incremental user research, held at the end of every two-week sprint;

(viii) A system that will deploy usable functionality into production for users within 180 days from the date of an executed procurement contract in response to a competitive request for proposal;

(ix) A system that uses quantifiable deliverables that must include live, accessible demonstrations of software in development to program staff and end users at each sprint or at least monthly;

(x) A requirement that the agency implementing its electronic health record solution must invite the office and the agency comptrollers or their designee to sprint reviews;

(xi) A requirement that there is an annual independent audit of the system to evaluate compliance of the software solution vendor's performance standards and contractual requirements and technical code quality, and that it meets user needs;

(xii) A recommended program structure for implementing a statewide electronic health records solution;

(xiii) A list of individual state agency projects that will need to implement a statewide electronic health records solution and the readiness of each agency to successfully implement;

(xiv) The process for agencies to request funding from the consolidated technology services for their electronic health records projects. The submitted application must:

(A) Include at least a technology budget in compliance with the requirements of section 701(4), chapter 297, Laws of 2022 that each impacted agency budget office will assist with; and

(B) Be posted to the statewide information technology dashboard and meet all statewide dashboard posting requirements; and

(xv) The approval criteria for agencies to receive funds for their electronic health records project. Approval for funds to be released may not be given without an approved current technology budget, and the office must notify the fiscal committees of the legislature. The office may not approve funding for the project any earlier than 10 business days from the date of notification to the fiscal committees of the legislature.

(End of part)

**PART XII  
HUMAN SERVICES  
SUPPLEMENTAL**

**Sec. 1201.** 2022 c 297 s 201 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.



(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) The health care authority, the health benefit exchange, the department of social and health services, the department of health, the department of corrections, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, support the adoption of a cohesive technology and data architecture, and maximize federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(8)(a) The appropriations to the department of social and health services in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, ~~((2022))~~2023, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year ~~((2022))~~2023 among programs and subprograms after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year ~~((2022))~~2023 in response to the COVID-19 pandemic or caseload forecasts and utilization assumptions in the long-term care, developmental disabilities, and public assistance programs, the department may transfer state appropriations that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(9) The department may not transfer appropriations for the developmental disabilities program to any other program or subprograms of the department of social and health services.

**Sec. 1202.** 2022 c 297 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM**

(1) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2022)	\$395,156,000
General Fund—State Appropriation (FY 2023)	(( <del>\$477,498,000</del> ))
	<u>\$540,291,000</u>
General Fund—Federal Appropriation	(( <del>\$183,198,000</del> ))
	<u>\$178,872,000</u>
General Fund—Private/Local Appropriation	(( <del>\$15,528,000</del> ))
	<u>\$13,392,000</u>
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	\$5,961,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$1,077,341,000</del>))</b> <b><u>\$1,133,672,000</u></b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals and residential treatment facilities may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$311,000 of the general fund—state appropriation for fiscal year 2022 and \$310,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (1)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the

city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) \$45,000 of the general fund—state appropriation for fiscal year 2022 and \$45,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$19,000 of the general fund—state appropriation for fiscal year 2022 and \$19,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas.

(e) \$135,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to maintain an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(f) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to track compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health entities and other organizations responsible for resource management services for the person is notified of this determination; and (iii) the date on which either the individual is transitioned to the community or has been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health entities and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2021, and December 1, 2022.

(g) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) By the first day of each December during the biennium, the department, in coordination with the health care authority, must submit a report to the office of financial management and the appropriate committees of the legislature which summarizes how the predictive modeling tool has been implemented and includes the following: (A) The numbers of individuals identified by the tool as having a high risk of future criminal justice involvement; (B) the method and frequency for which the department is providing lists of high-risk clients to contracted managed care organizations and behavioral health administrative services organizations; (C) a summary of how the managed care organizations and behavioral health administrative services organizations are utilizing the data to improve the coordination of care for the identified individuals; and (D) a summary of the administrative data to identify whether implementation of the tool is resulting in increased access and service levels and lower recidivism rates for high-risk clients at the state and regional level.

(ii) The department must provide staff support for the forensic and long-term civil commitment bed forecast which must be conducted under the direction of the office of financial management. The forecast methodology, updates, and methodology changes must be conducted in coordination with staff from the department, the health care authority, the office of financial management, and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities, which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for estimating the number of beds needed to meet the demand for civil and forensic state hospital services. Factors should include identification of need for the services and analysis of the effect of community investments in behavioral health services and other types of beds that may reduce the need for long-term civil commitment needs. The forecast must be updated each February, June, and November during the biennium and the department must submit a report to the legislature and the appropriate committees of the legislature summarizing the updated forecast based on the caseload forecast council's schedule for entitlement program forecasts.

(h) \$5,049,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$5,075,000)~~)\$5,761,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan

provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, forensic navigators, crisis diversion and supports, education and training, and workforce development.

(i) \$7,147,000 of the general fund—state appropriation for fiscal year 2022 and \$7,147,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to maintain implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of competency evaluators that began in fiscal year 2016 pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(j) \$71,690,000 of the general fund—state appropriation for fiscal year 2022, \$77,825,000 of the general fund—state appropriation for fiscal year 2023, and \$2,541,000 of the general fund—federal appropriation are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services) and the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. These amounts must be used to maintain increases that were implemented between fiscal year 2016 and fiscal year 2021, and further increase the number of forensic beds at western state hospital during the 2021-2023 fiscal biennium. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need.

(k) \$76,029,000 of the general fund—state appropriation for fiscal year 2022 and \$65,875,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to continue to implement an acuity based staffing tool at western state hospital and eastern state hospital in collaboration with the hospital staffing committees. The staffing tool must be used to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must evaluate interrater reliability of the tool within each hospital and between the two hospitals. The department must also continue to update, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan that looks at all positions and functions of the facilities.

(i) Within the amounts provided in this section, the department must establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services.

(ii) By December 1, 2021, and December 1, 2022, the department must submit reports to the office of financial management and the appropriate committees of the legislature that provide a comparison of monthly spending, staffing levels, overtime, and use of locums for the prior year compared to allotments and to the recommended state hospital staffing model. The format for these reports must be developed in consultation with staff from the office of financial management and the appropriate committees of the legislature. The reports must include a summary of the results of the evaluation of the interrater reliability in use of the staffing acuity tool and an update from the hospital staffing committees.

(iii) Monthly staffing levels and related expenditures at the state hospitals must not exceed official allotments without prior written approval from the director of the office of financial management. In the event the director of the office of financial management approves an increase in monthly staffing levels and expenditures beyond what is budgeted, notice must be provided to the appropriate committees of the legislature within 30 days of such approval. The notice must identify the reason for the authorization to exceed budgeted staffing levels and the time frame for the authorization. Extensions of authorizations under this subsection must also be submitted to the director of the office of financial management for written approval in advance of the expiration of an authorization. The office of financial management must notify the appropriate committees of the legislature of any extensions of authorizations granted under this subsection within 30 days of granting such authorizations and identify the reason and time frame for the extension.

(l) \$4,681,000 of the general fund—state appropriation for fiscal year 2022 and \$10,581,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement strategies to improve patient and staff safety at eastern and western state hospitals. These amounts must be used for continuing to implement a new intensive care model program at western state hospital and maintaining prior investments in training and other safety-related staff support at both hospitals. A report must be submitted by December 1, 2021, and December 1, 2022, which includes a description of the violence reduction or safety strategy, a profile of the types of patients being served, the staffing model being used, and outcomes associated with each strategy. The outcomes section should include tracking data on facility-wide metrics related to patient and staff safety as well as individual outcomes related to the patients served.

(m) \$2,593,000 of the general fund—state appropriation for fiscal year 2022 and \$2,593,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to increase services to patients found not guilty by reason of insanity under the *Ross v. Lashway* settlement agreement.

(n) Within the amounts provided in this subsection, the department must develop and submit an annual state hospital performance report for eastern and western state hospitals. Each measure included in the performance report must include baseline performance data, agency performance targets, and performance for the most recent fiscal year. The performance report must include a one page dashboard as well as charts for each fiscal and quality of care measure broken out by hospital and including but not limited to (i) monthly FTE expenditures compared to allotments; (ii) monthly dollar expenditures compared to allotments; (iii) monthly FTE expenditures per thousand patient bed days; (iv) monthly dollar expenditures per thousand patient bed days; (v) percentage of FTE expenditures for overtime; (vi) average length of stay by category of patient; (vii) average monthly civil wait list; (viii) average monthly forensic wait list; (ix) rate of staff assaults per thousand patient bed days; (x) rate of patient assaults per thousand patient bed days; (xi) average number of days to release after a patient has been determined to be clinically ready for discharge; and (xii) average monthly vacancy rates for key clinical positions. The department must submit the state hospital performance report to the office of financial management and the appropriate committees of the legislature by the first day of each December of the biennium.

(o) \$3,773,000 of the general fund—state appropriation for fiscal year 2022, \$4,099,000 of the general fund—state appropriation for fiscal year 2023, and \$4,772,000 of the general fund—federal appropriation are provided solely to open a new unit at the child study treatment center which shall serve up to 18 children.

(p) \$159,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to prepare for opening a 16 bed facility located in Clark county to provide long-term inpatient care beds as defined in RCW 71.24.025. The department must use this facility to provide treatment services for individuals who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward opening the new facility.

(q) ~~\$1,382,000 of the general fund—state appropriation for fiscal year 2022 ((\$5,092,000)) and \$13,283,000 of the general fund—state appropriation for fiscal year 2023 ((\$5,092,000 of the general fund—federal appropriation is))~~ are provided solely for the department to operate ~~((a 16 bed facility))~~ facilities for 46 beds on the Maple Lane campus to provide long-term inpatient care beds as defined in RCW 71.24.025 and beds for individuals who have been acquitted of a crime by reason of insanity and subsequently ordered to receive treatment services under RCW 10.77.120. The ~~((facility))~~ campus must have the capacity to provide treatment services to individuals committed under chapter 71.05 RCW including individuals who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, providing a description of the protocol and a status update on progress toward opening the new facility.

(r) ~~(\$4,316,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to operate the Columbia cottage at Maple Lane as a 30 bed facility to serve individuals who have been acquitted of a crime by reason of insanity and subsequently ordered to receive treatment services under RCW 10.77.120. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward the opening of Columbia cottage.~~

(s)) Within the amounts provided in this section, the department is provided funding to operate civil long-term inpatient beds at the state hospitals as follows:

(i) Funding is sufficient for the department to operate 192 civil beds at eastern state hospital in both fiscal year 2022 and fiscal year 2023.

(ii) Funding for civil beds at western state hospital is reduced during this period to allow for a phased reduction of six wards from 467 to 287 civil beds.

(iii) The closure of western state hospital civil wards shall be implemented according to the following schedule: (A) First ward closure by July 1, 2021; (B) second ward closure by November 1, 2021; (C) third ward closure by March 1, 2022; (D) fourth ward closure by July 1, 2022; (E) fifth ward closure by ~~((November 1, 2022))~~ January 1, 2023; and (F) sixth ward closure by ~~((April 1, 2023))~~ June 30, 2023.

(iv) The department shall fully operate funded civil capacity at eastern state hospital, including reopening and operating civil beds that are not needed for eastern Washington residents to provide services for western Washington residents.

(v) The department shall coordinate with the health care authority toward development of the plan for increasing community capacity for long-term inpatient services required under section 215(67) of this act.

(vi) It is the intent of the legislature to close additional civil wards at western state hospital during the 2023-2025 fiscal biennium.

(vii) It is the intent of the legislature to stop using western state hospital buildings 17, 19, 20, and 21, which were built before the 1950s, for patient care by fiscal year 2027.

~~((+))~~(s) \$360,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to implement Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). The amount in this subsection is provided solely for the department's costs associated with providing access to and following up on referrals from behavioral health consumer advocates in state operated mental health facilities. The department must track the number of monthly cases in which access to behavioral health consumer advocates was provided for patients in state operated mental health facilities and the number of these which resulted in subsequent follow-up investigation by the department. The department must submit a preliminary report to the office of financial management and the appropriate committees of the legislature on the number of monthly cases and follow-up investigations by December 1, 2022, and a final report by June 30, 2023.

~~((+))~~(t) \$1,190,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5664 (forensic competency programs). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((+))~~(u) \$36,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1890 (children behavioral health). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((+))~~(v) \$455,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for western state hospital's vocational rehabilitation program and eastern state hospital's work readiness program to pay patients working in the programs an hourly wage that is equivalent to the state's minimum hourly wage under RCW 49.46.020.

~~((+))~~(w) \$487,000 of the general fund—state appropriation for fiscal year 2022 and \$601,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for design and planning activities for the new forensic hospital being constructed on the grounds of western state hospital.

~~((+))~~(x) \$88,000 of the general fund—state appropriation for fiscal year 2022 and \$2,920,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for relocation, storage, and other costs associated with building demolition on the western state hospital campus.

~~((+))~~(y) \$34,289,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021, and December 31, 2021, for public safety and health employees whose services are presumed to be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

(z) \$2,730,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide additional competency evaluation services for in-jail competency evaluations and community-based evaluations.

(aa) \$1,779,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide behavioral health and stabilization services at the King county south correctional entity for class members of Trueblood, et al. v. Department of Social and Health Services, et al., United States district court for the western district of Washington, cause no. 14-cv-01178-MJP.

(bb) \$1,053,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to address delays in patient discharge. The department shall hire staff dedicated to discharge reviews, including psychologists to complete reviews and staff for additional discharge review work including, but not limited to, scheduling, planning, and providing transportation.

(2) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2022)	\$5,885,000
General Fund—State Appropriation (FY 2023)	\$6,079,000
General Fund—Federal Appropriation	\$409,000
<b>TOTAL APPROPRIATION</b>	<b>\$12,373,000</b>

**Sec. 1203.** 2022 c 297 s 203 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2022)	\$704,242,000
General Fund—State Appropriation (FY 2023)	<del>(\$1,113,004,000)</del>
	<u>\$957,676,000</u>
General Fund—Federal Appropriation	<del>(\$2,303,783,000)</del>
	<u>\$2,349,223,000</u>
General Fund—Private/Local Appropriation	\$4,058,000
Developmental Disabilities Community Services	
Account—State Appropriation	<del>(\$52,000,000)</del>

	<u>\$21,880,000</u>
TOTAL APPROPRIATION.....	<u>(\$4,177,087,000)</u>
	<u>\$4,037,079,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2022 and \$225 per bed beginning in fiscal year 2023. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 must be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2022 and \$116 per bed beginning in fiscal year 2023.

(iii) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2022 and \$359 per bed beginning in fiscal year 2023.

(c) (i) \$2,648,000 of the general fund—state appropriation for fiscal year 2022, \$8,946,000 of the general fund—state appropriation for fiscal year 2023, and \$16,665,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 946 of this act.

(ii) \$8,764,000 of the general fund—state appropriation for fiscal year 2023 and \$11,156,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for fiscal year 2023, as provided in section 939 of this act.

(d) (i) \$291,000 of the general fund—state appropriation for fiscal year 2022, \$992,000 of the general fund—state appropriation for fiscal year 2023, and \$1,844,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(ii) \$953,000 of the general fund—state appropriation for fiscal year 2023 and \$1,214,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(e) (i) \$540,000 of the general fund—state appropriation for fiscal year 2022, \$860,000 of the general fund—state appropriation for fiscal year 2023, and \$1,881,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 948 of this act.

(ii) \$1,389,000 of the general fund—state appropriation for fiscal year 2023 and \$1,278,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for fiscal year 2023, as provided in section 941 of this act.

(f) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(g) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(h) Sufficient appropriations are provided to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other

necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (h) (i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (h) (i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(i) Sufficient appropriations are provided for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(j) \$4,000 of the general fund—state appropriation for fiscal year 2022, \$37,000 of the general fund—state appropriation for fiscal year 2023, and \$42,000 of the general fund—federal appropriation are provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(k) The department will work with the health care authority and Washington state's managed care organizations to establish recommendations for clients who live in the community to access the developmental disabilities administration's facility-based professionals to receive care covered under the state plan. If feasible, these recommendations should detail how to enable facility-based professionals to deliver services at mobile or brick-and-mortar clinical settings in the community. The department must submit its recommendations to the appropriate legislative committees no later than December 1, 2022.

(l) The department of social and health services must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(m) \$300,000 of the general fund—state appropriation for fiscal year 2023 and \$226,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers).

(n) \$408,000 of the general fund—state appropriation for fiscal year 2022, \$416,000 of the general fund—state appropriation for fiscal year 2023, and \$474,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1061 (child welfare/developmental disability).

(o) \$3,474,000 of the general fund—state appropriation for fiscal year 2022, \$88,692,000 of the general fund—state appropriation for fiscal year 2023, and \$92,530,000 of the general fund—federal appropriation are provided solely to increase rates for community residential service providers offering supported living, group home, group training home, and licensed staff residential services to individuals with developmental disabilities. Of the amounts provided in this subsection (o):

(i) \$3,474,000 of the general fund—state appropriation for fiscal year 2022, \$11,423,000 of the general fund—state appropriation for fiscal year 2023, and \$15,262,000 of the general fund—federal appropriation are provided solely to increase the provider rate by 2.0 percent effective January 1, 2022, and by an additional 2.0 percent effective January 1, 2023. Both 2.0 percent rate increases must be used to support providers' ability to maintain direct care staff wages above the statewide minimum wage.

(ii) \$77,269,000 of the general fund—state appropriation for fiscal year 2023 and \$77,268,000 of the general fund—federal appropriation are provided solely to increase the provider rate effective July 1, 2022. It is the intent of the legislature that contracted providers use the funding provided in this subsection (1) (o) (ii) to provide hourly wage increases for direct care workers.

(p) The annual certification renewal fee for community residential service businesses is \$859 per client in fiscal year 2022 and \$859 per client in fiscal year 2023. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(q) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of \$485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(r) \$39,000 of the general fund—state appropriation for fiscal year 2022, \$49,000 of the general fund—state appropriation for fiscal year 2023, and \$131,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2021.

(s) \$1,705,000 of the general fund—state appropriation for fiscal year 2022, \$1,688,000 of the general fund—state appropriation for fiscal year 2023, and \$1,465,000 of the general fund—federal appropriation are provided solely for the development and implementation of 13 enhanced respite beds across the state for children. These services are intended to provide

families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(t) \$2,025,000 of the general fund—state appropriation for fiscal year 2022 and \$2,006,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development and implementation of 13 community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(u) \$43,535,000 of the general fund—state appropriation for fiscal year 2022, \$47,243,000 of the general fund—state appropriation for fiscal year 2023, and \$152,070,000 of the general fund—federal appropriation are provided solely for rate add-ons for contracted service providers to address the increased costs associated with serving clients during the COVID-19 pandemic. Beginning July 1, 2022, the rate add-ons shall be reduced by 20 percent every two fiscal quarters.

(v) \$78,000 of the general fund—state appropriation for fiscal year 2022, \$75,000 of the general fund—state appropriation for fiscal year 2023, and \$113,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5284 (subminimum wage/disabilities).

(w) Funding in this section is sufficient to implement chapter 352, laws of 2020 (developmental disabilities budgeting), including a review of the no-paid services caseload and to update the information to accurately reflect a current headcount of eligible persons and the number of persons contacted who are currently interested in receiving a paid service. It is the intent of the legislature that the department will, as required in chapter 252, laws of 2020 (developmental disabilities budgeting), submit a report of this information to the governor and the appropriate committees of the legislature by December 1, 2021. It is also the intent of the legislature that the necessary paid services identified with completion of this report will be adequately funded by the conclusion of fiscal year 2024.

(x) \$1,387,000 of the general fund—state appropriation for fiscal year 2022, \$2,641,000 of the general fund—state appropriation for fiscal year 2023, and \$4,250,000 of the general fund—federal appropriation are provided solely to increase the capacity of the children's intensive in-home behavioral supports waiver by 100 slots.

(y) \$19,648,000 of the general fund—state appropriation for fiscal year 2023 and \$25,006,000 of the general fund—federal appropriation are provided solely for the purposes of settling all claims in the two related cases *Liang et al v. Washington DSHS et al*, Thurston county superior court case no. 20-2-02506-34 and *SEIU 775 v. Washington DSHS et al*, Thurston county superior court case no. 18-2-05584-34, Washington supreme court case no. 99658-8. The expenditure of these amounts is contingent upon the release of all claims in both cited cases, and total settlement costs shall not exceed the amounts provided in this subsection and section 204(45) of this act. If the settlement agreement is not fully executed and approved by the Thurston county superior court by June 30, 2023, the amounts provided in this subsection shall lapse.

(z) \$205,000 of the general fund—state appropriation for fiscal year 2022, \$232,000 of the general fund—state appropriation for fiscal year 2023, and \$590,000 of the general fund—federal appropriation are provided solely for the department of social and health services to examine the capabilities of the community residential settings and services; to improve cross-system coordination; and to begin the process of redesigning state-operated intermediate care facilities to function as short-term crisis stabilization and intervention. Of the amounts provided in this subsection (1) (z):

(i) \$159,000 of the general fund—state appropriation for fiscal year 2022, \$186,000 of the general fund—state appropriation for fiscal year 2023, and \$310,000 of the general fund—federal appropriation are provided solely for the department of social and health services to:

(A) Beginning with the governor's budget proposal submitted in December 2022, submit a budget request for expenditures associated with anticipated demand for services under the individual and family services waiver, the basic plus waiver, and the number of individuals who are expected to reside in state-operated living alternatives for consideration by the governor and the legislature for inclusion in maintenance level budgets;

(B) Examine the need for community respite beds to serve eligible individuals and stabilization, assessment, and intervention beds to provide crisis stabilization services for individuals with complex behavioral needs. A preliminary report must be submitted no later than October 1, 2022, with a final report submitted no later than October 1, 2023, to the governor and the appropriate committees of the legislature that estimates the number of beds needed in fiscal years 2023 through 2025, recommends geographic locations of these beds, provides options for contracting with community providers for these beds, provides options



for utilizing existing intermediate care facilities to meet these needs, and recommends whether or not an increase to respite hours is needed;

(C) Contract with a private vendor for a study of medicaid rates for contracted community residential service providers. The study must be submitted to the governor and the appropriate committees of the legislature no later than December 1, 2023, and must include:

(I) A recommendation of rates needed for facilities to cover their costs and adequately recruit, train, and retain direct care professionals;

(II) Recommendations for an enhanced rate structure, including when and for whom this rate structure would be appropriate; and

(III) An assessment of options for an alternative, opt-in rate structure for contracted supported living providers who voluntarily serve individuals with complex behaviors, complete additional training, and submit to additional monitoring;

(D) Submit by October 1, 2022, a five-year plan to phase-in the appropriate level of funding and staffing to achieve case management ratios of one case manager to no more than 35 clients. The five-year plan must include:

(I) An analysis of current procedures to hire and train new staff within the developmental disabilities administration of the department of social and health services;

(II) Identification of any necessary changes to these procedures to ensure a more efficient and timely process for hiring and training staff; and

(III) Identification of the number of new hires needed on an annual basis to achieve the phased implementation included in the five-year plan;

(E) Collaborate with appropriate stakeholders to develop uniform quality assurance metrics that are applied across community residential settings, intermediate care facilities, and state-operated nursing facilities and submit a report of these activities to the governor and the legislature no later than June 30, 2023;

(F) Collaborate with the developmental disabilities council to improve cross-system coordination and submit a report of the activities and any recommendations for policy or fiscal changes to the governor and the legislature no later than October 1, 2022, for consideration in the 2023 legislative session that describes collaborating with the developmental disabilities council to:

(I) Coordinate collaboration efforts among relevant stakeholders to develop and disseminate best practices related to serving individuals with cooccurring intellectual and developmental disabilities and mental health conditions;

(II) Work with Washington state's apprenticeship and training council, colleges, and universities to establish medical, dental, nursing, and direct care apprenticeship programs that would address gaps in provider training and overall competence;

(III) Devise options for consideration by the governor and the legislature to prioritize funding for housing for individuals with intellectual and developmental disabilities when a lack of affordable housing is the barrier preventing an individual from moving to a least restrictive community setting; and

(IV) Coordinate collaboration efforts among relevant stakeholders to examine existing law with regard to guardianship and protective proceedings and make any necessary recommendations for changes to existing law to ensure that guardianship or other protective proceedings are designed to provide individuals with intellectual and developmental disabilities with the decision making support they require to live as independently as possible in the least restrictive environment, including consideration of mechanisms that enable regular payment for services rendered by these legal representatives when appropriate; and

(G) Develop procedures that ensure that placement in an intermediate care facility is temporary and submit a report of these efforts, including any necessary recommendations for policy or fiscal changes, to the governor and the legislature for consideration in the 2022 legislative session no later than November 1, 2021, that describes the development of procedures that ensure that:

(I) Clear, written, and verbal information is provided to the individual and their family member that explains that placement in the intermediate care facility is temporary and what constitutes continuous aggressive active treatment and its eligibility implications;

(II) Discharge planning begins immediately upon placement of an individual within the intermediate care facility and that the individual and their family member is provided clear descriptions of all placement options and their requirements;

(III) When crisis stabilization services are available in the community, the individual is presented with the option to receive services in the community prior to placement in an intermediate care facility; and

(IV) When the individual has not achieved crisis stabilization after 60 days of initial placement in the intermediate care facility, the department of social and health services must convene the individual's team of care providers including, but not limited to, the individual's case manager, the individual's community-based providers, and, if applicable, the individual's managed care organization to review and make any necessary changes to the individual's crisis stabilization care plan.

(ii) Reporting dates in this subsection (1)(z) are modified by Engrossed Substitute Senate Bill No. 5268 (dev. disability services).

(iii) \$46,000 of the general fund—state appropriation in fiscal year 2022, \$46,000 of the general fund—state appropriation in fiscal year 2023, and \$280,000 of the general fund—federal appropriation are provided solely to establish peer mentors to connect each client in an intermediate care facility with a mentor to assist in their transition planning. No later than November 1, 2021, the department of social and health services must submit a report describing these efforts and make any necessary recommendations for policy or fiscal changes

to the governor and the legislature for consideration in the 2022 legislative session. (aa) Appropriations provided in this section are sufficient to implement Substitute Senate Bill No. 5258 (consumer directed employers).

(bb) \$63,000 of the general fund—state appropriation for fiscal year 2022, \$13,000 of the general fund—state appropriation for fiscal year 2023, and \$77,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1411 (health care workforce).

(cc) \$123,000 of the general fund—state appropriation for fiscal year 2023 and \$156,000 of the general fund—federal appropriation are provided solely to make up for a gap in the employer tax rates paid to agency providers. Funds must be used to ensure wages and benefits of home care agency workers who provide direct care are increased to satisfy wage parity requirements set forth in RCW 74.39A.310, except in situations where agency providers covered the gap in the tax rate by reducing agency administrative expenses.

(dd) \$80,000 of the general fund—state appropriation for fiscal year 2023 and \$61,000 of the general fund—federal appropriation are provided solely for the department to hire one full-time employee to provide advice, evaluations, and recommendations on technological tools to clients, providers, and case managers.

(ee) (i) \$2,172,000 of the general fund—state appropriation for fiscal year 2023 and \$1,666,000 of the general fund—federal appropriation are provided solely to establish transition coordination teams to coordinate transitions of care for clients who move from one care setting to another. No later than December 1, 2022, the department of social and health services shall submit a preliminary report to the appropriate committees of the legislature that details how the funds were utilized and the associated outcomes including but not limited to:

(A) A detailed reporting of the number of clients served, the settings in which clients received care, and the progress made toward increasing stability of client placements;

(B) A comparison of these outcomes against the outcomes achieved in prior fiscal years;

(C) A description of lessons learned since the transition coordination teams were first implemented, including an identification of what processes were improved to reduce the timelines for completion; and

(D) Recommendations for changes necessary to the transition coordination teams to improve increasing stability of client placements.

(ii) It is the intent of the legislature that the department of social and health services submit annual reports of this information beginning in fiscal year 2024.

(ff) \$204,000 of the general fund—state appropriation for fiscal year 2022, \$1,511,000 of the general fund—state appropriation for fiscal year 2023, and \$988,000 of the general fund—federal appropriation are provided solely for service rate increases paid to contracted providers of community engagement, supported parenting, and respite services. No later than December 1, 2022, the department of social and health services shall submit a preliminary report to the appropriate committees of the legislature that details how the funds were utilized and the associated outcomes, including a detailed accounting of utilization of services and any changes in the utilization as a result of this funding. The department shall submit a final report of this information no later than June 30, 2023. The department shall also conduct a comprehensive study of the current rate structure paid to supported employment and community inclusion providers. No later than October 1, 2022, the department must submit to the governor and the appropriate committees of the legislature a report of this study that includes, but is not limited to, the following:

(i) An overview of the current system and how it operates, including an overview of the current rate structure;

(ii) A description of the organizational components and costs associated with the delivery of supported employment and community inclusion services that achieve client outcomes;

(iii) A recommendation of the rates needed for providers to cover their costs and maintain the infrastructure required to achieve and support client outcomes; and

(iv) A recommendation for a methodology to utilize in the future for regularly analyzing costs associated with service delivery and the rate adjustments, and associated frequency of these adjustments, needed to ensure that services achieve client outcomes.

(gg) \$1,413,000 of the general fund—state appropriation for fiscal year 2023 and \$1,084,000 of the general fund—federal appropriation are provided solely to hire additional staff to reduce the timeline for completion of financial eligibility determinations. No later than December 31, 2022, the department of social and health services shall submit a preliminary report to the appropriate committees of the legislature that details how the funds were utilized and the associated outcomes, including, but not limited to, a description of how the timeline for completion of these determinations has changed. (~~(A final report of this information must be submitted no later than June 30, 2023.)~~)

(hh) \$228,000 of the general fund—state appropriation for fiscal year 2023 and \$284,000 of the general fund—federal appropriation are provided solely to increase funding of the assisted living Medicaid methodology established in RCW 74.39A.032 to 68 percent of full methodology funding, effective July 1, 2022.

(ii) \$1,719,000 of the general fund—state appropriation for fiscal year 2023 and \$49,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5268 (dev. disability services). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(jj) \$2,581,000 of the general fund—state appropriation for fiscal year 2023 and \$2,060,000 of the general fund—federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5819 (DDA no-paid caseload). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(kk) \$54,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement Second Substitute House Bill No. 1890 (children behavioral health). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(ll) \$8,428,000 of the general fund—state appropriation for fiscal year 2023 and \$5,179,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1980 (concurrent services). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(mm) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with an organization that provides benefits planning training to attorneys and other professionals to help them assist individuals with developmental disabilities with retaining state and federal benefits while working.

(nn) \$820,000 of the general fund—state appropriation for fiscal year 2023 and \$322,000 of the general fund—federal appropriation are provided solely to implement one, three-bed intensive habilitation services facility.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2022)	\$110,829,000
General Fund—State Appropriation (FY 2023)	(( <del>\$135,393,000</del> ))
	<u>\$114,311,000</u>
General Fund—Federal Appropriation	(( <del>\$253,002,000</del> ))
	<u>\$265,025,000</u>
General Fund—Private/Local Appropriation	(( <del>\$27,043,000</del> ))
	<u>\$23,760,000</u>
<b>TOTAL APPROPRIATION</b>	<b><u>\$513,925,000</u></b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund—state appropriation for fiscal year 2022 and \$495,000 of the general fund—state appropriation for fiscal year 2023 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) The residential habilitation centers may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(d) \$3,000 of the general fund—state appropriation for fiscal year 2022 and \$21,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a cost of living increase adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(e) The department is directed to develop a plan to reduce the footprint of the Rainier residential habilitation center campus and other property facilities taking into consideration recommendations of the Ruckleshaus residential habilitation center work group report and the department's Rainier school master plan.

(i) The plan must include the following:

(A) Input from interested stakeholders to ensure a thoughtful, safe, and well-supported residential transition to the community;

(B) An outline for maintaining a state-operated safety net for individuals who transition to the community and who may later be in crisis or who need a greater level of care;

(C) Barriers to successful community transitions and how to mitigate those;

(D) A report of stakeholder feedback received and how it was incorporated or not into the plan; and

(E) A proposed timeline to implement the plan and a target date for reducing the footprint of Rainier if the plan is followed.

(ii) The stakeholders must include, at minimum: Individuals who reside or have resided at Rainier within the last two decades, families and guardians of individuals who reside or have resided at Rainier, the city of Buckley, and current or former staff at Rainier and their respective labor organizations.

(iii) The department must confer with and have approval from the governor's office prior to submission of the plan. A final plan shall be submitted to the governor and the appropriate committees of the legislature no later than June 30, 2023.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2022)	\$2,717,000
General Fund—State Appropriation (FY 2023)	(( <del>\$2,940,000</del> ))
	<u>\$3,565,000</u>
General Fund—Federal Appropriation	(( <del>\$3,233,000</del> ))
	<u>\$3,702,000</u>
<b>TOTAL APPROPRIATION</b>	<b><u>\$9,984,000</u></b>

(4) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2022)	\$94,000
General Fund—State Appropriation (FY 2023)	\$66,000
General Fund—Federal Appropriation	\$1,125,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,285,000</b>

**Sec. 1204.** 2022 c 297 s 204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022)	\$1,344,251,000
General Fund—State Appropriation (FY 2023)	(\$2,049,486,000)
	\$1,766,266,000
General Fund—Federal Appropriation	(\$4,913,077,000)
	\$5,017,254,000
General Fund—Private/Local Appropriation	(\$37,804,000)
	\$45,841,000
Traumatic Brain Injury Account—State Appropriation	\$5,586,000
Skilled Nursing Facility Safety Net Trust Account— State Appropriation	\$133,360,000
Long-Term Services and Supports Trust Account—State Appropriation	\$15,003,000
<b>TOTAL APPROPRIATION</b>	<b>(\$8,498,567,000)</b>
	<b>\$8,327,561,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate may not exceed \$259.84 for fiscal year 2022 and may not exceed \$319.82 for fiscal year 2023.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2022 and \$225 per bed beginning in fiscal year 2023. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2022 and \$116 per bed beginning in fiscal year 2023.

(c) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2022 and \$359 per bed beginning in fiscal year 2023.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state-only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4) (i) \$6,113,000 of the general fund—state appropriation for fiscal year 2022, \$19,799,000 of the general fund—state appropriation for fiscal year 2023, and \$37,161,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 946 of this act.

(ii) \$18,787,000 of the general fund—state appropriation for fiscal year 2023 and \$23,910,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for fiscal year 2023, as provided in section 939 of this act.

(5) (i) \$1,941,000 of the general fund—state appropriation for fiscal year 2022, \$6,439,000 of the general fund—state appropriation for fiscal year 2023, and \$12,064,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(ii) \$6,028,000 of the general fund—state appropriation for fiscal year 2023 and \$7,669,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(6) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional

circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(7) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$900 for each facility.

(8) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington and to serve people with disabilities, including state budget and policy options, and may conduct, but are not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.

(c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Meetings of the task force must be scheduled and conducted in accordance with the rules of both the senate and the house of representatives. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(9) Appropriations in this section are sufficient to fund discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(10) Appropriations in this section are sufficient to fund financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(11) The department shall continue to administer tailored support for older adults and medicaid alternative care as described in initiative 2 of the 1115 demonstration waiver. This initiative will be funded by the health care authority through the medicaid quality improvement program. The secretary in collaboration with the director of the health care authority shall report to the office of financial management all expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested. The department shall not increase general fund—state expenditures on this initiative.

(12)(i) \$3,378,000 of the general fund—state appropriation for fiscal year 2022, \$5,561,000 of the general fund—state appropriation for fiscal year 2023, and \$11,980,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 948 of this act.

(ii) \$8,922,000 of the general fund—state appropriation for fiscal year 2023 and \$8,212,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for fiscal year 2023, as provided in section 941 of this act.

(13) \$1,761,000 of the general fund—state appropriation for fiscal year 2022, \$1,761,000 of the general fund—state appropriation for fiscal year 2023, and \$4,162,000 of the general fund—federal appropriation are provided solely for case managers at the area agencies on aging to coordinate care for medicaid clients with mental illness who are living in their own homes. Work shall be accomplished within existing standards for case management and no requirements will be added or modified unless by mutual agreement between the department of social and health services and area agencies on aging.

(14) Appropriations provided in this section are sufficient for the department to contract with an organization to provide educational materials, legal services, and attorney training to support persons with dementia. The funding provided in this subsection must be used for:

(a) An advance care and legal planning toolkit for persons and families living with dementia, designed and made available online and in print. The toolkit should include educational topics including, but not limited to:

(i) The importance of early advance care, legal, and financial planning;

(ii) The purpose and application of various advance care, legal, and financial documents;

(iii) Dementia and capacity;

(iv) Long-term care financing considerations;

(v) Elder and vulnerable adult abuse and exploitation;

(vi) Checklists such as "legal tips for caregivers," "meeting with an attorney," and "life and death planning;"

(vii) Standardized forms such as general durable power of attorney forms and advance health care directives; and

(viii) A selected list of additional resources.

(b) Webinars about the dementia legal and advance care planning toolkit and related issues and topics with subject area experts. The subject area expert presenters must provide their services in-kind, on a volunteer basis.

(c) Continuing legal education programs for attorneys to advise and assist persons with dementia. The continuing education programs must be offered at no cost to attorneys who make a commitment to participate in the pro bono program.

(d) Administrative support costs to develop intake forms and protocols, perform client intake, match participating attorneys with eligible clients statewide, maintain records and data, and produce reports as needed.

(15) Appropriations provided in this section are sufficient to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, assisted living facility beds, adult residential care beds, and specialized dementia beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(16) No later than December 31, 2021, the department of social and health services and the health care authority shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for

public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

(17) The annual certification renewal fee for community residential service businesses is \$859 per client in fiscal year 2022 and \$859 per client in fiscal year 2023. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(18) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of \$485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(19) \$261,000 of the general fund—state appropriation for fiscal year 2022, \$320,000 of the general fund—state appropriation for fiscal year 2023, and \$861,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2021.

(20) The department of social and health services must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(21) \$1,458,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$1,646,000)~~) \$2,491,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide personal care services for up to (~~(20)~~) 30 clients who are not United States citizens and who are ineligible for medicaid upon their discharge from an acute care hospital. The department must prioritize the funding provided in this subsection for such clients in acute care hospitals who are also on the department's wait list for services.

(22) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community-based dementia education and support activities in two areas of the state, including dementia resource catalyst staff and direct services for people with dementia and their caregivers.

(23) \$237,000 of the general fund—state appropriation for fiscal year 2022, \$226,000 of the general fund—state appropriation for fiscal year 2023, and \$572,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1218 (long-term care residents).

(24) \$4,329,000 of the general fund—state appropriation for fiscal year 2022 and \$4,329,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(25) \$85,981,000 of the general fund—state appropriation for fiscal year 2022, \$85,463,000 of the general fund—state appropriation for fiscal year 2023, and \$292,979,000 of the general fund—federal appropriation are provided solely for rate add-ons for contracted service providers to address the increased costs associated with serving clients during the COVID-19 pandemic. Beginning July 1, 2022, the rate add-ons shall be reduced by 20 percent every two fiscal quarters.

(26) \$11,609,000 of the general fund—state appropriation for fiscal year 2023 and \$11,609,000 of the general fund—federal appropriation are provided solely to increase the fixed rate paid for skilled nursing facility medicaid direct care to one hundred and five percent of statewide case mix neutral median costs.

(27) Within the amounts provided in this section, the department of social and health services must develop a statewide agency emergency preparedness plan with which to respond to future public health emergencies.

(28) The traumatic brain injury council shall collaborate with other state agencies in their efforts to address traumatic brain injuries to ensure that efforts are complimentary and continue to support the state's broader efforts to address this issue.

(29) \$1,858,000 of the general fund—state appropriation for fiscal year 2022 and \$1,857,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operation of the volunteer services program. Funding must be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(30) \$479,000 of the general fund—state appropriation for fiscal year 2022 and \$479,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(31) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(32) \$1,344,000 of the general fund—state appropriation for fiscal year 2022 and \$1,344,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the kinship care support program.

(33) \$7,938,000 of the general fund—state appropriation for fiscal year 2022, \$13,412,000 of the general fund—state appropriation for fiscal year 2023, and \$22,456,000 of the general fund—federal appropriation are provided solely for nursing home services and emergent building costs at the transitional care center of Seattle. No later than December 1, 2022,

the department must submit to the appropriate fiscal committees of the legislature a report that includes, but is not limited to:

(a) An itemization of the costs associated with providing direct care services to residents and managing and caring for the facility; and

(b) An examination of the impacts of this facility on clients and providers of the long-term care and medical care sectors of the state that includes, but is not limited to:

(i) An analysis of areas that have realized cost containment or savings as a result of this facility;

(ii) A comparison of individuals transitioned from hospitals to this facility compared to other skilled nursing facilities over the same period of time; and

(iii) Impacts of this facility on lengths of stay in acute care hospitals, other skilled nursing facility, and transitions to home and community-based settings.

(34) \$58,000 of the general fund—state appropriation for fiscal year 2022 and \$90,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5229 (health equity continuing education).

(35) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for fall prevention training. The department of social and health services will provide one-time grant funding to an association representing long-term care facilities to develop and provide fall prevention training for long-term care facilities. The training must include information about environmental modifications to help reduce falls, tools to assess an individual's risk for falling, and evidence-based interventions for reducing falls amongst individuals with dementia or cognitive impairments. The training must be offered at no cost and made available online for the general public to access at any time. The recipient of the grant funds must work with the department of social and health services and the department of health on developing and promoting the training.

(36) \$4,504,000 of the general fund—state appropriation for fiscal year 2022, \$9,072,000 of the general fund—state appropriation for fiscal year 2023, and \$452,000 of the general fund—federal appropriation are provided solely for behavioral health personal care services for individuals with exceptional care needs due to their psychiatric diagnosis as determined through the department's CARE assessment and for three full-time positions to coordinate with the health care authority and medicaid managed care organizations for the care of these individuals. Future caseload and per capita changes for behavioral health personal care services will be incorporated into the department's medicaid forecast. The department shall coordinate with the authority for purposes of developing and submitting to the centers for medicare and medicaid, a 1915(i) state plan.

(37) Within existing appropriations, and no later than December 31, 2021, the department of social and health services must work with stakeholders to consider modifications to current practices that address the current challenges adult family homes are facing with acquiring and maintaining liability insurance coverage. In consultation with stakeholders, the department of social and health services must:

(a) Transition language contained in citation and enforcement actions to plain talk language that helps insurers and consumers understand the nature of the regulatory citations; and

(b) Display the severity and resolution of citation and enforcement actions in plain talk language for consumers and insurers to better understand the nature of the situation.

(38) \$435,000 of the general fund—state appropriation for fiscal year 2022 and \$435,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue the current pilot project in Pierce county to provide personal care services to homeless seniors and people with disabilities from the time the person presents at a shelter to the time they become eligible for medicaid and to establish two new pilot project sites in King county, one site in Clark county, and one site in Spokane county. The department of social and health services shall submit a report by December 1, 2022, to the governor and appropriate legislative committees that addresses the following for each site:

(a) The number of people served in the pilot;

(b) The number of people served in the pilot who transitioned to medicaid personal care;

(c) The number of people served in the pilot who found stable housing; and

(d) Any additional information or data deemed relevant by the contractors or the department of social and health services.

(39) \$3,063,000 of the general fund—state appropriation for fiscal year 2022 and \$4,517,000 of the general fund—federal appropriation is provided solely to offset COVID-19 related cost impacts on the in-home medicaid long-term care case management program operated by area agencies on aging.

(40) Appropriations provided in this section are sufficient to implement Substitute Senate Bill No. 5258 (consumer directed employers).

(41) \$69,000 of the general fund—state appropriation for fiscal year 2022, \$65,000 of the general fund—state appropriation for fiscal year 2023, and \$98,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute Senate Bill No. 5163 (conditionally released sexually violent predators).

(42) \$75,000 of the general fund—state appropriation for fiscal year 2022, \$54,000 of the general fund—state appropriation for fiscal year 2023, and \$130,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1411 (health care workforce).

(43) \$15,000 of the general fund—state appropriation for fiscal year 2022, \$111,000 of the general fund—state appropriation for fiscal year 2023, and \$61,000 of the general fund—



federal appropriation are provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(44) \$12,890,000 of the general fund—state appropriation for fiscal year 2023 and \$12,891,000 of the general fund—federal appropriation are provided solely to adjust the minimum occupancy assumption used to calculate the indirect care median to 75 percent.

(45) \$38,265,000 of the general fund—state appropriation for fiscal year 2023 and \$48,666,000 of the general fund—federal appropriation are provided solely for the purposes of settling all claims in the two related cases *Liang et al v. Washington DSHS et al*, Thurston county superior court case no. 20-2-02506-34 and *SEIU 775 v. Washington DSHS et al*, Thurston county superior court case no. 18-2-05584-34, Washington supreme court case no. 99658-8. The expenditure of these amounts is contingent upon the release of all claims in both cited cases, and total settlement costs shall not exceed the amounts provided in this subsection and section 203(1)(y) of this act. If the settlement agreement is not fully executed and approved by the Thurston county superior court by June 30, 2023, the amounts provided in this subsection shall lapse.

(46) \$799,000 of the general fund—state appropriation for fiscal year 2023 and \$1,016,000 of the general fund—federal appropriation are provided solely to make up for a gap in the employer tax rates paid to agency providers. Funds must be used to ensure wages and benefits of home care agency workers who provide direct care are increased to satisfy wage parity requirements set forth in RCW 74.39A.310, except in situations where agency providers covered the gap in the tax rate by reducing agency administrative expenses.

(47) \$133,000 of the general fund—state appropriation for fiscal year 2022, \$181,000 of the general fund—state appropriation for fiscal year 2023, and \$313,000 of the general fund—federal appropriation are provided solely to continue the overpayment resolution team through the 2021-2023 fiscal biennium. No later than June 30, 2023, the department shall submit to the appropriate committees of the legislature a report describing the work undertaken by this team and the associated outcomes.

(48) \$1,081,000 of the general fund—state appropriation for fiscal year 2023 and \$1,200,000 of the general fund—federal appropriation are provided solely to increase rates by 20 percent for in-home private duty nursing agencies and to increase rates by 10 percent for private duty nursing adult family homes effective July 1, 2022.

(49) \$1,750,000 of the general fund—state appropriation for fiscal year 2023 and \$350,000 of the general fund—federal appropriation are provided solely for area agency on aging care coordinators stationed in acute care hospitals to help transition clients ready for hospital discharge into home and community-based settings. Care coordinators shall keep data on numbers of patients discharged and readmission impacts and report that information to the department of social and health services.

(50) \$23,000 of the general fund—state appropriation for fiscal year 2022, \$15,879,000 of the general fund—state appropriation for fiscal year 2023, and \$17,378,000 of the general fund—federal appropriation are provided solely to increase funding of the assisted living medicaid methodology established in RCW 74.39A.032 and of the specialized dementia care rate methodology to 68 percent of full methodology funding, effective July 1, 2022.

(a) Of the amounts provided in this subsection, \$23,000 of the general fund—state appropriation for fiscal year 2022, \$39,000 of the general fund—state appropriation for fiscal year 2023, and \$62,000 of the general fund—federal appropriation are provided solely for a one-time project staff position at the department to develop and submit a report to the governor and appropriate legislative committees no later than December 30, 2022. The report must include a review and summary of discharge regulations and notification requirements for assisted living providers and include recommendations related to disclosure of providers' terms and conditions for medicaid acceptance.

(b) Following the submission of the report in (a) of this subsection and through the end of the 2021-2023 fiscal biennium, the department shall regularly review and report on medicaid resident utilization of and access to assisted living facilities.

(51) \$12,000,000 of the general fund—state appropriation for fiscal year 2023 and \$12,000,000 of the general fund—federal appropriation are provided solely to increase the rate paid for area agency on aging case management services by 23 percent.

(52) \$68,000 of the general fund—state appropriation for fiscal year 2023 and \$67,000 of the general fund—federal appropriation are provided solely for implementation of Senate Bill No. 5866 (medicaid LTSS/tribes). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(53) \$24,138,000 of the general fund—state appropriation for fiscal year 2023 and \$24,138,000 of the general fund—federal appropriation are provided solely to increase skilled nursing facility medicaid rates in order to increase low-wage direct and indirect care worker wages by up to four dollars per hour effective July 1, 2022. Funding provided in this subsection is provided for purposes of wage equity.

(a) Of the amounts provided in this subsection, \$21,910,000 of the general fund—state appropriation for fiscal year 2023 and \$21,910,000 of the general fund—federal appropriation are provided solely to increase the fixed rate paid for direct care to no less than 111 percent of statewide case mix neutral median costs to increase low-wage direct care worker wages by up to four dollars per hour effective July 1, 2022. For the purpose of this subsection, "low-wage direct care workers" means certified nursing assistants, dietary workers, laundry workers, and other workers who provide direct care to patients and who have no managerial roles. The department shall determine each facility-specific wage equity funding amount in the direct care rate component by comparing the rate at 105 percent of the

direct care median to the rate at 111 percent of the direct care median, and by multiplying the rate difference by the actual paid medicaid days over the July 1, 2022, through June 30, 2023 period.

(b) Of the amounts provided in this subsection, \$2,229,000 of the general fund—state appropriation for fiscal year 2023 and \$2,228,000 of the general fund—federal appropriation are provided solely to increase the fixed rate paid for indirect care to no less than 92 percent of statewide median costs to increase low-wage indirect care worker wages by up to four dollars per hour effective July 1, 2022. For the purpose of this subsection, "low-wage indirect care workers" means central supply workers and housekeeping workers. The department shall determine each facility-specific wage equity funding amount for the indirect care rate component by comparing the rate at 90 percent of the indirect care median to the rate at 92 percent of the indirect care median, and by multiplying the rate difference by the actual paid medicaid days over the July 1, 2022, through June 30, 2023 period.

(c) Working with stakeholders, the department shall develop and adopt rules to establish a verification process for each skilled nursing facility provider to demonstrate how the provider has used its wage equity funding to increase wages for low-wage workers by up to four dollars per hour, and for the department to recover any funding difference between each provider's wage equity funding and the amount of wage equity funding that the provider utilizes to increase low-wage worker wages. The verification process must use wages paid as of December 31, 2021, as the base wage to compare providers' wage spending in the designated job categories to the facility-specific amounts of wage equity funding provided in (a) and (b) of this subsection, excluding any amounts adjusted by settlement. The verification and recovery process in this subsection is a distinct and separate process from the settlement process described in RCW 74.46.022.

(d) It is the intent of the legislature that wage equity funding provided in this subsection be carried forward into the department's appropriation for the 2023-2025 fiscal biennium.

(54) \$350,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a study of the feasibility of placing individuals under the jurisdiction of the department of corrections in nursing home facilities licensed or to be licensed by the department to better meet the client's care needs. By October 1, 2022, in collaboration with the department of corrections and the health care authority, the department must submit a preliminary report to the governor and the relevant fiscal and policy committees of the legislature. At a minimum, the preliminary report must review the medical, behavioral health, and long-term care needs of the individuals and assess whether the state could obtain and be eligible for federal funding for providing health care and long-term care services for individuals under the jurisdiction of the department of corrections placed in nursing home facilities. By June 30, 2023, the department, in collaboration with the department of corrections, must submit a final report to the governor and the relevant fiscal and policy committees of the legislature. The final report shall:

(a) Assess the relevant characteristics and needs of the potential patient population;

(b) Assess the feasibility, daily operating costs, staffing needs, and other relevant factors of potential locations or contractors, including the Maple Lane corrections center, for placement of long-term care individuals under the jurisdiction of the department of corrections for a potential nursing home facility to be licensed by the department;

(c) A cost-benefit analysis of placing individuals under the jurisdiction of department of corrections clients in potential facilities identified in subsection (b) of this subsection, including the possibility or absence of federal funding for operations. The department of corrections must provide daily operating costs of prisons where these individuals may be coming from, the fiscal year 2021 daily costs per incarcerated individual assigned to the sage living unit, and the costs associated with electronic home monitoring costs per individual. This analysis shall take into account both state-run and privately contracted options;

(d) Assess the ability of potential facilities identified in subsection (b) of this subsection to better meet clients' medical and personal needs; and

(e) Assess the ability to provide medicaid funded services to meet the health care needs of these individuals.

(55) \$438,000 of the general fund—state appropriation for fiscal year 2023 and \$558,000 of the general fund—federal appropriation are provided solely to increase the rates paid for adult day health and adult day care providers effective July 1, 2022, by the amount of the temporary rate add-on in effect through June 30, 2022.

(56) \$900,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand the availability of home-delivered meals for eligible long-term care clients.

(57) \$82,000 of the general fund—state appropriation for fiscal year 2023 and \$82,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1980 (concurrent services). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(58) The long-term services and supports trust commission established in RCW 50B.04.030 must submit the results of the following activities, including any legislative recommendations, to the governor and appropriate legislative committees no later than January 1, 2023:

(a) The commission shall develop options for allowing persons who become qualified individuals and subsequently move outside of Washington to access benefits in another state if they meet the minimum assistance requirements to become an eligible beneficiary. The

commission must include consideration of options for conducting eligibility determinations for qualified individuals who subsequently move outside of Washington, alternative forms of benefits for out-of-state eligible beneficiaries, methods of cross-state coordination on long-term services and supports providers, and timing implications of extending benefits to out-of-state eligible beneficiaries with respect to short-term program implementation and long-term collaboration with other states establishing similar programs.

(b) The commission shall develop options for requiring the ongoing verification of the maintenance of long-term care insurance coverage by persons who have received an exemption under RCW 50B.04.085, including consideration of procedures that minimize administrative burden, minimize negative impact on long-term services and supports trust account solvency, and incentivize maintenance of coverage.

(c) The commission shall develop options for providing workers who have received exemptions based on having private long-term care insurance pursuant to RCW 50B.04.085 an opportunity to rescind their exemption and permanently reenter the long-term services and supports trust program.

**Sec. 1205.** 2022 c 297 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022) . . . . .	\$393,972,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$511,507,000)</del>
	<u>\$553,129,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$1,658,341,000)</del>
	<u>\$1,759,241,000</u>
General Fund—Private/Local Appropriation . . . . .	\$5,274,000
Domestic Violence Prevention Account—State Appropriation . . . . .	\$2,404,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation . . . . .	<del>(\$345,399,000)</del>
	<u>\$355,870,000</u>
<b>TOTAL APPROPRIATION</b> . . . . .	<del><b>(\$2,916,897,000)</b></del>
	<u><b>\$3,069,890,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) ~~(\$122,583,000)~~ \$129,583,000 of the general fund—state appropriation for fiscal year 2022, and ~~(\$860,217,000)~~ \$855,219,000 of the general fund—federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b) ~~(\$366,071,000)~~ \$394,373,000 of the amounts in (a) of this subsection is for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance. Of the amounts provided in this subsection (1)(b):

(i) \$7,776,000 of the general fund—state appropriation for fiscal year 2022, \$9,729,000 of the general fund—state appropriation for fiscal year 2023, and \$27,226,000 of the general fund—federal appropriation are provided solely for the department to increase the temporary assistance for needy family grant standard by 15 percent, effective July 1, 2021.

(ii) \$10,744,000 of the general fund—federal appropriation of the amounts in (a) of this subsection are provided solely for the department to provide cash assistance to households who have exceeded the 60 month time limit in the temporary assistance for needy families program, pursuant to RCW 74.08A.010(5), through June 30, 2022. Because funding for this specific purpose is provided only through fiscal year 2022, pursuant to section 4 of Second Substitute Senate Bill No. 5214, the bill takes effect 90 days after final adjournment of the legislative session in which it is enacted.

(iii) \$9,950,000 of the general fund—state appropriation for fiscal year 2023 and \$2,126,000 of the general fund—federal appropriation are provided solely for the department to provide cash assistance to households who have exceeded the 60 month time limit in the temporary assistance for needy families program, pursuant to RCW 74.08A.010(5), through June 30, 2023.

(iv) \$217,000 of the general fund—state appropriation for fiscal year 2022 and \$863,000 of the general fund—federal appropriation are provided solely for costs in state fiscal year 2022 that are associated with the temporary suspension of the mid-certification review and

extension of the eligibility review between November 2020 and June 2021 for the temporary assistance for needy families program.

(v) \$50,000 of the general fund—federal appropriation is provided solely to increase the monthly payment standard for households with nine or more assistance unit members that are receiving temporary assistance for needy families or state family assistance benefits, effective July 1, 2022.

(c) (~~(\$176,446,000)~~) \$161,855,000 of the amounts in (a) of this subsection is for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Within amounts provided in this subsection (1)(c), the department shall implement the working family support program.

(i) \$5,952,000 of the general fund—state appropriation for fiscal year 2022 and \$157,000 of the general fund—federal appropriation of the amounts in (a) of this subsection are provided solely for the WorkFirst services costs associated with the expansion of the 60 month time limit in the temporary assistance for needy families program for households described in RCW 74.08A.010(5).

(ii) \$2,474,000 of the amounts provided in this subsection (1)(c) is for enhanced transportation assistance. The department must prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(iii) \$378,000 of the general fund—state appropriation for fiscal year 2022 and \$568,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for WorkFirst services costs associated with the implementation of chapter 320, Laws of 2020 (revising economic assistance programs).

(iv) \$748,000 of the general fund—state appropriation for fiscal year 2022, \$760,000 of the general fund—state appropriation for fiscal year 2023, and \$1,706,000 of the general fund—federal appropriation are provided solely for WorkFirst services costs associated with the implementation of chapter 338, Laws of 2020 (improving access to temporary assistance for needy families).

(v) \$7,230,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the WorkFirst costs associated with the extension of the 60 month time limit through June 30, 2023.

(d) Of the amounts in (a) of this subsection, (~~(\$318,402,000)~~) \$307,083,000 of the general fund—federal appropriation is for the working connections child care program under RCW 43.216.020 within the department of children, youth, and families. The department is the lead agency for and recipient of the federal temporary assistance for needy families grant. A portion of this grant must be used to fund child care subsidies expenditures at the department of children, youth, and families.

(i) The department of social and health services shall work in collaboration with the department of children, youth, and families to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families.

(ii) Effective September 30, 2022, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(e) Of the amounts in (a) of this subsection, \$68,496,000 of the general fund—federal appropriation is for child welfare services within the department of children, youth, and families.

(f) Of the amounts in (a) of this subsection, (~~(\$122,836,000)~~) \$122,444,000 is for WorkFirst administration and overhead. Of the amounts provided in this subsection (1)(f):

(i) \$399,000 of the general fund—state appropriation for fiscal year 2022 and \$805,000 of the general fund—state appropriation for fiscal year 2023 of the amounts in (a) of this subsection are provided solely for administrative and overhead costs associated with the expansion of the 60 month time limit through June 30, 2023 in the temporary assistance for needy families program for households described in RCW 74.08A.010(5).

(ii) \$43,000 of the general fund—state appropriation in fiscal year 2022 and \$43,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for administrative and overhead costs associated with the implementation of chapter 320, Laws of 2020 (revising economic assistance programs).

(iii) \$1,215,000 of the general fund—federal appropriation is provided solely for administrative and overhead costs associated with the implementation of chapter 338, Laws of 2020 (improving access to temporary assistance for needy families).

(iv) \$512,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for administrative and overhead costs associated with the implementation of Second Substitute Senate Bill No. 5214 (economic assistance programs). The department is directed to use the funding provided in this subsection to make information technology changes necessary to provide the high-unemployment time-limit extension approved under the bill beginning July 1, 2022.

(v) \$489,000 of the general fund—federal appropriation is provided solely for administrative and overhead costs associated with the implementation of Substitute Senate Bill No. 5838 (diaper subsidy/TANF). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(g)(i) The department shall submit quarterly expenditure reports to the governor, the fiscal committees of the legislature, and the legislative WorkFirst poverty reduction oversight task force under RCW 74.08A.341. In addition to these requirements, the department must detail any fund transfers across budget units identified in (a) through (e) of this subsection. The department shall not initiate any services that require expenditure of state general fund moneys that are not consistent with policies established by the legislature.

(ii) The department may transfer up to ten percent of funding between budget units identified in (b) through (f) of this subsection. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst poverty reduction oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst poverty reduction oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort;

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements; and

(vii) Proposed and enacted federal law changes affecting maintenance of effort or the participation rate, what impact these changes have on Washington's temporary assistance for needy families program, and the department's plan to comply with these changes.

(i) In the 2021-2023 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (a) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) \$2,545,000 of the general fund—state appropriation for fiscal year 2022 and \$2,546,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On January 1, 2022, and January 1, 2023, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(8) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operational support of the Washington information network 211 organization.

(9) \$609,000 of the general fund—state appropriation for fiscal year 2022 and \$380,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of section 2, chapter 9, Laws of 2021 (SHB 1151) (public assistance), a state-funded cash benefit program and transitional food assistance program for households with children that are recipients of the supplemental nutrition assistance program of the food assistance program but are not recipients of the temporary assistance for needy families program.

(10) \$377,000 of the general fund—state appropriation for fiscal year 2022 and \$377,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the consolidated emergency assistance program.

(11) \$77,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to conduct a study, jointly with the poverty reduction work group, on the feasibility of implementing a universal basic income pilot program. The study must include research of other universal basic income programs, recommendations for a pilot in Washington, a cost-benefit analysis, operational costs, and an implementation plan that includes a strategy to ensure pilot participants who voluntarily quit a public assistance program to enroll in the universal basic income pilot will not experience gaps in service upon completion of the pilot. The department shall submit recommendations required by this section to the governor and appropriate legislative committees no later than June 1, 2022.

(12) \$251,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for costs in state fiscal year 2022 that are associated with the temporary suspension of mid-certification reviews and extension of the eligibility review between November 2020 and June 2021 for the aged, blind, or disabled program.

(13) \$388,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for costs in fiscal year 2022 that are associated with the temporary suspension of mid-certification reviews and extension of the eligibility review between November 2020 and June 2021 for the food assistance program.

(14) ~~(\$5,399,000)~~ \$487,000 of the general fund—state appropriation for fiscal year 2023 and \$15,870,000 of the coronavirus state fiscal recovery account—federal appropriation is provided solely for the department to increase benefits for the food assistance program to maintain parity with benefits provided under the supplemental nutrition assistance program, for the period of July 1, 2021, through ~~(January 31, 2022)~~ February 28, 2023.

(15) \$340,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the Washington immigrant relief fund, a disaster assistance program to provide grants to eligible persons. Administrative costs may not exceed 10 percent of the funding in this subsection.

(a) A person is eligible for a grant who:

(i) Lives in Washington state;

(ii) Is at least 18 years of age;

(iii) After January 1, 2021, and before June 30, 2023, has been significantly affected by the coronavirus pandemic, such as loss of employment or significant reduction in work hours, contracting the coronavirus, having to self-quarantine as a result of exposure to the coronavirus, caring for a family member who contracted the coronavirus, or being unable to access childcare for children impacted by school or childcare closures; and

(iv) Is not eligible to receive federal economic impact (stimulus) payments or unemployment insurance benefits due to the person's immigration status.

(b) The department may not deny a grant to a person on the basis that another adult in the household is eligible for federal economic impact (stimulus) payments or unemployment insurance benefits or that the person previously received a grant under the program. However, a person may not receive more than three grants.

(c) The department's duty to provide grants is subject to the availability of the amounts specified in this subsection, and the department must prioritize grants to persons who are most in need of financial assistance using factors that include, but are not limited to: (i) Having an income at or below 250 percent of the federal poverty level; (ii) being the primary or sole income earner of household; (iii) experiencing housing instability; and (iv) having contracted or being at high risk of contracting the coronavirus.

(d) The department may contract with one or more entities to administer the program. If the department engages in a competitive contracting process for administration of the program, experience in administering similar programs must be given weight in the selection process to expedite the delivery of benefits to eligible applicants.

(16) \$204,000 of the general fund—state appropriation for fiscal year 2022 and \$22,766,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to provide a one-time or short-term cash benefit to families eligible for pandemic emergency assistance under section 9201 of the American rescue plan act of 2021, P.L. 117-2, and to offer an equivalent benefit to eligible state family assistance or food assistance program recipients.

(17) \$88,000 of the general fund—state appropriation for fiscal year 2022 and \$89,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 90, Laws of 2021 (SSB 5068) (postpartum period/Medicaid).

(18) \$41,000 of the general fund—state appropriation for fiscal year 2022, \$81,000 of the general fund—state appropriation for fiscal year 2023, and \$237,000 of the general fund—federal appropriation are provided solely for implementation of Substitute House Bill No. 1416 (insurers/child support coll.).

(19) \$11,884,000 of the general fund—state appropriation for fiscal year 2022 and \$15,248,000 of the general fund—federal appropriation are provided solely to cover the variance in total child support arrears collected in fiscal year 2022 compared to the total arrears collected in fiscal year 2021.

(20) \$36,860,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase the grant standard for the aged, blind, or disabled program to a maximum of \$417 per month for a one-person grant and \$528 for a two-person grant effective September 1, 2022.

(21) \$513,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to eliminate the mid-certification review for blind or disabled participants in the aged, blind, or disabled program, effective July 1, 2022.

(22) \$195,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand the aged, blind, or disabled program's clothing, personal maintenance, and necessary incidentals grant to individuals between the ages of 21 and 64 who are residing in a public mental institution, effective September 1, 2022.

(23) \$207,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement House Bill No. 1748 (human trafficking/ABD prog.). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(24) \$560,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement a state-funded employment and training program for recipients of the state's food assistance program, effective July 1, 2022.

(25) \$219,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement Substitute Senate Bill No. 5785 (transitional food assistance). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(26) \$95,000 of the general fund—state appropriation for fiscal year 2023 and \$61,000 of the general fund—federal appropriation are provided solely to remove the asset limit test for the medicare savings plan program in collaboration with the health care authority, effective January 1, 2023.

(27) \$207,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for system upgrades necessary for the anticipated expansion of medicaid equivalent health care coverage to uninsured adults with income up to 138 percent of the federal poverty level regardless of immigration status in collaboration with the health care authority. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(28) \$8,489,000 of the general fund—state appropriation for fiscal year 2022 and \$19,909,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with nonprofit organizations to provide services to refugees and immigrants that have arrived in Washington state on or after July 1, 2021, and are eligible for federal refugee resettlement services, including those from Afghanistan and Ukraine. The services shall include, but are not limited to, emergency, temporary, and long-term housing and assistance with food, transportation, accessing childhood education services, applying for benefits and immigrant services, education and employment support, and social services navigation.

(29) \$750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide funding to domestic violence services providers in Washington state that receive funding through the domestic violence services program and provide shelter services. The funding to each entity shall be proportionate, based upon bed capacity. This funding shall be in addition to any other funds previously provided to or scheduled to be provided under a contract with the domestic violence services program in the 2021-2023 fiscal biennium.

(30) \$1,000 of the general fund—state appropriation for fiscal year 2023 is for the implementation of Engrossed Second Substitute House Bill No. 2075 (DSHS service requirements).

(31) \$211,000 of the general fund—state appropriation for fiscal year 2022, \$5,727,000 of the general fund—state appropriation for fiscal year 2023, and \$13,762,000 of the general fund—federal appropriation are provided solely for the integrated eligibility and enrollment modernization project to create a comprehensive application and benefit status tracker for multiple programs and to establish a foundational platform. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(32) \$27,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5729 (hearing deadlines/good cause). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1206.** 2022 c 297 s 206 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2022)	\$17,363,000
General Fund—State Appropriation (FY 2023)	<del>(\$24,443,000)</del>
	<u>\$24,448,000</u>
General Fund—Federal Appropriation	<del>(\$109,830,000)</del>
	<u>\$109,821,000</u>
<b>TOTAL APPROPRIATION</b>	<b><del>(\$151,636,000)</del></b>
	<b><u>\$151,632,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1061 (child welfare/dev disability).

(2) \$5,087,000 of the general fund—state appropriation for fiscal year 2023 and \$235,000 of the general fund—federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5790 (community support services). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

**Sec. 1207.** 2022 c 297 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM**

General Fund—State Appropriation (FY 2022)	\$65,051,000
General Fund—State Appropriation (FY 2023)	<del>(\$69,743,000)</del>
	<u>\$75,007,000</u>
<b>TOTAL APPROPRIATION</b>	<b><del>(\$134,794,000)</del></b>
	<b><u>\$140,058,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(2) \$1,204,000 of the general fund—state appropriation for fiscal year 2022 and \$1,079,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for specialized equipment and additional medical staff to provide more capacity to deliver care to individuals housed at the total confinement facility. No later than November 1, 2023, the department shall report to the legislature on the number of individuals treated on the island that previously would have been transported off the island for treatment.

(3) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the increased costs for personal computers leased through the department of enterprise services.

(4) \$6,768,000 of the general fund—state appropriation for fiscal year 2022 and \$4,496,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5163 (conditionally released SVPS).

**Sec. 1208.** 2022 c 297 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022)	\$41,169,000
General Fund—State Appropriation (FY 2023)	<del>(\$45,628,000)</del>
	<u>\$46,564,000</u>
General Fund—Federal Appropriation	<del>(\$53,582,000)</del>
	<u>\$60,088,000</u>
<b>TOTAL APPROPRIATION</b>	<b><del>(\$140,379,000)</del></b>
	<b><u>\$147,821,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2022, and February 1, 2023. The report must provide:

- (a) The number of people in Washington who are eligible for the program;
- (b) The number of people in Washington who participated in the program;
- (c) The average annual participation rate in the program;
- (d) Participation rates by geographic distribution; and
- (e) The annual federal funding of the program in Washington.

(2) (a) \$3,000 of the general fund—state appropriation for fiscal year 2022, \$5,000 of the general fund—state appropriation for fiscal year 2023, and \$8,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021–2023 fiscal biennium.



(b) \$20,000 of the general fund—state appropriation for fiscal year 2023 and \$11,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for fiscal year 2023 as provided in section 938 of this act.

(3) By October 1, 2021, the department must submit a report to the fiscal committees of the legislature detailing shortcomings of the previously funded electronic health records system and contract, the clinical validity of existing software, approaches to mitigate the shortcomings of previously funded system, and a recommended approach to establishing a comprehensive electronic health records system at state facilities in the future.

(4) \$39,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Substitute House Bill No. 1411 (health care workforce).

(5) \$364,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the creation of a program director position and a project manager position tasked with ensuring an enterprise-wide approach to poverty reduction across Washington. These positions will convene and facilitate the poverty reduction subcommittee, track agency progress on poverty reduction efforts to build a stronger continuum of care, coordinate budget and policy proposals, and ensure that recommendations incorporate data prepared by the poverty reduction technical advisory group.

(6) \$461,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create a poverty reduction technical advisory group that is tasked with developing a statewide measurement and data framework that can help inform future budget and policy decisions. This group must also track the state's progress towards creating a just and equitable future. This group must collaborate with communities experiencing poverty and the state office of equity to ensure their input is factored into the analysis of data.

(7) \$75,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department, in collaboration with the Washington state health care authority, to study the cost and benefit of adopting available options to expand medicare savings programs and classic medicaid programs, including categorically needy and medically needy, to promote affordable care, premiums, and cost-sharing for medicare enrollees. The cost analysis must identify available federal funding for each option. The department shall consider options that create affordability comparable to affordable care act programs available to adults without medicare, as well as intermediate options that move toward comparability. The study must analyze equity impacts of each option, considering gender, race, and ethnicity. The department shall submit the study and recommendations to the fiscal and health care committees of the legislature, as well as the joint legislative-executive committee on planning for aging and disability issues, by November 1, 2022.

(8) \$75,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to design and conduct a study describing the service experiences and characteristics of persons receiving medicaid-funded long-term services and supports and persons receiving services related to developmental or intellectual disabilities, and associated social and health services expenditures. Where feasible, this analysis shall include service experiences and expenditures of these populations within and across medicaid-funded long-term services and supports, medicaid-funded medical programs, medicaid-funded behavioral health programs, and medicare programs in Washington state. The department analysis shall be developed in consultation with relevant stakeholders, including but not limited to the Washington state health care authority. The department shall submit a final study report to the governor and appropriate committees of the legislature by December 31, 2022.

(9) \$65,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to prepare an annual report in consultation with the department of commerce on the projected demand for permanent supportive housing. This report is to be submitted to the appropriate committees of the legislature by December 1, 2022.

**Sec. 1209.** 2022 c 297 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund—State Appropriation (FY 2022)	\$68,048,000
General Fund—State Appropriation (FY 2023)	(( <del>\$60,750,000</del> ))
	<u>\$57,643,000</u>
General Fund—Federal Appropriation	(( <del>\$55,969,000</del> ))
	<u>\$55,802,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$184,767,000</del>))</b>
	<b>\$181,493,000</b>

The appropriations in this section are subject to the following conditions and limitations: Within the amounts appropriated in this section, the department must extend master property insurance to all buildings owned by the department valued over \$250,000 and to all locations leased by the department with contents valued over \$250,000.

**Sec. 1210.** 2022 c 297 s 210 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY**

(1)(a) During the 2021-2023 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of

the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

(b) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

(2) The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The health care authority, the health benefit exchange, the department of social and health services, the department of health, the department of corrections, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(b) The health care authority must submit a report on November 1, 2021, and annually thereafter, to the fiscal committees of the legislature. The report must include, at a minimum:

(i) A list of active coalition projects as of July 1st of the fiscal year. This must include all current and ongoing coalition projects, which coalition agencies are involved in these projects, and the funding being expended on each project, including in-kind funding. For each project, the report must include which federal requirements each coalition project is working to satisfy, and when each project is anticipated to satisfy those requirements; and

(ii) A list of coalition projects that are planned in the current and following fiscal year. This must include which coalition agencies are involved in these projects, including the anticipated in-kind funding by agency, and if a budget request will be submitted for funding. This must reflect all funding required by fiscal year and by fund source and include the budget outlook period.

(4) The appropriations to the health care authority in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, ~~((2022))~~2023, unless prohibited by this act, the authority may transfer general fund—state appropriations for fiscal year 2022 among programs after approval by the director of the office of financial management. The authority must notify the fiscal committees of the legislature prior to receiving approval from the director of the office of financial management. To the extent that appropriations in sections 211 through 215 of this act are insufficient to fund actual expenditures in excess of caseload forecast and utilization assumptions or for expenses in response to the COVID-19 pandemic, the authority may transfer general fund—state appropriations for fiscal year ~~((2022))~~2023 that are provided solely for a specified purpose. The authority may not transfer funds, including for expenses in response to the COVID-19 pandemic in fiscal year ~~((2022))~~2023, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this section. The written notification must include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications and transfers.

**Sec. 1211.** 2022 c 297 s 211 (uncodified) is amended to read as follows:

<b>FOR THE STATE HEALTH CARE AUTHORITY—MEDICAL ASSISTANCE</b>	
General Fund—State Appropriation (FY 2022) . . . . .	\$2,391,518,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$2,600,611,000)</del>
	<u>\$2,757,521,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$13,934,556,000)</del>
	<u>\$15,566,628,000</u>

General Fund—Private/Local Appropriation. . . . .	(\$465,890,000))
	<u>\$452,226,000</u>
Emergency Medical Services and Trauma Care Systems	
Trust Account—State Appropriation. . . . .	\$15,086,000
Hospital Safety Net Assessment Account—State	
Appropriation. . . . .	(\$685,383,000))
	<u>\$685,724,000</u>
Dedicated Marijuana Account—State Appropriation	
(FY 2022). . . . .	\$26,063,000
Dedicated Marijuana Account—State Appropriation	
(FY 2023). . . . .	(\$27,241,000))
	<u>\$21,078,000</u>
Medical Aid Account—State Appropriation. . . . .	\$540,000
Telebehavioral Health Access Account—State	
Appropriation. . . . .	\$8,034,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation. . . . .	\$59,600,000
Ambulance Transport Fund—State Appropriation. . . . .	\$14,317,000
<b>TOTAL APPROPRIATION</b> .....	<b>(\$20,228,839,000))</b>
	<u><b>\$21,998,335,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in subsections (2), (3), and (4) of this section until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (a) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (b) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (c) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (d) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. The authority shall submit an application to the centers for medicaid and medicare services to extend the duration of the medicaid transformation waiver under healthier Washington as described in subsections (2), (3), and (4) of this section by one year. If not extended, by federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement. The demonstration period for the waiver as described in subsections (2), (3), and (4) of this section concludes (~~December 31, 2022~~) June 30, 2023.

(2) (a) No more than (~~\$78,409,000~~) \$93,107,000 of the general fund—federal appropriation and no more than (~~\$66,264,000~~) \$88,826,000 of the general fund—local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration wavier under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund—state expenditures under this initiative. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than (~~\$198,909,000~~) \$315,678,000 of the general fund—federal appropriation and no more than (~~\$81,245,000~~) \$128,939,000 of the general fund—private/local appropriation may be expended for the medicaid quality improvement program. Under federal regulations, the medicaid quality improvement program is authorized and allows states to design quality improvement programs for the medicaid population in ways that support the state's quality goals. Medicaid quality improvement program payments will not count against the medicaid transformation demonstration waiver spending limits and are excluded from the waiver's budget neutrality calculation. Apple health managed care organizations and their partnering

providers will receive medicaid quality improvement program payments as they meet designated milestones. Partnering providers and apple health managed care organizations will work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority shall only utilize the medicaid quality improvement program to support the transformation waiver and shall not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program does not create an entitlement. The authority shall not increase general fund—state, federal, or private/local expenditures under this program. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(3) No more than (~~(\$26,837,000)~~) \$46,739,000 of the general fund—federal appropriation and (~~(\$26,839,000)~~) \$46,742,000 of the general fund—local appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington as well as administrative expenses for initiative 3. The authority shall contract and provide funding to the department of social and health services to administer initiative 2. The director in cooperation with the secretary of the department of social and health services shall report to the office of financial management all of the expenditures of this section and shall provide such fiscal data in the time, manner, and form requested. The authority shall not increase general fund—state expenditures on this initiative.

(4) No more than (~~(\$28,680,000)~~) \$41,915,000 of the general fund—federal appropriation and no more than (~~(\$12,992,000)~~) \$20,310,000 of the general fund—local appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(5) The authority shall submit an application to the centers for medicare and medicaid services to renew the 1115 demonstration waiver for an additional five years as described in subsections (2), (3), and (4) of this section. The authority may not accept or expend any federal funds received under an 1115 demonstration waiver except as described in this section unless the legislature has appropriated the federal funding. To ensure compliance with legislative requirements and terms and conditions of the waiver, the authority shall implement the renewal of the 1115 demonstration waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the renewal of the 1115 demonstration waiver (~~(as set forth in subsections (6), (7), and (8) of this section)~~) requires sound, consistent, timely, and transparent oversight and analytic review in addition to lack of redundancy with other established measures. The patient must be considered first and foremost in the implementation and execution of the demonstration waiver. To accomplish these goals, the authority shall develop consistent performance measures that focus on population health and health outcomes. The authority shall limit the number of projects that accountable communities of health may participate in under initiative 1 to a maximum of six and shall seek to develop common performance measures when possible. The joint select committee on health care oversight will evaluate the measures chosen: (a) For effectiveness and appropriateness; and (b) to provide patients and health care providers with significant input into the implementation of the demonstration waiver to promote improved population health and patient health outcomes. In cooperation with the department of social and health services, the authority shall consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget to the joint select committee on health care oversight prior to submitting these waivers for federal approval. Prior to final approval or acceptance of funds by the authority, the authority shall submit the special terms and conditions as submitted to the centers for medicare and medicaid services and the anticipated budget for the duration of the renewed waiver to the governor, the joint select committee on health care, and the fiscal committees of the legislature. By federal standard any programs created or funded by this waiver do not create an entitlement. The demonstration period for the waiver (~~(as described in subsections (6), (7), and (8) of this section)~~) renewal begins ((January) July 1, 2023.

(6) (~~(a) \$32,432,000 of the general fund—federal appropriation and \$40,296,000 of the general fund—local appropriation are provided solely for accountable communities of health described in initiative 1 of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. In renewing this initiative, the authority shall consider local input regarding community needs and shall limit total local projects to no more than six. To provide transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not supplement the amounts provided in this subsection with any general~~

~~fund state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the fiscal committees of the legislature all expenditures under this subsection and provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.~~

~~(b) \$110,778,000 of the general fund federal appropriation and \$45,248,000 of the general fund private/local appropriation are provided solely for the medicaid quality improvement program and this is the maximum amount that may be expended for this purpose. Medicaid quality improvement program payments do not count against the 1115 demonstration waiver spending limits and are excluded from the waiver's budget neutrality calculation. The authority may provide medicaid quality improvement program payments to apple health managed care organizations and their partnering providers as they meet designated milestones. Partnering providers and apple health managed care organizations must work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority may only use the medicaid quality improvement program to support initiatives 1, 2, and 3 as described in the 1115 demonstration waiver and may not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program do not constitute an entitlement for clients or providers. The authority shall not supplement the amounts provided in this subsection with any general fund state, general fund federal, or general fund local moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.~~

~~(c) In collaboration with the accountable communities of health, the authority will submit a report to the governor and the joint select committee on health care oversight describing how each of the accountable community of health's work aligns with the community needs assessment no later than December 1, 2022.~~

~~(d) Performance measures and payments for accountable communities of health shall reflect accountability measures that demonstrate progress toward transparent, measurable, and meaningful goals that have an impact on improved population health and improved health outcomes, including a path to financial sustainability. While these goals may have variation to account for unique community demographics, measures should be standardized when possible.~~

~~(7) \$19,902,000 of the general fund federal appropriation and \$19,903,000 of the general fund local appropriation are provided solely for long-term support services as described in initiative 2 of the 1115 demonstration waiver as well as administrative expenses for initiative 3 and this is the maximum amount that may be expended for this purpose. The authority shall contract with and provide funding to the department of social and health services to administer initiative 2. The director in cooperation with the secretary of the department of social and health services shall report to the office of financial management all of the expenditures of this section and shall provide such fiscal data in the time, manner, and form requested. The authority shall not supplement the amounts provided in this subsection with any general fund state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section.~~

~~(8) (a) \$13,235,000 of the general fund federal appropriation and \$7,318,000 of the general fund local appropriation are provided solely for supported housing and employment services described in initiative 3a and 3b of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third-party administrator. The authority and the department, in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not supplement the amounts provided in this subsection with any general fund state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.~~

~~(b) The authority and the department shall seek additional flexibilities for housing supports through the centers for medicare and medicaid services and shall coordinate with the office of financial management and the department of commerce to ensure that services are not duplicated.~~

~~(c) The director shall report to the joint select committee on health care oversight no less than quarterly on utilization and caseload statistics for both supportive housing and employment services and its progress toward increasing uptake and availability for these services.~~

~~(9)) \$202,000 of the general fund state appropriation for fiscal year 2023 is provided solely for supported employment services and \$208,000 of the general fund state appropriation for fiscal year 2023 is provided solely for supported housing services, similar to the services described in initiatives 3a and 3b of the 1115 demonstration waiver to individuals who are ineligible for medicaid. Under these initiatives, the authority and the department of social and health services shall ensure that allowable and necessary services~~

are provided to eligible clients as identified by the authority or its third-party administrator. Before authorizing services, eligibility for initiative 3a or 3b of the 1115 demonstration waiver must first be determined.

~~((10))~~ (7) The authority shall submit a plan to preserve the waiver that allows for the full cost of stays in institutions for mental diseases to be included in managed care rates by November 1, 2021, to the appropriate committees of the legislature.

~~((11))~~ (8) The authority shall submit a plan to preserve the waiver allowing for full federal financial participation for medical clients in mental health facilities classified as institutions for mental diseases by November 1, 2021, to the appropriate committees of the legislature.

~~((12))~~ (9) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

~~((13))~~ (10) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

~~((14))~~ (11) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

~~((15))~~ (12) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

~~((16))~~ (13) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

~~((17))~~ (14) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

~~((18))~~ (15) \$3,733,000 of the general fund—state appropriation for fiscal year 2022, ~~(\$4,261,000)~~ \$3,785,000 of the general fund—state appropriation for fiscal year 2023, and ~~(\$9,050,000)~~ \$9,553,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

~~((19))~~ (16) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

~~((20))~~ (17) \$7,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

~~((21))~~ (18) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2021-2023 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2021, and by November 1, 2022, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2022 and fiscal year 2023, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. For the purpose of determining the amount of any state grant under this subsection, payments will include the federal portion of medicaid program supplemental payments received by the hospitals. Inpatient

medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2021-2023 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2019-2021 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$425,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$391,000)~~ \$273,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for state grants for the participating hospitals.

~~((22))~~ (19) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

~~((23))~~ (20) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

~~((24))~~ (21) The authority shall submit reports to the governor and the legislature by September 15, 2021, and no later than September 15, 2022, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

~~((25))~~ (22) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

~~((26))~~ (23) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

~~((27))~~ (24) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

~~((28))~~ (25) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

~~((29))~~ (26) \$90,000 of the general fund—state appropriation for fiscal year 2022, \$90,000 of the general fund—state appropriation for fiscal year 2023, and \$180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program. By November 15, 2022, the authority shall submit a report to the appropriate committees to the legislature that provides, at a minimum, information about the number of calls received by the nonprofit organization in the previous year, the amount of time spent on each call, comparisons to previous years, where available, and information about what data is collected related to this service.

~~((30))~~ (27) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

~~((31))~~ (28) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical

programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

~~((32))~~ (29) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

~~((33))~~ (30) The authority shall use revenue appropriated from the dedicated ~~((marijuana fund))~~ cannabis account for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

~~((34))~~ (31) Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority.

~~((35))~~ (32) Sufficient amounts are appropriated in this section for the authority to provide a medicaid equivalent adult dental benefit to clients enrolled in the medical care service program.

~~((36))~~ (33) During the 2021-2023 fiscal biennium, sufficient amounts are provided in this section for the authority to provide services identical to those services covered by the Washington state family planning waiver program as of August 2018 to individuals who:

- (a) Are over nineteen years of age;
- (b) Are at or below two hundred and sixty percent of the federal poverty level as established in WAC 182-505-0100;
- (c) Are not covered by other public or private insurance; and
- (d) Need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.

~~((37))~~ (34) Sufficient amounts are appropriated within this section for the authority to incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.320 RCW into contracts with managed care organizations that provide services to clients. The authority is directed to:

(a) Contract with an external quality improvement organization to annually analyze the performance of managed care organizations providing services to clients under this chapter based on seven performance measures. The analysis required under this subsection must:

(i) Measure managed care performance in four common measures across each managed care organization, including:

(A) At least one common measure must be weighted towards having the potential to impact managed care costs; and

(B) At least one common measure must be weighted towards population health management, as defined by the measure; and

(ii) Measure managed care performance in an additional three quality focus performance measures specific to a managed care organization. Quality focus performance measures chosen by the authority must:

(A) Be chosen from the statewide common measure set;

(B) Reflect specific measures where a managed care organization has poor performance; and

(C) Be substantive and clinically meaningful in promoting health status.

(b) The authority shall set the four common measures to be analyzed across all managed care organizations.

(c) The authority shall set three quality focus performance measures specific to each managed care organization. The authority must determine performance measures for each managed care organization based on the criteria established in (a)(ii) of this subsection.

(d) By September 15, 2021, and annually thereafter, the authority shall notify each managed care organization of the performance measures for the organization for the subsequent plan year.

(e) Two percent of the total plan year funding appropriated to each managed care organization that provides services to clients under chapter 70.320 RCW shall be withheld. At least seventy-five percent of the withhold shall be held contingent on each managed care organization's performance on the seven performance measures identified in this section. Each managed care organization may earn back the annual withhold if the external quality improvement organization finds that the managed care organization:

(i) Made statistically significant improvement in the seven performance measures as compared to the preceding plan year; or

(ii) Scored in the top national medicaid quartile of the performance measures.

(f) The amount of withhold annually paid to each managed care organization shall be proportional to findings of statistically significant improvement or top national medicaid quartile scoring by a managed care organization.

(g) For no more than two of the four quality focus performance measures, the authority may use an alternate methodology to approximate top national medicaid quartile performance where top quartile performance data is unavailable.

(h) For the purposes of this subsection, "external quality improvement organization" means an organization that meets the competence and independence requirements under 42 C.F.R. Sec. 438.354, as it existed on the effective date of this section.



~~((38))~~ (35) (a) The authority shall ensure that appropriate resources are dedicated to implementing the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report. Additionally, the authority shall:

(i) Work to ensure the efficient operations of the managed care plans, including but not limited to, a deconflicting process for audits with and among the managed care plans and the medicaid fraud division at the attorney general's office, to ensure the authority staff perform central audits of cases that appear across multiple managed care plans, versus the audits performed by the individual managed care plans or the fraud division; and

(ii) Remain accountable for operating in an effective and efficient manner, including performing program integrity activities that ensure high value in the medical assistance program in general and in medicaid managed care specifically;

(A) Work with its contracted actuary and the medicaid forecast work group to develop methods and metrics related to managed care program integrity activity that shall be incorporated into annual rate setting; and

(B) Work with the medicaid forecast work group to ensure the results of program integrity activity are incorporated into the rate setting process in a transparent, timely, measurable, quantifiable manner.

(b) The authority shall submit a report to the governor and appropriate committees of the legislature by October 1, 2021, that includes, but is not limited to:

(i) Specific, quantified actions that have been taken, to date, related to the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report; and

(ii) Specific, quantified information regarding the steps taken toward ~~(a) ((i), (iii), and (iv))~~ (ii) (A) and (B) of this subsection.

~~((39))~~ (36) No later than December 31, 2021, the health care authority, in partnership with the department of social and health services as described in section 204(16) of this act, shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

~~((40))~~ (37) \$2,786,000 of the general fund—state appropriation for fiscal year 2022, \$3,714,000 of the general fund—state appropriation for fiscal year 2023, and \$11,009,000 of the general fund—federal appropriation are provided solely to maintain and increase access for behavioral health services through increased provider rates. The rate increases are effective October 1, 2021, and must be applied to the following codes for children and adults enrolled in the medicaid program: 90832, 90833, 90834, 90837, H0004, H0036, H2015, H2021, H0023, 90836, 90838, 96156, 96158, 96159, 96164, 96165, 96167, 96168, 96170, 96171, 90845, 90846, 90847, 90849, 90853, 90785, and 90791. The authority may use a substitute code in the event that any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection the authority must:

(a) Implement this rate increase in accordance with the process established in chapter 285, Laws of 2020 (EHB 2584) (behavioral health rates);

(b) Raise the state fee-for-service rates for these codes by up to 15 percent, except that the state medicaid rate may not exceed the published medicare rate or an equivalent relative value unit rate if a published medicare rate is not available;

(c) Require in contracts with managed care organizations that, beginning October 2021, managed care organizations pay no lower than the fee-for-service rate for these codes, and adjust managed care capitation rates accordingly; and

(d) Not duplicate rate increases provided in subsections ~~((41) and (42))~~ (38) and (39) of this section.

~~((41))~~ (38) \$19,664,000 of the general fund—state appropriation for fiscal year 2022, \$26,218,000 of the general fund—state appropriation for fiscal year 2023, and \$77,996,000 of the general fund—federal appropriation are provided solely to maintain and increase access for primary care services for medicaid-enrolled patients through increased provider rates beginning October 1, 2021. Within the amounts provided in this subsection the authority must:

(a) Increase the medical assistance rates for adult primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 15 percent above medical assistance rates in effect on January 1, 2019;

(b) Increase the medical assistance rates for pediatric primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 21 percent above medical assistance rates in effect on January 1, 2019;

(c) Increase the medical assistance rates for pediatric critical care, neonatal critical care, and neonatal intensive care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 21 percent above medical assistance rates in effect on January 1, 2019;

(d) Apply reimbursement rates required under this subsection to payment codes in a manner consistent with the temporary increase in medicaid reimbursement rates under federal rules and guidance in effect on January 1, 2014, implementing the patient protection and affordable care act, except that the authority may not require provider attestations;

(e) Pursue state plan amendments to require medicaid managed care organizations to increase rates under this subsection through adoption of a uniform percentage increase for network providers pursuant to 42 C.F.R. Sec. 438.6(c)(1)(iii)(B), as existing on January 1, 2019; and

(f) Not duplicate rate increases provided in subsections ~~((40) and (42))~~ (37) and (39) of this section.

~~((42))~~ (39) \$2,233,000 of the general fund—state appropriation for fiscal year 2022, \$2,977,000 of the general fund—state appropriation for fiscal year 2023, and \$10,871,000 of the general fund—federal appropriation are provided solely to increase provider rates to maintain and increase access for family planning services for patients seeking services through department of health sexual and reproductive health program family planning providers. The rate increases are effective October 1, 2021, and must be applied to the following codes for eligible apple health and family planning only clients seeking services through department of health sexual and reproductive health program providers: 36415, 36416, 55250, 57170, 58340, 58600, 58605, 58611, 58615, 58670, 58671, 59840, 59841, 59850, 59851, 59852, 59855, 59856, 59857, 76817, 81025, 84702, 84703, 86631, 86632, 86901, 87110, 87270, 87320, 87490, 87491, 87590, 87591, 87624, 87625, 87800, 87810, 88141, 88142, 88143, 88147, 88148, 88150, 88152, 88153, 88164, 88165, 88166, 88167, 88174, 88175, 96372, 99071, 99201, 99202, 99203, 99204, 99211, 99212, 99213, 99214, 99384, 99385, 99386, 99394, 99395, 99396, 99401, and S0199. The authority may use a substitute code if any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection the authority must:

(a) Increase the family planning rates for services that are included on and reimbursed solely at the existing family planning fee schedule on a fee-for-service basis, as well as through managed care plans, by at least 162 percent above family planning fee schedule rates in effect on January 1, 2021;

(b) Pursue state plan amendments to require medicaid managed care organizations to increase rates under this subsection through adoption of a uniform percentage increase for network providers pursuant to 42 C.F.R. Sec. 438.6(c)(1)(iii)(B), as existing on January 1, 2021; and

(c) Not duplicate rate increases provided in subsections ~~((40) and (41))~~ (37) and (38) of this section.

~~((43))~~ (40) (a) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall reconcile on an annual basis with rural health clinics.

(b) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with rural health clinics during the fiscal year close process following generally accepted accounting practices.

~~((44))~~ (41) (a) The authority in collaboration with the office of financial management and representatives from fiscal committees of the legislature shall conduct an evaluation of the APM4 model to determine its cost effectiveness and impact on patient outcomes and report its findings and recommendations to the appropriate committees of the legislature by November 15, 2022.

(b) The authority shall not enter into any future value-based arrangements with federally qualified health centers or rural health clinics prior to receiving approval from the office of financial management and the appropriate committees of the legislature.

(c) The authority shall not modify the reconciliation process or the APM4 program with federally qualified health centers or rural health clinics without notification to and the opportunity to comment from the office of financial management.

(d) The authority shall require all managed care organizations to provide information to the authority to account for all payments to federally qualified health centers to include how payments are made, including any additional payments and whether there is a sub-capitation arrangement or value-based purchasing arrangement.

(e) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall reconcile on an annual basis with federally qualified health centers contracting under APM4.

(f) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with federally qualified health centers contracting under APM4 during the fiscal year close process following generally accepted accounting practices.

~~((45))~~ (42) Within the amounts appropriated in this section, the authority is to include allergen control bed and pillow covers as part of the durable medical equipment benefit for children with an asthma diagnosis enrolled in medical assistance programs.

~~((46))~~ (43) Within the amounts appropriated in this section, the authority shall reimburse for maternity services provided by doulas.

~~((47))~~ (44) \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—federal appropriation are provided solely for evaluation of the Washington rural health access preservation pilot program.

~~((48))~~ (45) \$160,000 of the general fund—state appropriation for fiscal year 2022 and \$1,440,000 of the general fund—federal appropriation are provided solely for health care interoperability costs and are subject to the conditions, limitations, and review provided in section 701 of this act.

~~((49))~~ (46) \$275,000 of the general fund—state appropriation for fiscal year 2022, ~~((160,000))~~ \$605,000 of the general fund—state appropriation for fiscal year 2023, and ~~((3,913,000))~~ \$7,608,000 of the general fund—federal appropriation are provided solely for modular replacement costs of the ProviderOne pharmacy point of sale system and are subject to the conditions, limitations, and review provided in section 701 of this act.

~~((50))~~ (47) \$484,000 of the general fund—state appropriation for fiscal year 2022 and \$466,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5399 (universal health care commission).

~~((51))~~ (48) \$654,000 of the general fund—state appropriation for fiscal year 2022, \$655,000 of the general fund—state appropriation for fiscal year 2023, and \$2,154,000 of the general fund—federal appropriation are provided solely for the authority to increase the nonemergency medical transportation broker administrative rate to ensure access to health care services for medicaid patients.

~~((52))~~ (49) \$1,715,000 of the general fund—state appropriation for fiscal year 2022, \$1,804,000 of the general fund—state appropriation for fiscal year 2023, and \$6,647,000 of the general fund—federal appropriation are provided solely to increase the rates paid to rural hospitals that meet the criteria in (a) through (e) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to 150 percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2023, and return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018. Hospitals participating in the certified public expenditures program may not receive increased reimbursement for inpatient services. Hospitals qualifying for this rate increase must:

(a) Be certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013;

(b) Have had less than 150 acute care licensed beds in fiscal year 2011;

(c) Have a level III adult trauma service designation from the department of health as of January 1, 2014;

(d) Be owned and operated by the state or a political subdivision; and

(e) Accept single bed certification patients pursuant to RCW 71.05.745 by July 1, 2022. If the hospitals qualifying for this rate increase do not accept single bed certification patients by July 1, 2022, the authority must discontinue this rate increase after October 1, 2022, and must return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018.

~~((53))~~ (50) \$100,000 of the general fund—state appropriation for fiscal year 2022, \$100,000 of the general fund—state appropriation for fiscal year 2023, and \$200,000 of the general fund—federal appropriation are provided solely for pass through funding for a citizens of the compact of free association (COFA) community member led organization through a Washington state based organization contract as outlined in RCW 43.71A.030 to provide additional supports to COFA community members statewide who are seeking access to health coverage and health care services. The amounts provided in this subsection for fiscal year 2022 must be distributed no later than October 1, 2021. The amounts provided in this subsection for fiscal year 2023 must be distributed no later than October 1, 2022.

~~((54))~~ (51) The authority shall collaborate with the Washington state LGBTQ commission, the department of health, advocates for people living with HIV in Washington, consumers, and medical professionals with expertise in serving the medicaid population living with HIV, to consider and develop recommendations regarding:

(a) Access to HIV antiretroviral drugs on the medicaid drug formulary, including short- and long-term fiscal implications of eliminating current prior authorization and fail-first requirements;

(b) Impact of drug access on public health and the statewide goal of reducing HIV transmissions; and

(c) Maximizing pharmaceutical drug rebates for HIV antiretroviral drugs.

~~((55))~~ (52) \$22,000 of the general fund—state appropriation for fiscal year 2022, \$22,000 of the general fund—state appropriation for fiscal year 2023, and \$134,000 of the general fund—federal appropriation are provided solely to implement Substitute Senate Bill No. 5157 (behavioral disorders/justice).

~~((56))~~ (53) Within the amounts appropriated in this section, the authority shall extend the oral health connections pilot project in Spokane, Thurston, and Cowlitz counties. The authority shall continue to work in collaboration with a state-based oral health foundation to jointly develop and implement the program. The purpose of the pilot is to test the effect that enhanced dental benefits for medicaid clients with diabetes and pregnant clients have on access to dental care, health outcomes, and medical care costs. The pilot program must continue to include enhanced reimbursement rates for participating dental providers, including denturists licensed under chapter 18.30 RCW, and an increase in the allowable number of periodontal treatments to up to four per calendar year. The authority has the option of extending pilot program eligibility to dually eligible medicaid clients who are diabetic or pregnant and to pregnant medicaid clients under the age of 20. The authority has the option of adjusting the pilot program benefit design and fee schedule based on previous findings, within amounts appropriated in this section. Diabetic or pregnant medicaid clients who are receiving dental care within the pilot regions, regardless of location of the service within the pilot regions, are eligible for the increased number of periodontal treatments.

The state-based oral health foundation shall continue to partner with the authority and provide wraparound services to link patients to care. The authority and foundation shall provide a joint report to the appropriate committees of the legislature on October 1, 2021, outlining the findings of the original three-year pilot program, and on December 1, 2022, outlining the progress of the extended pilot program.

~~((57))~~ (54) (a) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—federal appropriation are provided solely for contracting with the office of equity to implement chapter 293, Laws of 2020 (baby, child dentistry access). By November 15, 2021, the authority shall submit a report to the appropriate committees to the legislature describing its progress implementing chapter 293, Laws of 2020 (baby, child dentistry access) and chapter 242, Laws of 2020 (access to baby and child dentistry for children with disabilities).

(b) \$200,000 of the general fund—state appropriation for fiscal year 2023 and \$200,000 of the general fund—federal appropriation are provided solely for the authority to contract with access to baby and child dentistry local programs for the purpose of maintaining and expanding capacity for local program coordinators. The goals of this contracting include, but are not limited to, reducing racial and ethnic disparities in access to care and oral health outcomes, increasing the percentage of medicaid-enrolled children under the age of two accessing dental care, and continued provider engagement and outreach. The authority may contract with the office of equity and other statewide and local equity partners to provide training and identify activities and deliverables.

~~((58))~~ (55) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—federal appropriation are provided solely for contracting by the health care authority to further the development and implementation of its Washington primary care transformation initiative, intended to increase team-based primary care and the percentage of overall health care spending in the state devoted to primary care. By October 1, 2021, the authority must update the legislature on the status of the initiative, including any fiscal impacts of this initiative, potential implementation barriers, and needed legislation.

~~((59))~~ (56) Sufficient funds are provided to continue reimbursing dental health aid therapists for services performed in tribal facilities for medicaid clients. The authority must leverage any federal funding that may become available as a result of appeal decisions from the centers for medicare and medicaid services or the United States court of appeals for the ninth circuit.

~~((60))~~ (57) \$149,000 of the general fund—state appropriation for fiscal year 2022 and \$140,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans).

~~((61))~~ (58) Within the amount appropriated within this section, the authority shall implement the requirements of Substitute Senate Bill No. 5068 (postpartum period/medicaid) and the American rescue plan act of 2021, P.L. 117-2, in extending health care coverage during the postpartum period. The authority shall make every effort to expedite and complete eligibility determinations for individuals who are likely eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act to ensure the state is receiving maximum federal match. This includes, but is not limited to, working with managed care organizations to provide continuous outreach in various modalities until the individual's eligibility determination is completed. Beginning June 1, 2022, the authority must submit quarterly reports to the caseload forecast work group on the number of individuals who are likely eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act but are waiting for the authority to complete eligibility determination, the number of individuals who were likely eligible but are now receiving health care coverage with the maximum federal match under Title XIX or Title XXI of the federal social security act, and outreach activities including the work with managed care organizations.

~~((62))~~ (59) \$10,695,000 of the general fund—state appropriation for fiscal year 2022, \$10,695,000 of the general fund—state appropriation for fiscal year 2023, and \$54,656,000 of the general fund—federal appropriation are provided solely to maintain and increase access for adult dental services for medicaid enrolled patients through increased provider rates beginning July 1, 2021. Within the amounts provided in this subsection, the authority must increase the medical assistance rates for adult dental services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis up to 100 percent above medical assistance rates in effect on January 1, 2019.

~~((63))~~ (60) \$551,000 of the general fund—state appropriation for fiscal year 2022, \$770,000 of the general fund—state appropriation for fiscal year 2023, and \$3,288,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5195 (opioid overdose medication).

~~((64))~~ (61) The authority must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in the LEAP omnibus document HCBS-2021.

~~((65))~~ (62) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to continue a public-private partnership with a state-based oral health foundation to connect medicaid patients to dental services and reduce barriers to accessing

care. The authority shall submit a progress report to the appropriate committees of the legislature by June 30, 2022.

~~((66))~~ (63) (a) \$35,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the authority to distribute grants for the provision of health care services for uninsured and underinsured individuals, regardless of immigration status. Grants provided under this subsection must be used for the direct care of uninsured and underinsured individuals under 200 percent of the federal poverty level, including on-site care as well as referrals to and payment for services provided off-site, for:

(i) The testing, assessment, or treatment of the severe acute respiratory syndrome coronavirus 2 (COVID-19), including facility and provider fees;

(ii) Primary and preventive care;

(iii) Behavioral health services;

(iv) Oral health care;

(v) Assessment, treatment, and management of acute or chronic conditions, including but not limited to the cost of laboratory, prescription medications, specialty care, therapies, radiology, and other diagnostics; and

(vi) Outreach and education needed to inform patients and prospective patients that care is available free of charge.

(b) To be eligible for a grant under this subsection, a federally qualified health center, rural health clinic, free clinic, public hospital district, behavioral health provider or facility, behavioral health administrative service organization, or community-based organization must apply for a grant and agree to not:

(i) Bill individuals for any portion of the services provided that involve the use of amounts appropriated in this section; or

(ii) Use the amounts provided in this subsection for services for which other funds are available, such as federal funds from the families first coronavirus response act and the American rescue plan act.

(c) Grants provided under this subsection may be used to provide on-site care, care delivered via telehealth, and referrals to and payments for services provided off-site. Recipients may use funds distributed in this subsection to reimburse other providers or facilities for the cost of care. Only free clinics may use grants provided under this subsection to cover general operating costs, including staffing, supplies, and equipment purchases.

(d) The agency shall employ fund allocation approaches that engage community residents, organizations, and leaders in identifying priorities and implementing projects and initiatives that reflect community values and priorities. At a minimum, this must include consultation with community health boards and organizations that advocate for access to health care for uninsured state residents.

(e) Recipients of the amounts provided in this subsection must submit reports to the authority on the use of grant funds, including data about utilization of services. The authority shall prepare and post on its website an annual report detailing the amount of funds disbursed and aggregating information submitted by recipients.

(f) The authority may retain no more than three percent of the amounts provided in this subsection for administrative costs.

(g) As used in this subsection, "free clinics" mean private, nonprofit, community, or faith-based organizations that provide medical, dental, and mental health services at little or no cost to uninsured and underinsured people through the use of volunteer health professionals, community volunteers, and partnerships with other health providers.

~~((67))~~ (64) \$123,000 of the general fund—state appropriation for fiscal year 2022, \$46,000 of the general fund—state appropriation for fiscal year 2023, and \$743,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute House Bill No. 1348 (incarcerated persons/medical).

~~((68))~~ (65) \$1,350,000 of the general fund—state appropriation for fiscal year 2023 and \$2,570,000 of the general fund—federal appropriation are provided solely for the implementation of House Bill No. 1096 (nonmedicare plans).

~~((69))~~ (66) Within the amounts provided in this section, sufficient funding is provided for the authority to implement Second Substitute House Bill No. 1325 (behavioral health/youth).

~~((70))~~ (67) \$184,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1196 (audio-only telemedicine).

~~((71))~~ (68) \$232,000 of the general fund—state appropriation for fiscal year 2022, \$300,000 of the general fund—state appropriation for fiscal year 2023, and \$599,000 of the general fund—federal appropriation are provided solely for reimbursement for a social worker as part of the medical assistance home health benefit.

~~((72))~~ (69) \$1,303,000 of the general fund—state appropriation for fiscal year 2022 and \$285,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5203 (generic prescription drugs).

~~((73))~~ (70) \$18,669,000 from the Indian health improvement reinvestment account is provided solely for Indian health improvement advisory plan projects, programs, and activities authorized by RCW 43.71B.030.

~~((74))~~ (71) \$434,000 of the general fund—state appropriation for fiscal year 2022 and \$489,000 of the general fund—state appropriation for fiscal year 2023 are provided solely

for the authority to partner with the department of social and health services to create surge capacity in acute care hospitals by supporting non-citizens who are both in acute care hospitals awaiting discharge and on the department of social and health services waitlist for services. The amounts provided in this subsection are for the authority to cover the cost of medical assistance for 20 new non-citizen clients.

~~((75))~~ (72) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$25,000 of the general fund—federal appropriation are provided solely for the authority to develop an implementation plan to incorporate medical and psychiatric respite care as statewide medicaid benefits. The plan must include an analysis of the cost effectiveness of providing medical and psychiatric respite care benefits for medicaid enrollees. In developing the plan, the authority shall consult with interested stakeholders, including medicaid managed care organizations, community health centers, organizations providing respite care, and hospitals. Amounts provided in this subsection may be used for staff support and one-time contracting. No later than January 15, 2022, the authority shall report its findings to the relevant committees of the legislature, the office of the governor, and the office of financial management.

~~((76))~~ (73) \$281,000 of the general fund—state appropriation for fiscal year 2022, \$192,000 of the general fund—state appropriation for fiscal year 2023, and \$803,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5304 (reentry services).

~~((77))~~ (74) (a) The authority shall assess the feasibility and fiscal impacts of an 1115 medicaid waiver to extend continuous eligibility for apple health covered children ages zero through five as a component of school readiness. The authority may seek support for the analysis. Prior to submitting the waiver application, the authority shall provide a status update no later than September 30, 2021, to the governor and fiscal committees of the legislature.

(b) \$6,090,000 of the general fund—state appropriation for fiscal year 2023 and \$6,125,000 of the general fund—federal appropriation are provided solely for the authority to extend continuous eligibility for apple health to children ages zero to six with income at or below 215 percent of the federal poverty level. The centers for medicare and medicaid services must approve the 1115 medicaid waiver prior to the implementation of this policy.

~~((78))~~ (75) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the perinatal support warm line to provide peer support, resources, and referrals to new and expectant parents and people in the emotional transition to parenthood experiencing, or at risk of, postpartum depression or other mental health issues.

~~((79))~~ (76) Sufficient funding is provided to remove the asset test from the medicare savings program review process.

~~((80))~~ (77) \$77,000 of the general fund—state appropriation for fiscal year 2022 and \$286,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1728 (insulin work group reauth.). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((81))~~ (78) Sufficient funding is provided to eliminate the mid-certification review process for the aged, blind, or disabled and housing and essential needs referral programs.

~~((82))~~ (79) \$103,000 of the general fund—state appropriation for fiscal year 2022, \$253,000 of the general fund—state appropriation for fiscal year 2023, and \$2,724,000 of the general fund—federal appropriation are provided solely for the authority to procure an electronic consent management solution for patients and health care providers to exchange health-related information and are subject to the conditions, limitations, and review requirements of section 701 of this act.

~~((83))~~ (80) \$1,788,000 of the general fund—state appropriation for fiscal year 2022, \$1,788,000 of the general fund—state appropriation for fiscal year 2023, and \$994,000 of the general fund—federal appropriation are provided solely for electronic health record expansion that must be based on the operational and technical needs necessary to implement the national 988 system and are subject to the conditions, limitations, and review requirements of section 701 of this act. As a condition of funding under this subsection, the authority must complete all reporting required under RCW 71.24.898.

~~((84))~~ (81) \$3,250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to make information technology system and provider network upgrades necessary for the anticipated expansion of medicaid equivalent health care coverage for uninsured adults with incomes up to 138 percent of the federal poverty level regardless of immigration status in collaboration with the department of social and health services and is subject to the conditions, limitations, and review provided in section 701 of this act.

~~((85))~~ (82) \$10,406,000 of the general fund—state appropriation for fiscal year 2023 and \$10,715,000 of the general fund—federal appropriation are provided solely to maintain and increase access for children's dental services for medicaid enrolled patients through increased provider rates beginning January 1, 2023. Within the amounts provided in this subsection, the authority must increase the medical assistance rates for children's dental services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis as follows:

(a) Increase the rates for codes for the access to baby and child dentistry (ABCD) program by 40 percent;

(b) Increase the rates for codes for children's dental program rates for persons aged zero to 20 years old that have a corresponding ABCD code to the current ABCD code rate, plus an additional 10 percent rate increase; and

(c) Increase the rates for codes for children's dental program rates for persons aged zero to 20 years old without a corresponding ABCD code to 70 percent of the medical assistance rates on a fee-for-service basis for adult dental services in effect on January 1, 2022. This increase does not apply to codes with rates already greater than 70 percent of the adult dental services rate.

~~((86))~~ (83) \$250,000 of the general fund—state appropriation for fiscal year 2023 and \$250,000 of the general fund—federal appropriation are provided solely for the authority to conduct a feasibility study for planning, design, implementation, and administration of a case management solution that supports acquisition, storage, and retrieval of data and data analysis pursuant to *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States district court for the western district of Washington, cause no. 14-cv-00178-MJP.

~~((87))~~ (84) \$56,000 of the general fund—state appropriation for fiscal year 2022 and \$1,548,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for health information technology and evaluations necessary to support the 1115 demonstration waiver as it relates to institutions for mental diseases and are subject to the conditions, limitations, and review requirements of section 701 of this act.

~~((88))~~ (85) \$272,000 of the general fund—state appropriation for fiscal year 2023 and \$149,000 of the general fund—federal appropriation are provided solely to align services provided through both fee-for-service and managed care to the bright futures guidelines, or a comparable schedule, for early and periodic screening, diagnosis, and treatment beginning January 1, 2023.

~~((89))~~ (86) \$3,174,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5745 (personal needs allowance). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((90))~~ (87) \$297,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5589 (primary care spending). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((91))~~ (88) \$1,460,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5532 (Rx drug affordability board). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((92))~~ (89) \$61,000 of the general fund—state appropriation for fiscal year 2023 and \$183,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute Senate Bill No. 5736 (minors/behavioral health). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((93))~~ (90) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to design a standardized payment methodology for a palliative care benefit for the state medicaid program and the employee and retiree benefits programs. The authority may contract with a third party to design the palliative care model and complete the work required in this subsection.

~~((94))~~ (91) Within the amounts appropriated in this section, the authority shall develop a state plan amendment, rules, and payment policies; complete necessary system changes related to payment processing and provider enrollment; and update managed care contracts and provider communications in anticipation of providing an adult acupuncture benefit.

~~((95))~~ (92) Within the amounts appropriated in this section, the authority shall develop a state plan amendment, rules, and payment policies; complete necessary system changes related to payment processing and provider enrollment; and update managed care contracts and provider communications in anticipation of providing an adult chiropractic benefit.

~~((96))~~ (93) \$640,000 of the general fund—state appropriation for fiscal year 2023 and \$655,000 of the general fund—federal appropriation are provided solely for a 20 percent rate increase, effective January 1, 2023, for in-home private duty nursing agencies.

~~((97))~~ (94) \$180,000 of the general fund—state appropriation for fiscal year 2023 and \$187,000 of the general fund—federal appropriation are provided solely for a 10 percent rate increase, effective January 1, 2023, for private duty nursing in medically intensive children's group home settings.

~~((98))~~ (95) \$140,000 of the general fund—state appropriation for fiscal year 2023 and \$266,000 of the general fund—federal appropriation are provided solely for a 10 percent rate increase, effective January 1, 2023, for home health services.

~~((99))~~ (96) (a) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to provide a report on psilocybin services wellness and opportunities in consultation with stakeholders as described in this subsection.

(b) The director of the authority, or the director's designee, must chair the stakeholder group.

(c) The stakeholder group must include, but not be limited to, the following members:

- (i) The secretary of the department of health or the secretary's designee;
- (ii) The director of the liquor and cannabis board or the director's designee;
- (iii) The director of the department of agriculture or the director's designee; and
- (iv) As appointed by the director of the authority, or the director's designee:

(A) A military veteran, or representative of an organization that advocates on behalf of military veterans, with knowledge of psilocybin;

- (B) Up to two recognized indigenous practitioners with knowledge of the use of psilocybin or other psychedelic compounds in their communities;
- (C) An individual with expertise in disability rights advocacy;
- (D) A member of the nursing profession with knowledge of psilocybin;
- (E) A psychologist with knowledge of psilocybin;
- (F) A mental health counselor, marriage and family therapist, or social worker with knowledge of psilocybin;
- (G) A physician with knowledge of psilocybin;
- (H) A health researcher with expertise in health equity;
- (I) A representative of the cannabis industry with knowledge of regulation of cannabis businesses in Washington;
- (J) An advocate from the LGBTQIA community with knowledge of the experience of behavioral health issues within that community;
- (K) A member of the psychedelic medicine alliance of Washington; and
- (L) Up to two members with lived experience of utilizing psilocybin.
- (d) The authority must convene the first meeting of the stakeholder group no later than June 30, 2022.
- (e) The authority must provide a preliminary brief report to the governor and appropriate committees of the legislature by December 1, 2022, focusing on (f)(i), (ii), and (iii) of this subsection, and a final report by December 1, 2023. The authority may form subcommittees within the stakeholder group and adopt procedures necessary to facilitate its work.
- (f) The duties of the authority in consultation with the stakeholder group shall include, but not be limited to, the following activities:
- (i) Review the Oregon health authority's proposed rules for the regulation of psilocybin and assess the impact the adoption of substantially similar laws and rules or Senate Bill No. 5660 would have in Washington state, and identify specific areas where a different approach may be necessary or desirable;
- (ii) Review systems and procedures established by the liquor and cannabis board to monitor manufacturing, testing, and tracking of cannabis to determine suitability and adaptations required for use with psilocybin if Washington adopts legislation substantially similar to the Oregon psilocybin services act or Senate Bill No. 5660;
- (iii) Review the social opportunity program proposed in Senate Bill No. 5660 for the purpose of recommending improvements or enhancements to promote equitable access to a potential legal psilocybin industry within an operable administrative framework;
- (iv) Assess functional requirements of Senate Bill No. 5660 that would exceed the expertise and capacity of the department of health and identify opportunities for development or collaboration with other state agencies and entities to meet the requirements; and
- (v) Discuss options to integrate licensed behavioral health professionals into the practice of psilocybin therapy under the framework of Senate Bill No. 5660 where appropriate.
- (g) The department of health, liquor and cannabis board, and department of agriculture must provide subject matter expertise and support to stakeholder group and any subcommittee meetings of the stakeholder group. For the department of health, subject matter expertise includes an individual or individuals with knowledge and experience with rulemaking, with the regulation of health professionals, and with the regulation of health facilities.
- (h) Meetings of the stakeholder group under this section shall be open to participation by members of the public.
- (i) Stakeholder group members participating on behalf of an employer, governmental entity, or other organization are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.
- ~~((100))~~ (97) \$24,600,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the authority to provide one-time funding to community health centers paid under either APM3 or APM4 that experienced overpayments because of COVID-19 service-related reductions or had funds withheld due to missing targeted benchmarks because of extraordinary community pandemic response needs in calendar year 2020.
- ~~((101))~~ (98) \$250,000 of the general fund—state appropriation for fiscal year 2023 and \$250,000 of the general fund—federal appropriation are provided solely for project management and contracting to assist the authority with post-eligibility review planning in anticipation of the end of the COVID-19 public health emergency.
- ~~((102))~~ (99) \$40,000 of the general fund—state appropriation for fiscal year 2022, \$40,000 of the general fund—state appropriation for fiscal year 2023, \$80,000 of the general fund—federal appropriation, and \$320,000 of the telebehavioral access account—state appropriation are provided solely for additional staff support for the mental health referral service for children and teens.
- ~~((103))~~ (100) (a) \$2,087,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to establish a two-year grant program for reimbursement for services to patients up to age 18 provided by community health workers in primary care clinics whose patients are significantly comprised of pediatric patients enrolled in medical assistance under chapter 74.09 RCW beginning January 1, 2023. Community health workers funded under this subsection may provide outreach, informal counseling, and social supports for health-related social needs. The authority shall seek a state plan amendment or federal demonstration waiver should they determine these services are eligible for federal matching funds. Within the amounts provided within this subsection, the authority will provide an initial report to the governor and appropriate committees of the legislature by January 1,



2024, and a final report by January 1, 2025. The report shall include, but not be limited to, the quantitative impacts of the grant program, how many community health workers are participating in the grant program, how many clinics these community health workers represent, how many clients are being served, and evaluation of any measurable health outcomes identified in the planning period prior to January 2023.

(b) In collaboration with key stakeholders including pediatric primary care clinics and medicaid managed care organizations, the authority shall explore longer term, sustainable reimbursement options for the integration of community health workers in primary care to address the health-related social needs of families, including approaches to incorporate federal funding.

~~((104))~~ (101) (a) No more than \$156,707,000 of the general fund—federal appropriation and no more than \$60,942,000 of the general fund—local appropriation may be expended for an outpatient directed payment program.

(b) The authority shall:

(i) Design the program to support the state's access and other quality of care goals and to not increase general fund—state expenditures;

(ii) Seek approval from the centers for medicare and medicaid services to create a medicaid outpatient directed payment program for hospital outpatient services provided to medicaid program managed care recipients by University of Washington medical center and harborview medical center;

(iii) Upon approval, direct managed care organizations to make payments to eligible providers at levels required to ensure enrollees have timely access to critical high-quality care as allowed under 42 C.F.R. 438.6(c); and

(iv) Increase medicaid payments for hospital outpatient services provided by University of Washington medical center and harborview medical center to the average payment received from commercial payers.

(c) Any incremental costs incurred by the authority in the development, implementation, and maintenance of this program shall be the responsibility of the participating hospitals.

(d) Participating hospitals shall retain the full amount of payments provided under this program.

(e) Participating hospitals will provide the local funds to fund the required nonfederal contribution.

(f) This program shall be effective as soon as administratively possible.

~~((106))~~ (102) \$16,000 of the general fund—state appropriation for fiscal year 2022, \$31,000 of the general fund—state appropriation for fiscal year 2023, and \$420,000 of the general fund—federal appropriation are provided solely for a technology solution for an authoritative client identifier, or master person index, for state programs within the health and human services coalition to uniformly identify clients across multiple service delivery systems. The coalition will clearly identify all state programs impacted by and all fund sources used in development and implementation of this project. This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

~~((107))~~ (103) \$5,000 of the general fund—state appropriation for fiscal year 2022, \$22,000 of the general fund—state appropriation for fiscal year 2023, and \$75,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute Senate Bill No. 5664 (forensic competency hearings). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((108))~~ (104) \$3,735,000 of the general fund—state appropriation for fiscal year 2023 and \$14,075,000 of the general fund—federal appropriation are provided solely for the authority to provide coverage for all federal food and drug administration-approved HIV antiviral drugs without prior authorization beginning January 1, 2023.

(b) Beginning January 1, 2023, upon initiation or renewal of a contract with the authority to administer a medicaid managed care plan, a managed health care system shall provide coverage without prior authorization for all federal food and drug administration-approved HIV antiviral drugs.

(c) By December 1, 2022, and annually thereafter, the authority must submit to the fiscal committees of the legislature the projected and actual expenditures and percentage of medicaid clients who switch to a new drug class without prior authorization as described in (a) and (b) of this subsection.

~~((109))~~ (105) (a) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority, in consultation with the office of the insurance commissioner, to complete an analysis of the cost to implement a fertility treatment benefit as described in the department of health's December 2021 mandated benefit sunrise review.

(b) The authority must contract with one or more consultants to:

(i) Obtain utilization and cost data from the state to provide an estimate of aggregate utilization and cost impacts of fertility treatment coverage for medicaid recipients, expressed as total annual cost and as a per member per month cost for plan years 2024 through 2027; and

(ii) Obtain utilization and cost data from the public employees benefits board and school employees benefits board programs to provide an estimate of aggregate utilization and cost impacts of fertility treatment coverage, expressed as total annual cost and as a per member per month cost for plan years 2024 through 2027.

(c) The analysis must include, but is not limited to, a utilization and cost analysis of each of the following services:

(i) Infertility diagnosis;

(ii) Fertility medications;

- (iii) Intrauterine insemination;
- (iv) In vitro fertilization; and
- (v) Egg freezing.

(d) The authority must report the findings of the analysis to the governor and appropriate committees of the legislature by June 30, 2023.

~~((110))~~ (106) (a) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one-time grants for eligible clinics to establish behavioral health integration in primary care clinics for children and adolescents. The authority may award grants of up to \$200,000 per clinic.

(b) Recipients may use grants under this subsection for:

- (i) Training to create operational workflows that promote team-based care and evidence-based practices;
- (ii) System development to implement universal screening of patients using standardized assessment tools;
- (iii) Development of a registry to track patient outcomes;
- (iv) Behavioral health professional recruitment and retainment;
- (v) Psychiatric supervision recruitment and retainment for consultation services for the behavioral health integration program;
- (vi) Partnership development with community mental health centers for referral of patients with higher level needs;
- (vii) Information technology infrastructure, including electronic health record adjustments and registry creation; and
- (viii) Physical space modifications to accommodate additional staff.

(c) To be eligible for grants under this subsection, clinics must have:

- (i) At least 35 percent of their total patients enrolled in Medicaid. Priority for funding must be given to clinics with the highest proportion of patients enrolled in Medicaid;
- (ii) A primary care advocate or proponent of the behavioral health integration program;
- (iii) Support for the behavioral health integration program at the highest level of clinic leadership;
- (iv) An arrangement for psychiatric consultation and supervision;
- (v) A team-based approach to care, including the primary care provider, behavioral health professional, psychiatric consultant, patient, and patient's family; and
- (vi) A plan to:
  - (A) Hire a behavioral health professional to be located within the clinic;
  - (B) Create a registry that monitors patient engagement and symptom improvement;
  - (C) Implement universal screening for behavioral health needs;
  - (D) Provide care coordination with schools, emergency departments, hospitals, and other points of care; and
  - (E) Ensure closed-loop referrals to specialty behavioral health care when indicated, as well as engagement in specialty treatment as clinically indicated.

~~((111))~~ (107) \$55,000 of the general fund—state appropriation for fiscal year 2023 and \$122,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1860 (behavioral health discharge). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((112))~~ (108) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Bree collaborative to support collaborative learning and targeted technical assistance for quality improvement initiatives.

~~((113))~~ (109) (a) \$500,000 of the general fund—state appropriation for fiscal year 2023 and \$1,500,000 of the general fund—federal appropriation are provided solely for the authority, in consultation with the health and human services enterprise coalition, community-based organizations, health plans, accountable communities of health, and safety net providers, to determine the cost and implementation impacts of a statewide community information exchange (CIE). A CIE platform must serve as a tool for addressing the social determinants of health, defined as nonclinical community and social factors such as housing, food security, transportation, financial strain, and interpersonal safety, that affect health, functioning, and quality-of-life outcomes.

(b) Prior to issuing a request for proposals or beginning this project, the authority must work with stakeholders in (a) of this subsection to determine which platforms already exist within the Washington public and private health care system to determine interoperability needs and fiscal impacts to both the state and impacted providers and organizations that will be using a single statewide community information exchange platform.

(c) The authority shall provide the office of financial management and fiscal committees of the legislature a proposal to leverage Medicaid enterprise financing or other federal funds prior to beginning this project and shall not expend funds under an 1115 waiver or any other waiver without legislative authorization.

(d) This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

~~((114))~~ (110) \$226,000 of the general fund—state appropriation for fiscal year 2023, \$1,072,000 of the general fund—private/local appropriation, and \$2,588,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1866 (supportive housing). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

((115)) (111) \$8,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one-time bridge grants to hospitals in financial distress. To qualify for these grants, a hospital must:

- (a) Be located in Washington;
- (b) Serve individuals enrolled in state and federal medical assistance programs;
- (c) Continue to maintain a medicaid population at similar utilization levels as in calendar year 2021;
- (d) Be necessary for an adequate provider network for the medicaid program;
- (e) Demonstrate a plan for long-term financial sustainability; and
- (f) Meet one of the following criteria:
  - (i) Lack adequate cash-on-hand to remain financially solvent;
  - (ii) Have experienced financial losses during hospital fiscal year 2021; or
  - (iii) Be at risk of bankruptcy.

((116)) (112) The authority shall consider evidence-based recommendations from the Oregon health evidence review commission when making coverage decisions for the treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute-onset neuropsychiatric syndrome.

(113) The authority shall seek a waiver from the federal department of health and human services necessary to implement the requirements of RCW 74.09.670 (medical assistance benefits—incarcerated or committed persons—suspension). Additionally, the authority shall explore expanding its waiver application for prerelease services from 30 to 90 days; and provide the governor and fiscal committees of the legislature estimates of any cost estimates for implementation or maintenance of effort requirements of this expansion prior to entering into agreement with the centers for medicare and medicaid services.

**Sec. 1212.** 2022 c 297 s 214 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—HEALTH BENEFIT EXCHANGE**

General Fund—State Appropriation (FY 2022)	\$4,881,000
General Fund—State Appropriation (FY 2023)	(( <del>\$9,547,000</del> ))
	<u>\$7,959,000</u>
General Fund—Federal Appropriation	(( <del>\$54,032,000</del> ))
	<u>\$54,371,000</u>
Health Benefit Exchange Account—State Appropriation	(( <del>\$80,860,000</del> ))
	<u>\$80,110,000</u>
State Health Care Affordability Account—State Appropriation	(( <del>\$55,000,000</del> ))
	<u>\$25,000,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$204,320,000</del>))</b>
	<b><u>\$172,321,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(2) (a) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation, one-half the health benefit exchange account—state appropriation, and one-half the health care affordability account—state appropriation to the exchange. By July 15, 2021, the authority shall make the payments of the general fund—federal appropriation (CRRSA) and the general fund—federal appropriation (ARPA) to the exchange.

(b) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(c) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(3) (a) \$146,000 of the general fund—state appropriation for fiscal year 2022 and \$554,000 of the general fund—federal appropriation are provided solely for the exchange, in close consultation with the health and human services enterprise coalition (coalition), to develop a report on the next steps required for information technology solutions for an integrated health and human services eligibility solution. The report must include, but is not limited to a:

- (i) Technical approach and architecture;
- (ii) Roadmap and implementation plan for modernizing and integrating the information technology eligibility and enrollment system for including, but not limited to, medicaid, basic food, child care assistance, cash assistance, and other health and human service program benefits, beginning with classic medicaid; and
- (iii) Discussion of how an integrated health and human services solution would:

- (A) Comply with federal requirements;
- (B) Maximize efficient use of staff time;
- (C) Support accurate and secure client eligibility information;
- (D) Improve the client enrollment experience; and
- (E) Provide other notable coalition agency impacts.

(b) The exchange, in coordination with the coalition, must submit the report to the governor and appropriate committees of the legislature by January 15, 2022.

(4) \$1,634,000 of the health benefit exchange account—state appropriation and \$592,000 of the general fund—federal appropriation are provided solely for healthplanfinder enhancement activities. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(5) \$1,324,000 of the health benefit exchange account—state appropriation and \$2,740,000 of the general fund—federal appropriation are provided solely for the modernizing healthplanfinder project. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(6) \$250,000 of the general fund—federal appropriation (CRRSA) and \$150,000 of the general fund—federal appropriation (ARPA) are provided solely for pass-through funding to one or more lead navigator organizations to promote access to health services through outreach and insurance plan enrollment assistance for employees working in a licensed child care facility.

(7)(a) \$1,171,000 of the general fund—federal appropriation (CRRSA) and \$2,595,000 of the general fund—federal appropriation (ARPA) are provided solely for the exchange to implement a health care insurance premium assistance program for employees who work in licensed child care facilities. The general fund—federal appropriation (CRRSA) must be expended by September 30, 2022.

(b) An individual is eligible for the child care premium assistance program for the remainder of the plan year if the individual:

- (i) Is an employee working in a licensed child care facility;
- (ii) Enrolls in a silver standardized health plan under RCW 43.71.095;
- (iii) Prior to January 1, 2024, has income that is less than 300 percent of the federal poverty level;

(iv) Applies for and accepts all federal advance premium tax credits for which he or she may be eligible before receiving any state premium assistance;

(v) Is ineligible for minimum essential coverage through medicare, a federal or state medical assistance program administered by the health care authority under chapter 74.09 RCW, or for premium assistance under RCW 43.71A.020; and

- (vi) Meets other eligibility criteria as established by the exchange.

(c) Subject to the availability of amounts provided in this subsection, the exchange shall pay the premium cost for a qualified health plan for an individual who is eligible for the child care premium assistance program under (b) of this subsection.

(d) The exchange may disqualify a participant from the program if the participant:

- (i) No longer meets the eligibility criteria in (b) of this subsection;
- (ii) Fails, without good cause, to comply with procedural or documentation requirements established by the exchange in accordance with (e) of this subsection;
- (iii) Fails, without good cause, to notify the exchange of a change of address in a timely manner;

(iv) Voluntarily withdraws from the program; or

(v) Performs an act, practice, or omission that constitutes fraud, and, as a result, an insurer rescinds the participant's policy for the qualified health plan.

(e) The exchange shall establish:

(i) Procedural requirements for eligibility and continued participation in any premium assistance program under this section, including participant documentation requirements that are necessary to administer the program; and

(ii) Procedural requirements for facilitating payments to and from carriers.

(f) The program must be implemented no later than November 1, 2021.

(g) No later than October 1, 2022, the exchange shall submit a report to the governor and appropriate committees of the legislature on the implementation of the child care premium assistance program including, but not limited to:

(i) The number of individuals participating in the program to date; and

(ii) The actual costs of the program to date, including agency administrative costs.

(h) Within the amounts provided in this subsection, the exchange may create an outreach program to help employees who work in licensed child care facilities enroll in the premium assistance program, beginning for plan year 2023, as established in chapter 246, Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5377) (standardized health plans).

(i) The health care insurance premium assistance program for employees who work in licensed child care facilities is effective through plan year 2023.

(8) \$136,000 of the general fund—state appropriation for fiscal year 2022, \$136,000 of the general fund—state appropriation for fiscal year 2023, \$254,000 of the health benefit exchange account—state appropriation, and \$274,000 of the general fund—federal appropriation are provided solely for pass through funding in the annual amount of \$100,000 for the lead navigator organization in the four regions with the highest concentration of COFA citizens to:

(a) Support a staff position for someone from the COFA community to provide enrollment assistance to the COFA community beyond the scope of the current COFA program; and

(b) Support COFA community led outreach and enrollment activities that help COFA citizens obtain and access health and dental coverage.

(9) \$142,000 of the general fund—state appropriation for fiscal year 2022 and \$538,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute Senate Bill No. 5068 (postpartum period/medicaid) and section 9812 of the American rescue plan act of 2021.

(10) \$8,162,000 of the health benefit exchange account—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans).

(11) (~~(\$50,000,000)~~)\$20,000,000 of the state health care affordability account—state appropriation is provided solely for the exchange to administer a premium assistance program, beginning for plan year 2023, as established in (~~(Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans))~~)RCW 43.71.110, and this is the maximum amount the exchange may expend for this purpose. An individual is eligible for the premium assistance provided if the individual: (a) Has income up to 250 percent of the federal poverty level; and (b) meets other eligibility criteria as established in (~~(section 1(4)(a) of Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans))~~)RCW 43.71.110.

(12) (a) Within amounts appropriated in this section, the exchange, in close consultation with the authority and the office of the insurance commissioner, shall explore opportunities to facilitate enrollment of Washington residents who do not qualify for non-emergency medicaid or federal affordability programs in a state-funded program no later than plan year 2024.

(b) If an opportunity to apply to the secretary of health and human services under 42 U.S.C. Sec. 18052 for a waiver is identified or other federal flexibilities are available, the exchange, in collaboration with the office of the insurance commissioner and the authority may develop an application to be submitted by the authority. If an application is submitted, the authority must notify the chairs and ranking minority members of the appropriate policy and fiscal committees of the legislature.

(c) Any application submitted under this subsection must meet all federal public notice and comment requirements under 42 U.S.C. Sec. 18052(a)(4)(B), including public hearings to ensure a meaningful level of public input.

(d) \$50,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$2,891,000)~~)\$1,891,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for system updates and community-led engagement activities necessary to implement the waiver.

(13) \$733,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for system upgrades necessary for the anticipated expansion of medicaid equivalent health care coverage to uninsured adults with income up to 138 percent of the federal poverty level regardless of immigration status in collaboration with the health care authority.

(14) (~~(\$1,000,000)~~)\$700,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one-time activities to promote continuous coverage for individuals losing coverage through Washington apple health at the end of the COVID-19 public health emergency.

(15) \$20,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the exchange, in collaboration with the state board of community and technical colleges, the student achievement council, and the council of presidents, to provide educational resources and ongoing assister training to support the operations of a pilot program to help connect students, including those enrolled in state registered apprenticeship programs, with health care coverage.

(16) \$5,000,000 of the state health care affordability account—state appropriation is provided solely to provide premium assistance for (~~(customers)~~)individuals ineligible for federal premium tax credits who meet the eligibility criteria established in subsection (11) (a) of this section, and is contingent upon approval of the (~~(applicable)~~) waiver described in (~~(subsection (12)(b) of this section)~~)RCW 43.71.120.

**Sec. 1213.** 2022 c 297 s 215 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—COMMUNITY BEHAVIORAL HEALTH PROGRAM**

General Fund—State Appropriation (FY 2022)	\$687,270,000
General Fund—State Appropriation (FY 2023)	( <del>(\$914,234,000)</del> )
	\$886,627,000
General Fund—Federal Appropriation	( <del>(\$2,876,776,000)</del> )
	\$3,107,133,000
General Fund—Private/Local Appropriation	( <del>(\$37,675,000)</del> )
	\$37,788,000
Criminal Justice Treatment Account—State	
Appropriation	\$21,988,000
Problem Gambling Account—State Appropriation	\$2,113,000
Dedicated Marijuana Account—State Appropriation	
(FY 2022)	\$28,493,000
Dedicated Marijuana Account—State Appropriation	
(FY 2023)	\$28,493,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation	\$131,000,000
<b>TOTAL APPROPRIATION</b>	<b>(<del>(\$4,728,042,000)</del>)</b>

\$4,930,905,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For the purposes of this section, "behavioral health entities" means managed care organizations and behavioral health administrative services organizations that reimburse providers for behavioral health services.

(2) Within the amounts appropriated in this section, funding is provided for implementation of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. In addition to amounts provided solely for implementation of the settlement agreement, class members must have access to supports and services funded throughout this section for which they meet eligibility and medical necessity requirements. The authority must include language in contracts that requires regional behavioral health entities to develop and implement plans for improving access to timely and appropriate treatment for individuals with behavioral health needs and current or prior criminal justice involvement who are eligible for services under these contracts.

(3) \$23,271,000 of the general fund—state appropriation for fiscal year 2022, \$30,514,000 of the general fund—state appropriation for fiscal year 2023, and \$11,503,000 of the general fund—federal appropriation are provided solely to continue the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The authority, in collaboration with the department of social and health services and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(4) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 and \$219,000 of the general fund—federal appropriation are provided solely to continue diversion grant programs funded through contempt fines pursuant to *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The authority must consult with the plaintiffs and court monitor to determine, within the amounts provided, which of the programs will continue to receive funding through this appropriation. The programs shall use this funding to provide assessments, mental health treatment, substance use disorder treatment, case management, employment, and other social services. By June 30, 2023, the authority, in consultation with the plaintiffs and the court monitor, must submit a report to the office of financial management and the appropriate fiscal committees of the legislature which includes: Identification of the programs that receive funding through this subsection; a narrative description of each program model; the number of individuals being served by each program on a monthly basis; metrics or outcomes reported as part of the contracts; and recommendations related to further support of these programs in the 2023-2025 fiscal biennium.

(5) \$12,359,000 of the general fund—state appropriation for fiscal year 2022, \$12,359,000 of the general fund—state appropriation for fiscal year 2023, and \$23,444,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health entities to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health entities with PACT teams, the authority shall consider the differences between behavioral health entities in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health entities which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under subsection (7) of this section. The authority and behavioral health entities shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(6) \$3,520,000 of the general fund—federal appropriation is provided solely for the authority to maintain a pilot project to incorporate peer bridging staff into behavioral health regional teams that provide transitional services to individuals returning to their communities.

(7) \$95,822,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$116,633,000)~~) \$119,677,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health entity spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health entities as follows:

(a) \$72,275,000 of the general fund—state appropriation for fiscal year 2022 and \$88,275,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with behavioral health administrative service organizations for behavioral health treatment services not covered under the medicaid program. Within these amounts, behavioral health administrative service organizations must provide a two percent rate increase to providers receiving state funds for nonmedicaid services under this section effective July 1, 2021, and a seven percent rate increase effective January 1, 2023.

(b) \$23,547,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$28,358,000)~~ \$31,402,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with medicaid managed care organizations for wraparound services to medicaid enrolled individuals that are not covered under the medicaid program and for the state share of costs for exceptional medicaid behavioral health personal care services. Within the amounts provided in this subsection:

(i) Medicaid managed care organizations must provide a two percent rate increase to providers receiving state funding for nonmedicaid services under this section effective July 1, 2021, and a seven percent rate increase effective January 1, 2023.

(ii) The authority shall assure that managed care organizations reimburse the department of social and health services aging and long term support administration for the general fund—state cost of exceptional behavioral health personal care services for medicaid enrolled individuals who require these because of a psychiatric disability. Funding for the federal share of these services is separately appropriated to the department of social and health services.

(c) The authority shall coordinate with the department of social and health services to develop and submit to the centers for medicare and medicaid services an application to provide a 1915(i) state plan home and community-based services benefit. The application shall be developed to allow for the delivery of wraparound supportive behavioral health services for individuals with mental illnesses who also have a personal care need. The waiver shall be developed to standardize coverage and administration, improve the current benefit design, and clarify roles in administration of the behavioral health personal care services benefit. By December 1, 2021, the authority, in coordination with the department of social and health services, must submit a report to the office of financial management and the appropriate committees of the legislature which provides the following:

(i) A description of the new benefit design developed for the waiver, including a description of the services to be provided and the responsibility for payment under the waiver;

(ii) Estimates of the number of individuals to be served annually under the new waiver and the estimated state and federal fiscal costs for the managed care organizations and the department of social and health services;

(iii) A comparison estimate of the number of individuals to receive behavioral health personal care services annually under the current benefit structure and the estimated state and federal fiscal costs for the managed care organizations and the department of social and health services; and

(iv) A status update on the development and submission of the waiver with an estimated timeline for approval and implementation of the new wraparound services benefit.

(d) The authority must require behavioral health administrative service organizations to submit information related to reimbursements to counties made for involuntary treatment act judicial services and submit a report to the office of financial management and the appropriate committees of the legislature with complete fiscal year 2022 reimbursements by December 1, 2022.

(8) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health entities for children's long-term inpatient facility services.

(9) \$1,204,000 of the general fund—state appropriation for fiscal year 2022 and \$1,204,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

(10) Behavioral health entities may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health entities may use a portion of the state funds allocated in accordance with subsection (7) of this section to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(11) \$2,291,000 of the general fund—state appropriation for fiscal year 2022 and \$2,291,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health entities on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(12) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(13) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health administrative service organization contracts and include contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health administrative service organization reserves do not exceed maximum levels. The authority must monitor revenue and expenditure reports and must

require a behavioral health administrative service organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health administrative service organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the entity in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the entity has come into substantial compliance with an approved excess reserve corrective action plan. By June 30, 2023, the authority must submit to the office of financial management and the appropriate committees of the legislature, the minimum and maximum reserve levels established in contract for each of the behavioral health administrative service organizations for fiscal year 2024.

(14) During the 2021-2023 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and pregnant and parenting women case management providers.

(15) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the authority by request; and (b) indirect charges for administering the program must not exceed ten percent of the total contract amount.

(16) \$3,500,000 of the general fund—federal appropriation is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(17) Within the amounts provided in this section, behavioral health entities must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health entities must require that behavioral health entities include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(18) The criminal justice treatment account—state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with behavioral health entities to administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). Funding from the criminal justice treatment account may be used to provide treatment and support services through the conclusion of an individual's treatment plan to individuals participating in a drug court program as of February 24, 2021, if that individual wishes to continue treatment following dismissal of charges they were facing under RCW 69.50.4013(1). Such participation is voluntary and contingent upon substantial compliance with drug court program requirements. The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2021.

(19) \$6,858,000 of the general fund—state appropriation for fiscal year 2022, \$6,858,000 of the general fund—state appropriation for fiscal year 2023, and \$8,046,000 of the general fund—federal appropriation are provided solely to maintain crisis triage or stabilization centers that were originally funded in the 2017-2019 fiscal biennium. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(20) \$9,795,000 of the general fund—state appropriation for fiscal year 2022, \$10,015,000 of the general fund—state appropriation for fiscal year 2023, and \$15,025,000 of the general fund—federal appropriation are provided solely for the operation of secure withdrawal management and stabilization facilities. The authority may not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities. Within these amounts, funding is provided to increase the fee for service rate for these facilities up to \$650 per day. The authority must require in contracts with behavioral health entities that, beginning in calendar year 2020, they pay no lower than the fee for service rate. The authority must coordinate with regional behavioral health entities to identify and implement purchasing strategies or regulatory changes that increase access to services for individuals with complex behavioral health needs at secure withdrawal management and stabilization facilities.

(21) \$23,090,000 of the general fund—state appropriation for fiscal year 2022, \$23,090,000 of the general fund—state appropriation for fiscal year 2023, and \$92,444,000 of the general fund—federal appropriation are provided solely to maintain the enhancement of



community-based behavioral health services that was initially funded in fiscal year 2019. Twenty percent of the general fund—state appropriation amounts for each regional service area must be contracted to the behavioral health administrative services organizations and used to increase their nonmedicaid funding allocations and the remainder must be provided to the medicaid managed care organizations providing apple health integrated managed care. The medicaid funding is intended to maintain increased rates for behavioral health services provided by licensed and certified community behavioral health agencies as defined by the department of health. For the behavioral health administrative services organizations, this funding must be allocated to each region based upon the population of the region. For managed care organizations, this funding must be provided through the behavioral health portion of the medicaid integrated managed care capitation rates. The authority must require the managed care organizations to provide a report that details the methodology the managed care organization used to distribute this funding to their contracted behavioral health providers. The report submitted by behavioral health administrative service organizations and managed care organizations must identify mechanisms employed to disperse the funding as well as estimated impacts to behavioral health providers in the community. The authority must submit a report to the legislature by December 1st of each year of the biennium, summarizing the information regarding the distribution of the funding provided under this subsection.

(22) \$1,401,000 of the general fund—state appropriation for fiscal year 2022, \$1,401,000 of the general fund—state appropriation for fiscal year 2023, and \$3,210,000 of the general fund—federal appropriation are provided solely for the implementation of intensive behavioral health treatment facilities within the community behavioral health service system pursuant to chapter 324, Laws of 2019 (2SHB 1394).

(23) (a) \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for:

(i) A memorandum of understanding with the department of children, youth, and families to provide substance abuse treatment programs;

(ii) A contract with the Washington state institute for public policy to conduct a cost-benefit evaluation of the implementations of chapter 3, Laws of 2013 (Initiative Measure No. 502);

(iii) Designing and administering the Washington state healthy youth survey and the Washington state young adult behavioral health survey;

(iv) Maintaining increased services to pregnant and parenting women provided through the parent child assistance program;

(v) Grants to the office of the superintendent of public instruction for life skills training to children and youth;

(vi) Maintaining increased prevention and treatment service provided by tribes and federally recognized American Indian organization to children and youth;

(vii) Maintaining increased residential treatment services for children and youth;

(viii) Training and technical assistance for the implementation of evidence-based, research based, and promising programs which prevent or reduce substance use disorder;

(ix) Expenditures into the home visiting services account; and

(x) Grants to community-based programs that provide prevention services or activities to youth.

(b) The authority must allocate the amounts provided in (a) of this subsection amongst the specific activities proportionate to the fiscal year 2021 allocation.

(24) (a) \$1,125,000 of the general fund—state appropriation for fiscal year 2022 and \$1,125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Spokane behavioral health entities to implement services to reduce utilization and the census at eastern state hospital. Such services must include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

(b) At least annually, the Spokane county behavioral health entities shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(25) \$1,850,000 of the general fund—state appropriation for fiscal year 2022, \$1,850,000 of the general fund—state appropriation for fiscal year 2023, and \$13,312,000 of the general fund—federal appropriation are provided solely for substance use disorder peer support services included in behavioral health capitation rates in accordance with section 213(5) (ss), chapter 299, Laws of 2018. The authority shall require managed care organizations to provide access to peer support services for individuals with substance use disorders transitioning from emergency departments, inpatient facilities, or receiving treatment as part of hub and spoke networks.

(26) \$1,256,000 of the general fund—state appropriation for fiscal year 2022, \$1,256,000 of the general fund—state appropriation for fiscal year 2023, and \$2,942,000 of the general fund—federal appropriation are provided solely for the authority to maintain an increase in

the number of residential beds for pregnant and parenting women originally funded in the 2019-2021 fiscal biennium.

(27) \$1,423,000 of the general fund—state appropriation for fiscal year 2022, \$1,423,000 of the general fund—state appropriation for fiscal year 2023, and \$5,908,000 of the general fund—federal appropriation are provided solely for the authority to continue to implement discharge wraparound services for individuals with complex behavioral health conditions transitioning or being diverted from admission to psychiatric inpatient programs. The authority must coordinate with the department of social and health services in establishing the standards for these programs.

(28) \$350,000 of the general fund—federal appropriation is provided solely to contract with a nationally recognized recovery residence organization and to provide technical assistance to operators of recovery residences seeking certification in accordance with chapter 264, Laws of 2019 (2SHB 1528).

(29) \$500,000 of the general fund—state appropriation for fiscal year 2022, \$500,000 of the general fund—state appropriation for fiscal year 2023, and \$1,000,000 of the general fund—federal appropriation are provided solely for the authority to maintain a memorandum of understanding with the criminal justice training commission to provide funding for community grants pursuant to chapter 378, Laws of 2019 (2SHB 1767).

(30) \$3,396,000 of the general fund—state appropriation for fiscal year 2022, \$3,396,000 of the general fund—state appropriation for fiscal year 2023, and \$16,200,000 of the general fund—federal appropriation are provided solely for support of and to continue to increase clubhouse programs across the state. The authority shall work with the centers for medicare and medicaid services to review opportunities to include clubhouse services as an optional "in lieu of" service in managed care organization contracts in order to maximize federal participation. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the status of efforts to implement clubhouse programs and receive federal approval for including these services in managed care organization contracts as an optional "in lieu of" service by December 1, 2022.

(31) \$947,000 of the general fund—state appropriation for fiscal year 2022, \$947,000 of the general fund—state appropriation for fiscal year 2023, and \$1,896,000 of the general fund—federal appropriation are provided solely for the authority to implement a statewide plan to implement evidence-based coordinated specialty care programs that provide early identification and intervention for psychosis in behavioral health agencies in accordance with chapter 360, Laws of 2019 (2SSB 5903).

(32) \$708,000 of the general fund—state appropriation for fiscal year 2022, \$708,000 of the general fund—state appropriation for fiscal year 2023, and \$1,598,000 of the general fund—federal appropriation are provided solely for implementing mental health peer respite centers and a pilot project to implement a mental health drop-in center in accordance with chapter 324, Laws of 2019 (2SHB 1394).

(33) \$800,000 of the general fund—state appropriation for fiscal year 2022, \$800,000 of the general fund—state appropriation for fiscal year 2023, and \$1,452,000 of the general fund—federal appropriation are provided solely for the authority to implement the recommendations of the state action alliance for suicide prevention, to include suicide assessments, treatment, and grant management.

(34) \$446,000 of the general fund—state appropriation for fiscal year 2022, \$446,000 of the general fund—state appropriation for fiscal year 2023, and \$178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(35) As an element of contractual network adequacy requirements and reporting, the authority shall direct managed care organizations to make all reasonable efforts to develop or maintain contracts with provider networks that leverage local, federal, or philanthropic funding to enhance effectiveness of medicaid-funded integrated care services. These networks must promote medicaid clients' access to a system of services that addresses additional social support services and social determinants of health as defined in RCW 43.20.025 in a manner that is integrated with the delivery of behavioral health and medical treatment services.

(36) \$500,000 of the problem gambling account—state appropriation is provided solely for the authority to contract for a problem gambling adult prevalence study. The prevalence study must review both statewide and regional results about beliefs and attitudes toward gambling, gambling behavior and preferences, and awareness of treatment services. The study should also estimate the level of risk for problem gambling and examine correlations with broader behavioral and mental health measures. The health care authority shall submit results of the prevalence study to the problem gambling task force and the legislature by June 30, 2022.

(37) \$9,000,000 of the criminal justice treatment account—state appropriation is provided solely for the authority to maintain funding for new therapeutic courts created or expanded during fiscal year 2021, or to maintain the fiscal year 2021 expansion of services being provided to an already existing therapeutic court that engages in evidence-based practices, to include medication assisted treatment in jail settings pursuant to RCW 71.24.580. Funding provided under this subsection shall not supplant existing funds utilized for this purpose.

(38) In establishing, re-basing, enhancing, or otherwise updating medicaid rates for behavioral health services, the authority and contracted actuaries shall use a transparent process that provides an opportunity for medicaid managed care organizations, behavioral health administrative service organizations, and behavioral health provider agencies, and their representatives, to review and provide data and feedback on proposed rate changes within their region or regions of service operation. The authority and contracted actuaries shall transparently incorporate the information gained from this process and make adjustments allowable under federal law when appropriate.

(39) The authority shall seek input from representatives of the managed care organizations (MCOs), licensed community behavioral health agencies, and behavioral health administrative service organizations to develop specific metrics related to behavioral health outcomes under integrated managed care. These metrics must include, but are not limited to: (a) Revenues and expenditures for community behavioral health programs, including medicaid and nonmedicaid funding; (b) access to services, service denials, and utilization by state plan modality; (c) claims denials and record of timely payment to providers; (d) client demographics; and (e) social and recovery measures and managed care organization performance measures. The authority must work with managed care organizations and behavioral health administrative service organizations to integrate these metrics into an annual reporting structure designed to evaluate the performance of the behavioral health system in the state over time. The authority must submit a report by June 30, 2023, outlining the specific metrics implemented. Thereafter, the authority shall submit the report for the preceding calendar year to the governor and appropriate committees of the legislature on or before December 30th of each year detailing the implemented metrics and relevant performance outcomes for the prior calendar year.

(40) \$3,377,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$8,027,000))~~ \$4,952,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to implement pilot programs for intensive outpatient services and partial hospitalization services for certain children and adolescents.

(a) The effective date of the pilot sites is January 1, 2021.

(b) The two pilots must be contracted with a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population east of the crest of the Cascade mountains and a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population west of the crest of the Cascade mountains.

(c) The authority must establish minimum standards, eligibility criteria, authorization and utilization review processes, and payment methodologies for the pilot programs in contract.

(d) Eligibility for the pilot sites is limited pursuant to the following:

(i) Children and adolescents discharged from an inpatient hospital treatment program who require the level of services offered by the pilot programs in lieu of continued inpatient treatment;

(ii) Children and adolescents who require the level of services offered by the pilot programs in order to avoid inpatient hospitalization; and

(iii) Services may not be offered if there are less costly alternative community based services that can effectively meet the needs of an individual referred to the program.

(e) The authority must collect data on the pilot sites and work with the actuaries responsible for establishing managed care rates for medicaid enrollees to develop and submit a report to the office of financial management and the appropriate committees of the legislature. A preliminary report must be submitted by December 1, 2021, and a final report must be submitted by December 1, 2022. The reports must include the following information:

(i) A narrative description of the services provided at each pilot site and identification of any specific gaps the sites were able to fill in the current continuum of care;

(ii) Clinical outcomes and estimated reductions in psychiatric inpatient costs associated with each of the pilot sites;

(iii) Recommendations for whether either or both of the pilot models should be expanded statewide; whether modifications should be made to the models to better address gaps in the continuum identified through the pilot sites, whether the models could be expanded to community behavioral health providers, and whether statewide implementation should be achieved through a state plan amendment or some other mechanism for leveraging federal medicaid match; and

(iv) Actuarial projections on the statewide need for services related to the pilot sites and estimated costs of adding each of the services to the medicaid behavioral health benefit for children and adolescents and adults.

(f) Of the amounts provided in this subsection, \$2,850,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand the number of pilot sites to a third location. The criteria in (c) and (d) of this subsection shall also apply to this pilot site. Data from this pilot site must be incorporated into the final report required in (e) of this subsection.

(41)(a) \$100,000 of the general fund—federal appropriation is provided solely for the authority to convene a task force to examine impacts and changes proposed to the use of criminal background checks in employment in behavioral health settings, with the goal of reducing barriers to developing and retaining a robust behavioral health workforce, while maintaining patient safety measures. The task force membership must include representatives from:

(i) The office of the attorney general;  
(ii) The department of health;  
(iii) The department of social and health services;  
(iv) The office of the governor; and  
(v) Others appointed by the authority, including behavioral health employers and those with lived experience.

(b) The task force shall consider any relevant information and recommendations made available by the work group created under Substitute House Bill No. 1411 (health care workforce).

(c) By December 1, 2021, the authority must submit a report of the task force's recommendations to the governor and the appropriate committees of the legislature.

(42) \$6,042,000 of the general fund—state appropriation for fiscal year 2022, \$561,000 of the general fund—state appropriation for fiscal year 2023, and \$35,415,000 of the general fund—federal appropriation (CRSSA) are provided solely to promote the recovery of individuals with substance use disorders through expansion of substance use disorder services. The authority shall implement this funding to promote integrated, whole-person care to individuals with opioid use disorders, stimulant use disorders, and other substance use disorders. The authority shall use this funding to support evidence-based and promising practices as follows:

(a) \$11,170,000 of the general fund—federal appropriation (CRSSA) is provided solely for treatment services to low-income individuals with substance use disorders who are not eligible for services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of \$9,070,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, mobile opioid use disorder treatment programs, law enforcement assisted diversion programs, contingency management interventions, modified assertive community treatment, trauma informed care, crisis respite, and for reimbursement of one-time start-up operating costs for opening new beds in withdrawal management treatment programs.

(b) \$2,407,000 of the general fund state—appropriation for fiscal year 2022, \$561,000 of the general fund—state appropriation for fiscal year 2023, and \$3,245,000 of the general fund—federal appropriation (CRSSA) are provided solely for outreach programs that link individuals with substance use disorders to treatment options to include medication for opioid use disorder. The authority must contract for these services with programs that use interdisciplinary teams, which include peer specialists, to engage and facilitate linkage to treatment for individuals in community settings such as homeless encampments, shelters, emergency rooms, harm reduction programs, churches, community service offices, food banks, libraries, legal offices, and other settings where individuals with substance use disorders may be engaged. The services must be coordinated with emergency housing assistance and other services administered by the authority to promote access to a full continuum of treatment and recovery support options.

(c) \$1,535,000 of the general fund—state appropriation for fiscal year 2022 and \$10,417,000 of the general fund—federal appropriation (CRSSA) are provided solely for substance use disorder recovery support services not covered by the medicaid program including, but not limited to, emergency housing, recovery housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(d) \$1,100,000 of the general fund—state appropriation for fiscal year 2022 and \$1,750,000 of the general fund—federal appropriation (CRSSA) are provided solely for efforts to support the recovery of American Indians and Alaska natives with substance use disorders. This funding may be used for grants to urban Indian organizations, tribal opioid prevention media campaigns, and support for government to government communication, planning, and implementation of opioid use disorder related projects.

(e) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a public awareness campaign to educate youth and young adults with opioid use disorders about harm reduction, secondary prevention, overdose awareness, fentanyl, and naloxone.

(f) \$7,083,000 of the general fund—federal appropriation (CRSSA) is provided solely for community services grants that support the implementation and evaluation of substance use disorder prevention services.

(g) Up to \$1,750,000 of the general fund—federal appropriation (CRSSA) may be used for the authority's administrative costs associated with services funded in this subsection (42).

(43) \$3,109,000 of the general fund—state appropriation for fiscal year 2022 and \$3,109,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for short-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served. By December 1, 2021, and December 1, 2022, the authority must submit a report identifying the expenditures and number of individuals receiving short-term rental supports through the agency budget during the prior fiscal year broken out by region, treatment need, and the demographics of

those served, including but not limited to age, country of origin within racial/ethnic categories, gender, and immigration status.

(44) Within the amounts provided in this section, sufficient funding is provided for the authority to implement requirements to provide up to five sessions of intake and assessment pursuant to Second Substitute House Bill No. 1325 (behavioral health/youth).

(45) \$19,000,000 of the general fund—federal appropriation (CRSSA) and \$1,600,000 of the general fund—federal appropriation (ARPA) are provided solely to promote the recovery of individuals with mental health disorders through expansion of mental health services. The authority shall implement this funding to promote integrated, whole-person care through evidence based and promising practices as follows:

(a) \$7,303,000 of the general fund—federal appropriation (CRSSA) is provided solely for treatment services to low-income individuals with mental health disorders who are not eligible for services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of \$6,150,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, law enforcement assisted diversion programs, modified assertive community treatment, and trauma informed care.

(b) \$6,344,000 of the general fund—federal appropriation (CRSSA) is provided solely for mental health recovery support services not covered by the medicaid program including, but not limited to, supportive housing, emergency housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(c) \$961,000 of the general fund—federal appropriation (CRSSA) is provided solely for efforts to support the recovery of American Indians and Alaska natives with mental health disorders.

(d) \$1,346,000 of the general fund—federal appropriation (CRSSA) is provided solely to enhance crisis services and may be used for crisis respite care.

(e) \$2,307,000 of the general fund—federal appropriation (CRSSA) is provided solely for the expansion of first episode psychosis programs.

(f) Up to \$961,000 of the general fund—federal appropriation (CRSSA) may be used for the authority's administrative costs associated with services funded in this subsection.

(46) The authority must pursue opportunities for shifting state costs to the state's unused allocation of federal institutions for mental disease disproportionate share hospital funding. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, which identifies any activities the authority has implemented or identified to shift state costs to the unused federal funds and an analysis of the fiscal impacts for these activities and options.

(47) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to implement one-time behavioral health workforce pilot programs and training support grants pursuant to Engrossed Second Substitute House Bill No. 1504 (workforce education development act). Of these amounts, \$440,000 of the general fund—state appropriation for fiscal year 2022 and \$440,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the three behavioral health workforce pilot programs and \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for training support grants.

(48) \$1,400,000 of the general fund—state appropriation for fiscal year 2022 and \$3,600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to expand efforts to provide opioid use disorder medication in city, county, regional, and tribal jails. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, on the allocation of the fiscal year 2021 funding within this subsection. The authority must provide a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, on the allocation of the fiscal year 2022 funding and the expenditures and number of individuals served in fiscal year 2021 by location.

(49) \$500,000 of the general fund—federal appropriation is provided solely to establish an emotional support network program for individuals employed as peer specialists. The authority must contract for these services which shall include, but not be limited to, facilitating support groups for peer specialists, support for the recovery journeys of the peer specialists themselves, and targeted support for the secondary trauma inherent in peer work.

(50) \$1,800,000 of the general fund—federal appropriation is provided solely for the authority to contract on a one-time basis with the University of Washington behavioral health institute to continue and enhance its efforts related to training and workforce development. The behavioral health institute shall develop and disseminate model programs and curricula to address the treatment needs of individuals with substance use disorders and cooccurring disorders. The behavioral health institute shall provide consultation and training to behavioral health agencies in order to improve the delivery of evidence-based and promising practices and overall quality of care. Training for providers may include technical assistance related to payment models, integration of peers, team-based care, utilization reviews, care transitions, and the infusion of recovery and resiliency into programming and culture. Additionally, the behavioral health institute shall provide continued access to telehealth training and support, including innovative digital health content. The behavioral

health institute shall evaluate behavioral health inequities in Washington and create a center of excellence to address behavioral health inequity, including the need for a more diverse workforce. The behavioral health institute shall offer an annual conference on race, equity, and social justice and create a learning management system to provide access to training for publicly funded behavioral health providers across a range of topics. Specific curricula to be developed within the amounts provided in this subsection must include:

(a) A training for law enforcement officers focused on understanding substance use disorder and the recovery process and options and procedures for diversion from the criminal legal system for individuals with substance use disorder, to be developed in consultation with the criminal justice training commission; and

(b) A curriculum for correctional officers and community corrections officers focused on motivational interviewing, recovery coaching, and trauma informed care, developed in consultation with the department of corrections.

(51) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the north sound behavioral health administrative services organization to provide trauma-informed counseling services to children and youth in Whatcom county schools. The services must be provided by licensed behavioral health professionals who have training in the provision of trauma-informed care. The behavioral health administrative services organization must request, from the office of the superintendent of public instruction, a listing of the Whatcom county schools that are eligible for high-poverty allocations from the learning assistance program and prioritize services in these schools.

(52) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided on a one-time basis solely for the authority to contract with the north sound behavioral health administrative services organization to establish the Whatcom county crisis stabilization center as a pilot project for diversion from the criminal justice system to appropriate community based treatment. The pilot shall allow for police officers to place involuntary holds for up to 12 hours for persons placed at the facility in accordance with RCW 10.31.110. The amounts provided must be used to pay for the cost of services at the site not covered under the medicaid program. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, including the following information:

(a) The total number of individuals served in the crisis stabilization center broken out by those served on a voluntary basis versus those served under involuntary treatment holds placed pursuant to RCW 10.31.110;

(b) A summary of the outcomes for each of the groups identified in (a) of this subsection; and

(c) Identification of methods to incentivize or require managed care organizations to implement payment models for crisis stabilization providers that recognize the need for the facilities to operate at full staffing regardless of fluctuations in daily census.

(53) \$1,250,000 of the general fund—state appropriation for fiscal year 2022 and \$1,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with the King county behavioral health administrative services organization to maintain children's crisis outreach response system services that were previously funded through the department of children, youth, and families. The authority, in consultation with the behavioral health administrative services organization, medicaid managed care organizations, and the actuaries responsible for developing medicaid managed care rates, must work to maximize federal funding provided for the children's crisis outreach response system program and submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, on the status of these efforts and the associated savings in state funds.

(54) \$881,000 of the general fund—state appropriation for fiscal year 2022 and \$881,000 of the general fund—state for fiscal year 2023 are provided on a one-time basis solely for maintaining and increasing resources for peer support programs and for the authority to contract with an organization to assist with the recruitment of individuals to work as behavioral health peers with a specific focus on black, indigenous, and people of color communities. The authority must submit a preliminary report to the office of financial management and the appropriate committees of the legislature on the status of these efforts by December 1, 2021, and a final report including identification of the number and demographics of individuals recruited into behavioral health peer positions by December 1, 2022.

(55) \$250,000 of the general fund—federal appropriation is provided solely for the authority to provide crisis response training to behavioral health peer specialists. The authority must use these amounts to contract for the development of a specialized 40 hour crisis response training curriculum for behavioral health peer specialists and to conduct a minimum of one statewide training session during fiscal year 2022 and one statewide training session during fiscal year 2023. The training shall focus on preparing behavioral health peer specialists to work with individuals in crisis, including providing peer services in emergency departments, as corresponders with law enforcement, and as part of mobile crisis teams. The training sessions must be offered free of charge to the participants and may be offered either virtually or in person as determined by the authority. By December 1, 2022, the authority must submit a report to the office of financial management and the appropriate committees of the legislature on the peer crisis response curriculum and the number of individuals that received training.

(56) \$500,000 of the general fund—federal appropriation is provided solely for the authority to contract on a one-time basis with the University of Washington alcohol and drug abuse institute to develop policy solutions in response to the public health challenges of high tetrahydrocannabinol potency cannabis. The institute must use this funding to: Conduct individual interviews with stakeholders and experts representing different perspectives, facilitate joint meetings with stakeholders to identify areas of common ground and consensus, and develop recommendations for state policies related to cannabis potency and mitigating detrimental health impacts. The authority must submit the following reports to the office of financial management and the appropriate committees of the legislature:

(a) An initial report must be submitted by December 31, 2021, and shall summarize progress made to date, preliminary policy recommendations, and next steps; and

(b) A final report must be submitted by December 31, 2022, and shall summarize the analysis conducted by the institute, the process and stakeholders involved, an inventory of relevant cannabis policies in other states, and recommendations for policy changes to reduce the negative impacts of high potency cannabis in Washington state.

(57) \$8,197,000 of the general fund—state appropriation for fiscal year 2022, \$8,819,000 of the general fund—state appropriation for fiscal year 2023, and \$38,025,000 of the general fund—federal appropriation are provided solely to continue in the 2021-2023 fiscal biennium the two percent increase to medicaid reimbursement for community behavioral health providers contracted through managed care organizations that was provided in April 2021. The authority must employ mechanisms such as directed payment or other options allowable under federal medicaid law to assure the funding is used by the managed care organizations for a two percent provider rate increase as intended and verify this pursuant to the process established in chapter 285, Laws of 2020 (EHB 2584). The rate increase shall be implemented to all behavioral health inpatient, residential, and outpatient providers receiving payment for services under this section contracted through the medicaid managed care organizations.

(58) \$17,128,000 of the general fund—state appropriation for fiscal year 2023 and \$32,861,000 of the general fund—federal appropriation are provided solely to implement a 7 percent increase to medicaid reimbursement for community behavioral health providers contracted through managed care organizations to be effective January 1, 2023. The authority must employ mechanisms such as directed payment or other options allowable under federal medicaid law to assure the funding is used by the managed care organizations for a 7 percent provider rate increase as intended and verify this pursuant to the process established in chapter 285, Laws of 2020 (EHB 2584). The rate increase shall be implemented to all behavioral health inpatient, residential, and outpatient providers contracted through the medicaid managed care organizations. Providers receiving rate increases under other subsections of this section must be excluded from the rate increase directed in this subsection.

(59) ~~(\$5,217,000)~~ \$1,838,000 of the general fund—state appropriation for fiscal year 2023, and ~~(\$6,524,000)~~ \$3,145,000 of the general fund—federal appropriation are provided solely to increase the number of beds and rates for community children's long-term inpatient program providers. The number of funded beds is increased on a phased in basis to ~~((62 beds by the end of fiscal year 2022 and to 72 beds))~~ 46 beds by the end of fiscal year 2023. The rates are increased ~~((by two percent effective July 1, 2021, and by an additional 4.5 percent effective January 1, 2023))~~ from a per diem rate of \$857 to \$1,030 for existing and new beds effective January 1, 2023.

(60) \$117,000 of the general fund—state appropriation for fiscal year 2022, \$251,000 of the general fund—state appropriation for fiscal year 2023, and \$265,000 of the general fund—federal appropriation are provided solely to increase rates for parent child assistance program providers by two percent effective July 1, 2021, and by an additional 4.5 percent effective January 1, 2023.

(61) \$205,000 of the general fund—state appropriation for fiscal year 2022 and \$205,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with the Washington state behavioral health institute to engage consumers, the University of Washington evidence based practice institute, and other stakeholders to review current and emerging data and research and make recommendations regarding best practices for virtual behavioral health services to children from prenatal stages through age 25. This work shall focus on the development of services and supports that deliver clinically-effective outcomes for children and families and identify safeguards for "in-person," "audio-video," and "audio only" modes. The review conducted by the institute shall include the collection and analysis of data about clinical efficacy of behavioral health services and supports through virtual modes and methods for determining and maximizing the health benefits of the different modes. The authority shall submit data required for this research to the behavioral health institute in accordance with federal and state laws regarding client protected information. The department shall submit the following reports to the office of financial management and the appropriate committees of the legislature:

(a) A preliminary report on the 2022 workplan by December 31, 2021;

(b) An initial report with recommendations for standards of care and best practices for behavioral health services by June 30, 2022; and

(c) A final report with additional refined recommendations and a research agenda and proposed budget for fiscal year 2024 and beyond by December 31, 2022.

(62) The authority must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan

act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(63) \$150,000 of the general fund—federal appropriation is provided solely for training of behavioral health consumer advocates. Beginning in July 2022, the authority must enter into a memorandum of understanding with the department of commerce to provide support for training of behavioral health consumer advocates pursuant to Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers).

(64) \$5,000,000 of the general fund—federal appropriation is provided solely for the authority to maintain funding for grants to law enforcement assisted diversion programs outside of King county established pursuant to chapter 314, Laws of 2019 (SSB 5380). By December 1, 2023, the authority, in coordination with the law enforcement assisted diversion national support bureau, must collect information and submit a report to the office of financial management and the appropriate committees of the legislature on the grant program including a description of the program model or models used and the number, demographic information, and measurable outcomes of the individuals served with the funding provided under this subsection.

(65) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with a statewide mental health nonprofit organization that provides free community and school-based mental health education and support programs for consumers and families. The contractor must use this funding to provide access to programs tailored to peers living with mental illness as well as family members of people with mental illness and the community at large. Services provided by the contracted program shall include education, support, and assistance to reduce isolation and help consumers and families understand the services available in their communities.

(66) \$13,374,000 of the general fund—state appropriation for fiscal year 2022, \$15,474,000 of the general fund—state appropriation for fiscal year 2023, and \$13,743,000 of the general fund—federal appropriation are provided solely for increasing local behavioral health mobile crisis response team capacity and ensuring each region has at least one adult and one children and youth mobile crisis team that is able to respond to calls coming into the 988 crisis hotline.

(a) In prioritizing this funding, the health care authority shall assure that a minimum of six new children and youth mobile crisis teams are created and that there is one children and youth mobile crisis team in each region by the end of fiscal year 2022.

(b) In implementing funding for adult and youth mobile crisis response teams, the authority must establish standards in contracts with managed care organizations and behavioral health administrative services organizations for the services provided by these teams.

(c) Of these amounts, \$3,000,000 of the general fund—state appropriation for fiscal year 2023 and \$1,012,000 of the general fund—federal appropriation are provided solely to increase capacity for mobile crisis services in King county. These amounts must supplement and not supplant funding to the county previously allocated by the authority under this subsection.

(67) \$29,671,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$37,628,000)~~) \$38,835,000 of the general fund—state appropriation for fiscal year 2023, and (~~(\$44,606,000)~~) \$48,600,000 of the general fund—federal appropriation are provided solely for the authority to contract with community hospitals or freestanding evaluation and treatment centers to provide long-term inpatient care beds as defined in RCW 71.24.025. Within these amounts, the authority must meet the requirements for reimbursing counties for the judicial services for patients being served in these settings in accordance with RCW 71.05.730. The authority must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities. Of the amounts in this subsection, sufficient amounts are provided in fiscal year 2022 and fiscal year 2023 for the authority to reimburse community hospitals and nonhospital residential treatment centers serving clients in long-term inpatient care beds as defined in RCW 71.24.025 as follows:

(a) For a hospital licensed under chapter 70.41 RCW that requires a hospital specific medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients because the hospital has completed a medicare cost report, the authority shall analyze the most recent medicare cost report of the hospital after a minimum of 200 medicaid inpatient psychiatric days. The authority shall establish the inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at 100 percent of the allowable cost of care, based on the most recent medicare cost report of the hospital.

(b) For a hospital licensed under chapter 70.41 RCW that has not completed a medicare cost report with more than 200 medicaid inpatient psychiatric days, the authority shall establish the medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at the higher of the hospital's current medicaid inpatient psychiatric rate; or the annually updated statewide average of the medicaid inpatient psychiatric per diem payment rate of all acute care hospitals licensed under chapter 70.41 RCW providing long-term civil commitment services.

(c) For a hospital licensed under chapter 71.12 RCW and currently providing long-term civil commitment services, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at \$940 plus adjustments that may be needed to capture costs associated with long-term psychiatric patients that are not allowable on the medicare cost report or



reimbursed separately. The hospital may provide the authority with supplemental data to be considered and used to make appropriate adjustments to the medicaid inpatient psychiatric per diem payment rate of the hospital. Adjustment of costs may include:

(i) Costs associated with professional services and fees not accounted for in the hospital's medicare cost report or reimbursed separately;

(ii) Costs associated with the hospital providing the long-term psychiatric patient access to involuntary treatment court services that are not reimbursed separately; and

(iii) Other costs associated with caring for long-term psychiatric patients that are not reimbursed separately.

(d) For a hospital licensed under chapter 71.12 RCW that requires an initial medicaid inpatient psychiatric per diem payment rate for long-term civil commitment services because it has not yet completed a medicare cost report, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at the higher of:

(i) The hospital's current medicaid inpatient psychiatric rate; or

(ii) The annually updated statewide average of the medicaid long-term inpatient psychiatric per diem payment rate of all freestanding psychiatric hospitals licensed under chapter 71.12 RCW providing long-term civil commitment services.

(e) For nonhospital residential treatment centers certified to provide long-term inpatient care beds as defined in RCW 71.24.025, the authority shall increase the fiscal year 2021 rate by three percent each year of the biennium.

(f) Beginning in fiscal year 2023, provider payments for vacant bed days shall not exceed six percent of their annual contracted bed days.

(g) The legislature intends to recognize the additional costs associated with student teaching related to long-term civil commitment patients to be provided in a new teaching hospital expected to open during the 2023-2025 fiscal biennium.

(h) The authority, in coordination with the department of social and health services, the office of the governor, the office of financial management, and representatives from medicaid managed care organizations, behavioral health administrative service organizations, and community providers, must develop and implement a plan to continue the expansion of civil community long-term inpatient capacity. The plan shall identify gaps and barriers in the current array of community long-term inpatient beds in serving higher need individuals including those committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The plan shall identify strategies to overcome these barriers including, but not limited to, potential rate enhancements for high needs clients. The authority must submit its implementation plan to the office of financial management and the appropriate fiscal committees of the legislature by December 1, 2021, and submit a status update on the implementation plan by October 15, 2022.

(68)(a) \$31,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided on a one-time basis solely for the authority to provide assistance payments to behavioral health providers serving medicaid and state-funded clients. In prioritizing the allocation of this funding, the authority must take the following into account:

(i) The differential impact the pandemic has had on different types of providers;

(ii) Other state and federal relief funds providers have received or are eligible to apply for; and

(iii) Equitable distribution of assistance including consideration of geographic location and providers serving members of historically disadvantaged communities.

(b) To be eligible for assistance, the behavioral health providers must:

(i) Have experienced lost revenue or increased expenses that are a result of the COVID-19 public health emergency;

(ii) Self-attest that the lost revenue or expenses are not funded by any other government or private entity;

(iii) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives; and

(iv) Agree to comply with federal guidance on the use of coronavirus state and local fiscal recovery funds.

(c) Provider assistance is subject to the availability of amounts provided in this subsection.

(69)(a) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a one-time grant to Island county to fund a pilot program to improve behavioral health outcomes for young people in rural communities. In administering the pilot program, Island county shall coordinate with school districts, community groups, and health care providers to increase access to behavioral health programs for children and youth aged birth to 24 years of age. The grant funds shall be used to coordinate and expand behavioral health services. The grant funding must not be used to supplant funding from existing programs. No more than 10 percent of the funds may be used for administrative costs incurred by Island county in administering the program. Services that may be provided with the grant funding include, but are not limited to:

(i) Support for children and youth with significant behavioral health needs to address learning loss caused by COVID-19 and remote learning;

(ii) School based behavioral health education, assessment, and brief treatment;

(iii) Screening and referral of children and youth to long-term treatment services;

(iv) Behavioral health supports provided by community agencies serving youth year-round;

(v) Expansion of mental health first aid, a program designed to prepare adults who regularly interact with youth for how to help people in both crisis and noncrisis mental health situations;

(vi) Peer support services; and

(vii) Compensation for the incurred costs of clinical supervisors and internships.

(b) The authority, in coordination with Island county, must submit the following reports to the legislature:

(i) By December 1, 2022, a report summarizing how the funding was used and providing the number of children and youth served by the pilot during fiscal year 2022; and

(ii) By December 1, 2023, a report summarizing how the funding was used and providing the number of children and youth served by the pilot during fiscal year 2023.

(70) State general fund appropriations in this section and in sections 219 and 221 of this act are made to address the harms caused to the state and its citizens by the opioid epidemic, and these include appropriations of \$13,466,000 attributable to the settlement in *State v. McKinsey & Co., Inc.*

~~(71) ((\$260,000 of the general fund—state appropriation for fiscal year 2022, \$3,028,000 of the general fund—state appropriation for fiscal year 2023, and \$3,028,000 of the general fund—federal appropriation are provided solely for the authority to contract for a twelve bed children's long-term inpatient program facility specializing in the provision of rehabilitative mental health services for children and youth with intellectual or developmental disabilities who have intensive behavioral health support needs. The authority must provide a report to the office of financial management and the appropriate committees of the legislature providing data on the demand and utilization of this facility by June 30, 2023.~~

~~(72))~~ \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to continue the University of Washington's project extension for community health care outcomes (ECHO) for:

(a) Telecommunication consultation with local physicians to discuss medications appropriate to patients who have developmental disabilities and behavioral issues; and

(b) Training to both behavioral health and developmental disabilities professionals to support individuals with both developmental disabilities and behavioral health needs.

~~((73) —\$1,991,000))~~ (72) \$2,104,000 of the general fund—federal appropriation and ~~(((\$1,147,000))~~ \$1,260,000 of the general fund—local appropriation are provided solely for supported housing and employment services described in initiative 3a and 3b of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures above appropriated levels for this specific purpose. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

~~((74))~~ (73) (a) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the authority to convene a work group to develop a recommended teaching clinic enhancement rate for behavioral health agencies training and supervising students and those seeking their certification or license. This work should include: Developing standards for classifying a behavioral health agency as a teaching clinic; a cost methodology to determine a teaching clinic enhancement rate; and a timeline for implementation. The work group must include representatives from:

(i) The department of health;

(ii) The office of the governor;

(iii) The Washington workforce training and education board;

(iv) The Washington council for behavioral health;

(v) Licensed and certified behavioral health agencies; and

(vi) Higher education institutions.

(b) By October 15, 2021, the health care authority must submit a report of the work group's recommendations to the governor and the appropriate committees of the legislature.

~~((75))~~ (74) \$343,000 of the general fund—state appropriation for fiscal year 2022, \$344,000 of the general fund—state appropriation for fiscal year 2023, and \$687,000 of the general fund—federal appropriation are provided solely for increasing services to pregnant and parenting women provided through the parent child assistance program.

~~((76))~~ (75) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for maintaining and increasing the capabilities of a tool to track medication assisted treatment provider capacity.

~~((77))~~ (76) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to support substance use disorder family navigators across the state.

~~((78))~~ (77) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to support recovery cafes across the state.

~~((79))~~ (78) \$69,000 of the general fund—state appropriation for fiscal year 2022, \$63,000 of the general fund—state appropriation for fiscal year 2023, and \$198,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5071 (civil commitment transition).

~~((80))~~ (79) \$200,000 of the general fund—state appropriation for fiscal year 2022, \$195,000 of the general fund—state appropriation for fiscal year 2023, and \$755,000 of the general fund—federal appropriation are provided solely for a grant program to award funding to fire departments in the state of Washington to implement safe station pilot programs. Programs that combine the safe station approach with fire department mobile integrated health programs such as the community assistance referral and education services program under RCW 35.21.930 are encouraged. Certified substance use disorder peer specialists may be employed in a safe station pilot program if the authority determines that a plan is in place to provide appropriate levels of supervision and technical support. Safe station pilot programs shall collaborate with behavioral health administrative services organizations, local crisis providers, and other stakeholders to develop a streamlined process for referring safe station clients to the appropriate level of care. Funding for pilot programs under this subsection shall be used for new or expanded programs and may not be used to supplant existing funding.

~~((81))~~ (80) \$71,000 of the general fund—state appropriation for fiscal year 2022, \$66,000 of the general fund—state appropriation for fiscal year 2023, and \$136,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5195 (opioid overdose medication).

~~((82))~~ (81) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the authority to evaluate options for a medicaid waiver to provide respite care for youth with behavioral health challenges while avoiding adverse impacts with respite waivers at the department of social and health services developmental disabilities administration and the department of children, youth, and families.

~~((83))~~ (82) \$2,000,000 of the general fund—federal appropriation is provided solely for grants to law enforcement and other first responders to include a mental health professional on the team of personnel responding to emergencies.

~~((84))~~ (83) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the city of Arlington in partnership with the North County regional fire authority for a mobile integrated health pilot project. The project shall provide mobile integrated health services for residents who cannot navigate resources through typical methods through brief therapeutic intervention, biopsychosocial assessment and referral, and community care coordination.

~~((85))~~ (84) \$26,000 of the general fund—state appropriation for fiscal year 2022, \$26,000 of the general fund—state appropriation for fiscal year 2023, and \$48,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 1196 (audio only telemedicine).

~~((86))~~ (85) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute Senate Bill No. 5073 (involuntary commitment).

~~((87))~~ (86) \$349,000 of the general fund—state appropriation for fiscal year 2022, \$1,849,000 of the general fund—state appropriation for fiscal year 2023, and \$942,000 of the general fund—federal appropriation are provided solely for the authority to contract for services at two distinct 16 bed programs in a facility located in Clark county to provide long-term inpatient care beds as defined in RCW 71.24.025. The beds must be used to provide treatment services for individuals who have been involuntarily committed to long-term inpatient treatment pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The authority, in coordination with the department of social and health services, must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward opening the new facility.

~~((88))~~ (87) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$956,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for wraparound with intensive services for youth ineligible for medicaid as outlined in the settlement agreement under *AGC v. Washington State Health Care Authority*, Thurston county superior court no. 21-2-00479-34.

~~((89))~~ (88) \$38,230,000 of the general fund—state appropriation for fiscal year 2022 and \$18,188,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for claims for services rendered to medicaid eligible clients admitted to institutions of mental disease that were determined to be unallowable for federal reimbursement due to medicaid's institutions for mental disease exclusion rules. Of these amounts, \$20,042,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for belated claims for services that were rendered prior to fiscal year 2022.

~~((90))~~ (89) \$6,010,000 of the general fund—state appropriation for fiscal year 2023 and \$990,000 of the general fund—federal appropriation are provided solely for the authority, in coordination with the department of health, to deploy an opioid awareness campaign and to contract with syringe service programs and other service settings assisting people with substance use disorders to: Prevent and respond to overdoses; provide other harm reduction services and supplies, including but not limited to distributing naloxone, fentanyl, and other drug testing supplies; and for expanding contingency management services. The authority is encouraged to use these funds to leverage federal funding for this purpose to expand buying power. The authority should prioritize funds for naloxone distribution for programs or settings that are least likely to be able to bill medicaid. Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to deploy an opioid awareness campaign targeted at youth to increase the awareness of the dangers of fentanyl. Any moneys deposited into the general fund pursuant to section 126(41) of this act from the Purdue Pharma and Sackler family settlement must be used for the purposes of this subsection.

~~((91))~~ (90) \$2,382,000 of the general fund—state appropriation for fiscal year 2023 and \$6,438,000 of the general fund—federal appropriation are provided solely ~~((for a transition to bundled payment arrangement methodology for opioid treatment providers. Within these amounts, providers will receive a rate increase through the new methodology and the))~~ to increase rates for opioid treatment program services provided through medicaid managed care contracts. The authority must direct medicaid managed care organizations, to the extent allowed under federal medicaid law, to adopt a value based bundled payment methodology in contracts with opioid treatment providers. This increase is effective January 1, 2023.

~~((92))~~ (91) \$2,387,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to support the creation of a bridge period for individuals also enrolled in the foundational community supports initiative who are transitioning from benefits under RCW 74.04.805 due to increased income or other changes in eligibility. The authority, department of social and health services, and department of commerce shall collaborate on this effort.

~~((93))~~ (92) \$1,574,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to contract with a program to provide medical respite care for individuals with behavioral health needs. The program must serve individuals with significant behavioral health needs and medical issues who do not require hospitalization but are unable to provide adequate self-care for their medical conditions. The program must prioritize services to individuals with complex medical and behavioral health issues who are homeless or who were recently discharged from a hospital setting. The services must meet quality standards and best practices developed by the national health care for the homeless council and may include, but are not limited to, medical oversight and health education; care transitions; and discharge planning to and from primary care, inpatient hospital, emergency rooms, and supportive housing. In selecting the contractor, the authority must prioritize projects that demonstrate the active involvement of an established medical provider that is able to leverage federal medicaid funding in the provision of these services. The authority must work with the medicaid managed care organizations to encourage their participation and assist the plans and the contractor in identifying mechanisms for appropriate use of medicaid reimbursement in this setting.

~~((94))~~ (93) \$490,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create a master leasing incentive program with specific emphasis on *Trueblood* programs. The authority shall also create a toolkit for use by landlords serving special populations. The authority and department of commerce shall collaborate on this effort.

~~((95))~~ (94) \$664,000 of the general fund—state appropriation for fiscal year 2023 and \$154,000 of the general fund—federal appropriation are provided solely for the authority to contract for three regional behavioral health mobile crisis response teams focused on supported housing to prevent individuals with behavioral health conditions at high risk of losing housing from becoming homeless, identify and prioritize serving the most vulnerable people experiencing homelessness, and increase alternative housing options to include short-term alternatives which may temporarily deescalate situations where there is high risk of a household from becoming homeless.

~~((96))~~ (95) \$6,027,000 of the general fund—state appropriation for fiscal year 2023 and \$2,009,000 of the general fund—federal appropriation are provided solely to create and expand access to no barrier, and low-barrier programs using a housing first model designed to assist and stabilize housing supports for adults with behavioral health conditions. Housing supports and services shall be made available with no requirement for treatment for their behavioral health condition and must be individualized to the needs of the individual. The authority and department of commerce shall collaborate on this effort. The authority and department of commerce shall collaborate on this effort and must submit a preliminary report to the office of financial management and the appropriate committees of the legislature by December 31, 2022.

~~((97))~~ (96) \$775,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create a rental voucher and bridge program and implement strategies to reduce instances where an individual leaves a state operated behavioral or private behavioral health facility directly into homelessness. The authority must prioritize this funding for individuals being discharged from state operated behavioral health facilities.

~~((98))~~ (97) \$200,000 of the general fund—state appropriation for fiscal year 2022, \$200,000 of the general fund—state appropriation for fiscal year 2023, and \$400,000 of the

general fund—federal appropriation are provided solely for the authority to contract for a behavioral health comparison rate study. The study must be conducted to examine provider resources involved in developing individual covered behavioral health services and to establish benchmark payment rates that reflect the reasonable and necessary costs associated with the delivery of behavioral health services. The study must include an evaluation of actual medicaid managed care organization payment rates to the benchmark rates and summarize the results of this evaluation. The study must be conducted in a manner so that the benchmark comparison rates are incorporated into a full behavioral health fee schedule that can be used for assessing the costs associated with expansion of services, rate increases, and medicaid managed care plan state directed payments. The authority must provide a preliminary report on the study to the office of financial management and the appropriate committees of the legislature by June 30, 2023.

((+99)) (98) \$382,000 of the general fund—state appropriation for fiscal year 2023 and \$254,000 of the general fund—federal appropriation are provided solely for the authority, in collaboration with the department of social and health services research and data analysis division, to implement community behavioral health service data into the existing executive management information system. Of these amounts, \$288,000 of the general fund—state appropriation for fiscal year 2023 and \$192,000 of the general fund—federal appropriation are provided solely for the authority to reimburse the research and data analysis division for staff costs associated with this project. The data elements shall be incorporated into the monthly executive management information system reports on a phased-in basis, allowing for elements which are readily available to be incorporated in the initial phase, and elements which require further definition and data collection changes to be incorporated in a later phase. The authority must collaborate with the research and data analysis division to ensure data elements are clearly defined and must include requirements in medicaid managed care organization and behavioral health administrative services organization contracts to provide the data in a consistent and timely manner for inclusion into the system. The community behavioral health executive management system information data elements must include, but are not limited to: Psychiatric inpatient bed days; evaluation and treatment center bed days; long-term involuntary community psychiatric inpatient bed days; children's long-term inpatient bed days; substance use disorder inpatient, residential, withdrawal evaluation and management, and secure withdrawal evaluation and management bed days; crisis triage and stabilization services bed days; mental health residential bed days; mental health and substance use disorder outpatient treatment services; opioid substitution and medication assisted treatment services; program of assertive treatment team services; wraparound with intensive services; mobile outreach crisis services; recovery navigator team services; foundational community supports housing and employment services; projects for assistance in transition from homelessness services; housing and recovery through peer services; other housing services administered by the authority; mental health and substance use disorder peer services; designated crisis responder investigations and outcomes; involuntary commitment hearings and outcomes; pregnant and parenting women case management services; and single bed certifications and no available bed reports. Wherever possible and practical, the data must include historical monthly counts and shall be broken out to distinguish services to medicaid and nonmedicaid individuals and children and adults. The authority and the research and data analysis division must consult with the office of financial management and staff from the fiscal committees of the legislature on the development and implementation of the community behavioral health data elements.

((+100)) (99) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to contract with a consultant to develop a Washington state behavioral health service delivery guide. The guide must include, but is not limited to, information on the service modalities, facilities, and providers that make up Washington's behavioral health delivery system. The authority must consult with behavioral health stakeholders and is permitted to enter into a data sharing agreement necessary to facilitate the production of the guide. The authority must publish the guide for the public and submit the guide to the office of financial management and the appropriate committees of the legislature by December 1, 2023.

((+101)) (100) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to conduct a study on involuntary treatment access barriers related to transportation issues. The study must assess: Challenges ambulance companies and emergency responders have in billing medicaid for involuntary transportation services; whether current transportation rates are a barrier to access and if so what type of increase is needed to address this; and the possibility of creating a specialized type of involuntary transportation provider. The authority must also modify the current unavailable detention facilities report to identify whether the reason a bed was not available was due to: Transportation issues; all beds being full at the facility; staffing shortages; inability of facilities with available beds to meet the behavioral needs of the patient; inability of facilities with available beds to meet the medical needs of the patient; or other specified reasons. The authority must submit a report to the office of financial management and the appropriate committees of the legislature with findings and recommendations from the study by December 31, 2022.

((+102)) (101) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to increase contracts for recovery navigator services established in chapter 311, Laws of 2021 (ESB 5476). These amounts must be allocated to increase funding for recovery navigator services in King, Pierce, and Snohomish counties. These amounts must supplement and not supplant funding allocated, pursuant to section 22(1),

chapter 311, Laws of 2021, to the regional behavioral health administrative services organizations serving those counties.

~~((103))~~ (102) \$4,213,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to support efforts by counties and cities to implement local response teams. Of these amounts:

(a) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to provide a grant to the association of Washington cities to assist cities with the costs of implementing alternative response teams. This funding must be used to reimburse cities for documented costs associated with creating co-responder teams within different alternative diversion models including law enforcement assisted diversion programs, community assistance referral and education programs, and as part of mobile crisis teams. Cities are encouraged to partner with each other to create a regional response model. In awarding these funds, the association must prioritize applicants with demonstrated capacity for facility-based crisis triage and stabilization services. The association and authority must collect and report information regarding the number of facility-based crisis stabilization and triage beds available in the locations receiving funding through this subsection and submit a report to the office of financial management and the appropriate committees of the legislature with this information by December 1, 2022.

(b) \$2,213,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Whatcom county to establish an alternative response base station. Within these amounts: \$1,477,000 is provided solely for facility renovation and equipment; \$149,000 is provided solely for acquisition of an alternative response transport vehicle; and \$587,000 is provided solely for operating expenses, including personnel, maintenance, and utility expenses.

~~((104))~~ (103) \$100,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for, on a one-time basis, the authority to address behavioral health treatment access issues resulting from workforce shortages and impacts of the COVID-19 public health emergency. This funding must be used to provide one-time assistance payments to nonhospital-based community behavioral health treatment providers receiving payment for medicaid services contracted through the medicaid managed care organizations or behavioral health administrative service organizations. The authority shall begin distributing funding under this subsection as soon as possible, and shall complete the distribution of funds by October 1, 2022. The authority must distribute funding in accordance with the following requirements:

(a) The authority must enter into appropriate agreements with recipients to ensure that this stabilization funding is used for purposes of this subsection. Prior to the receipt of funds, providers must agree to expend these assistance payments by June 30, 2023.

(b) Allocation methodologies must be administratively efficient and based on previous medicaid utilization, modeled after prior nongrant-based allocations, so that funding can be distributed more timely than through grant or application-based allocations. The authority must consider individuals served through medicaid and behavioral health administrative service organizations contracts in its allocation methodology.

(c) Providers must use the funding for immediate workforce retention and recruitment needs or costs incurred due to the COVID-19 public health emergency. Funds may also be used to support other needed investments to help stabilize the community behavioral health workforce including, but not limited to, childcare stipends, student loan repayment, tuition assistance, relocation expenses, or other recruitment efforts to begin adding new staff and rebuilding lost capacity.

(d) By December 1, 2022, the authority must submit an accounting to the office of financial management and the appropriate committees of the legislature that includes a list of all recipients of funding under this subsection and the amount of funding received.

(e) Within the amounts appropriated in this subsection, the authority may utilize up to \$200,000 to conduct a qualitative analysis of how recipients utilized funds for workforce retention and recruitment, which may include hiring a consultant and a survey of selected recipients. The authority must report on the findings of the qualitative analysis to the office of financial management and the appropriate committees of the legislature by December 1, 2023.

~~((105))~~ (104) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to contract with the University of Washington addictions, drug, and alcohol institute. This funding must be used to develop, refine, and pilot a new, advanced, evidence-based training for law enforcement to improve interactions with individuals who use drugs. The training must be developed so it can be adapted and used statewide to decrease stigmatizing beliefs among law enforcement through positive contact with people who use drugs and improve officer well-being and effectiveness by providing skills and techniques to address the drug overdose epidemic. The institute must develop and refine this training, leveraging prior work, and in partnership with a steering committee that includes people with lived or living experience of substance use disorder and criminal legal involvement, researchers, clinicians, law enforcement officers, and others. The training must complement, but not duplicate, existing curricula already provided by the criminal justice training commission. The institute must pilot the advanced training in a subset of regional law enforcement agencies and evaluate its acceptability and feasibility through participant interviews and pretraining and posttraining ratings of stigmatizing beliefs. The institute must incorporate feedback from the pilot training sessions into a final training program that it must make available to law enforcement agencies across the state.

~~((106))~~ (105) \$300,000 of the general fund—state appropriation for fiscal year 2023 and \$300,000 of the general fund—federal appropriation are provided on a one-time basis solely for the authority to explore the development and implementation of a sustainable, alternative payment model for comprehensive community behavioral health services, including the certified community behavioral health clinic (CCBHC) model. Funding must be used to secure actuarial expertise; conduct research into national data and other state models, including obtaining resources and expertise from the national council for mental well-being CCBHC success center; and engage stakeholders, including representatives of licensed community behavioral health agencies and medicaid managed care organizations, in the process. The authority must provide a preliminary report to the office of financial management and the appropriate committees of the legislature with findings, recommendations, and preliminary cost estimates by December 31, 2022. The study must include:

(a) Overviews of alternate payment models and options and considerations for implementing the certified community behavioral health clinic model within Washington state;

(b) An analysis of the impact of expanding alternate payment models on the state's behavioral health systems;

(c) Relevant federal regulations and options to implement alternate payment models under those regulations;

(d) Options for payment rate designs;

(e) An analysis of the benefits and potential challenges in integrating the CCBHC reimbursement model within an integrated managed care environment;

(f) Actuarial analysis on the costs for implementing alternative payment model options, including opportunities for leveraging federal funding; and

(g) Recommendations to the legislature on a pathway for statewide implementation.

~~((107))~~ (106) \$60,000 of the general fund—state appropriation for fiscal year 2023 is provided on a one-time basis solely for the authority to provide a grant to develop an integrative cultural healing model to be implemented and managed by the Confederated Tribes of the Colville Reservation. For the purposes of this subsection, "integrative cultural healing model" means a behavioral health model developed for and by tribal and urban-based Native American partners in eastern Washington. Grant funds must be used for staff costs for implementing the model; acquisition of cultural tools, materials, and other group facilitation supplies; securing access to outdoor environments in traditional places of gathering foods, medicines, and materials; salaries for training time; and stipends, travel, and mileage reimbursement to support the participation of local elders or knowledge keepers.

~~((108))~~ ~~\$1,135,000 of the general fund—state appropriation for fiscal year 2023 and \$568,000 of the general fund—federal appropriation are provided solely to develop and operate a 16-bed substance use disorder inpatient facility in Grays Harbor county that specializes in treating pregnant and parenting women using a family preservation model. The authority must contract for these services through behavioral health entities in a manner that allows leveraging of federal medicaid funds to pay for a portion of the costs. The authority must consult with the department of children, youth, and families in the implementation of this funding. The facility must allow families to reside together while a parent is receiving treatment. Of these amounts, \$568,000 may be used for documented startup costs including the recruitment, hiring, and training of staff.~~

~~((109))~~ (107) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided on a one-time basis solely for the authority to provide a grant to the city of Snoqualmie to pilot behavioral health emergency response and coordination services through a regional behavioral health coordinator. The regional behavioral health coordinator shall be a licensed mental health or substance use disorder professional who works directly with and accompanies law enforcement officers and fire and rescue first responders to help respond to crises involving persons with behavioral health needs. The coordinator shall plan, implement, and coordinate services related to crisis response and social service needs with the city of Snoqualmie, the city of North Bend, the Snoqualmie police and fire departments, and the eastside fire and rescue agency serving North Bend, and local community services, school districts, hospitals, and crisis response systems provided by King county for the region. The coordinator shall support the social services needs identified through police and fire response in the lower Snoqualmie valley and serve as a liaison between law enforcement, first responders, and persons accessing or requesting emergency services with social service needs. The authority shall collect information on the pilot project and, in coordination with the city of Snoqualmie, must submit a report to the office of financial management and the appropriate committees of the legislature by December 31, 2023, summarizing the services provided through the grant funds and identifying recommendations on how to implement effective, integrated, coordinated behavioral health emergency response and community care services. The authority must also provide the report to the criminal justice training commission, the Washington association of sheriffs and police chiefs, and the Washington fire commissioners association.

~~((110))~~ (108) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided on a one-time basis solely for the authority to conduct a study and provide data regarding challenges to receiving behavioral health services in rural communities. The study by the authority must review timely access to behavioral health services in rural areas including: (a) Designated crisis responder response times; (b) the availability of behavioral health inpatient and outpatient services; (c) wait times for hospital beds; and (d) the availability of adult and youth mobile crisis teams. The study must include recommendations on strategies to improve access to behavioral health services in rural areas in the short-term as the state works to develop and implement the recommendations of the crisis response

improvement strategy committee established in chapter 302, Laws of 2021. The authority must submit a report to the office of financial management and the appropriate committees of the legislature with a summary of the data, findings, and recommendations by December 1, 2022.

~~((111))~~ (109) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to contract for services with a statewide recovery community organization. The authority must award this funding to an organization that: (a) Has experience building the capacity of the recovery community to advance substance use recovery and mental health wellness by catalyzing public understanding and shaping public policy; (b) is led and governed by representatives of local communities of recovery; (c) centers the voices of people with lived experience who are touched by addiction and mental health challenges, and harnesses the power of story to drive change in the mental health and addiction treatment systems; and (d) provides free community education, skills trainings, events, and a conference in order to increase the understanding of issues around behavioral health and recovery. Services provided by the contracted program must include education, support, and assistance to increase connection of the recovery community, recovery capital, and knowledge about recovery and mental health resources. In conducting this work, the contractor must engage diverse individuals in recovery, impacted families, and providers from all regions of the state and leverage the assistance of affiliated groups and organizations. The organization must also prioritize diversity, equity, and justice in their work to eradicate health disparities of marginalized communities.

~~((112))~~ (110) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to provide a one-time grant to a nonprofit organization to establish a program to provide pro bono counseling and behavioral health services to uninsured individuals with incomes below 300 percent of the federal poverty level. The grantee must have experience in leveraging local and philanthropic funding to coordinate pro bono health care services within Washington. The authority must provide the funding pursuant to an appropriate agreement for documented capacity-building to begin providing pro bono counseling and behavioral health services no later than April 1, 2023. The agreement must require the grantee to seek, document, and report to the authority on efforts to leverage local, federal, or philanthropic funding to provide sustained operational support for the program.

~~((113))~~ (111) \$2,148,000 of the general fund—state appropriation for fiscal year 2023 and \$499,000 of the general fund—federal appropriation are provided solely for the authority to contract for youth inpatient navigator services in four regions of the state. The services must be provided through clinical response teams that receive referrals for children and youth inpatient services and manage a process to coordinate placements and alternative community treatment plans. Of these amounts, \$445,000 of the general fund—state appropriation and \$79,000 of the general fund—federal appropriation are provided solely to contract for services through an existing program located in Pierce county.

~~((114))~~ (112) \$1,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with a licensed youth residential psychiatric substance abuse and mental health agency located in Clark and Spokane counties for reopening evaluation and treatment units, increasing staff capacity, treating patients with cooccurring substance use and acute mental health disorders, and expanding outpatient services for young adults ages 18 through 24.

~~((115))~~ (113) \$4,377,000 of the general fund—state appropriation for fiscal year 2023 and \$919,000 of the general fund—federal appropriation are provided solely for implementation of Substitute House Bill No. 1773 (assisted outpatient treatment). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((116))~~ (114) \$257,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1800 (behavioral health/minors). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((117))~~ (115) \$115,000 of the general fund—state appropriation for fiscal year 2023 and \$218,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1860 (behavioral health discharge). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((118))~~ (116) \$563,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the children and youth behavioral health work group to consider and develop longer term strategies and recommendations regarding the delivery of behavioral health services for children, transitioning youth, and their caregivers and meet the requirements of Second Substitute House Bill No. 1890 (children behavioral health).

~~((119))~~ (117) \$427,000 of the general fund—state appropriation for fiscal year 2023 and \$183,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1905 (homelessness/youth discharge). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((120))~~ (118) \$759,000 of the general fund—state appropriation for fiscal year 2023 and \$759,000 of the general fund—federal appropriation are provided solely for the authority to extend continuous eligibility for apple health to children ages zero to six with income at or below 215 percent of the federal poverty level. The centers for medicare and medicaid services must approve the 1115 medicaid waiver prior to the implementation of this policy.

~~((121))~~ (119) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase contingency management resources in accordance with chapter 311, Laws of 2021 (ESB 5476).



((+122)) (120) \$79,000 of the general fund—state appropriation for fiscal year 2023 and \$78,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1866 (supportive housing). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

((+123)) (121) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for bridge funding grants to community behavioral health agencies participating in federal certified community behavioral health clinic expansion grant programs to sustain their continued level of operations following expiration of federal grant funding during the planning process for adoption of the certified community behavioral health clinic model statewide.

((+124)) (122) \$12,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5664 (forensic competency programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

((+125)) (123) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to contract with worldbridgers for a peer workforce expansion pilot project to increase certified peer support counselors in Clark county.

((+126)) (124) \$48,000 of the general fund—state appropriation for fiscal year 2023 and \$49,000 of the general fund—federal appropriation are provided solely for the authority to create a short-term residential crisis stabilization program (RCSP) for youth with severe behavioral health diagnoses. It is the intent of the legislature to fund the contracted costs of these facilities beginning in the 2023-2025 fiscal biennium.

((+127)) (125) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide information and support related to safe housing and support services for youth exiting inpatient mental health and/or substance use disorder facilities to stakeholders, inpatient treatment facilities, young people, and other community providers that serve unaccompanied youth and young adults.

((+128)) (126) \$2,825,000 of the general fund—state appropriation for fiscal year 2023 and \$797,000 of the general fund—federal appropriation are provided solely for the authority to contract with opioid treatment providers to purchase five mobile methadone units and to contract for the operations of those units to fill treatment gaps statewide.

((+130)) (127) \$3,990,000 of the general fund—state appropriation for fiscal year 2023 is provided solely with the downtown emergency service center to contract for three behavioral health response teams in King county. These teams must collaborate with regional outreach teams and agencies throughout King county and follow up with individuals after an acute crisis episode for up to three months to establish long-term community linkages and referrals to behavioral health treatment.

**Sec. 1214.** 2022 c 297 s 216 (uncodified) is amended to read as follows:

**FOR THE HUMAN RIGHTS COMMISSION**

General Fund—State Appropriation (FY 2022) . . . . .	\$3,220,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$3,630,000</del> ))
	<u>\$3,947,000</u>
General Fund—Federal Appropriation . . . . .	\$2,706,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>((<del>\$9,556,000</del>))</b>
	<u><b>\$9,873,000</b></u>

The appropriations in this section are subject to the following conditions and limitations: \$1,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Senate Bill No. 5027 (television closed captions).

**Sec. 1215.** 2022 c 297 s 218 (uncodified) is amended to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund—State Appropriation (FY 2022) . . . . .	\$38,905,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$51,034,000</del> ))
	<u>\$50,695,000</u>
General Fund—Private/Local Appropriation . . . . .	\$8,016,000
Death Investigations Account—State Appropriation . . . . .	\$1,598,000
Municipal Criminal Justice Assistance Account—State Appropriation . . . . .	\$460,000
Washington Auto Theft Prevention Authority Account— State Appropriation . . . . .	\$10,667,000
Washington Internet Crimes Against Children Account— State Appropriation . . . . .	\$2,270,000
24/7 Sobriety Account—State Appropriation . . . . .	\$20,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>((<del>\$112,970,000</del>))</b>
	<u><b>\$112,631,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023, are provided to the

Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) \$3,393,000 of the general fund—state appropriation for fiscal year 2022 and \$5,317,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for 75 percent of the costs of providing 9.5 additional statewide basic law enforcement trainings in fiscal year 2022 and 13.5 additional statewide basic law enforcement trainings in fiscal year 2023. This provides a total of 19.5 classes in fiscal year 2022 and 23.5 classes in fiscal year 2023. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least three classes must be held in Spokane each year.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) \$2,270,000 of the Washington internet crimes against children account—state appropriation is provided solely for the implementation of chapter 84, Laws of 2015.

(5) \$4,000,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the mental health field response team program administered by the Washington association of sheriffs and police chiefs. The association must distribute \$7,000,000 in grants to the phase one and phase two regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court—Western District, Cause No. 14-cv-01178-MJP. The association must submit an annual report to the Governor and appropriate committees of the legislature by September 1st of each year of the biennium. The report shall include best practice recommendations on law enforcement and behavioral health field response and include outcome measures on all grants awarded.

(6) \$899,000 of the general fund—state appropriation for fiscal year 2022 and \$899,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for crisis intervention training for the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court—Western District, Cause No. 14-cv-01178-MJP.

(7) \$1,598,000 of the death investigations account—state appropriation is provided solely for the commission to provide 240 hours of medicolegal forensic investigation training to coroners and medical examiners to meet the recommendations of the national commission on forensic science for certification and accreditation.

(8) \$13,000 of the general fund—state appropriation for fiscal year 2022, \$26,000 of the general fund—state appropriation for fiscal year 2023, and \$12,000 of the general fund—local appropriation are provided solely for an increase in vendor rates on the daily meals provided to basic law enforcement academy recruits during their training.

(9) (a) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement chapter 378, Laws of 2019 (alternatives to arrest/jail).

(b) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for evaluation of grant-funded programs under chapter 378, Laws of 2019 (alternatives to arrest/jail).

(10) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington association of sheriffs and police chiefs to administer the sexual assault kit initiative project under RCW 36.28A.430, to assist multidisciplinary community response teams seeking resolutions to cases tied to previously unsubmitted sexual assault kits, and to provide support to survivors of sexual assault offenses. The commission must report to the governor and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations by June 30, 2022, on the number of sexual assault kits that have been tested, the number of kits remaining to be tested, the number of sexual assault cases that had hits to other crimes, the number of cases that have been reinvestigated, the number of those cases that were reinvestigated using state funding under this appropriation, and the local jurisdictions that were a recipient of a grant under the sexual assault kit initiative project.

(11) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$20,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a helmet distribution program in order to reduce traumatic brain injuries throughout the state. Of these amounts:

(a) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the Washington fire chiefs association to provide helmets to persons contacted by an official of a local fire department for not wearing a helmet while riding a skateboard or bicycle; and

(b) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies to provide helmets to persons contacted by an official of a local law enforcement agency for not wearing a helmet while riding a skateboard or bicycle.

(12) \$307,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for chapter 294, Laws of 2020 (critical stress management programs).

(13) \$727,000 of the general fund—state appropriation for fiscal year 2022, \$727,000 of the general fund—state appropriation for fiscal year 2023, and \$248,000 of the general fund—local appropriation are provided solely for chapter 119, Laws of 2020 (correctional officer certification).

(14) \$406,000 of the general fund—state appropriation for fiscal year 2022 and \$408,000 of the general fund—state appropriation for fiscal year 2023 are provided to the Washington association of sheriffs and police chiefs solely to establish a behavioral health support and suicide prevention program for law enforcement officers. The program will begin with grants to three pilot locations and will leverage access to mental health professionals, critical stress management, and resiliency training.

(15) \$1,883,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$1,986,000)~~ \$2,051,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5051 (peace officer oversight).

(16) \$474,000 of the general fund—state appropriation for fiscal year 2022 and \$446,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute Senate Bill No. 5066 (officer duty to intervene).

(17) \$151,000 of the general fund—state appropriation for fiscal year 2022 and \$148,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to support the participation of the Washington association of sheriffs and police chiefs in the joint legislative task force on jail standards created in section 957 of this act.

(18) \$374,000 of the general fund—state appropriation for fiscal year 2022 and \$296,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1267 (office of independent investigations).

(19) \$31,000 of the general fund—state appropriation for fiscal year 2022 and \$31,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute House Bill No. 1088 (impeachment disclosures).

(20) \$269,000 of the general fund—state appropriation for fiscal year 2022 and \$261,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of House Bill No. 1001 (law enforcement professional development).

(21) \$25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics and equipment).

(22) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (use of force).

(23) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$25,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1109 (victims of sexual assault).

(24) \$30,000 of the general fund—state appropriation for fiscal year 2022 and \$30,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for additional grants to local jurisdictions to investigate instances where a purchase or transfer of a firearm was attempted by an individual who is prohibited from owning or possessing a firearm.

(25) \$2,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the criminal justice training commission to provide grant funding to local law enforcement agencies to support law enforcement wellness programs. Of the amount provided in this subsection:

(a) \$1,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the commission to provide grants to local law enforcement agencies for the purpose of establishing officer wellness programs. Grants provided under this subsection may be used for, but not limited to building resilience, injury prevention, peer support programs, physical fitness, proper nutrition, stress management, suicide prevention, and physical or behavioral health services. The commission must consult with a representative from the Washington association of sheriffs and police chiefs and a representative of the Washington state fraternal order of police and the Washington council of police and sheriffs in the development of the grant program.

(b) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington association of sheriffs and police chiefs to establish and coordinate an online or mobile-based application for any Washington law enforcement officer; 911 operator or dispatcher; and any other current or retired employee of a Washington law enforcement agency, and their families, to anonymously access on-demand wellness techniques, suicide prevention, resilience, physical fitness, nutrition, and other behavioral health and wellness supports.

(26) \$290,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for academy training for limited authority Washington peace officers employed by the Washington state gambling commission, Washington state liquor and cannabis board, Washington state parks and recreation commission, department of natural resources, and the office of the insurance commissioner.

(a) Up to 30 officers must be admitted to attend the basic law enforcement academy and up to 30 officers must be admitted to attend basic law enforcement equivalency academy.

(b) Allocation of the training slots amongst the agencies must be based on the earliest application date to the commission. Training does not need to commence within six months of employment.

(c) The state agencies must reimburse the commission for the actual cost of training.

(27) \$1,575,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies for training of chapter 324, Laws of 2021 (permissible uses of force).

(28) \$2,150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies for training of chapter 321, Laws of 2021 (duty to intervene).

(29) \$525,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies for training required under Substitute House Bill No. 1735 (use of force by peace officers). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(30) \$1,050,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies for training required under Engrossed Substitute House Bill No. 2037 (use of force by peace officers). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((32))~~ (31) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for body camera grant funding to local law enforcement agencies.

(a) The Washington association of sheriffs and police chiefs shall develop and implement a body-worn camera grant program. The purpose of the program is to assist law enforcement agencies to establish and expand body-worn camera programs.

(b) Law enforcement agencies may use the grants for: (i) The initial purchase, maintenance, and replacement of body-worn cameras; (ii) ongoing costs related to the maintenance and storage of data recorded by body-worn cameras; (iii) costs associated with public records requests for body-worn camera footage; and (iv) hiring of personnel necessary to operate a body-worn camera program.

(c) The Washington association of sheriffs and police chiefs shall develop and implement a grant application process and review applications from agencies based on locally developed proposals to establish or expand body-worn camera programs.

(d) Law enforcement agencies that are awarded grants must:

(i) Comply with the provisions of chapter 10.109 RCW;

(ii) Demonstrate the ability to redact body-worn camera footage consistent with RCW 42.56.240 and other applicable provisions;

(iii) Provide training to officers who will wear body-worn cameras and other personnel associated with implementation of the body-worn camera program; and

(iv) Agree to comply with any data collection and reporting requirements that are established by the Washington association of sheriffs and police chiefs.

(e) The Washington association of sheriffs and police chiefs must submit an annual report regarding the grant program to the governor and appropriate committees of the legislature by December 1st of each year the program is funded. The report must be submitted in compliance with RCW 43.01.036.

~~((33))~~ (32) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the criminal justice training commission to support an instructor to teach a model use of force and deescalation tactics training to local peace officers across the state. The goal is to establish and disseminate a standard use of force training program that is uniform throughout the state for currently employed peace officers.

**Sec. 1216.** 2022 c 297 s 219 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF INDEPENDENT INVESTIGATIONS**

General Fund—State Appropriation (FY 2022)	\$8,289,000
General Fund—State Appropriation (FY 2023)	\$15,656,000
<b>TOTAL APPROPRIATION</b>	<b>\$23,945,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for the implementation of Engrossed Substitute House Bill No. 1267 (establishing an office of independent investigations), to create an office within the office of the governor for the purposes of investigating deadly force incidents involving peace officers.

(2) \$1,295,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for contracting with the Washington state patrol for laboratory-based testing and processing of crime scene evidence collected during investigations.

(3) \$1,173,000 of the general fund—state appropriation for fiscal year 2022 and \$1,148,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the purchase of information technology equipment.

(4) \$251,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for contracted specialized training for investigators relating to death investigations in cases involving deadly force.

(5) \$4,723,000 of the general fund—state appropriation for fiscal year 2023 is provided for the office to pay for one-time tenant improvements necessary for a central evidence storage facility.

**Sec. 1217.** 2022 c 297 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund—State Appropriation (FY 2022) . . . . .	\$12,070,000
General Fund—State Appropriation (FY 2023) . . . . .	(((\$27,358,000))
	<u>\$26,304,000</u>
General Fund—Federal Appropriation. . . . .	\$20,839,000
Asbestos Account—State Appropriation. . . . .	\$598,000
Electrical License Account—State Appropriation. . . . .	(((\$59,225,000))
	<u>\$59,298,000</u>
Farm Labor Contractor Account—State Appropriation. . . . .	\$28,000
Worker and Community Right to Know Fund—State Appropriation. . . . .	\$1,062,000
Construction Registration Inspection Account—State Appropriation. . . . .	(((\$30,231,000))
	<u>\$28,869,000</u>
Public Works Administration Account—State Appropriation. . . . .	(((\$11,420,000))
	<u>\$11,422,000</u>
Manufactured Home Installation Training Account— State Appropriation. . . . .	(((\$424,000))
	<u>\$425,000</u>
Accident Account—State Appropriation. . . . .	(((\$383,862,000))
	<u>\$385,405,000</u>
Accident Account—Federal Appropriation. . . . .	\$16,071,000
Medical Aid Account—State Appropriation. . . . .	(((\$383,187,000))
	<u>\$383,255,000</u>
Medical Aid Account—Federal Appropriation. . . . .	\$3,617,000
Plumbing Certificate Account—State Appropriation. . . . .	(((\$3,481,000))
	<u>\$3,484,000</u>
Pressure Systems Safety Account—State Appropriation. . . . .	(((\$4,800,000))
	<u>\$4,805,000</u>
<b>TOTAL APPROPRIATION</b> .....	<b>(((\$958,273,000))</b>
	<b><u>\$957,552,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,363,000 of the accident account—state appropriation and \$4,363,000 of the medical aid account—state appropriation are provided solely for the labor and industries workers' compensation information system replacement project. This subsection is subject to the conditions, limitations, and review provided in section 701 of this act. The department must:

(a) Submit a report by August 1, 2021, on the quantifiable deliverables accomplished in fiscal years 2020 and 2021 and the amount spent by each deliverable in each of the following subprojects:

- (i) Business readiness;
- (ii) Change readiness;
- (iii) Commercial off the shelf procurement;
- (iv) Customer access;
- (v) Program foundations;
- (vi) Independent assessment; and
- (vii) In total by fiscal year;

(b) Submit quarterly data within 30 calendar days of the end of each quarter, effective July 1, 2021, on:

(i) All of the quantifiable deliverables accomplished by subprojects identified in (a)(i) through (vi) of this subsection and in total and the associated expenditures by each deliverable by fiscal month;

(ii) The contract full time equivalent charged by subprojects identified in (a)(i) through (vi) of this subsection, and in total, compared to the budget spending plan by month for each contracted vendor and what the ensuing contract equivalent budget spending plan by subprojects identified in (a)(i) through (vi) of this subsection, and in total, assumes by fiscal month;

(iii) The performance metrics by subprojects identified in (a)(i) through (vi) of this subsection, and in total, that are currently used, including monthly performance data; and

(iv) The risks identified independently by at least the quality assurance vendor and the office of the chief information officer, and how the project:

- (A) Has mitigated each risk; and
- (B) Is working to mitigate each risk, and when it will be mitigated;

(c) Submit the reports in (a) and (b) of this subsection to fiscal and policy committees of the legislature; and

(d) Receive an additional gated project sign off by the office of financial management, effective September 1, 2021. Prior to spending any project funding in this subsection each quarter, there is an additional gate of approval required for this project. The director of financial management must agree that the project shows accountability, effective and appropriate use of the funding, and that risks are being mitigated to the spending and sign off on the spending for the ensuing quarter.

(2) \$250,000 of the medical aid account—state appropriation and \$250,000 of the accident account—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must produce annual progress reports through the year 2022 or until the tools are fully developed and deployed. The annual progress report must be submitted to the governor and legislature by December 1st of each year such report is due.

(3) \$258,000 of the accident account—state appropriation and \$258,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries safety and health assessment research for prevention program to conduct research to prevent the types of work-related injuries that require immediate hospitalization. The department will develop and maintain a tracking system to identify and respond to all immediate in-patient hospitalizations and will examine incidents in defined high-priority areas, as determined from historical data and public priorities. The research must identify and characterize hazardous situations and contributing factors using epidemiological, safety-engineering, and human factors/ergonomics methods. The research must also identify common factors in certain types of workplace injuries that lead to hospitalization. The department must submit a report to the governor and appropriate legislative committees by August 30, 2021, and annually thereafter, summarizing work-related immediate hospitalizations and prevention opportunities, actions that employers and workers can take to make workplaces safer, and ways to avoid severe injuries.

(4)(a) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to promote workforce development in aerospace and aerospace related supply chain industries by: Expanding the number of registered apprenticeships, preapprenticeships, and aerospace-related programs; and providing support for registered apprenticeships or programs in aerospace and aerospace-related supply chain industries.

(b) Grants awarded under this section may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training space and lab locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations;

(iii) Curriculum development and instructor training for industry experts;

(iv) Tuition assistance for degrees in engineering and high-demand degrees that support the aerospace industry; and

(v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant under this subsection if it is a nonprofit, nongovernmental, or institution of higher education that provides training opportunities, including apprenticeships, preapprenticeships, preemployment training, aerospace-related degree programs, or incumbent worker training to prepare workers for the aerospace and aerospace-related supply chain industries.

(d) The department may use up to 5 percent of these funds for administration of these grants.

(5) \$3,632,000 of the accident account—state appropriation and \$876,000 of the medical aid account—state appropriation are provided solely for the creation of an agriculture compliance unit within the division of occupational safety and health. The compliance unit will perform compliance inspections and provide bilingual outreach to agricultural workers and employers.

(6) (~~(\$2,849,000)~~) \$1,467,000 of the construction registration inspection account—state appropriation, (~~(\$152,000)~~) \$78,000 of the accident account—state appropriation, and (~~(\$31,000)~~) \$16,000 of the medical aid account—state appropriation are provided solely for the conveyance management system replacement project and are subject to the conditions, limitations, and review provided in section 701 of this act.

(7) (a) \$4,044,000 of the medical aid account—state appropriation is provided solely for the implementation of the provider credentialing system project and is subject to the conditions, limitations, and review provided in section 701 of this act.

(b) \$336,000 of the medical aid account—state appropriation is provided solely for the maintenance and operation of the provider credentialing project.

(8) \$530,000 of the accident account—state appropriation and \$94,000 of the medical aid account—state appropriation are provided solely for the department to conduct infectious disease rule making to ensure the state has general guidelines to follow in the case of an infectious disease outbreak and to provide education and outreach.

(9) \$334,000 of the accident account—state appropriation and \$60,000 of the medical aid account—state appropriation are provided solely for the maintenance and operating costs of the isolated worker protection information technology project.

(10) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to analyze patients who are maintained on chronic opioids. The department must

submit a report of its findings to the governor and the appropriate committees of the legislature no later than October 1, 2023. The report shall include analysis of patient data, describing the characteristics of patients who are maintained on chronic opioids and their clinical needs, and a preliminary evaluation of potential interventions to improve care and reduce harms in this population.

(11) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to an organization in Pierce county experienced in providing peer-to-peer training, in order to develop and implement a program aimed at reducing workplace sexual harassment in the agricultural sector, with the following deliverables:

(a) Peer-to-peer training and evaluation of sexual harassment training curriculum; and

(b) The building of a statewide network of peer trainers as farmworker leaders whose primary purpose is to prevent workplace sexual harassment and assault through leadership, education, and other tools.

(12) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a work group to investigate how to make Washington's industrial insurance system easier to access for employers and hiring entities to provide industrial insurance coverage for domestic workers.

(a) Domestic workers include, but are not limited to: Housecleaners, nannies, gardeners, and day laborers, including but not limited to those who may perform maintenance or repair work in or about the private home of the employer or hiring entity.

(b) The work group shall make recommendations to the governor and appropriate legislative committees on legislative, regulatory, or other changes that would make the industrial insurance system easier for day laborers and their employers to access. This work group will also explore the possible role of intermediary nonprofit organizations that assist and refer domestic workers and day laborers.

(c) The work group shall be comprised of the following representatives, to be appointed by the governor by July 1, 2021:

(i) Two representatives who are directly impacted domestic workers who work for private home employers or hiring entities;

(ii) Two representatives who are directly impacted day laborers who work for private home employers or hiring entities;

(iii) Two representatives from unions, workers' centers, or intermediary nonprofit organizations that assist and/or refer such directly impacted workers;

(iv) Two employer or hiring entity representatives who directly employ or hire single domestic workers in private homes;

(v) One employer or hiring entity representative who directly employs or hires day laborers in a private home;

(vi) One representative from a nonprofit organization that educates and organizes household employers; and

(vii) Representatives from the department, serving in an ex officio capacity.

(d) The department shall convene the work group by August 1, 2021, and shall meet at least once every two months and may meet remotely in order to accommodate the involvement of domestic worker and day laborer representatives.

(e) The work group shall deliver its report and recommendations to the governor and the appropriate committees of the legislature no later than November 4, 2022.

(13) \$237,000 of the accident account—state appropriation and \$184,000 of the medical aid account—state appropriation are provided solely for costs associated with the implementation of Engrossed Substitute Senate Bill No. 5115 (health emergency/labor).

(14) \$1,228,000 of the accident account—state appropriation and \$217,000 of the medical aid account—state appropriation are provided solely for costs associated with the implementation of Engrossed Substitute Senate Bill No. 5172 (agricultural overtime).

(15) \$760,000 of the general fund—state appropriation for fiscal year 2022 and \$1,393,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5183 (nonfatal strangulation).

(16) (~~(\$367,000)~~) \$2,000 of the accident account—state appropriation and (~~(\$366,000)~~) \$3,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5190 (health care workers/benefits).

(17) \$1,626,000 of the accident account—state appropriation and \$288,000 of the medical aid account—state appropriation are provided solely for the purpose of providing a temporary 7.5 percent increase to the base rate of pay for the compliance field positions in the following job classifications: Safety and health specialist 3, safety and health specialist 4, industrial hygienist 3, and industrial hygienist 4, who are responsible for inspections, investigations, and enforcement related to the COVID-19 pandemic, not including consultation staff within these classifications. The increase shall be effective July 1, 2021, until June 30, 2023. Expenditure of the amount provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this subsection.

(18) \$298,000 of the accident account—state appropriation and \$53,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 1097 (increasing worker protections).

(19) \$1,360,000 of the accident account—state appropriation and \$240,000 of the medical aid account—state appropriation are provided solely for the department of labor and

industries, in coordination with the Washington state apprenticeship training council, to establish behavioral health apprenticeship programs. The behavioral health apprenticeship programs shall be administered by the Washington state apprenticeship training council. The amounts provided in this subsection must be used to compensate behavioral health providers for the incurred operating costs associated with the apprenticeship program, including apprentice compensation, staff support and supervision of apprentices, development of on-the-job training catalogs for apprentices, and provider incentives for implementing a behavioral health apprenticeship program. In awarding this funding, special preference must be given to small or rural behavioral health providers and those that serve higher percentages of individuals from black, indigenous, and people of color communities.

(20) \$65,000 of the accident account—state appropriation and \$66,000 of the medical aid account—state appropriation are provided solely for the implementation of Substitute House Bill No. 1455 (social security/L&I & ESD).

(21) \$584,000 of the accident account—state appropriation and \$584,000 of the medical aid account—state appropriation are provided solely for costs associated with staff overtime affiliated with the state emergency operations center. Prior to utilizing these funds, the department of labor and industries must collaborate with the military department to determine if any overtime costs may be eligible for reimbursement from the federal emergency management agency.

(22) \$961,000 of the accident account—state appropriation and \$169,000 of the medical aid account—state appropriation are provided solely for enhancements to the apprenticeship registration and tracking computer system to align data collection with federal regulations and to create functionality that allows for web-based document uploading. This project is subject to the conditions, limitations, and review provided in section 701 of this act.

(23) \$350,000 of the accident account—state appropriation and \$350,000 of the medical aid account—state appropriation are provided solely for the completion of the licensing and certification administrators IT project to meet the implementation requirements of chapter 277, Laws of 2020 (SHB 2409). This project is subject to the conditions, limitations, and review provided in section 701 of this act.

(24) \$897,000 of the medical aid account—state appropriation is provided solely to cover the overhead rent costs to increase the number of labor and industry vocational specialists embedded in WorkSource offices and to implement a comprehensive quality-assurance team to ensure the continuous improvement of vocational services for injured workers through the workers' compensation program.

(25) \$821,000 of the public works administration account—state appropriation is provided solely to expand capacity to investigate and enforce prevailing-wage complaints.

(26) \$794,000 of the public works administration account—state appropriation is provided solely for planning and requirements gathering to make system improvements to the prevailing wage program information technology system. Of the amount in this subsection, \$300,000 is for two permanent information technology developers to maintain the system. This project is subject to the conditions, limitations, and review provided in section 701 of this act.

(27) \$2,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create and administer a grant program intended to modernize the technology and remote learning infrastructure within existing state registered apprenticeship programs as provided in Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. Grant applications must include a plan to sustain the investment over time. Up to five percent of the total amount provided in this subsection can be used to cover administrative expenses.

(28) \$4,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create and administer a grant program intended to upgrade apprenticeship program equipment to better replicate conditions on the job during the training of apprentices as provided in Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. The grant program is limited to state registered apprenticeship programs. Up to five percent of the total within this subsection can be used to cover administrative expenses.

(29) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create and administer a grant program intended to provide wraparound support services to mitigate barriers to beginning or participating in state registered apprenticeship programs as provided in Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. Up to five percent of the amount provided in this subsection may be used to cover administrative expenses.

(30) \$12,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for vouchers to cover the cost of driver's education courses for minors enrolled in a state registered apprenticeship program as provided in Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(31) \$205,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to start conducting a four-year retention study of state registered apprentices as provided in Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. The study shall include the collection of data from all apprentices three months into their apprenticeship to understand challenges and barriers they face towards program participation.



The aggregate data by trade must be displayed on a publicly available dashboard. Study data must be provided with apprenticeship coordinators to implement an early response to connect apprentices with needed supports. The department shall submit an annual report to the governor and appropriate legislative committees beginning June 30, 2023.

(32) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to explore requirements needed to create a centralized technical support system for new nontraditional apprenticeship programs to help applicants navigate and start the process.

(33) \$207,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5814 (child abuse/medical evaluation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(34) \$191,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(35) \$454,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5714 (solar canopies tax deferral). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(36) (~~(\$412,000)~~) \$350,000 of the accident account—state appropriation and (~~(\$73,000)~~) \$61,000 of the medical aid account—state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5761 (wage and salary information). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(37) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization that will support development, outreach, and recruitment to provide job readiness skills and apprenticeship training to public school paraeducators to support college degree attainment to become certified teachers. The grant recipient must be a nonprofit organization serving classified public school employees statewide.

(38) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create a certified nursing assistant model joint labor-management apprenticeship program to address the certified nursing assistant staffing crisis in skilled nursing facilities by improving workforce recruitment and retention, reducing barriers to entry, and restoring the pipeline of entry level health care professionals into skilled nursing facilities.

(39) \$2,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the crime victims' compensation program to pay for medical exams for suspected victims of domestic violence. Neither the hospital, medical facility, nor victim is to pay for the cost of the medical exam. This funding must not supplant existing funding for sexual assault medical exams. If the cost of medical exams exceeds the funding provided in this subsection, the program shall not reduce the reimbursement rates for medical providers seeking reimbursement for other claimants, and instead the program shall return to paying for domestic violence medical exams after insurance.

(40) \$454,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1988 (clean tech. tax deferrals). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(41) \$6,000,000 of the driver resource center fund nonappropriated account—state appropriation, (~~(\$313,000)~~) \$2,177,000 of the accident account—state appropriation, and (~~(\$57,000)~~) \$386,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

**Sec. 1218.** 2022 c 297 s 221 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) The appropriations in this section are subject to the following conditions and limitations:

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys that are unrelated to the coronavirus response and not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys that are unrelated to the coronavirus response, those moneys must be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease,

such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. In response to any request by the department for general fund—state appropriation to backfill a loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

(2) HEADQUARTERS

General Fund—State Appropriation (FY 2022)	\$4,094,000
General Fund—State Appropriation (FY 2023)	(( <u>\$4,199,000</u> ))
	<u>\$4,332,000</u>
Charitable, Educational, Penal, and Reformatory	
Institutions Account—State Appropriation	\$10,000
TOTAL APPROPRIATION	(( <u>\$8,303,000</u> ))
	<u>\$8,436,000</u>

(3) FIELD SERVICES

General Fund—State Appropriation (FY 2022)	\$8,200,000
General Fund—State Appropriation (FY 2023)	\$9,313,000
General Fund—Federal Appropriation	(( <u>\$9,116,000</u> ))
	<u>\$9,679,000</u>
General Fund—Private/Local Appropriation	\$6,730,000
Veteran Estate Management Account—Private/Local	
Appropriation	\$717,000
TOTAL APPROPRIATION	(( <u>\$34,076,000</u> ))
	<u>\$34,639,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$449,000 of the general fund—state appropriation for fiscal year 2022 and \$449,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for supporting the statewide plan to reduce suicide among service members, veterans, and their families. No later than December 1, 2022, the department must submit to the appropriate fiscal committees of the legislature a report that describes how the funding provided in this subsection was spent, including the numbers of individuals served and the types of services provided.

(b) \$233,000 of the general fund—state appropriation for fiscal year 2022 and \$233,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the traumatic brain injury program to reduce homelessness, domestic violence, and intimate partner violence impacts to the behavioral health system and justice system. No later than December 1, 2022, the department must submit to the appropriate fiscal committees of the legislature a report that describes how the funding provided in this subsection was spent, including the numbers of individuals served and the types of services provided.

(c) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for two veterans service officers, one located in eastern Washington and one located in western Washington, in fiscal year 2022 and for four veterans service officers in fiscal year 2023. In fiscal year 2023, two veterans service officers must be located in eastern Washington and two veterans service officers must be located in western Washington.

(d) \$677,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (veterans & military suicide). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(e) \$57,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with an entity that provides accredited peer support training for both veterans and community service members. The funding provided in this subsection is in addition to the department's existing appropriation for its in-house peer support program. No later than June 30, 2023, the department must report to the legislature regarding the number of peer supporters trained pursuant to the contract under this subsection.

(4) STATE VETERANS HOMES PROGRAM

General Fund—State Appropriation (FY 2022)	\$16,346,000
General Fund—State Appropriation (FY 2023)	(( <u>\$23,581,000</u> ))
	<u>\$21,393,000</u>
General Fund—Federal Appropriation	(( <u>\$110,588,000</u> ))
	<u>\$113,617,000</u>
General Fund—Private/Local Appropriation	(( <u>\$18,635,000</u> ))
	<u>\$16,847,000</u>
TOTAL APPROPRIATION	(( <u>\$169,150,000</u> ))
	<u>\$168,203,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) If the department receives additional unanticipated federal resources that are unrelated to the coronavirus response at any point during the remainder of the 2021-2023 fiscal biennium, an equal amount of general fund—state must be placed in unallotted status

so as not to exceed the total appropriation level specified in this subsection. The department may submit as part of the policy level budget submittal documentation required by RCW 43.88.030 a request to maintain the general fund—state resources that were unallotted as required by this subsection.

(b) \$234,000 of the general fund—state appropriation for fiscal year 2022 and \$222,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Substitute House Bill No. 1218 (long-term care residents).

(5) CEMETERY SERVICES

General Fund—State Appropriation (FY 2022)	\$85,000
General Fund—State Appropriation (FY 2023)	\$124,000
General Fund—Federal Appropriation	(( \$710,000 ))
	<u>\$1,060,000</u>
<b>TOTAL APPROPRIATION</b>	<b><u>(( \$919,000 ))</u></b> <b><u>\$1,269,000</u></b>

**Sec. 1219.** 2022 c 297 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General Fund—State Appropriation (FY 2022)	\$112,474,000
General Fund—State Appropriation (FY 2023)	(( \$133,094,000 ))
	<u>\$149,102,000</u>
General Fund—Federal Appropriation	(( \$577,500,000 ))
	<u>\$576,177,000</u>
General Fund—Private/Local Appropriation	(( \$248,316,000 ))
	<u>\$248,332,000</u>
Hospital Data Collection Account—State Appropriation	\$472,000
Health Professions Account—State Appropriation	(( \$157,658,000 ))
	<u>\$159,914,000</u>
Aquatic Lands Enhancement Account—State Appropriation	\$637,000
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation	\$10,105,000
Safe Drinking Water Account—State Appropriation	\$7,237,000
Drinking Water Assistance Account—Federal Appropriation	\$20,908,000
Waterworks Operator Certification Account—State Appropriation	\$2,006,000
Drinking Water Assistance Administrative Account— State Appropriation	\$1,634,000
Site Closure Account—State Appropriation	\$186,000
Biotoxin Account—State Appropriation	\$1,727,000
Model Toxics Control Operating Account—State Appropriation	(( \$7,750,000 ))
	<u>\$7,823,000</u>
Medical Test Site Licensure Account—State Appropriation	\$3,275,000
Secure Drug Take-Back Program Account—State Appropriation	\$1,435,000
Youth Tobacco and Vapor Products Prevention Account— State Appropriation	\$3,242,000
Dedicated Marijuana Account—State Appropriation (FY 2022)	\$10,584,000
Dedicated Marijuana Account—State Appropriation (FY 2023)	\$11,800,000
Public Health Supplemental Account—Private/Local Appropriation	\$3,702,000
Accident Account—State Appropriation	\$368,000
Medical Aid Account—State Appropriation	\$57,000
Statewide 988 Behavioral Health Crisis Response Line Account—State Appropriation	(( \$10,280,000 ))
	<u>\$5,056,000</u>
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	(( \$144,364,000 ))
	<u>\$182,884,000</u>
<b>TOTAL APPROPRIATION</b>	<b><u>(( \$1,470,811,000 ))</u></b> <b><u>\$1,521,137,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally

funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2021-2023 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt license and certification fees in fiscal years 2022 and 2023 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) Within the amounts appropriated in this section, and in accordance with RCW 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(5) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2022 and 2023 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(6) The health care authority, the health benefit exchange, the department of social and health services, the department of health, the department of corrections, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(7) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(8) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(9) \$26,855,000 of the general fund—local appropriation is provided solely for the department to provide core medical services, case management, and support services for individuals living with human immunodeficiency virus.

(10) \$17,000 of the health professions account—state appropriation is provided solely for the implementation of Senate Bill No. 5018 (acupuncture and eastern med.)

(11) \$703,000 of the general fund—state appropriation for fiscal year 2022 and \$703,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5052 (health equity zones).

(12) \$79,000 of the general fund—state appropriation for fiscal year 2022 and \$76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5119 (individuals in custody).

(13) \$873,000 of the general fund—state appropriation for fiscal year 2022 and \$1,577,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (env. justice task force recs).

(14) \$13,000 of the general fund—state appropriation for fiscal year 2022 and \$13,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5195 (opioid overdose medication).

(15) \$187,000 of the health professions account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5229 (health equity continuing ed.).

(16) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to the Pierce county center for dispute resolution to convene a task force, staffed by the Pierce county center for dispute resolution, to review and make recommendations on bringing the current practice of dental therapy on tribal lands to a statewide scale, and on the practice, supervision, and practice settings needed to maximize the effectiveness of dental therapy. The Pierce county center for dispute resolution must submit a report to the legislature by December 1, 2021.

(a) Members of the task force must include:

(i) Three representatives from different organizations that represent individuals or underserved communities, including but not limited to children, seniors, African Americans, Latino Americans, Native Americans, Pacific Islander Americans, and low income and rural communities;

(ii) One member of the dental quality assurance commission;

(iii) One representative from the University of Washington school of dentistry;

(iv) One member from the Washington state dental association;

(v) One member from the Washington state dental hygienists' association;

(vi) One dental therapist;

(vii) One dentist who has or is currently supervising a dental therapist or therapists;

(viii) One representative from a dental only integrated delivery system;

(ix) One representative from an urban Indian health clinic;

(x) One representative from a federally qualified health center or the Washington association for community health;

(xi) One representative from a dental therapy education program;

(xii) One representative from a Washington tribe that currently employs dental therapists; and

(xiii) One representative from a labor union representing care providers that has experience providing dental coverage and promoting dental care among their members.

(b) In addition, members of the task force may include members from the legislature as follows:

(i) The president of the senate may appoint one member from each of the two largest caucuses of the senate; and

(ii) The speaker of the house of representatives may appoint one member from each of the two largest caucuses of the house of representatives.

(17) \$492,000 of the general fund—state appropriation for fiscal year 2022 and \$492,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate with local health jurisdictions to establish and maintain comprehensive group B programs to ensure safe drinking water. These funds shall be used to support the costs of the development and adoption of rules, policies, and procedures, and for technical assistance, training, and other program-related costs.

(18) \$96,000 of the general fund—state appropriation for fiscal year 2022 and \$92,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community outreach to prepare culturally and linguistically appropriate hepatitis B information in a digital format to be distributed to ethnic and cultural leaders and organizations to share with foreign-born and limited or non-English speaking community networks.

(19) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue the collaboration between the local public health jurisdiction, related accountable communities of health, and health care providers to reduce potentially preventable hospitalizations in Pierce county. This collaboration will build from the first three years of the project, planning to align care coordination efforts across health care systems and support the related accountable communities of health initiatives, including innovative, collaborative models of care. Strategies to reduce costly hospitalizations include the following: (a) Working with partners to prevent chronic disease; (b) improving heart failure rates; (c) incorporating community health workers as part of the health care team and improving care coordination; (d) supporting the COVID-19 response with improved access to immunizations; and (e) the use of community health workers to provide necessary resources to prevent hospitalization of people who are in isolation and quarantine. By December 15, 2022, the members of the collaboration shall report to the legislature regarding the effectiveness of each of the strategies identified in this subsection. In addition, the report shall describe the most significant challenges and make further recommendations for reducing costly hospitalizations.

(20) (a) \$65,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a task force, chaired by the secretary of the department, implemented by August 1, 2021, to assist with the development of a "parks Rx" health and wellness pilot program that can be implemented in the Puget Sound, eastern Washington, and southwest Washington regions of Washington state.

(b) Members of the task force must include:

(i) The secretary of health, or the secretary's designee;

(ii) The following members to be appointed by the secretary of health:

(A) Two representatives of local parks and recreation agencies, from recommendations by the Washington recreation and park association;

(B) Two representatives of health care providers and community health workers, from recommendations by the association of Washington healthcare plans from recommendations by the department community health worker training program;

(C) Two representatives from drug-free health care professions, one representing the interests of state associations representing chiropractors and one representing the interests of physical therapists and athletic trainers from recommendations by their respective state associations;

(D) Two representatives from hospital and health systems, from recommendations by the Washington state hospital association;

(E) Two representatives of local public health agencies, from recommendations by the Washington state association of local public health officials; and

(F) Two representatives representing health carriers, from recommendations from the association of Washington healthcare plans; and

(iii) A representative from the Washington state parks, as designated by the Washington state parks and recreation commission.

(c) The secretary of health or the secretary's designee must chair the task force created in this subsection. Staff support for the task force must be provided by the department of health.

(d) The task force shall establish an ad hoc advisory committee in each of the three pilot regions for purposes of soliciting input on the design and scope of the parks Rx program. Advisory committee membership may not exceed 16 persons and must include diverse representation from the pilot regions, including those experiencing significant health disparities.

(e) The task force must meet at least once bimonthly through June 2022.

(f) The duties of the task force are to advise the department of health on issues including but not limited to developing:

(i) A process to establish the pilot program described in this subsection around the state with a focused emphasis on diverse communities and where systematic inequities and discrimination have negatively affected health outcomes;

(ii) Model agreements that would enable insurers to offer incentives to public, nonprofit, and private employers to create wellness programs that offer employees a discount on health insurance in exchange for a certain usage level of outdoor parks and trails for recreation and physical activity; and

(iii) Recommendations on ways in which a public-private partnership approach may be utilized to fund the implementation of the pilot program described in this subsection.

(g) The members of the task force are encouraged to consider grant funding and outside funding options that can be used toward the pilot program.

(h) The department of health must report findings and recommendations of the task force to the governor and relevant committees of the legislature in compliance with RCW 43.01.036 by September 1, 2022.

(21) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a work group to make recommendations concerning funding and policy initiatives to address the spread of sexually transmitted infections in Washington.

(a) The work group membership must include, but is not limited to, the following members appointed by the governor:

(i) A representative from the department of health office of infectious disease;

(ii) A representative from the pharmacy quality assurance commission;

(iii) A representative from the Washington medical commission;

(iv) A representative from an organization representing health care providers;

(v) A representative from a local health jurisdiction located east of the crest of the Cascade mountains;

(vi) A representative from a local health jurisdiction located west of the crest of the Cascade mountains;

(vii) At least one representative from an organization working to address health care access barriers for LGBTQ populations;

(viii) At least one representative from an organization working to address health care access barriers for communities of color; and

(ix) At least one representative from an organization working to address health care access barriers for justice involved individuals.

(b) Staff support for the work group shall be provided by the department of health.

(c) The work group shall submit a report to the legislature by December 1, 2022, that includes recommendations to: (i) Eradicate congenital syphilis and hepatitis B by 2030; (ii) control the spread of gonorrhea, syphilis, and chlamydia; (iii) end the need for confirmatory syphilis testing by the public health laboratory; and (d) expand access to PrEP and PEP.

(d) Recommendations provided by the work group must be prioritized based on need and available funding.

(22) \$236,000 of the general fund—state appropriation for fiscal year 2022 and \$236,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute House Bill No. 1152 (comprehensive public health districts).

(23) \$332,000 of the general fund—state appropriation for fiscal year 2022 and \$1,885,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish and operate regional shared service centers, regional health officers, and regional coordinators, as follows:

(a) The role and duties of the regional shared service centers shall be determined by the department and may include the coordination and facilitation of shared delivery of services under the foundational public health services, the implementation of Engrossed Second Substitute Senate Bill No. 5052 (health equity zones), and the development of relationships with other regional bodies, such as accountable communities of health.

(b) Regional health officers and regional coordinators must be employees of the department. The department may seek to colocate these employees with local health jurisdictions or other government agencies.

(c) The regional health officers shall be deputies of the state health officer. Regional health officers may: (i) Work in partnership with local health jurisdictions, the department, the state board of health, and federally recognized Indian tribes to provide coordination across counties; (ii) provide support to local health officers and serve as an alternative for local health officers during vacations and other absences, emergencies, and vacancies; and (iii) provide mentorship and training to new local health officers.

(d) A regional health officer must meet the same qualifications as local health officers provided in RCW 70.05.050.

(24) \$34,000 of the general fund—state appropriation for fiscal year 2022 and \$58,000 of the general fund—local appropriation are provided solely for implementation of Second Substitute House Bill No. 1148 (acute care hospitals).

(25) \$832,000 of the general fund—local appropriation and \$554,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers).

(26) \$21,000 of the health professions account—state appropriation is provided solely for implementation of House Bill No. 1063 (behav. health credentials).

(27) \$374,000 of the general fund—state appropriation for fiscal year 2022 and \$362,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1443 (cannabis industry/equity).

(28) \$97,000 of the general fund—local appropriation is provided solely for implementation of House Bill No. 1031 (birth cert., stillbirth).

(29) \$17,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1007 (supervised exp./distance).

(30) \$1,188,000 of the general fund—state appropriation for fiscal year 2022, \$2,488,000 of the general fund—state appropriation for fiscal year 2023, and \$64,000 of the hospital data collection account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1272 (health system transparency). Of the amounts provided in this subsection, \$2,000,000 of general fund—state appropriation is for assistance to 37 rural hospitals that are required to comply with the provisions under the bill.

(31) \$71,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1129 (international medical grads).

(32) \$2,809,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1139 (lead in drinking water).

(33) \$17,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute House Bill No. 1383 (respiratory care).

(34) \$92,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1184 (risk-based water standards).

(35) \$516,000 of the general fund—state appropriation for fiscal year 2022 and \$1,873,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1225 (school-based health centers).

(36) \$301,000 of the secure drug take-back program account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1161 (drug take-back programs).

(37) \$22,000 of the general fund—state appropriation for fiscal year 2022 and \$78,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed House Bill No. 1311 (SUD apprenticeships/certs).

(38) \$17,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of House Bill No. 1378 (medical assistants).

(39) Within amounts appropriated in this section from the health professions account, the Washington nursing commission shall contract with the state auditor's office to conduct a performance audit, specifically addressing the length of time required to license individuals who come from other states. The audit should address the obstacles contributing to any delay and make recommendations for improvement.

(40) Within amounts appropriated in this section from the health professions account, the Washington medical commission shall contract with the state auditor's office to conduct a performance audit, which must address the length of time required to license individuals and comparatively analyze disciplinary processes with those of other states. The audit should address the obstacles contributing to inefficiencies and make recommendations for improvement.

(41) Within amounts appropriated in this section, the Washington nursing commission must hire sufficient staff to process applications for nursing licenses so that the time required for processing does not exceed seven days.

(42) \$600,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima Valley to develop a Spanish language public radio media campaign aimed at providing education on the COVID-19 pandemic through an outreach program. The goal of the radio media campaign is to reach residents considered "essential workers," including but not limited to farmworkers, and provide information on best practices for limiting exposure, preventing transmission, and seeking treatment for COVID-19. The nonprofit organization must coordinate with medical professionals and other stakeholders on the content of the radio media campaign. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2021. A final report to the legislature must be submitted no later than June 30, 2023. Both reports must include: (a) A description of the outreach program and its implementation; (b) the number of individuals reached through the outreach program; and (c) any relevant demographic data regarding those individuals.

(43) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$725,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington poison center. This funding is provided in addition to funding pursuant to RCW 69.50.540.

(44) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima Valley to develop a Spanish-language public radio media campaign aimed at preventing opioid use disorders through education outreach programs. The goal of the radio media campaign is reaching underserved populations, who may have limited literacy and who may experience cultural and informational isolation, to address prevention, education and treatment for opioid users or those at risk for opioid use. The nonprofit organization must coordinate with stakeholders who are engaged in promoting healthy and educated choices about drug use and abuse to host four workshops and two conferences that present the latest research and best practices. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2022. A final report must be submitted to the legislature no later than June 30, 2023. Both reports must include: (a) A description of the outreach programs and their implementation; (b) a description of the workshops and conferences held; (c) the number of individuals who participated in or received services in relation to the outreach programs; and (d) any relevant demographic data regarding those individuals.

(45) \$2,122,000 of the general fund—state appropriation for fiscal year 2022 and \$2,122,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the ongoing operations and maintenance of the prescription monitoring program maintained by the department.

(46) \$2,325,000 of the general fund—state appropriation for fiscal year 2022 and \$2,625,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for:

(a) Staffing by the department, the department of veterans affairs, and the department of corrections to expand statewide suicide prevention efforts, which efforts include suicide prevention efforts for military service members and veterans and incarcerated persons;

(b) A suicide prevention public awareness campaign to provide education regarding the signs of suicide, interventions, and resources for support;

(c) Additional staffing for call centers to support the increased volume of calls to suicide hotlines;

(d) Training for first responders to identify and respond to individuals experiencing suicidal ideation;

(e) Support for tribal suicide prevention efforts;

(f) Strengthening behavioral health and suicide prevention efforts in the agricultural sector;

(g) Support for the three priority areas of the governor's challenge regarding identifying suicide risk among service members and their families, increasing the awareness of resources available to service members and their families, and lethal means safety planning;

(h) Expansion of training for community health workers to include culturally informed training for suicide prevention;

(i) Coordination with the office of the superintendent of public instruction; and

(j) Support for the suicide prevention initiative housed in the University of Washington.

(47) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the fruit and vegetable incentive program.

(48) \$474,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Substitute House Bill No. 1218 (long-term care residents).

(49) \$1,779,000 of the health professions account—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 1504 (workforce education development act).



(50) \$627,000 of the general fund—state appropriation for fiscal year 2022 and \$627,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement the recommendations from the community health workers task force to provide statewide leadership, training, and integration of community health workers with insurers, health care providers, and public health systems.

(51) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for one-time grants to family planning clinics that are at risk of imminent closure, did not receive a paycheck protection program loan, and are ineligible for funding through the coronavirus aid, relief, and economic security (CARES) act or the coronavirus response and relief supplemental appropriations act of 2021 (CRRSA).

(52) \$450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the nursing care quality assurance commission, in collaboration with the workforce training and education coordinating board and the department of labor and industries, to plan a home care aide to nursing assistant certified to licensed practical nurse (HCA-NAC-LPN) apprenticeship pathway. The plan must provide the necessary groundwork for the launch of at least three licensed practical nurse apprenticeship programs in the next phase of work. The plan for the apprenticeship programs must include programs in at least three geographically disparate areas of the state experiencing high levels of long-term care workforce shortages for corresponding health professions and incorporate the participation of local workforce development councils for implementation.

(53) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$23,000 of the health professions account—state appropriation are provided solely to implement Senate Bill No. 5124 (colon hydrotherapy).

(54) ~~(\$3,000,000)~~ \$6,000,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$3,000,000)~~ \$6,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington nursing commission to manage a grant process to incentivize nurses to supervise nursing students in health care settings. The goal of the grant program is to create more clinical placements for nursing students to complete required clinical hours to earn their nursing degree and related licensure.

(55) \$761,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington nursing commission to continue to implement virtual nursing assistant training and testing modalities, create an apprenticeship pathway into nursing for nursing assistants, implement rule changes to support a career path for nursing assistants, and collaborate with the workforce training and educational coordinating board on a pilot project to transform the culture and practice in long term care settings. The goal of these activities is to expand the nursing workforce for long term care settings.

~~((57))~~ (56) \$212,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5821 (cardiac & stroke response). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((58))~~ (57) \$41,000 of the general fund—state appropriation for fiscal year 2022 and \$777,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of House Bill No. 1859 (cannabis analysis labs). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

~~((59))~~ (58) \$223,000 of the general fund—state appropriation for fiscal year 2022 and \$186,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to test for lead in child care facilities to prevent child lead exposure and to research, identify, and connect facilities to financial resources available for remediation costs.

~~((60))~~ (59) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide a grant to a statewide community based environmental justice organization to establish an environmental justice community participation fund. The participation fund must allocate the funding as grants to community-based organizations serving vulnerable populations in highly impacted communities in rural and urban areas for the purpose of supporting their communities' access, understanding, and participation in environmental justice council deliberations and the implementation of chapter 70A.02 RCW.

~~((61))~~ (60) \$2,488,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for additional resources for the department to issue provider credentials within seven calendar days of receiving a complete application.

~~((62))~~ (61) \$532,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to create a program within the office of drinking water to offer engineering assistance to nonfluoridated water systems with over 5,000 connections. The program will assist water systems to plan for future community water fluoridation.

~~((63))~~ (62) \$74,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute House Bill No. 1881 (birth doula). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((64))~~ (63) \$121,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to expand access to the smoking cessation quitline, implement electronic referrals to the quitline, and provide grants to develop messaging related to smoking cessation.

~~((65))~~ (64) \$7,400,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for one-time grants to providers of abortion care that participate in the

department's family planning and reproductive health program and which experienced drops in patient visit volume during the pandemic in order to maintain the availability of services for low-income Washingtonians.

~~((66))~~ (65) \$268,000 of the health professions account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5753 (board & commission sizes). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((67))~~ (66) \$166,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct an oral health equity assessment. The department must use available data and community needs assessments to identify unmet oral health needs and develop recommendations to advance positive oral health outcomes while reducing inequities through increased access to community water fluoridation. The department must consult with the state office of equity and may collaborate with public health oral health care providers and community-based organizations to conduct the assessment and develop recommendations. The department must submit the oral health equity assessment report and recommendations to the appropriate committees of the legislature by June 30, 2023.

~~((68))~~ (67) \$14,000 of the health professions account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5496 (health prof. monitoring). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((69))~~ (68) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to convene a nonregulatory stakeholder forum to discuss solutions to per- and polyfluoroalkyl substances (PFAS) chemical contamination of surface and groundwater.

~~((70))~~ (69) \$19,088,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the costs of public health data systems and are subject to the conditions, limitations, and review requirements of section 701 of this act.

~~((71))~~ (70) \$814,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to expand grants to establish new school-based health centers and to add behavioral health capacity to existing school-based health centers.

~~((72))~~ (71) \$54,000 of the general fund—state appropriation for fiscal year 2022 and \$1,300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate and lead a multi-agency approach to youth suicide prevention and intervention.

~~((73))~~ (72) \$654,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department, in collaboration with an organization that represents pediatric care needs in Washington state, to establish a curriculum and provide training for community health workers in primary care clinics whose patients are significantly comprised of pediatric patients enrolled in medical assistance under chapter 74.09 RCW, beginning January 1, 2023, in support of the health care authority's two-year grant program. The department will coordinate ongoing curriculum development meetings with the relational health training work group.

~~((74))~~ (73) \$1,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to the greater Columbia accountable community of health to develop and implement an innovative emergency medical services program to bridge the gap of unmet health care needs in the community.

~~((75))~~ (74) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to cancer pathways to provide statewide education and support for adults, children, and families impacted by cancer, including support groups, camps for kids impacted by cancer, and risk reduction education for teens.

~~((76))~~ (75) \$66,956,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department's continued vaccine administration efforts, including mass vaccination sites where needed and pass-through contracts with local health jurisdictions. If the federal emergency management agency reimbursement at full cost for eligible activities is renewed beyond June 30, 2022, the department must conserve this appropriation and maximize the use of federal reimbursements. The legislature intends this funding to be sufficient to cover the department's vaccine administration activities through January 1, 2023. By October 1, 2022, the department must submit a report to the health care and fiscal committees of the legislature detailing a cost-based COVID-19 vaccine administration fiscal response plan for the remainder of the 2021-2023 fiscal biennium as well as any vaccine administration costs the department projects into the 2023-2025 fiscal biennium. This report must include a funding strategy for specific agency COVID-19 vaccine administration initiatives, including, but not limited to, mass vaccination sites, primary care provider outreach, mobile vaccination administration, and outreach. This report must also include specific and itemized individual local health jurisdiction initiatives in which the department has or plans to request funding from the legislature on behalf of the local health jurisdiction.

~~((77))~~ (76) \$58,320,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to respond to the COVID-19 pandemic through means including diagnostic testing, case investigation, outbreak response, care coordination, community outreach, operational and technical support, disease surveillance, client services, and support for local health jurisdictions and tribes. If the federal emergency management agency reimbursement at full cost for eligible activities is renewed beyond June 30, 2022, the department must conserve this appropriation and maximize the use of federal reimbursements. The legislature intends this funding to be sufficient to cover the department's response through January 1, 2023, at which point the legislature plans to reevaluate the scope of the public health threat posed by COVID-19. By October 1, 2022, the

department must submit a report to the health care and fiscal committees of the legislature detailing a cost-based COVID-19 fiscal response plan for the remainder of the 2021-2023 fiscal biennium as well as any costs the department projects into the 2023-2025 fiscal biennium. This report must include a funding strategy for specific agency COVID-19 response initiatives, including, but not limited to, mass testing sites, testing contracts, laboratory and scientific analysis, and other agency initiatives in response to the pandemic. This report must also include specific and itemized individual local health jurisdiction initiatives in which the department has or plans to request funding from the legislature on behalf of the local health jurisdiction.

(77) \$38,520,000 of the coronavirus state fiscal recovery—federal appropriation is provided solely for the department to respond to the COVID-19 pandemic and continue vaccination administration efforts. The department must conserve this appropriation and maximize the use of federal reimbursements, including seeking federal emergency management agency reimbursement for eligible activities.

(78) \$5,517,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to respond to the monkey pox virus. The department must conserve this appropriation and maximize the use of federal reimbursements.

~~((78))~~ (79) \$85,000 of the health professions account—state appropriation is provided solely for the implementation of Senate Bill No. 5518 (OT licensure compact). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((79))~~ (80) \$91,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5702 (donor human milk coverage). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((80))~~ (81) \$22,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5765 (midwifery). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(82) \$39,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5974 (transportation resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(83) \$428,000 of the general fund—state appropriation for fiscal year 2022 and \$855,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the continued operations of the Washington medical coordination center.

(84) \$17,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct a survey of home care and home health agencies as defined in RCW 70.127.010, to gather financial information for tax or fee planning purposes, including but not limited to total by service line. Any such financial information reported must be de-identified so it does not identify individual recipients of care. The department shall provide this information to the department of social and health services and service employees international union 775 for analysis upon completion of the survey.

(85) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct a mass public awareness campaign targeted at alerting the public to the dangers caused by methamphetamines and fentanyl, including outreach to both youth and adults aimed at preventing addiction and overdose deaths.

~~((87))~~ (86) \$25,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide a grant to a community organization in Greenwater to establish temporary portable toilets to be accessible to tourists and other individuals traveling on state route 410.

~~((88))~~ (87) \$552,000 of the health professions account—state appropriation is provided solely for implementation of chapter 203, Laws of 2021 (long-term services/emergency).

~~((89))~~ (88) \$48,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 and \$7,000 of the general fund—private/local appropriation are provided solely to implement Second Substitute House Bill No. 1210 (cannabis terminology). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((90))~~ (89) \$88,000 of the general fund—state appropriation for fiscal year 2023 and \$44,000 of the hospital data collection account—state appropriation are provided solely for implementation of Substitute House Bill No. 1616 (charity care). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((91))~~ (90) \$17,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1675 (dialysate & dialysis devices). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((92))~~ (91) \$40,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1074 (fatality reviews). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((93))~~ (92) \$44,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 1739 (hospital policies/pathogens). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((94))~~ (93) \$17,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1124 (nurse delegation/glucose). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((95))~~ (94) \$243,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1286 (psychology compact). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((96))~~ (95) (a) \$125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with the department of environmental and occupational health sciences within the University of Washington to develop a report to the legislature regarding school environmental health policies, recommendations, and standards. In developing the report, the department of environmental and occupational health sciences shall collaborate with other school of public health programs within the University of Washington, the department of health, and the department of ecology.

(b) The report shall include:

(i) A review of policies and regulations in other states pertaining to environmental health in K-12 schools;

(ii) Literature and recommendations for exposure standards and remediation levels which are protective of health and safety for students in schools;

(iii) A summarization of activities, such as inspections, management, control levels, and remediation of a variety of contaminants and issues, including PCBs, lead, asbestos, poor ventilation, and mold; and

(iv) Recommendations for next steps for policies and standards in Washington schools.

(c) The report is due by December 31, 2022.

~~((97))~~ (96) \$680,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to establish a stipend program for licensed nurses to receive reimbursement of up to \$2,500 to cover eligible expenses incurred in order to complete the training necessary to become a certified sexual assault nurse examiner.

~~((98))~~ (97) \$408,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to establish a grant program for hospitals to obtain the services of a certified sexual assault nurse examiner from other sources if the hospital does not have those services available internally.

~~((99))~~ (98) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for tobacco, vapor product, and nicotine control, cessation, treatment and prevention, and other substance use prevention and education, with an emphasis on community-based strategies. These strategies must include programs that consider the disparate impacts of nicotine addiction on specific populations, including youth and racial or other disparities.

~~((100))~~ (99) \$550,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a one-time contract with the Yakima neighborhood health services to increase the number of certified and licensed health professionals practicing in community health centers serving low-income and rural populations. The amounts provided in this subsection must be used to support faculty, training, and scholarship costs for a newly established, one-year advanced registered nurse practitioner (ARNP) residency program in Yakima.

~~((101))~~ (100) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the child profile health promotion notification system. Pursuant to the department's recommendation in its December 2020 report, which reviewed its processes for efficiencies and possible technological advances to reduce costs, the department must further explore how to integrate a fee to support the program in the future. A report regarding the department's further exploration of a fee to support the program is due to the legislature by December 15, 2022.

~~((102))~~ (101) This section includes a general fund—federal appropriation (CRF) that is provided solely for COVID-19 response activities including staffing, increased travel, equipment, and grants to local health jurisdictions and tribes, and to manage hospital capacity issues. This funding expires December 31, 2021.

~~((103))~~ (102) \$1,000 of the general fund—state appropriation for fiscal year 2022 and \$117,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of chapter 316, Laws of 2021 (climate commitment act).

~~((104))~~ (103) \$1,084,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5796 (cannabis revenue).

~~((105))~~ (104) \$34,000 of the general fund—private/local appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5695 (DOC body scanner pilot). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(105) \$6,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to providers of abortion care that participate in the department's sexual and reproductive health program and are experiencing an increase in clients seeking abortion services resulting from the decision in *Dobbs v. Jackson Women's Health Organization*, which changed abortion access nationally, to maintain the availability of services for low-income people in Washington, and for abortion care training.

(106) \$316,000 of the health professions account—state appropriation and \$16,000 of the general fund—private/local appropriation are provided solely for the behavioral health agency program for licensure and regulatory activities.

(107) \$1,323,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the breast, cervical, and colon screening program, comprehensive cancer community partnerships, and Washington state cancer registry.

(108) \$38,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of chapter 204, Laws of 2022 (truck drivers/restrooms).

(109) \$1,912,000 of the health professions account—state appropriation is provided solely for the regulation of health professions.

(110) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the completion of work identified in the state opioid response plan related to maternal and infant health.

(111) \$73,000 of the model toxics control operating account—state appropriation is provided solely for implementation of chapter 264, Laws of 2022 (chemicals/consumer products).

(112) \$315,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to operate the universal development screening system.

(113) \$53,000 of the general fund—state appropriation for fiscal year 2023 and \$28,000 of the health professions account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1724 (behavioral health workforce). If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.

**Sec. 1220.** 2022 c 297 s 223 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF CORRECTIONS**

(1)(a) The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, ((2022))2023, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year ((2022))2023 among programs after approval by the director of the office of financial management. The department of corrections must notify the fiscal committees of the legislature prior to receiving approval from the director of financial management. To the extent that appropriations under this section are insufficient to fund actual expenditures in excess of caseload forecast assumptions or for expenses in response to the COVID-19 pandemic, the department may transfer general fund—state appropriations for fiscal year ((2022))2023 that are provided solely for a specified purpose. The department may not transfer funds, including for expenses in response to the COVID-19 pandemic in fiscal year ((2022))2023, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this section. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(b) The health care authority, the health benefit exchange, the department of social and health services, the department of health, the department of corrections, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multiorganization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701, chapter 297, Laws of 2022.

((+1)) (2) ADMINISTRATION AND SUPPORT SERVICES

General Fund—State Appropriation (FY 2022) . . . . .	\$79,197,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$89,195,000</del> ))
	<u>\$89,779,000</u>
General Fund—Federal Appropriation . . . . .	\$400,000
<u>Coronavirus State Fiscal Recovery Fund—Federal</u>	
<u>Appropriation . . . . .</u>	<u>\$71,000</u>
<b>TOTAL APPROPRIATION . . . . .</b>	<b>((<del>\$168,792,000</del>))</b>
	<b>\$169,447,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,135,000 of the general fund—state appropriation for fiscal year 2022 and \$1,731,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expansion of reentry supports and transition services for incarcerated individuals including development and implementation of a coaching model approach to supervision, and staffing must provide expanded reentry and discharge services to include, but not limited to, transition services, preemployment testing, enhanced health care discharge planning, housing voucher assistance, cognitive behavioral interventions, educational programming, and community partnership programs.

(b) Within the amounts provided in (a) of this subsection, \$100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to develop an

implementation plan for a community supervision coaching model to begin in fiscal year 2023. The department must solicit input from incarcerated individuals, family members of incarcerated individuals, experts in supervision and reentry, community stakeholder and advocacy groups, and impacted labor organizations. The plan shall propose appropriate policies and procedures for the coaching model, including ongoing training and organizational culture assessments. During development of the plan, the department must consider potential inequities that may arise from any changes or additional requirements of supervision resulting from the model and mitigate those concerns to the greatest extent possible in its final plan. This plan must be submitted to the office of financial management prior to implementation.

(c) Within the amounts provided in (a) of this subsection, \$706,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of the plan to be developed under (b) of this subsection and for the department to submit an initial report to the legislature on the progress of implementation of the coaching supervision model by no later than February 1, 2023.

(d) \$17,000 of the general fund—state appropriation for fiscal year 2022 and \$17,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5304 (providing reentry services to persons releasing from state and local institutions).

(e) \$197,000 of the general fund—state appropriation for fiscal year 2022 and \$187,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data).

(f) (i) \$779,000 of the general fund—state appropriation for fiscal year 2022 and \$817,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increasing access to educational opportunities for incarcerated individuals.

(ii) Of the amounts provided in (f) (i) of this subsection, \$680,000 of the general fund—state appropriation for fiscal year 2022 and \$285,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.).

(g) (~~(\$1,116,000)~~) \$734,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month in fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(h) \$609,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staff and vendor costs to transform correctional culture in prisons and work releases, and to improve health and safety for all, through additional training. The prison rape elimination act compliance specialists must be among the first staff trained.

(i) \$130,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a human resource consultant to implement Second Substitute Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(j) \$70,000 of the general fund—state appropriation for fiscal year 2022 and \$223,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1956 (incarcerated individuals/PRA). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(k) \$12,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1818 (reentry and rehabilitation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(l) \$71,000 of the coronavirus state fiscal recovery fund—federal appropriation for fiscal year 2023 is provided solely for expenses incurred in response to the COVID-19 pandemic during fiscal year 2023.

(m) \$164,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to resolve the 2021-017 audit finding by the state auditor's office related to the use of coronavirus state fiscal recovery funds.

~~((2-))~~ (3) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2022) . . . . .	\$450,287,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>((683,573,000))</del>
	<u>\$693,875,000</u>
General Fund—Federal Appropriation . . . . .	<del>((161,465,000))</del>
	<u>\$163,126,000</u>
General Fund—Private/Local Appropriation . . . . .	\$335,000
Washington Auto Theft Prevention Authority Account—	

State Appropriation. . . . .	(( <del>\$4,468,000</del> ))
	<u>\$2,078,000</u>
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation. . . . .	(( <del>\$28,409,000</del> ))
	<u>\$35,125,000</u>
<b>TOTAL APPROPRIATION.....</b>	<b>((<del>\$1,328,537,000</del>))</b>
	<b><u>\$1,344,826,000</u></b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may contract for local jail beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The department shall not pay a rate greater than \$85 per day per offender excluding the costs of department of corrections provided services, including evidence-based substance abuse programming, dedicated department of corrections classification staff on-site for individualized case management, transportation of offenders to and from department of corrections facilities, and gender responsive training for jail staff. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as close medium or lower security offenders. Programming provided for offenders held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meets standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) \$574,000 of the general fund—state appropriation for fiscal year 2022 and \$671,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester. Additional funds are provided for a stationary engineer and a custodian.

(c) Funding in this subsection is sufficient for the department to track and report to the legislature on the changes in working conditions and overtime usage as a result of increased funding provided for custody relief and health care delivery by December 1, 2022.

(d) \$39,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics, equip).

(e) ((~~\$2,000,000~~)) \$1,045,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month in fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(f) \$714,000 of the general fund—state appropriation for fiscal year 2022 and \$695,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for dedicated prison rape elimination act compliance specialists. Of the amount provided in this subsection, one compliance specialist staff must be provided at each of the following prisons:

- (i) Monroe correctional center;
- (ii) Larch correctional center;
- (iii) Olympic correctional center;
- (iv) Cedar creek correctional center;
- (v) Washington corrections center for women; and
- (vi) Mission creek corrections center for women.

(g) \$2,750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for three body scanners, correctional officer staffing, corrections specialist staffing, a drug recovery system, body scanner training, and body scanner installation costs to implement Second Substitute Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(h) \$5,962,000 of the general fund—state appropriation for fiscal year 2022 and \$9,106,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to restore graduated reentry reductions made in the 2021-2023 biennial operating budget.

(i) \$28,409,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for expenses incurred in response to the COVID-19 pandemic during fiscal year 2022.

(j) \$1,251,000 of the general fund—state appropriation for fiscal year 2022 and \$1,294,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reentry investments to include reentry and discharge staffing. The staffing must provide expanded reentry and discharge services to include, but not limited to, transition services, pre-employment testing, enhanced health care discharge planning, cognitive behavioral interventions, educational programming, and community partnership programs.

(k) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to collaborate with the department of social and health services to conduct a study of the feasibility of placing long-term care individuals under the jurisdiction of the department in nursing home facilities licensed or to be licensed by the department of social and health services to better meet the client's care needs. The department of corrections must provide daily operating costs of prisons where these individuals may be coming from, the fiscal year 2021 daily costs per incarcerated individual assigned to the sage living unit, and the costs associated with electronic home monitoring costs per individual.

(l) \$160,072,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021, and December 31, 2021, for public safety and health employees whose services are presumed to be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

(m) \$6,716,000 of the coronavirus state fiscal recovery fund—federal appropriation for fiscal year 2023 is provided solely for expenses incurred in response to the COVID-19 pandemic during fiscal year 2023.

(n) \$12,570,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to resolve the 2021-017 audit finding by the state auditor's office related to the use of coronavirus state fiscal recovery funds.

((-3-)) (4) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2022)	\$161,098,000
General Fund—State Appropriation (FY 2023)	(((\$222,989,000))
	<u>\$214,570,000</u>
General Fund—Federal Appropriation	(((\$29,733,000))
	<u>\$29,988,000</u>
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation	(((\$8,480,000))
	<u>\$8,515,000</u>
<b>TOTAL APPROPRIATION</b>	<b>(((\$422,300,000))</b>
	<b><u>\$414,171,000</u></b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall contract with local and tribal governments for jail capacity to house offenders who violate the terms of their community supervision. A contract rate increase may not exceed five percent each year. The department may negotiate to include medical care of offenders in the contract rate if medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff. If medical care of offender is included in the contract rate, the contract rate may exceed five percent to include the cost of that service.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

(c) \$1,749,000 of the general fund—state appropriation for fiscal year 2022 and \$10,536,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reentry investments to include reentry and discharge staffing. The staffing must provide expanded reentry and discharge services to include, but not limited to, transition services, preemployment testing, housing voucher assistance, cognitive behavioral interventions, educational programming, and community partnership programs. Of this amount \$7,394,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of the plan to be developed under subsection (1)(b) of this section.

(d) Within existing resources the department must update the response to violations and new criminal activity policy to reflect the savings assumed in this section as related to mandatory maximum confinement sanctions.

(e) \$661,000 of the general fund—state appropriation for fiscal year 2022 and \$725,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increased costs associated with the relocation of leased facilities. The department shall engage in ongoing strategies to reduce the need for relocating facilities and when necessary contract only with lessors with rates that align with comparable market rates in the area.

(f) \$59,000 of the general fund—state appropriation for fiscal year 2022 and \$23,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5071 (civil commitment transition).



(g) ~~\$450,000 of the general fund—state appropriation for fiscal year 2022~~ ~~((+))~~ \$285,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for conducting a community corrections caseload study. The department of corrections shall contract with an independent third party to provide a comprehensive review of the community corrections staffing model and develop an updated staffing model for use by the department of corrections. The updated model must include additional time and flexibility for community corrections officers to focus on case management, engagement, and interventions. The department of corrections shall submit a report, including a summary of the review and update, to the governor and appropriate committees of the legislature by ~~((July 1, 2022))~~ December 31, 2022.

(h) ~~(((\$2,521,000))~~ \$1,948,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month in fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(i) Within the amounts provided in this subsection ~~((+3))~~ (4) for work release programs, the department will operate the Helen B. Ratcliff work release facility.

(j) \$1,810,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1818 (reentry and rehabilitation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(k) \$1,930,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for expenses incurred in response to the COVID-19 pandemic during fiscal year 2022.

(l) \$29,733,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021, and December 31, 2021, for public safety and health employees whose services are presumed to be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

(m) \$35,000 of the coronavirus state fiscal recovery fund—federal appropriation for fiscal year 2023 is provided solely for expenses incurred in response to the COVID-19 pandemic during fiscal year 2023.

(n) \$870,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to resolve the 2021-017 audit finding by the state auditor's office related to the use of coronavirus state fiscal recovery funds.

~~((+4))~~ (5) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2022)	\$8,757,000
General Fund—State Appropriation (FY 2023)	<del>(((\$9,097,000))</del>
	<u>\$12,224,000</u>

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation	\$17,000
TOTAL APPROPRIATION	<del>(((\$17,854,000))</del> <u>\$20,998,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$17,000 of the coronavirus state fiscal recovery fund—federal appropriation for fiscal year 2023 is provided solely for expenses incurred in response to the COVID-19 pandemic during fiscal year 2023.

(b) \$533,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to resolve the 2021-017 audit finding by the state auditor's office related to the use of coronavirus state fiscal recovery funds.

~~((+5))~~ (6) INTERAGENCY PAYMENTS

General Fund—State Appropriation (FY 2022)	\$58,192,000
General Fund—State Appropriation (FY 2023)	<del>(((\$51,865,000))</del>
	<u>\$52,733,000</u>

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation	\$267,000
TOTAL APPROPRIATION	<del>(((\$110,324,000))</del> <u>\$111,192,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$21,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discreet organizational

index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date, which the department must report on. The report must include the budgeted and actual tolling staffing levels by fiscal month in fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(b) \$192,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for medical staffing in prisons for patient centered care and behavioral health care to increase access to care and expanded screening of individuals in prison facilities to include chronic illnesses, infectious disease, diabetes, heart disease, serious mental health, and behavioral health services.

(c) \$4,000 of the general fund—state appropriation for fiscal year 2022 and \$9,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an electronic health records system solution and is subject to the conditions, limitations, and review requirements of section 701 of this act. The department must collaborate with the Washington state department of veterans affairs on the development of the system's business requirements.

(d) \$19,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(e) \$26,000 of the general fund—state appropriation for fiscal year 2022 and \$161,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reentry investments to include reentry and discharge staffing. The staffing must provide expanded reentry and discharge services to include, but not limited to, transition services, pre-employment testing, enhanced health care discharge planning, housing voucher assistance, cognitive behavioral interventions, educational programming, and community partnership programs.

(f) \$4,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1956 (incarcerated individuals/PRA). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(g) \$2,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1818 (reentry and rehabilitation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

((+6)) (7) OFFENDER CHANGE

General Fund—State Appropriation (FY 2022) . . . . .	\$73,267,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$84,376,000</del> ))
	<u>\$84,107,000</u>
General Fund—Federal Appropriation. . . . .	(( <del>\$4,303,000</del> ))
	<u>\$4,914,000</u>
<u>Coronavirus State Fiscal Recovery Fund—Federal</u>	
<u>Appropriation. . . . .</u>	<u>\$3,001,000</u>
<b>TOTAL APPROPRIATION. . . . .</b>	<b>((<del>\$161,946,000</del>))</b>
	<b><u>\$165,289,000</u></b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall use funds appropriated in this subsection ((+6)) (7) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) The department of corrections shall collaborate with the state health care authority to explore ways to utilize federal medicaid funds as a match to fund residential substance use disorder treatment-based alternative beds under RCW 9.94A.664 under the drug offender sentencing alternative program and residential substance use disorder treatment beds that serve individuals on community custody. The department of corrections must complete a report and submit its findings and recommendations to the appropriate committees of the legislature by December 15, 2021.

(c) \$3,106,000 of the general fund—state appropriation for fiscal year 2022 and \$3,106,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the housing voucher program.

(d) \$3,300,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for temporary court facilities, staffing, and to provide release assistance, including limited housing and food assistance, and other costs associated with individuals resentenced or ordered released from confinement as a result of the *State v. Blake* decision.

(e) (i) \$1,001,000 of the general fund—state appropriation for fiscal year 2022 and \$675,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increasing access to educational opportunities for incarcerated individuals.

(ii) Of the amounts provided in (e) (i) of this subsection, \$272,000 of the general fund—state appropriation for fiscal year 2022 and \$247,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.).

(f) \$784,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for reentry support items such as disposable cell phones, prepaid phone cards, hygiene kits, housing vouchers, and release medications associated with individuals resentenced or ordered released from confinement as a result of policies or court decisions including, but not limited to, the *State v. Blake* decision.

(g) \$1,268,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for resentencing and reentry staffing associated with individuals resentenced or ordered released from confinement as a result of policies or court decisions including, but not limited to, the *State v. Blake* decision.

(h) \$438,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for program specialist staffing for increased comprehensive assessments and treatments, and substance use disorder treatment to implement Second Substitute Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(i) \$4,508,000 of the general fund—state appropriation for fiscal year 2022 and \$7,893,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reentry investments to include reentry and discharge staffing. The staffing must provide expanded reentry and discharge services to include, but not limited to cognitive behavioral interventions and educational programming.

(j) \$121,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department of corrections to collaborate with the Washington state board for community and technical colleges and the department of licensing to develop a prerelease commercial driving license training pilot program.

(k) \$655,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1818 (reentry and rehabilitation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(l) \$1,168,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand library services to incarcerated individuals in adult correctional facilities. The department of corrections must work in conjunction with the Washington state library to provide additional library materials, collections, and one additional library staff position at each of the nine institutional library service branches located throughout the state. Library materials and collections include but are not limited to Washington state newspapers, current consumer medical information, and other current reference collections that will support the department's reentry efforts in supporting the recovery and personal growth of incarcerated individuals.

(m) \$320,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for two contracted parent navigator positions. One parent navigator must be located at the Washington correction center for women and one parent navigator position must be located at the Airway Heights corrections center or another state correctional facility that houses incarcerated male individuals and is selected by the department of corrections as a more suitable fit for a parent navigator. The parent navigators must have lived experience in navigating the child welfare system. The parent navigators must provide guidance and support to incarcerated individuals towards family reunification, including, but not limited to, how to access services, navigating the court system, assisting with guardianship arrangements, and facilitating visitation with their children. The goal of the parent navigator programs is to assist incarcerated parents involved in dependency or child welfare cases to maintain connections with their children and to assist these individuals in successfully transitioning and reuniting with their families upon release from incarceration. As part of the parent navigation program, the department of corrections must also review and provide a report to the legislature on the effectiveness of the program that includes the number of incarcerated individuals that received assistance from the parent navigators and that tracks outcomes of the parenting navigator program. A preliminary report must be submitted to the legislature by June 30, 2023, with the expectation that a final report be funded in the 2023-2025 fiscal biennium budget and submitted by December 1, 2024. Of the amounts provided in this subsection, \$20,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department's review and preliminary report on the effectiveness of the parent navigator program.

(n) \$4,088,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021, and December 31, 2021, for public safety and health employees whose services are presumed to be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

(o) \$3,001,000 of the coronavirus state fiscal recovery fund—federal appropriation for fiscal year 2023 is provided solely for expenses incurred in response to the COVID-19 pandemic during fiscal year 2023.

(p) \$89,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to resolve the 2021-017 audit finding by the state auditor's office related to the use of coronavirus state fiscal recovery funds.

((+7)) (8) HEALTH CARE SERVICES

General Fund—State Appropriation (FY 2022) . . . . .	\$134,471,000
General Fund—State Appropriation (FY 2023) . . . . .	((205,666,000))

	<u>\$206,876,000</u>
General Fund—Federal Appropriation. . . . .	(( <u>\$47,507,000</u> ))
	<u>\$48,348,000</u>
General Fund—Private/Local Appropriation. . . . .	\$2,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation. . . . .	(( <u>\$11,969,000</u> ))
	<u>\$13,354,000</u>
<b>TOTAL APPROPRIATION.....</b>	<b>((<u>\$399,614,000</u>))</b>
	<b><u>\$403,051,000</u></b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison medical facilities may use funds appropriated in this subsection to purchase goods, supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

(b) \$183,000 of the general fund—state appropriation for fiscal year 2022 and \$167,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5304 (providing reentry services to persons releasing from state and local institutions).

(c) \$13,947,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase medical staffing in prisons for patient centered care and behavioral health care. Funding must be used to increase access to care and expanded screening of individuals in prison facilities to include chronic illnesses, infectious disease, diabetes, heart disease, serious mental health, and behavioral health services.

(d) \$999,000 of the general fund—state appropriation for fiscal year 2022 and \$1,030,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for medical staff, telehealth carts, necessary technology costs, and the build out of 64 dedicated teleservice rooms that will allow for legal and medical telepresence at all 12 prison facilities.

(e) \$77,000 of the general fund—state appropriation for fiscal year 2022 and \$900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an electronic health records system solution and is subject to the conditions, limitations, and review requirements of section 701 of this act. The department must collaborate with the Washington state department of veterans affairs on the development of the system's business requirements.

(f) \$829,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for nursing staff for dry cell watch at Washington corrections center for men to implement Second Substitute Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(g) \$5,395,000 of the general fund—state appropriation for fiscal year 2022 and \$8,239,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to restore graduated reentry reductions in the 2021-2023 biennial operating budget.

(h) \$11,968,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for expenses incurred in response to the COVID-19 pandemic during fiscal year 2022.

(i) \$613,000 of the general fund—state appropriation for fiscal year 2022 and \$1,069,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reentry investments to include reentry and discharge staffing. The staffing must provide expanded reentry and discharge services to include, but not limited to, enhanced health care discharge planning.

(j) The department of corrections must prepare a report on and an analysis of its medical staffing.

(i) The report must identify barriers relating to incarcerated individuals receiving timely treatment.

(ii) The report must specifically include a chart that shows:

(A) The incarcerated population caseloads from fiscal year 2019 through the first quarter of fiscal year 2023. The incarcerated caseloads must be shown by each of the department's individual 12 institutions;

(B) The number of funded, unfunded, and contracted-equivalent medical/health care staff at each institution, by major position type that includes, but is not limited to, physicians, psychologists, psychiatrists, registered nurses, supervising nursing staff, medical assistants, patient service representatives, medical directors, clinical pharmacists, and medical adjudicators;

(C) The caseloads for health care staff that shows the ratio of each medical staff position referenced in (j)(ii)(B) of this subsection to incarcerated individuals by institution;

(D) The number of funded medical staffing vacancies referenced in (j)(ii)(B) of this subsection by institution and quarter in fiscal year 2022 through the first quarter of fiscal year 2023; and

(E) A staffing model that shows the number of additional health care staff needed by position referenced in (j)(ii)(B) of this subsection for each institution.

(iii) The department must submit a final report to the appropriate committees of the legislature by October 30, 2022.

(k) \$46,107,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021,

and December 31, 2021, for public safety and health employees whose services are presumed to be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

(l) \$1,386,000 of the coronavirus state fiscal recovery fund—federal appropriation for fiscal year 2023 is provided solely for expenses incurred in response to the COVID-19 pandemic during fiscal year 2023.

(m) \$3,154,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to resolve the 2021-017 audit finding by the state auditor's office related to the use of coronavirus state fiscal recovery funds.

**Sec. 1221.** 2022 c 297 s 225 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund—State Appropriation (FY 2022) . . . . .	\$3,448,000
General Fund—State Appropriation (FY 2023) . . . . .	\$11,356,000
General Fund—Federal Appropriation . . . . .	(( <del>\$337,132,000</del> ))
	<u>\$298,674,000</u>
General Fund—Private/Local Appropriation . . . . .	\$37,325,000
Unemployment Compensation Administration Account— Federal Appropriation . . . . .	(( <del>\$444,688,000</del> ))
	<u>\$426,241,000</u>
Administrative Contingency Account—State Appropriation . . . . .	\$27,029,000
Employment Service Administrative Account—State Appropriation . . . . .	\$68,128,000
Family and Medical Leave Insurance Account—State Appropriation . . . . .	\$145,594,000
Workforce Education Investment Account—State Appropriation . . . . .	\$11,283,000
Long-Term Services and Supports Trust Account—State Appropriation . . . . .	\$35,902,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation . . . . .	(( <del>\$66,128,000</del> ))
	<u>\$50,510,000</u>
Unemployment Insurance Relief Account—State Appropriation . . . . .	\$500,000,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>((<del>\$1,688,013,000</del>))</b>
	<b><u>\$1,615,490,000</u></b>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) \$30,458,000 of the long-term services and supports trust account—state appropriation is provided solely for implementation of the long-term services and support trust program. Of this amount, \$10,932,833 is ((provided)) for implementation of the long-term services and support trust program information technology project and is subject to the conditions, limitations, and review provided in section 701 of this act.

(3) Within existing resources, the department must reassess its ongoing staffing and funding needs for the paid family medical leave program and submit documentation of the updated need to the governor and appropriate committees of the legislature by September 1, 2021, and annually thereafter.

(4) \$101,000 of the employment service administrative account—state appropriation is provided solely for information technology enhancements necessary for implementation of job title reporting and is subject to the conditions, limitations, and review provided in section 701 of this act.

(5) (a) Within existing resources, the department shall coordinate outreach and education to paid family and medical leave benefit recipients with a statewide family resource, referral, and linkage system that connects families with children prenatal through age five and residing in Washington state to appropriate services and community resources. This coordination shall include but is not limited to placing information about the statewide family resource, referral, and linkage system on the paid family and medical leave program web site and in printed materials, and conducting joint events.

(b) Within existing resources, by December 1, 2021, and each year thereafter, the department shall submit a report to the governor and the appropriate committees of the legislature concerning the ability for the paid family and medical leave program and a statewide family resource, referral, and linkage system to provide integrated services to eligible beneficiaries. The report shall include an analysis of any statutory changes needed to allow information and data to be shared between the statewide family resource, referral, and linkage system and the paid family and medical leave program.

(6) Within existing resources, the department shall report the following to the legislature and the governor by September 30, 2021, and each year thereafter:

(a) An inventory of the department's programs, services, and activities, identifying federal, state, and other funding sources for each;

- (b) Federal grants received by the department, segregated by line of business or activity, for the most recent five fiscal years, and the applicable rules;
- (c) State funding available to the department, segregated by line of business or activity, for the most recent five fiscal years;
- (d) A history of staffing levels by line of business or activity, identifying sources of state or federal funding, for the most recent five fiscal years;
- (e) A projected spending plan for the employment services administrative account and the administrative contingency account. The spending plan must include forecasted revenues and estimated expenditures under various economic scenarios.
- (7) \$3,264,000 of the employment services administrative account—state appropriation is provided solely for the continuation of the office of agricultural and seasonal workforce services.
- (8) \$476,000 of the unemployment compensation administration account—federal appropriation is provided solely for the department to implement chapter 2, Laws of 2021 (unemployment insurance). If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection (8).
- (9) (a) \$875,000 of the general fund—state appropriation for fiscal year 2022 and \$8,260,000 of the workforce education investment account—state appropriation are provided solely for career connected learning grants as provided in RCW 28C.30.050.
- (b) \$3,000,000 of the workforce education investment account—state appropriation is provided solely for career connect learning grants to sector intermediaries. Up to five percent of the amount in this subsection may be used for administrative expenses associated with the sector intermediary grant program.
- (10) \$1,222,000 of the employment services administrative account—state appropriation and \$1,500,000 of the family and medical leave insurance account—state appropriation are provided solely for the maintenance and operation of the disaster recovery continuity of operations information technology project.
- (11) \$80,000 of the employment services administrative account—state appropriation is provided solely for the department to produce a report on the feasibility of replicating the existing unemployment insurance program to serve individuals not eligible for unemployment insurance due to immigration status. The study shall identify programmatic differences that would mitigate barriers to access and reduce fear of participation and identify the operational and caseload costs associated with the replication. If using a replica of the unemployment insurance program conflicts with federal law, the study shall assess the operational and caseload costs of similar social net programs that serve individuals regardless of their citizenship status. The departments shall jointly submit recommendations required by this section to the governor and appropriate legislative committees no later than November 5, 2021. The department shall:
- (a) Work with the departments of labor and industries, social and health services, and commerce and the office of the governor;
- (b) Convene and meet at least three times with a group of eight to ten external stakeholders comprised of representatives from geographically diverse immigrant advocacy groups, labor organizations with a state-wide presence, workers' rights groups, and legal and policy advocacy groups focused on immigration and employment law; and
- (c) Hold at least one listening session with community members.
- (12) \$31,288,000 of the coronavirus state fiscal recovery fund—federal appropriation, \$2,684,000 of the general fund—federal appropriation (CRF), and (~~(\$13,063,000)~~) \$11,063,000 of the unemployment compensation administration account—federal appropriation are provided solely for the department to address the impacts of COVID-19 on the state unemployment system in order to prevent and detect fraud, promote equitable access to the unemployment insurance system, and ensure the timely payment of unemployment insurance benefits. Of the amounts provided in this subsection:
- (a) \$22,346,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to address an anticipated increase in the unemployment insurance appeals caseload.
- (b) \$6,223,000 of the unemployment compensation account—federal appropriation is provided solely for the department to ensure adequate security measures are in place to prevent unemployment insurance fraud and cases are investigated in a timely manner.
- (c) \$4,465,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to migrate and upgrade the unemployment insurance customer call center phone system to a cloud-based system. Prior to executing a contract, the department shall consult with the office of the chief information officer. The department must ensure that the project plan, timeline with quantifiable deliverables, and budget by fiscal year by fund, to include ongoing costs by fiscal year, are adhered to. The department shall report on the status of the project to the office of financial management and the relevant committees of the legislature by December 1, 2021.
- (d) \$4,477,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to process the unemployment insurance claimant backlog and to make program changes that enhance user experience in order to reduce claimant errors.
- (e) \$1,417,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with the national guard to assist the department with its unemployment insurance claims backlog.

(f) \$1,267,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with a vendor to provide fact-finding services related to unemployment insurance claims.

(g) (~~(\$6,840,000)~~) \$4,840,000 of the unemployment compensation administration account—federal appropriation is provided solely for the department to implement the federal United States department of labor equity grant. This grant includes improving the translation of notices sent to claimants as part of their unemployment insurance claims into any of the 10 languages most frequently spoken in the state and other language, demographic, and geographic equity initiatives approved by the grantor. The department must also ensure that letters, alerts, and notices produced manually or by the department's unemployment insurance technology system are written in plainly understood language and evaluated for ease of claimant comprehension before they are approved for use.

(13) \$10,000,000 of the unemployment compensation administration account—federal appropriation is provided solely for the department to make information technology improvements to improve user experience and increase security to prevent unemployment insurance fraud. If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection. This subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(14) Within existing resources, the department shall report to the legislature by September 2, 2021, the following information pertaining to the unemployment insurance program:

(a) The number of full time equivalent employees of the department who were working in the unemployment insurance program, including those who were reassigned internally to the unemployment insurance program, the number of full time equivalent employees that were contracted by the department from other state agencies, and the number of contractors or consultants engaged by the department, on a monthly basis beginning March 1, 2020, through the latest available month;

(b) A projection of full-time equivalent staffing or contractor needs that would be affordable within anticipated base and above-base federal unemployment administrative revenues;

(c) A spending plan for anticipated federal unemployment revenues other than base or above-base revenues, including any proposed additional full-time equivalent staff, consultants, contractors, or other investments related to helping the department reduce the backlog of unemployment insurance claims, appeals, denials, overpayments, and other claimant issues; and

(d) A budget for the unemployment insurance program, showing expenditures by object and fund source, for fiscal years 2022 and 2023, along with any projected shortfalls in revenues.

(15) \$797,000 of the general fund—state appropriation for fiscal year 2022, \$1,874,000 of the general fund—state appropriation for fiscal year 2023, and \$979,000 of the family medical leave insurance account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5097 (paid leave coverage).

(16) \$90,000 of the unemployment account—federal appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5190 (health care workers/benefits).

(17) \$5,322,000 of the unemployment account—federal appropriation is provided solely for the department to implement Engrossed Substitute Senate Bill No. 5193 (unemployment ins. system).

(18) (~~(\$34,840,000)~~) \$19,222,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1073 (paid leave coverage).

(19) \$500,000,000 of the unemployment insurance relief fund—state appropriation is provided solely for the implementation of unemployment insurance relief provided pursuant to Engrossed Substitute Senate Bill No. 5478 (unemployment insurance). The department is directed to implement the bill within existing resources.

(20) \$1,806,000 of the long-term services and supports trust account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1323 (long-term services trust).

(21) \$1,075,000 of the unemployment account—federal appropriation is provided solely for the implementation of Substitute House Bill No. 1455 (social security/L&I & ESD).

(22) (~~(\$10,571,000)~~) \$5,285,000 of the unemployment compensation administration account—federal appropriation is provided solely for administration costs related to the federal unemployment insurance programs extended under the American rescue plan act of 2021, P.L. 117-2.

(23) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the North Central educational service district 171 to support the development of industry and education partnerships and expand career awareness, exploration and preparation activities for youth in Grant county.

(24) \$4,843,000 of the employment service administrative account—state appropriation is provided solely for the replacement of the WorkSource integrated technology platform. The replacement system must support the workforce administration statewide to ensure adoption of the United States department of labor's integrated service delivery model and program performance requirements for the state's workforce innovation and opportunity act and other

federal grants. This subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(25) \$6,208,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the continuation of the economic security for all program. The department must collect quarterly data on the number of participants that participate in the program, the costs associated with career, training, and other support services provided, and progress made towards self-sufficiency. The department must provide a report to the governor and the legislature on December 1, 2022, and June 1, 2023, that includes an analysis of the program, a summary of the quarterly data collected, and associated recommendations for program delivery.

(26) \$1,720,000 of the family and medical leave insurance account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5649 (family and medical leave). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(27) \$702,000 of the unemployment compensation administration account—federal appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5873 (unemployment insurance). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(28) \$262,000 of the employment services administrative account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5847 (public employee PSLF info). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(29) \$140,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one full-time employee to provide casework on behalf of constituents who contact their legislators to escalate unresolved claims.

(30) \$1,691,000 of the general fund—state appropriation for fiscal year 2022 and \$3,049,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to temporarily hire additional staff during the COVID-19 pandemic if existing resources are not sufficient to manage unemployment insurance program claims and backlogs. Prior to hiring additional staff under this subsection, the department must consult with the office of financial management.

(31) \$3,105,000 of the general fund—federal appropriation is provided solely for the implementation of the quality jobs, equity strategy, and training (QUEST) grant to enhance the workforce system's ongoing efforts to support employment equity and employment recovery from the COVID-19 pandemic. The funds are for partnership development, community outreach, business engagement, and comprehensive career and training services.

**Sec. 1222.** 2022 c 297 s 226 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—GENERAL**

(1) (a) The appropriations to the department of children, youth, and families in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of children, youth, and families shall initially be allotted as required by this act. The department shall seek approval from the office of financial management prior to transferring moneys between sections of this act except as expressly provided in this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose. However, after May 1, ~~((2022))~~2023, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year ~~((2022))~~2023 among programs after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2022 caseload forecasts and utilization assumptions in the foster care, adoption support, child protective services, working connections child care, and the juvenile rehabilitation programs or in response to the COVID-19 pandemic, the department may transfer appropriations that are provided solely for a specified purpose.

(2) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation.

(3) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department are subject to technical oversight by the office of the chief information officer.



**Sec. 1223.** 2022 c 297 s 227 (uncodified) is amended to read as follows:

<b>FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—CHILDREN AND FAMILIES SERVICES PROGRAM</b>	
General Fund—State Appropriation (FY 2022) . . . . .	\$374,129,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$456,485,000</del> ))
	<u>\$428,061,000</u>
General Fund—Federal Appropriation. . . . .	(( <del>\$486,218,000</del> ))
	<u>\$491,735,000</u>
General Fund—Private/Local Appropriation. . . . .	\$2,824,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation. . . . .	\$5,500,000
<b>TOTAL APPROPRIATION</b> .....	<b>((<del>\$1,325,156,000</del>))</b>
	<u><b>\$1,302,249,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$748,000 of the general fund—state appropriation for fiscal year 2022 and \$748,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract. No later than December 1, 2021, the department must, in consultation with the health care authority, report to the appropriate legislative committees on potential options to maximize federal funding for the center, including any potential for the center to bill managed care organizations for services provided to Medicaid recipients.

(2) \$453,000 of the general fund—state appropriation for fiscal year 2022 and \$722,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the costs of hub home foster and kinship families that provide a foster care delivery model that includes a hub home. Use of the hub home model is intended to support foster parent retention, provide support to biological families, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(a) \$453,000 of the general fund—state appropriation for fiscal year 2022 and \$572,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the costs of hub home foster and kinship family constellations, and for a contract with an organization with expertise in implementing the hub home model with fidelity to provide technical assistance to hub home families and the department.

(b) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to support long-term implementation of the hub home model, including integrating the hub home model within the department's current and future service array and multiyear expansion planning. The department shall submit a preliminary report to the governor and appropriate legislative committees by December 1, 2022, and a final report to the governor and appropriate legislative committees by June 30, 2023, that details its progress and plans for long-term implementation of the hub home model.

(3) \$579,000 of the general fund—state appropriation for fiscal year 2022 and \$579,000 of the general fund—state appropriation for fiscal year 2023 and \$110,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(4) \$1,245,000 of the general fund—state appropriation for fiscal year 2022 and \$1,245,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for services provided through children's advocacy centers.

(5) In fiscal year 2022 and in fiscal year 2023, the department shall provide a tracking report for social service specialists and corresponding social services support staff to the office of financial management, and the appropriate policy and fiscal committees of the legislature. The report shall detail progress toward meeting the targeted 1:18 caseload ratio standard for child and family welfare services caseload-carrying staff and targeted 1:8 caseload ratio standard for child protection services caseload-carrying staff. To the extent to which the information is available, the report shall include the following information identified separately for social service specialists doing case management work, supervisory work, and administrative support staff, and identified separately by job duty or program, including but not limited to intake, child protective services investigations, child protective services family assessment response, and child and family welfare services:

(a) Total full time equivalent employee authority, allotments and expenditures by region, office, classification and band, and job duty or program;

(b) Vacancy rates by region, office, and classification and band; and

(c) Average length of employment with the department, and when applicable, the date of exit for staff exiting employment with the department by region, office, classification and band, and job duty or program.

(6) \$94,000 of the general fund—state appropriation for fiscal year 2022 and \$94,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(7) (a) \$539,000 of the general fund—state appropriation for fiscal year 2022, \$1,000,000 of the general fund—state appropriation for fiscal year 2023, \$656,000 of the general fund private/local appropriation, and \$252,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, regions where backlogs of youth that have formerly requested educational outreach services exist, or youth with high educational needs. The department is encouraged to use private matching funds to maintain educational advocacy services.

(b) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(8) \$375,000 of the general fund—state appropriation for fiscal year 2022, \$375,000 of the general fund—state appropriation for fiscal year 2023, and \$112,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature regarding these strategies by November 1, 2022. The report shall include the number and percentage of parents requiring supervised visitation and the number and percentage of parents with unsupervised visitation, prior to reunification.

(9) For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(10) \$2,230,000 of the general fund—state appropriation for fiscal year 2022, \$2,230,000 of the general fund—state appropriation for fiscal year 2023, and \$156,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(11) \$197,000 of the general fund—state appropriation for fiscal year 2022 and \$197,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(12) \$6,195,000 of the general fund—state appropriation for fiscal year 2022, \$6,195,000 of the general fund—state appropriation for fiscal year 2023, and \$1,188,000 of the general fund—federal appropriation are provided solely for the department to operate emergent placement and enhanced emergent placement contracts.

(a) The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments and shall submit as part of the budget submittal documentation required by RCW 43.88.030 any costs associated with increases in the number of emergent placement contract beds after the effective date of this section that cannot be sustained within existing appropriations.

(b) Beginning October 1, 2021, and every quarter thereafter, the department shall publish on its website the rates or fees paid for emergent placement contracts, the number of beds retained, and the number of beds purchased. If the department determines that there is a need to increase the rates or fees paid or the number of beds retained or purchased under this subsection, the secretary shall request authorization from the office of financial management and notify the fiscal committees of the legislature.

(13) Beginning January 1, 2022, and continuing through the 2021-2023 fiscal biennium, the department must provide semi-annual reports to the governor and appropriate legislative committees that includes the number of in-state behavioral rehabilitation services providers and licensed beds, the number of out-of-state behavioral rehabilitation services placements, and a comparison of these numbers to the same metrics expressed as an average over the prior six months. The report shall identify separately beds with the enhanced behavioral rehabilitation services rate. Effective January 1, 2022, and to the extent the information is available, the report will include the same information for emergency placement services beds and enhanced emergency placement services beds.

(14) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing the supportive visitation model that utilizes trained visit navigators to provide a structured and positive visitation experience for children and their parents.

(15) \$600,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for

enhanced adoption placement services for legally free children in state custody, through a partnership with a national nonprofit organization with private matching funds. These funds must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children with high needs.

(16) The department of children, youth, and families shall make foster care maintenance payments to programs where children are placed with a parent in a residential program for substance abuse treatment. These maintenance payments are considered foster care maintenance payments for purposes of forecasting and budgeting at maintenance level as required by RCW 43.88.058.

(17) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with one or more nonprofit, nongovernmental organizations to purchase and deliver concrete goods to low-income families.

(18) \$5,500,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for one-time \$250 per child grants to families on behalf of up to 22,000 children who may be at risk of child welfare system involvement and have experienced economic impacts of the COVID-19 pandemic.

(19) The department is authorized to use the amounts provided in this section for services and maintenance payments to former dependent youth as authorized and directed in the supporting foster youth and families through the pandemic act, P.L. 116-260, division X.

(20) \$387,000 of the general fund—state appropriation for fiscal year 2022, \$393,000 of the general fund—state appropriation for fiscal year 2023, and \$143,000 of the general fund—federal appropriation are provided solely to increase all fees paid to child-placing agencies by 7.5 percent, effective July 1, 2021.

(21) (a) \$739,000 of the general fund—state appropriation for fiscal year 2022, \$702,000 of the general fund—state appropriation for fiscal year 2023, and \$482,000 of the general fund—federal appropriation are provided solely for the department of children, youth, and families to create and implement a new approach to transition planning for young people preparing to exit the child welfare system and juvenile rehabilitation institutions, pursuant to the recommendations in the *improving stability for youth exiting systems of care* report submitted in January 2020 as required by RCW 43.330.720. The department must engage young people, caregivers, providers, and other stakeholders in the creation and implementation of the approach by:

(i) Providing one statewide adolescent transitions program manager and six adolescent liaisons, one in each region of the department, who are dedicated to supporting the transition planning approaches developed by the department, providing program oversight, and supporting improved outcomes for adolescents during the transition to adulthood; and

(ii) Strengthening the administration and competency of the independent living program and direct independent living services. No later than June 1, 2022, the department must centralize administration of its independent living program and develop a framework for service delivery, including best practice recommendations. The framework must be codesigned with adolescents, caregivers, providers, and stakeholders. No later than June 30, 2022, the department must develop and launch a competitive request for proposal process to solicit bidders to provide independent living services under the new framework.

(b) No later than November 30, 2022, the department must report to the governor and appropriate legislative committees on the implementation of the new approach to transition planning, the new independent living framework, and the state's capacity to provide high-quality transition services, including independent living services, to youth and young adults exiting the child welfare system and juvenile rehabilitation institutions. The report must identify any remaining service gaps that prevent statewide implementation and address the additional resources needed to improve outcomes for young people exiting these systems of care.

(22) \$2,400,000 of the general fund—state appropriation for fiscal year 2022 and \$2,400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(23) The appropriations in this section include sufficient funding for continued implementation of chapter 80, Laws of 2018 (2SSB 6453) (kinship caregiver legal support).

(24) The appropriations in this section include sufficient funding to implement chapter 51, Laws of 2020 (SHB 2873) (families in conflict).

(25) \$511,000 of the general fund—state appropriation for fiscal year 2023 and \$153,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1219 (youth counsel/dependency).

(26) \$219,000 of the general fund—state appropriation for fiscal year 2022, \$208,000 of the general fund—state appropriation for fiscal year 2023, and \$295,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1061 (child welfare/developmental disability).

(27) \$451,000 of the general fund—state appropriation for fiscal year 2022 and \$662,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a community organization with expertise in the LifeSet case management model to serve youth and adults currently being served in or exiting the foster care, juvenile justice, and mental health systems to successfully transition to adulthood.

(28) \$326,000 of the general fund—state appropriation for fiscal year 2022, \$326,000 of the general fund—state appropriation for fiscal year 2023, and \$148,000 of the general fund

—federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1194 (parent-child visitation).

(29) \$499,000 of the general fund—state appropriation for fiscal year 2022, \$499,000 of the general fund—state appropriation for fiscal year 2023, and \$310,000 of the general fund—federal appropriation are provided solely to expand the family connections program in ~~((two))~~ eight areas of the state in which the program is not already established as of the effective date of this section. One expansion site must be located west of the crest of the Cascade mountain range and the other expansion site must be located east of the crest of the Cascade mountain range. The program expansion must follow the family connections program model pursuant to RCW 74.13.715. To operate the ~~((two))~~ eight expansion sites, the department must contract with a community-based organization that has experience working with the foster care population and administering the family connections program.

(30) \$25,000 of the general fund—state appropriation for fiscal year 2023 and \$25,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to implement Engrossed Second Substitute House Bill No. 1227 (child abuse allegations).

(31) If the department receives an allocation of federal funding through an unanticipated receipt, the department shall not expend more than what was approved or for another purpose than what was approved by the governor through the unanticipated receipt process pursuant to RCW 43.79.280.

(32) \$1,513,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a new behavioral rehabilitation services facility in Vancouver.

(33) \$449,000 of the general fund—state appropriation for fiscal year 2022, \$1,203,000 of the general fund—state appropriation for fiscal year 2023, and \$353,000 of the general fund—federal appropriation are provided solely for the department to revise and update its policies, procedures, and the state Title IV-E plan to reflect that it is appropriate to only refer child welfare cases to the department of social and health services division of child support enforcement when the court has found a child to have been abandoned by their parent or guardian as defined in RCW 13.34.030.

(34) \$800,000 of the general fund—state appropriation for fiscal year 2023 and \$200,000 of the general fund—federal appropriation are provided solely for the department to contract for a child welfare workload study, which must include an evaluation of workload impacts required by state and federal law and make recommendations for staffing models and system improvements.

(a) The study must consider, but is not limited to, enacted laws and forthcoming legislation related to child welfare such as the keeping families together act, chapter 211, Laws of 2021, and the family first prevention services act.

(b) The study must include, at a minimum, all child welfare case-carrying workers including but not limited to: Child protective services, child welfare case workers, and child welfare licensing staff, including foster care assessment, safety and monitoring, and child protective services licensing.

(c) The study must evaluate the workload impacts related to changes in the application of the federal Indian child welfare act, 25 U.S.C. Secs. 1901-1963 and the Washington state Indian child welfare act, chapter 13.38 RCW as required by *In re Dependency of G.J.A., A.R.A., S.S.A., J.J.A., and V.A.*, 197 Wn.2d 868 (2021) and *In re Dependency of Z.J.G. and M.E.J.G.*, 196 Wn.2d 152 (2020).

(d) The department must establish a steering committee inclusive of members who are familiar with public child welfare practice and who have had substantial experience with similar studies. The steering committee members will be appointed by the agency secretary and must include internal and external members.

(e) A final report must also include recommendations to streamline internal processes; to more equitably allocate staff and contracted resources statewide; to reduce workload through technology; to reduce staff attrition; and to increase direct service time. The report must be submitted to the governor and appropriate fiscal committees of the legislature by June 30, 2023.

(35) Within the amounts provided in this section, sufficient funding is provided for the department to contract with a community organization to administer monthly stipends to young adults who were impacted by the federal moratorium that prohibited states from discharging them from extended foster care due to age through September 30, 2021, and young adults who age out of extended foster care between October 1, 2021, and June 30, 2023. To the extent feasible, the organization must administer the monthly stipends at consistent amounts per young adult each month.

(36) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract for a systems assessment of state and federally funded services and benefits for young adults enrolled in or exiting extended foster care and make recommendations to improve the continuum of supports for the extended foster care population to support successful transitions to independent adulthood.

(a) The systems assessment must include, but is not limited to, the following:

(i) A survey of state and federally funded services and benefits, and the utilization of such services and benefits, including but not limited to economic services, housing programs and payment vouchers, independent living programs, educational supports, and access to postsecondary opportunities, including vocational training and placement programs, legal services, navigation assistance, and peer mentoring. The survey must examine how these services and benefits contribute to a continuum of supports for young adults enrolled in extended foster care and those who have exited since September 2021;

(ii) A young adult needs assessment, including collecting data on young adults enrolled in extended foster care and those who have exited since September 2021. The needs assessment must also gauge young adults' awareness of and ability to access the available services and benefits;

(iii) Identification of gaps or redundancies within the existing array of state and federally funded programs serving the extended foster care population;

(iv) Identification of funding sources or programs that could be used to address any gaps in the array of services and benefits available; and

(v) An assessment of the various data systems currently used or capable of being used to report on the young adult population served by the extended foster care program. The data assessment must include a discussion of any system limitations and recommendations to support future data tracking of outcomes for this population.

(b) The department and contractor must engage with state agencies administering relevant programs, contracted organizations serving the extended foster care population, and young adults currently in extended foster care and those who have exited since September 2021 to conduct the systems assessment. A status update must be submitted to the governor and appropriate fiscal and policy committees of the legislature by November 30, 2022. A final report must be submitted to the governor and appropriate fiscal and policy committees by June 30, 2023.

(37) \$492,000 of the general fund—state appropriation for fiscal year 2023 and \$133,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1747 (child relative placements). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(38) \$3,920,000 of the general fund—state appropriation for fiscal year 2022, \$15,679,000 of the general fund—state appropriation for fiscal year 2023, and \$4,302,000 of the general fund—federal appropriation are provided solely to, effective April 1, 2022, increase the hourly rate for contracted visitation providers, implement standards regarding Indian child welfare act quality enhancement and compliance in visitation contracts, and reimburse visitation providers for mileage travelled between zero and 60 miles. It is the intent of the legislature that contracted visitation providers use funding provided in this subsection to increase hourly wages for visitation workers.

(39) \$767,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the child welfare housing assistance pilot program authorized in RCW 74.13.802.

(40) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the provision of SafeCare, an evidence-based parenting program, for families in Grays Harbor county.

(41) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to establish and implement two play-and-learn groups for families in Grays Harbor county.

(42) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with a clinic that treats prenatal substance exposure in children up to age 13 and that primarily serves families from Snohomish and King counties. It is the intent of the legislature that the department's contract with the clinic prioritize children for services who are at risk of being removed from their family home, who were recently reunified with their family following an out-of-home placement, who have experienced multiple out-of-home placements and are at risk of additional placements, and any other priority populations identified by the department.

(43) \$1,926,000 of the general fund—state appropriation for fiscal year 2022, \$7,704,000 of the general fund—state appropriation for fiscal year 2023, and \$3,745,000 of the general fund—federal appropriation are provided solely to increase the monthly rate paid to contracted behavioral rehabilitation services facilities to \$16,861.91 per youth, effective April 1, 2022. It is the intent of the legislature that the department's vendor contracts specify that the funding provided in this subsection is to increase the hourly wage for direct care workers, with the intent of the legislature to achieve at least \$25.00.

(44) \$650,000 of the general fund—state appropriation for fiscal year 2022, \$2,598,000 of the general fund—state appropriation for fiscal year 2023, and \$1,263,000 of the general fund—federal appropriation are provided solely to increase the monthly rate paid for contracted behavioral rehabilitation services therapeutic foster care to \$10,126.92 per youth, effective April 1, 2022. It is the intent of the legislature that the department's vendor contracts specify that funding provided in this subsection is provided to increase pass-through payments to therapeutic foster care homes.

(45) \$8,440,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase the reimbursement rates for combined in-home services providers as recommended in the October 2021 combined in-home services cost study.

(46) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$275,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for improving the financial capability of dependent youth.

(a) The department shall develop a report with recommendations of how to improve access to private, self-controlled bank accounts for dependent youth ages 14 and up as well as other strategies for improving financial capability of dependent youth. The department must consult with stakeholders on development of the recommendations and report. The report shall include but is not limited to an analysis of the following:

(i) The documentation and information necessary for youth to establish bank accounts;

(ii) Appropriate mechanisms to support youth in establishing the accounts;

(iii) Issues related to compliance with current state and federal laws that could impact the availability of accounts and release of funds; and

(iv) Data on the number of dependent youth, including youth in extended foster care, ages 14 and up with private, self-controlled bank accounts.

(b) The report must include recommendations on how to ensure statewide access to high quality, developmentally, and culturally appropriate financial education for dependent youth ages 12 and up.

(c) The report must include recommendations for statutory or policy changes, including the number of youth who have established a private self-controlled bank account, to implement the recommendations of the report.

(d) The analysis and recommendations are due to the appropriate committees of the legislature by December 1, 2022, in compliance with RCW 43.01.036.

(47) \$568,000 of the general fund—state appropriation for fiscal year 2023 and \$78,000 of the general fund—federal appropriation is provided solely for the phase-in of the settlement agreement under *D.S. et al. v. Department of Children, Youth, and Families et al.*, United States district court for the western district of Washington, cause no. 2:21-cv-00113-BJR. The department must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to monitoring and implementation.

(48) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization in Spokane that has experience administering a family-centered drug treatment and housing program for families experiencing substance use disorder. The amount provided in this subsection is intended to support the existing program while the department works to develop a sustainable model of the program and expand to new regions of the state.

(49) \$3,725,000 of the general fund—state appropriation for fiscal year 2023 and \$818,000 of the general fund—federal appropriation are provided solely for contracted visitation services for children in temporary out-of-home care. Funding is provided to reimburse providers for certain uncompensated services, which may include work associated with missed or canceled visits.

**Sec. 1224.** 2022 c 297 s 228 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—JUVENILE REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2022)	\$123,463,000
General Fund—State Appropriation (FY 2023)	(( <del>\$131,424,000</del> ))
	<u>\$128,153,000</u>
General Fund—Federal Appropriation	\$694,000
General Fund—Private/Local Appropriation	(( <del>\$166,000</del> ))
	<u>\$254,000</u>
Washington Auto Theft Prevention Authority Account—	
State Appropriation	(( <del>\$196,000</del> ))
	<u>\$98,000</u>
<b>TOTAL APPROPRIATION</b>	<b><u>(\$255,943,000)</u></b>
	<u>\$252,662,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,841,000 of the general fund—state appropriation for fiscal year 2022 and \$2,841,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to county juvenile courts for the programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the department of children, youth, and families for funding for program-specific participation and the department shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(2) \$1,537,000 of the general fund—state appropriation for fiscal year 2022 and \$1,537,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expansion of the juvenile justice treatments and therapies in department of children, youth, and families programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The department may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(3)(a) \$6,198,000 of the general fund—state appropriation for fiscal year 2022 and \$6,198,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(b) The department of children, youth, and families shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The department of children, youth, and families shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for the assessment of low, moderate, and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency and mental health disposition alternative; and (vi) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the department of children, youth, and families and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(c) The department of children, youth, and families and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the department of children, youth, and families and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in ~~((d)-(ii))~~ (b) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(d) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the department of children, youth, and families and the Washington state institute for public policy related to program and outcome data. The department of children, youth, and families and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(4) \$645,000 of the general fund—state appropriation for fiscal year 2022 and \$645,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for funding of the teamchild project.

(5) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant program focused on criminal street gang prevention and intervention. The department of children, youth, and families may award grants under this subsection. The department of children, youth, and families shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the department of children, youth, and families on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(6) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(7) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to county juvenile courts to establish alternative detention facilities similar to the proctor house model in Jefferson county, Washington, that will provide less restrictive confinement alternatives to youth in their local communities. County juvenile courts shall apply to the department of children, youth, and families for funding and each entity receiving funds must report to the department on the number and types of youth serviced, the services provided, and the impact of those services on the youth and the community.

(8) \$432,000 of the general fund—state appropriation for fiscal year 2022 and \$432,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

(9) \$100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to assess the juvenile court assessment tool. The juvenile rehabilitation program shall contract with the Washington state institute for public policy to review the

standardized juvenile court assessment tool to access whether it accurately determines eligibility criteria and properly assigns youth to programs that meet their needs. The institute must work in collaboration with the juvenile block grant proviso committee.

(10)(a) \$773,000 of the general fund—state appropriation for fiscal year 2022 and \$986,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1186 (concerning juvenile rehabilitation community transition services).

(b) Of the amounts provided in (a) of this subsection, \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$105,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for housing vouchers.

(11) \$128,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release).

(12) \$122,000 of the general fund—state appropriation for fiscal year 2022 and \$123,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5118 (supporting successful reentry).

(13) Sufficient funding is provided within this section for implementation of Engrossed Second Substitute Senate Bill No. 5304 (reentry services/state and local institutions).

(14) Within existing resources, the department shall evaluate the Martin hall juvenile detention facility located in Medical Lake as an option for increased capacity needs for the juvenile rehabilitation program.

(15) \$711,000 of the general fund—state appropriation for fiscal year 2022 and \$848,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 2050 (parent pay/child detention). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(16)(a) The block grant oversight committee, as defined in RCW 13.40.511, shall work in collaboration with the Washington state institute for public policy, the University of Washington's evidence-based practice institute, and the children and family and early learning divisions of the department of children, youth, and families to develop recommendations for the expansion of community juvenile accountability programs funded through juvenile court block grant funding provided by the juvenile rehabilitation division of the department of children, youth, and families and the juvenile courts. The committee's recommendations shall include consideration of the expansion of:

(i) Block grant funding to community juvenile programs that provide services to juveniles assessed as low risk;

(ii) Block grant funding to community juvenile programs that provide services that are not solely focused on reducing recidivism;

(iii) Available block grant funding needed to complete evaluations of programs such that more programs may be evaluated to be classified as evidence-based; and

(iv) Classifications used by the Washington state institute for public policy to demonstrate the effectiveness of programs provided by juvenile court.

(b) The block grant oversight committee must report its findings and recommendations to the appropriate committees of the legislature by November 1, 2022.

(17) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the juvenile rehabilitation administration to contract with a peer navigator program that currently mentors and assists with the needs of justice-involved youth and young adults who are from the city of Federal Way and who are currently residing at the Green Hill school. The mentorship program must provide peer coaching and support by aiding in the personal and professional development of incarcerated youth and young adults through life skills, job readiness, youth leadership, and results-based projects.

(18) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$156,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for two juvenile education-security staff positions for juvenile rehabilitation's GED education programs. One education-security position must be located at the Echo Glen children's center to assist with the open doors program and one education-security position must be located at the Green Hill school. The goal of the education-security positions is to provide dependable, daily education opportunities for students participating in the GED programs located at the respective institutional facilities. The education-security positions are responsible for providing daily escort to and from the classroom for students attending school and for providing classroom management during the period while students are attending classes.

(19) \$2,100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for maintaining staffing levels at juvenile rehabilitation facilities independent from fluctuating caseloads.

(20) The department of children, youth, and families—juvenile rehabilitation must cease new placements at the Naselle youth camp, with the goal of closing the camp by June 30, 2023. It is the intention of the legislature after the closure to transfer management of the Naselle youth camp land and facilities to the department of natural resources in the 2023-2025 fiscal biennium and develop the facilities into an outdoor school. The department must assist the department of natural resources and the office of the superintendent of public instruction with the proposal on the use of the Naselle youth camp for an outdoor school as needed pursuant to section 310 of this act.

(21) \$1,000 of the general fund—state appropriation for fiscal year 2023 is for implementation of Senate Bill No. 5657 (juvenile instit./comp sci).



**Sec. 1225.** 2022 c 297 s 229 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—EARLY LEARNING PROGRAM**

General Fund—State Appropriation (FY 2022) . . . . .	\$327,631,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$402,195,000)</del>
	<u>\$406,756,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$1,070,579,000)</del>
	<u>\$1,125,703,000</u>
General Fund—Private/Local Appropriation . . . . .	\$100,000
Education Legacy Trust Account—State Appropriation . . . . .	\$28,172,000
Home Visiting Services Account—State Appropriation . . . . .	\$25,579,000
Home Visiting Services Account—Federal Appropriation . . . . .	\$29,776,000
Washington Opportunity Pathways Account—State Appropriation . . . . .	\$80,000,000
Workforce Education Investment Account—State Appropriation . . . . .	\$8,482,000
<b>TOTAL APPROPRIATION</b> . . . . .	<del>(\$1,972,514,000)</del>
	<u>\$2,032,199,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) \$82,040,000 of the general fund—state appropriation for fiscal year 2022, \$132,776,000 of the general fund—state appropriation for fiscal year 2023, \$24,070,000 of the education legacy trust account—state appropriation, \$80,000,000 of the opportunity pathways account—state appropriation, and \$25,452,000 of the general fund—federal appropriation (CRRSA/GEER) are provided solely for the early childhood education and assistance program. These amounts shall support at least 15,162 slots in fiscal year 2022 and 16,278 slots in fiscal year 2023. Of the total slots in each fiscal year, 100 slots must be reserved for foster children to receive school-year-round enrollment.

(b) Of the amounts provided in this subsection, \$14,930,000 of the general fund—state appropriation for fiscal year 2023 and \$14,889,000 of the general fund—federal appropriation (CRRSA/GEER) are for a slot rate increase of ten percent beginning July 1, 2021. The funding provided in this subsection is sufficient for the department to increase rates according to inflation, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.), beginning in fiscal year 2023 and annually thereafter.

(c) Of the amounts provided in this subsection, \$2,664,000 of the general fund—state appropriation for fiscal year 2023 is provided to convert 777 part day slots to full day slots in fiscal year 2023.

(d) Of the amounts provided in this subsection, \$409,000 of the general fund—state appropriation for fiscal year 2022 and \$859,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a \$54 per slot quality support rate, which will increase by 1.5 percent annually beginning in fiscal year 2024.

(e) Of the amounts provided in this subsection, \$1,358,000 of the general fund—state appropriation for fiscal year 2022 and \$4,612,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide early childhood education and assistance program services during summer 2022 to 2,212 (~~part~~) full day program slots, including 2,011 slots in an in-person learning program and 201 slots provided other additional services.

(f) The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(3) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies.

(4) The legislature recognizes that the federal government has provided substantial additional funding through the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. and the American rescue plan act of 2021, P.L. 117-2. The purpose of the additional federal funding is to ensure access to affordable child care and to stabilize and support child care providers from the effects of the COVID-19 pandemic. The legislature intends with the passage of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.) to implement these federal purposes by expanding eligibility for subsidized child care, reducing parent copayments, increasing provider base rates to recognize increased costs, and providing other financial support to stabilize the child care sector to remain open or to reopen. The legislature finds that the state lacked the fiscal capacity to make these investments and the additional federal funding has provided the opportunity to supplement state funding to expand and accelerate child care access,

affordability, and provider support as the state navigates the COVID-19 pandemic and its aftermath.

(5) \$39,723,000 of the general fund—state appropriation in fiscal year 2022, ~~((54,505,000))~~ \$34,062,000 of the general fund—state appropriation in fiscal year 2023, \$8,482,000 of the workforce education investment account—state appropriation, ~~((283,375,000))~~ \$253,375,000 of the general fund—federal appropriation, ~~((59,893,000))~~ \$28,493,000 of the general fund—federal appropriation (CARES), ~~((98,723,000))~~ \$108,279,000 of the general fund—federal appropriation (CRRSA), and ~~((153,814,000))~~ \$102,314,000 of the general fund—federal appropriation (ARPA) are provided solely for the working connections child care program under RCW 43.216.135. Of the amounts provided in this subsection:

(a) The department of children, youth, and families shall work in collaboration with the department of social and health services to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families. Effective December 1, 2022, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(b) \$6,390,000 is for the compensation components of the 2021-2023 collective bargaining agreement covering family child care providers as provided in section 947 of this act. Of the amounts provided in this subsection:

(i) \$4,410,000 is for a 35 cent per hour per child rate increase for family, friends, and neighbor providers (FFNs) beginning July 1, 2022;

(ii) \$854,000 is to increase the rate paid to providers who reach level 3.5 of the state's early achievers quality rating system by two percent beginning July 1, 2021; and

(iii) \$1,126,000 is to increase the nonstandard hour care rate by \$10.00 per child per month beginning July 1, 2021.

(c) ~~((42,562,000))~~ \$36,849,000 of the general fund—federal appropriation (ARPA) and ~~((2,785,000))~~ \$8,498,000 of the general fund—federal appropriation (CRRSA) are provided solely for the implementation of an agreement reached between the governor and the service employees international union local 925 for a cost of care rate enhancement for family child care providers under the provisions of chapter 41.56 RCW for fiscal year 2023 as provided in section 940 of this act.

(d) \$45,935,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a 16 percent subsidy base rate enhancement for child care centers for fiscal year 2023.

(e) It is the intent of the legislature to continue to rebase child care provider subsidy base rates to the 85th percentile of market in subsequent fiscal biennia.

(f) ~~((59,893,000))~~ \$28,493,000 of the general fund—federal appropriation (CARES), ~~((65,925,000))~~ \$99,781,000 of the general fund—federal appropriation (CRRSA), and ~~((99,918,000))~~ \$65,465,000 of the general fund—federal appropriation (ARPA) are provided solely for enhancements to the working connections child care (~~(connections)~~) program, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). Of the amounts provided in this subsection:

(i) ~~((28,759,000))~~ \$8,825,000 of the general fund—federal appropriation (CARES), ~~((11,993,000))~~ \$19,371,000 of the general fund—federal appropriation (CRRSA), and ~~((35,979,000))~~ \$28,601,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of reduced household child care monthly copayments. For households at or below 50 percent of the state median income, copayments are capped at \$115 through January 1, 2022, and \$90 from January 1, 2022, through fiscal year 2023. For households at or below 60 percent of the state median income, copayments are capped at \$115 through June 30, 2023.

(ii) ~~((31,134,000))~~ \$19,668,000 of the general fund—federal appropriation (CARES), ~~((40,195,000))~~ \$57,940,000 of the general fund—federal appropriation (CRRSA), and ~~((45,476,000))~~ \$27,731,000 of the general fund—federal appropriation (ARPA) are provided solely to increase subsidy base rates to the 85th percentile of market for child care providers. The state and the representative for family child care providers must enter into bargaining over the implementation of subsidy rate increases, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

(iii) \$3,930,000 of the general fund—federal appropriation (CRRSA) and \$4,903,000 of the general fund—federal appropriation (ARPA) are provided solely to waive work requirements for student parents utilizing the working connections child care program.

(iv) ~~((6,726,000))~~ \$15,459,000 of the general fund—federal appropriation (CRRSA) and ~~((10,633,000))~~ \$1,900,000 of the general fund—federal appropriation (ARPA) are provided solely to expand eligibility for the working connections child care program to households at or below 60 percent of state median income, beginning October 1, 2021.

(v) \$1,549,000 of the general fund—federal appropriation (CRRSA) and ~~(((\$982,000))~~ \$385,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to implement an infant rate enhancement for child care providers.

~~(g) (((\$21,215,000 of the general fund—federal appropriation (CRRSA) is provided solely for enrollment based payments from April 2022 through June 2022.~~

~~(h))~~ On July 1, 2021, and July 1, 2022, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(i) A summary of the number of overpayments that occurred;

(ii) The reason for each overpayment;

(iii) The total cost of overpayments;

(iv) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(v) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(6) Within available amounts, the department in consultation with the office of financial management shall report enrollments and active caseload for the working connections child care program to the governor and the legislative fiscal committees and the legislative-executive WorkFirst poverty reduction oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(7) \$623,000 of the general fund—state appropriation for fiscal year 2022, \$935,000 of the general fund—state appropriation for fiscal year 2023, and \$6,701,000 of the general fund—federal appropriation are provided solely for the seasonal child care program.

(8) \$871,000 of the general fund—state appropriation for fiscal year 2022 and \$871,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department of children, youth, and families to contract with a countywide nonprofit organization with early childhood expertise in Pierce county for a pilot project to prevent child abuse and neglect using nationally recognized models.

(a) The nonprofit organization must continue to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(b) The nonprofit organization must offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by September 1, 2022.

(9) (a) \$5,899,000 of the general fund—state appropriation for fiscal year 2022 and \$8,382,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall pursue opportunities to leverage other funding to continue and expand ECLIPSE services. Priority for services shall be given to children referred from the department.

(b) Of the amounts provided in this subsection (9), \$1,246,000 of the general fund—state appropriation for fiscal year 2022 and \$3,719,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the expansion of ECLIPSE services, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). Funding provided for the expansion of services is intended to serve new geographic areas not currently served by ECLIPSE services.

(10) The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In a bi-annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements.

(11) \$1,728,000 of the general fund—state appropriation for fiscal year 2022 and \$1,728,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(12) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(13) \$4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(14) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(15) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 202, Laws of 2017 (children's mental health).

(16) Within existing resources, the department shall implement chapter 409, Laws of 2019 (early learning access).

(17) (a) \$7,355,000 of the general fund—state appropriation for fiscal year 2022, \$11,126,000 of the general fund—state appropriation for fiscal year 2023, \$11,032,000 of the general fund—federal appropriation (CRRSA), and \$9,632,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). The legislature intends for the appropriations provided in this subsection to stabilize and support child care providers and early learning contractors and to expand families' access to affordable, quality child care and early learning during and after the COVID-19 public health emergency. Of the amounts provided in this subsection:

(i) \$2,535,000 of the general fund—state appropriation for fiscal year 2022, \$2,535,000 of the general fund—state appropriation for fiscal year 2023, and \$4,604,000 of the general fund—federal appropriation (CRRSA) are provided solely for the implementation of complex needs funds.

(ii) \$966,000 of the general fund—federal appropriation (CRRSA) and \$1,836,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of trauma-informed care supports.

(iii) \$180,000 of the general fund—state appropriation for fiscal year 2022 and \$3,200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement dual language rate enhancements.

(iv) \$671,000 of the general fund—state appropriation for fiscal year 2022, \$656,000 of the general fund—state appropriation for fiscal year 2023, and \$3,982,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of equity grants.

(v) \$773,000 of the general fund—state appropriation for fiscal year 2022, \$958,000 of the general fund—state appropriation for fiscal year 2023, \$1,500,000 of the general fund—federal appropriation (CRRSA), and \$900,000 of the general fund—federal appropriation (ARPA) are provided solely for infant and early childhood mental health consultation.

(vi) \$365,000 of the general fund—federal appropriation (CRRSA) and \$495,000 of the general fund—federal appropriation (ARPA) are provided solely for the expansion of family, friend, and neighbor child care play and learn groups.

(vii) \$930,000 of the general fund—state appropriation for fiscal year 2022, \$1,075,000 of the general fund—state appropriation for fiscal year 2023, \$3,597,000 of the general fund—federal appropriation (CRRSA), and \$2,419,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of trainings, early achievers scholarships, and other professional development activities. Amounts provided in this subsection may be used to contract with a nonprofit organization that provides relationship-based professional development support to family, friend, and neighbor, child care center, and licensed family care providers.

(viii) \$1,585,000 of the general fund—state appropriation for fiscal year 2022 and \$2,196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to expand the birth-to-three early childhood education and assistance program.

(ix) \$421,000 of the general fund—state appropriation for fiscal year 2022 and \$408,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to collaborate with the department of commerce on technical assistance to employers interested in providing child care to employees.

(b) The state and the representative for family child care providers must enter into bargaining over the implementation of grants and rate increases included in this proviso, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

(18) \$265,000 of the general fund—state appropriation for fiscal year 2022 and \$265,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a statewide family resource and referral linkage system, with coordinated access point of resource navigators who will connect families with children prenatal through age five with services, programs, and community resources through a facilitated referral and linkage process.

(19) (a) \$414,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to establish a pilot project to determine the feasibility of a child care license category for multi-site programs operating under one owner or one entity. The department shall adopt rules to implement the pilot project and may waive or adapt licensing requirements when necessary to allow for the operation of a new license category. Pilot participants must include, at least:

- (i) One governmental agency;
- (ii) One nonprofit organization; and
- (iii) One for-profit private business.

(b) New or existing license child care providers may participate in the pilot. When selecting and approving pilot project locations, the department shall aim to select a mix of rural, urban, and suburban locations. By July 1, 2024, the department shall submit to the

relevant committees of the legislature recommendations on whether to permanently implement this license category and what, if any, changes are needed to law to accomplish this.

(20) (a) \$2,771,000 of the home visiting account—state appropriation for fiscal year 2022, \$5,299,000 of the home visiting account—state appropriation for fiscal year 2023, and \$3,000,000 of the general fund—federal appropriation (ARPA) are provided to expand home visiting services, enhance data collection, and support the local implementing agencies providing home visiting services. The department shall:

(i) Contract with local implementing agencies to expand home visiting services by October 1, 2021; and

(ii) Provide semiannual updates to the home visiting advisory committee established in RCW 43.216.130 that includes an updated number of families served in home visiting programs and a status of the home visiting services account balance.

(iii) The home visiting advisory committee established in RCW 43.216.130 shall make recommendations to the department and the legislature by June 1, 2022, containing strategies for supporting home visiting providers and serving additional families. Recommendations should include, but are not limited to, strategies in the 2019 report to the legislature *Opportunities and Considerations for Expanding Home Visiting Services in Washington State*, such as enhancing data system collections and reporting, professional development supports, and rate adjustments to reimburse for the true cost of service delivery.

(b) Of the amounts provided in (a) of this subsection, \$2,528,000 of the home visiting account—state appropriation for fiscal year 2023 and \$3,000,000 of the general fund—federal appropriation (ARPA) are ~~((provided))~~ for additional home visiting services in order to implement Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.).

(21) The appropriations in this section are sufficient funding to implement section 29 of Substitute Senate Bill No. 5151 (foster care & child care).

(22) (a) \$390,600,000 of the general fund—federal appropriation (ARPA) and \$9,400,000 of the general fund—federal appropriation (CARES) are provided solely for the department to distribute grants to child care providers to stabilize the child care industry as part of the state's response to the COVID-19 public health emergency. Child care providers are eligible for grants if they are eligible for child care development fund moneys or if they are licensed, regulated, or registered within the state. The funding provided in this subsection must be expended consistent with federal law. Of the amounts provided in this subsection:

(i) ~~((~~\$27,342,000~~))~~ \$14,342,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to administer the grant program, including but not limited to costs related to creating and administering the online grant application, providing technical assistance and support for applying for and accessing the grants, publicizing the availability of the grants, and processing applications on a rolling basis.

(ii) \$11,718,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to contract with an organization to provide language access support to child care providers during the grant application process, including but not limited to translation services, community-based support related to the grant application process, and other grant application support.

(iii) \$351,540,000 of the general fund—federal appropriation (ARPA) and \$9,400,000 of the general fund—federal appropriation (CARES) are provided solely for child care stabilization grants to eligible child care providers as defined in section 2202 of the American rescue plan act of 2021 (ARPA). In applying for grants, child care providers are expected to meet the certification requirements defined in section 2202(d)(2)(D)(i) of ARPA. To the extent practicable, at least 10 percent of each grant awarded to an eligible child care provider must be used for compensation increases to employees working at a provider's facility. The department must make its best efforts to distribute 75 percent of the funding provided in this subsection by January 1, 2022, with the remaining 25 percent distributed by June 30, 2022. To the extent practicable, the department must prioritize: Providers in child care deserts; providers serving or located in marginalized, low-income communities or communities of color; and providers that help support racial equity across the state. In processing applications, to the extent practicable the department must also prioritize grant applications that include funding for the following purposes:

(A) Rent or mortgage payments;

(B) Copayment or tuition waivers for families receiving care, including refunds or credits to families who are not attending but are paying tuition in order to maintain a child's spot in the facility;

(C) Child care for historically disadvantaged populations;

(D) Child care during the summer months;

(E) Child care during nonstandard hours;

(F) Child care for school-age children;

(G) Outreach to families who may have stopped attending due to cost;

(H) Mental health supports for children and employees;

(I) Broadband access for child care providers that care for school-age children; and

(J) Personnel costs, including compensation, benefits, health care premium pay, or paid leave.

(iv) \$13,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to administer noncompetitive workforce retention grants that will provide a one-time payment to on-site workers at providers meeting the licensing requirements outlined in (a) of this subsection (22) and who previously applied for a child care stabilization grant. The one-time payments will be the same amount for each worker. The department must make its best effort to distribute the funding by October 31, 2022.

(b) Nothing in this subsection changes the department's responsibility to collectively bargain over mandatory subjects consistent with RCW 41.56.028(3) or limits the legislature's authority to make programmatic modifications to licensed child care and early learning programs consistent with legislative reservation of rights under RCW 41.56.028(4)(d).

(23) \$500,000 of the general fund—federal appropriation (CARES) is provided solely for the department to hire two temporary language access coordinators with specialties in Spanish and Somali to address immediate language access needs at the department related to COVID-19 child care relief and recovery in department programs, including but not limited to:

(a) Translation of department materials;

(b) Outreach to community organizations serving multilingual children and families regarding department programs;

(c) Webinars and other technical assistance provided in Spanish and Somali for department programs; and

(d) Other means of increasing language access and equity for early learning providers and caregivers in health and safety, licensing and regulations, and public funding opportunities for programs offered by the department.

(24) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$30,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to convene a work group that assesses and provides recommendations for creating new infrastructures and funding streams that support youth development. The work group must include representatives from community-based organizations providing youth development programs, including expanded learning, mentoring, school age child care, and wrap around supports and integrated student support. The department must report its findings and recommendations to the governor and legislature by September 1, 2022. The report must include the following recommendations:

(a) Programmatic changes for breaking down silos and barriers for youth programming between state agencies;

(b) The appropriate program within the department to develop meaningful youth-level, research-based prevention and promotion outcomes, and to support community-based organizations providing those outcomes;

(c) The establishment of a state grant program to provide quality youth development opportunities for children and youth ages five through high school graduation; and

(d) Strategies to increase access to youth development programs for prioritized populations such as children of color, foster children, children experiencing homelessness, and children involved in the justice system.

(25) \$5,548,000 of the general fund—federal appropriation (ARPA) is provided solely for allocations from federal funding as authorized in section 2014, the American rescue plan act of 2021, P.L. 117-2.

(26)(a) The department must provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license-exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(b) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(c) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(d) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data every March for the previous school year.

(e) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(27) Funding in this section is sufficient for the department to collaborate with the department of commerce to jointly convene and facilitate a child care collaborative task force to continue the work of the task force created in chapter 368, Laws of 2019 (2SHB 1344) to establish a true cost of quality of child care. The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by November 1, 2022.

(28) \$900,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to provide early childhood education and assistance program services during July and August of 2021 to address learning loss and to meet the unique educational and other needs of 468 children whose enrollment was interrupted or delayed due to the COVID-19 public health emergency.

(29) \$260,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to implement an infant and early childhood mental health consultation initiative to support tribal child care and early learning programs. Funding may be used to provide culturally congruent infant and early childhood mental health supports for

tribal child care, tribal early childhood education and assistance program, and tribal head start providers. The department must consult with federally recognized tribes which may include round tables through the Indian policy early learning committee.

(30) \$640,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to help expand and support family, friend, or neighbor caregivers with a focus on the provision of play and learn groups. Funding provided in this subsection may be used for the department to:

(a) Fund consistent staffing across the state's six geographic regions to support the needs of family, friend, or neighbor caregivers;

(b) Contract with a statewide child care resource and referral program to sustain and expand the number of facilitated play groups to meet the needs of communities statewide;

(c) Support existing infrastructure for organizations that have developed the three existing play and learn program models so they have capacity to provide training, technical assistance, evaluation, data collection, and other support needed for implementation; and

(d) Provide direct implementation support to community-based organizations that offer play and learn groups.

(31) \$1,267,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to pay the application and fingerprint processing fees on behalf of child care providers to reduce the time involved to complete background checks.

(32) \$900,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington communities for children for costs to complete its work pursuant to a federal preschool development grant that expires at the end of calendar year 2022. Allowable costs are only those incurred from January 2023 through June 2023.

**Sec. 1226.** 2022 c 297 s 230 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—PROGRAM SUPPORT**

General Fund—State Appropriation (FY 2022) . . . . .	\$192,655,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$207,977,000)</del>
	<u>\$231,197,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$190,601,000)</del>
	<u>\$168,612,000</u>
General Fund—Private/Local Appropriation . . . . .	<del>(\$459,000)</del>
	<u>\$579,000</u>
Education Legacy Trust Account—State Appropriation . . . . .	\$180,000
Home Visiting Services Account—State Appropriation . . . . .	\$472,000
Home Visiting Services Account—Federal Appropriation . . . . .	\$380,000
<b>TOTAL APPROPRIATION</b> . . . . .	<del><b>(\$592,724,000)</b></del>
	<u><b>\$594,075,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a Washington state mentoring organization to continue its public-private partnerships providing technical assistance and training to mentoring programs that serve at-risk youth.

(2) (a) \$1,000 of the general fund—state appropriation for fiscal year 2022, \$1,000 of the general fund—state appropriation for fiscal year 2023, and \$2,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 945 of this act.

(b) \$6,000 of the general fund—state appropriation for fiscal year 2023 and \$2,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for fiscal year 2023 as provided in section 938 of this act.

(3) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a full-time employee to coordinate policies and programs to support pregnant and parenting individuals receiving chemical dependency or substance use disorder treatment.

(4) \$505,000 of the general fund—state appropriation for fiscal year 2022 and \$505,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to collaborate with the office of the superintendent of public instruction to complete a report with options and recommendations for administrative efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies and consistent with implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care dev. exp.). The report, due September 1, 2022, shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings with inclusive facilities and operations, fiscal modeling, statutory changes needed to achieve administrative efficiencies, and all other requirements of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.).

(5) Within existing resources, the department shall submit a brief report to the governor and appropriate legislative committees by December 1, 2022, outlining options for creating a

new dedicated account for adoption support that will meet 42 U.S.C. Sec. 473 requirements. The report shall include a methodology for calculating savings in a manner that can be incorporated into the adoption support forecast budget process, statutory needs, and expenditure guidelines for the account.

(6) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a statewide nonprofit with demonstrated capability of partnering with state agencies and community organizations to develop public-facing regionalized data dashboards and reports to support the goals of the department and the early learning advisory council, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early learning dev. exp.).

(7) \$2,500,000 of the general fund—state appropriation for fiscal year 2022, \$2,500,000 of the general fund—state appropriation for fiscal year 2023, and \$5,000,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1227 (child abuse allegations).

(8) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$20,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5118 (reentry).

(9) \$6,532,000 of the general fund—state appropriation for fiscal year 2022, \$7,385,000 of the general fund—state appropriation for fiscal year 2023, and \$6,083,000 of the general fund—federal appropriation (CRRSA) are provided solely for the department to migrate the social service payment system to a cloud-based payment system in order to implement child care stabilization grants, child care subsidy rate enhancements, and other payments intended to support child care providers during and after the COVID-19 public health emergency, to implement changes to the social service payment system necessary to implement these payments, and for other improvements necessary for the successful implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). The amounts in this section are subject to the conditions, limitations, and review provided in section 701 of this act.

(10) \$250,000 of the general fund—federal appropriation (CARES) is provided solely for the department to develop or contract to develop a language access plan that addresses equity and access for immigrant, multilingual providers, caregivers, and families. The plan must be submitted to the appropriate committees of the legislature by June 30, 2022. The plan must include, but is not limited to, the following:

(a) A needs assessment and staffing recommendation for program accessibility at the department for individuals with limited English and a geographic landscape analysis of language needs for providers, caregivers, and families in their interactions with the department;

(b) A review of successful language access policies and practices in public agencies to effectively address the needs of non-English speaking families, providers, and other stakeholders;

(c) An alignment of best practices across the department in multilingual workforce development;

(d) A framework for proactive community engagement to provide child care providers, early learning providers, or families that speak languages other than English access to information and support in navigating English-dominant state resources at the department;

(e) Recommendations for a continuous improvement model of measuring progress and success in language access at the department; and

(f) Compliance with federal and state laws at the department.

(11) \$40,000 of the general fund—federal appropriation (CRRSA) is provided solely for the department to establish a process for informing, upon clearance of required background checks, employees of licensed family home, center-based, and outdoor nature-based childcares about available financial supports and options for accessing health coverage. On at least an annual basis, no less than 45 days before the start of open-enrollment, the department must share with the health benefits exchange (exchange) and designated navigator organizations, but no additional third-party entity, workforce data identifying licensed childcare employees for the sole purpose of outreach, enrollment, verification, and other program implementation activities identified by the exchange. The department must share with the exchange and designated navigator organizations, but no additional third-party entity, workforce data identifying newly licensed childcare employees on an ongoing basis as needed during the plan year for the sole purpose of outreach, enrollment, verification, and other program implementation activities identified by the exchange.

(12) \$1,494,000 of the general fund—federal appropriation is provided solely for the department to implement the family first prevention services act requirements, including technology enhancements to support the automated assessments, data quality, and reporting requirements. Funding provided in this subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(13) \$267,000 of the general fund—state appropriation for fiscal year 2022, \$717,000 of the general fund—state appropriation for fiscal year 2023, and \$223,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency).

(14) \$85,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed/release).

(15) \$848,000 of the general fund—state appropriation for fiscal year 2022, \$848,000 of the general fund—state appropriation for fiscal year 2023, and \$384,000 of the general fund



—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1194 (parent-child visitation).

(16) \$1,292,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to expand its housing pilot to two additional sites. The housing pilot will serve hard-to-place foster youth who are at least 16 years old with housing and intensive case management.

(17) \$32,000 of the general fund—state appropriation for fiscal year 2022, \$64,000 of the general fund—state appropriation for fiscal year 2023, and \$24,000 of the general fund—federal appropriation are provided solely for the extraordinary litigation expenses of the attorney general's office related to the case of *D.S., et al. v. DCYF*, United States district court western district of Washington case no. 2:21-cv-00111-BJR.

(18) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with a nonprofit organization to provide culturally relevant support services to children and families when a child is removed from their parents due to potential abuse or neglect as defined in RCW 26.44.020(1). The nonprofit organization must have experience providing culturally relevant support services to children and families through daycare, the early childhood education and assistance program, and department of social and health services contracted services.

(19) \$65,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1747 (child relative placements). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(20) \$341,000 of the general fund—state appropriation for fiscal year 2023 and \$85,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1905 (homelessness/youth discharge). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(21) \$26,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2068 (imagination library). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(22) \$30,000 of the general fund—state appropriation for fiscal year 2022 and \$70,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department of children, youth, and families to partner with the department of commerce to codesign community-based family reconciliation services to assess and stabilize youth and families in crisis through primary prevention services. The codesign team shall include youth and families with lived experience, tribes, child welfare professionals, community-based providers, and representatives from state and local agencies, including the department of social and health services, the health care authority, the office of the superintendent of public instruction, the employment security department, and juvenile court administrators. The codesign team must develop a community-based family reconciliation services program model that addresses entry points to services, program eligibility, utilization of family assessments, provision of concrete economic supports, referrals to and utilization of in-home services, and the identification of trauma-informed and culturally responsive practices. Preliminary recommendations from the codesign team must be submitted to the governor and appropriate legislative committees no later than December 1, 2022, with the annual family reconciliation services data required under RCW 13.32A.045.

(23) \$83,000 of the general fund—state appropriation for fiscal year 2023 and \$12,000 of the general fund—federal appropriation is provided solely for the phase-in of the settlement agreement under *D.S. et al. v. Department of Children, Youth, and Families et al.*, United States district court for the western district of Washington, cause no. 2:21-cv-00113-BJR. The department must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to monitoring and implementation.

(24) \$580,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for housing support services associated with the family reunification program located in King county.

(End of part)

**PART XIII  
NATURAL RESOURCES  
SUPPLEMENTAL**

**Sec. 1301.** 2022 c 297 s 301 (uncodified) is amended to read as follows:

**FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund—State Appropriation (FY 2022)	\$752,000
General Fund—State Appropriation (FY 2023)	(( <del>\$845,000</del> ))
	<u>\$1,195,000</u>
General Fund—Federal Appropriation	\$32,000
General Fund—Private/Local Appropriation	\$1,374,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$3,003,000</del>))</b>
	<b>\$3,353,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$94,000 of the general fund—state appropriation for fiscal year 2022 and \$94,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a land use planner to provide land use planning services dedicated to Klickitat county. Because the activities of the land use planner are solely for the benefit of Washington state, Oregon is not required to provide matching funds for this activity.

(2) \$88,000 of the general fund—state appropriation for fiscal year 2022, \$125,000 of the general fund—state appropriation for fiscal year 2023, and \$213,000 of the general fund—private/local appropriation are provided solely for the access database replacement project, and is subject to the conditions, limitations, and review provided in section 701 of this act.

**Sec. 1302.** 2022 c 297 s 303 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM**

General Fund—Federal Appropriation. . . . .	(((\$754,000))
	<u>\$951,000</u>
Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State Appropriation. . . . .	(((\$957,000))
	<u>\$952,000</u>
Pollution Liability Insurance Program Trust Account— State Appropriation. . . . .	(((\$1,427,000))
	<u>\$1,422,000</u>
<b>TOTAL APPROPRIATION.....</b>	<b>(((\$3,138,000))</b>
	<b><u>\$3,325,000</u></b>

**Sec. 1303.** 2022 c 297 s 304 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund—State Appropriation (FY 2022). . . . .	\$29,496,000
General Fund—State Appropriation (FY 2023). . . . .	(((\$33,312,000))
	<u>\$33,914,000</u>
General Fund—Federal Appropriation. . . . .	\$7,154,000
Winter Recreation Program Account—State Appropriation. . . . .	\$4,906,000
Millersylvania Park Current Account—State Appropriation. . . . .	\$5,000
ORV and Nonhighway Vehicle Account—State Appropriation. . . . .	\$387,000
Snowmobile Account—State Appropriation. . . . .	\$5,682,000
Aquatic Lands Enhancement Account—State Appropriation. . . . .	\$367,000
Parks Renewal and Stewardship Account—State Appropriation. . . . .	(((\$142,302,000))
	<u>\$143,710,000</u>
Parks Renewal and Stewardship Account—Private/Local Appropriation. . . . .	\$420,000
<b>TOTAL APPROPRIATION.....</b>	<b>(((\$224,031,000))</b>
	<b><u>\$226,041,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$129,000 of the general fund—state appropriation for fiscal year 2022 and \$129,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) \$406,000 of the general fund—state appropriation for fiscal year 2022, \$322,000 of the general fund—state appropriation for fiscal year 2023, and \$88,000 of the parks renewal and stewardship account—state appropriation are provided solely for operating budget impacts from capital budget projects funded in the 2019-2021 fiscal biennium.

(4) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$464,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an update to the Seashore conservation area survey and plan.

(5) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to hire a diversity, equity, and inclusion coordinator to expand the diversity of the agency's workforce.

(6) \$85,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the facilitation of a work group that includes representation from the state parks and recreation commission, the commission on African American affairs, and stakeholders with expertise of the black experience in outdoor recreation to identify barriers to inclusion and develop recommendations to increase participation of Black Washingtonians in the state parks system and other outdoor recreation spaces and public parks. The work group will be selected

by the governor's office and will consist of at least twelve participants representing diverse geographic, socioeconomic, and experiential backgrounds. The parks commission will enter into an interagency agreement with the commission on African American affairs to procure a contractor to facilitate the work group and develop a report with recommendations. The amount provided in this subsection may also be used for a survey or focus group to assess the needs of Black Washingtonians related to state parks and outdoor recreation. The work group will submit a report to the governor's office and appropriate committees of the legislature no later than April 1, 2022.

(7) \$7,900,000 of the general fund—state appropriation for fiscal year 2022 and \$7,900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to increase customer service, conduct more custodial maintenance, expand interpretive services, accelerate work on preventative maintenance and improve the conditions of park facilities, and expand public safety.

(8) \$90,000 of the general fund—state appropriation for fiscal year 2022 and \$6,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data).

(9) \$76,000 of the general fund—state appropriation for fiscal year 2022 and \$757,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to address needs identified in the "2017 vulnerability assessment" conducted by the climate impacts group.

(10) \$114,000 of the general fund—state appropriation for fiscal year 2022 and \$705,000 of the general fund—state appropriation for 2023 are provided solely for the commission to dedicate resources to government-to-government consultations with Indian tribes and implement executive order 21-02, archaeological and cultural resources.

(11) (a) \$160,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with a statewide trail maintenance and hiking nonprofit organization to provide the emerging leaders program: expanding equity in the outdoors. The goal of the program is expanding both the number and diversity of trained, qualified individuals available for employment in the outdoor recreation and natural resource management sectors.

(b) The program must demonstrate a commitment to diversity, equity, and inclusion by providing a safe and supportive environment for individuals of diverse backgrounds, including those who have been historically underrepresented in the outdoor recreation and natural resource sectors, such as indigenous people and people of color.

(c) The program must provide both technical outdoor skills training and professional development opportunities that include, but are not limited to, outdoor leadership, representation in the outdoors, and team building.

(12) \$1,250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to address the maintenance backlog associated with providing recreation on lands managed by the commission. Allowable uses include, but are not limited to, general maintenance of facilities and grounds, equipment, and construction materials, and maintenance of trails and trailheads, restrooms, campgrounds, picnic sites, water access areas, signs, kiosks, and access roads. The commission is encouraged to partner with nonprofit organizations in the maintenance of public lands.

(13) \$5,500,000 of the parks renewal and stewardship account—state appropriation is provided solely for the commission to replace major equipment that has been used for over 15 years. The commission must prioritize selecting electric motors over gasoline engines when the option is available and the machinery is compatible for the intended task.

**Sec. 1304.** 2022 c 297 s 305 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

General Fund—State Appropriation (FY 2022) . . . . .	\$4,273,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$29,175,000</del> ))
	<u>\$4,175,000</u>
General Fund—Federal Appropriation . . . . .	\$4,329,000
General Fund—Private/Local Appropriation . . . . .	\$24,000
Aquatic Lands Enhancement Account—State Appropriation . . . . .	\$385,000
Firearms Range Account—State Appropriation . . . . .	\$37,000
Recreation Resources Account—State Appropriation . . . . .	\$4,355,000
NOVA Program Account—State Appropriation . . . . .	\$1,486,000
Youth Athletic Facility Nonappropriated Account— State Appropriation . . . . .	\$181,000
(( <del>Salmon Recovery Account—State Appropriation . . . . .</del>	<del>\$75,000,000</del> ))
<b>TOTAL APPROPRIATION</b> . . . . .	<b>((<del>\$119,245,000</del>) <u>\$19,245,000</u>)</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to pass through to the Spokane tribe of Indians for a pilot study of salmon migratory behavior and survival upstream of the Chief Joseph and Grand Coulee dams.

(2) (a) \$375,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to conduct a comprehensive equity review of state grant programs administered by the

office. The office may, in consultation with the interested parties identified in (d) of this subsection, contract with a consultant to assist with the community engagement and review necessary to complete this review process.

(b) The purposes of this comprehensive equity review are:

(i) To reduce barriers to historically underserved populations' participation in recreation and conservation office grant programs;

(ii) To redress inequities in existing recreation and conservation office policies and programs; and

(iii) To improve the equitable delivery of resources and benefits in these programs.

(c) In completing the comprehensive equity review required under this section, the office shall:

(i) Identify changes to policy and operational norms and practices in furtherance of the equity review purposes identified in (b) of this subsection;

(ii) Identify new investments and programs that prioritize populations and communities that have been historically underserved by conservation and recreation policies and programs; and

(iii) Include consideration of historic and systemic barriers that may arise due to any of the following factors: Race, ethnicity, religion, income, geography, disability, and educational attainment.

(d) The office must collaborate with: (i) The Washington state commission on African American affairs; (ii) the Washington state commission on Asian Pacific American affairs; (iii) the Washington state commission on Hispanic affairs; (iv) the governor's office of Indian affairs; (v) the governor's committee on disability issues and employment; (vi) the office of equity; (vii) the office of minority and women's business enterprises; (viii) the environmental justice council if established by passage of Engrossed Second Substitute Senate Bill No. 5141; and (ix) other interested parties as appropriate to develop and conduct a community engagement process to inform the review.

(e) The office must complete the comprehensive equity review under this section and submit a final report, containing all of the elements and considerations specified in this section, to the legislature by June 30, 2022.

(3) \$76,000 of the general fund—state appropriation for fiscal year 2022 and \$76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects).

(4) \$200,000 of the general fund—federal appropriation, \$12,000 of the general fund—private/local appropriation, and \$116,000 of the aquatic lands enhancement account—state appropriation are provided solely for the implementation of Senate Bill No. 5063 (invasive species council expiration).

(5) \$37,000 of the firearms range account—state appropriation is provided solely to the recreation and conservation funding board for administration of the firearms range grant program as described in RCW 79A.25.210.

(6) \$4,355,000 of the recreation resources account—state appropriation is provided solely to the recreation and conservation funding board for administrative and coordinating costs of the recreation and conservation office and the board as described in RCW 79A.25.080(1).

(7) \$1,486,000 of the NOVA program account—state appropriation is provided solely to the recreation and conservation funding board for administration of the nonhighway and off-road vehicle activities program as described in chapter 46.09 RCW.

(8) \$1,809,000 of the general fund—state appropriation for fiscal year 2022 and \$1,809,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization with a mission for salmon and steelhead restoration to install near-term solutions to prevent steelhead mortality at the Hood Canal bridge.

(9) \$140,000 of the general fund—state appropriation for fiscal year 2022 and \$140,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the governor's salmon recovery office to coordinate ongoing recovery efforts of southern resident orcas and monitor progress toward implementation of recommendations from the governor's southern resident killer whale task force.

(10) \$175,000 of the youth athletic facility nonappropriated account—state appropriation is provided solely for a task force to consider ways to improve equitable access to K-12 schools' fields and athletic facilities and local parks agency facilities with the goal of increasing physical activity for youth and families. The task force shall be created and managed by the recreation and conservation office. A portion of the funds must be used to inventory K-12 school fields and athletic facilities and park agency facilities, and for joint use agreements for these facilities. The task force participants must represent geographic diversity and must include representatives from the office of the superintendent of public instruction, the Washington association of school administrators, the association of Washington principals, and the Washington recreation and parks association; participants with a background in public health; and stakeholders who represent diverse communities and communities of color. The task force shall consider joint use agreements, partnerships, improved scheduling practices with local parks agencies including facility rental fees, and other strategies, and submit a report with best practices and policy recommendations to the recreation and conservation funding board. A final report from the board must be submitted to the governor's office and legislature no later than February 1, 2022.

(11) \$209,000 of the general fund—state appropriation for fiscal year 2022 and \$209,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to contract for implementation of the Nisqually watershed stewardship plan.

(12) \$30,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office to facilitate the transfer of management authority over the project known as the beach lake conservation area from the current owner to a tribal government or local public government entity. If the current owner does not accept the offer to transfer management authority, then the office must pursue all legal means to enforce the right of public access consistent with the deed restrictions as set forth in the contract PSAR #15-1045. The amount provided in this subsection is intended to secure daily public access, during daylight hours, with minimal closures to the beach lake conservation area.

(13) \$345,000 of the general fund—state appropriation for fiscal year 2022 and \$345,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the connections program to provide outdoor learning experiences and virtual learning support for vulnerable youth in the Blaine and Mount Baker school districts. Of the amounts provided in this subsection, \$25,000 in each fiscal year is provided solely for an organization in Whatcom county that increases access to environmental education.

(14) \$139,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the governor's salmon recovery office to implement the governor's salmon recovery strategy update by convening the natural resources sub-cabinet on a regular basis and developing biennial statewide work priorities with a recommended budget for salmon recovery pursuant to RCW 77.85.030(4)(e) that align with tribal priorities and regional salmon recovery plans. The office shall submit the biennial implementation plan to the governor's office and the office of financial management no later than October 31, 2022.

(15) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the governor's salmon recovery office to provide a grant to the Spokane Tribe of Indians for purposes of forming a Spokane river watershed lead entity pursuant to RCW 77.85.050(1) and developing a habitat restoration strategy to support reintroduction of salmon upstream of Chief Joseph and Grand Coulee dams.

(16) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for motorized and nonmotorized boater education and outreach on Lake Union, with a specific goal of preventing boat and airplane conflicts on the lake during peak recreation season, given the provisions of United States coast guard navigation rules that seaplanes must in general keep well clear of other vessels. The office may grant funding to local or federal government agencies or nonprofit organizations. The office must publish a publicly available summary report by June 30, 2023, on funding recipients, uses of the funding, and the successes and failures of programs funded. Funding provided in this subsection may not be used to preclude or restrict public use of Lake Union, including recreational, commercial, or tribal use of the waters of the state.

~~((17) \$50,000,000 of the salmon recovery account—state appropriation is provided solely for the salmon recovery board to provide grants for projects valued at greater than \$5,000,000 each that will benefit salmon recovery.~~

~~(18) \$25,000,000 of the salmon recovery account—state appropriation is provided solely for the salmon recovery board to provide grants for watershed projects typically valued at less than \$5,000,000 each that will benefit salmon recovery.~~

~~(19) \$25,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to provide a grant for the Duckabush estuary restoration project.)~~

**Sec. 1305.** 2022 c 297 s 306 (uncodified) is amended to read as follows:

**FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE**

General Fund—State Appropriation (FY 2022)	\$2,735,000
General Fund—State Appropriation (FY 2023)	(( <del>\$2,981,000</del> ))
	<u>\$3,006,000</u>
Climate Investment Account—State Appropriation	\$311,000
<b>TOTAL APPROPRIATION</b>	<b><u>(\$5,716,000)</u></b> <b><u>\$6,052,000</u></b>

**Sec. 1306.** 2022 c 297 s 307 (uncodified) is amended to read as follows:

**FOR THE CONSERVATION COMMISSION**

General Fund—State Appropriation (FY 2022)	\$11,189,000
General Fund—State Appropriation (FY 2023)	\$19,405,000
General Fund—Federal Appropriation	\$2,482,000
General Fund—Private/Local Appropriation	\$100,000
Public Works Assistance Account—State Appropriation	\$8,464,000
Model Toxics Control Operating Account—State Appropriation	\$1,110,000
<del>((Salmon Recovery Account—State Appropriation</del>	<del>\$15,000,000))</del>
<b>TOTAL APPROPRIATION</b>	<b><u>(\$57,750,000)</u></b> <b><u>\$42,750,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 and \$100,000 of the general fund—private/local appropriation are provided solely for the sustainable

farms and fields program created in RCW 89.08.615 to provide technical assistance, education, and outreach to promote carbon storage and reduce greenhouse gas emissions. Grant funds may be used to promote cover crops, cost-share opportunities such as purchases of equipment, seeds, soil amendments, and development of conservation plans that increase carbon storage and reduce greenhouse gas emissions.

(2) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for conservation district technical assistance, project cultural resources review, project engineering, agency administration, and cost-share grants to landowners for recovery from wildfire damage, including, but not limited to, rebuilding fences, seeding unstable slopes, controlling weeds, and planting shrubs and trees for wildlife habitat.

(3) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to:

(a) Enter into an agreement with the department of ecology for a water bank in Okanogan county, which must focus solely on retaining agricultural water rights for use by other agricultural producers in the watershed of origin; and

(b) Report to the appropriate committees of the legislature by December 31, 2022, on the effectiveness of the Okanogan water bank at retaining agricultural water rights, and the potential for developing additional water banks in Washington using this model.

(4) \$8,464,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(5) \$170,000 of the general fund—state appropriation for fiscal year 2022 and \$170,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to continue to convene and facilitate a food policy forum.

(6) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to share evenly with conservation districts to increase assistance to landowners to achieve environmental stewardship and agricultural sustainability.

(7) \$23,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health).

(8) \$1,300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the commission to develop a riparian plant propagation program of native trees and shrubs to implement riparian restoration projects that meet riparian zone requirements established by the department of fish and wildlife. Plants will be made available for free or at a reduced cost to restoration projects.

(9) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 (~~and \$5,000,000 of the salmon recovery account state appropriation are~~) is provided solely for the purposes of the conservation reserve enhancement program, including additional project management and cost-share funding.

(10) (a) \$125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to provide a grant to the King county conservation district for a pilot program to reduce the impacts of artificial lighting on or near the water (on-water lighting) on the behavior of salmon and other aquatic life in Lake Sammamish. The grant funding may be used for:

(i) Supporting local efforts to develop a model ordinance to reduce on-water lighting impacts on salmon for new and existing construction;

(ii) Education and outreach on the impacts of on-water lighting;

(iii) Development of methods to reduce the impacts of on-water lighting; and

(iv) A contract with the United States geologic survey to conduct a baseline survey of artificial light levels, including light location and intensity along the Lake Sammamish nearshore, artificial light hotspots, and a survey report.

(b) The department must report to the appropriate committees of the legislature by June 30, 2023, on the use of the funding in this subsection and the resulting reductions in on-water lighting.

(11) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 2051 (agricultural disaster assist). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(12) \$60,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the commission to grant to the Washington resource conservation and development council to complete a community wildfire protection plan.

(13) \$2,700,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the commission to make available to local conservation districts for project engineering services to enable permit and design work for conservation projects.

~~((14) \$10,000,000 of the salmon recovery account state appropriation is provided solely for the commission to provide grants for riparian restoration projects with landowners.))~~

**Sec. 1307.** 2022 c 297 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund—State Appropriation (FY 2022) . . . . . \$99,986,000

General Fund—State Appropriation (FY 2023) . . . . .	(( <u>\$153,153,000</u> ))
	<u>\$153,712,000</u>
General Fund—Federal Appropriation. . . . .	(( <u>\$133,906,000</u> ))
	<u>\$133,920,000</u>
General Fund—Private/Local Appropriation. . . . .	(( <u>\$64,980,000</u> ))
	<u>\$64,982,000</u>
ORV and Nonhighway Vehicle Account—State Appropriation. . . . .	\$678,000
Aquatic Lands Enhancement Account—State Appropriation. . . . .	(( <u>\$12,663,000</u> ))
	<u>\$12,746,000</u>
Recreational Fisheries Enhancement Account—State Appropriation. . . . .	(( <u>\$3,363,000</u> ))
	<u>\$3,466,000</u>
Warm Water Game Fish Account—State Appropriation. . . . .	\$3,481,000
Eastern Washington Pheasant Enhancement Account— State Appropriation. . . . .	\$865,000
Limited Fish and Wildlife Account—State Appropriation. . . . .	(( <u>\$39,217,000</u> ))
	<u>\$39,229,000</u>
Special Wildlife Account—State Appropriation. . . . .	\$2,911,000
Special Wildlife Account—Federal Appropriation. . . . .	\$520,000
Special Wildlife Account—Private/Local Appropriation. . . . .	\$3,688,000
Wildlife Rehabilitation Account—State Appropriation. . . . .	\$661,000
Ballast Water and Biofouling Management Account— State Appropriation. . . . .	\$10,000
Regional Fisheries Enhancement Salmonid Recovery Account—Federal Appropriation. . . . .	\$5,001,000
Oil Spill Prevention Account—State Appropriation. . . . .	\$1,219,000
Aquatic Invasive Species Management Account—State Appropriation. . . . .	\$1,037,000
Model Toxics Control Operating Account—State Appropriation. . . . .	\$2,979,000
Fish, Wildlife, and Conservation Account—State Appropriation. . . . .	(( <u>\$77,589,000</u> ))
	<u>\$77,795,000</u>
Oyster Reserve Land Account—State Appropriation. . . . .	\$524,000
<del>((Salmon Recovery Account—State Appropriation. . . . .</del>	<del>\$3,000,000))</del>
<b>TOTAL APPROPRIATION. . . . .</b>	<b>((<u>\$611,431,000</u>))</b>
	<b><u>\$609,410,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$45,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics, equip).

(2) \$29,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (uses of force by officers).

(3) \$534,000 of the general fund—state appropriation for fiscal year 2022 and \$472,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects).

(4) \$1,777,000 of the general fund—state appropriation for fiscal year 2022 and \$1,777,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to grant to the northwest Indian fisheries commission for hatchery operations that are prioritized to increase prey abundance for southern resident orcas, including \$200,000 per fiscal year for tagging and marking costs, and the remainder to grant to tribes in the following amounts per fiscal year: \$150,000 for the Quinault Indian Nation, \$199,000 for the Tulalip Tribes, \$268,000 for the Quileute Tribe, \$186,000 for the Puyallup Tribe, \$122,000 for the Port Gamble S'Klallam Tribe, \$25,000 for the Muckleshoot Indian Tribe, \$207,000 for the Squaxin Island Tribe, \$142,000 for the Skokomish Indian Tribe, and \$278,000 for the Lummi Nation. It is the intent of the legislature to continue this funding in future biennia.

(5) \$330,000 of the general fund—state appropriation for fiscal year 2022 and \$330,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide to the Yakama Nation for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. It is the intent of the legislature to continue this funding in future biennia.

(6) \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to grant to public utility districts for additional hatchery production that is prioritized to increase prey abundance for southern resident orcas. It is the intent of the legislature to continue this funding in future biennia.

(7) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the department for hatchery maintenance.

(8) \$3,139,000 of the general fund—state appropriation for fiscal year 2022 and \$467,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(9) \$503,000 of the general fund—state appropriation for fiscal year 2022, \$503,000 of the general fund—state appropriation for fiscal year 2023, and \$440,000 of the general fund—federal appropriation are provided solely for county assessments.

(10) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(11) \$555,000 of the general fund—state appropriation for fiscal year 2022 and \$558,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operating budget impacts from capital budget projects funded in the 2019-2021 and 2021-2023 fiscal biennia.

(12) \$477,000 of the general fund—state appropriation for fiscal year 2022 and \$477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to develop conflict mitigation strategies for wolf recovery and staff resources in northeast Washington for response to wolf-livestock conflicts. The department must provide focus on minimizing wolf-livestock issues in the Kettle range. The department is discouraged from the use of firearms from helicopters for removing wolves.

(13) \$251,000 of the general fund—state appropriation for fiscal year 2022 and \$251,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for suppression, eradication, and monitoring of northern pike in the Columbia river. The department must work with the Spokane Tribe of Indians, the Confederated Tribes of the Colville Reservation, and the Kalispel Tribe of Indians on identifying appropriate actions to reduce threats to anadromous salmon from invasive northern pike.

(14) \$753,000 of the general fund—state appropriation for fiscal year 2022 and \$753,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expanded management of pinniped populations on the lower Columbia river and its tributaries with the goal of increasing chinook salmon abundance and prey availability for southern resident orcas.

(15) \$1,262,000 of the general fund—state appropriation for fiscal year 2022 and \$1,262,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the costs for the department to maintain shellfish sanitation activities necessary to implement its memorandum of understanding with the department of health to ensure the state is compliant with its federal obligations under the model ordinance of the national shellfish sanitation program.

(16) \$603,000 of the general fund—state appropriation for fiscal year 2022 and \$603,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to create a statewide permittee assistance program as part of hydraulic project approvals, in which department staff collaborate with landowners during construction to help resolve risks of permit noncompliance.

(17) \$470,000 of the general fund—state appropriation for fiscal year 2022 and \$470,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to expand efforts to survey the diets of seals and sea lions in Puget Sound and identify nonlethal management actions to deter them from preying on salmon and steelhead.

(18) \$518,000 of the general fund—state appropriation for fiscal year 2022 and \$519,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to continue to provide policy and scientific support to the department of ecology regarding surface and groundwater management issues as part of implementing chapter 90.94 RCW streamflow restoration.

(19) \$271,000 of the general fund—state appropriation for fiscal year 2022 and \$271,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 291, Laws of 2019 (southern resident orca whales-protection from vessels), contracts with nonprofit organizations to monitor vessel traffic and educate boaters to be whale wise, and participation in other orca recovery efforts.

(20) Within amounts appropriated in this section, the department, in coordination with statewide law enforcement agencies, must provide a report to the legislature by January, 2022 on the number of cougars reported to the department as harvested by local government law enforcement agencies, training opportunities provided to local law enforcement agencies, and how cougar removals by local enforcement agencies impact the department's cougar management strategies.

(21) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement priority actions in the state pinto abalone recovery plan. Of the amounts provided, \$85,000 each fiscal year must be used to locate, monitor, and safeguard wild populations of pinto abalone along the strait of Juan de Fuca, outer coast, and San Juan islands and the remaining amounts must be granted to the Puget Sound restoration fund to increase production, diversity, and resilience of out-planted abalone.



(22) \$315,000 of the general fund—state appropriation for fiscal year 2022 and \$315,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to research and monitor the impacts of polychlorinated biphenyls (PCB) on indicator species. The department must coordinate with the department of ecology on implementation of this subsection.

(23) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct an evaluation of the forest practices adaptive management program. The evaluation will be carried out generally consistent with the proposal provided to the timber, fish, and wildlife (TFW) policy committee in January 2020 titled *Assessing Changes in Uncertainty During Adaptive Management: A Case Study of the Washington State Forest Practices Habitat Conservation Plan*. To the extent practicable, the evaluation shall satisfy the cooperative monitoring, evaluation, and research five-year peer review process as required in WAC 222-12-045(2)(f), and support other ongoing forest practices adaptive management program evaluation and improvement efforts. The department shall consult with TFW policy caucus participants during the evaluation and provide for public review and comment of the draft report. A progress report shall be delivered to TFW policy participants and appropriate committees of the legislature by December 31, 2022, and a final report by June 30, 2023.

(24) \$1,175,000 of the general fund—state appropriation for fiscal year 2022 and \$1,175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to restore shrubsteppe habitat and associated wildlife impacted by wildfires.

(a) This funding is intended for the restoration of habitat on public lands as well as private lands by landowners who are willing to participate. The restoration effort must be coordinated with other natural resource agencies and interested stakeholders.

(b) Restoration actions may include: (i) Increasing the availability of native plant materials; (ii) increasing the number of certified and trained personnel for implementation at scale; (iii) support for wildlife-friendly fencing replacement; (iv) support for private landowners/ranchers to defer wildland grazing and allow natural habitat regeneration; and (v) species-specific recovery actions.

(c) The department must submit a progress report to the appropriate committees of the legislature on the investments made under this subsection by December 1, 2022, with a final report submitted by September 1, 2023.

(d) Within the amounts provided in this subsection, \$250,000 must be used by the department to form a collaborative group process representing diverse stakeholders and facilitated by a neutral third-party to develop a long-term strategy for shrubsteppe conservation and fire preparedness, response, and restoration to meet the needs of the state's shrubsteppe wildlife and human communities. The collaborative may serve as providing expertise and advice to the wildland fire advisory committee administered by the department of natural resources and build from the wildland fire 10-year strategic plan. Components to be addressed by the collaborative include the restoration actions described in (b) of this subsection and on spatial priorities for shrubsteppe conservation, filling gaps in fire coverage, management tools to reduce fire-prone conditions on public and private lands, and identifying and making recommendations on any other threats. Any reports and findings resulting from the collaborative may be included in the report specified in (c) of this subsection.

(25) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with the Washington state academy of sciences to provide policymakers with a report on current evidence on pinniped predation of salmon, with an emphasis on Washington's portion of the Salish sea and Washington's outer coast. The academy must provide an independent study that reviews the existing science regarding pinniped predation of salmonids, including what is known about pinniped predation of salmonids, and with what level of certainty; where the knowledge gaps are; where additional research is needed; how the science may inform decisionmakers; and assessment of the scientific and technical aspects of potential management actions. Early in this process, the academy must convene separate meetings with comanagers and scientists to share relevant research and data and provide context for the academy's work.

(26) \$198,000 of the general fund—state appropriation for fiscal year 2022 and \$70,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health).

(27) \$21,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Substitute Senate Bill No. 5273 (shoreline armoring).

(28) \$44,000 of the general fund—state appropriation for fiscal year 2022 and \$24,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute Senate Bill No. 5381 (fish passage project permits).

(29) \$132,000 of the general fund—state appropriation for fiscal year 2022 and \$48,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5452 (electric-assisted bicycles).

(30) \$600,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to conduct a pilot project to test New Zealand style elk fencing, similar to the style used by the United States Department of Agriculture at the Starkey Experimental Forest and Range, including materials and construction techniques, and determine the cost and effectiveness of the fence design in reducing damage to school property and

agricultural lands within the range of the north Cascades elk herd. The department of fish and wildlife shall work with at least one agricultural property owner in Skagit county with property abutting state highway 20 and one school district located in Skagit county with enrollment of less than 650 students that volunteer to build and test the elk fence design and, in compliance with RCW 43.01.036, report back to the natural resources committees of the legislature by November 1, 2022, on the results of the pilot project.

(31) \$155,000 of the general fund—state appropriation for fiscal year 2022 and \$310,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement strategies to control against chronic wasting disease in native species of the state.

(32) \$841,000 of the fish, wildlife and conservation account—state appropriation, \$430,000 of the general fund—state appropriation for fiscal year 2022, and \$411,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to work with stakeholders to improve steelhead spawning estimates for improved fishing regulations such that enhanced conservation and equitable fisheries are established.

(33) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to assist local jurisdictions in responding to cougar related public safety issues. The funding is available to a local jurisdiction if they have a signed agreement with the department that recognizes cougar management authority is vested in the department and provides criteria to determine if a cougar creates an actionable public safety risk eligible for financial assistance. For the purposes of this subsection, a cougar presence on private property alone does not create an actionable public safety risk.

(34) \$90,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to complete the final phase of the Cowlitz river salmon and steelhead hook mortality study. No less than \$60,000 of the amount provided in this subsection is provided for the original contractor of the study to complete their work. A final report shall be provided to the appropriate committees of the legislature by December 31, 2022.

(35) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an external facilitator to seek solutions through a collaborative process using the department's wolf advisory group.

(36) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to develop a plan to protect native and hatchery produced steelhead for each river system of Grays harbor, Willapa bay, and coastal Olympic peninsula. The plan must adequately protect those fisheries for healthy runs year-after-year as well as provide reasonable fishing opportunities. The plan must include active stakeholder input and include an outreach strategy sufficient to keep conservation and angler interests well informed of proposed changes in advance of annual fishing seasons. The plan must be reported to the appropriate committees of the legislature by December 1, 2022.

(37) \$600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to implement executive order 21-02, archaeological and cultural resources.

(38) \$313,000 of the general fund—state appropriation for fiscal year 2022 and \$408,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to perform forage fish spawning surveys in Puget Sound.

(39) \$294,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to complete rule making related to chapter 77.57 RCW, fishways, flow, and screening.

(40) \$402,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide technical assistance and permitting guidance on solar facility proposals with the intent of limiting impacts to threatened and endangered species and critical and sensitive habitat areas, including shrubsteppe.

(41) \$1,297,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to increase technical assistance to local jurisdictions to better integrate salmon recovery plans into growth management comprehensive plans and critical areas ordinances.

~~((43))~~ (42) \$3,802,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to monitor recreational salmon and steelhead harvest in freshwater streams and rivers in Puget Sound and along the Washington coast.

~~((44))~~ (43) \$2,116,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to monitor salmon harvest from the ocean and Puget Sound.

~~((45))~~ (44) \$994,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to monitor salmon harvest from commercial fisheries.

~~((46))~~ (45) \$226,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a marine fisheries compliance liaison to collaborate with other law enforcement partners on commercial and recreational fisheries issues.

~~((47))~~ (46) \$1,283,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for additional law enforcement officers for marine and freshwater fisheries compliance.

~~((48))~~ (47) \$372,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to develop and implement a mobile-based electronic catch record card system for statewide marine and freshwater fisheries.

~~((49))~~ (48) \$852,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide additional capacity to the attorney general's office to prosecute environmental crimes. The department must provide an annual report by December 1st of each year, to the appropriate committees of the legislature, on the progress made in prosecuting environmental crimes.

~~((50))~~ (49) \$4,283,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to develop a monitoring and evaluation program for salmon and steelhead hatcheries in western Washington with the goal to improve survival of hatchery fish to adult returns and adaptively manage hatchery programs to better achieve management goals, including rebuilding natural populations for conservation purposes and increasing fishing opportunities.

~~((51))~~ (50) \$2,392,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to conduct fish in/fish out monitoring for the purposes of measuring freshwater systems salmon productivity for purposes of salmon recovery.

~~((52))~~ (51) \$1,040,000 of the general fund—state appropriation for fiscal year 2023 and \$295,000 of the limited fish and wildlife account are provided solely to monitor recreational shellfish harvest in Puget Sound.

~~((53))~~ (52) \$710,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to monitor recreational Dungeness crab harvest along the Washington coast.

~~((54))~~ (53) \$360,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to complete a statewide prioritization of fish passage barriers in collaboration with regional salmon recovery organizations.

~~((55))~~ (54) \$494,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to participate in hydropower licensing efforts for the purposes of mitigating impacts to salmon and other fish and wildlife species as a result of new or renewing federal and nonfederal hydropower facilities.

~~((56))~~ (55) \$90,000 of the general fund—state appropriation for fiscal year 2022 and \$166,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to complete the following activities:

(a) By December 1, 2022, and consistent with RCW, the department must submit a report to the legislature that assesses how to incorporate a net ecological gain standard into state land use, development, and environmental laws and rules to achieve a goal of better statewide performance on endangered species recovery and ecological health. The report must address each environmental, development, or land use law or rule where the existing standard is less protective of ecological integrity than the standard of net ecological gain, including the shoreline management act (chapter 90.58 RCW), the growth management act (chapter 36.70A RCW), construction projects in state waters (chapter 77.55 RCW), and the model toxics control act.

(b) In developing the report under this section, the department must consult with the appropriate local governments, state agencies, federally recognized Indian tribes, and stakeholders with subject matter expertise on environmental, land use, and development laws including but not limited to cities, counties, ports, the department of ecology, and the department of commerce.

(c) The report must include:

(i) Development of a definition, objectives, and goals for the standard of net ecological gain;

(ii) An assessment and comparison analysis of opportunities and challenges, including legal issues and costs on state and local governments to achievement of overall net ecological gain through both:

(A) Implementation of a standard of net ecological gain under different environmental, development, and land use laws; and

(B) An enhanced approach to implementing and monitoring no net loss in existing environmental, development, and land use laws;

(iii) Recommendations on funding, incentives, technical assistance, legal issues, monitoring, and use of scientific data, and other applicable considerations to the integration of needs to assess progress made toward achieving net ecological gain into each environmental, development, and land use law or rule; and

(iv) An assessment of how applying a standard of net ecological gain in the context of each environmental, land use, or development law is likely to achieve substantial additional environmental or social cobenefits.

~~((57))~~ (56) \$70,000 of the general fund—state appropriation for fiscal year 2022 and \$997,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to assess the status of current riparian ecosystems, beginning with areas where sufficient information exists to conduct the assessment. The assessment must include identifying any gaps in vegetated cover relative to a science-based standard for a fully functioning riparian ecosystem and comparing the status and gaps to water temperature impairments, known fish passage barriers, and status of salmonid stocks.

~~((58))~~ (57) \$70,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for removal efforts for invasive bullfrogs and habitat preservation for species threatened by the bullfrogs, including the western pond turtle, Oregon spotted frog, and northern leopard frog.

~~((59))~~ (58) \$95,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for research on shell disease in western pond turtles.

~~((60))~~ (59) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to address the maintenance backlog associated with providing recreation on lands managed by the department. Allowable uses include, but are not limited to, maintenance, repair, or replacement of trails, toilet facilities, roads, parking lots, campgrounds, picnic sites, water access areas, signs, kiosks, and gates. The department is encouraged to partner with nonprofit organizations in the maintenance of public lands.

~~((61))~~ (60) \$60,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute House Bill No. 1753 (climate funding/tribes). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((62))~~ (61) \$39,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1735 (peace officers/use of force). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((63))~~ (62) \$16,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (veterans & military suicide). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((65))~~ (63) \$14,400,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to reduce the number of nontribal commercial gillnet fishing licenses on the Columbia river through a voluntary buy-back program.

(a) Until November 30, 2022, the department may pay up to \$25,000 each for licenses that have been inactive since 2019 and up to \$120,000 each for licenses that have been active since 2019. After November 30, 2022, the department may pay up to \$20,000 each for licenses that have been inactive since 2019 and up to \$96,000 each for licenses that have been active since 2019. It is the intent of the legislature that this will be the last appropriation made to buy back licenses for the Columbia river gillnet fishery.

(b) For all licenses purchased, the department shall calculate the reduced impacts to wild and endangered stocks based on the most recent five-year average of harvest and reserve those impacts for conservation through increased wild salmonid escapement or mark-selective fisheries capable of harvesting surplus hatchery-reared salmon where needed to meet federal genetic protection requirements for wild salmon populations in a manner consistent with state-tribal fishery management agreements.

(c) The department must make recommendations to the legislature for any necessary changes in statute, regulations, or program funding levels to transition lower Columbia river mainstem gillnet fisheries to alternative, selective fishing gears, including pound nets or other gears capable of benefitting wild salmon conservation through mark-selective harvest practices. The recommendation must be submitted to the appropriate committees of the legislature by December 1, 2022.

~~((66))~~ (64) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department, in consultation with the department of ecology, the department of natural resources, the Colville confederated tribes, the Okanogan PUD, and other interested entities to analyze the steps required, including coordination and ownership, associated with the possible removal of Enloe dam and analyze options for sediment removal in order to restore the Similkameen river, minimize impacts downriver, and allow access to over 300 miles of habitat for federally-threatened steelhead and other native salmonids. Any contract required to fulfill this analysis is exempt from the competitive procurement requirements in chapter 39.26 RCW. A report of the department's findings, analysis, and recommendations for funding or further considerations for the Enloe dam removal must be made to the appropriate committees of the legislature by December 1, 2022.

~~((67))~~ (65) \$2,472,000 of the general fund—state appropriation in fiscal year 2022 and \$6,096,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for the department to implement eradication and control measures on European green crabs through coordination and grants with partner organizations. The department must provide quarterly progress reports on the success and challenges of the measures to the appropriate committees of the legislature by December 1, 2022.

~~((68))~~ (66) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to increase the support of regional fish enhancement groups.

~~((69))~~ (67) \$75,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to install elk fencing in the Skagit river valley to help mitigate crop damage.

~~((70))~~ ~~\$3,000,000 of the salmon recovery account—state appropriation for fiscal year 2023 is provided solely for the department to provide grants and coordinate with the tribes of the upper Columbia river to reintroduce Chinook salmon.~~

~~((71))~~ (68) The legislature intends to fund the monitoring items contained in subsections ~~((43) through (45) and (50) through (53))~~ (42) through (44) and (49) through (52) of this section through fiscal year 2025. A brief status report of the data collected and findings from each monitoring item funded in this section is due to the appropriate committees of the legislature by December 1st of each fiscal year through 2025.

~~((73))~~ ~~\$3,510,000~~ (69) \$2,410,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants for the following activities:

- (a) ~~(((\$900,000 for the Lummi Nation to make infrastructure updates at the Skookum hatchery;~~
- ~~(b))~~ \$250,000 for the Confederated Tribes of the Colville Reservation to upgrade heating, ventilation, and air conditioning systems at the Colville trout hatchery, and to acquire a hatchery fish transport truck with aquaculture adaptations;
- ~~((+e))~~ ~~(b)~~ \$230,000 for the Yakama Nation to incorporate rearing vessels at the Cle Elum facility and to build circular covers at the lower Yakima facility;
- ~~((+d))~~ ~~(c)~~ \$1,180,000 to the Puyallup Tribe to build an augmentation well at Voights creek hatchery, upgrade the water supply system and alarms at the Clarks creek hatchery, and convert rearing ponds into eight raceways at Diru creek chum hatchery;
- ~~((+e))~~ ~~(d)~~ \$600,000 to the Suquamish Tribe to install an abatement pond at Grovers creek hatchery and replace raceways at Gorst coho raceways; and
- ~~((+f))~~ ~~(e)~~ \$350,000 to the Jamestown S'Klallam Tribe to upgrade water supply systems at Point Whitney and expand shellfish seed production capacity at the shellfish hatchery in Kona.

**Sec. 1308.** 2022 c 297 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund—State Appropriation (FY 2022)	\$215,075,000
General Fund—State Appropriation (FY 2023)	<del>(\$118,842,000)</del>
	<u>\$214,627,000</u>
General Fund—Federal Appropriation	<del>(\$52,453,000)</del>
	<u>\$102,752,000</u>
General Fund—Private/Local Appropriation	<del>(\$3,188,000)</del>
	<u>\$6,034,000</u>
Forest Development Account—State Appropriation	<del>(\$55,326,000)</del>
	<u>\$55,590,000</u>
ORV and Nonhighway Vehicle Account—State Appropriation	\$7,366,000
Surveys and Maps Account—State Appropriation	\$2,232,000
Aquatic Lands Enhancement Account—State Appropriation	\$9,132,000
Resource Management Cost Account—State Appropriation	<del>(\$113,787,000)</del>
	<u>\$114,323,000</u>
Surface Mining Reclamation Account—State Appropriation	\$4,291,000
Disaster Response Account—State Appropriation	\$23,181,000
Forest and Fish Support Account—State Appropriation	\$11,492,000
Aquatic Land Dredged Material Disposal Site Account— State Appropriation	\$405,000
Natural Resources Conservation Areas Stewardship Account—State Appropriation	\$286,000
Forest Fire Protection Assessment Nonappropriated Account—State Appropriation	\$191,000
State Forest Nursery Revolving Nonappropriated Account—State Appropriation	\$75,000
Access Road Revolving Nonappropriated Account—State Appropriation	\$233,000
Forest Practices Application Account—State Appropriation	\$2,080,000
Air Pollution Control Account—State Appropriation	\$907,000
Forest Health Revolving Nonappropriated Account— State Appropriation	\$240,000
Model Toxics Control Operating Account—State Appropriation	\$14,515,000
Wildfire Response, Forest Restoration, and Community Resilience Account—State Appropriation	\$87,107,000
NOVA Program Account—State Appropriation	\$807,000
Derelict Vessel Removal Account—State Appropriation	\$6,317,000
Community Forest Trust Account—State Appropriation	\$52,000
Agricultural College Trust Management Account—State Appropriation	\$4,039,000
Natural Resources Federal Lands Revolving Nonappropriated Account—State Appropriation	\$16,000
Salmon Recovery Account—State Appropriation	<del>(\$7,000,000)</del>
	<u>\$2,000,000</u>
<b>TOTAL APPROPRIATION</b>	<del>(\$740,635,000)</del>
	<u>\$885,365,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,857,000 of the general fund—state appropriation for fiscal year 2022 and \$1,857,000 of the general fund—state appropriation for fiscal year 2023 are provided solely

for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board.

(2) \$43,316,000 of the general fund—state appropriation for fiscal year 2022 and \$87,107,000 of the wildfire response, forest restoration, and community resilience account—state appropriation are provided solely for the implementation of Second Substitute House Bill No. 1168 (long-term forest health).

(3) \$873,000 of the general fund—state appropriation for fiscal year 2022 and \$1,816,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1216 (urban and community forestry).

(4) \$176,000 of the forest development account—state appropriation, \$164,000 of the aquatic lands enhancement account—state appropriation, \$377,000 of the resource management cost account—state appropriation, and \$22,000 of the agricultural college trust management account—state appropriation are provided solely for the implementation of Substitute House Bill No. 1355 (noxious weeds).

(5) \$12,000 of the aquatic lands enhancement account—state appropriation and \$10,000 of the resource management cost account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects).

(6) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the small forest landowner office, in order to restore staffing capacity reduced during the great recession and to support small forest landowners, including assistance related to forest and fish act regulations.

(7) \$1,583,000 of the general fund—state appropriation for fiscal year 2022 and \$1,515,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(8) \$112,582,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$20,668,000)~~) \$116,453,000 of the general fund—state appropriation for fiscal year 2023, and \$16,050,000 of the disaster response account—state appropriation are provided solely for emergency response, including fire suppression. The department shall provide a monthly report to the office of financial management and the appropriate fiscal and policy committees of the legislature with an update of fire suppression costs incurred and the number and type of wildfires suppressed.

(9) \$2,823,000 of the general fund—state appropriation for fiscal year 2023 and \$66,000 of the disaster response account—state appropriation are provided solely for indirect and administrative expenses related to fire suppression. It is the intent of the legislature that the amount of state general fund and disaster response account appropriations to support administrative expenses for fire suppression will be phased in through fiscal year 2025.

(10) \$5,500,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. Of the amount provided in this subsection, \$500,000 is contingent upon receipts under RCW 82.04.261 exceeding eight million dollars per biennium. If receipts under RCW 82.04.261 are more than eight million dollars but less than eight million five hundred thousand dollars for the biennium, an amount equivalent to the difference between actual receipts and eight million five hundred thousand dollars shall lapse.

(11) Consistent with the recommendations of the *Wildfire Suppression Funding and Costs (18-02)* report of the joint legislative audit and review committee, the department shall submit a report to the governor and legislature by December 1, 2021, and December 1, 2022, describing the previous fire season. At a minimum, the report shall provide information for each wildfire in the state, including its location, impact by type of land ownership, the extent it involved timber or range lands, cause, size, costs, and cost-share with federal agencies and nonstate partners. The report must also be posted on the agency's website.

(12) \$4,206,000 of the aquatic land enhancement account—state appropriation is provided solely for the removal of creosote pilings and debris from the marine environment and to continue monitoring zooplankton and eelgrass beds on state-owned aquatic lands managed by the department. Actions will address recommendations to recover the southern resident orca population and to monitor ocean acidification as well as help implement the Puget Sound action agenda.

(13) \$448,000 of the general fund—state appropriation for fiscal year 2022 and \$448,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate with the Olympic natural resources center to study emerging ecosystem threats such as Swiss needlecast disease, conduct field trials for long-term ecosystem productivity and T3 watershed experiments, and engage stakeholders through learning-based collaboration. The department may retain up to \$30,000 in one fiscal year to conduct Swiss needlecast surveys.

(14) \$185,000 of the general fund—state appropriation for fiscal year 2022 and \$185,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for

compensation to the trust beneficiaries and department for lost revenue from leases to amateur radio operators who use space on the department managed radio towers for their equipment. The department is authorized to lease sites at the rate of up to one hundred dollars per year, per site, per lessee. The legislature makes this appropriation to fulfill the remaining costs of the leases at market rate per RCW 79.13.510.

(15) The appropriations in this section include sufficient funding for the department to review its burn permit fee schedule, and to develop options and recommendations on changes to the fee schedule to meet the requirement in RCW 70A.15.5020. The agency must report on options and recommendations to the office of financial management and the appropriate committees of the legislature by September 1, 2021.

(16) \$569,000 of the model toxics control operating account—state appropriation is provided solely to implement recommendations in the aerial herbicides in forestlands report submitted to the legislature in December 2019 from the aerial herbicide application working group. Specific work will include researching alternatives to chemicals for control of unwanted competing vegetation, compliance monitoring of aerial herbicides application, and updating the pesticide board manual.

(17) \$925,000 of the general fund—state appropriation for fiscal year 2022 and \$779,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to undertake geologic research to understand the geology and hydrology of the Columbia basin with regard to geothermal and groundwater resources. Funding must also be used for outreach and education to industries and regional communities to increase awareness of underground resources, how to access and use them, and the regulatory processes for doing so.

(18) \$77,000 of the general fund—state appropriation for fiscal year 2022, \$90,000 of the general fund—state appropriation for fiscal year 2023, \$82,000 of the forest development account—state appropriation, \$10,000 of the ORV and nonhighway vehicle account—state appropriation, \$19,000 of the aquatic lands enhancement account—state appropriation, \$189,000 of the resource management cost account—state appropriation, \$7,000 of the surface mining reclamation account—state appropriation, \$9,000 of the forest and fish support account—state appropriation, \$43,000 of the forest fire protection assessment nonappropriated account—state appropriation, \$13,000 of the state forest nursery revolving nonappropriated account—state appropriation, \$45,000 of the access road revolving nonappropriated account—state appropriation, \$26,000 of the forest health revolving nonappropriated account—state appropriation, and \$9,000 of the model toxics control operating account—state appropriation are provided solely for the department to move its data center currently located in the natural resources building to the state data center located in the Jefferson building as required by office of the chief information officer policy 184 and RCW 43.105.375. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(19) \$466,000 of the general fund—state appropriation for fiscal year 2022, \$189,000 of the general fund—state appropriation for fiscal year 2023, \$404,000 of the forest development account—state appropriation, \$254,000 of the aquatic lands enhancement account—state appropriation, \$836,000 of the resource management cost account—state appropriation, \$27,000 of the surface mining reclamation account—state appropriation, \$148,000 of the forest fire protection assessment nonappropriated account—state appropriation, \$62,000 of the state forest nursery revolving nonappropriated account—state appropriation, \$188,000 of the access road revolving nonappropriated account—state appropriation, \$214,000 of the forest health revolving nonappropriated account—state appropriation, and \$16,000 of the natural resources federal lands revolving nonappropriated account—state appropriation are provided solely for the department to replace the NaturE revenue and leasing administration system and integrate with the new One Washington financial system. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(20)(a) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to maintain existing administrative facility infrastructure operated by the six regions of the department.

(b) The department's allocation of this appropriation and existing expenditure authority in certain other funds will be spread equitably across agency funds based on a model of positions by program or activity that utilize existing facility spaces within the agency's operating regions. The remaining costs at each site will remain the burden of existing management fund distribution. Department allocation of funds in this appropriation will be trackable by region and by project code.

(c) This appropriation is provided solely for the maintenance of existing administrative infrastructure, inclusive of ordinary maintenance, preventive maintenance, and maintenance services and inspections, minor repairs, system component replacement, and the delivery of utility and facility services.

(d) The department must provide a comparison of quarterly agency allotments and expenditures relating to this subsection, including a summary of the maintenance work for all regional facilities subject to this section to the office of financial management beginning in October 2021.

(21) \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement a pilot project to evaluate the costs and benefits of marketing and selling specialty forest products including cedar salvage, alder, and other hardwood

products. The pilot project must include: Identifying suitable areas for hardwood or cedar sales within the administrative areas of the Olympic and Pacific Cascade regions, preparing and conducting sales, and evaluating the costs and benefits from conducting the sales.

(a) The pilot project must include an evaluation that:

(i) Determines if revenues from the sales are sufficient to cover the costs of preparing and conducting the sales;

(ii) Identifies and evaluates factors impacting the sales, including regulatory constraints, staffing levels, or other limitations;

(iii) Compares the specialty sales to other timber sales that combine the sale of cedar and hardwoods with other species;

(iv) Evaluates the bidder pool for the pilot sales and other factors that impact the costs and revenues received from the sales; and

(v) Evaluates the current and future prices and market trends for cedar salvage and hardwood species.

(b) The department must work with affected stakeholders and report to the appropriate committees of the legislature with the results of the pilot project and make recommendation for any changes to statute by June 30, 2023.

(22) \$112,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Senate Bill No. 5158 (utility wildland fire cmte.).

(23) \$407,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to complete development of a programmatic safe harbor agreement, and the associated environmental analysis and draft enrollment language for inclusion in the forest practices rules. Within the amount provided in this subsection, the department must provide \$182,000 to the department of fish and wildlife to assist in the development of the programmatic safe harbor agreement. The department must provide a report to the appropriate committees of the legislature by December 15, 2021, on the status of the rule making and the resources needed to implement the rule effective October 1, 2022.

(24) Within amounts appropriated in this section, the department on behalf of the forest practices board must provide an update to the natural resource policy committees of the legislature on the progress of its projects, including progress made to address recommendations from the 2021 state auditor's report on the adaptive management program, by December 1, 2021, and December 1, 2022.

(25) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to grant to local law enforcement agencies to assist in enforcing vessel registration laws. Funding is also provided for a pilot recycling project with a nonprofit maritime education center that has the capacity to coordinate with a local port and local businesses that can accommodate vessel waste material.

(26) Within amounts appropriated in this section, the department, acting in its capacity as the agency responsible for implementing Washington state's section 10 permit under the endangered species act for aquatic species, and for ensuring maintenance of clean water act assurances granted by the department of ecology, must report to the legislature by no later than June 30, 2022, on the status of forest practices board activities related to: (a) Permanent water typing rulemaking and associated board manual development and (b) rulemaking and associated board manual development regarding the protection of type N streams.

(27) Within amounts appropriated in this section, the department, in collaboration with motorized and nonmotorized outdoor recreation stakeholders, must submit to the appropriate committees of the legislature recommendations for the use of NOVA account appropriations, by September 30, 2022.

(28) \$2,336,000 of the general fund—state appropriation for fiscal year 2022 and \$1,591,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations).

(29) \$36,000 of the general fund—state appropriation for fiscal year 2022 and \$36,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health).

(30) \$180,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5452 (electric-assisted bicycles).

(31) \$1,765,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to:

(a) Replace the statewide forest practices permit database system. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act; and

(b) Provide a recommendation for ways that the forest products industry could help cover the cost of the new forest practice online system. The recommendation must include proposed changes to the fees that are paid for forest practice applications and notifications, as well as a description and table that illustrates the operating costs of the program and how those costs are covered by fund source including fee revenue. The recommendation must be reported to the fiscal committees of the legislature by December 1, 2021, and may be included as a decision package to the office of financial management for consideration in the governor's proposed 2022 supplemental operating budget.

(32) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the



department to implement a pilot project to evaluate the costs and benefits of entering into such stewardship agreements with individual neighboring landowners who would take on the responsibility for protecting small segments of shared boundary with department managed lands. The pilot project must include identifying the legal limits and bounds of such stewardship agreements, identifying suitable areas, preparing and entering into shared stewardship agreements, and evaluating the costs and benefits of these agreements.

(a) The pilot project evaluation must include:

(i) A determination of an appropriate mechanism for the sale of valuable materials from state trust lands harvested under a stewardship agreement;

(ii) Identification of regulatory constraints, staffing levels necessary to administer a statewide program, and other limitations; and

(iii) Identification of legal risk and insurance and indemnification requirements that may be necessary on the part of private individuals entering into these agreements.

(b) The pilot project must include agreements on at least the Teanaway or Klickitat Community Forests and on state trust lands in the vicinity of the town of Darrington, Washington. The department of natural resources must work with affected stakeholders and report to the appropriate committees of the legislature with the results of the pilot project and any recommendations for changes and statewide implementation by July 1, 2023.

(33) \$134,000 of the general fund—state appropriation for fiscal year 2022 and \$134,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to grant non-tribal outcome-based performance participation grants for implementation of the forest practices adaptive management program. Of the amounts provided in this subsection, \$54,000 per fiscal year is provided for grants to the Washington farm forestry association and \$80,000 per fiscal year is provided for grants to the Washington state association of counties.

(34) \$488,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of chapter 316, Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5126) (climate commitment act).

(35) \$3,481,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to collect and refresh statewide lidar data.

(36) Within amounts appropriated in this section, the department must improve performance of the forest practices adaptive management program by implementing recommendations made by the state auditor's office in its January 2021 performance audit of the program.

(37) \$450,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct a targeted analysis of the current and projected impact from drought and opportunities for drought resilience on department owned and managed uplands and agricultural lands.

(38) \$225,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to hire a watershed steward to expedite salmon recovery actions and projects, including education, with a primary focus on agency owned and managed uplands and aquatic lands.

(39)(a) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a pilot project to improve salmon habitat across the department's aquatic, commercial, industrial, and agricultural lands. Of the amount provided in this subsection:

(i) \$2,000,000 is provided solely to improve nearshore habitat by accelerating restoration of state-owned aquatic lands; and

(ii) \$3,000,000 is provided solely to improve riparian function, including riparian planting and riparian set-asides on state-owned lands.

(b) The department must consult with federally recognized tribes and partner with relevant state agencies and local governments in implementing this pilot.

(c) The department must provide a report on the cost, monitoring, and effectiveness of investments in salmon habitat improvements to the office of financial management and the appropriate committees of the legislature by June 30, 2023.

(40) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to address the maintenance backlog associated with providing recreation on lands managed by the department. Allowable uses include, but are not limited to, maintenance, repair, or replacement of trails, toilet facilities, roads, campgrounds, picnic sites, water access areas, signs, kiosks, and gates. The department is encouraged to partner with nonprofit organizations in the maintenance of public lands.

(41) \$4,284,000 of the derelict vessel removal account—state appropriation is provided solely for implementation of House Bill No. 1700 (derelict vessel removal). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(42) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the purpose of establishing demonstration areas for wildfire ready neighbors, a wildland fire resiliency outreach, assessment, and education program, in portions of Pierce, Mason, and Thurston counties. Wildfire ready neighbor demonstration areas must be located where there is a demonstrated high risk of wildland fire, a mix of suburban and small private forestland ownership, and significant areas of wildland urban interface. Further, demonstration areas must be selected by employing principles of environmental justice and equity, with an effort to select areas for inclusion that have a significant proportion of vulnerable populations and "highly impacted communities" as defined by RCW 19.405.020.

(43) The department, in coordination with the office of the superintendent of public instruction, must provide recommendations on the development of an outdoor school at the site

of the Naselle youth camp. The department must consider, at a minimum, the suitability of the current facilities, operating and capital budget needs and estimated costs, any potential transfers of land ownership or management, partnership opportunities, and other potential procedural or operational challenges and proposed solutions. The department must submit a proposal to the appropriate committees of the legislature by December 31, 2022.

~~(44) ((\$5,000,000 of the salmon recovery account state appropriation is provided solely for the department to purchase easements under the forestry riparian easement program, pursuant to RCW 76.13.120.~~

~~(45))~~ \$1,149,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the implementation of Second Substitute Senate Bill No. 5619 (kelp & eelgrass conservation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((46))~~ (45) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to continue convening the work group pertaining to making improvements to the trust land transfer program. Of the amount provided in this subsection, up to \$75,000 may be used for completing a trust land transfer project in Jefferson county.

~~((47))~~ (46) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide a grant to a nonprofit organization that will offer environmental education and career development skills training in nature for youth and young adults from south King county.

~~((48))~~ (47) (a) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to purchase state forestland, as described in RCW 79.22.010, to begin a program to benefit counties who have lost revenue from existing state forestlands encumbered by wildlife species listed as endangered or threatened by the federal endangered species act. The department must transfer the appropriated amount into the natural resources real property replacement account in accordance with RCW 79.17.210 to purchase state forestlands.

(b) Of the amounts provided in this subsection:

(i) \$5,000,000 must be used to purchase state forestland for the benefit of Clallam county and Jefferson county; and

(ii) \$5,000,000 must be used to purchase state forestland for the benefit of Pacific county, Skamania county, and Wahkiakum county.

(c) The purchased forestlands shall be owned and managed by the department as state forest transfer lands and shall be placed in trust for the benefit of the counties. The purchase of these state forestlands is not limited to lands within the geographic bounds of the counties listed in this subsection.

(d) The purchase of state forestlands must be made in concurrence with the Washington state association of counties before a transaction is finalized.

(e) The department shall work with the Washington state association of counties to determine if any statutory changes are necessary to address issues regarding beneficiary revenue distribution or any other fiscal matters related to state forestlands. The department and the Washington state association of counties shall report to the legislature on any needed statutory changes by December 31, 2022.

~~((49))~~ (48) \$2,000,000 of the salmon recovery account—state appropriation is provided solely for an increase in the Puget Sound corp program to employ work crews statewide to carry out aquatic recreation, natural areas, resource protection, and urban forestry projects.

~~((50))~~ (49) \$167,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to advance research and cooperation with governmental agencies of Finland and Finnish organizations to implement sustainable forestry practices. The department must report to the appropriate committees of the legislature, by June 30, 2023, on how the funding was used, what kinds of research and cooperation were accomplished, and make recommendations for further opportunities for collaboration.

**Sec. 1309.** 2022 c 297 s 311 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

General Fund—State Appropriation (FY 2022)	\$28,418,000
General Fund—State Appropriation (FY 2023)	<del>((43,910,000))</del>
	<u>\$47,213,000</u>
General Fund—Federal Appropriation	<del>((40,631,000))</del>
	<u>\$46,021,000</u>
General Fund—Private/Local Appropriation	\$193,000
Aquatic Lands Enhancement Account—State Appropriation	\$2,743,000
Water Quality Permit Account—State Appropriation	\$73,000
Model Toxics Control Operating Account—State Appropriation	<del>((9,545,000))</del>
	<u>\$9,745,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2022)	\$628,000
Dedicated Marijuana Account—State Appropriation (FY 2023)	\$635,000
Northeast Washington Wolf-Livestock Management Nonappropriated Account—State Appropriation	\$1,042,000

## Coronavirus State Fiscal Recovery Fund—Federal

Appropriation. . . . .	\$148,045,000
<b>TOTAL APPROPRIATION.....</b>	<b>(\$275,863,000)</b>
	<u>\$284,756,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$103,045,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to develop a state alternative to the United States department of agriculture farmers to families food box program and provide resources for hunger relief organizations, including organizations that serve BIPOC and other socially disadvantaged communities.

(2) \$5,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the farm-to-school program under RCW 15.64.060.

(3) \$8,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for local food system infrastructure and market access grants, prioritized for women, minority, and small business owners.

(4) \$9,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a grant program to improve food supply chain infrastructure and market access for farms, food processors, and food distributors.

(5) (a) \$90,000 of the general fund—state appropriation for fiscal year 2022 and \$90,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate with the office of equity, the conservation commission, underrepresented farmers and ranchers, organizations that represent historically underrepresented farmers and ranchers, farmworkers, and labor advocates to:

(i) Ensure inclusion of historically underrepresented farmers and ranchers in the agricultural industry;

(ii) Evaluate related boards, commissions, and advisory panels to ensure inclusion of historically underrepresented farmers and ranchers;

(iii) Include historically underrepresented farmers and ranchers in the development, implementation, and enforcement of food and agriculture laws, rules, regulations, policies, and programs; and

(iv) Consider ways to increase engagement in agricultural education and workforce development opportunities by communities who have been historically underrepresented in agriculture.

(b) The department must report to the governor and legislature, in accordance with RCW 43.01.036, by October 31, 2022, on its activities and efforts to include historically underrepresented farmers and ranchers. The report must describe the department's efforts to serve historically underrepresented farmers and ranchers, identify existing gaps and financial barriers to land ownership and obtaining equipment, and must include recommendations to improve outreach to and services for historically underrepresented farmers and ranchers.

(6) \$4,936,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$938,000)~~ \$4,121,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing a Japanese beetle monitoring and eradication program in central Washington.

(7) \$6,605,445 of the general fund—state appropriation for fiscal year 2022, \$23,230,905 of the general fund—state appropriation for fiscal year 2023, and \$23,000,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for implementing the emergency food assistance program as defined in RCW 43.23.290.

(8) \$170,000 of the general fund—state appropriation for fiscal year 2022 and \$170,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue a shellfish coordinator position. The shellfish coordinator assists the industry with complying with regulatory requirements and will work with regulatory agencies to identify ways to streamline and make more transparent the permit process for establishing and maintaining shellfish operations.

(9) \$194,000 of the general fund—state appropriation for fiscal year 2022, \$194,000 of the general fund—state appropriation for fiscal year 2023, and \$1,134,000 of the general fund—federal appropriation are provided solely for implementing a Vespa mandarinia eradication program.

(10) \$1,042,000 of the northeast Washington wolf-livestock management nonappropriated account—state appropriation is provided solely for the department to conduct the following:

(a) Fund the northeast Washington wolf-livestock management grant program as provided in RCW 16.76.020, at \$432,000. Funds from the grant program must be used only for the deployment of nonlethal deterrence, specifically with the goal to reduce the likelihood of cattle being injured or killed by wolves by deploying proactive, preventative methods that have a good probability of producing effective results. Grant proposals will be assessed partially on this intent. Grantees who use funds for range riders or herd monitoring must deploy this tool in a manner so that targeted areas with cattle are visited daily or near daily. Grantees must collaborate with other entities providing prevention efforts resulting in coordinated wolf-livestock conflict deterrence efforts, both temporally and spatially, therefore providing well-timed and placed preventative coverage on the landscape. The department retains the final decision-making authority over disbursement of funds. Annual reports from grantees will be assessed for how well grant objectives were met and used to decide whether future grant funds will be awarded to past grantees.

(b) Contract with the northeast Washington wolf-cattle collaborative, a nonprofit organization, for \$410,000 for range riders to conduct proactive deterrence activities with the goal to reduce the likelihood of cattle being injured or killed by wolves. The contract must provide that the organization share all relevant information with the department of fish and wildlife in a timely manner to aid in wolf management decisions. Additionally, range riders must document their activities with geo-referenced photo points and provide written description of their efforts to the department of fish and wildlife by December 31, 2021, and December 31, 2022. Work is to be conducted solely on United States forest service grazing allotments and adjoining private lands in the Kettle mountains in Ferry county. This includes an area from the northern boundary of the Colville Confederated Tribes reservation, west of the Columbia river north to state route 20, and then west of United States route 395 to the Canadian border, and from the northern boundary of the Colville Confederated Tribes reservation east of state highway 21 to the Canadian border. Also included are federal grazing allotments and adjoining private lands in the Vulcan mountain area, an area which is north of the Kettle river where it enters the United States at Midway, British Columbia and leaves the United States near Danville, Washington. Of the amount provided in this subsection, \$90,000 may be contracted for range rider deterrence activities in Pend Oreille, Stevens, or Ferry counties.

(c) Within the amounts provided in this subsection, the department must provide \$120,000 in fiscal year 2022 and \$80,000 in fiscal year 2023 to the sheriffs offices of Ferry and Stevens counties for providing a local wildlife specialist to aid the department of fish and wildlife in the management of wolves in northeast Washington.

(11) \$1,400,000 of the model toxics control operating account—state appropriation is provided solely for research grants to assist with development of an integrated pest management plan to find a suitable replacement for imidacloprid to address burrowing shrimp in Willapa bay and Grays harbor and facilitate continued shellfish cultivation on tidelands. In selecting research grant recipients for this purpose, the department must incorporate the advice of the Willapa-Grays harbor working group formed from the settlement agreement with the department of ecology signed on October 15, 2019. Up to eight percent of the total amount provided may be used by the departments of agriculture, commerce, ecology, and natural resources to cover overhead expenses relating to their continued participation in the working group for the 2021-2023 fiscal biennium.

(12) \$323,000 of the general fund—state appropriation for fiscal year 2022 and \$477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations).

(13) \$78,000 of the general fund—state appropriation for fiscal year 2022 and \$276,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health).

(14) \$2,000,000 of the general fund—federal appropriation, not to exceed the amount appropriated in section 11, chapter 3, Laws of 2021, that is unobligated at the end of fiscal year 2021, is provided solely to assist hunger relief organizations to achieve food security and is subject to the same terms and conditions as the appropriation in section 11, chapter 3, Laws of 2021.

(15) \$168,000 of the general fund—state appropriation for fiscal year 2022 and \$168,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to assist small and midsize farms and small and midsize processors in exploring options to expand capacity for processing meat or meat and poultry for sale and direct marketing efforts. In carrying out this duty, the department must:

(a) Assist farms in complying with federal, state, and local rules and regulations as they apply to direct marketing of meat and poultry products;

(b) Assist in developing infrastructure including, but not limited to, custom meat facilities and slaughter facilities inspected by the United States department of agriculture as appropriate to increase direct marketing opportunities for farms;

(c) Assist processors in complying with federal, state, and local rules and regulations as they apply to processing meat and poultry and the marketing of meat and poultry;

(d) Assist in developing, in consultation with Washington State University extension, training opportunities or apprenticeship opportunities for slaughterers or inspectors;

(e) Provide information on direct marketing opportunities for farms;

(f) Identify and help reduce market barriers facing farms in direct marketing;

(g) Identify and help reduce barriers facing processors in operating slaughter facilities;

(h) Assist in developing and submitting proposals to grant programs to assist farm direct marketing efforts; and

(i) Perform other functions that will assist farms in directly marketing their meat and poultry products.

(16) \$1,832,000 of the general fund—state appropriation for fiscal year 2022 and \$1,832,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department, in consultation with the state conservation commission, to develop a grant program to provide funding to conservation districts or other entities to provide access to meat and poultry processing and inspection. In addition to other funding needs to provide access to meat and poultry processing and inspection, grant funding may be used to establish a mobile slaughter unit or to provide needed infrastructure to provide for the retail sale of meat or poultry. The department must conduct outreach to gain input from other

entities, such as conservation districts, Washington State University and the food policy forum in developing the grant program described in this subsection.

(17) \$156,000 of the general fund—state appropriation for fiscal year 2022 and \$213,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5192 (electric vehicle equipment).

(18) \$366,000 of the general fund—state appropriation for fiscal year 2022 and \$366,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to support the department's emergency management planning responsibilities related to agricultural systems, radiological preparedness and response, foodborne outbreaks, food security, and other emergency management responsibilities.

(19) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for rulemaking for a voluntary cannabis certification program that is consistent with the department's existing organics program, as authorized by chapter 317, Laws of 2017 (ESSB 5131).

(20) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a community-based organization in Whatcom county for the food and farm finder program, which connects local food producers with retail and wholesale consumers.

(21) \$81,000 of the general fund—state appropriation for fiscal year 2022 and \$139,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a hemp in food task force and a hemp commission task force.

(a) Of the amounts provided in this subsection, \$75,000 in fiscal year 2022 and \$125,000 in fiscal year 2023 are for a hemp in food task force. The department must appoint task force members representing relevant state agencies, the scientific community, and stakeholder organizations. The department must provide staff support for the task force and contract for relevant scientific expertise. The department must report to the appropriate committees of the legislature with recommendations for the regulation of hemp in food by December 1, 2022.

(b) Of the amounts provided in this subsection, \$6,000 in fiscal year 2022 and \$14,000 in fiscal year 2023 are for a hemp commission task force. The department must appoint task force members representing relevant state agencies, the scientific community, and stakeholder organizations, including the hemp industry. The department must provide staff support for the task force. The department must report to the appropriate committees of the legislature with recommendations for the creation of a commodity commission for hemp by December 1, 2022.

(22) \$790,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 1859 (cannabis analysis labs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(23) \$301,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1799 (organic materials management). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(24) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to support local and regional markets and for agricultural infrastructure development in southwest Washington.

(25) \$9,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5544 (blockchain work group). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(26) \$9,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5974 (transportation resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(27) (a) \$200,000 of the model toxics control operating account—state appropriation is provided solely for reducing contamination from dichlorodiphenyltrichloroethane (DDT) and DDT remnants in soil and water in Okanogan county, including:

(i) Grants to agricultural producers whose products test higher than 0.1 parts per million for DDT and DDT remnants for soil purchases that reduce contamination levels; and  
(ii) Department testing of contamination levels.

(b) The department must report to the appropriate committees of the legislature by June 30, 2023, on the effectiveness of grants provided under this subsection at reducing DDT and DDT remnant contamination.

**Sec. 1310.** 2022 c 297 s 312 (uncodified) is amended to read as follows:

**FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL**

General Fund—State Appropriation (FY 2023) . . . . . ((\$776,000))  
\$912,000

Energy Facility Site Evaluation Council Account—  
 Private/Local Appropriation. . . . . ((\$13,116,000))  
\$13,397,000

**TOTAL APPROPRIATION**.....(((\$13,892,000))  
**\$14,309,000**

The appropriations in this section are subject to the following conditions and limitations: \$208,000 of the general fund—state appropriation for fiscal year 2023 and \$8,333,000 of the energy facility site evaluation council account—private/local appropriation are provided solely for implementation of Engrossed Second Substitute House

Bill No. 1812 (energy facility site council). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(End of part)

**PART XIV  
TRANSPORTATION  
SUPPLEMENTAL**

**Sec. 1401.** 2022 c 297 s 402 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

General Fund—State Appropriation (FY 2022)	\$66,750,000
General Fund—State Appropriation (FY 2023)	(( <del>\$68,712,000</del> ))
	<u>\$69,285,000</u>
General Fund—Federal Appropriation	\$16,766,000
General Fund—Private/Local Appropriation	\$3,091,000
Death Investigations Account—State Appropriation	(( <del>\$8,794,000</del> ))
	<u>\$8,852,000</u>
County Criminal Justice Assistance Account—State Appropriation	(( <del>\$4,622,000</del> ))
	<u>\$4,645,000</u>
Municipal Criminal Justice Assistance Account—State Appropriation	(( <del>\$1,681,000</del> ))
	<u>\$1,691,000</u>
Fire Service Trust Account—State Appropriation	\$131,000
Vehicle License Fraud Account—State Appropriation	\$119,000
Disaster Response Account—State Appropriation	(( <del>\$12,500,000</del> ))
	<u>\$27,080,000</u>
Fire Service Training Account—State Appropriation	(( <del>\$12,797,000</del> ))
	<u>\$12,497,000</u>
Model Toxics Control Operating Account—State Appropriation	\$591,000
Fingerprint Identification Account—State Appropriation	\$12,956,000
Dedicated Marijuana Account—State Appropriation (FY 2022)	\$2,423,000
Dedicated Marijuana Account—State Appropriation (FY 2023)	\$2,423,000
Washington Internet Crimes Against Children Account— State Appropriation	\$1,000,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$215,356,000</del>))</b>
	<b><u>\$230,300,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$12,500,000~~))\$27,080,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(2) \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for the Washington state patrol to partner with multi-jurisdictional drug and gang task forces to detect, deter, and dismantle criminal organizations involved in criminal activity including diversion of cannabis from the legalized market and the illicit production and distribution of cannabis and cannabis-related products in Washington state.

(3) \$643,000 of the general fund—state appropriation for fiscal year 2022 and \$643,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for addressing a backlog of toxicology tests in the toxicology laboratory.

(4) \$356,000 of the general fund—state appropriation for fiscal year 2022, \$356,000 of the general fund—state appropriation for fiscal year 2023, and \$298,000 of the death investigations account—state appropriations are provided solely for increased supply and maintenance costs for the crime laboratory division and toxicology laboratory division.

(5) \$510,000 of the county criminal justice assistance account—state appropriation is provided solely for the Washington state patrol to support local police, sheriffs' departments, and multiagency task forces in the prosecution of criminals. However, the office of financial management must reduce the allotment of the amount provided in this subsection if allotment of the full appropriation will put the account into deficit.

(6)(a) \$700,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(b) The joint apprenticeship training committee shall submit a report to the fiscal committees of the legislature by December 1, 2022, describing how the funding appropriated in

this section was spent during the biennium. At a minimum, the report shall include information about the number of individuals that completed the training, the level of training or type of training being taught, the total cost of training everyone through completion, the percentage of passage rate for trainees, and the geographic location of the fire department sponsoring the trainee.

(7) \$316,000 of the general fund—state appropriation for fiscal year 2023 and \$1,000,000 of the Washington internet crimes against children account—state appropriation are provided solely for the missing and exploited children's task force within the patrol to help prevent possible abuse to children and other vulnerable citizens from sexual abuse.

(8) \$1,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Substitute Senate Bill No. 5055 (law enforcement grievances), which changes methods for selecting an arbitrator for labor disputes involving law enforcement disciplinary matters.

(9) \$213,000 of the general fund—state appropriation for fiscal year 2022 and \$163,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute House Bill No. 1223 (custodial interrogations).

(10) \$1,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics and equipment).

(11) \$2,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (use of force).

(12) \$1,334,000 of the general fund—state appropriation for fiscal year 2022 and \$2,373,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for facility and staff costs associated with construction of a second toxicology laboratory facility in Federal Way. The Washington state patrol must provide a report on the progress of the toxicology lab construction semiannually to the fiscal committees of the legislature with a final report due 90 days after completion of the project. The report must include, but is not limited to:

- (a) A detailed list of expenditures so far;
- (b) A detailed list of expenditure yet to be made before the completion of the project;
- (c) An updated project timeline with expected end date; and
- (d) Other project details that the Washington state patrol finds important to relay.

(13) \$213,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the Washington state patrol to outsource death investigation cases to reduce the current backlog of cases awaiting toxicology testing.

(14) \$1,320,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for an enhanced forensic capabilities pilot program that provides expedited DNA technology and forensic services to assist in the processing of crime scene evidence, expediting investigative leads, and reducing the backlog of other cases. To ensure readiness to proceed with implementation, the Washington state patrol must identify needed resources, complete prebidding, and develop a competitive procurement process by July 1, 2022. The Washington state patrol must complete a preliminary report by December 2, 2022, describing major milestones and achievements of the program to date and submit a final report to the appropriate committees of the legislature by June 30, 2023. The preliminary report must include, but is not limited to, the following:

(a) Protocols on the operation and use of the program while maintaining civil liberties and protecting individual privacy;

(b) A description of how expedited DNA technology and forensic services will tie into the current operations of the state patrol's existing crime lab; and

(c) Details of how the Washington state patrol will protect individual privacy and civil liberties in relation to the program described in this subsection.

(15) \$94,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2057 (state patrol workforce). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(16) \$191,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1725 (missing indigenous persons). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(17) \$330,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1735 (peace officers/use of force). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((20))~~ (18) \$441,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to process the backlog of court orders and dispositions. By June 30, 2023, the department must provide a report to the appropriate legislative committees that describes any continued staffing needs for this purpose.

~~((21))~~ (19) \$1,000 of the general fund—state appropriation for fiscal year 2023 is for implementation of Engrossed Fourth Substitute House Bill No. 1412 (legal financial obligations).

(End of part)

**SUPPLEMENTAL**

**Sec. 1501.** 2022 c 297 s 501 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

General Fund—State Appropriation (FY 2022)	\$31,995,000
General Fund—State Appropriation (FY 2023)	(( <del>\$41,420,000</del> ))
	<u>\$41,366,000</u>
General Fund—Federal Appropriation	\$106,299,000
General Fund—Private/Local Appropriation	\$8,064,000
Washington Opportunity Pathways Account—State Appropriation	\$8,609,000
Dedicated Marijuana Account—State Appropriation (FY 2022)	\$520,000
Dedicated Marijuana Account—State Appropriation (FY 2023)	\$550,000
Performance Audits of Government Account—State Appropriation	\$213,000
Workforce Education Investment Account—State Appropriation	\$7,420,000
Elementary and Secondary School Emergency Relief III Account—Federal Appropriation	\$7,116,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$212,206,000</del>))</b>
	<b><u>\$212,152,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) **BASE OPERATIONS AND EXPENSES OF THE OFFICE**

(a) \$15,228,000 of the general fund—state appropriation for fiscal year 2022 and \$17,635,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(iii) By October 31st of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in section 501, chapter 415, Laws of 2019 and sections 515 and 522 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(iv) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(v) Districts shall annually report to the office of the superintendent of public instruction on: (A) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (B) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(vi) The office of the superintendent of public instruction shall provide statewide oversight and coordination to the regional nursing corps program supported through the educational service districts.

(vii) Within the amounts provided in this subsection (1)(a), \$318,000 of the general fund—state appropriation for fiscal year 2022 and \$310,000 of the general fund—state appropriation for fiscal year 2023 are for 2.0 FTE to support multi-tiered systems of support (MTSS) data management and implementation activities.

(viii) Within the amounts provided in this subsection (1)(a), \$79,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a contract to assess the feasibility, specifications, and cost estimates for full development and implementation of a MTSS database.

(ix) Within the amounts provided in this subsection (1)(a), \$53,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with regional and/or national experts to train the MTSS staff and staff from the center on the improvement of student learning on MTSS implementation science and evidence-based practices as distinct but complementary to the Washington integrated student supports protocol.

(x) Within amounts provided in this subsection (1)(a), \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a climate science curriculum staff position within the office of the superintendent of public instruction and to integrate



climate change content into the Washington state learning standards across subject areas and grade levels. The office shall develop materials and resources that accompany the updated learning standards that encourage school districts to develop interdisciplinary units focused on climate change that include authentic learning experiences, that integrate a range of perspectives, and that are action oriented.

(xi) Within the amounts provided in this subsection (1)(a), sufficient funding is provided for the office to implement House Bill No. 1833 (school meals/electronic info).

(xii) Within the amounts provided in this subsection (1)(a), sufficient funding is provided for the office to implement House Bill No. 1834 (student absences/mental health).

(b) \$1,217,000 of the general fund—state appropriation for fiscal year 2022 and \$1,217,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for maintenance of the apportionment system, including technical staff and the data governance working group.

(c) \$494,000 of the general fund—state appropriation for fiscal year 2022 and \$494,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(d) \$61,000 of the general fund—state appropriation for fiscal year 2022 and \$61,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(e) \$61,000 of the general fund—state appropriation for fiscal year 2022 and \$96,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(f) \$268,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(g) Within amounts appropriated in this section, the office of the superintendent of public instruction and the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(h) \$123,000 of the general fund—state appropriation for fiscal year 2022 and \$123,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(i) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(j) \$14,000 of the general fund—state appropriation for fiscal year 2022 and \$14,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(k) \$131,000 of the general fund—state appropriation for fiscal year 2022, \$131,000 of the general fund—state appropriation for fiscal year 2023, and \$213,000 of the performance audits of government account—state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(l) \$117,000 of the general fund—state appropriation for fiscal year 2022 and \$117,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 3, Laws of 2015 1st sp. sess. (computer science).

(m) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(n) \$385,000 of the general fund—state appropriation for fiscal year 2022 and \$385,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government. The professional development must be done in collaboration with school district administrators and school directors. Funding in this subsection is sufficient for the office, the Washington state school directors' association government-to-government task force, and the association of educational service districts to collaborate with the tribal leaders congress on education to develop a tribal consultation training and schedule. The tribal consultation training and schedule must be developed by January 1, 2022.

(o) \$205,000 of the general fund—state appropriation for fiscal year 2022 and \$1,205,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to promote

the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership. The amounts provided in this subsection are sufficient for implementation of Second Substitute Senate Bill No. 5720 (student financial literacy). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(p) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state.

(q) \$481,000 of the general fund—state appropriation for fiscal year 2022 and \$481,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(r) Districts shall report to the office the results of each collective bargaining agreement for certificated staff within their district using a uniform template as required by the superintendent, within thirty days of finalizing contracts. The data must include but is not limited to: Minimum and maximum base salaries, supplemental salary information, and average percent increase for all certificated instructional staff. Within existing resources by December 1st of each year, the office shall produce a report for the legislative evaluation and accountability program committee summarizing the district level collective bargaining agreement data.

(s) \$4,631,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for administrative costs related to the management of federal funds provided for COVID-19 response and other emergency needs.

(t) \$70,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of the superintendent of public instruction to provide centralized support and coordination, including supervision and training, for social workers hired by or contracting with school districts.

(u) \$2,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If this bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(v) \$72,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for IT project funding for a contract to assess the feasibility, specifications, and cost estimates for full development and implementation of the school apportionment system.

(2) DATA SYSTEMS

(a) \$1,802,000 of the general fund—state appropriation for fiscal year 2022 and \$1,802,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(b) \$281,000 of the general fund—state appropriation for fiscal year 2022 and \$281,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) \$450,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

(3) WORK GROUPS

(a) \$335,000 of the general fund—state appropriation for fiscal year 2022 and \$335,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 206, Laws of 2018 (career and college readiness).

(b) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(c) \$118,000 of the general fund—state appropriation for fiscal year 2022 and \$118,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 75, Laws of 2018 (dyslexia).

(d) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 386, Laws of 2019 (social emotional learning).

(e) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to collaborate with the department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long term strategies that align and integrate high-quality early learning programs administered by both agencies and consistent with implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). The report, due September 1, 2022, shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings with inclusive facilities and operations, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies.

(f) \$107,000 of the general fund—state appropriation for fiscal year 2022 and \$107,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to support the children and youth behavioral health work group created in chapter 130, Laws of 2020 (child. mental health wk. grp).

(g) \$310,000 of the general fund—state appropriation for fiscal year 2022 and \$249,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development and implementation of a language access technical assistance program for school districts and to reconvene an expanded work group under section 2, chapter 256, Laws of 2019. The activities of and resources provided by the language access technical assistance program must align with the recommendations in the October 2020 report of the language access work group created by section 2, chapter 256, Laws of 2019 in order to improve awareness and fulfillment of language access rights for families in educational settings. The work group under this subsection shall, by December 1, 2021, report to the appropriate committees of the legislature recommendations for standards, training, testing, and credentialing for spoken and sign language interpreters for students' families and for collecting information related to language access services in schools and school districts. Within the amounts provided in this subsection, the office must provide a report to the appropriate committees of the legislature by December 1, 2021. The report shall include, at a minimum, information regarding the different languages in which students and students' families prefer to communicate by each school district.

(h) (i) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the superintendent of public instruction to convene a work group to identify trauma informed strategies, approaches, and curricula for supporting students in distress and with challenging behaviors that prioritize relational safety. Stipends may be provided for work group members who are representing families and individuals as experts with lived experiences to compensate for time and travel to meetings. The work group at a minimum must include the following:

(A) One representative from the department of children, youth, and families with expertise on inclusion, equitable access, trauma informed practices, and relational safety in education settings;

(B) One representative from an organization representing youth with intellectual and developmental disabilities;

(C) Individuals representing youth with communication disorders, students or young adults who have lived experience with restraint and isolation, and students or adults who are survivors of the school-to-prison pipeline;

(D) One representative from an organization working to eliminate racial inequities in education;

(E) One representative from an organization working to eliminate disparities for families and students with a native language other than English;

(F) One representative from an organization working to improve inclusive practices in Washington that works with families and communities;

(G) One member of an organization representing youth in foster care;

(H) One member of an organization representing youth experiencing homelessness; and

(I) An administrator, teacher, and paraeducator professional with experience working in or around a self-contained behavior program.

(ii) The work group shall submit a report to the education committees of the legislature, the governor's office, and the education ombuds by December 1, 2022. The report must include a list of approved crisis response protocols and deescalation techniques for schools that are trauma informed and prioritize relational safety, recommended elements needed to improve access to mental health supports for all students, building-based strategies to enhance fidelity to multi-tiered systems of support and student behavior plans for students with challenging behaviors and strategies to track and reduce/eliminate restraint and isolation use, and best practices for implementation of identified strategies, with recommendations for district compliance and tracking mechanisms.

(4) STATEWIDE PROGRAMS

(a) \$2,590,000 of the general fund—state appropriation for fiscal year 2022 and \$2,590,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(b) \$703,000 of the general fund—state appropriation for fiscal year 2022 and \$703,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 72, Laws of 2016 (educational opportunity gap).

(c) \$950,000 of the general fund—state appropriation for fiscal year 2022 and \$950,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the

Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(d) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for chapter 102, Laws of 2014 (biliteracy seal).

(e)(i) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for school bullying and harassment prevention activities.

(ii) \$15,000 of the general fund—state appropriation for fiscal year 2022 and \$15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 240, Laws of 2016 (school safety).

(iii) \$570,000 of the general fund—state appropriation for fiscal year 2022 and \$570,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide statewide support and coordination for the regional network of behavioral health, school safety, and threat assessment established in chapter 333, Laws of 2019 (school safety and well-being). Within the amounts provided in this subsection (4)(e)(iii), \$200,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to schools or school districts for planning and integrating tiered suicide prevention and behavioral health supports. Grants must be awarded first to districts demonstrating the greatest need and readiness. Grants may be used for intensive technical assistance and training, professional development, and evidence-based suicide prevention training.

(iv) \$196,000 of the general fund—state appropriation for fiscal year 2022 and \$196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the school safety center within the office of the superintendent of public instruction.

(A) Within the amounts provided in this subsection (4)(e)(iv), \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a school safety program to provide school safety training for all school administrators and school safety personnel. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety.

(B) Within the amounts provided in this subsection (4)(e)(iv), \$96,000 of the general fund—state appropriation for fiscal year 2022 and \$96,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for administration of the school safety center. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information web site.

(f)(i) \$162,000 of the general fund—state appropriation for fiscal year 2022 and \$162,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for youth suicide prevention activities.

(ii) \$76,000 of the general fund—state appropriation for fiscal year 2022 and \$76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 64, Laws of 2018 (sexual abuse of students).

(g)(i) \$280,000 of the general fund—state appropriation for fiscal year 2022, \$280,000 of the general fund—state appropriation for fiscal year 2023, and \$1,070,000 of the dedicated marijuana account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, \$520,000 of the dedicated marijuana account—state appropriation for fiscal year 2022, and \$550,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for the building bridges statewide program.

(ii) \$293,000 of the general fund—state appropriation for fiscal year 2022 and \$293,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(iii) \$178,000 of the general fund—state appropriation for fiscal year 2022 and \$178,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 291, Laws of 2017 (truancy reduction efforts).

(h) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

(i) \$358,000 of the general fund—state appropriation for fiscal year 2022 and \$358,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 221, Laws of 2019 (CTE course equivalencies).

(j) \$196,000 of the general fund—state appropriation for fiscal year 2022 and \$196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 252, Laws of 2019 (high school graduation reqs.).

(k) \$60,000 of the general fund—state appropriation for fiscal year 2022, \$60,000 of the general fund—state appropriation for fiscal year 2023, and \$680,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply). Of the amounts provided in this subsection, \$680,000 of the general fund—federal appropriation is provided solely for title II SEA state-level activities to implement section 103, chapter 295, Laws of 2019 relating to the regional recruiters program.

(l) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a tribal liaison at the office of the superintendent of public instruction to facilitate access to and support enrollment in career connected learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

(m) \$57,000 of the general fund—state appropriation for fiscal year 2022 and \$57,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 288, Laws of 2020 (school meals at no cost).

(n) \$269,000 of the general fund—state appropriation for fiscal year 2022 and \$142,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 353, Laws of 2020 (innovative learning pilot).

(o) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide statewide coordination towards multicultural, culturally responsive, and anti-racist education to support academically, socially, and culturally literate learners. The office must engage community members and key interested parties to:

(i) Develop a clear definition and framework for African American studies to guide instruction in grades seven through twelve;

(ii) Develop a plan for aligning African American studies across all content areas; and

(iii) Identify professional development opportunities for educators and administrators to build capacity in creating high-quality learning environments centered in belonging and racial equity, anti-racist approaches, and asset-based methodologies that pull from all students' cultural funds of knowledge.

(p) \$275,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to convene and provide staff support to the K-12 basic education compensation advisory committee established in section 951 of this act.

(q) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to develop resources, share best practices, and provide technical assistance for school districts to support implementation of comprehensive, culturally responsive, and high-quality civics education. Within amounts provided in this subsection, the office shall administer competitive grant awards of up to \$1,500 per first class school district and \$750 per second class school district to support in-service training and the development or adoption of curriculum and instructional materials. The office shall utilize a portion of this funding to assess the learning outcomes related to civic education curriculum and to support related assessments that gauge the degree to which high quality civic education is taking place in school districts throughout the state.

(r) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide technical assistance to school districts through the center for the improvement of student learning. The technical assistance must support the implementation of trauma-informed practices, policies, and procedures, including implementation of social emotional learning programs, multi-tiered systems of support, and other evidence-based programs that improve school climate and student emotional wellbeing.

(s) \$49,000 of the general fund—state appropriation for fiscal year 2022 and \$49,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1214 (K-12 safety & security serv.).

(t) \$35,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute House Bill No. 1363 (secondary trauma/K-12).

(u) \$140,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1208 (learning assistance program).

(v) \$505,000 of the general fund—state appropriation for fiscal year 2022 and \$486,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for

implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release).

(w) \$60,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of the superintendent of public instruction to evaluate and implement best practices and procedures for ensuring that student lunch periods include a seated lunch duration of at least 20 minutes. The office of the superintendent of public instruction shall, through an application-based process, select six public schools to serve as demonstration sites. Of the amounts provided in this subsection:

(i) \$30,000 of the general fund—state appropriation is provided solely for annual grant awards of \$5,000 each provided to the six school districts selected to serve as school demonstration sites;

(ii) \$20,000 of the general fund—state appropriation is provided solely for the office to hire a consultant with expertise in nutrition programs to oversee the demonstration projects and provide technical support; and

(iii) \$10,000 of the general fund—state appropriation is provided solely for the office to provide technical support to the demonstration sites and report its findings and recommendations to the education committees of the house of representatives and the senate by October 1, 2022.

(x) \$27,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute Senate Bill No. 5030 (school counseling programs).

(y) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$16,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.).

(z) \$553,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of the superintendent of public instruction to develop and implement a mathematics pathways pilot to modernize algebra II. The office should use research and engage stakeholders to develop a revised and expanded course.

~~((bb))~~ (aa) \$3,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract for regional multitiered systems of support (MTSS) implementation specialists during the 2022-23 school year to help districts administer the MTSS assessments and adopt evidence-based strategies that address the specific academic, social, emotional, and behavioral health needs of students exacerbated by the pandemic. Funding may also be used for the specialists to provide MTSS training and technical assistance to help school districts and educational service districts connect students with appropriate supports to improve student outcomes and reduce educational opportunity gaps.

~~((ee))~~ (bb) \$367,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1153 (language access in schools). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((dd))~~ (cc) \$8,341,000 of the Washington state opportunity pathways account—state appropriation is provided solely for support to small school districts and public schools receiving allocations under chapters 28A.710 and 28A.715 RCW that have less than 800 enrolled students, are located in urban or suburban areas, and budgeted for less than \$18,000 per pupil in general fund expenditures in the 2021-22 school year. For eligible school districts and schools, the superintendent of public instruction must allocate an amount equal to the lesser of ~~((dd))~~ (cc) (i) or (ii) of this subsection multiplied by the school district or school's budgeted enrollment in the 2021-22 school year.

(i) The state local effort assistance threshold in RCW 28A.500.015 in the 2022 calendar year.

(ii) \$18,000 minus the school district or school's budgeted general fund expenditures per pupil in the 2021-22 school year.

~~((ee))~~ (dd) (i) \$80,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to assist sexual assault survivors in Washington public schools. Funding provided in this subsection must be used by the office to:

(A) Research best practices for a victim-centered, trauma-informed approach to responding to sexual assault and supporting survivors in schools;

(B) Conduct listening sessions across the state for the purpose of assessing challenges with responding to sexual assault and supporting survivors in schools;

(C) Update model protocols for responding to sexual assault and supporting survivors in schools;

(D) Develop a plan for deploying victim-centered, trauma-informed training for school administrators and counselors, based on best practices for responding to sexual assault and supporting survivors in schools and informed by the requirements of title IX of the education amendments of 1972; and

(E) Review current legal requirements mandating that educators and staff report suspected sexual assault and assess whether changes to those requirements should be made to align them with best practices for responding to sexual assault and supporting survivors in schools.

(ii) The office must consult with the department of children, youth, and families, law enforcement professionals, national and state organizations supporting the interests of sexual assault survivors, victims' advocates, educators, school administrators, school counselors, and sexual assault survivors.

(iii) The office must submit to the governor and the appropriate committees of the legislature a preliminary report by December 1, 2022. It is the intent of the legislature to

provide funding for the office to submit a final report, including a summary of its findings and recommendations, by October 1, 2023.

~~((ff)) \$25,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to create and distribute promotional and educational materials to school districts for Americans of Chinese descent history month.~~

~~((gg))~~ ((ee)) \$25,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract with the college of arts and sciences at the University of Washington to provide educational research about the contributions of Chinese Americans to Washington state and to make recommendations about a preferred month in which to recognize these contributions.

((ff)) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the superintendent to contract with a community-based youth development nonprofit organization for a pilot program to provide behavioral health support for youth and trauma-informed, culturally responsive staff training.

~~((hh))~~ ((gg)) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the superintendent to establish a media literacy and digital citizenship ambassador program to promote the integration of media literacy and digital citizenship instruction.

~~((ii))~~ ((hh)) \$294,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5252 (school consultation/tribes). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(5) CAREER CONNECTED LEARNING

(a) \$852,000 of the workforce education investment account—state appropriation is provided solely for expanding career connected learning as provided in RCW 28C.30.020.

(b) \$960,000 of the workforce education investment account—state appropriation is provided solely for increasing the funding per full-time equivalent for career launch programs as described in RCW 28A.700.130. In the 2021-2023 fiscal biennium, for career launch enrollment exceeding the funding provided in this subsection, funding is provided in section 504 of this act.

(c) \$500,000 of the workforce education investment account—state appropriation is provided solely for the Federal Way school district to establish pre-apprenticeship pathways and career connected learning programs in the skilled trades in Federal Way.

(d) \$1,500,000 of the workforce education investment account—state is provided solely for Marysville school district to collaborate with Arlington school district, Everett Community College, other local school districts, local labor unions, local Washington state apprenticeship and training council registered apprenticeship programs, and local industry groups to continue the regional apprenticeship pathways program.

(e) \$3,600,000 of the workforce education investment account—state appropriation is provided solely for the office of the superintendent of public instruction to administer grants to skill centers for nursing programs to purchase or upgrade simulation laboratory equipment.

**Sec. 1502.** 2022 c 297 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT**

General Fund—State Appropriation (FY 2022) . . . . .	\$9,481,252,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$8,975,955,000))</del>
	<u>\$8,937,617,000</u>
General Fund—Federal Appropriation . . . . .	\$204,000
Education Legacy Trust Account—State Appropriation . . . . .	\$1,608,115,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation . . . . .	<del>(\$280,875,000))</del>
	<u>\$258,048,000</u>
<b>TOTAL APPROPRIATION</b> . . . . .	<del>(\$20,346,401,000))</del>
	<u>\$20,285,236,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2021-22 and 2022-23 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 504 and 505 of this act, excluding (c) of this subsection.

(c) From July 1, 2021, to August 31, 2021, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 503 and 504, chapter 357, Laws of 2020, as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2021-22 and 2022-23 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2021-22 and 2022-23 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school, including those at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:

Grade	RCW 28A.150.260	2021-22 School Year	2022-23 School Year
Grade K		17.00	17.00
Grade 1		17.00	17.00
Grade 2		17.00	17.00
Grade 3		17.00	17.00
Grade 4		27.00	27.00
Grades 5-6		27.00	27.00
Grades 7-8		28.53	28.53
Grades 9-12		28.74	28.74

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 19. Certificated instructional staff units provided for skills centers that exceed the minimum requirements of RCW 28A.150.260 achieve class size reductions under RCW 28A.400.007 and are part of the state's program of basic education.

(ii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iii) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260, as amended by Second Substitute House Bill No. 1664 (schools/support funding), and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii)(A) For the twenty schools with the lowest overall school score for all students in the 2018-19 school year, as determined by the Washington school improvement framework among elementary schools, middle schools, and other schools not serving students up to twelfth grade, having enrollments greater than one hundred fifty students, in addition to the allocation under (d)(i) of this subsection the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school in the 2021-22 school year as follows:

	Elementary	Middle
Guidance counselors	0.307	0.512



To receive additional allocations under this subsection (2)(d)(ii)(A), a school eligible to receive the allocation must have demonstrated actual staffing for guidance counselors for its prototypical school level that meets or exceeds the staffing for guidance counselors in (d)(i) of this subsection and this subsection (2)(d)(ii)(A) for its prototypical school level. School districts must distribute the additional guidance counselors allocation in this subsection to the schools that generate the allocation. The enhancement within this subsection is not part of the state's program of basic education.

(B) For qualifying high-poverty schools in the 2022-23 school year, at which more than 50 percent of the students were eligible for free and reduced-price meals in the prior school year, in addition to the allocation under (d)(i) of this subsection, the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school as follows:

	Elementary	Middle	High
Guidance counselors	0.333	0.333	0.333

(C) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2021-22 School Year	2022-23 School Year
Career and Technical Education	3.07	3.35
Skill Center	3.41	3.69

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2021-22 and 2022-23 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistant principals, and other certificated building level administrators:

Prototypical School Building:

Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors:

Career and Technical Education students . . . . .	1.025
Skill Center students . . . . .	1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2021-22 and 2022-23 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2021-22 and 2022-23 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and

25.48 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 12.58 percent in the 2021-22 school year and 12.11 percent in the 2022-23 school year for career and technical education students, and 17.92 percent in the 2021-22 school year and 17.42 percent in the 2022-23 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 22.71 percent in the 2021-22 school year and 22.98 percent in the 2022-23 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 22.75 percent in the 2021-22 school year and 22.80 percent in the 2022-23 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on the number of benefit units determined as follows: Except for nonrepresented employees of educational service districts, the number of calculated benefit units determined below. Calculated benefit units are staff units multiplied by the benefit allocation factors established in the collective bargaining agreement referenced in section 934 of this act. These factors are intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent employees may be calculated on the basis of 630 hours of work per year, with no individual employee counted as more than one full-time equivalent. The number of benefit units is determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section multiplied by 1.02; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.43.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2021-22 School Year	2022-23 School Year
Technology	\$140.84	\$173.59
Utilities and Insurance	\$382.70	\$403.75
Curriculum and Textbooks	\$151.22	\$159.54
Other Supplies	\$299.50	\$316.73
Library Materials	\$21.54	\$21.97
Instructional Professional Development for Certificated and Classified Staff	\$23.39	\$24.67
Facilities Maintenance	\$189.59	\$200.02
Security and Central Office	\$131.35	\$138.57
TOTAL MSOC/STUDENT FTE	\$1,340.13	\$1,438.84

(ii) For the 2021-22 school year and 2022-23 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(iii) Within the amount provided in (a)(i) of this subsection (8), allocations for MSOC technology in excess of RCW 28A.150.260 are not part of the state's basic education.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,585.55 for the 2021-22 school year and \$1,672.76 for the 2022-23 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,585.55 for the 2021-22 school year and \$1,672.76 for the 2022-23 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2021-22 School Year	2022-23 School Year
Technology	\$40.50	\$42.72
Curriculum and Textbooks	\$44.18	\$46.61
Other Supplies	\$86.06	\$90.79
Library Materials	\$5.99	\$6.32
Instructional Professional Development for Certified and Classified Staff	\$7.36	\$7.77
TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE	\$184.09	\$194.21

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2021-22 and 2022-23 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2021, to August 31, 2021, are adjusted to reflect provisions of chapter 357, Laws of 2020, as amended (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

(12) ALL DAY KINDERGARTEN PROGRAMS

((+)) Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2021-22 school year and 2022-23 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small

school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2022 and 2023 as follows:

(a) \$650,000 of the general fund—state appropriation for fiscal year 2022 and \$650,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund—state appropriation for fiscal year 2022 and \$436,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Funding in this section is sufficient to fund a maximum of 1.2 FTE enrollment for career launch students pursuant to RCW 28A.700.130. Expenditures for this purpose must come first from the appropriations provided in section 501(5) of this act; funding for career launch enrollment exceeding those appropriations is provided in this section. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by January 1, 2022. The report must include the total FTE enrollment for career launch students, the FTE enrollment for career launch students that exceeded the appropriations provided in section 501(5) of this act, and the amount expended from this section for those students.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system. The office of the superintendent of public instruction must adopt rules to fund the participating student's enrollment in running start courses during the summer term.

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (13) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2021-2023 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

(22) \$16,211,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to ensure that school districts receive at least \$500 per pupil for COVID-19 relief funding when combined with federal relief dollars. These funds are one-time allocations to school districts and may be used according to the allowable uses defined in section 2001(2)(e) of the American rescue plan act of 2021, P.L. 117-2. Prior to receiving funds, a school district must submit an academic and student well-being recovery plan to the office of the superintendent of public instruction as required in section 12(3), chapter 3, Laws of 2021, and must also report progress on implementing the plan in a manner identified by the superintendent.

(a) The office of the superintendent of public instruction must calculate a relief per pupil amount for each district defined as: The quotient from dividing the total funding allocated to each district from the federal relief funds, as defined in (b) of this subsection, by a school district's total enrollment as defined in (c) of this subsection. A school district with a relief per pupil amount less than \$500 shall receive the difference between \$500 and the relief per pupil amount, multiplied by the school district's total enrollment.

(b) For the purposes of this subsection, federal relief funds allocated to school districts include:

(i) Subgrants authorized under section 18003, the coronavirus aid, relief, and economic security act, P.L. 116-136;

(ii) Subgrants authorized under section 313, the coronavirus response and relief supplemental appropriations act, P.L. 116-260; and

(iii) Subgrants authorized under section 2001, the American rescue plan act of 2021, P.L. 117-2.

(c) For the purposes of this subsection, a school district's total enrollment means the district's 2019-20 school year annual average full-time equivalent student enrollment, excluding full-time equivalent student enrollments for which funds are separately calculated and allocated under RCW 28A.232.020, 28A.600.310(4), 28A.245.020, and 28A.175.110.

(d) For the purposes of this subsection, this subsection applies to state-tribal compact schools established under chapter 28A.715 RCW.

(23) \$14,859,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for enrollment stabilization allocations required in section 1519 of this act.

(24) \$566,000 of the general fund—state appropriation for fiscal year 2022, \$250,000 of the general fund—state appropriation for fiscal year 2023, and \$204,000 of the general fund—federal appropriation (CRRSA/ESSER) are provided solely for an enrollment stabilization

allocation for the Washington youth academy national guard youth challenge program. Federal funding is provided in response to the COVID-19 pandemic as authorized in subsection 313(e), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(25) \$280,875,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for enrollment stabilization allocations pursuant to Substitute House Bill No. 1590 (enrollment stabilization). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(26) (~~(\$145,489,000)~~)\$90,573,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1664 (schools/support funding). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1503.** 2022 c 297 s 505 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.260, and under section 504 of this act: For the 2021-22 school year and the 2022-23 school year salary allocations for certificated instructional staff, certificated administrative staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

Statewide Minimum Salary Allocation

Staff Type	2021-22 School Year	2022-23 School Year
Certificated Instructional	\$68,937	\$72,728
Certificated Administrative	\$102,327	\$107,955
Classified	\$49,453	\$52,173

(2) For the purposes of this section, "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on February 18, 2022, at 6:09 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 22.07 percent for school year 2021-22 and 22.34 percent for school year 2022-23 for certificated instructional and certificated administrative staff and 19.25 percent for school year 2021-22 and (~~(19.34)~~)19.44 percent for the 2022-23 school year for classified staff.

(4) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW 28A.400.200, as amended by chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education).

**Sec. 1504.** 2022 c 297 s 506 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund—State Appropriation (FY 2022)	\$97,080,000
General Fund—State Appropriation (FY 2023)	( <del>(\$580,811,000)</del> )
	<u>\$572,090,000</u>
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	\$1,720,000
<b>TOTAL APPROPRIATION</b>	<b>(<del>(\$679,611,000)</del>)</b> <u><b>\$670,890,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The salary increases provided in this section are 2.0 percent for the 2021-22 school year, and 5.5 percent for the 2022-23 school year, the annual inflationary adjustments pursuant to RCW 28A.400.205.

(2) (a) In addition to salary allocations, the appropriations in this section include funding for professional learning as defined in RCW 28A.415.430, 28A.415.432, and 28A.415.434. Funding for this purpose is calculated as the equivalent of three days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

(b) Of the funding provided for professional learning in this section, the equivalent of one day of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in the 2021-22 school year must be used to train school district staff on cultural competency, diversity, equity, or inclusion, as required in chapter 197, Laws of 2021.

(3) (a) The appropriations in this section include associated incremental fringe benefit allocations at 22.07 percent for the 2021-22 school year and 22.34 percent for the 2022-23 school year for certificated instructional and certificated administrative staff and 19.25 percent for the 2021-22 school year and ~~((19.30))~~ 19.44 percent for the 2022-23 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in sections 504 and 505 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 504 and 505 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 504, 505, and 506 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

(4) The appropriations in this section are sufficient to fund the collective bargaining agreement referenced in section 934 of this act and reflect the incremental change in cost of allocating rates as follows: For the 2021-22 school year, \$968 per month and for the 2022-23 school year, \$1,026 per month.

(5) When bargaining for funding for school employees health benefits for the 2021-2023 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(6) The rates specified in this section are subject to revision each year by the legislature.

**Sec. 1505.** 2022 c 297 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund—State Appropriation (FY 2022) . . . . .	\$605,160,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>((672,475,000))</del>
	<u>\$729,427,000</u>
<b>TOTAL APPROPRIATION</b> .....	<b><del>((1,277,635,000))</del></b>
	<b><u>\$1,334,587,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) (a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 506, chapter 357, Laws of 2020, as amended.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2022 and up to \$10,000,000 of the general fund—state appropriation for fiscal year 2023 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$939,000 of the general fund—state appropriation for fiscal year 2022 and a maximum of \$939,000 of the general fund—state appropriation for fiscal year 2023 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) Subject to available funds under this section, school districts may provide student transportation for summer skills center programs.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(8) ~~((Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.~~

~~(9))~~ The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

~~((10))~~ (9) The superintendent must provide student transportation allocations for the 2021-22 school year equal to the greater of allocations provided in the 2019-20 school year or the student transportation allocations calculated under RCW 28A.160.192. These allocations satisfy the formula requirements for transportation allocations under RCW 28A.160.192.

~~((11))~~ (10) \$29,745,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for transportation emergency allocations required in section 1504(12) of this act.

~~((12))~~ (11) (a) \$13,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the superintendent to provide transportation safety net funding to school districts with a demonstrated need for additional transportation funding for special passengers. Transportation safety net awards shall only be provided when a school district's allowable transportation expenditures attributable to serving special passengers exceeds the amount allocated under subsection (2) (a) of this section and any excess transportation costs reimbursed by federal, state, tribal, or local child welfare agencies.

(b) To be eligible for additional transportation safety net award funding, the school district must report, in accordance with statewide accounting guidance, the amount of the excess costs and the specific activities or services provided to special passengers that created the excess costs. The office of the superintendent of public instruction must request from school districts an application for transportation safety net funding no later than May 1st. The application must contain the school district's anticipated excess costs through the end of the current school year.

(c) Transportation safety net awards allocated under this subsection are not part of the state's program of basic education.

**Sec. 1506.** 2022 c 297 s 508 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL FOOD SERVICES**

General Fund—State Appropriation (FY 2022) . . . . .	\$11,667,000
General Fund—State Appropriation (FY 2023) . . . . .	\$33,334,000
General Fund—Federal Appropriation . . . . .	<del>((573,246,000))</del>
	<u>\$815,202,000</u>
<b>TOTAL APPROPRIATION</b> . . . . .	<del>((618,247,000))</del>
	<u>\$860,203,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$11,548,000 of the general fund—state appropriation for fiscal year 2022 and \$11,548,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades pre-kindergarten through twelfth grades who are eligible for reduced-price lunch as required in Engrossed House Bill No. 1342 (reduced-price lunch copays);

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced-price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

(2) The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in subsection (1)(a) through (c) of this section.

(3) The superintendent of public instruction shall provide the department of health with the following data, where available, for all nutrition assistance programs that are funded by the United States department of agriculture and administered by the office of the superintendent of public instruction. The superintendent must provide the report for the preceding federal fiscal year by February 1, 2022, and February 1, 2023. The report must provide:

- (a) The number of people in Washington who are eligible for the program;
- (b) The number of people in Washington who participated in the program;
- (c) The average annual participation rate in the program;
- (d) Participation rates by geographic distribution; and
- (e) The annual federal funding of the program in Washington.

(4) (a) ~~\$21,500,000~~ of the general fund—state appropriation for fiscal year 2023 ~~((is))~~ and \$26,500,000 of the general fund—federal appropriation (CRRSA/GEER) are provided solely for reimbursements to school districts for schools and groups of schools required to participate in the federal community eligibility program under section 1, chapter 7, Laws of 2022



(schools/comm. eligibility) for meals not reimbursed at the federal free meal rate. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(b) \$119,000 of the general fund—state appropriation for fiscal year 2022 and \$286,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 271, Laws of 2018 (school meal payment) to increase the number of schools participating in the federal community eligibility program and to support breakfast after the bell programs authorized by the legislature that have adopted the community eligibility provision, and for staff at the office of the superintendent of public instruction to implement section 1, chapter 7, Laws of 2022 (schools/comm. eligibility).

(5) \$14,200,000 of the general fund—federal appropriation (CRRSA) is provided solely for emergency costs for child nutrition programs provided under section 722 of P.L. 116-260, the consolidated appropriations act, 2021, title VII, chapter 3 to school food programs.

(6) (~~(\$18,223,000)~~) \$27,073,000 of the general fund—federal appropriation is provided solely for reimbursement of local education agencies expenditures for the acquisition of unprocessed or minimally processed domestic food products from the United States department of agriculture supply chain assistance funds authorized by the commodity credit corporation charter act of 2021.

(7) \$3,645,000 of the general fund—federal appropriation is provided solely for food assistance purchases of domestic local foods for distribution to schools from the United States department of agriculture local food for schools cooperative agreement program authorized by the commodity credit corporation charter act of 2021.

**Sec. 1507.** 2022 c 297 s 509 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2022) . . . . .	\$1,464,854,000
General Fund—State Appropriation (FY 2023) . . . . .	( <del>(\$1,459,576,000)</del> )
	<u>\$1,487,468,000</u>
General Fund—Federal Appropriation . . . . .	\$571,229,000
Education Legacy Trust Account—State Appropriation . . . . .	\$54,694,000
Elementary and Secondary School Emergency Relief III Account—Federal Appropriation . . . . .	\$7,000,000
<b>TOTAL APPROPRIATION</b> . . . . .	<del>(\$3,557,353,000)</del>
	<u>\$3,585,245,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 504 and 506 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390, except that the calculation of the base allocation also includes allocations provided under section 504 (2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 357, Laws of 2020, as amended.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per

full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) \$76,334,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$91,192,000)~~) \$106,931,000 of the general fund—state appropriation for fiscal year 2023, and \$29,574,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2021-22 and 2022-23 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (education).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$1,250,000 may be expended from the general fund—state appropriations to fund teachers and aides at Seattle children's hospital. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$88,000 of the general fund—state appropriation for fiscal year 2022, \$87,000 of the general fund—state appropriation for fiscal year 2023, and \$214,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(12) \$5,000,000 of the general fund—state appropriation for fiscal year 2022, \$12,000,000 of the general fund—state appropriation for fiscal year 2023, and \$7,000,000 of the elementary and secondary school emergency relief III account—federal appropriation are provided solely for the office of the superintendent of public instruction to provide an allocation to school districts for extension of transition services for students with disabilities who turned age 21 during the 2019-20 or 2020-21 school years, did not graduate with a regular diploma, and require recovery services on or after July 1, 2021, as determined by the student's individualized education plan team. The extension of these services does not reduce or supplant any other services for which the individual would be eligible. Allocations for this purpose may not exceed the amounts provided in this subsection. The office of the superintendent of public instruction may adopt formulas and procedures to define a per-student amount to be provided to students that meet the criteria, so that allocations do not exceed amounts provided in this subsection. Amounts provided in this subsection are outside the state's program of basic education.

(13) (a) \$52,704,000 of the general fund—federal appropriation (ARPA) is provided solely for allocations from federal funding as authorized in section 2014, the American rescue plan act of 2021, P.L. 117-2.

(b) \$4,411,000 of the general fund—federal appropriation (ARPA) is provided solely for providing preschool services to qualifying special education students under section 619 of the federal individuals with disabilities education act, pursuant to section 2002, the American rescue plan act of 2021, P.L. 117-2.

(14) \$7,000,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to support professional development in inclusionary practices for classroom teachers. The primary form of support to public school classroom teachers must be for mentors who are experts in best practices for inclusive education, differentiated instruction, and individualized instruction. Funding for mentors must be prioritized to the public schools with the highest percentage of students with individualized education programs aged three through 21 who spend the least amount of time in general education classrooms.

**Sec. 1508.** 2022 c 297 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund—State Appropriation (FY 2022) . . . . .	\$28,636,000
General Fund—State Appropriation (FY 2023) . . . . .	( <del>(\$30,886,000)</del> )
	\$30,678,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>(<del>(\$59,522,000)</del>)</b>

\$59,314,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) Funding in this section is provided for regional professional development related to English language arts curriculum and instructional strategies aligned with common core state standards. Each educational service district shall use this funding solely for salary and benefits for certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(4) Funding in this section is provided for regional technical support for the K-20 telecommunications network to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(5) Funding in this section is provided for a corps of nurses located at the educational service districts, to be dispatched in coordination with the office of the superintendent of public instruction, to provide direct care to students, health education, and training for school staff. Beginning in fiscal year 2022, allocations for the corps of nurses is sufficient to provide one day per week of nursing services for all second-class school districts.

(6) Funding in this section is provided for staff and support at the nine educational service districts to provide a network of support for school districts to develop and implement comprehensive suicide prevention and behavioral health supports for students.

(7) Funding in this section is provided for staff and support at the nine educational service districts to provide assistance to school districts with comprehensive safe schools planning, conducting needs assessments, school safety and security trainings, coordinating appropriate crisis and emergency response and recovery, and developing threat assessment and crisis intervention teams. Beginning in fiscal year 2022, allocations for staff and support for regional safety centers are increased to 3 full-time equivalent certificated instructional staff for each regional safety center.

(8) Funding in this section is provided for regional English language arts coordinators to provide professional development of teachers and principals around the new early screening for dyslexia requirements.

(9) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

(10) \$2,150,000 of the general fund—state appropriation for fiscal year 2022 and \$2,169,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for each educational service district to provide technology consultation, procurement, and training required under Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices).

(11) \$1,009,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5539 (ed. service district funding). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1509.** 2022 c 297 s 511 (uncodified) is amended to read as follows:

<b>FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE</b>	
General Fund—State Appropriation (FY 2022) . . . . .	\$272,986,000
General Fund—State Appropriation (FY 2023) . . . . .	(((\$250,542,000))
	<u>\$239,162,000</u>
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation . . . . .	\$63,909,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>(((\$587,437,000))</b>
	<u><b>\$576,057,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$63,909,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for enrollment stabilization local effort assistance funding as required in Substitute House Bill No. 1590 (enrollment stabilization). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(2) \$31,611,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for local effort assistance adjustments as shown in LEAP document 4, as developed by the legislative evaluation and accountability program committee on April 20, 2023, at 11:11 hours.

**Sec. 1510.** 2022 c 297 s 512 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2022) . . . . .	\$14,074,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$13,894,000</del> ))
	\$14,497,000
<b>TOTAL APPROPRIATION</b> .....	<b>((<del>\$27,968,000</del>))</b>
	<b>\$28,571,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$701,000 of the general fund—state appropriation for fiscal year 2022 and \$701,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) \$1,944,000 of the general fund—state appropriation for fiscal year 2022 and \$2,090,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to increase the capacity of institutional education programs to differentiate instruction to meet students' unique educational needs, including students with individualized educational plans. Those needs may include but are not limited to one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility. Allocations of amounts for this purpose in a school year must be based on 45 percent of full-time enrollment in institutional education receiving a differentiated instruction amount per pupil equal to the total statewide allocation generated by the distribution formula under RCW 28A.150.260 (4) (a), (5), (6), and (8) and the allocation under RCW 28A.150.415, per the statewide full-time equivalent enrollment in common schools.

(7) \$300,000 of the general fund—state appropriation in fiscal year 2022 and \$300,000 of the general fund—state appropriation in fiscal year 2023 are provided solely to support three student records coordinators to manage the transmission of academic records for each of the long-term juvenile institutions. One coordinator is provided for each of the following: The Issaquah school district for the Echo Glen children's center, the Chehalis school district for Green Hill academic school, and the Naselle-Grays River Valley school district for Naselle youth camp school.

(8) Ten percent of the funds allocated for the institution may be carried over from one year to the next.

(9) \$588,000 of the general fund—state appropriation for fiscal year 2022 and \$897,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one educational advocate to each institution with enrollments above 40 full-time equivalent students beginning in the 2021-22 school year in addition to any educational advocates supported by federal funding. Educational advocates will provide the following supports to students enrolled in or just released from institutional education programs:

(a) Advocacy for institutional education students to eliminate barriers to educational access and success;

(b) Consultation with juvenile rehabilitation staff to develop educational plans for and with participating youth;

(c) Monitoring educational progress of participating students;

(d) Providing participating students with school and local resources that may assist in educational access and success upon release from institutional education facilities; and

(e) Coaching students and caregivers to advocate for educational needs to be addressed at the school district upon return to the community.

(10) \$49,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to increase materials, supplies, and operating costs by \$85 per pupil beginning in the 2021-22 school year for technology supports for institutional education programs. This funding is in addition to general education materials, supplies, and operating costs provided to institutional education programs, which exclude formula costs supported by the institutional facilities.

(11) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to support instruction in cohorts of students grouped by similar age and academic levels.

**Sec. 1511.** 2022 c 297 s 513 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund—State Appropriation (FY 2022)	\$31,926,000
General Fund—State Appropriation (FY 2023)	( <del>(\$32,176,000)</del> )
	<u>\$32,153,000</u>
<b>TOTAL APPROPRIATION</b>	<b>(<del>(\$64,102,000)</del>)</b>
	<u>\$64,079,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) (a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 505 and 506 of this act.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 357, Laws of 2020, as amended.

**Sec. 1512.** 2022 c 297 s 515 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS**

General Fund—State Appropriation (FY 2022)	\$134,083,000
General Fund—State Appropriation (FY 2023)	( <del>(\$138,519,000)</del> )
	<u>\$134,042,000</u>
General Fund—Federal Appropriation	\$96,683,000
General Fund—Private/Local Appropriation	\$1,450,000
Education Legacy Trust Account—State Appropriation	\$1,642,000
<b>TOTAL APPROPRIATION</b>	<b>(<del>(\$372,377,000)</del>)</b>
	<u>\$367,900,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ACCOUNTABILITY

(a) \$26,975,000 of the general fund—state appropriation for fiscal year 2022, \$26,975,000 of the general fund—state appropriation for fiscal year 2023, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(b) \$14,352,000 of the general fund—state appropriation for fiscal year 2022 and \$14,352,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 159, Laws of 2013 (K-12 education - failing schools).

(2) EDUCATOR CONTINUUM

(a) \$71,644,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$75,805,000)~~) \$71,328,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,705 per teacher in the 2021-22 school year and a bonus of \$6,019 per teacher in the 2022-23 school year;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this

subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2021-22 and 2022-23 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after fully exhausting all years of candidacy as set by the national board for professional teaching standards are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(b) \$3,418,000 of the general fund—state appropriation for fiscal year 2022 and \$3,418,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(c) \$477,000 of the general fund—state appropriation for fiscal year 2022 and \$477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$810,000 of the general fund—state appropriation for fiscal year 2022 and \$810,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(e) \$10,500,000 of the general fund—state appropriation for fiscal year 2022 and \$10,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a beginning educator support program (BEST). The program shall prioritize first year educators in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning educator aligned with professional certification; release time for mentors and new educators to work together; and educator observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(f) \$4,000,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

**Sec. 1513.** 2022 c 297 s 516 (uncodified) is amended to read as follows:

<b>FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS</b>	
General Fund—State Appropriation (FY 2022) . . . . .	\$217,022,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$218,054,000)</del>
	<u>\$227,384,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$102,242,000)</del>
	<u>\$108,183,000</u>
<b>TOTAL APPROPRIATION</b> . . . . .	<del><b>(\$537,318,000)</b></del>
	<u><b>\$552,589,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2021-22 and 2022-23; (ii) additional instruction of 3.0000 hours per week in school

years 2021-22 and 2022-23 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 505 and 506 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 357, Laws of 2020, as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: 1.89 percent for school year 2021-22 and 1.88 percent for school year 2022-23.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund—state appropriation for fiscal year 2022 and \$35,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to track current and former transitional bilingual program students.

(6) \$1,185,000 of the general fund—state appropriation in fiscal year 2022 and \$1,185,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

**Sec. 1514.** 2022 c 297 s 517 (unclassified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 2022)	\$449,472,000
General Fund—State Appropriation (FY 2023)	(( <del>\$447,888,000</del> ))
	<u>\$424,536,000</u>
General Fund—Federal Appropriation	\$533,481,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	(( <del>\$26,382,000</del> ))
	<u>\$9,200,000</u>
<b>TOTAL APPROPRIATION</b>	<b><u>(\$1,457,223,000)</u></b>
	<b><u>\$1,416,689,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2021-22 and 2022-23 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2021-22 and 2022-23 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 505 and 506 of this act.

(ii) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 357, Laws of 2020, as amended.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2021-22 and 2022-23 school years, school districts are authorized to use funds allocated for the learning assistance program to also

provide assistance to high school students who have not passed the state assessment in science.

(6) In addition to funding allocated under RCW 28A.150.260(10), the superintendent must allocate the following additional learning assistance program amounts to school districts from the coronavirus state fiscal recovery fund—federal appropriation:

(a) High poverty-based allocations in the 2022-23 school year for schools not eligible in the 2022-23 school year that were eligible for high poverty allocation in the previous school year.

(b) Allocations necessary to increase a school district's allocations under RCW 28A.150.260(10)(a)(i) up to an amount that would be generated based on the district's percentage of October headcount in grades K-12 eligible for free or reduced-price lunch in the 2019-20 school year if greater than the percentage allowed under RCW 28A.150.260(10)(a)(i).

**Sec. 1515.** 2022 c 297 s 518 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS**

Statewide Average Allocations		
Per Annual Average Full-Time Equivalent Student		
Basic Education Program	2021-22 School Year	2022-23 School Year
General Apportionment	\$9,405	(((\$10,098)) <u>\$10,094</u> )
Pupil Transportation	\$623	(((\$644)) <u>\$698</u> )
Special Education Programs	\$9,976	(((\$10,812)) <u>\$10,916</u> )
Institutional Education Programs	\$26,347	(((\$27,779)) <u>\$27,973</u> )
Programs for Highly Capable Students	\$611	(((\$645)) <u>\$644</u> )
Transitional Bilingual Programs	\$1,442	(((\$1,509)) <u>\$1,551</u> )
Learning Assistance Program	\$964	(((\$1,011)) <u>\$1,003</u> )

**Sec. 1516.** 2022 c 297 s 520 (uncodified) is amended to read as follows:  
**FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS**

Washington Opportunity Pathways Account—State	
Appropriation. . . . .	(((\$145,786,000)) <u>\$135,998,000</u> )
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation. . . . .	\$1,667,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>(((\$147,453,000)) <u>\$137,665,000</u>)</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

(2) \$23,000 of the Washington opportunity pathways account—state appropriation is provided solely for enrollment stabilization allocations required in section 1519 of this act.

(3) \$147,000 of the Washington opportunity pathways account—state appropriation is provided solely for transportation emergency allocations required in section 1516(3) of this act.

(4) \$1,667,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for enrollment stabilization allocations pursuant to Substitute House Bill No. 1590 (enrollment stabilization). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1517.** 2022 c 297 s 522 (uncodified) is amended to read as follows:  
**FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GRANTS AND PASS THROUGH FUNDING**

General Fund—State Appropriation (FY 2022). . . . .	\$80,493,000
General Fund—State Appropriation (FY 2023). . . . .	\$78,255,000



General Fund—Federal Appropriation. . . . .	(\$989,995,000))
	<u>\$948,147,000</u>
Elementary and Secondary School Emergency Relief	
III—Federal Appropriation. . . . .	(\$1,850,527,000))
	<u>\$1,757,387,000</u>
<b>TOTAL APPROPRIATION.....</b>	<b>(\$2,999,270,000))</b>
	<u><b>\$2,864,282,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,894,000 of the general fund—state appropriation for fiscal year 2022 and \$4,894,000 of the general fund—state appropriation for fiscal year 2023 are provided for the office of the superintendent of public instruction to administer programs and grants which increase equitable access to dual credit programs, including subsidizing or eliminating student costs for dual credit courses or exams. By November 2022, the office shall submit a report to relevant committees of the legislature describing options for entering into statewide agreements with dual credit exam companies that will reduce the overall costs for all students and eliminate costs for students who are low income.

(2)(a) \$2,752,000 of the general fund—state appropriation for fiscal year 2022 and \$2,752,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, \$1,075,000 of the 2022 appropriation and \$1,075,000 of the 2023 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts provided in this subsection, \$800,000 of the fiscal year 2022 appropriation and \$800,000 of the fiscal year 2023 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(b) \$135,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(c) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2022, a high school must have offered a foundational project lead the way course during the 2020-21 school year. The 2022 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2021-22 school year. To be eligible for funding in 2023, a high school must have offered a foundational project lead the way course during the 2021-22 school year. The 2023 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2022-23 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(d) \$2,127,000 of the general fund—state appropriation for fiscal year 2022 and \$2,127,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for annual startup, expansion, or maintenance of core plus programs in maritime, construction, and aerospace and advanced manufacturing programs. To be eligible for funding to start up, maintain, or expand programs under (i) through (iii) of this subsection (d), the skills center and high schools must be selected through a competitive grant process administered by the office of the superintendent of public instruction in consultation with the advisory committee established in (vi) of this subsection (d). The office and the education research and data center shall report annually student participation and long-term outcome data. Within the amounts provided in this subsection:

(i) \$900,000 of the general fund—state appropriation for fiscal year 2022 and \$900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in aerospace and advanced manufacturing programs.

(ii) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in construction programs.

(iii) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in maritime programs.

(iv) For (i) through (iii) of this subsection (d), when the grant demand does not align with the specified allocation, the superintendent may allocate funding toward sector areas that meet criteria based on agreement from industry sector representatives.

(v) \$527,000 of the general fund—state appropriation for fiscal year 2022 and \$527,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to administer, evaluate, and promote programs under (i) through (iii) of this subsection (d) based on industry sector recommendations, including contracts with sector-specific entities to expand sector-specific employer engagement programs, increase work placement

opportunities, validate credentials necessary for direct employment, and provide professional development to support schools, teachers, and students. The office may also contract with an entity with experience promoting core plus programming across industry sectors and education providers to expand awareness and adoption of core plus programs.

(vi) The office shall convene and manage an advisory committee of industry sector leadership from the core plus program areas and a representative from a statewide business and manufacturing association to inform the administration and continual improvement of core plus programs, including grant determinations, reviewing data and outcomes, recommending program improvements, and ensuring the use of qualified contractors. The committee will advise the superintendent on appropriate credentials, industry-based competencies, and programs of study for high-demand sectors represented in these program areas.

(3) (a) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for project citizen and we the people: The citizen and the constitution programs sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle and high school students. Of the amounts provided, \$15,000 of the general fund—state appropriation for fiscal year 2022 and \$15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for awarding a travel grant to the winner of the we the people: The citizen and the constitution state competition.

(b) \$373,000 of the general fund—state appropriation for fiscal year 2022 and \$373,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 127, Laws of 2018 (civics education). Of the amounts provided in this subsection (3) (b), \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grant programs to school districts to help cover travel costs associated with civics education competitions.

(4) (a) \$55,000 of the general fund—state appropriation for fiscal year 2022 and \$55,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(b) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(c) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated \$1,000,000 is provided solely for community-based nonprofits including tribal education organizations to partner with public schools for next generation science standards.

(5) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(6) \$5,895,000 of the general fund—state appropriation for fiscal year 2022 and \$5,895,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (foster youth edu. outcomes). The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(a) Of the amount provided in this subsection (6), \$446,000 of the general fund—state appropriation for fiscal year 2022 and \$446,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection (6), \$1,015,000 of the general fund—state appropriation for fiscal year 2022 and \$1,015,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) Of the amounts provided in this subsection (6), \$684,000 of the general fund—state appropriation for fiscal year 2022 and \$684,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established with funding provided in the 2017-2019 omnibus appropriations act, chapter 1, Laws of 2017, 3rd sp. sess., as amended.

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established with funding provided in this act.

(e) \$55,000 of the general fund—state appropriation for fiscal year 2022 and \$55,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for maintaining and implementing the data sharing agreement between the office, the department of children, youth, and families, and the contractors to support targeted service delivery, program evaluation, and statewide education outcomes measurement for students served under this section.

(7)(a) \$1,200,000 of the general fund—state appropriation for fiscal year 2022 and \$1,200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 157, Laws of 2016 (homeless students).

(b) \$36,000 of the general fund—state appropriation for fiscal year 2022 and \$36,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for chapter 212, Laws of 2014 (homeless student educational outcomes).

(8) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(9)(a) \$1,425,000 of the general fund—state appropriation for fiscal year 2022 and \$1,425,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for dual language grants to grow capacity for high quality dual language learning. Grant funding may be used for new and existing dual language programs, heritage language programs for immigrant and refugee students, and indigenous language programs for native students.

(b) Each grant recipient must convene an advisory board to guide the development and continuous improvement of its dual language program, including but not limited to: Determining which schools and languages will be prioritized; conducting outreach to the community; and addressing enrollment considerations and the hiring of staff. At least half the members of the board must be parents of English learner students or current or former English learner students. The other members of the board must represent teachers, students, school leaders, governing board members, youth, and community-based organizations that support English learners.

(10)(a) \$4,940,000 of the general fund—state appropriation for fiscal year 2022 and \$4,940,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$1,454,000 of the general fund—state appropriation for fiscal year 2022 and \$1,454,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(c) \$362,000 of the general fund—state appropriation for fiscal year 2022 and \$362,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 180, Laws of 2017 (Washington Aim program).

(11)(a) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities, including instructional material purchases, teacher and principal professional development, and school and community engagement events. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b)(i) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and \$3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a statewide information technology academy program. This public-private partnership will provide educational software, as well as information technology certification and software training opportunities for students and staff in public schools for the 2021-22 and 2022-23 school years only. The office must evaluate other options that may be available in the state for a future public-private partnership to deliver similar services to students and staff of public schools at no cost to the state.

(ii) The office must require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework. The report must include the number of students served disaggregated by gender, race, ethnicity, and free-and-reduced lunch eligibility as well as the number of industry certificates attained by type of certificate.

(c) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants of \$2,500 to provide twenty middle and high school teachers each year with professional

development training for implementing integrated math, science, technology, and engineering programs in their schools.

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. The office of the superintendent of public instruction may award up to \$500,000 each year, without a matching requirement, to districts with greater than fifty percent of students eligible for free and reduced-price meals. All other awards must be equally matched by private sources for the program, including gifts, grants, or endowments.

(e) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a qualified 501(c)(3) nonprofit community-based organization physically located in Washington state that has at least 18 years of experience collaborating with the office and school districts statewide to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(f) \$62,000 of the general fund—state appropriation for fiscal year 2022 and \$62,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(g) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(12) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the centrum program at Fort Worden state park.

(13) (a) \$788,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracts with Washington state based nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged high school students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. The mentoring must include a focus on college readiness, career exploration and social-emotional learning. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring high school youth for at least twenty years in the state prior to application.

(b) Of the amounts provided in this subsection, \$38,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office to contract with a Washington-based nonprofit organization that provides one-to-one mentoring through a volunteer-supported network for disadvantaged youth facing academic and personal challenges to provide supportive services for youth who are experiencing mental and behavioral health crises due to the pandemic. Funding may also be used to assist youth mentors, and for staff who provide services to youth and their families and are experiencing secondary trauma. The organization must be affiliated with a national volunteer-supported mentoring network and have been providing one-to-one volunteer mentoring programs for at least 20 years in the state.

(14) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with an organization to create an after-school and summer learning program in the city of Federal Way. The program shall provide comprehensive, culturally competent academic support and cultural enrichment for primarily latinx, spanish-speaking, low-income sixth, seventh, and eighth grade students. The department must contract with an organization

with over forty years of experience that serves the latino community in Seattle and King county and has previously established an after-school and summer learning program.

(15) \$850,000 of the general fund—state appropriation for fiscal year 2022 and \$850,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to create and administer a grant program for districts to reduce associated student body fees or participation fees for students who are eligible to participate in the federal free and reduced-price meals program. The office must distribute grants for the 2021-22 school year to school districts by August 10, 2021, and grants for the 2022-23 school year by August 1, 2022.

(a) Grant awards must be prioritized in the following order:

(i) High schools implementing the United States department of agriculture community eligibility provision;

(ii) High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal free and reduced-price meals program; and

(iii) High schools located in school districts enrolling 5,000 or fewer students.

(b) High schools that do not comply with the data collection and reporting requirements in RCW 28A.320.540 are not eligible for grant funding.

(c) The office of the superintendent of public instruction shall award grants that are the lesser of the cost of the high school's associated student body card multiplied by the number of students eligible for the free or reduced-price meals program that purchased a student body card in either 2018-19 or 2019-20 school year, whichever is higher, or \$10,000.

(d) The office may award additional funding if:

(i) The appropriations provided are greater than the total amount of funding requested at the end of the application cycle; and

(ii) The applicant shows a demonstrated need for additional support.

(16) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the south Kitsap school district to codevelop a pilot strategy to increase completion rates for the free application for federal student aid (FAFSA).

(17) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a Washington-based nonprofit organization to promote equitable access in science, technology, engineering, and math education for historically underserved students and communities. The nonprofit shall provide a system of science educational programming specifically for migrant and bilingual students, including teacher professional development, culturally responsive classroom resources that are aligned with Washington state science and environmental and sustainability learning standards, and implementation support. At least 50 percent of the funding provided in this subsection must serve schools and school districts in eastern Washington. The nonprofit organization must have experience developing and implementing science and environmental science programming and resources for migrant and bilingual students.

(18) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization serving opportunity youth in Pierce, King and Snohomish counties. The organization must assist traditionally underrepresented students on nontraditional educational pathways by providing mentorship and technical assistance in navigating higher education and financial aid. The office may require the recipient of these funds to report the impacts of the efforts in alignment with the measures of the Washington school improvement framework.

(19) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to administer a grants program for school districts to acquire and use research-based, social emotional learning curricula in accordance with the state social emotional learning standards. The office must prioritize school districts that do not have existing research based social emotional learning programs and that are also eligible for high-poverty allocations from the learning assistance program.

(20) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with a nonprofit organization that specializes in using e-sports to engage students in seven career clusters to bring team-based, career related e-sports programs to each high school in the Battle Ground, Evergreen, and Vancouver school districts. Any funding remaining may be used for e-sports programs in the middle schools of the three school districts.

(21) \$1,399,000 of the general fund—state appropriation for fiscal year 2022 and \$1,399,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for school districts to support youth who are truant under chapter 28A.225 RCW or at risk of becoming truant, and for costs associated with filing or serving petitions under RCW 28A.225.030.

(22) The general fund—state appropriations in this section for fiscal year 2022 have been reduced by \$24,000 to reflect global compensation savings. The office of financial management, in consultation with the office of the superintendent of public instruction, shall adjust allotments from the appropriations in this section, including allotments of amounts provided solely for a specific purpose, to reflect the reduction to the overall appropriation.

(23) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with an organization that works with educators to secure salmon eggs, offer learning opportunities as the fry develop, and assist when students release their fry into local creeks and lakes. Funding may only be used for new programs located in elementary schools that are eligible for high-poverty allocations from the learning assistance program. Of the amounts provided in this subsection, the office may use no more than \$35,000 each fiscal year for office administration costs related to the contract.

(24) \$9,850,000 of the general fund—state appropriation for fiscal year 2022 and \$9,850,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to administer the technology grant program established under Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices).

(25) \$199,000 of the general fund—state appropriation for fiscal year 2022 and \$247,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the media literacy and digital citizenship grant program created in Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices). Total grant awards may not exceed \$150,000. Of the amounts provided in this subsection, \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for two regional conferences.

(26) \$70,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the southwest boys & girls club to provide community mentoring, academic intervention, and culturally specific supports through the "be great-graduate initiative" for a cohort of White Center youth identified as high risk.

(27) \$236,000 of the general fund—state appropriation for fiscal year 2022 and \$14,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to support teachers with costs associated with becoming certified, endorsed, or licensed in computer science including, but not limited to, professional development, training, licensure exams, courses in pedagogy, and courses in computer science content. Entities eligible for these funds include, but are not limited to, individual teachers, local education agencies, approved professional learning providers, and institutions of higher education located in Washington state.

(28) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Highline school district to contract with an organization to offer pre-apprenticeship opportunities for at least two cohorts of students each year in south King county during the summer months of 2021, 2022, and 2023. Students from the Highline school district and neighboring school districts in south King county are eligible for the program.

(29) \$255,000 of the general fund—state appropriation for fiscal year 2022 and \$255,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the continuation of the math improvement pilot program. The entirety of the funds appropriated for fiscal year 2022 must be disbursed by the office to the recipients of the grants no later than August 1, 2021, and the entirety of the funds appropriated for fiscal year 2023 must be disbursed by the office to the recipients of the grants no later than August 1, 2022. Of the amounts provided in the subsection:

(a) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Spokane school district.

(b) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Chehalis school district.

(c) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Bremerton school district.

(30) Within existing resources, the office shall develop recommendation to the legislature to merge the grant programs and specific appropriations of pass-through funding for certain activities or entities in this section into a competitive grant funding process in future biennia. A competitive process must allocate funding using the following five separate categories:

(a) Student supports and safety. Programs under this category will support the mental, social-emotional, and physical safety of students;

(b) Educator growth and development. Programs under this category will support the recruitment and retention of educators, and support their continual professional growth;

(c) Curricula development, dissemination, and supports. Programs under this category will support the development, implementation, and continuous improvement of curricula and other programs specific to state learning standards and content areas;

(d) Eliminating inequitable student outcomes. Programs under this category will increase outcomes for specific student groups, including students experiencing homelessness or foster care; and

(e) Graduation success and preparation for postsecondary pathways. Programs under this category will increase access to graduation pathways aligned with students' postsecondary goals and support for each student to graduate ready to achieve those goals. These may include dual credit programs; dropout prevention, intervention, and reengagement programs; core plus programs; and other high demand career and technical education programs.

(31) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the south Kitsap school district for the controls programmer apprenticeship program.

(32) \$800,000 of the general fund—state appropriation for fiscal year 2022 and \$5,300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for transitional support grants to school districts to support schools that incur costs transitioning from Native American school mascots, logos, or team names under section 3 of Substitute House Bill No. 1356 (Native American names, etc.).

(33) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to administer an outdoor learning grant program to develop and support outdoor educational experiences for students in Washington public schools. The office must award grants to eligible school districts and outdoor education program providers starting in the 2022-23 school year. The office may consult with the Washington recreation and conservation office on outdoor learning program grants. Of the amounts provided in this subsection:

(a) \$195,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to implement Second Substitute House Bill No. 2078 (outdoor learning grant prg.). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(b) \$3,903,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the outdoor learning grant program, which consists of two types of grants:

(i) Allocation-based grants for school districts to develop or support outdoor educational experiences; and

(ii) Competitive grants for outdoor education providers that are designed to support existing capacity and to increase future capacity for outdoor learning experiences.

(c) \$5,902,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the outdoor education experiences program. The office must prioritize providing the program to fifth and sixth grade students in high poverty schools, expanding to other fifth and sixth grade students subject to available funds.

(34) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for an education and workforce pathway pilot program at the northwest career and technical academy. The pilot program will oversee a pathway including high schools, skills centers, community and technical colleges, and employers that results in students earning a high school diploma and an associate in technical arts degree, while maintaining summer employment.

(35) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of the superintendent of public instruction to administer grants to school districts for a plant-based school meals pilot program. Grant recipients may use the funding for food supplies, delivery costs, equipment purchases, education, and other expenditures to increase access to plant-based school meals. Grant awards to school districts may not exceed \$10,000 per district.

(36) \$148,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to provide before and after-school programming to low-income elementary school students in the Tukwila school district. Funding in this subsection may be distributed to the Tukwila school district or to local before or after-school program providers that provide child care for low-income elementary school students in the school district.

(37) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Tacoma school district to identify specific career-relevant coursework and facility needs for the development of a comprehensive maritime-focused career and technical education program in the south Puget Sound area. Funding must be used by the district to engage with the maritime industry in and around the port of Tacoma to conduct a workforce training gap analysis. The district must also coordinate with the office, the state board of education, and the workforce training board to create the relevant curriculum and identify facility needs to establish a new marine trades program.

(38) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract with an organization to expand the senior support initiative that helps high school seniors in the Tacoma school district navigate their postsecondary pathway options. The organization may provide support to Tacoma school district seniors through academic supports, financial aid and scholarships, college entry and communication, workforce entry and apprenticeships, housing, child care, and other basic needs. The organization must be a foundation focused on students that coordinates the efforts of parents, youth, community, and policymakers across multiple sectors to address equity gaps facing children and youth in the Tacoma school district.

(39) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract with a nonprofit organization to develop and provide a Latino youth-on-youth gang violence prevention program for students. The program must target Latino students ages 11 through 17 who are either involved in or at risk of becoming involved in a gang or in gang activities. Eligible students must be enrolled in either the Moses Lake or Federal Way school districts. The nonprofit organization must have at least 15 years of experience serving Latino communities and promoting advocacy and must provide kindergarten through 12th grade social emotional learning, mental health wraparound services, and parent engagement programs in Washington.

(40) (a) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to administer a pilot program to subsidize eligible dual or concurrent

enrollment course costs for students who qualify for free or reduced-price meals and are participating in dual enrollment courses offered by one of three community colleges designated by the office and the state board of community and technical colleges. Eligible dual enrollment course programs include the running start and college in the high school programs. One of the community colleges must be located in a county with a population greater than 125,000 but less than 150,000.

(b) The office must subsidize the course costs by transmitting to each of the three institutions of higher education \$1,000 per full-time equivalent student during the 2022-23 academic year. For eligible students who qualify for free or reduced-price meals and are enrolled in running start courses, the pilot program must subsidize:

(i) Any student-voted fees, technology fees, course fees, laboratory fees, or other fees required for enrollment, up to 17 credits per quarter, that were not waived by the institution of higher education under RCW 28A.600.310; and

(ii) Textbooks and other course materials required by the institution of higher education.

(c) Any funds remaining after the office subsidizes the costs included in (b) of this subsection may be used to subsidize waived fees or transportation costs for eligible students who qualify for free or reduced-price meals and are enrolled in running start courses.

(d) The office must submit a preliminary report to the legislature by June 30, 2023, on the results of the pilot program. It is the intent of the legislature to provide funding for a final report due to the legislature by August 31, 2023.

(41) \$468,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract with a nonprofit organization to establish a workforce pilot program with the Vancouver school district that provides targeted training to expand the school district's candidate pool for school bus drivers and paraeducators. The nonprofit organization must be based in Vancouver, Washington and must have experience assisting individuals in becoming economically self-sufficient by providing resources, training, and job placement opportunities. By June 30, 2023, the office will collaborate with the nonprofit organization and the Vancouver school district to submit a report to the legislature with results of the workforce pilot program and recommendations for expanding the program.

(42) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract with the association of Washington school principals to provide support, mentoring, mediation, and professional learning services to school principals and assistant principals in the greater Seattle area.

(43) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to school districts and educational service districts operating institutional education programs for youth in state long-term juvenile institutions to provide access to computer science elective courses created in Senate Bill No. 5657 (computer science instruction). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(44) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the grant program created in Second Substitute Senate Bill No. 5720 (student financial literacy) which provides grants to school districts for integrating financial literacy education into professional development for certificated staff. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(45) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to school districts, charter schools, and state-tribal education compact schools to establish K-12 intensive tutoring programs. Grants shall be used to recruit, train, and hire tutors to provide one-on-one tutoring services to K-12 students experiencing learning loss as a result of the COVID-19 pandemic. The tutors must receive training in proven tutoring models to ensure their effectiveness in addressing learning loss.

(46) \$3,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to distribute after-exit running start grants to school districts that identify running start students that have exceeded maximum enrollment under running start formulas and high school graduates who have 15 or fewer college credits to earn before meeting associate degree requirements for instruction not funded under section 504(18) of this act. High school graduates who meet these requirements are eligible to receive funds from these grants for fees to the community and technical college to earn up to 15 college credits during the summer academic term following their high school graduation.

(47) FEDERAL GRANTS FOR COVID-19 RECOVERY

(a) \$12,885,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely to administer a grant program for community-based organizations to collaborate with school districts to support learning recovery and acceleration.

(b) \$742,367,000 of the general fund—federal appropriation (CRRSA/ESSER) from funds attributable to subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M is provided solely for subgrants to local education agencies. Total subgrants awarded under this subsection (47)(b) and section 12, chapter 3, Laws of 2021 may not exceed the federal amounts provided under subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(c)(i) \$46,263,000 of the general fund—federal appropriation (CRRSA/GEER) is provided solely to provide emergency assistance to nonpublic schools, as authorized in section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division



M. Total funds provided under this subsection (47)(c)(i) and section 13, chapter 3, Laws of 2021 may not exceed the federal amounts provided in section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(ii) (~~(\$43,708,000)~~) \$1,860,000 of the general fund—federal appropriation (ARPA) is provided solely to provide emergency assistance to nonpublic schools, as authorized in section 2002, the American rescue plan act of 2021, P.L. 117-2.

(d) \$1,333,801,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(2) the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies.

(e) \$333,450,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(1), the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies to address learning loss. Total funds provided under this subsection (47)(e) and section 1518(33)(b) of this act for the same purpose may not exceed the funding authorized in this subsection (47)(e).

(f) \$18,525,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(2), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to entities or organizations to provide outdoor education summer enrichment programs to youth. Recipients must prioritize activities or programs that:

(i) Promote students connecting socially with their classmates;

(ii) Encourage students to engage in physical activity; and

(iii) Support families who have struggled with child care needs.

(g) \$18,525,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(3), the American rescue plan act of 2021, P.L. 117-2 is provided solely to support evidence-based comprehensive afterschool programs.

(h) \$10,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to districts to expand the number of dual language classrooms in early grades and professional development to accelerate literacy gains in early grades, especially for English learners.

(i) \$4,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to school districts to expand career and technical education graduation pathway options, including career-connected learning opportunities.

(j) \$4,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants for supplies, equipment, staffing, and services to increase access to summer meals and safe school meals in the 2021-22 school year and summer prior to the start of the school year.

(k) \$60,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely to support a technical advisory workgroup to explore and recommend residency options for pre-service educators, with a focus on educators of color and bilingual speakers and how the apportionment system could support a teacher residency initiative. The workgroup will provide preliminary recommendations by November 1, 2021, and final recommendations by November 1, 2022.

(l) \$78,172,000 of the general fund—federal appropriation is provided solely for allocations from federal funding in response to the COVID-19 pandemic as authorized in section 18003, the coronavirus aid, relief, and economic security act, P.L. 116-136, division B. Total funds provided under this subsection (47)(l) and amounts expended in the 2019-2021 fiscal biennium for the same purpose may not exceed the federal amounts provided in section 18003, the coronavirus response and relief supplemental appropriation act, P.L. 116-136, division B.

(m) \$10,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the office of the superintendent of public instruction to contract with the Washington school principals' education foundation to support pandemic related learning loss through outdoor learning and overnight camp experiences. The association, in consultation with the office, must provide grants to school districts that partner with an accredited residential outdoor school to provide up to 20,000 fifth and sixth grade students with up to five days of outdoor learning at an overnight camp. Prioritization must be given to schools that have been identified for improvement and students who are most impacted by opportunity gaps as determined by measures of the Washington school improvement framework. Outdoor schools must provide curriculum that is aligned to state learning standards and provide opportunities for accelerated learning, including career connected learning in field based environmental science, technology, engineering, and math. Funds may be used by residential outdoor schools for operational activities necessary for reopening.

(n) \$12,141,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the purposes of identifying children and

youth experiencing homelessness and providing children and youth experiencing homelessness with:

(i) Wrap-around services due to the challenges of the COVID-19 public health emergency; and

(ii) Assistance needed to enable children and youth experiencing homelessness to attend school and participate fully in school activities.

(o) \$27,375,000 of the general fund—state appropriation for fiscal year 2022 ~~((7))~~ and \$79,485,000 of the general fund—federal appropriation (CRRSA/ESSER) ~~((7, and \$93,140,000 of the elementary and secondary school emergency relief III account—federal appropriation))~~ are provided solely for the office of the superintendent of public instruction to administer grants for the purposes of learning recovery and acceleration. Allowable uses of the funds are limited to:

(i) One-time contracts for classified, certificated, or administrative staff who will provide tiered academic and social-emotional supports to students most impacted by the disruption of in-person learning, including locating and reengaging students who have disengaged from school, one-on-one and small-group instruction, and other intensive learning supports;

(ii) Professional learning for educators focused on learning recovery and acceleration, including assessing student learning and social-emotional needs, transitioning to standards-based curricula and grading, adopting competency or mastery-based options specifically for credit retrieval purposes, and family and student engagement strategies;

(iii) Procuring assessment or data systems that provide actionable just-in-time data regarding student progress throughout the school year; and

(iv) Direct supports to students to improve school engagement and accelerate learning.

(End of part)

**PART XVI  
HIGHER EDUCATION  
SUPPLEMENTAL**

**Sec. 1601.** 2022 c 297 s 602 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund—State Appropriation (FY 2022)	\$744,893,000
General Fund—State Appropriation (FY 2023)	<del>((832,406,000))</del>
	<u>\$834,821,000</u>
Community/Technical College Capital Projects	
Account—State Appropriation	\$22,436,000
Education Legacy Trust Account—State Appropriation	\$159,900,000
Workforce Education Investment Account—State	
Appropriation	\$237,295,000
<b>TOTAL APPROPRIATION</b>	<del>((1,996,930,000))</del>
	<u>\$1,999,345,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,261,000 of the general fund—state appropriation for fiscal year 2022 and \$33,261,000 of the general fund—state appropriation for fiscal year 2023 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2022 and at least 7,170 full-time equivalent students in fiscal year 2023.

(2) \$5,000,000 of the general fund—state appropriation for fiscal year 2022, \$5,000,000 of the general fund—state appropriation for fiscal year 2023, and \$5,450,000 of the education legacy trust account—state appropriation are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature under RCW 43.01.036 regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund—state appropriation for fiscal year 2022 and \$425,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Seattle Central College's expansion of allied health programs.

(4)(a) \$5,250,000 of the general fund—state appropriation for fiscal year 2022 and \$5,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the student achievement initiative.

(b) By December 1, 2021, the state board for community and technical colleges must report to the appropriate committees of the legislature an update on the student achievement initiative including, but not limited to, the following:

- (i) Annual change in student achievement initiative funds by institution;
  - (ii) Student achievement initiative funds awarded by college by performance funding category including basic skills, first 15 and 30 credits, retention, and completion;
  - (iii) Impact of guided pathways implementation on student achievement initiative awards;
- and

(iv) Any additional private or foundation dollars invested in the student achievement initiative.

(5) \$1,610,000 of the general fund—state appropriation for fiscal year 2022, and \$1,610,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the mathematics, engineering, and science achievement program.

(6) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(8) \$21,428,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$21,920,000)~~) \$23,056,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) \$157,000 of the general fund—state appropriation for fiscal year 2022 and \$157,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Wenatchee Valley college wildfire prevention program.

(12) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Puget Sound welcome back center at Highline College to create a grant program for internationally trained individuals seeking employment in the behavioral health field in Washington state.

(13) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(14)(a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in section 701 of this act.

(15) \$216,000 of the general fund—state appropriation for fiscal year 2022 and \$216,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the opportunity center for employment and education at North Seattle College.

(16) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Highline College to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(17) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Peninsula College to maintain the annual cohorts of the specified programs as follows:

(a) Medical assisting, 40 students;

(b) Nursing assistant, 60 students; and

(c) Registered nursing, 32 students.

(18) \$338,000 of the general fund—state appropriation for fiscal year 2022 and \$338,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state labor education and research center at South Seattle College.

(19) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the aerospace and advanced manufacturing center of excellence hosted by Everett Community College to develop a semiconductor and electronics manufacturing branch in Vancouver.

(20) \$15,220,000 of the workforce education investment account—state appropriation is provided solely for college operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(21) \$15,220,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(22) \$1,500,000 of the general fund—state appropriation for fiscal year 2022, \$1,500,000 of the general fund—state appropriation for fiscal year 2023, and \$75,847,000 of the workforce education investment account—state appropriation are provided solely for statewide implementation of guided pathways at each of the state's community and technical colleges or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(23) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal 2023 are provided solely for a reentry navigator position at Olympic College to assist formerly incarcerated people gain admittance into college. A report shall be submitted to the legislature by December 1, 2022, on admittance rates on formerly incarcerated individuals, effective methods of contact and engagement of formerly incarcerated individuals, and how guided pathways can be assisted with reentry navigator positions.

(24) \$40,800,000 of the workforce education investment account—state appropriation is provided solely to continue to fund nurse educator salaries.

(25) \$40,000,000 of the workforce education investment account—state appropriation is provided to continue to fund high-demand program faculty salaries, including but not limited to nurse educators, other health-related professions, information technology, computer science, and trades.

(26) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for the state board for community and technical colleges to expand high-demand and career launch enrollments, as provided under RCW 28C.30.020. Within the amounts provided in this subsection (26):

(a) \$6,000,000 of the amounts in this subsection (26) are provided for expansion of career launch enrollments, as provided under RCW 28C.30.020.

(b) \$2,000,000 of the amounts in this subsection (26) are provided for expansion of enrollments in high demand programs. These programs include, but are not limited to, allied health, computer and information science, manufacturing, and other fields identified by the state board for community and technical colleges.

(c) The state board for community and technical colleges may transfer amounts between (a) and (b) of this subsection (26) if either program does not have sufficient demand to spend the allocated funding. Any transfer must be approved by the state board for community and technical colleges and the office of financial management.

(27) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the state board for community and technical colleges to support the completion of the English 101 curriculum review to remove barriers to student success. A report should be submitted to the appropriate committees of the legislature under RCW 43.01.036 by June 30, 2023, or upon the completion of the English 101 review to report on lessons learned, best practices, and recommendations for completion of additional curricula reviews.

(28) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for the emergency assistance grant program in RCW 28B.50.295.

(29) \$10,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the state board for community and technical colleges to coordinate with the Washington student achievement council task force as described in section 609(6) of this act to provide the following running start data for fiscal year 2019, fiscal year 2020, and fiscal year 2021, for each community and technical college:

(a) The total number of running start students served by headcount and full-time equivalent;

(b) The total amount of running start revenue received through apportionment as allocated with the running start rate by the office of the superintendent of public instruction through local school districts;

(c) Course completion rates for running start students;

(d) A list of courses by two-digit classification of instructional program code and the number of running start students in each course;

(e) A list of career and technical education area courses and the number of running start students in each course;

(f) The number of students at each community or technical college receiving complete fee waivers as required by RCW 28A.600.310(3)(a); and

(g) The method used by each college to determine running start fee waiver eligibility, including any policies adopted by the college or its program.

(30) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$91,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.).

(31) \$516,000 of the general fund—state appropriation for fiscal year 2022 and \$516,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1166 (college students pilot).

(32) \$350,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools).

(33) \$2,048,000 of the general fund—state appropriation for fiscal year 2022 and \$1,119,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education).

(34) \$15,848,000 of the workforce education investment account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5194 (equity and access in higher education).

(35) (a) \$2,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to promote workforce development in trucking and trucking-related supply chain industries and the school bus driving industry by expanding the number of registered apprenticeships, pre-apprenticeships, and trucking related training programs; and providing support for registered apprenticeships or programs in trucking and trucking-related supply chain industries and the school bus driving industry.

(b) Grants awarded under this subsection may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training spaces and locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations to include foster care and homeless transition populations;

(iii) Curriculum development and instructor training for driving, repair and service of technological advancements facing the industries;

(iv) Tuition assistance for commercial vehicle driver training, mechanical, and support functions that support the trucking industry and the school bus driving industry; and

(v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant if it is a nonprofit, nongovernmental, or institution of primary or higher education that provides training opportunities, including apprenticeships, pre-apprenticeships, pre-employment training, commercial vehicle driver training, vocational training related to mechanical and support functions that support the trucking industry or the school bus driving industry; or incumbent worker training to prepare workers for the trucking and trucking-related supply chain industries or the school bus driving industry. Preference will be given to entities in compliance with government approved or accredited programs. Reporting requirements, as determined by the board, shall be required.

(d) The board may use up to 5 percent of funds for administration of grants.

(36) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for grants for nursing programs to purchase or upgrade simulation laboratory equipment.

(37) (a) \$7,018,000 of the workforce education investment account—state appropriation is provided solely to expand cybersecurity academic enrollments by 500 FTE students.

(b) The state board for community and technical colleges must coordinate with the student achievement council as provided in section 609(17) of this act to submit a progress report on the new or expanded cybersecurity academic programs, including the number of students enrolled.

(38) \$205,000 of the workforce education investment account—state appropriation is provided solely to establish a center for excellence in cybersecurity.

(39) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$3,497,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for legal services related to litigation by employees within the community and technical college system challenging the denial of retirement and sick leave benefits. The cases include *Wolf v. State and SBCTC*, *Rush v. State and SBCTC* (retirement), and *Rush v. State and SBCTC* (sick leave).

(40) \$7,000,000 of the general fund—state appropriation for fiscal year 2023 and \$1,000,000 of the workforce education investment account—state appropriation are provided solely to expand the opportunity grant program to provide health care workforce grants for students.

(41) \$2,720,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for each community and technical college to contract with a community-based organization to assist with financial aid access and support in communities.

(42) In addition to the homeless student assistance pilot program sites funded in subsection (31) of this section, \$2,932,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the expansion of the program in RCW 28B.50.916 to all community colleges.

(43) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 and \$1,728,000 of the workforce education investment account—state appropriation ((is))are provided solely for the expansion of existing programming to accommodate refugees and

immigrants who have arrived in Washington state on or after July 1, 2021, and are eligible for federal refugee resettlement services, including those from Afghanistan and Ukraine.

(44) \$4,146,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(45)(a) \$3,760,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for nursing education, to increase the number of nursing slots for academic year 2022-23 by at least 50 and build capacity for at least 200 new slots in the 2023-2025 biennium, and to purchase two simulation vans.

(b) Of the amount provided in this subsection, \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for community and technical colleges who enroll new cohorts of at least 25 nursing students in the 2023 spring academic quarter.

(c) The state board for community and technical colleges must coordinate with the student achievement council as provided in section 609(17) of this act to submit a progress report on the new or expanded nursing academic programs, including the number of students enrolled per program.

(46)(a) \$75,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the state board in collaboration with the dental industry to report on strategies to support and transform the education and training of the dental hygiene and dental assistant professions.

(b) The report shall include, but is not limited to, recommendations on the following topics:

- (i) Examining options to enhance workforce diversity;
- (ii) Reducing barriers to entry; and
- (iii) Proposing changes for education program sustainability.

(c) The state board must solicit input and collaborate on the report with a representative from a dental association, a representative from a hygienist association, an expert in dental hygiene education, a representative from the dental assistant profession, and a representative from the dental benefits industry.

(d) The report must be submitted to the legislature pursuant to RCW 43.01.036 by December 1, 2022.

(47) \$30,000 of the general fund—state appropriation for fiscal year 2022 and \$243,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Renton Technical College to establish a pilot program to increase outreach and participation in running start and adult education programs. A report on participation rates and student engagement must be submitted to the appropriate committees of the legislature pursuant to RCW 43.01.036 by December 1, 2022.

(48) \$1,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the development of a climate solutions and climate justice curriculum.

(49)(a) \$80,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a pilot program to help students, including those enrolled in state registered apprenticeship programs, connect with health care coverage. The state board for community and technical colleges must provide resources for up to two community or technical colleges, one on the east side and one on the west side of the Cascade mountains, to hire or train an employee to:

- (i) Provide information to students and college staff about available health insurance options;
- (ii) Develop culturally relevant materials and conduct outreach for historically marginalized and underserved student populations to assist these populations in their knowledge of access to low cost or free health insurance plans;
- (iii) Provide ongoing technical assistance to students about health insurance options or health insurance application process; and
- (iv) Provide technical assistance to students as a health benefit exchange certified assister, to help students understand, shop, apply, and enroll in health insurance through Washington health planfinder.

(b) Participation in the exchange assister program is contingent on fulfilling applicable contracting, security, and other program requirements.

(c) The legislature expects the state board, in collaboration with the student achievement council and the health benefit exchange, to report to the appropriate committees of the legislature information about barriers students, including those enrolled in state registered apprenticeship programs, encountered to accessing health insurance coverage; and to provide recommendations on how to improve student access to health coverage based on data gathered from the pilot program.

(50) \$331,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(51) \$170,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount in this subsection shall lapse.

(52) \$36,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2019 (careers in retail). If the bill is not enacted by June 30, 2022, the amount in this subsection shall lapse.

(53) \$1,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1835 (postsecondary

enrollment). If the bill is not enacted by June 30, 2022, the amount in this subsection shall lapse.

Sec. 1602. 2022 c 297 s 603 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund—State Appropriation (FY 2022)	\$391,802,000
General Fund—State Appropriation (FY 2023)	(( <del>\$423,726,000</del> ))
	<u>\$425,981,000</u>
Aquatic Lands Enhancement Account—State	
Appropriation	\$1,630,000
<u>Coronavirus State Fiscal Recovery Fund—Federal</u>	
<u>Appropriation</u>	<u>\$50,000,000</u>
University of Washington Building Account—State	
Appropriation	\$1,546,000
Education Legacy Trust Account—State Appropriation	\$37,020,000
Economic Development Strategic Reserve Account—State	
Appropriation	\$3,101,000
Biotoxin Account—State Appropriation	\$609,000
Dedicated Marijuana Account—State Appropriation	
(FY 2022)	\$263,000
Dedicated Marijuana Account—State Appropriation	
(FY 2023)	\$325,000
Accident Account—State Appropriation	\$7,988,000
Medical Aid Account—State Appropriation	\$7,564,000
Workforce Education Investment Account—State	
Appropriation	\$52,333,000
Geoduck Aquaculture Research Account—State	
Appropriation	\$22,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$927,929,000</del>))</b>
	<b><u>\$980,184,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$44,474,000 of the general fund—state appropriation for fiscal year 2022 and ((~~\$45,497,000~~)) \$47,854,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(3) \$8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to maintain the number of residency slots available in Washington.

(4) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(5) \$14,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(6) \$3,062,000 of the economic development strategic reserve account—state appropriation is provided solely to support the joint center for aerospace innovation technology.

(7) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(8) \$7,345,000 of the general fund—state appropriation for fiscal year 2022 and \$7,345,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(9) \$2,625,000 of the general fund—state appropriation for fiscal year 2022 and \$2,625,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(10) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with

the department of commerce to expand services that serve homeless youth in the university district.

(11) \$1,200,000 of the general fund—state appropriation for fiscal year 2022 and \$1,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the adult psychiatry residency program at the University of Washington to offer additional residency positions that are approved by the accreditation council for graduate medical education.

(12) \$172,000 of the general fund—state appropriation for fiscal year 2022 and \$172,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-prey dynamics of species that currently have established populations in the area.

(a) The study objectives shall include:

(i) Determination of whether wolves have started to recolonize a 5,000 square kilometer study area in the south Cascades of Washington, and if so, an assessment of their distribution over the landscape as well as their health and pregnancy rates;

(ii) Baseline data collection, if wolves have not yet established pack territories in this portion of the state, that will allow for the assessment of how the functional densities and diets of wolves across the landscape will affect the densities and diets in the following predators and prey: Coyote, cougar, black bear, bobcat, red fox, wolverine, elk, white tailed deer, mule deer, moose, caribou, and snowshoe hare;

(iii) Examination of whether the microbiome of each species changes as wolves start to occupy suitable habitat; and

(iv) An assessment of the use of alternative wildlife monitoring tools to cost-effectively monitor size of the wolf population over the long-term.

(b) A report on the findings of the study shall be shared with the Washington department of fish and wildlife.

(13) (a) \$20,000,000 of the general fund—state appropriation for fiscal year 2022 (~~and~~), \$20,000,000 of the general fund—state appropriation for fiscal year 2023, and \$50,000,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely to support the operations and teaching mission of the Harborview Medical Center and the University of Washington Medical Center.

(b) By December 1, 2022, the University of Washington must report to the appropriate committees of the legislature the impact of the funding in (a) of this subsection on the fiscal position of Harborview medical center and the University of Washington medical center in the 2021-2023 fiscal biennium. To ensure transparency, consistency, accuracy, and clarity, the report must:

(i) Follow generally accepted accounting principles;

(ii) Use generally accepted terms and define those terms;

(iii) Provide data on revenue and expenses, using standard formats already in existence, such as comprehensive hospital abstract reporting system (CHARS) data, and delineated by functional areas of state government;

(iv) Incorporate wherever possible publicly available data, as a public institution including, but not limited to, the following sources:

(A) CHARS;

(B) Comprehensive annual financial reports; and

(C) The most recent independent auditor report, including financial statements connected to the report; and

(v) Provide supporting documentation.

(14) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—appropriation for fiscal year 2023 are provided solely for the University of Washington's psychiatry integrated care training program.

(15) \$426,000 of the general fund—state appropriation for fiscal year 2022 and \$640,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for child and adolescent psychiatry residency positions that are approved by the accreditation council for graduate medical education, as provided in RCW 28B.20.445.

(16) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the University of Washington School of Dentistry to support its role as a major oral health provider to individuals covered by medicaid and the uninsured.

(17) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the pre-law pipeline and social justice program at the University of Washington-Tacoma.

(18) \$226,000 of the general fund—state appropriation for fiscal year 2022 and \$226,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university's neurology department to create a telemedicine program to disseminate dementia care best practices to primary care practitioners using the project ECHO model. The program shall provide a virtual connection for providers and content experts and include didactics, case conferences, and an emphasis on practice transformation and systems-level issues that affect care delivery. The initial users of this program shall include referral sources in health care systems and clinics, such as the university's neighborhood clinics and Virginia Mason Memorial in Yakima with a goal of adding 15 to 20 providers from smaller clinics and practices per year.



(19) \$102,000 of the general fund—state appropriation for fiscal year 2022 and \$102,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university's center for international trade in forest products.

(20) \$625,000 of the general fund—state appropriation for fiscal year 2022 and \$625,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Latino center for health.

(21) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a firearm policy research program. The program will:

(a) Support investigations of firearm death and injury risk factors;

(b) Evaluate the effectiveness of state firearm laws and policies;

(c) Assess the consequences of firearm violence; and

(d) Develop strategies to reduce the toll of firearm violence to citizens of the state.

(22) \$463,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the climate impacts group in the college of the environment.

(23) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the climate impacts group in the college of the environment to provide an updated climate impacts risk assessment designed to inform future updates to the statewide climate resilience strategy. The group must coordinate with the office of the governor to refine the scope of assessment. The final report and associated deliverables must be completed and submitted to the governor and appropriate committees of the legislature by December 15, 2022.

(24) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the college of education to collaborate with teacher preparation programs and the office of the superintendent of public instruction to develop open access climate science educational curriculum for use in teacher preparation programs.

(25) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Harry Bridges center for labor studies. The center shall work in collaboration with the state board for community and technical colleges.

(26) \$21,461,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(27) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(28) \$8,000,000 of the workforce education investment account—state appropriation is provided solely to maintain degree production in the college of engineering at the Seattle campus.

(29) \$1,000,000 of the workforce education investment account—state appropriation is provided solely to maintain the Washington state academic redshirt program.

(30) \$2,700,000 of the workforce education investment account—state appropriation is provided solely to maintain degree capacity and undergraduate enrollments in engineering, mathematics, and science programs to support the biomedical innovation partnership zone at the Bothell campus.

(31) \$3,268,000 of the workforce education investment account—state appropriation is provided solely to maintain bachelor of science programs in mechanical and civil engineering to support increased student and local employer demand for graduates in these fields at the Tacoma campus.

(32) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Washington mathematics, engineering, science achievement programs to provide enrichment opportunities in mathematics, engineering, science, and technology to students who are traditionally underrepresented in these programs.

(33) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a community care coordinator for transitional-age youth for the doorway project in partnership with the Seattle campus.

(34) \$6,000,000 of the workforce education investment account—state appropriation is provided solely for the expansion of the Paul G. Allen school of computer science and engineering in order to award an additional 100 degrees per year focusing on traditionally underrepresented students. A report on degrees awarded must be submitted to the appropriate committees of the legislature June 30, 2022, and June 30, 2023.

(35) \$45,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the community immersion law enforcement project at the Tacoma campus.

(36) (a) \$200,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for research to determine the use and effectiveness of restorative justice, including for hate crime victims and individuals who commit hate crimes. Researchers shall engage in listening sessions with impacted communities, which must include tribal governments and community-based organizations. Researchers shall consult with judges, prosecutors, defense

attorneys, victim advocates, impacted communities, and community based restorative justice agencies to inform whether restorative justice would be an effective public policy option to:

- (i) Provide healing support for individual hate crime victims and their communities;
- (ii) Provide accountability processes for individuals who commit hate crimes;
- (iii) Provide opportunities for individuals who commit hate crimes to learn about the impact of their crimes and repair the damage;
- (iv) Repair interpersonal and communal relationships;
- (v) Reduce hate crime offender recidivism; and
- (vi) Determine if restorative justice could be equally available to all victims and communities.

(b) The researcher shall provide a report to the relevant committees of the legislature under RCW 43.01.036 by December 1, 2021. The report must include best practice recommendations for establishing a restorative justice program and required data collection to address hate crimes in Washington. The report shall include how restorative justice recommendations can be implemented in conjunction with the recommendations of the hate crime advisory working group established in RCW 43.10.300.

(37) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for scholarships to students in the applied child and adolescent psychology masters program. Priority should be given to traditionally underrepresented students and those students who are bilingual.

(38) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to expand a series of online courses related to behavioral health and student well-being that are currently offered at the Bothell campus for school district staff. The standards for the courses must be consistent with knowledge, skill, and performance standards related to mental health and well-being of public school students. The online courses must provide:

- (a) Foundational knowledge in behavioral health, mental health, and mental illness;
- (b) Information on how to assess, intervene upon, and refer behavioral health and intersection of behavioral health and substance use issues; and
- (c) Approaches to promote health and positively influence student health behaviors.

(39) To ensure transparency and accountability, in the 2021-2023 fiscal biennium the University of Washington shall comply with any and all financial and accountability audits by the Washington state auditor including any and all audits of university services offered to the general public, including those offered through any public-private partnership, business venture, affiliation, or joint venture with a public or private entity, except the government of the United States. The university shall comply with all state auditor requests for the university's financial and business information including the university's governance and financial participation in these public-private partnerships, business ventures, affiliations, or joint ventures with a public or private entity. In any instance in which the university declines to produce the information to the state auditor, the university will provide the state auditor a brief summary of the documents withheld and a citation of the legal or contractual provision that prevents disclosure. The summaries must be compiled into a report by the state auditor and provided on a quarterly basis to the legislature.

(40) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department of environmental and occupational health sciences to provide an air quality report. The report will study the relationship between indoor and outdoor ultrafine particle air quality at sites with vulnerable populations, such as schools or locations underneath flight paths within 10 miles of Sea-Tac airport. The report recommendations must include an item addressing filtration systems at select locations with vulnerable populations. The report shall be submitted to the house environment and energy committee and the senate environment, energy and technology committee by December 15, 2021.

(41) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Burke museum of natural history and culture to make education programs offered by the museum accessible to more students across Washington, especially students in underserved schools and locations. The funding shall be used for:

- (a) Increasing the number of students who participate in Burke education programs at reduced or no cost, including virtual programs;
- (b) Providing bus reimbursement for students visiting the museum on field trips and to support travel to bring museum programs across the state; and
- (c) Staff who will form partnerships with school districts to serve statewide communities more efficiently and equitably, including through the Burkemobile program.

(42) (a) \$100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the center for cannabis research at the university to collaborate with the Washington State University collaboration on cannabis policy, research, and outreach to create frameworks for future studies. Each framework will include the length of time to complete, research licenses necessary, cost, literature review of national and international research, and a scope of work to be completed. The following frameworks shall be compiled in a report:

- (i) Measuring and assessing impairment due to cannabis use; and
- (ii) Correlation between age of use, dosage of use, and appearance of occurrence of cannabis induced psychosis.

(b) The report on the frameworks must be submitted to the appropriate committees of the legislature by December 1, 2021.

(43) \$205,000 of the general fund—state appropriation for fiscal year 2022 and \$410,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university's center for human rights. The appropriation must be used to supplement, not supplant, other funding sources for the center for human rights.

(44) \$143,000 of the general fund—state appropriation for fiscal year 2022 and \$143,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the University of Washington for the establishment and operation of the state forensic anthropologist. The university shall work in conjunction with and provide the full funding directly to the King county medical examiner's office to support the statewide work of the state forensic anthropologist.

(45) \$450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to the University of Washington school of medicine for the development of simulation training devices at the Harborview medical center's paramedic training program.

(46) \$64,000 of the general fund—state appropriation for fiscal year 2022 and \$64,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(47) \$557,000 of the general fund—state appropriation for fiscal year 2022 and \$443,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation of the center for environmental forensic science.

(48) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the college of education to partner with school districts to continue the math improvement pilot program.

(49) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university to conduct monitoring and research related to Puget Sound kelp conservation and recovery.

(50) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to expand online tutorial and link to web-based, continuing education funded by the centers for disease control for training for the primary care health workforce regarding the protocols for perinatal monitoring, birth-dose immunization, early diagnosis, linkage to care, and treatment for persons diagnosed with chronic hepatitis B or hepatitis using a telehealth model operated by the University of Washington.

(a) Training shall:

(i) Focus on increased provider proficiency and increased number of trained providers in areas with high rates of reported cases of hepatitis B or hepatitis, including regions with high incidence of drug use or upward trend of children who have not received hepatitis B virus vaccinations according to centers for disease control recommendations; and

(ii) Provide access to:

(A) University of Washington medicine specialists in infectious diseases, hepatology, and addiction medicine;

(B) Brief updates on evidence-based strategies to diagnose, treat, and manage acute and chronic hepatitis B, acute and chronic hepatitis C, or coinfections;

(C) Continuing medical education credits per hour of participation; and

(D) Phone consultation with specialists during nonscheduled time for patients who experience complications.

(b) All digital and hardcopy training, educational, and outreach materials for this program must be culturally relevant and linguistically diverse.

(51) (a) \$108,000 of the general fund—state appropriation for fiscal year 2022 and \$52,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the University of Washington Evans school of public policy and governance to conduct a boater safety analysis, including, but not limited to, the following:

(i) The prevalence of boating fatalities and rescues in Washington state;

(ii) A comparison of Washington's rates of fatalities and rescues to other states; and

(iii) Recommendations of effective and collective ways to increase boater safety in the state.

(b) The Evans school may convene stakeholders to analyze data and make recommendations. By December 31, 2022, the Evans school must submit a report of findings and recommendations to the appropriate committees of the legislature.

(52) \$736,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1272 (health system transparency).

(53) \$159,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools).

(54) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1335 (racial restrictions/review).

(55) \$24,000 of the general fund—state appropriation for fiscal year 2022 and \$25,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1196 (audio-only telemedicine).

(56) \$69,000 of the general fund—state appropriation for fiscal year 2022 and \$69,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5194 (equity and access in higher education).

(57) \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recs).

(58) \$146,000 of the general fund—state appropriation for fiscal year 2022 and \$158,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education).

(59) \$422,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of chapter 6, Laws of 2021 (Engrossed Substitute Senate Bill No. 5272).

(60) The appropriations in this section include sufficient funding for the implementation of chapter 96, Laws of 2021 (Substitute Senate Bill No. 5228).

(61) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$1,782,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act).

(62) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an increase in financial student assistance in public service oriented graduate and professional degree programs, referred to as "fee-based" programs, whose tuition for public service degrees is over \$18,000 per year. Programs shall create mechanisms to prioritize assistance to traditionally underrepresented students, specifically those who have expressed a commitment to service in the physician assistant, community oriented public health, or social work programs. The institution may offer financial assistance for students that volunteer or work with public health agencies, including as contact tracers.

(63) \$1,250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the community-engagement test to facilitate clean energy transitions by partnering with communities, utilities, and project developers.

(64) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for staffing and operational expenditures related to the battery fabrication testbed.

(65) \$621,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for maintenance and operation costs for the Milgard hall at University of Washington—Tacoma.

(66) \$505,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for pharmacy behavioral health. The University of Washington school of pharmacy/medicine pharmacy services will hire two residency training positions and one behavioral health faculty to create a residency program focused on behavioral health.

(67) \$3,777,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(68) \$225,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the center for health workforce studies to develop a program to track dental workforce trends, needs, and enhancements to better serve the increasing population and demand for access to adequate oral health care. The center shall develop the program in consultation with dental stakeholders, including, but not limited to, provider associations and oral health philanthropic leaders. The workforce reporting program is to be considered a public-private partnership. The institutions may accept matching funds from interested stakeholders to help facilitate and administer the workforce reporting program. The program shall:

(a) Provide ongoing assessment of the supply and distribution of, and demand for, the state's oral health workforce;

(b) Conduct studies to describe the demographic, education, and practice characteristics of occupations engaged in providing oral health care and to improve understanding of workplace factors that influence workforce recruitment and retention; and

(c) Display and disseminate findings through a public facing website dashboard, in a deidentified and aggregate format, and through findings briefs accessible from the website, among other methods of dissemination.

(69) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the institution to contract with a nonprofit organization to provide a report on the community inventory to help align the Washington park arboretum planning with the diverse needs and priorities of the community.

(70) \$1,242,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for an increase in the number of nursing slots and graduates in the already established accelerated bachelor of science in nursing program. Of the amounts provided in this subsection, \$273,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Tacoma school of nursing and healthcare leadership.

(71) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the memory and brain wellness center to support the statewide expansion of the dementia friends program.

(72) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a \$2,500 monthly stipend to students during the 20-week training period of the business certificate program at the Bothell campus established in partnership with the MLK Gandhi empowerment initiative. The business certificate program must consist of two cohorts of 20 students.

(73) \$455,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the startup program within the school of computer science and engineering.

(74) (a) \$400,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the colab for community and behavioral health policy to work in collaboration with the Latino center for health and allies in healthier systems for health & abundance in youth to convene a community coalition and design team to develop recommendations for the expansion of culturally responsive community mental health services focused on children and adolescents in Washington. Community and lived experience stakeholders, representing communities of color, must make up over half of the team. The coalition's recommendations shall address:

(i) Expansion of clinical training for a lived experience workforce to provide culturally responsive and evidence-informed mental health services focused on families, children, and youth;

(ii) An implementation plan that allows for local flexibility and local community input; and

(iii) An evaluation plan that will yield information about the success in implementation statewide and the improved experiences of those seeking mental health services.

(b) The coalition must report its findings and recommendations to the appropriate committees of the legislature by December 15, 2022.

(75) (a) \$89,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to establish a data repository to assist the state and all political subdivisions with evaluating whether and to what extent existing laws and practices with respect to voting and elections are consistent with public policy, implementing best practices in voting and elections, and to investigate potential infringements upon the right to vote.

(b) The operation of the repository shall be the responsibility of the director of the repository who shall be employed by the University of Washington with doctoral level expertise in demography, statistical analysis, and electoral systems. The director shall be appointed by the governor. The director shall appoint necessary staff to implement and maintain the repository.

(c) The repository shall maintain in electronic format at least the following data and records, where available, for at least the previous 12-year period:

(i) Estimates of the total population, voting age population, and citizen voting age population by race, ethnicity, and language-minority groups, broken down to the election district and precinct level on a year-by-year basis for every political subdivision in the state, based on data from the United States census bureau, American community survey, or data of comparable quality collected by a public office;

(ii) Election results at the precinct level for every statewide election and every election in every political subdivision;

(iii) Regularly updated voter registration lists, voter history files, voting center locations, ballot drop box locations, and student engagement hub locations for every election in every political subdivision;

(iv) Contemporaneous maps, descriptions of boundaries, and shapefiles for election districts and precincts;

(v) Ballot rejection lists, curing lists, and reasoning for ballot rejection for every election in every political subdivision;

(vi) Apportionment plans for every election in every political subdivision; and

(vii) Any other data that the director deems advisable.

(d) The director shall update the data in the repository no later than 30 business days after certification of each election as required by RCW 29A.60.190 or 29A.60.250.

(e) Except for any data, information, or estimates that identifies individual voters, the data, information, and estimates maintained by the repository shall be posted online and made available to the public at no cost.

(f) The repository shall prepare any estimates made pursuant to this section by applying the most advanced, peer-reviewed, and validated methodologies.

(g) On or before January 1, 2023, the repository shall publish on its website and transmit to the state for dissemination to county auditors secretary of a list of political subdivisions required pursuant to section 203 of the federal voting rights act to provide assistance to members of language-minority groups and each language in which those political subdivisions are required to provide assistance. Each county auditor shall transmit the list described herein to all political subdivisions within their jurisdiction.

(h) Upon the certification of election results and the completion of the voter history file after each election, the secretary of state shall transmit copies of:

(i) Election results at the election district level;

(ii) Contemporaneous voter registration lists;

(iii) Voter history files;

(iv) Maps, descriptions, and shapefiles for election districts; and

(v) Lists of voting centers and student engagement hubs.

(i) Staff at the repository may provide nonpartisan technical assistance to political subdivisions, scholars, and the general public seeking to use the resources of the repository.

(76) \$122,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for sexual assault nurse examiner training.

(77) Within the amounts appropriated in this section, the University of Washington must explore pathways for providing direct admissions to the nursing programs at the Seattle campus. By December 1, 2022, the university must report pursuant to RCW 43.01.036 to the appropriate committees of the legislature recommendations for direct admissions, including a timeline for implementation and estimated costs.

(78) \$232,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the center for environmental forensic science for the procurement of an AccuTOF DART mass spectrometry system to perform rapid forensic wood identification to combat illegal logging and associated trade.

(79) \$167,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the center for an informed public for research to identify new technologies and strategies to resist strategic misinformation in collaboration with Finnish higher education institutions and organizations. By June 30, 2023, the center must submit a report pursuant to RCW 43.01.036 to the appropriate committees of the legislature on the use of funds, key metrics and deliverables, and recommendations for further opportunities for collaboration.

(80) \$18,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(81) \$277,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Substitute Senate Bill No. 5644 (behavior health co-response). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(82) \$15,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Engrossed Substitute Senate Bill No. 5874 (military student residency). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((84))~~ (83) \$121,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((85))~~ (84) \$16,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (veterans & military suicide). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((86))~~ (85) (a) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the institution to conduct a study, in consultation with the department of health and with approval from the Washington state institutional review board, of the ability of Washington residents to make use of the rights established in chapter 70.245 RCW to achieve full access to the Washington death with dignity act. The institution and department shall enter into a signed data sharing agreement for the purpose of the study. Pursuant to RCW 42.56.070, 42.56.360, and 70.245.150, the data sharing agreement must specify that data shared or obtained in the course of this study are not subject to public disclosure. The study shall review the extent to which there are barriers to achieving full access to the Washington death with dignity act.

(b) The department shall provide to the institution the data requested on deaths of all Washington residents and legal next of kin by August 1, 2022.

(c) By December 1, 2022, the institution shall report its findings to the governor and appropriate committees of the legislature under RCW 43.01.036. Pursuant to RCW 42.56.070, 42.56.360, and 70.245.150, the report must protect the confidentiality of the subjects of any data that it receives while conducting its research, including the names of any patients and health care providers.

**Sec. 1603.** 2022 c 297 s 604 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE UNIVERSITY**

General Fund—State Appropriation (FY 2022)	\$246,492,000
General Fund—State Appropriation (FY 2023)	<del>(\$264,669,000)</del>
	<u>\$266,170,000</u>
General Fund—Federal Appropriation	\$500,000
Washington State University Building Account—State Appropriation	\$792,000
Education Legacy Trust Account—State Appropriation	\$33,995,000
Model Toxics Control Operating Account—State Appropriation	\$2,076,000
Dedicated Marijuana Account—State Appropriation (FY 2022)	\$138,000
Dedicated Marijuana Account—State Appropriation (FY 2023)	\$175,000
Workforce Education Investment Account—State Appropriation	\$31,736,000
Waste Reduction, Recycling, and Litter Control	

Account—State Appropriation. . . . .	\$331,000
<b>TOTAL APPROPRIATION.....</b>	<b><del>(\$580,904,000)</del></b>
	<b>\$582,405,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$90,000 of the general fund—state appropriation for fiscal year 2022 and \$90,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) \$7,000,000 of the general fund—state appropriation for fiscal year 2022, \$7,000,000 of the general fund—state appropriation for fiscal year 2023, and \$22,800,000 of the workforce education investment account—state appropriation are provided solely for the continued development and operations of a medical school program in Spokane.

(6) \$135,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a honey bee biology research position.

(7) \$31,614,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$32,341,000)~~ \$34,016,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(8) \$580,000 of the general fund—state appropriation for fiscal year 2022 and \$580,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(9) \$630,000 of the general fund—state appropriation for fiscal year 2022 and \$630,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(10) \$1,370,000 of the general fund—state appropriation for fiscal year 2022 and \$1,370,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(11) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(12) \$1,154,000 of the general fund—state appropriation for fiscal year 2022 and \$1,154,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(13) \$376,000 of the general fund—state appropriation for fiscal year 2022 and \$376,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(14) \$585,000 of the general fund—state appropriation for fiscal year 2022 and \$585,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

(15)(a) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the joint center for deployment and research in earth abundant materials.

(b) By December 1, 2021, the joint center for deployment and research in earth abundant materials must report to the appropriate committees of the legislature on the center's research grant program, including but not limited to the following:

(i) The annual amount of funding available for the grant program, including any private or foundation dollars;

(ii) The average award amount per project;

(iii) The educational impact of funded projects on high schools and community and technical colleges; and

(iv) The impact of project findings on technologies in Washington using earth-abundant materials.

(16) \$2,076,000 of the model toxics control operating account—state appropriation is provided solely for the university's soil health initiative and its network of long-term agroecological research and extension (LTARE) sites. The network must include a Mount Vernon REC site.

(17) \$6,880,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(18) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$20,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of clean technology to convene a sustainable aviation biofuels work group to further the development of sustainable aviation fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in sustainable aviation biofuels research, development, production, and utilization. The work group must provide a report including any pertinent recommendations to the governor and appropriate committees of the legislature by December 1, 2022.

(19) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Washington State University's energy program to launch a least-conflict priority solar siting pilot project in the Columbia basin of eastern and central Washington. This program shall engage all relevant stakeholders to identify priority areas where there is the least amount of potential conflict in the siting of utility scale PV solar and to develop a map highlighting these areas. The program shall also compile the latest information on opportunities for dual-use and colocation of PV solar with other land values. The appropriation is the maximum amount the department may expend for this purpose.

(20) \$42,000 of the general fund—state appropriation for fiscal year 2022 and \$42,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(21) \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$215,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the William D. Ruckelshaus center to partner with the Washington State University for the continued work of the Washington state criminal sentencing task force established in section 944 of this act.

(22) (a) \$85,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the William D. Ruckelshaus center to conduct a situation assessment to gauge the prospects for a collaborative approach to integration of leadership, aligning roles and responsibilities, and increasing efficiency and responsiveness of the state's K-12 education governance structure. The assessment must:

(i) Identify issues, challenges, and opportunities related to administration and governance of K-12 education in Washington state;

(ii) Consist of interviews with representatives of state-funded K-12 education agencies, boards, commissions, and other relevant entities identified by the center;

(iii) Explore potential opportunities for the integration, alignment, and/or consolidation of roles and responsibilities of entities; and

(iv) Identify key areas of focus.

(b) The center must report the assessment's findings and recommendations to the education committees of the legislature by March 31, 2022, with a preliminary report by February 1, 2022, as to whether circumstances support the convening and facilitation of a collaborative work group.

(23) (a) \$331,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the university to conduct an organic waste study to:

(i) Assess local and state government compost usage in projects and buy-back programs under RCW 43.19A.120 and 43.19A.130 including but not limited to participation, effectiveness, and amount and types of usage of compost; and

(ii) Develop a model to estimate carbon sequestration from organic waste-derived soil amendment application to soil, and identify technologies, methods, and potential funding for carbon sequestration from Washington's organic wastes including but not limited to the potential inclusion of these materials in carbon markets and trading.

(b) The university must submit a report on the assessment's findings and model development to the appropriate committees of the legislature by December 31, 2022.

(24) \$500,000 of the general fund—federal appropriation (CRRSA) is provided solely to support farm stress programs in response to the COVID-19 pandemic, as authorized in section 766, division N, consolidated appropriations act, 2021, P.L. 116-260.

(25) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon).

(26) \$86,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools).



(27) \$101,000 of the general fund—state appropriation for fiscal year 2022 and \$101,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education).

(28) \$281,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of chapter 6, Laws of 2021 (Engrossed Substitute Senate Bill No. 5272).

(29) The appropriations in this section include sufficient funding for the implementation of chapter 96, Laws of 2021 (Substitute Senate Bill No. 5228).

(30) \$224,000 of the general fund—state appropriation for fiscal year 2022 and \$221,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5253 (pollinator health).

(31) \$1,718,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act).

(32) \$412,000 from the institutions of higher education—grant and contracts account is provided solely for implementation of Substitute Senate Bill No. 5317 (pesticide registration).

(33) \$33,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for compensation funding for Western Washington University employees that work on the Washington State University Everett campus.

(34) \$341,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for pharmacy behavioral health. Washington State University college of pharmacy and pharmaceutical sciences will hire two residency training positions and one behavioral health faculty to create a residency program focused on behavioral health.

(35) \$1,337,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(36) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington state commission on pesticide registration to fund research to develop alternatives for growers currently using organophosphate pesticides.

(37) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for residential energy code education and support, including training, hotline support to the building industry, and informational material and web resources. The energy program shall engage stakeholders in a discussion of overall enforcement support and work to identify workforce development needs and opportunities.

(38) \$750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington state academy of sciences to provide support for core operations and to accomplish its mission of providing science in the service of Washington, pursuant to its memorandum of understanding with the university.

~~((40))~~ (39) \$188,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for stormwater research to study the long-term efficacy of green stormwater infrastructure that incorporates compost to remove pollutants.

~~((41))~~ (40) \$2,056,000 of the workforce education investment account—state appropriation is provided solely to establish a bachelor's degree in cybersecurity operations.

~~((42))~~ (41) \$80,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((43))~~ (42) \$135,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1814 (community solar projects). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((44))~~ (43) \$121,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((45))~~ (44) \$122,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 1622 (sex. assault nurse education). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

~~((46))~~ (45) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Washington State University to partner with a nonprofit entity based in Olympia that focuses on sustainable infrastructure solutions to develop recommendations for increasing the economic value and sustainability of Washington's agricultural sector through the use of industrial symbiosis principles, to connect agriculture producers and processors with partners to achieve synergies through systems-based resource sharing resulting in economic benefits and value creation for all participants, through sustainable resource recovery and optimization of energy, water, and organic waste streams. By June 30, 2023, the Washington State University must report recommendations to the appropriate committees of the legislature pursuant to RCW 43.01.036.

**Sec. 1604.** 2022 c 297 s 605 (uncodified) is amended to read as follows:  
**FOR EASTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2022) . . . . .	\$58,296,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$61,496,000)</del>
	<u>\$62,098,000</u>
Education Legacy Trust Account—State Appropriation . . . . .	\$16,838,000
Workforce Education Investment Account—State Appropriation . . . . .	\$15,244,000
<b>TOTAL APPROPRIATION</b> . . . . .	<del>(\$151,874,000)</del>
	<u>\$152,476,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$200,000 of the general fund—state appropriation for fiscal year 2022 and at least \$200,000 of the general fund—state appropriation for fiscal year 2023 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) \$11,356,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$11,617,000)~~ \$12,219,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(6) \$56,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a comprehensive analysis of the deep lake watershed involving land owners, ranchers, lake owners, one or more conservation districts, the department of ecology, and the department of natural resources.

(7) \$2,274,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(8) \$2,636,000 of the workforce education investment account—state appropriation is provided solely to maintain a computer engineering degree program in the college of science, technology, engineering, and math.

(9) \$45,000 of the general fund—state appropriation for fiscal year 2022 and \$45,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(10) \$300,000 of the workforce education investment account—state appropriation is provided solely to establish a center for inclusive excellence for faculty and staff.

(11) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increasing dual credit options, to address issues of equity in higher education access.

(12) \$110,000 of the general fund—state appropriation for fiscal year 2022 and \$110,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a new summer bridge program.

(13) \$27,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools).

(14) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1335 (racial restrictions/review).

(15) \$121,000 of the general fund—state appropriation for fiscal year 2022 and \$121,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education).

(16) \$548,000 of the workforce education investment account—state appropriation is provided solely for a professional masters of science cyber operations degree option.

(17) \$2,262,000 of the workforce education investment account—state appropriation is provided solely to establish a bachelor of science in cybersecurity degree option through the computer science program.

(18) \$1,054,000 of the workforce education investment account—state appropriation is provided solely for the implementation of a coordinated care network that will help to maximize the collaboration of various student support services to create wraparound care for students to address obstacles to degree completion. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(19) \$262,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(20) \$6,170,000 of the workforce education investment account—state appropriation is provided solely to establish a bachelor of science in nursing program.

(21) \$68,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(22) \$43,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1605.** 2022 c 297 s 606 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2022) . . . . .	\$60,220,000
General Fund—State Appropriation (FY 2023) . . . . .	(((\$64,057,000))
	<u>\$64,823,000</u>
Central Washington University Capital Projects	
Account—State Appropriation . . . . .	\$76,000
Education Legacy Trust Account—State Appropriation . . . . .	\$19,076,000
Workforce Education Investment Account—State Appropriation . . . . .	\$5,071,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>(((\$148,500,000))</b>
	<u><b>\$149,266,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) ~~(\$13,094,000)~~ \$13,773,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(5) \$2,236,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) \$1,050,000 of the workforce education investment account—state appropriation is provided solely to increase the number of certified K-12 teachers.

(7) \$736,000 of the workforce education investment account—state appropriation is provided solely to maintain mental health counseling positions.

(8) \$240,000 of the general fund—state appropriation for fiscal year 2022 and \$240,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for two ~~((psychologists))~~ counselor positions to increase access to mental health counseling for traditionally underrepresented students.

(9) \$52,000 of the general fund—state appropriation for fiscal year 2022 and \$52,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health ~~((counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans))~~ outreach and service coordination position with knowledge of issues relevant to veterans.

(10) \$155,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement chapter 295, Laws of 2019 (educator workforce supply).

(11) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to establish a bachelor of science in computer science at the university's Des Moines center.

(12) \$31,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools).

(13) \$131,000 of the general fund—state appropriation for fiscal year 2022 and \$131,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education).

(14) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$16,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data).

(15) \$613,000 of the workforce education investment account—state appropriation is provided solely for expanding cybersecurity capacity by adding additional faculty resources in the department of computer science.

(16) \$293,000 of the workforce education investment account—state appropriation is provided solely for a peer mentoring program. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(17) \$325,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(18) \$143,000 of the workforce education investment account—state appropriation is provided solely for the creation of an extended orientation program to help promote retention of underserved students. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(19) \$20,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(20) \$55,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for community collaborations to document and preserve the Roslyn cemetery.

**Sec. 1606.** 2022 c 297 s 607 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

General Fund—State Appropriation (FY 2022) . . . . .	\$32,123,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$35,611,000</del> ))
	<u>\$35,650,000</u>
The Evergreen State College Capital Projects	
Account—State Appropriation . . . . .	\$80,000
Education Legacy Trust Account—State Appropriation . . . . .	\$5,450,000
Workforce Education Investment Account—State Appropriation . . . . .	\$3,906,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>((<del>\$77,170,000</del>))</b>
	<u><b>\$77,209,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,893,000 of the general fund—state appropriation for fiscal year 2022 and ((~~\$3,983,000~~)) \$4,189,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(4) \$2,760,000 of the general fund—state appropriation for fiscal year 2022 and ((~~\$3,560,000~~)) \$3,393,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public policy to initiate, sponsor, conduct, and publish research that is directly useful to policymakers and manage reviews and evaluations of technical and scientific topics as they relate to major long-term issues facing the state. Within the amounts provided in this subsection (4):

(a) \$1,391,000 of the amounts in fiscal year 2022 and \$1,399,000 of the amounts in fiscal year 2023 are provided for administration and core operations.

(b) \$828,000 of the amounts in fiscal year 2022 and ((~~\$937,000~~)) \$863,000 of the amounts in fiscal year 2023 are provided solely for ongoing and continuing studies on the Washington state institute for public policy's work plan.

(c) \$60,000 of the amounts in fiscal year 2022 are provided solely to the Washington state institute for public policy for the continued work and research on behalf of the domestic violence risk assessment work group.

(d) \$25,000 of the amounts in fiscal year 2022 and \$40,000 of the amounts in fiscal year 2023 are provided solely to the Washington state institute for public policy for the continued work and research on behalf of the Washington state criminal sentencing task force established in section 944 of this act.

(e) (i) \$14,000 of the amounts in fiscal year 2022 and \$76,000 of the amounts in fiscal year 2023 are provided solely for the Washington state institute for public policy to study net nanny and similar fictitious victim sting operations. The study must:

(A) Describe the current research on net nanny-type sting operations, including any evidence of their effectiveness in deterring or reducing crime, their costs, and the potential advantages or drawbacks of their use in crime prevention; and

(B) Compare the characteristics of individuals convicted under net nanny stings with individuals convicted of child sex offenses through other avenues.

(ii) The Washington state patrol shall provide the Washington state institute for public policy with the data necessary to conduct the analysis in (e) (i) (B) of this subsection. A net

nanny sting operation is a collaborative operation that includes local, state, and federal law enforcement that targets the arrest and prosecution of individuals involved in child abuse and exploitation using the internet by using a fictitious victim. By June 30, 2023, the institute must submit results from the study to the appropriate committees of the legislature.

(f) \$124,000 of the general fund—state appropriation for fiscal year 2022 and \$76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public policy to study legal financial obligations as defined in RCW 9.94A.030.

(i) The study should explore the following topics:

(A) The amount of legal and financial obligations imposed over the last three years;

(B) The total amounts outstanding and the total amounts collected annually, including annual collection rates; including all restitution, costs, fees, fines, penalty assessments, and interest, disaggregated;

(C) Statutes which allow for the imposition of legal and financial obligations;

(D) The percentage of the judicial branch's budget which has been supported by legal and financial obligations since the system's inception;

(E) The programs funded by legal financial obligations; and

(F) How other states fund their court system including but not limited to whether they use legal financial obligations to provide support.

(ii) The study should recommend to the legislature potential methods and processes to delink court related funding and other county and local funding from the collection of legal financial obligations and to provide such funding through other means.

(iii) The Washington state institute for public policy may solicit input for the study from interested parties to include but not be limited to the Washington state association of counties, the Washington state association of county officials, the Washington state association of prosecuting attorneys, superior court judges, civil legal aid, civil rights attorneys, disability rights advocates, crime victim advocates, persons formerly incarcerated, advocates for persons who are currently or formerly incarcerated, academic researchers, persons with expertise analyzing data on legal financial obligations, the Washington state minority and justice commission, and the administrative office of the courts.

(iv) An initial report is due to the legislature by December 1, 2021, with a supplemental and final report due to the legislature by December 1, 2022.

(g) \$7,000 of the general fund—state appropriation for fiscal year 2022 and \$68,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the institute to review available research literature to investigate and describe any relationship between early substance abuse of cannabis, opioids, or cocaine and mental health disorders in young adults; and any relationship between nutrition and mental health disorders in young adults. The institute shall report its findings to the legislature no later than December 1, 2022.

(h) (i) \$102,000 of the amounts in fiscal year 2022 and \$73,000 of the amounts in fiscal year 2023 are provided solely for the Washington state institute for public policy to partner with a context expert to conduct a wilderness therapy research review. The University of Washington evidence-based practice institute and Washington State University impact center must assist the institute in identifying a content expert. For the review, the institute must:

(A) Identify wilderness therapy program models related to behavioral health which have a treatment approach which is well defined or definable and have a strong evidence base to be added to reporting guides for being identified as an evidence-based practice for mental health, including identification of target populations for these programs;

(B) Identify wilderness/adventure program models available for prevention services which are cost beneficial; and

(C) Assess the interest and likelihood of support for programs of this nature among relevant interest groups, such as state prevention coalitions and tribes, if such programs were listed as approved cost beneficial prevention programs by the division of behavioral health and recovery and the Washington state health care authority.

(ii) The institute must submit to the appropriate committees of the legislature a report on (h) (i) (A) and (B) of this subsection by June 30, 2022, and a report on (h) (i) (C) of this subsection by December 1, 2022.

(i) \$15,000 of the amounts in fiscal year 2022 and (~~(\$286,000)~~) \$233,000 of the amounts in fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5304 (reentry services/state and local institutions).

(j) \$48,000 of the amounts in fiscal year 2022 and \$89,000 of the amounts in fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5194 (equity and access in higher education).

(k) (i) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public policy to conduct a cost-benefit analysis for an exclusive or partial American steel requirement for future contracts and subcontracts authorized in the capital budget. The cost-benefit analysis must, to the extent feasible:

(A) Compare existing types and uses of steel to America made steel alternatives, including evaluation of quality;

(B) Examine benefits to Washington workers and the Washington economy;

(C) Examine lifecycle and embodied carbon greenhouse gas emissions;

- (D) Identify requirements for purchasing American steel that minimize costs and maximize benefits; and
- (E) Evaluate American steel requirements or preferences in other states.
- (ii) The institute may solicit input for the analysis from representatives of interested parties to include, but not be limited to, the construction and manufacturing sectors, organized labor in the construction and manufacturing sectors, cities, counties, American steel manufacturing companies, environmental advocacy organizations, and appropriate state agencies.
- (iii) The institute must submit a final report to the appropriate committees of the legislature by December 1, 2022.
- (l) \$47,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.).
- (m) \$71,000 of the amounts in fiscal year 2022 and \$91,000 of the amounts in fiscal year 2023 are provided solely for implementation of chapter 314, Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141) (env. justice task force recs).
- (n) \$125,000 of the amounts in fiscal year 2023 is provided solely for an evaluation of student participation in transitional kindergarten programs across the state. By December 31, 2023, the institute shall report the results of its evaluation to the appropriate legislative committees; the governor; the office of the superintendent of public instruction; and the department of children, youth, and families. It is the intent of the legislature to provide funding in the 2023–2025 fiscal biennium budget for the institute to complete the report by December 31, 2023. For the evaluation, to the extent data is available, the institute shall collect data regarding:
- (i) The number of districts providing transitional kindergarten programs, including the number of classrooms and students in the program per district;
- (ii) The number of children participating in transitional kindergarten programs across the state, disaggregated by demographic information such as race, gender, and income level;
- (iii) The number of children participating in transitional kindergarten programs that attended prekindergarten previous to transitional kindergarten;
- (iv) The number of children participating in transitional kindergarten who received early learning services through the early childhood education and assistance program;
- (v) The number of children participating in transitional kindergarten with an individualized education plan;
- (vi) An analysis of how school districts select and prioritize children for enrollment in transitional kindergarten;
- (vii) The differences in teacher preparation, certification, and classroom instruction for transitional kindergarten compared to the early childhood education and assistance program;
- (viii) The identification of why school districts offer transitional kindergarten, the early childhood education and assistance program, and other early learning programs such as traditional or developmental prekindergarten, and the funding sources used; and
- (ix) The use of transitional kindergarten in other states in comparison to Washington state, and any outcome data available.
- (o) (i) \$62,000 of the amounts for fiscal year 2023 is provided solely for a comprehensive study to assess specific needs of farmworkers in the state in order to help policymakers determine whether those needs are being met by state administered programs, policies, and statutes. The institute must consult with farmworker advocacy organizations, state agencies administering programs and policies impacting farmworkers, and nonprofit organizations that work directly with farmworkers.
- (ii) As part of its information gathering, the institute must hear from farmworkers, either directly or through the nonprofit organizations, regarding farmworkers' experiences and working conditions. These personal, real-life experiences from farmworkers must be based on informal interviews or surveys conducted by Latino nonprofit organizations that have well-established connections and relationships with farmworkers.
- (iii) The study must focus on needs related to health and safety in the workplace, payment of wages, and preventing harassment and discrimination of, and retaliation against, farmworkers for asserting their rights regarding health and safety standards, wage and hour laws, and access to services.
- (iv) The study must include:
- (A) An examination of how the relevant state agencies coordinate with each other and federal agencies in administrating and enforcing the various laws, policies, and programs, and of the agencies' education and outreach to farmworkers regarding farmworkers' rights and protections;
- (B) A review of available data from, and research of, programs that are intended to increase health and safety outcomes for farmworkers and that are intended to provide farmworkers access to services and benefits; and
- (C) Options on ways to improve agency coordination and the effectiveness of reviewed programs.
- (v) It is the intent of the legislature to provide funding in the 2023–2025 fiscal biennium budget for the institute to complete the report by June 30, 2025, with a preliminary report submitted by December 1, 2023.
- (p) (~~(\$116,000)~~) \$76,000 of the amounts in fiscal year 2023 is provided solely for the Washington state institute for public policy to undertake a study on the nature and scope of the underground economy and to recommend what policy changes, if any, are needed to address

the underground economy in the construction industry, including whether greater cohesion and transparency among state agencies is needed. The report must address the extent of and projected costs to the state and workers of the underground economy. The legislature expects the institute (~~must~~) to submit a report to the appropriate committees of the legislature by ~~((December 1, 2022))~~ September 30, 2023.

(q) Notwithstanding other provisions in this subsection, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2021-23 work plan as necessary to efficiently manage workload.

(5) \$2,636,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) \$670,000 of the workforce education investment account—state appropriation is provided solely to maintain enrollment capacity in psychology programs.

(7) \$600,000 of the workforce education investment account—state appropriation is provided solely to increase student success by maintaining support for a student precollege immersion program and The Evergreen first-year experience.

(8) \$213,000 of the general fund—state appropriation for fiscal year 2022 and \$213,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for additional faculty to support Native American and indigenous programs.

(9) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the native pathways program for an assistant director.

(10) \$110,000 of the general fund—state appropriation for fiscal year 2022 and \$110,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to establish a new tribal liaison position.

(11) \$39,000 of the general fund—state appropriation for fiscal year 2022 and \$39,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(12) \$7,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools).

(13) \$236,000 of the general fund—state appropriation for fiscal year 2022 and \$220,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education).

(14) \$158,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(15) \$142,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for student mental health and wellness. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(16) \$196,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for additional laboratory, art, and media lab sections.

(17) \$600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to develop and expand current corrections education programs offered in department of corrections facilities. The college shall appoint a project implementation team, collaborate with stakeholders to plan student success programs and curriculum which lead to transferable credit, associate and bachelor's degrees, and other workforce credentials, and train faculty and staff on working with incarcerated populations.

(18) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of chapter 329, Laws of 2021 (Substitute House Bill No. 1223) (custodial interrogations).

(19) \$27,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1607.** 2022 c 297 s 608 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2022)	\$84,528,000
General Fund—State Appropriation (FY 2023)	(( <del>\$91,203,000</del> ))
	<u>\$92,139,000</u>

Western Washington University Capital Projects

Account—State Appropriation	\$1,424,000
Education Legacy Trust Account—State Appropriation	\$13,831,000
Workforce Education Investment Account—State Appropriation	\$8,727,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$199,713,000</del>))</b> <b><u>\$200,649,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$17,667,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$18,073,000)~~) \$19,009,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to recruit and retain high quality and diverse graduate students.

(5) \$494,000 of the general fund—state appropriation for fiscal year 2022 and \$548,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for critical support services to ensure traditionally underrepresented students receive the same opportunities for academic success as their peers.

(6) \$700,000 of the general fund—state appropriation for fiscal year 2022 and \$700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(7) \$1,306,000 of the general fund—state appropriation for fiscal year 2022 and \$1,306,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university to develop a new program in marine, coastal, and watershed sciences.

(8) \$886,000 of the general fund—state appropriation for fiscal year 2022 and \$886,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university to reduce tuition rates for four-year degree programs offered in partnership with Olympic college—Bremerton, Olympic college—Poulsbo, and Peninsula college—Port Angeles that are currently above state-funded resident undergraduate tuition rates.

(9) \$90,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the university to assess the feasibility and benefits of expanding outdoor residential school programs to equitably serve either all fifth and sixth grade students, or only fifth or only sixth grade students statewide. The study shall explore the equity concerns exacerbated by the COVID-19 pandemic in the areas of outdoor recreation and outdoor learning experiences, with a focus on using physical activity and exposure to natural settings as a strategy for improving health disparities and accelerating learning for historically underserved populations. The study must also consider programs and facilities at outdoor residential schools, youth camps, and state parks and assess the impact of COVID-19 on these institutions, and recommend strategies to preserve and expand capacity for outdoor school. The university shall submit a report to the office of the governor, the office of the superintendent of public instruction, and the education committees of the legislature summarizing the assessment and making recommendations no later than September 30, 2021.

(10) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(11) \$2,256,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(12) \$3,426,000 of the workforce education investment account—state appropriation is provided solely to maintain access to science, technology, engineering, and mathematics degrees.

(13) \$1,016,000 of the workforce education investment account—state appropriation is provided solely to establish an academic curriculum in ethnic studies.

(14) \$48,000 of the general fund—state appropriation for fiscal year 2022 and \$48,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(15) \$530,000 of the general fund—state appropriation for fiscal year 2022 and \$530,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation and implementation of two bilingual educator programs in the south King county region, including a bilingual elementary education degree program and a secondary education degree program. At full implementation, each cohort shall support up to 25 students per year.

(16) \$40,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools).

(17) \$353,000 of the general fund—state appropriation for fiscal year 2022 and \$153,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for



implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education).

(18) \$5,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data).

(19) \$769,000 of the workforce education investment account—state appropriation is provided solely for upgrading Cyber Range equipment and software.

(20) \$1,260,000 of the workforce education investment account—state appropriation is provided solely for student support services that include resources for outreach and financial aid support, retention initiatives including targeted support for underserved student populations, mental health support, and initiatives aimed at addressing learning disruption due to the global pandemic. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for student support services.

(21) \$461,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for establishing a new master of science program in nursing.

(22) \$433,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the registered nurse to bachelors in nursing program.

(23) \$767,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(24) \$30,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a review of how existing homeowners' associations, condominium associations, associations of apartment owners, and common interest communities in Washington can incorporate accessory dwelling units. The review shall include an examination of the governing documents of these associations and communities to determine how accessory dwelling units are explicitly or implicitly restricted and what the overall impact is on the state's housing supply from such restrictions. By June 30, 2023, in compliance with RCW 43.01.036, the institution must submit a report detailing its findings to the appropriate committees of the legislature.

(25) \$66,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1608.** 2022 c 297 s 609 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—POLICY COORDINATION AND ADMINISTRATION**

General Fund—State Appropriation (FY 2022) . . . . .	\$7,777,000
General Fund—State Appropriation (FY 2023) . . . . .	\$12,583,000
General Fund—Federal Appropriation . . . . .	\$4,941,000
<u>General Fund—Private/Local Appropriation . . . . .</u>	<u>\$150,000</u>
Workforce Education Investment Account—State Appropriation . . . . .	\$6,427,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b><u>(\$31,728,000)</u></b> <b><u>\$31,878,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$126,000 of the general fund—state appropriation for fiscal year 2022 and \$126,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the consumer protection unit.

(2) \$500,000 of the workforce education investment account—state appropriation is provided solely to implement a marketing and communications agenda as required in RCW 28C.30.040(1)(c).

(3) \$115,000 of the workforce education investment account—state appropriation is provided solely for the Washington student loan refinancing program as provided in chapter 28B.94 RCW.

(4) \$575,000 of the general fund—state appropriation for fiscal year 2022 and \$575,000 of the general fund—state appropriation for fiscal year 2023 are provided to increase the number of high school seniors and college bound scholars that complete the free application for federal student aid and the Washington application for state financial aid through digital engagement tools, expanded training, and increased events for high school students.

(5) The student achievement council must ensure that all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW provide the data needed to analyze and evaluate the effectiveness of state financial aid programs. This data must be promptly transmitted to the education data center so that it is available and easily accessible.

(6) \$25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the Washington student achievement council to convene and coordinate a task force to propose strategies to eliminate financial and nonfinancial barriers to low-income students participating in running start, college in the high school, advanced placement, international baccalaureate, Cambridge, and career and technical education dual credit programs. The task force shall submit a report to the appropriate committees of the legislature by December 1, 2021. The report must include:

(a) Strategies to address the following financial and nonfinancial barriers to students:

- (i) Per credit tuition fees and any other fees charged for college in the high school and career and technical education dual credit courses;
- (ii) Books, fees, and any other direct costs charged to running start students when enrolling in college courses; and
- (iii) Exam fees and other charges to students enrolling in exam-based dual credit courses;
- (b) Recommendations on student supports to close equity gaps in dual credit access, participation, and success;
- (c) Recommendations to improve and increase communication with students and families regarding the awareness, access, and completion of dual credit;
- (d) Expanding access to dual credit opportunities for students in career and technical education pathways; and
- (e) Running start data for fiscal year 2019, fiscal year 2020, and fiscal year 2021 for each community and technical college as described in section 602(29) of this act.
- (7) \$29,000 of the general fund—state appropriation for fiscal year 2022 and \$29,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.).
- (8) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$16,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute Senate Bill No. 5249 (mastery-based learning).
- (9) \$1,000,000 of the workforce education investment account—state appropriation is provided solely for the career launch grant pool for the public four-year institutions.
- (10) \$3,600,000 of the workforce education investment account—state appropriation is provided solely for a grant pool dedicated to nursing programs to purchase or upgrade simulation laboratory equipment.
- (11) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the student achievement council to convene and coordinate the development of education and training programs for employees, focusing on correctional officers and medical staff, of the department of corrections to be provided through a contract with The Evergreen State College. Education and training programs must be designed collaboratively to best meet the needs of the department of corrections.
- (12) \$850,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for administrative support services to carry out duties and responsibilities necessary for recipients of the Washington college grant who are enrolled in a state registered apprenticeship program.
- (13) \$246,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand the homeless student assistance pilot program by two additional public four-year institutions of higher education. The institutions participating in the pilot program are subject to the same requirements as in RCW 28B.50.916. Of the amounts in this subsection, \$30,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for administration.
- (14) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a Pierce county school district to expand a current program assisting high school seniors to identify a postsecondary pathway through a data driven approach.
- (15)(a) \$80,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a pilot program to help students, including those enrolled in state registered apprenticeship programs, connect with health care coverage. The student achievement council, in cooperation with the council of presidents, must provide resources for up to two four-year colleges or universities, one on the east side and one on the west side of the Cascade mountains, to hire or train an employee to:
- (i) Provide information to students and college and university staff about available health insurance options;
- (ii) Develop culturally relevant materials and conduct outreach for historically marginalized and underserved student populations to assist these populations in their knowledge of access to low cost or free health insurance plans;
- (iii) Provide ongoing technical assistance to students about health insurance options or health insurance application process; and
- (iv) Provide technical assistance to students as a health benefit exchange certified assister, to help students understand, shop, apply, and enroll in health insurance through Washington health planfinder.
- (b) Participation in the exchange assister program is contingent on fulfilling applicable contracting, security, and other program requirements.
- (c) The legislature expects the council, in collaboration with the council of presidents and the health benefit exchange, to report to the appropriate committees of the legislature information about barriers students, including those enrolled in state registered apprenticeship programs, encountered to accessing health insurance coverage; and to provide recommendations on how to improve student and staff access to health coverage based on data gathered from the pilot program.
- (16) \$25,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington student achievement council to convene stakeholders from institutions of higher education, students, and community-based organizations to develop recommendations regarding residency statutes with the goal of ensuring consistent application of residency statutes and clarifying pathways to being a Washington resident student with a

focus on ensuring equity to accessing student residency. By December 1, 2022, the council must submit a report with recommendations to the appropriate committees of the legislature pursuant to RCW 43.01.036.

(17) \$10,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the council to submit a progress report on the new or expanded cybersecurity and nursing academic programs that receive funding in sections 602 through 608 of this act, including the number of students enrolled. The council must coordinate with the institutions of higher education and the state board for community and technical colleges as provided in sections 601(4), 602(37), and 602(45) of this act. The progress report must be submitted to the appropriate committees of the legislature, pursuant to RCW 43.01.036, by June 30, 2023, and a final report is expected by December 1, 2024.

(18) \$2,800,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to a nonprofit organization located in King county to expand college services to support underserved students impacted by the pandemic and improve college retention and completion rates.

(19) \$275,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(20) \$137,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5847 (public employee PLSF info). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(21) \$1,200,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1835 (postsecondary enrollment). No more than \$200,000 of the amounts provided in this subsection may be used for administration. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(22) ~~(\$150,000,000 of the Washington student loan account—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1736 (state student loan program). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.~~

~~(23))~~ If Second Substitute Senate Bill No. 5789 (innovation challenge program) is enacted by June 30, 2022, community-based organizations that receive state funding under subsection (18) of this section and section 602(41) of this act are not eligible for Washington career and college pathways innovation challenge program grant funding for the same purpose.

(23) \$150,000 of the general fund—private/local appropriation is provided solely for the skills-driven states demonstration project grant awarded by the national governor's association.

**Sec. 1609.** 2022 c 297 s 610 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund—State Appropriation (FY 2022)	\$274,216,000
General Fund—State Appropriation (FY 2023)	(( <del>\$224,541,000</del> ))
	<u>\$234,093,000</u>
General Fund—Federal Appropriation	\$14,096,000
General Fund—Private/Local Appropriation	\$300,000
Education Legacy Trust Account—State Appropriation	\$85,488,000
Washington Opportunity Pathways Account—State Appropriation	(( <del>\$223,786,000</del> ))
	<u>\$221,033,000</u>
Aerospace Training Student Loan Account—State Appropriation	\$217,000
Workforce Education Investment Account—State Appropriation	(( <del>\$248,456,000</del> ))
	<u>\$220,847,000</u>
Health Professionals Loan Repayment and Scholarship Program Account—State Appropriation	\$1,720,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$1,072,820,000</del>))</b>
	<b><u>\$1,052,010,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,834,000 of the general fund—state appropriation for fiscal year 2022 and \$7,835,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for student financial aid payments under the state work study program, including up to four percent administrative allowance for the state work study program.

(2) \$236,416,000 of the general fund—state appropriation for fiscal year 2022, \$176,416,000 of the general fund—state appropriation for fiscal year 2023, ((~~\$218,824,000~~)) \$191,215,000 of the workforce education investment account—state appropriation, \$69,639,000 of the education legacy trust fund—state appropriation, and \$207,654,000 of the Washington opportunity pathways account—state appropriation are provided solely for the Washington college grant program as provided in RCW 28B.92.200.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2021-2023 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) \$1,165,000 of the general fund—state appropriation for fiscal year 2022, \$1,165,000 of the general fund—state appropriation for fiscal year 2023, \$15,849,000 of the education legacy trust account—state appropriation, and (~~(\$16,132,000)~~) \$13,379,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall not consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010.

(5) \$6,999,000 of the general fund—state appropriation for fiscal year 2022 and \$6,999,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2022 and 2023 for this purpose.

(6) \$2,981,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$8,551,000)~~) \$17,904,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(7) \$3,800,000 of the general fund—state appropriation for fiscal year 2022 and \$3,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current number and amount of awards for the program in the 2023-2025 fiscal biennium on the basis of these contractual obligations.

(8) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for behavioral health loan repayment program grants, pursuant to chapter 302, Laws of 2019 (2SHB 1668) (Washington health corps).

(9) \$4,125,000 of the general fund—state appropriation for fiscal year 2022 and \$6,125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. The amount provided in this subsection is provided solely to increase loans within the behavioral health program.

(10) \$2,000,000 of the workforce education investment account—state appropriation is provided solely for the future teachers conditional scholarship and loan repayment program established in chapter 28B.102 RCW.

(11) \$2,000,000 of the general fund—federal appropriation (ARPA) is provided solely for ARPA anticipated state grants for the national health service corps.

(12) \$1,279,000 of the general fund—state appropriation for fiscal year 2022 and \$1,313,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington award for vocational excellence. \$175,000 of the general fund—state appropriation for fiscal year 2023 shall be used for administration.

(13) \$258,000 of the general fund—state appropriation for fiscal year 2022 and \$258,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1166 (college students pilot).

(14) \$500,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$206,000)~~) \$405,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a state match associated with the rural jobs program.

(15) \$27,627,000 of the workforce education investment account—state appropriation is provided solely for an annual bridge grant of \$500 to eligible students. A student is eligible for a grant if the student receives a maximum college grant award and does not

receive the college bound scholarship program under chapter 28B.118 RCW. Bridge grant funding provides supplementary financial support to low-income students to cover higher education expenses.

(16) \$3,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 2007 (nurse educator loans). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1610.** 2022 c 297 s 612 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

General Fund—State Appropriation (FY 2022)	\$9,278,000
General Fund—State Appropriation (FY 2023)	(( <del>\$9,939,000</del> ))
	<u>\$10,130,000</u>
General Fund—Private/Local Appropriation	\$34,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$19,251,000</del>))</b>
	<u>\$19,442,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the school to offer to students enrolled in grades six through twelve for full-time instructional services at the Vancouver campus or online with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$24,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1153 (language access in schools). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1611.** 2022 c 297 s 613 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

General Fund—State Appropriation (FY 2022)	\$15,108,000
General Fund—State Appropriation (FY 2023)	(( <del>\$16,104,000</del> ))
	<u>\$16,404,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$31,212,000</del>))</b>
	<u>\$31,512,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the center to offer students ages three through twenty-one enrolled at Washington School for the Deaf the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$225,000 of the general fund—state appropriation in fiscal year 2022 and \$225,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for the center for deaf and hard of hearing youth to develop or expand a mentoring program for persons employed as educational interpreters in public schools. Funding provided under this section is provided solely for recruiting, hiring, and training persons to be employed by Washington sensory disability services who must provide mentoring services in different geographic regions of the state, with the dual goals of providing services, beginning with the 2021-22 school year, to any requesting school district; and assisting persons in the timely and successful achievement of performance standards for educational interpreters.

(3) \$5,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1153 (language access in schools). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 1612.** 2022 c 297 s 614 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund—State Appropriation (FY 2022)	\$2,760,000
General Fund—State Appropriation (FY 2023)	(( <del>\$4,780,000</del> ))
	<u>\$4,815,000</u>
General Fund—Federal Appropriation	\$3,169,000
General Fund—Private/Local Appropriation	\$143,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	\$2,000,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$12,860,000</del>))</b>
	<u>\$12,887,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$79,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creative districts program.

(2) \$1,000,000 of the general fund—federal appropriation (ARPA) is provided solely for grants to arts organizations for programing and general operating expenses pursuant to section 2021 of the American rescue plan act of 2021, P.L. 117-2.

(3) ~~(((\$1,000,000))\$2,000,000~~ of the coronavirus state fiscal recovery fund—federal appropriation ~~((for fiscal year 2022 and \$1,000,000 of the coronavirus state fiscal recovery fund—federal appropriation for fiscal year 2023 are))~~ is provided solely for the Washington state arts commission to stabilize, recover, and preserve the state's arts and cultural organizations in light of pandemic conditions. From these amounts, the commission may distribute relief, response, and recovery grants to arts and cultural organizations statewide, subject to appropriate agreements.

(4) \$71,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a business network in the Goldendale area to continue an arts-based revitalization and transformation project in downtown Goldendale.

(5) \$27,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the administrative support and professional services provided by the commission to the Billy Frank Jr. statuary hall selection committee.

**Sec. 1613.** 2022 c 297 s 615 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2022)	\$4,270,000
General Fund—State Appropriation (FY 2023)	<del>(\$4,878,000)</del>
	<u>\$4,957,000</u>
<b>TOTAL APPROPRIATION</b>	<b><del>(\$9,148,000)</del></b>
	<b><u>\$9,227,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$210,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington state historical society to partner with a statewide organization specializing in the preservation of Washington state Jewish history to establish a new archive that captures the narratives and primary source materials of Jewish Washingtonians. This new archive must create the capacity to capture a 15-year backlog of hundreds of narratives and materials of Jewish Washingtonians, as well as unlimited new submissions, with the future goal of making these materials available to the public and linking to existing Jewish archival collections at the University of Washington.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with an organization that works with and connects museums in Washington state to create an inventory of heritage organizations across the state as the first phase of a Washington museums connect initiative.

**Sec. 1614.** 2022 c 297 s 616 (uncodified) is amended to read as follows:

**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2022)	\$3,481,000
General Fund—State Appropriation (FY 2023)	\$4,095,000
General Fund—Federal Appropriation	<u>\$250,000</u>
<b>TOTAL APPROPRIATION</b>	<b><del>(\$7,576,000)</del></b>
	<b><u>\$7,826,000</u></b>

The appropriations in this section are subject to the following conditions and limitations: \$250,000 of the general fund—federal appropriation for fiscal year 2023 is provided solely for the collection management system replacement project.

(End of part)

**PART XVII  
SPECIAL APPROPRIATIONS  
SUPPLEMENTAL**

**Sec. 1701.** 2022 c 297 s 702 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund—State Appropriation (FY 2022)	\$1,265,240,000
General Fund—State Appropriation (FY 2023)	<del>(\$1,342,278,000)</del>
	<u>\$1,344,276,000</u>
State Building Construction Account—State Appropriation	<del>(\$19,323,000)</del>
	<u>\$12,323,000</u>
Columbia River Basin Water Supply Development Account—State Appropriation	<del>(\$13,000)</del>
	<u>\$25,000</u>
Watershed Restoration and Enhancement Bond Account— State Appropriation	\$181,000
State Taxable Building Construction Account—State	

Appropriation. . . . .	\$467,000
Debt-Limit Reimbursable Bond Retirement Account—	
State Appropriation. . . . .	\$511,000
<b>TOTAL APPROPRIATION.</b> .....	<b>(\$2,628,013,000)</b>
	<u>\$2,623,023,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

**Sec. 1702.** 2022 c 297 s 703 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund—State Appropriation (FY 2022). . . . .	\$1,400,000
General Fund—State Appropriation (FY 2023). . . . .	\$1,400,000
State Building Construction Account—State	
Appropriation. . . . .	\$4,249,000
Columbia River Basin Water Supply Development	
Account—State Appropriation. . . . .	<b>(\$3,000)</b>
	<u>\$6,000</u>
Watershed Restoration and Enhancement Bond Account—	
State Appropriation. . . . .	\$39,000
State Taxable Building Construction Account—State	
Appropriation. . . . .	<b>(\$94,000)</b>
	<u>\$112,000</u>
<b>TOTAL APPROPRIATION.</b> .....	<b>(\$7,185,000)</b>
	<u>\$7,206,000</u>

**Sec. 1703.** 2022 c 297 s 704 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—EMERGENCY FUND**

General Fund—State Appropriation (FY 2022). . . . .	\$1,100,000
General Fund—State Appropriation (FY 2023). . . . .	<b>(\$1,000,000)</b>
	<u>\$1,500,000</u>
<b>TOTAL APPROPRIATION.</b> .....	<b>(\$2,100,000)</b>
	<u>\$2,600,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

**Sec. 1704.** 2022 c 297 s 713 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—CORONAVIRUS RELIEF FUNDS**

General Fund—Federal Appropriation. . . . .	<b>(\$5,711,000)</b>
	<u>\$6,211,000</u>
<b>TOTAL APPROPRIATION.</b> .....	<b>(\$5,711,000)</b>
	<u>\$6,211,000</u>

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (CRF) is provided solely to the office of financial management for allocation to state agencies for costs eligible to be paid from the coronavirus relief fund created by section 5001, the coronavirus aid, relief, and economic security act, P.L. 116-136, division A and where funding is provided elsewhere in this act for those costs using a funding source other than the coronavirus relief fund. For any agency receiving an allocation under this section, the office must place an equal amount of the agency's state or other federal source appropriation authority in unallotted reserve status, and those amounts may not be expended. In determining the use of amounts appropriated in this section, the office of financial management shall prioritize the preservation of state general fund moneys and federal state fiscal recovery fund moneys. The office must report on the use of the amounts appropriated in this section to the fiscal committees of the legislature monthly until all coronavirus relief fund moneys are expended or the unexpended moneys returned to the federal government, whichever is earlier.

**Sec. 1705.** 2022 c 297 s 714 (uncodified) is amended to read as follows:

**FOR SUNDRY CLAIMS**

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2022 or fiscal year 2023, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims.

These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

- (1) William J. Damson, claim number 9991006839. . . . . \$14,880
- (2) David Ziller, claim number 9991006721. . . . . \$13,257
- (3) Caleb B. Cline, claim number 9991006671. . . . . \$23,367

(4) Julaine D. Pettis, claim number 9991005948. . . . .	\$20,000
(5) Jaydra Erchul Johnson, claim number 9991005804. . . . .	\$8,270
(6) Christopher Lundvall, claim number 9991007205. . . . .	\$45,022
(7) Carlos Cervantes, claim number 9991007388. . . . .	\$6,298
(8) Jarel Jones-White, claim number 9991007721. . . . .	\$3,665
(9) Terry G. Enger, claim number 9991010634. . . . .	\$6,575
(10) James B. Copenhaver, claim number 9991010466. . . . .	\$47,755
(11) Jason Koester, claim number 9991010340. . . . .	\$25,128
(12) Michael Chambers, claim number 9991010113. . . . .	\$13,230
(13) Gerhardt Reiss, claim number 9991010024. . . . .	\$12,157
(14) Samuel Swanberg, claim number 9991010013. . . . .	\$44,269
(15) Darnell Jones, claim number 9991009681. . . . .	\$25,000
(16) Heath Wolfe, claim number 9991009301. . . . .	\$4,380
(17) Derwin R. Honeycutt, claim number 9991008512. . . . .	\$19,557
(18) Heegap Lee, claim number 9991008437. . . . .	\$21,584
(19) Ryan A. Leenders, claim number 9991008439. . . . .	\$52,328
(20) Jami McKague, claim number 9991012007. . . . .	\$15,000
(21) Konner Lundeen, claim number 9991012089. . . . .	\$936
(22) Thomas Pearson, claim number 9991012378. . . . .	\$162,800
(23) Heath Stansberry, claim number 9991012250. . . . .	\$13,800

**Sec. 1706.** 2022 c 297 s 723 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—FAMILY AND MEDICAL LEAVE INSURANCE ACCOUNT**

General Fund—State Appropriation (FY 2023). . . . .	(\$350,000,000)
	\$200,000,000
<b>TOTAL APPROPRIATION</b> .....	<b>(\$350,000,000)</b>
	\$200,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the family and medical leave insurance account created in RCW 50A.05.070 ((on June 30, 2023. The office of financial management may only expend the amount necessary to keep the family and medical leave insurance account from being in a deficit at the close of the fiscal biennium, after certification from the employment security department)).

**Sec. 1707.** 2022 c 297 s 731 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—SALMON RECOVERY ACCOUNT**

General Fund—State Appropriation (FY 2023). . . . .	(\$100,000,000)
	\$125,000,000
<b>TOTAL APPROPRIATION</b> .....	<b>(\$100,000,000)</b>
	\$125,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the salmon recovery account created in RCW 77.85.170.

**NEW SECTION. Sec. 1708.** A new section is added to 2022 c 297 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—OFFICE SPACE USE REDUCTIONS**

General Fund—State Appropriation (FY 2023). . . . .	(\$3,031,000)
<b>TOTAL APPROPRIATION</b> .....	<b>(\$3,031,000)</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) In response to the COVID-19 pandemic, Washington state agencies rapidly implemented telework for employees whose job duties did not require on-site presence. This shift in state government operations has led to agencies' reevaluation of the amount of physical office space they will require as they implement hybrid work environments and adopt expanded telework opportunities. The appropriations in this section reflect adjustments in agency appropriations related to office space reductions to be achieved from hybrid work, telework, and the strategy provided in this section. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document LSSV-2023, dated April 22, 2023, and adjust appropriation schedules accordingly.

(2) To meet the goal of efficient use of state funds and office space, state agencies, institutions of higher education, and separately elected officials must adhere to the office of financial management's statewide space use policy, data integrity and system access policy, inventory policy, and the human resource management system data validation guide to ensure space use data is complete, accurate, and consistent for reporting and analysis.

(3) State agencies, institutions of higher education, and separately elected officials with leases expiring in fiscal years 2024 and 2025 must work toward reducing leased office space a minimum of 20 percent upon lease renewal or when requesting office relocation. Reductions in lease costs will be reflected in subsequent budgets.

(4) It is the intent of the legislature that state agencies, institutions of higher education, and separately elected officials with leases expiring in fiscal years 2026 and 2027 work to reduce their office space portfolio a minimum of 30 percent upon lease renewal



or when requesting office relocation. The reductions in costs will be reflected in subsequent budgets.

(5) State agencies must:

(a) Work with the office of financial management's facilities oversight and planning program and the department of enterprise services to backfill office space and reduce full leases;

(b) Update monthly the office of financial management's facilities portfolio management tool to maximize collocation opportunities and better inform decision making;

(c) Update telework and employee location data monthly in the human resource management system to reflect office space use and needs; and

(d) Maintain a telework policy in accordance with executive order 16-07, building a modern work environment.

**Sec. 1709.** 2022 c 297 s 705 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—EMERGENCY ASSISTANCE FUND**

General Fund—State Appropriation (FY 2022) . . . . .	\$5,000,000
General Fund—State Appropriation (FY 2023) . . . . .	\$5,000,000
<b>TOTAL APPROPRIATION</b> .....	<b>\$10,000,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for individual assistance consistent with RCW 38.52.030(9) during an emergency proclaimed by the governor, as defined in RCW 38.52.010(9) and for Washington state fire service resource mobilization costs incurred by the Washington state patrol in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application or request for individual assistance from the governor's emergency fund by the governor or the adjutant general. The office of financial management may not approve, nor release, funding for 10 business days from the date of notification to the fiscal committees of the legislature.

(End of part)

**PART XVIII**

**OTHER TRANSFERS AND APPROPRIATIONS  
SUPPLEMENTAL**

**Sec. 1801.** 2022 c 297 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions . . . . .	(( \$12,107,000 ))
	<u>\$12,486,000</u>
General Fund Appropriation for prosecuting attorney distributions . . . . .	\$7,975,000
General Fund Appropriation for boating safety and education distributions . . . . .	(( \$6,395,000 ))
	<u>\$5,014,000</u>
General Fund Appropriation for public utility district excise tax distributions . . . . .	(( \$67,206,000 ))
	<u>\$99,351,000</u>
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies . . . . .	(( \$3,303,000 ))
	<u>\$5,927,000</u>
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distributions . . . . .	(( \$140,000 ))
	<u>\$158,000</u>
Timber Tax Distribution Account Appropriation for distribution to "timber" counties . . . . .	\$77,324,000
County Criminal Justice Assistance Appropriation . . . . .	(( \$115,238,000 ))
	<u>\$115,845,000</u>
Municipal Criminal Justice Assistance Appropriation . . . . .	(( \$45,587,000 ))
	<u>\$45,904,000</u>
City-County Assistance Appropriation . . . . .	\$56,205,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution . . . . .	(( \$87,317,000 ))
	<u>\$89,098,000</u>
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation . . . . .	\$8,690,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians . . . . .	\$6,036,000
Liquor Revolving Account Appropriation for liquor profits distribution . . . . .	\$98,876,000

General Fund Appropriation for other tax distributions. . . . .	(( <del>\$102,000</del> ))
	<u>\$104,000</u>
General Fund Appropriation for Cannabis Excise Tax distributions. . . . .	\$20,000,000
Dedicated Marijuana Account Appropriation for Cannabis Excise Tax distributions pursuant to Engrossed Second Substitute Senate Bill No. 5796 (cannabis revenue). . . . .	(( <del>\$25,243,000</del> ))
	<u>\$22,441,000</u>
General Fund Appropriation for Habitat Conservation Program distributions. . . . .	(( <del>\$5,754,000</del> ))
	<u>\$4,754,000</u>
General Fund Appropriation for payment in lieu of taxes to counties under Department of Fish and Wildlife Program. . . . .	(( <del>\$4,040,000</del> ))
	<u>\$4,078,000</u>
Puget Sound Taxpayer Accountability Account Appropriation for distribution to counties in amounts not to exceed actual deposits into the account and attributable to those counties' share pursuant to RCW 43.79.520. . . . .	\$51,983,000
Manufacturing and Warehousing Job Centers Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistributions effect of sourcing law changes pursuant to Engrossed Substitute House Bill No. 1521 (warehousing & manufacturing jobs). . . . .	\$12,150,000
<b>TOTAL APPROPRIATION.</b> .....	<b>((<del>\$711,671,000</del>))</b>
	<b><u>\$744,399,000</u></b>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**Sec. 1802.** 2022 c 297 s 802 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation. . . . .	(( <del>\$2,015,000</del> ))
	<u>\$1,530,000</u>
<b>TOTAL APPROPRIATION.</b> .....	<b>((<del>\$2,015,000</del>))</b>
	<b><u>\$1,530,000</u></b>

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2021-2023 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 1803.** 2022 c 297 s 803 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation. . . . .	(( <del>\$1,343,000</del> ))
	<u>\$1,020,000</u>
<b>TOTAL APPROPRIATION.</b> .....	<b>((<del>\$1,343,000</del>))</b>
	<b><u>\$1,020,000</u></b>

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2021-2023 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 1804. 2022 c 297 s 804 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

Dedicated ((Marijuana)Cannabis Account: For transfer to the basic health plan trust account, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2022, \$265,000,000 and this amount for fiscal year 2023, \$268,000,000. . . . .	\$533,000,000
Dedicated ((Marijuana)Cannabis Account: For transfer to the state general fund, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2022, \$202,000,000 and this amount for fiscal year 2023, \$200,000,000. . . . .	\$402,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2022. . . . .	\$90,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2023. . . . .	\$90,000,000
<del>((Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the tobacco arbitration payment to the tobacco settlement account, for fiscal year 2023. . . . .</del>	<del>\$8,000,000))</del>
State Treasurer's Service Account: For transfer to the state general fund, \$5,000,000 for fiscal year 2022 and \$5,000,000 for fiscal year 2023. . . . .	\$10,000,000
General Fund: For transfer to the fair fund under RCW 15.76.115, \$2,750,000 for fiscal year 2022 and \$2,750,000 for fiscal year 2023. . . . .	\$5,500,000
Financial Services Regulation Account: For transfer to the state general fund, \$3,500,000 for fiscal year 2022 and \$3,500,000 for fiscal year 2023. . . . .	\$7,000,000
Marine Resources Stewardship Trust Account: For transfer to the aquatic lands enhancement account, up to \$40,000 for fiscal year 2022. . . . .	\$40,000
Water Pollution Control Revolving Administration Account: For transfer to the water pollution control revolving account, \$6,000,000 for fiscal year 2022. . . . .	\$6,000,000
General Fund: For transfer to the home security fund, \$4,500,000 for fiscal year 2022 and \$4,500,000 for fiscal year 2023. . . . .	\$9,000,000
Gambling Revolving Account: For transfer to the state general fund as repayment of the loan pursuant to chapter 127, Laws of 2020 (sports wagering/compacts), \$3,000,000 for fiscal year 2022 and the lesser of the remaining amount determined by the treasurer for full repayment of the \$6,000,000 transferred from the general fund in the 2019-2021 fiscal biennium with any related interest, or this amount for fiscal year 2023 \$3,500,000. . . . .	\$6,500,000
School Employees' Insurance Account: For transfer to the general fund as repayment of the remainder of the loans for start costs for the school employees benefit program, \$15,615,000 for fiscal year 2022. . . . .	\$15,615,000
General Fund: For transfer to the manufacturing and warehousing jobs centers account \$6,750,000 for fiscal year 2022 and \$5,400,000 for fiscal year 2023 pursuant to Engrossed Substitute House Bill No. 1521 (warehousing & manufacturing jobs).. . . . .	\$12,150,000
General Fund: For transfer to the Washington housing trust fund, \$10,000,000 for fiscal year 2022. . . . .	\$10,000,000
General Fund: For transfer to the forest resiliency account trust fund, \$6,000,000 for fiscal year 2022. . . . .	\$6,000,000

Streamlined Sales and Use Tax Mitigation Account:	
For transfer to the general fund, \$3,186,000 or as much thereof that represents the balance in the account for fiscal year 2022. . . . .	\$3,186,000
General Fund: For transfer to the municipal criminal justice assistance account for fiscal year 2022. . . . .	
	\$761,000
General Fund: For transfer to the wildfire response, forest restoration, and community resilience account, solely for the implementation of chapter 298, Laws of 2021 (2SHB 1168) (long-term forest health), \$12,475,000 for fiscal year 2022 and \$74,632,000 for fiscal year 2023. . . . .	
	\$87,107,000
General Fund: For transfer to the state drought preparedness and response account, \$4,500,000 for fiscal year 2022 and \$4,500,000 for fiscal year 2023. . . . .	
	\$9,000,000
General Fund: For transfer to the Washington rescue plan transition account, \$1,100,000,000 for fiscal year 2023. . . . .	
	\$1,100,000,000
<u>General Fund: For transfer to the disaster response account, \$85,818,000 for fiscal year 2023. . . . .</u>	
	<u>\$85,818,000</u>
<u>General Fund: For transfer to the judicial information systems account, \$9,700,000 for fiscal year 2023. . . . .</u>	
	<u>\$9,700,000</u>
<u>For auction proceeds received under RCW 70A.65.100(7)(a): For transfer to the air quality and health disparities improvement account, \$20,000,000 for fiscal year 2023. This amount represents the total amount to be transferred into the air quality and health disparities account for fiscal year 2023, and includes any deposits or transfers that occurred prior to the effective date of this section. . . . .</u>	
	<u>\$20,000,000</u>

(End of part)

**PART XIX  
MISCELLANEOUS  
SUPPLEMENTAL**

**Sec. 1901.** RCW 28B.76.526 and 2020 c 357 s 911 are each amended to read as follows:

The Washington opportunity pathways account is created in the state treasury. Expenditures from the account may be used only for programs in chapter 28A.710 RCW (charter schools), chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington award for vocational excellence), chapter 28B.92 RCW (Washington college grant program), chapter 28B.105 RCW (GET ready for math and science scholarship), chapter 28B.117 RCW (passport to careers), chapter 28B.118 RCW (college bound scholarship), and chapter 43.216 RCW (early childhood education and assistance program). During the 2019-2021 and 2021-2023 fiscal ~~((biennium))~~biennia, the account may also be appropriated for public schools funded under chapters 28A.150 and 28A.715 RCW.

**Sec. 1902.** RCW 70A.65.030 and 2022 c 182 s 104 and 2022 c 181 s 13 are each reenacted and amended to read as follows:

(1) Each year or biennium, as appropriate, when allocating funds from the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in RCW 46.68.500, or the climate active transportation account created in RCW 46.68.490, or administering grants or programs funded by the accounts, agencies shall conduct an environmental justice assessment consistent with the requirements of RCW 70A.02.060 and establish a minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities through: (a) The direct reduction of environmental burdens in overburdened communities; (b) the reduction of disproportionate, cumulative risk from environmental burdens, including those associated with climate change; (c) the support of community led project development, planning, and participation costs; or (d) meeting a community need identified by the community that is consistent with the intent of this chapter or RCW 70A.02.010.

(2) The allocation of funding under subsection (1) of this section must adhere to the following principles, additional to the requirements of RCW 70A.02.080: (a) Benefits and programs should be directed to areas and targeted to vulnerable populations and overburdened communities to reduce statewide disparities; (b) investments and benefits should be made roughly proportional to the health disparities that a specific community experiences, with a goal of eliminating the disparities; (c) investments and programs should focus on creating environmental benefits, including eliminating health burdens, creating community and population resilience, and raising the quality of life of those in the community; and (d) efforts should be made to balance investments and benefits across the state and within counties, local jurisdictions, and unincorporated areas as appropriate to reduce disparities by location and to ensure efforts contribute to a reduction in disparities that exist based on race or ethnicity, socioeconomic status, or other factors.

(3) ~~((State))~~ Except as provided in subsection (4) of this section, state agencies allocating funds or administering grants or programs from the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in RCW 46.68.500, or the climate active transportation account created in RCW 46.68.490, must:

(a) Report annually to the environmental justice council created in RCW 70A.02.110 regarding progress toward meeting environmental justice and environmental health goals;

(b) Consider recommendations by the environmental justice council; and

(c)(i) If the agency is not a covered agency subject to the requirements of chapter 70A.02 RCW, create and adopt a community engagement plan to describe how it will engage with overburdened communities and vulnerable populations in allocating funds or administering grants or programs from the climate investment account.

(ii) The plan must include methods for outreach and communication with those who face barriers, language or otherwise, to participation.

(4) During the 2021-2023 fiscal biennium, the requirements of subsection (3)(c) of this section for agencies other than covered agencies to create and adopt community engagement plans apply only to executive branch agencies and institutions of higher education, as defined in RCW 28B.10.016, receiving total appropriations of more than \$2,000,000 for the 2021-2023 fiscal biennium from the accounts listed in subsection (1) of this section.

**Sec. 1903.** RCW 74.46.561 and 2022 c 297 s 966 are each amended to read as follows:

(1) The legislature adopts a new system for establishing nursing home payment rates beginning July 1, 2016. Any payments to nursing homes for services provided after June 30, 2016, must be based on the new system. The new system must be designed in such a manner as to decrease administrative complexity associated with the payment methodology, reward nursing homes providing care for high acuity residents, incentivize quality care for residents of nursing homes, and establish minimum staffing standards for direct care.

(2) The new system must be based primarily on industry-wide costs, and have three main components: Direct care, indirect care, and capital.

(3)(a) The direct care component must include the direct care and therapy care components of the previous system, along with food, laundry, and dietary services. ~~((Direct))~~ Except as provided in (b) of this subsection, direct care must be paid at a fixed rate, based on one hundred percent or greater of statewide case mix neutral median costs, but ((for fiscal year 2023)) shall be capped so that a nursing home provider's direct care rate does not exceed ((165))118 percent of its base year's direct care allowable costs except if the provider is below the minimum staffing standard established in RCW 74.42.360(2). The legislature intends to remove the cap on direct care rates by June 30, 2027. Direct care must be performance-adjusted for acuity every six months, using case mix principles. Direct care must be regionally adjusted using countywide wage index information available through the United States department of labor's bureau of labor statistics. There is no minimum occupancy for direct care. The direct care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(b) Unless a nursing home provider is below the minimum staffing standard established in RCW 74.42.360(2), a provider's direct care rate relative to its base year's direct care allowable costs must be capped as follows: For fiscal year 2023, the cap must not exceed 165 percent.

(4)(a) The indirect care component must include the elements of administrative expenses, maintenance costs, and housekeeping services from the previous system. ~~((A))~~ Except as provided in (b) of this subsection, a minimum occupancy assumption of ninety percent must be applied to indirect care((, except during fiscal year 2023 when the minimum occupancy assumption must be 75 percent)). Indirect care must be paid at a fixed rate, based on ninety percent or greater of statewide median costs. The indirect care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(b) A minimum occupancy assumption must be applied to indirect care as follows: For fiscal year 2023, the assumption must be 75 percent.

(5) The capital component must use a fair market rental system to set a price per bed. The capital component must be adjusted for the age of the facility, and must use a minimum occupancy assumption of ninety percent.

(a) Beginning July 1, 2016, the fair rental rate allocation for each facility must be determined by multiplying the allowable nursing home square footage in (c) of this subsection

by the RSMMeans rental rate in (d) of this subsection and by the number of licensed beds yielding the gross unadjusted building value. An equipment allowance of ten percent must be added to the unadjusted building value. The sum of the unadjusted building value and equipment allowance must then be reduced by the average age of the facility as determined by (e) of this subsection using a depreciation rate of one and one-half percent. The depreciated building and equipment plus land valued at ten percent of the gross unadjusted building value before depreciation must then be multiplied by the rental rate at seven and one-half percent to yield an allowable fair rental value for the land, building, and equipment.

(b) The fair rental value determined in (a) of this subsection must be divided by the greater of the actual total facility census from the prior full calendar year or imputed census based on the number of licensed beds at ninety percent occupancy.

(c) For the rate year beginning July 1, 2016, all facilities must be reimbursed using four hundred square feet. For the rate year beginning July 1, 2017, allowable nursing facility square footage must be determined using the total nursing facility square footage as reported on the medicaid cost reports submitted to the department in compliance with this chapter. The maximum allowable square feet per bed may not exceed four hundred fifty.

(d) Each facility must be paid at eighty-three percent or greater of the median nursing facility RSMMeans construction index value per square foot. The department may use updated RSMMeans construction index information when more recent square footage data becomes available. The statewide value per square foot must be indexed based on facility zip code by multiplying the statewide value per square foot times the appropriate zip code based index. For the purpose of implementing this section, the value per square foot effective July 1, 2016, must be set so that the weighted average fair rental value rate is not less than ten dollars and eighty cents per patient day. The capital component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(e) The average age is the actual facility age reduced for significant renovations. Significant renovations are defined as those renovations that exceed two thousand dollars per bed in a calendar year as reported on the annual cost report submitted in accordance with this chapter. For the rate beginning July 1, 2016, the department shall use renovation data back to 1994 as submitted on facility cost reports. Beginning July 1, 2016, facility ages must be reduced in future years if the value of the renovation completed in any year exceeds two thousand dollars times the number of licensed beds. The cost of the renovation must be divided by the accumulated depreciation per bed in the year of the renovation to determine the equivalent number of new replacement beds. The new age for the facility is a weighted average with the replacement bed equivalents reflecting an age of zero and the existing licensed beds, minus the new bed equivalents, reflecting their age in the year of the renovation. At no time may the depreciated age be less than zero or greater than forty-four years.

(f) A nursing facility's capital component rate allocation must be rebased annually, effective July 1, 2016, in accordance with this section and this chapter.

(g) For the purposes of this subsection (5), "RSMMeans" means building construction costs data as published by Gordian.

(6) A quality incentive must be offered as a rate enhancement beginning July 1, 2016.

(a) An enhancement no larger than five percent and no less than one percent of the statewide average daily rate must be paid to facilities that meet or exceed the standard established for the quality incentive. All providers must have the opportunity to earn the full quality incentive payment.

(b) The quality incentive component must be determined by calculating an overall facility quality score composed of four to six quality measures. For fiscal year 2017 there shall be four quality measures, and for fiscal year 2018 there shall be six quality measures. Initially, the quality incentive component must be based on minimum data set quality measures for the percentage of long-stay residents who self-report moderate to severe pain, the percentage of high-risk long-stay residents with pressure ulcers, the percentage of long-stay residents experiencing one or more falls with major injury, and the percentage of long-stay residents with a urinary tract infection. Quality measures must be reviewed on an annual basis by a stakeholder work group established by the department. Upon review, quality measures may be added or changed. The department may risk adjust individual quality measures as it deems appropriate.

(c) The facility quality score must be point based, using at a minimum the facility's most recent available three-quarter average centers for medicare and medicaid services quality data. Point thresholds for each quality measure must be established using the corresponding statistical values for the quality measure point determinants of eighty quality measure points, sixty quality measure points, forty quality measure points, and twenty quality measure points, identified in the most recent available five-star quality rating system technical user's guide published by the centers for medicare and medicaid services.

(d) Facilities meeting or exceeding the highest performance threshold (top level) for a quality measure receive twenty-five points. Facilities meeting the second highest performance threshold receive twenty points. Facilities meeting the third level of performance threshold receive fifteen points. Facilities in the bottom performance threshold level receive no points. Points from all quality measures must then be summed into a single aggregate quality score for each facility.

(e) Facilities receiving an aggregate quality score of eighty percent of the overall available total score or higher must be placed in the highest tier (tier V), facilities receiving an aggregate score of between seventy and seventy-nine percent of the overall available total score must be placed in the second highest tier (tier IV), facilities

receiving an aggregate score of between sixty and sixty-nine percent of the overall available total score must be placed in the third highest tier (tier III), facilities receiving an aggregate score of between fifty and fifty-nine percent of the overall available total score must be placed in the fourth highest tier (tier II), and facilities receiving less than fifty percent of the overall available total score must be placed in the lowest tier (tier I).

(f) The tier system must be used to determine the amount of each facility's per patient day quality incentive component. The per patient day quality incentive component for tier IV is seventy-five percent of the per patient day quality incentive component for tier V, the per patient day quality incentive component for tier III is fifty percent of the per patient day quality incentive component for tier V, and the per patient day quality incentive component for tier II is twenty-five percent of the per patient day quality incentive component for tier V. Facilities in tier I receive no quality incentive component.

(g) Tier system payments must be set in a manner that ensures that the entire biennial appropriation for the quality incentive program is allocated.

(h) Facilities with insufficient three-quarter average centers for medicare and medicaid services quality data must be assigned to the tier corresponding to their five-star quality rating. Facilities with a five-star quality rating must be assigned to the highest tier (tier V) and facilities with a one-star quality rating must be assigned to the lowest tier (tier I). The use of a facility's five-star quality rating shall only occur in the case of insufficient centers for medicare and medicaid services minimum data set information.

(i) The quality incentive rates must be adjusted semiannually on July 1 and January 1 of each year using, at a minimum, the most recent available three-quarter average centers for medicare and medicaid services quality data.

(j) Beginning July 1, 2017, the percentage of short-stay residents who newly received an antipsychotic medication must be added as a quality measure. The department must determine the quality incentive thresholds for this quality measure in a manner consistent with those outlined in (b) through (h) of this subsection using the centers for medicare and medicaid services quality data.

(k) Beginning July 1, 2017, the percentage of direct care staff turnover must be added as a quality measure using the centers for medicare and medicaid services' payroll-based journal and nursing home facility payroll data. Turnover is defined as an employee departure. The department must determine the quality incentive thresholds for this quality measure using data from the centers for medicare and medicaid services' payroll-based journal, unless such data is not available, in which case the department shall use direct care staffing turnover data from the most recent medicaid cost report.

(7) Reimbursement of the safety net assessment imposed by chapter 74.48 RCW and paid in relation to medicaid residents must be continued.

(8)(a) The direct care and indirect care components must be rebased in even-numbered years, beginning with rates paid on July 1, 2016. Rates paid on July 1, 2016, must be based on the 2014 calendar year cost report. On a percentage basis, after rebasing, the department must confirm that the statewide average daily rate has increased at least as much as the average rate of inflation, as determined by the skilled nursing facility market basket index published by the centers for medicare and medicaid services, or a comparable index. If after rebasing, the percentage increase to the statewide average daily rate is less than the average rate of inflation for the same time period, the department is authorized to increase rates by the difference between the percentage increase after rebasing and the average rate of inflation.

(b) It is the intention of the legislature that direct and indirect care rates paid in fiscal year 2022 will be rebased using the calendar year 2019 cost reports. For fiscal year 2021, in addition to the rates generated by (a) of this subsection, an additional adjustment is provided as established in this subsection (8)(b). Beginning May 1, 2020, and through June 30, 2021, the calendar year costs must be adjusted for inflation by a twenty-four month consumer price index, based on the most recently available monthly index for all urban consumers, as published by the bureau of labor statistics. It is also the intent of the legislature that, starting in fiscal year 2022, a facility-specific rate add-on equal to the inflation adjustment that facilities received solely in fiscal year 2021, must be added to the rate.

(c) To determine the necessity of regular inflationary adjustments to the nursing facility rates, by December 1, 2020, the department shall provide the appropriate policy and fiscal committees of the legislature with a report that provides a review of rates paid in 2017, 2018, and 2019 in comparison to costs incurred by nursing facilities.

(9) The direct care component provided in subsection (3) of this section is subject to the reconciliation and settlement process provided in RCW 74.46.022(6). Beginning July 1, 2016, pursuant to rules established by the department, funds that are received through the reconciliation and settlement process provided in RCW 74.46.022(6) must be used for technical assistance, specialized training, or an increase to the quality enhancement established in subsection (6) of this section. The legislature intends to review the utility of maintaining the reconciliation and settlement process under a price-based payment methodology, and may discontinue the reconciliation and settlement process after the 2017-2019 fiscal biennium.

(10) Compared to the rate in effect June 30, 2016, including all cost components and rate add-ons, no facility may receive a rate reduction of more than one percent on July 1, 2016, more than two percent on July 1, 2017, or more than five percent on July 1, 2018. To ensure that the appropriation for nursing homes remains cost neutral, the department is authorized to cap the rate increase for facilities in fiscal years 2017, 2018, and 2019.

NEW SECTION. **Sec. 1904.** 2021 c 334 s 984 is repealed.

NEW SECTION. **Sec. 1905.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 1906.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 16.76.030, 19.02.210, 28B.76.526, 28B.92.205, 28B.93.060, 28B.115.070, 41.05.120, 41.26.450, 43.09.475, 43.79.555, 43.79.567, 43.320.110, 50.24.014, 70.48.801, 70A.65.100, 70A.65.250, 70A.65.260, 70A.305.180, 74.46.561, 79.64.040, 79A.25.210, 28B.76.526, and 74.46.561; amending 2022 c 180 s 104, 2022 c 297 ss 101, 102, 103, 113, 114, 116, 117, 120, 121, 122, 126, 128, 129, 130, 133, 134, 135, 136, 137, 141, 142, 143, 146, 147, 148, 150, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 214, 215, 216, 218, 219, 220, 221, 222, 223, 225, 226, 227, 228, 229, 230, 301, 303, 304, 305, 306, 307, 308, 310, 311, 312, 402, 501, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 515, 516, 517, 518, 520, 522, 602, 603, 604, 605, 606, 607, 608, 609, 610, 612, 613, 614, 615, 616, 702, 703, 704, 713, 714, 723, 731, 705, 801, 802, 803, and 804, and 2021 c 334 ss 109 and 110 (uncodified); reenacting and amending RCW 43.101.200, 43.155.050, 70A.65.030, 71.24.580, 79.64.110, and 70A.65.030; adding a new section to 2022 c 297 (uncodified); creating new sections; repealing 2021 c 334 s 984; making appropriations; providing expiration dates; and declaring an emergency."

and that the bill do pass as recommended by the Conference Committee:

Senators Robinson, Rolfes  
Representatives Bergquist, Ormsby

There being no objection, the House adopted the conference committee report on ENGROSSED SUBSTITUTE SENATE BILL NO. 5187 and advanced the bill as recommended by the conference committee to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE**

Representatives Macri, Bergquist, Gregerson and Fitzgibbon spoke in favor of the passage of the bill.

Representatives Corry, Chambers and Stokesbary spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5187, as recommended by conference committee.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5187, as recommended by the conference committee, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

ENGROSSED SUBSTITUTE SENATE BILL NO. 5187, as recommended by the conference committee, having received the necessary constitutional majority, was declared passed.

#### **POINT OF PERSONAL PRIVILEGE**

Representative Fosse and Representative Low thanked the cafeteria staff for all of their hard work, long hours, and great food throughout the 2023 legislative session.

The Speaker assumed the chair.

#### **SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1148  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1324  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1436  
SECOND SUBSTITUTE HOUSE BILL NO. 1447  
SECOND SUBSTITUTE HOUSE BILL NO. 1470  
SUBSTITUTE HOUSE BILL NO. 1521  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1715  
SECOND SUBSTITUTE HOUSE BILL NO. 1762  
SECOND SUBSTITUTE SENATE BILL NO. 5120  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5123  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
5258  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5293  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
5315  
SENATE BILL NO. 5316  
SENATE BILL NO. 5765  
SENATE BILL NO. 5768

The Speaker called upon Representative Bronoske to preside.

#### **RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4650**, by Representatives Fitzgibbon and Kretz

WHEREAS, It is necessary to provide for the continuation of the work of the House of Representatives after its adjournment and during the interim periods between legislative sessions;

NOW, THEREFORE, BE IT RESOLVED, That the Executive Rules Committee may assign subject matters, bills, memorials, and resolutions to authorized committees of the House of Representatives for study during the interim, and the Speaker of



the House of Representatives may create special and select committees as may be necessary to carry out the functions, including interim studies, of the House of Representatives in an orderly manner and shall appoint members to such committees with the approval of the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That, during the interim, the schedules, agendas, locations, and formats for all meetings of any legislative task force, committee, or subcommittee shall be approved by the Executive Rules Committee, and those task forces, committees, or subcommittees may conduct hearings and scheduling without a quorum being present; and

BE IT FURTHER RESOLVED, That, during the interim, when participating remotely in any committee meeting, members shall be considered present for purposes of a quorum and voting; and

BE IT FURTHER RESOLVED, That, during the interim, authorized committees have the power of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with chapter 44.16 RCW if and when specifically authorized by the Executive Rules Committee for specific purposes and specific subjects; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall complete the work of the 2023 Regular Session of the Sixty-Eighth Legislature during interim periods, and all details that arise therefrom, including the editing, indexing, and publishing of the journal of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall make the necessary inventory of furnishings, fixtures, and supplies; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may approve vouchers of the members of the House of Representatives, covering expenses incurred during the interim for official business of the Legislature in accordance with policies set by the Executive Rules Committee, at the per diem rate provided by law and established by the Executive Rules Committee, for each day or major portion of a day, plus mileage at the rate provided by law and established by the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall, during the interim, and as authorized by the Speaker of the House of Representatives, retain or hire any necessary employees and order necessary supplies, equipment, and printing to enable the House of Representatives to carry out its work promptly and efficiently, and accept committee reports, committee bills, prefiled bills, memorials, and resolutions as directed by the Rules of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall have authority to execute personal services contracts relating to workplace investigations, and notify the Executive Rules Committee of any other types of personal services contracts that necessitate the expenditure of House of Representatives appropriations; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall execute the necessary vouchers upon which warrants are drawn for all legislative expenses and expenditures of the House of Representatives; and

BE IT FURTHER RESOLVED, That members and employees of the Legislature be reimbursed for expenses incurred in attending authorized conferences and meetings at the rate provided by law and established by the Executive Rules Committee, plus mileage to and from the conferences and meetings at the rate provided by law and established by the Executive Rules Committee, which reimbursement shall be paid on vouchers from any appropriation made to the House of Representatives for legislative expenses; and

BE IT FURTHER RESOLVED, That, during the interim, the use of the House of Representatives Chamber, any of its committee rooms, or any of the furniture or furnishings in them is permitted upon such terms and conditions as the Chief Clerk of the House of Representatives shall deem appropriate; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may express the sympathy of the House of Representatives by sending flowers and correspondence when the necessity arises; and

BE IT FURTHER RESOLVED, That this Resolution applies throughout the interim between sessions of the Sixty-Eighth Legislature, as well as any committee assembly.

There being no objection, HOUSE RESOLUTION NO. 4650 was adopted.

There being no objection, the House advanced to the seventh order of business.

### THIRD READING

#### HOUSE CONCURRENT RESOLUTION NO. 4403, by Representatives Fitzgibbon and Kretz

##### Returning bills to their house of origin.

The concurrent resolution was read the third time.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4403 was adopted.

With the consent of the House, HOUSE CONCURRENT RESOLUTION NO. 4403 was immediately transmitted to the Senate.

The Speaker assumed the chair.

### THIRD READING

#### CONFERENCE COMMITTEE REPORT

April 22nd, 2023

Engrossed Second Substitute Senate Bill 5536

Includes "New Item": YES

Madame Speaker:

We of your Conference Committee, to whom was referred E2SSB 5536, concerning controlled substances, counterfeit substances, and legend drug possession and treatment, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment H-1994.4/23 be adopted

Strike everything after the enacting clause and insert the following:

#### **"Part I - Prohibiting Knowing Possession of a Controlled Substance, Counterfeit Substance, or Legend Drug**

**Sec. 1.** RCW 69.50.4011 and 2003 c 53 s 332 are each amended to read as follows:

(1) Except as authorized by this chapter, it is unlawful for any person to (~~create, deliver, or possess a counterfeit substance~~):

(a) Create or deliver a counterfeit substance;

(b) Knowingly possess a counterfeit substance; or

(c) Knowingly possess and use a counterfeit substance in a public place by injection, inhalation, ingestion, or any other means.

(2) Any person who violates subsection (1)(a) of this section with respect to:

(a) A counterfeit substance classified in Schedule I or II which is a narcotic drug, or flunitrazepam classified in Schedule IV, is guilty of a class B felony and upon

conviction may be imprisoned for not more than ~~((ten))10~~ years, fined not more than ~~((twenty-five thousand dollars))\$25,000~~, or both;

(b) A counterfeit substance which is methamphetamine, is guilty of a class B felony and upon conviction may be imprisoned for not more than ~~((ten))10~~ years, fined not more than ~~((twenty-five thousand dollars))\$25,000~~, or both;

(c) Any other counterfeit substance classified in Schedule I, II, or III, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

(d) A counterfeit substance classified in Schedule IV, except flunitrazepam, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

(e) A counterfeit substance classified in Schedule V, is guilty of a class C felony punishable according to chapter 9A.20 RCW.

(3)(a) A violation of subsection (1)(b) or (c) of this section is a gross misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

(b) In lieu of jail booking and referral to the prosecutor, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the recovery navigator program established under RCW 71.24.115.

(4) For the purposes of this section, "public place" has the same meaning as defined in RCW 66.04.010, but the exclusions in RCW 66.04.011 do not apply.

**Sec. 2.** RCW 69.50.4013 and 2022 c 16 s 86 are each amended to read as follows:

(1) ~~((It))~~Except as otherwise authorized by this chapter, it is unlawful for any person to:

(a) Knowingly possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice (~~(, or except as otherwise authorized by this chapter))~~; or

(b) Knowingly possess and use a controlled substance in a public place by injection, inhalation, ingestion, or any other means, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice.

(2)(a) Except as provided in RCW 69.50.4014 or 69.50.445, ~~((any person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW))~~ a violation of subsection (1)(a) or (b) of this section is a gross misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

(b) In lieu of jail booking and referral to the prosecutor, law enforcement is

encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the recovery navigator program established under RCW 71.24.115.

(3)(a) The possession, by a person ~~((twenty-one))21~~ years of age or older, of useable cannabis, cannabis concentrates, or cannabis-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section, this chapter, or any other provision of Washington state law.

(b) The possession of cannabis, useable cannabis, cannabis concentrates, and cannabis-infused products being physically transported or delivered within the state, in amounts not exceeding those that may be established under RCW 69.50.385(3), by a licensed employee of a common carrier when performing the duties authorized in accordance with RCW 69.50.382 and 69.50.385, is not a violation of this section, this chapter, or any other provision of Washington state law.

(4)(a) The delivery by a person ~~((twenty-one))21~~ years of age or older to one or more persons ~~((twenty-one))21~~ years of age or older, during a single ~~((twenty-four))24~~ hour period, for noncommercial purposes and not conditioned upon or done in connection with the provision or receipt of financial consideration, of any of the following cannabis products, is not a violation of this section, this chapter, or any other provisions of Washington state law:

(i) One-half ounce of useable cannabis;

(ii) Eight ounces of cannabis-infused product in solid form;

(iii) ~~((Thirty-six))36~~ ounces of cannabis-infused product in liquid form; or

(iv) Three and one-half grams of cannabis concentrates.

(b) The act of delivering cannabis or a cannabis product as authorized under this subsection (4) must meet one of the following requirements:

(i) The delivery must be done in a location outside of the view of general public and in a nonpublic place; or

(ii) The cannabis or cannabis product must be in the original packaging as purchased from the cannabis retailer.

(5) No person under ~~((twenty-one))21~~ years of age may ~~((possess,))~~ manufacture, sell, ~~((or))~~ distribute, or knowingly possess cannabis, cannabis-infused products, or cannabis concentrates, regardless of THC concentration. This does not include qualifying patients with a valid authorization.

(6) The possession by a qualifying patient or designated provider of cannabis concentrates, useable cannabis, cannabis-infused products, or plants in accordance with chapter 69.51A RCW is not a violation of this section, this chapter, or any other provision of Washington state law.

(7) For the purposes of this section, "public place" has the same meaning as

defined in RCW 66.04.010, but the exclusions in RCW 66.04.011 do not apply.

**Sec. 3.** RCW 69.50.4014 and 2022 c 16 s 88 are each amended to read as follows:

(1) Except as provided in RCW 69.50.401(2)(c) or as otherwise authorized by this chapter, any person found guilty of knowing possession of ((forty))40 grams or less of cannabis is guilty of a misdemeanor. The prosecutor is encouraged to divert cases under this section for assessment, treatment, or other services.

(2) In lieu of jail booking and referral to the prosecutor, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the recovery navigator program established under RCW 71.24.115.

**Sec. 4.** RCW 69.41.030 and 2020 c 80 s 41 are each amended to read as follows:

(1) It shall be unlawful for any person to sell((r))or deliver any legend drug, or knowingly possess any legend drug, or knowingly possess and use any legend drug in a public place by injection, inhalation, ingestion, or any other means, except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, a pharmacist licensed under chapter 18.64 RCW to the extent permitted by drug therapy guidelines or protocols established under RCW 18.64.011 and authorized by the commission and approved by a practitioner authorized to prescribe drugs, a physician assistant under chapter 18.71A RCW when authorized by the Washington medical commission, or any of the following professionals in any province of Canada that shares a common border with the state of Washington or in any state of the United States: A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed advanced registered nurse practitioner, a licensed physician assistant, or a veterinarian licensed to

practice veterinary medicine: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouse operator, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the health care authority from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health care practitioners: PROVIDED FURTHER, That nothing in this chapter prohibits possession or delivery of legend drugs by an authorized collector or other person participating in the operation of a drug take-back program authorized in chapter 69.48 RCW.

(2)(a) A violation of this section involving the sale, delivery, or possession with intent to sell or deliver is a class B felony punishable according to chapter 9A.20 RCW.

(b) A violation of this section involving knowing possession is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

(c) A violation of this section involving knowing possession and use in a public place is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

(d) In lieu of jail booking and referral to the prosecutor for a violation of this section involving knowing possession, or knowing possession and use in a public place, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the recovery navigator program established under RCW 71.24.115.

(3) For the purposes of this section, "public place" has the same meaning as defined in RCW 66.04.010, but the exclusions in RCW 66.04.011 do not apply.

**Sec. 5.** RCW 69.50.509 and 1987 c 202 s 228 are each amended to read as follows:

If, upon the sworn complaint of any person, it shall be made to appear to any judge of the superior court, district court, or municipal court that there is probable cause to believe that any controlled substance is being used, manufactured, sold, bartered, exchanged, administered, dispensed, delivered, distributed, produced, knowingly possessed, given away, furnished or otherwise disposed of or kept in violation of the provisions of this chapter, such judge shall, with or without the approval of the prosecuting attorney, issue

a warrant directed to any law enforcement officer of the state, commanding him or her to search the premises designated and described in such complaint and warrant, and to seize all controlled substances there found, together with the vessels in which they are contained, and all implements, furniture and fixtures used or kept for the illegal manufacture, sale, barter, exchange, administering, dispensing, delivering, distributing, producing, possessing, giving away, furnishing or otherwise disposing of such controlled substances, and to safely keep the same, and to make a return of said warrant within three days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the returns shall so state. The provisions of RCW 10.31.030 as now or hereafter amended shall apply to actions taken pursuant to this chapter.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.43 RCW to read as follows:

Subject to the availability of funds appropriated for this specific purpose, the Washington state patrol bureau of forensic laboratory services shall aim to complete the necessary analysis for any evidence submitted for a suspected violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) within 45 days of receipt of the request for analysis.

The Washington state patrol bureau of forensic laboratory services' failure to comply with this section shall not constitute grounds for dismissal of a criminal charge.

## Part II - Relating to Drug Paraphernalia

**Sec. 7.** RCW 69.50.4121 and 2022 c 16 s 92 are each amended to read as follows:

(1) Every person who sells (~~(or gives,)~~) or permits to be sold (~~(or given)~~) to any person any drug paraphernalia in any form commits a class I civil infraction under chapter 7.80 RCW. For purposes of this subsection, "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, (~~(testing, analyzing,)~~) packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance other than cannabis. Drug paraphernalia includes, but is not limited to objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cocaine into the human body, such as:

(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without

screens, permanent screens, hashish heads, or punctured metal bowls;

(b) Water pipes;

(c) Carburetion tubes and devices;

(d) Smoking and carburetion masks;

(e) Miniature cocaine spoons and cocaine vials;

(f) Chamber pipes;

(g) Carburetor pipes;

(h) Electric pipes;

(i) Air-driven pipes; and

(j) Ice pipes or chillers.

(2) It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

(3) Nothing in subsection (1) of this section prohibits ~~((legal))~~ distribution ~~((of injection))~~ or use of public health supplies including, but not limited to, syringe equipment, smoking equipment, or drug testing equipment, through public health ~~((and))~~ programs, community-based HIV prevention programs, outreach, shelter, and housing programs, and pharmacies. Public health and syringe service program staff taking samples of substances and using drug testing equipment for the purpose of analyzing the composition of the substances or detecting the presence of certain substances are acting legally and are exempt from arrest and prosecution under RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c).

**NEW SECTION. Sec. 8.** A new section is added to chapter 69.50 RCW to read as follows:

(1) The state of Washington hereby fully occupies and preempts the entire field of drug paraphernalia regulation within the boundaries of the state including regulation of the use, selling, giving, delivery, and possession of drug paraphernalia, except as provided in subsection (2) of this section. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to drug paraphernalia that are specifically authorized by state law and are consistent with this chapter. Such local ordinances must have the same penalty as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law may not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such city, town, county, or municipality.

(2) Nothing in this chapter shall be construed to prohibit cities, towns, and counties, or other municipalities, from enacting laws or ordinances relating to public hearing or notice requirements for the establishment of a public health program, community-based HIV prevention program, or outreach, shelter, and housing program facilities or the operation of such program facilities, provided that such laws or ordinances are otherwise consistent with all applicable state law and consistent with or approved by local public health policies.

**Part III - Providing Opportunities for Pretrial Diversion Pursuant to RCW 71.24.115, 36.28A.450, and 71.24.589 and Vacating Convictions**

NEW SECTION. **Sec. 9.** A new section is added to chapter 69.50 RCW to read as follows:

(1) Nothing in this section prevents the defendant, with the consent of the prosecuting attorney as required by RCW 2.30.030, from seeking to resolve charges under RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) through available therapeutic courts or other alternatives to prosecution including, but not limited to, a stipulated order of continuance or deferred prosecution. Nothing in this section prevents the defendant or the prosecuting attorney from seeking or agreeing to, or the court from ordering, any other resolution of charges or terms of supervision that suit the circumstances of the defendant's situation and advance stabilization, recovery, crime reduction, and justice.

(2) In any jurisdiction with a recovery navigator program established under RCW 71.24.115, an arrest and jail alternative program established under RCW 36.28A.450, or a law enforcement assisted diversion program established under RCW 71.24.589, any defendant charged with a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) may make a motion to participate in pretrial diversion and agree to waive his or her right to a speedy trial if the motion is granted, subject to the following:

(a) In any case where the defendant is only charged with a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c), and the defendant has not been convicted of any offenses committed after the effective date of this section, the court shall grant the motion, continue the hearing, and refer the defendant to a recovery navigator program established under RCW 71.24.115, an arrest and jail alternative program established under RCW 36.28A.450, or a law enforcement assisted diversion program established under RCW 71.24.589.

(b) In any case where the defendant does not meet the criteria described in (a) of this subsection, the court may grant the motion, continue the hearing, and refer the defendant to a recovery navigator program established under RCW 71.24.115, an arrest and jail alternative program established under RCW 36.28A.450, or a law enforcement assisted diversion program established under RCW 71.24.589.

(c) The prosecuting attorney is strongly encouraged to agree to pretrial diversion options in any case where the defendant is only charged with a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c).

(3) Prior to granting the defendant's motion to participate in pretrial diversion under this section, the court shall provide the defendant and the defendant's counsel with the following information:

(a) A full description of the procedures for pretrial diversion;

(b) A general explanation of the roles and authority of the probation department, the prosecuting attorney, the recovery navigator program under RCW 71.24.115, arrest and jail alternative program under RCW 36.28A.450, or law enforcement assisted diversion program under RCW 71.24.589, and the court in the process;

(c) A clear statement that the court may grant pretrial diversion with respect to any offense under RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) that is charged, provided that the defendant pleads not guilty to the charge or charges and waives his or her right to a speedy trial, and that upon the defendant's successful completion of pretrial diversion, as specified in subsection (1) of this section, and motion of the defendant, prosecuting attorney, court, or probation department, the court must dismiss the charge or charges against the defendant;

(d) A clear statement that if the defendant has not made substantial progress with treatment or services provided that are appropriate to the defendant's circumstances or, if applicable, community service, the prosecuting attorney may make a motion to terminate pretrial diversion and schedule further proceedings as otherwise provided in this section;

(e) An explanation of criminal record retention and disposition resulting from participation in pretrial diversion and the defendant's rights relative to answering questions about his or her arrest and pretrial diversion following successful completion; and

(f) A clear statement that under federal law it is unlawful for any person who is an unlawful user of or addicted to any controlled substance to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition, or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(4) If the court grants the defendant's motion to participate in pretrial diversion under this section, the recovery navigator program established under RCW 71.24.115, the arrest and jail alternative program established under RCW 36.28A.450, or the law enforcement assisted diversion program established under RCW 71.24.589, shall provide the court written confirmation of completion of the assessment and a statement indicating the defendant's enrollment or referral to any specific service or program. The confirmation and statement of the recovery navigator program established under RCW 71.24.115, the arrest and jail alternative program established under RCW 36.28A.450, or the law enforcement assisted diversion program established under RCW 71.24.589 shall be filed under seal with the court, and a copy shall be given to the prosecuting attorney, defendant, and defendant's counsel. The confirmation and statement are confidential and exempt from disclosure under chapter 42.56 RCW. The court shall endeavor to avoid public discussion of the circumstances, history, or

diagnoses that could stigmatize the defendant.

(5) Subject to the availability of funds appropriated for this specific purpose, the assessment and recommended treatment or services must be provided at no cost for defendants who have been found to be indigent by the court.

(6) If the assessment conducted by the recovery navigator program established under RCW 71.24.115, the arrest and jail alternative program established under RCW 36.28A.450, or the law enforcement assisted diversion program established under RCW 71.24.589 includes a referral to any treatment or services, the recovery navigator program established under RCW 71.24.115, the arrest and jail alternative program established under RCW 36.28A.450, the law enforcement assisted diversion program established under RCW 71.24.589, or service provider shall provide the court with regular written status updates on the defendant's progress on a schedule acceptable to the court. The updates must be provided at least monthly and be filed under seal with the court, with copies given to the prosecuting attorney, defendant, and defendant's counsel. The updates and their copies are confidential and exempt from disclosure under chapter 42.56 RCW. The court shall endeavor to avoid public discussion of the circumstances, history, or diagnoses that could stigmatize the defendant.

(7) If the assessment conducted by the recovery navigator program established under RCW 71.24.115, the arrest and jail alternative program established under RCW 36.28A.450, or the law enforcement assisted diversion program established under RCW 71.24.589 does not recommend any treatment or services, the defendant must instead complete an amount of community service as determined by the court, but not to exceed 120 hours of community service, in order to complete pretrial diversion.

(8) Admissions made by the individual in the course of receiving services from the recovery navigator program established under RCW 71.24.115, the arrest and jail alternative program established under RCW 36.28A.450, or the law enforcement assisted diversion program established under RCW 71.24.589 may not be used against the individual in the prosecution's case in chief.

(9) A defendant's participation in pretrial diversion under this section does not constitute a conviction, a stipulation to facts, or an admission of guilt for any purpose.

(10) If it appears to the prosecuting attorney that the defendant is not substantially complying with the recommended treatment or services as reflected by a written status update, the prosecuting attorney may make a motion for termination from pretrial diversion.

(a) After notice to the defendant, the court must hold a hearing to determine whether pretrial diversion shall be terminated.

(b) Before the hearing, the defendant and the defendant's counsel shall be advised of the nature of the alleged noncompliance and

provided discovery of evidence supporting the allegation, including names and contact information of witnesses.

(c) At the hearing, the court must consider the following factors:

(i) The nature of the alleged noncompliance; and

(ii) Any other mitigating circumstances, including, but not limited to, the defendant's efforts and due diligence, the availability of services in the geographic area, and the treatment and services offered to the defendant.

(d) If the court finds the defendant is not substantially complying with the recommended treatment or services and thereafter terminates pretrial diversion, it shall state the grounds for its decision succinctly in the record and provide the prosecuting attorney, the defendant, and the defendant's counsel with a written order.

(11) If the defendant successfully completes pretrial diversion, including in one of the following ways, the charge or charges under RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) must be dismissed:

(a) If the assessment prepared by the recovery navigator program, arrest and jail alternative program, or law enforcement assisted diversion program included a recommendation for treatment or services, the defendant successfully completes pretrial diversion either by having 12 months of substantial compliance with the assessment and recommended treatment or services and progress toward recovery goals as reflected by the written status updates or by successfully completing the recommended treatment or services, whichever occurs first; or

(b) If the assessment prepared by the recovery navigator program, arrest and jail alternative program, or law enforcement assisted diversion program did not include a recommendation for treatment or services, the defendant successfully completes pretrial diversion by completing the community service described in subsection (7) of this section and submitting proof of completion to the court.

(12) Beginning January 1, 2025, the recovery navigator programs established under RCW 71.24.115, arrest and jail alternative programs established under RCW 36.28A.450, and law enforcement assisted diversion programs established under RCW 71.24.589 shall input data and information in the data integration platform under section 22 of this act for each case where the defendant participates in pretrial diversion under this section, including but not limited to the following:

(a) Whether the pretrial diversion was terminated or was successfully completed and resulted in a dismissal;

(b) The race, ethnicity, gender, gender expression or identity, disability status, and age of the defendant; and

(c) Any other appropriate data and information as determined by the health care authority.

**NEW SECTION. Sec. 10.** A new section is added to chapter 69.50 RCW to read as follows:

When sentencing an individual for a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c), the court is encouraged to utilize any other resolution of the charges or terms of supervision that suit the circumstances of the defendant's situation and advance stabilization, recovery, crime reduction, and justice.

**Sec. 11.** RCW 9.96.060 and 2022 c 16 s 7 are each amended to read as follows:

(1) When vacating a conviction under this section, the court effectuates the vacation by: (a) (i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information, indictment, complaint, or citation against the applicant and vacating the judgment and sentence.

(2) Every person convicted of a misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the requirements of this subsection, the court may in its discretion vacate the record of conviction. Except as provided in subsections (3), (4), ~~((and))~~ (5), and (6) of this section, an applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present:

(a) The applicant has not completed all of the terms of the sentence for the offense;

(b) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal or tribal court, at the time of application;

(c) The offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense;

(d) The offense was a violation of RCW 46.61.502 (driving while under the influence), 46.61.504 (actual physical control while under the influence), 9.91.020 (operating a railroad, etc. while intoxicated), or the offense is considered a "prior offense" under RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug violation within ten years of the date of arrest for the prior offense or less than ten years has elapsed since the date of the arrest for the prior offense;

(e) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132;

(f) The applicant was convicted of a misdemeanor or gross misdemeanor offense as defined in RCW 10.99.020, or the court determines after a review of the court file

that the offense was committed by one family or household member against another or by one intimate partner against another, or the court, after considering the damage to person or property that resulted in the conviction, any prior convictions for crimes defined in RCW 10.99.020, or for comparable offenses in another state or in federal court, and the totality of the records under review by the court regarding the conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:

(i) The applicant has not provided written notification of the vacation petition to the prosecuting attorney's office that prosecuted the offense for which vacation is sought, or has not provided that notification to the court;

(ii) The applicant has two or more domestic violence convictions stemming from different incidents. For purposes of this subsection, however, if the current application is for more than one conviction that arose out of a single incident, none of those convictions counts as a previous conviction;

(iii) The applicant has signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction; or

(iv) Less than five years have elapsed since the person completed the terms of the original conditions of the sentence, including any financial obligations and successful completion of any treatment ordered as a condition of sentencing;

(g) For any offense other than those described in (f) of this subsection, less than three years have passed since the person completed the terms of the sentence, including any financial obligations;

(h) The offender has been convicted of a new crime in this state, another state, or federal or tribal court in the three years prior to the vacation application; or

(i) The applicant is currently restrained by a domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order which restrains one party from contacting the other party or was previously restrained by such an order and was found to have committed one or more violations of the order in the five years prior to the vacation application.

(3) If the applicant is a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030, or the prosecutor applies on behalf of the state, the sentencing court may vacate the record of conviction if the application satisfies the requirements of RCW 9.96.080. When preparing or filing the petition, the prosecutor is not deemed to be providing legal advice or legal assistance on behalf of the victim, but is fulfilling an administrative function on behalf of the state in order to further their responsibility to seek to reform and improve the administration of criminal justice. A record of conviction vacated using the process in RCW 9.96.080 is subject to

subsections (~~((6) and~~) (7) and (8) of this section.

(4) Every person convicted prior to January 1, 1975, of violating any statute or rule regarding the regulation of fishing activities, including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070, 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240 who claimed to be exercising a treaty Indian fishing right, may apply to the sentencing court for vacation of the applicant's record of the misdemeanor, gross misdemeanor, or felony conviction for the offense. If the person is deceased, a member of the person's family or an official representative of the tribe of which the person was a member may apply to the court on behalf of the deceased person. Notwithstanding the requirements of RCW 9.94A.640, the court shall vacate the record of conviction if:

(a) The applicant is a member of a tribe that may exercise treaty Indian fishing rights at the location where the offense occurred; and

(b) The state has been enjoined from taking enforcement action of the statute or rule to the extent that it interferes with a treaty Indian fishing right as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and any posttrial orders of those courts, or any other state supreme court or federal court decision.

(5) Every person convicted of a misdemeanor cannabis offense, who was (~~(twenty-one)~~) 21 years of age or older at the time of the offense, may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. A misdemeanor cannabis offense includes, but is not limited to: Any offense under RCW 69.50.4014, from July 1, 2004, onward, and its predecessor statutes, including RCW 69.50.401(e), from March 21, 1979, to July 1, 2004, and RCW 69.50.401(d), from May 21, 1971, to March 21, 1979, and any offense under an equivalent municipal ordinance. If an applicant qualifies under this subsection, the court shall vacate the record of conviction.

(6) If a person convicted of violating RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) completes a substance use disorder program and files proof of completion with the court, or obtains an assessment from a recovery navigator program established under RCW 71.24.115, an arrest and jail alternative program established under RCW 36.28A.450, or a law enforcement assisted diversion program established under RCW 71.24.589, and has six months of substantial compliance with recommended treatment or services and progress toward recovery goals as reflected by a written status update, upon verification the court must vacate the conviction or convictions.

(7) A person who is a family member of a homicide victim may apply to the sentencing court on the behalf of the victim for vacation of the victim's record of conviction for prostitution under RCW 9A.88.030. If an applicant qualifies under

this subsection, the court shall vacate the victim's record of conviction.

(~~((7))~~) (8) (a) Except as provided in (c) of this subsection, once the court vacates a record of conviction under this section, the person shall be released from all penalties and disabilities resulting from the offense and the fact that the person has been convicted of the offense shall not be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated under this section may state that he or she has never been convicted of that crime. However, nothing in this section affects the requirements for restoring a right to possess a firearm under RCW 9.41.040. Except as provided in (b) of this subsection, nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(b) When a court vacates a record of domestic violence as defined in RCW 10.99.020 under this section, the state may not use the vacated conviction in a later criminal prosecution unless the conviction was for: (i) Violating the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going on to the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle (RCW 10.99.040, 10.99.050, 26.09.300, 26.26B.050, 26.44.063, 26.44.150, or 26.52.070, or any of the former RCW 26.50.060, 26.50.070, 26.50.130, and 74.34.145); (ii) stalking (RCW 9A.46.110); or (iii) a domestic violence protection order or vulnerable adult protection order entered under chapter 7.105 RCW. A vacated conviction under this section is not considered a conviction of such an offense for the purposes of 27 C.F.R. 478.11.

(c) A conviction vacated on or after July 28, 2019, qualifies as a prior conviction for the purpose of charging a present recidivist offense as defined in RCW 9.94A.030 occurring on or after July 28, 2019.

(~~((8))~~) (9) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.



~~((9))~~ (10) For the purposes of this section, "cannabis" has the meaning provided in RCW 69.50.101.

**Part IV - Opioid Treatment Rural Access and Expansion**

**Sec. 12.** RCW 36.70A.200 and 2021 c 265 s 2 are each amended to read as follows:

(1)(a) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, opioid treatment programs including both mobile and fixed-site medication units, recovery residences, harm reduction programs excluding safe injection sites, and inpatient facilities including substance ~~((abuse))~~ use disorder treatment facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020.

(b) Unless a facility is expressly listed in (a) of this subsection, essential public facilities do not include facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings but are not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense. Facilities included under this subsection (1)(b) shall not include facilities detaining persons under RCW 71.09.020 ~~((6) or (15))~~ (7) or (16) or chapter 10.77 or 71.05 RCW.

(c) The department of children, youth, and families may not attempt to site new community facilities as defined in RCW 72.05.020 east of the crest of the Cascade mountain range unless there is an equal or greater number of sited community facilities as defined in RCW 72.05.020 on the western side of the crest of the Cascade mountain range.

(d) For the purpose of this section, "harm reduction programs" means programs that emphasize working directly with people who use drugs to prevent overdose and infectious disease transmission, improve the physical, mental, and social well-being of those served, and offer low threshold options for accessing substance use disorder treatment and other services.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17A.005, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70A.135.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(3); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action.

**Sec. 13.** RCW 71.24.589 and 2019 c 314 s 29 are each amended to read as follows:

(1) Subject to funds appropriated by the legislature, the authority shall ~~((implement a pilot project))~~ administer a grant program for law enforcement assisted diversion which shall adhere to law enforcement assisted diversion core principles recognized by the law enforcement assisted diversion national support bureau, the efficacy of which have been demonstrated in peer-reviewed research studies.

(2) ~~((Under the pilot project, the))~~ The authority must partner with the law enforcement assisted diversion national support bureau to award ~~((a contract))~~ contracts, subject to appropriation, for ~~((two or more geographic areas))~~ jurisdictions in the state of Washington for law enforcement assisted diversion. Cities, counties, and tribes ((may compete for participation in a pilot project)), subdivisions thereof, public development authorities, and community-based organizations demonstrating support from necessary public partners, may serve as the lead agency applying for funding. Funds may be used to scale existing projects, and to

invite additional jurisdictions to launch law enforcement assisted diversion programs.

(3) The ~~((pilot projects))~~ program must provide for securing comprehensive technical assistance from law enforcement assisted diversion implementation experts to develop and implement a law enforcement assisted diversion program ~~((in the pilot project's geographic areas))~~ in a way that ensures fidelity to the research-based law enforcement assisted diversion model. Sufficient funds must be allocated from grant program funds to secure technical assistance for the authority and for the implementing jurisdictions.

(4) The key elements of a law enforcement assisted diversion ~~((pilot project))~~ program must include:

(a) Long-term case management for individuals with substance use disorders;

(b) Facilitation and coordination with community resources focusing on overdose prevention;

(c) Facilitation and coordination with community resources focused on the prevention of infectious disease transmission;

(d) Facilitation and coordination with community resources providing physical and behavioral health services;

(e) Facilitation and coordination with community resources providing medications for the treatment of substance use disorders;

(f) Facilitation and coordination with community resources focusing on housing, employment, and public assistance;

(g) ~~((Twenty-four))~~ 24 hours per day and seven days per week response to law enforcement for arrest diversions; and

(h) Prosecutorial support for diversion services.

(5) No civil liability may be imposed by any court on the state or its officers or employees, an appointed or elected official, public employee, public agency as defined in RCW 4.24.470, combination of units of government and its employees as provided in RCW 36.28A.010, nonprofit community-based organization, tribal government entity, tribal organization, or urban Indian organization, based on the administration of a law enforcement assisted diversion program or activities carried out within the purview of a grant received under this program except upon proof of bad faith or gross negligence.

**Sec. 14.** RCW 71.24.590 and 2019 c 314 s 30 are each amended to read as follows:

(1) When making a decision on an application for licensing or certification of ~~((a))~~ an opioid treatment program, the department shall:

(a) Consult with the county legislative authorities in the area in which an applicant proposes to locate a program and the city legislative authority in any city in which an applicant proposes to locate a program;

(b) License or certify only programs that will be sited in accordance with the appropriate county or city land use ordinances. Counties and cities may require conditional use permits with reasonable

conditions for the siting of programs only to the extent that such reasonable conditional use requirements applied to opioid treatment programs are similarly applied to other essential public facilities and health care settings. Pursuant to RCW 36.70A.200, no local comprehensive plan or development regulation may preclude the siting of essential public facilities;

(c) Not discriminate in its licensing or certification decision on the basis of the corporate structure of the applicant;

(d) Consider the size of the population in need of treatment in the area in which the program would be located and license or certify only applicants whose programs meet the necessary treatment needs of that population;

(e) Consider the availability of other certified opioid treatment programs near the area in which the applicant proposes to locate the program;

(f) Consider the transportation systems that would provide service to the program and whether the systems will provide reasonable opportunities to access the program for persons in need of treatment;

(g) Consider whether the applicant has, or has demonstrated in the past, the capability to provide the appropriate services to assist the persons who utilize the program in meeting goals established by the legislature in RCW 71.24.585. The department shall prioritize licensing or certification to applicants who have demonstrated such capability and are able to measure their success in meeting such outcomes (~~(+~~

~~(h) Hold one public hearing in the community in which the facility is proposed to be located. The hearing shall be held at a time and location that are most likely to permit the largest number of interested persons to attend and present testimony. The department shall notify all appropriate media outlets of the time, date, and location of the hearing at least three weeks in advance of the hearing)).~~

(2) ~~((A))~~ No city or county legislative authority may impose a maximum capacity for ((a)) an opioid treatment program ((of not less than three hundred fifty participants if necessary to address specific local conditions cited by the county)).

(3) A program applying for licensing or certification from the department and a program applying for a contract from a state agency that has been denied the licensing or certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial.

(4) Opioid treatment programs may order, possess, dispense, and administer medications approved by the United States food and drug administration for the treatment of opioid use disorder, alcohol use disorder, tobacco use disorder, and reversal of opioid overdose. For an opioid treatment program to order, possess, and dispense any other legend drug, including controlled substances, the opioid treatment program must obtain additional licensure as required by the department, except for patient-owned medications.

(5) Opioid treatment programs may accept, possess, and administer patient-owned medications.

(6) Registered nurses and licensed practical nurses may dispense up to a ~~((thirty-one))~~ 31 day supply of medications approved by the United States food and drug administration for the treatment of opioid use disorder to patients of the opioid treatment program, under an order or prescription and in compliance with 42 C.F.R. Sec. 8.12.

(7) A mobile or fixed-site medication unit may be established as part of a licensed opioid treatment program.

(8) For the purpose of this chapter, "opioid treatment program" means a program that:

(a) Engages in the treatment of opioid use disorder with medications approved by the United States food and drug administration for the treatment of opioid use disorder and reversal of opioid overdose, including methadone; and

(b) Provides a comprehensive range of medical and rehabilitative services.

NEW SECTION. Sec. 15. A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to funds appropriated for this specific purpose, a program is established in the department to fund the construction costs necessary to start up substance use disorder treatment and services programs and recovery housing in regions of the state that currently lack access to such programs.

(2) This funding must be used to increase the number of substance use disorder treatment and services programs and recovery housing in underserved areas such as central and eastern Washington and rural areas.

NEW SECTION. Sec. 16. RCW 10.31.115 (Drug possession—Referral to assessment and services) and 2021 c 311 s 13 are each repealed.

#### **Part V - Funding, Promotion, and Training for Recovery Residences**

NEW SECTION. Sec. 17. A new section is added to chapter 71.24 RCW to read as follows:

Subject to the availability of funds appropriated for this specific purpose, the authority shall:

(1) Make sufficient funding available to support establishment of an adequate and equitable stock of recovery residences in each region of the state;

(2) Establish a voucher program to allow accredited recovery housing operators to hold bed space for individuals who are waiting for treatment or who have returned to use and need a place to stay while negotiating a return to stable housing;

(3) Conduct outreach to underserved and rural areas to support the development of recovery housing, including adequate resources for women, LGBTQIA+ communities, Black, indigenous, and other people of color

communities, immigrant communities, and youth; and

(4) Develop a training for housing providers by January 1, 2024, to assist them with providing appropriate service to LGBTQIA+ communities, Black, indigenous, and other people of color communities, and immigrant communities, including consideration of topics like harassment, communication, antiracism, diversity, and gender affirming behavior, and ensure applicants for grants or loans related to recovery residences receive access to the training.

**Sec. 18.** RCW 84.36.043 and 1998 c 174 s 1 are each amended to read as follows:

(1) The real and personal property used by a nonprofit organization in providing emergency or transitional housing for low-income homeless persons as defined in RCW 35.21.685 or 36.32.415 or victims of domestic violence who are homeless for personal safety reasons is exempt from taxation if:

(a) The charge, if any, for the housing does not exceed the actual cost of operating and maintaining the housing; and

(b)(i) The property is owned by the nonprofit organization; or

(ii) The property is rented or leased by the nonprofit organization and the benefit of the exemption inures to the nonprofit organization.

(2) The real and personal property used by a nonprofit organization in maintaining an approved recovery residence registered under RCW 41.05.760 is exempt from taxation if:

(a) The charge for the housing does not exceed the actual cost of operating and maintaining the housing; and

(b)(i) The property is owned by the nonprofit organization; or

(ii) The property is rented or leased by the nonprofit organization and the benefit of the exemption inures to the nonprofit organization.

(3) As used in this section:

(a) "Homeless" means persons, including families, who, on one particular day or night, do not have decent and safe shelter nor sufficient funds to purchase or rent a place to stay.

(b) "Emergency housing" means a project that provides housing and supportive services to homeless persons or families for up to sixty days.

(c) "Transitional housing" means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

((3)) (d) "Recovery residence" has the same meaning as under RCW 41.05.760.

(4) The exemption in subsection (2) of this section applies to taxes levied for collection in calendar years 2024 through 2033.

(5) This exemption is subject to the administrative provisions contained in RCW 84.36.800 through 84.36.865.

NEW SECTION. **Sec. 19.** (1) This section is the tax preference performance statement for the tax preference contained in section 18, chapter . . . , Laws of 2023 (section 18 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to provide tax relief for certain businesses or individuals, as indicated in RCW 82.32.808(2)(e).

(3) By exempting property used by nonprofit organizations maintaining approved recovery residences, it is the legislature's specific public policy objective to maximize funding for recovery residences to the extent possible, thereby increasing availability of such residences.

(4) To measure the effectiveness of the tax exemption provided in section 18 of this act in achieving the specific public policy objectives described in subsection (3) of this section, the joint legislative audit and review committee must evaluate:

(a) Annual changes in the total number of parcels qualifying for the exemption under section 18 of this act;

(b) The amount of annual property tax relief resulting from the tax exemption under section 18 of this act;

(c) The average annual number of people housed at recovery residences located on property qualifying for the exemption under section 18 of this act;

(d) The annualized amount charged for housing at recovery residences located on property qualifying for the exemption under section 18 of this act and the annualized estimated increase in the charge for housing if the properties had not been eligible for the exemption; and

(e) The annual amount of expenditures by nonprofits to maintain recovery residences located on property qualifying for the exemption under section 18 of this act.

(5) The legislature intends to extend the expiration date of the property tax exemption under section 18 of this act if the review by the joint legislative audit and review committee finds that:

(a) The number of properties qualifying for the exemption under section 18 of this act has increased;

(b) The number of individuals using recovery housing located on property qualifying for the exemption under section 18 of this act has increased; and

(c) The amount charged for recovery housing is reasonably consistent with the actual cost of operating and maintaining the housing.

(6) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to:

(a) Initial applications for the tax exemption under section 18 of this act as approved by the department of revenue under RCW 84.36.815;

(b) Annual financial statements prepared by nonprofit entities claiming the tax exemption under section 18 of this act;

(c) Filings with the federal government to maintain federal tax exempt status by nonprofit organizations claiming the tax exemption under section 18 of this act; and

(d) Any other data necessary for the evaluation under subsection (4) of this section.

**Part VI - Training for Parents of Children with Substance Use Disorder and Caseworkers Within the Department of Children, Youth, and Families**

NEW SECTION. **Sec. 20.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority, in consultation with the department of children, youth, and families, shall develop a training for parents of adolescents and transition age youth with substance use disorders by June 30, 2024, which training must build on and be consistent and compatible with existing training developed by the authority for families impacted by substance use disorder, and addressing the following:

(a) Science and education related to substance use disorders and recovery;

(b) Adaptive and functional communication strategies for communication with a loved one about their substance use disorder, including positive communication skills and strategies to influence motivation and behavioral change;

(c) Self-care and means of obtaining support;

(d) Means to obtain opioid overdose reversal medication when appropriate and instruction on proper use; and

(e) Suicide prevention.

(2) The authority and the department of children, youth, and families shall make this training publicly available, and the department of children, youth, and families must promote the training to licensed foster parents and caregivers, including any tribally licensed foster parents and tribal caregivers.

NEW SECTION. **Sec. 21.** A new section is added to chapter 43.216 RCW to read as follows:

The department shall provide opioid overdose reversal medication and training in the use of such medication to all department staff whose job duties require in-person service or case management for child welfare or juvenile rehabilitation clients.

**Part VII - Recovery Navigator Programs**

NEW SECTION. **Sec. 22.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority must develop and implement a data integration platform by June 30, 2025, to support recovery navigator programs, law enforcement assisted diversion programs, arrest and jail alternative

programs, and similar diversion efforts. The data integration platform shall:

(a) Serve as a statewide common database available for tracking diversion efforts across the state;

(b) Serve as a data collection and management tool for practitioners, allowing practitioners to input data and information relating to the utilization and outcomes of pretrial diversions, including whether such diversions were terminated, were successfully completed and resulted in dismissal, or are still ongoing;

(c) Assist in standardizing definitions and practices; and

(d) Track pretrial diversion participants by race, ethnicity, gender, gender expression or identity, disability status, and age.

(2) If possible, the authority must leverage and interact with existing platforms already in use in efforts funded by the authority. The authority must establish a quality assurance process for behavioral health administrative services organizations and employ data validation for fields in the data collection workbook. The authority must engage and consult with the law enforcement assisted diversion national support bureau on data integration approaches, platforms, quality assurance protocols, and validation practices.

(3) Information submitted to the data integration platform is exempt from public disclosure requirements under chapter 42.56 RCW.

**Sec. 23.** RCW 42.56.360 and 2020 c 323 s 2 are each amended to read as follows:

(1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the pharmacy quality assurance commission as provided in RCW 69.45.090;

(b) Information obtained by the pharmacy quality assurance commission or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510, 70.230.080, or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, or by a hospital, as defined in RCW 43.70.056, for reporting of health care-associated infections under RCW 43.70.056, a notification of an incident under RCW 70.56.040(5), and reports regarding adverse events under RCW 70.56.020(2)(b), regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption

sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1);

(g) Information obtained by the department of health under chapter 70.225 RCW;

(h) Information collected by the department of health under chapter 70.245 RCW except as provided in RCW 70.245.150;

(i) Cardiac and stroke system performance data submitted to national, state, or local data collection systems under RCW 70.168.150(2)(b);

(j) All documents, including completed forms, received pursuant to a wellness program under RCW 41.04.362, but not statistical reports that do not identify an individual;

(k) Data and information exempt from disclosure under RCW 43.371.040; ~~((and))~~

(l) Medical information contained in files and records of members of retirement plans administered by the department of retirement systems or the law enforcement officers' and firefighters' plan 2 retirement board, as provided to the department of retirement systems under RCW 41.04.830; and

(m) Data submitted to the data integration platform under section 22 of this act.

(2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

(3)(a) Documents related to infant mortality reviews conducted pursuant to RCW 70.05.170 are exempt from disclosure as provided for in RCW 70.05.170(3).

(b)(i) If an agency provides copies of public records to another agency that are exempt from public disclosure under this subsection (3), those records remain exempt to the same extent the records were exempt in the possession of the originating entity.

(ii) For notice purposes only, agencies providing exempt records under this subsection (3) to other agencies may mark any exempt records as "exempt" so that the receiving agency is aware of the exemption, however whether or not a record is marked exempt does not affect whether the record is actually exempt from disclosure.

(4) Information and documents related to maternal mortality reviews conducted pursuant to RCW 70.54.450 are confidential

and exempt from public inspection and copying.

**NEW SECTION. Sec. 24.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall contract with the Washington state institute for public policy to conduct a study of the long-term effectiveness of the recovery navigator programs under RCW 71.24.115 and law enforcement assisted diversion programs under RCW 71.24.589 implemented in Washington state, with reports due by June 30, 2028, June 30, 2033, and June 30, 2038, and an assessment as described under subsection (2) of this section. The Washington state institute for public policy shall collaborate with the authority and the substance use recovery services advisory committee under RCW 71.24.546 on the topic of data collection and to determine the parameters of the report, which shall include:

(a) Recidivism rates for recovery navigator and law enforcement assisted diversion program participants, including a comparison between individuals who did and did not use the pretrial diversion program under section 9 of this act, and outcomes for these individuals;

(b) Trends or disparities in utilization of the recovery navigator and LEAD programs and outcomes based on race, ethnicity, gender, gender expression or identity, disability status, age, and other appropriate characteristics; and

(c) Recommendations, if any, for modification and improvement of the recovery navigator program or law enforcement assisted diversion programs.

(2) (a) The Washington state institute for public policy shall, in consultation with the authority and other key stakeholders, conduct a descriptive assessment of the current status of statewide recovery navigator programs and the degree to which the implementation of these programs reflects fidelity to the core principles of the law enforcement assisted diversion program as established by the law enforcement assisted diversion national support bureau in its toolkit as it existed on May 1, 2023, which shall include:

(i) The results of the law enforcement assisted diversion standards fidelity index analysis, conducted by an independent research scientist with expertise in law enforcement assisted diversion evaluation, including findings with respect to each standard assessed, for each recovery navigator program, in each behavioral health administrative services organization region;

(ii) Reports on utilization of technical support from the law enforcement assisted diversion national support bureau by recovery navigator program contractors, the authority, and behavioral health administrative services organizations; and

(iii) Barriers to achieving fidelity to core principles.

(b) The report shall also describe law enforcement assisted diversion programs in Washington state that are not affiliated with recovery navigator programs.

(c) The report may include recommendations for changes to recovery navigator programs reported by recovery navigator program administrators, stakeholders, or participants.

(d) The authority, behavioral health administrative services organizations, and other recovery navigator program administrators shall cooperate with the institute in making this assessment.

(e) The institute shall submit this assessment to the governor and relevant committees of the legislature by June 30, 2024.

(3) The authority shall cooperate with the Washington state institute for public policy to provide data for the assessment and reports under this section.

(4) The authority must establish an expedited preapproval process by August 1, 2023, that allows requests for the use of data to be forwarded to the Washington state institutional review board without delay when the request is made by the Washington state institute for public policy for the purpose of completing a study that has been directed by the legislature.

**Sec. 25.** RCW 71.24.115 and 2021 c 311 s 2 are each amended to read as follows:

(1) Each behavioral health administrative services organization shall establish ((a)) recovery navigator ((program)) programs with the goal of providing law enforcement and other criminal legal system personnel with a credible alternative to further legal system involvement for criminal activity that stems from unmet behavioral health needs or poverty. The programs shall work to improve community health and safety by reducing individuals' involvement with the criminal legal system through the use of specific human services tools and in coordination with community input. Each program must include a dedicated project manager and be governed by a policy coordinating group comprised, in alignment with the core principles, of local executive and legislative officials, public safety agencies, including police and prosecutors, and civil rights, public defense, and human services organizations.

(2) The recovery navigator programs shall be organized on a scale that permits meaningful engagement, collaboration, and coordination with local law enforcement and municipal agencies through the policy coordinating groups. The ((program)) programs shall provide community-based outreach, intake, assessment, and connection to services and, as appropriate, long-term intensive case management and recovery coaching services, to youth and adults with substance use disorder, including for persons with co-occurring substance use disorders and mental health conditions, who are referred to the program from diverse sources and shall facilitate and coordinate connections to a broad range of community resources for youth and adults with substance use disorder, including treatment and recovery support services. Recovery navigator programs must serve and prioritize individuals who are actually or potentially exposed to the criminal legal system with

respect to unlawful behavior connected to substance use or other behavioral health issues.

~~((2) The)~~ (3) By June 30, 2024, the authority shall ((establish)) revise its uniform program standards for behavioral health administrative services organizations to follow in the design of their recovery navigator programs to achieve fidelity with the core principles. The uniform program standards must be modeled upon the components of the law enforcement assisted diversion program and address project management, field engagement, biopsychosocial assessment, intensive case management and care coordination, stabilization housing when available and appropriate, and, as necessary, legal system coordination for participants' legal cases that may precede or follow referral to the program. The uniform program standards must incorporate the law enforcement assisted diversion framework for diversion at multiple points of engagement with the criminal legal system, including prearrest, prebooking, prefiling, and for ongoing case conferencing with law enforcement, prosecutors, community stakeholders, and program case managers. The authority must adopt the uniform program standards from the components of the law enforcement assisted diversion program to accommodate an expanded population of persons with substance use disorders, including persons with co-occurring substance use disorders and mental health conditions, ((and allow)) provide for referrals from a broad range of sources, and require prioritization of those who are or likely will be exposed to the criminal legal system related to their behavioral health challenges. In addition to accepting referrals from law enforcement and courts of limited jurisdiction, the uniform program standards must provide guidance for accepting referrals on behalf of persons with substance use disorders, including persons with co-occurring substance use disorders and mental health conditions, from various sources including, but not limited to, self-referral, family members of the individual, emergency department personnel, persons engaged with serving homeless persons, including those living unsheltered or in encampments, fire department personnel, emergency medical service personnel, community-based organizations, members of the business community, harm reduction program personnel, faith-based organization staff, and other sources within the criminal legal system, ((as outlined)) so that individuals are engaged as early as possible within the sequential intercept model. In developing response time requirements within the statewide program standards, the authority shall require, subject to the availability of amounts appropriated for this specific purpose, that responses to referrals from law enforcement occur immediately for in-custody referrals and shall strive for rapid response times to other appropriate settings such as emergency departments and courts of limited jurisdiction.

~~((3))~~ (4) Subject to the availability of amounts appropriated for this specific purpose, the authority shall provide funding

to each behavioral health administrative services organization for the ((development of its)) continuation of and, as required by this section, the revisions to and reorganization of the recovery navigator ((program)) programs they fund. Before receiving funding for implementation and ongoing administration, each behavioral health administrative services organization must submit a program plan that demonstrates the ability to fully comply with statewide program standards. The authority shall establish a schedule for the regular review of recovery navigator programs funded by behavioral health administrative services ((organizations' programs)) organizations. The authority shall arrange for technical assistance to be provided by the LEAD national support bureau to all behavioral health administrative services organizations, the authority, contracted providers, and independent stakeholders and partners, such as prosecuting attorneys and law enforcement.

~~((4))~~ (5) Each behavioral health administrative services organization must have a substance use disorder regional administrator for its recovery navigator program. The regional administrator shall be responsible for assuring compliance with program standards, including staffing standards. Each recovery navigator program must maintain a sufficient number of appropriately trained personnel for providing intake and referral services, conducting comprehensive biopsychosocial assessments, providing intensive case management services, and making warm handoffs to treatment and recovery support services along the continuum of care. Program staff must include people with lived experience with substance use disorder to the extent possible. The substance use disorder regional administrator must assure that staff who are conducting intake and referral services and field assessments are paid a livable and competitive wage and have appropriate initial training and receive continuing education.

~~((5))~~ (6) Each recovery navigator program must submit quarterly reports to the authority with information identified by the authority and the substance use recovery services advisory committee. The reports must be provided to the substance use recovery services advisory committee for discussion at meetings following the submission of the reports.

(7) No civil liability may be imposed by any court on the state or its officers or employees, an appointed or elected official, public employee, public agency as defined in RCW 4.24.470, combination of units of government and its employees as provided in RCW 36.28A.010, nonprofit community-based organization, tribal government entity, tribal organization, or urban Indian organization, based on the administration of a recovery navigator program except upon proof of bad faith or gross negligence.

(8) For the purposes of this section, the term "core principles" means the core principles of a law enforcement assisted diversion program, as established by the law enforcement assisted diversion national

support bureau in its toolkit, as it existed on May 1, 2023.

**Part VIII - Establishing a Pilot Program for Health Engagement Hubs**

NEW SECTION. **Sec. 26.** A new section is added to chapter 71.24 RCW to read as follows:

(1)(a) The authority shall implement a pilot program for health engagement hubs by August 1, 2024. The pilot program will test the functionality and operability of health engagement hubs, including whether and how to incorporate and build on existing medical, harm reduction, treatment, and social services in order to create an all-in-one location where people who use drugs can access such services.

(b) Subject to amounts appropriated, the authority shall establish pilot programs on at least two sites, with one site located in an urban area and one located in a rural area.

(c) The authority shall report on the pilot program results, including recommendations for expansion, and rules and payment structures, to the legislature no later than August 1, 2026.

(2) The authority shall develop payment structures for health engagement hubs by June 30, 2024. Subject to the availability of funds appropriated for this purpose, and to the extent allowed under federal law, the authority shall direct medicaid managed care organizations to adopt a value-based bundled payment methodology in contracts with health engagement hubs and other opioid treatment providers. The authority shall not implement this requirement in managed care contracts unless expressly authorized by the legislature.

(3) A health engagement hub is intended to:

(a) Serve as an all-in-one location where people who use drugs can access a range of medical, harm reduction, treatment, and social services;

(b) Be affiliated with existing syringe service programs, federally qualified health centers, community health centers, overdose prevention sites, safe consumption sites, patient-centered medical homes, tribal behavioral health programs, peer run organizations such as clubhouses, services for unhoused people, supportive housing, and opioid treatment programs including mobile and fixed-site medication units established under an opioid treatment program, or other appropriate entity;

(c) Provide referrals or access to methadone and other medications for opioid use disorder;

(d) Function as a patient-centered medical home by offering high-quality, cost-effective patient-centered care, including wound care;

(e) Provide harm reduction services and supplies;

(f) Provide linkage to housing, transportation, and other support services; and

(g) Be open to youth as well as adults.

**Part IX - Education and Employment Pathways**

NEW SECTION. **Sec. 27.** A new section is added to chapter 71.24 RCW to read as follows:

Subject to funding provided for this specific purpose, the authority shall establish a grant program for providers of employment, education, training, certification, and other supportive programs designed to provide persons recovering from a substance use disorder with employment and education opportunities. The grant program shall employ a low-barrier application and give priority to programs that engage with black, indigenous, persons of color, and other historically underserved communities.

**Part X - Providing a Statewide Directory of Recovery Services**

NEW SECTION. **Sec. 28.** A new section is added to chapter 71.24 RCW to read as follows:

Subject to funding provided for this specific purpose, the authority must collaborate with the department and the department of social and health services to expand the Washington recovery helpline and the recovery readiness asset tool to provide a dynamically updated statewide behavioral health treatment and recovery support services mapping tool that includes a robust resource database for those seeking services and a referral system to be incorporated within the locator tool to help facilitate the connection between an individual and a facility that is currently accepting new referrals. The tool must include dual interface capability, one for public access and one for internal use and management.

**Part XI - Investing Adequately in Statewide Diversion Services**

NEW SECTION. **Sec. 29.** The appropriations in this section are provided to the department of health and are subject to the following conditions and limitations:

The following sums, or so much thereof as may be necessary, are each appropriated: \$47,000 from the state general fund-local for the fiscal biennium ending June 30, 2025; and \$13,000 from the health professions account for the fiscal biennium ending June 30, 2025. The amounts in this section are provided solely for the department of health to adopt rules related to mobile medication units and conduct inspections for such units under RCW 71.24.590.

NEW SECTION. **Sec. 30.** The appropriations in this section are provided to the department of revenue and are subject to the following conditions and limitations:

The following sums, or so much thereof as may be necessary, are each appropriated: \$594,000 from the state general fund for the fiscal year ending June 30, 2024; and \$140,000 from the state general fund for the fiscal year ending June 30, 2025. The amounts in this section are provided solely



for the department of revenue to administer the recovery residence tax exemption created in RCW 84.36.043.

**NEW SECTION. Sec. 31.** The appropriation in this section is provided to the joint legislative audit and review committee and is subject to the following conditions and limitations:

The sum of \$23,000, or as much thereof as may be necessary, is appropriated for the fiscal biennium ending June 30, 2025, from the performance audits of government account. The amount in this section is provided solely for the purposes of conducting a tax preference review of the property tax exemption for recovery residences under RCW 84.36.043.

**NEW SECTION. Sec. 32.** The appropriation in this section is provided to the Washington state patrol and is subject to the following conditions and limitations:

The following sums, or so much thereof as may be necessary, are each appropriated: \$813,000 from the state general fund for the fiscal year ending June 30, 2024; and \$450,000 from the state general fund for the fiscal year ending June 30, 2025. The amounts in this section are provided solely to support the Washington state patrol bureau of forensic laboratory services in completing the necessary analysis for any evidence submitted for a suspected violation of RCW 69.50.4011(1)(b), 69.50.4013, or 69.41.030 within 45 days of receipt of the request for analysis.

**NEW SECTION. Sec. 33.** The appropriations in this section are provided to the state health care authority and are subject to the following conditions and limitations:

(1) The sum of \$3,600,000, or as much thereof as may be necessary, is appropriated for the fiscal biennium ending June 30, 2025, from the opioid abatement settlement account. The amount in this subsection is provided solely for the purposes of maintaining a memorandum of understanding with the criminal justice training commission to provide ongoing funding for community grants under RCW 36.28A.450.

(2) The following sums, or so much thereof as may be necessary, are each appropriated: \$3,783,000 from the opioid abatement settlement account for the fiscal biennium ending June 30, 2025; and \$3,810,000 from the general fund-federal for the fiscal biennium ending June 30, 2025. The amounts in this subsection are provided solely for the administration of this act.

(3) The following sums, or so much thereof as may be necessary, are each appropriated: \$1,000,000 from the state general fund for the fiscal year ending June 30, 2024; and \$1,000,000 from the state general fund for the fiscal year ending June 30, 2025. The amounts in this subsection are provided solely for the authority to award grants to crisis services providers to establish and expand 23-hour crisis relief center capacity. It is the intent of the legislature that grants are awarded to an

equivalent number of providers to the west and the east of the Cascade mountains. The authority must consider the geographic distribution of proposed grant applicants and the regional need for 23-hour crisis relief centers when awarding grant funds.

(4) The sum of \$4,000,000, or as much thereof as may be necessary, is appropriated for the fiscal biennium ending June 30, 2025, from the opioid abatement settlement account. The amount in this subsection is provided solely for the authority to establish a health engagement hub pilot program to include both urban and rural locations under section 26 of this act.

(5) The sum of \$3,768,000, or as much thereof as may be necessary, is appropriated for the fiscal biennium ending June 30, 2025, from the opioid abatement settlement account. The amount in this subsection is provided solely for the authority to increase the number of mobile methadone units operated by existing opioid treatment providers, increase the number of opioid treatment provider fixed medication units operated by existing opioid treatment providers, and to expand opioid treatment programs with a prioritization for rural areas.

(6) The sum of \$5,242,000, or as much thereof as may be necessary, is appropriated for the fiscal biennium ending June 30, 2025, from the opioid abatement settlement account. The amount in this subsection is provided solely for the authority to provide grants to providers of employment and educational services to individuals with substance use disorder under section 27 of this act.

(7) The following sums, or so much thereof as may be necessary, are each appropriated: \$750,000 from the state general fund for the fiscal year ending June 30, 2024; \$750,000 from the state general fund for the fiscal year ending June 30, 2025; and \$500,000 from the opioid abatement settlement account for the fiscal biennium ending June 30, 2025. The amounts in this subsection are provided solely for the authority to provide grants to support substance use disorder family navigator programs.

(8) The following sums, or so much thereof as may be necessary, are each appropriated: \$2,500,000 from the state general fund for the fiscal year ending June 30, 2024; and \$2,500,000 from the state general fund for the fiscal year ending June 30, 2025. The amounts in this subsection are provided solely for the authority to provide short-term housing vouchers for individuals with substance use disorders, with a focus on providing such resources to people in the five most populous counties of the state.

(9) The following sums, or so much thereof as may be necessary, are each appropriated: \$2,000,000 from the state general fund for the fiscal year ending June 30, 2024; and \$2,000,000 from the state general fund for the fiscal year ending June 30, 2025. The amounts in this subsection are provided solely for the authority to provide grants for the operational costs of new staffed recovery residences which serve individuals with substance use disorders who require more support than a level 1 recovery

residence, with a focus on providing grants to recovery residences which serve individuals in the five most populous counties of the state.

(10) The following sums, or so much thereof as may be necessary, are each appropriated: \$1,000,000 from the state general fund for the fiscal year ending June 30, 2024; and \$1,000,000 from the state general fund for the fiscal year ending June 30, 2025. The amounts in this subsection are provided solely for the authority to support the provision of behavioral health co-responder services on nonlaw enforcement emergency medical response teams.

(11) The following sums, or so much thereof as may be necessary, are each appropriated: \$250,000 from the state general fund for the fiscal year ending June 30, 2024; and \$250,000 from the state general fund for the fiscal year ending June 30, 2025. The amounts in this subsection are provided solely for the authority to continue and increase a contract for services funded in section 215(127), chapter 297, Laws of 2022 (ESSB 5693) to provide information and support related to safe housing and support services for youth exiting inpatient mental health and/or substance use disorder facilities to stakeholders, inpatient treatment facilities, young people, and other community providers that serve unaccompanied youth and young adults.

NEW SECTION. **Sec. 34.** The appropriations in this section are provided to the department of commerce and are subject to the following conditions and limitations:

The following sums, or so much thereof as may be necessary, are each appropriated: \$650,000 from the state general fund for the fiscal year ending June 30, 2024; and \$650,000 from the state general fund for the fiscal year ending June 30, 2025. The amounts in this section are provided solely for the office of homeless youth to administer a competitive grant process to award funding to licensed youth shelters, HOPE centers, and crisis residential centers to provide behavioral health support services, including substance use disorder services, for youth in crisis, and to increase funding for current grantees.

**Part XII - Streamlining Substance Use Disorder Treatment Assessments**

NEW SECTION. **Sec. 35.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall convene a work group to recommend changes to systems, policies, and processes related to intake, screening, and assessment for substance use disorder services, with the goal to broaden the workforce capable of administering substance use disorder assessments and to make the assessment process as brief as possible, including only what is necessary to manage utilization and initiate care. The assessment shall be low barrier, person-centered, and amenable to administration in

diverse health care settings and by a range of health care professionals. The assessment shall consider the person's self-identified needs and preferences when evaluating direction of treatment and may include different components based on the setting, context, and past experience with the client.

(2) The work group must include care providers, payors, people who use drugs, individuals in recovery from substance use disorder, and other individuals recommended by the authority. The work group shall present its recommendations to the governor and appropriate committees of the legislature by December 1, 2024.

**Sec. 36.** RCW 18.64.600 and 2020 c 244 s 2 are each amended to read as follows:

(1) The license of location for a pharmacy licensed under this chapter may be extended to a remote dispensing site where technology is used to dispense medications (~~(approved by the United States food and drug administration)~~ used for the treatment of opioid use disorder or its symptoms).

(2) In order for a pharmacy to use remote dispensing sites, a pharmacy must register each separate remote dispensing site with the commission.

(3) The commission shall adopt rules that establish minimum standards for remote dispensing sites registered under this section. The minimum standards shall address who may retrieve medications for opioid use disorder stored in or at a remote dispensing site pursuant to a valid prescription or chart order. The minimum standards must require the pharmacy be responsible for stocking and maintaining a perpetual inventory of the medications for opioid use disorder stored in or at the registered remote dispensing site. The dispensing technology may be owned by either the pharmacy or the registered remote dispensing site.

(4) The secretary may adopt rules to establish a reasonable fee for obtaining and renewing a registration issued under this section.

(5) The registration issued under this section will be considered as part of the pharmacy license issued under RCW 18.64.043. If the underlying pharmacy license is not active, then the registration shall be considered inoperable by operation of law.

**Part XIII - Health Care Authority Comprehensive Data Reporting Requirements**

NEW SECTION. **Sec. 37.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority is responsible for providing regular assessments of the prevalence of substance use disorders and interactions of persons with substance use disorder with service providers, nonprofit service providers, first responders, health care facilities, and law enforcement agencies. Beginning in 2026, the annual report required in subsection (3)(a) of this section shall include a comprehensive

assessment of the information described in this subsection for the prior calendar year.

(2)(a) The authority shall identify the types and sources of data necessary to implement the appropriate means and methods of gathering data to provide the information required in subsection (1) of this section.

(b) The authority must provide a preliminary inventory report to the governor and the legislature by December 1, 2023, and a final inventory report by December 1, 2024. The reports must:

(i) Identify existing types and sources of data available to the authority to provide the information required in subsection (1) of this section and what data are necessary but currently unavailable to the authority;

(ii) Include recommendations for new data connections, new data-sharing authority, and sources of data that are necessary to provide the information required in subsection (1) of this section; and

(iii) Include recommendations, including any necessary legislation, regarding the development of reporting mechanisms between the authority and service providers, nonprofit service providers, health care facilities, law enforcement agencies, and other state agencies to gather the information required in subsection (1) of this section.

(3)(a) Beginning July 1, 2024, and each July 1st thereafter until July 1, 2028, the authority shall provide an implementation report to the governor and the legislature regarding recovery residences, recovery navigator programs, the health engagement pilot programs, and the law enforcement assisted diversion grants program. The report shall include:

(i) The number of contracts awarded to law enforcement assisted diversion programs, including the amount awarded in the contract, and the names and service locations of contract recipients;

(ii) The location of recovery residences, recovery navigator programs, health engagement hub pilot programs, and law enforcement assisted diversion programs;

(iii) The scope and nature of services provided by recovery navigator programs, health engagement hub pilot programs, and law enforcement assisted diversion programs;

(iv) The number of individuals served by recovery residences, recovery navigator programs, health engagement hub pilot programs, and law enforcement assisted diversion programs;

(v) If known, demographic data concerning the utilization of these services by overburdened and underrepresented communities; and

(vi) The number of grants awarded to providers of employment, education, training, certification, and other supportive programs, including the amount awarded in each grant and the names of provider grant recipients, as provided for in section 27 of this act.

(b) The data obtained by the authority under this section shall be integrated with the Washington state institute for public policy report under section 24 of this act.

(4) Beginning in the July 1, 2027, report in subsection (3)(a) of this section, the authority shall provide:

(a) The results and effectiveness of the authority's collaboration with the department of health and the department of social and health services to expand the Washington recovery helpline and recovery readiness asset tool to provide a dynamically updated statewide behavioral health treatment and recovery support services mapping tool, including the results and effectiveness with respect to overburdened and underrepresented communities, in accordance with section 28 of this act;

(b) The results and effectiveness of the authority's development and implementation of a data integration platform to support recovery navigator programs and to serve as a common database available for diversion efforts across the state, including the results and effectiveness with respect to overburdened and underrepresented communities, as provided in section 22 of this act;

(c) The effectiveness and outcomes of training developed and provided by the authority in consultation with the department of children, youth, and families, as provided in section 20 of this act; and

(d) The effectiveness and outcomes of training developed by the authority for housing providers, as provided in section 17(4) of this act.

#### Part XIV - Miscellaneous Provisions

NEW SECTION. **Sec. 38.** Section 6 of this act takes effect January 1, 2025.

**Sec. 39.** 2021 c 311 s 29 (uncodified) is amended to read as follows:

Sections 8 through 10((7))and 12((7-15, and-16)) of this act expire July 1, 2023.

NEW SECTION. **Sec. 40.** Sections 1 through 5, 7 through 11, and 39 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2023.

NEW SECTION. **Sec. 41.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

and that the bill do pass as recommended by the Conference Committee:

Senators Dhingra, Robinson  
Representatives Goodman, Taylor

There being no objection, the House adopted the conference committee report on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5536 and advanced the bill as recommended by the conference committee to final passage.

**FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE**

Sunday, April 23, 2023

Representatives Goodman, Berg, Springer, Tharinger, Stonier and Taylor spoke in favor of the passage of the bill.

Representatives Abbarno, Alvarado, Cheney, Street, Maycumber, Walsh, Mosbrucker and Simmons spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5536, as recommended by conference committee.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5536, as recommended by the conference committee, and the bill failed the House by the following vote: Yeas, 43; Nays, 55; Absent, 0; Excused, 0

Voting Yea: Representatives Berg, Bergquist, Bronoske, Callan, Chapman, Cortes, Davis, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Fosse, Goodman, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Senn, Shavers, Slatter, Springer, Stearns, Stonier, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berry, Caldier, Chambers, Chandler, Cheney, Chopp, Christian, Connors, Corry, Couture, Dent, Doglio, Dye, Eslick, Farivar, Goehner, Graham, Gregerson, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Reed, Reeves, Robertson, Rude, Sandlin, Santos, Schmick, Schmidt, Simmons, Steele, Stokesbary, Street, Volz, Walsh, Waters, Wilcox and Ybarra

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5536, as recommended by the conference committee, having received the necessary constitutional majority, was declared failed.

The Speaker called upon Representative Orwall to preside.

There being no objection, the House reverted to the third order of business.

**MESSAGES FROM THE SENATE**

Sunday, April 23, 2023

Mme. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5187, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Sarah Bannister, Secretary

Sunday, April 23, 2023

Mme. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5200  
SECOND SUBSTITUTE SENATE BILL NO. 5412  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5440

and the same are herewith transmitted.

Sarah Bannister, Secretary

Mme. Speaker:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SENATE BILL NO. 5369

and the same is herewith transmitted.

Sarah Bannister, Secretary

Sunday, April 23, 2023

Mme. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1148  
ENGROSSED HOUSE BILL NO. 1324  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1436  
SECOND SUBSTITUTE HOUSE BILL NO. 1447  
SECOND SUBSTITUTE HOUSE BILL NO. 1470  
SUBSTITUTE HOUSE BILL NO. 1521  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1715  
SECOND SUBSTITUTE HOUSE BILL NO. 1762

and the same are herewith transmitted.

Sarah Bannister, Secretary

Sunday, April 23, 2023

Mme. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5187

and the same is herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the seventh order of business.

**THIRD READING**

**MESSAGE FROM THE SENATE**

Sunday, April 23, 2023

Mme. Speaker:

The Senate receded from its amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1550, and under suspension of the rules returned SECOND SUBSTITUTE HOUSE BILL NO. 1550 to second reading for purpose of amendment(s). The Senate further adopted amendment 1550-S2 AMS WICL S3375.1 and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The intent of the legislature is to continue and rename transitional kindergarten as the transition to kindergarten program and that the program be established in statute with the goal of assisting eligible children in need of

additional preparation to be successful kindergarten students in the following school year. The transition to kindergarten program is not part of the state's statutory program of basic education under RCW 28A.150.200.

(2)(a) The office of the superintendent of public instruction shall administer the transition to kindergarten program and shall adopt rules under chapter 34.05 RCW for the administration of, the allocation of state funding for, and minimum standards and requirements for the transition to kindergarten program. Initial rules, which include expectations for school districts, charter schools as allowed by subsection (7) of this section, and state-tribal education compact schools transitioning existing programs to the new requirements established in this section must be adopted in time for the 2023-24 school year, and permanent rules must be adopted by the beginning of the 2024-25 school year.

(b) School districts, charter schools as allowed by subsection (7) of this section, and state-tribal education compact schools operating a transition to kindergarten program shall adopt policies regarding eligibility, recruitment, and enrollment for this program that, at a minimum, meet the requirements of subsection (3) of this section.

(3) The rules adopted under subsection (2) of this section must include, at a minimum, the following requirements for school districts, charter schools as allowed by subsection (7) of this section, and state-tribal education compact schools operating a transition to kindergarten program:

(a)(i) A limitation on program enrollment to eligible children. Eligible children include only those who:

(A) Have been determined to benefit from additional preparation for kindergarten; and

(B) Are at least four years old by August 31st of the school year they enroll in the transition to kindergarten program.

(ii) A requirement, as practicable, for school districts, charter schools as allowed by subsection (7) of this section, and state-tribal education compact schools to prioritize families with the lowest incomes and children most in need for additional preparation to be successful in kindergarten when enrolling eligible children in a transition to kindergarten program;

(iii) Access to the transition to kindergarten program does not constitute an individual entitlement for any particular child.

(b) Except for children who have been excused from participation by their parents or legal guardians, a requirement that the Washington kindergarten inventory of developing skills as established by RCW 28A.655.080 be administered to all eligible children enrolled in a transition to kindergarten program at the beginning of the child's enrollment in the program and at least one more time during the school year.

(c) A requirement that all eligible children enrolled in a transition to kindergarten program be assigned a statewide student identifier and that the transition to kindergarten program be considered a

separate class or course for the purposes of data reporting requirements in RCW 28A.320.175.

(d) A requirement that a local child care and early learning needs assessment is conducted before beginning or expanding a transition to kindergarten program that considers the existing availability and affordability of early learning providers, such as the early childhood education and assistance programs, head start programs, and licensed child care centers and family home providers in the region. Data available through the regionalized data dashboard maintained by the department of children, youth, and families or any other appropriate sources may be used to inform the needs assessment required by this subsection.

(e)(i) A requirement that school districts, charter schools as allowed by subsection (7) of this section, and state-tribal education compact schools adhere to guidelines, as developed by the office of the superintendent of public instruction, related to:

(A) Best practices for site readiness of facilities that are used for the program;

(B) Developmentally appropriate curricula designed to assist in maintaining high quality programs; and

(C) Professional development opportunities.

(ii) The office of the superintendent of public instruction must develop a process for conducting site visits of any school district, charter school as allowed by subsection (7) of this section, or state-tribal education compact school operating a transition to kindergarten program and provide feedback on elements listed in this subsection (3)(e).

(f) A prohibition on charging tuition or other fees to state-funded eligible children for enrollment in a transition to kindergarten program.

(g) A prohibition on establishing a policy of excluding an eligible child due only to the presence of a disability.

(4)(a) The office of the superintendent of public instruction, in collaboration with the department of children, youth, and families, shall develop statewide coordinated eligibility, recruitment, enrollment, and selection best practices and provide technical assistance to those implementing a transition to kindergarten program to support connections with local early learning providers.

(b) School districts, charter schools as allowed by subsection (7) of this section, and state-tribal education compact schools must consider the best practices developed under this subsection (4) when adopting the policies required under subsection (2)(b) of this section.

(5) Nothing in this section prohibits school districts, charter schools as allowed by subsection (7) of this section, and state-tribal education compact schools from blending or colocating a transition to kindergarten program with other early learning programs.

(6)(a) Funding for the transition to kindergarten program must be based on the following:

(i) The distribution formula established under RCW 28A.150.260 (4)(a), (5), (6), (8), and (10)(a) and (b), calculated using the actual number of annual average full-time equivalent eligible children enrolled in the program. A transition to kindergarten child must be counted as a kindergarten student for purposes of the funding calculations referenced in this subsection, but must be reported separately.

(ii) The distribution formula developed in RCW 28A.160.150 through 28A.160.192, calculated using reported ridership for eligible children enrolled in the program.

(b) Funding provided for the transition to kindergarten program is not part of the state's statutory program of basic education under RCW 28A.150.200 and must be expended only for the support of operating a transition to kindergarten program.

(7) Charter schools authorized under RCW 28A.710.080(2) are immediately permitted to operate a transition to kindergarten program under this section. Beginning with the 2025-26 school year, any charter school authorized under RCW 28A.710.080 (1) or (2) is permitted to operate a transition to kindergarten program under this section.

**Sec. 2.** RCW 28A.225.160 and 2009 c 380 s 3 are each amended to read as follows:

(1) Except as provided in subsection ~~((2))~~(3) of this section and otherwise provided by law, it is the general policy of the state that the common schools shall be open to the admission of all persons who are five years of age and less than ~~(twenty-one)~~21 years residing in that school district. Except as otherwise provided by law or rules adopted by the superintendent of public instruction, districts may establish uniform entry qualifications, including but not limited to birthdate requirements, for admission to kindergarten and first grade programs of the common schools. Such rules may provide for individualized exceptions based upon the ability, or the need, or both, of an individual student. Nothing in this section authorizes school districts, public schools, or the superintendent of public instruction to create state-funded programs based on entry qualification exceptions except as otherwise expressly provided by law.

(2) For the purpose of complying with any rule adopted by the superintendent of public instruction that authorizes a preadmission screening process as a prerequisite to granting individualized exceptions to the uniform entry qualifications, a school district may collect fees to cover expenses incurred in the administration of any preadmission screening process: PROVIDED, That in so establishing such fee or fees, the district shall adopt rules for waiving and reducing such fees in the cases of those persons whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees.

~~((2))~~(3) A student who meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010 shall be permitted to continue enrollment at the grade level in the common schools commensurate with the grade level of

the student when attending school in the sending state as defined in Article II of RCW 28A.705.010, regardless of age or birthdate requirements.

**NEW SECTION. Sec. 3.**

(1) The department of children, youth, and families must make administrative changes to better align early childhood education and assistance program implementation with state-funded early learning programs serving three through five-year old children offered by school districts, charter schools authorized under RCW 28A.710.080(2), and state-tribal education compact schools. The department must submit a report, in compliance with RCW 43.01.036, of the administrative changes to the appropriate committees of the legislature by July 1, 2024.

(2) This section expires August 30, 2025.

**Sec. 4.** RCW 43.88C.010 and 2022 c 219 s 2 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized

by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(c) The number of students who are eligible for the Washington college grant program under RCW 28B.92.200 and 28B.92.205 and are expected to attend an institution of higher education as defined in RCW 28B.92.030; and

(d) The number of children who are eligible, as defined in RCW 43.216.505, to participate in, and the number of children actually served by, the early childhood education and assistance program.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) By January 1, 2023, the caseload forecast council shall present the number of individuals who are assessed as eligible for and have requested a service through the individual and family services waiver and the basic plus waiver administered by the developmental disabilities administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(10) Beginning with the official forecast submitted in November 2022 and subject to the availability of amounts appropriated for this specific purpose, the caseload forecast council shall forecast the number of individuals who are assessed as eligible for and have requested supported living services, a service through the core waiver, an individual and family services waiver, and the basic plus waiver administered by the developmental disabilities administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(11) As a courtesy, beginning with the official forecast submitted in November 2022, the caseload forecast council shall forecast the number of individuals who are expected to reside in state-operated living alternatives administered by the developmental disabilities administration.

(12) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

(13) The caseload forecast council shall forecast the number of youth expected to receive behavioral rehabilitation services while involved in the foster care system and the number of screened in reports of child abuse or neglect.

(14) The caseload forecast council shall forecast eligible children participating in the transition to kindergarten program under section 1 of this act.

(15) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

~~((15))~~ (16) During the 2021-2023 fiscal biennium, and beginning with the November 2021 forecast, the caseload forecast council shall produce an unofficial forecast of the long-term caseload for juvenile rehabilitation as a courtesy."

On page 1, line 4 of the title, after "program;" strike the remainder of the title and insert "amending RCW 28A.225.160 and 43.88C.010; adding a new section to chapter 28A.300 RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1550 and advanced the bill, as amended by the Senate, to final passage.

Representatives Santos and Senn spoke in favor of the passage of the bill.

Representative Rude spoke against the passage of the bill.

#### MOTION

On motion of Representative Ramel, Representative Lekanoff was excused.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1550, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1550, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Kretz, Leavitt, Macri, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Sandlin, Santos, Schmick, Senn, Simmons, Slatter, Springer, Stearns, Street, Taylor, Thai, Tharinger, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Eslick, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Low, Maycumber, McClintock, McEntire, Orcutt, Robertson, Rude, Rule, Schmidt, Shavers, Steele, Stokesbary, Stonier, Timmons, Volz, Walsh, Wilcox and Ybarra

Excused: Representative Lekanoff

SENATE BILL NO. 5369

SECOND SUBSTITUTE HOUSE BILL NO. 1550, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bill:

SECOND SUBSTITUTE HOUSE BILL NO. 1550

The Speaker called upon Representative Bronoske to preside.

There being no objection, the House reverted to the third order of business.

**MESSAGES FROM THE SENATE**

Sunday, April 23, 2023

Mme. Speaker:

The President has signed:

SENATE BILL NO. 5369

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

Sunday, April 23, 2023

Mme. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4403

and the same is herewith transmitted.

Sarah Bannister, Secretary

Sunday, April 23, 2023

Mme. Speaker:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1550

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

Sunday, April 23, 2023

Mme. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8406

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

HOUSE CONCURRENT RESOLUTION NO. 4403  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5187

The Speaker called upon Representative Bronoske to preside.

There being no objection, the House advanced to the fourth order of business.

**FIRST SUPPLEMENTAL INTRODUCTION & FIRST READING**

SCR 8406 by Senators Pedersen and Short

Adjourning SINE DIE.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8406 was read the first time, and under suspension of the rules, was placed on the third reading calendar.

There being no objection, the House advanced to the seventh order of business.

**THIRD READING**

**SENATE CONCURRENT RESOLUTION NO. 8406, by Senators Pedersen and Short**

Adjourning SINE DIE.

The concurrent resolution was read the third time.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8406 was adopted.

With the consent of the House, SENATE CONCURRENT RESOLUTION NO. 8406 was immediately transmitted to the Senate.

On motion of Representative Bronoske, the reading of the Journal of the 105th Day of the 2023 Regular Session of the 68th Legislature was dispensed with and ordered to stand approved.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the third order of business.

**MESSAGES FROM THE SENATE**

Sunday, April 23, 2023

Mme. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4403  
SENATE CONCURRENT RESOLUTION NO. 8406

and the same are herewith transmitted.

Sarah Bannister, Secretary

Sunday, April 23, 2023

Mme. Speaker:

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4403, the following House Bills were returned to the House of Representatives:

HOUSE BILL NO. 1006  
SECOND SUBSTITUTE HOUSE BILL NO. 1010  
SUBSTITUTE HOUSE BILL NO. 1012  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1037



HOUSE BILL NO. 1052  
 HOUSE BILL NO. 1054  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1057  
 SUBSTITUTE HOUSE BILL NO. 1079  
 SUBSTITUTE HOUSE BILL NO. 1080  
 SUBSTITUTE HOUSE BILL NO. 1104  
 SUBSTITUTE HOUSE BILL NO. 1105  
 SUBSTITUTE HOUSE BILL NO. 1109  
 SUBSTITUTE HOUSE BILL NO. 1113  
 SUBSTITUTE HOUSE BILL NO. 1121  
 HOUSE BILL NO. 1146  
 SECOND SUBSTITUTE HOUSE BILL NO. 1151  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1167  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1189  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1203  
 SECOND SUBSTITUTE HOUSE BILL NO. 1205  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1235  
 SUBSTITUTE HOUSE BILL NO. 1241  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1245  
 SUBSTITUTE HOUSE BILL NO. 1268  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1277  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1282  
 SUBSTITUTE HOUSE BILL NO. 1288  
 SUBSTITUTE HOUSE BILL NO. 1291  
 SUBSTITUTE HOUSE BILL NO. 1302  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1320  
 HOUSE BILL NO. 1330  
 SECOND SUBSTITUTE HOUSE BILL NO. 1332  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1362  
 HOUSE BILL NO. 1367  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1371  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1377  
 SUBSTITUTE HOUSE BILL NO. 1378  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1387  
 SECOND SUBSTITUTE HOUSE BILL NO. 1391  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1392  
 SECOND SUBSTITUTE HOUSE BILL NO. 1405  
 HOUSE BILL NO. 1421  
 SECOND SUBSTITUTE HOUSE BILL NO. 1433  
 HOUSE BILL NO. 1455  
 HOUSE BILL NO. 1471  
 ENGROSSED HOUSE BILL NO. 1478  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1479  
 SUBSTITUTE HOUSE BILL NO. 1504  
 HOUSE BILL NO. 1507  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508  
 HOUSE BILL NO. 1530  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1541  
 HOUSE BILL NO. 1543  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1547  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1554  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1555  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1565  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1568  
 SECOND SUBSTITUTE HOUSE BILL NO. 1579  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1584  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1589  
 SECOND SUBSTITUTE HOUSE BILL NO. 1618  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652  
 SECOND SUBSTITUTE HOUSE BILL NO. 1681  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1705  
 ENGROSSED HOUSE BILL NO. 1714  
 SUBSTITUTE HOUSE BILL NO. 1717  
 SUBSTITUTE HOUSE BILL NO. 1729  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1732  
 HOUSE BILL NO. 1737  
 SECOND SUBSTITUTE HOUSE BILL NO. 1746  
 ENGROSSED HOUSE BILL NO. 1757  
 SUBSTITUTE HOUSE BILL NO. 1768  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1789  
 HOUSE BILL NO. 1824  
 SUBSTITUTE HOUSE BILL NO. 1833  
 HOUSE BILL NO. 1847  
 SUBSTITUTE HOUSE BILL NO. 1851

Sarah Bannister, Secretary

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bill:

SENATE CONCURRENT RESOLUTION NO. 8406

The Speaker called upon Representative Orwall to preside.

On motion of Representative Fitzgibbon, the 2023 Regular Session of the 68th Legislature was adjourned SINE DIE.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

and the same are herewith transmitted.

## SIXTY EIGHTH LEGISLATURE - 1ST SPECIAL SESSION

## FIRST DAY

House Chamber, Olympia, Tuesday, May 16, 2023

The House was called to order at 10:00 a.m. by the Speaker.

There being no objection, the House advanced to the third order of business.

## MESSAGE

## PROCLAMATION BY THE

## GOVERNOR 23-02

**WHEREAS**, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2023 regular session on April 23, 2023, the 105th day of the session; and

**WHEREAS**, work remains to be done with respect to approving a "Blake fix" before July 1, 2023, to ensure that knowing and unlawful drug possession is not decriminalized, establish a pretrial diversion program, and provide additional treatment facilities and services for people with substance use disorders; and

**WHEREAS**, if lawmakers fail to approve a statewide "Blake fix" before July 1, 2023, local jurisdictions may fill the void by passing

their own drug possession regulations, resulting in an unwieldy patchwork of drug possession regulations that will vary from one local jurisdiction to the next; and

**WHEREAS**, funding for diversion and treatment is attached to the "Blake fix" bill, and failure to timely pass the bill will reduce the much needed financial support to establish and enhance these programs.

**NOW, THEREFORE**, I, Jay Inslee, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia on Tuesday, May 16, 2023, at 10:00 a.m. for the purpose of enacting legislation as described above.

Signed and sealed with the official seal of the state of Washington this 4th day of May, A.D. Two thousand Twenty-three at Olympia, Washington.

By: Jay Inslee, Governor

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4651**, by Representatives Fitzgibbon and Steele

WHEREAS, The House of Representatives adopted permanent rules for the Sixty-eighth Legislature (2023-2024) under House Resolution No. 2023 4617;

NOW, THEREFORE, BE IT RESOLVED, That Rule 17 as set forth in House Resolution No. 2023 4617 is amended to read as follows:

PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES  
SIXTY-EIGHTH LEGISLATURE 2023-2024

## HOUSE RULE NO.

<b>Rule 1</b>	Definitions
<b>Rule 2</b>	Chief Clerk to Call to Order
<b>Rule 3</b>	Election of Officers
<b>Rule 4</b>	Powers and Duties of the Speaker
<b>Rule 5</b>	Chief Clerk
<b>Rule 6</b>	Executive Rules Committee
<b>Rule 7</b>	Duties of Employees
<b>Rule 8</b>	Admission to the House
<b>Rule 9</b>	Absentees and Courtesy
<b>Rule 10</b>	Bills, Memorials and Resolutions - Introductions
<b>Rule 11</b>	Reading of Bills
<b>Rule 12</b>	Amendments
<b>Rule 13</b>	Final Passage
<b>Rule 14</b>	Hour of Meeting, Roll Call and Quorum
<b>Rule 15</b>	Daily Calendar and Order of Business
<b>Rule 16</b>	Motions
<b>Rule 17</b>	Remote Participation and Voting Permitted Upon Authorization

<b>Rule 18</b>	Members' Right to Debate
<b>Rule 19</b>	Rules of Debate
<b>Rule 20</b>	Ending of Debate - Previous Question
<b>Rule 21</b>	Voting
<b>Rule 22</b>	Reconsideration
<b>Rule 23</b>	Call of the House
<b>Rule 24</b>	Appeal from Decision of Chair
<b>Rule 25</b>	Standing Committees
<b>Rule 26</b>	Duties of Committees
<b>Rule 27</b>	Standing Committees - Expenses - Subpoena Power
<b>Rule 28</b>	Vetoed Bills
<b>Rule 29</b>	Suspension of Compensation
<b>Rule 30</b>	Smoking
<b>Rule 31</b>	Liquor
<b>Rule 32</b>	Parliamentary Rules
<b>Rule 33</b>	Standing Rules Amendment
<b>Rule 34</b>	Rules to Apply for Assembly
<b>Rule 35</b>	Legislative Publications
<b>Rule 36</b>	Emergency Resolution Authorized

#### **Definitions**

- Rule 1.** (A) "Absent" means an unexcused failure to attend.
- (B) "Bill" means bill, joint memorial, joint resolution, or concurrent resolution unless the context indicates otherwise.
- (C) "Committee" means any standing, conference, joint, or select committee as so designated by rule or resolution.
- (D) "Fiscal committee" means the appropriations, capital budget, finance, and transportation committees.
- (E) "Sergeant at arms" means the director of house security.
- (F) "Session" means a constitutional gathering of the house in accordance with Article II, section 12 of the state Constitution.
- (G) "Term" means the two-year term during which the members as a body may act.

#### **Chief Clerk to Call to Order**

**Rule 2.** It shall be the duty of the chief clerk of the previous term to call the house to order and to conduct the proceedings until a speaker is chosen.

#### **Election of Officers**

**Rule 3.** The house shall elect the following officers at the commencement of each term: Its presiding officer, who shall be styled speaker of the house; a speaker pro tempore, who shall serve in absence or in case of the inability of the speaker; a deputy speaker pro tempore, who shall serve in absence or in case of the inability of the speaker and speaker pro tempore; and a chief clerk of the house. Such officers shall hold office during all sessions until the convening of the succeeding term: PROVIDED, HOWEVER, That any of these offices may be declared vacant by the vote of a constitutional majority of the house, the members voting viva voce and their votes shall be entered on the journal. If any office is declared vacant, the house shall fill such vacant office as hereinafter provided. In all elections by the house a constitutional majority shall be required, the members shall vote viva voce and their votes shall be entered on the journal. (Article II, section 27)

#### **Powers and Duties of the Speaker**

**Rule 4.** The speaker shall have the following powers and duties:

- (A) The speaker shall take the chair and call the house to order precisely at the hour appointed for meeting and if a quorum be present, shall cause the journal of the preceding day to be read and shall proceed with the order of business.
- (B) The speaker shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber or legislative area, shall order the sergeant at arms to suppress the same and may order the sergeant at arms to remove any person creating any disturbance within the house chamber or legislative area.
- (C) The speaker may speak to points of order in preference to other members, arising from the seat for that purpose, and shall decide all questions of order subject to an appeal to the house by any member, on which appeal no member shall speak more than once without leave of the house.
- (D) The speaker shall sign all bills in open session. (Article II, section 32)
- (E) The speaker shall sign all writs, warrants, and subpoenas issued by order of the house, all of which shall be attested to by the chief clerk.

(F) The speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall neither extend beyond adjournment nor authorize the representative so substituted to sign any documents requiring the signature of the speaker.

(G) The speaker, in open session, shall appoint committee chairs as selected by the majority party caucus, and shall appoint members to committees in the same ratio as the membership of the respective parties of the house, unless otherwise provided by law or house rules.

(H) The speaker shall serve as chair of the rules committee and the executive rules committee.

(I) The speaker shall have charge of and see that all officers, attaches, and clerks perform their respective duties.

(J) The speaker pro tempore shall exercise the duties, powers, and prerogatives of the speaker in the event of the speaker's death, illness, removal, or inability to act until the speaker's successor shall be elected.

#### **Chief Clerk**

**Rule 5.** The chief clerk shall perform the usual duties pertaining to the office, and shall hold office until a successor has been elected.

The chief clerk shall perform all administrative duties related to the public records obligations of members of the house.

The chief clerk shall employ, subject to the approval of the speaker, all other house employees; the hours of duty and assignments of all house employees shall be under the chief clerk's directions and instructions, and they may be dismissed by the chief clerk with the approval of the speaker. The speaker shall sign and the chief clerk shall countersign all payrolls and vouchers for all expenses of the house and appropriately transmit the same. In the event of the chief clerk's death, illness, removal, or inability to act, the speaker may appoint an acting chief clerk who shall exercise the duties and powers of the chief clerk until the chief clerk's successor shall be elected.

#### **Executive Rules Committee**

**Rule 6.** The executive rules committee is hereby established to oversee administrative operations of the house. The committee consists of four members of the majority caucus and three members of the minority caucus, to be named by the speaker and minority leader respectively.

#### **Duties of Employees**

**Rule 7.** Employees of the house shall perform such duties as are assigned to them by the chief clerk. Under no circumstances shall the compensation of any employee be increased for past services. No house employee shall seek to influence the passage or rejection of proposed legislation.

#### **Admission to the House**

**Rule 8.** It shall be the general policy of the house to keep the chamber clear as follows:

(A) The sergeant at arms shall admit only the following individuals to the wings and adjacent areas of the house chamber for the period of time beginning one-half hour prior to convening and ending one-half hour following the adjournment of the house's daily session:

The governor or designees, or both;  
 Members of the senate;  
 State elected officials;  
 Officers and authorized employees of the legislature;  
 Former members of the house who are not advocating any pending or proposed legislation;  
 Representatives of the press;  
 Other persons with the consent of the speaker.

(B) Only members of the house, pages, sergeants at arms, and clerks are permitted on the floor while the house is in session.

(C) Lobbying in the house chamber or in any committee room or lounge room is prohibited when the house or committee is in session unless expressly permitted by the house or committee. Anyone violating this rule will forfeit their right to be admitted to the house chamber or any of its committee rooms.

#### **Absentees and Courtesy**

**Rule 9.** No member shall be absent from the service of the house without leave from the speaker. When the house is in session, only the speaker shall recognize visitors and former members.

#### **Bills, Memorials and Resolutions - Introductions**

**Rule 10.** Any member desiring to introduce a bill shall file the same with the chief clerk. Bills filed by 10:00 a.m. shall be introduced at the next daily session, in the order filed: PROVIDED, That if such introduction is within the last ten days of a regular session, it cannot be considered without a direct vote of two-thirds (2/3) of all the members elected to each house with such vote recorded and entered upon the journal. (Article II, section 36)

Any returning member or member-elect may prefile a bill with the chief clerk commencing the first Monday in December preceding any regular session or twenty (20) days before any special session. Prefiled bills shall be introduced on the first legislative day.

All bills shall be endorsed with a statement of the title and the name of the member or members introducing the same. The chief clerk shall attach to all bills a substantial cover bearing the title and sponsors and shall number each bill in the order filed. All bills shall be printed unless otherwise ordered by the house.

Any bill introduced at any session during the term shall be eligible for action at all subsequent sessions during the term.

No house bill may be introduced that is identical to any other pending house bill.

#### **Reading of Bills**

**Rule 11.** Every bill shall be read on three separate days: PROVIDED, That this rule may be temporarily suspended at any time by a two-thirds (2/3) vote of the members present; and that on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended by a majority vote.

A bill may be returned to second reading for the purpose of amendment by a suspension of the rules: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended and a bill returned to second reading for the purpose of amendment by a majority vote.

(A) **FIRST READING.** The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading the bill shall be referred to an appropriate committee.

Upon being reported out of committee, all bills shall be referred to the rules committee, unless otherwise ordered by the house.

The rules committee may, by majority vote, refer any bill in its possession to a committee for further consideration. Such referral shall be reported to the house and entered in the journal under the fifth order of business.

(B) **SECOND READING.** Upon second reading, the bill number and short title and the last line of the bill shall be read unless a majority of the members present shall demand its reading in full. The bill shall be subject to amendment section by section. No amendment shall be considered by the house until it has been sent to the chief clerk's desk in writing or electronically, distributed to the desk of each member or made available to each member electronically, and read by the clerk. All amendments adopted during second reading shall be securely fastened to the original bill. All amendments rejected by the house shall be passed to the minute clerk, and the journal shall show the disposition of such amendments.

When no further amendments shall be offered, the speaker shall declare the bill has passed its second reading.

(C) **SUBSTITUTE BILLS.** When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute the first time and have the same printed. A motion for the substitution shall not be in order until the second reading of the original bill.

(D) **THIRD READING.** Only the last line of bills shall be read on third reading unless a majority of the members present demand a reading in full. No amendments to a bill shall be received on third reading but it may be referred or recommitted for the purpose of amendment.

(E) **SUSPENSION CALENDAR.** Bills may be placed on the second reading suspension calendar by the rules committee if at least two minority party members of the rules committee join in such motion. Bills on the second reading suspension calendar shall not be subject to amendment or substitution except as recommended in the committee report. When a bill is before the house on the suspension calendar, the question shall be to adopt the committee recommendations and advance the bill to third reading. If the question fails to receive a two-thirds vote of the members present, the bill shall be referred to the rules committee for second reading.

(F) **HOUSE RESOLUTIONS.** House resolutions shall be filed with the chief clerk who shall transmit them to the rules committee. If a rules committee meeting is not scheduled to occur prior to a time necessitated by the purpose of a house resolution, the majority leader and minority leader by agreement may waive transmission to the rules committee to permit consideration of the resolution by the house. The rules committee may adopt house resolutions by a sixty percent majority vote of its entire membership or may, by a majority vote of its members, place them on the motions calendar for consideration by the house. House resolutions are not subject to debate, except for resolutions necessary for the operation of the house, and resolutions commemorating Children's Day, Day of Remembrance, Martin Luther King Jr. Day, National Guard Day, and President's Day.

(G) **CONCURRENT RESOLUTIONS.** Reading of concurrent resolutions may be advanced by majority vote.

#### **Amendments**

**Rule 12.** The right of any member to offer amendments to proposed legislation shall not be limited except as provided in Rule 11(E) and as follows:

(A) **AMENDMENTS TO BE OFFERED IN PROPER FORM.** The chief clerk shall establish the proper form for amendments and all amendments offered shall bear the name of the member who offers the same, as well as the number and section of the bill to be amended.

(B) **COMMITTEE AMENDMENTS.** When a bill is before the house on second reading, amendments adopted by committees and recommended to the house shall be acted upon by the house before any amendments that may be offered from the floor.

(C) **SENATE AMENDMENTS TO HOUSE BILLS.** A house bill, passed by the senate with amendment or amendments which shall change the scope and object of the bill, upon being received in the house, shall be referred to the appropriate committee and shall take the same course as for original bills unless a motion not to concur is adopted prior to the bill being referred to committee.

(D) **AMENDMENTS TO BE GERMANE.** No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; and no bill or resolution shall at any time be amended by annexing thereto or incorporating therein any other bill or resolution pending before the house.

(E) **SCOPE AND OBJECT NOT TO BE CHANGED.** No amendment to any bill shall be allowed which shall change the scope and object of the bill. This objection may be raised at any time an amendment is under consideration. The speaker may allow the person raising the objection and the mover of the amendment to provide brief arguments as to the merits of the objection. (Article II, section 38)

(F) **NO AMENDMENT BY REFERENCE.** No act shall ever be revised or amended without being set forth at full length. (Article II, section 37)

(G) **TITLE AMENDMENTS.** The subject matter portion of a bill title shall not be amended in committee or on second reading. Changes to that part of the title after the subject matter statement shall either be presented with the text amendment or be incorporated by the chief clerk in the engrossing process.

(H) **DATE AND TIME FOR AMENDMENT SUBMISSION.** To facilitate the orderly consideration of proposed legislation, the speaker, after consultation with the minority leader, may establish a date and time for submission of amendments.

#### **Final Passage**

**Rule 13.** Rules relating to bills on final passage are as follows:

(A) **BUDGET BILLS.** No final passage vote may be taken on an operating budget, transportation budget, or capital budget bill until twenty-four (24) hours after the bill is placed on the third reading calendar. The twenty-four (24) hour requirement does not apply to conference reports, which are governed by the Joint Rules of the Senate and the House of Representatives, or to bills placed on the third reading calendar by a two-thirds (2/3) vote of the members present.

(B) **RECOMMITMENT BEFORE FINAL PASSAGE.** A bill may be recommitted at any time before its final passage.

(C) **FINAL PASSAGE.** No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor. (Article II, section 22)

(D) **BILLS PASSED - CERTIFICATION.** When a bill passes, it shall be certified to by the chief clerk, said certification to show the date of its passage together with the vote thereon.

#### **Hour of Meeting, Roll Call and Quorum**

**Rule 14.** (A) **HOUR OF MEETING.** The speaker shall call the house to order each day of sitting at 10:00 A.M., unless the house shall have adjourned to some other hour.

(B) **ROLL CALL AND QUORUM.** Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule 23(B). Any member participating remotely in house proceedings as provided in Rule 17 shall be considered present for purposes of a quorum. For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Article II, section 8)

(C) The house shall adjourn not later than 10:00 P.M. of each working day. This rule may be suspended by a majority vote.

#### **Daily Calendar and Order of Business**

**Rule 15.** The rules relating to the daily calendar and order of business are as follows:

(A) **DAILY CALENDAR.** Business of the house shall be disposed of in the following order:

First: Roll call, presentation of colors, prayer, and approval of the journal of the preceding day.

Second: Introduction of visiting dignitaries.

Third: Messages from the senate, governor, and other state officials.

Fourth: Introduction and first reading of bills, memorials, joint resolutions, and concurrent resolutions.

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

Ninth: Presentation of petitions, memorials, and remonstrances addressed to the Legislature.

Tenth: Introduction of visitors and other business to be considered.

Eleventh: Announcements.

(B) **UNFINISHED BUSINESS.** The unfinished business at which the house was engaged preceding adjournment shall not be taken up until reached in regular order, unless the previous question on such unfinished business has been ordered prior to said adjournment.

(C) **EXCEPTIONS.** Exceptions to the order of business are as follows:

(1) The order of business may be changed by a majority vote of those present.

(2) By motion under the eighth order of business, a bill in the rules committee may be placed on the calendar by the affirmative vote of a majority of all members of the house.

(3) House resolutions and messages from the senate, governor, or other state officials may be read at any time.

#### **Motions**

**Rule 16.** Rules relating to motions are as follows:

(A) **MOTIONS TO BE ENTERTAINED OR DEBATED.** No motion shall be entertained or debated until announced by the speaker and every motion shall be deemed to have been seconded. A motion shall be reduced to writing and read by the clerk, if desired by the speaker or any member, before it shall be debated and by the consent of the house may be withdrawn before amendment or action.

(B) **MOTIONS IN ORDER DURING DEBATE.** When a motion has been made and seconded and stated by the chair, the following motions are in order, in the rank named:

(1) Privileged motions:

Adjourn

Adjourn to a time certain

Recess to a time certain

Reconsider

Demand for division

Question of privilege

Orders of the day

(2) Subsidiary motions:

First rank: Question of consideration

Second rank: To lay on the table

Third rank: For the previous question

Fourth rank: To postpone to a day certain

To commit or recommit

To postpone indefinitely

Fifth rank: To amend

- (3) Incidental motions:
- Points of order and appeal
  - Method of consideration
  - Suspension of the rules
  - Reading papers
  - Withdraw a motion
  - Division of a question

(C) THE EFFECT OF POSTPONEMENT - MOTIONS TO POSTPONE OR COMMIT. Once decided, no motion to postpone to a day certain, to commit, or to postpone indefinitely shall again be allowed on the same day and at the same stage of the proceedings. When a question has been postponed indefinitely, it shall not again be introduced during the session. The motion to postpone indefinitely may be made at any stage of the bill except when on first reading.

(D) MOTIONS DECIDED WITHOUT DEBATE. A motion to adjourn, to recess, to lay on the table and to call for the previous question shall be decided without debate.

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule 24.

Motions to adopt house resolutions shall be decided without debate, except as provided in Rule 11(F).

A motion for suspension of the rules shall not be debatable except that the mover of the motion may briefly explain the purpose of the motion and one member may briefly state the opposition to the motion.

(E) MOTION TO ADJOURN. A motion to adjourn shall always be in order, except when the house is voting or is working under the call of the house; but this rule shall not authorize any member to move for adjournment when another member has the floor.

#### **Remote Participation and Voting Permitted Upon Authorization**

**Rule 17.** The majority leader and minority leader or their designees may authorize members of their respective caucuses to participate remotely in official house proceedings, including committee meetings and floor sessions, upon the request of a member who is experiencing a medical condition or illness that prevents in-person participation during a regular session, or during the first special session of 2023 members may participate remotely as authorized. Once authorized, any member participating remotely shall be considered present for purposes of a quorum and voting. Members participating remotely shall use the computer and virtual background provided by the house during all committee meetings and floor proceedings. The majority leader and minority leader or their designees shall determine when the member's authorization to participate remotely ends.

#### **Members' Right to Debate**

**Rule 18.** The methods by which a member may exercise their right to debate are as follows:

(A) RECOGNITION OF MEMBER. When any member desires to speak in debate or deliver any matter to the house, the member shall rise and respectfully address the speaker and pause until recognized. Any member participating remotely in house proceedings as provided in Rule 17 who desires to speak may request to be recognized by use of the request to speak button in the remote floor activity system.

(B) ORDER OF SPEAKING. When two or more members arise at once, the speaker shall name the one who is to speak.

(C) LIMITATION OF DEBATE. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution or concurrent resolution, or on and after the fifth day prior to the day any bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house. No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule 20 (Previous Question).

#### **Rules of Debate**

**Rule 19.** The rules for debate in the house are as follows:

(A) QUESTION OF PRIVILEGE. Any member may rise to a question of privilege and explain a personal matter, by leave of the speaker, but the member shall not discuss any pending question in such explanations.

(B) WITHDRAWAL OF MOTION, BILL, ETC. After a motion is stated by the speaker or a bill, memorial, resolution, petition, or remonstrance is read by the clerk, it shall be deemed to be in possession of the house, but may be withdrawn by consent of the house at any time before decision or amendment.

(C) READING OF A PAPER. When the reading of any paper is called for and is objected to by any member, it shall be determined by a vote of the house.

(D) DISTRIBUTION OF MATERIALS. Any materials of any nature distributed to the members' desks on the floor shall be subject to approval by the speaker and shall bear the name of at least one member granted permission for the distribution. Any member participating remotely as provided in Rule 17 who wishes to distribute materials subject to the speaker's approval may do so electronically. All materials approved for distribution shall be provided electronically to members participating remotely to the extent practicable. This shall not apply to materials normally distributed by the chief clerk.

(E) ORDER OF QUESTIONS. All questions, whether in committee or in the house, shall be propounded in the order in which they are named except that in filling blanks, the largest sum and the longest time shall be put first.

(F) DIVISION OF POINTS OF DEBATE. Any member may call for a division of a question which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the house; but a motion to strike out and to insert shall not be divided. The rejection of a motion to strike out and to insert one proposition shall not prevent a motion to strike out and to insert a different proposition.

(G) DECORUM OF MEMBERS. While the speaker is putting the question, no member shall walk across or out of the house; nor when a member is speaking shall any member entertain private discourse or pass between the speaking member and the rostrum.

(H) REMARKS CONFINED. A member shall confine all remarks to the question under debate and avoid personalities. No member shall impugn the motive of any member's vote or argument.

(I) EXCEPTION TO WORDS SPOKEN IN DEBATE. If any member be called to order for words spoken in debate, the person calling the member to order shall repeat the words excepted to and they shall be taken down in writing at the clerk's table. No member shall be held in answer or be subject to the censure of the house for words spoken in debate if any other member has spoken before exception to them shall have been taken.

(J) TRANSGRESSION OF RULES - APPEAL. If any member, in speaking or otherwise, transgresses the rules of the house the speaker shall, or any member may, call the member to order, in which case the member so called to order shall immediately sit down unless permitted to explain; and the house shall, if appealed to, decide the case without debate; if there be no appeal, the decision of the chair shall prevail.

If the decision be in favor of the member called to order, the member shall be at liberty to proceed; if otherwise, and the case shall require it, the member shall be liable to the censure of the house.

#### **Ending of Debate - Previous Question**

**Rule 20.** The previous question may be ordered by a two-thirds (2/3) vote of the members present on all recognized motions or amendments which are debatable.

The previous question is not debatable and cannot be amended.

The previous question shall be put in this form: "Representative \_\_\_\_\_ demands the previous question. As many as are in favor of ordering the previous question will say 'Aye'; as many as are opposed will say 'No'."

The results of the motion are as follows: If determined in the negative, the consideration goes on as if the motion had never been made; if decided in the affirmative it shall have the effect of cutting off all debate and bringing the house to a direct vote upon the motion or amendment on which it has been ordered: PROVIDED HOWEVER, That when a bill is on final passage or when the motion to postpone indefinitely is pending, one of the sponsors of the bill or the chair of the committee may have the privilege of closing debate after the previous question has been ordered.

If an adjournment is had after the previous question is ordered, the motion or proposition on which the previous question was ordered shall be put to the house immediately following the approval of the journal on the next working day, thus making the main question privileged over all other business, whether new or unfinished.

#### **Voting**

**Rule 21. (A) PUTTING OF QUESTION.** The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

(B) ALL MEMBERS TO VOTE. Except as provided in subsection (G), every member who was in the house or participating remotely in house proceedings as provided in Rule 17 when the question was put shall vote unless, for special reasons, excused by the house.

All motions to excuse a member shall be made before the house divides or before the call for yeas and nays is commenced; and any member requesting to be excused from voting may make a brief and verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

(C) COUNT OF THE HOUSE. Upon a division and count of the house on the question, only members at their desks within the bar of the house or participating remotely in house proceedings as provided in Rule 17 shall be counted.

(D) CHANGE OF VOTE. When the electric roll call machine is used, no member shall be allowed to vote or change a vote after the speaker has locked the roll call machine. When an oral roll call is taken, no member shall be allowed to vote or change a vote after the result has been announced.

(E) PRIVATE INTEREST. No member shall vote on any question which affects that member privately and particularly. A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon. (Article II, section 30)

(F) INTERRUPTION OF ROLL CALL. Once begun, the roll call may not be interrupted. No member or other person shall visit or remain at the clerk's desk while the yeas and nays are being called.

(G) MOTIONS NOT REQUIRING A RECORDED ROLL CALL VOTE. Members in the house and members participating remotely in house proceedings as provided in Rule 17 may vote on any motion not requiring a recorded roll call vote, including when the house divides. Members participating remotely may vote using the remote floor activity system.

(H) INABILITY TO VOTE USING REMOTE VOTING FUNCTION. A member participating remotely in house proceedings as provided in Rule 17 who is unable to vote using the remote voting function on any motion requiring a recorded roll call vote may vote orally. If a member is unable to vote using the remote voting function or orally, the rostrum staff shall contact the member by telephone and the member's vote may be taken by telephone to rostrum staff after the member answers security questions to verify the identity of the member. The rostrum staff will announce the vote of the member, which shall be recorded.

(I) YEAS AND NAYS - RECORDED VOTES. Upon the final passage of any bill, the vote shall be taken by yeas and nays and shall be recorded by the electric voting system: PROVIDED, HOWEVER, That an oral roll call shall be ordered when demanded by one-sixth (1/6) of the members present. (Article II, section 21)

The speaker may vote last when the yeas and nays are called.

When the vote is by electric voting machine or by oral roll call on any question, it shall be entered upon the journal of the house. A recorded vote may be compelled by one-sixth (1/6) of the members present. A request for a recorded vote must be made before the vote is commenced.

(J) TIE VOTE, QUESTION LOSES. In case of an equal division, the question shall be lost.

(K) DIVISION. If the speaker is in doubt, or if division is called for by any member, the house shall divide.

(L) STATEMENT FOR JOURNAL. A member whose recorded vote does not accurately reflect their intent may submit a written statement for the journal clarifying their intent to vote aye or nay. The statement must be submitted to the chief clerk on the same day the vote is taken. A member who is excused for one or more days of recorded votes may submit a written statement for the journal explaining



the reason for their absence. The statement may not exceed 50 words and must be submitted to the chief clerk on the same day the member returns. A member participating remotely in house proceedings as provided in Rule 17 who was unable to vote using the remote voting function, orally, or by telephone may submit a statement for the journal within 48 hours indicating their intent to vote yea or nay.

**Reconsideration**

**Rule 22.** Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

Reconsideration of the votes on the final passage of bills must be taken on the next working day after such vote was taken: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, then reconsideration of votes on the final passage of bills must be taken on the same day as the original vote was taken: AND PROVIDED FURTHER, That any member participating remotely in house proceedings as provided in Rule 17 who was unable to vote using the remote voting function, orally, or by telephone may require reconsideration of the vote on the final passage of bills the same day the vote is taken.

A motion to reconsider an amendment may be made at any time the bill remains on second reading.

Any member who voted on the prevailing side may move for reconsideration or give notice thereof.

A motion to reconsider can be decided only once when decided in the negative.

When a motion to reconsider has been carried, its effect shall be to place the original question before the house in the exact position it occupied before it was voted upon.

**Call of the House**

**Rule 23.** One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

(A) DOORS TO BE CLOSED. When call of the house has been ordered, the sergeant at arms shall close and lock the doors, and no member shall be allowed to leave the chamber: PROVIDED, That the rules committee shall be allowed to meet, upon request of the speaker, while the house stands at ease: AND PROVIDED FURTHER, That the speaker may permit members to use such portions of the fourth floor as may be properly secured.

(B) SERGEANT AT ARMS TO BRING IN THE ABSENTEES. The clerk shall immediately call a roll of the members and note the absentees, whose names shall be read and entered upon the journal in such manner as to show who are excused and who are absent without leave. A member authorized to participate remotely in house proceedings as provided in Rule 17 who is visible at the time of the roll call through the remote floor activity system shall not be considered absent or absent without leave.

The clerk shall furnish the sergeant at arms with a list of those who are absent without leave, and the sergeant at arms shall proceed to bring in such absentees; but arrests of members for absence shall not be made unless ordered by a majority of the members present.

(C) HOUSE UNDER CALL. While the house is under a call, no business shall be transacted except to receive and act on the report of the sergeant at arms; and no other motion shall be in order except a motion to proceed with business under the call of the house, a motion to excuse absentees, or a motion to dispense with the call of the house. The motion to proceed with business under the call of the house and the motion to excuse absent members shall not be adopted unless a majority of the members elected vote in favor thereof. The motion to dispense with the call of the house may be adopted by a majority of the members present.

**Appeal from Decision of Chair**

**Rule 24.** The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

**Standing Committees**

**Rule 25.** The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

1. Agriculture & Natural Resources. . . . .	11
2. Appropriations. . . . .	31
3. Capital Budget. . . . .	29
4. Civil Rights & Judiciary. . . . .	11
5. Community Safety, Justice, & Reentry. . . . .	9
6. Consumer Protection & Business. . . . .	13
7. Education. . . . .	15
8. Environment & Energy. . . . .	15
9. Finance. . . . .	13
10. Health Care & Wellness. . . . .	17
11. Housing. . . . .	13
12. Human Services, Youth, & Early Learning. . . . .	11
13. Innovation, Community & Economic Development, & Veterans. . . . .	15
14. Labor & Workplace Standards. . . . .	9
15. Local Government. . . . .	7
16. Postsecondary Education & Workforce. . . . .	15
17. Regulated Substances & Gaming. . . . .	11
18. Rules. . . . .	24
19. State Government & Tribal Relations. . . . .	7
20. Transportation. . . . .	29

Committee members shall be selected by each party's caucus. The majority party caucus shall select all committee chairs. "Committee chair" includes committee cochair.

**Duties of Committees**

**Rule 26.** House committees shall operate as follows:

(A) NOTICE OF COMMITTEE MEETING. The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled with at least five (5) days' notice, including the day of notice and day of hearing, and shall be given adequate publicity: PROVIDED, That when less than eight (8) days remain for action on a bill, the Speaker may authorize a reduction of the five-day notice period when required by the circumstances, including but not limited to the time remaining for action on the bill, the nature of the subject, and the number of prior hearings on the subject.

(B) COMMITTEE QUORUM. A majority of any committee shall constitute a quorum for the transaction of business.

(C) SESSION MEETINGS. No committee shall sit while the house is in session without special leave of the speaker.

(D) DUTIES OF STANDING COMMITTEES.

(1) Only such bills as are included on the written notice of a committee meeting may be considered at that meeting.

(2) A majority recommendation of a committee must be made by a majority of the entire membership of the committee in a regularly called meeting before a bill, memorial, or resolution may be reported out: PROVIDED, That by motion under the eighth order of business, a majority of the members elected to the house may relieve a committee of a bill and place it on the second reading calendar.

Majority recommendations of a committee can only be "do pass," "do pass as amended," or that "the substitute bill be substituted therefor and that the substitute bill do pass."

(3) Members of the committee not concurring in the majority report may make a written minority report containing a recommendation of "do not pass" or "without recommendation," which shall be joined by those members of the committee subscribing thereto, and submitted with the majority report.

(4) Every recommendation and report shall be made by members of the committee during the regularly called meeting of the committee. No signatures are required.

(5) All committee reports shall be spread upon the journal. The journal of the house shall contain an exact copy of all committee reports, together with the names of the members joining in the majority and minority recommendations contained in such reports.

(6) Every vote to report a bill out of committee shall be taken by the yeas and nays, with the nays specifying "do not pass" or "without recommendation," and the names of the members voting for and against, as well as the names of members absent, shall be recorded on the committee report. Any member may call for a recorded vote, which shall include the names of absent members, on any substantive question before the committee. A copy of all recorded committee votes shall be kept by the chief clerk and shall be available for public inspection.

(7) A member participating remotely in house proceedings as provided in Rule 17 who is unable to vote on a bill in committee for technical reasons may submit a statement for the bill file indicating their intent to have voted yea, nay-do not pass, or nay-without recommendation. The statement must be submitted to the chief clerk on the same day the vote is taken.

(8) All bills having a direct appropriation shall be referred to the appropriate fiscal committee before their final passage.

(9) No standing committee shall vote by secret written ballot on any issue.

(10) During its consideration of or vote on any bill, resolution, or memorial, the deliberations of any standing committee of the House of Representatives shall be open to the public.

(11) A standing committee to which a bill was originally referred shall, prior to voting the bill out of committee, consider whether the bill authorizes rule-making powers or requires the exercise of rule-making powers and, if so, consider:

(a) The nature of the new rule-making powers; and

(b) To which agencies the new rule-making powers would be delegated and which agencies, if any, may have related rule-making powers.

(12) Insofar as practicable, testimony in public hearings should be balanced between those in support of and in opposition to proposed legislation, with consideration given to providing an opportunity for members of the public to testify within available time.

#### **Standing Committees - Expenses - Subpoena Power**

**Rule 27.** Regardless of whether the legislature is in session, members of the house may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses, and payments in lieu of subsistence and lodging for conducting official business of the house.

The standing committees of the house may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. Before a standing committee of the house may issue any process, the committee chair shall submit for approval of the executive rules committee a statement of purpose setting forth the name or names of those subject to process. The process shall not be issued prior to approval by the executive rules committee. The process shall be limited to the named individuals.

#### **Vetoed Bills**

**Rule 28.** Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

The merits of the bill may be debated before the vote is taken, but the vote on a vetoed bill cannot be reconsidered.

In case of a bill containing several sections or items, one or more of which has been objected to by the governor, each section or item so objected to shall be voted upon separately by the house. Action by the house upon all vetoed bills shall be endorsed upon the bill and certified by the speaker.

Vetoed bills originating in the house, which have not been passed notwithstanding the veto of the governor, shall remain in the custody of the officers of the house until the close of the term, after which they shall be filed with the secretary of state.

#### **Suspension of Compensation**

**Rule 29.** (1) Any member of the House of Representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities, and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities, and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

(2) At any time, the house may vote by a constitutional majority to restore the salary, per diem, expenses, facilities, and assistance denied a member under subsection (1). If the conviction of a member is reversed, then the salary, per diem, and expense amounts denied the member since sentencing shall be forthwith paid, and the member shall thereafter have the rights and privileges of other members.

#### **Smoking and Vaping**

**Rule 30.** To provide a safe and healthy environment for all members, employees, and the public, smoking and vaping shall not be permitted at any public meeting of the House of Representatives or within house facilities. Smoking includes the lighting of cigarettes, pipes, or cigars. Vaping includes the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, or e-cigars.

#### **Liquor**

**Rule 31.** The House of Representatives shall strictly adhere to the liquor laws of the state of Washington, including provisions relating to banquet and special occasion permits. The proper permits must always be obtained before consumption of liquor in any house facility.

#### **Parliamentary Rules**

**Rule 32.** The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

#### **Standing Rules Amendment**

**Rule 33.** Any standing rule may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof. Any standing rule may be suspended temporarily by a two-thirds (2/3) vote of the members present except as provided in Rule 11.

#### **Rules to Apply for Assembly**

**Rule 34.** The permanent house rules adopted at the beginning of the term are to govern all acts of the house during the course of the term unless amended or repealed.

#### **Legislative Publications**

**Rule 35.** The House of Representatives directs the house executive rules committee to adopt procedures and guidelines to ensure that all legislative publications at public expense are for legitimate legislative purposes.

#### **Emergency Resolution Authorized**

**Rule 36.** If the executive rules committee determines through a majority vote that physically convening all members and staff in a single location presents a danger to the health or safety of members, staff, and the public or is impractical because of an emergency, disaster, or catastrophic incident under RCW 42.14.010, the house shall adopt a resolution establishing the rules and procedures governing any special or regular legislative session. For purposes of adopting the house resolution required by this rule, some or all members may vote using the remote voting function or other process established by the chief clerk. Members are considered in attendance within the bar of the house when using the remote floor activity system or following the established process, including for purposes of establishing quorum. To the extent practicable, a member participating remotely or otherwise under this rule has the same privileges, rights, and responsibilities under the house rules as if the member were physically present.

There being no objection, HOUSE RESOLUTION NO. 4651 was adopted.

There being no objection, the House advanced to the seventh order of business.

There being no objection, the House advanced to the third order of business.

#### **THIRD READING**

**SENATE CONCURRENT RESOLUTION NO. 8409, by  
Senators Pedersen and Short**

**Concerning the status of legislation that may be  
considered at the 2023 first special session of the sixty-eighth  
Legislature.**

The concurrent resolution was read the third time.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8409 was adopted.

With the consent of the House, SENATE CONCURRENT RESOLUTION NO. 8409 was immediately transmitted to the Senate.

There being no objection, the House reverted to the third order of business.

#### **MESSAGE FROM THE SENATE**

Tuesday, May 16, 2023

Mme. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8409

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the fourth order of business.

#### **INTRODUCTION & FIRST READING**

SCR 8409 by Senators Pedersen and Short

Concerning the status of legislation that may be considered at the 2023 first special session of the sixty-eighth Legislature.

There being no objection, the resolution listed on the day's introduction sheet under the fourth order of business was referred to the committees so designated, with the exception of SENATE CONCURRENT RESOLUTION NO. 8409, which was read the first time, and under suspension of the rules, was placed on the third reading calendar.

#### **MESSAGE FROM THE SENATE**

Tuesday, May 16, 2023

Mme. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8409

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

**SIGNED BY THE SPEAKER**

The Speaker signed the following Concurrent Resolution:

**SENATE CONCURRENT RESOLUTION NO. 8409**

There being no objection, the House reverted to the first order of business.

The House was called to order at 12:00 p.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Athena Diamond and Juan Rodriguez. The Speaker led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Leavitt, 28th Legislative District.

There being no objection, the House advanced to the third order of business.

**MESSAGE FROM THE SENATE**

Tuesday, May 16, 2023

Mme. Speaker:

The Senate has passed:

**SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5536**

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House advanced to the fourth order of business.

**FIRST SUPPLEMENTAL INTRODUCTION & FIRST READING**

2E2SSB 5536 by Senate Committee on Ways & Means (originally sponsored by Robinson, Lovick, Rolfes, Mullet, Dhingra, Billig, Hasegawa, Keiser, Kuderer, Lias, Lovelett, Nobles, Randall, Stanford, Wellman and Wilson, C.)

AN ACT Relating to justice system and behavioral health responses for persons experiencing circumstances that involve controlled substances, counterfeit substances, legend drugs, and drug paraphernalia; amending RCW 69.50.4011, 69.50.4013, 69.50.4014, 69.41.030, 69.50.509, 69.50.4121, 9.96.060, 36.70A.200, 71.24.589, 71.24.590, 10.31.110, and 84.36.043; amending 2021 c 311 s 29 (uncodified); adding a new section to chapter 43.43 RCW; adding new sections to chapter 69.50 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 26.12 RCW; adding new sections to chapter 71.24 RCW; adding new sections to chapter 43.216 RCW; creating new sections; repealing RCW 10.31.115; prescribing penalties; making appropriations; providing an effective date; and declaring an emergency.

There being no objection, the bill listed on the day's supplemental introduction sheet under the fourth order of business was referred to the committees so designated, with the exception of SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5536, which was read the first time, and under suspension of the rules, was placed on the second reading calendar.

**MOTIONS**

On motion of Representative Ramel, Representative Thai was excused.

On motion of Representative Griffey, Representative Kretz was excused.

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

**SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5536, by Senate Committee on Ways & Means (originally sponsored by Robinson, Lovick, Rolfes, Mullet, Dhingra, Billig, Hasegawa, Keiser, Kuderer, Lias, Lovelett, Nobles, Randall, Stanford, Wellman and Wilson, C.)**

**Concerning controlled substances, counterfeit substances, and legend drug possession and treatment.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman, Abbarno, Graham, Dent, Simmons, Barkis, Hackney, Cheney, Berg, Stearns, Mosbrucker and Taylor spoke in favor of the passage of the bill.

Representatives Pollet, Davis and Walsh spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Engrossed Second Substitute Senate Bill No. 5536.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Engrossed Second Substitute Senate Bill No. 5536, and the bill passed the House by the following vote: Yeas, 83; Nays, 13; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Cortes, Couture, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Leavitt, Lekanoff, Low, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Sandlin, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Taylor, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Alvarado, Chopp, Davis, Dye, Farivar, Macri, McEntire, Pollet, Ryu, Santos, Schmick, Street and Walsh

Excused: Representatives Kretz and Thai

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5536, having received the necessary constitutional majority, was declared passed.

With the consent of the House, SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5536 was immediately transmitted to the Senate.

There being no objection, the House advanced to the eleventh order of business.

**MOTION**

**Ranking Minority Member/Assistant Ranking Minority Member changes:**

- Appropriations – Remove Representative Stokesbary as Ranking Minority Member, Appoint Representative Corry Ranking Minority Member, Appoint Representative Connors Assistant Ranking Minority Member, Appoint Representative Couture Assistant Ranking Minority Member, Appoint Representative Chambers Assistant Ranking Minority Member
- Capital Budget – Remove Representative Steele as Ranking Minority Member, Appoint Representative Abbarno Ranking Minority Member, Appoint Representative Steele Assistant Ranking Minority Member, Appoint Representative McClintock Assistant Ranking Minority Member
- Civil Rights & Judiciary – Remove Representative Walsh as Ranking Minority Member Appoint Representative Cheney Ranking Minority Member
- Consumer Protection & Business – Remove Representative Corry as Ranking Minority Member Appoint Representative Robertson Ranking Minority Member, Appoint Representative McClintock Assistant Ranking Minority Member
- State Government & Tribal Relations – Remove Representative Abbarno Add Representative Walsh and Appoint as Ranking Minority Member
- Labor & Workplace Standards – Remove Representative Robertson, Appoint Representative Schmidt Ranking Minority Member

**Committee Assignment changes:**

Remove Representative Stokesbary from Finance and Appoint Representative Wilcox  
 Remove Representative Steele from Appropriations and Appoint Representative Wilcox  
 Remove Representative Robertson from Labor & Workplace Standards and Appoint Representative Wilcox  
 Remove Representative Wilcox and Representative Kretz from the Rules committee and Appoint Representative Stokesbary and Representative Steele  
 Remove Representative Barnard from Health Care & Wellness and Appoint Representative Caldier  
 Remove Representative Walsh from Regulated Substances & Gaming and Appoint Representative Caldier  
 Remove Representative Corry from Innovation, Community & Economic Development & Veterans and Appoint Representative Caldier  
 Remove Representative Couture from Capital Budget and Appoint Representative Kretz  
 Remove Representative Walsh from Human Services, Youth & Early Learning and Appoint Representative Cheney  
 Remove Representative Connors from Labor & Workplace Standards and Appoint Representative Abbarno  
 Remove Representative Cheney from Consumer Protection & Business and Appoint Representative Robertson  
 Remove Representative Abbarno from State Government & Tribal Relations and Appoint Representative Walsh

There being no objection, the House reverted to the third order of business.

**SECOND SUPPLEMENTAL INTRODUCTION & FIRST READING****MESSAGES FROM THE SENATE**

SCR 8410 by Senators Pedersen and Short

Tuesday, May 16, 2023

Adjourning the 2023 1st Special Session of the Sixty-eighth Legislature SINE DIE.

Mme. Speaker:

The President has signed:

SECOND ENGROSSED SECOND SUBSTITUTE SENATE  
 BILL NO. 5536

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

Tuesday, May 16, 2023

Mme. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8410

and the same is herewith transmitted.

Sarah Bannister, Secretary

**SIGNED BY THE SPEAKER**

The Speaker signed the following bill:

SECOND ENGROSSED SECOND SUBSTITUTE SENATE  
 BILL NO. 5536

There being no objection, the House advanced to the fourth order of business.

There being no objection, the bill listed on the day's introduction sheet and second supplemental introduction sheet under the fourth order of business was referred to the committees so designated, with the exception of SENATE CONCURRENT RESOLUTION NO. 8410, which was read the first time, and under suspension of the rules, was placed on the third reading calendar.

There being no objection, the House advanced to the seventh order of business.

**THIRD READING**

**SENATE CONCURRENT RESOLUTION NO. 8410, by Senators Pedersen and Short**

**Adjourning the 2023 1st Special Session of the Sixty-eighth Legislature SINE DIE.**

The concurrent resolution was read the third time.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8410 was adopted.

With the consent of the House, SENATE CONCURRENT RESOLUTION NO. 8410 was immediately transmitted to the Senate.

There being no objection, the House reverted to the third order of business.

**MESSAGE FROM THE SENATE**

Tuesday, May 16, 2023

Mme. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8410

and the same is herewith transmitted.

Sarah Bannister, Secretary

**SIGNED BY THE SPEAKER**

The Speaker signed the following bill:

SENATE CONCURRENT RESOLUTION NO. 8410

On motion of the Speaker, the reading of the Journal of the 1st Day of the 2023 1st Special Session of the 68th Legislature was dispensed with and ordered to stand approved.

On motion of the Speaker, the 2023 1st Special Session of the 68th Legislature was adjourned SINE DIE.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

1000	Introduction & 1st Reading. . . . .	27	1012	Introduction & 1st Reading. . . . .	27
1001	Introduction & 1st Reading. . . . .	27		Introduction & 1st Reading. . . . .	28
	Committee Report. . . . .	92		Committee Report. . . . .	70, 217
	Second Reading. . . . .	161	1012-S	Second Reading. . . . .	303
	Third Reading Final Passage. . . . .	161		Second Reading. . . . .	303
	Other Action. . . . .	141		Third Reading Final Passage. . . . .	303
	Messages. . . . .	1097, 1102		Messages. . . . .	3777
	Speaker Signed. . . . .	1100	1013	Introduction & 1st Reading. . . . .	28
1002	Introduction & 1st Reading. . . . .	27		Committee Report. . . . .	113, 249
	Committee Report. . . . .	108		Second Reading. . . . .	344
	Second Reading. . . . .	326		Other Action. . . . .	313
	Third Reading Final Passage. . . . .	326	1013-S2	Second Reading. . . . .	344
	Final Passage. . . . .	2131		Third Reading Final Passage. . . . .	344
	Other Action. . . . .	313, 2271		Messages. . . . .	2018, 2097
	Messages. . . . .	2122, 2535		Speaker Signed. . . . .	2040
1003	Introduction & 1st Reading. . . . .	27	1014	Introduction & 1st Reading. . . . .	28
	Committee Report. . . . .	172	1015	Introduction & 1st Reading. . . . .	28
1004	Introduction & 1st Reading. . . . .	27		Introduction & 1st Reading. . . . .	28
	Committee Report. . . . .	152		Committee Report. . . . .	113
	Second Reading. . . . .	556		Second Reading. . . . .	132
	Third Reading Final Passage. . . . .	556		Other Action. . . . .	128
	Messages. . . . .	1101, 1721	1015-S	Second Reading. . . . .	132
	Speaker Signed. . . . .	1686		Third Reading Final Passage. . . . .	132
1005	Introduction & 1st Reading. . . . .	27		Messages. . . . .	771, 828
	Committee Report. . . . .	217		Speaker Signed. . . . .	771
	Other Action. . . . .	357	1016	Introduction & 1st Reading. . . . .	28
1006	Introduction & 1st Reading. . . . .	27	1017	Introduction & 1st Reading. . . . .	28
	Committee Report. . . . .	87		Introduction & 1st Reading. . . . .	28
	Second Reading. . . . .	160		Committee Report. . . . .	78
	Third Reading Final Passage. . . . .	160		Second Reading. . . . .	100
	Other Action. . . . .	141		Third Reading Final Passage. . . . .	100
	Messages. . . . .	3777		Other Action. . . . .	94
1007	Introduction & 1st Reading. . . . .	27		Messages. . . . .	1101, 1721
	Committee Report. . . . .	108		Speaker Signed. . . . .	1686
	Second Reading. . . . .	127	1018	Introduction & 1st Reading. . . . .	28
	Other Action. . . . .	122		Committee Report. . . . .	87
1007-S	Second Reading. . . . .	127		Second Reading. . . . .	648
	Third Reading Final Passage. . . . .	127		Third Reading Final Passage. . . . .	648
	Messages. . . . .	771, 828		Other Action. . . . .	647
	Speaker Signed. . . . .	771		Messages. . . . .	2797, 3039
1008	Introduction & 1st Reading. . . . .	27		Speaker Signed. . . . .	2802
	Committee Report. . . . .	108	1019	Introduction & 1st Reading. . . . .	28
	Second Reading. . . . .	148		Committee Report. . . . .	118
	Third Reading Final Passage. . . . .	148		Second Reading. . . . .	530
	Other Action. . . . .	141		Other Action. . . . .	357
	Messages. . . . .	2121, 2535	1019-S	Second Reading. . . . .	530
	Speaker Signed. . . . .	2450		Amendment Offered. . . . .	530
1009	Introduction & 1st Reading. . . . .	27		Third Reading Final Passage. . . . .	531
	Committee Report. . . . .	70, 144		Final Passage. . . . .	2275
	Second Reading. . . . .	193		Messages. . . . .	2274, 2535
1009-S2	Second Reading. . . . .	193	1020	Introduction & 1st Reading. . . . .	28
	Third Reading Final Passage. . . . .	193		Committee Report. . . . .	78
	Final Passage. . . . .	2134		Second Reading. . . . .	224
	Messages. . . . .	2131, 2535		Third Reading Final Passage. . . . .	225
1010	Introduction & 1st Reading. . . . .	27		Final Passage. . . . .	2538
	Committee Report. . . . .	78, 152		Other Action. . . . .	141
	Second Reading. . . . .	370		Messages. . . . .	2537, 2798
	Other Action. . . . .	335		Speaker Signed. . . . .	2652
1010-S2	Second Reading. . . . .	370	1021	Introduction & 1st Reading. . . . .	28
	Third Reading Final Passage. . . . .	371		Committee Report. . . . .	92
	Messages. . . . .	3777	1022	Introduction & 1st Reading. . . . .	28
1011				Committee Report. . . . .	92, 217
			1023		

	Introduction & 1st Reading. . . . .	28	1037	Introduction & 1st Reading. . . . .	30
	Committee Report. . . . .	70		Committee Report. . . . .	92
	Second Reading. . . . .	564		Second Reading. . . . .	264
	Third Reading Final Passage. . . . .	564		Other Action. . . . .	141, 214
	Messages. . . . .	1927, 1945			
	Speaker Signed. . . . .	1933	1037-S	Second Reading. . . . .	264
1024	Introduction & 1st Reading. . . . .	29		Amendment Offered. . . . .	264
	Committee Report. . . . .	82, 199		Third Reading Final Passage. . . . .	265
	Other Action. . . . .	226		Messages. . . . .	3777
1025	Introduction & 1st Reading. . . . .	29	1038	Introduction & 1st Reading. . . . .	30
	Committee Report. . . . .	182, 246	1039	Introduction & 1st Reading. . . . .	30
	Other Action. . . . .	313, 644		Committee Report. . . . .	92, 175
1026	Introduction & 1st Reading. . . . .	29		Second Reading. . . . .	267
	Committee Report. . . . .	87	1039-S2	Second Reading. . . . .	267
	Other Action. . . . .	94, 644		Third Reading Final Passage. . . . .	267
1027	Introduction & 1st Reading. . . . .	29		Final Passage. . . . .	2144
	Committee Report. . . . .	70		Messages. . . . .	2142, 2535
	Other Action. . . . .	94, 644	1040	Introduction & 1st Reading. . . . .	30
1028	Introduction & 1st Reading. . . . .	29	1041	Introduction & 1st Reading. . . . .	30
	Committee Report. . . . .	87, 247	1042	Introduction & 1st Reading. . . . .	30
	Second Reading. . . . .	505		Committee Report. . . . .	87
	Other Action. . . . .	406		Second Reading. . . . .	162
1028-S2	Second Reading. . . . .	505		Other Action. . . . .	141
	Third Reading Final Passage. . . . .	506	1042-S	Second Reading. . . . .	162
	Final Passage. . . . .	2142		Amendment Offered. . . . .	162
	Messages. . . . .	2134, 2535		Third Reading Final Passage. . . . .	162
1029	Introduction & 1st Reading. . . . .	29		Final Passage. . . . .	2302
1030	Introduction & 1st Reading. . . . .	29		Messages. . . . .	2300, 2653
	Committee Report. . . . .	78		Speaker Signed. . . . .	2610
	Second Reading. . . . .	105	1043	Introduction & 1st Reading. . . . .	30
	Third Reading Final Passage. . . . .	105		Committee Report. . . . .	78
	Other Action. . . . .	94		Second Reading. . . . .	179
	Messages. . . . .	1937, 2003	1043-S	Second Reading. . . . .	180
	Speaker Signed. . . . .	1948		Third Reading Final Passage. . . . .	180
1031	Introduction & 1st Reading. . . . .	29		Final Passage. . . . .	2282
	Committee Report. . . . .	82		Messages. . . . .	2277, 2653
	Second Reading. . . . .	105		Speaker Signed. . . . .	2610
	Third Reading Final Passage. . . . .	105	1044	Introduction & 1st Reading. . . . .	30
	Other Action. . . . .	94		Committee Report. . . . .	227
	Messages. . . . .	1937, 2003		Second Reading. . . . .	614
	Speaker Signed. . . . .	1948		Other Action. . . . .	293
1032	Introduction & 1st Reading. . . . .	29	1044-S	Second Reading. . . . .	614
	Committee Report. . . . .	152, 242		Third Reading Final Passage. . . . .	614
	Second Reading. . . . .	439		Other Action. . . . .	2450, 2802
	Other Action. . . . .	313		Messages. . . . .	2446, 2802
1032-S2	Second Reading. . . . .	439	1045	Introduction & 1st Reading. . . . .	30
	Third Reading Final Passage. . . . .	439		Committee Report. . . . .	103
	Messages. . . . .	2003, 2040	1046	Introduction & 1st Reading. . . . .	30
	Speaker Signed. . . . .	2008		Committee Report. . . . .	78
1033	Introduction & 1st Reading. . . . .	29		Second Reading. . . . .	98
	Committee Report. . . . .	113		Third Reading Final Passage. . . . .	98
	Second Reading. . . . .	298		Other Action. . . . .	94
1033-S	Second Reading. . . . .	298		Messages. . . . .	2018, 2097
	Amendment Offered. . . . .	298		Speaker Signed. . . . .	2040
	Third Reading Final Passage. . . . .	299	1047	Introduction & 1st Reading. . . . .	30
	Final Passage. . . . .	2277		Committee Report. . . . .	109, 182
	Messages. . . . .	2275, 2535		Second Reading. . . . .	331
1034	Introduction & 1st Reading. . . . .	29		Other Action. . . . .	313
1035	Introduction & 1st Reading. . . . .	29	1047-S	Second Reading. . . . .	331
1036	Introduction & 1st Reading. . . . .	29		Amendment Offered. . . . .	331



	Third Reading Final Passage. . . . .	332		Third Reading Final Passage. . . . .	147
	Final Passage. . . . .	2453		Other Action. . . . .	2651
	Messages. . . . .	2450, 2653		Messages. . . . .	2644, 2816, 3039
	Speaker Signed. . . . .	2610		Speaker Signed. . . . .	3012
1048	Introduction & 1st Reading. . . . .	30	1057	Introduction & 1st Reading. . . . .	31
	Committee Report. . . . .	92		Committee Report. . . . .	249
	Second Reading. . . . .	450		Second Reading. . . . .	327
	Other Action. . . . .	357		Other Action. . . . .	313
1048-S	Second Reading. . . . .	450	1057-S	Second Reading. . . . .	327
	Amendment Offered. . . . .	450, 451		Amendment Offered. . . . .	327
	Third Reading Final Passage. . . . .	451		Third Reading Final Passage. . . . .	327
	Messages. . . . .	1879, 1937		Messages. . . . .	3778
	Speaker Signed. . . . .	1927	1058	Introduction & 1st Reading. . . . .	31
1049	Introduction & 1st Reading. . . . .	30		Committee Report. . . . .	118
	Committee Report. . . . .	70		Second Reading. . . . .	168
	Second Reading. . . . .	127		Third Reading Final Passage. . . . .	168
	Third Reading Final Passage. . . . .	127		Other Action. . . . .	141
	Final Passage. . . . .	2145		Messages. . . . .	1097, 1102
	Other Action. . . . .	42, 122		Speaker Signed. . . . .	1100
	Messages. . . . .	2145, 2535	1059	Introduction & 1st Reading. . . . .	31
1050	Introduction & 1st Reading. . . . .	31		Committee Report. . . . .	87
	Committee Report. . . . .	227	1060	Introduction & 1st Reading. . . . .	31
	Second Reading. . . . .	307		Committee Report. . . . .	78
	Other Action. . . . .	293		Second Reading. . . . .	181
1050-S	Second Reading. . . . .	307	1060-S	Second Reading. . . . .	181
	Amendment Offered. . . . .	307		Third Reading Final Passage. . . . .	181
	Third Reading Final Passage. . . . .	307		Messages. . . . .	771, 828
	Final Passage. . . . .	2820		Speaker Signed. . . . .	771
	Other Action. . . . .	2533	1061	Introduction & 1st Reading. . . . .	31
	Messages. . . . .	2532, 2819, 3039		Committee Report. . . . .	103
	Speaker Signed. . . . .	3012		Second Reading. . . . .	292
1051	Introduction & 1st Reading. . . . .	31		Third Reading Final Passage. . . . .	292
	Committee Report. . . . .	118		Other Action. . . . .	190
	Second Reading. . . . .	287		Messages. . . . .	771, 828
1051-S	Second Reading. . . . .	287		Speaker Signed. . . . .	771
	Amendment Offered. . . . .	287	1062	Introduction & 1st Reading. . . . .	31
	Third Reading Final Passage. . . . .	290	1063	Introduction & 1st Reading. . . . .	31
	Messages. . . . .	1927, 1945	1064	Introduction & 1st Reading. . . . .	32
	Speaker Signed. . . . .	1933	1065	Introduction & 1st Reading. . . . .	32
1052	Introduction & 1st Reading. . . . .	31	1066	Introduction & 1st Reading. . . . .	32
	Committee Report. . . . .	214		Committee Report. . . . .	71
	Second Reading. . . . .	530		Second Reading. . . . .	146
	Third Reading Final Passage. . . . .	530		Third Reading Final Passage. . . . .	146
	Other Action. . . . .	527		Final Passage. . . . .	2154
	Messages. . . . .	3778		Other Action. . . . .	141
1053	Introduction & 1st Reading. . . . .	31		Messages. . . . .	2145, 2535
1054	Introduction & 1st Reading. . . . .	31	1067	Introduction & 1st Reading. . . . .	32
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# HOUSE LEGISLATIVE LEADERS

Sixty Eighth Legislature  
2023 Regular Session

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Tina Orwall .....	Speaker Pro Tempore
Dan Bronoske.....	Deputy Speaker Pro Tempore
Joe Fitzgibbon .....	Majority Leader
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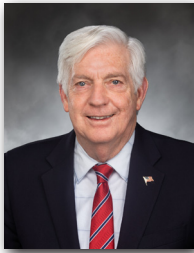
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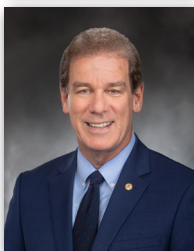


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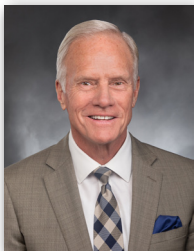


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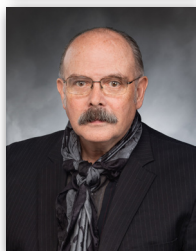


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**Legislative Assistant:** Thalia Corona



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JLOB 320 | (360) 786-7888 | [Marcus.Riccelli@leg.wa.gov](mailto:Marcus.Riccelli@leg.wa.gov)

**Health Care & Wellness, Chair;** Appropriations; Local Government

**Legislative Assistant:** Jenny Polek



## **ERIC ROBERTSON (R) DISTRICT 31**

JLOB 465 | (360) 786-7866 | [Eric.Robertson@leg.wa.gov](mailto:Eric.Robertson@leg.wa.gov)

Consumer Protection & Business; Regulated Substances & Gaming; Transportation

**Legislative Assistant:** Joy Churchill



## **SKYLER RUDE (R) DISTRICT 16**

LEG 122G | (360) 786-7828 | [Skyler.Rude@leg.wa.gov](mailto:Skyler.Rude@leg.wa.gov)

Education; Appropriations; Civil Rights & Judiciary

**Legislative Assistant:** Tammi Petty



## **ALICIA RULE (D) DISTRICT 42**

JLOB 334 | (360) 786-7980 | [Alicia.Rule@leg.wa.gov](mailto:Alicia.Rule@leg.wa.gov)

**Innovation, Community & Economic Development, & Veterans, Vice Chair;** Capital Budget; Human Services, Youth, & Early Learning

**Legislative Assistant:** Kaitlin Mastin

# WASHINGTON STATE HOUSE OF REPRESENTATIVES 2023



## **CINDY RYU (D) DISTRICT 32**

JLOB 303 | (360) 786-7880 | [Cindy.Ryu@leg.wa.gov](mailto:Cindy.Ryu@leg.wa.gov)

**Innovation, Community & Economic Development, & Veterans, Chair**; Appropriations;  
Consumer Protection & Business

**Legislative Assistant:** Shoubee Liaw



## **BRYAN SANDLIN (R) DISTRICT 15**

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Appropriations; Capital Budget; Consumer Protection & Business; Environment & Energy

**Legislative Assistant:** Sandy Ruff



## **SHARON TOMIKO SANTOS (D) DISTRICT 37**

JLOB 321 | (360) 786-7944 | [SharonTomiko.Santos@leg.wa.gov](mailto:SharonTomiko.Santos@leg.wa.gov)

**Education, Chair**; Consumer Protection & Business; Finance

**Legislative Assistant:** Radigan Lander



## **JOE SCHMICK (R) DISTRICT 9**

LEG 426B | (360) 786-7844 | [Joe.Schmick@leg.wa.gov](mailto:Joe.Schmick@leg.wa.gov)

Health Care & Wellness; Agriculture and Natural Resources; Appropriations

**Legislative Assistant:** Triie Harmon



## **SUZANNE SCHMIDT (R) DISTRICT 4**

JLOB 468 | (360) 786-7820 | [Suzanne.Schmidt@leg.wa.gov](mailto:Suzanne.Schmidt@leg.wa.gov)

Labor & Workplace Standards; Postsecondary Education & Workforce; Rules; Transportation

**Legislative Assistant:** Andy Aboen



## **TANA SENN (D) DISTRICT 41**

JLOB 420 | (360) 786-7894 | [Tana.Senn@leg.wa.gov](mailto:Tana.Senn@leg.wa.gov)

**Human Services, Youth, & Early Learning, Chair**; Appropriations; Innovation, Community &  
Economic Development, & Veterans

**Legislative Assistant:** Yuval Berenstein

# WASHINGTON STATE HOUSE OF REPRESENTATIVES 2023



## CLYDE SHAVERS (D) DISTRICT 10

JLOB 311 | (360) 786-7884 | [Clyde.Shavers@leg.wa.gov](mailto:Clyde.Shavers@leg.wa.gov)

**Education, Vice Chair;** Capital Budget; Innovation, Community & Economic Development, & Veterans

**Legislative Assistant:** Logan Duling



## TARRA SIMMONS (D) DISTRICT 23

LEG 132F | (360) 786-7934 | [Tarra.Simmons@leg.wa.gov](mailto:Tarra.Simmons@leg.wa.gov)

**Community Safety, Justice, & Reentry, Vice Chair;** Appropriations; Health Care & Wellness; Rules

**Legislative Assistant:** Zach Ellis



## VANDANA SLATTER (D) DISTRICT 48

JLOB 308 | (360) 786-7936 | [Vandana.Slatter@leg.wa.gov](mailto:Vandana.Slatter@leg.wa.gov)

**Postsecondary Education & Workforce, Chair;** Appropriations; Environment & Energy

**Legislative Assistant:** Megan Filippello



## LARRY SPRINGER (D) DISTRICT 45

LEG 437A | (360) 786-7822 | [Larry.Springer@leg.wa.gov](mailto:Larry.Springer@leg.wa.gov)

Agriculture and Natural Resources; Appropriations; Finance; Rules

**Legislative Assistant:** Emily Wills



## CHRIS STEARNS (D) DISTRICT 47

JLOB 306 | (360) 786-7858 | [Chris.Stearns@leg.wa.gov](mailto:Chris.Stearns@leg.wa.gov)

**Regulated Substances & Gaming, Vice Chair; State Government & Tribal Relations, Vice Chair;** Capital Budget

**Legislative Assistant:** Darci Suttle



## MIKE STEELE (R) DISTRICT 12

LEG 335A | (360) 786-7832 | [Mike.Steele@leg.wa.gov](mailto:Mike.Steele@leg.wa.gov)

Capital Budget; Education; Rules

**Legislative Assistant:** Brenda Glenn

# WASHINGTON STATE HOUSE OF REPRESENTATIVES 2023



## **DREW STOKESBARY (R) DISTRICT 31**

LEG 335C | (360) 786-7846 | [Drew.Stokesbary@leg.wa.gov](mailto:Drew.Stokesbary@leg.wa.gov)

Appropriations; Rules

**Legislative Assistant:** Gina Palermo



## **MONICA JURADO STONIER (D) DISTRICT 49**

LEG 436A | (360) 786-7872 | [Monica.Jurado.Stonier@leg.wa.gov](mailto:Monica.Jurado.Stonier@leg.wa.gov)

Appropriations; Education; Health Care & Wellness; Rules

**Legislative Assistant:** Erika Odem



## **CHIPALO STREET (D) DISTRICT 37**

JLOB 310 | (360) 786-7838 | [Chipalo.Street@leg.wa.gov](mailto:Chipalo.Street@leg.wa.gov)

**Finance, Vice Chair;** Environment & Energy; Innovation, Community & Economic Development, & Veterans

**Legislative Assistant:** Travis Jones



## **JAMILA TAYLOR (D) DISTRICT 30**

JLOB 418 | (360) 786-7898 | [Jamila.Taylor@leg.wa.gov](mailto:Jamila.Taylor@leg.wa.gov)

**Human Services, Youth, & Early Learning, Vice Chair;** Housing; Transportation

**Legislative Assistant:** Preeya Williams



## **MY-LINH THAI (D) DISTRICT 41**

JLOB 421 | (360) 786-7926 | [My-Linh.Thai@leg.wa.gov](mailto:My-Linh.Thai@leg.wa.gov)

Civil Rights & Judiciary; Finance; Health Care & Wellness

**Legislative Assistant:** Kelly Nguyen



## **STEVE THARINGER (D) DISTRICT 24**

JLOB 314 | (360) 786-7904 | [Steve.Tharinger@leg.wa.gov](mailto:Steve.Tharinger@leg.wa.gov)

**Capital Budget, Chair;** Appropriations; Health Care & Wellness

**Legislative Assistant:** Dawn Thomas

# WASHINGTON STATE HOUSE OF REPRESENTATIVES 2023



## JOE TIMMONS (D) DISTRICT 42

JLOB 419 | (360) 786-7854 | [Joe.Timmons@leg.wa.gov](mailto:Joe.Timmons@leg.wa.gov)

**Transportation, Vice Chair;** Education; Postsecondary Education & Workforce

**Legislative Assistant:** Hayden Jenkins



## MIKE VOLZ (R) DISTRICT 6

JLOB 427 | (360) 786-7922 | [Mike.Volz@leg.wa.gov](mailto:Mike.Volz@leg.wa.gov)

Innovation, Community & Economic Development, & Veterans; Consumer Protection & Business; Transportation

**Legislative Assistant:** Phillip Janzen



## AMY WALEN (D) DISTRICT 48

LEG 437B | (360) 786-7848 | [Amy.Walen@leg.wa.gov](mailto:Amy.Walen@leg.wa.gov)

**Consumer Protection & Business, Chair;** Civil Rights & Judiciary; Finance

**Legislative Assistant:** Sam Tinsley



## JIM WALSH (R) DISTRICT 19

JLOB 428 | (360) 786-7806 | [Jim.Walsh@leg.wa.gov](mailto:Jim.Walsh@leg.wa.gov)

Civil Rights & Judiciary; Human Services, Youth, & Early Learning; Rules; Transportation

**Legislative Assistant:** Karen Larsen



## KEVIN WATERS (R) DISTRICT 17

JLOB 467 | (360) 786-7994 | [Kevin.Waters@leg.wa.gov](mailto:Kevin.Waters@leg.wa.gov)

Postsecondary Education & Workforce; Capital Budget; Innovation, Community & Economic Development, & Veterans; Regulated Substances & Gaming

**Legislative Assistant:** Gregory Shumway



## J.T. WILCOX (R) DISTRICT 2

LEG 122A | (360) 786-7912 | [J.T.Wilcox@leg.wa.gov](mailto:J.T.Wilcox@leg.wa.gov)

Appropriations; Finance; Labor & Workplace Standards

**Legislative Assistant:** Nora Halbert

# WASHINGTON STATE HOUSE OF REPRESENTATIVES 2023

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**SHARON WYLIE (D) DISTRICT 49**

JLOB 414 | (360) 786-7924 | [Sharon.Wylie@leg.wa.gov](mailto:Sharon.Wylie@leg.wa.gov)

**Regulated Substances & Gaming, Co-Chair;** Finance; Transportation

**Legislative Assistant:** Megan Walsh

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**ALEX YBARRA (R) DISTRICT 13**

JLOB 470 | (360) 786-7808 | [Alex.Ybarra@leg.wa.gov](mailto:Alex.Ybarra@leg.wa.gov)

Postsecondary Education & Workforce; Environment & Energy; Innovation, Community & Economic Development, & Veterans

**Legislative Assistant:** Marge Plumage

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**BILLS, MEMORIALS AND RESOLUTIONS PASSED**  
2023 REGULAR & 1ST SPECIAL SESSION

\*With exception; \*\*Contingent; \*\*\*With Exception and Contingent

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
NA	C 1 L 23	Salary Commission Schedule	5/15/2023	
SHB 1103	C 2 L 23	Avoiding Interest Arbitrage Charges	2/16/2023	
SSB 5810	C 3 L 23	Exempting certain prepaid services from insurance reg	7/23/2023	
ESB 5017	C 4 L 23	Clarifying school district procurement requirements	7/23/2023	
SB 5003	C 5 L 23	Increasing the numbers of district CT judge -Snoho	7/23/2023	
SSB 5005	C 6 L 23	Real Property	7/23/2023	
SSB 5033	C 7 L 23	Reclassifying the sentence for the crimes of CSM	7/23/2023	
SB 5036	C 8 L 23	Extending the timeline - telemedicine	7/23/2023	
SB 5079	C 9 L 23	Date by which tuition fees established	7/23/2023	
SSB 5121	C 10 L 23	Joint select committee on health care/behav health	7/23/2023	
SB 5122	C 11 L 23	Extending exp date ambulance transport fund	7/23/2023	
ESSB 5142	C 12 L 23	Account for pharmaceutical rebate revenue	7/1/2023	
SSB 5275	C 13 L 23	Expanding access to benefits provided by School	7/23/2023	
SB 5394	C 14 L 23	Malpractice insurance for international medical grad	7/23/2023	
SSB 5490	C 15 L 23	Health care coverage for retired/disabled employees	3/30/2023	
SSB 5729	C 16 L 23	Removing exp. Date on cost-sharing insulin cap	7/23/2023	
ESSB 5272	C 17 L 23	Speed safety camera systems on state highways	7/23/2023	
SHB 1007	C 18 L 23	Military service credit for members of state ret. system	7/23/2023	
SHB 1015	C 19 L 23	Minimum employment requirements - paraeducators	7/23/2023	
SHB 1060	C 20 L 23	Reorganization of domestic mutual insurers	7/23/2023	
HB 1061	C 21 L 23	Elimination of prelicensing ed. requirements	7/23/2023	
SHB 1070	C 22 L 23	Exempting sale and leaseback of property	7/23/2023	

## BILLS, MEMORIALS AND RESOLUTIONS PASSED

### 2023 REGULAR & 1ST SPECIAL SESSION

\*With exception; \*\*Contingent; \*\*\*With Exception and Contingent

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SHB 1101	C 23 L 23	Tenant screening in common interest communities	7/23/2023	
HB 1102	C 24 L 23	Judge pro tempore compensation	7/23/2023	
HB 1107	C 25 L 23	Removing terms "master" and "servant"	7/23/2023	
HB 1179	C 26 L 23	Authorizing state auditor to receive nonconviction data	7/23/2023	
SHB 1266	C 27 L 23	Use of email by office of the insurance commissioner	7/1/2023	
HB 1303	C 28 L 23	Administration of property taxes	7/23/2023*	
HB 1319	C 29 L 23	Collision reporting criteria - driver's license reexamine.	7/23/2023	
SHB 1458	C 30 L 23	Unemployment insurance benefits - apprenticeships	7/23/2023	
SHB 1499	C 31 L 23	Food assistance funding	7/23/2023	
HB 1540	C 32 L 23	Driver training curriculum modifications	4/1/2024	
SB 5023	C 33 L 23	Roadside safety measures	7/23/2023	
SSB 5028	C 34 L 23	Revising processes for name changes	7/23/2023	
SB 5041	C 35 L 23	Compliance with fed motor carrier safety admin.	11/18/2024	
SB 5089	C 36 L 23	Making changes to factory assembled structures	7/23/2023	
ESSB 5143	C 37 L 23	Modifying commission on pesticide registration	7/23/2023	
ESSB 5179	C 38 L 23	Increasing access - death with dignity act	7/23/2023	
SB 5192	C 39 L 23	Authorizing admin. law judges - pollution control board	7/23/2023	
E2SSB 5198	C 40 L 23	Sale or lease - manufactured / mobile homes	7/23/2023	
SB 5295	C 41 L 23	Eliminating accounts	7/1/2023*	
SB 5319	C 42 L 23	Pet insurance	1/1/2024	
SB 5342	C 43 L 23	Transit agencies - interlocal agreements	7/23/2023	
SB 5370	C 44 L 23	Adult protective services	7/23/2023	



**BILLS, MEMORIALS AND RESOLUTIONS PASSED**  
2023 REGULAR & 1ST SPECIAL SESSION

\*\*With exception; \*\*Contingent; \*\*\*With Exception and Contingent

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SB 5421	C 45 L 23	Exempting ben. enroll. info - health care authority	7/23/2023	
SSB 5439	C 46 L 23	Livestock identification	7/23/2023*	
SB 5553	C 47 L 23	Authorizing standards - temp. emergency shelters	7/23/2023	
SSB 5569	C 48 L 23	Exempting cert. of need require - kidney disease cntrs.	7/23/2023	
SSB 5627	C 49 L 23	Salaries for co. commissioners and councilmembers	7/23/2023	
ESB 5650	C 50 L 23	Salary inflation increases for K-12 employees	7/23/2023	
SB 5700	C 51 L 23	Modernization of state health care auth.-related laws	7/23/2023	
ESB 5623	C 52 L 23	Modifying element of the offense of hate crime	7/23/2023	
HB 1001	C 53 L 23	Audiology and speech-language pathology compact	7/23/2023	
HB 1004	C 54 L 23	Installing signs on or near bridges to deter jumping	7/23/2023	
HB 1017	C 55 L 23	Expediting licensure for cosmetologists	7/23/2023	
ESHB 1048	C 56 L 23	Enhancing Washington Voting Rights Act	1/1/2024	
HB 1058	C 57 L 23	Streamlining licensing process for CDL	1/1/2024	
SHB 1069	C 58 L 23	Mental health counselor compact	7/23/2023	
SHB 1077	C 59 L 23	Courthouse facility dogs	7/23/2023	
HB 1082	C 60 L 23	Expanding opportunities for physical therapy	7/23/2023	
SHB 1088	C 61 L 23	Uniform family law arbitration act	1/1/2024	
HB 1100	C 62 L 23	Disposition of remains of a county resident	7/23/2023	
SHB 1784	C 63 L 23	Addressing hunger relief	4/13/2023	
HB 1120	C 64 L 23	Best interest standard for annuities in Washington	1/1/2024	
SHB 1165	C 65 L 23	Civil remedies for unauthorized disclosure of images	7/23/2023	
EHB 1209	C 66 L 23	Restrict. equipmt. - illegally process contrl. substance	7/23/2023	

## BILLS, MEMORIALS AND RESOLUTIONS PASSED

### 2023 REGULAR & 1ST SPECIAL SESSION

\*With exception; \*\*Contingent; \*\*\*With Exception and Contingent

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
EHB 1210	C 67 L 23	Recording of school board meetings	6/30/2024	
SHB 1254	C 68 L 23	Clarifying provisions administered by DOR	7/23/2023	
HB 1265	C 69 L 23	Property tax exemption - intellectual disabilities	7/23/2023*	
EHB 1274	C 70 L 23	Creating a child malnutrition field guide for DCYF	7/23/2023	
HB 1287	C 71 L 23	Relating to dental hygienists	7/23/2023	
HB 1290	C 72 L 23	Training for tribal police officers and employees	7/23/2023	
EHB 1336	C 73 L 23	Splitting firefighters' relief and pension fund - two accnts.	7/23/2023**	
SHB 1352	C 74 L 23	Authorizing tribal investments in county invest. pools	7/23/2023	
HB 1419	C 75 L 23	County treasurers' duties - registered warrants	7/23/2023	
HB 1420	C 76 L 23	Lien priority of mortgages and deeds of trust	7/23/2023	
HB 1481	C 77 L 23	Permitting - General authority of peace officers	7/1/2025	
HB 1514	C 78 L 23	Purchase and distr. of insignia - RVs and park trailers	7/23/2023	
2SHB 1522	C 79 L 23	Addressing sexual misconduct at scholarly associations	7/23/2023	
HB 1544	C 80 L 23	Shoreline master program review schedules	7/23/2023*	
SHB 1572	C 81 L 23	Venue for actions for the recovery of taxes	4/13/2023	
SHB 1620	C 82 L 23	Number of inhabitants for incorporation as a city or town	7/23/2023*	
HB 1624	C 83 L 23	Administering educational service district elections	7/23/2023	
HB 1645	C 84 L 23	Meetings of county legislative authorities	7/23/2023	
HB 1656	C 85 L 23	Unemployment insurance benefits appeal procedures	7/23/2023	
HB 1657	C 86 L 23	Judicial authority of federal courts - solemnize marriages	7/23/2023	
SSB 5338	C 87 L 23	Review of state's essential health benefits	4/13/2023	
SB 5088	C 88 L 23	Adding references to contractor reg. & license law	7/23/2023	

## BILLS, MEMORIALS AND RESOLUTIONS PASSED

### 2023 REGULAR & 1ST SPECIAL SESSION

\*With exception; \*\*Contingent; \*\*\*With Exception and Contingent

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SB 5113	C 89 L 23	Relating to faculty in dental schools	7/23/2023	
SB 5163	C 90 L 23	Relating to medicaid fraud false claims act	4/14/2023	
SSB 5170	C 91 L 23	Funding and expenditures for legislative organizations	7/23/2023	
SSB 5176	C 92 L 23	Unempl. Insur. benefits - officers of employee co-ops.	1/1/2024	
SSB 5229	C 93 L 23	Accelerating rural job growth - site readiness grants	7/23/2023	
SSB 5304	C 94 L 23	Test. Individ. who provide lang. access to state services	7/23/2023	
ESSB 5320	C 95 L 23	Journey level electrician certifications of competency	7/1/2023	
ESB 5336	C 96 L 23	Population criteria for the main street trust fund tax credit	7/23/2023	
SB 5385	C 97 L 23	Work performed by institutions of higher education	7/23/2023	
ESSB 5512	C 98 L 23	Add reporting requirmts. - public four-year dashboard	7/23/2023	
SSB 5538	C 99 L 23	Postretirement employment - nursing positions	4/14/2023	
SSB 5547	C 100 L 23	Transparency for nursing pools	7/23/2023	
SSB 5604	C 101 L 23	County sales and use taxes - mental health & housing	7/23/2023	
SSB 5087	C 102 L 23	Removing RCW language identified as defective	7/23/2023	
ESHB 1051	C 103 L 23	Robocalling and telephone scams	7/23/2023	
SHB 1177	C 104 L 23	Creating a missing & murdered indigenous women unit	7/23/2023	
ESHB 1329	C 105 L 23	Preventing utility shutoffs for nonpayment - extrm heat	7/23/2023	
ESB 5015	C 106 L 23	Reestablishing the productivity board	7/23/2023	
SB 5066	C 107 L 23	Clarifying health care benefit manager filings	7/23/2023	PV
SB 5070	C 108 L 23	Relating to victims of nonfatal strangulation	6/30/2023	
ESSB 5082	C 109 L 23	Abolishing advisory votes	7/23/2023	
SB 5084	C 110 L 23	Creating a fund for the purpose of self-insured pensions	7/1/2025*	

**BILLS, MEMORIALS AND RESOLUTIONS PASSED**  
2023 REGULAR & 1ST SPECIAL SESSION

\*With exception; \*\*Contingent; \*\*\*With Exception and Contingent

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SB 5131	C 111 L 23	Money received by DOC on behalf of inmates	7/23/2023	
ESSB 5217	C 112 L 23	Regulating industries - preventing musculoskeletal injury	7/23/2023	
SB 5228	C 113 L 23	Providing occupational therapy - persons w/ behav. disor.	7/23/2023	
E2SSB 5236	C 114 L 23	Improving nurse and health care worker safety	7/1/2024*	
SSB 5238	C 115 L 23	Collective bargaining for employees in academic prgms.	4/20/2023	
SSB 5286	C 116 L 23	Modifying premium provisions - paid family leave	7/23/2023	
SB 5331	C 117 L 23	Job search requirements for unempl. insur. benefits	7/23/2023	
SB 5347	C 118 L 23	Relating to access to abstract driving records	7/23/2023	
SB 5390	C 119 L 23	Establishing a programmatic safe harbor on forestlands	7/23/2023	
SSB 5415	C 120 L 23	Services for persons - not guilty by reason of insanity	4/20/2023	
SB 5452	C 121 L 23	Authorizing impact fee for bicycle and pedestrian facilities	7/23/2023	
SSB 5453	C 122 L 23	Relating to female genital mutilation	4/20/2023	
SSB 5499	C 123 L 23	Relating to multistate nurse licensure compact	7/23/2023*	
2SSB 5518	C 124 L 23	Relating to cybersecurity	7/23/2023	
SSB 5542	C 125 L 23	Preventing destruction of electric vehicle equipment	7/23/2023	
E2SSB 5582	C 126 L 23	Expand. ed. opportunities to increase supply of nurses	7/23/2023	
SB 5683	C 127 L 23	Concerning foster care licenses - Indian children	7/23/2023	
2SHB 1013	C 128 L 23	Regional apprenticeship programs - Ed. Service districts	7/23/2023	
HB 1023	C 129 L 23	Elimination of wire tap authorization reporting - AOC	7/23/2023	
HB 1030	C 130 L 23	Relating to applied doctorate degree-granting authority	7/23/2023	
HB 1031	C 131 L 23	Modifying medal of valor award presentation reqrmts.	7/23/2023	
2SHB 1032	C 132 L 23	Mitigating risk of wildfires through electric utility planning	7/23/2023	

## BILLS, MEMORIALS AND RESOLUTIONS PASSED

### 2023 REGULAR & 1ST SPECIAL SESSION

\*With exception; \*\*Contingent; \*\*\*With Exception and Contingent

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
HB 1046	C 133 L 23	Expand. housing supply - rebenchmarking income limits	7/23/2023	
ESHB 1073	C 134 L 23	Relating to medical assistants	4/20/2023	
SHB 1085	C 135 L 23	Relating to reducing plastic pollution	7/23/2023	
2SHB 1122	C 136 L 23	WA mangmt. service employees - collective bargaining	1/1/2024	
SHB 1171	C 137 L 23	Modifying motorcycle safety education advisory board	7/23/2023	
2SHB 1204	C 138 L 23	Implementing family connections program	6/30/2023	
HB 1237	C 139 L 23	Distribution of VIN inspection fee	7/1/2023	
ESHB 1251	C 140 L 23	Water systems' notice to customers	7/23/2023	
SHB 1255	C 141 L 23	Reducing stigma and incentivizing health care	7/23/2023	
HB 1259	C 142 L 23	Updating the OSOS executive team	7/23/2023	PV
SHB 1275	C 143 L 23	Relating to athletic trainers	7/23/2023	
ESHB 1311	C 144 L 23	Credit repair services performed by credit organizations	7/23/2023	
SHB 1323	C 145 L 23	Fire-resistant materials - training and certifications	7/23/2023*	
HB 1334	C 146 L 23	Accessing certain aquatic lands	7/23/2023	
SHB 1355	C 147 L 23	Updating property tax exempts. - disabled vets + seniors	7/23/2023	
ESHB 1361	C 148 L 23	Updating statutes related to state employment	7/23/2023	
HB 1370	C 149 L 23	Payment of awards to whistleblowers	7/23/2023	
ESHB 1394	C 150 L 23	Creating response to youth committing sexual offenses	7/23/2023*	
SHB 1406	C 151 L 23	Concerning youth seeking housing assistance	7/23/2023	
SHB 1501	C 152 L 23	Authorizing counseling - family of homicide victims	7/23/2023	
SHB 1577	C 153 L 23	Municipal officers' beneficial interest in contracts	7/23/2023	
SHB 1658	C 154 L 23	Public high school students - earning elective credits	7/23/2023	

## BILLS, MEMORIALS AND RESOLUTIONS PASSED

### 2023 REGULAR & 1ST SPECIAL SESSION

\*With exception; \*\*Contingent; \*\*\*With Exception and Contingent

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
HB 1707	C 155 L 23	Bingo conducted by charitable or non-profit organizations	7/23/2023	
HB 1712	C 156 L 23	Protecting displaced workers - finfish aquaculture	7/23/2023	
2SHB 1728	C 157 L 23	Creating a statewide resiliency program	7/23/2023	
HB 1730	C 158 L 23	Allowing youth 18+ to work in establishments	7/23/2023	PV
HB 1763	C 159 L 23	Ensuring completion of scholarship obligations	7/23/2023	
HB 1792	C 160 L 23	Modifying timelines in water rights adjudication	7/23/2023	
E2SHB 1143	C 161 L 23	Enhancing reqmts. for purchase or transfer of firearms	1/1/2024	
SHB 1240	C 162 L 23	Establishing firearms-related safety measures	4/25/2023	
SSB 5078	C 163 L 23	Establishing duties of firearms industry members	7/23/2023	
HB 1008	C 164 L 23	Insurance plans - relating to plan 2 members	1/1/2024	
2SHB 1009	C 165 L 23	Military spouse employment	7/23/2023*	
SHB 1068	C 166 L 23	Injured workers' rights during compelled medical exams	7/23/2023	
SHB 1084	C 167 L 23	Relating to freight mobility prioritization	7/23/2023	
SHB 1132	C 168 L 23	Oversight & training - WA peace officers & agencies	7/23/2023	
E2SHB 1170	C 169 L 23	Improving climate resilience - updating climate response	7/23/2023	
ESHB 1175	C 170 L 23	Financial assurance program - petroleum storage tanks	7/23/2023*	
HB 1197	C 171 L 23	Psychologists as attending providers - mental hlth. claim	7/1/2025	
SHB 1213	C 172 L 23	Compliance w/ labeling requirements for wipes	4/25/2023	
HB 1230	C 173 L 23	Requiring school districts make certain DOL info public	7/23/2023	
HB 1232	C 174 L 23	Enhancing college bound scholarship program	7/23/2023	
SHB 1247	C 175 L 23	Relating to licensure for music therapists	7/23/2023*	
SHB 1289	C 176 L 23	Program admin for WA opportunity scholarship	4/25/2023	

## BILLS, MEMORIALS AND RESOLUTIONS PASSED

### 2023 REGULAR & 1ST SPECIAL SESSION

\*With exception; \*\*Contingent; \*\*\*With Exception and Contingent

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
HB 1345	C 177 L 23	Contribution to costs of privileges by incarcerated individ.	7/23/2023	
HB 1552	C 178 L 23	State conservation commission - study of urban agricult.	7/23/2023	
HB 1575	C 179 L 23	Modifying sales and use tax - cultural access programs	7/23/2023	
ESHB 1600	C 180 L 23	Providing access to sealed juvenile records - for firearms	7/23/2023	
HB 1750	C 181 L 23	Establishing Yori's law to promote water safety education	7/23/2023	
SSB 5127	C 182 L 23	Clarifying school districts' ability to redact personal info	7/23/2023	
SSB 5145	C 183 L 23	Liability protections - public recreational use of land	7/23/2023	
SB 5155	C 184 L 23	Relating to the court of appeals	7/23/2023	
SSB 5261	C 185 L 23	Deadlines concerning permits - cemetery authorities	10/31/2023	
SB 5330	C 186 L 23	Relating to WA pesticide application act	7/23/2023	
SSB 5353	C 187 L 23	Relating to the voluntary stewardship program	7/23/2023	
SB 5550	C 188 L 23	Workforce development issues - WA state ferries	7/23/2023	
SSB 5561	C 189 L 23	Expiration date - law enforcement comm. engage. grant	7/23/2023	
SSB 5687	C 190 L 23	Postsecondary wrestling grant programs	7/23/2023	
ESHB 1155	C 191 L 23	Collection, sharing, and selling of consumer health data	7/23/2023	
ESHB 1340	C 192 L 23	Reproductive health and gender affirming services	4/27/2023	
ESHB 1469	C 193 L 23	Protecting access - reproductive health care	4/27/2023	
SB 5242	C 194 L 23	Prohibiting cost sharing for abortion	7/23/2023	
SB 5768	C 195 L 23	Protecting access to abortion medications through DOC	4/27/2023	
HB 1002	C 196 L 23	Increasing penalties for hazing	7/23/2023	
2SHB 1028	C 197 L 23	Supporting crime victims by promoting responses	7/23/2023*	
2SHB 1039	C 198 L 23	Physical therapists performing intramuscular needling	7/23/2023	

## BILLS, MEMORIALS AND RESOLUTIONS PASSED

### 2023 REGULAR & 1ST SPECIAL SESSION

\*With exception; \*\*Contingent; \*\*\*With Exception and Contingent

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
HB 1055	C 199 L 23	Public safety employees' retire. plan membership	6/1/2024	
SHB 1117	C 200 L 23	Rolling blackouts and power supply inadequacy events	7/23/2023	
HB 1128	C 201 L 23	Raising residential personal needs allowance	7/23/2023	
ESHB 1187	C 202 L 23	Privileged communication - employees and unions	7/23/2023	
HB 1199	C 203 L 23	Licensed child care in common interest communities	5/1/2023	
SHB 1200	C 204 L 23	Public employers - providing info to bargaining reps.	7/23/2023	
HB 1312	C 205 L 23	People over 70 opting out of juror service	7/23/2023	
HB 1349	C 206 L 23	Relating to foreclosure protections	7/23/2023*	
HB 1407	C 207 L 23	Eligibility for developmental disability services	7/23/2023	
ESHB 1424	C 208 L 23	Consumer protection - adoption of cats and dogs	7/23/2023	
SHB 1435	C 209 L 23	Development of a home care safety net assessment	7/23/2023	
2SHB 1452	C 210 L 23	Establishing a state medical reserve corps	5/1/2023	
ESHB 1466	C 211 L 23	Currently credentialed dental auxiliaries	7/23/2023	
HB 1512	C 212 L 23	Providing tools - recovery of missing persons	7/23/2023	
2SHB 1534	C 213 L 23	Protections for consumers - construction industry	7/23/2023*	
EHB 1636	C 214 L 23	Foreclosure protections for homeowners	7/23/2023*	
EHB 1663	C 215 L 23	Port districts - adopting a unified levy	7/23/2023	
SHB 1683	C 216 L 23	Health carriers offering dental only coverage	7/23/2023	
HB 1772	C 217 L 23	Restricting sales - alcohol with tetrahydrocannabinol	7/23/2023	
E2SSB 5001	C 218 L 23	Public facilities districts created by two leg. authorities	7/23/2023	
SB 5065	C 219 L 23	Public school instruction - bone marrow donation	7/23/2023	
E2SSB 5080	C 220 L 23	Expanding social equity in cannabis program	7/23/2023*	



## BILLS, MEMORIALS AND RESOLUTIONS PASSED

### 2023 REGULAR & 1ST SPECIAL SESSION

\*With exception; \*\*Contingent; \*\*\*With Exception and Contingent

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
ESSB 5124	C 221 L 23	Guardianships - voluntary placement w/ nonrelative kin	7/23/2023	
2SSB 5225	C 222 L 23	Increase access - working connections child care pgrm.	7/23/2023*	
SB 5252	C 223 L 23	Complying w/ regs. for FBI criminal history record info	7/23/2023	
SSB 5358	C 224 L 23	Expanding veterans' services and programs	7/23/2023	
SSB 5374	C 225 L 23	Adoption of county criteria area ordinances by cities	7/23/2023	
SSB 5381	C 226 L 23	Letters of rec. or congrats sent by legislators	7/23/2023	
SSB 5433	C 227 L 23	Relating to derelict aquatic structures	7/23/2023	
E2SHB 1181	C 228 L 23	Improving state's climate response	7/23/2023	
SSB 5165	C 229 L 23	Electric power system transmission planning	7/23/2023	
E2SHB 1216	C 230 L 23	Clean energy siting	7/23/2023	
2SHB 1176	C 231 L 23	Workforce programs - climate-ready communities	7/23/2023	
ESSB 5447	C 232 L 23	Promoting alternative jet fuel industry in WA	7/1/2023*	
HB 1416	C 233 L 23	Affected market customer provisions - WA clean energy	7/23/2023	
SHB 1236	C 234 L 23	Access to clean fuel - public transportation	7/23/2023	
ESB 5352	C 235 L 23	Relating to vehicular pursuits	5/3/2023	
ESHB 1033	C 236 L 23	Evaluating compostable product usage in WA	7/23/2023	
HB 1049	C 237 L 23	Updating timelines for county comm. district boundaries	7/23/2023	
EHB 1086	C 238 L 23	Local gov. ability to contract with comm. service orgs.	7/23/2023	
2SHB 1322	C 239 L 23	Walla Walla water 2050 plan	7/23/2023	
ESHB 1106	C 240 L 23	Qualifications for unemployment insurance	7/23/2023	
HB 1114	C 241 L 23	Membership of sentencing guidelines commission	7/23/2023	
SHB 1207	C 242 L 23	Responding to harassment in schools	7/23/2023	

## BILLS, MEMORIALS AND RESOLUTIONS PASSED

### 2023 REGULAR & 1ST SPECIAL SESSION

\*With exception; \*\*Contingent; \*\*\*With Exception and Contingent

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SHB 1217	C 243 L 23	Improving worker recovery - authorize. interest collect.	7/23/2023	
HB 1218	C 244 L 23	Updating official caseload forecast	7/23/2023	
ESHB 1222	C 245 L 23	Requiring coverage for hearing instruments	7/23/2023	
SHB 1234	C 246 L 23	Civil forfeiture of animals seized for abuse or neglect	7/23/2023	
HB 1243	C 247 L 23	Municipal airport commissions	7/23/2023	
HB 1262	C 248 L 23	Establishing a lump sum reporting system	7/23/2023	
SHB 1326	C 249 L 23	Waiving municipal utility connection charges	7/23/2023	
ESHB 1369	C 250 L 23	Off-duty employment of fish and wildlife officers	7/23/2023	
SHB 1457	C 251 L 23	Motor carrier's ability to access restroom facilities	7/23/2023	
2SHB 1491	C 252 L 23	Prohibiting unjustified employer searches of POVs	7/23/2023	
HB 1542	C 253 L 23	Automated external defibrillators availability	1/1/2025	
HB 1563	C 254 L 23	Arrest protections - medical use of cannabis	7/23/2023	
SHB 1621	C 255 L 23	Standardizing local government procurement rules	7/23/2023*	
HB 1684	C 256 L 23	Clarifying procedures for federally recognized tribes	7/23/2023	
ESHB 1731	C 257 L 23	Complimentary liquor by short-term rental operators	7/23/2023	
HB 1742	C 258 L 23	Nontax statutes administered by DOR	7/23/2023	
HB 1771	C 259 L 23	Relocation assistance for tenants of mobile home parks	7/23/2023	
HB 1775	C 260 L 23	Limiting liability for salmon recovery projects	7/23/2023	
2SSB 5046	C 261 L 23	Postconviction access to counsel	1/1/2024	
SSB 5006	C 262 L 23	Clarifying waiver of firearm rights	7/23/2023	
SB 5058	C 263 L 23	Exemptions - buildings with 12 or fewer units	7/23/2023	
SB 5069	C 264 L 23	Interstate cannabis agreements	Contingent**	

## BILLS, MEMORIALS AND RESOLUTIONS PASSED

### 2023 REGULAR & 1ST SPECIAL SESSION

\*With exception; \*\*Contingent; \*\*\*With Exception and Contingent

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SSB 5072	C 265 L 23	Advancing equity in programs for highly capable students	7/23/2023	
SSB 5077	C 266 L 23	Relating to the uniform commercial code	1/1/2024	
ESSB 5111	C 267 L 23	Requiring payment for accrued and unused sick leave	1/1/2024	
SSB 5114	C 268 L 23	Supporting adults with lived experiences of sex trafficking	7/23/2023	
SSB 5156	C 269 L 23	Expanding the farm internship program	5/4/2023	
SSB 5189	C 270 L 23	Establishing behavioral health support specialists	7/23/2023*	
E2SSB 5243	C 271 L 23	High school and beyond planning	7/23/2023	
ESSB 5257	C 272 L 23	Ensuring recess in elementary schools	7/23/2023	
SB 5282	C 273 L 23	Authorizing vehicle dealers to file a report of sale	7/23/2023	
SB 5283	C 274 L 23	Waiver of the fundamentals exam. for engineer licensing	7/23/2023	
ESSB 5301	C 275 L 23	Housing programs administered by Dept of Commerce	7/23/2023	
ESB 5341	C 276 L 23	Location-based branding - WA food/ag products	7/23/2023	
SSB 5386	C 277 L 23	Reducing administrative complexity - doc recording fees	7/23/2023	
SB 5392	C 278 L 23	Overpayments for certain matters	7/23/2023	
SSB 5448	C 279 L 23	Liquor licensee privileges for delivery of alcohol	7/1/2023	
SB 5457	C 280 L 23	Implement. growth management task force recommend.	7/23/2023	
SB 5531	C 281 L 23	Special use permits for milk product haulers	7/23/2023	
ESB 5534	C 282 L 23	Wkforce Ed. Invest. Accountability & Oversight Board	7/23/2023	
SB 5606	C 283 L 23	Deterring illegal racing	1/1/2024	
E2SSB 5634	C 284 L 23	Relating to problem gambling	7/1/2023	
ESHB 1042	C 285 L 23	Creation of additional housing units in existing buildings	7/23/2023	
E2SSB 5199	C 286 L 23	Tax relief for newspaper publishers	1/1/2024	

## BILLS, MEMORIALS AND RESOLUTIONS PASSED

### 2023 REGULAR & 1ST SPECIAL SESSION

\*With exception; \*\*Contingent; \*\*\*With Exception and Contingent

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SHB 1138	C 287 L 23	Related to drought preparedness	7/23/2023	
2SHB 1168	C 288 L 23	Providing support for prenatal substance exposure	7/23/2023	
ESHB 1260	C 289 L 23	Accelerating stability - work-limiting incapacities	7/23/2023	
SHB 1271	C 290 L 23	Relating to organ transport vehicles	7/23/2023	
2SHB 1390	C 291 L 23	Relating to district energy systems	7/23/2023	
E2SHB 1515	C 292 L 23	Contracting requirements for behavioral health services	7/23/2023	
SHB 1521	C 293 L 23	Industrial insurance employer & third-party penalties	7/1/2024	
2SHB 1525	C 294 L 23	Eligibility for working connections child care benefits	7/23/2023	
SHB 1562	C 295 L 23	Reducing risk of harm associated w/ gun violence	7/23/2023	
HB 1564	C 296 L 23	Prohibiting sale of over-the-counter sexual assault kits	7/23/2023	
ESHB 1576	C 297 L 23	Dentist and dental hygienist compact	7/23/2023	
HB 1599	C 298 L 23	Records exemptions for firearm background checks	7/23/2023	
HB 1626	C 299 L 23	Coverage for colorectal screening tests	7/23/2023	
HB 1679	C 300 L 23	Modifying requirements of a foster care work group	7/23/2023	
HB 1695	C 301 L 23	Defining affordable housing - surplus public housing	7/23/2023	
SHB 1700	C 302 L 23	Eastern WA memorial	7/23/2023	
SHB 1701	C 303 L 23	Reassign OSPI oversight of basic education services	7/23/2023	
SHB 1753	C 304 L 23	Changing certain notice provisions - derelict vessel pgrm	7/23/2023	
ESHB 1758	C 305 L 23	Permitting certain hatchery maintenance activities	7/23/2023	
2SHB 1762	C 306 L 23	Protecting employees of warehouses	7/1/2024	
SHB 1764	C 307 L 23	Methods of valuing asphalt used in public roads	8/1/2023	
ESHB 1766	C 308 L 23	Creation of a hope card program	1/1/2025	

## BILLS, MEMORIALS AND RESOLUTIONS PASSED

### 2023 REGULAR & 1ST SPECIAL SESSION

\*With exception; \*\*Contingent; \*\*\*With Exception and Contingent

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
HB 1777	C 309 L 23	Authorizing the use of performance-based contracting	7/23/2023	
SHB 1779	C 310 L 23	Reducing toxic air pollution that threatens human health	7/23/2023	
SHB 1783	C 311 L 23	Economic developmt. in distressed areas - grant writers	7/23/2023	
SHB 1804	C 312 L 23	Eligibility for participation in PEBB	5/4/2023	
EHB 1812	C 313 L 23	B&O tax deduction for federal funds - medicaid projects	7/23/2023	
2SSB 5048	C 314 L 23	Eliminating college in the high school fees	7/23/2023	
2SSB 5103	C 315 L 23	Payments to acute care hospitals	7/23/2023	
2SSB 5128	C 316 L 23	Relating to jury diversity	7/23/2023	
SB 5166	C 317 L 23	Reauthorize. B&O tax deduction for co-op finance orgs.	7/1/2023	
SSB 5191	C 318 L 23	Reforming real estate agency law	1/1/2024	
SSB 5218	C 319 L 23	Tax exemption for mobility enhancing equipment	7/23/2023	
ESSB 5231	C 320 L 23	Issuance - emgncy domestic violence no-contact orders	7/23/2023	
SSB 5256	C 321 L 23	Expanding child welfare housing assistance program	6/30/2023	
2SSB 5269	C 322 L 23	Growing WA state manufacturing	7/23/2023	PV
E2SSB 5278	C 323 L 23	Reducing barriers to home care aide certification	7/23/2023	
SB 5287	C 324 L 23	Studying the recycling of wind turbine blades	7/23/2023	
SSB 5300	C 325 L 23	Continuity of coverage for prescription drugs	7/23/2023*	
SSB 5317	C 326 L 23	Removal of vehicles by a regional transit authority	7/23/2023	
SB 5323	C 327 L 23	Dept Veterans Affairs - public disclosure exemptions	7/23/2023	
ESB 5355	C 328 L 23	Mandating instruction on sex trafficking prevention	7/23/2023	
2SSB 5425	C 329 L 23	Fire protection sprinkler system contractors	1/1/2024	
HB 1020	C 330 L 23	State Dinosaur	7/23/2023	

## BILLS, MEMORIALS AND RESOLUTIONS PASSED

### 2023 REGULAR & 1ST SPECIAL SESSION

\*With exception; \*\*Contingent; \*\*\*With Exception and Contingent

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SHB 1074	C 331 L 23	Landlords' claims for damage to residential premises	7/23/2023	
E2SHB 1110	C 332 L 23	Increasing middle housing	7/23/2023	
ESHB 1293	C 333 L 23	Streamlining development regulations	7/23/2023	
EHB 1337	C 334 L 23	Expanding housing options by easing barriers	7/23/2023	PV
E2SSB 5045	C 335 L 23	Incentivizing rental ADUs to low-income households	7/23/2023	
ESSB 5197	C 336 L 23	Technical changes to eviction notice forms	7/23/2023	
E2SSB 5258	C 337 L 23	Increasing supply of condo units / townhouses	7/23/2023	
2SSB 5290	C 338 L 23	Consolidating local permit review processes	7/23/2023*	
ESSB 5702	C 339 L 23	Expanding homeless foster youth pilot program	7/23/2023	
2SHB 1474	C 340 L 23	Creating the covenant homeownership account	7/23/2023*	
HB 1018	C 341 L 23	Tax exemption expiration - hog fuel	7/23/2023	
ESHB 1050	C 342 L 23	Expanding apprenticeship utilization requirements	7/23/2023*	
SHB 1163	C 343 L 23	Exempting certain leasehold interests in arenas	7/23/2023*	
ESHB 1173	C 344 L 23	Reducing light pollution - certain energy infrastructure	7/23/2023	PV
E2SHB 1188	C 345 L 23	Individuals w/ developmental disabilities	7/23/2023	
HB 1221	C 346 L 23	Privacy of lottery players	7/23/2023	
HB 1257	C 347 L 23	Authority of cargo and passenger ports	7/23/2023	
SHB 1258	C 348 L 23	Enhancement of statewide tourism marketing acct	7/23/2023	
HB 1308	C 349 L 23	High school graduation pathway options	7/23/2023	
2SHB 1316	C 350 L 23	Expanding access to dual credit programs	7/23/2023	
2SHB 1425	C 351 L 23	Facilitating municipal annexations	7/23/2023	
SHB 1500	C 352 L 23	Gross sales for cottage food operations	7/23/2023	PV

## BILLS, MEMORIALS AND RESOLUTIONS PASSED

### 2023 REGULAR & 1ST SPECIAL SESSION

\*With exception; \*\*Contingent; \*\*\*With Exception and Contingent

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
ESHB 1503	C 353 L 23	Collection of health care professionals' info	7/23/2023	
HB 1527	C 354 L 23	Technical corrections - local tax increment finance	5/9/2023	
SHB 1711	C 355 L 23	Tribal telecomms tax exemption	7/1/2023	
ESHB 1744	C 356 L 23	Oversight - education for charter school students	7/23/2023	
SB 5000	C 357 L 23	Contributions of Americans of Chinese descent	7/23/2023	
SSB 5101	C 358 L 23	Medical placement for incarcerated individuals	7/23/2023	
ESSB 5123	C 359 L 23	Employ. - individuals lawfully consuming cannabis	1/1/2024	
ESSB 5152	C 360 L 23	Regulating synthetic media in campaigns	7/23/2023	
SB 5153	C 361 L 23	Uniform disclosure of records for future voters	7/23/2023*	
ESB 5175	C 362 L 23	Contracts between school boards and principals	7/23/2023	
SSB 5208	C 363 L 23	Updating the process for online voter registration	7/15/2024	
2SSB 5263	C 364 L 23	Access to psilocybin services - age 21+	7/23/2023*	PV
E2SSB 5367	C 365 L 23	Regulation of products containing THC	7/23/2023	
SSB 5396	C 366 L 23	Cost sharing for breast examinations	7/23/2023	
SSB 5399	C 367 L 23	Future listing right purchase contracts	5/9/2023	
2SSB 5412	C 368 L 23	Reducing local gov's' land use permitting workloads	7/23/2023	
SSB 5437	C 369 L 23	Vacancies - governing body of spec. purpose districts	7/23/2023	
2SSB 5454	C 370 L 23	Insurance coverage - PTSD affecting nurses	1/1/2024	
SSB 5460	C 371 L 23	Collection of assessments for irrigation districts	7/23/2023	
SSB 5491	C 372 L 23	Single exits for buildings of certain heights	7/23/2023	
ESSB 5528	C 373 L 23	Retaining require. for private construction projects	7/23/2023	
SSB 5565	C 374 L 23	Modifying tax and revenue laws for clarification	7/23/2023	PV

## BILLS, MEMORIALS AND RESOLUTIONS PASSED

### 2023 REGULAR & 1ST SPECIAL SESSION

\*With exception; \*\*Contingent; \*\*\*With Exception and Contingent

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SSB 5586	C 375 L 23	Employees' paid family or medical leave data	1/1/2024	
SSB 5714	C 376 L 23	Automated check processing service - property taxes	7/23/2023	
SB 5765	C 377 L 23	Tolling for I-5 bridge replacement project	7/23/2023***	
ESHB 1019	C 378 L 23	Pesticide advisory board	7/23/2023	
E2SHB 1238	C 379 L 23	Providing free school meals for all	7/23/2023*	
SHB 1250	C 380 L 23	Modifying low-income home rehab. program	7/1/2023**	
ESHB 1335	C 381 L 23	Unauthorized publication of personal ID info	7/23/2023	
E2SHB 1357	C 382 L 23	Modernizing prior authorization process	7/23/2023*	
SHB 1460	C 383 L 23	DNR resources trust land management	7/23/2023	
HB 1536	C 384 L 23	Requirements - withholding of high school diplomas	7/23/2023	
2SHB 1578	C 385 L 23	Improving community resilience to wildland fires	7/23/2023	
HB 1622	C 386 L 23	Supporting needs of homeless students	7/23/2023	
2SHB 1639	C 387 L 23	Billy Frank Jr statuary hall selection committee	7/23/2023	
SHB 1682	C 388 L 23	WA auto theft prevention authority account	7/1/2023	
EHB 1823	C 389 L 23	WA student loan program	7/23/2023*	
ESHB 1838	C 390 L 23	Transfer. responsibilities for the transpo rev. forecast	7/23/2023*	
SSB 5081	C 391 L 23	Victim notification	7/23/2023	
SSB 5096	C 392 L 23	Expanding employee ownership	7/23/2023*	
ESSB 5173	C 393 L 23	Property exempt from execution	7/23/2023*	
SSB 5182	C 394 L 23	Procedures and deadlines for candidate filing	7/23/2023	
2SSB 5268	C 395 L 23	Equity and efficiencies in public works procurement	7/1/2024*	
ESSB 5294	C 396 L 23	Actuarial funding of state retirement systems	6/30/2023	



## BILLS, MEMORIALS AND RESOLUTIONS PASSED

### 2023 REGULAR & 1ST SPECIAL SESSION

\*With exception; \*\*Contingent; \*\*\*With Exception and Contingent

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SB 5350	C 397 L 23	Benefit increases - PERS 1 and TRS plan 1	7/1/2023	
ESSB 5365	C 398 L 23	Possession of vapor and tobacco products by minors	7/23/2023	
SB 5369	C 399 L 23	Standards for polychlorinated biphenyls	7/23/2023	
SSB 5389	C 400 L 23	Relating to optometry operating procedures	7/23/2023	
SSB 5398	C 401 L 23	Domestic violence funding allocation	7/23/2023	
SB 5403	C 402 L 23	School district depreciation subfunds - maintenance	7/23/2023	
SSB 5436	C 403 L 23	Transfer of firearms to museums & hist. societies	7/23/2023	
SB 5459	C 404 L 23	Requests for records containing election info	7/23/2023	
2SSB 5502	C 405 L 23	Access to substance use disorder treatment	7/23/2023	
2SSB 5593	C 406 L 23	Improving equity in data transfers - K-12 & higher ed.	7/23/2023	
SSB 5617	C 407 L 23	Career & technical education course equivalencies	7/23/2023	
ESSB 5599	C 408 L 23	Youth & young adults - health care services	7/23/2023	
SHB 1043	C 409 L 23	Association records in common interest communities	7/23/2023	
SHB 1056	C 410 L 23	Repealing postretirement employment restrictions	1/1/2024	
SHB 1267	C 411 L 23	Rural public facilities sales and use tax	7/23/2023	
HB 1301	C 412 L 23	Process for professional licensing - leg. reports	7/23/2023	
HB 1317	C 413 L 23	Transparency in grass roots lobbying	7/23/2023	
SHB 1318	C 414 L 23	Tax exemptions - aircraft maintenance	7/23/2023	
EHB 1324	C 415 L 23	Scoring of prior juvenile offenses - calculations	7/23/2023	
SHB 1431	C 416 L 23	Meals to tenants of senior living communities	7/23/2023*	
ESBH 1436	C 417 L 23	Special education funding	7/23/2023	PV
2SHB 1447	C 418 L 23	Strengthening assistance programs	7/23/2023*	

**BILLS, MEMORIALS AND RESOLUTIONS PASSED**  
2023 REGULAR & 1ST SPECIAL SESSION

\*With exception; \*\*Contingent; \*\*\*With Exception and Contingent

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
2SHB 1470	C 419 L 23	Private detention facilities	5/11/2023	
2SHB 1550	C 420 L 23	Transition to kindergarten program	7/23/2023	
2SHB 1559	C 421 L 23	Relating to student basic needs postsecondary act	7/23/2023	
HB 1573	C 422 L 23	Tax preferences for dairy, fruit, seafood processors	7/23/2023	
2SHB 1580	C 423 L 23	System to support children in crisis	7/23/2023	PV
E2SHB 1694	C 424 L 23	Home care work shortages	7/23/2023	
ESHB 1724	C 425 L 23	Increasing trained behavioral health workforce	5/11/2023***	
2SHB 1745	C 426 L 23	Improving diversity in clinical trails	7/23/2023	
SHB 1756	C 427 L 23	Supporting clean energy through tax changes	7/23/2023	
EHB 1782	C 428 L 23	Operating deficit of Wahkiakum county ferry	7/23/2023	
EHB 1846	C 429 L 23	Vessel procurement - WA state ferries	5/11/2023	PV
SHB 1850	C 430 L 23	Hospital safety net program	Contingent*	
ESHB 1853	C 431 L 23	Corrective changes from enactment of Ch. 182 L 22	7/23/2023*	
SB 5004	C 432 L 23	Updates - WA business corporation act	7/23/2023	
2SSB 5120	C 433 L 23	Establishing crisis relief centers in WA	7/23/2023***	
E2SSB 5144	C 434 L 23	Environmental management of batteries	7/23/2023	
ESSB 5293	C 435 L 23	Relating to accounts	7/1/2023*	
E2SSB 5315	C 436 L 23	Nonpublic agencies - special education programs	7/23/2023	
SB 5316	C 437 L 23	Background checks administered by DCYF	7/23/2023	
SB 5324	C 438 L 23	Defense community compatibility account	7/23/2023	
SB 5497	C 439 L 23	Medicaid expenditures	7/23/2023	
SSB 5504	C 440 L 23	Open motor vehicle safety recalls	7/1/2024	

## BILLS, MEMORIALS AND RESOLUTIONS PASSED

### 2023 REGULAR & 1ST SPECIAL SESSION

\*With exception; \*\*Contingent; \*\*\*With Exception and Contingent

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
ESSB 5515	C 441 L 23	Protecting children from abuse and neglect	7/23/2023*	
SSB 5523	C 442 L 23	Forensic pathologist shortage	7/23/2023	
2SSB 5532	C 443 L 23	Payments to low volume, rural hospitals	7/23/2023	PV
SSB 5581	C 444 L 23	Reducing costs for maternity care	7/23/2023	
ESSB 5583	C 445 L 23	Improving young driver safety	7/23/2023	
SSB 5720	C 446 L 23	Risk mitigation in property insurance	7/23/2023	
SSB 5742	C 447 L 23	Codifying existing grant programs at DOT	7/23/2023	
SSB 5753	C 448 L 23	Co-op agreement between DOT and Lummi Nation	7/23/2023	
ESHB 1169	C 449 L 23	Legal financial obligations	7/1/2023***	
SHB 1346	C 450 L 23	Purple star award	7/23/2023	
SHB 1570	C 451 L 23	Social insurance programs - transpo. companies	7/23/2023	
ESSB 5371	C 452 L 23	Protecting orcas from vessels	7/23/2023*	PV
E2SSB 5440	C 453 L 23	Providing timely competency evaluations	7/23/2023*	
E2SHB 1134	C 454 L 23	Implementing 988 crisis system	7/23/2023	
SHB 1047	C 455 L 23	Toxic chemicals in cosmetic products	7/23/2023	
2SHB 1477	C 456 L 23	Changes to working families' tax credit	1/1/2024	
ESHB 1498	C 457 L 23	Aviation funding in response to wildland fires	7/23/2023	
ESHB 1533	C 458 L 23	Exempt. Info of domestic violence survivors	5/15/2023	
SHB 1638	C 459 L 23	State trooper expedited recruitment incentive program	5/15/2023	
ESHB 1678	C 460 L 23	Dental therapy practices in federally qualified centers	1/1/2024*	
HB 1696	C 461 L 23	Stalking-related offenses	7/23/2023	
E2SHB 1715	C 462 L 23	Protections for victims of domestic violence	7/23/2023	

## BILLS, MEMORIALS AND RESOLUTIONS PASSED

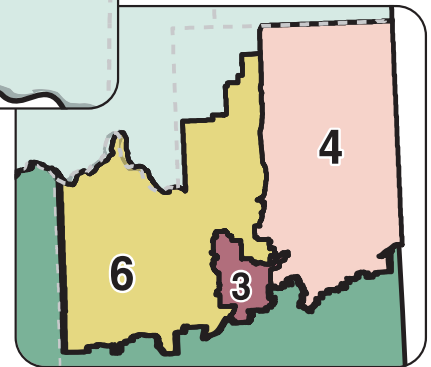
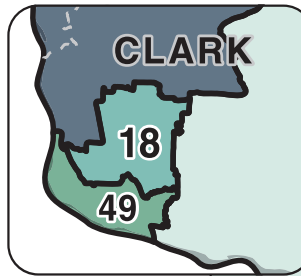
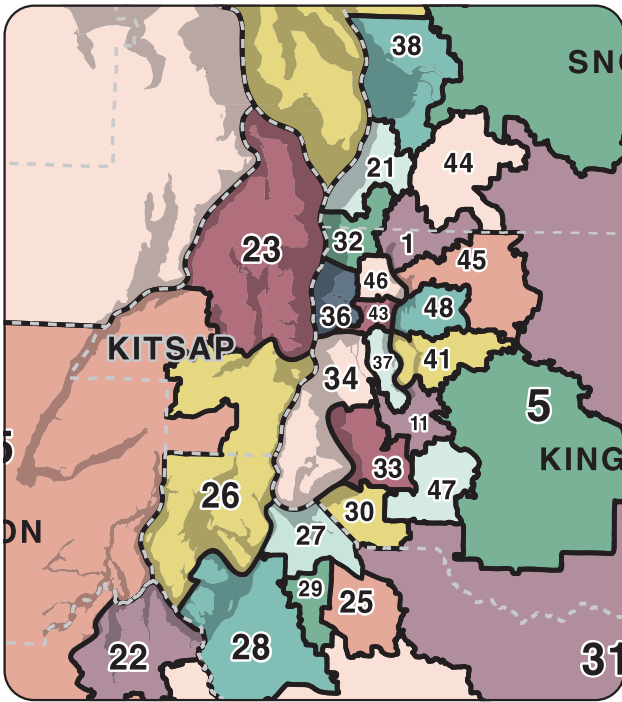
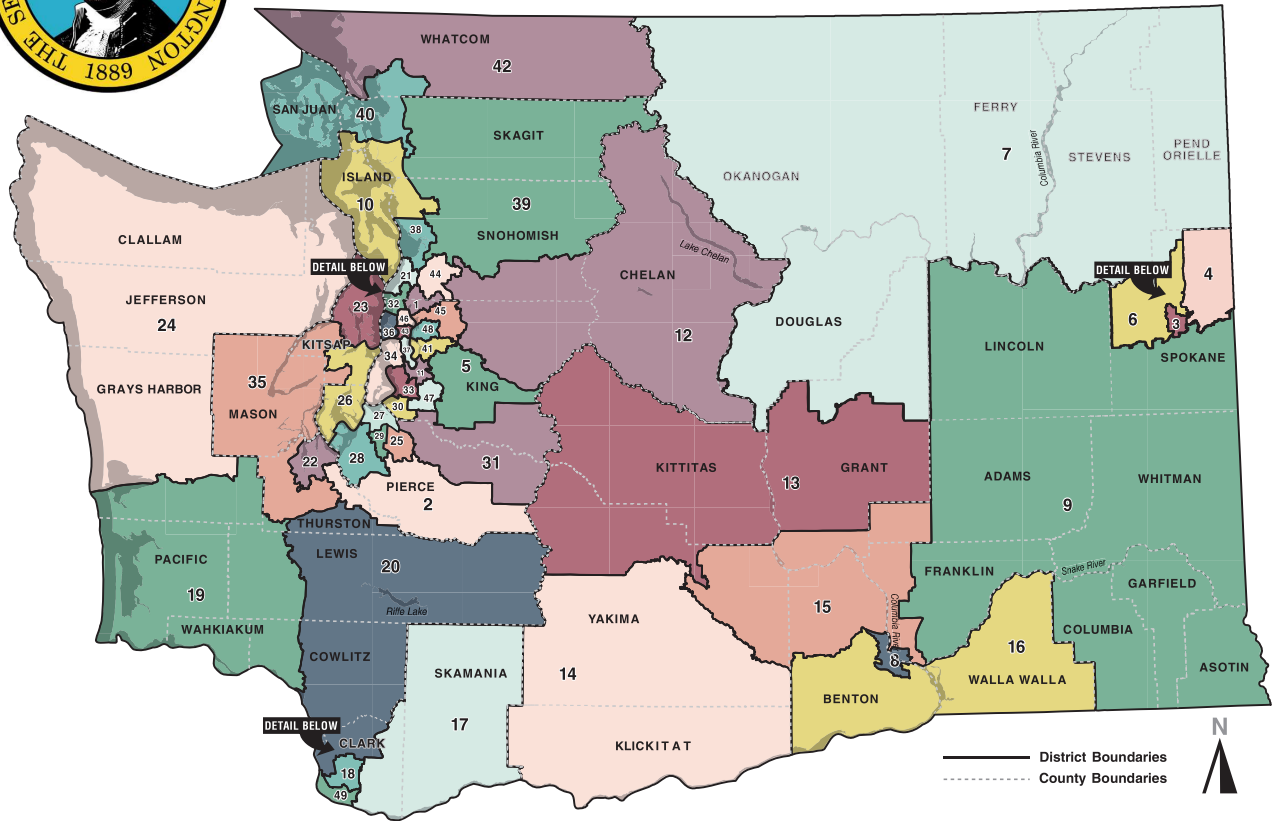
### 2023 REGULAR & 1ST SPECIAL SESSION

\*With exception; \*\*Contingent; \*\*\*With Exception and Contingent

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
ESHB 1791	C 463 L 23	Studying need for increased aviation services	7/23/2023	PV
EHB 1797	C 464 L 23	Residential real estate appraisers - real prop. eval.	Contingent**	
SB 5104	C 465 L 23	Surveying Puget Sound marine shoreline habitat	7/23/2023	
E2SSB 5112	C 466 L 23	Updating processes related to voter registration	7/23/2023*	
2SSB 5134	C 467 L 23	Reentry services and supports	7/23/2023	PV
ESSB 5186	C 468 L 23	Requiring antidiscrimination clauses - public contract.	7/23/2023	
2SSB 5555	C 469 L 23	Behavioral health workforce shortage	7/23/2023*	PV
HB 1066	C 470 L 23	Removing obsolete language from RCW	7/23/2023**	PV
HB 1112	C 471 L 23	Criminal penalties for negligent driving	1/1/2025	
ESHB 1125	C 472 L 23	Transportation funding	5/16/2023	PV
ESHB 1148	C 473 L 23	General obligation bonds	5/16/2023	
ESSB 5200	C 474 L 23	Capital budget	5/16/2023	PV
ESSB 5187	C 475 L 23	Operating budget	5/16/2023	PV
<b>2023 1st Special Session</b>				
2E2SSB 5536	C1 L23 E1	Drug possession & treatment	8/15/2023*	



# 2023 STATEWIDE LEGISLATIVE DISTRICT MAP WITH LEGISLATIVE MEMBERS



If you are a person with a disability and need a special accommodation, please contact the House at (360) 786-7271, or the Senate at (360) 786-7189. TTY 1-800-833-6388. For further legislative information, call the Legislative Hotline at 1-800-562-6000, or check the internet at [www.leg.wa.gov](http://www.leg.wa.gov).

<b>1</b>	Sen. Derek Stanford, D Rep. Davina Duerr, D Rep. Shelley Kloba, D	<b>18</b>	Sen. Ann Rivers, R Rep. Greg Cheney, R Rep. Stephanie McClintock, R	<b>34</b>	Sen. Joe Nguyen, D Rep. Emily Alvarado, D Rep. Joe Fitzgibbon, D
<b>2</b>	Sen. Jim McCune, R Rep. Andrew Barkis, R Rep. J.T. Wilcox, R	<b>19</b>	Sen. Jeff Wilson, R Rep. Joel McEntire, R Rep. Jim Walsh, R	<b>35</b>	Sen. Drew MacEwen, R Rep. Travis Couture, R Rep. Dan Griffey, R
<b>3</b>	Sen. Andy Billig, D Rep. Timm Ormsby, D Rep. Marcus Riccelli, D	<b>20</b>	Sen. John E. Braun, R Rep. Peter Abbarno, R Rep. Ed Orcutt, R	<b>36</b>	Sen. Noel Frame, D Rep. Liz Berry, D Rep. Julia Reed, D
<b>4</b>	Sen. Mike Padden, R Rep. Leonard Christian, R Rep. Suzanne Schmidt, R	<b>21</b>	Sen. Marko Liias, D Rep. Lillian Ortiz-Self, D Rep. Strom Peterson, D	<b>37</b>	Sen. Rebecca Saldaña, D Rep. Chipalo Street, D Rep. Sharon Tomiko Santos, D
<b>5</b>	Sen. Mark Mullet, D Rep. Lisa Callan, D Rep. Bill Ramos, D	<b>22</b>	Sen. Sam Hunt, D Rep. Jessica Bateman, D Rep. Beth Doglio, D	<b>38</b>	Sen. June Robinson, D Rep. Julio Cortes, D Rep. Mary Fosse, D
<b>6</b>	Sen. Jeff Holy, R Rep. Jenny Graham, R Rep. Mike Volz, R	<b>23</b>	Sen. Christine Rolfes, D Rep. Drew Hansen, D Rep. Tarra Simmons, D	<b>39</b>	Sen. Keith Wagoner, R Rep. Carolyn Eslick, R Rep. Sam Low, R
<b>7</b>	Sen. Shelly Short, R Rep. Joel Kretz, R Rep. Jacquelin Maycumber, R	<b>24</b>	Sen. Kevin Van De Wege, D Rep. Mike Chapman, D Rep. Steve Tharinger, D	<b>40</b>	Sen. Liz Lovelett, D Rep. Debra Lekanoff, D Rep. Alex Ramel, D
<b>8</b>	Sen. Matt Boehnke, R Rep. Stephanie Barnard, R Rep. April Connors, R	<b>25</b>	Sen. Chris Gildon, R Rep. Kelly Chambers, R Rep. Cyndy Jacobsen, R	<b>41</b>	Sen. Lisa Wellman, D Rep. Tana Senn, D Rep. My-Linh Thai, D
<b>9</b>	Sen. Mark Schoesler, R Rep. Mary Dye, R Rep. Joe Schmick, R	<b>26</b>	Sen. Emily Randall, D Rep. Michelle Caldier, R Rep. Spencer Hutchins, R	<b>42</b>	Sen. Sharon Shewmake, D Rep. Alicia Rule, D Rep. Joe Timmons, D
<b>10</b>	Sen. Ron Muzzall, R Rep. Dave Paul, D Rep. Clyde Shavers, D	<b>27</b>	Sen. Yasmin Trudeau, D Rep. Jake Fey, D Rep. Laurie Jinkins, D	<b>43</b>	Sen. Jamie Pedersen, D Rep. Frank Chopp, D Rep. Nicole Macri, D
<b>11</b>	Sen. Bob Hasegawa, D Rep. Steve Bergquist, D Rep. David Hackney, D	<b>28</b>	Sen. T'wina Nobles, D Rep. Dan Bronoske, D Rep. Mari Leavitt, D	<b>44</b>	Sen. John Lovick, D Rep. April Berg, D Rep. Brandy Donaghy, D
<b>12</b>	Sen. Brad Hawkins, R Rep. Keith Goehner, R Rep. Mike Steele, R	<b>29</b>	Sen. Steve Conway, D Rep. Sharlett Mena, D Rep. Melanie Morgan, D	<b>45</b>	Sen. Manka Dhingra, D Rep. Roger Goodman, D Rep. Larry Springer, D
<b>13</b>	Sen. Judy Warnick, R Rep. Tom Dent, R Rep. Alex Ybarra, R	<b>30</b>	Sen. Claire Wilson, D Rep. Kristine Reeves, D Rep. Jamila Taylor, D	<b>46</b>	Sen. Javier Valdez, D Rep. Darya Farivar, D Rep. Gerry Pollet, D
<b>14</b>	Sen. Curtis King, R Rep. Chris Corry, R Rep. Gina R. Mosbrucker, R	<b>31</b>	Sen. Phil Fortunato, R Rep. Eric Robertson, R Rep. Drew Stokesbary, R	<b>47</b>	Sen. Claudia Kauffman, D Rep. Debra Entenman, D Rep. Chris Stearns, D
<b>15</b>	Sen. Nikki Torres, R Rep. Bruce Chandler, R Rep. Bryan Sandlin, R	<b>32</b>	Sen. Jesse Salomon, D Rep. Lauren Davis, D Rep. Cindy Ryu, D	<b>48</b>	Sen. Patty Kuderer, D Rep. Vandana Slatter, D Rep. Amy Walen, D
<b>16</b>	Sen. Perry Dozier, R Rep. Mark Klicker, R Rep. Skyler Rude, R	<b>33</b>	Sen. Karen Keiser, D Rep. Mia Gregerson, D Rep. Tina Orwall, D	<b>49</b>	Sen. Annette Cleveland, D Rep. Monica Jurado Stonier, D Rep. Sharon Wylie, D
<b>17</b>	Sen. Lynda Wilson, R Rep. Paul Harris, R Rep. Kevin Waters, R				



STATE OF WASHINGTON  
— OFFICE OF GOVERNOR JAY INSLEE —

April 21, 2023

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 2, House Bill No. 1259 entitled:

"AN ACT Relating to updating the executive team of the office of the secretary of state by adding signing authority to the chief of staff position."

This bill authorizes the Secretary of State's chief of staff to have signing authority and the power to act on behalf of the Office of the Secretary of State, expanding the number of specified senior staff who have this authority from two to three. Section 2 is an emergency clause, making this bill effective immediately. However, in light of the existing staff who have signing authority for the Office, this bill is not necessary for the immediate preservation of the public peace, health, or safety, or support of state government.

For these reasons I have vetoed Section 2 of House Bill No. 1259.

With the exception of Section 2, House Bill No. 1259 is approved.

Respectfully submitted,

Jay Inslee  
Governor



STATE OF WASHINGTON  
— OFFICE OF GOVERNOR JAY INSLEE —

April 21, 2023

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 3, House Bill No. 1730 entitled:

"AN ACT Relating to allowing youth ages 18 and older to work in establishments traditionally classified as off-limits to persons under the age of 21 in certain specific and limited circumstances."

This bill would make permanent certain temporary emergency provisions adopted in response to the COVID pandemic, but those emergency provisions lapsed in September of 2022. Section 3 is an emergency clause, which would make this bill effective immediately. This legislation is not necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions.

For these reasons I have vetoed Section 3 of House Bill No. 1730.

With the exception of Section 3, House Bill No. 1730 is approved.

Respectfully submitted,

Jay Inslee  
Governor





STATE OF WASHINGTON  
— OFFICE OF GOVERNOR JAY INSLEE —

April 23, 2023

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 1590 entitled:

"AN ACT Relating to the membership and subcommittees of the oversight board for children, youth, and families."

HB 1590 revises the membership of the Department of Children, Youth, and Families Oversight Board. The bill adds a new seat to the Board and requires the Governor to nominate an individual with subject-matter expertise in educating youth in juvenile institutions or educating youth in foster care. The bill also expands eligibility for three existing Board seats.

However, a separate bill passed by the Legislature this year makes the Office of the Superintendent of Public Instruction (OSPI) responsible for the delivery and oversight of basic education services to justice-involved students who are served through certain institutional education programs. Starting this year, OSPI is required to submit annual reports on its progress in developing the timeline and plan for assuming these responsibilities. Rather than adding a single subject-matter expert to the Board, it will be more productive for the Board to engage periodically with the range of experts at OSPI who will be developing the required plan and timeline.

While I am vetoing this bill, I am encouraging the Board to engage with both OSPI and the Partnership Council on Juvenile Justice around institutional education and related issues.

For these reasons I have vetoed Substitute House Bill No. 1590 in its entirety.

Respectfully submitted,

Jay Inslee  
Governor



STATE OF WASHINGTON  
— OFFICE OF GOVERNOR JAY INSLEE —

May 10, 2023

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 3 and 9, Engrossed Substitute House Bill No. 1173 entitled:

"AN ACT Relating to reducing light pollution associated with certain energy infrastructure."

This bill generally provides clear requirements for installation of FAA-approved light-mitigation systems on both existing and new wind energy facilities. However, Section 3 adds a confusing layer of direction for local governments by stating that they may adopt ordinances that may include specifications for light-mitigating systems. The provision is confusing because it states such ordinances may contain criteria including "conditions under which light mitigation is required", but the underlying bill makes clear that all wind energy facilities require light mitigation. Additionally, such ordinances could dictate which particular light mitigation system a facility-operator must use and could create a patchwork of different requirements that vary by jurisdiction. The bill delivers clearer and more consistent light-mitigation benefits for communities without Section 3.

Section 9 is an emergency clause. However, the requirements of this bill are not "necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions".

For these reasons I have vetoed Sections 3 and 9 of Engrossed Substitute House Bill No. 1173.

With the exception of Sections 3 and 9, Engrossed Substitute House Bill No. 1173 is approved.

Respectfully submitted,

Jay Inslee  
Governor



STATE OF WASHINGTON  
— OFFICE OF GOVERNOR JAY INSLEE —

May 10, 2023

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 5, Engrossed House Bill No. 1337 entitled:

"AN ACT Relating to expanding housing options by easing barriers to the construction and use of accessory dwelling units."

Section 5 of the bill gives local governments authority to waive or defer fees, defer payment of taxes, or waive other regulations for the development of accessory dwelling units (ADUs) if specified conditions are met. The specified conditions are that the ADU must be located within an urban growth area, and the ADU must be subject to a locally adopted covenant program ensuring that the ADU will be primarily utilized for long-term housing. Current law allows local governments to waive fees, taxes, and to establish various incentives for the construction of ADUs without requiring the creation of a local covenant program. The administrative costs necessary to administer a new covenant program for ADUs may cause some cities to discontinue current incentive programs.

For these reasons I have vetoed Section 5 of Engrossed House Bill No. 1337.

With the exception of Section 5, Engrossed House Bill No. 1337 is approved.

Respectfully submitted,

Jay Inslee  
Governor



STATE OF WASHINGTON  
— OFFICE OF GOVERNOR JAY INSLEE —

May 10, 2023

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 3, Substitute House Bill No. 1500 entitled:

"AN ACT Relating to increasing the cap on gross sales for cottage food operations."

This bill revitalizes the cottage food program and ensures that the annual gross sales cap is maintained with inflationary adjustments. Cottage food products are important for Washingtonians, and I applaud the merits of these updates.

Section 3 requires that sufficient full-time equivalent staff are maintained to ensure timely processing of permits and to provide improved service levels. One additional full-time staff position was funded in the final budget for this purpose, which satisfies the current state of "sufficient" support. However, requiring the maintenance of sufficient staff regardless of funding puts the Department of Agriculture at risk of needing to reduce higher priorities if appropriations are reduced in future biennia.

For these reasons I have vetoed Section 3 of Substitute House Bill No. 1500.

With the exception of Section 3, Substitute House Bill No. 1500 is approved.

Respectfully submitted,

Jay Inslee  
Governor



STATE OF WASHINGTON  
— OFFICE OF GOVERNOR JAY INSLEE —

May 11, 2023

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 2, Engrossed Substitute House Bill No. 1436 entitled:

"AN ACT Relating to special education funding."

Section 2 requires the Joint Legislative Audit and Review Committee and the State Auditor to conduct a performance audit of the state's special education system. Subsection 5 of Section 2 provides that these entities shall be considered authorized representatives of relevant state education authorities, including the Superintendent of Public Instruction and the Department of Children, Youth, and Families, for the purpose of accessing student records for this evaluation. This provision conflicts with policies that favor the protection of student records and individual student privacy, without a corresponding need for that confidential, personal information.

For these reasons I have vetoed Section 2 of Engrossed Substitute House Bill No. 1436.

With the exception of Section 2, Engrossed Substitute House Bill No. 1436 is approved.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Jay Inslee  
Governor



STATE OF WASHINGTON  
— OFFICE OF GOVERNOR JAY INSLEE —

May 12, 2023

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 3, Second Substitute House Bill No. 1580 entitled:

"AN ACT Relating to creating a system to support children in crisis."

Section 3 is an emergency clause. The funding for this bill is not available until fiscal year 2024. Therefore, there is not a strong justification for an emergency clause.

For these reasons I have vetoed Section 3 of Second Substitute House Bill No. 1580.

With the exception of Section 3, Second Substitute House Bill No. 1580 is approved.

Respectfully submitted,

Jay Inslee  
Governor



STATE OF WASHINGTON  
— OFFICE OF GOVERNOR JAY INSLEE —

May 12, 2023

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 1 , Engrossed House Bill No. 1846 entitled:

"AN ACT Relating to addressing vessel procurement at the Washington state ferries."

Section 1 is an intent section that expresses the environmental and labor values of our state. The bill includes a 13 percent in-state credit which is designed to reflect the environmental and labor values of our state in the procurement process. As a result, Section 1 is not necessary.

For these reasons I have vetoed Section 1 of Engrossed House Bill No. 1846.

With the exception of Section 1 , Engrossed House Bill No. 1846 is approved.

Respectfully submitted,

Jay Inslee  
Governor



STATE OF WASHINGTON  
— OFFICE OF GOVERNOR JAY INSLEE —

May 16, 2023

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 1002, 1006, 1008, 1018, 2021, 2024, 2027, 2040, 2041, 2070, 2071, 2095, 2102, 3003, 3012, and 3020, House Bill No. 1066 entitled:

"AN ACT Relating to making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025."

Sections 1002, 1006, 1008, 1018, 2021, 2024, 2027, 2040, 2041, 2070, 2071, 2095, 2102, 3003, 3012, and 3020 of this bill amend statutes that were also amended in other bills enacted by the Legislature this session. Therefore, I am vetoing those sections to avoid any confusion that may arise from these double amendments.

For these reasons I have vetoed Sections 1002, 1006, 1008, 1018, 2021, 2024, 2027, 2040, 2041, 2070, 2071, 2095, 2102, 3003, 3012, and 3020 of House Bill No. 1066.

With the exception of Sections 1002, 1006, 1008, 1018, 2021, 2024, 2027, 2040, 2041, 2070, 2071, 2095, 2102, 3003, 3012, and 3020, House Bill No. 1066 is approved.

Respectfully submitted,

Jay Inslee  
Governor





STATE OF WASHINGTON  
 — OFFICE OF GOVERNOR JAY INSLEE —

May 16, 2023

To the Honorable Speaker and Members,  
 The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 204(3), 207(5), 208(10), 211(1), 215(3), 217(6), 218(5), 219(2), 221(18), 223(3), 224(4), 208(29), 208(31), 213(5), 214(7), 215(4), 217(10), 219(11), 219(12), 224(3), 701(1), 804, 1102(1), 1102(14), 208(17), 208(18), 208(19), and 208(33), Engrossed Substitute House Bill No. 1125 entitled:

"AN ACT Relating to transportation funding and appropriations."

**Section 204(3), pages 15-16, Joint Transportation Committee, Oversight of Ferry Procurement**

This section directs the Joint Transportation Committee to hire a consultant to provide oversight of ferry documents and procedures relating to the procurement of hybrid-electric ferry vessels. This extra step to require the Joint Transportation Committee to hire a consultant will create inefficiencies in the ferry procurement process. Also, because there is a third-party consultant required in Engrossed House Bill 1846, this work could be duplicative. For these reasons, I have vetoed Section 204(3). However, I am directing Washington State Ferries to regularly engage with legislators as it works to implement a new ferry vessel procurement process.

**Section 207(5), page 27, Washington State Patrol**

**Section 208(10), page 35, Department of Licensing**

**Section 211(1), page 44, Department of Transportation, Facilities**

**Section 215(3), page 51, Department of Transportation, Public-Private Partnerships**

**Section 217(6), page 59, Department of Transportation, Transportation Operations**

**Section 218(5), page 65, Department of Transportation, Transportation Management and Support**

**Section 219(2), pages 65-66, Department of Transportation, Planning**

**Section 221(18), page 78, Department of Transportation, Public Transportation**

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Page 2

**Section 223(3), page 85, Department of Transportation, Rail**

**Section 224(4), page 87, Department of Transportation, Local Programs**

These sections identify the Legislature's intent to monitor and adjust appropriations in the future. The proviso language suggests that agencies should hire staff beyond their appropriation authority. The law prohibits agencies from spending more than their authorized appropriation levels. For this reason, I have vetoed Sections 207(5), 208(10), 211(1), 215(3), 217(6), 218(5), 219(2), 221(18), 223(3), and 224(4).

**Section 208(29), page 40, Department of Licensing, Per-Mile Fee Program Study**

This section directs the Department of Licensing to study, in consultation with the Washington State Transportation Commission, the feasibility of implementing and administering a per-mile fee program. This work pre-supposes a per-mile fee program will be adopted despite the need to consider broader options for alternative funding sources for transportation. For this reason, I have vetoed Section 208(29).

**Section 208(31), page 41, Department of Licensing, Vehicle Odometer Readings**

This section provides appropriations to implement Engrossed Substitute House Bill 1736 (vehicle odometer readings). Previously, I vetoed ESHB 1736; therefore, the funding to implement this bill is no longer necessary. For this reason, I have vetoed Section 208(31).

**Section 213(5), pages 47-48, Department of Transportation, Aviation Impacts**

This section directs the Department of Transportation to evaluate and report on the operational and technological enhancements addressing the environmental impacts from commercial aviation activities. The appropriation is insufficient to conduct a thorough evaluation. For this reason, I have vetoed Section 213(5).

**Section 214(7), pages 49-50, Department of Transportation, State Route 532 Surplus Parcel**

This section requires the Department of Transportation to certify that the property located south of State Route 532 and west of Interstate 5 in the vicinity of the intersection of SR 532 and 19th Avenue NW is no longer needed for the state highway system, and to convey the roadway and access rights to the county. The conveyance of access rights to the state highway would improperly delegate to the county the important responsibility of ensuring the safety and operation of a state limited access facility, contrary to the department's existing statutory authority under chapter 47.52 RCW. This raises significant safety concerns of increasing access to SR 532 at this location. For this reason, I have vetoed Section 214(7).

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Page 3

**Section 215(4), page 51, Department of Transportation, Hydrogen Refueling Stations**

The department is directed to pursue federal funding for hydrogen fueling stations for passenger and light-truck vehicles as well as medium and heavy-duty vehicles. While there is a stated intent to provide state matching funds for federal grants, the budget provides no such funding nor is funding provided for staff to pursue federal grants. In addition, green hydrogen is best suited for medium and heavy-duty vehicles, rather than passenger and light-duty vehicles. For these reasons, I have vetoed Section 215(4).

**Section 217(10), pages 60-61, Department of Transportation, Weigh Station Preclearance Program**

Requirements in this section contradict the existing Weigh Station Strategic Plan adopted by the Washington State Patrol and Department of Transportation and the existing weigh station preclearance system. For this reason, I have vetoed Section 217(10).

**Section 219(11), pages 69-70, Department of Transportation, State Route 904 Corridor Study**

This section requires the Department of Transportation to plan for improvements on State Route 904. Given the limited availability of funds for the department to perform basic operations, it is not prudent for the state to undertake new work at this time. For this reason, I have vetoed Section 219(11).

**Section 219(12), page 70, Department of Transportation, U.S. Highway 12 Safety Improvement Study**

This section requires the Department of Transportation to perform an analysis of the state and local transportation network around an interchange on US 12. Given the limited availability of funds for the department to perform basic operations, it is not prudent for the state to undertake new work at this time. For this reason, I have vetoed Section 219(12).

**Section 224(3), page 87, Department of Transportation, Active Transportation Program**

This section requires the Department of Transportation to examine and report on the feasibility of creating a new program for active transportation. Although I support the department evaluating its program structures, I have vetoed Section 224(3) because it only focuses on one program. However, I am directing the department to develop options and recommendations to address the restructuring or creation of programs, particularly related to active transportation.

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 Page 4

This work is important but should be comprehensive and funded.

**Section 701(1), page 139, Washington State Patrol, Aerial Criminal Investigation Tools**

This section places the purchase of replacement "aerial criminal investigation tools" for the Washington State Patrol under the oversight of the Office of the Chief Information Officer (OCIO). The term "aerial criminal investigation tools" is broad and could apply to both unmanned aerial vehicles, as well as other items such as Cessna airplanes that are funded in the budget. In addition, management of unmanned aerial vehicles or airplanes under the OCIO's information technology oversight requirements is inappropriate. For these reasons, I have vetoed Section 701(1).

**Section 804, page 162, lines 11-12, 14-15, 20-25, and 32-34, and Section 1102(1), page 258, Department of Licensing, Appropriation and Repeal Section**

These sections reduce appropriations for the Department of Licensing in the 2021-23 biennium. The department needs these appropriations to close the fiscal year. For this reason, I have vetoed changes to the appropriations in Section 804 and Section 1102(1). However, because this will result in more appropriation authority than the department needs to close the fiscal year, I am directing the Department of Licensing to place any excess authority in unallotted status.

**Section 1102(14), page 258, Department of Transportation, 2022 Project List**

This section repeals the 2022 project list and associated funding in Program I - Improvements. Repealing this section from Chapter 187, Laws of 2022 removes the department's authority to spend on capital projects for which work has already started. This authority is necessary for the department to close the current biennium. For this reason, I have vetoed Section 1102(14). However, because this will result in more appropriation authority than the department needs to close the fiscal year, I am directing the Department of Transportation to place any excess authority in unallotted status.

The following sections provided funding to the Department of Licensing to implement bills which did not pass the Legislature. Because the funding has lapsed, I have vetoed Section 208(17), Section 208(18), Section 208(19), and Section 208(33).

**Section 208(17), page 36, Department of Licensing, Senate Bill 5333, State Sport Special License Plate**

**Section 208(18), page 36, Department of Licensing, Senate Bill 5590/House Bill 1489,**

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**Mount St. Helens Special License Plate**

**Section 208(19), page 36, Department of Licensing, Senate Bill 5738/House Bill 1829,  
LeMay-America's Car Museum Special License Plate**

**Section 208(33), page 41, Department of Licensing, Substitute House Bill 1493, Impaired  
Driving**

For these reasons I have vetoed Sections 204(3), 207(5), 208(10), 211(1), 215(3), 217(6), 218(5), 219(2), 221(18), 223(3), 224(4), 208(29), 208(31), 213(5), 214(7), 215(4), 217(10), 219(11), 219(12), 224(3), 701(1), 804, 1102(1), 1102(14), 208(17), 208(18), 208(19), and 208(33) of Engrossed Substitute House Bill No. 1125.

With the exception of Sections 204(3), 207(5), 208(10), 211(1), 215(3), 217(6), 218(5), 219(2), 221(18), 223(3), 224(4), 208(29), 208(31), 213(5), 214(7), 215(4), 217(10), 219(11), 219(12), 224(3), 701(1), 804, 1102(1), 1102(14), 208(17), 208(18), 208(19), and 208(33), Engrossed Substitute House Bill No. 1125 is approved.

Respectfully submitted,



Jay Inslee  
Governor



STATE OF WASHINGTON  
OFFICE OF GOVERNOR JAY INSLEE

May 16, 2023

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute House Bill No. 1736 entitled:

"AN ACT Relating to requiring the department of licensing to collect vehicle odometer readings at the time of original vehicle registration and registration renewal."

Engrossed Substitute House Bill 1736 directs the Department of Licensing to request drivers to voluntarily provide their vehicle odometer reading upon registration or renewal. Although voluntary, requesting this information from vehicle owners presupposes a future per-mile program as an alternative transportation funding mechanism. Yet, there is a need to consider both a per-mile fee program as well as broader options for alternative funding sources for transportation. I encourage the legislature to continue considering a variety of funding sources, including but not limited to, a per-mile fee before requesting odometer readings from vehicle owners.

For these reasons I have vetoed Engrossed Substitute House Bill No. 1736 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Jay Inslee  
Governor



STATE OF WASHINGTON  
— OFFICE OF GOVERNOR JAY INSLEE —

May 16, 2023

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 3, 5, 7 and 8, Engrossed Substitute House Bill No. 1791 entitled:

"AN ACT Relating to studying the need for increased commercial aviation services."

Engrossed Substitute House Bill 1791 bill creates a new State Commercial Aviation Work Group and directs them to study the need for additional airport capacity in Washington, including siting a new airport. Section 3 directs the Work Group to simultaneously consider expanding capacity at existing airports and siting a new airport. However, it is important for the state to first fully consider increasing capacity at existing airports throughout the state, excluding SeaTac, before it considers siting a new airport.

Section 5 amends the 2022 supplemental transportation budget and redirects funds that have already been spent.

Section 7 repeals three uncodified sections from the 2021 - 2023 budgets that would reinstate an expiration date for the current workgroup of July 1, 2022. Since the current workgroup has been conducting the activities authorized by law subsequent to that date, the authority to carry out those activities cannot be retroactively removed.

Section 8 is an emergency clause. The current Commercial Aviation Coordinating Commission will expire June 30, 2023. The existing Commission is required to report a single site to the legislature by June 15 and that report should reflect the findings of the Commission that they do not have a single site recommendation at this time. Therefore, an emergency clause is not needed.

For these reasons I have vetoed Sections 3, 5, 7 and 8 of Engrossed Substitute House Bill No. 1791.

With the exception of Sections 3, 5, 7 and 8, Engrossed Substitute House Bill No. 1791 is approved.

Respectfully submitted,

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A handwritten signature in blue ink, appearing to read "Jay Inslee". The signature is fluid and cursive, with a large initial "J" and "I".

Jay Inslee  
Governor



**ABORTION (See also CONTRACEPTION)**

- Corrections, department of, establishing program to distribute abortion medication: **HB 1854, \*SB 5768, CH 195 (2023)**
- Employers, allowing recovery of damages for judgments involving permitted services: **HB 1286**
- Financial responsibility/funds expenditure, when minor is under age 17, prohibiting without parent/guardian consent: **HB 1788**
- Health carriers, cost sharing prohibition: **HB 1115, \*SB 5242, CH 194 (2023)**
- Information, health care entity limiting of provider's provision of, prohibition: **HB 1035**
- Minors, exempting persons sheltering minors from reporting requirements in cases of protected services: **\*ESSB 5599, CH 408 (2023)**
- Reproductive freedom, right to choose to have abortion or use contraception, constitutional amendment to set forth: **HJR 4201**
- Reproductive health care services, access to, civil and criminal procedural protections: **HB 1469**
- Reproductive health care services, shield law, claim for interference with protected health care services lawful in WA: **HB 1469**
- Reproductive health care, access to, in relation to health care entity material change transactions: **HB 1263**

**ADMINISTRATIVE OFFICE OF THE COURTS**

- Hope card program, for issuance of cards by superior and district courts for protection order recipients, office to develop: **HB 1766**
- Jurors, juror demographics reporting requirement: **HB 1598, \*2SSB 5128, CH 316 (2023)**
- Open adoption agreements, requiring stakeholder engagement to discuss related issues: **HB 1591**
- State v. Blake, persons with qualifying conviction or nonconviction, legal financial obligations refund bureau, office to create: **HB 1492**
- State v. Blake, persons with qualifying conviction/nonconviction, vacation and legal financial obligations refund, office role: **HB 1492**
- Violence, domestic or other family member or intimate partner, protection order cases, office role: **HB 1715**
- Wire tap authorization reporting to office, repealing: **\*HB 1023, CH 129 (2023)**
- Work group, establishing to make recommendations for child care assistance program for jurors: **HB 1598, \*2SSB 5128, CH 316 (2023)**

**ADVERTISING (See also ELECTIONS; PUBLIC DISCLOSURE COMMISSION)**

- Cannabis products, with greater than 35 percent tetrahydrocannabinol, prohibiting in advertising or marketing material: **HB 1641**
- Grass roots lobbying campaigns, to influence legislation, expanding requirements: **\*HB 1317, CH 413 (2023)**
- Synthetic media, new chapter regulating: **HB 1442, \*ESSB 5152, CH 360 (2023)**

**AERONAUTICS**

- Aeronautics and military community, contributions to Washington State by, recognizing and honoring: **\*HR 4646 (2023)**
- Airports, international, county-owned eligible maintenance repair operators in certain counties, sales tax exemptions, when: **HB 1318**
- Airports, lead exposure associated with operating practices of, best management practices for reducing: **HB 1554**
- Airports, municipal airport commission membership requirements: **\*HB 1243, CH 247 (2023)**
- Airports, municipalities vesting authority for expansion, development, etc. in a municipal airport commission: **\*HB 1243, CH 247 (2023)**
- Airports, new construction at public use airports, sales/use tax exemptions for labor/services/materials/equipment: **HB 1331**
- Airports, private operator-held leasehold interests on new leases, exemption for: **HB 1331**
- Alternative jet fuels work group, convening: **HB 1505, \*ESSB 5447, CH 232 (2023)**
- Aviation and aerospace advisory committee, appointing and maintaining for advisory role: **HB 1040, HB 1531**
- Aviation gasoline used at airports, leaded, mitigating exposure impacts and transitioning to unleaded gasoline: **HB 1554**
- First round-the-world flight, centennial anniversary of, role of Friends of Magnuson Park in celebrating, recognizing: **\*HR 4646 (2023)**
- State commercial aviation coordinating work group, creating and funding: **HB 1791**
- Wildland fires, aviation assurance funding program, administering of, and creating office and convening board for: **HB 1498**
- Wind energy alternative energy resource facilities, requiring aircraft detection lighting systems: **HB 1173**

**AFRICAN AMERICANS**

Black Americans, recognizing the legacy and contributions of, and celebrating Black history month: **\*HR 4619 (2023)**  
 King, Dr. Martin Luther, Jr., honoring: **\*HR 4603 (2023)**  
 Russell, Bill, former NBA basketball player and coach, honoring life and accomplishments of: **\*HR 4621 (2023)**

**AGRICULTURE (See also AGRICULTURE, DEPARTMENT; FARMS AND FARMING; PEST CONTROL AND PESTICIDES)**

Apple industry, apple blossom festival, honoring 2023 apple blossom festival royal court: **\*HR 4630 (2023)**  
 Beef commission, authorizing funding purposes: ESSB 5150  
 Beef commission, increasing levied assessment and requiring geographical diversity for meetings: ESSB 5150  
 Daffodils, recognizing the daffodil festival, its organizers, and its royal court: **\*HR 4620 (2023)**  
 Fruit industry, apple blossom festival, honoring 2023 apple blossom festival royal court: **\*HR 4630 (2023)**  
 Lands, agricultural, critical areas used for agriculture, voluntary stewardship program, updating allowed participation date: HB 1421, **\*SSB 5353, CH 187 (2023)**  
 Lands, agricultural, prohibiting foreign ownership, leasing, holding of any interest, or being beneficiary of certain trusts, when: HB 1412  
 Local food and agricultural products, voluntary location-based program to brand and promote, advisory committee for: HB 1603  
 Location-based promotion program for state products: **\*ESB 5341, CH 276 (2023)**  
 Overtime, exempting agricultural workers for up to 50 hours for 12 weeks a year: HB 1523  
 Urban agricultural opportunities and barriers, studying: **\*HB 1552, CH 178 (2023)**

**AGRICULTURE, DEPARTMENT (See also AGRICULTURE; FARMS AND FARMING; PEST CONTROL AND PESTICIDES)**

Cannabis commission, Washington state, establishing with new chapter: HB 1581  
 Cannabis commission, Washington state, establishing with new chapter by referendum of producers: ESSB 5546  
 Cottage food operations, maximum sales limit for permit, department role: HB 1500  
 Food assistance program, appropriation for grants to hunger relief organizations, department role: HB 1784  
 Food assistance programs, funding provided to food banks by department via, using for essential nonfood items: HB 1499  
 Fur farm transition grant program, establishing: HB 1034  
 Livestock identification program, requiring advisory committee review of fees: **\*SSB 5439, CH 46 (2023)**  
 Local food and agricultural products, voluntary location-based program for, advisory committee for, establishing, department role: HB 1603  
 Location-based promotion program for state products, creating advisory committee for recommendations and authorizing implementation: **\*ESB 5341, CH 276 (2023)**  
 Pesticide advisory board, establishing to advise department: HB 1019

**AIR POLLUTION CONTROL AUTHORITIES**

Aviation gasoline, leaded, prohibitions and violations enforcement role of activated authorities: HB 1554

**ALCOHOLIC BEVERAGES (See also BUSINESSES; CRIMES; DRIVERS AND DRIVERS' LICENSES; FOOD AND FOOD PRODUCTS; SUBSTANCE USE DISORDER; TRAFFIC OFFENSES)**

Cannabis/tetrahydrocannabinol, consumable products containing beer/wine/spirits/other liquor in combination with, prohibiting: **\*HB 1772, CH 217 (2023)**  
 Drug and alcohol clearinghouse, query of, for commercial vehicle driver licensing or learner permitting purposes: HB 1448, **\*SB 5041, CH 35 (2023)**  
 Licenses, alcohol delivery license to deliver spirits, beer, and wine: HB 1375  
 Licenses, beer and/or wine specialty shop, endorsement to sell certain amounts of beer or wine for on-premises consumption: HB 1803  
 Licenses, special occasion for not-for-profit society or organization, enhanced special occasion license, creating: HB 1765  
 Licenses, various, alcohol delivery endorsement for, creating: HB 1375, **\*SSB 5448, CH 279 (2023)**  
 Low-proof beverages, altering taxation to per-gallon: HB 1344  
 Permits, alcohol server permit/class 12 permit, for employees conducting deliveries for a delivery license holder: HB 1375, **\*SSB 5448, CH 279 (2023)**  
 Permits, annual special permit allowing complimentary bottle of wine for short-term rental lodging guests: HB 1731

Production facilities of licensees, allowing employees and some interns 18 to 21 years of age to work in: HB 1299  
 Spirits, purchased by veterans' service organization as fund-raising prize for event, sales tax exemption for: HB 1672  
 Spirits, retail sale in original package, mini-bottles exclusion from sales tax, removing expiration date: HB 1375  
 Takeout sales, meal accompaniment and delivery requirements: **\*SSB 5448, CH 279 (2023)**  
 Wine retailer shipper's permit, creating: HB 1016  
 Wineries, tax exemption for first 20,000 gallons sold: HB 1182

#### **ANDY HILL CANCER RESEARCH ENDOWMENT (CARE) FUND**

Grants for research, criteria for evaluating requests for, adding participation of underrepresented communities to: HB 1745

#### **ANIMALS (See also LIVESTOCK)**

Abuse, civil forfeiture in cases of abuse or neglect: HB 1234  
 Adoption, exempting fess from B&O taxes for nonprofit organizations: HB 1653  
 Cruelty free cosmetics act, prohibiting sale of cosmetics tested using animals: HB 1097  
 Dog guides, persons with disabilities using, discrimination against, civil actions alleging: HB 1760  
 Dogs and cats, prohibiting and voiding consumer leases, retail installment transactions, and loans for purchase: HB 1424  
 Dogs and cats, prohibiting pet store sales and regulating pet store showcasing of adoptable dogs or cats: HB 1424  
 Dogs, certain breeds of, residential insurance policy denial or discontinuation by insurer due to, prohibiting, when: HB 1634  
 Dogs, increasing accessibility of courthouse facility dogs for witness use: HB 1077  
 Exotic or wild animals, prohibiting display for entertainment via wild or exotic animal protection act: HB 1157  
 Northern spotted owl, authorizing voluntary programmatic safe harbor agreements for private landowners: **\*SB 5390, CH 119 (2023)**  
 Pet insurance, new chapter: HB 1208, **\*SB 5319, CH 42 (2023)**  
 Police dogs, canine teams, training and certification to detect fentanyl, model standards for: HB 1635  
 Service animals, persons with disabilities using, discrimination against, civil actions alleging: HB 1760

#### **APPRENTICES AND APPRENTICESHIP PROGRAMS**

Approval process for new programs, removing competitor objections outside public comment from: HB 1773  
 Journey level electrical apprenticeship programs, availability and accessibility of, studying: HB 1393  
 Postsecondary credentials, credential transparency work group, creating: HB 1821  
 Programs, financial aid, Native American scholarship program, establishing: HB 1399  
 Regional apprenticeship pilot program, establishing: HB 1013  
 Unemployment compensation, apprenticeship program participant barriers when seeking benefits, work group on, convening: HB 1458  
 Unemployment compensation, one week waiting period for benefits, waiving for apprenticeship program participants, when: HB 1458  
 Utilization of apprentices, for public works municipality, DOT, school district, and 4-year college contracts: HB 1050  
 Working connections child care, expanding eligibility for persons enrolled in apprenticeship programs: HB 1525

#### **ART AND ARTWORKS**

Billy Frank Jr., statue of, duplicate cast to be created and installed at legislative building: HB 1639  
 Eastern Washington, memorial commemorating geological and cultural diversity of, requirements for a: HB 1700  
 Kimura, Fumiko, sumi artist, Puget Sound sumi artists association founding member, honoring: **\*HR 4622 (2023)**

#### **ARTS COMMISSION**

Billy Frank Jr. national statuary hall selection committee, commission role: HB 1639

#### **ASIAN PACIFIC AMERICAN AFFAIRS, STATE COMMISSION**

Chinese American month, designating January as: HB 1759

#### **ASIAN PACIFIC AMERICANS**

Chinese American month, designating January as: HB 1759  
 Filipino Americans, historical/cultural contributions of, K-12 public school instruction about, materials/resources for: HB 1749  
 Japanese American veterans, incarcerated, and civil rights activists, recognizing and remembering: **\*HR 4615 (2023)**  
 Kimura, Fumiko, sumi artist, Puget Sound sumi artists association, honoring: **\*HR 4622 (2023)**

**ATTORNEY GENERAL**

Cold case unit, creating for investigation of missing and murdered indigenous women and people: HB 1177  
 Domestic violence extremism commission, establishing, AG role: HB 1333  
 Firearm industry responsibility and gun violence victims' access to justice act, AG role: HB 1130, **\*SSB 5078, CH 163 (2023)**  
 Hate crime advisory working group, decodifying section due to expiration: **\*HB 1066, CH 470 (2023) PV**  
 Hate crime and bias incident compensation program, creating: HB 1410  
 Health care market participants, material change transactions involving, AG oversight role: HB 1263  
 Health care market participants, material change transactions involving, two studies of impact of, AG role: HB 1263  
 Independent prosecutions unit, establishing in AG's office for alleged criminal offenses by police using deadly force: HB 1579  
 Landlords engaging in prohibited residential rent practices, AG investigation and enforcement authority: HB 1388  
 Law enforcement or local corrections agencies, AG investigation of violations of state constitution or state law by: HB 1445  
 Missing and murdered indigenous women and people resource, creating: 2SSB 5477  
 Missing and murdered indigenous women and people task force, Washington state, establishing: 2SSB 5477  
 Missing persons toolkit, for locating and recovering missing indigenous women and persons, AG role: **\*HB 1512, CH 212 (2023)**  
 Sexual assault forensic examination best practices advisory group, establishing: HB 1028  
 Washington state attorney general humane detention account, creating: HB 1470  
 Washington state children exposed to violence task force, establishing, AG role: HB 1439

**ATTORNEYS (See also ATTORNEY GENERAL; PUBLIC DEFENSE, OFFICE)**

Hyslop, William D. "Bill", attorney and two-time U. S. attorney for E. Washington, recognizing and honoring the life and work of: **\*HR 4638 (2023)**  
 Juvenile suspects, statements and physical evidence admissibility, requirements for suspect's attorney: HB 1607  
 Prosecuting attorneys, adult-victim sexual assault cases training for: HB 1028  
 Prosecuting attorneys, authority in actions based on special purpose district governing body member official misconduct: HB 1538  
 Prosecuting attorneys, deputy, extending eligibility for deputies to all U.S. citizens or lawful permanent residents: HB 1530

**AUDITOR, STATE**

Cap and invest program, requiring performance audit: HB 1659  
 Children, youth, and families, department of, auditor to conduct evaluation of DCYF's child welfare functions: HB 1754  
 Criminal records, receiving nonconvention data for process compliance audit and deadly force review: **\*HB 1179, CH 26 (2023)**  
 Rural counties, rural public facilities sales and use tax, providing revenue, project, and expenditure information on auditor website: HB 1267

**AUDITORS AND AUDITING (See also ELECTIONS)**

County auditors, document-recording assessment for covenant homeownership program, collecting: HB 1474  
 County auditors, document-recording surcharge, for local homeless housing and assistance, revising: HB 1367  
 County auditors, providing election materials language assistance for single language minority group in a county, when: HB 1861  
 County auditors, use of postal service endorsements allowing forwarding of election ballots, prohibiting: HB 1816  
 Konopaski, Keenan, retired legislative auditor, joint legislative audit and review committee, honoring: **\*HR 4608 (2023)**

**BACKGROUND CHECKS (See also FIREARMS)**

Health care workers, increasing professions requiring background checks: HB 1292, **\*SB 5252, CH 223 (2023)**  
 Long-term care workers, limiting sharing of federal background check information: HB 1292, **\*SB 5252, CH 223 (2023)**  
 Volunteers, schools and school districts, criminal records checks: HB 1354

**BLIND (See also ANIMALS; DISABILITIES, PERSONS WITH; DISCRIMINATION)**

Aged, blind, or disabled assistance program, concurrent receipt of supplemental security income not a debt: HB 1260  
 Aged, blind, or disabled, assistance program, modifying eligibility provisions: HB 1260  
 Disabilities, persons with, civil actions alleging discrimination against, modifying requirements, when: HB 1760

Service animals and dog guides, persons with disabilities using, discrimination against, civil actions alleging: HB 1760  
 Special education, improving access to and provision of services: HB 1305  
 Students who are blind or have low vision, public school consultation with state school for the blind: HB 1305

**BLIND, STATE SCHOOL FOR THE (See also BLIND; DISABILITIES, PERSONS WITH; DISCRIMINATION)**

Certificated teachers, increasing compensation for, basis for: HB 1825  
 Students who are blind or have low vision, public school consultation with state school: HB 1305

**BOATS AND BOATING**

Derelict vessels, appeals, substitution of administrative law judge for pollution control hearings board member: HB 1081, **\*SB 5192, CH 39 (2023)**  
 Derelict vessels, public entity notice of intent to obtain custody and related hearing request contesting entity custody, modifying: HB 1753  
 Liability, clarifying for hydroelectric facilities: **\*SSB 5145, CH 183 (2023)**  
 Paddle tours, business license requirement: HB 1145, **\*ESSB 5371, CH 452 (2023) PV**  
 Private moorage facilities, excess income from abandoned vessel sale, unclaimed property act cross-reference updates: **\*HB 1742, CH 258 (2023)**  
 Safety, encouraging water safety and rescue and drowning prevention, and recognizing May 15 as water safety day: **\*HB 1750, CH 181 (2023)**  
 Safety, requiring paddle education card via boating education courses to operate human-powered vessels: HB 1781  
 Southern resident orcas, increasing required boating distance: HB 1145, **\*ESSB 5371, CH 452 (2023) PV**  
 Southern resident orcas, recreational boating near, convening diverse work group for outreach and education strategies for: **\*ESSB 5371, CH 452 (2023) PV**

**BONDS (See also TRANSPORTATION)**

General obligation, authorizing 2021-2023 and 2023-2025 omnibus capital and operating appropriations: HB 1148  
 General obligation, authorizing bonds for Washington housing crisis response act purposes: HB 1149  
 General obligation, bond authorization for new forensic hospital at western state hospital: HB 1148  
 Housing crisis response act, Washington, authorizing general obligation bonds for: HB 1149  
 School district bonds and payment levies, at least 55% of voters to authorize: HB 1843, HJR 4207  
 School district bonds and payment levies, simple majority to authorize: HB 1353, HJR 4203  
 Unissued bonds, for Chehalis river basin flood hazard mitigation, expiration date: HB 1148  
 Unissued bonds, for school construction assistance grant program, expiration date: HB 1148  
 Unissued bonds, for school skill center facilities, expiration date: HB 1148

**BRIDGES (See also RIVERS AND STREAMS; ROADS AND HIGHWAYS)**

Columbia River, Interstate 5 bridge replacement project, designating as eligible toll facility: HB 1852, **\*SB 5765, CH 377 (2023)**  
 Jumping into cold waterways, signs re: cold-water shock hazards, role of state and local agencies: **\*HB 1004, CH 54 (2023)**

**BUDGETS (See also ECONOMIC AND REVENUE FORECAST COUNCIL)**

Bond authorization, 2021-2023 and 2023-2025 omnibus capital and operating appropriations: HB 1148  
 Capital, 2023-2025 and supplemental 2021-2023: HB 1147, **\*ESSB 5200, CH 474 (2023) PV**  
 Capital, capital budget matching grants program for higher education institutions, administering: HB 1256  
 Food assistance, basic food, appropriations to support people most impacted by the loss of: HB 1784  
 Operating, 2023-2025: HB 1140  
 Operating, 2023-2025 and second supplemental 2021-2023: **\*ESSB 5187, CH 475 (2023) PV**  
 Operating, second supplemental 2021-2023: HB 1141  
 Transportation budget, dedicating state sales and use taxes on motor vehicles to: HB 1472  
 Transportation, 2023-2025: HB 1125  
 Transportation, revenue forecast for, transferring to economic and revenue forecast council: HB 1838  
 Transportation, supplemental 2021-2023: HB 1126  
 Voter's pamphlet, state, to include information about budgets, budget bills, budgeted funds, and expenditures: HB 1158  
 Website presentation by LEAP and OFM, to include information about budgets, budget bills, budgeted funds, and expenditures: **\*ESSB 5082, CH 109 (2023)**

**BUILDING CODE COUNCIL (See also BUILDING CODES AND PERMITS; HOUSING AND HOMES)**

Codes, proposed changes, amendment petitions and adoption, and review of updated versions, requirements: HB 1404  
 Ethics and rules of procedure, training for members, employees, and technical advisory groups on: HB 1404  
 Multifamily residential structures, convening technical advisory group to consider single exit stairways: \*SSB 5491, CH 372 (2023)  
 Multiunit residential buildings, building and energy code provisions and building designs/styles for, council role: HB 1298  
 Operations, procedures, membership, director, and statutory authority of council, modifications: HB 1404  
 Residential treatment facilities, requiring adoption of R-4 classification of 2021 international building code: HB 1409  
 Temporary emergency shelters, requiring adoption of standards: \*SB 5553, CH 47 (2023)  
 Work group, convening for rule/code adoption to apply IRC to and provide IBC exemption for multiplex housing: HB 1167

**BUILDING CODES AND PERMITS (See also BUILDING CODE COUNCIL; BUILDINGS, COMMERCIAL; BUILDINGS, STATE; CLIMATE; ENVIRONMENT; GROWTH MANAGEMENT; HOUSING AND HOMES; LAND USE PLANNING AND DEVELOPMENT; REAL ESTATE AND REAL PROPERTY)**

Code officials, permit technicians, inspectors, et al., expedited licensing of private vocational schools offering training for: HB 1539  
 Codes, proposed changes, amendment petitions and adoption, and review of updated versions, requirements: HB 1404  
 Drinking fountains, requiring accompanying bottle filling stations: HB 1085  
 Energy code, for nonresidential buildings, rules adoption procedures and requirements, modifying: HB 1404  
 Fences, battery-charged fences that interface with an alarm system, restricting regulation of, when: HB 1304  
 Residential, middle housing, prohibiting development standards more restrictive than for detached single-family residences: HB 1167

**BUILDINGS, COMMERCIAL (See also BUILDINGS, STATE)**

Fences, battery-charged fences that interface with an alarm system, restricting regulation of, when: HB 1304  
 Statewide building energy upgrade navigator program for emissions reduction and energy services, establishing: HB 1391

**BUILDINGS, STATE (See also BUILDINGS, COMMERCIAL; CAPITOL CAMPUS, STATE)**

State campus district energy systems, owners of, decarbonization plan development by: HB 1390  
 State energy performance standard for covered commercial buildings, state campus district energy system owners under: HB 1390

**BUSINESS ORGANIZATIONS (See also COOPERATIVE ASSOCIATIONS; CORPORATIONS)**

Limited liability companies, campaign contributions, prohibiting contributions unless not formed solely to make: HB 1426, ESSB 5207  
 Vaccination or postinfection recovery documentation, prohibiting business entity from requiring for services etc.: HB 1827

**BUSINESSES (See also AERONAUTICS; AGRICULTURE; ALCOHOLIC BEVERAGES; BOATS AND BOATING; BUSINESS ORGANIZATIONS; CANNABIS; CONSUMER PROTECTION; CONTRACTORS; CORPORATIONS; CREDIT AND DEBIT CARDS; CURRENCY; DISCRIMINATION; EMPLOYMENT AND EMPLOYEES; ENVIRONMENTAL HEALTH AND SAFETY; FARMS AND FARMING; FINANCIAL INSTITUTIONS; FIREARMS; FOOD AND FOOD PRODUCTS; HEALTH CARE FACILITIES; INSURANCE; LABOR; LODGING; MANUFACTURING AND TECHNOLOGY; METALS; MINORITIES; OIL AND GAS; PHARMACIES AND PHARMACISTS; PROFESSIONS; REAL ESTATE AND REAL PROPERTY; SALES; SOLID WASTE; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; TAXES - BUSINESS AND OCCUPATION; TAXES - SALES; TAXES - USE; TELECOMMUNICATIONS; TOBACCO AND TOBACCO PRODUCTS; TOWING AND TOW TRUCKS; UNEMPLOYMENT COMPENSATION; UTILITIES; VAPOR PRODUCTS; WAGES AND SALARIES; WORKER TRAINING AND WORKFORCE NEEDS; WORKERS' COMPENSATION)**

Adult entertainment, restricting certain behavior toward employees: ESSB 5614  
 Collection agencies, certain fee and debt collection practices, modifying: HB 1666  
 Collection agencies, outstanding public debts owed to government entities and courts, provisions concerning: HB 1666  
 Commercial solicitation, prohibiting via robocalling or automatic dialing and to persons on do not call registry: HB 1051

- Construction, requiring training and certification for applicators of fire-resistant materials, and related provisions: HB 1323
- Contracts, for office equipment leasing or business services, automatic renewal provisions in, seller requirements: HB 1441
- Cottage food operations, maximum sales limit for permit, increasing: HB 1500
- Credit card payments, transaction processing fee for, authority of certain businesses to charge, requirements: HB 1666, HB 1727
- Credit services organizations, performing credit repair services, modifying regulation of: HB 1311
- Data brokers, registration and regulation of: HB 1799
- Data privacy, restricting consumer health data collection and sharing, requiring disclosures, and prohibiting sale: HB 1155
- Discrimination, prohibiting pricing difference on basis of gender: HB 1152, SSB 5171
- Employee ownership, Washington employee ownership program, commission, and revolving loan program account, creating: HB 1743
- Fitness centers, requiring defibrillator presence and training: ESB 5592
- Foreign export markets, diversifying to avoid particular-market dependence, assistance for businesses in: HB 1778
- Gift certificates and cards, presumed abandoned, updating cross-references to unclaimed property act: **\*HB 1742, CH 258 (2023)**
- Hospitality industry, restaurants etc., persons 18 years or older with duties not related to alcohol, conditions for employing: **\*HB 1730, CH 158 (2023) PV**
- Hospitality industry, restaurants, retail sales tax deposits in statewide tourism marketing account, raising collections limit: HB 1258
- Hotels, stay-to-play specific-lodging requirement for extracurricular tournament or event participation by nonlocal teams and individuals, prohibiting: HB 1860
- Kitchens, microenterprise home operations, regulation of, and permits and pilot program for: HB 1706
- Licenses, business license delinquency fee, adding additional cause for canceling: **\*HB 1742, CH 258 (2023)**
- Lodging, short-term rentals, annual permit allowing complimentary pre-rolled useable cannabis product for rental guests: HB 1822
- Lodging, short-term rentals, annual special liquor permit allowing complimentary bottle of wine for rental guests: HB 1731
- Lodging, stay-to-play specific-lodging requirement for extracurricular tournament or event participation by nonlocal teams and individuals, prohibiting: HB 1860
- Money transmitters, small, serving diverse communities, impact of de-risking on, requesting federal action to reduce: SJM 8005
- Online marketplaces, high-volume third-party sellers on platform, requirements: HB 1065
- Paddle tours, business license requirement: HB 1145, **\*ESSB 5371, CH 452 (2023) PV**
- Personal information, captured, processing by business entities, individual's rights and opt-in consent for: HB 1616
- Personal information, captured, processing by business entities, people's privacy act concerning: HB 1616
- Pet stores, prohibiting dog and cat sales by, and regulating pet store showcasing of adoptable dogs or cats: HB 1424
- Producers, requiring appliance stewardship plan for sale of covered appliances: HB 1164
- Restaurants, persons 18 years old or older performing services not related to alcohol, conditions for employment: **\*HB 1730, CH 158 (2023) PV**
- Restaurants, retail sales tax deposits in statewide tourism marketing account, raising collections limit: HB 1258
- Retailers, requiring producer compliance with appliance stewardship: HB 1164
- Small businesses, federal grants and loans for economic development funding, efforts to obtain, assistance for: HB 1767
- Small, exclave community small business relief program, developing and implementing: HB 1806
- Storage, self-service storage facilities, personal property lien for unpaid rent, unclaimed property act cross-reference updates: **\*HB 1742, CH 258 (2023)**
- Ticket sellers and resellers, licensing and regulation: HB 1648
- Tree line-clearance trimming businesses, defibrillator accessible availability for employees of: **\*HB 1542, CH 253 (2023)**
- Vaccination or postinfection recovery documentation, prohibiting business entity from requiring for services etc.: HB 1827
- Veterans and spouses of veterans and military members, tax credits for hiring: HB 1005

Warehouse distribution centers, employees subject to quotas, rights/health/safety of, and employer requirements: HB 1762

Warehouses, commercial truck parking and parking facilities, including truck and driver accommodations, facilitating: HB 1787

## CANNABIS

Advertisements and marketing material, for products with greater than 35 percent tetrahydrocannabinol, prohibiting: HB 1641

Agreements, interstate cannabis agreements for cross-jurisdictional purposes, authority for: **\*SB 5069, CH 264 (2023)**

Alcoholic beverages, consumable products containing cannabis or tetrahydrocannabinol in combination with, prohibiting: **\*HB 1772, CH 217 (2023)**

Businesses, interstate cannabis agreements for cross-jurisdictional purposes, authority for: **\*SB 5069, CH 264 (2023)**

Cannabis commission, Washington state, establishing with new chapter: HB 1581

Cannabis commission, Washington state, establishing with new chapter by referendum of producers: ESSB 5546

Cannabis, medical use, various provisions: **\*HB 1563, CH 254 (2023)**, HB 1641, HB 1642

Employees, lawfully consuming cannabis away from work, prohibiting employer discrimination in hiring against: **\*ESSB 5123, CH 359 (2023)**

Hemp consumables, distinguishing from cannabis: HB 1612, **\*E2SSB 5367, CH 365 (2023)**

Interstate agreements, authority for governor to enter: HB 1159

Labeling, requiring inclusion of amount of synthetic CBD in product: HB 1612, **\*E2SSB 5367, CH 365 (2023)**

Licensed cannabis retailer, terms of payment for cannabis processors: HB 1083

Licenses, regulating qualifications, suspension, and reissuance: HB 1341

Marijuana possession, vacation of qualifying convictions and legal financial obligations refunds under State v. Blake: HB 1492

Marijuana, references in RCW to, replacing with cannabis: **\*HB 1066, CH 470 (2023) PV**

Medical cannabis, sales by certain retailers to certain patients or providers, cannabis excise tax exemption for: HB 1453

Permits, short-term rentals, annual permit allowing complimentary pre-rolled useable cannabis product for rental guests: HB 1822

Possession, knowing possession of cannabis, misdemeanor: HB 1613

Possession, knowing possession of cannabis, misdemeanor, encouragement for diversion for: **\*E2SSB 5536, CH 1 (2023)**

Possession, knowing possession of cannabis, reintroducing E2SSB 5536 for consideration during 2023 first special session: **\*SCR 8409 (2023)**

Possession, knowingly possessing when under 21, prohibiting: HB 1415

Possession, person under 18 in vehicle with driver under 21 possessing cannabis, officer notification of parent of: HB 1802

Products, cannabis-infused products in liquid form, retail sale and retail outlet and individual possession amount limits: HB 1249, SB 5340

Products, high-potency concentrates, provisions: HB 1641, HB 1642

Products, with greater than 35 percent tetrahydrocannabinol, label requirements and sales restrictions, when: HB 1641

Products, with greater than 35 percent tetrahydrocannabinol, point-of-sale information about potential harms of consuming: HB 1641

Products, with greater than 35 percent tetrahydrocannabinol, retail sales prohibition and medical cannabis exception: HB 1642

Regulation of cannabis, limiting to state of Washington except for county/city/town retail facility prohibitions, when: HB 1650

Retail sales facilities, prohibiting siting of, restricting county/city/town authority for, and requiring voter approval: HB 1650

Retailers, banning regulation of retail sign size: SB 5363

Social equity program, modifying license, applicant, licensee, and social equity plan provisions: HB 1790, **\*E2SSB 5080, CH 220 (2023)**

Taxes, scaling by THC content: HB 1595, HB 1641

Unlawful possession of controlled substance, excluding housing unit occupant possession of plants from, when: HB 1614

Violations, seizure and forfeiture of real property due to, cannabis exclusions from, when: HB 1614



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Billy Frank Jr., statue of, duplicate cast to be created and installed at legislative building: HB 1639  
 Eastern Washington, memorial commemorating geological and cultural diversity of, requirements for a: HB 1700  
 Natural resources building, renaming as Jennifer Belcher building: HCR 4402  
 State capitol committee, campus memorial commemorating eastern Washington, committee or subcommittee role: HB 1700

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Developmental disabilities, forecasting number of waiver services-eligible individuals who have also received certain child welfare services: HB 1188  
 Washington future fund program, appropriations from, role of council: HB 1094  
 Working families tax credit, including in caseload forecast: **\*HB 1218, CH 244 (2023)**

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Authorizers of schools, role of and requirements for, modifying: HB 1744  
 Boards of schools, members and administrative staff annual training: HB 1744  
 Commission, clarifying mission and establishing state board of education oversight: HB 1744  
 Duties, specifying in relation to special education, noncertificated instructional staff, and accountability measures: HB 1744  
 Funding, equal access to state grants and enrichment grants for: HB 1418

**CHIEF INFORMATION OFFICER, OFFICE OF THE STATE**

Enterprise technology standards, for malware and ransomware protection, and prevention education, office role: HB 1464  
 Privacy and data protection, office of, captured personal information security standards, developing, office role: HB 1616  
 Privacy and data protection, office of, eliminating certain reporting requirement: HB 1362  
 Ransomware education and outreach program, for public agencies, office to establish: HB 1464  
 Ransomware protection act, WA state, ransomware/malicious cyber activities protections, office role: HB 1464  
 Security subcommittee, creating as subcommittee of technology services board: **\*2SSB 5518, CH 124 (2023)**

**CHILD CARE**

Assistance, employer providing to employees, credit against B&O tax for: HB 1716  
 Centers, maximum group size and center staff-to-children ratio, for preschoolers and for school-age children: HB 1537  
 Child care worker pilot program, for students, establishing: HB 1451  
 Early achievers program, changing participation from mandatory to voluntary: HB 1697  
 Homeless encampments, requiring county and city prohibition on public property within 500 feet of child care centers: HB 1373  
 Owners or employees, pilot program for loans to certain workers/occupations for home down payment/closing costs: HB 1633  
 Providers, instructional handbook for all, DCYF to create and provide incentive for reading: HB 1739  
 Substitute pool for child care and early learning providers, expanding and providing career coaching: HB 1451  
 Workers, grant program for working with child care workers to establish new child care and early learning programs: HB 1451  
 Working connections child care, expanding eligibility for persons enrolled in apprenticeship programs: HB 1525  
 Working connections child care, income calculation for, excluding child support, social security, and SSI payments from: HB 1511  
 Working connections program, access for certain families, child care employees, college students, and others: **\*2SSB 5225, CH 222 (2023)**

**CHILDREN (See also CHILD CARE; CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT; CORRECTIONAL FACILITIES AND JAILS; COURTS; DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH; DOMESTIC RELATIONS; FOSTER CARE; GUARDIANSHIP; JUVENILES AND JUVENILE COURT; PUBLIC ASSISTANCE; SCHOOLS AND SCHOOL DISTRICTS; SEX OFFENSES AND OFFENDERS; SUPERINTENDENT OF PUBLIC INSTRUCTION, OFFICE (OSPI))**

Abuse or neglect, reporting by clergy, requirements: HB 1036, HB 1098, SB 5280  
 Abuse, children exposed to violence, aiding with children's advocacy centers, pilot program, and task force: HB 1439  
 Child care centers, barring common interest communities from restricting care centers: **\*HB 1199, CH 203 (2023)**

Child marriage, prohibiting marriage before age 18: HB 1455  
 Child protective services, workers not required to go alone to private location when risk of violence, requirements: HB 1673  
 Child welfare services, caregivers for, automated notification system for communicating with: HB 1430  
 Child welfare services, caregivers for, caregiver communication specialist position within DCYF, establishing: HB 1430  
 Child welfare services, DCYF's child welfare functions, state auditor to conduct evaluation of: HB 1754  
 Child welfare services, investigations, including certain voluntary placement agreement cases, public defense counsel for parents: HB 1295  
 Child welfare services, workers not required to go alone to private location when risk of violence, requirements: HB 1673  
 Children's day, celebrating: **\*HR 4616 (2023)**  
 Complex medical needs, parents of children under 18 with, paying parents to provide care, DSHS to study feasibility of: HB 1694  
 Crimes, altering age thresholds for justice system: HB 1440  
 Early intervention services, special education, early support for infants and toddlers program, calculating funding for: HB 1676  
 Insulin for individuals under the age of 21 bulk purchasing and distribution program, establishing: HB 1725  
 Judgments, interest accrual when plaintiff was a minor: HB 1649  
 Malnutrition, child malnutrition field guide for DCYF staff, production and availability of, requirements: **\*EHB 1274, CH 70 (2023)**  
 Military children, interstate compact on educational opportunity for, correcting certain cross-references in: **\*HB 1066, CH 470 (2023) PV**  
 Prenatal substance exposure, availability of services: HB 1168  
 Resource and assessment centers, expanding provision of care by, including up to age 17 and for up to 14 days: HB 1685, ESB 5691  
 Schools, redacting personal information for public inspection: **\*SSB 5127, CH 182 (2023)**  
 Shelter, exempting persons sheltering minors from reporting requirements in cases of protected services: **\*ESSB 5599, CH 408 (2023)**  
 Uniform child abduction prevention act, enacting new chapter: HB 1121  
 Upbringing, education, health care, and mental health of minor child, fundamental rights of a parent to direct: HB 1601  
 Violence, children exposed to, aiding via children's advocacy centers, pilot project, and task force: HB 1439  
 Violence, children exposed to, peer review of child forensic interviews, with children's advocacy centers hosting: HB 1439  
 Vlogs, for-profit, of family or individual vlogger, minor children featured on, setting aside earnings on video content for: HB 1627  
 Youth development programs grant program, including expanded learning opportunities, developing and implementing: HB 1386  
 Youth shelters, allowing stay of up to 90 days in certain circumstances: HB 1406

**CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT (See also CHILD CARE; DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH; JUVENILES AND JUVENILE COURT)**

Adult protective services, inclusion of employees as mandated reporters: HB 1528, **\*SB 5370, CH 44 (2023)**  
 Background checks, certain fees paid by department for foster care and child care applicants: **\*SB 5316, CH 437 (2023)**  
 Birth to three early childhood education and assistance program, income calculation for, excluding certain payments from: HB 1511  
 Casework supervision, extending for children returned from foster care: HB 1397  
 Caseworkers and employees/staff, opioid overdose reversal medication for use by and providing training for: **\*2E2SSB 5536, CH 1 (2023)**  
 Child abuse or neglect, investigation of referrals of alleged incidents at residential private schools and facilities, DYCF role: **\*ESSB 5515, CH 441 (2023)**  
 Child care providers, instructional handbook for all, DCYF to create and provide incentive for reading: HB 1739  
 Child malnutrition field guide, DCYF to produce and make available to DCYF staff, requirements: **\*EHB 1274, CH 70 (2023)**  
 Child protective services, workers not required to go alone to private location when risk of violence, requirements: HB 1673  
 Child welfare functions of DCYF, state auditor to conduct evaluation of: HB 1754

\* - Passed Legislation

Child welfare housing assistance program, making permanent and adding counties: HB 1186, **\*SSB 5256, CH 321 (2023)**

Child welfare services, caregivers for, automated notification system for communicating with, DCYF reporting concerning: HB 1430

Child welfare services, caregivers for, caregiver communication specialist position within DCYF, establishing: HB 1430

Child welfare services, investigations, including certain voluntary placement agreement cases, public defense counsel for parents: HB 1295

Child welfare services, workers not required to go alone to private location when risk of violence, requirements: HB 1673

Child welfare workers, de-escalation training as part of minimum training standards for: HB 1673

Child welfare workers, going to private location when risk of violence, second trained individual requirement: HB 1673

Children and youth multisystem care coordinator, appointment by governor: HB 1580

Children exposed to violence or trauma, connecting with needed services, pilot project for, DCYF to establish: HB 1439

Children, allowing to remain up to 90 days in youth shelter in certain circumstances: HB 1406

Commercially sexually exploited children, receiving center programs for, DCYF role: HB 1028

Cost of care work group, creating to study other states' handling of benefits for people in care: HB 1405

Early achievers program, changing participation from mandatory to voluntary: HB 1697

Early childhood education and assistance program, income calculation for, excluding child support, social security, or SSI: HB 1511

Early intervention services, special education, early support for infants and toddlers program, calculating funding for: HB 1676

Early learning and child care providers, grant program for working with child care workers to establish new programs: HB 1451

Early learning and child care providers, substitute pool for, expanding and providing career coaching, DCYF role: HB 1451

Early learning, licensed indoor early learning program space, minimum square footage per child: HB 1537

Endangerment with a controlled substance, including fentanyl, DCYF to be exempt from criminal liability for: ESSB 5010

Family connections program, implementing: HB 1204

Family reconciliation services, authorizing for families or youth if youth away from home without permission: HB 1406

Family reconciliation services, data reporting requirement, repealing: HB 1362

Foster care, allowing child-specific licenses for families of Indian children: **\*SB 5683, CH 127 (2023)**

Justice-involved students in institutional education, delivery/oversight of basic education services to, OSPI to assume: HB 1701

Juvenile justice system, emphasizing community service and prohibiting juvenile legal financial obligations: HB 1432

Juvenile rehabilitation, community transition services program, modifying exclusion from eligibility for: HB 1382

Juvenile sex offenders, evaluation and treatment programs funding for defense attorneys/counties, developing grant program for: HB 1394

Kindergarten, transition to kindergarten program, establishing and administering, DCYF role: HB 1550

Middle and high school-aged youth caring for younger relatives, model program manual for program to assist, DCYF role: HB 1451

Oversight board, adding subject matter expert on education for youth who are institutionalized or dependent: HB 1590

Oversight board, convening subcommittee to hear from persons with experience of foster care: HB 1590

Oversight board, convening subcommittee to hear from persons with experience of the juvenile justice system: HB 1590

Oversight board, membership of, revisions: HB 1590

Parent, requiring demonstration of sobriety for return of children: HB 1397

Persons in care of the department, barring diversion of benefits to reimburse cost of care: HB 1405

Prenatal substance exposure, contracting with providers to offer services: HB 1168

Raise the age juvenile justice task force, establishing: HB 1440

Rapid care team, implementation by children and youth multisystem care coordinator for children in crisis: HB 1580

Residential private schools, licensing of living accommodations provided by, DCYF role: **\*ESSB 5515, CH 441 (2023)**

Working connections child care, expanding eligibility for persons enrolled in apprenticeship programs: HB 1525

Working connections child care, income calculation for, excluding child support, social security, and SSI payments from: HB 1511

**CIRCUSES AND CARNIVALS**

Wild or exotic animals, prohibiting display for entertainment via wild or exotic animal protection act: HB 1157

**CITIES AND TOWNS (See also BRIDGES; COUNTIES; GROWTH MANAGEMENT; HEALTH CARE AUTHORITY; HOMELESS PERSONS; HOUSING AND HOMES; LOCAL GOVERNMENT; LOW-INCOME PERSONS; PUBLIC DEFENSE, OFFICE; PUBLIC FACILITIES DISTRICTS; SCHOOLS AND SCHOOL DISTRICTS; SHORELINES AND SHORELINE MANAGEMENT; UTILITIES)**

Aberdeen, Jamie MacKinnon Walsh, former school board member, honoring and remembering: \*HR 4602 (2023)

Agriculture, urban agricultural opportunities and barriers, studying: \*HB 1552, CH 178 (2023)

Airports, municipal airport commission membership requirements: \*HB 1243, CH 247 (2023)

Annexation of unincorporated areas by cities, interlocal agreements between city and county, when: HB 1425

Battleground, Hezekiah Hewes, gold and bronze medalist at 2022 Special Olympics spring games, congratulating: \*HR 4631 (2023)

Community reconciliation account, renaming community reinvestment account as, and using for reconciliation purposes: HB 1737

County planning, allowing small cities and towns to opt out of full review under certain circumstances: \*SB 5457, CH 280 (2023)

Critical areas, allowing small cities to adopt county growth management regulations: \*SSB 5374, CH 225 (2023)

Encampments, cities to prohibit camping on public property within 500 feet of schools, parks, courthouses, and child care centers: HB 1373

Forest practices, allowing regulation of all within corporate limits: HB 1689

Heat island effects, urban, awards to recognize permittees addressing in various areas: HB 1381

Heat island effects, urban, impact on salmon, using NPDES stormwater permit framework to reduce: HB 1381

Housing benefit districts, new chapter establishing: HB 1111

Incorporation as city or town, minimum population for, removing higher minimum for certain situation: HB 1620

Local infrastructure project areas, requiring interlocal agreements: HB 1585

Municipal officers, raising beneficial interest limit for contracts: HB 1577

Peace officers, pool of candidates for hiring by city law enforcement agencies, program to recruit/certify, establishing: HB 1387

Public works procurement, costs/craft or trade involvement/prudent utility management/lowest responsible bidder provisions: HB 1621

Reconciliation act, renaming account as community reconciliation account and using for community support: HB 1737

Seattle, Magnuson park on Sand Point, celebrating, and recognizing and honoring the Friends of Magnuson Park: \*HR 4646 (2023)

Shelton, Burton Stoltz, thanking and honoring for his life of dedication and service: \*HR 4639 (2023)

Taxes, sales and use, allowing to impose for cultural access program funding if county does not: \*HB 1575, CH 179 (2023)

Urban forestry, requiring regulations to be satisfied by use of tree banks: HB 1078

Water and sewer facilities, allowing expansion beyond city limits and urban growth areas: HB 1403

Wenatchee, apple blossom festival, honoring 2023 apple blossom festival royal court: \*HR 4630 (2023)

**CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

Fish and wildlife commission, annual salary for members, citizens' commission to establish: HB 1699

**CIVIL ACTIONS AND PROCEDURE (See also ABORTION; CRIMINAL PROCEDURE; MARRIAGE AND MARRIED PERSONS; REAL ESTATE AND REAL PROPERTY)**

Childhood sexual abuse, removing time limit for commencing an action based on: HB 1618

Discrimination, against persons with disabilities, actions alleging, modifying requirements, when: HB 1760

Doxing, harmful unauthorized disclosure of personal identifying information, grounds for civil action: HB 1335

Elected or appointed officials, state governmental, violations of state constitution or state law by, private right of action for harm from: HB 1844

Family law disputes, new domestic relations chapter governing arbitration: HB 1088

Female genital mutilation, creating civil cause of action for victims: \*SSB 5453, CH 122 (2023)

Judgments, allowing employer to recover damages for permitted reproductive health care services: HB 1286

Juvenile records, improper dissemination cause for legal action by subject: HB 1769

Labor practices, prohibited, civil action option for persons aggrieved by violations of RCW 49.44: SSB 5110

Moral nuisances, repealing statutes: HB 1090, \***SSB 5087, CH 102 (2023)**  
 Name changes, modifying action reasons, locations, petitions, sealing of file, and fees: \***SSB 5028, CH 34 (2023)**  
 Peace officer, unlawful conduct by, injury in person or property due to, cause of action: HB 1025  
 Product liability claims, electronic commerce platform liability to consumer under statutes: HB 1606  
 Property, forfeiture of seized, procedures and reporting: HB 1385  
 Public nuisance, firearm industry member creating or maintaining, prohibition: \***SSB 5078, CH 163 (2023)**  
 Public nuisance, firearm industry member creating or maintaining, prohibition and victim right of action: HB 1130  
 Reproductive health care services, access to, civil and criminal procedural protections: HB 1469  
 Reproductive health care services, shield law, claim for interference with protected health care services lawful in WA: HB 1469  
 Tortious conduct, of individual/entity/public agency, prejudgment interest accrual: HB 1649  
 Tortious conduct, prejudgment interest accrual when plaintiff was a minor: HB 1649  
 Uniform civil remedies for unauthorized disclosure of intimate images act, new chapter: HB 1165

#### **CIVIL LEGAL AID, OFFICE**

Indigent petitioner/respondent attorneys in proceeding to preclude establishment of parentage due to sexual assault allegation: HB 1808

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Conditional commutations of sentences, board recommendations and process for petitioning board for: HB 1189  
 Extraordinary release of incarcerated offender, granting by governor, removing board role: HB 1640  
 Membership, expansion and diversity requirements: HB 1189  
 Standards and procedures, various: HB 1189

#### **CLIMATE (See also BUILDING CODES AND PERMITS; ENERGY; ENVIRONMENT; ENVIRONMENTAL HEALTH AND SAFETY; FUELS; INVESTMENT BOARD, STATE; UTILITIES)**

Carbon offset projects, authorizing contracting by DNR for: HB 1789  
 Carbon, embodied, in built environment, reducing via build clean act: HB 1342  
 Carbon, embodied, in built environment, reducing via buy clean and buy fair Washington act: HB 1282  
 Carbon, state campus district energy system owner decarbonization plans, requirements for: HB 1390  
 Climate change and resiliency, improvement via growth management plan elements and subelements: HB 1181  
 Climate commitment act, purchases of exempt fuel to which surcharge was applied, remittance of surcharge value: HB 1780  
 Climate resilience element, inclusion in group A public water systems plans: SSB 5094  
 Covered emissions, exempting from evaluation for permit denial or mitigation requirements: HB 1224  
 Green industry, repealing certain RCW sections: HB 1176  
 Integrated climate resilience strategy, updating: HB 1170  
 State emission limits, denying any additional agency authority and barring certain use in decision making: HB 1223  
 Vehicle emissions, repealing adoption of California standards: HB 1183  
 Washington climate corps network, creating: HB 1176

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Cabin crews, exempting from certain labor regulations if covered by collective bargaining agreement: SB 5725  
 Public employees, requiring provision of employee information to exclusive bargaining representatives: HB 1200  
 Public school employees, interest arbitration as exclusive means of settling labor disputes for: HB 1429  
 Regional universities and TESC, employees enrolled in an academic program, collective bargaining for: HB 1291, \***SSB 5238, CH 115 (2023)**  
 Schools of medicine, higher education, fellow physicians and residents, collective bargaining by, process for: HB 1307  
 U. of Washington, school of medicine, fellow physicians and residents, collective bargaining by, process for: HB 1307  
 Washington management service, granting right to collectively bargain: HB 1122  
 Washington state ferries, employees, salary survey by classification for use in collective bargaining and arbitration: HB 1842

#### **COLLEGES AND UNIVERSITIES (See also PUBLIC WORKS)**

Benefits navigator grant program, requiring creation of: HB 1559  
 Central Washington U., certain employees enrolled in an academic program, collective bargaining for: HB 1291, \***SSB 5238, CH 115 (2023)**

College bound scholarship program, enhancing and adding reporting requirements: **\*HB 1232, CH 174 (2023)**

College in the high school program, provisions: HB 1003, HB 1316, **\*SSB 5048, CH 314 (2023)**

Construction and other projects, public works apprenticeship utilization, modifying requirements: HB 1050

Construction, major projects, capital budget matching grants program: HB 1256

Construction, raising dollar thresholds for building, renovation, and etc. projects to require public bidding: **\*SB 5385, CH 97 (2023)**

Contraception, over-the-counter emergency medication and other forms, in vending machines on campuses, requirements: HB 1837

Credentials, postsecondary, credential transparency work group, creating: HB 1821

Data sharing, requiring agreements with OSPI for transfer of high school student information: **\*2SSB 5593, CH 406 (2023)**

Degrees, applied doctorate degrees, revising authority of regional universities to offer: **\*HB 1030, CH 130 (2023)**

Dental schools or residency programs, accredited, postdoctoral residents/students entering, limited license, when: HB 1327, **\*SB 5113, CH 89 (2023)**

Dental schools, accredited, in-state license for out-of-state dentist when new faculty member at: HB 1327, **\*SB 5113, CH 89 (2023)**

Eastern Washington U., certain employees enrolled in an academic program, collective bargaining for: HB 1291, **\*SSB 5238, CH 115 (2023)**

Education data center, increasing list of required data for reporting: **\*ESSB 5512, CH 98 (2023)**

Employees, enrolled in an academic program at regional universities and TESC, collective bargaining for: HB 1291, **\*SSB 5238, CH 115 (2023)**

Employees, of WWU/CWU/EWU/TESC, collective bargaining, provision of employee information to exclusive bargaining representatives: HB 1200

Employment, applicants for, requiring signing of statement about sexual misconduct-related situations at association events: HB 1522

Evergreen State College, The, certain employees enrolled in an academic program, collective bargaining for: HB 1291, **\*SSB 5238, CH 115 (2023)**

Evergreen State College, The, collective bargaining, provision of employee information to exclusive bargaining representatives: HB 1200

Financial aid, Native American scholarship program, establishing: HB 1399

Financial aid, opportunity scholarship program, provisions: HB 1289

Financial aid, WA health corps conditional scholarships, including penalty interest rate, supports, and exceptions: **\*HB 1763, CH 159 (2023)**

Financial aid, Washington student loan program, revising provisions: **\*EHB 1823, CH 389 (2023)**

Hazing, gross misdemeanor or class C felony, when: **\*HB 1002, CH 196 (2023)**

High school students, dual credit or concurrent enrollment programs or courses, various changes: HB 1316

High school students, dual credit programs, various changes: HB 1003

Incarcerated individuals, postsecondary education programs, participation goals and individual and program priorities: HB 1338

License plates, special, United States Naval Academy, creating: HB 1858

Meal plans or food vouchers, free or low-cost for low-income students, creating pilot program: HB 1559

Postsecondary basic needs work group, convening: HB 1559

Public baccalaureate institutions, increasing tenure track faculty: HB 1142

Regional universities, collective bargaining, provision of employee information to exclusive bargaining representatives: HB 1200

Running start program, financial assistance and eligibility provisions: HB 1316

Running start program, financial assistance and summer school program: HB 1003

Schools of medicine, higher education, fellow physicians and residents, collective bargaining by, process for: HB 1307

Sexual misconduct, at scholarly or professional association events, job applicants to sign statement concerning: HB 1522

Student basic needs task force, requiring establishment by each institution: HB 1559

Students experiencing homelessness and foster youth program, replacing pilot program with: HB 1693, **\*ESSB 5702, CH 339 (2023)**

Tuition operating fees, maximum increase for resident undergraduates, calculation duties and deadline: **\*SB 5079, CH 9 (2023)**

- U of Washington, crisis training and secondary trauma program to support training for crisis responders, establishing: HB 1134
- U. of Washington, calculating emissions of ultrafine and fine particulate matter and sulfur oxides near international airport: **\*ESSB 5447, CH 232 (2023)**
- U. of Washington, climate impacts group, role assessing climate change: HB 1170
- U. of Washington, collaborative for the advancement of telemedicine, promotion of genetic counseling: HB 1079
- U. of Washington, drug/medical device clinical trials, increasing participant diversity when receiving NIH funding for: HB 1745
- U. of Washington, Evans school of public policy and governance, paid family and medical leave study: HB 1502
- U. of Washington, Olympic natural resources center, harmful algal bloom program required reporting, eliminating: HB 1362
- U. of Washington, psilocybin therapy services pilot program, establishing: **\*2SSB 5263, CH 364 (2023) PV**
- U. of Washington, psychiatry and behavioral sciences, first approach skills training program role of, adding: HB 1851
- U. of Washington, psychiatry/behavioral health, behavioral health support specialists certification rules development role of: HB 1348, **\*SSB 5189, CH 270 (2023)**
- U. of Washington, school of medicine, fellow physicians and residents, collective bargaining by, process for: HB 1307
- Vaccination or postinfection recovery documentation, prohibiting institutions from requiring for attendance etc.: HB 1827
- Vaccination, requirement for online-only students, prohibiting: HB 1545
- Washington college grant program, extending eligibility: HB 1156, SB 5711
- Washington State U., child and family research unit at, 2015 report on supporting student success, updating: HB 1411
- Washington State U., child and family research unit at, education staff cross-sector trainings, report analyzing: HB 1411
- Washington State U., drug/medical device clinical trials, increasing participant diversity when receiving NIH funding for: HB 1745
- Washington State U., energy program, future of net metering in WA state, convening work group on: HB 1427
- Washington State U., energy program, ratepayer cost shifts due to retail rate net metering, studying: HB 1427
- Western Washington U., certain employees enrolled in an academic program, collective bargaining for: HB 1291, **\*SSB 5238, CH 115 (2023)**
- WSU extension energy program, requiring study of feasibility of recycling wind turbine blades: **\*SB 5287, CH 324 (2023)**
- WSU Tri-Cities, administering joint CREW and SPARC centers: HB 1194
- WSU, calculating emissions of ultrafine and fine particulate matter and sulfur oxides near international airport: **\*ESSB 5447, CH 232 (2023)**
- WSU, requiring office of clean technology to convene alternative jet fuels work group: HB 1505, **\*ESSB 5447, CH 232 (2023)**
- WSU, requiring WSU energy program to conduct least-conflict pumped storage siting process: HB 1216

**COMMERCE, DEPARTMENT (See also GROWTH MANAGEMENT; HOMELESS PERSONS; HOUSING AND HOMES; MILITARY; PROFESSIONS)**

- Affordable housing program, "first-time home buyer" for purposes of, expanding definition: HB 1366
- Affordable housing, middle housing unit density increases, authorization by cities of, DOC technical assistance: HB 1110
- Affordable housing, multifamily property tax exemption to include conversion of existing multifamily units, DOC role: HB 1350
- Affordable housing, requiring reporting on funded projects: HB 1709, **\*ESSB 5301, CH 275 (2023)**
- Associate development organizations, establishing competitive grant program: HB 1717
- Aviation and aerospace advisory committee, DOC to appoint and maintain to advise director and DOT secretary: HB 1040, HB 1531
- Businesses, requiring information from departments of revenue, L&I, employment security, and licensing: HB 1398
- Buy clean and buy fair work group, convening: HB 1282
- Clean energy projects of statewide significance, designation of, and coordinated permitting process, DOC role: HB 1216
- Covenant homeownership program, establishing of, DOC role: HB 1474
- Covenant homeownership program, establishing oversight committee for, DOC role: HB 1474
- Crime victims advocacy, office of, providing funding for providers of services for sex trafficking victims: HB 1089, **\*SSB 5114, CH 268 (2023)**
- Crime victims advocacy, office of, role in creation of office of the crime victims ombuds: HB 1845

Crime victims ombuds, office of the, creating, DOC role: HB 1845

Defense community compatibility account, altering grant rules and including federally recognized tribes: **\*SB 5324, CH 438 (2023)**

Department of community, trade, and economic development, replacing in RCW with department of commerce: **\*HB 1066, CH 470 (2023) PV**

Economic development funding, efforts to obtain federal grants and loans for, assisting local governments/tribes/small businesses: HB 1767

Employee ownership program, Washington, with commission and revolving loan program account, creating, DOC role: HB 1743

Energy resilience and emergency management office, electric utility wildfire mitigation plans role of: HB 1032

Energy-related activities, all-hazard contingency plan contents, to include human/natural/cybersecurity hazards, DOC role: HB 1480

Enhanced behavior support homes, requiring establishment of standards for licensure or certification: HB 1654

Exclave community small business relief program, DOC to develop and implement: HB 1806

Federal economic development funding, for clean energy/transportation/buildings and broadband, DOC reporting role: HB 1767

Fire protection services capital projects grant program for rural counties, establishing: HB 1014

Foreign export markets, diversifying to avoid particular-market dependence, assistance for businesses in, DOC role: HB 1778

Grant writers, grant program for recruitment, hiring, and retention by associate development organizations, establishing, DOC role: HB 1783

Growth management, requiring dissemination of best practices for equitable and inclusive public participation: HB 1723

Higher education institutions, capital budget matching grants program for, DOC administration of: HB 1256

Home energy assessors, licensing and regulation of, DOC role: HB 1433

Home energy performance, asset-based home energy score adoption for evaluating, DOC role: HB 1433

Homeless encampments, encampment cleanup grant program, creating, DOC role: HB 1373

Homeless encampments, online data dashboard with performance metrics regarding sites, DOC role: HB 1373

Homelessness, students experiencing, grant program for identification of and support for, DOC role: **\*HB 1622, CH 386 (2023)**

Homelessness, students experiencing, grant program to link families with housing, DOC role: **\*HB 1622, CH 386 (2023)**

Homes for heroes act, pilot program for loans to certain workers/professions for down payment and closing costs, DOC role: HB 1633

Housing capacity and greenhouse gas emissions, county and city guidelines to use under GMA, DOC role: HB 1181

Housing gap voucher program, implementing by public housing authorities for low-income, seniors, marginalized: HB 1817

Housing permit applications, provision of trained staff to local governments: **\*2SSB 5290, CH 338 (2023)**

Housing, preapproved middle housing plans, grant program for financial assistance to counties/cities for adoption of: HB 1167

Housing, specifying uses for funds from document recording fees: **\*SSB 5386, CH 277 (2023)**

Industrial policy advisor, appointing to monitor federal funding and opportunities for manufacturing: **\*2SSB 5269, CH 322 (2023) PV**

Industrial strategy, requiring commissioning of independent assessment: **\*2SSB 5269, CH 322 (2023) PV**

Interagency clean energy siting coordinating council, establishing, DOC role: HB 1216

Joint utilities and transportation commission meeting, requirement to address power inadequacy risk: HB 1117

Local infrastructure project areas, requiring interlocal agreements for sponsoring cities: HB 1585

Local project review, city and county annual reports explaining delays in project permit application processing: HB 1449

Local project review, creating consolidated permit grant program and work group to improve permit process: HB 1296, **\*2SSB 5290, CH 338 (2023)**

Local project review, providing technical assistance and guidance: HB 1519

Local project review, requiring procedural and timeline changes for applications: HB 1519

Low-income home rehabilitation grant program, creating: HB 1250

Low-income home rehabilitation revolving loan program, termination of: HB 1250

Manufactured/mobile home communities, purchase or lease of, DOC to maintain registry of eligible organizations: HB 1129, **\*E2SSB 5198, CH 40 (2023)**



Manufactured/mobile home rental assistance program, creating to assist low-income tenants, DOC role: HB 1810  
 Personal information, captured, processing by business entities, individual's opt-in consent for, DOC to study: HB 1616  
 Regional economic development vision and action plan, for each region of state, development of, DOC role: HB 1623  
 Rent for residential tenants, maximum annual increase percentages for, DOC to calculate: HB 1388  
 Reporting by department, eliminating, replacing, or repealing various requirements for: HB 1362  
 Retirement preparedness of residents and feasibility of establishing state-sponsored private retirement savings program, studying: HB 1632  
 Sex trafficking, statewide coordinating committee on, decodifying section due to expiration: **\*HB 1066, CH 470 (2023)**  
**PV**  
 Sexual assault, regional multidisciplinary community response teams, grant program to support, DOC to establish: HB 1028  
 State energy performance standard for covered commercial buildings, state campus district energy system owners under: HB 1390  
 State energy strategy, including consideration of nuclear power/advanced nuclear reactor technology: HB 1584  
 Statewide building energy upgrade navigator program, convening technical advisory group to provide guidance to: HB 1391  
 Statewide building energy upgrade navigator program, establishing and overseeing, DOC role: HB 1391  
 Statewide office of renewable fuels, establishing: HB 1505, **\*ESSB 5447, CH 232 (2023)**  
 Substance use disorder treatment programs, in underserved/rural areas, construction costs for, grant program, DOC role: **\*2E2SSB 5536, CH 1 (2023)**  
 Washington employee ownership program, establishing: **\*SSB 5096, CH 392 (2023)**  
 Workforce housing accelerator revolving loan fund program, creating: HB 1149  
 Youth development programs grant program, including expanded learning opportunities, DOC to develop and implement: HB 1386

#### **COMMERCIAL VESSELS AND SHIPPING (See also FERRIES)**

Nautical Northwest special license plates, creating: HB 1364  
 Ports, qualified cargo and passenger ports, authority to coordinate actions with other qualified ports: **\*HB 1257, CH 347 (2023)**

#### **COMMUNITY AND TECHNICAL COLLEGES**

Benefits navigator grant program, requiring creation of: HB 1559  
 College in the high school program, provisions: HB 1003, HB 1316, **\*2SSB 5048, CH 314 (2023)**  
 Construction, major projects, capital budget matching grants program: HB 1256  
 Contraception, over-the-counter emergency medication and other forms, in vending machines on campuses, requirements: HB 1837  
 Credentials, postsecondary, credential transparency work group, creating: HB 1821  
 Employees, academic, collective bargaining, provision of employee information to exclusive bargaining representatives: HB 1200  
 Employment, applicants for, requiring signing of statement about sexual misconduct-related situations at association events: HB 1522  
 Financial aid, Native American scholarship program, establishing: HB 1399  
 Financial aid, opportunity scholarship program, provisions: HB 1289  
 Financial aid, Washington student loan program, revising provisions: **\*EHB 1823, CH 389 (2023)**  
 Hazing, gross misdemeanor or class C felony, when: **\*HB 1002, CH 196 (2023)**  
 High school students, dual credit or concurrent enrollment programs or courses, various changes: HB 1316  
 High school students, dual credit programs, various changes: HB 1003  
 Home care aid to licensed practical nurse apprenticeship pathway pilot program, creating and guaranteeing admission: **\*E2SSB 5582, CH 126 (2023)**  
 Incarcerated individuals, postsecondary education programs, participation goals and individual and program priorities: HB 1338  
 Meal plans or food vouchers, free or low-cost for low-income students, creating pilot program: HB 1559  
 Nursing, bachelor of science degrees in nursing, authorizing certain community or technical colleges to offer: HB 1733  
 Nursing, requiring online curriculum and pathway for licensed practical nursing credential: **\*E2SSB 5582, CH 126 (2023)**  
 Postsecondary basic needs work group, convening: HB 1559

Running start program, financial assistance and eligibility provisions: HB 1316  
 Running start program, financial assistance and summer school program: HB 1003  
 Seattle Central Community College, maritime training academy at, state ferries training needs role of: HB 1831  
 Sexual misconduct, at scholarly or professional association events, job applicants to sign statement concerning: HB 1522  
 Student basic needs task force, requiring establishment by each institution: HB 1559  
 Students experiencing homelessness and foster youth program, replacing pilot program with: HB 1693, **\*ESSB 5702, CH 339 (2023)**  
 Tuition operating fees, maximum increase for resident undergraduates, calculation duties and deadline: **\*SB 5079, CH 9 (2023)**  
 Vaccination or postinfection recovery documentation, prohibiting institutions from requiring for attendance etc.: HB 1827  
 Vaccination, requirement for online-only students, prohibiting: HB 1545

#### **COMMUNITY AND TECHNICAL COLLEGES, STATE BOARD FOR (See also COMMUNITY AND TECHNICAL COLLEGES)**

Benefits navigator grant program, requiring creation: HB 1559  
 Meal plans or food vouchers, free or low-cost for low-income students, creating pilot program: HB 1559  
 Nursing, appropriating \$100,000 to develop plan to train more nurses: **\*E2SSB 5582, CH 126 (2023)**  
 Nursing, bachelor of science degree in nursing, authorizing certain community or technical colleges to offer, board role: HB 1733  
 Postsecondary basic needs work group, convening: HB 1559

#### **COMMUNITY ECONOMIC REVITALIZATION BOARD**

Frontier county, defining for certain economic development and excise taxation purposes: HB 1835  
 Site readiness and predevelopment work, board grants to aid public facility improvements to enable development: HB 1231, **\*SSB 5229, CH 93 (2023)**

#### **COMPUTERS (See also CURRENCY; ELECTIONS; IDENTIFICATION; INSURANCE COMMISSIONER; SALES)**

Ballots, statewide online ballot portal, establishing for electronic access and online ballot submission: HB 1475  
 Broadband communications providers, sales and use tax exemption for sales of network machinery and equipment to: HB 1848  
 Broadband, governor's statewide broadband office, duties of, various: HB 1746  
 Broadband, statewide broadband map, developing and maintaining, and repealing existing broadband mapping/account provisions: HB 1746  
 Cyber activities, malicious, state agency protections against, Washington state ransomware protection act: HB 1464  
 Cybersecurity hazards, modifying energy-related all-hazard contingency plan contents to include: HB 1480  
 Cyberstalking, repealing crime of, and transferring certain electronic device provisions to crime of stalking: **\*HB 1696, CH 461 (2023)**  
 Data privacy day, commemorating: **\*HR 4607 (2023)**  
 Data, brokered personal data, data brokers registration and regulation: HB 1799  
 Data, state agency use of immutable data protection and reliable disaster recovery, ransomware protection act: HB 1464  
 Digital automated services, exempting financial institutions from sales and use taxes if for business purposes: HB 1557  
 Digital electronic equipment, repairing of, manufacturer and repair provider requirements, fair repair act concerning: HB 1392  
 Electronic commerce platforms, liability to consumer under product liability claims statutes: HB 1606  
 Internet access, smart wireless devices with, tax on retail sales of, levying: HB 1793  
 Internet, online marketplaces, high-volume third-party sellers on platform, requirements: HB 1065  
 Internet, social media account of sex offense victim, inadmissibility as evidence of victim credibility or consent, exception: ESSB 5576  
 Internet, ticket sellers and resellers, licensing and regulation of, and technology requirements: HB 1648  
 Internet/telecommunications infrastructure, tribe and business entity deploying in coastal county, sales/use tax exemption: HB 1711  
 Personal information, captured biometric, people's privacy act provisions concerning: HB 1616  
 Personal information, captured, processing by business entities, individual's rights and opt-in consent for: HB 1616  
 Personal information, captured, processing by business entities, people's privacy act concerning: HB 1616

Ransomware education and outreach program, for public agencies, establishing: HB 1464  
 Ransomware protection act, WA state, state agency malware and ransomware protection, backup, and recovery standards: HB 1464  
 Research and development equipment, sales/use tax paid on, exemption in form of a remittance, authorizing: HB 1794  
 Research and development expenditures, credit against B&O tax on, authorizing: HB 1794  
 Vlogs, for-profit, of family or individual vlogger, minor children featured on, setting aside earnings on video content for: HB 1627  
 Written digital content, publishing, B&O tax deduction for, when: HB 1206  
 Written digital content, publishing, B&O tax exemption for, when: \*E2SSB 5199, CH 286 (2023)

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Bills, memorials, and resolutions from 2023 regular session, returning to house of origin: \*HCR 4403 (2023)  
 Bills, Second Substitute Senate Bill No. 5536, reintroducing for consideration during 2023 first special session: \*SCR 8409 (2023)  
 Jennifer Belcher building, renaming natural resources building as: HCR 4402  
 Legislature, 2023 first special session, adjourning SINE DIE: \*SCR 8410 (2023)  
 Legislature, 2023 first special session, reintroducing Second Substitute Senate Bill No. 5536 for consideration during: \*SCR 8409 (2023)  
 Legislature, 2023 regular session, adjourning SINE DIE: \*SCR 8406 (2023)  
 Legislature, cutoff dates for bills, memorials, and joint resolutions: \*SCR 8401 (2023)  
 Legislature, joint rules, 2023-2024, adopting: \*HCR 4401 (2023)  
 Legislature, joint rules, 2023-2024, amending conference committee in-person and remote meetings provisions: \*SCR 8407 (2023)  
 Legislature, joint session, for address of H.E. Sauli Niinistö, president of the Republic of Finland: \*SCR 8404 (2023)  
 Legislature, joint session, honoring deceased former members of legislature: \*SCR 8403 (2023)  
 Legislature, joint session, state of the judiciary message: \*SCR 8400 (2023)  
 Legislature, joint session, state of the state address: \*HCR 4400 (2023)  
 Session, first special 2023, adjourning SINE DIE: \*SCR 8410 (2023)  
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### CONSERVATION

Districts, elections for, requiring examination of costs: HB 1567

### CONSERVATION COMMISSION

Riparian grant program, establishing to aid salmon recovery: HB 1215, HB 1720  
 Sustainable farms and fields grant program, creating: HB 1574  
 Sustainable farms and fields program, creating climate-smart grant funding requirements: HB 1574  
 Urban agricultural opportunities and barriers, commission to study: \*HB 1552, CH 178 (2023)  
 Voluntary stewardship program for agricultural lands, removing or updating certain dates: HB 1421

### CONSOLIDATED TECHNOLOGY SERVICES AGENCY

Jurors receiving summons electronically, opting-in for email sharing with agency to enable: HB 1598, \*2SSB 5128, CH 316 (2023)  
 Technology services board, duties under WA state ransomware protection act: HB 1464

### CONSTITUTION, STATE (See also CONSTITUTION, U.S.; JOINT RESOLUTIONS)

Elected or appointed officials, state governmental, violations of state constitution or state law by, private right of action for harm from: HB 1844  
 Law enforcement or local corrections agencies, investigation of violations of state constitution or state law by: HB 1445

### CONSTITUTION, U.S. (See also CONSTITUTION, STATE)

Tahoma High School, We the People program students as "Warriors of the Constitution", honoring: \*HR 4636 (2023)  
 U.S. government and congress, limits on, amendment convention: HJM 4002

### CONSUMER PROTECTION

Bankruptcy, personal property exemptions from execution et al., increasing value limits for, when: HB 1400, \*ESSB 5173, CH 393 (2023)

Commercial solicitation, prohibiting via robocalling or automatic dialing and to persons on do not call registry: HB 1051  
 Contractors, safeguards for consumers engaging, work group on, repealing provisions: HB 1534  
 Cosmetic products, tested using animals, sale of, prohibiting via cruelty free cosmetics act: HB 1097  
 Debt, personal property exemptions from execution/attachment/garnishment, various modifications of: HB 1400, **\*ESSB 5173, CH 393 (2023)**  
 Digital electronic equipment, repairing of, manufacturer and repair provider requirements, fair repair act concerning: HB 1392  
 Discrimination, pricing difference for goods on basis of gender, prohibiting: HB 1152, SSB 5171  
 Dogs and cats, prohibiting pet store sales and regulating pet store showcasing of adoptable dogs or cats: HB 1424  
 Electronic commerce platforms, liability to consumer under product liability claims statutes: HB 1606  
 Government agency communications, constituting trade and commerce for purposes of: HB 1610  
 Health entities, hospitals/hospital systems and provider organizations, material change transactions involving: HB 1263  
 Health entities, impact of mergers, acquisitions, and contracting affiliations between, studying: HB 1263  
 Online marketplaces, high-volume third-party sellers on platform, requirements: HB 1065  
 Personal data, brokered, registration and regulation of data brokers: HB 1799  
 Personal data, data privacy day, commemorating: **\*HR 4607 (2023)**  
 Personal information, captured biometric, people's privacy act provisions concerning: HB 1616  
 Personal information, captured, processing by business entities, individual's rights and opt-in consent for: HB 1616  
 Personal information, captured, processing by business entities, people's privacy act concerning: HB 1616  
 Public nuisance, firearm industry member creating or maintaining, prohibition: **\*SSB 5078, CH 163 (2023)**  
 Public nuisance, firearm industry member creating or maintaining, prohibition and victim right of action: HB 1130  
 Residential landlord predatory rent practices, certain violations as unfair under consumer protection act: HB 1388  
 Sexual assault kits, over-the-counter, defining and prohibiting sale or providing of: **\*HB 1564, CH 296 (2023)**  
 Ticket sales warrant integrity, fairness, and transparency for consumer protection act, or TSWIFT consumer protection act: HB 1648  
 Tournaments and events, extracurricular, stay-to-play specific-lodging requirement for nonlocal teams and individuals, prohibiting: HB 1860

**CONTRACEPTION (See also ABORTION)**

Reproductive freedom, right to choose to have abortion or use contraception: HJR 4201  
 Reproductive health care services, access to, civil and criminal procedural protections: HB 1469  
 Reproductive health care services, exempting persons sheltering minors from reporting requirements for protected services: **\*ESSB 5599, CH 408 (2023)**  
 Reproductive health care services, shield law, claim for interference with protected health care services lawful in WA: HB 1469  
 Reproductive health care, access to, in relation to health care entity material change transactions: HB 1263  
 Vending machines, over-the-counter emergency medication and other forms, in vending machines on college campuses: HB 1837

**CONTRACTORS (See also HOUSING AND HOMES; PUBLIC WORKS; REAL ESTATE AND REAL PROPERTY)**

Building materials, environmental product declarations and labor reporting requirements for: HB 1282  
 Building materials, life-cycle assessments, environmental product declarations, and embodied carbon intensity: HB 1342  
 Certification, allowing for certified sprinkler trainees to work under supervision: **\*2SSB 5425, CH 329 (2023)**  
 Construction, defect claims/assessment reports/professionals, and relevance to condominium units: HB 1298  
 Construction, defect claims/professionals/written reports and responses, and relevance to condominium units: **\*E2SSB 5258, CH 337 (2023)**  
 Construction, homeowner recovery program and account, creating: HB 1534  
 Construction, registration applicant surety bond amounts and working while not registered monetary penalties, raising: HB 1534  
 Construction, successor to entity with unsatisfied judgment or owing penalties/fees, denying registration application of: HB 1534  
 Consumers, safeguards for engaging contractors, work group on, repealing provisions: HB 1534  
 Electrical, license requirement as responsibility criterion for public works contract bidding: HB 1309, **\*SB 5088, CH 88 (2023)**

\* - Passed Legislation

Elevator, license requirement as responsibility criterion for public works contract bidding: HB 1309, **\*SB 5088, CH 88 (2023)**

Energy equipment and services, municipality/state agency/school district performance-based contracting for, options: **\*HB 1777, CH 309 (2023)**

Fire protection, prohibiting fee raises until 2028 and increasing infraction penalties: **\*2SSB 5425, CH 329 (2023)**

Fire-resistant materials, requiring training and certification for applicators, and related provisions: HB 1323

Plumbing, license requirement as responsibility criterion for public works contract bidding: HB 1309, **\*SB 5088, CH 88 (2023)**

Procurement, modifying sole source, convenience, and emergency contracts and repealing sections: HB 1471

Public works contracts, nondiscrimination clause and additional requirements: **\*ESSB 5186, CH 468 (2023)**

Qualified energy contractors, qualification process under statewide building energy upgrade navigator program: HB 1391

Retained percentage, authorizing for nonpublic works projects and allowing retainage bonds: HB 1524

Retained percentage, authorizing for private construction projects and allowing retainage bonds: **\*ESSB 5528, CH 373 (2023)**

Solar energy systems contractors, provisions: HB 1427

Wages, requiring wage adjustment per prevailing wage rate: ESSB 5726

Women, minority, small, and veteran-owned businesses, requiring consideration for public works: HB 1306, **\*2SSB 5268, CH 395 (2023)**

Workers covered under NAICS code 23, employer payment of unused paid sick leave, when: **\*ESSB 5111, CH 267 (2023)**

#### **COOPERATIVE ASSOCIATIONS (See also UTILITIES)**

Employee-owned cooperatives, officers of, unemployment insurance benefits for, modifying provisions: **\*SSB 5176, CH 92 (2023)**

#### **CORPORATIONS (See also BUSINESS ORGANIZATIONS; COOPERATIVE ASSOCIATIONS)**

Business, plan of merger or share exchange, provisions: **\*SB 5004, CH 432 (2023)**

Business, shares, issuance as stock split or share dividend: **\*SB 5004, CH 432 (2023)**

Foreign export markets, diversifying to avoid particular-market dependence, assistance for businesses in: HB 1778

Foreign-influenced corporations, contributions or independent expenditures to political or incidental committees or candidates by, prohibiting, when: ESSB 5284

Nonprofit, associate development organizations, grant program for recruitment, hiring, and retention of grant writers by: HB 1783

Nonprofit-owned property, using for adult family homes for persons with developmental disabilities, property tax exemption: **\*HB 1265, CH 69 (2023)**

Professional service corporations, formation by occupational and physical therapists: **\*HB 1082, CH 60 (2023)**

Resident nonprofit cooperatives, as eligible organizations for manufactured/mobile home community purchase or lease: HB 1129, **\*E2SSB 5198, CH 40 (2023)**

#### **CORRECTIONAL FACILITIES AND JAILS (See also CRIMES; CRIMINAL OFFENDERS; CRIMINAL PROCEDURE; INDETERMINATE SENTENCE REVIEW BOARD; SENTENCES AND SENTENCING)**

Biological samples, from confined persons for DNA analysis, requiring prior to release, when: ESSB 5576

Correctional industries advisory committee, members from businesses employing persons formerly incarcerated: HB 1338

Corrections officers, home purchase by, pilot program for loans to certain workers/occupations for certain costs: HB 1633

Cost of incarceration, requirement that incarcerated person pay, eliminating: HB 1024

Coyote Ridge corrections center, wild horse training, holding, and farrier program at, feasibility study and plan: HB 1543

Extraordinary release of incarcerated offender, granting by governor, removing clemency and pardons board role: HB 1640

Gender, prohibiting housing of inmates with those of different biological sex in cases of certain sex offenders: HB 1233

Incarcerated individuals, accrual of earned release time up to 33.33 percent of total sentence, with certain exceptions: HB 1798

Incarcerated individuals, cost of certain privileges, requiring individual to contribute to, when: **\*HB 1345, CH 177 (2023)**

Incarcerated individuals, earned release date, recalculating for any offender confined in a facility, requirements: HB 1798  
 Incarcerated individuals, extraordinary medical placement for, waiving electronic monitoring in certain cases: **\*SSB 5101, CH 358 (2023)**  
 Incarcerated individuals, wages/funds of, maximum allowable deductions from, modifying: HB 1024  
 Justice-involved students in institutional education, delivery/oversight of basic education services to, OSPI to assume: HB 1701  
 Local corrections agencies, investigations of violations of state constitution or state law by and actions against: HB 1445  
 Money, prohibiting commissary funds received from outside sources being used for other purposes: **\*SB 5131, CH 111 (2023)**  
 Postsecondary education programs, participation goals and individual and program priorities: HB 1338  
 Private detention facilities, contracts with state or local agencies, requirements and confinement standards: HB 1470  
 Private detention facilities, oversight by certain state agencies, requirements for and rule making by: HB 1470  
 Private detention facilities, various records of, public inspection and copying exemption for: HB 1470  
 Reentry, increasing supports and services: **\*2SSB 5134, CH 467 (2023) PV**  
 Reproductive health, establishing department of corrections program to distribute abortion medication: HB 1854, **\*SB 5768, CH 195 (2023)**  
 Solitary confinement, adoption restrictions and limitations: HB 1087  
 Voting, creating jail voting plans: HB 1174  
 Work ethic camp program for offenders, repealing: HB 1024  
 Work programs, labor and income of incarcerated persons, real labor real wages act concerning: HB 1024

**CORRECTIONS, DEPARTMENT**

Conditional commutations of sentences, DOC authority to supervise persons granted: HB 1189  
 Correctional industries advisory committee, members from businesses employing persons formerly incarcerated: HB 1338  
 Coyote Ridge corrections center, wild horse training, holding, and farrier program at, feasibility study of, DOC role: HB 1543  
 Earned release date, DOC to recalculate for any offender confined in a facility, requirements: HB 1798  
 Graduated reentry program, requiring public data reporting: **\*2SSB 5502, CH 405 (2023)**  
 Graduated reentry program, requiring substance use disorder assessment before transferring: **\*2SSB 5502, CH 405 (2023)**  
 Incarcerated individuals, extraordinary medical placement for, waiving electronic monitoring, DOC role: **\*SSB 5101, CH 358 (2023)**  
 Incarcerated individuals, postsecondary education programs, participation goals and individual and program priorities: HB 1338  
 Incarcerated persons, real labor real wages act role of DOC: HB 1024  
 Notification of victim, when offender released, escapes, etc., public records exemption for certain DOC records: **\*SSB 5081, CH 391 (2023)**  
 Offender management network information system, replacing: SSB 5025  
 Offenders, comprehensive electronic health records system, implementing: SSB 5025  
 Pharmacy, practice of, authorizing department to engage in for abortion medication: HB 1854, **\*SB 5768, CH 195 (2023)**  
 Reproductive health, establishing program to distribute abortion medication: HB 1854, **\*SB 5768, CH 195 (2023)**  
 Sentencing calculation module, requiring replacement before other modules of offender management network: SSB 5025  
 Solitary confinement restriction act, adopting: HB 1087  
 Telecommunications services and electronic media in correctional facilities, DOC reporting requirement, eliminating: HB 1362  
 Work ethic camp program for offenders, repealing: HB 1024

**COUNSELORS AND COUNSELING (See also MENTAL HEALTH; VICTIMS OF CRIMES)**

Behavioral health loan repayment program, including penalty interest rate, supports, and service member exception: **\*HB 1763, CH 159 (2023)**  
 Behavioral health workforce, various strategies for increasing: HB 1724  
 Marriage and family therapists, licensed, modifying supervised experience requirement: HB 1724  
 Marriage and family therapists, licensed, probationary license, removing practice restriction for licensees: HB 1724

\* - Passed Legislation

Marriage and family therapy associates, program to facilitate placement with clinical supervision services, developing: HB 1724

Mental health counselor associates, program to facilitate placement with clinical supervision services, developing: HB 1724

Mental health counselor compact, adoption of: HB 1069

Mental health counselors, licensed, modifying supervised experience requirement: HB 1724

Mental health counselors, licensed, probationary license, removing practice restriction for licensees: HB 1724

Services, immediate family members of homicide victims, additional counseling for: HB 1501

Sex offender treatment providers and affiliate providers, certified, expanding definitions to include certain mental health associates: HB 1394

Social worker associates, program to facilitate placement with clinical supervision services, developing: HB 1724

Social workers, home purchase by, pilot program for loans to certain workers/occupations for certain costs: HB 1633

Social workers, independent clinical and advanced, licensed, modifying education and supervised experience requirements: HB 1724

Social workers, independent clinical and advanced, licensing standards: HB 1021

Social workers, independent clinical and advanced, probationary license, removing practice restriction for licensees: HB 1724

Telehealth, inclusion in mental health counselor compact: HB 1069

**COUNTIES (See also AERONAUTICS; AUDITORS AND AUDITING; BRIDGES; CITIES AND TOWNS; ELECTIONS; GROWTH MANAGEMENT; HEALTH CARE AUTHORITY; HOMELESS PERSONS; HOUSING AND HOMES; LOCAL GOVERNMENT; LOW-INCOME PERSONS; PUBLIC DEFENSE, OFFICE; PUBLIC FACILITIES DISTRICTS; SHORELINES AND SHORELINE MANAGEMENT; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; TAXES - PROPERTY; UTILITIES)**

Annexation of unincorporated areas by cities, interlocal agreements between city and county, when: HB 1425

Auditor's office, designating jail voting coordinator and creating jail voting plan: HB 1174

Auditor, adding surcharge per instrument for certain documents recorded and repealing sections: **\*SSB 5386, CH 277 (2023)**

Clark-Cowlitz fire rescue, division chief Michael Jackson, 2022 state fire marshal of the year, honoring: **\*HR 4609 (2023)**

Commissioner districts, boundaries adoption after expanding to 5 commissioners, timeline: **\*HB 1049, CH 237 (2023)**, SSB 5106

Commissioners and councilmembers, modifying salary commission membership and petition rules: **\*SSB 5627, CH 49 (2023)**

Community reconciliation account, renaming community reinvestment account as, and using for reconciliation purposes: HB 1737

County investment pools, authorized tribal official authority to invest tribal funds with county treasurer: HB 1352

Cowlitz, sheriff's deputy Justin DeRosier, naming of I-5 section as Cowlitz County Deputy Sheriff Justin DeRosier memorial highway, requesting: HJM 4001

Distressed coastal county, tribe/business entity deploying internet/telecommunications infrastructure in, sales/use tax exemption: HB 1711

Encampments, counties to prohibit camping on public property within 500 feet of schools, parks, courthouses, and child care centers: HB 1373

Frontier county, defining for certain economic development and excise taxation purposes: HB 1835

Indigent persons, county resident who dies in adjacent county outside WA, disposition of remains of: **\*HB 1100, CH 62 (2023)**

Island counties, community councils for unincorporated areas, repealing chapter: HB 1090, **\*SSB 5087, CH 102 (2023)**

Legislative authorities, authority in actions based on special purpose district governing body member official misconduct: HB 1538

Local homeless housing plans, providing use of retained audit fees: **\*SSB 5386, CH 277 (2023)**

Mason, sheriff's office, former sheriff Casey Salisbury, recognizing: **\*HR 4612 (2023)**

Meetings of legislative authorities at alternate locations, frequency: **\*HB 1645, CH 84 (2023)**, SB 5067

Peace officers, pool of candidates for hiring by county law enforcement agencies, program to recruit/certify, establishing: HB 1387

Pierce, daffodil festival, its organizers, and its royal court, recognizing: **\*HR 4620 (2023)**

Reconciliation act, renaming account as community reconciliation account and using for community support: HB 1737

Rural counties, environmental justice council membership, at least one-half to be rural county residents: HB 1664  
 Rural counties, rural public facilities sales and use tax, providing revenue, project, and expenditure information on auditor website: HB 1267  
 Rural, fire protection services capital projects grant program for rural counties, establishing: HB 1014  
 Snohomish, district court judges, adding additional: **\*SB 5003, CH 5 (2023)**  
 Stadiums, impact fee assessment on price of admission, community preservation and development authority use: HB 1510  
 Stadiums, local sales/use tax at taxable events inside certain facilities, community preservation and development authority imposition of: HB 1847  
 Stormwater control facilities, eligibility of diking or drainage district to receive rates and charges assessed: HB 1705  
 Stormwater control facilities, requiring notification of interaction with diking or drainage district: HB 1705  
 Treasurers, warrants, repealing certain sections concerning warrant interest and warrant calls: **\*HB 1419, CH 75 (2023)**  
 Treasurers, warrants, when cleared or redeemed or not redeemed due to insufficient funds: **\*HB 1419, CH 75 (2023)**  
 Wahkiakum county ferry, DOT monthly payments to county for deficit, increasing amounts: **\*EHB 1782, CH 428 (2023)**  
 Wolves, gray, managing as protected or endangered in counties meeting criteria and developing management plan: HB 1698

**COURTS (See also BAIL AND BAIL BONDS; CIVIL ACTIONS AND PROCEDURE; CRIMINAL OFFENDERS; CRIMINAL PROCEDURE; JUDGES; JUVENILES AND JUVENILE COURT; VICTIMS OF CRIMES)**

Appeals, court of, divisions and panels of, certain chief judge and chief justice authority concerning, removing: **\*SB 5155, CH 184 (2023)**  
 Competency, providing procedure for doubts of, including evaluation and restoration: **\*E2SSB 5440, CH 453 (2023)**  
 Courthouse facility dogs, increasing accessibility for witness use: HB 1077  
 Crime victim penalty assessment, eliminating: HB 1169  
 Dependency cases, altering responsibility for public notice: HB 1205  
 District courts, hope card issuance to protection order recipients by, developing hope card program for: HB 1766  
 District courts, Snohomish county, adding additional judges: **\*SB 5003, CH 5 (2023)**  
 DNA database fee, eliminating: HB 1169  
 Homeless encampments, requiring county and city prohibition on public property within 500 feet of courthouses: HB 1373  
 Judiciary, state of the, joint legislative session for message: **\*SCR 8400 (2023)**  
 Jurors, altering compensation: HB 1598  
 Jurors, opt-in for electronically receiving jury summons via email sharing with consolidated technology services agency: HB 1598, **\*2SSB 5128, CH 316 (2023)**  
 Jury service, persons 80 or older requesting to be excused from, attestation form requirement for: **\*HB 1312, CH 205 (2023)**  
 Less restrictive alternative treatment, altering standards: ESB 5130  
 Litigation, authorizing the retention of any connected overpayment less than 10 dollars: **\*SB 5392, CH 278 (2023)**  
 RCW, repealing and amending defects and omissions identified by courts: HB 1090, **\*SSB 5087, CH 102 (2023)**  
 Specialty courts, parent or guardian participants in, increasing access to working connections child care program: **\*2SSB 5225, CH 222 (2023)**  
 State v. Blake, comprehensive statutory changes in response to: **\*2E2SSB 5536, CH 1 (2023)**  
 State v. Blake, persons with qualifying conviction or nonconviction to be eligible for legal financial obligations refund: HB 1492  
 State v. Blake, persons with qualifying conviction to be eligible for vacation of conviction and resentencing: HB 1492  
 Superior courts, hope card issuance to protection order recipients by, developing hope card program for: HB 1766  
 Superior courts, siting of sexual violent predator secure community transition facility, role of court: HB 1751  
 Termination of parental rights cases, altering responsibility for public notice: HB 1205  
 Therapeutic courts, parent or guardian participants in, increasing access to working connections child care program: **\*2SSB 5225, CH 222 (2023)**  
 Uniform child abduction prevention act, enacting new chapter: HB 1121  
 Venue, clarifying legislative intent for recovery of county taxes: HB 1572

**COVID-19 AND CORONAVIRUS**

Occupational diseases, to include COVID-19 and similar diseases for workers' compensation purposes: HB 1785



Vaccination or immunization, state executive branch agency requiring that new or prospective employees have, prohibition: HB 1801

Vaccination, public employees separated due to mandate, hiring preference and retirement system service credit: HB 1814

### **CREDIT AND DEBIT CARDS**

Credit card payments, transaction processing fee for, authority of certain businesses to charge, requirements: HB 1666, HB 1727

Payment card processing companies, creating tax deduction and rate changes: HB 1815

### **CRIMES (See also CANNABIS; CHILDREN; DRUGS; FIREARMS; SENTENCES AND SENTENCING; SEX OFFENSES AND OFFENDERS; VICTIMS OF CRIMES)**

Adult entertainment, excluding from certain crimes: ESSB 5614

Animal abuse, civil forfeiture in cases of abuse or neglect: HB 1234

Assault, 3rd degree, assaulting an amateur sports official: HB 1096

Assault, 3rd degree, implanting own gametes or reproductive material into patient without consent as: HB 1300

Auto theft, Washington auto theft prevention authority account, limiting use for confinement matters and costs to local level: HB 1682

Auto theft, Washington auto theft prevention authority and account, modifying provisions: HB 1669

Branding, creating as class B felony: HB 1150

Capital punishment, repealing and amending language: HB 1090, **\*SSB 5087, CH 102 (2023)**

Catalytic converters, scrap metal business purchase offenses, certain involving certain numbers or marks on, class C felony, when: HB 1840

Catalytic converters, scrap metal business purchase offenses, knowing property is stolen, gross misdemeanor: HB 1840

Catalytic converters, theft in 2nd degree of private metal property, special allegation and special verdict, when: HB 1840

Child abuse or neglect, reporting by clergy, requirements: HB 1036, HB 1098, SB 5280

Children, altering age thresholds for justice system: HB 1440

Controlled substances, knowingly possessing or knowingly using in public place, as gross misdemeanor with encouragement for diversion: **\*2E2SSB 5536, CH 1 (2023)**

Controlled substances, knowingly possessing, as gross misdemeanor: HB 1613

Controlled substances, knowingly possessing, gross misdemeanor: HB 1415

Controlled substances, knowingly possessing, reintroducing E2SSB 5536 for consideration during 2023 first special session: **\*SCR 8409 (2023)**

Controlled substances, knowingly possessing, requiring notice service for warrant issuance: HB 1613

Controlled substances, prohibiting tableting and encapsulating machines for use in violation of law: **\*EHB 1209, CH 66 (2023)**

Controlled substances, unlawful possession, excluding housing unit occupant possession of cannabis plants from, when: HB 1614

Counterfeit substances, knowingly possessing or knowingly using in public place, as gross misdemeanor with encouragement for diversion: **\*2E2SSB 5536, CH 1 (2023)**

Counterfeit substances, knowingly possessing, as gross misdemeanor: HB 1613

Counterfeit substances, knowingly possessing, reintroducing E2SSB 5536 for consideration during 2023 first special session: **\*SCR 8409 (2023)**

Counterfeit substances, knowingly possessing, requiring notice service for warrant issuance: HB 1613

Driving under the influence, provisions: HB 1104, HB 1385, HB 1493, HB 1562, SB 5032

Drug offenses, endangerment with controlled substance, to include fentanyl and synthetic opioids: ESSB 5010

Drug offenses, knowingly possessing or knowingly using in public place, indigent adults facing charges, public defense services for: **\*2E2SSB 5536, CH 1 (2023)**

Drug offenses, knowingly possessing, reintroducing E2SSB 5536 for consideration during 2023 first special session: **\*SCR 8409 (2023)**

Drug offenses, qualifying controlled substance/legend drug/counterfeit substance convictions, vacation of/resentencing for, when: HB 1492

Drug offenses, qualifying convictions or nonconvictions affected by State v. Blake, vacation/legal financial obligations refund: HB 1492

Drug offenses, qualifying drug paraphernalia possession convictions, vacation of, when: HB 1492

Drug offenses, State v. Blake, comprehensive statutory changes in response to: **\*2E2SSB 5536, CH 1 (2023)**

Drugs, paraphernalia prohibitions, controlled substance fentanyl testing equipment exemption: ESB 5022  
 Drugs, paraphernalia prohibitions, controlled substance testing equipment exemption: HB 1006  
 Female genital mutilation, as gross misdemeanor prosecutable until later of age 28 or ten years: **\*SSB 5453, CH 122 (2023)**  
 Fur farms, prohibition, misdemeanor: HB 1034  
 Gangs, criminal street gang tagging and graffiti, community or clean-up restitution for: HB 1800  
 Government agency communications, considering as advertising for false advertising purposes: HB 1610  
 Harassment, expanding to include election officials: HB 1139  
 Harassment, redefining and treating election officials the same criminal justice participants: HB 1241  
 Hate crime advisory working group, decodifying section due to expiration: **\*HB 1066, CH 470 (2023) PV**  
 Hate crimes, defining as crimes against persons: **\*ESB 5623, CH 52 (2023)**  
 Hate crimes, establishing hotline for hate crimes and bias incidents and requiring referral: HB 1410  
 Hazing, postsecondary educational institutions, gross misdemeanor or class C felony, when: **\*HB 1002, CH 196 (2023)**  
 Homicide, immediate family members of victims of, additional counseling services for: HB 1501  
 Human remains disposition, misdemeanor, exemption for family burial grounds: HB 1037  
 Human trafficking, sexual and labor, law enforcement officer interception/recording/disclosure of oral communications concerning: HB 1602  
 Legend drugs, knowingly possessing or knowingly using in public place, misdemeanor, encouragement for diversion: **\*2E2SSB 5536, CH 1 (2023)**  
 Legend drugs, knowingly possessing, misdemeanor: HB 1613  
 Legend drugs, knowingly possessing, reintroducing E2SSB 5536 for consideration during 2023 first special session: **\*SCR 8409 (2023)**  
 Legend drugs, knowingly possessing, requiring notice service for warrant issuance: HB 1613  
 Malicious mischief, 3rd degree, community or clean-up restitution for: HB 1800  
 Metal property, scrap metal business purchase offenses, certain involving certain numbers or marks on, class C felony, when: HB 1840  
 Metal property, scrap metal business purchase offenses, knowing property is stolen, gross misdemeanor: HB 1840  
 Metal property, theft in 2nd degree of private metal property, special allegation and special verdict, when: HB 1840  
 Military service, falsely claiming or misrepresenting, by state elected official or candidate for state elected office, misdemeanor: HB 1671  
 Missing and murdered indigenous women and people, creating cold case unit: HB 1177  
 Negligent driving with a vulnerable user victim, differentiating 1st and 2nd degree offenses: **\*HB 1112, CH 471 (2023)**  
 Physical control of vehicle under the influence, provisions: HB 1104, HB 1385, HB 1493, HB 1562, SB 5032  
 Police vehicle, attempting to elude, when driver may be committing vehicle theft, class C felony at seriousness level III: HB 1691  
 Racing, prohibiting and subjecting vehicles to impounding or forfeiture: HB 1631, **\*SB 5606, CH 283 (2023)**  
 Robbery, second degree, when committed with threat of immediate force, violence, or bodily injury, as most serious offense: HB 1805  
 Robbery, second degree, when exceptional sentence to avoid persistent offender sentence, resentencing hearing: HB 1108  
 Sporting events, manipulation of as class C felony: HB 1630  
 Subversive activities, repealing chapter: HB 1090, **\*SSB 5087, CH 102 (2023)**  
 Survivors of crimes, honoring, and recognizing their plight: **\*HR 4626 (2023)**  
 Theft, definition of, to include concealing another's property to deprive them of its use or benefit: HB 1456  
 Theft, in 2nd degree, stealing of private metal property, special allegation and special verdict, when: HB 1840  
 Trafficking, human, sexual and labor, law enforcement officer interception/recording/disclosure of oral communications concerning: HB 1602  
 Vehicular homicide, victim with minor child or children, offender to pay child maintenance as restitution: HB 1668  
 Victims and survivors of crimes, honoring, and recognizing their plight: **\*HR 4626 (2023)**

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Basic law enforcement academy program, providing in eastern Washington, pilot project for: HB 1461  
 Canine teams, model standards for training and certification of teams to detect fentanyl, CJTC to develop: HB 1635  
 Law enforcement agencies, one-time new-hire/retention/body camera programs funding awards, CJTC role: HB 1380  
 Law enforcement professionals development outreach, retention, and support programs, CJTC role: HB 1380  
 Limited authority Washington peace officers, training and certification standards: HB 1132

Peace officers, general authority, when CJTC-certified and employed full-time by tribe, LEOFF plan 2 membership:

**\*HB 1481, CH 77 (2023)**

Peace officers, pool of candidates for hiring by local law enforcement agencies, program to recruit/certify, establishing:  
HB 1387

Sexual assault cases, statewide resource prosecutor grant program for, CJTC to establish: HB 1028

Sexual assault/gender-based violence with adult victims, training for officers, investigators, and prosecutors on: HB 1028

Tribal officer certification, role of written agreements with tribal agencies: **\*HB 1290, CH 72 (2023)**

Tribal peace officers, general authority, when CJTC-certified and employed full-time by tribe, LEOFF plan 2 membership: **\*HB 1481, CH 77 (2023)**

Vehicle pursuit technology grant program, implementing: HB 1586

Vehicle pursuits, convening work group for policy recommendations: HB 1586

**CRIMINAL OFFENDERS (See also BAIL AND BAIL BONDS; CORRECTIONAL FACILITIES AND JAILS; CORRECTIONS, DEPARTMENT; COURTS; CRIMES; CRIMINAL PROCEDURE; DRUGS; EMPLOYMENT AND EMPLOYEES; INDETERMINATE SENTENCE REVIEW BOARD; JUVENILES AND JUVENILE COURT; RECORDS; SENTENCES AND SENTENCING; SEX OFFENSES AND OFFENDERS; TRAFFIC OFFENSES; VICTIMS OF CRIMES)**

Body worn cameras, provision of recordings: HB 1080

Conditional commutations of sentences, supervision of persons granted: HB 1189

Criminal justice system, exiting, evergreen basic income pilot program, establishing: HB 1045

Deferred prosecution, of DUI or physical control of vehicle under influence, when SUD/mental health disorder, provisions: HB 1104, HB 1493

Drug offenses, encouraging diversion to assessment and treatment services: **\*2E2SSB 5536, CH 1 (2023)**

Drug offenses, knowingly possessing or knowingly using in public place, indigent adults facing charges, public defense services for: **\*2E2SSB 5536, CH 1 (2023)**

Drug offenses, knowingly possessing, reintroducing E2SSB 5536 for consideration during 2023 first special session: **\*SCR 8409 (2023)**

Drug offenses, pretrial diversion to recovery navigator, arrest and jail alternative, or law enforcement assisted diversion programs: **\*2E2SSB 5536, CH 1 (2023)**

Early release, eligibility prohibited for violent crimes with firearm enhancements: HB 1161

Early release, petitioning after reaching age 24 when crime committed before age 18: HB 1383

Early release, rental vouchers for offender petitioning successfully after reaching age 24 for: HB 1383

Earned release date, recalculating for any offender confined in a facility, requirements: HB 1798

Earned release time, accrual by any offender confined in a facility, with certain exceptions: HB 1798

Exceptional sentences, to avoid persistent offender sentence when robbery in second degree, resentencing hearing: HB 1108

Extraordinary medical placement, expanding eligibility criteria and modifying electronic monitoring requirements: HB 1189

Extraordinary medical placement, waiving electronic monitoring in certain cases: **\*SSB 5101, CH 358 (2023)**

Extraordinary release of incarcerated offender, granting by governor, removing clemency and pardons board role: HB 1640

Graduated reentry program, requiring substance use disorder assessment before transferring: **\*2SSB 5502, CH 405 (2023)**

Health records system, comprehensive electronic, implementing: SSB 5025

Incarcerated individuals, postsecondary education programs, participation goals and individual and program priorities: HB 1338

Incarceration, increasing reentry supports and services upon release: **\*2SSB 5134, CH 467 (2023) PV**

Indigent defendants, facing charges of drug possession or use in public place, public defense services for: **\*2E2SSB 5536, CH 1 (2023)**

Indigent offenders, convicted, office of public defense to provide counsel for: **\*2SSB 5046, CH 261 (2023)**

Legal financial obligations, cost of incarceration payment requirement, eliminating: HB 1024

Legal financial obligations, crime victim penalty assessment, eliminating: HB 1169

Legal financial obligations, DNA database fee, eliminating: HB 1169

Legal financial obligations, for qualifying convictions or nonconvictions affected by State v. Blake, refund of: HB 1492

Life without possibility of parole, for offense committed when 16 to 24 years of age, resentencing and release: HB 1325

Long sentences, for offenses committed before age of 25, release from confinement, when: HB 1325

Offender management network information system, replacing: SSB 5025

Offender release/escape/etc., public records disclosure exemption for certain victim notification records: \*SSB 5081, CH 391 (2023)

Pardons, clemency, and commutations, governor's power/authority to grant, removing certain limits to: HB 1640

Persistent offenders, confined for long sentences for offenses committed before age of 25, release, when: HB 1325

Pretrial diversion program, requiring court to inform defendant and defendant's counsel concerning: \*E2SSB 5536, CH 1 (2023)

Substance use disorder, requiring vacation of certain convictions upon completing treatment: \*E2SSB 5536, CH 1 (2023)

**CRIMINAL PROCEDURE (See also BAIL AND BAIL BONDS; CIVIL ACTIONS AND PROCEDURE; COURTS; CRIMES; CRIMINAL OFFENDERS; DRUGS; JUVENILES AND JUVENILE COURT; LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL; SENTENCES AND SENTENCING; VICTIMS OF CRIMES)**

Body worn cameras, provision of recordings: HB 1080

Civil forfeiture, seizing of animal in cases of abuse or neglect: HB 1234

Crime victim penalty assessment, eliminating: HB 1169

Criminal history records, permitting sharing of nonconviction data with state auditor for audit and review: \*HB 1179, CH 26 (2023)

Deferred prosecution, of DUI or physical control of vehicle under influence, when SUD/mental health disorder, provisions: HB 1104, HB 1493

DNA database fee, eliminating: HB 1169

Hate crimes, establishing hotline for hate crimes and bias incidents and requiring referral: HB 1410

Indians, extradition from or to tribal jurisdiction, authority and requirements: HB 1555

Interrogations, in custody, use of deception by officers, inadmissibility of statement due to: HB 1062

Legal financial obligations, cost of incarceration payment requirement, eliminating: HB 1024

Legal financial obligations, crime victim penalty assessment, eliminating: HB 1169

Legal financial obligations, DNA database fee, eliminating: HB 1169

Legal financial obligations, for qualifying convictions or nonconvictions affected by State v. Blake, refund of: HB 1492

Property, forfeiture of seized, procedures and reporting: HB 1385

Reproductive health care services, access to, criminal and civil procedural protections: HB 1469

Reproductive health care services, shield law, claim for interference with protected health care services lawful in WA: HB 1469

Sexual assault, requiring biological samples (DNA) from confined persons prior to their release: ESSB 5576

Vehicular pursuits by law enforcement, convening work group on, and implementing vehicular pursuit technology grant program: HB 1586

Vehicular pursuits by peace officers, reasonable suspicion standard and other requirements for: HB 1053

Vehicular pursuits by peace officers, reasonable suspicion standard and safety requirements for: HB 1363, \*ESB 5352, CH 235 (2023)

Wire taps, authorization reporting to administrative office of the courts, repealing: \*HB 1023, CH 129 (2023)

**CURRENCY**

Controllable electronic records, adding new article to uniform commercial code addressing: \*SSB 5077, CH 266 (2023)

Money laundering, proceeds seizure and forfeiture: HB 1385

Money transmitters, small, serving diverse communities, impact of de-risking on, requesting federal action to reduce: SJM 8005

**DEAF (See also DEAF AND HARD OF HEARING YOUTH, WASHINGTON CENTER FOR; DISABILITIES, PERSONS WITH; DISCRIMINATION)**

Disabilities, persons with, civil actions alleging discrimination against, modifying requirements, when: HB 1760

Service animals and dog guides, persons with disabilities using, discrimination against, civil actions alleging: HB 1760

Special education, improving access to and provision of services: HB 1305

Students who are deaf or hard of hearing, public school consultation with WA center for deaf and hard of hearing youth: HB 1305

**DEAF AND HARD OF HEARING YOUTH, WASHINGTON CENTER FOR (See also DEAF; DISABILITIES, PERSONS WITH; DISCRIMINATION)**

Certificated teachers, increasing compensation for, basis for: HB 1825

Child abuse or neglect, investigation of referrals of alleged incidents at center: **\*ESSB 5515, CH 441 (2023)**  
 Students who are deaf or hard of hearing, public school consultation with center: HB 1305

**DEATH (See also CONCURRENT RESOLUTIONS; HOUSE RESOLUTIONS; HUMAN REMAINS; LEGISLATURE; SENATE RESOLUTIONS)**

Death with dignity act, access to provisions in relation to health care entity material change transactions: HB 1263  
 Death with dignity act, modifying provisions: HB 1035  
 Death with dignity act, modifying to expand access to provisions of: HB 1281, **\*ESSB 5179, CH 38 (2023)**  
 Hospice care, in connection with death with dignity act provisions: HB 1281, **\*ESSB 5179, CH 38 (2023)**

**DENTISTS AND DENTISTRY**

Dental care quality assurance commission, membership, adding two licensed dental therapists: HB 1678  
 Dental only insurance coverage, offered by certain health carriers, denturist dental care coverage addition: HB 1683  
 Dental therapists, licensing to practice in federally qualified health centers and regulating: HB 1678  
 Dentists, out-of-state, in-state license when new faculty member at any accredited WA dental school: HB 1327, **\*SB 5113, CH 89 (2023)**  
 Denturists, certain health carrier dental coverage to permit provision of dental services or care by: HB 1683  
 Hygienists, issuance of restorative, local anesthesia, and nitrous sedation expanded function endorsements: HB 1466  
 Hygienists, procedures within general scope of licensee functions and expanded function endorsements: HB 1466  
 Hygienists, replacing initial limited license with temporary license, when: HB 1466  
 Initial limited license without examination, for applicant in active practice in another state or Canadian province, removing provision: **\*HB 1287, CH 71 (2023)**  
 Postdoctoral residents/students, entering accredited WA dental school or residency program, limited license, when: HB 1327, **\*SB 5113, CH 89 (2023)**

**DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH (See also COURTS; DISABILITIES, PERSONS WITH; DISCRIMINATION; HEALTH CARE AUTHORITY; SCHOOLS AND SCHOOL DISTRICTS)**

Adult family homes, for persons with development/intellectual disabilities, property tax exemption, when: **\*HB 1265, CH 69 (2023)**  
 Applied behavior analysis, health insurance coverage for, requiring: HB 1776  
 Autism, applied behavior analysis, health insurance coverage for, requiring: HB 1776  
 Children's intensive behavior support services, for eligible individuals who have received certain child welfare services, provisions: HB 1188  
 Civil actions due to discrimination, requirements, modifying, when: HB 1760  
 Education ombuds, office of, special education ombuds for each educational service district region, delegating/certifying: E2SSB 5311  
 Enhanced behavior support homes program, establishing: HB 1654  
 Funding, persons with developmental disabilities or mental health services property tax levy: HB 1022  
 Funding, persons with developmental disabilities or mental health services property tax levy by counties, deducting from state levy: HB 1703  
 Hewes, Hezekiah, gold and bronze medalist at 2022 Special Olympics spring games, congratulating: **\*HR 4631 (2023)**  
 Housing for persons with developmental disabilities, developmental disabilities trust account for, creating: HB 1628  
 Medicaid waiver services, forecasting and budgeting as maintenance level costs: HB 1188  
 Medicaid waiver services, forecasting number of eligible individuals who have also received certain child welfare services: HB 1188  
 Medicaid waiver services, to be provided to eligible individuals who have received certain child welfare services: HB 1188  
 Residential habilitation centers, Fircrest School, leasing property for up to 99 years when for certain purposes: HB 1506  
 Special education, early intervention services, early support for infants and toddlers program, calculating funding for: HB 1676  
 Special education, full funding of: HB 1436  
 Special education, general apportionment funding, development of allocation and cost accounting methodology: E2SSB 5311  
 Special education, improving access to and provision of services: HB 1305  
 Special education, increasing excess cost multiplier, removing enrollment funding cap, and providing additional funding: HB 1436

Special education, individualized education programs, development of: HB 1305  
 Special education, raising excess cost funding multipliers for pre-K and K-12 students and enrollment funding cap: HB 1211, E2SSB 5311  
 Special education, raising excess cost funding multipliers for pre-K and K-12 students and removing enrollment funding cap: HB 1436  
 Special education, safety net awards, modifying process for determining eligibility for high-need student: E2SSB 5311  
 Special education, state safety net oversight committee, consideration of costs differences due to service delivery choice: E2SSB 5311  
 Special education, students with IEP or section 504 plan, restraint and isolation of: HB 1479  
 Special education, students with IEPs, individual transportation of: HB 1248  
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 Special Olympics spring games, Hezekiah Hewes, gold and bronze medalist, congratulating: \*HR 4631 (2023)  
 Washingtonians with developmental disabilities, supporting: \*HR 4632 (2023)

## DINOSAURS

Suciasaurus rex, designating as official state dinosaur: \*HB 1020, CH 330 (2023)

## DISABILITIES, PERSONS WITH (See also ANIMALS; BLIND; DEAF; DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH; DISCRIMINATION; HEALTH CARE AUTHORITY; SCHOOLS AND SCHOOL DISTRICTS)

Aged, blind, or disabled assistance program, concurrent receipt of supplemental security income not a debt: HB 1260  
 Aged, blind, or disabled, assistance program, modifying eligibility provisions: HB 1260  
 Discrimination, against persons with disabilities, civil actions alleging, modifying requirements, when: HB 1760  
 Dog guides and service animals, persons with disabilities using, discrimination against, civil actions alleging: HB 1760  
 Education ombuds, office of, special education ombuds for each educational service district region, delegating/certifying: E2SSB 5311  
 Essential needs and housing support program, vocational rehabilitation services for persons receiving benefits: HB 1260  
 Evergreen basic income pilot program, establishing: HB 1045  
 Low-income home rehabilitation grant program, creating with persons with disabilities as a priority: HB 1250  
 Medicare, savings programs, offering certain programs to medicaid clients entitled to medicare part A, when: HB 1313  
 Property tax exemption for service-connected disabled veterans and senior citizens process and improvement work group, convening: HB 1560  
 Property tax exemption program, maintaining eligibility despite COLA to social security, SSI, or pension benefits: HB 1482  
 Property tax exemption program, updating and adjusting combined disposable income thresholds for: HB 1355, HB 1560  
 Sensory/mental/physical disabilities, discrimination due to, civil actions alleging, modifying requirements, when: HB 1760  
 Service animals and dog guides, persons with disabilities using, discrimination against, civil actions alleging: HB 1760  
 Special education, early intervention services, early support for infants and toddlers program, calculating funding for: HB 1676  
 Special education, full funding of: HB 1436  
 Special education, general apportionment funding, development of allocation and cost accounting methodology: E2SSB 5311  
 Special education, improving access to and provision of services: HB 1305  
 Special education, increasing excess cost multiplier, removing enrollment funding cap, and providing additional funding: HB 1436  
 Special education, individualized education programs, development of: HB 1305  
 Special education, raising excess cost funding multipliers for pre-K and K-12 students and enrollment funding cap: HB 1211, E2SSB 5311  
 Special education, raising excess cost funding multipliers for pre-K and K-12 students and removing enrollment funding cap: HB 1436  
 Special education, safety net awards, modifying process for determining eligibility for high-need student: E2SSB 5311  
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 Special education, students with IEP or section 504 plan, restraint and isolation of: HB 1479  
 Special education, students with IEPs, individual transportation of: HB 1248

Special education, students with IEPs, transportation of special passengers who are: E2SSB 5174

State employees or elected or appointed officials with disabilities, state transportation from jobsite to home, when: HB 1463

Students first education savings account program, establishing for home-based instruction or private schooling: HB 1615

Vocational rehabilitation services, when receiving benefits under certain cash assistance programs: HB 1260

**DISCRIMINATION (See also EMPLOYMENT AND EMPLOYEES; LABOR)**

Bias incidents, establishing hotline for hate crimes and bias incidents and requiring referral: HB 1410

Cannabis, employees lawfully consuming away from work, prohibiting employer discrimination in hiring against:

**\*ESSB 5123, CH 359 (2023)**

Disabilities, persons with, civil actions alleging discrimination against, modifying requirements, when: HB 1760

Executive order 9066, eighty-first anniversary, acknowledging: **\*HR 4615 (2023)**

Ferries, Washington state, requiring formal strategy to implement diversity, equity, and inclusion directives: **\*SB 5550, CH 188 (2023)**

Ferries, Washington state, requiring formal strategy to implement workforce diversity, equity, and inclusion: HB 1831, HB 1841

Gender, pricing difference for goods based on, prohibiting: HB 1152, SSB 5171

Historically underrepresented communities, representation on issues-based statutory entities via persons with direct lived experience: HB 1541

Holocaust remembrance day, recognizing: **\*HR 4642 (2023)**

Japanese American veterans, incarcerated, and civil rights activists, recognizing and remembering: **\*HR 4615 (2023)**

Nothing about us without us act, access and representation in policy-making processes for underrepresented populations: HB 1541

Public works contractors with state, discrimination prohibitions and nondiscrimination contract clauses: **\*ESSB 5186, CH 468 (2023)**

Schools, compliance with nondiscrimination requirements, primary contact person for, designation by each district: HB 1207

Schools, discrimination and sexual harassment in, policies and complaint procedures using model student handbook language, posting: HB 1207

Service animals and dog guides, persons with disabilities using, discrimination against, civil actions alleging: HB 1760

Vaccination or immunity status, preventing discrimination based on, medical freedom act for: HB 1827

**DOMESTIC RELATIONS (See also CHILD CARE; GUARDIANSHIP; LOW-INCOME PERSONS; MARRIAGE AND MARRIED PERSONS; MENTAL HEALTH; SCHOOLS AND SCHOOL DISTRICTS)**

Child protective services, workers not required to go alone to private location when risk of violence, requirements: HB 1673

Child support, processing and reporting of lump-sum payments by employers to responsible parent: **\*HB 1262, CH 248 (2023)**

Child support, removing limits on department pass through and exempting from temporary assistance eligibility: HB 1652

Child welfare services, DCYF's child welfare functions, state auditor to conduct evaluation of: HB 1754

Child welfare services, workers not required to go alone to private location when risk of violence, requirements: HB 1673

Dependency cases, altering responsibility for public notice: HB 1205

Family and medical leave, paid, impact of job protection standards on equitable utilization of benefits, studying: HB 1502

Family and medical leave, paid, pilot program for transportation network companies and drivers, developing: HB 1570

Family and medical leave, paid, removing the terms "master" and "slave" from: **\*HB 1107, CH 25 (2023)**

Family connections program, implementing: HB 1204

Family law disputes, new chapter governing arbitration: HB 1088

Foster care, removing requirement for outcome evaluation of case aides who provide short-term care: SB 5419

Parentage, precluding establishment when parent alleges sexual assault caused pregnancy, proceedings for: HB 1808

Parental rights, fundamental, enumerating and reserving to parents of a minor child: HB 1601

Parents with young children, evergreen basic income pilot program, establishing: HB 1045

Termination of parental rights cases, altering responsibility for public notice: HB 1205

Uniform child abduction prevention act, enacting new chapter: HB 1121

Violence, domestic or other family member or intimate partner violence, comprehensive protections for victims: HB 1715

Vlogs, for-profit, of family or individual vlogger, minor children featured on, setting aside earnings on video content for: HB 1627

**DOMESTIC VIOLENCE (See also DOMESTIC RELATIONS; NAME CHANGES; PROTECTION ORDERS)**

Deferred prosecution, provisions relevant to domestic violence: HB 1104

Domestic violence services program, convening work group to review funding: \*SSB 5398, CH 401 (2023)

Exiting relationship or living situation, evergreen basic income pilot program, establishing: HB 1045

Extremism, domestic violence extremism commission, establishing: HB 1333

Gun, gender-based, and other violence, amending unlawful possession of firearms and restoration of firearm rights laws to reduce: HB 1562

Nonfatal strangulation, state payment of examination costs, removing L&I reporting requirement: \*SB 5070, CH 108 (2023)

Orders, emergency no-contact orders, orders to surrender and prohibit weapons, and extreme risk protection orders: \*ESSB 5231, CH 320 (2023)

Survivors, state or local agency employees who are, records disclosure exemption for: HB 1533

Victims of domestic or other family member or intimate partner violence, comprehensive protections for: HB 1715

**DRIVERS AND DRIVERS' LICENSES (See also CANNABIS; CRIMES; DRUGS; TOWING AND TOW TRUCKS; TRAFFIC; TRAFFIC OFFENSES)**

Driver training schools, curriculum to include sharing road with large vehicles: \*HB 1540, CH 32 (2023)

Driver's abstract, authorizing release to treatment agencies without time limit and by probation officials: \*SB 5347, CH 118 (2023)

Driving while license suspended or revoked, in third degree, prohibiting stopping or detaining vehicle operator for: HB 1513

Ignition interlock devices, impaired driving provisions: HB 1493

Licenses and learner's permits, commercial, role of drug and alcohol clearinghouse query: HB 1448, \*SB 5041, CH 35 (2023)

Licenses, commercial driver's license online renewal, examination fees, and CDL or CLP standards waiver: \*HB 1058, CH 57 (2023)

Licensing facilities, automatic voter registration of license and identicard applicants at, updating process for: HB 1229, \*E2SSB 5112, CH 466 (2023)

Negligent driving with a vulnerable user victim, differentiating 1st and 2nd degree offenses: \*HB 1112, CH 471 (2023)

**DRUGS (See also ALCOHOLIC BEVERAGES; CANNABIS; CRIMES; DRIVERS AND DRIVERS' LICENSES; SUBSTANCE USE DISORDER; TRAFFIC OFFENSES)**

Clinical trials, diversity in clinical trials of drugs and medical devices, increasing: HB 1745

Clinical trials, diversity in clinical trials program, establishing for trials of drugs and medical devices: SSB 5388

Contraception, over-the-counter emergency contraceptive medication, in vending machines on college campuses: HB 1837

Controlled substances, equipment to test for fentanyl in, "drug paraphernalia" prohibitions exemption: ESB 5022

Controlled substances, expanding offenses and penalties: HB 1162

Controlled substances, juveniles to be delivered to an evaluation and treatment facility if use witnessed: HB 1116

Controlled substances, knowingly possessing fentanyl without prescription, class C felony: HB 1520

Controlled substances, knowingly possessing or knowingly using in public place, as gross misdemeanor with encouragement for diversion: \*E2SSB 5536, CH 1 (2023)

Controlled substances, knowingly possessing, as gross misdemeanor: HB 1613

Controlled substances, knowingly possessing, gross misdemeanor: HB 1415

Controlled substances, knowingly possessing, reintroducing E2SSB 5536 for consideration during 2023 first special session: \*SCR 8409 (2023)

Controlled substances, person under 18 in vehicle with driver under 21 who possesses, officer notification of parent of: HB 1802

Controlled substances, prohibiting tableting and encapsulating machines for use in violation of law: \*EHB 1209, CH 66 (2023)

Controlled substances, testing equipment "drug paraphernalia" prohibitions exemption: HB 1006, ESB 5022



Counterfeit substances, expanding offenses and penalties: HB 1162

Counterfeit substances, knowingly possessing or knowingly using in public place, as gross misdemeanor with encouragement for diversion: **\*2E2SSB 5536, CH 1 (2023)**

Counterfeit substances, knowingly possessing, as gross misdemeanor: HB 1613

Counterfeit substances, knowingly possessing, reintroducing E2SSB 5536 for consideration during 2023 first special session: **\*SCR 8409 (2023)**

Drug and alcohol clearinghouse, query of, for commercial vehicle driver licensing or learner permitting purposes: HB 1448, **\*SB 5041, CH 35 (2023)**

Epi-pens, in schools, prescriptions, supplies, and use for anaphylaxis: HB 1608

Epinephrine and epinephrine autoinjectors, in schools, prescriptions, supplies, and use for anaphylaxis: HB 1608

Fentanyl, detection of, training and certification of police canine teams for, developing model standards: HB 1635

Fentanyl, provisions concerning: HB 1520, ESSB 5010, ESB 5022

Insulin for individuals under the age of 21 bulk purchasing and distribution program, establishing: HB 1725

Insulin, removing expiration date of cost-sharing cap: **\*SSB 5729, CH 16 (2023)**

Legend drugs, knowingly possessing or knowingly using in public place, misdemeanor, encouragement for diversion: **\*2E2SSB 5536, CH 1 (2023)**

Legend drugs, knowingly possessing, misdemeanor: HB 1613

Legend drugs, knowingly possessing, reintroducing E2SSB 5536 for consideration during 2023 first special session: **\*SCR 8409 (2023)**

Medications, athletic trainer purchase, storing, and administration in accordance with education and training: HB 1275

Mental health medication, barring health carriers' substitution with preferred drugs for certain drugs: **\*SSB 5300, CH 325 (2023)**

Offenses, convictions for knowingly possessing controlled substances/counterfeit substances/legend drugs, vacating, when: HB 1613

Offenses, involving controlled substances/legend drugs/imitations, officer recording/disclosure of oral communications concerning: HB 1602

Offenses, involving knowingly possessing controlled substances/counterfeit substances/legend drugs, suspended sentence, when: HB 1613

Offenses, knowingly possessing or knowingly using in public place, indigent adults facing charges, public defense services for: **\*2E2SSB 5536, CH 1 (2023)**

Offenses, knowingly possessing, reintroducing E2SSB 5536 for consideration during 2023 first special session: **\*SCR 8409 (2023)**

Offenses, pretrial diversion program as option, eligibility and procedures, when: **\*2E2SSB 5536, CH 1 (2023)**

Offenses, pretrial diversion to recovery navigator, arrest and jail alternative, or law enforcement assisted diversion programs: **\*2E2SSB 5536, CH 1 (2023)**

Offenses, qualifying controlled substance/legend drug/counterfeit substance convictions, vacation of/resentencing for, when: HB 1492

Offenses, qualifying convictions or nonconvictions affected by State v. Blake, vacation/legal financial obligations refund: HB 1492

Offenses, qualifying drug paraphernalia possession convictions, vacation of, when: HB 1492

Offenses, seizure and forfeiture of property: HB 1385

Offenses, State v. Blake, comprehensive statutory changes in response to: **\*2E2SSB 5536, CH 1 (2023)**

Opioids, fentanyl and synthetic opioids, endangerment with controlled substance to include: ESSB 5010

Opioids, fentanyl, equipment to test controlled substances for, drug paraphernalia prohibitions exemption: ESB 5022

Opioids, fentanyl, knowingly possessing without prescription, class C felony: HB 1520

Opioids, opioid treatment programs, off-site mobile and fixed-site medication units: **\*2E2SSB 5536, CH 1 (2023)**

Opioids, opioid treatment rural access and expansion: **\*2E2SSB 5536, CH 1 (2023)**

Opioids, overdose reversal medication and training for DCYF caseworkers and employees/staff: **\*2E2SSB 5536, CH 1 (2023)**

Opioids, prescribing for chronic pain, practitioner liability immunity for, requirements: HB 1546

Optometrists, permitting purchase of diagnostic and therapeutic pharmaceutical agents: **\*SSB 5389, CH 400 (2023)**

Paraphernalia, state preemption of regulation: **\*2E2SSB 5536, CH 1 (2023)**

Paraphernalia, various provisions: **\*2E2SSB 5536, CH 1 (2023)**

Prenatal substance exposure, availability of services for children: HB 1168

Prescription drug affordability board, modifying membership, duties, and related provisions: HB 1269

Prescription, interchangeable biosimilar products, health carrier or utilization management entity requiring use of: HB 1356

Prescription, mail order pharmacies, pharmacy benefit manager filling prescription through, requirements: HB 1253  
Safety, updating and provision of department of health information for school websites: \***HB 1230, CH 173 (2023)**

#### **ECOLOGY, DEPARTMENT**

Airports, lead exposure associated with operating practices of, best management practices for reducing, ecology role: HB 1554

Alternative jet fuel, requiring allowance of biomethane to be claimed as feedstock: HB 1505, \***ESSB 5447, CH 232 (2023)**

Appliance stewardship, department role: HB 1164

Battery stewardship programs, requirements for, ecology role: HB 1553, \***E2SSB 5144, CH 434 (2023)**

Cap and invest program, requiring study considering independent entity for oversight of markets and auctions: HB 1659

Carbon monoxide poisoning, interagency carbon monoxide work group, ecology to convene: HB 1779

Challis basin, office of, flood risk reduction waiver for restrictions on residential improvements: SSB 5649

Clean energy projects of statewide significance, coordinated permitting process for, ecology role: HB 1216

Clean energy, solar energy and green electrolytic or renewable hydrogen projects, nonproject EISs for, ecology role: HB 1216

Climate commitment act, purchases of exempt fuel to which surcharge was applied, remittance of surcharge value, ecology role: HB 1780

Composting, compostable product management standards, stakeholder advisory committee, ecology to convene: HB 1033

Integrated climate resilience strategy, department role: HB 1170

Interagency agreements, eliminating requirement to list various information on website: HB 1362

Interagency clean energy siting coordinating council, establishing, ecology role: HB 1216

Lead, cookware and cookware components containing, prohibiting manufacture, sale, and distribution, ecology role: HB 1551

Lead-based paint activities training program report, replacing with posting on ecology website: HB 1362

Mercury-containing lights, product stewardship program for end-of-life management and phase-out, extending and expanding: HB 1185

Mercury-containing lights, product stewardship program for end-of-life management and phase-out, modifying: HB 1185

Overburdened communities and tribal nations, community-based health assessments of, ecology role: HB 1347

Permitting, exemption for maintenance of fish and wildlife department fisheries: HB 1225

Polychlorinated biphenyls, certain uses and exclusions from federal prohibitions, petitioning EPA to reassess, ecology role: HB 1314, \***SB 5369, CH 399 (2023)**

Polychlorinated biphenyls, paints and printing inks as priority consumer products for PCB chemicals, ecology role: HB 1314

Puget Sound shoreline, conducting baseline survey of, ecology role: \***SB 5104, CH 465 (2023)**

Puget Sound, office of Puget Sound water quality, establishing within ecology: HB 1365

Sewage, untreated discharges into state waters by municipal wastewater sewerage systems, reporting of, ecology role: HB 1365

Solid waste management outcomes, improving via responsibility organizations and studies, ecology role: HB 1131

Stormwater, NPDES municipal permit, monitoring urban heat island effect impact on salmon via: HB 1381

Toxic-free cosmetics act, including initiative to support certain small businesses, ecology role: HB 1047

Walla Walla water 2050 plan, integrated strategy and concurrent benefits while addressing challenges, ecology role: HB 1322

Water-quality trading program, department requirement to offer: HB 1166

#### **ECONOMIC AND REVENUE FORECAST COUNCIL**

Transportation revenue forecast for transportation budget, transferring forecast to council and modifying council statutes: HB 1838

#### **ECONOMIC DEVELOPMENT (See also COMMUNITY ECONOMIC REVITALIZATION BOARD)**

Associate development organizations, grant program for recruitment, hiring, and retention of grant writers by, establishing: HB 1783

Federal economic development funding, for clean energy/transportation/buildings and broadband, efforts to obtain, reporting on: HB 1767

Frontier county, defining for certain economic development and excise taxation purposes: HB 1835

Regional economic development vision and action plan, for each region of state, development of: HB 1623

Site readiness and predevelopment work, grants for public facility improvements to enable development: HB 1231, **\*SSB 5229, CH 93 (2023)**

#### **EDUCATION, STATE BOARD OF**

Charter schools and charter school commission, board oversight and role, extending and clarifying: HB 1744

Graduation pathway options, reviewing and monitoring implementation of, board role: **\*HB 1308, CH 349 (2023)**

Residential private schools, accreditation standards and procedures for, board role: **\*ESSB 5515, CH 441 (2023)**

#### **ELECTIONS (See also PUBLIC DISCLOSURE COMMISSION; SCHOOLS AND SCHOOL DISTRICTS)**

Advertising, political, requiring disclosures in advertisements: ESSB 5284

Advertising, political, requiring disclosures to commercial advertisers and amending certain requirements: HB 1677, ESSB 5284

Advertising, political, synthetic media of candidates, new chapter regulating: HB 1442, **\*ESSB 5152, CH 360 (2023)**

Advisory votes on tax legislation, repealing and removing from statutes: HB 1158, **\*ESSB 5082, CH 109 (2023)**

Ballots, candidate party preference on primary or general election ballot, prohibiting: HB 1826

Ballots, prohibiting forwarding of, and specifying county auditor requirements: HB 1816

Ballots, statewide online ballot portal, establishing for electronic access and online ballot submission: HB 1475

Ballots, unique voter election-specific serial number for, and online portal for voter to view votes cast, creating: HB 1708

Campaign finances, candidate certification that contributions not financed by foreign national, adjusting threshold: HB 1330

Campaign finances, candidates and committees and their treasurers, various reporting requirements, modifying: HB 1677, ESSB 5284

Campaign finances, changing various reporting dates before an election and certain reporting requirements: HB 1677, ESSB 5284

Campaign finances, contributions by controlled entities, aggregating with those by same controlling person(s): HB 1426, ESSB 5207

Campaigns, contributions by foreign-influenced corporations, prohibiting, when: ESSB 5284

Candidacy, candidate statement for voters' pamphlet, limiting party preference identification to: HB 1826

Candidacy, candidate statement for voters' pamphlet, prohibiting false or misleading statements about military service in: HB 1671

Candidacy, declaration of candidacy procedures and deadlines, modifying: **\*SSB 5182, CH 394 (2023)**

Candidacy, qualified state candidates in connection with democracy voucher program, requirements for: HB 1755

Committees, political and incidental, contributions or independent expenditures by foreign-influenced corporations to, prohibiting, when: ESSB 5284

Committees, political and incidental, modifying various provisions: HB 1677, ESSB 5284

Election officials, including in crime of harassment: HB 1139

Election officials, treating as criminal justice participants for harassment: HB 1241

Future voters, limiting disclosure of information: **\*SB 5153, CH 361 (2023)**

Jail voting plans, new chapter: HB 1174

Language assistance, for limited English proficient members of single language minority group in a county, when: HB 1861

Ranked choice voting, instituting for presidential primaries: HB 1592

Records, requiring request submission to the secretary of state, creating exemptions, and repealing section: **\*SB 5459, CH 404 (2023)**

School district bonds and payment levies, at least 55% of voters to authorize: HB 1843, HJR 4207

School district bonds and payment levies, simple majority to authorize: HB 1353, HJR 4203

Voters' pamphlet, candidate statement for, committee to adjudicate claims of false or misleading statements about military service in: HB 1671

Voters' pamphlet, candidate statement for, prohibiting false or misleading statements about military service in: HB 1671

Voters' pamphlets, state and local, provisions concerning format, publication, distribution, and related matters: HB 1272

Voters' pamphlets, state and local, submission of candidate statements, contact information, and photographs: HB 1272

Voters' pamphlets, state voter's pamphlet, budgets/budget bills/budgeted funds/expenditures information in: HB 1158

Voters' pamphlets, state voter's pamphlet, limiting party preference identification to candidate's statement: HB 1826  
 Voters' pamphlets, statewide and local, submission of candidate statements and photographs: \***SSB 5182, CH 394 (2023)**  
 Voters, registered, eligible or ineligible voters and active or inactive registrations, updating provisions: HB 1229,  
 \***E2SSB 5112, CH 466 (2023)**  
 Voting rights act, modifying provisions: HB 1048  
 Voting, registration online, applicant authentication not using WA state identification, submitting signature image: \***SSB 5208, CH 363 (2023)**  
 Voting, registration online, applicant authentication using last 4 digits of social security number: HB 1443, \***SSB 5208, CH 363 (2023)**  
 Voting, registration online, applicant authentication using tribal identification number, submitting signature image: HB 1443  
 Voting, registration online, applicant to confirm U.S. citizenship by reviewing registration oath online: HB 1443, \***SSB 5208, CH 363 (2023)**  
 Voting, registration, automatic voter registration at state agencies, acknowledgement notices and other provisions for: HB 1229, \***E2SSB 5112, CH 466 (2023)**  
 Voting, registration, mandatory registration and voting with waiver option, establishing via universal civic duty voting: HB 1220  
 Voting, registration, various processes and requirements, updating and modifying: HB 1229, \***E2SSB 5112, CH 466 (2023)**  
 Voting, universal civic duty voting, establishing mandatory voting with waiver option: HB 1220

#### **ELECTRICIANS AND ELECTRICAL INSTALLATIONS**

Electrical inspectors, state, salaries of, requirements: HB 1526  
 High voltage lines and equipment, defibrillator accessible availability for employees working with or near: \***HB 1542, CH 253 (2023)**  
 Journey level certification, allowing certain trainees to gain required experience without apprenticeship: \***ESSB 5320, CH 95 (2023)**  
 Journey level certification, expanding qualifying experience to include out-of-state and military: HB 1462, \***ESSB 5320, CH 95 (2023)**  
 Journey level certification, journey level electrical apprenticeship programs, availability and accessibility of, studying: HB 1393  
 Journey level certification, with experience and training equivalent to apprenticeship program, delaying effective date: HB 1393  
 Residential maintenance specialty electrician certificate, allowing maintenance experience as substitute qualification: HB 1594

#### **ELECTRONIC PRODUCTS**

Digital electronic equipment, repairing of, manufacturer and repair provider requirements, fair repair act concerning: HB 1392  
 Electronic tracking devices, role in the crime of stalking, adding, and providing exclusions: \***HB 1696, CH 461 (2023)**

#### **EMERGENCIES**

Drought emergency, issuance of order of, use of moneys from emergency drought response account: HB 1138

#### **EMERGENCY MANAGEMENT AND SERVICES (See also COVID-19 AND CORONAVIRUS; EMERGENCY MEDICAL SERVICES; MILITARY DEPARTMENT)**

911 communications officers/dispatchers/operators, pilot program for loans to certain workers for certain home purchase costs: HB 1633  
 911, public safety telecommunicators for, PSERS plan 2 membership, when: \***HB 1055, CH 199 (2023)**  
 Cybersecurity advisory committee, creating as subcommittee of emergency management council: \***2SSB 5518, CH 124 (2023)**  
 Public safety telecommunicators, provisions: HB 1134  
 Statewide resiliency program, emergency management division to develop and administer: HB 1728  
 Weather, extreme weather protection act, grant program: HB 1012

#### **EMERGENCY MEDICAL SERVICES**

988 behavioral health crisis response and suicide prevention system, ongoing implementation of: HB 1134

Ambulance services, ambulance transport fund, extending expiration: **HB 1321, \*SB 5122, CH 11 (2023)**  
 Ambulances, limiting certain staffing options to ambulances that do not provide advanced life support: **HB 1588**  
 Crisis situations, mental illness/homelessness/addiction, emergency crisis assistance team pilot project, establishing: **HB 1661**  
 Emergency medical technicians, pilot program for loans to certain workers/occupations for home down payment/closing costs: **HB 1633**  
 Local sales/use taxes, for criminal justice or fire protection, adding emergency medical services to allowed uses: **HB 1820**  
 Organ transport vehicles and services, requirements for: **HB 1271**

**EMERGENCY, STATE OF (See also ADMINISTRATIVE PROCEDURE; COVID-19 AND CORONAVIRUS; GOVERNOR; LEGISLATURE; VACCINATION AND VACCINES)**

Emergency orders, content and duration, and role of legislature: **HB 1535**

**EMPLOYMENT AND EMPLOYEES (See also BUSINESSES; DISCRIMINATION; FARMS AND FARMING; LABOR; LOW-INCOME PERSONS; PROFESSIONS; PUBLIC EMPLOYMENT AND EMPLOYEES; PUBLIC WORKS; UNEMPLOYMENT COMPENSATION; WAGES AND SALARIES; WORKERS' COMPENSATION)**

Cannabis, employees lawfully consuming away from work, prohibiting employer discrimination in hiring against: **\*ESSB 5123, CH 359 (2023)**  
 Child support, processing and reporting of lump-sum payments by employers to responsible parent: **\*HB 1262, CH 248 (2023)**  
 Discharge of employee, reasons and effective date, employer to provide: **HB 1320**  
 Employee ownership, Washington employee ownership program, commission, and revolving loan program account, creating: **HB 1743**  
 Employee reimbursement, requiring for necessary expenditures and losses: **HB 1136**  
 Family and medical leave, paid, impact of job protection standards on equitable utilization of benefits, studying: **HB 1502**  
 Family and medical leave, paid, pilot program for transportation network companies and drivers, developing: **HB 1570**  
 Family and medical leave, paid, removing the terms "master" and "slave" from: **\*HB 1107, CH 25 (2023)**  
 Hospitality industry, restaurants etc., persons 18 years or older with duties not related to alcohol, conditions for employing: **\*HB 1730, CH 158 (2023) PV**  
 Large employers, requiring reimbursement of state Medicaid costs for employees: **HB 1227**  
 Liquor manufacturers/producers, production facilities of, allowing employees and some interns 18 to 21 years of age to work in: **HB 1299**  
 Military spouses, employment of, assistance and removal of barriers: **HB 1009**  
 Personnel file, employer to furnish complete copy to employee, when: **HB 1320**  
 Railroad workers, requiring paid and unpaid leave for various purposes, new chapter: **HB 1548, ESSB 5267**  
 Vehicles of employees, employer searches of, prohibitions: **HB 1491**  
 Warehouse distribution centers, employees subject to quotas, rights/health/safety of, and employer requirements: **HB 1762**  
 Workers' compensation, allowing off-site light duty return to work via nonprofit organizations: **HB 1137**

**EMPLOYMENT SECURITY DEPARTMENT (See also EMPLOYMENT AND EMPLOYEES; MILITARY; PROFESSIONS; UNEMPLOYMENT COMPENSATION)**

Apprenticeship program participant barriers when seeking unemployment insurance benefits, work group on, convening: **HB 1458**  
 Dislocated worker, redefining to include persons separated as a result of commercial finfish lease denials: **\*HB 1712, CH 156 (2023), SB 5621**  
 Family and medical leave, paid, impact of job protection standards on equitable utilization of benefits, studying: **HB 1502**  
 Family and medical leave, paid, removing the terms "master" and "slave" from: **\*HB 1107, CH 25 (2023)**  
 Job search, requiring report on impacts of flexibilities in methods, monitoring, and outcomes: **\*SB 5331, CH 117 (2023)**  
 Long-term services and supports trust program, repealing: **HB 1011**  
 Paid family and medical leave program, altering premium calculation: **\*SSB 5286, CH 116 (2023)**  
 Paid family and medical leave, specifying records access: **\*SSB 5586, CH 375 (2023)**

Paid family and medical leave, transportation network companies and drivers pilot program, developing, ESD role: HB 1570

Unemployment compensation, eligibility for, transportation network companies, drivers, and part-time work: HB 1570  
Wage replacement program, for unemployed workers ineligible for unemployment insurance, ESD role: HB 1095

**ENERGY (See also BUILDING CODES AND PERMITS; ENVIRONMENTAL HEALTH AND SAFETY; FUELS; OIL AND GAS; UTILITIES; UTILITIES AND TRANSPORTATION COMMISSION)**

Clean energy transformation act, affected market customer provisions of, extending to consumer-owned utility customers: **\*HB 1416, CH 233 (2023)**

Clean energy, designating clean energy projects of statewide significance and providing coordinated permitting process: HB 1216

Electrical transmission facilities, requiring nonproject environmental impact statements: **\*SSB 5165, CH 229 (2023)**

Electricity, light and power business sales to green electrolytic or renewable hydrogen business, public utility tax exemption: HB 1768

Energy equipment and services, municipality/state agency/school district performance-based contracting for, options: **\*HB 1777, CH 309 (2023)**

Energy facility site evaluation council, modifying authority: HB 1123

Heat, waste heat generated by municipal wastewater facility, defining thermal renewable energy credit with respect to: HB 1836

Hydroelectric facilities, clarifying liability for water injuries: **\*SSB 5145, CH 183 (2023)**

Hydrogen, green electrolytic or renewable projects, nonproject environmental impact statements for: HB 1216

Interagency clean energy siting coordinating council, new chapters and sections: HB 1216

Nuclear power/advanced nuclear reactor technology, state energy strategy to include consideration of: HB 1584

Renewable energy generating systems, using as electric power source, imposing excise tax on: HB 1756

Renewable energy resources, natural gas company investments in, to reduce emissions: HB 1619

Renewable energy, personal property used for generating, exemption from state property taxes for: HB 1756

Renewable energy, thermal credit, defining with respect to municipal wastewater facility generating waste heat: HB 1836

Secure power from American resources center (SPARC), establishing: HB 1194

Solar energy, customer purchasing installation of system, contract with solar energy contractor, requirements: HB 1427

Solar energy, projects in Columbia basin, nonproject environmental impact statements for: HB 1216

Solar, community projects, implementing community solar program and providing community solar bill credit: HB 1509

State energy office, all-hazard contingency plans, modifying contents to include human, natural, and cybersecurity hazards: HB 1480

State energy strategy, including consideration of nuclear power/advanced nuclear reactor technology: HB 1584

Transmission assessments, requiring that they take into account state emission reduction plans: HB 1192, **\*SSB 5165, CH 229 (2023)**

Urban heat island effects, stormwater permittee monitoring of impact on salmon via permit: HB 1381

Wind energy alternative energy resource facilities, light pollution mitigation requirements: HB 1173

**ENTERPRISE SERVICES, DEPARTMENT**

Billy Frank Jr., statue of, duplicate cast to be created and installed at legislative building, DES role: HB 1639

Lands managed by DSHS, leases up to 99 years when for certain purposes, DES role: HB 1506

Naselle Youth Camp residential school property, transferring to Chinook Indian Nation, DES role: HB 1496

Performance-based contract, reporting requirements: **\*HB 1777, CH 309 (2023)**

Procurement, energy equipment and services, state agency or school district performance-based contracting for, DES role: **\*HB 1777, CH 309 (2023)**

State capitol committee, campus memorial commemorating eastern Washington, committee or subcommittee role: HB 1700

State vehicle fleet, transition to electric vehicles, life-cycle greenhouse gas emissions tradeoffs analysis of, DES role: HB 1372

**ENVIRONMENT (See also ENVIRONMENTAL HEALTH AND SAFETY; GROWTH MANAGEMENT; INVESTMENT BOARD, STATE; LAND USE PLANNING AND DEVELOPMENT)**

Accessory dwelling units, construction and use in urban growth areas, city and county requirements: **\*EHB 1337, CH 334 (2023) PV**

Building materials manufacturing, environmental product declarations, build clean act: HB 1342

Building materials manufacturing, environmental product declarations, buy clean and buy fair Washington act: HB 1282  
 Ecosystem services and carbon offset projects on state lands, authorizing contracting: HB 1789  
 Justice, environmental justice council, duties of: HB 1347  
 Justice, environmental, environmental justice council, membership of, at least one-half to be rural county residents: HB 1664  
 Middle housing unit density increases, authorization by cities via ordinances and regulations, administrative and judicial appeals exemption: HB 1110  
 Net ecological gain as voluntary element under GMA, consistent with regional salmon recovery plans: HB 1735  
 Net ecological gain, joint oversight body on, with work group within, establishing for certain public projects: HB 1735  
 SEPA, categorical exemptions, residential housing unit development in urban growth area: HB 1293  
 SEPA, clean energy projects of certain types, environmental impact statements and review content for siting of: HB 1216  
 State environmental policy act, projects in overburdened communities and subject to review under, requirements: HB 1347

**ENVIRONMENTAL HEALTH AND SAFETY (See also ENVIRONMENT; FIRE PROTECTION; GROWTH MANAGEMENT; HEALTH AND SAFETY, PUBLIC; PEST CONTROL AND PESTICIDES; SOLID WASTE)**

Appliance stewardship organizations, creating: HB 1164  
 Appliance stewardship plan, requiring for producers of covered appliances: HB 1164  
 Battery stewardship programs, requirements for stewardship organizations, new chapter: HB 1553, \*E2SSB 5144, CH 434 (2023)  
 Beverage container redemption programs, as deposit return systems via distributor responsibility organizations: HB 1131  
 Carbon monoxide poisoning, interagency carbon monoxide work group, convening: HB 1779  
 Climate commitment act, purchases of exempt fuel to which surcharge was applied, remittance of surcharge value: HB 1780  
 Climate mitigation, funding from outdoor recreation and climate adaptation account: HB 1190  
 Cosmetic products, toxic chemicals in, prohibitions: HB 1047  
 Derelict aquatic structures, authorizing taking possession of and removing, new chapter: HB 1378, \*SSB 5433, CH 227 (2023)  
 Disparities, health disparities, environmental harms, and vulnerable populations in overburdened communities, reducing: HB 1347  
 Expanded or extruded plastic foam, prohibition for overwater structures: HB 1085  
 Fire-resistant materials, requiring training and certification for applicators, and related provisions: HB 1323  
 Greenhouse gas emissions reduction subelement, as part of climate change and resiliency element under GMA: HB 1181  
 Greenhouse gas emissions, from building materials manufacturing, build clean act: HB 1342  
 Greenhouse gas emissions, from building materials manufacturing, buy clean and buy fair Washington act: HB 1282  
 Greenhouse gas emissions, state vehicle fleet transition to electric vehicles, life-cycle emission tradeoffs analysis of: HB 1372  
 Greenhouse gas emissions, statewide building energy upgrade navigator program for reducing, establishing: HB 1391  
 Greenhouse gas emissions, zero emission school bus grant program and district zero emission bus requirement: HB 1368  
 Greenhouse gasses, requiring study considering independent entity for oversight of markets and auctions: HB 1659  
 Integrated climate response strategy, updating: HB 1170  
 Labeling, increasing requirements for disposable wipes: HB 1213  
 Lead, cookware and cookware components containing, prohibiting manufacture, sale, and distribution, new chapter: HB 1551  
 Lead, in aviation gasoline used at airports, mitigating exposure impacts and transitioning to unleaded gasoline, new chapter: HB 1554  
 Mercury-containing lights, product stewardship program for end-of-life management and phase-out, extending and expanding: HB 1185  
 Mercury-containing lights, product stewardship program for end-of-life management and phase-out, modifying: HB 1185  
 Overburdened communities and tribal nations, community-based health assessments of: HB 1347  
 Overburdened communities, as statewide building energy upgrade navigator program services priority: HB 1391  
 Overburdened communities, planning and development measures to aid, publication of guidelines for: HB 1181  
 Overburdened communities, role of freight mobility strategic investment board: HB 1084  
 Packaging and paper products, producer responsibility programs, organizations, and plans: HB 1131  
 Permitting, covered emissions not subject to evaluation for permit denial or mitigation requirements: HB 1224

Petroleum underground storage tanks, creating state financial assurance program: HB 1175  
 Solid waste management outcomes, improving via responsibility organizations: HB 1131  
 Water systems, public, fluoridation of drinking water, systems considering discontinuation of, requirements for: HB 1251  
 Wildfires, requiring risk assessment, public safety evacuation strategies, community resilience programming, et al.: HB 1578

#### **EQUITY, WASHINGTON STATE OFFICE OF**

Nothing about us without us act, statutory entity participation for persons with direct lived experience, office role: HB 1541  
 Statutory entities, issues-based, representation for underrepresented populations on various, office role: HB 1541

#### **ESTATES, TRUSTS, AND PROBATE**

Estate recovery, barring liens to recover medical assistance: SSB 5318  
 Partition of heirs property act, uniform, adopting: **\*SSB 5005, CH 6 (2023)**  
 Property, modifying family support and attachment, execution, and forced sale exemptions after death: SSB 5589

#### **ETHICS IN GOVERNMENT**

Building code council, ethics training for members, employees, and technical advisory groups: HB 1404  
 Legislators, permitting letters to constituents of recommendation or recognition if requested or extraordinary: **\*SSB 5381, CH 226 (2023)**  
 Legislators, who are regional or national legislative association elected officials, funds solicitation for conference by: **\*SSB 5170, CH 91 (2023)**

#### **EVIDENCE**

Interrogations, in custody, use of deception by officers, inadmissibility of statement due to: HB 1062  
 Sex offenses, evidence of victim credibility or consent, social media account inadmissibility exception: ESSB 5576  
 Unions, recognizing employee and union representative communications as privileged communication: HB 1187

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Violations, explosives act, property seizure and forfeiture: HB 1385

#### **FARMS AND FARMING (See also AGRICULTURE; FOOD AND FOOD PRODUCTS; PEST CONTROL AND PESTICIDES)**

Aquaculture, prohibiting octopus farming: HB 1153  
 Custom farming services, person performing, or person performing other services for, sales/use tax exemption: EHB 1757  
 Custom farming services, persons performing for a farmer, retroactive B&O tax exemption for: HB 1604  
 Employees, farm internship program, migrant farm worker background requirements: **\*SSB 5156, CH 269 (2023)**  
 Employees, farm internship program, renaming pilot as, and extending to all counties without expiration: **\*SSB 5156, CH 269 (2023)**  
 Fur farms, prohibiting, and establishing fur farm transition grant program: HB 1034  
 Milk producers, small-scale farms, direct sales by, milk testing requirements: HB 1490  
 Sustainable farms and fields program, creating climate-smart grant funding requirements: HB 1574

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Fuel surcharge, limiting imposition to certain situations and evaluating and reevaluating need: HB 1833  
 Hybrid diesel-electric ferry vessels, requiring purchase of up to 5 new vessels: **\*EHB 1846, CH 429 (2023) PV**  
 Hybrid electric olympic class (144-auto) vessel #5 project, debt service repayment appropriation for, repurposing: HB 1103  
 Terminals or docking facilities, easements via DNR aquatic land for, public transportation benefit area obtaining of: **\*HB 1334, CH 146 (2023), SB 5292**  
 Wahkiakum county ferry, DOT monthly payments to county for deficit, increasing amounts: **\*EHB 1782, CH 428 (2023)**  
 Washington state ferries, addressing workforce training needs and creating Seattle maritime training academy joint plan: HB 1831  
 Washington state ferries, employees, salary survey by classification for use in collective bargaining and arbitration: HB 1842



Washington state ferries, human resources management during staffing shortage, contracting out for administration of: HB 1831, HB 1841

Washington state ferries, requiring formal strategy to implement diversity, equity, and inclusion directives: **\*SB 5550, CH 188 (2023)**

Washington state ferries, requiring formal strategy to implement workforce diversity, equity, and inclusion: HB 1831, HB 1841

Washington state ferries, requiring workforce development and maritime credentialing programs: **\*SB 5550, CH 188 (2023)**

### **FINANCIAL INSTITUTIONS**

Digital automated services, exempting from sales and use taxes if solely for business purposes: HB 1557

Money transmitters, small, serving diverse communities, impact of financial institution de-risking on, federal action to reduce: SJM 8005

Payment card processing companies, creating B&O tax deduction and rate changes: HB 1815

Real estate evaluations for institutions, by state-licensed or -certified residential real estate appraisers, when: **\*EHB 1797, CH 464 (2023)**

### **FINANCIAL INSTITUTIONS, DEPARTMENT (See also EMPLOYMENT AND EMPLOYEES; FINANCIAL INSTITUTIONS; PROFESSIONS)**

Securities division, administrator of securities, whistleblower award and protection act role of: **\*HB 1370, CH 149 (2023)**

### **FINANCIAL MANAGEMENT, OFFICE (See also BUDGETS)**

Budgets, budget bills, budgeted funds, and expenditures, website presentation of, OFM role: **\*ESSB 5082, CH 109 (2023)**

Civil service, state, removing certain statutory provisions and modifying OFM role: HB 1361

Education data center, adding center representation to students in foster care or experiencing homelessness work group: **\*HB 1679, CH 300 (2023)**

Education data center, contracting with WSU child and family research unit to update 2015 report: HB 1411

Education data center, education staff cross-sector trainings, center reporting and analysis role: HB 1411

Education data center, transition to kindergarten program data collection role of: HB 1550

Fiscal impact statements, for bills increasing or decreasing state tax revenues: HB 1158

Higher education tuition operating fees, maximum increase for resident undergraduates, OFM role: **\*SB 5079, CH 9 (2023)**

Home security fund account, OFM review of funds use for private market rental housing for homeless, eliminating: HB 1367

Human resource director, revising reporting period for certain reporting requirement: HB 1361

Job classifications, allowing changes for inequities in salary survey data and barring without collective negotiation: HB 1774

Salary survey, requiring contracting for survey on nurse educator compensation: **\*E2SSB 5582, CH 126 (2023)**

Serve Washington, administration of Washington climate corps network: HB 1176

Washington climate corps network, creating: HB 1176

Washington state ferries, employees, salary survey for use in collective bargaining and arbitration, OFM role: HB 1842

Working families fiscal impact statements, establish methodology: HB 1172

### **FIRE PROTECTION**

Certification, allowing for certified sprinkler trainees to work under supervision: **\*2SSB 5425, CH 329 (2023)**

Contractors, prohibiting fee raises until 2028 and increasing infraction penalties: **\*2SSB 5425, CH 329 (2023)**

Director of fire protection, firefighter training administration and expenses reimbursement rule making by: HB 1726

Districts, public works, craft or trade involvement/prudent utility management/lowest responsible bidder provisions: HB 1621

Fire-resistant materials, requiring training and certification for applicators, and related provisions: HB 1323

Rural counties, fire protection services capital projects grant program: HB 1014

Wildfires, comprehensive statewide wildland fire risk map, proposed: HB 1032

Wildfires, requiring risk assessment, public safety evacuation strategies, community resilience programming, et al.: HB 1578

Wildfires, responding to, aviation assurance funding program, administering of, and creating office and convening board for: HB 1498

Wildfires, utility wildland fire prevention advisory committee, adding members and duties: HB 1032

Wildfires, wildland fire risk reduction/prevention/suppression, state agency coordination of: HB 1032

**FIREARMS (See also CRIMES; PROTECTION ORDERS; SENTENCES AND SENTENCING)**

Assault weapon, expanding definition of: HB 1180

Assault weapons, defining and restricting manufacture, import, distribution, sale, or offer: HB 1240

Assault weapons, prohibiting manufacture, import, distribution, sale, or offering for sale, gross misdemeanor: HB 1180

Background checks for transactions and licenses, behavior health court proceedings records access for: **\*HB 1599, CH 298 (2023)**

Background checks for transactions and licenses, sealed juvenile records information access for: HB 1600

Delivery, semiautomatic weapon restrictions: HB 1144

Enhancements, violent crimes involving prohibited from eligibility for early release credits: HB 1161

Firearm industry responsibility and gun violence victims' access to justice act: HB 1130, **\*SSB 5078, CH 163 (2023)**

Gun and other violence, amending unlawful possession of firearms and restoration of firearm rights laws to reduce: HB 1562

Open carry, prohibiting in parks or hospitals: HB 1195

Possession, unlawful possession of a firearm in the 1st and 2nd degree, increasing seriousness levels of: HB 1770

Possession, unlawful possession of a firearm in the 1st degree, expanding criteria for: HB 1562

Possession, unlawful, after voluntary waiver of firearm rights, civil infraction: **\*SSB 5006, CH 262 (2023)**

Public nuisance, firearm industry member creating or maintaining, prohibition: **\*SSB 5078, CH 163 (2023)**

Public nuisance, firearm industry member creating or maintaining, prohibition and victim right of action: HB 1130

Purchase, permit to purchase firearms issued by state patrol firearms background check program, requirements: HB 1143

Regulation, repealing state preemption and adding certain restrictions: HB 1178

Rights, voluntary waiver of firearm rights, modifying: **\*SSB 5006, CH 262 (2023)**

Safety, certified firearms safety training program completion, waiting period, and background checks: HB 1143, HB 1144

Safety, firearms safety training programs, certification by state patrol via new program: HB 1143, HB 1144

Safety, updating and provision of department of health information for school websites: **\*HB 1230, CH 173 (2023)**

Sentencing enhancements for firearms, serving consecutively, when: HB 1268

Shooting sports and activities sweepstakes permitting wagers, charitable or nonprofit organization conduct of, authorizing: HB 1438, HB 1824

Transfer, modifying requirements for: HB 1143, HB 1144

Transfers, exempting transfer, loan, gift, or bequest to museum or historical society from transfer rules: HB 1629, **\*SSB 5436, CH 403 (2023)**

**FIREFIGHTERS (See also PUBLIC FUNDS AND ACCOUNTS; RETIREMENT AND PENSIONS)**

Employment, dropping language restriction: SB 5274

Home purchase by firefighters, pilot program for loans to certain workers/occupations for home down payment/closing costs: HB 1633

Jackson, Michael, division chief of Clark-Cowlitz fire rescue and 2022 state fire marshal of the year, honoring: **\*HR 4609 (2023)**

Training, firefighter I training expenses, reimbursement of public fire agencies, director of fire protection rule making: HB 1726

**FIRST RESPONDERS (See also HOMELESS PERSONS; MENTAL HEALTH; SUBSTANCE USE DISORDER)**

Responders, home purchase by, pilot program for loans to certain workers/occupations for certain costs for: HB 1633

**FISH (See also FISH AND WILDLIFE, DEPARTMENT; FOOD AND FOOD PRODUCTS; RIVERS AND STREAMS)**

Carp, freshwater smelt, and crawfish, requiring recreational licensure for: HB 1226

Disease interdiction and control check stations, new chapter authorizing establishment: SSB 5306

Habitat restoration, limiting liability for regional fisheries enhancement groups performing: **\*HB 1775, CH 260 (2023)**

Hatcheries, DFW- or tribe-operated, exempting maintenance activities from certain permit/other requirements under SMA: HB 1758

Octopus, prohibiting aquaculture: HB 1153

Salmon riparian habitat policy task force, establishing in salmon recovery office: HB 1215, HB 1720  
 Salmon, impact of urban heat island effect on waters bearing, activities to reduce: HB 1381  
 Salmon, interagency riparian committee, establishing in salmon recovery office: HB 1215  
 Salmon, international year of the salmon, as wild salmon global initiative, recognizing: HJM 4000  
 Salmon, joint salmon recovery and reform committee, creating: HB 1686  
 Salmon, regional salmon recovery plans, and net ecological gain as voluntary element under GMA: HB 1735  
 Salmon, riparian grant program, establishing to aid salmon recovery via critical riparian management zones: HB 1215, HB 1720  
 Salmon, voluntary salmon recovery program: HB 1076  
 Southern resident orcas, increasing required boating distance: HB 1145

#### **FISH AND WILDLIFE COMMISSION**

Members, annual salary for, citizens' commission on salaries for elected officials to establish: HB 1699  
 Wolves, gray, managing as protected or endangered in counties meeting criteria, commission role: HB 1698

#### **FISH AND WILDLIFE, DEPARTMENT (See also BRIDGES; PUBLIC LANDS)**

Conservation programs for fish passage barrier removal, salmon recovery, stormwater, and model toxics control grants, DFW to study: HB 1735  
 Disease interdiction and control check stations, new chapter authorizing establishment: SSB 5306  
 Elk, statewide elk management program, establishing, DFW role: HB 1849  
 Enforcement, property seizure by DFW and forfeiture: HB 1385  
 Fish hatcheries, operated by DFW, exempting maintenance activities from certain permit and other requirements under SMA: HB 1758  
 Green crab infestation reporting, increasing required intervals between reports to governor: HB 1362  
 Joint oversight body on net ecological gain, with work group within, establishing for certain public projects, DFW role: HB 1735  
 Licenses, minor modifications for combination licenses, license discounts, two-pole stamps, etc.: HB 1235  
 Officers, fish/wildlife, outreach/retention program, with recruitment/new-hire/retention programs, DFW to establish: HB 1380  
 Officers, permitting off-duty private law enforcement employment: HB 1369  
 Permits, eliminating and repealing daily-use pass, vehicle access pass, and discover pass: HB 1212  
 Permitting, exemption for maintenance of department fisheries: HB 1225  
 Puget Sound shoreline, conducting baseline survey of, fish and wildlife role: **\*SB 5104, CH 465 (2023)**  
 Recreational fishing, requiring licensure for carp, freshwater smelt, and crawfish: HB 1226  
 Salmon, statewide salmon recovery advisory committee and salmon recovery technical panel, establishing: HB 1076  
 Salmon, voluntary salmon recovery program: HB 1076  
 Southern resident orcas, recreational boating near, convening diverse work group for outreach and education strategies for: **\*ESSB 5371, CH 452 (2023) PV**  
 Wolves, gray, DFW to manage as protected or endangered in counties meeting criteria: HB 1698

#### **FISHING (See also FISH AND WILDLIFE, DEPARTMENT; SHELLFISH)**

Enforcement, property seizure and forfeiture: HB 1385  
 Licenses, minor modifications for combination licenses, license discounts, two-pole stamps, etc.: HB 1235  
 Licenses, requiring recreational licensure for carp, freshwater smelt, and crawfish: HB 1226  
 Recreational fishing, requiring licensure for carp, freshwater smelt, and crawfish: HB 1226

#### **FLOODS AND FLOOD CONTROL**

Challis basin, office of, flood risk reduction waiver for restrictions on residential improvements: SSB 5649

#### **FOOD AND FOOD PRODUCTS (See also COLLEGES AND UNIVERSITIES; COMMUNITY AND TECHNICAL COLLEGES; FARMS AND FARMING; SCHOOLS AND SCHOOL DISTRICTS; SHELLFISH)**

Cookware and cookware components containing lead, prohibiting manufacture, sale, and distribution, when: HB 1551  
 Cottage food operations, maximum sales limit for permit, increasing: HB 1500  
 Dairy processors, extending B&O tax exemption: **\*HB 1573, CH 422 (2023)**, SB 5277  
 Food and food ingredients, defining for sales tax exemption and excluding food that when sold requires additional cooking: HB 1809  
 Food assistance, basic food, appropriations to support people most impacted by the loss of: HB 1784

Food banks and other hunger relief organizations, funds appropriation to provide grants for: HB 1784  
 Food banks, department of agriculture food assistance program funding for, using for essential nonfood items: HB 1499  
 Fresh food, access to, studying urban agricultural opportunities and barriers: **\*HB 1552, CH 178 (2023)**  
 Fruit and vegetable incentives program, appropriation for: HB 1784  
 Fruit and vegetable processors, extending B&O tax exemption: **\*HB 1573, CH 422 (2023)**, SB 5277  
 Hospitality industry, restaurants etc., persons 18 years or older with duties not related to alcohol, conditions for employing: **\*HB 1730, CH 158 (2023) PV**  
 Hospitality industry, restaurants, retail sales tax deposits in statewide tourism marketing account, raising collections limit: HB 1258  
 Local food and agricultural products, voluntary location-based program to brand and promote, advisory committee for: HB 1603  
 Microenterprise home kitchen operations, regulation of, and permits and pilot program for: HB 1706  
 Milk, small-scale-farm producers, direct sales by, milk testing requirements: HB 1490  
 Packaging and paper products, producer responsibility programs, organizations, and plans: HB 1131  
 Seafood processors, extending B&O tax exemption: **\*HB 1573, CH 422 (2023)**, SB 5277  
 Senior nutrition services programs, appropriation to support: HB 1784  
 Washington food and agricultural product branding and promotion act, new chapter: HB 1603

**FOREIGN GOVERNMENTS**

Taiwan, shared friendship, history, and successes shared between people of Washington and, recognizing: **\*HR 4643 (2023)**

**FOREST PRACTICES AND PRODUCTS (See also FORESTLANDS)**

Cities, allowing regulation of all forest practices within corporate limits: HB 1689  
 Forestry riparian easement program, modifying participation of qualifying small forestland owners: HB 1740  
 Funding, provision from outdoor recreation and climate adaptation account: HB 1190  
 Hog fuel, sales and use tax exemptions, extending expiration of: **\*HB 1018, CH 341 (2023)**  
 Northern spotted owl, authorizing voluntary programmatic safe harbor agreements for private landowners: **\*SB 5390, CH 119 (2023)**  
 Urban forestry, requiring regulations to be satisfied by use of tree banks: HB 1078

**FORESTLANDS (See also FOREST PRACTICES AND PRODUCTS; NATURAL RESOURCES, DEPARTMENT; PUBLIC LANDS)**

Forestland, land designated as, exclusion from compensating tax when sold or transferred to governmental entity, requirements for: HB 1818  
 Timberland, land classified as, exclusion from compensating tax when sold or transferred to governmental entity, requirements for: HB 1818  
 Working forests, working forests special license plates, creating: HB 1488

**FOSTER CARE (See also DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH)**

Adoption, defining open adoption and requiring training for prospective adoptive parents and child welfare workers: HB 1591  
 Adoption, requiring identification and provision of culturally appropriate mental health and other services: HB 1591  
 Child welfare housing assistance program, alternative when housing instability is barrier: HB 1186, **\*SSB 5256, CH 321 (2023)**  
 Child welfare services, caregivers for, automated notification system for communicating with: HB 1430  
 Child welfare services, DCYF's child welfare functions, state auditor to conduct evaluation of: HB 1754  
 Emergency initial care for children entering foster care, resource and assessment centers to provide: HB 1685, ESB 5691  
 Exiting foster care system, evergreen basic income pilot program, establishing: HB 1045  
 Extended foster care services, medicaid waiver services for eligible individuals with developmental disability who have received: HB 1188  
 Foster parents, compromise and settlement judgments against, interest accrual: HB 1649  
 Guardianship, eligibility and subsidy expansion: HB 1278, **\*ESSB 5124, CH 221 (2023)**  
 Students in foster care, as special passengers, transportation outside normal boundaries: E2SSB 5174  
 Students in foster care, individual transportation outside normal boundaries: HB 1248  
 Students in foster care, students experiencing homelessness and foster youth program, replacing college pilot programs with: HB 1693, **\*ESSB 5702, CH 339 (2023)**

\* - Passed Legislation

Students in foster care, work group on students experiencing homelessness or, to include students in or exiting juvenile facilities: **\*HB 1679, CH 300 (2023)**

**FUELS (See also ENERGY; ENVIRONMENTAL HEALTH AND SAFETY; OIL AND GAS)**

Aviation gasoline, leaded, mitigating exposure impacts and transitioning to unleaded gasoline: HB 1554

Aviation gasoline, leaded, sale or distribution by airport operators and aviation retail establishments, prohibiting: HB 1554

Climate commitment act, purchases of exempt fuel to which surcharge was applied, remittance of surcharge value: HB 1780

Ferry fuel surcharge, limiting imposition to certain situations and evaluating and reevaluating need: HB 1833

Gas, renewable natural gas, gas company provisions: HB 1619

Hog fuel, sales and use tax exemptions, extending expiration of: **\*HB 1018, CH 341 (2023)**

Hydrogen fuel products, research/development/production/sale, B&O tax preferential rate and credits: HB 1729

Hydrogen, green electrolytic and renewable, production et al. by and for public transportation agencies: HB 1236

Hydrogen, green electrolytic or renewable, electricity sales to businesses producing et al., public utility tax exemption: HB 1768

Hydrogen, green electrolytic or renewable, project siting, nonproject environmental impact statements for: HB 1216

**GAMBLING (See also FIREARMS; NONPROFIT ORGANIZATIONS; SPORTS AND RECREATION)**

Bingo, conducted by nonprofit organization, shifting principal location requirement from county to state: **\*HB 1707, CH 155 (2023)**

Bingo, conducted by nonprofit/charitable organization, limiting number of licenses for: **\*HB 1707, CH 155 (2023)**

Problem gambling and gambling disorder informational signs with toll-free helpline number, amending requirement: HB 1681, **\*E2SSB 5634, CH 284 (2023)**

Problem gambling, program for prevention/treatment and identification/treatment professionals, advisory committee for, modifying: HB 1681, **\*E2SSB 5634, CH 284 (2023)**

Problem gambling, program for prevention/treatment and identification/treatment professionals, modifying: HB 1681, **\*E2SSB 5634, CH 284 (2023)**

Sports wagering, new chapter allowing through pools and online pools by a cardroom or racetrack: HB 1630

**GAMBLING COMMISSION**

Licensing, authorizing sports wagering licenses for cardrooms and racetracks: HB 1630

**GENDER IDENTITY (See also DISCRIMINATION; NAME CHANGES)**

Gender affirming treatment, exempting persons sheltering minors from reporting requirements in cases of protected services: **\*ESSB 5599, CH 408 (2023)**

Gender transition, prohibiting for individuals under age 18: HB 1214

Gender, prohibiting housing of inmates with those of different biological sex in cases of certain sex offenders: HB 1233

Gender-affirming treatment, access to, civil and criminal procedural protections: HB 1469

Reproductive health care services, access to, criminal and civil procedural protections: HB 1469

Reproductive health care services, shield law, claim for interference with protected health care services lawful in WA: HB 1469

Transgender students, school district policies and procedures related to, primary district contact for: HB 1207

**GOVERNOR (See also GUBERNATORIAL APPOINTMENTS; REGULATORY INNOVATION AND ASSISTANCE, OFFICE)**

Broadband office, governor's statewide, duties of, various: HB 1746

Cannabis, authority to enter interstate cannabis agreements: HB 1159

Cannabis, interstate agreements for cross-jurisdictional purposes, governor authority to enter into: **\*SB 5069, CH 264 (2023)**

Career connected learning cross-agency work group, revising membership and role: HB 1374

Education ombuds, office of, special education ombuds for each educational service district region, delegating/certifying: E2SSB 5311

Emergency orders by governor, content and duration, and role of legislature: HB 1535

Emergency proclamations by governor, duration of, and role of legislature: HB 1535

Extraordinary release of incarcerated offender, granting by governor, removing clemency and pardons board role: HB 1640

Medal of valor, presentation of, revising provisions: **\*HB 1031, CH 131 (2023)**

Pardons, clemency, and commutations, governor's power/authority to grant, removing certain limits to: HB 1640

Proclamations, restricting interference with religious institutions: HB 1154

State of the state address, joint legislative session for: **\*HCR 4400 (2023)**

**GROWTH MANAGEMENT (See also COMMERCE, DEPARTMENT; HOUSING AND HOMES; LAND USE PLANNING AND DEVELOPMENT; SHORELINES AND SHORELINE MANAGEMENT)**

Accessory dwelling units, authorizing local governments to waive or defer fees and taxes: **\*EHB 1337, CH 334 (2023)**  
**PV**

Affordable housing, accessory dwelling unit construction and use in urban growth areas, city and county role: **\*EHB 1337, CH 334 (2023) PV**

Affordable housing, accessory dwelling units, encouraging development of: HB 1276, SSB 5235

Affordable housing, alternative density requirements: HB 1110

Affordable housing, design review, definition, use, application, and processes: HB 1293

Affordable housing, housing development minimum parking requirements, prohibiting under GMA, when: HB 1351

Affordable housing, middle housing unit density increases, cities to authorize via ordinances and local regulations: HB 1110

Cities, allowing regulation of all forest practices: HB 1689

Comprehensive planning, design review, definition, use, application, and processes: HB 1293

Comprehensive planning, housing element, encouraging development of accessory dwelling units via: HB 1276, SSB 5235

Comprehensive planning, land use and transportation elements, commercial truck parking/deliveries/highway corridors: HB 1787

Comprehensive planning, land use element to consider environmental justice and mitigate wildfire risk: HB 1181

Comprehensive planning, middle housing unit density increases, cities to authorize via ordinances and local regulations: HB 1110

Comprehensive planning, net ecological gain as voluntary element, consistent with regional salmon recovery plans: HB 1735

Comprehensive planning, requiring climate change and resiliency element and subelements: HB 1181

Comprehensive planning, residential lot splitting in cities to increase housing options: HB 1245

Comprehensive planning, transportation element climate change response role: HB 1181

Comprehensive plans, requiring environmental justice element reducing environmental and health disparities: HB 1723

Comprehensive plans, requiring to collaborate with vulnerable populations and overburdened communities: HB 1723

County planning, allowing small cities and towns to opt out of full review under certain circumstances: **\*SB 5457, CH 280 (2023)**

Critical areas used for agriculture, voluntary stewardship program, updating allowed participation date: HB 1421, **\*SSB 5353, CH 187 (2023)**

Critical areas, allowing small cities to adopt county regulations: **\*SSB 5374, CH 225 (2023)**

Detached accessory dwelling units, allowing outside urban growth areas: HB 1133

Environmental analysis, project requirements: **\*2SSB 5412, CH 368 (2023)**

Housing development permit applications, administrative design review to be sufficient without public meeting: HB 1026

Housing, allowing creation of standardized permit process for development: HB 1401

Master planned resorts, transfer of water right established as family farm permit to, when: HB 1285

Multifamily residential housing, barring regulations that prohibit in station areas: HB 1517, ESSB 5466

Multiplex housing, lessening restrictions and barring setbacks for some urban growth areas: HB 1167

Off-street parking, barring regulations that require in station areas: HB 1517, ESSB 5466

Public facilities, siting requirements to include opioid/substance use disorder treatment program facilities: **\*2E2SSB 5536, CH 1 (2023)**

Rural development, limited area of more intensive, rural infill within area and between area and certain outside development: HB 1467

Rural development, limited area of more intensive, transfer of water right established as family farm permit to, when: HB 1285

Salmon recovery element, voluntary salmon recovery program: HB 1076

Urban growth areas, accessory dwelling unit construction and use in, city and county requirements: **\*EHB 1337, CH 334 (2023) PV**

Urban growth areas, accessory dwelling unit construction in, prohibiting prohibition of: HB 1276, SSB 5235  
 Urban growth areas, allowing boundary expansion in response to undeveloped land: HB 1402  
 Urban growth areas, exempting certain housing developments from restrictions: \*SSB 5412, CH 368 (2023)  
 Urban growth areas, residential lot splitting in cities to increase housing options: HB 1245

#### **GUARDIANSHIP**

Subsidies, expanding eligibility: HB 1278, \*ESSB 5124, CH 221 (2023)

#### **HARASSMENT (See also COLLEGES AND UNIVERSITIES; COMMUNITY AND TECHNICAL COLLEGES; PROTECTION ORDERS; SEX OFFENSES AND OFFENDERS)**

Hazing, felony, as harassment, when: \*HB 1002, CH 196 (2023)  
 Schools, harassment and intimidation in, policies and complaint procedures using model student handbook language, posting: HB 1207  
 Schools, sexual harassment and discrimination in, policies and complaint procedures using model student handbook language, posting: HB 1207  
 Survivors, state or local agency employees who are, records disclosure exemption for: HB 1533

#### **HAZARDOUS MATERIALS (See also HAZARDOUS WASTE; OIL AND GAS; PEST CONTROL AND PESTICIDES)**

Cosmetic products, toxic chemicals in, prohibitions: HB 1047  
 Lead, cookware and cookware components containing, prohibiting manufacture, sale, and distribution, when: HB 1551  
 Lead, in aviation gasoline used at airports, mitigating exposure impacts and transitioning to unleaded gasoline: HB 1554  
 Mercury-containing lights, product stewardship program for end-of-life management and phase-out, extending and expanding: HB 1185  
 Mercury-containing lights, product stewardship program for end-of-life management and phase-out, modifying: HB 1185  
 Polychlorinated biphenyls (PCBs), certain uses and exclusions from federal prohibitions, petitioning EPA to reassess: HB 1314, \*SB 5369, CH 399 (2023)  
 Polychlorinated biphenyls (PCBs), paints and printing inks as priority consumer products for PCB chemicals: HB 1314

#### **HAZARDOUS WASTE (See also HAZARDOUS MATERIALS; SOLID WASTE)**

Batteries, various, battery stewardship programs, requirements for: HB 1553, \*E2SSB 5144, CH 434 (2023)  
 Beverage container redemption programs, as deposit return systems via distributor responsibility organizations: HB 1131  
 Mercury-containing lights, product stewardship program for end-of-life management and phase-out, extending and expanding: HB 1185  
 Mercury-containing lights, product stewardship program for end-of-life management and phase-out, modifying: HB 1185  
 Packaging and paper products, producer responsibility programs, organizations, and plans: HB 1131

#### **HEALTH AND SAFETY, PUBLIC (See also ABORTION; CONTRACEPTION; ENVIRONMENTAL HEALTH AND SAFETY; HEALTH CARE; HEALTH CARE FACILITIES; HEALTH, DEPARTMENT; LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL; SCHOOLS AND SCHOOL DISTRICTS; SHELLFISH; TRAFFIC; VACCINATION AND VACCINES; VAPOR PRODUCTS)**

Activity-dependent neuroprotective protein (ADNP) syndrome, Sandra Bedrosian Sermone, ADNP kids research foundation founder, honoring: \*HR 4640 (2023)  
 Anaphylaxis, in school context, epinephrine and epinephrine autoinjectors prescriptions, supplies, and use: HB 1608  
 Bone marrow donation, awareness of, public school instruction in: \*SB 5065, CH 219 (2023)  
 Cannabis, high-THC products, point-of-sale information about potential harms of, requirements for retailers: HB 1641  
 Carbon monoxide poisoning, interagency carbon monoxide work group, convening: HB 1779  
 Cold-water shock and drowning, due to jumping from bridges into waterways, signs to deter: \*HB 1004, CH 54 (2023)  
 Contraception, over-the-counter emergency medication and other forms, in vending machines on college campuses: HB 1837  
 COVID-19 and similar diseases, as occupational diseases for workers' compensation purposes: HB 1785  
 Crimes, victims and survivors of, honoring, and recognizing their plight: \*HR 4626 (2023)  
 Defibrillators, automated external, accessible availability for employees working with or near high voltage lines/equipment: \*HB 1542, CH 253 (2023)  
 Fluoridation of drinking water, public water systems considering discontinuation of, requirements for: HB 1251

Health and wellness, establishing 3 "parks Rx" pilot programs: HB 1718  
 Health care, prohibiting cost sharing for reproductive health services: **\*SB 5242, CH 194 (2023)**  
 Infertility diagnosis and treatment and standard fertility preservation services, insurance coverage for: HB 1151  
 Malnutrition, child malnutrition field guide for DCYF staff, production and availability of, requirements: **\*EHB 1274, CH 70 (2023)**  
 Minors, exempting persons sheltering minors from reporting requirements in cases of protected services: **\*ESSB 5599, CH 408 (2023)**  
 Musculoskeletal injuries and disorders, industry or risk class standards for preventing in workplace: **\*ESSB 5217, CH 112 (2023)**  
 Organ donation, national donate life month, recognizing April as: **\*HR 4637 (2023)**  
 Organ donation, remembering donors and celebrating the lives of recipients: **\*HR 4637 (2023)**  
 Organ transport vehicles and services, requirements for: HB 1271  
 Protected health care services, host home program reporting requirements: **\*ESSB 5599, CH 408 (2023)**  
 Reproduction, assisted, fraud in, convening work group to evaluate: HB 1300  
 Reproduction, assisted, provider implanting own of gametes or reproductive material without consent, as 3rd degree assault: HB 1300  
 Reproductive freedom, right to choose to have abortion or use contraception: HJR 4201  
 Reproductive health care services, access to, civil and criminal procedural protections: HB 1469  
 Reproductive health care services, exempting persons sheltering minors from reporting requirements for protected services: **\*ESSB 5599, CH 408 (2023)**  
 Reproductive health care services, shield law, claim for interference with protected health care services lawful in WA: HB 1469  
 Reproductive health care, access to, in relation to health care entity material change transactions: HB 1263  
 Sexually transmitted diseases, furnishing of care for, raising age for consent of minor to 17 years of age for: HB 1788  
 State medical reserve corps, establishing to deploy during public health threats or emergency: HB 1452  
 Tobacco and vapor products, increasing penalties for sales to minors: HB 1497, **\*ESSB 5365, CH 398 (2023)**  
 Tobacco and vapor products, modifying sanctions and fines for purchase or possession by person under 18: **\*ESSB 5365, CH 398 (2023)**  
 Turner syndrome, individuals with, honoring, supporting, and acknowledging courage of: **\*HR 4618 (2023)**

#### **HEALTH BENEFIT EXCHANGE**

Qualified health plans, increasing biosimilar product utilization: HB 1356  
 Voter registration, automatic, updating exchange implementation provision: HB 1229, **\*E2SSB 5112, CH 466 (2023)**

#### **HEALTH CARE (See also ABORTION; CANNABIS; CONTRACEPTION; CRIMINAL OFFENDERS; DENTISTS AND DENTISTRY; EMERGENCY MEDICAL SERVICES; HEALTH AND SAFETY, PUBLIC; HEALTH CARE AUTHORITY; HEALTH CARE FACILITIES; HEALTH CARE PROFESSIONS AND PROVIDERS; HEALTH, DEPARTMENT; INSURANCE; MENTAL HEALTH; PUBLIC ASSISTANCE; SUBSTANCE USE DISORDER; VACCINATION AND VACCINES; WOMEN; WORKERS' COMPENSATION)**

Biomarker testing, insurance and medicaid coverage for, when: HB 1450  
 Bone marrow donation, awareness of, public school instruction in: **\*SB 5065, CH 219 (2023)**  
 Breast examinations, barring health plan cost sharing for supplemental and diagnostic: **\*SSB 5396, CH 366 (2023)**  
 Breast examinations, supplemental and diagnostic, cost sharing requirements for health insurance carriers: HB 1261  
 Breast implant surgery, informed consent, requirements: ESSB 5050  
 Colorectal cancer, noninvasive preventive screening tests and resulting colonoscopies, medical assistance coverage for: **\*HB 1626, CH 299 (2023)**  
 Data privacy, restricting consumer health data collection and sharing, requiring disclosures, and prohibiting sale: HB 1155  
 Defibrillators, automated external, accessible availability for employees working with or near high voltage lines/equipment: **\*HB 1542, CH 253 (2023)**  
 Diabetes, insulin for individuals under the age of 21 bulk purchasing and distribution program, establishing: HB 1725  
 Entities, hospitals/hospital systems and provider organizations, material change transactions involving, provisions: HB 1263  
 Entities, impact of mergers, acquisitions, and contracting affiliations between, studying: HB 1263  
 Epinephrine and epinephrine autoinjectors, in schools, prescriptions, supplies, and use for anaphylaxis: HB 1608  
 Gender affirming treatment, barring consideration as unprofessional conduct: HB 1340



Gender affirming treatment, exempting persons sheltering minors from reporting requirements in cases of protected services: **\*ESSB 5599, CH 408 (2023)**

Gender-affirming care, access to, when health entity material change transactions occur, requirements: HB 1263

Health conditions, tests and treatment for, pharmacist authority for testing and treating certain conditions: HB 1665

Health services providers, expanding definitions for workers' compensation: **\*HB 1197, CH 171 (2023)**

Hearing aids, mandating insurance coverage for hearing instruments: HB 1222

Incarcerated individuals, extraordinary medical placement, waiving electronic monitoring in certain cases: **\*SSB 5101, CH 358 (2023)**

Informed consent, by minor under age 17, prohibition of, and abolishing mature minor rule if in conflict with: HB 1788

Informed consent, for breast implant surgery, requirements: ESSB 5050

Medical devices, diversity in clinical trials of drugs and medical devices, increasing: HB 1745

Medical devices, diversity in clinical trials program, establishing for drugs and medical devices: SSB 5388

Mobility enhancing equipment, for use by or for complex needs patient, sales and use tax exemption: **\*SSB 5218, CH 319 (2023)**

Oversight, joint select committee on health care and behavioral health oversight, extending expiration date: **\*SSB 5121, CH 10 (2023)**

Oversight, joint select committee on health care oversight, decodifying due to expiration: **\*HB 1066, CH 470 (2023) PV**

Oversight, joint select committee on health care oversight, extending expiration date: HB 1119

Psilocybin, use of for behavioral health treatment, new chapter: **\*2SSB 5263, CH 364 (2023) PV**

Reproduction, assisted, fraud in, convening work group to evaluate: HB 1300

Reproduction, assisted, provider implanting own of gametes or reproductive material without consent, as 3rd degree assault: HB 1300

Reproductive health care services, access to, civil and criminal procedural protections: HB 1469

Reproductive health care services, exempting persons sheltering minors from reporting requirements for protected services: **\*ESSB 5599, CH 408 (2023)**

Reproductive health care services, shield law, claim for interference with protected health care services lawful in WA: HB 1469

Reproductive health care, allowing employers to recover damages for permitted services: HB 1286

Reproductive health services, barring consideration as unprofessional conduct: HB 1340

Reproductive health, establishing department of corrections program to distribute abortion medication: HB 1854, **\*SB 5768, CH 195 (2023)**

Ryan White HIV/AIDS program, grant awards from, using funds from medication rebate revenue account for services via: HB 1408

Ryan White HIV/AIDS program, using funds from rebates generated by purchases from grant program: **\*ESSB 5142, CH 12 (2023)**

Standard of care, actions alleging violation of accepted standards, repealing section: **\*SSB 5087, CH 102 (2023)**

Telemedicine, audio-only, patient/provider "established relationship" before providing: HB 1027, **\*SB 5036, CH 8 (2023)**

Turner syndrome, individuals with, honoring, supporting, and acknowledging courage of: **\*HR 4618 (2023)**

Universal health care program, national single-payer, requesting that the federal government create: SJM 8006

#### **HEALTH CARE AUTHORITY (See also INSURANCE; LONG-TERM CARE; PUBLIC ASSISTANCE)**

Benefit enrollment, exempting personal information from records requests: **\*SB 5421, CH 45 (2023)**

Certified peer specialist, requiring development of course of instruction: **\*2SSB 5555, CH 469 (2023) PV**

Colorectal cancer, noninvasive preventive screening tests and resulting colonoscopies, medical assistance coverage for: **\*HB 1626, CH 299 (2023)**

Community behavioral health system, requiring oversight to be aware of, nurture, and protect relationships: 2SSB 5438

Community grants, appropriations to maintain memorandum of understanding with criminal justice training commission: **\*2E2SSB 5536, CH 1 (2023)**

Deferred coverage, allowing enrollment for retired or disabled employees denied for failure to timely notify of: **\*SSB 5490, CH 15 (2023)**

Drug offenses, pretrial diversion for, data platform for recovery navigator, arrest and jail alternative, and law enforcement assisted diversion programs: **\*2E2SSB 5536, CH 1 (2023)**

Fetal alcohol spectrum disorders, contracting for support groups, HCA role: HB 1168

First approach skills training program, funding and implementing of, HCA role: HB 1851

Health benefit exchange, qualified health plan utilization of interchangeable biosimilar products, increasing: HB 1356

Health care cost transparency board, analysis of impact of cost drivers on health care spending, board duties for: HB 1508

Health care cost transparency board, authorizing rulemaking by the authority: **\*SB 5700, CH 51 (2023)**

Health care cost transparency board, duties involving data collection/analysis, performance improvement plans, fees/ fines, etc.: HB 1508

Health care cost transparency board, health care cost growth benchmark enforcement duties of, expanding: HB 1508

Health care cost transparency board, health care stakeholder advisory committee of, expanding membership: HB 1508

Health care cost transparency board, standing advisory committees of, provisions involving: HB 1508

Health care cost transparency board, tax preferences et al. for non-profit providers and payers, studying certain impact of: HB 1508

Health engagement hubs, pilot program for testing and recommendations concerning, HCA role: **\*2E2SSB 5536, CH 1 (2023)**

Health engagement hubs, requiring development of payment structures for, HCA role: **\*2E2SSB 5536, CH 1 (2023)**

Health engagement hubs, role and duties of, HCA role: **\*2E2SSB 5536, CH 1 (2023)**

Health information technology office, locating within the authority: **\*SB 5700, CH 51 (2023)**

Home care safety net assessment, developing, and home care safety net assessment work group, establishing, HCA role: HB 1435

Insulin for individuals under the age of 21 bulk purchasing and distribution program, HCA to establish: HB 1725

Law enforcement assisted diversion, procedures for, and making pilot project a grant program: **\*2E2SSB 5536, CH 1 (2023)**

Maternity support services program, requiring update to increase equity and healthier birth outcomes: E2SSB 5580

Medicaid, ambulance providers transporting recipients, ambulance transport fund for, extending expiration: HB 1321, **\*SB 5122, CH 11 (2023)**

Medicaid, behavioral health services contracting and procurement of, treatment needs/managed care/payment/provider networks: HB 1515

Medicaid, coverage for biomarker testing: HB 1450

Medicaid, difficult to discharge patients in acute care hospitals, payment for hospital stay, HCA role: **\*2SSB 5103, CH 315 (2023)**

Medicaid, federal funds from HCA/transformation project received by accountable community of health or public hospital, B&O tax deduction: **\*EHB 1812, CH 313 (2023)**

Medicaid, hospital safety net program modifications in relation to, HCA role: HB 1850

Medicaid, insulin for individuals under the age of 21 bulk purchasing and distribution program, establishing, managed care role: HB 1725

Medicaid, medicaid directed payment program for certain designated public hospital care, HCA role: HB 1850

Medicaid, medicaid fraud false claims act, removing termination and repeal of: **\*SB 5163, CH 90 (2023)**

Medicaid, noninvasive preventive colorectal cancer screening tests and resulting colonoscopies, coverage for: **\*HB 1626, CH 299 (2023)**

Medicaid, occupational therapy services for persons with behavioral health disorders: **\*SB 5228, CH 113 (2023)**

Medicaid, offering certain medicare savings programs to clients entitled to medicare part A, when: HB 1313

Medicaid, paying certain rural hospitals for recipients eligible for medical assistance: HB 1748, **\*2SSB 5532, CH 443 (2023) PV**

Medicaid, paying certain sole community hospitals for recipients eligible for medical assistance: HB 1662

Medicaid, personal needs allowance for clients in medical institutions or residential settings, raising: **\*HB 1128, CH 201 (2023)**

Medicaid, prior authorization standards for standard, expedited, provider-initiated, denied requests, and electronic requests: HB 1357

Medicaid, rebalancing payments for providers and facilities serving rural/underserved/marginalized populations: HB 1713

Medicaid, requiring oversight of program integrity activities: **\*SB 5497, CH 439 (2023)**

Medicaid, requiring reimbursement of state costs for employees of large corporations: HB 1227

Medicaid, telemedicine, audio-only, patient/provider "established relationship" before providing: HB 1027, **\*SB 5036, CH 8 (2023)**

Medicare, savings programs, offering certain programs to medicaid clients entitled to medicare part A, when: HB 1313

Policy review, requiring to eliminate policies that undermine family integrity or discourage family involvement: 2SSB 5438

Postdelivery and transitional care program, creating for people with a substance use disorder: E2SSB 5580

Prenatal substance exposure, requiring recommendations to the legislature, HCA role: HB 1168

Prescription drug affordability board, modifying membership, duties, and related provisions: HB 1269

Problem gambling, program for prevention/treatment and identification/treatment professionals, advisory committee for, modifying: HB 1681, **\*E2SSB 5634, CH 284 (2023)**

Problem gambling, program for prevention/treatment and identification/treatment professionals, modifying: HB 1681, **\*E2SSB 5634, CH 284 (2023)**

Psilocybin task force, establishing: **\*2SSB 5263, CH 364 (2023) PV**

Public employees' benefits board (PEBB), modifying eligibility for retired or disabled political subdivision employees, when: HB 1804, SSB 5696

Public employees' benefits board, audio-only telemedicine, "established relationship" before providing: HB 1027, **\*SB 5036, CH 8 (2023)**

Public employees' benefits board, carrier prior authorization requirements, modifying standards for: HB 1357

Public employees' benefits board, coverage for biomarker testing: HB 1450

Public employees' benefits board, coverage for infertility diagnosis and treatment and standard fertility preservation services: HB 1151

Public employees' benefits board, insulin for individuals under the age of 21 bulk purchasing and distribution program, board role: HB 1725

Public employees' benefits board, separated PERS/SERS/TRS plan 2 member insurance participation: **\*HB 1008, CH 164 (2023)**

School employee's benefits board (SEBB), including representative organizations and tribal schools: **\*SSB 5275, CH 13 (2023)**

School employees' benefits board, audio-only telemedicine, "established relationship" before providing: HB 1027, **\*SB 5036, CH 8 (2023)**

School employees' benefits board, carrier prior authorization requirements, modifying standards for: HB 1357

School employees' benefits board, coverage for biomarker testing: HB 1450

School employees' benefits board, coverage for infertility diagnosis and treatment and standard fertility preservation services: HB 1151

School employees' benefits board, employees of more than one SEBB organization, eligibility and employer role: HB 1246

School employees' benefits board, insulin for individuals under the age of 21 bulk purchasing and distribution program, board role: HB 1725

School employees' benefits board, school employees' benefits board organizations work group, convening: HB 1246

Substance use disorder intakes/assessments, streamlining to broaden workforce for, convening work group for: **\*2E2SSB 5536, CH 1 (2023)**

Substance use disorder, education and employment pathways for persons recovering from, establishing grant program: **\*2E2SSB 5536, CH 1 (2023)**

Substance use disorder, parents of adolescents/transition-age youth with, training for, HCA role: **\*2E2SSB 5536, CH 1 (2023)**

Substance use disorder, pretrial diversion programs, developing data integration platform for, HCA role: **\*2E2SSB 5536, CH 1 (2023)**

Substance use disorder, recovery navigator and related programs, developing data integration platform for, HCA role: **\*2E2SSB 5536, CH 1 (2023)**

Substance use disorder, statewide behavioral health treatment/recovery support services mapping tool/database/referral system, HCA role: **\*2E2SSB 5536, CH 1 (2023)**

Substance use disorder, SUD prevalence and interactions of persons with SUDs with providers and agencies, HCA to assess: **\*2E2SSB 5536, CH 1 (2023)**

Updates, modifying terminology and repealing and decodifying sections: **\*SB 5700, CH 51 (2023)**

#### **HEALTH CARE FACILITIES (See also LONG-TERM CARE; MENTAL HEALTH; SEX OFFENSES AND OFFENDERS)**

Adult family homes, extending federal rights for nursing home residents to other long-term care facilities: HB 1859

Ambulatory surgical facilities, providing measure against non-compliance: HB 1434

Assisted living facilities, extending federal rights for nursing home residents to other facilities: HB 1859

Behavioral health facilities, child abuse or neglect at, referrals of alleged incidents of, investigation of: **\*ESSB 5515, CH 441 (2023)**

Behavioral health facilities, providing measures against non-compliance: HB 1434  
 Birthing centers, providing measures against non-compliant and unlicensed centers: HB 1434  
 Enhanced services facilities, extending federal rights for nursing home residents to other facilities: HB 1859  
 Firearms, prohibiting open carry in hospitals: HB 1195  
 Hospitals, additional regulation for hospital staffing committees and hospital staffing plans: **\*E2SSB 5236, CH 114 (2023)**  
 Hospitals, barring discharge to 23-hour crisis relief centers without formal relationship: **\*2SSB 5120, CH 433 (2023)**  
 Hospitals, election to participate in hospital-based nurse student loan repayment assistance program: HB 1643  
 Hospitals, hospital safety net program, modifying: HB 1850  
 Hospitals, material change transactions involving, requirements for and studies of: HB 1263  
 Hospitals, medicaid directed payment program, designing and implementing: HB 1850  
 Hospitals, medicaid patients difficult to discharge to long-term care, payment for hospital stay: **\*2SSB 5103, CH 315 (2023)**  
 Hospitals, paying certain rural hospitals for recipients eligible for medical assistance: HB 1748, **\*2SSB 5532, CH 443 (2023) PV**  
 Hospitals, paying certain sole community hospitals for recipients eligible for medical assistance: HB 1662  
 Hospitals, receiving NIH funding for drug/medical device clinical trials, increasing diversity of participants: HB 1745  
 Hospitals, staffing plans, nurse-to-patient minimum staffing, and break and overtime requirements: **\*E2SSB 5236, CH 114 (2023)**  
 Hospitals/systems and provider organizations, mergers and acquisitions between health carriers and, studying impact: HB 1263  
 In-home health services, providing measures against non-compliant and unlicensed agencies: HB 1434  
 Kidney disease centers, creating exemptions from certificate of need requirements due to temporary emergency situations: HB 1690  
 Kidney disease centers, creating temporary exemptions from certificate of need requirements: **\*SSB 5569, CH 48 (2023)**  
 Medicaid clients, personal needs allowance for, raising: **\*HB 1128, CH 201 (2023)**  
 Medical test sites, providing measures against non-compliant and unlicensed sites: HB 1434  
 Provider contracts, barring certain hospital/carrier clauses including all-or-nothing, antitiering, and antisteering: HB 1379  
 Public hospitals, federal funds for medicaid transformation project received from HCA by, B&O tax deduction for: **\*EHB 1812, CH 313 (2023)**  
 Serving rural/underserved/marginalized populations, medicaid rebalancing payments when: HB 1713  
 State hospitals, western state hospital, bond authorization for new forensic hospital at: HB 1148

**HEALTH CARE PROFESSIONS AND PROVIDERS (See also COUNSELORS AND COUNSELING; DENTISTS AND DENTISTRY; DRUGS; HEALTH AND SAFETY, PUBLIC; HEALTH CARE; HEALTH CARE FACILITIES; HEALTH, DEPARTMENT; LONG-TERM CARE; MENTAL HEALTH; MILITARY; PROFESSIONS; SUBSTANCE USE DISORDER)**

Anesthesiologist assistants, licensure and duties of: HB 1038  
 Athletic trainers, modifying definitions, relation to licensed health care provider, and provision of medications: HB 1275  
 Audiology and speech-language pathology interstate compact and compact commission, enacting: **\*HB 1001, CH 53 (2023)**  
 Background checks, increasing professions requiring: HB 1292, **\*SB 5252, CH 223 (2023)**  
 Death with dignity act, qualified medical providers and related provisions, modifying: HB 1281, **\*ESSB 5179, CH 38 (2023)**  
 Dental and dental hygienist compact, creating for interstate practices with new chapter: HB 1576  
 Female genital mutilation, prohibiting as unprofessional conduct: **\*SSB 5453, CH 122 (2023)**  
 Forensic pathologists, creating loan repayment program: **\*SSB 5523, CH 442 (2023)**  
 Gender transition, prohibiting for individuals under age 18: HB 1214  
 Health care authority, requiring managed care organization contracts to detail program integrity requirements: **\*SB 5497, CH 439 (2023)**  
 Health care cost transparency board, granting authority for civil fines if providers violate data submission rules: HB 1508  
 Health professional loan repayment and scholarship program, adding forensic pathology: **\*SSB 5523, CH 442 (2023)**  
 Health professional loan repayment and scholarship program, including penalty interest rate, supports, and exceptions: **\*HB 1763, CH 159 (2023)**  
 Home care aides, department of health to reduce delays in and barriers to testing: **\*E2SSB 5278, CH 323 (2023)**  
 Home care aides, exempting from payment of certain certificate renewal and late fees: HB 1568

- Home care aides, licensing requirements, modifying: HB 1568
- Home care aides, limiting department sharing of state and federal background check results: HB 1292, \***SB 5252, CH 223 (2023)**
- Immunization registry, requirements and mandatory enrollment or submission to immunization tracking, role of providers: HB 1827
- Information, health care entity limiting of provider's provision of, prohibition: HB 1035
- Licenses, at time of application or renewal, applicant or licensee to provide certain personal and practice information: HB 1503
- Long-term care workers, home care workforce, encouraging and implementing ways to increase: HB 1694
- Long-term care workers, reinstatement of expired certificates and delaying home care aide certification requirement: HB 1568
- Massage therapists, interstate massage compact commission, creating and establishing: HB 1437
- Massage therapists, interstate massage compact, enacting, and including multistate license to practice: HB 1437
- Medicaid, behavioral health services contracting and procurement of, payment standards and provider networks: HB 1515
- Medical assistant-certified, eligibility to work including as medical assistant-phlebotomist: HB 1073
- Minor child, provider providing, soliciting, or arranging services or prescribing drugs for, parental consent requirement: HB 1601
- Music therapy, music therapist licensing and music therapy advisory committee: HB 1247
- Nurse educator loan repayment program, including penalty interest rate, supports, and exceptions: \***HB 1763, CH 159 (2023)**
- Nurses, advanced registered nurse practitioners, insurance reimbursement at same rate as physicians, requiring: HB 1495
- Nurses, bachelor of science degrees in nursing, authorizing certain community or technical colleges to offer: HB 1733
- Nurses, interstate commission of nurse licensure compact administrators, creating and establishing: HB 1417
- Nurses, interstate nurse licensure compact, enacting, and including multistate license to practice: HB 1417
- Nurses, permitting posttraumatic stress disorders from direct care to be considered as occupational disease: HB 1593
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- Nurses, substance use disorder monitoring and treatment programs, participation by RNs, LPNs, and ARNPs: HB 1255
- Nursing assistants, exempting from payment of certain certificate renewal and late fees: HB 1568
- Nursing assistants, licensing requirements, modifying: HB 1568
- Nursing care quality assurance commission, altering licensing by endorsement training standards: \***E2SSB 5582, CH 126 (2023)**
- Nursing care quality assurance commission, high school student pilot projects for rural hospitals, creating: \***E2SSB 5582, CH 126 (2023)**
- Nursing care quality assurance commission, permitting education programs not to require doctorate: \***E2SSB 5582, CH 126 (2023)**
- Nursing, creating multistate licensure privilege via Interstate nurse licensure compact: \***SSB 5499, CH 123 (2023)**
- Nursing, requiring report and public disclosure of ownership by operators of nursing pools: \***SSB 5547, CH 100 (2023)**
- Occupational therapists, formation of professional service corporations: \***HB 1082, CH 60 (2023)**
- Opioid drugs, prescribing for chronic pain, practitioner liability immunity for, requirements: HB 1546
- Optometrists, permitting purchase of diagnostic and therapeutic pharmaceutical agents: \***SSB 5389, CH 400 (2023)**
- Optometrists, requirements to perform advanced procedures and reporting requirements: \***SSB 5389, CH 400 (2023)**
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- Out-of-state providers, authority to practice in state for health care entity, requirements for: HB 1547
- Peer support services, authorizing certification with new chapter: HB 1583
- Physical therapists, formation of professional service corporations: \***HB 1082, CH 60 (2023)**
- Physical therapists, intramuscular needling endorsement: HB 1039
- Physician assistants, collaborative practice and collaboration agreements with physicians, authorizing and regulating: HB 1310
- Physician assistants, insurance reimbursement at same rate as physicians, requiring: HB 1495
- Physicians, fellow/residents, higher education schools of medicine, collective bargaining by, process for: HB 1307
- Physicians, fellow/residents, U. of Washington school of medicine, collective bargaining by, process for: HB 1307
- Physicians, performing breast implant surgery, patient information and informed consent: ESSB 5050

Physicians, removing insurance requirement for supervisors of international medical graduate students: **\*SB 5394, CH 14 (2023)**

Primary care providers, requiring to offer hepatitis B and hepatitis C screening test in certain circumstances: SB 5629

Professionals, home purchase by, pilot program for loans to certain workers/occupations for certain costs for: HB 1633

Provider contracts, barring certain hospital/carrier clauses including all-or-nothing, antitiering, and antisteering: HB 1379

Provider organizations and hospitals/systems, mergers and acquisitions between health carriers and, studying impact: HB 1263

Provider organizations, material change transactions involving, requirements for and studies of: HB 1263

Providers, requiring private, non-hospital health carrier contracts to increase compensation with inflation: HB 1655

Psychologists, prescribing psychologist prescriptive authority certification: HB 1041

Psychologists, probationary license, removing practice restriction for licensees: HB 1724

Psychologists, reviewing licensure requirements to remove barriers to entering and remaining in behavioral health workforce: HB 1724

Psychologists, school, conducting evaluations for special education, funds distribution for: HB 1305

Serving rural/underserved/marginalized populations, medicaid rebalancing payments when: HB 1713

State medical reserve corps, establishing to deploy during public health threats or emergency: HB 1452

Telehealth, audiology and speech-language pathology interstate compact role: **\*HB 1001, CH 53 (2023)**

Telemedicine, audio-only, patient/provider "established relationship" before providing: HB 1027, **\*SB 5036, CH 8 (2023)**

Unprofessional conduct, barring consideration of reproductive health care services or gender affirming treatment as: HB 1340

Washington health corps, conditional scholarships, including penalty interest rate, supports, and service member exception: **\*HB 1763, CH 159 (2023)**

Washington health corps, creating the hospital-based nurse student loan repayment assistance program: HB 1643

#### **HEALTH DEPARTMENTS, LOCAL**

Microenterprise home kitchen operations, regulation of, and permits and pilot program for, role of local jurisdictions: HB 1706

Private detention facilities, routine unannounced inspections of, role of local health jurisdictions: HB 1470

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988 behavioral health crisis response and suicide prevention system, ongoing implementation of: HB 1134

988 crisis hotline, developing informational materials and social media campaign, DOH role: HB 1134

988 crisis hotline, state designated 988 crisis contact center hubs, renaming crisis call center hubs as: HB 1134

988 geolocation subcommittee, creating: HB 1134

Advisory committee on hospital staffing, convening: **\*E2SSB 5236, CH 114 (2023)**

Airports, blood lead testing to include children living near, DOH to update guidance for health care providers: HB 1554

Airports, lead exposure associated with operating practices of, best management practices for reducing, DOH role: HB 1554

Assisted reproduction, fraud in, evaluation by work group to be convened by DOH: HB 1300

Background checks, limiting sharing of results from DSHS for home care aide certification: HB 1292, **\*SB 5252, CH 223 (2023)**

Behavioral health support specialists, certification and duties of, DOH role: HB 1348, **\*SSB 5189, CH 270 (2023)**

Behavioral health workforce, various strategies for increasing, DOH role: HB 1724

Behavioral health, 23-hour crisis relief centers, licensing or certifying, DOH role: **\*2SSB 5120, CH 433 (2023)**

Behavioral health, triage facilities, repealing of, and licensing or certifying as crisis stabilization units: **\*2SSB 5120, CH 433 (2023)**

Behavioral health, work group convening to discuss demand for services, workforces shortages, etc.: HB 1242

Biotoxin testing and monitoring by DOH, required reporting concerning, eliminating: HB 1362

Cannabis, high-THC products, public health messages and social media campaigns about potential harms of, DOH role: HB 1641

Certified peer specialist advisory committee, Washington state, establishing: HB 1583

Certified peer specialists, requiring analysis and report: **\*2SSB 5555, CH 469 (2023) PV**

Crisis response improvement steering committee, creating: HB 1134

Dental and dental hygienist compact, creating for interstate practices with new chapter: HB 1576

Dental care quality assurance commission, membership, adding two licensed dental therapists: HB 1678  
 Dental therapists, licensing to practice in federally qualified health centers and regulating, DOH role: HB 1678  
 Epinephrine and epinephrine autoinjectors, in schools, prescriptions and supplies for anaphylaxis, DOH role: HB 1608  
 Examining board of psychology, certifying prescribing psychologists and adding member: HB 1041  
 Female genital mutilation, establishing education program for prevention: **\*SSB 5453, CH 122 (2023)**  
 Fentanyl, dangers of consuming, public outreach campaign concerning, DOH role: HB 1520  
 Forensic pathologists, contracting with WA association of coroner and medical examiners to study shortage: **\*SSB 5523, CH 442 (2023)**  
 Fruit and vegetable incentives program, appropriation for, DOH role: HB 1784  
 Health and wellness, establishing 3 "parks Rx" pilot programs: HB 1718  
 Health care facilities, various, providing measures against non-compliance and non-licensure: HB 1434  
 Home care aides, requiring rules to improve access to timely testing: **\*E2SSB 5278, CH 323 (2023)**  
 Home care safety net assessment, developing, and home care safety net assessment work group, establishing, DOH role: HB 1435  
 Immunization registry, requirements for, and prohibiting mandatory enrollment or submission to immunization tracking: HB 1827  
 Medical commission, anesthesiologist assistants licensure and regulatory role of: HB 1038  
 Microenterprise home kitchen operations, regulation of, and permits and pilot program for, DOH role: HB 1706  
 Mobile rapid response crisis teams, implementing endorsement, training standards, and grant program, DOH role: HB 1134  
 Music therapy, music therapist licensing and music therapy advisory committee, DOH role: HB 1247  
 Nursing care quality assurance commission, nurse participation in substance use disorder program, NCQAC role: HB 1255  
 Nursing pools, requiring report and public disclosure of ownership by operators: **\*SSB 5547, CH 100 (2023)**  
 Nursing pools, various employment regulations: **\*SSB 5547, CH 100 (2023)**  
 Opioid treatment programs, including off-site mobile and fixed-site medication units, DOH role: **\*2E2SSB 5536, CH 1 (2023)**  
 Opioid treatment programs, licensing, certification, and siting of, DOH role: **\*2E2SSB 5536, CH 1 (2023)**  
 Organ transport vehicles and services, licensing of, DOH role: HB 1271  
 Overburdened communities and tribal nations, community-based health assessments of, DOH role: HB 1347  
 Peer support services, authorizing certification with new chapter: HB 1583  
 Peer support services, creating certification requirements: **\*2SSB 5555, CH 469 (2023) PV**  
 Private detention facilities, routine unannounced inspections of, DOH role: HB 1470  
 Psilocybin, specifying relevant duties, functions, and powers: **\*2SSB 5263, CH 364 (2023) PV**  
 Safety information, updating and provision for school websites: **\*HB 1230, CH 173 (2023)**  
 Shellfish, crab, biotoxin contamination regulation of: HB 1010  
 Social workers, LMHCs, and LMFTs, program to facilitate placement of associates with clinical supervision services, DOH to develop: HB 1724  
 State medical reserve corps, establishing, DOH role: HB 1452  
 Student nurse preceptor grant problem, appropriations for: **\*E2SSB 5582, CH 126 (2023)**  
 Substance use disorder, statewide behavioral health treatment/recovery support services mapping tool/database/referral system, DOH role: **\*2E2SSB 5536, CH 1 (2023)**  
 Washington psilocybin advisory board, establishing: **\*2SSB 5263, CH 364 (2023) PV**  
 Water system plans, updating guidebook and provision of technical assistance: SSB 5094

#### **HEALTH, STATE BOARD OF (See also HEALTH, DEPARTMENT; SHELLFISH)**

Microenterprise home kitchen operations, regulation of, and permits and pilot program for, state board role: HB 1706

#### **HISTORICAL SOCIETIES**

Washington state historical society, Billy Frank Jr. statue role of: HB 1639

#### **HOLIDAYS AND OBSERVANCES**

Billy Frank Jr. day, recognizing the ninth day of March as: HB 1639

Black history month, celebrating, and recognizing the legacy and contributions of Black Americans: **\*HR 4619 (2023)**

Children's day, celebrating: **\*HR 4616 (2023)**

Chinese American month, designating January as: HB 1759

Chinese Americans/Americans of Chinese descent history month, designating January as: **\*SB 5000, CH 357 (2023)**  
 Daffodil festival, ninetieth anniversary of, recognizing: **\*HR 4620 (2023)**  
 Data privacy day, commemorating: **\*HR 4607 (2023)**  
 Donate life month, national, recognizing April as: **\*HR 4637 (2023)**  
 Executive order 9066, eighty-first anniversary, acknowledging: **\*HR 4615 (2023)**  
 First round-the-world flight, centennial anniversary celebration of, in connection with Seattle's Magnuson park: **\*HR 4646 (2023)**  
 Holocaust remembrance day, recognizing: **\*HR 4642 (2023)**  
 King, Dr. Martin Luther, Jr. day, observing: **\*HR 4603 (2023)**  
 Lincoln, Abraham, sixteenth president, honoring on presidents' day: **\*HR 4605 (2023)**  
 Lunar New Year, acknowledging: **\*HR 4604 (2023)**  
 Lunar New Year, designating as state legal holiday: HB 1516  
 Nowruz, the Persian new year, celebrating the spring equinox as: **\*HR 4629 (2023)**  
 Office of Program Research 50th anniversary, congratulating: **\*HR 4644 (2023)**  
 Presidents' day, celebrating: **\*HR 4605 (2023)**  
 Saint Patrick's Day, the Feast of St. Patrick, patron saint of Ireland, commemorating the celebration of: **\*HR 4628 (2023)**  
 Washington, George, first president, honoring on presidents' day: **\*HR 4605 (2023)**  
 Water safety day, recognizing May 15 as: **\*HB 1750, CH 181 (2023)**

**HOMELESS PERSONS (See also HOUSING AND HOMES; LOW-INCOME PERSONS; MENTAL HEALTH; SUBSTANCE USE DISORDER)**

Crisis situations, mental illness/homelessness/addiction, emergency crisis assistance team pilot project, establishing: HB 1661  
 Encampments, encampment cleanup grant program and encampment cleanup account, creating: HB 1373  
 Encampments, online data dashboard with performance metrics regarding sites: HB 1373  
 Encampments, prohibiting camping on public property within 500 feet of schools, parks, courthouses, and child care centers: HB 1373  
 Evergreen basic income pilot program, establishing: HB 1045  
 Homelessness, reducing via Washington housing crisis response act: HB 1149  
 Housing and assistance, home security fund account, review of funds use for private market rental housing, eliminating: HB 1367  
 Housing and assistance, local homeless housing and assistance document-recording surcharge, revising use of: HB 1367  
 Indigent defendants, facing charges of drug possession or use in public place, public defense services for: **\*2E2SSB 5536, CH 1 (2023)**  
 Indigent offenders, convicted, office of public defense to provide counsel for: **\*2SSB 5046, CH 261 (2023)**  
 Students experiencing homelessness and foster youth program, replacing college pilot programs with: HB 1693, **\*ESSB 5702, CH 339 (2023)**  
 Students experiencing homelessness, grant program for identification of and support for, expanding provisions: **\*HB 1622, CH 386 (2023)**  
 Students experiencing homelessness, grant program to link families with housing, expanding provisions: **\*HB 1622, CH 386 (2023)**  
 Students experiencing homelessness, work group on students in foster care or, to include students in or exiting juvenile facilities: **\*HB 1679, CH 300 (2023)**  
 Students, homeless, as special passengers, transportation arrangements for: E2SSB 5174  
 Students, homeless, individual transportation arrangements for: HB 1248

**HORSE RACING**

Equine products/services/uses, state sales/use tax on, using receipts for horse racing and recreation: HB 1529  
 Legalized racing and recreational use of horses, assistance from new account for: HB 1529

**HORSE RACING COMMISSION (See also HORSE RACING; HORSES)**

Washington equine industry reinvestment account, funds for commission activities and operating costs from: HB 1529

**HORSES (See also HORSE RACING; HORSE RACING COMMISSION)**

Equine products/services/uses, state sales/use tax on, using receipts for horse recreation and racing: HB 1529  
 Recreational use of horses, and legalized horse racing, assistance from new account for: HB 1529  
 Wild horse training, holding, and farrier program at Coyote Ridge corrections center, feasibility study and plan: HB 1543



**HOURS**

Overtime, exempting agricultural workers for up to 50 hours for 12 weeks a year: **HB 1523**

**HOUSE RESOLUTIONS**

Aeronautics and military community, contributions to Washington State by: **\*HR 4646 (2023)**

Alvarado-Ramos, Lourdes E. "Alfie", director of department of veterans affairs: **\*HR 4606 (2023)**

Apple blossom festival, 2023 apple blossom festival royal court: **\*HR 4630 (2023)**

Arnold, Cindy, Battleground school district, career and technical education, region V administrator of the year: **\*HR 4611 (2023)**

Atkinson, Dean, Jr., Washington state trooper: **\*HR 4627 (2023)**

Bellingham high school varsity boys swimming and diving team: **\*HR 4645 (2023)**

Black history month and the legacy and contributions of Black Americans: **\*HR 4619 (2023)**

Chelan High School volleyball team: **\*HR 4613 (2023)**

Children's day: **\*HR 4616 (2023)**

Curtis Senior High School, boys varsity basketball team: **\*HR 4634 (2023)**

Curtis Senior High School, girls bowling team: **\*HR 4635 (2023)**

Daffodil festival: **\*HR 4620 (2023)**

Data privacy day: **\*HR 4607 (2023)**

Developmental disabilities, Washingtonians with: **\*HR 4632 (2023)**

Executive order 9066, eighty-first anniversary: **\*HR 4615 (2023)**

Frank, Billy, Jr. and his vision: **\*HR 4625 (2023)**

Hewes, Hezekiah, gold and bronze medalist at 2022 Special Olympics spring games: **\*HR 4631 (2023)**

Holocaust remembrance day: **\*HR 4642 (2023)**

House business during interim, providing for: **\*HR 4650 (2023)**

House organized, notification of governor: **\*HR 4600 (2023)**

House rules, permanent: **\*HR 4617 (2023), \*HR 4651 (2023)**

House rules, standing committees, changes in temporary house rules to: **\*HR 4601 (2023)**

House rules, standing committees, permanent rules: **\*HR 4617 (2023), \*HR 4651 (2023)**

House rules, temporary: **\*HR 4601 (2023)**

Hyslop, William D. "Bill", attorney and two-time United States attorney for Eastern Washington: **\*HR 4638 (2023)**

Jackson, Michael, division chief of Clark-Cowlitz fire rescue and 2022 state fire marshal of the year: **\*HR 4609 (2023)**

Japanese American veterans, incarcerated, and civil rights activists: **\*HR 4615 (2023)**

Kimura, Fumiko, sumi artist: **\*HR 4622 (2023)**

King, Dr. Martin Luther, Jr.: **\*HR 4603 (2023)**

Konopaski, Keenan, retired legislative auditor, joint legislative audit and review committee: **\*HR 4608 (2023)**

Legislative session, interim period, providing for house business during: **\*HR 4650 (2023)**

Lincoln, Abraham, sixteenth president, on presidents' day: **\*HR 4605 (2023)**

Lunar New Year and Asian American community in Washington: **\*HR 4604 (2023)**

Lynden Christian High School boys varsity basketball team: **\*HR 4648 (2023)**

Lynden High School boys varsity basketball team: **\*HR 4649 (2023)**

Magnuson Park, Friends of: **\*HR 4646 (2023)**

Moeller, Jim, former state representative: **\*HR 4633 (2023)**

National donate life month: **\*HR 4637 (2023)**

National guard, Washington: **\*HR 4610 (2023)**

Nooksack Valley High School girls varsity basketball team: **\*HR 4641 (2023)**

Nowruz, the Persian new year: **\*HR 4629 (2023)**

Office of Program Research 50th anniversary: **\*HR 4644 (2023)**

Prairie High School wrestling team: **\*HR 4623 (2023)**

Presidents' day: **\*HR 4605 (2023)**

Russell, Bill, former NBA basketball player and coach: **\*HR 4621 (2023)**

Saint Patrick's Day, the Feast of St. Patrick, patron saint of Ireland: **\*HR 4628 (2023)**

Salisbury, Casey, former sheriff, Mason county sheriff's office: **\*HR 4612 (2023)**

Senn, Deborah, former insurance commissioner: **\*HR 4624 (2023)**

Sermone, Sandra Bedrosian, 2022 gold presidential volunteer service award recipient: **\*HR 4640 (2023)**

Squalicum high school girls varsity wrestling team: **\*HR 4647 (2023)**

Stoltz, Burton, decorated U.S. navy World War II veteran: **\*HR 4639 (2023)**

Survivors of crimes: **\*HR 4626 (2023)**

Tahoma High School, We the People program students as "Warriors of the Constitution": **\*HR 4636 (2023)**

Taiwan, shared friendship, history, and successes shared between people of Washington and: **\*HR 4643 (2023)**

Turner syndrome, individuals with: **\*HR 4618 (2023)**

Victims and survivors of crimes: **\*HR 4626 (2023)**

Walsh, Jamie MacKinnon, architect and former Aberdeen public school board member: **\*HR 4602 (2023)**

Washington, George, first president, on presidents' day: **\*HR 4605 (2023)**

Wenatchee High School football team, 4A WIAA academic champions: **\*HR 4614 (2023)**

**HOUSING AND HOMES (See also COMMERCE, DEPARTMENT; GROWTH MANAGEMENT; IMPACT FEES; INSURANCE; JOINT RESOLUTIONS; LANDLORD AND TENANT; LODGING; MANUFACTURED AND MOBILE HOMES)**

Accessory dwelling units, construction and use in urban growth areas, city and county requirements: **\*EHB 1337, CH 334 (2023) PV**

Accessory dwelling units, exemption from property taxation by county: **\*E2SSB 5045, CH 335 (2023)**

Accessory dwelling units, lifting several regulatory restrictions and incentivizing use for long-term housing: HB 1276, SSB 5235

Affordable housing, adding funding application and preconstruction technical assistance priorities: HB 1709, **\*ESSB 5301, CH 275 (2023)**

Affordable housing, adding via expedited licensing of private vocational schools offering training for building code officials et al.: HB 1539

Affordable housing, affordable housing incentive program, local establishment of, with owner property tax exemption: HB 1343

Affordable housing, affordable housing program, "first-time home buyer" for purposes of, expanding definition: HB 1366

Affordable housing, authorizing local government lodging tax to fund: ESSB 5334

Affordable housing, cities to allow creation of additional units in existing buildings: HB 1042

Affordable housing, creating workforce housing accelerator revolving loan fund program: HB 1149

Affordable housing, design review, definition, use, application, and processes: HB 1293

Affordable housing, development of, revising residential or certain mixed use permit applications process and time frames: HB 1611

Affordable housing, establishing housing benefit districts: HB 1111

Affordable housing, housing authority developments, raising income eligibility threshold for renting: **\*HB 1046, CH 133 (2023)**

Affordable housing, housing development minimum parking requirements, prohibiting under GMA, when: HB 1351

Affordable housing, leasing lands managed by DSHS for up to 99 years for, requirements: HB 1506

Affordable housing, middle housing unit density increases, cities to authorize via ordinances and local regulations: HB 1110

Affordable housing, modifying state and local real estate excise tax to provide funding for: HB 1628

Affordable housing, multifamily property tax exemption, modifying: HB 1350

Affordable housing, new chapter allowing property tax exemption: HB 1596

Affordable housing, property tax exemption for nonprofit entity providing: HB 1052

Affordable housing, surplus public property disposal for, defining as public benefit purpose: **\*HB 1695, CH 301 (2023)**

Affordable or certain other housing, entity providing, waiver or delay of municipal utility connection charges: HB 1326

Attached accessory dwelling units, modifying definition under GMA: HB 1276, SSB 5235

Common interest communities, accessory dwelling unit restrictions imposed by, limiting within UGA: **\*EHB 1337, CH 334 (2023) PV**

Common interest communities, association limits on unrelated occupants, prohibition: HB 1054

Common interest communities, association records, maintaining and supervising access: HB 1043

Common interest communities, condominiums as homeownership options, supply and affordability of: HB 1298, **\*E2SSB 5258, CH 337 (2023)**

Common interest communities, first and second notices of delinquency, contents, mailing, and timing of: **\*EHB 1636, CH 214 (2023)**

Common interest communities, officers or board members, fair housing laws training for: HB 1507

Common interest communities, prohibition of additional middle housing units by, prohibiting: HB 1110

Common interest communities, unit owner association requiring that owner intending to lease use tenant screening service: HB 1101

Condominium unit or townhouse, sale to person using down payment assistance, real estate excise tax revenue from, deposit and use of: **\*E2SSB 5258, CH 337 (2023)**

Condominium unit or townhouse, sale when constructed in building qualifying for multifamily property tax exemption, real estate excise tax exemption: **\*E2SSB 5258, CH 337 (2023)**

Condominium unit, sale to person eligible for first-time homebuyer program, real estate excise tax exemption: HB 1298

Condominiums and townhouses, as homeownership options, supply and affordability of: HB 1298, **\*E2SSB 5258, CH 337 (2023)**

Condominiums, accessory dwelling unit restrictions, limiting imposition within UGA: **\*EHB 1337, CH 334 (2023) PV**

Condominiums, apartment or unit owner association requiring that owner intending to lease use tenant screening service: HB 1101

Condominiums, apartment or unit owner associations, prohibition of additional middle housing units by, prohibiting: HB 1110

Condominiums, apartment owner or unit owner association records, maintaining and supervising access: HB 1043

Condominiums, association limits on unrelated apartment or unit occupants, prohibition: HB 1054

Condominiums, association officers or board members, fair housing laws training for: HB 1507

Condominiums, first and second notices of delinquency, contents, mailing, and timing of: **\*EHB 1636, CH 214 (2023)**

Condominiums, modifying construction, developer, purchaser, seller, tax, code, impact fee, and subdivision provisions: HB 1298

Condominiums, modifying construction, developer, purchaser, seller, tax, impact fee, and subdivision provisions: **\*E2SSB 5258, CH 337 (2023)**

Covenant homeownership program, establishing with oversight committee, and creating account and conducting initial study: HB 1474

Covenant homeownership program, to include special purpose credit programs to reduce racial disparities: HB 1474

Detached accessory dwelling units, allowing outside urban growth areas: HB 1133

Developments, administrative design review for permit applications to be sufficient without public meeting: HB 1026

Emergency shelter, entity providing, waiver or delay of municipal utility connection charges: HB 1326

Enhanced behavior support homes program, establishing: HB 1654

Growth management, allowing creation of standardized permit process for development: HB 1401

Growth management, exempting certain urban growth area housing from restrictions: **\*2SSB 5412, CH 368 (2023)**

Home energy assessors, licensing and regulation of: HB 1433

Home energy performance, asset-based home energy score adoption for evaluating: HB 1433

Homeowner recovery program, creating for claims against construction entity contractor-successors, when: HB 1534

Homeowners facing foreclosure, roles of foreclosure mediation program and homeowner assistance fund program: **\*HB 1349, CH 206 (2023)**

Homeowners' associations, accessory dwelling unit restrictions imposed by, limiting within UGA: **\*EHB 1337, CH 334 (2023) PV**

Homeowners' associations, first and second notices of delinquency, contents, mailing, and timing of: **\*EHB 1636, CH 214 (2023)**

Homeowners' associations, limits on unrelated lot occupants, prohibition: HB 1054

Homeowners' associations, officers or board members of, fair housing laws training for: HB 1507

Homeowners' associations, prohibition of additional middle housing units by, prohibiting: HB 1110

Homeowners' associations, records of, maintaining and supervising access: HB 1043

Homeowners' associations, requiring lot owner intending to lease lot to use tenant screening service: HB 1101

Homeownership, as affordable housing for which surplus public property is disposed of, defining in terms of public benefit: **\*HB 1695, CH 301 (2023)**

Homeownership, residential lot splitting in cities to increase housing options: HB 1245

Homes for heroes act, pilot program for loans to certain workers/professions for down payment and closing costs: HB 1633

Housing assistance program, recodifying and repealing sections: HB 1709, **\*ESSB 5301, CH 275 (2023)**

Housing authorities, developments for low-income persons, rebenchmarking income eligibility for renting: **\*HB 1046, CH 133 (2023)**

Housing authorities, providing emergency shelter or certain housing, waiver or delay of municipal utility connection charges: HB 1326

Housing gap voucher program, implementing by public housing authorities for low-income, seniors, marginalized: HB 1817

Housing, for homeless students and their families, grant program to link families with housing, expanding provisions: **\*HB 1622, CH 386 (2023)**

Low-income home rehabilitation grant program, creating: HB 1250

Low-income home rehabilitation revolving loan program, termination of: HB 1250

Multifamily property tax exemption, to include conversion of existing multifamily units to affordable housing: HB 1350

Multifamily, cities to allow creation of additional units in existing buildings: HB 1042

Multiplex and middle housing, reducing impediments: HB 1167

Multiunit residential and multifamily housing, code and impact fee provisions: HB 1298

Multiunit residential and multifamily housing, impact fee provisions: **\*E2SSB 5258, CH 337 (2023)**

Multiunit residential buildings, exempting certain buildings from definition for construction defect disputes purposes: **\*SB 5058, CH 263 (2023)**

Rent control and stabilization, repealing prohibitions: HB 1625

Rental housing, as affordable housing for which surplus public property is disposed of, defining in terms of public benefit: **\*HB 1695, CH 301 (2023)**

Rental property, renter's credit as partial rent refund up to maximum primary residence property tax exemption amount: HJR 4205

Rental property, renter's credit as refund of rent amount constituting state property tax on the property rented: HB 1556

Residential buildings, statewide building energy upgrade navigator program, establishing: HB 1391

Residential development, prohibiting minimum parking requirements under GMA for, when: HB 1351

Residential housing unit development in urban growth areas, streamlining development regulations: HB 1293

Residential housing unit development, streamlining development regulations: HB 1293

Residential property, primary residence state property tax exemption: HB 1556

Residential property, primary residence state property tax exemption, constitutional amendment to allow: HJR 4205

Station areas, promoting transit-oriented development in: HB 1517, ESSB 5466

Townhouses and condominiums, as homeownership options, supply and affordability of: HB 1298, **\*E2SSB 5258, CH 337 (2023)**

Transitional or permanent supportive housing, entity providing, waiver or delay of municipal utility connection charges: HB 1326

Utilities, barring involuntary shut-off for nonpayment in hot weather: HB 1329

**HOUSING FINANCE COMMISSION**

Covenant homeownership program, commission role: HB 1474

Down payment assistance, sale of condominium unit or townhouse to person using, real estate excise tax revenue from, deposit and use of: **\*E2SSB 5258, CH 337 (2023)**

First-time homebuyer program, sale of condominium unit to person eligible for, real estate excise tax exemption: HB 1298

Homeowner assistance fund program, role of program in relation to foreclosure sales: **\*HB 1349, CH 206 (2023)**

Homes for heroes act, pilot program for loans to certain workers/professions for down payment and closing costs, commission role: HB 1633

Workforce housing accelerator revolving loan fund program, creating, commission to administer: HB 1149

**HUMAN REMAINS**

Cemeteries, state veterans' cemeteries, using veterans stewardship account funds for maintaining: HB 1288, **\*SB 5323, CH 327 (2023)**

Disposition of remains, of deceased indigent county resident who dies in adjacent county outside WA: **\*HB 1100, CH 62 (2023)**

Family burial grounds, designating: HB 1037

Funeral and cemetery board, extending expiration for permits, licenses, and endorsements: **\*SSB 5261, CH 185 (2023)**

Mutilation, as aggravating circumstances for sentencing: HB 1160

**HUNTING**

Enforcement, property seizure and forfeiture: HB 1385

\* - Passed Legislation

**IDENTIFICATION**

- Identical cards, enhanced, automatic voter registration when applying for, renewing, or updating, provisions: HB 1229, **\*E2SSB 5112, CH 466 (2023)**
- Voter registration, online, applicant authentication using last 4 digits of social security number: HB 1443, **\*SSB 5208, CH 363 (2023)**
- Voter registration, online, applicant authentication using tribal identification number, submitting signature image: HB 1443
- Voter registration, online, applicant to confirm U.S. citizenship by reviewing registration oath online: HB 1443, **\*SSB 5208, CH 363 (2023)**
- Voting, registration online, applicant authentication not using WA state identification, submitting signature image: **\*SSB 5208, CH 363 (2023)**

**IMMIGRATION, IMMIGRANTS, AND IMMIGRATION STATUS (See also ATTORNEYS; LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL; NAME CHANGES)**

- Immigrants/refugees/asylees, evergreen basic income pilot program, establishing: HB 1045
- Immigration status of college students, to be irrelevant for determining working connections child care eligibility: **\*2SSB 5225, CH 222 (2023)**
- Money transmitters, small, serving diverse communities, impact of de-risking on, requesting federal action to reduce: SJM 8005
- Wage replacement program, for unemployed workers ineligible for unemployment insurance: HB 1095

**IMPACT FEES**

- Deferred collection, for single-family residential construction, clarifying/limiting options and removing/repealing provisions: HB 1468
- Residential construction, single-family detached and attached, impact fees deferral, options for: HB 1252

**INDETERMINATE SENTENCE REVIEW BOARD (See also SENTENCES AND SENTENCING)**

- Early release, petitioning board after reaching age 24 when crime committed before age 18: HB 1383
- Early release, rental vouchers for offender petitioning successfully after reaching age 24 for: HB 1383
- Long sentences, for offenses committed before age of 25, release from confinement, when, board role: HB 1325

**INITIATIVE AND REFERENDUM**

- Empowering Washington voters act, requiring referendum for tax increases: HB 1091
- Tax acts that raise taxes, automatic referendum on: HJR 4202

**INSTITUTIONAL REVIEW BOARD, WASHINGTON STATE**

- Diversity in clinical trials of drugs and medical devices, increasing, board role: HB 1745
- Diversity in clinical trials program, establishing for trials of drugs and medical devices, board role: SSB 5388

**INSURANCE (See also DENTISTS AND DENTISTRY; HEALTH CARE AUTHORITY; INSURANCE COMMISSIONER; PUBLIC ASSISTANCE)**

- Annuities, producer purchase recommendations to consumers, best interest standard and system for: SSB 5210
- Annuities, standards for and supervision of recommendations: **\*HB 1120, CH 64 (2023)**
- Benefit managers, health care, excluding pharmacy benefit managers from: HB 1253
- Benefit managers, pharmacy, excluding from health care benefit managers and creating new chapter for: HB 1253
- Benefit managers, pharmacy, registration and regulation of, and comprehensive requirements for: HB 1253
- Commercial property insurance, removing exemption from actions to reduce losses: **\*SSB 5720, CH 446 (2023)**
- Credit information, insurers that use, exceptions to rates/underwriting rules/etc. due to extraordinary life circumstances: HB 1811
- Domestic mutual insurers, reorganization as domestic stock insurer and mutual holding company: HB 1060
- Essential health benefits benchmark plan, review to consider impacts of including various treatments: **\*SSB 5338, CH 87 (2023)**
- Health benefit exchange, qualified health plan utilization of interchangeable biosimilar products, increasing: HB 1356
- Health care benefit managers, contracts and amendments with health carriers, filing of: **\*SB 5066, CH 107 (2023) PV**
- Health care, allowing enrollment for retired or disabled employees denied for failure to timely notify of deferral: **\*SSB 5490, CH 15 (2023)**
- Health care, barring cost sharing for supplemental or diagnostic breast examinations: **\*SSB 5396, CH 366 (2023)**

Health care, barring hospital contracts with certain clauses including all-or-nothing, antitiering, and antisteering: HB 1379

Health care, breast supplemental and diagnostic examinations, cost sharing requirements for health carriers: HB 1261

Health care, coverage for biomarker testing: HB 1450

Health care, interchangeable biosimilar prescription products, health carrier or utilization management entity requiring use of: HB 1356

Health care, mandating coverage for hearing aids/hearing instruments: HB 1222

Health care, medicare savings programs to be offered to medicaid clients entitled to medicare part A, when: HB 1313

Health care, mental health medication, barring carriers' substitution with preferred drugs for certain drugs: **\*SSB 5300, CH 325 (2023)**

Health care, mergers/acquisitions between carriers and hospitals/systems/provider organizations, studying impact: HB 1263

Health care, preventive services without cost sharing, preserving by updating provision of: HB 1855

Health care, prior authorization for certain codes, prohibiting carriers from requiring: HB 1357

Health care, prior authorization standards for standard, expedited, provider-initiated, denied requests, and electronic requests: HB 1357

Health care, prior authorization, civil actions by patients against health carriers, removing certain requirements: HB 1357

Health care, prohibiting cost sharing for abortion: HB 1115

Health care, prohibiting cost sharing for reproductive health services: **\*SB 5242, CH 194 (2023)**

Health care, prohibiting reimbursement or coverage for gender affirming treatment for individuals under 18: HB 1214

Health care, requiring plans to cover infertility diagnosis and treatment and standard fertility preservation services: HB 1151

Health care, requiring rebate pass-through for cost sharing: HB 1465

Health care, requiring reimbursement of ARNPs and physician assistants at same rate as physicians: HB 1495

Health care, restricting pharmacy benefit manager income for services except fees: HB 1465

Health care, telemedicine, audio-only, patient/provider "established relationship" before providing: HB 1027, **\*SB 5036, CH 8 (2023)**

Health, applied behavior analysis coverage, requiring: HB 1776

Health, certain carriers offering dental only coverage, denturist dental care coverage addition: HB 1683

Health, health care service and limited health care service contractors and disability insurers offering dental only coverage, provisions: HB 1683

Health, insulin for individuals under the age of 21 bulk purchasing and distribution program, establishing, carrier role: HB 1725

Insurers, premium tax, annual adjustment by insurance commissioner: HB 1339

Liability insurance, requiring insurer compliance with online verification system: ESSB 5326

Long-term services and supports trust program, repealing: HB 1011

Malpractice, removing requirement for supervising physicians of international medical graduate students: **\*SB 5394, CH 14 (2023)**

Pet insurance, new chapter: HB 1208, **\*SB 5319, CH 42 (2023)**

Premium tax, depositing portion of revenues into Washington auto theft prevention authority account: HB 1669

Premium tax, variable rate calculations with mandatory maximum: HB 1646

Producers and adjusters, providing commissioner with email address but failing to respond, violations resulting from: HB 1266

Producers, prelicensing education requirements for applicants, eliminating: **\*HB 1061, CH 21 (2023)**

Residential insurance policies, insurer denial or discontinuation due to insured having certain breed of dog, prohibiting, when: HB 1634

Surplus line brokers, providing commissioner with email address but failing to respond, violations resulting from: HB 1266

Title insurance agents, providing commissioner with email address but failing to respond, violations resulting from: HB 1266

#### **INSURANCE COMMISSIONER (See also INSURANCE)**

Essential health benefits benchmark plan, review to consider impacts of including various treatments: **\*SSB 5338, CH 87 (2023)**

Health benefit exchange, requiring premium assistance program for workers who lose coverage to labor disputes: SB 5632

Health care, prior authorization for certain codes, prohibiting carriers from requiring, commissioner role: HB 1357  
 Health care, requiring analysis of maternity care services: **\*SSB 5581, CH 444 (2023)**  
 Health care, requiring recommendations to health carriers for appropriate use of peer specialists and trainees: **\*2SSB 5555, CH 469 (2023) PV**  
 Health plan rates, mandating study of other states' approach to affordability and anticompetitive behavior: HB 1379  
 Health providers, care requiring private health carrier contracts to increase compensation with inflation: HB 1655  
 Insurers, premium tax, annual adjustment by insurance commissioner: HB 1339  
 Licensees, providing commissioner with email address but failing to respond, violations resulting from: HB 1266  
 Pharmacy benefit managers, registration and regulation of, role of commissioner: HB 1253  
 Premium tax, variable rate calculations with mandatory maximum, commissioner role: HB 1646  
 Reimbursement, by health carriers, of ARNPs and physician assistants at same rate as physicians, reporting requirement: HB 1495  
 Senn, Deborah, first woman to serve as insurance commissioner, recognizing and remembering: **\*HR 4624 (2023)**

### **INVESTMENT BOARD, STATE**

Private and public market portfolios, analyzing climate-related financial risk, social responsibility, and corporate governance within: HB 1283  
 Self-directed investment funds, board to provide options consistent with certain environmental, social, and corporate policies: HB 1283  
 Washington future fund program and account, creating, role of board: HB 1094

### **JOINT MEMORIALS**

Bills, memorials, and resolutions from 2023 regular session, returning to house of origin: **\*HCR 4403 (2023)**  
 Cowlitz County Deputy Sheriff Justin DeRosier memorial highway, requesting designation of section of Interstate 5 as: HJM 4001  
 Infrastructure bank, national, legislation to establish, requesting that congress pass: **\*SJM 8001 (2023)**  
 International year of the salmon, as wild salmon global initiative, recognizing: HJM 4000  
 Legislation, including joint memorials, cutoff dates: **\*SCR 8401 (2023)**  
 Money transmitters, small, serving diverse communities, impact of de-risking on, requesting federal action to reduce: SJM 8005  
 U.S. government and congress, limits on, U.S. constitutional amendment convention: HJM 4002  
 Universal health care program, national single-payer, requesting that the federal government create: SJM 8006

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Bills, memorials, and resolutions from 2023 regular session, returning to house of origin: **\*HCR 4403 (2023)**  
 Legislation, including joint resolutions, cutoff dates: **\*SCR 8401 (2023)**  
 Persistent poverty, funds held for reducing, constitutional amendment to authorize investment of: HJR 4204  
 Property taxation, personal property, raising upper limit for exemption of portion by legislature, constitutional amendment for: HJR 4206  
 Property taxes, state, primary residence property tax exemption, as rebate, constitutional amendment to allow: HJR 4205  
 Renter's credit, refund of portion of rent paid on tenant's primary residence, as rebate, constitutional amendment to allow: HJR 4205  
 Reproductive freedom, right to choose to have abortion or use contraception, constitutional amendment to set forth: HJR 4201  
 School district bonds and payment levies, at least 55% of voters to authorize, constitutional amendment: HJR 4207  
 School district bonds and payment levies, simple majority to authorize, constitutional amendment: HJR 4203  
 Tax acts that raise taxes, automatic referendum on, constitutional amendment for: HJR 4202  
 Taxable value, maximum, of primary owner-occupied residential property to be purchase price, constitutional amendment: HJR 4200

### **JUDGES (See also COURTS)**

Administrative law judges, substitution for pollution control hearings board members for derelict vessel appeals: HB 1081, **\*SB 5192, CH 39 (2023)**  
 Appeals, court of, divisions and panels of, certain chief judge and chief justice authority concerning, removing: **\*SB 5155, CH 184 (2023)**  
 District court judges, Snohomish county, adding additional: **\*SB 5003, CH 5 (2023)**  
 Judiciary, state of the, joint legislative session for message: **\*SCR 8400 (2023)**

Marriage, authorizing federal judges and judicial officers to solemnize marriages: \***HB 1657, CH 86 (2023)**  
 Pro tempore, for superior court, modifying judge pro tempore compensation: \***HB 1102, CH 24 (2023)**

## JUDGMENTS

Bankruptcy, personal property exemptions from execution et al., increasing value limits for, when: HB 1400, \***ESSB 5173, CH 393 (2023)**  
 Business entity with unsatisfied judgment or owing penalties/fees, denying registration application of contractor-successor to: HB 1534  
 Debt, personal property exemptions from execution/attachment/garnishment, various modifications of: HB 1400, \***ESSB 5173, CH 393 (2023)**  
 Interest accrual, compromise and settlement judgments against state or its officers/employees/volunteers arising out of tortious conduct: HB 1649  
 Interest, compromise and settlement judgments against a foster parent: HB 1649  
 Prejudgment interest accrual, when judgment founded on tortious conduct of individual, entity, or public agency: HB 1649  
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## JUVENILES AND JUVENILE COURT (See also CHILDREN; CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT; CIVIL ACTIONS AND PROCEDURE; CRIMINAL PROCEDURE; NAME CHANGES)

Adjudications/convictions, certain juvenile, adult offender scores increase due to, prohibition: \***EHB 1324, CH 415 (2023)**  
 Administrative sealing hearings, requiring six months' notice: HB 1769  
 Age, assuming innocence up to 13 except rebuttable for 1st or 2nd degree murder for 8-13: HB 1440  
 Biological samples, from confined persons for DNA analysis, requiring prior to release, when: ESSB 5576  
 Controlled substances, knowingly possessing, gross misdemeanor: HB 1415  
 Crime victim penalty assessment, eliminating: HB 1169  
 Decline hearings, discretionary, offenses for which hearing shall be set after motion filed, adding additional: HB 1828  
 Dependency, medicaid waiver services for eligible individuals with developmental disability who have received certain child welfare services: HB 1188  
 DNA database fee, eliminating: HB 1169  
 Early release, petitioning after reaching age 24 when crime committed before age 18: HB 1383  
 Early release, rental vouchers for offender petitioning successfully after reaching age 24 for: HB 1383  
 Guardianship, eligibility and subsidy expansion: HB 1278, \***ESSB 5124, CH 221 (2023)**  
 Indigent offenders, convicted, office of public defense to provide counsel for: \***2SSB 5046, CH 261 (2023)**  
 Interrogation of juvenile in custody, use of deception by officers, inadmissibility of statement due to: HB 1062  
 Jurisdiction, raising age to 20: HB 1440  
 Justice-involved students in institutional education, delivery/oversight of basic education services to, OSPI to assume: HB 1701  
 Juvenile justice system, creating community compensation program and eliminating juvenile legal financial obligations: HB 1432  
 Juvenile justice system, emphasizing community service and prohibiting juvenile legal financial obligations: HB 1432  
 Juvenile justice system, exiting, evergreen basic income pilot program, establishing: HB 1045  
 Juvenile offenses, requiring notice of sealed record: HB 1769  
 Juvenile offenses, specifying the confidentiality of juvenile records: HB 1769  
 Juvenile rehabilitation facilities, students in foster care or experiencing homelessness work group to include students in or exiting: \***HB 1679, CH 300 (2023)**  
 Legal financial obligations, for juveniles, eliminating, and creating community compensation program: HB 1432  
 Less restrictive alternative treatment, conditions for: ESB 5130  
 Offenders, community transition services program, modifying exclusion from eligibility for: HB 1382  
 Private detention facilities, prohibition of operation of or utilizing contract with, extending to juvenile facilities: HB 1470  
 Records, juvenile, sealed, access for criminal justice agencies for firearms background checks, when: HB 1600  
 Sex offenders, evaluation and treatment programs funding for defense attorneys/counties, developing grant program for: HB 1394  
 Sex offenders, requirement for juveniles to register in registry as, limiting, and reducing period of registration: HB 1394  
 Substance use, delivery of juveniles to an evaluation and treatment facility: HB 1116



Suspects, statements and physical evidence admissibility, law enforcement and defendant attorney requirements: HB 1607

Youth court programs, changing age to 14-17: HB 1440

Youth development programs grant program, including expanded learning opportunities, developing and implementing: HB 1386

**LABOR (See also COLLECTIVE BARGAINING; EMPLOYMENT AND EMPLOYEES; MILITARY; PROFESSIONS; PUBLIC EMPLOYMENT AND EMPLOYEES; WAGES AND SALARIES)**

Cabin crews, exempting from certain labor regulations if covered by collective bargaining agreement: SB 5725

Cannabis, employees lawfully consuming away from work, prohibiting employer discrimination in hiring against: **\*ESSB 5123, CH 359 (2023)**

Employee reimbursement, requiring for necessary expenditures and losses: HB 1136

Employees, discharged, employer to furnish written statement of reason and date to: HB 1320

Employees, personnel file, employer to furnish complete copy to employee, when: HB 1320

Employees, working with or near high voltage lines and equipment, defibrillator accessible availability for: **\*HB 1542, CH 253 (2023)**

Ergonomics initiative statutes, repealing: **\*ESSB 5217, CH 112 (2023)**

Family and medical leave, paid, impact of job protection standards on equitable utilization of benefits, studying: HB 1502

Family and medical leave, paid, pilot program for transportation network companies and drivers, developing: HB 1570

Family and medical leave, paid, removing the terms "master" and "slave" from: **\*HB 1107, CH 25 (2023)**

Health insurance, requiring program for workers who lose coverage due to a labor dispute: SB 5632

Human trafficking, including labor, law enforcement officer interception/recording/disclosure of oral communications concerning: HB 1602

Musculoskeletal injuries and disorders, industry or risk class standards for preventing in workplace: **\*ESSB 5217, CH 112 (2023)**

Overtime, exempting agricultural workers for up to 50 hours for 12 weeks a year: HB 1523

Prohibited practices, civil action option for persons aggrieved by violations of RCW 49.44: SSB 5110

Public employees, requiring provision of employee information to exclusive bargaining representatives: HB 1200

Public school districts, prohibiting district engagement in activity condoning or supporting a strike: HB 1429

Public school employees and employee organizations, prohibiting striking and involvement with strikes by: HB 1429

Public works contractors, promoting high labor standards in manufacturing: HB 1282

Railroad workers, requiring paid and unpaid leave for various purposes, new chapter: HB 1548, ESSB 5267

School employee's benefits board (SEBB), including representative organizations and tribal schools: **\*SSB 5275, CH 13 (2023)**

Unions, recognizing employee and union representative communications as privileged communication: HB 1187

Warehouse distribution centers, employees subject to quotas, rights/health/safety of, and employer requirements: HB 1762

**LABOR AND INDUSTRIES, DEPARTMENT (See also VICTIMS OF CRIMES; WORKERS' COMPENSATION)**

Adult entertainment, requiring training of establishment employees: ESSB 5614

Advisory committee on hospital staffing, convening: **\*E2SSB 5236, CH 114 (2023)**

Crime victims compensation, nonfatal strangulation exam costs payment, removing L&I reporting requirement: **\*SB 5070, CH 108 (2023)**

Electrical inspectors, state, salaries of, requirements, L&I duties: HB 1526

Factory assembled structures advisory board, expanding and diversity consideration: **\*SB 5089, CH 36 (2023)**

Homeowner recovery program, L&I to create and administer: HB 1534

Journey level electrical apprenticeship programs, availability and accessibility of, L&I to study: HB 1393

Juvenile justice system, creating community compensation program in place of juvenile legal financial obligations, L&I role: HB 1432

Musculoskeletal injuries and disorders, industry or risk class standards for preventing in workplace, L&I role: **\*ESSB 5217, CH 112 (2023)**

Prevailing wage rate, requiring online accessibility of collective bargain agreements used to determine: HB 1398

Prevailing wage, allowing disputable discretion for the industrial statistician: HB 1667

Private detention facilities, workplace conditions for employees and detained persons, L&I to inspect: HB 1470

Recreational vehicles, permitting sale of insignia to manufacturers with approved quality control programs: **\*HB 1514, CH 78 (2023)**

Wage complaint, authorizing department collection and barring department waiver: HB 1217

Wage theft, convening work group to assist workers: HB 1217

Warehouse distribution centers, employees subject to quotas, rights/health/safety of, and employer requirements, L&I role: HB 1762

Workers' compensation, requiring rule making for duty to act in good faith: HB 1521

#### **LAKES AND RESERVOIRS**

Safety, encouraging water safety and rescue and drowning prevention, and recognizing May 15 as water safety day: **\*HB 1750, CH 181 (2023)**

#### **LAND USE PLANNING AND DEVELOPMENT (See also COMMUNITY ECONOMIC REVITALIZATION BOARD; ENVIRONMENT; GROWTH MANAGEMENT)**

Community preservation and development authorities, local sales/use tax imposition at taxable events inside certain stadiums: HB 1847

Community preservation and development authorities, use of impact fee assessment on price of admission to certain stadiums: HB 1510

Local project review, affordable housing, local government objective review and public meetings: HB 1293

Local project review, city and county annual reports explaining delays in project permit application processing: HB 1449

Local project review, creating type, timeline, and data reporting requirements for permit applications: **\*2SSB 5290, CH 338 (2023)**

Local project review, requiring procedural and timeline changes for applications: HB 1519

Local project review, requiring site plan review exclusion for permits for certain interior alterations: HB 1296, **\*2SSB 5290, CH 338 (2023)**

Local project review, residential use or certain mixed use permit applications, revising process and time frames: HB 1611

Site readiness and predevelopment work, grants for public facility improvements to enable development: HB 1231, **\*SSB 5229, CH 93 (2023)**

#### **LANDLORD AND TENANT (See also MANUFACTURED AND MOBILE HOMES; UTILITIES)**

Eviction, forcible or unlawful detainer proceeding, modifying forms and procedures: **\*ESSB 5197, CH 336 (2023)**

Landlords, engaging in predatory residential rent practices, prohibiting: HB 1388

Rent for residential tenants, banked capacity program, allowing postponed rent increases: HB 1389

Rent for residential tenants, landlord predatory rent practices, prohibiting: HB 1388

Rent for residential tenants, limiting landlord's ability to raise and requiring notice: HB 1389

Rent for residential tenants, limiting rent increases without advance notice and capping late fees: HB 1124

Rent for residential tenants, maximum annual increase percentages for: HB 1388

Renter's credit, as refund of rent amount constituting state property tax on the property rented: HB 1556

Renter's credit, refund of portion of rent paid on tenant's primary residence, constitutional amendment to allow: HJR 4205

Sale and leaseback of property, residential landlord-tenant act exemption: HB 1070

Security deposits, requiring documentation for charges and exempting ordinary wear: HB 1074

Tenant protections, rules for security deposits: HB 1074

Tenants, excess income from property sale when eviction or death, updating cross-references to unclaimed property act: **\*HB 1742, CH 258 (2023)**

Tenants, seizure and forfeiture of property of: HB 1385

Utilities, barring involuntary residential shut-off for nonpayment in hot weather: HB 1329

#### **LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL (See also CRIMINAL PROCEDURE; DOMESTIC VIOLENCE; PROTECTION ORDERS; RETIREMENT AND PENSIONS; SEX OFFENSES AND OFFENDERS; TOWING AND TOW TRUCKS; TRAFFIC OFFENSES)**

Additional officers, authorizing local sales and use tax to fund and mandating training: HB 1446

Agencies, general or limited authority, extending eligibility for employment to all U.S. citizens or lawful permanent residents: HB 1530

Agencies, local in WA, funding and staffing levels of, studying: HB 1380

Agencies, new-hire/retention/body camera programs funding awards, one-time: HB 1380

Agencies, violations of state constitution or state law by, investigations of, and actions against an agency: HB 1445

Cannabis, medical use of, arrest protections for: **\*HB 1563, CH 254 (2023)**

Civil forfeiture, seizing of animal in cases of abuse or neglect: HB 1234

Community engagement grant project, extending expiration date: **\*SSB 5561, CH 189 (2023)**

Controlled substances, person under 18 in vehicle with driver under 21 who possesses, notification of parent of: HB 1802

Deadly force, alleged criminal offenses by police using, establishing independent prosecutions unit for: HB 1579

Dogs, canine teams, training and certification to detect fentanyl, model standards for: HB 1635

Fish and wildlife officers, outreach/retention, recruitment/new-hire/retention programs, establishing: HB 1380

Fish and wildlife officers, permitting off-duty private law enforcement employment: HB 1369

Fund the police act of 2023, concerning recruitment, retention, and support of law enforcement officers: HB 1380

Gender-based violence with adult victims, officer and investigator training on: HB 1028

Hate crimes, establishing hotline for hate crimes and bias incidents and requiring referral: HB 1410

Independent prosecutions unit, establishing for alleged criminal offenses by police using deadly force: HB 1579

Interrogations, in custody, use of deception by officers, inadmissibility of statement due to: HB 1062

Juvenile suspects, statements and physical evidence admissibility, officer requirements: HB 1607

Juveniles, delivered to evaluation and treatment facility if controlled substance use witnessed: HB 1116

Law enforcement facilities, adding to list of public facilities eligible for funding by impact fees: HB 1476

Lawful permanent residents, expanding employment opportunities: SB 5274

Limited authority Washington peace offer, including public transportation benefit areas: HB 1198

Limited authority Washington peace officers, training and certification standards: HB 1132

Metal theft, comprehensive state law enforcement strategy targeting, adding certain annual reporting: HB 1840

Officers, allowing general and limited authority to work part-time or alternative shifts or schedules: HB 1413, SSB 5424

Officers, reporting requirement when traffic collision results in substantial bodily harm: **\*HB 1319, CH 29 (2023)**

Oral communications concerning certain crimes, officer interception/recording/disclosure of, when: HB 1602

Peace and reserve officers, home purchase by, pilot program for loans to certain workers/occupations for certain costs: HB 1633

Peace officers, general authority, when CJTC-certified and employed full-time by tribe, LEOFF plan 2 membership: **\*HB 1481, CH 77 (2023)**

Peace officers, pool of candidates for hiring by local law enforcement agencies, program to recruit/certify, establishing: HB 1387

Personnel, development outreach, retention, and support programs for, developing/implementing/expanding: HB 1380

Searches of vehicle or operator or passengers, by consent, requirements for peace officers: HB 1513

Sexual assault kits, DNA system hits, lab exam requests, agency investigations, and limitation periods: HB 1028

Sheriff's office, Cowlitz county, deputy Justin DeRosier, naming of I-5 section as Cowlitz County Deputy Sheriff Justin DeRosier memorial highway, requesting: HJM 4001

Sheriff's office, Mason county, former sheriff Casey Salisbury, recognizing: **\*HR 4612 (2023)**

State patrol, bureau of forensic laboratory services, drug offenses role of and appropriations for: **\*2E2SSB 5536, CH 1 (2023)**

State patrol, certification of firearms safety training programs via new program: HB 1143, HB 1144

State patrol, classification of registered light trucks and certain sport utility vehicles, use by WSP: HB 1674

State patrol, director of fire protection, firefighter training administration and expenses reimbursement rule making by: HB 1726

State patrol, firearms background division, behavioral health court proceedings records use for background checks: **\*HB 1599, CH 298 (2023)**

State patrol, sexual assault kit tracking system report to legislature, changing frequency of: HB 1362

State patrol, speed safety cameras use in infractions, WSP enforcement and reporting role: HB 1807, **\*ESSB 5272, CH 17 (2023)**

State patrol, speed safety cameras use in state highway work zones, WSP rule-making role: HB 1807, **\*ESSB 5272, CH 17 (2023)**

State patrol, state trooper expedited recruitment incentive program, WSP to develop and implement: HB 1638

State patrol, statewide sexual assault kit tracking system duties: HB 1028

State patrol, trooper Dean Atkinson, Jr., commending, saluting, and honoring: **\*HR 4627 (2023)**

State patrol, trooper outreach/retention program, with recruitment/new-hire/retention programs, WSP to establish: HB 1380

State patrol, WA state identification system, sealed juvenile records information access for agency firearms background checks: HB 1600  
 State patrol, Washington state patrol firearms background check program, expanding use: HB 1143, HB 1144  
 Stopping or detaining vehicle operator, for moving violations or equipment failure, requirements for peace officers: HB 1513  
 Stopping or detaining vehicle operator, prohibiting for nonmoving violations, most misdemeanor warrants, et al.: HB 1513  
 Stopping or detaining vehicle operator, when primary reason is an equipment failure violation that threatens safety: HB 1513  
 Substance use disorder, law enforcement assisted diversion, procedures for, and making pilot project a grant program: **\*2E2SSB 5536, CH 1 (2023)**  
 Training, eastern WA, basic law enforcement academy pilot project: HB 1461  
 Tribal officer certification, role of written agreements with criminal justice training commission: **\*HB 1290, CH 72 (2023)**  
 Tribal officers, home purchase by, pilot program for loans to certain workers and occupations for certain costs: HB 1633  
 Unlawful conduct by peace officer, injury in person or property due to, cause of action: HB 1025  
 Vehicular pursuits, attempting to elude, when driver may be committing vehicle theft, class C felony at seriousness level III: HB 1691  
 Vehicular pursuits, convening work group on, and implementing vehicular pursuit technology grant program: HB 1586  
 Vehicular pursuits, reasonable suspicion standard and other requirements for: HB 1053  
 Vehicular pursuits, reasonable suspicion standard and safety requirements for: HB 1363, **\*ESB 5352, CH 235 (2023)**

**LEGISLATIVE AUDIT AND REVIEW COMMITTEE, JOINT (JLARC)**

Cannabis, social equity program, JLARC to review prior canopy studies and examine levels of production: **\*E2SSB 5080, CH 220 (2023)**  
 Konopaski, Keenan, retired legislative auditor, honoring: **\*HR 4608 (2023)**  
 Office of transparency ombuds, establishing as nonpartisan and independent agency, studying efficacy of, JLARC role: HB 1856  
 Performance audit, conducting on in-home services agencies regarding monitoring, licensure, and validation surveys: ESSB 5716

**LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM (LEAP) COMMITTEE**

Budgets, budget bills, budgeted funds, and expenditures, website presentation of, LEAP role: **\*ESSB 5082, CH 109 (2023)**

**LEGISLATURE (See also ELECTIONS; LOBBYING AND LOBBYISTS; PUBLIC DISCLOSURE COMMISSION; PUBLIC EMPLOYMENT AND EMPLOYEES)**

Bills, memorials, and joint resolutions, cutoff dates for: **\*SCR 8401 (2023)**  
 Bills, memorials, and resolutions from 2023 regular session, returning to house of origin: **\*HCR 4403 (2023)**  
 Bills, Second Substitute Senate Bill No. 5536, reintroducing for consideration during 2023 first special session: **\*SCR 8409 (2023)**  
 Building code council, managing director to be subject to senate confirmation: HB 1404  
 Committees, economic development and international relations, expanding: SB 5705  
 Deceased former members, joint session to honor: **\*SCR 8403 (2023)**  
 Down payment assistance program, appropriation requirement: **\*E2SSB 5258, CH 337 (2023)**  
 Emergency orders, content and duration of, role of legislature: HB 1535  
 Emergency proclamations, duration of, role of legislature: HB 1535  
 Fiscal notes, requiring working families fiscal impact statements for certain notes: HB 1172  
 Governance and funding for institutional education, joint select committee on, establishing: HB 1701  
 Health care and behavioral health oversight, joint select committee on, extending expiration date: **\*SSB 5121, CH 10 (2023)**  
 Health care oversight, joint select committee on, changing name: **\*SSB 5121, CH 10 (2023)**  
 Health care oversight, joint select committee on, decodifying due to expiration: **\*HB 1066, CH 470 (2023) PV**  
 Health care oversight, joint select committee on, extending expiration date: HB 1119  
 House business during interim, providing for: **\*HR 4650 (2023)**  
 House organized, notification of governor: **\*HR 4600 (2023)**

\* - Passed Legislation

House rules, permanent: **\*HR 4617 (2023), \*HR 4651 (2023)**  
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 House, remote participation during 2023 first special session: **\*HR 4651 (2023)**  
 House, remote participation in floor sessions and committee hearings: **\*HR 4601 (2023), \*HR 4617 (2023)**  
 House, standing committees, permanent house rules: **\*HR 4617 (2023), \*HR 4651 (2023)**  
 House, standing committees, temporary house rules: **\*HR 4601 (2023)**  
 Joint rules, house and senate, 2023-2024, adopting: **\*HCR 4401 (2023)**  
 Joint rules, house and senate, 2023-2024, amending conference committee in-person and remote meetings provisions:  
**\*SCR 8407 (2023)**  
 Joint session, for address of H.E. Sauli Niinistö, president of the Republic of Finland: **\*SCR 8404 (2023)**  
 Joint session, state of the judiciary message: **\*SCR 8400 (2023)**  
 Joint session, state of the state address: **\*HCR 4400 (2023)**  
 Joint session, to honor deceased former members of legislature: **\*SCR 8403 (2023)**  
 Konopaski, Keenan, retired legislative auditor, joint legislative audit and review committee, honoring: **\*HR 4608 (2023)**  
 Legislative youth advisory council, duties involving student representative network and legislative district student  
 councils: HB 1692  
 Legislators and candidates for legislature, falsely claiming or misrepresenting military service, misdemeanor: HB 1671  
 Legislators, who are regional or national legislative association elected officials, funds solicitation for conference by:  
**\*SSB 5170, CH 91 (2023)**  
 Medal of valor, presentation only during joint session, removing requirement: **\*HB 1031, CH 131 (2023)**  
 Members, permitting letters to constituents of recommendation or recognition if requested or extraordinary: **\*SSB 5381,  
 CH 226 (2023)**  
 Pension policy, select committee on, ongoing TRS and PERS plan 1 cost-of-living adjustment, studying: HB 1057, **\*SB  
 5350, CH 397 (2023)**  
 Remote participation during 2023 first special session: **\*HR 4651 (2023)**  
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 Salmon recovery and reform committee, joint, creating: HB 1686  
 Session, first special 2023, adjourning SINE DIE: **\*SCR 8410 (2023)**  
 Session, first special 2023, reintroducing Second Substitute Senate Bill No. 5536 for consideration during: **\*SCR 8409  
 (2023)**  
 Session, house business during interim, providing for: **\*HR 4650 (2023)**  
 Session, regular 2023, adjourning SINE DIE: **\*SCR 8406 (2023)**  
 Sexually violent predators, siting of secure community transition facilities for, legislative work group on, establishing:  
 HB 1813  
 Standing committees, permanent house rules: **\*HR 4617 (2023), \*HR 4651 (2023)**  
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 Students, legislative district student councils, establishing in each district: HB 1692  
 Students, student representative network, forming: HB 1692  
 Tax increases, tax acts that raise taxes, automatic referendum on, role of legislature: HJR 4202  
 Tax revenue, bills increasing or decreasing state tax revenues, fiscal impact statements for: HB 1158  
 Taxation, personal property, raising upper limit for exemption of portion by legislature, constitutional amendment for:  
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 Transparency, joint legislative committee on, establishing in connection with office of transparency ombuds study: HB  
 1856  
 Water supply during drought, joint legislative committee on, convening during drought advisory: HB 1138

## LIBRARIES

Intercounty rural library districts, regular property tax levies by, exclusion from tax increment financing: HB 1680  
 Schools, library information and technology programs access for all students: HB 1609, ESSB 5102

## LICENSING, DEPARTMENT (See also DRIVERS AND DRIVERS' LICENSES; EMPLOYMENT AND EMPLOYEES; IDENTIFICATION; MILITARY; MOTOR VEHICLES; PROFESSIONS)

Data brokers, registration and regulation of, DOL role: HB 1799  
 Driver training education requirement, requiring comprehensive plan for expansion for ages 18 to 24: **\*ESSB 5583, CH  
 445 (2023)**

Driver's education, requiring publication of an interactive map for driver training education course providers: **\*ESSB 5583, CH 445 (2023)**

Home energy assessors, licensing and regulation of, DOL role: HB 1433

Home inspector advisory licensing board, home energy inspector licensing and regulation duties of: HB 1433

Liability insurance, requiring establishment of accessible common carrier online verification system: ESSB 5326

License plates, charging state sport special license plate fees: SB 5333

Licenses, annual professional licenses review and analysis by DOL, professional licenses review act for: **\*HB 1301, CH 412 (2023)**

Motor vehicle registration and renewal, DOL to require odometer mileage reading in application for, when: HB 1736

Motor vehicle registration, requiring notice of open safety recalls to accompany renewal notice: **\*SSB 5504, CH 440 (2023)**

Motor vehicle registration, requiring recall check with national highway traffic safety administration: **\*SSB 5504, CH 440 (2023)**

Motorcycle safety education advisory board, expanding: HB 1171

Professional licenses, expediting for new Washington residents, establishing procedures for, DOL role: HB 1359

Ticket sellers and resellers, licensing and regulation, DOL role: HB 1648

Tow truck operators, program to compensate for law enforcement-directed impound of indigent person's vehicle, DOL to create: HB 1688

Uniform commercial code, filing office, DOL annual report to governor concerning, repealing: HB 1362

Vehicle subagents, indexing service fees for inflation: HB 1687

Vehicles, light trucks and midsize or large sport utility vehicles, records, list, and information requirements, DOL role: HB 1674

Vehicles, registered, classification as light trucks and midsize or large sport utility vehicles, DOL role: HB 1674

Voluntary road usage charge program, per mile fee collection via per mile system, establishing, DOL role: HB 1832

Voter registration, automatic, at DOL or driver's licensing facilities, updating provisions: HB 1229, **\*E2SSB 5112, CH 466 (2023)**

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Continuing lien on earnings, modifying writ for community property: **\*ESSB 5173, CH 393 (2023)**

Retained percentage, authorizing for nonpublic works projects and allowing retainage bonds: HB 1524

Retained percentage, authorizing for private construction projects and allowing retainage bonds: **\*ESSB 5528, CH 373 (2023)**

## LIGHTING

Mercury-containing lights, product stewardship program for end-of-life management and phase-out, extending and expanding: HB 1185

Mercury-containing lights, product stewardship program for end-of-life management and phase-out, modifying: HB 1185

## LIQUOR AND CANNABIS BOARD (See also CANNABIS)

Cannabis licenses, regulating qualifications, suspension, and reissuance: HB 1341

Cannabis, banning regulation of retail sign size: SB 5363

Cannabis, social equity program, modifying board role: HB 1790, **\*E2SSB 5080, CH 220 (2023)**

Liquor licenses, nonapplicability of certain restrictions to adult entertainment: ESSB 5614

Subpoena power, expanding to include cannabis and medical cannabis investigations: SSB 5405

Tobacco and vapor products, increasing penalties for sales to minors: HB 1497, **\*ESSB 5365, CH 398 (2023)**

## LIVESTOCK (See also FARMS AND FARMING; HORSES)

Cattle, increasing per-head levy on sales: ESSB 5150

Fees, eliminating call out fees for inspection by certified veterinarian or field livestock inspector: **\*SSB 5439, CH 46 (2023)**

Livestock identification program, requiring advisory committee review of fees: **\*SSB 5439, CH 46 (2023)**

## LOANS

Dogs and cats, licensee financing or making of loan to purchase, prohibiting and voiding: HB 1424

Home purchase, down payment and closing costs for, pilot program for loans to certain workers and professions for: HB 1633

Mortgage, making any mortgage or deed of trust prior to any encumbrances not recorded beforehand: **\*HB 1420, CH 76 (2023)**

**LOBBYING AND LOBBYISTS (See also PUBLIC DISCLOSURE COMMISSION)**

Grass roots lobbying campaigns, to influence legislation, expanding disclosure requirements: **\*HB 1317, CH 413 (2023)**  
Lobbyists, excluding from building code council membership: HB 1404

**LOCAL GOVERNMENT (See also BRIDGES; BUILDING CODES AND PERMITS; BUILDINGS, COMMERCIAL; CITIES AND TOWNS; COUNTIES; ELECTIONS; ENVIRONMENT; FIRE PROTECTION; FORESTLANDS; GROWTH MANAGEMENT; HEALTH CARE AUTHORITY; HOMELESS PERSONS; HOUSING AND HOMES; LAND USE PLANNING AND DEVELOPMENT; OPEN PUBLIC MEETINGS; PUBLIC FACILITIES DISTRICTS; PUBLIC LANDS; PUBLIC WORKS; REAL ESTATE AND REAL PROPERTY; SPECIAL AND SPECIAL PURPOSE DISTRICTS; TAXES - PROPERTY)**

Affordable housing, authorizing local government lodging tax to fund: ESSB 5334

Affordable housing, new chapter allowing property tax exemption: HB 1596

Bridges, signage for new bridges to deter jumping into cold waterways, role of cities/towns/counties: **\*HB 1004, CH 54 (2023)**

Cannabis retail facilities, prohibiting siting of, restricting county/city/town authority for, and requiring voter approval: HB 1650

Commercial truck parking and parking facilities, including various truck and driver accommodations, facilitating: HB 1787

Community redevelopment financing act, repealing chapter: HB 1090, **\*SSB 5087, CH 102 (2023)**

Contracting, increasing limit for community service organizations without competitive bidding: **\*EHB 1086, CH 238 (2023)**

Debt collection, retaining collection agency for, governmental entity fee in addition to agency's fee, specifying amount: HB 1666

Development, requiring consistency with community needs for water, storm, and sanitary sewer systems: HB 1403

Economic development funding, efforts to obtain federal grants and loans for, assisting local governments: HB 1767

Employees separated due to COVID vaccination mandate, hiring preference and retirement system service credit: HB 1814

Extreme weather protection act, grant program for political subdivisions and tribes: HB 1012

Firearms, repealing state preemption of regulations: HB 1178

Housing, repealing prohibitions on rent control and stabilization: HB 1625

Indigent persons acquitted by reason of insanity and committed, transferring public defense responsibility: **\*SSB 5415, CH 120 (2023)**

Lands managed by DSHS, leasing for up to 99 years for local government purposes, requirements: HB 1506

Law enforcement, authorizing funding for additional officers with local sales and use tax: HB 1446

Local tax increment financing program, updating: **\*HB 1527, CH 354 (2023)**

Municipalities, public works apprenticeship utilization, modifying requirements: HB 1050

Procurement, energy equipment and services, municipality performance-based contracting for, adding options: **\*HB 1777, CH 309 (2023)**

Property, seizure by agencies and forfeiture: HB 1385

Property, surplus public, political subdivision/municipality disposal for affordable housing, requirements for: **\*HB 1695, CH 301 (2023)**

Sales and use taxes, local, including counties and in use of funds for modifying existing mental health facilities: **\*SSB 5604, CH 101 (2023)**

Site readiness and predevelopment work, grants for public facility improvements to enable development: HB 1231, **\*SSB 5229, CH 93 (2023)**

Utilities, barring involuntary residential shut-off for nonpayment in hot weather: HB 1329

Vaccination or postinfection recovery documentation, prohibiting governmental entity from requiring for services etc.: HB 1827

**LODGING**

Plastic containers, prohibition of health or beauty products in small plastic packaging: HB 1085

Retail sales tax, revenue deposits in statewide tourism marketing account, raising collections limit: HB 1258

Short-term rentals, annual permit allowing complimentary pre-rolled useable cannabis product for rental guests: HB 1822

Short-term rentals, annual special liquor permit allowing complimentary bottle of wine for rental guests: HB 1731

Short-term rentals, authorizing excise tax to fund affordable housing operating or capital costs: ESSB 5334

Stay-to-play, specific-lodging requirement for extracurricular tournament or event participation by nonlocal teams and individuals, prohibiting: HB 1860

**LONG-TERM CARE (See also HEALTH CARE AUTHORITY; PUBLIC ASSISTANCE)**

Adult family homes, for persons with development/intellectual disabilities, property tax exemption, when: \***HB 1265, CH 69 (2023)**

Assisted living facilities, with tenant meals as part of rental agreement, not subject to sales and use tax: HB 1431

Complex medical needs, parents of children under 18 with, paying parents to provide care, studying feasibility of: HB 1694

Complex medical needs, person with, spouse providing home care services for, pilot project: HB 1694

Consumer directed employers and certain in-home services agencies, information reporting requirements: HB 1435

Continuing care retirement communities, with tenant meals as part of rental agreement, not subject to sales and use tax: HB 1431

Direct care workers, pilot program for loans to certain workers/occupations for home down payment/closing costs: HB 1633

Home care safety net assessment, developing, and home care safety net assessment work group, establishing: HB 1435

In-home services agencies, providing home care, hospice, or home health services, information reporting by: HB 1435

Long-term services and supports trust program, repealing: HB 1011

Medicaid clients, personal needs allowance for, raising: \***HB 1128, CH 201 (2023)**

Nursing facilities, medicaid payment system, adjusting case mix and indirect care calculations: HB 1571

Workers, certification as home care aides, reducing barriers to testing and certification: HB 1694

Workers, home care workforce, encouraging and implementing ways to increase: HB 1694

Workers, providers caring only for sibling or relative, home care aide certification exemption and required training: HB 1694

Workers, workforce data collection and public reporting monitoring system, establishing: HB 1694

**LOTTERY, STATE**

Personal information, exempting from public inspection: \***HB 1221, CH 346 (2023)**

Shared game lottery proceeds, transfer to problem gambling account, increasing annual rate of: HB 1681, \***E2SSB 5634, CH 284 (2023)**

**LOW-INCOME PERSONS (See also HOMELESS PERSONS; HOUSING AND HOMES; MANUFACTURED AND MOBILE HOMES; SCHOOLS AND SCHOOL DISTRICTS)**

Accessory dwelling units, for low-income persons, exemption from property taxation by county: \***E2SSB 5045, CH 335 (2023)**

Affordable housing, adding funding application and preconstruction technical assistance priorities: HB 1709, \***ESSB 5301, CH 275 (2023)**

Affordable housing, new chapter allowing property tax exemption: HB 1596

Evergreen basic income pilot program, establishing: HB 1045

Food assistance, basic food, appropriations to support people most impacted by the loss of: HB 1784

Housing gap voucher program, implementing by public housing authorities: HB 1817

Housing, affordable, creating workforce housing accelerator revolving loan fund program: HB 1149

Housing, affordable, incentive program to aid very low-income households and provide owner property tax exemption: HB 1343

Housing, affordable, property tax exemption for nonprofit entity providing: HB 1052

Housing, allowing creation of standardized permit process for development: HB 1401

Housing, housing authority developments, raising income eligibility threshold for renting: \***HB 1046, CH 133 (2023)**

Indigent defendants, facing charges of drug possession or use in public place, public defense services for: \***2E2SSB 5536, CH 1 (2023)**

Indigent offenders, convicted, office of public defense to provide counsel for: \***2SSB 5046, CH 261 (2023)**

Indigent persons, county resident who dies in adjacent county outside WA, disposition of remains of: \***HB 1100, CH 62 (2023)**



Indigent persons, law enforcement impound of vehicle owned by, program to compensate tow truck operators for, creating: HB 1688

Indigent petitioner/respondent attorneys in proceeding to preclude establishment of parentage due to sexual assault allegation: HB 1808

Low-income home rehabilitation grant program, creating: HB 1250

Low-income home rehabilitation revolving loan program, termination of: HB 1250

Low-income households, as statewide building energy upgrade navigator program services priority: HB 1391

Manufactured/mobile home parks, tenant relocation assistance, when selling or gifting home to third party: **\*HB 1771, CH 259 (2023)**

Persistent poverty, funds held for reducing, constitutional amendment to authorize investment of: HJR 4204

Solar energy, community projects, community solar program and community solar bill credit to increase access to: HB 1509

Students first education savings account program, establishing for home-based instruction or private schooling: HB 1615

Students, free or low-cost meal plans or vouchers for low-income college students, creating pilot program: HB 1559

Traffic violations, nonmoving, solution-oriented responses to, for low-income road users: HB 1513

Washington future fund program, creating to address opportunity deficit: HB 1094

Working connections child care, expanding eligibility for persons enrolled in apprenticeship programs: HB 1525

Working families tax credit, lowering eligibility to age 18: HB 1075

Working families' tax credit, expanding eligibility and increasing refund: HB 1000

Working families' tax credit, modifying eligibility, refund, and reporting provisions: HB 1477

#### **MANUFACTURED AND MOBILE HOMES**

Communities and/or parks, landlord predatory residential rent practices, prohibiting: HB 1388

Communities and/or parks, notices of closure and opportunity to purchase, and relocation assistance: HB 1129, **\*E2SSB 5198, CH 40 (2023)**

Communities and/or parks, purchase or lease of, resident nonprofit cooperatives as eligible organizations: HB 1129, **\*E2SSB 5198, CH 40 (2023)**

Communities and/or parks, state preemption of certain regulations: **\*E2SSB 5198, CH 40 (2023)**

Communities and/or parks, tenant rights, protections, and opportunities in event of voluntary sale of: HB 1129, **\*E2SSB 5198, CH 40 (2023)**

Installation, updating requirements: **\*SB 5089, CH 36 (2023)**

Manufactured or mobile home, assessed at certain value or less, property tax exemption for: HB 1796

Manufactured/mobile home rental assistance program, creating to assist low-income tenants: HB 1810

Parks, tenant relocation assistance, when selling or gifting home to third party: **\*HB 1771, CH 259 (2023)**

Rent for residential tenants, banked capacity program, allowing postponed rent increases: HB 1389

Rent for residential tenants, landlord predatory rent practices, prohibiting: HB 1388

Rent for residential tenants, limiting landlord's ability to raise and requiring notice: HB 1389

Rent for residential tenants, limiting rent increases without advance notice: HB 1124

Rent for residential tenants, maximum annual increase percentages for: HB 1388

#### **MANUFACTURING AND TECHNOLOGY (See also ENVIRONMENTAL HEALTH AND SAFETY; HAZARDOUS MATERIALS; MANUFACTURED AND MOBILE HOMES)**

Batteries, large-format, possible battery stewardship programs participation requirements for: HB 1553

Batteries, medium-format and portable, battery stewardship programs, stewardship organization participation in: HB 1553

Batteries, various types, battery stewardship programs, stewardship organization participation in: **\*E2SSB 5144, CH 434 (2023)**

Building materials manufacturing, environmental product declarations, build clean act: HB 1342

Building materials, manufacturers of, environmental product declarations and high labor standards for: HB 1282

Cannabis/tetrahydrocannabinol, consumable products containing beer/wine/spirits/other liquor in combination with, prohibiting: **\*HB 1772, CH 217 (2023)**

Cookware and cookware components containing lead, prohibiting manufacture, sale, and distribution, when: HB 1551

Cosmetic products, tested using animals, sale of, prohibiting: HB 1097

Digital electronic equipment, repairing of, manufacturer and repair provider requirements, fair repair act concerning: HB 1392

Foreign export markets, diversifying to avoid particular-market dependence, assistance for businesses in: HB 1778

Hydrogen fuel products manufacturers, research/development/production/sale, B&O tax preferential rate and credits: HB 1729

Industrial strategy, commerce department requirements: \*SSB 5269, CH 322 (2023) PV

Research and development equipment, sales/use tax paid on, exemption in form of a remittance, authorizing: HB 1794

Research and development expenditures, credit against B&O tax on, authorizing: HB 1794

#### **MAPS AND MAPPING**

Statewide broadband map, developing and maintaining, and repealing existing broadband mapping/account provisions: HB 1746

#### **MARINE WATERS, STATE (See also FERRIES; SHORELINES AND SHORELINE MANAGEMENT)**

Maritime training academy at Seattle Central Community College, state ferries training needs role of: HB 1831

Nautical Northwest special license plates, creating: HB 1364

Ports, public, qualified cargo and passenger ports, authority to coordinate actions with other qualified ports: \*HB 1257, CH 347 (2023)

Puget Sound shoreline, conducting baseline survey of: \*SB 5104, CH 465 (2023)

Puget Sound, office of Puget Sound water quality, establishing: HB 1365

Safety, encouraging water safety and rescue and drowning prevention, and recognizing May 15 as water safety day: \*HB 1750, CH 181 (2023)

Sewage, untreated discharges into state waters by municipal wastewater sewerage systems, operators to report: HB 1365

#### **MARRIAGE AND MARRIED PERSONS (See also CHILDREN; DOMESTIC RELATIONS)**

Debt, personal property exemptions from execution et al., entitlement of both spouses to: HB 1400, \*ESSB 5173, CH 393 (2023)

Judges, authorizing federal judges and judicial officers to solemnize marriages: \*HB 1657, CH 86 (2023)

Legal age for marriage, age 18, prohibiting marrying before: HB 1455

Military members or veterans, spouses of, tax credits for businesses hiring: HB 1005

Military spouses, credentialing and employment of, expedited process and assistance: HB 1009

Military spouses, WA health corps conditional scholarships, armed forces service member/spouse/dependent exceptions: \*HB 1763, CH 159 (2023)

#### **MEN AND BOYS (See also HOUSE RESOLUTIONS; SENATE RESOLUTIONS; SPORTS AND RECREATION)**

Gender-based disparities and negative outcomes for men, male youth, and boys, efforts to reduce: HB 1270

Washington state commission on boys and men, establishing: HB 1270

#### **MENTAL HEALTH (See also COUNSELORS AND COUNSELING; DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH; HEALTH, DEPARTMENT; SEX OFFENSES AND OFFENDERS; SUBSTANCE USE DISORDER; VULNERABLE ADULTS)**

988 behavioral health crisis response and suicide prevention system, ongoing implementation of: HB 1134

988 crisis hotline, requiring information display by behavioral health agencies: HB 1134

Assisted outpatient treatment, conditions for less restrictive alternative treatment for juveniles: ESB 5130

Behavioral health administrative service organizations, recovery navigator programs role of: \*2ESSB 5536, CH 1 (2023)

Behavioral health court proceedings records, use by state patrol firearms background division for background checks: \*HB 1599, CH 298 (2023)

Behavioral health disorders, persons with, evergreen basic income pilot program, establishing: HB 1045

Behavioral health facilities, child abuse or neglect at, referrals of alleged incidents of, investigation of: \*ESSB 5515, CH 441 (2023)

Behavioral health facilities, providing measures against non-compliance: HB 1434

Behavioral health loan repayment program, including penalty interest rate, supports, and service member exception: \*HB 1763, CH 159 (2023)

Behavioral health support specialists, certification and duties of: HB 1348, \*SSB 5189, CH 270 (2023)

Behavioral health workforce, various strategies for increasing: HB 1724

Cannabis, high-THC products, point-of-sale information about potential harms of, requirements for retailers: HB 1641

Cannabis, high-THC products, public health messages and social media campaigns about potential harms of: HB 1641

Children, first approach skills training program, to provide behavioral therapy for youth and families, funding and implementation: HB 1851

Community behavioral health system, requiring oversight to be aware of, nurture, and protect relationships: 2SSB 5438  
 Competency, providing procedure for doubts of, including evaluation and restoration: \*E2SSB 5440, CH 453 (2023)  
 Crisis response, 23-hour crisis relief centers, establishing: \*2SSB 5120, CH 433 (2023)  
 Crisis response, triage facilities, repealing of, and licensing or certifying as crisis stabilization units: \*2SSB 5120, CH 433 (2023)  
 Crisis situations, mental illness/homelessness/addiction, emergency crisis assistance team pilot project, establishing: HB 1661  
 Crisis training and secondary trauma program to support training for crisis responders, UW to establish: HB 1134  
 Deferred prosecution, due to SUD/mental health disorder, for DUI/physical control of vehicle under influence: HB 1104, HB 1493  
 Enhanced behavior support homes program, establishing: HB 1654  
 Facilities, allowing county use of local sales and use taxes to modify: \*SSB 5604, CH 101 (2023)  
 Firearm rights, voluntary waiver of, role of mental health professionals: \*SSB 5006, CH 262 (2023)  
 First approach skills training program, funding and implementing in relation to partnership access lines and psychiatric consultation line: HB 1851  
 Funding, mental health services or persons with developmental disabilities property tax levy: HB 1022  
 Funding, mental health services or persons with developmental disabilities property tax levy by counties, deducting from state levy: HB 1703  
 Funding, various appropriations to provide behavioral health treatment and supports: \*2E2SSB 5536, CH 1 (2023)  
 Hospitals, state, western state hospital, bond authorization for new forensic hospital at: HB 1148  
 Indigent persons acquitted by reason of insanity and committed, providing public defense services: \*SSB 5415, CH 120 (2023)  
 Medicaid, behavioral health services contracting and procurement of, treatment needs/managed care/payment/provider networks: HB 1515  
 Medication, barring health carriers' substitution of nonpreferred with preferred drugs for certain drugs: \*SSB 5300, CH 325 (2023)  
 Music therapy, music therapist licensing and music therapy advisory committee: HB 1247  
 Nurses, permitting posttraumatic stress disorders from direct care to be considered as occupational disease: HB 1593  
 Nurses, presumption of posttraumatic stress disorders from direct care to be an occupational disease: \*2SSB 5454, CH 370 (2023)  
 Occupational therapy services for persons with behavioral health disorders, medicaid coverage for: \*SB 5228, CH 113 (2023)  
 Peer support services, establishing with new chapter: \*2SSB 5555, CH 469 (2023) PV  
 Professionals, home purchase by, pilot program for loans to certain workers/occupations for certain costs for: HB 1633  
 Psilocybin, use of for behavioral health treatment, new chapter: \*2SSB 5263, CH 364 (2023) PV  
 Psychologists, defining as providers for workers' compensation: \*HB 1197, CH 171 (2023)  
 Psychologists, prescribing psychologist prescriptive authority certification: HB 1041  
 Psychologists, probationary license, removing practice restriction for licensees: HB 1724  
 Psychologists, school, conducting evaluations for special education, funds distribution for: HB 1305  
 Treatment, evaluation and treatment facilities, provisions: HB 1788  
 Treatment, inpatient, voluntary admission to, raising age for consent of minor to 17 years of age for: HB 1788  
 Treatment, outpatient, raising age for minor to request/receive to 17 years of age: HB 1788  
 Work group, convening to discuss demand for behavioral health services, workforces shortages, etc.: HB 1242  
 Youth and families, first approach skills training program to provide behavioral therapy for, funding and implementation: HB 1851

#### **METALS (See also ENVIRONMENTAL HEALTH AND SAFETY; HAZARDOUS MATERIALS)**

Catalytic converters, scrap metal business purchase offenses, certain involving certain numbers or marks on, class C felony, when: HB 1840  
 Catalytic converters, scrap metal business purchase offenses, knowing property is stolen, gross misdemeanor: HB 1840  
 Catalytic converters, scrap metal business transactions involving, as precious metals transactions: HB 1840  
 Catalytic converters, scrap metal business transactions involving, purchase and payment provisions, revising: HB 1840  
 Catalytic converters, theft in 2nd degree of private metal property, special allegation and special verdict, when: HB 1840  
 Commercial metal property, defining electric vehicle supply equipment components as: \*SSB 5542, CH 125 (2023)  
 Metal property crimes, property seizure and forfeiture: HB 1385

Metal property, scrap metal business purchase offenses, certain involving certain numbers or marks on, class C felony, when: HB 1840

Metal property, scrap metal business purchase offenses, knowing property is stolen, gross misdemeanor: HB 1840

Metal property, theft in 2nd degree of private metal property, special allegation and special verdict, when: HB 1840

Scrap metal businesses, ongoing electronic statewide no-buy list database program, adding certain annual reporting: HB 1840

Scrap metal businesses, transactions involving catalytic converters, as precious metals transactions: HB 1840

Scrap metal businesses, transactions involving catalytic converters, purchase and payment provisions, revising: HB 1840

**MILITARY (See also AERONAUTICS; HOUSE RESOLUTIONS; SENATE RESOLUTIONS; VETERANS)**

Aeronautics and military community, contributions to Washington State by, recognizing and honoring: \*HR 4646 (2023)

Children, military, interstate compact on educational opportunity for, correcting certain cross-references in: \*HB 1066, CH 470 (2023) PV

Defense community compatibility account, altering grant rules and including federally recognized tribes: \*SB 5324, CH 438 (2023)

Japanese American veterans, incarcerated, and civil rights activists, recognizing and remembering: \*HR 4615 (2023)

License plates, special, United States Naval Academy, creating: HB 1858

National guard, Washington, honoring and recognizing the value of: \*HR 4610 (2023)

School districts, military friendly, purple star award to recognize, creating: HB 1346

Seizure and forfeiture of property, service member protections: HB 1385

Service, falsely claiming or misrepresenting military service, by state elected official or candidate for state elected office, misdemeanor: HB 1671

Servicemembers, home purchase, pilot program for loans to certain workers/occupations for certain costs: HB 1633

Spouses of members, businesses hiring, tax credits: HB 1005

Spouses of members, credentialing and employment of, expedited process and assistance: HB 1009

Spouses of members, military spouse employment act: HB 1009

Vehicles, military surplus, operation on public highways, authorization and requirements: HB 1486

Washington health corps conditional scholarship programs, armed forces service member/spouse/dependent exceptions: \*HB 1763, CH 159 (2023)

World War II, Burton Stoltz, decorated U.S. navy veteran, thanking and honoring: \*HR 4639 (2023)

World War II, Japanese American veterans from Washington, recognizing: \*HR 4615 (2023)

**MILITARY DEPARTMENT (See also EMERGENCY MANAGEMENT AND SERVICES; MILITARY)**

Emergency management division, emergency crisis assistance team pilot project, establishing: HB 1661

Emergency management division, statewide resiliency program, division to develop and administer: HB 1728

**MINORITIES (See also CANNABIS; DISCRIMINATION; SCHOOLS AND SCHOOL DISTRICTS; SENATE RESOLUTIONS)**

Asian American community in Washington, and Lunar New Year, appreciating: \*HR 4604 (2023)

Cannabis, social equity program, modifying provisions: HB 1790, \*E2SSB 5080, CH 220 (2023)

Chinese American month, designating January as: HB 1759

Chinese Americans/Americans of Chinese descent history month, designating January as: \*SB 5000, CH 357 (2023)

Disparities, health disparities, environmental harms, and vulnerable populations in overburdened communities, reducing: HB 1347

Elections, language assistance for limited English proficient members of single language minority group in a county, when: HB 1861

Environmental justice council, duties of: HB 1347

Environmental justice council, membership of, at least one-half to be rural county residents: HB 1664

Executive order 9066, eighty-first anniversary, acknowledging: \*HR 4615 (2023)

Ferries, Washington state, requiring formal strategy to implement diversity, equity, and inclusion directives: \*SB 5550, CH 188 (2023)

Ferries, Washington state, requiring formal strategy to implement workforce diversity, equity, and inclusion: HB 1831, HB 1841

Filipino Americans, historical/cultural contributions of, K-12 public school instruction about, materials/resources for: HB 1749

Historically marginalized groups, community reconciliation account funds use for agricultural and economic services for: HB 1737

Holocaust remembrance day, recognizing: **\*HR 4642 (2023)**

Homeownership, racial disparities in, developing special purpose credit programs to reduce: HB 1474

Housing gap voucher program, implementing by public housing authorities: HB 1817

Iranian-American and Afghan-American communities, recognizing by celebrating the spring equinox as Nowruz, the Persian new year: **\*HR 4629 (2023)**

Irish Americans, annual celebration of Saint Patrick's Day, commemorating: **\*HR 4628 (2023)**

Japanese American veterans, incarcerated, and civil rights activists, recognizing and remembering: **\*HR 4615 (2023)**

Middle Eastern and Central Asians, recognizing by celebrating the spring equinox as Nowruz, the Persian new year: **\*HR 4629 (2023)**

Money transmitters, small, serving diverse communities, impact of de-risking on, requesting federal action to reduce: SJM 8005

Nothing about us without us act, access and representation in policy-making processes for underrepresented populations: HB 1541

Office of minority and women's business enterprises, increasing public works opportunities: HB 1306, **\*2SSB 5268, CH 395 (2023)**

Overburdened communities and tribal nations, community-based health assessments of: HB 1347

Overburdened communities, as statewide building energy upgrade navigator program services priority: HB 1391

Statutory entities, issues-based, representation for underrepresented populations via persons with direct lived experience on: HB 1541

Underrepresented communities, diversity in clinical trials for drugs and medical devices to include: HB 1745

Underrepresented demographic groups, diversity in clinical trials program for drugs and medical devices to include: SSB 5388

Voting rights act, concerning protected classes, modifying provisions: HB 1048

**MOTOR VEHICLES (See also DRIVERS AND DRIVERS' LICENSES; FUELS; ROADS AND HIGHWAYS; SCHOOLS AND SCHOOL DISTRICTS; TOWING AND TOW TRUCKS; TRAFFIC; TRAFFIC OFFENSES; TRANSPORTATION)**

Abandoned, setting minimum bid for recreational vehicles sold at auction: HB 1660

All-terrain vehicles, wheeled, modifying definition for off-road and nonhighway licensing, registration, and use provisions: HB 1830

Auto theft prevention authority account, Washington, limiting use for confinement matters and costs to local level: HB 1682

Auto theft prevention authority and account, Washington, modifying provisions: HB 1669

Catalytic converters, scrap metal business purchase offenses, certain involving certain numbers or marks on, class C felony, when: HB 1840

Catalytic converters, scrap metal business purchase offenses, knowing property is stolen, gross misdemeanor: HB 1840

Catalytic converters, scrap metal business transactions involving, as precious metals transactions: HB 1840

Catalytic converters, scrap metal business transactions involving, purchase and payment provisions, revising: HB 1840

Catalytic converters, theft in 2nd degree of private metal property, special allegation and special verdict, when: HB 1840

Collisions, resulting in substantial bodily harm, police officer reporting requirement: **\*HB 1319, CH 29 (2023)**

Commercial vehicles, driver's license or learner's permit, downgrade after drug and alcohol clearinghouse query: HB 1448, **\*SB 5041, CH 35 (2023)**

Dealers, report of sale, optional filing for owner trading in, selling, or transferring ownership of vehicle to dealer: HB 1302

Dealers, selling or leasing light trucks or sport utility vehicles, disclosure requirements: HB 1674

Electric vehicles, designating supply equipment components as commercial metal property to deter theft: **\*SSB 5542, CH 125 (2023)**

Electric vehicles, state vehicle fleet transition to, life-cycle greenhouse gas emissions tradeoffs analysis of: HB 1372

Emissions, repealing adoption of California standards: HB 1183

Employee vehicles, employer searches of, prohibitions: HB 1491

Impounded vehicles, reenacting regulations: **\*SSB 5317, CH 326 (2023)**

Inspection facilities, requiring provision of written notice of all open safety recalls: **\*SSB 5504, CH 440 (2023)**

Inspection facilities, requiring recall check with national highway traffic safety administration: **\*SSB 5504, CH 440 (2023)**

Inspection, by official or licensed private facility, when vehicle subject to open safety recall, notice requirements: HB 1280

Large vehicle awareness, including commercial vehicles and buses, driver training school curriculum to include: **\*HB 1540, CH 32 (2023)**

Liability insurance, establishing accessible common carrier online verification system: ESSB 5326

License plate technology fees, exemptions: HB 1853

License plates, charging state sport special license plate fees: SB 5333

License plates, special, collector vehicle plates, adding military surplus vehicles to definition of: HB 1486

License plates, special, keep Washington evergreen plates, creating: HB 1647

License plates, special, LeMay-America's Car Museum plates, creating: HB 1829

License plates, special, Mount St. Helens plates, creating: HB 1489, SB 5590

License plates, special, nautical Northwest plates, creating: HB 1364

License plates, special, United States Naval Academy, creating: HB 1858

License plates, special, working forests plates, creating: HB 1488

License service fees, exemptions: HB 1853

Metal property, scrap metal business purchase offenses, certain involving certain numbers or marks on, class C felony, when: HB 1840

Metal property, scrap metal business purchase offenses, knowing property is stolen, gross misdemeanor: HB 1840

Metal property, theft in 2nd degree of private metal property, special allegation and special verdict, when: HB 1840

Military surplus vehicles, operation on public highways, authorization and requirements: HB 1486

Motor carriers, requiring shippers and receivers to provide restroom access in certain circumstances: HB 1457

Motorcycle safety education advisory board, expanding: HB 1171

Motorcycles, operating between lanes of traffic, requirements for: HB 1063

Motorcycles, operating in the right shoulder of limited access roadway, authorization and requirements: HB 1487

Motorcycles, operator passing vehicle in same lane: HB 1063

Organ transport vehicles and services, requirements for: HB 1271

Pedestrians, allowing crossing at any point given reasonable care: HB 1428

Permits, eliminating and repealing daily-use pass, vehicle access pass, and discover pass: HB 1212

Racing, prohibiting and subjecting vehicles to impounding or forfeiture: HB 1631, **\*SB 5606, CH 283 (2023)**

Recreational vehicles, permitting sale of insignia to manufacturers with approved quality control programs: **\*HB 1514, CH 78 (2023)**

Registration and renewal, requiring odometer mileage reading in application for, when: HB 1736

Rest areas, limiting parking for vehicles including disabled vehicles: HB 1518, SB 5487

Sales, authorizing dealers to file reports on behalf of sellers: **\*SB 5282, CH 273 (2023)**

Sport utility vehicles, midsize or large, protections for pedestrians and other vulnerable roadway users from: HB 1674

Taxation, sales and use taxes on motor vehicles, dedicating to transportation budget: HB 1472

Tow truck operators, requiring compensation when dispatched to clear roads: HB 1722, SSB 5652

Truck and trailer combinations, increasing maximum allowable length: HB 1072

Trucks, light trucks, protections for pedestrians and other vulnerable roadway users from: HB 1674

Unauthorized vehicles, authorizing removal when obstructing high capacity transportation: HB 1414, **\*SSB 5317, CH 326 (2023)**

Used vehicles, sale warranties and notice requirement: HB 1184

Vehicle identification number, redistributing inspection fee to the state patrol highway account: **\*HB 1237, CH 139 (2023)**

#### MUSEUMS

LeMay-America's Car Museum, creating special license plates: HB 1829

#### MUSIC AND MUSICIANS (See also PERFORMING ARTS AND PERFORMANCE FACILITIES)

Music therapy, music therapist licensing and music therapy advisory committee: HB 1247

Schools, music instruction for elementary level students, requiring, and specifying per-week amount: HB 1819

#### NAME CHANGES (See also CIVIL ACTIONS AND PROCEDURE)

Action for name change, modifying reasons, locations, petitions, sealing of file, and fees: **\*SSB 5028, CH 34 (2023)**

#### NAMED ACTS

Affordable homes act, modifying state and local real estate excise tax to provide affordable housing funding: HB 1628

Arthur Anderson and Raymond Mitchell tow operators safety act: HB 1485, **\*SB 5023, CH 33 (2023)**

Build clean act, embodied carbon emission reductions from structural building products in state-funded projects: HB 1342

Building families act, Washington state, insurance coverage for infertility diagnosis/treatment and fertility preservation: HB 1151

Business corporation act, Washington, revisions: **\*SB 5004, CH 432 (2023)**

Buy clean and buy fair Washington act, public building construction and renovation material and labor standards reporting: HB 1282

Cascading impacts of wildfires act, establishing: HB 1578

Charles Cate II act: **\*SSB 5687, CH 190 (2023)**

Community redevelopment financing act, repealing chapter: HB 1090, **\*SSB 5087, CH 102 (2023)**

Covenant homeownership account and program act: HB 1474

Cruelty free cosmetics act, new chapter prohibiting sale of cosmetics tested using animals: HB 1097

Death with dignity act, modifying to expand access to provisions of: HB 1281, **\*ESSB 5179, CH 38 (2023)**

Death with dignity act, Washington, modifying provisions: HB 1035

Dental and dental hygienist compact, establishing: HB 1576

Easement relocation act, uniform, adopting: **\*SSB 5005, CH 6 (2023)**

Educator workforce act, establishing: HB 1565

Empowering Washington voters act, adopting: HB 1091

Expanding employee ownership act, establishing: **\*SSB 5096, CH 392 (2023)**

Expanding employee ownership act, supporting businesses considering sale to an employee ownership structure: HB 1743

Extreme weather protection act, grant program for political subdivisions and tribes: HB 1012

Fair repair act, concerning digital electronic equipment and manufacturer and repair provider requirements: HB 1392

Family care act, establishing: 2SSB 5438

Firearm industry responsibility and gun violence victims' access to justice act: HB 1130, **\*SSB 5078, CH 163 (2023)**

Food and agricultural product branding and promotion act, Washington, new chapter: HB 1603

Fund the police act of 2022, concerning recruitment, retention, and support of law enforcement officers: HB 1380

Good faith pain act, health care practitioner liability immunity when prescribing opioid drugs for chronic pain: HB 1546

Homes for heroes act, pilot program for loans to certain workers/professions for down payment and closing costs: HB 1633

Housing crisis response act, Washington, funding for capital programs and projects to reduce homelessness: HB 1149

Improving consumer protection to restore trust in public health act, establishing: HB 1610

Interstate nurse licensure compact, including multistate license to practice as registered, practical, or vocational nurse: HB 1417

Interstate nurse licensure compact, new chapter authorizing: **\*SSB 5499, CH 123 (2023)**

Keep our care act, concerning health care market participant material change transactions: HB 1263

Kimberly Bender's law: **\*SSB 5033, CH 7 (2023)**

Mary's law, convening interagency carbon monoxide work group: HB 1779

Medicaid fraud false claims act, removing termination and repeal of: **\*SB 5163, CH 90 (2023)**

Medical freedom act, preventing discrimination based on vaccination or immunity status: HB 1827

Military spouse employment act, expedited credentialing and assistance: HB 1009

Missing and murdered indigenous women and persons and Lucian act, missing persons toolkit on attorney general website: **\*HB 1512, CH 212 (2023)**

Nothing about us without us act, access and representation in policy-making processes for persons with direct lived experience: HB 1541

Oakley Carlson act, establishing: HB 1397

Partition of heirs property act, uniform, adopting: **\*SSB 5005, CH 6 (2023)**

People's privacy act, rights and opt-in consent before entity use of individual's personal information: HB 1616

Professional license review act, department of licensing annual professional licenses review and analysis: **\*HB 1301, CH 412 (2023)**

Protecting children's bodies act, establishing: HB 1214

Ransomware protection act, Washington state, protecting constituent and state operational data: HB 1464

Real labor real wages act, labor and income of incarcerated persons: HB 1024

Reconciliation act, renaming account as community reconciliation account and using for community support: HB 1737

Sam Martinez stop hazing law, hazing at postsecondary educational institutions: **\*HB 1002, CH 196 (2023)**  
 Shahraim C. Allen safe leave act for Washington railroad workers, establishing: HB 1548, ESSB 5267  
 Solitary confinement restriction act, adopting: HB 1087  
 State medical reserve corps act: HB 1452  
 Statement of student rights act, for public school students: EHB 1478  
 Ticket sales warrant integrity, fairness, and transparency for consumer protection act, or TSWIFT consumer protection act: HB 1648  
 Toxic-free cosmetics act, prohibiting toxic chemicals in cosmetic products: HB 1047  
 Tyler Lee Yates act: **\*EHB 1209, CH 66 (2023)**  
 Uniform child abduction prevention act, enacting new chapter: HB 1121  
 Uniform civil remedies for unauthorized disclosure of intimate images act, new chapter: HB 1165  
 Uniform family law arbitration act, adopting: HB 1088  
 Used motor vehicles express warranties act, new chapter: HB 1184  
 Voting rights act, modifying provisions: HB 1048  
 Washington clean manufacturing leadership act, establishing: **\*2SSB 5269, CH 322 (2023) PV**  
 Washington decarbonization act for large gas companies and combination utilities, establishing new chapter: HB 1589  
 Washington food and agricultural product promotion act: **\*ESB 5341, CH 276 (2023)**  
 Washington my health my data act, new chapter: HB 1155  
 Washington psilocybin services act, establishing: **\*2SSB 5263, CH 364 (2023) PV**  
 Washington state ransomware protection act, protecting constituent and state operational data: HB 1464  
 Whistleblower award and protection act, when providing information leading to state/federal securities laws enforcement: **\*HB 1370, CH 149 (2023)**  
 Wild or exotic animal protection act, prohibiting display for entertainment: HB 1157  
 Worker health care protection act, establishing: SB 5632  
 Yori's law, recognizing May 15 as water safety day and encouraging water safety and rescue and drowning prevention: **\*HB 1750, CH 181 (2023)**  
 Zack's law, signs about cold-water shock hazards to deter jumping from bridges into cold waterways: **\*HB 1004, CH 54 (2023)**

#### **NATURAL DISASTERS**

Statewide resiliency program, emergency management division to develop and administer: HB 1728

#### **NATURAL RESOURCES, DEPARTMENT (See also FIRE PROTECTION; FOREST PRACTICES AND PRODUCTS)**

Aquatic lands, DNR, public transportation benefit area easement for ferry terminal or docking facility: **\*HB 1334, CH 146 (2023)**, SB 5292  
 Derelict aquatic structures, authorizing taking possession of and removing, new chapter: HB 1378, **\*SSB 5433, CH 227 (2023)**  
 Ecosystem services projects, authorizing contracting: HB 1789  
 Geoduck comanagement task force, DNR to convene: HB 1297  
 Habitat stewardship, establishing grant program to assist lessees of state-owned aquatic land: HB 1378, **\*SSB 5433, CH 227 (2023)**  
 Jennifer Belcher building, renaming natural resources building as: HCR 4402  
 Land and facilities, authority to purchase for structure removal or repurposing: HB 1378, **\*SSB 5433, CH 227 (2023)**  
 Northern spotted owl, authorizing voluntary programmatic safe harbor agreements for private landowners: **\*SB 5390, CH 119 (2023)**  
 Trust land transfer program, creating to transfer economically-underperforming lands to parks, preserves, etc.: HB 1423, HB 1460  
 Urban forestry, requiring regulations to be satisfied by use of tree banks, DNR role: HB 1078  
 Utility wildland fire prevention advisory committee, adding members and duties: HB 1032  
 Wildfires, requiring risk assessment, public safety evacuation strategies, community resilience programming, et al.: HB 1578  
 Wildfires, wildland fire risk map, utility wildfire mitigation plans, and state agency wildland fire coordination, DNR role: HB 1032



**NEWS MEDIA**

- Newspapers, "legal newspapers", publication of legal notices in, requiring primary compilation/printing/distribution in WA: HB 1315
- Newspapers, publishing and/or printing of, or publishing eligible digital content, B&O tax deduction for: HB 1206
- Newspapers, publishing and/or printing of, or publishing eligible digital content, B&O tax exemption for: \*E2SSB 5199, CH 286 (2023)

**NONPROFIT ORGANIZATIONS (See also HOMELESS PERSONS; HOUSING AND HOMES; MUNICIPAL RESEARCH AND SERVICES CENTER; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; UTILITIES)**

- Adult family homes, for persons with developmental disabilities, nonprofit-owned property for, property tax exemption: \*HB 1265, CH 69 (2023)
- Animal adoption, exempting fess from B&O taxes: HB 1653
- Bingo, conducted by nonprofit organization, shifting principal location requirement from county to state: \*HB 1707, CH 155 (2023)
- Bingo, conducted by nonprofit/charitable organization, limiting number of licenses for: \*HB 1707, CH 155 (2023)
- Charitable organizations, bingo conducted by, shifting principal location requirement from county to state: \*HB 1707, CH 155 (2023)
- Cooperative finance organizations, making loans to utility services providers, B&O tax deduction for: HB 1191, \*SB 5166, CH 317 (2023)
- Emergency shelter or certain housing, organization providing, waiver/delay of municipal utility connection charges: HB 1326
- Liquor licenses, special occasion for not-for-profit society or organization, enhanced special occasion license, creating: HB 1765
- Non-profit health care providers and payers, tax preferences et al. for, impact on calculation of total health care expenditures: HB 1508
- Resident nonprofit cooperatives, as eligible organizations for manufactured/mobile home community purchase or lease: HB 1129, \*E2SSB 5198, CH 40 (2023)
- Shooting sports and activities sweepstakes permitting wagers, charitable or nonprofit organization conduct of, authorizing: HB 1438, HB 1824
- Veterans' service organizations, spirits purchased as fund-raising prize for event by, sales tax exemption for: HB 1672
- Workers' compensation, allowing off-site light duty return to work via nonprofit organizations: HB 1137

**OIL AND GAS (See also FUELS; TAXES - EXCISE)**

- Gas, requiring large gas companies to develop decarbonization plans: HB 1589
- Gas, restricting large gas companies from supplying new locations: HB 1589
- High hazard facilities, prevailing hourly wage rate for skilled journeypersons: HB 1067
- Natural gas, renewable, gas company renewable natural gas programs, removing customer charge limit: HB 1619
- Natural gas, renewable, machinery and equipment for generating, sales and use tax exemptions: HB 1619
- Petroleum products, eliminating public utility tax exemption for certain products: ESB 5309
- Petroleum products, hazardous substances tax pollution tax rate for, periodic adjustment: HB 1254
- Petroleum underground storage tanks, creating state financial assurance program: HB 1175
- Refinery fuel gas, value of the article for use tax purposes, method(s) for determining: HB 1254

**OPEN PUBLIC MEETINGS**

- County legislative authorities, meetings at alternate locations, frequency: \*HB 1645, CH 84 (2023), SB 5067
- Health care cost transparency board, requiring hearing on growth of health care expenditures: HB 1508
- Housing development permit under GMA, removing meeting requirement for application review: HB 1026
- Public agencies, soliciting written public comment, notice of deadline for comment: HB 1105

**PARKING**

- Commercial truck parking and parking facilities, including various truck and driver accommodations, facilitating: HB 1787
- Minimum parking requirements for residential or commercial developments, prohibiting under GMA, when: HB 1351

**PARKS (See also PARKS AND RECREATION COMMISSION)**

- Firearms, prohibiting open carry: HB 1195

Health and wellness, establishing 3 "parks Rx" pilot programs: HB 1718  
 Homeless encampments, requiring county and city prohibition on public property within 500 feet of parks: HB 1373  
 Magnuson park, and the Friends of Magnuson Park, recognizing and honoring: **\*HR 4646 (2023)**  
 Permits, eliminating and repealing daily-use pass, vehicle access pass, and discover pass: HB 1212  
 State, lifetime veteran's pass at no cost, extending to all veterans: HB 1384

**PARKS AND RECREATION COMMISSION (See also PARKS )**

Jumping into cold waterways from bridges, signage to deter, commission role: **\*HB 1004, CH 54 (2023)**  
 Passes for state parks, extending lifetime no-cost pass for veterans with disabilities to all veterans: HB 1384  
 Safety, establish standards and provide accreditation for human-powered vessel safety education courses: HB 1781  
 Safety, requiring paddle education card via boating education courses to operate human-powered vessels: HB 1781

**PERFORMING ARTS AND PERFORMANCE FACILITIES (See also MUSIC AND MUSICIANS)**

Ticket sales, requirements for pricing, technologies, purchases, tickets, out-of-state businesses, and ticket sellers and resellers: HB 1648

**PERSONAL PROPERTY (See also ANIMALS; HOUSING AND HOMES; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)**

Bankruptcy, personal property exemptions from execution et al., increasing value limits for, when: HB 1400, **\*ESSB 5173, CH 393 (2023)**  
 Debt, personal property exemptions from execution/attachment/garnishment, various modifications of: HB 1400, **\*ESSB 5173, CH 393 (2023)**  
 Forfeiture of seized property, procedures and reporting: HB 1385  
 Gift certificates and cards, presumed abandoned, updating cross-references to unclaimed property act: **\*HB 1742, CH 258 (2023)**  
 Packing materials, for personal property, renting or leasing through sharing and reuse program, sales/use tax exemption: HB 1422  
 Personality rights, minor children featured on for-profit vlog, setting side earnings on video content for: HB 1627  
 Private moorage facilities, excess income from abandoned vessel sale, unclaimed property act cross-reference updates: **\*HB 1742, CH 258 (2023)**  
 Property taxation, raising amount of personal property exempted from: HB 1761  
 Property taxation, raising upper limit for exemption of portion by legislature, constitutional amendment for: HJR 4206  
 Self-service storage facilities, personal property lien for unpaid rent, updating cross-references to unclaimed property act: **\*HB 1742, CH 258 (2023)**  
 Tenants, excess income from property sale when eviction or death, updating cross-references to unclaimed property act: **\*HB 1742, CH 258 (2023)**  
 Theft, definition of, to include concealing another's property to deprive them of its use or benefit: HB 1456  
 Unclaimed property act, replacing uniform act citation with revised uniform act citation in certain cross-references to: **\*HB 1742, CH 258 (2023)**  
 Unclaimed property, duties and property/amounts/penalties/interest due, DOR agreements with holders concerning: **\*HB 1742, CH 258 (2023)**  
 Unclaimed property, presumption of abandonment of excess sale proceeds/income/funds, time periods for: **\*HB 1742, CH 258 (2023)**  
 Unclaimed property, surplus foreclosure proceeds, excessive fees or charges for locating and recovering, prohibiting: **\*HB 1349, CH 206 (2023)**, HB 1637

**PEST CONTROL AND PESTICIDES**

Commission on pesticide registration, renaming to commission on integrated pest management: **\*ESSB 5143, CH 37 (2023)**  
 Low-risk pesticides, farmer expenditures for purchase of, B&O tax credit for: HB 1857  
 Pesticide advisory board, establishing: HB 1019  
 Pesticide application act, updating definitions, requiring immediate supervision, and removing age exception: **\*SB 5330, CH 186 (2023)**

**PHARMACIES AND PHARMACISTS**

Health, department of, measures against non-compliance: HB 1434

Pharmacies, license of location extension to remote dispensing site for opioid treatment medications: **\*2E2SSB 5536, CH 1 (2023)**

Pharmacy benefit managers, excluding from health care benefit managers and creating new chapter for: HB 1253

Pharmacy benefit managers, registration and regulation of, and comprehensive requirements for: HB 1253

Tests for certain health conditions, ordering/administering/reviewing/interpreting, pharmacist authority for, when: HB 1665

Treatment for certain health conditions, pharmacist authority to test for, initiate, and administer: HB 1665

#### **POLLUTION CONTROL HEARINGS BOARD**

Cosmetic products, toxic chemicals in, prohibitions, board enforcement role: HB 1047

Derelict vessel appeals, substitution of administrative law judge for board member for: HB 1081, **\*SB 5192, CH 39 (2023)**

Derelict vessels, hearing request contesting public entity obtaining of custody, modifying: HB 1753

Lead, cookware and cookware components containing, prohibition violation appeals, board role: HB 1551

Lead, in aviation gasoline, prohibition violation appeals, board role: HB 1554

#### **POLLUTION LIABILITY INSURANCE AGENCY**

Petroleum underground storage tanks, creating state financial assurance program, role of agency: HB 1175

#### **PORT DISTRICTS**

Bridges, signage for new bridges to deter jumping into cold waterways, role of districts: **\*HB 1004, CH 54 (2023)**

Districts, two or more under mutual agreement, joint collection of levied property taxes, when: **\*EHB 1663, CH 215 (2023)**

Ports, commercial truck parking and parking facilities, including various truck and driver accommodations, facilitating: HB 1787

Ports, qualified cargo and passenger ports, authority to coordinate actions with other qualified ports: **\*HB 1257, CH 347 (2023)**

Property of district, sale and conveyance value limit, periodic adjustment: HB 1254

#### **PRODUCTIVITY BOARD**

Reestablishing board and revising requirements: **\*ESB 5015, CH 106 (2023)**

#### **PROFESSIONAL EDUCATOR STANDARDS BOARD (PESB) (See also MILITARY; PROFESSIONS; PUBLIC EMPLOYMENT AND EMPLOYEES; SCHOOLS AND SCHOOL DISTRICTS)**

Continuing education on equity-based practices and certain national standards, to be approved by PESB: HB 1377

Cultural competency, diversity, equity, and inclusion standards developed by PESB, aligning certain school staff provisions with: HB 1376

Educator preparation program, improvement report on, PESB to prepare: HB 1565

Educator workforce programs, quality and effectiveness of, data collection and determinations about, PESB role: HB 1565

Ethics, providing recommendations for code of educator ethics: HB 1239

Reprimands, adoption of rules for reviewing and vacating: HB 1113

Teacher residency program/grants/advisory council/conditional scholarship, establishing, PESB role: HB 1565

#### **PROFESSIONS (See also CONTRACTORS; HEALTH CARE PROFESSIONS AND PROVIDERS; HEALTH, DEPARTMENT; INSURANCE; LICENSING, DEPARTMENT; REAL ESTATE AND REAL PROPERTY)**

Barbers, licensing examination course instruction hours requirement: **\*HB 1017, CH 55 (2023)**

Cosmetologists, licensing examination course instruction hours requirement: **\*HB 1017, CH 55 (2023)**

Electrical inspectors, state, salaries of, requirements: HB 1526

Engineers and land surveyors, waiving fundamentals examination for qualified persons: **\*SB 5283, CH 274 (2023)**

Estheticians, licensing examination course instruction hours requirement: **\*HB 1017, CH 55 (2023)**

Hair designers, licensing examination course instruction hours requirement: **\*HB 1017, CH 55 (2023)**

Home energy assessors, licensing and regulation of: HB 1433

Licenses, annual professional licenses review and analysis, professional licenses review act for: **\*HB 1301, CH 412 (2023)**

Licenses, expediting for new Washington residents, establishing procedures for: HB 1359

Licensing, competency-based licensing assessment and requirements, as alternative licensing approach: HB 1360

Licensing, newly licensed professions, standards for choosing to regulate and least restrictive alternative method: HB 1358

Licensing, postsecondary credentials, credential transparency work group, creating: HB 1821

Manicurists, licensing examination course instruction hours requirement: **\*HB 1017, CH 55 (2023)**

Military spouses, credentialing of, expedited process and assistance: HB 1009

**PROTECTION ORDERS (See also DOMESTIC VIOLENCE; FIREARMS; HARASSMENT; SEX OFFENSES AND OFFENDERS; STALKING; VULNERABLE ADULTS)**

Extreme risk protection orders, in cases of domestic violence, process for and issuance of: **\*ESSB 5231, CH 320 (2023)**

Hope card program, for issuance of cards by superior and district courts for protection order recipients, developing: HB 1766

Violence, domestic or other family member or intimate partner violence, modifying order provisions to protect victims of: HB 1715

**PUBLIC ASSISTANCE (See also DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH; HEALTH CARE AUTHORITY; LONG-TERM CARE)**

Accountable communities of health, federal funds for medicaid transformation project received from HCA by, B&O tax deduction for: **\*EHB 1812, CH 313 (2023)**

Aged, blind, or disabled assistance program, concurrent receipt of supplemental security income not a debt: HB 1260

Aged, blind, or disabled, assistance program, modifying eligibility provisions: HB 1260

Aged, blind, or disabled, assistance program, payment level minimums under consolidated standards of need: HB 1447

Cash assistance, evergreen basic income pilot program, establishing: HB 1045

Child protective services, workers not required to go alone to private location when risk of violence, requirements: HB 1673

Child welfare housing assistance program, making permanent and adding counties: HB 1186, **\*SSB 5256, CH 321 (2023)**

Child welfare services, caregivers for, automated notification system for communicating with: HB 1430

Child welfare services, caregivers for, caregiver communication specialist position within DCYF, establishing: HB 1430

Child welfare services, DCYF's child welfare functions, state auditor to conduct evaluation of: HB 1754

Child welfare services, investigations, including certain voluntary placement agreement cases, public defense counsel for parents: HB 1295

Child welfare services, workers not required to go alone to private location when risk of violence, requirements: HB 1673

Child welfare workers, de-escalation training as part of minimum training standards for: HB 1673

Child welfare workers, going to private location when risk of violence, second trained individual requirement: HB 1673

Children, resource and assessment centers for, expanding provision of care by: HB 1685, ESB 5691

Colorectal cancer noninvasive preventive screening tests and resulting colonoscopies, coverage for: **\*HB 1626, CH 299 (2023)**

Essential needs and housing support program, vocational rehabilitation services for persons receiving benefits: HB 1260

Essential needs and housing support, payment level minimums under consolidated standards of need: HB 1447

Food assistance, basic food, appropriations to support people most impacted by the loss of: HB 1784

Guardianship, eligibility and subsidy expansion: HB 1278, **\*ESSB 5124, CH 221 (2023)**

Jurors, altering compensation: HB 1598

Language access providers, developing and administering oral and written tests for fluency: **\*SSB 5304, CH 94 (2023)**

Medicaid, ambulance providers transporting recipients, ambulance transport fund for, extending expiration: HB 1321, **\*SB 5122, CH 11 (2023)**

Medicaid, behavioral health services contracting and procurement of, treatment needs/managed care/payment/provider networks: HB 1515

Medicaid, coverage for biomarker testing: HB 1450

Medicaid, difficult to discharge patients in acute care hospitals, payment for hospital stay, HCA role: **\*2SSB 5103, CH 315 (2023)**

Medicaid, federal funds from HCA/transformation project received by accountable community of health or public hospital, B&O tax deduction: **\*EHB 1812, CH 313 (2023)**

Medicaid, hospital safety net program modifications in relation to: HB 1850

Medicaid, insulin for individuals under the age of 21 bulk purchasing and distribution program, establishing, managed care role: HB 1725

Medicaid, medicaid directed payment program for certain designated public hospital care: HB 1850  
 Medicaid, medicaid fraud false claims act, removing termination and repeal of: \***SB 5163, CH 90 (2023)**  
 Medicaid, noninvasive preventive colorectal cancer screening tests and resulting colonoscopies, coverage for: \***HB 1626, CH 299 (2023)**  
 Medicaid, occupational therapy services for persons with behavioral health disorders: \***SB 5228, CH 113 (2023)**  
 Medicaid, offering certain medicare savings programs to clients entitled to medicare part A, when: HB 1313  
 Medicaid, paying certain rural hospitals for recipients eligible for medical assistance: HB 1748, \***SSB 5532, CH 443 (2023) PV**  
 Medicaid, paying certain sole community hospitals for recipients eligible for medical assistance: HB 1662  
 Medicaid, personal needs allowance for clients in medical institutions or residential settings, raising: \***HB 1128, CH 201 (2023)**  
 Medicaid, prior authorization standards for standard, expedited, provider-initiated, denied requests, and electronic requests: HB 1357  
 Medicaid, rebalancing payments for providers and facilities serving rural/underserved/marginalized populations: HB 1713  
 Medicaid, requiring reimbursement of state costs for employees of large corporations: HB 1227  
 Medicaid, setting pregnancy coverage income level equal to or below 210% federal poverty level: E2SSB 5580  
 Medicaid, telemedicine, audio-only, patient/provider "established relationship" before providing: HB 1027, \***SB 5036, CH 8 (2023)**  
 Medicaid, whole genome sequencing, coverage for age 21 and younger with medical necessity: HB 1079  
 Medicare, savings programs, offering certain programs to medicaid clients entitled to medicare part A, when: HB 1313  
 Pregnant women assistance program, modifying eligibility provisions: HB 1260  
 Pregnant women assistance program, payment level minimums under consolidated standards of need: HB 1447  
 Refugee assistance, payment level minimums under consolidated standards of need: HB 1447  
 Resources, exempted for cash assistance, adding retirement funds and accounts, pension plans, one motor vehicle, and certain other resources: HB 1447  
 Respite care, resource and assessment centers for children to provide: HB 1685, ESB 5691  
 WorkFirst TANF program, earning and keeping 100 percent of new earnings for up to 6 months, when: HB 1447  
 WorkFirst TANF program, good cause hardship exemption for non-participation in WorkFirst components: HB 1447  
 WorkFirst TANF program, ineligibility after 60 months, exempting child-only TANF from: HB 1447  
 WorkFirst TANF program, ineligibility after 60 months, exemption from, hardship standard for, when: HB 1447  
 WorkFirst TANF program, ineligibility when monthly gross income exceeds certain level: HB 1447  
 WorkFirst TANF program, payment level minimums under consolidated standards of need: HB 1447

#### **PUBLIC DEFENSE, OFFICE**

Indigent defendants, knowingly possessing or knowingly using drugs in public place, public defense services for, office role: \***2E2SSB 5536, CH 1 (2023)**  
 Indigent offenders, convicted, office to provide counsel for: \***2SSB 5046, CH 261 (2023)**  
 Parents under investigation by DCYF, including certain voluntary placement agreement cases, legal counsel for: HB 1295  
 Service areas, including indigent persons acquitted by reason of insanity and in state psychiatric care: \***SSB 5415, CH 120 (2023)**

#### **PUBLIC DISCLOSURE COMMISSION (See also ADVERTISING; ELECTIONS; LOBBYING AND LOBBYISTS)**

Democracy voucher program, establishing, PDC role: HB 1755  
 Duties of commission, various, amending: HB 1677, ESSB 5284  
 Synthetic media, new chapter regulating: HB 1442, \***ESSB 5152, CH 360 (2023)**

#### **PUBLIC EMPLOYMENT AND EMPLOYEES (See also EMPLOYMENT AND EMPLOYEES; FINANCIAL MANAGEMENT, OFFICE; LABOR; LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL; RETIREMENT AND PENSIONS; SCHOOLS AND SCHOOL DISTRICTS; WAGES AND SALARIES)**

Appointed or elected officials, violations of state constitution or state law by, private right of action for harm from: HB 1844  
 Child welfare workers, de-escalation training as part of minimum training standards for: HB 1673  
 Child welfare workers, going to private location when risk of violence, second trained individual requirement: HB 1673

Civil service, state, exemption for state veterans' homes' administrators and directors of nursing services: HB 1288, \***SB 5323, CH 327 (2023)**

Civil service, state, removing certain statutory provisions: HB 1361

Collective bargaining, requiring provision of employee information to exclusive bargaining representatives: HB 1200

Elected or appointed officials, violations of state constitution or state law by, private right of action for harm from: HB 1844

Lawful permanent residents, expanding employment opportunities and dropping language restrictions: SB 5274

Local employees, dismissed/separated due to COVID vaccination mandate, hiring preference and retirement service credit: HB 1814

Postsecondary educational institutions, employment applicants, sexual misconduct-related situations at association events: HB 1522

State employees or elected or appointed officials, transportation provided by state from jobsite to home, when: HB 1463

State employees, dismissed/separated due to COVID vaccination mandate, hiring preference and retirement service credit: HB 1814

State employees, increasing maximum leave accrual to 280 hours: HB 1566

State employees, right of reversion to classified position, suspension during certain workplace investigations: HB 1361

State employees, with certain authority, violations of state constitution or state law by, private right of action for harm, when: HB 1844

State executive branch agencies, COVID vaccination requirement for new or prospective employees, prohibiting: HB 1801

State executive branch agencies, employees not vaccinated for COVID then dismissed, reemployment of: HB 1029

State officers and employees, payment for salaries by electronic funds transfer, requiring: HB 1361

State officials, elected or appointed, violations of state constitution or state law by, private right of action for harm from: HB 1844

State or local agency employees, domestic violence/sexual assault/stalking/harassment survivors, records disclosure exemption: HB 1533

Washington management service, granting right to collectively bargain: HB 1122

#### **PUBLIC FACILITIES DISTRICTS**

Aquatics and sports facilities, authority of additional district when created by multiple cities/towns/counties: \***E2SSB 5001, CH 218 (2023)**

#### **PUBLIC FUNDS AND ACCOUNTS**

Affordable housing for all account, deposits into: HB 1628

Ambulance transport fund, extending expiration of: HB 1321, \***SB 5122, CH 11 (2023)**

Apple health and homes account, deposits into: HB 1628

Associate development organization grant writing account, creating: HB 1783

Associate development organization innovation, sustainability, partnerships, and equity grant account, creating: HB 1717

Auto theft prevention authority account, altering funding to \$7,000,000 plus inflation instead of surcharges: SSB 5672

Billy Frank Jr. national statutory hall collection fund, using funds from: HB 1639

Broadband mapping account, repealing existing provisions: HB 1746

Capital vessel replacement account--state, bond proceeds transfer to transportation partnership account--state: HB 1103

Child sexual abuse and sex trafficking prevention and identification public-private partnership account, creating: \***ESB 5355, CH 328 (2023)**

Clean and renewable energy workforce capital account, creating: HB 1194

Climate commitment account, repealing: HB 1190

Climate commitment account, using funds for community-based health assessments: HB 1347

Common school construction fund, prioritizing school construction assistance program grants: HB 1444, SSB 5126

Community preservation and development authority local account, creating: HB 1510

Community reconciliation account, renaming community reinvestment account as, and using for reconciliation purposes: HB 1737

Community reinvestment account, reenacting: HB 1203

Community reinvestment account, reenacting and amending: \***ESSB 5293, CH 435 (2023)**

Consolidated technology services revolving account, funds use by technology services board, when: HB 1464

Covenant homeownership program account, creating: HB 1474

Debt-limit general fund bond retirement account, using funds in: HB 1148

Defense community compatibility account, altering grant rules and including federally recognized tribes: **\*SB 5324, CH 438 (2023)**  
 Deposit return organization program account, creating: HB 1131  
 Depreciation subfunds, authorizing creation by school districts: **\*SB 5403, CH 402 (2023)**  
 Derelict structure removal account, creating: HB 1378, **\*SSB 5433, CH 227 (2023)**  
 Developmental disabilities trust account, creating: HB 1628  
 Disabilities care trust account, creating: HB 1473  
 Distributor opioid abatement settlement account, creating: HB 1203  
 DNA database account, modifying source of deposits into and use of funds from: HB 1169  
 Down payment assistance account, creating for certain real estate excise tax revenues: **\*E2SSB 5258, CH 337 (2023)**  
 Driver licensing technology support account, authorizing expenditure for insurance verification system: ESSB 5326  
 Education legacy trust account, certain deposits into: HB 1473  
 Education legacy trust account, use for family empowerment scholarship program: HB 1093  
 Electric vehicle incentive account, reenacting: HB 1203, **\*ESSB 5293, CH 435 (2023)**  
 Emergency drought response account, creating for certain transfers from general fund: HB 1138  
 Employee ownership revolving loan program account, creating: HB 1743  
 Employee ownership revolving loan program account, establishing: **\*SSB 5096, CH 392 (2023)**  
 Encampment cleanup account, creating: HB 1373  
 Farm and forest account, transferring certain bond proceeds to: HB 1148  
 Fisheries capital projects account, repealing: HB 1202, **\*SB 5295, CH 41 (2023)**  
 Foundational public health services account, amending: **\*ESSB 5293, CH 435 (2023)**  
 Fur farm transition account, creating: HB 1034  
 GOV central service account, creating: HB 1203, **\*ESSB 5293, CH 435 (2023)**  
 Habitat conservation account, transferring certain bond proceeds to: HB 1148  
 Higher education construction account, repealing: HB 1202, **\*SB 5295, CH 41 (2023)**  
 Higher education personnel service fund, amending: **\*ESSB 5293, CH 435 (2023)**  
 Higher education personnel service fund, limiting expenditure authorization: HB 1203  
 Higher education reimbursable short-term bond account, repealing: HB 1202, **\*SB 5295, CH 41 (2023)**  
 Highway safety fund, depositing speed safety camera systems use revenue into: HB 1807, **\*ESSB 5272, CH 17 (2023)**  
 Home security fund account, funds use for private market rental housing for homeless: HB 1367  
 Homeowner recovery account, creating in connection with homeowner recovery program: HB 1534  
 Hospital safety net assessment fund, using for medicaid prospective payment system hospitals and designated public hospitals: HB 1850  
 Hospital-based nurse student loan repayment assistance program account, creating: HB 1643  
 Housing trust fund account, adding grant and loan programs: HB 1709, **\*ESSB 5301, CH 275 (2023)**  
 Insulin account, creating: HB 1725  
 Interfund transfers and loans, authorizing for certain purposes: **\*ESSB 5293, CH 435 (2023)**  
 Interstate 5 bridge replacement project account, creating: HB 1852, **\*SB 5765, CH 377 (2023)**  
 Learning device and technology account, creating for revenues from tax on retail sales of smart wireless devices: HB 1793  
 Legislative international trade account, allowing travel and lodging expenditures: SB 5705  
 Low-income home rehabilitation account, renaming low-income home rehabilitation revolving loan program account as: HB 1250  
 Medication for people living with HIV rebate revenue account, creating: **\*ESSB 5142, CH 12 (2023)**  
 Medication rebate revenue account, creating for certain revenue deposits and using for certain services: HB 1408  
 Native American scholarship account, creating: HB 1399  
 Natural climate solutions account, repealing: HB 1190  
 Natural resources real property replacement account, deposits into, for trust land transfer program purposes: HB 1460  
 Nondebt-limit general fund bond retirement account, using funds in: HB 1149  
 Office of financial management central service account, creating: HB 1203, **\*ESSB 5293, CH 435 (2023)**  
 Opioid abatement settlement account, appropriations for health care authority use from: **\*E2SSB 5536, CH 1 (2023)**  
 Opioid abatement settlement account, creating: **\*ESSB 5293, CH 435 (2023)**  
 Outdoor recreation account, transferring certain bond proceeds to: HB 1148  
 Outdoor recreation and climate adaptation account, creating: HB 1190  
 Parkland trust revolving fund, purchasing forestland as trust land transfer program replacement: HB 1423, HB 1460

Persistent poverty, funds held for reducing, constitutional amendment to authorize investment of: HJR 4204

Personnel service fund, amending: **\*ESSB 5293, CH 435 (2023)**

Personnel service fund, limiting expenditure authorization: HB 1203

Pollution liability insurance program trust account, various deposits into: HB 1175

Pollution liability insurance program, expanding funding sources and uses: HB 1175

Problem gambling account, depositing increased B&O tax revenues from higher tax rate for contests of chance into: HB 1681, **\*E2SSB 5634, CH 284 (2023)**

Problem gambling account, depositing increased B&O tax revenues from higher tax rate for parimutuel wagering into: HB 1681, **\*E2SSB 5634, CH 284 (2023)**

Progressive policy account, creating: HB 1795

Public disclosure transparency account, restricting use: HB 1677, ESSB 5284

Public disclosure transparency account, use of funds for purposes of administering democracy voucher program: HB 1755

Public health services account, repealing: HB 1202, **\*SB 5295, CH 41 (2023)**

Public works revolving trust account, creating: SSB 5303

Recycling enhancement account, depositing certain penalties into: HB 1131

Reinvesting in youth account, repealing: HB 1202, **\*SB 5295, CH 41 (2023)**

Renewable energy local benefit account, creating: HB 1756

Reserve officers' principal fund, creating: **\*EHB 1336, CH 73 (2023)**

Responsible appliance disposal account, creating: HB 1164

Responsible battery management account, creating: HB 1553, **\*E2SSB 5144, CH 434 (2023)**

Responsible packaging management account, creating: HB 1131

Road usage charge account, creating for voluntary road usage charge program receipts: HB 1832

Ruth Lecocq Kagi early learning facilities development account, transferring certain bond proceeds to: HB 1148

Ruth Lecocq Kagi early learning facilities revolving account, transferring certain bond proceeds to: HB 1148

School bus safety account, creating: HB 1118

Securities prosecution fund, using funds for whistleblower award and protection act purposes: **\*HB 1370, CH 149 (2023)**

Self-insurance reserve fund, creating in state treasurer's office: HB 1558, **\*SB 5084, CH 110 (2023)**

Stadium and exhibition center construction account, decodifying: HB 1202, **\*SB 5295, CH 41 (2023)**

State building construction account, transferring certain bond proceeds to: HB 1148

State crime victim and witness assistance account, creating: HB 1169

State drought preparedness account, renaming state drought preparedness and response account as: HB 1138

State drought preparedness account, transfers from general fund into, when: HB 1138

State hazard mitigation revolving loan account, creating: HB 1203, **\*ESSB 5293, CH 435 (2023)**

State higher education construction account, repealing: HB 1202, **\*SB 5295, CH 41 (2023)**

State patrol highway account, receiving fee for vehicle identification number inspections: **\*HB 1237, CH 139 (2023)**

State taxable building construction account, transferring certain bond proceeds to: HB 1148

Statewide 988 behavioral health crisis response and suicide prevention line account, line tax revenue deposits use: HB 1134

Statewide broadband account, funding a statewide broadband map from: HB 1746

Statewide tourism marketing account, changing matching requirement to one-to-one for expenditures from: HB 1258

Students first program account, creating: HB 1615

Taxpayer justice account, creating: HB 1473

Transit-oriented development housing partnership account, creating: HB 1517, ESSB 5466

Transitional housing operating and rent account, repealing: **\*SSB 5386, CH 277 (2023)**

Transportation partnership account--state, bond proceeds transfer from capital vessel replacement account--state to: HB 1103

Transportation preservation and maintenance account, creating for motor vehicle sales and use tax deposits and use: HB 1472

Treasury income account, creating: **\*ESSB 5293, CH 435 (2023)**

Universal communications services account, removing expiration date: HB 1617

Veterans stewardship account, using funds partly for maintaining all state veterans' cemeteries: HB 1288, **\*SB 5323, CH 327 (2023)**



Volunteer firefighters' and reserve officers' relief and pension principal fund, splitting into two funds: **\*EHB 1336, CH 73 (2023)**

Volunteer firefighters' principal fund, creating: **\*EHB 1336, CH 73 (2023)**

Vulnerable roadway user education account, depositing certain additional fines for certain infractions into: HB 1674

Washington auto theft prevention authority account, depositing portion of premium tax revenues into: HB 1669

Washington auto theft prevention authority account, limiting use for confinement matters and costs to local level: HB 1682

Washington auto theft prevention authority account, modifying provisions: HB 1669

Washington equine industry reinvestment account, creating: HB 1529

Washington future fund account, creating: HB 1094

Washington hate crime and bias incident account, creating: HB 1410

Washington horse racing commission operating account, modifying provisions: HB 1529

Washington housing crisis response account, creating: HB 1149

Washington housing crisis response taxable account, creating: HB 1149

Washington housing trust fund, certain deposits into: HB 1473

Washington housing trust fund, deposits into: HB 1628

Washington state attorney general humane detention account, creating: HB 1470

Washington state eastern Washington memorial account, creating: HB 1700

Washington student loan account, modifying requirements for: **\*EHB 1823, CH 389 (2023)**

Washington wage replacement account, creating: HB 1095

Waste reduction, recycling, and litter control account, depositing litter cleanup restitution payments into, when: SSB 5178

Waste reduction, recycling, and litter control account, forwarding community restitution payments for graffiti offenses to: HB 1800

Water quality capital account, repealing: HB 1202, **\*SB 5295, CH 41 (2023)**

Wildfire response, forest restoration, and community resilience account, expenditures from: HB 1498

#### **PUBLIC LANDS (See also BRIDGES; FORESTLANDS; ROADS AND HIGHWAYS; SHORELINES AND SHORELINE MANAGEMENT; TAXES - PROPERTY)**

Aquatic lands, derelict vessel appeals, administrative law judge substitution for pollution control hearings board member: HB 1081, **\*SB 5192, CH 39 (2023)**

Aquatic lands, derelict vessels on, public entity notice of intent to obtain custody and related hearing request, modifying: HB 1753

Lessees, sale of exchanged land to lessee with owned house on land: HB 1423, HB 1460

State lands, carbon offset and ecosystem services projects on, DNR role: HB 1789

State lands, signage for new bridges to deter jumping into cold waterways, role of certain agencies: **\*HB 1004, CH 54 (2023)**

Trust land transfer program, creating to transfer economically-underperforming lands to parks, preserves, etc.: HB 1423, HB 1460

#### **PUBLIC POLICY, INSTITUTE FOR**

Conservation district elections, requiring examination of costs: HB 1567

Foster care, removing requirement for outcome evaluation of case aides who provide short-term care: SB 5419

Greenhouse gasses, requiring study considering independent entity for oversight of markets and auctions: HB 1659

Hospitals, requiring study on staffing standards: **\*E2SSB 5236, CH 114 (2023)**

Substance use disorder, recovery navigator programs etc., assessing current status and fidelity to core principles: **\*2E2SSB 5536, CH 1 (2023)**

Substance use disorder, recovery navigator programs, studying effectiveness of: **\*2E2SSB 5536, CH 1 (2023)**

#### **PUBLIC RECORDS EXEMPTIONS ACCOUNTABILITY COMMITTEE (See also RECORDS)**

Office of transparency ombuds, establishing as nonpartisan and independent agency, studying efficacy of, committee role: HB 1856

#### **PUBLIC TRANSIT**

Hydrogen, green electrolytic hydrogen and renewable hydrogen production et al. by and for public transportation agencies: HB 1236

Parking in relation to transit stops and developments, minimum requirements for, prohibiting under GMA, when: HB 1351  
 Public transportation benefit area authority, authorizing production, distribution, and sale of clean hydrogen fuel: HB 1236  
 Regional transit authority, authorizing to remove unauthorized vehicles obstructing right-of-way: HB 1414, \*SSB 5317, CH 326 (2023)  
 Rolling stock, exempting transit agencies from interlocal agreement requirements for procurement: \*SB 5342, CH 43 (2023)  
 Transit mobility, office of, certain reporting requirement, eliminating: HB 1362

**PUBLIC WORKS (See also APPRENTICES AND APPRENTICESHIP PROGRAMS; COLLEGES AND UNIVERSITIES; COMMUNITY AND TECHNICAL COLLEGES; SCHOOLS AND SCHOOL DISTRICTS; WAGES AND SALARIES)**

Apprenticeship utilization, requirements for municipality, DOT, school districts, and 4-year college contracts: HB 1050  
 Colleges, raising dollar thresholds for construction, renovation, etc. projects to require public bidding: \*SB 5385, CH 97 (2023)  
 Contracting, building materials, environmental product declarations and reporting requirements for: HB 1282  
 Contracting, increasing local government limit for community service organizations without competitive bidding: \*EHB 1086, CH 238 (2023)  
 Contractors with state, discrimination prohibitions and nondiscrimination contract clauses: \*ESSB 5186, CH 468 (2023)  
 Contractors, debarment of, establishing application of statutes to plumbing, elevator, and electrical contractors: HB 1309, \*SB 5088, CH 88 (2023)  
 Funding, allowing allocations from public works revolving trust account: SSB 5303  
 Infrastructure bank, national, legislation to establish, requesting that congress pass: \*SJM 8001 (2023)  
 Office of minority and women's business enterprises, increasing opportunities for businesses: HB 1306, \*2SSB 5268, CH 395 (2023)  
 Plumbing contractors, establishing application of certain public works statutes to: HB 1309, \*SB 5088, CH 88 (2023)  
 Prevailing wages, establishing application of certain statutes to plumbing and elevator contractors: HB 1309, \*SB 5088, CH 88 (2023)  
 Prevailing wages, hourly minimum rate to be at least wage rate at time work is performed: HB 1099  
 Procurement, craft or trade involvement, prudent utility management, and lowest responsible bidder, for cities/towns/certain districts: HB 1621  
 Procurement, rules for cities and towns/public utility districts/water-sewer districts/fire protection districts, standardizing: HB 1621  
 Public works small business certification program, creating: HB 1306, \*2SSB 5268, CH 395 (2023)  
 Small businesses, increasing opportunities: HB 1306, \*2SSB 5268, CH 395 (2023)  
 Small works roster, replacing and repealing certain rules: HB 1306, \*2SSB 5268, CH 395 (2023)  
 State-funded projects, embodied carbon emission reductions from structural building products in, build clean act: HB 1342  
 Tax increment financing for public improvements, excluding intercounty rural library district regular property tax levies from: HB 1680  
 Veteran-owned businesses, increasing opportunities: HB 1306, \*2SSB 5268, CH 395 (2023)

**RAILROADS (See also BRIDGES; PUBLIC LANDS)**

Freight railroad infrastructure, improvement of, various tax preferences as incentives for: HB 1371  
 Length of trains, permissible for common carriers, limiting to 7,500 feet and creating penalties for violations: HB 1839  
 Workers, requiring paid and unpaid leave for various purposes, new chapter: HB 1548, ESSB 5267

**REAL ESTATE AND REAL PROPERTY (See also BUILDING CODES AND PERMITS; BUILDINGS, COMMERCIAL; HOUSING AND HOMES; IMPACT FEES; INSURANCE; LANDLORD AND TENANT; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; TAXES - PROPERTY)**

Appraisers, state-licensed or -certified residential or general or -registered trainee, qualifying and continuing education courses for: \*EHB 1797, CH 464 (2023)  
 Appraisers, state-licensed or -certified residential, real estate valuations for financial institutions, when: \*EHB 1797, CH 464 (2023)

- Brokers, consumer disclosures, brokerage relationships law pamphlet, and written services agreements: **HB 1284, \*SSB 5191, CH 318 (2023)**
- Brokers, statutory duties of, owing not only to their principal but to all parties, when: **HB 1284, \*SSB 5191, CH 318 (2023)**
- Common interest communities, accessory dwelling unit restrictions imposed by, limiting within UGA: **\*EHB 1337, CH 334 (2023) PV**
- Common interest communities, association limits on unrelated occupants, prohibition: HB 1054
- Common interest communities, association records, maintaining and supervising access: HB 1043
- Common interest communities, prohibition of additional middle housing units by, prohibiting: HB 1110
- Common interest communities, unit owner association requiring that owner intending to lease use tenant screening service: HB 1101
- Condominiums, accessory dwelling unit restrictions, limiting imposition within UGA: **\*EHB 1337, CH 334 (2023) PV**
- Condominiums, applying consumer protection act applicability, records clarifications, and managing agent contracts: HB 1569
- Condominiums, barring prohibition of multifamily housing or parking requirements in station areas: HB 1517, ESSB 5466
- Condominiums, construction defect claims and impact fees, modifying provisions: **\*E2SSB 5258, CH 337 (2023)**
- Condominiums, construction defect claims, warranties, and impact fees, modifying provisions: HB 1298
- Condominiums, prohibiting restrictions on family day care or child care centers: **\*HB 1199, CH 203 (2023)**
- Construction defect claims/assessment reports/professionals, and relevance to condominium units: HB 1298
- Construction defect claims/professionals/written reports and responses, and relevance to condominium units: **\*E2SSB 5258, CH 337 (2023)**
- Construction warranties, for condominium construction, modifying developer and purchaser/seller provisions: HB 1298
- Easement relocation act, uniform, adopting: **\*SSB 5005, CH 6 (2023)**
- Fences, battery-charged electric security fencing systems, restricting regulation of, when: HB 1304
- Foreclosure, homeowners facing, roles of foreclosure mediation program and homeowner assistance fund program: **\*HB 1349, CH 206 (2023)**
- Foreclosure, mediation referrals, foreclosure mediation program, and federally insured depository institutions: **\*HB 1349, CH 206 (2023)**
- Foreclosure, surplus proceeds of, excessive fees or charges for locating and recovering, prohibiting: **\*HB 1349, CH 206 (2023)**, HB 1637
- Future listing right purchase contracts, convening work group to examine: **\*SSB 5399, CH 367 (2023)**
- Future listing right purchase contracts, specifying limits and restrictions including 2 year duration: **\*SSB 5399, CH 367 (2023)**
- Home energy assessors, licensing and regulation of: HB 1433
- Home energy performance, asset-based home energy score adoption for evaluating: HB 1433
- Home purchase, down payment and closing costs for, pilot program for loans to certain workers and professions for: HB 1633
- Homeowner's associations, consumer protection act applicability, records clarifications, and managing agent contracts: HB 1569
- Homeowner's associations, prohibiting restrictions on family day care or child care centers: **\*HB 1199, CH 203 (2023)**
- Homeowners' associations, accessory dwelling unit restrictions imposed by, limiting within UGA: **\*EHB 1337, CH 334 (2023) PV**
- Homeowners' associations, barring prohibition of multifamily housing or parking requirements in station areas: HB 1517, ESSB 5466
- Mortgage, making any mortgage or deed of trust prior to any encumbrances not recorded beforehand: **\*HB 1420, CH 76 (2023)**
- Multiunit residential buildings, exempting certain buildings from definition for construction defect disputes purposes: **\*SB 5058, CH 263 (2023)**
- Partition of heirs property act, uniform, adopting: **\*SSB 5005, CH 6 (2023)**
- Property tax, valuation at 75 percent of true and fair value for state levies: HB 1092
- Public property, surplus, disposal for affordable housing as public benefit purpose, requirements for: **\*HB 1695, CH 301 (2023)**
- Residential lots, lot splitting in cities, easing restrictions and expanding opportunities: HB 1245

Valuations of real estate for financial institutions, by state-licensed or -certified residential real estate appraisers, when:  
**\*EHB 1797, CH 464 (2023)**

#### **RECORDS (See also SECRETARY OF STATE)**

Criminal history records, permitting sharing of nonconviction data with state auditor for audit and review: **\*HB 1179, CH 26 (2023)**

Data, brokered personal data, data brokers registration and regulation: HB 1799

Data, consumer health data, restricting collection and sharing, requiring disclosures, and prohibiting sale: HB 1155

Data, personal, data privacy day, commemorating: **\*HR 4607 (2023)**

Data, state agency use of immutable data protection and reliable disaster recovery, ransomware protection act: HB 1464

Disclosure, exemptions, body worn camera recording: HB 1080

Disclosure, exemptions, certain crime victim offender release/escape/etc. notification records: **\*SSB 5081, CH 391 (2023)**

Disclosure, exemptions, certain private detention facility records: HB 1470

Disclosure, exemptions, state lottery personal and financial information: **\*HB 1221, CH 346 (2023)**

Disclosure, exemptions, state/local agency employees who are domestic violence/sexual assault/stalking/harassment survivors: HB 1533

Elections, requiring request submission to the secretary of state, creating exemptions, and repealing section: **\*SB 5459, CH 404 (2023)**

Future voters, limiting disclosure of information: **\*SB 5153, CH 361 (2023)**

Paid family and medical leave, specifying records access: **\*SSB 5586, CH 375 (2023)**

Personal identifying information, harmful disclosure without consent, prohibiting: HB 1335

Personal information, captured biometric, people's privacy act provisions concerning: HB 1616

Personal information, captured, processing by business entities, individual's rights and opt-in consent for: HB 1616

Personal information, exempting benefit enrollment information from records requests: **\*SB 5421, CH 45 (2023)**

Requests, creating administrative review process for records request denials prior to judicial review: HB 1597

Requests, giving court discretion not to award costs or fees for requests made for an improper purpose: HB 1597

School board meetings, requirements for availability of recordings: **\*EHB 1210, CH 67 (2023)**

Schools, redacting personal information of students for public inspection: **\*SSB 5127, CH 182 (2023)**

State operational and constituent data, protecting under WA state ransomware protection act: HB 1464

Transparency, joint legislative committee on transparency, establishing in connection with office of transparency ombuds study: HB 1856

Transparency, Washington office of transparency ombuds, establishing as nonpartisan and independent agency, studying efficacy of: HB 1856

#### **RECREATION AND CONSERVATION OFFICE**

Salmon recovery office, governor's, establishing salmon riparian habitat policy task force and interagency riparian committee in: HB 1215

Salmon recovery office, governor's, establishing salmon riparian habitat policy task force in: HB 1720

#### **RELIGION AND RELIGIOUS ORGANIZATIONS (See also SCHOOLS AND SCHOOL DISTRICTS)**

Clergy, child abuse or neglect reporting by, requirements: HB 1036, HB 1098, SB 5280

Institutions, restricting interference by gubernatorial proclamation: HB 1154

Saint Patrick's Day, the Feast of St. Patrick, patron saint of Ireland, commemorating the celebration of: **\*HR 4628 (2023)**

#### **RETIREMENT AND PENSIONS**

COVID vaccination mandate, public employees separated due to, retirement system contributions and service credit: HB 1814

Firefighters, pensions/1947 act, veterans' interruptive military service credit: HB 1007

LEOFF, law enforcement officers employed on part-time basis to be eligible for: HB 1413, SSB 5424

LEOFF, plan 2, membership for general authority peace officers when CJTC-certified and employed full-time by tribe: **\*HB 1481, CH 77 (2023)**

LEOFF, plans 1 and 2, full-time fire department-employed firefighter with required experience as member: HB 1279

Military service credit, interruptive, "veteran" for purposes of, when: HB 1007

PERS and TRS, plan 1, ongoing cost-of-living adjustment: HB 1294

PERS and TRS, plan 1, ongoing cost-of-living adjustment, select committee on pension policy to study: HB 1057, **\*SB 5350, CH 397 (2023)**

PERS, altering funding for amortizing unfunded actuarial accrued liabilities: **HB 1201, \*ESSB 5294, CH 396 (2023)**

PERS, plan 1, annual adjustment of benefits, adjusting long-term investment rate of return assumption: HB 1459

PERS, plan 1, benefit increase, when: HB 1057, **\*SB 5350, CH 397 (2023)**

PERS, plan 1, veterans' interruptive military service credit: HB 1007

PERS, plan 2 or 3, dual membership with PSERS plan 2 for public safety telecommunicators for 911 calls, when: **\*HB 1055, CH 199 (2023)**

PERS, plan 2, separated members of, PEBB insurance participation: **\*HB 1008, CH 164 (2023)**

PERS, plans 2 and 3, certain postretirement employment restrictions before age 65, repealing: HB 1056

Police pensions, in first-class cities, veterans' interruptive military service credit: HB 1007

Post-retirement employment, permitting part-time nursing for state agencies without pension effect: **\*SSB 5538, CH 99 (2023)**

Private retirement savings program, state-sponsored, studying feasibility of establishing and WA residents' preparedness: HB 1632

PSERS, altering funding for amortizing unfunded actuarial accrued liabilities: HB 1201, **\*ESSB 5294, CH 396 (2023)**

PSERS, plan 2, membership for public safety telecommunicators for 911 calls, when: **\*HB 1055, CH 199 (2023)**

Reserve officers' plan, separating relief and pension system into volunteer firefighters' plan and: **\*EHB 1336, CH 73 (2023)**

Self-insured pensions, creating self-insurance reserve fund for: HB 1558, **\*SB 5084, CH 110 (2023)**

SERS, altering funding for amortizing unfunded actuarial accrued liabilities: HB 1201, **\*ESSB 5294, CH 396 (2023)**

SERS, plan 2, separated members of, PEBB insurance participation: **\*HB 1008, CH 164 (2023)**

SERS, plans 2 and 3, certain postretirement employment restrictions before age 65, repealing: HB 1056

TRS and PERS, plan 1, ongoing cost-of-living adjustment: HB 1294

TRS and PERS, plan 1, ongoing cost-of-living adjustment, select committee on pension policy to study: HB 1057, **\*SB 5350, CH 397 (2023)**

TRS, altering funding for amortizing unfunded actuarial accrued liabilities: HB 1201, **\*ESSB 5294, CH 396 (2023)**

TRS, plan 1, annual adjustment of benefits, adjusting long-term investment rate of return assumption: HB 1459

TRS, plan 1, benefit increase, when: HB 1057, **\*SB 5350, CH 397 (2023)**

TRS, plan 2, separated members of, PEBB insurance participation: **\*HB 1008, CH 164 (2023)**

TRS, plans 2 and 3, certain postretirement employment restrictions before age 65, repealing: HB 1056

Veterans, adding eligibility for expeditionary badge or medal: SB 5296

Volunteer firefighters' and reserve officers' relief and pension system, splitting principal fund into two funds: **\*EHB 1336, CH 73 (2023)**

Volunteer firefighters' plan, separating relief and pension system into reserve officers' plan and: **\*EHB 1336, CH 73 (2023)**

## REVENUE, DEPARTMENT

Business licensing service, business license delinquency fee, adding additional cause for canceling: **\*HB 1742, CH 258 (2023)**

Business licensing service, DOR reporting of information from agencies, repealing: HB 1362

Business licensing service, partnering with cities, progress report requirement, eliminating: HB 1362

Child care assistance, employer providing to employees, credit against B&O tax for, DOR reporting requirement: HB 1716

Down payment assistance program, reporting requirements: **\*E2SSB 5258, CH 337 (2023)**

Hospital benefit zones, local sales and use taxation, reporting requirement, eliminating: HB 1362

Local revitalization financing, certain required report, eliminating: HB 1362

Periodic adjustments, of hazardous substances tax pollution tax rate for petroleum products, department role: HB 1254

Periodic adjustments, of port district sales and conveyance value limit, department role: HB 1254

Periodic adjustments, of refinery fuel gas value of the article for use tax purposes, department role: HB 1254

Property tax exemption for service-connected disabled veterans and senior citizens process and improvement work group, convening: HB 1560

Property tax exemptions, local assessor requirements, DOR to establish grant program to support: HB 1560

Taxing districts, property tax levy limit factors for, DOR and county assessors' roles in determining: HB 1670

Unclaimed property, duties and property/amounts/penalties/interest due, DOR agreements with holders concerning: **\*HB 1742, CH 258 (2023)**

Working families' tax credit, DOR reporting requirement: HB 1477

**REVISED CODE OF WASHINGTON (See also CIVIL ACTIONS AND PROCEDURE; CRIMES; SENTENCES AND SENTENCING)**

Community, trade, and economic development, department, eliminating references to: **\*SB 5089, CH 36 (2023)**

Defects and omissions, repealing and amending: **HB 1090, \*SSB 5087, CH 102 (2023)**

Department of community, trade, and economic development, replacing in RCW with department of commerce: **\*HB 1066, CH 470 (2023) PV**

Multiple amendments, various, merging: **\*HB 1066, CH 470 (2023) PV**

Technical corrections, making, and removing obsolete language: **\*HB 1066, CH 470 (2023) PV**

Titles 50 and 50A, removing the terms "master" and "slave" from: **\*HB 1107, CH 25 (2023)**

**RIVERS AND STREAMS (See also BRIDGES; FISH; PUBLIC LANDS)**

Columbia river basin flood hazard mitigation, unissued bonds for, expiration date: **HB 1148**

Columbia river basin project, water rights held by U.S. bureau of reclamation for water use within, applying for acreage change: **HB 1752**

Safety, encouraging water safety and rescue and drowning prevention, and recognizing May 15 as water safety day: **\*HB 1750, CH 181 (2023)**

Walla Walla river basin, Walla Walla water 2050 plan as integrated strategy including Oregon, tribes, and others: **HB 1322**

**ROADS AND HIGHWAYS (See also BRIDGES; DRIVERS AND DRIVERS' LICENSES; MOTOR VEHICLES; PUBLIC LANDS; PUBLIC WORKS; TOWING AND TOW TRUCKS; TRAFFIC; TRAFFIC OFFENSES; TRANSPORTATION; TRANSPORTATION, DEPARTMENT)**

Funding, dedicating state sales and use taxes on motor vehicles to: **HB 1472**

Interstate 405, express toll lanes, not allowing toll charge assessment during certain hours: **HB 1719**

Interstate 405, high occupancy vehicle lanes, limiting operation to certain hours: **HB 1719**

Interstate 5 bridge replacement project, designating as eligible toll facility and authorizing bistate agreement: **HB 1852, \*SB 5765, CH 377 (2023)**

Interstate 5, requesting naming of section as Cowlitz County Deputy Sheriff Justin DeRosier memorial highway: **HJM 4001**

Large debris removal and highway cleanup, litter cleanup restitution payments for: **SSB 5178**

Lummi Nation, authorizing department of transportation to enter agreement for new public road: **\*SSB 5753, CH 448 (2023)**

Military surplus vehicles, operation on public highways, authorization and requirements: **HB 1486**

Paving, self-manufactured asphalt and aggregates, use taxes on, public road construction market adjustment for, when: **HB 1764**

Pedestrians, allowing crossing at any point given reasonable care: **HB 1428**

Racing, prohibiting and subjecting vehicles to impounding or forfeiture: **HB 1631, \*SB 5606, CH 283 (2023)**

Rest areas, limiting parking for vehicles including disabled vehicles: **HB 1518, SB 5487**

Right turns at red lights, prohibiting in the vicinity of certain facilities: **HB 1582**

Right-of-way, unauthorized vehicles obstructing high capacity transportation, regional transit authority removal of: **HB 1414, \*SSB 5317, CH 326 (2023)**

Road usage charge program, voluntary, per mile fee collection via per mile system, establishing: **HB 1832**

Speed safety cameras, advance placement of radar speed feedback signs where constructive: **\*ESSB 5272, CH 17 (2023)**

Speed safety cameras, use in infractions: **HB 1807, \*ESSB 5272, CH 17 (2023)**

Speed safety cameras, use in state highway work zones: **HB 1807, \*ESSB 5272, CH 17 (2023)**

State route number 167, express toll lanes, not allowing toll charge assessment during certain hours: **HB 1719**

Tow truck operators, requiring compensation when dispatched to clear roads: **HB 1722, SSB 5652**

Trucks, commercial truck parking and accommodations near national highway system, facilitating: **HB 1787**

Trucks, heavy commercial truck planned highway corridors, via transportation element under GMA: **HB 1787**

Work or emergency zone, reducing speed when approaching: **HB 1485, \*SB 5023, CH 33 (2023)**

**SALES (See also ALCOHOLIC BEVERAGES; BUSINESSES; CANNABIS; CRIMES; ENVIRONMENTAL HEALTH AND SAFETY; FIREARMS; FUELS; HAZARDOUS MATERIALS; MANUFACTURING AND**

**TECHNOLOGY; MOTOR VEHICLES; SENTENCES AND SENTENCING; TOBACCO AND TOBACCO PRODUCTS; VAPOR PRODUCTS)**

- Cannabis/tetrahydrocannabinol, consumable products containing beer/wine/spirits/other liquor in combination with, prohibiting: **\*HB 1772, CH 217 (2023)**
- Dogs and cats, prohibiting pet store sales, and voiding leases, installment transactions, and loans for purchase, when: HB 1424
- Electronic commerce platforms, liability to consumer under product liability claims statutes: HB 1606
- Gift certificates and cards, presumed abandoned, updating cross-references to unclaimed property act: **\*HB 1742, CH 258 (2023)**
- Online marketplaces, high-volume third-party sellers on platform, requirements: HB 1065
- Pricing difference for goods on basis of gender, prohibiting: HB 1152, SSB 5171
- Telephone solicitation, prohibiting via robocalling or automatic dialing and to persons on do not call registry: HB 1051
- Ticket sales warrant integrity, fairness, and transparency for consumer protection act, or TSWIFT consumer protection act: HB 1648
- Ticket sales, requirements for pricing, technologies, purchases, tickets, out-of-state businesses, and ticket sellers and resellers: HB 1648
- Ticket sellers and resellers, licensing and regulation: HB 1648

**SCHOOL DIRECTORS' ASSOCIATION, WASHINGTON STATE**

- Model policy and procedure, requiring development for inclusive curricula: ESB 5462
- Model policy, requiring review and update for nutrition, health, and physical education: HB 1504, **\*ESSB 5257, CH 272 (2023)**
- Music instruction for elementary level students, model policy and procedure for, WSSDA to adopt: HB 1819
- Student representative network, association to form: HB 1692

**SCHOOLS AND SCHOOL DISTRICTS (See also BLIND; BLIND, STATE SCHOOL FOR THE; CHARTER SCHOOLS; COLLECTIVE BARGAINING; DEAF; DEAF AND HARD OF HEARING YOUTH, WASHINGTON CENTER FOR; EDUCATION, STATE BOARD OF; HEALTH CARE AUTHORITY; PUBLIC WORKS; RETIREMENT AND PENSIONS; SCHOOL DIRECTORS' ASSOCIATION, WASHINGTON STATE; SUPERINTENDENT OF PUBLIC INSTRUCTION, OFFICE (OSPI); TRIBES AND TRIBAL MEMBERS)**

- Academic credit, requiring for skill center courses: **\*SSB 5617, CH 407 (2023)**
- Administrators, certificate renewal, aligning continuing education on equity-based practices and cultural competency standards: HB 1376
- Administrators, certificate renewal, continuing education on equity-based practices, etc., to be approved by PESB: HB 1377
- Administrators, educator preparation program improvement report, preparation of: HB 1565
- Administrators, educator workforce programs quality and effectiveness, data collection and determinations about: HB 1565
- Administrators, increasing salary allocations for professional development purposes: HB 1741
- Advanced placement, increasing AP course options for career and college readiness graduation pathway: HB 1549
- Apprenticeship programs, regional apprenticeship pilot program, establishing: HB 1013
- Basic education, authority to grant OSPI waivers to schools including charter schools and state-tribal schools: SSB 5648
- Bellingham high school varsity boys swimming and diving team, recognizing, commending, and congratulating: **\*HR 4645 (2023)**
- Bonds and payment levies, school district, at least 55% of voters to authorize: HB 1843, HJR 4207
- Bonds and payment levies, school district, simple majority to authorize: HB 1353, HJR 4203
- Bone marrow donation, awareness of, public school instruction in: **\*SB 5065, CH 219 (2023)**
- Bullying, policies/complaint procedures related to intimidation/harassment/discrimination and, posting: HB 1207
- Bullying, school bullying and harassment work group, decodifying section due to previous termination: **\*HB 1066, CH 470 (2023) PV**
- Buses, automated safety cameras and seat belt requirement on school buses: HB 1118
- Buses, drivers employed by private entity contractor, entity to provide health benefits for: HB 1248
- Buses, school bus replacement incentive program, revising provisions: HB 1118
- Buses, zero emission school bus grant program, establishing: HB 1368
- Buses, zero emission school bus purchase and use requirement, implementing: HB 1368

Career and technical education, Cindy Arnold, director for Battleground school district, region V administrator of the year, honoring: **\*HR 4611 (2023)**

Career and technical education, dual credit courses: HB 1003

Career and technical education, dual credit or concurrent enrollment courses: HB 1316

Career and technical education, early childhood development and services career pathway, provisions: HB 1451

Career and technical education, skill center students, funding/equivalency/apportionment for certain small districts: HB 1605

Career and technical education, skill centers, modifying minimum allocation: HB 1721

Career-connected learning coordinators, establishing in educational service districts: HB 1374

Chelan High School volleyball team, honoring: **\*HR 4613 (2023)**

Child care worker pilot program, for students, establishing: HB 1451

Children's day, celebrating: **\*HR 4616 (2023)**

Chinese Americans and Americans of Chinese descent, encouraging activities to commemorate: **\*SB 5000, CH 357 (2023)**

College bound scholarship program, enhancing and adding reporting requirements: **\*HB 1232, CH 174 (2023)**

College in the high school program, provisions: HB 1003, HB 1316, **\*2SSB 5048, CH 314 (2023)**

Complaints, developing uniform system for complaints about conduct by individuals in schools: HB 1239

Concurrent enrollment courses, cost subsidy program for students: HB 1316

Concurrent enrollment courses, various changes: HB 1316

Conduct, bullying/discrimination/harassment/intimidation, model handbook language for policies/complaint procedures for: HB 1207

Construction, supplementary modernization and new construction grants and planning grants for certain districts: HB 1044

Continuous improvement coaches, adding staffing allocations for: HB 1741

Counselors, increasing staffing allocations to support professional development participation: HB 1741

Cultural competency, diversity, equity, and inclusion standards, aligning certain school district staff provisions with: HB 1376

Curriculum, inclusive curricula development and promotion, various provisions: ESB 5462

Curriculum, tribal sovereignty curriculum implementation, compliance monitoring, and evaluations: HB 1332

Curtis Senior High School, boys varsity basketball team, commending: **\*HR 4634 (2023)**

Curtis Senior High School, girls bowling team, commending: **\*HR 4635 (2023)**

Depreciation sub funds, authorizing creation for preventative maintenance and emergency facility needs: **\*SB 5403, CH 402 (2023)**

Diplomas, withholding for student damage to property, requirements when: **\*HB 1536, CH 384 (2023)**

Discipline, actions due to student damage to property, revising provisions: **\*HB 1536, CH 384 (2023)**

Discrimination and bullying/harassment/sexual harassment/intimidation, policies and complaint procedures for, posting: HB 1207

Discrimination, compliance with nondiscrimination requirements, primary contact person for, designation by each district: HB 1207

Districts, Aberdeen, Jamie MacKinnon Walsh, former school board member, honoring and remembering: **\*HR 4602 (2023)**

Districts, Battleground, Cindy Arnold, career and technical education director and region V administrator of the year, honoring: **\*HR 4611 (2023)**

Districts, financially distressed, supplementary modernization and new construction grants and planning grants: HB 1044

Districts, public works apprenticeship utilization, modifying requirements: HB 1050

Dual credit programs, cost subsidy and incentive rebate for low-income students: HB 1003

Dual credit programs, cost subsidy program for students: HB 1316

Dual credit programs, requiring public schools to provide notice of available programs and financial assistance: HB 1146

Dual credit programs, various changes: HB 1003, HB 1316, **\*2SSB 5048, CH 314 (2023)**

Dual credit programs, WA dual enrollment scholarship pilot program, repealing: HB 1003, HB 1316

Dual language education, providing grant funding: HB 1228

Dual language education, stipend for dual language instructors: HB 1228

Education ombuds, office of, special education ombuds for each educational service district region, delegating/certifying: E2SSB 5311

Educational service district regions, special education ombuds for each: E2SSB 5311



Educational service districts, designation of a regional inclusive curricula coordinator by each district: ESB 5462

Educational service districts, elections for membership on boards, declarations of candidacy and voting, revising: **\*HB 1624, CH 83 (2023)**

Educational service districts, establishing career-connected learning coordinators in: HB 1374

Educational service districts, regional apprenticeship pilot program, role of districts in establishing: HB 1013

Educational service districts, regional youth advisory councils for inclusive curricula and equity, establishment by each district: ESB 5462

Educator preparation program, improvement report on, preparation of: HB 1565

Educators, beginning educator support team program, revising goals, requirements, and definitions: HB 1565

Educators, educator workforce programs quality and effectiveness, data collection and determinations about: HB 1565

Emergency expulsion, replacing "expulsion" with "removal" in provisions and student's education record: HB 1207

Employees and employee organizations, prohibiting striking and involvement with strikes by: HB 1429

Employees, annual salary inflationary increase, modifying inflationary adjustment index for: HB 1732

Employees, certificated administrative staff, increasing salary allocations for professional development purposes: HB 1741

Employees, certificated and classified, developing online portal for recruiting and hiring: HB 1565

Employees, certificated instructional staff, increasing salary allocations for professional development purposes: HB 1741

Employees, certificated staff professional learning communities, fostering: SSB 5054

Employees, certificated, evaluation systems training program for, aligning with cultural competency standards: HB 1376

Employees, classified staff, increasing salary allocations for professional development purposes: HB 1741

Employees, educational/certificated, collective bargaining, provision of employee information to exclusive bargaining representatives: HB 1200

Employees, interest arbitration as exclusive means of settling labor disputes for: HB 1429

Epi-pens, in schools, prescriptions, supplies, and use for anaphylaxis: HB 1608

Epinephrine and epinephrine autoinjectors, in schools, prescriptions, supplies, and use for anaphylaxis: HB 1608

Extracurricular tournaments or events, stay-to-play specific-lodging requirement for nonlocal teams and individuals, prohibiting: HB 1860

Family engagement coordinators, increasing staffing allocations to support professional development participation: HB 1741

Filipino Americans, historical/cultural contributions of, K-12 public school instruction about, materials/resources for: HB 1749

Financial literacy education, certificated staff professional development grant program, limiting amount of funds received: EHB 1714

Force, use of force on children, requirements: HB 1239

Foster care, students in, as special passengers, transportation outside normal boundaries: E2SSB 5174

Foster care, students in, individual transportation outside normal boundaries: HB 1248

Foster care, students in, work group on students experiencing homelessness or, to include students in or exiting juvenile facilities: **\*HB 1679, CH 300 (2023)**

Funding, for basic education, increasing or adding various staffing allocations: HB 1741

Funding, for basic education, increasing staffing allocations to support professional development participation: HB 1741

Funding, state, allocations distribution formula for, revisions: SB 5019

Graduation requirements, career and college ready, provisions: HB 1549

Graduation requirements, graduation pathway options, adding approved advanced placement courses: HB 1549

Graduation requirements, graduation pathway options, informing students and parents and monitoring implementation: **\*HB 1308, CH 349 (2023)**

Graduation requirements, graduation pathway options, K-12 credentials, credential transparency work group, creating: HB 1821

Graduation requirements, graduation pathway options, performance-based learning experience as additional option: **\*HB 1308, CH 349 (2023)**

Graduation requirements, graduation pathway options, test-based and course-based, modifications: **\*HB 1308, CH 349 (2023)**

High school and beyond plans, adopting common online platform: HB 1273, **\*E2SSB 5243, CH 271 (2023)**

High school and beyond plans, modifying requirements: HB 1273, **\*E2SSB 5243, CH 271 (2023)**

Highly capable students, universal screening, equity, and funding for programs and services: **\*SSB 5072, CH 265 (2023)**

Home schooling, funding via family empowerment scholarship program: HB 1093

Home-based instruction, students first education savings account program, establishing: HB 1615

Homeless encampments, requiring county and city prohibition on public property within 500 feet of schools: HB 1373

Homeless students, as special passengers, transportation arrangements for: E2SSB 5174

Homeless students, individual transportation arrangements for: HB 1248

Homelessness, students experiencing, grant program for identification of and support for, expanding provisions: **\*HB 1622, CH 386 (2023)**

Homelessness, students experiencing, grant program to link families with housing, expanding provisions: **\*HB 1622, CH 386 (2023)**

Homelessness, students experiencing, work group on students in foster care or, to include students in or exiting juvenile facilities: **\*HB 1679, CH 300 (2023)**

Inclusive curricula coordinators, designating to promote curricula that is diverse, equitable, and inclusive: ESB 5462

Institutional education, delivery and oversight of basic education services to justice-involved students, assigning to OSPI: HB 1701

Institutional education, provider staff cross-sector trainings, requirements for offering: HB 1411

Institutional education, provider staff professional learning, aligning racial literacy and cultural competency standards: HB 1376

K-12 data governance group, modifying provisions: HB 1565

K-12 education data improvement system, comprehensive, establishing and modifying: HB 1565

Kindergarten, transition to kindergarten program, establishing in place of transitional kindergarten programs: HB 1550

Learning recovery and acceleration, funding for tutoring and extended learning programs: HB 1710

Legislature, legislative district student councils, establishing in each district: HB 1692

Legislature, legislative youth advisory council, student representative network and legislative district student councils duties of: HB 1692

Legislature, student representative network, forming: HB 1692

Levies for schools, school district bonds and payment, at least 55% of voters to authorize: HB 1843, HJR 4207

Levies for schools, school district bonds and payment, simple majority to authorize: HB 1353, HJR 4203

Levies for schools, state property tax levies for common schools, reducing, and establishing new basis for levies: HB 1483

Libraries, school library information and technology programs access for all students: HB 1609, ESSB 5102

Low-income students, dual credit programs cost subsidy and incentive rebate: HB 1003

Lynden Christian High School boys varsity basketball team, recognizing, commending, and congratulating: **\*HR 4648 (2023)**

Lynden High School boys varsity basketball team, recognizing, commending, and congratulating: **\*HR 4649 (2023)**

Meals, free breakfast and lunch for all requesting students: HB 1238

Middle and high school-aged youth caring for younger relatives, model program manual for program to assist: HB 1451

Military children, interstate compact on educational opportunity for, correcting certain cross-references in: **\*HB 1066, CH 470 (2023) PV**

Military friendly school districts, purple star award to recognize, creating: HB 1346

Music instruction, for elementary level students, requiring, and specifying per-week amount: HB 1819

Nooksack Valley High School, girls varsity basketball team, commending: **\*HR 4641 (2023)**

Paraeducator board, code of educator ethics, board recommendations concerning: HB 1239

Paraeducator board, paraeducator fundamental course of study, board to convene work group and update rules: HB 1277

Paraeducators, fundamental course of study, minimum of one day in person unless exemption adopted by board: HB 1277

Paraeducators, minimum employment requirements, modifying assessment provision: HB 1015

Paraeducators, various provisions concerning: HB 1565

Parental involvement in school system, developing policy to promote, requirements for, including parental rights: HB 1601

Parents, fundamental rights to direct upbringing, education, health care, and mental health of minor child reserved to: HB 1601

Prairie High School boys and girls wrestling team, honoring: **\*HR 4623 (2023)**

Principals and assistant principals, increasing salary allocations for professional development purposes: HB 1741

Principals, written contracts between school boards and, limiting term of: **\*ESB 5175, CH 362 (2023)**

Private schools, students first education savings account program, establishing: HB 1615

Procurement, energy equipment and services, school district performance-based contracting for, adding options: **\*HB 1777, CH 309 (2023)**

Professional learning, certificated staff professional learning communities, fostering: SSB 5054

Psychologists and other providers, conducting evaluations for special education, funds distribution for: HB 1305

Race and ethnicity reporting guidelines task force, decodifying obsolete section: **\*HB 1066, CH 470 (2023) PV**

Recess, mandating with requirements and minimum time: HB 1504, **\*ESSB 5257, CH 272 (2023)**

Regional youth advisory councils for inclusive curricula and equity, establishing: ESB 5462

Residential private schools, definition of, and investigation of referrals of alleged incidents of child abuse or neglect at schools: **\*ESSB 5515, CH 441 (2023)**

Residential private schools, determining accreditation standards and procedures for: **\*ESSB 5515, CH 441 (2023)**

Residential private schools, licensing of living accommodations provided by: **\*ESSB 5515, CH 441 (2023)**

Residential schools, Naselle Youth Camp property, transferring to Chinook Indian Nation: HB 1496

Running start program, financial assistance and eligibility provisions: HB 1316

Running start program, financial assistance and summer school program: HB 1003

Safety, authorizing funding for school resource officers: HB 1071

Safety, classified staff providing student and staff safety, changing funding for: SB 5019

Safety, requiring seismic risk assessments and prioritization of remediation projects: HB 1747

Safety, safety and security staff training program, aligning bias free policing and cultural competency standards: HB 1376

Safety, school safety capital grant program, administering: HB 1064

Safety, school safety data, school safety dashboard for, creating: HB 1675

School board meetings, requirements for availability of recordings: **\*EHB 1210, CH 67 (2023)**

School board members, allowing school employee benefits board (SEBB) participation: **\*SSB 5275, CH 13 (2023)**

School construction assistance grant program, unissued bonds for, expiration date: HB 1148

School construction assistance program, prioritizing for common school construction fund: HB 1444, SSB 5126

School enrichment levies, increasing with inflation: HB 1244

Sex trafficking, mandating instruction in prevention and identification before grade 12: **\*ESB 5355, CH 328 (2023)**

Skill center facilities, unissued bonds for, expiration date: HB 1148

Skill center students, certain small sending districts, funding, equivalency, and apportionment for: HB 1605

Skill centers, modifying minimum allocation: HB 1721

Social studies curriculum, to include tribal sovereignty and history/culture/government, with grant program for schools: HB 1332

Special education, allowing contracting for private schools: **\*E2SSB 5315, CH 436 (2023)**

Special education, conducting extraordinarily high numbers of initial evaluations: HB 1109

Special education, early intervention services, early support for infants and toddlers program, calculating funding for: HB 1676

Special education, from nonpublic agency outside WA for high-cost student, safety net awards: SB 5031

Special education, full funding of: HB 1436

Special education, general apportionment funding, development of allocation and cost accounting methodology: E2SSB 5311

Special education, improving access to and provision of services: HB 1305

Special education, increasing excess cost multiplier, removing enrollment funding cap, and providing additional funding: HB 1436

Special education, individual transportation of students with IEP: HB 1248

Special education, individualized education programs, development of: HB 1305

Special education, initial evaluations and IEPs, program for reimbursing public schools for certain costs: HB 1109

Special education, raising excess cost funding multipliers for pre-K and K-12 students and enrollment funding cap: HB 1211, E2SSB 5311

Special education, raising excess cost funding multipliers for pre-K and K-12 students and removing enrollment funding cap: HB 1436

Special education, safety net awards, modifying process for determining eligibility for high-need student: E2SSB 5311

Special education, school psychologists and other providers conducting evaluations for, funds distribution for: HB 1305

Special education, state safety net oversight committee, consideration of costs differences due to service delivery choice: E2SSB 5311

- Special education, state safety net oversight committee, consideration of extraordinary costs of evaluations and IEPs by: HB 1109
- Special education, students with IEP or section 504 plan, restraint and isolation of: HB 1479
- Special education, transportation of special passengers with IEP: E2SSB 5174
- Sports, tournament or event stay-to-play specific-lodging requirement for nonlocal teams and individuals, prohibiting: HB 1860
- Squalicum high school girls varsity wrestling team, recognizing, commending, and congratulating: **\*HR 4647 (2023)**
- Staff, cross-sector trainings on such topics as social-emotional learning and antiharassment, intimidation, and bullying: HB 1411
- Staff, redefining physical, social, and emotional support staff for funding purposes: SB 5019
- Student success, supporting, 2015 WSU report and recommendations on, updating: HB 1411
- Students in foster care or experiencing homelessness work group, to include students in or exiting juvenile rehabilitation facilities: **\*HB 1679, CH 300 (2023)**
- Students not meeting academic standards, supplemental student supports and family stipends to aid: HB 1328
- Students, isolation or mechanical or chemical restraint of, prohibiting: HB 1479
- Students, providing academic credit for approved paid work experience: HB 1658
- Students, redacting personal information for public inspection: **\*SSB 5127, CH 182 (2023)**
- Students, restraint and isolation of, including students with IEP or section 504 plan, requirements: HB 1479
- Students, statement of student rights for public school students, statement of student rights act: EHB 1478
- Supplies, increasing classroom supplies allocation per FTE student: HB 1741
- Tahoma High School, We the People program students as "Warriors of the Constitution", honoring: **\*HR 4636 (2023)**
- Teacher exchange program, possible establishment of, report on and recommendations for: HB 1565
- Teacher residency program/grants/advisory council/conditional scholarship, establishing: HB 1565
- Teachers, beginning educator support team program, revising goals, requirements, and definitions: HB 1565
- Teachers, certificate renewal, aligning continuing education on equity-based practices and cultural competency standards: HB 1376
- Teachers, certificate renewal, continuing education on equity-based practices, etc., to be approved by PESB: HB 1377
- Teachers, educator preparation program improvement report, preparation of: HB 1565
- Teachers, educator workforce programs quality and effectiveness, data collection and determinations about: HB 1565
- Teachers, expanding eligibility for high poverty school bonus: HB 1238
- Teachers, increasing salary allocations for professional development purposes: HB 1741
- Teachers, interstate teacher mobility compact, adopting: SB 5180
- Teachers, setting inflation salary adjustment: **\*ESB 5650, CH 50 (2023)**
- Teachers, substitute, basing allocation on 12 days per classroom teacher and specifying daily rate: HB 1741
- Transgender students, school district policies and procedures related to, primary district contact for: HB 1207
- Transportation safety net awards, requiring provision for districts with additional needs for special passengers: E2SSB 5174
- Transportation, district costs, annual and one-time allocations, and allowable expenditures for special passengers: HB 1248
- Transportation, individual arrangements for certain students, costs/allocations and certain reports: HB 1248
- Transportation, private entity contractors providing, entity to provide health benefits for its employees: HB 1248
- Transportation, special passengers, costs/allocations and certain reports: E2SSB 5174
- Transportation, zero emission school buses, purchase and use requirement and grant program: HB 1368
- Vaccination or postinfection recovery documentation, requiring for attendance etc., prohibition and certain exception: HB 1827
- Volunteers, schools and school districts, criminal records checks: HB 1354
- Websites, requiring health department information on substance use, drug use, firearm storage, et al: **\*HB 1230, CH 173 (2023)**
- Wenatchee High School football team, 4A WIAA academic champions, honoring: **\*HR 4614 (2023)**

**SECRETARY OF STATE (See also ELECTIONS; RECORDS)**

- Candidate statements, committee to adjudicate claims of false or misleading statements about military service in, secretary role: HB 1671
- Chief of staff, adding signing authority for: **\*HB 1259, CH 142 (2023) PV**

**SECURITIES**

Law violations, information leading to enforcement, whistleblower award and protection act: **\*HB 1370, CH 149 (2023)**

**SENATE RESOLUTIONS**

Donate life month, national, and organ donors and recipients: **\*HR 4637 (2023)**

Organ donors and recipients: **\*HR 4637 (2023)**

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Aged, blind, or disabled assistance program, concurrent receipt of supplemental security income not a debt: HB 1260

Aged, blind, or disabled, assistance program, modifying eligibility provisions: HB 1260

Housing gap voucher program, implementing by public housing authorities: HB 1817

Low-income home rehabilitation grant program, creating with senior citizens as a priority: HB 1250

Medicare, savings programs, offering certain programs to medicaid clients entitled to medicare part A, when: HB 1313

Property tax exemption for service-connected disabled veterans and senior citizens process and improvement work group, convening: HB 1560

Property tax exemption program, maintaining eligibility despite COLA to social security benefits, SSI, or pension benefits: HB 1482

Property tax exemption program, updating and adjusting combined disposable income thresholds for: HB 1355, HB 1560

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Assault, 3rd degree, assaulting an amateur sports official, class C felony: HB 1096

Assault, 3rd degree, implanting own gametes or reproductive material into patient without consent as, class C felony: HB 1300

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Cannabis, knowing possession of, misdemeanor, encouragement for diversion for: **\*2E2SSB 5536, CH 1 (2023)**

Capital punishment, repealing and amending language: HB 1090, **\*SSB 5087, CH 102 (2023)**

Catalytic converters, scrap metal business purchase offenses, certain involving certain numbers or marks on, class C felony, when: HB 1840

Catalytic converters, scrap metal business purchase offenses, knowing property is stolen, gross misdemeanor: HB 1840

Catalytic converters, theft in 2nd degree of private metal property, special allegation and verdict and additional sentence, when: HB 1840

Controlled substances, increasing penalties: HB 1162

Controlled substances, knowingly possessing or knowingly using in public place, as gross misdemeanor with encouragement for diversion: **\*2E2SSB 5536, CH 1 (2023)**

Controlled substances, knowingly possessing, as gross misdemeanor: HB 1613

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Controlled substances, prohibiting tableting and encapsulating machines as class C felony: **\*EHB 1209, CH 66 (2023)**

Controlled substances, providing suspended sentence for knowingly possessing when agreeing to substance use disorder treatment: HB 1613

Counterfeit substances, knowingly possessing or knowingly using in public place, as gross misdemeanor with encouragement for diversion: **\*2E2SSB 5536, CH 1 (2023)**

Counterfeit substances, knowingly possessing, as gross misdemeanor: HB 1613

Counterfeit substances, providing suspended sentence for knowingly possessing when agreeing to substance use disorder treatment: HB 1613

Distribution to a minor, mandating minimum sentence: HB 1162

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Drug offenses, encouraging diversion to assessment and treatment services: **\*2E2SSB 5536, CH 1 (2023)**

Drug offenses, knowingly possessing or knowingly using in public place, indigent adults facing charges, public defense services for: **\*2E2SSB 5536, CH 1 (2023)**

Drug offenses, knowingly possessing, reintroducing E2SSB 5536 for consideration during 2023 first special session:  
**\*SCR 8409 (2023)**

Drug offenses, State v. Blake, comprehensive statutory changes in response to: **\*2E2SSB 5536, CH 1 (2023)**

Drugs, knowingly possessing, vacating convictions after substance use disorder treatment completion: HB 1613

Drugs, qualifying controlled substance/legend drug/counterfeit substance convictions, vacation of/resentencing for, when: HB 1492

Drugs, qualifying convictions or nonconvictions affected by State v. Blake, vacation/legal financial obligations refund: HB 1492

Drugs, qualifying drug paraphernalia possession convictions, vacation of, when: HB 1492

Drugs, special drug offender sentencing alternative for felony driving under the influence, creating: SB 5032

Early release, eligibility prohibited for violent crimes with firearm enhancements: HB 1161

Enhancements, deadly weapon, serving consecutively, when: HB 1268

Enhancements, earned release time accrual by any offender confined in a facility, with certain exceptions: HB 1798

Enhancements, firearm, serving consecutively, when: HB 1268

Enhancements, for alcohol/drug violations when 3 or more prior offenses, serving in total confinement: HB 1268

Exceptional sentences, to avoid persistent offender sentence when robbery in second degree, resentencing hearing: HB 1108

Failure to register as a sex offender, as gross misdemeanor: HB 1394

Female genital mutilation, as gross misdemeanor: **\*SSB 5453, CH 122 (2023)**

Firearm and deadly weapon enhancements, various, provisions: HB 1268

Firearms, restricting assault weapon manufacture, import, distribution, sale, or offer, violation to be gross misdemeanor: HB 1240

Fur farms, prohibition, misdemeanor: HB 1034

Gangs, criminal street gang tagging and graffiti, community or clean-up restitution for: HB 1800

Hazing, postsecondary educational institutions, gross misdemeanor or class C felony, when: **\*HB 1002, CH 196 (2023)**

Legend drugs, knowingly possessing or knowingly using in public place, misdemeanor, encouragement for diversion for: **\*2E2SSB 5536, CH 1 (2023)**

Legend drugs, knowingly possessing, misdemeanor: HB 1613

Legend drugs, providing suspended sentence for knowingly possessing when agreeing to substance use disorder treatment: HB 1613

Life without possibility of parole, for offense committed when 16 to 24 years of age, resentencing and release: HB 1325

Long sentences, for offenses committed before age of 25, release from confinement, when: HB 1325

Malicious mischief, 3rd degree, community or clean-up restitution for: HB 1800

Metal property, scrap metal business purchase offenses, certain involving certain numbers or marks on, class C felony, when: HB 1840

Metal property, scrap metal business purchase offenses, knowing property is stolen, gross misdemeanor: HB 1840

Metal property, theft in 2nd degree of private metal property, special allegation and verdict and additional sentence, when: HB 1840

Military service, falsely claiming or misrepresenting, by state elected official or candidate for state elected office, misdemeanor: HB 1671

Negligent driving with a vulnerable user victim, 1st degree offense as gross misdemeanor: **\*HB 1112, CH 471 (2023)**

Offender scores, increase due to certain juvenile adjudications/convictions, prohibition: **\*EHB 1324, CH 415 (2023)**

Pardons, clemency, and commutations, governor's power/authority to grant, removing certain limits to: HB 1640

Physical control of vehicle under the influence, provisions: HB 1104, HB 1385, HB 1493, HB 1562, SB 5032

Police vehicle, attempting to elude, special allegation of endangerment by eluding, when: HB 1691

Police vehicle, attempting to elude, when driver may be committing vehicle theft, class C felony at seriousness level III: HB 1691

Robbery, second degree, when committed with threat of immediate force, violence, or bodily injury, as most serious offense: HB 1805

Robbery, second degree, when exceptional sentence to avoid persistent offender sentence, resentencing hearing: HB 1108

Sentencing guidelines commission, expanding membership: **\*HB 1114, CH 241 (2023)**

Sentencing guidelines commission, requiring report on plea negotiations, transparency, and victim participation: HB 1196

Theft, in 2nd degree, stealing of private metal property, special allegation and verdict and additional sentence, when: HB 1840

Vehicle homicide, victim with minor child or children, offender to pay child maintenance as restitution: HB 1668

### SEWAGE AND SEWERS

Municipal wastewater sewerage systems, discharges of untreated sewage into state waters by, operators to report: HB 1365

Wastewater, municipal facilities generating waste heat, defining thermal renewable energy credit with respect to: HB 1836

Water-sewer districts, public works, craft or trade involvement/prudent utility management/lowest responsible bidder provisions: HB 1621

### SEX OFFENSES AND OFFENDERS (See also PROTECTION ORDERS)

Abuse, childhood sexual abuse, removing time limit for commencing an action based on: HB 1618

Assault, sexual, and gender-based violence, training for peace officers, investigators, and prosecutors on: HB 1028

Assault, sexual, examination of state resident victim by out-of-state facility, WA state reimbursement of costs: HB 1028

Assault, sexual, forensic examination, authorization for information disclosure to law enforcement by provider, period for validity of: HB 1028

Assault, sexual, over-the-counter sexual assault kits, defining and prohibiting sale or providing of: **\*HB 1564, CH 296 (2023)**

Assault, sexual, precluding establishment of parentage when parent alleges pregnancy caused by, proceedings for: HB 1808

Assault, sexual, regional multidisciplinary community response teams, grant program to support, establishing: HB 1028

Assault, sexual, requiring biological samples (DNA) from confined persons prior to their release: ESSB 5576

Assault, sexual, sexual assault forensic examination best practices advisory group, establishing: HB 1028

Assault, sexual, sexual assault kit tracking, testing, and investigations, various provisions: HB 1028

Assault, sexual, statewide resource prosecutor grant program for sexual assault cases, establishing: HB 1028

Assault, sexual, survivors of, state or local agency employees who are, records disclosure exemption for: HB 1533

Biological samples, from confined persons for DNA analysis, requiring prior to release, when: ESSB 5576

Certified sex offender treatment providers and affiliate providers, expanding definitions to include certain mental health associates: HB 1394

Commercial sexual abuse of a minor, including promoting of, officer interception/recording/disclosure of oral communication concerning: HB 1602

Commercial sexual exploitation of children, receiving center programs for and transportation of victims, modifying: HB 1028

Gender, prohibiting housing of inmates with those of different biological sex in cases of certain sex offenders: HB 1233

Human trafficking, including sexual, law enforcement officer interception/recording/disclosure of oral communications concerning: HB 1602

Juvenile offenders, evaluation and treatment programs funding for defense attorneys/counties, developing grant program for: HB 1394

Juvenile offenders, failure to register as sex offender, as gross misdemeanor: HB 1394

Juvenile offenders, required registration in sex offender registry, limiting, and reducing period of registration: HB 1394

Less restrictive alternative placement, requiring public notice and comment when expanding housing options: HB 1734

Minors, sexually explicit conduct, selling depictions of self engaged in, when no other minor in depictions: HB 1059

Misconduct, custodial sexual misconduct in 1st degree, as class B felony: **\*SSB 5033, CH 7 (2023)**

Misconduct, custodial sexual misconduct in 2nd degree, as class C felony: **\*SSB 5033, CH 7 (2023)**

Offenses, seizure and forfeiture of property: HB 1385

Postsecondary educational institutions, employment applicants, sexual misconduct-related situations at association events: HB 1522

Sex offenses, evidence of victim credibility or consent, social media account inadmissibility exception: ESSB 5576

Sex trafficking victims, provision of healing, support, and transition services for: HB 1089, **\*SSB 5114, CH 268 (2023)**

Sex trafficking, criminalizing branding as part of trafficking as class B felony: HB 1150

Sex trafficking, law enforcement officer interception/recording/disclosure of oral communications concerning: HB 1602

Sex trafficking, mandating school instruction in prevention and identification before grade 12: **\*ESB 5355, CH 328 (2023)**

Sex trafficking, statewide coordinating committee on, decodifying section due to expiration: **\*HB 1066, CH 470 (2023)**

**PV**

Sexual exploitation of a minor, when minor is unconscious or unaware of being depicted: HB 1059

Sexually violent predators, conditional release to a less restrictive alternative, moratorium with certain exceptions: HB 1813

Sexually violent predators, conditional release to secure community transition facilities, temporarily limiting: HB 1813

Sexually violent predators, siting of secure community transition facilities, legislative work group on, establishing: HB 1813

Sexually violent predators, siting of secure community transition facilities, temporarily prohibiting: HB 1813

Sexually violent predators, siting of secure community transition facility, superior court role: HB 1751

Statute of limitations, for commencing sexual offense prosecution, extending limitation period: HB 1028

**SEXUAL ORIENTATION**

Moeller, Jim, former state representative, honoring: **\*HR 4633 (2023)**

**SHELLFISH (See also FISHING; FOOD AND FOOD PRODUCTS)**

Crab, commercially harvested, biotoxin contamination regulation of: HB 1010

Geoducks, geoduck comanagement task force, convening: HB 1297

**SHERIFFS AND POLICE CHIEFS, WASHINGTON ASSOCIATION OF (WASPC)**

Fund the police act of 2022, recruitment/retention/support of law enforcement officers, WASPC role: HB 1380

Law enforcement agencies, local in WA, funding and staffing levels of, studying, WASPC role: HB 1380

Law enforcement agencies, one-time body camera programs funding awards, WASPC role: HB 1380

Law enforcement recruitment efforts and related programs, WASPC role: HB 1380

Metal theft, comprehensive state law enforcement strategy targeting, WASPC to report funds received for: HB 1840

Scrap metal businesses, ongoing electronic statewide no-buy list database program, WASPC to report funds received for: HB 1840

**SHORELINES AND SHORELINE MANAGEMENT (See also MARINE WATERS, STATE; RIVERS AND STREAMS)**

Fish hatcheries, DFW- or tribe-operated, exempting maintenance activities from certain permit/other requirements under SMA: HB 1758

Master programs, county and city review and revision schedules, extending periodic deadlines: **\*HB 1544, CH 80 (2023)**

Master programs, department of ecology guidelines for, updating to address climate change impact: HB 1181

Puget Sound shoreline, baseline survey with georeferenced oblique aerial and 360 degree on-the-water imagery, conducting: **\*SB 5104, CH 465 (2023)**

Riparian grant program, establishing to aid salmon recovery: HB 1215, HB 1720

**SOCIAL AND HEALTH SERVICES, DEPARTMENT (See also LONG-TERM CARE; PUBLIC ASSISTANCE)**

Adult protective services, expanding mandated reporter status and updating information sharing restrictions: HB 1528, **\*SB 5370, CH 44 (2023)**

Clinical intervention specialists, role: **\*E2SSB 5440, CH 453 (2023)**

Complex medical needs, parents of children under 18 with, paying parents to provide care, DSHS to study feasibility of: HB 1694

Complex medical needs, person with, spouse providing home care services for, pilot project, DSHS role: HB 1694

Developmental disabilities, barring redetermination of eligibility for services based solely on age if under 18: **\*HB 1407, CH 207 (2023)**

Domestic violence services program, convening work group to review funding: **\*SSB 5398, CH 401 (2023)**

Evergreen basic income pilot program, and board of directors, DSHS to establish: HB 1045

Indigent persons acquitted by reason of insanity and committed, transferring public defense responsibility: **\*SSB 5415, CH 120 (2023)**

Lands managed by DSHS, leases up to 99 years when for certain purposes, requirements: HB 1506

Language access providers, developing and administering oral and written tests for fluency: **\*SSB 5304, CH 94 (2023)**

Language access work group, convening: **\*SSB 5304, CH 94 (2023)**

Less restrictive alternative placement, requiring public notice and comment when expanding housing options: HB 1734

Long-term care workers, workforce data collection and public reporting monitoring system, DSHS to establish: HB 1694



Medical assistance, barring estate recovery liens: SSB 5318  
 Nursing facilities, convening stakeholder work group to study impacts of low-wage funding: HB 1571  
 Policy review, requiring to eliminate policies that undermine family integrity or discourage family involvement: 2SSB 5438  
 Residential habilitation centers, Fircrest School, leasing property for up to 99 years when for certain purposes: HB 1506  
 Senior nutrition services programs, appropriation to support, DSHS role: HB 1784  
 Sexually violent predators, secure community transition facilities, moratorium on siting and using, DSHS role: HB 1813  
 Substance use disorder, statewide behavioral health treatment/recovery support services mapping tool/database/referral system, DSHS role: **\*2E2SSB 5536, CH 1 (2023)**  
 Vulnerable adult abuse registry, creating: HB 1127  
 Wraparound services and housing supports program, requiring development for certain individuals: **\*E2SSB 5440, CH 453 (2023)**

**SOLID WASTE (See also ENVIRONMENTAL HEALTH AND SAFETY; HAZARDOUS WASTE)**

Anaerobic digesters, including in funding requirements for sustainable farms and fields program: HB 1574  
 Batteries, various, battery stewardship programs, requirements for: HB 1553, **\*E2SSB 5144, CH 434 (2023)**  
 Beverage container redemption programs, as deposit return systems via distributor responsibility organizations: HB 1131  
 Collection rates, for city/town/county services, detailing whether fees/rates are proportionate to costs: HB 1264  
 Composting, compostable product management standards, stakeholder advisory committee, convening: HB 1033  
 Covered appliances, public requirement to use approved collection methods: HB 1164  
 Litter, large debris along highways, litter cleanup restitution payments for removal and cleanup: SSB 5178  
 Packaging and paper products, producer responsibility programs, organizations, and plans: HB 1131  
 Packing materials, renting or leasing through sharing and reuse program, sales and use tax exemption: HB 1422  
 Recycling, postconsumer recycled content and producer responsibility organizations, requirements: HB 1131  
 Solid waste management outcomes, improving via producer and distributor responsibility organizations: HB 1131

**SPECIAL AND SPECIAL PURPOSE DISTRICTS (See also FIRE PROTECTION; HOUSING AND HOMES; PORT DISTRICTS; PUBLIC FACILITIES DISTRICTS; SEWAGE AND SEWERS; UTILITIES; WATER)**

Governing bodies, altering board vacancy appointment rules to include public nominations: **\*SSB 5437, CH 369 (2023)**  
 Governing body members, official misconduct, county prosecutor and county legislative authority prosecution of: HB 1538  
 Procurement, craft or trade involvement, prudent utility management, and lowest responsible bidder, for certain districts: HB 1621

**SPORTS AND RECREATION (See also STADIUMS AND OTHER VENUES)**

Amateur sports officials, assault in 3rd degree to include assault of: HB 1096  
 Athletes and personnel, barring from ownership of, control of, or employment by sports wagering licensee: HB 1630  
 Basketball, Bill Russell, former NBA player and coach, honoring life and accomplishments of: **\*HR 4621 (2023)**  
 Basketball, Curtis Senior High School boys varsity team, commending: **\*HR 4634 (2023)**  
 Basketball, Lynden Christian High School boys varsity team, recognizing, commending, and congratulating: **\*HR 4648 (2023)**  
 Basketball, Lynden High School boys varsity team, recognizing, commending, and congratulating: **\*HR 4649 (2023)**  
 Basketball, Nooksack Valley High School girls varsity basketball team, commending: **\*HR 4641 (2023)**  
 Bowling, Curtis Senior High School girls team, commending: **\*HR 4635 (2023)**  
 Facilities for aquatics and sports, additional public facilities district role, when: **\*E2SSB 5001, CH 218 (2023)**  
 Football, Wenatchee High School football team, 4A WIAA academic champions, honoring: **\*HR 4614 (2023)**  
 Recreation, leasing lands managed by DSHS for up to 99 years for, requirements: HB 1506  
 Shooting sports and activities sweepstakes permitting wagers, charitable or nonprofit organization conduct of, authorizing: HB 1438, HB 1824  
 Special Olympics spring games, Hezekiah Hewes, gold and bronze medalist, congratulating: **\*HR 4631 (2023)**  
 Swimming and diving, Bellingham high school boys varsity team, recognizing, commending, and congratulating: **\*HR 4645 (2023)**  
 Swimming, Hezekiah Hewes, gold and bronze medalist at Special Olympics spring games, congratulating: **\*HR 4631 (2023)**  
 Tournaments and events, extracurricular, stay-to-play specific-lodging requirement for nonlocal teams and individuals, prohibiting: HB 1860

Trainers, athletic, modifying definitions, relation to licensed health care provider, and provision of medications: HB 1275  
 Volleyball, Chelan High School volleyball team, honoring: \***HR 4613 (2023)**  
 Wrestling, Prairie High School boys and girls wrestling team, honoring: \***HR 4623 (2023)**  
 Wrestling, Squalicum high school girls varsity team, recognizing, commending, and congratulating: \***HR 4647 (2023)**

#### **STADIUMS AND OTHER VENUES**

Arenas, certain exemptions from leasehold excise tax: HB 1163  
 Qualified facilities, impact fee assessment on price of admission, community preservation and development authority use: HB 1510  
 Qualified facilities, local sales/use tax at taxable events inside, community preservation and development authority imposition of: HB 1847  
 Ticket sales, requirements for pricing, technologies, purchases, tickets, out-of-state businesses, and ticket sellers and resellers: HB 1648

#### **STALKING (See also PROTECTION ORDERS)**

Cyberstalking, repealing crime of, and transferring certain electronic device provisions to crime of stalking: \***HB 1696, CH 461 (2023)**  
 Electronic tracking devices, role in the crime of stalking, adding, and providing exclusions: \***HB 1696, CH 461 (2023)**  
 Survivors, state or local agency employees who are, records disclosure exemption for: HB 1533

#### **STATE AGENCIES AND DEPARTMENTS (See also ADMINISTRATIVE PROCEDURE; BUDGETS; BUILDINGS, STATE; COURTS; ECONOMIC AND REVENUE FORECAST COUNCIL; ENTERPRISE SERVICES, DEPARTMENT; ETHICS IN GOVERNMENT; FINANCIAL MANAGEMENT, OFFICE; FORESTLANDS; GOVERNOR; JUDGMENTS; LEGISLATURE; OPEN PUBLIC MEETINGS; PRODUCTIVITY BOARD; PUBLIC EMPLOYMENT AND EMPLOYEES; RECORDS; RETIREMENT AND PENSIONS; STATE GOVERNMENT; TAXES - PROPERTY; WAGES AND SALARIES)**

Agencies/political subdivisions, employees separated due to COVID vaccination mandate, hiring preference/retirement service credit: HB 1814  
 Boards, convening aviation assurance fund board for aviation assurance funding program and fund office: HB 1498  
 Boards, pesticide advisory board, establishing: HB 1019  
 Boards, productivity board, reestablishing, and revising provisions: \***ESB 5015, CH 106 (2023)**  
 Boards/commissions/councils/advisory committees et al., representation of underrepresented populations on: HB 1541  
 Clinical drug and medical device trials, increasing diversity in, requirements for agencies receiving NIH funding for: HB 1745  
 Clinical drug/medical device trials, diversity in clinical trials program requirements for agencies receiving NIH funding for: SSB 5388  
 Commission on pesticide registration, renaming to commission on integrated pest management: \***ESSB 5143, CH 37 (2023)**  
 Commissions, audiology and speech-language pathology compact commission, establishing: \***HB 1001, CH 53 (2023)**  
 Commissions, creating counseling compact commission as joint public agency: HB 1069  
 Commissions, domestic violence extremism commission, establishing: HB 1333  
 Commissions, establishing joint commission as part of dental and dental hygienist compact: HB 1576  
 Commissions, interstate commission of nurse licensure compact administrators, creating and establishing: HB 1417  
 Commissions, interstate massage compact commission, creating and establishing: HB 1437  
 Commissions, long-term services and supports trust commission, repealing trust program and: HB 1011  
 Commissions, Washington employee ownership commission, creating: HB 1743  
 Commissions, Washington employee ownership commission, establishing: \***SSB 5096, CH 392 (2023)**  
 Commissions, Washington state cannabis commission, establishing: HB 1581  
 Commissions, Washington state cannabis commission, establishing by referendum of producers: ESSB 5546  
 Commissions, Washington state commission on boys and men, establishing: HB 1270  
 Communications, constituting trade and commerce for purposes of consumer protection: HB 1610  
 Data, state agency protection of constituent and state operational data, ransomware protection act: HB 1464  
 Debt collection, retaining collection agency for, governmental entity fee in addition to agency's fee, specifying amount: HB 1666  
 Enterprise technology standards, for malware and ransomware protection, and prevention education: HB 1464  
 Executive branch agencies, employees not vaccinated for COVID then dismissed, reemployment of: HB 1029

Executive branch agencies, new or prospective employees, prohibiting COVID vaccination requirement for: HB 1801  
 Freight mobility strategic investment board, developing 6-year program for highest priority investments: HB 1084  
 Freight mobility strategic investment board, expanded size: HB 1084  
 Housing benefit district advisory board, establishing: HB 1111  
 Housing finance commission, administering housing benefit grant program: HB 1111  
 Interstate commission of nurse licensure compact administrators, creating joint public entity: **\*SSB 5499, CH 123 (2023)**  
 Procurement, energy equipment and services, state agency performance-based contracting for, adding options: **\*HB 1777, CH 309 (2023)**  
 Procurement/contracting, building material environmental product declarations and high labor standards for: HB 1282  
 Procurement/contracting, modifying sole source, convenience, and emergency contracts and repealing sections: HB 1471  
 Property, seizure by agencies and forfeiture: HB 1385  
 Property, surplus public, political subdivision/municipality disposal for affordable housing, requirements for: **\*HB 1695, CH 301 (2023)**  
 Property/lands of state agencies, lands managed by DSHS, leasing for up to 99 years for certain purposes: HB 1506  
 Reporting by agencies, eliminating, revising, or replacing various requirements for: HB 1362  
 State emission limits, denying any additional agency authority and barring certain use in decision making: HB 1223  
 Statutory entities, including task forces/boards/commissions/councils et al., persons with direct lived experience on: HB 1541  
 Vaccination or postinfection recovery documentation, prohibiting governmental entity from requiring for services etc.: HB 1827

#### STATE DESIGNATIONS, OFFICIAL

Dinosaur, official state, Sucasaurus rex as: **\*HB 1020, CH 330 (2023)**  
 Evergreen state, designating Washington as: SB 5595

#### STATE GOVERNMENT (See also BUDGETS; ECONOMIC AND REVENUE FORECAST COUNCIL; STATE AGENCIES AND DEPARTMENTS; STATE DESIGNATIONS, OFFICIAL)

State of the state address, joint legislative session for: **\*HCR 4400 (2023)**  
 Taiwan, shared friendship, history, and successes shared between people of Washington and, recognizing: **\*HR 4643 (2023)**  
 Vaccination or postinfection recovery documentation, prohibiting governmental entity from requiring for services etc.: HB 1827

#### STUDENT ACHIEVEMENT COUNCIL (SAC) (See also COLLEGES AND UNIVERSITIES)

Benefits navigator grant program, requiring creation: HB 1559  
 College bound scholarship program, enhancing and adding reporting requirements: **\*HB 1232, CH 174 (2023)**  
 Dual credit or concurrent enrollment programs and courses, SAC role: HB 1316  
 Dual credit programs, SAC role: HB 1003  
 Family empowerment scholarship program, establishing: HB 1093  
 Meal plans or food vouchers, free or low-cost for low-income students, creating pilot program: HB 1559  
 Office of career connect Washington, creating: HB 1374  
 Postsecondary basic needs work group, convening: HB 1559  
 Postsecondary wrestling grant program, creating to establish or maintain intercollegiate wrestling programs: **\*SSB 5687, CH 190 (2023)**  
 Students experiencing homelessness and foster youth program, making permanent and adding tribal college: HB 1693, **\*ESSB 5702, CH 339 (2023)**  
 Students first education savings account program, establishing for home-based instruction or private schooling, SAC role: HB 1615  
 Teacher residency conditional scholarship program, administering: HB 1565  
 Transfer associate degrees, development of, eliminating progress reports requirement: HB 1362  
 Washington college grant program, extending eligibility: HB 1156, SB 5711  
 Washington student loan program, provisions, SAC role: **\*EHB 1823, CH 389 (2023)**  
 Workforce education investment and accountability oversight board, provision of staff support by SAC: **\*ESB 5534, CH 282 (2023)**

#### STUDENT FINANCIAL ASSISTANCE, OFFICE OF

Dual credit program incentive rebate, office role in creating: HB 1003

Forensic pathology loan repayment program, establishing: **\*SSB 5523, CH 442 (2023)**  
 Hospital-based nurse student loan repayment assistance program, requiring to establish award amount: HB 1643  
 Native American scholarship program, establishing and administration by office: HB 1399  
 Washington health corps, conditional scholarships, including penalty interest rate, supports, and service member exception, office role: **\*HB 1763, CH 159 (2023)**  
 Washington student loan program, provisions, office role: **\*EHB 1823, CH 389 (2023)**

## STUDIES

Complex medical needs, parents of children under 18 with, paying parents to provide care: HB 1694  
 Conservation programs for fish passage barrier removal, salmon recovery, stormwater, and model toxics control grants: HB 1735  
 Covenant homeownership program, initial study: HB 1474  
 Electric utilities, retail rate net metering by, ratepayer cost shifts due to: HB 1427  
 Family and medical leave, paid, impact of job protection standards on equitable utilization of benefits: HB 1502  
 Health care entity material change transactions in Washington state, impact of: HB 1263  
 Health care mergers/acquisitions between health carriers and hospitals/systems/provider organizations, impact of: HB 1263  
 Journey level electrical apprenticeship programs, availability and accessibility of: HB 1393  
 Law enforcement agencies, local in WA, funding and staffing levels of: HB 1380  
 Non-profit health care providers and payers, tax preferences et al. for, impact on calculation of total health care expenditures: HB 1508  
 Personal information, captured, processing by business entities, individual's opt-in consent for, obtaining: HB 1616  
 Retirement preparedness of residents and feasibility of establishing state-sponsored private retirement savings program: HB 1632  
 Solid waste management outcomes, improving of, certain studies part of: HB 1131  
 Substance use disorder recovery navigator programs, effectiveness of: **\*2E2SSB 5536, CH 1 (2023)**  
 Substance use disorder, recovery navigator programs etc., assessing current status and fidelity to core principles: **\*2E2SSB 5536, CH 1 (2023)**  
 TRS and PERS, plan 1, ongoing cost-of-living adjustment: HB 1057, **\*SB 5350, CH 397 (2023)**  
 Urban agricultural opportunities and barriers: **\*HB 1552, CH 178 (2023)**  
 Washington office of transparency ombuds, establishing as nonpartisan and independent agency, efficacy of: HB 1856  
 Wild horse training, holding, and farrier program at Coyote Ridge corrections center, feasibility of: HB 1543

## SUBDIVISIONS

Unit lot subdivisions, plat regulations to allow parent lot division into separately owned unit lots: HB 1298, **\*E2SSB 5258, CH 337 (2023)**

## SUBSTANCE USE DISORDER

988 behavioral health crisis response and suicide prevention system, ongoing implementation of: HB 1134  
 988 crisis hotline, requiring information display by behavioral health agencies: HB 1134  
 Assisted outpatient treatment, conditions for less restrictive alternative treatment for juveniles: ESB 5130  
 Behavioral health administrative service organizations, recovery navigator programs role of: **\*2E2SSB 5536, CH 1 (2023)**  
 Behavioral health court proceedings records, use by state patrol firearms background division for background checks: **\*HB 1599, CH 298 (2023)**  
 Behavioral health disorders, persons with, evergreen basic income pilot program, establishing: HB 1045  
 Behavioral health facilities, child abuse or neglect at, referrals of alleged incidents of, investigation of: **\*ESSB 5515, CH 441 (2023)**  
 Behavioral health support specialists, certification and duties of: HB 1348, **\*SSB 5189, CH 270 (2023)**  
 Behavioral health workforce, various strategies for increasing: HB 1724  
 Community behavioral health system, requiring oversight to be aware of, nurture, and protect relationships: 2SSB 5438  
 Competency, providing procedure for doubts of, including evaluation and restoration: **\*E2SSB 5440, CH 453 (2023)**  
 Criminal offenders, knowingly possessing, reintroducing E2SSB 5536 for consideration during 2023 first special session: **\*SCR 8409 (2023)**  
 Criminal offenders, requiring vacation of certain convictions upon completing treatment: **\*2E2SSB 5536, CH 1 (2023)**  
 Crisis response, 23-hour crisis relief centers, establishing: **\*2SSB 5120, CH 433 (2023)**

- Crisis response, triage facilities, repealing of, and licensing or certifying as crisis stabilization units: **\*2SSB 5120, CH 433 (2023)**
- Crisis situations, mental illness/homelessness/addiction, emergency crisis assistance team pilot project, establishing: HB 1661
- Crisis training and secondary trauma program to support training for crisis responders, UW to establish: HB 1134
- Deferred prosecution, due to SUD/mental health disorder, for DUI/physical control of vehicle under influence: HB 1104, HB 1493
- Drug offenses, knowingly possessing or knowingly using in public place, indigent adults facing charges, public defense services for: **\*2E2SSB 5536, CH 1 (2023)**
- Drug offenses, knowingly possessing, reintroducing E2SSB 5536 for consideration during 2023 first special session: **\*SCR 8409 (2023)**
- Drug offenses, State v. Blake, comprehensive statutory changes in response to: **\*2E2SSB 5536, CH 1 (2023)**
- Education and employment pathways for persons recovering from SUD, establishing grant program for: **\*2E2SSB 5536, CH 1 (2023)**
- Facilities, allowing county use of local sales and use taxes to modify: **\*SSB 5604, CH 101 (2023)**
- Facilities, substance use disorder treatment facilities, alleged incidents of child abuse or neglect at, investigation of referrals of: **\*ESSB 5515, CH 441 (2023)**
- Firearm rights, voluntary waiver of, role of substance use disorder professionals: **\*SSB 5006, CH 262 (2023)**
- Funding, various appropriations to provide SUD treatment and supports: **\*2E2SSB 5536, CH 1 (2023)**
- Health engagement hubs, pilot program for testing and recommendations concerning: **\*2E2SSB 5536, CH 1 (2023)**
- Health engagement hubs, requiring development of payment structures for: **\*2E2SSB 5536, CH 1 (2023)**
- Health engagement hubs, role and duties of: **\*2E2SSB 5536, CH 1 (2023)**
- Incarcerated persons, requiring assessment before transferring to graduated reentry program: **\*2SSB 5502, CH 405 (2023)**
- Intakes/assessments, for substance use disorder, streamlining to broaden workforce for, convening work group for: **\*2E2SSB 5536, CH 1 (2023)**
- Medicaid, behavioral health services contracting and procurement of, treatment needs/managed care/payment/provider networks: HB 1515
- Nurses, substance use disorder monitoring and treatment programs, participation by RNs, LPNs, and ARNPs: HB 1255
- Occupational therapy services for persons with behavioral health disorders, medicaid coverage for: **\*SB 5228, CH 113 (2023)**
- Overdose reversal, opioid overdose reversal medication and training for DCYF caseworkers and employees/staff: **\*2E2SSB 5536, CH 1 (2023)**
- Parent, requiring demonstration of sobriety for return of children: HB 1397
- Parents of adolescents/transition-age youth with SUD, training for: **\*2E2SSB 5536, CH 1 (2023)**
- Peer support services, establishing with new chapter: **\*2SSB 5555, CH 469 (2023) PV**
- Postdelivery and transitional care program, creating for people with a substance use disorder: E2SSB 5580
- Recovery navigator programs et al., developing data integration platform to support: **\*2E2SSB 5536, CH 1 (2023)**
- Recovery navigator programs, studying effectiveness of: **\*2E2SSB 5536, CH 1 (2023)**
- Recovery residences, funds to establish/operator voucher program/rural and underserved areas outreach/provider training: **\*2E2SSB 5536, CH 1 (2023)**
- Recovery residences, property tax exemption for nonprofits: **\*2E2SSB 5536, CH 1 (2023)**
- Recovery, statewide behavioral health treatment/recovery support services mapping tool/database/referral system: **\*2E2SSB 5536, CH 1 (2023)**
- Substance use disorder professionals, probationary license, removing practice restriction for licensees: HB 1724
- Substance use disorder professionals, removing barriers to entering and remaining in behavioral health workforce: HB 1724
- Substance use disorders, SUD prevalence and interactions of persons with SUDs with providers and agencies, assessing: **\*2E2SSB 5536, CH 1 (2023)**
- Treatment, evaluation and treatment facilities, provisions: HB 1788
- Treatment, inpatient, voluntary admission to, raising age for consent of minor to 17 years of age for: HB 1788
- Treatment, opioid treatment programs, establishment of off-site mobile and fixed-site medication units by: **\*2E2SSB 5536, CH 1 (2023)**
- Treatment, opioid treatment programs, licensing/certification/siting of: **\*2E2SSB 5536, CH 1 (2023)**

Treatment, opioid/substance use disorder treatment programs, as public facilities under GMA, licensing/certification/siting: **\*2E2SSB 5536, CH 1 (2023)**

Treatment, opioid/substance use disorder treatment rural access and expansion: **\*2E2SSB 5536, CH 1 (2023)**

Treatment, outpatient, raising age for minor to request/receive to 17 years of age: HB 1788

Treatment, pretrial diversion programs, developing data integration platform to support: **\*2E2SSB 5536, CH 1 (2023)**

Treatment, pretrial diversion to recovery navigator, arrest and jail alternative, or law enforcement assisted diversion programs: **\*2E2SSB 5536, CH 1 (2023)**

Treatment, statewide behavioral health treatment/recovery support services mapping tool/database/referral system: **\*2E2SSB 5536, CH 1 (2023)**

Treatment, substance use disorder treatment programs, in underserved/rural areas, construction costs for, grant program: **\*2E2SSB 5536, CH 1 (2023)**

Treatment, vacating convictions for knowingly possessing certain drugs after completion of: HB 1613

Work group, convening to discuss demand for behavioral health services, workforces shortages, etc.: HB 1242

#### **SUPERINTENDENT OF PUBLIC INSTRUCTION, OFFICE (OSPI) (See also SCHOOLS AND SCHOOL DISTRICTS)**

Apprenticeship programs, regional apprenticeship pilot program, OSPI role in establishing: HB 1013

Basic education, authority to grant waivers to schools including charter schools and state-tribal schools: SSB 5648

Child care worker pilot program, establishing, OSPI role: HB 1451

Classroom supplies, increasing allocation per FTE student, OSPI rule making concerning: HB 1741

Complaints, developing uniform system for complaints about conduct by individuals in schools: HB 1239

Conduct, policies and complaint procedures for bullying, discrimination, harassment, and intimidation, OSPI role: HB 1207

Construction, supplementary modernization and new construction grants and planning grants for districts, OSPI role: HB 1044

Cross-sector trainings for school district staff and institutional education providers, OSPI funds distribution role: HB 1411

Data sharing, facilitating transfer of student information to higher education for college awareness and admission: **\*2SSB 5593, CH 406 (2023)**

Dual credit or concurrent enrollment programs and courses, OSPI role: HB 1316

Dual credit programs, OSPI role: HB 1003

Dual language education, additional funding: HB 1228

Dual language education, authorizing adoption of rules for schools district and state-tribal schools: HB 1228

Dual language education, establishing grant program for school districts and state-tribal schools: HB 1228

Educator workforce programs, quality and effectiveness of, data collection and determinations about, OSPI role: HB 1565

Educators, beginning educator support team program, revising goals, requirements, and definitions, OSPI role: HB 1565

Filipino Americans, contributions of, K-12 public school instruction about, materials/resources for, OSPI role: HB 1749

Health science programs, establishing grant program for supporting: **\*E2SSB 5582, CH 126 (2023)**

High school and beyond plans, facilitating adoption of online platform and requirements: HB 1273, **\*E2SSB 5243, CH 271 (2023)**

Homelessness, students experiencing, grant program for identification of and support for, OSPI role: **\*HB 1622, CH 386 (2023)**

Homelessness, students experiencing, grant program to link families with housing, OSPI role: **\*HB 1622, CH 386 (2023)**

Institutional education, delivery and oversight of basic education services to justice-involved students, OSPI to assume: HB 1701

Kindergarten, transition to kindergarten program, establishing and administering, OSPI role: HB 1550

Learning recovery and acceleration, establishing state matching grant program: HB 1710

Learning recovery and acceleration, federal account appropriation for tutoring and extended learning programs: HB 1710

Learning standards, requiring review and update to include contributions of LGBTQ people: ESB 5462

Libraries, school library information and technology programs access for all students, OSPI role: HB 1609, ESSB 5102

Meals, reimbursing local education agencies for free breakfast and lunch for all students: HB 1238

Media literacy and digital scholarship, establishing program to integrate into subject areas via cadre of teachers: SSB 5626

Media literacy, establishing grant program to integrate into K-12 education: SSB 5626

Military friendly school districts, purple star award to recognize, creating, OSPI role: HB 1346  
 Music instruction for elementary level students, requiring, and specifying per-week amount, OSPI role: HB 1819  
 Native education, office of, tribal sovereignty curriculum implementation compliance monitoring and evaluations: HB 1332  
 Open educational resource database, creating for development of inclusive curricula: ESB 5462  
 Reprimands, notification of those eligible for review and vacating: HB 1113  
 School employees, developing online platform for recruiting and hiring, OSPI role: HB 1565  
 School safety capital grant program, OSPI to administer: HB 1064  
 School safety data, school safety dashboard for, OSPI to create and maintain: HB 1675  
 Social studies curriculum, to include tribal sovereignty and history/culture/government, grant program for schools, OSPI role: HB 1332  
 Special education, full funding of, OSPI role: HB 1436  
 Special education, funding for extraordinary initial evaluations: HB 1109  
 Special education, general apportionment funding, development of allocation and cost accounting methodology by OSPI: E2SSB 5311  
 Special education, improving access to and provision of services, OSPI role: HB 1305  
 Special education, increasing excess cost multiplier, removing enrollment funding cap, and providing additional funding: HB 1436  
 Special education, initial evaluations and IEPs, program for reimbursing public schools for certain costs, OSPI role: HB 1109  
 Special education, raising excess cost funding multipliers for pre-K and K-12 students and enrollment funding cap, OSPI role: HB 1211, E2SSB 5311  
 Special education, raising excess cost funding multipliers for pre-K and K-12 students and removing enrollment funding cap: HB 1436  
 Special education, requiring approval, monitoring, etc. for private schools: **\*E2SSB 5315, CH 436 (2023)**  
 Special education, requiring website publication of complaint process: **\*E2SSB 5315, CH 436 (2023)**  
 Special education, school psychologists and other providers conducting evaluations for, funds distribution for: HB 1305  
 Special education, state safety net oversight committee, consideration of extraordinary costs of evaluations and IEPs by: HB 1109  
 Students in foster care or experiencing homelessness work group, to include students in or exiting juvenile rehabilitation facilities: **\*HB 1679, CH 300 (2023)**  
 Students not meeting academic standards, supplemental student supports and family stipends to aid, OSPI role: HB 1328  
 Teacher exchange program, possible establishment of, OSPI report on and recommendations for: HB 1565  
 Teacher residency program/grants/advisory council/conditional scholarship, establishing, OSPI role: HB 1565  
 Technical working group, convening to develop course equivalency for technology-based competitive activities: **\*SSB 5617, CH 407 (2023)**  
 Transportation safety net awards, requiring provision for districts with additional needs for special passengers: E2SSB 5174  
 Transportation, of students, individual arrangements for, costs/allocations, OSPI role: HB 1248  
 Transportation, of students, special passengers, costs/allocations, OSPI role: E2SSB 5174  
 Work group, convening to develop literacy supports for American Indian and Alaskan native students: HB 1228  
 Work group, convening to examine educational impact of free meals: HB 1238

#### **TAX APPEALS, BOARD**

Appeals filed with board, updating cross-reference concerning: **\*HB 1303, CH 28 (2023)**

#### **TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC. (See also LANDLORD AND TENANT; TAXES - SALES; TAXES - USE; TAXES, GENERALLY)**

Accessory dwelling units, exemption from property taxation by county: **\*E2SSB 5045, CH 335 (2023)**  
 Adult family homes, for persons with developmental disabilities, nonprofit-owned property for, property tax exemption: **\*HB 1265, CH 69 (2023)**  
 Airports, international, county-owned eligible maintenance repair operators in certain counties, sales tax exemptions, when: HB 1318  
 Airports, public use, new construction at, sales/use tax exemptions for labor/services/materials/equipment for: HB 1331  
 Airports, public use, private operator-held leasehold interests on new leases, exemption for: HB 1331  
 Alternative jet fuel, B&O and utility tax credits: HB 1505, **\*ESSB 5447, CH 232 (2023)**

Animal adoption, exempting fess from B&O taxes for nonprofit organizations: HB 1653  
 B&O tax, exempting appliance stewardship organizations: HB 1164  
 Broadband communications providers, sales and use tax exemption for sales of network machinery and equipment to:  
 HB 1848  
 Businesses converting to employee ownership, B&O tax credit for: HB 1743  
 Child care assistance, employer providing to employees, credit against B&O tax for: HB 1716  
 Condominiums or townhouses, sale of unit constructed in building qualifying for multifamily property tax exemption,  
 real estate excise tax exemption: **\*E2SSB 5258, CH 337 (2023)**  
 Condominiums, sale of unit to person eligible for first-time homebuyer program, real estate excise tax exemption: HB  
 1298  
 Cooperative finance organizations, making loans to utility services providers, B&O tax deduction for: HB 1191, **\*SB  
 5166, CH 317 (2023)**  
 Custom farming services, person performing, or person performing other services for, sales/use tax exemption: EHB  
 1757  
 Custom farming services, persons performing for a farmer, retroactive B&O tax exemption for: HB 1604  
 Dairy processors, extending B&O tax exemption: **\*HB 1573, CH 422 (2023)**, SB 5277  
 Electricity generating machinery and equipment, repealing exemptions: HB 1194  
 Employee ownership conversion, B&O tax exemption: **\*SSB 5096, CH 392 (2023)**  
 Food and food ingredients, defining for sales tax exemption and excluding food that when sold requires additional  
 cooking: HB 1809  
 Forestland, land designated as, exclusion from compensating tax when sold or transferred to governmental entity,  
 requirements for: HB 1818  
 Fruit and vegetable processors, extending B&O tax exemption: **\*HB 1573, CH 422 (2023)**, SB 5277  
 Hog fuel, sales and use tax exemptions, extending expiration of: **\*HB 1018, CH 341 (2023)**  
 Housing, affordable, incentive program to preserve, owner property tax exemption: HB 1343  
 Housing, affordable, multifamily property tax exemption, modifying: HB 1350  
 Housing, affordable, property tax exemption for nonprofit entity providing: HB 1052  
 Housing, affordable, sale of development space by qualified entity to certain purchasers, real estate sales excise tax  
 exemption for: HB 1628  
 Hydrogen fuel products, research/development/production/sale, B&O tax preferential rate and credits: HB 1729  
 Hydrogen, green electrolytic or renewable, electricity sales to businesses producing et al., public utility tax exemption:  
 HB 1768  
 Internet/telecommunications infrastructure, tribe and business entity deploying in coastal county, sales/use tax  
 exemption: HB 1711  
 Leasehold excise tax, exempting certain arenas: HB 1163  
 Main street trust fund credit, specifying city or town population threshold to qualify for credits and deadline for sending  
 contribution: **\*ESB 5336, CH 96 (2023)**  
 Manufactured or mobile home, assessed at certain value or less, property tax exemption for: HB 1796  
 Medicaid, federal funds from HCA/transformation project received by accountable community of health or public  
 hospital, B&O tax deduction: **\*EHB 1812, CH 313 (2023)**  
 Mobility enhancing equipment, for use by or for complex needs patient, sales and use tax exemption: **\*SSB 5218, CH  
 319 (2023)**  
 Natural gas, renewable, machinery and equipment for generating, sales and use tax exemptions: HB 1619  
 Newspapers, publishing and/or printing of, or publishing eligible digital content, B&O tax deduction for: HB 1206  
 Newspapers, publishing and/or printing of, or publishing eligible digital content, B&O tax exemption for: **\*E2SSB 5199,  
 CH 286 (2023)**  
 Packing materials, renting or leasing through sharing and reuse program, sales and use tax exemption: HB 1422  
 Payment card processing companies, creating B&O tax deduction and rate changes: HB 1815  
 Pesticides, low-risk, farmer expenditures for purchase of, B&O tax credit for: HB 1857  
 Petroleum products, eliminating public utility tax exemption for certain products: ESB 5309  
 Primary residence property tax exemption, including renter's credit, creating new title: HB 1556  
 Property tax exemption program, for seniors/veterans/retired-disabled, various provisions: HB 1355, HB 1482, HB 1560  
 Property tax, adjusting disposable income calculation for senior citizens' and disabled veterans' tax exemption: SB 5732  
 Property tax, hydrogen fuel products, buildings used for manufacture of, B&O tax credit for property and leasehold  
 excise taxes: HB 1729



Property tax, new chapter allowing exemption for affordable housing: HB 1596  
 Property taxation, personal property, raising exempted amount: HB 1761  
 Property taxation, personal property, raising upper limit for exemption of portion by legislature, constitutional amendment for: HJR 4206  
 Property taxes, state, deducting certain county levies for certain services or assistance from: HB 1703  
 Property taxes, state, exemption for personal property used for generating renewable energy: HB 1756  
 Property taxes, state, primary residence property tax exemption: HB 1556  
 Property taxes, state, primary residence property tax exemption, as rebate, constitutional amendment to allow: HJR 4205  
 Public utility tax exemption, increasing threshold and annually adjusting for inflation: HB 1561  
 Railroads, freight railroad infrastructure improvement, various tax preferences as incentives for: HB 1371  
 Recovery residences, for persons with substance use disorder, property tax exemption for nonprofits: **\*E2SSB 5536, CH 1 (2023)**  
 Renewable energy, personal property used for generating, exemption from state property taxes for: HB 1756  
 Renter's credit, as partial rent refund up to maximum primary residence property tax exemption amount: HJR 4205  
 Renter's credit, as refund of rent amount constituting state property tax on the property rented: HB 1556  
 Reproductive health care, B&O and public utility credits for charitable contributions to organizations: HB 1286  
 Research and development equipment, sales/use tax paid on, exemption in form of a remittance, authorizing: HB 1794  
 Research and development expenditures, credit against B&O tax on, authorizing: HB 1794  
 Sales and use taxes, deducting rural county-imposed local sales/use tax from: HB 1702  
 Seafood processors, extending B&O tax exemption: **\*HB 1573, CH 422 (2023)**, SB 5277  
 Spirits, exemption for purchases on a military base to be used as fundraising prize by service organizations: HB 1587  
 Spirits, purchased by veterans' service organization as fund-raising prize for event, sales tax exemption for: HB 1672  
 Spirits, retail sale in original package, mini-bottles exclusion from sales tax, removing expiration date: HB 1375  
 Stamp tax, exemption for first 20,000 gallons sold by a winery: HB 1182  
 Timberland, land classified as, exclusion from compensating tax when sold or transferred to governmental entity, requirements for: HB 1818  
 Veterans and spouses of veterans and military members, businesses hiring, tax credits: HB 1005  
 Wealth tax, on financial intangible assets, certain preferences in connection with: HB 1473  
 Working families tax credit, lowering eligibility to age 18: HB 1075  
 Working families' tax credit, expanding eligibility and increasing refund: HB 1000  
 Working families' tax credit, modifying eligibility, refund, and reporting provisions: HB 1477  
 Written digital content, publishing, B&O tax deduction for, when: HB 1206  
 Written digital content, publishing, B&O tax exemption for, when: **\*E2SSB 5199, CH 286 (2023)**

**TAXES - BUSINESS AND OCCUPATION (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)**

Apportionable income reconciliation returns, modifying requirements, including penalties and penalty relief, when: HB 1834  
 B&O tax, replacing with margin tax to simplify tax code and repealing sections: HB 1644  
 Contests of chance, operating, B&O tax on, increasing rate and amount of revenue deposited in problem gambling account: HB 1681, **\*E2SSB 5634, CH 284 (2023)**  
 Margin tax, replacing B&O tax with calculation of taxable margins: HB 1644  
 Parimutuel wagering, B&O tax on, increasing rate and amount of revenue deposited in problem gambling account: HB 1681, **\*E2SSB 5634, CH 284 (2023)**  
 Payment card processing companies, creating tax deduction and rate changes: HB 1815

**TAXES - ESTATE**

Applicable exclusion amounts, updating: HB 1484  
 Restructuring, raising exclusion amount and instituting tax increases to make tax more progressive: HB 1795

**TAXES - EXCISE (See also IMPACT FEES; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)**

Cannabis, revenues generated by certain cities/towns/counties, disbursing for substance abuse and cannabis purposes: HB 1650  
 Cannabis, scaling tax rate by THC content: HB 1595, HB 1641  
 Clean energy workforce investment tax, imposing per megawatt hour with option for local tax: HB 1194

Frontier county, defining for certain excise taxation and economic development purposes: HB 1835  
 Impact fees, adjusting for smaller housing units, including multifamily and condominium units: HB 1298, \***E2SSB 5258, CH 337 (2023)**  
 Impact fees, authorizing use for bicycle and pedestrian facilities for multimodal commuting: HB 1135, \***SB 5452, CH 121 (2023)**  
 Law enforcement facilities, adding to list of public facilities eligible for funding by impact fees: HB 1476  
 Lodging, authorizing excise tax on short-term rentals to fund affordable housing operating or capital costs: ESSB 5334  
 Low-proof beverages, altering taxation to per-gallon: HB 1344  
 Margin tax, replacing B&O tax with calculation of taxable margins: HB 1644  
 Petroleum products tax, modifying: HB 1175  
 Renewable energy generating systems, using as electric power source, imposing excise tax on: HB 1756  
 Smart wireless devices, with wireless access to internet, tax on retail sales of, levying: HB 1793  
 Sports wagering licensees, establishing 10% tax on gaming revenue: HB 1630  
 Statewide 988 behavioral health crisis response and suicide prevention line tax, revising use of funds: HB 1134

#### **TAXES - HAZARDOUS SUBSTANCES**

Pollution tax, rate for petroleum products, periodic adjustment of: HB 1254

#### **TAXES - LEASEHOLD EXCISE**

Public use airports, leasehold interests held by private operators on new leases, tax levy in connection with exemptions: HB 1331

#### **TAXES - PROPERTY (See also TAX APPEALS, BOARD; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; TAXES, GENERALLY)**

Administration of property taxes, various provisions, modifying: \***HB 1303, CH 28 (2023)**  
 Forestland, land designated as, exclusion from compensating tax when sold or transferred to governmental entity, requirements for: HB 1818  
 Levies, adjustments to correct levy errors, requirements in relation to maximum allowed tax rates: \***HB 1303, CH 28 (2023)**  
 Levies, first levy by new taxing districts after consolidation, calculating maximum allowed levy amount: \***HB 1303, CH 28 (2023)**  
 Levies, first levy by taxing district in 6 or 7 years, maximum allowed levy amount requirements: \***HB 1303, CH 28 (2023)**  
 Levies, for persons with developmental disabilities or mental health services: HB 1022  
 Levies, for persons with developmental disabilities or mental health services by counties, deducting from state levy: HB 1703  
 Levies, for school district bonds and payment, at least 55% of voters to authorize: HB 1843, HJR 4207  
 Levies, for school district bonds and payment, simple majority to authorize: HB 1353, HJR 4203  
 Levies, for schools, state property tax levies for common schools, reducing, and establishing new basis for levies: HB 1483  
 Levies, for two or more port districts under mutual agreement, joint collection of assessments, when: \***EHB 1663, CH 215 (2023)**  
 Levies, for veterans' assistance programs and veterans' assistance fund: HB 1022  
 Levies, for veterans' assistance programs and veterans' assistance fund by counties, deducting from state levy: HB 1703  
 Limit factor for increases, factor of 101% or less for taxing districts other than the state, repealing section: HB 1670  
 Limit factor for increases, raising to increase local revenue and including population change and inflation: HB 1670  
 Payments, delinquency deadlines for automated check processing services or without postmark: \***SSB 5714, CH 376 (2023)**  
 Personal property, raising amount exempted from property taxation: HB 1761  
 Personal property, raising upper limit for exemption of portion by legislature, constitutional amendment for: HJR 4206  
 Privately-owned improvement on public land, updating local tax increment financing program: \***HB 1527, CH 354 (2023)**  
 Recovery, clarifying court venue rules: HB 1572  
 School enrichment levies, increasing with inflation: HB 1244  
 State property tax, primary residence property tax exemption: HB 1556  
 State property tax, primary residence property tax exemption, as rebate, constitutional amendment to allow: HJR 4205

State property taxes, for schools, reducing, and establishing new basis for levies: HB 1483  
 Taxable value, maximum, of primary owner-occupied residential property, purchase price to be: HJR 4200  
 Timberland, land classified as, exclusion from compensating tax when sold or transferred to governmental entity, requirements for: HB 1818  
 Valuation, after publicly owned property loses its exempt status, valuation and listing date for: **\*HB 1303, CH 28 (2023)**  
 Valuation, state levies at 75 percent of true and fair value: HB 1092

**TAXES - PUBLIC UTILITY TAX (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)**

Light and power business electricity sales to green electrolytic or renewable hydrogen business, exemption for: HB 1768

**TAXES - REAL ESTATE SALES EXCISE**

Additional tax for funding affordable housing, when nonprofit entity provides housing via: HB 1052  
 Affordable housing, modifying state and local real estate excise tax to provide funding for: HB 1628  
 Condominium unit or townhouse, sale to person using down payment assistance, real estate excise tax revenue from, deposit and use of: **\*E2SSB 5258, CH 337 (2023)**

**TAXES - SALES (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)**

Aircraft fuel, distribution sales and use tax portion to aeronautics account: HB 1395  
 Cultural access programs funding, allowing cities to impose tax if counties do not: **\*HB 1575, CH 179 (2023)**  
 Digital automated services, exempting financial institutions if solely for business purposes: HB 1557  
 Equine products/services/uses, state sales/use tax on, depositing in new account for horse racing and recreation: HB 1529  
 Hospital benefit zones, local sales and use taxation, reporting requirement, eliminating: HB 1362  
 Law enforcement, authorizing funding for additional officers with local tax credited against state tax: HB 1446  
 Local sales/use, community preservation and development authority imposition at taxable events inside certain stadiums: HB 1847  
 Local sales/use, for criminal justice or fire protection, adding emergency medical services to allowed uses: HB 1820  
 Local sales/use, for public facilities in rural counties, providing revenue, project, and expenditure information on auditor website: HB 1267  
 Local sales/use, impact assessment fee on price of admission to certain stadiums, for certain uses: HB 1510  
 Local sales/use, imposition when city-county interlocal agreement regarding annexation of unincorporated areas: HB 1425  
 Local sales/use, rural county optional imposition of, using for senior citizen programs and deducting from sales and use taxes: HB 1702  
 Lodging, car rental, and restaurant revenue, biennium limit for collections of, raising: HB 1258  
 Motor vehicles, state sales and use taxes on, dedicating to transportation budget: HB 1472  
 Retail sales tax, state, reducing rate of: HB 1704  
 Senior living communities, with tenant meals as part of rental agreement, not subject to sales and use tax: HB 1431  
 Spirits, retail sale in original package, mini-bottles exclusion from sales tax, removing expiration date: HB 1375

**TAXES - USE (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)**

Aircraft fuel, distribution sales and use tax portion to aeronautics account: HB 1395  
 Asphalt and aggregates, self-manufactured, use taxes on, public road construction market adjustment for, when: HB 1764  
 Cultural access programs funding, allowing cities to impose tax if counties do not: **\*HB 1575, CH 179 (2023)**  
 Digital automated services, exempting financial institutions if solely for business purposes: HB 1557  
 Equine products/services/uses, state sales/use tax on, depositing in new account for horse racing and recreation: HB 1529  
 Hospital benefit zones, local sales and use taxation, reporting requirement, eliminating: HB 1362  
 Law enforcement, authorizing funding for additional officers with local tax credited against state tax: HB 1446  
 Local sales/use, community preservation and development authority imposition at taxable events inside certain stadiums: HB 1847  
 Local sales/use, for criminal justice or fire protection, adding emergency medical services to allowed uses: HB 1820  
 Local sales/use, for public facilities in rural counties, providing revenue, project, and expenditure information on auditor website: HB 1267  
 Local sales/use, imposition when city-county interlocal agreement regarding annexation of unincorporated areas: HB 1425  
 Motor vehicles, state sales and use taxes on, dedicating to transportation budget: HB 1472

Refinery fuel gas, value of the article with respect to, method(s) for determining: HB 1254

Senior living communities, with tenant meals as part of rental agreement, not subject to sales and use tax: HB 1431

State use tax, reducing rate of: HB 1704

**TAXES, GENERALLY (See also BUDGETS; ECONOMIC AND REVENUE FORECAST COUNCIL; TAX APPEALS, BOARD; TAXES - EXCISE)**

Advisory votes on tax legislation, repealing and removing from statutes: HB 1158, \***ESSB 5082, CH 109 (2023)**

Clarifications, making technical corrections, easing compliance, and providing administrative efficiencies: \***SSB 5565, CH 374 (2023) PV**

Empowering Washington voters act, requiring referendum for tax increases: HB 1091

Increases, tax acts that raise taxes, automatic referendum on: HJR 4202

Insurers, premium tax, annual adjustment by insurance commissioner: HB 1339

Revenue, forecast for transportation budget, transferring to economic and revenue forecast council: HB 1838

Revenues, bills increasing or decreasing state tax revenues, fiscal impact statements for: HB 1158

Tax increment financing for public improvements, excluding intercounty rural library district regular property tax levies from: HB 1680

Wealth tax, on financial intangible assets, imposing: HB 1473

**TELECOMMUNICATIONS (See also EMERGENCY MANAGEMENT AND SERVICES; EMERGENCY MEDICAL SERVICES; MENTAL HEALTH; RETIREMENT AND PENSIONS; SUBSTANCE USE DISORDER)**

Broadband communications providers, sales and use tax exemption for sales of network machinery and equipment to: HB 1848

Broadband, governor's statewide broadband office, duties of, various: HB 1746

Broadband, statewide broadband map, developing and maintaining, and repealing existing broadband mapping/account provisions: HB 1746

Commercial solicitation, prohibiting via robocalling or automatic dialing and to persons on do not call registry: HB 1051

Companies, altering requirements and restrictions for classification as competitive: HB 1454

Internet access, smart wireless devices with, tax on retail sales of, levying: HB 1793

Internet/telecommunications infrastructure, tribe and business entity deploying in coastal county, sales/use tax exemption: HB 1711

Public safety telecommunicators, provisions: \***HB 1055, CH 199 (2023)**, HB 1134

State universal communications services program, extending expiration date: SSB 5600

State universal communications services program, extending expiration of: HB 1738

Universal communications services program, removing expiration and revising: HB 1617

Vlogs, for-profit, of family or individual vlogger, minor children featured on, setting aside earnings on video content for: HB 1627

Wireless devices, smart, tax on retail sales of, levying: HB 1793

**TELEVISION AND TELEVISIONS**

Synthetic media, new chapter regulating: HB 1442, \***ESSB 5152, CH 360 (2023)**

**TOBACCO AND TOBACCO PRODUCTS (See also TAXES - TOBACCO PRODUCTS; VAPOR PRODUCTS)**

Access to minors, reporting requirements for law enforcement: \***ESSB 5365, CH 398 (2023)**

Purchasing or possessing, by person under 18, modifying sanctions and fines: \***ESSB 5365, CH 398 (2023)**

Retailers, increasing penalties for sales to minors: HB 1497, \***ESSB 5365, CH 398 (2023)**

**TOURISM**

Statewide tourism marketing account, changing matching requirement to one-to-one for expenditures from: HB 1258

Statewide tourism marketing account, tax revenue deposits from lodging/car rental/restaurant retail sales, raising limit: HB 1258

**TOWING AND TOW TRUCKS**

Operators, program to compensate for law enforcement-directed impound of indigent person's vehicle, creating: HB 1688

Operators, requiring compensation when dispatched to clear roads: HB 1722, SSB 5652

Safety measures, red/blue lights use and speed reduction for emergency, accident, or work zone: HB 1485, \***SB 5023, CH 33 (2023)**

**TRADE**

Foreign export markets, diversifying to avoid particular-market dependence, assistance for businesses in: HB 1778  
 Taiwan, shared friendship, history, and successes shared between people of Washington and, recognizing: **\*HR 4643 (2023)**

**TRAFFIC (See also LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL; ROADS AND HIGHWAYS; TRAFFIC OFFENSES; TRAFFIC SAFETY COMMISSION; TRANSPORTATION, DEPARTMENT)**

Circular intersections, driver to signal intention to exit: HB 1532  
 Collisions, resulting in substantial bodily harm, officer reporting requirement: **\*HB 1319, CH 29 (2023)**  
 Emergency or work zone, reducing speed when approaching: HB 1485, **\*SB 5023, CH 33 (2023)**  
 Infractions, requiring notice of opportunity to enter into payment plan and barring enforcement after 3 years: HB 1651  
 Large vehicles, sharing road with, driver training school curriculum to include importance of: **\*HB 1540, CH 32 (2023)**  
 Motorcycles, operating between lanes of traffic, requirements for: HB 1063  
 Motorcycles, operating in the right shoulder of limited access roadway, authorization and requirements: HB 1487  
 Motorcycles, operator passing vehicle in same lane: HB 1063  
 Organ transport vehicles and services, requirements for: HB 1271  
 Pedestrians, allowing crossing at any point given reasonable care and repealing section: HB 1428  
 Pedestrians, protections from dangers posed by light trucks and midsize or large sport utility vehicles: HB 1674  
 Pursuits, vehicular pursuits by peace officers, expanding authority to conduct: HB 1053  
 Right turns at red lights, prohibiting in the vicinity of certain facilities: HB 1582  
 Right-of-way, unauthorized vehicles obstructing high capacity transportation, regional transit authority removal of: HB 1414, **\*SSB 5317, CH 326 (2023)**  
 Road usage charge program, voluntary, per mile fee collection via per mile system, establishing: HB 1832  
 Speed safety cameras, use in infractions: HB 1807, **\*ESSB 5272, CH 17 (2023)**  
 Speed safety cameras, use in state highway work zones: HB 1807, **\*ESSB 5272, CH 17 (2023)**  
 Vehicular pursuits by law enforcement, convening work group on, and implementing vehicular pursuit technology grant program: HB 1586  
 Vehicular pursuits by peace officers, reasonable suspicion standard and safety requirements for: HB 1363, **\*ESB 5352, CH 235 (2023)**  
 Vulnerable roadway users, protections from dangers posed by light trucks and midsize or large sport utility vehicles: HB 1674

**TRAFFIC OFFENSES (See also DRIVERS AND DRIVERS' LICENSES; TRAFFIC)**

Alcohol and drug violators, offender with 3 or more prior offenses, serving enhancements in total confinement: HB 1268  
 Alcohol violations, seizure and forfeiture of property: HB 1385  
 Alcohol, person under 18 in vehicle with driver under 21 who possesses, notification of parent of: HB 1802  
 Driving under the influence, deferred prosecution of, when substance use or mental health disorder: HB 1104, HB 1493  
 Driving under the influence, deferred prosecution, license suspension/probationary license/ignition interlock provisions: HB 1493  
 Driving under the influence, felony, as serious offense for unlawful possession of firearm in 1st degree purposes: HB 1562  
 Driving under the influence, felony, special drug offender sentencing alternative for, creating: SB 5032  
 Driving under the influence, prior offense time limitation/lookback period, extending: SB 5032  
 Driving under the influence, seizure and forfeiture of property: HB 1385  
 Driving while license suspended or revoked, in third degree, prohibiting stopping or detaining vehicle operator for: HB 1513  
 Impaired driving, provisions: HB 1493  
 Infractions, by driver of light truck or sport utility vehicle, additional fine for certain infractions: HB 1674  
 Infractions, ten dollar fee for each, diverting deposits to general fund: HB 1669  
 Misdemeanor warrants, prohibiting stopping or detaining vehicle operator in most cases: HB 1513  
 Motorcycle operator operating between lanes, impeding, traffic infraction: HB 1063  
 Moving violations or certain equipment failures, peace officer stopping or detaining vehicle operator for, requirements: HB 1513  
 Nonmoving violations for low-income road users, solution-oriented responses to, grant program for: HB 1513  
 Nonmoving violations, prohibiting stopping or detaining vehicle operator for: HB 1513  
 Physical control of vehicle under the influence, provisions: HB 1104, HB 1385, HB 1493, HB 1562, SB 5032

Police vehicle, attempting to elude, special allegation of endangerment by eluding, when: HB 1691

Police vehicle, attempting to elude, when driver may be committing vehicle theft, class C felony at seriousness level III:  
HB 1691

Speed safety cameras, use in infractions: HB 1807, **\*ESSB 5272, CH 17 (2023)**

Vehicular homicide, victim with minor child or children, offender to pay child maintenance as restitution: HB 1668

**TRAFFIC SAFETY COMMISSION (See also TRAFFIC; TRAFFIC OFFENSES)**

Grant program, for solution-oriented responses to nonmoving violations for low-income road users, commission role:  
HB 1513

Light trucks and certain sport utility vehicles, risks to vulnerable roadway users, educational campaigns by commission:  
HB 1674

Negligent driving with a vulnerable user victim, 1st degree, materials explaining penalties for, commission role: **\*HB 1112, CH 471 (2023)**

Right turns at red lights, prohibiting near certain facilities, statewide public awareness campaign about, commission role:  
HB 1582

**TRANSPORTATION (See also BRIDGES; BUDGETS; DRIVERS AND DRIVERS' LICENSES; ECONOMIC AND REVENUE FORECAST COUNCIL; EMERGENCY MEDICAL SERVICES; RAILROADS; ROADS AND HIGHWAYS; TRAFFIC; TRANSPORTATION, DEPARTMENT; UTILITIES AND TRANSPORTATION COMMISSION)**

Active transportation facilities, as comprehensive plan transportation element component under GMA: HB 1181  
Budget, 2023-2025: HB 1125

Budget, dedicating state sales and use taxes on motor vehicles to: HB 1472

Budget, revenue forecast for, transferring to economic and revenue forecast council: HB 1838

Budget, supplemental 2021-2023: HB 1126

Car rentals, retail sales tax, revenue deposits in statewide tourism marketing account, raising collections limit: HB 1258

Commercial vehicle drivers, license or learner's permit, downgrade after drug and alcohol clearinghouse query: HB 1448, **\*SB 5041, CH 35 (2023)**

Freight mobility, repealing certain RCW sections: HB 1084

Funding, general obligation bonds, proceeds from 2019-2021 bond issuance for transportation projects, repurposing: HB 1103

Goals, of transportation system policy, safety goal to include commercial truck parking near certain areas: HB 1787

High capacity transportation systems, regional mobility grant program fund eligibility: HB 1853

Hybrid diesel-electric ferry vessels, requiring purchase of up to 5 new vessels: **\*EHB 1846, CH 429 (2023) PV**

Interstate 5 bridge replacement project, designating as eligible toll facility and authorizing bistate agreement: HB 1852, **\*SB 5765, CH 377 (2023)**

Log truck and pole trailer combinations, increasing maximum allowable length: HB 1072

Motor carriers, requiring shippers and receivers to provide restroom access in certain circumstances: HB 1457

Organ transport vehicles and services, requirements for: HB 1271

Public transportation benefit areas, authorizing as limited authority Washington peace offer: HB 1198

Public transportation benefit areas, making labor representative a voting member: HB 1219

Public transportation benefit areas, obtaining easements via DNR aquatic land for ferry terminals or docking facilities: **\*HB 1334, CH 146 (2023)**, SB 5292

Regional mobility grant program funds, eligibility with zero-fare possibility: SSB 5743

Resources, making corrective changes to chapter 182, laws of 2022: SSB 5743

Rolling stock, exempting transit agencies from interlocal agreement requirements for procurement: **\*SB 5342, CH 43 (2023)**

Sandy Williams connecting communities program, renaming to honor legacy of community advocacy: HB 1853

State vehicle fleet, transition to electric vehicles, life-cycle greenhouse gas emissions tradeoffs analysis of: HB 1372

Transit support grant program, aligning zero-fare policies with equity and environmental justice principles: HB 1853

Transportation network companies, paid family and medical leave, pilot program for companies and drivers: HB 1570

Transportation network companies, unemployment compensation eligibility, including companies, drivers, and part-time work: HB 1570

Transportation resources, correcting errors in enactment of ch. 182, laws of 2022: HB 1853

Truck and trailer combinations, increasing maximum allowable length: HB 1072

Trucks and trailer combinations, creating special permit for double milk trailers: HB 1786, **\*SB 5531, CH 281 (2023)**

Trucks, commercial truck parking and parking facilities, including various truck and driver accommodations, facilitating:  
HB 1787

#### **TRANSPORTATION COMMISSION**

Cowlitz County Deputy Sheriff Justin DeRosier memorial highway, requesting designation by commission of I-5 section as: HJM 4001

Fuel surcharge, limiting imposition to certain situations and evaluating and reevaluating need, commission role: HB 1833

#### **TRANSPORTATION, DEPARTMENT (See also BRIDGES; PUBLIC LANDS; PUBLIC WORKS; ROADS AND HIGHWAYS; TRANSPORTATION)**

144-vehicle hybrid electric Olympic class vessel, requiring availability of design for bidders: **\*EHB 1846, CH 429 (2023) PV**

Airports, lead exposure associated with operating practices of, best management practices for reducing, DOT role: HB 1554

Aviation and aerospace advisory committee, appointing and maintaining to advise secretary: HB 1040, HB 1531

Aviation division, requiring report on airport aid grant program: HB 1395

Bicycle and pedestrian grant program, creating to improve pedestrian and bicyclist safety and mobility: **\*SSB 5742, CH 447 (2023)**

Commercial truck parking facilities and driver accommodations, DOT to develop and implement assistance program: HB 1787

Competitive grant program, establishing to assist finance of housing in rapid transit corridors: HB 1517, ESSB 5466

Connecting Washington projects, authorizing \$9,600,000,000 of general obligation bonds to support: SB 5763

Express toll lanes on interstate 405 and state route number 167, limiting hours of operation, DOT reporting role: HB 1719

Freight rail investment bank program, establishing to provide loans per rail preservation program: **\*SSB 5742, CH 447 (2023)**

Fuel surcharge, limiting imposition to certain situations and evaluating and reevaluating need, DOT role: HB 1833

Goals, of transportation system policy, safety goal to include commercial truck parking near certain areas, DOT role: HB 1787

High occupancy vehicle lanes on interstate 405, limiting hours of operation, DOT reporting role: HB 1719

Paratransit and special needs grant program, establishing for transit service for people with disabilities: **\*SSB 5742, CH 447 (2023)**

Projects, public works apprenticeship utilization, modifying requirements: HB 1050

Public transit ride share program, establishing for ride share vehicles, incentives, outreach, and capital costs: **\*SSB 5742, CH 447 (2023)**

Right turns at red lights, prohibiting near certain facilities, statewide public awareness campaign about, DOT role: HB 1582

Roads, authorizing to enter agreement for new public road through Lummi Nation: **\*SSB 5753, CH 448 (2023)**

Speed safety cameras, use in state highway work zones, DOT enforcement and reporting role: HB 1807

Speed safety cameras, use in state highway work zones, DOT reporting role: **\*ESSB 5272, CH 17 (2023)**

State commercial aviation coordinating work group, creating and funding, DOT role: HB 1791

State ferries division, Seattle maritime training academy management and operation role of: HB 1831

Statewide emergent freight rail assistance program, establishing to provide loans per rail preservation program: **\*SSB 5742, CH 447 (2023)**

Transit mobility, office of, certain reporting requirement, eliminating: HB 1362

Wahkiakum county ferry, DOT monthly payments to county for deficit, increasing amounts: **\*EHB 1782, CH 428 (2023)**

#### **TREASURER, STATE**

Self-insurance reserve fund, creating in treasurer's office: HB 1558, **\*SB 5084, CH 110 (2023)**

Washington future fund program and committee, creating, role of office of treasurer: HB 1094

#### **TRIBES AND TRIBAL MEMBERS (See also COLLEGES AND UNIVERSITIES; DISCRIMINATION; FIRE PROTECTION; MINORITIES; SCHOOLS AND SCHOOL DISTRICTS)**

Billy Frank Jr. day, recognizing the ninth day of March as: HB 1639

Billy Frank Jr. national statutory hall selection committee, revising membership and duties of and cultural competency for: HB 1639

Billy Frank Jr. statue, duplicate cast to be created and installed at legislative building: HB 1639

Bone marrow donation, awareness of, public school instruction in: **\*SB 5065, CH 219 (2023)**

Chinook Indian Nation, transferring Naselle Youth Camp residential school property to: HB 1496

Climate change mitigation, funding from outdoor recreation and climate adaptation account: HB 1190

County investment pools, authorized tribal official authority to invest tribal funds in: HB 1352

Defense community compatibility account, altering grant rules and including federally recognized tribes: **\*SB 5324, CH 438 (2023)**

Dental therapists, certified by tribal governing board, limited license to practice and opportunity for state licensure: HB 1678

Economic development funding, efforts to obtain federal grants and loans for, assisting tribes: HB 1767

Elections, language assistance for limited English proficient members of single language minority group in a county, when: HB 1861

Elk, statewide elk management program, establishing, role of tribal comanagers: HB 1849

Extradition of an Indian from or to tribal jurisdiction, authority and requirements: HB 1555

Extreme weather protection act, grant program for political subdivisions and tribes: HB 1012

Fish hatcheries, operated by tribe, exempting maintenance activities from certain permit/other requirements under SMA: HB 1758

Foster care, allowing child-specific licenses for families of Indian children: **\*SB 5683, CH 127 (2023)**

Frank, Billy, Jr., Billy Frank Jr. day, national statutory hall selection committee, and statue duplicate cast: HB 1639

Frank, Billy, Jr., reflecting in gratitude on, and honoring his vision: **\*HR 4625 (2023)**

Geoducks, geoduck comanagement task force, concerning tribal and state harvest, DNR to convene: HB 1297

Guardianship, eligibility and subsidy expansion: HB 1278, **\*ESSB 5124, CH 221 (2023)**

Higher education institutions, tribal, benefits navigator grant program for higher education funding, requiring creation: HB 1559

Higher education or apprenticeship programs, financial aid, Native American scholarship program, establishing: HB 1399

Internet/telecommunications infrastructure, tribe and business entity deploying in coastal county, sales/use tax exemption: HB 1711

Lummi Nation, authorizing department of transportation to enter agreement for new public road: **\*SSB 5753, CH 448 (2023)**

Missing and murdered indigenous women and people task force, Washington state, establishing: 2SSB 5477

Missing and murdered indigenous women and people, creating cold case unit: HB 1177

Missing indigenous women and persons, missing persons toolkit for locating and recovering: **\*HB 1512, CH 212 (2023)**

Nisqually tribe, Billy Frank Jr., national statutory hall selection committee, statue duplicate cast, and Billy Frank Jr. day: HB 1639

Nisqually tribe, Billy Frank Jr., reflecting in gratitude on, and honoring his vision: **\*HR 4625 (2023)**

Office of native education, reporting duties and tribal sovereignty curriculum compliance monitoring and evaluations: HB 1332

Officer certification, extent of reimbursement for training costs: **\*HB 1290, CH 72 (2023)**

Officers, home purchase by, pilot program for loans to certain workers and occupations for certain costs: HB 1633

Overburdened communities and tribal nations, community-based health assessments of, role of tribes: HB 1347

Overburdened communities, tribal communities as statewide building energy upgrade navigator program services priority: HB 1391

Peace officers, general authority, when CJTC-certified and employed full-time by tribe, LEOFF plan 2 membership: **\*HB 1481, CH 77 (2023)**

Salmon, international year of the salmon, as wild salmon global initiative, recognizing: HJM 4000

School employee's benefits board (SEBB), including representative organizations and tribal schools: **\*SSB 5275, CH 13 (2023)**

Schools, tribal, tribal sovereignty curriculum implementation, compliance monitoring, and evaluations: HB 1332

Site readiness and predevelopment work, grants for public facility improvements to enable development: HB 1231, **\*SSB 5229, CH 93 (2023)**

Unemployment compensation, standard occupational classifications or job titles of workers, optional reporting by tribes of: **\*HB 1684, CH 256 (2023)**



Voting rights act, modifying provisions: HB 1048

Walla Walla river basin, Walla Walla water 2050 plan as integrated strategy including tribes, Oregon, and others: HB 1322

#### **UNEMPLOYMENT COMPENSATION (See also EMPLOYMENT AND EMPLOYEES; EMPLOYMENT SECURITY DEPARTMENT)**

Benefits, appeal procedure, concerning determination or redetermination of benefits allowance or denial: **\*HB 1656, CH 85 (2023)**, SB 5240

Benefits, apprenticeship program participant barriers when seeking, work group on, convening: HB 1458

Benefits, apprenticeship program participants, waiving one week waiting period, when: HB 1458

Benefits, eligibility for, good cause reasons for voluntarily leaving work: HB 1106

Benefits, for officers of employee-owned cooperatives, modifying provisions: **\*SSB 5176, CH 92 (2023)**

Benefits, transportation network companies, provisions concerning companies, drivers, and part-time work: HB 1570

Title 50 RCW, removing the terms "master" and "slave" from: **\*HB 1107, CH 25 (2023)**

Tribes, standard occupational classifications or job titles of workers, optional reporting of: **\*HB 1684, CH 256 (2023)**

#### **UNIFORM COMMERCIAL CODE (UCC)**

Controllable electronic records, adding new article addressing: **\*SSB 5077, CH 266 (2023)**

Emerging technologies, 2022 amendments to UCC addressing virtual currencies and other, adoption of: **\*SSB 5077, CH 266 (2023)**

Filing office, annual report by department of licensing concerning, repealing: HB 1362

#### **UTILITIES (See also ENERGY; FIRE PROTECTION; SOLID WASTE; TELECOMMUNICATIONS; WATER)**

Clean energy projects of statewide significance, designation of, and coordinated permitting process and SEPA review: HB 1216

Combination utilities, requiring electrification plan as part of decarbonization plan: HB 1589

Electric, consumer-owned, applying certain affected market customer provisions to nonresidential customers of: **\*HB 1416, CH 233 (2023)**

Electric, customer-generator premises, net metering on: HB 1427

Electric, customer-generators, various provisions: HB 1427

Electric, electric utility service shutoff for nonpayment during extreme heat, preventing: HB 1329

Electric, electric utility wildfire mitigation plans with best practices, developing, reviewing, and revising: HB 1032

Electric, future of net metering work group, convening: HB 1427

Electric, light and power business sales to green electrolytic or renewable hydrogen business, public utility tax exemption: HB 1768

Electric, natural gas-generated electricity, gas company facilities and projects to reduce emissions, utility investments for: HB 1619

Electric, net metering: HB 1427

Electric, retail rate net metering, ratepayer cost shifts due to, studying: HB 1427

Electric, transmission capacity expansion via planning, conditional firm service, and certain facility projects: HB 1192, **\*SSB 5165, CH 229 (2023)**

Energy facility site evaluation council, modifying authority: HB 1123

Gas, natural gas companies, facilities and projects to reduce emissions, utility investments for and cost recovery from: HB 1619

Gas, requiring large gas companies to develop decarbonization plans: HB 1589

High voltage lines and equipment, defibrillator accessible availability for employees working with or near: **\*HB 1542, CH 253 (2023)**

Investor- or consumer-owned utilities, representative of, building code council to add as member: HB 1404

Involuntary residential shut-off, barring for non-payment in hot weather and requiring reporting: HB 1329

Municipal, connection charges waiver or delay for entities providing shelter or transitional, supportive, or affordable housing: HB 1326

Providers of utility services, cooperative finance organizations making loans to, B&O tax deduction for: HB 1191, **\*SB 5166, CH 317 (2023)**

Public utility districts, certain reporting requirement, eliminating: HB 1362

Public utility districts, public works, craft or trade involvement/prudent utility management/lowest responsible bidder provisions: HB 1621

Public utility districts, residential space heating shutoff for nonpayment during extreme heat, preventing: HB 1329  
 Renewable energy resources, natural gas company investments in, to reduce emissions: HB 1619  
 Rural electric cooperatives, cooperative finance organizations making loans to, B&O tax deduction for: HB 1191, **\*SB 5166, CH 317 (2023)**

Shutoffs of electric or water service for nonpayment during extreme heat, preventing: HB 1329  
 Solar energy project siting in Columbia basin, nonproject environmental impact statements for: HB 1216  
 Solar energy systems, community projects, community solar program and community solar bill credit to increase access to: HB 1509  
 Solar energy systems, customer purchasing installation of, contract with solar energy contractor, requirements: HB 1427  
 Universal communications services program, removing expiration and revising: HB 1617  
 Water, water utility service shutoff for nonpayment during extreme heat, preventing: HB 1329

**UTILITIES AND TRANSPORTATION COMMISSION (See also RAILROADS; SOLID WASTE; TRANSPORTATION; UTILITIES)**

Gas decarbonization plans and electrification plans, requirements and establishment of cost targets for, UTC role: HB 1589  
 Joint commerce department meeting, requirement to address rolling blackout and power inadequacy risk: HB 1117  
 Solar energy, implementing community solar program and providing community solar bill credit, UTC role: HB 1509  
 Solid waste collection rates, local, detailing whether fees/rates are proportionate to costs, UTC role: HB 1264

**VACCINATION AND VACCINES**

COVID-19 vaccination, state executive branch agency employees not vaccinated then dismissed, reemployment of: HB 1029  
 COVID-19 vaccination, state executive branch agency requirement that new or prospective employees have, prohibiting: HB 1801  
 COVID-19 vaccination, state/local employees separated due to mandate, hiring preference/retirement service credit for: HB 1814  
 Higher education students, online-only, prohibiting vaccination or immunization requirement for: HB 1545  
 Immunization registry, requirements for, and prohibiting mandatory enrollment or submission to immunization tracking: HB 1827  
 Vaccination or immunity status, preventing discrimination based on, medical freedom act for: HB 1827  
 Vaccination or postinfection recovery documentation, prohibiting business entity from requiring for services etc.: HB 1827

**VAPOR PRODUCTS (See also TAXES - TOBACCO PRODUCTS)**

Access to minors, reporting requirements for law enforcement: **\*ESSB 5365, CH 398 (2023)**  
 Purchasing or possessing, by person under 18, modifying sanctions and fines: **\*ESSB 5365, CH 398 (2023)**  
 Retailers, increasing penalties for sales to minors: HB 1497, **\*ESSB 5365, CH 398 (2023)**

**VETERANS (See also MILITARY; RETIREMENT AND PENSIONS; VETERANS AFFAIRS, DEPARTMENT)**  
 Alvarado-Ramos, Lourdes E. "Alfie", U.S. army veteran and director of department of veterans affairs: **\*HR 4606 (2023)**

Assistance programs, veterans' assistance fund, property tax levies by counties for, deducting from state levy: HB 1703  
 Assistance programs, veterans' assistance fund, property tax levies for: HB 1022  
 Businesses hiring veterans and their spouses, tax credits: HB 1005  
 Disabilities, veterans with, property tax exemption program, eligibility despite COLA to social security, SSI, or pension benefits: HB 1482  
 Disabilities, veterans with, property tax exemption program, updating/adjusting combined disposable income thresholds: HB 1355, HB 1560  
 Home purchase, pilot program for loans to certain workers/occupations for home down payment/closing costs: HB 1633  
 Homes, colony of the state soldiers' home, repealing certain sections: HB 1288, **\*SB 5323, CH 327 (2023)**  
 Homes, domiciliary and nursing care, repealing one section: HB 1288, **\*SB 5323, CH 327 (2023)**  
 Homes, Eastern Washington veterans' home, repealing one section: HB 1288, **\*SB 5323, CH 327 (2023)**  
 Homes, state veterans' homes, administrators and directors of nursing services at each, civil service exemption: HB 1288, **\*SB 5323, CH 327 (2023)**  
 Homes, state veterans' homes, directors of nursing services at each, appointing: HB 1288, **\*SB 5323, CH 327 (2023)**  
 Japanese American veterans, incarcerated, and civil rights activists, recognizing and remembering: **\*HR 4615 (2023)**

Long-term care facilities, extending federal rights for nursing home residents to veterans' homes: HB 1859  
 Low-income home rehabilitation grant program, creating with veterans as a priority: HB 1250  
 Property tax exemption for service-connected disabled veterans and senior citizens process and improvement work group, convening: HB 1560  
 Property tax exemption, adjusting disposable income calculation for senior citizens and disabled veterans: SB 5732  
 State parks, lifetime veteran's pass at no cost, extending to all veterans: HB 1384  
 Stoltz, Burton, decorated U.S. navy World War II veteran, thanking and honoring: **\*HR 4639 (2023)**  
 Tax exemptions, for purchases of spirits on a military base as fundraising prize by service organizations: HB 1587  
 Veteran discharge or separation documents, disclosure by veterans affairs department, exemption and exceptions: HB 1288, **\*SB 5323, CH 327 (2023)**  
 Veteran service officer and peer mentoring program, increasing funding and requiring report: **\*SSB 5358, CH 224 (2023)**  
 Veteran status, granting for expeditionary badge or medal: SB 5296  
 Veteran, defined for interruptive military service credit for certain retirement systems: HB 1007  
 Veteran-owned businesses, increasing public works opportunities: HB 1306, **\*2SSB 5268, CH 395 (2023)**  
 Veterans' service organizations, spirits purchased as fund-raising prize for event by, sales tax exemption for: HB 1672  
 World War II, Japanese American veterans from Washington, recognizing: **\*HR 4615 (2023)**

#### **VETERANS AFFAIRS, DEPARTMENT (See also MILITARY; PROFESSIONS; VETERANS)**

Director Lourdes E. "Alfie" Alvarado-Ramos, honoring: **\*HR 4606 (2023)**  
 Homes, state veterans' homes, directors of nursing services at each, appointing: HB 1288, **\*SB 5323, CH 327 (2023)**  
 Lesbian, gay, bisexual, transgender, and queer coordinator, report requirement, eliminating: HB 1362  
 Reporting, eliminating certain requirements: HB 1362  
 Veteran discharge or separation documents, disclosure by department, exemption and exceptions: HB 1288, **\*SB 5323, CH 327 (2023)**  
 Veterans stewardship account, using funds partly for maintaining all state veterans' cemeteries: HB 1288, **\*SB 5323, CH 327 (2023)**

#### **VICTIMS OF CRIMES (See also CIVIL LEGAL AID, OFFICE; DOMESTIC RELATIONS; FIREARMS; JUVENILES AND JUVENILE COURT; RECORDS; SECRETARY OF STATE; SEX OFFENSES AND OFFENDERS)**

Advocacy, office of crime victims advocacy, duties of: HB 1089, **\*SSB 5114, CH 268 (2023)**  
 Advocacy, office of crime victims advocacy, role in creation of office of the crime victims ombuds: HB 1845  
 Assault, sexual, counseling services program for victims with kits in testing backlog, establishing: HB 1028  
 Assault, sexual, examination of state resident victim by out-of-state facility, WA state reimbursement of costs: HB 1028  
 Assault, sexual, forensic examination, authorization for information disclosure to law enforcement by provider, period for validity of: HB 1028  
 Assault, sexual, over-the-counter sexual assault kits, defining and prohibiting selling or providing to survivor: **\*HB 1564, CH 296 (2023)**  
 Assault, sexual, state or local agency employees who are survivors of, records disclosure exemption for: HB 1533  
 Body worn cameras, provision of recordings: HB 1080  
 Commercially sexually exploited children, receiving center programs for and transportation of, modifying: HB 1028  
 Crime victim penalty assessment, eliminating: HB 1169  
 Domestic violence and other family member or intimate partner violence, comprehensive protections for victims: HB 1715  
 Domestic violence, nonfatal strangulation victims, state payment of exam costs, removing reporting requirement: **\*SB 5070, CH 108 (2023)**  
 Domestic violence, state or local agency employees who are survivors of, records disclosure exemption for: HB 1533  
 Harassment or stalking, state or local agency employees who are survivors of, records disclosure exemption for: HB 1533  
 Homicide, immediate family members of victims of, additional counseling services for: HB 1501  
 Notification of victim, when offender released, escapes, etc., public records exemption for certain records: **\*SSB 5081, CH 391 (2023)**  
 Ombuds, office of the crime victims ombuds, creating: HB 1845  
 Rights of victims and witnesses, commitment or criminal proceedings, recourse when denied a right: HB 1028  
 Sex offenses, evidence of victim credibility or consent, social media account inadmissibility exception: ESSB 5576

Sex trafficking victims, provision of healing, support, and transition services for, funding for providers of: HB 1089, \*SSB 5114, CH 268 (2023)  
 State crime victim and witness assistance account, creating: HB 1169  
 Survivors of crimes, honoring, and recognizing their plight: \*HR 4626 (2023)  
 Victims and survivors of crimes, honoring, and recognizing their plight: \*HR 4626 (2023)  
 Violence, domestic or other family member or intimate partner violence, comprehensive protections for victims: HB 1715

### VOCATIONAL EDUCATION

Credentials, postsecondary, credential transparency work group, creating: HB 1821  
 Incarcerated individuals, postsecondary education programs, participation goals and individual and program priorities: HB 1338  
 Private vocational schools, training building code officials et al. and adding affordable housing via expedited licensing of: HB 1539  
 Vaccination or postinfection recovery documentation, prohibiting institutions from requiring for attendance etc.: HB 1827

### VOLUNTEERS AND VOLUNTEERING

Schools and school districts, prospective volunteer criminal records checks: HB 1354  
 Sermone, Sandra Bedrosian, ADNP kids research foundation founder and 2022 gold presidential volunteer service award recipient, honoring: \*HR 4640 (2023)

### VULNERABLE ADULTS (See also PROTECTION ORDERS)

Adult protective services, expanding mandated reporter status and updating information sharing restrictions: HB 1528, \*SB 5370, CH 44 (2023)  
 Vulnerable adult abuse registry, creating: HB 1127

### WAGES AND SALARIES (See also CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS; HOURS; PUBLIC ASSISTANCE; PUBLIC WORKS)

Construction workers covered under NAICS code 23, employer payment of unused paid sick leave, when: \*ESSB 5111, CH 267 (2023)  
 Contracting, requiring wage adjustment per prevailing wage rate: ESSB 5726  
 Electrical inspectors, state, salaries of, requirements: HB 1526  
 Fish and wildlife commission, annual salary for members, establishing: HB 1699  
 Incarcerated persons, real labor real wages act: HB 1024  
 Prevailing wage, hourly rate for skilled journeypersons in petroleum high hazard facilities: HB 1067  
 School district employees, annual salary inflationary increase, modifying inflationary index for: HB 1732  
 State officers and employees, payment for salaries by electronic funds transfer, requiring: HB 1361  
 Wage complaint, authorizing department collection and barring department waiver: HB 1217  
 Wage replacement program, for unemployed workers ineligible for unemployment insurance: HB 1095  
 Washington state ferries, employees, salary survey by classification for use in collective bargaining and arbitration: HB 1842

### WATER (See also BOATS AND BOATING)

Covered emissions, use of compliance instruments: HB 1224  
 Critical areas used for agriculture, voluntary stewardship program, delaying participation in watershed until adequate funding: \*SSB 5353, CH 187 (2023)  
 Critical areas used for agriculture, voluntary stewardship program, updating participating watershed allowed participation date: HB 1421  
 Derelict aquatic structures, authorizing taking possession of and removing, new chapter: HB 1378, \*SSB 5433, CH 227 (2023)  
 Derelict aquatic structures, requiring owner to reimburse public cost of removal: HB 1378  
 Drought emergency, issuance of order of, use of moneys from emergency drought response account: HB 1138  
 Drought planning and preparedness, authorizing additional funding for: HB 1138  
 Drought resilience, funding from outdoor recreation and climate adaptation account: HB 1190  
 Drought, water supply during, joint legislative committee on, convening during drought advisory: HB 1138  
 Irrigation and rehabilitation districts, adjusting rehabilitation budget limit: \*SSB 5460, CH 371 (2023)

Irrigation and rehabilitation districts, assessment equalization hearings and collection with general taxes: HB 1494, **\*SSB 5460, CH 371 (2023)**

Irrigation and rehabilitation districts, using forestland, farm, agricultural land, or open space in assessment: HB 1494, **\*SSB 5460, CH 371 (2023)**

Irrigation districts, modifying elections including security measures and mail-in ballots: SSB 5709

Permitting, exemption for maintenance of fish and wildlife department fisheries: HB 1225

Public water systems, fluoridation, systems considering discontinuation of, requirements for: HB 1251

Public water systems, inclusion of climate resilience element for group A community public water systems: SSB 5094

Utilities, barring involuntary shut-off for nonpayment in hot weather: HB 1329

Water-sewer districts, public works, craft or trade involvement/prudent utility management/lowest responsible bidder provisions: HB 1621

#### **WATER POLLUTION**

Sewage, untreated discharges into state waters by municipal wastewater sewerage systems, operators to report: HB 1365

Stormwater, NPDES municipal permit, permittee monitoring urban heat island effect impact on salmon via: HB 1381

Wastewater, municipal facilities generating waste heat, defining thermal renewable energy credit with respect to: HB 1836

Water-quality trading program, availability for national pollutant discharge permit holders not in compliance: HB 1166

#### **WATER RIGHTS**

Determination of water rights, adjudication filed in water resource inventory area 1, timeline and procedures for: **\*HB 1792, CH 160 (2023)**

Master planned resorts, transfer of water right established as family farm permit to, when: HB 1285

Rights, established as family farm permit, transfer to beneficial uses at location within certain boundaries: HB 1285

U.S. bureau of reclamation, rights for water use within Columbia river basin project held by, application for acreage change: HB 1752

Walla Walla water 2050 plan, applications for rights implementing, one-third instream/two-thirds out-of-stream exemption: HB 1322

#### **WEAPONS (See also FIREARMS)**

Sentencing enhancements for deadly weapons, serving consecutively, when: HB 1268

Weapons-related violence, orders to surrender and prohibit weapons, in relation to firearms law and violence reduction: HB 1562

#### **WILDLIFE (See also FARMS AND FARMING)**

Elk, statewide elk management program, establishing: HB 1849

Orcas, southern resident, increasing required boating distance and creating notice and educational requirements: **\*ESSB 5371, CH 452 (2023) PV**

Orcas, southern resident, recreational boating near, convening diverse work group for outreach and education strategies for: **\*ESSB 5371, CH 452 (2023) PV**

Whales, southern resident orcas, increasing required boating distance and creating notice and educational requirements: **\*ESSB 5371, CH 452 (2023) PV**

Whales, southern resident orcas, recreational boating near, convening diverse work group for outreach and education strategies for: **\*ESSB 5371, CH 452 (2023) PV**

Wild animals, prohibiting display for entertainment via wild or exotic animal protection act: HB 1157

Wild horse training, holding, and farrier program at Coyote Ridge corrections center, feasibility study and plan: HB 1543

Wolves, gray, managing as protected or endangered in counties meeting criteria and developing management plan: HB 1698

#### **WOMEN (See also ABORTION; DISCRIMINATION; HOUSE RESOLUTIONS; LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL; SENATE RESOLUTIONS; SEX OFFENSES AND OFFENDERS; SPORTS AND RECREATION; VICTIMS OF CRIMES)**

Assisted reproduction, provider implanting of own gametes or reproductive material without consent, as 3rd degree assault: HB 1300

Breast examinations, supplemental and diagnostic, cost sharing requirements for health insurance carriers: HB 1261

Breast implant surgery, informed consent, requirements: ESSB 5050

Contraception, over-the-counter emergency medication and other forms, in vending machines on college campuses: HB 1837

Gender-based and other violence, amending unlawful possession of firearms and restoration of firearm rights laws to reduce: HB 1562

Gender-based violence with adult victims, peace officer and investigator training on: HB 1028

Maternity support services program, requiring update to increase equity and healthier birth outcomes: E2SSB 5580

Missing and murdered indigenous women and people task force, Washington state, establishing: 2SSB 5477

Missing indigenous women and persons, missing persons toolkit for locating and recovering: **\*HB 1512, CH 212 (2023)**

Pregnancy, currently pregnant, evergreen basic income pilot program, establishing: HB 1045

Pregnancy, health care entity limiting of provider's provision of information, prohibition: HB 1035

Reproductive freedom, right to choose to have abortion or use contraception: HJR 4201

Reproductive health care services, access to, civil and criminal procedural protections: HB 1469

Reproductive health care services, exempting persons sheltering minors from reporting requirements for protected services: **\*ESSB 5599, CH 408 (2023)**

Reproductive health care services, shield law, claim for interference with protected health care services lawful in WA: HB 1469

Senn, Deborah, first woman to serve as insurance commissioner, recognizing and remembering: **\*HR 4624 (2023)**

Turner syndrome, individuals with, honoring, supporting, and acknowledging courage of: **\*HR 4618 (2023)**

**WORKER TRAINING AND WORKFORCE NEEDS (See also FARMS AND FARMING; SCHOOLS AND SCHOOL DISTRICTS; VOCATIONAL EDUCATION)**

Behavioral health workforce, various strategies for increasing: HB 1724

Clean and renewable energy workforce training center (CREW), establishing: HB 1194

Credentials, postsecondary, credential transparency work group, creating: HB 1821

Educator workforce programs, quality and effectiveness of, data collection and determinations about: HB 1565

High hazard facilities, prevailing hourly wage rate for skilled journeypersons: HB 1067

Liquor manufacturers/producers, production facilities of, allowing employees and some interns 18 to 21 years of age to work in: HB 1299

Long-term care workers, certification as home care aides, reducing barriers to testing and certification: HB 1694

Long-term care workers, workforce data collection and public reporting monitoring system, establishing: HB 1694

Statewide building energy upgrade navigator program, community workforce agreements in connection with: HB 1391

Washington state ferries, addressing workforce training needs and creating Seattle maritime training academy joint plan: HB 1831

Washington state ferries, human resources management during staffing shortage, contracting out for administration of: HB 1831, HB 1841

Washington state ferries, requiring formal strategy to implement diversity, equity, and inclusion directives: **\*SB 5550, CH 188 (2023)**

Washington state ferries, requiring formal strategy to implement workforce diversity, equity, and inclusion: HB 1831, HB 1841

Washington state ferries, requiring workforce development and maritime credentialing programs: **\*SB 5550, CH 188 (2023)**

**WORKERS' COMPENSATION (See also LABOR; LABOR AND INDUSTRIES, DEPARTMENT)**

COVID-19 and similar diseases, as occupational diseases caused by employment or work conditions: HB 1785

Debt, exempting all paid or payable compensation amounts from execution/attachment/garnishment: HB 1400, **\*ESSB 5173, CH 393 (2023)**

Employers, self-insured and lay representative administrators, creating duty to act in good faith: HB 1521

Health services providers, expanding definitions including attending provider: **\*HB 1197, CH 171 (2023)**

Industrial insurance, right to recording and witness for compelled examination: HB 1068

Industrial insurance, self-insured pensions and assessments, creating self-insurance reserve fund for: HB 1558, **\*SB 5084, CH 110 (2023)**

Nurses, permitting posttraumatic stress disorders from direct care to be considered as occupational disease: HB 1593

Nurses, presumption of posttraumatic stress disorders from direct care to be an occupational disease: **\*2SSB 5454, CH 370 (2023)**

Plumbing contractors, establishing application of certain industrial insurance and workers' compensation statutes to: HB 1309, **\*SB 5088, CH 88 (2023)**

Return to work, allowing off-site light duty via nonprofit organizations: HB 1137

**WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD**

Behavioral health workforce, board to review licensure requirements to remove barriers to entering and remaining in:  
HB 1724

Clean energy technology workforce advisory committee, establishing: HB 1176

Clean energy, requiring reporting on workforce needs: HB 1176

Home care aid to licensed practical nurse apprenticeship pathway pilot program, creating and guaranteeing admission:  
**\*E2SSB 5582, CH 126 (2023)**

Marketing plan, contracting to publicize training and job opportunities for nursing professions: **\*E2SSB 5582, CH 126 (2023)**

Postsecondary credentials, credential transparency work group, creating, board role: HB 1821

Workforce education investment and accountability oversight board data dashboard, requiring on a public portal: **\*ESB 5534, CH 282 (2023)**

Workforce education investment and accountability oversight board, transferring staff support to SAC: **\*ESB 5534, CH 282 (2023)**